

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



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, May 26, 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:

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
15-0401		Minutes of previous meeting(s). (4/28/15)	
15-0512	CISM	Resolution approving easement for utility relocation and extension in the East Hangar Development Area	Approved 5-0
02-0116	FIN	Ordinance Amending Section 3.08.040 Appropriations required and Creating Section 3.08.050 Annual budget adjustment required and Section 3.08.060 Annual budget monitoring	Approved 5-0
15-0509	PLAN	Resolution approving a conditional use at 630 Adams Street to allow for an educational institution located on less than a 40,000 square foot lot, in a R3, Two Family Residence District.	Approved 4-0

File #	CMT	Resolutions and Ordinances	ACT
15-0503		Confirmation of Mayor's Appointments	
02-0433		Council Election: Accept and close nominations for Council President for remainder of 2014-2016 term. (Simple majority by secret ballot)	
15-0105	CISM	Resolution Approving 2015 Street Reconstruction Projects and Authorization to Let Bids – 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac	Approved 3-1
15-0510	ED	Resolution Approving a City of Wausau Property Disposition Program	Approved 5-0
14-1013	ED	Resolution Accepting the proposal from Badger Lofts for the redevelopment of 1418 North First Street (Sav-O Supply building) into a 29 unit apartment complex.	Approved 4-1
03-0916	HR	Charter Ordinance Amending Section 2.04.020 Common council, relating to term of alderpersons	Approved 4-0
		Suspend Rule 1(D) Transmission of Committee Business to Council - (2/3 Vote required) <i>for items with pending committee action.</i>	
15-0511	FIN	Resolution Approving Meetings Mean Business agreement between the City of Wausau and the Wausau/Central Wisconsin Convention and Visitors Bureau, Inc.	Pending
14-1109	FIN	Resolution Authorizing a Budget Modification to restore funding for the 2015 street seal coat project	Pending
15-0513	FIN	Resolution Approving Agreements with Infovision Software, LLC, for Permitting and Inspection Software.	Pending

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

Signed by James E. Tipple, Mayor

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 05/21/15 @ 2:30 pm. Questions regarding this agenda may be directed to the City Clerk.



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ADDENDUM

File #	CMT	Resolutions and Ordinances	ACT
15-0514	CISM	Initial Resolution setting a public hearing vacating and discontinuing Clark Street between South 3rd Avenue and South 4th Avenue	Approved 5-0
Adjournment			

Signed by James E. Tipple, Mayor

This Revised Agenda was posted at City Hall and faxed to the Daily Herald newsroom on 5/22/2015 @ 11:00 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, April 28, 2015, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

04/28/2015 7:04:03 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:

- 1) Mayor Tipple proclaimed *April 28, 2015* as WORKERS MEMORIAL DAY in recognition of workers killed, injured and disabled on the job.
- 2) Mayor Tipple proclaimed *Saturday, May 6, 2015* as *International Migratory Bird Day* and urged all citizens to celebrate this observance and to support efforts to protect and conserve migratory birds and their habitats in our community and the world at large. He noted in celebration the Wausau Bird Club invites them to a spring walk at Monk Gardens on Saturday, May 16th, at 6:30 a.m., 1800 N 1st Avenue.

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

None

Communications

- 1) Mielke thanked the city employees and auxiliary police that worked at the yard waste site the weekend of April 18-19 for spring cleanup. He felt it went very smoothly with their help. Tipple noted there were over 1700 cars in the two days.

Consent Agenda

04/28/2015 7:14:31 PM

Motion by Neal, second by Wagner to approve all items on the consent agenda as presented:

15-0301 Minutes of the previous meeting(s). (3/24/15)

15-0408 Resolution of the Finance Committee supporting the Continued Existence of the Board of Commissioners of Public Lands and the Local Government Loan Program.

03-1011 Resolution of the Finance Committee approving Second Amendment to Lease Agreement between City of Wausau and Espresso Sensory Perception, LLC dba Vino Latte.

99-1104 Resolution of the Finance Committee modifying the Procurement Policy.

02-0511 Ordinance of the Park & Recreation Committee amending Section 9.20.020 Regulation of persons, banning animals from the Marathon County Sports Complex and Marathon Park Amphitheater.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0403

04/28/2015 7:14:53 PM

Motion by Gisselman, second by Neal to confirm the Mayor's appointments as presented.

Yes Votes: 11 No Votes: 0 Result: PASS

02-0433

04/28/2015 7:17:52 PM

Motion by Gisselman, second by Mielke to nominate and cast a ballot for Gary Gisselman to the Wausau Water Works Commission for the remainder of the 2014-2016 term. (*Winters resigned.*)

Yes Votes: 11 No Votes: 0 Result: PASS

14-1109

04/28/2015 7:22:44 PM

Motion by Nagle, second by Oberbeck to adopt a Joint Resolution of the Airport and Finance Committees approving the utility relocation and installation and related budget modification for the Electric and Gas Installation in the East Hangar District and upgrade electrical service for the Balloon Rally.

Groat noted the \$30,000 we were using was an estimate because we had not received our final numbers from WPS. Prior to the posting of the agenda, we did include in the packet the final budget, which came in at \$32,114.70 as well as a charge of \$313.73 to upgrade a meter for the Balloon Rally. She indicated that Winters recommended seeking other financing options and after conversing with John Chmiel it was determined there was a small capital budget for airport facilities. The total fiscal impact will be approximately \$40,000, including \$32,500 for WPS and \$5,000 for staff to purchase the equipment.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0409

04/28/2015 7:23:29 PM

Motion by Nutting, second by Abitz to adopt a Resolution of the Finance Committee approving Youth Development Programs Contract and Peer Court Program Contract with Boys and Girls club of the Wausau Area, Inc.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0410

04/28/2015 7:24:08 PM

Motion by Gisselman, second by Nagle to adopt a resolution of the Finance Committee opposing the Elimination of Personal Property Taxes and Computer Aid.

Yes Votes: 11 No Votes: 0 Result: PASS

14-1109

04/28/2015 7:24:46 PM

Motion by Mielke, second by Rasmussen to adopt a resolution of the Finance Committee approving budget modification for the Police Department Tactical Emergency Medical Support.

Yes Votes: 11 No Votes: 0 Result: PASS

14-1109

04/28/2015 7:25:17 PM

Motion by Mielke, second by Rasmussen to adopt a Resolution of the Finance Committee approving budget modification for the Fire Department for Motor Pool Charges.

Yes Votes: 11 No Votes: 0 Result: PASS

14-1109 to refer back

04/28/2015 7:48:34 PM

Motion by Winters, second by Wagner to table the Resolution of the Finance Committee approving Modification of the 2015 Budget - Capital Project Funds, and refer it back to the Finance Committee.

Winters asked that it be tabled because there was a math error in TID #6 and they found out tonight the 2014 budget is over, so we've lost money in the operating budget. There are several items in the capital budget that are funded with general levy dollars for departments that were actually over their budget, as we look to resolve that year end difference, he would like those funds to be available for that solution.

Rasmussen questioned the impact of delaying and stated this represents \$8 million of unfinished work, some of which was approved in prior budget cycles and just not completed. Groat pointed out the swimming pool is one of the carryovers and it would cause difficulty with that project. She noted we are contractually obligated to pay that contract. Rasmussen stated there are street projects going on and IT projects that are in the middle of the process. She felt the Council needed to move ahead to pass the carryover resolution and honor our commitments..

Abitz questioned what kind of penalty there would be if we did not move forward with the resolution. Groat explained communities handle their encumbrance system in two different ways, you can either carryover all of your open purchase orders to the next year or you can seek budget modification as we have and basically create new purchase orders. It has been a long standing practice for the

city to create the new purchase orders once we've gotten budget approval from the Council. The other way would be to carryover without Council approval because we recognize we have an open purchase order. The way we are doing it is more transparent and includes the Council in the discussion and budget modification process.

Oberbeck questioned what happens to projects that do not start or do not initiate and if the department is out of budget, why are we carrying forward amounts into the new budget without some idea when they will start. He felt we need to make that accountable. Winters did not believe it was urgent to pass this resolution.

Wagner felt if a project is going to cost more than the original amount approved it should have to come back for approval because that is not carryover anymore, it is new money. Winters agreed if a project is going to cost more it should come back to Finance specifically and not be put into a carryover resolution. Nagle commented changes can be made moving forward but these obligations had to be paid.

Vote to refer back

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	YES
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	YES
10	Abitz, Sherry	NO
11	Mielke, Robert	YES

14-1109

04/28/2015 7:49:24 PM

Motion by Gisselman, second by Rasmussen to adopt a Resolution of the Finance Committee approving Modification of the 2015 Budget - Capital Project Funds.

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

14-1109

04/28/2015 7:49:56 PM

Motion by Nutting, second by Neal to adopt a resolution of the Finance Committee approving budget modification for Seasonal Staffing for the Sewer Utility Fund.

Yes Votes: 11 No Votes: 0 Result: PASS

14-1109

04/28/2015 7:51:47 PM

Motion by Nagle, second by Rasmussen to adopt a resolution of the Finance Committee approving budget modification for the City of Wausau's Obligation to Remove a Transformer for the RMM Development Agreement.

Yes Votes: 11 No Votes: 0 Result: PASS

Public Comment or Suggestions (for matters not appearing on the agenda).

None

Adjourn

04/28/2015 7:52:15 PM

Motion by Mielke, second by Rasmussen to adjourn. Motion carried unanimously. Meeting adjourned at 7:52 p.m.

James E. Tipple, Mayor
Toni Rayala, City Clerk

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

RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE	
Approving easement for utility relocation and extension in the East Hangar Development Area	
Committee Action:	Approved 5-0
Fiscal Impact:	None
File Number:	15-0512
Date Introduced:	May 26, 2015

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	<i>Included in Budget:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, the installation of a natural gas line along the north fence of the Wausau Municipal Airport is proposed in order to serve the proposed East Hangar Development, and

WHEREAS, the relocation of a power pole and burying of electrical facilities is proposed to accommodate construction of a new hangar, and

WHEREAS, during the relocation and extension of utilities, Wisconsin Public Service will upgrade the electrical facilities to better accommodate the Balloon Rally vendors, and by doing so will alleviate the need to rent generators for additional power needs, and

WHEREAS, the Wisconsin Board of Aeronautics has reviewed and approved the easement, and

WHEREAS, your Capital Improvements and Street Maintenance Committee met on May 7, 2015 to review the easement request and recommends approval of the utility easement, and

WHEREAS, a legal description for the exact location of the easement is currently being developed; now therefore

BE IT RESOLVED that the Common Council of the City of Wausau does hereby approve the utility easement contingent upon the development of a satisfactory legal description, a copy of which is attached hereto and incorporated herein by reference, contingent upon the development of a satisfactory legal description.

Approved:

James E. Tipple, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: May 7, 2015, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Lindman, Jacobson, Lenz, Wesolowski, Gehin

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 regarding an easement for utility relocation and extension in the East Hangar Development Area

This item was taken out of agenda order.

Rasmussen stated the relocation of utilities is proposed on the airport property to make hosting the Balloon Rally easier, develop the East Hangar Area, and easier for Koucereck to build a private hangar. A utility easement is necessary for the relocation.

Mielke moved to approve the easement for utility relocation and extension in the East Hangar Development Area contingent upon legal review and upon staff defining the exact coordinates and path of the line. Abitz seconded and the motion carried unanimously 5-0.

Agenda Item No.

13

STAFF REPORT TO CISM COMMITTEE - May 7, 2015

AGENDA ITEM

Discussion and possible action regarding an easement for utility relocation and extension in the East Hanger Development Area

BACKGROUND

It is proposed that WPS will relocate a power pole and bury electric to accommodate the new Kocourek Hangar. WPS will also upgrade the electric power to the area to accommodate the balloon rally vendors, which will alleviate the need to rent generators for additional power needs. WPS will also install a natural gas line along the north fence line of the airport in order to serve the proposed East Hanger Development; an easement is needed in order to identify where these facilities are allowed to be placed. Funding was approved by Finance on April 14. The WPS contract was approved by Council on April 28.

FISCAL IMPACT

There is no fiscal impact related to approving the proposed easement.

STAFF RECOMMENDATION

Staff recommends approval of the easement.

Staff contact: Eric Lindman 715-261-6745

Document Number

PERMANENT LIMITED EASEMENT - UTILITY

THIS EASEMENT, made this _____ day of _____, 2015, by the **City of Wausau, a municipal corporation**, located in Marathon County, Wisconsin on behalf of its Wausau Downtown Airport, GRANTOR, conveys a permanent limited easement as described below to **Wisconsin Public Service Corporation**, a Wisconsin corporation, and **Charter Communications, Inc.**, collectively, GRANTEE, for the sum of One and No/100 dollars (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and the GRANTOR does hereby give and grant unto the GRANTEE, its successors and assigns, the perpetual right, permission, authority, privilege and easement for the purpose of constructing, installing, maintaining, operating, inspecting, removing, replacing, or abandoning in place, all equipment ("Facilities") necessary or useful for the purpose of transmitting electrical energy and/or gas for light, heat and power or for such other purpose as electric energy and/or gas is now or may hereafter be used, and for communication upon, over, across, within and beneath the certain "Easement Area" as described below and shown on attached Exhibit "A," on land owned by said GRANTOR in the City of Wausau, County of Marathon, State of Wisconsin, described as follows, to-wit:.

Legal Description:

This space is reserved for recording data

Return to:

Wisconsin Public Service Corp.
Real Estate Dept.
P.O. Box 19001
Green Bay, WI 54307-9001

Parcel Identification Number/Tax Key Number

291-2807-122-0090

This is not homestead property.

GRANTOR is obligated to meet standards established by the Federal Aviation Administration relating to airport safety and the protection of aircraft landing and taking off from the airport. In order to meet those standards, the GRANTEE agrees to limit its easement rights on the Easement Area as follows:

GRANTEE shall not bring any vehicle or other equipment into, nor conduct repairs, maintenance or other operations within the boundaries of Airport property, except at such times as may be designated for such purposes by an authorized representative of GRANTOR. No such authorized representative of GRANTOR shall unreasonably refuse to designate such times, and such times so designated shall be those reasonably related to the unobstructed taking off, landing and flight of aircraft. Notwithstanding any other provision in this paragraph, however, GRANTEE may upon notification to an authorized representative of GRANTOR, enter, bring any vehicle and equipment into and conduct repair, maintenance and other operations within the Easement Area, in the event of a break, leak or other serious condition in the Facilities constructed in the Easement Area, or in the event of any other emergency situation arising with respect to such Facilities. GRANTEE shall have the right to go upon GRANTOR's property outside the Easement Area for the purpose of gaining access to the Easement Area in the event direct access to the Easement Area is not possible in accordance with the provisions of this paragraph.

GRANTEE shall not permit, and shall prevent, any use of the Easement Area that would interfere with or adversely affect the operation or maintenance of the Wausau Downtown Airport.

GRANTEE will not permit or suffer the use of the Easement Area in such a manner as to create any electrical or electronic interference with radio communications between any air navigational or aviation communications installation upon or in the vicinity of the airport property and aircraft, or to make it difficult for an aircraft pilot to distinguish between airport lights and others, or as to otherwise impair an aircraft pilot's visual perception in the vicinity of the airport, or as to otherwise endanger the landing, taking off, or maneuvering of aircraft in the vicinity of the Airport.

GRANTEE shall have the right to trim or remove any trees or brush within the Easement Area which in its judgment may interfere with or endanger said Facilities.

So long as the underlying airport property is used for airport purposes, GRANTEE shall not place, nor permit the placement of, any poles, surface markers or surface structures of any kind upon the Airport property. No building, tree, or other substantial or permanent structure shall be placed upon the Easement Area by the GRANTEE. GRANTEE will not replace or relocate any existing Facilities within the Easement Area without the prior written approval of the GRANTOR, such approval not to be unreasonably withheld. Equipment may not encroach into protected airspace except in emergencies.

GRANTEE shall, after constructing, installing, maintaining, operating, inspecting, removing, or repairing the intended utility services or Facilities within the Easement Area, restore the Easement Area to the same condition that existed prior to such work including replacement of ground cover, terrain shape and contours, drainage pattern and vegetation. All work in the Easement Area will be performed in a proper workmanlike manner, and during the progress of the work, GRANTEE will properly safeguard users of the airport from such work.

GRANTOR reserves unto itself, its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft over the ground and in the air space above the surface of the real property herein described, together with the right to cause on said ground and in said air space such sound as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in said air space and for use of said air space and ground for landing on, taking off from, or operating at the Wausau Downtown Airport.

GRANTEE hereby releases GRANTOR from all debts, claims, demands, damages, actions and causes of action whatsoever which may result from the easement granted hereunder by the GRANTOR, and further agrees to indemnify and hold GRANTOR harmless from all debts, claims demands, damages, actions and causes of actions which may arise as a result of GRANTEE's use and occupation of the Easement Area, except as otherwise arising as a result of the negligence or willful misconduct of GRANTOR.

The covenants and agreements herein contained shall be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and assigns and shall run with the land. No failure or delay of either party in enforcing its rights hereunder shall act as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right set forth herein. This Easement may be executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, GRANTOR has hereunto set its hand and seal the day and year first above written.

CITY OF WAUSAU, a municipal corporation
in the State of Wisconsin

BY: _____
James E. Tipple, Mayor

ATTEST:

BY: _____
Toni Rayala, Clerk

STATE OF WISCONSIN)
) SS
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2015, the above named, James E. Tipple, Mayor, and Toni Rayala, City Clerk, for the City of Wausau, known to me to be the persons who executed the foregoing instrument on behalf of said GRANTOR and acknowledged the same.

Notary Public, Wisconsin
My commission expires:_____

This instrument drafted by: Tara G. Alfonso,
Assistant City Attorney for the City of Wausau,
407 Grant Street, Wausau WI 54403

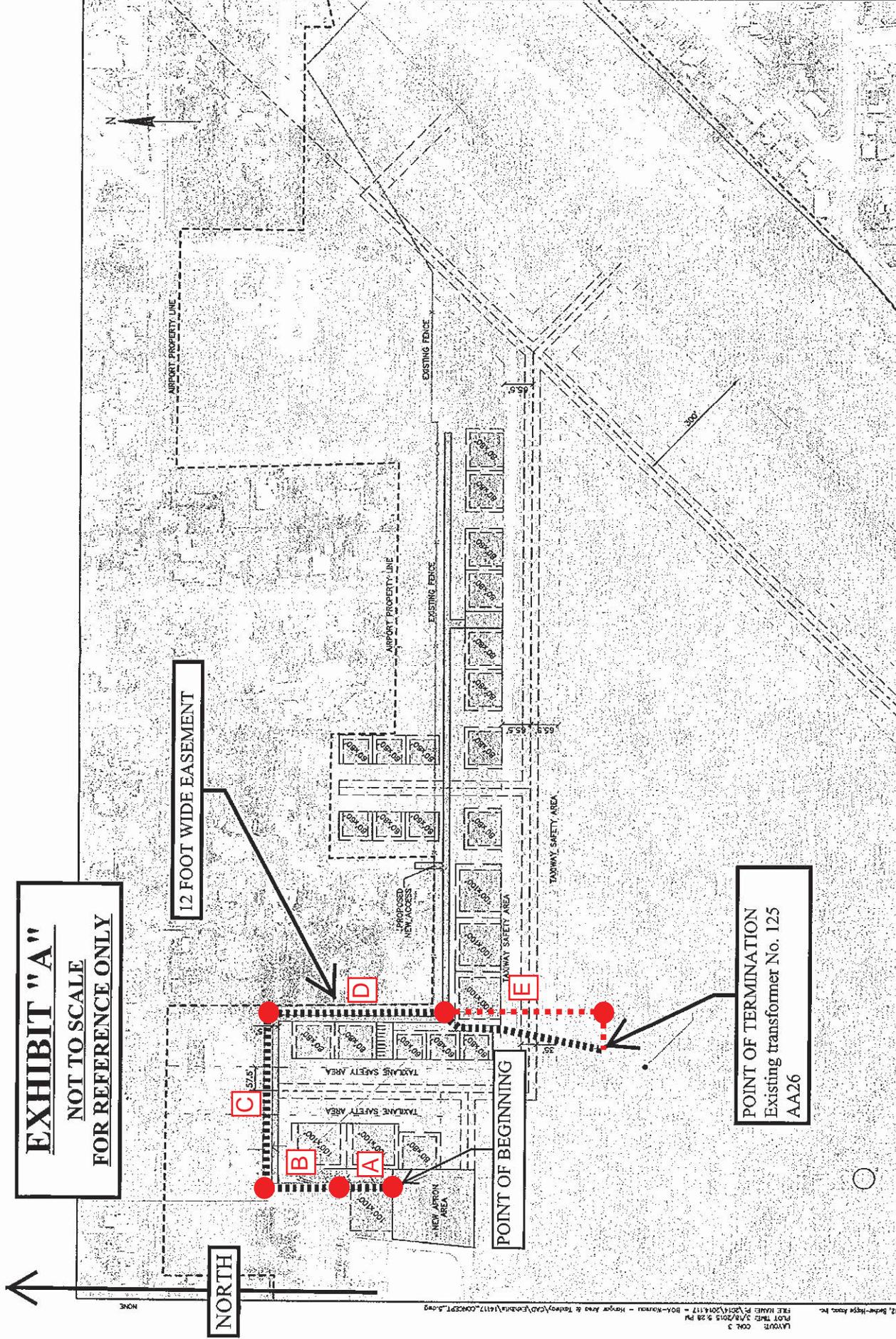


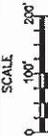
EXHIBIT "A"
 NOT TO SCALE
 FOR REFERENCE ONLY

12 FOOT WIDE EASEMENT

POINT OF TERMINATION
 Existing transformer No. 125
 AA26

POINT OF BEGINNING

<p>Copyright 2012, Becher-Hoppe Assoc., Inc. FILE NAME: P:\2014\2014.117 - B04-Konrad - Hangar Area & Taxiway\CAD\exhibit\117_CONCEPT.dwg PLOT TIME: 3/18/2015 5:28 PM LAYOUT: CON 3</p>	<p>330 Fourth Street • PO Box 8000 Wausau, WI • 54402-8000 715.845.8000 • Fax 715.845.8008 becherhoppe.com</p>	<p>DRAWN BY: OMC CHECKED BY: SHO DATE: MAR 2015</p>	<p>PROJECT NO: 2014.117 REV. DATES:</p>	<p>Wausau Downtown Airport Connector, Taxiway and Hangar Area AP X-14-XXXX-XX</p>	<p>PRELIMINARY CONCEPT</p>	<p>SHEET CON 3</p>
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CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF FINANCE COMMITTEE

Amending Section 3.08.040 Appropriations required and Creating Section 3.08.050 Annual budget adjustment required and Section 3.08.060 Annual budget monitoring

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: None

File Number: 02-0116

Date Introduced: May 26, 2015

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

Add ()

Delete ()

Section 1. That Section 3.08.040 Appropriations required, is hereby amended to read as follows:

3.08.040 Appropriations required. No money shall be drawn from the treasury of the city nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation resolution, or such resolution when changed as authorized by section 3.08.05~~30~~.

At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Section 2. That Section 3.08.050 Annual budget adjustment required, is hereby created to read as follows:

3.08.050 Annual Budget Adjustment Required. Each year between August 31 and October 31, the Mayor shall prepare and submit to the Finance Committee, a budget reconciliation amendment using year-to-date actual revenues and expenditures and making projections for year-end outcomes by appropriation. The reconciliation amendment shall be designed to keep expenditures under those which have been appropriated in the budget, by year's end.

Section 3. That Section 3.08.060 Annual budget monitoring, is hereby created to read as follows:

3.08.060 Annual Budget Monitoring. All city management personnel with budget responsibilities, as defined by ordinance or job description, shall monitor the expenditures for which they are responsible, to ensure expenditures have not exceeded the annual appropriation approved by the common council for such purpose. Whenever anticipated expenditures will exceed the approved appropriation for that purpose, the matter shall be brought by the Mayor to the common council for consideration of a transfer or budget modification.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. 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

FINANCE COMMITTEE

Date and Time: Tuesday, **May 12, 2015** @ 5:30 pm., Board Room

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

Others Present: Groat, Jacobson, Giese, Hite, Lindman, Mohelnitzky, Petit, Hanson

Discussion and Possible Action on amending Municipal Ordinance 3.08.040

Winters stated this ordinance has existed for some time and basically says that you can't write any checks out of the treasury unless it is in the budget. He commented in the last couple of years we have written some checks that were not in the budget and the question is if that is good practice and how can we avoid doing that in the future. He proposed two changes to add to the ordinance, one that we do an annual budget adjustment, looking at our year to date actuals between August 31st and October 31st and move money from lines where there is surplus to deficit. In some instances we may have to make decisions to delay some things to the next year. The second change would be to charge all personnel who have budget management responsibility to let us know. Groat requested they look at the job descriptions of all department heads to ensure that budget monitoring a part of it so that everyone has that responsibility. Winters agreed and recommended that go to Human Resources.

Motion by Nagle, second by Kellbach to approve the amendments to Section 3.08.040. Motion carried 5-0

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

RESOLUTION OF THE PLAN COMMISSION

Approving a conditional use at 630 Adams Street to allow for an educational institution located on less than a 40,000 square foot lot, in a R3, Two Family Residence District.

Committee Action: Approved 4-0

Fiscal Impact: None.

File Number: 15-0509

Date Introduced:

May 26, 2015

WHEREAS, on May 19, 2015, the Plan Commission held a public hearing to consider a request from Anne Stephenson, Acton Academy, for a conditional use at 630 Adams Street to allow for an educational institution located on less than a 40,000 square foot lot; and

WHEREAS, the proposed use would occupy a renovated portion of an existing structure; and

WHEREAS, office space will also be housed in the existing building near the classroom; and

WHEREAS, the proposed one-room classroom is small, with a total enrollment of 36 students; and

WHEREAS, the weekday, daytime hours of the proposed use complement other uses of the building, such that parking or other issues related to overcrowding on the site are not expected; and

WHEREAS, the proposed use is not expected to negatively impact surrounding property owners or the general public's health, safety, or welfare; and

WHEREAS, no one spoke in opposition to the proposed conditional use; now therefore

BE IT RESOLVED that the Common Council of the City of Wausau hereby approves a conditional use at 630 Adams Street to allow for an educational institution located on less than a 40,000 square foot lot, as presented.

Approved:

James E. Tipple, Mayor

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, May 19, 2015, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Lindman, Rosenberg, Gisselman, Oberbeck

Others Present: Lenz, Hebert, DeSantis, Stephenson

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

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

PUBLIC HEARING: Approve a conditional use at 630 Adams Street to allow for an educational institution located on less than a 40,000 square foot lot, in an R3, Two Family Residence District. (Acton Academy Wausau, Inc.)

Anne Stephenson, head of Acton Academy Wausau, Inc., thanked the commission. The conditional use is for Immanuel Lutheran Church. There is a wing that is almost vacant. The one-room school incorporates e-learning and is very innovative. The existing zoning code was just changed to have the possibility of a school at this location. There are currently eight (8) students enrolled this year and 15 students next year. There is a cap of 36 students. Stephenson said it is a wonderful program.

Lindman closed the public hearing.

Lenz said that with the ordinance change this use could be allowed, if approved by the Plan Commission and Common Council. The proposed use is similar to past uses in the building and will complement the church use. Lenz said he does not see any issues with parking or overcrowding and thinks it would be a good fit for the building.

Rosenberg motioned to approve a conditional use at 630 Adams Street to allow for an educational institution located on less than a 40,000 square feet lot, in a R3, Two Family Residence District. Gisselman seconded and the motion carried unanimously 4-0. This item will go to Common Council on May 26, 2015.



STAFF REPORT

TO: City of Wausau Plan Commission
FROM: Brad Lenz, City Planner
DATE: May 14, 2015

GENERAL INFORMATION

APPLICANT: Anne Stephenson, Acton Academy

LOCATION: 630 Adams Street

EXISTING ZONING: R3, Two Family Residence District

REQUESTED ZONING: Conditional Use

PURPOSE: To allow an educational institution on a parcel less than 40,000 square feet. In residential districts, educational institutions are permitted uses, and may be allowed by conditional use on lots between 25,000 and 40,000 square feet.

EXISTING LAND USE: Religious institution

SIZE OF PARCEL: 0.66 acres (approximately 29,000 square feet)

SURROUNDING LAND USE AND ZONING:

North: Single family homes, parking lot, and non-profit building;
R3, Two Family Residence District

South: Single and multi-family homes; R2, Single Family Residence District

East: Multi-unit residential development; UDD, Unified Development District

West: Single family home; R3 District

(See attached *Zoning* Map)

ANALYSIS AND RECOMMENDATION

From Wausau Municipal Code 23.72.060, no conditional use shall be recommended by the city plan commission unless the commission finds:

- (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;*
- (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;*
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;*
- (d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;*
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and*
- (f) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as the regulations may, in each instance, be modified by the common council pursuant to the recommendations of the city plan commission.*

The proposed conditional use is the first petition under the recently amended ordinance to allow educational institutions on lots less than 40,000 square feet. The conditional use process allows the plan commission and council to consider the acceptability of the proposal based on the criteria above.

Since the proposed use would occupy a renovated portion of an existing structure, many of the standards above are not applicable, particularly since the proposed use as a school, or academy, is similar in nature to the preschool that was originally housed in the building. The proposed one-room classroom is small, with a total enrollment of 36 students. Office space will also be housed in the existing building near the classroom. The weekday, daytime hours of the proposed use complement other uses of the building (e.g., church services), such that parking or other issues related to overcrowding on the site are not expected.

Staff recommends approval of the conditional use as presented.

CITY OF WAUSAU

2014 APPLICATION FOR A CONDITIONAL USE

For background on the conditional use process and other important information, please read the "Information and Instructions for City of Wausau Conditional Use Process" carefully before completing this application.

Please provide all of the information requested below, including a site plan and information about existing and proposed buildings. If you have questions during the course of preparing the application, contact either the Director of Inspections at 715-261-6783 or the City Planner at 715-261-6753. (PLEASE PRINT OR TYPE)

1. Address of the property where the conditional use is requested:

630 Adams Street, Wausau, WI 54403

2. Provide a legal description of subject property in the space below or attach a copy of the legal description to this application. (For example, the legal description might be the lot, block, and name of a subdivision, or a Certified Survey volume and page number, or some other type of legal description. The City Assessor, at 715-261-6600, may be able to provide this information):

A WARRENS THIRD ADD LOTS 5 6 7 & 8 BLK 13

3. Name(s) of Applicant Business: Acton Academy Wausau, Inc.

Name of Contact Person (PLEASE PRINT): Anne Stephenson

Address for Any Correspondence: 1500 Merrill Avenue, Wausau, WI 54401

Daytime Phone No. of Contact Person: (715) 203-3130

Evening Phone No. of Contact Person: (715) 203-3130

What is your interest in the subject property? (For example, owner, prospective owner, renter, attorney for owner, etc.)

Renter.

4. Property Owner Name(s) if Different from Applicant: Immanuel Lutheran Church

Address: 630 Adams Street, Wausau 54403

Owner's Daytime Phone Number: _____ Church Office: (715) 803-8122

Owner's Evening Phone Number: _____

5. What is the area, in square feet, of the property on which the establishment of the conditional use is requested? The building occupies 30,620 sq ft.
6. What is the present zoning of the subject property? 1) R3
7. What is (are) the present use(s) of the subject property? Church storage/empty space
8. Proposed use(s) of property: Approx. 1,100 square feet for Acton Academy Wausau, Inc.

Primary Use (reason for conditional use request): Year round location for small (36 student) non-profit academy for first through fifth grades

Secondary use (if any) of property in addition to the conditional use: _____

Other use(s): _____

9. Describe in detail the nature of your proposed conditional use request. Include information regarding construction of new buildings, remodeling of existing buildings, location and amount of parking, number of employees, hours of operation, proposed type, size, location, and style of any new sign(s), and other pertinent information. (This information may be provided on a separate sheet or sheets)

Generally, a site plan and more detailed information about any buildings will need to be submitted in order to more accurately explain your proposal. This is described in greater detail in the attached section, "Site Plan and Building Information".

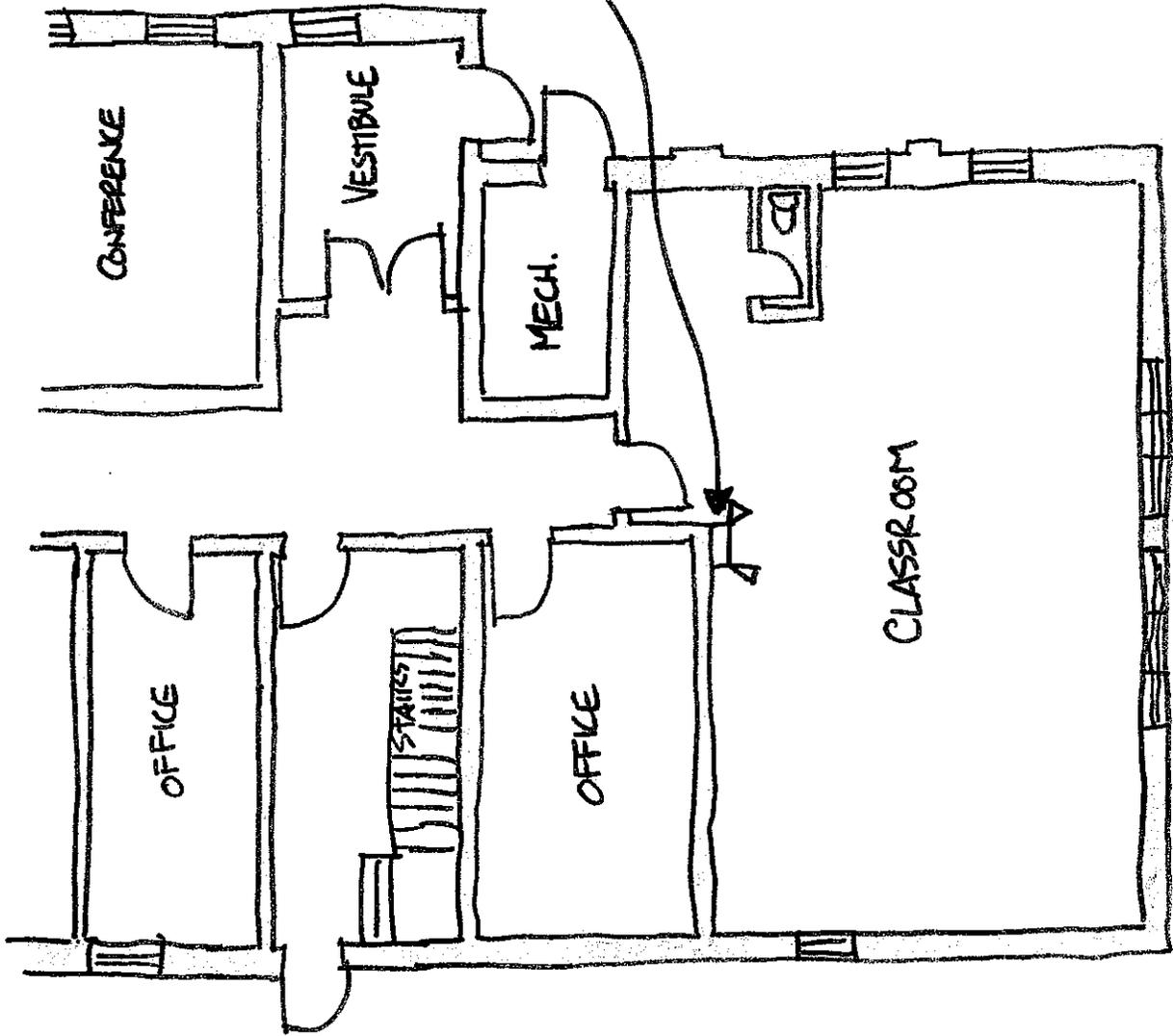
This application, the site plan and all other information provided by the applicant, including testimony made at the public hearing, become part of the public record of your conditional use request. Any material variations from this application could be cause for the Plan Commission to void this application and require the applicant to reapply for the conditional use. Therefore, do not make written or verbal statements regarding the proposed use(s) that are not entirely accurate. (Include additional page(s) if necessary)

The mission of Acton Academy Wausau is to inspire our students using the proven methods of Acton Academy Austin (www.actonacademy.org). We seek to use the main floor space previously used for a preschool as our one-room classroom and the two adjacent offices for administrative office. Rick Schroeder from Becher Hoppe assessed the property and concluded installation of an emergency egress light would make the space code compliant (see attached report).

The property has street-level entry close to the classroom in addition to an ADA-compliant entry and elevator. There are 60 parking spaces outside with additional spaces down the block

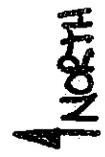
There are two full-time and four part-time employees. Our school year runs from September first through mid-July.

NOTE: If you are submitting an application for a community living arrangement (group home, community based residential facility, etc.) please request a copy of the City's *Policy Regarding Location and Distribution of Community Living Arrangements* (April, 1996). This policy is available from the Inspections Department and identifies additional information that MUST be submitted with your conditional use application for this type of use.



INSTALL NEW EMERGENCY LIGHT FIXTURE
 AT 10' AFF. LITHONIA LIGHTING ELM2 LED.
 CONNECT FIXTURE TO LOCAL LIGHTING CIRCUIT.

ACTION
ACADEMY
AT
IMMANUEL
LUTHERAN
CHURCH



o CLASSROOM OCCUPANCY CHANGE.

March 4, 2015

Bill Hebert
Building Inspector
407 Grant Street
Wausau, WI 54403

Subject: 2015.020 - Acton Academy Wausau - Code Review

Dear Mr. Hebert:

I have reviewed the code requirements for converting a portion of the existing Immanuel Lutheran Church facility located at 630 Adams Street for use by Acton Academy Wausau. A one story portion of the building (see attached sketch) with no basement below is to be converted from the existing Church facility occupancy classification of A-3 to an occupancy type E education.

As discussed, fire sprinklers and a fire alarm would not be required to be installed. It appears that the only requirement to facilitate the partial change of occupancy would be to provide emergency egress lighting inside the classroom space. This can be accomplished by installing an emergency light fixture as indicated on the attached sketch. A cut sheet of the fixture is also attached. If you have any questions or would like to further discuss the project, please give me a call.

Sincerely,



Rick Schroeder, AIA
Architectural Services Manager

enclosures

cc: Anne Stephenson



Project: **Acton Academy at Immanuel Lutheran Church Wausau – Code Review**
Project #: 2015.020
Date: 03/03/2015
Code Authority: State of Wisconsin (2009 IBC w/ Wisconsin Amendments & 2009 IEBC)

IEBC Breakdown

Chapter 4 – Classification of Work

- 406 Change of Occupancy
 - From Group **A-3** (Religious Education) to Group **E** (Education)
 - Remainder of building will remain Group A-3 (Places of Religious Worship)

Chapter 9 – Change of Occupancy

- 912.1.1.2 Change of Occupancy Classification with Separation
 - The portion changing must be separated by the remainder of the building with a fire barrier complying with Table 508.4 of the IBC. Only the separated portion is to comply with all requirements of Chapter 8 and 9 of the IEBC.
 - At this point, if you separate the occupancies per Table 508.4, you can follow the IBC for the changed portion and it will be code compliant. See below for requirements per the IBC to make the E Occupancy code compliant.

IBC Breakdown

* Only the separated portion (Group E Occupancy) must comply with the IBC as follows.

Chapter 1 – Administration

Chapter 2 - Definitions

Chapter 3 - Use and Occupancy Classification

- 302 Classification
 - Portion of Occupancy Change: Group E (Education)
 - Remainder of Building: Group A-3 (Religious Education)

Chapter 5 - General Building Heights & Areas

- Area of change of occupancy: ~**567 s.f.**
- 508.4 Required Separation of Occupancies
 - Separation required between A and E occupancies = No separation requirement.
This means that per the code, you can take advantage of “separated occupancies” without installation of a fire barrier wall.

Chapter 9 - Fire Protection Systems

- 903 Automatic Sprinkler Systems
 - 903.2.3 Group E.
 - (a) Except as provided in par. (b), an automatic sprinkler system shall be provided for Group E occupancies as follows:
 - 1. Throughout all Group E fire areas greater than 20,000 square feet in area.
 - 2. Throughout every story of educational buildings that is located below a story which includes the lowest level of exit discharge.
 - (b) An automatic sprinkler system is not required in any fire area, or in any story that is located below a story which includes the lowest level of exit discharge, where every classroom throughout the building has at least one exterior exit door at ground level.

* An automatic sprinkler system is not required in the area where the change of occupancy occurs.

- 907 Fire Alarm and Detection Systems
 - 907.2.3 Group E.
 - A manual fire alarm system that activates the occupant notification system in accordance with section 907.5 shall be installed in group E occupancies. When sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the fire alarm system.
 - Exception #1: A manual fire alarm system is not required in Group E occupancies with an occupant load of less than 50.

* A manual fire alarm system is not required in the area where the change of occupancy occurs.

Chapter 10

- Table 1004.1.1 Max Floor Area Allowance per Occupant
 - Educational Classroom Areas = 20 gross s.f./occupant = ~28 occupants.
- Section 1006 Means of Egress Illumination
 - Room to have egress lighting brought up to current standards.
- Section 1008 Doors
 - Door to the room can swing inward because less than 50 people occupy the space.
- Section 1011 Exit Signs
 - Room does not require an exit sign due to only requiring one exit/exit access from the space.
- Section 1014 Exit Access
 - 1014.2 Egress through intervening spaces.
 - 1014.2.1 Multiple Tenants.
 - Exception: The means of egress from a small tenant occupying less than 10 percent of the area of the larger tenant with similar occupancy groups are allowed to pass through the larger tenant.
 - 1014.3 Common Path of Egress Travel
 - Shall not exceed 75 feet. This space meets this requirement.
- Section 1015 Exit and Exit Access Doorways
 - 1015.1: Group E occupancy is only required to have 1 exit from the space since the occupant load is 49 or less.



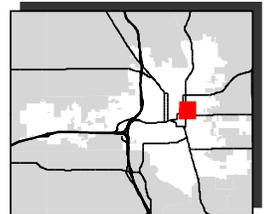
Map Date: May 11, 2015

City of Wausau
Marathon County Wisconsin



-  Building
-  Area of Interest

Map Location



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

RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE

Approving 2015 Street Reconstruction Projects and Authorization to Let Bids – 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac

Committee Action: Approved 3-1

Fiscal Impact: Estimated construction cost \$1,450,000 which includes converting overhead utilities to underground; estimated special assessments \$40,000

File Number: 15-0105

Date Introduced: May 26, 2015

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: \$1,450,000</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: \$1,450,000</i>
	<i>TID Source: Increment Revenue <input type="checkbox"/> Debt <input checked="" type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/></i>		

RESOLUTION

WHEREAS, the following streets have been proposed for construction under the 2015 Street Reconstruction Project:

2nd Avenue from Stewart Avenue to Elm Street
Clark Street from 2nd Avenue to the cul-de-sac

WHEREAS, this project is assessable in whole or in part to the abutting property owners for special benefits conferred upon properties by the improvement of the abovementioned streets; a preliminary resolution to levy special assessments to the abutting owners was adopted by the Common Council on March 24, 2015; and the Engineer's report has been filed with the City Clerk, and

WHEREAS, the Board of Public Works conducted public hearings for the project special assessments on May 4, 2015, and

WHEREAS, the Capital Improvements and Street Maintenance Committee discussed the proposed projects at its meeting on May 7, 2015 and recommends work be accomplished under the 2015 Street Reconstruction Projects, and

WHEREAS, street grades will be established or reestablished and fixed as shown on the plans for the project (copy on file in the Engineering Department), and minor revisions will be made in the plans as may be necessary during construction, now therefore

BE IT RESOLVED that the Common Council authorizes securing of bids and construction of the 2015 Street Reconstruction Projects.

Approved:

James E. Tipple, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: May 7, 2015, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Lindman, Jacobson, Lenz, Wesolowski, Gehin

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.

2015 Street Construction Project of 2nd Avenue and Clark Street: Discuss public hearing results and make recommendation

Arden Emmerich, 453 Grand Avenue, Schofield, stated he is a real estate investor. He is on the Economic Development Committee for Main Street Wausau, with his specific assignment being the near west side development. He inquired on how proceeding with reconstruction of 2nd Avenue fits into the Near West Side Master Plan and the purpose of the TID 8 plan. The purpose and creation of TID 8 is to offer capacity in order to implement the recommendations outlined in the Near West Side Master Plan and to leverage that with Wausau's Main Street Program. The Near West Side Master Plan focuses on full block solutions. He has been waiting for a larger plan for the area. The larger area, the commercial center of the City's Near West Side, covers roughly 10 City blocks. Local stakeholders view Clark Street and the Main Street Neighborhood as a commercial street. The development of the street needs to fit that commercial need. He questioned whether the plan as presented fits the commercial street requirements. The planned improvements are expected to create a unique identity for the Near West Side and bring economic revitalization for the area. He believes the Near West Side Master Plan should focus on the plan for the entire area, which he has not seen. He attended the Board of Public Works hearing on Monday regarding special assessments for the street project. That was the first time he heard the plan was that far along. He has been waiting for the comprehensive plan. He has tried to move economic development forward for the west side for the last couple of years. He has been put off and told it was in the hands of the DNR due to environmental concerns. He did not know there was clearance by the DNR to proceed. He is a stakeholder in the west side and in the TIF presentation it was said that Clark Street east of 2nd Avenue is a highly visible front door to the community. The triangular area adjacent to Stewart Avenue should be developed into an attractive public space with parking to support business and special events. The area is a blighted and underutilized. He owns the piece of land this is referring to and no one has ever talked to him about the TIF proposal. If the street project goes forward, the potential of the TIF 8 plan is limited.

Rasmussen stated there has been some stagnation in TID 8 in terms of private sector investment. A number of the stakeholders have indicated the City should move forward with improvements first before private investments are made. It was then decided to look at streetscaping and rebuilding of 2nd Avenue and Clark Street, relighting the area, reducing the hardscape, adding green elements, and increase walkability of the area. The City was stalled while waiting for DNR reports, but that situation is now resolving itself. Additionally, the private sector did not want to invest money on improvements and then have the street under construction for several months. She feels the streetscaping plan does fit within the master plan.

Lenz indicated the Near West Side Master Plan has a variety of recommendations, some of which are streetscaping improvements and transportation improvements. The larger plan is just an area wide streetscaping plan and does not delve into private development. The Near West Side Master Plan is being

used as a guiding master plan. One of the recommendations of the plan was to look at streetscaping improvements for not only 2nd and Clark Street, but the area around those streets and how to connect it to the river, and make the area a more walkable Main Street area. We do not have control of the private parcels. There have been ideas for the triangular area from both the City and stakeholders, but ultimately it is not the City's property. The City can see how it fits into the area and have recommendations but it is not the City's plan to develop that parcel or any other private property. The City can set the stage with street improvements and connections to the riverfront. Rasmussen sees the project as a combination of three years of work. It started out a number of years ago by walking the area with stakeholders and residents. Stakeholder opinions were gathered regarding what they wanted to see more and less of. From that feedback the streetscaping plan was created by GRAEF. There was not wide spread opposition to the project at the public hearing, but rather questions raised that can be addressed by staff.

Gisselman moved to approve the project and move forward for the 2015 construction season. Kellbach seconded and the motion carried 3-1 with Mielke opposing.

AGENDA ITEM
2015 Street Construction Project of 2 nd Avenue and Clark Street: Discuss public hearing results and make recommendation
BACKGROUND
The Board of Public Works held the public hearing on Monday, May 4 th regarding the special assessments.
FISCAL IMPACT
The budget for the roadway construction is \$1,000,000. Sanitary sewer and watermain replacement costs are not included in this budget number.
STAFF RECOMMENDATION
None at this time. Staff will make a recommendation based upon comments received at the public hearing.
Staff contact: Allen Wesolowski 715-261-6762

BOARD OF PUBLIC WORKS

Date of Meeting: May 4, 2015, at 4:00 p.m. in the Council Chambers.

Members Present: Lindman, Groat, Jacobson.

Also Present: Wesolowski, Nikolai.

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

PUBLIC HEARING: 2015 Street Reconstruction Project
2nd Avenue from Stewart Avenue to Elm Street
Clark Street from 2nd Avenue to the cul-de-sac

Lindman explained in accordance with state statutes the Board of Public Works is required to hold a public hearing for proposed projects involving special assessments and take testimony from property owners who are affected. The testimony is forwarded to the Capital Improvements and Street Maintenance Committee which will meet May 7, 2015 at 5:30 p.m. and will approve, disapprove or modify the plans or assessments for the project and forward a recommendation to the Common Council. It is anticipated the Common Council will take action at the May 26, 2015 meeting. There were no objections to dispense with the reading of the official hearing notice.

Lindman indicated the assessment rate is \$22.80 per foot for curb and gutter, drive approach replacement is estimated at \$5.00 per square foot, and the sewer lateral is \$500 if replaced.

Wesolowski noted that a construction schedule is not known at this time. It is anticipated that the project will be bid in late May or June with construction to take place from July through October. The street will be closed to through traffic but access will be maintained for the Police and Fire Departments at all times. Residents will be allowed to park in front of their property at night. Garbage collection will be the responsibility of the contractor. Sewer and water laterals are scheduled to be replaced on this project.

Lindman stated staff from the Engineering Department will be available after the public hearing if there are specific questions about individual properties or the work to be done under the project. Lindman asked persons in attendance who wished to speak regarding special assessments to come to the podium and give their name, address and comments.

Arden Emmerich, 453 Grand Avenue, Schofield, stated he is present to inquire about the project and meet with staff. He has been involved with the project for several years as he owns property on both sides of Clark Street and the shopping center that houses Katzenbarkers. There has been a lot of discussion on this project and he has been waiting for plans of the project. He does not object to the cost or the charges per foot. He is only looking for information regarding the improvements and feels this may be premature because he has not seen a comprehensive plan. For six to eight years there has been a plan to take the south lot along Clark Street to use for beautification of the City, but there has been no discussion on the intent. He would like to know the plan before 2nd Avenue is torn up. Emmerich feels he will lose customers and renters if there is no access during the project. He will discuss the plans with staff after the public hearing.

There were no further comments offered and the public hearing was closed.

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

RESOLUTION OF THE ECONOMIC DEVELOPMENT COMMITTEE	
Approving a City of Wausau Property Disposition Program	
Committee Action:	Approved 5-0
Fiscal Impact:	None
File Number:	15-0510
Date Introduced:	May 26, 2015

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	<i>Included in Budget:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, City of Wausau has purchased blighted properties throughout the years for demolition and redevelopment purposes; and

WHEREAS, the City of Wausau wishes to offer these vacant lots for sale to the general public for redevelopment; and

WHEREAS, the City of Wausau has developed a Property Disposition Program which provides guidelines which offers these properties for sale; now therefore

BE IT RESOLVED that the City of Wausau Common Council approves the Property Disposition Program and directs staff to begin the process to offer these properties for sale accordingly.

Approved:

James E. Tipple, Mayor

ECONOMIC DEVELOPMENT COMMITTEE

Time and Place: The Economic Development Committee met on Tuesday, May 5, 2015 at 4:30 p.m. in the 1st Floor Council Chambers at City Hall, 407 Grant Street, Wausau

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

Others Present: Mayor Jim Tipple, Ann Werth, Anne Jacobson, MaryAnne Groat, Nan Giese, Travis Lepinski, Brad Lenz, Tammy Stratz, Chris Schock, Christine Van de Yacht, Elizabeth Fields, Jeff Sargent, Karen Kellbach, Aaron Kapellusch, Rob McCready, Bill Greenwood, Forrest Young, John Smith and Deb Ryan Gary Gisselman

DISCUSSION AND POSSIBLE ACTION ON THE PROPOSED PROPERTY DISPOSITION PROGRAM FOR THE CITY OF WAUSAU

Rasmussen motioned to approve the proposed property disposition program. Neal seconded and the motion carried unanimously 5-0.

PROPERTY DISPOSITION PROGRAM for REDEVELOPMENT PURPOSES

Properties

- * City offers up individual lots to the general public
 - listed on website and advertising in paper AND/OR
 - listing with a realtor
- * City offers larger commercial developable properties through RFP process

Individual Application

- * The prospective buyer must detail what they are planning on doing with the property (owner occupied vs. rental)
- * Income eligibility requirement may be required based on the source of income the property was acquired with
- * Establish a time line for project to be approved
- * Owner would have 90 days to arrange financing and one year to complete project

Notes

- * Properties will be posted on line and/or listed for a 30 day time period before applications will be reviewed and decisions made. After 30 day time period has expired with no applications, any applications will be reviewed on a first-come, first-serve basis.
- * Not all properties will be sold to the highest bidder but to the best fit for the area the property is located in – owner occupied proposals will be given a higher priority
- * In the case of the adjoining property owner wishing to join the vacant lot to their existing property, the lot will be sold outright. The property value will be determined by the Assessor's Department.
- * The Economic Development Committee would accept/deny proposals and make recommendations to the Common Council for their final approval before sale can occur.

Financing

- * The approved applicant would obtain financing on their own. Once the house/project is complete and agreement satisfied, the city will forgive the price of the lot OR if income qualifications are required, a percentage of the lot will be forgiven over a number of years to meet the affordability requirement of federal funds. (A mortgage will be recorded – in second position after first mortgage holder.)
- * If project is geared towards income-eligible clientele, additional financing MAY be available through Community Development IF the project qualifies under federal funding guidelines. Recommendations to Economic Development Committee will be part of the proposed packet when project is presented to committee.
- * Completion of project would be defined in the finance agreement and based according to each individual project
- * Appraisals pre- and post-project would be required
- * Owner must have a contribution to project (minimum requirements)
 - * If under 80% County Median Income (CMI) = \$2,500 own funds
 - * If over income limits = 5% (of total project) own funds

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

RESOLUTION OF THE ECONOMIC DEVELOPMENT COMMITTEE	
Accepting the proposal from Badger Lofts for the redevelopment of 1418 North First Street (Sav-O Supply building) into a 29 unit apartment complex.	
Committee Action: Approved 4-1	
Fiscal Impact:	
File Number: 14-1013	Date Introduced: May 26, 2015

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, the City issued a Request for Proposal (RFP) for the redevelopment of the City-owned former Sav-O Supply building located at 1418 North First Street; and

WHEREAS, the City received responses to the RFP in this most recent round from Badger Lofts- a proposed 29 unit apartment facility and a consortium led by the Wausau Region Chamber of Commerce for an incubation space; and

WHEREAS, the Wausau Region Chamber of Commerce withdrew their specific proposal, leaving the Badger Lofts proposal as the only viable proposal in this round; and

WHEREAS, the Badger Lofts proposal is consistent with planning efforts in the area, is the best opportunity to leverage state and local resources immediately to support redevelopment, compliments the existing and proposed uses in the neighborhood, supports the establishment of additional affordable housing, and is both architecturally unique and historically appropriate; and

WHEREAS, the Badger Lofts team of MetroPlains development and MSR Architects has successfully completed other redevelopment projects in the City of Wausau and is a skilled developer to accomplish the efficient redevelopment of this City owned property; and

WHEREAS, the Economic Development Committee considered the matter on May 5, 2015 and recommended that the City of Wausau accept the proposal made by MetroPlains;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Wausau authorizes the appropriate city officials to execute contracts and appropriate documents to transfer the building and execute a Development Agreement with Badger Lofts for the implementation of the proposal.

Approved:

James E. Tipple, Mayor

ECONOMIC DEVELOPMENT COMMITTEE

Time and Place: The Economic Development Committee met on Tuesday, May 5, 2015 at 4:30 p.m. in the 1st Floor Council Chambers at City Hall, 407 Grant Street, Wausau

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

Others Present: Mayor Jim Tipple, Ann Werth, Anne Jacobson, MaryAnne Groat, Nan Giese, Travis Lepinski, Brad Lenz, Tammy Stratz, Chris Schock, Christine Van de Yacht, Elizabeth Fields, Jeff Sargent, Karen Kellbach, Aaron Kapellusch, Rob McCready, Bill Greenwood, Forrest Young, John Smith, Deb Ryan and Gary Gisselman

DISCUSSION AND POSSIBLE ACTION ON THE PROPOSALS RECEIVED FOR THE PROPERTY AT 1418 NORTH FIRST STREET (SAVO SUPPLY)

Rob McCready from Metro Plains gave a presentation on their proposal for 1418 North First Street.

Aaron Kapellusch, Wausau Chamber, talked about his proposal and said they still want to move forward with it but at a different location due to the high costs to renovate 1418 North First Street. Proposal was officially withdrawn.

No action was taken – discussion in closed session.

CLOSED SESSION PURSUANT TO 19.85(1)(E) OF THE WISCONSIN STATUTES FOR DELIBERATING OR NEGOTIATING THE PURCHASE OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS, WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION

***DISCUSSION AND POSSIBLE ACTION ON THE PROPOSALS RECEIVED FOR THE PROPERTY AT 1418 NORTH FIRST STREET (SAVO SUPPLY)**

RECONVENE INTO OPEN SESSION TO TAKE ACTION ON CLOSED SESSION ITEMS, IF NECESSARY

After closed session, Wagner motioned to accept the proposal made by Metro Plains for the property at 1418 North First Street. Neal seconded and the motion carried 4-1. Rasmussen was the opposing vote.

CHARTER ORDINANCE OF HUMAN RESOURCES COMMITTEE	
Amending Section 2.04.020 Common council, relating to term of alderpersons	
Committee Action: Approved 4-0	Charter Ordinance Number:
Fiscal Impact: None	
File Number: 03-0916	Date Introduced: May 26, 2015

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

Add ()
Delete ()

Section 1. That Section 2.04.020 Common council, is hereby amended to read as follows:

2.04.020 Common council. There shall be one city alderperson from each of the eleven aldermanic districts who shall be elected at the regular city election for a term of two years commencing on the third Tuesday of April beginning in 2016 as follows: in the year of his/her election.

(a) — In 2016, the alderpersons representing seats 1, 3, 5, 7, 9 and 11 shall be elected for one 3 year term.

(b) — In 2016, and every two years thereafter, the alderpersons representing seats 2, 4, 6, 8, and 10 shall be elected for 2 year terms.

(c) — In 2019, and every two years thereafter, the alderpersons representing seats 1, 3, 5, 7, 9 and 11 shall be elected for 2 year terms.

A person may file for both the positions of city alderperson and county supervisor and be elected to both of those positions.

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

Section 3. This charter ordinance shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days a referendum petition shall be filed as provided by Section 66.0101 of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of electors voting thereon as provided by Section 66.0101 of the Wisconsin Statutes.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

DRAFT

**CITY OF WAUSAU HUMAN RESOURCES COMMITTEE
MINUTES OF OPEN SESSION**

DATE/TIME: May 11, 2015 at 4:30 p.m.
LOCATION: City Hall (407 Grant Street) – Board Room
MEMBERS PRESENT: R. Wagner (C), G. Gisselman, D. Oberbeck, L. Rasmussen
MEMBERS ABSENT: W. Nagle
Also Present: Mayor Tipple, M. Groat, M. Hite, A. Jacobson, J. Kannenberg, G. Klein, E. Krohn, T. Kujawa, Nora Hertel (WDH), Pat Peckham (City Pages)

Discussion and Possible Action on Amending Wausau Municipal Code Section 2.04.020 Common Council, Relating to Term of Alderpersons (Charter Ordinance) (Jacobson). Jacobson referred to the memo and draft ordinance included in the committee packet. Jacobson outlined the three options available to the committee at this time: submit a charter ordinance to a referendum, fail to approve the proposed amendment, or approved the proposed amendment by 2/3 vote of council. Rasmussen provided a recap of last month's discussion of why she feels it would be better to have all council members elected at the same time. Further discussion took place about changing back to same two-year terms. Motion by Rasmussen to move resolution forward, using option 3 in Jacobson's memo (Option 3: Approve the proposed amendment by a 2/3's vote (8), returning to eleven alderperson, all elected at the same time for a term of two years, to commence on the third Tuesday in April.). Second by Oberbeck. Gisselman said that he voted against the change last month and will be voting yes tonight so that it can go to council, where he feels it should be addressed. All ayes. Motion passes 4-0.

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

RESOLUTION OF THE FINANCE COMMITTEE

Approving Meetings Mean Business agreement between the City of Wausau and the Wausau/Central Wisconsin Convention and Visitors Bureau, Inc.

Committee Action: Pending

Fiscal Impact: \$50,000

File Number: 15-0511

Date Introduced: May 26, 2015

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source: Room Tax Funding</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: Depends on Collections approximately \$50,000 annually</i>
SOURCE	<i>Fee Financed:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: allocation of existing room tax revenue \$50,000</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount: Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue <input type="checkbox"/> Debt <input type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/></i>		

RESOLUTION

WHEREAS, the CITY is authorized under the laws of Wisconsin to impose, collect, and distribute a portion of the proceeds of hotel/motel room taxes for the purpose of improving the economic well-being of the entire community; and

WHEREAS, the CITY desires to fund, encourage and promote the creation of visitor related events including meetings, conventions, expositions and other like events throughout the entire community; and

WHEREAS, the Wausau/Central Wisconsin Convention and Visitors Bureau, Inc. was created to promote economic activity in the tourism industry through marketing, program development and coordination efforts related to events including meetings, conventions, expositions and other like events throughout the entire community; and

WHEREAS, consistent with the charge to promote economic activity with room tax dollars, there is hereby created the Meetings Mean Business Initiative; and

WHEREAS, your Finance Committee, at their May 26, 2015 meeting, reviewed the Meetings Mean Business Agreement and recommended approval.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau that the proper city officials are hereby authorized to execute an agreement with the Wausau/Central

Wisconsin Convention and Visitors Bureau, Inc. for Meetings Mean Business in substantial compliance with the terms of the proposed contract attached.

Approved:

James E. Tipple, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, **April 28, 2015** @ 5:30 pm., Board Room

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

Others Present: Groat, Giese, Hite, Jacobson, Kujawa, Lindman, Schock, Mohelnitzky, Petit, Ray, Wagner, Neal, Mielke, Goede, Joe Mella, Lindsey Lewitzke, Amy Frolick, Elizabeth Field, Phil Valtichka, Lisa Barry, Fritz Schierl, Andrew Halvorsen

Discussion and possible action regarding the Convention and Visitor Bureaus Proposed "Meetings Means Business Program" - Lisa Barry

Lisa Barry, Wausau/Central Wisconsin CVB, indicated they would be the first in the state to start a "Meeting Means Business Program." She explained it would put them in a higher playing field to be able to compete. She stated there have been conferences we have lost because we don't have the bidding money or the transportation money. She requested one half of one percent of room tax to be put into a fund to be set up just like the Sports Authority, where there is a board that requests have to go through. This will allow them to attract bigger conferences and fill hotel rooms during the week at slow times. She stated the money would only be used for meetings, conferences, and expos. The committee directed the Attorney's Office to put together a contract and bring it back to Finance.



Office of the City Attorney
Anne L. Jacobson, City Attorney
Tara G. Alfonso, Asst. City Attorney

TEL: (715) 261-6590
FAX: (715) 261-6808

Memorandum

From: Anne L. Jacobson, City Attorney
To: Finance Committee
Date: May 19, 2015
Re: Staff Analysis of Meetings Mean Business Agreement

Purpose: To obtain your approval of an agreement between the City of Wausau and Wausau/Central Wisconsin Convention and Visitors Bureau, Inc. for Meetings Mean Business.

Facts: Lisa Barry of Wausau/Central Wisconsin Convention and Visitors Bureau, Inc. made a Powerpoint presentation at the April 28, 2015 Finance Committee meeting regarding a new program, Meetings Mean Business. A draft agreement has been prepared by the City Attorney and is attached.

Recommendation: Approval.

cc: Mayor

**AGREEMENT BETWEEN THE CITY OF WAUSAU
AND THE WAUSAU/CENTRAL WISCONSIN CONVENTION AND
VISITORS BUREAU, INC.
(MEETINGS MEAN BUSINESS)**

THIS AGREEMENT is entered into as of the 26th day of May, 2015, by and between the City of Wausau, a Wisconsin municipal corporation, hereinafter referred to as the "CITY," and the Wausau/Central Wisconsin Convention and Visitors Bureau, Inc., a Wisconsin 501(c)6 non-profit corporation, hereinafter referred to as the "CVB."

WHEREAS, the CITY is authorized under the laws of Wisconsin to impose, collect, and distribute a portion of the proceeds of hotel/motel room taxes for the purpose of improving the economic well-being of the entire community.

WHEREAS, the CITY desires to fund, encourage and promote the creation of visitor related events including meetings, conventions, expositions and other like events throughout the entire community.

WHEREAS, the CVB was created to promote economic activity in the tourism industry through marketing, program development and coordination efforts related to events including meetings, conventions, expositions and other like events throughout the entire community.

WHEREAS, consistent with the charge to promote economic activity with room tax dollars, there is hereby created the Meetings Mean Business Initiative (sometimes referred to herein as the "Initiative") as more fully set forth hereinbelow.

NOW, THEREFORE, it is hereby agreed by the parties hereto as follows:

1. **Term of Agreement.** The term of this Agreement shall be from July 1, 2015 through June 30, 2016. This Agreement shall thereafter automatically renew for consecutive one year terms.
2. **Meetings Mean Business/Initiative Advisory Committee.**
 - A. **Purpose of Initiative.** The purpose of the Meetings Mean Business Initiative is to entice out of town business travelers to visit the Wausau area in part by securing and expanding business-related events that will generate multiple overnight hotel stays throughout the calendar year. The Initiative goals include the promotion of the community on a local, state, regional and national level for the hosting of meetings, conferences, expositions, and other like events; creating new locally generated meetings, conferences, expositions and other like events for local businesses and associations; to expand existing conferences, meetings, expositions and other like events; to attract new sponsors and retain financial benefits in the community; to fill lodging facilities during non- peak days and week thereby generating additional room tax dollars.

B. **Advisory Committee Duties.** In order to carry out the purposes and goals of the Meetings Mean Business Initiative, there is created an Advisory Committee. The duties of the Advisory Committee shall include:

1. Development of strategies to build or attract meetings, conferences and expos;
2. Development of a corporate sponsor program;
3. Establishment of partnerships with local companies, organizations and meeting planners;
4. Establishment of bench marks based upon minimum number of room nights, economic impact, time of year, time of week that the event is held and other community involvement;
5. Consultation on events hosted by local organizing groups;
6. Review of funding applications for program participation;
7. Review bid fee candidates and recommendation to Board for approval;
8. Completion of report on the use of the funds awarded to funding applicants.

The Advisory Committee which shall be overseen by and report to the CVB Board of Directors who shall finally determine what action and/or funding shall occur consistent with the purposes and goals of the Initiative.

C. **Membership.** The Advisory Committee shall have the following members:

1. One municipal representative from each of the municipalities that participate in the Initiative appointed from the governing body of said municipality.
2. Four Hotel representatives appointed by the CVB Board of Directors.
3. Three Facility representatives appointed by the CVB Board of Directors.
4. Two Meeting Planners appointed by the CVB Board of Directors.
5. Two "At-Large" members appointed by the Advisory Committee.
6. The Executive Director of the CVB.
7. The Sales Director of the CVB.

3. **Duties of CVB.** CVB shall maintain, staff, fund and provide office space at its principal place of business, and its expertise in tourism to assist in the oversight and management of this Initiative and the Advisory Committee.

4. **Reporting Procedures.** The CVB shall keep and maintain adequate records of the expenses incurred in carrying out the program. The financial activity related to Meetings Mean Business efforts will be accounted and reported for in segregated accounts. The Board and the CITY shall have the right to examine all such records and obtain progress reports or reviews at all reasonable times. Annually, the CVB will present to the Common Council the progress of the Meetings Mean Business Program, including descriptions of

events funded, unfunded, underdevelopment and tabled and the economic impact of the funded events. In addition, the CVB will submit a copy of the annual audit report to each municipal finance officer within 45 days of its completion.

5. **Room Tax.** (a) In addition to any other room tax allocations to the CVB under any other contracts, agreements, or state law requirements, the CITY shall pay to the CVB 1 (half (1 percent)) (.005%) of all room taxes received by the CITY to support the Initiative. Said room tax shall be paid within 45 days following the end of each calendar quarter. The CVB shall submit a request for payment to the CITY at the end of each quarter.

(b) The CVB shall submit a voucher to the CITY on a quarterly basis. The voucher shall be on such forms and contain such detail as may be required by the appropriate officers of the CITY, and shall be processed and paid by the CITY in the same manner as similar vouchers are processed and paid. It is expressly understood that the CITY is obligated to pay only the CVB for any expenses incurred in carrying out the terms of this agreement.

6. **Independent Contractor.** The CVB is deemed an independent contractor and any and all officers and employees of the CVB, including any Director of the CVB, who while engaged in the performance of any work or services required by this Agreement, shall be considered officers and employees of the CVB only and not of the CITY, and any and all claims that may arise under Wisconsin Workers Compensation made by or on behalf of said officers and employees while so engaged, and all claims made by any third party as a consequence of any act or omission on the part of the CVB and its officers, employees and agents, while so engaged in any work or services under this Agreement, shall be the sole obligation and responsibility of the CVB. The CVB shall take out and maintain, during the full term of this agreement and any renewal thereof, Workers Compensation Insurance for all of its officers and employees performing work or services under this Agreement and shall provide the CITY with written evidence of such insurance upon request.

7. **Indemnification and Hold Harmless.** The parties shall mutually indemnify, release, defend and hold each other harmless and their officers, agents and employees of and from any and all claims, demands, action, or causes of actions of whatever nature and character, arising out of or by reason of the execution or performance of work or services provided herein, any action or proceeding commenced for the purpose of asserting any claim of whatever character arising hereunder.

8. **Scope of Authority.** It is expressly understood that the CVB and its officers, employees or agents are not authorized and shall not represent themselves as being authorized, to enter into any contracts on behalf of or otherwise obligate the CITY to any person, corporation, partnership or association for the expenditure of public funds, the undertaking of any public improvements, or the granting of any favor or special treatment of any nature whatsoever.

9. **Termination.** Either party to this agreement may cancel their participation in this agreement at any time, with or without cause, upon giving ninety (90) days written notice of such cancellation to the other party. If this agreement is canceled under this provision,

the CITY shall reimburse the CVB according to the terms hereof to the date of such cancellation. Should the room tax payments exceed the obligations of the Meetings Mean Business Program activity, then the CBV shall return the funds to the CITY upon termination.

10. **Severability.** In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holdings shall not affect the validity or enforceability of any other provision hereof.

11. **Entire Agreement.** This Agreement reflects the entire understanding of the parties with respect to the subject matter herein contained, and supersedes any prior agreements (whether written or oral). This Agreement shall not be construed against the drafter thereof.

12. **Amendment.** Any amendment of this Agreement shall be in writing and shall be signed by the parties hereto.

13. **Counterparts.** This Agreement may be entered in two or more counterparts, each of which shall be deemed an original, and all such counterparts shall constitute but one and the same instrument. A duplicate copy of this Agreement signed by all parties shall be valid and binding as if one original of the Agreement was signed by the parties. A photographic, facsimile (fax), or electronic copy of the signature(s) of the undersigned will be deemed to be equivalent to the original hereof and/or may be used as a duplicate original.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year set forth above and, by so signing this Agreement, certify that they have been duly and properly authorized by their respective entities to make the commitments contained herein, intending them to be binding upon their respective entities and to execute this Agreement on their behalf.

CVB

CITY OF WAUSAU

By: _____

By: _____

Attest: _____

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

RESOLUTION OF THE FINANCE COMMITTEE	
Authorizing a Budget Modification to restore funding for the 2015 street seal coat project	
Committee Action:	Pending
Fiscal Impact:	No increase in the budget
File Number:	14-1109
Date Introduced:	May 26, 2015

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Budget Source: Budget Transfer</i>
	<i>One-time Costs:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: \$137,000</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue <input type="checkbox"/> Debt <input type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/></i>		

WHEREAS, funding the for annual seal coat project was significantly reduced during the 2015 budget preparation to meet tax rate objectives, and

WHEREAS, street seal coat is an important maintenance project that prevents deterioration and significantly extends the life of pavement, and

WHEREAS, the Finance Committee directed staff to search for other budget savings which would provide a funding source for this important project; and

WHEREAS, the mild winter provided budget savings in street salt, and natural gas utility costs; and

WHEREAS, the Common Council budget also provided a transfer opportunity due to the delayed implementation of the meeting management software,

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wausau that the proper City official(s) be authorized and directed to modify the 2015 budget as presented below:

Transfer From:

110-102594540	DPW Winter Maintenance – Salt	\$80,000
110-102392240	DPW Facilities – Natural Gas Utilities	\$16,000
110-1093230	Council – Subscription Services	\$10,000

Transfer To:

110-101592490	DPW Street Maintenance – Contractual Repairs	\$106,000
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BE IT FURTHER RESOLVED, that the proper City Officials are hereby authorized and directed to publish the budget modification in the official newspaper as required.

Approved:

James E. Tipple, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, **May 12, 2015** @ 5:30 pm., Board Room

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

Others Present: Groat, Jacobson, Giese, Hite, Lindman, Mohelnitzky, Petit, Hanson

Update on 2015 Department of Public Works Budget and related street maintenance - Mohelnitzky

Ric Mohelnitzky updated the committee on the status of street maintenance in the city. He stated they have a lot of streets that need to be rejuvenated and seal coated. He commented it is very important to maintain the streets and to keep the asphalt cement (AC) levels up. New pavements are losing their AC faster than they ever did before because of the recycle in them. He reviewed pictures of examples of streets in disrepair with the committee. He stressed the importance of crack filling as well to keep the moisture from getting underneath the pavement and then freezing and thawing. Brian Petit distributed a map of all the streets that have been paved from 2003 – 2011 in the city and which need surface treatment. He indicated there were some streets that were border line on being able to repair them and if we wait any longer they will be past the point of return.

Eric Lindman requested \$100,000 to be allocated to the budget for seal coating and the streets so that we can assist and extend the design life and an additional \$5,000 for the material for crack filling. He indicated his budget did not have the funds to transfer.

Motion by Nagle, second by Nutting to instruct staff to develop options to transfer funds from somewhere else and bring it back to the next meeting. Motion carried 5-0

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

RESOLUTION OF THE FINANCE COMMITTEE	
Approving agreements with Infovision Software LLC for permitting and inspection software	
Committee Action:	Pending
Fiscal Impact:	License agreement - \$44,000; software services agreement - \$31,000; support and maintenance (year 2) - \$8,800; support and maintenance (year 3) – up to 4%
File Number:	15-0513
Date Introduced:	May 26, 2015

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: First year-\$75,000; second year-\$8,800; third year-up to 4%</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, the Inspections and Zoning Division of the Department of Public Works has been in need of a comprehensive software solution for code enforcement, inspection and permitting; and

WHEREAS, in 2013, the CIP Committee recommended funding for a new comprehensive software; and

WHEREAS, request for proposals were submitted in April, 2014; however an agreement was not reached with the vendor and a request for proposals were reposted in December, 2014; and

WHEREAS, a total of six responses from five vendors were received; and

WHEREAS, after reviewing all responses, a contract for inspections software, maintenance and licensing services for Evolve, offered by Infovision Software LLC, has been chosen; and

WHEREAS, your Finance Committee, at their May 26, 2015, meeting, recommended approval of the agreements with Infovision Software LLC.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau that the proper City officials are hereby authorized and directed to execute agreements with Infovision Software LLC.

Approved:

James E. Tipple, Mayor



Memorandum

From: William D. Hebert
To: Finance Committee
Date: 05/08/2015
Re: RFP – Finalist for Permitting and Inspections Software

Purpose: To obtain your approval for contracting with Infovision Software for Permitting and Inspection Software

Facts / Considerations:

Background: The Inspections and Zoning Division of the Department of Public Works has been in dire need of a comprehensive software solution for code enforcement, inspection, and permitting. Our division has been utilizing multiple 'in-house' developed software's for permitting and code enforcement. The systems are outdated and cumbersome, and also require time consuming processes to develop reports. In 2013 the CIP committee recommended funding for new comprehensive software for our division.

The initial Request for Proposal was due in April of 2014. We received only 3 total responses. Staff worked tirelessly to review, analyze and negotiate with the finalist vendors. We presented a summary of costs for the three proposals to the CIP committee in August of 2014. Our budget did not cover the costs of any of the proposals. Since we were unable to reach an agreement and a second RFP was completed.

Our second RFP received a total of 6 responses from 5 vendors. The additional proposals were very competitive and offered comprehensive software solutions for not only our division, but city wide. In both cases we evaluated all proposals in accordance with the evaluation criteria specified in the RFP document. We reviewed the written proposals, viewed several product demonstrations, and checked references for the finalists. We then held product demonstrations with additional staff specific to their expertise.

Recommendation: Your approval is requested for:

Contract for inspections software, maintenance and licensing services for Evolve, offered by Infovision Software LLC.

This proposal offers full service software for the inspections division including: project review, code enforcement, licensing, permitting, and public web access. Our purchase would be for the product and would available to all city personnel.

Impact:

1. This project is fully funded through CIP and falls within budget.
2. Once the software is fully implemented we should see immediate efficiencies and comprehensive statistical analysis to better provide information among staff, council, and customers.
3. Inspections and code enforcement will be mobilized. Customers can expect a quick turn around on inspection reports and notices of non-compliance.
4. Public web access to apply for licenses and permits, review approved projects, ability to pay for permits and request inspections online.

Coordination: Inspections staff has worked closely with Julie Henrichs and Gerry Klein from CCITC, and City Attorney Anne Jacobson in developing and evaluating the RFP. Additionally we have worked with Dan Kerntop GIS Analyst and Maryanne Groat, Mary Goede, and Toni Rayala from Clerk/Finance Department.

Cc: Mayor

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

RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE	
Setting a public hearing regarding vacating and discontinuing Clark Street between S. 3 rd Avenue and S. 4 th Avenue	
Committee Action:	Approved 5-0
Fiscal Impact:	None
File Number:	15-0514
Date Introduced:	May 26, 2015

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	<i>Included in Budget:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, pursuant to Wis. Stats. 66.1003(4)(a), it is declared that since the public interest requires it, the following described portion of street in the City of Wausau be vacated and discontinued:

Part of A. Stewart’s Addition to Wausau, Section 26, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, described as follows:

All of the Clark Street right-of-way lying between Block 9 and Block 10, said A. Stewart’s Addition to Wausau, lying East of a line running from the Northwest corner of said Block 9 to the Southwest corner of said Block 10, and lying West of a line running from the Southeast corner of said Block 10 to the intersection of the North line of said Block 9 and the West right-of-way of South 3rd Avenue.

WHEREAS, the Capital Improvements and Street Maintenance Committee at its May 21, 2015 meeting recommended that a hearing be held.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wausau, that a hearing on the passage of the foregoing resolution shall be held before the Capital Improvements and Street Maintenance Committee of the City of Wausau in the Council Chambers of City Hall, 407 Grant Street, Wausau, Marathon County, Wisconsin, on the 9th day of July, 2015, at 5:30 p.m., on said

day, and the proper City officials are hereby authorized and directed to give notice of said hearing by personal service and publication of said hearing as provided by law.

Approved:

James E. Tipple, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: May 21, 2015, at 3:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Lindman, Kujawa, Jacobson, Lenz, Wesolowski, Gehin

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 3:30 p.m. Chairperson Rasmussen called the meeting to order.

Discussion and possible action on an initial resolution to hold a public hearing to vacate Clark Street between South 3rd Avenue and South 4th Avenue

Rasmussen recalled that at the last CISM meeting action was deferred on this item to allow time for the developer to meet with the Labor Temple to try to resolve concerns. She noted that this agenda item is only regarding scheduling a public hearing on the street vacation and not about the merits, funding, or validity of the project.

Randy Olmsted, representing the Labor Temple, thanked the committee for holding a special meeting. Some of the Labor Temple board members met with Fritz Schierl and Andrew Halverson on May 18. A number of issues were discussed and yesterday they received a correspondence from Schierl. Last night some of the board members and Labor Temple staff met and further discussions were held today. The direction given from the board members is that the Labor Temple is not in favor of the vacation of Clark Street. They appreciate the fact that Schierl and Halverson met with them regarding the project. However, looking at it from a business standpoint, they feel the addition of an apartment complex will interfere with their overall business.

Andrew Halverson, Ellis Stone, stated this is a diversion from where the meeting was left on May 18, which he thought was quite successful. In essence the conceptual agreement with the principles in the room, which was not a complete reflection of the entire board, was that they were going to be supportive of the vacation. Schierl would retain exclusive use of the diagonal parking on the south side of the vacated Clark Street for use of the residential component of the development. The Labor Temple would retain ownership of the vacated northern 33 feet of Clark Street. Schierl would have use of the six diagonal spaces that are created north of Clark Street, which would retain as ownership of Labor Temple but would be in essence one of the main parking elements for the northern entrance to the proposed quick serve restaurant located in the northern half of the new convenience store. Ultimately, that was the letter that was sent, which summarized the overall principles of the meeting. They would certainly want to continue the process and would want to continue to have dialogue with the Labor Temple on other elements and solutions. He hopes the committee agrees and forwards a resolution to the Common Council. Halverson again stated that the decision from the Labor Temple today is not where they left the meeting on Monday.

Mielke questioned what the holding point is. Olmsted stated there were a lot of options discussed. The Labor Temple brought up a lot of concerns in the meeting. There was not a quorum of board members present at the meeting to hold a vote. They indicated to Schierl and Halverson that the board would meet for a decision. They are concerned with additional traffic on 4th Avenue. Additionally, with increased traffic they are concerned that the City may be approached about no parking along the west side of 4th Avenue. This would eliminate some of their parking for their banquet facility. They only have four handicap parking stalls and are concerned that residents of the apartment complex will use those spots.

They talked about asking the City if angle parking could be created to increase parking on 4th Avenue. They spoke with Schierl about purchasing the corner lot at Callon and 4th Avenue with the intent to demolish the building and creating a parking lot for better access. In the letter they received, it indicated the Labor Temple would retain position of the vacated Clark Street, which realistically already belongs to them. They would receive nothing additional other than owning something they already have.

Rasmussen reminded the committee that this is a discussion to authorize a public hearing and it is not the committee's role to negotiate a deal between two private parties.

Olmsted again stated he was given the direction from the Board of Directors that the Labor Temple is not in favor. Rasmussen believes perhaps there are alternative options and many things yet to be talked about. This is only step one of a street vacation on whether a public hearing should be held or not. The public hearing is the opportunity for everyone affected to offer their comments. Then a decision is made based upon comments received at the public hearing. At any point in the process the committee can still vote no. Scheduling a public hearing is not a green light for the project, but creates movement between the parties to continue discussions. If scheduling of a public hearing is approved today, the action also goes to Council. The public hearing can occur no sooner than 40 days from Council action. It will be July before a public hearing is held.

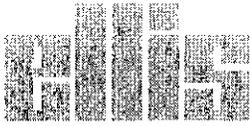
Mielke moved to approve an initial resolution to hold a public hearing to vacate Clark Street between South 3rd Avenue and South 4th Avenue. Kellbach seconded.

Gisselman questioned how the Fire Department would react to the potential vacation in regards to the proposed apartment complex, convenience store and Labor Temple. Kujawa indicated the vacation of Clark Street would not affect their ability to serve those entities as far as fire service or EMS. Schierl will have to design the parking lot to allow sufficient access to all structures. The vacation itself would not be an issue for the Fire Department.

There being a motion and a second, motion to approve an initial resolution to hold a public hearing to vacate Clark Street between South 3rd Avenue and South 4th Avenue carried unanimously 5-0.

Adjourn

Mielke moved to adjourn the meeting. Kellbach seconded and the motion carried unanimously 5-0. Meeting adjourned at approximately 3:45 p.m.



ELLIS STONE
CONSTRUCTION CO.

☐ P.O. Box 366 • 3201 Stanley Street • Stevens Point, WI 54481-0366 • (715) 345-5000 FAX # (715) 345-5007

April 27, 2015

Hon. James E. Tipple, Mayor
City of Wausau, WI
City Hall 407 Grant St.
Wausau, WI 54403

Hon. Mayor:

I would like this letter to serve as our formal request for vacation of Clark Street and its Right of Way (ROW), between Third and Fourth Avenues in the City of Wausau. We are making this request on behalf of the Schierl Sales Corporation who is moving forward with a development to the south of the current ROW. We are acting as their agent for this proposal and redevelopment initiative.

The area which is currently Clark Street ROW is needed to allow for additional parking that will be incorporated into the development plan. Consequently, ownership of Schierl Sales Corporation has had conversations with the adjacent property owner to the north of the ROW in question in the past; and had expressed sincere interest in working with them.

Your consideration of this request is greatly appreciated, and should you have any questions, please feel free to call. I have attached a map of the proposed vacation, along with a description.

Your honor, if you could forward to the appropriate channels for approval, we stand ready to respond accordingly.

Best Regards,

Andrew J. Halverson



www.ellisstone.com



Land Description:

Part of A. Stewart's Addition to Wausau, Section 26, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, described as follows:

All of the Clark Street right-of-way lying between Block 9 and Block 10, said A. Stewart's Addition to Wausau, lying East of a line running from the Northwest corner of said Block 10, and lying West of a line running from the Southeast corner of said Block 10 to the intersection of the North line of said Block 9 and the West right-of-way of South 3rd Avenue.

AGENDA ITEM
Discussion and possible action on an initial resolution to hold a public hearing to vacate Clark Street between South 3 rd Avenue and South 4 th Avenue
BACKGROUND
The City has received a letter on behalf of Schierl Sales Corporation requesting the vacation of Clark Street between South 3 rd Avenue and South 4 th Avenue.
FISCAL IMPACT
The fiscal impact for vacating the alley is none.
STAFF RECOMMENDATION
Staff recommends approval of the initial resolution to hold a public hearing for the purpose of vacating Clark Street between South 3 rd Avenue and South 4 th Avenue.
Staff contact: Allen Wesolowski 715-261-6762

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: May 7, 2015, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Lindman, Jacobson, Lenz, Wesolowski, Gehin

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

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

Discussion and possible action on an initial resolution to hold a public hearing to vacate Clark Street between South 3rd Avenue and South 4th Avenue

Rasmussen stated a proposal was submitted a few years ago for renovation of The Store and to change the layout of the site. However, the project fell through. The project is back in a different form and has been considered by ED and Finance. Part of the project is to vacate Clark Street between 3rd and 4th Avenues.

Jacobson indicated in fairness to Mr. Halverson who represents Ellis Stone, the City did accept a letter from him to serve as a petition. Once again the question arose if that was sufficient. A sufficient petition would include the signature of the Labor Temple and the appropriate number of signatures from affected property owners. It could also be determined that the public interest requires the vacation. Rasmussen explained a proposal has been approved by one committee and received a mixed result in the other. The proposal shows a substantial private and public investment into a redevelopment effort.

Randy Olmsted, 828 North 2nd Avenue, stated he is the agent for the Wausau Labor Temple. He is here to request that this does not go forward to public hearing. The Labor Temple has not had time to understand how the vacation would affect their business. They have a ballroom upstairs, a tavern downstairs and 13 office spaces. There is not an elevator and a lot of older people park on 4th Avenue. Part of Callon Street is closed for public parking. They need to understand how the vacation would affect the banquet as it is a vital part of their business. Additionally, they have not had a chance to speak with the other parties involved with this and have concerns with emergency access. The initial proposal from 2012 is different than today. They are proposing an apartment complex with only 16 parking spots, which could be an issue. Rasmussen stated approval of the public hearing does not approve the project. The public hearing is the key forum for all property owners and stakeholders to be heard. Additionally, if scheduling of a public hearing is approved, there is time before the hearing to get some questions answered.

Mielke questioned the timeline for the project. Halverson indicated a meeting was scheduled with the Labor Temple yesterday but unfortunately was canceled because of Olmsted's illness. They have always intended to go under the public purpose element primarily from a blight elimination perspective, adherence to the TIF 8 plan and level of investment. To obtain 1/3 petitioners from 2,650 feet from the termini of either end of the intersections is hundreds of households, which would be challenging. Their commitment to the Labor Temple is one where he feels they can address any of their concerns. Also, Henning has brought a misleading element of the site plan to their attention. The site plan shows the sidewalk nearly against the south wall of the Labor Temple, which is not their intent. The \$30,000 agreement that was in place to purchase the northern 33 feet of Clark Street would be on the table for discussion, making sure the emergency exit is not obstructed and that the Labor Temple would still have full egress from their property to the south through an easement. Emergency access and overflow parking concerns would be on the table for consideration. They intend to do anything within their power within

the 40 days post Council approval to move forward. He feels that is plenty of time to work through the Labor Temple's concerns and with every good faith effort to not only accommodate them financially but operationally in terms of parking movement and access to their facility. They are ready to work with them to insure that they potentially come out of this in an even better situation than they were at starting.

Rasmussen stated if a public hearing is approved by Council, the hearing can be held no sooner than 40 days. This gives time for all to have conversations. Jacobson stated it is a five step process. If a public hearing is authorized tonight, on May 26 Council would set the public hearing with the public hearing occurring on July 9. The item would then be considered at Plan Commission on July 21 and final approval before Council on August 11.

Deb Ryan, 702 Elm Street, is representing the Westies Neighborhood Group. She feels part of what is being discussed are plans that assume they own all the land, which is not true. The assumptions are based on Schierl owning the land or the Labor Temple giving them the land. We do not know if that is going to happen. She has not seen anything that indicates why the street should be closed. She knows of neighbors in the affected area that think this is a poor reason to close the road. Schierl Tire should reduce the footprint so that Clark Street can remain open. If the housing development moves forward, 4th Avenue would be jammed with resident parking. The intersection of 4th Avenue and Callon Street is a blind intersection that would have increased traffic. She questioned what would happen if the Labor Temple does not agree and Schierl cannot obtain the property. Rasmussen stated there are many moving parts to this and there are no assumptions made but the proposal does indicate that Schierl would be acquiring that land. The public hearing process is the public vetting process for all of the concerns.

Paul Henning, 1906 East Hamilton Street, stated he is not agent for the Labor Temple but has pertinent information and knowledge as he has been in consultation with the Board of Directors. He fully supports Schierl Sales Corporation redevelopment on Stewart Avenue as it is a great location but it needs updating to bring it up to the high quality standards displayed by the other modern facilities doing business as The Store. However, he is disturbed by some of the components of the redevelop plan and the City processes that are required during approvals, and the procedure for the project. He feels it would be extremely premature to go to public hearing regarding the vacation. He stated going to a hearing often gives the citizens and the public the impression that both sides of the equation are fully on board. Often he sees a decision is made immediately upon the public hearing. The developer's plan assumes the entire vacated right-of-way is needed for the project and required for the small amount of parking delineated for the project. He feels Unified Development Districts require control of the land and a signature minimum blessing the project. Evidentially it was not required for this project as the Plan Commission not only entertained the general plan but also the precise implementation plan at the same meeting. He does not see how they could have looked at both the general and precise plans without the blessing of the land owner. It is his understanding that Finance has rejected the TIF access proposal. He believes with TIF's this project would have to meet the "but for" component. As it stands now, Council would have to flip the Finance Committee decision to recommend rejecting the proposal. Rasmussen explained that the item will come forward to Council on a negative recommendation from the Finance Committee and the full Council does not flip the recommendation but rather look at the proposal and vote. The plan did pass in ED so it will go to Council with a mixed review. Henning stated transparency can be achieved by looking at the Economic Development minutes. To this date the Finance Committee minutes are not available. He requested the minutes one week ago today and was assured they would be out. He indicated how important it is to know what happened at the meetings as important decisions are being made. Henning stated if the "but for" component is valid, no TIF proposal acceptance by the City equals no project. If there is no project then the developer would need to reconfigure the plan and the TIF proposal. If that is required there is no need to continue with the vacation process as it gives the wrong impression. Another important item is that there is no agreement between the developer and the Labor Temple as of this moment. There are very serious fiscal consequences to the Labor Temple, which

requires a serious evaluation by their Board. The Labor Temple could conceivably lose a lot of their on-street parking and it could negatively impact their banquet facility. If the Labor Temple does not decide to part with the land in the development plan, the plan would require modification. This is all incumbent upon securing the land, which has not been done to date. If they don't part with the land then one-half of the right-of-way that they are entitled to becomes an asset. At that point that asset comes with serious modification in the form of design for parking modifications, excavating, curb and gutter, paving, and landscaping. They would be forced to spend money on modifications they may not want or need right now, especially if the TIF component is not met. Rasmussen explained that the conclusion at the ED Committee was the "but for" test was met and that was the reason the plan was approved. To which Henning stated that is all dependent upon acquisition of the north half of the right-of-way. Rasmussen indicated if that does not take place the plan would then be subject to modification or it is possible the plan could fall through, but without this process they cannot begin. She added with 40 days following Council approval, the public hearing would be in July. If it is held off another month or two it will be into the fall season. Henning stated vacation before all the factors are clear puts the Labor Temple at a disadvantage in negotiations with the developer. The control of the land required for the development should have been locked down before the general development and precise implementation plans were presented to the City. He feels vacation is merely a formality that does not affect the timeline of the project. He noted that since it is obviously recommended by Wesolowski, Lenz and Mayor Tipple, it can be resurrected quickly when all the other hurdles are overcome. Rasmussen indicated the statutory requirement for the 40 day timeline is not going to be reset. That process has to be followed whether everyone is on board or not. Henning stated it creates an aura of distrust when a general development plan and a precise implementation plan are considered at the same meeting. He feels there are many unanswered parts and a public hearing would be inappropriate and cause additional hardships for the Labor Temple. He believes there is little downside to postponing the public hearing.

Lenz stated in addition to the plan being considered by ED and Finance, it was considered by Plan Commission. Plan Commission is composed of citizen representation, staff and Council members. The general plan was approved for the project. During precise plan consideration, there was discussion regarding the street vacation and it was decided that it should be brought back when some of the issues are worked out. Therefore, the precise plan at this point is on hold. He added that it is not uncommon to see both the general and precise plans on the same agenda. It is allowed for the petitioner to bring forward both plans separately or together. Henning indicated that at Plan Commission it was stated the items on the precise implementation plan will be taken care of by staff. That erases the clear transparency the citizens of Wausau deserve. He feels it is inappropriate to say nothing about signatures and control of the land, which should have been a prerequisite.

Mielke stated in the interest of full disclosure, openness, and transparency, his father is on the Labor Council Board. He questioned if he should abstain from the vote. Jacobson does not have all the facts and would have to review the matter. He noted that he has not been lobbied for a vote.

At this time Abitz had to leave the meeting.

Ardin Mielke, 901 South 10th Street, stated he is the next in command behind Olmsted on the Executive Council for the Labor Temple. Rasmussen questioned if he felt issues could be worked out between now and July. He is not certain a decision can be obtained by then. Rasmussen believes a good faith effort should be made on both sides to address the issues. Rasmussen asked Halverson if he felt if a meeting could be convened between now and July to address the stakeholders concerns. Halverson replied yes as they were prepared to meet with the Labor Temple yesterday. Discussion followed on tabling the item or scheduling a special CISM meeting.

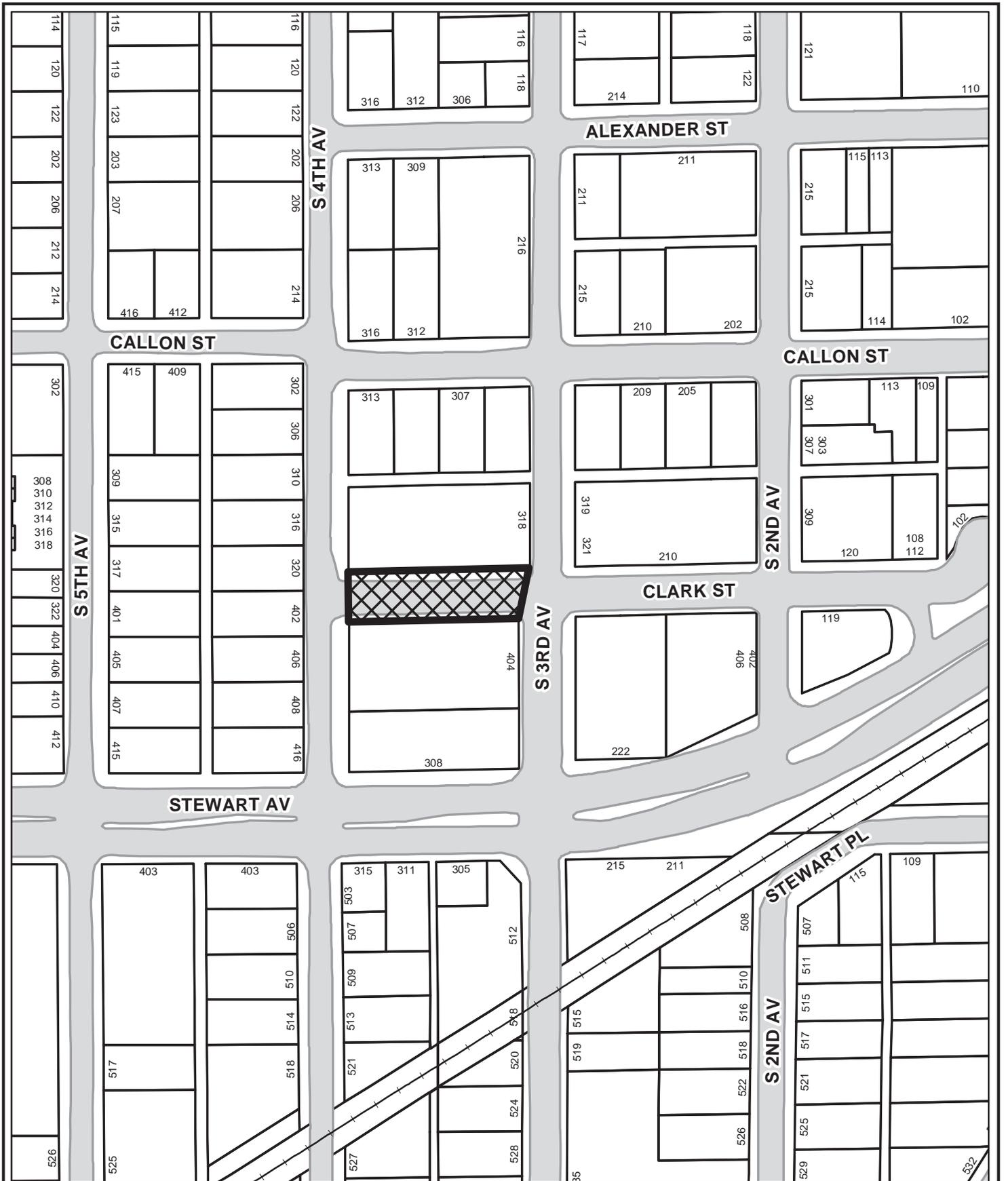
Ryan stated the Labor Temple may say no and the entire plan is based upon an assumption. She feels that is a poor assumption. Rasmussen takes offense to the fact that Ryan is judging the decision of this committee as a foregone conclusion. They plan to make a fair decision and follow the process.

Olmsted respects that the developer is under a timeline. The Labor Temple received a letter in the mail and the developer had to know this was going to begin prior to them receiving that letter. It is important to the Labor Temple to evaluate how the project will affect their business. He feels they are being forced into making a quick decision. He does not want to set back a good project and the Stahmer Clinic property is an eyesore; however, they need to understand how it will affect them.

Halverson stands ready to discuss concerns immediately. The concern that they had embarking on the project in the first place is the way in which the project unfolded the first time. There were concerns and procedural steps that needed to be undertaken at that point which they wanted to make sure there was a chance to take care of initially by listening to the concerns that were expressed previously, applying those changes to the plan, and moving forward as systematically as they could with Planning, Engineering, ED and Finance. There will probably be 13 to 14 different action items that this development proposal will require. The first time, Schierl had arrangements made with the Labor Temple. It was his intention to get through several of the other steps first to be able to know there was momentum building for the development. They are concerned with the asphalt plants closing on November 15 for this timeline let alone any delay. It will be late August or early September before they will be able to pull a permit for any portion of the project. Which means construction could not begin until mid-September. They need a minimum of 90 days to construct only the convenience store, which would be at a very accelerated pace. They are not trying to engage in anything but invest \$3.7 million in the City of Wausau while taking care of the concerns of the Labor Temple.

Gisselman moved to table this item to a special CISM meeting on May 21 at 3:30 p.m. Kellbach seconded and the motion carried 3-0 with Mielke abstaining.

Jacobson questioned if Halverson needs to obtain signatures for a petition or if this would be initiated by the governing body because of public interest. The committee does see the public merit and Halverson does not need to obtain signatures but rather devote his time to working with the stakeholders. Gisselman requested the Fire Department be present at the next meeting to address emergency concerns.



Map Date: January 3, 2011

CITY OF WAUSAU
Marathon County Wisconsin



Proposed Right of Way / Street
to be Vacated

Map Location

