**PUBLIC HEARING:** Called to order by Mayor Meyer at 6:50 p.m., in the Council Chambers, City Hall Plaza regarding vacating and discontinuing that portion of Balboa Avenue lying North of the North line of West Fourteenth Street and South of the South line of West Eleventh Street in the City of Marshfield and removing that portion from the Master Street Map.

**FOR:** None **AGAINST:** None

The public hearing closed at 6:52 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 Hendler.

ABSENT: None

The flag was saluted and the pledge given.

Invocation was given by Pastor Ruth Egerer, Wesley United Methodist Church.

<u>CC09-114</u> Motion by Krueger, second by LaFontaine to approve the minutes of the Common Council meeting of March 24, 2009. All Ayes

Motion carried

Item AA-1; Professional Services Agreement for the administration of the Energy Independence Plan Grant, was added to the agenda.

## **PUBLIC COMMENT PERIOD**

Mike Blanchard, 611 N. St. Joseph Avenue. He is attending the meeting to answer any questions that Council might have regarding their rezoning request which will be considered later in the meeting.

Aaron Staab of 1830 Pheasant Run Drive. He was at the meeting to address the item on the approval of the construction manager for the fire station.

Angela Stevens, Vice-President of the Zoological Society. She was at the meeting to address any questions that the Council might have regarding their noise variance requests.

<u>CC09-115</u> Motion by Wagner, second by Feddick to grant the variance request from the Wildwood Park Zoological Society for a variance of noise levels as permitted by Chapter 10-33 (7) for 1) the Country Hoot in the Zoo fundraiser on June 4, 2009, located within the Zoo, and 2) the Blues in the Zoo fundraiser on August 20, 2009, located within the Zoo. All Ayes **Motion carried** 

<u>CC09-116</u> Motion by Krueger, second by Hansen to grant the variance request from Main Street Marshfield, Inc. 222 S. Central Avenue, for a variance of noise levels as permitted by Chapter 10-33 (7) for Hub City Days on July 25, 2009. All Ayes

<u>CC09-117</u> Motion by LaFontaine, second by Spiros to approve Resolution No. 2009-11, Resolution Awarding the Sale of \$6,450,000 General Obligation Promissory Notes, Series 2009A. All Ayes

**Motion carried** 

<u>CC09-118</u> Motion by Wagner, second by Spiros to approve Resolution No. 2009-12, Resolution Awarding the Sale of \$725,000 Taxable General Obligation Refunding Promissory Notes, Series 2009B. All Ayes

**Motion carried** 

<u>CC09-119</u> Motion by Hendler, second by Krueger to approve Resolution No. 2009-13, Resolution Authorizing the Borrowing of \$3,150,000; and providing for the Issuance and Sale of Water System Revenue Bonds, Series 2009 Therefor. All Ayes

Motion carried

Tom Giordani gave an update on the TexSand Project in Yellowstone Industrial Park.

- In the fall of 2008 they put together a package. It is a \$25 million sand processing plant located in the Industrial Park and they are going to purchase raw sand from half a dozen pits in the surrounding Marshfield area.
- Due to the size of the project they required additional partners to fund this sand plant. Several investment groups expressed significant interest in the project and started due diligence last fall as they were working on the project.
- Since last fall there has been a drastic change in the economy. Less than 50% of the drilling rigs are in operation that requires the products that they produce. This has not deterred Tex-Sands desire to put this plant up. It has slowed it down but they are not changing their mind.
- They continue to work with their consultants and they are nearing completion on having every environmental permit in place right now.
- The interested parties from last fall are still interested in the project but they wish to wait until the economy stabilizes or oil and gas prices improve. They continue to search their options out.
- Their current status as of right now is that they have the first section of site work completed. They can do construction work on their buildings and the actual processing plant. On the dry plant they can start construction tomorrow if they had the funding in place. On the wet plant they need to get a building permit from the Department of Commerce because of the size of the building. On the permit side they have every environmental permit in place except for the storm water permit and whatever the DNR will require for the disposal of the waste sand back at the mines.
- Final site design is changing slightly but they are nearing completion.
- They are working with several investment groups in doing due diligence on this project.
- They are not going to do any further site work until they get further along in the funding process.
- Tex-Sand is committed and they feel that this process will go through this calendar year of 2009 but they don't know exactly when.

## MINUTES OF GOVERNING BOARDS AND COMMISSIONS

<u>CC09-120</u> Motion by Feirer, second by LaFontaine to receive and place on file the minutes of the Fire and Police Commission of March 5, 2009; Community Development Authority of March 5, 2009 and Library Board of March 10, 2009. All Ayes

## MINUTES OF ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

<u>CC09-121</u> Motion by Spiros, second by Krueger to approve the minutes of the Industrial Park Authority of April 7, 2009. All Ayes

**Motion carried** 

# MINUTES OF COUNCIL COMMITTEES

<u>CC09-122</u> Motion by Feirer, second by Buttke to approve the minutes of the Committee on Aging of February 5, 2009. All Ayes

Motion carried

<u>CC09-123</u> Motion by Feddick, second by Wagner to approve the minutes of the Cable TV Committee of February 23, 2009. All Ayes

Motion carried

<u>CC09-124</u> Motion by Buttke, second by Spiros to approve the minutes of the Committee on Youth of March 4, 2009. All Ayes

Motion carried

<u>CC09-125</u> Motion by Feirer, second by LaFontaine to approve the minutes of the Board of Public Work/City Plan Commission Joint Meeting of March 23, 2009. All Ayes

Motion carried

<u>CC09-126</u> Motion by Hansen, second by Buttke to approve the minutes of the Sustainable Marshfield Committee of March 24, 2009. All Ayes

**Motion Carried** 

<u>CC09-127</u> Motion by Feirer, second by LaFontaine to approve the minutes of the Board of Public Works of April 6, 2009. All Ayes

**Motion Carried** 

<u>CC09-128</u> Motion by Hendler, second by Spiros to approve the minutes of the Finance, Budget and Personnel Committee of April 7, 2009. All Ayes

**Motion Carried** 

<u>CC09-129</u> Motion by Wagner, second by Spiros to approve the minutes of the Judiciary, License and Cemetery Committee of April 7, 2009. All Ayes

**Motion carried** 

<u>CC09-130</u> Motion by Feirer, second by Krueger to approve the minutes of the Board of Public Works of April 14, 2009 special meeting as read by the Director of Public Works. All Ayes **Motion carried** 

## MINUTES OF COMMUNITY ASSOCIATIONS

<u>CC09-131</u> Motion by Feddick, second by Spiros to receive and place on file the minutes of the Central Wisconsin State Fair Board of March 16, 2009. All Ayes

<u>CC09-132</u> Motion by LaFontaine, second by Spiros to receive and place on file the minutes of Main Street Marshfield Design Review Team of April 7, 2009. All Ayes **Motion carried** 

A presentation on the Downtown Façade Program was presented by the Jason Angell, Director of Planning and Economic Development.

<u>CC09-133</u> Motion by Spiros, second by Hendler to direct staff to prepare a budget resolution for \$100,000 that would be brought back for Common Council approval at their next meeting. All Ayes **Motion Carried** 

<u>First reading of Ordinance No. 1151</u>, pertaining to a conditional rezoning of approximately 12 acres of land bordered by South Schmidt Avenue, West 11<sup>th</sup> Street, South Columbus Avenue and West 14<sup>th</sup> Street, from 'R-3' Residential (Standard Single-Family) to 'I' Public & Semi-Public Institutions District.

<u>CC09-134</u> Motion by Hendler, second by Wagner to approve Resolution No. 2009-06, removing from the Master Street Map, vacating and discontinuing that portion of Balboa Avenue lying North of the North line of West Fourteenth Street and South of the South line of West Eleventh Street, City of Marshfield, Wood County, Wisconsin. All Ayes

**Motion Carried** 

<u>CC09-135</u> Motion by Hendler, second by LaFontaine to approve Resolution No. 2009-10, encouraging the Wisconsin Valley Improvement Company and the Wisconsin Department of Natural Resources to work together to restore the fish population, ensure adequate water levels and improve the water quality of the Big Eau Pleine Reservoir into the future. All Ayes **Motion Carried** 

<u>CC09-136</u> Motion by LaFontaine, second by Spiros to approve Resolution No. 2009-14, regarding the American Recovery and Reinvestment Act appropriations for highway construction. All Ayes **Motion Carried** 

<u>CC09-137</u> Motion by Buttke, second by Feirer to approve Resolution No. 2009-15, regarding the proposed prevailing wage law in the Governor's budget (AB75). Wagner voted Naye; rest Aye. **Motion carried** 

<u>CC09-138</u> Motion by Hendler, second by Buttke to approve Resolution No. 2009-16, regarding state-imposed barriers on local units of government. All Ayes **Motion carried** 

CC09-139 Motion by Spiros, second by Krueger to refer to Plan Commission for recommendation on permanent zoning, the Petition for Direct Annexation by Unanimous Approval filed by TexSand Distributors, LP for three parcels totaling 3.33 acres to be detached from the Town of Marshfield and annexed to the City of Marshfield; located on the east side of State Hwy 13 (Veterans Parkway), south of Yellowstone Drive and generally described as: A part of the NW ¼ of the NW ¼ of Section 22, Township 25 North, Range 3 East, in the Town of Marshfield, County of Wood, State of Wisconsin. All Ayes

<u>CC09-140</u> Motion by Hendler, second by Spiros to approve two UW Extension training courses for city staff participation. All Ayes

## Motion carried

Administrator Brehm explained that earlier this year the Common Council passed a resolution that was supported by the Sustainable Marshfield Committee to enter into an agreement with the State of Wisconsin pertinent to their 25 x 25 Program. He was hoping to have both agreements on the agenda for the Council's consideration but he did not receive the State of Wisconsin's revised agreement until this morning. So he will bring both of these agreements back to the Council at their next meeting.

Mayor Meyer thanked Alderpersons Noble and Hansen for serving on the Common Council and for their commitment to the community.

<u>CC09-141</u> Motion by Buttke, second by Spiros to approve the 2009-2013 Capital Improvement Program as presented. Feddick voted Naye; rest Aye.

## **Motion carried**

CC09-142 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 1) a 74.35 claim for unlawful tax by Wisconsin Housing Preservation Corporation; 2) a 74.37 refund claim by Figi's Inc.; 3) negotiations to purchase various properties to construct a new fire station; and 4) to negotiate a transition agreement with Wood County pertinent to their anticipated move to new quarters.

Alderperson Hendler explained that he is also a Wood County Supervisor. A conflict of interest could arise because he serves on the Health and Human Resources Committee and the issue that is going to be discussed this evening affects the Health and Human Resources Committee. Therefore he recused himself from the closed session or any discussion and debate in open or closed session regarding this issue.

Alderperson Feirer said that the same holds true for him so he will be recusing himself from the closed session regarding item #4.

Vote on motion <u>CC09-142</u>; Roll call vote; All Ayes. (Time: 8:34 p.m.) **Motion carried** 

<u>Present in closed session</u>: Alderpersons Feirer, Feddick, LaFontaine, Noble, Wagner, Hansen, Krueger, Spiros and Buttke, Administrator Brehm, Mayor Meyer, City Attorney Hutchinson, Director of Planning and Economic Development Angell, Director of Public Works Knoeck, City Engineer Turchi, Finance Director Strey, Fire Chief Schmidt, Deputy Fire Chief Haight, City Assessor Spencer, City Clerk Hall and Russell Stauber.

Assessor Spencer left the closed session at 9:00 p.m. Alderperson Feirer left the closed session at 9:29 p.m.

(Alderperson Hendler left the Council meeting at 8:34 p.m. and Alderperson Feirer left the meeting at 9:29 p.m.)

<u>CC09-143</u> Motion by LaFontaine, second by Wagner to return to open session. Roll call vote; All Ayes. (Time: 10:08 p.m.)

**Motion carried** 

<u>CC09-144</u> Motion by Spiros, second by Buttke to deny the claim for excessive taxes submitted by Figi's, and the City Clerk be directed to mail a disallowance of claim by certified mail prior to April 29, 2009. All Ayes

**Motion carried** 

<u>CC09-145</u> Motion by Buttke, second by Spiros to deny the 74.35 claim for unlawful taxes submitted by the Wisconsin Housing Preservation Corporation and direct the City Clerk to mail a notice of disallowance of claim by certified mail prior to April 27, 2009. It is also recommended that the City contact our insurance carrier to approve hiring an attorney to assist with potential future litigation. All Ayes

**Motion carried** 

No action was taken in open session regarding items 3 and 4 in closed session.

Motion by Noble, second by Hansen to adjourn at 10:10 p.m. All Ayes **Motion carried** 

Deb M. Hall City Clerk