

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, April 14, 2015, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

04/14/2015 7:05:08 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

Proclamations:

Mayor Tipple proclaimed **April 12-18, 2015** as **Week of the Young Child** in the City of Wausau and encouraged all citizens to work to make a good investment in early childhood.

Mayor Tipple proclaimed **April 14, 2015** as **National Service Recognition Day**, and encouraged residents to recognize the positive impact of national service in our city and thank those who serve; and to find ways to give back to their communities.

Presentations: CVB – Sports Authority (Richard Barrett)

Richard Barrett, Executive Director of the Convention & Visitors Bureau, updated the Council on the activities of the Sports Authority, noting they have been recognized nationally as the #1 sports initiative in the country for budgets under \$200,000. *(Presentation on file with Clerk)*

Public Comments for (pre-registered citizens for matters appearing on the agenda)

- 1) Elizabeth Field, 726 Washington St, Executive Director of the (Main Street) River District, spoke in support of the agreement with Elk Creek Architectural, LLC, for the Wausau Club project.
- 2) Joseph Mella, 500 N 1st St, President of the River District, indicated he was also in support of the Planning Option Agreement for Elk Creek and the Wausau Club project.

Communications and Committee Reports

- 1) Wagner spoke regarding the recent threatening letter containing an unknown powder substance that he received in the mail and the aftermath of what he and his wife and family went through.
- 2) Oberbeck indicated the Council members received an unsigned letter in a city envelope in their mailboxes at City Hall. He requested that in the future all correspondence to Council that doesn't contain the name of the person sending it be discarded.
- 3) Abitz stated both the Transit Commission and the Parking & Traffic Committee meetings will be canceled this month.

Consent Agenda

04/14/2015 7:45:59 PM

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

15-0301 Minutes of previous meeting(s). (3/10/15)

74-0620 Ordinance of the Parking & Traffic Committee Amending Section 10.20.030 All night parking regarding restricting overnight parking during winter months.

15-0404 Ordinance of the Parking & Traffic Committee authorizing installation of stop sign for northbound traffic on N. 10th Avenue at Strowbridge Street.

15-0108 Resolution of the Public Health & Safety Committee approving or denying various licenses as indicated.

Yes Votes: 11 No Votes: 0 Result: PASS

14-1010

04/14/2015 7:46:41 PM

Motion by Abitz, second by Mielke to adopt a Resolution of the Plan Commission approving a conditional use at 915 Woods Place to allow for a part-time medical clinic in an existing hangar, in an R2, Single Family Residence District (Burt).

Yes Votes: 11 No Votes: 0 Result: PASS

14-1010

04/14/2015 7:47:24 PM

Motion by Winters, second by Abitz to adopt a Joint Resolution of the Airport and Finance Committees authorizing rates and fees for operation of FAA aviation medical examination service from private airport hangar, and execution of Amendment to Airport Ground Lease to allow such operation (Glenn Burt III).

Yes Votes: 11 No Votes: 0 Result: PASS

93-0718

04/14/2015 7:47:58 PM

Motion by Nutting, second by Abitz to adopt an Ordinance of the Airport Committee amending Section 22.34.010 Definitions and Section 22.34.030 Specific requirements of operators, to include aviation medical examiner.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0405

04/14/2015 7:48:37 PM

Motion by Nutting, second by Wagner to adopt a Resolution of the Economic Development Committee approving the transfer of Wausau Community Development Authority owned property to the City of Wausau (area west of the Dudley Tower and east of the Wisconsin River).

Yes Votes: 11 No Votes: 0 Result: PASS

05-0612

04/14/2015 7:50:00 PM

Motion by Neal, second by Rasmussen to adopt a Resolution of the Economic Development Committee accepting the response from Aspirus as satisfactorily completing the intent of the signed Development Agreement between the City and Aspirus which has leveraged \$16,516,200 in private investment in the area of their medical campus.

Abitz indicated she would abstain from voting as an Aspirus employee.

Yes Votes: 10 No Votes: 0 Abstain: 1 Result: PASS

Suspend the Rule 1(D)

04/14/2015 7:51:21 PM

Motion by Neal, second by Rasmussen to suspend Rule 1(D) Transmission of Committee Business to Council for following items:

Yes Votes: 11 No Votes: 0 Result: PASS

15-0107

04/14/2015 7:52:07 PM

Motion by Nutting, second by Gisselman to adopt a Resolution Granting a planning option agreement to Elk Creek Architectural Group, LLC until December 31, 2015 to complete due diligence necessary to determine the physical and financial feasibility of redevelopment options.

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

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

09-0521

04/14/2015 7:53:04 PM

Motion by Gisselman, second by Abitz to adopt a Resolution of the Finance Committee approving acceptance of settlement agreement for Gary R. Stein et al v. City of Wausau (Hwy 51/U Interchange condemnation appeal, Case No. 14CV678) and related budget modification.

Yes Votes: 11 No Votes: 0 Result: PASS

13-0519

04/14/2015 7:53:57 PM

Motion by Gisselman, second by Mielke to adopt a Joint Resolution of the Parks & Recreation and the Capital Improvements and Street Maintenance Committees approving Athletic Park Development Agreement and First Amendment to Athletic Park Use Agreement.

Yes Votes: 11 No Votes: 0 Result: PASS

08-0609

04/14/2015 7:54:27 PM

Motion by Nutting, second by Mielke to adopt a Resolution of the Park & Recreation Committee authorizing temporary Easement Agreement - Athletic Park Parking (Wilson-Hurd).

Yes Votes: 11 No Votes: 0 Result: PASS

02-0931

04/14/2015 7:55:08 PM

Motion by Neal, second by Nutting to adopt a Joint Resolution of the Wausau Water Works Commission and the Finance Committee approving contract agreement for the Mercury Reduction Program between Marathon County Health Department and Wausau Water Works, City of Wausau.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0407

04/14/2015 7:55:59 PM

Motion by Gisselman, second by Wagner to adopt an Ordinance of the Plan Commission rezoning 221-229 South 28th Avenue from IB, Interchange Business District, to R2, Single Family Residence District (St. Matthew Parish).

Yes Votes: 11 No Votes: 0 Result: PASS

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

- 1) Chris Wien, 500 Grand Ave, commented he hoped the city and county could work together to improve transit in the metropolitan area and make Metro Ride the best it can be.

Closed Session

04/14/2015 7:58:25 PM

Motion by Kellbach, second by Neal to move into CLOSED SESSION pursuant to Section 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, for the purpose of conferring with legal counsel regarding pending tax litigation and related claims for excessive assessment involving:

- A. Walgreens Co. (Bridge St. and 17th Ave) Case No. 11CV958
- B. Wisconsin Hospitality Group (Applebee's) Case No. 14CV544
- C. Financial Way Case No. 14CV543

Claims: Walgreens (17th Ave. and Bridge St.), Wisconsin Hospitality Group (Applebee's), Financial Way, Associated Bank, Menard, Inc. and other procedurally deficient filing.

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

Winters exited the meeting prior to closed session.

Reconvened into Open Session

08-0406 04/14/2015 8:42:22 PM

Motion by Nutting, second by Neal to adopt a Resolution of the Common Council approving alleged claim for excessive assessment - Walgreens Co. (Bridge Street).

Yes Votes: 0 No Votes: 10 Not Voting: 1 Result: FAIL

14-0406 04/14/2015 8:43:28 PM

Motion by Nagle, second by Abitz to adopt a Resolution of the Common Council approving alleged claim for excessive assessment - Walgreens Co. (17th Avenue).

Yes Votes: 0 No Votes: 10 Not Voting: 1 Result: FAIL

14-0404 04/14/2015 8:44:13 PM

Motion by Neal, second by Kellbach to adopt a Resolution of the Common Council approving alleged claim for excessive assessment - GE Capital Franchise Financial Corporation c/o Wisconsin Hospitality Group (Applebee's).

Yes Votes: 0 No Votes: 10 Not Voting: 1 Result: FAIL

14-0405 04/14/2015 8:44:44 PM

Motion by Abitz, second by Kellbach to adopt a Resolution of the Common Council approving alleged claim for excessive assessment - Financial Way, LLC.

Yes Votes: 0 No Votes: 10 Not Voting: 1 Result: FAIL

15-0406 04/14/2015 8:45:19 PM

Motion by Rasmussen, second by Nutting to adopt a Resolution of the Common Council approving alleged claim for excessive assessment - Associated Bank and related budget modification.

Yes Votes: 8 No Votes: 2 Abstain: 0 Not Voting: 1 Result: PASS

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

08-0122 04/14/2015 8:45:54 PM

Motion by Neal, second by Nagle to adopt a Resolution of the Common Council approving alleged claim for excessive assessment - Menard, Inc.

Yes Votes: 0 No Votes: 10 Not Voting: 1 Result: FAIL

Adjourn 04/14/2015 8:46:16 PM

Motion by Nutting, second by Gisselman to adjourn. Motion carried unanimously. Meeting adjourned at 8:46 p.m.

James E. Tipple, Mayor
Toni Rayala, City Clerk