

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, September 8, 2015, at 7:00 pm in the Council Chambers at City Hall.
Council President Robert Mielke presiding.

Roll Call

09/08/2015 7:00:48 PM

Roll Call indicated 11 members present.

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

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

- 1) John Prey, 1010 Grand Ave, Executive Director of Habitat for Humanity, indicated they are celebrating their 25th Anniversary this year and are under construction of our 60th house in the Wausau area. He reviewed some of the projects going on and accomplished by Habitat.
- 2) Bryan Morel, 202 1st St, #13, Rothschild, owner of It's Our Clubhouse, spoke regarding the revocation of his liquor license. He stated at no time did Its Our Clubhouse commit a crime; we were in fact, victims of those crimes. He stated no residents came forward at the hearing to speak against the license. He requested the Council vote down the revocation recommendation.

Communications and Committee Reports

Comments were made from Council members in reference to the handling of information and negotiations with CBL regarding the mall. The Council requested to be included in all future meetings.

Consent Agenda

09/08/2015 7:16:21 PM

Motion by Nutting, second by Rasmussen to approve all items on the consent agenda as follows:

Mielke stated it has been requested to remove file #s 15-0105 and 15-0912 from the Consent Agenda.

15-0701 Minutes of previous meetings (07/09/15 and 07/14/15).

15-0904 Initial Resolution of the Capital Improvements and Street Maintenance Committee setting a public hearing regarding vacating and discontinuing an alley abutting 215 East Thomas Street west to Emter Street.

15-0104 Final Resolution of the Capital Improvements and Street Maintenance Committee Levying Special Assessments for 2015 Street Improvement Projects.

15-0908 Resolution of the Capital Improvements and Street Maintenance Committee approving east easement from Pine Grove Cemetery for access to the snow dump.

15-0909 Resolution of the Capital Improvements and Street Maintenance Committee approving easement from Pine Grove Cemetery for placement of water service.

99-1104 Resolution of the Finance Committee amending the Procurement Policy (CCITC Sole Source Exemption).

99-0916 Resolution of the Finance Committee Authorizing continued Membership in CVMIC for policy years 2017 and 2018.

15-0910 Ordinance of the Parking & Traffic Committee designating no parking on the west side of S. 3rd Avenue beginning south of its intersection with Thomas Street and extended south 115 feet.

15-0905 Resolution of the Plan Commission approving a conditional use at 221 Scott Street to allow for signage on three sides of an awning, in a B4-1, Central Business District.

15-0906 Resolution of the Plan Commission approving a conditional use at 319 North 3rd Avenue to allow for a two-family dwelling, in a B2, Community Service District.

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

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

Yes Votes: 11 No Votes: 0 Result: PASS

15-0105 Amendment 09/08/2015 7:20:25 PM

Motion by Winters, second by Nagle to amend the Final Resolution of the Capital Improvements and Street Maintenance Committee levying Special Assessments for the 2015 Street Reconstruction Projects, to remove 730 E. Crocker St.

Winters stated he has questions about the assessment for 730 E. Crocker Street and has sent a letter to Anne Jacobson asking for an explanation and would like to give her some time to respond. He explained it is a complicated situation where the owner has a corner lot but the street is only a right-of-way, not a through street. He indicated he had a complaint from the constituent and wished to table it for two weeks.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0105 09/08/2015 7:21:23 PM

Motion by Winters, second by Abitz to approve the Final Resolution of the Capital Improvements and Street Maintenance Committee levying Special Assessments for the 2015 Street Reconstruction Projects, as amended on council floor.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0912 09/08/2015 7:24:06 PM

Motion by Gisselman, second by Nutting to adopt Resolution of the Finance Committee Authorizing Local Officials to Collaborate with Area Communities to Evaluate the Benefits of Local Area Premier Resort Tax.

Gisselman asked for clarification. Groat explained it is a half percent sales tax similar to what the County currently levies; however, it would have to be used for infrastructure improvements. It would not be applied to all things that are taxable for sales tax; it would be those that are certain codes in the sales tax regulations that correlate to tourism related things.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	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

15-0911 09/08/2015 7:38:26 PM

Motion by Rasmussen, second by Nutting to adopt a resolution of the Public Health & Safety Committee considering the report including the Findings of Fact, Conclusions of Law and Recommendation with regard to the Class "B" Beer & Liquor of It's Our Clubhouse LLC (Bryan Morel, registered agent) for the premises located at 738 S. 3rd Avenue.

Rasmussen spoke on behalf of the PH&S Committee reviewing the reasons for their recommendation and asked the Council to support this recommendation. *Abitz indicated she would abstain from voting for personal reasons.*

Assistant City Attorney Alfonso addressed the Council reminding them they unanimously approved suspension of this liquor license for 60 days last October because it maintained a disorderly, riotous, improper or indecent house. It reopened in December 2014 and to committee recently considered a complaint that it has continued to be disorderly and riotous. The complainant and the city asks that the license for It's Our Clubhouse be permanently revoked. She reviewed the highlights of the findings of the hearing and results of a neighborhood survey. She commented residents did not come forward to speak at the hearing because they were afraid to do so.

Nutting stated as district representative that this license needs revocation, not only for the residents is the area of it, but also to improve the atmosphere of that thoroughfare. Winters stated having a liquor license is a privilege and we can take it away for a quarter of the evidence that has been compiled here. He was concerned when we compile this much overkill we create the impression that this is the standard for revocation; this is five times the standard for revocation.

Bryan Morel addressed the Council stating the neighborhood hasn't changed and there were shootings in this area previously. He felt they were setting a precedent for relieving bars of their liquor licenses for acts they did not commit.

Motion by Winters, second by Oberbeck to call the question. Motion carried 10-0, with one abstention.

Vote on main motion:

Yes Votes: 10 No Votes: 0 Abstain: 1 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	ABS
11	Mielke, Robert	YES

14-0814

09/08/2015 7:42:45 PM

Motion by Gisselman, second by Wagner to adopt a Resolution of the Human Resources Committee recommending the position of City Administrator Not be established at this time.

Abitz expressed disappointment that this was being set aside and felt it was necessary. Wagner commented the climate was not right for this currently and he hoped it became a campaign issue for the Mayor's position in 2016. Gisselman stated the HR Committee vote reaffirms the result of the referendum where the citizens spoke.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0907

09/08/2015 7:43:29 PM

Motion by Oberbeck, second by Gisselman to adopt a resolution of the Plan Commission approving a conditional use at 2505 Stewart Avenue to allow for a car rental agency, in an IB, Interchange Business District.

Yes Votes: 11 No Votes: 0 Result: PASS

Suspend the Rule

09/08/2015 7:44:07 PM

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

Yes Votes: 11 No Votes: 0 Result: PASS

15-0913

09/08/2015 7:44:48 PM

Motion by Gisselman, second by Nutting to adopt a Resolution of the Finance Committee approving Pierringer Release and Settlement of Claims - Heather Detjens vs. Lorrie Jehn et al (City of Wausau), Marathon County Case No. 13CV401 and

approving 2015 budget modification for same.

Yes Votes: 11 No Votes: 0 Result: PASS

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

- 1) Mark Craig, 814 Adams St, spoke regarding the mall revitalization. He felt it was important to solidify Younker's while we can by moving them to the Penney's space and attract one or two other retailers that would add some energy to this center. He believed a lot of positive things are going to come out of the city's relationship with CBL.
- 2) Winters stated 10th Avenue was flooded again this weekend and we haven't done anything to fix that situation. He requested this be made a priority. Rasmussen indicated they are definitely working on it and asked for patience.

Adjourn

09/08/2015 7:52:21 PM

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

Yes Votes: 11 No Votes: 0 Result: PASS

James E. Tipple, Mayor
Toni Rayala, City Clerk