

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, December 9, 2014, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

12/09/2014 7:02:49 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

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

- 1) Brian Stezinski-Williams, 1016 Washington St, thanked the Council for contracting with the Boys & Girls Club in 2014 and stated the club is exceeding all the goals for participation and outcomes. He stated the funds are critical to the club in maintaining these services and encouraged them to keep the funding in the budget.
- 2) Gene Davis, 2003 Ridge View Dr, spoke in support of the funding for the Boys & Girls Club and about all it does for the community.

Communications or Committee Reports

- 1) Mayor Tipple stated at the 17th Annual Tourism Reception Dinner at which the CVB was presented the annual Tourism Impact Award to the Wausau and Marathon County Parks & Recreation, Forestry Department.
- 2) Tipple stated there will not be a second Council meeting in December unless there is a pressing need or issue, so the meeting on December 23rd is canceled.
- 3) Nutting commented on a complaint from a citizen regarding the improper positioning of the American flag over the December 7th memorial day. He questioned who within the city staff we could rely upon to ensure that the flags are properly positioned on weekend days. Tipple indicated he would look into it.
- 4) Wagner stated we are moving forward with the education for different forms of government for the referendum. He was planning a Committee of the Whole for the first week of January and has reached out to the League of Municipalities to get us a person to provide the education. The next step will be getting experts to provide clear wording for the referendum question. The Chamber's report will help educate the citizens.
- 5) Abitz stated there is also a meeting on December 17, 2014 at 5:30 at GD Jones School for the Southwest Jones Neighborhood Group, at which Keene Winters would be speaking on whether Wausau should hire a City Administrator.

Consent Agenda

12/09/2014 7:17:23 PM

Motion by Abitz, second by Nutting to approve all items on the Consent Agenda as follows:

14-1001 Minutes of previous meetings. (10/14/14)

14-1204 Initial Resolution setting a public hearing regarding vacating and discontinuing a portion of existing Curling Way cul-de-sac.

12-0110 A Resolution of the Capital Improvements and Street Maintenance Committee authorizing sale of recently acquired tax deed property from the city to Marathon County east of Curling Way

12-0110 B Resolution of the Capital Improvements and Street Maintenance Committee authorizing donation/sale of recently acquired tax deed property from the city to Wausau Curling Club east of Curling Way

12-0110 C Resolution of the Capital Improvements and Street Maintenance Committee authorizing sale of recently acquired Wausau Cemetery Association property east of Curling Way to Marathon County.

12-0110 D Resolution of the Capital Improvements and Street Maintenance Committee authorizing sale of city owned property east of Curling Way to Marathon County

12-0110 E Resolution of the Capital Improvements and Street Maintenance Committee approving property exchange agreement between City and Marathon County regarding Curling Way Project.

12-1106 Resolution of the Capital Improvements and Street Maintenance Committee authorizing downtown Snow/Ice Removal 2014-2015

14-1205 Resolution of the Capital Improvements and Street Maintenance Committee approving utility easement at 900 East Bridge Street and 915 East Bridge Street (Wisconsin Public Service)

14-1206 Resolution of the Plan Commission approving a conditional use at 801 Genrich Street to allow for a flea market, in a M2, General Industrial District (Stumpner)

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

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

12-0507

12/09/2014 7:23:30 PM

Motion by Rasmussen, second by Gisselman to adopt a Resolution of the Capital Improvements and Street Maintenance Committee approving revisions to State/Municipal Agreement for Highway 52 (Stewart Avenue) from 17th Avenue to 1st Street.

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

14-0108

12/09/2014 7:24:10 PM

Motion by Wagner, second by Rasmussen to adopt a Resolution of the Public Health & Safety Committee considering the report including the Findings of Fact, Conclusions of Law and Recommendation with regard to revocation of the Operator Lapsed License of Susan Mae Lecher.

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

Suspend rule

12/09/2014 7:25:09 PM

Motion by Winters, second by Neal to suspend Rule 1(D) Transmission of Committee Business to Council - (2/3 Vote required)

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

14-1109 Budget Amendment # 1

12/09/2014 7:27:47 PM

Motion by Rasmussen, second by Mielke to amend the 2015 Budget to restore the two police officer positions back into the budget for 2015.

Rasmussen commented the restoration of the officer positions is necessary to move the partner plan between the school district and our local foundation partners. We cannot ignore a climate where school officials are so concerned about their students that some of them are walking their kids home at night. It adds two cents to the levy.

Yes Votes: 8 No Votes: 3 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	NO
10	Abitz, Sherry	NO
11	Mielke, Robert	YES

14-1109 Budget Amendment # 2

12/09/2014 7:40:47 PM

Motion by Wagner, second by Nutting to amend the 2015 Budget by adding back the \$25,000 funding to the Boys and Girls Club of Wausau.

Yes Votes: 7 No Votes: 4 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	NO
10	Abitz, Sherry	NO
11	Mielke, Robert	NO

14-1109 Budget Amendment # 3

12/09/2014

Motion by Neal, second by Rasmussen to amend the 2015 Budget report line item #2, to take off the \$20,000 of expense earmarked to engage someone to administer a sponsorship program so it becomes \$0 and transfer it to the revenue target of \$40,000 making it \$60,000; and the Coordinating Committee to appoint an ad-hoc sponsorship committee (to include himself) to work with staff to put together sponsorship packages.

Duncanson explained the status of the pool projects. Neal felt the Coordinating Committee should form an ad-hoc sponsorship committee so that we can have people from Council work on these packages for sponsorship and work with staff. He indicated he had a background in putting together sponsorship packages and volunteered to help, work with staff and be on the ad-hoc committee. Winters suggested some timelines be added to make sure it moves forward. Rasmussen pointed out the Council rules state the ad-hoc committees are appointed by the Mayor.

Secondary motion

Motion by Winters, second by Rasmussen to amend the amendment proposed by Neal, asking the Mayor to form an ad-hoc committee (Neal as chair) no later than January 31, 2015, packets for review by Mid-February, 2015, producing a report by March 31, 2015 to council.

8:05:35 PM

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

8:06:27 PM

Vote on original motion as amended:

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

14-1109 Amendment # 4

12/09/2014 8:23:11 PM

Motion by Oberbeck, second by Wagner to amend the 2015 Budget to reduce the staff of the Assessment Department to 5.0 FTE's by January 1, 2015 (\$129,260.00 reduction).

Wagner commented he could see the importance of reevaluating the department but did not think it wise to do this before we get the citywide reval done.

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	NO
6	Winters, Keene	NO
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	NO

14-1109 Amendment # 5

12/09/2014 8:36:59 PM

Motion by Wagner, second by Mielke to amend the 2015 Budget by implementing a wage freeze for all non-union employees effective January 1, 2015.

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

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

14-1109 Amendment # 6

12/09/2014 8:53:47 PM

Motion by Nagle, second Nutting to amend the 2015 budget by adding back items listed as line items on the budget report: Line 6 (reducing mowing in selected areas), Line 7 (reduce yard waste site hours), and Line 11 (eliminate 124 sand barrels).

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	YES
2	Wagner, Romey	NO
3	Nutting, David E.	YES
4	Neal, Tom	NO
5	Gisselman, Gary	NO
6	Winters, Keene	NO
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	NO
10	Abitz, Sherry	NO
11	Mielke, Robert	NO

14-1109 Amendment # 7

12/09/2014

Motion by Winters, second by Mielke to amend the 2015 Budget by incorporating Winters' proposal as listed in the packet presented, except for the part regarding sponsorship; removing the walkway and jogging path project as listed in from TID 5; and to cancel all the street construction, traffic studies, and wayfinding projects in TID 8.

Winters disagreed with spending \$1.2 million in TID #5 for a jogging path project in an industrial park and felt the TID should be closed and transfer the surplus out to TID #8. He proposed to then close TID #8, pay off the debt and take \$365,000 and turn it into a revolving loan fund to serve the TID #8 zone as a place where we can fight blight or loan the money out. He also proposed combining building, property and fire inspection into one unit supervised by the Fire Department; reduce the workforce by 1 FTE as of June 30, 2015 and by a second FTE by December 31, 2015. He included the animal control fund being changed to a structure of five grants for the next five quarters.

Groat clarified if they close TID #5 at the end of 2014 it is projected to have a deficit of just under \$700,000, so if they close it in 2015, even with taking out the walkway and paying off the debt, there would still be a deficit of \$713,000. If you don't levy that increment in 2016 that entire deficit would fall back to the general fund. She noted you can't take money from one TIF district and give it to another without Joint Review Board approval. She indicated there were some unknowns with closing TID #8 as well. She explained the procedures required to close TID's. Rasmussen and Wagner did not feel much of this was ready for action tonight.

Secondary Amendment

Motion by Nagle, second by Nutting to amend Winter's amendment to the 2015 Budget motion to keep everything of Mr. Winter's amendment, with the exception of no changes to TIF 5 and TIF 8 other than the elimination of the walking path project, as outlined for TIF 5.

9:41:18 PM

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	YES
2	Wagner, Romey	NO
3	Nutting, David E.	NO
4	Neal, Tom	NO
5	Gisselman, Gary	NO
6	Winters, Keene	NO
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	NO
10	Abitz, Sherry	NO
11	Mielke, Robert	YES

9:43:20 PM

Vote on original motion as amended.

Yes Votes: 1 No Votes: 10 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	NO
6	Winters, Keene	YES
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	NO
10	Abitz, Sherry	NO
11	Mielke, Robert	NO

14-1109 Amendment # 8

12/09/2014 10:06:58 PM

Motion by Neal, second by Mielke to amend the 2015 Budget by implementing a one week (5 day) furlough, time off to be managed by department heads.

Neal proposed a 40 hour furlough for the non-represented employees to provide a \$144,494.47 in savings. Groat pointed out typically furloughs are used when there is going to be a temporary drop in revenue. She explained if a furlough is adopted for the 2015 budget, they would have to continue with that practice in future years ongoing unless they can replace that savings with other cost savings measures. Mayor Tipple commented the reduced staff currently struggles with having enough time to get their work done as it is and this would only exacerbate the problem. Rasmussen stated she tries to achieve balance and the non-reps have already been asked to come to the table when we approved the wage freeze. She did not feel it was fair to balance the budget on the backs of that same group a second time. Neal felt we have to stop looking at government as if it is insulated against the realities of life and every business has to make tough decisions. Mayor Tipple commented when manufacturing implements a furlough it is because of a downturn of work; it is an unfair comparison to government because there is no downturn of work, rather, there is more to do with less people. Rasmussen commented we are already under the directive of 2%. She stated there are some major issues with workplace morale in this organization and an increasingly toxic environment. Neal reiterated we need to get real and that no one was losing their job or benefits.

Yes Votes: 4 No Votes: 7 Abstain: 0 Not Voting: 0 Result: FAIL

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

14-1109 Amendment # 9

12/09/2014 10:10:01 PM

Motion by Rasmussen, second by Abitz to amend the 2015 Budget to remove the jogging path and walkway project from TIF 5.

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

14-1109 2015 Budget

12/09/2014 10:13:49 PM

Motion by Neal, second by Rasmussen to adopt a Resolution of the Finance Committee adopting the 2015 City of Wausau Budget and general property tax to support same, as amended on the council floor.

Yes Votes: 7 No Votes: 4 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	NO
5	Gisselman, Gary	YES

6	Winters, Keene	NO
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	NO
11	Mielke, Robert	NO

03-0717

12/09/2014 10:15:23 PM

Motion by Nutting, second by Rasmussen to adopt a Resolution of the Finance Committee approving Municipality Held for Cause Services Agreement for the impoundment, care, treatment and/or humane disposal of animals taken into custody by law enforcement or humane officers and animals held for cause, between the Humane Society of Marathon County, Inc. and the City of Wausau, from 1/1/15 through 12/31/15.

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

03-0717

12/09/2014 10:16:35 PM

Motion by Nutting, second by Rasmussen to adopt a Resolution of the Finance Committee approving Purchase of Animal Impoundment Services Agreement for the impoundment, care, treatment and/or humane disposal of non-dog strays taken into custody by law enforcement or humane officers, between the Humane Society of Marathon County, Inc. and the City of Wausau, from 1/1/15 through 12/31/15.

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

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

Deb Ryan, 702 Elm St, spoke on behalf of the Westies Neighborhood group regarding the 2nd Avenue Project being unnecessary.

Closed Session

12/09/2014 10:19:39 PM

Motion by Neal, second by Wagner to move into CLOSED SESSION pursuant to Section 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, for the purpose of conferring with legal counsel regarding:

- A. Offer to Compromise from Siemens Energy (Wausau Wastewater Treatment Plant - Blower)
- B. Gary R. Stein et al v. City of Wausau (HWY 51/U Interchange Condemnation appeal, Case No. 14CV678)
- C. Tax Litigation involving:
 - i. Walgreen Co., Case No. 11CV958

- ii. Walgreen Co., Case No. 14CV546
- iii. Sears Holding Corporation, Case No. 12CV688
- iv. Sears Holding Corporation, Case No. 14CV545
- v. Wisconsin Hospitality Group, Case No. 14CV544
- vi. Financial Way, Case No. 14CV543

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

Meeting adjourned in Closed Session at 11:00 pm.

James E. Tipple, Mayor
Toni Rayala, City Clerk