



## OFFICIAL NOTICE AND AGENDA - REVISED

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, October 14, 2014 at 7:00 pm.**  
 Location: **City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers**  
 Members: **Bill Nagle, Romey Wagner, David Nutting, Tom Neal, 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
14-0801		Minutes of previous meetings. (8/13/14 & 8/26/14)	
14-1008	CISM	Initial Resolution setting a public hearing regarding vacating and discontinuing Junction Street south of McDonald Street	Approved 5-0
14-1004	CISM	Resolution Establishing Assessment Rates for 2015 New Street Construction Projects	Approved 5-0
98-0809	CISM	Resolution Approving a Temporary Easement For Use of Lake View Court Right-of-Way (Cynthia Ecklund, Lee's Famous Recipe)	Approved 5-0
99-1217	P&T	Ordinance Amending Section 10.01.080 Penalty relative to handicapped parking	Approved 3-0
12-1005	PLAN	Resolution Amending the precise implementation plan for 1015 South 17th Avenue to allow for a digital message sign in an existing Unified Development District. (Thunder Lube)	Approved 5-0
14-0108	PH&S	Resolution Approving or Denying Various Licenses as Indicated	Approved 4-0

File #	CMT	Resolutions and Ordinances	ACT
14-0903		Confirmation of Mayor's Appointments.	
14-1007	PH&S	Resolution considering the report, including the Findings of Fact, Conclusions of Law and Recommendations with regard to the Class "B" Beer & Liquor License of Its Our Clubhouse LLC (Bryan Morel, agent and member) for the premises located at 738 S. 3rd Avenue	Approved 4-0
		Suspend Rule 1(D) Transmission of Committee Business to Council - (2/3 Vote required)	
06-1016	COUN	Ordinance Repealing Chapter 3.10 Fees for Municipal Services	
02-1008	CISM	Resolution Approving Thomas Street design concept and plan from Wisconsin River to 17th Avenue	Approved 3-2
14-0511	CISM & PLAN	Joint Resolution Authorizing Sale of Excess City-Owned Property at 541 Evergreen Road	Approved 5-0 Pending
07-0814	ED & FIN	Joint Resolution Authorizing the Amendment to August 2007 Development Agreement between the City of Wausau and Scannell Properties #92 LLC (Wausau Window & Wall), 7800 International Drive.	Approved 5-0 Pending
13-1109	FIN	Resolution Approving 2014 Budget Modification 80th Avenue Utility Relocation Project	Approved 5-0
13-1109	FIN	Resolution Approving 2014 Budget Modification Tax Increment District Number Six Highway 52 Median Landscape Project	Approved 5-0
14-1006	FIN	Resolution Authorizing the City of Wausau to purchase 1006 North First Street, Wausau, Wisconsin	Approved 5-0
14-1009	FIN	Resolution approving extension or renewal of city cellphone contract.	Pending
14-1005	PLAN	Resolution Approving a conditional use at 1000 West Campus Drive to allow for an illuminated wall sign in an R1, Single Family Residence District (Johnson)	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 10/08/14 @ 4:30 pm. Questions regarding this agenda may be directed to the City Clerk.

**OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL**  
held on Wednesday, August 13, 2014, at 7:00 pm in the Council Chambers at City Hall.  
Mayor Tipple presiding.

**Roll Call**

08/13/2014 7:07:04 PM

Roll call indicated 11 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Nagle, William P.	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	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

**Proclamation**

Mayor Tipple proclaimed general aviation a vital strategic resource to the city of Wausau and declared the month of *August* to be *General Aviation Appreciation Month*.

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

- 1) Milt Pachal, 1310 Maple Hill Rd, stated 55 volunteers collected almost 600 signatures more than necessary in less than 60 days to satisfy the petition amount for direct legislation to put a referendum on the November ballot.
- 2) Jim Waldron, 804 Oriole Ln, President of Wausau Window and Wall Systems, provided an overview of the company and explained why they are asking for an amendment to their 2007 development agreement.

**Consent Agenda**

08/13/2014 7:18:16 PM

Motion by Nutting, second by Neal to approve all items listed on Consent Agenda as presented:

**14-0601** Minutes of previous meetings. (06/10/2014)

**14-0804** Resolution of the Capital Improvements and Street Maintenance Committee approving utility easement at 1701 North River Drive (Wisconsin Public Service)

**02-0117** Ordinance of the Economic Development Committee amending Section 3.12.040 Applicability-City representatives, relative to land acquired by the city for redevelopment purposes.

**02-0511** Ordinance of the Parks and Recreation Committee Amending Section 9.20.020 Regulation of persons to prohibit dogs or any other animal on cross-country ski trails.

**14-0805** Resolution of the Plan Commission approving a conditional use at 725 Woods Place to allow for construction of a 100-foot by 116-foot privately owned airplane hangar in the eastern portion of Wausau Downtown Airport, in an R-2, Single Family Residence District. (Borysenko)

**14-0108** Resolution of the Public Health & Safety Committee approving or denying various licenses as indicated.

**03-0119** Ordinance of the Public Health & Safety Committee Amending Section 17.24.020 Open fire and burning allowed by permit to clarify permit expiration date.

**93-0835** Ordinance of the Public Health & Safety Committee Repealing and Recreating Section 9.08.010 Discharging and carrying firearms and guns prohibited.

**14-0810** Ordinance Amending Section 9.040.010 State Statutes adopted to include possession of drug paraphernalia violations.

**82-1252** Ordinance of the Public Health & Safety Committee Amending Section 1.01.025(c)(1)(B) Schedule of cash deposits to

include possession of drug paraphernalia violations.

**11-0507** Ordinance of the Wausau Water Works Commission amending Chapter 13.62 Sewage Users-Standards and Control

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

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

**14-0803**

08/13/2014 7:20:56 PM

Motion by Neal, second by Wagner to confirm the Mayor's Appointments to the Citizens Advisory Committee – Community Development Block Grant; Historic Preservation Commission; and Neighbor to Neighbor Committee.

*Oberbeck indicated he would abstain from voting as he was one of the appointments to the Historic Preservation Commission.*

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

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

**14-0811 Refer to Referendum**

08/13/2014 7:25:45 PM

Motion by Rasmussen, second by Mielke to refer the Proposed Resolution for Direct Legislation Petition pursuant to s. 9.20, Wis. Stats. by the City of Wausau Electors Supporting a Constitutional Amendment, to a public referendum in November 2014.

Jacobson pointed out the people that circulated the petition understand the Council itself could pass the proposed resolution or put it to a referendum, however, they are requesting that it go to referendum. The law states: "The Common Council shall without alteration either pass the ordinance or resolution, or submit it to the electors at the next spring or general election."

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

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

**14-0808**

08/13/2014 7:29:41 PM

Motion by Mielke, second by Abitz to adopt a Resolution of the Capital Improvements & Street Maintenance Committee approving Winter Street Maintenance Services in the Home Sweet Home Addition and Surrounding Neighborhood in the Town of Weston.

Ric Mohelnitzky, Superintendent of Public Works, felt this was a way of sharing services with neighboring communities. The Village of Weston would drive out to do the Township of Weston because they don't have any equipment. He stated we go right past it on the way out to Greenwood Hills. He indicated any complaints would be directed to Weston because it will be low priority for us and we would serve our citizens first. The cost would be similar to the plowing of parking lots and will be directly billed to the town at our labor and equipment rates.

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

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

**14-0814**

08/13/2014

Resolution of the Finance Committee authorizing an April 2015 referendum concerning changing the form of city government in Wausau and direct staff to have an educational process that is acceptable to council.

Jacobson stated the wording on the Finance Committee agenda and the Council agenda regarding this resolution was not entirely consistent which concerned her with open meeting law compliance issues. She stated the resolution presented authorizes an April 2015 referendum however, that is not exactly what came out of committee. She recommended they suspend the rules for the purpose of considering this item and then move for immediate consideration of the resolution.

**Suspend the Rules**

08/13/2014 7:33:45 PM

Motion by Rasmussen, second by Mielke to suspend the rules.

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

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

Mayor Tipple questioned if there was any objection to immediate consideration of the resolution, being none, there was unanimous consent to consider the resolution.

**14-0814 Amendment**

08/13/2014 8:09:44 PM

Motion by Wagner, second by Rasmussen to amend the resolution authorizing a referendum concerning changing the form of government, from the April 2015 election to the November 2014 election.

Oberbeck commented he voted in Finance to have it on the April 2015 election because he felt more time was needed for additional education for citizens to make a well informed decision and he did not feel that could happen by November 2014.

Mayor Tipple stated in his action steps to study the form of government with the guidance of an outside consultant, he intended the report or outcome be provided as input to the Council by November 1<sup>st</sup>. He stated if the amendment passed he would have to push that date up earlier so that the education process can take place. It is a very constricted timeframe, as the clerk would have to have the wording of the question by August 26<sup>th</sup> and submit it to the county by August 27<sup>th</sup>.

Rasmussen explained her reason for supporting November 2014 is because it is expected to be a high voter turnout election due to the Governor's race. In April 2015, the only thing on the ballot is the Supreme Court race and most likely low turnout. If only 10% of the voters turnout we will not have an accurate enough sample to determine true public opinion.

Neal stated this is a choice that is fraught with implications; it is not a simple choice and is a very complicated decision. There are legal issues, HR issues, the power of the City Council and how it affects staff. He believed there was an awful lot of learning that needs to take place and if we are going to put it to a binding referendum, then we have to do an incredible job of education for the voters and there was no way that he was confident that could be accomplished by November. He was not even sure if April was doable and would entertain an advisory instead of binding referendum, if anything.

Oberbeck did not believe it would be possible to have the wording for the question ready by August 26<sup>th</sup>.

*To amend to November 2014*

Yes Votes: 5      No Votes: 6      Abstain: 0      Not Voting: 0      Result: FAIL

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

**14-0814 Amendment**

08/13/2014 8:10:45 PM

Motion by Neal, second by Nutting to amend the resolution of the Finance Committee authorizing an April 2015 referendum concerning changing the form of government to an ADVISORY referendum.

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

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

10	Abitz, Sherry	YES
11	Mielke, Robert	YES

**14-0814**

08/13/2014 8:12:11 PM

Motion by Neal, second by Oberbeck to adopt a Resolution of the Finance Committee authorizing an April 2015 referendum concerning changing the form of city government in Wausau and direct staff to have an educational process that is acceptable to council, as amended on council floor.

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

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

08/13/2014 8:14:11 PM

Motion by Neal, second by Abitz to adopt a Resolution of the Finance Committee approving 2014 Budget Modification 2014 Street Construction Project D.

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

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

**08-0917**

08/13/2014 8:14:43 PM

Motion by Gisselman, second by Neal to adopt a Resolution of the Finance Committee approving amendment to Parking Lot Land Lease with North First Street Holding Company, LLC

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

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

Motion by Wagner, second by Nagle to adopt a Joint Resolution of the Economic Development and Finance Committees authorizing the amendment to August 2007 Development Agreement between the City of Wausau and Scannell Properties #92 LLC (Wausau Window & Wall) 7800 International Drive.

Jacobson indicated the final amendment with all corrections is on their desks. She explained the original agreement started in 2007 and goes for 15 years; we are not changing the term of the entire agreement, we are simply changing the term of the obligation of Wausau Window and Wall to have this minimum taxable valuation amount for a 15 year period beginning January 1, 2014 through December 31, 2028.

Rasmussen stated she was the no vote in Economic Development Committee because although this was a legitimate mistake, it does not nullify the fact that a contract is a contract. She commented the city is involved in a handful of contracts with Wausau Window and Wall which have been a positive for this community; however, when we reset the clock and delay the collection of money it has an impact to our budget and the taxpayers.

Winters stated he was the no vote in Finance Committee because the contract had been placed in front of us right at that meeting without any chance for them to analyze it. Since then he has analyzed it and would still encourage a no vote on it. He stated Wausau Window and Wall owes us a total of \$312,000 for the years 2009-2013. If we move this up 15 years in the future we will lose the \$312,000 and gain nothing in return due to Consumer Price Index.

Nagle stated the nonpayment had nothing to do with any fault on the part of Wausau Window and Wall. He felt it was unfair for them to be fined with that kind of money now. Wagner agreed and pointed out they paid the bill they were sent; the city fell short in their bookkeeping. The company is bringing in 124 jobs from Colorado into the Industrial Park and we still have an opportunity to make our money back. They have been a great community partner with us and there is no reason to penalize them right now. Oberbeck felt we have to uphold our developer agreements even though it was a staff collection error.

Yes Votes: 5      No Votes: 6      Abstain: 0      Not Voting: 0      Result: FAIL

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

Motion by Rasmussen, second by Nutting to adopt a Joint Resolution of the Economic Development and the Finance Committees approving a Development Agreement between the City of Wausau and Olson Tire & Auto to finance the demolition of a blighted property located at 3515 Stewart Avenue relocation.

Rasmussen stated when this project first came to ED the request was much larger and she opposed it. She indicated she supported this second version because it has been restructured and now incorporates a mix of funding sources and represents reasonable participation on our part through that TIF district. She noted years ago as a municipality we were able to offer in-kind services as part of a development agreement where we would demolish an old building and haul it away. State law has changed now and we can't do work like that anymore. She felt this was really similar to what that would have been.

Oberbeck stated the difference with this property is that it was purchased from the school district at a reduced rate. The owner of the property as it exists right now knew about the condition of the building, used it, had some issues with it as far as maintenance and has now turned it around to a fairly good sale. He didn't feel the city should now come in and demolish this building as a known condition to up the value of that property. He indicated he would fully support a loan but not an outright grant. He noted a competitor has moved into a building down the street and opened up shop on a smaller scale. He did not feel government should pick and choose which business we are going to support.

Yes Votes: 5      No Votes: 6      Abstain: 0      Not Voting: 0      Result: FAIL

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

**14-0812**

08/13/2014 8:35:57 PM

Motion by Nutting, second by Abitz to adopt an Initial Resolution of the Finance Committee Authorizing General Obligation Bonds in an amount not to exceed \$1,900,000 for Community Development Projects in Tax Incremental District Nos. 3 and 10.

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

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

**14-0813**

08/13/2014 8:36:33 PM

Motion by Rasmussen, second by Abitz to adopt a Resolution of the Finance Committee providing for the sale of \$6,930,000 General Obligation Promissory Notes, Series 2014A.

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

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

**08-0710**

08/13/2014 8:42:19 PM

Motion by Neal, second by Nutting to adopt a Joint Resolution of the Finance and Economic Development Committees approving amendment to Parking Space Lease Agreement between City of Wausau and Murdock Wausau Limited Properties.

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

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

**14-0806 Referral**

08/13/2014 9:10:53 PM

Motion by Gisselman, second by Wagner to refer the Resolution of the Plan Commission amending the general development plan and precise implementation plan for 1015 South 17<sup>th</sup> Avenue to allow for the construction of a parking area in an existing Unified Development District (Thunder Lube) back to the Plan Commission to address issues of water drainage, traffic, etc.

Nagle asked for clarification as to whether they can put a U-Haul operation in or not. Tipple stated they could not have U-Hauls.

Gisselman indicated he voted yes at Plan Commission but since then the neighbors voiced some specific questions with regard to the plan and therefore he felt it should go back to Plan Commission.

Abitz stated this has been a very long process for Thunder Lube, jumping through a lot of hoops. The business has expanded and he needs the space for parking. She supported the resolution and felt it should be approved so he can move forward.

Wagner stated initially the neighbors were in favor of everything, but then a tree was saved and the driveway was moved over to be right along the property line. The landscaping was filled in and built up with a beautiful retaining wall, but then blacktop was put across everything and then we have groundwater runoff. There are questions regarding snow removal as well. There are concerns from people in the neighborhood that in spring and fall the water runoff is going to go across the road and freeze becoming hazardous for traffic. He agreed it should be referred to Plan for discussion on this issue. Oberbeck stated Plan Commission asked that a plan be developed for the water coming off the site and be redirected into the front portion. He felt it was the responsibility of all business owners to do internal drainage or retainage of water so that it doesn't run over sidewalks or into intersections. Tipple noted the plan for the water runoff is in the minutes of the Plan Commission meeting. Rasmussen stated Thunder Lube needs action now and didn't think there was time to go back to Plan.

*Vote to refer back*

Yes Votes: 3      No Votes: 8      Abstain: 0      Not Voting: 0      Result: FAIL

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

**14-0806 Amendment**

08/13/2014 9:13:13 PM

Motion by Neal, second by Abitz to amend the Resolution of the Plan Commission amending the general development plan and precise implementation plan for 1015 South 17<sup>th</sup> Avenue to allow for the construction of a parking area in an existing Unified Development District (Thunder Lube), to add verbiage that the parking area is for employee / customer parking only, not an introduction of another business (U-Hauls).

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
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1	Nagle, William	YES
2	Wagner, Romey	NO
3	Nutting, David E.	YES
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

**14-0806**

08/13/2014 9:13:49 PM

Motion by Rasmussen, second by Mielke to adopt a Resolution of the Plan Commission amending the general development plan and precise implementation plan for 1015 South 17th Avenue to allow for the construction of a parking area in an existing Unified Development District (Thunder Lube) as amended on council floor.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	NO
3	Nutting, David E.	YES
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

**14-0809**

08/13/2014 9:14:27 PM

Motion by Nutting, second by Oberbeck to adopt a Resolution of the Plan Commission amending the precise implementation plan for 713 Grant Street to allow for a building addition to an existing business. (Hiawatha)

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

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

**14-0807**

08/13/2014 9:14:59 PM

Motion by Gisselman, second by Rasmussen to adopt an ordinance of the Plan Commission rezoning 3515 Stewart Avenue from R4, General Residence District, to B3, General Commercial District (Olson)

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES

3	Nutting, David E.	YES
4	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**

08/13/2014 9:16:24 PM

Motion by Mielke, second by Winters to adopt a Resolution of the Finance Committee authorizing a 2014 Budget Modification to Fund the Purchase of eight used buses for a total of \$30,400.

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

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

08/13/2014 9:19:11 PM

Motion by Winters, second by Mielke to adopt a Resolution of the Finance Committee authorizing a 2014 Budget Modification Equal to the Vacant Public Works Director Salary and Fringe Benefits.

Rasmussen stated it was important to recognize the discussion that was had by Finance Committee is that to defund that salary creates an immediate impact because an agreement was made with Mr. Marquardt and those funds are needed to honor that agreement.

Winters commented he was unhappy that settlement never came before Council to approve and that Council was not even consulted. He indicated this was his opportunity on behalf of his constituents to voice his displeasure with that settlement because he felt that if Mr. Marquardt would have had his day to speak at a hearing he would have told us more that we needed to know.

Yes Votes: 2      No Votes: 9      Abstain: 0      Not Voting: 0      Result: FAIL

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

**Public Comment (or suggestions) for items not appearing on the agenda**

- 1) Alderman Rob Mielke, 315 S 8<sup>th</sup> Ave, expressed his opinion and disappointment over the decisions that were made by the Human Resources Committee on the two recent personnel matters involving the Department of Public Works Director and Finance Director. He also commended the Mayor's on his willingness to study all forms of government for the city through creation of a task force. He stated although he is usually all for private funds being spent for a project or issue, he felt

funding for the study should be done with tax dollars for a more open and transparent sense of accountability. He strongly encouraged regular and average working class citizens also be included on the task force.

2) Deb Ryan, 702 Elm St, spoke her personal opinion on the Finance Director and Mayor.

**Closed Session**

08/13/2014 9:31:29 PM

Motion by Wagner, second by Abitz to go 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 proposed settlement in Sears vs. City of Wausau, Marathon County Case No. 12CV688 for tax years 2011, 2012 and 2013.

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

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

*Adjourned in Closed Session.*

James E. Tipple, Mayor  
Toni Rayala, City Clerk

**92-1009** *Withdrawn*

Resolution Authorizing City Officials to issue requests for proposals for refuse and recycling services contract.

**Suspend the Rules**

08/26/2014 7:05:17 PM

Motion by Kellbach, second by Nutting to suspend the Standing Rules of the Common Council.

Yes Votes: 8      No Votes: 0      Abstain: 0      Not Voting: 3      Result: PASS

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

**12-0110**

08/26/2014 7:05:57 PM

Motion by Rasmussen, second by Wagner to adopt a Resolution of the Finance Committee approving agreement for Purchase and Sale of Real Estate between the City of Wausau and the Wausau Cemetery Association (Curling Way Land Acquisition)

Yes Votes: 8      No Votes: 0      Abstain: 0      Not Voting: 3      Result: PASS

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

**Adjournment**

08/26/2014 7:06:48 PM

Motion by Nutting, second by Wagner to adjourn. Meeting adjourned at 7:07 p.m.

Yes Votes: 8      No Votes: 0      Abstain: 0      Not Voting: 3      Result: PASS

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

James E. Tipple, Mayor  
Toni Rayala, City Clerk

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

Setting a public hearing regarding vacating and discontinuing Junction Street south of McDonald Street

Committee Action: Approved 5-0

Fiscal Impact: None

**File Number:** 14-1008

**Date Introduced:** October 14, 2014

**RESOLUTION**

**WHEREAS**, it appears advisable that the following described portion of street in the City of Wausau be vacated and discontinued:

Part of the Northeast ¼ of the Northeast ¼, and part of the Southeast ¼ of the Northeast ¼, Section 1, Township 28 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, described as follows:

That portion of the Junction Street right-of-way lying southerly of the southerly right-of-way of McDonald Street, and lying southwesterly of the proposed southwesterly right-of-way of Curling Way as shown on the Curling Way 2<sup>nd</sup> Revision to Relocation Order Map, said map being part of the City of Wausau Common Council resolution as approved on May 27<sup>th</sup>, 2014, as File Number 12-0110, and filed with the Marathon County Clerk's Office on June 2<sup>nd</sup>, 2014.

**WHEREAS**, the Capital Improvements and Street Maintenance Committee at its September 11, 2014, meeting recommended that a hearing be held.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Wausau, that a hearing on the passage of the foregoing resolution shall be held before the Capital Improvements and Street Maintenance Committee of the City of Wausau in the Council Chambers of City Hall, 407 Grant Street, Wausau, Marathon County, Wisconsin, on the 11th day of December, 2014, at 5:30 p.m., on said day, and the proper City officials are hereby authorized and directed to give notice of said hearing by personal service and publication of said hearing as provided by law.

Approved:

---

James E. Tipple, Mayor

**AGENDA ITEM**

Discussion and possible action on an initial resolution to hold a public hearing to vacate Junction Street from McDonald Street to the south

**BACKGROUND**

Curling Way is being extended north from its current termini to the intersection of McDonald and Junction Street. To improve the horizontal alignment, the flow of traffic and a smooth connection to Junction Street, Curling Way was extended beyond the end of Junction Street through the property at 1108 McDonald Street. This change to the Curling Way alignment was unanimously approved by CISM on November 6, 2013. The new roadway alignment through the 1108 McDonald Street property created two remnant parcels roughly a ¼ of an acre in size and vacated road right-of-way.

The recently signed real estate agreement with the Wausau Cemetery Association included the swapping of the remnant parcel west of Curling Way along with a portion of the Junction Street right-of-way, when vacated, for Cemetery owned property east of Curling Way. See attached map. To fulfill the agreement with the Wausau Cemetery Association and allow them to begin construction of their new garage, this item is to begin the process to vacate a portion of Junction Street right-of-way west of Curling Way to McDonald Street.

**FISCAL IMPACT**

The fiscal impact for vacating the street is none.

**STAFF RECOMMENDATION**

Staff recommends approval of the initial resolution to hold a public hearing for the purpose of vacating Junction Street from McDonald Street to the south.

Staff contact: Sean Gehin 715-261-6748

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

---

Date of Meeting: September 11, 2014, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Mayor Tipple, Lenz, Wesolowski, Gehin, Oberbeck, Neal.

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

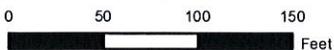
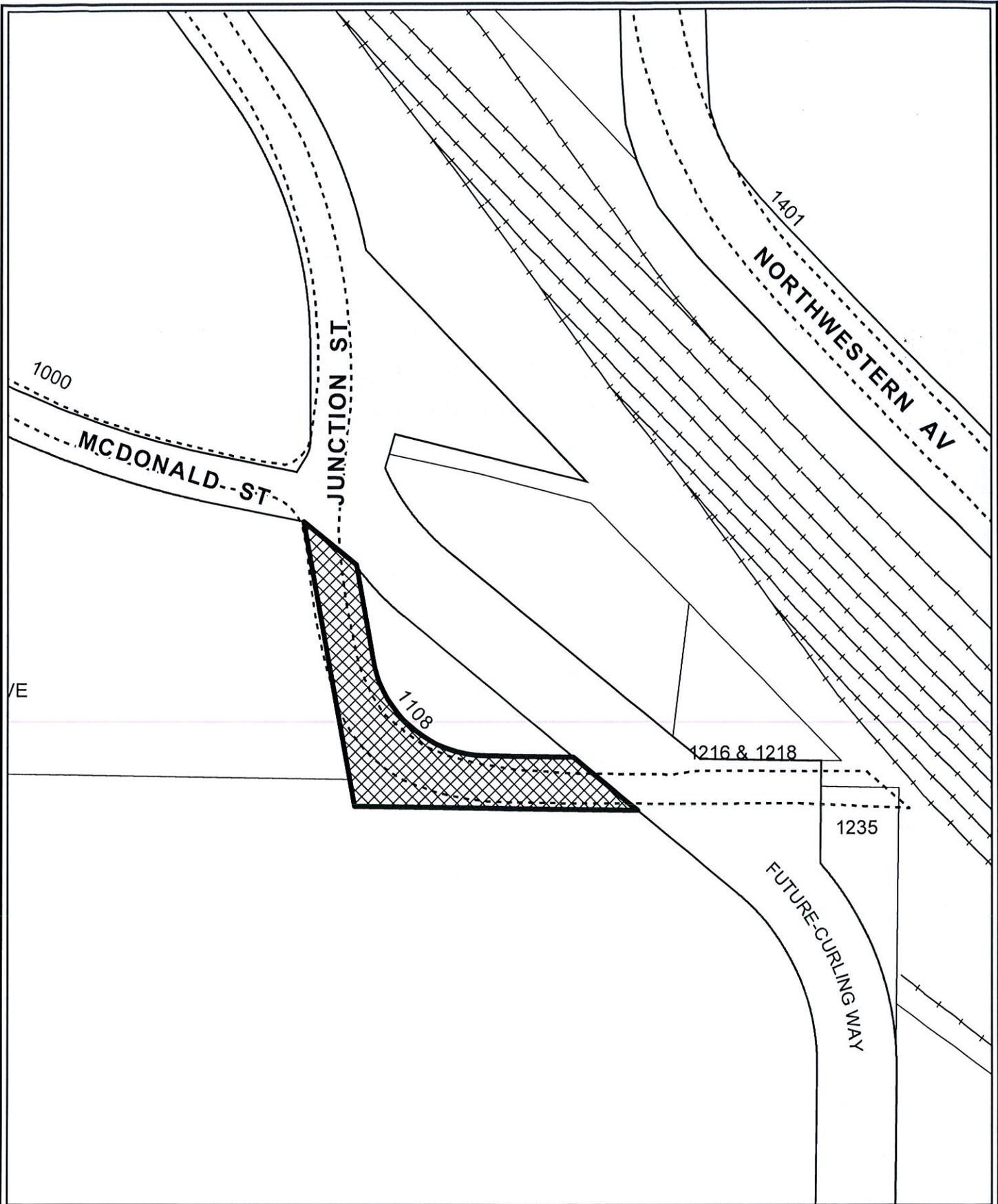
Noting the presence of a quorum, at approximately 5:30 p.m. Chairperson Rasmussen called the meeting to order.

### **Discussion and possible action on an initial resolution to hold a public hearing to vacate Junction Street from McDonald Street to the south**

---

Gehin stated Curling Way is being constructed from north of the Curling Club to the intersection of McDonald and Junction Streets. Curling Way will be extended through 1108 McDonald Street to improve the flow of the roadway. This item is to get the process started to vacate a portion of Junction Street.

Mielke moved to approve holding a public hearing to vacate Junction Street from McDonald Street to the south. Gisselman seconded and the motion carried unanimously 5-0.

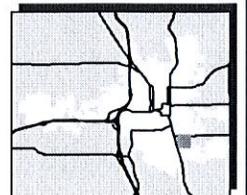


Map Date: September 24, 2014

# CITY OF WAUSAU

Marathon County, Wisconsin

 Vacate  Road (Paved)



C:\Engineering\DWG\PROJ\0880\DWG\0880\_Curling\_Way\_Prop\_Relocation\_Order\_Rev3.dwg, 05/07/2014 2:08:38 PM, City of Wausau - Engineering Department, Plotted by: P.R.Nikola

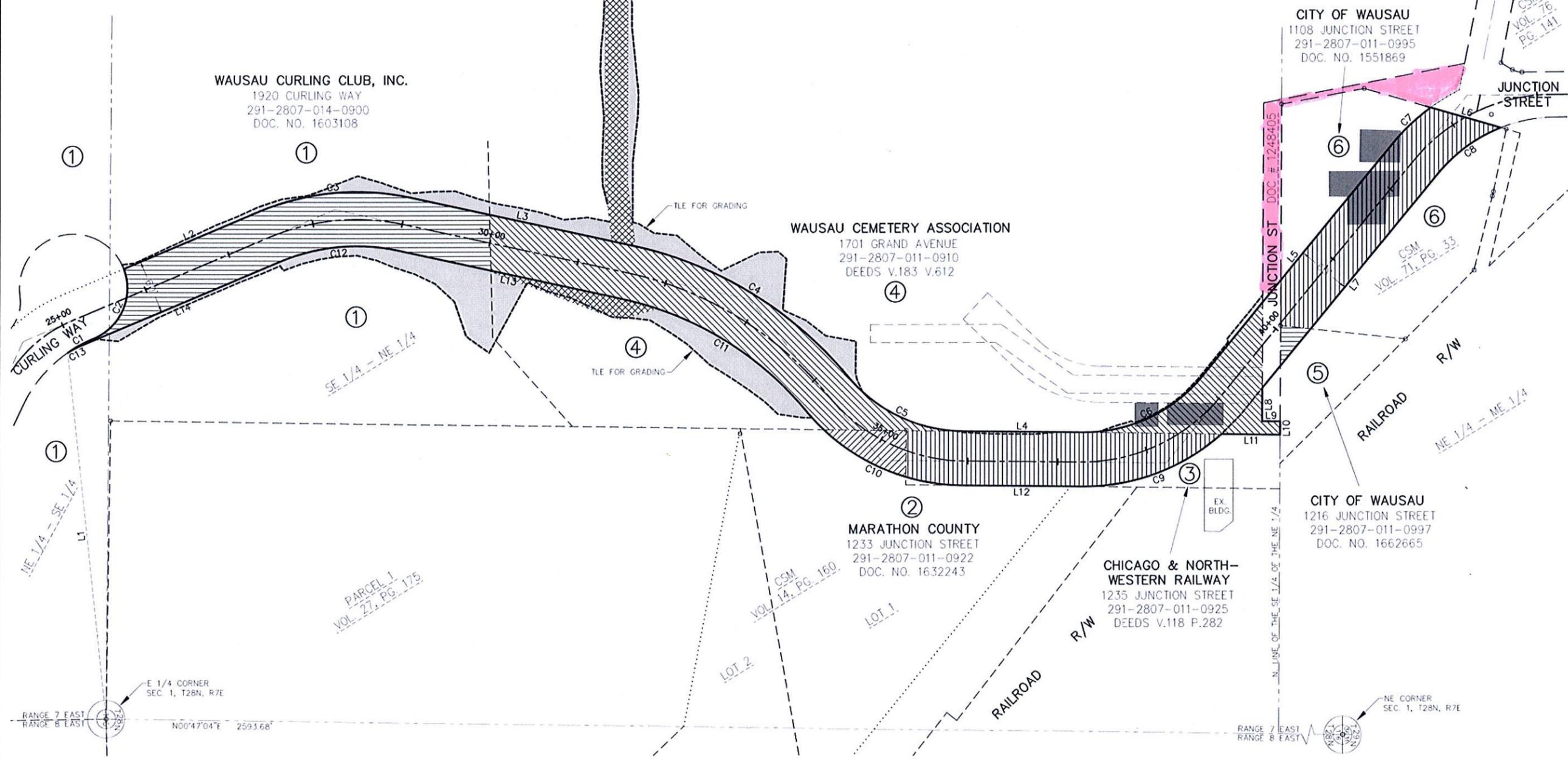
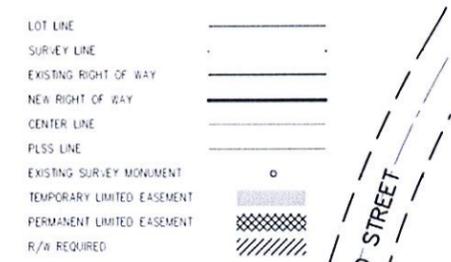
Parcel Line Table		
Line #	Length	Direction
L1	407.75	S83° 54' 41"W
L2	162.75	S22° 51' 45"E
L3	253.96	S12° 10' 48"W
L4	133.05	N0° 42' 22"E
L5	333.68	S50° 32' 52"E
L6	81.11	S16° 00' 08"W
L7	307.47	N50° 32' 52"W
L8	36.91	N89° 44' 16"W
L9	20.00	S0° 23' 32"W
L10	14.78	N89° 44' 16"W
L11	65.35	S0° 42' 22"W
L12	133.05	N0° 42' 22"E
L13	253.96	N12° 10' 48"E
L14	238.61	N22° 51' 45"W

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	32.64	150.00	12.47	S28° 27' 28"E	32.57
C2	92.98	60.00	88.79	N66° 37' 02"W	83.95
C3	171.56	280.50	35.04	S5° 20' 29"E	168.89
C4	285.38	430.50	37.98	S31° 10' 16"W	280.19
C5	145.01	168.00	49.46	N25° 26' 03"E	140.55
C6	152.07	170.00	51.25	N24° 55' 15"W	147.05
C7	57.88	230.00	14.42	S43° 20' 17"E	57.73
C8	86.74	170.00	29.23	S35° 55' 49"E	85.80
C9	169.97	230.00	42.34	N20° 27' 54"W	166.13
C10	196.80	228.00	49.46	N25° 26' 03"E	190.75
C11	245.61	370.50	37.98	S31° 10' 16"W	241.14
C12	134.86	220.50	35.04	S5° 20' 29"E	132.77
C13	17.25	120.50	8.20	S26° 57' 49"E	17.24

SCHEDULE OF LANDS & INTERESTS REQUIRED							
PARCEL NUMBER	OWNER(S)	INTEREST REQUIRED	R/W SF REQUIRED			TLE SF	PLE SF
			NEW	EXIST.	TOTAL		
1	WAUSAU CURLING CLUB, INC.	FEE & TLE	25,771	-	25,771	10,780	-
2	MARATHON COUNTY	FEE & TLE	2,776	-	2,776	-	-
3	CHICAGO & NORTHWESTERN RAILWAY	FEE & TLE	17,926	-	17,926	-	-
4	WAUSAU CEMETERY ASSOCIATION	FEE & TLE	39,099	-	39,099	20,219	14,585
5	CITY OF WAUSAU	FEE & TLE	749	-	749	-	-
6	CITY OF WAUSAU	FEE & TLE	17,585	-	17,585	-	-



**LEGEND**



**CITY OF WAUSAU**  
Engineering Department  
407 GRAND STREET WAUSAU, WI 54403-4703  
(715) 261-6740 FAX (715) 261-6759

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

DATE: 05/07/2014

REVISIONS:  
P.R.NIKOLA  
P.R.NIKOLA

DESIGNED BY: S.J.GEHN  
DRAWN BY: D.F.H. & P.R.N.  
APPROVED BY: B.J.MARQUARDT  
POINT FILE: 0880\_TOPO

**2ND REVISION TO RELOCATION ORDER MAP**  
WISCONSIN STATUTES CH. 32.05 (1)  
CURLING WAY  
EXTENDED NORTH TO JUNCTION STREET

SHEET NO. **1**  
OF 2 SHEETS  
FILE NUMBER  
**14-05-07**

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

Establishing Assessment Rates for 2015 New Street Construction Projects

Committee Action: Approved 5-0

Fiscal Impact: Amount of 2015 special assessments will depend on what projects are included in the budget

**File Number:** 14-1004

**Date Introduced:** October 14, 2014

**WHEREAS**, on September 11, 2014, your Capital Improvements and Street Maintenance Committee reviewed the 2015 costs for the street improvement projects (new construction) and the street reconstruction projects, and

**WHEREAS**, your Committee recommends the 2015 assessable costs per foot per side of adjusted front footage be established at \$38.00 per foot for new street construction projects; \$22.80 per foot for street reconstruction projects (which is 60% of the new construction assessment rate); \$15.00 per foot for streets eligible for Community Development Block Grant funds; and \$500 for the replacement of sewer laterals; now therefore

**BE IT RESOLVED** the Common Council of the City of Wausau does hereby establish \$38.00 per foot per side as the assessable rate for the 2015 street improvement projects (new construction); \$22.80 per foot per side as the assessable rate for the 2015 street reconstruction projects, \$15.00 per foot per side for streets eligible for Community Development Block Grant funds; and \$500 for the replacement of sewer laterals.

Approved:

---

James E. Tipple, Mayor

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

---

Date of Meeting: September 11, 2014, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Mayor Tipple, Lenz, Wesolowski, Gehin, Oberbeck, Neal.

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.

### **Establish assessment rates for 2015 construction projects**

---

Wesolowski explained assessment rates have remained the same for several years. Based on this year's bid prices a lot of the projects were higher than the estimated cost. Typically 60% of the project costs are assessed to abutting property owners. If we stay at the existing rates, we are in jeopardy of falling below 60%. He recommends increasing the new construction rate to \$38 per foot, which would put the reconstruction rate at \$22.80. He also recommends keeping the streets eligible for Community Development Block Grant Funds at \$15.00.

Mielke moved to set the new construction rate at \$38 per foot, street reconstruction rate at \$22.80 per foot, streets eligible for Community Development Block Grant funding at \$15 per foot and the sewer lateral replacement rate at \$500.00. Gisselman seconded and the motion carried unanimously 5-0.

**AGENDA ITEM**

Establish assessment rates for the 2015 construction projects

**BACKGROUND**

Each year we review the assessment rate for street improvement projects (new curb, gutter and pavement construction). Typically, we try to assess around 60% of the project costs to the abutting property owners. There are many variables that come into play, including the configuration of the lots along the street and the competition for the project among contractors. In general terms, the prices for projects rose about 10% between 2013 and 2014. Prices are anticipated to rise again for 2015 projects.

The street reconstruction assessment rate is set by ordinance at 60% of the new construction rate. This year that rate was \$21.60 per foot.

The assessment rate for streets eligible for Community Development Block Grant Funds (CDBG) was set at \$15 per foot in 2014.

Sewer lateral replacement during street projects was set at \$500 in 2014.

**FISCAL IMPACT**

The money collected from special assessments goes to the general fund. The amount collected each year is dependent on the streets which are included in the final budget and are approved for construction after public hearings. Assessments over \$300 but less than \$20,000 can be paid over a five-year period. Assessments over \$20,000 can be paid over a ten-year period.

**STAFF RECOMMENDATION**

Given the increase in pricing from 2013-2014 and anticipated increases for 2015, staff recommends increasing the rate for new construction to \$38 per foot which sets the rate for street reconstruction at \$22.80 per foot. It is also recommended to keep the rate for CDBG eligible streets at \$15 per foot, and the sewer lateral replacement rate at \$500.

Staff contact: Allen Wesolowski 715-261-6762

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

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

Approving a Temporary Easement For Use of Lake View Court Right-of-Way (Cynthia Ecklund, Lee's Famous Recipe)

Committee Action: Approved 5-0

Fiscal Impact: An annual payment is received for the use of this property, which is based on the amount equaling what the City's portion of the tax revenue would have been.

**File Number:** 98-0809

**Date Introduced:** October 14, 2014

**WHEREAS**, in 1999 a temporary easement was granted to Gerald Kaler of Lee's Famous Recipe for the use of the unused portion of Lake View Court right-of-way just west of Grand Avenue; and

**WHEREAS**, this temporary easement was for a fifteen year period and has expired; and

**WHEREAS**, Cynthia Ecklund, the current owner of Lee's Famous Recipe, has requested a temporary easement for another fifteen year period; and

**WHEREAS**, language in the original easement which restricted the parking of catering and delivery vehicles in the easement area will not be included as the growth of vegetation shields the delivery trucks from the residential area; and

**WHEREAS**, on September 11, 2014, your Capital Improvements and Street Maintenance Committee considered the temporary easement and recommends the temporary easement be granted to Cynthia Ecklund, Lee's Famous Recipe, for use of Lake View Court right-of-way as described in the attached agreement; now therefore

**BE IT RESOLVED** the Common Council of the City of Wausau does hereby authorize the appropriate City officials to execute the temporary easement agreement, a copy of which is attached hereto and incorporated herein by reference, and the City Clerk is hereby instructed to have the easement recorded in the office of the Marathon County Register of Deeds.

Approved:

\_\_\_\_\_  
James Tipple, Mayor

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

---

Date of Meeting: September 11, 2014, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Mayor Tipple, Lenz, Wesolowski, Gehin, Oberbeck, Neal.

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.

### **Discussion and possible action on temporary easement for use of Lake View Court right-of-way (Cynthia Ecklund, Lee's Famous Recipe)**

---

Wesolowski explained that this easement was approved by CISM in April. Unfortunately, Mr. Kahler passed away and the easement needs to be approved for the new owner.

Kellbach moved to approve the temporary easement for use of Lake View Court right-of-way. Mielke seconded and the motion carried unanimously 5-0.

<b>AGENDA ITEM</b>
<p>Discussion and possible action on temporary easement for use of Lake View Court right-of-way (Cynthia Ecklund, Lee’s Famous Recipe)</p>
<b>BACKGROUND</b>
<p>In 1999, an easement was granted to Gerald Kaler of Lee’s Famous Recipe for the use of the unused Lake View Court right-of-way just west of Grand Avenue. They use the easement area for additional parking. The easement was a temporary easement for 15 years and expired in April. In March, CISM approved renewing the easement for another 15 years. Unfortunately, Mr. Kaler passed away in March.</p> <p>The business is now owned by Cynthia Ecklund. Ms. Ecklund would like to proceed with the temporary easement.</p>
<b>FISCAL IMPACT</b>
<p>The City receives an annual payment for the use of this property based on the amount equaling what the City’s portion of the tax revenue would have been.</p>
<b>STAFF RECOMMENDATION</b>
<p>Staff recommends approval of the temporary easement.</p>
<p>Staff contact: Allen Wesolowski 715-261-6762</p>



### Legend

-  Stream - River
-  Pond - Lake
-  Wausau Wetland
- Ortho (2012 color)

Map Created: 3/11/2014

23.17 0 23.17 Feet



**DISCLAIMER:** The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

User\_Defined\_Lambert\_Conformal\_Conic

### Notes

**TEMPORARY  
EASEMENT AGREEMENT**

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the City of Wausau, a municipal corporation of the State of Wisconsin, herein referred to as "CITY," and Cynthia Ecklund, 2412 Grand Avenue, Wausau, Wisconsin 54403, hereinafter referred to as "ECKLUND";

WITNESSETH:

WHEREAS, ECKLUND owns Lee's Famous Recipe Chicken at 2412 Grand Avenue, Wausau, Wisconsin, which property abuts Lake View Court; and

WHEREAS, as part of the Grand Avenue reconstruction project, Lake View Court was dead ended at Grand Avenue, and ECKLUND abuts that portion of Lake View Court where it dead ends Grand Avenue; and

WHEREAS, on February 23, 1999, CITY granted ECKLUND a temporary easement for a 15-year term to use the Lake View Court right-of-way located between the cul-de-sac and Grand Avenue as a parking lot for his business; and

WHEREAS, ECKLUND has requested a renewal of the temporary easement; and

The temporary easement is described as follows:

That part of Lake View Court lying contiguous to and Southeasterly of Lots one (1) and two (2) in Block one (1) of Means' Addition, except the Southwesterly twenty (20) feet of Lot two (2), in the City of Wausau.

WHEREAS, CITY does not object to the use of Lake View Court for parking for ECKLUND's property, as long as certain conditions are met.

NOW, THEREFORE, the parties hereto agree as follows:

1. ECKLUND shall have an easement over that portion of Lake View Court adjacent to ECKLUND's property at 2412 Grand Avenue, Wausau, Marathon County, Wisconsin, for purposes of parking vehicles and planting shrubs and grass, and the placement of light standards, lights, directional signs, sand barrels, and other appurtenances necessary for the operation of the parking lot, which easement area is described above.
2. ECKLUND agrees to comply with all codes, ordinances and other regulations of CITY, including but not limited to parking regulations, grass cutting regulations, and regulations regarding dust and debris.
3. ECKLUND specifically agrees that only vehicles being utilized by patrons, employees or owners including delivery trucks, catering vehicles, catering trailers, and any equipment utilized in the catering business shall be placed on the premises, along with any shrubs, grass or other plantings which will beautify the area.
4. ECKLUND shall pay to CITY, in return for the use of this property, an amount equaling what CITY's portion of the tax revenue would be for the demised premises as determined by the City Assessor, payment to be made upon execution of this agreement, and at the anniversary date thereafter.

Recording Area

Name and Return Address

City of Wausau Attorney's Office

407 Grant Street

Wausau, WI 54403

Charge City of Wausau

PIN: 37.291.4.2807.014.0236

5. There is currently a water main and a storm sewer main beneath the demised premises, and CITY retains the right to maintain, inspect, repair, and replace these mains, together with the right to enter on the premises at any time, to conduct any of these activities, provided that the restoration subsequent to any activity pursuant to this paragraph shall be done by CITY only to the standards that existed prior to any work being done by ECKLUND, and ECKLUND agrees that the cost for any work over and above that basic restoration shall be done and/or paid for by ECKLUND.
6. Any vehicles abandoned and remaining on the premises shall be removed by ECKLUND within a reasonable period of time.
7. ECKLUND agrees to carry and keep in force during the term of this agreement, comprehensive and general liability insurance covering death, personal injury, and property damage, and any other such insurance which may be necessary to protect CITY and ECKLUND from any claims and/or actions, such insurance having minimum limits of \$1,000,000, which limits shall be reasonably raised upon request by CITY. The City of Wausau shall be named as an additional insured on the policy, and evidence of the existence of such policy shall be furnished to CITY. The policy shall contain a provision providing for 10-day notice to CITY of any cancellation.
8. ECKLUND agrees to indemnify, defend and hold CITY and its employees, agents, officers and designees, whether appointed, hired or elected, free and harmless from and against any and all judgments, damages, losses, costs, claims, expenses, suits, demands, actions and/or causes of action of any kind or of any nature, which may be sustained by reason of damage to any property or damages or injury to any person or persons or death to any person or persons, or by reason of any other liability imposed by law or by anything or by anyone else upon CITY, as the result of and/or due to ECKLUND's or anyone else's activities which are the subject of this agreement and/or as a result of and/or due to the existence of this agreement; and specifically included within this hold harmless are attorneys' fees and other costs of defense which may be sustained by and/or occasioned to CITY and/or any of CITY's employees, agents, officers and designees whether appointed, hired, or elected.
9. ECKLUND hereby releases CITY and its employees, agents, officers and designees, whether appointed, hired or elected, from all judgments, damages, losses, costs, claims, expenses, suits, demands, actions, and/or causes of action of any kind or of any nature, which may result from or be due to ECKLUND's or anyone else's activities which are the subject of this agreement and/or as a result of and/or due to the existence of this agreement.
10. Prior to this agreement becoming effective for purposes of utilization by ECKLUND, ECKLUND shall acquire the exclusive use of, by whatever means, of a minimum of five (5) feet of property from the owner to the south so as to provide at least sixty (60) feet of actual parking area; that the road right-of-way is sixty (60) feet, however, the actual area upon which cars may be parked may well have to include this additional, at least five (5) feet, from the owner to the south so as to provide at least sixty (60) feet of actual flat parking surface.
11. This agreement shall be for a fifteen (15) year term, commencing on the date above written, provided that CITY may terminate this agreement and all of its terms and provisions, such termination to be effective after written notice of termination is provided to ECKLUND, for the following reasons:
  - a. If the easement area is not continually maintained according to the plans delineated on "Exhibit A."
  - b. If any of the provisions of this easement are violated, and specifically, code provisions with regard to dust, debris, noise or other provisions.

Notice of violation shall be given, in writing, to ECKLUND, and ECKLUND shall have fifteen (15) days to cure any violation; if violation is not cured within the 15-day period, termination shall be effective ninety (90) days thereafter.

IN WITNESS WHEREOF, this agreement has been duly executed the day and year first above written.

CITY OF WAUSAU, BY:

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

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

STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF MARATHON )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the above named James E. Tipple, Mayor, and Toni Rayala, City Clerk for the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Wisconsin  
My commission: \_\_\_\_\_

\_\_\_\_\_  
Cynthia Ecklund

STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF MARATHON )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the above named Cynthia Ecklund, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Wisconsin  
My commission: \_\_\_\_\_

This instrument was drafted by Anne L. Jacobson  
City Attorney for the City of Wausau  
407 Grant Street, Wausau, WI 54403

PROPERTY OF  
EMMERICH & ASSOC. INC.

1174617  
KALER/CITY OF WAUS

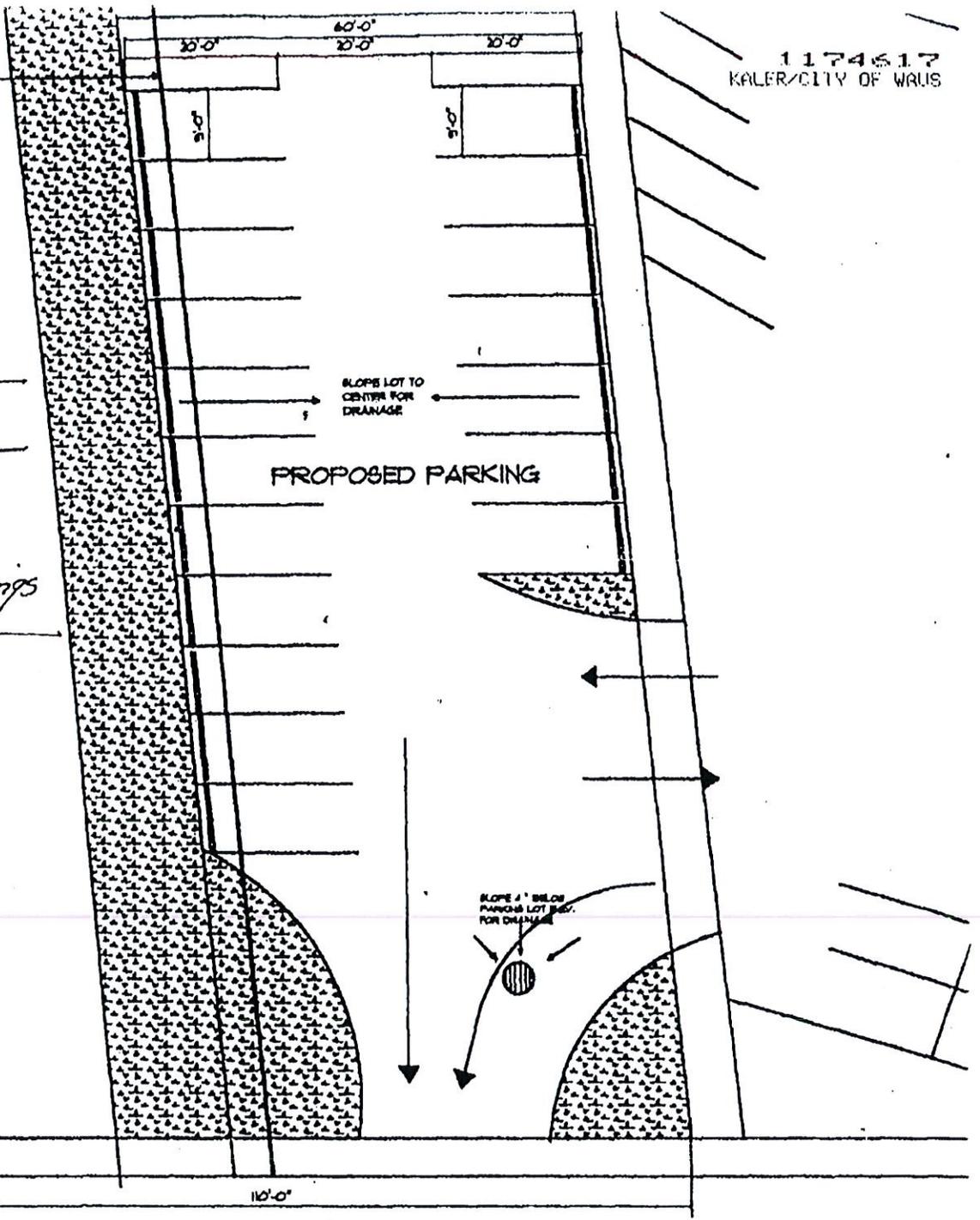
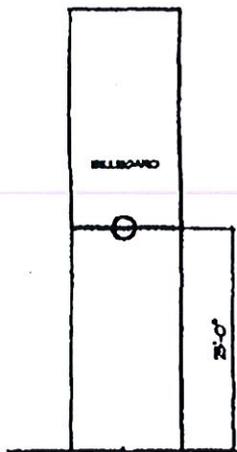
Exhibit

"A"

Lessor \_\_\_\_\_

Lessee \_\_\_\_\_

Presented at  
1/14/99 meetings



SLOPE LOT TO  
CENTER FOR  
DRAINAGE

PROPOSED PARKING

SLOPE 1" BELOW  
PARKING LOT 100'  
FOR DRAINAGE

GRAND AVE.  
SOUTHBOUND

GRAND AVE.  
NORTHBOUND



453 Grand Avenue  
Schofield, WI 54476  
Phone: 715-359-1500  
Fax: 715-355-0028

February 28, 2014

Gerald Kaler  
1610 Emerson St  
Wausau WI 54403

RE: Amendment to Lease

Good Day Mr Kaler,

Please find enclosed two signed copies of your new lease amendment. As we discussed on the phone, it is for another 15 year period and has a slight increase for the new year (about 2%), with the same annual increases for the remainder of the term. Please sign both copies, keep one for your records, and mail the second one back to me in the enclosed self-addressed stamped envelope. If you have any questions or comments, please feel free to contact me at your convenience.

Sincerely,

Nathaniel A. Peters  
453 Grand Avenue  
Schofield, WI 54476  
715-359-1500 Office  
715-355-0028 Fax  
[nathan@helprent.com](mailto:nathan@helprent.com)  
[www.emmerich-properties.com](http://www.emmerich-properties.com)

.....  
*Serving Central Wisconsin for over 40 Years!*

*Emmerich & Associates, Inc.*  
453 Grand Avenue, Schofield, WI 54476  
715-359-1500

**AMENDMENT TO LEASE**

It is hereby mutually agreed that the Lease dated April 16<sup>th</sup>, 1999 between Arden J. Emmerich, hereinafter referred to as "LESSOR", and Gerald Kaler, d.b.a. Lee's Famous Recipe Chicken at 2412 Grand Avenue, Wausau, WI 54403, hereinafter referred to as "LESSEE", for approximately 800 square feet of vacant land (approximately five feet wide by 160 feet deep), in the City of Wausau, County of Marathon and State of Wisconsin is hereby amended as follows:

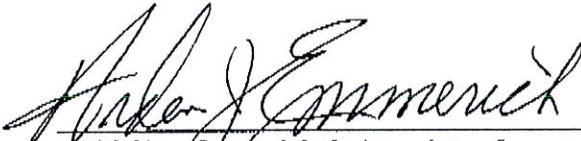
Effective April 16<sup>th</sup>, 2014, Article III and Article IV shall be:

**III. Term:** Lessee is to have premises herein described to hold for an *additional* term of Fifteen (15) years commencing on the 16<sup>th</sup> day of April, 2014 and ending on the 15<sup>th</sup> day of April, 2029.

**IV. Rent:** In consideration of the demised premises, and of the covenants and agreements of the Lessor as herein expressed, Lessee covenants and agrees that they will pay to Lessor annual rental installments, the first installment of six hundred twenty five dollars (\$625.00) is due and payable by April 16<sup>th</sup>, 2014. Additional annual rents shall be due and payable on the first day of each lease year during the term of this Lease. The amounts of the additional annual rentals shall be as per Article V of this Lease. Said payments are to be made to Lessor at 453 Grand Avenue, Schofield, WI 54476 or at any such place as Lessor may direct from time to time by notice in writing.

All other terms of said contract shall remain unchanged and in full force and effect as though fully set forth at length.

Dated this 28<sup>th</sup> day of February, 2014.

  
LESSOR - Emmerich & Associates, Inc.  
Arden J. Emmerich, President/CEO

  
LESSEE - Gerald Kaler (individually)

**THIS IS A LEGALLY BINDING AMENDMENT TO A CONTRACT**

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

<b>ORDINANCE OF PARKING &amp; TRAFFIC COMMITTEE</b>	
Amending Section 10.01.080 Penalty relative to handicapped parking	
Committee Action:    Approved 3-0	<b>Ordinance Number:</b>
Fiscal Impact:            Increase of \$120 per ticket issued	
<b>File Number:</b> 99-1217	<b>Date Introduced:</b> October 14, 2014

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

Add (            )  
Delete ( ———— )

Section 1.        That Section 10.01.080 Penalty, is hereby amended to read as follows:

10.01.080 Penalty.

(c)        The forfeiture upon stipulation for the following nonmoving traffic violations, as defined in the respective state statutory reference, shall be in accordance with the following schedule:

Improper parking on/off roadway [346.51(1)]	\$ 10.00
Stopping/standing in prohibited areas [346.52(2)]	10.00
Stopping/standing on highway by grade school [346.52(2)]	10.00
Parking/standing where prohibited (346.53)	10.00
Improper parking/standing of vehicle (346.54)	10.00
Parking on left side of highway [346.55(1)]	10.00
Parking vehicle for sale on highway [346.55(2)]	10.00
Parking on private property [346.55(3), (4)]	20.00
Stopping, standing or parking prohibited in places reserved for handicapped [ <del>346.55(3), (4)</del> <span style="background-color: yellow;">346.505</span> ]	30.00
	<span style="background-color: yellow;">150.00</span>
Stopping, standing or parking prohibited in fire lanes marked with freestanding signs or marked curbs, sidewalks or other traffic surfaces	30.00
Parking in excess of stated time limit (overtime)	5.00

Section 2.        All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3.        This ordinance shall be in full force and effect on the day after its publication.

Adopted:  
Approved:  
Published:  
Attest:

Approved:

---

James E. Tipple, Mayor

Attest:

---

Toni Rayala, Clerk

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

Date of Meeting: Thursday, August 21, 2014, 5:15pm, in the Birch Room at City Hall

Members Present: Abitz{C}, Kellbach, Mielke

Others Present: Lt. Pekarske, Friday, Alfonso, Wesolowski, Marie Schmidt, Patti Grimm, Diane Lemma, Kathleen Macomber, Virginia Gottschalk, Paul Gottschalk, Mike Zamzow, Shawn Gehin

In accordance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by Chairperson Abitz at 5:20 pm.

**(2) Discussion and possible action: To amend W.M.C. 10.01.080 to reflect the new forfeiture amount of \$150.00 for "stopping, standing or parking prohibited in places reserved for handicapped".**

Discussion:

Lt. Pekarske noted that state law regarding this item was amended in April and that this item is being brought forward in order to amend our parking ordinance to comply with State law.

Motion by Kellbach, second by Mielke to amend W.M.C. 10.01.080 to reflect the new forfeiture amount of \$150.00 for "stopping, standing, or parking prohibited in places reserved for handicapped".

Motion carried 3-0.

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

**RESOLUTION OF THE PLAN COMMISSION**

Amending the precise implementation plan for 1015 South 17<sup>th</sup> Avenue to allow for a digital message sign in an existing Unified Development District. (Thunder Lube)

Committee Action:      Approved 5-0

Fiscal Impact:         None.

**File Number:**         12-1005

**Date Introduced:**     October 14, 2014

**WHEREAS**, the Plan Commission met on June 17, 2014 to consider a request from Brandon Leher to amend the precise implementation plan for 1015 South 17<sup>th</sup> Avenue to allow for a digital message sign; and

**WHEREAS**, a sign without a digital message center was already approved and installed on this property; and

**WHEREAS**, the proposed sign will still be under 10 feet; and

**WHEREAS**, the Unified Development District does not have set standards for signs; and

**WHEREAS**, the proposed sign is similar in character to other signs permitted in commercial zoning districts; now therefore

**BE IT RESOLVED** that the Common Council of the City of Wausau hereby amends the precise implementation plans for 1015 South 17<sup>th</sup> Avenue to allow for a digital message sign in an existing Unified Development District.

Approved:

---

James E. Tipple, Mayor

**Amend Precise Implementation Plan for 1015 South 17<sup>th</sup> Avenue to allow for digital message sign.**

Lenz said that drawings for the digital message sign with and without the readerboard were passed out, along with the site plan for the sign. The sign will be perpendicular to 17<sup>th</sup> Avenue and the building. Lenz stated that a sign without the digital message center was installed at this location so this is an amendment to the zoning to allow for the digital message center sign. The UDD does not have set standards for signs and staff looks to other zoning districts for guidance on determining standards. This sign would be allowed in a B2.

Oberbeck asked what information would be displayed on the message center. Brandon Leher, owner of Thunder Lube, at 1015 South 17<sup>th</sup> Avenue, stated the current advertisements for oil changes or transmission fluid specials would be displayed on the message center. Leher stated that he would prefer a digital sign, which would look more professional. Lenz stated that at a previous meeting, this type of sign was discussed for the downtown zoning district, where the content on a reader board is regulated. But since this is a UDD there is not a clear restriction on the content, although plan commission could regulate it. Hebert added that the sign would be raised approximately two feet to accommodate the reader board, but it will still be under ten feet.

Gisselman motioned to approve amending the Precise Implementation Plan for 1015 South 17<sup>th</sup> Avenue to allow for a digital message sign, seconded by Rosenberg, and the motion carried unanimously 5-0. The item will go to Common Council on July 8, 2014.

**Discussion and possible action on an Amendment to the Official City Map to establish the new exterior lines of the realignment of Bridge Street from Westwood Drive to 28<sup>th</sup> Avenue and Pine Ridge Boulevard from Plaza Drive to Bridge Street.**

Marquardt stated that this item was tabled by CISM at their last meeting. Gisselman motioned to table this item, seconded by Rosenberg, and the motion carried unanimously 5-0.

**Discussion and possible action on the dedication of 80<sup>th</sup> Avenue**

Marquardt said that 80<sup>th</sup> Avenue is being realigned to allow for the expansion of Wausau Coated which will cross 77<sup>th</sup> Avenue. The new 80<sup>th</sup> Avenue will provide access to the property that is south of Wausau Coated and access to Wausau Coated. CISM approved this item last week. Gisselman motioned to approve the dedication of 80<sup>th</sup> Avenue, seconded by Rosenberg, the motion carried unanimously 5-0.

**Discuss checklist requirement of Unified Development Districts**

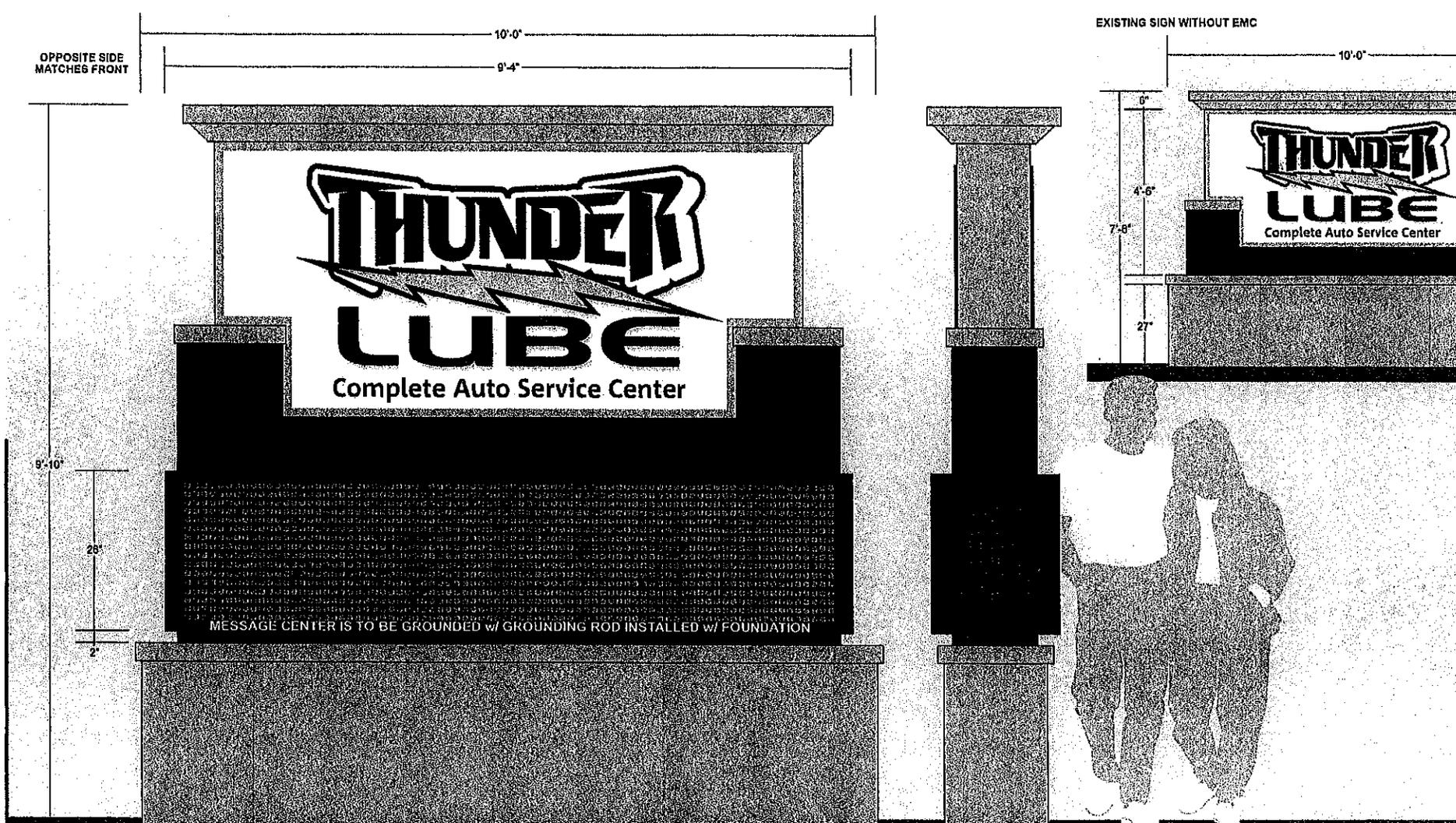
Lenz stated that this has been on previous agendas, but postponed a couple times. He explained the UDD is a special zoning district with basically no set standards. It is designed for negotiation between the petitioner and the commission. There has been discussion of how we use the UDD. He explained the zoning code and information from the website is included in the packet. A general and precise plan is submitted and then the commission may or may not approve the plan. The information from the website was created by staff to determine how to use the UDD. The checklist provides specific information that should be included in the petitioner's plan. The last item on the checklist is used to judge the merits of the application. UDD's are often already established and the plans are amended or a precise plan is approved from an older general plan. Sometimes certain items on the checklist don't apply.

Oberbeck raised concerns that UDD should be for unique situations and zoning should be very specific. Oberbeck stated that UDD is not meant to be spot zoning and sometimes it's used for simple projects and the commission should examine the UDD and items on the checklist. Oberbeck said the checklist is written that all criteria must be met in order for approval; however that is often not the case.

#1

**GRAPHIC HOUSE**  
 CLIENT: THUNDER LUBE WAUSAU, WI  
 DESIGNER: JEFF MATTREMAN  
 DATE: 4/22/2014  
 PROJECT: WAUSAU, WI 54980  
 9204 Packer Drive, Wausau, WI 54401 715-842-0402  
 www.graphichouseinc.com

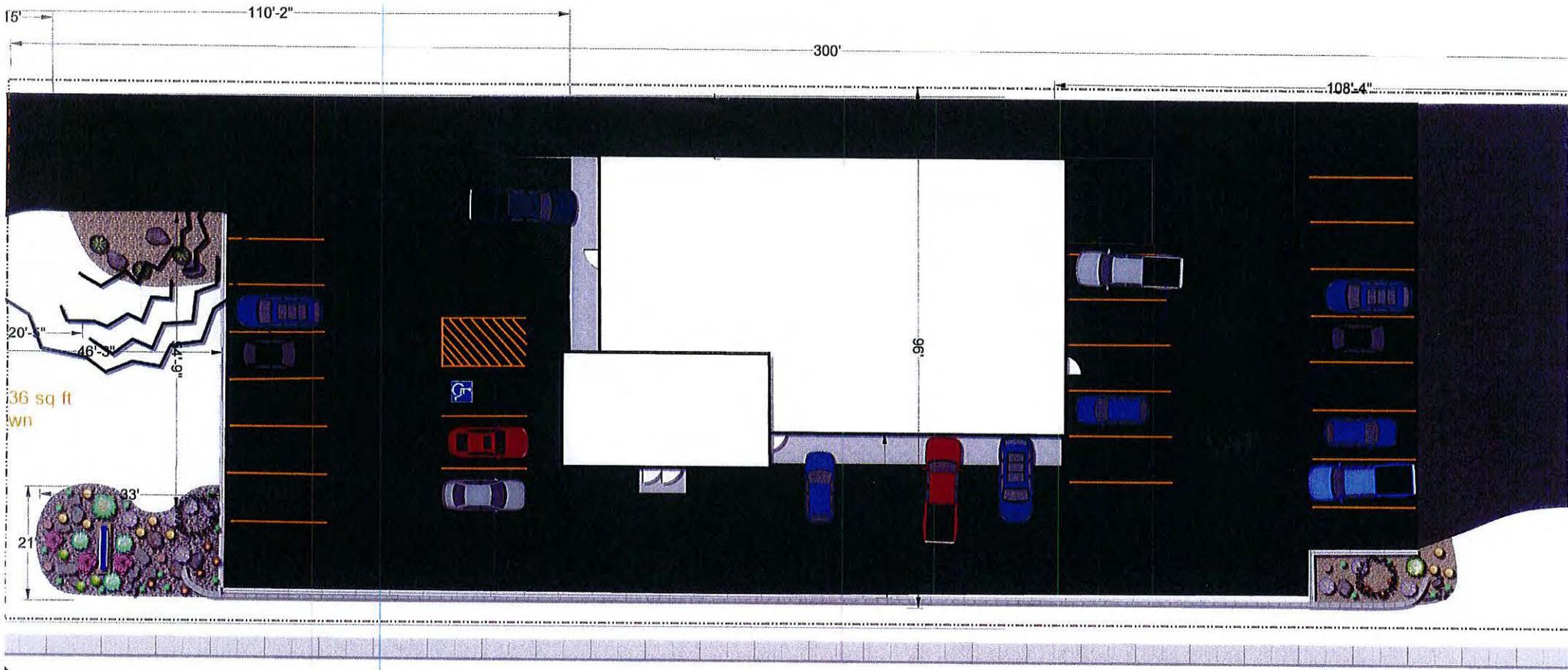
**SIGN SPECIFICATIONS**  
 ADD O/P MESSAGE CENTER TO EXISTING O/P MEDIUM SIGN  
 \* NEW LED MESSAGE CENTER IS TO HAVE (2) LINES OF 9.3" CHARACTERS (16 x 80 MATRIX).  
 \* NEW LOWER REVEAL IS TO BE PAINTED MATTHEWS #83122 SEQUOIA.  
 \* EXISTING TO CABINET, CAP & RED CLADDING SECTION IS TO BE MOVED UP TO ACCOMMODATE NEW EMC.



CLIENT HAS IDENTIFIED THE LOCATION IN WHICH THE SIGNAGE IS TO BE INSTALLED. THE CLIENT HAS THE SOLE RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF ALL EXISTING STRUCTURES TO SUPPORT THE SIGNAGE.

ALL RIGHTS RESERVED THIS IS AN ORIGINAL DESIGN CREATED BY GRAPHIC HOUSE. INCORPORATED. THE UNPUBLISHED DESIGN IS OUR PROPERTY AND NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT OUR WRITTEN PERMISSION. ANY REPRODUCTION OR COPIING OF THIS DESIGN WITHOUT OUR WRITTEN PERMISSION IS STRICTLY PROHIBITED. THIS DESIGN IS THE PROPERTY OF GRAPHIC HOUSE, INC. AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT OUR WRITTEN PERMISSION. ANY REPRODUCTION OR COPIING OF THIS DESIGN WITHOUT OUR WRITTEN PERMISSION IS STRICTLY PROHIBITED.

REPLACE WITH: SPECIFICATIONS: THE EXACT COLORS SHOWN IN THIS DESIGNING PASTORAL CONCEPTUAL COLORS & SAMPLES LOCATIONS ONLY. THE COLOR PALETTE OF THE WALL COLORS THAT WILL BE USED ON OR IN THE FACILITY THROUGH ALL SIZES, BRANDS, COLORS, ETC. ARE CONCEPTUAL



17th Ave

Design For:  
**THUNDER LUBE**  
 (Brandon Leher)

Design by:



**LANDCRAFTERS**  
**LANDSCAPING, LLC**

*Crafting Beautiful Landscapes*

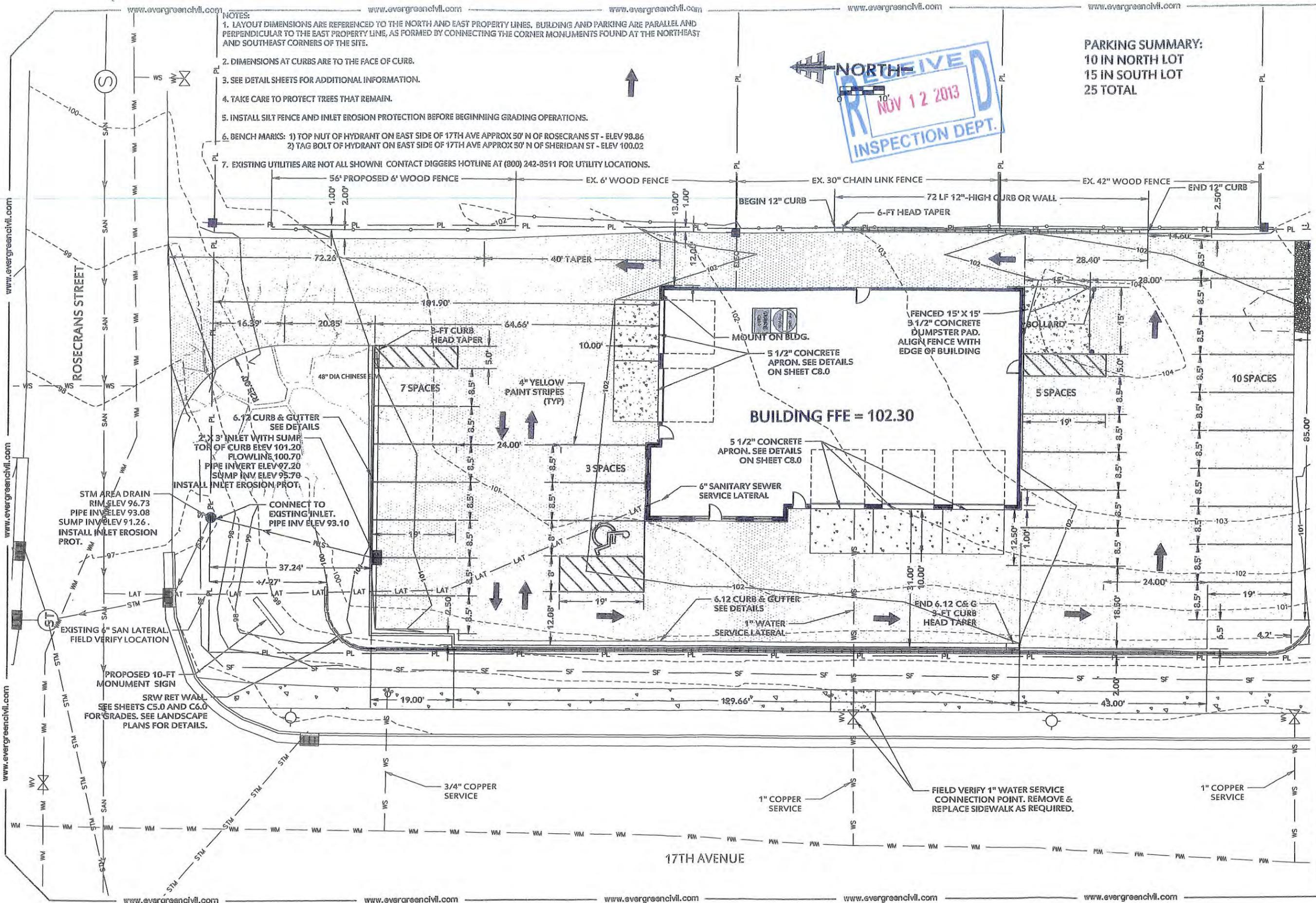
4853 W. Wausau Ave  
 Wausau, WI 54401

Phone Number: 715-212-1475  
 E-mail: Landcrafters@mail.com

- NOTES:
- LAYOUT DIMENSIONS ARE REFERENCED TO THE NORTH AND EAST PROPERTY LINES. BUILDING AND PARKING ARE PARALLEL AND PERPENDICULAR TO THE EAST PROPERTY LINE, AS FORMED BY CONNECTING THE CORNER MONUMENTS FOUND AT THE NORTHEAST AND SOUTHEAST CORNERS OF THE SITE.
  - DIMENSIONS AT CURBS ARE TO THE FACE OF CURB.
  - SEE DETAIL SHEETS FOR ADDITIONAL INFORMATION.
  - TAKE CARE TO PROTECT TREES THAT REMAIN.
  - INSTALL SILT FENCE AND INLET EROSION PROTECTION BEFORE BEGINNING GRADING OPERATIONS.
  - BENCH MARKS: 1) TOP NUT OF HYDRANT ON EAST SIDE OF 17TH AVE APPROX 50' N OF ROSECRANS ST - ELEV 98.86  
2) TAG BOLT OF HYDRANT ON EAST SIDE OF 17TH AVE APPROX 50' N OF SHERIDAN ST - ELEV 100.02
  - EXISTING UTILITIES ARE NOT ALL SHOWN! CONTACT DIGGERS HOTLINE AT (800) 242-8511 FOR UTILITY LOCATIONS.



**PARKING SUMMARY:**  
 10 IN NORTH LOT  
 15 IN SOUTH LOT  
 25 TOTAL



EVERGREEN  
 CIVIL ENGINEERING LLC  
 2408 EVERGREEN ROAD  
 WAUSAU, WI 54985  
 (715) 370-5580

SHEET NAME  
 SITE LAYOUT PLAN  
 NORTH PORTION

PROJECT & CLIENT NAME  
 THUNDER LUBE  
 NEW REPAIR FACILITY  
 1015 17TH AVENUE

RELEASED FOR  
 AGENCY  
 REVIEW

DESIGNED BY  
 WJM

DATE  
 11/01/2013

REVISIONS

PROJECT NO.  
 13.20

SHEET NO.  
**C3.0**

3 OF 10

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

**RESOLUTION OF THE PUBLIC HEALTH & SAFETY COMMITTEE**

Approving or Denying Various Licenses as Indicated

Committee Action: Approved 5-0

Fiscal Impact: None

**File Number:** 14-0108

**Date Introduced:** October 14, 2014

**RESOLUTION**

**WHEREAS**, your Public Health and Safety Committee considered certain license applications at its September 15, 2014 meeting and has made recommendations that are attached hereto in the meeting minutes and recommends these actions to the Council for its approval, now therefore

**BE IT RESOLVED** by the Common Council of the City of Wausau that the City Clerk be hereby authorized to issue the licenses on the attached list, incorporated as part of this resolution, according to recommendations made by the Public Health & Safety Committee and upon successful completion and acceptable proof that all applicable state and municipal regulations and requirements have been met by the applicants.

Approved:

---

James E. Tipple, Mayor

**PUBLIC HEALTH & SAFETY COMMITTEE**

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

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

Others Present: Alfonso, Hardel, Baeten, Kujawa, Rayala, Goede, Tim Thomas, Bryan Morel, Jolene Finger

**Consider various license applications.**

Rasmussen stated all licenses on the list are recommended for approval and there is one special event application.

Motion by Neal, second by Gisselman to approve licenses as recommended. Motion carried 5-0.

HEALTH AND SAFETY LIST  
ALL LICENSES  
SEPTEMBER 15, 2014REPORT ID: LRS530I  
RUN DATE: 10/07/14  
RUN TIME: 14:07:17

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCAION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
BLASCHKA, TAMMY L 505 N 6TH STREET APT B9 WAUSAU, WI 54403	2014	8/20/2014		6/30/2015		R STORE #6	OPERATOR NEW	___	___	___	___
BLASKOWSKI, JILL M 1100 GRAND AVE #111A SCHOFIELD, WI 54476	2014	9/08/2014		6/30/2015		VARIOUS	OPERATOR NEW	___	___	___	___
BRUSHERT, ERIC C 2418 PIED PIPER LN WAUSAU, WI 54403	2014	8/28/2014		6/30/2015		PICK 'N SAVE #6405	OPERATOR NEW	___	___	___	___
FIEREK, ALLISON N 203 JEFFERSON ST WAUSAU, WI 54403	2014	8/22/2014		6/30/2015		NEW CITY GRILL/JEFFE	OPERATOR NEW	___	___	___	___
GARR, TAYLOR S 11980 NAUGART DR ATHENS, WI 54411	2014	9/08/2014		6/30/2015		R STORE #8	OPERATOR NEW	___	___	___	___
GRAYKOWSKI, ABBY 1436 HWY KK APT B MOSINEE, WI 54455	2014	8/25/2014		6/30/2015		WHISKEY RIVER BAR &	OPERATOR NEW	___	___	___	___
HENKENS, HALSEY M 206 W STROWBRIDGE ST WAUSAU, WI 54401	2014	8/25/2014		6/30/2015		TRIG'S WAUSAU	OPERATOR NEW	___	___	___	___
HOLLIS, SAMUEL M 2402 JEFFEREY LANE WESTON, WI 54476	2014	8/19/2014		6/30/2015		WISCONSIN WOODCHUCKS	OPERATOR NEW	___	___	___	___
KAUFMAN, MADCHEN L 524 1/2 S 3RD AVE WAUSAU, WI 54401	2014	8/29/2014		6/30/2015		ITS OUR CLUBHOUSE	OPERATOR NEW	___	___	___	___
KOPPA, JENNIFER A 1022 GRAVES AVE WAUSAU, WI 54403	2014	8/20/2014		6/30/2015		WALGREENS #13371	OPERATOR NEW	___	___	___	___
LEMMER, CHRISTOPHER J 448 5TH AVE STEVENS POINT, WI 54481	2014	9/04/2014		6/30/2015		ITS OUR CLUBHOUSE	OPERATOR NEW	___	___	___	___
LEYMANN, ASHLEY M 1225 E UNION AVE APT 8 WAUSAU, WI 54401	2014	8/26/2014		6/30/2015		WAUSAU BP	OPERATOR NEW	___	___	___	___
MISCHOCK, THOMAS M 823 S 10TH AVE WAUSAU, WI 54401	2014	8/27/2014		6/30/2015		WAUSAU BP	OPERATOR NEW	___	___	___	___
RICHARDS, MIRANDA A 812 MANSON STREET WAUSAU, WI 54403	2014	8/19/2014		6/30/2015		TRIG'S WAUSAU	OPERATOR NEW	___	___	___	___



**RESOLUTION OF PUBLIC HEALTH & SAFETY COMMITTEE**

Considering the report including the Findings of Fact, Conclusions of Law and Recommendation with regard to the Class “B” Beer & Liquor License of Its Our Clubhouse LLC (Bryan Morel, agent and member) for the premises located at 738 S. 3<sup>rd</sup> Avenue

Committee Action: Approved 4-0

Fiscal Impact: None

**File Number:** 14-1007

**Date Introduced:** October 14, 2014

**RESOLUTION**

**WHEREAS**, your Public Health and Safety Committee, at their meeting of October 6, 2014, conducted a suspension hearing pursuant to Wisconsin Statutes Section 125.12(2) to consider the Class “B” Beer and Liquor License for Its Our Clubhouse LLC at 738 S. 3<sup>rd</sup> Avenue; and

**WHEREAS**, your Public Health and Safety Committee has determined upon consideration of the evidence and record that the allegations of the Complaint filed by Edward Gault, Lieutenant with the City of Wausau Police Department, have been proven and is recommending a 60-day suspension; and

**WHEREAS**, your Public Health and Safety Committee hereby submits its report to the City Council including Findings of Fact, Conclusions of Law and Recommendation as attached and incorporated as part of this resolution; and

**WHEREAS**, the complainant and licensee have each received the report and pursuant to Section 125.12(2)(b)3, Wis. Stat. may file an objection to the report including the Findings of Fact, Conclusions of Law and Recommendation with an opportunity to present arguments supporting their objection to the City Council orally or in writing as determined by the Council; and

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Wausau that upon consideration of the report, including the Findings of Fact, Conclusions of Law and Recommendation of the Public Health and Safety Committee as attached and incorporated as part of this resolution, and any arguments presented by the complainant or licensee, it finds the complaint to be true, adopts the report in its entirety and suspends the license of the licensee for a period of 60 days and is hereby adopted as presented.

Approved:

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James E. Tipple, Mayor

**IN THE CITY OF WAUSAU,  
MARATHON COUNTY, STATE OF  
WISCONSIN, BEFORE THE PUBLIC HEALTH  
AND SAFETY COMMITTEE**

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IN RE THE LICENSE OF:

ITS OUR CLUBHOUSE LLC  
738 S. 3<sup>RD</sup> AVENUE  
WAUSAU, WI 54401

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The above matter having come before the Public Health & Safety Committee ("Committee") of the Common Council ("Common Council") of the City of Wausau, the Committee having heard the testimony at the public hearing on Monday, October 6, 2014, does hereby make the following findings of fact and conclusions of law in the above referenced matter:

**FINDINGS OF FACT**

1. Its Our Clubhouse LLC ("Licensee") currently holds a Class "B" combined intoxicating liquor and fermented malt beverage license. Said license was granted by the Common Council on May 13, 2014, to the Licensee for the period of June 12, 2014 through June 30, 2014; and again on June 10, 2014, for the period of July 1, 2014, through June 30, 2015.
2. The licensed establishment is located at 738 S. 3<sup>rd</sup> Avenue, Wausau, Wisconsin 54401.
3. On Monday, September 15, 2014, the Committee voted to hold a hearing concerning the possible suspension of the Class "B" Beer and Liquor License.
4. On Friday, October 3, 2014, a Complaint was filed with the Clerk of the City of Wausau by Edward Gault, Lieutenant with the City of Wausau Police Department, and a Summons and a copy of the Complaint was personally served on the agent and member of the Licensee, Bryan J. Morel on that same day.
5. The Summons advised the Licensee a hearing would be held before the Committee on October 6, 2014, at 4:00 p.m. in the Council Chambers of City Hall. A hearing was commenced concerning the possible suspension of the Class "B" Beer and Liquor License before the Committee at such date and time. The City was represented at that hearing by Assistant City Attorney Tara G. Alfonso. The Licensee appeared by its agent and member, Bryan J. Morel and without counsel.

6. The Committee deliberated in closed session pursuant to Wis. Stat. §§19.85(1)(a) and (b).

7. Based upon the evidence received and the testimony of the witnesses, the Committee finds the following:

A. The licensed establishment has a record of numerous incidents stemming from lack of control and oversight at the establishment and problems with patrons resulting in noise complaints, fights or other disturbances, and drug activity, all of which substantially relate to the circumstances of the licensed activity.

B. There have been 52 calls for police service at the Clubhouse during the period in which it has had its Class "B" Beer and Liquor License, and while the City acknowledges all of these complaints were not substantiated and all did not result in arrests, the issuance of municipal citations, verbal or written warnings, the Committee finds a significant number did so result in such enforcement action and sets forth its findings in this regard below.

C. The Licensee has been the subject of nine (9) complaints involving noise issues at the Clubhouse resulting in six (6) verbal warnings, one (1) written warning, and two (2) written citations.

D. The Licensee has been the subject of five (5) complaints involving fights or other disturbances which have resulted in among other things, one (1) criminal arrest and the issuance of one (1) municipal citation concerning patrons of the licensed establishment.

E. The Licensee has been the subject of one (1) verified complaint involving drug activity and during which the owner was uncooperative with police in disclosing evidence that could perhaps have identified the party involved.

F. The Committee accepts as evidence in this matter, and adopts as its findings of fact, the records of the City of Wausau Police Department related to the foregoing complaints at the Clubhouse presented by the City at the hearing as Exhibit 1 and testified to by City of Wausau Police Lieutenant Todd Baeten. Such complaints as presented in the City's Exhibit 1 at the hearing are incorporated herein by reference.

G. The Committee further accepts as evidence in this matter, and adopts as its findings of fact, the portions of the squad videos shown by the City related to the responses of the City of Wausau Police Department at the Clubhouse on August 16, 2014, and August 23, 2014. The Committee finds the portions of the videos played at the hearing, together with the testimony of City of Wausau Police Lieutenant Todd Baeten concerning those events, compelling regarding circumstances occurring at the Clubhouse. The portions of these squad videos presented by the City as Exhibits 5 and 6 at the hearing are incorporated herein by reference.

H. The Committee further finds as significant to its recommendation in this matter that the Licensee has had its Class "B" Beer and Liquor License since June 12, 2014, and that all of the foregoing complaints have been generated during this relatively short period of time.

I. That Licensees are responsible for the acts of their employees, and patrons.

### **CONCLUSIONS OF LAW**

Based upon the above Findings of Fact, the Committee hereby makes the following Conclusions of Law:

1. This matter is properly before this Committee pursuant to Wis. Stat. §125.12(2)(b).
2. The City has the burden of proving the allegations in the Summons and Complaint by a preponderance of the evidence. See, City of Cudahy v. DeLuca, 49 Wis. 2d 90, 181 N.W. 2d 374 (1970).
3. The City has met its burden of proof.
4. By the greater weight of the credible evidence, the Licensee has violated chapter 125 of the Wisconsin Statutes as adopted by Wausau Municipal Code Section 5.64.010, and Wis. Stats. §125.12(2)(ag)1 and 125.12(2)(ag)2 as adopted by the Wausau Municipal Code Section 5.64.010 in that the Licensee keeps or maintains a disorderly or riotous, indecent or improper house.

**RECOMMENDATION**

The Public Health & Safety Committee hereby recommends to the City council that the Class "B" Beer and Liquor License of the Licensee be suspended for a period of **sixty (60) days**, such suspension to begin immediately upon publication if approved by the Common Council pursuant to Wis. Stat. §125.12(2).

The City Clerk is hereby directed to provide a copy of these Findings of Fact, Conclusions of Law and Recommendations to the Licensee and the City.

Dated this \_\_\_\_\_ day of October, 2014.

\_\_\_\_\_  
Lisa Rasmussen, Chairperson  
Public Health and Safety Committee

ATTEST:

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

BEFORE THE CITY OF WAUSAU  
STATE OF WISCONSIN PUBLIC HEALTH & SAFETY COMMITTEE MARATHON COUNTY

EDWARD GAULT,

Complainant,

vs.

SUMMONS

ITS OUR CLUBHOUSE LLC  
738 S. 3<sup>rd</sup> Avenue  
Wausau WI 54401,

Respondent.

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TO: ITS OUR CLUBHOUSE LLC  
738 S. 3<sup>rd</sup> Avenue  
Wausau WI 54401

THIS IS TO ADVISE you that a hearing will be held before the Public Health & Safety Committee of the City of Wausau on **October 6, 2014, at 4:00 p.m. in the Council Chambers** of Wausau City Hall located at 407 Grant Street, Wausau, WI 54403. At said hearing the Public Health & Safety Committee will consider whether or not your Class "B" Beer & Liquor License issued for the period of July 1, 2014, through June 30, 2015, for the operation of your business, located at 738 S. 3<sup>rd</sup> Avenue, Wausau, Wisconsin, should be suspended.

The hearing has been called because a complaint has been filed by Edward Gault pursuant to Section 125.12 of the Wisconsin Statutes, alleging certain violations of Chapter 125 of the Wisconsin Statutes and municipal regulations adopted pursuant to Section 125.10 of the Wisconsin Statutes, in reference to the operation of the licensed premises mentioned above. A copy of the complaint is attached to this summons.

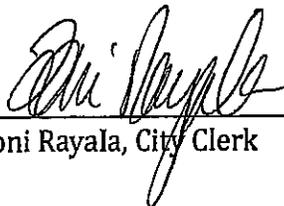
**YOU ARE HEREBY SUMMONED to appear at a hearing to be held before the Public Health & Safety Committee on the 6th day of October, 2014, at 4:00 p.m. in the Council Chambers of Wausau City Hall, located at 407 Grant Street, Wausau, WI 54403, and show cause why your license should not be suspended.**

YOU ARE FURTHER NOTIFIED that you may have an attorney represent you at your own expense. Both you and the complainant have the right to testify and are then subject to cross examination. Both you and the complainant have the right to subpoena witnesses to testify on your behalf who are subject to cross examination. If you desire to subpoena witnesses subpoenas will be issued by the Mayor of the City of Wausau and can be secured from the office of the City Attorney. Evidence at the hearing will consist of sworn

testimony and any relevant exhibits presented to the Public Health & Safety Committee. A written transcript of the hearing will be provided at your expense.

YOU ARE FURTHER NOTIFIED that failure to appear shall result in the allegations of the complaint being taken as true and if the Public Health & Safety Committee finds them to be sufficient your license shall be suspended pursuant Section 125.12(2)(b)1. of the Wisconsin Statutes. If you appear and the Public Health & Safety Committee finds the complaint to be true, your license may be suspended. Pursuant to Section 125.12(2)(b)2 of the Wisconsin Statutes your license may be suspended for not less than ten (10) days nor more than ninety (90) days. If the Public Health & Safety Committee finds the complaint untrue, the proceedings will be dismissed without costs. Judicial review of the findings of the Public Health & Safety Committee is set forth in Section 125.12(2)(d) of the Wisconsin Statutes.

Dated at Wausau, Wisconsin, this 3 day of October, 2014.

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

BEFORE THE CITY OF WAUSAU  
STATE OF WISCONSIN PUBLIC HEALTH & SAFETY COMMITTEE MARATHON COUNTY

EDWARD GAULT,

Complainant,

vs.

COMPLAINT

Its Our Clubhouse LLC  
738 S. 3<sup>rd</sup> Avenue  
Wausau WI 54401,

Respondent.

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NOW COMES Edward Gault, Lieutenant with the City of Wausau Police Department, and alleges as follows that:

1. The complainant, Edward Gault, is an adult resident of the City of Wausau with a business address of 515 Grand Avenue, Wausau, Wisconsin, and at all times material to this action, he was and is a Lieutenant with the City of Wausau Police Department.
2. The complainant, Edward Gault, as Lieutenant with the City of Wausau Police Department, is familiar with the efforts of the police officers and their investigations into violations of alcohol beverage laws by taverns and other places where alcohol is sold.
3. The Respondent herein, Its Our Clubhouse LLC ( hereinafter referred to as either "Clubhouse" or "Respondent"), is the alcohol beverage licensee according to documents filed with the City Clerk of the City of Wausau. To the best information and belief of Complainant, the Clubhouse is a Wisconsin limited liability company whose agent is Bryan J. Morel (hereinafter referred to as "Morel") and who is also a member of the limited liability company.
4. On April 21, 2014, the Liquor License Review Subcommittee and the Public Health & Safety Committee of the City of Wausau conditionally recommended the granting of a Class "B" Beer & Liquor License to Respondent for the period June 12, 2014, through June 30, 2014.
5. On May 13, 2014, the Common Council of the City of Wausau granted a Class "B" Beer & Liquor License to Respondent for the period of June 12, 2014, through June 30, 2014.
6. On May 19, 2014, the Public Health & Safety Committee of the City of Wausau conditionally recommended the granting of a Class "B" Beer & Liquor License to Respondent for the period July 1, 2014, through June 30, 2015.

7. On June 10, 2014, the Common Council of the City of Wausau granted a Class "B" Beer & Liquor License to Respondent for the period July 1, 2014, through June 30, 2015.

- a. The Clubhouse has been the subject of nine (9) complaints involving noise issues at the Clubhouse resulting in among other things, six (6) verbal warnings, one (1) written warning, and two (2) written citations as follows:
  - i. On June 19, 2014, at approximately 12:40 a.m. (Case #14-5437), a written warning was issued to Morel for Disturbing the Peace, W.M.C. §9.04.030, by City of Wausau Police Officer Jon Kindlarski. Officer Kindlarski responded to the Clubhouse for a complaint regarding very loud music. Officer Kindlarski met with Morel who turned down the music. Officer Kindlarski advised Morel to keep the Clubhouse doors closed, but Morel stated it was the only way he could monitor activity outside of the Clubhouse.
  - ii. On June 26, 2014, at approximately 1:40 a.m. (Police Event #140073636), a verbal warning was issued to a bartender working at the Clubhouse for loud music by Officer Shawn Pierschalla in response to a noise complaint at the Clubhouse. The music had been shut off prior to the officers' arrival and bartender stated they will try and keep the music down or close the doors. Officer Pierschalla advised the bartender on duty of the possible outcomes in the future if the Police Department responded to the same type of complaint.
  - iii. On July 26, 2014, at approximately 12:33 a.m. (Police Event #140087268), Officer Patrice Pettigrew was dispatched to the Clubhouse for a noise complaint of loud music and voices. The officer reported that the door to the Clubhouse was open and the music was very loud. Officer Pettigrew advised the bouncer on duty that the doors needed to remain closed.
  - iv. On August 2, 2014, at approximately 2:30 a.m. (Police Event #140090403), Officers John Phillips and Jacob Chittum responded to a complaint of loud vehicles and people leaving the area of the Clubhouse at closing time. Most patrons had departed by the time the officers had arrived. The bouncer and bartender on duty were advised by Officer Chittum that this was the second time that evening officers had responded to that location and

- future calls would result in citations for customers or the establishment.
- v. On August 6, 2014, at approximately 12:07 a.m. (Police Event #140092189), Officer Patrice Pettigrew advised Morel a complaint had been received regarding profanity from patrons outside the Clubhouse.
  - vi. On August 16, 2014, at approximately 1:25 a.m. (Case #14-7225), a Disturbing the Peace Citation (No. M145318408) was issued to the Clubhouse for Disturbing the Peace, W.M.C. §9.04.030, by City of Wausau Police Officer Brian Burkhardt. Officers Burkhardt, John Phillips, David Jordan, and Eric Lemirand responded to the Clubhouse for a citizen complaint of loud noise, people screaming, and patrons parking in the parking spots of building tenants next door. Officer Phillips spoke with Morel who advised the officers that the police were banned from his property and demanded they stay off of his property.
  - vii. On August 21, 2014 at approximately 10:18 p.m. (Police Event #140099049), Officers Brian Burkhardt and Eric Lemirand responded to the Clubhouse for a report of a group of males outside the business using foul language. The anonymous reporting party complained they did not want their children hearing that kind of language. Upon arrival by the officers, the parties had already departed. Upon contact with Morel regarding the complaint, Morel advised the officers that contacting him at the bar was inappropriate and they had no reason to be there.
  - viii. On August 23, 2014 at approximately 10:43 p.m. (Police Event #140099949), Officers Dean Talg, Patrice Pettigrew and Kyle Buchkoski responded to the Clubhouse for a report of two females creating a disturbance in the parking lot. One of the females was a bartender from the tavern who was upset and had just been fired that evening. Both were warned about the noise level.
  - ix. On August 30, 2014, at approximately 10:36 p.m. (Case #14-7702), a citation was issued to the Clubhouse for Disturbing the Peace, W.M.C. §9.04.030. Officers Brian Burkhardt, David Jordan and Jacob Chittum were dispatched to the Clubhouse for a report of "booming" music coming from the tavern. Officer Chittum

reported that he could hear the loud music coming from the bar approximately one block away. The door to the establishment was open, however, as the officer approached, an individual outside of the bar closed the door. Upon making contact with Morel, and being advised of the noise and issuance of the citation, Morel stated to Officer Burkhardt "Wow, really?...You do what you have to. I need you off my property."

- b. The Clubhouse has been the subject of five (5) complaints involving fights or other disturbances resulting in among other things, one (1) criminal arrest and the issuance of one (1) municipal citation as follows:
  - i. On August 2, 2014, at approximately 12:33 a.m. (Police Event #140090363), Officers Koua Thao and David Jordan responded to a 911 call, in which a female caller stated she needed officers and then hung up. Upon contact with the bouncer on duty revealed a fight had almost broken out but the patron had left before officers' arrival. The bouncer was advised to keep the door shut because of loud music.
  - ii. On August 9, 2014, at approximately 1:28 a.m. (Case #14-7027), Officers Jon Kindlarski, Nathaniel Stetzer, Patrice Pettigrew, and Dean Talg responded to the Clubhouse for a report of a possible domestic disturbance. A bouncer from the Clubhouse chased after a male that had been asked to leave the bar following an altercation he had with a female. The intoxicated female was located at the Clubhouse and eventually cited for Disorderly Conduct, W.M.C. §9.04.010 due to her behavior. The male was also arrested off the premises for criminal Domestic Disorderly Conduct.
  - iii. On August 9, 2014, at approximately 2:51 a.m. (Case #14-7028), Officers Jon Kindlarski, Nathaniel Stetzer, Patrice Pettigrew and Dean Talg reported witnessing three fights in the near vicinity of the Clubhouse while responding to earlier Domestic Disorderly Conduct incident of the same evening: two across the street from the Clubhouse and one outside the north side entrance to the Clubhouse. The parties involved in all three fights were patrons

at the Clubhouse. Morel was warned about bartenders over-serving patrons and the commotion happening due to the Clubhouse. The Clubhouse had all you can drink rail drinks for \$10.00. A total of 6 officers responded to the Clubhouse between 0129 hours and 0251 hours.

- iv. On August 23 2014, at approximately 10:43 p.m. (Police Event #140099997), Police Officers Shawn Fritsch, Patrice Pettigrew, Nathaniel Stetzer, and Brian Burkhardt responded to the Clubhouse for a report of possible family disturbance inside a vehicle parked in the Clubhouse parking lot. Both parties were advised to keep their volume level down.
- v. On August 23, 2014, at approximately 2:24 a.m. (Case #14-7461), while on patrol Officer Patrice Pettigrew observed an altercation taking place on West Street next to the Clubhouse involving approximately 6 individuals who were eventually determined to be patrons from the Clubhouse. Additional officers were requested to respond to assist with the large, unruly crowd in the parking lot and property to the southwest of the Clubhouse. Squad video from one of the responding units shows dozens of people milling about in the parking lot. It required several attempts by Officers to have the crowd disperse. Several patrons were unruly and uncooperative. A total of seven (7) Wausau Police Officers responded to the scene and one (1) Marathon County Sheriff Deputy; and law enforcement was out-numbered during this incident. Morel, who was present at the scene inside of the Clubhouse neglected to assist officer in removing individuals from his property.

c. One verified complaint involving drug activity as follows:

- i. On August 19, 2014, at approximately 10:11 p.m. (Case #14-7334), Officer Patrice Pettigrew responded to the Clubhouse to conduct a bar check. Morel informed the officer that earlier that evening around 8:00 p.m. one of the patrons offered his bartenders pills, including 2 capsules of M. Amphet Salts 10 mg (CNS Stimulant) and 3 tablets of M. Amphet Salts 10 mg (CNS Stimulant). Morel turned over the pills to Officer Pettigrew but refused to give her

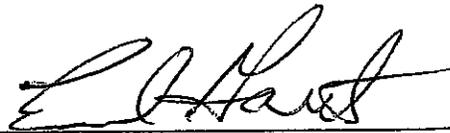
the name of the suspect who offered and exchanged the illegal prescription medications within the Clubhouse and refused to release the video footage showing the exchange as the suspect was a vendor of his who was responsible for supplying products to his business and did not want to risk the suspect pulling product from the Clubhouse.

8. That the Public Health & Safety Committee should suspend said license on the grounds that the Respondent, Its Our Clubhouse LLC, has violated Chapter 125 of the Wisconsin Statutes as adopted by Section 5.64.010 of the Wausau Municipal Code, and of municipal regulations adopted pursuant to Section 125.10 of the Wisconsin Statutes, in that the Respondent keeps or maintains a disorderly or riotous, indecent or improper house in violation of the provisions of Chapter 125 of the Wisconsin Statutes and Chapter 5.64 of the Wausau Municipal Code, all as reported to the complainant by one or more of the police officers of the City of Wausau based on those officers own personal knowledge as follows:

A copy of all Cases and police events referenced herein are attached hereto and made a part hereof.

9. That under applicable State law, the license holder or corporate agent is held strictly liable for the actions of its employees and for the activities occurring on the licensed premises.

THEREFORE, your complainant respectfully requests the Common Council of the City of Wausau, Marathon County, Wisconsin, suspend said license of the Respondent, Its Our Clubhouse, for said premises.



Edward Gault, Complainant

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF MARATHON)

EDWARD GAULT, being first duly sworn on oath, states that he has read the foregoing complaint against Its Our Clubhouse, and that the statements are true to his own knowledge, except for those which are stated upon information and belief, and as to such matters he believes them to be true.



Edward Gault

Subscribed and sworn to before me  
this ~~31~~ day of October, 2014.



Notary Public, Wisconsin  
My commission: 7/10/16

## **PUBLIC HEALTH & SAFETY COMMITTEE**

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

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

Others Present: Alfonso, Hardel, Baeten, Kujawa, Rayala, Goede, Tim Thomas, Bryan Morel, Jolene Finger

### **Discussion with premises owner, Bryan Morel, about management issues and police call volume identified at Its Our Clubhouse tavern and possible action thereon.**

Rasmussen stated the committee has become concerned with the police call volume to It's Our Clubhouse. She informed Mr. Morel that they would not discuss the details of specific incidents that occurred at his establishment unless he requested that they do so. Furthermore, as we enter into the discussion of those details, they become a part of the record that could be used in future hearings. She questioned if he was willing to discuss incidents to date and Morel responded that he was willing.

Chief Hardel indicated he spoke with Mr. Morel twice on the phone last week and requested that he come to City Hall to obtain copies of the reports that were provided to the committee. Hardel indicated Mr. Morel now has the same police report documentation that the committee has reviewed and he would let that stand on its own rather than going into detail. Hardel felt it was very clear that Mr. Morel has displayed a lack of cooperation with police; he has a lack of desire to be a good neighbor; and he is mismanaging the tavern. He requested the Public Health & Safety Committee to re-evaluate the issuance of the liquor license to Mr. Morel.

Rasmussen pointed out at the initial Liquor License Review Subcommittee meeting at which his license application was considered, Morel was told the clientele in the premises he was establishing would certainly need management control. She questioned if he had a plan moving forward to address the issues shown in the reports.

Bryan Morel stated that he has asked for police assistance and has requested not only the drug dogs to come through the premises, but also undercover officers, but he did not believe that has happened. He acknowledged there were a few incidents where his interaction with officers could have been better, but we all have bad days and he was willing to apologize to the officers for his attitude. He indicated they have done some things to alleviate the noise complaints; they have been closing the doors instead of leaving them open at night. There were picnic tables on the north side of the building for people who went out to smoke and they have now moved them to the south side of the building. He indicated he planned to enclose the wheelchair ramp with canvas type walls that would roll up to keep noise in and people from going out to the parking lot to smoke. He stated they are looking to reopen the kitchen and begin serving food in a few weeks that he felt would help facilitate changing the type of clientele.

Rasmussen requested Morel to address the number of fights that have been taking place, which on a couple of occasions took a large response from the Police Department and on one occasion even additional help from the Sheriff's Department. Morel stated the incident with the involvement of the Sheriff's Department didn't take place on his property, it was across the street in Kohlman's parking lot. He reiterated that he himself has called police for help. Rasmussen pointed out he refused to name a known individual who offered him drugs in the bar and refused to turn over the video. Morel indicated the individual was one of the vendors of his establishment and he didn't want to lose his business. He stated he still had the video and would turn it over if subpoenaed to do so. Wagner expressed frustration over Morel's resistance to providing information and disrespectful attitude with police.

Hardel pointed out Lt Baeten referred to 24 incidents in the report to the committee, however, he just put down "noteworthy" incidents; there were actually 47 calls to the bar overall, which has only been open 90 days. He noted Morel has repeatedly told officers they are not welcome on his property. He noted officers have been there on approximately 11 noise complaints, most of which the doors were open and Morel did not want to close them. Patrons were going outside with their drinks and in one incident the bartender said she couldn't control the crowd or prevent them from taking drinks outside so Morel was called and agreed to close the bar down.

Neal commented about over-serving in reference to the bar's \$10 all you can drink rail special, and provided suggestions for patron management. Hardel indicated they had squad videos of activity outside the bar.

Rasmussen questioned what the recommendation of the Police Department was. Hardel stated there was 100 points in demerit points against the license, but he pointed out there should have actually been other citations. The

department was very willing to work with Morel early on and there were a number of noise complaints that were validated where he received only verbal warnings. He has two documented citations for disturbing the peace. He recommended based on the activity they have seen and the reports provided that the liquor license should be re-evaluated. Rasmussen stated the committee could consider a limited term suspension, not necessarily a revocation. In some other cases suspensions have worked to address the issues and have had some impact.

Wagner felt he should be given some time off to get with the professionals and put a plan in place that specifies how he is going change his management and bartender culture; how to anticipate and control the crowd; and how to police and control the exterior of his building.

Motion by Wagner, second by Kellbach to move to a suspension hearing and for Morel to come to the hearing with a written plan to be responsible bar owner and manager. Motion carried 5-0.

## **SPECIAL PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, October 6, 2014, at 4:00 pm, (Council Chambers)

Members Present: Rasmussen (C), Kellbach, Wagner, Neal

Members Excused: Gisselman

Others Present: Alfonso, Hardel, Baeten, Barnes, Rayala, Goede, Tim Thomas, Bryan Morel, Media

### **SUSPENSION HEARING:**

Pursuant to Wis. Statutes 125.12(2): Consider Class B Beer & Liquor License Suspension for It's Our Clubhouse, LLC at 738 S. 3<sup>rd</sup> Avenue, Bryan Morel, Agent.

Morel addressed the committee by stating he, Hardel and Alfonso believe that they have come to an agreement that would be beneficial for everyone involved. They discussed a 15 days suspension (proposed by Morel in a document dated September 30, 2014 on file in the clerk's office) that would take place from 10:00 a.m. on November 1, 2014 through 10:00 a.m. November 16, 2014. This would allow for additional training for bartenders and working with Marathon County Law Enforcement through the LEAST Program on how to recognize and deal with difficult situations and better train staff. This will also allow us more time to work with the Wausau Police Department.

Rasmussen asked if there are any other terms described in the letter from Morel to the Public Health & Safety Committee.

Alfonso said the city attorney's office and the police department do not have an objection to the proposal of 15 day suspension offered by Morel.

### **CLOSED SESSION: Pursuant to Section 19.85(1)(a), (b) of the Wisconsin Statutes:**

- a. **Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body; and**
- b. **Considering licensing of any person licensed by a board or commission or the investigation of charges against such person, and the taking of formal action on any such matter; provided that the person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken,**  
**for the purpose of deliberating on the suspension of the Class B Beer & Liquor License for It's Our Clubhouse, LLC.**

Motion by Neal, second by Kellbach to move into closed session. Roll Call vote: Neal aye, Kellbach aye, Wagner aye, Rasmussen aye. Motion passed 4-0.

### **RECONVENE INTO OPEN SESSION: for the purpose of making a determination on the suspension of the Class B Beer & Liquor License for It's Our Clubhouse, LLC.**

Motion by Neal, second by Kellbach to reconvene into open session: Voice vote. Motion passed 4-0.

Rasmussen started the open session by stating the Public Health & Safety committee agreed to not accept the written proposal offered by Morel to close voluntarily for 15 days in November. Instead the committee opted to move forward with a hearing and presentation of evidence as scheduled. She summarized the process and order of the hearing and presentation of evidence.

Rayala swore in all those who would be giving any testimony: Lt. Matthew Barnes, Lt. Todd Baeten, Chief Hardel, and Licensee Morel.

Rasmussen asked for opening remarks from Morel. He said he does not have any opening remarks. Rasmussen asked for opening remarks from the Attorney's office. Alfonso replied the city has brought this matter before the committee because It's Our Clubhouse is a new establishment in Wausau and since it opened in June of this year there have been 52 calls to It's Our Clubhouse; not all of these calls have resulted in valid or substantiated complaints, 9 noise complaints, 5 complaints involving fights or other disturbances, one verified complaint of drug activity in which an individual a vendor to the bar tried to supply drugs to the bartender. On the basis of these concerns and the small amount of time that has transpired the City is asking for a suspension of license.

Morel had no witnesses and offered no evidence for the hearing.

Alfonso asked testimony of Lt. Baeten, a patrol lieutenant of the City of Wausau, and submitted four items of evidence. *(Evidence is on record in the Clerk's office.)*

Rasmussen asked if the committee had any questions for Lt. Baeten regarding his testimony. No committee members had any questions. Rasmussen asked if the Licensee had any questions for Lt. Baeten regarding his testimony. Morel said no.

Alfonso asked testimony of Lt. Barnes, a lieutenant of the City of Wausau and submitted two items of evidence. *(Evidence is on record in the Clerk's office.)*

Rasmussen asked if the committee had any questions for Lt. Barnes regarding his testimony. No committee members had any questions. Rasmussen asked if the Licensee had any questions for Lt. Barnes regarding his testimony. Morel said no.

Rasmussen asked Morel if his establishment includes a dance floor. He said it does not.

Rasmussen asked a couple other questions of licensee. Rasmussen asked if there is a dance floor or if there is an area where customers perceive they can dance. Morel responded that patrons dance wherever they feel they can dance. There is a pool table and an open area and another area that is semi open with a ceiling support. She asked if there was a DJ hired to perform. Morel responded yes, but not anymore.

Rasmussen asked the Clerk if It's Our Clubhouse holds an entertainment license. Alfonso replied by submitting a certification from the clerk's office stating that It's Our Clubhouse LLC doesn't hold license for DJs or bands. Rayala placed it on record as Evidence item #7. *(On record in the clerk's office.)*

Hardel asked Morel if the support pole that was mentioned, was there before he bought the place or did Morel put it in. Morel said that he put it in. Hardel asked if it was a dance pole. Morel said that it is a support pole.

Alfonso requested of the committee to ask Morel if he had any closing statements. He said he did not. Alfonso said that the attorney's office did not have any closing statements.

**CLOSED SESSION: Pursuant to Section 19.85(1)(a), (b) of the Wisconsin Statutes:**

- c. **Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body; and**
- d. **Considering licensing of any person licensed by a board or commission or the investigation of charges against such person, and the taking of formal action on any such matter; provided that the person licensed is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken,**  
**for the purpose of deliberating on the suspension of the Class B Beer & Liquor License for It's Our Clubhouse, LLC.**

Motion by Wagner, second by Kellbach to move into closed session. Roll Call vote: Neal aye, Kellbach aye, Wagner aye, Rasmussen aye. Motion passed 4-0.

**RECONVENE INTO OPEN SESSION: for the purpose of making a determination on the suspension of the Class B Beer & Liquor License for It's Our Clubhouse, LLC.**

Motion by Wagner, second by Neal to reconvene into open session: Voice vote: Motion passed 4-0.

Rasmussen read into record Findings of Fact.

Based on deliberations and based on the evidence heard today the Public Health & Safety Committee recognizes the following findings of fact:

The respondent, herein It's Our Clubhouse, LLC, herein referred to as "The Clubhouse" or respondent is an alcoholic beverage licensee according to license filed with the city clerk. That on April 21, 2014, the Liquor License Review Subcommittee and the Public Health & Safety Committee recommended the granting of a Class B Beer and Liquor License to the respondent from June 12, 2014 to June 30, 2014. We also find that on

May 13, 2014 the Common Council of the City of Wausau granted a Class B Beer and Liquor License to the respondent from June 12, 2014 to June 30, 2014. On May 19, 2014 the Public Health and Safety Committee for the City of Wausau conditionally recommended granting of a Class B Beer and Liquor License to the respondent for a period of July 1, 2014 through June 30, 2015.

Since that time the committee noted significant events of emphasis that The Clubhouse, since the license granting has been the subject of nine complaints involving noise issues at The Clubhouse resulting in among other things, six verbal warnings, one written warning, and two written citations. The Committee also recognizes that The Clubhouse has been the subject of five complaints involving fights and other disturbances resulting in among other things, one criminal arrest and the issuance of a municipal citation. The committee also recognizes one verified complaint of drug activity at the premises pertaining to which the owner of the establishment was uncooperative with police in disclosing evidence that could have perhaps identified the party involved.

The City of Wausau has requested that the Public Health & Safety Committee suspend said license on the grounds that the respondent It's Our Clubhouse LLC has violated Chapter 125 of Wisconsin Statutes as adopted by Section 5.64.010 of the Wausau Municipal Code and of municipal regulations adopted pursuant to Section 125.10 of the Wisconsin Statutes and the respondent keeps or maintains a disorderly or riotous, indecent or improper house in violation of the provisions of Chapter 125 of the Wisconsin Statutes and Chapter 5.64 of the Wausau Municipal Code.

Based on these findings, the Committee recommends a suspension period of 60 days. That recommendation along with documentation will be submitted to the City Council for their consideration on October 14, 2014. Suspension to be served immediately after publication if approved by the City Council.

**Adjournment**

Motion by Neal, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:17 pm.



## Memorandum

**From:** Anne L. Jacobson, City Attorney   
**To:** Council Members  
**Date:** October 8, 2014  
**Re:** Staff Analysis of Amendment on Repeal of Section 3.10.010 Referendum

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Purpose: To provide legal options to aid the Council in determining how to amend or repeal Section 3.10.010 Referendum.

Facts:

WMC 3.10.010 was passed October 24, 2006, on a vote of 11 votes in favor, and one not voting.

A petition for direct legislation was receipted by the city clerk, from Sam and Barb Morgan, on September 26, 2006. The clerk certified that she accepted 2,202 signatures on October 9, 2006, and certified that the number of signatures satisfied the requirement pursuant to Wisconsin Statute 9.20(1) - 15% of votes cast for governor in the last general election: 1,920. However, no ordinance was submitted with the petition. Upon being noticed of such insufficiency, the petitioners submitted a proposed ordinance on October 17, 2006, and the clerk forwarded it directly to the Council for consideration on October 19, 2006.

The Common Council passed the ordinance within 30 days of the clerk's certification. A copy of the ordinance and Clerk's Certification is attached.

The Finance Committee, on September 23, 2014, moved to forward consideration of amending or repealing this ordinance directly to Council without a recommendation. The minutes are attached.

**Options:**

1. According to s. 9.20(8), ordinances adopted under this section shall not be repealed or amended within 2 years of adoption except by a vote of the electors. Given the passage of nearly 8 years, the Common Council legally possesses the authority to simply repeal this ordinance.
2. The Council may elect to amend the ordinance with additions or deletions from the text, without repealing it in its entirety.
3. The Council may still elect to amend or repeal the ordinance only upon a vote of the electors.
4. The Council may elect to retain the current ordinance in its present form.

**Recommendation:**

No recommendation is made to the Council. The purpose of this report is to outline the legal options available to the Council upon their consideration of this matter.

**Impact:**

Resources – There may be staff time and administrative expense associated with a referendum.

ALJ:lp

Enclosures

cc Mayor Tipple

ORDINANCE	
Direct Legislation Pursuant to s. 9.20, Wis. Stats.	
Committee Action:	Ordinance Number: 61-5312
Fiscal Impact:	
File Number: 06-1016	Date Introduced: October 24, 2006

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

Section 1. The City of Wausau shall hold a city-wide referendum requesting citizen authorization to institute a fee for any municipal service. This includes, but is not limited to, the following services; police protection, garbage pickup, fire protection, road repair, snowplowing, recycling, yard waste disposal, street sweeping, fall leaf collection, spring clean-up, and storm water management among others. The only allowable exception is a fee that affects 10% or less of the city's residents.

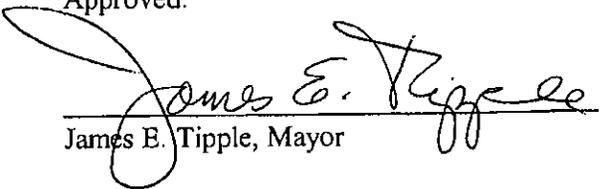
Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. If any provision of this ordinance is held to be invalid or unconstitutional or if the application of any provision of this chapter to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

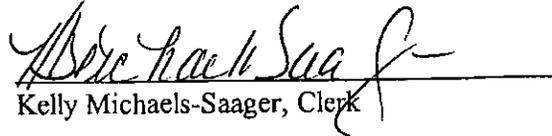
Section 4. This ordinance shall be in full force and effect from and after its date of publication.

Adopted: 10/24/06  
Approved: 10/25/06  
Published: 10/27/06  
Attest: 10/25/06

Approved:

  
James E. Tipple, Mayor

Attest:

  
Kelly Michaels-Saager, Clerk

CITY OF WAUSAU  
MARATHON COUNTY  
CERTIFICATION

To All to Whom it May Concern, Greetings:

I, Kelly Michaels-Saager, do hereby certify that I am the duly qualified and acting City Clerk of and for the City of Wausau, Marathon County, Wisconsin. Acting in that capacity, I acknowledge receipt of a direct legislation petition on September 26, 2006 from Sam and Barb Morgan, 2418 Polzer Drive, Wausau WI 54401. I hereby certify that I accepted 2,202 signatures contained on the petition on October 9, 2006 and acknowledge the number of signatures received do satisfy the requirement pursuant to Wisconsin Statute 9.20(1): (15% of votes cast for governor in the last general election; 1,920). I certify the petitioners were notified by US mail, return receipt of an insufficiency pursuant to Wisconsin Statute 9.20(3) as the petition was submitted with out a proposed ordinance or resolution in proper form. The petitioners were notified of their right to correct the insufficiency within 10 days and did submit a proposed ordinance in proper form on October 17, 2006. I do hereby acknowledge and certify that the direct legislation petition and proposed ordinance attached to this certificate have met my understanding of the specific requirements of ss 9.20; that being a sufficient number of signatures collected and the petition/ordinance submitted in proper form. I do hereby forward this petition to the Common Council of the City of Wausau on this 19th day of October, 2006.

(SEAL)

Given under my hand and official Seal, at the City Hall, in the City of  
Wausau, in Marathon County, this 19th day of October A.D. 2006.



Kelly Michaels-Saager  
Kelly Michaels-Saager, City Clerk

## **FINANCE COMMITTEE**

Date and Time: Tuesday, September 23, 2014 @ 5:00 pm., Board Room

Members Present: Winters, Kellbach, Nagle, Oberbeck, Nutting

Others Present: Tipple, Groat, Giese, Werth, Barnes, Hite, Hardel, Wagner, Rasmussen, Goede, Mielke, Neal, Abitz, Goede, Mark Craig, Joe Mella, Kari Rasmussen, Kasey Taube, Dawn Follenberg, John Robinson, Brad Karger, Jim Rosenberg, Deb Ryan

### **Discussion and possible action regarding creating a stormwater utility - Wesolowski, Groat and Tipple**

Groat indicated quite a bit of investigation regarding creating a stormwater utility had been done in 2005 and 2006, and Council actually approved the creation of a stormwater utility and we were working on getting some of the final pieces of information and system set up to implement it. During that implementation planning period the city received sufficient signatures on a direct legislation referendum petition that requested that the city require a city wide referendum anytime we were increasing fees or creating new fees. The Council considered that petition and determined they would create an ordinance that directs us to hold a referendum if we were creating new fees. She explained based on state statutes, that ordinance is only in effect for a two year period which has now expired. It was her understanding that as housekeeping item the Council could make a change of ordinance that eliminates that provision. Once that ordinance was eliminated we would have the right to create the utility and a fee structure for it, which would take about eight months. She noted the levy limit laws prevent us from not reducing the levy and creating a new fee, so we would have to reduce the levy by the amount of the new fee otherwise we would have to hold a referendum.

Oberbeck felt it would be valuable to separate it out from the levy as it would equalize the impact, where people who have more pavement and create more issues end up paying more for the system. The advantages are you start looking at different types of surfaces or stormwater retention; promotes better design as far as environmental; and puts the cost where the burden is. Disadvantages might be how people perceive this as a tax, but it's actually a service that you are providing for stormwater control and there are not a lot of negatives to it.

Nagle questioned what percentage of area in the city is owned by tax exempt properties. He commented it is probably a large percentage and they are not paying for any of the stormwater, but most have large impervious surfaces. This is one way all can pay their fair share. Rasmussen pointed out there will be a lot of pushback from church congregations and non-profits. She felt it could be done without repealing the direct legislation ordinance because we are having a referendum in April and this question could be added to it.

Motion by Nagle, second by Oberbeck to forward to Council the question of whether to keep or repeal the ordinance that requires a referendum for the creation of new fees. Motion carried 5-0.

**ORDINANCE OF COUNCIL**

Repeal Chapter 3.10 Fees for Municipal Services

Committee Action:

**Ordinance Number:**

Fiscal Impact:

**File Number:** 06-1016

**Date Introduced:** October 14, 2014

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

Section 1. That Chapter 3.10 Fees for Municipal Services is hereby repealed.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect on the day after its publication.

Adopted:

Approved:

Approved:

Published:

Attest:

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

Attest:

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

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

Approving Thomas Street design concept and plan from Wisconsin River to 17<sup>th</sup> Avenue

Committee Action: Approved 3-2

Fiscal Impact: Design services will continue under the consultant's current contract with the City. Land acquisition costs dependent on final right-of-way plat, estimated to be \$4.4 million. Construction costs estimated to be \$4.6 million.

**File Number:** 02-1005

**Date Introduced:** October 14, 2014

**WHEREAS**, on September 11, 2014 the Capital Improvements and Street Maintenance Committee (CISM) met to discuss alternative concepts for Thomas Street from the Wisconsin River to 17<sup>th</sup> Avenue; and

**WHEREAS**, during the course of several meetings, CISM has reviewed and discussed a variety of design concepts and options and considered comments from the public; and

**WHEREAS**, at the direction of CISM, the City's design consultant, AECOM, prepared two different three-lane alternatives west of 3<sup>rd</sup> Avenue – one with a two-way left turn lane (TWLTL) and one with a raised median; and

**WHEREAS**, the proposed street alignment of both three-lane alternatives sought to minimize acquisition of private property; and

**WHEREAS**, east of 3<sup>rd</sup> Avenue, the plan was prepared based off of previous preliminary designs to include a four-lane section with turn lanes and raised medians; and

**WHEREAS**, the alternatives were prepared to follow federal guidelines for a principal arterial; and

**WHEREAS**, the purpose and need of the project was reviewed to include reducing traffic congestion, improving safety (for motorists, bicyclists, pedestrians, and transit users), minimizing neighborhood impact, increasing economic development, and improving aesthetics; and

**WHEREAS**, your Capital Improvements and Street Maintenance Committee recommends the following:

1. Thomas Street will be constructed from 3<sup>rd</sup> Avenue to the west with two lanes plus left turn lanes, and from 3<sup>rd</sup> Avenue to the east with four lanes plus left turn lanes.
2. The street will be constructed with raised medians to provide a positive division of traffic with shelter islands for left turns and for pedestrians crossing the widened street.

3. Medians with natural vegetation will be used to enhance aesthetics and reduce total suspended solids in storm water events.
4. Traffic signals will be installed at the 3<sup>rd</sup> Avenue and 11<sup>th</sup> Avenue intersections with Thomas Street.
5. Completion of this design phase will permit the final development of a right-of-way plat to provide a formal plan for property acquisition; now therefore,

**BE IT RESOLVED**, the Common Council of the City of Wausau hereby approves the design elements summarized herein, with the City's consultant, AECOM, Inc., to continue the design process to finalize plans for the project.

Approved:

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James E. Tipple, Mayor

Agenda Item No.

3

*STAFF REPORT TO CISM COMMITTEE – September 11, 2014*

AGENDA ITEM
Discussion and possible action on selecting Thomas Street design concept and plan. (This item was postponed from the August 14, 2014 meeting.)
BACKGROUND
At the direction of CISM, staff has been working with AECOM on refining alternatives for the Thomas Street corridor. AECOM will be present at the meeting to provide more information.
FISCAL IMPACT
Dependent on the alternative selected.
STAFF RECOMMENDATION
None at this time.
Staff contact: Brad Lenz 715-261-6753

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

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Date of Meeting: September 11, 2014, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Mayor Tipple, Lenz, Wesolowski, Gehin, Oberbeck, Neal.

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.

### **Public comment on matters appearing on the agenda**

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Chris Bargender, 1118 West Thomas Street, stated the plans show some acquisition of his property but not full acquisition. Recently he was walking on the sidewalk with his son and dog. A car was turning left to go into Treu's. Another car was behind that car and went into Bargender's driveway, over the boulevard and almost hit them. He asked if any amount of his property was to be taken that the entire property be acquired because it is already unsafe. If a couple of feet are taken it will be completely unsafe. He has a 19' pop-up in his driveway and a 19' extended cab pickup truck that would be into the sidewalk area if a portion of his property is taken. He urged the committee to do the right thing and not only think about the street but the residents as well.

Tom Kilian, 133 East Thomas Street, stated Mr. Bargender brought up a good point. AECOM has been talking about the accidents that have occurred on Thomas Street. The number of bars on this residential street is unfortunate. He has noticed that those have played a role and stated the rear end collisions could be because of the road design or because of other things in the neighborhood that could be playing a part. The last CISM meeting he distributed documents that were provided from a court case where people had become sick from the contamination in the neighborhood. Surface soil tests had been done in 2006 and 2008 by the plaintiffs because Sentry Insurance would not do them up until that time and the City, County or DNR had not done them. The soil tests came back positive for dioxin. He is not a scientist but knows that is bad and can cause cancer. Alternative 2 for the west part of the street appears that it embodies the spirit of the Korpela plan with a 70' right-of-way, which is about 10' more than current. If bike lanes are taken off the road, the Bicycle and Pedestrian Committee believes it might be unsafe. If you would remove those it would leave a 62' right-of-way. If that could be done safely, it could alleviate a lot of the \$8 to \$9 million of acquisition costs and the roadway would not touch the documented contaminated soil. Several studies on separated bike lanes show they are safe at intersections. If Alternative 2 would be used on the entire street and the bike lanes modified, you save the neighborhood, you save money and there is no safety or health risk due to the contamination.

Melissa Goessel-Heiser, owner of 1005 West Thomas Street, stated eight years ago her and her husband lived at this property. For health reasons, they decided to move. They wanted to have a family and this area is not a family-friendly environment. Items were stolen from their yard and people walked on their lawn. One of the previous plans for Thomas Street would have left them with no driveway. They could not sell this property so they decided to rent it out. However, from a financial standpoint they cannot get a decent renter. A person who wants to live in a three bedroom house has a family. No one with a family wants to live there. The renters that they do have trash the house and it is a financial loss for them. They are stuck and have been stuck for eight years. It is hard for them to make ends meet and if anything goes wrong with the house they would be in trouble. There are repairs that are needed. The Inspections Department has been working with them but they cannot afford to do the repairs. Her renter pays rent

when he gets to it. They cannot keep up a decent property when they do not know what is going to happen with it. She stated this is the long term of Thomas Street and the long term of the City. She does not feel traffic will get any easier on the road as in the last eight years she has only seen an increase.

Terry Kilian, 133 East Thomas Street, said she can appreciate what is happening to Ms. Goessel-Heiser. However, she has renters next to her, renters across the street, and renters up and down the street. They have children and have spoken with her about how they moved from other areas of Wausau because they felt uncomfortable for their kids. They love the neighborhood and do not want to move. Apparently there has been a bad experience, but it does not mean the entire neighborhood is like that. Where she lives it has improved and is becoming better taken care of.

Deb Ryan, 702 Elm Street, is involved with the Westies Neighborhood. They met last month and most of her neighbors felt the resurfacing of Thomas Street is ideal. She has contacted Representatives regarding how wide the street has to be. A waiver can be asked for for nearly every regulation. She was under the impression from some Alderpersons that the City should ask if a waiver is appropriate. With the issues of contamination, as well as bike paths, expanding the road may not be prudent. She believes this is a good case for asking for a waiver. She stated encouraging visitors to take Stewart Avenue to go through downtown is a good idea. She has never found the traffic bad on Thomas Street. She feels there are a number of issues that are being missed and she is crediting that to the absence of Brad Marquardt. Rasmussen clarified that before any exemptions can be asked for the City must begin with a design that meets the standard and work backwards. Unless the Council adopts a plan that complies with Map 21, there will not be any talk of an exemption. After a plan is adopted that complies, if the City demonstrates that the obligation cannot be fulfilled, you can gradually work on points of negotiation. Ryan believes there could be another exemption because of environmental concerns.

**Discussion and possible action on selecting Thomas Street design concept and plan. (This item was postponed from the August 14, 2014 meeting.)**

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Bruce Gerland, AECOM, explained after the last CISM meeting he met with staff to discuss the purpose and need and from that developed alternatives, alternative comparisons, and impacts of the different alternatives. The purpose of the project is to provide a safe and efficient transportation link. The need is to provide the proper roadway capacity for traffic, improve safety, add multimodal facilities, and address the condition of the existing pavement, economic development, and aesthetics. They began by modifying the typical section that GRAEF had developed to fit what they thought were the appropriate standards. GRAEF had a 72' wide section and after meeting with staff they developed a 76' wide section. The east bound section includes a travel lane in each direction, an 18' wide median, bike lane, terrace and sidewalk, which could be mirrored for west bound traffic. This meets Map 21 standards and follows the GRAEF plan. The sidewalk would be 5', which is the minimum width. The terrace would be 6', which is a foot wider than the GRAEF plan. It was felt that 6' was necessary for snow storage, plantings, utility poles, fire hydrants, and a good slope (8.3%) from the curb line up to the sidewalk for driveway and alley entrances. The shorter the terrace is the steeper the slope would be and vehicles could bottom out. The bike lane is 4' wide, which is the minimum and the curb is 2'. Fire trucks are 10½' from mirror to mirror. So if there is an emergency and a truck is pulled over, the width needed for the fire truck to pass is approximately 22'. Therefore, the plan consists of a 2' gutter along the terrace, a 4' bike lane, 12' travel lane, 2' of pavement out of the 18' median and 2' gutter. This provides 22' from face of curb to face of curb, which would allow for traffic to pass a stalled vehicle, a stopped bus, and provides access for emergency vehicles. This would leave a 10' median for aesthetics. Rasmussen asked if the median is narrower in the intersections where there are turn lanes. Gerland explained the median is 18' wide with 2' on either side as pavement where there is not a turn lane. ADA accessibility requirements need to be met along the sidewalk. The sidewalk cross-slope is 1.5%, which needs to be carried through driveways and alley entrances. Unless something is done during design to lower that, you are held by the face of the

sidewalk for an elevation and you are held by the gutter point. By having the 6' terrace it is longer and the slope is flatter, about 8%. With a 5' terrace the slope would be 10% and a 4' terrace would be 12.5%. The maximum range is 10% to 12.5%. Abitz stated an example of a high slope is the western driveway by Pick N Save. Gerland explained the second alternative was based on the Korpela Plan. The alternative has a 70' right-of-way. The section has a 5' sidewalk, 6' terrace, 2' gutter on the outside for drainage, minimum 4' bike lane, 12' travel lane, 12' turn lane and is mirrored on the other side. The last alternative is the four lane raised median from 4th Avenue to the bridge. This alternative has a 5' sidewalk, 6' terrace, 2' gutter, 4' bike lane, 11' travel lanes, and a 24' median. The wider median was chosen due to minimum cross street access. Additionally, because of the four lanes, they wanted to provide a spot for a vehicle to stage in the middle and provide pedestrian staging while crossing. This section is 102', where the GRAEF plan was 94'. After establishing the typical sections, they prepared an exhibit based on the field survey. Rasmussen stated it appears that property acquisition will be far less than what was originally thought. Gerland confirmed and explained the impacts shown on the exhibit. The difference between the 102' plan and the 94' plan is 8' and each plan would impact the remaining homes on the north side. Rasmussen stated the traffic counts done by GRAEF show that there is already a sufficient traffic volume on the east half to warrant a four lane section. This is without any growth. Gerland replied there are high volumes now and recalled that the projected 2037 traffic count on this section is around 21,500 and any count above 20,000 could have issues with a three lane section.

Gerland briefly explained the impacts on the exhibit created for alternative two. Gerland stated a safety analysis has not been done at this time, but based on past history and studies, accidents should reduce anywhere from 19% to 30% with any of the three alternatives. Options with a raised median will reduce accidents even more. All three alternatives will improve corridor safety. As far as side road delay, a four lane raised median is neutral and the two lane options are going to be negative or close to neutral. This is due to as traffic grows the backup of cars will get longer so the delay on the side road will be longer. All three alternatives impact properties, so that is a negative. Bicycles and pedestrians are accommodated better with a raised median. A raised median provides two-stage crossing for pedestrians. The two-lane with turn lane option does not provide that. Medians also provide traffic calming but medians decrease access and eliminate access to driveways in one direction. Driveways become right in right out, which is a negative. Access safety should improve with all three alternatives. Aesthetics will improve with the raised median option. Gerland described the comparison of impacts. From 4th Avenue to the bridge the impacts remain the same. The estimated impacts at the three major intersections remain the same for each alternative. For the two-lane raised median there are 1.1 acres of right-of-way needed to be acquired and 0.8 for the two way left turn lane option. For the two-lane raised option there would be eight estimated residential relocations and three for the two way left turn lane option. Real estate costs are estimated at \$1.75 million for the two lane raised median and \$1.26 million for the two way left turn. The two-lane raised is 2.4 acres of right-of-way and 2.1 acres for the two way left turn, compared to the original design of 6.4 acres. Residential relocations are 30 and 25 compared to 78. Commercial relocations are 4 and 4, compared to 12. Construction costs were re-estimated for both and they came out to be the same. Gerland believes this is based on more asphalt on the two-way left turn lane and more curb and gutter and landscaping on the raised median. The cost estimates are \$8.97 million for the two-lane raised median option and \$8.48 for the two way left turn lane, compared to the original \$13.95 million.

Oberbeck questioned how a four lane section could only be \$100,000 more than a two lane section. Gerland replied the original estimate was not updated. Oberbeck stated this is not an accurate comparison and he would be cautionary about a \$13.9 million project as far as comparison. Rasmussen stated costs for the original design would be more now and we quit costing it out because it was scrapped. If we were at \$13 million to begin with and that is already \$5 million more than we would come out with the other alternatives the savings will only go up if the original design would be re-estimated. We wanted to save design time and didn't want AECOM to go back and draw things that the City would never do. Oberbeck stated that numbers often get in the media and when looking at the overall number it shows that the

\$52,000 study was well spent. He stated we need to look at apples for apples as far as how things are compared and that number should be stricken. Rasmussen said it shows that the design we undertook with GRAEF essentially could result in at least a \$5 million savings. Oberbeck also questioned how the exact same construction cost could be estimated for a three lane that is paved versus the section with curb, plantings, raised medians, and turn lanes. He feels that number is also not comparable as he believes the raised medians would cost much more with the curb and gutter work and plantings. He added the City just spent \$200,000 on just plantings on Highway 52. He believes the numbers are not exactly right. Gerland stated they did quantities and looked at the current average unit bid prices. The estimates are based on real data and real quantities. The two way left turn lane has much more asphalt. The cost for asphalt that is not used in the raised median alternative is offset by the extra curb and gutter and plantings. Oberbeck said he knows construction costs and when you start putting in curb and gutter the costs go up, especially when landscaping is included. He believes the estimates should be looked at.

Neal feels he is not being considered. At the last meeting he spoke about M35 in Michigan, which is a two lane road with a turn lane, similar to the Korpela plan that also has a side multi-use path. This design is being used in lots of communities. This off-street bike option is a separate thoroughfare that could be part of a widened multi-use pedestrian and bike path or two separate paths side by each. He questioned why his request to look at that was not incorporated into one design. Contrary to some opinions regarding safety, it has been shown that side path options are safe. These alternatives have two lanes, 8', dedicated to bicycle traffic, where he could see one bike path off the street. This is 1.3 miles of road and he questioned the cost between 8' of road base and asphalt compared to a much thinner base for an off-street bike option. Rasmussen stated Lenz addressed the points of conflict last month and when the bike path is taken off the roadway there are conflicts with driveways and alleys. Additionally, staff is working on a plan for bike/ped accommodations in the business park. The construction of that does include elements of road base and asphalt; it is not just placed on dry earth. Gehin confirmed the construction of a multi-use path does consist of asphalt and aggregate, but on a thinner level. The standard pavement thickness for a typical street is 3" of asphalt on 8" of base. On a trail project it is 2" of asphalt over 6" of base. On roads that carry major traffic the thickness is 4" of asphalt on 10" of base. Lenz appreciates the concern for bikes and the Bike/Ped Committee looks at how to improve accommodations so that more people use them. He likes off-street paths and the protected lanes; however, those are not applicable in every case. In more rural areas where there are not side streets, driveways and alleys, the off-street paths are safer. Along Thomas Street there are 100, about 50 on each side, different driveways, alleys, and side roads. Neal questioned if the extra 6' terrace provides an element of safety because the same conflicts are there if bikes are on the road or side path. Lenz noted that it is often safer for bikes to be on the street because they are more visible to cars who are looking for vehicles coming from the proper direction. If someone is in a driveway taking a right, he is not necessarily looking to the right for a bicycle approaching. If bike accommodations are taken off the street, it still is located within the right-of-way, unless easements are obtained. Rasmussen stated with the number of easements that would be required, there is a good likelihood that not all could be obtained. Lenz added if a path is on one side of the street, those home owners are going to have to shovel and maintain twice as much pavement as they do now, unless the City does it, which is an added cost. He said this is a minor consideration versus safety. Rasmussen stated safety was the motivation for the start of this project and the traffic volume is not going down.

Mielke thanked staff and AECOM for the quickness in getting the alternatives completed. He also thanked Mr. Korpela for his creativeness. He questioned what alternative staff would choose if they had the final say. Lenz stated Gerland has the most experience designing streets and we rely on his expertise in letting us know the standards. That is the basis for what was presented. The GRAEF plan was a well-rounded plan and using that plan and moving it forward with Gerland's expertise produces what was brought tonight, especially in the raised median alternative. The differences between the plans are minimal cost wise and impact wise. But when you consider safety and aesthetics, he feels the minimal

cost difference for the raised median is worth it. Rasmussen added on both designs the quantity of full acquisition was minimized and she is grateful for that. Regarding the section from 4th Avenue to the river, Gisselman was under the assumption that there would be no need for relocation on the south side and was surprised to see there would be some. He added there are quite a few relocations needed on the north side. He questioned why the turn lane option was not considered for the section from 4th Avenue to the river. He feels that would save money, deal with the contamination, and there would be less residential relocation. Gerland replied that traffic was recounted in 2012 and traffic projections in 2037 are approximately 21,500. When the average daily traffic is above 20,000 vehicles, there is a concern on whether a three lane section would work. Gisselman questioned if there was a certain justification on why the right-of-way was increased from the GRAEF plan. Gerland replied the GRAEF plan had a 94' wide typical section with an 18' median. When meeting with staff it was felt that a 24' median was appropriate to allow for traffic staging in the middle. It was also felt that a 6' terrace should be incorporated for plantings, snow storage, and proper slope into driveways, which adds a foot on each side. That is why the section is 8' wider than the GRAEF plan. The section would still require property acquisition if that 8' was removed as it would still affect existing buildings. Additionally, there was not direction given to consider anything other than four lanes for this section. Gisselman stated the Korpela plan was for the entire section of Thomas Street and he was curious why that plan was not incorporated into Alternative 2. Gerland stated it was due to the traffic projection of 21,500 vehicles. Rasmussen asked if dead end T's would need to be created at Emter Street if the median was narrowed back to GRAEF's standards as there would not be an area for vehicles and pedestrians to stage in the middle. Gerland replied he would like to consult his traffic engineers on that. Rasmussen asked that question because when Stewart Avenue was built, access from several cross streets was cut off, which created a ton of frustration in neighborhoods. She feels the residents on Emter would still appreciate having access to Thomas Street.

Oberbeck stated the committee working with GRAEF was presented the level of service, which did not indicate that section had to be four lanes. It was done as a compromise for a potential four-lane bridge. The level of service as documented in the GRAEF plan does not justify four lanes in that area. He does not know what new data was developed, but it is different from what was brought forth to the committee working with GRAEF. Rasmussen believes that discussion point came when it was noted that by the time the street is built the bridge will have 6 years of life left. There has been so much time and effort spent on this project that we have expended 10 years of the useful life of the bridge. Our own delay has put us in a position where the bridge will be very close to its expiration when the road is completed. Oberbeck questioned if there is any discussion on the bridge replacement at this time. Rasmussen believes the DOT plans 3 to 4 years out. Oberbeck said the level of service data that was presented for 2037 did not exceed a two/three lane section. He questioned how the numbers changed to justify four lanes. Lenz explained the GRAEF plan had always recommended four lanes on the east side. That plan was not strictly a traffic plan as four lanes were considered due to the bridge and other factors. The existing geometries do function through 2037 when looking at turning movements at each intersection during peak traffic hour operations. Besides looking at the intersections, part of the analysis was traffic counts. Traffic counts of 21,500 are forecasted in 2037 on the far east end of Thomas Street. This traffic projection reaches the area of needing to expand the roadway. He noted that those are the most aggressive projections that GRAEF looked at and there are other projections that do not quite reach that high. Again these are projections and we do not know exactly what will happen. There are other considerations that were taken into account, such as the bridge. Rasmussen believes in terms of economic development and revitalization, once the river front and the near west side are completed, the next area for remarketing is Grand Avenue. There is new potential in that area with the recent developments of the Curling Club and soccer facility. The direct route from the west side to this area is Thomas Street. Neal stated this corridor is a mixed residential and commercial use and will remain that way. When looking at the comparison chart he thinks about the impact of 1.3 miles of median where the only chance to cross the street is at an intersection. A west bound driver wanting to patronize a south side business would have to

make a U turn or turn around in someone's driveway as this thoroughfare prevents left turns. He questioned how the two-lane with a left turn lane becomes neutral on the comparison chart in terms of ease of access. He feels access safety with the median design should be either a neutral or negative as it may encourage illegal U turns. Rasmussen stated the presentations received previously showed the right in right out, although somewhat inconvenient, enhances safety. Abitz stated the majority of people who live on Thomas Street already have designated routes to get to their home so they do not have to deal with cross traffic. Therefore, if a median is created, the residents are already using alternative routes. Rasmussen explained there was some opposition when the plan first started back in 2006; however, during recent conversations with some of the stakeholders she has also found that they have already altered their traffic pattern. She believes that sometimes the City overestimates the level of residential inconvenience because it seems the residents have adjusted to the idea of right in right out. Neal stated those conversations could have occurred before the option of the turn lane was brought forth. He added that if he lived on the street he would also find an alternate way to his property, but access to businesses will also be affected. Rasmussen stated last month a petition was received from 35 of the residents on the west half of the street, which indicated they wanted the GRAEF plan accepted and moved forward. This was after the Korpela plan surfaced. Lenz stated medians may be less convenient but they are safer. Oberbeck has received a lot of calls regarding 28th Avenue from people who do not like the median. Also, traffic from St. Matthew's uses neighbor's driveways to turn around. He feels this would happen near Holy Name as well. He added that Thunderlube was just developed on 17th Avenue. The residents are upset that those customers are using the neighborhood to turn around. He noted that is it also difficult to get into the animal hospital on 17th Avenue with the medians. He feels medians do not provide an urban type environment. He stated we should also take a look at how we take care of our medians. Most of the curbs are damaged from snow removal, grass clippings are in the gutter along Highway 52 and there are piles of grass from just being mowed. We do not have the equipment to take care of some of these things and asked why we are creating a high maintenance item when we can put the green space on the resident side. He feels people should take a look at Stewart Avenue or Highway 52 and see what 102' of median looks like going through a neighborhood. It is not the most pleasant space and there is a lot of cost associated with it. If it was in his neighborhood he would want it as narrow as possible and would want the green space on the resident side. He mentioned the contamination and asked if economic development would be an option in some areas. He stated you have to look at the urban environment you are creating and he knows it does not work well on 17th Avenue. We should make it functional and workable for the community and look at the overall urban design. People are already riding bicycles on the sidewalks because they do not want to ride on the road and he feels the sharrows on Grand Avenue are not working. We need to consider all the aspects and make it the best for the neighborhood.

Gisselman stated in the GRAEF plan the east half includes economic development on the north side. With a median there they would not be able to make a left turn into the development. He will continue to push for a less impacted thoroughfare. He feels it would keep the residents in place, deals with the contamination, and saves money.

Wesolowski stated he appreciates Gerland's effort in creating the options. As Gerland pointed out there are advantages and disadvantages to each. If we are looking at increasing safety and providing more aesthetics, then the option with a median should be accepted. On the east end, it was staff's belief that the three lane option did not need to be explored. It was felt that we have moved past that and we were going with four lanes on the east end. He added that as far as engineering both plans will work. It is just a matter of if you want a little more aesthetics and more safety. He is not sure why there is some animosity toward Gerland and the designs as Gerland is working for the City. Neal stated there has been discussion but he does not feel there is animosity. Rasmussen noted the purpose and need for the plan in the first place was safety. Aesthetics became a factor once economic development was involved. We want something that looks good, is well built, functions, and is developable that can be marketed. We will never get there if we do not pick a design that works. When you introduce traffic into an area that has not

had it before, such as Thunderlube, some people are sensitive to that and you will always have outcry. Acquisitions and relocations have been minimized. She is unsure what else could be done before rolling out a design that solves nothing. Her concern all along was that the roadway would not be any safer, there would be no place to store snow, and pedestrians or bicycles would not be accommodated. We should not be on opposite sides, but we cannot get to the Council chambers a third time with a recommended plan and have it sent back to committee. This committee needs to pick an alternative, move it forward to Council, and the Council at some point will need to make a decision that at least a majority can live with or we will never see progress. The residents are more frustrated with the lack of a decision. Staff and AECOM have done all they can in terms of a compliant design. It was noted before that if we do not start with a compliant design we do not have an opportunity to negotiate for exemptions.

Mielke again asked for guidance from staff and Gerland. Mayor Tipple stated there will never be an optimum plan to accommodate everyone's wishes and wants. When Highway 39 was built, they bet on local traffic using Highway R and people are. We are trying to come up with a plan and if we can accommodate most people's wishes, we need to move forward. Neal is looking at this as a two part project. He is happy to see a couple of options on the west end. His main concern is the impact of U turns. He strongly recommends looking at the left turn lane option with a closer eye. He also feels the east section has been left out of consideration. He believes the west section will be done first and feels there is time to rethink the east section. He feels passionate that we need to be more creative and address issues.

Gisselman moved to approve Alternate 2, the two lane left turn lane option, from 17th Avenue to 4th Avenue and wait on approval of the east section.

Rasmussen stated the east side approval could be brought back next month. She is concerned that land acquisition on the west half needs to begin soon and needs to be included in the 2015 budget. Gehin stated staff is comfortable with both alternatives for the west end of the project. However, if he had to lean toward one alternative it would be the plan with the raised median for safety reasons. The east end was not ignored. For traffic reasons and future bridge expansion, it was decided that the four-lane with median was the best choice. If another two or three months were taken to discuss the east half his opinion would not change.

Rasmussen recapped that staff's opinion reflects that either option would function on the west half but their preferred alternative is the option with medians and called for a second to Gissleman's motion. The motion died for lack of a second.

Abitz moved to approve Alternative 1. Kellbach seconded.

Abitz added that from discussions with neighbors and Ric Mohelnitzky regarding snow storage, they would not be happy with a turn lane. With the heavy snow fall this past winter, residents had to shovel several times a day. A turn lane would cause three times the amount of snow on resident's properties. She is strictly opposed to the two-lane.

Discussion followed on the motion. Abitz's motion was intended to approve Alternative 1 for the west half of the project. Kellbach was seconding the motion as Alternative 1 for the entire length of the corridor. Abitz stated she is only concerned with the west half and those residents want closure. Kellbach withdrew her second.

Abitz stated if Alternative 1 is moved forward as is and there is opposition at Council, then the west half would not move forward. Rasmussen's perception is if the plan is moved forward knowing there will be another fight at Council level, then the refer back to committee was essentially useless other than

determining property acquisition. Oberbeck stated this also has to go to Economic Development. Abitz replied that it does not. Rasmussen clarified that Economic Development was to create a conduit by which affected home owners could communicate their desire to move or stay and the design will not go back to Economic Development.

Abitz modified her motion to approve Alternative 1 for both the east and west sections. Kellbach seconded and the motion passed 3-2.

Rasmussen asked that her peers on Council understand the discussion that was had and understand the professional opinion of five individuals who do this every day and trust that their judgment is sound. Mielke added for the record that he too agrees with the experts but would like to split the east and west sections.

## Thoughts on the Proposed Thomas Street Design

For public record and inclusion in the 10/14/14 City Council meeting packet, respectfully submitted by Tom Neal, Alderperson District 4.

I am glad that the two designs that CISM entertained on Sept. 11, 2014 reflect a significantly smaller price tag for the overall project than we have seen before, and that there appears to be significantly less need for property acquisition, at least at this time. These were two of my greatest concerns. The planners' Comparison of Impacts showed **Design #2 requires \$490,000 less in property acquisition than Design #1, owing to 5 fewer residential relocations.**

The fundamental physical difference between Designs #1 and #2 is that Design #1 features a raised median for the full 1.3-mile corridor (except at intersections), while Design #2 features a center left-turn lane in place of the median for the full western stretch of the street. Project **engineering and design staff assured CISM that both designs meet standards and would get the job done.** And, believe me, I want to get the job done.

There may be ample votes on Council to approve the proposed Thomas Street plan (i.e., Design #1). In principle, and barring compelling new arguments to the contrary from CISM, Council members, staff or the public, I am inclined to vote against the proposed Design #1 (as is) for the following reasons, **in hopes that it might at least be amended if not replaced,** and that future development and redevelopment projects take into account more potential for alternative designs.

1. I feel the Thomas Street plan has been and is being treated largely as a street project. It should always have been a neighborhood and people project too. Urban planning must go beyond road engineering, and incorporate meaningful accommodations for the way people want to live in and interact with a neighborhood, not just pass through it.
2. **As this project effectively has two parts — to be built in two phases, in separate years — I am bothered by CISM's split vote (3-2) to not present this as a 2-part project, first showing**

Council the western segment design, and allowing extra time to re-consider alternatives for the east or bridge segment.

This unnecessary all-or-nothing-at-all decision deprives the city of an opportunity to explore valid points raised by residents, myself and other Council members regarding the proposed 4-lane segment with 22-foot-wide median, requiring 102 feet of right-of-way up to the bridge. By simply taking this east segment out of the 10/14/14 Council agenda, we could logically look at this project from both perspectives (east and west), and in the proper order, since it is agreed that the west section will be finished first. CISM's urgency to seek approval of the east segment at this time is unwarranted.

3. CISM's split vote recommendation for Design #1 also deprives the full Council of a chance to officially consider Design #2. Previously at Council, CISM was asked to go back to the planners to explore certain options voiced in session. Now, Council cannot consider Design #2 which was deemed acceptable (although not recommended) by staff and planners. We face another "accept it now or delay it again" choice. If there are two workable designs that meet standards, why not let Council evaluate them both? Only a vote rejecting #1 in order to see #2 will rectify this decision.
4. Design #1 which features the full raised median does not address some fundamental traffic concerns, including:
  - a. The median prevents left turns anywhere except at intersections (intersections at 2 one-way streets would also prevent left turns). As a mixed-use commercial and residential neighborhood, this forces motorists to employ U-turns or neighborhood pretzel routes to get to any location on the opposite side of the street.
  - b. Design #1 makes no mention of the legality or illegality of U-turns at intersections. U-turns are one option for drivers to backtrack to a location they wish to access on the opposite side of the street. It is well known that intersection U-turns are not safe traffic options, as they can place the turning vehicle in the path of vehicles

from 3 different directions at once. This obvious hazard at least partially belies the assertion that the two submitted designs are equally safe for motorists.

- c. Motorists who don't or can't U-turn will have to devise their own routes to backtrack, i.e., turn off Thomas Street and find a place to turn around, such as a resident's driveway, or to conduct a Y-turn on the side street. Or they will have to drive around the block, adding 4 blocks to their route to get back to the intersection they started at. This is not convenient or safe traffic management for potential patrons of businesses or residents trying to get home. And this adds unnecessary and unwanted traffic to side streets that aren't designed for it. **Planners correctly viewed Design #1's Ease of Access impact as a negative.**
  - d. Semi rigs making left turns at intersections will need to negotiate around the median, if not drive over it. Semis making right turns will similarly need to deal with a narrow lane due to the median's presence.
  - e. Design #2 with the center left-turn lane eliminates the left-turn dilemma that Design #1 presents, and could feasibly be incorporated in the east segment as well. Project planners agreed as much in the CISM meeting. **The design rationale that was offered to CISM cited the impact on Ease of Access with Design #2 as only neutral. I see it as a distinct positive.**
  - f. **A welcome option for Design #1 would be to include mid-block breaks in the median to provide U-turn and left-turn options. As an added safety and convenience feature for both motorists and pedestrians, adding this option would earn my full support.**
5. Unless I have missed it, the proposed designs do not indicate the planned speed limit for this corridor, nor locations of traffic-control lights or stop signs, if any. **Safety has been an often-mentioned concern for the project, but there has been**

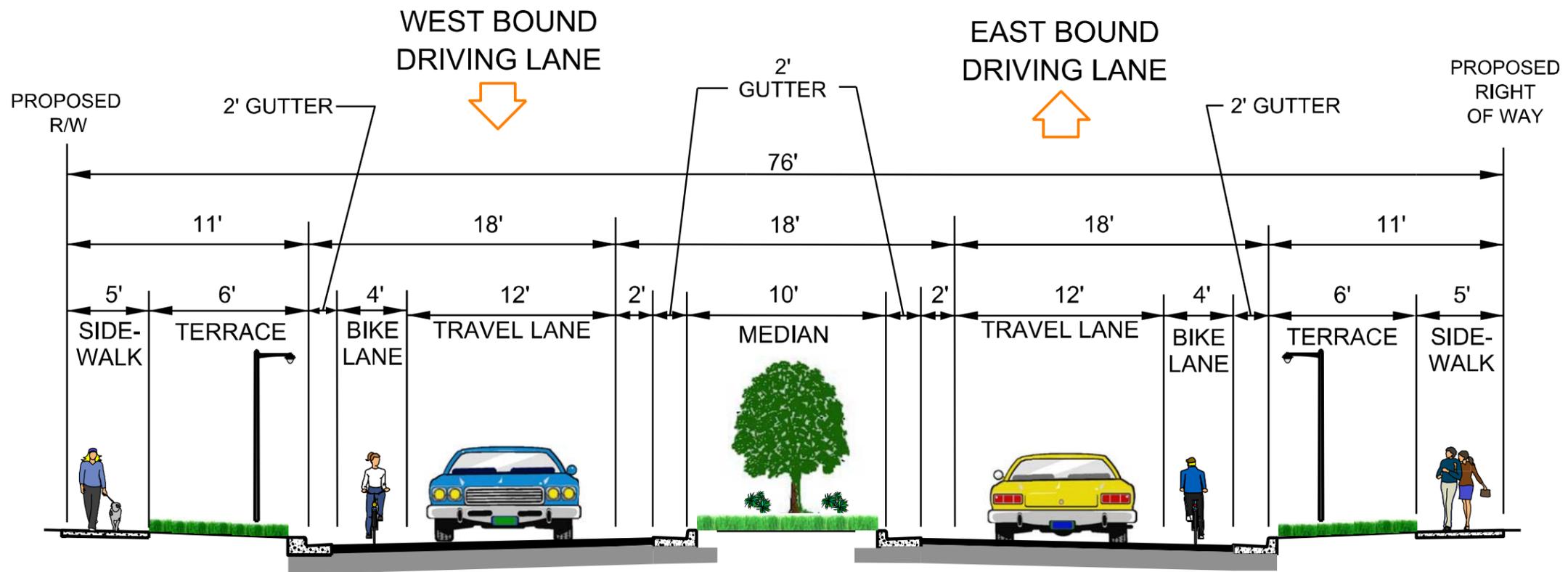
- little discussion regarding mitigating speed or encouraging safe stop-and-shop or pull-off behaviors. Thomas Street is being treated as a quick thoroughfare through no-man's land for commuters and those crossing town, not as a commercial / residential route where motorists are encouraged to stop.
6. Despite repeated pleas to include an off-street side path (NOT sidewalk) option for bike traffic, both of the designs presented to CISM included two 4-foot-wide bike lanes in the street. Insistence on including this feature ignores the common practice of many Wausau riders of all ages who use the sidewalk out of concern for traffic speed and volume along higher-density routes. Recent studies on the efficacy, safety and desirability of dedicated side paths (and protected lanes) show that this is a viable and indeed growing utilization in today's urban planning designs. Some have cited safety concerns for a side path, as it relates to the various entry points (driveways) to the street. **The addition of a single 2-way bike path on one side of the street, placed between the sidewalk and the curb could provide a similar amount of separation and visibility as the street lanes, without the very real hazard of riding in traffic.** Again, this is not an uncommon feature in urban street planning today.
  7. From a fiscal perspective, preparing and paving 8 feet of street surface along 1.3 miles of road requires significantly more material and labor expense than adding a single 2-way side path on one side of the street, along with separate sidewalks on both sides of the street for pedestrian use. Designs #1 and #2 seem to reflect traditional road planning, not emerging urban design concepts.
  8. CISM and planners of Design #1 have often mentioned the aesthetic aspect of the median, where grass and "plantings" (undefined) will be featured. Design #2 could be enhanced by grass and plantings along the 6-foot-wide terraces (curb strips) on either side of the street. From a fiscal perspective, **the median design may require our Parks Dept. to add 1.3 miles of median grass and plant maintenance to a budget they have already been directed to not increase.** Will we see the

median sporting overgrown grass and weeds due to overdue mowing? On the other hand, the terrace space would be mostly resident / business-managed as it is in any neighborhood. How do we pay for ongoing maintenance of Design #1's lengthy median?

If a majority of Council deems Design #2 unfavorable, I strongly suggest that mid-block U-turn median cutouts be considered in Design #1. I also urge that the east section be taken out of this proposal so that it can be considered separately in greater detail and with more focus on concerns raised by residents and Council members. We have the time to do this.

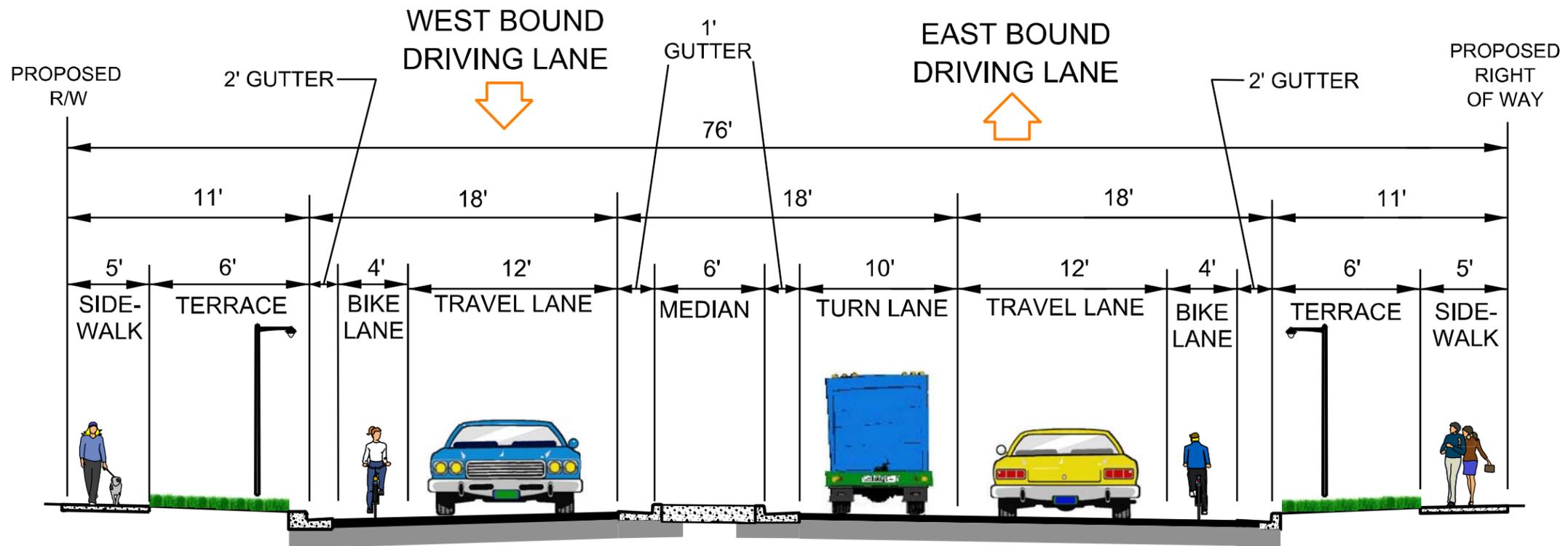
I assure all that I have no personal or professional stake in this project. But, as an elected official, and resident concerned about quality of life, good planning, finances and fairness to residents and business owners, I feel responsible to try to impact the project positively. In my first few months on Council I've tried to add an element of creative thinking and reasonable urgency to a project that has a long history of disappointment. I expect Design #1 may win in Council by a slim margin, simply because some members are burnt out and tired of the issue. Design #1 is an improvement over the previously recommended and much more expensive design that made its way to Council. That may be enough for some to choose to vote for it. But for all the reasons outlined above, I plan to vote against this proposed design as is.

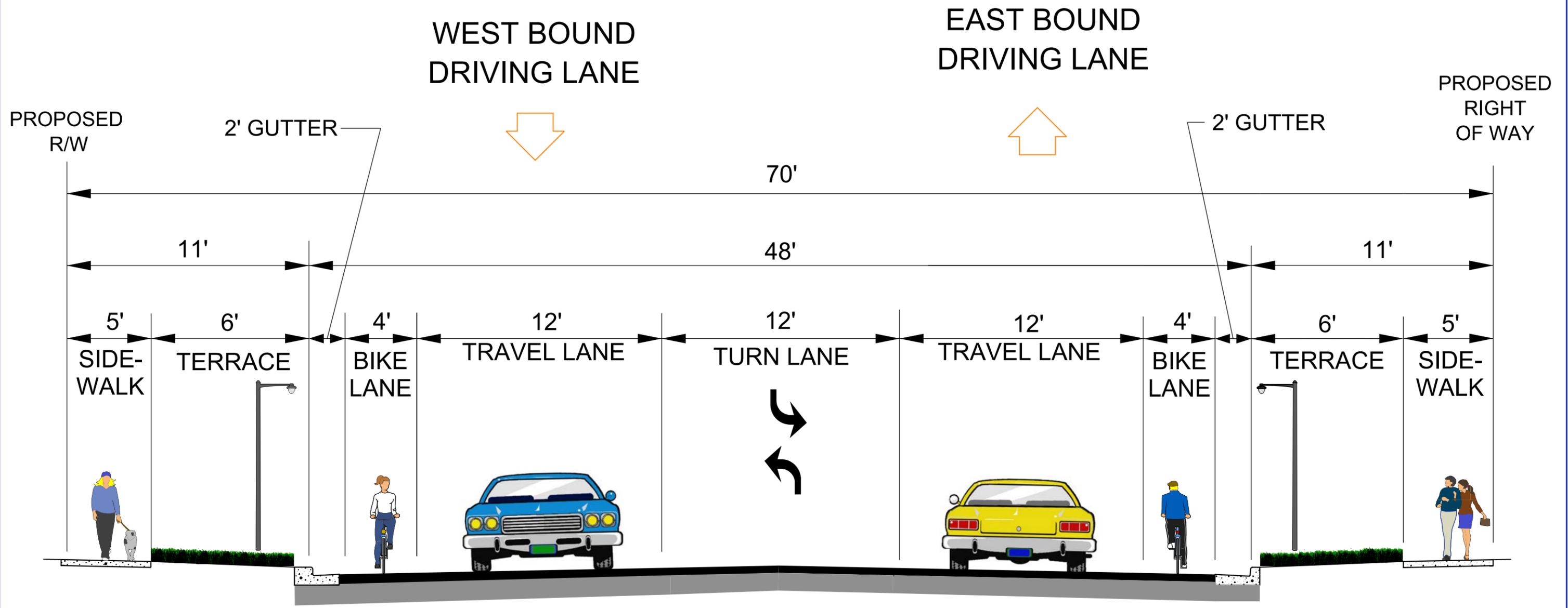
I fully respect and appreciate the efforts of all staff, planners and Council members. I have been vocal, and raised my voice at times. But I was never angry (frustrated, yes). I hold no ill will toward or poor impression of anyone involved in this project's arduous development effort. My thanks go out to Kevin Korpela for his creative efforts and to everyone involved in furthering this project.



## ALTERNATIVE 1 - RAISED MEDIAN

### 17TH AVENUE - 4TH AVENUE

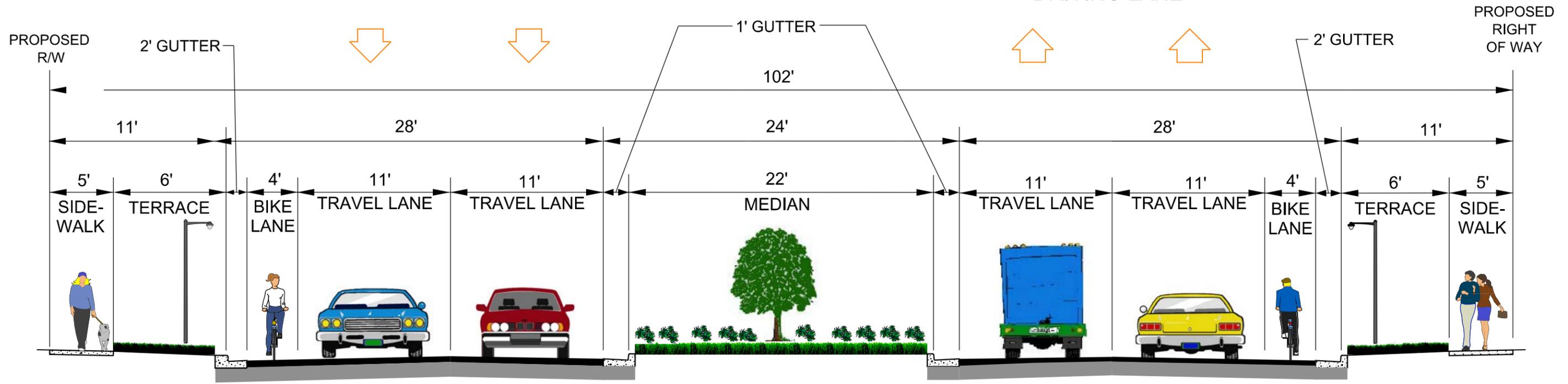




**ALTERNATIVE 2 - TWO-WAY LEFT-TURN LANE**  
**17TH AVENUE - 4TH AVENUE**

WEST BOUND  
DRIVING LANE

EAST BOUND  
DRIVING LANE

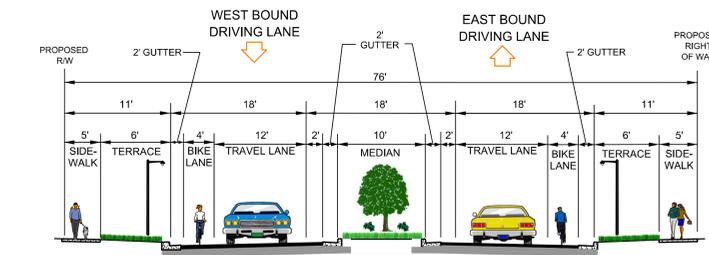


## RAISED MEDIAN

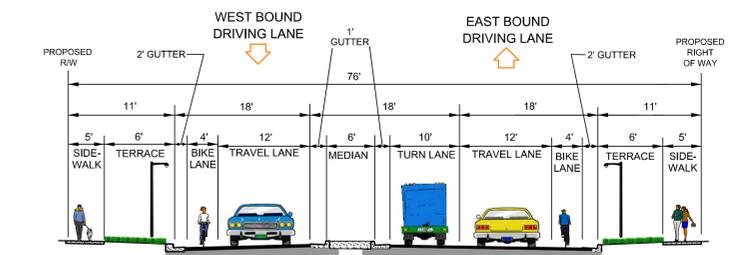
4TH AVE - THOMAS STREET BRIDGE

**LEGEND**

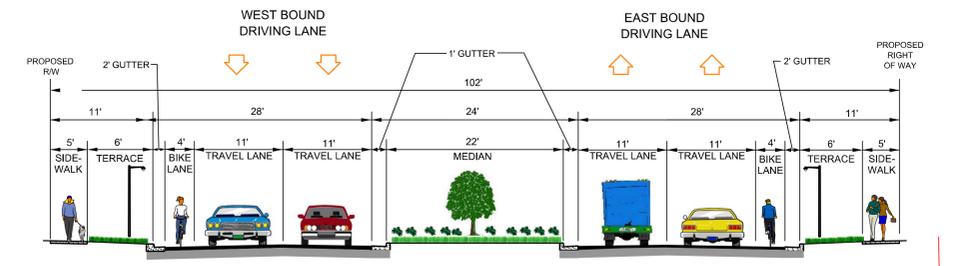
- COMMERCIAL RELOCATIONS
- RESIDENTIAL RELOCATIONS
- ▨ LANDMARK
- ▨ HISTORICAL PROPERTY
- EXISTING R/W
- PROPOSED IMPROVEMENTS
- PROPOSED SIDEWALK



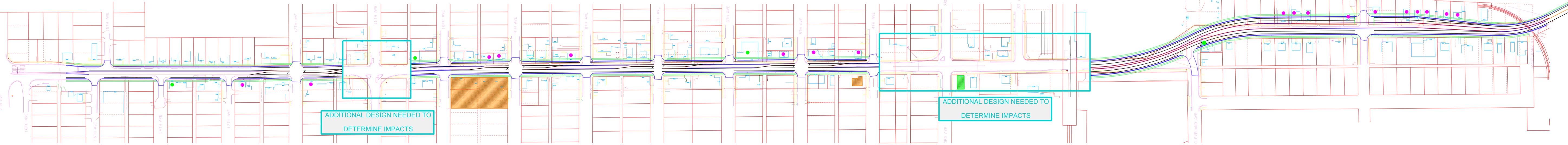
**ALTERNATIVE 1 - RAISED MEDIAN**  
17TH AVENUE - 4TH AVENUE



**ALTERNATIVE 1 - RAISED MEDIAN**  
17TH AVENUE - 4TH AVENUE



**RAISED MEDIAN**  
4TH AVE - THOMAS STREET BRIDGE



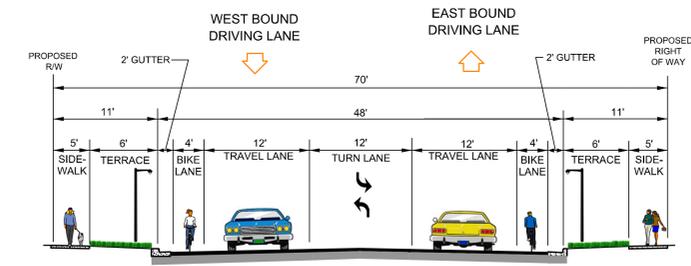
ADDITIONAL DESIGN NEEDED TO  
DETERMINE IMPACTS

ADDITIONAL DESIGN NEEDED TO  
DETERMINE IMPACTS

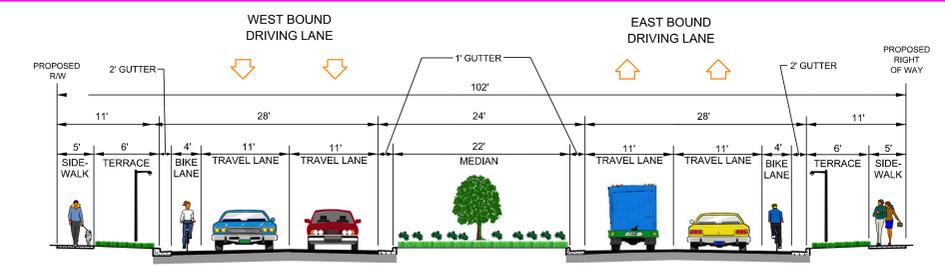


**LEGEND**

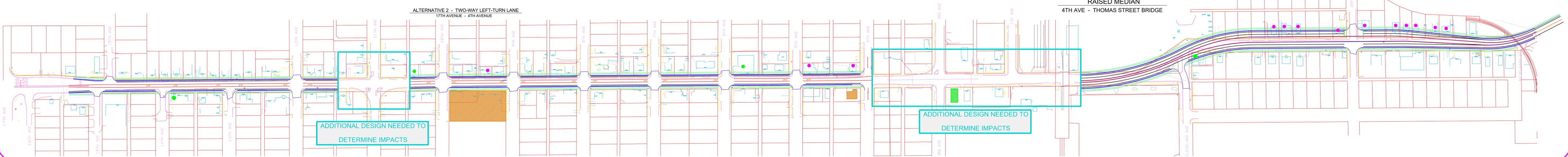
- COMMERCIAL RELOCATIONS
- RESIDENTIAL RELOCATIONS
- ▨ LANDMARK
- ▨ HISTORICAL PROPERTY
- EXISTING R/W
- ▨ PROPOSED IMPROVEMENTS
- PROPOSED SIDEWALK



ALTERNATIVE 2 - TWO-WAY LEFT-TURN LANE  
17TH AVENUE - 4TH AVENUE



RAISED MEDIAN  
4TH AVE - THOMAS STREET BRIDGE



# Alternative Comparison

Each alternative was reviewed based on a variety of traffic and safety parameters.

The table to the right shows a comparison of these factors for each alternative.

-  Positive characteristic
-  Neutral
-  Negative characteristic

Alternative	Corridor Safety	Side Road Delay	Property Impacts	Bikes/Pedestrians	Traffic Calming	Ease of Access	Access Safety	Aesthetics
4-Lane Raised Median								
2-Lane TWLTL								
2-Lane Raised Median								

Although a predictive safety analysis has not been completed, the proposed alternatives are anticipated to reduce crashes on Thomas Street between 19 and 30 percent when compared to the No-Build alternative.  
The alternatives with raised medians are the safest

## Comparison of Impacts

<b>Comparison of Impacts (17<sup>th</sup> Avenue to 4<sup>th</sup> Avenue)</b>			
Impacts/Alternative	2-Lane Raised Median	2-Lane TWLTL	4-Lane Raised Median (original)
Right of way required (acres)	1.1	0.8	
Residential relocations	8	3	
Commercial relocations	3	3	
Real estate cost	\$1,750,000	\$1,260,000	
<b>Comparison of Impacts (4<sup>th</sup> Avenue to Wisconsin River Bridge)</b>			
Impacts/Alternative	4-Lane Raised Median	4-Lane Raised Median	
Right of way required (acres)	1.1	1.1	
Residential relocations	10	10	
Commercial relocations	1	1	
Real estate costs	\$1,550,000	\$1,550,000	
<b>Estimated Impacts at 11<sup>th</sup> Avenue, 3<sup>rd</sup> Avenue and 1<sup>st</sup> Avenue Intersections</b>			
Right of way required (acres)	0.2	0.2	
Residential relocations	1	1	
Commercial relocations	0	0	
Real estate costs	\$500,000	\$500,000	
<b>Previously Purchased Property by City</b>			
Residential relocations	11	11	
Real estate costs	\$570,000	\$570,000	
<b>Comparison of Impacts (Summary)</b>			
Right of way required (acres)	2.4	2.1	6.4
Residential relocations	30	25	78
Commercial relocations	4	4	12
Real estate costs	\$4,370,000	\$3,880,000	\$9,250,000
Construction costs	\$4,600,000	\$4,600,000	\$4,700,000
Total estimated costs	\$8,970,000	\$8,480,000	\$13,950,000

Note: Real estate costs based on 2008 conceptual relocation study

**JOINT RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET  
MAINTENANCE COMMITTEE AND THE PLAN COMMISSION**

Authorizing Sale of Excess City-Owned Property at 541 Evergreen Road

Committee Action: CISM: Approved 5-0  
Plan Comm: Pending

Fiscal Impact: The City will receive \$15,500 for the sale of the property

**File Number:** 14-0511

**Date Introduced:** October 14, 2014

**WHEREAS**, the City of Wausau owns the vacant property located at 541 Evergreen Road; and

**WHEREAS**, the Capital Improvements and Street Maintenance Committee has considered the disposition of the excess property at 541 Evergreen Road and have recommended that this City-owned real estate be sold; and

**WHEREAS**, the property was advertised for sale and one bid was received; and

**WHEREAS**, Earl Plautz, 535 Evergreen Road, submitted a bid in the amount of \$15,500 to purchase 541 Evergreen Road, which is adjacent to his property; and

**WHEREAS**, your Capital Improvements and Street Maintenance Committee and Plan Commission recommend the offer be accepted; now therefore

**BE IT RESOLVED**, the Common Council of the City of Wausau hereby accepts the offer from Earl Plautz to purchase the parcel at 541 Evergreen Road for \$15,500.

Approved:

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

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

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Date of Meeting: September 11, 2014, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Mayor Tipple, Lenz, Wesolowski, Gehin, Oberbeck, Neal.

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.

### **Discussion and possible action on the sale of 541 Evergreen Road**

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Wesolowski explained this property was previously let for bid and the minimum asking price was not met. It was rebid with a lower asking price and one bid was received meeting the minimum bid.

Kellbach moved to approve the sale of 541 Evergreen Road. Mielke seconded and the motion carried unanimously 5-0.

**AGENDA ITEM**

Discussion and possible action on the sale of 541 Evergreen Road

**BACKGROUND**

Earlier this summer an advertisement was published in the newspaper, placed on the City website, and sent directly to three interested parties for the sale of 541 Evergreen Road. Only one bid was received and it did not meet the minimum bid required. When it was brought back to CISM, the minimum bid price was reduced and the sale was re-advertised and mailed to the three parties. Again, only one bid was received and it did meet the minimum bid requirement. The Board of Public Works has recommended that the bid be accepted.

**FISCAL IMPACT**

The City will receive \$15,500 and the property will be returned to the tax rolls.

**STAFF RECOMMENDATION**

Staff recommends the bid from Earl Plautz be accepted.

Staff contact: Allen Wesolowski 715-261-6762

## **PLAN COMMISSION – September 16, 2014**

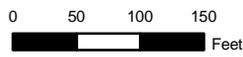
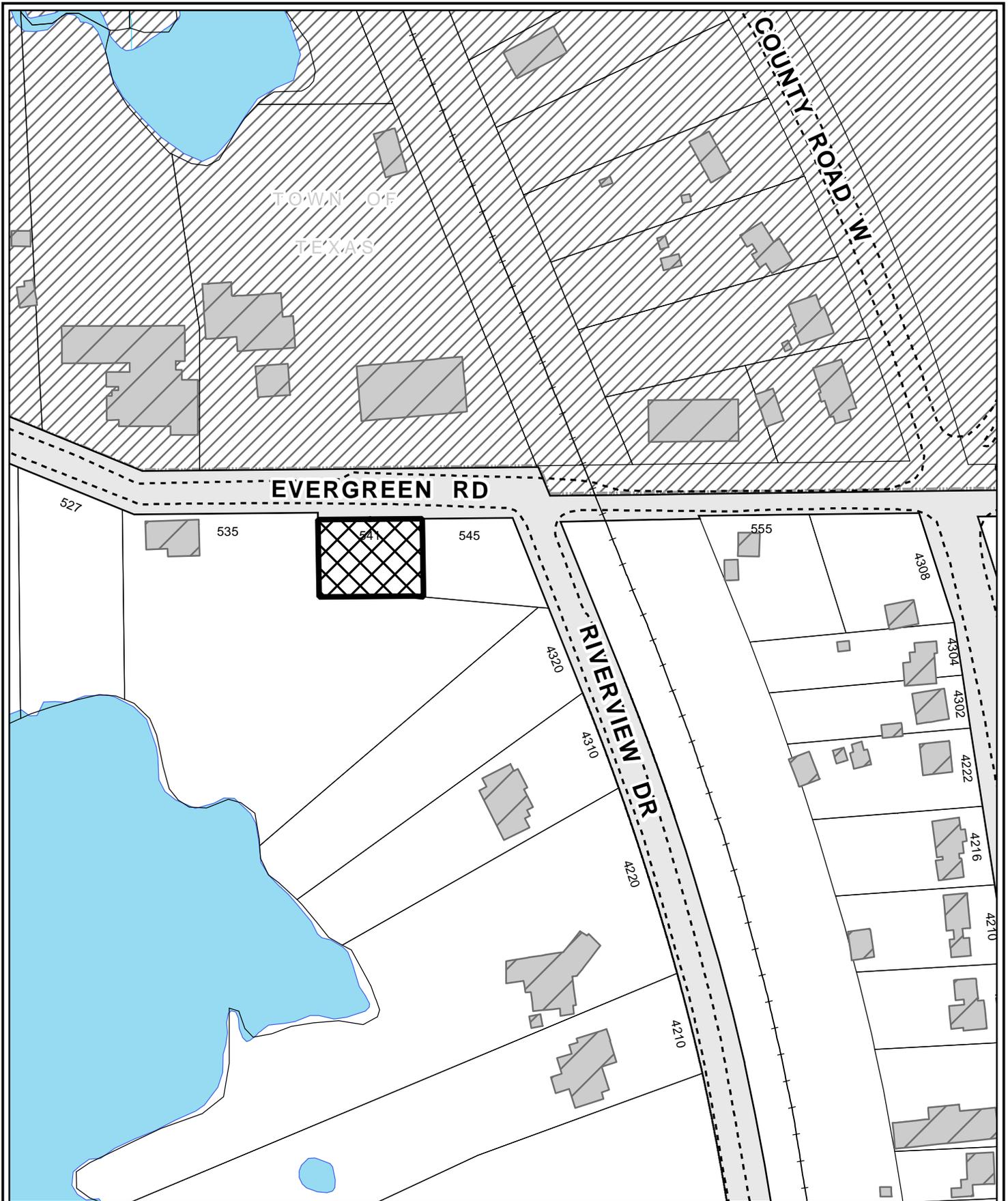
### **Discussion and possible action on the sale of 541 Evergreen Road.**

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Lenz explained that the CISM committee offered this property for sale in July of 2014 with a minimum bid of \$25,500. They only received one bid for \$15,500. CISM lowered the minimum bid and they again received the same bid for \$15,500. The CISM committee recommends accepting this bid from Earl Plautz, who owns the land to the west and south of this property.

Valitchka asked how the city came to own the property and if there was a purpose on this parcel.

Hebert said he remembered that at one time 541 and 545 were actually one lot. The lot was split so NTC could build a house. Since NTC is not building a house in the city this year it was decided that the parcel should be sold.

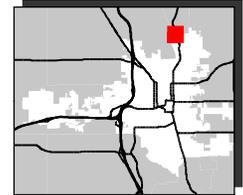


Map Date: April 30, 2014

# CITY OF WAUSAU

Marathon County, Wisconsin

- Road (Paved)
- Building
- Area of Interest



**JOINT RESOLUTION OF THE ECONOMIC DEVELOPMENT  
AND FINANCE COMMITTEES**

Authorizing the amendment to August 2007 Development Agreement between the City of Wausau and Scannell Properties #92 LLC ( Wausau Window & Wall), 7800 International Drive.

Committee Action: Economic Development: 5 - 0

Finance: Pending

Fiscal Impact: \$312,072.19 Any new revenues would be realized beginning 2015

**File Number:** 07-0814

**Date Introduced:** October 14, 2014

**WHEREAS**, the Business Campus of Wausau (“the City”) benefits all residents and tax payers of the City by serving as the industrial center of the region, thereby stimulating the economy of the City and enhancing the City’s tax base; and

**WHEREAS**, on August 20, 2007 the City entered into a Development Agreement with Scannell Properties 92, LLC (“Scannell”) for the construction of a manufacturing facility, authorizing the financing of the City’s portion of the project, and for the other necessary public improvements; and

**WHEREAS**, the development project occurred in Tax Incremental District 5; and

**WHEREAS**, Scannell did not achieve the minimum taxable valuation amount at the Development Site of \$19 million as required by the Development Agreement dated August 20, 2007 and neglected to pay the guaranteed tax increment; and

**WHEREAS**, Scannell desires to amend the 2007 Development Agreement to pay the past due balance of \$312,072.19 in ten equal payments of \$31,207.21, payable at the time of their annual tax bill, over the next 10 years, beginning in 2015;

**WHEREAS**, an amendment to paragraph II. C. of the Development Agreement would waive all applicable interest currently due; and

**WHEREAS**, Scannell effective immediately will begin paying their real estate taxes based on a minimum value of \$19 million as required by the Development Agreement;

**WHEREAS**, the Finance and Economic Development Committees have considered this request and voted in favor of such an amendment; and

**NOW THEREFORE BE IT RESOLVED**, the attached Development Agreement Amendment modifies the \$312,072.19 currently past due to be paid in ten equal payments over the next ten years, beginning in 2015, at the time Scannell’s property tax bill is due;

**BE IT FURTHER RESOLVED**, any amount of interest currently due pursuant to paragraph II. C. of the Development Agreement dated August 20, 2007 is hereby waived upon execution of the attached amendment; and

**BE IT FURTHER RESOLVED**, by the Common Council of the City of Wausau that the proper City officials and staff are hereby authorized and directed to execute the attached Development Agreement Amendment.

Approved:

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James E. Tipple, Mayor

## ECONOMIC DEVELOPMENT COMMITTEE

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Time and Place: The Economic Development Committee met on Thursday, September 18, 2014 at 4:30 p.m. in the 2nd<sup>nd</sup> Floor Board Room at City Hall, 407 Grant Street, Wausau

ED Members Present: Bill Nagle (Chair), Romey Wagner, Tom Neal (VC), David Oberbeck and Lisa Rasmussen

Others Present: Maryanne Groat, Mayor Jim Tipple, Ann Werth, Brad Lenz, Coleman Peiffer, Megan Lawrence, Garry Gisselman, Larry Lee, Jim Waldron, Allen Weslowski, Evan Greenwood, Nikki Shaw, Michael Vanderlog, Bill Greenwood, John Opolka, Jim Warsaw, Valeria Sistrunk, Josette Daniels, Aaron Kapellush, Randy Schold and Rob McCready

### **DISCUSSION AND POSSIBLE ACTION ON PROPOSED AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH SCANNELL PROPERTIES #92, LLC, REGARDING THE PROPERTY LOCATED AT 7800 INTERNATIONAL DRIVE**

Mr. Waldron explained Wausau Window and Wall is looking to pay an extra \$31,200 a year in taxes for the next ten years to make up for the \$312,000.00 in taxes that should have been paid. He is also asking for the interest to be waived.

Wagner motioned to approve the proposed amendment to the development agreement. Rasmussen seconded and the motion carried unanimously 5-0.



**TO:** ECONOMIC DEVELOPMENT COMMITTEE MEMBERS  
**FROM:** MEGAN LAWRENCE  
**DATE:** SEPTEMBER 3, 2014  
**SUBJECT:** WAUSAU WINDOW & WALL

**Background:**

On August 20, 2007 the City of Wausau entered into a Development with Scannell Properties Inc for the construction of a manufacturing facility for Wausau Window and Wall located at 7800 International Drive. Terms of the agreement required Wausau Window & Wall to meet a minimum assessed value of \$19 million, which did not occur.

On August 13, 2014, the Common Council denied Wausau Window's request to amend the 2007 agreement. Now the Economic Development Committee is being asked to consider a payment plan so that Wausau Window and Wall may budget for \$312,072.19 currently due under the 2007 agreement.

Wausau Window respectfully requests any interest payments are waived. Wausau Window will pay the \$312,072.19 over the remaining ten years of the agreement. Beginning this year, Wausau Window will pay the property tax at the minimum valuation of \$19 million, plus \$31,200 per year.

In round numbers, Wausau Window would pay as follows:

Annual property tax	\$450,000
Additional payment	+\$31,200
Total	\$481,200

Wausau Window & Wall is a well respected industry leader and one of our City's largest employers. The construction of their new facility increased their property taxes from \$39,110 on West Street to \$405,000 on International Drive. Please consider assisting Wausau Window & Wall with the requested payment plan.

**FIRST AMENDMENT TO TID #5 DEVELOPMENT AGREEMENT  
SCANNELL PROPERTIES #92, LLC**

THIS AMENDMENT to the TID #5 Development Agreement between the City of Wausau and Scannell Properties #92, LLC is dated October 14, 2014.

WHEREAS, the original Development Agreement was dated August 20, 2007; and

WHEREAS, the original development encompassed the new construction of a manufacturing operation for Wausau Window & Wall, the improvements being approximately 19 million dollars in value, and the operation employing approximately 450 workers; and

WHEREAS, Wausau Window and Wall was obligated to make a Guaranteed Tax Increment payment to the City for each year during the term starting in 2009 that the valuation of the land and taxable permanent improvements was less than \$19 million dollars; and

WHEREAS, Wausau Window and Wall recognizes that they have not fulfilled their obligation to date related to the Guaranteed Tax Increment payment obligation referenced in paragraph 2.II.C. of the Agreement; and

WHEREAS, Wausau Window and Wall has requested and the City of Wausau has agreed to place these delinquencies due to the City totaling \$312,072.19 on a ten year payment plan in the form of ten annual equal installments, due without interest, beginning on January 31, 2015; and

WHEREAS, Wausau Window and Wall has requested and the City of Wausau has agreed to abate any interest due to date on this outstanding delinquency;

NOW, THEREFORE, in consideration of the mutual agreement set forth below and agreed to in the Development Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

In fulfillment of its obligations under paragraph 2.II.C. of the Agreement,

1. Wausau Windows and Wall shall pay the delinquent Guaranteed Tax Increment for the years 2009 to 2013 in the amount of \$312,072.19 in ten annual installments of \$31,072.22 beginning on January 31, 2015 .
2. Interest on this delinquent outstanding Guaranteed Tax Increment shall be abated so long as Wausau Window and Wall remains current on these annual installments, real estate taxes, personal property taxes and future Guaranteed Tax Increment as determined under the agreement dated August 20, 2007.
3. If Wausau Window and Wall defaults on such payments the City of Wausau shall notify Wausau Window and Wall of such default. Wausau Window and Wall shall have 30 days within which to cure the default. After the 30 day period the entire balance shall be due immediately along with the abated interest.

This Amendment and the attendant obligations disbursed above shall survive the term of this Agreement as it is defined.

In all other respects, all provisions of the original Agreement not amended herein remain in full force and effect.

IN WITNESS WHEREOF, each party has 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

SCANNELL PROPERTIES #92, LLC

\_\_\_\_\_

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**RESOLUTION OF THE FINANCE COMMITTEE**

Approving 2014 Budget Modification 80<sup>th</sup> Avenue Utility Relocation Project

Committee Action: Approved 5-0

Fiscal Impact: \$104,689

**File Number:** 13-1109

**Date Introduced:** October 14, 2014

**RESOLUTION**

**WHEREAS**, The 2014 budget for Tax Increment District Number Ten provided for the vacation of 77<sup>th</sup> Avenue and realignment of 80<sup>th</sup> Avenue, and

**WHEREAS**, this project has been bid and work is under way, and

**WHEREAS**, the CISM committee has considered and recommends the relocation of utilities within this project area for a total cost of \$104,689.10, and

**WHEREAS**, the Finance Committee has considered and recommends a budget modification to fund these costs from Tax Increment District Number Ten; and

**WHEREAS**, these expenditures will be funded by advances from the general fund on a temporary basis;

**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 and increase the 2014 budget as follows:

Increase 80<sup>TH</sup> Avenue Realignment and 77<sup>th</sup> Avenue Vacation 148-351198230..... \$104,689

**BE IT FURTHER RESOLVED** this budget modification be published in the official newspaper as required.

Approved:

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James E. Tipple, Mayor

**FINANCE COMMITTEE**

Date and Time: Tuesday, September 23, 2014 @ 5:00 pm., Board Room

Members Present: Winters, Kellbach, Nagle, Oberbeck, Nutting

Others Present: Tipple, Groat, Giese, Werth, Barnes, Hite, Hardel, Wagner, Rasmussen, Goede, Mielke, Neal, Abitz, Goede, Mark Craig, Joe Mella, Kari Rasmussen, Kasey Taube, Dawn Follenberg, John Robinson, Brad Karger, Jim Rosenberg, Deb Ryan

**Discussion and possible action regarding budget modification to utility relocation on 80th Avenue**

Sean Gehin explained 80<sup>th</sup> Avenue is currently being extended south of Stewart Avenue, east of 77<sup>th</sup> Avenue, to facilitate the expansion of Wausau Coated. He indicated they just recently received cost estimates for the relocation of private utilities consisting of WPS electric, WPS gas, Frontier and Charter. The cost to relocate those facilities in the new road right-of-way is approximately \$105,000. Winters stated the funds are coming from TID #10.

Motion by Nagle, second by Kellbach to approve the budget modification to utility relocation on 80<sup>th</sup> Avenue.  
Motion carried 5-0.



**TO:** FINANCE COMMITTEE MEMBERS

**FROM:** MARYANNE GROAT

**DATE:** SEPTEMBER 16, 2014

**SUBJECT:** BUDGET MODIFICATION 80<sup>TH</sup> AVENUE - UTILITIES RELOCATION

The CISM Committee approved the relocation of utilities for the extension of 80<sup>th</sup> avenue as disclosed on the attached report. The estimated cost of this work is \$104,689.10 and would be funded by Tax Increment District Number Ten.

The attached cash flow projection presents the impact to the district without additional growth.

<b>AGENDA ITEM</b>
<p>Discussion and possible action on costs associated with the relocation of utilities for the extension of 80<sup>th</sup> Avenue.</p>
<b>BACKGROUND</b>
<p>80<sup>th</sup> Avenue is being extended south of Stewart Avenue East to 77<sup>th</sup> Avenue. See the attached map. This project is to facilitate the expansion of Wausau Coated. After the roadway is built, 77<sup>th</sup> Avenue will be vacated. With the expansion of the Wausau Coated buildings across 77<sup>th</sup> Avenue and the vacation of 77<sup>th</sup> Avenue, it will be necessary to relocate utilities to the Wisconsin Lift Truck building located at the end of 77<sup>th</sup> Avenue. The utilities are seeking compensation to move the utilities to the new roadway.</p>
<b>FISCAL IMPACT</b>
<p>The utility companies have given to following costs to relocate the utilities:</p> <p>WPS Electric: \$60,539.49  WPS Gas: \$13,425.61  Frontier: \$30,724.00  Charter: No Charge</p> <p>Sum Total: \$104,689.10</p>
<b>STAFF RECOMMENDATION</b>
<p>Staff recommends moving ahead with the contracts with the utilities to relocate to 80<sup>th</sup> Avenue.</p>
<p>Staff contact: Allen Wesolowski 715-261-6762</p>

**CITY OF WAUSAU**  
**TAX INCREMENTAL DISTRICT NUMBER TEN**  
**CASH FLOW PROJECTION**  
**EXISTING OBLIGATIONS**

Year	USES OF FUNDS					SOURCES OF FUNDS			Annual Surplus (Deficit)	Cumulative Balance
	LINETEC Debt Service	**2014B Street Debt Service	Administrative, Costs	Developer Grant	Capital Expenditures	Debt Proceeds	Existing Increment	Linetec Project Tax Increment		
2014			\$1,500	\$1,200,000	\$404,620 *	\$1,510,000			(\$96,120)	(\$96,120)
2015		\$5,541	\$1,200				\$14,265		\$7,524	(\$88,596)
2016	102,500	7,233	\$1,000		310,000 #		\$14,265	40,000	(\$366,468)	(455,064)
2017	102,500	27,153	\$1,000				\$14,265	90,000	(\$26,388)	(481,452)
2018	102,500	26,963	\$1,000				\$14,265	90,000	(\$26,198)	(507,650)
2019	102,500	26,708	\$1,000				\$14,265	90,000	(\$25,943)	(533,593)
2020	102,500	26,388	\$1,000				\$14,265	90,000	(\$25,623)	(559,216)
2021	102,500	30,950	\$1,000				\$14,265	90,000	(\$30,185)	(589,401)
2022	102,500	30,406	\$1,000				\$14,265	90,000	(\$29,641)	(619,042)
2023	102,500	29,825	\$1,000				\$14,265	90,000	(\$29,060)	(648,102)
2024	102,500	29,200	\$1,000				\$14,265	90,000	(\$28,435)	(676,537)
2025	102,500	28,519	\$1,000				\$14,265	90,000	(\$27,754)	(704,291)
2026	102,500	27,806	\$1,000				\$14,265	90,000	(\$27,041)	(731,332)
2027	102,500	27,063	\$1,000				\$14,265	90,000	(\$26,298)	(757,630)
2028	102,500	26,288	\$1,000				\$14,265	90,000	(\$25,523)	(783,153)
2029	102,500	30,450	\$1,000				\$14,265	90,000	(\$29,685)	(812,838)
2030	102,500		\$1,000				\$14,265	90,000	\$765	(812,073)
2031			\$1,000				\$14,265	90,000	\$103,265	(708,808)
2032			\$1,000				\$14,265	90,000	\$103,265	(605,543)
2033			\$1,000				\$14,265	90,000	\$103,265	(502,278)
<b>TOTAL</b>	<b>\$1,537,500</b>	<b>\$380,493</b>	<b>\$20,700</b>	<b>\$1,200,000</b>	<b>\$714,620</b>	<b>\$1,510,000</b>	<b>\$271,035</b>	<b>\$1,570,000</b>		

\*80th Avenue Street Project                   \$299,931  
Utility Relocation                                 \$104,689  
Total   \$404,620

# Walkway Project

**RESOLUTION OF THE FINANCE COMMITTEE**

Approving 2014 Budget Modification Tax Increment District Number Six Highway 52 Median Landscape Project

Committee Action: Approved 5-0

Fiscal Impact: \$18,999.54

**File Number:** 13-1109

**Date Introduced:** October 14, 2014

**RESOLUTION**

**WHEREAS**, the Department of Public Works has received the completed Prime Contractor Affidavit of Compliance with Prevailing Wage Rate Determination from Revi Design, Inc. and

**WHEREAS**, the document indicates that an additional payment of \$18,999.54 is required to comply with the prevailing wage rates; and

**WHEREAS**, the Finance Department has inspected the related payroll documentation for accuracy; and

**WHEREAS**, no budget was established for this payment in the 2014 budget; and

**WHEREAS**, the Finance Committee has considered and recommends a budget modification to increase the TID #6 budget in the amount of \$18,999.54 with the financing to be provided by Tax Increment District Number Six;

**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 and increase the 2014 budget as follows:

144- 345298746 Streetscape Project.....\$18,893.30

**BE IT FURTHER RESOLVED** this budget modification be published in the official newspaper as required.

Approved:

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James E. Tipple, Mayor

## **FINANCE COMMITTEE**

Date and Time: Tuesday, September 23, 2014 @ 5:00 pm., Board Room

Members Present: Winters, Kellbach, Nagle, Oberbeck, Nutting

Others Present: Tipple, Groat, Giese, Werth, Barnes, Hite, Hardel, Wagner, Rasmussen, Goede, Mielke, Neal, Abitz, Goede, Mark Craig, Joe Mella, Kari Rasmussen, Kasey Taube, Dawn Follenberg, John Robinson, Brad Karger, Jim Rosenberg, Deb Ryan

### **Discussion and possible action regarding budget modification - Stewart Avenue Median Project**

Groat explained state law indicates that because we did not write the specs for requiring prevailing wage rates when they gave us the proposal for the project, we are obligated to pay the contractor those prevailing wage rates. She stated documentation was obtained from Revi for what they actually paid their employees and the exact number of hours they worked; audited them and made some slight changes to their initial request based on how they had implemented the statutes on overtime and fringe benefits. Their original request was for \$18,893.30 and based on the audit it is now \$18,999.54. The owner of Revi mentioned having the Department of Workforce Development do the audit at a previous meeting. She indicated she reached out to the Department of Workforce Development to see if that was something they would be willing to do and they responded no, they had no interest in auditing these payments. She believed that we have done adequate procedures to determine what we should actually be paying them. As a result of having to pay these prevailing wages, they have had to supplement that cost for Social Security and Unemployment Comp obligations which are based on salary. She indicated they have asked for additional funds on top of the wages however, Workforce Development has said we are not obligated to make those payments and it was up to the committee as to whether they wanted to compensate them. She stated they should consider if they want to pay them a total of \$22,814.33 to include the SS and Unemployment Comp or just the amount we are obligated to pay of \$18,999.54.

Motion by Oberbeck, second by Nutting to approve paying only what we are obligated to pay in the amount of \$18,999.54. Motion carried 5-0.

Winters stated he was unhappy when the representative from Revi came to Finance and said they were not going to provide the city any more additional information. He wanted a letter sent to them that tells them they need to understand if we ask for additional information they need to provide it. He also wanted them to send us a written response acknowledging that. He stated if they don't agree to that, we should let them know it will reflect negatively on them in qualifying for future bids.

Motion by Nagle, second by Oberbeck to send the letter to Revi that we want them to acknowledge their responsibility to provide us information as suggested by Winters. Motion carried 5-0.



**TO: FINANCE COMMITTEE MEMBERS**

**FROM: MARYANNE GROAT**

**DATE: SEPTEMBER 15, 2014**

**SUBJECT: REVI DESIGN INVOICE – PREVAILING WAGE RATES BUDGET MODIFICATION**

On May 27<sup>th</sup> the Finance Committee approved a budget modification within Tax Increment District Number Six for the payment of the prevailing wage rates from the Stewart Avenue Median Project. This was approved by the Finance Committee on a vote of 5-0. The resolution was withdrawn on the Council floor on June 10, 2014.

The issue was reconsidered by the Finance Committee on June 10<sup>th</sup>, 2014 and determined that more information was needed regarding the prevailing wage rate computation. Additional information was obtained from Revi-Design and additional verification procedures were performed by staff. These additional procedures modified the computation slightly from the original \$18,893.30 to \$18,999.54. In addition, Revi-Design requested the City reimburse their additional payroll obligations including social security, unemployment and payroll processing. The committee tabled the issued again on July 8<sup>th</sup>. I called the Department of Work Force Development after the July meeting inquiring about the possibility of their assistance on payroll verification/audit. They declined assistance and indicated that they would not perform an audit. The item was placed on the July 22<sup>nd</sup> agenda but time constraints versus agenda items prevented consideration.

Revi-Design has called requesting payment. The law states that it is the city's obligation to pay. I have reviewed the payroll records and determined the hours specific staff worked on the project and the hourly rate shortfall to prevailing wages. I unaware of additional work that can be done that will satisfy the committee. City staff can't process payment without a budget modification.

Attached is a revised budget modification. The finance committee's needs to determine whether the budget modification should be for \$18,999.54 which is for payroll only or \$22,814.33 which includes the employer share of payroll taxes and payroll processing costs.

Attached are excerpts of the meeting minutes related to consideration of this item and the last finance memo covering the prevailing wage rates issue.

**FINANCE COMMITTEE**

Date and Time: Tuesday, May 27, 2014 @ 5:45 pm., Board Room

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

Others Present: Tipple, Groat, Jacobson, Giese, Loy, Rasmussen, Wagner, Gisselman, Mielke, Neal, Abitz, Werth, M. Lawrence, Kujawa, Barnes, John Chmiel, Keven Fabel, Kristen Fish, media.

In accordance with Chapter 19, Wisc. Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by current Chairperson Winters.

**Consider Budget Modification - Tax Increment District Number Six to fund additional costs for the Hwy 52 median landscaping project – Marquardt**

Marquardt stated this was the additional cost of \$18,893.30 for Revi to pay prevailing wages to their workers.

Motion by Nutting, second by Oberbeck to approve the budget modification of \$18,893.30 to fund the additional costs for the Hwy 52 median landscaping project. Motion carried 5-0.



**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

**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

**FINANCE COMMITTEE**

Date and Time: Tuesday, June 10, 2014 @ 5:15 pm., Board Room

Members Present: Nagle, Oberbeck, Winters, Kellbach

Members Excused: Nutting

Others Present: Tipple, Groat, Jacobson, Giese, Marquardt, Rasmussen, Gisselman, Mielke, Abitz, Kujawa, Mark Hanson, Deb Ryan, Goede, and media.

In accordance with Chapter 19, Wisc. Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by Chairperson Winters.

**Discussion and possible action on the Affidavit of Compliance Revi Design**

Oberbeck indicated he requested a complete listing of how Revi justified an additional nearly \$19,000 on a \$24,125 bill which seems high. He did not feel the data provided was totally complete because it does not include fringe benefits and was basically just check stubs. He felt there should have been an accounting for the number of hours, the base rate, as well as fringe benefits and then compared that to the state prevailing wage rates. He did not feel they could approve the project modification as it currently stands.

Winters calculated the original invoice of 670 hours of labor at \$28.20 per hour; the second invoice is for an additional \$36.00 per hour, for a total billing of \$64.20 per hour. He commented there is no category in the prevailing wage rates that makes this much. Oberbeck stated the closest category would be for landscape on streets, which is \$43.67 per hour. Winters questioned if the committee wanted to reconsider the previous action approving this bill, which was on the Council agenda tonight. Oberbeck stated we need to obtain the justification first to make sure that we are not over billed.

Motion by Nagle, second by Oberbeck to reconsider the previous Finance Committee action approving the budget modification to TID #6 regarding the landscaping of Hwy 52 median (Revi Design). Motion carried 4-0.

Motion by Oberbeck, second by Nagle to table the budget modification to TID #6 regarding landscaping of Hwy 52 median (Revi Design), until additional information is provided. Motion carried 4-0.

\*\*\*\*\*

**FINANCE COMMITTEE**

Date and Time: Tuesday, July 8, 2014 @ 4:30 pm., Board Room

Members Present: Nagle, Oberbeck, Winters, Kellbach, Nutting

Others Present: Tipple, Groat, Giese, Hite, Bohn, Jacobson, Kujawa, Mohelnitzky, Stratz, Werth, Wagner, Neal, Gisselman, Mielke, Chris Barr, Goede

In accordance with Chapter 19, Wisc. Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by Chairperson Winters.

**Consider Staff Analysis & Conclusions Regarding Prevailing Wage Invoice from Revi Design - (Marvanne Groat)**

The committee reviewed and discussed the invoices included in the committee packet, as well as a handout regarding a schedule of positions and hours worked for those positions. Groat read the prevailing wage rate law and stated that she, along with the City Attorney, interpreted it to mean that the city's obligation was to pay Revi Design the difference of \$18,999.79. She stated there was some confusion at the DWD as to whether we were obligated to reimburse Revi for the social security on those additional wages. She indicated DWD subsequently called her and stated the taxes were only discretionary, but recommended that we reimburse these additional expenses. Oberbeck still had questions on the actual costs and did not believe the numbers were matching up to the contract.

Jeff Nowak, owner of Revi Design, stated the determination of the state is what the submitted bill is based off of and nothing else. He provided the state with the time documents, pay stubs, an analysis of each person's week and overtime associated with it. He indicated he signed the affidavit and has paid his employees, as well as the social security and Medicare taxes. He believed the state is the one that should ultimately be doing the audit, not the City of Wausau. He recommended an audit be presented to the state to be compiled to determine if he was in compliance with the affidavit that he signed.

Winters indicated he needed some more information before making a decision and wanted it tabled until the next meeting.

Motion by Kellbach, second by Nutting to table. Motion carried 5-0.



## **STAFF REPORT ON PREVAILING WAGE INVOICE REVI DESIGN MEDIAN PROJECT**

### **BACK GROUND INFORMATION**

The Finance Committee requested the City obtain additional information regarding the costs associated with the implementation of prevailing wage rates for the Revi Design median project and tabled a budget modification necessary to finance the city's obligation to Revi Design for prevailing wage rates.

I obtained a copy of the wage determination issued by the State of Wisconsin Department of Workforce Development dated February 4, 2014. The department provides for a 30 day period to contest the determination. The City did not file an opposition. The State determined the wage rate for Landscapers to be:

Hourly Basic Rate	\$29.04
Hourly Fringe Benefits	\$14.63
Total	\$43.67

Additional information provided by the State DWD regarding the utilization of prevailing wages included:

- 1.5 times the hourly basic rate must be paid over 10 hours per day /40 hours per week
- Prevailing wage rates only impact workers wearing a "tool belt". Thus employees performing in purely supervisory, project oversight, general administration and design roles are exempt from prevailing wages.
- Fringe benefits provided by Revi Design including holiday and vacation pay along with health insurance should be converted to an hourly benefit and added to the hourly rate paid by the employer prior to calculating the amount due for prevailing wage rates.
- The employer is obligated to pay social security benefits, unemployment compensation, and payroll processing costs which are considered other liquidated damages and are eligible for reimbursement from the city. These amounts have been itemized on the new/ revised invoices. I verified the eligibility of these expenses for reimbursement with WDW staff.

Revi Design provided sufficient documentation to evaluate the computation of the wage rate invoice:

- Pay check stubs for employees working on the project which included hourly and overtime rates.
- Number of hours each employee worked on the project.
- Fringe benefits provided to employees converted to an hourly rate.

I initially evaluated the reasonableness of the invoice received from Revi Design by computing the wage rate disparity of \$29.42 times the 670 total project hours which computes to an amount due of \$19,711. The wage disparity was determined based upon the average hourly rate of \$14.25 paid to the workers as compared to the prevailing wage rate of \$43.67. This reasonableness test compared well to the \$18,893.30 invoiced by Revi Design in May.

In addition, I computed the rate by re-calculating the amount owed to each employee. In this instance, I found adjustments necessary for the overtime compensation when staff worked over 10 hours per day or 40 hours per week. This resulted in a small minor change reflected in the revised invoice.

A summary of the charges is as follows:

Prevailing wage adjustment	\$18,999.54
FICA	1,453.48
Fed Unemployment	211.07
State Unemployment	1,348.99
Payroll Processing	801.25
TOTAL	\$22,814.33

Through discussions, Revi Design provided a general outline of other project costs attributed to the project such as foreman and office staff who are exempt from prevailing wage rates. These individuals are responsible for organization of the job, materials and staffing. In addition, the job utilized approximately 120 hours of equipment time.

Requested a billing rate for each employee. Revi-Design representatives stated that this was a lump sum priced job and as such individual billing rates for each employee were not determined. The \$45 per hour is provided in all contracts to communicate the rate to be charged when unforeseen issues arise.

Based upon my review of the calculations, the wage determination and my discussions with DWD staff, I believe the invoice presented is an obligation of the City's.



revi DESIGN, LLC.  
911 Sixth Street  
Wausau, WI 54403  
Phone: 715.355.REVI(7384)  
Fax: 715.393.4432  
www.revi-design.com

revi DESIGN, LLC. will provide & install the following landscape elements as per request for:

The City Of Wausau | Attention: Brad Marquardt

Project: Landscape-Hardscaping | Stewart Avenue Median | Wausau, WI

**Landscape Revitalization and Rejuvenation (New Construction - Plantings):**

1. Preparation and Installation of (18), 4" caliper deciduous trees & approx. (640), 1 gal. ornamental grasses finished with decorative stone mulch(TBD) throughout median and at median ends per plans and specifications.

\*Total - Labor: -----\$ 7,825.00\*

**Landscape Revitalization and Rejuvenation (New Construction - Sod):**

2. Preparation and Installation of approx. (25,849) square feet of Sod per plans and specifications.

3. \*Total - Labor: -----\$ 4,900.00\*

**Landscape Revitalization and Rejuvenation (New Construction - Boulders):**

4. Preparation and Installation of approx. (21), 4.2 Ton/EA natural/fractured boulders throughout center two-thirds of median per plans and specifications.

5. \*Total - Labor: -----\$ 2,100.00\*

**Landscape Revitalization and Rejuvenation (New Construction - LED Lighting):**

6. Preparation and Installation of (9), Kichler uplight LED (20 watt equivalent) 60 degree beam spread & (6), Kichler uplight LED (35 watt equivalent) 60 degree beam spread to illuminate the blue heron sculptures, with the intent to wash only the herons with light and not the pole to give the appearance of flight at night time. Secondly, (50), Kichler Inground LED (50 watt equivalent) to illuminate the 4" caliper deciduous trees(two per tree). Lastly we would be powering all of this material with (3), Kichler 300 watt transformers per plans and specifications.

7. \*Total - Labor: -----\$ 3,800.00\*

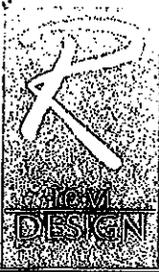
**Landscape Revitalization and Rejuvenation (New Construction - Irrigation):**

8. Preparation and Installation of (1), code compliant-full coverage irrigation system using all Rainbird equipment per plans and specifications.

\*Total - Labor (Rotors): -----\$ 5,700.00\*

*Please note that all disturbed areas from construction damage, will be restored and returned to their pre-construction state\**

WI Sales Tax is not included in estimate



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**TERMS**

- 1) Signing of contract & Signing of supplemental conditions/warranty of contract.
- 2) Receipt of thirty percent (30%) down payment & agreement of revi DESIGN, LLC. payment schedule.
- 3) Balance due upon completion Invoices due upon receipt.

ACCEPTED:

  
\_\_\_\_\_  
10/1/13  
Date

ACKNOWLEDGED:

  
\_\_\_\_\_  
revi DESIGN, LLC.  
10-01-2013  
Date

**SPECIAL CONDITIONS**

In addition to items **not included** that have been stated throughout this document, **the additional items below are not included** in this proposal at this time.

This list may not be all inclusive:

Utility Access and permits for the water feature, such as gas and electric, are to be provided by others.

- Please note: **Electric** for irrigation, outdoor lighting systems, audio systems, and the water features needs to be evaluated. Locations for these systems needs to be determined.

These items are not included in revi DESIGN, LLC. Contract.

**SUPPLEMENTAL CONDITIONS**

- 1) Scope: revi DESIGN, LLC. shall furnish all materials, tools, equipment, and labor necessary to execute the attached proposal in a substantial and workmanlike manner.
- 2) Revision: This proposal is subject to revision if not accepted within thirty days as availability and cost of many materials is not constant. The proposal is based on the present condition in the landscape at the time of contract presentation. Any alteration or deviation from existing landscape conditions involving additional costs will be executed only upon written change order and will become an additional charge over and above the current proposal.
- 3) Owner's Responsibility: Unless otherwise stated in writing, it is the owner's responsibility to insure adequate water supply for plant materials, lawns, etc. It is also the owner's responsibility to provide reasonable access to areas where constructions/planting are to occur. All construction debris not as a direct result of proposed work, will be left on site for owner to dispose of, to include rock, concrete, masonry, wood, etc.
- 4) Unavoidable Interruptions: revi DESIGN, LLC. shall not be held responsible or liable for any loss, damage, or delay caused by weather, strikes, accidents, or any other delays beyond our control.
- 5) Locating Underground Utilities and Property Boundaries: A property may or may not have underground wiring and pipes that are privately owned and underground wiring and pipes that are utility owned. Prior to the start of the project, revi DESIGN, LLC. will have all utility owned wiring and pipe located by Digger's Hotline as required by Wisconsin State Law. Digger's Hotline does not locate privately owned underground wiring and pipes. The owner(s) are responsible for marking the location of all private utilities including, but not limited to: septic, irrigation components, private electric, gas lines, underground pet fences, etc. revi DESIGN, LLC. cannot be responsible for any damage caused by improperly marked private utilities. \*The owner(s) shall be responsible to provide revi DESIGN, LLC. with an up to date plat of survey of the subject property or clearly mark the location of property lines and corners.



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- 6) **Insurance:** Owner will carry necessary fire and casualty insurance. rev i DESIGN, LLC. has in force a comprehensive general liability insurance policy and its employees are fully covered by Workers Compensation Insurance.
- 7) **Settling/Erosion:** rev i DESIGN, LLC. will not be responsible for settling of areas where utility lines or uncompacted fill dirt has been installed. **Erosion:** rev i DESIGN, LLC. cannot be held responsible or held liable for natural erosion that may occur after the completion of construction.
- 8) **Winter Protection:** In the event that installation of project occurs during inclement weather and the need arises to protect completed work or work in progress, Owner will be responsible for all costs incurred. These costs may include materials to erect temporary tenting structures to house and protect work. These costs may include rental or heat source unit and direct cost of energy needed to protect work.
- 9) **Payment-Initial Disclosure:** Payments for services are due and payable within the TERMS of the contract. Upon signing the contract and before the start date will be scheduled, a deposit of 1/3 the total contract amount is due. An additional 1/3 will be due the day the project starts and the final balance including any change orders and applicable taxes will be due upon project completion. No finance charges will be imposed if the total of such invoice is paid in full within the stated terms. **A finance charge will be imposed from the invoice date on the overdue balance at a periodic rate of 1.5% per month (18% annual percentage rate) until paid.** Payments will be applied first to previously billed finance charges, and thereafter, in order, to the previous invoices, and finally to new invoices. The undersigned further guarantees the payment of all interest, attorney's fees, court costs, and other costs of collections which may result from failure to comply with the standard terms and conditions of sale.
- 10) **Charges Based on Time and Materials:** Time and Materials work may occur when it becomes difficult to quantify the cost of a particular function due to: a) fluctuating material costs and b) the inability to estimate the amount of time needed to perform said function. Because of these variables and for the purpose of fairness to both Owner and Contractor, rev i DESIGN, LLC. may elect this method of billing with the Owner's approval. rev i DESIGN, LLC. hourly rate of labor is \$45.00. rev i DESIGN, LLC. reserves the right to charge 40% over and above the cost of materials for management and handling of same. Unforeseen soil conditions such as large rocks, stumps, and/or other hidden objects may result in additional charges. The installation of necessary drain tile may be done at the judgment of rev i DESIGN, LLC. and shall result in additional charges.
- 11) **Access:** It is the responsibility of the customer to provide adequate access to the job site. If the work of others is to be performed in conjunction with our work, that same work must be performed in such a way as not to interfere with the progress of our work.



**2DWD 290.05 Overtime wages.** All hours worked by a laborer, worker, mechanic or truck driver in excess of the prevailing hours of labor per day or per week must be paid at a rate at least 1.5 times the hourly basic rate of pay. Sums paid by an employer for bona fide economic benefits shall be excluded in the computation of the overtime premium. In no event can the rate upon which the overtime premium is calculated be less than the amount determined by the department as the hourly basic rate of pay. Nor can the rate upon which the overtime premium is calculated be less than the straight time cash payment made to the laborer, worker, mechanic or truck driver or be less than the employee's normal hourly basic rate of pay, if it is higher. Contributions by employees are not excluded from the rate upon which the overtime premium is computed; that is, an employee's overtime premium rate is computed on the taxable earnings before any deductions are made for the employee's contributions to bona fide economic benefits. The employer's contributions, costs or cash payments for bona fide economic benefits may be excluded in computing the overtime premium rate so long as the exclusions do not reduce the overtime premium rate below the hourly basic rate contained in the prevailing wage rate determination issued for a project.

History: Cr. Register, January, 1967, No. 133, eff. 2-1-67; r. and recr. Register, January, 1976, No. 241, eff. 2-1-76; am. Register, January, 1986, No. 361, eff. 2-1-86; am. Register, July, 2000, No. 535, eff. 8-1-00.

**015 BUDGET CHANGES:**

**DWD 290.11 Procedure when a covered entity fails to request a required prevailing wage rate determination or incorporate a required prevailing wage rate determination into a contract.**

(1) When the department finds that a state agency or local governmental unit has not requested a prevailing wage rate determination as required under s. 66.0903 (3) (am) or 103.49 (3), Stats., the department shall promptly notify the state agency or local governmental unit of the noncompliance.

(1m) When the department finds that an owner or developer has not requested a prevailing wage rate determination as required under s. 66.0904 (4) (a), Stats., the department shall promptly notify the owner or developer of the noncompliance.

Note: Section 66.0904, Stats., was repealed by 2011 Wis. Act 32.

(2) The state agency or local governmental unit notified under sub. (1), or an owner or developer notified under sub. (1m), shall file an application for a prevailing wage rate determination, on a form prescribed by the department, within 10 days of the department's notice of noncompliance.

(3) The department shall issue the prevailing wage rate determination within 30 days of the notice of noncompliance.

(4) The local governmental unit or state agency notified under sub. (1), or an owner or developer notified under sub. (1m), may request a review of the prevailing wage rate determination within 30 days of the issuance of the determination pursuant to s. DWD 290.10.

(5) If the state agency or local governmental unit notified under sub. (1), or an owner or developer notified under sub. (1m), failed to incorporate a prevailing wage rate determination into a contract or bid, the local governmental unit, state agency, owner or developer shall either terminate the contract and resolicit bids using the prevailing wage rate determination or incorporate the determination retroactive to the beginning of construction through supplemental agreement or change order. The employer shall be compensated for any increases in wages resulting from the change and any amount of liquidated damages assessed by the department to the employer under s. 66.0903 (11) (a), 66.0904 (9) (a), or 103.49 (6m) (ag), Stats. The method of incorporation of the prevailing wage rate determination and the adjustment in the contract or bid price shall be in accordance with applicable procurement law.

Note: Section 66.0904, Stats., was repealed by 2011 Wis. Act 32.

Note: "Application for a Prevailing Wage Determination Issued by the Department of Workforce Development," form ERD-5719, may be obtained at no charge from the Department of Workforce Development Equal Rights Division, or the DWD web site at [http://dwd.wisconsin.gov/er/prevailing\\_wage\\_rate/default.htm](http://dwd.wisconsin.gov/er/prevailing_wage_rate/default.htm).

History: Cr. Register, January, 1976, No. 241, eff. 2-1-76; r. and recr. (2), cr. (3), Register, January, 1986, No. 361, eff. 2-1-86; am. (1) (intro.), Register, June, 1987, No. 378, eff. 7-1-87; correction in (1) (c) and (2) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; r. and recr. Register, September, 1997, No. 501, eff. 10-1-97; r. and recr. Register, July, 2000, No.

City of Wausau

Employee	Hrs worked	Wage Rate Paid	Fringe Benefit Rate	Total Wage and Fringe	Total Project Wage and Fringe	Prevailing Wage	Prevailing Wage Rate Adjustment	Straight Time Prevailing Wage due Employee	Prevailing Wage Overtime Adjustment	Total Prevailing Wage due Employee	FICA (7.65%)	FED (1.8%)	WI (7.1%)
Emp #1**	87.25	\$ 14.00	\$ -	\$ 14.00	\$ 1,221.50	\$ 43.67	\$ 29.67	\$ 2,588.71	\$ 39.86	\$ 2,628.57	\$ 201.09	\$ 47.31	\$ 186.63
Emp #2**	27	\$ 11.00	\$ -	\$ 11.00	\$ 297.00	\$ 43.67	\$ 32.67	\$ 882.09	\$ -	\$ 882.09	\$ 67.48	\$ 15.88	\$ 62.63
Emp #3	3.5	\$ 11.00	\$ -	\$ 11.00	\$ 38.50	\$ 43.67	\$ 32.67	\$ 114.35	\$ -	\$ 114.35	\$ 8.75	\$ 2.06	\$ 8.12
Emp #4	105.25	\$ 16.50	\$ -	\$ 16.50	\$ 1,736.63	\$ 43.67	\$ 27.17	\$ 2,859.64	\$ 48.78	\$ 2,908.42	\$ 222.49	\$ 52.35	\$ 206.50
Emp #5**	3.5	\$ 10.00	\$ -	\$ 10.00	\$ 35.00	\$ 43.67	\$ 33.67	\$ 117.85	\$ -	\$ 117.85	\$ 9.02	\$ 2.12	\$ 8.37
Emp #6	84.5	\$ 19.71	\$ 0.32	\$ 20.03	\$ 1,692.54	\$ 43.67	\$ 23.64	\$ 1,997.58	\$ -	\$ 1,997.58	\$ 152.83	\$ -	\$ 141.83
Emp #7	23.75	\$ 16.83	\$ 0.48	\$ 17.31	\$ 411.11	\$ 43.67	\$ 26.36	\$ 626.05	\$ -	\$ 626.05	\$ 47.89	\$ -	\$ 44.45
Emp #8**	20.5	\$ 20.25	\$ 1.25	\$ 21.50	\$ 440.75	\$ 43.67	\$ 22.17	\$ 454.49	\$ -	\$ 454.49	\$ 34.77	\$ -	\$ 32.27
Emp #9	20.5	\$ 10.00	\$ -	\$ 10.00	\$ 205.00	\$ 43.67	\$ 33.67	\$ 690.24	\$ -	\$ 690.24	\$ 52.80	\$ 12.42	\$ 49.01
Emp #10	20.25	\$ 15.00	\$ -	\$ 15.00	\$ 303.75	\$ 43.67	\$ 28.67	\$ 580.57	\$ -	\$ 580.57	\$ 44.41	\$ 10.45	\$ 41.22
Emp #11	30	\$ 17.31	\$ 0.48	\$ 17.79	\$ 533.70	\$ 43.67	\$ 25.88	\$ 776.40	\$ -	\$ 776.40	\$ 59.39	\$ -	\$ 55.12
Emp #12	112.25	\$ 14.00	\$ -	\$ 14.00	\$ 1,571.50	\$ 43.67	\$ 29.67	\$ 3,330.46	\$ 88.59	\$ 3,419.05	\$ 261.56	\$ -	\$ 242.75
Emp #13**	90.5	\$ 12.00	\$ -	\$ 12.00	\$ 1,086.00	\$ 43.67	\$ 31.67	\$ 2,866.14	\$ -	\$ 2,866.14	\$ 219.26	\$ 51.59	\$ 203.50
Emp #14	26.5	\$ 14.00	\$ -	\$ 14.00	\$ 371.00	\$ 43.67	\$ 29.67	\$ 786.26	\$ -	\$ 786.26	\$ 60.15	\$ 14.15	\$ 55.82
Emp #15	4.5	\$ 10.00	\$ -	\$ 10.00	\$ 45.00	\$ 43.67	\$ 33.67	\$ 151.52	\$ -	\$ 151.52	\$ 11.59	\$ 2.73	\$ 10.76

Total	659.75				\$ 9,988.98			\$ 18,822.31	\$ 177.23	\$ 18,999.54	\$ 1,453.48	\$ 211.07	\$ 1,348.97
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**RESOLUTION OF THE FINANCE COMMITTEE**

Authorizing the City of Wausau to purchase 1006 North First Street, Wausau, Wisconsin

Committee Action: Approved 5-0

Fiscal Impact: \$90,000

**File Number:** 14-1006

**Date Introduced:** October 14, 2014

**RESOLUTION**

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

**WHEREAS**, the importance of the Wisconsin River redevelopment, its impact on the economy and the continued vitality of the area is specifically identified in the City of Wausau’s Central Business District Master Plan, the City of Wausau’s Comprehensive Plan and Marathon County’s Comprehensive Economic Development Plan, and

**WHEREAS**, the Finance Committee considered these strategic plans and the riverfront redevelopment initiative and approved the acquisition of 1006 North First Street for the purpose of demolition, redevelopment and/or resale, and

**WHEREAS**, the Alexander Foundation has offered support for these renewal activities in the form of a grant of \$40,000, and

**NOW THEREFORE BE IT RESOLVED** that the Mayor is hereby authorized to execute any documents or reports necessary for the acquisition and demolition activities necessary to prepare the property located at 1006 North First Street, Wausau, for redevelopment.

**BE IT FURTHER RESOLVED**, that the Finance Director and proper City officials are hereby authorized to modify the budget and publish the same as follows:

Increase	141-342898210	Land Acquisition	\$80,000
Increase	141-342892990	Contractual Services – Demolition Activity	\$10,000
	141-342888416	Alexander Foundation Grant	\$40,000
	141-342889120	TIF Funds	\$50,000

Approved:

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James E. Tipple, Mayor

**FINANCE COMMITTEE**

Date and Time: Tuesday, September 23, 2014 @ 5:00 pm., Board Room

Members Present: Winters, Kellbach, Nagle, Oberbeck, Nutting

Others Present: Tipple, Groat, Giese, Werth, Hite, Wagner, Rasmussen, Goede, Neal, Abitz, Goede

**Consider purchase of 1006 N 1st Street – Werth**

Werth requested they convene in closed session to discuss the offer to purchase.

**CLOSED SESSION pursuant to 19.85(1)(e) of the Wisconsin Statutes for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: for negotiating the purchase of properties. (1006 N 1st Street) – Werth**

Motion by Nagle, second by Kellbach to convene in closed session. Roll Call Vote: Ayes: Nutting, Nagle, Kellbach, Winters, Oberbeck. Noes: 0. Motion carried 5-0

*Reconvened into open session to take action on closed session item.*

Motion by Nutting, second by Kellbach to approve the purchase of 1006 N 1<sup>st</sup> Street for \$80,000. Motion carried 5-0.



**TO:** FINANCE COMMITTEE MEMBERS

**FROM:** ANN WERTH

**DATE:** SEPTEMBER 16, 2014

**SUBJECT:** ACQUISITION OF 1006 N 1<sup>ST</sup> STREET – RIVERFRONT REDEVELOPMENT

The City has one remaining unassembled parcel crucial to the redevelopment of the riverfront, 1006 N 1<sup>st</sup> Street. This parcel will allow the City to develop Fulton Street as a significant promenade to the waterfront depicted in the attached redevelopment rendering. The Economic Development Committee reviewed and recommended the purchase of the property and the Finance Committee provided acquisition directives in closed session on May 13<sup>th</sup>, 2014 and September 9<sup>th</sup>, 2014. I will update the committee on the acquisition efforts in closed session. The assessed value, along with pictures of the site and a map providing its location are attached.

All information pertaining to negotiations and bargaining will be provided to the committee in closed session.



Pictometry® View for Geocortex

Preferences Help

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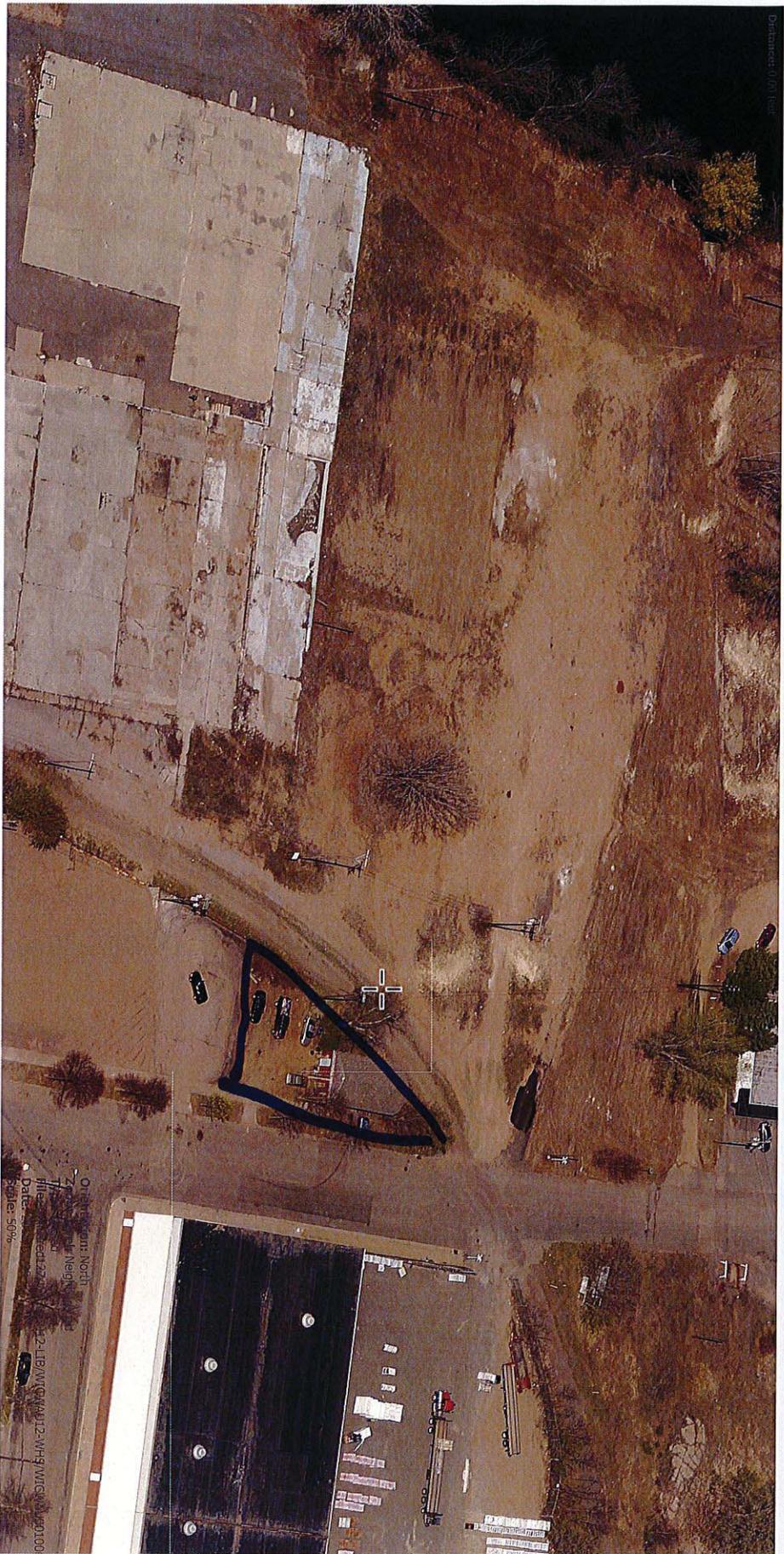
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Location Coordinates

Measure Distance Measure Height Measure Elevation Measure Area Measure Bearing Measure Aspect

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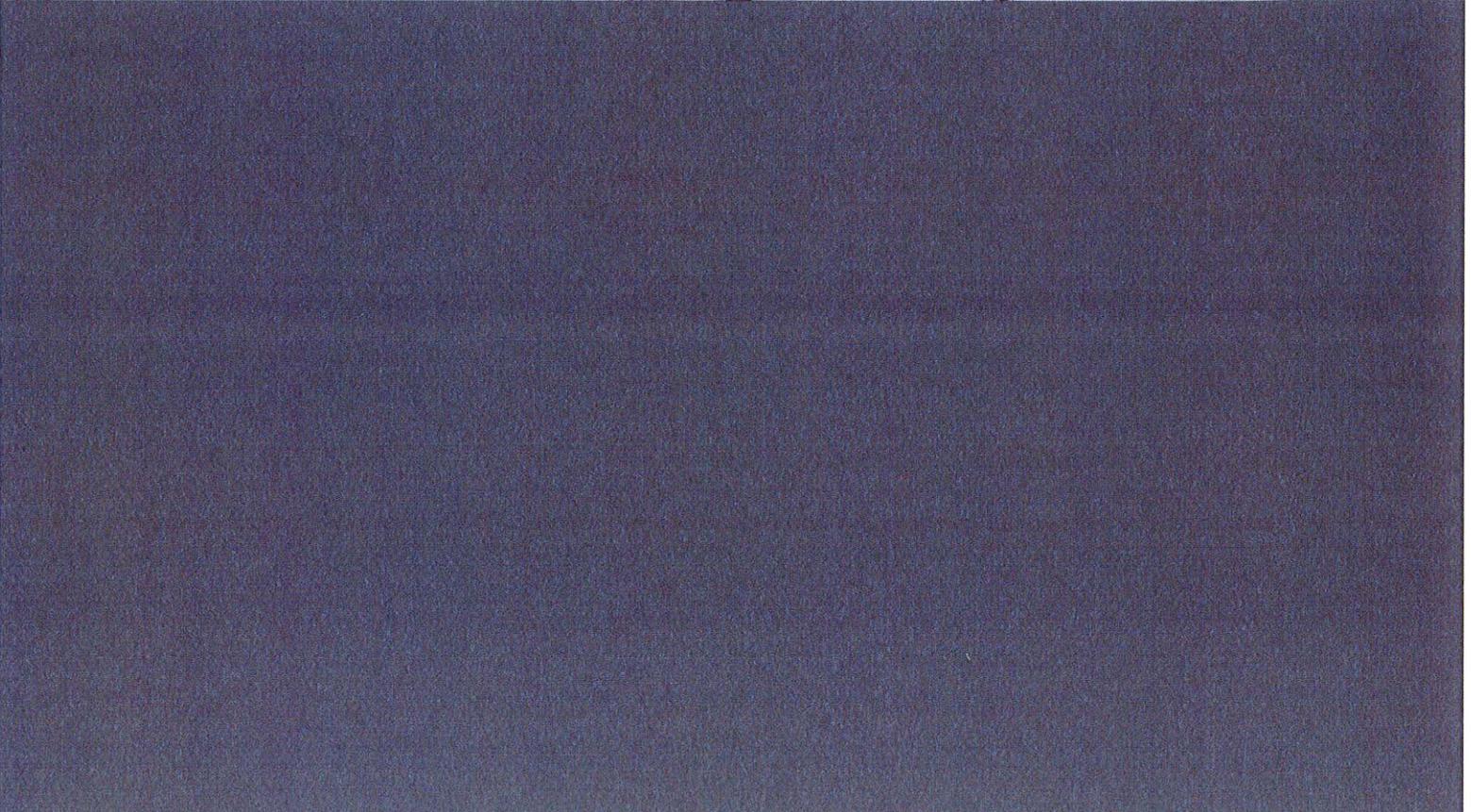
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01/03/2013



01/03/2013





**RESOLUTION OF FINANCE COMMITTEE**

Approving Extension or Renewal of City Cellphone Contract

Committee Action: Pending

Fiscal Impact:

**File Number:** 14-1009

**Date Introduced:** October 14, 2014

**RESOLUTION**

**WHEREAS**, a two-year cellphone contract was entered into with New Cell, Inc. (“Cellcom”) on July 25, 2011, for staff of the police department; and

**WHEREAS**, ultimately all departments’ plans were added to this contract over the course of 2011; and

**WHEREAS**, equipment needs replacement and upgrading and there is an urgency for entering into a contract; and

**WHEREAS**, your Finance Committee recommends entering into a two-year contract due to the significant savings when compared to a one-year contract.

**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 two-year contract for the lease of city cellphones with Cellcom, attached hereto, and staff is directed to solicit proposals upon its expiration, unless the purchasing policy has been amended in the interim in a manner allowing a renewal.

Approved:

---

James E. Tipple, Mayor

**WIRELESS TELECOMMUNICATIONS EQUIPMENT  
AND SERVICE AGREEMENT**

**THIS WIRELESS TELECOMMUNICATIONS EQUIPMENT AND SERVICE AGREEMENT** (hereinafter, the "Agreement") is made, entered into, and effective this \_\_\_\_ day of \_\_\_\_\_ 2014, by and between **NEW CELL, INC.**, a Wisconsin corporation (doing business as and hereinafter referred to as "Cellcom"), and City of Wausau, (hereinafter, "Customer").

**Provision Of Telecommunications Services and Related Equipment**

1.A. **Services.** Cellcom shall make available to Customer, its employees, representatives and other designees, an unlimited number of service accounts (hereinafter, an "Account" or "Accounts") through which Cellcom shall provide wireless telecommunications services. As a condition to Cellcom's offer to provide services and equipment identified herein at the rates and charges identified below, Customer shall maintain a minimum of 105 Accounts (the "Account Minimum") on rate plans identified in Exhibit A at all times during the Term of this Agreement. In addition, Customer shall execute a Master Service Agreement in the form attached as Exhibit B; and this Master Service Agreement shall also govern the availability of the services on each Account.

1.B. **Additional Features.** Customer may add additional features to any or all Accounts, with the additional charges for such additional features set forth on Exhibit A.

1.C. **Account Allowance.** Customer shall receive the current promotional pricing (or LG Fluid @ \$.01 each) at time of purchase when purchased through a Cellcom direct sales representative during the Initial Term of this Agreement.

1.D. **Employee Discount Plan.** Cellcom will make available to employees of Customer wireless telecommunications services upon the terms and conditions of Cellcom's then-current Employee Discount Plan. All employees are eligible to apply for the benefits provided pursuant to this paragraph upon the execution of Cellcom's Service Agreement, provided that such employee is a new Cellcom subscriber and that the home address of the employee is within the Cellcom Service Area. The employee must agree to be and remain financially responsible for all charges incurred pursuant to such Service Agreement. Cellcom reserves the sole and exclusive right to limit, deny, or terminate service to any applicant or employee hereunder. Cellcom may terminate these benefits for any employee who, during the term of this Agreement, ceases to be an employee of Customer. In addition, Cellcom may terminate these benefits upon the expiration or termination of this Agreement.

**Rates and Charges**

2.A. **Monthly Service Charges.** Each Account maintained by Customer pursuant to this Agreement shall incur a monthly service charge as identified in Exhibit A.

2.B. **Additional Air Time and Roaming Charges.** Each Account maintained by Customer pursuant to this Agreement shall include the allotment of "free" air time for use in the "home" area as set forth in Exhibit A. Customer shall incur an additional charge for each minute of air time utilized in excess of such allotment for each Account, with each Account considered individually for these purposes. Additionally, Customer shall incur additional roaming charges per minute for each minute of air time utilized outside the "home" area identified in Exhibit A.

2.C. **Payment.** Cellcom shall invoice Customer for the aggregated total of the monthly service, additional air time, roaming charges and additional equipment expenses incurred by all Accounts maintained by Customer pursuant to this Agreement; and Customer shall pay each such invoice within thirty (30) days of receipt of each invoice. Unpaid invoices shall accrue interest at the monthly rate of 1½%, or the highest amount allowed by law, whichever is lower.

### **Term, Renewal and Termination**

3.A. **Initial Term.** The Initial Term of this Agreement shall be two (2) years, commencing on the date first written above and ending on the second (2<sup>nd</sup>) anniversary thereof.

3.B. **Renewal Terms.** Upon the expiration of the Initial Term, Customer may renew this Agreement for one consecutive two-year Renewal Term(s) by providing to Cellcom written notice of its intent to renew this Agreement no later than sixty (60) days prior to the end of the Initial Term or the then-current Renewal Term, as the case may be.

3.C. **Termination.** This Agreement may be terminated prior to the end of the Initial or then-current Renewal Term as follows:

3.C.1. **Automatic Termination.** This Agreement will automatically terminate if either party: (a) makes an assignment for the benefit of the creditors; or (b) becomes a party to any receivership, bankruptcy, or similar proceeding, and such proceedings are not dismissed within ninety (90) days of commencement.

3.C.2. **Default.** In the event of a material breach of this Agreement, the non-breaching party may provide written notice of the breach and may terminate this Agreement at any time after a reasonable opportunity to cure the breach. For purposes of this Agreement, a reasonable opportunity to cure is deemed to be ten (10) days for a monetary default and thirty (30) days for a non-monetary default. If the breaching party, prior to the expiration of the cure period, has cured the breach, this Agreement will remain in effect, provided the breaching party promptly reimburses the non-breaching party for any reasonable damages the non-breaching party may have incurred.

3.D. **Early Termination of Accounts and Effect of Non-Renewal of Agreement.**

3.D.1. **Termination of Accounts.** Customer may, at any time during the Term of this Agreement, terminate one or more Accounts maintained pursuant to this Agreement, while not terminating this Agreement generally, by delivering to Cellcom advance written notice of such termination. In the event any such termination causes Customer to thereafter maintain fewer active Accounts than the Account Minimum, Customer must also pay to Cellcom a "Termination Fee" for each terminated Account below the Account Minimum. The Termination Fee shall be payable at the time Customer delivers its notice of termination, and shall be determined by reference to the devices activated on the terminated Account(s) falling below the Account Minimum.

- (i) For each standard device activated on the terminated Account(s), the Termination Fee shall include One Hundred Seventy-Five Dollars (\$175.00), which amount shall be reduced by Five Dollars (\$5.00) for each completed month of the term of this Agreement; and
- (ii) for each "Smart Phone" activated on the terminated Account(s), the Termination Fee shall include Three Hundred Fifty Dollars (\$350.00), which amount shall be reduced by Ten Dollars (\$10.00) for each completed month of the term of this Agreement.

Notwithstanding any such termination of one or more Accounts, this Agreement shall remain in effect as to all other Accounts maintained by Customer; provided, however, Cellcom reserves the right to revise the amount of the account allowance provided to Customer based on the number of remaining Accounts and the remaining time left in the then-current Term.

3.D.2. **Effect of Non-Renewal of Agreement.** In the event Customer does not renew this Agreement for at least one Renewal Term, Customer shall pay to Cellcom One Hundred Seventy-Five Dollars (\$175.00) for each standard device and Three Hundred Fifty Dollars (\$350.00) for each "Smart Phone" activated within the final ninety (90) days of the Initial Term. Upon the expiration of the Term, whether following an Initial Term or one or more Renewal Terms, Customer may maintain Accounts established pursuant to this Agreement on a month-to-month basis thereafter; provided, however, the terms and conditions (including rates and charges) applicable to all such Accounts shall be determined by reference to Cellcom's then-current rate plans generally made available to the public (without regard to the terms and conditions of this Agreement).



**EXHIBIT A**

**Rate Plan and Account Features**

Accessory Discount:

Accessories purchased through a Cellcom direct sales representative will receive a 50% discount up to \$15 off the retail price. The discount does not apply to Apple branded accessories.

**EXHIBIT B**

**Master Service Agreement**



**RESOLUTION OF THE PLAN COMMISSION**

Approving a conditional use at 1000 West Campus Drive to allow for an illuminated wall sign in an R1, Single Family Residence District (Johnson)

Committee Action: Pending

Fiscal Impact: None.

**File Number:** 14-1005

**Date Introduced:** October 14, 2014

**WHEREAS**, on September 16, 2014, the Plan Commission held a public hearing to consider a request from Mike Johnson, Graphic House Inc., representing Northcentral Technical College, for a conditional use permit at 1000 West Campus Drive to allow for an illuminated wall sign; and

**WHEREAS**, the proposed sign does not face a residential neighborhood; and

**WHEREAS**, the proposed sign will only have the text illuminated; and

**WHEREAS**, the proposed sign matches signs already installed at Northcentral Technical College; and

**WHEREAS**, no one spoke in opposition to the proposed sign; now therefore

**BE IT RESOLVED** that the Common Council of the City of Wausau hereby approves a conditional use at 1000 West Campus Drive to allow for an illuminated sign.

Approved:

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James E. Tipple, Mayor

## **PLAN COMMISSION – September 16, 2014**

### **PUBLIC HEARING: Approve a conditional use at 1000 West Campus Drive to allow for an illuminated wall sign to be located in a R1, Single Family Residence District (Johnson.)**

Mike Johnson with Graphic House, 9204 Packer Drive, explained that this sign is for a building that has changed functions. The sign is a very subtle and internally illuminated sign with the copy being illuminated but not the background. This sign does not face any residential areas and it matches all the other signs on the property.

Tipple closed the public hearing.

Lenz explained that the map of the college indicates the building where the sign will be located. This is a standalone building north of the main complex. The sign will face to the west toward McDonalds, which is on the corner of Campus and Business 51. The sign does not face directly toward any residences. Since this is in a residential district a conditional use is required for this sign.

Tipple added that this building is the old Wausau Family Practice building that was vacated when they moved to the Aspirus campus.

Valitchka asked about the new purpose of this building.

Rob Elliott, 1000 West Campus Drive, is the director of facilities at NTC. He said that when they took over ownership of this facility, it was intended for their business division. That division includes staff that serves the businesses in the community and training, which is called the Business and Industry building which requires a new sign.

Valitchka asked how the campus is zoned and if the need for a conditional use could be ameliorated if the zoning were changed.

Lenz clarified that this is zoned R-1, Single Family Residence District. He said that in the city most schools, churches and other public institutions are zoned residential. It would be unusual if this property was zoned commercial. There has been a desire to control signs because they are usually in neighborhoods, across from single family homes. Staff recommends that this property stay R-1, Single Family Residence District, although it may be an inconvenience for the college to request approval for this type of issue.

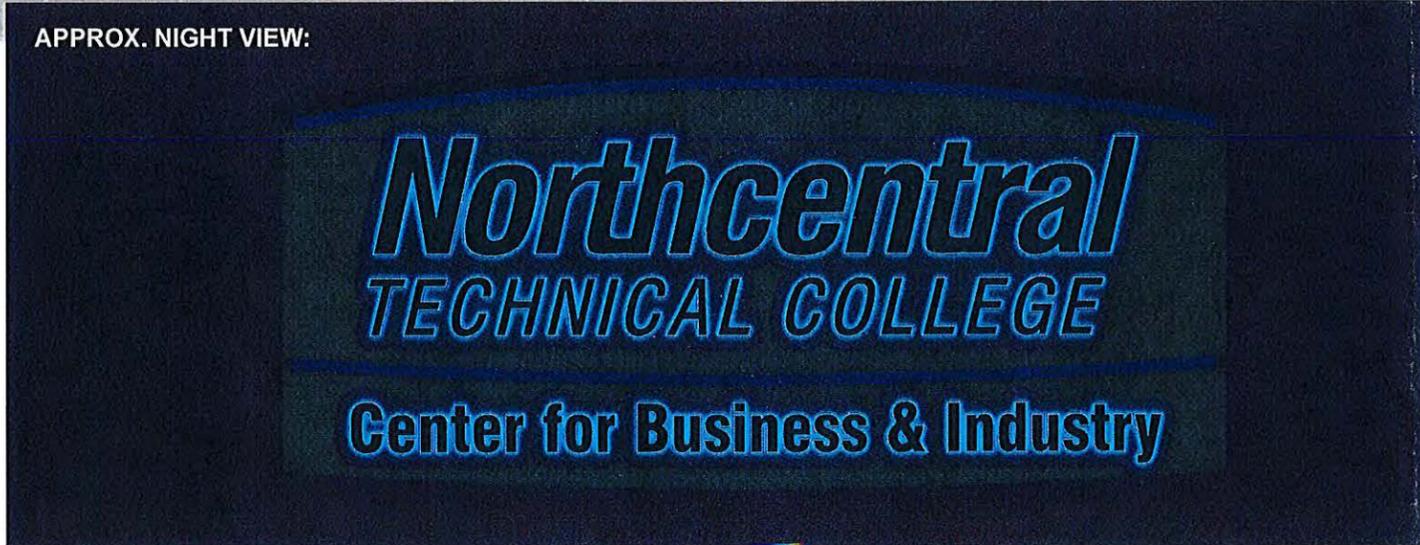
Tipple confirmed with Alfonso that vacant seats are to be counted in order to determine if quorum is present. He informed the petitioners that since a public hearing was held they did not need to attend the additional meeting to vote on the conditional use.

Valitchka asked if the Plan Commission was required to vote on such issues.

Tipple stated that a vote is required at the next meeting since a quorum was not present. Then the item will go to Common Council for their vote.

This item will go to Common Council on October 14, 2014 and the petitioners will be notified when the Plan Commission is rescheduled.

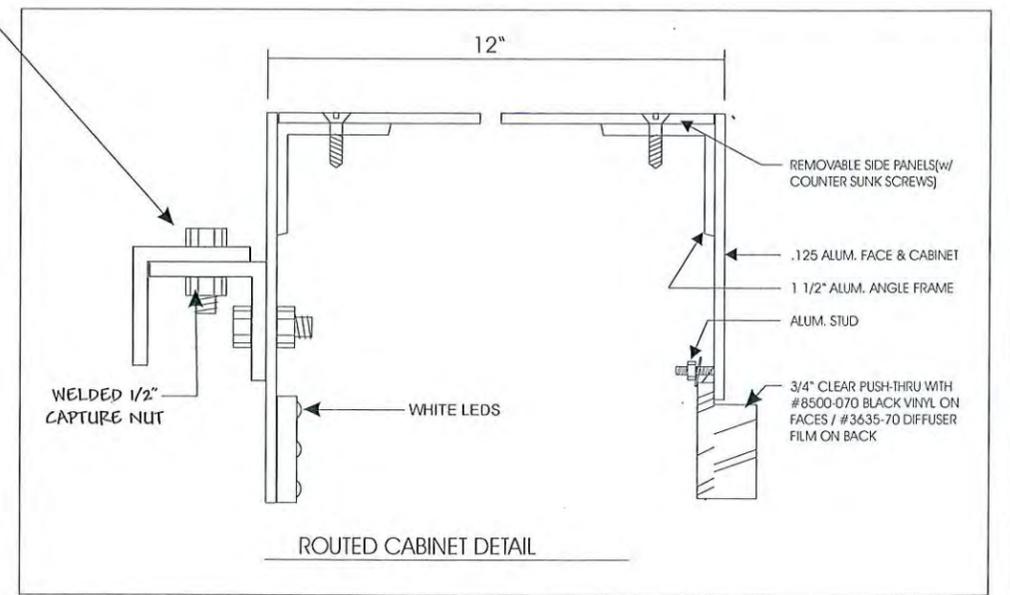
- (1) S/F INTERN. ILLUM. WALL SIGN
- \* SIGN CABINET IS TO BE FORMED OF ALUM. PAINTED METALLIC SILVER.
- \* ALL COPY IS TO BE ROUTED OUT & BACKED w/ 3/4" CLEAR ACRYLIC (1/2" PUSH-THRU).
- \* ALL COPY IS TO HAVE #8500-070 BLACK VINYL ON FACES & #8500-052 AZURE BLUE VINYL APPLIED TO 2nd SURFACE OF CLEAR PLEX TO HALO LIGHT THE COPY BLUE.
- \* CAP IS TO BE PAINTED BLACK w/ REVEAL TO BE PAINTED TO MATCH PMS #296c BLUE.
- \* SIGN CABINET IS TO BE MOUNTED FLUSH TO BUILDING.



CLIENT HAS IDENTIFIED THE LOCATION IN WHICH THE SIGNAGE IS TO BE INSTALLED. THE CLIENT HAS THE SOLE RESPONSIBILITY FOR THE STRUCTURAL INTEGRITY OF ALL EXISTING STRUCTURES TO SUPPORT THE SIGNAGE.



2" HEAVY WALL ALUM. ANGLE (13'-10") MOUNTED TO WALL WITH 1/2" CAPTURE NUTS (5 PER) - 2" HEAVY WALL ALUM. MOUNTING ANGLE FASTENED TO BACK OF CABINET





# Inspection Mapping System



## Legend

- Parcels
- Building
- Paved Road
- Divided Highway



Map Created: 9/16/2014

288.36 0 288.36 Feet

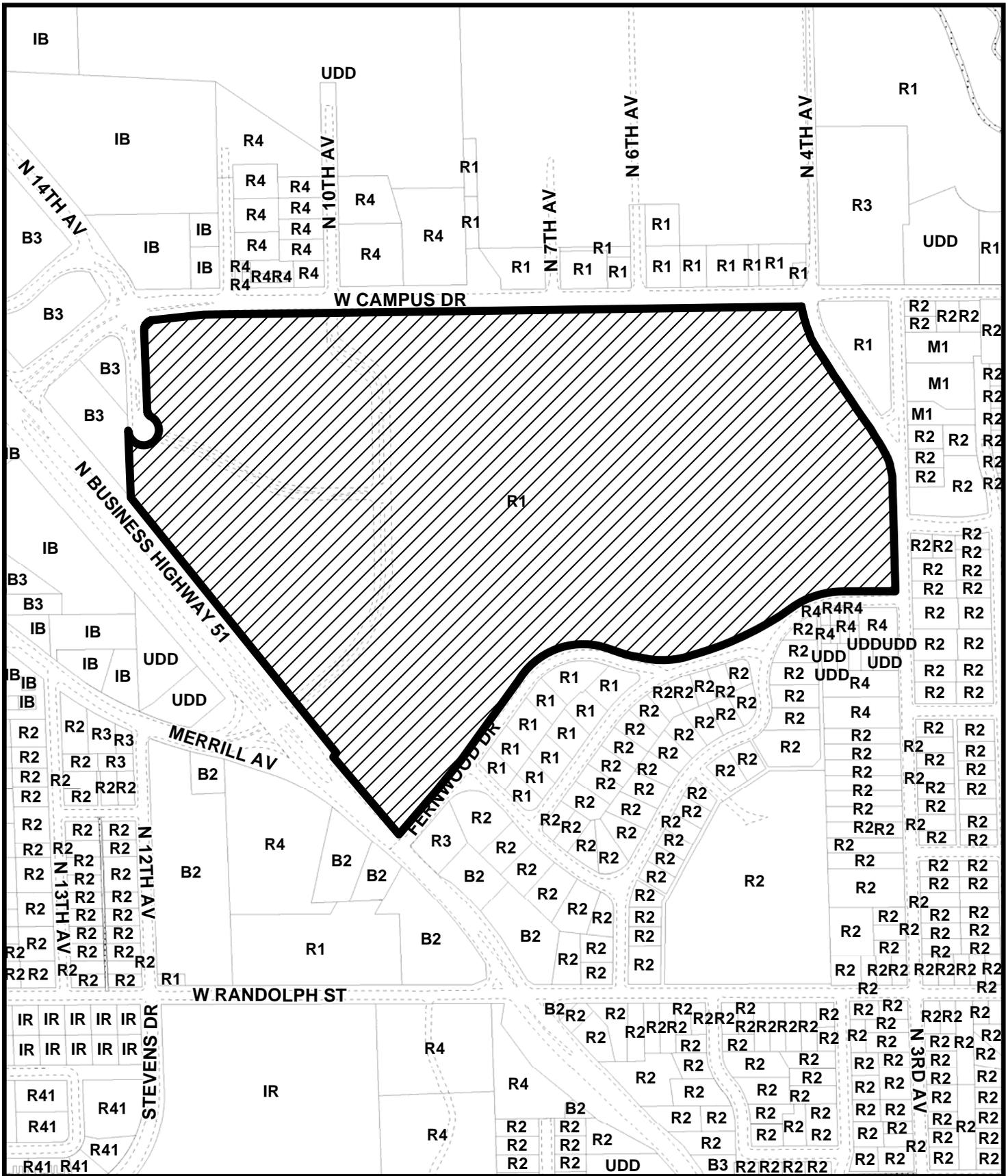


User\_Defined\_Lambert\_Conformal\_Conic

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes



City of Wausau  
Marathon County Wisconsin

Date: 09 Sep 2014

0      260      520

Feet

Road Paved

Petitioner's Property