

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, August 11, 2015, at 7:00 pm in the Council Chambers at City Hall
Mayor Tipple presiding.

Roll Call

08/11/2015 7:10:16 PM

Roll call indicated 11 members present.

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

Presentations: *(View presentations on city website: City Council Online Videos.)*

Riverfront Presentation - Stantec & City Staff

Mark Putnam, Architect with Stantec presented a PowerPoint summarizing the phases of riverfront development to date.

Technology Projects Update (Gerry Klein)

Gerry Klein, IT Director, presented an update of IT projects and the methods used to prioritize.

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

- 1) Susan Green, 915 Genrich St, addressed the Council to appeal the recommendation of denial of her application for an Operator's License. She provided an explanation for her record and asked for their consideration to approve the license.
- 2) Ken Fristed, 3192 Westhill Dr, spoke on behalf of the Woodcrest Condominium Association, regarding the 2016 Garbage & Recycling contract allowing for only curbside pickup, which is not conducive for the Woodcrest Condominiums. This requirement would block entrance to the 4-unit condos and emergency vehicles would not have access. The solution proposed will come with an additional cost each condo owners. He asked the Council to rectify this situation.

Communications & Committee Reports

- 1) Mayor Tipple announced Allen Wesolowski has been appointed to City Engineer.
- 2) Wagner stated there will be a special Human Resources Committee meeting on Thursday, August 13th from 6:00 – 7:30 pm., at the University Marathon County building auditorium, 518 S 7th Ave, Room 232, for discussion and comments on a City Administrator position.

Suspend Rules

08/11/2015 7:57:54 PM

Motion by Neal, second by Nutting to suspend Rule 12(A) Referral of resolutions and Rule 13(E) (1) Committee Reports

Yes Votes: 11 No Votes: 0 Result: PASS

Discussion and possible action on proposed redevelopment of the property at C302 Wausau Center (Wausau Center Mall) (CBL & Associates Properties, Inc.) regarding negotiation strategy relating to tenant redevelopment and replacement plans for the Wausau Center Mall.

Mayor Tipple indicated the Council would convene into closed session.

CLOSED SESSION

08/11/2015 7:59:16 PM

Motion by Mielke, second by Neal to move into 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, regarding negotiation strategy relating to tenant redevelopment and replacement plans (CBL & Associates Properties, Inc.)

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

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

(Abitz exited the meeting at 8:45 pm.)

RECONVENED into OPEN SESSION at 9:25pm.

Consent Agenda

08/11/2015 9:25:26 PM

Motion by Nutting, second by Neal to adopt all items on the Consent Agenda as follows:

15-0601 Minutes of previous meetings (06/10/15)

15-0807 Joint Resolution of the Airport and Finance Committees authorizing execution of a one (1) year lease with Wausau Flying Service, Inc. for the location of a storage unit to accommodate camping and other related items for Boy Scouts of America, Troop 465 and Cub Scouts, Pack 465 at the Wausau Downtown Airport.

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

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

01-0907 Resolution of the Plan Commission adopting a Public Participation Plan.

15-0806 Ordinance of the Plan Commission rezoning 2025 County Road U from RI, Single Family Residence District and R3-1, Two Family Residence District, 2211 & 2215 County Road U from RI, Single Family Residence District, and 1551 Westwood Drive, an unzoned parcel to IB, Interchange Business District.

82-1252 Ordinance of the Park and Recreation Committee amending Section 1.01.025(c)(1)(B) Schedule of cash deposits to include violation of animals on cross-country ski trails.

04-0511 Ordinance of the Public Health & Safety Committee repealing Chapter 9.40 Smoking prohibited inside restaurants.

82-1252 Ordinance of the Public Health & Safety Committee amending Section 1.01.025(c)(1)(B) Schedule of cash deposits to include prohibition against smoking and chronic nuisance (1st Offense only).

14-0810 Ordinance of the Public Health & Safety Committee amending Section 9.04.010 State statutes adopted to include prohibition against smoking.

03-0311 Resolution of the Wausau Water Works Commission reviewing the 2014 Compliance Maintenance Annual Report for the Wastewater Plant.

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

10-0305

08/11/2015 9:27:52 PM

Motion by Gisselman, second by Nutting to adopt a Joint Resolution of the Parking & Traffic and the Finance Committees execution of a five (5) year lease between the City of Wausau and Trolley Quarter Flats Limited Partnership ("Lessee") to provide additional parking for Lessee at City owned property at the Community Gardens.

Winters explained Parking & Traffic was approached by two city departments, one being the police, who were constantly at Trolley Quarter Flats because there was not enough parking. The building was allowed to be built with one stall per unit, which is not our

usual standard. The Superintendent of DPW also came reporting it was a nightmare for plowing snow. He indicated they came up with a solution that was initially estimated at \$5,500 which was to be split with Trolley Quarter Flats; however, it ended up costing \$15,000. He noted this is a temporary solution unless we forgo development at the Community Gardens.

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

15-0108 Amendment 08/11/2015 9:31:42 PM

Motion by Nagle, second by Oberbeck to amend PH&S Resolution approving or denying various licenses as indicated to approve an Operator’s License for Susan Green.

Rasmussen commented we have set criteria the PH&S Committee uses for denying licenses and the committee upheld the Police Chief’s recommendation for denial of Susan Green. She noted that in some cases the committee has opted to grant a license for a one year trial period. Nagle felt Ms. Green should be given a second chance since the felony was from the 1980’s and the last charge was 14 years ago.

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

15-0108 08/11/2015 9:32:16 PM

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

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

85-0417 08/11/2015 9:36:32 PM

Motion by Mielke, second by Nutting to adopt a Resolution of the Economic Development Committee accepting the proposal submitted by Jones Lang LaSalle (JLL) to provide consultant services related to the Wausau Center Mall reinvigoration proposal and approving the budget amendment funding the project.

Oberbeck questioned what the length of the contract was; if there were any termination clauses; and what additional costs could we be subject to. He felt it should be researched before we move forward with this. Schock explained the resolution is only authorizing the consulting services part of the original document at \$4,000 per month as a retainer to advise us in this process. The resolution is not to exceed six months, but it can be ended at any time. He anticipated it may only take a month or two. Oberbeck moved to table until there was more information, but this motion died for lack of a second.

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

14-1109 08/11/2015 9:37:02 PM

Motion by Nutting, second by Rasmussen to adopt a Resolution of the Finance Committee adopting a modification to the proposed 2016 Fee Schedule related to animal licensing.

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

15-0808 08/11/2015 9:37:58 PM

Motion by Wagner, second by Winters to adopt a resolution of the Finance Committee authorizing Proper City Official(s) to apply for and borrow from the Board of Commissioners of Public Lands of Wisconsin a State Trust Fund Loan not to exceed \$4,000,000 for the purpose of water and sewer capital improvements.

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

90-1136

08/11/2015 9:39:08 PM

Motion by Rasmussen, second by Wagner to adopt an ordinance of the Public Health & Safety Committee repealing and recreating Section 6.44.010 Definitions, and amending Sections 6.44.020 Collection, 6.44.030 Separation, 6.44.040 Solid Waste containers, 6.44.050 Draining and wrapping solid waste, 6.44.060 Location of waste and recycling containers for collection, 6.44.070 Certain disposal and removal prohibited, 6.44.080 Noncollectible materials, 6.44.090 Storing of refuse, 6.44.100 Enforcement and penalties.

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

92-1009 Amendment

08/11/2015 9:50:46 PM

Motion by Mielke, second by Gisselman to amend the resolution of the Finance Committee of the residential solid waste and recycling service agreement to make allowances for certain citizens in the WoodCrest Condominium Complex, with the extra cost of this be covered by the City of Wausau. Staff is directed to find these additional funds.

Mielke described the difficulties with the site at WoodCrest Condominium Complex for garbage pickup and did not feel it was fair for the owners/residents to be charged for the additional service.

Rasmussen stated it is important to understand that curbside pickup for refuse & recycling is what has always been provided as a municipal service to residents and it is also important to recognize the condo association in question has been receiving a nonstandard level of service from Advance Disposal. This is an arrangement they brokered with Advanced Disposal and Advanced agreed to provide it for free, but it was not brokered or sanctioned by the city. She felt Mielke's amendment was well intentioned, but it was precedent setting. She felt the offer by Harter was more than fair at \$100 per month split between 8 or 9 buildings; a special truck will be sent and their employee will move all the carts to a central area, dump them and put them back.

Oberbeck commented we did not level the playing field with the garbage contract for all residents. We had the opportunity to charge a flat fee to each residential property, but now every resident is paying a different amount based on their property taxes. He did not feel it was acceptable to give one a concession. We had an opportunity to move this forward with a \$90 fee for everyone, but the community did not support it and now we have people paying \$200-\$300 for the same service. There is not an equalized cost to this and therefore he could not support the amendment. Wagner agreed, commenting we put out the referendum to try to get to a true honest payment of garbage. Commercial businesses are paying for a curbside service they cannot get and have to purchase a dumpster, as well as any residential building more than 4 units. He was not in favor of setting a precedent.

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 | YES |
| 2 | Wagner, Romey | NO |
| 3 | Nutting, David E. | NO |
| 4 | Neal, Tom | NO |
| 5 | Gisselman, Gary | YES |
| 6 | Winters, Keene | NO |
| 7 | Rasmussen, Lisa | NO |
| 8 | Kellbach, Karen | NO |
| 9 | Oberbeck, David | NO |
| 10 | Abitz, Sherry | NV |
| 11 | Mielke, Robert | YES |

92-1009

08/11/2015 9:51:15 PM

Motion by Wagner, second by Rasmussen to adopt a Resolution of the Finance Committee approving the Residential Solid Waste and Recycling Service Agreement.

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

15-0804

08/11/2015 9:52:29 PM

Motion by Oberbeck, second by Gisselman to adopt an ordinance of the Plan Commission Rezoning 220, 306, and 352 South 18th Avenue from IB, Interchange Business District, to UDD, Unified Development District and approve the General Development Plan to allow for a convenience store with gasoline sales and carwash.

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

15-0804

08/11/2015 9:53:04 PM

Motion by Wagner, second by Mielke to adopt a Resolution of the Plan Commission approving the precise implementation plan for 220, 306 and 352 South 18th Avenue to allow for a convenience store with gasoline sales and a carwash.

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

15-0805

08/11/2015 9:53:46 PM

Motion by Gisselman, second by Winters to adopt a resolution of the Plan Commission approving a conditional use at 640 South 3rd Avenue to allow for an indoor amusement establishment, in a B2, Community Service District.

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 | 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 | NV |
| 11 | Mielke, Robert | NO |

Suspend the Rule

08/11/2015 9:54:18 PM

Motion by Rasmussen, second by Mielke 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

99-1104

08/11/2015 9:54:53 PM

Motion by Nutting, second by Kellbach to adopt a resolution of the Finance Committee amending the Procurement Policy.

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

14-1109

08/11/2015 9:56:35 PM

Motion by Mielke, second by Neal to adopt a resolution of the Finance Committee approving the Budget Modification for 2015 Street Improvement Projects.

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

14-1109

08/11/2015 9:57:16 PM

Motion by Nutting, second by Neal to adopt a resolution of the Finance Committee approving the Budget Modification for 1st Street Extension and Riverfront Redevelopment Project.

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

14-1014

08/11/2015 10:07:17 PM

Motion by Wagner, second by Rasmussen to adopt a Joint Resolution of the Economic Development and the Finance Committees approving a Development Agreement between the City of Wausau and Wausau On the Water, Inc., for the land lease and construction of the Wausau On The Water family entertainment center within the Eat Riverfront Redevelopment Area.

Discussion followed on the details of the development agreement and value of the property.

Motion by Wagner, second by Nagle to call the question. Motion carried unanimously. A vote was taken on the resolution.

Yes Votes: 7 No Votes: 3 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 | NO |
| 10 | Abitz, Sherry | NV |
| 11 | Mielke, Robert | NO |

14-0110 Amendment

08/11/2015 10:11:37 PM

Motion by Rasmussen, second by Mielke to change the Young's resolution to "fast care center."

Winters indicated he would abstain from voting because his wife is employed at Young's Drug Store.

Rasmussen clarified she felt "urgent care center" should be amended to "fast care center" because urgent implies an emergency room and that is not what they are running; rather they are offering a quick service type clinic. Wagner questioned if these were their words or are they words we can arbitrarily change. He felt if they are calling it an urgent care we shouldn't change it. Rasmussen responded in the dialogue with Young's there was no mention of urgency, it was a neighborhood quick access facility.

Yes Votes: 7 No Votes: 2 Abstain: 1 Not Voting: 1 Result: PASS

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

14-0110

08/11/2015 10:12:07 PM

Motion by Neal, second by Nagle to adopt a Joint Resolution of the Economic Development and the Finance Committees accepting the proposal of Badger Pharmacy DBA Young's Drug Store & Young's Long Term Care Pharmacy and to transfer the City owned property at 1500 Grand Avenue (formerly a Kwik Trip) for the establishment of a pharmacy operation and urgent care center, as amended.

Yes Votes: 9 No Votes: 0 Abstain: 1 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 | ABS |
| 7 | Rasmussen, Lisa | YES |
| 8 | Kellbach, Karen | YES |
| 9 | Oberbeck, David | YES |
| 10 | Abitz, Sherry | NV |
| 11 | Mielke, Robert | YES |

12-1115

08/11/2015 10:15:19 PM

Motion by Gisselman, second by Mielke to adopt a Resolution of the Economic Development Committee authorizing execution of an amendment to the Development Agreement with Bull Falls Brewery signed November 23, 2012 (AGR #1543) to provide developer incentives located at 836 and 900 East Thomas Street in TID #9.

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

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

15-0506 Amendment

08/11/2015 10:17:25 PM

Motion by Oberbeck, second by Mielke to resolution of the Plan Commission amending the General Development Plan and approving the Precise Implementation Plan at 404 South 3rd Avenue and 308 Stewart Avenue to allow for a convenience store and a multi-family residential development – contingent upon a final staff review and approval.

Oberbeck commented the submission was incomplete as far as landscaping plan, lighting plan, and issues with the corner and DOT land. The Plan Commission sent this forward contingent upon staff review of all these details.

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

15-0506

08/11/2015 10:17:50 PM

Motion by Nutting, second by Neal to adopt a resolution of the Plan Commission amending the General Development Plan and approving the Precise Implementation Plan at 404 South 3rd Avenue and 308 Stewart Avenue to allow for a convenience store and a multi-family residential development, as amended.

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 | 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 | NV |
| 11 | Mielke, Robert | YES |

CLOSED SESSION

08/11/2015 10:19:27 PM

Motion by Neal, second by Mielke to move into CLOSED SESSION pursuant to 19.85(1)(g) of the Wisconsin Statutes for conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, regarding offer of settlement in Marathon County Case No. 13CV401 Heather Detjens vs. Lorrie Jehn et al (City of Wausau).

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 | 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 | NV |
| 11 | Mielke, Robert | YES |

CLOSED SESSION

08/11/2015 10:20:20 PM

Motion by Nagle, second by Kellbach to move into CLOSED SESSION pursuant to 19.85(1)(g) of the Wisconsin Statutes conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it or is likely to become involved, for the purpose of conferring with legal counsel regarding pending tax litigation involving Walgreen Co. Case No. 11CV958.

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 | 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 | NV |
| 11 | Mielke, Robert | YES |

Adjourned in Closed Session.

James E. Tipple, Mayor
Toni Rayala, City Clerk