

**OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL**  
held on Tuesday, August 13, 2013, at 7:30 pm in Council Chambers at City Hall.  
Mayor Tipple presiding.

**Roll Call**

8/13/2013 7:35:07 PM

Roll call indicated 11 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	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

**Proclamation**

Mayor Tipple recognized the beauty and significant historical piece the Wausau City Seal is and celebrate with the Hummel family and the Wausau community on the 100<sup>th</sup> Anniversary of the Wausau City Seal.

Mayor Tipple proclaimed the week of *September 8 - 14, 2013*, as *National Assisted Living Week* in the City of Wausau and urged all citizens to visit friends and loved ones who reside at these facilities and also to learn more about assisted living services and how they benefit our community.

**Presentation: Boys & Girls Club (Brian Stezinski-Williams)**

Brian Stezinski-Williams presented an update on the club and the programs that they are providing with support from the city. He noted along with the city, funding for the Learn, Lead, and Succeed Initiative also comes from the Dudley Foundation, the United Way, and a number of smaller donors in the community.

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

- 1) Bonnie Tasche, 2172 Meadow Brook Way, spoke in opposition to the rezoning of Northwestern Avenue, expressing disappointment in the Plan Commission for ignoring petitions that were filed in May and July regarding this issue, as well as letters from residents unable to attend. She requested that the property remain R1, Single Family Residential.
- 2) Jack Tobalsky, 2136 Meadow Brook Way, spoke in opposition to the rezoning of Northwestern Avenue. He stated the current plan includes transitional housing for almost 300 families, which is more than a thousand people in a relatively small area with the only access road being Northwestern Avenue, which is narrow, hilly and winding. He pointed out the majority of residents oppose this plan and asked the Council to protect their interests and table the item.
- 3) Debra Ryan, 702 Elm St, asked the Council to table the rezoning of Northwestern Avenue and look at the issues more in depth in a Committee of the Whole. She indicated they could have difficulty and delays getting access over the railroad tracks.

**Consent Agenda**

8/13/2013 8:03:56 PM

Motion by Nutting, second by Mielke to approve all items on the consent agenda as listed below:

**13-0501** Minutes of previous meetings. (5/14/13, 5/28/13)

**13-0601** Minutes of a previous meeting. (06/11/13)

**06-1215** Insurance Claims Report of the Finance Committee from May 2013, to be placed on file.

**13-0805** Initial Resolution of the Capital Improvements & Street Maintenance Committee setting a public hearing regarding vacating and discontinuing an alley abutting 223 and 225 E. Thomas Street.

**06-0313** Resolution of the Capital Improvements and Street Maintenance Committee accepting easement for installation of sidewalk at 300 Westwood Drive (390 Westwood Drive LLC).

**07-0716** Resolution of the Capital Improvements & Street Maintenance Committee accepting easement for installation of sidewalk at 2000 Westwood Drive (Employers Insurance Company of Wausau)

**06-0313** Resolution of the Capital Improvements & Street Maintenance Committee accepting easement for installation of sidewalk at 400 Westwood Drive (400 Westwood Drive LLC)

**01-0710** Joint Resolution of the Capital Improvements & Street Maintenance Committee and the Plan Commission accepting dedication of right-of-way on Talon Lane.

**13-0521** Final Resolution of the Capital Improvements & Street Maintenance Committee and the Plan Commission vacating and discontinuing 5th Street between East Wausau Avenue and East Union Avenue.

**13-0806** Ordinance of the Human Resources Committee amending Section 2.02.060 selection process prior to appointment.

**13-0108** Resolution of the Public Health & Safety Committee granting an exemption to the Consumption or Possession of Intoxicants on public right-of-way to Wausau Area Events during the "Rock The 400 Block" event, August 23, 2013.

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

**12-1014** Ordinance of the Public Health & Safety Committee amending section 8.08.170 licenses.

**03-0425** Ordinance of the Public Health & Safety Committee amending Section 5.64.078(b) Point values for alcohol beverage violations and revocations and suspensions.

**05-1113** Public Health & Safety Committee ordinance amending Section 9.24.070(c)(5) Nuisance activity.

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

**13-0803** 8/13/2013 8:04:22 PM

Motion by Mielke, second by Brezinski to confirm the Mayor's appointments to the Ethics Board and the Joint Review Board.

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

**13-0804**

8/13/2013 8:38:55 PM

Motion by Brezinski, second by Mielke to adopt an ordinance of the Plan Commission rezoning 2121 & 2201 Northwestern Avenue from RI, Single Family Residence District, to UDD, Unified Development District and approving the General Development Plan to allow for a multifamily residential development.

Motion by Mielke, second by Nutting to table the item to the next Council meeting. Rasmussen felt this matter has been dragging on for the residents of the area for quite some time. She did not think that tabling it was necessary and that they should discuss it now on the Council floor. Wagner stated we could have brought all 60 residents in here and they would have all spoken against the rezoning. He commented these are the people affected and the plans have changed as the wind has blown. He agreed now is the time to discuss this and also the time to shoot it down. This was meant to be a beautiful area along the river that was to have single family homes. He pointed out Northwestern is a bike route, not a truck route and cannot support another 200 multi-family homes or 300 family apartments. He stressed we need to keep the zoning R-1. Mielke indicated he agreed with Wagner and Rasmussen and was withdrawing the motion to table.

Brezinski requested staff provide their rationale for approval. Brad Lenz stated when they make a zoning recommendation they look at our Comprehensive Plan for guidance. He stated this area is sort of a buffer area from industrial to single family, which is transitional zoning. There is a park land dedication south of Northwestern Avenue that will likely not happen with the single family residential district. They felt Northwestern Avenue could support the traffic easily without expansion and there won't be industrial traffic. He pointed out with a UDD this is just a general plan and once approved we can look at making this a nice area and a solid development. He stated it would have access to a trail through the area that will connect to the Mountain Bay Trail and connect to our Eau Claire River Conservancy on the other side. He reiterated this connection likely would not happen with single family zoning. He stated this is a general plan and it will not look as proposed here as the owner is seeking a developer to help with the fine tuning of it.

Oberbeck explained in Plan Commission the density, type of housing, green space and access were all discussed as part of the plan that will be forthcoming from the developer. He felt they needed to look at the area overall in how that space is developed, especially since we are trying to develop a bike trail, walking trail, the conservancy, a link to Weston, and a link to the Mountain Bay Trail. He stated Mr. Higginbotham indicated he was willing to work with the commission and residents on how that space is designed.

Higginbotham stated he saw this as a beautiful connection between the City of Wausau, the Village of Weston and points both east and westward. His dream was to create a multifamily zoning on this property between the railroad tracks and Northwestern Avenue on 18 acres of land. There is approximately another 18 acres south of the railroad tracks to the Eau Claire River. He noted he and his wife also own the next 20 acres to the east between Camp Sturdevant and this property on the south side of the tracks and they are willing to give a 20 foot easement along the corridor for that connection. This would provide for safe bicycling on a non-motorized trail rather than on Northwestern. He noted there was someone interested in the property if it was zoned UDD and they indicated they would not put more than 180 units on it.

Rasmussen commented she was very concerned that the Fire Department felt they would have a very difficult time getting fire apparatus into this development. The residents are having a difficult time trusting the owner because the plan keeps changing. Higginbotham stated there would be a designated street only for fire access.

Brezinski questioned if this were approved if further plans would come back before the Council. Lenz indicated the precise plan would come back to Plan Commission and Council and we have control over both density and design. Oberbeck pointed out building codes and zoning provides protection.

*Vote on motion to rezone to UDD:*

Yes Votes: 6      No Votes: 5      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.	NO
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES

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

**13-0522**

8/13/2013 8:41:39 PM

Motion by Nutting, second by Abitz to adopt a Final Resolution of the Capital Improvements and Street Maintenance Committee and the Plan Commission vacating and discontinuing alley abutting 2213 North 5<sup>th</sup> Street and 504 East Wausau Avenue.

Gisselman stated this is in conjunction with the Athletic Park neighborhood park and the revamped Athletic Park. Discontinuing the alley on these two lots really does put some of the residents of E Wausau Avenue and E Union Avenue in a perilous position because their garages face the wrong way. The alley will now dead end at the end of these parcels, but the city staff has assured him they will be working with the neighborhood in trying to alleviate some of the issues with access to the garages.

*\*Requires 2/3 vote to pass.*

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

**13-0412**

8/13/2013 8:43:12 PM

Motion by Wagner, second by Rasmussen to adopt a Resolution of the Economic Development Committee approving waiver of the right of first refusal and approving assignment of development agreement with Briq's Soft Serve LLC to JSM of Wausau, LLC at 1605 Merrill Avenue.

Rasmussen noted the vote at ED Committee was actually 4-1, not 5-0. She stated this plan eliminates the need for a land lease and allows Subway to actually own the property and the repayment terms and the terms of the original loan and grant we extended to Briq's would remain unchanged.

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**

8/13/2013 8:43:55 PM

Motion by Brezinski, second by Rasmussen to adopt a Joint Resolution of the Economic Development and the Finance Committees authorizing the execution of a Developer Agreement with Ghidorzi Companies for the improvement to City property 1717 Arlington Lane and the Modification of the 2013 budget.

*\*Requires 2/3 vote to pass*

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**

8/13/2013 8:44:57 PM

Motion by Nutting, second by Mielke to adopt a Joint Resolution of the Economic Development and the Finance Committees approving the purchase of 1010 N. 1<sup>st</sup> Street and the General Obligation Promissory Note of \$750,000 with the Judd S. Alexander Foundation and the Modification of the 2013 Budget.

*\*Requires 2/3 vote to pass*

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

**03-1007**

8/13/2013 8:45:39 PM

Motion by Wagner, second by Brezinski to adopt a Resolution of the Finance Committee approving Reprogramming of Community Development Block Grant funds, 2012 and Program Income Commercial Rehabilitation Activity into Economic Development Activity.

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

**13-0807 Amendment**

8/13/2013 8:48:29 PM

Motion by Abitz, second by Winters to amend a Resolution of the Finance Committee authorizing the City of Wausau to purchase 1331 West Thomas Street at the amount of \$35,000, but follow the eminent domain procedures as prescribed by federal and state law.

Winters explained the amendment was to purchase the property at this price but per eminent domain procedures we will tell Marathon Savings Bank that they are entitled to an independent appraisal and relocation costs; we will give them the brochure; and we will give them the waiver form to sign off on that. He commented the bank knows what it is worth and wouldn't need any further appraisal and they have no tenant to relocate, so we would expect they would sign the waiver and move forward, but it covers any legal exposure.

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

**13-0807**

8/13/2013 8:48:51 PM

Motion by Brezinski, second by Oberbeck to adopt a Resolution of the Finance Committee authorizing the City of Wausau to purchase 1331 West Thomas Street, as amended on council floor.

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

**13-0808**

8/13/2013 8:49:51 PM

Motion by Wagner, second by Mielke to adopt a Joint Resolution of the Human Resources and Finance Committees creating an Evidence Technician Position (Police Department).

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

**02-0511**

8/13/2013 8:53:09 PM

Motion by Rasmussen, second by Oberbeck to adopt an Ordinance of the Park & Recreation Committee amending Section 9.20.020(o) Regulation of Persons.

Rasmussen referred to the reports from the Police Department placed on their desks regarding the incidents that have taken place at Big Bull Falls Park and The 400 Block. She indicated she met with staff internally to determine what could be done to manage the bad behavior of approximately 20 individuals that are causing the majority of the problems. This is first of a multi-faceted approach to the issue, whereby the CSO's and the Park Department would be able to issue a ban from the parks to persons who exhibit bad behavior which obstructs the enjoyment of the facilities by others and/or causes damages. She indicated the Public Health & Safety Committee will be considering a public intoxication ordinance at its next meeting. She noted the next ordinance is related to this one providing the consequence for said behavior.

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

**02-0511**

8/13/2013 8:53:44 PM

Motion by Mielke, second by Rasmussen to adopt a Resolution of the Park & Recreation Committee adopting Park Suspension Policy Pursuant to WMC Section 9.20.020(o).

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

**12-1214 Table**

8/13/2013 8:57:55 PM

Motion by Oberbeck, second by Gisselman to table the Resolution of the Finance Committee approving of Regional Animal control Services Contract between the City of Wausau and Everest Metropolitan Police Department for one month.

Oberbeck indicated he was the dissenting vote regarding the contract at committee because he was concerned there were no quantities as far as conducting patrols in the Village of Weston. Typically when writing contracts you put quantities or control the volumes and he felt this should be tabled for further discussion. It was his understanding that many of the parties involved with writing or accepting this contract have not had a chance to review it and need to work out some of the details.

Winters commented the structure of this contract is a cost sharing contract, so they will pay 18% of the contract based on expected call volume versus the call volume in Wausau. He noted the estimated fiscal impact is plus \$7,000.

Rasmussen stated we are reaching the point where we need to roll out the regional program that we have outlined and promised to our neighbors. We also have accepted grant funding for the program with the agreement that the program would be regional and go regional within a timeframe. The longer we delay this process and the roll out of the plan we may end up having to pay back one of the foundations.

*Vote to table:*

Yes Votes: 2      No Votes: 9      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	YES
6	Winters, Keene	NO
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	YES
10	Abitz, Sherry	NO
11	Mielke, Robert	NO

**12-1214**

8/13/2013 8:58:53 PM

Motion by Winters, second by Nutting to adopt a Resolution of the Finance Committee approving of Regional Animal Control Services Contract between the City of Wausau and Everest Metropolitan Police Department for the provision of certain animal control services from 9/1/2013-12/31/2013.

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

**12-1214**

8/13/2013 9:00:22 PM

Motion by Brezinski, second by Mielke to adopt a Resolution of the Finance Committee approving Regional Animal Control Services Contract between the City of Wausau and the Towns of Harrison, Norrie, Plover, Ringle, Wausau, Easton and Hewitt for the provision of certain animal control services from 09/01/2013-12/31/2014.

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

**Public Comment (or suggestions for items not on the agenda)**

David LeMay, 721 Scott Street, requested the Council consider an ordinance prohibiting cell phone use while driving as soon as possible. He commented a friend who is in the hospital and will never be able to drive a motorcycle again was hit by a person who ran a red light while using a cell phone.

**Adjourn**

8/13/2013 9:02:02 PM

Motion by Nutting, second by Abitz to adjourn. Meeting adjourned at 9:05 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