AUGUST 8, 2006

PUBLIC HEARING: Called to order by Mayor Meyers at 6:50 p.m., in the Council Chambers, City Hall Plaza regarding Resolution No. 2006-30, to vacate and discontinue that portion of excess right-of-way in the Southeast quadrant of the Central Avenue and Veterans Parkway intersection in the City of Marshfield, Wisconsin.

FOR: No One
AGAINST: No One

The public hearing closed at 6:51 p.m.

Regular meeting of the Common Council was called to order by Mayor Meyers at 7:02 p.m., in the Council Chambers, City Hall Plaza.
PRESENT: Michael Feirer, Alanna Feddick, Trish Siegler, Marty Anderson, Ed Wagner, Chris Meyer, Donald Krueger, John Spiros, Tom Buttke and Edward Beaudry, Jr.
ABSENT: None

The flag was saluted and the pledge given.

Invocation was given by Pastor Art Scottberg, Redeemer Christian Church.

RECOMMENDATIONS FROM MAYOR
Word to the Wise: "Too often we give our young people answers to remember rather than problems to solve." Author: Roger Lewin

CC06-246 Motion by Krueger, second by Feddick to approve the minutes of the Common Council meeting of July 25, 2006. All Ayes
Motion carried

Item H-1, Consideration of a request from Wildwood Park Zoological Society, Inc. (WWPZS) for a variance of noise levels as permitted by Chapter 10-33 (7) for Blues in the Zoo, August 17, 2006 was added to the agenda.

The following changes were made to the agenda:
The same item was listed twice under item O and item P. Item P was deleted.

Item N was moved down on the agenda to accommodate representatives of the Committee on Youth.

CC06-247 Motion by Anderson, second by Meyer to grant the request from Rose Bowl Lanes, 1600 N. Central Avenue, for a variance of noise levels as permitted by Chapter 10-33 (7) for the Junior Youth Bowling Program fundraiser on September 10, 2006 and waive the $100 fee.

City Administrator Brehm said that in the past the Council has made the decision to waive the fee based upon the activity being a not for profit and this is for profit.

Alderperson Beaudry pointed out that the request did not request a waiver of the fee. It was just a request to allow the noise variance.

Discussion was held on whether or not to waive the fee.

City Administrator Brehm suggested that the Council look at that particular part of the ordinance at a future meeting, because right now it calls for a fee of $100.00 unless it is waived. If you are going to waive the fee all the time, perhaps you might want to consider changing the ordinance and not have a fee.

Mayor Meyers added that it is important that we remain consistent. In the past, we have done it for non-profits; we have not done it for businesses. You are going against it and actually setting a precedent if you approve waiving the fee for a business.

Vote on motion **CC06-247**; Feirer, Krueger and Buttke voted naye, rest aye.
Motion carried

CC06-248 Motion by Buttke, second by Beaudry to grant the request from Wildwood Park Zoological Society, Inc (WWPZS) for a variance of noise levels as permitted by Chapter 10-33 (7) for Blues in the Zoo, August 17, 2006 and waive the $100 fee. All Ayes
Motion carried

PUBLIC COMMENT PERIOD
Francis Gruenke, Jr., 910 S. Columbus Avenue spoke regarding Charter Ordinance No. 22 and Charter Ordinance No. 23. He is not in favor of changing the current system. We the electors have chosen the right persons for these positions knowing their qualifications and experience for their position. To deny the electors a voice at our local government is to put yet one more nail in the coffin of a democratic idea at the time when corruption is growing out of control and accountability is shivering away. What is called for is not the easiest short site plan to allow for appointments to these positions, but rather the voice of leadership which calls for all members of our community to cast their votes. He recommended keeping these positions elected and changing them to a 4-year term instead of a 2-year term. He is very strongly against removing the voice of the citizens of Marshfield from the voting process.

MINUTES OF GOVERNING BOARD AND COMMISSIONS
CC06-249 Motion by Krueger, second by Spiros to receive and place on file the minutes of the Zoning Board of Appeals of June 13, 2006; Community Development Authority of July 6, 2006 and Library Board of July 11, 2006. All Ayes
Motion carried

MINUTES OF COUNCIL COMMITTEES
CC06-250 Motion by Wagner, second by Buttke to approve the minutes of the Cable TV Committee of July 24, 2006. All Ayes
Motion carried

CC06-251 Motion by Feirer, second by Krueger to approve the minutes of the Board of Public Works of July 31, 2006.

Alderperson Wagner referred to Board of Public Works motion PW06-77, approval of revisions to Policy 5.051 regarding banners spanning the public right-of-way as presented. For the record, he said that he is in opposition to that. Those are traffic structures, they aren't advertising space and he doesn't believe that we should be allowing banners on the wall.

Vote on motion **CC06-251**; All Ayes
Motion carried

CC06-252 Motion by Siegler, second by Feddick to approve the minutes of the Finance, Budget and Personnel Committee of August 1, 2006. All Ayes
Motion carried

CC06-253 Motion by Feddick, second by Spiros to approve the minutes of the Judiciary, License and Cemetery Committee of August 1, 2006. All Ayes
Motion carried

CC06-254 Motion by Spiros, second by Beaudry to approve the minutes of the Judiciary, License and Cemetery Committee of August 8, 2006 as read. All Ayes
Motion carried

Second reading of Charter Ordinance No. 22, requiring that the position of City Clerk be appointed by the Common Council for an indefinite term.

City Attorney Hutchinson amended Charter Ordinance No. 22; the reference in paragraph 1 to Section 8.11 (1) (b) is not appropriate and will not be included in the Ordinance if approved.

CC06-255 Motion by Anderson, second by Feirer to approve Charter Ordinance No. 22 as amended.

Alderperson Beaudry said that he would be voting no on Charter Ordinance No. 22. We have many individuals with the expertise to be able to run for this office in the City of Marshfield, unlike the Charter Ordinance No 23, which is a highly technical position and required to be certified by the state if they take the position. The City Clerk's position can be anyone. A public secretary could in fact have the qualifications to be a City Clerk and then become certified after the fact as many have before done. He feels uncomfortable taking away the few things that the elector has left. He indicated that he would be in favor of making the term a 4-year term at a later date if the Council wanted to address that.

Alderperson Krueger agreed with Alderperson Beaudry and said that he will also vote no.

Alderperson Anderson said that he will be voting yes. He believes that this particular process that we are entering into offers a great opportunity for Democracy at it's finest. If the citizens aren't satisfied with the decision that we as elected officials made, they have the opportunity to appeal that through a referendum within 60 days. I can't think of a process more Democratic than the process that we entered into here.

Alderperson Feddick said that she would be voting no, because she doesn't like the structure that is being set up for the position. She disagreed with Alderperson Anderson. This is not democracy at its finest forcing citizens to go out and get signatures to actually put a matter on the referendum that they currently have the right now to vote for. She said that she is not against appointing the position; she is against taking the control away from the public. That being then taking it away from the Council members and putting it into the hands of Administration. She felt that if the positions are appointed certain information may be withheld, tainted or not handed over to the Common Council by the viewpoint of Administration. Taking it away from the citizens and then taking it away from the

Council members elected by the citizens to do really what is in the best interest of the citizens is taking away the checks and balances that need to be in our system and that make it effective.

Alderperson Feirer said that Charter Ordinance No. 22 does not state anything about the flow chart at all. All it says is that the City Clerk would be appointed. It doesn't say anything about who she would answer to or what that person would do.

City Administrator Brehm pointed out that at a previous Finance Committee meeting, the Finance Committee did approve a vote of either 3-2 or 4-1 to approve a revised organization chart contingent upon the Common Council making both of these positions appointed. And in that, the Common Council did approve the minutes of the Finance Committee and the organization chart showed that if these positions became appointed both positions would report directly to the City Administrator's position.

Alderperson Wagner expressed some of his concerns. A few years ago the City did away with the treasurer's position and the comptroller's position also and combined it in the Finance Director position as it is now and that position now for administrative purposes reports to the City Administrator. Now you would have the Clerk reporting to the City Administrator and the Assessor, so essentially all the elected positions that we had are concentrated in one place. He thinks it is wonderful that the Common Council expresses that much faith and confidence in our current City Administrator, however he may someday retire and you may be placing that authority and power in somebody that you don't even know. He would have felt quite a bit differently about this had the minutes not approved the other motions from the Finance, Budget and Personnel Committee.

Alderperson Anderson stated that the City Administrator is hired by the Common Council.

Alderperson Buttke asked Alderperson Anderson to give the details on the information that they received from the City Clerk as far as the contested races over the years.

Alderperson Anderson reported that at the last Council meeting he requested information on how many contested races that we have had in the past 30 years and in the City of Marshfield there hasn't been a contested race for either City Clerk or City Assessor for 20 years or 10 plus elections cycles if you think of 2- year terms. Twenty years is a pretty long record not to have anybody running for a position within city government.

Alderperson Wagner asked if there was ever a case where the clerk retired and no one ran for office.

Alderperson Anderson responded no. But in the past 20 years there has not been more than one person running.

Alderperson Buttke said that he will be voting yes for all the reasons stated in the last issue that Alderman Anderson brought up. We haven't had highly contested races. This ordinance does not say who is going to be overseeing this. You can change that. Do what you think is right and don't hang other things on it.

Alderperson Feddick said we need to do what we think is right now with what we have in place not thinking later on we will go ahead and change that. That is not going to happen and we can't hang our hats on the fact that we might be able to change it later. Just because we have a lack of contested races doesn't mean that we become a totalitarism or something else. What we are doing is taking

away the will of the people by doing this, we are punishing the people because nobody has come out and ran for these positions. Maybe this will spark a whole new group of people who want to come out and run for City Clerk and City Assessor and we are stopping them from doing that.

Alderperson Anderson said that if the hang up on this particular issue is the way that it is currently structured than he for one member of the Finance, Budget and Personnel Committee would be interested in bringing it back up again and having that discussion again. In the long run this is changeable. If another Council in the future determines that they want to change this particular Charter Ordinance absolutely have at it.

Alderperson Siegler agreed with Alderperson Anderson. She felt it was important to establish an appointment process and establish a job description in exactly who those persons would be reporting to prior to making a decision tonight because it is important to have those processes in place. She welcomed more discussion on the Council floor as to the direction of the appointment process and to whom those positions would report to.

CC06-256 Motion by Wagner, second by Beaudry to call the question. All Ayes
Motion carried

Vote on motion **CC06-255;** Feddick, Wagner, Krueger and Beaudry voted naye, rest aye.
Motion needed 7 votes, Motion failed

Mayor Meyers said that it is unfortunate that the vote went the way it is. It is unfortunate that enough discussion was not allowed before the vote was taken. He doesn't think that there is any reason at all why this position could not be appointed. He sees absolutely no reason at all why the Administrator could not be responsible for that position. The Administrator is responsible for every other department in the city and this would fall as another department and would certainly fall under the realm of the Administrator's department. The Administrator is reviewed by the Mayor, the Council President and Finance Director every year and for the last 5 years the entire Council has been very actively involved in the evaluation process.

Alderperson Beaudry pointed out that the voting public has the same opportunity to bring this to a referendum if they feel that we did it wrong.

Second reading of Charter Ordinance No. 23, requiring that the position of City Assessor be appointed by the Common Council for an indefinite term.

City Attorney Hutchinson amended Charter Ordinance No. 23. The reference in paragraph 1 to Section 8.11 (1) (b) is not appropriate and will not be included in the Ordinance if approved.

Alderperson Beaudry stated that he will be voting yes on Charter Ordinance No. 23. The case of the City Assessor can not act unless they are state certified therefore we would have to have someone within the City of Marshfield already certified as an Assessor in order to carry out the duties. Otherwise they could elect John Jones from down the street. He can be elected Assessor, but he can not serve if he is not certified. In the event that the current Assessor would get sick, leave town or move away or whatever we would be without an Assessor until the following term. We would have to appoint one, but that would have to come from within the City. If it is changed to being an appointed person then we can find qualified individuals from throughout the state. They do not have to be residents of the City of Marshfield at the time that the appointment is made. He realizes it is

taking something away from the voters, however since this position was originally instituted in the City of Marshfield the laws have changed to the point where now you have to have the certification in order to serve.

CC06-257 Motion by Beaudry, second by Buttke to approve Charter Ordinance No. 23 as amended.

Alderperson Wagner said that he thought that the Assessor's position is one of the very few municipal positions in the State Statutes that actually has the qualifications spelled out and he believes the only one that says that if the public elects someone who doesn't meet those qualifications, that person literally can not serve and the City has to appoint someone from a list prepared by the Department of Revenue.

Alderperson Feddick expressed her concerns about making the Assessor's position appointed. She felt that making the position appointed may cause a conflict of interest. The independence of the position and the ability to follow the statutes and the Department of Revenue within the guidelines might be taken away and ruled by a City instead of the statutes the way they are suppose to be. She explained in detail what she thought might happen if Administration controlled the position. She also expressed her concerns about the reappointment of the position.

Mayor Meyers said that by statutes it is spelled out that the Assessor has to keep the values as close to 100% of the market value. If we happen to go 10 years and we are down to 90% and there is no motivation on the part of the Assessor, wouldn't it be good as far as management to have someone to say now look Assessor you have to do this otherwise the Assessor being voted in by the general public doesn't have to answer to anybody. He indicated that the current system that has been adopted inside the Assessor's office in the last 5 or 6 years has been to try to do a fourth of the City every four years.

Vote on motion **CC06-257**; Feddick and Wagner voted naye, rest aye.
Motion carried

Second reading of Ordinance No. 1075, requesting re-zoning for approximately 8 acres of land on the north side of E. 29th St. and East of CTH A from "A" (Agricultural Holding District) to "I" (Public and Semi-Public Institutions District).

CC06-258 Motion by Feddick, second by Feirer to approve Ordinance No. 1075. All Ayes
Motion carried

First reading of Ordinance No. 1076, changing zoning for 403 and 403A West Doege Street, a parcel of land located on the north side of West Doege Street and West of N. Walnut Avenue from "R-5" (Residential (Medium Low Density – Single and Two-Family) to "I" (Public and Semi-Public Institutions District).

First reading of Ordinance No. 1077, changing zoning for property located at the southeast corner of the intersection of E. 3rd Street and S. Peach Avenue from "B-4" (General Commercial) and "R-5" Residential (Medium Low Density – Single & Two-family) to "B-1" (Neighborhood Business District).

CC06-259 Motion by Siegler, second by Feirer to approve Resolution No. 2006-30, vacating and discontinuing that portion of the Southeast quadrant of the Central Avenue and Veterans Parkway intersection in the City of Marshfield, Wisconsin. All Ayes
Motion carried

CC06-260 Motion by Feddick, second by Siegler to refer to Plan Commission Resolution No. 2006-34, vacating and discontinuing that portion of excess right-of-way in the southwest quadrant of the Central Avenue and McMillan Street intersection in the City of Marshfield. All Ayes
Motion carried

CC06-261 Motion by Feddick, second by Krueger to approve Resolution No. 2006-35, approving and accepting a Certified Survey Map and dedication of public right-of-way for Yellowstone Drive, done for the U.W. Board of Regents, owner. All Ayes
Motion carried

CC06-262 Motion by Buttke, second by Krueger to approve the re-classification of Information Technology Lead Analyst as D62 (with a re-titling of the position to Information Technology Manager). Feddick, Siegler, Wagner, Meyer, Wagner, Meyer, Krueger and Spiros voted naye, Feirer, Anderson, Buttke and Beaudry voted aye.
Motion failed

CC06-263 Motion by Buttke, second by Anderson to approve the re-classification of the Director of Planning and Economic Development as D62. Feddick, Siegler, Wagner, Meyer, Krueger, Spiros voted naye, Feirer, Anderson, Buttke and Beaudry voted aye.
Motion failed

Second reading of Ordinance No. 1074, creating the Committee on Youth.

CC06-264 Motion by Feddick, second by Siegler to approve Ordinance No. 1074. All Ayes
Motion carried

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

Lori A. Panzer
Deputy City Clerk