

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL

held on Tuesday, June 11, 2013, at 7:00 pm in Council Chambers at City Hall.

Mayor Tipple presiding.

Roll Call

6/11/2013 6:54:54 PM

Roll call indicated 10 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Nagle, William P.	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	NV (<i>entered late</i>)
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

Presentation: Pushback Against Drug Abuse Campaign

Melissa Dotter, AOD Partnership Council, conducted a PowerPoint presentation the Pushback Against Drug Abuse Campaign on heroin, prescriptions and other illicit drugs that a threat to public health and safety. She highlighted Heroin: Old Drug, New Killer Epidemic; signs of drug activity; reporting drug activity; and how to get involved with the campaign.

Public Comment (Pre-registered citizens on matters appearing on the agenda):

- 1) Joseph Pepowski, 1104 Augusta Ave, owner of The Mint, spoke regarding the street vending ordinance. He indicated he was not completely sold on it, however, recommended the Council pass it as is and have the ad hoc committee reconvene after this year to evaluate it.
- 2) Tyler Vogt, 408 3rd St, owner of Malarkey's and Townies Grill, explained how the ad hoc committee came up with the requirements for the vending ordinance. He felt that everyone's point of view was taken into consideration and agreed there should be an evaluation at the end of the year.
- 3) Corine Merklein, 1119 S 11th Ave, CJ's Grab & Go, disagreed with the 75 foot and two block buffer zones to protect the brick & mortar businesses as part of the vending ordinance. She felt the mobile vendors would enhance the area and she asked Council to consider not making it too restrictive.
- 4) Dawn Folendorf, 2314 Midway Blvd, Director of Main Street Wausau, spoke in support of the sidewalk café ordinance as well as the mobile vending ordinance. She felt these amenities will make the area a more attractive place to grow an existing business and also start a new one. She stated the proposed vending ordinance is very progressive as compared to other communities.
- 5) Joanne Gallo, 616 ½ Kickbusch St, spoke in support of mobile vending and believed it will make Wausau into an even more interesting city.
- 6) Dawn Sillars, 716 Kent St, felt there could be a better logo opportunity for the city than the proposed skyline.
- 7) Karla Van Wagner, 1126 S 4th Ave, spoke regarding the mobile vending ordinance, indicating she disagreed with the buffer zone that makes most of 3rd Street off limits. She felt the ordinance includes rules that are unconstitutional, anti-competitive and show favoritism to certain businesses. She presented a petition with 166 signatures to change the buffer zone from 75 feet to 25 feet.

Consent Agenda

6/11/2013 7:56:51 PM

Motion by Nutting, second by Abitz to adopt all items listed on the Consent Agenda as follows:

08-0917 Resolution of the Finance Committee approving parking lot land lease North First Street Holding Company LLC and First Wausau Tower parking stall lease agreement for the properties 520 and 614 N. 1st Street - Parking Lot 15.

13-0613 Ordinance of the Parking & Traffic Committee designating no parking on E. Kent Street north and south sides from Coel Boulevard to Curling Way.

13-0614 Ordinance of the Parking & Traffic Committee removing 2-hour parking restriction - E. Norton Street between N. 1st Avenue and the railroad tracks.

13-0615 Ordinance of the Parking & Traffic Committee repealing all existing parking ordinances on the north and south sides of

Quaw Street between N. 3rd Avenue and N. 4th Avenue.

13-0604 Resolution of the Plan Commission approving a conditional use at 317 North 1st Street to allow for an integrated merchants sign, in a B4, Central Business District (MetroPlains).

13-0606 Resolution of the Plan Commission approving a conditional use at 2607 North 18th Street to allow for sponsorship signs on the outfield fence of the varsity baseball diamond, in a RI, Single Family Residence District (Harvey).

13-0607 Resolution of the Plan Commission amending the Precise Implementation Plan for 1500 North 1st Street to allow signage.

13-0108 Resolution of the Public Health & Safety Committee approving or denying various licenses as indicated.

13-0610 Ordinance of the Parking & Traffic Committee amending Sections 10.40.010, 10.40.020, 10.40.030, 10.40.040 Bicycles and amend Section 10.43.030 and create Section 10.43.040 Motor bicycles.

03-0311 Resolution of the Wausau Water Works Commission reviewing the 2012 Compliance Maintenance Annual Report for the Wastewater Plant.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

93-0317

6/11/2013 8:09:08 PM

Motion by Nagle, seconded by Abitz to table the Resolution of the Economic Development Committee Retiring the “Welcome Home to Wausau” logo and adopt the Cityscape logo as the new logo of the City of Wausau, and to bring it back to the next council meeting,

Nagle felt more time was needed to consider the logo. Winters and Abitz indicated they would not support the proposed logo. Nutting felt the word “welcome” needs to be put back.

Brezinski supported the new logo and believed it was timely and progressive and he couldn’t envision one incorporating all the things that are positive about the community. He indicated he has received positive feedback on it since the signs were placed in the Industrial Park. Rasmussen agreed and indicated city staff who have traveled to other areas to market the city have received nothing but positive feedback on this logo. She commented it was edgy, current and timely and if used purposefully and intentionally it will create an identity for Wausau. It is time for change. Oberbeck agreed and supported it as a strong image for Wausau and did not support tabling it. Wagner stated “Welcome Home to Wausau” is outdated and the new logo has made a strong impression and disagreed with the motion to table.

Mayor Tipple commented this project started over two years ago with a subtle change on some of the business cards to get some reaction to the potential logo. A local advertising firm helped and incorporated the Marathon County logo colors. He noted the merchandise with the new logo is flying off the shelves.

Vote to table:

Yes Votes: 7 No Votes: 4 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	NO
3	Nutting, David E.	YES
4	Brezinski, Jim	NO
5	Gisselman, Gary	YES

6	Winters, Keene	YES
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	YES
9	Oberbeck, David	NO
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

13-0603

6/11/2013 8:09:46 PM

Motion by Abitz, second by Rasmussen to confirm the Mayor's appointment to the Transit Commission.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

13-0108

6/11/2013 8:13:12 PM

Motion by Rasmussen, second by Wagner to adopt a Resolution of the Public Health & Safety committee granting an exemption to the consumption or Possession of Intoxicants on public right-of-way on 4th Street for Concerts on the Square.

Rasmussen stated this open intoxicant waiver is similar in concept to the waiver that was used for the Exhibitour. She indicated they consulted with our legal staff and since it is a defined space it is legal. This will allow Wausau Area Events to close 4th Street for food vending during the Concerts on the Square and for people to take open intoxicants onto that street.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

01-0832

6/11/2013 8:15:18 PM

Motion by Brezinski, second by Rasmussen to adopt a Joint Ordinance of the Economic Development and the Public Health & Safety Committees amending Chapter 5.63 obstructions within the Central Business District Public Rights-of-way - Sidewalk Cafes.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES

7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

13-0611

6/11/2013 8:16:10 PM

Motion by Brezinski, second by Mielke to adopt an Ordinance of the Public Health & Safety Committee creating Section 5.64.035 alcohol licensing and serving of alcohol beverages - sidewalk cafes.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

13-0612

6/11/2013 8:20:08 PM

Motion by Rasmussen, second by Nutting to adopt a Joint Ordinance of the Public Health & Safety and Economic Development Committees creating Chapter 5.62 Mobile Vending.

Rasmussen stated this ordinance evolved a long way from the original version, partially because of the input and consensus that was built within the task force. The committee looked at parts of ordinances that we liked from other areas and tried to find a balance for the needs of all business models. She noted in regard to the concerns over buffer zones, vendor and brick & mortar businesses can mutually agree to wipe out those buffer zones if they so choose and vendors can also opt to either be stationary or roam. She stated the original version was focused on the downtown river district; however, this is now a city wide ordinance so the marketplace for vendors has now evolved to the entire city.

Yes Votes: 10 No Votes: 1 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	NO
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

13-0608

6/11/2013 8:21:30 PM

Motion by Brezinski, second by Wagner to adopt a Joint Resolution of the Economic Development and the Finance Committees approving the Development Agreement between City of Wausau and Lube, Inc. to vacate their current location on Thomas Street in favor of acquiring and building a new location on 1610 Sheridan Road (17th Ave Site) with a superior architectural style, five bays for increased business potential, separate coffee shop - added value business and capacity to seek and retain a second future development on the new site.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

13-0523 A

6/11/2013 8:32:41 PM

Motion by Mielke, second by Abitz to adopt a Resolution of the Finance Committee authorizing and providing for the Sale and Issuance of \$5,365,000 General Obligation Promissory Notes, Series 2013A and all related details.

James Mann, Ehlers & Associates, summarized two competitive sales were conducted today for the issuance of general obligation promissory notes. He stated the issuance of \$5,365,000 in GO Promissory Notes is to be used for a variety of 2013 projects for the city as well projects in TID #6 and #7. He noted Moody's affirmed the city's rating at AA2, which is two steps below the highest rating that a municipality can achieve. The rating is a testament to the city's sound financial position, partly due to the fact that the city amortizes debt quickly in a 10 year time frame. The reserve status for the city is more than adequate. He indicated they received six bids, with the winning bidder being BMO Capital Markets, of Chicago, Illinois. They gave a premium bid, which means they gave us more money than we asked for and in exchange they get an interest rate that is higher than we would have normally seen. The interest rate ranged from 2% in 2014 to 3% in 2023; when we blend that together and add the premium, the true interest costs came in at 1.73%.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

13-0523 B

6/11/2013 8:33:24 PM

Motion by Nutting, second by Wagner to adopt a Resolution of the Finance Committee authorizing and providing for the Sale and Issuance of \$630,000 Taxable General Obligation Promissory Notes, Series 2013B, and all related details.

Mann explained this issuance of \$630,000 Taxable GO Promissory Notes was for projects that were primarily for TID #9. He explained with the issuance of taxable notes the individuals who are loaning the money cannot deduct the amount of profit that they earn from their income taxes, so you will pay a higher interest rate. The interest rate ranges from 1% in 2014 to 2.95% in 2023 and when you blend it together it is a true interest cost of 2.36%. He noted this was higher than estimated; however, there is a lot more uncertainty in the marketplace. He indicated three bids were received and the winning bidder was BOSC Financial, a subsidiary of the Bank of Kansas.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES

5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

13-0609

6/11/2013 8:34:07 PM

Motion by Wagner, second by Abitz to adopt a Resolution of the Finance Committee approving acquisition of the Residential Property 906 S. 7th Avenue.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

11-1214

6/11/2013 8:34:54 PM

Motion by Nutting, second by Brezinski to adopt a Joint Resolution of the Finance and Economic Development Committees approving riverfront remediation project and related financing and budget modification.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

03-1111

6/11/2013 8:36:01 PM

Motion by Wagner, second by Brezinski to adopt a Resolution of the Human Resources Committee updating Salary Matrix for General City Employees.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES

9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

13-0616

6/11/2013 8:41:29 PM

Motion by Nutting, second by Mielke to adopt an Ordinance of the Parking & Traffic Committee repealing all existing parking restrictions and designate no parking on the west side of South 1st Avenue from Sherman Street to Stewart Avenue.

Nutting stated the traffic from 3M is concerned about how the road over the years is continuing to slough down the hill and we need to act quickly to pave over it to see if it will continue to slide. Rasmussen indicated the condition of S 1st Avenue has been discussed at CISM Committee and she thought it might be one of the three projects that Marquardt has submitted for MPO grant funding.

Winters stated it is 3M Company that would like to have the parking moved but the problem is the poor condition of the pavement, particularly on the west side of the road, which is hard on their trucks. They are looking for better pavement but we can't give that to them by scooping the parking in front of resident's homes, so the only solution is to repair the pavement.

Yes Votes: 0 No Votes: 11 Abstain: 0 Not Voting: 0 Result: FAIL

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	NO
2	Wagner, Romey	NO
3	Nutting, David E.	NO
4	Brezinski, Jim	NO
5	Gisselman, Gary	NO
6	Winters, Keene	NO
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	NO
10	Abitz, Sherry	NO
11	Mielke, Robert	NO

13-0605

6/11/2013 8:42:19 PM

Motion by Wagner, second by Mielke to adopt a Resolution of the Plan commission approving a conditional use at 602 Jefferson Street to allow for a winery and outdoor dining area, in a B2, Community Service District (Larson).

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

Public Comment (or suggestions that are not on the agenda)

Dave Nutting stated he was not able to be at the last Council meeting when the Gay Pride Parade event was discussed and voted on. He stated this would take place in his district and indicated an overwhelming majority of residents in District 3 opposed the event. He did not feel the event was appropriate for our family oriented city and asked media and residents to stay away from the parade or stand with their back to it. He felt this parade does not reflect what the City of Wausau wants to be known by and strongly objected to it on moral grounds. He urged Council to consider additional ordinances against public indecency.

Adjourn

6/11/2013 8:47:43 PM

Motion by Mielke, second by Winters to adjourn. Meeting adjourned at 8:48 p.m.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

James E. Tipple, Mayor
Toni Rayala, City Clerk