

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, February 11, 2014, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

02/11/2014 7:01:56 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 |

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

- 1) Jeff Marten, 144 Kent St, spoke in opposition to the cell phone ban while driving. He felt the inattentive driving law was sufficient. He stated he uses cell phones as wells as hands-free devices and believed that hands-free devices can be more distracting to the driver than picking up a regular cell phone. He asked the Council not to adopt the ordinance.

Consent Agenda

02/11/2014 7:10:36 PM

Motion by Nutting, second by Mielke to adopt all items on the Consent Agenda as presented.

14-0101 Minutes of the previous meeting.

13-1107 Final Resolution of the Capital Improvements & Street Maintenance Committee and the Plan Commission vacating and discontinuing right-of-way adjacent to 1022 Merrill Avenue.

12-1118 Resolution of the Finance Committee approving Public Access Production Agreement between Wausau School District Board of Education and Administration and City of Wausau.

14-0108 Resolution of the Public Health & Safety Committee approving various licenses as indicated.

87-0222 Ordinance of the Public Health & Safety Committee amending Section 6.48.010 mowing required - exempting golf courses.

12-1014 Ordinance of the Public Health & Safety Committee amending Section 8.08.170 Licenses regarding payment date.

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 Abitz, second by Rasmussen to adopt a Resolution of the Plan Commission approving the revision to the City of Wausau Floodway Study.

Abitz requested clarification of the study results and questioned if it impacted residents. Bill Hebert explained this item is just to accept the data that the Wisconsin DNR and Marathon County compiled for a better idea of grades in the area known as the hollow, south of Thomas Street that borders Lake Wausau. He indicated the flood elevation is not changing. There were four municipalities involved: Village of Rothschild, City of Schofield, Town of Rib Mountain and the City of Wausau. There were not significant changes to the City of Wausau; the most significant changes were in Schofield and Rib Mountain.

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 Brezinski, second by Rasmussen to adopt a Resolution of the Finance Committee approving budget modification - City Attorney's office to increase other professional services.

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 |

Ordinance of the Plan Commission Rezoning 1204 West Bridge Street from IR, Interchange Residence District, to UDD, Unified Development District and approving the General Development Plan to allow for a convenience store with a fueling canopy and single-bay carwash. (Osgood)

Mayor Tipple noted there will be a neighborhood meeting regarding this item on February 19, 2014 at 5:30 p.m., at the Westwood Conference Center and it will be brought back to Council on February 25, 2014.

Motion by Mielke, second by Rasmussen to adopt an Ordinance of the Public Health & Safety Committee creating Section 10.01.012 use of hand-held mobile telephones and mobile electronic devices while driving prohibited.

Rasmussen stated the ordinance contains the appropriate exemptions, such as emergency use. Surrounding municipalities came to consensus on this version of an ordinance and intend to take it to their boards as well.

Wagner noted in both Marshfield and Wisconsin Rapids where this law is in effect, the first year they gave a lot of citations and then they started dropping off. He commented he initially did not want to allow hands-free, as he felt it was still distracting to be in conversation while driving, but this is a great step to get people to be more careful.

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

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

14-0110

02/11/2014 7:32:01 PM

Motion by Nutting, second by Mielke to adopt a resolution of the Finance Committee authorizing acceptance of conveyance, by donation, of Kwik Trip, 1500 Grand Avenue, to the City of Wausau from Kwik Trip.

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

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

Closed Session

02/11/2014 7:33:11 PM

Motion by Wagner, second by Mielke to move into CLOSED SESSION pursuant to Section 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, for the purpose of conferring with legal counsel regarding certain tax litigation brought by Sears and Walgreen Company.

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 |

Council reconvened into open session.

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

None

Adjourn

02/11/2014 8:35:02 PM

Motion by Wagner, second by Nutting to adjourn. Meeting adjourned at 8:35 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 |