

**FEBRUARY 10, 2009**

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, Tom Buttke and Pete Hendler.

**ABSENT:** John Spiros

The flag was saluted and the pledge given.

Invocation was given by Minister Hardie Logan, Church of Christ of Marshfield.

Employee Milestone Recognition

Jan Michalik, Finance Department

February 13, 1979

30 years of service

**CC09-037** Motion by Hendler, second by LaFontaine to approve the minutes of the Common Council meeting of January 27, 2009. All Ayes

**Motion carried**

No items were added to the agenda.

**PUBLIC COMMENT PERIOD**

Carl Scott of 1002 W. 8<sup>th</sup> Street. The Council has an opportunity to unite the residents of Marshfield. The vast majority of citizens are in favor of an improved fire station. The element that is missing from the preliminary design discussion is the consideration of remodeling and expansion of the existing fire station. We need to have cost data and design for this second option so that the most cost effective design can be selected. He asked the Council to not go forward with the design contract tonight. Ask SEH to return and work on this second option. A new building committee needs to be formed of interested parties so that both options can be reviewed and then presented to the public for discussion. The building could consist of Mayor Meyer, four representatives from the Fire Department, two alderpersons, one at-large citizen member and one member of the immediate neighborhood. We need a transparent design process to build consensus for the funding of this project.

Paul Waterman of 1126 Onstad Dr. He spoke about the fire station issue. He has attended some of the informational meetings and at a couple of the meetings the Mayor asked where the citizens of Marshfield are? Why don't they come to these meetings? He has to agree with the Mayor. Why don't the citizens get involved and why are they not attending meetings either speaking for it or against it. People need to call their alderperson, the Mayor or somebody and tell them how you feel.

**CC09-038** Motion by Hendler, second by Feirer to approve a partnership with the Personal Development Center, Inc (PDC) to secure a Safe Havens: Supervised Visitation and Safe Exchange Grant; authorize staff to participate; and approve the City Administrator, or his designee, as the Project Coordinator for this grant. All Ayes

**Motion carried**

A presentation of the City of Marshfield Health Insurance Utilization for 2008 was given by John Preuss, Account Executive, Mortenson, Matzelle and Meldrum and Dave Scheuer, Health Educator, Security Health Plan, presented the City of Marshfield Wellness program.

**CC09-039** Motion by Buttke, second by Hendler to endorse the City of Marshfield Wellness Program and direct staff to proceed with implementation.

Dave Scheuer said that the data collected through the Biometrics will only be reported back to the employer in an aggregate form. It is not placed into the medical record of the employee.

Alderperson Wagner asked if this information would be used in any risk assessment for figuring out the rates for the next year.

Dave Scheuer responded that this is not associated with that.

Vote on motion **CC09-039**; Feddick voted Naye; rest Aye.

**Motion carried**

**CC09-040** Motion by Buttke, second by Feirer to direct staff to prepare a budget resolution in the amount of \$3,300 for consideration at the February 24, 2009 Common Council meeting, that would allow spouses to participate in the health risk assessment. All Ayes

**Motion carried**

Election of one person to fill the vacant position on the Marshfield Utility Commission with a term ending September 30, 2010. The Mayor received letters of interest from the following persons:

David L. Freeman, 1513 Renee Lane  
Russ Wenzel, 1113 Devine Drive

Mayor Meyer explained that David Freeman has recently purchased a house outside the city limits of Marshfield and is therefore not eligible.

**CC09-041** Motion by Hendler, second by Noble to direct staff to solicit additional applications in the next two weeks for the vacant position on the Marshfield Utility Commission. All Ayes

**Motion carried**

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

**CC09-042** Motion by Feddick, second by Wagner to receive and place on file the minutes of the Zoning Board of Appeals of November 11, 2008; Community Development Authority of January 8, 2009 and Library Board of January 13, 2009. All Ayes

**Motion carried**

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

**CC09-043** Motion by Feirer, second by Buttke to approve the minutes of the Convention and Visitors Bureau of November 18, 2008 and January 21, 2009. All Ayes

**Motion carried**

#### **MINUTES OF COUNCIL COMMITTEES**

**CC09-044** Motion by Wagner, second by Hansen to approve the minutes of the Sustainable Marshfield Committee of January 6, 2009. All Ayes

**Motion carried**

**CC09-045** Motion by Buttke, second by Feddick to approve the minutes of the Committee on Youth of January 7, 2009. All Ayes

**Motion carried**

**CC09-046** Motion by Feirer, second by LaFontaine to approve the minutes of the Board of Public Works of February 2, 2009. All Ayes  
**Motion carried**

**CC09-047** Motion by Hendler, second by Hansen to approve the minutes of the Finance, Budget and Personnel Committee of February 3, 2009. All Ayes  
**Motion carried**

**CC09-048** Motion by Wagner, second by Feddick to approve the minutes of the Judiciary, License and Cemetery Committee of February 10, 2009 as read by the City Clerk. All Ayes  
**Motion carried**

#### **MINUTES OF COMMUNITY ASSOCIATIONS**

**CC09-049** Motion by Feddick, second by LaFontaine to receive and place on file the minutes of the Central Wisconsin State Fair Board of January 5, 2009 and Main Street Marshfield Board of Directors of January 7, 2009. All Ayes  
**Motion carried**

**CC09-050** Motion by Feirer, second by Wagner to receive and place on file the minutes of the Joint Plan Commission – City of Marshfield/Town of Cameron Cooperative Boundary Agreement of January 14, 2009. All Ayes  
**Motion carried**

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

**CC09-051** Motion by Wagner, second by Feirer to approve Ordinance No. 1148.

Aldersperson Hendler felt that this was a fine and noble thing but there are a lot of people in the City of Marshfield that deserve the same but do not get the same because they fall below the radar. Therefore he will not support the ordinance.

Vote on motion **CC09-051**; Hendler voted Naye; rest Aye.  
**Motion carried**

Discussion on Ordinance No. 1141, establishing an Audit Committee for the City of Marshfield.

Ordinance No. 1141 will be placed as a first reading on the next Common Council agenda.

**CC09-052** Motion by LaFontaine, second by Feirer to approve a delay in filling the vacancies in the Plan Commission and Convention and Visitors Bureau until April 2009. All Ayes  
**Motion carried**

City Administrator Brehm reviewed the proposed budget for the fire station. He pointed out that the most difficult part and the one part that is going to change is the cost of land. At this point in time a site has not been finalized. To determine those values for that land is very difficult to do.

**CC09-053** Motion by Buttke, second by LaFontaine to recommend a central fire station and proceed with plans and specifications for a building based on a 26,000 sq.ft. building and SEH's schematic drawings.

Aldersperson Wagner asked if they leave the term schematic drawings in the motion does that mean that it has to be exactly as it is presented in that plan?

Administrator Brehm responded no. Depending upon the site that is ultimately chosen there needs to be some reshuffling around. That is not the final plan but it certainly is very close to the final plan. There's room for adjustments but depending upon the significance of those adjustments you don't want to go through this whole process of 2-3 months of drafting plans ready for bidding and then change some significant aspects of that. Then you would need to go back to the drawing board and redo that based upon the changes. It is his understanding that the point of basing it on that schematic is it gives them the general direction as to how they want to do it. The Council has to feel comfortable with that in their decision tonight.

Vote on motion **CC09-053**; Feddick voted Naye; rest Aye.

**Motion carried**

Administrator Brehm said that it is the City's policy that when you retain firms for professional services and the estimated cost is \$15,000 or more, a request for proposals would be drafted to solicit those proposals. Then you would evaluate them and make a decision as to which particular firm you want to go with. Typically that is based upon experience, your knowledge of working with them in the past and price. But more importantly it is based upon their ability to get the job done. There have been proposals in the past that were not necessarily the lowest but were accepted because of their expertise and familiarity in getting the job done.

Part of the discussion was if there was a Continuation Clause in the contract with SEH which was for \$7,500 to do the study that was just completed. There is no written language in that contract. It was told to all that submitted proposals that if things went well that there might be a chance on continuation of that. SEH indicated at that point in time that the \$7,500 would be an offset. The Common Council has made exceptions to projects like this in the past whereby they approved continuing with the same particular firm because they liked what they saw, they liked the expertise, they liked their knowledge, and it provides that continuity. He recommended approving the proposed contract between the City and SEH and direct appropriate staff to execute the same.

**CC09-054** Motion by Hendler, second by Feirer to approve the contract between the City of Marshfield and SEH as presented and authorize staff to execute the contract.

Aldersperson Wagner said that when he made the recommendation to go for the RFP one of the reasons why he did that was because it would take a certain amount of time to do it and by that time they would have a better handle on what the CIP requirements were and what we wanted to spend and bond for. We could also work on setting a budget on it. It would also give them time to solidify the site that they need or find a site that they need to do it. If the contract is approved than we are approving it without either of those two things actually being in place. He has not heard a compelling reason to abandon the city policy on going out for RFP's.

Alderson Feirer was on the RFP Committee. He looked at all of the RFP's from all of these other companies. When you read through SEH's proposal and you look at what they have done through the years with fire stations and the knowledge they have about fire stations, they were picked far and above anyone else that submitted RFP's. The city can't go wrong by picking them as the architect to do this.

Alderson Buttke has worked with SEH in another community and they are top notch.

Alderson Feddick stated that it would be their due diligence to make sure that they get RFP's and look at it as a Council.

Vote on motion CC09-054; Feddick, Noble and Wagner voted Naye; rest Aye.

**Motion carried**

Steve Gausman from Short, Elliott Hendrickson, Inc. (SEH) explained that in Wisconsin, municipalities are governed by State Statutes that basically say that you have to competitively bid 100% of the work. Whether you put it out on the street as a "Traditional Hard Bid" or a "Construction Manager (CM)" version, you would accomplish that. 100% of the construction work would be bid and it would be bid competitively. There are a number of pros and cons when you take a look at these delivery systems. One of the reasons a CM has come on so strong is there is one entity within the State of Wisconsin and that is public school systems. Public school systems have the ability under state law to negotiate with a general contractor or a CM. It is far and away the most favored way to build public schools today is to negotiate with the general contractor. With the CM approach you are basically taking the management of your project, pulling the management out of a general contractor price, bringing that management into your camp for a fee and that manager represents you. The manager has no ability to make additional money through change orders. He has no ability to better himself other than to provide you with the best quality building that you have. What do CM's cost? If you put out an RFP you are going to get proposals that will be any where from 2% - 6% with any number of different combinations of reimbursables. When the sun sets on the project, his experience has been that we will probably be around the 6% range. That is on top of the bid prices. If you put it out on the street with a general contractor, that 6%, that management portion of that project is buried in the lump sum fee that you get from the general contractor. The time and effort to manage the project is in that fee. You're just not privy to it. General contractors are very protective of their bidding methods and their livelihood depends on it. Whether it costs money or saves money is an open debate. Putting plans and specs out on the street in a hard bid scenario is at best a crap shoot with who you are going to get for a general contractor. With the CM approach you have the luxury of interviewing and looking at and talking to past clients of how they actually managed their work. The CM firms that he has worked with are 100% transparent. Every nickel is accounted for.

Alderson LaFontaine managed a civil engineering firm. They did not get into construction management. They managed the construction projects that they designed and there was an additional fee. The fee for a typical street project or highway project could go from 15% - 25% of the cost of that project. The more costly the project was the lower the fee was because you had basically a baseline. From a construction management, he echoes Mr. Gausman's comments that there are pros and cons. When the committee met to review these things, he felt that they needed an owner's representative there during critical parts of the construction. He was concerned that the architect was limiting his visits to one visit per month. That is not adequate when you have concrete pours going on and other critical work going on. We need somebody there observing.

When Alderperson Hendler worked at the University he was involved in a \$6.2 million dollar project. They hired a construction manager for the project. They saw the necessity and the value of that. This individual spent an enormous amount of time on the site. He was there when they needed him. He was there to avoid potential problems and they lived within their budget. He highly recommends construction managers.

**CC09-055** Motion by Wagner, second by Hendler to approve retaining a construction manager for this project and direct staff to draft a Request for Proposals for these services. All Ayes  
**Motion carried**

**CC09-056** Motion by LaFontaine, second by Feirer to approve the construction of this building at a LEED Silver Level. All Ayes  
**Motion carried**

**CC09-057** Motion by LaFontaine, second by Hansen 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: 9:21 p.m.)  
**Motion carried**

Present in closed session: Alderpersons Feirer, Feddick, LaFontaine, Noble, Wagner, Hansen, Krueger, 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 Commissioners Frankland and Lenard, and members of the Fire Station Review Committee.

**CC09-058** Motion by Feirer, second by Hansen to return to open session. Roll call vote; All Ayes. (Time: 10:08 p.m.)  
**Motion carried**

**CC09-059** Motion by LaFontaine, second by Buttke to approve this site (east half of the 500 block of E. 4<sup>th</sup> Street and the west half of the 600 block of E. 4<sup>th</sup> Street which includes vacating of S. Ash Avenue) to construct the fire station and direct staff to negotiate with the owners to purchase the property. Feddick, Noble and Wagner voted Naye; rest Aye.  
**Motion carried**

Motion by Krueger, second by Buttke to adjourn at 10:11 p.m.  
**Motion Carried**

Deb M. Hall  
City Clerk