



## 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, March, 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
14-0201		Minutes of previous meetings. (2/25/14)	
13-1109	FIN	Resolution Approving Modification of the 2014 Budget - Capital Project Funds	Approved 5-0
01-0942	P&T	Ordinance 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	Approved 5-0
14-0108	PH&S	Resolution approving or denying Various Licenses as Indicated	Approved 5-0
00-0920	PH&S	Ordinance Amending Section 8.08.200 Dangerous animals to amend the definition of dangerous animal	Approved 5-0

File #	CMT	Resolutions and Ordinances	ACT
14-0303		Confirmation of Mayor's Appointments.	
14-0107	PH&S	Ordinance Amending Section 5.64.034 Restriction on Servers – increasing maximum blood alcohol content level to .08	Failed 2-3
11-1214	FIN	Resolution 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.	Approved 4-0
13-1109	FIN	Resolution Authorizing Various Room Tax Grants and modification of the 2014 Budget	Approved 4-0
12-1121	FIN	Resolution Authorizing the City of Wausau to purchase 1201 N. 2nd Street	Approved 5-0
14-0306	FIN	Resolution Authorizing the City of Wausau to purchase 1306 N. 1st Street	Approved 5-0
14-0307	FIN	Resolution Approving Acquisition, Demolition and Reconstruction of Residential Property of 2408 Gowen Street	Approved 4-1
11-1214	FIN	Resolution Approving riverfront remediation project and related financing and budget modification.	Approved 4-0
90-0802	FIN	Resolution Terminating Tax Increment District Number Two	Pending
14-0304	PLAN	Ordinance 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.	Approved 5-0
14-0305	PLAN	Ordinance 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.	Approved 5-0
14-0305	PLAN	Resolution Approving the precise implementation plan for 404 Franklin Street to allow for a mixed use residential and professional office building.	Approved 5-0

**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 of 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.

**RECONVENE INTO OPEN SESSION:** for the purpose of taking action on any motions that may be necessary as a result of the CLOSED SESSION immediately preceding this item, 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.

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 02/07/14 @ 3:00 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.

**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 16<sup>th</sup> 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 2<sup>nd</sup> 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 6<sup>th</sup> 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 3<sup>rd</sup> 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 17<sup>th</sup> 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 17<sup>th</sup> 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

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

**RESOLUTION OF THE FINANCE COMMITTEE**

Approving Modification of the 2014 Budget - Capital Project Funds

Committee Action:      Approved 5-0

Fiscal Impact (2014):   This action will modify the 2014 budget by re-establishing available 2013 capital projects expense budgets of \$6,780,933

**File Number:**           13-1109

**Date Introduced:**       March 11, 2014

**RESOLUTION**

**WHEREAS**, the Finance Committee has received a request to carry forward certain 2013 budget appropriations for unfinished projects and non-lapsing committed fund balances thus modifying the 2014 budget, and

**WHEREAS**, the Finance Committee has reviewed the request and recommends carry forward appropriations and the modification of the 2014 budget, and

**WHEREAS**, the city uses special revenue, debt service and capital projects funds to account for the proceeds of specific revenues from grantors, contributors and other governments that are legally restricted to expenditure for a specified purpose, and

**WHEREAS**, your Finance Committee reviewed these fund balances and determined that these balances be designated as committed, 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 2014 budget as presented in Exhibit A and to publish the budget modification in the official newspaper as required.

**BE IT FURTHER RESOLVED**, by the Common Council that the fund balances presented in "Exhibit A" are designated funds that are restricted for specific purposes and deemed committed by the Common Council and may not be re-deployed for other purposes without formal action.

Approved:

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James E. Tipple, Mayor

**FINANCE COMMITTEE**

Date and Time: Tuesday, March 4, 2014 @ 5:00 pm., Board Room

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

Not Present: Brezinski

Others Present: Tipple, Groat, Jacobson, Marquardt, M. Lawrence, Duncanson, Kellbach, Rasmussen, Wagner, Goede

**Approve 2014 Budget Modifications, Fund Transfers, Change of Purpose and the Establishment of Committed Fund Balances**

Groat reviewed the list of carryovers for the capital budget and TIF districts.

Motion by Oberbeck, second by Nutting to approve the 2013 project reservations and fund carryovers to modify the 2014 budget as presented. Motion carried 4-0.

**2013 PROJECT RESERVATIONS AND FUND CARRYOVERS  
TO MODIFY THE 2014 BUDGET**

**FUND 150 CAPITAL IMPROVEMENTS FUND**

**LAND ACQUISITION**

150-231098305 Land Acquisition

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 197,985	\$ 42,552	\$ 155,433

This carryover will continue to provide the financial resources to purchase properties. The city encounters situations that warrant unexpected land acquisitions. 2013 activity provided for the purchase of 710 Jefferson Street and 1216-1218 Junction Street. This is funded with property taxes.

**WISCONSIN DOT PROJECTS**

150-231598718 Merrill Avenue  
 150-231598740 Grand Avenue Design  
 150-231598736 Stewart Avenue Design  
 150-231598734 Thomas Street Railroad Bridge  
 150-231598191 Wis DOT - Other projects

TOTAL CARRYOVER

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 65,000	\$ -	\$ 65,000
25,000	23,785	1,215
50,000	32,516	17,484
72,000		72,000
96,387		96,387
		<u>\$ 252,086</u>

These carryovers will fund the close out of Wisconsin DOT projects. 2013 activity related to an interim invoice from the DOT for the the Grand Avenue and Stewart Avenue Design. Budgets reflect the amount left in the contract. The State's billing practice is extremely slow and unpredictable. Original funding was debt proceeds.

**PAVING PROJECTS**

150-232698230 Asphalt Paving  
 150-232698236 Asphalt Paving - Alley

TOTAL CARRYOVER

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 913,743	\$ 859,543	\$ 54,200
12,077		12,077
		<u>\$ 66,277</u>

This carryover will be used to supplement the 2014 budget of \$700,000. This carryover brings the total 2014 budget for paving to 766,277. which is less than prior year budgets of \$800,000. Original funding is debt proceeds.

**SIDEWALKS**

150-233098240 Sidewalk Replacement  
 150-233098244 New Sidewalks

TOTAL CARRYOVER

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 270,138	\$ 239,374	\$ 30,764
14,538	875	13,663
		<u>\$ 44,427</u>

This carryover will be used to supplement the 2014 budget of \$256,000. This carryover brings the total 2013 budget for sidewalk replacement to \$300,427. The new sidewalk budget will fund the new sidewalk installation near Kaiser Pool. Original funding is debt proceeds.

**OTHER INFRASTRUCTURE RELATED PROJECTS**

150-236592190 Other Professional Services  
 150-236598230 Other Capital Improvements - Concrete Repair  
 150-236598290 Other Capital Improvements

TOTAL CARRYOVER

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 236,318	\$ 50,328	\$ 185,990
26,061	23,800	2,261
463,726	453,248	10,478
		<u>\$ 198,729</u>

Professional Services will cover unanticipated project design and consulting services costs incurred in 2014 along with completing work related to design standards and the engineering work related to the Radtke Point erosion project of \$12,500 to \$15,000. The Concrete repair will be used to supplement the 2014 concrete repair project. Other capital improvements will be used to complete the pavement marking project initiated in 2013. Original funding is tax levy for the professional services and debt proceeds for all other activity.

**2013 PROJECT RESERVATIONS AND FUND CARRYOVERS  
TO MODIFY THE 2014 BUDGET**

**FUND 150 CAPITAL IMPROVEMENTS FUND CONTINUED**

**AIRPORT PROJECTS**

150-237598449 Airport Facilities

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 30,000	\$ 12,045	\$ 17,955

This carryover will unexpected repair projects experienced at the airport. These projects were funded with levy dollars.

**PARK PROJECTS**

150-237598405 Park Department - River Edge Trail  
 150-237598462 Park Department - Swimming Pools  
 150-237598406 Park Department - Athletic Park 2013 Donations  
 150-237598425 Park Department - Rolling Stock

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 57,200	\$ 24,119	\$ 33,081
3,571,000		3,571,000
		138,150
243,888	163,665	80,223
<b>TOTAL CARRYOVER</b>		<b>\$ 3,822,454</b>

The River Edge Trail carryover funds the continued efforts on the River Edge Trail System that are not funded through Tax Increment District Number Three or the Sternberg Fund. The rolling stock carryover will fund the 2014 rolling stock that was only partially funded in the 2014 budget. The Swimming Pool carryover will fund the construction of Kaiser Pool and related engineering. The Athletic Park Project is the \$138,150 of donations received in 2013 for the Athletic Park improvement project to be completed spring of 2014. These projects were funded with levy dollars, debt proceeds and donations.

**TECHNOLOGY PROJECTS**

150-237598415 Network Upgrade  
 150-237598426 Law Enforcement Software  
 150-237598433 PC Replacement  
 150-237598434 Computer Equipment (file server upgrades, fiber, video, Downtown and 400 Block WIFI)  
 150-237598438 Computer Software and Services  
 150-237598446 Computer Financial Systems Software (assessment, budget, cashiering, imaging)

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 50,000	\$ 45,878	\$ 4,122
	118,806	93,432
	97,272	34,404
	131,000	94,326
	214,917	85,838
	303,500	262,489
<b>TOTAL CARRYOVER</b>		<b>\$ 574,611</b>

The carryover provides funding for multi-phase projects as listed above. These projects are funded with property taxes.

**METRO RIDE PROJECTS**

150-237598417 WATS - Grant Projects  
 150-237588416 WATS - Grant Income

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 75,000	\$ 50,902	\$ 24,098
(55,575)	(36,186)	(19,389)
<b>NET CARRYOVER</b>		<b>\$ 4,709</b>

This carryover funds the completion of grants WI-95-X024, funded with tax levy(local share) and capital grants.

**CITY HALL/POLICE FACILITIES**

150-237598411 City Facilities

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 237,851	\$ 149,879	\$ 87,972

This carryover will fund the City hall lobby, and police department facilities chairs and carpet project. These projects were funded with general property taxes.

**WAYFINDING PROJECT**

150-237598461 Wayfinding Project

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 55,000	\$ -	\$ 55,000

This carryover will fund the wayfinding project budgeted in 2013. The City is currently working with other communities for a area wide system.

**2013 PROJECT RESERVATIONS AND FUND CARRYOVERS  
TO MODIFY THE 2014 BUDGET**

**FUND 150 CAPITAL IMPROVEMENTS FUND CONTINUED**

**TRAFFIC SIGNALS, STREET LIGHTS, RAILROAD CROSSINGS**

150-237598456 Traffic Signals, Street Lights, Railroad Crossings

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 261,845	\$ 179,159	\$ 82,686

This carryover will complete the GPS traffic signal project initiated in 2012, and provide financing for the replacement of damaged and obsolete street lights.

**PARKING RAMP CAPITAL**

150-237598437 Parking Ramp Capital

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 150,000	\$ 44,903	\$ 105,097

This carryover will fund major seal coating and elevator maintenance in the parking ramps.

**FIRE DEPARTMENT EQUIPMENT**

150-237598436 Fire Department Equipment

2013 Modified		
Budget	2013 Expenses	Carryover Request
\$ 297,737	\$ 258,959	\$ 38,778

This carryover will finance fire equipment replacement including turn out gear, air packs, hose and air bottles for SCBA. These projects were funded with general property taxes.

**TOTAL FUND 150 CAPITAL IMPROVEMENTS FUND**

**\$ 5,506,214**

**FUND 141 TAX INCREMENT DISTRICT NUMBER THREE**

141-342598210 Land Acquisition - 3rd Street Neighborhood Residential Acquisition

**TOTAL FUND 141 TID NUMBER THREE**

2013 Modified		
Budget	2013 Expenses	Carryover Request
138,378	96,438	41,940
		<u>\$ 41,940</u>

Carryover provides funding for 3rd Street Neighborhood Residential Acquisition.

**FUND 143 TAX INCREMENT DISTRICT NUMBER FIVE**

141-342097200 Developer Grants

**TOTAL FUND 143 TID NUMBER FIVE**

2013 Modified		
Budget	2013 Expenses	Carryover Request
810,000	160,000	650,000
		<u>\$ 650,000</u>

The budget provided \$160,000 for Sourthern Stretch and \$650,000 for O Motion/Ghidorzi. The \$160,000 comittment was paid in 2013.

**2013 PROJECT RESERVATIONS AND FUND CARRYOVERS  
TO MODIFY THE 2014 BUDGET**

**FUND 144 TAX INCREMENT DISTRICT NUMBER SIX**

		2013 Modified		
		Budget	2013 Expenses	Carryover Request
144-345197200	Thunder Lube Developer Payment	\$ 100,000		\$ 100,000
144-345198210	County U/K - Land Acquisition	191,256	3,461	187,795
144-344998212	Thomas Street Design	207,500	8,684	198,816
144-345298230	Stewart Avenue - 17th to 18th Avenue - DOT Project	33,168		33,168
<b>TOTAL FUND 144 TID NUMBER SIX</b>				<b>\$ 519,779</b>

These carryovers will finance the completion of several engineering contracts and required land acquisition to facilitate street improvements at County U/K, Thomas Street and Stewart, 17th and 18th Avenues. These projects were funded by debt proceeds or tax increment.

**FUND 146 TAX INCREMENT DISTRICT NUMBER EIGHT**

		2013 Modified		
		Budget	2013 Expenses	Carryover Request
146-3483892190	Parking Study	\$ 30,000		\$ 30,000
146-348497200	Developer Payments	33,000		33,000
<b>TOTAL FUND 146 TID NUMBER EIGHT</b>				<b>\$ 63,000</b>

The parking study will be conducted in 2014. Developer payments budget included Facade Improvements of \$23,000 and landscaping of \$10,000.

**NON-LAPSING FUNDS**

In addition to the above carryovers the following funds are considered non-lapsing:

- |   |  |
|---|--|
| 121 Grants Fund                         | 150 Capital Improvement Fund               |
| 122 HUD Mortgage Program Fund           | 151 Room Tax Fund                          |
| 123 DLAD Mortgage Program Fund          | 152 Public Access Fund                     |
| 125 Industrial Development Fund         | 153 Recycling Fund                         |
| 126 Federal Rental Rehabilitation Fund  | 156 Tax Increment District Number Two Fund |
| 127 WRRP Rehabilitation Fund            | 157 OJJDP Grant Fund                       |
| 128 Holtz Krause Clean Up Fund          | 158 Brownfield Grant Fund                  |
| 129 Hazardous Materials Funds           | 161 Water Utility Fund                     |
| 130 Debt Service Fund                   | 163 Sewer Utility Fund                     |
| 141 Tax Increment District Number Three | 164 WATS Fund                              |
| 142 Tax Increment District Number Four  | 170 Motor Pool Fund                        |
| 143 Tax Increment District Number Five  | 180 Cemetery Trust Fund                    |
| 144 Tax Increment District Number Six   | 181 Other Trust Fund                       |
| 145 Tax Increment District Number Seven | 185 & 186 Incubator Fund                   |
| 180's All Trust and Agency Funds        | 165 Parking Fund                           |
| 800's All Trust and Agency Funds        | 171 Insurance Fund                         |

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

**ORDINANCE OF PARKING & TRAFFIC COMMITTEE**

Amending Section 10.10.060 Truck routes designated to include 72<sup>nd</sup> Avenue from State Highway 29 north to the city limits and Highland Drive from 72<sup>nd</sup> Avenue west to the city limits

Committee Action: Approved 5-0

**Ordinance Number:**

Fiscal Impact: \$75 per sign

**File Number:** 01-0942

**Date Introduced:** March 11, 2014

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

Section 1. That Section 10.10.060 Truck routes designated is hereby amended to include 72<sup>nd</sup> Avenue - State Highway 29 to north city limits and Highland Drive - 72<sup>nd</sup> Avenue to west city limits as designated city truck routes.

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 on the day after its publication.

Adopted:  
Approved:  
Published:  
Attest:

Approved:

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

Attest:

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

## **Parking and Traffic Committee Meeting Minutes**

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Date of Meeting: Thursday, February 20, 2014, 5:30 pm., in the Birch Room at City Hall  
Members Present: Abitz{C}, Kellbach, Winters, Mielke, Nutting  
Others Present: Lt. Pekarske, Alfonso, Groat, Wesolowski, Lang

In accordance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by Chairperson Abitz at 5:30 pm.

### **(3) Discussion and possible action: To amend W.M.C. 10.10.060 to include 72<sup>nd</sup> Avenue, from State Highway 29, north to the city limits, as a designated, marked truck route.**

Discussion: Wesolowski stated this agenda item stemmed from residents bringing up that trucks are using 84<sup>th</sup> Avenue as a throughway to get to businesses on the northwest portion of the industrial park. Since these are all local roads, we don't need the Department of Transportation's approval. Wesolowski doesn't see any issues with moving forward with this designated truck route. Signs will be placed at intersections and the cost is approximately \$75.00 per sign.

Motion by Winters to approve to amend W.M.C. 10.10.060 truck route, second by Kellbach. Motion approved 5-0.

### **(4) Discussion and possible action: To amend W.M.C. 10.10.060 to include Highland Drive, from 72<sup>nd</sup> Avenue west to the city limit, as a designated, marked truck route.**

Discussion: Wesolowski doesn't see any issues with moving forward with this designated truck route.

Motion by Winters to approve to amend W.M.C. 10.10.060 truck route, second by Mielke. Motion approved 5-0.

**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:** March 11, 2014

**RESOLUTION**

**WHEREAS**, your Public Health and Safety Committee considered certain license applications at its February 17, 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***

February 11, 2013 Meeting

### **AGENDA ITEM # 2**

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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. Temporary Retailer's (Picnic) license applications submitted by Special Olympics for the Polar Plunge, on February 22<sup>nd</sup>; and by Wausau Area Events for the 2014 Balloon Rally/Rib Fest and Big Bull Falls Blues Fest events.
3. Wausau Area Events has submitted the majority of their 2014 Special Event applications. (**NOTE:** They have worked out the issue with the closure of 4<sup>th</sup> Street in front of the Grand. The Grand Theater was not initially supportive of closures, but they have worked around the times when they both have events in progress, as \*noted on the front page of the applications.)
4. Other Special Events are: The Wausau Festival of Arts, September 6-7, 2014, the Riverview Technology Run, the Wausau School District Fun Run/Walk, and a new event by the Good News Project, Caribbean Marketplace, on The 400 Block, June 14, 2014.

### **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: February 12, 2014

(715) 261-6621

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, February 17, 2014, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hebert, Rayala, Hardel, Barnes, Goede, and other interested parties in audience.

### **Ordinance amending Section 8.08.200 Dangerous animals to amend the definition of dangerous animal.**

Rasmussen indicated this was a housekeeping item to reflect the Humane Officer as the designee of the Chief of Police in evaluating dangerous animals, as well as the testing process used.

Motion by Winters, second by Kellbach to approve the ordinance amendment. Motion carried 5-0.

### **Request for 90 day extension to open for business for good cause per Section 5.64.160(b). (Hudson Burger, LLC, d/b/a Milwaukee Burger Company, 2200 Stewart Avenue)**

Matt Letnes requested a 90 day extension for good cause to open for business in reference to their Class B Beer & Liquor license granted by Council on December 10, 2013, which would have required the business to be open by March 10, 2014. He indicated in his request that the contractor is just getting into the space for a remodel this week. He anticipated an April opening.

Motion by Wagner, second by Kellbach to approve the 90 day extension to open for business to Hudson Burger, LLC. Motion carried 5-0.

HEALTH AND SAFETY LIST  
ALL LICENSES  
FEBRUARY 17, 2014REPORT ID: LRS530I  
RUN DATE: 3/04/14  
RUN TIME: 10:43:30

<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>REVOCATION</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>
SPECIAL OLYMPICS WISNORTH CENT 2800 RIB MOUNTAIN DR #C WAUSAU, WI 54401	2014	1/29/2014	2/22/2014	2/22/2014		SPECIAL OLYMPICS POL	TEMP CLASS B RETAILER	___	___	___	___
WAUSAU AREA EVENTS 316 SCOTT ST WAUSAU, WI 54403	2014	1/16/2014	8/15/2014	8/16/2014		BIG BULL FALLS BLUES	TEMP CLASS B RETAILER	___	___	___	___
WAUSAU AREA EVENTS 316 SCOTT ST WAUSAU, WI 54403	2014	1/16/2014	7/10/2014	7/13/2014		BALLOON RALLY / RIB	TEMP CLASS B RETAILER	___	___	___	___
BAUMANN, MICHELLE C 1831 NORWAY LN KRONENWETTER , WI 54455	2013	1/27/2014		6/30/2014		R-STORE #34	OPERATOR NEW	___	___	___	___
BROWN, TAUNYA S 3631 SHERAH DR WAUSAU, WI 54401	2013	1/21/2014		6/30/2014		CHAPTER 2	OPERATOR NEW	___	___	___	___
CHILDERS, NICOLE S 311 SCHMIDT AVE SCHOFIELD, WI 54476	2013	2/12/2014		6/30/2014		DEN MAR TAVERN	OPERATOR NEW	___	___	___	___
DAHLSTROM, LAURA A 410 8TH STREET MOSINEE, WI 54455	2013	1/20/2014		6/30/2014		CHAPTER 2	OPERATOR NEW	___	___	___	___
DZIONDZIAKOWSKI, SAMANTHA L 2902 JOSEPH AVE WESTON, WI 54476	2013	1/24/2014		6/30/2014		KWIK TRIP #601	OPERATOR NEW	___	___	___	___
HERMUNDSON, RYAN R 4610 8TH ST S APT #113 WI RAPIDS, WI 54494	2013	2/11/2014		6/30/2014		R STORE #6	OPERATOR NEW	___	___	___	___
JONES, SARAH M 2907 MALAK CIRCLE WAUSAU, WI 54403	2013	1/31/2014		6/30/2014		THE GREAT DANE PUB &	OPERATOR NEW	___	___	___	___
KING, JODI M 608 S 10TH STREET WAUSAU, WI 54403	2013	2/07/2014		6/30/2014		CHEER'S BAR	OPERATOR NEW	___	___	___	___
KRUG, JENNIFER A 303 SUMMIT DR APT 4 WAUSAU, WI 54401	2013	1/24/2014		6/30/2014		APPLEBEE'S NEIGHBORH	OPERATOR NEW	___	___	___	___
LEISKAU, JOSIE 734 JEFFERSON ST APT 12 WAUSAU, WI 54403	2013	1/24/2014		6/30/2014		KWIK TRIP #601	OPERATOR NEW	___	___	___	___
MASSOP, JENIFER L 602 NINA AVE WAUSAU, WI 54403	2013	1/21/2014		6/30/2014		CRUSIN 1724	OPERATOR NEW	___	___	___	___

HEALTH AND SAFETY LIST  
ALL LICENSES  
FEBRUARY 17, 2014REPORT ID: LRS530I  
RUN DATE: 3/04/14  
RUN TIME: 10:43:30

<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>
PALENIK, SEAN P 701 NORTON ST WAUSAU, WI 54401	2013	2/06/2014		6/30/2014		NEW CITY GRILL/JEFFE	OPERATOR NEW	___	___	___	___
PEETERS, RACHEL A 6617 LANG LN WESTON, WI 54476	2013	2/07/2014		6/30/2014		WALGREEN'S STORE #07	OPERATOR NEW	___	___	___	___
PICKETT, ISIAH L 206 W STROWBRIDGE ST APT. 11 WAUSAU, WI 54401	2013	1/17/2014		6/30/2014		R-STORE #34	OPERATOR NEW	___	___	___	___
SMITH, KAREN L 700 1/2 HICKORY ST MARATHON, WI 54448	2013	1/29/2014		6/30/2014		R STORE #8	OPERATOR NEW	___	___	___	___
WESTFALL, TAMMY R 2330 COUNTY RD S EDGAR, WI 54426	2013	1/30/2014		6/30/2014		R-STORE #31	OPERATOR NEW	___	___	___	___
KEMMER, NICOLE M 901 16TH STREET MOSINEE, WI 54455	2013	1/21/2014		6/30/2015		R STORE #7	OPERATOR LAPSED	___	___	___	___
KRAHN, KATIE L 1749 N 3RD AVENUE WAUSAU, WI 54401	2013	1/22/2014		6/30/2015		TOBACCO OUTLET PLUS	OPERATOR LAPSED	___	___	___	___
SCHMELTZER, SAMANTHA L 701 E 3RD ST MERRILL, WI 54452	2013	1/29/2014		6/30/2015		PLAYER'S	OPERATOR LAPSED	___	___	___	___
KWIK TRIP INC 1626 OAK ST LA CROSSE, WI 54603	2013	1/21/2014				KWIK TRIP #601	CHANGE OF AGENT / OFFICER	___	___	___	___
WAUSAU AREA EVENTS 316 SCOTT ST WAUSAU, WI 54403	2014	1/21/2014	6/13/2014	6/13/2014		SUMMER KICKOFF CELEB	SPECIAL EVENT CATEGORY 1	___	___	___	___
WAUSAU AREA EVENTS 316 SCOTT ST WAUSAU, WI 54403	2014	1/21/2014	6/18/2014	8/20/2014		CONCERTS ON THE SQUA	SPECIAL EVENT CATEGORY 1	___	___	___	___
WAUSAU AREA EVENTS 316 SCOTT ST WAUSAU, WI 54403	2014	1/21/2014	6/19/2014	9/18/2014		MARKETPLACE THURSDAY	SPECIAL EVENT CATEGORY 1	___	___	___	___
WAUSAU AREA EVENTS 316 SCOTT ST WAUSAU, WI 54403	2014	1/21/2014	7/10/2014	7/13/2014		BALLOON RALLY / RIB	SPECIAL EVENT CATEGORY 1	___	___	___	___



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

**ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE**

Amending Section 8.08.200 Dangerous animals to amend the definition of dangerous animal

Committee Action: Approved 5-0

**Ordinance Number:**

Fiscal Impact: None

**File Number:** 00-0920

**Date Introduced:** March 11, 2014

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

Add ( )

Section 1. That Section 8.08.200 Dangerous animals, is hereby amended to read as follows:

8.08.200 Dangerous animals.

....

(b) Definitions.

“Dangerous animal” as used in this ordinance means:

- (1) Any animal which approaches or chases any human being or domestic animal in a menacing fashion or apparent attitude of attack, without provocation, on public or private property and after evaluation by the chief of police or the chief’s designee is determined to pose a threat to public safety or welfare;
- (2) Any animal which bites, inflicts injury, attacks, or otherwise endangers the safety of human beings or domestic animals, without provocation, on public or private property and after evaluation by the chief of police or the chief’s designee is determined to pose a threat to public safety or welfare; or
- (3) Any animal owned, harbored, or trained primarily or in part for the purpose of fighting.

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, February 17, 2014, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hebert, Rayala, Hardel, Barnes, Goede, and other interested parties in audience.

### **Ordinance amending Section 8.08.200 Dangerous animals to amend the definition of dangerous animal.**

Rasmussen indicated this was a housekeeping item to reflect the Humane Officer as the designee of the Chief of Police in evaluating dangerous animals, as well as the testing process used.

Motion by Winters, second by Kellbach to approve the ordinance amendment. Motion carried 5-0.

**ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE**

Amending Section 5.64.034 Restriction on Servers – increasing maximum blood alcohol content level to .08

Committee Action: Failed 2-3

**Ordinance Number:**

Fiscal Impact: None

**File Number:** 14-0107

**Date Introduced:** March 11, 2014

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

Section 1. That Section 5.64.034 Restriction on servers, is hereby created to read as follows:

5.64.034 Restriction on servers. (a) Prohibition. It shall be unlawful for a licensee or an agent or employee of the licensee to serve or supervise the service of alcohol beverages in a licensed premises while under the influence of an intoxicant, a controlled substance, a controlled substance analog or any combination of an intoxicant, a controlled substance and a controlled substance analog. Controlled substance and controlled substance analog shall have the meaning as these terms are defined in section 9.04.026. Under the influence means not only all the well-known and easily recognized conditions and degrees of intoxication, but any abnormal mental or physical condition which is the result of indulging to any degree in alcohol beverages and which tends to deprive a person of the clearness of intellect and control of himself or herself which he or she would otherwise possess.

(b) Presumption. A test of the person’s breath, blood, or urine, including a preliminary breath test, that shows the person has an alcohol concentration of **0.08** or more is prima facie evidence that he or she is under the influence. Law enforcement officials shall be allowed to ask for a preliminary breath test upon reasonable suspicion. Refusal to submit to a requested test may be considered by the Common Council as grounds for revocation, non-issuance, or non-renewal of the server’s operator’s license.

(c) Effect of Violation on Premises. If the principal business of the licensed premises is the sale of alcohol beverages, law enforcement officials will order it closed until such time as another licensed server or the licensee who is not in violation of this section shall take charge of such premises. It shall be a violation of this subsection for any licensed premises to be open contrary to such order of law enforcement officials.

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 on the day after its publication.

Adopted:  
Approved:  
Published:  
Attest:

Approved:

---

James E. Tipple, Mayor

Attest:

---

Toni Rayala, Clerk

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, February 17, 2014, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hebert, Rayala, Hardel, Barnes, Goede, and other interested parties in audience.

### **Discussion and possible action on maximum blood alcohol content level for compliance with WMC Section 5.64.034 Restriction on servers.**

Winters stated it was his understanding that originally this ordinance was created to be a tool for the Police Chief to use to affect a narrow group of combative bartenders, such as was dealt with at I.C. Willy's and Break Away. He felt it had now morphed into an attempt at social legislation and he was not on board with that. He believed the .04 BAC standard was just put in to scare people into not drinking. Rasmussen questioned how the server can assess the ability of others if the server is at .08 and cannot drive home legally and safely themselves.

Motion by Winters, second by Wagner to amend the ordinance restriction on servers from .04 BAC to .08 BAC.

Winters commented combative bartenders make up less than 10% of the problem; most of the businesses are good and we are looking at only a couple of places. He pointed out the I.C. Willy's case went all the way to the Supreme Court and he just wanted to provide the tools to deal with bars such as this. He did not want to try to change the culture of central Wisconsin by ordinance in the City of Wausau. He would not support a process that would do that unless every other community in the metro area was sitting here first. He felt he was sold a bill of goods in December with limited information and indicated he was standing firm on .08. Rasmussen commented it is a tool for the police department and this is not a crusade, but it does make a step towards a cultural change whether we want it to or not.

Wagner stated we have heard throughout all the testimony that a very high number of the establishments, possibly as much as 90%, have indicated they don't allow their bartenders to drink at all. He was also led to believe the only reason for this tool was to go after the very problematic bars. He liked that the Tavern League was trying to work with us and suggested someone from the Tavern League be added to the Public Health & Safety Committee possibly in a non-voting ex officio capacity.

A vote was taken on the motion to amend to .08. Motion failed 2-3.

**RESOLUTION OF THE FINANCE COMMITTEE**

Approving the purchase of 401 S 1<sup>st</sup> Avenue and the General Obligation Promissory Note of \$190,000 with the Judd S Alexander Foundation and the Modification to the 2014 Budget.

Committee Action: Approved 4-0

Fiscal Impact: None

**File Number:** 11-1214

**Date Introduced:** March 11, 2014

**RESOLUTION**

**WHEREAS**, the City of Wausau created Tax Increment District Number Eight in an effort to redevelop the River West Commercial and Residential District, and included real property assembly costs within the project plan, and

**WHEREAS**, the plan denoted 401 S 1<sup>st</sup> Avenue as an important redevelopment site due to its location along the river front, and

**WHEREAS**, the City has worked in partnership with McDEVCO and the Judd S. Alexander Foundation to assist in a cohesive and comprehensive redevelopment effort, and

**WHEREAS**, the Judd S. Alexander Foundation has agreed to assist the City with the financing of this purchase through a five year promissory note at 2.75% interest with principal deferred for five years and

**WHEREAS**, your Finance Committees supports this acquisition and financing mechanism and related budget modification,

**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 necessary documents and agreements to purchase 401 S First Avenue for the price of \$190,000, and

**BE IT FURTHER RESOLVED**, that the proper City Officials are hereby authorized and directed to finance the land purchase by executing a promissory note with the Judd S Alexander Foundation in the amount of \$190,000 with interest at 2.75% and principal deferred for five years, and

**BE IT FURTHER RESOLVED**, by the Common Council that the proper City Officials are hereby authorized and directed to amend the 2014 budget of Tax Increment District Number Eight Fund as outlined below and to publish the budget document in the official newspaper as required.

146-348398210..... Land Assembly \$190,000  
146-348389150..... Loan Proceeds – Foundation \$190,000

Approved:

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

**FINANCE COMMITTEE**

Date and Time: Tuesday, March 4, 2014 @ 5:00 pm., Board Room

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

Not Present: Brezinski

Others Present: Tipple, Groat, Jacobson, Marquardt, M. Lawrence, Duncanson, Kellbach, Rasmussen, Wagner, Goede.

**Consider Purchase of 401 S. 1<sup>st</sup> Avenue, Wausau WI.**

Groat indicated it was not necessary to go into closed session as we have an accepted offer for \$190,000 for the former L&S Printing property. She stated the Alexander Foundation indicated that they would provide us with an interest only loan for five years while we found a redevelopment opportunity for that site. She noted the interest rate is 2.75%.

Motion by Winters, second by Oberbeck to approve the purchase of 401 S. 1<sup>st</sup> Avenue for \$190,000 to be funded by an Alexander Foundation 5 year interest only loan. Motion carried 4-0.

**PROMISSORY NOTE**

\$190,000

March 17<sup>th</sup>, 2014

For value received, the undersigned, City of Wausau, a municipality organized under the laws of Wisconsin, hereby promises to pay to the order of Judd S. Alexander Foundation, Inc., a Wisconsin corporation, at its main office in Wausau, Wisconsin, the principal sum of One Hundred Ninety Thousand and No/100ths Dollars (\$190,000.00) or, if less, the aggregate unpaid principal amount of all loans made under this Note, plus interest at a rate equal to two and three-quarters percent (2.75%) per annum and after maturity at the rate of ten percent (10%) per annum in excess of said rate in lawful money of the United States of America as follows:

(a) The unpaid principal balance hereof shall bear interest from the date the principal or any part thereof shall be advanced to the undersigned. Annual installments of interest only which has accrued on the principal amount hereof and remains unpaid, commencing on June 30, 2014, and continuing thereafter on the 30<sup>th</sup> day of June throughout the term of this Note until the principal is paid in full: and

(b) The full principal amount hereof, or so much thereof as shall have been advanced and remain unpaid, together with accrued interest thereon, on demand by the holder hereof on or after the first to occur: (i) March 17<sup>th</sup> 2019, or (ii) 10 days after notice from the holder of this Note that the Project Properties (as defined in the Credit Agreement) are no longer being actively marketed by the undersigned or its affiliates for sale and or redevelopment.

This Note is issued by the undersigned pursuant to the Credit Agreement, dated as of March 17<sup>th</sup>, 2014 between the undersigned and the Judd S. Alexander Foundation, Inc. (the "Credit Agreement"), to which Credit Agreement reference is hereby made for a statement of the terms and conditions by which loans evidenced hereby were or may be made, and for a description of the conditions upon which this Note may be prepaid or required to be paid.

CITY OF WAUSAU

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

By: \_\_\_\_\_  
Toni Rayala, City Clerk

## CREDIT AGREEMENT

Judd S. Alexander Foundation, Inc.  
500 Third Street  
P.O. Box 2137  
Wausau, WI 54402-2137

March 17, 2014

Ladies and Gentlemen:

The undersigned (the “Borrower”), requests that you (“Lender”) make loans to the Borrower on the terms stated herein.

### ARTICLE 1

#### LOANS

1.1 Loans and Note. On and after March 17, 2014, Borrower may obtain loans from Lender up to the principal amount of \$190,000. Such loans shall be evidenced by a promissory note of the Borrower (the “Note”), payable to the order of Lender in the principal amount of \$190,000 or the aggregate principal amount of advances outstanding hereunder at any one time, dated as of the date hereof, in the form of Exhibit A annexed hereto. The Note shall be executed by the Borrower and delivered to Lender prior to the initial loan hereunder. Borrower agrees that its loan balance at any time shall be the amount reflected on the records of Lender relating to the loans made here under.

1.2 Prepayment. The Note may be prepaid in whole or in part at the option of the Borrower at any time without premium penalty.

1.3 Computation of Interest. Interest, if any, hereunder shall be computed on the basis of a year consisting of 365 days.

1.4 Use of Proceeds. The Borrower shall cause the City of Wausau to utilize the proceeds of the loan to fund the acquisition, revitalization and redevelopment of a certain real estate, commonly known as 401 S. 1<sup>st</sup> Avenue, Wausau, Wisconsin (the “Project Property”).

1.5 Mandatory Payment. The Borrower shall pay the Note and all accrued by unpaid interest thereon upon the first to occur of: (a) March 17, 2019, or (b) 10 days after notice from Lender that the Project Property is no longer being actively marketed by the Borrower or its affiliates for sale and or redevelopment.

## ARTICLE II

### REPRESENTATIONS AND WARRANTIES

In order to induce Lender to make the loans as herein provided, the Borrower represents and warrants to Lender as follows:

2.1 Organization. The Borrower is a municipality organized under the laws of the State of Wisconsin. Borrower has the authority to carry on its municipal business as conducted on the date hereof and as contemplated by this Agreement.

2.2 Authority. The Borrower is duly authorized to execute and deliver this Agreement; the Borrower is and will continue to be duly authorized to borrow moneys hereunder and to execute and deliver the Note and to perform this Agreement.

2.3 Absence of Conflicting Obligations. The execution and delivery of this Agreement by the Borrower does not, and borrowings hereunder and the execution and delivery of its Note by the Borrower and the performance by the Borrower of its obligations under this Agreement and the Note will not conflict with any provision of law or of the charter of the Borrower or of any agreement binding upon the Borrower.

2.4 Absence of Litigation. The Borrower is not a party to any litigation or administrative proceeding, nor so far as is known by the Borrower is any litigation or administrative proceeding threatened against it, which in either case would if adversely determined, cause any material adverse change in its real estate or the conduct of the business of the Borrower.

2.5 Liens. The Borrower will have good title to the Project Properties free and clear of all liens, except those which do not limit the ability of Borrower to revitalize or redevelop the Project Properties.

### ARTICLE III

The Borrower covenants that, without the prior written consent of the Lender, it will not, while any credit is available to the Borrower hereunder and while any part of the Note remains unpaid:

3.1 Sell or dispose of the Project Properties or permit to exist any lien or encumbrance with respect to the Project Properties except liens that are being contested in good faith by appropriate proceedings and for which appropriate reserves are maintained.

3.2 Create, permit and/or suffer to exist any lien, security interest, mortgage and/or encumbrance (statutory and otherwise) against any of the Project Properties.

### ARTICLE IV

#### DEFAULTS

In the event that any one or more of the following events shall occur:

4.1 Default in Payment of Note. The Borrower shall fail to make a payment of any principal or interest, if due, on the Note by 10 days following the due date thereof.

4.2 Default in Performance of Agreement. Default in the performance of observance of any of the other agreements or conditions herein required to be observed or performed by the Borrower, continuing for a period of fifteen days after written notice thereof is given to the Borrower by Lender.

4.3 Representations or Statements False. Any representation or warranty made by the Borrower herein or any certificate delivered pursuant hereto, or any financial statement delivered to Lender, shall prove to have been false in any material respect as of the time when made or given.

4.4 Default on Other Debt. The Borrower shall fail to pay all or any part of the principal of or interest on any indebtedness of or assumed by the Borrower for borrowed money as and when due and payable, whether at maturity, by acceleration or otherwise, and such default shall not be cured within the period or periods of grace, if any, specified in the evidences of such indebtedness.

4.5 Judgments. A final judgment which, together with other outstanding final judgments against the Borrower, exceeds an aggregate of \$250,000.00 shall be entered against the Borrower and shall remain outstanding and unsatisfied, unbonded or unstayed after sixty days from the date of entry thereof.

4.6 Bankruptcy: Insolvency. The Borrower shall: (a) become insolvent; or (b) be unable, or admit in writing its inability to pay its debts as they mature; or (c) make a general assignment for the benefit of creditors or to an agent authorized to liquidate any substantial amount of its property; or (d) be adjudicated a bankrupt; or (e) file a petition in bankruptcy, or for reorganization, or to effect a plan or other arrangement with creditors; or (f) file an answer to a creditor's petition (admitting the material allegations thereof) for an adjudication of bankruptcy or for reorganization or to effect a plan or other arrangement with creditors; or (g) apply to a court for the appointment of a receiver for any of its assets; or (h) have a receiver appointed for any of its assets (with or without the consent of the Borrower) and such receiver shall not be discharged within 60 days after his appointment;

then, and in any such event, Lender may (by written notice to the Borrower) immediately terminate the obligation of Lender to make loans hereunder and/or declare the unpaid principal balance of the Note, together with all interest accrued thereon, to be immediately due and payable; and the unpaid principal balance of and accrued interest on the Note shall thereupon be due and payable without further notice of any kind and notwithstanding anything to the contrary herein or in the Note contained.

## ARTICLE V

### MISCELLANEOUS

5.1 Expenses and Attorneys' Fees. Other than the fees and expenses of Lender associated with the preparation of this Agreement which will be paid by Lender, the Borrower shall be responsible for the payment of all fees and out-of-pocket disbursements incurred by Lender in connection with this Agreement.

5.2 Successors. The provisions of this Agreement shall inure to the benefit of and be binding upon any successor to any of the parties hereto and shall extend and be available to any holder of the Note. No delay on the part of Lender or any holder of the Note in exercising any right, power or privilege hereunder shall operate as a waiver thereof nor shall any single or partial exercise of any right, power or privilege hereunder preclude other or further exercise thereof or the exercise of any other right, power or privilege. The rights and remedies herein specified are cumulative and not exclusive of any rights or remedies which Lender or the holder of the Note would otherwise have.

5.3 Survival. All Agreements, representations and warranties made herein shall survive the execution of this Agreement, the making of the loans hereunder and the execution and delivery of the Note.

5.4 Wisconsin Law. This Agreement and the Note issued hereunder shall be governed by the laws of the State of Wisconsin.

5.5 Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were upon the same instrument.

5.6 Notices. All communications or notices required under this Agreement shall be deemed to have been given on the date when deposited in the United States mail, postage prepaid, and addressed as follows (unless and until any of such parties advises the other in writing of a change in such address): (a) if to the Borrower, with the full name and address of the Borrower shown on this Agreement below; and (b) if to Lender, with the full name of Lender, and addressed to P.O. Box 2137, 500 First Street, Wausau, Wisconsin 54402-2137, to the attention of the officer of Lender executing the form of acceptance of this Agreement.

If the foregoing is satisfactory to you, please sign the form of acceptance below and return a signed counterpart hereof to the Borrower, whereupon this instrument will evidence a binding agreement between Lender and the Borrower.

Very truly yours,

CITY OF WAUSAU (Borrower)

By: \_\_\_\_\_

James E. Tipple, Mayor

By: \_\_\_\_\_

Toni Rayala, City Clerk

Address:  
City Hall  
407 Grant Street  
Wausau, WI 54403-4783

The foregoing Agreement is hereby confirmed and accepted as of the date thereof.

JUDD S. ALEXANDER FOUNDATION, INC.  
(Lender)

By: \_\_\_\_\_

Gary W. Freels, President

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

**RESOLUTION OF THE FINANCE COMMITTEE**

Authorizing Various Room Tax Grants and modification of the 2014 Budget

Committee Action: Approved 4-0

Fiscal Impact: \$816,640

**File Number:** 13-1109

**Date Introduced:** March 11, 2014

**WHEREAS**, the City of Wausau adopted a room tax policy for the use of room tax revenues to assist with funding services necessary to support visitors that would otherwise be borne by local taxpayers as well as to promote, protect, preserve and invest in activities and facilities that make Wausau a more attractive and compelling destination for visitors and residents alike, and

**WHEREAS**, the Finance Committee has reviewed the applications, and heard program testimony and recommends funding and a modified budget as provided on Exhibit A.

**NOW THEREFORE BE IT RESOLVED** by the Common Council of the City of Wausau that the proper City official(s) be authorized and directed to modify the 2014 budget as presented on Exhibit A and to authorize the room tax grants as itemized with funding to come from the Room Tax Fund.

**BE IT FURTHER RESOLVED**, that the proper City Officials are hereby authorized and directed to publish the budget modification in the official newspaper as required.

Approved:

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James E. Tipple, Mayor

## **FINANCE COMMITTEE**

Date and Time: Tuesday, March 4, 2014 @ 5:00 pm., Board Room

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

Not Present: Brezinski

Others Present: Tipple, Groat, Jacobson, Marquardt, M. Lawrence, Duncanson, Kellbach, Rasmussen, Wagner, Goede, various room tax applicant representatives.

### **Consider 2014 Room Tax Requests and establish the 2014 Room Tax Fund Budget**

Groat stated as of the end of this year \$130,000 has accumulated in the room tax fund. She estimated the 2014 revenues at \$720,000; last year's revenue was \$770,000. She stated based on that \$720,000 estimate, we would have to provide 2.5% to the CVB - \$225,000 and .5% to the Sports Marketing Fund - \$45,000. The Room Tax Policy articulates that some of the organizations are considered what the policy classifies as continuing contributions, which are due the flat percent. It also has provisions for a percentage of the room tax collected based on the prior year collection. She noted the only one that doesn't function on a percent of revenues is Main Street because there is a second component to that calculation and it says that we can't provide more than one third of their budget; their BID tax is \$60,000, so the maximum amount we can contribute is \$30,000.

Groat stated the other component to look at on the continuing contributions is what we paid in 2013. She indicated if they use the flat payment amount there would be \$61,800 to distribute to other organizations. If we use the percentage component to calculate our continuing contributors, it would only be \$35,360 for the other organizations, so we could provide 62% of their request. She noted there was a one-time request in the group from Friends of Wausau Ice Hockey for a capital donation of \$75,000 to make improvements to the ice hockey arena that the county owns.

Chris Toner, on behalf of Friends of Wausau Ice Hockey, addressed the committee stated their group started raising funds to improve the rink at Marathon Park this past summer. They started with a budget figure of \$750,000 and to date have raised \$540,000. He stated their goal is to build out four new locker rooms for the youth program and two locker rooms for high school programs, as well as put up new bleachers. He noted the building has not been upgraded since 1991. He indicated if they received the full amount they felt they would be able to break ground this April. He stated they have received some room tax funds from Rib Mountain as well.

Nagle questioned if they had approached the County Board for funding. Toner indicated they approached the Marathon County Park Department Foundation, but they got the sense from the county that they did not have money for this program. Nutting questioned how many city residents are using the facility. Toner responded the breakdown would be about 70-30, Wausau kids to Rib Mountain kids. He explained the economic impact through the tournaments that bring families to the city hotels, restaurants and stores. It was pointed out the kids don't fit in the youth locker rooms with their equipment and that the girls do not currently have a locker room and must use the restrooms to change in. Oberbeck felt the program deserves a lot of support, but also felt we should issue a strong challenge to the county to support it as well, since it is a county-owned facility and they receive financial benefit through sales tax.

Nutting questioned if it was feasible to do the full payment option to the smaller organizations because he felt they were all worthy. Groat stated they would carryover \$55,000 fund balance to the next year if they use the 62% option or \$33,000 carryover with the full payment.

Motion by Nutting, second by Oberbeck to approve the Percent of Prior Year Revenues of \$414,640 to the Continuing Contributions and full payment of \$57,000 to the second tier applicants, as well as \$75,000 to Friends of Wausau Ice Hockey. Motion carried 4-0.

**CITY OF WAUSAU  
ROOM TAX FINANCE COMMITTEE PROPOSED BUDGET 2014**

<b>FUND BALANCE December 31, 2013</b>		\$	130,524
<b>2014 ESTIMATED REVENUES</b>		<b>\$</b>	<b>720,000</b>
EXPENSES	Prior year collections	\$	770,774
<b>CONTINUING CONTRIBUTIONS</b>			
	CVB	<i>(2.5% of Room Tax Rate or .3125%)</i>	<b>\$ 225,000</b>
	SPORTS MARKETING FUND	<i>(.5% of Room Tax Rate or .0625%)</i>	<b>\$ 45,000</b>
		<b>2013 PAYMENT</b>	<b>PERCENT OF PRIOR YEAR REVENUES</b>
WAUSAU EVENTS, INC	10.25%	\$ 70,636	\$ 79,004
MAIN STREET	5.00%	30,000	30,000
PERFORMING ARTS	6.50%	46,493	50,100
WOODSON ART MUSEUM	4.30%	30,923	33,143
HISTORICAL SOCIETY	3.00%	21,074	23,123
CONCERT BAND	1.00%	6,942	7,708
CENTER FOR VISUAL ARTS	1.50%	10,537	11,562
CITY FUNDING	25.00%	175,000	180,000
<b>TOTAL CONTINUING CONTRIBUTIONS</b>		<b>\$ 391,605</b>	<b>\$ 414,640</b>
		<b>2013 PAYMENT</b>	<b>2014 REQUEST</b>
<b>2014 ROOM TAX REQUESTS - EVENTS AND MARKETING</b>			
Wausau Kayak and Canoe Corporation - Event		\$ 7,138	\$ 12,000
Jaycees Fourth of July - Event		4,164	7,700
Winterfest - Event		5,000	7,000
Screen on the Green - Event		-	3,000
Balloon Rally - Event		4,164	10,000
Market Place Thursdays - Event		3,569	6,000
Festival of Arts - Event		2,974	5,000
Wausau Community Theater		1,487	2,500
Chalkfest - Event		595	800
Wausau Artrageous Weekend - Event		1,487	3,000
		<b>\$ 30,578</b>	<b>\$ 57,000</b>
<b>2014 ROOM TAX REQUESTS - CAPITAL</b>			
Friends of Wausau Ice Hockey			\$ 75,000
<b>PROJECTED FUNDS AVAILABLE 12/31/2014</b>			<b>\$ 33,884</b>

**RESOLUTION OF THE FINANCE COMMITTEE**

Authorizing the City of Wausau to purchase 1201 N. 2<sup>nd</sup> Street, Wausau

Committee Action: Approved 5-0

Fiscal Impact: \$55,000 in TID #3 Funds (acquisition/demolition costs)

**File Number:** 12-1121

**Date Introduced:** March 11, 2014

**RESOLUTION**

**WHEREAS**, the City of Wausau, through its Community Development Department, operates various programs which addresses needs relative to economic development, housing, redevelopment, blight elimination and revitalization, and

**WHEREAS**, through a Credit Grant provided by The Judd S. Alexander Foundation, several blighted properties have been purchased and demolished throughout the area bounded by Bridge Street on the North, the Wisconsin River on the West, N. 3<sup>rd</sup> Street on the East, and Short Street on the South. The funding through this Credit Grant has been 100% committed.

**WHEREAS**, The City of Wausau's Tax Increment District (TID) No. 3 includes properties located along the N. 1<sup>st</sup> Street through N. 3<sup>rd</sup> Street corridor South of Bridge Street. Acquisition, demolition, rehabilitation, and redevelopment are all approved activities through TID #3.

**WHEREAS**, the Finance Committee has approved the acquisition of 1201 N. 2<sup>nd</sup> Street for the purpose of demolition and redevelopment and/or rehabilitation and resale, and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to direct staff and to execute any documents or reports necessary to administer the acquisition, demolition, rehabilitation and/or redevelopment of the property located at 1201 N. 2<sup>nd</sup> Street.

Approved:

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James E. Tipple, Mayor

**FINANCE COMMITTEE**

Date and Time: Monday, February 24, 2014 @ 4:30 pm., Board Room

Members Present: Nagle (C), Oberbeck, Brezinski, Winters, Nutting-(*entered at 5:00 pm.*)

Others Present: Tipple, Werth, Stratz, Groat, Jacobson, Goede.

**Consider land Acquisition of: 2408 Gowen Street, 1306 N 1st Street, 1201 N 2nd Street**

Stratz stated she had information on the offers for these properties that needed to be discussed in closed session.

**CLOSED SESSION pursuant to 19.85(1)(e) of the Wisconsin Statutes for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session for negotiating the purchase of properties. (2408 Gowen Street, 1306 N 1st Street, 1201 N. 2nd Street)**

Motion by Brezinski, second by Winters to convene in closed session. Roll Call Vote: Ayes: Brezinski, Winters, Oberbeck, Nagle. Noes: 0. Motion carried 4-0.

*Reconvened into Open Session.*

**Consider land Acquisition of: 2408 Gowen Street, 1306 N 1st Street, 1201 N 2nd Street**

Motion by Brezinski, second by Oberbeck to approve acquisition of 2408 Gowen Street for \$10,000. Motion carried 4-1. (*Winters was the dissenting vote*)

Motion by Brezinski, second Winters to approve acquisition of 1306 N 1<sup>st</sup> Street for \$43,650. Motion carried 5-0.

Motion by Brezinski, second by Winters to approve the acquisition of 1201 N 2<sup>nd</sup> Street for \$45,000. Motion carried 5-0.

**RESOLUTION OF THE FINANCE COMMITTEE**

Authorizing the City of Wausau to purchase 1306 N. 1st Street, Wausau

Committee Action: Approved 5-0

Fiscal Impact: \$55,000 in TID #3 Funds (acquisition/demolition costs)

**File Number:** 14-0306

**Date Introduced:** March 11, 2014

**RESOLUTION**

**WHEREAS**, the City of Wausau, through its Community Development Department, operates various programs which addresses needs relative to economic development, housing, redevelopment, blight elimination and revitalization, and

**WHEREAS**, through a Credit Grant provided by The Judd S. Alexander Foundation, several blighted properties have been purchased and demolished throughout the area bounded by Bridge Street on the North, the Wisconsin River on the West, N. 3<sup>rd</sup> Street on the East, and Short Street on the South. The funding through this Credit Grant has been 100% committed.

**WHEREAS**, The City of Wausau's Tax Increment District (TID) No. 3 includes properties located along the N. 1<sup>st</sup> Street through N. 3<sup>rd</sup> Street corridor South of Bridge Street. Acquisition, demolition, rehabilitation, and redevelopment are all approved activities through TID #3.

**WHEREAS**, the Finance Committee has approved the acquisition of 1306 N.1st Street for the purpose of demolition and redevelopment and/or rehabilitation and resale, and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to direct staff and to execute any documents or reports necessary to administer the acquisition, demolition, rehabilitation and/or redevelopment of the property located at 1306 N. 1<sup>st</sup> Street.

Approved:

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James E. Tipple, Mayor

**FINANCE COMMITTEE**

Date and Time: Monday, February 24, 2014 @ 4:30 pm., Board Room

Members Present: Nagle (C), Oberbeck, Brezinski, Winters, Nutting-(*entered at 5:00 pm.*)

Others Present: Tipple, Werth, Stratz, Groat, Jacobson, Goede.

**Consider land Acquisition of: 2408 Gowen Street, 1306 N 1st Street, 1201 N 2nd Street**

Stratz stated she had information on the offers for these properties that needed to be discussed in closed session.

**CLOSED SESSION pursuant to 19.85(1)(e) of the Wisconsin Statutes for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session for negotiating the purchase of properties. (2408 Gowen Street, 1306 N 1st Street, 1201 N. 2nd Street)**

Motion by Brezinski, second by Winters to convene in closed session. Roll Call Vote: Ayes: Brezinski, Winters, Oberbeck, Nagle. Noes: 0. Motion carried 4-0.

*Reconvened into Open Session.*

**Consider land Acquisition of: 2408 Gowen Street, 1306 N 1st Street, 1201 N 2nd Street**

Motion by Brezinski, second by Oberbeck to approve acquisition of 2408 Gowen Street for \$10,000. Motion carried 4-1. (*Winters was the dissenting vote*)

Motion by Brezinski, second Winters to approve acquisition of 1306 N 1<sup>st</sup> Street for \$43,650. Motion carried 5-0.

Motion by Brezinski, second by Winters to approve the acquisition of 1201 N 2<sup>nd</sup> Street for \$45,000. Motion carried 5-0.

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

**RESOLUTION OF THE FINANCE COMMITTEE**

Approving Acquisition, Demolition and Reconstruction of Residential Property of 2408 Gowen Street

Committee Action:      Approved 4-1

Fiscal Impact:           \$20,000 in demolition costs (Community Development program funds)

**File Number:**           14-0307

**Date Introduced:**      March 11, 2014

**RESOLUTION**

**WHEREAS** the City of Wausau Common Council has adopted a five-year consolidated plan that addresses the need to increase the number of new, affordable housing units within the City. The City of Wausau operates an in-fill housing program which provides new housing and

**WHEREAS** the Community Development Department has Community Development Block Grant Blight Elimination Funds which are available for property acquisition, inspections and demolition of blighted properties. The department also has HOME program income funds that can be utilized for the new construction of new affordable single family housing, and

**NOW THEREFORE BE IT RESOLVED** that the Common Council of the City of Wausau authorizes the Community Development Department to proceed with acquisition and demolition of the blighted property located at 2408 Gowen Street for the purpose of constructing an additional affordable housing unit within the city

**BE IT FURTHER RESOLVED** that the Community Development staff is authorized to enter into agreements to acquire, demolish, build and sell a new residential housing unit on this property.

Approved:

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James E. Tipple, Mayor

**FINANCE COMMITTEE**

Date and Time: Monday, February 24, 2014 @ 4:30 pm., Board Room

Members Present: Nagle (C), Oberbeck, Brezinski, Winters, Nutting-(*entered at 5:00 pm.*)

Others Present: Tipple, Werth, Stratz, Groat, Jacobson, Goede.

**Consider land Acquisition of: 2408 Gowen Street, 1306 N 1st Street, 1201 N 2nd Street**

Stratz stated she had information on the offers for these properties that needed to be discussed in closed session.

**CLOSED SESSION pursuant to 19.85(1)(e) of the Wisconsin Statutes for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session for negotiating the purchase of properties. (2408 Gowen Street, 1306 N 1st Street, 1201 N. 2nd Street)**

Motion by Brezinski, second by Winters to convene in closed session. Roll Call Vote: Ayes: Brezinski, Winters, Oberbeck, Nagle. Noes: 0. Motion carried 4-0.

*Reconvened into Open Session.*

**Consider land Acquisition of: 2408 Gowen Street, 1306 N 1st Street, 1201 N 2nd Street**

Motion by Brezinski, second by Oberbeck to approve acquisition of 2408 Gowen Street for \$10,000. Motion carried 4-1. (*Winters was the dissenting vote*)

Motion by Brezinski, second Winters to approve acquisition of 1306 N 1<sup>st</sup> Street for \$43,650. Motion carried 5-0.

Motion by Brezinski, second by Winters to approve the acquisition of 1201 N 2<sup>nd</sup> Street for \$45,000. Motion carried 5-0.

**RESOLUTION OF THE FINANCE COMMITTEE**

Approving riverfront remediation project and related financing and budget modification.

Committee Action: Approved 4-0

Fiscal Impact: \$ 4,319,005

**File Number:** 11-1214

**Date Introduced:** March 11, 2014

**WHEREAS**, the City of Wausau purchased approximately 16 acres of riverfront property for redevelopment, and

**WHEREAS**, the City was successful in securing a variety of Grants including a \$1,000,000 WEDC Grant, \$400,000 in EPA Remediation Grants, \$200,000 in EPA Planning Grants, \$151,171 of WDNR Ready for Reuse Grant and \$470,000 of Marathon County Environmental Funds Grant, and

**WHEREAS**, the Common Council approved the engineering work and remediation of Phase One on June 11, 2013 and this work is in progress, and

**WHEREAS**, the Finance Committee has reviewed the budget for Phase Two of the project which includes the relocation of WPS utility lines of \$1,000,000, Street Construction of \$400,000, Wharf \$200,000 and the remediation of the Hammerblow site including slab removal and stream and river bank improvements of \$1,270,000, and

**WHEREAS**, these projects will be bid out this spring for construction in 2014, and

**WHEREAS**, the Finance Committee has reviewed the project and recommends establishing a project budget so that construction can occur in 2014 as outlined in Exhibit A attached, and

**WHEREAS**, the Finance Committee recommends financing the unfunded project expenses through the issuance of debt, Now Therefore

**BE IT RESOLVED** that the Common Council of the City of Wausau hereby approves Phase Two of the riverfront remediation and directs the following:

1. **AUTHORIZATION OF PROJECT.** The Mayor and proper City officials are directed to complete engineering work, secure bids and enter into contracts to complete the project as proposed.
2. **AUTHORIZATION OF UTILITY RELOCATION.** The Mayor is authorized to enter into a contract with WPS for the relocation of riverfront utility lines in the amount of \$1,000,000.
2. **BUDGET AMENDMENT.** The Finance Director and proper City officials are hereby authorized to modify the 2014 budget of Tax Increment District Three to increase 141-342898290 by

\$4,319,005, and to publish the budget modification in the official newspaper as required.

3. AUTHORIZATION OF THE ISSUANCE OF GENERAL OBLIGATION DEBT IN THE AMOUNT OF \$1,214,402. The Finance Director is hereby authorized and directed to begin the process to issue debt for the project with the final financing authorization to be brought back to the full common council.

Approved:

---

James E. Tipple, Mayor

**2014 EAST RIVERFRONT PROJECT BUDGET  
TAX INCREMENT DISTRICT THREE**

	<b>Total</b>	<b>TID #3</b>	<b>WEDC Grant \$1,000,000</b>	<b>EPA Remediation Grant \$400,000</b>	<b>EPA Planning Grant \$200,000</b>	<b>Marathon County Environmental Funds \$470,000</b>	<b>WDNR Ready for Reuse Grant \$151,171</b>	<b>CDBG Funding \$110,000</b>
<b>2013 Project Carryover</b>								
Complete 2013 Remediation and Stream Daylighting Project	\$ 1,355,005	\$ 893,834		200,000			151,171	110,000
<b>2014 Projects</b>								
Hammerblow Remediation, Slab Removal and Stream and River Bank Improvements	1,270,000	560,000		200,000		470,000		40,000
Utility Extension	94,000		94,000					
Wharf	200,000		200,000					
Street Construction	400,000	400,000						
Overhead Utility Line Relocation	1,000,000	600,000	400,000					
2014 Projects	2,964,000	1,560,000	694,000	200,000	-	470,000	-	40,000
<b>Total</b>	<b>\$ 4,319,005</b>	<b>\$ 2,453,834</b>	<b>\$ 694,000</b>	<b>\$ 400,000</b>	<b>\$ -</b>	<b>\$ 470,000</b>	<b>\$ 151,171</b>	<b>\$ 150,000</b>
<b>Financing Sources</b>								
Transfer from Holtz Krause Fund - Council Resolution 11-214 6/11/2013		\$ 1,239,432						
2014 Debt Issuance		1,214,402						
<b>Total</b>		<b>\$ 2,453,834</b>						

## **FINANCE COMMITTEE**

Date and Time: Tuesday, March 4, 2014 @ 5:00 pm., Board Room

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

Not Present: Brezinski

Others Present: Tipple, Groat, Jacobson, Marquardt, M. Lawrence, Duncanson, Kellbach, Rasmussen, Wagner, Goede, various room tax applicant representatives.

### **Establish 2014 East Riverfront Project Budget**

Groat stated there is a 2013 project carryover to complete the Remediation and Stream Daylighting Project with a balance on the contract of \$1.3 million. She reviewed the estimates for the 2014 projects listed, followed by committee discussion.

Oberbeck commented the problem with developing parking lots before any other building development happens is they get ruined with any utilities that you have to bring to the building or other buildings and you also have construction as far as staging areas. He recommended they not do any parking lot construction until the development occurs. Nagle suggested funding it to have it ready and available, but hold off on the construction.

Nagle stated the approval of this project budget would include approving the start of the debt issuance. Oberbeck questioned what the best timeline was for moving forward. Groat stated we have reimbursement authority, so we can reimburse ourselves if we choose based on the market not to issue debt until later in the year.

Motion by Nutting, second by Winters to approve the 2014 East Riverfront Project Budget without funding for the parking lot construction. Motion carried 4-0.

### **Authorizing the execution of a contract with WPS regarding relocation of utility lines along the Riverfront**

Marquardt stated the contract cost is \$1 million and WPS is spending \$5 million of their own money. Oberbeck commented it great timing and it makes sense to do it all at once.

Motion by Oberbeck, second by Nutting to approve execution of the contract with WPS for relocation of utility lines along the Riverfront. Motion carried 4-0.

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

**RESOLUTION OF THE FINANCE COMMITTEE**

Terminating Tax Increment District Number Two

Committee Action: Pending

Fiscal Impact: Reduction in the levy of beginning with the 2015 Budget. The City TID #2 - 2014 levy was \$213,011 and the total levy of \$631,218

**File Number:** 90-0802

**Date Introduced:** March 11, 2014

**RESOLUTION**

**WHEREAS**, the City of Wausau passed a creation resolution creating Tax Incremental District Number Two on July 1, 1990 and adopted a project plan that year; and

**WHEREAS**, the objectives of the district were to enhance the development of industrial sites in the business park; increase employment opportunities and per capita income within the community; strengthen the economic well-being and economic diversity of the City; and

**WHEREAS**, the Districts obligations have been satisfied and sufficient increment has been collected

**NOW THEREFORE BE IT RESOLVED** that the City of Wausau Common Council does terminate Tax Increment District Number Two; and

**BE IT FURTHER RESOLVED** that the City of Wausau City Clerk shall notify the Wisconsin Department of Revenue, within 60 days of this resolution that the district has been terminated; and

**BE IT FURTHER RESOLVED** that pursuant to Section 66.1105(8) of the Wisconsin Statutes the City of Wausau City Clerk and proper city officials shall execute the prescribed termination forms, complete the final accounting and send final audited information to the Wisconsin Department of Revenue.

**BE IT FURTHER RESOLVED** that the proper city officials shall distribute any excess increment collected to the affected taxing districts with the proportionate shares to be determined by the final audit by the City's Auditors, Schenck, Inc.

Adopted the 11<sup>th</sup> day of March, 2014

Approved:

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

PRELIMINARY ESTIMATE

	<u>% OF TAX</u>	<u>EXCESS INCREMENT ALLOCATION</u>
County	18.99528%	\$49,288.26
City	33.20520%	\$86,159.65
Wausau School District	40.39857%	\$104,824.73
NorthCentral Technical College	7.40095%	\$19,203.72
		\$259,476.35

**ORDINANCE OF THE PLAN COMMISSION**

Rezoning 815 South 24<sup>th</sup> Avenue, 2210 Sherman Street, 2212 Sherman Street and 2220 Sherman Street from IM, Interchange Industrial District, to IB, Industrial Business District.

Committee Action: Approved 5-0

Fiscal Impact: None.

**File Number:** 14-0304

**Date Introduced:** March 11, 2014

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

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

*Part of the SE ¼ of the NW ¼ of Section 34, Township 29 North, Range 7 East, Parcel #1 of CSM Volume 14, Page 259, .42 Acres, City of Wausau, Marathon County, Wisconsin, **MORE COMMONLY KNOWN AS 815 SOUTH 24<sup>TH</sup> AVENUE.***

**AND**

*Section 34, Township 29 North, Range 7 East, Part of the SE ¼ of the NW ¼, Lots 1 & 2 of CSM Volume 41, Page 24, Excepting Document #1468993 (Railroad Right of Way), City of Wausau, Marathon County, Wisconsin, **MORE COMMONLY KNOWN AS 2210, 2220 & 2212 SHERMAN STREET***

**now comprising a part of IM, Interchange Industrial District, according to the Zoning Ordinance of the City of Wausau is hereby rezoned to IB, Industrial Business District.**

**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 February 18, 2014, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Tipple, Marquardt, Radtke, Valitchka, Bohlken

Others Present: Lenz, Hebert, DeSantis, Alwin, Hocking, Thompson, Scholfield, 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.

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

**PUBLIC HEARING: Rezone 815 South 24<sup>th</sup> Avenue, 2210 Sherman Street, 2212 Sherman Street and 2220 Sherman Street from IM, Interchange Industrial District to IB, Interchange Business District (Koszarek).**

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Karen Hocking, 2616 Nightingale Lane, said that she owns 815 South 24<sup>th</sup> Avenue, which is the old Webko building. Hocking said that several requests have been made to her to have an office at the location and would like the change made.

Mayor Tipple closed the public hearing.

Lenz said that the request is being made by Hocking and city of Wausau. 815 South 24<sup>th</sup> Avenue is technically a little small for a rezoning, but there have been discussions in the past with real estate brokers about the property that fronts on Sherman Street. This area houses more commercial uses than industrial uses. Residential zoning is located to the east, business zoning to the south, and this would be a good transitional zoning from the industrial. The trend in the area seems to be for offices, retail, restaurants, and hotels. The manufacturing businesses tend to straddle the railroad tracks. Lenz said that it makes sense to rezone the property.

Valitchka motioned to rezone 815 South 24<sup>th</sup> Avenue, 2210 Sherman Street, 2212 Sherman Street and 2220 Sherman Street from IM, Interchange Industrial District to IB, Interchange Business District. Bohlken seconded, and the motion carried unanimously 5-0. The item will go to Common Council on March 11, 2014.

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: February 12, 2014

**GENERAL INFORMATION**

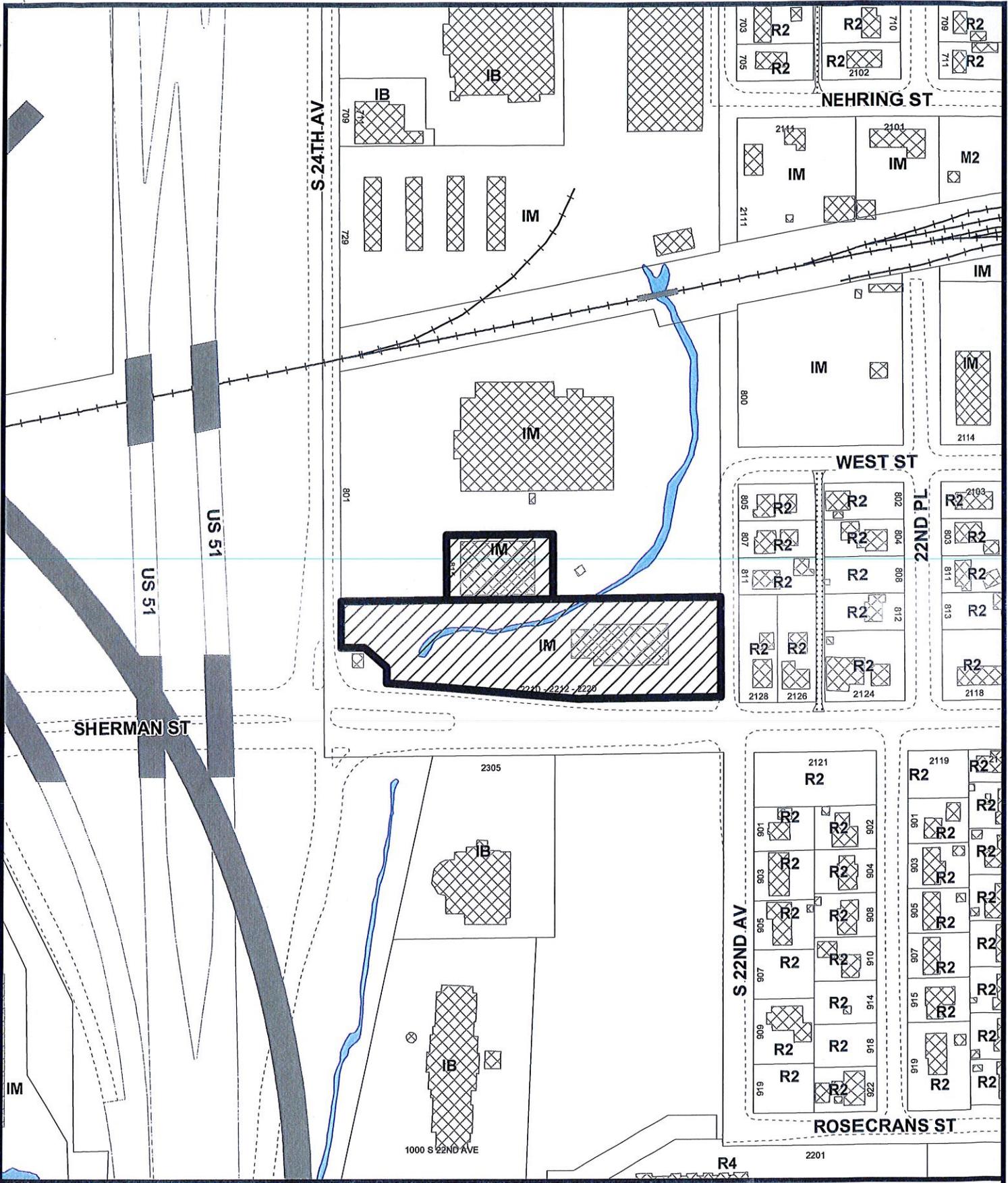
**APPLICANTS:** Karen Hocking and City of Wausau  
**LOCATION:** 815 S. 24<sup>th</sup> Avenue; 2210 – 2220 Sherman Street  
**EXISTING ZONING:** IM, Interchange Manufacturing District  
**REQUESTED ZONING:** IB, Interchange Business District  
**PURPOSE:** To allow for office and commercial uses in an existing building at 815 S. 24<sup>th</sup> Avenue, and to align the zoning of 2210 - 2220 Sherman Street with current and future uses of the property.  
**EXISTING LAND USE:** Commercial, and vacant commercial space  
**SIZE OF PARCELS:** Approximately 2.5 acres combined  
**SURROUNDING ZONING AND LAND USE:**  
North: Pro Build, building supplies; IM, Interchange Manufacturing District.  
South: Great Dane Pub, and vacant commercial land; IB, Interchange Business District, and Town of Stettin.  
East: Single-family homes; R2, Single Family Residence District.  
West: Right-of-way (24<sup>th</sup> Avenue and Interstate 39).  
  
(See enclosed Zoning Map)

## **RECOMMENDATION AND ANALYSIS**

Staff recommends approval of the zoning map amendment to IB, Interchange Business District.

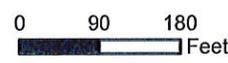
Most industrial zoning districts in the city of Wausau, outside the Wausau Business Campus, are located along railroad tracks. Taken together, the properties proposed for this rezoning do not border railroad right-of-way, but do border residential and commercial zoning districts. In this area, 24<sup>th</sup> Avenue is essentially a commercial street, with a mix of uses including restaurants, offices, hotels, and retail stores. Sherman Street has residential blocks east of 22<sup>nd</sup> Avenue, but also has commercial properties at the major intersections with 17<sup>th</sup> and 24<sup>th</sup> Avenues. The industrial zoning found in this area basically straddles both sides of the railroad tracks.

The building at 2210 – 2220 Sherman Street is a multi-tenant building that has likely housed as many commercial uses as true industrial uses. Directly to the east of the building is a residential neighborhood, which is generally more compatible with uses allowed in a business district as opposed to an industrial district.

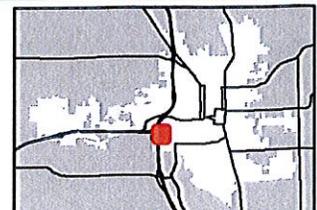


Date: 11 Feb 2014

City of Wausau  
Marathon County Wisconsin



-  Building
-  Road Paved
-  Petitioner's Property



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

**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.

Committee Action: Approved 5-0.

Fiscal Impact: None.

**File Number:** 14-0305

**Date Introduced:** March 11, 2014

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

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

*The property is comprised of parts of Lots 1, 2 and 3 of Block 12 of the McIndoe & Shutters Addition to Wausau, as surveyed May 8, 1855 as as recorded at 10:00 AM April 1, 1857 in Plat Book A, page 5.*

*More particularly described as Lots 1 and 2 of Block 12, except the north 10 feet of each lot. Also including that part of Lot 3 Block 12, described as commencing at the intersection of the West line of Fifth Street and the North line of Franklin Street, thence 45 feet westward along the South line of Lots 3 and 4 to the point of beginning, then continuing along the South line of Lot 3 westward approximately 36.1 feet to the West line of Lot 3, thence northward 120 feet along the west line of Lot 3 to the northwest corner of said Lot, thence eastward along the North line of Lot 3 approximately 26.26 feet to a point being 45 feet west of the West line of Fifth Street, thence southward to the point of beginning on the south line of Lot 3, that also being the North line of Franklin Street. Containing approximately .39 acres, **MORE COMMONLY KNOWN AS 404 FRANKLIN STREET***

**now comprising a part of R4, General 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 mixed use residential and professional office building.**

**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:

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James E. Tipple, Mayor

Attest:

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Toni Rayala, Clerk

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

**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.

Committee Action: Approved 5 - 0

Fiscal Impact: None.

**File Number:** 14-0305

**Date Introduced:** March 11, 2014

**WHEREAS**, the Plan Commission met on February 18, 2014, to review a request by Mark W. Thompson, Marathon Technical Services, LLC, to approve the precise implementation plan for 404 Franklin Street to allow for a mixed use residential and professional office building, in an Unified Development District; and

**WHEREAS**, the petitioner is proposing to turn a former church into a mixed-use building with residential units and an office; and

**WHEREAS**, an attached garage with an apartment above it would be added to the east side of the existing building; and

**WHEREAS**, the exterior appearance of the existing building would change very little, other than a decorative fence added to the west side of the property; and

**WHEREAS**, maintenance updates would be made to the existing structure, as outlined in the letter from the petitioner; and

**WHEREAS**, staff does not take issue with any of the justifications made, and agrees that the mix of uses proposed for the building will fit into the downtown area where a variety of uses occur; and

**WHEREAS**, staff also feels that finding a viable use for the building is a good way for it to be preserved; now therefore

**BE IT RESOLVED** that the Common Council of the City of Wausau hereby approves the precise implementation plan for 404 Franklin Street to allow for a mixed use residential and professional office building, with the following conditions:

- 1) Signage is turned off at 9:00 PM;
- 2) A 5' fence is acceptable; and
- 3) The signage needs to be externally lit.

Approved:

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

## PLAN COMMISSION

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Time and Date: The Plan Commission met on February 18, 2014, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Tipple, Marquardt, Radtke, Valitchka, Bohlken

Others Present: Lenz, Hebert, DeSantis, Alwin, Hocking, Thompson, Scholfield, 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.

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

**PUBLIC HEARING: Rezone 404 Franklin Street from R4, General Residence District to UDD, Unified Development District and approve the General Development Plan to allow for a mixed use residential and professional office building (Thompson).**

Mark Thompson, 2000 Lester Street, said that a mixed residential and office use is being proposed in the church. R4 zoning would allow for a 2-unit property and business could be a conditional use if it was located on an arterial street, which it is not. The parcel is too small to rezone as a stand-alone property. The UDD would allow for below minimum setbacks. Thompson said that it is proposed for a 5' fence on the front yard, which would be over the 3' allowable fence for R4 zoning.

Bill Scholfield, 2231 Bryce Lane, said that he is representing Christian Science Church and has spent a year and half trying to determine what could be done with the property. The neighbors have been part of the discussion and would like to see this move forward. The church members are hard-pressed to keep the building maintained. Scholfield said that this would help bring the property back onto the tax rolls.

Mayor Tipple closed the public hearing.

Lenz said that the current zoning, size, and location make it hard to find a suitable use for this parcel. It is basically limited to another church or residential use. UDD zoning has been used in the past and at times it seems realistic to have the flexibility. The proposal is for residential and office use. Staff feels that these uses would be a good fit with the downtown. There hasn't been any negative feedback with the proposal. The neighborhood did not want the church to be torn down and this seems to be a good way to preserve it. Lenz said that he recommends approval, the first one being for the general development plan.

Mayor Tipple asked if lighting on the sign would be discussed. Lenz said that could be part of the precise implementation plan.

Valitchka asked Thompson to describe the design idea on the west dormer of the conservatory. Thompson answered there aren't a lot of windows in the building and there are a lot of plants. It will be a greenhouse with the brick front and will use as much glass as possible. Valitchka asked if this would be part of the apartment. Thompson answered that it would be part of the main apartment. There are 2 apartment units proposed. The principal apartment would be on the 1<sup>st</sup> floor. The second apartment would be above the added garage and would be much smaller in size. The conservatory would be part of the principal residential unit.

Valitchka motioned to rezone 404 Franklin Street from R4, General Residence District to UDD, Unified Development District and approve the General Development Plan to allow for a mixed use residential and professional office building. Bohlken seconded, and the motion carried unanimously 5-0. This item will go to Common Council on March 11, 2014.

**Approve the Precise Implementation Plan for 404 Franklin Street to allow for a mixed use residential and professional office building.**

Lenz said that the sign has been discussed with Thompson, considering the recent history with signs in

this area. Thompson said that a sign was included in the plan. There is not a unanimous feeling that a sign would be needed or not or if it should be lit or not. Mayor Tipple said that it may not be an issue. Thompson said the sign would be visible from both frontages. Lenz said that while working with the Marathon County Historical Society on their signs, the neighbors seemed okay with an externally lit sign. Staff would recommend that if a sign is needed that it be externally lit as opposed to an internally lit cabinet sign as shown.

Mayor Tipple asked about the size of the sign. Lenz answered that the size should be fine.

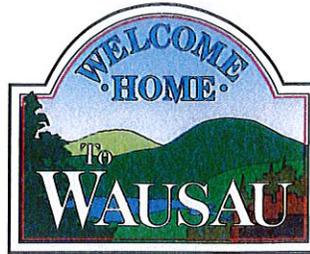
Valitchka asked if the sign would be located on the southeast side. Thompson answered that it would be located on the southwest side. Valitchka asked Thompson if the office space would be for his professional office building. Thompson answered yes. Lenz said that staff will look over the final design of a sign and a permit would still be needed, but, he said there aren't any sign guidelines with UDD zoning, so if the commission has any feedback, it would be appreciated. Mayor Tipple said that there should be sensitivity to this district, so there aren't any clashes. Valitchka said a time limit for lighting would be appropriate. Thompson said he wouldn't have any objections. Valitchka asked what the regular business hours would be. Thompson said most of the contact is out of the office. Valitchka asked what the regular office hours are. Thompson answered normal hours would be 7:30 AM – 4:00 PM. Valitchka asked staff what is normally done. Lenz answered that 9:00 PM has been used as a cutoff, but it could be done earlier or later. He said that after business hours the sign is not directing customers to the business, but it is being more as an advertising device. Thompson said that after hours guests may still look for signage. Marquardt suggested 9:00 PM like other businesses.

Marquardt asked if Lenz had an issue with the 5' fence. Lenz said that a residential property would be limited to 3' in the front, but for commercial properties, fences can go up to 8 feet. This is somewhat of a grey area and plan commission can put whatever zoning standards it feels is necessary. Lenz said he personally didn't have an issue with the height because it is wrought iron and can be seen through. Marquardt said it is on an angle for traffic visibility. Radtke asked if it was the same height as the child care center in the area and it was thought to be similar.

Valitchka motioned to approve the precise implementation plan for 404 Franklin Street to allow for a mixed use residential and professional office building, with the conditions that: 1) Signage is turned off at 9:00 PM; 2) a 5' fence is acceptable; and 3) the signage needs to be externally lit. Radtke seconded and the motion carried unanimously 5-0. This motion will go to Common Council on March 11, 2014.

#4+5

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: February 12, 2014

**GENERAL INFORMATION**

**APPLICANT:** Mark W. Thompson, Marathon Technical Services, LLC

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**LOCATION:** 404 Franklin Street

**EXISTING ZONING:** R4, General Residence District

**REQUESTED ZONING:** Unified Development District

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**PURPOSE:** Approve general development plan and precise implementation plan to allow for rehabilitation of an existing church into a mixed-use residential and office building.

**EXISTING LAND USE:** Religious institution

**SIZE OF PARCEL:** Approximately 0.4 acres

**SURROUNDING ZONING AND LAND USE:**

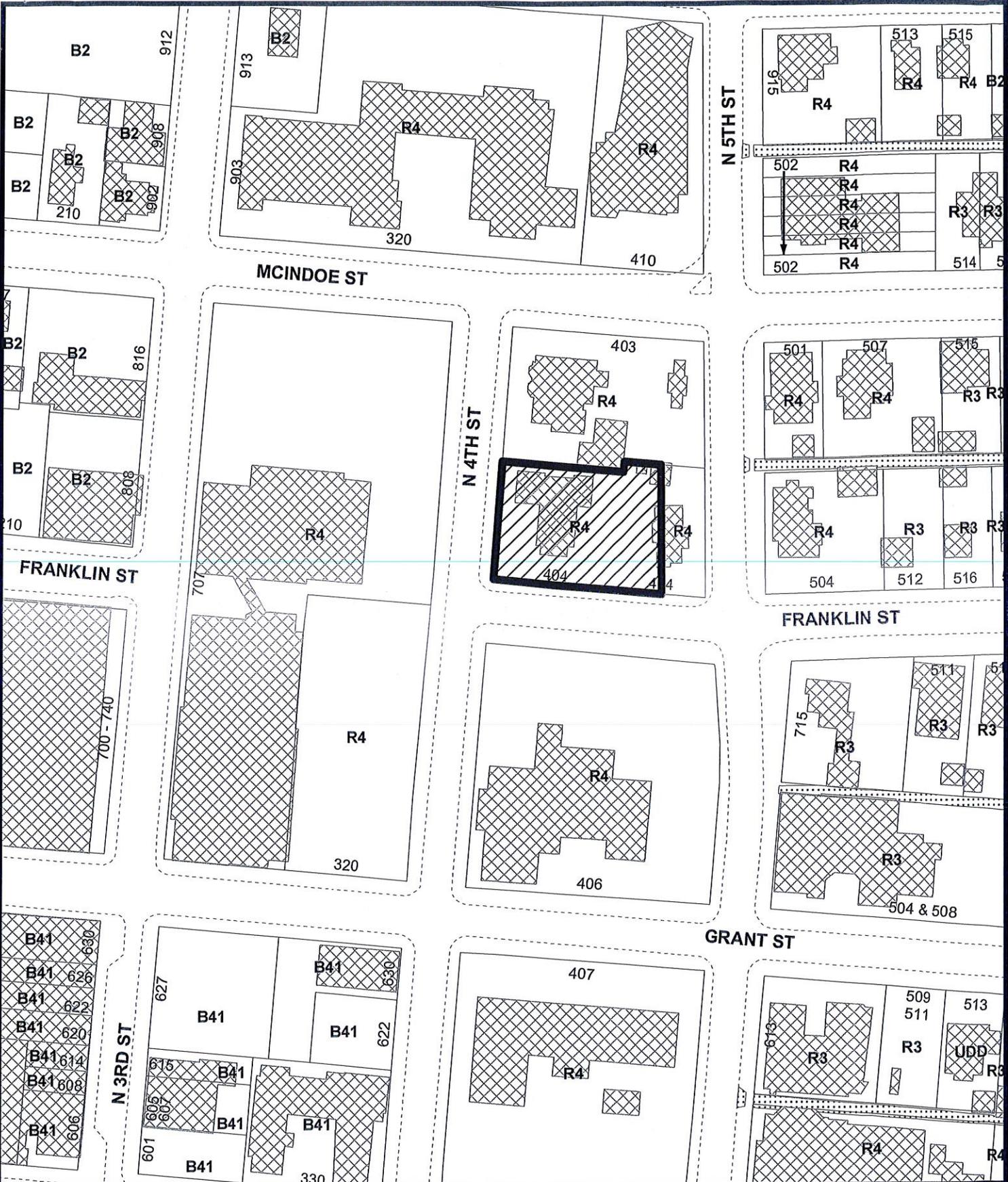
North: Historical Society (Yawkey House); R4, General Residence District  
South: First Presbyterian Church; R4.  
East: Single-family home; R4  
West: YMCA; R4

See attached Zoning map

## **ANALYSIS AND RECOMMENDATION**

The petitioner is proposing to turn a former church into a mixed-use building with residential units and an office. An attached garage with an apartment above it would be added to the east side of the existing building. Other than a decorative fence added to the west side of the property, the exterior appearance of the existing building would change very little. Maintenance updates would be made to the existing structure, as outlined in the letter from the petitioner. Please see the attached letter and plans from the petitioner for details on the project.

Also in the attached letter, the petitioner justifies the zoning approval based on criteria from the City's zoning code. Staff does not take issue with any of the justifications made, and agrees that the mix of uses proposed for the building will fit into the downtown area where a variety of uses occur. Staff also feels that finding a viable use for the building is a good way for it to be preserved.

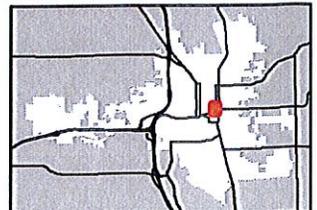


Date: 11 Feb 2014

City of Wausau  
Marathon County Wisconsin



-  Building
-  Road Paved
-  Petitioner's Property





Marathon Technical Services LLC  
2000 Lester Street  
Weston, WI 54476-1750

Consulting Engineers and Surveyors

February 12, 2014

Mr. Bill Hebert  
City of Wausau  
407 Grant Street  
Wausau, WI 54403

RE: 404 Franklin Street UDD Application

Dear Mr. Hebert;

The following material is in support of the request to re-zone the referenced location from R4 to a UDD, a proposed mixed use structure.

We, my wife Susan and I, have an accepted offer to purchase the Christian Science Church building at 404 Franklin Street. We propose to re-purpose the building into a mixed use – residential and professional office space. The building would contain an apartment on the current first floor for our use as our principal residence. An attached garage would be constructed on the east wing of the existing building, with a second apartment suite in the upper level of the garage addition. A portion of the existing lower level, the existing Sunday School space, would be utilized as an office suite for my civil engineering practice.

On the attached pages we have included an existing site plan, a proposed site plan, existing and proposed preliminary building elevations and proposed preliminary floor plans. Also attached is a concept design for a sign and a photograph of a proposed front yard picket fence.

### **Zoning**

The parcel is presently zoned R4. The existing church facility is an allowed use. Our proposed two unit apartment development would also be an allowed use in the current R4 zoning district. A professional office suite could be allowed in a R4 district as a conditional use, if 1) the parcel abutted an arterial street or 2) abutted parcels with an existing commercial or industrial zoning. In this case the parcel does not meet either condition, Franklin and Fourth Streets are not arterial streets and all of the surrounding parcels are zoned R4.

We are making the UDD re-zoning request to propose a mixed use building, as well as address a rear lot setback reduction from a required 30 foot setback to a 10 foot setback. The existing building has just a 10 foot rear yard setback. We propose to maintain the same rear building line with the attached garage addition. The UDD proposal also includes a five foot front yard fence, as opposed to the allowed three foot height.

The city block on which this church sits contains just three other structures – a single family dwelling at 414 Franklin Street and two Historical Society buildings – the Yawkey House Museum and its associated carriage house. On adjacent blocks, to the south is the First Presbyterian church, to the west the YMCA and Yawkey Park, to the north across McIndoe St. the First Methodist Church and the Historical Society Office/Library building. Further eastward, across Fifth Street, begins an area of mixed density residential, bed & breakfast homes and several UDD's for similar residential/professional office mixed uses.

We believe our re-purposing of the church building is a compatible development in the area. We will add residential units to support the lone existing single family dwelling on the block. Our professional office use is low impact. We have limited staff working in the office, currently just one full time person other than myself and two part time employees. Most of our client contact is completed electronically and very few clients visit the office. Our traffic generation will not be noticeable compared to the exiting uses at the YMCA, First Presbyterian Church, the City Hall and the general circulation traffic in this northeast side of the downtown area.

The building has existing doors to provide separated entrances for the mixed uses. The office entrance would be an existing west side door, near the front of the building. This entrance is at a split level, with stairs leading directly into the lower level. The other west side door also enters at a split level and it also leads directly to the lower level. This door would be a common use door for the first floor apartment and emergency egress for the office suite.

### **Project Statistical Data**

The existing church facility has seating for approximately 150 people in the main auditorium, plus other Sunday School and child nursery areas. The church has services on Sunday morning and Wednesday evening. In addition the Reading Room is open for several hours during the day on Wednesday and Friday for use by the general public.

The proposed use includes two (2) apartment units and approximately 2,200 square feet of professional office space. The main apartment would be on the first floor of the existing structure and contain two bedrooms in approximately 3,400 sq ft. The second apartment would be over the attached garage space and contain two bedrooms in approximately 750 sq ft.

The parcel is approximately 0.39 acres. With the proposed two apartment units the residential density is a medium to low urban density level of 5.1 units per acre.

## **Historical Preservation**

Our desire is to maintain the character of the building. Even though the structure is not a designated historical building it has been a downtown presence for 60 years. We will maintain the steeple. The wooden sections of the steeple, from the ground appear, at a minimum, to need extensive painting. If upon closer inspection there is extensive wood rot, we may need to replace the wood with a more durable product. The six arched, single hung auditorium windows, with opaque glazing, will be replaced with energy efficient fixed windows with clear glass, but also with similarly sectioned grill dividers. The garage addition will have brick facade facing the front street. The east side end gabled section and north rear elevation will be a combination of brick and EIFS. On the west wing we propose a dormer to house a roof top conservatory, again with an exterior combination of brick and EIFS.

## **Parking**

The existing site contains a 12 stall parking lot, with angled stalls and a one-way drive lane. The proposed garage addition will extend over a portion of the parking lot. Three (3) parking places will be provided in the garage addition and five (5) stalls will remain in the lot, for a total of eight (8) stalls provided. The one-way drive lane around the building will be maintained to facilitate the angled parking stalls.

The Zoning Ordinance requires three stalls for the proposed two apartment units and none for an office space under 2,000 sq ft. but then one stall for every 200 sq ft above 2,000.

<b>Parking Requirements</b>				
Use	Requirements	Units	Stalls required	Stalls provided
Apartment	1.5 stalls per unit	2	3	4*
Office	1 per 200 sq ft over 2,000 sq ft	2,200#	1	4
		<b>TOTALS</b>	<b>4</b>	<b>8</b>

\*Three interior stalls and one exterior stall

# 1,400 sq ft office space plus 800 sq ft common area

## **Parking Lot Screening**

The existing side yard between the parking lot and the single family dwelling has a limited width. The existing dwelling is a little as 7.5 feet from the face of the parking lot curb. The area is densely planted with evergreen shrubs. The bottom of the first floor windows in the adjacent dwelling are five feet above grade. Headlights from parking cars will shine on the dwelling well below the windows, falling on the foundation wall. A screening wall will provide no benefit and we propose no additional screening.

## **Signage**

We propose a double sided sign on a diagonal to the Fourth/Fourth Street intersection. The sign would provide the property address and identify the office space use.

At this time we are just identifying a sign location. A concept sign design is included for a double sided, internally light sign. At a later date, a final design would be presented in a sign permit application.

## **Fencing**

We propose a five (5) foot black aluminum picket fence along the Fourth Street ROW, diagonally along the back of an existing planting bed at the Fourth and Franklin intersection and along the house side of the front curved sidewalks tying back into the building. The five foot fence is a proposed modification to an allowed three foot front yard fence.

## **Storm Water Runoff**

The only proposed addition to the building footprint is the attached garage. The garage will be constructed principally over the existing parking lot. There will be a loss in green space of approximately 150 sq ft. and therefore there will be no measureable change in storm water runoff.

## **Approval Criteria**

The intent of a UDD district “is to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses”. Most often this district would be used for apartment complex or a residential or mixed use condominium development or a business park/campus setting of multiple structures with some common ownership. In this project we are using the UDD process to address an existing unique, single use structure – a church – and it’s re-purposing into a mixed use structure. The six approval criteria questions in Section 23.65.040 are framed in the context of larger scale projects and as a result are oddly worded for this type of project. However, we offer the following responses to the approval criteria questions.

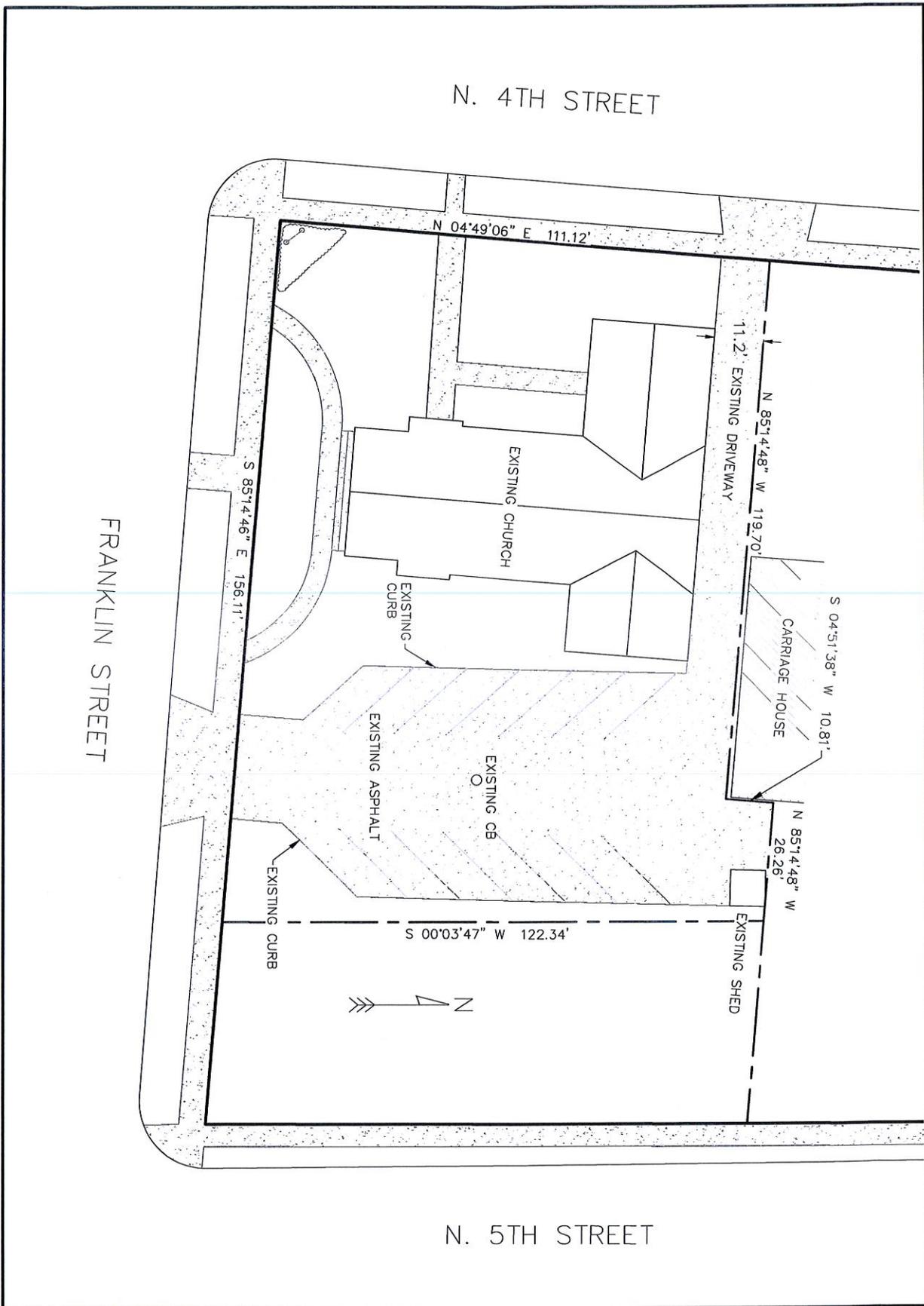
1) ***Is the proposal consistent with the spirit and intent of the District?***

*The purpose of the UDD is to facilitate the proposal of projects that need to make modifications to the standard subdivision or zoning district performance standards in order to preserve environmental features of the project site. In this proposed project the “environmental design” is not the preservation of rural wood lots or open meadows but a preservation of a unique urban structure- a church.*

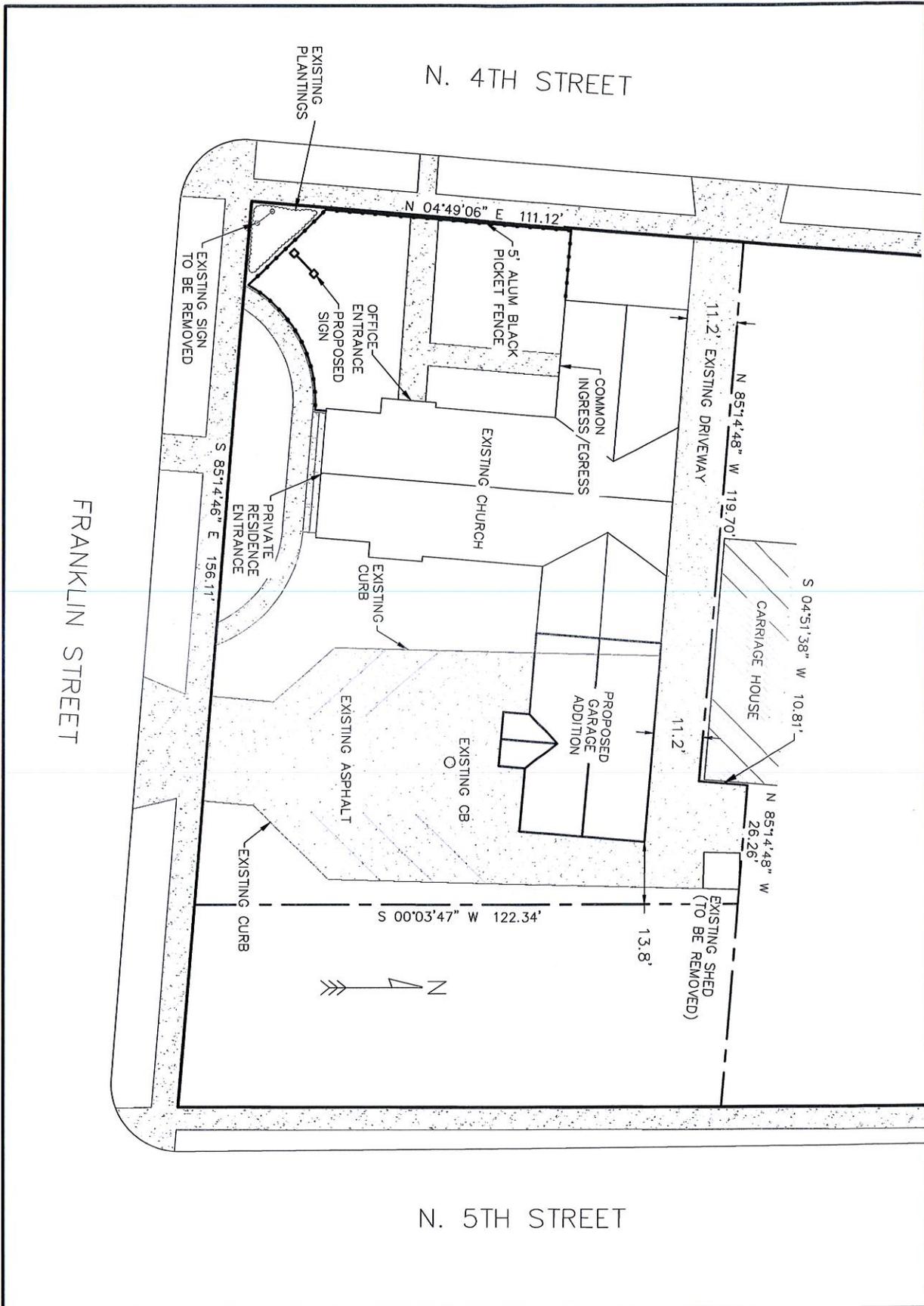
- 2) Plan reflects sensitive consideration of the physical nature of the site.  
*In this case there are not natural environmental features to be preserved but the unique use structure – a church – in a city block that contains just two other principal uses - a single family dwelling and a museum. We believe the re-purposing of the church structure, rather than a demolition, is a preservation of the physical urban nature of the site.*
- 3) The development produces an attractive environment appropriate to the uses.  
*The character of the existing church structure remains un-changed – the steeple remains in place. The proposed addition will be matching heights, roof lines and brick (on the street façade with brick and EIFS combinations on side and rear yard elevations).*
- 4) The development can be provided with appropriate municipal services.  
*No changes in municipal services will be necessary as a result of changing land uses from the religious institution to residential/professional office space. The proposed uses are a low traffic impact, significantly less than the base traffic levels in the area. The existing sewer, water and storm sewer laterals are adequate to service the proposed uses.*
- 5) The design standards provide adequately for practical services.  
*The one-way drive lane in the parking lot and around the structure remains in use. Adequate parking spaces are provided. No site changes impact access for emergency services. Structurally two additional access points to the existing structure will be provided via the attached garage.*
- 6) Provisions have been made to insure proper maintenance of common spaces... recreation and esthetic enhancements.  
*The proposed facilities have some common space between the office suite and the lower level private residence storage areas, such as hallways and emergency egress routes. However, both the residence and the office suite are owner occupied and there are no cross use/maintenance agreements required.*

Sincerely,

Mark W. Thompson PE  
Principal Member

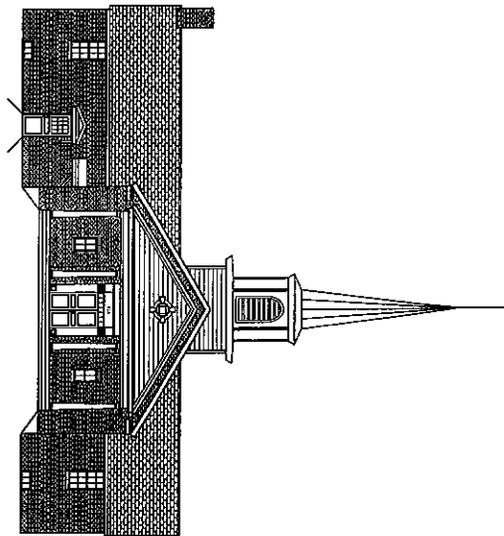


SHEET NO.	SCALE	<p><b>EXISTING SITE</b></p> <p>404 FRANKLIN CITY OF WAUSAU, MARATHON CO.</p>	<p>SURVEYED:</p> <p>DESIGNED:</p> <p>DRAWN BY:</p> <p>APPROVED:</p>	<p>REVISION DATE</p>	<p>MARATHON TECHNICAL SERVICES LLC CONSULTING ENGINEERS 2000 LESTER ST - WESTON, WI 54476 PHONE &amp; FAX - (715)843-7292 WWW.MTSLLC.NET</p>
			<p>1" = 20'</p>		

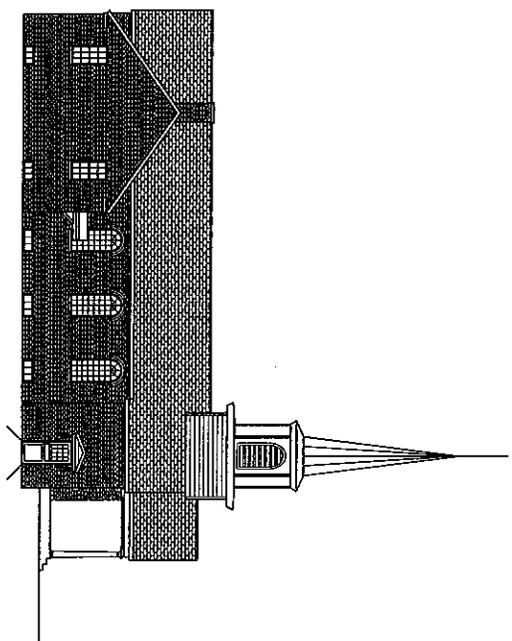


SCALE 1" = 20' SHEET NO.	<b>PROPOSED SITE</b> 404 FRANKLIN CITY OF WAUSAU, MARATHON CO.	SURVEYED: DESIGNED: DRAWN BY: APPROVED:	REVISION DATE	<b>MARATHON TECHNICAL SERVICES LLC</b> CONSULTING ENGINEERS 2000 LESTER ST - WESTON, WI 54476 PHONE & FAX - (715)843-7292 WWW.MTSLLC.NET

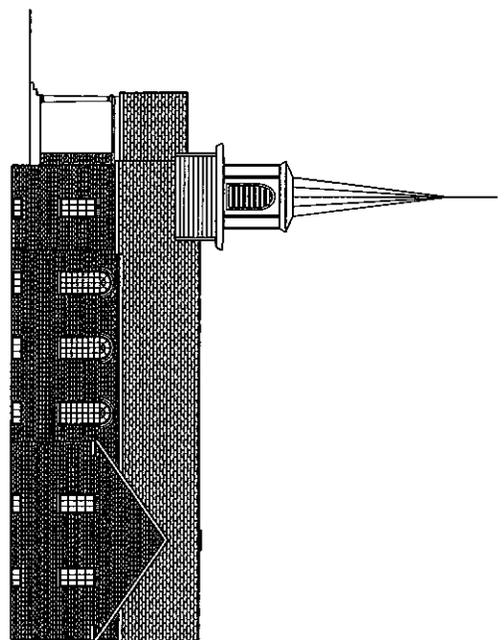
EXISTING



EXISTING SOUTH ELEVATION  
SCALE 1/8" = 1'-0"



EXISTING WEST ELEVATION  
SCALE 1/8" = 1'-0"



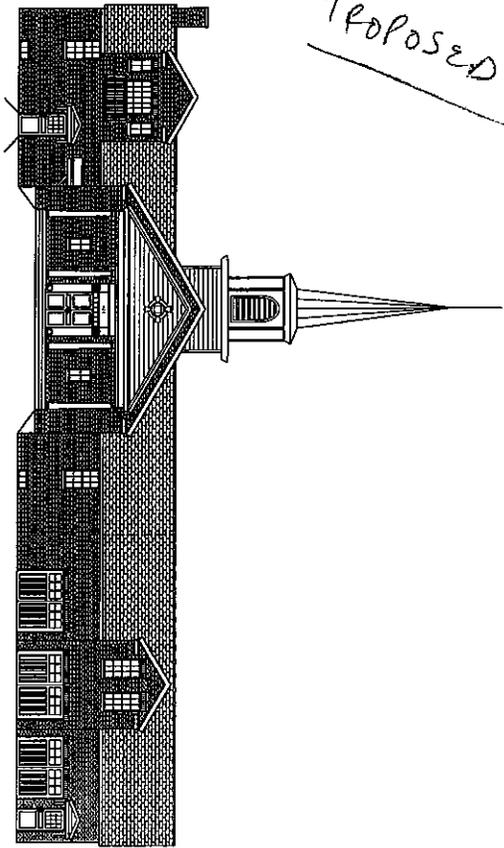
EXISTING EAST ELEVATION  
SCALE 1/8" = 1'-0"

**MTS**  
 Consulting Engineers  
 Marvion Technical Services LLC  
 2000 Lester Street  
 Weston, VT 05475-1750  
 Phone & Fax (715) 845-7292  
 www.mtsllc.net

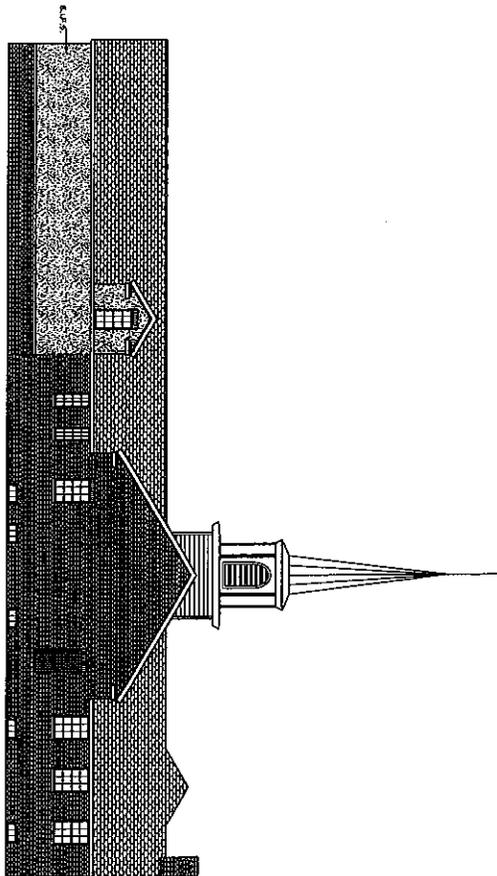
PRELIMINARY  
 NOT FOR CONSTRUCTION

1/8" = 1'-0"	THOMPSON RESIDENCE / MTS OFFICE	DESIGNED BY: J.J.L.	REVISION DATE: J.J.L.	Marvion Technical Services LLC 2000 Lester Street Weston, VT 05475-1750 Phone & Fax (715) 845-7292 www.mtsllc.net
A2	40 FRANKLIN ST. WALSHALL NH 03405	APPROVED BY: [Signature]	DATE: [Date]	

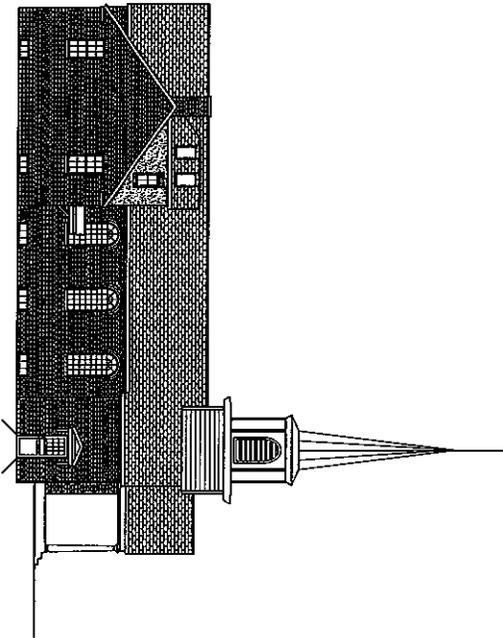
*Proposed*



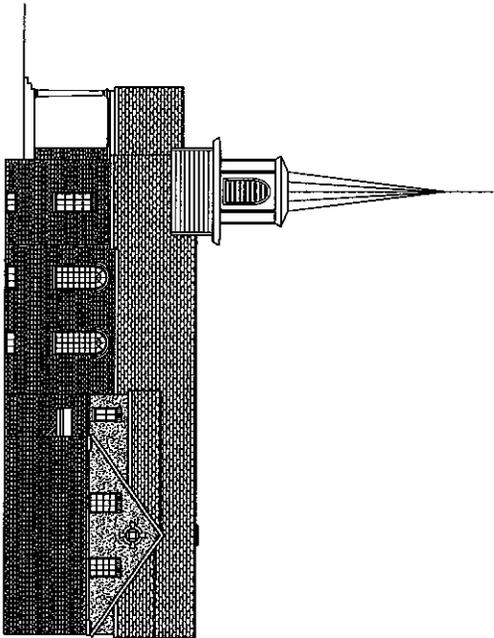
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SCALE: 1/8" = 1'-0"



PROPOSED NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



PROPOSED WEST ELEVATION  
SCALE: 1/8" = 1'-0"

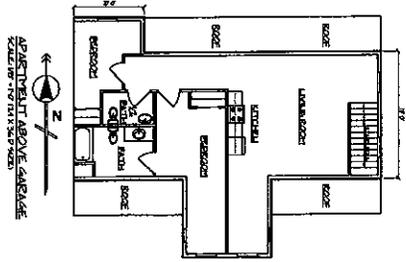
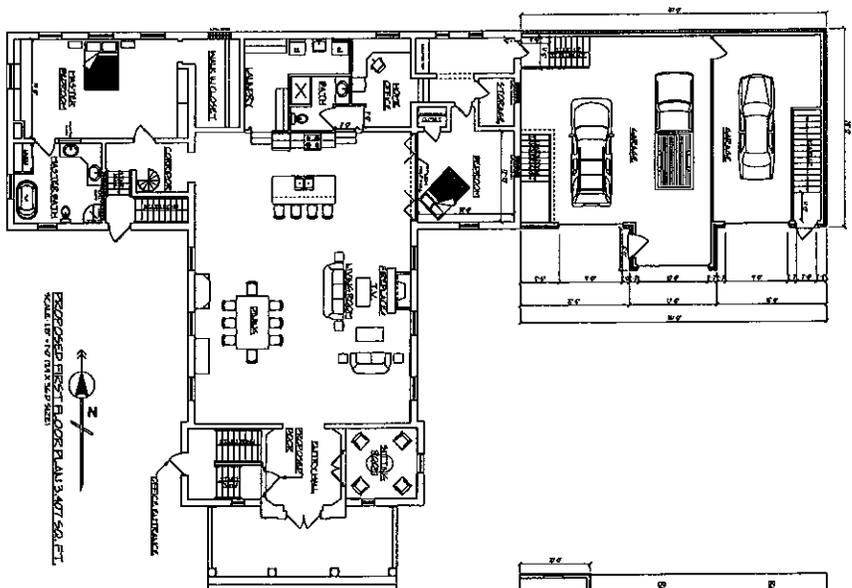
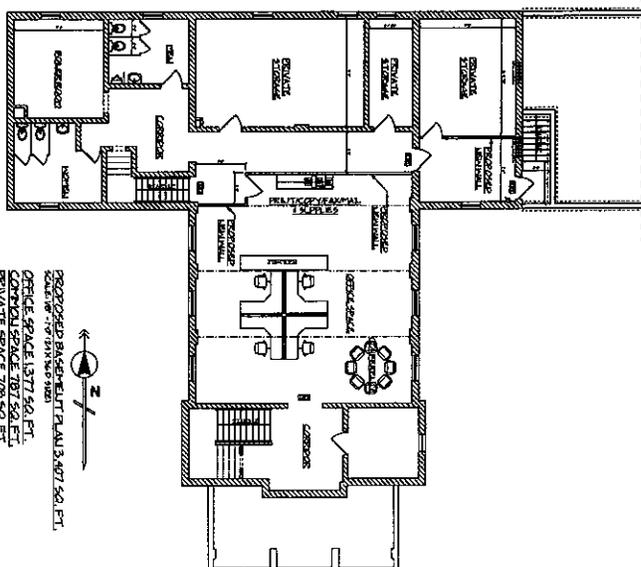


PROPOSED EAST ELEVATION  
SCALE: 1/8" = 1'-0"

PRELIMINARY  
NOT FOR CONSTRUCTION

**MTS** Marathon Technical Services LLC  
Consulting Engineers  
2000 Leslie Street  
P.O. Box 1750  
Weston, MA 01886  
Phone & Fax (781) 843-7292  
www.mtsinc.net

A2	DATE: 11/11/11	REVISIONS:	Marathon Technical Services LLC 2000 Leslie Street Weston, MA 01886-1750 Phone & Fax (781) 843-7292 www.mtsinc.net
	SCALE: 1/8" = 1'-0"	PROJECT: THOMPSON RESIDENCE / MTS OFFICE	404 FRANKLIN ST. MIDDLEBURY MA 01845



**MTS** **Marathon Technical Services LLC**  
 2000 Lester Street  
 Weston, VA 24475-7700  
 Phone & Fax (715) 843-7282  
 www.mtsllc.net  
 Engineer

PRELIMINARY  
 NOT FOR CONSTRUCTION

1/8" = 1'-0"  
 A4

**THOMPSON RESIDENCE /**  
**MTS OFFICE**  
 401 FRANKLIN ST.  
 WASHINGTON VA 22405

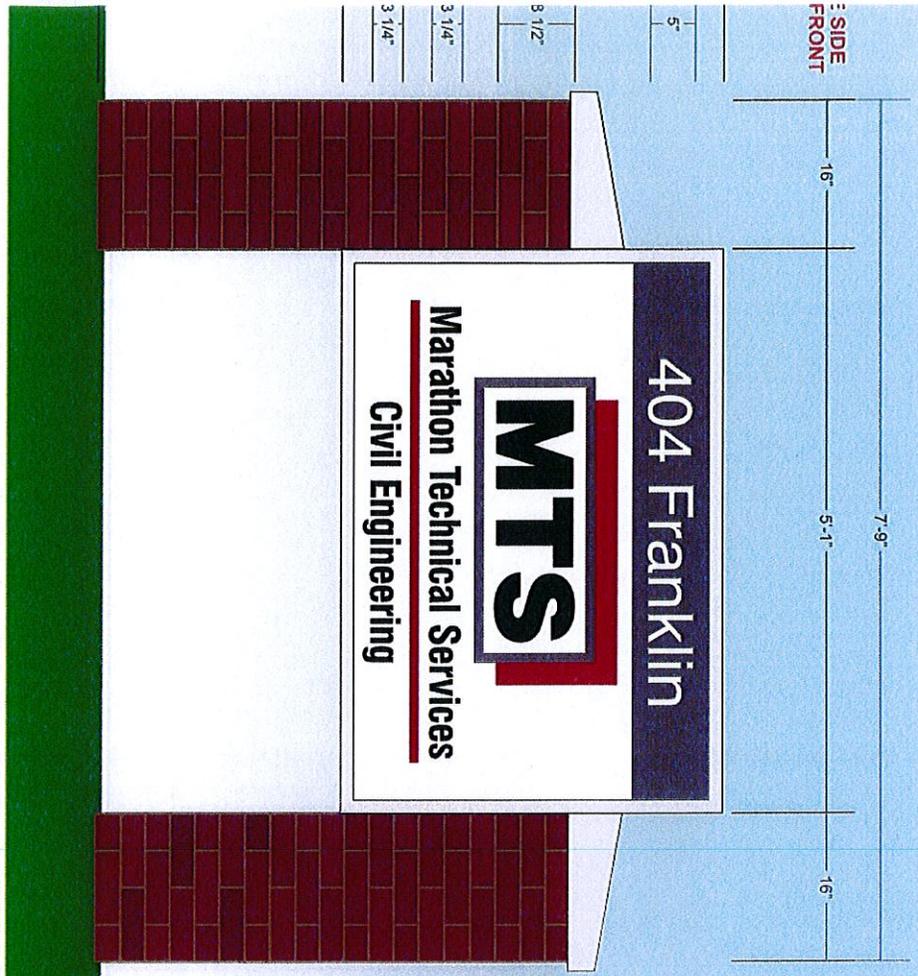
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 DRAWING NO. P-3  
 APPROVED P.E. #

REVISION DATE  
 02/05/11

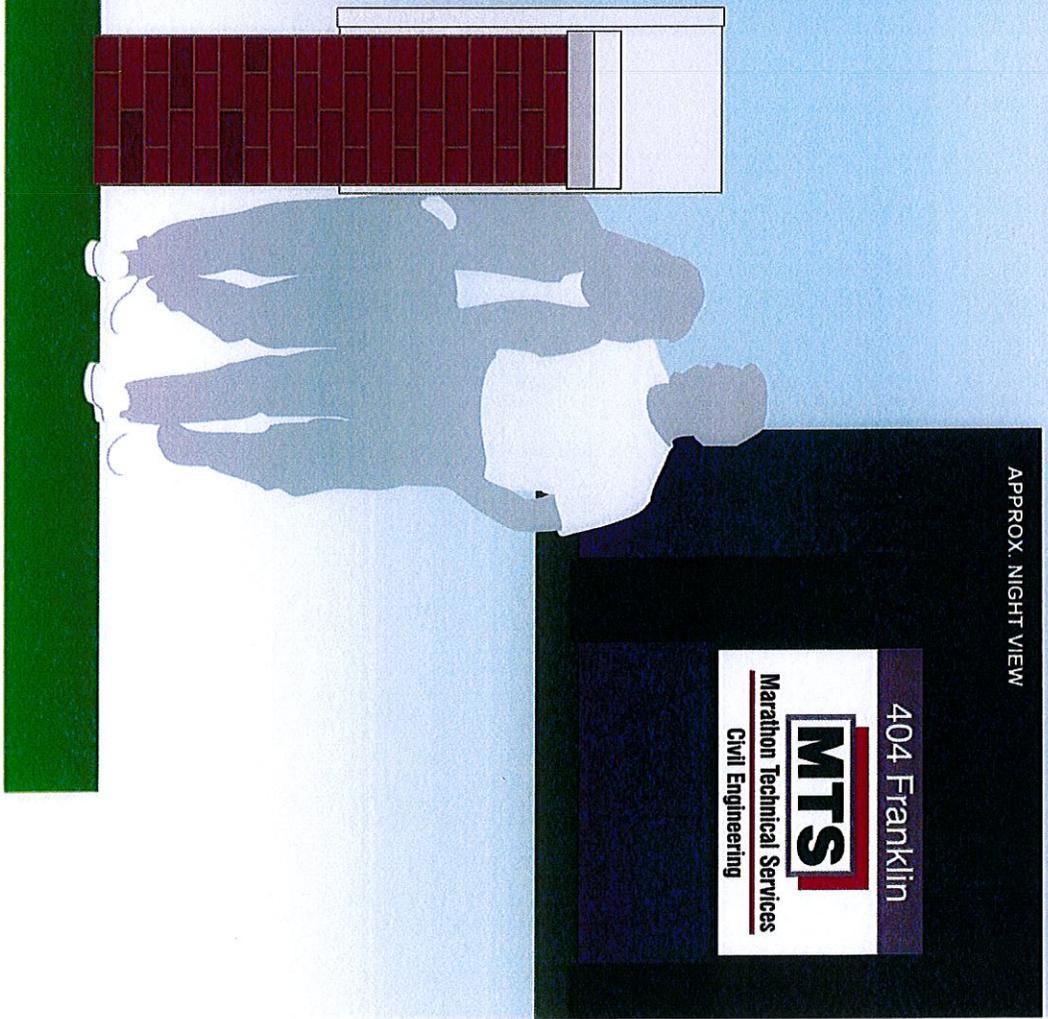
Marathon Technical Services LLC  
 2000 Lester Street  
 Weston, VA 24475-7700  
 Phone & Fax (715) 843-7282  
 www.mtsllc.net

**SIGN SPECIFICATIONS**

- (1) SET HERE, ALUM. MONUMENT SIGN
- \* SIGN CABINET IS TO BE FORMED OF ALUM. PAINTED WHITE TO MATCH BUILDING. FACE IS TO BE WHITE POLYCARBONATE
- \* ALL GROUPINGS ARE TO BE #350-011 CHERRY RED VINYL, #350-51 SLATE GREY VINYL, #350-22 BLACK VINYL
- \* SIDE COLUMNS ARE TO BE STANDARD STYLE CULTURED BRICK VENEER w/ STANDARD COLOR MORTAR SIMILAR TO BUILDING.
- \* ALUM. FORMED CAPS ARE TO BE PAINTED WHITE TO MATCH BUILDING.



404 Franklin  
  
 Marathon Technical Services  
 Civil Engineering



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DATE: 1-24-2014

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