

*** All present are expected to conduct themselves in accordance with our City's Core Values ***



OFFICIAL NOTICE AND AGENDA

Notice is hereby given that the Common Council of the City of Wausau, Wisconsin will hold a regular or special meeting on the date, time and location shown below.

Meeting of the: **COMMON COUNCIL OF THE CITY OF WAUSAU**
 Date/Time: **Tuesday, March 25, 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
14-0301		Minutes of the previous meeting. (3/11/2014)	
14-0308	CISM	Resolution approving installation of a drive approach in excess of the maximum width allowed per Wausau Municipal Code Section 12.20.040 at 1319 Rose Marie Street and 1323 Rose Marie Street (HPI Properties LLC)	Approved 5-0
12-1205	CISM	Resolution approving converting overhead utilities to underground on 2nd Avenue from Stewart Avenue to Elm Street	Approved 5-0
14-0309	CISM	Resolution approving angle parking on the west side of 11th Avenue abutting 1110 West Campus Drive and 1814 North 11th Avenue	Approved 5-0
14-0310	CISM	Resolution approving cost share for the DNR Non-Point Source Stormwater Management Grant	Approved 5-0
01-1213	FIN	Resolution Amending Wausau Area Access Channels Public, Educational & Governmental Television Policies, Procedures and Communication Guidelines and amending the model Public Access Production Agreement to make production rates consistent.	Approved 4-0

File #	CMT	Resolutions and Ordinances	ACT
14-0303		Confirmation of Mayor's Appointments.	
02-1005	CISM & ED	Joint Resolution Adopting Thomas Street Corridor Master Plan.	Approved 5-0 Pending
03-0717	FIN	Resolution adopting contract for non-dog strays with Humane Society of Marathon County April 1, 2014 through December 31, 2014 and related budget modification.	Pending
12-1214	FIN	Resolution approving amendment to the Regional Animal Control Services Contract between the City of Wausau and Everest Metro Police Department to add to the scope of work the provision of services for non-dog strays.	Pending
13-1109	FIN	Resolution approving 2014 Budget Modification including Carry Over 2013 General Fund	Pending
92-0623	FIN	Resolution Authorizing renewal of parking lot lease (Third and Grant Streets) – Colonial Property 4, LLC	Pending
13-1109	FIN	Resolution approving 2014 Budget Modification - Fire Department	Pending

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 03/21/14 @ 3:30 pm. Questions regarding this agenda may be directed to the City Clerk.

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

Roll Call

03/11/2014 7:00:00 PM

Roll call indicated 10 members present.

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

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

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

Consent Agenda

03/11/2014 7:08:26 PM

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

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

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

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

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

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

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

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

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

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

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

14-0107

03/11/2014 7:33:50 PM

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

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

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

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

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

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

11-1214

03/11/2014 7:46:11 PM

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

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

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

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

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

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

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

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

13-1109

03/11/2014 7:47:45 PM

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

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

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

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

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

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

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

14-0306

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

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

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

14-0307

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

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

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

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

10	Abitz, Sherry	YES
11	Mielke, Robert	YES

11-1214

03/11/2014 7:51:39 PM

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

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

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

90-0802

03/11/2014 7:52:29 PM

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

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

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

14-0304

03/11/2014 7:53:12 PM

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

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

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

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

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

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

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

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

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

CLOSED SESSION

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

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

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

9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

Meeting reconvened into Open Session.

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

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

Adjourn

03/11/2014 8:22:14 PM

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

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

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

James E. Tipple, Mayor
Toni Rayala, City Clerk

**RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE**

Approving installation of a drive approach in excess of the maximum width allowed per Wausau Municipal Code Section 12.20.040 at 1319 Rose Marie Street and 1323 Rose Marie Street (HPI Properties LLC)

Committee Action: Approved 5-0

Fiscal Impact: None, the cost of the concrete drive approaches are assessed 100% to the property owner.

File Number: 14-0308

Date Introduced: March 25, 2014

WHEREAS, Rose Marie Street from Silver Spring Street to Bissell Street will be reconstructed in 2014, and

WHEREAS, there are four condominium units located at 1319 Rose Marie Street and three condominium units located at 1323 Rose Marie Street, with each unit having its own drive approach, and

WHEREAS, Dan Johnson, owner of HPI Properties LLC, has inquired about the possibility of combining the drive approaches at 1319 Rose Marie Street and 1323 Rose Marie Street to make one large drive approach for each property, and

WHEREAS, having one large drive approach for each property would make winter and summer maintenance easier, and

WHEREAS, according to Section 12.20.040 of the Wausau Municipal Code, a drive approach in excess of forty-four feet can be installed if approved by the Common Council, and

WHEREAS, the Capital Improvements and Street Maintenance Committee discussed the installation of a drive approach in excess of the maximum width allowed at 1319 Rose Marie Street and 1323 Rose Marie Street at its meeting on March 13, 2014 and recommends approval; now therefore

BE IT RESOLVED that the Common Council approves the installation of a drive approach in excess of the maximum width allowed per Wausau Municipal Code Section 12.20.040 at 1319 Rose Marie Street and 1323 Rose Marie Street.

Approved:

James E. Tipple, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 13, 2014, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Marquardt, Jacobson, Lenz, Wesolowski, Gehin

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

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

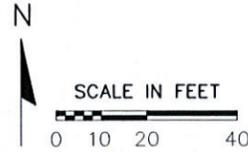
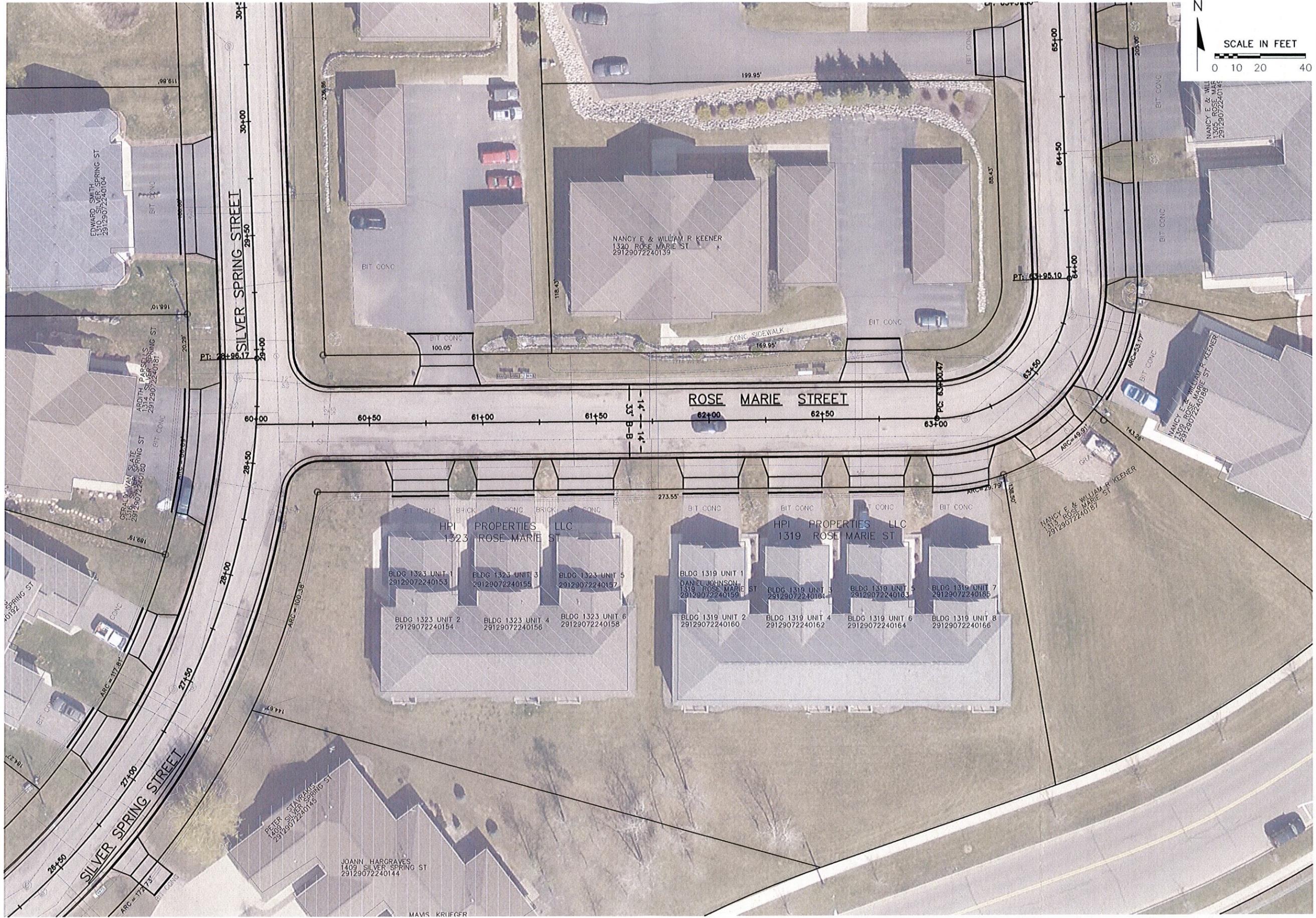
Approve installation of drive approach in excess of maximum width allowed per Wausau Municipal Code Section 12.20.040 at 1319 Rose Marie Street and 1323 Rose Marie Street (HPI Properties LLC)

Wesolowski stated this area is a condo plat owned by Dan Johnson. Currently the driveways are individual, but Mr. Johnson requested to combine the first three drive approaches into one and the next four into one, with a grass area between. Right now there is a small area of grass in between and each drive approach is plowed separately. Combining the approaches would make winter and summer maintenance easier.

Abitz moved to approve the installation of a drive approach in excess of the maximum width allowed per Wausau Municipal Code Section 12.20.040 at 1319 Rose Marie Street and 1323 Rose Marie Street. Mielke seconded and the motion carried unanimously 5-0.

AGENDA ITEM
<p>Approve installation of drive approach in excess of maximum width allowed per Wausau Municipal Code Section 12.20.040 at 1319 Rose Marie Street and 1323 Rose Marie Street (HPI Properties LLC)</p>
BACKGROUND
<p>Rose Marie Street is being reconstructed this summer. Dan Johnson, owner of HPI properties LLC and 1319 and 1323 Rose Marie Street, has contacted the Engineering Department concerning the drive approaches on Rose Marie Street. Mr. Johnson has asked that all the drive approaches be combined to create one large drive approach for each property. Chapter 12.20 of the Wausau Municipal Code allows a maximum driveway width of 44'. Any approaches wider than 44' require Common Council approval.</p> <p>The plan view drawing is attached showing how the Engineering Department has laid out the driveways based upon matching the width of each drive to the current width.</p> <p>This is a unique situation because it is a condominium association and the land is owned in common. However, in this instance Mr. Johnson owns all the units.</p>
FISCAL IMPACT
<p>None, the cost of the concrete approaches are 100% assessed to the property owner.</p>
STAFF RECOMMENDATION
<p>Staff would recommend combining the approaches as requested.</p>
<p>Staff contact: Allen Wesolowski 715-261-6762</p>

DWG FILE NAME: O:\Engineering\DWG\PROJ\0852\0852_STORM.dwg, 03/06/2014 1:59:49 PM, City of Wausau - Engineering Department, Plotted by: P.R.Nikolai



CITY OF WAUSAU
 Engineering Department
 407 GRANT STREET WAUSAU, WI 54403-4768
 (715) 261-6740 FAX (715) 261-6769

SURVEYED BY: J/P/N
 FIELD BOOK NO. N PG.
 DESIGNED BY: A.M.WESOLOWSKI
 DRAWN BY: J.D.VANBOBEL
 APPROVED BY: A.M.WESOLOWSKI
 POINT FILE:

ISSUED FOR	DATE	REVISIONS
PRELIMINARY		
REVIEW/APPROVAL		
BIDDING/CONST.		
REC. REF. DWG.		
OFFICE USE		

ROSE MAIRE STREET
 SILVER SPRING STREET TO BISSELL STREET
 PLAN AND PROFILE (STORM SEWER/CURB & GUTTER)
 2014 STREET IMPROVEMENT PROJECT "C"

SHEET NO. **1**
 OF 2 SHEETS
 FILE NUMBER
13-12-16

Chapter 12.20

DRIVEWAYS

Sections:

- 12.20.010 Permit required.
- 12.20.020 Application.
- 12.20.030 Concrete drive approaches required.
- 12.20.040 Width and distance.
- 12.20.050 Variances.
- 12.20.060 Maximum width.
- 12.20.070 Existing nonconforming driveways permitted.
- 12.20.075 Driveway grade and construction.
- 12.20.080 Access management on Grand Avenue.
- 12.20.090 Access management on West Stewart Avenue.
- 12.20.091 Amendments to access management plan.
- 12.20.100 Access management on Campus Drive, Badger Avenue, and North 14th Avenue.
- 12.20.101 Amendments to access management plan.

12.20.010 Permit required. No person shall alter or construct any drive approach over and across any sidewalk, boulevard or curbing of any street in the city without first securing a permit to do so from the engineering department. (Ord. 61-5377 §6 (part), 2008; Prior code §7.03(1).)

12.20.020 Application. Application for permit to construct a drive approach shall be made in writing to the engineering department and shall describe the property and the street where the drive approach will be constructed. (Ord. 61-5377 §7 (part), 2008; Prior code §7.03(2).)

12.20.030 Concrete drive approaches required. Where the street is improved with curb and gutter, concrete drive approaches shall be required. If the street is not improved with concrete sidewalks, the concrete drive approaches shall extend to the lot line. Exceptions may be granted by the capital improvements and street maintenance committee in those cases where lot lines are located at long or irregular distances from the curb line, such as on cul-de-sacs or curves. (Ord. 61-5002 §1, 1998; prior code §7.03(3).)

12.20.040 Width and distance. Driveways shall be no wider than thirty feet, or forty-two feet for duplexes with adjacent garages, at the sidewalk lines, and the nearest boundary of any driveway shall be at least ten feet from a corner crosswalk. Driveway widths in excess of thirty feet, or forty-two feet for duplexes with adjacent garages, may be permitted if approved by the city engineer, up to a maximum of forty-four feet. Driveways in excess of forty-four feet may be permitted if approved by the common council. The minimum width of new driveways shall be twelve feet, measured at the sidewalk line. Reconstructed or replacement driveways shall be a minimum of twelve feet wide, if possible, but may be less than twelve feet if there are obstructions such as trees or if the driveway is too close to the lot line, resulting in an off-center alignment. Any driveways which may cause concern regarding traffic flow or public safety shall be referred to a

council committee for review. When any person desires to have two driveways into the same property, there must be a distance of at least fifteen feet between the driveways. Where additional driveways in excess of two into any one property are desired, permission must be obtained from the common council. When property is located on a corner, the property owner may have a driveway or driveways entering the property from each street, provided, however, that if two driveways are provided for on one street, only one driveway will be allowed on the other street without special permission from the common council. (Ord. 61-5088 §1, 2000.)

12.20.050 Variances. The common council may authorize the employee assigned the duties and responsibilities of the sidewalk inspector to issue a permit for the construction or alteration of drive approaches not conforming to the provisions of this chapter, in the industrial districts, as duly designated under Title 23 (Zoning). (Ord. 61-5377 §8 (part), 2008; Prior code §7.03(5).)

12.20.060 Maximum width. It is unlawful to install any vehicle driveway in excess of fifteen feet in width, leading from Third Street from its intersection with Forest Street northerly to its intersection with Fulton Street, and no permit for any such driveway in excess of such width shall hereafter be issued. (Prior code § 7.04(1).)

12.20.070 Existing nonconforming driveways permitted. Private driveways now existing or said portion on Third Street, in excess of fifteen feet in width, may be continued in their present use, but shall not be extended in width, nor their use shall not be extended hereafter, and if their present use shall be discontinued for a period of ninety days, such driveways must be reduced in width to not more than fifteen feet. (Prior code §7.04(2).)

12.20.075 Driveway grade and construction. (a) For all new construction, upon issuance of a building permit the city engineering division will establish sidewalk grades at the property line. Prior to the construction of the building foundation, the owner or builder shall cause the drive approach to be filled or excavated to within three inches of the established sidewalk grade at the property line. The purpose of this requirement is to ensure the drive approach and driveway will be constructed at a proper grade to meet the future street and sidewalk.

(b) If during the course of construction the owner or builder is found to have violated this requirement, the building permit shall be withdrawn until compliance with this section is achieved.

(c) Prior to the construction of any portland cement concrete or bituminous cement concrete pavement which includes, but is not limited to, areas in which there are located sidewalks, driveways and drive approaches which abut or are within any public right-of-way, a grade/elevation will be established in the field by the city engineering division. The contractor shall submit a request to the city engineering division for grade/elevation and allow forty-eight hours subsequent to that submittal for such work to be completed. The purpose of this requirement is to ensure that all sidewalks, driveways and drive approaches are constructed at a proper grade/elevation to meet the proposed grade/elevation of the future street, sidewalk, driveway or drive approach construction. (Ord. 61-4687 §1, 1989; Ord. 61-4453 §1, 1980.)

12.20.080 Access management on Grand Avenue. In order to protect the public safety and improve the traffic carrying efficiency of Grand Avenue from its intersection with Kent Street south

**RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE**

Approving converting overhead utilities to underground on 2nd Avenue from Stewart Avenue to Elm Street

Committee Action: Approved 5-0

Fiscal Impact: Estimated construction cost \$272,680

File Number: 12-1205

Date Introduced: March 25, 2014

WHEREAS, the reconstruction of 2nd Avenue from Stewart Avenue to Elm Street is planned for 2014, and

WHEREAS, meetings have been held with Main Street and the stakeholders to gain input on the general design for the area, and

WHEREAS, during said meetings it has been noted that the removal of the overhead utility lines would greatly improve the aesthetics of the area, and

WHEREAS, it would be more cost effective to convert the overhead utility lines to underground in conjunction with the street construction project, and

WHEREAS, converting the overhead utility lines to underground and improving the aesthetics of the area may act as a catalyst for development, and

WHEREAS, your Capital Improvements and Street Maintenance Committee discussed the conversion of overhead utilities to underground at its meeting on March 13, 2014 and recommends approval; now therefore

BE IT RESOLVED that the Common Council hereby approves the conversion of overhead utilities to underground on 2nd Avenue from Stewart Avenue to Elm Street to coincide with the 2014 Street Construction Project.

Approved:

James E. Tipple, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 13, 2014, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Marquardt, Jacobson, Lenz, Wesolowski, Gehin

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

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

Approve converting overhead utilities to underground on 2nd Avenue from Stewart Avenue to Elm Street

Wesolowski explained there are three phases of overhead utilities in this area. The first phase would include burying the overhead lines along 2nd Avenue including the crossing in the alley between Clark Street and Callon Street. This would cost approximately \$190,000. The second phase would include burying the utilities west of 2nd Avenue that serves the buildings at 402 South 2nd Avenue and 222 Stewart Avenue, and would cost approximately \$54,000. However, the voltage is different from overhead to underground so there would be additional costs to make each building compatible with the underground voltage. The third phase would include burying the overhead crossing at the alley between Callon Street and Alexander Street and would cost approximately \$27,000. Rasmussen stated the road construction is already planned and it makes sense to do this in conjunction with the road work. She questioned if money from the TIF District could be used to pay for it and Marquardt confirmed. Rasmussen stated one of the things the stakeholders have asked for is the removal of the overhead lines. She further stated it should be built right the first time so the area is ready for redevelopment. Gisselman would like to start having stakeholders make investments in the neighborhood. Rasmussen said the stakeholders have energy and enthusiasm and this would be the first catalyst for development.

Kellbach moved to approve converting overhead utilities to underground on 2nd Avenue from Stewart Avenue to Elm Street. Gisselman seconded and the motion carried unanimously 5-0.

AGENDA ITEM

Approve converting overhead utilities to underground on 2nd Avenue from Stewart Avenue to Elm Street

BACKGROUND

2nd Avenue from Stewart Avenue to Elm Street is planned for reconstruction this summer. The Engineering Department has been working with WPS, Frontier and Charter to get estimates for burying overhead utilities along 2nd Avenue. Pictures of the overhead utilities are included for reference.

FISCAL IMPACT

The following cost estimates have been provided by the utilities:

WPS Electrical:	\$186,500
Frontier:	\$31,600
Charter:	Unknown
Total:	Unknown

Charter was not able to provide an estimate at the time this staff report was finalized. Staff will have the estimates from Charter at the CISM meeting. Charter cost are anticipated to be similar to Frontier, if this is the case, the total estimated cost would be approximately \$250,000.

STAFF RECOMMENDATION

Burying the utility lines would obviously help the aesthetics for 2nd Avenue. CISM will need to decide if the aesthetic benefits are worth the associated cost.

Staff contact: Allen Wesolowski 715-261-6762

CISM Item # 4: N. 2nd Avenue Utility Burial Costs

Location: Stewart Avenue – Elm Street

Phase 1: Utilities along 2nd Avenue Including crossing in alley between Clark & Callon

WPS Electrical: \$120,000
Frontier: \$31,557
Charter: \$39,182

Subtotal: \$190,739

Phase 2: Utilities West of 2nd Avenue to serve 402 S. 2nd and 222 Stewart Ave (KFC Building)

WPS Electrical: \$43,000
Frontier: \$0
Charter: \$11,932

Subtotal: \$54,932

Note: Additional costs to convert each of the buildings to underground power will be required.

Phase 3: North Crossing at alley between Callon & Alexander

WPS Electrical: \$23,500
Frontier: \$0
Charter: \$3,509

Subtotal: \$27,009

Total: \$272,680

Clark
AT ~~Clark~~ looking
N.



12/02/2013



ROOMS AS LOW AS
\$59
SUNDAY - THURSDAY
29 EAST • 45 MINUTES
LAMAR

North Star
MOHICAN
CASINO
RESORT
BOWLER, WI

Katzenbarkers
Natural Pet Food and Supplies

Character Counts
Security Realty
843-2021

STOP

WATER MILK

At Clark
looking S. toward
Stewart

12/02/2013

**RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE**

Approving angle parking on the west side of 11th Avenue abutting 1110 West Campus Drive and 1814 North 11th Avenue

Committee Action: Approved 5-0

Fiscal Impact: None.

File Number: 14-0309

Date Introduced: March 25, 2014

WHEREAS, North 11th Avenue from Campus Drive to the north will be reconstructed in 2014, and

WHEREAS, currently the area along the east side of 1110 West Campus Drive is used for parking and the installation of curb and gutter would eliminate this parking area, and

WHEREAS, Kevin Steinke, owner of 1110 West Campus Drive and 1814 North 11th Avenue inquired about installing asphalt on his parking lot to the back of the curb so the east side of the property can be used for parking, and

WHEREAS, asphaltting the parking lot to the back of the curb would make the entire east side of the property a drive approach without concrete, and

WHEREAS, according to Section 12.20.030 of the Wausau Municipal Code, when a street is improved with curb and gutter, concrete drive approaches are required, and

WHEREAS, the Capital Improvements and Street Maintenance Committee discussed the situation at its meeting on March 13, 2014 and recommends installing angle parking on the west side of 11th Avenue abutting 1110 West Campus Drive and 1814 North 11th Avenue; now therefore

BE IT RESOLVED that the Common Council approves the installation of angle parking on the west side of 11th Avenue abutting 1110 West Campus Drive and 1814 North 11th Avenue.

Approved:

James E. Tipple, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 13, 2014, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Marquardt, Jacobson, Lenz, Wesolowski, Gehin

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

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

Discuss and make recommendation regarding drive approaches at 1110 West Campus Drive (Campus Pub)

This item was taken out of the agenda order.

Wesolowski stated that 11th Avenue will be reconstructed this summer. Kevin Steinke, owner of Campus Pub, contacted Wesolowski regarding access to the property. According to ordinance, the maximum driveway width is 30 feet or up to 44 feet if approved by Marquardt. Currently, people can park on the east side of the property; however, the installation of curb and gutter would eliminate this parking. There would be parallel parking along both sides of 11th Avenue. Steinke had questioned if a mountable curb could be installed on the west side of 11th Avenue in order to keep his parking. However, this would go against City ordinance requiring a concrete drive approach. Rasmussen stated there are water issues on 11th Avenue and question if the drainage issues would still be solved if the plan is changed. Wesolowski replied more storm sewer may have to be installed. Rasmussen asked if any feedback was received from the apartment building across located the street. Wesolowski stated no one from the apartment complex attended the public hearing.

Kevin Steinke, owner of 1110 West Campus Drive, stated he also owns the lot behind the business. He has been a property owner for 8 years. He has 8 to 10 employees in the winter and approximately 15 in the summer. He has concerns with customers parking on the road if it is a two-lane street. Also, if customers park on the road and need a safe ride home there is concern for plowing in the winter. Steinke stated overflow parking uses John Ohrmundt's property; however, if Ohrmundt would sell the property he may not be allowed to do that any longer. In the summer there may be up to 120 people at the establishment on Sundays. He would not want his customers parking in front of the apartment complex. Rasmussen stated this business has a good relationship with the Police Department, the City has not received noise complaints, and Steinke has made a substantial investment to the business. Wesolowski spoke of angle parking on the road; however, it could create a precedent. Rasmussen stated we take projects on a case by case basis and should work with local businesses when we can. Abitz questioned how often visitors to the apartment building park on the street as she is concerned with someone backing out of the angle parking and hitting another vehicle. Rasmussen responded the apartment complex has a parking lot, traffic is residential in nature in the area and the road is not highly traveled. Marquardt explained it would be the same design as 3rd Street. Lenz questioned if consideration was given for pedestrian accommodations. Wesolowski stated angle parking on the west side would not allow room for sidewalk. Rasmussen stated sidewalk could be considered at a later date if a petition is received from the residents.

Abitz moved to approve angle parking on the west side of 11th Avenue. Mielke seconded and the motion carried unanimously 5-0.

AGENDA ITEM
Discuss and make recommendation regarding drive approaches at 1110 West Campus Drive (Campus Pub)
BACKGROUND
<p>11th Avenue north of Campus Drive is being reconstructed this summer. Kevin Steinke, owner of Campus Pub at 1110 Campus Drive, contacted the Engineering Department concerning his drive approaches on 11th Avenue. He does not want concrete approaches along 11th Avenue. He wants his asphalt parking lot and his granite parking lot to extend all the way to the back of curb so the entire east side of his property can be used for parking. This would make the entire east side of this parcel a driveway approach without concrete. Chapter 12.20 of the Wausau Municipal Code allows a maximum driveway width of 44'. Any approaches wider than 44' require Common Council approval.</p> <p>The plan view drawing is attached showing how the Engineering Department has laid out the driveways based upon the ordinance and the current use of the property.</p>
FISCAL IMPACT
The cost of the concrete approaches as shown are 100% assessed to the property owner.
STAFF RECOMMENDATION
None
Staff contact: Allen Wesolowski 715-261-6762

Chapter 12.20

DRIVEWAYS

Sections:

- 12.20.010 Permit required.
- 12.20.020 Application.
- 12.20.030 Concrete drive approaches required.
- 12.20.040 Width and distance.
- 12.20.050 Variances.
- 12.20.060 Maximum width.
- 12.20.070 Existing nonconforming driveways permitted.
- 12.20.075 Driveway grade and construction.
- 12.20.080 Access management on Grand Avenue.
- 12.20.090 Access management on West Stewart Avenue.
- 12.20.091 Amendments to access management plan.
- 12.20.100 Access management on Campus Drive, Badger Avenue, and North 14th Avenue.
- 12.20.101 Amendments to access management plan.

12.20.010 Permit required. No person shall alter or construct any drive approach over and across any sidewalk, boulevard or curbing of any street in the city without first securing a permit to do so from the engineering department. (Ord. 61-5377 §6 (part), 2008; Prior code §7.03(1).)

12.20.020 Application. Application for permit to construct a drive approach shall be made in writing to the engineering department and shall describe the property and the street where the drive approach will be constructed. (Ord. 61-5377 §7 (part), 2008; Prior code §7.03(2).)

12.20.030 Concrete drive approaches required. Where the street is improved with curb and gutter, concrete drive approaches shall be required. If the street is not improved with concrete sidewalks, the concrete drive approaches shall extend to the lot line. Exceptions may be granted by the capital improvements and street maintenance committee in those cases where lot lines are located at long or irregular distances from the curb line, such as on cul-de-sacs or curves. (Ord. 61-5002 §1, 1998; prior code §7.03(3).)

12.20.040 Width and distance. Driveways shall be no wider than thirty feet, or forty-two feet for duplexes with adjacent garages, at the sidewalk lines, and the nearest boundary of any driveway shall be at least ten feet from a corner crosswalk. Driveway widths in excess of thirty feet, or forty-two feet for duplexes with adjacent garages, may be permitted if approved by the city engineer, up to a maximum of forty-four feet. Driveways in excess of forty-four feet may be permitted if approved by the common council. The minimum width of new driveways shall be twelve feet, measured at the sidewalk line. Reconstructed or replacement driveways shall be a minimum of twelve feet wide, if possible, but may be less than twelve feet if there are obstructions such as trees or if the driveway is too close to the lot line, resulting in an off-center alignment. Any driveways which may cause concern regarding traffic flow or public safety shall be referred to a

council committee for review. When any person desires to have two driveways into the same property, there must be a distance of at least fifteen feet between the driveways. Where additional driveways in excess of two into any one property are desired, permission must be obtained from the common council. When property is located on a corner, the property owner may have a driveway or driveways entering the property from each street, provided, however, that if two driveways are provided for on one street, only one driveway will be allowed on the other street without special permission from the common council. (Ord. 61-5088 §1, 2000.)

12.20.050 Variances. The common council may authorize the employee assigned the duties and responsibilities of the sidewalk inspector to issue a permit for the construction or alteration of drive approaches not conforming to the provisions of this chapter, in the industrial districts, as duly designated under Title 23 (Zoning). (Ord. 61-5377 §8 (part), 2008; Prior code §7.03(5).)

12.20.060 Maximum width. It is unlawful to install any vehicle driveway in excess of fifteen feet in width, leading from Third Street from its intersection with Forest Street northerly to its intersection with Fulton Street, and no permit for any such driveway in excess of such width shall hereafter be issued. (Prior code § 7.04(1).)

12.20.070 Existing nonconforming driveways permitted. Private driveways now existing or said portion on Third Street, in excess of fifteen feet in width, may be continued in their present use, but shall not be extended in width, nor their use shall not be extended hereafter, and if their present use shall be discontinued for a period of ninety days, such driveways must be reduced in width to not more than fifteen feet. (Prior code §7.04(2).)

12.20.075 Driveway grade and construction. (a) For all new construction, upon issuance of a building permit the city engineering division will establish sidewalk grades at the property line. Prior to the construction of the building foundation, the owner or builder shall cause the drive approach to be filled or excavated to within three inches of the established sidewalk grade at the property line. The purpose of this requirement is to ensure the drive approach and driveway will be constructed at a proper grade to meet the future street and sidewalk.

(b) If during the course of construction the owner or builder is found to have violated this requirement, the building permit shall be withdrawn until compliance with this section is achieved.

(c) Prior to the construction of any portland cement concrete or bituminous cement concrete pavement which includes, but is not limited to, areas in which there are located sidewalks, driveways and drive approaches which abut or are within any public right-of-way, a grade/elevation will be established in the field by the city engineering division. The contractor shall submit a request to the city engineering division for grade/elevation and allow forty-eight hours subsequent to that submittal for such work to be completed. The purpose of this requirement is to ensure that all sidewalks, driveways and drive approaches are constructed at a proper grade/elevation to meet the proposed grade/elevation of the future street, sidewalk, driveway or drive approach construction. (Ord. 61-4687 §1, 1989; Ord. 61-4453 §1, 1980.)

12.20.080 Access management on Grand Avenue. In order to protect the public safety and improve the traffic carrying efficiency of Grand Avenue from its intersection with Kent Street south

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

**RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE**

Approving cost share for the DNR Non-Point Source Stormwater Management Grant

Committee Action: Approved 5-0

Fiscal Impact: The City's cost share would be approximately \$21,000.

File Number: 14-0310

Date Introduced: March 25, 2014

WHEREAS, the City of Wausau is interested in acquiring a grant from the Wisconsin Department of Natural Resources (WDNR) for the purpose of implementing measures to control agricultural or urban stormwater runoff pollution sources (as described in the application and pursuant to ss. 281.65 or 281.66, Wis. Stats., and chs. NR 151, 153 and 155); and

WHEREAS, such grant is a cost sharing grant between the City of Wausau and WDNR, and

WHEREAS, the Engineering Division will be responsible for administering the grant's requirements including but not limited to, submitting reimbursement claims along with necessary supporting documentation, submitting signed documents and take action to undertake, direct, and complete the project as submitted; now therefore

BE IT RESOLVED that the City of Wausau authorizes the Engineering Division to submit a cost sharing grant application to the Wisconsin Department of Natural Resources; and

BE IT FURTHER RESOLVED that the City of Wausau will budget the necessary monies for the City's share towards the project in 2015.

Approved:

James E. Tipple, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 13, 2014, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Marquardt, Jacobson, Lenz, Wesolowski, Gehin

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

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

Approve cost share for the DNR Non-Point Source Stormwater Management Grant

Gehin explained that the City is in the process of applying for a DNR Non-Point Source Stormwater Management Grant to update the City's stormwater pollutant loading model and best management practices analysis. The grant would reimburse the City 70% up to \$85,000. The work is estimated at \$70,000 and the City's cost would be approximately \$21,000. The DNR requires a resolution stating the necessary funds will be budgeted to complete the work.

Mielke moved to approve the cost share for the DNR Non-Point Source Stormwater Management Grant. Abitz seconded. Abitz questioned if the grant would be for a specific area or City-wide. Gehin replied it would be City-wide. There being a motion and a second, motion to approve carried unanimously 5-0.

AGENDA ITEM
Approve cost share for the DNR Non-Point Source Stormwater Management Grant
BACKGROUND
<p>The City of Wausau is in the process of applying for an Urban Nonpoint Source Stormwater Grant. The grants are being offered to local government construction and planning projects controlling urban nonpoint source stormwater runoff pollution. To meet anticipated changes to the DNR stormwater regulations, the grant money, if received, would be used primarily to update the City-wide stormwater pollutant loading model and best management practice analysis. The grant will reimburse the City up to 70% of the planning costs with a grant maximum reimbursement amount of \$85,000. The City anticipates the work to cost approximately \$70,000. The City would be responsible for 30% of the costs or \$21,000. The DNR requires a resolution from the City that if awarded the grant money the City will budget the necessary funds to complete the work.</p>
FISCAL IMPACT
The City's cost share would be approximately \$21,000.
STAFF RECOMMENDATION
Staff recommends approval.
Staff contact: Sean Gehin 715-261-6748

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

RESOLUTION OF FINANCE COMMITTEE

Amending Wausau Area Access Channels Public, Educational & Governmental Television Policies, Procedures and Communication Guidelines and amending the model Public Access Production Agreement to make production rates consistent

Committee Action: Approved 4-0

Fiscal Impact:

File Number: 01-1213

Date Introduced: March 25, 2014

RESOLUTION

WHEREAS, your Finance Committee, at their April 23, 2013 meeting, and Public Health and Safety Committee, at their August 19, 2013 meeting, reviewed and approved the Wausau Area Access Channels Public, Educational & Governmental Television Policies, Procedures and Communication Guidelines which included an hourly rate of \$25 for production services; and

WHEREAS, the Common Council approved the same Guidelines and Agreement at their meeting of September 10, 2013; and

WHEREAS, your Finance Committee and Common Council, at their January 28, 2014 meeting, approved a model public access production agreement with a \$40 per hour rate for production services and travel; and

WHEREAS, your Finance Committee, at their March 11, 2014 meeting, discussed and approved amending the hourly rate for production services to \$30 to be reflected in both the guidelines and the model agreement for application to any new contracts or renewals of existing contracts.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wausau that the Wausau Area Access Channels Public, Educational & Governmental Television Policies, Procedures and Communication Guidelines and the model Public Access Production Agreement, copies of which are attached hereto and incorporated herein by reference, are hereby amended to reflect the hourly rate for production services to \$30.

Approved:

James E. Tipple, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, March 11, 2014 @ 5:00 pm., Board Room

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

Not Present: Brezinski

Others Present: Tipple, Groat, Jacobson, Marquardt, Loy, M. Lawrence, Kellbach, Rasmussen, Wagner, Mielke, Goede, Berge, Dickinson, Debra Ryan.

Consider Amending Wausau Area Access Channels Public, Educational & Governmental Television Policies, Procedures and Communication Guidelines and amending the model Public Access Production Agreement to make production rates consistent

Jacobson stated originally they approved the Policies & Procedures which contained a production hourly rate of \$25, which was subsequently put into a boiler plate contract. She explained when the boiler plate contract came separately to Finance they amended the rate to \$40 per hour and now the Policies and Procedures needs to be updated. She indicated both the policy and contract are on the agenda today to discuss and make consistent with whatever they finalize as the rate.

Dave Dickinson commented in negotiating the Board of Education contract at \$25 we were okay, however, if we gone up to a \$35 or \$40 rate, that is one contract that would already be gone. He noted when looking at comparables originally, our \$25 an hour rate was \$2.50 higher than the only one that we could find. Recently they found that Marshfield has a \$30 rate and Waupaca has an \$11 rate. He stated \$40 an hour is a 60% increase, which he felt was a very steep increase. He noted our contracts are typically with government entities which have very tight budgets and most are going down. He felt \$40 was too high and they would have difficulty getting any contracts with that rate.

Oberbeck pointed out that the \$25 rate was not covering their costs. He felt if we did not raise it the city would be subsidizing the school board and county and everyone else, unless we put in additional funds through the franchise fee. Dickinson stated in Stevens Point the franchise fee is given to public access and because they have the franchise fee they cover government for free. He commented we were asked to go and find other funding and that is what we have done by getting the Board of Education to share in the cost of public access. Oberbeck suggested we may have to put more of the franchise fee into public access to cover the costs and supplement it with other agencies paying their share through the rate. Dickinson suggested the fee be placed in the city's fee schedule as well.

Wagner suggested keeping it at \$25 for 2014 and in the months to come he hoped to bring a presentation to the Council in how to develop it in 2015, 2016 and 2017. Winters stated it would take \$49 per hour to cover the costs, so at \$30 we would as least recover 60% of those costs. Rasmussen commented the reason we are subsidizing others is because we are spending our franchise fee on other things. There is a fund source available designed by cable fees to do these things and perhaps we don't allocate enough of it for public access.

Motion by Winters, second by Oberbeck to set the hourly rate to \$30 for both the Policies and Procedures and the boiler plate contract. Motion carried 4-0.

**JOINT RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE AND ECONOMIC DEVELOPMENT
COMMITTEE**

Adopting Thomas Street Corridor Master Plan

Committee Action: CISM: Approved 5-0
ED Committee: Pending

Fiscal Impact: There is no fiscal impact associated with adopting the plan.

File Number: 02-1005

Date Introduced: March 25, 2014

WHEREAS, Thomas Street functions as a major arterial street and is used by many regional and local travelers who need to cross the Wisconsin River; and

WHEREAS, the reconstruction of Thomas Street has been discussed for a number of years; and

WHEREAS, in 2013 the City hired a consultant to re-evaluate the long-term improvement alternatives for the street corridor; and

WHEREAS, as a result of the continued planning process, the consultants completed and presented a report entitled, *Thomas Street Corridor Master Plan* to the Committee of the Whole on February 24, 2014; and

WHEREAS, this document will be used to help finalize the design of Thomas Street; and

WHEREAS, your Capital Improvements and Street Maintenance Committee and your Economic Development Committee have reviewed the *Thomas Street Corridor Master Plan* and recommend adopting the document to use as a guide in the continued planning process; now therefore,

BE IT RESOLVED that the Common Council of the City of Wausau does hereby adopt the *Thomas Street Corridor Master Plan* as presented to the Committee of the Whole on February 24, 2014.

Approved:

James Tipple, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 13, 2014, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Marquardt, Jacobson, Lenz, Wesolowski, Gehin

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

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

Adopt Thomas Street Corridor Master Plan

Marquardt stated that GRAEF presented the Thomas Street Corridor Master Plan to the Committee of the Whole and the next step is to adopt the document. The document has a couple of alternatives and a recommendation. The Economic Development Committee and the Common Council will also have the opportunity to adopt the plan. After the plan is adopted further discussion will be held to decide the vision. Abitz questioned if this would be replacing the original design and if the City would be able to start purchasing properties if the plan is adopted. Marquardt stated according to GRAEF this is a working document with a conceptual design. For example, the plan shows a median at the minimum width but Council could determine the actual width. Also, acquisition does not necessarily mean buildings would be torn down. This is still an open slate and the document will be used as a guide. Abitz stated she recently met with some constituents and they still would like to see the street reconstructed with four lanes. The residents have been put on hold long enough and want to move forward. Marquardt replied the intention is to have the plan at the Committee of the Whole in April for discussion. Staff also wants to be able to move forward and tell residents what the design will be. Abitz stated it has been at a standstill and a lot of people ready to retire have not been able to because of the not knowing. She wants to make sure this moves forward and not put on another standstill with a new Council. The road is in terrible condition and traffic backs up. She is frustrated that the residents have to deal with this and they need to know the design so they can go on with their lives. Rasmussen stated the residents of Thomas Street deserve better and we need to identify a clear direction. She would like to see the plan back to this committee in May. Mielke stated no matter what happens after the April elections, it is time to move forward. People should not have to put their lives on hold any longer. Gisselman agreed but stated it will be hard to look at the details such as the width of the median. There are different options to the plan and Council will have to compromise. He would like some type of timeline with what will happen the rest of the year. He knows there are differences on how everyone sees Thomas Street but we need to come to some type of agreement. Rasmussen stated she does not want to build a road and have to change it years later. She wants it done right the first time.

Willie Guillaume stated he owns the restaurant at 10th Avenue and Thomas Street. He believes if the road is four lanes to the bridge it will create a bottleneck and cause accidents. If the road is built as two lanes from 3rd Avenue to 17th Avenue, there will be problems with traffic backing up. He believes it should be built right now or it will cost more later.

Robert Baumann, 1040½ South 5th Avenue, stated he was told Thomas Street will have a median and bicycle lanes and questioned if they were needed. He believes medians will be a waste of money and a four lane design would be a good idea as there is a lot of traffic in the area. He is getting frustrated and impatient with the process.

Mielke moved to approve adoption of the Thomas Street Corridor Master Plan. Kellbach seconded and the motion carried unanimously 5-0.

Agenda Item No.

2

STAFF REPORT TO CISM COMMITTEE – March 13, 2014

AGENDA ITEM
Adopt Thomas Street Corridor Master Plan.
BACKGROUND
Last month, GRAEF presented their concepts for the Thomas Street Corridor Master Plan. The plan should be officially adopted by council. After the plan is adopted, decisions can be made on what Thomas Street should look like and what properties to acquire.
FISCAL IMPACT
There is no fiscal impact associated with adopting the Plan.
STAFF RECOMMENDATION
Staff recommends adoption of the Thomas Street Corridor Master Plan. The Economic Development Committee will also be making a recommendation on the adoption of the plan at their meeting.
Staff contact: Brad Marquardt 715-261-6745

RESOLUTION OF FINANCE COMMITTEE

Adoption of Purchase of Animal Impoundment Services Agreement for the impoundment, care, treatment and/or humane disposal of non-dog strays taken into custody by law enforcement or humane officers between the Humane Society of Marathon County, Inc. and the City of Wausau, from March 31, 2014 through December 31, 2014 and related Budget Modification

Committee Action: Approved 5-0

Fiscal Impact: \$32,400 from March 31, 2014 through December 31, 2014 and \$220 per cat thereafter, with \$25,419 offset from County

File Number: 03-0717

Date Introduced: March 25, 2014

RESOLUTION

WHEREAS, your Finance Committee, at its December 10, 2013, meeting, recommended that the Mayor be authorized to execute a Letter of Intent for the provision of impound services for non-dog stray animals and animals held for cause beyond December 31, 2013, by the Humane Society of Marathon County, Inc. as more specifically provided therein; and

WHEREAS, effective January 1, 2014, it became necessary for the City of Wausau to assume responsibility for the impoundment of animals held for cause; and

WHEREAS, the Common Council of the City of Wausau, on January 14, 2014, executed an Municipality Held For Cause Services Agreement with the Humane Society of Marathon County, Inc., retroactive to January 1, 2014 through December 31, 2014, to provide for the impoundment, care, treatment and/or humane disposal of animals taken into custody by law enforcement or humane officers employed by the City and animals held for cause; and

WHEREAS, your Finance Committee, on March 24, 2014, recommended entering into a contract with the Humane Society of Marathon County, Inc., following their response to an RFP for the impoundment, care, treatment and/or humane disposal of non-dog stray animals from March 31, 2014 through December 31, 2014; and

WHEREAS, your Finance Committee has reviewed the funding options and recommends a transfer from the Contingency Fund to cover the net costs; and

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau that the proper city officials are hereby authorized to execute the attached Animal Impoundment Services Agreement for a term commencing March 31, 2014 and ending December 31, 2014.

BE IT FURTHER RESOLVED that the Finance Director and proper City officials are hereby authorized to modify the budget of the Animal Control Fund and publish the budget modification in the official newspaper as required.

167-271092171	Animal Services	\$32,400
167-270087232	Municipal Cost Share Reimbursements	\$ 5,832
167-270088416	County Grant	\$25,419
110-33427	Contingency	\$12,813

Approved:

James E. Tipple, Mayor

PURCHASE OF ANIMAL IMPOUNDMENT SERVICES AGREEMENT

**BETWEEN
THE HUMANE SOCIETY OF MARATHON COUNTY, INC.
AND CITY OF WAUSAU**

Municipality Address: Mayor James E. Tipple
City of Wausau
407 Grant Street
Wausau WI 54403

Humane Society: Executive Director
7001 Packer Drive
Wausau WI 54401

Registered Agent Attorney Andrew W. Schmidt
For HSMC: 123 Grand Avenue
Wausau WI 54403

THIS SERVICES AGREEMENT (the "Agreement"), is made and entered into, by and between the City of Wausau (the "MUNICIPALITY") and the Humane Society of Marathon County, Inc. ("HSMC"),

RECITALS

WHEREAS, MUNICIPALITY, desires to purchase services from HSMC (a not-for-profit corporation under the laws of the State of Wisconsin) for the impoundment, care, treatment and/or humane disposal of non-dog strays and the non-dog strays of the Village of Weston, Town of Weston and City of Schofield (collectively "EVEREST METRO"); and

WHEREAS, HSMC, is presently situated and capable to provide services to MUNICIPALITY for professional and ethical impoundment, animal shelter, care services, treatment and humane disposal of an animal; and

WHEREAS, at all times this Agreement shall be construed in a manner consistent with Wisconsin Statutes so as to maximize the welfare of the animals who are the subject hereof and who are cared for by HSMC and pursuant to the terms of this Agreement; and

WHEREAS, HSMC maintains a principal place of business located at 7001 Packer Drive, Wausau, Wisconsin 54401, but periodically uses third party facilities to fulfill the services provided in this Agreement; and

WHEREAS, HSMC is a not-for-profit private corporation (a private entity) entering into an Agreement with a political subdivision as defined in Wis. Stat. §173.15(1) and acknowledges its obligations under Wis. Stat. §173.15(2) in relation to this Agreement; and

WHEREAS, MUNICIPALITY and HSMC desire that this Agreement is for the impoundment, care and treatment of non-dog strays for the Term of this Agreement.

NOW THEREFORE, in consideration of the above Recitals and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged by each party to this Agreement, it is agreed by the MUNICIPALITY and HSMC as follows:

AGREEMENT

1.0 TYPE AND GEOGRAPHIC SCOPE OF SERVICES. HSMC agrees to provide the services detailed herein with respect to stray animals (EXCLUDING DOGS) in response to a request by MUNICIPALITY.

1.1 Stray Animals (EXCLUDING DOGS). HSMC will operate an impoundment facility to care for, and/or humanely dispose of non-dog strays as defined per this Agreement as well as keep accurate records thereof pursuant to the provisions of Wis. Stats. §173.15(2)(b) of all of the animals brought to HSMC under the terms of this Agreement.

1.2 Animals Held for Cause. This Agreement does not include impoundment services for animals taken into custody pursuant to §173.13, Wis. Stats., by law enforcement or humane officers of any political subdivision. Furthermore, this Agreement does not include impoundment services for animals withheld from their owner for cause by any political subdivision, pursuant to §173.21, Wis. Stats., et seq. MUNICIPALITY and HSMC agree that any such services to be performed on behalf of the MUNICIPALITY, shall be subject to a separate agreement.

1.3 HSMC will attempt to locate the owners of stray animals and if found, inform the owner of the cost of holding, care, and treatment of that owner's animal.

1.4 HSMC will obtain ownership of a stray animal if they are unclaimed within the statutory 7 days for eventual adoption or relocation. Disposition costs of an animal that was brought in as a stray shall be borne by the MUNICIPALITY pursuant to the terms of Compensation set forth herein.

1.5 This Agreement does not include impoundment services for stray dogs. Marathon County has entered into a separate one year agreement with HSMC for impoundment services for stray dogs.

1.6 The services provided herein by HSMC also include any non-dog stray brought in under MUNICIPALITY's "INTERGOVERNMENTAL HUMANE OFFICER SERVICES

AGREEMENT BETWEEN THE CITY OF WAUSAU AND EVEREST METROPOLITAN POLICE DEPARTMENT” entered into January 1, 2014.

2.0 COMPENSATION. MUNICIPALITY shall compensate HSMC for services detailed in this Agreement as follows: \$32,400 for the contract, \$30,000 of which shall be for the first 150 cats, to include feral cats brought into HSMC by law enforcement; for all cats brought in beyond 150, the flat fee shall be \$220 per cat. The \$2,400 represents up to 12 non-dog, non-cat strays after which each animal may cost up to \$220. The fees include any non-dog stray brought in under MUNICIPALITY’s “INTERGOVERNMENTAL HUMANE OFFICER SERVICES AGREEMENT BETWEEN THE CITY OF WAUSAU AND EVEREST METROPOLITAN POLICE DEPARTMENT” entered into January 1, 2014.

2.1 The contract price of \$32,400 shall be due and paid in full on or before April 30, 2014.

2.2 HSMC will bill MUNICIPALITY for animals beyond 150 cats or 12 non-dog, non-cat strays regardless of whether Wausau Police/Humane Officer or Everest Metro Police Officer delivers the animals to HSMC.

3.0 TERM OF AGREEMENT.

3.1 Term. Unless otherwise agreed in writing, the initial term of this Agreement shall be from March 31, 2014 through December 31, 2014. This Agreement can only be renewed by mutual agreement of the two parties. The Agreement may also be terminated subject to termination provisions under Section 6.0.

4.0 DEFINITIONS. As used in this Agreement the following words shall have the meanings provided below:

4.1 Stray Non-Dog Animal: A non-dog animal whose owner or custodian is unknown or cannot be ascertained immediately with reasonable effort. A stray non-dog animal may be brought to HSMC only by the MUNICIPALITY’s humane or law enforcement officers, or a humane officer or law enforcement officer of Everest Metro.

4.2 Surrender: Is any animal that has been voluntarily delivered to HSMC by its owner, handler or other person entitled to do so. Surrender animals are NOT within the scope of this Agreement.

4.3 Unclaimed: Any animal whose owner has failed to reclaim the animal within the statutory time frames under State laws.

4.4 Wild Animal: The definition of “wild animal” is to include all nature-born, non-domesticated, non-owned free animals of all and any species even if living in and

around humans or other domesticated, exotic or livestock animal. Wild animals are NOT within the scope of this Agreement. "Wild animals" does not include feral cats.

5.0 EXECUTION AND PERFORMANCE OF SERVICES.

5.1 Cooperation. HSMC agrees to use reasonable methods in working with all MUNICIPAL departments, agencies, employees and officers. MUNICIPALITY agrees to use reasonable methods in working with HSMC in order to enable HSMC to perform the services described herein.

5.2 HSMC Personnel. HSMC agrees to secure, at its own expense, all personnel necessary to carry out its obligations under this Agreement. Such personnel shall not be employees of MUNICIPALITY. HSMC shall ensure that its personnel are instructed that they do not have any direct contractual relationship with MUNICIPALITY. MUNICIPALITY shall have no authority over any aspect of HSMC's personnel practices and policies and shall not be liable for actions arising from such policies and practices.

5.3 Transportation of Animals. MUNICIPALITY is NOT purchasing transportation services to or from HSMC, and HSMC shall have no obligation to pick up or transport ANY animal covered by this Agreement.

5.4 Facility Access. HSMC will provide, or assure the availability of an appropriate facility that will provide admitting stray non-dog animals 24 hours a day, 7 days a week, that are delivered by humane and/or law enforcement officers employed by the City of Wausau or Everest Metro.

5.5 Services for Animals. HSMC agrees to provide for the professional, humane and ethical impoundment, animal shelter, care services, and humane disposal of any animal within the scope of this Agreement.

5.6 Reclaiming Services. HSMC shall use reasonable attempts to identify, locate, and make contact with the animal's owner in order to arrange for either the surrender or the return of the animal. Said efforts will be made within the statutory 7 day holding period. Notwithstanding the foregoing, the parties acknowledge that the owners of some stray non-dog animals are never known or even identified such that HSMC's ability to find the owner is a legal impossibility.

5.7 Ethical and Humane Treatment. HSMC agrees it will use the best practices for care, housing, adoption or final disposition (euthanize, transfer or adoption) of all animals within the scope of this Agreement and in compliance with all federal, state and local laws.

5.8 Not an Exterminator. MUNICIPALITY agrees that HSMC does not provide services for any animal that would be best handled by a "pest" exterminator.

5.9 Disposition of Stray Non-Dog Animals. After the statutory waiting time, seven (7) days, the parties agree that HSMC will obtain exclusive possession of all strays covered by this Agreement. However, and at the HSMC's sole discretion, the HSMC may not desire to take possession of certain animals and shall have the legal right to terminate the animal and dispose of the animals remains.

5.10 Protocols. Both parties will mutually create and agree upon protocols to follow in order to accomplish the efficient execution of this Agreement with a minimum of confusion or disagreement.

5.11 Records. HSMC agrees to keep statistical records of all animals, including origin (jurisdiction), admittance, disposition, care, treatment, redemption records and those additional records as may be required under Wis. Stats. §173.15(2)(b). Such records shall be made available to MUNICIPALITY. Such records will be available for review, copying or inspection at HSMC by appointment with Executive Director or designee.

6.0 TERMINATION OF AGREEMENT.

6.1 Termination: . Neither party may terminate this Agreement, for any reason during the term of the contract.

7.0 INSURANCE AND INDEMNIFICATION.

7.1 Insurance. In order to protect itself, MUNICIPALITY and EVEREST METRO, its officers, boards commissions, agencies, employees and representatives under the indemnity provisions of this Agreement, HSMC shall obtain and at all times during the term of this Agreement keep in full force and effect comprehensive general liability insurance policies (as well as professional malpractice or errors and omissions coverage, if the services being provided are professional services) issued by a company or companies authorized to do business in the State of Wisconsin and licensed by the Wisconsin Insurance Department, with liability coverage provided for therein in the amounts of at least:

- Commercial General Liability - \$1,000,000.00 combined single limit.
- Workers Compensation Insurance as required by Wisconsin Statutes of all employees engaged in work.

7.2 Indemnification.

A. Immunity. The MUNICIPALITY and EVEREST METRO are governmental entities entitled to governmental immunity under law, including Wis. Stat. §893.80. Nothing contained herein shall waive the rights and defenses to which the MUNICIPALITY AND EVEREST METRO may be entitled under law, including all of the immunities, limitations, and defenses under Wis. Stats. §893.80 or any subsequent amendments thereof.

B. Responsible for Own Actions. HSMC, MUNICIPALITY AND EVEREST METRO shall bear the risk of its own actions, as it does with its day-to-day operations.

C. Employee Claims. The employees of the parties hereto shall be covered by his or her employing entity for purposes of worker's compensation, under Ch. 102, Wisconsin Statutes, unemployment insurance, and benefits under Ch. 40 Wisconsin Statutes. Both parties waive subrogation rights each may have against the other party for claim payments under Ch. 102, Wisconsin Statutes.

D. HSMC shall indemnify, hold harmless and defend MUNICIPALITY and EVEREST METRO, its boards, commissions, agencies, officers, employees and representatives against any and all liability, loss (including, but not limited to, property damage, bodily injury and loss of life), damages, costs or expenses which MUNICIPALITY and EVEREST METRO, its officers, employees, agencies boards, commissions and representatives may sustain, incur or be required to pay by reason of HSMC furnishing the services or goods required to be provided under this Agreement, provided, however, that the provisions of this paragraph shall not apply to liabilities, losses, charges, costs, or expenses caused by or resulting from the willful or intentional acts or omissions of MUNICIPALITY and EVEREST METRO, its agencies, boards, commissions, officers, employees or representatives. The obligations of HSMC and MUNICIPALITY and EVEREST METRO under this paragraph shall survive the expiration or termination of this agreement.

8.0 NOTICE TO PUBLIC AND PRIVATE ON NONAFFILIATION. HSMC may employ at various times outside contractors or promoters to assist it with all types and levels of products or services. HSMC agrees that it shall inform all outside contractors, promoters, and the public that the HSMC is not a legal entity, agency or subdivision of MUNICIPALITY.

9.0 NOTICES.

9.1 Notices to the MUNICIPALITY. Except as more specifically provided by the terms of this Agreement, notice to the MUNICIPALITY shall be delivered via first class mail as follows:

Mayor James E. Tipple
City of Wausau
407 Grant Street
Wausau WI 54403

Toni Rayala
City Clerk
407 Grant Street
Wausau WI 54403

9.2 Notices to HSMC. Except as more specifically provided by the terms of this Agreement, notice to HSMC shall be delivered via first class mail as follows:

Mary Kirlin
Executive Director
Humane Society of Marathon Co.
7001 Packer Drive
Wausau WI 54401

Linda Berna-Karger
President of the Board of Directors
Humane Society of Marathon Co.
7001 Packer Drive
Wausau WI 54401

10.0 MISCELLANEOUS.

10.1 Integrated Agreement. This Agreement together with any all instruments, exhibits, schedules or addenda attached hereto sets forth the complete understanding of the parties relating to the matters which are the subject hereof and supersede any and all prior or contemporaneous written or oral agreements, understandings and representations relating thereto.

10.2 Modifications. This Agreement may only be modified in writing signed by the parties or any officers of such parties with authority to bind the party. No oral statements, representations, or course of conduct inconsistent with the provisions of this Agreement shall be effective or binding on any party regardless of any reliance thereon by the other.

10.3 Choice of Law and Venue. This Agreement shall be construed and enforced in accordance with the laws of the State of Wisconsin. In the event of any disagreement or controversy between the parties over this Agreement, the parties agree that the sole and exclusive venue for any legal proceedings related to it shall be in the Marathon County Circuit Court, State of Wisconsin.

10.4 Construction.

10.4.1 Construction Against the Drafter. Provisions for which ambiguity is found shall not be construed against any party by virtue of that party having drafted or prepared the same.

10.4.2 Captions. Captions or any section or paragraph of this Agreement are for the convenience of reference only and shall not define or limit the scope of any provisions contained therein.

10.4.3 Severability. Whenever possible, each provision of this Agreement shall be interpreted in such a manner so as to be effective and valid under applicable law. However, if any provision is prohibited by or found to be invalid or unenforceable under applicable law or for any other reason or under particular circumstances the same shall not affect the validity or enforceability of such provision under any other circumstances or of the remaining provisions of the Agreement. Such provision shall be deemed automatically amended with the least

changes necessary so as to be valid and enforceable and consistent with the intent of such provision as originally stated.

10.4.4 Tense. Use of the singular number shall include the plural and one gender shall include all others.

11.0 ASSIGNMENT. No party shall assign nor transfer any interest or obligation under this Agreement without the prior written consent of the other.

12.0 THIRD-PARTY BENEFICIARIES. Except as set forth herein above with respect to EVEREST METRO, this Agreement is intended to be an Agreement solely between the parties hereto and for their benefit only. No part of this Agreement shall be construed to add to, supplement, amend, abridge or appeal existing duties, rights, benefits or privileges of any third-party or parties, including, without limitation, employees of either party and any other municipality located within the geographic limits of the County.

13.0 EXECUTION IN COUNTERPARTS. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same agreement.

14.0 REPRESENTATION OF COMPREHENSION OF DOCUMENT. In entering into this Agreement, the parties represent that they have relied upon the advice of their attorneys, who are the attorneys of their choice, concerning the legal consequences of this Agreement. They further agree that the terms of this Agreement have been completely read and explained to them and they are fully understood and voluntarily accepted.

15.0 WARRANTY OF CAPACITY TO EXECUTE.

15.1 I, James E. Tipple, in my capacity as MUNICIPALITY Mayor, and acting as the MUNICIPALITY Contract Administrator for the City of Wausau, and I, Toni Rayala, warrant that we have the legal authority to execute this Agreement on behalf of the City of Wausau and to receive the consideration specified in it, and that neither we nor the City of Wausau sold, assigned, transferred, conveyed or otherwise disposed of any rights subject to this Agreement.

15.2 I, Mary Kirlin, Executive Director, Humane Society of Marathon County, Inc., and I, Linda Berna-Karger, President of the Board of Directors of HSMC warrant that we have the legal authority to execute this Agreement of behalf of the HSMC and that neither they nor HSMC have sold, assigned, transferred, conveyed or otherwise disposed of any rights subject to this Agreement.

FOR HUMANE SOCIETY OF MARATHON COUNTY, INC.:

MARY KIRLIN Date
Executive Director, HSMC

LINDA BERNA-KARGER Date
President Board of Directors, HSMC

FOR MUNICIPALITY:

JAMES E. TIPPLE Date
Mayor, MUNICIPALITY Contract Administrator

TONI RAYALA Date
City Clerk

This Agreement drafted by
Anne L. Jacobson
City of Wausau

RESOLUTION OF FINANCE COMMITTEE

Approving amendment to Regional Animal Control Services Contract between the City of Wausau and Everest Metropolitan Police Department for the provision of certain animal control services from 1/1/14-12/31/14

Committee Action: Approved 5-0

Fiscal Impact:

File Number: 12-1214

Date Introduced: March 25, 2014

RESOLUTION

WHEREAS, the City of Wausau, on December 10, 2013, approved entering into an agreement with Everest Metro Police Department for the provision of certain animal control services to the three jurisdictions within which it provides law enforcement for a term commencing January 1, 2014 and ending December 31, 2014; and

WHEREAS, the city is about to enter into an agreement with the Humane Society of Marathon County, Inc. for the impoundment, care, treatment and/or humane disposal of non-dog stray animals taken into custody by law enforcement from the jurisdictions of City of Wausau, City of Schofield, Village of Weston and Town of Weston; and

WHEREAS, the contract between the City of Wausau and Everest Metro Police Department needs to be amended to expand the scope of services to include the retrieval of non-dog strays from its jurisdiction for delivery to Humane Society of Marathon County, Inc. by law enforcement.

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 attached amendment to the Regional Animal Control Services Contract between the City of Wausau and Everest Metropolitan Police Department.

Approved:

James E. Tipple, Mayor

INTERGOVERNMENTAL HUMANE OFFICER
SERVICES AGREEMENT
BETWEEN THE CITY OF WAUSAU AND
EVEREST METROPOLITAN POLICE DEPARTMENT

AMENDMENT

THIS Amendment is made this _____ day of _____, 2014, by and between the CITY OF WAUSAU, a municipal corporation organized pursuant to the laws of the State of Wisconsin, hereinafter referred to as CITY, and EVEREST METRO POLICE DEPARTMENT, hereinafter referred to as EVEREST METRO.

The parties hereby agree to amend Section 1. a. Scope of Animal Services, of the Agreement entered into on January 1, 2014 to include picking up stray cats by law enforcement, in addition to stray dogs and other non-dog stray animals for delivery to Humane Society of Marathon County, Inc. pursuant to the contract with Humane Society of Marathon County, Inc.

IN WITNESS WHEREOF, the CITY and EVEREST METRO have caused this Amendment to be duly executed as of the date first set forth above.

WITNESS

CITY OF WAUSAU BY:

James E. Tipple, Mayor

Toni Rayala, Clerk

EVEREST METRO POLICE DEPT.

Wally Sparks, Chief of Police

Loren White, Chairman – Everest Metro
Joint Finance Committee

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

RESOLUTION OF THE FINANCE COMMITTEE

Approving Modification of the 2014 General Fund Budget

Committee Action:

Fiscal Impact (2013): This action will modify the 2014 budget \$192,786

File Number: 13-1109

Date Introduced: March 25, 2013

RESOLUTION

WHEREAS, the Department of Public Works and Parks Department have requested supplements to their 2013 budget based upon uncompleted projects in their 2013 budgets, and

WHEREAS, your Finance Committee reviewed these budget modifications and recommended approval,

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.

Approved:

James E. Tipple, Mayor

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

FUND 110 GENERAL FUND

PUBLIC WORKS	2013 Modified		Carryover
	Budget	2013 Expenses	Request
110-101592490 Street Maintenance Contractual Services	\$ 143,000	\$ 44,327	\$ 98,673
110-101992490 Traffic Ligns and Signs Contractual Services	\$ 80,000	\$ 4,645	\$ 75,355

Carryover funding will allow the department to complete two important projects from 2013. Street Maintenance Contractaul Services will finance the uncompleted street seal coat project of 2013. The horrible winter and thaw will have a significant impact on streets. Seal coating is an economical method of resurfacing streets. The 2014 budget is \$143,000. The second request will fund the epoxy painting of lines at high traffic intersections and streets including crosswalks, centerlines and turn lanes. The department contracts annually to maintain these traffic amenities. This was not accomplished in 2013, this budget amendment would allow the department to contract for two years of effot and ensure these safety features are maintained.

PARKS	2013 Modified		Carryover
	Budget	2013 Expenses	Request
110-130092190 Parks - Other Professional Services	\$ 21,975	\$ 17,005	\$ 8,643
110-130098246 Parks - Urban Forestry Grant	\$ 10,115	\$ -	\$ 10,115

Carryover funding will allow the department to complete to important street tree related projects. The parks - other professional services will finance the balance of the 2013 tree removal and stump grinding quote. The Urban Forestry Grant was awarded by the State in 2013 yet these funds have not been expended. The carryover will allow the department to plant additional trees and upgraded trees along Wausau's city streets.

RESOLUTION OF FINANCE COMMITTEE

Authorizing renewal of parking lot lease (Third and Grant Streets) – Colonial Property 4, LLC

Committee Action: Pending

Fiscal Impact:

File Number: 92-0623

Date Introduced: March 25, 2014

RESOLUTION

WHEREAS, the current three-year lease agreement between the City and Colonial Property 4, LLC for the lease of the parking lot at Third and Grant Streets, expires on March 31, 2014; and

WHEREAS, the owner of the lot would like to renew the lease with the same terms and conditions, except he is requesting the City remove snow from the sidewalks adjacent to the parking lot on Third and Grant Streets at city’s expense and otherwise sweep and maintain sidewalks; and

WHEREAS, your Finance Committee, at their March 24, 2014 meeting, reviewed the request and recommends the City renew the lease for a three-year period, under the terms and conditions set forth in the proposed lease agreement attached hereto with the requested change.

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 a three-year agreement for the lease of the Third and Grant Streets parking lot from Colonial Property 4, LLC, a copy of which three-year lease is attached hereto and incorporated herein by reference.

Approved:

James E. Tipple, Mayor