

SEPTEMBER 28, 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., Donald Krueger, Ray Gougeon, Tom Buttke and Edward Beaudry, Jr.

ABSENT: Russell Stauber

The flag was saluted and the pledge given.

Pastor Duane Smith, Calvary Bible Church, gave the invocation.

RECOMMENDATIONS FROM MAYOR

1. Word to the Wise: You don't concentrate on risks, you concentrate on results. No task is too great to prevent the necessary job from getting done. Author: Chuck Yaeger

CC04-293 Motion by Nelson, second by Feirer to approve the minutes of the Common Council meeting of September 14, 2004. All Ayes

Motion carried

No items were added to the agenda but item Z regarding the appointment of Alderman Gougeon to the Main Street Board of Directors was taken off.

PUBLIC COMMENT PERIOD

1. Dave LaFontaine of 1206 Adler Road and Main Street Board President. Two months ago he asked the Council for a two-month extension to an ordinance covering usage of the public right-of-way between building fronts and the curb. Currently, city staff is reviewing the draft ordinance and since city staff has not had the opportunity to comment on this draft, he requested additional time before bringing it before the Council for approval

CC04-294 Motion by Kraus, second by Buttke to allow Main Street of Marshfield another 30 days to come up with a final document regarding usage of public right-of-way. All Ayes

Motion carried

CC04-295 Motion by Feirer, second by Bennington to grant the noise variance to Believer's Church, 2701 W. Veterans Parkway for "The Nightmare", October 8,9,15,16,22,23,28,29 and 30, 2004 and to waive the \$100 fee. All Ayes

Motion carried

CITY ADMINISTRATOR'S REPORT

City Administrator Brehm gave a report on the following:

1. Hotel/Conference Center
2. South Central Avenue
3. Hefko Pool

Alderman Parks - Attendance is down at the pool about 7,000 from last year. There is a diminishing usage. He talked with people in the community about the pool and he understands at some level the need for the pool but he questions the sanity in operating something that fewer and fewer people are using. Every year when we go into the budget calendar, we can pencil that one in for a \$22,000-\$25,000 loss. How much longer should we do that?

Administrator Brehm responded that this particular budget and other budgets typically operate at a deficit along with the Library. The Common Council needs to decide as to whether or not those services should continue to be provided.

Alderman Kraus-He would caution that we go into the park making business any more than we have already. The problem with building parks is that we have to maintain them. There is no difference in the way our mind set should be as running the city as a business as it is for any other business who has to make cutbacks. He doesn't know how we can continue to build more and not ask the common resident to pay more. We are trying to keep the tax levy equal. Since 1997, the city has stuck \$190,000 into the pool at a loss. How can we keep putting money into something that is not coming back? The interest in the pool is just not there.

Administrator Brehm responded that when we make these investments sometimes what is just as expensive is the ongoing operation and maintenance. That can be said perhaps of the softball diamonds at the fairgrounds, Steve J. Miller where the Common Council invested over several millions of dollars in the last couple of years, the Skate Park at Braem Park that we are taking a minimal amount of money in. Those are those quality of life issues that you have to decide whether or not they are worth the benefit of this community to continue providing that service at a loss because typically they are never going to break even.

He continues to recommend these items in the budget because this is the direction of their parameters. You have told him that you want to maintain the same level of services ever since the parameters have been instituted perhaps for the last 10 years. If you want to change those levels of services than you as the Common Council have to make that decision.

Alderman Beaudry said to the Common Council that if they are going to look at all of the things that we provide in the City on a cost benefit analysis and it has to make money or you don't have it, then we are not going to have very many things for the public out there. For example, the nice biking and walking trails that we have now, there is absolutely no revenue coming from that. It was put there for their enjoyment and it has to be maintained.

Alderman Nelson-We have to look at that we are not an exclusive well-to-do community. We have a lot of poor people here that have small children. They should have a place that they can recreate as well as the others that have the flunential means of going bigger and better. The swimming pool in itself does serve a very important factor for a big part of this community that rely on it.

MINUTES OF GOVERNING BOARDS AND COMMISSIONS

CC04-296 Motion by Buttke, second by Krueger to receive and place on file the minutes of the Library Board of August 2, 2004; Community Development Authority of August 5, 2004; Fire and Police Commission of September 9, 2004; Marshfield Utility Commission of September 13, 2004 (approval of the minutes will constitute approval of Job Order #5404 at a cost of \$43,691.54, Job Order #7409 at a cost of \$38,582 and Job Order #5408 at a cost of \$195,000) and Zoning Board of Appeals of September 14, 2004. All Ayes

Motion carried

MINUTES OF ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

CC04-297 Motion by Bennington, second by Krueger to approve the minutes of the Historic Preservation Committee of August 9, 2004 and September 13, 2004 and Plan Commission of September 21, 2004.

Alderman Parks-Looking at the Historic Preservation Committee minutes of September 13, 2004, motion HP04-28, he fundamentally disagrees with the direction that this committee has taken on that policy and can't support these minutes.

Vote on motion **CC04-297**; Feirer, Parks, Nelson, Gougeon and Buttke voted Naye, Kraus, Bennington, Krueger and Beaudry voted Aye.

Motion failed

Mayor Meyers said that he has discussed this with Amber Miller and Bonnie Curtiss and the one thing that has come out of their discussions was to make part of the process, as this thing proceeds through the system, to have at least the concurrence of the property owner. The application itself would need the signature of the owner. He doesn't know where the Historic Preservation Committee is out-of-bounds recommending something. That is what they are designed to do and that is one of the reasons they were established. They are not doing anything wrong by recommending.

Alderman Nelson said that he can concur with the biggest share of it but he feels very strongly that in the procedure of notifying the owner, they should be notified by certified mail with return receipt. So that you have a record that they have been notified or the effort has been mailed to notify the owners.

Alderman Parks-Why can't the Historic Preservation Committee's job start with notification of the owner. That should be the first step. If the owner does not want their building or property placed on the Local Historic Register, why can't it stop there. Why does it have to go to the Plan Commission or Common Council? If the owner does not want it, they should not have to go through the process.

Director of Planning and Economic Development Miller explained that a Historic Preservation Plan was prepared and approved by the committee when they received their CLG status (Certified Local Government status) in 2002. What they propose to do is take the policies and procedures that were originally drafted when the committee was formed and take the information that was already approved by the State in the Historic Preservation Plan and put those together. Work is proceeding on that and they hope to have something to present to the committee in October. As far as the committee approving that, their basic thought is that they want to involve the owners early on. The exception being, any sort of extraordinary case. But she doesn't think that changing the policy to recommend owners approval is going to be problematic.

Alderman Buttke-There is a lot of information that needs to come out. The Historic Preservation Committee is well aware of the Council's feeling on this.

CC04-000 Motion by Buttke, second by Kraus to send this back to the Historic Preservation Committee.

Alderman Buttke-What he would like to see is the Historic Preservation Committee come back to the Council with the policies and procedures and how they are going to go ahead with this.

Director of Planning and Economic Development Miller said that what she has proposed is that somewhere on the application that is presented to the Historic Preservation Committee and then is forwarded to the Plan Commission, that there would be a line on there saying that the owner either agrees with the application or does not agree with the application. Then we have it in writing from the very beginning and the committee would be aware of the owner's stance. The committee is looking at this as an opportunity to try and educate people on historic properties. This is part of the process. If we change the ordinance, the State has told them that they would lose their CLG status. They would lose their \$18,000 grant that they have currently been awarded and they would lose the ability to apply for future grants for Historic Preservation education and activities.

Motion and second were withdrawn.

CC04-298 Motion by Buttke, second by Kraus to reconsider motion CC04-297. All Ayes
Motion carried

CC04-299 Motion by Buttke, second by Bennington to approve the minutes of the Historic Preservation Committee of August 9, 2004. All Ayes
Motion carried

CC04-300 Motion by Kraus, second by Krueger to approve the minutes of the Historic Preservation Committee of September 13, 2004. All Ayes
Motion carried

CC04-301 Motion by Bennington, second by Kraus to approve the minutes of the Plan Commission of September 21, 2004. Feirer, Parks and Buttke voted Naye, rest Aye.
Motion carried

MINUTES OF COUNCIL COMMITTEES

CC04-302 Motion by Feirer, second by Parks to approve the minutes of the Committee on Aging of September 16, 2004. All Ayes
Motion carried

CC04-303 Motion by Bennington, second by Gougeon to approve the minutes of the Airport Committee of September 23, 2004. All Ayes
Motion carried

CC04-304 Motion by Krueger, second by Buttke to approve the minutes of the Board of Public Works of September 20, 2004.

CC04-305 Motion by Feirer, second by Parks to refer motion PW04-116; to recommend approval of the quotation submitted by Nikolay Transport Co. of Marshfield, WI for municipal parking lot contract snow plowing and authorize execution of a contract, back to the Board of Public Works.

Administrator Brehm commented that staff would like to have more time to evaluate this service and to how most effectively to do that. Mr. Nikolay has agreed to hold his prices for the next 30-days. This is also in conjunction with the budget process that will be coming up this fall for 2005.

Vote on motion **CC04-305**; All Ayes
Motion carried

Alderman Kraus said that he is going to vote no on sending PW04-116 back to the Board of Public Works because this is something that is self-explanatory if there was discussion on it and they could vote on it tonight.

It was explained to Alderman Kraus that the vote had already been taken on that motion.

Vote on motion **CC04-304 as amended**; All Ayes

Motion carried

CC04-306 Motion by Gougeon, second by Beaudry to approve the minutes of the Finance, Budget, and Personnel Committee of September 21, 2004. All Ayes

Motion carried

CC04-307 Motion by Parks, second by Bennington to approve the minutes of the Judiciary, License, and Cemetery Committee of September 28, 2004 as read by the City Clerk. All Ayes

Motion carried

CC04-308 Motion by Buttke, second by Beaudry to receive and place on file the minutes of Mill Creek Business Park Covenant Committee of September 22, 2004. All Ayes

Motion carried

Second reading of Ordinance No. 1029, amending the Municipal Code regarding the Tenth Aldermanic District.

CC04-309 Motion by Beaudry, second by Buttke to approve Ordinance No. 1029. All Ayes

Motion carried

First reading of Ordinance 1028, attaching certain lands from the Town of McMillan, Marathon County, being located in the SE 1/4 of the SW 1/4 of Section 33, Township 26 North, Range 3 East.

First reading of Ordinance No. 1031, providing for the amendment of sections 15-01(6), 16-03(2)(a), 17-37(6) and 18-31(1)(b) of the Municipal Code of the City of Marshfield relative to the powers of the Building Services Supervisor and the Zoning Administrator.

First reading of Ordinance No. 1033, amending sewer service charges and amending provisions regarding holding tank service charges, portable toilet waste and septic tank waste.

Alderman Beaudry questioned why do we have to increase the fixed monthly charge? Why can't we leave that where it is and increase the volume charge? So that the people that are actually using it are the ones that are paying for it.

Jim Kleinschmidt, Strand Associates responded that they have followed the same procedures for the last 3-4 years. There is a protocol that has been established to calculate the rates. A portion of the cost related to the fixed charge relates to the infiltration inflow in the system, which is significant in the City of Marshfield. There has been no change in the protocol. This is just the way the numbers calculate out.

First reading of Ordinance No. 1034, amending the official map of the City of Marshfield, Wisconsin Municipal Code, pertaining to a zoning revision on portions of the property located at 2808 West Huetter Street from 'A' Agricultural Holding District to 'R-2' Large Lot Single Family and 'R-4' Low Density Single and Two Family Districts.

First reading of Ordinance No. 1035, amending Section 18-63(5)(f) of the Municipal Code of the City of Marshfield relative to zoning setback requirements of the 'B-4' General Commercial District.

CC04-310 Motion by Bennington, second by Kraus to refer to the Plan Commission for recommendation on permanent zoning the Petition for Direct Annexation by Unanimous Approval by Donald J. Mancl and Berniece F. Mancl, for property located in the Town of McMillan being described as: Lot 7 of Nancy Zygarlicke's County Plat, located in the SW 1/4 of the NW 1/4, Section 33, Township 26 North, Range 3 East, Town of McMillan, Marathon County, Wisconsin. All Ayes
Motion carried

CC04-311 Motion by Buttke, second by Parks to approve Resolution No. 2004-39, adopting an ambulance rate schedule to be effective October 1, 2004. All Ayes
Motion carried

CC04-312 Motion by Beaudry, second by Kraus to approve Budget Resolution No. 14-2004, transferring \$15,848 from the Contingency Account to the Library budget for Library roof replacement. All Ayes
Motion carried

CC04-313 Motion by Buttke, second by Beaudry to approve Budget Resolution No. 15-2004, transferring \$6,900 from the Finance Department budget to the City Hall Plaza budget for office remodeling. Parks, Kraus and Bennington voted Naye, rest Aye.
Motion failed (needed 7 aye votes)

Election of one person to the Marshfield Utility Commission for the 5 year term beginning October 1, 2004 and ending September 30, 2009.

Alderman Gougeon nominated Mr. Harry A. Nienaber.

Alderman Parks nominated Dr. Nelson A. Moffat.

There being no further nominations:

The Council voted by ballot.

Mr. Harry A. Nienaber was elected to the Marshfield Utility Commission by a vote of 6-3.

CC04-314 Motion by Parks, second by Bennington to approve the appointment of Ms. Kaytee Hughes-Schueller, 1200 W. 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

CC04-315 Motion by Gougeon, second by Krueger 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 development.
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: 8:50 p.m.)

Motion Carried

Present in closed session: Aldermen Feirer, Parks, Nelson, Kraus, Bennington, Krueger, Gougeon, Buttke and Beaudry, Administrator Brehm, Mayor Meyers, Attorney Hutchinson, Finance Director Strey, Director of Public Works Knoeck (left at 10:30 p.m.), City Clerk Hall and Director of Planning and Economic Development Miller (left at 10:30 p.m).

Marlin Laidlaw, Walter Thompson and Barb Fleisner joined the closed session at 9:23 p.m. and left at 9:53 p.m.

CC04-316 Motion by Parks, second by Buttke to return to open session. Roll call vote, all Ayes. (Time: 10:38 p.m.)

Motion Carried

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

Motion by Gougeon, second by Kraus to adjourn at 10:39 p.m.

Motion Carried

Deb M. Hall
City Clerk