

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, February 25, 2014, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

02/25/2014 7:05:09 PM

Roll call indicated 11 members present.

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

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

- 1) John Dovornay, D.D.S., 1405 Kenwood Dr, across from the proposed Kwik Trip site, indicated when he had his building built and rezoned in 2007 he was assured that the vacant lot was going to be rezoned at some point to either encompass two professional buildings or possibly a middle school. He asked the Council to vote no to the rezoning for a gas station and encouraged finding development that better fits the neighborhood.
- 2) Hans Zietlow, LaCrosse, Director of Real Estate for Kwik Trip, explained who and what Kwik Trip is, a family owned business and is more like a little grocery store than a gas station. He stated they provide well-paying jobs and put money back into our employees and the community. He believed the site was a very good fit for this area.
- 3) Dr. David Wanserski, 2225 Hawthorne Ln, stated he had no problem with Kwik Trip, but felt that not all the information has been accurate or forthcoming from the city. He disagreed that safety is not an issue and believed a Kwik Trip is the wrong type of business for this professional corridor.
- 4) Glen Witter, 800 Imm St, spoke about the difficulty of enticing new businesses into Wausau, which he felt was because of high taxes, sometimes unreasonable zoning laws, poor planning and never ending ordinances and drama.
- 5) Ray Jahns, 1507 Kenwood Dr, neighborhood resident, spoke in opposition to the rezoning for a Kwik Trip, stating it was not a good fit creating noise and light pollution; the availability of junk food for students and resulting litter.
- 6) Faye Winter, 1014 Holub St, neighborhood resident, spoke in opposition to the Kwik Trip and believed it would bring property values down and add more traffic.
- 7) Joe Przybylski, 720 N 16th Ave, spoke in opposition and agreed there is too much traffic and there were plenty of other gas stations in the area.
- 8) Debra Ryan, 702 Elm St, spoke on the 2nd Avenue reconstruction as a resident of the near west side, objecting to the bump outs in the plan. She commented she wasn't against the company Kwik Trip, but did oppose the location.
- 9) James G. Birnbaum, LaCrosse, Attorney for the Dioceses of LaCrosse and the parish which owns the property on Bridge Street, stated if the Council votes no to Kwik Trip it will be forcing the property owner to continue to incur the major expense of maintaining and insuring the property. He commented he would never support a project that compromised the safety of children and they had no doubt of the quality and integrity of Kwik Trip.
- 10) Mark Milanowski, 411 Grand Ave, landlord owning 14 duplexes in the area of the proposed Kwik Trip, spoke in opposition pointing out it will increase the traffic problem and asked the city pursue a business that is better suited to the neighborhood.
- 11) Chris Ghidorzi, 2015 Liberty Ridge Way, provided numbers on the positive economic impact of Kwik Trip to the city. He commented the city needs the 30-40 jobs it will create; \$3.5 million in real estate taxes; and are not requesting any money from the city. He pointed out the professional office market is weak right now.
- 12) Chuck Ghidorzi, One Corporate Dr, stated this is a business district, whether I-B or UDD and a Kwik Trip is a permitted use within those districts. He commented we need to ask for what purpose we as a community would become somewhat selective, prioritizing what we think should be in our business districts. He felt people in this community need the jobs and the property owner has the right to sell their property.
- 13) Mayor Tipple read emails in opposition and a letter and email in support of the project into the record.

Communications & Committee Reports

None

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

14-0201 Minutes of the previous meeting. (2/11/2014)

14-0208 Preliminary Resolution of the Capital Improvements and Street Maintenance Committee Levying Special Assessments for 2014 Street Reconstruction Projects - 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac.

14-0209 Resolution of the Capital Improvements and Street Maintenance Committee approving the installation of sidewalk on 10th Street, north of Dekalb Street.

14-0105 Resolution of the Capital Improvements and Street Maintenance Committee approving 2014 Street Improvement Projects and Authorization to Let Bids.

14-0106 Resolution of the Capital Improvements and Street Maintenance Committee approving 2014 Street Reconstruction Projects and Authorization to Let Bids.

14-0210 Resolution of the Capital Improvements and Street Maintenance Committee approving easement for the installation of sidewalk at 720 South 6th Avenue (Wausau School District).

14-0211 Resolution of the Economic Development Committee waiving City's right to purchase property in the Wausau Business Campus - sale of 840 South 66th Avenue to Mathy Construction Company.

92-0936A Joint Resolution of the Economic Development, Finance and the Parking & Traffic Committees approving the Release of the Request for Proposals for Central Business Parking Analysis and Long Term Plan and subsequent award of contract.

14-0207 Resolution of the Plan Commission approving a conditional use at 406 & 408 North 3rd Street to allow for installation of awning signs, in a B4-1, Central Business District.

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

14-0205

Motion by Brezinski, second by Nutting to adopt an ordinance of the Plan Commission rezoning 1204 West Bridge Street from IR, Interchange Residence District, to UDD, Unified Development Plan to allow for a convenience store with a fueling canopy and single-bay car wash. (Osgood)

Mielke questioned if there were actually any concrete interest of another buyer for the property for a professional office type use as stated in the public comment. Dr. Wanserski indicated there was and stated that it has only been vacant the past 13 years because the Dioceses didn't have it on the market until now.

Rasmussen pointed out this site has a challenging topography yet Kwik Trip is not asking for \$400,000 of TIF assistance to level the site and make it buildable, as other developers have for other projects and likely will for this site. She stated if she did not believe through the UDD zoning and planning process that we could get the neighborhood what it needs to address their concerns, she would be the first person to speak out against it. She felt Kwik Trip has addressed all the neighborhood concerns and are willing to accept several restrictions to make it work.

Wagner questioned if, prior to his election to Council, anyone actually promised the doctors as they were building that the lot would only be a medical or professional office use. Kellbach stated it is in our Comprehensive Plan for the city with the zoning and that is the vision for that area. Brad Lenz, City Planner, stated in our Comprehensive Land Use Plan there aren't specific recommendations for an office or medical development, or for any specific type of development. Wagner suggested a "no right turn on red" restriction at the light on the corner of 17th Avenue and Bridge to interrupt the steady flow and solve some of the traffic issues on Bridge Street.

Nagle appreciated Kwik Trip as a corporation but felt it has come down to a land use issue. He felt this parcel was prime as far as location and view and is clearly a high end office area, which he felt would be the highest and best use of the property. Oberbeck stated this is zoned IR, Interchange Residence District, which is designed to protect residential environment at interchanges and prevent conflict between highway traffic and residential access. He reviewed the conditional uses, noting it is not a business district where convenience stores are allowed. He felt we have to maintain the integrity of our zoning in the city and this is not a match.

Brezinski stated the land has sat fallow since he moved here in 1969 and there is no prospect that it is going to be developed in the near future. We would be missing the opportunity for \$84,350 in taxes annually. He noted vacancy rate of office buildings in the community is astronomical. Rasmussen commented for every new office building that goes up, we shuffle the tenants we already have and haven't lured new business for that type of operation; it is not the way we are trending.

Kellbach stated we have heard from an exceptionally large group of professionals and residents in both Districts 8 and 11 who strongly oppose the rezoning of this area, as well as a failed vote from the Plan Commission. She felt making an exception here would set precedence and damages the credibility of the plan for this area. She asked the Council to let this property go out to the market and see if we can stay within our vision.

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

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

14-0114

02/25/2014 8:53:02 PM

Motion by Wagner, second by Winters to adopt a Joint Ordinance of the Capital Improvement and Street Maintenance Committee and the Plan Commission annexing territory from the Town of Wausau to the City of Wausau (David & Joan Eckert - Extension of Talon Lane).

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

14-0212

02/25/2014 8:53:34 PM

Motion by Wagner, second by Rasmussen to adopt a Resolution of the Economic Development Committee approving request by Tomcor Industries, Inc to construct an addition to the building located at 7801 International Drive.

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

10-1114

02/25/2014 8:57:47 PM

Motion by Kellbach, second by Wagner to adopt a Resolution of the Economic Development Committee authorizing extension of Development Agreement between the City of Wausau and Matt Krasowski at 500 North 17th Avenue.

Oberbeck requested an update. Werth explained a few years ago we did a project with Mr. Krasowski in which we took down the old Chip's building as an in kind service and in the development agreement he was to create a number of jobs in a certain amount of time. She indicated that time period is up and Mr. Krasowski asked to be forgiven the obligation. The recommendation to the Economic Development Committee was to grant a two year extension rather than forgive the obligation. She noted it is a real estate company and the real estate market has been very soft, so she can understand an extension. She stated they will review it in a year to see if anything has changed. She believed as the market changes he will be able to fulfill it and they will work with him. Oberbeck recommended that reports be given to the ED Committee on such commitments through the process so we are aware of what is happening. He felt it would be helpful to have reports back on development projects on a quarterly basis. Rasmussen noted if we exhaust the extension period, we have the right at that point to call the agreement due and he would have to repay what he received in in kind services.

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

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

14-0213

02/25/2014 8:58:26 PM

Motion by Brezinski, second by Rasmussen to adopt a Resolution of the Economic Development Committee approving an Option for Highland Property West, LLP to purchase a four acre parcel of land north of the current facility, Wausau Container Corporation.

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

Adjourn

02/25/2014 8:58:50 PM

Motion by Brezinski, second by Nutting to adjourn. Meeting adjourned at 9:00 p.m.

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

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

James E. Tipple, Mayor
Toni Rayala, City Clerk