

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

Roll Call

07/14/2015 7:04:05 PM

Roll call indicated 10 members present.

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

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

- 1) Andrew Plath, resident on 4th Avenue, spoke in opposition to the TNR program for feral cats.
- 2) Carol Bronston, 817 Becher Dr, stated she was speaking to what she felt were three related problems: 1) the Pet Fancier problem; 2) the Pit Bull problem; and 3) the feral cat problem. She opposed the TNR ordinance for feral cats.
- 3) Deb Ryan, 702 Elm St, representing Westies Neighborhood, is in opposition to the TNR program being placed in their neighborhood.

Communications and Committee Reports

- 1) Mayor Tipple stated he was very proud of our city with the Balloon Rally/Rib Fest and the Chalkfest this past weekend which was very well attended. He thanked all who worked hard to plan it and work for it.
- 2) Wagner pointed out there were also people from Europe in the city for the Kayak Races and the feedback he received on the friendliness of the city.

Consent Agenda

07/14/2015 7:15:18 PM

Motion by Neal, second by Abitz to adopt all items on the consent agenda as follows:

Mayor Tipple indicated it was requested to remove 70-0930 and 82-1252 from the Consent Agenda.

15-0501 Minutes of previous meetings (05/12/15 & 05/26/2015)

99-0714 Resolution of the Capital Improvements and Street Maintenance Committee approving Agreement for the Management and Maintenance of a Stormwater facility (Wausau Container - 8000 Highland Drive)

15-0704 Joint Resolution of the Capital Improvements and Street Maintenance Committee and the Plan Commission accepting dedication of right-of-way and easement for 3385 Horseshoe Spring Road.

12-0507 Joint Resolution of the Capital Improvements and Street Maintenance and the Plan Commission approving Amendment to the Transportation Project Plat for STH 52, Project ID 6999-03-28.

15-0708 Joint Resolution of the Economic Development Committee and the Plan Commission adopting the East Riverfront Brownfields Area-Wide Plan.

15-0705 Resolution of the Human Resources Committee adopting City of Wausau Electronic Tablet Use Policy/Agreement.

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

14-0810 Ordinance of the Public Health & Safety Committee amending Section 9.04.010 State statutes adopted designating the titles of state statutory sections.

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

70-0930

07/14/2015 7:21:07 PM

Motion by Nutting, second by Gisselman to adopt an ordinance of the Public Health & Safety Committee repealing Section 9.04.100 Obscene Language.

Neal indicated he did not oppose this and understood it was really a housekeeping item; however, he requested this and the next related item be pulled from the consent agenda because people have asked what recourse they have when they are being bothered or verbally victimized in a public area. Jacobson stated causing a disturbance would constitute disorderly conduct.

Rasmussen explained through review of the Municipal Code periodically we come across old ordinance language that has been on the books for a long time that needs updating. She pointed there are a number of tools we have to deal with unruly behavior.

Winters commented he would not give it up without a fight and saw no reason to remove it.

Yes Votes: 9 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	NV
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

82-1252

07/14/2015 7:21:47 PM

Motion by Neal, second by Rasmussen to adopt an ordinance of the Public Health & Safety Committee amending Section 1.01.025(c)(1)(B) Schedule of cash deposits, deleting obscene language.

Yes Votes: 9 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	NV
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

15-0709

07/14/2015 7:30:19 PM

Motion by Wagner, second by Nutting to adopt a Joint Resolution of the Economic Development and the Finance Committees approving the proposed redevelopment project at 828 South Third Avenue (Wausau World Market, LLC).

Wagner stated this project is going to turn this neighborhood around and introduced the owners, ChengSou Her and Noah Her.

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

15-0703

07/14/2015 7:31:37 PM

Motion by Neal, second by Oberbeck to confirm the Mayor's appointment to the Plan Commission.

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

Suspend the Rule

07/14/2015 7:32:06 PM

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

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

Summary on 15-0608, 15-0609, 15-0610

Phil Cossan, Elhers & Associates, took bids on the three different debt issues authorized by Council last month at 10:00 AM this morning. This is for the city's 2015 capital needs; there was an extensive list this year with the capital projects as well as projects related to numerous tax increment districts. He noted one of our goals was to make sure the city's bond issues remained bank qualified and secondly to retain the city's Aa2 bond rating with Moody's Investor Service and these were both accomplished.

Cossan stated the 2015A issue, which is a tax exempt note which has a maturity of 10 years, financed the city's capital projects, including: street projects, street improvements, sidewalks, storm sewer, fire equipment, etc. It also financed a project in TID #8. The 2015B tax exempt issue has a 20 year life financed primarily the pool projects and also some projects for TIDs #3 and #10. The 2015C issue is a taxable general obligation bond with a 15 year life, which ties back to projects that have a private activity component or private entity that is benefiting from it.

Cossan summarized the city is paying approximately \$75,000 less in principal and interest over the three issues than what was projected. There is a total of about \$190,000 in additional project funds available, segregated to the different projects to some extent. He explained these are premium bids, in which the underwriters of banks who bid will provide a premium to the issuer and that premium is additional funds. There are also funds that need to go to a debt service fund to make a portion of the payments on the debt issues in 2016, so when it comes to budget time it will allow you the ability to reduce payment in 2016, lessening the impact and improving the cash flow.

15-0608

07/14/2015 7:44:13 PM

Motion by Wagner, second by Gisselman to adopt a Resolution of the Finance Committee authorizing the Issuance and Sale of \$3,930,000 General Obligation Promissory Notes, Series 2015A.

Nine bids were received; low bid was Banker's Bank, Madison, Wisconsin at 1.8786%. The city will end up with approximately \$55,000 of additional project funds available.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	NV
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

15-0609

07/14/2015 7:45:07 PM

Motion by Mielke, second by Nutting to adopt a Resolution of the Finance Committee Awarding the Sale of \$5,705,000 General Obligation Corporate Purpose Bonds, Series 2015 B.

Six bids were received; low bid was Raymond James & Associates, Memphis, Tennessee at 2.66%. There will be approximately \$87,000 available for additional capital projects.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	NV
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

15-0610

07/14/2015 7:45:44 PM

Motion by Neal, second by Rasmussen to adopt a Resolution of the Finance Committee awarding the Sale of \$2,655,000 Taxable General Obligation Community Development Bonds, Series 2015C.

Three bids were received; low bid was Robert W. Baird, Milwaukee, Wisconsin at 3.3028%. There will be an approximate \$47,000 in additional project funds.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	NV
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

99-1104

07/14/2015 7:46:19 PM

Motion by Nutting, second by Mielke to adopt a Resolution of the Finance Committee modifying the Procurement Policy.

Yes Votes: 9 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	NV
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

15-0706

07/14/2015 7:47:19 PM

Motion by Wagner, second by Oberbeck to adopt a Resolution of the Finance Committee authorizing Human Resources to designate Associated Financial Group (AFG) as the agent of record for employee insurance benefit consulting and brokerage.

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

14-0910

07/14/2015 7:47:58 PM

Motion by Rasmussen, second by Wagner to adopt a Resolution of the Economic Development approving an extension to the construction time window of the original Development Agreement between the City of Wausau and Linetec Inc. (a division of Apogee Wausau Group, Inc.) to finance facility and equipment expansion located at 7500 Stewart Avenue approved 09/09/2014.

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

15-0707

07/14/2015 7:48:32 PM

Motion by Gisselman, second by Neal to adopt a Ordinance of the Plan Commission Rezoning 624 Washington Street from R4, General Residence District, to B2, Community Service District.

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

15-0606

07/14/2015 8:20:11 PM

Motion by Rasmussen, second by Neal to adopt an Ordinance of the Public Health & Safety Committee Creating Section 8.08.05 Feral cat caregiver and TNR program requirements, as corrected on council floor.

Rasmussen stated this was on our last Council agenda and was pulled off so the Assistant City Attorney and the Police Department could have some additional dialogue with the CCAT group. She indicated the trial target area will remain the same: 3rd Avenue to 6th Avenue and Stewart Avenue to Spruce Street. The changes made to the ordinance include: striking the language requiring them to be a 501c3 nonprofit; and reduced the insurance requirement from \$1,000,000 to \$500,000.

Rasmussen stated the goal through TNR is not to bring more to the target zone; rather it is to capture the animals that exist in this area already and cut off the breeding cycle. She pointed out TNR is not a replacement of or substitute for effective animal control, they would operate in parallel.

Mielke stated he was not in favor of it and felt it was a waste of time and funds. The residents of his district have said they don't want it in their neighborhood. Wagner stated he initially supported it, but did not agree with the change removing the 501c3 designation of the group and he didn't feel there was enough research that it works in cities like Wausau, so he was no longer in favor of it.

Lengthy discussion followed (*recording available via City Council Online Videos*).

Yes Votes: 3 No Votes: 7 Abstain: 0 Not Voting: 1 Result: FAIL

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

92-0627

07/14/2015 8:21:06 PM

Motion by Rasmussen, second by Wagner to adopt an ordinance of the Public Health & Safety Committee amending Section 8.08.001 Definitions adding "Domesticated cat or dog" and amending "owner."

Rasmussen pointed out this was related to the previous item which failed making this moot.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	NV
2	Wagner, Romey	NO
3	Nutting, David E.	NO
4	Neal, Tom	NO
5	Gisselman, Gary	NO

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

97-0404

Vetoed Joint Resolution Approving the Project Plan Amendment of Tax Increment District Number Five (TID #5) Amendment #4
*Vetoed by Mayor on 6/24/15 - Requires 2/3 vote to override.

Mayor Tipple explained he vetoed the resolution because the Council turned down the development agreement for which this amendment to TID #5 was proposed. There were no motions to override the veto, so the veto stands.

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

Deb Ryan, 702 Elm St, spoke regarding pets and the Humane Society not accepting pets unless they are brought in by a police officer.

Adjourn

07/14/2015 8:25:34 PM

Motion by Winters, second by Neal to adjourn. Motion carried unanimously. Meeting adjourned at 8:25 p.m.

James E. Tipple, Mayor
Toni Rayala, City Clerk