FEBRUARY 8, 2005

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, Alanna Feddick, 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 Peter Muschinske, Faith Lutheran Church gave the invocation.

RECOMMENDATIONS FROM MAYOR
Mayor Meyers welcomed Boy Scout Troop #380 from Our Lady of Peace.

Word to the Wise: Those who want to succeed will find a way; those who don't will find an excuse. Author: Leo Aguila

CC05-040 Motion by Nelson, second by Bennington to approve the minutes of the Common Council meeting of January 25, 2005. All Ayes
Motion carried

No items were added to the agenda.

Fire Chief Cleveland presented FF James Meyer with his badge.

PUBLIC COMMENT PERIOD
The following spoke in opposition to the 10-year hook up clause in Ordinance No. 1043:
- Darlene Cook of 3107 Popp Avenue
- Marvin Duerr of 1701 W. McMillan
- Chris Maghrak of 3207 W. Veterans Pkwy
- Dean Olson of 1908 Spencer Street
- Dan LaGrander of 801 W. McMillan Street
- Julie LeMahieu of 3033 Popp Avenue
- Norm Stoiber of 2909 W. Veterans Pkwy

Georgette Frazer, President of the Marshfield Area Chamber of Commerce & Industry. She thanked the City for the chance to be involved in the South Central Avenue Redesign Project. MACCI has taken the position that they would like to see Central Avenue maintained as a 4-lane thoroughfare with full access to truck traffic and maintenance of the current existing parallel parking downtown.

David LaFontaine of 1206 Adler Road thanked the Mayor, members of the Council and City Staff on behalf of the Main Street Marshfield Program Board of Directors for gathering community input through the Design Charrette for the reconstruction of South Central Avenue. They had an email poll of the Board of Directors members with a majority vote in favor of 4-lanes of traffic throughout the downtown with parallel parking. Pedestrian safety, various amenities and other enhancements are of great interest to Main Street and the business community. The Main Street Program is willing to work with the City Council and staff in an effort to raise monies to help pay for the amenities and enhancements which will help make Marshfield a better place to live, to work in, to shop in and to play.

Tim Kraus, President of the Marshfield Softball Association (MSA). He highlighted some of the things that the Marshfield Softball Association has done for the City both in the facility improvements and the economic boosts that it has given to commerce. They are a service-oriented organization and not a profit organization. They have qualified with the help of their attorney as a 501C3. They have stuck a lot of money back into the fields. They have garnered public participation with donations from two families. Before he became a Council member, the Council had tasked city staff with looking at alternate sources of revenue. Shortly after he became a Council member, the Parks, Recreation and Forestry Committee had set up a committee to set user's fees for different types of recreation facilities. The MSA from the onset voiced a little bit of dissatisfaction with that because they have been attracting teams from throughout Central Wisconsin and in fact throughout a five State area for their tournaments to come to Marshfield. They have been lowering their entry fees, which have been the attraction, and they have been paying out high winner's purses, which bring the five State area class teams into here. They just can not with the way they operate afford to pay the last year's user fee. They would like the Council to consider the amount of improvements that they have put into a city-owned facility, which topples over $100,000. They are also under a time crunch in that if they want to have that tournament this summer, they have to let the State know. The State understands that they are in a quandary with the payment of some user fees that they have never had before. He would like special consideration by the Council to waive or write off the $5,383 that is being charged as a first time users fee to the Marshfield Softball Association for 2004. It is on the agenda for Thursday night at the Parks, Recreation and Forestry Committee meeting. They would like to start talking about consideration for future years at that meeting. If they have to encumber those charges, it is going to be a big economic downfall for the City and they will no longer be able to operate. So they will be dissolved.

Administrator Brehm commented that in the 2003 budget, he had proposed increases in the user fees for a lot of the facilities that we have in Parks and Recreation. The Common Council deferred that upon the request of the users of those facilities to have more time to evaluate the impact and to perhaps generate and provide input on those fees. They also stated that they did not have anything budgeted for in 2003. With that the Common Council did defer that and had asked for a special committee to be established to evaluate those fees. A committee was established and in the fall of 2003, with input from the users of those various facilities, a new fee schedule was established and approved by this Special Fee Committee, the Parks and Recreation Committee and the Common Council in December of 2003. These approvals were in time for all of those organizations to incorporate into their fee structures and into their organizations for 2004 to collect money to help pay for those user fees. In addition to that, the Common Council did provide to three organizations the ability to sell advertising signs on the outfield fences for additional income. The issue this evening, first of all the Common Council can't take any action because it is not on the agenda and secondly, no one is disputing the impact that having these tournaments and holding the softball leagues has on the City. It is a very positive impact but that is not the issue. The issue is that these fees were established well in advance of the 2004 year with those organizations knowing what those fees were. For whatever reason, this particular organization did not want to adjust their fees to incorporate those new user fees. It is an issue of consistency and fairness. In 2004, we had these organizations pay over $9,000 exclusive of the Marshfield Softball Association for their fees for the utilization of those facilities. To waive the fees for any one of these organizations when all of the rest of those organizations that have utilized the facilities have paid their bills in full is unfair and inconsistent. Another issue that we have is with the 2005 budget that was adopted.

It was based upon the fee schedule that was approved in the previous years. We have estimated almost $12,000 in revenue coming in for 2005. The appropriate process to take is to discuss this at the Parks, Recreation and Forestry Committee and when a recommendation comes from them through the minutes, the Common Council can consider it.

Tim Kraus stated that the MSA made it known that they did not agree with the amount of fees as well as their capability to pay that. In fact, that is what started the sign advertising program. A couple of organizations were not able to sell a sign. One of the three organizations jumped the gun under a gentleman's agreement. They were going to wait for the attorney to give them an approved contract that they could go out to the different businesses and solicit their patronage. One organization sent out letters to all of the MACCI members thus when they were able to do so, there were some sour grapes on certain situations and people thought the cost was too high. The Parks and Recreation Director was made known immediately by giving him a copy of the letter that was sent out.

Alderperson Nelson - There is a list of improvements to the fairground's facility and he would like to see a verification of the impact of the dollars that saved the City. The way he looks at it is improvements in lieu of fees, which he thinks is equitable.

Mayor Meyers indicated that it is his belief that if this is going to be the case than it has to be something that has to be negotiated with the Parks and Recreation Committee and an agreement between the parties that everybody agrees to. He does not think that this is the place for this item to be discussed. It belongs in a committee.

Mike Feirer, representing the American Legion, said that the American Legion has been playing baseball in Marshfield since 1950. They have had organized baseball since 1950. He can't tell you how many dollars they have spent on fields, amenities since 1950 to 2005. But he can say that when they went through this fee structure they said that they would like to have in-kind considered but the Parks and Recreation Committee said that they were not going to consider that and they were going to set up a fee structure. Post 54 Blue Devils raise 1/5 of what the MSA group does. They found their user fees to pay for 2004. Now if they can only raise 1/5 of what MSA takes in for income, MSA should be able to pay their $5,000 because they paid their $1,000. This is the opinion of his Board. They raised $20,000 and at the end of the year they had $30 in their checking account. They would have liked to have taken their $1,000 and put it into an amenity. They could have bought something for their field and for their boys to play. But instead of improving the field and improving the playability for their players, they decided to pay their fees, which is the just and right way to do it.

Administrator Brehm requested from Mr. Kraus the following:

- In regards to the improvements totaling $100,000, detailed information as to how much of that was from donations versus fundraising.
- Provide the City with a copy of the MSA's balance sheet that would show what kind of assets, liabilities and cash balance that they have in addition to the income account.

Attorney Hutchinson said that the public comment period permits the Council to take action on emergency matters introduced by members of the public. So it depends upon what the Council considers to be an emergency. The State's Attorney General has issued no opinion that clarifies the answer to that question. In other words, what constitutes an emergency that could be

considered by the Council at this time. The Council needs to decide whether this matter constitutes an emergency and you have to make a decision whether you are going to act on it or consider it for action before you engage in further discussion on the matter.

Alderperson Beaudry asked Mr. Kraus when the State needs to know their answer?

Mr. Kraus answered that they need to let the State know by February 15, 2005.

Administrator Brehm said that the Mayor and himself met with Mr. Kraus on January 10, 2005 about this issue. Mr. Kraus indicated at that meeting that on January 13, 2005 he would have a Board meeting to discuss this issue. He has not heard from Mr. Kraus since January 10th on this particular issue. As a result, he wrote a letter late last month, summarizing the meeting and requesting that the funds be paid in full or some alternate repayment schedules be established. The timing was there.

Alderperson Feddick stated that the impact on our community and the impact of the Marshfield Softball Association has and the benefit to the community, the businesses, is the exact issue. The last thing we need is more budgetary costs. If we take this away from a nonprofit, private organization who is donating their time and giving their benefits to the City, we are talking about another employee, wages, and benefits, things that we don't have already. Things that are more costly to our budget and actually disadvantage to the residents. She believes that this item constitutes an emergency situation that they need to look at.

Alderperson Nelson agreed with the statements made by Alderperson Feddick. He suggested giving the MSA the opportunity to go ahead and schedule the summer activities and with the revenues that they derive from those activities that that goes to offset the fee for 2004. We are more or less giving them a grace period of one year.

CC05-041 Motion by Beaudry, second by Feddick that the item pertaining to the fees for the Marshfield Softball Association be considered an emergency measure and be discussed and acted on at this meeting. Kraus abstained, Feirer and Buttke voted Naye, rest Aye.
Motion carried

Alderperson Gougeon questioned a comment that was made regarding if the Marshfield Softball Association (MSA) were to be dissolved there would be no more leagues and possibly tournaments. Is this something that the Parks and Recreation Department could handle?

Parks and Recreation Director Englehart responded that his preference would be to have the fees paid and keep the Marshfield Softball Association. We do need some improved communication between the Parks and Recreation Department and the MSA Board of Directors. He doesn't feel that the Parks and Recreation Department could run the tournaments. There is a question regarding whether they would sanction all the teams again with ASA. As far as the leagues, something could probably come together. We would try to get something together or work with another group but it would take a lot of work and there would be some question marks. It is unfortunate that the Council is put up against the wall at this time. He doesn't know if the ASA would give a one-week extension to address this again and give a little more discussion. Look at what alternates there might be to address this fee issue that is owed and even address future relationships. And more thoroughly review some of the comments that

have been made and put in a broader perspective of what other investments have been made in the community and even out at that fairgrounds site. There is a lot of information relating to this.

Alderperson Bennington said that the MSA didn't have the finances to pay for their fees this year. Is the MSA going to be able to pay them next year plus the fees for this year?

Tim Kraus stated that there is a sour taste out there in selling these signs because of the experience from last year. It's not to say that they couldn't. On every tournament weekend, they have 35 hours that they run the concession stand and press box. They have 8 people doing that in 5-hour shifts. They have 56 volunteers every weekend that take their turn doing this. They get those volunteers because they run the leagues. Those teams in the leagues are required to sign up for a time period so that they don't have to pay every tournament $2,171 which is 34 hours x 8 people x $8.00/hr., which is what they pay during the week. $500 is a lot to ask for a two-year sign on a ball field fence. The response that they get back from the businesses is that it is better for the business to put something in the paper where people are going to read it or advertise on the radio or put a sign on the side of the road. One of the other things that has to be considered is if they don't provide the leagues and if entry fees should go up they will lose a minimum of 21 teams that will not come here. They charge an entry fee of $300 for a league team where Pittsville, Auburndale and Rozellville charge between $175 and $190. Those teams are paying extra to come and play on these facilities now at the $300 level and committing 8 of their people for 5 hours on a weekend because they want a good quality place to play. If they start charging an out of town resident fee or if they increase the cost to cover salaries that are not being done now, you may have 15 teams in town. He can't say but he knows what he has heard from 21 of them.

Alderperson Bennington asked what would you say to the other groups that are paying their fees? How is it fair that you shouldn't and they should?

Tim Kraus said that it is a different animal. You have to look at when they run a tournament on a weekend, those people come into town four times a year and they put their heads on the beds for two nights. That is why they get a thousand people into the motels and they are eating three meals here on two days or five meals over a weekend. They are spending money buying gas here. This is a good thing for us. When the Legion comes to town, they play ball and get on the bus and stop and McDonald's and they leave. That is just the nature of the beast. But they are two separate beasts. It is a different level of maturity on the adult level.

CC05-042 Motion by Nelson, second by Beaudry to approve it but the Marshfield Softball Association would be expected to pay their user fee after generating their income.

Administrator Brehm did offer to the Softball Association two options. One a payment in full and the second in an aggressive repayment schedule on the outstanding 2004 fees with the 2005 fees being paid within 30 days of billing. He has not heard a response nor does he have a copy of their complete financial statements.

Alderperson Buttke said that he would like to see the MSA to function yet. They have done a good job. He is concerned about the fees. Now is not the time to be talking about this. This is an insult to the Parks, Recreation and Forestry Committee because they have talked about the

fee structures extensively. To come here now is wrong. The Council better be ready if they are considering forgiving fees or giving them more time, you better get ready for all of the other organizations to be knocking at the door.

Alderperson Beaudry explained that his reason for seconding the motion is primarily because we need the time. If we just drop it right here, we don't have the opportunity to find out if the money can be raised. It is fair to the people of Marshfield and if it comes to a point where the other people want to have their fees delayed or rescinded, than let's hear what it is and what their reasons are and how it matches up. With this motion, we are not relieving them of anything but we are giving them the opportunity instead of cutting off their rope right now.

Mayor Meyers recommended that the Marshfield Softball Association go to the Parks, Recreation and Forestry Committee and negotiate or see if there is even a possibility of any type of negotiation to take place in this.

Mayor Meyers asked for clarification of the motion. His understanding of it is to allow MSA to operate to afford them the opportunity to meet their obligations for 2004. It still leaves 2005 up in the air. He would assume that this would be part of the same motion that they are obligated for their fees in 2005 also.

Alderperson Nelson said that this was correct.

Mayor Meyers stated that when the point in time comes for the MSA to apply for a Beer license and other licenses that they need to operate, it is City policy to not allow the issuance of licenses if there is an outstanding bill due to the City.

Finance Director Strey recommended that if the Council decides to make this as an installment plan that they put a deadline on this. Maybe put this through to the end of the year and put a contingency on it that as long as fees are paid currently for the current year and that this is paid off by the end of calendar year 2005.

Tim Kraus said that all of the improvement that were put into the fields last year came from donated funds and not funds from the concession stand or entry fees. They had a $1500 net income. Where do you (Mayor) or anybody else on the Council think that a $10,000 payment within the next 12 months is going to come from? In order to increase participation, they have had to reduce entry fees for the benefit of the City and he doesn't understand waiving or extending this time frame. For the last 5 years, all of their net income is similar. Where does anybody think they would be able to come up with the extra money?

Mayor Meyers responded that this is a business decision that MSA will need to make. The Council is inclined to cut MSA a little slack to work something out to meet their obligations and to continue to operate. The decisions that they have to make as an organization is how they are going to meet those obligations.

Tim Kraus stated that it is the MSA Boards direction that if in fact they can not get this waived and have this still encumbered upon them that they will have to dissolve. This is not a threat, a promise or anything.

Mayor Meyers repeated the motion: To allow the Marshfield Softball Association (MSA) to operate to afford them the opportunity to meet their obligations and to negotiate with the Parks, Recreation and Forestry Committee to meet their obligations for 2004 and 2005.

Vote on motion **CC05-042**; Kraus abstained, Bennington voted Naye, rest Aye.
Motion carried

Recessed at 8:38 p.m.
Reconvened at 8:50 p.m.

Makela Mangrich from Vandewalle & Associates made a presentation regarding the South Central Avenue Community Design Charrette.

CC05-043 Motion by Gougeon, second by Bennington to receive and place on file the results of the South Central Avenue Community Design Charrette. All Ayes
Motion carried

MINUTES OF GOVERNING BOARDS AND COMMISSIONS
CC05-044 Motion by Nelson, second by Kraus to receive and place on file the minutes of the University Commission of November 17, 2004; Library Board of January 11, 2005 and the Community Development Authority of January 13, 2005. All Ayes
Motion carried

MINUTES OF COUNCIL COMMITTEES
CC05-045 Motion by Feirer, second by Gougeon to approve the minutes of the Airport Committee of January 20, 2005. All Ayes
Motion carried

CC05-046 Motion by Bennington, second by Buttke to approve the minutes of the Board of Public Works of January 31, 2005.

CC05-047 Motion by Feddick, second by Kraus to vote on motion PW05-14 separately. Feirer, Nelson, Krueger and Buttke voted Naye, rest Aye.
Motion carried

Alderperson Feddick said that being that they are not approving the determination of Ordinance No. 1043 through these minutes and it would be decided at a later date, she would make a motion to reconsider the previous motion.

CC05-048 Motion by Feddick, second by Kraus to reconsider the previous motion. All Ayes
Motion carried

Vote on motion **CC05-046**; All Ayes
Motion carried

CC05-049 Motion by Stauber, second by Bennington to approve the minutes of the Finance, Budget and Personnel Committee of February 1, 2005. All Ayes
Motion carried

MINUTES OF COMMUNITY ASSOCIATIONS
CC05-050 Motion by Beaudry, second by Gougeon to receive and place on file the minutes of the Central Wisconsin State Fair Board of January 17, 2005. All Ayes
Motion carried

First reading of Revised Ordinance No. 1043, relative to compulsory connection to sewer and water.

CC05-051 Motion by Beaudry, second by Kraus to amend Ordinance No. 1043 so that under (2) Exception, strike out the words "or until 10 years after installation of the public water main" and in paragraph two under Exception, strike out the words, "or until 10 years after the effective date of this ordinance".

Alderperson Kraus asked Alderperson Beaudry to also entertain a possible amendment to that motion to include that we not force current well owners to have their wells tested as it is not required now by the DNR or anybody else. The only thing that we require is that if they cap their wells it has to be tested and certified that it is capped properly.

Alderperson Beaudry asked that his motion go as it is. He does not want to tie the two together and possibly loose the whole thing.

Director of Public Works Knoeck said that this would be a local requirement. Once a property owner is connected to the municipal water supply than under the DNR code they are required to have their well tested even though the well may no longer be used for serving a home, the well has to be tested. It has been mentioned several times that this is not logical. That once the well is used for watering and washing cars than it first becomes required to be tested. What he would like to do is if they are going to allow these wells to remain in place, than maybe it does make sense that they be tested and permitted just like wells that are not hooked up to the homes. We are giving the property owner until failure of the well to connect. But without a permitting process and inspection on a regular basis we are not going to know when wells fail.

Vote on motion **CC05-051**; Feirer, Nelson, Krueger and Buttke voted Naye, rest Aye.
Motion carried

CC05-052 Motion by Feddick, second by Kraus to remove the portion of the Ordinance relating to permitting requirements by the private well owners, which is the entire 3rd paragraph under Exceptions.

Director of Public Works Knoeck stated that this is an attempt to be proactive with determining or identifying problem wells before they become a serious problem. Without the permitting process, they have no way of tracking these wells or knowing what is happening with the private wells. That was the reason for proposing it in the ordinance.

Vote on motion **CC05-052**; Feirer, Nelson, Krueger and Buttke voted Naye, rest Aye.
Motion carried

First reading of Ordinance No. 1044, amending Section 16.44 of the Municipal Code relative to well abandonment.

Director of Public Works Knoeck indicated that the second paragraph (2) was added to refer back to the text that was just deleted from Ordinance No. 1043.

CC05-053 Motion by Feddick, second by Bennington to strike the second paragraph (2) in Ordinance No. 1044. Feirer and Buttke voted Naye, rest Aye.
Motion carried

CC05-054 Motion by Kraus, 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 had requested a closed session to discuss the extent and nature of City participation in the proposed Helwig 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 had requested a closed session to discuss Saint Joseph's Hospital Child Care Center assessment. Roll call vote, all Ayes. (Time: 10:05 p.m.)
Motion carried

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

Mr. Knoeck left the closed session at 10:16 p.m.

CC05-055 Motion by Bennington, second by Nelson to return to open session. Roll call vote, all Ayes. (Time: 10:23 p.m.)
Motion carried

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

Motion by Nelson, second by Gougeon to adjourn at 10:24 p.m.
Motion carried

Deb M. Hall
City Clerk