

JULY 28, 2009

PUBLIC HEARING: Called to order by Mayor Meyer at 6:53 p.m., in the Council Chambers, City Hall Plaza regarding Project No. 311881 – Sycamore Avenue (5th Street to Adler Road) Sidewalk Construction.

FOR: Chris Jones of 400 Sycamore Avenue. Sidewalk will improve safety on Sycamore Avenue. There are a lot of children that walk from the neighborhoods to the west of him that come down Sycamore Avenue. This is a major route from Adler and County Y to the University and because it is a major route, the traffic that comes through there can be going quite fast at times. The bike path that continues all the way down County Y/Adler ends at Sycamore Avenue, so if you put the sidewalks in it gives people a way to walk from that walking path over to the University and to Weber Park. He heard the developer was not in favor of this project.

AGAINST: None

COMMENTS: Mark Hastreiter, Developer of Daniel's Addition. He is in favor of putting the sidewalks in when it makes sense. He asked the Council for a compromise. He would like this project to be done in two phases; first phase to put sidewalk in on the east side only and second phase to put sidewalk in on the west side at a later date after the homes on the west side are built. The sidewalk should go in, but the timing is not the best when you are going to destroy 30% of what you are going to put in.

Ian Keith of 1911 W. 5th Street. He asked why he received a special assessment for sidewalk. In a memorandum from the Board of Public Works that he received from the Director of Public Works that was dated January 28, 2004 it stated the developer is responsible for the cost of construction of all public improvements needed to serve the site with the exception of the 4th Street connection. The language is reported in exactly the same fashion on Section H of the development agreement signed in 2004, which stated the developer shall be responsible for all costs of construction of said public improvements, etc.

Mayor Meyer said that staff would address Mr. Keith's questions later on in the meeting.

The public hearing closed at 7:03 p.m.

Regular meeting of the Common Council was called to order by Mayor Meyer at 7:03 p.m., in the Council Chambers, City Hall Plaza.

PRESENT: Michael Feirer, Alanna Feddick, Dave LaFontaine, Gordon H. Earll, Ed Wagner, Russell Stauber, Donald Krueger, John Spiros and Tom Buttke.

ABSENT: Pete Hendler

The flag was saluted and the pledge given.

Invocation was given by Pastor Peter Ruggles, Good Shepherd Church.

Employee Milestone Recognition

Troy Weiland, Fire and Rescue Department	August 2, 1999	10 years of service
Brian McClung, Street Division	August 8, 1994	15 years of service

CC09-277 Motion by Spiros, second by Feirer to approve the minutes of the Common Council meeting of July 14, 2009 and Common Council special meeting of July 21, 2009. All Ayes
Motion carried

Item Z-1 regarding a closed session to consider purchase of land for Mallard Avenue and 34th Street, was added to the agenda.

PUBLIC COMMENT PERIOD

Mayor Meyer acknowledged Marvin Spletter, the newly elected President of the Marshfield Senior Center and he thanked him for his willingness to step up and take on that responsibility.

Dan Umhoefer of 306 S. Hawthorn Avenue. He spoke on behalf of the Marshfield Area Friends of the Trails in support of the trail project from McMillan to Wildwood Park. He asked the Common Council to support the project agreement with the WisDOT for this trail project.

Denise Sonnemann, Director of Main Street Marshfield, thanked the Council, Mayor and City Administrator for their generous donation for a park bench that will be located on Central Avenue at the corner of 7th and Central.

Brad Reiterer, Marshfield Area Relay for Life Chairperson, said the date of the Marshfield Area Relay for Life is Friday, August 7, 2009 not August 8, 2009.

CC09-278 Motion by Feddick, second by Stauber to grant the request from the Marshfield Area Relay for Life, for a variance of noise levels as permitted by Chapter 10-33(7) for the Relay for Life on Friday, August 7, 2009 at the Marshfield Middle School Track. All Ayes
Motion carried

Marty Anderson, Sustainable Marshfield Committee Chair, gave an update on the 25/25 grant that Marshfield received in January of this year.

MINUTES OF GOVERNING BOARDS AND COMMISSIONS

CC09-279 Motion by Wagner, second by Buttke to receive and place on file the minutes of the Zoning Board of Appeals of June 9, 2009 and Marshfield Utility Commission of July 13, 2009. All Ayes
Motion carried

CC09-280 Motion by Feirer, second by Wagner to approve Marshfield Utility Job Order No. 17468, UG cable replacement, Lincoln and 4th Street at a cost of \$43,880. All Ayes
Motion carried

CC09-281 Motion by Feirer, second by Spiros to approve Marshfield Utility Job Order No. 17449, 4th and 5th Street Conversion, east of Oak Avenue at a cost of \$48,236. All Ayes
Motion carried

CC09-282 Motion by Buttke, second by LaFontaine to approve Marshfield Utility Job Order No. 5569, installation of 2026 feet of 12" water main and 5 hydrants on Mallard Avenue in the Yellowstone Industrial Park at a cost of \$148,863.57. All Ayes
Motion carried

CC09-283 Motion by Feirer, second by Wagner to approve Marshfield Utility Job Order No. 5572, install 790' of 12" watermain, replace 705' of 6" with 8" watermain (DOT Project) Lincoln from 11th Street to 8th Street at a cost of \$146,874.50. All Ayes

Motion carried

MINUTES OF ADVISORY BOARDS, COMMISSIONS AND COMMITTEES

CC09-284 Motion by Buttke, second by LaFontaine to approve the minutes of the Marshfield Convention & Visitor Bureau of July 8, 2009; Plan Commission of July 21, 2009 and Industrial Park Authority of July 21, 2009. All Ayes

Motion carried

MINUTES OF COUNCIL COMMITTEES

CC09-285 Motion by Feirer, second by Feddick to approve the minutes of the Committee on Aging of July 2, 2009. All Ayes

Motion carried

CC09-286 Motion by Earll, second by Buttke to approve the minutes of the Sustainable Marshfield Committee of July 14, 2009. All Ayes

Motion carried

CC09-287 Motion by Feirer, second by LaFontaine to approve the minutes of the Board of Public Works of July 20, 2009. All Ayes

Motion carried

CC09-288 Motion by Earll, second by Spiros to approve the minutes of the Finance, Budget and Personnel Committee of July 21, 2009. All Ayes

Motion carried

CC09-289 Motion by Feddick, second by Spiros to approve the minutes of the Judiciary, License and Cemetery Committee of July 22, 2009. All Ayes

Motion carried

CC09-290 Motion by Wagner, second by Feddick to approve the minutes of the Airport Committee of July 23, 2009. All Ayes

Motion carried

MINUTES OF COMMUNITY ASSOCIATIONS

CC09-291 Motion by Feddick, second by Buttke to receive and place on file the minutes of the Central Wisconsin State Fair Board of June 15, 2009. All Ayes

Motion carried

CC09-292 Motion by LaFontaine, second by Feddick to receive and place on file the minutes of the Deer Task Force of July 9, 2009. All Ayes

Motion carried

First reading of Ordinance No. 1155, an ordinance amending Section 9-28 of the City of Marshfield Municipal Code regarding investigations.

First reading of Ordinance No. 1156, an ordinance creating Sections 10-73 of the Municipal Code pertaining to unlawful trespass.

CC09-293 Motion by Spiros, second by LaFontaine to approve Resolution No. 2009-31, supporting the efforts of the WiscNet Go-Gig project and application for American Reinvestment and Recovery Act funding. All Ayes.

Motion carried

Director of Public Works Knoeck addressed Mr. Keith's questions that were raised during the Public Hearing. He apologized for the confusion in the memo from January 28, 2004 to the Board of Public Works where it indicated that construction costs for all public improvements would be covered by the developer. The intent is that the developer covers those initial costs in that year which was 2004 and a little further on in that memo it said that the sidewalk would be installed by the City as a special assessment project within five years or when 60% of the lots have been built on and that language was in the development agreement. The sidewalks were a follow up project that were funded through special assessments. The developer was responsible for the initial construction costs in 2004 through the development agreement.

City Engineer Turchi said the sidewalks and driveways as per the developer's agreement also stated 60% of the lots or five years whichever was sooner. That is why we went forward with this as a CIP project this year and through the process to get to this point of sidewalk installation.

CC09-294 Motion by Buttke, second by Feirer to approve Final Resolution No. 2009-28, in the matter of Improvement Project No. 311881 – Sidewalk Installation – Sycamore Avenue (5th Street to Adler Road). Feddick voted Naye, rest Aye.

Motion carried

CC09-295 Motion by Feddick, second by Spiros to approve Budget Resolution No. 11-2009, transferring \$100 from a Government Accountability Board, Elections Division Grant to the Elections budget. All Ayes

Motion carried

CC09-296 Motion by Wagner, second by Spiros to approve Budget Resolution No. 12-2009, transferring \$38,985 from a State of Wisconsin Safe Routes to School Grant to the Engineering Administration budget (\$38,900) and the Planning and Economic Development budget (\$85). All Ayes

Motion carried

CC09-297 Motion by Spiros, second by Stauber 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) draft agreement between the City, Marshfield Utilities, and the Marshfield Clinic pertinent to a dark fiber swap; 2) a revised draft development agreement with TexSand; 3) a draft Termination of Early Occupancy Agreement with TexSand; and 4) purchase of land for Mallard Avenue and 34th Street. Roll call vote, all Ayes. (Time: 7:56 p.m.)

Motion carried

Present in Closed Session: Alderpersons Feirer, Feddick, LaFontaine, Earll, Wagner, Stauber, Krueger, Spiros and Buttke, Administrator Brehm, Mayor Meyer, City Attorney Hutchinson, Public Works Director Knoeck, City Engineer Turchi, Aaron Staab and Deputy Clerk Panzer.

CC09-298 Motion by Feddick, second by Krueger to return to open session. Roll call vote, all Ayes. (Time: 8:43 p.m.)

Motion carried

Mayor Meyer gave Jerry and Sandy Moore the opportunity to speak regarding land acquisition in the Yellowstone Industrial Park for Mallard Avenue, which is the North/South Street that is being installed for the TexSand development.

Jay Moore of 2510 South Felker Avenue represented Jerry and Sandy Moore. He explained that they started with a triangular piece of property that was 40 acres and they are trying to do their best to keep it as one piece. Through the years the City has played their hands so to speak with the easement road down the middle to get to the Wastewater Treatment Plant, and they have also had some dealings with the Power Plant. The latest now is that the City wants to put a road in to bisect it again to put a road in that essentially benefits the TexSand project. They don't want their property bisected.

The Moores offered to donate the following to the City so their property can remain one piece:

- 1) Land in the southeast corner of their parcel for a detention basin.
- 2) 60' along the eastern (vertical) edge of their parcel to help facilitate moving the road to the east.
- 3) 30' along the angular portion that leads up to where the proposed road right-of-way now enters their property.
- 4) \$70,000 of the \$105,000 that the city paid them for the North/South Street.

Discussion continued on the land acquisition.

CC09-299 Motion by Wagner, second by Stauber to direct staff to enter negotiations with the Moores for additional acquisition of property.

Mayor Meyer clarified the motion: To continue moving forward with the project as is, but to direct staff to enter into negotiations with the Moores pertinent to parcel B, which is the 5 acre parcel of land that is being segmented off from their current property in approximately a week.

Vote on motion **CC09-299**; All Ayes.

Motion carried

CC09-300 Motion by LaFontaine, second by Spiros to approve the Agreement between the City of Marshfield, Marshfield Utilities, and the Marshfield Clinic pertinent to a dark fiber swap as amended. All Ayes

Motion carried

CC09-301 Motion by Buttke, second by Spiros to approve the revised draft development agreement with TexSand. All Ayes

Motion carried

CC09-302 Motion by LaFontaine, second by Feirer to approve the Termination of Early Occupancy Agreement with TexSand. All Ayes

Motion carried

Motion by Spiros, second by LaFontaine to adjourn at 9:02 p.m. All Ayes

Motion carried

Lori A. Panzer
Deputy City Clerk