

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, January 14, 2014, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

01/14/2014 7:00:12 PM

Roll call indicated 10 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Nagle, William P.	YES
2	Wagner, Romey	YES
3	Nutting, David E.	NV
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

Presentations:

• **Fire Inspector of the Year Award – 2013 to Fire Marshall DeSantis**

Deputy Fire Chief Phil Rentmeester recognized Fire Marshall Dave DeSantis for receiving an award as the 2013 State Fire Marshall of the Year. He provided his background and accomplishments with the Fire Department for the City of Wausau. Rentmeester also recognized Lt. Wally Olson, who will be retiring after 24 years of service to the City of Wausau, as well as Lt. Dave Sanft who will be retiring after 28 years of service.

• **Life Saving Award – Officers: Reince, Stetzer and Bedish**

Police Chief Jeff Hardel acknowledged Officers Sara Bedish, Nathaniel Stetzer, and Anthony Reince, as well as Paramedics Tim Bingham, Chuck Prince, Scott Habeck, and Lt. Doug Flory for their joint lifesaving efforts on December 1, 2013. He presented the Officers with a Life Saving Medal.

• **City of Wausau Acknowledge the Plaza and Days Inn**

Chief Hardel acknowledged the efforts of the community relative to the recent structural fire at the Days Inn and the help received from the Days Inn and the Plaza to secure rooms for the displaced guests. He noted the Plaza Hotel provided immediate shelter, a meeting room and interview room for the Fire Marshall's use, a meeting room for Red Cross volunteers, hotel rooms, as well as breakfast and lunch at no charge. He commended the Red Cross and the Salvation Army for their assistance and Topper's Pizza for providing pizza to impacted people of the fire. He noted DPW provided outstanding assistance, as did Battalion Chief Mark Krueger, of the Fire Department and Lt Mike Felder, of the Police Department for coordinating all of the efforts.

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

- 1) Andrew Schmidt, 123 Grand Ave, Attorney representing the Humane Society, indicated he supported the second contract for "non- dog stray animals" that the Council did not support at the Committee of the Whole meeting and urged the Council to adopt it.
- 2) Sue Nowak, 607 Lakeview Dr, AOD Partnership member, spoke in favor of the ordinance restricting impaired servers (bartenders). She provided statistics on the effects of the abuse alcohol.
- 3) Tyler Vogt, 1004 Spur Ln, Owner of Malarkey's, spoke regarding the restriction on impaired serves and suggested they table it and form a task force to get more input before putting forth an ordinance.
- 4) Jim Treu, 4801 Evergreen Rd, former owner of Treu's Tic Toc, spoke in opposition on the restriction on impaired serves and felt the demerit point ordinance addressed problems. He volunteered to be on a task force to discuss it.
- 5) Timothy Thomas, 11420 S Cty Rd K, Merrill, President of the Marathon County Tavern League, felt the city needs to work with the businesses regarding the proposed restriction on impaired servers.
- 6) Kristi Nowitzke, 628 N 5th Ave, spoke in opposition the sober server ordinance that may have an unintended consequence of making bartenders hesitant to call police for help when there is an incident.
- 7) Julia Sherman, Madison, Coordinator of the Wisconsin Alcohol Project at the UW Law School, addressed and spoke in favor of the sober server ordinance.

- 8) Aaron Ruff, 1000 Lakeview Dr, Health Department spoke in favor of the sober server ordinance addressing impairment and offered available training to alcohol servers and establishments.
- 9) Melissa Dotter, 1003 Brown St, AOD Partnership, spoke in favor of the sober server ordinance addressing the misuse of alcohol and noted that servers are the first line of defense.

Consent Agenda

01/14/2014 7:43:52 PM

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

Wagner requested file # 14-0104 be removed from the Consent Agenda to address questions.

14-0101 Minutes of previous meetings. (12/10/2013)

02-0423 Resolution of the Capital Improvements and Street Maintenance Committee approving utility easement at 324 East Wausau Avenue (Wisconsin Public Service)

11-1214 Resolution of the Capital Improvements and Street Maintenance Committee approving agreement for the Management and Maintenance of a Stormwater facility (1703 Arlington Lane, LLC)

13-1112 Resolution of the Economic Development Committee waiving City's right to purchase property in the Wausau West Industrial Park - sale of 7555 Stewart Avenue to Southern Stretch Forming - Wisconsin, Inc.

13-0108 Resolution approving or denying Various Licenses as indicated.

80-0424 Ordinance of the Public Health & Safety Committee amending Section 10.32.020 Restriction on permit - parades to permit waiver

05-1113 Ordinance of the Public Health & Safety Committee amending Section 9.24.070 Chronic nuisance premises - posting names of chronic nuisance premises - posting names of chronic nuisance landlords

01-0217 Resolution of the Plan Commission petitioning the Secretary of Transportation to Act as the City's Agent for Administering the Aid and for execution of Agency Agreement and Federal Block Grant Owner Assurances

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

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

14-0104

01/14/2014 7:47:37 PM

Motion by Brezinski, second by Mielke to adopt a Resolution of the Plan Commission approving a CSM for 60th Avenue.

Wagner questioned if the property was changing hands or being purchased. Marquardt explained it is currently owned by a bank and there is a property owner who is looking at buying it. The bank is proposing selling a portion of it, which is the CSM, and retaining the building.

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

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

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

14-0105

01/14/2014 7:48:22 PM

Motion by Rasmussen, second by Abitz to approve a Preliminary Resolution of the Capital Improvements and Street Maintenance Committee Levying Special Assessments for 2014 Street Improvement Project.

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

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

14-0106

01/14/2014 7:48:59 PM

Motion by Wagner, second by Mielke to adopt a Preliminary Resolution of the Capital Improvements and Street Maintenance Committee levying Special Assessments for 2014 Street Reconstruction Projects.

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

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

13-0309

01/14/2014 7:50:22 PM

Motion by Oberbeck, second by Winters to adopt an ordinance of the Finance Committee 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).

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

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

01/14/2014 7:53:31PM

Motion by Mielke, second by Winters to adopt an ordinance of the Finance Committee amending and repealing the following sections of the Wausau Municipal Code to coincide with fee schedule: Amend Section 2.56.010 Public records, 3.25.040 Permit-requirements, 3.25.050 Permit-revocation, 5.08.070 False alarm fee, 5.18.040 Application, 5.18.080 Term, 5.20.040 Licensing, 5.26.050 Facility license, 5.26.060 Facility operators license, 5.48.710 License required-fee, 5.60.040 Registration and license, 5.61.050 Conditions for permit, 5.61.080 Violation of chapter, 5.68.030 Park license required, 6.44.030 Separation, 6.44.040 Solid waste containers, 8.08.170 Licenses, 8.08.200 Dangerous animals, 10.48.010 Definitions, 10.48.060 Rates for metered parking, 10.48.080 Rates in parking ramps, 10.48.090 Monthly permits, 15.40.010 Fee for permit, 15.56.065 Construction site erosion, 15.56.080 Permitting requirement, procedures and fees, 15.56.120 Fee schedule, 16.04.037 Rent abatement, 17.10.010 Fees designated, 17.10.020 Permits required, 17.24.020 Open fire and burning allowed by permit, 17.49.060 Fireworks/pyrotechnics, 21.12.060 Development agreements, 21.16.085 Required dedications for park purposes, 23.78.030 Application, and repeal Section 15.48.060 Tags.

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

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

14-0107 (to table)

01/14/2014 8:17:35 PM

Motion by Abitz, second by Winters to table the ordinance of the Public Health & Safety Committee creating Section 5.64.034 Restriction on Servers - prohibiting a licensee from serving alcohol or supervising the service of alcohol while under the influence of an intoxicant, a controlled substance, a controlled substance analog or any combination of the foregoing - for 30 days to allow for a task force to review this ordinance and then bring it back to council.

Rasmussen indicated she fully supported the ordinance as Chair of Public Health & Safety Committee. She commented this is the only job she knew of that you could work while drunk, which is detrimental to the customer and the establishment. She pointed out the ordinance does not prevent servers from tasting or consuming alcohol while on duty, but it does set a limit of 0.04 BAC. She indicated Chief Hardel intends to undertake an open house type discussion with tavern owners and there will not be any random testing of bartenders. There will need to be a reasonable cause to suspect there is impairment when an officer is already at an establishment. She noted five other communities have adopted a similar ordinance and two of those have 0.00 BAC requirements, but we did not want to be that extreme.

Abitz felt it was a good policy overall, but felt it should be tabled for a month to allow a task force including tavern owners to meet and get their input before moving forward with it. Rasmussen opposed tabling it and didn't feel a task force was appropriate.

Mayor Tipple commented this has kind of blindsided the community and he has been receiving a lot of questions from tavern owners. He felt it was regulating their business and they were responsible enough to make it happen if we allow them some input. He commented he was not aware that there was even a problem with this in the community.

Winters indicated he supports the concept, but has heard from a number of tavern owners and he now feels that members of the tavern league should be included in the discussion. He believed they would ultimately want to support it because they don't want their employees working impaired either, but they would like work together with us.

Chief Hardel stated when officers are responding to taverns in our city where there are problems, disorderly conduct, violent crimes, etc., they see approximately 50% of the time the bartender is intoxicated. He commented there were a couple establishments that are

no longer in business that a high percent of the time when officers responded, the owner and/or bartender was intoxicated and uncooperative. Wagner stated 90- 95% of the business owners hold their employees to sobriety now and he did not feel tabling and waiting for more input would change anything.

Vote to table:

Yes Votes: 4 No Votes: 6 Abstain: 0 Not Voting: 1 Result: FAIL

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	NO
3	Nutting, David E.	NV
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	YES
11	Mielke, Robert	YES

14-0107

01/14/2014 8:18:06 PM

Motion by Rasmussen, second by Gisselman to adopt an ordinance of the Public Health & Safety Committee creating Section 5.64.034 Restriction on Servers - prohibiting a licensee from serving alcohol or supervising the service of alcohol while under the influence of an intoxicant, a controlled substance, a controlled substance analog or any combination of the foregoing.

Yes Votes: 8 No Votes: 2 Abstain: 0 Not Voting: 1 Result: PASS

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

82-1252

01/14/2014 8:18:46 PM

Motion by Wagner, second by Rasmussen to adopt an ordinance of the Public Health & Safety Committee amending Section 1.01.025(c)(1)(B) Schedule of cash deposits to include restriction on server violations.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	NV
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 Mielke, second by Wagner to adopt an ordinance of the Public Health & Safety Committee amending Section 5.64.078(b) Point schedule to include restriction on server violations.

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

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

03-0717

01/14/2014 8:27:28 PM

Motion by Oberbeck, second by Gisselman to adopt a Resolution of the Committee of the Whole approving of Purchase of Animal Impoundment Services Agreement for the impoundment, care, treatment and/or humane disposal of non-dog strays, between the Humane Society of Marathon County, Inc. and the City of Wausau from 01/01/14 through 12/31/14 and related Budget Modification.

Rasmussen explained this is \$60,000 that we don't have and therefore have to take it from contingency and that is why we voted the way we did in Committee of the Whole. She did not want to be in a position where the police department would be compelled to start sheltering animals in two weeks. The simple answer is that we are not responding to stray cat calls at this time. She hoped this would force all parties involved to go back to the drawing board and come forward with a plan that works.

Winters stated it is important for us to keep our animals laws the same as the Village of Weston as part of our partnership. He did not think this was the final word, but the county needs to sit down with the municipalities and talk this issue through. He indicated the county has turned a deaf ear to his proposals up to this point; he believed we can solve this problem working together.

Oberbeck commented it is not only dogs within the community, it is animals in general and we need to address it. The county is appropriating \$20,000 to subsidize the \$80,000 expenditure and we can take a year to figure this out. He did not see any other community stepping up to the plate to help us. He urged the Council to support it because it is needed and to work with Humane Society. Wagner commented although the Humane Society provides an important service, he was concerned with the take it or leave it attitude.

Yes Votes: 3 No Votes: 7 Abstain: 0 Not Voting: 1 Result: FAIL

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

03-0717

01/14/2014 8:28:26 PM

Motion by Brezinski, second by Rasmussen to adopt a Resolution of the Committee of the Whole approving Municipality Held for Cause Services Agreement for the impoundment, care, treatment and/or humane disposal of animals taken into custody by law enforcement or humane officers and animals held for cause between the Humane Society of Marathon County, Inc. and the City of Wausau from 01/01/14 through 12/31/14 and related 2014 Budget Modification.

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

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

Public Comment or Suggestions (for items not appearing on the agenda).

Melissa Dotter invited the Council to the 4th Annual January Celebration of the AOD Partnership.

Adjourn

01/14/2014 8:29:57 PM

Motion by Mielke, second by Oberbeck to adjourn. Meeting adjourned at 8:30 p.m.

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

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