

**OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL**  
held on Tuesday, June 10, 2014, at 7:00 pm in the Council Chambers at City Hall.  
Mayor Tipple presiding.

**Roll Call**

06/10/2014 7:03:10 PM

Roll Call vote 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.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**Presentations:**

Mayor Tipple stated the Public Access Channel recently received an Award of Achievement for 2014 Best of the Midwest Video Festival at the Wisconsin Community Media Spring Conference in Madison, Wisconsin. He read and presented the plaque to Chris Dickinson of WAAC. Dickinson indicated it was for the annual Christmas concert from the Barbershoppers quartet.

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

- 1) Deb Ryan, 702 Elm St, spoke in favor of the request for two hour parking in the 100 block of N 2<sup>nd</sup> Avenue.

*Neal requested file 82-1252 and 14-0612 be pulled from the Consent Agenda.*

*Abitz requested 14-0608 and 90-1136 be pulled from Consent.*

*Mayor Tipple noted the 5/13/14 Council minutes were withdrawn.*

**Consent Agenda**

06/10/2014 7:13:18 PM

Motion by Neal, second by Kellbach to adopt all items listed on the Consent Agenda as follows:

**14-0401** Minutes of previous meetings. (04/22/14)

**12-0110** Joint Resolution of the Capital Improvements & Street Maintenance Committee and the Plan Commission accepting dedication of right-of-way on Kent Street from Curling Way to approximately 700 feet to the east.

**14-0613** Resolution of the Economic Development Committee authorizing proposed City of Wausau sponsorship of the Robert W. Monk Gardens application to the Marathon County Environmental Impact Fund

**92-0623** Resolution of the Finance Committee authorizing renewal of parking lot lease (Third and McClellan Streets - Janke)

**14-0604** Resolution of the Parking & Traffic Committee Granting Engineering Department authority to create temporary parking restrictions on all roadways adjacent to Grand Avenue throughout the duration of the Grand Avenue reconstruction project.

**14-0605** Ordinance of the Parking & Traffic Committee designating 2-hour parking in the 100 block of N. 2nd Avenue.

**14-0606** Resolution of the Plan Commission Approving a conditional use at 900 Golf Club Road to allow for an outdoor dining area, in a B2, Community Service District.

**14-0607** Resolution of the Plan Commission Approving a conditional use at 601 Forest Street to allow for a motor vehicle sales, in a B2, Community Service District.

**14-0609** Resolution of the Plan Commission Amending the Conditional use at 2607 North 18th Street to modify the fencing requirement of wind turbines.

**14-0108** Resolution of the Public Health & Safety Committee Approving or Denying Various Licenses as Indicated.

**03-0311** Resolution of the Wausau Water Works Commission Reviewing the 2013 Compliance Maintenance Annual Report for the Wastewater Plant.

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.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**82-1252**

06/10/2014 7:27:05 PM

Motion by Neal, second by Nagle to adopt an Ordinance of the Parking & Traffic Committee Amending Section 10.40.050 Rules of the road.

Neal stated he was going to start pushing for some creative solutions to the bicycle transportation scenario in Wausau. He indicated he was not intending to spend a lot of money on it; rather he was looking for the most cost effective ways as possible. Oberbeck agreed the bicycle lanes were dangerous and people were already riding on the sidewalks. He suggested designing wider sidewalks to accommodate both bicycle and pedestrian traffic. He felt pedestrians & bicycles were safer together than cars & bicycles.

Rasmussen noted there now is a Bike & Ped Advisory Committee to help us (CISM) in reviewing our street and road plans as we do redesigns to ensure that we include the proper bike/ped accommodations for future years. She agreed we should look more at how people and bicycles move through our city and has never agreed with bicycles having to be in the street all the time.

Neal stated he would like a system of options that are safe and pleasant for the city. Nagle commented the sidewalks on Grand Avenue aren't safe for wheelchairs, strollers, pedestrians or bicyclists. He felt a pathway needs to be built from that area to the north.

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.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**14-0612**

06/10/2014 7:29:01 PM

Motion by Wagner, second by Neal to adopt the Resolution of the Plan Commission Approving CSM for 709 & 713 Grant Street.

Neal questioned what the action or the purpose of the resolution was. Bill Hebert explained this is reference to the Hiawatha, which is the owner of both properties. Hiawatha is considering a small expansion in the rear so he asked them to find the rear property line and they discovered that part of the building is actually over the property line, so this is a correction CSM.

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.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**14-0608**

06/10/2014 7:31:06 PM

Motion by Abitz, second by Neal to adopt a Resolution of the Plan Commission Amending the precise implementation plan for 1800 Westwood Center Boulevard to allow for new signage.

Abitz stated she wanted to make sure there was not going to be any electronic design attached to the sign that could be read from the highway. Brad Lenz confirmed there will not be an electronic reader board.

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.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**90-1136**

06/10/2014 7:37:11 PM

Motion by Wagner, second by Rasmussen to adopt an Ordinance of the Public Health & Safety Committee Amending Section 6.44.040(c) Location of Waste Containers on Property.

Abitz asked for clarification regarding placement of the waste containers for a specific residence. Rasmussen explained it allows containers to be stored alongside garages on corner properties, visible from the street but not in the front of the house. The next ordinance modifies the hours at which they can put them out and take them back in. Nagle commented we may want to consider limiting the ability to do this to 50 foot lots.

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.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**90-1136**

06/10/2014 7:37:48 PM

Motion by Wagner, second by Rasmussen to adopt an Ordinance of the Public Health & Safety Committee Amending Section 6.44.060 Location of Waste and Recycling Containers for collection - concerning hours for containers left at curb-side for pick up.

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.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**13-1109**

06/10/2014 7:39:39 PM

Motion by Nagle, second by Abitz to adopt a Resolution of the Finance Committee approving 2014 Budget Modification 2014 Street Construction Projects A, B and C.

Winters stated although the fiscal impact states \$279,000 in additional borrowing, which means you are committing to approximately \$34,500 in additional debt service each year and increasing this budget by 15%. Rasmussen pointed out this was a commitment that we made when the curling facility was put in.

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.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**13-1109 Withdrawn from the agenda**

Resolution of the Finance Committee Approving 2014 Budget Modification Tax Increment District Number Six Highway 52 Median Landscape Project

**14-0610 Withdrawn from the agenda**

Ordinance of the Plan Commission Rezoning 800 North 1st Street from B4-2, Central Business District to B2, Community Service District.

**14-0611**

06/10/2014 7:41:07 PM

Motion by Wagner, second by Rasmussen to adopt an Ordinance of the Plan Commission Rezoning 317, 323, 325, 327 & 329 North 1st Avenue from B2, Community Service District, to UDD, Unified Development District and approving the General Development Plan to allow for business use on the 1st floor and a Community Based Residential Facility on the 2nd floor.

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.	NV
4	Neal, Tom	YES

5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**14-0611**

06/10/2014 7:41:43 PM

Motion by Wagner, second by Rasmussen to approve a Resolution of the Plan Commission approving the precise implementation plan for 317, 323, 325, 327 & 329 North 1st Avenue to allow for business use on the 1st floor and a Community Based Residential Facility on the 2nd Floor.

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.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**Suspend the Rule 12A**

06/10/2014 7:42:30 PM

Motion by Winters, second by Kellbach to suspend Standing Rule of the Common Council: Rule 12A - Referral of Resolutions.

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.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**02-0433 Council Election to Plan Commission**

Mayor Tipple explained that Dave Oberbeck was elected to Plan Commission at the organizational meeting in April; however, he was subsequently selected as chair of the Park & Recreation Committee, which is an automatic member to the Plan Commission. He indicated they will need to elect another Council member to the Plan Commission for the remainder of the 2014-2016 term.

Neal nominated Dave Nutting, seconded by Mielke. Abitz nominated Gary Gisselman, seconded by Oberbeck. Council voted. Gary Gisselman was elected as a member of the Plan Commission for 2014-2016.

**Public comment or suggestions (for matters not appearing on the agenda)**

Milt Pachal, 1310 Maple Hill Rd, updated the Council on an implementation of a move to amend petition drive starting on June 12, 2014, in advance of a November election ballot initiative. He stated in January 2010 the Supreme Court ruled on Citizens United vs the Federal Election Commission. The ruling was on Citizens United saying that corporations and unions have personhood and therefore have the same rights as individual persons. To add to the problem, as of April 2014, there was a ruling that donors would have to stick to a \$2,600 limit but can give to as many campaigns as they want without worrying about a \$123,200 ceiling. He

commented this has led to the back to back political commercials without the media checking the facts; they collect the fees and put it on the air. He stated that is why this movement has been started and will be accomplished by local volunteers, not by paid staff or petitioners. He stated they want citizens of Wausau to be able to tell our representatives to get the big money out of the politics. In time, this amendment to the Constitution will allow political money to be regulated. It is the hope of many people involved that we'll leave the world a better place for our children and grandchildren. He noted this has already been completed in 16 states and 41 Wisconsin communities are ready to amend; Green Bay, Appleton and Wisconsin Rapids are in process now.

**Closed Session**

06/10/2014 7:51:38 PM

Motion by Wagner, second by Neal to move into CLOSED SESSION pursuant to 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, regarding offers of settlement in: a) Marathon County Case No. 12CV1297 Koble Investments, LLC vs. City of Wausau; b) Marathon County Case No. 13CV312 Jason Kotolski et al vs. Cities and Villages Mutual Insurance Company et al (City of Wausau).

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.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**Reconvened back into Open Session.**

**14-0614**

06/10/2014 8:25:13 PM

Motion by Neal, second by Mielke approving a Resolution of the Common Council approving agreement for settlement of a lawsuit for Koble Investments, LLC vs. City of Wausau (Marathon County Case No 12CV1297).

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.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**14-0615**

06/10/2014 8:26:21 PM

Motion by Winters, second by Neal approving a Resolution of the Common Council approving agreement for settlement of a lawsuit for Jason Kotolski et al vs. Cities and Villages Mutual Insurance company et al (City of Wausau) Marathon County Case No. 13CV312.

*Wagner indicated he would abstain from voting because his wife works for one of the law firms involved.*

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

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

**Adjourn**

06/10/2014 8:26:52 PM

Motion by Mielke, second by Neal to adjourn. Meeting adjourned at 8:26 p.m.

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.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

James E. Tipple, Mayor  
Toni Rayala, City Clerk