

APRIL 8, 2008

PUBLIC HEARING: Called to order by Mayor Meyers at 6:45 p.m., in the Council Chambers, City Hall Plaza regarding Street Improvement Projects and Proposed Special Assessments.

Project No. 1882 – Western Street – St. Joseph to Wood - Street Reconstruction

Project No. 1888 – Western Street – St. Joseph to Wood – Sanitary Sewer Reconstruction

Project No. 1950 – Western Street – St. Joseph to Wood – Sidewalk

Project No. 6716 – Western Street – St. Joseph to Wood - Storm Sewer

FOR: No One

AGAINST: No One

The public hearing closed at 6:47 p.m.

PUBLIC HEARING: Called to order by Mayor Meyers at 6:48 p.m., in the Council Chambers, City Hall Plaza regarding Street Improvement Projects and Proposed Special Assessments.

Project No. 1944 – Alley bounded by Central Avenue to the east and Chestnut Avenue to the west and further bounded by West 4th Street to the north and West 3rd Street to the south – Street Reconstruction.

FOR: No One

AGAINST: No One

The public hearing closed at 6:50 p.m.

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, Ed Wagner, Josh Hansen, Donald Krueger, Tom Buttke and Pete Hendler.

ABSENT: Tim Kraus and John Spiros

The flag was saluted and the pledge given.

Invocation was given by Rev. Verne Walter, St. Alban's Episcopal Church.

RECOMMENDATIONS FROM MAYOR

Word to the Wise: Often, the best thing about not saying anything is that it can't be repeated.

Author: Suzan Weiner

History teaches us that men and nations behave wisely once they have exhausted all other alternatives. Author: Abba Eban

One out of four people in this country are mentally imbalanced, think of your three closest friends and if they seem OK then you're the one. Author: Ann Landers

CC08-106 Motion by Siegler, second by Feirer to approve the minutes of the Common Council meeting of March 25, 2008. All Ayes
Motion carried

No items were added to the agenda.

PUBLIC COMMENT PERIOD

Gary Gray of 507 Park Street. He commented on the Capital Improvement Program. Broadcasting the meetings was a good idea. It gave the public an opportunity to see what was going on. But there is one aspect that needs to be changed. Project numbers were discussed but unless you were really familiar with those projects it went over your head. He suggested having the proposed CIP on the city's web site or at the Library so people who are interested in looking at it would have access to it. He sent his best wishes to Mayor Meyers on his future endeavors.

Bob Rennells of 1210 E. 18th Street. He was representing the Marshfield Elks. They requested that the Common Council consider making them exempt from the smoking ban. They are a 107 year old private organization that is never opened to the public.

Tom Cooper of 619 N. Plum. He spoke about Ordinance 1108, prohibiting smoking in indoor places. The referendum states whether the Council should consider this referendum. This is not mandatory language, it is voluntary language. He urged the Council to not consider implementation of this ordinance until the State has acted.

Dave Wille of 512 S. Cypress. He is part of Breathe-Free Marshfield. The binding referendum that was passed over-whelmingly by a 2 to 1 margin voted to make Marshfield smoke-free. This was a clear mandate and it was binding. They expect implementation to begin in a timely manner and for it to be done in the month of April. They also expect that smoking shacks should not be allowed under the terms of the ordinance.

Alderperson Krueger presented Mayor Meyers with a plaque and gift certificate. He thanked the Mayor for his service to the City of Marshfield.

First reading of Ordinance No. 1126, amending the definition of temporary housing and amending Section 15-53 (2) of the city's municipal code to permit temporary housing in a mobile home district.

CC08-107 Motion by Buttke, second by Hendler to suspend the rules and vote on Ordinance No. 1126. Wagner voted Naye, rest Aye.
Motion carried

CC08-108 Motion by Buttke, second by Hendler to approve Ordinance No. 1126. Wagner voted Naye, rest Aye.
Motion carried

MINUTES OF ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

CC08-109 Motion by Wagner, second by Hendler to approve the minutes of the Convention and Visitors Bureau of February 26, 2008 and March 17, 2008 and the Industrial Park Authority of April 3, 2008. All Ayes

Motion carried

MINUTES OF COUNCIL COMMITTEES

CC08-110 Motion by Wagner, second by Hansen to approve the minutes of the Cable TV Committee of February 25, 2008. All Ayes

Motion carried

CC08-111 Motion by Buttke, second by Hansen to approve the minutes of the Parks, Recreation and Forestry Committee of March 20, 2008. All Ayes

Motion carried

CC08-112 Motion by Feddick, second by Siegler to approve the minutes of the Airport Committee of March 20, 2008. All Ayes

Motion carried

CC08-113 Motion by Feirer, second by Siegler to approve the minutes of the Board of Public Works/Plan Commission special meeting of March 24, 2008. All Ayes

Motion carried

CC08-114 Motion by Hansen, second by Wagner to approve the minutes of the Board of Public Works of March 31, 2008. All Ayes

Motion carried

CC08-115 Motion by Siegler, second by Feddick to approve the minutes of the Finance, Budget and Personnel Committee of April 1, 2008. All Ayes

Motion carried

CC08-116 Motion by Wagner, second by Hansen to approve the minutes of the Judiciary, License and Cemetery Committee of April 1, 2008. All Ayes

Motion carried

MINUTES OF COMMUNITY ASSOCIATIONS

CC08-117 Motion by Hendler, second by Siegler to receive and place on file the minutes of Main Street Marshfield of March 5, 2008. All Ayes

Motion carried

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

Attorney Wolfgram explained that this ordinance was sent to referendum. Back when this was before the Council previously, the motion had been made to place it on the April 2008 ballot as a binding referendum. That language and at least the intent would have been that this would be expected to be binding as far as the referendum is concerned. The recommended action would be to approve the ordinance. It is incumbent of the Council to move ahead with the indication by the referendum.

CC08-118 Motion by Siegler, second by Buttke to approve Ordinance No. 1108.

The question was raised regarding smoking shacks.

Attorney Wolfgram responded that there has been some suggestion that is there an exception by placing a shack off of the main premises which would allow for smoking. He feels that the ordinance is addressing that under item #14. It is basically an enclosure that either has employees working within that enclosure or you have members of the public that are invited there or can gain lawful entry. His interpretation would be that you can not set up a separate shack to allow smoking. The question really comes down to one of definition of indoor. As with any ordinance there is going to be some amount of discretion that needs to be exercised in regards to defining that. Basically indoors will be interpreted that you have some type of enclosure. He has looked at a couple of different ordinances that have been passed by other communities and did a fair amount of research in regard to the question of what is intended by that particular language. Our language says indoor. His first concern about messing around with the language is that we submitted it to a binding referendum and that language was also mirrored in that binding referendum. We would be a little hard pressed to try and say that the idea was that we were going to deal with the language of indoor. He also thinks that while you could define this in other ways, the idea of indoor would typically mean that you are talking about inside an enclosure that is at least four walls and a roof. We would be hard pressed to start saying that a lean-to, awning, or a deck is going to be other than that. Trying to construe any type of legislation to try and say that we are going to make an air tight definition on something is something that we are probably just still grasping at air to try to do.

Building Inspector Donath stated that they have been receiving many questions as to what is allowed. He didn't have any defined answers for people when he first started looking at the ordinance. One thing that he did find strange is that there is no definition of an indoor place or space. He started doing some research on some of the other ordinances that municipalities have passed. He obtained ordinances from Appleton, Madison, Eau Claire and Anchorage, AK. In those ordinances there were definitions of what an enclosed area is. They were almost identical in those definitions. What they stated was, it is an area defined as being between a floor, ceiling and four enclosing walls, excluding windows and doors. That would be his first inclination in stating what an enclosed space is. There are some things out there that are not totally enclosed. Everybody should know, at least from his point of view as Building Inspector, if it is an administrative decision on his part what that would include or not include. There is no question that smoking is not allowed inside of a building. But there are some places out there that may not be covered, for example the Curling Club beer garden at the fairgrounds. His interpretation under the ordinance as it is written is that this would not be an enclosed place. He also feels that the American Legion and Lions Club beer stands that are at the fairgrounds would not be included in this because they have an open area. There may be some things out there that are not covered by this ordinance.

CC08-119 Motion by Feirer, second by Wagner to call for the question. All Ayes
Motion carried

Vote on motion **CC08-118**; Hansen voted Naye, rest Aye.
Motion carried

CC08-120 Motion by Hendler, second by Buttke to approve Final Resolution No. 2008-08, in the matter of Improvement Projects No. 1882, 1888, 1950 & 6716 – Western Street (St. Joseph Avenue to Wood Avenue) - Construction of Portland Concrete Curb & Gutter, Sidewalk, Drive Aprons, Asphalt Pavement, Sanitary Sewer Main & Service Laterals, Storm Sewer Trunk & Service Laterals and Watermain & Service Laterals. All Ayes

Motion carried

CC08-121 Motion by Krueger, second by Siegler to approve Final Resolution No. 2008-12, in the matter of Improvement Project No. 1944 – Alley bounded by Central/Chestnut Avenues and bounded by 3rd/4th Streets – Construction of Portland Concrete Pavement, Sanitary Sewer Main & Service Laterals, and Storm Sewer Trunk & Service Laterals. All Ayes

Motion carried

CC08-122 Motion by Wagner, second by Feirer to approve Budget Resolution No. 03-2008, transferring \$1,600 from Contingency to City Hall Remodeling for cable access wiring in the first floor meeting room of City Hall Plaza. All Ayes

Motion carried

CC08-123 Motion by Hendler, second by Buttke to approve Budget Resolution No. 04-2008, transferring \$29,500 from two projects to the asphalt paving program. All Ayes

Motion carried

CC08-124 Motion by Wagner, second by Feirer to approve the Board of Public Works motion to move Lincoln Avenue up from 2010 to 2009 and to move East 29th Street back from 2009 to 2010. All Ayes

Motion carried

CC08-125 Motion by Wagner, second by Hendler to approve the 2008-2012 Capital Improvement Program as amended. Feddick voted Naye, rest Aye.

Motion carried

Mayor Meyers highlighted some of the projects that had taken place over the last six years:

- Hotel/Conference Center
- Pick 'n Save
- Several other businesses invested in newer buildings in and around downtown, including Marshfield Savings Banks, Kwik Trip and the completion of the historic Thomas House renovation.
- Veteran's Parkway
- Improved the parking lot in the 100 block of S. Maple Avenue.
- Installed infrastructure in the Mill Creek Business Park which had much to do with several businesses locating in that area.
- Combined Dispatch Center
- Public Fire Protection Charges were taken off the tax bill and are now charged to each water meter for that service.

He thanked the many citizens who had supported him over the years. He thanked city staff for being responsive to his many requests and for taking care of concerns from citizens as he directed them to each particular department. He thanked Administrator Brehm. The decision to promote Mike to that position several years ago has proven to be a good one as he continues to run the city departmental operations for the city council utilizing his many skills and experiences to run the city efficiently. He thanked his family for always supporting and encouraging him.

Alderpersion Siegler thanked the community and the citizens of District 3 for the opportunity to serve them. The last two years has been rather fun and educational. She wished her predecessor, Dave LaFontaine, the best of luck. She also thanked city staff, council members and Mayor Meyers for their words of wisdom and spirited discussions. It has been a pleasure working with everyone.

Motion by Siegler, second by Feirer to adjourn at 8:28 p.m. All Ayes

Motion carried

Deb M. Hall
City Clerk