

SEPTEMBER 14, 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, Ray Gougeon, Tom Buttke and Edward Beaudry, Jr.

ABSENT: None

The flag was saluted and the pledge given.

Pastor John Freel, Believers Church, gave the invocation.

Mayor Meyers paused for a moment in silence in respect for the passing of Marshfield resident John Christner. John Christner was a member of the Wood County Board and one of Marshfield's most informed Historians.

RECOMMENDATIONS FROM MAYOR

1. Word to the Wise: When we are wrong, make us easy to change. When we are right, make us easy to live with. Author: Alfred Gruenther

Mayor Meyers wished City Clerk Deb Hall a happy 40th birthday.

CC04-273 Motion by Nelson, second by Bennington to approve the minutes of the Common Council meeting of August 24, 2004. All Ayes

Motion carried

CC04-274 Motion by Parks, second by Feirer to approve the minutes of the special Common Council meeting of August 25, 2004. All Ayes

Motion carried

No items were added to the agenda.

PUBLIC COMMENT PERIOD

1. Gary Catalno – President of Marshfield Area Catholic Schools. Concerned about the Stormwater Utility. MACS is currently trying to balance their budget and this fee would be very difficult to pay.
2. Dan Helwig, MACCI President. MACCI members are united in the belief that the Stormwater Utility would not be a good idea. He asked that the Council keep in mind economic growth when voting. He feels Marshfield can use the fact that there is no Stormwater Utility to their advantage when marketing our community to potential businesses.
3. Jeff Schultz spoke regarding Stormwater Utility. He used Wood County sales tax increase as an example. He said Wood County is still suffering from a deficit and will possibly have to increase taxes. He is wondering if this could happen with Marshfield and the Stormwater Utility? Will this take care of the deficient?
4. Mike Brehm responded to Jeff Schultz's comments. He stated that sales taxes are typically responsive to the condition of the economy, a stormwater utility is not. Secondly, the County is not alone in facing a deficit. The City of Marshfield is facing a significant deficit for 2005.

CC04-275 Motion by Stauber, second by Gougeon to grant the noise variance to the Utopia Lounge and Elks Club, 111 E. 2nd St. for a Veterans Hospital Benefit, Saturday, July 30, 2005 (rain date July 31, 2005) and to waive the \$100 fee.

Alderman Beaudry stated although he feels it is a very worthwhile event, he cannot vote for the variance due to the amount of complaints he received regarding the noise.

Vote on motion **CC04-275**; Beaudry voted Naye, rest Aye.

Motion carried

MINUTES OF GOVERNING BOARDS AND COMMISSIONS

CC04-276 Motion by Feirer, second by Bennington to receive and place on file the minutes of the Library Board of August 10, 2004 and the Fairgrounds Commission of August 18, 2004.

Alderman Stauber complemented the Fairground Commission on a well run fair and the cleanliness of the fairgrounds this year. Mayor stated he has received many favorable comments on this year's fair.

Vote on motion **CC04-276**; All Ayes

Motion carried

MINUTES OF ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

CC04-277 Motion by Stauber, second by Buttke to approve the minutes of the Convention and Visitors Bureau of August 25, 2004, the Electrical Board of September 1, 2004, and the Business Improvement District Board of September 1, 2004. All Ayes

Motion carried

MINUTES OF COUNCIL COMMITTEES

CC04-278 Motion by Bennington, second by Feirer to approve the minutes of the Cable TV Committee of August 24, 2004. All Ayes

Motion carried

CC04-279 Motion by Beaudry, second by Buttke to approve the minutes of the Parks, Recreation, and Forestry Committee of September 9, 2004.

Alderman Buttke thanked Ron and Joyce Wiskerchen, Donna and DuWayne Kundinger, and Floyd and Pat Hamus for supplying the funds for the new shelters at Wildwood Park and Don Nikolai Construction for building the shelters.

Vote on motion **CC04-279**; All Ayes

Motion carried

CC04-280 Motion by Feirer, second by Nelson to approve the minutes of the Board of Public Works of September 7, 2004. All Ayes

Motion carried

CC04-281 Motion by Parks, second by Bennington to approve the minutes of the Finance, Budget, and Personnel Committee of September 7, 2004.

Aderman Nelson commented on FBP04-117, merit pay for the non-represented employees. He has had experience with this type of plan and feel it creates more problems. He does not feel we should go into this type of a program at this time.

Alderman Bennington stated they were just looking at it right now.

Vote on motion **CC04-281**; All Ayes

Motion carried

CC04-282 Motion by Krueger, second by Buttke to approve the minutes of the Judiciary, License, and Cemetery Committee of September 7, 2004. All Ayes

Motion carried

COMMUNITY ASSOCIATIONS

CC04-283 Motion by Bennington, second by Stauber to receive and place on file the minutes of Main Street Marshfield of August 11, 2004 and Central Wisconsin State Fair Board of August 16, 2004. All Ayes

Motion carried

CC04-284 Motion by Nelson, second by Stauber to deny Ordinance No. 1025 pertaining to the creation of a Stormwater Utility.

Dan Knoeck stated the ordinance before them is a redline version based on the review and comments made by Lawrie Kobza of the Boardman Law Firm. Lawrie Kobza was consulted to judge the legal defensibility of certain options and she proposed some housekeeping changes that are intended to provide a clearer definition and more organization within the ordinance. The ordinance still has the same intent as before and would accomplish the following:

- Does create a stormwater utility
- Establish rates and charges based upon impervious area
- Excludes streets and alley rights-of-way
- Provides a means for adjustments and/or credits
- Provides a means for appeals
- Requires that payments be collected in the same manner as wastewater charges

The recommended format for the utility is based on impervious areas for three reasons:

1. Most widely used method in Wisconsin
2. Requires the least administrative maintenance
3. Has been upheld through legal challenge

Jim Bachhuber went over the options that MACCI had developed.

Scenario #1 – Establish a charge based only on a property's impervious area:

Pros

- ◆ Most common method used in WI
- ◆ Easiest to setup, administer, and track changes
- ◆ Legally defensible as a charge system
- ◆ Fees are distributed to all properties including government and tax-exempt
- ◆ Results in no fees for parks, open space, and agricultural area

Cons

- ◆ Does not charge for runoff from pervious (grass) areas
- ◆ Results in the highest fees for properties with large impervious areas

Scenario #2 – Establish a charge for both impervious and pervious (vegetated) areas

Pros

- ◆ Fees are based on more factors – thus fees are perceived to be more justified
- ◆ This system is being used by the City of Madison, WI
- ◆ Vegetated areas do contribute to runoff and this system applies a fee to those areas
- ◆ Based on hydrologic analysis impervious area pays 14 times the same area of pervious land
- ◆ Results in lower fees for properties with large impervious areas

Cons

- ◆ A little more work to setup, administer, and track changes (more information to manage)
- ◆ Results in higher fees for city property (parks are charged)
- ◆ May result in fees for “natural” or rural areas on the fringe of the city (woodlots, agricultural lands, etc.)

Scenario #3 – Establish a charge for both impervious and pervious (vegetated) area and include charges for public streets.

Pros

- ◆ Results in lowest fees for properties with large impervious areas
- ◆ Streets are considered impervious and charges just like private and public buildings, parking lots, etc.

Cons

- ◆ Public streets are designed to carry stormwater, and are part of the stormwater infrastructure system – thus not charged a fee.
- ◆ No other WI community charges a fee for public streets – only one case found nationwide.
- ◆ Results in highest fees for city property; thus the property tax payers are paying for this cost.

Current residential properties support 61% of the current program. Under Scenario #1, they would make up 28%, Scenario #2 - 28%, and Scenario #3 - 21%. Commercial/Industry currently pays 39%. Under Scenario #1 they would make up 52%, Scenario #2 – 44%, Scenario #3 – 33%.

All budgets and fee rates are, for the most part, based on your current program. Approximately \$50,000 is going to future years, mainly administrative needs and regulatory costs. There are significant portions of regulatory costs that are not in the budget yet. We don't have good costs at this point. Our best estimates are to maintain the administrative programs and to comply with the DNR regulations that are coming our way non-structural, non-capital costs are \$25,000 - \$50,000 to run the program. That includes things like permit fees, possible additional staff people, costs for information education program, brochures, etc. In addition, there is a component of structural costs that are not included in this budget. That figure should be known within a year from now. The amounts for other cities that have done their studies are \$500,000 to \$10,000,000.

Dan Knoeck gave the following as items that have been identified that are the elements that will be required under the permit, which is expected to be issued in 2005. We will have three years to work out these items:

- ◆ Public education outreach - \$8,000 – not currently doing
- ◆ Public involvement and participation component - \$2,000 – not doing currently
- ◆ List of discharge detection and elimination - \$15,000 – during periods of dry flow to evaluate your storm sewer system to make sure there is no illegal dumping.

- ◆ Additional construction site ordinance and post-construction site ordinances which will require more diligent inspection than what we are currently doing - \$10,000
- ◆ Pollution loading reduction effort which requires us to determine our pollutants in our storm sewer and reduce it by 20% by 2008. Examples of how to reduce the pollutants would be street sweeping, which we currently do, and converting detention basins wet to dry. That goal will be attainable without too much expense. By 2013 we will need to reduce it by 40%.

Mike Brehm stated the anticipated additional increases in future costs for both operations and capital expenditures will occur regardless of whether a Stormwater Utility is created or not. The creation of a Stormwater Utility is a proactive approach; it will enable the city to accumulate funds to meet anticipated future obligations. The City has finite resources available to it. To not plan for these future costs will most likely mean that property taxes will go up and other capital projects will have to be delayed or deferred. The creation of a Stormwater Utility will impact the entire community. There will always be those individuals/businesses that will benefit from this decision and there will always be those individuals/business that will not. The decision to create a utility should be made on the basis that it will benefit the majority of those living in our community.

Mayor Meyers stated he received clarification from Platteville as to why they did not approve their Stormwater Utility. They are smaller than Marshfield and would not have to meet the same requirements, so there is no urgency. Also, University of Wisconsin is such a large part of the community property wise and they objected to it. It remains an option to them also.

Jim Bachhuber said that the City of LaCrosse is just starting the stormwater study process. They just received a grant to begin their study.

Mayor Meyers asked each council member for his comments on this ordinance.

Alderman Feirer, he would vote to approve this ordinance. He received very few calls from his ward and he was disappointed in the MACCI response.

Alderman Parks - he was part of the original task committee that met and he was on board with the concept of the utility. During the past couple months he has talked to Barb Fleisner and listened to all of the presentations and he feels we've spent a lot of money on economic development and we've got business parks not filled. The economic development experts are telling us that this is not the right thing to get businesses to move to town. However, he can't see us sitting here for another year or two and maintaining the status quo. We are spending money on economic development and not seeing many results. He understands the funding source issues, however, are we staffed properly, are we funding services that are nice to have but not necessary to have, do we need temp employees, can we gain efficiencies and lower costs in providing services. Maybe we need to take a hard look at this budget and make some of the hard choices that our businesses are faced with every day. He would be in support of the motion.

Alderman Nelson - he sees the merits of the program. However, he only received one phone call in favor of the ordinance. He had one person recommend we table for at least two years. We are not the only community in this budgeting situation. At this time, we need to wait and see what is coming in the future from the DNR. We need to keep working to stay as close to compliance as we can.

Alderman Kraus – abstained

Alderman Bennington – agreed with Alderman Parks and Nelson. Feels it hurts the business community and he will vote in favor of the motion.

Aderman Stauber – he thanked Jim Bachhuber and Kurt Schoen for their help. It's a complicated issue and they did a good job explaining it. He also thanked the MACCI community for the time they spent. He understands what a stormwater utility is and the details, but it's really a policy decision at this point – how do we want to fund it? We are doing things to manage our stormwater and our businesses are as well. He wants to keep the funding of stormwater management on the property taxes for the time being.

Alderman Krueger – he has not received any calls from people in favor of the utility. They have said if we need additional funding, we should raise property taxes. We have 5,127 single units in Marshfield at \$66 per unit on the utility bills would be \$338,000. If 2/3 of these households itemizes taxes and take the deductions for the property taxes and pay the low rate of 15% this would be \$33,800 which they would save on their federal tax bill. At the state rate of about 6% on the medium income of \$45,000 that would be another \$13,600 and figuring property tax credit and rent credit on their real estate tax, that's about \$40,600. So by having the \$66 on the utility bill instead of tax bill, city residents would lose about \$88,000 in tax savings and additional tax refunds to themselves, which would leave the city. Figuring at a 6 time economic impact of the \$88,000 that would be an impact to the City of Marshfield of \$500,000 lost by having that \$66 on the utility bill and not on the property tax bill.

Alderman Gougeon – he received a total of 15, either phone calls, e-mails, or personal visits with industrial leaders. Of the 15 total people, 7 opposed it. He had 3 people who were in favor of the stormwater utility. One lady called and she said she was in favor of the stormwater utility and the problem with the property owners is they were not as organized. He believes that the stormwater issue is going to come again. He will vote reluctantly against the stormwater utility.

Alderman Buttke – he takes these issues very seriously. It has been mentioned that businesses may leave and benefits and wages won't be given to the employees. Comments have been made that the 10 of them have to watch the spending in the city. People do not see what happens behind the scenes. He feels one of the reasons that they haven't gotten a lot of calls in favor of the utility is people do not call when they are in favor of something. Some of the people who called him got a form letter from their employer that they should be going against and they all had the same comments. After he explained the savings, their response was they didn't realize that. Feels the biggest mistake made was granting the extension. MACCI businesses got organized and employees were told wages/benefits would be taken away. He hears that taxes are high in Marshfield, but he feels this is a fair way of doing it. He is concerned with business not coming to Marshfield.

Alderman Beaudry – he's been on the council approximately 18 years, his comments have always been what is fair for the residents of Marshfield and how can we help the greatest number. He feels the utility is an idea, which makes fairness foremost. However, he stopped writing names down at 100 and not one in favor. No matter what he feels, the people in his district do not want the utility. He agrees this is not a problem that will go away, but he will vote against the ordinance at this time.

Mayor Meyers – three or four key points made in the stormwater utility rates study book that was presented to them.

- ◆ Increase land development in the city increases more impervious surfaces. This, in turn, increases the stormwater runoff pollution for stormwater to manage.
- ◆ New state and federal regulations being adopted which will require the City to improve its treatment of stormwater runoff to reduce pollution to the areas rivers, lakes, and wetlands.
- ◆ Existing pollution systems and facilities are in need of maintenance and improvement.

These obligations cannot be met without additional funds. Stormwater user fees are a funding alternative developed to allocate the cost of stormwater management based on relative costs to the services and impact of stormwater run-off from each land parcel. That's the concept that was the basis for Council and Staff to proceed with the study. He gives credit to the council for asking staff to come up with additional means of revenue. Staff took that very seriously. Most impressive thing was it involved interaction between City Staff and business community. This isn't a city problem, it's a community problem. This is not going to go away. We will be faced with the stormwater management requirement from the State. Funds in the future will be in competition with things like a second fire station, upgrading streets, an aquatic center. Please give staff and council credit for looking at it. They are doing it with the citizen's best interest in mind.

Vote on motion **CC04-284**; Feirer and Buttke voted Naye, Kraus Abstained, the rest voted Aye.

Motion carried

First reading of Ordinance 1029, amending the Municipal Code regarding the Tenth Alderman District.

CC04-285 Motion by Stauber, second by Parks to hold over to the September 28, 2004 meeting the election of one person to the Marshfield Utility Commission for the 5 year term beginning October 1, 2004 and ending September 30, 2009. Mayor Meyers has received letters of interest from the following persons: Dr. Nelson A. Moffat, 1211 West 8th Street and Mr. Harry A. Nienaber, 1307 N. Wood Ave. All Ayes

Motion carried

CC04-286 Motion by Bennington, second by Nelson to hold over to the September 28, 2004 meeting the appointment of Ms. Kaytee Hughes-Schueller, 1200 West Jefferson St., to the Library Board to replace James Henning, who has resigned. Ms. Hughes-Schueller is currently serving as Vice-President of Planning and Advancement for the Marshfield Area Catholic Schools and will represent "Private Education" on the Library Board. All Ayes

Motion carried

CC04-287 Motion by Beaudry, second by Bennington to suspend the rules on the appointment of a member to the Zoning Board of Appeals. Nelson voted Naye, the rest voted Aye.

Motion carried

CC04-288 Motion by Beaudry, second by Bennington to approve the appointment of Mr. James Asplin, 1804 South Balboa Avenue as 2nd Alternate to the Zoning Board of Appeals to replace the late Ernest Raschke. Mr. Asplin's term will expire in April 2006. All Ayes

Motion carried

CC04-289 Motion by Bennington, second by Kraus to adopt the 2005 Operating Plan for the Downtown Marshfield Business Improvement District. All Ayes

Motion Carried

CC04-290 Motion by Parks, second by Gougeon 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 the extent and nature of City participation in a proposed partial development of Yellowstone Industrial Park.

and

Closed Session pursuant to Wisconsin Statutes, chapter 19.85 (1) (g), conferring with Legal Counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Specifically the City Administrator has requested a closed session to discuss Saint Joseph's Hospital Child Care Center assessment.

Roll call vote; all Ayes. (Time: 8:33 p.m.)

Motion Carried

Present in closed session: Aldermen Feirer, Parks, Nelson, Kraus, Bennington, Stauber, Krueger, Gougeon, Buttke and Beaudry, Administrator Brehm, Mayor Meyers, Attorney Hutchinson, Finance Director Strey, Director of Public Works Knoeck, City Engineer Turchi, Mayor's Secretary Krogman, City Assessor Spencer; Barb Fleisner, Rob Nikolai, Marlin and Rosie Laidlaw, Eric Fehrenbach, Bob Brown, Jim Polzin, and Will Stone.

CC04-291 Motion by Parks, second by Beaudry to return to open session. Roll call vote, all Ayes. (Time: 10:25 p.m.)

Motion Carried

CC04-292 Motion by Kraus, second by Gougeon to instruct the City Attorney to file a petition for review to the State Supreme Court regarding the Saint Joseph's Hospital Child Care Center assessment. All Ayes

Motion carried

Motion by Gougeon, second by Parks to adjourn at 10:30 p.m.

Motion Carried

Amy Krogman
Mayor's Secretary