

**OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL**  
held on Tuesday, February 10, 2015, at 7:00 pm in the Council Chambers at City Hall.  
Mayor Tipple presiding.

**Roll call**

02/10/2015 7:05:42 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            |

**Presentations: Certificate of Recognition (Chief Hardel)**

Chief Hardel recognized and honored Lt Gary Schneck, of the Marathon County Sheriff's Department, upon his retirement on March 2, 2015. Mayor Tipple presented him with a Certificate of Appreciation plaque for his dedicated service.

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

- 1) Scott Kurzynski, owner of the Paradox, spoke regarding the liquor license revocation hearing findings. He stated there was no evidence of his keeping an "improper house" as alleged by the city and that there was no proof or sworn testimony. He did not feel he was provided with a fair hearing and that he did not receive an answer to his motion to dismiss. He commented the establishment supports a lot of Hmong events in the community as well as the families who work there, including his own.
- 2) Kaileah Koehler, 810 Dunbar St, stated she has worked at the Paradox for nine years and loves her job. She stated she has never seen any illegal drug activity in the bar and they do many benefits for the community. She asked the Council to allow the establishment to stay up and running.
- 3) Choua Lor, 526 N 9<sup>th</sup> Ave, stated she has been an employee of Paradox for five years and loves working there. She has not seen any drug activity and it would be very sad for the Paradox to lose its liquor license.

**Communications and Committee Reports**

None

**Consent Agenda**

02/10/2015 7:20:19 PM

Motion by Mielke, second by Rasmussen to approve all items on the consent agenda as follows:

*Mayor Tipple indicated he would be pulling off file # 15-0108 from the Consent Agenda.*

**14-1201** Minutes of previous meetings. (12/09/14 & 12/11/14)

**06-1215** Insurance Claims Report of January - December 2014.

**14-1008** Final Resolution of the Capital Improvements and Street Maintenance Committee and the Plan Commission Vacating and discontinuing Junction Street from McDonald Street to the south.

**14-1104** Final Resolution of the Capital Improvements and Street Maintenance Committee and the Plan Commission Vacating and Discontinuing alley abutting 720 and 724 Franklin Street and 715, 717 and 721 McIndoe Street.

**15-0204** Resolution of the Finance Committee Authorizing City of Wausau serving as the financial agent for the Robert W. Monk Gardens grant from the Marathon County Environmental Impact Fund.

**13-1115** Ordinance of the Public Health & Safety amending Section 16.04.039 Residential Rental Licensing regarding term of license.

**87-0222** Joint Ordinance of the Parks & Recreation and Public Health & Safety Committees amending Section 6.48.010 Mowing required to include public parklands.

Yes Votes: 11      No Votes: 0      Result: PASS

**15-0108 Amendment**

02/10/2015 7:21:53 PM

Motion by Rasmussen, second by Wagner to amend the Resolution of the Public Health & Safety Committee approving or denying various licenses as recommended - to remove the Pawn Broker license for 3<sup>rd</sup> Avenue Treasurers and refer it back to PH&S.

Rasmussen explained there was one license in the batch that was not ready to move forward and needs to be removed from the license list and taken back to committee. She referred to John Hall, d/b/a 3<sup>rd</sup> Avenue Treasures for a 2<sup>nd</sup> Hand Dealer/Pawn Broker License, who has not complied with the Police Department requests to catalog his entire inventory properly.

Yes Votes: 11      No Votes: 0      Result: PASS

**15-0108**

02/10/2015 7:22:10 PM

Motion by Wagner, second by Rasmussen to adopt a Resolution of the Public Health & Safety Committee approving or denying various licenses as indicated and as amended on the council floor.

Yes Votes: 11      No Votes: 0      Result: PASS

**15-0117**

02/10/2015 7:35:10 PM

Motion by Rasmussen, second by Wagner 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 the Class "B" Beer & Liquor License of Paradox of Wausau LLC (Scott Kurzynski, registered agent) for the premises located at 932 S. 3<sup>rd</sup> Avenue.

Assistant City Attorney Alfonso highlighted the findings of fact determined by the revocation hearing. Rasmussen commented on behalf of the PH&S Committee, stating the committee conducted a six-hour evidentiary hearing and the decision was based on evidence by witnesses including police videos. The license comes with expectations and the community's trust was violated.

Yes Votes: 11      No Votes: 0      Result: PASS

**15-0111**

02/10/2015 7:36:05 PM

Motion by Kellbach, second by Mielke to adopt a Joint Resolution of the Capital Improvements & Street Maintenance Committee and the Plan Commission authorizing sale of 1001-1003 North 3<sup>rd</sup> Avenue.

Yes Votes: 11      No Votes: 0      Result: PASS

**14-0213**

02/10/2015 7:36:46 PM

Motion by Wagner, second by Neal to adopt a Resolution of the Economic Development Committee approving the donation of approximately .65 acres of land to Highland Property West, LLP in the Business Campus and continuing the option on the balance of 3.35 acres.

Yes Votes: 11      No Votes: 0      Result: PASS

**Suspend rule**

02/10/2015 7:37:25 PM

Motion by Neal, second by Rasmussen to suspend Rule 1(D) Transmission of Committee Business to Council - (2/3 Vote required) for items with pending committee action.

Yes Votes: 11      No Votes: 0      Result: PASS

**12-0207**

02/10/2015 7:38:36 PM

Motion by Nagle, second by Winters to adopt a Resolution of the Finance Committee approving creation of a Holtz Krause Maintenance Non Lapsing Fund.

Yes Votes: 11      No Votes: 0      Result: PASS

**14-1109**

02/10/2015 7:39:23 PM

Motion by Nutting, second by Neal to adopt a Resolution of the Finance Committee approving 2015 Budget Modification – Contractual Services Riverfront Redevelopment.

Yes Votes: 11      No Votes: 0      Result: PASS

**15-0205 Refer back**

02/10/2015 7:46:56 PM

Motion by Abitz, second by Nutting to amend to refer back the Ordinance of the Parking & Traffic Committee authorizing installation of stop signs at intersection of S. 14<sup>th</sup> Avenue and Callon Street to committee for reconsideration with further information such as a safety patrol crossing guard.

Abitz stated there only appears to be an issue during school hours nine months out of the year at drop off and pick up times. The committee felt they could either put an additional crossing guard on patrol or restrict parking on one side during specific school hours. She recommended sending it back to committee for further discussion rather than putting up another stop sign.

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.   | 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       | YES         |
| 11              | Mielke, Robert      | NO          |

**15-0205**

02/10/2015 7:47:19 PM

Motion by Gisselman, second by Mielke to adopt an Ordinance of the Parking & Traffic Committee authorizing installation of stop signs at intersection of S. 14<sup>th</sup> Avenue and Callon Street.

Yes Votes: 9      No Votes: 2      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       | NO          |
| 11              | Mielke, Robert      | YES         |

**15-0206 (Addendum item)**

02/10/2015 7:48:36 PM

Motion by Wagner, second by Mielke to adopt a Resolution of the Common Council approving the formation of the Sponsorship Ad-Hoc Committee.

Yes Votes: 11      No Votes: 0      Result: PASS

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

- 1) Ed Gale, former Aldersperson, shared his concerns with an apparent perception of lack of trust between the Council and city staff, the size of committee packets and amount of committee meetings. He felt too many negative things were being aired in the media.
- 2) Melissa Dotter, 1003 Brown St, stated the AOD Partnership Annual Celebration is coming up on Thursday, March 19, 2015, from 5:30 – 7:00 pm., at Jefferson Street Inn. An invitation to Council will be forthcoming in the mail.

Motion by Neal, second by Nutting 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 pending tax litigation and related claims for excessive assessment involving:

- A. Walgreen Co., Case No. 11CV 958
- B. Sears Holding Corporation, Case No. 12CV688
- C. Sears Holding Corporation, Case No. 12CV545
- D. Wisconsin Hospitality Group (Applebee's), Case No. 14CV544
- E. Financial Way, Case No. 14CV543

Claims:

Walgreen's (17th Ave. and Bridge St.), Applebee's, Financial Way, CVS, Associated Bank and Menard's

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.

James E. Tipple, Mayor  
Toni Rayala, City Clerk