

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

Roll Call

03/11/2014 7:00:00 PM

Roll call indicated 10 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Nagle, William P.	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Brezinski, Jim	NV
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) Joe Buchberger, 715 Greenfield Ave, stated the sober server ordinance is bad public policy and there has been no demonstrated need for it. He commented as small businesses they have and will continue to work with the city on issues relating to our establishments, however, in this case they believe the ordinance causes more problems than it was intended to solve. He listed reasons why .04 BAC wouldn't work and objected to how the tavern compliance checks were conducted.
- 2) Debra Ryan, 702 Elm St, stated people need to look at the bigger picture regarding the sober server ordinance and felt servers should be sober for our safety and the Council should keep the BAC at .04.

Consent Agenda

03/11/2014 7:08:26 PM

Motion by Gisselman, second by Mielke to adopt all items on the consent agenda as presented:

Mayor Tipple indicated he was removing 13-1109 from the Consent Agenda to be voted on separately.

14-0201 Minutes of previous meetings. (02/25/2014)

01-0942 Ordinance of the Parking & Traffic Committee amending Section 10.10.060 Truck routes designated to include 72nd Avenue from State Highway 29 north to the city limits and Highland Drive from 72nd Avenue west to the city limits.

14-0108 Resolution of the Public Health & Safety Committee approving or denying Various Licenses as indicated.

00-0920 Ordinance of the Public Health & Safety Committee Amending Section 8.08.200 Dangerous animals to amend the definition of dangerous animal.

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

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

Motion by Nutting, second by Gisselman to adopt the Resolution of the Finance Committee approving Modification of the 2014 Budget - Capital Project Funds.

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

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

Motion by Wagner, second by Winters to adopt an ordinance of the Public Health & Safety Committee amending Section 5.64.034 Restriction on Servers - increasing maximum blood alcohol content level to .08.

Rasmussen clarified the point tonight is not whether we have an ordinance as it has already been adopted; the question on the table tonight is whether the allowable blood alcohol content is .04 or .08. Blood tests are not required under this ordinance, nor is the breath test; with reasonable cause a police officer in an establishment that suspects that a server is impaired can ask for a PBT test, but that server can refuse. Unlicensed volunteers working at civic or social events are not subject to the ordinance. She stated she has received considerable feedback from the public supporting the .04 limitation.

Wagner commented police officers and others have indicated that .04 it is almost unnoticeable or difficult to determine. He felt we should give the Tavern League an opportunity to work with us by moving it to .08 and bring it back after a year to see if the police were able to accomplish what we originally wanted them to do, which is deal with a small group. Abitz felt the Tavern League and tavern should be more involved with the problem bars and should attend more of the Public Health & Safety meetings to keep informed.

Winters spoke in favor of amending it to .08. He stated police officers, as well as bartenders are trained to identify people who are at .08 and he didn't think most can tell if someone is half drunk. He felt we originally wanted to give the police a tool to deal with the very few bars that have presented a problem and that .08 will work just fine for that. He worried about .04 being inconsistent with state law, which is .08. Rasmussen commented .08 is the state standard for driving not working or tending bar.

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

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

Motion by Nutting, second by Nagle to adopt a Resolution of the Finance Committee approving the purchase of 401 S. 1st Avenue and the General Obligation Promissory Note of \$190,000 with the Judd S Alexander Foundation and the Modification to the 2014 Budget.

Gisselman questioned why this purchase was being made, as it seems like a lot of money and the development has been trying to go on there for quite a while.

Tammy Stratz explained because of the high traffic area and visibility we have been trying to secure that property from the bank for a couple of years, but they were not negotiating with anybody. Recently the bank began negotiating and we were informed there was another development possible there that would not be a good fit for the area and we would like to maintain control of this riverfront property near the downtown.

Groat commented this is in TID # 8 and the redevelopment of this property was envisioned in that plan. She stated that Ann Werth indicated if we tear down the existing building, because of its prime location on the waterfront, we could get something of much higher value and really showcase the entrance to the downtown as well as stimulate other development in TID #8 and the 2nd Avenue area. Abitz understood the reasoning but was concerned about too many empty office buildings around the city already.

Winters questioned what the property was assessed for; Stratz indicated it was assessed at \$249,000. Winters stated the Finance Committee has thoroughly studied this. We are buying a piece of riverfront property for \$190,000 and are financing it with an interest only loan at 2.75% for five years that is coming from the Judd Alexander Foundation, which believes in our vision and our ability to accomplish it. He commented we could buy the lot, demolish the current building, and if we were able to flip it for \$240,000 we would recover all of our costs. Rasmussen commented it is not necessarily going to become an office building; it could be retail or town homes or anything.

Nagle stated we owe a debt to the Judd Alexander Foundation for helping us finance this property. No one knows what the use will be but the city will control the use and get it back on the tax base, which is the key. He highly recommended Council approval.

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

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

13-1109

03/11/2014 7:47:45 PM

Motion by Wagner, second by Mielke to adopt a Resolution of the Finance Committee authorizing various Room Tax Grants and modification of the 2014 Budget.

Gisselman indicated he would abstain from voting due to his association with Marathon County Historical Society.

Yes Votes: 9 No Votes: 0 Abstain: 1 Not Voting: 1 Result: PASS

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

Motion by Nutting, second by Rasmussen to adopt a Resolution of the Finance Committee authorizing the City of Wausau to purchase 1201 N. 2nd Street.

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

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

Motion by Rasmussen, second by Wagner to adopt a resolution of the Finance Committee authorizing the City of Wausau to purchase 1306 N. 1st Street.

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

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

Motion by Wagner, second by Nutting to adopt a resolution of the Finance Committee approving acquisition, demolition and reconstruction of residential property of 2408 Gowen Street.

Winters noted he was the dissenting vote at Finance Committee to make a point, although he did not highly object to its purchase. He explained this was a piece of property that really should be razed; it was in deplorable condition and down for back taxes. He often felt the city becomes the purchaser and bailer out of landlords of last resort. While he felt staff did a good job of negotiating this down, he encouraged Council to take a more aggressive approach to those people who have really let their property go with fines and not bail them out.

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

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

11-1214

03/11/2014 7:51:39 PM

Motion by Nutting, second by Gisselman to adopt a resolution of the Finance Committee approving riverfront remediation project and related financing and budget modification.

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

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

90-0802

03/11/2014 7:52:29 PM

Motion by Oberbeck, second by Nagle to adopt a resolution of the Finance Committee terminating Tax Increment District Number Two.

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

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

14-0304

03/11/2014 7:53:12 PM

Motion by Mielke, second by Abitz to adopt an ordinance of the Plan Commission rezoning 815 South 24th Avenue, 2210 Sherman Street, 2212 Sherman Street and 2220 Sherman Street from IM, Interchange Industrial District, to IB, Industrial Business District.

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

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

Motion by Nutting, second by Gisselman to adopt an ordinance of the Plan Commission rezoning 404 Franklin Street from R4, General Residence District, to UDD, Unified Development District and approving the General Development Plan to allow for a mixed use residential and professional office building.

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

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

Motion by Nutting, second by Gisselman to adopt a resolution of the Plan Commission approving the precise implementation plan for 404 Franklin Street to allow for a mixed use residential and professional office building.

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

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

Motion by Nagle, second by Wagner to convene in closed session pursuant to Sec. 19.85(1)(f) considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation or charges against specific persons except where par.(b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, for the purpose of conferring with legal counsel regarding the request for a legal opinion surrounding the legal authority for actions taken by specific personnel which resulted in state legislation, extending Tax Incremental Financing District No. 3, and any potential action or motion thereon.

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

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

Meeting reconvened into Open Session.

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

Mayor Tipple stated final approval has been received on the sports (soccer) complex from the DNR and he noted the Holtz Krause foundation has done the required work of piping to get into compliance.

Adjourn

03/11/2014 8:22:14 PM

Motion by Mielke, second by Nutting to adjourn. Meeting adjourned at 8:25 pm.

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

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