

MAY 10, 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, Marty Anderson, Jerry Bennington, Sr., Chris Meyer, Donald Krueger, John Spiros, Tom Buttke and Edward Beaudry, Jr.

ABSENT: None

The flag was saluted and the pledge given.

Rev. Frank Picard, St. Paul's United Church of Christ gave the invocation.

RECOMMENDATIONS FROM MAYOR

Word to the Wise: Consider this a paradox. Almost everything that is publicly said these days is recorded. Almost nothing of what is said is worth remembering. Author: Ted Koppel

Item S-1, discussion regarding Open Meetings Law, was added to the agenda.

CC05-165 Motion by Bennington, second by Feirer to approve the minutes of the Common Council meeting of April 26, 2005. All Ayes

Motion carried

PUBLIC COMMENT PERIOD

City Administrator Brehm reminded the public about the public information meeting that would be held on Wednesday, May 11, 2005 at the Mother Frances Streit Conference Center, Saint Joseph's Hospital starting at 6:30 p.m. This will be a conversation with the public discussing fiscal challenges faced by the city. It will be co-presented by the Wisconsin Alliance of Cities and the City of Marshfield. The public is encouraged to attend.

Adam Waldera from the firm of Hawkins, Ash, Baptie and Co, presented the fiscal year 2004 Independent Audit Report. He also congratulated the City for once again achieving the GFO Certificate on the 2003 CAFR.

MINUTES OF GOVERNING BOARDS AND COMMISSIONS

CC05-166 Motion by Nelson, second by Anderson to receive and place on file the minutes of the Community Development Authority of April 7, 2005; Library Board of April 12, 2005; Zoning Board of Appeals of April 12, 2005 and Fire and Police Commission of April 20, 2005 special meeting. All Ayes

Motion carried

MINUTES OF ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

CC05-167 Motion by Bennington, second by Feirer to approve the minutes of the Historic Preservation Committee of April 11, 2005 and Industrial Park Authority of April 28, 2005. All Ayes

Motion carried

MINUTES OF COUNCIL COMMITTEES

CC05-168 Motion by Meyer, second by Buttke to approve the minutes of the Cable TV Committee of April 26, 2005. All Ayes

Motion carried

CC05-169 Motion by Feirer, second by Bennington to approve the minutes of the Board of Public Works of April 26, 2005 special meeting. All Ayes

Motion carried

CC05-170 Motion by Feirer, second by Spiros to approve the minutes of the Board of Public Works of May 2, 2005. All Ayes

Motion carried

CC05-171 Motion by Feddick, second by Bennington to approve the minutes of the Finance, Budget and Personnel Committee of May 3, 2005. All Ayes

Motion carried

CC05-172 Motion by Bennington, second by Beaudry to approve the minutes of the Judiciary, License and Cemetery Committee of May 3, 2005. All Ayes

Motion carried

First reading of Ordinance No. 1049, amending Chapter 17, Electrical Code regarding fees.

First reading of Ordinance No. 1050, providing for the amendment of the Municipal Code regarding sign permit approval process, illumination of signs and political sign regulations.

Ordinance No. 1050 will be amended before the 2nd reading to reflect the correct measurement for checking the lighting intensity of illuminated signs.

CC05-173 Motion by Buttke, second by Anderson to approve Resolution No. 2005-21, informing the Wisconsin Department of Natural Resources that the Common Council has reviewed the Compliance Maintenance Annual Report of the Wastewater Utility. All Ayes

Motion carried

CC05-174 Motion by Bennington, second by Buttke to approve Budget Resolution No. 8-2005, transferring \$20,000 from Thrivent Financial for Lutherans donation to the Zoo Operation and Maintenance budget. All Ayes

Motion carried

CC05-175 Motion by Anderson, second by Spiros to approve Budget Resolution No. 9-2005, transferring \$25,000 from the Contingency Fund to the Tax Refunds budget for the compromise agreement with the Marshfield Clinic. All Ayes

Motion carried

CC05-176 Motion by Nelson, second by Meyer to approve the appointment of Mr. Russ Stauber, 900 S. Vine Avenue to the Convention and Visitors Bureau to fill the unexpired term of Mr. Doug Schneeberger, who recently passed away. Mr. Stauber's term will end in April of 2008. All Ayes

Motion carried

CC05-177 Motion by Feirer, second by Bennington to proceed with a citizen survey, retain the UW-Eau Claire Political Research Institute to assist in this process; and direct staff to negotiate an agreement with them.

The Council agreed that a survey is needed but there was discussion and some opposition to the dollar amount and the way it would be funded. There are other resources that could be used in this community.

Others felt that this survey would be a very useful tool and is needed before the October budget sessions. Because of the time constraints with this year's survey it makes sense to go with UW-Eau Claire.

It was suggested in future years, that the City do a survey on a yearly or bi-yearly basis so that the Council is able to gauge where the public is at instead of just doing this just when it is needed. Maybe next year the City can look at using some type of resource that is in the community and/or at a reduced cost.

Vote on motion **CC05-177**; Feddick, Nelson and Spiros voted Naye, rest Aye.

Motion carried

CC05-178 Motion by Buttke, second by Feirer to approve Budget Resolution No. 10-2005, transferring \$15,500 from the Contingency Fund to the Common Council budget for the Citizen Survey to be conducted by the UW-Eau Claire Political Research Institute. Feddick voted Naye, rest Aye.

Motion carried

Attorney Hutchinson reviewed the Wisconsin Open Meetings Law, specifically Wisconsin State Statute 19.81 - 19.98. Basic requirements are:

- Public Notice of the date, time and place of the meeting and the items to be discussed. You are precluded from discussing items that are not on the agenda.
- The meetings must be held in places that are reasonably accessible to the public.
- It must be open to all members of the public.
- You can not exclude groups of people.
- This law applies to meetings of governmental bodies.

What constitutes a meeting? It has been defined as the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. It does not include social or chance gatherings, if the social or chance gathering is not intended to avoid the open meetings law.

A negative quorum is when you have enough members present to affect the outcome of a particular matter.

A walking quorum is a series of gatherings, telephone conferences or conversations or e-mails amongst two or more members who agree tacitly or explicitly, to act uniformly in sufficient number to reach a quorum.

With today's medium of communication, use caution when using e-mails. You can receive an e-mail from one member and then you can forward it to the remaining members of the Council, you certainly run the risk of violating the open meetings law by discussing an item through e-mails. E-mails discussing government matters are subject to open records requests.

Motion by Nelson, second by Feddick to adjourn at 8:10 p.m.

Motion carried

Deb M. Hall
City Clerk