



\*\*\* All present are expected to conduct themselves in accordance with our City's Core Values \*\*\*

## OFFICIAL NOTICE AND AGENDA

Notice is hereby given that the Common Council of the City of Wausau, Wisconsin will hold a regular or special meeting on the date, time and location shown below.

Meeting of the: **COMMON COUNCIL OF THE CITY OF WAUSAU**  
 Date/Time: **Tuesday, December 10, 2013 at 7:00 pm.**  
 Location: **City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers**  
 Members: **Bill Nagle, Romey Wagner, David Nutting, Jim Brezinski, Gary Gisselman, Keene Winters, Lisa Rasmussen, Karen Kellbach, David Oberbeck, Sherry Abitz, Robert Mielke**

### Call to Order

Pledge of Allegiance / Roll Call / Proclamations

Presentations: Presentation of Wage Study and New Salary Plan

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

Communications: (Mayor / Alderpersons / Department Heads or designee)

Committee Reports: (All standing and non-standing committees, commissions or boards)

File #	CMT	Consent Agenda	ACT
13-1101		Minutes of previous meetings. (11/26/13)	
13-1203		Resolution confirming Clerk's appointments to members of the Board of Election Officials for a term ending December 31, 2015.	
12-0220	HR	Authorizing Implementation of a New Pay Plan for General City Employees by Adoption of the Amended Compensation Philosophy, Base Pay Plan Administration Procedures, and New Salary Grade Structure.	Approved 3-0
02-0820	PLAN	Approve a conditional use at 410 McIndoe Street to allow for an internally illuminated building sign without digital message center and an internally illuminated monument sign, in a R4, General Residence District (Marathon County Historical Society).	Approved 6-0
12-1005	PLAN	Amend the Precise Implementation Plan for 1015 South 17 <sup>th</sup> Avenue, previously 1610 Sheridan Road, to allow for site modifications.	Approved 6-0
13-0108	PH&S	Resolution Approving or Denying Various Licenses as Indicated	Approved 5-0

File #	CMT	Resolutions and Ordinances	ACT
13-1203		Confirmation of Mayor's Appointments.	
08-0915	PLAN	Amend Sections 23.12.140 and 23.26.150 Design and maintenance of parking spaces and 23.38.130 Design and maintenance regarding maintenance of driveways, parking spaces and similar areas	Approved 4-2
13-1206	FIN	Authorizing Budget Modification to Finance Professional Service Costs Associated with the Fire Chief Recruitment and Selection.	Approved 5-0
13-1109	FIN	Carryover request - Police Department for 60 body armor vests.	Approved 4-0
13-1204	FIN	Authorizing acceptance of conveyance, by donation, of 402 Chicago Ave by property owner	Pending
13-1205	FIN	Authorizing acceptance of conveyance, by donation, of 901 Stark Street by its owners	Pending
12-1214	FIN	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 1/1/14-12/31/14	Pending
03-0717	FIN	Approve Purchase of Animal Impoundment Services Agreement between the Humane Society of Marathon County, Inc and the City of Wausau from 1/1/14-12/31/14	Pending

Public Comment & Suggestions - (for matters not appearing on the agenda)  
 Adjournment

Signed by James E. Tipple, Mayor

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 12/06/13 @ 2:00 pm. Questions regarding this agenda may be directed to the City Clerk.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids & services. For information or to request this service, contact the City Clerk at (715) 261-6620.

**OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL**  
held on Tuesday, November 26, 2013 at 7:25 pm in Council Chambers at City Hall.  
Mayor Tipple presiding.

**Roll Call**

11/26/2013 7:25 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

**Proclamations:**

Mayor Tipple read a proclamation proclaiming the month of November Pancreatic Awareness Month.

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

- 1) Arden Emmerich of 453 Grand Ave, Schofield. He is the owner of Emmerich Properties and is against the proposed Residential Rental Licensing. He feels this bill will have unintended consequences and people with low income and no jobs won't have a place to live. Also that this bill will be a burden to the housing situation in Wausau, not to mention the overwhelming impact this will have on the Inspections Department to implement and enforce.
- 2) Ted Mackum, 200 N. Main Street, Oregon, WI, spoke regarding the Wausau Club facility donation to the City of Wausau. He feels this is a great opportunity for the City to have because the building is on the National Historic Registry and may be eligible for tax credits from the state.
- 3) Jay Kleiber, 3404 N. 12<sup>th</sup> Street, Wausau, WI is proud to have provided rental housing for 37 years in the city and currently owns four (4) buildings in Wausau. This Rental Licensing is just another source of income for the city on the backs of landlords. He feels strongly that the single family tenants are going to be gone.
- 4) Deb Ryan, 702 Elm Street, Wausau is speaking for one of her neighbors in her district, Mr. Rick Petzkie at 118 S. 2<sup>nd</sup> Avenue where the City is planning street improvements next year. He feels strongly that curb and gutter is not needed in his area due to the fact that most of the streets are used as parking lots for the Eastbay employees and Salvation Army residents. He would like to see the city tackle the issue of the old Golden Guernsey property owned by Christine VanDeYacht. It's been sitting vacant for the past 10 years and is an eye sore in the neighborhood.
- 5) Scott Drake, 804 Naugurt Drive, Athens, WI is here to speak against the Residential Rental Licensing. He attended many task force meetings on this and felt the whole process in the meetings wasn't handled properly. Many of the blight issues within the city are tenant issues.
- 6) John Ballschmieder, 1527 N. 3<sup>rd</sup> Avenue. He is not a landlord but a homeowner and has a rental across the street from him which has deteriorated. He is in favor of the Residential Rental Licensing Program.
- 7) Dick Holster, 2808 Franklin Street, Wausau. He provided a list of additional comments regarding the rental licensing that he wishes the council would take into consideration before passing this tonight.

**Communications & Committee Reports:**

None

**Consent Agenda**

11/26/2013 7:30:22 PM

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

**13-1001** Minutes of the previous meeting. (10/22/2013)

**13-1101** Minutes of the previous meeting. (11/12/2013)

**12-1212** Resolution of the Capital Improvements and Street Maintenance Committee approving agreement for the Management and Maintenance of a Storm water facility (UAS Labs, LLC, formerly APN Labs, Inc.)

**13-0412** Resolution of the Capital Improvements and Street Maintenance Committee approving agreement for the Management and Maintenance of a Storm water facility (Subway)

**97-0312** Resolution of the Finance Committee approving Community Development Loan Repayment.

**97-0424** Ordinance of the Human Resources Committee amending Section 2.04.020 Common Council to reflect establishment of one alderperson for each aldermanic district.

**13-1115**

11/26/2013 8:12:50 PM

Motion by Rasmussen, second by Brezinski to adopt an ordinance of the Committee of the Whole creating Section 16.040.39 Residential Rental Licensing as amended at Committee of the Whole.

Winters wrote an editorial for the newspaper in favor of the licensing but feels it is important to explain why he dissented in the Committee of the whole meeting. He is in favor of simple licensing, simple fees and simple inspections. This ordinance is too complex and the city would never be able to do a budget based on this. He is not in favor of the Landlord Education component.

Rasmussen reiterated the favorable vote the Committee of the Whole provided for this ordinance. She addressed some of Mr. Emmerich's issues that were brought up. He is offered a number of rentals to purchase and if the repairs look to be too costly to bring up to his standards, he declines purchase of them. Mr. Emmerich is a reputable property owner and conducts a reputable business. This rental unit that he refuses to purchase then stays on the market, someone else purchases it, slaps some siding on it and the conditions and decay inside continue. Is it fair to ask a tenant to live in conditions that are sub-standard? Rasmussen also addressed the comments that were made earlier by Mr. Drake. There needs to be a concerted effort by landlords in the city to keep up their properties. Three years ago when the licensing issue was originally spoken about, landlords promised to do better and she doesn't see that happening. Owning and renting is a business and it needs standards. This ordinance needs to be passed and the amendments brought forward allow a sunset of 6 years to ascertain its effectiveness. This sets us on a path to making positive corrections in our housing stock.

Wagner said there is no cure-all for the rental properties in the city. He wished early on the city would have communicated more with the Apartment Association. They have indicated their willingness to work with the city on this issue and whenever someone is willing to work together, good things can happen. At the Public Health & Safety Committee, the Apartment Association was willing to address and work on the Education component for Landlords. This was encouraging and he was glad the committee pulled back on the requirement for the licensing. We can't go forward and penalize the professional landlords but there are also a number of landlords that have 40-50 low rent units. Because they have a large number of rentals, does not mean they are professional. He feels strongly with what Mr. Winters said regarding the fee schedule, and believes it will be very difficult for the city accounting function. He'd like to see all of this addressed more with the Apartment Association.

Oberbeck agrees that there seems to be a lot of questions. More education from the public is needed. We have tenants that fear letting Inspectors into their home. PH & S Committee did not resolve this issue but moved it to the Committee of the Whole in an effort to find out what is going to happen at the state level. He hasn't heard what the outcome is from Governor Walkers' office as yet, and that there are too many unresolved questions.

Rasmussen wants it noted that Mr. Oberbeck does not live within a corridor of the city outlined on the maps that were shown in the Committee of the Whole meeting. The apartments in District 9 are newer and therefore the landlords probably don't draw a great deal of negative response from their tenants or have very few code violations. In terms of a fee, she asked the Finance Director, Maryanne Groat if it's easier to manage a \$20/per door fee? Groat indicated her staff would work with whatever the Council wants, but the computer would generate what is necessary. And in terms of how many rental units exist within a building, the city has all that information, correct? The answer was yes. If we try the currently approved fee schedule and find down the road that it isn't working, we can always re-tool it at that time, correct? The answer again was yes by Ms. Groat. Those were Ms. Rasmussen's only concerns.

Mayor Tipple reiterated that they will be voting on the ordinance as amended in the Committee of the Whole meeting.

Oberbeck asked if the state has taken any action on the bill? He was of the understanding that the rental licensing would not be taken up until a decision was made at the state level.

Rasmussen indicated that upon further research, other municipalities that have rental licensing in place have not undertaken a process to repeal any ordinances in place. Assistant City Attorney, Alfonso said it certainly wasn't illegal to pursue this licensing and work it into the 2014 budget.

Winters had a chance to talk to the state staffer who was shepherding this through the legislature and the bill was initially addressing

issues in Milwaukee and Madison whereby it was requiring landlords to provide their tenants with a huge list of items, ie voter cards, safety information, etc. This would not eliminate the police powers of the city and would not affect the licensing.

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

**13-1109**

11/26/2013 8:14:37 PM

Motion by Winters, second by Mielke to amend 13-1109 the authorizing of the addition of fees to the City of Wausau Fees and License Schedule adopted pursuant to Wausau Municipal Code 3.40.010(a) from \$30.00 per unit to \$20.00 per unit.

Winters would like to amend this to \$20.00 per unit instead of \$30.00.

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

**13-1109**

11/26/2013 8:18:00 PM

Motion by Rasmussen, second by Brezinski to adopt a Resolution of the Committee of the Whole authorizing the addition of fees to the City of Wausau Fees and Licenses Schedule adopted pursuant to Wausau Municipal Code Section 3.40.010(a) as amended.

Abitz asked for clarification on the late fee application that Mr. Holster brought up.

Yes Votes: 9      No Votes: 2      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	NO

Motion by Nutting, second by Winters to adopt an Ordinance of the Committee of the Whole amending Section 16.04.037 Rent Abatement as affected by adoption of Residential Rental Licensing ordinance as amended at the Committee of the Whole so that rent can be abated at 100% instead of 50%-75%.

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

Motion by Rasmussen, second by Mielke to amend the Budget to include the revenue stream generated by rental licensing fees and the expenses of necessary added positions as outlined in the plan (inspector and clerical position in the inspection department, payroll position).

Rasmussen indicated that since we passed Residential Rental licensing and that plan is moving forward, we then need to amend the budget to include the revenue stream generated by rental licensing fees and the expenses of added positions in the inspections department and payroll department.

Tipple indicated there should be a revised revenue and expenditure fee on your desk.

Wagner asked if the change of the \$30.00/per unit to \$20.00/per unit changes the revenue stream? Bill Hebert said they estimate about 6800 rental units so the answer would be no.

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

Motion by Winters, second by Nutting to amend the 2014 City of Wausau Budget to include immediate tickets rather than warning letters for eight specific property code violations listed within Winters' proposal.

Discussion ensued regarding amendments that Winters' brought forward.

Mayor Tipple indicated that these amendments lacked transparency and a full opportunity to review them prior to passing tonight's 2014 Budget. The 2014 Budget started seven months ago in May of this year and there was ample opportunity to bring forth these amendments at the committee level. He felt this to be disingenuous and unacceptable.

Yes Votes: 5      No Votes: 6      Abstain: 0      Not Voting: 0      Result: FAIL

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

**13-1109**

11/26/2013 8:39:48 PM

Motion by Winters, second by Wagner to amend the City of Wausau 2014 Budget to convert the Public Access group into a public authority or other quasi - governmental agency as detailed in Winter's proposal.

Winters indicated he did research and would like to see the Public Access Department build a cash flow and become connected to a business expertise, such as the Entrepreneurial Education Center. This would allow the city to delete three of the expense categories equaling \$25,000 from their budget.

Mayor had understood that a directive was given to Winters from the Finance Committee to conduct his research and provide a recommendation to the committee. Mayor asked if that was completed. Due to Winters health issues, the results were not brought back to the Finance Committee.

Rasmussen was certain that all issues and ideas regarding Public Access were complete. She's unsure what this gets us that they already don't have the ability to do.

Attorney Jacobson pointed out that the Public Access is a department within the city and the department has employees hired by the city. Does she understand correctly that Winters is asking to terminate these employee and then do an RFP and put it out for bids for a contractor to take this over? Winters answered no.

Brezinski is going to oppose this amendment and the other one. These deserve a thorough review by the committee.

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

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

**13-1109**

11/26/2013 9:14:15 PM

Motion by Nagle, second by Mielke to call the question on the amendment to the Budget referencing the \$25,000 to the Boys and Girls Club.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
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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

**13-1109**

11/26/2013 9:14:39 PM

Motion by Oberbeck, second by Abitz to adjust the City of Wausau 2014 Budget to remove the \$25,000 line item that was designated to the Boys & Girls Club.

Yes Votes: 4      No Votes: 7      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	YES
8	Kellbach, Karen	NO
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**13-1109**

11/26/2013 9:15:31 PM

Motion by Brezinski, second by Winters to adopt a resolution of the Finance Committee adopting the 2014 City of Wausau Budget and general property tax to support same as amended.

Yes Votes: 9      No Votes: 2      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	NO
11	Mielke, Robert	YES

**13-1109**

11/26/2013 9:17:36 PM

Motion by Rasmussen, second by Wagner to amend the fee schedule based on the budget amendments.

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

**13-1109**

11/26/2013 9:18:11 PM

Motion by Rasmussen, second by Wagner to adopt a resolution of the Finance Committee adopting 2014 Fee Schedule as amended.

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

**12-1109**

11/26/2013 9:18:57 PM

Motion by Nutting, second by Brezinski to adopt a resolution of the Finance Committee approving Budget Modification to Recognize the B.A. and Esther Greenheck Foundation Grant Award Funding the Purchase of Zoll DeFib Equipment.

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

**13-1114**

11/26/2013 9:19:32 PM

Motion by Mielke, second by Nutting to adopt a resolution of the Human Resources Committee approving reclassification of the Metro Ride Mechanic II position to Maintenance Technician.

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

**03-0916**

11/26/2013 9:25:43 PM

Motion by Gisselman, seconded by Abitz to table the item 03-0916 Charter Ordinance Relating to extending some terms of the alderpersons of the City of Wausau.

Gisselman supported this in committee but he has a concern for those that run for the City Council and the County Board as it would mean he would be required to circulate nomination paperwork and campaign every year.

Abitz thinks they will bring this up at the County level, as well.

Mayor wishes to see more continuity with the city aldermanic terms and their service within the committees that they serve on. Campaigning every two years for ALL Alderpersons becomes disruptive to the government process.

Gisselman asked if it would be possible to table this issue until the county has decided what to do. He understands the Mayor's point.

Yes Votes: 3      No Votes: 8      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	YES
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	NO
10	Abitz, Sherry	YES
11	Mielke, Robert	NO

**03-0916**

11/26/2013 9:26:15 PM

Motion by Brezinski, second by Rasmussen to adopt a Charter ordinance of the Human Resources Committee relating to extending some terms of the alderpersons of the City of Wausau. (*Requires 2/3 vote to pass*)

Yes Votes: 8      No Votes: 3      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	NO
6	Winters, Keene	NO
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	NO
11	Mielke, Robert	YES

**Suspend the Rules**

11/26/2013 9:27:00 PM

Motion by Rasmussen, second by Nutting to suspend the rules of the Common Council by a recorded vote of two-thirds (2/3) of the members present.

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

**01-0725**

11/26/2013 9:27:41 PM

Motion by Wagner, second by Mielke to adopt an ordinance of the Common Council amending Section 1.12.015 Aldermanic districts to reflect eleven aldermanic districts.

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

**13-1116**

11/26/2013 9:31:06 PM

Motion by Wagner, second by Brezinski to adopt a joint resolution approving the Development Agreement between City of Wausau and CAG Industrial, Inc. for a \$650,000 developer grant to finance facility improvements including the construction of a crane, facility addition, parking and private drive improvements at 305 84th 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

**13-1118**

11/26/2013 9:33:41 PM

Motion by Brezinski, second by Gisselman to adopt a Resolution of the Committee of the Whole authorizing acceptance of conveyance, by donation, of the Wausau Club, 309 McClellan Street, to the City of Wausau from Visions Wausau, LLC. Immediate Fiscal Impact: 2013 real estate taxes approximately \$12,500 and closing costs of no greater than \$5,000.

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	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	NO
10	Abitz, Sherry	NO
11	Mielke, Robert	NO

**Adjourn**

11/12/2013 9:34:35 PM

Motion by Nutting, second by Mielke to adjourn. Meeting adjourned at 9:35 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

**CONFIRMATION OF CLERK'S APPOINTMENTS**

to members of the Board of Election Officials for a term ending December 31, 2015

File Number: 13-1203 Date Introduced: December 10, 2013

**WHEREAS**, pursuant to Section 7.30(4)(a) of the Wisconsin Statutes, the governing body of the City must appoint necessary election officials for polling sites no later than the last regular meeting in December of each odd numbered year, and

**WHEREAS**, pursuant to Section 7.30(4)(b), the two dominant political parties are responsible for submitting a list of names from which election officials are appointed by no later than November 30 of each odd numbered year, and

**WHEREAS**, pursuant to Section 7.30(2)(c), if the lists are insufficient or not submitted, the municipality shall nominate other qualified persons whose names have not been submitted by the political parties, and

**WHEREAS**, members have been appointed whose names appear on the list submitted by the Marathon County Democratic Party Chairperson by the deadline, and

**WHEREAS**, members have been appointed whose names appear on the list submitted by the Marathon County Republican Party Chairperson by the deadline, now therefore

**BE IT RESOLVED**, by the Common Council of the City of Wausau that the list of qualified persons attached hereto and made part of this resolution be hereby appointed to the Board of Election Officials for a term to expire on December 31, 2015, and

**BE IT FURTHER RESOLVED**, that pursuant to Section 7.30(2)(b), the City Clerk may appoint qualified persons to the Board of Election Officials to fill vacancies occurring prior to December 31, 2015.

Approved:

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James E. Tipple, Mayor

**CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403**

**RESOLUTION OF THE HUMAN RESOURCES COMMITTEE**

Authorizing Implementation of a New Pay Plan for General City Employees by Adoption of the Amended Compensation Philosophy, Base Pay Plan Administration Procedures, and New Salary Grade Structure.

Committee Action: Approved 3-0

Fiscal Impact: Included in 2014 Budget

**File Number:** 12-0220

**Date Introduced:** December 10<sup>th</sup>, 2013

**RESOLUTION**

**WHEREAS**, your Human Resources Committee recognizes the fiscal necessity of a clearly defined specific compensation policy and schedule that directs employee wages, and

**WHEREAS**, your Human Resources Committee authorized staff to engage in a wage comparability and compensation study to review current pay rates to available market data and develop a new merit based pay system, and

**WHEREAS**, market data was reviewed and used to develop a new merit based salary grade structure, and

**WHEREAS**, recommendations were reviewed and drafted to update the City's compensation philosophy and base pay plan policies and procedures necessary to administer the new merit based salary plan, and

**WHEREAS**, Compensation Philosophy, Base Pay Plan Administration Procedures, and a new Salary Grade Structure has been created and approved at the December 3<sup>rd</sup> Human Resources Committee that sets compensation policies and salary ranges for all general city employees, and

**WHEREAS**, the Compensation Philosophy and Base Pay Plan Administration Procedures shall be incorporated into the Employee Handbook as amended by the committee and attached hereto, and

**WHEREAS**, your Human Resources Committee has reviewed, studied, and discussed the Wage Study process and data provided, Compensation Philosophy, Base Pay Plan Administration Procedures, and new Salary Grade Structure and recommends adoption, including proposed plan implementation procedures, as attached to this resolution in its entirety and as amended by the Human Resources Committee.

**NOW THEREFORE BE IT RESOLVED** by the Common Council of the City of Wausau that the Compensation Philosophy, Base Pay Plan Administration Procedures, and new Salary Grade Structure for General City Employees, as stated and specified above, is approved and adopted to be effective as of January 1st, 2014.

Approved:

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James E. Tipple, Mayor

**DRAFT**

**CITY OF WAUSAU HUMAN RESOURCES COMMITTEE  
MINUTES OF OPEN SESSION**

DATE/TIME: December 3, 2013 at 4:30 p.m.  
LOCATION: City Hall (407 Grant Street) – Board Room  
MEMBERS PRESENT: R. Wagner (C), D. Nutting, D. Oberbeck  
MEMBERS ABSENT: B. Nagle, G. Gisselman (left the meeting prior to these items),  
Also Present: Mayor Tipple, M. Barnes, D. Bohn, P. Czarapata, D. Erickson, N. Giese, B. Graham,  
A. Jacobson, M. Lawrence, M. Loy, B. Marquardt, M. Pauls

**Review Wage Study Results and Process.** Loy reminded the committee that they have previously reviewed the process and tools WIPFLI used in developing their recommendations for the new pay plan. Loy asked if the committee had any additional questions on the document or process. The committee was satisfied with previous discussion of the topic and had no further questions.

**Amendments to Chapter 5 – Compensation of the Employee Handbook.** Loy proposed complete revision of Chapter 5 – Compensation of the Employee Handbook with two additional changes since it was first published in the study document. The first change is in the language for merit increases to accurately reflect how the amount of a merit increase will be calculated. Initially the verbiage stated that a merit increase would be applied by taking the employee’s current rate of pay, identifying which quintile that rate of pay is in, and then multiplying the midpoint of the salary range by the percentage increase based on the employee’s level of performance. The proposed change is to state that a merit increase will be applied by taking the employee’s current rate of pay, identifying which quintile that rate of pay is in, and then multiplying the current rate by the percentage increase established in the annual merit increase decision worksheet based on the employee’s level of performance. The committee had no comments regarding this change of language.

The second proposed change is to the section on redlining. Initially, this section said that any employee whose salary is above the maximum pay rate in the pay grade established for their job would have their pay rate frozen until market adjustments brought their current salary within the established salary ranges. The proposed change allows for any employee who is at or above the maximum rate to be eligible to receive “any portion of any pay increase that exceeds the salary range maximum rate as a lump sum payment to be paid at the time of the adjustment. The lump sum payment would be calculated by taking the hourly rate that exceeds the salary range maximum rate and multiplying it by the annual hours for the position (usually 2080 hours).” Loy explained that this would continue to provide incentive to those who are at or above the maximum for their pay range without further compounding the problem. Over the course of time these employees should be brought back into the pay range as inflation adjustments to the salary ranges occur. Wagner asked if there is a certain group or departments with positions at or above the maximum of their pay range. Loy stated that there is no discernible trend or pattern throughout the organization as to where these positions are. Oberbeck questioned why the organization would continue to give pay increases to an employee who is at or above the top of their pay range. Loy said that all employees should have an incentive to perform well, and if you take away the possibility of receiving any type of incentive, you may be taking away an employee’s drive to keep performing. Wagner asked if redlining will eventually go away, or is it something that the organization will always have issues with. Loy responded that redlining should be a short term issue. However, he said there may always be the possibility of it occurring in the future as an exception, especially with high performers, but it should not be the norm. Wagner said he believes this adds value to the system and doesn’t see any issues if it is

something that the organization will grow out of. Nutting agreed. Mayor Tipple asked if the redlining is a symptom of the current salary structure. Loy said yes, that not all jobs excel at the same rate in the job market. The current system has adjusted all positions at the same rate, leading to some positions being underpaid, and some positions being overpaid according to the current market rates. Loy went on to discuss the new pay for performance system and how this will enable department heads to focus on performance of employees rather than the dollar amount of raises. Oberbeck said he would like more information on what “exceptional” means in terms of employee performance presented to the committee. Loy said the best thing that can come out of this new system is for managers to have expanded conversations with their employees about their performance and the overall quality of the City’s job descriptions. Oberbeck said that he envisions an exceptional employee as one that is helping to move the organization forward. Motion by Oberbeck to approve the amendments to Chapter 5 – Compensation of the Employee Handbook. Second by Nutting. All ayes. Motion passes unanimously.

**Implementation of New Pay Plan Salary Ranges.** Loy reviewed with the committee the steps that were taken to create the new pay plan salary ranges, and stated that employees had questions and concerns when they received the Wage Comparability Study. Loy created an electronic survey for employees and received over 100 responses. The responses indicated that some employees felt that they were graded too low on the internal equity piece of the study, and secondly, employees wanted to know who they were compared to. Because WIPFLI used public and private sector market rates, the information of who employees were compared with is not available; private sector company information remains anonymous and the public sector data is mixed in. After reviewing all of the submitted surveys, Loy sat down with department heads and went over the survey’s feedback. Upon completion of these meetings, some positions were placed in a higher grade due to factors that were not considered by WIPFLI and were unique to our organization. Loy proceeded to review the cost drivers associated with the plan’s implementation as outlined in the memo provided to the committee. Wagner questioned how the appeal’s process would be conducted. Loy stated that he would like the HR Committee to be involved in the appeal’s process. Loy would provide the committee with all the documentation needed to make informed decisions. Oberbeck said the committee should be focusing on voting on the implementation, not the specifics of the plan. Mayor Tipple stated that reclassification requests have been handled by the HR Committee the past several years because the HR staff was not in a position to make those decisions. However, Tipple feels that the HR department can now handle and issues, including appeals that may come about in the new system. Wagner said he trusts the HR department to take care of placement decision within the structure and any appeals process and that would not be a role of the HR Committee. Motion by Nutting to approve the implementation of the new pay plan salary ranges as amended by the HR Director. Second by Oberbeck. All ayes. Motion passes unanimously.

**RESOLUTION OF THE PLAN COMMISSION**

Approve a conditional use at 410 McIndoe Street to allow for an internally illuminated building sign without digital message center and an internally illuminated monument sign, in a R4, General Residence District (Marathon County Historical Society).

Committee Action: Approved 6-0

Fiscal Impact: None.

**File Number:** 02-0820

**Date Introduced:**

December 10, 2013

**WHEREAS**, on November 19, 2013, the Plan Commission held a public hearing to consider a request Mary Forer, Marathon County Historical Society, for a conditional use at 410 McIndoe Street to allow for an internally illuminated building sign without digital message center and internally illuminated monument sign; and

**WHEREAS**, the proposed monument and building sign are in keeping with the general character of signs that have been approved in residential zoning districts; and

**WHEREAS**, the Historic Preservation Commission reviewed the proposed signs and recommended that the signs be approved; and

**WHEREAS**, staff feels that the signs are unlikely to have a negative impact on neighboring properties or the general public's health, safety, or welfare; now therefore

**BE IT RESOLVED** that the Common Council of the City of Wausau hereby approves a conditional use at 410 McIntosh Street to allow for an internally illuminated building sign without digital message center and an internally illuminated monument sign, with the following condition:

- 1) That the signs will not be illuminated from 9 p.m. to 6 a.m.

Approved:

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James E. Tipple, Mayor

## PLAN COMMISSION

---

Time and Date: The Plan Commission met on November 19, 2013, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Tipple, Marquardt, Radtke, Bohlken, Oberbeck, Valitchka

Others Present: Lenz, Hebert, DeSantis, Woller, Jane Welter, Rotter, Paul Welter, Gonzalez, Force, Holster, Ryan, Meyer, Leher, Engen

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:00 p.m. Mayor Tipple called the meeting to order.

**PUBLIC HEARING: Approve a conditional use at 410 McIndoe Street to allow for an internally illuminated building sign with digital message center and an internally illuminated monument sign, in a R4, General Residence District (Marathon County Historical Society.)**

Mayor Tipple stated that emails were received from Angela Gonzalez and Michael Martin, Jim and Boo Force, and Attorney Peter Rotter in opposition to the conditional use. A letter was received from Paul and Jane Welter in opposition. The emails and letters were passed out to the commission members and placed on file.

Matt Woller, Graphic House, said that this project was on the agenda in April and had been approved. Prior to the Common Council meeting, the item was pulled from the agenda so some adjustments could be made. The back side of the property, facing 5<sup>th</sup> Street and Fulton Street, a single-faced wall sign is proposed with a message center. On the south side of the property, where a new monument sign with a double-faced message center was previously proposed, has been changed to use the existing structure. The digital message center has been removed from the sign proposal. It is proposed to use the existing structure, pull the existing cabinets, and refurbish those with a new slip-in readerboard system. This will be all internally illuminated. Basically, the cabinets will be flopped out to create a new look. A digital message center, on the wall sign, will help improve business and grab more attention off of 5<sup>th</sup> Street. There will be the ability to change the message from inside the building.

Jane Welter, 521 Grant Street, said that her and her husband bought the Stewart House in 2001 and with the help of the Marathon County Historical Society converted it into a Bed and Breakfast. They are now retired. The mission statement of the Marathon County Historical Society is to collect, preserve, advance, and decimate the knowledge and history of Marathon County and the state of Wisconsin, according to the website. It is a group of historians. Welter said the owners of the homes in the Andrew Warrens Historic District are the preservationists. Welter said that Forer and Hantenhauer have said many times that it is not their job to preserve the buildings and neighborhood. Welter said that it has taken a while, but have come to the realization that they don't care. The neighbors take care of the irreplaceable buildings and love them. Welter said the neighbors love the beautiful churches and tree-lined streets and don't want the digital readerboard signs. Welter said the Plan Commission relied on the fact that a Certificate of Appropriateness was issued from the Historical Preservation Commission, during the April meeting, and said she believes it was flawed. During the March 24 Historical Preservation meeting, a quorum of 5 members met. Two of these members are employed at the Marathon County Historical Society and stated that there wasn't a conflict of interest. Later, it was agreed that the Certificate of Appropriateness was not needed and believes that the Plan Commission relied heavily on this certificate to grant the approval.

Peter Rotter, 410 Fulton Street, said he sent an email in opposition and would also like to comment on the flaw of the previous approval. Rotter said he lives directly across the street. The message board on the north side of 410 McIndoe Street faces his front porch and said he did not receive notice of the meeting. Rotter said he didn't know anything about the signage until someone said something to him about it. Rotter said that he wishes the people that undertook this project would get to know the neighborhood. Rotter said that he spoke with Forer a few weeks ago and discovered she is very afraid of the neighborhood, especially after dark when the employees have to leave. Rotter said he explained who the

neighbors were and after that became less afraid. The sign is being approved and recommended without anyone really getting to know the neighborhood.

Paul Welter, 521 Grant Street, said that much of what he was going to say has already been said. This proposal demonstrates that the Marathon County Historical Society leadership has lost its way and some board members and employees are uncomfortable voicing their true thoughts out of fear of endangering friendships, losing social standing, or even being fired. After asking his thoughts, a nationally recognized authority on architectural history said that it 'just sounds awful and a good way to loose members.'

Angela Gonzalez, 502 Fulton Street, said that they have lived there for 3 years and only want to reiterate on the comments. This signage is not about conducting business or to increase marketing and said she is not against that. Gonzalez said the opposition is for the digital readerboard sign, especially is the dark. It gets darks very early and the living room windows face kitty corner from where the sign would be placed and don't want to see it. Gonzalez said she cannot understand why the Marathon County Historical Society feels the best way to get the name out their more is to shining readerboard into a residential area. This will take away ability to look out the window and see the street. Gonzalez said she would like to see more of the dollar figures and how it will correlate with more funding and more members. Additional revenue could be raised through the internet or newspapers.

Jim Force, 515 Franklin Street, said that he has the same thoughts and remarks as they others and said that someone from the Marathon County Historical Society should be here. The sign for McIndoe Street seems like a very attractive and useful sign. The sign has a nice design and applauds the type of sign. Force said that if that sign is so effective and useful and asked why not have the same type of sign of 5<sup>th</sup> Street.

Mayor Tipple closed the public hearing.

Lenz said that the standards for conditional use approval were handed out at the beginning of the meeting. The standards refer to uses effecting the health, safety, morals, comfort, or general welfare and that the use will not be injurious to the use and enjoyment of other property in the immediate vicinity. These are the issues that Plan Commission needs to sort out. Lenz said he is not going to defend the choice of signage or question the motives of the historical society. He said he would like to address the comment about a flawed notice and stated that a notice is required to be sent out to homeowners within 100 feet of the petitioned property and they were in fact sent out to property owners within 300 feet of the petitioned property. He said copies of the mailing labels are available in the file. He also said the signage was not required to go to the Historic Preservation Commission, only to Plan Commission, which will forward the recommendation to Common Council. The previous signage had conditions put on it. One condition was on the location, but since the location is changing to the current location, this would not apply. Another condition was that the hours that the sign would need to be shut off would be 9PM-6AM.

Valitchka asked Woller what color the LED lighting would be. Woller said it would have full color ability, but will be using white LED. The previous proposal was for an amber LED. The white is less intrusive and seems most appropriate. Valitchka said it is a computerized sign. Woller agreed and said that the Marathon County Historical Society will use it as a mainly a text based system. Valitchka asked what the current hours of operation were. Woller answered 8:30-4:30. Valitchka asked Woller if he has the authority to accept compromises on this proposal if it is the commission's desire to such changes or if that needs to be done with the board of directors. Woller answered that he does and may want to take any recommendations back to the board. Valitchka asked Force if a non-readerboard sign would be acceptable on the north end of the building. Force answered that he would prefer that compared to what is being proposed. Force said that he thought at one time both of the signs were to be readerboard signs. This was confirmed. Force said that would not object to the proposal if the signs were non-readerboard signs. Valitchka asked the neighbors to raise their hands if this was acceptable. Some members of the

audience raised their hands. Valitchka said that Gonzalez had made comments of the signage causing injurious to her because of the lighting in the window and asked if this would be a good compromise. Gonzalez said that she would be much more willing to agree with signage if it is like the sign on the front. Valitchka asked Rotter if he has the same impact. Rotter said he has the same impact and that it seems like a workable compromise. Valitchka said that the readerboard signs may be a way to invite people into the neighborhood.

Valitchka motioned to approve a conditional use at 410 McIndoe Street to allow for an internally illuminated building sign without a digital message center and an internally illuminated monument sign, in a R4, General Residence District with a condition that the sign will be turned off from 9 PM to 6AM. Bohlken seconded.

Welter said that this proposal, as agreed to, is exactly what the neighbors thought would happen and the direction that Forer thought, according to an email. Welter said the neighbors were in shock and this is what everyone wanted to see. It is great. Marquardt asked if the motion would be to have both signs internally illuminated. Valitchka agreed. Marquardt said there will be no digital readerboard.

Lenz said that there was previously a condition for nonflashing lights, but since there wouldn't be a readerboard there would be no issue. Valitchka said that Plan Commission has the authority to modify a conditional use. Lenz said that Plan Commission and Common Council can take the necessary steps to minimize any effects of the signage.

The motion carried unanimously 6-0. This item will go to Common Council on December 10, 2013.

Mayor Tipple thanked the neighbors for coming and arriving at the compromise.

Department of Public Works  
Planning Division



Brad Lenz, AICP  
City Planner

MEMO

TO: Members of City Plan Commission  
FROM: Brad Lenz, City Planner *BL*  
DATE: November 13, 2013  
SUBJECT: Summary of Agenda Items for November Plan Commission Meeting

\*\*\*\*\*

Below is a brief summary of items numbered 2 through 5 on the November 19, 2013 Plan Commission agenda. Attachments associated with these items follow this page.

**(#2) Conditional use for new signage at 410 McIndoe Street (Marathon County Historical Society).**

The Marathon County Historical Society received approval from plan commission in April of 2013 to install illuminated signs on their property. The property is residentially-zoned and therefore requires conditional use approval for signage. Following plan commission's recommendation to approve the signs and prior to action by the common council, the request was withdrawn by the historical society out of concerns raised by the neighborhood. Since then, the sign company and members of the historical society have met with the neighborhood to discuss revised signage. In the pages that follow are renderings of the revised signs, the previously-approved signs, and minutes from the plan commission meeting at which the signs were approved.

**(#3) Amend Zoning Code pertaining to driveway and parking space maintenance.**

Staff introduced this new language for the zoning code at the last plan commission meeting. The commission authorized holding a public hearing to implement these changes. The proposed changes and minutes from the previous meeting are labeled #3 in the attachments.

**(#4) Amend precise implementation plan for 1015 S. 17<sup>th</sup> Ave, previously 1610 Sheridan Rd ("Thunderlube").**

The previously-approved sight plan, as part of the UDD zoning approval, shows a slightly different site configuration than the plans recently submitted to the zoning and inspections department. The two plans differ mainly in terms of traffic flow and parking. The site plan review by plan commission is primarily to place the latest plans on file as part of the zoning approval, unless issues with the new site plan are found by plan commission or council. Staff and/or the petitioners will point out specific differences between the plans at the plan commission meeting.

**(#5) Update on urban planning initiatives.**

Staff will provide the most recent updates at the meeting on a variety of planning initiatives underway, including the urban design standards, Thomas Street, and 2<sup>nd</sup> Avenue projects.

# GRAPHIC HOUSE

3204 Packer Drive, Wausau, WI 54401 715-842-9042  
www.graphichouseinc.com

FILE # MARATHON COUNTY HISTORICAL SOCIETY  
WAUSAU, WI

SLES JOB: MATTHEW W  
SLES AUTHORIZATION:

DATE: 12-8-2011

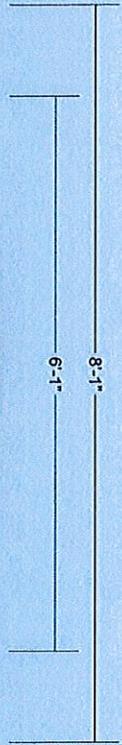
JOB NUMBER: MW-4433  
REVISION: 1-3-2013-F

PLEASE CONTACT GRAPHIC HOUSE FOR ALL SIGNAGE REQUIREMENTS  
AND AVOIDANCE OF RESTRICTIONS. SEE LIST BY

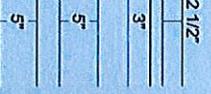
**SIGN SPECIFICATIONS**

- (1) W/ FINISH, ALUM. MOUNTING CHANNEL
- THE SIGN CHANNEL IS TO BE FINISH OR ALUM. FINISH OR ALUM. FINISH TO MATCH BUILDING. FINISH IS TO BE WHITE POLYURETHANE.
- ALL COPY IS TO BE WHITE. SIGN IS TO BE #250-455 MOUNT FINIT. OPPOSITE BACKGROUND IS TO BE BROWN. BRONZE TO MATCH BUILDING.
- FACE REPAINTMENTS FOR LUMBER REBOARDING CHANNEL ARE TO BE WHITE POLYURETHANE. REBOARDING SECTION IS TO HAVE 1/2" LINES OF 1" SQUARE REBOARDING CHANNEL. CUSTOM SLIP-IN FINISH IS TO HAVE #250-455 MOUNT FINIT COPY #250-455 BROWN BRONZE FINIT BACKGROUND.

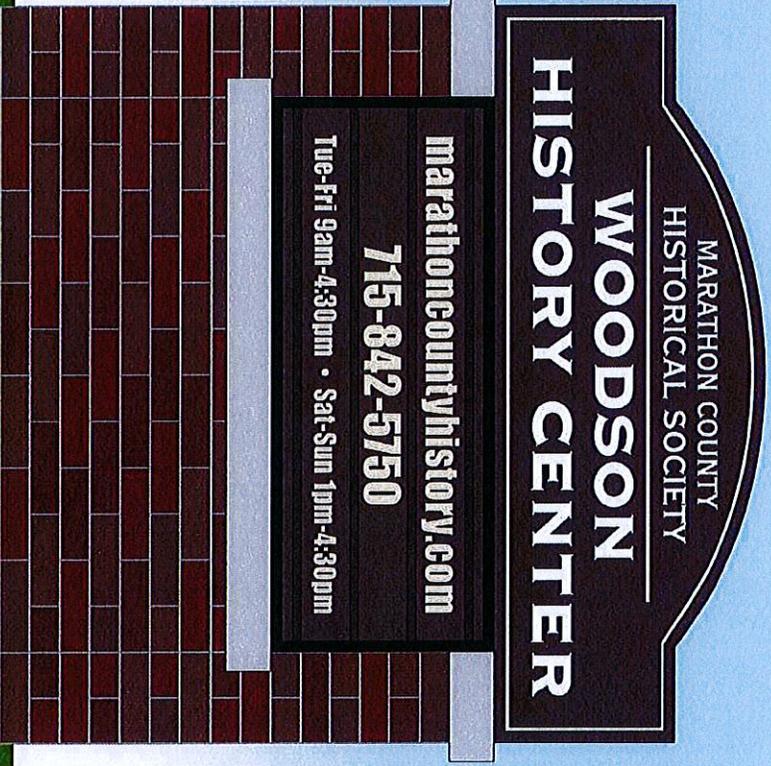
OPPOSITE SIDE  
MATCHES FRONT



36" NEW CABINET



30" NEW FACES IN EXISTING CABINET



CLIENT HAS IDENTIFIED THE LOCATION IN WHICH THE SIGNAGE IS TO BE INSTALLED. THE CLIENT HAS THE SOLE RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF ALL EXISTING STRUCTURES TO SUPPORT THE SIGNAGE.

**ALL RIGHTS RESERVED**

THIS IS AN APPROXIMATE SIGNAGE DESIGN. GRAPHIC HOUSE ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED. GRAPHIC HOUSE ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED. GRAPHIC HOUSE ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED.

PLEASE DATE:

REMARKS: THE SIGN COLOUR SHOWN IN THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY. THE COLOURS SHOWN ARE APPROXIMATE. THE ACTUAL COLOURS OF THE SIGN WILL BE DETERMINED BY THE SIGNAGE MANUFACTURER. ALL COLOURS SHOWN ARE APPROXIMATE. THE ACTUAL COLOURS OF THE SIGN WILL BE DETERMINED BY THE SIGNAGE MANUFACTURER.

# GRAPHIC HOUSE

9204 Parker Drive, Mousau, WI 54401 715-842-0402  
www.graphichouseinc.com

CLIENT:  
MARATHON COUNTY HISTORICAL SOCIETY  
WAUSAU, WI

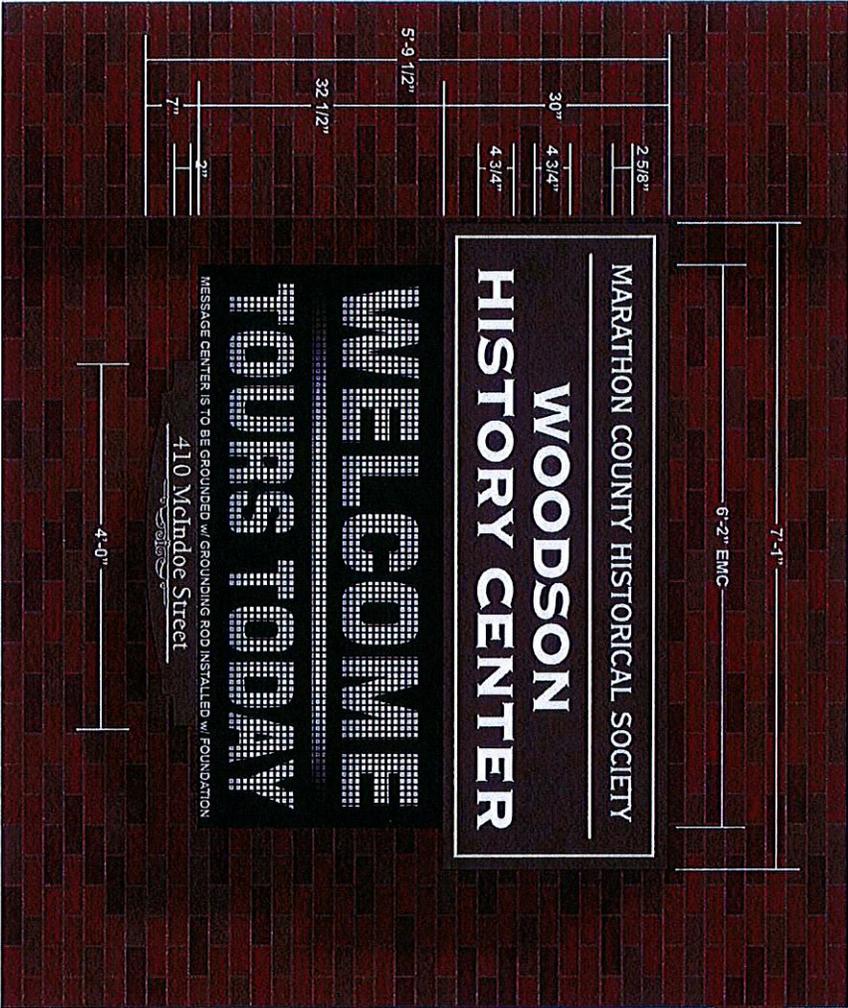
SIGNS BY:  
MATTHEW W. SUELS  
SIGN INTRODUCTION

DATE:  
12-9-2011

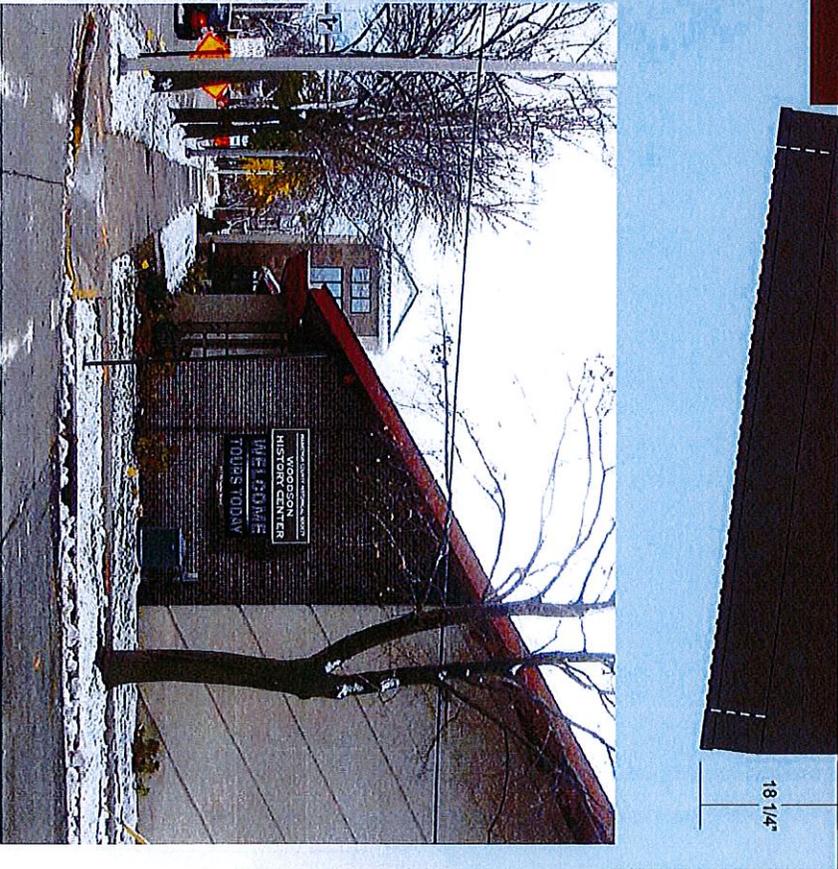
JOB NUMBER:  
MMV-10790  
REVISION:  
7-9-2013-6

DATE OF SIGNAGE: 12/9/2011  
DRAWN BY: MWS  
CHECKED BY: MWS

- SIGN SPECIFICATIONS:**
- 1/2" ALUM. WALL SIGN
  - SIGN CABINET IS TO BE FINISH OF ALUM. PAINTED BROWN. BRONZE TO MATCH BUILDING. FACES ARE TO BE WHITE POLYCARBONATE.
  - ALL COPY IS TO BE WHITE. STOPS IS TO BE #5000-405 BROWN VINYL. OPPOSITE BACKGROUND IS TO BE CLEAR. BRONZE TO MATCH BUILDING.
  - SEE BILL FOR LED MESSAGE CENTER IS TO HAVE 40 LINES OF 7" CHARACTERS (62 x 84 INCHES). NON-FLAT BACK PANEL OF EACH IS TO HAVE #485-418 SPECTRA VINYL COPY W/ BROWN. BRONZE BACKGROUND.
  - ALUM. FINISH PANEL CABINETS IS TO BE PAINTED BROWN. BRONZE TO MATCH BUILDING.
  - NON-FLAT ALUM. ADDRESS PANEL IS TO BE PAINTED BROWN. BRONZE TO MATCH BUILDING. W/ #485-418 SPECTRA VINYL CHARACTERS.



APPROX. TOP VIEW:



CLIENT HAS IDENTIFIED THE LOCATION IN WHICH THE SIGNAGE IS TO BE INSTALLED. THE CLIENT HAS THE SOLE RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF ALL EXISTING STRUCTURES TO SUPPORT THE SIGNAGE.

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**REVISIONS:**

1. REVISED TO ADD ADDRESS AND PHONE NUMBER TO SIGNAGE.

REVISIONS: THE CLIENT HAS IDENTIFIED THE LOCATION IN WHICH THE SIGNAGE IS TO BE INSTALLED. THE CLIENT HAS THE SOLE RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF ALL EXISTING STRUCTURES TO SUPPORT THE SIGNAGE. GRAPHIC HOUSE INC. MAKES NO WARRANTY OR REPRESENTATION AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CLIENT HAS THE SOLE RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF ALL EXISTING STRUCTURES TO SUPPORT THE SIGNAGE.

## PLAN COMMISSION

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Time and Date: The Plan Commission met on April 24, 2013, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Tipple (C), Marquardt, Radtke, Bohlken

Others Present: Lenz, Hebert, Clark, Woller, Wagner, Laughlin, Royer, Jane Welter, Paul Welter, Heilmeier, Anderson, Devoute, Radenz, Begley, Peterson, Force, Olson, Christianson, Engen

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:00 p.m. Mayor Tipple called the meeting to order.

**PUBLIC HEARING: Approve a conditional use at 410 McIndoe Street to allow for two internally illuminated signs with digital message centers, in a R4, General Residence District (Marathon County Historical Society).**

Matt Woller, 9204 Packer Drive, said that proposed signs would be new. The current signage is a double-faced internally illuminated monument sign with manual reader board. This sign will be removed and a new monument sign will be put in with a digital message center. It is also proposed to put a single-faced wall sign that will be internally illuminated with a single-faced message center that could promote the Marathon County Historical Society and other events. The message center will have amber LED lighting. The single-faced sign on the north elevation is proposed since it is on a one-way street. The current double-faced sign does not have any visibility on 5<sup>th</sup> Street. The single-faced sign will help drivers and give the business more visibility. The double-faced monument sign will be visible from east and west bound traffic on McIndoe Street. The location of the sign will not change much. The message center will have text and Marathon County Historical Society will have control of brightness and timing. The signage will be tied into the architectural and historic aspect of the district.

Kathy Laughlin, 502 McIndoe Street, objected to the sign. Laughlin said she would like to see what the signs are. Hebert gave her a packet to view. The Marathon County Historical Society is another tool that the city can use and does not want to see the values compromised. Electronic signs do not fit in residential neighborhoods. Laughlin said the sign is dreadful and does not want to see the signage through the bedroom window. The zoning should speak rather loudly that this type of sign was never intended.

Beverly Royer, 502 McIndoe Street, said she is against the signage in the area. The downtown is a gem and does not want it to look commercialized. There would be such a glow in all of the property owners' windows.

Woller said that the age of digital message centers are here to stay. There are other signs like this in the downtown area. Woller gave examples of signs such as Prehn Dental, St. Paul's United Church of Christ, Associated Bank, and Marathon County Library. The signage helps to promote events and exhibits. The best opportunity to keep driving the society is by promoting it. Royer said those signs are in the downtown, not the residential area. The condo was purchased in thought that it was going to stay that way.

Jane Welter, 521 Grant Street, said she would hate to see such a precedent set in the historic district. Welter added that the Historic Preservation Commission has put anchors on the homeowners and the signage does not fit with the district.

Paul Welter, 521 Grant Street, said this is against all sense of theology and geometry to put something like this in the neighborhood. The huge rays of light are going to be a scourge on the neighborhood. It will be as hideous as the sign for Associated Bank on the 400 Block. It would be a horrible thing to add to the Marathon County Historical Society.

Mayor Tipple closed the public hearing.

Lenz said the signage was reviewed by the Historic Preservation Commission, and they did not have any problems with it. The staff recommendation followed their endorsement. Lenz said he doesn't particularly like these message centers, especially in residential areas, and the commission should be sensitive to them. One member of the Historic Preservation Commission who lives near the Historical Society was in support of the signage. Lenz said there could be timing restrictions put in place so that the sign must be turned off at a certain time. Also, there is a 15 foot setback that should apply to this property. He said the zoning code differentiates between flashing and non-flashing signs. A non-flashing sign has the same message for at least six seconds, which is what staff recommends in this case.

Bohlken asked if there are any restrictions to the brightness of signage. Lenz said that there aren't any in the zoning code but theoretically we could measure foot candles. He is not sure if we've ever done it or how practical it would be to enforce.

Radtke asked what timing restrictions are usually done in these circumstances. Lenz said that he remembers one such restriction of 9 p.m. until 6 a.m.

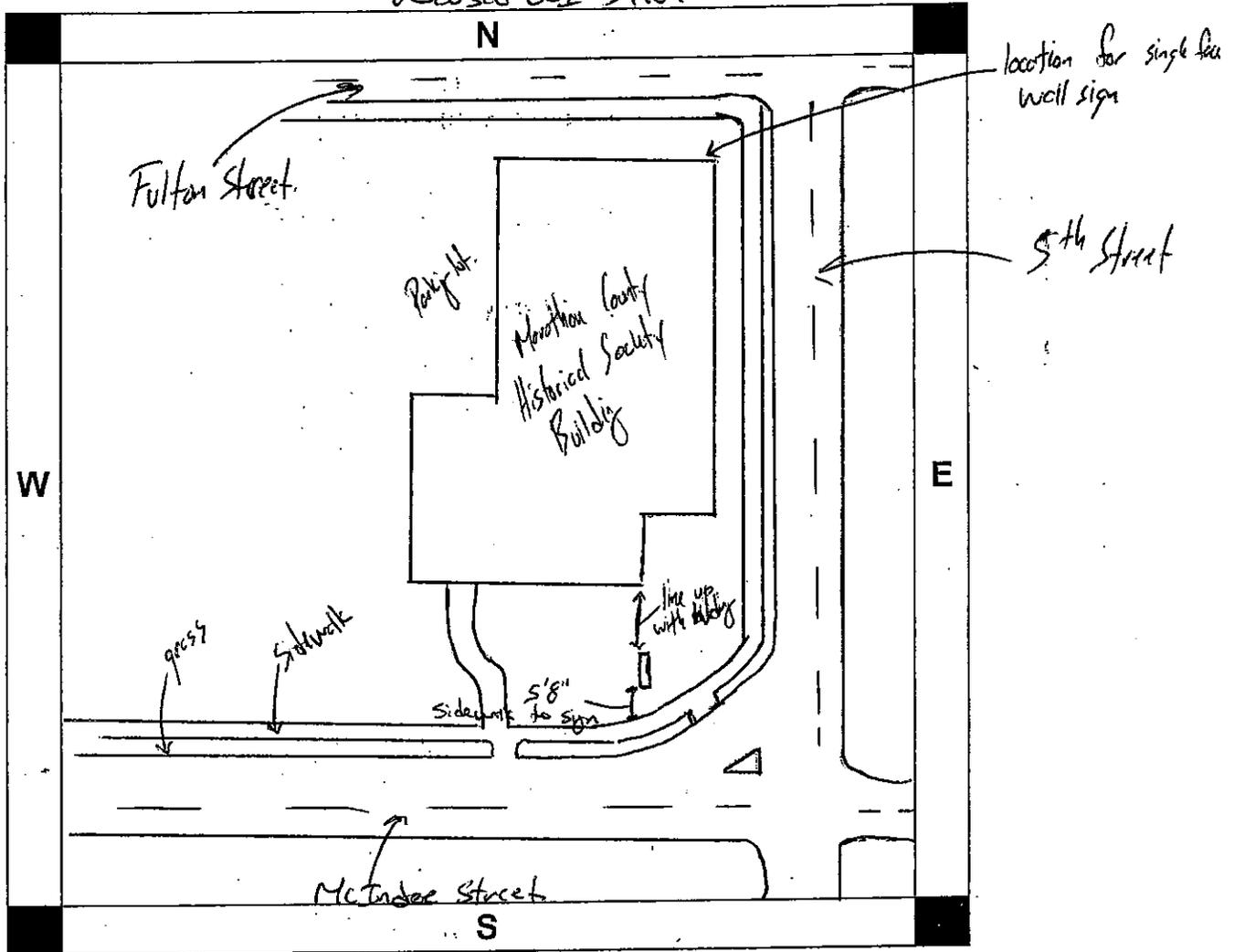
Mayor Tipple said that at times there needs to be a compromise in order for projects to go ahead.

Marquardt moved to approve a conditional use at 410 McIndoe Street to allow for two internally illuminated signs with digital message centers, in a R4, General Residence District with the conditions that the signs will not be illuminated from 9 p.m. to 6 a.m., the sign be setback 15 feet from the property lines not the curb, and that the signs be non-flashing. Radtke seconded, and the motion carried unanimously 4-0. This item will go to Common Council on May 14, 2013.

**SITE PLAN**  
 (TO BE COMPLETED FOR ALL INSTALLS INVOLVING EXCAVATION)

**JOB NAME** Marathon County Historical Society

**SALESPERSON** Matthew Walker  
 410 McIndoe Street  
 Warsaw WI 54981



**THE FOLLOWING MUST BE INCLUDED**

- Complete address
- Measurements in at least (2) directions from permanent and unique structures
- Two (2) cross streets with approximate distances from installation
- Proper NSEW orientation
- Alternate street names (ex: Main Street may also be know as Hwy 45)
- Private utilities (sprinkler lines, electrical lines for private utilities such as parking lot lights, etc...

**GRAPHIC HOUSE**

9204 Packer Drive, Wausau, WI 54401 715-842-3402  
www.graphichouseinc.com

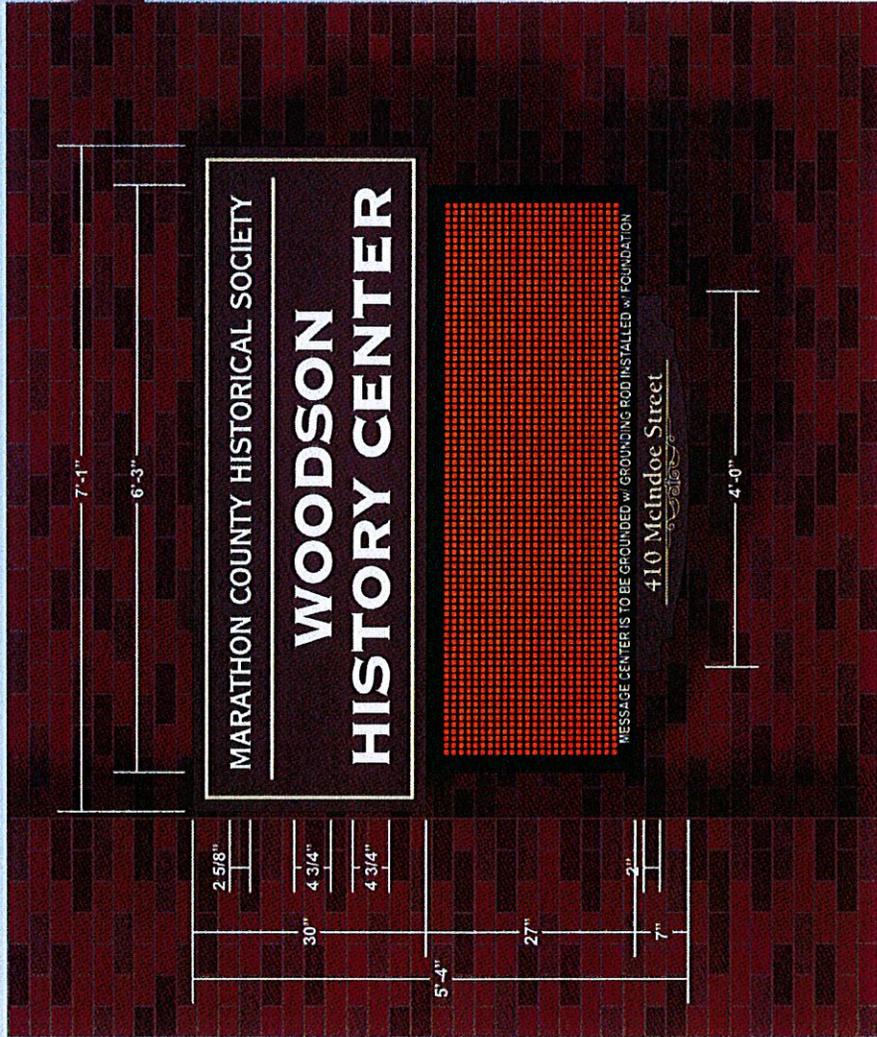
CLIENT: MARATHON COUNTY HISTORICAL SOCIETY  
WAUSAU, WI

SALES REP: MATTHEW W  
SALES AUTHORIZATION: [REDACTED]

JOB NUMBER: MW-10790  
REVISION: 2-7-2013-E

**SIGN SPECIFICATIONS**

- (1) 5'F INTERM. ILLUM. WALL SIGN
- SIGN CABINET IS TO BE FORMED OF ALUM. PAINTED DURAL. BRONZE TO MATCH BUILDING. FACES ARE TO BE WHITE POLYCARBONATE.
- ALL COPY IS TO BE WHITE. STRIPS IS TO BE #500-BAS TPOXY VINYL. (2) PAUSE BACKGROUND IS TO BE DURAL. BRONZE TO MATCH BUILDING.
- 5'F LED MESSAGE CENTER IS TO HAVE (2) LINES OF 6" CHARACTERS (24" x 6" MATED). NON-LIT BACK PANEL OF ENC IS TO HAVE #451-110 SAFERON VINYL COPY w/ DURAL. BRONZE BACKGROUND.
- ALUM. FORMED FILLER CLADDING IS TO BE PAINTED DURAL. BRONZE TO MATCH BUILDING.
- NON-LIT FLAT ALUM. ADDRESS PANEL IS TO BE PAINTED DURAL. BRONZE TO MATCH BUILDING w/ #451-110 SAFERON VINYL GRAPHICS.



APPROX. TOP VIEW:

18 1/4"



CLIENT HAS IDENTIFIED THE LOCATION IN WHICH THE SIGNAGE IS TO BE INSTALLED. THE CLIENT HAS THE SOLE RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF ALL EXISTING STRUCTURES TO SUPPORT THE SIGNAGE.

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RELEASE: 01/11

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www.graphichouseinc.com

CLIENT: MARATHON COUNTY HISTORICAL SOCIETY  
WAUSAU, WI

SALES REP: MATTHEW W  
SALES AUTHORIZATION

DATE: 12-9-2011  
JOB NUMBER: MW-1542  
REVISION: 00-00-0000

**SIGN SPECIFICATIONS**

- (1) 1/2" INTERNAL ILLUM. MONUMENT SIGN
- \* SIGN CABINET IS TO BE FORMED OF ALUM. PAINTED DURN. BRONZE TO MATCH BUILDING. FACES ARE TO BE WHITE POLYCARBONATE.
- \* ALL COPY IS TO BE WHITE. STROKE IS TO BE #4/30-415 TYPIC WITH OPPOSITE BACKGROUND IS TO BE DARK. BRONZE TO MATCH BUILDING.
- \* LED MESSAGE CENTER IS TO HAVE (3) LINES OF 8" CHARACTERS (24" IN HEIGHT)
- \* ALUM. FORMED CLADDING IS TO BE PAINTED GRAY & BRONZE TO MATCH BUILDING. SIMULATED "CONTROL LIGHTS ON CLADDING IS TO BE GRAY VINYL.
- \* NIGHT ADDRESS COPY IS TO BE #4/31-410 SAPHON VINYL.

\*\*\* OPTIONAL FOR SIGN TO BE S/F



OPPOSITE SIDE MATCHES FRONT

CLIENT HAS IDENTIFIED THE LOCATION IN WHICH THE SIGNAGE IS TO BE INSTALLED. THE CLIENT HAS THE SOLE RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF ALL EXISTING STRUCTURES TO SUPPORT THE SIGNAGE.

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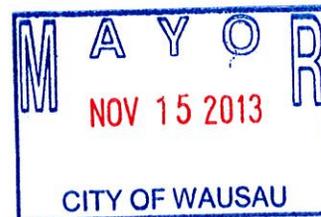
To: Mayor James E. Tipple, Plan Commission Presiding Officer, City of Wausau  
From: Paul and Jane Welter  
Date: November 15, 2013  
Subject: Marathon County Historical Society Conditional Use/Digital Message Board

The Historical Society's request includes renovation of an existing monument sign along with installation of a new building sign with digital message center. We like the proposed changes to the monument sign, but are strongly opposed to allowing digital message boards in residential neighborhoods.

We're perplexed that the Historical Society, whose Woodson and Yawkey houses embody the authentic character of the Andrew Warren Historic District, is requesting this type of sign. Digital message boards and other forms of electronic signage, designed to attract attention through animation and brightness, have no place in the historic district or in any residential neighborhood. Allowing such a device in this case would spoil the ambience of the historic district, disturb nearby residents, and establish a dangerous precedent for all historic districts and residential neighborhoods in the city. We urge the Plan Commission to disallow the digital message board portion of the Historical Society's request,

Respectively Submitted,

Paul and Jane Welter  
521 Grant Street  
715 849-5858



## Melissa Engen

---

**From:** Brad Marquardt  
**Sent:** Monday, November 18, 2013 3:06 PM  
**To:** Brad Lenz; Melissa Engen  
**Subject:** FW: Marathon County Historical Society Conditional Use/Digital Message Board

fyi

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**From:** Peter C Rotter [<mailto:petercrotter@gmail.com>]  
**Sent:** Monday, November 18, 2013 3:00 PM  
**To:** David Nutting  
**Cc:** Jim Tipple; Brad Marquardt; David Oberbeck; Dave Nutting; [phil@philvalitchkapr.com](mailto:phil@philvalitchkapr.com); [jradtke703@gmail.com](mailto:jradtke703@gmail.com); [babohlken@gmail.com](mailto:babohlken@gmail.com)  
**Subject:** Marathon County Historical Society Conditional Use/Digital Message Board

Dear Mayor Tipple and Members of the Plan Commission

Apparently the process began many months ago for obtaining a variance or conditional use permit or whatever the proper term is for allowing digital message board signs on the Historical Society's building at 5<sup>th</sup> Street and Fulton. My wife and I did not receive formal notice of this until after one of our neighbors mentioned to us that the Historical Society planned on putting a digital message board sign on the back of their building, aiming at my front porch. The City of Wausau and the Historical Society have both said the letters were sent but I am sure I would have taken note of them. Further, I have asked a number of my neighbors and they indicate that they didn't receive any notices either.

At the end of October I attended a meeting at the Historical Society Museum. Prior to that meeting an e-mail was sent out explaining that the message board type signs were no longer being contemplated. Yet at the meeting, it was made clear that the message board sign was still planned. At that meeting it was explained that the message board signs could be adjusted for brightness and on a timer to be turned off at night. When I asked what time they would be turned off a joke was made by the representatives of the Historical Society about what time I usually go to bed.

This is what I believe is planned now: The Historical Society's current request includes renovation of an existing monument sign along with installation of a new building sign with digital message center. We don't have any problem with the proposed changes to the monument sign, but my wife and I are strongly opposed to allowing digital message boards in residential neighborhoods.

I am puzzled at the Historical Society's decisions regarding these signs. Their Woodson and Yawkey houses embody the authentic character of the Andrew Warren Historic District and are fitting in the residential and historic neighborhoods they are situated in. Digital message boards and other forms of electronic signage, designed to attract attention through animation and brightness, have no place in the historic district or in our residential neighborhood. Allowing such devices in this case would spoil the ambience of the neighborhood in general and the historic district in particular, they would disturb nearby residents, and establish a dangerous precedent for all historic

districts and residential neighborhoods in the city. We urge the Plan Commission to disallow the digital message board portion of the Historical Society's request.

Sincerely,  
Peter and Karen Rotter  
410 Fulton Street  
715 432-0408

## Melissa Engen

---

**From:** Brad Marquardt  
**Sent:** Tuesday, November 19, 2013 9:20 AM  
**To:** Brad Lenz; Melissa Engen  
**Subject:** FW: Marathon County Historical Society Conditional Use/Digital Message Board

fyi

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**From:** Angela Gonzalez [<mailto:Angela@grandlawyers.com>]  
**Sent:** Tuesday, November 19, 2013 9:15 AM  
**To:** Jim Tipple; Brad Marquardt; David Oberbeck; Dave Nutting; [phil@philvalitchkapr.com](mailto:phil@philvalitchkapr.com); [jradtke703@gmail.com](mailto:jradtke703@gmail.com); [babohlken@gmail.com](mailto:babohlken@gmail.com)  
**Cc:** David Nutting; Mike Martin  
**Subject:** Marathon County Historical Society Conditional Use/Digital Message Board

Dear Mayor Tipple and the City of Wausau Plan Commission

We are writing to express our opposition to the digital message board that is currently being proposed by the Marathon County Historical Society. Although we were never given notice concerning previous meetings and discussions that have apparently taken place on this issue, Michael and I are nonetheless pleased that we were noticed concerning tonight's meeting, and that we have an opportunity to express our opinion to you.

MCHS has proposed to place a digital message board on the back side of its building. This digital sign will face the residences on the 400 block of Fulton St., and will also shine into our windows at 502 Fulton St. MCHS' reasons are obvious: to project its name into every vehicle that drives past its building every day in the easiest and most efficient way possible, i.e., a *digital* sign. While this reasoning is noble and understandable, we believe it is misguided.

In recent years, efforts have been made to renovate and rejuvenate the 400 Block, the Andrew Warrens Historical District, and other parts of Downtown Wausau. In the 3½ years that we have lived on Fulton St., we have been able to enjoy the many fruits of those renovations, such as events on the Square and the historically sensitive revitalization of 3<sup>rd</sup> St. We have also greatly enjoyed walking with our dog south on 5<sup>th</sup> St., towards MCHS and the Yawkey House and heading west to the various Downtown shops and the River, or turning towards the east to enjoy the beautiful and amazing homes located on McIndoe through McClellan Streets. On our walks, we do not feel that we are being inundated with commercialism, 24-7 marketing, or glaring digital and electronic signs that flash and detract from a calm, yet vibrant and classy old town residential and business district. One reason we chose to live near Downtown was to be part of this vibrant and classy atmosphere that the City of Wausau has so obviously worked hard to achieve.

Michael and I believe that a digital message board, whether it is turned off in the evening or not, does not reflect the sentiment that is intended in other renovations to the Downtown area. We believe that MCHS can balance history and modernity without marring the historic residential neighborhood of which it is such an important part. Surely, MCHS can find a signage option that will meet its needs, without chipping away at the historical integrity of our neighborhood.

We thank you for the opportunity to provide you with our thoughts and opinions.

Sincerely,  
Angela Gonzalez and Michael Martin

502 Fulton Street  
715-551-0434 / 715-551-7573

## Melissa Engen

---

**From:** Brad Marquardt  
**Sent:** Tuesday, November 19, 2013 10:25 AM  
**To:** Melissa Engen; Brad Lenz  
**Subject:** FW: Proposed digital sign at the Marathon County Historical Society building

One more.

**From:** [forcex2@aol.com](mailto:forcex2@aol.com) [<mailto:forcex2@aol.com>]  
**Sent:** Tuesday, November 19, 2013 10:15 AM  
**To:** Jim Tipple; Brad Marquardt; David Oberbeck; Dave Nutting; [phil@philvalitchkapr.com](mailto:phil@philvalitchkapr.com); [jradtke703@gmail.com](mailto:jradtke703@gmail.com); [babohlken@gmail.com](mailto:babohlken@gmail.com); "david\_nutting"@"hotmail.com"  
**Subject:** Proposed digital sign at the Marathon County Historical Society building

To the Plan Commission:

Let us add our comments to those opposing the permitting of a digital message board sign on the north end of the Marathon County Historical Society building.

The building is in the Andrew Warren Historical District, and is surrounded by residences, institutions, churches, and several small businesses. To allow a digital message board sign in this instance is to set a bad precedent for this area; essentially, the Plan Commission would be giving up its ability to limit similar digital message signs at other locations in the future. The YM or YW, churches, bed and breakfast inns, and others might well be tempted to petition for digital signs to promote their visibility--much as the MCHS is now.

We should point out that we are fully supportive of the MCHS, having been members for many years, and having volunteered in assisting the institution in its marketing efforts in the past. We simply do not think the proposed digital sign is in keeping with the character of this neighborhood or the MCHS mission to preserve and appreciate the history of our community.

Jim and Boo Force  
515 Franklin St.  
Wausau, WI 54403  
715-845-9571

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

**RESOLUTION OF THE PLAN COMMISSION**

Amend the Precise Implementation Plan for 1015 South 17<sup>th</sup> Avenue, previously 1610 Sheridan Road, to allow for site modifications.

Committee Action: Approved 6 – 0

Fiscal Impact: None.

**File Number:** 12-1005

**Date Introduced:** December 10, 2013

**WHEREAS**, the Plan Commission met on November 19, 2013, to review a request by ThunderLube, to amend the Precise Implementation Plan for 1015 South 17<sup>th</sup> Avenue to allow for site modifications, in an Unified Development District; and

**WHEREAS**, the previously approved site plan shows a slightly different site configuration that the plans recently submitted to the zoning and inspections department; and

**WHEREAS**, the two plan differ mainly in terms of traffic flow and parking; now therefore

**BE IT RESOLVED** that the Common Council of the City of Wausau hereby amends the Precise Implementation Plan for 1015 South 17<sup>th</sup> Avenue to allow for site modifications and to give staff the authority to approve signage, with the following condition:

- 1) A solid fence, along the east property line, will need to be installed and maintained.

Approved:

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James E. Tipple, Mayor

## PLAN COMMISSION

---

Time and Date: The Plan Commission met on November 19, 2013, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Tipple, Marquardt, Radtke, Bohlken, Oberbeck, Valitchka

Others Present: Lenz, Hebert, DeSantis, Woller, Jane Welter, Rotter, Paul Welter, Gonzalez, Force, Holster, Ryan, Meyer, Leher, Engen

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:00 p.m. Mayor Tipple called the meeting to order.

### **Amend Precise Implementation plan for 1015 South 17<sup>th</sup> Avenue, previously 1610 Sheridan Road, to allow for site modifications (ThunderLube).**

Lenz said that the two 11 x 17 documents in the packet show the previously approved site plan and recently submitted site plan. This is a UDD zoned property and the site plan and other aspects have been changed since it was approved last fall. This was not evident the first time around. The main change is that the driveway location is pushed up to the east along Rosecrans Street. The previous plans show parking spaces along the northeast corner of the site. Vehicle circulation is being shown on the updated site plan. Staff felt that these changes need to be run through Plan Commission for approval. An email of support from Sherry Abitz was passed out to the commission members prior to the meeting. A reason of the driveway location is to save a large tree. Part of the zoning approval last fall was to install a solid white fence. A rendering of the building shows the signage on the building and a monument sign. Staff would ask that the commission approve the sign or give staff the ability to approve a sign, based on other commercial districts.

Bill Meyer said that he has been involved in the project for the last 3-4 weeks and was shown sketches of the building as it was approved previous. These sketches had the building 8 feet from the east property line, which would require a firewall. It could be moved to 10 feet, but this would not give room for traffic circulation. If the building was moved 12 feet away from the property line, it would give room for traffic circulation to move cars around. This would also provide WPS the ability to access transformers. Another request was to preserve the large tree on the north side of the property. The only way that the tree could be preserved is to push it as far east as possible and it lines up with the driveway to the east very nicely. The proposed fence will be a wood fence 56 feet long, 10 feet from the property line and goes to the where a fence is located that neighbors have recently installed. The thought is why put up another fence when you create a gap between the 2 fences.

Lenz said that would be a change to what was approved. A 3 foot high fence was discussed at the front of the property. The fence would step up to 6 feet high and run the length of the property, where the building is. This is different from what is currently being proposed. It would be up to the Plan Commission members and would be an amendment to what was approved. The fence needs to mostly be on the entrance and exits on Rosecrans Street and there is a fence at the rear of the building near the dumpster.

Oberbeck asked what type of fence, how high, and if it will be fully screened that is located around the dumpster. Leher said the 6 foot chain link has slats. The chain link provides durability and cannot be seen. Oberbeck asked if it will be totally enclosed. Leher answered yes. Oberbeck asked if the neighbors have been contacted to leave the fences up. Leher said that the fences were just installed, were planning to leave it up to them, and haven't spoken to the neighbors yet. Oberbeck said it should be screened the entire length of the property, since that is how it was previously approved.

Hebert said that since this going from a residential area to a commercial area, we should require the 6 foot solid fence. It is required by the bank on 17<sup>th</sup> Avenue and Sherman Street. This was previously in the recommendation and Hebert said he would recommend keeping with it. Leher asked if fencing could just

be abutted to the neighbors fencing. Hebert said that this item was not noticed to the neighbors as it was felt to be just a slight modification. This would be a fairly significant change to the neighbors. Leher asked if the fencing would need to be the total length of the building. Hebert answered yes. Leher said that it will be hard to trim the area between the fences. Hebert recommended using mulch or rock for any new growth. Leher was that it doesn't matter much to him, but it may look a little different. Hebert said the fencing was in the original site plan.

Meyer said that the way the plans show the edge of the pavement along the east property line is 1 foot from the property line. There is a 12 inch curb that needs to be placed in order to make the grade work. The property is on such an odd grade and the logistics for putting a fence in could preclude from doing it. There may not be enough room and said it is a very tight side. Valitchka asked if the curb is on the east side and how high the curb is. Meyer answered it is on the east side and is 12 inches high. Valitchka asked if the fence could be located off top of the curb. Meyer answered that could be an option and is a good idea.

Valitchka asked if there was sidewalk on the north and west portions of the property. Leher answered no. Marquardt said that there is sidewalk on 17<sup>th</sup> Avenue, but not on Rosecrans Street. Valitchka asked if there would be access issues from the neighbors. Marquardt said the sidewalk would be on public right-of-way, not the private property. It would all depend on where the curb is located in relationship to the property line. Valitchka said there would be public access on the north and west sides of the property, in the form of sidewalk. Marquardt answered currently only from 17<sup>th</sup> Avenue, but it is possible in the future on Rosecrans Street.

Valitchka asked what the exterior of the building be constructed from. Leher answered that it will look exactly like is pictured. It will be brick-like. Lenz said that original drawings were very preliminary and staff has been working with Leher and this has been a very good upgrade.

Oberbeck asked where the storm drain is and said that is could interfere with putting in a sidewalk at a later time. Meyer said it is on the sidewalk. Marquardt commented that this was not a city design.

Bohlken moved to amend the precise implementation plan for 1015 South 17<sup>th</sup> Avenue, previously 1610 Sheridan Road, to allow for the proposed site modifications with the condition that a solid fence is installed and maintained, and to give staff the authority to approve signage. Radtke seconded, and the motion carried unanimously 6-0. This item will go to Common Council on December 10, 2013.

Department of Public Works  
Planning Division



Brad Lenz, AICP  
City Planner

MEMO

TO: Members of City Plan Commission  
FROM: Brad Lenz, City Planner *BL*  
DATE: November 13, 2013  
SUBJECT: Summary of Agenda Items for November Plan Commission Meeting

\*\*\*\*\*

Below is a brief summary of items numbered 2 through 5 on the November 19, 2013 Plan Commission agenda. Attachments associated with these items follow this page.

**(#2) Conditional use for new signage at 410 McIndoe Street (Marathon County Historical Society).**

The Marathon County Historical Society received approval from plan commission in April of 2013 to install illuminated signs on their property. The property is residentially-zoned and therefore requires conditional use approval for signage. Following plan commission's recommendation to approve the signs and prior to action by the common council, the request was withdrawn by the historical society out of concerns raised by the neighborhood. Since then, the sign company and members of the historical society have met with the neighborhood to discuss revised signage. In the pages that follow are renderings of the revised signs, the previously-approved signs, and minutes from the plan commission meeting at which the signs were approved.

**(#3) Amend Zoning Code pertaining to driveway and parking space maintenance.**

Staff introduced this new language for the zoning code at the last plan commission meeting. The commission authorized holding a public hearing to implement these changes. The proposed changes and minutes from the previous meeting are labeled #3 in the attachments.

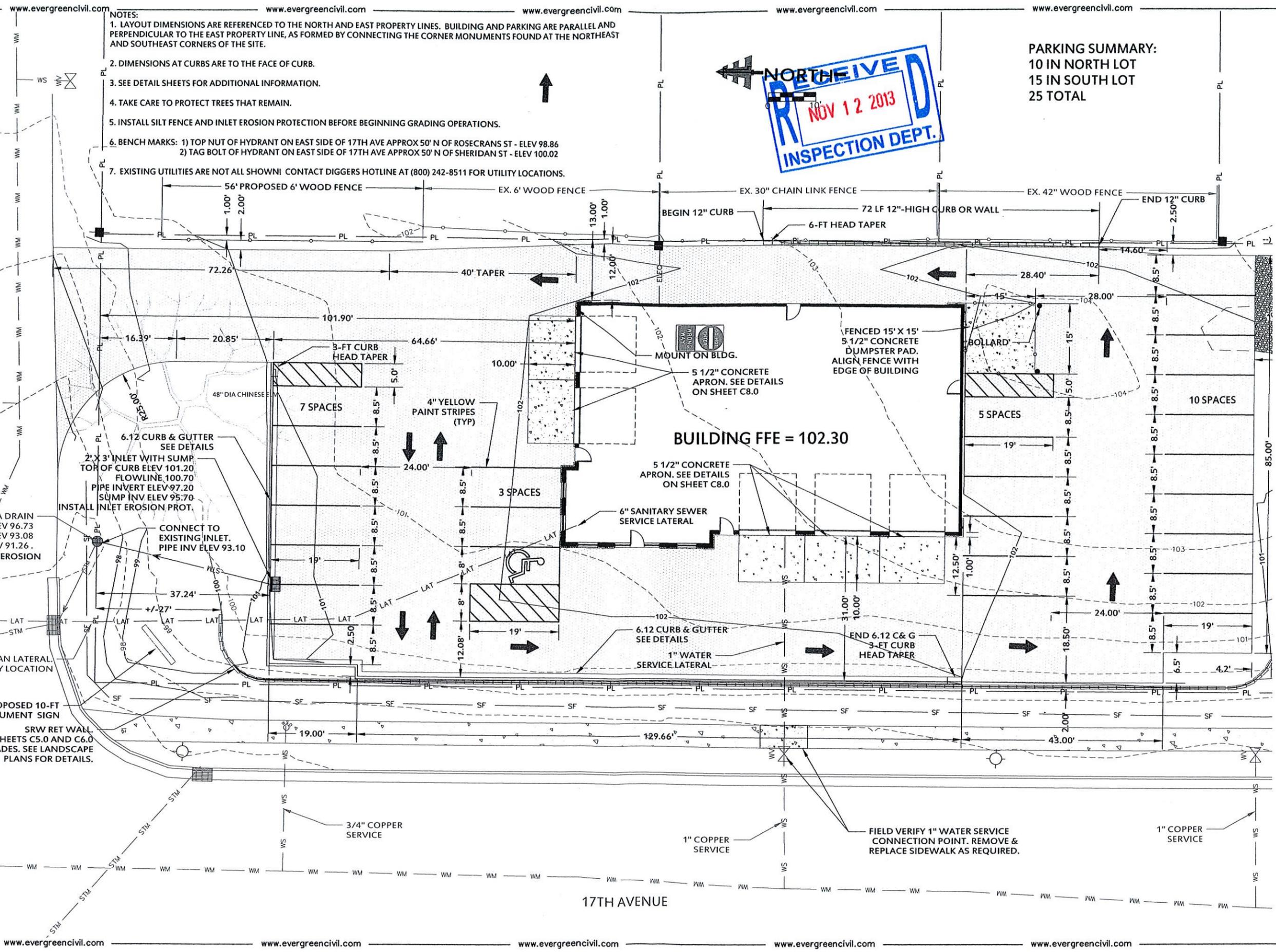
**(#4) Amend precise implementation plan for 1015 S. 17<sup>th</sup> Ave, previously 1610 Sheridan Rd ("Thunderlube").**

The previously-approved sight plan, as part of the UDD zoning approval, shows a slightly different site configuration than the plans recently submitted to the zoning and inspections department. The two plans differ mainly in terms of traffic flow and parking. The site plan review by plan commission is primarily to place the latest plans on file as part of the zoning approval, unless issues with the new site plan are found by plan commission or council. Staff and/or the petitioners will point out specific differences between the plans at the plan commission meeting.

**(#5) Update on urban planning initiatives.**

Staff will provide the most recent updates at the meeting on a variety of planning initiatives underway, including the urban design standards, Thomas Street, and 2<sup>nd</sup> Avenue projects.

#4



- NOTES:
1. LAYOUT DIMENSIONS ARE REFERENCED TO THE NORTH AND EAST PROPERTY LINES. BUILDING AND PARKING ARE PARALLEL AND PERPENDICULAR TO THE EAST PROPERTY LINE, AS FORMED BY CONNECTING THE CORNER MONUMENTS FOUND AT THE NORTHEAST AND SOUTHEAST CORNERS OF THE SITE.
  2. DIMENSIONS AT CURBS ARE TO THE FACE OF CURB.
  3. SEE DETAIL SHEETS FOR ADDITIONAL INFORMATION.
  4. TAKE CARE TO PROTECT TREES THAT REMAIN.
  5. INSTALL SILT FENCE AND INLET EROSION PROTECTION BEFORE BEGINNING GRADING OPERATIONS.
  6. BENCH MARKS: 1) TOP NUT OF HYDRANT ON EAST SIDE OF 17TH AVE APPROX 50' N OF ROSECRANS ST - ELEV 98.86  
2) TAG BOLT OF HYDRANT ON EAST SIDE OF 17TH AVE APPROX 50' N OF SHERIDAN ST - ELEV 100.02
  7. EXISTING UTILITIES ARE NOT ALL SHOWN! CONTACT DIGGERS HOTLINE AT (800) 242-8511 FOR UTILITY LOCATIONS.



**PARKING SUMMARY:**  
 10 IN NORTH LOT  
 15 IN SOUTH LOT  
 25 TOTAL

EVERGREEN  
 CIVIL ENGINEERING LLC  
 2408 EVERGREEN ROAD  
 WAUSAU, WI 54403  
 (715) 370-5540

SHEET NAME  
 SITE LAYOUT PLAN  
 NORTH PORTION

PROJECT & CLIENT NAME  
 THUNDER LUBE  
 NEW REPAIR FACILITY  
 1015 17TH AVENUE

RELEASED FOR  
 AGENCY  
 REVIEW

DESIGNED BY  
 WJM

DATE  
 11/01/2013

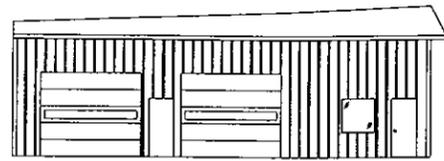
REVISIONS

PROJECT NO.  
 13.20

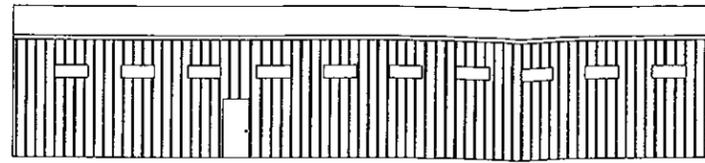
SHEET NO.

**C3.0**

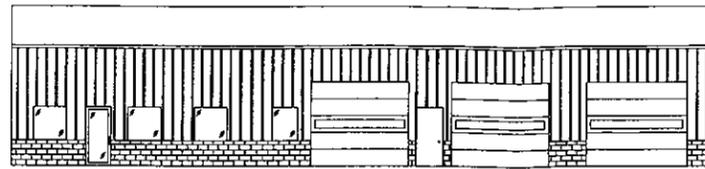
3 OF 10



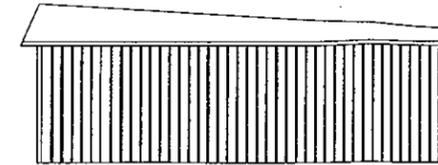
NORTH VIEW



BACK VIEW

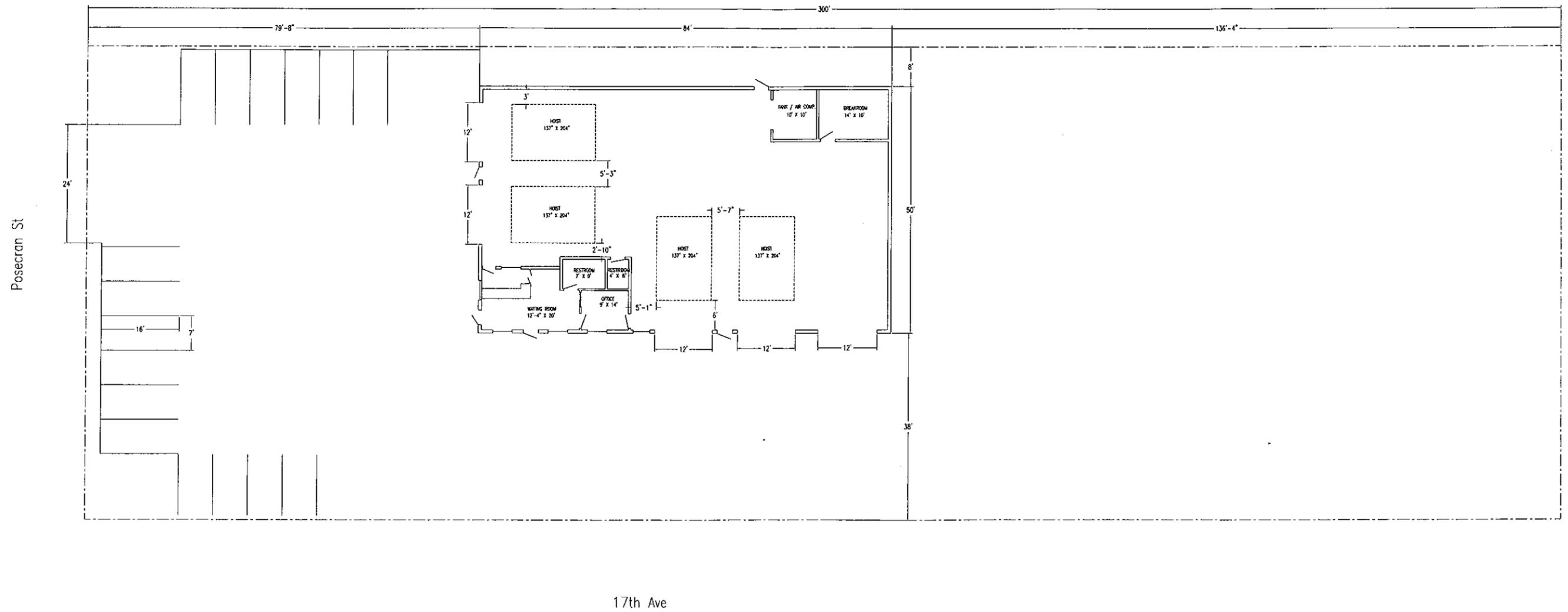


FRONT VIEW



SOUTH VIEW

Approved at  
October 12 2012  
Council



# GRAPHIC HOUSE

9704 Packer Drive, Wausau, WI 54401 715-942-0402  
www.graphichouseinc.com

CLIENT  
THUNDER LUBE  
WAUSAU, WI

SALES REP: **MATTHEW W** DATE: **8-7-2013**

JOB NUMBER: **MW-4406**

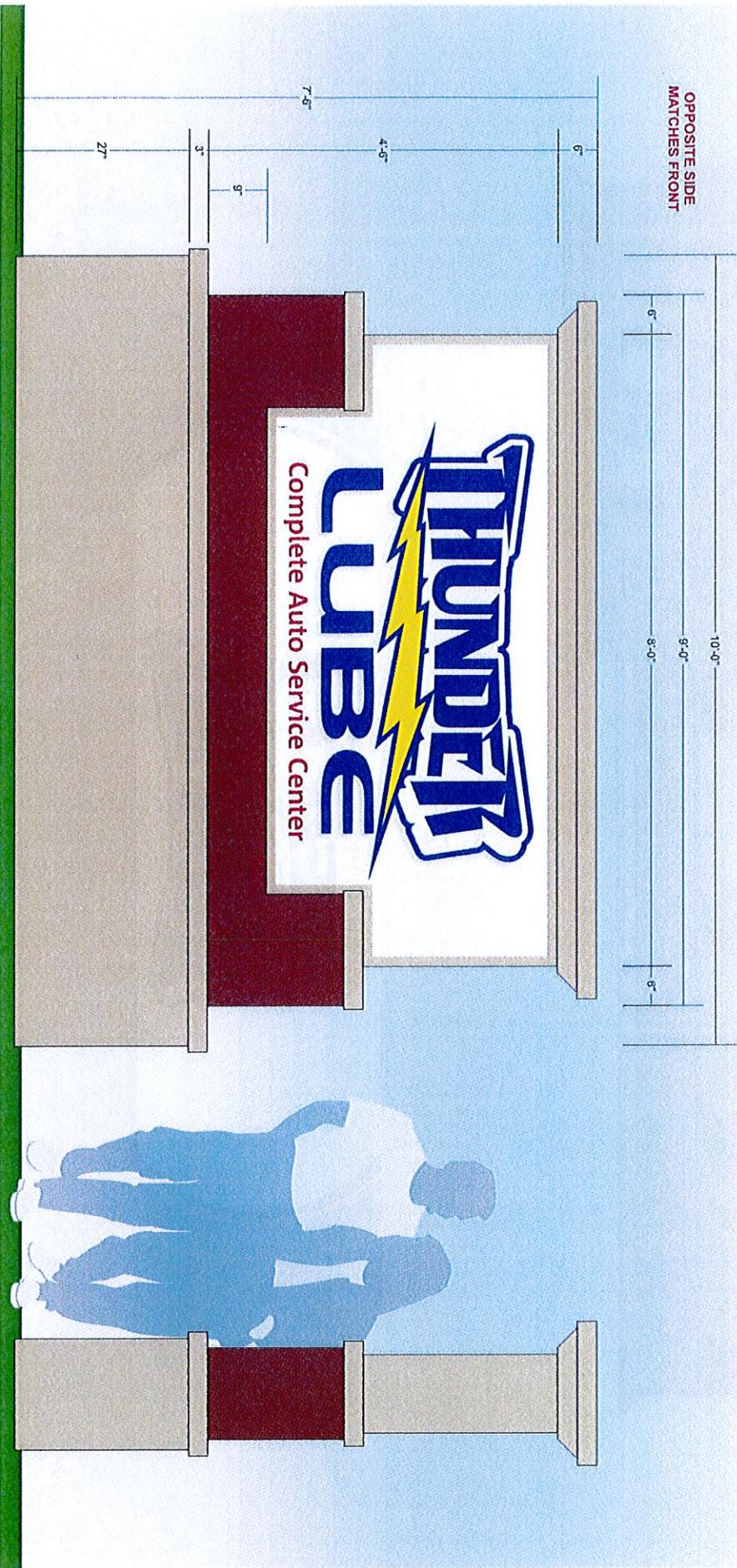
SALES AUTHORIZATION: **11-14-2013-C**

### SIGN SPECIFICATIONS

- (1) OF HORIZONTAL MOUNTING SIGN
- \* SIGN CABINET, CHANNELS & SPACERS ARE TO BE FINISHED IN ALUM. PAINTED LIGHT TAN & BRICK RED TO MATCH BUILDING.
- \* OUTLINE SPACE OF "THUNDER" & LIGHTNING BOLT IS TO BE ROUTED OUT OF 1/2" PVC PAINTED TO MATCH PMS REFLEX BLUE w/ #951-201 CHANNELS YELLOW WHITE & #9173-WHITE WHITE. "LUBE" LETTERS ARE TO BE ROUTED OUT OF 1/2" PVC PAINTED TO MATCH PMS REFLEX BLUE. "COMPLETE AUTO SERVICE CENTER" IS TO BE #951-401 RED VINYL APPLIED TO SIGN CABINET.

-  PMS Reflex Blue
-  951-201 Crocus Yellow
-  White

OPPOSITE SIDE  
MATCHES FRONT



CLIENT HAS IDENTIFIED THE LOCATION IN WHICH THE SIGNAGE IS TO BE INSTALLED. THE CLIENT HAS THE SOLE RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF ALL EXISTING STRUCTURES TO SUPPORT THE SIGNAGE.

### ALL RIGHTS RESERVED

THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF GRAPHIC HOUSE. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. PERMISSION IS GRANTED TO REPRODUCE THIS DOCUMENT FOR PERSONAL USE ONLY. ALL OTHER RIGHTS ARE RESERVED. GRAPHIC HOUSE INC. WAUSAU, WI 54401

RELEASE DATE:

DISCLAIMER: THE LINE COLORS SHOWN IN THIS SIGNAGE REQUEST CONCEPTUAL COLORS & SPACING LOCATIONS. THE COLORS MAY NOT MATCH THE ACTUAL AUTOMATED PRINTS OR THE FINAL COLORS THAT WILL BE USED ON OR IN THE SIGNAGE SHOWN. ALL SIZES, SPACINGS, COLORS, ETC. ARE CONCEPTUAL & MAY VARY FROM ACTUAL PRODUCTS.

# GRAPHIC HOUSE

9204 Packer Drive, Wausau, WI 54401 715-842-0402  
www.graphichouseinc.com

CLIENT  
THUNDER LUBE  
WAUSAU, WI

SALES REP:  
MATTHEW W.  
SALES REPRESENTATION  
JOB NUMBER:  
MWW-4405  
PERSON:  
8-23-2013-9

DATE  
8-7-2013

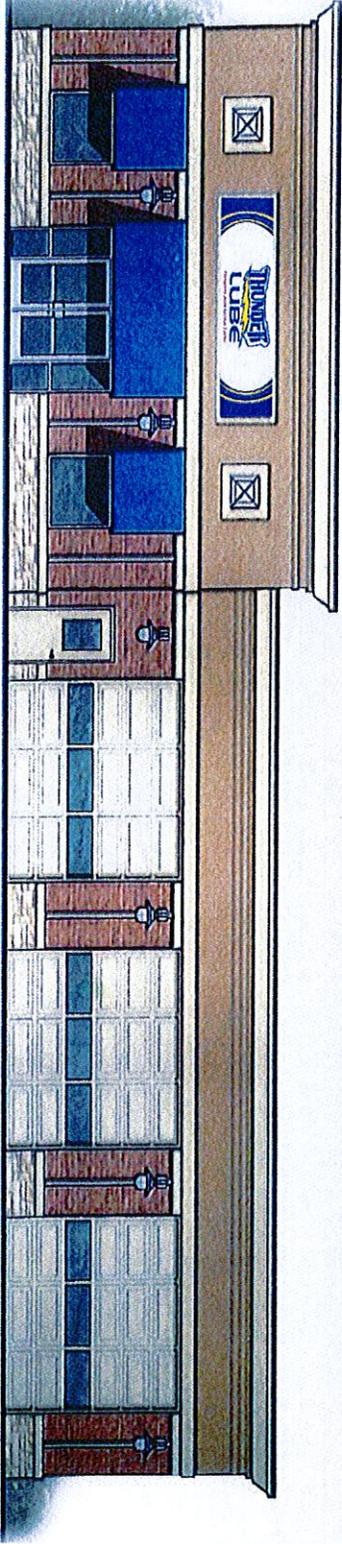
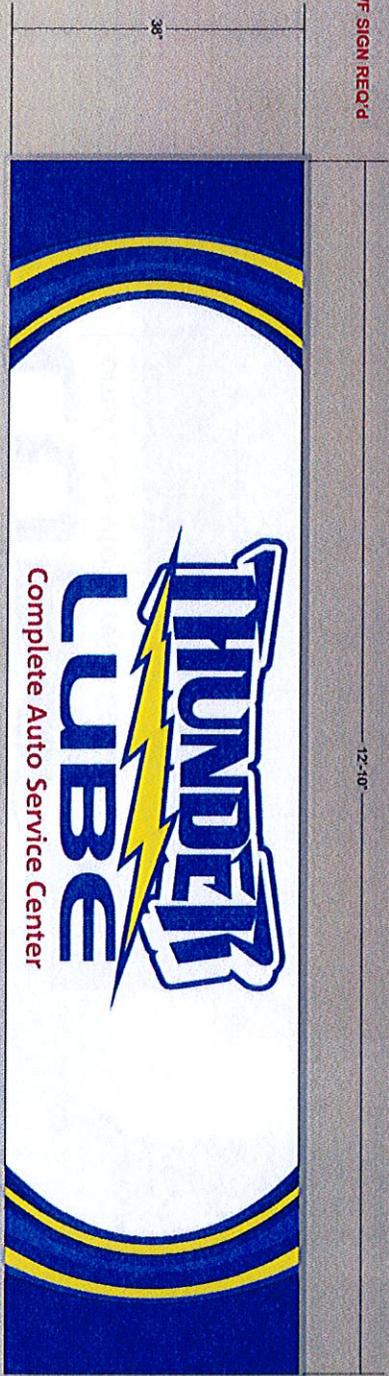
### SIGN SPECIFICATIONS

- (1) SF NON-LIT WALL SIGN
- SIGN IS TO BE FINISHED BY ALUM. W/ 4" BEARDS & PAINTED WHITE
- ALL GRAPHICS ARE TO BE PRINTED ONTO VINYL W/ LAMINATE & APPLIED TO SIGN FACE
- SIGN IS TO BE MOUNTED INTO RECESSED AREA ON BUILDING.

-  PMS Reflex Blue
-  PMS 102c Yellow
-  PMS 2758c Dark Blue
-  PMS 2728c Light Blue

(1) SF SIGN REQ'D

12'-10"



CLIENT HAS IDENTIFIED THE LOCATION IN WHICH THE SIGNAGE IS TO BE INSTALLED. THE CLIENT HAS THE SOLE RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF ALL EXISTING STRUCTURES TO SUPPORT THE SIGNAGE.  
ALL RIGHTS RESERVED

REGARDING THE NEW COLOR SYSTEM IN THE SIGNAGE, PLEASE CONTACT GRAPHIC HOUSE FOR THE LATEST INFORMATION ON THE COLOR SYSTEM. ALL COLORS SHOWN ARE APPROXIMATE. ALL COLORS SHOWN ARE APPROXIMATE. ALL COLORS SHOWN ARE APPROXIMATE. ALL COLORS SHOWN ARE APPROXIMATE.

## Melissa Engen

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**From:** Lori Wunsch  
**Sent:** Tuesday, November 19, 2013 3:17 PM  
**To:** Melissa Engen  
**Subject:** FW: Planning tonight at 5:00pm

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**From:** Sherry Abitz  
**Sent:** Tuesday, November 19, 2013 3:15 PM  
**To:** Brad Lenz  
**Cc:** Lori Wunsch; Brad Marquardt  
**Subject:** Planning tonight at 5:00pm

I spoke with Brandi regarding the tree on the property on 17th Avenue. The neighbors are hoping the tree will be saved since it has a history of being there. It will also add to the area for shade. Brandi is hoping to add a picnic table for his customers under the tree for when they are having work done during the nicer days to enjoy the outside.

I am all for this. My only concern is that the roots will not be cut during the time if sidewalk will be added or when future road construction will be done. I do not see that changing the entrance or adjusting the area to be any hindrance to the site. I support this change. Please make this a matter of record or my support. Please read during the request.

Sherry L. Abitz  
City of Wausau Alderperson  
Marathon County Board  
1201 S 7th Avenue  
Wausau WI 54401  
715-843-0990  
[sherry.abitz@co.marathon.wi.us](mailto:sherry.abitz@co.marathon.wi.us)

**RESOLUTION OF THE PUBLIC HEALTH & SAFETY COMMITTEE**

Approving or Denying Various Licenses as Indicated

Committee Action: Approved 5-0

Fiscal Impact: None

**File Number:** 13-0108

**Date Introduced:** December 10, 2013

**RESOLUTION**

**WHEREAS**, your Public Health and Safety Committee considered certain license applications at its November 18, 2013 meeting and has made recommendations that are attached hereto in the meeting minutes and recommends these actions to the Council for its approval, now therefore

**BE IT RESOLVED** by the Common Council of the City of Wausau that the City Clerk be hereby authorized to issue the licenses on the attached list, incorporated as part of this resolution, according to recommendations made by the Public Health & Safety Committee and upon successful completion and acceptable proof that all applicable state and municipal regulations and requirements have been met by the applicants.

Approved:

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James E. Tipple, Mayor

## ***CLERK'S REPORT TO PUBLIC HEALTH & SAFETY COMMITTEE***

November 18, 2013 Meeting

### **AGENDA ITEM**

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Approve or deny various licenses as indicated on the attached summary report of all applications received.

### **ADDITIONAL INFORMATION**

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Applications as listed have or will have a background check run by staff and reviewed by the Police Chief or his designee. Applications marked pending will have a status update at the meeting. In accordance with city ordinance, **all permits approved are held for debts owed to the city until the debt is paid in full.**

1. The Operator's License application for Dane Bjorklund has been recommended for denial by Cpt Bliven due to: three OWI convictions within the past 10 years.
2. The Operator's License application for Adam Wilhite has been recommended for denial by Cpt Bliven due to: two OWI convictions in past six years along with convictions for fleeing an officer (pursuit) in 2010 and 1999.
3. Immediately prior to the PH&S meeting the Liquor License Review Subcommittee will be considering the application for a regular Class B Beer & Liquor License for Hudson Burger, LLC, d/b/a Milwaukee Burger Company, 2200 Stewart Ave. (This building was formerly licensed by Acceleration, LLC, as a reserve license for Hudson's Classic Grill, which recently went out of business.) Curt, Kent and Matt Letnes are the members of Hudson Burger, LLC, and are from Minneapolis, MN.
4. There is one special event application from the Arthritis Foundation for the Jingle Bell Run/Walk on December 14, 2013, on The 400 Block.

### **STAFF RECOMMENDATION**

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Staff recommendation is to approve or deny as indicated on the summary report including those that may be introduced at the meeting. Please let me know if you have any question regarding any license applications listed.

Mary Goede, Deputy Clerk

Date of Report: November 14, 2013

(715) 261-6621

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, November 18, 2013, at 5:15 pm, (Council Chambers)

Members Present: Rasmussen (C), Gisselman, Kellbach, Winters, Wagner

Others Present: Alfonso, Hebert, Rayala, Bliven, Goede, Daniel Olszewski, Ofc Schremp, Ashlee Bishop, Adam Willhite.

### **Consider various license applications.**

Rasmussen indicated there were two Operator licenses applications recommended for denial by Cpt Bliven for Dane Bjorklund and Adam Willhite. It was noted that Dan Bjorklund was not present.

Rayala explained Mr. Willhite called today and indicated the information found in his background check was incorrect because he has not had any charges since 2007. She noted his name had been misspelled when initially entered, but upon searching under the correct spelling the record came back the same.

Adam Willhite stated he had an OWI in 2007 and has not had anything, even a parking ticket, since that time. Rasmussen stated the record shows an OWI in 2010 as well. Willhite stated this was related to the 2007 incident. Capt Bliven stated he ran a separate background check at the police department today. It came back for Adam Douglas Willhite, DOB 03/30/1981, with his picture, arrested and convicted for an OWI and fleeing an officer in 2010; this also shows up on his driver's license record. Bliven stated this is a separate offense from the 2007 OWI and he was also arrested for fleeing an officer in 1999. Wagner questioned Bliven if he was still recommending denial and Bliven indicated that was correct. Rasmussen informed Mr. Willhite that he has the right to appeal to the full Council on December 10, 2013.

Rasmussen stated prior to this meeting the Liquor License Review Subcommittee met to consider the application of Hudson Burger, LLC, d/b/a Milwaukee Burger Company, 2200 Stewart Avenue. The subcommittee unanimously approved the application and it is included on the license list.

Motion by Winters, second by Kellbach to approve or deny the various licenses as recommended by staff. Motion carried 5-0.

HEALTH AND SAFETY LIST  
 ALL LICENSES  
 NOVEMBER 18, 2013

 REPORT ID: LRS530I  
 RUN DATE: 11/21/13  
 RUN TIME: 12:40:10

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCAION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
HUDSON BURGER, LLC 2200 STEWART AVE WAUSAU, WI 54401	2013	11/11/2013	12/11/2013	6/30/2014		MILWAUKEE BURGER COM	CLASS B BEER & LIQUOR	___	___	___	___
AUGUSTINE, EDWARD S 327 1/2 STURGEON EDDY RD WAUSAU, WI 54403	2013	10/15/2013		6/30/2014		GRAND THEATER / GRE	OPERATOR NEW	___	___	___	___
BEILKE, BRADLEY C 115 N 7TH AVE WAUSAU, WI 54401	2013	10/24/2013		6/30/2014		VRIOUS	OPERATOR NEW	___	___	___	___
BENSON, TAMMI A 2800 EAGLE AVENUE APT #32 WAUSAU, WI 54401	2013	11/05/2013		6/30/2014		BAKER'S RETREAT	OPERATOR NEW	___	___	___	___
BJORKLUND, DANE R 304 WILSON AVENUE ROTHSCHILD, WI 54474	2013	10/23/2013		6/30/2014		APPLEBEE'S NEIGHBORH	OPERATOR NEW	___	___	___	___
BLOOMFIELD, COURTNEY P 422 ROSS AVE WAUSAU, WI 54403	2013	10/24/2013		6/30/2014		APPLEBEE'S NEIGHBORH	OPERATOR NEW	___	___	___	___
BRODJIESKI, SETH Q 1027 S 9TH AVE WAUSAU, WI 54401	2013	10/16/2013		6/30/2014		COURTYARD BY MARRIOT	OPERATOR NEW	___	___	___	___
BUDZYNSKI, OLIVIA M 10607 TESCH LANE APT 16 ROTHSCHILD, WI 54474	2013	10/24/2013		6/30/2014		APPLEBEE'S NEIGHBORH	OPERATOR NEW	___	___	___	___
DANIEL, HEATHER M 626 E BRIDGE ST WAUSAU, WI 54403	2013	11/05/2013		6/30/2014		THE PLAZA HOTEL & SU	OPERATOR NEW	___	___	___	___
HER, FUE 315 WEST STREET WAUSAU, WI 54401	2013	10/17/2013		6/30/2014		KOHLMAN'S INC	OPERATOR NEW	___	___	___	___
JACKSON, ANGELA J 2418 MIDWAY BLVD WAUSAU, WI 54403	2013	11/05/2013		6/30/2014		R STORE #6	OPERATOR NEW	___	___	___	___
JUSTMAN, MEGAN E 114 S FOSTER ST MERRILL, WI 54452	2013	10/24/2013		6/30/2014		APPLEBEE'S NEIGHBORH	OPERATOR NEW	___	___	___	___
KIZEWSKI, KAYLEE S 3809 HENRY ST WAUSAU, WI 54403	2013	11/08/2013		6/30/2014		KWIK TRIP #601	OPERATOR NEW	___	___	___	___



CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

**ORDINANCE OF PLAN COMMISSION**

Amend Sections 23.12.140 and 23.26.150 Design and maintenance of parking spaces and 23.38.130 Design and maintenance regarding maintenance of driveways, parking spaces and similar areas

Committee Action: Approved 4-2

**Ordinance Number:**

Fiscal Impact:

**File Number:** 08-0915

**Date Introduced:** December 10, 2013

The Common Council of the City of Wausau do ordain as follows:

Add ( )

Section 1. That Section 23.12.140 Design and maintenance of parking spaces, is hereby amended to read as follows:

....

(g) Maintenance. All driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

Section 2. That Section 23.26.150 Design and maintenance of parking spaces, is hereby amended to read as follows:

....

(i) Maintenance. All driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

Section 3. That Section 23.38.130 Design and maintenance, is hereby amended to read as follows:

....

(g) Maintenance. All driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:  
Approved:  
Published:  
Attest:

Approved:

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James E. Tipple, Mayor

Attest:

---

Toni Rayala, Clerk

## PLAN COMMISSION

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Time and Date: The Plan Commission met on November 19, 2013, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Tipple, Marquardt, Radtke, Bohlken, Oberbeck, Valitchka

Others Present: Lenz, Hebert, DeSantis, Woller, Jane Welter, Rotter, Paul Welter, Gonzalez, Force, Holster, Ryan, Meyer, Leher, Engen

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:00 p.m. Mayor Tipple called the meeting to order.

**PUBLIC HEARING: Amend Title 23 of the Wausau Municipal Code by creating 23.12.140(g), 23.26.150(i) and 23.38.130(g) for driveway and parking spaces maintenance.**

Hebert said that this item was introduced to the commission last month. This would address the maintenance standards for driveways. Earlier this year the paving requirements were removed and this would address to all types of driveway surfaces including: gravel, pavement, asphalt, or concrete. There have been several instances over the past year where erosion of gravel has causes a nuisance and where deteriorated concrete in a private driveway has gone into the public right-of-way. Currently, staff doesn't have an ordinance to site and this would affect residential, business, and industrial districts.

Richard Holster, 2808 Franklin Street, said he is not opposed but said all the wording says 'frequent hazardous conditions' and thought this was wide open and could be more specific. Holster said he can understand the need for more authority, but it seems broad.

Debra Ryan, 702 Elm Street, said that she attended the previous meetings in regards to the pavement ordinance. This seems like a way to get some authority back. Ryan said that when the Inspections Department doesn't get things done the Engineering Department is responsible for it and gave weeds as an example. Ryan said she doesn't see why the Inspections Department would want to take this on when there is so much blight and properties that haven't been maintained for 10-20 years. Ryan asked if homeowners would be asked to repair when there is ½" of water and contractors would need to be hired. This seems like an overreach. Ryan said that the Inspections Department is only doing 10% of their job.

Mayor Tipple closed the public hearing.

Hebert said that the code came from a national standard and would let the inspectors give discretion. This ordinance is meant to push someone forward to make the repairs or add gravel.

Oberbeck said the wording is very vague and would create an unenforceable ordinance. Oberbeck said that he could walk through a lot of commercial properties that have ¼" or ½" of water and asked if staff would ask that they redo their parking lot. It would hurt businesses. Oberbeck said he didn't think that something this vague would be enforceable and needs to be more specific. Oberbeck said that when he asked about a property in the industrial park was told that would be ignored, as far as weeds growing up in cracks. This ordinance draft needs to be refined more and the impact of businesses needs to be looked at. The businesses need to retain their presence in Wausau. Hebert asked who told him that it would be looked at. Oberbeck answered that it was in an Economic Development meeting. Hebert said that is his division and that would have been a simple fix. Hebert said that would have been looked into and enforced. Oberbeck said he has questions with parking lots that do not have storm drains built in. There are a lot of issues with gravel parking. Moving forward with this would be quite an extreme ordinance. Oberbeck asked if it would be defined as ¼" of water on a parking lot that is not draining or a recent construction project near NTC where dirt and gravel were dragged onto the street. There are a lot of questions on how it will be enforced. This could be a marketing effort for asphalt that would be very costly. Marquardt said that there was issue this year, in a commercial gravel lot, where water was coming through the gravel lot causing the gravel to go to the ditch and causing a blockage. Staff was looking for

the owner to repair the gravel driveway. The engineers worked with Hebert and determined since there isn't a current ordinance, nothing could be enforced. Oberbeck asked what the definition of a dip and standing water would be. This is very vague and could be challenged.

Valitchka asked if the first part is an introduction and an italicized area is the ordinance and asked where the standards are taken from. Hebert answered that the bolded wording is the ordinance and introduction is just that. Basically this was taken from the international code and said if it could be challenged here, then it would have stood up to challenges nationally. The vagueness allows for inspector discretion and is different than other ordinances that call for discretion. Valitchka said that he understands the need for general guidelines and asked if examples or for-instances would need to be provided. Valitchka asked if the next step would be to draft the ordinance change. Some guidance for the general criteria may be needed and said that arguments could be made.

Mayor Tipple said that this has been vague for years and there is reasoning for everything that is done in the city. It is possible that if the specificities are in the ordinance, it may leave out some possible enforcement. Lenz agreed and that the generalness of the ordinance is intentional. The key word in this ordinance change is hazardous. The Inspections Department has a lot to do and does not have the staff to do it. This will give them a tool for the extreme cases and is in line with the other city ordinances. Mayor Tipple said that this ordinance could be placed on the books and that nothing could be done, which is not the intent. It provides a tool for the hazardous conditions.

Oberbeck said that he has a problem with an ordinance that is selectively applied. There are businesses that cannot afford to redo their parking lot because there is a pothole in it. Oberbeck asked what the definition of ponding water would be and what it is based on. This should be rewritten and this is not the right answer. Oberbeck said he does not support this.

Valitchka asked if there currently is an ordinance for parking surfaces. Hebert said that the zoning code addresses new parking areas and significant alterations to parking areas. This new ordinance would be specifically for existing conditions. Valitchka said it would give latitude to the inspectors for existing surfaces. Hebert said that new construction will still need to have asphalt, concrete, or pavers. This will allow gravel replacement for maintenance, but will not be allowed for new installation.

Marquardt moved to amend Title 23 of the *Wausau Municipal Code* by creating 23.12.140(g), 23.26.150(i) and 23.38.130(g) for driveway and parking space maintenance. Valitchka seconded.

Mayor Tipple said that it seems that the members are hung up on specificity of the ordinance. All of the ordinances are subject to interpretation by city staff. There is some latitude of staff and need to trust processes of staff.

The motion carried 4-2. Oberbeck and Radtke voted against this ordinance amendment. This item will go to Common Council on December 10, 2013.

Department of Public Works  
Planning Division



Brad Lenz, AICP  
City Planner

MEMO

TO: Members of City Plan Commission  
FROM: Brad Lenz, City Planner *BL*  
DATE: November 13, 2013  
SUBJECT: Summary of Agenda Items for November Plan Commission Meeting

\*\*\*\*\*

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**(#5) Update on urban planning initiatives.**

Staff will provide the most recent updates at the meeting on a variety of planning initiatives underway, including the urban design standards, Thomas Street, and 2<sup>nd</sup> Avenue projects.

From: William Hebert, Zoning Administrator

To: Plan Commission

Date: October 25, 2013

Re: Driveway and Parking Space Maintenance

Staff has experienced some issues with driveway maintenance and the nuisance that it creates. This proposed ordinance addition will make it clear that driveway and parking areas are to be maintained, free of any pot holes, dips, or other issues that create ponding of water or the tracking of materials onto sidewalks and roadways. This language is similar to the 2009 International Property Maintenance Code. This national code has been deemed to be acceptable and enforceable.

***Residential Districts – 23.12.140(g) Maintenance. All driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.***

***Business Districts – 23.26.150(i) Maintenance. All driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.***

***Industrial Districts – 23.38.130(g) Maintenance. All driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.***

Plan commission recommended these ordinance additions for public hearing at the October 15<sup>th</sup>, 2013, meeting.

## PLAN COMMISSION

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Time and Date: The Plan Commission met on October 15, 2013, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Tipple, Marquardt, Radtke, Bohlken, Oberbeck

Others Present: Lenz, Hebert, DeSantis, Isakson, Radder, Engen

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:00 p.m. Mayor Tipple called the meeting to order.

### **Discuss driveway and parking lot maintenance.**

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Hebert said that this proposal is to create driveway maintenance standards in residential areas. At times, staff has inquiries about maintenance of driveways and currently there isn't an ordinance to enforce any maintenance. Hebert asked the commission if this should be extended to business and industrial districts. Marquardt added that the commission can act to authorize a public hearing. Hebert said that is correct and to give any input.

Radtke asked about potholes in alleys and stated that some people need to go through alleyways to get to their driveways. Hebert said that alleys are owned by the municipality and didn't think it would belong in the zoning code. Hebert said that could be question to the council. Radtke said that Franklin Place, between Franklin Street and Grant Street, is all gravel. Radtke said that every year she needs to call to have the road plowed because of the ruts and asked if the city would be exempt. Marquardt said that the city tries to plow the gravel alleys twice a year to grade them. As old alleys fall apart, the owners will request repaving, which would be at the expense of the owners. Radtke said that when it is raining, there should be no water standing in the driveway. Hebert said that is the way it was written and added that it was paraphrased from a national standard.

Radtke motioned to authorize a public hearing to discuss driveway and parking lot maintenance. Oberbeck seconded, and the motion carried unanimously 5-0.

Hebert asked if the Plan Commission would like this to include the business and industrial districts. Radtke answered yes. Oberbeck said that he has walked thru many parking lots with standing water and asked if this would pertain to the result of ponding as a result of issues on the sidewalk and roadways or within the actual parking lot. Hebert answered that it would apply to both. Mayor instructed the commission to forward suggestions to Hebert to wordsmith the ordinance. Oberbeck asked if it would apply to vacant properties with weeds. Hebert answered yes.

**RESOLUTION OF THE FINANCE COMMITTEE**

Authorizing Budget Modification to Finance Professional Service Costs Associated with the Fire Chief Recruitment and Selection.

Committee Action: Approved 5-0

Fiscal Impact: Included in 2014 Budget

**File Number:** 13-1206

**Date Introduced:** December 10<sup>th</sup>, 2013

**RESOLUTION**

**WHEREAS**, at its November 26<sup>th</sup>, 2013 meeting, your Finance Committee reviewed, discussed, and considered the value of obtaining an Executive Recruitment firm to assist the Police and Fire Commission in the recruitment for a new Fire Chief, and

**WHEREAS**, an Executive Recruitment firm that specializes in Public Sector Executive Recruitment would increase the number of exceptional candidates, maintain the recruitment process integrity and legalities in consultation to the Police and Fire Commission, and support technical and leadership competency evaluation, and

**WHEREAS**, your Finance Committee, in finding merit in the initiative by unanimous vote, authorized staff the authority to contract with a consultant of satisfactory skills and experience to the Police and Fire Commission and incur the related expense necessary, up to \$21,000, as Budget Modification in the 2014 Budget, and

**WHEREAS**, it is anticipated that a number of vacancies in the Fire Department will occur in the 2014 Budget with savings in personnel costs likely to occur, and

**WHEREAS**, staff would be authorized to spend up to and additional \$21,000 in the 2014 Fire Department's Professional Services budget in anticipation of offsetting savings in personnel costs in the Department's budget; and

**NOW THEREFORE BE IT RESOLVED** by the Common Council of the City of Wausau that the proper city officials are hereby authorized and directed to pursue, conduct, and engage in an operational study of the Wausau Fire Department, as specified and noted above and in attached documentation, with authorization and directive to proceed upon adoption of this resolution.

Approved:

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James E. Tipple, Mayor

## JOINT MEETING BETWEEN FINANCE AND ECONOMIC DEVELOPMENT COMMITTEES

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Time and Place: Tuesday, November 26, 2013 at 4:30 pm., in the Board Room at City Hall.

**Finance Members Present:** Bill Nagle (C), David Oberbeck, David Nutting, Jim Brezinski, Keene Winters

**ED Members Present:** Jim Brezinski (C), Bill Nagle, Lisa Rasmussen, David Oberbeck, Romey Wagner

Others Present: Giese, Groat, Jacobson, Loy, Rayala, Tipple, Werth, Kellbach, Abitz, Megan Lawrence, Gisselman, Mielke, John Bruster, Chuck Ghidorzi, Media

### **Consider Budget Modification to Finance Professional Service Costs Associated with the Fire Chief Recruitment and Selections** (Finance Committee only)

Loy spoke of a recruitment plan to seek the replacement for the Chief of the Fire Department. He requested funding of no more than \$21,000 to work with an outside recruiting firm that he has worked with in the past. The recruiters usually have a large pool of highly qualified candidates. We would have access to more candidates through a recruiter and typically the recruiters will help facilitate an assessment center to assess technical skills of the candidates.

Motion by Winters, second by Nutting to approve a budget modification to Finance Professional Service costs associated with the Fire Chief Recruitment and Selection. Motion passed 5-0

**CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403**

**RESOLUTION OF THE FINANCE COMMITTEE**

Approving Budget Carryover request – Police Department for 60 body armor vests.

Committee Action:

Fiscal Impact (2014): \$7,438 net carryover

<b>File Number:</b>	13-1109	<b>Date Introduced:</b>	December 10, 2013
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**RESOLUTION**

**WHEREAS**, your Finance Committee has received a request to carry forward certain 2013 budget appropriations for armor vests that are due for replacement; half of which were budgeted for 2013 and half for 2014, and

**BUDGET MODIFICATION**

INCREASE Account # 110-30098190  
Expense - ..... \$14,875  
INCREASE Account: #110-30082429  
Revenue – ..... \$7,437

**WHEREAS**, your Finance Committee has reviewed the request and recommends carry forward appropriations and the modification of the 2014 budget, and

**BE IT RESOLVED**, by the Common Council of the City of Wausau, that the proper City Official(s) be hereby authorized and directed to carry forward appropriations and modify the 2014 budget as provided above and said budget modification shall be published in the newspaper.

Approved:

James E. Tipple, Mayor

**FINANCE COMMITTEE**

Date and Time: Tuesday, November 12, 2013 @ 5:00 pm., Board Room

Members Present: Nagle (C), Oberbeck, Brezinski, Nutting

Members Absent: Winters

Others Present: Mielke, Wagner, Kellbach, Abitz, Rasmussen, Gisselman, Bliven, Marquardt, Tipple, Groat, Jacobson, Loy, Giese, Werth, Stratz, Hebert, Goede, Jim Mann- Ehlers

**Carryover request - Police Department**

Cpt Ben Bliven explained they have about 60 body armor vests to replace, half of which were budgeted for 2013 and half for 2014. He indicated they replaced 60 vests because of a warranty issue in 2009. They have a grant that will pay for half of the vests but they have to be a full five years old before they will replace them. In order to take advantage of that they will need the carryover the money from this year to next year and replace all the vests next year. Groat noted we do the carryover now in advance and it would be revenue neutral.

Motion by Oberbeck, second by Nutting approve the carryover request by the Police Department. Motion carried 4-0.

**RESOLUTION OF THE FINANCE COMMITTEE**

Authorizing acceptance of conveyance, by donation, of 402 Chicago Ave by property owner

Committee Action: Approve

Fiscal Impact: Community Development program income funds

**File Number:**

**Date Introduced:**

December 10, 2013

**RESOLUTION**

**WHEREAS**, in furtherance of blight elimination and neighborhood re-investment, the owner of 402 Chicago Avenue, has offered to convey their property to the City before December 31, 2013, and

**WHEREAS**, the Community Development staff have evaluated the house and any related structures and determined that a renovation will yield beneficial results for the property and neighborhood and

**WHEREAS**, the Community Development Department will renovate the house with grant funding including but not limited to NSP and Home Funds,

**NOW THEREFORE BE IT RESOLVED**, by the Common Council of the City of Wausau that the appropriate City officials are hereby authorized and directed to execute the necessary real estate documents to effect the conveyance of 402 Chicago Avenue to the City of Wausau by December 31, 2013.

Approved:

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James E. Tipple, Mayor

Agenda Item No.

**STAFF REPORT TO FINANCE COMMITTEE**

**AGENDA ITEM**

Authorization to accept donation of 402 Chicago Ave

**BACKGROUND**

Nhiasue and Dee Yang, owner of 402 Chicago Ave approached the City requesting the City accept the donation of this duplex.

**KEY ISSUES**

- \* Duplex is vacant
- \* Assessed value is \$75,000
- \* No mortgage against the property
- \* Owner does not have funds to pay real estate taxes – not delinquent yet
- \* Owner does not have funds for any rehabilitation needs

**FINANCIAL IMPACT**

- \* 2013 Real Estate taxes
- \* Closing costs (title insurance/recording fees)
- \* Rehabilitation/demo/new construction costs

**STAFF RECOMMENDATIONS**

Staff recommends accepting the property with the intention of either rehabilitating or demolishing and rebuilding a new single family home that will be resold to an income-qualifying household.

**RESOLUTION OF THE FINANCE COMMITTEE**

Authorizing acceptance of conveyance, by donation, of 901 Stark Street by its owners

Committee Action:

Fiscal Impact: Community Development program income funds

**File Number:** 13-1205

**Date Introduced:** December 10, 2013

**RESOLUTION**

**WHEREAS**, in furtherance of blight elimination and neighborhood re-investment, the owner of 901 Stark Street, has offered to convey their property to the City before December 31, 2013, and

**WHEREAS**, the Community Development staff have evaluated the house and any related structures and determined that a demolition and new construction of a single family home will yield beneficial results for the property and neighborhood and

**WHEREAS**, the Community Development Department will demolish the house and garage and rebuild a new single family house with grant funding including but not limited to NSP and Home Funds,

**NOW THEREFORE BE IT RESOLVED**, by the Common Council of the City of Wausau that the appropriate City officials are hereby authorized and directed to execute the necessary real estate documents to effect the conveyance of 901 Stark Street to the City of Wausau by December 31, 2013.

Approved:

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James E. Tipple, Mayor

Agenda Item No.

*STAFF REPORT TO FINANCE COMMITTEE*

**AGENDA ITEM**

Authorization to accept donation of 901 Stark Street

**BACKGROUND**

Wells Fargo is the owner of this foreclosed property. This property has had orders written on it for several years. Wells Fargo has reached out to City staff offering to donate the property to the City.

**KEY ISSUES**

- \* Property is a duplex and is vacant
- \* Assessed value is \$102,800
- \* Wells Fargo will provide marketable title
- \* Wells Fargo will pay all closing costs, utilities and taxes through the day of closing

**FINANCIAL IMPACT**

- \* Rehabilitation/demo/new construction costs

**STAFF RECOMMENDATIONS**

Staff recommends accepting the property with the intention of demolishing and rebuilding a new single family home that will be resold to an income-qualifying household.

**RESOLUTION OF 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 1/1/14 – 12/31/14

Committee Action:

Fiscal Impact:

**File Number:** 12-1214

**Date Introduced:** December 10, 2013

**RESOLUTION**

**WHEREAS**, the City of Schofield, Village of Weston and Town of Weston are parties to the Schofield/Weston Police Merger Agreement, executed October 4, 1993; and

**WHEREAS**, each jurisdiction has passed and is responsible for enforcing local ordinances governing the regulation, licensing and impounding of certain animals within the territorial limits of the Everest Metro Police Department (EMPD); and

**WHEREAS**, the CITY has employed an Animal Control Officer, as a member of the Wausau Police Department, who was certified as a Humane Officer in October, 2013; and

**WHEREAS**, the EMPD desires to contract with the CITY for the provision of certain animal control services to the three jurisdictions within which it provides law enforcement; and

**WHEREAS**, the CITY is agreeable to rendering such services on the terms and conditions set forth in the attached agreement; and

**WHEREAS**, EMPD will administer the agreement upon authorization by the governing bodies of Weston and Schofield.

**NOW THEREFORE, BE IT RESOLVED** that the City of Wausau enter into an agreement for the contracting of such services to EMPD in substantial compliance with the material terms of the attached agreement for a term commencing January 1, 2014 and ending December 31, 2014.

**BE IT FURTHER RESOLVED** that the proper City officials are hereby authorized and directed to execute a contract for Regional Animal Control Services with the Everest Metro Police Department.

Approved:

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James E. Tipple, Mayor

**INTERGOVERNMENTAL HUMANE OFFICER  
SERVICES AGREEMENT  
BETWEEN THE CITY OF WAUSAU AND  
EVEREST METROPOLITAN POLICE DEPARTMENT**

**THIS AGREEMENT**, entered into this 1st day of January, 2014, by and between the CITY OF WAUSAU, a municipal corporation of the State of Wisconsin, hereinafter referred to as "CITY" and the Everest Metropolitan Police Department, hereinafter referred to as "EVEREST METRO";

**WHEREAS**, the CITY has appointed a Humane Officer certified pursuant to Wis. Stat. §173.05, who provides animal control services pursuant to Wis. Stat. Ch. 173 including, but not limited to, vaccination of animals, reporting human exposure to rabies, quarantine and testing of biting animals, reduction of stray animal population, restraint of dangerous animals, protecting persons from the dangers associated with animals at large, inhumane treatment of animals, and other related services; and

**WHEREAS**, EVEREST METRO is responsible for enforcing local ordinances governing the regulation, licensing and impounding of certain animals within its territorial limits; and

**WHEREAS**, EVEREST METRO wishes to enter into an Agreement with the CITY for the providing of Humane Officer services as more fully hereinafter set forth; and

**WHEREAS**, CITY is agreeable to rendering such services on the terms and conditions as hereinafter enumerated; and

**WHEREAS**, the CITY and EVEREST METRO are authorized pursuant to Wis. Stat. §66.0301 to enter into this Agreement which proves a governmental function and/or service that each party is authorized to perform and in which the parties are mutually interested, such as police protection and public health and welfare.

**NOW, THEREFORE**, the parties hereto agree as follows:

1. **SCOPE OF ANIMAL SERVICES**. Subject to the provisions hereinafter contained in this Agreement, the CITY shall provide the following animal control services to EVEREST METRO:
  - a. Pick up stray dogs and other stray animals (except cats); impound animals or returning them to the owner; and issue citations as appropriate.
  - b. Investigate complaints of alleged violations of state statutes and local ordinances relating to animals and, in the course of the investigations, may execute inspection warrants pursuant to Wis. Stat. §66.0119.
  - c. Provide requested animal rescue services.
  - d. Provide those duties, investigations, abatement and exercise those powers related to animals as set forth in Wis. Stat. §§173.07, 173.09, 173.10, 173.11,



b. Liability for any damages or bodily injury, disability, and/or death of employees or any person or for damage to property caused in any way by the services of the CITY in this Agreement shall be assumed by the CITY which shall indemnify and hold harmless EVEREST METRO against all claims, actions, proceedings, damages, and liabilities, including reasonable attorney's fees, arising from or connected to the activities provided to EVEREST METRO, including but not limited to, any acts or omissions of the Humane Officer, the CITY's employees, agent, representatives, and any other person doing business with the Humane Officer.

7. EVEREST METRO shall fully cooperate with the Humane Officer including but not limited to the furnishing of any and all information in its possession about the ownership of a suspected rabid animal, including rabies vaccination certificates, any history of the animal or the name and address of any possible victims of an animal bite or injury.
8. ANIMAL TREATMENT FEES. All animal care, impoundment, treatment, or disposal shall be the sole responsibility and at the direction of EVEREST METRO.
9. ENFORCEMENT. All citations issued by the Humane Officer within the jurisdiction of EVEREST METRO shall be prosecuted in the Schofield-Weston Municipal Court at EVEREST METRO's sole expense. However all forfeitures collected therefrom will be retained by EVEREST METRO's municipalities. EVEREST METRO shall be responsible for the payment of legal services for the prosecution of offenses occurring in EVEREST METRO'S jurisdiction.
10. NOTICES. Any notice required or permitted by this Agreement shall be deemed effective when personally delivered in writing, or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified, and return receipt requested, and addressed as follows:

CITY:	EVEREST METRO
City of Wausau	Attn: Chief of Police
Attn: City Clerk	5303 Mesker Street
407 Grant Street	Weston, WI 54476
Wausau, WI 54403	

11. ASSIGNMENT. The parties acknowledge that the services provided herein are unique. Accordingly, neither party may assign their rights or delegate the duties or obligations under this Agreement
12. AMENDMENTS. This Agreement contains the entire Agreement of the parties and supersedes any prior agreements or understandings, whether oral or in writing,

between them. This Agreement may not be changed or modified except by a written instrument in accordance with the provisions herein.

13. **JURISDICTION.** Personal jurisdiction and venue for any civil action commenced by either party arising out of this Agreement shall be deemed to be proper only if such action is commenced in the Circuit Court of Marathon County unless it is determined that such Court lacks jurisdiction. The parties expressly waive the right to bring such action in, or to remove such action to any other court whether state or federal, unless it is determined that the Circuit Court for Marathon County lacks jurisdiction. This Agreement shall be construed under the laws of the State of Wisconsin.
14. **SEVERABILITY.** If any part, term, or provision of this Agreement is held by a court of competent jurisdiction to be illegal, unenforceable, or void, such illegality or unenforceability shall not affect the validity of any other part, term or provision and the rights of the parties will be construed as if the invalid part, term or provision was never part of the Agreement.
16. **IMMUNITY.** Nothing contained in this Agreement constitutes a waiver of either party's sovereign immunity under applicable law.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the first date written above and by so signing this Agreement, certify that they have been duly and properly authorized by their respective boards and councils to make the commitments contained herein, intending them to be binding upon their respective entities and to execute this Agreement on their behalf.

CITY OF WAUSAU

EVEREST METRO POLICE DEPT.

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James E. Tipple, Mayor

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Wally Sparks, Chief of Police

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Toni Rayala, Clerk

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Loren White, Chairman – Everest Metro  
Joint Finance Committee

**EXHIBIT A**

Call Type	Response Level (Immediate/Delayed)
Animal cruelty or neglect	Delayed--respond within 24 hours.
Domestic animal at-large	Immediate if in traffic or threat to any person(s) or property. Delayed- Response within eight (8) hours.
Found or unwanted animals to be picked up	Delayed-Train Officers to handle outside normal hours, if unavailable or specialized recover and transportation needs are required it may be necessary outside normal hours to call-in animal control staff.
Animal sanitation complaints	Delayed-Response within 24 hours
At-large animal that is sick, injured or in danger	Immediate
Aggressive animal	Immediate
Barking dogs	Delayed
Other animal noise complaints	Delayed
Animal attacks on other animals or people	Immediate
Deceased animals that pose no risk to safety	Delayed-Response within 24 hours.
Deceased animals that pose a risk to safety	Delayed-Response within 24 hours.
Other Calls not set forth herein.	Response shall be at the discretion of the Humane Officer.