

JANUARY 27, 2009

PUBLIC HEARING: Called to order by Mayor Meyer at 6:45 p.m., in the Council Chambers, City Hall Plaza regarding:

Resolution No. 2008-51, removing East 21st Street from Apple Avenue to Palmetto Avenue from the Master Street Map, and vacating and discontinuing the south half of East 21st Street from Apple Avenue to 234 feet east.

FOR: None

AGAINST: None

Resolution No. 2008-52, removing Bradford Court from the Master Street Plan, and vacating and discontinuing Bradford Court from North Adams Avenue to 460 feet west.

FOR: James Huegel of 1508 N. Adams Avenue. He requested the vacation of this street. He can foresee Mill's Fleet Farm building their outside storage and warehousing there where people would go to pick up things. If that street is opened they will have a tremendous amount of traffic through there. He has asked different people in the City if there are any other areas within the city where commercial property is accessed via a residential street and he has not found any place in the City where it is that way. He will be very disappointed if this street is opened up for Fleet to use.

AGAINST: Bruce Buxton, Engineer for Mills Fleet Farm and Mills Properties. He spoke on their behalf. A letter was sent to the Council requesting that they not approve the request for vacation. They understand Mr. Huegel's concerns. They do not have any plans formalized at this point in time for what they are going to do. But it is not their intent to provide direct access out to Adams Avenue. There will be plenty of opportunities to discuss their plans when they get ready to submit them. They would appreciate the Council's patience and requested that they postpone this. If their plans don't work out for using that property, this is the only access to that property and they think it should be left there in case they sell it.

Mayor Meyer read the letter that he received from Mills Properties, Inc., signed by Stewart C. Mills, Jr. and Henry C. Mills II, co-owners.

Resolution No. 2008-53, vacating and discontinuing the 16-foot wide unopened alley from the north line of Omaha Street to the south line of Arlington Street.

FOR: None

AGAINST: None

Resolution No. 2008-54, vacating and discontinuing the 16-foot wide unopened alley from the north line of Arnold Street to the south line of Blodgett Street.

FOR: None

AGAINST: None

The public hearing closed at 6:56 p.m.

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 Hendlar.

ABSENT: None

The flag was saluted and the pledge given.

Invocation was given by Pastor Armando Camacho, Seventh-day Adventist Church.

Employee Milestone Recognition

Dominic Poeschel, Police Department February 1, 1989 20 years of service

CC09-016 Motion by Feirer, second by LaFontaine to approve the minutes of the Common Council meeting of January 13, 2008. All Ayes

Motion carried

No items were added to the agenda.

PUBLIC COMMENT PERIOD

Dan Helwig of 1110 S. Locust Avenue. He is not opposed to the Fire Station project but this is a much larger project than was initially anticipated. What are the alternatives at this point? What concerns him is that they have not met one of the major criteria of the fire station and that is the response time issues. We can solve the problem of the downtown having adequate protection but we haven't resolved what the issues are on the outlying areas. He feels that it is time to step back and take a look at this project and ask if they really want to proceed with that large of a downtown station or do you consider two stations starting with the northside station, building that first and then go back downtown. That half of block that is there now might very well be enough property that you can tear down the current station and rebuild it without having to acquire additional property. A study needs to be done to determine what kind of dollars would be spent for that. He believes the referendum was misguided and a lot of people really did not like the way it was put together. Consider possibly another referendum.

Fire Chief Jim Schmidt recognized Firefighter Kyle Pieper for completing his probationary period and then he presented him with his badge.

CITY ADMINISTRATOR REPORT

Administrator Brehm reported on the following:

1. 2008 Marshfield Area United Way Campaign
2. MACCI's Benchmark Reports for October, November and December

MINUTES OF GOVERNING BOARDS AND COMMISSIONS

CC09-017 Motion by Feirer, second by Wagner to receive and place on file the minutes of the Fire and Police Commission of January 8, 2009 and Marshfield Utility Commission of January 21, 2009.

All Ayes

Motion carried

MINUTES OF ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

CC09-018 Motion by Feddick, second by Spiros to approve the minutes of the Electrical Board of January 7, 2009 and Plan Commission of January 20, 2009. All Ayes

Motion carried

MINUTES OF COUNCIL COMMITTEES

CC09-019 Motion by Wagner, second by Feddick to approve the minutes of the Cable TV Committee of December 22, 2008. All Ayes

Motion carried

CC09-020 Motion by Buttke, second by Noble to approve the minutes of the Parks, Recreation and Forestry Committee of January 8, 2009. All Ayes

Motion carried

CC09-021 Motion by Hansen, second by Spiros to approve the minutes of the Airport Committee of January 15, 2009. All Ayes

Motion carried

CC09-022 Motion by Feirer, second by LaFontaine to approve the minutes of the Board of Public Works of January 19, 2009. All Ayes

Motion carried

CC09-023 Motion by Feddick, second by Wagner to approve the minutes of the Finance, Budget and Personnel Committee of January 20, 2009.

CC09-024 Motion by Feddick, second by Spiros to vote on motion FBP09-011 separately. Feirer, LaFontaine and Buttke voted Naye; rest Aye.

Motion carried

FBP09-011 *Motion by Buttke, second by Hendler to approve the reclassification for the position of Information Technology Lead Analyst to C52 from C44.*

Aldersperson Feddick recommended that the IT Lead Analyst position stay at a C44. One of the reasons for the motion is that the money to increase the position to a C52 is not budgeted. It would be best to wait until the next budget cycle. Secondly, she believes that this position fits best within the C44 category because the Building Services Supervisor is banded as a C44 and this position supervises the electrical and plumbing inspectors and this type of position most equates to that position, Building Services Supervisor.

CC09-025 Motion by Feddick, second by Hendler to keep the IT Lead Analyst position banded at a C44.

Aldersperson Feirer said that this is the second time that this position has come before the Job Evaluation Committee and it is the second time that it was banded a C52. No matter how you stack the committee you are going to come back with the same results. The Finance Committee has to make up their mind on what they want and how they want it instead of wasting people's time.

Administrator Brehm said that this is not a decision of whether you like the Decision Band Method or not, it is not a decision of the individual; it is a decision of what policy you have in effect for employees levels of compensation, specifically for these positions. This particular committee has come back with the same recommendation twice in the last of couple of years. The Council needs to base their decision on the merits and the recommendation of that committee. It sends the wrong message to staff and to the committee itself that regardless of what they are going to recommend the Council is not going to support it.

Alderson Buttke has a problem looking at this again because this is the mechanism that they have to use for all non-represented employees. If the Council starts varying from that it is going to be a free for all. You won't have a Decision Band Method anymore because some people are looking at the wage and trying to fit it in by the wage instead of the way it is set up. He supports the recommendation of the Job Evaluation Committee.

Alderson Wagner said that if the Decision Band Method initially rated this position in the D71 category and then the Job Evaluation Committee more or less arbitrarily said that it didn't fit that way, then there is something wrong with the method itself. He has a problem with the makeup of the Job Evaluation Committee. Everything that he has read says that the committee should not consist of people who are actually being compensated by the organization. The reason is that they know the next time the guy they are grading will be grading them. What needs to be done over the next year is to change the construction of the committee so that employees are not rating their peers; they would actually be rated by a committee of elected officials or citizen volunteers. This department is a prime one for the Council to look at in the next budget period for contracting out of these services.

Alderson Spiros helped move this through the Finance Committee but he is concerned about the cost of that position and it not being budgeted for.

Alderson Hendler agreed with Alderson Wagner.

Alderson LaFontaine said that the whole issue is a matter of trust of the staff. As a manager of a private enterprise he always utilized his department heads and various staff for evaluations and pay raises of the people who worked within that.

CC09-026 Motion by Hendler, second by Spiros to call for the question. LaFontaine and Buttke voted Naye; rest Aye.

Motion carried

Vote on motion **CC09-025**; Feirer, LaFontaine, Hansen, Krueger and Buttke voted Naye; Feddick, Noble, Wagner, Spiros and Hendler voted Aye. The Mayor did not vote.

Motion failed

The Mayor suggested sending this back to the Finance, Budget and Personnel Committee for further discussion, not necessarily the Decision Band Method, but looking at fixing whatever problems it is we happen to have.

CC09-027 Motion by Feddick, second by Spiros to send motion FBP09-011 back to the Finance, Budget and Personnel Committee for further consideration. Feirer and LaFontaine voted Naye; rest Aye.

Motion carried

Vote on motion **CC09-023 as amended**; All Ayes

Motion carried

CC09-028 Motion by Feddick, second by Wagner to approve the minutes of the Judiciary, License and Cemetery Committee of January 20, 2009. All Ayes

Motion carried

A Marshfield Strategic Plan update was presented by Scott Larson, Chair of the Communications & Marketing Subcommittee; Jason Angell, Chair of the Economic Development Subcommittee; and Craig Cook, a key-player of the Community Development Subcommittee.

CC09-029 Motion by Wagner, second by Hendler to approve the “Downtown Marshfield Facade Improvement Program Description”, “Façade Improvement Program Application” and approve the six individuals to the “Main Street Design Review Team”. All Ayes

Motion carried

First reading of Ordinance No. 1148, amending Section 2-08, Display of the American Flag.

CC09-030 Motion by Buttke, second by Wagner to approve Resolution No. 2008-51, vacating and discontinuing East 21st Street from Apple Avenue to Palmetto Avenue. All Ayes

Motion carried

Based on the objections that were discussed during the public hearing which were not fully made known at the Plan Commission, Director of Public Works Knoeck recommended that the Council not take action on Resolution No. 2008-52. He suggested two other options 1) table this indefinitely with the expectation that it would come back when Fleet Farm does formalize plans for Bradford Court; or 2) refer it back to the Plan Commission for continued discussion.

CC09-031 Motion by Wagner, second by Hendler to refer Resolution No. 2008-52, vacating and discontinuing Bradford Court (west of Adams Avenue), to the Plan Commission for further discussion. All Ayes

Motion carried

CC09-032 Motion by Spiros, second by Feddick to approve 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

CC09-033 Motion by Buttke, second by Hendler to approve Resolution No. 2008-54, vacating and discontinuing the 16-foot wide unopened alley from Arnold Street to Blodgett Street (Ash/Vine). All Ayes

Motion carried

CC09-034 Motion by Wagner, second by Hendler to approve Resolution No. 2009-04, petitioning the Secretary of Transportation for Airport Improvement Aid (Airport Six Year Plan). All Ayes

Motion carried

City Attorney Hutchinson gave some background information on how the Fire Station referendum came about. The question has been asked as to how long the Fire Station referendum is binding. This was not done as part of Direct Legislation under section 9.20 of Wisconsin Statutes. That provision does have its own answer to the question. He was unable to find a statute or any case law that said how long this referendum would be binding on the Council or City. He had some suggestions. If you borrowed from section 9.20, the fact that the public can vote to do a new referendum at any time, they can change that if they wish. The Council on the other hand is limited to a two year period under section 9.20, meaning that they can not amend or repeal the referendum

within that two years. He used this as a guide. It is not controlling in this circumstance. The Council in his opinion has the flexibility to do other than what the referendum has said. The public has the right to bring back a referendum assuming that they meet deadline requirements. The issue that the Council might weigh in any decision whether they decide to adhere to the referendum has more to do with some form of an implied contract with the public because the Council submitted it to them and said that it would be binding. On the other hand he has found no authority that says that the Council would be bound by it so they would be free to take any approach they wish on this matter.

CC09-035 Motion by Hendler, second by Spiros 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 the purchase of land within the authorized boundaries required for expanding the existing fire station or construction of a new station (fire station site selection). Roll call vote; All Ayes. (Time: 8:45 p.m.)

Motion carried

The closed session item pertaining to the draft developer agreement for the development and expansion of TIF No. 8 was not held.

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, Police Chief Stroik, Fire Chief Schmidt, Fire and Police Commissioner Frankland, Deputy Fire Chief DeGrand and Planning and Zoning Administrator Curtiss.

CC09-036 Motion by Feirer, second by Feddick to return to open session. Roll call vote; All Ayes. (Time: 10:21 p.m.)

Motion carried

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

Motion by Spiros, second by Hansen to adjourn at 10:22 p.m.

Motion Carried

Deb M. Hall
City Clerk