

**SEPTEMBER 25, 2007**

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, 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**

Word to the Wise: Happiness makes up in height what it lacks in length. Author: Anonymous

#### Employee Milestone Recognition:

Michael Brehm, Administration

October 3, 1977

30 years

**CC07-293** Motion by Feddick, second by Siegler to approve the minutes of the Common Council special meeting of September 10, 2007. All Ayes

**Motion carried**

**CC07-294** Motion by Buttke, second by Krueger to approve the minutes of the Common Council meeting of September 11, 2007. All Ayes

**Motion carried**

Item Q was corrected amending the section of code from 18-62 to 15-53.

### **PUBLIC COMMENT PERIOD**

The following spoke in support of filling the vacant Parks and Recreation Maintenance Supervisor position:

1. Harry Nienaber, 1307 N. Wood Avenue, past manager of the Central Wisconsin State Fair.
2. Jim Wein, 1619 Hemlock Avenue, Chairperson of the Parks, Recreation and Forestry Committee.
3. Scott Larson, MACCI Executive Director.

Topic: Ordinance No. 1108, prohibiting smoking in indoor places.

1. Susan Youngwith, M132 Penny Lane. She requested the Council to support the smoke-free ordinance. There would be a positive impact on the health of the people who live and work in the community. She feels that by having a smoke-free ordinance in Marshfield it would cause many people to reconsider their smoking habit and attempt to quit smoking. Deadly secondhand smoke will also be eliminated in all public places. We would have a healthier community.
2. Mary Lou Duerr, 1701 W. McMillan, owner of the Viaduct Bar and President of the Wood County Tavern League. They are all small private enterprise businesses. Their business decisions are based on their customer wants. If their customers demanded a smoke-free environment, they would already be there. They do accommodate the nonsmoker by installing state of the art air exchange devices or smoke eaters. Lung cancer comes from many things. The State is working on this state ban so let them get everything settled and set the playing field. Smoking bans don't hurt the business chains. They only hurt the mom and pop places. If this is passed their customers will go to the establishments right outside the city limits. She urged the Council to vote no to the city smoking ban.

3. Lisa Schutz, 107 S. Schmidt and owner of Nutz Deep II and the Dollar Bar. The city should wait until the State of Wisconsin passes their ban. A petition was circulated for two days at each of her bars. The results are:

Nutz Deep II

Total of 122 people signed the petition  
60 were smokers  
62 were nonsmokers  
7 were for the city proposed ban  
117 were against the smoking ban

Dollar Bar

Total of 24 people signed the petition  
17 were smokers  
7 were nonsmokers  
22 were against the smoking ban

She urged the Council to vote against the city-wide ban.

4. Dorothy Voge, 146 S. Central Avenue. She is totally against smoking anything. The lungs were not designed for cigarette smoke or any kind of smoke. Nonetheless, she is for the adult's right to smoke. These days' cigarettes have an offensive odor. If you do not want to smoke chemically laced tobacco compounds than don't. Put your efforts into encouraging the cigarette companies to produce unaffected and inoffensive cigarettes. You send your young adults to other nations to shed blood and have their own blood shed and prevent by law their decision to smoke a cigarette. Now you want a law for all adults to observe. As with all previous attempts at prohibition, the attempt has been a dismal failure. People are simply not deterred from using drugs. Put this issue to a referendum. Let the people vote.

First reading of Ordinance No. 1114, changing the definition of temporary housing and amending Section 15-53 of the city's municipal code to permit temporary housing in a mobile home district.

**CC07-295** Motion by Buttke, second by Feirer to suspend the rules and vote on Ordinance No. 1114. Wagner voted Naye, rest Aye.

**Motion carried**

**CC07-296** Motion by Kraus, second by Feirer to approve Ordinance No. 1114. Wagner voted Naye, rest Aye.

**Motion carried**

Election of one person to the Marshfield Utility Commission. The Mayor received three letters of interest from the following persons:

Christopher Jones, 400 Sycamore Avenue  
James Kupfer, 1201 E. Upham Street  
Dennis Martinson, 1501 West Fifth Street

**CC07-297** Motion by Hendler, second by Wagner to close the nominations and place all three names on the ballot. All Ayes

**Motion carried**

The Common Council voted by ballot.

Results: Christopher Jones received 5 votes, Dennis Martinson received 4 votes and James Kupfer received 1 vote.

Christopher Jones was elected to the Marshfield Utility Commission.

Mayor Meyers thanked Dennis Martinson for serving on the Marshfield Utility Commission.

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

City Administrator Brehm gave a report on the following:

1. State Budget
2. MACCI's Benchmark Reports

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

**CC07-298** Motion by Krueger, second by Spiros to receive and place on file the minutes of the Zoning Board of Appeals of July 10, 2007; Community Development Authority of August 2, 2007; Library Board of August 14, 2007; Fire and Police Commission of September 6, 2007; Marshfield Utility Commission of September 10, 2007 (approval of the minutes will constitute approval of Job Order #17326 at a cost of \$219,590) and Library Board of September 11, 2007. All Ayes

**Motion carried**

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

**CC07-299** Motion by Siegler, second by Kraus to approve the minutes of the Electrical Board of September 5, 2007; Business Improvement District Board of September 10, 2007; Industrial Park Authority of September 11, 2007 and Plan Commission of September 18, 2007. All Ayes

**Motion carried**

### **MINUTES OF COUNCIL COMMITTEES**

**CC07-300** Motion by Feirer, second by Spiros to approve the minutes of the Committee on Aging of September 6, 2007. All Ayes

**Motion carried**

**CC07-301** Motion by Wagner, second by Spiros to approve the minutes of the Sustainable Marshfield Committee of September 11, 2007. All Ayes

**Motion carried**

**CC07-302** Motion by Buttke, second by Hendler to approve the minutes of the Parks, Recreation and Forestry Committee of September 13, 2007. All Ayes

**Motion carried**

**CC07-303** Motion by Wagner, second by Feirer to approve the minutes of the Board of Public Works of September 17, 2007. All Ayes

**Motion carried**

**CC07-304** Motion by Hendler, second by Kraus to approve the minutes of the Finance, Budget and Personnel Committee of September 18, 2007. All Ayes

**Motion carried**

**CC07-305** Motion by Feddick, second by Wagner to approve the minutes of the Judiciary, License and Cemetery Committee of September 18, 2007. All Ayes  
**Motion carried**

**CC07-306** Motion by Feddick, second by Hansen to approve the minutes of the Airport Committee of September 20, 2007. All Ayes  
**Motion carried**

**CC07-307** Motion by Krueger, second by Hansen to approve the minutes of the Board of Public Works special meeting of September 25, 2007 as read. All Ayes  
**Motion carried**

### **MINUTES OF COMMUNITY ASSOCIATIONS**

**CC07-308** Motion by Feddick, second by Hendler to receive and place on file the minutes of the Central Wisconsin State Fair Board of August 20, 2007. All Ayes  
**Motion carried**

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

**CC07-309** Motion by Wagner, second by Hendler to place this item on the April 2008 ballot as a binding referendum.

Aldersperson Wagner explained that he has listened to both sides of the issue. He has some reservations about the ordinance as it is written and some reservations about how far the city should go in protecting the public health. The bottom line is the Common Council is here to serve the wishes of the people who elected them. The only way he is going to know what the true representations are, is if the people tell him so in a secret ballot in a place where the normally vote.

Aldersperson Buttke's stance on this is to let the State decide this issue. Give them a chance to do this and if they didn't do it in a reasonable amount of time than to put it on as a referendum. The motion made by Aldersperson Wagner would give the State time to act on this issue so he will support the motion. The problem he has with the ordinance is that it would allow 25% of the hotels to have smoking rooms. It should be all or nothing.

Attorney Hutchinson explained that the ordinance before the Common Council is essentially what is pending before the State right now except for some minor language changes to conform to city issues.

Aldersperson Hendler said that the State has not demonstrated their intestinal fortitude to take the initiative on this and they have always placed it on the communities. By taking it to resolution it will have all the people voting on it and not just ten people. He is not skirting his responsibility. He will make a hard decision if he needs to but this is the fair thing to do. To level the playing field for all parties involved. If the State doesn't do it we will do it ourselves but we will all do it.

Aldersperson Kraus responded that the reason they are allowing 25% of the hotels to have smoking rooms is because those are considered temporary lodging facilities or temporary homes. The forethought that Aldersperson Wagner put into his motion is justified in the fact that hopefully that by March this will have come to some end game at the State, either positive or negative. If in fact it does pass at the State then our referendum is no longer needed.

Aldersperson Feirer had quite a few phone conversations with businesses and citizens. The referendum never came up as an option. The only person that he ever had any dialogue with on that would be the guy that was doing the survey for the Clinic and he said that he could live with the referendum. For the sake of all the people he has spoken to he is going to vote against this. The referendum was never an issue and they wanted him to vote yes or no.

Vote on motion **CC07-309**; Feirer and Hansen voted Naye, Rest Aye.

**Motion carried**

Second reading of Ordinance No. 1111, amending Chapter 17, Electrical Code of the Municipal Code.

**CC07-310** Motion by Buttke, second by Krueger to approve Ordinance No. 1111.

Aldersperson Hendler said that this particular ordinance will take some policies that were there and we are now trying to structure them into a formal format. It enhances the electrical ordinance considerably. If we had this particular structure, he can envision especially for people within his district where there are a lot of homes that are built prior to the 1960's that if anything goes wrong in these particular homes and we had this very enhanced ordinance in place and anytime that work was required these folks are going to be visited by an inspector and those that have the old services are going to be required to upgrade. Many of the folks that are in his district are on fixed incomes or their young families and their economically challenged. These things range from anywhere from \$1300 to \$2300. Do we really want to have something this restrictive that places an unnecessary burden perhaps on some of these folks?

Building Inspector Roland Donath responded that they are not changing anything. What they are telling people is that if the Electrical Inspector has to make an inspection on a job because the Marshfield Utility tells them to because of their rules, a fee is charged. But what is being done with the ordinance is they are structuring it into the fee structure. They have always done this. These are user fees. The person that uses the service should pay for it. The building code, the electrical code and the plumbing code are structured that way.

Electrical Inspector Dick Pokorny said that this is not a rush out and tell everybody that they need to change their service. In the market of selling houses and everything else, you can't sell a house that only has 60 amps. The State has a minimum of 100 amps for new construction and the Utility has in their rule book a 100 amp minimum service. If there is a problem than they have to meet the minimum requirements. Right now all of these other houses are not having problems so they are grandfathered in. But if they make any changes, than they have to meet this ordinance. When they do make changes, they will have a safer house.

Vote on motion **CC07-310**; Feddick and Hendler voted Naye, Rest Aye.

**Motion carried**

First reading of Ordinance No. 1115, amending sewer service charges and amending provisions regarding holding tank service charges, portable toilet waste, and septic tank waste.

**CC07-311** Motion by Hendler, second by Feddick to approve Resolution No. 2007-33, adopting the 2008 Operating Plan for the Downtown Marshfield Business Improvement District.

Administrator Brehm made a correction to the Resolution to show that the generating assessments totaling \$65,000 should be \$66,000.

Aldersperson Kraus said that he was going to abstain from voting because he is the President of the Main Street Board and the acting interim Executive Director.

Vote on motion **CC07-311 as amended**; Kraus abstained, rest Aye.

**Motion carried**

**CC07-312** Motion by Feddick, second by Hendler to approve Resolution No. 2007-35, adopting an ambulance rate schedule to be effective January 1, 2008. All Ayes

**Motion carried**

**CC07-313** Motion by Buttke, second by Spiros to approve Resolution No. 2007-36, implementing a revised rental rate schedule for the Vehicle/Equipment Internal Service Fund effective January 1, 2008. Feddick and Kraus voted Naye, rest Aye.

**Motion carried**

**CC07-314** Motion by Buttke, second by Krueger to approve Resolution No. 2007-37, implementing a revised Wastewater Utility machinery and equipment rental rate schedule effective January 1, 2008. Feddick and Kraus voted Naye, rest Aye.

**Motion carried**

**CC07-315** Motion by Krueger, second by Hansen to approve Budget Resolution No. 17-2007, transferring \$11,000 from a State of Wisconsin Funding Assistance Act 102 grant to the Emergency Services Fund #605 to purchase a PartaCount Universal Fit Test System (for respirator mask testing). All Ayes

**Motion carried**

**CC07-316** Motion by Kraus, second by Wagner to approve Budget Resolution No. 18-2007, transferring \$540 from General Parks Donations to the Parks and Recreation Capital Project Fund. Donation from former Alderman Marty Anderson will be used for Joe and Bernadine Weber's Nature Park improvements. All Ayes

**Motion carried**

**CC07-317** Motion by Siegler, second by Feddick to approve Budget Resolution No. 19-2007, transferring \$3,910 from General Fund Fire Donation (WE Energies donation) to the Fire Protection budget for gas-fired training props at the training center. All Ayes

**Motion carried**

**CC07-318** Motion by Feddick, second by Spiros to approve the appointment of George Holck, 1115 W. Blodgett Street, to the Cable TV Committee to fill the unexpired term of Jack Neumann who has resigned. All Ayes

**Motion carried**

**CC07-319** Motion by Wagner, second by Kraus to hold over until the October 9, 2007 Council meeting the appointment of Mr. Scott Koran, 2500 S. Oak Avenue, to the Convention and Visitors Bureau to fill the unexpired term of Mr. Bill Allen who passed away. All Ayes

**Motion carried**

Motion by Feddick, second by Hansen to adjourn at 8:37 p.m.

**Motion carried**

Deb M. Hall  
City Clerk