



OFFICIAL NOTICE AND AGENDA

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

Meeting of the: **COMMON COUNCIL OF THE CITY OF WAUSAU**
 Date/Time: **Tuesday, February 10, 2015 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: Certificate of Recognition (Chief Hardel)
 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
14-1201		Minutes of previous meetings. (12/09/14 & 12/11/14)	
06-1215	FIN	Insurance Claims Report for January - December 2014	Place on File
14-1008	CISM & PLAN	Final Resolution Vacating and discontinuing Junction Street from McDonald Street to the south	Approved 5-0 Approved 6-0
14-1104	CISM & PLAN	Final Resolution Vacating and discontinuing alley abutting 720 and 724 Franklin Street and 715, 717 and 721 McIndoe Street	Approved 5-0 Approved 6-0
15-0204	FIN	Resolution Authorizing City of Wausau serving as the financial agent for the Robert W. Monk Gardens grant from the Marathon County Environmental Impact Fund	Approved 5-0
15-0108	PH&S	Resolution Approving or Denying Various License as Indicated	Approved 5-0
13-1115	PH&S	Ordinance Amending Section 16.04.039 Residential Rental Licensing regarding term of license	Approved 5-0
87-0222	P&REC, PH&S	Joint Ordinance Amending Section 6.48.010 Mowing required to include public parklands	Approved 4-0 Approved 5-0

File #	CMT	Resolutions and Ordinances	ACT
15-0203		Confirmation of Mayor's Appointments.	
15-0117	PH&S	Resolution considering the report including the Findings of Fact, Conclusions of Law and Recommendation with regarding to the Class "B" Beer & Liquor License of Paradox of Wausau LLC (Scott Kurzynski, registered agent) for the premises located at 932 S. 3rd Avenue	Approved 5-0
15-0111	CISM & PLAN	Joint Resolution authorizing sale of 1001-1003 North 3rd Avenue	Approved 5-0 Approved 6-0
14-0213	ED	Resolution 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	Approved 5-0
		Suspend Rule 1(D) Transmission of Committee Business to Council - (2/3 Vote required) <i>for items with pending committee action.</i>	
12-0207	FIN	Resolution approving creation of a Holtz Krause Maintenance Non Lapsing Fund	Pending
14-1109	FIN	Resolution approving 2015 Budget Modification - Contractual Services Riverfront Redevelopment	Pending
15-0205	P&T	Ordinance authorizing installation of stop signs at intersection of S. 14th Avenue and Callon Street	Failed 2-2

Public Comment & Suggestions - (for matters not appearing on the agenda)

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. 11 CV 958
- B. Sears Holding Corporation, Case No. 12 CV 688
- C. Sears Holding Corporation, Case No. 14. CV 545
- D. Wisconsin Hospitality Group (Applebee's), Case No. 14 CV 544
- E. Financial Way, Case No. 14 CV 543

Claims:

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

Adjournment

Signed by James E. Tipple, Mayor

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 2/06/15 @ 11:00 am. Questions regarding this agenda may be directed to the City Clerk.



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

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ADDENDUM

File #	CMT	Resolutions and Ordinances	ACT
15-0206	COUN	Resolution approving the formation of the Sponsorship Ad-Hoc Committee	Approved 11-0
Adjournment			

Signed by James E. Tipple, Mayor

This Revised Agenda was posted at City Hall and faxed to the Daily Herald newsroom on 2/09/2015 @ 11:45 am.
 Questions regarding this agenda may be directed to the City Clerk.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids & services. For information or to request this service, contact the City Clerk at (715) 261-6620.

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

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL SPECIAL MEETING

held on Thursday, December 11, 2014, at 6:30 pm in the Council Chambers at City Hall.

Mayor Tipple presiding.

Roll Call

12/11/2014 6:35 pm

Roll call indicated 8 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	NV
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	NV
11	Mielke, Robert	YES

Mayor Tipple passed the gavel to Council President Romey Wagner, Tipple then exited the meeting.

Winters arrived at 6:50 pm. 9 Members present.

CLOSED SESSION

12/11/2014

Motion by Nagle, second by Rasmussen 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: 9 No Votes: 0 Abstain: 0 Not Voting: 2 Result: PASS

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

Reconvene into Open Session

12/11/2014

Motion by Mielke, second by Rasmussen to RECONVENE INTO OPEN SESSION, for the purpose of taking action on any motions that may be necessary as a result of the CLOSED SESSION item(s):

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
-----------------	---------------------	-------------

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

14-1207

12/11/2014

Motion by Mielke , second by Winters to approve an Offer to Compromise from Siemens Energy (Wausau Wastewater Treatment Plant-Blower)

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

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

Adjourn

12/11/2014 8:06 PM

Motion by Oberbeck, second by Mielke to adjourn. Meeting adjourned at 8:06 p.m.

Yes Votes: 9 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.	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	NV
11	Mielke, Robert	YES

James E. Tipple, Mayor
Toni Rayala, City Clerk



To: Toni Rayala, City Clerk
From: Board of Public Works
Date: December 30, 2014
Subject: Insurance Claims – January 2014 through December 2014
06-1215

The Board of Public Works has settled, compromised or denied the following claims during the month of January, 2014 through December, 2014

Date of Incident	Claimant	Claim Details	Amount of claim	Action
11/21/13	Helen Vance	Destroyed a cement deer while tree trimming	\$410.40	Approved 1/15/14
1/27/14	Racquel Springfield	Plow truck hit car that was legally parked on side of road	\$2,106.54	Approved 1/30/14
1/11/14	Dawn Brand	Plow truck hit car	\$1,387.34	Approved 2/10/14
1/22/14	Dennis Hable	Mailbox damaged during plowing	\$30.12	Approved 2/4/14
12/26/13	Kathryn Wagner	Sewer backup in basement	\$85.00	Approved 2/28/14
2/11/14	Rhonda Bollech	Vehicle damaged from mall exit arm	\$730.54	Approved 2/25/14
2/19/14	Kraig Kruzan	Damage to truck from ice & snow falling off Station #3	\$5,007.99	Approved 2/25/14
2/19/14	Cody Wiesman	Damage to truck from ice & snow falling off Station #3	\$2,288.94	Approved 2/25/14
1/28/14	Richard Humphreys	Grader backed into car	\$2,000.00	Approved 3/11/14
2/10/14	Jennifer Anderson	Ground wire overloaded due to thawing by Water Dept.	\$450.40	Approved 4/3/14
2/6/14	Etta Stanke	Wasting time for closing water valve in street	\$120.00	Denied 4/3/14
3/7/14	Diane Konsella	Damage to car from concrete falling from ramp ceiling	\$1,919.81	Denied 4/3/14
3/24/14	Brandon Ball	Door caught by wind striking vehicle – mirror damage	\$124.94	Approved 4/3/14
2/26/14	Phyllis Woehlert	Frozen sewer lines	\$250.00	Denied 4/29/14

2/13/14	Herman Isberner	Frozen sewer lines	\$1,025.00	Denied 4/29/14
4/7/14	Mary Jo Hildensperger	Damage to vehicle from pothole	\$135.00	Denied 4/29/14
12/9/13	Brian Priller	Bombardier Tracked vehicle backed into car	\$1,116.48	Approved 5/6/14
11/26/12	Linda Pergande	Fire door kicked in by WPD	\$606.18	Denied 5/15/14
2/20/14	Jonathan Krieg	Damage to vehicle from pothole	\$1,790.90	Denied 5/15/14
8/12/14	Marlyn Opdy	Damage to vehicle when Hebert rearended	\$1,840.35	Approved 8/26/14
7/14/14	Hurtis Heating & Air Inc.	Damage to vehicle from pothole	\$3,913.39	Denied 9/5/14
5/16/14	Gregory Spaude	Damage to wheel chair & knee from pothole in road	\$486.00	Denied 10/28/14
9/4/14	Gary Zoromski	Flooded basement after heavy rain storm	\$3,961.63	Denied 10/28/14
1/15/14	Diane Priebe	Mailbox damaged during plowing	\$400.53	Denied 10/28/14 Approved \$75.00 12/9/14
9/4/14	Mark & Joan Hanson	Flooded basement after heavy rain storm	\$24,805.00	Denied 10/28/14
9/4/14	Brent Zoher	Flooded basement after heavy rain storm	\$11,353.54	Denied 11/18/14
11/15/14	Steven Yetter	Car stuck in mall entrance from ice in lower level ramp	\$79.50	Approved 12/9/14

WHEREAS, Frontier North Inc. has requested that they be granted easement and ingress and egress rights over, across and under the portion of street being vacated.

BE IT RESOLVED by the Common Council of the City of Wausau that it is hereby declared that since the public interest requires it, the herein described portion of street is hereby vacated and discontinued; provided, however, this resolution shall take effect and have validity only after the granting by the City to requesting utilities any and all permanent easement and ingress and egress rights deemed necessary by them.

BE IT FURTHER RESOLVED that the proper City officials are hereby authorized and directed to execute an easement to Frontier North Inc., if they wish, approved by the City Attorney, granting all necessary easement and ingress and egress rights, all within and/or over the portion of street to be vacated, and that this entity shall have until March 31, 2015, to get these easements recorded.

BE IT FURTHER RESOLVED, that the City Clerk, upon the recording of the above-referenced easements, but no earlier than March 31, 2015, shall record a certified copy of this resolution accompanied with a map showing the location of said vacated portion of street in the office of the Register of Deeds for Marathon County, and that the City Clerk shall notify the Engineering Department as to when this resolution has been recorded.

Approved:

James E. Tipple, Mayor

Agenda Item No.

2

STAFF REPORT TO CISM COMMITTEE - December 11, 2014

AGENDA ITEM

PUBLIC HEARING: Vacation of Junction Street south of McDonald Street

BACKGROUND

As part of the Curling Way project, Junction Street from McDonald Street to the south is proposed to be vacated. A map of the proposed vacation is attached.

FISCAL IMPACT

There is no fiscal impact in the vacation of this street.

STAFF RECOMMENDATION

Depending upon comments received at the public hearing, staff would recommend the vacation of Junction Street south of McDonald Street.

Staff contact: Allen Wesolowski 715-261-6762

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

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

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

Also Present: Mayor Tipple, Wesolowski, Gehin, Jacobson

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 HEARING: Vacation of Junction Street south of McDonald Street

Rasmussen asked those in attendance who wished to speak regarding the proposed vacation to come to the podium and give their name, address and comments. No one came forward to offer comments and the public hearing was closed.

Kellbach moved to approve the vacation of Junction Street south of McDonald Street. Mielke seconded.

Gisselman questioned if the Cemetery Association would become the owner of the land and Gehin confirmed. Abitz asked if any cleanup of the property needed to be done. Gehin replied that the road has already been removed.

There being a motion and a second, motion to approve the vacation of Junction Street south of McDonald Street carried unanimously.

PLAN COMMISSION

Time and Date: The Plan Commission met on January 20, 2015, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Valitchka, Tipple, Oberbeck, Gisselman, Bohlken, Rosenberg,

Others Present: Lenz, Hebert, DeSantis

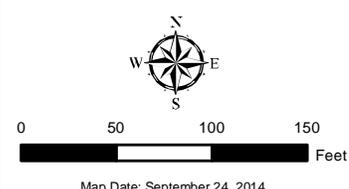
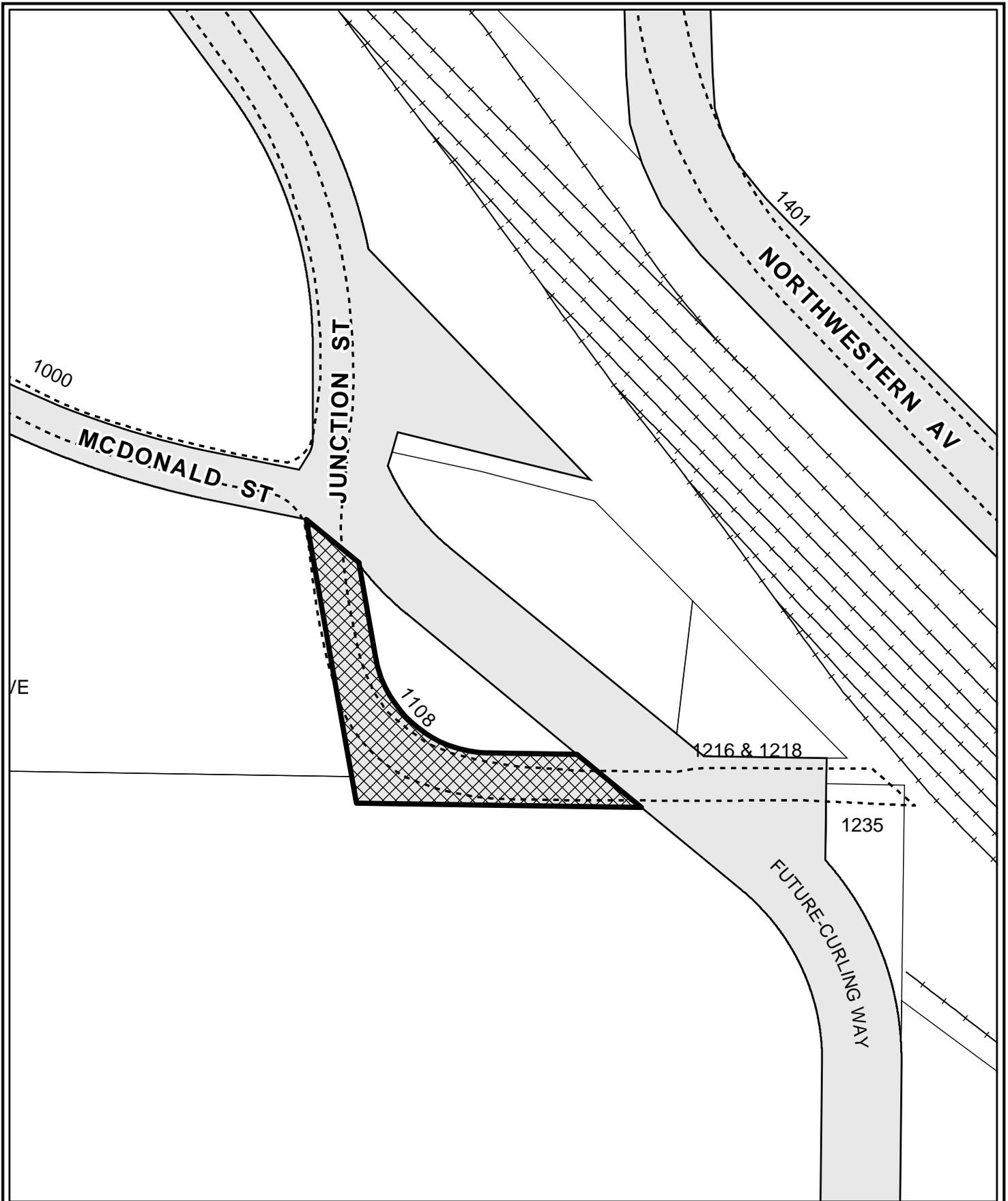
In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Tipple called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

Approve vacation of Junction Street south of McDonald Street

Lenz drew the committee's attention to the map where the former Junction Street went through. A new street will be constructed next year and therefore the city wouldn't need the right of way. This will clarify direction to and from the Sports Complex from Kent Street and Townline Street.

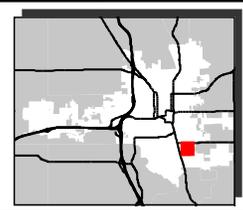
Valitchka motioned to approve the vacation of Junction Street south of McDonald Street. Rosenberg seconded, and the motion carried unanimously 6-0.



CITY OF WAUSAU

Marathon County, Wisconsin

-  Vacate
-  Road (Paved)



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

Vacating and discontinuing alley abutting 720 and 724 Franklin Street and 715, 717 and 721 McIndoe Street

Committee Action: CISM Approved 5-0
Plan Commission Approved 6-0

Fiscal Impact: None.

File Number: 14-1104

Date Introduced: February 10, 2015

RESOLUTION

WHEREAS, pursuant to Section 66.1003(4) of the Wisconsin Statutes, the Common Council has heretofore initiated proceedings on November 11, 2014, at a regular meeting of the Common Council to vacate and discontinue the following described alley in the City of Wausau:

Part of Block 1, Dunbar & Parcher's 1st Addition to Wausau, being part of Section 5, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, described as follows:

All of the 12 foot alley in said Block 1, except any portions previously vacated.

WHEREAS, a public hearing on the passage of such resolution had been set by the Common Council, which hearing was set for 5:15 p.m. in the Council Chambers of City Hall, Wausau, Wisconsin, on the 8th day of January, 2015, written notice of such meeting was duly served on the owners of all of the frontage of the lots and lands abutting upon the alley sought to be discontinued as provided by law, and notice was published in the newspaper as provided by law; and

WHEREAS, a public hearing was duly held pursuant to said notice at the time and place therefor affixed and all persons so served and interested were then and there given an opportunity to be heard; and

WHEREAS, a proper notice of the pendency of said petition for vacation and discontinuance and map covering the proposed vacation was duly filed in the Office of Register of Deeds for Marathon County, as required by the Wisconsin Statutes; and

WHEREAS, your Capital Improvements and Street Maintenance Committee and your Plan Commission, after considering the matter, have recommended that the aforescribed alley be vacated and discontinued; and

WHEREAS, Frontier North Inc. has requested that they be granted easement and ingress and egress rights over, across and under the alley prior to it being vacated.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wausau that it is hereby declared that since the public interest requires it, the herein described alley is hereby vacated and discontinued.

BE IT FURTHER RESOLVED, that the proper City officials are hereby authorized and directed to execute an easement to Frontier North Inc., if they wish, approved by the City Attorney, granting all necessary easement and ingress and egress rights, all within and/or over the alley to be vacated, and that this entity shall have until March 31, 2015, to get these easements recorded.

BE IT FURTHER RESOLVED, that the City Clerk, upon the recording of the above-referenced easements, but no earlier than March 31, 2015, shall record a certified copy of this resolution accompanied with a map showing the location of said vacated alley in the Office of the Register of Deeds for Marathon County, and that the City Clerk shall notify the City Engineer as to when this resolution has been recorded.

Approved:

James E. Tipple, Mayor

Agenda Item No.

2

STAFF REPORT TO CISM COMMITTEE - January 8, 2015

AGENDA ITEM

PUBLIC HEARING: Vacation of the alley abutting 720 and 724 Franklin Street and 715, 717 and 721 McIndoe Street

BACKGROUND

The City has received a petition signed by the owners of 721 McIndoe Street and 724 Franklin Street regarding vacating the alley abutting their properties. The alley also abuts 720 Franklin Street, 715 and 717 McIndoe Street. A map has been attached for your reference.

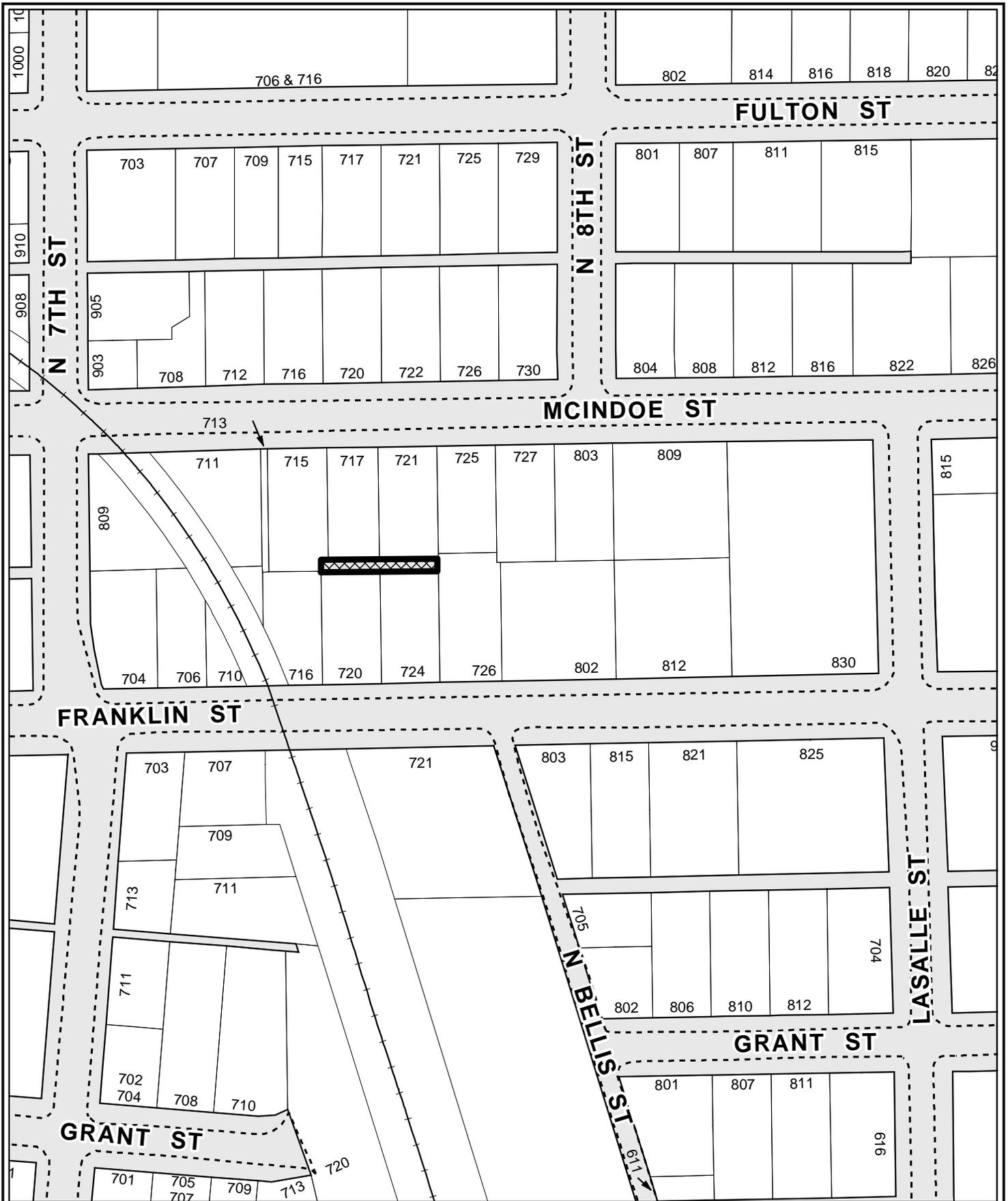
FISCAL IMPACT

There is no fiscal impact in the vacation of this alley.

STAFF RECOMMENDATION

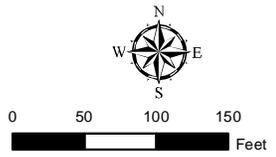
Depending upon comments received at the public hearing, staff would recommend the vacation of the alley.

Staff contact: Allen Wesolowski 715-261-6762

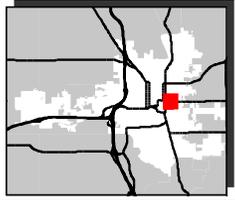


CITY OF WAUSAU

Marathon County, Wisconsin



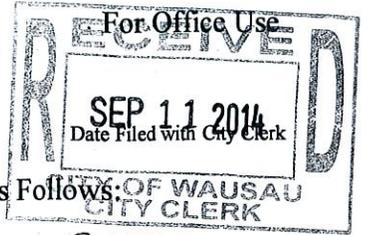
 Vacate  Road (Paved)



Map Date: October 20, 2014

PETITION

TO THE MAYOR AND COMMON COUNCIL
OF THE CITY OF WAUSAU, WISCONSIN



A Petition For:

- Alley Vacation
 Sanitary Sewer
 Storm Sewer
 Other as Follows: _____
 Blacktop Paving
 Street Light
 Watermain
 Curb and Gutter
 Street Vacation
 Zoning Change

cc: Council, Mayor, Engineering
Assessment, inspections

The undersigned petitioners respectfully request that your honorable body take such action as will cause the:

VACANT ALLEY BE REVERTED TO EACH PROPERTY OWNER

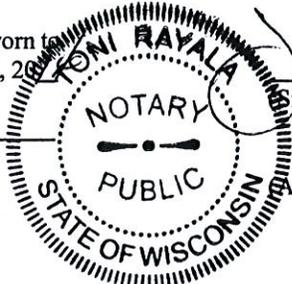
Signature of Electors	Print Name Clearly	Print Home Address	Date of Signing
1. <i>Jon Brainard</i>	Jon BRAINARD	721 McINDOE ST	08-22-14
2. <i>Jane Brainard</i>	Jane Brainard	721 McIndoe St.	8-22-2014
3. <i>Kim G. Mar</i>	Kim Mar	724 Franklin St	9-07-2014
4. <i>Debra Chapman-Mar</i>	Debra Chapman-Mar	724 Franklin St	9-07-2014
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

AFFIDAVIT OF CIRCULATOR

STATE OF WISCONSIN
CITY OF WAUSAU Jon BRAINARD being duly sworn disposes and says that he is a resident of the affected area, residing at 721 McINDOE ST in the City of Wausau; that he is personally acquainted with the persons who have signed the foregoing petition; that he knows them to be residents of the affected area; that they signed the same with full knowledge of the contents thereof; that their respective residents are stated therein; that each signer signed the same on the date stated opposite his name; and that he intends to support the petition.

Filed in the Office of the City Clerk and sworn to before me this 11 day of Sept., 2014

M. Rayala
Signature of City Clerk or designee



Jon Brainard
Signature of Circulator)

721 McINDOE ST
Address of Circulator)

715-212-4373

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: January 8, 2015, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Mayor Tipple, Lenz, Wesolowski, Gehin, Jacobson, Giese

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 HEARING: Vacation of the alley abutting 720 and 724 Franklin Street and 715, 717 and 721 McIndoe Street

Rasmussen asked those in attendance who wished to speak regarding the proposed vacation to come to the podium and give their name, address and comments. No one came forward to offer comments and the public hearing was closed.

Rasmussen stated a petition for the vacation was received from the abutting property owners. Wesolowski indicated that staff recommends approval.

Gisselman moved to approve the vacation of the alley abutting 720 and 724 Franklin Street and 715, 717 and 721 McIndoe Street. Mielke seconded.

Abitz questioned if the property owners on each side of the alley would get half of the alley after vacation. Wesolowski replied not necessarily as it depends upon the original plat. The City Surveyor would research the plat before vacation.

There being a motion and a second, motion to approve the vacation of the alley abutting 720 and 724 Franklin Street and 715, 717 and 721 McIndoe Street passed unanimously 5-0.

PLAN COMMISSION

Time and Date: The Plan Commission met on January 20, 2015, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Valitchka, Tipple, Oberbeck, Gisselman, Bohlken, Rosenberg,

Others Present: Lenz, Hebert, DeSantis

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

Tipple called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

Approve vacation of the alley abutting 720 and 724 Franklin Street and 715, 717 and 721 McIndoe Street

Lenz drew the committee's attention to the map of the alley proposed for vacation. Lots to the north and to the south show remnants of a previous alley. The property owner signed a petition that they would like it vacated. CISM held a public hearing and voted in favor of the vacation. There was no opposition by the abutting property owners. Staff recommends it be approved for vacation.

Bohlken motioned to approve the vacation of the alley abutting 720 and 724 Franklin Street and 715, 717 and 721 McIndoe Street. Oberbeck seconded and the motion carried unanimously 6-0.

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

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

Committee Action: Approved 5-0

Fiscal Impact: None

File Number: 15-0204

Date Introduced: February 10, 2015

WHEREAS, the Board of Directors for the Robert W. Monk Community Gardens Inc., has identified the Kitchen Garden Project as a top priority, primarily to construct planting areas for demonstrating gardening principles, construct a small structure for educational activities and construct public bathrooms, and

WHEREAS, a 2006 agreement between Marathon County and American Transmission Company (ATC) resulted in establishment of a dedicated fund (Environmental Impact Funds), for the purposes of funding nonrecurring special projects of an environmental nature, and

WHEREAS, the application process for the Environmental Impact Fund required a local government sponsor, and

WHEREAS, the Kitchen Garden Project received a grant for \$250,000 from Marathon County Board as part of the 2015 budget, and

WHEREAS, the grant requires all grant payments flow through the City of Wausau, and

WHEREAS, the Kitchen Garden Project will allow the Gardens to develop programming that enhances the health of City of Wausau and Marathon County citizens, and

BE IT RESOLVED, by the Common Council of the City of Wausau that it hereby approves the City of Wausau serving as the financial agent for the Robert W. Monk Gardens grant from the Marathon County Environmental Impact Fund, and

BE IT FURTHER RESOLVED that the Common Council of the City of Wausau authorizes and directs staff to execute documents or reports and process financial transactions necessary to serve as the financial agent for the Robert W. Monk Community Gardens, Inc. grant.

Approved:

James E. Tipple, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, January 27, 2015 @ 5:30 pm., Birch Room

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

Others Present: Tipple, Groat, Giese, Barnes, Jacobson, Werth, Stratz, Hite, Whalen, Wesolowski, Wagner, Neal, Rasmussen, Mielke, Gisselman, Abitz, Goede, Jon Trautman, Mark Goffin, Joe Gehin, Deb Ryan

Discussion and possible action regarding serving as financial sponsor Monk Gardens – Groat

Groat stated the county's Environmental Fund requires government participation for grants. The Monk Gardens itself is not eligible to apply for environmental funds, they have to ask for a government sponsor and they have asked the city. It is an approximate \$300,000 grant that will be flowing through the city and they are seeking approval of Finance Committee and Council to authorize the city to be the fiscal agent. Oberbeck questioned if there was any administrative costs associated with it. Groat indicated there would be minimal paperwork involved.

Motion by Nagle, second by Nutting to approve the city serving as a financial sponsor for Monk Gardens. Motion carried 5-0.



TO: FINANCE COMMITTEE MEMBERS

FROM: MARYANNE GROAT

DATE: JANUARY 22, 2015

SUBJECT: Monk Gardens

Resolution 14-0613 authorized the City's sponsorship of Robert W Monk Community Gardens, Inc. grant request to the Marathon County Environmental Impact Fund. Monk Gardens was successful in securing the grant.

The grant requires that all grant payments flow through the City of Wausau. The financial flow entails invoices for work would be received from contractors by Monk Gardens. They would submit those invoices to the County for approval and reimbursement. The County would approve and submit the grant payment to the City. The City, in turn would remit the grant to the Monk Gardens. The County will not reimburse on an invoice by invoice basis which will require Monk Gardens to obtain some short term financing. Since there will be limited draws on the grant, we do not believe that this will become a processing burden for the accounting staff.

We are seeking permission to serve as financial agent for the Monk Gardens grant.

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: 15-0108

Date Introduced: February 10, 2015

RESOLUTION

WHEREAS, your Public Health and Safety Committee considered certain license applications at its January 16, 2015 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

CLERK'S REPORT TO PUBLIC HEALTH & SAFETY COMMITTEE

January 19, 2015 Meeting

AGENDA ITEM

Approve or deny various licenses as indicated on the attached summary report of all applications received.

ADDITIONAL INFORMATION

Applications as listed have or will have a background check run by staff and reviewed by the Police Chief or his designee. Applications marked pending will have a status update at the meeting. In accordance with city ordinance, **all permits approved are held for debts owed to the city until the debt is paid in full.**

1. The Liquor License Review Subcommittee approved an application for an available regular Class B Beer & Liquor License for: JK Gumbos of Wisconsin, LLC, owners Keith Malwitz and John Jacobs, d/b/a J. Gumbo's, 316 N 3rd Street, in the Washington Square space formerly occupied by Cold Water Creek. Restaurant franchise fast-casual Cajun brand; first in Wisconsin. They also applied for a Tavern Entertainment license and will be applying for a Sidewalk Café license in spring. Anticipated spring opening.
2. John J. Hall, d/b/a 3rd Avenue Treasures, 614 N 3rd Ave, has applied for a Pawn Broker license, after police officers found that he was operating the business without proper licensing.
3. One Special Event Class II application: Marshfield Clinic Proudly Presents: "Chase 'n Chocolate 5K Fun/Run Walk, May 9, 2015.
4. All licenses on the attached list have been recommended for approval. Pet Fancier Permits are pending the background check by the Humane Officer.

STAFF RECOMMENDATION

Staff recommendation is to approve or deny as indicated on the summary report including those that may be introduced at the meeting. Please let me know if you have any question regarding any license applications listed.

Mary Goede, Deputy Clerk

Date of Report: January 15, 2015

(715) 261-6621

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, January 19, 2015, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hardel, Kujawa, Rayala, Hebert, Nutting, Mielke, Groat, Goede, Dick Holster, Jon Radtke, Deb Ryan, Marie Schmidt, Mike Wadinski, Nicholas Thomas, John Hall, media.

Consider various license applications.

Rasmussen noted JK Gumbo of Wisconsin LLC applied for a Class B Beer & Liquor license and was recommended for approval by the Liquor License Review Subcommittee which reviewed the Plan of Operation.

Rasmussen indicated there was an application from John Hall, d/b/a 3rd Avenue Treasures for a Pawnbroker License, who was present to answer questions. She questioned how long the business has been in operation. Hall stated he opened a consignment shop in September but it wasn't making money because people don't want to consign items anymore. These customers were requesting cash or pawn loans, so he learned he needs the license. Rayala questioned if he had any employees and Hall responded that he no longer did and would be the only one working for the present time.

Motion by Neal, second by Kellbach to approve or deny license applications as recommended by staff. Motion carried 5-0.

HEALTH AND SAFETY LIST
ALL LICENSES
JANUARY 19, 2015REPORT ID: LRS530I
RUN DATE: 1/15/15
RUN TIME: 14:29:06

<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>REVOCAATION</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>
JK GUMBOS OF WISCONSIN LLC PO BOX 194 WESTON, WI 54476	2014	12/16/2014	2/11/2014	6/30/2015		J. GUMBO'S	CLASS B BEER & LIQUOR	___	___	___	___
ARNOLD, GARRETT D 706 FRANKLIN ST WAUSAU, WI 54403	2014	12/22/2014		6/30/2015		THE GLASS HAT	OPERATOR NEW	___	___	___	___
BESSETTE, RYAN M T6581 COUNTY RD W WAUSAU, WI 54403	2014	1/09/2015		6/30/2015		OZ	OPERATOR NEW	___	___	___	___
EDWARDS, MARIE A 1436 E CHERRY ST WAUSAU, WI 54401	2014	1/12/2015		6/30/2015		R STORE #5	OPERATOR NEW	___	___	___	___
FRANCE, MATTHEW L 1130 S 50TH AVE APT 122 WAUSAU, WI 54401	2014	12/22/2014		6/30/2015		WHISKEY RIVER BAR &	OPERATOR NEW	___	___	___	___
GARDNER, SARAH J 524 1/2 HAMILTON ST WAUSAU, WI 54403	2014	12/30/2014		6/30/2015		R-STORE #31	OPERATOR NEW	___	___	___	___
HANSEN, MATTHEW G 402 LISBETH RD WAUSAU, WI 54401	2014	12/30/2014		6/30/2015		R-STORE #34	OPERATOR NEW	___	___	___	___
HOFMANN, KELLY M 10609 TESCH LN ROTHSCHILD, WI 54474	2014	12/18/2014		6/30/2015		MILWAUKEE BURGER COM	OPERATOR NEW	___	___	___	___
LAHR, TAYLOR N 4811 RACHEL LN APT 30 WAUSAU, WI 54401	2014	1/12/2015		6/30/2015		TRIG'S WAUSAU	OPERATOR NEW	___	___	___	___
LANG, COURTNEY L 5001 ELM ST WAUSAU, WI 54476	2014	12/29/2014		6/30/2015		JIM'S CORNER PUB	OPERATOR NEW	___	___	___	___
LEE, LASHIA 309 N 44TH AVENUE WAUSAU, WI 54401	2014	1/06/2015		6/30/2015		WALGREENS #13371	OPERATOR NEW	___	___	___	___
MUGGE, LA TAUSHIA R 3855 MAIN DRIVE MERRILL, WI 54452	2014	12/22/2014		6/30/2015		COURTYARD BY MARRIOT	OPERATOR NEW	___	___	___	___
ROPER, CAITLIN M 1290 NORTH POINT DR #Q STEVENS POINT, WI 54481	2015	1/02/2015		6/30/2016		APPLEBEE'S NEIGHBORH	OPERATOR NEW	___	___	___	___
SAVASKE, AUSTYN M 213 N 10TH ST WAUSAU, WI 54403	2014	12/16/2014		6/30/2015		6TH STREET PUB	OPERATOR NEW	___	___	___	___

HEALTH AND SAFETY LIST
 ALL LICENSES
 JANUARY 19, 2015

 REPORT ID: LRS530I
 RUN DATE: 1/15/15
 RUN TIME: 14:29:06

<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>
SLOMA, ALEC G 3603 HOWLAND AVE SCHOFIELD, WI 54476	2015	1/06/2015		6/30/2016		KWIK TRIP #728	OPERATOR NEW	___	___	___	___
THOMAS, NICHOLAS N 421 N 2ND AVENUE WAUSAU, WI 54401	2014	1/08/2015		6/30/2015		WAUSAU BP	OPERATOR NEW	___	___	___	___
VANDERMEIDEN, CALEB E 118 1/2 N 2ND AVE WAUSAU, WI 54401	2014	1/09/2015		6/30/2015		WALGREEN'S STORE #07	OPERATOR NEW	___	___	___	___
VANG, PANGCHEE 801 WEST BRIDGE STREET WAUSAU, WI 54401	2014	12/18/2014		6/30/2015		WALGREEN'S STORE #07	OPERATOR NEW	___	___	___	___
WADINSKI, MICHAEL W 1229 S 6TH AVE WAUSAU, WI 54401	2014	12/22/2014		6/30/2015		OZ NIGHT CLUB	OPERATOR NEW	___	___	___	___
WENZEL, AMANDA J 1020 KICKBUSCH ST WAUSAU, WI 54403	2014	1/06/2015		6/30/2015		R STORE #5	OPERATOR NEW	___	___	___	___
WILLIAMS, BROOKE E 214 1/2 E ROSS AVE WAUSAU, WI 54403	2014	12/11/2014		6/30/2015		DEN MAR TAVERN	OPERATOR NEW	___	___	___	___
MEYER, DONNA L 415 LOTUS STREET APT 8 MOSINEE, WI 54455	2014	1/09/2015		6/30/2016		THE GLASS HAT	OPERATOR - LAPSED RENEWAL	___	___	___	___
RAPOLZ, DARRYL R 1033 S 11TH AVE WAUSAU, WI 54401	2014	12/23/2014		6/30/2016		VFW BURNS POST 388	OPERATOR - LAPSED RENEWAL	___	___	___	___
STONE, WENDY M 1105 N 3RD AVE WAUSAU, WI 54401	2015	1/12/2015		6/30/2017		VFW BURNS POST 388	OPERATOR - LAPSED RENEWAL	___	___	___	___
ZASTROW, AMANDA M 504 E 3RD ST MERRILL, WI 54452	2015	1/12/2015		6/30/2017		ITS OUR CLUBHOUSE	OPERATOR - LAPSED RENEWAL	___	___	___	___
JK GUMBOS OF WISCONSIN LLC PO BOX 194 WESTON, WI 54476	2014	12/16/2014	2/11/2015	6/30/2015		J. GUMBO'S	TAVERN ENTERTAINMENT	___	___	___	___
3RD AVENUE TREASURES 614 N 3RD AVE STE B WAUSAU, WI 54401	2014	12/29/2014	7/01/2014	6/30/2015		3RD AVENUE TREASURES	PAWN BROKER	___	___	___	___

HEALTH AND SAFETY LIST
 ALL LICENSES
 JANUARY 19, 2015

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GENRICH 5210 ROGER DR WAUSAU, WI 54401	2014	12/31/2014	1/01/2014	12/31/2015		DAPHNE GENRICH	PET FANCIER PERMIT	___	___	___	___
JEWELL, COURTNEY L 1417 N 2ND AVE WAUSAU, WI 54401	2015	1/02/2015	1/01/2015	12/31/2016		COURTNEY JEWELL	PET FANCIER PERMIT	___	___	___	___
JONES, WENDY A 327 S 56TH AVE WAUSAU, WI 54401	2015	12/12/2014	1/01/2015	12/31/2015		WENDY JONES	PET FANCIER PERMIT	___	___	___	___
SCHWINN, MOLLY L 1214 PARCHER ST WAUSAU, WI 54403	2014	1/05/2015	1/01/2014	12/31/2015		VARIOUS LICENSE	PET FANCIER PERMIT	___	___	___	___
THE WOMEN'S COMMUNITY INC 2801 N 7TH ST WAUSAU, WI 54403	2015	12/16/2014	5/09/2015	5/09/2015		CHASE'N CHOCOLATE 5K	SPECIAL EVENT CATEGORY 2	___	___	___	___
MEDDAUGH, JEREMY D 1019 JACOBY STREET SCHOFIELD, WI 54476	2014	12/18/2014	7/01/2014	6/30/2015		ALL AMERICAN TAXI	PUBLIC TRANS DRIVER-NEW	___	___	___	___

TOTAL LICENSES

33

ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE

Amending Section 16.04.039 Residential Rental Licensing regarding term of license

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: None

File Number: 13-1115

Date Introduced: February 10, 2015

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

Add ()
Delete ()

Section 1. That Section 16.04.039 Residential Rental Licensing, is hereby amended to read as follows:

16.04.039 Residential Rental Licensing.

...

(c) Residential Rental License Required.

...

(3) Each residential rental license is valid from ~~July~~ **December** 1st until the following ~~June~~ **November** 30th. Residential rental licenses are not transferable.

(d) Application.

(1) An application for a residential rental license shall be filed with the Department on forms provided by the Department ~~within 30 days of July 1~~ **no later than December 1** and in the case of any sale, transfer or conveyance of a dwelling unit within 30 days of any such sale, transfer or conveyance. The application shall be signed by the owner and the owner shall provide all information requested on the form which will enable the Department to contact the owner, or at the option of the owner, an agent of the owner, including the street address of the dwelling of dwelling unit to be inspected and the owner's legal name and shall be accompanied by the fee required in this section.

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.

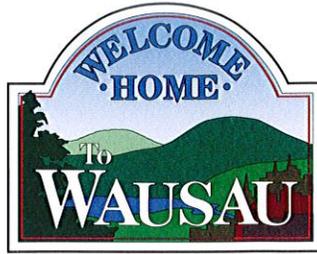
Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk



Office of the City Attorney

Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

COMMENTS REGARDING AMENDMENT OF TERM OF
RENTAL LICENSES UNDER
W.M.C. §16.04.039

- The City of Wausau Residential Rental Licensing program was on hold pending the outcome of a lawsuit filed by various local landlords in BC II Properties LLC, et al. v. City of Wausau, Marathon County Circuit Court Case No 14CV533 until December, 2014.
- As a result, numerous landlords had not applied for rental licenses under the original time frame provided in the ordinance of within 30 days of June 30. The City of Wausau Department of Public Works, Division of Inspection and Zoning provided a last notice to those landlords who had not yet applied that they would have until December 19, 2014, to submit their license applications without the application being considered "late."
- Due to the timing of the resolution of the lawsuit and the last notice to area landlords, the City is requesting to amend the Rental Licensing Ordinance to provide for a new licensing period of December 1 through November 30, rather than what it currently provides as July 1 through June 30 in order to provide landlords with a full year's, rather than a partial license.

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, January 19, 2015, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hardel, Kujawa, Rayala, Hebert, Nutting, Mielke, Groat, Goede, Dick Holster, Jon Radtke, Deb Ryan, Marie Schmidt, Mike Wadinski, Nicholas Thomas, John Hall, media.

Discussion and possible action on amending Section 16.04.039, Residential Rental Licensing regarding term of license.

Alfonso explained because of the way we deferred implementing rental licensing this summer due to the lawsuit, we would like to change the license period to run from December 1st to November 30th rather than July to June, in order to allow applicants a full year.

Motion by Wagner, second by Kellbach to approve the amending to Section 16.04.039. Motion carried 5-0.

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

**JOINT ORDINANCE OF THE PARK & RECREATION COMMITTEE AND
PUBLIC HEALTH AND SAFETY COMMITTEE**

Amending Section 6.48.010 Mowing required to include public parklands

Committee Action: Park & Rec: Approved 4-0 **Ordinance Number:**
 PH&S: Approved 5-0
Fiscal Impact: None

File Number: 87-0222 **Date Introduced:** February 10, 2015

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

Add ()

Section 1. That Section 6.48.010 Mowing required, is hereby amended to read as follows:

6.48.010 Mowing required. No person owning property or occupant of property within the city shall permit to grow or pollinate upon the premises any weeds, grasses or brush which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or may conceal filthy deposits or provide a place for the accumulation of trash or litter. In order to prevent such growth and pollination, it shall be the duty of every property owner or occupant of property to mow or cause to be mowed upon the premises all grasses, weeds and brush exceeding one foot in height. The provisions of Section 66.0407 of the Wisconsin Statutes are incorporated herein by reference. Any golf course or public parkland located wholly within the City of Wausau shall be exempt from the mowing requirement of this provision.

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

DRAFT
CITY OF WAUSAU – PARK AND RECREATION COMMITTEE MEETING MINUTES

Date/Time: January 5, 2015 at 5:15pm Location: Board Room, City Hall

Members Present: Robert Mielke, David Nutting, Tom Neal, David Oberbeck (c)

Members Excused: Gary Gisselman

Others Present: William Duncanson–Director, Anne Jacobson – City Attorney, Ray Neupert – WSAU Radio, Jodi Luebbe - Secretary

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 Oberbeck at 5:15pm. No public comments.

Revise Mowing and Weed Ordinances – Discussion and Possible Action on Revising Mowing and Weed Ordinances to Allow Prairie-like Areas in Parklands

Duncanson said staff had looked more closely into areas that could be mowed less and found it would be closer to thirty acres. There are ecological benefits as well as savings related to the mowing. In order to reduce the amount of mowed park land, parks need to be given the same exemption from the mowing provision of the weed and vegetation ordinance as golf courses. Duncanson said the exemption is for mowing; the exemption is not for allowing noxious weeds. If needs change in the future some areas could be mowed more often. Discussion followed on what the prairie-like areas could look and be like in the future. Neal also mentioned the possibility of these areas being sponsored in the future. Duncanson discussed reasons why areas were chosen. **Motion** by Neal, second by Mielke to accept this and move forward. Motion **carried** by voice vote. Vote reflected as 4-0.

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, January 19, 2015, at 5:15 pm, (Council Chambers)

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

Others Present: Alfonso, Hardel, Kujawa, Rayala, Hebert, Nutting, Mielke, Groat, Goede, Dick Holster, Jon Radtke, Deb Ryan, Marie Schmidt, Mike Wadinski, Nicholas Thomas, John Hall, media.

Amend Section 6.48.010 Mowing required, to include public parkland

Rasmussen stated at the budget sessions Council decided less mowing in parks was something they wanted and it was determined there were environmental benefits as well. The ordinance needs to be amended in order for the Park Department to accomplish this and have longer grass in certain areas.

Motion by Kellbach, second by Gisselman to approve amending Section 6.48.010. Motion carried 5-0.

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

RESOLUTION OF PUBLIC HEALTH & SAFETY COMMITTEE

Considering the report including the Findings of Fact, Conclusions of Law and Recommendation with regarding to the Class “B” Beer & Liquor License of Paradox of Wausau LLC (Scott Kurzynski, registered agent) for the premises located at 932 S. 3rd Avenue

Committee Action: Approved 5-0

Fiscal Impact: None

File Number: 15-0117

Date Introduced: February 10, 2015

RESOLUTION

WHEREAS, your Public Health and Safety Committee, at their meeting on January 26, 2015, conducted a revocation hearing pursuant to Wisconsin Statutes Section 125.12(2) to consider the Class “B” Beer and Liquor License for Paradox of Wausau LLC at 932 S. 3rd 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 Brent Olson, Officer with the City of Wausau Police Department, have been proven and is recommending a revocation; 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 revokes the license of the licensee and is hereby adopted as presented.

Approved:

James E. Tipple, Mayor

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

IN RE THE LICENSE OF:

PARADOX OF WAUSAU LLC
932 South 3rd Avenue
Wausau, WI 54401

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND RECOMMENDATION**

The above matter on the 26th day of January, 2015, having come before the Public Health & Safety Committee of the Common Council of the City of Wausau, said Committee hereby makes the following Findings of Fact, Conclusions of Law and Recommendation.

FINDINGS OF FACT

1. Paradox of Wausau LLC, ("Licensee") currently holds a Class "B" Beer and Liquor License. Said License was recommended for approval on May 19, 2014 by the Public Health & Safety Committee and the Council granted said license on June 10, 2014.
2. The Licensee's licensed establishment is Paradox Bar located at 932 South 3rd Avenue, Wausau, Wisconsin 54401.
3. On December 29, 2014, the City Clerk received a duly signed Complaint seeking revocation of the Licensee's Class "B" Beer and Liquor License.
4. On January 19, 2015, Toni Rayala, City Clerk, executed a Summons concerning the Complaint.
5. On January 26, 2015, a hearing was held before the Public Health & Safety Committee at the City of Wausau, City Hall located at 407 Grant Street, Wausau, Wisconsin, pursuant to Wis.

Stats. §125.12(2)(b) for the purposes of hearing the above-entitled matter, with the Assistant City Attorney, Tara Alfonso, appearing as prosecutor and the Licensee, appearing by its agent, Scott Kurzynski, and with counsel, David L. Mandell.

6. On January 26, 2015, the Public Health & Safety Committee deliberated in closed session pursuant to Wis. Stats. §19.85(1)(a) and (b) with regard to the allegations contained in the Complaint.

7. Based upon the evidence received, the testimony of the witnesses and arguments of the parties, the Public Health & Safety Committee finds the following:

A. The Licensee admits to the following allegations in in the Complaint: Paragraphs 1 through 6, 7b., 7c., (except impossibility of defense), 7g. (except collateral), 7i., 7j., 7k. (in part admit some marijuana was found but disputes the weight), 7l., 7m., 7n. (admit but not true), 7o. (admit but not true).

B. On September 25, 2014 at the licensed establishment, discussions occurred between the agent of the Licensee (Scott Kurzynski) and an undercover police officer (special agent Ken Peters) concerning the commission of a crime, to purchase/supply one hundred pounds of marijuana to Mr. Kurzynski.

C. On September 26, 2014, video recording clip #9, from Exhibit #2, said evidence establishes that the purchase of a large quantity of marijuana was to occur and which conversation was a continuation of the September 25, 2014 conspiracy/conversation.

D. Exhibit 4 evidences marijuana and drug paraphernalia in the licensed establishment seized at the execution of a search warrant on October 10, 2014.

E. The testimony of Autumn Vang and Austin Cromwell indicated that one employee was observed to have been using marijuana while on duty and on a regular basis, a violation that went unabated by the agent for the Licensee.

F. That the Licensee is responsible for the acts of its agent and employees.

CONCLUSIONS OF LAW

Based on 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. Stats. §125.12(2)(ag).
2. That the Licensee's Motion To Dismiss is denied.
3. The City has the burden of proving the allegations in its Complaint by a preponderance of the evidence.
4. The City has met its burden.
5. By the greater weight of the credible evidence, the Licensee has violated Wis. Stats. §125.12(2)(ag)2.

RECOMMENDATION

The Public Health & Safety Committee hereby recommends to the City Council that the Class "B" Beer and Liquor License of the Licensee be revoked pursuant to Wis. Stats. §125.12(2)(ag)2.

Counsel for the Committee is hereby directed to provide a copy of these Findings of Fact, Conclusions of Law and Recommendation to the Licensee and the City. Pursuant to Wis. Stats. §125.51(1), the Clerk is directed to set forth in her minutes a statement of the reasons for the revocation of the Licensee's "Class B" Class "B" Beer and Liquor License.

Dated this 18 day of January, 2015.

PUBLIC HEALTH & SAFETY COMMITTEE
CITY OF WAUSAU



Lisa Rasmussen, Chairperson

ATTEST:



Toni Rayala, City Clerk

SPECIAL MEETING of PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, January 26, 2015, at 5:15 pm, (Council Chambers)

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

Others Present: Shane VanderWaal representing the Public Health & Safety Committee, Tara Alfonso, Anne Jacobson, Barnes, Rayala, Goede, Scott Kurzynski, Attorney David L. Mandell representing Paradox Wausau, LLC, Christine Willette Court Reporter, media and other interested individuals.

NOTE: Transcript of the hearing are the property of and may be obtained through request directly to Chris Willette court Reporting, LLC, 630 Fourth Street, Wausau, WI 54403.

Chairperson Rasmussen noted a quorum was present and called the meeting to order.

Revocation Hearing: Pursuant to Wis. States. 125.12(2): Consider Class B Beer & Liquor License Revocation for Paradox of Wausau LLC 932 S. 3rd Avenue, Scott Kurzynski Registered Agent

Rasmussen read into record the following summary of proceedings: "Mr. Kurzynski a summons and complaint has been filed against Paradox of Wausau LLC. Under the provisions of Wisconsin Statutes 125.12 this hearing has been convened for the purpose of determining if any of the charges are true and to make a recommendation based upon that determination. This committee will examine all the evidence concerning the charges through inquiry to both sides. The committee will evaluate and impartially weigh the evidence. It will determine whether or not any of the charges have been proven solely on the evidence introduced at the hearing. This hearing is open to the public. A verbatim record of the proceedings is being made today by a court reporter. You may be represented by an attorney. Tara Alfonso appears as the prosecutor and will present the case against you to this committee. Shane VanderWaal is present and will serve as legal advisor to the committee and to the council. VanderWaal will advise the committee on questions of law and procedure and may also direct questions to the witnesses on behalf of this committee. You may present evidence, call and examine witnesses and cross-examine witnesses against you. Such witnesses will be sworn. Subject to a notification for consideration by the full committee, made by a member of this committee, I will rule on all questions, objections and motions as to procedural matters, admissibility of evidence and similar issues. All objections, questions and motions should be directed to me. Evidence shall be admitted which has reasonable, probative value, but immaterial, irrelevant and unduly repetitious testimony shall be excluded. Basic principles of relevancy, materiality and probative force shall govern the proof of all decision of fact. You may testify on your behalf with regard to the charges. However, what you say will be considered as evidence. Further, if you do testify, you may be cross-examined. If a charge or charges are proven, you are advised that the committee may recommend to the Common Council that your license be revoked and that the Common Council may accept or reject such recommendation and may determine upon such recommendation whether your license should not be revoked. You have been served with a copy of a Summons and Complaint which has been filed with the committee for determination. I now request the court reporter to append as an exhibit to the record a copy of the Summons and Complaint."

CITY ATTORNEY'S CASE: The Summons and Complaint was entered into the record as Exhibit #1. Video of a lunch at El Mezcal Restaurant was entered into the record as Exhibit #2. Video of the interrogation of Tim Kleinschmidt was entered into the record as Exhibit #3. Photos of evidence inside Paradox when the search warrant was carried out were entered into the record as Exhibit #4. All exhibits are on record in the clerk's office. Attorney Alfonso called her first witness. Telephone testimony was given by Special Agent Peters after being duly sworn by the Clerk. In person testimony was given by the following: Scott Kurzynski, Detective Michael Lechleitner and, Officer Ben Graham, all upon being duly sworn.

ATTORNEY DAVID L. MANDELL'S CASE: In person testimony was given by the following: Scott Kurzynski, who remained under oath and Austin Cromwell, Autumn Vang, all upon being duly sworn.

Closing statements were given by Attorneys Alfonso and Mandell respectively.

Closed Session: Pursuant to Section 19.85(1)(a), (b) of the Wisconsin Statutes:

- (a) Deliberation 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 the 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 revocation of the Class B Beer & Liquor License for Paradox of Wausau LLC

Motion by Wagner, second by Kellbach to move into closed session. Rasmussen aye, Neal aye, Kellbach aye, Gisselman aye, Wagner aye. Motion passed unanimously.

Reconvene: into Open Session for the purpose of making a determination on the revocation of the Class B Beer & Liquor License for Paradox of Wausau LLC.

Motion by Gisselman, second by Kellbach to reconvene into open session. Motion passed unanimously.

Rasmussen read into the record the Findings of Fact, Conclusions of Law and Recommendation (attached).

Adjournment

Motion by Neal, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 12:25 am.

Exhibit 1

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

BRENT OLSON,

Complainant,

vs.

SUMMONS

PARADOX OF WAUSAU LLC
932 S. 3rd Avenue
Wausau WI 54401,

Respondent.

TO: PARADOX OF WAUSAU LLC
932 S. 3rd 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 **January 26, 2015, at 5:15 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 932 S. 3rd Avenue, Wausau, Wisconsin, should be revoked.

The hearing has been called because a Complaint has been filed by Brent Olson 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.

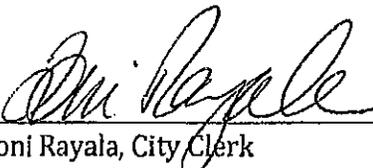
YOU ARE HEREBY SUMMONED to appear at a hearing to be held before the Public Health & Safety Committee on the 26th day of January, 2015, at 5:15 p.m. in the Council Chambers of Wausau City Hall, located at 407 Grant Street, Wausau, WI 54403, and show cause why your license should not be revoked.

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 revoked 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 revoked. 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 19th day of January, 2015.



Toni Rayala, City Clerk



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

BRENT OLSON,

Complainant,

vs.

COMPLAINT

PARADOX OF WAUSAU LLC
932 S. 3rd Avenue
Wausau WI 54401,

Respondent.

NOW COMES Brent Olson, a police officer with the City of Wausau Police Department, and alleges as follows that:

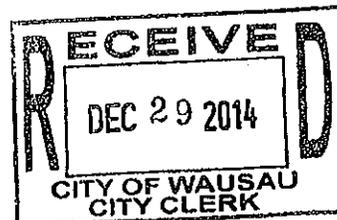
1. The Complainant, Brent Olson, is an adult resident of the City of Wausau with a business address of 515 Grand Avenue, Wausau, Wisconsin, and at all times material to this action, he was and is a police officer employed by the City of Wausau Police Department.

2. The Complainant, Brent Olson, as a police officer with the City of Wausau Police Department, is familiar with the efforts of City police officers and local law enforcement agencies and their investigations into violations by taverns and other places where alcohol is sold within the City of Wausau, of alcohol beverage and other laws, and by employees and agents of such taverns and other places.

3. The Respondent herein, Paradox of Wausau LLC ("Respondent"), is an 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 Respondent is a Wisconsin limited liability company whose agent is Scott Kurzynski ("Kurzynski") and who is also president and sole member of the limited liability company. The licensed premises operated by the Respondent is known as the Paradox Bar ("Paradox Bar") and is located at 932 S. 3rd Avenue, Wausau, Wisconsin.

4. On May 19, 2014, the Public Health & Safety Committee of the City of Wausau recommended the granting of a Class "B" Beer & Liquor License to Respondent for the period July 1, 2014, through June 30, 2015.

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



6. The Respondent has been operating under a Class "B" Beer & Liquor License continuously since March 1, 2006.

7. The Public Health & Safety Committee should revoke the Respondent's License on the grounds that the Respondent has violated chapter 125 of the Wisconsin Statutes as adopted by Section 5.64.010 of the Wausau Municipal Code, and 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 under Wis. Stat. Section 125.12(2)(ag)2., such knowledge being based upon Complainant's review of Marathon County Sheriff's Department Narrative and Supplemental Narrative Reports/Case Number 14-6442, City of Wausau Police Department ACISS Search Warrant with Charges Report No. 14-5578/3 and other Marathon County Sheriff's Department and City of Wausau Police Department records made at or near the time of the incidents reported therein in the course of regularly conducted law enforcement activity, based upon the personal knowledge of those law enforcement officers as follows:

- a. Kurzynski and the Paradox Bar have recently been the subject of a law enforcement investigation concerning the trafficking of high grade marijuana ("HGM") conducted by the Marathon County Sheriff's Department Special Investigation Unit which includes law enforcement personnel assigned from the City of Wausau Police Department and conducted in cooperation with the Milwaukee Wisconsin High Intensity Drug Trafficking Area Drug/Gang Taskforce ("HIDTA"). During the course of the investigation, Special Agent Ken Peters, Wisconsin Department of Justice - Department of Criminal Investigations ("Peters") frequented the Paradox Bar on multiple occasions.
- b. On Thursday, September 25, 2014, Peters was at the Paradox Bar operating in an undercover capacity. Peters and Kurzynski had a conversation that led Kurzynski to believe Peters was a source of supply for HGM. Kurzynski expressed interest in a prospective purchase of 100 pounds of HGM to be delivered to him by Peters.
- c. On Friday, September 26, 2014, while working in an undercover capacity, Peters met with Kurzynski at the El Mezcal Restaurant located in Rib Mountain, Wisconsin. During this meeting Kurzynski indicated he was interested in purchasing from Peters 100 pounds of HGM for \$1,300.00 per pound in two weeks and would then purchase 100 pound quantities of HGM per month for the next two years.
- d. Kurzynski indicated that the delivery of the 100 pounds of HGM could occur at the Paradox Bar and that he had HGM deliveries there in the past.

- e. Kurzynski agreed with Peters' statement that the HGM could be brought to the Paradox Bar by putting it inside a box so it would look like a refrigerator. Kurzynski stated to Peters the HGM could also be put in speakers or vending machines. Kurzynski told Peters in connection with the delivery "people don't give a shit out there."
- f. Kurzynski stated to Peters that the HGM could be removed from the Paradox Bar by individuals taking out a couple cases of beer or liquor boxes.
- g. Kurzynski agreed to purchase 100 pounds of HGM in exchange for his delivery of cash in the amount of \$65,000.00 and vehicle titles with a value of at least \$65,000.00 as collateral for the HGM to Peters. The transaction between Kurzynski and Peters was agreed to occur on Friday, October 10, 2014.
- h. On Monday, October 6, 2014, Kurzynski and Peters had telephone contact, changing the location of the HGM transaction.
- i. On Friday, October 10, 2014, Kurzynski met with Peters at the agreed location, viewed the 100 pounds of HGM and provided Peters with \$60,000 in cash and several vehicle titles.
- j. On Friday, October 10, 2014, Kurzynski was subsequently arrested for conspiring to deliver a controlled substance, namely, Tetrahydrocannabinols (THC), in an amount of 10,000 grams or more, contrary to section 961.41(1)(h)5, 939.50(3)(e), and 939.31 Wis. Stats., a Class E Felony.
- k. On Friday, October 10, 2014, at approximately 5:53 p.m., members of the Wausau Police Department executed a search warrant at the Paradox Bar. During execution of the search warrant, among other things, the following evidence was obtained from the Paradox Bar:
 - (i) 40.81 grams of THC in a clear plastic bag found inside a plastic tote in the basement hallway (Item #16/Marathon County Sheriff's Department Custody Document/Case No. 14-6442);
 - (ii) 3.55 grams of THC located on a Styrofoam plate on a shelf in the northeast corner of the kitchen, under which was a notebook with a recipe that had the name "Scott" written at the top (Item #17/Marathon County Sheriff's Department Custody Document/Case No. 14-6442);
 - (iii) Foodsaver Brand Vacuum Sealer from kitchen containing flakes of a green leafy substance consistent with THC, tested by

City of Wausau Police Officer Ben Graham using a NARK II Duquenois Levine Reagent Test Kit, which produced a delayed but positive test result for THC . (Item #18/Marathon county Sheriff's Department Custody Document/Case No. 14-6442).

- l. On Friday, October 10, 2014, an alleged co-conspirator, Timothy E. Kleinschmidt ("Kleinschmidt") was arrested in connection with the same matter.
- m. In an interview with Lt. Gary Schneck and Detective Michael Lechleitner of the Marathon County Sheriff's Department, on October 11, 2014, Kleinschmidt stated he had been in a drug business relationship with Kurzynski for at least the past year and had purchased prior to the incident resulting in his arrest, on one occasion 10 pounds of marijuana from Kurzynski , and usually one or two pounds not more than once a month.
- n. Kleinschmidt stated that within a few weeks prior to the interview of October 11, 2014, he had seen marijuana in the basement of the Paradox Bar. When asked how much marijuana he had seen in the basement of the Paradox Bar, Kleinschmidt stated, "10, 20, 30, 40 pounds."
- o. Kleinschmidt also stated in the interview he had also seen marijuana in the candy machine in the shed, downstairs, in boxes and in the back room of the Paradox Bar.

9. That under applicable State law, the license holder or corporate agent is held strictly liable for the actions of its employees, agent, 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, to revoke said license of the Respondent, Paradox of Wausau LLC, for said premises.

 # 05 3

Brent Olson, Complainant

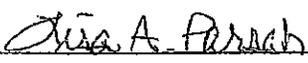
STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

BRENT OLSON, being first duly sworn on oath, states that he has read the foregoing Complaint against Paradox of Wausau LLC, 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.

 #053

Brent Olson

Subscribed and sworn to before me
this 23rd day of December, 2014.



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

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

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

Authorizing sale of 1001-1003 North 3rd Avenue

Committee Action: CISM Approved 5-0
Plan Comm: Approved 6-0

Fiscal Impact: The City will receive revenue from the sale of the property. The property will also be returned to the tax roll.

File Number: 15-0111

Date Introduced: February 10, 2015

WHEREAS, the City of Wausau currently owns the vacant property located at 1001-1003 North 3rd Avenue; and

WHEREAS, the property had been acquired to obtain the necessary right-of-way for the reconstruction of Merrill Avenue, and this remnant parcel is no longer needed; and

WHEREAS, an abutting property owner has expressed interest in the property; and

WHEREAS, in accordance with Chapter 3.12 of the Wausau Municipal Code, the Police Department, Fire Department, Park Department, Community Development, Water Utility, Electrical Department and the Board of Public Works have been notified and no objections to the sale were received; and

WHEREAS, the City Assessment Department has provided an estimated range of value of \$5,800 to \$7,800 for the parcel; and

WHEREAS, on January 8, 2015, your Capital Improvements and Street Maintenance Committee considered the future disposition of 1001-1003 North 3rd Avenue, and on January 20, 2015, your Plan Commission also considered disposition of said property and each committee recommends that this City-owned real estate be sold with a minimum asking price of \$6,500; now therefore

BE IT RESOLVED that the Common Council of the City of Wausau does hereby direct the Capital Improvements and Street Maintenance Committee to proceed with the sale of 1001-1003 North 3rd Avenue in accordance with the provisions of Chapter 3.12 of the Wausau Municipal Code.

Approved:

James Tipple, Mayor

AGENDA ITEM
Discussion and possible action on the sale of City-owned property at 1001-1003 North 3 rd Avenue
BACKGROUND
The City owns the property located at 1001-1003 North 3 rd Avenue, which is on the corner of North 3 rd Avenue and West Union Avenue. The City Attorney's office was contacted by the owner of the property to the north. The property owner is interested in purchasing the property.
FISCAL IMPACT
The estimated value from the City Assessor will be provided to the committee at the meeting.
STAFF RECOMMENDATION
Staff has initiated the process by sending a letter to the City departments as stated in Section 3.12 of the Wausau Municipal Code. If we receive any objections, we will make them known at the meeting. If no objections are received, CISM could approve advertising the property for sale with any conditions it may deem appropriate.
Staff contact: Allen Wesolowski 715-261-6762

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: January 8, 2015, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Mayor Tipple, Lenz, Wesolowski, Gehin, Jacobson, Giese

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 City-owned property at 1001-1003 North 3rd Avenue

Wesolowski explained that the City Attorney's office received an email from the abutting property owner expressing his interest in the property. The City Assessor has valued the property between \$5,800 and \$7,800. Staff recommends the parcel be advertised for sale. Abitz questioned the future use of the property. Rasmussen said the abutting property is a mixture of office and rental. She is unsure if he intends to use the lot for parking. Abitz is concerned about view of traffic if a building is constructed. Rasmussen stated the corner is right turn with no stop so the view of traffic is not a concern. Wesolowski added that driveway access would not be allowed and entry would have to be off the alley.

Kellbach moved to offer the City-owned property at 1001-1003 North 3rd Avenue for sale with the minimum bid of \$6,500. Mielke seconded and the motion carried unanimously 5-0.

PLAN COMMISSION

Time and Date: The Plan Commission met on January 20, 2015, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Valitchka, Tipple, Oberbeck, Gisselman, Bohlken, Rosenberg,

Others Present: Lenz, Hebert, DeSantis

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

Tipple called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

Discussion and possible action on the sale of City owned property at 1001-1003 North 3rd Avenue

This item went through CISM and no one spoke against this item. The assessed value was set between \$5800 and \$7800. CISM recommended that this go up for bid at a minimum set at \$6500. With that recommendation, Planning staff would recommend putting it up for sale at that price.

Hebert said it is zoned B2. There are no set-backs along the roadway so there is potential to build a commercial building and if you are under 2000 sq. feet, an individual wouldn't need off street parking. There is potential but the likelihood of a commercial building being built is slim.

Gisselman motioned to place the City owned property of 1001-1003 North 3rd Avenue for sale at a minimum price of \$6500.00. Valitchka seconded and the motion carried unanimously 6-0.

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

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

Committee Action: Approved 5-0

Fiscal Impact: None

File Number: 14-0213

Date Introduced: February 10, 2015

WHEREAS, the City originally established the Wausau Business Campus to encourage job growth and quality commercial infrastructure; and

WHEREAS, Highland Property West, LLP was granted a three year option to purchase four acres of land north of their current facility (See Exhibit A) on February 25, 2014 at a price of \$12,500 per acre; and

WHEREAS, Highland Property West, LLP desires to expand their business at 8000 Highland Drive by constructing a 28,000 square foot addition to their present building; and

WHEREAS, Highland Property West, LLP is requesting the .65 acres (costing \$8,125) be donated due to the added costs of site development needed to address drainage and water run-off issues; and

WHEREAS, the Economic Development Committee has considered the matter and recommends the donation and option continuation be approved; and

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wausau that the City hereby approves of this resolution to donate the land to Highland Property West LLP and continue the option on the balance of the 3.35 acres and Highland Property West, LLP shall pay all closing costs related to the donation and closing of the property; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to direct staff to execute any documents or reports necessary to administer the donation and continue the option; and

BE IT FURTHER RESOLVED that Highland Property West, LLP and Chuck Plier of Wausau Container Corporation and any representatives or purchasing agents thereof shall abide by all terms and conditions set forth in the Wausau Business Campus Zoning and Standard Deed Restrictions.

Approved:

James E. Tipple, Mayor

ECONOMIC DEVELOPMENT COMMITTEE

Time and Place: The Economic Development Committee met on Tuesday, February 3, 2015 at 4:30 p.m. in the 2nd Floor Board Room at City Hall, 407 Grant Street, Wausau

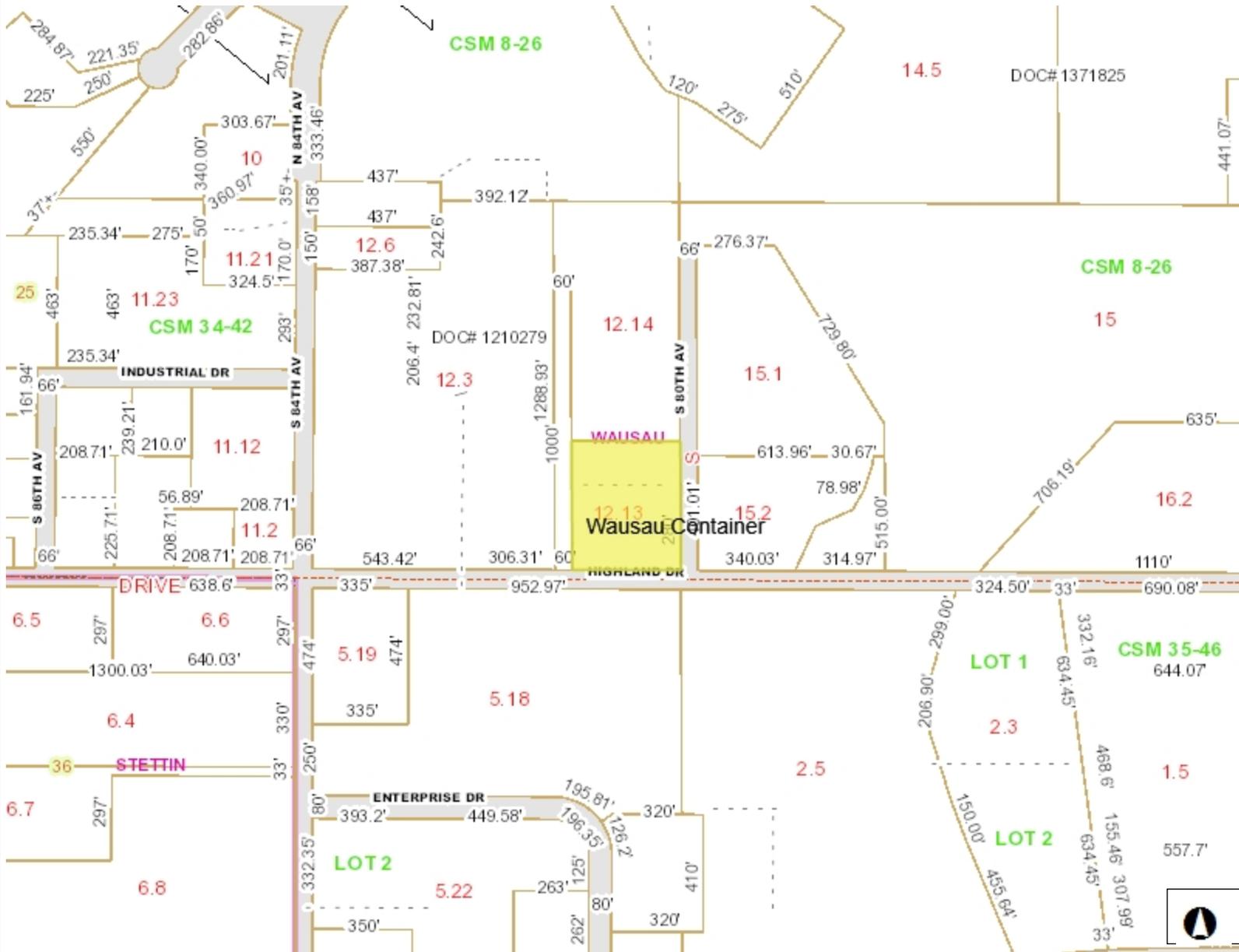
ED Members Present: Bill Nagle (C), Romey Wagner, Tom Neal (VC), Dave Oberbeck and Lisa Rasmussen

In accordance with Chapter 19, Wisc. Stats., notice of this meeting was posted and sent to the Daily Herald in the proper manner.

4. **DISCUSSION AND POSSIBLE ACTION ON THE REQUEST BY WAUSAU CONTAINER TO EXERCISE THE OPTION TO PURCHASE LAND IN THE BUSINESS**

Ann Werth explained why Wausau Container was amending their request for land acquisition in the Business Campus. Since the November 10, 2014, Economic Development Committee meeting, Wausau Container has incurred additional site development costs due to drainage and water run-off issues. There has been site preparation work totaling over \$8,200. The Wausau Container expansion will add between 10-12 new full-time jobs and will be the fifth expansion at the site.

Wagner made the motion to approve the request by Wausau Container to have .65 acres of Business Campus land donated, Neal seconded and the motion carried 5-0.



Legend

- Parcel Annotations
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Municipalities

259.85 0 259.85 Feet



User_Defined_Lambert_Conformal_Conic

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

Notes



RESOLUTION OF THE FINANCE COMMITTEE

Approving creation of a Holtz Krause Maintenance Non Lapsing Fund

Committee Action: Pending

Fiscal Impact: \$54,000 Revenues to offset maintenance expenses

File Number: 12-0207

Date Introduced: February 10, 2015

RESOLUTION

WHEREAS, the City, County and Holtz Krause Steering Committee have been working collaboratively to redevelop the Holtz Krause property into a soccer complex; and

WHEREAS, the City of Wausau has made a significant financial contribution to the project in the way of land acquisition, street construction; relocation and other costs and administrative time necessary to complete the project; and

WHEREAS, the City of Wausau Common Council entered into an agreement titled, "Holtz and Krause Landfill Agreement on September 25, 2012 which obligated the city with future maintenance and repairs including maintaining the landfill cap, exclusive of the playing fields, and operating and monitoring the reconstructed gas extraction system; and

WHEREAS, the Holtz Krause Committee has expressed a desire to contribute \$54,000 to the City for the purpose of defraying future costs of this maintenance obligation; and

WHEREAS, the Holtz Krause Committee has indicated that the contribution is contingent upon the City depositing the \$54,000 in a newly established a non-lapsing fund and restricting use of the funds to the city's maintenance obligations outlined in the "Holtz and Krause Landfill Agreement dated September 25, 2012; and

WHEREAS, the Holtz Krause Committee also expects the City of Wausau to complete the Kent and Curling Way street projects in the spring of 2015;

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 establish a non-lapsing account with the \$54,000 contribution provided by the Holtz Krause Steering Committee; and

BE IT FURTHER RESOLVED these funds are considered restricted to fund the City's maintenance obligations outlined in the "Holtz and Krause Landfill Agreement" including the maintenance of the landfill cap and new extraction system.

Approved:

James E. Tipple, Mayor

RESOLUTION OF THE FINANCE COMMITTEE

Approving 2015 Budget Modification - Contractual Services Riverfront Redevelopment

Committee Action: Pending

Fiscal Impact: \$175,000

File Number: 14-1109

Date Introduced: February 10, 2015

RESOLUTION

WHEREAS, The 2015 budget for Tax Increment District Number Three provided for a number of improvements to the City’s riverfront redevelopment project including the construction of wharf, bike and pedestrian bridge, river edge trail, 1st Street extension, riverbank and site remediation and improvement, utility relocation and parking lot, and

WHEREAS, the 2015 budget provided for a professional services and administration budget of \$170,000 within Tax Increment District Number Three; and

WHEREAS, the City has been working with Stantec Consulting Services Inc, through a master services agreement to assist with the technical services related to remediation, planning and engineering and

WHEREAS, Stantec Consulting Services, Inc. has submitted task order number 6.4 which provides the necessary consulting services necessary to complete the 2015 construction projects in the amount of \$293,482; and

WHEREAS, the Economic Development Committee reviewed the task order and recommended approval of the proposal; and

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

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 2015 budget as follows:

Increase Professional Services Riverfront Tax Increment District Three 141-342892190..... \$175,000

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

Approved:

James E. Tipple, Mayor

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

ORDINANCE OF PARKING & TRAFFIC COMMITTEE

Authorizing installation of stop signs at the intersection of S. 14th Avenue and Callon Street

Committee Action: Failed on tie vote 2-2 **Ordinance Number:**

Fiscal Impact: Minimal-cost and time to install two stop signs

File Number: 15-0205

Date Introduced: February 10, 2015

WHEREAS, a request was received to place stop signs at the intersection of S. 14th Avenue and Callon Street; and

WHEREAS, your Parking and Traffic Committee recommends the installation of stop signs for the intersection at S. 14th Avenue and Callon Street.

NOW, THEREFORE, the Common Council of the City of Wausau do ordain as follows:

Section 1. That pursuant to Section 10.01.025 of the Wausau Municipal Code the stop sign inventory maintained by the GIS department and on file in the City Clerk's office shall be amended to include:

Stop signs S. 14th Avenue and Callon Street

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 from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

Agenda Item No.

5

STAFF REPORT TO PARKING AND TRAFFIC COMMITTEE

AGENDA ITEM
Installation of stop signs at the intersection of S. 14 th Avenue and Callon Street.
BACKGROUND
<p>This item comes at the request of a local resident who lives in the neighborhood and had traveled through this area frequently.</p> <p>A 5-year crash history at this location showed only one reported motor-vehicle collision. The one reported crash was a rear-end collision that was a result of inattentive driving and slippery road conditions. There were no additional motor vehicle crashes reported at this intersection.</p> <p>While not a highly traveled area during the majority of the day, the volume of vehicle and pedestrian traffic increases significantly in this area during the school year at the drop-off and pick-up times in the mornings and afternoons.</p>
FISCAL IMPACT
Minimal – cost and time to install two stop signs
STAFF RECOMMENDATION
Based upon the limited number of motor vehicle collision and the limited time frames where the issue becomes a concern as well as current state laws in place regarding uncontrolled intersections; the installation of stop signs is not recommended at this time.
Staff contact: Lieutenant Nathan Pekarske – Wausau Police Department – 261-7803

Parking and Traffic Committee Meeting Minutes

Date of Meeting: Thursday, January 15, 2015 at 5:15pm, in the Birch Room at City Hall

Members Present: Abitz{C}, Winters {VC}, Kellbach, Mielke

Others Present: Lt. Pekarske, Alfonso, Wesolowski, Friday, Deb Ryan

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.

(5) Discussion and possible action: To install stop signs at the intersection of S. 14th Avenue and Callon Street

Discussion:

Lt. Pekarske stated that stop signs are not indicated at this intersection because of no cross traffic and in the last five years there has only been one traffic accident. The school resource officer and staff from John Muir evaluated the intersection throughout the course of the day and determined that it is busy and congested only during school drop-off and pick-up times. At other times during the day the use is minimal. Installing a stop sign is not indicated or recommended in this situation.

Mielke stated that parents are expressing a concern for their children's safety specifically during drop-off and pick-up times.

Motion by Mielke, second by Kellbach to install stop signs at the intersection of S. 14th Avenue and Callon Street.

Motion failed on a tie vote (Mielke and Kellbach for, Winters and Abitz against)

Motion moves on to City Council for consideration.

RESOLUTION OF THE COMMON COUNCIL

Approving the formation of the Sponsorship Ad-Hoc Committee.

Committee Action: Approved 11-0

Fiscal Impact: None

File Number: 15-0206

Date Introduced: February 10, 2015

WHEREAS, the Common Council amended the 2015 Budget report removing \$20,000 of expenses earmarked to engage someone to administer a sponsorship program, and

WHEREAS, Alderman Neal expressed his background experience in gathering sponsorship packages and recommends a Sponsorship Ad-Hoc Committee be formed, and

WHEREAS, the mission of the Sponsorship Ad-Hoc Committee would be to create donation policy and receive sponsorship dollars to offset the budget, and

WHEREAS, the Sponsorship Ad-Hoc Committee would include the following members: Tom Neal (C), Romey Wagner, Bill Duncanson, Geoff Huys, and

WHEREAS, the Sponsorship Ad-Hoc Committee would serve a term to March 31, 2015 or until dissolved, and therefore,

BE IT RESOLVED, by the Common Council of the City of Wausau that the formation of the Sponsorship Ad-Hoc Committee be hereby authorized and directed to obtain sponsorship dollars to offset general debt..

Approved:

James E. Tipple, Mayor