

\*\*\* 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, February 11, 2014 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:

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
14-0101		Minutes of previous meetings. (1/28/14)	
13-1107	CISM & PLAN	Final Resolution Vacating and discontinuing right-of-way adjacent to 1022 Merrill Avenue	Approved 5-0 Approved 6-0
12-1118	FIN	Resolution Approving Public Access Production Agreement between Wausau School District Board of Education and Administration and City of Wausau	Approved 4-0
14-0204	PLAN	Resolution approving the revision to the City of Wausau Floodway Study.	Approved 6-0
14-0108	PH&S	Resolution approving or denying Various Licenses as Indicated	Approved 5-0
87-0222	PH&S	Ordinance amending Section 6.48.010 Mowing required - exempting golf courses	Approved 5-0
12-1014	PH&S	Ordinance amending Section 8.08.170 Licenses regarding payment date	Approved 5-0

File #	CMT	Resolutions and Ordinances	ACT
14-0203		Confirmation of Mayor's Appointments.	
12-1109	FIN	Resolution Approving Budget Modification – City Attorney's Office to Increase Other Professional Services.	Approved 5-0
14-0205	PLAN	Ordinance 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)	Failed 2-4
14-0206	PH&S	Ordinance Creating Section 10.01.012 Use of hand-held mobile telephones and mobile electronic devices while driving prohibited	Approved 5-0

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 02/05/14 @ 4:00 pm. Questions regarding this agenda may be directed to the City Clerk.



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### ADDENDUM

File #	CMT	Resolutions and Ordinances	ACT
14-0110	FIN	Resolution authorizing acceptance of conveyance, by donation, of Kwik Trip, 1500 Grand Avenue, to the City of Wausau from Kwik Trip.	Pending

Signed by James E. Tipple, Mayor

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 2/07/14 @ 3:30 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.



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Members:	Bill Nagle, Romey Wagner, David Nutting, Jim Brezinski, Gary Gisselman, Keene Winters, Lisa Rasmussen, Karen Kellbach, David Oberbeck, Sherry Abitz, Robert Mielke

### ADDENDUM #2

File #	CMT	Resolutions and Ordinances	ACT
		<b>CLOSED SESSION</b> pursuant to sec. 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	

Adjournment in closed session.

Signed by James E. Tipple, Mayor

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 2/09/14 @ 11:30 am. 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, January 28, 2014, at 7:00 pm in the Council Chambers at City Hall.  
Mayor Tipple presiding.

**Roll Call**

01/28/2014 7:00:00

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)**

*Comments Regarding File # 14-0107 Restriction on Servers*

- 1) Danielle Fischer, 627 ½ S 5<sup>th</sup> Ave, spoke in opposition to the sober server ordinance. She felt the Tavern League should have been involved and that the problem bars should be policed regarding this on an individual basis. She also felt the BAC should be 0.08 as it is for OWI.
- 2) Tyler Vogt, 1004 Spur Ln, owner of Malarkey's, agreed that licensed bartenders should stay sober and believed in the spirit of the sober server ordinance, but felt it should be tabled to discuss unintended consequences and enforcement issues.
- 3) John Larson, 1919 Cty Rd Y, former Medical Examiner, encouraged the Council to override the Mayor's veto of the sober server ordinance. He felt it was best for the public health and safety of the community.
- 4) Daniel Maas, 102 S 2<sup>nd</sup> Ave, Owner of Chatterbox and agent of Tribute Golf Course & Bunkers, objected to the sober server ordinance and excessive compliance checks. He felt this would prohibit him from drinking in his own establishments because he is responsible for the activities on the premises.
- 5) Timothy Thomas, 11420 S Cty Rd K, President of Marathon County Tavern League, opposed the sober server law and questioned what's next. He felt they have enough power through the statutes to deal with troublesome bars and most are responsible business owners that should be able to make their own business decisions.
- 6) Cory Young, 154 Ethel St, General Manager of the Great Dane, feared the unintended consequences of the sober server law. At the brewpub they need to be able to taste the beer and 0.04 doesn't give a lot of room for that.
- 7) Randy Olmstad, 828 N 2<sup>nd</sup> Ave, agent for Wausau Labor Temple, believed the law was unnecessary and agreed they already have all the necessary means to deal with problem bars; he asked the Council to let us do our job.
- 8) Carolyn Bronston, 817 Becker Dr, was in favor of the sober server law which would help with the prevention of drunk driving and she believed 0.04 was a reasonable BAC.
- 9) Melissa Dotter, 1000 Lakeview Dr, AOD Partnership, spoke in favor of the ordinance and clarified they weren't saying that alcohol was the problem, rather the *misuse* of alcohol was. She stated servers are our first line of defense and if they are impaired they can't do their job. She provided statistics regarding BAC levels.
- 10) Sue Gantner, 109 N 36<sup>th</sup> Ave, Board Member of Healthy Marathon County, indicated they were in support of the ordinance.
- 11) Mayor Tipple referred to email correspondence regarding the ordinance for the record and on file.

**Communications and Committee Reports**

Mayor Tipple announced the retirement of Fire Chief, Gary Buchberger, and indicated that Police Chief Hardel will fill in beginning January 31<sup>st</sup> through the transition. He commended Chief Buchberger and all his accomplishments in his 15 years of service. Chief Buchberger addressed and thanked the Council and citizens of Wausau.

**Consent Agenda**

01/28/2014 7:30:13 PM

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

*\*Nagle requested item 14-0110 be pulled off the Consent Agenda.*

**14-0101** Minutes of the previous meeting. (01/14/2014)

**14-0109** Resolution of the Capital Improvements and Street Maintenance Committee approving Easement and Hold Harmless Agreement for the installation of fiber optic cable across the north side of Broadway Avenue and the west side of King Street.

**13-1109** Resolution of the Finance Committee approving Budget Carryover Request - Inspections Department.

**08-0608** Resolution of the Human Resources Committee approving amendments to Part-time, Seasonal, and Temporary Wage Rates.

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

**14-0110 (to table)**

01/28/2014 7:32:51 PM

Motion by Nagle, second by Abitz to table the 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 until staff receives a recommendation from DNR that it is safe for the City to take title.

Nagle indicated he was in support of taking title to this property which is in his district, but staff still has some work to do with regard to making a recommendation on whether this site has a DNR approval on environmental issues. He felt it should be tabled until a recommendation is received that we can safely take title.

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

**14-0107 (Veto Override )**

01/28/2014 8:06:33 PM

Motion by Abitz, second by Rasmussen 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. *\*Vetoed by Mayor on 1/15/14 - Requires 2/3 vote to override.*

Mayor Tipple commented this was a classic example of what happens when you don't engage the public, the businesses, and go ahead without any input. He indicated he was not against the ordinance; he was just against the process in which it was brought forth. He encouraged the Council to sustain his veto so that it could go back for more discussion and input. Tipple stated they cannot table it anymore at this point; they have to vote yes or no. Jacobson noted if the veto is sustained the ordinance could be reintroduced after 30 days by Council rule. Tipple stated a public hearing can be held to hear everyone's concerns before adopting an ordinance.

Abitz indicated she would still like to see a task force formed to receive input from people affected by this law which she felt would be fair to the small business owners.

Rasmussen stated this vote will send one of two messages to the community. Sustaining the veto will show the public the strength and power of the alcohol culture, Tavern League and tavern owners in this area when they don't want positive changes. Overturning the veto shows our community that when this Council makes a decision to create policy for the greater good and ensure public safety that we are willing to stand firm in that effort. She pointed out a few months ago this Council stared down a room full of angry landlords that didn't want to be regulated in any possible way and we stood firm. This ordinance was passed by an 8-2 vote on January 14<sup>th</sup> and the veto throws it out the window. She noted Weston is considering a similar ordinance with a 0.04 BAC in a couple weeks, partially because of Wausau's lead and if we cave in tonight we limit their ability to succeed. She believed it was an important ordinance and believed it was done right; it was researched, identified, brought forth and discussed like every other issue. She stated if stakeholders and tavern owners want to have an open discussion with us about the BAC level that discussion can happen if the ordinance exists. She indicated she would put it on a March Public Health & Safety Committee agenda to discuss possibly amending the BAC level if that is what they wanted, but they need to override the veto first.

Brezinski stated he supported the ordinance, but did not agree with Rasmussen that if we don't override the veto the ordinance is gone. He felt there was an opportunity for us to engage the community in its largest sense and the people most directly affected by having it go back to Public Health & Safety. He believed that if people have confidence that the process has integrity they are more inclined to accept the results. He pointed out he was not saying the work of the committee was flawed, just incomplete. He indicated a bar owner called him and said it wasn't just the BAC that was in question; there were other issues that need discussion.

Winters stated Weston got their ordinance from Neenah and are pursuing an independent process. In March we intend to have an intra-community conference committee with their ordinance and ours and will take stakeholder input, as well as inviting additional municipalities to participate. He felt that will be the time to refine the ordinance, but it was necessary to override the veto and move forward.

Oberbeck stated he did not believe in ordinances that need to be amended after the fact. If we are going to put an ordinance in place, we need to do it right the first time. He indicated everything he has heard tonight tells him there is more discussion to be had and he supports sustaining the veto.

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	NO
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

**82-1252 (Veto Override)**

01/28/2014 8:07:20 PM

Motion by Wagner, second by Mielke 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. *\*Vetoed by Mayor on 1/21/14 - Requires 2/3 vote to override.*

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

**03-0425 (Veto override)**

01/28/2014 8:08:01 PM

Motion by Rasmussen, second by Nutting to adopt an ordinance of the Public Health & Safety Committee amending Section 5.64.078(b) Point Schedule to include restriction on server violations. \*Vetoed by Mayor on 1/21/14 - Requires 2/3 vote to override.

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

**12-0110**

01/28/2014 8:08:42 PM

Motion by Abitz, second by Rasmussen to adopt a Joint Resolution of the Capital Improvements & Street Maintenance Committee and the Plan Commission approving Relocation Order and Map for the construction of Curling Way from its current termini north to Junction Street.

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

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

**14-0111**

01/28/2014 8:09:19 PM

Motion by Nutting, second by Wagner to adopt a Resolution of the Economic Development Committee waiving City's right to purchase property in the Wausau Business Campus in order to allow the title transfer of 7333 Stewart Avenue from the David W. Graebel Family Trust to Stewart Avenue Holdings, LLC

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

**01-1213**

01/28/2014 8:13:44 PM

Motion by Winters, second by Brezinski to adopt a Resolution of the Finance Committee authorizing Public Access employees to negotiate and the Mayor and City Clerk to execute public access production agreements with entities for the purpose of providing production services and broadcasting of PEG programming as presented and amended at Finance Committee.

Mayor Tipple stated at Finance Committee prior to this meeting they amended the agreement from a fee of \$25 per hour to \$40 per hour. Chris Berge, Public Access, commented he was concerned it would be hard to get contracts at \$40 per hour.

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	YES
10	Abitz, Sherry	NO
11	Mielke, Robert	YES

**14-0112**

01/28/2014 8:14:22 PM

Motion by Wagner, second by Mielke to adopt a Resolution of the Human Resources Committee approving Creation of Administrative Position in Community Development (0.75 FTE).

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

**Closed Session**

01/28/2014 8:15:24 PM

Motion by Nagle, second by Mielke to move into CLOSED SESSION: pursuant to Sec. 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 the HWY 52 Bird median project on Stewart Avenue, and any potential action or motion thereon.

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

**Reconvened into Open Session**

**14-0113**

01/28/2014 9:02:06 PM

Motion by Brezinski, second by Abitz to adopt a Resolution of the Committee of the Whole directing appropriate staff to execute whatever documents are necessary to apply for a prevailing wage determination regarding the HWY 52 Bird Median Project on Stewart Avenue and to comply with and implement the determination.

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

**14-0113**

01/28/2014 9:02:44 PM

Motion by Nutting, second by Winters to adopt a resolution of the Committee of the Whole approving waiver of the attorney-client privilege with respect to that Legal Opinion obtained from Axley Brynelson LLP December 10, 2013, regarding the Hwy 52 Bird Median Project on Stewart Avenue.

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	NO
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

Mayor Tipple read a press release of the legal findings regarding the Hwy 52 Bird Median Project on Stewart Avenue.

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

- 1) Robert Baumann, 1040 ½ S 5<sup>th</sup> Ave, questioned the status of the Thomas Street project. Mayor Tipple indicated he would have staff provide him with the information.

**Adjourn**

01/28/2014 9:05:04 PM

Motion by Mielke, second by Abitz to adjourn. Meeting adjourned at 9:10 pm.

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

**FINAL RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE AND THE PLAN COMMISSION**

Vacating and discontinuing right-of-way adjacent to 1022 Merrill Avenue

Committee Action: CISM Approved 5-0  
Plan Comm. Approved 6-0  
Fiscal Impact: None

**File Number:** 13-1107

**Date Introduced:** February 11, 2014

**WHEREAS**, pursuant to Section 66.1003(4) of the Wisconsin Statutes, the Common Council has heretofore initiated proceedings on November 12, 2013 at a regular meeting of the Common Council to vacate and discontinue the following-described portion of street in the City of Wausau:

Part of Columbian Addition, being part of the SE ¼ of the SW ¼, Section 23, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, described as follows:

Commencing at the intersection of the East right-of-way of North 4<sup>th</sup> Avenue, and the North line of Block 5, said Columbian Addition, the point of beginning;

Thence along the arc of a curve to the right having a radius of 42.7 feet, running along the back of an existing sidewalk, to a line 30 feet Northerly of and parallel with said North line of Block 5; thence East, along said parallel line, to the Southwesterly right-of-way of Merrill Avenue, extended Northwesterly; thence Southeasterly, along said extended right-of-way, to said North line of Block 5; thence West, along said North line, to said East right-of-way of North 4<sup>th</sup> Avenue, the point of beginning.

**WHEREAS**, a public hearing on the passage of such resolution had been set by the Common Council, which hearing was set for 5:30 p.m. in the Council Chambers of City Hall, Wausau, Wisconsin, on the 9th day of January, 2014, written notice of such meeting was duly served on the owners of all of the frontage of the lots and lands abutting upon the portion of street sought to be discontinued as provided by law, and notice was published in the newspaper as provided by law; and

**WHEREAS**, a public hearing was duly held pursuant to said notice at the time and place therefor affixed and all persons so served and interested were then and there given an opportunity to be heard; and

**WHEREAS**, a proper notice of the pendency of said petition for vacation and discontinuance and map covering the proposed vacation was duly filed in the office of Register of Deeds for Marathon County, as required by the Wisconsin Statutes; and

**WHEREAS**, your Capital Improvements and Street Maintenance Committee and your Plan Commission, after considering the matter, have recommended that the aforescribed portion of street be vacated and discontinued; and

**WHEREAS**, Frontier North Inc. and Wisconsin Public Service Corporation have indicated they do not require easements.

**BE IT RESOLVED** by the Common Council of the City of Wausau that it is hereby declared that since the public interest requires it, the herein described portion of street is hereby vacated and discontinued.

**BE IT FURTHER RESOLVED** the City of Wausau shall retain easement and ingress and egress rights over, across and under the portion of street being vacated for the purpose of installing, maintaining, inspecting, repairing and/or replacing any of their utilities, and systems such as storm sewer and electrical.

**BE IT FURTHER RESOLVED**, that the City Clerk, upon the recording of the above-referenced easements shall record a certified copy of this resolution accompanied with a map showing the location of said vacated portion of street in the office of the Register of Deeds for Marathon County, and that the City Clerk shall notify the Engineering Department as to when this resolution has been recorded.

Approved:

---

James E. Tipple, Mayor

<b>AGENDA ITEM</b>
PUBLIC HEARING: Petition to vacate the right-of-way abutting 1022 Merrill Avenue
<b>BACKGROUND</b>
<p>The City has received a request from the property owner of 1022 Merrill Avenue to vacate the right-of-way abutting his property. This area is currently green space which has been maintained by the Parks, Recreation and Forestry Department. The property owner currently has no plans to change the area and is aware of underground utilities in the area.</p> <p>If the area is vacated, it would revert back to the property owner per the original plat. The southern portion of the triangle would revert back to 1022 Merrill Avenue. However, the northern portion would revert back to the property owner on the other side of Merrill Avenue. If vacated, the property owner would be responsible for maintaining the entire grass area.</p>
<b>FISCAL IMPACT</b>
The fiscal impact for vacating the right-of-way is none. Maintenance costs would be reduced due to the vacation.
<b>STAFF RECOMMENDATION</b>
Depending upon the comments received at the public hearing, staff would recommend the vacation of the southern portion of the right-of-way abutting 1022 Merrill Avenue.
Staff contact: Brad Marquardt 715-261-6745

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

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Date of Meeting: January 9, 2014, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Abitz, Gisselman, Kellbach, Mielke

Also Present: Marquardt, Lenz, Wesolowski, Gehin

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

Noting the presence of a quorum, at approximately 5:30 p.m. Chairperson Rasmussen called the meeting to order.

### **PUBLIC HEARING: Petition to vacate the right-of-way abutting 1022 Merrill Avenue**

Rasmussen invited those in attendance who wished to speak regarding the proposed vacation to come to the podium and give their name, address and comments. No one appeared to offer comments and the public hearing was closed.

Marquardt stated this request came from the property owner of 1022 Merrill Avenue. The grass area is right-of-way that is currently maintained by the Park Department. The Park Department and the Engineering Department are in favor of the vacation.

Kellbach moved to approve the petition to vacate the right-of-way abutting 1022 Merrill Avenue. Mielke seconded and the motion carried unanimously 5-0.

## PLAN COMMISSION

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Time and Date: The Plan Commission met on January 21, 2014, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Marquardt, Bohlken, Radtke, Oberbeck, Valitchka, Nutting

Others Present: Lenz, Hebert, 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.

Marquardt called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

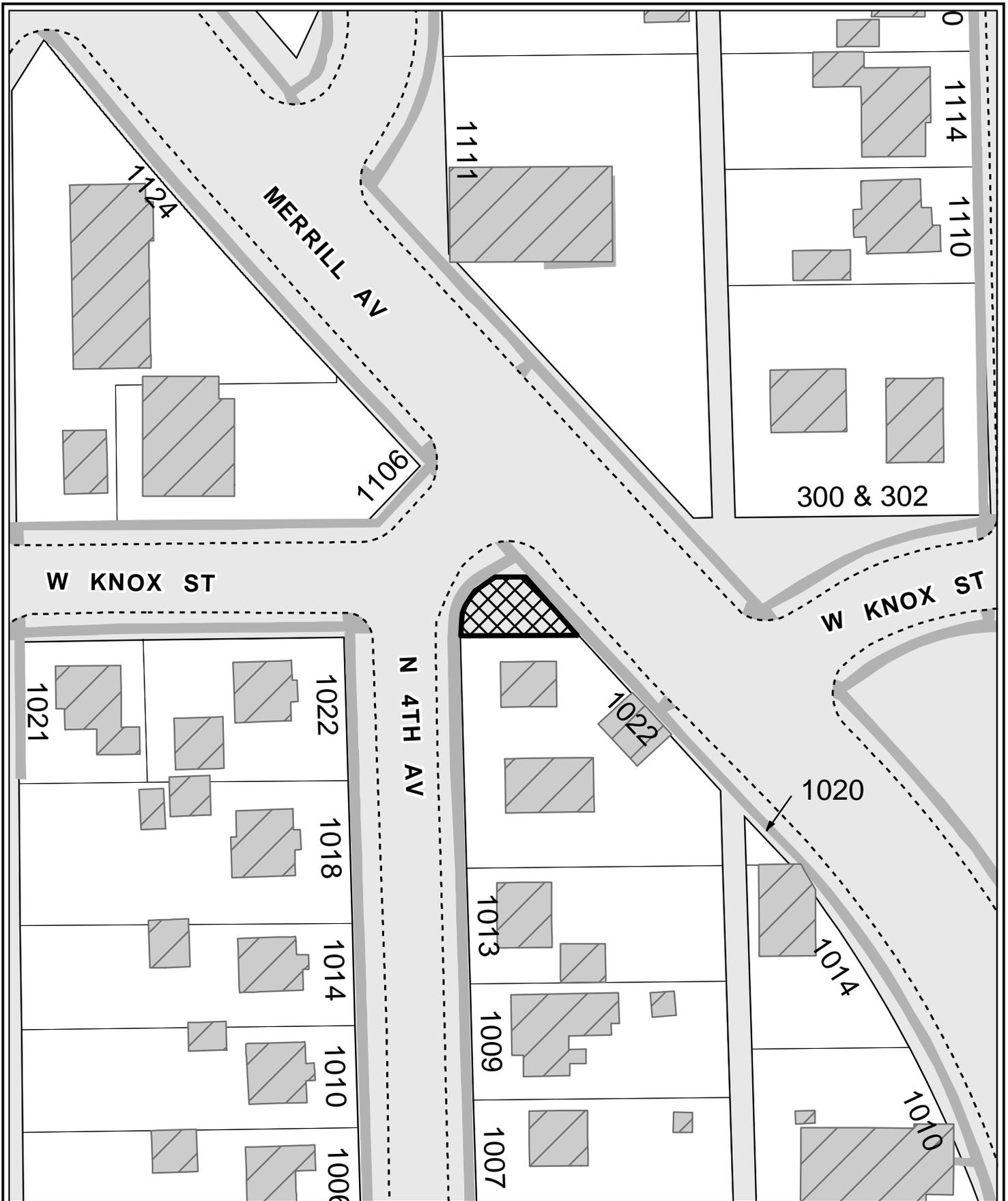
### **Approve petition to vacate the right-of-way abutting 1022 Merrill Avenue.**

Marquardt said that this item went to CISM and approved unanimously.

Bohlken motioned to approve the petition to vacate the right-of-way abutting 1022 Merrill Avenue. Valitchka seconded.

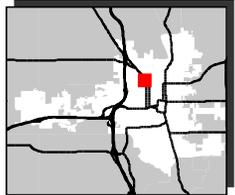
Valitchka asked if the property owner would be responsible for maintaining the entire grass area if the vacate is approved. The adjacent property owner would be responsible for clearing the sidewalk and maintaining all of the grass area. There is a small portion of the northern triangle that will not be vacated. If this small area would be vacated, it would go to the property on the other side of Merrill Avenue. The property owner at 1022 Merrill Avenue will be responsible for taking care of everything.

The motion carried unanimously 6-0. This item will go to Common Council on February 11, 2014.



# CITY OF WAUSAU

Marathon County, Wisconsin



Map Date: October 16, 2013

- Road (Paved)
- Building
- Sidewalk
- Area of Interest

**RESOLUTION OF FINANCE COMMITTEE**

Approving Public Access Production Agreement between Wausau School District Board of Education and Administration and City of Wausau

Committee Action: Approved 4-0

Fiscal Impact: Not to exceed \$5,550 for one year

**File Number:** 12-1118

**Date Introduced:** February 11, 2014

**RESOLUTION**

**WHEREAS**, Public Access has an interest in shooting and producing Wausau School District board meetings and events; and

**WHEREAS**, a Production Agreement has been prepared for the production of four (4) meetings (3 committee meetings and 1 regular board meeting) or events per calendar month for an annual fee not to exceed \$5,550 with a one year term; and

**WHEREAS**, your Finance Committee, on January 14, 2014, considered the merits of this agreement and recommends the city and school district enter into the agreement.

**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 execute the Public Access Production Agreement, a copy of which agreement is attached hereto and incorporated herein by reference.

Approved:

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James E. Tipple, Mayor

**FINANCE COMMITTEE**

Date and Time: Tuesday, January 14, 2014 @ 5:00 pm., Board Room

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

Members Absent: Nutting

Others Present: Mielke, Kellbach, Gisselman, Marquardt, Tipple, Groat, Giese, Jacobson, M. Lawrence, Loy, Rayala, Chris Berge, David Dickinson

**Production Agreement between Wausau School District Board of Education and Administration and City of Wausau**

Dave Dickinson explained \$5,550 is for the annual contract with the WSD Board of Education and Administration, which is basically \$25 per hour, but it is important to understand that they did not want to sign a blanket contract. He indicated if they have to, they can go back with them to discuss any overages, but was fairly sure they would come in under the \$5,550.

Tipple stated our goal for the future is to have a blanket contract that would come to Finance Committee for approval, with any small changes made by the City Attorney, rather than taking every contract through the Council.

Motion by Winters, second by Oberbeck to approve the Production Agreement between the WSD Board of Education and Administration and the City of Wausau. Motion carried 4-0.

**PRODUCTION AGREEMENT BETWEEN WAUSAU SCHOOL DISTRICT BOARD OF  
EDUCATION AND ADMINISTRATION AND CITY OF WAUSAU**

This Agreement is dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ and is by and between Wausau School District Board of Education and Administration, hereinafter referred to as "WAUSAU SCHOOL BOARD" and the City of Wausau Public Access Channels, hereinafter referred to as "WAAC" (Wausau Area Access Channels).

In consideration of the mutual covenants and agreements set forth herein, the parties hereby agree as follows:

**TERMS**

The term of this Production Agreement shall be from January 1, 2014 through December 31, 2014.

**SCOPE OF WORK**

It is the intent of this Agreement that WAAC will provide a one camera, one person shoot, or recording through digital format, of a meeting or event, which includes production work, and broadcast live those meetings or events when a connection is available, notwithstanding technical difficulties which would prevent a live broadcast. "Production" includes the setup and take down of equipment, the actual recording of the event, and post recording editing work to produce a finished DVD of the recording. The final production will represent the meeting or event in its entirety.

**COST**

WAAC agrees to provide to the WAUSAU SCHOOL BOARD the production of four (4) meetings (3 committee meetings and 1 regular board meeting) or events per calendar month for an annual fee not to exceed \$5550. WAUSAU SCHOOL BOARD shall be invoiced at the conclusion of each quarter (after April 1 for January-March; after July 1 for April - June; after October 1 for June-September, and after January 1, 2015, for October-December 2014, for actual hours of production work described above, at the rate of \$25 per hour. Such invoices will be due and payable within 30 days of receipt. There is no additional charge if the four (4) meetings are produced within the corporate city limits of the City of Wausau, Wisconsin; if any of the four (4) meetings in a given month should occur outside of the city limits of the City of Wausau, WAAC will bill the WAUSAU SCHOOL BOARD at the rate of \$25.00 per hour for travel time from City Hall to the meeting or event and the IRS mileage rate as a separate charge. With a minimum two (2) weeks advance notice, WAAC will produce additional events, beyond the minimum four (4) each month at an additional production charge, beyond the contract rate, of \$25.00 per hour, plus the standard IRS mileage charges, which additional charges shall be billed monthly and due within 30 days of receipt by the WAUSAU SCHOOL BOARD.

WAAC requires two weeks advance notice of any change in meeting dates or location.

**RECORD**

One (1) copy of any recording produced under this Agreement will be delivered to the Communications Coordinator of the Wausau School District in DVD form.

**OWNERSHIP**

The WAUSAU SCHOOL BOARD shall own the DVD's and their content, but agree to let WAAC sell copies of recorded events in the form of DVD's or electronic files. WAAC agrees to sell the DVD copies for a fee that covers only its costs.

**ACCESS**

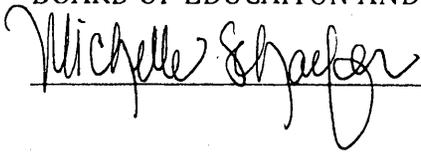
All productions will be rebroadcast at a minimum of two (2) times a week for two (2) weeks following the meeting or event.

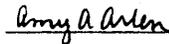
Once the production has been broadcast, it will be uploaded to its website, on the City of Wausau website, and WAAC will provide a hyperlink to WAUSAU SCHOOL BOARD for each production, within a week following the meeting or event.

This covers all the terms of the Agreement and any changes or amendments to the Agreement shall be reduced to writing by both parties and signed by both parties.

IN WITNESS WHEREOF, the parties have signed this Agreement the date and year first above written.

WAUSAU SCHOOL DISTRICT  
BOARD OF EDUCATION AND ADMINISTRATION

  
\_\_\_\_\_

  
\_\_\_\_\_

CITY OF WAUSAU

\_\_\_\_\_  
James E. Tipple, Mayor

\_\_\_\_\_  
Toni Rayala, City Clerk

Drafted by:  
Anne L. Jacobson  
City Attorney

**RESOLUTION OF THE PLAN COMMISSION**

Approving the revision to the City of Wausau Floodway Study.

Committee Action: Approved 6-0

Fiscal Impact:

**File Number:** 14-0204

**Date Introduced:** February 11, 2014

**WHEREAS**, on January 21, 2014, the Plan Commission considered a request to approve the revision to the City of Wausau Floodway Study; and

**WHEREAS**, the Wisconsin Department of Natural Resources contacted Marathon County to remap the floodplain from the Wausau dam to the Rothschild Dam; and

**WHEREAS**, the regulatory elevations are not changing but with the use of more accurate 2 foot contours instead of USGS 10 foot contours, the mapping accuracy has increased; now therefore

**BE IT RESOLVED**, that the Common Council of the City of Wausau hereby approves the revision to the City of Wausau Floodway Study, as presented:

Approved:

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James E. Tipple, Mayor

## PLAN COMMISSION

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Time and Date: The Plan Commission met on January 21, 2014, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Marquardt, Bohlken, Radtke, Oberbeck, Valitchka, Nutting

Others Present: Lenz, Hebert, DeSantis, Zietlow, Milanowski, Crisman, Wanserski, Kemerling, Dovorany, Kellbach, Marsh, Ghidorzi, 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.

Marquardt called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

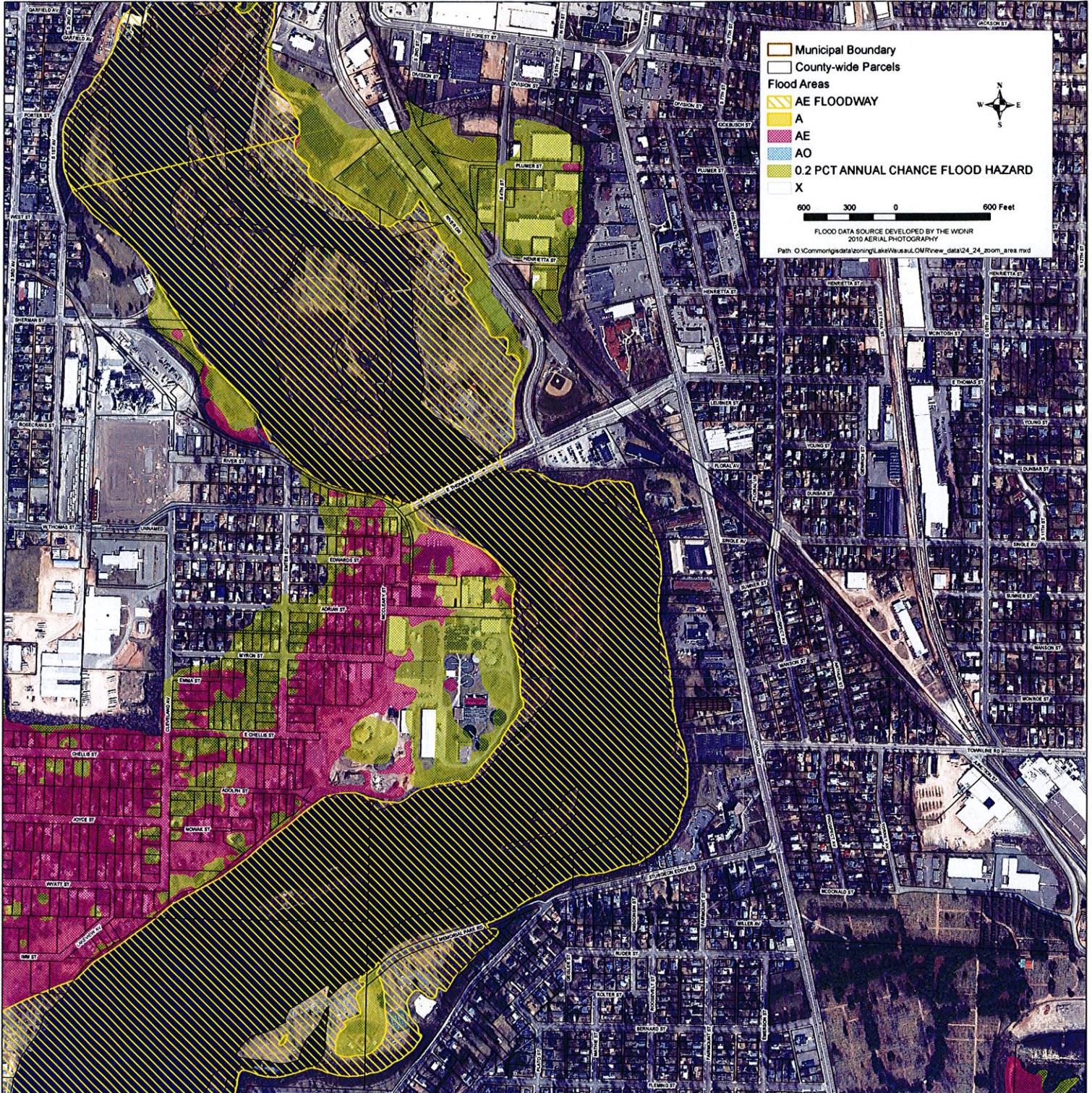
### **PUBLIC HEARING: Approve the revision to the City of Wausau Floodway Study.**

Hebert said that the City of Wausau along with the Village of Rothschild, City of Schofield, Town of Rib Mountain, and Marathon County have new data available to analyze the floodplain. This area is mainly south of the Wausau Dam, south of Stewart Avenue, east of Highway 51, and west of Grand Avenue. The elevation has not changed; there is just better data to measure the surface. This will help FEMA create new floodplain maps for the area.

Marquardt closed the public hearing.

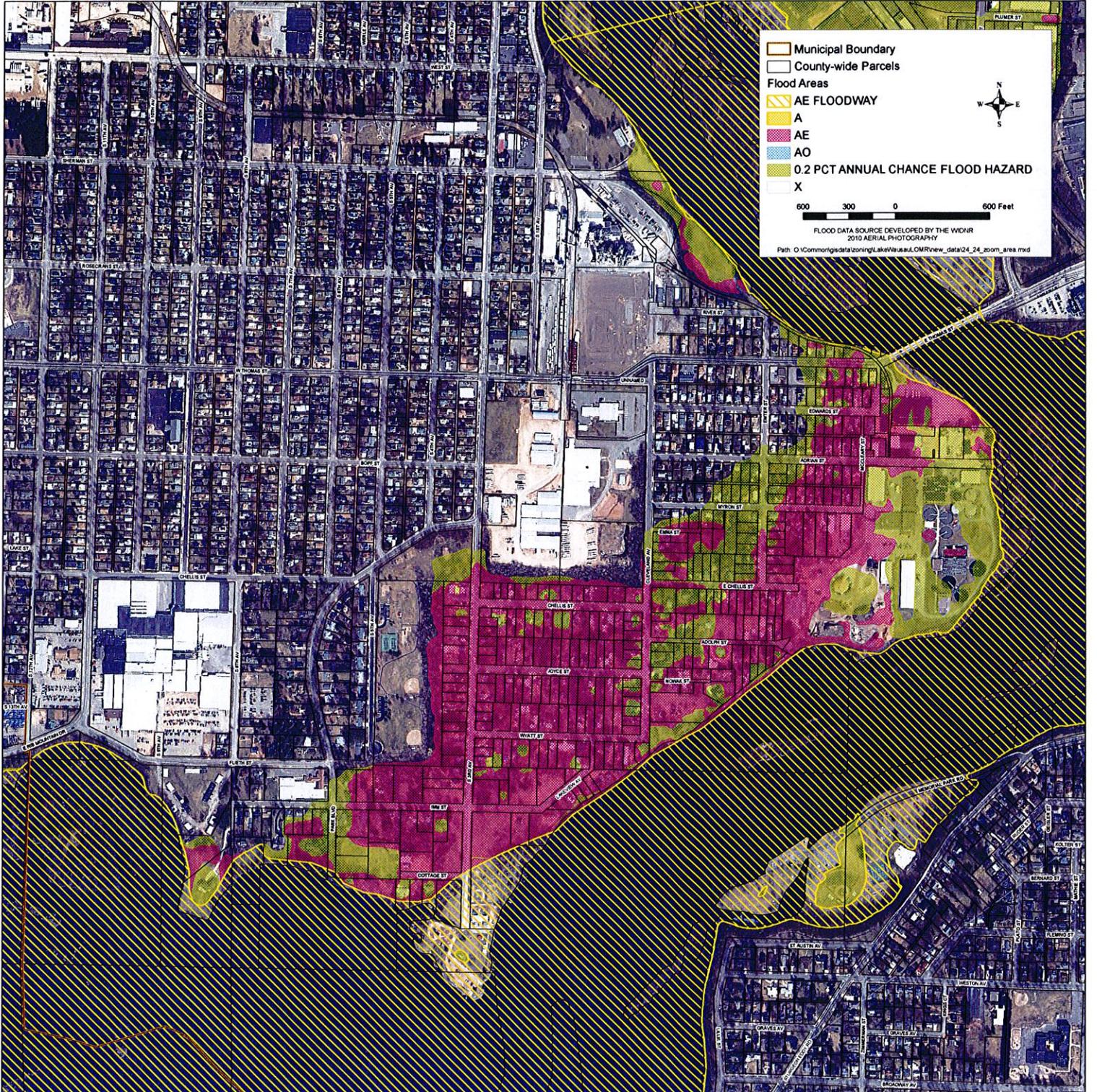
Valitchka asked Hebert to describe the significant changes. Hebert said that for the City of Wausau, there aren't many significant changes. The significant changes mainly apply to Schofield and Rib Mountain. The city is primarily involved because of Lake Wausau.

Nutting motioned to approve the revision to the City of Wausau Floodway Study. Radtke seconded and the motion carried unanimously 6-0. This item will go to Common Council on February 11, 2014.



Municipal Boundary  
 County-wide Parcels  
**Flood Areas**  
 AE FLOODWAY  
 A  
 AE  
 AO  
 0.2 PCT ANNUAL CHANCE FLOOD HAZARD  
 X

600    300    0    600 Feet  
 FLOOD DATA SOURCE DEVELOPED BY THE WIDNR  
 2010 AERIAL PHOTOGRAPHY  
 Path: O:\Commons\data\zoning\LakeView\auL\CM\Renew\_data\24\_24\_zoom\_area.mxd



Flood zones are geographic areas that the FEMA has defined according to varying levels of flood risk. These zones are depicted on a community's Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map. Each zone reflects the severity or type of flooding in the area.

## Moderate to Low Risk Areas

In communities that participate in the NFIP, flood insurance is available to all property owners and renters in these zones:

ZONE	DESCRIPTION
<b>B and X (shaded)</b>	Area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods. Are also used to designate base floodplains of lesser hazards, such as areas protected by levees from 100-year flood, or shallow flooding areas with average depths of less than one foot or drainage areas less than 1 square mile.
<b>C and X (unshaded)</b>	Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level.

## High Risk Areas

In communities that participate in the NFIP, mandatory flood insurance purchase requirements apply to all of these zones:

ZONE	DESCRIPTION
<b>A</b>	Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones.
<b>AE</b>	The base floodplain where base flood elevations are provided. AE Zones are now used on new format FIRMs instead of A1-A30 Zones.
<b>A1-30</b>	These are known as numbered A Zones (e.g., A7 or A14). This is the base floodplain where the FIRM shows a BFE (old format).
<b>AH</b>	Areas with a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Base flood elevations derived from detailed analyses are shown at selected intervals within these zones.
<b>AO</b>	River or stream flood hazard areas, and areas with a 1% or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Average flood depths derived from detailed analyses are shown within these zones.
<b>AR</b>	Areas with a temporarily increased flood risk due to the building or restoration of a flood control system (such as a levee or a dam). Mandatory flood insurance purchase requirements will apply, but rates will not exceed the rates for unnumbered A zones if the structure is built or restored in compliance with Zone AR floodplain management regulations.
<b>A99</b>	Areas with a 1% annual chance of flooding that will be protected by a Federal flood control system where construction has reached specified legal requirements. No depths or base flood elevations are shown within these zones.

**NOTICE OF PUBLIC HEARING BEFORE  
WAUSAU CITY PLAN COMMISSION**

The City of Wausau in accordance with National Flood Insurance Program regulation 65.7(b)(1), hereby gives notice of the City of Wausau's intent to revise the floodway, located within the City limits and within the Wisconsin River Flood Study area, generally bounded from south of the Wausau Dam south of Stewart Ave., east of US Highway 51, west of Grand Ave., and north of the Rothschild Dam south of State Highway 29. As a result of the floodway revision, the floodway may widen or narrow depending on its location within the study area.

In addition, the 1% annual chance floodplain may be revised within the same area described above. As a result of the revision, the 1% annual chance water-surface elevations did not change. The mapping for the 1% annual chance floodplain may reflect widening or narrowing within the area of revision due to more accurate data used for the study.

Maps and detailed analysis of the revision can be reviewed at:  
[www.co.marathon.wi.us/Departments/ConservationPlanningZoning/ZoningandRegulatoryServices/LakeWausauWisconsinRiverFloodplainRemappingS.aspx](http://www.co.marathon.wi.us/Departments/ConservationPlanningZoning/ZoningandRegulatoryServices/LakeWausauWisconsinRiverFloodplainRemappingS.aspx). Interested persons may contact Bill Hebert at 715-261-2680 for additional information. The public hearing will be held on January 21, 2014, in the Wausau City Hall Common Council Chambers, 407 Grant Street, at 5:00 p.m. for comments.

Notice is also given that the **Common Council** is expected to consider the proposed revision at its first regular meeting in February, which is currently scheduled to being at **7:00 p.m. on Tuesday, February 11, 2014. Please call the Clerk/Customer Service Office at 715-261-6620 to confirm the date and time of the Common Council meeting.**

All persons interested are invited to attend this hearing and be heard. Written comments may be submitted to:

City of Wausau Plan Commission,  
Mayor James E. Tipple, Chair

January 2, 2014

Toni Rayala, City Clerk

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

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

Approving or Denying Various Licenses as Indicated

Committee Action: Approved 5-0

Fiscal Impact: None

**File Number:** 14-0108

**Date Introduced:** February 11, 2014

**RESOLUTION**

**WHEREAS**, your Public Health and Safety Committee considered certain license applications at its January 20, 2014 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***

January 20, 2013 Meeting

### **AGENDA ITEM # 6**

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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. All Operator's license and Public Transport Driver license applications on the attached list have been recommended for approval.
2. The Man-of-Honor Society applied for a Temporary Class B Retailer's (Picnic) license for their 10 Year Anniversary Raffle, held outdoors near the Eagle's Club, on June June 13-15, 2014.
3. Wausau Area Events is holding a Class I Special Event for Winter Fest 2014 on the 400 Block, February 8, 2014. Approvals are still pending at the time of this report.

### **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: January 17, 2014

(715) 261-6621

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, January 20, 2014, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hebert, Rayala, Giese Bliven, Goede

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

Rasmussen indicated all licenses on the list have been recommended for approval.

Wagner commented the Winter Fest event from Wausau Area Events is only two weeks away and the application should have been submitted a couple months in advance. He recalled the committee addressed the issue of filing late with Kari Rasmussen last year and asked that she be reminded.

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

HEALTH AND SAFETY LIST  
 ALL LICENSES  
 JANUARY 20, 2014

 REPORT ID: LRS530I  
 RUN DATE: 2/05/14  
 RUN TIME: 8:56:15

<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>
AMBASSADORS CLUB OF WAUSAU CHA PO BOX 6190 WAUSAU, WI 54402-6190	2014	1/17/2014	3/13/2014	3/13/2014		BUSINESS PM - ASPIRU	TEMP CLASS B RETAILER	___	___	___	___
MAN-OF-HONOR SOCIETY OF MARATH PO BOX 5112 WAUSAU, WI 54402-5112	2014	1/13/2014	6/14/2014	6/15/2014		MAN-OF-HONOR SPRING	TEMP CLASS B RETAILER	___	___	___	___
BITTNER, JENNIFER L 1416 EMTER ST WAUSAU, WI 54401	2013	12/19/2013		6/30/2014		GREENWOOD HILLS	OPERATOR NEW	___	___	___	___
BROCK, SARAH M 126 KENT STREET WAUSAU, WI 54403	2013	12/20/2013		6/30/2014		VINO LATTE	OPERATOR NEW	___	___	___	___
CARLSON, OLIVIA C 112 S 4TH AVE APT A WAUSAU, WI 54401	2014	1/13/2014		6/30/2015		THE GLASS HAT	OPERATOR NEW	___	___	___	___
CURTIN, NANCY L 317 1/2 S 8TH AVE WAUSAU, WI 54401	2013	1/13/2014		6/30/2014		WALGREENS #13371	OPERATOR NEW	___	___	___	___
DUNCAN, ASHLEY L 10709 TESCH LN APT 21 ROTHSCHILD, WI 54474	2013	12/30/2013		6/30/2014		VINO LATTE	OPERATOR NEW	___	___	___	___
ESSERT, LINDSEY 5167 N 28TH AVE APT 4 WAUSAU, WI 54401	2013	12/31/2013		6/30/2014		R-STORE #34	OPERATOR NEW	___	___	___	___
HAACK, BRADLEY E 2720 W WAUSAU AVENUE WAUSAU, WI 54401	2014	1/13/2014		6/30/2015		R-STORE #31	OPERATOR NEW	___	___	___	___
HINTZ, SUSAN M 300 2ND STREET N STEVENS POINT, WI 54481	2014	1/06/2014		6/30/2015		KWIK TRIP #601	OPERATOR NEW	___	___	___	___
JACOBS, WANDA G 303 N 10TH ST WAUSAU, WI 54403	2013	12/11/2013		6/30/2014		R STORE #6	OPERATOR NEW	___	___	___	___
KRUEGER, KESI L N391 COUNTY RD U BIRNAMWOOD, WI 54414	2014	1/13/2014		6/30/2015		KRUSE IN	OPERATOR NEW	___	___	___	___
PARMER, BRANDON D 134 KURTH STREET SCHOFIELD, WI 54476	2014	1/07/2014		6/30/2015		VARIOUS	OPERATOR NEW	___	___	___	___

HEALTH AND SAFETY LIST  
 ALL LICENSES  
 JANUARY 20, 2014

 REPORT ID: LRS530I  
 RUN DATE: 2/05/14  
 RUN TIME: 8:56:15

<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>
PASHOLK, KYLE A 305 S 12TH AVENUE WAUSAU, WI 54401	2013	12/17/2013		6/30/2014		THE STORE #62	OPERATOR NEW	___	___	___	___
PFEIFFER, FAITH N 2001 EAGLE VALLEY LN WAUSAU, WI 54403	2013	12/20/2013		6/30/2014		R STORE #6	OPERATOR NEW	___	___	___	___
SCHULTZ, WILLIAM P 2857 SPRING BROOK RD MOSINEE, WI 54455	2013	12/30/2013		6/30/2014		CABARET	OPERATOR NEW	___	___	___	___
SPEAR, ANDREW J 3911 PINE CONE LANE WAUSAU, WI 54403	2013	12/27/2013		6/30/2014		BUNKERS/TRIBUTE GOLF	OPERATOR NEW	___	___	___	___
VANDEN HOOGEN, ADAM J 1105 GRAND AVE WAUSAU, WI 54403	2013	12/10/2013		6/30/2014		R STORE #6	OPERATOR NEW	___	___	___	___
DELORME, SETH N 525 S 56TH AVE APT #1 WAUSAU, WI 54401	2013	12/12/2013		6/30/2015		WAUSAU MINE COMPANY	OPERATOR LAPSED	___	___	___	___
FISHER, SETH M 225 1/2 N 4TH AVE WAUSAU, WI 54401	2013	12/17/2013		6/30/2015		WAUSAU BP	OPERATOR LAPSED	___	___	___	___
HITZ, SHANNON L 1213 1/2 CLEVELAND AVE WAUSAU, WI 54401	2014	1/03/2014		6/30/2016		JIM'S CORNER PUB	OPERATOR LAPSED	___	___	___	___
IMHOFF, CARLY J 1910 WATER ST MERRILL, WI 54452	2013	12/27/2013		6/30/2015		APPLEBEE'S NEIGHBORH	OPERATOR LAPSED	___	___	___	___
KOMOROWSKI, CHRISTOPHER 223 N 10TH AVE WAUSAU, WI 54401	2013	12/18/2013		6/30/2015		CRUSIN 1724	OPERATOR LAPSED	___	___	___	___
MODRZEJEWSKI, JANET D 1812 EMERSON ST WAUSAU, WI 54403	2013	12/23/2013		6/30/2015		VFW BURNS POST 388	OPERATOR LAPSED	___	___	___	___
PELLETT, ADAM S 1221 1/2 GRAND AVENUE SCHOFIELD, WI 54476	2013	12/13/2013		6/30/2015		CITY GRILL*JEFFERSON	OPERATOR LAPSED	___	___	___	___
RUSCH, JANE A 4522 FOREST VALLEY RD WAUSAU, WI 54403	2013	12/13/2013		6/30/2015		WAUSAU CURLING CENTE	OPERATOR LAPSED	___	___	___	___

HEALTH AND SAFETY LIST  
 ALL LICENSES  
 JANUARY 20, 2014

 REPORT ID: LRS530I  
 RUN DATE: 2/05/14  
 RUN TIME: 8:56:15

<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>REVOCAATION</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>
RUTKOWSKI, KATIE L 3904 RANDOM STREET WESTON, WI 54476	2014	1/02/2014	7/01/2014	6/30/2016		CHAPTER 2	OPERATOR LAPSED	___	___	___	___
STANKE, DESARAI S 1900 W THOMAS STREET WAUSAU, WI 54401	2013	12/12/2013		6/30/2015		WAUSAU MINE COMPANY	OPERATOR LAPSED	___	___	___	___
WEAVER, JOHN E 612 BERTHA STREET WAUSAU, WI 54403	2014	1/10/2014		6/30/2016		DEN MAR TAVERN	OPERATOR LAPSED	___	___	___	___
WEISENBERGER, CHAD R 1110 YOUNG STREET WAUSAU, WI 54403	2014	1/13/2014		6/30/2016		R STORE #5	OPERATOR LAPSED	___	___	___	___
WAUSAU AREA EVENTS 316 SCOTT ST WAUSAU, WI 54403	2014	1/17/2014	2/08/2014	2/08/2014		WINTER FEST 2014	SPECIAL EVENT CATEGORY 1	___	___	___	___
EICH, DWIGHT N10828 CHERRY RD BIRNAMWOOD, WI 54414	2013	12/18/2013	7/01/2013	6/30/2014		ALL AMERICAN TAXI	PUBLIC TRANS DRIVER-RENEW	___	___	___	___
FENDOS, SHANE M 19 WINTON AVE ROTHSCHILD, WI 54474	2013	12/27/2013	7/01/2013	6/30/2014		A-1 CAB & DELIVERY	PUBLIC TRANS DRIVER-RENEW	___	___	___	___
GULLICKSON, STEVEN L 730 BERTHA ST WAUSAU, WI 54403	2013	12/17/2013	7/01/2013	6/30/2014		EXECUTIVE CAB OF WAU	PUBLIC TRANS DRIVER-NEW	___	___	___	___
KROLOW, LEE S 4311 SCHOFIELD AVE #47 SCHOFIELD, WI 54476	2014	1/13/2014	7/01/2014	6/30/2015		ALL AMERICAN TAXI	PUBLIC TRANS DRIVER-NEW	___	___	___	___
SODERLUND, JENNIFER L 1005 STARK ST WAUSAU, WI 54403	2013	12/27/2013	7/01/2013	6/30/2014		A-1 CAB & DELIVERY	PUBLIC TRANS DRIVER-NEW	___	___	___	___
ZAHRT, RICHARD JR 607 KAMKE ST ROTHSCHILD, WI 54474	2013	12/20/2013	7/01/2013	6/30/2014		A-1 CAB & DELIVERY	PUBLIC TRANS DRIVER-NEW	___	___	___	___

TOTAL LICENSES

37

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

**ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE**

Amending Section 6.48.010 Mowing required - exempting golf courses

Committee Action: Approved 5-0

**Ordinance Number:**

Fiscal Impact: None

**File Number:** 87-0222

**Date Introduced:** February 11, 2014

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

Add ( )

Section 1. That Section 6.48.010 Mowing required, is hereby amended to read as follows:

6.48.010 Mowing required. No person owning property within the city shall permit to grow or pollinate upon his premises any weeds, grasses or brush which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or may conceal filthy deposits or provide a place for the accumulation of trash or litter. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon his premises all grasses, weeds and brush exceeding one foot in height. The provisions of Section 66.0407 of the Wisconsin Statutes are incorporated herein by reference. Any golf course located wholly within the City of Wausau shall be exempt from the mowing requirement of this provision.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:  
Approved:  
Published:  
Attest:

Approved:

\_\_\_\_\_  
James E. Tipple, Mayor

Attest:

\_\_\_\_\_  
Toni Rayala, Clerk

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, January 20, 2014, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hebert, Rayala, Giese Bliven, Goede

### **Consider Amending Section 6.48.010 Mowing required - exempting golf courses.**

Rasmussen explained this ordinance would apply to any golf course wholly located within the city limits, not just Tribute Golf Course. Alfonso noted our ordinance prohibits noxious weeds in the city and this section just exempts mowing.

Motion by Kellbach, second by Winters to approve amending Section 6.48.010 Mowing required – exempting golf courses. Motion carried 5-0.

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

**ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE**

Amending Section 8.08.170 Licenses regarding payment date

Committee Action: Approved 5-0

**Ordinance Number:**

Fiscal Impact: None

**File Number:** 12-1014

**Date Introduced:** February 11, 2014

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

Add ( )

Delete (———)

Section 1. That Section 8.08.170 Licenses, is hereby amended to read as follows:

8.08.170 Licenses. (a) Every owner of a dog or cat more than four months of age on January 1 of any year, or four months of age within the license year, shall annually; pay his dog or cat license tax and obtain a license therefor before April 1 of the current year or on or before the date the dog or cat becomes four months of age, at the time and in the manner provided by law for the payment of property taxes, pay his dog or cat license tax and obtain a license therefor. The license shall be securely affixed to an animal collar or harness and shall be worn by the dog or cat whenever such animal is out of doors. No such license shall be issued without proof of compliance with the rabies control section of this chapter.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:

Approved:

Published:

Attest:

Approved:

\_\_\_\_\_  
James E. Tipple, Mayor

Attest:

\_\_\_\_\_  
Toni Rayala, Clerk

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, January 20, 2014, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hebert, Rayala, Giese Bliven, Goede

### **Consider Amending Section 8.08.170 License regarding payment date.**

Rasmussen stated this is a housekeeping item that will clarify the deadline for payment of the pet license fee.

Rayala explained the ordinance currently states that people can pay for a pet license in the same manner that they pay property taxes. Property tax allows for payment in three installments, the first one due on January 31<sup>st</sup>; however state statutes provides a March 31<sup>st</sup> deadline for dog licenses.

Motion by Winters, second by Gisselman to approve amending Section 8.08.170 License regarding payment date.

Motion carried 5-0.

**RESOLUTION OF THE FINANCE COMMITTEE**

Approving Budget Modification – City Attorney’s Office to Increase Other Professional Services

Committee Action: Approved 5-0

Fiscal Impact: \$54,000

**File Number:** 12-1109

**Date Introduced:** February 12, 2014

**RESOLUTION**

**WHEREAS**, requests have been made for the following 2013 Budget Modification.

**BUDGET MODIFICATION**

From: # 110-33427  
Contingency Fund.....\$54,000.00  
To: # # 110-13092190  
Other Professional Services .....\$54,000.00

**PURPOSE:** To cover other professional services bills pertaining to Property Tax Appeals of the City Attorney’s Department.

**NOW THEREFORE BE IT RESOLVED**, by the Common Council of the City of Wausau that the proper City Officials be and are hereby authorized and directed to modify the budget as stated above and to publish the budget modification in the official newspaper as required.

Approved:

\_\_\_\_\_  
James E. Tipple, Mayor

**FINANCE COMMITTEE**

Date and Time: Tuesday, January 28, 2014 @ 5:00 pm., Board Room

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

Others Present: Mielke, Kellbach, Wagner, Tipple, Groat, Giese, Loy, Jacobson, Werth, Rayala, Goede

**Transfer of Funds Change of Purpose – City Attorneys 2013 Budget**

Groat stated the transfer of \$54,000 is to cover the overage for the continued increase in professional services costs for property tax appeals. Oberbeck questioned if there were totals to date of what the Walgreen's appeals has cost the city. Jacobson indicated she was preparing a litigation report for the Council, which would include all of these. Oberbeck felt these numbers should be made public and municipalities should work together to fight it.

Motion by Brezinski, second by Nutting to approve the City Attorneys request to transfer of \$54,000 to cover overages for professional services. Motion carried 5-0.

**CITY OF WAUSAU  
STATEMENT OF REMITTANCE**

Name **SEIBEL LAW OFFICES LLC**

Check Date: **12/19/2013**

Check Number: **242829**

Invoice Number	Inv Date	Invoice Description	Amount
226	121913	F WALGREENS PROPERTY TAX	53,401.25
227	121913	F YOUNKERS PROPERTY TAX APPEAL	1,137.50
244	121913	F SEARS PROPERTY TAX APPEAL	2,642.50
248	121913	F MURDOCK 2013 ASSESSMENT	1,050.00
265	121913	F MOEGENBURG DEPO TRANSCRIPT	713.65
<b>Total:</b>			<b>58,944.90</b>

If you have questions, please call (715) 261-6644



**CITY OF WAUSAU**  
407 GRANT STREET  
WAUSAU, WISCONSIN 54403-4783

BMO HARRIS BANK  
MILWAUKEE, WISCONSIN

12-5  
750

**242829**

Date	Check Amount
12/19/2013	\$ ****58,944.90

VOID AFTER 60 DAYS

PAY. \*\*\*\*\*58,944 DOLLARS AND 90 CENTS

TO THE ORDER OF  
SEIBEL LAW OFFICES LLC  
STE 103  
11518 N PROT WASHINGTON RD #10  
MEQUON WI 53092

*Office File Copy*

NONNEGOTIABLE NONNEGOTIABLE NONNEGOTIABLE NONNEGOTIABLE NONNEGOTIABLE NONNEGOTIABLE

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

**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)

Committee Action: Failed 2-4

Fiscal Impact: None.

**File Number:** 14-0205

**Date Introduced:** February 11, 2014

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

**Section 1. That the site of lands described as follows:**

*Section 27, Township 29 North, Range 7 East, Part of NE1/4 of NE1/4, As Described as Lot 1 of CSM Volume 48, Page 188, Excepting Document 1367054,*  
**MORE COMMONLY KNOWN AS 1204 WEST BRIDGE STREET**

**now comprising a part of IR, Interchange Residence District, according to the Zoning Ordinance of the City of Wausau is hereby rezoned to UDD, Unified Development District, and the general development plan is approved to allow for a convenience store with a fueling canopy and single-bay carwash.**

**Section 2.** This change in zoning shall be designated on the official city zoning map.

**Section 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4.** This ordinance shall be in full force and effect from and after its date of publication.

Adopted:  
Approved:  
Published:  
Attest:

Approved:

\_\_\_\_\_  
James E. Tipple, Mayor

Attest:

\_\_\_\_\_  
Toni Rayala, Clerk

## PLAN COMMISSION

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Time and Date: The Plan Commission met on January 21, 2014, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Marquardt, Bohlken, Radtke, Oberbeck, Valitchka, Nutting

Others Present: Lenz, Hebert, DeSantis, Zietlow, Milanowski, Crisman, Wanserski, Kemerling, Dovorany, Kellbach, Marsh, Ghidorzi, 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.

Marquardt called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

**PUBLIC HEARING: Rezone 1204 West Bridge Street from IR, Interchange Residence District to UDD, Unified Development District and approve the General Development Plan to allow for a convenience store with a fueling canopy and single-bay carwash (Osgood).**

Hans Zietlow, Director of Real Estate for Kwik Trip, said that this Kwik Trip proposal will be similar to the Stewart Avenue location. It will be a LEED certified building; it will be highly landscaped, and will have a very appealing look. Zietlow showed members of Plan Commission and the audience images of various plans for the building. Zietlow said the residences will not be able to see Kwik Trip, because it will be screened with fencing and trees. There was a neighborhood meeting and it seemed to be very positive. Zietlow said that the access easement issue has been taken care of with the adjacent property owner.

Mark Milanowski, Woodland Twin Homes, said that his family owns duplexes located on Nicolet Street. Milanowski submitted a letter to the Plan Commission members, which was passed out prior to the meeting, and Milanowski read the letter. Milanowski said he opposed the use because it will increase traffic, it will be detrimental to the neighborhood, it will bring down property values, it will create hazards to children, and it will create noise and light pollution. Milanowski said that the property should be used for a less disruptive use. Milanowski said that the letter was written on Monday and has since received a call from Marquardt. Milanowski thanked Marquardt and commended Osgood on the plans, but said that the facts still stand. There is no fence or tree that will take the lights or sounds away.

Joan Crisman, 1315 Holub Street, said that she lives on the very west end of Holub Street. Crisman is a member of the church, has grandchildren, and is concerned about pedestrian traffic. There is a lot of traffic that comes down off of Bridge Street, including a lot of semis. The semis are at a healthy rate of speed. This Kwik Trip would be a big calling card for pedestrian traffic. It is currently safer to drive than to walk. There could be a better use for the area. Crisman said she is concerned about the safety, light pollution, and noise.

Dr. Wanserski said that he has had an office building on the southwest side of the intersection for the past 16 years and went through this same process. Wanserski said he has paid over \$300,000 in property taxes and has a vested interest in the area. This would be detrimental to the neighborhood and there is a concern of public safety. This is a very busy intersection and accidents occur a lot. There are two high schools in the area with inexperienced drivers utilizing the intersection. Getting off of the interstate will be a safety concern. Another concern is light pollution. Currently, the professional businesses need to turn the lights off at 11 p.m. and asked if Kwik Trip would have the same constraints. The area has been a professional area with churches and schools. The gas station drawings are beautiful, but it just covers up what it really is. This property just became available and this is the first attempt to redevelop it. There is not a big area of leased space available in the community. This would be a three-acre piece and would be perfect for a professional building. A gas station would be a mistake. Wanserski said that the property owners take great pride in their buildings and want to keep it a professional area. Wanserski asked the commission to think hard. An artist rendering is used to change the thought of a gas station. Wanserski asked if a turn lane would be addressed. Wanserski asked the commission not to allow this use.

Jim Kemerling, 1125 Easthill Place, said that he is President of Riiser and is aware of gas station discussions. This is a safety concern. Kemerling said that he has not seen the traffic patterns and is not sure what the ingress and egress patterns are from this location. There is a traffic problem now. Kwik Trip does traffic projections of the site and this may have an influence on the amount of traffic that will be added there. Tax revenue would be created, but how many more people will come to Wausau because of this new location. There are other alternatives. Kemerling said he does not speak as a competitor, because Riiser is not in that area, but as a member of the community. The convenience store should not be in this area.

John Dovorany, 1405 Kenwood Drive, said that he is concerned about the traffic. Stevens Drive is a residential road and where the entrance will be located will cause a traffic nightmare. Traffic bottlenecks at the intersection every morning from 7 a.m. – 8 a.m. and 3 p.m. – 4 p.m. Dovorany said he cannot see how people will be able to get out between these high traffic times. This is a huge safety issue and the Bridge Street intersection may need to be redesigned or change the Kwik Trip access. This is not a great location for this use, but does not have an objection with the UDD zoning. Dovorany said that they only have one access area which is on Kenwood Drive because access on Stevens Drive wasn't allowed.

Karen Kellbach, 502 West Knox Street and Alderperson for the district, said that when she first received the call to meet with Chris Ghidorzi to go over the plans she had concerns about the residents. Kellbach said she polled 25 residents and only one resident was against it. Kellbach said she hasn't heard a lot since then, until today. Kellbach said she received two calls against this rezoning. Gene Urmanski and Bob and Fay Winter called in opposition. The resident that was against it at the time of the poll was Harley Schmieden. A lot of people are for it, so it is a mixed bag of reaction.

Darrin Marsh, 1204 Nicolet Street, said that he is concerned about the Kwik Trip entrance on Stevens Drive and doesn't know how people will get in. There are several children under the age of 12 and it is safety is a concern. Marsh said that they moved to this residential area because it was safe, quiet, and family friendly. This is not something to look forward to.

Chuck Ghidorzi, 1 Corporate Drive, said that Kwik Trip is a great company to work with and that they are very conscientious. For this project, Kwik Trip has worked very well with the neighbor, deeding some land over to Abigail Apartments. The land will give Abigail Apartments 10 extra paved parking spots and a dumpster enclosure. This has generated aspects of the plan that are favorable. The closest neighbor to the Kwik Trip is in support, Pam Schroeter. There will be screening for the Schroeter duplex. Ghidorzi said that in terms of the traffic, Bridge Street and the intersection was designed for traffic and has 6 lanes. Panera Bread and Walgreens had the same concern. There is a lot of traffic at these location, but works very well. Kwik Trip has answered all of the light concerns on 28<sup>th</sup> Avenue.

Marquardt closed the public hearing.

Nutting asked Wanserski how any business would fit in the area because any business would generate traffic. Wanserski said that you need to look at what is there and what is developed. Wanserski said he respects the individuals that do the planning and told Ghidorzi what has been done on the west side is fantastic. This is a professional area with dental offices operating 8 a.m. – 5 p.m. During the peak times, there isn't a lot of traffic, which is unlike a gas station. The professional businesses operate 4 – 4 ½ days a week. There are churches in the area. Accountants and lighter traffic businesses would be best because they filter traffic in and out. Wanserski said that the professional businesses are done at 5 p.m. Per the UDD, lights need to be out at 11:00 p.m. and asked if the rules would be changed. It would not be fair to the other businesses to have the game changed.

Nutting asked if changes are planned for Stevens Drive or if there are pedestrian signals. Marquardt answered that there are walking signals with Bridge Street. Nutting asked if modifications would need to

be made with Stevens Drive. Marquardt said that there aren't any in the works. The latest DOT numbers show the average traffic count is 4,300 vehicles and generally four lanes aren't needed until the traffic count reaches 10,000-12,000, depending on the situation.

Nutting asked Zietlow how the neighborhood meeting went. Zietlow said that whenever a store is being built, a neighborhood meeting is held. The only negative comments were from the business gentlemen that were there. Zietlow said that there weren't any negative comments from the high schools, church, or majority of the residents. Normally when people are very opposed to something, they will show up. The meeting was pretty uneventful. Nutting said that lighting restrictions were placed on the Kent Street location and asked if the lamps around the canopy would be allowed. Zietlow said that LEED stores have LED lighting and almost zero foot-candles at the property line. The sound under the canopy can be metered down and part of the staff recommendation is that it would be monitored. Kwik Trip has a history of being very successful with its neighbors very close. Zietlow said that Kwik Trip has the ability to turn the light and the sound down. Nutting asked if the verbal announcement would be eliminated. Zietlow said that it will be monitored as a condition. The reason for the verbal announcement is for a security measure and ADA. This stops drive-offs and said that he would doubt any neighbors would be able to hear. If the announcements could be heard, it could be brought down.

Nutting asked how the berm near the residences would be created. Zietlow said that part of it is the natural grade of the property that allows for a hill coming up from the properties on Nicolet Street. The property owners will barely be able to see the top of the canopy. The residences currently see Bridge Street and a reasonable person would rather want to see this. Nutting said he wanted to make a statement about the children safety. Nutting said he raised four children on 1<sup>st</sup> Avenue and taught his children about safety and everyone needs to instruct their children. This reason should not hinder opportunities for the community. It is an unreasonable fear.

Radtke asked where the traffic counts were taken from. Marquardt answered that they were taken from the DOT. Radtke asked if there are projected traffic counts. Zietlow answered that the 4,000 traffic count is accurate. Kwik Trip does not do projection counts. Most of the vehicles coming to Kwik Trip are already driving past. Zietlow said he does not see traffic as an issue; it is not a destination site. The DOT counts are very accurate, as are the estimates for going to four lanes.

Radtke asked how far the notices were sent. Lenz said the notices for the public hearing were sent 300' from the property and invitations for the neighborhood meeting were sent 200' from the property. Per the ordinance, notices of the public hearing need to be sent out to property owners within 100' of the proposed property. Radtke asked if the notices were sent to property owners or tenants. Lenz said that the only information on file is for the owners. The City does not maintain tenant information. Radtke asked if the notice is sent to the property. Hebert said that the mailing address used for tax purposes, would be the address of the property owner.

Oberbeck said that Stevens Drive is 100' from a major intersection and asked how it has been addressed. Oberbeck said it is dropping 3-4 feet off of Stevens Drive, but there is also a drop coming from Bridge Street. Most of the traffic pattern for fueling and some will be exiting out onto Stevens Drive. Zietlow said that the drive off of Stevens Drive is a lengthy drive with a 3% grade. The vast majority of traffic will be off of Bridge Street. People will probably not use the Stevens Drive driveway during high traffic times. The Stevens Drive driveway will carry less than 20% of the total customers. Stevens Drive is not a major access point.

Oberbeck asked if there are traffic concerns about having the major entrance at this location. Marquardt said that Bridge Street was designed with the left turn lane and a driveway was put in as shared driveway. The shared driveway was intended for a driveway entrance and this shouldn't be an issue. Oberbeck asked if the left turn coming out across traffic would not be an issue. Marquardt answered not any more

than any other intersection.

Valitchka asked how many people attended the neighborhood meeting. Zietlow answered 10. Valitchka asked if anyone from the high schools were present. Zietlow answered that someone was there from Wausau Newman, but not from Wausau West. Valitchka asked if a market study was done and why this location was chosen. Zietlow said that according to the demographics and access this is a great location. There are stop lights on both sides and will create an easy way to get into and out of. The market study and analysis showed that this is a natural and easy site. Valitchka asked what demographic attracted Kwik Trip to this spot. Zietlow answered that it was a combination of the population base, it was a local artery and there is a void of other stores. Valitchka asked if a different location could be found to the west. Zietlow answered that this is the only location in the immediate vicinity. This location is the best for Kwik Trip. It is very hard to explain to others what is entailed in siting.

Valitchka asked if there are push buttons on the stop lights. Marquardt answered that they are already there. Valitchka said that there is pedestrian traffic. Valitchka asked what the car wash hours were and if it turns off at a certain time. Zietlow said that he wasn't sure if it was on the staff report, but the car wash hours could be limited. This may be a negative for anybody working 3<sup>rd</sup> shift. Valitchka said that the blower fan can be loud and the neighbors may hear that no matter what is done. Valitchka said that this development is out of character from what was talked about during the rezoning in 2000. Valitchka said that he appreciates the effort that has gone into the plans. The change with a retail store at a corner was never envisioned. Valitchka said he is faced with a challenge to remain open. Valitchka stated that he will have a challenge to vote for this rezoning looking at the long-term plan.

Lenz said that there are two items about this project on the agenda. The first would be to approve the rezoning and general development plan. The second item would be to approve the precise implementation plan. As staff looks for zoning recommendations, the comprehensive plan is reviewed. It is difficult to tell what was in mind for this area and this specific parcel. When general policies are looked at, growing tax base is a legitimate goal of the plan. Another goal is to keep land uses compatible with each other, particularly with residential neighborhoods. The petitioners were aware that the Plan Commission would be looking at the compatibility factor. Another aspect of a zoning decision is the testimony at the public hearing – there were points made on both sides and it is for the plan commission to decide how well the petitioner addressed the concerns. Lenz stated that if the Plan Commission does recommend approval, some conditions as listed on the staff report may apply. These conditions would be: to keep the volume of the external speakers to the lowest level practicable; to limit the signs facing north to non-illuminated; to have stormwater management plans approved by city staff; and to require sign permits based on the sign package submitted.

Valitchka asked Marquardt if he is comfortable with the traffic intersection, the entrances, and exists from an engineering standpoint and also how safety would be rated. Marquardt answered that it is a busy intersection. When the DOT rebuilt the intersection in 2005, it was built based on a 25-year traffic projection. Bridge Street, which included this intersection, was designed for traffic for the year 2030 and 26,000 vehicles. The count is currently under 19,000 vehicles. 17<sup>th</sup> Avenue to the south was built in the early 1990's, for a projection of 15,500 vehicles in 2014. The current count is 10,000. All legs of the interchange have capacity from DOT standpoint of design. Marquardt said that based on that information, the intersection is capable of handling the traffic and safety is in the hands of the driver.

Lenz added that based on numbers he obtained from the Police Department, there were nine crashes at the intersection in 2012. This is not in the top 10 intersections for the city. The highest intersection has 35-36 crashes per year. Marquardt added that the driveway off of Steven Driving lines up with Kenwood Drive and said that it is always better to line up intersection driveways across from each other. Marquardt said that because of the merging traffic, the further south the driveway should be located is across from Kenwood Drive.

Valitchka asked Lenz about his view on the character of the neighborhood. Lenz said that the original UDD was for an office building, but on the other hand the lot has remained vacant since that approval in 2000. The private sector would best be able to comment on the market for office development at this location. But, that is not the proposal on the table. This would be a LEED-certified building, masonry construction, with high quality landscaping. In terms of convenience stores, Kwik Trip does a good job with their new stores.

Nutting said that the lot has been vacant for years and asked why it has been vacant for so long. Members of the audience said that it was just recently placed on the market. Marquardt stated that Plan Commission will make a recommendation to Common Council, but said that Common Council has the final say.

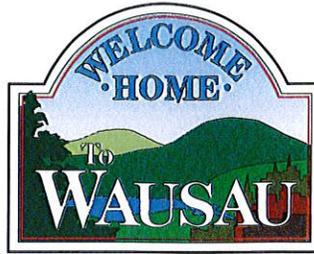
Nutting motioned to rezone 1204 West Bridge Street from IR, Interchange Residence District to UDD, Unified Development District and approve the General Development Plan to allow for a convenience store with a fueling canopy and single-bay carwash. Bohlken seconded, and the motion failed 2-4. Nutting and Marquardt voted in support of the rezoning. The item will go to Common Council on February 11, 2014.

**Approve the Precise Implementation Plan for 1204 West Bridge Street to allow for a convenience store with a fueling canopy and single-bay carwash.**

This item was tabled since the rezoning did not pass. If the Common Council approves the rezoning, this item will be placed on the next agenda.

#3+4

Department of Public Works  
Planning Division



Brad Lenz, AICP  
City Planner

**STAFF REPORT**

TO: City of Wausau Plan Commission  
FROM: Brad Lenz, City Planner *BL*  
DATE: January 16, 2014

**GENERAL INFORMATION**

**APPLICANT:** Jeff Osgood, Kwik Trip, Inc.  
**LOCATION:** 1204 West Bridge Street  
**EXISTING ZONING:** IR, Interchange Residential District  
**REQUESTED ZONING:** UDD, Unified Development District  
**PURPOSE:** Approve general development plan and precise implementation plan to allow for convenience store with fueling facility and single bay carwash.  
**EXISTING LAND USE:** Vacant  
**SIZE OF PARCEL:** 2.56 acres  
**SURROUNDING ZONING AND LAND USE:**  
North: R3, Two Family Residence District (Two-family homes)  
South: R2, Single Family Residence District (Single family homes)  
East: R2 (Multi-family building, Newman Catholic School)  
West: UDD, Unified Development District (Mixed commercial building);  
IR, Interchange Residential (St. Mark's Church)

See attached Zoning map

## **ZONING HISTORY**

The subject parcel was rezoned in 2000 to a Unified Development District to allow the construction of two professional office buildings. Since the use had not been established on the property within two years of the zoning approval, the property reverted to the original zoning of Interchange Business District.

As noted in the staff report from 2000, the general land use trend for property fronting on 17<sup>th</sup> Avenue has been to allow the establishment of high quality professional office buildings that protect and complement the high quality character of the nearby residential areas. These office uses have all been established through the Unified Development District zoning to help ensure that the uses established on the property are compatible with nearby residential uses and do not create traffic issues.

## **ANALYSIS AND RECOMMENDATION**

The proposed use for the property as a convenience store is a departure from the previously proposed office development. However, the developers are showing on the plans, steps to mitigate potential effects on neighboring properties. Although the future land use map in the City's Comprehensive Plan shows the proposed parcel as being "public/quasi-public," zoning recommendations by staff are based on the goals, objectives, and policies in the plan. In this case, there is not clear guidance from the plan on a zoning recommendation for the subject parcel. The proposed development would add to the city's tax base, and with proper site design, could be compatible with surrounding residential properties – both of these are considerations from the plan.

If the proposed development is recommended for zoning approval by the plan commission and Council, staff recommends certain conditions of approval be added to further ensure compatibility with surrounding properties, as was done with the new Kwik Trip store on Kent Street. For the proposed store, staff recommends the following conditions: (1) the volume of external speakers shall be kept at the lowest level practicable, (2) signage facing north, including the striping on the gas canopy, shall be non-illuminated, (3) stormwater management plans shall be approved by city staff, and (4) a sign permit shall be obtained for all signage on the property, based on the sign package reviewed the plan commission.













**#11 KWIK TRIP FREESTANDING MONUMENT SIGN**

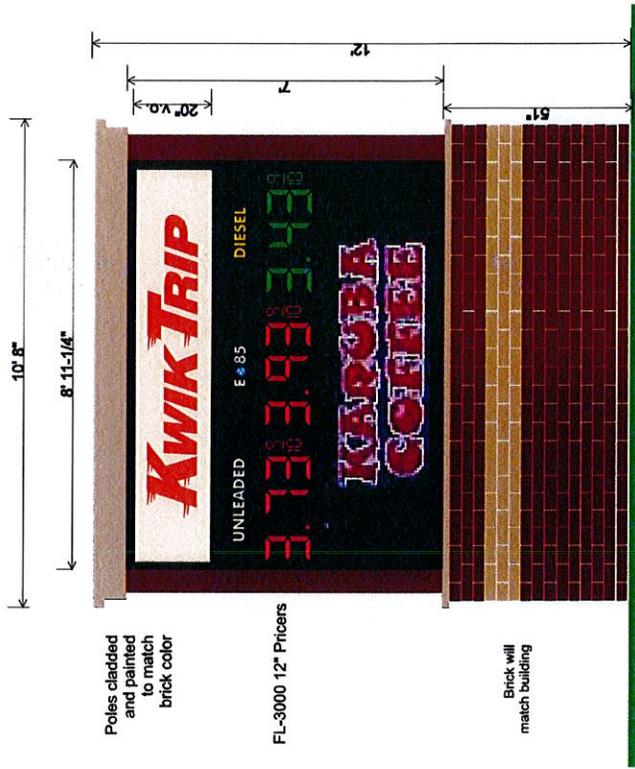
**SEE ATTACHMENT FROM LA CROSSE SIGN CO**

 	<p>KWIK TRIP, Inc. P.O. BOX 2107 1635 OAK STREET LA CROSSE, WI 54602-2107 PHONE: 735-4300 FAX: (608) 735-4300</p>	<p>DATE: _____ DESCRIPTION: _____</p> <p>DIRECTIONAL SIGNAGE</p> <p>CONVENIENCE STORE #238 WITH SINGLE-BAY CARWASH</p> <p>BRIDGE ST WAUSAU, WI</p>	<p>DRAWN BY: _____</p> <p>SCALE: _____</p> <p>PROJECT NO.: _____</p> <p>DATE: 2013.10.18</p> <p>SHEET: _____</p> <p>DS2</p>
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# Kwik Trip

#238 Wausau, WI

TOTAL SQ FT: 62.5625



\*COLORS ON SKETCH ARE A REPRESENTATION, ACTUAL COLOR MAY DIFFER

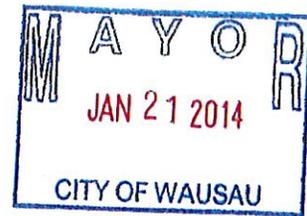
**LA CROSSE SIGN CO.**  
MAKE A STATEMENT!

Date: 1-15-2014  
Artist: Danielle Waas  
Scale: 1/4"=1'

KWIK TRIP|Wausau, WI #238|New Store|Design|Art 77329 Option 2

© Copyrighted Artwork It is the property of La Crosse Sign Co., inc., and must be returned to them.

APPROVED BY: \_\_\_\_\_



Dear Planning Commission Members,

1/21/2014

My name is Mark Milanowski from Woodland Twin Homes and my family owns 1202-1204 Nicolet St. along with 14 other duplexes in a 2 to 3 block area, and a few commercial buildings. I am sure none of you have ever heard of my family or business because we have respectable places, never create problems, and never ask anything of the city. However we do contribute over \$100,000 in tax revenue to the city every year.

I am writing you in opposition of the requested rezoning of the property at 1204 West Bridge St, for the proposed Kwik Trip gas station. A gas station in the proposed property would be detrimental to the neighborhood.

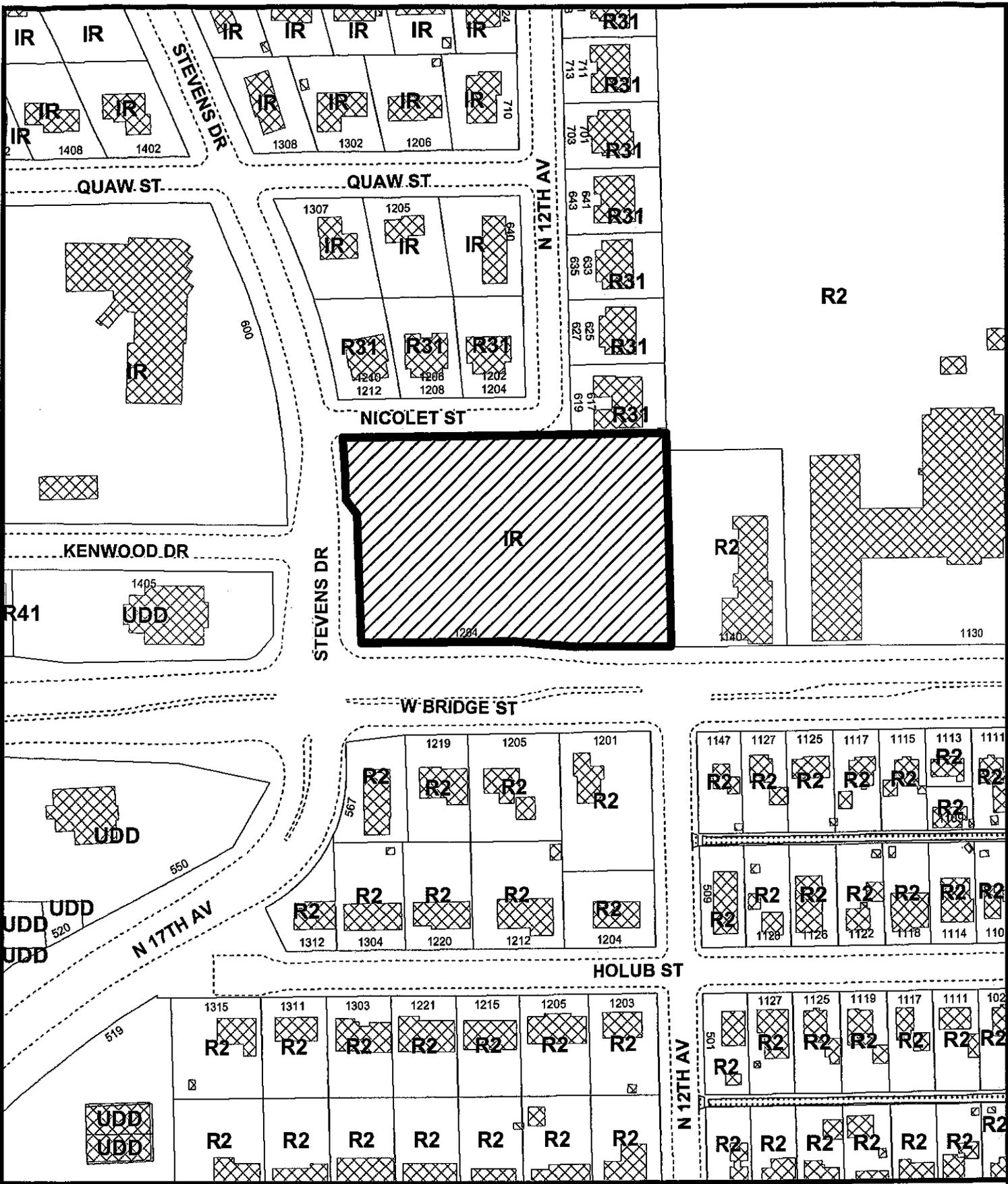
- It would tremendously increase traffic at the Bridge St./Stevens Drive intersection which is already quite busy and over capacity at times.
- It would bring property values down for the residents that are living right around the property. Who would want to buy or rent a home next to a 24 hour a day/7 days a week business?
- It would create a hazard to children in the area with traffic out of the gas station onto Nicolet St, which now has very little traffic.
- It would create extreme noise pollution all day every day, with car wash operating, cooler fans running, air conditioners running, and cars driving in and out.
- It also would create light pollution, with lights from cars shinning across the surrounding homes from car driving in and out, along with station canopy and building lights being on every day, every night.

Like I said above, we have never asked anything of the city in the past, but this time we are asking the city not to approve the rezoning for this project. The property should be used for a less disruptive, and regular business hours business.

Sincerely,

Mark J. Milanowski  
Property Manager/Investor

CC: email; Mayor Jim Tipple, Brad Marquardt, David Oberbeck, Dave Nutting, Phil Valitchka, Jean Radtke



City of Wausau  
Marathon County Wisconsin

Date: 31 Dec 2013

0 75 150  
Feet

- Building
- Road Paved
- Petitioner's Property

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

**ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE**

Create Section 10.01.012 Use of hand-held mobile telephones and mobile electronic devices while driving prohibited

Committee Action: Approved 5-0

**Ordinance Number:**

Fiscal Impact: None

**File Number:** 14-0206

**Date Introduced:** February 11, 2014

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

Section 1. That Section 10.01.012 Use of hand-held mobile telephones and mobile electronic devices while driving prohibited, is hereby created to read as follows:

10.01.012 Use of hand-held mobile telephones and mobile electronic devices while driving prohibited. (a) Prohibition. No person shall operate a motor vehicle on any street or highway while using a hand-held mobile telephone or a mobile electronic device.

(b) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

- (1) "Authorized emergency vehicle" shall have the same meaning as in Wis. Stat. §340.01(3).
- (2) "Mobile electronic device" means any hand-held or other portable electronic equipment capable of providing data communication between two or more persons, including a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment capable of playing a video game or a digital video disk, equipment which provides navigation assistance to the operator of a motor vehicle which is not installed or integrated into the electrical system of a motor vehicle, or equipment on which digital photographs are taken or transmitted, or similar device or any combination thereof.
- (3) "Mobile telephone" includes a cellular, analog, wireless or digital telephone capable of sending or receiving telephone communications without an access line for service.
- (4) "Operate" shall have the same meaning as in Wis. Stat. §343.05(1)(b).
- (5) "Using" shall mean to dial, answer, talk, listen, send or read a text message, or otherwise manipulate the controls of a mobile telephone or other mobile electronic device.

(c) Presumption. The operator of a motor vehicle who holds a hand-held mobile telephone to, or in the immediate proximity of his or her ear, is presumed to be using such telephone within the meaning of this section. The operator of a motor vehicle who holds a mobile electronic device in at least one hand is presumed to be using such mobile electronic device within the meaning of this section. The presumption established under this subsection may be rebutted upon the presentation of evidence that is clear, satisfactory and convincing to a reasonable certainty.

(d) Exemptions. This section does not apply to any of the following:

(1) The operator of an authorized emergency vehicle or a member of the armed forces of the United States while operating a military vehicle and while in the performance of his or her official duties and within the scope of his or her employment.

(2) The use of a mobile telephone or mobile electronic device for the sole purpose of communicating with public safety personnel or duly licensed medical personnel regarding an emergency situation.

(3) The use of a voice-operated or hands-free device if the operator of the motor vehicle does not use his or her hand to operate the device, except to activate or deactivate a feature or function of the device.

(4) An operator of a motor vehicle while maintaining the motor vehicle in the park position where the motor vehicle has an automatic transmission, or in the neutral position with the emergency brake applied where the motor vehicle has a standard transmission, either on public or private property.

(5) An amateur radio operator who holds a valid amateur radio operator's license issued by the federal communications commission when he or she is using dedicated amateur radio 2-way radio communication equipment and observing proper amateur radio operating procedures.

(6) Any audio equipment or equipment installed or integrated into the electrical system of a motor vehicle for the purpose of providing navigation assistance to the operator of the motor vehicle or video entertainment to the passengers in the rear seats of the motor vehicle.

(e) Penalty. Any person who violates this section shall be subject to a forfeiture of \$40.00.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. 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:

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Toni Rayala, Clerk

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, January 20, 2014, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hebert, Rayala, Giese Bliven, Goede

### **Consider creating Section 10.01.012 Use of hand-held mobile telephones and mobile electronic devices while driving prohibited**

Rasmussen stated action was deferred on this item last month until we could reconvene interested communities one more time and allow them to weigh in on the ordinance.

Alfonso reported the meeting was represented by the Town of Maine, Rib Mountain, Kronenwetter, Rothschild, and Everest Metro. Everyone was sent a notice with two alternatives and a comment sheet that explained the ordinance and the difference between the two alternatives. She indicated those present preferred alternative one which prohibits the use of a cell phone or other mobile electronic devices while a person is operating the vehicle, meaning it is not parked or in neutral along the side of the road, with certain exceptions. She explained state statute in the no texting law adopted as part of the inattentive driving statute, permits a driver to operate a GPS navigational system if it is integrated into the electrical system of the vehicle. This is something a municipality cannot be contrary to as state law. The question arose about whether to allow other devices that have navigational equipment on them, such as the portable plugged in units or iPod or iPhones that have navigational apps. There was consensus to adopt Alternative One with a change that allows use of apps for GPS if used in hands free or voice activated manner other than to turn it on and off. You would not be permitted to program the GPS while driving; you would have to pull over to the side of the road if not voice activated.

Wagner commented all but one of the attendees had already taken it to their town board or city council and we were in strong consensus that this would be good for the entire region. Alfonso noted these are all independent communities and will all consider the ordinance and make their own decision as to adoption of it.

Cpt Ben Bliven stated he agreed with the hands free GPS use, which makes it easier to enforce. He felt it was a reasonable ordinance that was very straight forward.

Motion by Wagner, second by Kellbach to approve the creation of Section 10.01.012 Use of hand-held mobile telephone and mobile electronic devices while driving prohibited, as presented. Motion carried 5-0.



Office of the City Attorney

Anne L. Jacobson  
City Attorney

Tara G. Alfonso  
Assistant City Attorney

COMMENTS REGARDING DRAFT ORDINANCE  
W.M.C. §10.01.012, Use of Hand-Held Mobile Telephones and  
Mobile Electronic Devices While Driving Prohibited

- This draft ordinance is based upon a number of provisions from ordinances passed by the Cities of Marshfield and Wisconsin Rapids. The ordinance also includes a number of provisions from Wis. Stat. §346.89 governing “inattentive driving” which prohibits composing or sending electronic text messages or electronic mail messages.
- The draft ordinance would apply to both hand-held telephones as well as other mobile electronic devices.
- The draft ordinance permits the use of a “hands-free device.”
- The draft ordinance provides exceptions from the prohibition against mobile telephones and electronic devices for:
  - authorized emergency vehicles;
  - certain members of armed forces while in the performance of duty;
  - communication of emergency situations;
  - the use of “hands-free devices;”
  - while a vehicle is in park or neutral with the parking brake applied;
  - an amateur radio operator;
  - certain navigation equipment, audio equipment or video equipment providing entertainment to rear seat passengers.
- This ordinance excepts from the prohibition, among other things, navigation equipment that is “installed or integrated into the electrical system of a vehicle,” i.e., permanently installed. This means a person would be able to use such a GPS device while driving. A person would not, however, be able to use any other GPS device unless it was hands free or voice activated (as well as certain other electronic devices).
- The draft ordinance provides for a rebuttable presumption in determining whether the operator of a motor vehicle is using a hand-held mobile telephone or electronic device.
- The penalty proposed for the City of Wausau is \$40.00. Added to this upon conviction would be court costs. The total amount assessed for a conviction under this section would be \$111.40. This is the same penalty which is assessed for violations of Wis. Stat. §346.89 for the composing or sending of electronic text or mail messages (which has been adopted by the Wausau Municipal Code).
- The penalty as currently proposed does not contain a provision for increased forfeiture for subsequent violations. This is something that could be included if desired.

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

**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.

Committee Action: 1/28/14 Approved 5-0  
2/11/14 Pending

Fiscal Impact:

**File Number:** 14-0110

**Date Introduced:** January 28, 2014 (*Tabled*)

**Reintroduced:** February 11, 2014

**RESOLUTION**

**WHEREAS**, in furtherance of economic development on the City of Wausau's Southeast side, the owner of 1500 Grand Avenue, has offered to donate their property to the City, and

**WHEREAS**, the City will seek to find a suitable owner to purchase the property for its highest and best utilization, and

**WHEREAS**, the Economic Development Committee will serve as the oversight committee to monitor the progress of this redevelopment site, and

**WHEREAS**, city staff is conducting a review of the environmental closure documents;

**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 1500 Grand Avenue to the City of Wausau, contingent upon the environmental clearance documentation.

Approved:

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James E. Tipple, Mayor