JANUARY 22, 2008

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, Tom Buttke and Pete Hendler
ABSENT: John Spiros

The flag was saluted and the pledge given.

The invocation was given by Pastor Daryn Bahn, Christ Lutheran Church.

RECOMMENDATIONS FROM MAYOR
Word to the Wise: The greatest discovery of my generation is that a human being can alter his life by altering his attitudes of mind. Author: William James

CC08-009 Motion by Krueger, second by Hendler to approve the minutes of the Common Council meeting of January 8, 2008. All Ayes
Motion carried

No items were added to the agenda.

PUBLIC COMMENT PERIOD
Melissa Lake, 605 W. 11th Street. She attended the last City Plan Commission meeting because there was a request for a Conditional Use by Montessori Child Care on South Adams Street which abuts her property. She is fine with the daycare going there and she was very satisfied leaving the meeting that all of her concerns were addressed. Then she was informed by the Planning Department last week that instead of the 6' opaque fencing that had been discussed at the meeting that now they were talking about plantings. As an adjoining property owner she has huge concerns about that. She does not want plantings. She asked the Council that when they approve the City Plan minutes that they stipulate that it must by a 6' opaque fence as was discussed at the time.

Gary Gray, 507 W. Park Street. In 3 months there will be a different person sitting in the Mayor's chair and perhaps this is the time to take a look at some of the Council's committees or advisory groups to see if they are working effectively. Perhaps some can be combined or new committees created. Another thing that the Council should take a look at is creating an Economic Development Committee of Council people and also creating a new committee that would take a look at implementing the Comprehensive Plan. It seems like at times there is a lot of duplication with different decisions, for instance, the hiring of personnel. The Council approves a budget with a staff level and then when someone retires or resigns, then it goes to the Finance, Budget and Personnel Committee to get approval and then to the Common Council. Perhaps the Department Heads should have the authority to appoint people that are within the budget requirements. There is also a question regarding a lack of services by that staff person. If it takes 2 or 3 months to get a replacement than city services are not being provided adequately or else that staff person is not really necessary because the level of services are being provided without that staff person being in place. He also suggested changing the Council agendas so that the committee reports are approved at one meeting and that the other meeting could be focused on updates from the city departments. This could be helpful to the Council members during the budget process and perhaps to educate if not the Council members maybe the public.

Kris Cuddie, owner of the Marshfield Children's House of Montessori. She made a request for a Conditional Use permit for the property at 1033 S. Adams Avenue. At the last City Plan Commission meeting they spoke about the fence. She requested that the City look at that specifically because the fence that is there is a very nice fence and it is fairly new. It meets her requirements for licensing of the daycare. To replace that whole fence is not necessary because most of the properties that abut her on the south side already have a privacy fence in place. So the whole play area she does not feel needs to be the opaque fencing. That maybe they could come up with some other alternatives to keep each of the neighbors happy with what is going on in the back yard.

Fire Chief Jim Schmidt presented a plaque and certificate to Mr. Michael Huber on behalf of the city. Mr. Huber began his employment with the City of Marshfield Fire and Rescue Department on May 1, 1979 and will retire as Deputy Fire Chief on January 31, 2008 after over 28 years of service.

City Administrator Brehm recognized Keith Strey, Finance Director, who has been awarded the Certificate of Achievement of Excellence in Financial Reporting by the Government Finance Officers Association.

CITY ADMINISTRATOR'S REPORT
City Administrator Brehm gave a report on the following:

1. 2007 Marshfield Area United Way Fund Drive

MINUTES OF GOVERNING BOARDS AND COMMISSIONS
CC08-010 Motion by Siegler, second by Buttke to receive and place on file the minutes of the Library Board of December 11, 2007; Fire and Police Commission of January 3, 2008 and the Marshfield Utility Commission of January 14, 2008 (approval of the minutes will constitute approval of Job Order #17345 at a cost of $29,204). All Ayes
Motion carried

MINUTES OF ADVISORY BOARDS, COMMISSIONS AND COMMITTEES
CC08-011 Motion by Siegler, second by Feirer to approve the minutes of the Industrial Park Authority of January 3, 2008 and Plan Commission of January 15, 2008.

Alderperson Buttke commented that he is going to go along with the recommendations from the City Plan Commission. If there is anything anyone would like different than this is the time to speak so that they can send it back to the Plan Commission to get it worked out. As he understands it the Conditional Use permit is approved with the opaque 6' fence.

Planner/Zoning Administrator Curtiss explained that there are standards for certain land uses listed within the zoning ordinance and daycare centers are one of those. Specifically one of the requirements is that daycare centers provide visual screening, the rear and side yard shall be required to be visually screened to a height of 6'. Then if you go to the code definition of what is a visual screening that is specifically defined as meaning a permanent fence or wall which permits no view into the area to be screened or plantings or vegetation which permit no view into the area to be screened. Then if you look further into the code regarding screening provisions, it talks about landscape berms and planting areas that these may be substituted for obscuring walls or fences when approved by the Administrator. It is an option but it was

conditioned specifically for a fence. She did mention to the petitioner that unless it was brought up at Plan Commission and specifically asked for that option that the only other opportunity to ask would be to come to Council and ask for that to be amended or referred back for that option to be considered.

Mayor Meyers said that as it came out of the Plan Commission it was for a 6' high opaque fence. If there is any question about that, he would recommend that they send it back to the Plan Commission.

Vote on motion **CC08-011**; Hendler voted Naye, rest Aye.
Motion carried

MINUTES OF COUNCIL COMMITTEES
CC08-012 Motion by Feirer, second by Feddick to approve the minutes of the Committee on Aging of January 3, 2008. All Ayes
Motion carried

CC08-013 Motion by Wagner, second by Feirer to approve the minutes of the Board of Public Works of January 14, 2008. All Ayes
Motion carried

CC08-014 Motion by Feddick, second by Buttke to approve the minutes of the Finance, Budget and Personnel Committee of January 15, 2008. All Ayes
Motion carried

CC08-015 Motion by Feddick, second by Wagner to approve the minutes of the Judiciary, License and Cemetery Committee of January 15, 2008. All Ayes
Motion carried

CC08-016 Motion by Buttke, second by Feirer to approve the minutes of the Parks, Recreation and Forestry Committee of January 16, 2008. All Ayes
Motion carried

CC08-017 Motion by Feddick, second by Wagner to approve the minutes of the Airport Committee of January 17, 2008. All Ayes
Motion carried

MINUTES OF COMMUNITY ASSOCIATIONS
CC08-018 Motion by Feddick, second by Siegler to receive and place on file the minutes of the Central Wisconsin State Fair Board of December 17, 2007. All Ayes
Motion carried

Second reading of Ordinance No. 1121, rezoning from "B-4" General Commercial District to "R-5" (Medium Low Density – Single and Two-Family) Residential District on 5 parcels of land located on the south side of East Veterans Parkway, between South Peach and South Washington Avenues; and more specifically identified by the following parcel numbers: Parcel 3301563, 3301564, part of 3302263A, 3302263B, and 3300172.

CC08-019 Motion by Wagner, second by Buttke to approve Ordinance No. 1121. All Ayes
Motion carried

Second reading of Ordinance No. 1122, rezoning from "M-3" General Industrial District to "B-1" Neighborhood Business District on an approximate 1.8-acre parcel of land, located on the south side of East Veterans Parkway, east side of South Palmetto Avenue; more specifically identified by the following parcel number: 3302260A.

CC08-020 Motion by Feddick, second by Siegler to approve Ordinance No. 1122. All Ayes
Motion carried

First reading of Ordinance No. 1123, attaching certain lands from the Town of Marshfield, Wood County to the City of Marshfield, Wisconsin and establishing zoning as 'M-3' General Industrial District.

CC08-021 Motion by Kraus, second by Feddick to approve the recommendation from the Judiciary, License and Cemetery Committee concerning wording for the smoking referendum.

> *"Should the Common Council of the City of Marshfield, Wisconsin, prohibit smoking in indoor places including any indoor place that is a place of employment or that is open to the public or to which members of the public may be invited or have lawful access, but does not apply to a private residence, a room used by a person in a retirement home as a private residence or a room in a lodging establishment that has been designated as a room where smoking is allowed?"*

Feirer voted Naye, rest Aye.
Motion carried

Director of Public Works Knoeck presented information regarding the Industrial Park Authority's recommendation that East 29th Street reconstruction be advanced to 2008 in exchange for Phase I of the Industrial Park. Phase I would then be delayed to 2009.

There is no recommendation at this time. In order for this swap to take place a budget resolution would have to be approved. At this point, he would suggest that a budget resolution be considered at the next Council meeting on February 12, 2008 and he would have the detail on that budget resolution at that time.

Alderperson Wagner said that he has problems about the process and procedure here. The priorities on Yellowstone seem to be changing as we go along. This project that he is asking them to do is not the same project that was turned down in the budget request last November and December. This road is much longer. If this is such a high priority, it should go back through the CIP process and be approved as a budgeted process. He doesn't like the process of going in the middle of the year and doing a budget resolution to change something that we said no to and now it is a much bigger project and it is a moving target of priorities and now you want to change something that you did get, Phase I, and use that money some where else.

CC08-022 Motion by Wagner, second by Hendler to consider this in the 2009 budget.

Alderperson Buttke asked if they can even do this because this was suppose to be for information only. There was no action scheduled for this.

Attorney Wolfgram responded that he would be a little bit concerned because of the fact that it was listed as informational only. The idea was that at some point in time a request for a budget resolution may be proposed to the Council so we are doing something a little bit different than what was identified at least in regard to the agenda. The appropriate thing to do is maybe entertain a motion to put it on the agenda to do what his motion is proposing now for next week. One of the problems is that at any point somebody can bring something and ask it to be put onto the agenda but what we are talking about here is something that wasn't noticed up.

Alderperson Wagner said that he was not going to withdraw his motion.

Alderperson Feddick disagreed with Attorney Wolfgram. The open meetings law was properly followed because the issue is put on the agenda. Thereby making it open for the public, open for any meeting, anybody can figure out what the Council might or might not do on that. Just because the recommended action says that we can only consider it or we can only do this or that, it doesn't mean that we have to. She would feel comfortable in going forward. Even if we have to make a motion to suspend the rules and vote on it or something else perhaps that might be more feasible to you but she doesn't feel that it is necessary either. Whatever recommended action they decide to do as a Council, they can do as long as there is an issue on the agenda.

She is concerned about subverting the CIP and Budget process after having the streets and the Industrial Park in the CIP to be brought into the budget to now subvert all of that and say that we are going to do it a different way. She doesn't see the necessity to do it immediately and doesn't see why it can't be done in the next budget cycle which is when it is slated to be done.

Alderperson Siegler stated that in the CIP process the reconstruction of Yellowstone Drive was scheduled for 2009. It was this summer that the Industrial Park Authority made the recommendation to include that for the 2008 budget. It was added to the preliminary budget and then thus removed. Back when we approved the CIP which was April of 2007, this road was scheduled for 2009. It seems like it is constantly changing.

Mayor Meyers responded that it is not unusual to have a project move around in the CIP. He can speak for some of the members on the IPA (Industrial Park Authority) for the rationale here. If you look at the project for the way it is being proposed by the IPA, it is done for a reason and it is done logically. The south street going off of E. 29th Street, which we refer to as Phase I, has gone through a lot of discussion over the last couple of years. To where at one point it included the entire loop through that south portion of land. The discussions in the last couple of years, the IPA and the Council itself concurred with it that the loop not be put in. That was originally all part of Phase I, II and III. Phase I will serve no practical purpose immediately. Where as Dan pointed out to you, moving the intersection of E. 29th Street 300' away from the parkway is a logical move. For safety reasons and it is also for stacking of vehicles. There is development in the fact that the USDA is building a state of the art facility in what is considered part of Yellowstone Industrial Park. More recently the Council has seemed to change direction somewhat since the budget was approved or disapproved,

whichever way you look at it, with the development and inclusion of the 40 acres just north of Yellowstone and the 60 acres of Norwood Industrial Park. Those weren't originally planned for Yellowstone Industrial Park. The planned development was for everything south of Yellowstone Drive. So things are changing and we are trying to change with developments that are taking place. There is no other reason to consider changing this Phase I for the E. 29th Street redevelopment than for logical reasons.

Alderperson Hendler said that nothing has really changed here. The problem is that this particular item was discussed during the budget process and this is a way to back this project back on the table. This is not the way to go about it. We have a situation here where we tried to save the taxpayer some dollars and we did that. He has always attempted to live up to his obligations to represent the citizens of this community. He is not against economic development, in fact he supports it. But he has not seen any major clamoring for space in that particular area.

CC08-023 Motion by Kraus, second by Wagner to call the question. Feirer and Siegler voted Naye, rest Aye.
Motion carried

Vote on motion **CC08-022**; Feirer, Siegler, Krueger and Buttke voted Naye, rest Aye.
Motion carried

Aaron Staab, Industrial Park Authority Committee member, stated that at their January meeting, it was brought up about the E. 29th Street project being delayed until 2009 or beyond for construction and what we would be doing is a project within the industrial park. They looked at what the purpose was of having this road if you don't have any access to it with trucks. That is where they started to establish what the priority is; getting the road in so that you can get trucks in so that you can show the potential customers that you have access to this property that they would like to look at and intend to buy. There was a lot more advantage to putting the E. 29th Street improvements in versus building an interior road that probably might not serve a customer for quite some time beyond what customers would be served on E. 29th. Mainly the users today with the new USDA project that is going to open this Spring, there would be a lot more benefit. That is why the Industrial Park Authority Committee made a recommendation to switch the projects. It made a lot of common sense to do that and that is why they brought this forward. They thought it would be better use of the taxpayers money.

Alderperson Kraus commented that the democratic process has been followed. He feels very strongly that this Council acted tonight the way that they felt they needed to act. Staff takes direction from the Council and if the Council tells staff that they don't want this on the next agenda then it shouldn't be on the next agenda. He is wondering why, after the decision was made with the number of Council members present, we are second guessing again. It would be his recommendation that staff not put this on the next agenda. The IPA needs to act on behalf of the IPA. That's what they are there for and nobody is questioning that. But in the end, the Council has dollar things to worry about and not necessarily just industrial park. We have a lot of other things to take into consideration so when we come up with what our final decision is we have to learn to live with it instead of trying to second guess it after the fact.

Alderperson Wagner would like the agendas printed without any recommendations. He would like to see the agendas printed with just the item on it and with the notice that the Council may take action as they see fit on any of these items. If a staff member wants to stand and make a recommendation to the Council on a particular item that is fine.

Motion by Wagner, second by Siegler to adjourn at 8:12 p.m.
Motion carried

Deb M. Hall
City Clerk