

AUGUST 10, 2004

Regular meeting of the Common Council was called to order by Mayor Meyers at 7:00 p.m., in the Council Chambers, City Hall Plaza.

PRESENT: Michael Feirer, Brad Parks, Gerald Nelson, Tim Kraus, Jerry Bennington, Sr., Russell Stauber, Donald Krueger, Tom Buttke and Edward Beaudry, Jr.

ABSENT: Ray Gougeon

The flag was saluted and the pledge given.

Rev. Ruth Egerer, Wesley United Methodist Church, gave the invocation.

RECOMMENDATIONS FROM MAYOR

1. Word to the Wise: Good judgement comes from experience. Sometimes experience comes from bad judgement. Author: Christian Slater
2. Remarks regarding Public Comment Period. Attorney Hutchinson explained that Citizen Comments has been changed to read Public Comments. The question was asked about to what extent if any, can members of the Common Council participate in the public comments period. Participation by members of the Common Council is permissible. It should be limited to avoid the possibility of gathering too much information on a subject matter that is brought up during the public comment period and then perhaps acting on that subject matter at a later meeting without gathering additional information without giving the public an opportunity to comment further on the subject. The Mayor, as the presiding officer of the Council, has the discretionary authority to permit (to a limited extent) and close council participation in the public comment period.

CC04-242 Motion by Nelson, second by Stauber to approve the minutes of the Common Council meeting of July 27, 2004. All Ayes

Motion carried

Items N-1, N-2 and N-3 were added to the agenda. N-1 is a closed session specifically to discuss the investment of public funds for acquisition of property for future development; N-2 is to reconvene into open session; and N-3 is any action on matters discussed in closed session, if appropriate.

PUBLIC COMMENT PERIOD

1. Jeff Schultz of 201 N. Cedar Avenue, commented on the Stormwater Utility. Non-profits provide things for our community. They help the needy. If the stormwater goes through, it will take money out of the non-profits missions and put it in the city's coffers. Is it fair that all the homeowners are being charged the same amount? Not all homes create the same amount of stormwater runoff. Are you going to have to reassess the amount of impervious area when it changes? This proposal also makes city government less efficient. It has been said that for each dollar taken off the tax roll for stormwater utility that the property tax will be reduced by an equal amount. But will this really happen? There will also be an increase in administrative cost so how will this be paid? Many feel that this is a revenue enhancer more than a fairness issue. He does commend the City Council for giving the extra time to work with the businesses about this to see if they can come up with a solution. He hopes that there is a way to avoid a stormwater utility.
2. John Scheuer of 513 N. Chestnut Avenue, President of MARSH -21. MARSH -21 has opened a new account at the Marshfield Area Community Foundation. The name of this new account is Youth Baseball/Miller Park Fund. All donations made to this account go to provide enhancements to the Graham Olson and Arthur J. Reeths baseball fields and walking trail through Miller Park. Their target goal is \$60,000.

3. Tom Turchi, City Engineer said that work is taking place on Central Avenue and Veterans Parkway. The City is working with the WI DOT to enhance the traffic signals in these intersections.
4. Mayor Meyers introduced Mr. Michael Madden who is working on his Citizen Badge for Boy Scouts. He is from Troop #392. The Mayor read a letter from Mr. Madden asking the Mayor to take a strong stand for the future education of Marshfield and help convince the voters of Marshfield that the School Referendum is an investment in our community's future.
5. Administrator Brehm responded to Mr. Schultz's questions. Non-profits do contribute to our community in different ways but there are taxable organizations that are also contributing to the City and to the betterment of our community and they are paying taxes. This particular service is being offered now, this is not a new service. There will be no new additional administrative costs with one exception, nor will there be any additional capital requests for equipment. What the Common Council will be deciding is to whether or not they want to continue paying for that service with general property tax dollars or with user fees. It is cost prohibitive to go out and measure all of the impervious surfaces of individual homes. We took an average of all residential homes and came up with an equivalent runoff unit. As far as administrative costs, the one exception is that we would incur additional cost for billing and collecting. It is estimated to be about \$36,000/year. It is important to understand that with the exception of the \$36,000, the budget will not change. There will be a decrease in the tax levy and tax rate if a stormwater utility is created. There are several reasons why the City is evaluating the option of creating a stormwater utility. One of them is to meet clean water regulations that are being imposed by the EPA and DNR in the years 2008 and 2011. Secondly it is certainly an equity issue. Thirdly the initial study revolved around our previous Governor's comments on the elimination of all of our state aid in the aspect of state shared revenues which accounts for about 32% of our budget. The Common Council's direction was to look at alternate sources of revenues.
6. Alderman Stauber commented that this is a complicated issue. The Council did give direction to Administration to find alternate revenue sources. One other consideration that they need to take into account is another way to gain revenue for the city is to increase our tax base. Over the years we have done that through economic development. His concern is if on the one hand we have a lot of effort going toward economic development for the purpose of increasing our tax base and reducing taxes for the general public. But on the other hand we have things like stormwater utility which does in fact create a competitive disadvantage for us when compared to other communities who may never have stormwater utility. If we create this fee, do we create a competitive disadvantage? Does that competitive disadvantage, is it contrary to our efforts in economic development or does it go hand in hand with our efforts in economic development?

MINUTES OF GOVERNING BOARDS AND COMMISSION

CC04-243 Motion by Bennington, second by Nelson to receive and place on file the minutes of the University Commission of May 19, 2004; Community Development Authority of July 1, 2004; Library Board of July 13, 2004 and Zoning Board of Appeals of July 13, 2004.

Alderman Nelson felt that the Zoning Code should be reviewed so things would be a little more stringent.

Vote on motion **CC04-243**; All Ayes

Motion carried

MINUTES OF ADVISORY BOARDS, COMMISSION AND COMMITTEES

CC04-244 Motion by Feirer, second by Nelson to vote on Historic Preservation Committee motion HP04-21 separately. All Ayes

Motion carried

Alderman Feirer said that he serves on this committee. The only part of this ordinance that he finds not appropriate is if there is a piece of property that the committee feels should be on the historic preservation list, they can do it without the owner's consent. If you have a piece of property that you want to nominate and you go to the owner and they say that they don't want it, it should die right there and not be forced down the owner's throat. They do own the piece of property and they pay the taxes on it.

Director of Planning and Economic Development Miller responded that basically the Historic Preservation Committee's mission is to preserve and protect the historic integrity of the City of Marshfield. What they are doing is nominating a property. That is part of their charge. What the Plan Commission and Common Council's responsibility is, is to consider that nomination and either proceed forward with it or deny it. If you take away the ability to nominate a property regardless of whether the property owner is in favor of it, you are taking away basically any purpose for having that committee. Just because the property is nominated doesn't mean that the Plan Commission or the Common Council is going to move forward with that. We are a Certified Local Government and the agreement that we signed with the State basically says that we are going to uphold these tenants of our local ordinance. If we change the ordinance, we may lose that designation. What they are trying to do is change the policies and procedures, not the ordinance. Currently the policies and procedures does not require owner notification. They would like to change that so if they bring forward a nomination of a property, they would have something in writing from the owner that says that they are in favor of the nomination or they are not in favor of the nomination.

Alderman Beaudry stated that he can see that there is a reason to have a Historic Preservation Committee. But he does not believe that it should go any further than if they say to a landowner that they have determined that their home meets the guidelines to be presented as a historic building. If the owner says no, it should stop right there. It should not give the property owner the added stress of having to go to the City Plan Commission and then to the City Council.

Alderman Stauber said that the key phrase as it pertains to the Historic Preservation Committee that their role or function is for the City of Marshfield. They work for the City of Marshfield. Preserving a historic building might be something good for the City of Marshfield, past, present and future. It might not be in the best interest of the particular property owner at that given time but they are working for the City of Marshfield.

Zoning Administrator Curtiss explained that the committee is trying to be proactive rather than reactive. So they are taking a step back, seeing what they can do within the policies and plans and other informal ordinance documents to address that. With the Comprehensive Plan and Smart Growth legislation, they are required to take a look at cultural resources. Sometimes people don't want to do it because they really don't know the implications of the local ordinance. That is the charge of the committee. They need to spend a lot more time educating and re-educating and getting the information out. A lot of people don't know the benefits and they need the information and that is the charge of the committee.

Attorney Hutchinson said that if a property owner had his property designated as historic by the Historic Preservation Committee and does not receive adequate notice of the hearing, any designation could subsequently be overturned and therefore it could not be done without his approval. The law does recognize that the government has the authority to do such a designation. To change the ordinance to take out this provision, in effect grants the property owner a veto power over actions that the Council might actually deem to be appropriate or in the best interest of the City.

CC04-245 Motion by Kraus, second by Feirer to approve the action taken by the Historic Preservation Committee under motion HP04-21 which reads: "Motion by Korth, second by Guensburg to leave the ordinance 'as is' with the Committee keeping the power to recommend designations of historic sites with or without owner's consent. Three 'Ayes. One 'Naye' by Feirer." Stauber and Beaudry voted Aye, rest Naye.

Motion failed

CC04-246 Motion by Bennington, second by Feirer to refer motion HP04-21 to the City Plan Commission for their consideration. All Ayes

Motion carried

CC04-247 Motion by Parks, second by Bennington to approve the minutes of the Historic Preservation Committee of July 12, 2004 (as amended) and Plan Commission of August 2, 2004 special meeting. All Ayes

Motion carried

MINUTES OF COUNCIL COMMITTEES

CC04-248 Motion by Buttke, second by Feirer to approve the minutes of the Cable TV Committee of July 27, 2004. All Ayes

Motion carried

CC04-249 Motion by Buttke, second by Bennington to approve the minutes of the Parks, Recreation and Forestry Committee of July 29, 2004 special meeting. Parks voted Naye, rest Aye.

Motion carried

CC04-250 Motion by Feirer, second by Nelson to approve the minutes of the Board of Public Works of August 2, 2004. All Ayes

Motion carried

CC04-251 Motion by Bennington, second by Stauber to approve the minutes of the Finance, Budget and Personnel Committee of August 3, 2004. All Ayes

Motion Carried

CC04-252 Motion by Parks, second by Bennington to approve the minutes of Judiciary, License, and Cemetery Committee of August 3, 2004. All Ayes

Motion carried

COMMUNITY ASSOCIATIONS

CC04-253 Motion by Feirer, second by Bennington to receive and place on file the Mayor's Select Committee on Fire Department Facility Needs of July 15, 2004.

Correction to the 4th paragraph, 3rd line it should read: the second fire station instead of the second fire state.

Alderman Kraus asked if equipment needs could be added to the mission statement.

The Mayor said that he would bring it up to the Chairman of that committee.

Vote on motion **CC04-253 as amended**; All Ayes

Motion carried

CC04-254 Motion by Kraus, second by Buttke to approve Resolution No. 2004-40 to amend the contract to provide Shared-Ride Taxi Service and Shuttle Bus Service with Radio Cab of Marshfield, Inc. as proposed and direct staff to sign the recommended contract amendment. All Ayes

Motion carried

CC04-255 Motion by Bennington, second by Beaudry to approve the appointment of Mr. Jeffery Cichantek, 303 E. 3rd Street to the Historic Preservation Committee to fill the unexpired term of Mr. John Peters, 305 S. Maple Avenue who has resigned. All Ayes

Motion carried

CC04-256 Motion by Nelson, second by Bennington to go into closed session pursuant to Wisconsin Statutes, chapter 19.85 (1)(e) deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Specifically the City Administrator has requested a closed session to discuss investment of public funds for acquisition of property for future development. Roll call vote, all Ayes. (Time: 8:27 p.m.)

Motion Carried

Present in closed session: Aldermen Feirer, Parks, Nelson, Kraus, Bennington, Stauber, Krueger, Buttke and Beaudry, Administrator Brehm, Mayor Meyers, Attorney Hutchinson, Finance Director Strey, Director of Public Works Knoeck, City Engineer Turchi, Director of Planning and Economic Development Miller, City Clerk Hall and Dan Helwig.

CC04-257 Motion by Nelson, second by Bennington to return to open session. Roll call vote, all Ayes. (Time: 9:44 p.m.)

Motion Carried

No action was taken in open session regarding the closed session item.

Motion by Bennington, second by Parks to adjourn at 9:45 p.m.

Motion Carried

Deb M. Hall
City Clerk