

DECEMBER 9, 2008

Regular meeting of the Common Council was called to order by Mayor Meyer at 7:00 p.m., in the Council Chambers, City Hall Plaza.

PRESENT: Michael Feirer, Alanna Feddick, Dave LaFontaine, Scott Noble, Ed Wagner, Josh Hansen, Donald Krueger, John Spiros, Tom Buttke and Pete Hendler.

ABSENT: None

The flag was saluted and the pledge given.

Invocation was given by Father Peter Manickam, Sacred Heart Catholic Church.

CC08-461 Motion by Buttke, second by Hansen to approve the minutes of the Common Council meeting of November 25, 2008. All Ayes

Motion carried

No items were added to the agenda.

PUBLIC COMMENT PERIOD

Barry Truskowski of 1600 Devine Drive. His property is adjacent to Christ Lutheran Church. In the last 2-3 years, there has been plowing of that church property at 2:30 a.m. The church contracts with Trierweiler Construction for plowing of their parking lot. He has contacted both the church and Trierweiler Construction to see if they could plow at a different time. Nothing has changed. The noise keeps them awake at night. When he looked at Marshfield City Code section 10-33, it looks clear to him that plowing should not occur at that hour of night.

The Mayor said that he will talk to the Police Chief and City Administrator and look at what the ordinance says. Maybe at a future Council meeting they can discuss whether the ordinance is not being interpreted properly and needs to be revised or if it is being interpreted properly and this is acceptable.

Aldersperson Wagner said that this needs to be addressed. He told the Mayor that he would like to be part of the discussion when he puts a meeting together.

Chief Stroik said that based on conversations with Aldersperson Wagner, he contacted Scott from Trierweiler's and expressed their concerns. Based on history, their interpretation and the city attorney's interpretation, is that under the exemptions, snow plowing operations would be exempt. It does not specify city versus private. Scott was amenable and he was going to try and make some changes in the operation. He mentioned possibly waiting with that particular lot until 5:00 a.m. This does need to be addressed.

Police Chief Stroik and Officer Scott Schlei introduced Police K-9 Gunnee who is replacing K-9 Dora. K-9 Dora was recognized for her 7 ½ years of service with the City of Marshfield.

CC08-462 Motion by Hendler, second by Spiros to approve Resolution No. 2008-55, a Resolution awarding the sale of \$35,330,000 Electric System Revenue Bond Anticipation Notes, Series 2008C.

All Ayes

Motion carried

MINUTES OF GOVERNING BOARDS AND COMMISSIONS

CC08-463 Motion by Feddick, second by Hansen to receive and place on file the minutes of the Community Development Authority of November 6, 2008; Library Board of November 11, 2008 and Fairgrounds Commission of November 19, 2008. All Ayes

Motion carried

MINUTES OF ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

CC08-464 Motion by Buttke, second by Feddick to approve the minutes of the Industrial Park Authority of November 26, 2008; Historic Preservation Committee of December 1, 2008 and Industrial Park Authority of December 2, 2008. All Ayes

Motion carried

MINUTES OF COUNCIL COMMITTEES

CC08-465 Motion by Wagner, second by Feddick to approve the minutes of the Cable TV Committee of October 27, 2008. All Ayes

Motion carried

CC08-466 Motion by Buttke, second by Feirer to approve the minutes of the Committee on Youth of November 5, 2008. All Ayes

Motion carried

CC08-467 Motion by LaFontaine, second by Hansen to approve the minutes of the Board of Public Works of December 1, 2008. All Ayes

Motion carried

CC08-468 Motion by Spiros, second by Feddick to approve the minutes of the Finance, Budget and Personnel Committee of December 2, 2008. All Ayes

Motion carried

CC08-469 Motion by Feddick, second by Wagner to approve the minutes of the Judiciary, License and Cemetery Committee of December 2, 2008. All Ayes

Motion carried

MINUTES OF COMMUNITY ASSOCIATIONS

CC08-470 Motion by LaFontaine, second by Feirer to receive and place on file the minutes of Main Street Marshfield Board of Directors of November 5, 2008. All Ayes

Motion carried

CC08-471 Motion by Wagner, second by Feirer to receive and place on file the minutes of Joint Plan Commission – City of Marshfield/Town of Cameron Boundary Agreement Plan of November 19, 2008. All Ayes

Motion carried

Second reading of Ordinance No. 1138, adding subsection 2-06 (3) to the City of Marshfield Municipal Code, Procedures for Filling Vacancies.

CC08-472 Motion by Feddick, second by Spiros to approve Ordinance No. 1138. All Ayes

Motion carried

First reading of Ordinance No. 1146, rezoning a parcel at 4th Street and Maple Avenue.

CC08-473 Motion by Feddick, second by Feirer to refer to Plan Commission for a recommendation, Resolution No. 2008-51, vacating and discontinuing East 21st Street from Apple Avenue to Palmetto Avenue. All Ayes

Motion carried

CC08-474 Motion by Spiros, second by LaFontaine to refer to Plan Commission for a recommendation, Resolution No. 2008-52, vacating and discontinuing Bradford Court (west of Adams Avenue). All Ayes

Motion carried

CC08-475 Motion by Feirer, second by Spiros to refer to Plan Commission for a recommendation, Resolution No. 2008-53, vacating and discontinuing the 16-foot wide unopened alley from Omaha Street to Arlington Street (Oak/Severns). All Ayes

Motion carried

CC08-476 Motion by Feddick, second by LaFontaine to refer to Plan Commission for a recommendation, Resolution No. 2008-54, vacating and discontinuing the 16-foot side unopened alley from Arnold Street to Blodgett Street (Ash/Vine). All Ayes

Motion carried

CC08-477 Motion by Feirer, second by Noble to set the date for the second meeting of the Common Council for December 23, 2008. All Ayes

Motion carried

Fire Chief Schmidt updated the Common Council on the SAFER Grant.

On December 3, 2008, he received an email from a representative of FEMA regarding the SAFER grant. He was sent a questionnaire to re-confirm the City's commitment to the process and was requested to provide additional details/updates for the final grant consideration. Though not an official notification of success in the SAFER grant process, it has been his experience that shortly after this type of questionnaire is returned, an official notification of success in the process is typically received by the agency identified in the questionnaire.

Therefore, considering the substantial amount of federal funding (\$650,000.00) that the City will not receive if he responds negatively to the first item on this questionnaire, he felt it was appropriate to ask the Council again whether the City will be participating in this SAFER grant process.

This is not an attempt to circumvent the action taken recently by the Common Council but rather another opportunity to review all the latest facts and potential costs regarding the City's options for this grant.

CC08-478 Motion by LaFontaine, second by Buttke to support the SAFER Grant. Feirer, LaFontaine and Buttke voted Aye; rest Naye.

Motion failed

On October 14, 2008, the Common Council approved Ordinance No. 1139 which allowed the driving of deer from within city limits during Wisconsin recognized gun deer hunts. The Mayor said that he wasn't sure if this would be something that would be taken advantage of by hunters but it certainly was over the Thanksgiving gun deer hunting season. They received a lot of feedback from people. Over 175-200 deer were driven out of the NE greenway. This was great for the deer hunters but the problem became when police officers had to stop traffic on Galvin and McMillan Avenue because all the deer were running across the road. The police officers were concerned about some of the shots that the hunters were taking. This is one of the concerns that they had when this ordinance was approved.

Police Chief Stroik was very supportive of giving this a try. But he stands corrected. He was very disappointed in the operation. It became dangerous. He would be very supportive for this Council to take a vote immediately in the interest of safety and rescind this ordinance.

City Attorney Hutchinson said that procedurally that Council has adopted an ordinance and it has become a law for the City of Marshfield. In order to change that, the Council should adhere to the same procedures. The general rule in municipal law is that an ordinance can not be amended, suspended or repealed by an action of the Common Council that's of lesser dignity which means that they should use an ordinance to repeal an ordinance. However, there is authority for the position that you can do what you want, when you want, on a case-by-case basis. So that leaves the door open.

The Chief asked the City Attorney what the protocol would be for the Common Council to suspend the ability for driving, pursuing, chasing deer within the city limits for one week. His concern is on Thursday hunting starts again and they are going to be faced with the same situation.

The City Attorney responded that you can't suspend an ordinance for a period of time.

CC08-479 Motion by Noble, second by Buttke to rescind Ordinance No. 1139.

Chief Stroik said that he knows that there are emergency rule capabilities with the Mayor's office. In light of an extreme safety situation the Mayor can put into place orders. If this ordinance is going to occur no earlier than Saturday he suggested taking a close look at an emergency order. He is concerned about the safety of the residents in that area.

Attorney Hutchinson commented that the Council is probably taking the only action that they are going to find available to effectively repeal Ordinance No. 1139. As far as the publication, somehow the notice has to be given. The City Clerk will contact the newspaper.

Mayor Meyer suggested **changing the motion to rescind Ordinance No. 1139 and direct the Mayor and City Staff to use whatever means they can to make it effective as soon as possible.** This needs to be enacted immediately for the welfare and safety of the residents of the City of Marshfield.

Aldersperson Noble amended his motion to reflect the changes as stated by the Mayor. Aldersperson Buttke agreed to the amendment.

Vote on motion **CC08-479 as amended**; All Ayes
Motion carried

CC08-480 Motion by LaFontaine, second by Feddick to go into closed session pursuant to Wisconsin Statutes, chapter 19.85 (1)(e) deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Specifically the City Administrator had requested a closed session to discuss purchase of land for Yellowstone Industrial Park. Roll call vote: All Ayes (Time: 8:14 p.m.)

Motion carried

Present in closed session: Alderpersons Feirer, Feddick, LaFontaine, Noble, Wagner, Hansen, Krueger, Spiros, Buttke and Hendler, Administrator Brehm, Mayor Meyer, City Attorney Hutchinson, City Clerk Hall, Director of Planning and Economic Development Angell, Director of Public Works Knoeck, City Engineer Turchi, Finance Director Strey and Marshfield Utility Manager Pacovsky.

CC08-481 Motion by Spiros, second by Buttke to return to open session. Roll call vote: All Ayes. (Time: 8:31 p.m.)

Motion carried

No action was taken in open session regarding the closed session item.

Motion by LaFontaine, second by Hansen to adjourn at 8:32 p.m.

Motion Carried

Deb M. Hall
City Clerk