

**JULY 24, 2007**

Regular meeting of the Common Council was called to order by Mayor Meyers at 7:01 p.m., in the Council Chambers, City Hall Plaza.

**PRESENT:** Michael Feirer, Alanna Feddick, Trish Siegler, Tim Kraus, Ed Wagner, Josh Hansen, Donald Krueger, John Spiros, Tom Buttke and Pete Hendler.

**ABSENT:** None

The flag was saluted and the pledge given.

No invocation was given.

### **RECOMMENDATIONS FROM MAYOR**

Mayor Meyers wished Alanna Feddick a Happy Birthday.

Word to the Wise: God wisely designed the human body so that we can neither pat our own backs, nor kick ourselves too easily. Author: Anonymous

#### Employee Milestone Recognition:

Peggy Lindner, Police Department                      July 30, 1997                      10 years of service

**CC07-225** Motion by Krueger, second by Hendler to approve the minutes of the Common Council meeting of July 10, 2007. All Ayes

**Motion carried**

No items were added to the agenda.

An update on the Shoppes at Woodrige project was given by Gerard Koehn, Developer.

- They have invested 3.5 million dollars into that shopping center with a complete renovation of the exterior.
- They brought in Steve & Barry's as a major tenant, which has generated some additional traffic.
- They are currently working with some potential out lot users.
- Their leasing people have continually talked to about 400 contacts and the common theme that they hear is Marshfield is too small of a market and that Marshfield has a lot of leakage where shoppers go to other communities like Wausau, Plover, Eau Claire and Appleton.
- They are very committed to the shopping center and expect to follow through on their plan.

Mall Manager Terry Linduski said Marshfield is a 75,000 population trade area and a good number of the retailers don't go to that size. We are trying very hard to find tenants and we are very flexible on lease rates, but when it comes to the fact that they say the market is too small there is not much we can do about it.

Aldersperson Kraus expressed his concerns regarding the aesthetics of the out lot where the old grocery store was.

Aldersperson Siegler encouraged the citizens of Marshfield to purchase in Marshfield when they can. Those sales obviously not only help the current businesses, but promote other retailers that would be interested in coming in to the City to actually move to our City.

**PUBLIC COMMENT PERIOD**

A letter was received from Sue Meyer in regards to the peak power plant and distributed to the Common Council prior to tonight's meeting.

The following spoke in opposition of Ordinance No. 1108:

Mary Lou Duerr of 1701 West McMillan Street; owner/operator of the Viaduct Bar and President of the Wood County Tavern League.

Lisa Schutz of 107 South Schmidt Avenue and owner of Nutz Deep II and the Dollar Bar.

Mike Brown of 200 S Linden Avenue and owner of Brown's Bar at 504 East 4<sup>th</sup> Street.

Tom Cooper of 706A East Blodgett Street, part time bartender at After Hours.

Tim Schmitt of 411 East Fourth Street.

Don Uthmeier of rural Stratford and owner of After Hours.

William Penker of 600 South Sycamore Avenue.

Ron Weis, owner of The Vintage House at 10150 Hwy 10.

Richard Weis of 9797 Lincoln Ave and Business Manager for the Eagles Club.

Tim Winch of 504 North Cedar Avenue and owner of T-Bones Bar at 400 North Central Avenue.

The following spoke in favor of Ordinance No. 1108:

Eva Scheppa of 108 North Hinman Avenue.

Rob Schultz of 805 West State Street.

Bruce Cunha of 1600 Arlington Street and Chairperson for the Marshfield Clinic's Smoke Free, Tobacco Free Committee

Sandra Christman, M111 Meadow Avenue.

Jeanette Breu of 1305 North Hinman Avenue.

Donna Rozar of 1126 Ridge Road and Chairman of the Wood County Board of Health.

Lin Hahn-Weidman of 7976 Klondike Drive.

Mary Lou Duerr gave Mayor Meyers a 10 minute DVD regarding the LaCrosse Smoking Ban to share with the Common Council.

First reading of Ordinance No. 1108, prohibiting smoking in indoor places.

City Attorney Hutchinson said that this ordinance is modeled after the bill pending before the legislature right now with the idea that if the City does adopt this we are in compliance assuming the State adopts their ordinance. If the State does not adopt it, we still have our ordinance that would be consistent with what is at least pending before the legislature at this time.

**CC07-226** Motion by Spiros, second by Hendler to delay the second reading of Ordinance No. 1108 until the September 25, 2007 Common Council meeting and refer it to the Board of Health Committee to hold a public hearing prior to that date.

Aldersperson Hendler felt that this ordinance and the potential referendum, which might be precipitated by all of this, should be taken off of our hands and put into the hands of the State where it belongs.

Aldersperson Krueger also felt that the State should take the initiative. He wondered if it would be possible to get a copy of the smoke free ordinances that Wausau and Stevens Point have if this doesn't happen.

Aldersperson Buttke said it has to be on a State level and the reason it has to be on a State level is that it has to be a level playing field for everybody. We have places of business that are just outside the City that people can go to and that is not right. When the State takes care of it and that will happen those issues will be solved and then it will be the same for everybody and that is exactly the way it has to be. I will not support a local ordinance, because it is not on the level playing field. I believe it has to be done, but it has to be done fairly!

Aldersperson Kraus said that he didn't disagree and wished that the State had the courage to act on this, but every resident, every taxpayer in this City has a right to have their voice heard and that is what happened. One of the two people that started this is here and they have a right to bring up whatever they want. If they want sidewalks put in across the City or if they want a bar shut down, it is the Council's right to at least address it. This was not something that Tim Kraus dreamed up! Hopefully by the 25<sup>th</sup> of September we will have enough time to get more information out there and in fact allow the State to do what they need to do on this.

Mayor Meyers explained that people do contact their aldermen, or the Mayor or the members of City staff and ideas come forth to the Council for consideration. We don't come up with all these ideas ourselves. We get our input from the public and we certainly encourage input from the public. The democratic process now is to have the ten people who you have elected to represent you discuss this issue and debate whether or not it is something that Marshfield wants in the future.

Vote on motion CC07-226; All Ayes

**Motion carried**

CC07-227 Motion by Kraus, second by Krueger to approve Resolution No. 2007-27, supporting a statewide smoking ban and a cigarette tax increase of at least \$1 a pack.

Aldersperson Buttke said that this was addressed on the County level and it did pass and was forwarded to the State.

Aldersperson Kraus amended his motion to include that we ask for the State to expedite action on this and not put it off.

Mayor Meyers said that he will communicate that through his office on Aldersperson Kraus' behalf to our representatives and governor and enclose the resolution.

Aldersperson Hendler asked if we could emphasize the fact that the money that we are proposing to be added to the cigarette tax that it would be earmarked for the appropriate cause, because when the settlements came across with the tobacco industry, they put the money somewhere else.

City Administrator Brehm commented that it is already included in the resolution.

Vote on motion CC07-227 as amended; Hansen voted Naye, rest Aye

**Motion carried**

Recessed at 8:33 p.m.

Reconvened at 8:44 p.m.

Utility Manager Pacovsky gave an update on the Marshfield Utility's plan to meet the state mandate to have 15% of all energy to be provided by alternate sources.

A presentation on Regional Revolving Loan Fund was made by Director of Planning and Economic Development Miller.

### **CITY ADMINISTRATOR'S REPORT**

City Administrator Brehm gave a report on the following:

1. State's 2007-09 Biannual Budget

### **MINUTES OF GOVERNING BOARDS AND COMMISSIONS**

**CC07-228** Motion by Feddick, second by Feirer to receive and place on file the minutes of the University Center Commission of May 17, 2007; Community Development Authority of June 7, 2007; Zoning Board of Appeals of June 12, 2007; Fairgrounds Commission of June 20, 2007 and Marshfield Utility Commission of July 9, 2007 (approval of the minutes will constitute approval of Job Order #7418 at a cost of \$29,932,151).

**CC07-229** Motion by Wagner, second by Kraus to take Job Order #7418 out and vote on it separately. Krueger voted Naye, rest Aye.

#### **Motion carried**

Aldersperson Wagner said the reason being is that the Utility Commission approved this on July 9<sup>th</sup>, which was before the date that the Public Service Commission hearing was cancelled.

**CC07-230** Motion by Wagner, second by Hansen to table approval of Job Order #7418 until after the Public Service Commission's public hearing.

Utility Manager Pacovsky said that they have had approvals for job orders for wells and other projects that require all kinds of permits whether it is the Department of Natural Resources, Public Service Commission, or whatever. This is just a job order that allows this project to go forward as a project that is being endorsed by the City and we need to get the permits from numerous entities on this. It really has nothing to do with the hearing.

Aldersperson Wagner said that he would feel more comfortable voting to approve the job order to actually build it once the certificate of public need and necessity is issued for the project. We have been assured on several occasions that the project has not yet been approved and we are being asked to approve a job order which approves it without the hearing.

City Administrator Brehm explained that there are two opportunities for approving or not approving the project.

- 1) To approve the construction, which is before you this evening.
- 2) To approve the funding which will be of mortgage revenue bonds at some later point of time.

Regardless of what the Public Service Commission does or doesn't do, this really is going to be your statement as to whether or not you support that project.

Aldersperson Kraus said that we are told that we are moving forward with this, but it is not fully approved yet, so if we set this aside it is no different than the Public Service Commission scheduling their meeting in August, which they cancelled because we have a wetland issue. It wasn't because this wasn't approved. They were still going to go forward with their public hearing before we knew

if this was going to be approved or disapproved. They cancelled their meeting because of a wetlands issue, we haven't gotten an Environment Impact Statement on this and we don't know if the footprint that was planned for it initially is going to be the same footprint where this is going to go. He didn't feel that the Public Service Commission is going to stop having their public hearing because we haven't approved this.

Utility Manager Pacovsky said that you are approving a job order. It can be in this location or it can be moved. It could turn out to be a completely different unit than what we have previously bid. You are approving the project somewhere.

Aldersperson Wagner couldn't believe that this work order was a part of the minutes. He assumed that we would hold the public hearing, have public input with the Public Service Commission hearing and then we would come back here and say these are the findings and facts, the Public Service Commission says that it is ok to issue a certificate of public need and necessity now Council are we going to go with the project or not and at that point probably would go with it with no question. This is a very expensive project and the public needs their input on it and for that reason he is going to hold to his motion to table this until the Public Service Commission hearing.

Aldersperson Kraus said that there are people in my district who question the need for this as well as being a sustainable Marshfield now and this is fossil fuels. We need to give them an opportunity to speak against it. He said that he would feel more comfortable seeing the outcome of this hearing and Environmental Impact Statement first before he makes a final decision.

Aldersperson Wagner said that if we pass this tonight the bond issue almost becomes a moot point, because he has never seen a Council approve a project and then refuse to fund it, ever.

Aldersperson Feirer disagreed with the bonding issue being a moot point. He said that about five years ago the County Board made a motion to build a new county jail and when it came down for the bonding issue they turned it down. We on the County Board are now living with that scenario and it wasn't the wisest scenario and it was just a couple of people on that board that said lets not fund it and it didn't get funded and right now we are in a pickle. So if there is only a couple of aldermen here that don't think that this is a good idea maybe we should proceed with this process when it gets to the bonding issue lets bond it or not. But let us not slow the process down, because it may not get done. The County Board voted to build it but then they voted not to fund it. It does happen. You'll see it time and time again. Nothing is ever in stone until it gets done!

Vote on motion **CC07-230**; Feirer, Siegler, Hansen, Krueger, Spiros, Buttke and Hendler voted Naye, Feddick, Kraus and Wagner voted Aye.

**Motion failed**

Vote on motion **CC07-228**; All Ayes

**Motion carried**

#### **MINUTES OF ADVISORY BOARDS, COMMISSIONS AND COMMITTEES**

**CC07-231** Motion by Feddick, second by Siegler to approve the minutes of the Industrial Park Authority of July 17, 2007 and Plan Commission of July 17, 2007. All Ayes

**Motion carried**

## **MINUTES OF COUNCIL COMMITTEES**

**CC07-232** Motion by Kraus, second by Feddick to approve the minutes of the Cable TV Committee of June 25, 2007. All Ayes

**Motion carried**

**CC07-233** Motion by Feirer, second by Feddick to approve the minutes of the Committee on Aging of July 5, 2007. All Ayes

**Motion carried**

**CC07-234** Motion by Feirer, second by Kraus to approve the minutes of the Board of Public Works of July 16, 2007. All Ayes

**Motion carried**

**CC07-235** Motion by Hendler, second by Siegler to approve the minutes of the Finance, Budget and Personnel Committee of July 17, 2007. All Ayes

**Motion carried**

**CC07-236** Motion by Feddick, second by Feirer to approve the minutes of the Judiciary, License and Cemetery Committee of July 17, 2007. All Ayes

**Motion carried**

**CC07-237** Motion by Spiros, second by Buttke to approve the minutes of the Parks, Recreation and Forestry Committee of July 19, 2007. All Ayes

**Motion carried**

## **MINUTES OF COMMUNITY ASSOCIATIONS**

**CC07-238** Motion by Kraus, second by Feirer to receive and place on file the minutes of Central Wisconsin State Fair of June 18, 2007. All Ayes

**Motion carried**

Second reading of Ordinance No. 1106, changing the definition of a roof sign, and adding it to the list of prohibited signs.

**CC07-239** Motion by Feirer, second by Siegler to approve Ordinance No. 1106.

Aldersperson Kraus felt that we are setting ourselves up for something, and now we are making what was approved because of definition disallowed. He said that he will be voting against it because he doesn't agree with not allowing everybody else to have the same advantage.

Mayor Meyers said that the one that was allowed was allowed because there was a loop hole and we plugged that hole with this ordinance.

Vote on motion **CC07-239**; Kraus and Wagner voted Naye, rest Aye.

**Motion carried**

First reading of Ordinance No. 1107, creating Section 3-66(j), Sustainable Marshfield Committee, a standing committee.

**CC07-240** Motion by Hendler, second by Buttke to suspend the rules and vote on it tonight.  
Feddick, Siegler and Krueger voted Naye, rest Aye.

**Motion carried**

**CC07-241** Motion by Hendler, second by Wagner to approve Ordinance No. 1107, creating Section 3-66(j), Sustainable Marshfield Committee, a standing committee.

City Attorney Hutchinson pointed out that the members of the committee do not have to be citizens or residents of the City of Marshfield. It is generically referring to individuals.

Vote of motion **CC07-241**; All Ayes.

**Motion carried**

Mayor Meyers said that had this been voted on, on August 14<sup>th</sup>, he would have had seven members for the Council to approve.

Motion by Wagner, second by Feddick to adjourn at 9:47 p.m.

**Motion carried**

Lori A. Panzer  
Deputy City Clerk