



## 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, September 8, 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:** **John Prey - Executive Director of Habitat for Humanity**

**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
15-0701		Minutes of previous meetings (7/09/15 & 7/14/15)	
15-0904	CISM	Initial Resolution Setting a public hearing regarding vacating and discontinuing an alley abutting 215 East Thomas Street west to Emter Street	Approved 5-0
15-0104	CISM	Final Resolution Levying Special Assessments for 2015 Street Improvement Projects	Approved 5-0
15-0105	CISM	Final Resolution Levying Special Assessments for 2015 Street Reconstruction Projects	Approved 5-0
15-0908	CISM	Resolution approving easement from Pine Grove Cemetery for access to the snow dump	Approved 5-0
15-0909	CISM	Resolution approving easement from Pine Grove Cemetery for placement of a water service	Approved 5-0
99-1104	FIN	Resolution Amending the Procurement Policy (CCITC Sole Source Exemption)	Approved 5-0
15-0912	FIN	Resolution Authorizing Local Officials to Collaborate with Area Communities to Evaluate the Benefits of a Local Area Premier Resort Tax	Approved 5-0
99-0916	FIN	Resolution Authorizing Continued Membership in CVMIC for policy years 2017 and 2018	Approved 5-0
15-0910	P&T	Ordinance Designating no parking on the west side of S. 3rd Avenue beginning south of its intersection with Thomas Street and extending south 115 feet	Approved 5-0
15-0905	PLAN	Resolution 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	Approved 5-0
15-0906	PLAN	Resolution approving a conditional use at 319 North 3rd Avenue to allow for a two-family dwelling, in a B2, Community Service District	Approved 4-0
15-0108	PH&S	Resolution Approving or Denying Various Licenses as Indicated	Approved 4-0
03-0311	WWW	Revised Resolution Reviewing the 2014 Compliance Maintenance Annual Report for the Wastewater Plant	Approved 4-0

File #	CMT	Resolutions and Ordinances	ACT
15-0903		Confirmation of Mayor's Appointments	
15-0911	PH&S	Resolution considering the report including the Findings of Fact, Conclusions of Law and Recommendation with regarding to the Class "B" Beer & Liquor License of Its Our Clubhouse LLC (Bryan Morel, registered agent) for the premises located at 738 S. 3rd Avenue	Approved 5-0
14-0814	HR	Resolution Recommending the Position of City Administrator Not be Established at this time	Approved 4-0
15-0907	PLAN	Resolution approving a conditional use at 2505 Stewart Avenue to allow for a car rental agency, in an IB, Interchange Business District	Approved 5-0
		Suspend the Rule 1(D) Transmission of Committee Business to Council - (2/3 Vote required) for items with pending committee action.	
15-0913	FIN	Resolution 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	Pending

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

Signed by Robert Mielke, Council President

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 09/04/15 @ 2:00 pm.. Questions regarding this agenda may be directed to the City Clerk.

**SPECIAL MEETING OF THE WAUSAU COMMON COUNCIL**  
Thursday, July 9, 2015, at 7:00 pm in the Council Chambers at City Hall.  
Mayor Tipple presiding.

*Council Members:* Bill Nagle, Romey Wagner, David Nutting, Tom Neal, Gary Gisselman, Keene Winters, Lisa Rasmussen, Karen Kellbach, David Oberbeck, Sherry Abitz, Robert Mielke

**Discussion and Possible Action Regarding the State of Wisconsin Budget Amendment Provisions that Allow the Town of Maine to become a Village**

Council President Mielke stated the reason for this special meeting is for the City Council to provide direction to those of us on the Council that represented the city in the Brokaw discussions.

Neal indicated that Mielke, Oberbeck and he were assigned on behalf of the City of Wausau to try to be a part of the solution; however, it was also made clear from the beginning that if towns and the village found a solution amongst themselves that we would be happy for them. He questioned if Council wanted them to disband regarding these negotiations. Neal noted that Senator Petrowski was present this evening by invitation for his input.

Rasmussen commented she has been supportive of open discussion of this matter to see what role, if any, we had as being part of the solution versus part of the problem. She indicated the feedback she has received from her district, which directly abuts one of the affected townships, is that they did not want to take on any more debt. She felt we should continue to be active listeners but now sit off to the side and see what they can accomplish.

Motion by Neal, second by Mielke that the City of Wausau step back, but remain open and supportive. Motion carried unanimously.

Senator Jerry Petrowski addressed the Council commenting this has been an ongoing problem and not an easy problem. The debt question and contamination is a large part of the issue, as well as the functionality of water and sewer. He explained this proposal will allow them to become a village, which they can do already; the budget amendment will just make it an easier path and may be a little quicker. He noted this doesn't make them a village; it just makes it available to them if they choose to go that route.

Nagle questioned if this was specifically being adopted by the State Legislature to make it easier to pay the debt, otherwise he saw no reason to become a village. Petrowski felt they had to look for resources to try to cover the things that need to be done, whether through grants or whatever.

Neal commented if the towns and village feel this is workable and the most direct solution to what is deemed a possible future problem, then he wished them the best. If there are other means through cooperation with the towns, state and county that can help that is good. He reiterated the City of Wausau remains open.

Motion by Kellbach, second by Mielke to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:18 pm.

**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 4<sup>th</sup> 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: 3<sup>rd</sup> Avenue to 6<sup>th</sup> 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**

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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

**INITIAL RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE**

Setting a public hearing regarding vacating and discontinuing an alley abutting 215 East Thomas Street west to Emter Street

Committee Action:      Approved 5-0

Fiscal Impact:         None

**File Number:**        15-0904

**Date Introduced:**    September 8, 2015

**FISCAL IMPACT SUMMARY**

<b>COSTS</b>	<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>
<b>SOURCE</b>	<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**, it appears advisable that the following described portion of alley in the City of Wausau be vacated and discontinued:

Part of the SE ¼ of the SE ¼, Section 35, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, described as follows:

All of the public alley lying between Block 3, Williams & Emter Addition to Wausau, and Block 2, Williams & Emter's 2<sup>nd</sup> Addition to Wausau, lying West of a line from the Southeast corner of Lot 5, said Block 3, to the Northeast corner of Lot 5, said Block 2.

**WHEREAS**, the Capital Improvements and Street Maintenance Committee at its May 7, 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, City of Wausau, Marathon County, Wisconsin, on the 12th day of November, 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

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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 the alley abutting 215 East Thomas Street west to Emter Street**

Wesolowski stated the petition came from Lamont Thao, who is with the Elder Sanctuary. The Elder Sanctuary owns all the parcels except one along this portion of the alley. Jacobson stated there are two methods under State Statute 66.1003 that allow for discontinuance of a public way. One is by petition, which requires signatures of owners of all the lots that abut the public way and the owners of more than 1/3 of the frontage of the lots abutting the portion of the remainder of the public way. Therefore she feels this is not a sufficient petition as it does not contain enough signatures of effected owners. Additionally, unpaved alleys are treated differently than paved alleys. The alley abutting one parcel is gravel, but the majority of the alley is paved. Because there are not enough signatures and because we would like to keep it moving forward, the other method to discontinue a public way is initiation by the Council. A resolution can be introduced by declaring the public interest requires the vacation. This does not change the length of the process as a public hearing is still required. Rasmussen is not convinced it would serve the greater good for the public purpose as it is unknown if the petitioner has spoken to the other property owners. Abitz stated Hill's Service is on the other end of the alley. The house next to Hill's has a back garage, along with the property across the alley. She is concerned that they use the alley to get out during the winter. She questioned Mr. Kilian, a resident in the area, if he has noticed traffic using the alley. To which he responded he has seen some traffic. She is also concerned with the electrical poles. Rasmussen noted a utility easement would have to be granted. Rasmussen asked for all abutting property owners to be noticed of the public hearing rather than a radius of the property. Wesolowski replied that all owners that abut the alley would be noticed.

Mielke moved to schedule a public hearing, notify abutting property owners of the hearing, and direct staff to work with the property owner to be sure he obtains a sufficient number of signatures. Abitz seconded.

Gisselman is hesitant since there was only one signature and he does not know why the petitioner wants to vacate the alley. Abitz assumes it is due to the amount of activity during events. Gehin stated Thao owns four lots on the south side of the alley. He started to improve the lots in 2013 by demoing two homes and placing gravel. Thao was proposing a parking lot on the four lots. The City requested that he pave and make drainage improvements by 2014. In 2014 he informed the City that he did not have the funds to make the improvements and he would move forward with the work in 2015.

Jacobson indicated staff can contact the petitioner, provide him with maps and inform him what he needs to do to bring a sufficient petition forward.

There being a motion and a second to schedule a public hearing, notify abutting property owners of the hearing, and direct staff to work with the property owner to be sure he obtains a sufficient number of signatures carried unanimously 5-0.

**Alley Proposed To Be Vacated**

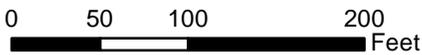
**E THOMAS ST**

**215 E.  
THOMAS ST**

**EDWARDS ST**

**EMTER ST**

**MCCLEARY ST**



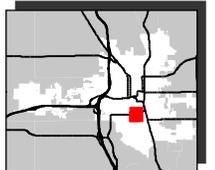
Map Date: April 22, 2015

# CITY OF WAUSAU

Marathon County, Wisconsin

## Legend

- Existing Right of Way
- Existing Building



**FINAL RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET  
MAINTENANCE COMMITTEE**

Levying Special Assessments for 2015 Street Improvement Projects

Committee Action: Approved 5-0

Fiscal Impact: Estimated special assessments \$141,000

**File Number:** 15-0104

**Date Introduced:** September 8, 2015

**WHEREAS**, on January 13, 2015, a preliminary resolution was adopted for the proposed public street construction project which included the installation of concrete curb and gutter, drive approaches, bituminous concrete pavement, and replacement of sidewalk and sanitary sewer, water and storm sewer laterals where necessary, on the following streets during 2015:

South 22<sup>nd</sup> Avenue from Nehring Street to the cul-de-sac  
Flieth Street from Park Boulevard to South 11<sup>th</sup> Avenue

**WHEREAS**, the Engineer's report was filed in the office of the City Clerk; a public hearing was held February 5, 2015 for the project; and the Board of Public Works reported upon the hearing to the Capital Improvements and Street Maintenance Committee regarding the comments of those who appeared at said hearing and

**WHEREAS**, the Capital Improvements and Street Maintenance Committee did recommend to the Common Council that the project be constructed during 2015, and the Common Council accepted the Committee's report at its meeting of February 24, 2015 and ordered that the project be advertised for bid; and

**WHEREAS**, bids were received by the Board of Public Works and the low bidder was awarded the street construction projects and

**WHEREAS**, the street improvement project special assessments for each property affected are attached hereto and made a part hereof;

**NOW THEREFORE, BE IT RESOLVED,**

1. That payment for said public improvements shall be made through an assessment against the real estate property described above.
2. That the assessments be and are hereby levied in the amount set forth above.
3. That such levy is made by the exercise of the City's police powers.
4. That the assessments are hereby determined to be fair and equitable, allocated amongst the property on a reasonable basis, and are in the public interest.
5. That any interested property owner may contest all or any part of such assessment in the manner provided in Section 3.24.020 of the Wausau Municipal Code.

6. That the special assessments shall be paid as follows:

**Assessments under \$300:** If payment is not made prior to November 1, 2015, the special assessment will be placed on the 2015 real estate tax bill and be due in full on or before January 31, 2016. There is no interest charged when paid in full. Assessments totaling less than \$300 must be paid in full and do not qualify for a payment schedule.

**Assessments totaling \$300 but less than \$20,000:** If full payment is not made prior to November 1, 2015, assessments totaling \$300 but less than \$20,000 will automatically be placed on the five-year payment schedule on the 2015 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2015 real estate taxes **OR**
- B. Payment of the first one-fifth of the assessment with the 2015 real estate taxes without interest. The remaining balance is paid in equal installments on the next four real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% (the 2014 rate was 2.338%) beginning February 1, 2016, on the unpaid balance. The remaining balance may be paid at any time with interest calculated through the month of payment.

**Assessments over \$20,000:** If payment is not made prior to November 1, 2015, assessments totaling \$20,000 or more will automatically be placed on the ten-year payment schedule on the 2015 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2015 real estate taxes **OR**
- B. Payment of the first one-tenth of the assessment with the 2015 real estate taxes without interest. The remaining balance is paid in equal installments on the next nine real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% (the 2014 rate was 2.338%) beginning February 1, 2016, on the unpaid balance. The remaining balance may be paid at any time with interest calculated through the month of payment.

Real estate taxes may be paid in full or in three installments (January 31, April 30, July 31). Regardless of how real estate taxes are paid, special assessments must be paid on or before January 31, 2016. No payments can be applied to real estate taxes if special assessments are not paid. Section 74.12(11)(a), Wisconsin Statutes, specifically states that if a treasurer receives a payment from a taxpayer which is not sufficient to pay all general property taxes, special assessments and special taxes due, the treasurer shall apply the payment to the amounts due, including interest and penalties, in the following order: (1) personal property taxes; (2) delinquent utility charges; (3) special charges; (4) special assessments; (5) special taxes; (6) general property taxes.

**BE IT FURTHER RESOLVED** that this final assessment resolution shall be published as a Class I notice in the official City newspaper; and

**BE IT FURTHER RESOLVED**, the Clerk shall cause to be mailed a copy of this resolution and a statement of the final assessment against the property to every property owner whose name

appears on the assessment roll, whose post office address is known or can with reasonable diligence be ascertained.

Approved:

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James E. Tipple, Mayor

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

---

Date of Meeting: August 20, 2015, at 6:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Lindman, Jacobson, Lenz, Wesolowski

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 6:30 p.m. Chairperson Rasmussen called the meeting to order.

### **CONSENT AGENDA**

- A. Approve minutes of the July 9, 2015 meeting.**
- B. Approve Final Resolutions to levy special assessments for 2015 Street Construction Projects**
- C. Approve Easement from Pine Grove Cemetery for access to the snow dump**
- D. Approve Easement from Pine Grove Cemetery for placement of a water service**

Mielke moved to approve the consent agenda items. Kellbach seconded and the motion carried unanimously 5-0.

Agenda Item No.

1B

*STAFF REPORT TO CISM COMMITTEE – August 20, 2015*

**AGENDA ITEM**

Approve Final Resolutions to levy special assessments for 2015 Street Construction Projects

**BACKGROUND**

In the fall of each year, the Common Council adopts resolutions to levy special assessments for street construction projects. Special assessments for 2015 street construction projects to be levied this year include the following:

Street Improvements

South 22<sup>nd</sup> Avenue from Nehring Street to the cul-de-sac  
Flieth Street from Park Boulevard to South 11<sup>th</sup> Avenue

Street Reconstruction

North 7<sup>th</sup> Street from Spring Street to Crocker Street  
Crocker Street from North 7<sup>th</sup> Street to North 13<sup>th</sup> Street  
Grant Street from Bellis Street to North 10<sup>th</sup> Street  
North 11<sup>th</sup> Street from McClellan Street to Franklin Street

**FISCAL IMPACT**

Estimated special assessments:

Street Improvements: \$141,000

Street Reconstruction: \$155,000

**STAFF RECOMMENDATION**

Staff recommends the resolutions be forwarded to the Common Council to levy the special assessment for the various projects.

Staff contact: Allen Wesolowski 715-261-6762

**FINAL RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET  
MAINTENANCE COMMITTEE**

Levying Special Assessments for 2015 Street Reconstruction Projects

Committee Action: Approved 5-0

Fiscal Impact: Estimated special assessments \$155,000

**File Number:** 15-0105

**Date Introduced:** September 8, 2015

**WHEREAS**, on January 13, 2015, a preliminary resolution was adopted for the proposed public street construction project which included the removal and replacement of bituminous concrete and/or Portland cement concrete pavement, curb and gutter, drive approaches, installation and/or replacement of sidewalk and sanitary sewer, water and storm sewer laterals where necessary, on the following streets during 2015:

North 7<sup>th</sup> Street from Spring Street to Crocker Street  
Crocker Street from North 7<sup>th</sup> Street to North 13<sup>th</sup> Street  
Grant Street from Bellis Street to North 10<sup>th</sup> Street  
North 11<sup>th</sup> Street from McClellan Street to Franklin Street

**WHEREAS**, the Engineer's report was filed in the office of the City Clerk; a public hearing was held February 3, 2015 for the project; and the Board of Public Works reported upon the hearing to the Capital Improvements and Street Maintenance Committee regarding the comments of those who appeared at said hearing and

**WHEREAS**, the Capital Improvements and Street Maintenance Committee did recommend to the Common Council that the project be constructed during 2015, and the Common Council accepted the Committee's report at its meeting of February 24, 2015 and ordered that the project be advertised for bid; and

**WHEREAS**, bids were received by the Board of Public Works and the low bidder was awarded the street construction projects and

**WHEREAS**, the street improvement project special assessments for each property affected are attached hereto and made a part hereof;

**NOW THEREFORE, BE IT RESOLVED,**

1. That payment for said public improvements shall be made through an assessment against the real estate property described above.
2. That the assessments be and are hereby levied in the amount set forth above.
3. That such levy is made by the exercise of the City's police powers.
4. That the assessments are hereby determined to be fair and equitable, allocated amongst the property on a reasonable basis, and are in the public interest.

5. That any interested property owner may contest all or any part of such assessment in the manner provided in Section 3.24.020 of the Wausau Municipal Code.
6. That the special assessments shall be paid as follows:

**Assessments under \$300:** If payment is not made prior to November 1, 2015, the special assessment will be placed on the 2015 real estate tax bill and be due in full on or before January 31, 2016. There is no interest charged when paid in full. Assessments totaling less than \$300 must be paid in full and do not qualify for a payment schedule.

**Assessments totaling \$300 but less than \$20,000:** If full payment is not made prior to November 1, 2015, assessments totaling \$300 but less than \$20,000 will automatically be placed on the five-year payment schedule on the 2015 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2015 real estate taxes **OR**
- B. Payment of the first one-fifth of the assessment with the 2015 real estate taxes without interest. The remaining balance is paid in equal installments on the next four real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% (the 2014 rate was 2.338%) beginning February 1, 2016, on the unpaid balance. The remaining balance may be paid at any time with interest calculated through the month of payment.

**Assessments over \$20,000:** If payment is not made prior to November 1, 2015, assessments totaling \$20,000 or more will automatically be placed on the ten-year payment schedule on the 2015 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2015 real estate taxes **OR**
- B. Payment of the first one-tenth of the assessment with the 2015 real estate taxes without interest. The remaining balance is paid in equal installments on the next nine real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% (the 2014 rate was 2.338%) beginning February 1, 2016, on the unpaid balance. The remaining balance may be paid at any time with interest calculated through the month of payment.

Real estate taxes may be paid in full or in three installments (January 31, April 30, July 31). Regardless of how real estate taxes are paid, special assessments must be paid on or before January 31, 2016. No payments can be applied to real estate taxes if special assessments are not paid. Section 74.12(11)(a), Wisconsin Statutes, specifically states that if a treasurer receives a payment from a taxpayer which is not sufficient to pay all general property taxes, special assessments and special taxes due, the treasurer shall apply the payment to the amounts due, including interest and penalties, in the following order: (1) personal property taxes; (2) delinquent utility charges; (3) special charges; (4) special assessments; (5) special taxes; (6) general property taxes.

**BE IT FURTHER RESOLVED** that this final assessment resolution shall be published as a Class I notice in the official City newspaper; and

**BE IT FURTHER RESOLVED**, the Clerk shall cause to be mailed a copy of this resolution and a statement of the final assessment against the property to every property owner whose name appears on the assessment roll, whose post office address is known or can with reasonable diligence be ascertained.

Approved:

---

James E. Tipple, Mayor

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

---

Date of Meeting: August 20, 2015, at 6:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Lindman, Jacobson, Lenz, Wesolowski

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 6:30 p.m. Chairperson Rasmussen called the meeting to order.

### **CONSENT AGENDA**

- A. Approve minutes of the July 9, 2015 meeting.**
- B. Approve Final Resolutions to levy special assessments for 2015 Street Construction Projects**
- C. Approve Easement from Pine Grove Cemetery for access to the snow dump**
- D. Approve Easement from Pine Grove Cemetery for placement of a water service**

Mielke moved to approve the consent agenda items. Kellbach seconded and the motion carried unanimously 5-0.

Agenda Item No.

1B

*STAFF REPORT TO CISM COMMITTEE – August 20, 2015*

**AGENDA ITEM**

Approve Final Resolutions to levy special assessments for 2015 Street Construction Projects

**BACKGROUND**

In the fall of each year, the Common Council adopts resolutions to levy special assessments for street construction projects. Special assessments for 2015 street construction projects to be levied this year include the following:

Street Improvements

South 22<sup>nd</sup> Avenue from Nehring Street to the cul-de-sac  
Flieth Street from Park Boulevard to South 11<sup>th</sup> Avenue

Street Reconstruction

North 7<sup>th</sup> Street from Spring Street to Crocker Street  
Crocker Street from North 7<sup>th</sup> Street to North 13<sup>th</sup> Street  
Grant Street from Bellis Street to North 10<sup>th</sup> Street  
North 11<sup>th</sup> Street from McClellan Street to Franklin Street

**FISCAL IMPACT**

Estimated special assessments:

Street Improvements: \$141,000

Street Reconstruction: \$155,000

**STAFF RECOMMENDATION**

Staff recommends the resolutions be forwarded to the Common Council to levy the special assessment for the various projects.

Staff contact: Allen Wesolowski 715-261-6762

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

<b>RESOLUTION OF THE CAPITAL IMPROVEMENTS &amp; STREET MAINTENANCE COMMITTEE</b>	
Approving easement from Pine Grove Cemetery for access to the snow dump	
Committee Action:	Approved 5-0
Fiscal Impact:	None
<b>File Number:</b>	15-0908
<b>Date Introduced:</b>	September 8, 2015

<b>FISCAL IMPACT SUMMARY</b>			
<b>COSTS</b>	<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>
<b>SOURCE</b>	<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> <span style="float:right;"><i>Annual Retirement</i></span>
	<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 extension of Curling Way allowed for the construction of a new driveway off of Curling Way into the snow dump from the east whereas previously the City accessed the snow dump off of Junction Street to the north, and

**WHEREAS**, the Pine Grove Cemetery is in favor of this new driveway location and access as it will allow for the expansion of the cemetery to the east, and

**WHEREAS**, the extension of Curling Way also allowed the City to relocate an existing public storm sewer that was located underneath the former driveway, and

**WHEREAS**, the existing easement for the former driveway access and storm sewer will be extinguished, and

**WHEREAS**, your Capital Improvements and Street Maintenance Committee met on August 20, 2015 to review the easement and recommends approval, and

**BE IT RESOLVED** that the Common Council of the City of Wausau does hereby approve the easement for access to the snow dump, a copy of which is attached hereto and incorporated herein by reference.

Approved:

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James E. Tipple, Mayor

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

---

Date of Meeting: August 20, 2015, at 6:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Lindman, Jacobson, Lenz, Wesolowski

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

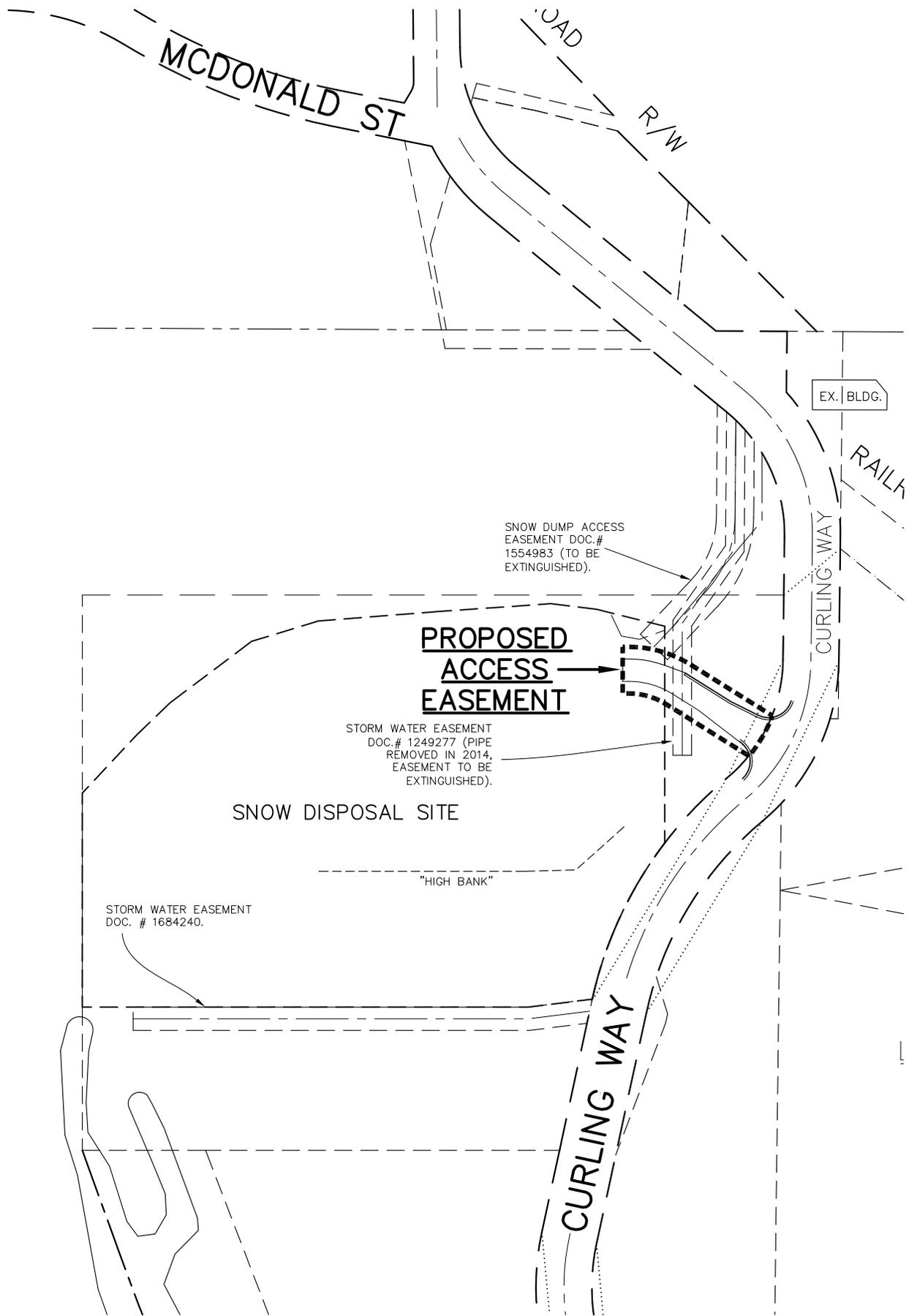
Noting the presence of a quorum, at approximately 6:30 p.m. Chairperson Rasmussen called the meeting to order.

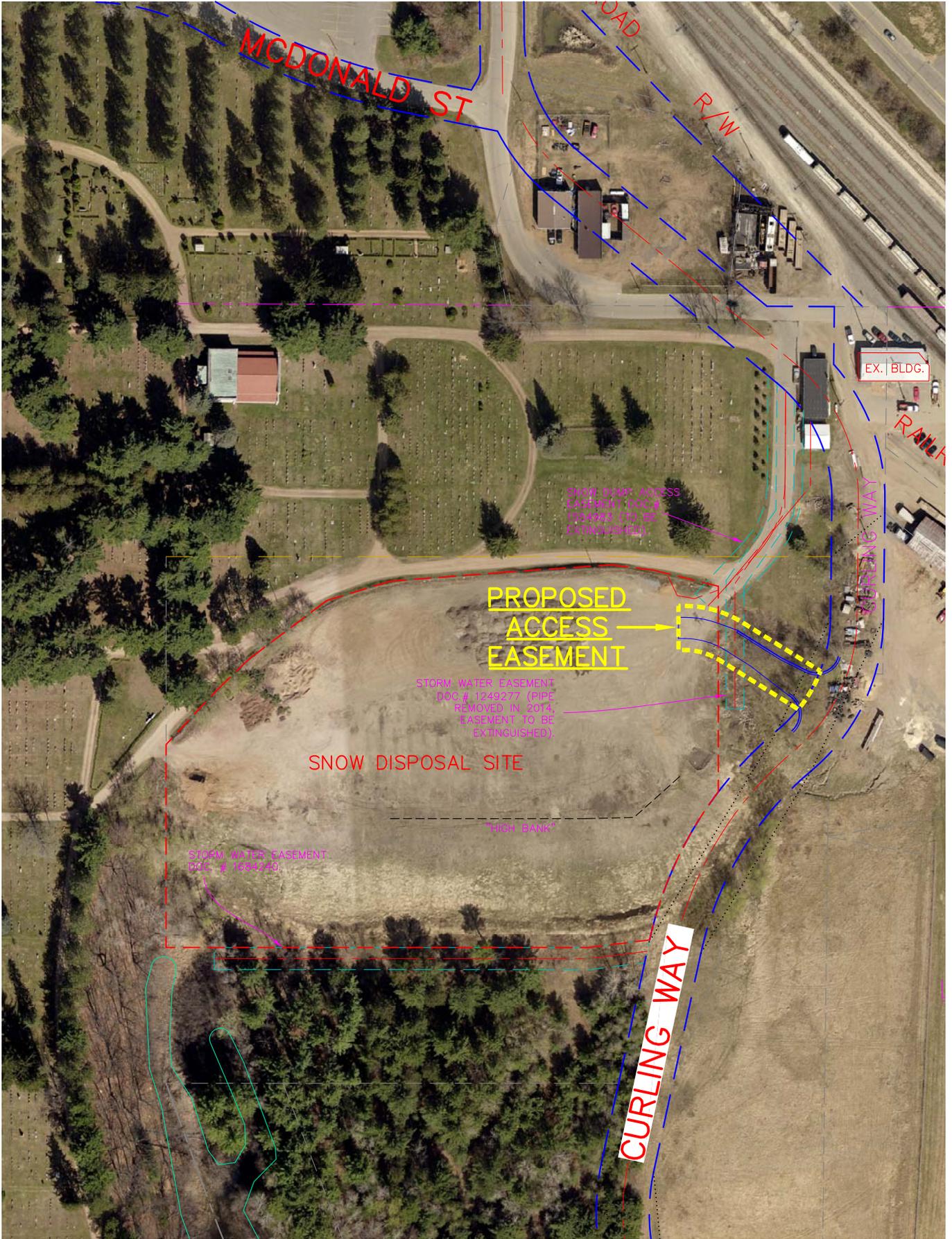
### **CONSENT AGENDA**

- A. Approve minutes of the July 9, 2015 meeting.**
- B. Approve Final Resolutions to levy special assessments for 2015 Street Construction Projects**
- C. Approve Easement from Pine Grove Cemetery for access to the snow dump**
- D. Approve Easement from Pine Grove Cemetery for placement of a water service**

Mielke moved to approve the consent agenda items. Kellbach seconded and the motion carried unanimously 5-0.

<b>AGENDA ITEM</b>
Approve Easement from Pine Grove Cemetery for access to the snow dump
<b>BACKGROUND</b>
<p>The extension of Curling Way in 2014 allowed for the construction of the new driveway off of Curling Way into the snow dump from the east. Previously the City accessed the snow dump from an existing driveway off of Junction Street to the north. Pine Grove Cemetery was in favor of this new driveway location which allows for the expansion of their cemetery to the east.</p> <p>In addition, due to the extension of Curling Way, the City was able to relocate an existing public storm sewer that was located underneath the old driveway into the new roadway. The City in the near future will be extinguishing the old driveway access and storm sewer easements across Pine Grove Cemetery property.</p> <p>Prior to extinguishing the old driveway access, the City will need to acquire a new access easement for the new driveway location. The easement will extend from the Curling Way right-of-way east to the snow dump. See attached maps. In addition an easement will be pursued from Pine Grove Cemetery for a recently placed water service that will be used to rinse City equipment. The recently placed water service was previously authorized by the Cemetery.</p>
<b>FISCAL IMPACT</b>
There are no fiscal impacts anticipated.
<b>STAFF RECOMMENDATION</b>
Authorize City staff to acquire new access easement and approval of said easement.
Staff contact: Sean Gehin 715-261-6748





**EASEMENT AGREEMENT**

Document Title

THIS INDETURE made this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the WAUSAU CEMETERY ASSOCIATION, Grantor, and the CITY OF WAUSAU, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, Grantee;

WITNESSETH:

That in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to Grantor by Grantee, receipt of which is hereby acknowledged, Grantor, has this day conveyed, transferred, and delivered unto Grantee a permanent easement and right-of-way and perpetual right to enter upon the real estate hereinafter described at any time to allow Grantee ingress and egress to the disposal site currently located on the east end of the Grantor's premises.

This permanent easement shall cease upon termination of the disposal agreement dated September 12, 2001, a copy of which is attached hereto.

The permanent easement and perpetual right of entry is described as follows:

Part of the Southeast ¼ of the Northeast ¼, Section 1, Township 28 North, Range 7 East, City of Wausau, Marathon County, Wisconsin described as follows:

A 50 foot strip of land centered on the following described centerline;

Commencing at the East ¼ corner of said Section 1; thence North 21°23'51" West, 933.85 feet to the Westerly right-of-way of Curling Way, the point of beginning of said centerline;

Thence North 57°58'23" West, 106.00 feet; thence along the arc of a curve to the left, having a chord bearing of North 73°59'12" West and a chord distance of 55.17 feet and a radius of 100.00'; thence North 90°00'00" West, 7.00 feet to the end of said centerline.

In further consideration of this easement by Grantor, Grantee forever agrees to hold Grantor harmless from all damages, loss or claim which may arise from the existence, use, and/or maintenance of said permanent easement. Grantee also agrees that it will bear any and all cost for the construction, maintenance or repair of said access road. No buildings or structures except surface improvements such as bituminous concrete pavement (asphalt) shall be constructed upon or across the permanent easement lands.

Grantor covenants that it is lawfully seized and possessed of the real estate above described and that it will defend the title thereto against the lawful claims of all persons whomsoever.

This agreement shall run with the land, encumbering the property encompassed by the easement in perpetuity, and shall be binding upon and shall enure to the benefit of the parties hereto and to their respective successors and assigns.

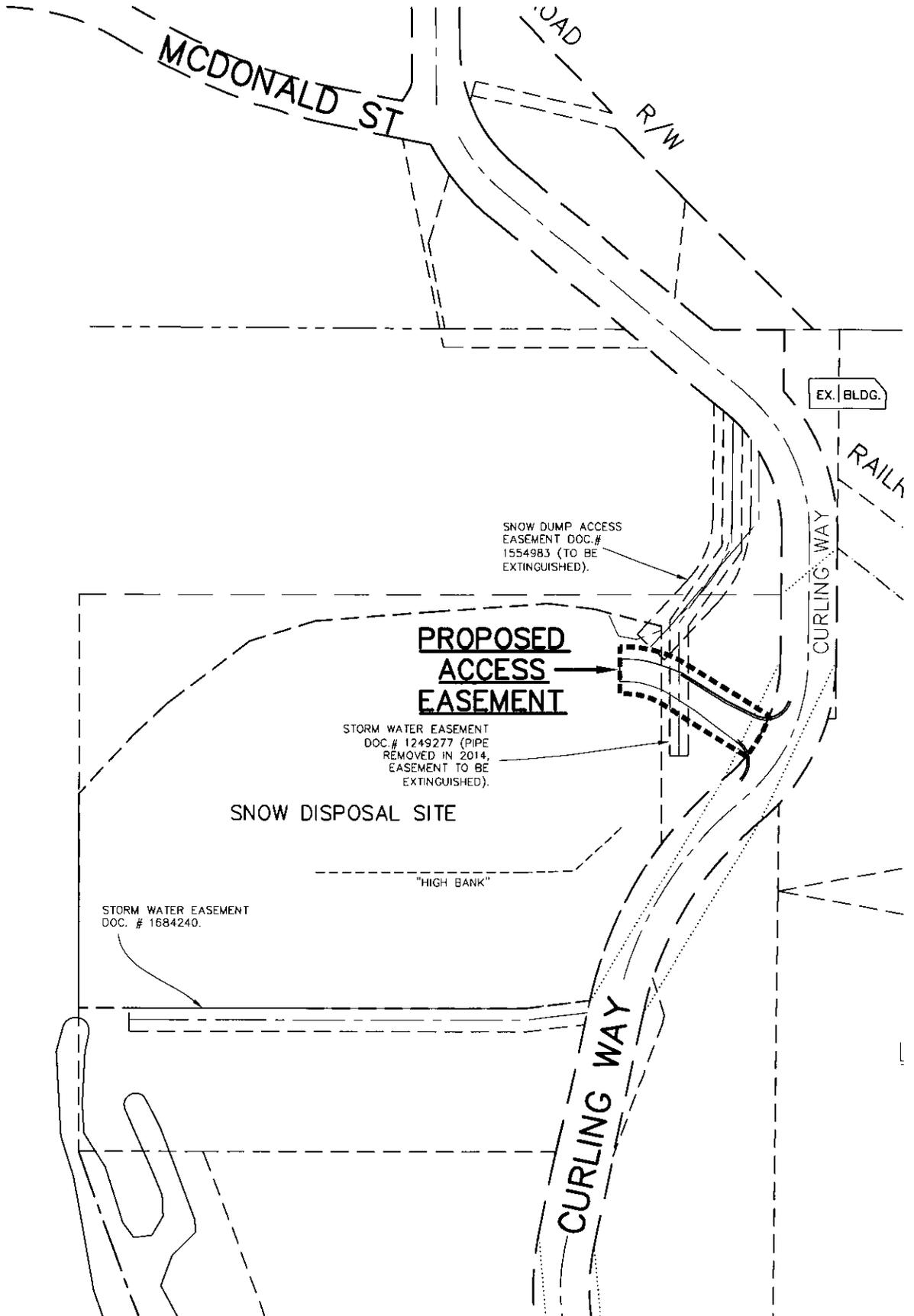
Recording Area

Name and Return Address

City of Wausau Attorney's Office  
407 Grant Street  
Wausau, WI 54403

PIN: 37.291.4.2807.011.0910





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

<b>RESOLUTION OF THE CAPITAL IMPROVEMENTS &amp; STREET MAINTENANCE COMMITTEE</b>	
Approving easement from Pine Grove Cemetery for placement of a water service	
Committee Action:	Approved 5-0
Fiscal Impact:	None
<b>File Number:</b>	15-0909
<b>Date Introduced:</b>	September 8, 2015

<b>FISCAL IMPACT SUMMARY</b>			
<b>COSTS</b>	<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>
<b>SOURCE</b>	<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> <span style="float: right;"><i>Annual Retirement</i></span>
	<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 extension of Curling Way allowed for the extension of a water line to the snow dump site, and

**WHEREAS**, the water line is intended to be used to rinse off City of Wausau equipment at the snow dump site, and

**WHEREAS**, your Capital Improvements and Street Maintenance Committee met on August 20, 2015 to review the easement and recommends approval, and

**BE IT RESOLVED** that the Common Council of the City of Wausau does hereby approve the easement for placement of a water service, a copy of which is attached hereto and incorporated herein by reference.

Approved:

---

James E. Tipple, Mayor

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

---

Date of Meeting: August 20, 2015, at 6:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Lindman, Jacobson, Lenz, Wesolowski

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

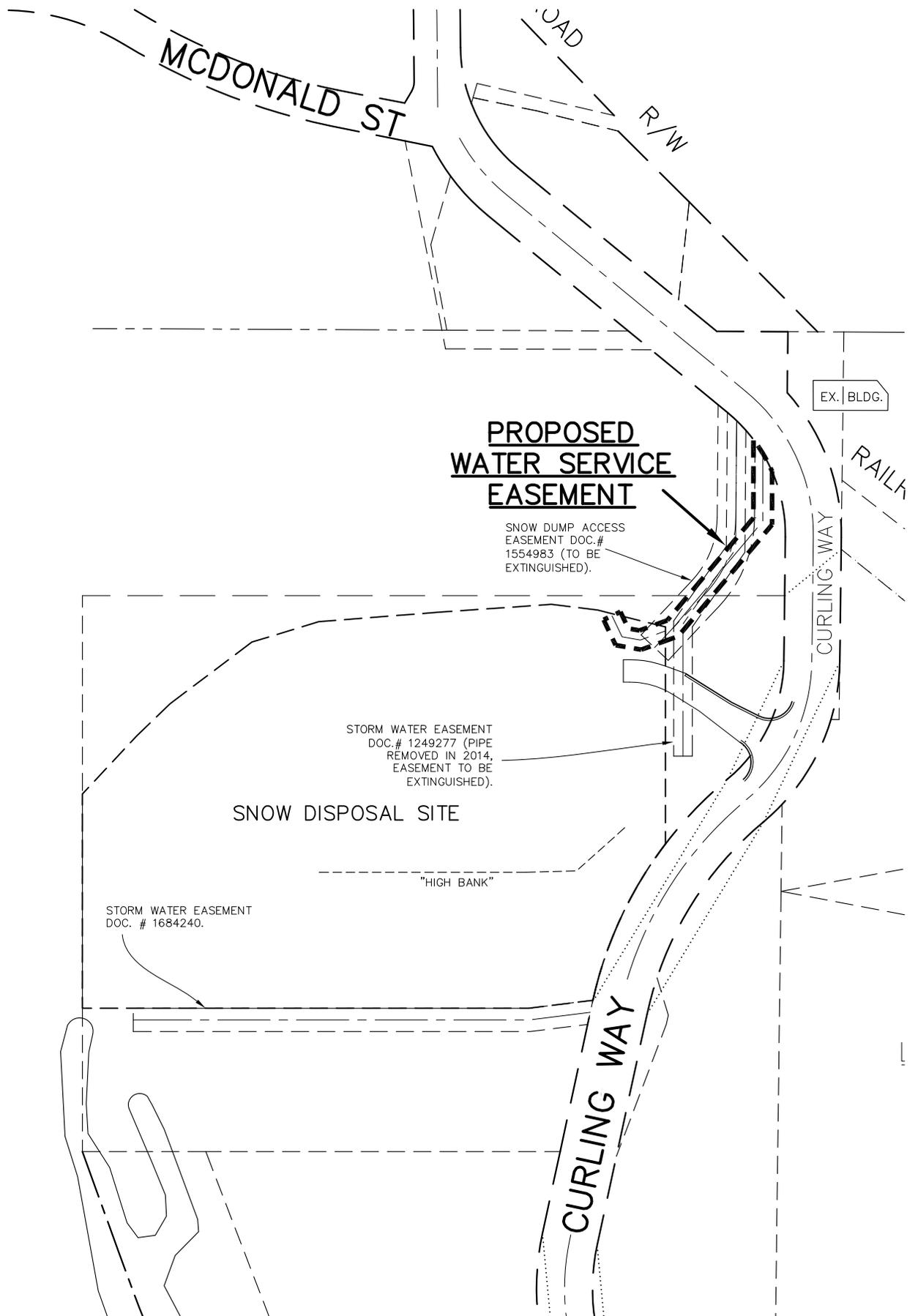
Noting the presence of a quorum, at approximately 6:30 p.m. Chairperson Rasmussen called the meeting to order.

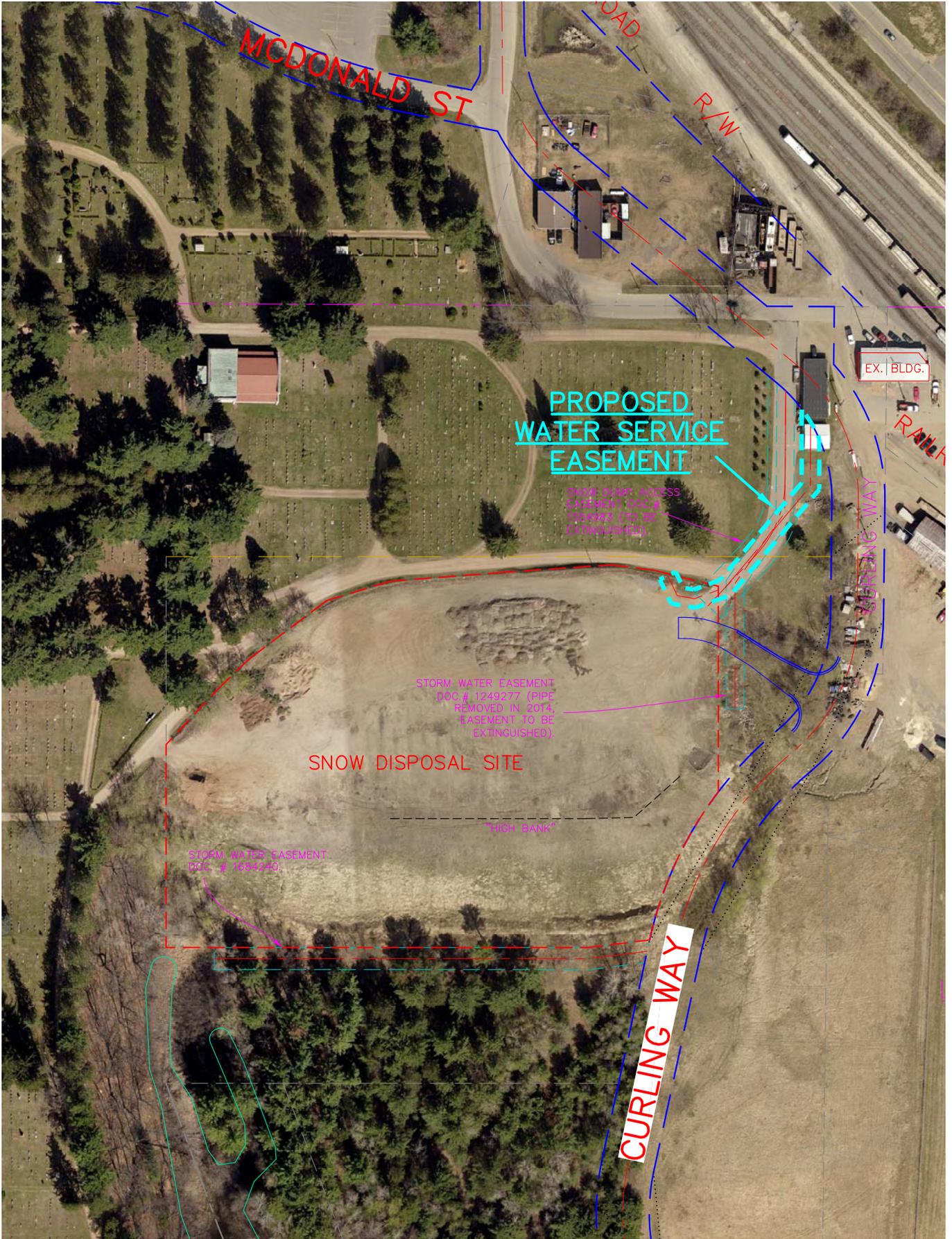
### **CONSENT AGENDA**

- A. Approve minutes of the July 9, 2015 meeting.**
- B. Approve Final Resolutions to levy special assessments for 2015 Street Construction Projects**
- C. Approve Easement from Pine Grove Cemetery for access to the snow dump**
- D. Approve Easement from Pine Grove Cemetery for placement of a water service**

Mielke moved to approve the consent agenda items. Kellbach seconded and the motion carried unanimously 5-0.

<b>AGENDA ITEM</b>
Approve Easement from Pine Grove Cemetery for placement of a water service
<b>BACKGROUND</b>
<p>The extension of Curling Way in 2014 allowed for the construction of the new driveway off of Curling Way into the snow dump from the east. Previously the City accessed the snow dump from an existing driveway off of Junction Street to the north. Pine Grove Cemetery was in favor of this new driveway location which allows for the expansion of their cemetery to the east.</p> <p>In addition, due to the extension of Curling Way, the City was able to relocate an existing public storm sewer that was located underneath the old driveway into the new roadway. The City in the near future will be extinguishing the old driveway access and storm sewer easements across Pine Grove Cemetery property.</p> <p>Prior to extinguishing the old driveway access, the City will need to acquire a new access easement for the new driveway location. The easement will extend from the Curling Way right-of-way east to the snow dump. See attached maps. In addition an easement will be pursued from Pine Grove Cemetery for a recently placed water service that will be used to rinse City equipment. The recently placed water service was previously authorized by the Cemetery.</p>
<b>FISCAL IMPACT</b>
There are no fiscal impacts anticipated.
<b>STAFF RECOMMENDATION</b>
Authorize City staff to acquire new access easement and approval of said easement.
Staff contact: Sean Gehin 715-261-6748





**EASEMENT AGREEMENT**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between WAUSAU CEMETERY ASSOCIATION, Grantor, and the CITY OF WAUSAU, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, Grantee;

WITNESSETH:

That in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to Grantor by Grantee, receipt of which is hereby acknowledged, Grantor, has this day conveyed, transferred, and delivered unto Grantee a permanent easement and right-of-way and perpetual right to enter upon the real estate hereinafter described at any time to construct, reconstruct, maintain, inspect and/or repair a water line which may be constructed through and under the lands hereinafter described.

The permanent easement and perpetual right of entry is described as follows:

Part of the Southeast ¼ of the Northeast ¼, Section 1, Township 28 North, Range 7 East, City of Wausau, Marathon County, Wisconsin described as follows:

A 20 foot strip of land centered on the following described centerline;

Commencing at the East ¼ corner of said Section 1; thence North 16°10'35" West, 1222.96 feet to the Westerly right-of-way of Curling Way, the point of beginning of said centerline;

Thence South 0°00'00" East, 73.00 feet; thence South 40°00'00" West, 150.00 feet; thence South 70°00'00" West, 37.00 feet; thence North 80°00'00" West, 20.00 feet; thence North 25°00'00" West, 25.00 feet to the end of said centerline.

In further consideration of this easement by Grantor, Grantee forever agrees to hold Grantor harmless from all damages, loss, or claims which may arise from the existence, use, and/or maintenance of said permanent easement. Grantee further agrees that it will attempt to return the disturbed lands subject to this easement to a similar condition which existed prior to the construction.

No buildings or structures except surface improvements such as, but not limited to, asphalt pavement, sidewalk, curb and gutter, etc. shall be constructed upon or across the permanent easement lands; nor shall large trees be planted upon the permanent easement lands, but small trees and shrubs not exceeding approximately eight feet in height at maturity are permitted.

Grantor covenants that it is lawfully seized and possessed of the real estate above described and that it will defend the title thereto against the lawful claims of all persons whomsoever.

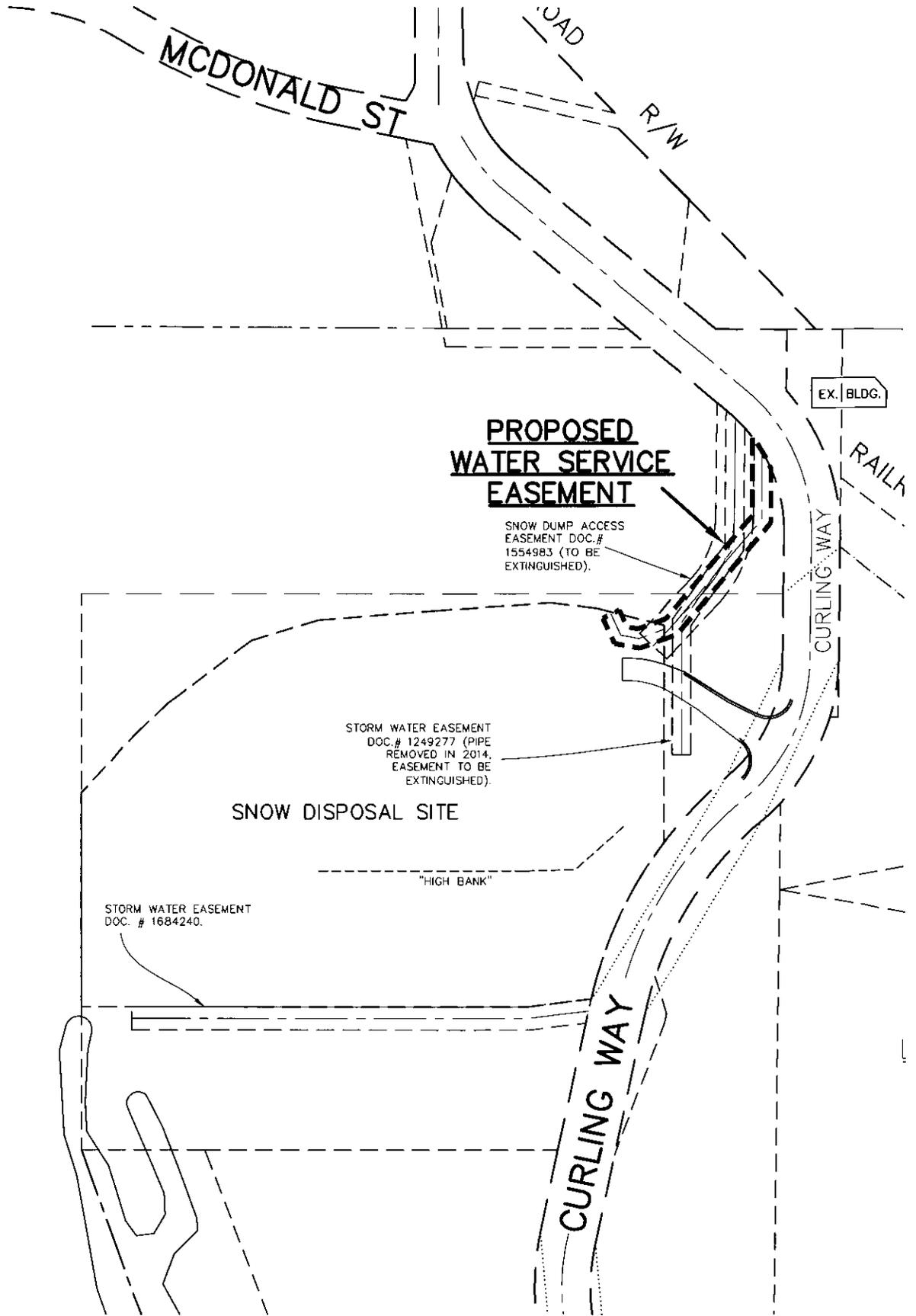
This agreement shall run with the land, encumbering the property encompassed by the easement in perpetuity, and shall be binding upon and shall inure to the benefit of the parties hereto and to their respective successors and assigns.

Recording Area

Name and Return Address  
City of Wausau Attorney's Office  
407 Grant Street  
Wausau, WI 54403

PIN: 291-2807-011-0910





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

<b>RESOLUTION OF THE FINANCE COMMITTEE</b>	
Amending the Procurement Policy (CCITC Sole Source Exemption)	
Committee Action:	Approved 5-0
Fiscal Impact:	None
<b>File Number:</b>	99-1104
<b>Date Introduced:</b>	September 8, 2015

<b>FISCAL IMPACT SUMMARY</b>				
<b>COSTS</b>	<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>
<b>SOURCE</b>	<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> <span style="float: right;"><i>Annual Retirement</i></span>
	<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**, your Finance Committee, at their August 11, 2015 meeting, considered and recommends the attached revision to the Procurement Policy which incorporates the purchase of goods and services from CCITC as a sole source exemption

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Wausau that the Procurement Policy which is attached hereto and incorporated herein by reference is hereby adopted as the Procurement Policy of the City of Wausau and that its administration and enforcement shall be done under the direction of the Mayor and department heads.

Approved:

\_\_\_\_\_  
James E. Tipple, Mayor

**FINANCE COMMITTEE**

Date and Time: Tuesday, August 11, 2015 @ 5:30 pm., Board Room

Members Present: Oberbeck(C), Kellbach, Mielke, Nutting, Nagle

Others Present: Groat, Jacobson, Giese, Hite, Kujawa, Lindman, Schock, Werth, Tipple, Wagner, Pergolski, Neal, Wagner, Rasmussen, Gisselman, Goede

**Changes in the Procurement Policy - sole source exemption Technology Services CCITC**

Groat pointed out when you look at the Procurement Policy there is nothing that exempts us from having to go out for RFP when using the City/County IT Services, which is our partner. She recommended adding CCITC as a sole source exemption for clarity.

Motion by Mielke, second by Kellbach to approve the change to the Procurement Policy for a sole source exemption for technology services CCITC. Motion carried 5-0.

# CITY OF WAUSAU, WISCONSIN

## PROCUREMENT POLICY

### POLICY OBJECTIVE

The City of Wausau has adopted this procurement policy in order to provide City employees with uniform guidance in the purchase of supplies, equipment, services and property. The controls and procedures set forth are intended to provide reasonable assurance that the lowest cost, highest quality good or service is obtained, while balancing the need for flexibility and efficiency in departmental operations.

### COVERAGE

This policy applies to the purchases of all departments and divisions of the City of Wausau. The provisions of Wisconsin Statutes s 62.15 and Wausau Municipal Code 12.08 apply to the procurement of public construction and take precedence over any portion of this policy that may conflict with that statute. Procurement activities for MetroRide are subject to the provisions of the Federal Transit Administration and take precedence over any portion of this policy which may conflict with their guidelines. More restrictive procurement procedures required by grants, aids, statutes or other external requirements or funding sources will take precedence.

### GOALS

1. To encourage open and free competition to the greatest extent possible.
2. To receive maximum value and benefits for each public dollar spent.
3. To ensure that all purchases are made in compliance with federal, state and local laws.
4. To prevent potential waste, fraud, abuse and conflicts of interest in the procurement process.
5. To assure proper approvals are secured prior to the purchase and disbursement of public funds.

### ETHICAL STANDARDS

1. All procurement shall comply with applicable federal, state and local laws, regulations, policies and procedures. Municipal Code 2.03 Code of Ethics for Public Officials and Employees provides general ethical standards and conduct expectations.
2. In general, employees are not to engage in any procurement related activities that would actually or potentially create a conflict of interest, or which might reasonably be expected to contribute to the appearance of such a conflict.
3. No employee shall participate in the selection, award or administration of a contract if a conflict of interest would be involved. Such a conflict would arise when the employee, any member of his immediate family, business partner or any organization that employs, or is about to employ, any of the above, has a financial interest or other interest in the firm selected for award.
4. To promote free and open competition, technical specifications shall be prepared to meet the minimum legitimate need of the City and to the extent possible, will not exclude or discriminate against any qualified contractors.
5. No employee shall solicit or accept favors, gratuities, or gifts of monetary value from actual or potential contractors or subcontractors.
6. Employees must maintain strict confidentiality in the procurement process and shall not impart privileged information to any contractors that would give them advantage over other potential contractors.

7. Personal purchases for employees by the City are prohibited. City employees are also prohibited from using the City's name or the employee's position to obtain special consideration in personal purchases. Employee purchase programs may be established with vendors with prior approval from the Mayor, provided that the vendor provides similar programs to employees of other private entities.

### **GENERAL GUIDELINES**

These general guidelines shall be adhered to as closely as possible by all departments in the procurement of goods and services.

1. Procurements are classified into the following two major categories:
  - Purchasing Goods is defined as equipment, furnishings, supplies, materials and vehicles or other rolling stock. The rental, leasing of these items is also considered to fall within this category and the cost shall be determined by considering the maximum total expenditure over the term of the agreement.
  - Purchase of Services is classified into additional categories of professional services, contractor services, construction services and combined goods and service contracts.
2. Buy Local - It is the desire of the City to purchase locally when possible. This can be accomplished by ensuring that local vendors who have goods or services available are included in the competitive solicitation process that will precede major purchases. It is also the desire of the City to purchase from disadvantaged enterprise businesses whenever possible as defined by Wisconsin Statute 84.06(1).
3. Cooperative Procurement Programs – Departments are encouraged to use cooperative purchasing programs sponsored by the State of Wisconsin or other jurisdictions. Purchases of goods and services secured through these programs are considered to have met the requirements of competitive procurement outlined in this policy. Additionally, if identical products can be obtained at a lower price than current cooperative purchasing contracts, no additional quotes are required.
4. Purchasing Oversight – Department heads have the responsibility for procurement issues in their individual departments. A department head is defined as the City employee having responsibility for the department on behalf of which moneys were appropriated in the City budget for purchases.
5. Emergencies – When an emergency situation does not permit the use of the competitive process outlined in the policy, the applicable department head, Finance Director and Mayor may determine the procurement methodology most appropriate to the situation. Appropriate documentation of the basis for the emergency should be maintained and filed with the City Clerk. All emergency purchases exceeding \$50,000 shall require the Department Head to provide written notice to the Common Council.
6. Identical Quotes or Bids – If two or more qualified bids/quotes are for the same total amount or unit price, and quality or service is considered equal the contract shall be awarded to the local bidder. Where this is not practical the contract will be awarded by drawing lots in public.
7. Serial Contracting – No contract or purchase shall be subdivided to avoid the requirements of this policy. Serial contracting is the practice of issuing multiple purchase order to the same vendor for the same good or service in any 90 day period in order to avoid the requirements of the procurement policy.
8. Purchase Orders and Purchase Order Cover Sheet – Shall be issued for all purchases of goods and services in excess of \$5,000.
9. Policy Review – This policy will be reviewed by the Finance Committee every two years or sooner at the discretion of the Common Council.
10. Protest Procedures – Any interested party who wishes to protest at any point in the procurement process, evaluation, award, or post-award, may do so. An “interested party” must, however, be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to

award the contract. Protests must be submitted timely, in writing to the City Clerk, 407 Grant Street, Wausau WI 54403 but no later than five (5) working days following the City's procurement decision. The protest must contain a detailed statement of the grounds for the protest and any supporting documentation. Upon the receipt of the written protest, the City Clerk will notify the City Attorney and Finance Director who will work to resolve the matter within five (5) working days. If the protester is not satisfied and indicates the intention to appeal to the next step the award will be temporarily suspended unless it is determined that: 1)the item to be procured is urgently required; 2) delivery or performance will be unduly delayed by failure to make the award promptly; 3) Failure to make the prompt award will otherwise cause harm to the City; or 4) The protest has no merit. If the protester wishes to appeal the decision of the City Attorney and Finance Director the matter will be forwarded to the City of Wausau Finance Committee and the Common Council for the ultimate local disposition.

### **PURCHASE OF GOODS**

1. Purchase of Goods under \$5,000 – may be made based on the best judgment of the department head or division director. However, it is recommended that competitive quotes be obtained. Specific procurement documentation is not required.
2. Purchase of Goods \$5,000 to \$25,000 – requires department head approval PRIOR to placing the order and the issuance of a purchase order. The cost of the purchase must have been included within the approved department budget. The department **MUST** obtain (3) three written quotations, if possible. Quote summary, request for quote documentation and written quotes must be submitted to the Finance Department with the purchase order request. Purchase orders will not be processed without the proper documentation.
3. Purchase of Goods in excess of \$25,000 – a formal bid process is required.
  - a. Requests for such bids shall be formally noticed. All notices and solicitations of bids shall state the time and place of the bid opening.
  - b. All bids shall be submitted sealed to the City Official designated in the bid packet and shall have the bid name and date identified on the envelope.
  - c. All sealed bids shall be opened and recorded by the Board of Public Works. The department head shall be responsible for the preparation of all plans, bid specifications, notices and advertising. Prequalification of bidders may be done at the discretion of the department head. A tabulation of bids received shall be available for public inspection. The Board of Public Works shall have the authority to award the contract when the costs of the purchase have been included within the approved City budget. Purchases that do not meet this criteria and are not otherwise authorized by law, rule or regulation, shall be authorized separately by the Common Council. All bid documentation shall be placed on file with the City Clerk.
  - d. In general, the contract shall be awarded to the lowest priced responsible bid, taking into consideration the following factors: the qualities of the goods supplied, conformity with specifications, product compatibility, maintenance costs, vendor support and delivery terms. Written documentation or explanation shall be required if the contract is awarded to other than the lowest responsible bidder. This documentation will include a justification as to why it was in the City's best interest to award the contract to other than the lowest responsible bidder.
4. Commodities \$5,000-\$50,000 – commodities subject volatile pricing such as fuel may through via written quotes. These purchases require department head approval prior to placing the order and the issuance of a purchase order. The cost of the purchase must have been included within the approved department budget. The department must obtain (3) written quotations, if possible. Quote summary, written quotes and any other available documentation must be submitted to the Finance Department with the purchase order request.
5. The department head shall administer the purchase.
6. The following items must be purchased using a centralized purchasing process:
  - a. Copiers - coordinated by the CCITC.
  - b. Computer hardware/software - coordinated by CCITC.
  - c. Cellular telephone, telephones, security cameras and similar communication and technology equipment – coordinated by CCITC.
  - d. Furniture – coordinated by Department of Public Works.
  - e. Office Supplies – coordinated by the Finance Department.

- f. Janitorial Services – coordinated by Department of Public Works.
- g. Vehicles and other rolling Stock – coordinated by Department of Public Works.
- h. Facility Maintenance, Repair and Improvement – coordinated by Department of Public Works.
- i. Procurement of Legal Services – coordinated by the City Attorney’s office.

**PURCHASE OF SERVICES**

Whenever practical the purchase of services should be conducted based upon a competitive process:

- Contractor services is defined as the furnishing of labor, time or effort by a contractor, usually not involving the delivery of specific goods or products other than those that are the end result of and incidental to the required performance. Examples of contractor service include: refuse and recycling collection, snow removal, EMS billing services, janitorial, elevator maintenance, mailing, or delivery services. Contractor services shall follow the competitive procurement policy for the Purchase of Goods subject to the same spending guidelines. The cost shall be determined by considering the maximum total expenditure over the term of the contract.
  - Construction services is defined as substantial repair, remodeling, enhancement construction or other changes to any City owned land, building or infrastructure. Procedures found with in State of Wisconsin Statute 62.15 and Wausau Municipal Code 12.08 shall take precedence. In absence of guidance in these areas, construction services shall follow the competitive procurement policy for the Purchase of Goods subject to the same spending guidelines.
  - Combined Goods and Services in situations where the purchase combines goods and services (exclusive of construction and contractor services), such as many technology projects, the purchase shall be treated as a purchase of professional services.
  - Professional services is defined as consulting and expert services provided by a company, organization or individual. Examples of professional services include: attorneys, certified public accountants, appraiser, financial and economic advisors, engineers, architect, planning and design. Professional services are generally measured by the professional competence and expertise of the provider rather than cost alone.
    - a) If it is estimated that the service being solicited has a total cost of over \$25,000 a formal Request for Proposal shall be used to solicit vendor responses. The department head shall be responsible for the preparation of all Requests for Proposal specifications, notices and advertising. Prequalification of proposers may be done at the discretion of the department head. A formal RFP will not be required to solicit legal services for representation in a specific matter, regardless of cost. The City Attorney will consult with the Finance Committee if it is anticipated that expenses ( fees and costs) in excess of \$25,000for a single matter will be incurred. When retention of legal services to perform ongoing services in one type of matter, such as bond counsel or prosecution services, is required, the procurement policy, for professional services shall be followed.
      - i) Attorney Services: Billing Frequency and Format
        - A) Time Changes. Actual time should be billed in one-tenth (.10) hour increments.
        - B) Billing Frequency. Invoices for legal services or expense shall be invoiced every 30 days from the date of initial suit assignment and monthly thereafter.
- In any event, invoices submitted more than 60 days after the last date of legal services will require explanation of the billing delay to the City Attorney.
- Invoices submitted more than one (1) year after the last date of legal services or expense will be rejected.

- b) The Purpose of an RFP is to solicit proposals with specific information on the proposer and the service offered which will allow the City to select the best proposal. The best proposal is not necessarily the proposal with the lowest cost.
- c) Based upon the services or project and the magnitude of the outcome a selection committee may be advisable.
- d) Requests for proposals shall be formally noticed. All notices and solicitations of proposals shall state the time and place of the proposal opening.
- e) Information to be requested of the proposer should include: Years of experience in the area desired services, financial strength of the company, examples of similar services/projects completed, resumes of staff associated with the project/service, list of references, insurance information, In addition the proposal should provide information about the City, scope of services requested and desired outcomes or deliverables. The proposal should also identify evaluation factors and relative importance.
- f) Establish selection criteria and include this information with the RFP. It is generally advisable to establish a numeric ranking matrix. This reduces the subjective nature of the rating process.
- g) Proposals should be solicited from an adequate number of qualified sources. Requests for proposal should be formally noticed. All notices and solicitations should provide the issue date, response due date, date and time of opening responses and a contact person.
- h) Proposals shall be opened and recorded by the Board of Public Works. A tabulation of proposals received shall be available for public inspection. All proposal documentation shall be placed on file with the City Clerk. The Department Head and selection committee (if applicable) will then review the proposals and make a selection.

- Service contracts or agreements should be reviewed by the City Attorney and placed on file with the City Clerk.

### **SOLE SOURCE**

Sole source purchasing allows for the procurement of goods and services from a single source without soliciting quotes or bids from multiple sources. Sole source procurement cannot be used to avoid competition, rather it is used in certain situations when it can be documented that a vendor or contractor holds a unique set of skills or expertise, that the services are highly specialized or unique in character or when alternate products are unavailable or unsuitable from any other source. Sole source purchasing should be avoided unless it is clearly necessary and justifiable. The justification must withstand public and legislative scrutiny. In advance of the purchase, the Department Head is responsible for providing written documentation justifying the valid reason to purchase from one source or that only one source is available. Sole source purchasing criteria include: urgency due to public safety, serious injury financial or other, other unusual and compelling reasons, goods or service is available from only one source and no other good or service will satisfy the City's requirements, legal services provided by an attorney, lack of acceptable bids or quotes, an alternate product or manufacturer would not be compatible with current products resulting in additional operating or maintenance costs, standardization of a specific product or manufacturer will result in a more efficient or economical operation, aesthetic purposes or compatibility is an overriding consideration, the purchase is from another governmental body, continuity achieved in a phased project, the supplier or service demonstrates a unique capability not found elsewhere, economical to the city on the basis of time and money of proposal development.

1. Sole source purchase under \$5,000 shall be evaluated and determined by the Department Head.
2. Sole source purchase of \$5,000 to \$25,000 a formal written justification shall be forwarded to the Finance Director in advance of the purchase, who will concur with the sole source or assist in locating additional competitive sources.
3. Sole source purchase exceeding \$25,000 must be approved by the Finance Committee.

Sole Source Exemptions: The following purchases are exempt from competitive purchasing requirements and sole source documentation:

1. Software maintenance and support services when procured from the proprietary owner of the software.
2. Original equipment manufacturer maintenance service contracts, and parts purchases when procured directly from the original manufacturer/authorized dealer or representative.
3. Insurance policy purchases and services through CVMIC and TMIC of Wisconsin
4. Property Insurance purchases from the Local Property Insurance Fund.
5. Utility Services and Charges.
6. Marathon County Landfill
7. Services and products purchased from CCITC

### **BUDGET**

All purchases shall be made in accordance with the budget approved by the Common Council. The department head has the responsibility for managing departmental spending to ensure the line item budget is not overspent and for initiating Transfer of Funds Requests when appropriate.

### **CONTRACT AUTHORIZATION**

The Mayor is authorized to enter into contracts on behalf of the City of Wausau without additional council approval if the contracts meet the following criteria:

1. Purchase of Goods – The City may purchase equipment, furnishings, goods, supplies materials and rolling stock when the costs of the same have been included in the approved City Budget.
2. Purchase of Services – The City may contract for the purchase of services without Council resolution when the following conditions have been met:
  - a) The funds for services are included in the approved City budget.
  - b) The procurement for services complies with the procurement policy.
  - c) The City Attorney has reviewed and approved the form of the contract.
  - d) The contract complies with other laws, resolutions and ordinances.
  - e) The contract term meets one of the following criteria:
    1. The contract is for a period of one year or less, or
    2. The contract is for a specific project, or
    3. The contract is for a period of not more than three years and the annual average cost of the services does not exceed \$25,000.
3. The following contracts require council approval:
  - (a) Collective Bargaining Agreements – Any contract between the City of Wausau and any collective bargaining unit representing City employees.
  - (b) Real Estate Purchases – Contracts for the sale or purchase of real estate where the City of Wausau is the proposed seller or purchaser. Council approval is **not** required for commencement of foreclosure action to collect a loan or other debt owed to the City when the debtor has failed to cure default in payment of the loan or other obligation.
  - (c) Leases – Contracts for lease of real estate where the City is either a proposed landlord or a proposed tenant exclusive of airport hangar, parking stall rentals and short term park facilities rentals.
  - (d) Easements and Land Use Restrictions – Contracts for easements, restrictive covenants or other limitations which may be placed upon the use of any City-owned property.
  - (e) Intergovernmental Contracts in excess of \$5,000 – Contracts between the City of Wausau and other local, state or federal governments or agencies except, cooperative purchasing agreements.
  - (f) Development Agreements – Contracts for the provision of infrastructure, financial assistance or other incentives by the City for the benefit of a developer or business venture.
  - (g) City Services – Contracts whereby the City of Wausau agrees to provide services to another party.
  - (h) Managed competition, outsourcing contracts – Contracts for labor or personal services to be performed by persons who are not city employees for work that has been performed by city employees within the past five (5) years and the contract will result in the elimination of positions and the layoff of personnel.

4. The common council delegates contract approval to the department level for the following:
  - (a) Community Development Housing and Commercial Development Loans and Grants issued from grants and related program income.

Contracts shall be signed by the Mayor and counter-signed by the City Clerk, City Finance Director and City Attorney. The City Finance Director shall certify that funds have been provided by the Council to pay the liability that may be incurred under the contract. The City Attorney shall approve the contract as to form and the City Clerk shall attest to the Mayor's signature. Contract change orders may be signed by the Board of Public Works as long as the change order does not materially change the work performed and funds are available within the budget. Purchase contracts for goods or services valued at \$5,000 or less may be signed by individual department directors as long as the purchase is provided in the budget.

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

<b>RESOLUTION OF THE FINANCE COMMITTEE</b>	
Authorizing Local Officials to Collaborate with Area Communities to Evaluate the Benefits of a Local Area Premier Resort Tax	
Committee Action:	Approved 5-0
Fiscal Impact:	Unknown at this time
<b>File Number:</b>	15-0912
<b>Date Introduced:</b>	September 8, 2015

<b>FISCAL IMPACT SUMMARY</b>			
<b>COSTS</b>	<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>
<b>SOURCE</b>	<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> <span style="float: right;"><i>Annual Retirement</i></span>
	<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 existing State Law provides for an additional 1/2% sales tax known as the Local Area Premier Resort Tax: and

**WHEREAS**, the proceeds of the tax are remitted to municipalities by the State of Wisconsin on a variety of tourism related sales with the proceeds designated for infrastructure improvements; and

**WHEREAS**, the Town of Rib Mountain is interested in the metro area communities joining together to pursue a Local Area Premier Resort Tax; and

**WHEREAS**, the Finance Committee reviewed the background information and supported city officials participating in discussions and preliminary work with metro area communities to pursue such a tax;

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Wausau that the proper city officials are authorized to participate and collaborate with other metro area communities in discussions and preliminary work related to the establishment of a Local Area Premier Resort Tax.

Approved:

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James E. Tipple, Mayor

**FINANCE COMMITTEE**

Date and Time: Tuesday, August 11, 2015 @ 5:30 pm., Board Room

Members Present: Oberbeck(C), Kellbach, Mielke, Nutting, Nagle

Others Present: Groat, Jacobson, Giese, Hite, Kujawa, Lindman, Schock, Werth, Tipple, Wagner, Pergolski, Neal, Wagner, Rasmussen, Gisselman, Goede

**Local area Premier Resort Tax**

Mayor Tipple stated he was invited to a meeting with area municipalities to discuss the Premier Resort Tax. He noted one of the qualifications is that 40% of your equalized value of taxable property is tourist related retailers. None of the municipalities have that 40%, but can apply at the state legislative level to have that requirement waived. He indicated Rhinelander has done it and Lake Geneva is applying for it; Weston approved going forward just last week. He stated we are always looking for revenue sources and there are pros and cons to it, but we would like to move it forward like the other communities are doing

Motion by Nagle, second by Mielke to propose support for the initiative by the local communities and ask the legislators to look into this. Motion carried 5-0.



**TO:** FINANCE COMMITTEE MEMBERS

**FROM:** MARYANNE GROAT

**DATE:** August 4, 2015

**SUBJECT:** Premier Resort Tax

**Purpose:** To provide the Finance Committee with background information on the Premier Resort Tax and the interest expressed by local communities in adopting the tax for the purpose of funding infrastructure improvements.

**Background Information:**

- The Premier Resort Tax represents a ½% sales tax on a variety of tourism related sales.
- The tax is available to communities that contain at least 40% of their equalized value of taxable property in tourism related retailers.
- The majority of the communities within the state who have implemented the tax have obtained special legislation to write them into the law rather than qualifying on the 40%.
- The special legislation would require a referendum supporting the implementation of the tax.
- The tax must be used to finance infrastructure costs.
- The tax applies to only certain retailers and retail transactions that are related to tourism.
- Communities currently imposing the tax include: Village of Lake Delton, City of Wisconsin Dells, City of Bayfield, City of Eagle River, and Village of Stockton. The City of Rhinelander's April 2015 referendum was approved by the voters and the recently adopted State Budget added the City of Rhinelander to the list of communities authorized to impose the tax.
- Local area municipalities see the benefit of securing authorization to impose the tax as a group because it will eliminate the creation of a tax island.

Attached is comprehensive Executive Summary prepared for the Village of Weston; the resort tax collection history of Wisconsin Dells, Lake Delton, Bayfield, Eagle River and Stockton and the Town of Rib Mountain invitation letter. The Town of Rib Mountain asked each area community seek feedback from their local elected officials.



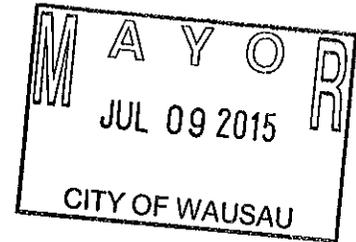
**TOWN OF RIB MOUNTAIN**  
Where Nature, Family & Sport Come Together

[www.townofribmountain.org](http://www.townofribmountain.org)

3700 North Mountain Road  
Wausau, Wisconsin 54401  
(715) 842-0983  
Fax (715) 848-0188

July 6, 2015

Mayor James Tipple  
407 Grant Street  
Wausau, Wisconsin 54403



RE: Invitation for Premier Tax Discussion

Dear Jim:

You, or a representative, are invited to a meeting with other local officials to discuss the possibility of a premier sales tax for our area at **1 p.m. on Thursday, July 16**, at the **Rib Mountain Municipal Center, 3700 North Mountain Road**. Invitations have been extended to Wausau, Schofield, Mosinee, Rothschild, Weston, and Kronenwetter.

According to the Wausau Central Wisconsin Visitor & Convention Bureau and TravelWisconsin.com, Marathon County ranks in the top 10 in the state for visitor spending. We have several tourism attractions in our area including Granite Peak Ski Area, Rib Mountain State Park, Nine-Mile Recreation Area, Leigh Yawkey Museum, Wausau Curling Center, Wausau Whitewater course, etc. And this doesn't include our communities' year-round fairs, expos, and sporting events/tournaments.

What is the Wisconsin premier sales tax? It is one of the very few tools available to local municipalities where a community can retain a portion of the sales tax. The sales tax collected impacts only tourism industry sales. The money collected must be used towards public infrastructure. Attached is further background information.

Eagle River City Administrator Joe Laux will discuss Eagle River's experience. As you may know, Rhinelander has made news lately with its quest for premier tax status. Even though Rib Mountain has a strong retail base, we would not qualify by state statute. Like Eagle River and Rhinelander, we too would need special legislation. Because many of our communities have common borders, the Town Board feels a joint effort to seek a premier tax would benefit the region. Please note this is only a preliminary discussion.

Please contact Town Administrator Gaylene Rhoden at [grhoden@townofribmountain.org](mailto:grhoden@townofribmountain.org) or 715-842-0983.

Sincerely,

Allen Opall  
Town of Rib Mountain Chairman

Wisconsin Department of Revenue  
Enterprise Services Division

Premier Resort Tax Distributions

The following worksheet shows Premier Resort sales tax distributed to the four municipalities that have enacted the local sales tax

Date	Wisconsin		Lake		Eagle		Stockholm	Totals
	Dells	Delton	Bayfield	River				
02/15/15	\$ 244,305.80	\$ 1,057,802.50	\$ 13,088.29	\$ 38,085.04	\$ 2,237.52	\$ 1,355,276.95		
05/15/15	\$ 322,521.08	\$ 1,358,624.27	\$ 8,817.36	\$ 29,877.88	\$ 871.59	\$ 1,718,112.18		
08/15/15					\$ -	\$ -		
11/15/15					\$ -	\$ -		
<b>Total 2015</b>	<b>\$ 566,826.88</b>	<b>\$ 2,416,226.77</b>	<b>\$ 19,683.65</b>	<b>\$ 67,742.92</b>	<b>\$ 2,909.11</b>	<b>\$ 3,073,389.13</b>		

Date	Wisconsin		Lake		Eagle		Totals
	Dells	Delton	Bayfield	River			
02/15/14	\$ 189,834.89	\$ 822,083.62	\$ 10,856.45	\$ 37,980.83	\$ 1,060,717.79		
05/15/14	\$ 214,948.02	\$ 992,440.02	\$ 8,070.22	\$ 28,170.92	\$ 1,243,629.78		
08/15/14	\$ 387,171.81	\$ 1,382,108.25	\$ 13,973.29	\$ 41,285.96	\$ 1,804,539.31		
11/15/14	\$ 768,727.88	\$ 2,200,247.59	\$ 39,986.40	\$ 68,730.01	\$ 3,057,690.88		
<b>Total 2014</b>	<b>\$ 1,550,683.20</b>	<b>\$ 5,376,869.48</b>	<b>\$ 72,887.36</b>	<b>\$ 166,147.72</b>	<b>\$ 7,166,577.76</b>		

Date	Wisconsin		Lake		Eagle		Totals
	Dells	Delton	Bayfield	River			
02/15/13	\$ 70,314.58	\$ 901,871.12	\$ 11,298.66	\$ 36,146.32	\$ 1,019,630.68		
05/15/13	\$ 225,324.27	\$ 939,182.87	\$ 8,800.73	\$ 30,003.38	\$ 1,203,111.25		
08/15/13	\$ 372,266.38	\$ 1,187,028.98	\$ 13,360.13	\$ 41,074.23	\$ 1,623,739.72		
11/15/13	\$ 688,844.57	\$ 1,728,904.84	\$ 35,260.86	\$ 81,832.66	\$ 2,412,642.93		
<b>Total 2013</b>	<b>\$ 1,256,539.80</b>	<b>\$ 4,764,987.81</b>	<b>\$ 68,540.38</b>	<b>\$ 169,056.59</b>	<b>\$ 6,259,124.58</b>		

Date	Wisconsin		Lake		Eagle		Totals
	Dells	Delton	Bayfield	River			
02/15/12	\$ 190,285.74	\$ 740,800.51	\$ 15,019.26	\$ 32,623.43	\$ 978,828.94		
05/15/12	\$ 184,289.17	\$ 949,193.53	\$ 4,805.26	\$ 24,264.54	\$ 1,162,652.52		
08/15/12	\$ 371,769.31	\$ 1,250,537.72	\$ 15,082.85	\$ 40,491.19	\$ 1,677,860.87		
11/15/12	\$ 684,441.59	\$ 1,815,200.20	\$ 39,154.18	\$ 58,205.24	\$ 2,375,001.19		
<b>Total 2012</b>	<b>\$ 1,410,785.81</b>	<b>\$ 4,655,831.96</b>	<b>\$ 74,041.35</b>	<b>\$ 153,884.40</b>	<b>\$ 6,194,243.52</b>		

Date	Wisconsin		Lake		Eagle		Totals
	Dells	Delton	Bayfield	River			
02/15/11	\$ 218,288.46	\$ 778,205.39	\$ 10,340.89	\$ 38,320.25	\$ 1,039,154.99		
05/15/11	\$ 99,394.92	\$ 1,052,494.17	\$ 3,538.43	\$ 21,575.63	\$ 1,177,003.16		
08/15/11	\$ 416,897.86	\$ 1,129,067.30	\$ 11,975.89	\$ 42,334.35	\$ 1,599,275.20		
11/15/11	\$ 510,654.32	\$ 1,721,224.45	\$ 30,440.97	\$ 58,931.18	\$ 2,321,250.92		
<b>Total 2011</b>	<b>\$ 1,242,235.56</b>	<b>\$ 4,678,991.31</b>	<b>\$ 56,295.98</b>	<b>\$ 159,161.41</b>	<b>\$ 6,136,684.26</b>		

Date	Wisconsin		Lake		Eagle		Totals
	Dells	Delton	Bayfield	River			
02/15/10	\$ 88,232.64	\$ 368,368.95	\$ 11,853.75	\$ 29,016.28	\$ 495,269.62		
05/15/10	\$ 228,750.91	\$ 785,486.29	\$ 3,791.77	\$ 28,882.58	\$ 1,042,711.55		
08/15/10	\$ 255,131.66	\$ 1,094,972.49	\$ 14,183.18	\$ 37,822.21	\$ 1,402,109.54		
11/15/10	\$ 588,328.55	\$ 1,838,238.26	\$ 37,828.81	\$ 52,890.84	\$ 2,317,286.28		
<b>Total 2010</b>	<b>\$ 1,159,443.76</b>	<b>\$ 3,885,064.01</b>	<b>\$ 67,457.31</b>	<b>\$ 148,411.91</b>	<b>\$ 5,257,376.99</b>		

02/15/09	\$ 81,254.52	\$ 299,211.82	\$ 11,489.51	\$ 78,368.48	\$ 470,304.33
05/15/09	\$ 121,346.28	\$ 421,170.08	\$ 4,442.05	\$ -	\$ 546,958.39
08/15/09	\$ 158,107.66	\$ 436,509.49	\$ 12,758.23	\$ 38,973.79	\$ 646,347.17
11/15/09	\$ 254,991.83	\$ 798,589.87	\$ 32,777.30	\$ 29,849.80	\$ 1,116,188.70
<b>Total 2009</b>	<b>\$ 615,700.37</b>	<b>\$ 1,955,481.26</b>	<b>\$ 61,445.09</b>	<b>\$ 147,191.87</b>	<b>\$ 2,779,768.89</b>

02/23/08	\$ 101,712.23	\$ 392,901.89	\$ 11,824.79	\$ 34,653.77	\$ 541,092.88
05/23/08	\$ 112,898.88	\$ 329,495.09	\$ 3,947.44	\$ 18,128.20	\$ 464,269.61
08/15/08	\$ 151,024.52	\$ 444,350.67	\$ 13,173.99	\$ 35,021.82	\$ 643,571.00
11/15/08	\$ 284,042.08	\$ 871,079.78	\$ 32,854.89	\$ 51,005.33	\$ 1,039,781.88
<b>Total 2008</b>	<b>\$ 649,477.71</b>	<b>\$ 1,837,827.43</b>	<b>\$ 61,600.91</b>	<b>\$ 138,809.12</b>	<b>\$ 2,687,715.17</b>

02/23/07	\$ 118,895.28	\$ 447,194.60	\$ 15,049.97	\$ 18,181.81	\$ 599,321.64
05/23/07	\$ 77,038.33	\$ 391,984.02	\$ -	\$ 18,316.00	\$ 485,338.35
08/23/07	\$ 162,070.54	\$ 471,863.52	\$ 13,897.03	\$ 38,819.18	\$ 688,450.27
11/20/07	\$ 170,465.23	\$ 809,013.91	\$ 22,655.60	\$ 40,982.40	\$ 842,217.14
11/30/07	\$ 120,811.01	\$ 68,730.87	\$ 10,793.12	\$ 9,463.10	\$ 209,798.10
<b>Total 2007</b>	<b>\$ 649,280.37</b>	<b>\$ 1,988,788.92</b>	<b>\$ 62,395.72</b>	<b>\$ 122,662.49</b>	<b>\$ 2,623,126.50</b>

ATTORNEY-CLIENT PRIVILEGE

July 11, 2014

VIA E-MAIL ONLY  
Daniel Guild  
Village of Weston  
[dguild@westonwi.gov](mailto:dguild@westonwi.gov)

Re: Premier Resort Area Tax

Dear Daniel:

Several Central Wisconsin municipalities have shown interest in the possibility of creating a Premier Resort Area in Central Wisconsin to collect a Premier Resort Area Tax to help pay for infrastructure costs. You asked me to research Wisconsin's Premier Resort Area Tax law to determine the plausibility of this idea. This letter contains my legal analysis on the plausibility of creating a Premier Resort Area in Central Wisconsin.

EXECUTIVE SUMMARY

Wisconsin law permits a city, village, town or county to impose a Premier Resort Area Tax if the city, village, town or county enacts an ordinance or resolution declaring itself to be a Premier Resort Area. A city, village, town or county may not declare itself to be a Premier Resort Area unless at least 40% of the equalized value of the taxable property within the political subdivision is used by tourism-related retailers.

The legislature created an exception to the 40% equalized value rule for the cities of Bayfield and Eagle River and the Villages of Ephraim, Sister Bay, and Stockholm. However, with the exception came a requirement that the ordinance or resolution be approved in a referendum. As of April 1, 2014, the only municipalities who impose a Premier Resort Area tax are the Village of Lake Delton, the City of Wisconsin Dells, the City of Bayfield and the City of Eagle River.

Since none of the Central Wisconsin area municipalities will likely meet the 40% rule, the only way that any of the municipalities may become a Premier Resort Area is by lobbying the legislature for an exception, enacting an ordinance or resolution, and then having the ordinance or resolution approved in a referendum.

Once neighboring municipalities become Premier Resort Areas, they may enter into a contract under to cooperate in paying for infrastructure expenses, in addition to any other authority they may have to act under Wis. Stat. § 66.0301.

The proceeds from a Premier Resort Area Tax may be used to pay only for infrastructure expenses within the jurisdiction of a Premier Resort Area. Infrastructure expenses include the cost of purchasing, constructing or improving parking lots; access ways; transportation facilities, including roads and bridges; sewer and water facilities; exposition center facilities used primarily

for conventions, expositions, trade shows, musical or dramatic events, or other events involving educational, cultural, recreational, sporting, or commercial activities; parks, boat ramps, beaches, and other recreational facilities; firefighting equipment; police vehicles, ambulances; and other equipment or material dedicated to public safety or public works.

The Wisconsin Department of Revenue is responsible for administering the Premier Resort Area Tax and distributing the tax to the city, village, town or counties that adopt the tax.

The Premier Resort Area Tax is not imposed on the buyer. However, the tax imposed on the retailer may be passed on to the buyer. The buyer is not liable to the Department of Revenue for the Premier Resort Area Tax if the retailer fails to charge the tax to the buyer.

### HISTORY OF PREMIER RESORT AREA TAX

Tom Diehl, President of the Tommy Bartlett Ski Show lobbied the state legislature to create the Premier Resort Area Tax. The idea behind the tax was to look for ways to pay for infrastructure upgrades in communities with small year-round populations and huge tourist populations. Lake Delton and Wisconsin Dells were the first two communities in the state to levy the tax. It was used to pay for municipal water and wastewater utilities.

### WHO MAY IMPOSE A PREMIER RESORT AREA TAX?

In order to charge a Premier Resort Area Tax, a municipality must become a Premier Resort Area pursuant to Wis. Stat. § 66.1113(2). The governing body of a city, village, town or county may enact an ordinance or adopt a resolution declaring itself to be a Premier Resort Area upon a 2/3 vote of the members of the governing body who are present when the vote is taken, if at least 40% of the equalized assessed value of the taxable property within such political subdivision is used by tourism-related retailers. "Tourism-related retailers" means retailers classified in the standard industrial classification manual, 1987 edition, published by the US Office of Management and Budget under the following industry numbers:

- 5331 – variety stores
- 5399 – miscellaneous general merchandise stores
- 5411 – candy, nut and confectionary stores
- 5451 – dairy products stores
- 5461 – retail bakeries
- 5541 – gasoline service stations
- 5812 – eat places
- 5813 – drinking places
- 5912 – drugstores & proprietary stores
- 5921 – liquor stores
- 5941 – sporting goods stores & bicycle shops
- 5946 – camera & photographic supply stores
- 5947 – gift, novelty & souvenir shops
- 7011 – hotels & motels

- 7032 – sporting & recreational camps
- 7033 – recreational vehicle parks & campsites
- 7948 – racing, including track operation
- 7922 – public golf courses
- 7993 – coin-operated amusement devices
- 7996 – amusement parks
- 7999 – amusement & recreational services, not elsewhere classified

If a municipality does not meet the 40% rule, the municipality can lobby the legislature for an exception. To date, the City of Eagle River, the City of Bayfield, the Village of Sister Bay, the Village of Ephraim, the Village of Stockholm, are not subject to the 40% rule. However, the exception requires a referendum in favor of imposing the tax.

If two or more contiguous political subdivisions that are Premier Resort Areas each impose a tax, they may enter into a contract under Wis. Stat. § 66.0301 to cooperate in paying for infrastructure expenses, as well as any other authority they have to act under Wis. Stat. § 66.0301.

#### WHO COLLECTS THE PREMIER RESORT AREA TAX

The tax is imposed on the retailer, who may pass it on to the buyer. The retailer is required to pay the tax to the Department of Revenue along with other taxes collected. The buyer does not become liable to the Department of Revenue for the Premier Resort Area tax if the retailer fails to charge the tax to the buyer.

#### HOW MUCH IS THE TAX?

Wis. Stat. § 77.994 (1) permits a Premier Resort Area to adopt by ordinance a tax at a rate of 0.5% of the sales price of certain property, items, goods and services. An exception to this 0.5% tax was created for the City of Wisconsin Dells and the Village of Lake Delton who have been authorized to impose a tax of 1.25%.

#### MUNICIPALITIES' USE OF THE PROCEEDS FROM THE TAX

Pursuant to Wis. Stat. § 66.1113(2)(d), the proceeds from a Premier Resort Area tax may be used "only to pay for infrastructure expenses within the jurisdiction of a Premier Resort Area. Wis. Stat. § 66.1113(1)(a) defines "infrastructure expenses" as follows:

- (a) "Infrastructure expenses" means the costs of purchasing, constructing, or improving parking lots; access ways; transportation facilities, including roads and bridges; sewer and water facilities; exposition center facilities used primarily for conventions, expositions, trade shows, musical or dramatic events, or other events involving educational, cultural, recreational,

sporting, or commercial activities; parks, boat ramps, beaches, and other recreational facilities; firefighting equipment; police vehicles; ambulances; and other equipment or materials dedicated to public safety or public works.

#### WHICH RETAILERS ARE SUBJECT TO THE PREMIER RESORT AREA TAX?

In order for the Premier Resort Area Tax to apply to a retailer, the sale, license, lease or rental must be "sourced" to a Premier Resort Area. For example, if the Village of Weston is a Premier Resort Area, then any items sold to a customer physically in the Village of Weston will be subject to this tax. However, if the retailer shipped an item to a customer at the customer's home in a municipality that is not a Premier Resort Area, the Premier Resort Area Tax would not be applicable.

The retailers subject to the Premier Resort Area Tax include the following:

- (ad) 5311 — Department stores.
- (am) 5331 — Variety stores.
- (b) 5399 — Miscellaneous general merchandise stores.
- (c) 5441 — Candy, nut and confectionary stores.
- (d) 5451 — Dairy product stores.
- (e) 5461 — Retail bakeries.
- (em) 5499 — Miscellaneous food stores.
- (f) 5541 — Gasoline service stations.
- (fa) 5611 — Men's and boys' clothing and accessory stores.
- (fb) 5621 — Women's clothing stores.
- (fc) 5632 — Women's accessory and specialty stores.
- (fd) 5641 — Children's and infants' wear stores.
- (fe) 5651 — Family clothing stores.
- (ff) 5661 — Shoe stores.
- (fg) 5699 — Miscellaneous apparel and accessory stores.
- (g) 5812 — Eating places.
- (h) 5813 — Drinking places.
- (i) 5912 — Drug stores and proprietary stores.
- (j) 5921 — Liquor stores.
- (k) 5941 — Sporting goods stores and bicycle shops.
- (ka) 5942 — Bookstores.
- (kb) 5943 — Stationery stores.
- (kc) 5944 — Jewelry stores.
- (kd) 5945 — Hobby, toy, and game shops.
- (L) 5946 — Camera and photographic supply stores.
- (m) 5947 — Gift, novelty and souvenir shops.
- (ma) 5948 — Luggage and leather goods stores.
- (mb) 5949 — Sewing, needlework, and piece goods stores.
- (mc) 5992 — Florists.

- (md) 5993 — Tobacco stores and stands.
- (me) 5994 — News dealers and newsstands.
- (mf) 5999 — Miscellaneous retail stores.
- (n) 7011 — Hotels and motels.
- (o) 7032 — Sporting and recreational camps.
- (p) 7033 — Recreational vehicle parks and campsites.
- (pa) 7922 — Theatrical producers (except motion picture) and miscellaneous theatrical services.
- (pb) 7929 — Bands, orchestras, actors, and other entertainers and entertainment groups.
- (q) 7948 — Racing, including track operation.
- (qa) 7991 — Physical fitness facilities.
- (r) 7992 — Public golf courses.
- (s) 7993 — Coin-operated amusement devices.
- (t) 7996 — Amusement parks.
- (ta) 7997 — Membership sports and recreation clubs.
- (u) 7999 — Amusement and recreational services, not elsewhere classified.

#### DOES A PREMIER RESORT AREA TAX MAKE SENSE IN CENTRAL WISCONSIN?

The Premier Resort Area Tax was intended for communities like the Wisconsin Dells and Lake Delton. The year round population of these communities is small and the average household income is probably well below Wisconsin averages. This tax gives these communities a tool to raise revenue from the heavy influx of tourists to the community to help pay for the infrastructure necessary to support the community's tourism industry. My concern with having a Premier Resort Area Tax in Central Wisconsin is that the majority of the money collected would likely be from Central Wisconsin residents and not from tourists to the community. With that in mind, the only way that a Premier Resort Area Tax would be viable in Central Wisconsin would be if all of the communities agreed to impose the tax and the legislature agreed to create an exception to the 40% rule for each of the Central Wisconsin communities. Even if that occurred, each community would have to enact an ordinance or resolution which would then have to be approved in a referendum. If one or more of the Central Wisconsin Communities refused or were unable to adopt this tax, businesses in the Premier Resort Area will argue that they are at a disadvantage because their competitors in non-Premier Resort Areas will be able to charge customers less.

Please call me if you have any questions, comments or concerns. I look forward to discussing this issue with you further.

Very truly,

Matthew E. Yde  
Strasser & Yde, S.C.

MEY:jmw



## MaryAnne Groat

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**From:** MaryAnne Groat  
**Sent:** Wednesday, August 05, 2015 11:12 AM  
**To:** 'Daniel Guild'  
**Subject:** RE: Premier Resort Tax

Wonderful. We will be sure and pass this additional information on to our Finance Committee. Have a great day!

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**From:** Daniel Guild [<mailto:dguild@westonwi.gov>]  
**Sent:** Wednesday, August 05, 2015 11:11 AM  
**To:** MaryAnne Groat; Jim Tipple  
**Cc:** Barb Ermeling; John Jacobs  
**Subject:** RE: Premier Resort Tax  
**Importance:** High

That is not a problem for me – thank you for asking.

We are always happy to do what we can, when we can do it, to support cooperation and collaboration with our colleagues and neighbors.

Please note that the Weston Village Board on Monday evening 8/3 voted to participate in the research and study of implementing the tax amongst our municipalities.

Sincerely,

Daniel Guild, Administrator  
Village of Weston, Wisconsin.  
m. 715.571.9693  
[dguild@westonwi.gov](mailto:dguild@westonwi.gov)

Municipal Center  
5500 Schofield Ave Weston, WI 54476  
p. 715.359.6114 | f 715.359.6117  
[www.westonwi.gov](http://www.westonwi.gov)

What is a Municipal Administrator? Find out more at [Life, Well Run](#).

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**From:** MaryAnne Groat [<mailto:mgroat@ci.wausau.wi.us>]  
**Sent:** Tuesday, August 04, 2015 8:22 PM  
**To:** Daniel Guild <[dguild@westonwi.gov](mailto:dguild@westonwi.gov)>  
**Cc:** Jim Tipple <[Jim.Tipple@ci.wausau.wi.us](mailto:Jim.Tipple@ci.wausau.wi.us)>  
**Subject:** Premier Resort Tax

Hi Daniel,

The City of Wausau will be placing on next Tuesday's Finance Committee meeting the topic of the Premier Resort Tax. The Mayor attended the resort tax meeting hosted by Rib Mountain on July 16. I believe during this

meeting he obtained a copy of the executive summary crafted for you by Matthew Yde. This summary provides excellent coverage of the issues and regulations surrounding the tax and its implementation.

Please let me know if it would be acceptable for me to share this document with our Finance Committee. We typically publish the agenda packet on Thursday. Thank you very much.

Maryanne Groat, CPA  
Finance Director  
City of Wausau  
407 Grant Street  
Wausau WI 54403  
715-261-6645 phone  
715-261-0319 fax



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

**RESOLUTION OF THE FINANCE COMMITTEE**

Authorizing Continued Membership in CVMIC for policy years 2017 and 2018

Committee Action:      Approved 5-0

Fiscal Impact:         Guaranteed Maximum Premiums \$173,545 and \$177,884

**File Number:**         99-0916

**Date Introduced:**     September 8, 2015

**FISCAL IMPACT SUMMARY**

<b>COSTS</b>	<i>Budget Neutral</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: Maximum amt 173,545 and 177,884</i>
<b>SOURCE</b>	<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 <input type="checkbox"/> Debt <input type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/></i>		

**RESOLUTION**

**WHEREAS**, the City of Wausau became a member of Cities and Villages Mutual Insurance Company (CVMIC) in 2007 after completing an extensive casualty and workers compensation insurance proposal process, and

**WHEREAS**, the City of Wausau has been satisfied with the coverage and loss prevention services provided by CVMIC, and

**WHEREAS**, Cities and Villages Mutual Insurance Company (CVMIC) has guaranteed premiums for 2017 and 2018 for General Liability, Auto Liability, Excess Liability, Public Officials Liability and Law Enforcement Liability, in exchange for a two year membership commitment and

**WHEREAS**, your Finance Committee considered the agreement and recommends approval with a continued Self Insured Retention of \$50,000, and now therefore

**BE IT RESOLVED**, by the Common Council of the City of Wausau, that the proper City Official(s) be hereby authorized to accept the Liability Insurance Proposal dated October 3, 2007 from Cities and Villages Mutual Insurance Company (“CVMIC”) and agrees to continue its membership in CVMIC for policy years 2017 and 2018 based upon the premium guaranteed by CVMIC for said policy years.

Approved:

\_\_\_\_\_  
James E. Tipple, Mayor

**FINANCE COMMITTEE**

Date and Time: Tuesday, August 11, 2015 @ 5:30 pm., Board Room

Members Present: Oberbeck(C), Kellbach, Mielke, Nutting, Nagle

Others Present: Groat, Jacobson, Giese, Hite, Kujawa, Lindman, Schock, Werth, Tipple, Wagner, Pergolski, Neal, Wagner, Rasmussen, Gisselman, Goede

**Two Year Liability Insurance Proposal and Third party Administrative Services Agreement**

Groat stated the city has been involved with CVMIC since 2006 and overall has been very satisfied with the services we receive; they provide insurance, risk management, advisory services, education and safety training. She indicated they have requested that we renew for 2016, 2017 and 2018 and she noted we have also been using them as our third party administrator for worker's comp.

Motion by Nutting, second by Nagle to approve the agreement for continued membership with CVMIC for Two Year Liability Insurance and Worker's Comp Third Party Administrator. Motion carried 5-0.

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

**ORDINANCE OF PARKING & TRAFFIC COMMITTEE**

Designating no parking on the west side of S. 3<sup>rd</sup> Avenue beginning south of its intersection with Thomas Street and extending south 115 feet

Committee Action: Approved 5-0

**Ordinance Number:**

Fiscal Impact: Minimal cost and time to install signs

**File Number:** 15-0910

**Date Introduced:** September 8, 2015

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

Section 1. That Section 10.20.080(a) of the Wausau Municipal Code is hereby amended as follows:

There shall be no parking:

West side of S. 3<sup>rd</sup> Avenue beginning south of its intersection with Thomas Street and extending south 115 feet

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

Section 3. 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

## **Parking and Traffic Committee Meeting Minutes**

Date of Meeting: Thursday, August 20, 2015 at 5:15pm, in the Birch Room at City Hall  
Members Present: Abitz{C}, Winters {VC}, Kellbach, Mielke, Nutting  
Others Present: Lt. Graham, Tara Alfonso, Allen Wesolowski, Jennifer Friday, Jonathan Bendrick, Elizabeth Field, Pat Peckham, Nora Hertel

In accordance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by Chairperson Abitz at 5:15 pm.

### **(5) Discussion and possible action: Parking concern at W Thomas Street and S 3<sup>rd</sup> Avenue**

Discussion:

Abitz noted that all committee members should be in receipt of a letter from Jonathan Bendrick who owns a business at the corner of S 3<sup>rd</sup> Avenue and W Thomas Street stating his concerns about traffic flow in that area. Specifically, Mr. Bendrick is concerned about 3 issues:

- 1) During heavy traffic periods the cars are backed up for several blocks on S 3<sup>rd</sup> Avenue and drivers are creating dangerous conditions by ignoring set traffic lanes. The heavy traffic also blocks access to Mr. Bendrick's parking spaces.
- 2) When a vehicle is parked on the west side of S. 3<sup>rd</sup> Avenue adjacent to the Krist Oil property, there is no space for any vehicle to pass.
- 3) A vehicle parked on the west side of S. 3<sup>rd</sup> Avenue adjacent to the Krist Oil property also prohibits vehicles turning onto S. 3<sup>rd</sup> Avenue from Thomas Street. The inability to get around the parked vehicle then creates a back-up in the turn lanes on Thomas Street.

Mr. Bendrick suggests that a "No Parking Here to Corner" sign be installed at the southern edge of the Krist Oil property on the west side of S. 3<sup>rd</sup> Avenue.

The committee discussed the long-term plans for road reconstruction in this area and decided that in the short-term a "No Parking Here to Corner" sign could be installed in the designated location and that the committee could also direct staff to investigate striping the lanes at the south leg of the intersection and to investigate the possibility of additional parking signage on the east side on S 3<sup>rd</sup> Avenue.

Motion by Winters, second by Mielke, to install a "No Parking Here to Corner" sign at the southern edge of the Krist Oil property on the west side of S 3<sup>rd</sup> Avenue. Motion approved 5-0.

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

**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.

Committee Action: Approved 5-0

Fiscal Impact: None.

**File Number:** 15-0905

**Date Introduced:** September 8, 2015

**WHEREAS**, on August 18, 2015, the Plan Commission held a public hearing to consider a request from Kathryn Ellis, Wausau Canvas Company Inc., for a conditional use at 221 Scott Street to allow for signage on three sides of an awning; and

**WHEREAS**, the Landmark Building is looking to add their lettering to a new awning over the main entrance to their building on Scott Street; and

**WHEREAS**, the property is located in the central business district, where other such canopy signs have been approved and installed; and

**WHEREAS**, the sign conforms to the stipulations of awning/canopy signs outlined in the zoning code, particularly the requirement that the lettering is painted or otherwise affixed flat to the surface of the awning/canopy; now therefore

**BE IT RESOLVED** that the Common Council of the City of Wausau hereby approves a conditional use at 221 Scott Street to allow for signage on three sides of an awning, as presented.

Approved:

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James E. Tipple, Mayor

## PLAN COMMISSION

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Time and Date: The Plan Commission met on Tuesday, August 18, 2015, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Tipple, Lindman, Gisselman, Atwell, Oberbeck (arrived at 5:05 p.m.)

Others Present: Lenz, DeSantis, Schwantes, Tierney, Johnson, Ruffi, Buch, Rasmussen, Scheel, Frickenstein, Hummer

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

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

**PUBLIC HEARING: Discussion and possible action on 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. (Ellis)**

Mayor Tipple closed the public hearing.

Lenz said that this is for the Landmark building. A rendering is located in the packet and they are looking to update the awning with lettering. The conditional use is for the lettering. The lettering will be simple and it meets the criteria in the ordinance. There have been other such awnings approved in the downtown area and they have not proven to be an issue.

Mayor Tipple asked if it is lit. Lenz answered that it would be visible because of ambient street light, but would not have its own light source.

Oberbeck motioned to approve the conditional use at 221 Scott Street to allow for signage on three sides of an awning in a B4-1, Central Business District. Atwell seconded, and the motion carried unanimously 5-0. This item will go to Common Council on September 8, 2015.



## **STAFF REPORT**

TO: City of Wausau Plan Commission  
FROM: Brad Lenz, City Planner  
DATE: August 12, 2015

### **GENERAL INFORMATION**

**APPLICANT:** Kathryn Ellis, Wausau Canvas Company Inc.  
**LOCATION:** 221 Scott Street  
**EXISTING ZONING:** B4, Central Business District  
**REQUESTED ZONING:** Conditional Use  
**PURPOSE:** To allow for a new awning over the main entrance of the building with printed lettering on the awning. In the B4 District, awning/canopy signs may be allowed as a conditional use provided that the graphics proposed for the sign are painted or otherwise affixed flat to the surface of the front or sides(s) of the awning/canopy.  
**EXISTING LAND USE:** Mixed use – commercial and residential  
**SIZE OF PARCEL:** Approximately one (1) acre

### **SURROUNDING ZONING AND LAND USE:**

North: B4; Office, financial  
South: B4 and UDD, Unified Development District;  
Condominium, hotel, and other assorted commercial.  
East: B4; Retail stores and public square  
West: B4; Parking structure with assorted commercial

See attached Zoning Map

## ANALYSIS

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;*

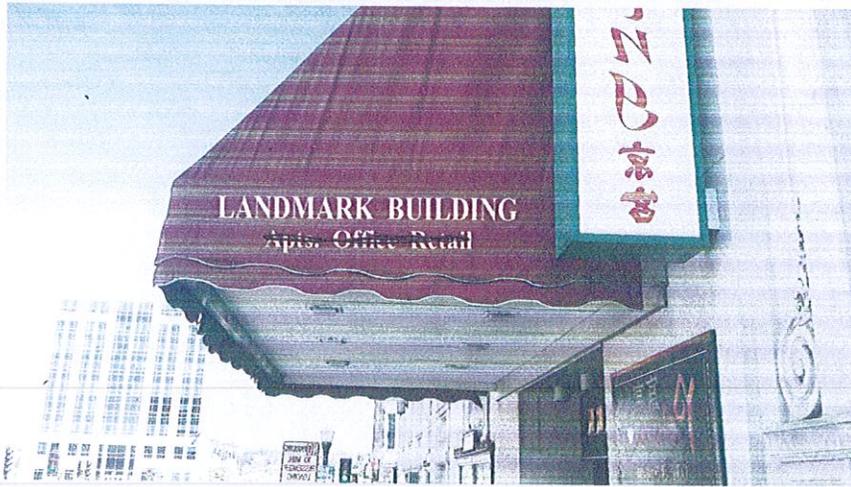
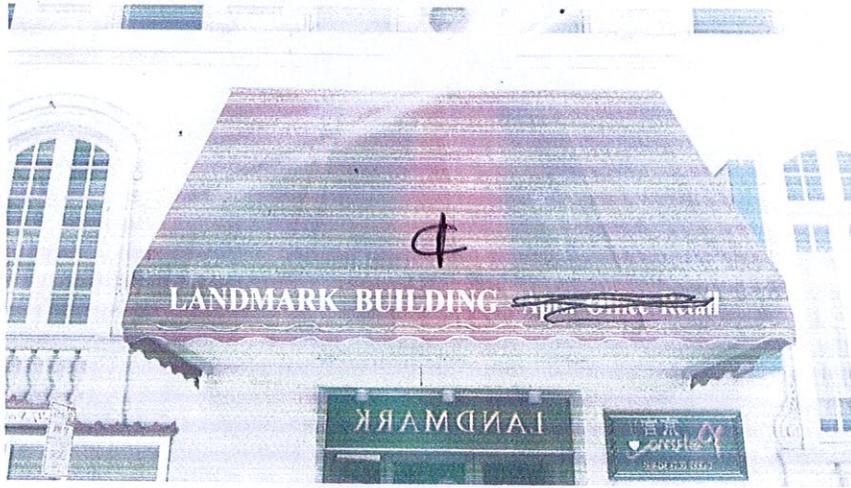
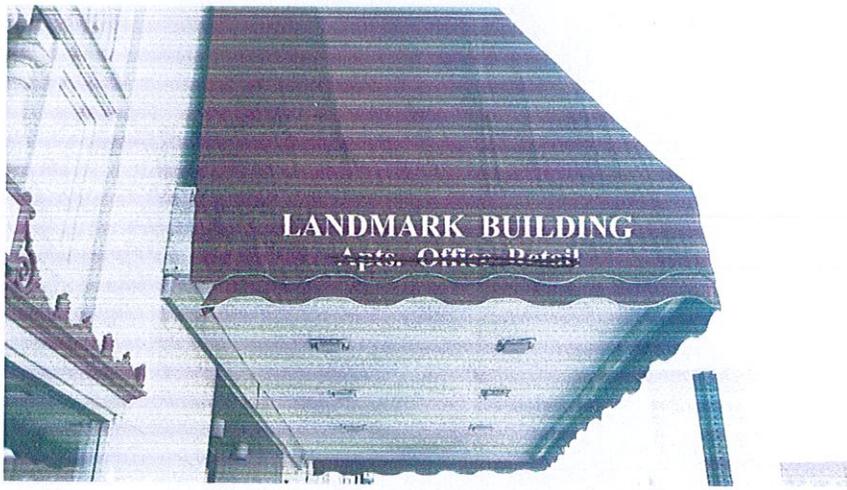
*(d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;*

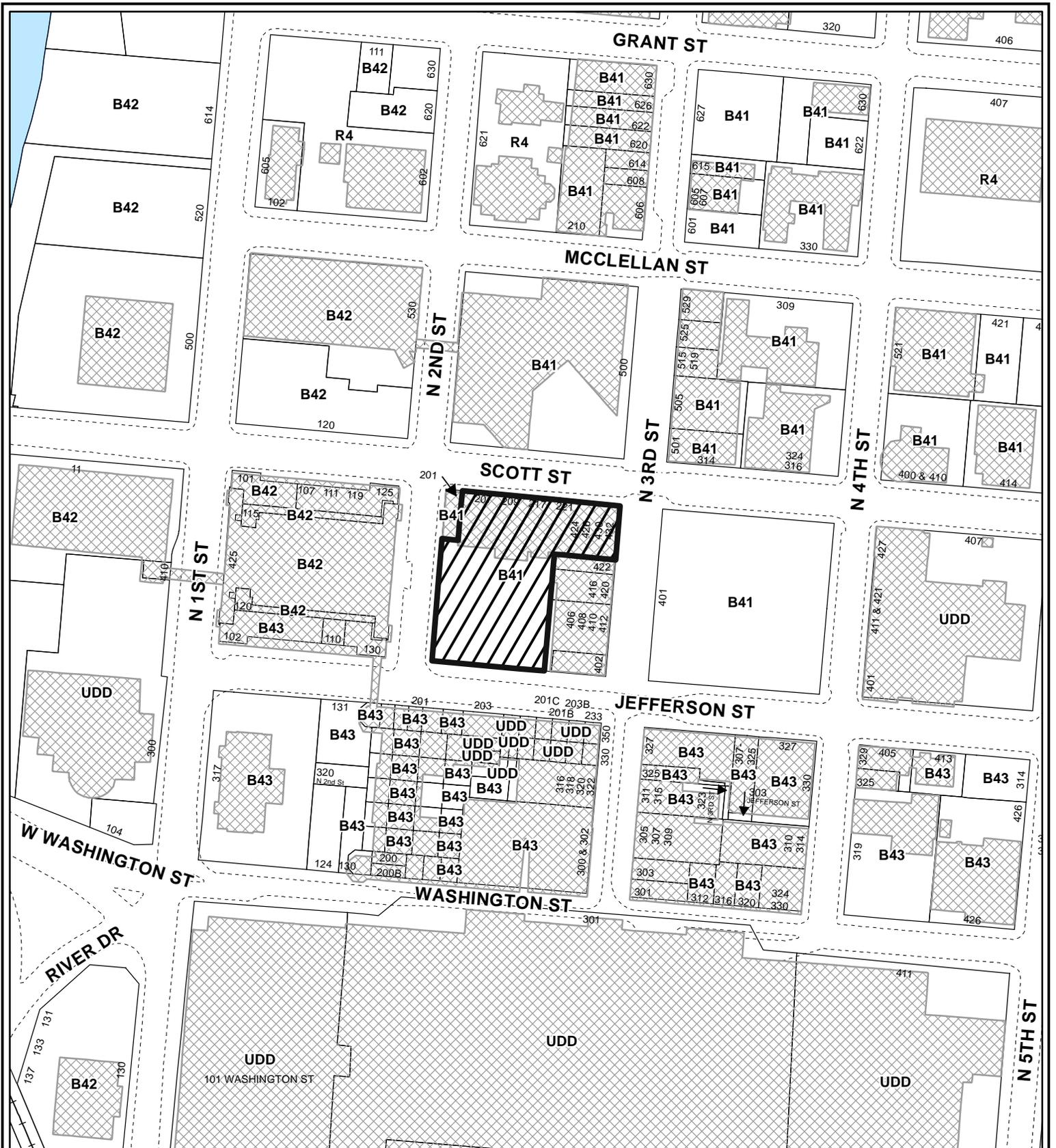
*(e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and*

*(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 Landmark Building is looking to add their lettering to a new awning over the main entrance to their building on Scott Street. Please see the attached rendering. A conditional use is required to add such “signage” to awnings. The awnings/canopies themselves (i.e., ones without lettering) are regulated by building codes and are technically not part of the City’s conditional use approval.

The property is located in the central business district, where other such canopy signs have been approved and installed. The sign conforms to the stipulations of awning/canopy signs outlined in the zoning code, particularly the requirement that the lettering is painted or otherwise affixed flat to the surface of the awning/canopy. Staff recommends approval.





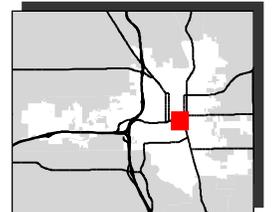
Map Date: August 3, 2015

City of Wausau  
Marathon County Wisconsin



-  Area of Interest
-  Building

Map Location



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

**RESOLUTION OF THE PLAN COMMISSION**

Approving a conditional use at 319 North 3<sup>rd</sup> Avenue to allow for a two-family dwelling, in a B2, Community Service District.

Committee Action: Approved 4-0

Fiscal Impact: None.

**File Number:** 15-0906

**Date Introduced:**

September 8, 2015

**WHEREAS**, on August 18, 2015, the Plan Commission held a public hearing to consider a request from Paul Schwantes for a conditional use at 319 North 3<sup>rd</sup> Avenue to allow for a two-family dwelling; and

**WHEREAS**, the subject property is located in a mixed-use area with small-scale residential and commercial properties found on either side of an arterial street; and

**WHEREAS**, the current proposal is to do minor renovations to the structure to make it suitable for a two-family dwelling; and

**WHEREAS**, each unit will require their own bathroom and kitchen facilities; now therefore

**BE IT RESOLVED** that the Common Council of the City of Wausau hereby approves a conditional use at 319 North 3<sup>rd</sup> Avenue to allow for a two-family dwelling, as presented.

Approved:

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James E. Tipple, Mayor

## PLAN COMMISSION

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Time and Date: The Plan Commission met on Tuesday, August 18, 2015, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Tipple, Lindman, Gisselman, Atwell, Oberbeck (arrived at 5:05 p.m.)

Others Present: Lenz, DeSantis, Schwantes, Tierney, Johnson, Ruffi, Buch, Rasmussen, Scheel, Frickenstein, Hummer

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

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

### **PUBLIC HEARING: Discussion and possible action on approving a conditional use at 319 North 3<sup>rd</sup> Avenue to allow for a two-family dwelling in a B2, Community Service District. (Schwantes)**

Oberbeck arrived at 5:05 p.m.

Paul Schwantes, 604 Birch Street, said that he brought the property 6 years ago. Up until 6 months ago, Community Corner Clubhouse was occupying the building. Prior to this, it was a duplex or triplex at one time. It was remodeled to fit the needs of Community Corner Clubhouse. The building is currently vacant and he has tried unsuccessfully to rent it out as commercial space. Schwantes asked that a conditional use be approved for a duplex and said that he has approximately 30 rental units in the city. Schwantes said that he is on the board for the Community Corner Clubhouse and is quite likely that their members will be renting in the duplex.

Mayor Tipple closed the public hearing.

Lenz said that a map is in the packet and showed the audience an aerial photo. There is a mix of uses in the area. It is zoned for commercial use, but a conditional use can be approved for a duplex. There are other duplexes in the area. The use will be for a two-family dwelling and will not be a rooming house or other living arrangement. There will be separate kitchen and bathroom facilities in the units. He said this is an arterial street and there are commercial and residential uses along it. Staff recommends approval.

DeSantis asked how many bedrooms would be in each unit. Schwantes answered that there will be 3 bedrooms upstairs and 2 bedrooms downstairs. DeSantis said that in the purpose of the report, it states that dwelling units below grade may be allowed with a conditional use. Schwantes said he believes this is an error and that the conditional use is for the 1<sup>st</sup> floor residency. This was confirmed.

Gisselman motioned to approve a conditional use at 319 North 3<sup>rd</sup> Avenue to allow for a two-family dwelling in a B2, Community Service District. Oberbeck seconded, and the motion carried 4-0. Atwell abstained from the vote. This item will go to Common Council on September 8, 2015.



## **STAFF REPORT**

TO: City of Wausau Plan Commission  
FROM: Brad Lenz, City Planner  
DATE: August 12, 2015

### **GENERAL INFORMATION**

**APPLICANT:** Paul Schwantes  
**LOCATION:** 319 N. 3<sup>rd</sup> Avenue  
**EXISTING ZONING:** B2, Community Service District  
**REQUESTED ZONING:** Conditional Use  
**PURPOSE:** To allow for a two-family residence. In the B2 District, dwelling units below the ground floor may be allowed by conditional use.  
**EXISTING LAND USE:** Office, general  
**SIZE OF PARCEL:** 0.16 acres

### **SURROUNDING ZONING AND LAND USE:**

North: B2; Single family home  
South: B2; Two-family home  
East: R4, General Residence District; One- and two-family homes  
West: UDD, Unified Development District; Mortuary  
  
See attached Zoning Map

## ANALYSIS

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 subject property is located in a mixed-use area with small-scale residential and commercial properties found on either side of an arterial street. The properties directly to the north and south of the subject property are zoned commercially, but used residentially. Residential uses exist to the east of the property, whereas as a commercial use exists to the west, across 3<sup>rd</sup> Avenue. The structure itself has housed a mix of commercial and residential uses over the years.

The current proposal is to do minor renovations to the structure to make it suitable for a two-family dwelling. This means each of the units will require their own bathroom and kitchen facilities. Staff recommends approval of the conditional use to convert it to a duplex. Other living arrangements, such as a boarding house, which may have historically been housed in the structure, are not part of the proposed conditional use.

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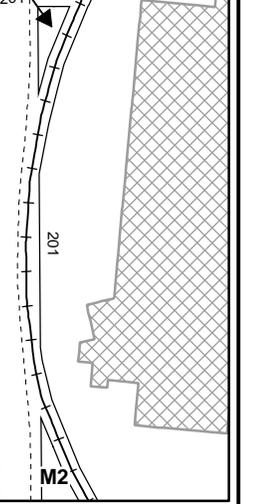
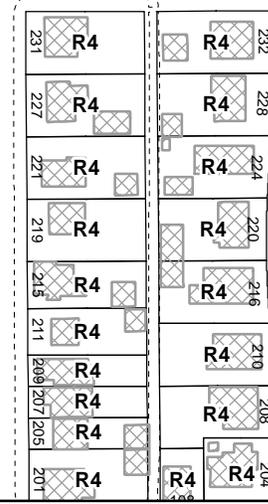
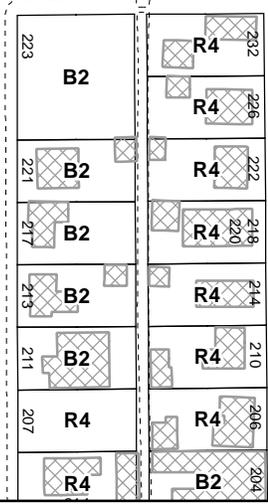
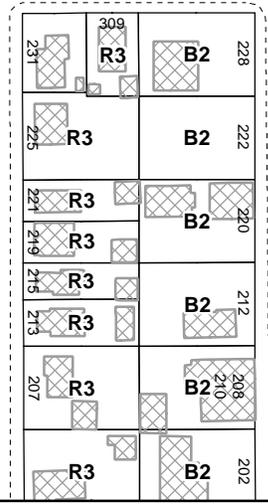
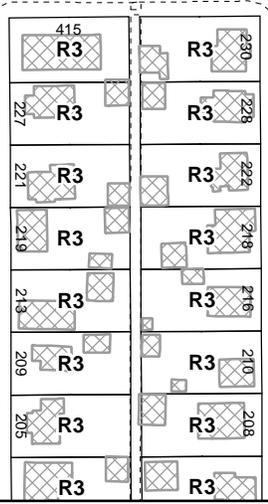
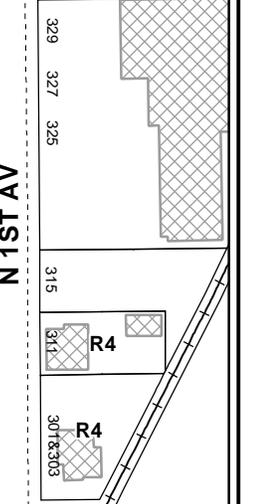
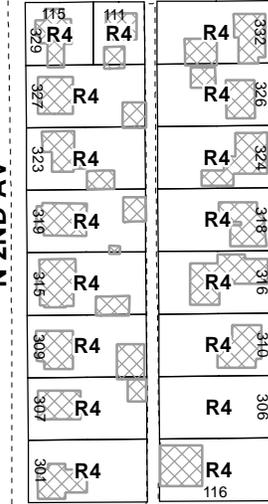
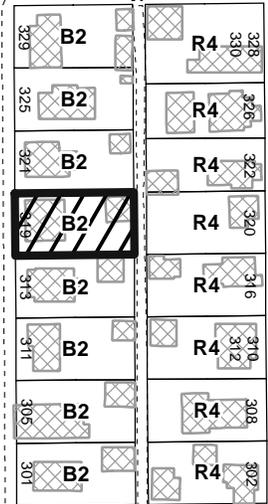
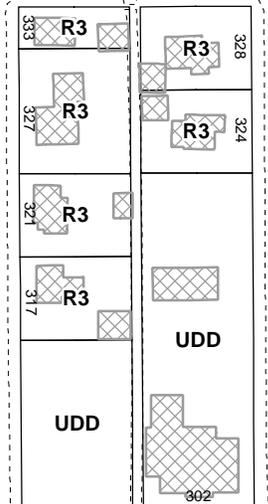
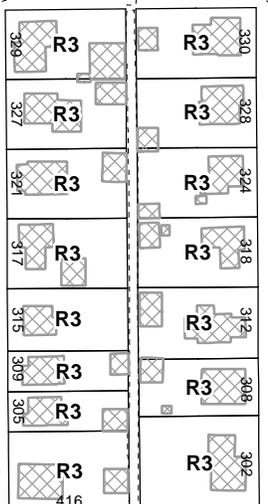
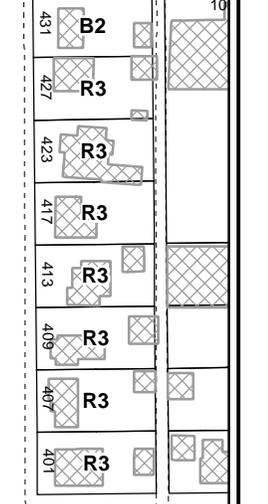
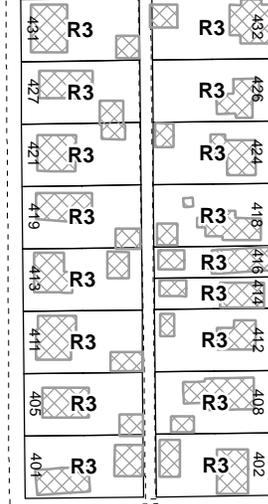
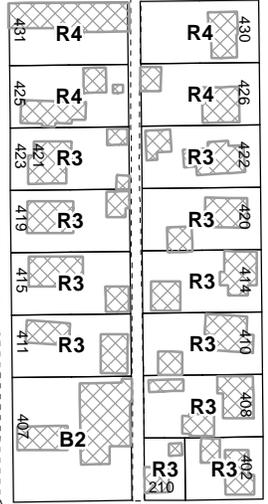
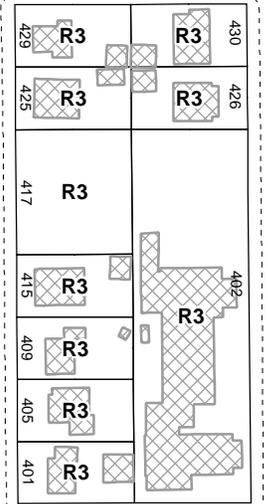
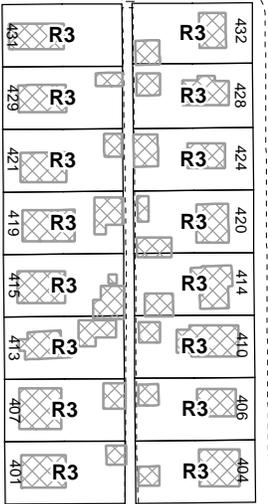
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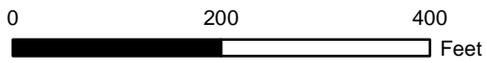
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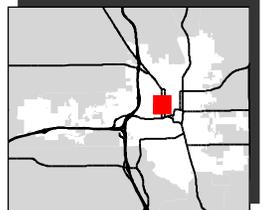
Map Date: August 3, 2015

City of Wausau  
Marathon County Wisconsin



- Area of Interest
- Building

Map Location



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

<b>RESOLUTION OF THE PUBLIC HEALTH &amp; SAFETY COMMITTEE</b>	
Approving or Denying Various Licenses as Indicated	
Committee Action:	Approved 4-0
Fiscal Impact:	None
<b>File Number:</b>	15-0108
<b>Date Introduced:</b>	September 8, 2015

<b>FISCAL IMPACT SUMMARY</b>			
<b>COSTS</b>	<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>One-time Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>SOURCE</b>	<i>Fee Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	<i>TID Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/>		
			<i>Funds on Hand</i> <input type="checkbox"/>
			<i>Interfund Loan</i> <input type="checkbox"/>

**RESOLUTION**

**WHEREAS**, your Public Health and Safety Committee considered certain license applications at its August 17, 2015 meeting and August 31, 2015 special meeting and has made recommendations that are attached hereto in the meeting minutes and recommends these actions to the Council for its approval, now therefore

**BE IT RESOLVED** by the Common Council of the City of Wausau that the City Clerk be hereby authorized to issue the licenses on the attached list, incorporated as part of this resolution, according to recommendations made by the Public Health & Safety Committee and upon successful completion and acceptable proof that all applicable state and municipal regulations and requirements have been met by the applicants.

Approved:

\_\_\_\_\_  
James E. Tipple, Mayor

# **CLERK'S REPORT TO PUBLIC HEALTH & SAFETY COMMITTEE**

August 17, 2015 Meeting

## **AGENDA ITEM**

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Approve or deny various licenses as indicated on the attached summary report of all applications received.

## **ADDITIONAL INFORMATION**

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Applications as listed have or will have a background check run by staff and reviewed by the Police Chief or his designee. Applications marked pending will have a status update at the meeting. In accordance with city ordinance, **all permits approved are held for debts owed to the city until the debt is paid in full.**

1. There are two **denial recommendations** for Operator's Licenses: **Jamie Duginski**, based on an extensive criminal history, including multiple felony convictions; and **Peter Rockman**, based on three OWI convictions, Fleeing an Officer, Felony Bomb Scare, and an active warrant. (Records attached)
2. Class B Retailer's Picnic license filed by the Kiwanis of Wausau for the Wausau Marathon at Marathon Park, August 22, 2015, beer tent east of amphitheater inside fence.
3. Pet Fancier applications pending approval of Humane Officer Ashlee Bishop.
4. Class I Special Event: Wausau/Central WI CVB & Woodson YMCA for the Wausau Marathon on August 22, 2015. *Application filed late - \$150 late fee has been applied*
5. Class II Special Event: Out of the Darkness Community Walk, September 19, 2015.

## **STAFF RECOMMENDATION**

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Staff recommendation is to approve or deny as indicated on the summary report including those that may be introduced at the meeting. Please let me know if you have any question regarding any license applications listed.

Mary Goede, Deputy Clerk

Date of Report: August 14, 2015

(715) 261-6620

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, August 17, 2015 at 5:15 pm, (Council Chambers)

Members Present: Rasmussen (C), Wagner, Gisselman, Kellbach

Members Not Present: Neal

Others Present: Alfonso, Hardel, Kujawa, Rayala, Goede, Bishop, Ofc Peterson, Roger Sydow, Jack Pettit, Cassandra Scheffler, Jamie Duginski, Bryan Morel.

### **Consider various license applications.**

Rasmussen stated there were two Operator's License applications recommended for denial by Chief Hardel for Jamie Duginski and Peter Rockman.

Jamie Duginski, 926 21<sup>st</sup> S Ave, Wausau, addressed the committee asking for approval of his license to work at the Pine Ridge Mobil gas station. He noted everything on his record happened 12 years ago. He moved to Florida for four years and has moved back to Wisconsin, however, he has run into several instances since returning where he has found his past has come back to haunt him.. He stated he helped raise a family for six and a half years and had a successful landscaping business in Florida for two years, through which he purchased all of his equipment and built a customer base of 86 good paying customers. He paid off all his equipment and sold his accounts to finance his move back home to Wisconsin. He wants to pursue and grow his landscaping business here during the day and has nine paying accounts currently, but needs the job at Pine Ridge to accomplish this.

Chief Hardel commended Duginski for making good decisions and changing his life around, however, he informed the committee the record includes a number of felony convictions. There were charges of 2nd Degree sexual assault of a child, which was dismissed but read in; possession of drug paraphernalia; possession of THC; and exposing genitals to a child. He noted some these charges did not show the disposition. Duginski explained the sexual assault charge had to do with a relationship with his girlfriend when they were underage that her mother did not want and the exposing genitals to a child was in reference to Playboy pictures on the wall where his underage girlfriend was present. Hardel stated there is also a felony charge of possession with intent to deliver THC; felony maintaining a drug trafficking place; felony arson; and habitual criminality. Duginski acknowledged he made a lot of bad choices back then and took responsibility for them and was not hiding anything. He indicated he completed a prison sentence, educated himself and put himself through college after he got out and has taken his life in a different direction from the past. Rasmussen stated she was concerned with the totality of the record and the portability of the license.

Gary Schwartz, N2751 Thiel Dr, Merrill, owner of Pine Ridge Mobil, spoke on Jamie Duginski's behalf. He knew of his background, was willing to stand behind him and asked the committee to give him a chance.

Wagner understood sometimes when people are young they make foolish mistakes and it takes something dramatic to turn around. He noted Duginski had a lot of felonies, which concerned him, but suggested a one year license.

Motion by Wagner, second by Gisselman to approve a One Year Restricted Operator's License for Jamie Duginski. Motion carried 3-1. (*Rasmussen was the dissenting vote.*)

Rasmussen noted Peter Rockman was not present to address the committee. She reviewed the special event applications on the list.

Motion by Kellbach, second by Gisselman to approve or deny the rest of the licenses as recommended by staff. Motion carried 4-0.

**SPECIAL MEETING of the PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, August 31, 2015, at 5:15 pm, (Council Chambers)

Members Present: Rasmussen (C), Wagner, Gisselman, Kellbach, Neal

**Consider Application for Tavern Entertainment License (Cop Shoppe LTD)**

Rasmussen stated Rod Carlson, Cop Shoppe LTD, applied for a Tavern Entertainment License for the Cop Shoppe Pub, 701 Washington Street. Chief Hardel indicated he spoke with him and was confident that he was willing to work with us and be a good neighbor.

Motion by Wagner, second by Kellbach to approve the Tavern Entertainment license for Cop Shoppe LTD. Motion carried 5-0.

HEALTH AND SAFETY LIST  
 ALL LICENSES  
 AUGUST 17, 2015

 REPORT ID: LRS530I  
 RUN DATE: 9/02/15  
 RUN TIME: 16:07:31

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCAION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
KIWANIS OF WAUSAU 503 INDEPENDENCE LN WAUSAU, WI 54403	2015	8/13/2015	8/22/2015	8/22/2015		WAUSAU MARATHON	TEMP CLASS B RETAILER	___	___	___	___
CARDIN, ELIZABETH A 2380 BUSS RD HATLEY, WI 54440	2015	8/03/2015		6/30/2016		THE GREAT DANE PUB & OPERATOR NEW		___	___	___	___
DEVINE, ROXANNE R 2933 MINNESOTA AVE ST POINT, WI 54481	2015	7/24/2015		6/30/2016		J. GUMBO'S	OPERATOR NEW	___	___	___	___
DIXON, JEFFREY 408 W WILSON AVE STEVENS POINT, WI 54481	2015	7/20/2015		6/30/2016		BACK WHEN CAFE	OPERATOR NEW	___	___	___	___
EASTMAN, SHAWN P 915 S 4TH AVE APT B WAUSAU, WI 54401	2015	7/20/2015		6/30/2016		OZ NIGHT CLUB	OPERATOR NEW	___	___	___	___
HELGERSON, JORDAN E 509 STARK ST WAUSAU, WI 54403	2015	7/17/2015		6/30/2016		BUFFALO WILD WINGS	OPERATOR NEW	___	___	___	___
HENDRICKSON, LAURA A 1028 1/2 S 9TH AVE WAUSAU, WI 54401	2015	7/27/2015		6/30/2016		SHOPKO 079	OPERATOR NEW	___	___	___	___
HULL, RACHEL L 2802 JELINEK AVE APT 3 SCHOFIELD, WI 54476	2015	7/20/2015		6/30/2016		R-STORE #31	OPERATOR NEW	___	___	___	___
KELL-THIEL, SHYANNE M 513 N 3RD AVE WAUSAU, WI 54401	2015	7/17/2015		6/30/2016		R-STORE #31	OPERATOR NEW	___	___	___	___
KELLY, JODY L 1300 N 9TH AVE APT 11E WAUSAU, WI 54401	2015	7/22/2015		6/30/2016		BACK WHEN CAFE	OPERATOR NEW	___	___	___	___
LEE, ELIZABETH R 1100 PIERCE STREET MERRILL, WI 54452	2015	7/21/2015		6/30/2016		APPLEBEE'S NEIGHBORH OPERATOR NEW		___	___	___	___
MALTBAY, OAKLEY J 1983 KIMBERLY RD KRONENWETTER , WI 54455	2015	7/15/2015		6/30/2016		R STORE #7	OPERATOR NEW	___	___	___	___
PARTRIDGE, DOREENE E 1610 E WAUSAU AVE WAUSAU, WI 54403	2015	8/05/2015		6/30/2016		VFW BURNS POST 388	OPERATOR NEW	___	___	___	___

HEALTH AND SAFETY LIST  
 ALL LICENSES  
 AUGUST 17, 2015

 REPORT ID: LRS530I  
 RUN DATE: 9/02/15  
 RUN TIME: 16:07:31

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCAION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
PARTRIDGE, RICHARD T 1610 E WAUSAU AVE WAUSAU, WI 54403	2015	8/05/2015		6/30/2016		VFW BURNS POST 388	OPERATOR NEW	___	___	___	___
PECHA, RYAN M 701 N 14TH STREET WAUSAU, WI 54403	2015	8/07/2015		6/30/2016		THE GREAT DANE PUB &	OPERATOR NEW	___	___	___	___
ROCKMAN, PETER E W17911 WITT-BIRN TOWN RD WITTENBERG, WI 54499	2015	8/07/2015		6/30/2016		R STORE #6	OPERATOR NEW	___	___	___	___
SCHACHTSCHNEIDER, WILLIAM D 1235 N 3RD AVE APT 7 WAUSAU, WI 54401	2015	8/05/2015		6/30/2016		TOBACCO OUTLET PLUS	OPERATOR NEW	___	___	___	___
THAO, ISAAC S 402 PROSPECT AVE WAUSAU, WI 54403	2015	7/30/2015		6/30/2016		DAY'S BOWL-A-DOME	OPERATOR NEW	___	___	___	___
WIRKUS, COLLIN T 3402 OWL LN WAUSAU, WI 54401	2015	8/07/2015		6/30/2016		TRIG'S WAUSAU	OPERATOR NEW	___	___	___	___
WITZ, TOBIAS S 526 MCCLELLAN ST WAUSAU, WI 54403	2015	7/23/2015		6/30/2016		J. GUMBO'S	OPERATOR NEW	___	___	___	___
CROCHIERE, JESSE 2614 ELMWOOD BLVD WAUSAU, WI 54403	2015	7/16/2015		6/30/2017		POLITO'S PIZZA	OPERATOR - LAPSED RENEWAL	___	___	___	___
GNIOT, TIFFANY R 115 N 7TH AVE WAUSAU, WI 54401	2015	8/03/2015		6/30/2017		HIAWATHA LOUNGE	OPERATOR - LAPSED RENEWAL	___	___	___	___
JOHNSEN, JESSICA 215 LEROY ST ROTHSCHILD, WI 54474	2015	7/27/2015		6/30/2017		R STORE #5	OPERATOR - LAPSED RENEWAL	___	___	___	___
KALINOSKI, KATHLEEN A 1218 ELM STREET WAUSAU, WI 54401	2015	8/04/2015		6/30/2017		THE GLASS HAT	OPERATOR - LAPSED RENEWAL	___	___	___	___
MEVERDEN, RONALD A 408 WEST ST WAUSAU, WI 54403	2015	8/06/2015		6/30/2017		101 PUB	OPERATOR - LAPSED RENEWAL	___	___	___	___
PASZEK, RAQUEL L 5001 N MOUNTAIN RD WAUSAU, WI 54401	2015	8/03/2015		6/30/2017		TREU'S TIC TOC	OPERATOR - LAPSED RENEWAL	___	___	___	___

HEALTH AND SAFETY LIST  
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PISKOTY, ALAURA D 7008 WESTON RIDGE DR APT 36 WESTON, WI 54476	2015	7/24/2015		6/30/2017		BUFFALO WILD WINGS	OPERATOR - LAPSED RENEWAL	___	___	___	___
WAKELY, MARY M 1212 N 3RD ST WAUSAU, WI 54403	2015	8/03/2015		6/30/2017		R STORE #8	OPERATOR - LAPSED RENEWAL	___	___	___	___
DUGINSKI, JAMIE A 926 S 21ST AVENUE WAUSAU, WI 54401	2015	7/23/2015		6/30/2016		PINE RIDGE WAUSAU LL	OPERATOR RESTRICTED 1 YR	___	___	___	___
COP SHOPPE LTD 528 FRANKLIN ST WAUSAU, WI 54403	2015	8/27/2015	7/01/2015	6/30/2016		COP SHOPPE PUB	TAVERN ENTERTAINMENT	___	___	___	___
BROWN, CELESTE C 802 LINCOLN AVE WAUSAU, WI 54403	2015	8/07/2015	1/01/2015	12/31/2016		MARINDA PRESTON 7154	PET FANCIER PERMIT	___	___	___	___
DUNAHEE, ROBERT/LISA 808 HAMILTON ST WAUSAU, WI 54403	2015	7/24/2015	1/01/2015	12/31/2016		PET FANCIER	PET FANCIER PERMIT	___	___	___	___
ROESLER, ERIC 1515 PINE VIEW LANE WAUSAU, WI 54403	2015	7/15/2015	1/01/2015	12/31/2016		ERIC & ANGELA ROESLE	PET FANCIER PERMIT	___	___	___	___
WEBB-STIEFEL, LORALI M 1916 N 3RD STREET WAUSAU, WI 54403	2015	7/21/2015	1/01/2015	12/31/2016		WEBB-STIEFEL, LORALI	PET FANCIER PERMIT	___	___	___	___
DUGINSKI, JAMIE A 926 S 21ST AVENUE WAUSAU, WI 54401	2015	7/23/2015	8/18/2015	10/17/2015		PINE RIDGE WAUSAU LL	PROVISIONAL OPERATOR	___	___	___	___
WAUSAU/CENTRAL WI CVB, WOODSON 219 JEFFERSON ST WAUSAU, WI 54403	2015	8/10/2015	8/22/2015	8/22/2015		WAUSAU MARATHON	SPECIAL EVENT CLASS 1	___	___	___	___
BILEDDO FAYE 803 N 2ND AVE WAUSAU, WI 54401	2015	8/06/2015	9/19/2015	9/19/2015		OUT OF THE DARKNESS	SPECIAL EVENT CLASS II	___	___	___	___
HOFFMANN, STEVEN R PO BOX 1062 WAUSAU, WI 54402-1062	2015	7/27/2015	7/01/2015	6/30/2016		ALL AMERICAN TAXI	PUBLIC TRANS DRIVER-RENEW	___	___	___	___
PIJAN, KEVIN M 3722 CARL ST WAUSAU, WI 54403	2015	7/27/2015	7/01/2015	6/30/2016		ALL AMERICAN TAXI	PUBLIC TRANS DRIVER-RENEW	___	___	___	___
RIOS, MELVIN 500 E THOMAS ST APT 111 WAUSAU, WI 54403	2015	7/20/2015	7/01/2015	6/30/2016		ALL AMERICAN TAXI	PUBLIC TRANS DRIVER-RENEW	___	___	___	___



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

**REVISED RESOLUTION OF WAUSAU WATER WORKS –  
WASTEWATER DIVISION**

Reviewing the 2014 Compliance Maintenance Annual Report for the Wastewater Plant

Committee Action: Approved 4-0

Fiscal Impact: None

**File Number:** 03-0311

**Date Introduced:** September 8, 2015

**WHEREAS**, Wausau Water Works – Wastewater Division owns, operates, and maintains a public owned treatment works (POTW) in the City of Wausau on Adrian Street, and

**WHEREAS**, the Utility’s POTW is authorized to discharge to the Wisconsin River under WPDES Permit No. WI-0025739-5, and

**WHEREAS**, by Wisconsin Administrative Code NR 208, all Wisconsin POTW’s are required to submit a Compliance Maintenance Annual Report (CMAR), and

**WHEREAS**, there were two Sanitary Sewer Overflow events related to lift station flow mains and one Treatment Facility Overflow related to heavy rain flow, and

**WHEREAS**, Wausau Water Works – Wastewater Division has prepared the attached 2014 CMAR and acknowledges that the point total in the report is within the acceptable range, now therefore

**BE IT RESOLVED**, the Utility Staff will continue to monitor and maintain lift stations and the sewer system, and will review any future Sanitary Sewer Overflow events with the Water Works Commission, and

**BE IT FURTHER RESOLVED**, that the utility has added an additional flow alarm at the treatment plant and revised procedures to address potential future Treatment System Overflows, and

**BE IT FURTHER RESOLVED** that the Common Council of the City of Wausau has reviewed the attached 2014 Compliance Maintenance Annual Report from Wausau Water Works – Wastewater Division and hereby submits the Report as prescribed.

Approved:

\_\_\_\_\_  
James Tipple, Mayor



## Minutes of September 1, 2015

A meeting of the Wausau Water Works Commission was called to order at 1:30 p.m. in City Hall on September 1, 2015. In compliance with Wisconsin Statutes, this meeting was posted and receipted for by the Wausau Daily Herald on August 27, 2015.

### 1) **Roll Call**

Members present: Commissioners Force, Gehin, Gisselman, Rebman.

Others present: Eric Lindman, Dave Erickson, Deb Geier, Valerie Swanborg, Ken Rye, Tonia Speener, Clark Dietz; Steven Schultz, Clark Dietz; Ken Ligman, Becher Hoppe; Jim Medley, WMZK.

### 10) **Discussion and possible action regarding the 2014 Compliance Maintenance Annual Report.**

Erickson explained that when the CMAR report is submitted, a resolution from the City Council must be included. The instructions stated if there was an A or B grade specific details were not required. However, details are required if there were any highlighted areas of the report. An A grade was received in the Sewer System portion of the CMAR report. However, there were issues with two sanitary sewer overflows and a treatment facility overflow. The DNR is looking for additional information regarding the overflows, which were not included in the previous resolution approved by Council. A revised resolution with more detail will have to be sent to Council. An extra monitor was added at the Wastewater Treatment Plant. Clarifier #3 is currently down and there is a crane in place and means to open the gate if needed. The issues with the lift stations were beyond our control and related to the winter causing force main breaks.

Motion by Mr. Gisselman to approve the revised resolution and forward to Council for final approval. Seconded by Mr. Rebman. Motion carried unanimously 4-0.

**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 License of Its Our Clubhouse LLC (Bryan Morel, registered agent) for the premises located at 738 S. 3<sup>rd</sup> Avenue

Committee Action: Approved 5-0

Fiscal Impact: None

**File Number:** 15-0911

**Date Introduced:** September 8, 2015

**RESOLUTION**

**WHEREAS**, your Public Health and Safety Committee, at their meeting of August 31, 2015, conducted a revocation hearing pursuant to Wisconsin Statutes Section 125.12(2) to consider the Class “B” Beer and Liquor License for Its Our Clubhouse LLC at 738 S. 3<sup>rd</sup> Avenue (“Licensee”); and

**WHEREAS**, your Public Health and Safety Committee has determined upon consideration of the evidence and record that the allegations of the Complaint filed by Benjamin Graham, Police Officer with the City of Wausau Police Department (“Complainant”) have been proven and is recommending revocation of the License; and

**WHEREAS**, your Public Health and Safety Committee hereby submits its report to the Common Council including Findings of Fact, Conclusions of Law and Recommendation as attached and incorporated as part of this resolution; and

**WHEREAS**, the Complainant and Licensee have each received the report and pursuant to Section 125.12(2)(b)3, Wis. Stat. may file an objection to the report including the Findings of Fact, Conclusions of Law and Recommendation with an opportunity to present arguments supporting their objection to the Common Council orally or in writing as determined by the Common Council.

**NOW THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Wausau, that upon consideration of the report, including the Findings of Fact, Conclusions of Law and Recommendation of the Public Health and Safety Committee as attached and incorporated as part of this resolution, and any arguments presented by the Complainant or Licensee, it finds the Complaint to be true, adopts the report in its entirety and revokes the License of the Licensee and is hereby adopted as presented.

Approved:

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James E. Tipple, Mayor



Toni Rayala – City Clerk  
Mary Goede – Deputy City Clerk

TEL: (715) 261-6620  
FAX: (715) 261-6626

## CITY CLERK – CUSTOMER SERVICES

September 2, 2015

Its Our Clubhouse LLC  
738 S. 3<sup>rd</sup> Avenue  
Wausau, WI 54401

Attn: Mr. Bryan Morel

Re: In Re the License of: Its Our Clubhouse LLC, 738 S. 3<sup>rd</sup> Avenue, Wausau, WI  
Class “B” Beer and Liquor License

Dear Mr. Morel:

Enclosed please find the report of the Public Health & Safety Committee (“Committee”) concerning the hearing held on Monday, August 31, 2015, pursuant to Wis. Stat. §125.12(2). This report has been forwarded for consideration to the City of Wausau Common Council. This report includes: the final signed Findings of Fact, Conclusions of Law and Recommendation; the Committee minutes of August 31, 2015 including copies of certain exhibits entered into the record at the hearing; and a copy of the Summons and Complaint.

As I believe you already are aware, this matter will be considered by the City of Wausau Common Council on Tuesday, September 8, 2015. The Common Council meeting will begin at 7:00 p.m. and is held in the Council Chambers at City Hall. Pursuant to Wis. Stat. §125.12(2) you may file an objection to this report and shall have the opportunity to present arguments supporting your objection to the Common Council. The Common Council may determine whether the arguments shall be presented orally or in writing or both.

If you would like to address the Common Council on this matter at this meeting, please let me know so that I may get you preregistered as required by council rules.

Very truly yours,  
CITY OF WAUSAU

Toni Rayala  
City Clerk

Enclosures

cc: Chairperson, Lisa Rasmussen  
Assistant City Attorney, Tara Alfonso  
Attorney, Dan Cveykus

CITY OF WAUSAU  
MARATHON COUNTY  
STATE OF WISCONSIN  
PUBLIC HEALTH AND SAFETY COMMITTEE

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IN RE THE LICENSE OF:

ITS OUR CLUBHOUSE LLC  
738 S. 3<sup>rd</sup> Ave.  
Wausau, WI 54401

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FINDINGS OF FACT  
CONCLUSION OF LAW AND RECOMMENDATION

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The above matter, on the 31<sup>st</sup> day of August, 2015, having come before the Public Health & Safety Committee of the Common Council of the City of Wausau, said Committee hereby makes the following Findings of Fact, Conclusions of Law and Recommendation.

FINDINGS OF FACT

1. Its Our Clubhouse LLC., (Licensee) currently holds a Class "B" Beer and Liquor License. Said Licensee was recommended for approval by the Public Health and Safety Committee and the Council granted the license and renewed the license for the period of July 1, 2015 through June 30, 2016.
2. The Licensee's licensed establishment is Its Our Clubhouse LLC, located at 738 S. 3<sup>rd</sup> Ave., Wausau, WI 54401.
3. On August 12, 2015 the City Clerk received a duly signed Complaint seeking revocation of the Licensee's Class "B" Beer and Liquor License.
4. On August 24, 2015 Toni Rayala, City Clerk, executed a Summons concerning the Complaint.
5. On August 31, 2015, a hearing was held before the Public Health and Safety Committee at the City of Wausau, City Hall located at 407 Grant Street, Wausau, WI, pursuant to Wis. Stat. 125.12(2)(b) for the purpose of hearing the above entitled matter, with the Assistant City Attorney, Tara Alfonso, appearing as prosecutor and the Licensee, appeared by Bryan Morel without counsel.
6. On August 31, 2015, the Public Health and Safety Committee deliberated in closed session pursuant to Wis. Stat 19.85(1)(a) and (b) with regard to the allegations contained

in the Complaint.

7. Based upon the evidence received, the testimony of the witnesses and arguments of the parties, the Public Health and Safety Committee finds as follows: That the Licensee denies all allegations contained in the Complaint. That the City has proven allegation 1-6
  - a. That on October 14, 2014, Common Council approved a resolution of the Public Health and Safety Committee and suspended the License of the respondent for sixty (60) days finding the allegations contained in a Complaint filed against the respondent by Edward Gault, an adult resident of the City of Wausau, to be true that the respondent kept or maintained a disorderly or riotous, indecent or improper house in violation of the provisions of Chapter 125 of the Wisconsin Statutes and Chapter 5.64 of the Wausau Municipal Code during the period of approximately June 12, 2014 through October 3, 2014.
  - b. The Respondent resumed operation of its business on or about December 15, 2014 after serving the sixty (60) day suspension.
  - c. Since resuming operation of its business on or after December 15, 2014 there have been an additional forty-four (44) calls for service by police to the Clubhouse. A copy of the call summary for the period December 15, 2014 to July 17, 2015 was attached to the Complaint as Exhibit One.
  - d. Since the opening of the Clubhouse, there have been a total of one hundred thirty five (135) calls for service by the police to the Clubhouse. A copy of the call summary for the period of June 12, 2014 to June 20, 2015 was attached to the complaint as Exhibit Two
  - e. On July 8, 2015, at approximately 0132 hours City of Wausau police officers responded to the Clubhouse concerning reports of multiple gun fire exchanged between two male patrons of the bar, outside an entrance door to the Clubhouse and in the surrounding area of the Clubhouse. Based upon police investigations, it is alleged that multiple rounds of gun fire were exchanged between these two individuals endangering the lives of patrons in the bar, tenants located and sleeping within the apartments located at 738 S. 3<sup>rd</sup> Avenue, passing vehicle traffic, and other citizens residing in the nearby area. Two individuals were subsequently arrested and charged in Marathon County Circuit Court Case Nos. 2015-CF-613 and 2015-CF-614 with multiple counts of First Degree recklessly endangering Safety, a Class F Felony under Wisconsin Statute 941.30(1) and Felon in Possession of a Firearm, a Class G Felony under Wisconsin Statute 941.29(2)(a)
  - f. During the week of July 12, 2015 the City of Wausau Police Department

Conducted a Neighborhood Quality of Life Canvas ("Survey") in the vicinity of South 3<sup>rd</sup> Ave. and West Street, the neighborhood surrounding the Clubhouse. Based upon the Survey of citizens residing at 20 separate properties, seventy-five percent (75%) of residents identified the Clubhouse as a top issue causing a decline in their quality of life. Complaints by residents encompass: trespassing, littering, damage to property, theft, loud noise, fights, gun fire, speeding and loud vehicles, and drug dealing. A copy of the Survey was attached to the Complaint as Exhibit Three.

- 8 That under license holder or corporate agent is held strictly liable for the actions of its employees and for the activities occurring on the licensed premises.

#### CONCLUSION OF LAW

Based upon the above Findings of Fact, the Committee hereby makes the following Conclusions of Law:

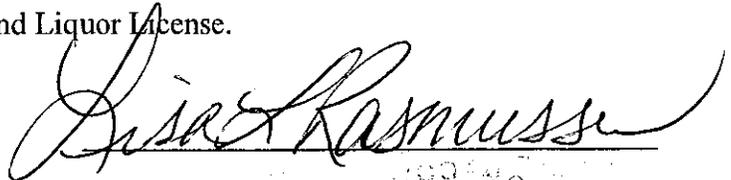
- 1 This matter is properly before the Committee pursuant to Wis. Stat. 125.12(2)(ag).
- 2 The City has the burden of proving the allegations in its Complaint by a preponderance of the evidence.
- 3 The City has met its burden.
- 4 By the greater weight of the credible evidence, the Licensee has violated Wis. Stats. 125.12(2)(ag)2.

#### RECOMMENDATION

The Public Health and Safety Committee hereby recommends to the City Council that the Class "B" Beer and Liquor License be revoked pursuant to Wis. Stat. 125.12(2)(ag)2

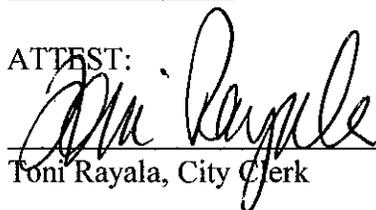
Counsel for the Committee is hereby directed to provide a copy of these Findings of Fact, Conclusion of Law and Recommendation to the Licensee and the City. Pursuant to Wis. Stat. 125.51(1), the Clerk is directed to set forth in her minutes a statement of the reason for the revocation of the Licensee's Class "B" Beer and Liquor License.

Dated that 31<sup>st</sup> day of August, 2015.

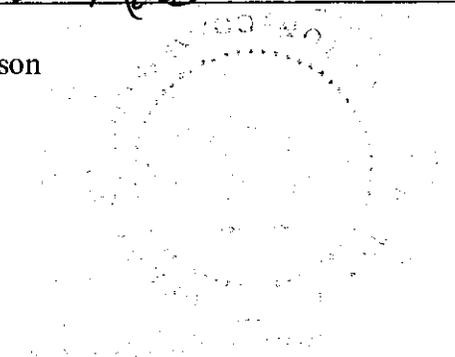


Chair person

ATTEST:



Toni Rayala, City Clerk



## **SPECIAL MEETING of the PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, August 31, 2015, at 5:15 pm, (Council Chambers)

Members Present: Rasmussen (C), Wagner, Gisselman, Kellbach, Neal

Others Present: Dan Cveykus, representing the Public Health & Safety Committee; Tara Alfonso, representing the City of Wausau; Bryan Morel, Its Our Clubhouse LLC; Mary Goede, Deputy Clerk; Christine Willette Court Reporter, media and other interested individuals.

Chairperson Rasmussen noted a quorum was present and called the meeting to order.

### **Consider Application for Tavern Entertainment License (Cop Shoppe LTD)**

Rasmussen stated Rod Carlson, Cop Shoppe LTD, applied for a Tavern Entertainment License for the Cop Shoppe Pub, 701 Washington Street. Chief Hardel indicated he spoke with him and was confident that he was willing to work with us and be a good neighbor.

Motion by Wagner, second by Kellbach to approve the Tavern Entertainment license for Cop Shoppe LTD. Motion carried 5-0.

### **REVOCATION HEARING**

**Pursuant to Wis. States. 125.12(2): Consider Class B Beer & Liquor License Revocation for Its Our Clubhouse LLC, 738 S 3rd Avenue, Bryan Morel, Registered Agent.**

*NOTE: A full transcript of the hearing is the property of and may be obtained through request directly to Chris Willette court Reporting, LLC, 630 Fourth Street, Wausau, WI 54403. The following is only a summary of the proceedings.*

Rasmussen read into record the following summary of proceedings: **REVOCATION HEARING: Pursuant to Wis. States. 125.12(2): Consider Class B Beer & Liquor License Revocation for It's Our Clubhouse, LLC 738 S. 3<sup>rd</sup> Avenue, Bryan Morel Registered Agent**

Rasmussen read into record the following summary of proceedings: "Mr. Morel a summons and complaint has been filed against Its [sic] Our Clubhouse LLC. Under the provisions of Wisconsin Statutes 125.12 this hearing has been convened for the purpose of determining if any of the charges are true and to make a recommendation based upon that determination. This committee will examine all the evidence concerning the charges through inquiry to both sides. The committee will evaluate and impartially weigh the evidence. It will determine whether or not any of the charges have been proven solely on the evidence introduced at the hearing. This hearing is open to the public. A verbatim record of the proceedings is being made today by a court reporter. You may be represented by an attorney. Tara Alfonso appears as the prosecutor and will present the case against you to this committee. Dan Cveykus is present and will serve as legal advisor to the committee and to the council. Cveykus will advise the committee on questions of law and procedure and may also direct questions to the witnesses on behalf of this committee. You may present evidence, call and examine witnesses and cross-examine witnesses against you. Such witnesses will be sworn. Subject to a notification for consideration by the full committee, made by a member of this committee, I will rule on all questions, objections and motions as to procedural matters, admissibility of evidence and similar issues. All objections, questions and motions should be directed to me. Evidence shall be admitted which has reasonable, probative value, but immaterial, irrelevant and unduly repetitious testimony shall be excluded. Basic principles of relevancy, materiality and probative force shall govern the proof of all decision of fact. You may testify on your behalf with regard to the charges. However, what you say will be considered as evidence. Further, if you do testify, you may be cross-examined. If a charge or charges are proven, you are advised that the committee may recommend to the Common Council that your license be revoked and that the Common Council may accept or reject such recommendation and may determine upon such recommendation whether your license should not be revoked. You have been served with a copy of a Summons and Complaint which has been filed with the committee for determination. I now request the court reporter to append as an exhibit to the record a copy of the Summons and Complaint."

## CITY ATTORNEY'S CASE:

Alfonso began with a brief opening statement. She spoke of the shootout early on the morning, just outside of Its Our Clubhouse on July 8, 2015.

Officer Jeffrey Schremp was called to give testimony on behalf of the City of Wausau. Officer Schremp testified concerning the number of calls to Its Our Clubhouse. He also stated that not all calls to that address were regarding Its Our Clubhouse; or involved simple matters such as vehicle lockouts, or calls to the apartment above Its Our Clubhouse. He also testified not all calls were determined to be substantiated or founded. He shared the details of the serious calls to Its Our Clubhouse. A summary of the incidents from 12-18-14 through 7-16-15 was reviewed before the Committee and entered as Exhibit 3 in the record, together with a redacted copy of the more significant calls for service. A copy of the summary of the incidents is attached to these minutes for reference. Officer Schremp also reviewed a Call Summary for Its Our Clubhouse for the period of 6/12/2014 through 7/20/2015 (Exhibit 4 of the record) and a Call Summary Comparison (Exhibit 5 of the record) of calls for a one year, one month, and eight day period with certain other taverns located or formerly located within the City. There were 137 calls for service to Its Our Clubhouse from June 12, 2014 through July 20, 2015. A copy of these summaries are attached to these minutes for reference. Officer Schremp testified he had attempted to contact 10 neighbors of the tavern to determine if they were willing to speak at the hearing. He was not able to make contact with all, but was successful in communicating with some about the hearing and their ability to speak with the Committee at the hearing if they desired. Bryan Morel cross examined the witness alleging that details in certain reports were inaccurate, in particular as they related to a matter involving a suspect named James Powell. Bryan Morel also produced a copy of a newspaper article concerning this incident on his smart phone, showing it to the Assistant City Attorney and then the witness. Bryan Morel questioned the witness that the newspaper article indicated that another individual was responsible for the incident and was arrested by the Marathon County SWAT team, contrary to the Officer's testimony. The Assistant Attorney followed with questions on redirect.

Lt. Ben Graham was called forward as a witness. Lt. Graham shared the information he gathered, at the direction of the Chief of Police, in a Quality of Life Canvass ("Canvass") to help identify underlying conditions that precipitate the quality of life issues. Two community service officers went out door to door, as well as Lt. Graham, and asked a series of questions. Several key concerns were noted from the survey that were linked to It's Our Clubhouse: drug dealing, littering, trespassing, damage to property, etc. Lt. Graham also mentioned the number of calls to the address of It's Our Clubhouse. This Canvass was entered into the hearing record as Exhibit 6 (a copy of this Canvass is attached to the Summons & Complaint filed in this matter). Bryan Morel voiced objections to this testimony on the basis that it was hearsay. The Assistant Attorney asserted that based upon Wisconsin case law, that the rules of evidence do not apply to this hearing as they would to a state court proceeding and cited *Questions, Inc. v. City of Milwaukee*, but stated that it would be up to the Committee to determine the weight, if any, it would wish to give to this Canvass. This objection was overruled. Lt. Graham also testified concerning a tavern located nearby to It's Our Clubhouse called M&R Station and compared the number of calls for service at that tavern compared to Its Our Clubhouse. This call history was admitted into the record as Exhibit 7. A copy is attached to these minutes for reference.

Lt. Melinda Pauls, Patrol Lieutenant of the Wausau Police Department was called to give testimony on behalf of the City of Wausau. Lt. Pauls testified about receiving a copy of the surveillance videos concerning the July 8, 2015 shooting incident from Bryan Morel. Upon cross examination of Lt. Pauls by Bryan Morel, Lt. Pauls testified that her interactions with him have been "mostly positive." When asked for an example of where their interactions have not been positive, Lt. Pauls referenced an incident where a neighbor of the bar called the police to complain of patrons parking in their parking space. An officer went into the bar to request the car owner(s) move their car so that they don't get a citation. Mr. Morel called the police department later and asked the police not to come into the bar for such reasons.

Det. Nathan Pauls, Detective with Wausau Police Department was called to give testimony on behalf of the City of Wausau. Det. Pauls' report of a shooting that took place outside of It's Our Clubhouse on July 8, 2015 was submitted as evidence as exhibit #10. Det. Pauls reviewed for the Committee the location of apartment units within the Clubhouse building, the location of the shooters, and the location of bullets and bullet fragments later found during his investigation. These were reviewed on photographic maps admitted into evidence as Exhibits 8 and 9. Portions of the surveillance videos from the shooting incident were played at this time showing one exterior view of the event and two showing interior views of the shootout. These were admitted into evidence as Exhibits 11, 12 and

13. Upon cross examination by Bryan Morel, Det. Pauls stated that no employees of Its Our Clubhouse were engaged in the shooting incident, nor did Bryan More participate in the shooting. A discussion on the record occurred as to whether Det. Pauls considered Its Our Clubhouse to have been “involved” in the shooting and the meaning of “involved” as interpreted by Det. Pauls.

**ITS OUR CLUBHOUSE’S CASE:**

Bryan Morel was asked by Chairwoman Rasmussen if he had any witnesses or evidence to present, or wished to testify. He declined but indicated he would like to make a closing statement.

Chairwoman Rasmussen inquired of those in the audience if there were any residents who wished to address the Committee but they declined.

Closing statements were given by Attorney Alfonso and Bryan Morel respectively.

**Closed Session:** Pursuant to Section 19.85(1)(a), (b) of the Wisconsin Statutes:

- (a) Deliberation concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body; and
- (b) Considering licensing of any person licensed by a board or commission or the investigation of charges against such person, and the taking of formal action on any such matter; provided that the person licensed is given actual notice of the of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken,  
For the purpose of deliberating on the revocation of the Class B Beer & Liquor License for Its Our Clubhouse LLC.

Motion by Wagner, second by Kellbach to move into closed session. Rasmussen aye, Neal aye, Kellbach aye, Gisselman aye, Wagner aye. Motion passed unanimously.

**Reconvened** into Open Session for the purpose of making a determination on the revocation of the Class B Beer & Liquor License for Its Our Clubhouse LLC.

Rasmussen read into record the Findings of Fact and recommendation. Based on Findings of Fact the Committee makes the following conclusions of law, the Public Health & Safety Committee is recommending that the Class B Beer and Liquor license for It’s Our Clubhouse be revoked. The license is recommended for revocation based on the following reason: the licensee has violated Wisconsin Statutes 125.12(2)(ag2).

**Adjournment**

Motion by Neal, second by Kellbach to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:37 pm.

## **It's Our Clubhouse- Incidents from 12-18-14 through 7-16-15**

The below information documents 41 incidents reported to and/or responded to by the Wausau Police Department at It's Our Clubhouse tavern at 738 S 3<sup>rd</sup> Ave. from 12-18-14 to 7-16-15. The following categories of incidents and their frequency of occurrence are as follows:

- **Complaints of fights involving the use of a weapon- 3**
- **Complaints of fights and other disturbances- 9**
- **Complaints of people with warrants, probation violations, or bond violations-9**
- **Service calls, noise, and miscellaneous activity-20**
- **Citation issued to bartender – 1**
- **Warrant or Bond Violation Arrests – 5**
- **Criminal Arrests or Referrals - 10**

Please refer to the incident summaries below for additional information.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 140148884, 12-18-14 at 22:14:** Refused reporting party called to report a female was in the bar that was drinking alcohol and was on probation. Due to limited information the officer wasn't able to locate the female.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 140149287, 12-19-14 at 23:48:** A Crimestoppers tip was received with information that a male was at the bar drinking alcohol and was out of jail on bond with a "no drink" condition. 2 officers arrived and met with a bartender who stated the male was at the bar earlier but had since left. No contact was made with the male suspect.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 140151632, 12-26-14 at 17:50:** Officer was sent to It's Our Clubhouse for a citizen who had locked her keys in her vehicle. Officer was unable to unlock the vehicle.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 140153247, 12-30-14 at 15:21:** A patrol lieutenant received information that a female at the bar had a warrant for her arrest. 2 officers responded to It's Our Clubhouse for this complaint. Female wasn't located and no arrest was made.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150004143, 1-11-15 at 00:56:** Bryan Morel called to report a patron in the bar who was extremely intoxicated. 3 officers made contact with the patron and removed him from the bar. The patron was given a ride to his residence.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150006076, 1-15-15 at 19:56:** Bryan Morel called to report he gave a female \$150 to get her bartending license and now she won't give him his money back. Officer spoke with both parties involved and determined this was a civil matter and nothing criminal occurred. Morel became upset with the investigating officer and told him he was upset he even called the police because this is the answer he got.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150018471/ Case # 15-1237, 2-15-15 at 01:02:** Bryan Morel called to report a female that was physically aggressive with other patrons at the business. Officers located suspect nearby lying on the sidewalk partially in the snowbank and highly intoxicated. Officer assisted her to standing and due to her level of intoxication requested her to sit on doorstep of neighboring home. She refused and then fell against the railing onto the steps. As a result 4 officers responded and arrested a female for Battery to LEO, Battery to Emergency Medical Care Provider, Bail Jumping, Disorderly Conduct, and Resisting a Law Enforcement Officer.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150028401, 3-11-15 at 16:47:** Bryan Morel called to report a customer got mad and broke some items in the business. Officer met with the Morel, but the customer had already left the business. Morel just wanted the customer spoken to and not charged criminally.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150028610, 3-11-15 at 23:11:** A person called and provided their phone number to report a patron that was intoxicated and out of control in the bar. 5 officers responded to this incident. When they arrived they found that two males entered the business with a liquor bottle. Staff told the males they couldn't have the bottle inside their business. Reported the males said "They should kick the Bartenders ass." One of the males became confrontational. The males left the business prior to officers arriving at the business and weren't located. An investigating officer noted that when she entered the business she noticed a strong smell of raw marijuana. Staff at the business said they could smell the marijuana but didn't know where it was coming from. A consent search of the business was done and a pill container was found with marijuana inside. There were no criminal charges as a result of finding the marijuana.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150031194, 3-18-15 at 02:05:** Bryan Morel called to report a threats complaint. It was reported threats were made towards a male party and the person making the threats stated he was going to come to the business to "stomp his teeth in". Due to an uncooperative female witness the case couldn't be fully investigated as she hung up on the investigating officer. The case was unfounded and there were no criminal charges.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150031224/Case # 15-2193, 3-18-15 at 04:13:** Officer responded to a two vehicle accident at It's Our Clubhouse. An accident report was

completed by an officer. While the officer was investigating this incident a criminal damage to property complaint was reported under case # 15-2194.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150031226/Case #15-2194, 3-18-15 at 04:13:** Officer was investigating a two vehicle accident that took place at It's Our Clubhouse. While investigating this accident a citizen reported her vehicle had been "keyed" in the parking lot that evening. Victim's boyfriend stated that a blonde female was calling him a nigger earlier in the evening and he suspects that female keyed his girlfriend's vehicle.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event #150032871, 3-22-15 at 03:28:** Officers advised party wanted by Spencer PD for assault possibly headed to 738 S. 3<sup>rd</sup> Avenue, #4, Wausau. Vehicle not located at that address. **This incident wasn't related to the business.**

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150034594/Case # 15-2487, 3-26-15 at 14:05:** Officers were sent to a report of a domestic altercation in the City of Wausau. During an officers investigation it was found a male suspect had taken a cab from the location to It's Our Clubhouse. Officers responded to It's Our Clubhouse where the male suspect was located and arrested for outstanding warrants.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150034684, 3-26-15 at 17:02:** Staff at It's Our Clubhouse called to report missing money. Before officers could respond the reporting party called and advised they no longer needed an officer to respond.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150035295, 3-28-15 at 02:36:** A refused person called to report a dog left in a vehicle that was parked at the business. The caller stated the vehicle had been parked in the bartender's parking spot since 4:00 P.M. the previous day. The vehicle was gone when the officer arrived. Officer spoke to the bartender and they stated a vehicle was parked in the described spot earlier, but is no longer there.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 15036779, 3-31-15 at 22:50:** A refused person called to report drug activity taking place at the business. It was reported that people were outside the business smoking and exchanging money. 2 officers responded didn't witness any illegal activity. The incident was unfounded. Officer didn't feel the need to speak with bar staff about this complaint.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150038469, 4-5-15 at 02:16:** A refused person called to report a noise complaint. Reporting party reported loud people and cars at the business. No issues were witnessed by the responding 3 officers. No contact was made with bar staff.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150040153, 4-9-15 at 15:38:** Bryan Morel called to report a patron in the bar that was threatening to beat up the owner of the business. It was

discovered that the patron had previously been caught urinating outside the business, and because of this was no longer allowed at the business. Staff told the patron he needed to leave at which time he began threatening the bar owner. The patron was later located and warned to stay out of the business.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150040754/ Case # 15-3044, 4-11-15 at 00:40:** Staff at the business called to report a fight that was occurring at the bar. It was reported that two males got into a physical fight at the business. The two males used liquor bottles from behind the bar as weapons, breaking several bottles. A female in the bar also grabbed a liquor bottle and tried to fight the two males. The two males exited the business and continued to fight. One male jumped onto the trunk of a vehicle and kicked out the back window of the vehicle during this incident. 6 officers responded to this incident. Responding officers got into a foot pursuit through the neighborhood with one of the male suspects, ultimately taking him into custody. One male was arrested and charged with Disorderly Conduct, Resisting Arrest, and Bail Jumping. One female was arrested for Disorderly Conduct.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150041147/ Case # 15-3086, 4-11-15 at 23:48:** Officer conducted a traffic stop on a vehicle in the parking lot of It's Our Clubhouse. As a result that officer arrested one male for a probation violation.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150041197/ Case # 15-3197, 4-12-15 at 01:48:** Staff at It's Our Clubhouse called to report a patron left the business without paying their bar bill. One male was referred to the District Attorney's Office for Fraud.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150046694, 4-25-15 at 21:16:** Staff at It's Our Clubhouse called to report a physical fight. Caller reported a fight between a male and a female in which the male had slammed the female on the bar counter before being escorted out of the bar. Male was never fully identified and female declined to pursue charges. 6 officers responded to this incident.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150046813, 04-26-15 at 02:31:** Anonymous report of activity that "was about to be a fight." Several people left the area when officers arrived. No enforcement action taken. 3 officers responded to this incident.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150049170, 5-2-15 at 01:03:** Refused person called to report a noise complaint. Caller stated there was loud music, people screaming, and speeding vehicles in the area. 2 officers responded and didn't find there was an issue when they were there. Officers warned the business owner of the complaint.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150049605, 5-3-15 at 01:11:** Refused person called to report a noise complaint. It was reported there were a lot of people swearing and making a

lot of loud noise. It was found some people were outside talking and a female was hitting her car alarm. Officers warned business staff of the complaint. 3 officers responded to this complaint.

**738 S 3<sup>rd</sup> Ave #1.**, Event # 150051178, 5-6-15 at 16:07: 2 Officers were sent to 738 S 3<sup>rd</sup> Ave #1 for a suspicious activity complaint. No other information is available. **This incident wasn't related to the business.**

**It's Our Clubhouse**, 738 S 3<sup>rd</sup> Ave., Event # 150051314/ Case # 15-3799, 5-6-15 at 22:58: Anonymous report of a "bunch of people outside yelling and screaming." On arrival, officers located only one male outside that yelled. That male was on probation and was arrested for violating the terms of his probation. 3 officers responded to this call.

**It's Our Clubhouse**, 738 S 3<sup>rd</sup> Ave., Event # 150052655/ Case # 15-3886, 5-10-15 at 02:16: Business called police to report a male "breaking bottles and going crazy." One male was located and arrested for disorderly conduct and a probation violation. 4 officers responded to this call. During course of arrest, suspect yelled very loudly and was told several times by officers to keep his voice down because of the residential neighborhood. Residents were seen outside of their house on the southwest corner of S. 3<sup>rd</sup> Avenue and West Street watching arrest.

**It's Our Clubhouse**, 738 S 3<sup>rd</sup> Ave., Event # 150057178, 5-21-15 at 16:46: An officer was requested at It's Our Clubhouse by a staff member who was receiving threatening text messages. A female threatened to come to the business to confront the reporting party and talk with her boss. Issue was resolved and no enforcement action was taken.

**It's Our Clubhouse**, 738 S 3<sup>rd</sup> Ave., Event # 150057828, 5-22-15 at 23:40: Officer was sent to It's Our Clubhouse to assist a citizen who had locked their keys in their vehicle. Officer unlocked the vehicle without incident.

**It's Our Clubhouse**, 738 S 3<sup>rd</sup> Ave., Event # 150057893, 5-23-15 at 02:32: 2 Officers were sent to It's Our Clubhouse for a report of an "after bar" occurring in the business after bar close time. When officers arrived there was nobody in the besides staff. 2 officers responded to this call.

**It's Our Clubhouse**, 738 S 3<sup>rd</sup> Ave., Event # 150058290/Case # 15-4322, 5-24-15 at 02:26: Officers responded to It's Our Clubhouse for a victim who called police to report that during an argument with an ex-boyfriend in the parking lot of the bar, he pulled a handgun and threatened to shoot her with it. While taking the report, the victim mentioned that the same suspect had also pulled a gun on someone in the bar the previous weekend, that was not reported to Police. A bouncer and a bartender also confirmed this past incident with the Officer. Owner claimed no knowledge of the previous incident, and was working with Officers to provide video footage of the more recent incident. A patron reported this previous incident

to the bouncer and the bouncer told that patron to mind her own business and leave the bar. The suspect was later arrested at a residence in Rothschild, with assistance from the Marathon County SWAT team.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 15008302, 5-24-15 at 02:59:** Officers took a road rage complaint that resulted in a person being arrested for OWI. The location of the traffic stop was at It's Our Clubhouse. **This incident wasn't related to the business.**

**738 S 3<sup>rd</sup> Ave #1/2., Event # 15008401, 5-24-15 at 12:29:** Officer was asked to respond to 738 S 3<sup>rd</sup> Ave #1/2 to perform a search of the residence with a K9. **This incident wasn't related to the business.**

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150063601/ Case #15-4720, 06-04-15 at 20:29:** An anonymous report was received that there was a male drinking in the bar that had a warrant for his arrest. Officers responded to the location and observed a male matching the description standing just outside the door to the tavern. The male fled on foot from the Officers but was apprehended the following day. 5 officers responded to this call.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event# 1500666666/ Case # 15-4948, 6-11-15 at 20:28:** An underage person purchased alcoholic beverage during an Alcohol Compliance check. Demerit points were assessed. Citation issued to a female bartender.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150066710/ Case # 15-4951, 6-11-15 at 22:33:** Employees called the Police after being physically assaulted as they were leaving the bar. The suspect was an ex-boyfriend of the employee. Suspect was reported to have struck victim in the head several times, pushed her against her vehicle and kicked her. Suspect still at large and was referred for Battery (Domestic), Intimidating a Witness and Disorderly Conduct.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150068013, 6-15-15 at 01:45:** Officers were sent to It's Our Clubhouse for a report of a suspicious male at the business. It was reported a male was at that location with a bloody fist. The male told patrons that he had just punched someone's teeth out. After officer investigation it was discovered the intoxicated male had punched a sign and not a person. Male was on probation and consuming alcohol, but officer was unable to reach probation and parole by phone so the male was released. 2 officers responded to this call.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150068876, 6-17-15 at 00:42:** Unknown caller reported physical fight between a male and a female. Dispatcher reported hearing the breaking of glass over the phone. Officers arrived and did not locate an active altercation, and the persons involved were reported to have gone back into the bar. A glass bottle was observed broken at the entrance. No witnesses reported seeing a fight, although one witness had a warrant and was arrested. Bar owner was to review video and call if anything observed. Nothing further reported. 6 officers responded to this call.

**It's Our Clubhouse, 738 S 3<sup>rd</sup> Ave., Event # 150068879/ Case # 15-5133, 6-17-15 at 00:55:** Officer made contact with a person at It's Our Clubhouse who had a warrant for their arrest. Person was arrested without incident.

**738 S 3<sup>rd</sup> Ave., Event # 150070908, 6-21-15 at 14:00:** Officer was sent to 738 S 3<sup>rd</sup> Ave #4 for a suspicious activity complaint. **This incident wasn't related to the business.**

**It's Our Clubhouse., Event # 150072911/ Case #15-5489, 06-25-15 at 19:50:** Bryan Morel called to report a patron having been accused by a woman that just walked into the bar and knocked a drink out of the patron's hand. It was later determined that the suspect was the mother of the patron's boyfriend, and had paid for the patron's bond in the recent past. The suspect thought the patron was on a "no-drink" and did not want to lose the money posted for her bond. The suspect was referred to the DA's Office for domestic disorderly conduct. 2 officers responded to this call.

**It's Our Clubhouse., Event # 150078447/ Case # 15-5881, 7-8-15 at 01:31:** Bartender called to report an incident with a gun in which she heard two shots fired outside of the tavern. Subsequent investigation indicated that two males were involved in shooting at each other, with several shots fired by each. The shooting took place just outside the door to the tavern, and ranged across the street and slightly down the block. An occupied vehicle passed between the two males as they were shooting at each other. No injuries were sustained. The two males were later identified and arrested. Both are facing several counts of Recklessly Endangering Safety. Demerit points assessed for Failure to Maintain an Orderly Premises, with an enhancer for severe offense (creates substantial risk of death or bodily harm/firearm involved). 10 officers responded to this call.

**It's Our Clubhouse., Event # 150079034, 7-9-15 at 12:07:** Officers responded to It's Our Clubhouse per the request of the business owner due to him feeling he was being harassed by members of the news media. Business owner became upset with officers and asked that they leave.

**It's Our Clubhouse., Event # 150082119/ Case # 15-6108, 07-16-15 at 01:46:** Bartender called to report a fight that had occurred. On arrival of officers, few people remained on scene and those that were either claimed they didn't see anything, or were not cooperative. On review of the surveillance, it was the officer's opinion that the bartender could have notified Police of the active altercation 1-2 minutes earlier than when she actually called. One male suffered injuries from being punched in the face while trying to break up the fight. Another male was located in the bar with blood on his face, hands, and arms. That male was uncooperative and claimed he fell and that's how he got his injuries. Bartender happened to be in the kitchen during this fight and didn't witness it. No arrests were made. 6 officers responded to this call.

## Call Summary

Its Our Clubhouse  
 738 S 3rd Ave  
 6/12/2014-7/20/2015

### Call types and number of Reponses

7P	Process Service	3
7W	Warrant Arrest	2
7WI	Warrant Self-Initiated	2
ATL	Attempt to Locate	1
BAR	Bar Check	8
BAT	Battery	2
C16	Domestic	2
C32	Gun Call	2
CDP	Criminal Damage to Property	1
CMI	Criminal Misc.	25
DOG	Dog Call	1
FGT	Fight	9
FIR	Fire Call	1
FIS	Field Interview Stop	
FUI	Follow UP Investigation	11
H91	911 Hang Up	3
IVL	Civil	2
JA	Juvenile Alcohol	
LAF	Lost & Found	
ME	Med Call	5
NOI	Noise Complaint	15
PP	Probation Check	
S43	Informational	1
SA	Suspicious Activity	10
SEX	Sexual Assault	
SIU	Special Investigation Info	2
SLO	Lock out	2
SMI	Service Misc.	11
SXP	Extra Patrol	8
THR	Hit & Run Crash	1
TM	Telephone Message	2
TMI	Traffic Misc.	1
TPD	Property Damage crash	1
TSI	Traffic Stop - self initiated	1
WC	Welfare Check	2

Call Summary Comparison

Comparison time frame is 1 year, 1 month, 8 days

Call types and number of Responses	Its Our Clubhouse 738 S 3rd Ave 6/12/2014-7/20/2015	Breakaway 1915 N 6th Street 3/13/2010-4/21/2011	IC Willys 110 E. Kent St 4/15/2009-5/23/2010	Rocs Place 810 S 3rd Ave 06/12/2014-7/20/2015	101 Pub 101 N 3rd Ave 06/12/2014-7/20/2015	Chatterbox 102 N 2nd Ave 06/12/2014-7/20/2015	The Glass Hat 06/12/2014-7/20/2015	VFW 388 River Drive 06/12/2014-7/20/2015
7P Process Service	3	2						
7W Warrant Arrest	2	2			1			1
7WI Warrant Self-Initiated	2				1			
ATL Attempt to Locate	1		1					
BAR Bar Check	8	20	3	8	5	7	5	6
BAT Battery	2	6		1	1			
C16 Domestic	2	2					1	
C32 Gun Call	2							
CDP Criminal Damage to Property	1	1	2				1	6
CNG Case Number Generated		1						
CMI Criminal Misc.	25	19	3	8	7	1	5	
DOG Dog Call	1	1			1		2	1
FGT Fight	9	17	8	3	1		5	2
FIR Fire Call	1				1		1	
FIS Field Interview Stop		2	1	2			7	1
FUI Follow UP Investigation	11	22	2		6		3	
H91 911 Hang Up	3	1			1	1	2	
IVL Civil	2				1			
JA Juvenile Alcohol		2	4				1	
LAF Lost & Found			1		1			1
ME Med Call	5	5		2	1	1	2	4
NOI Noise Complaint	15	4	9		1		1	
PP Probation Check		1	2					
S43 Informational	1				1			1
SA Suspicious Activity	10	1	3	4		1	3	1
SEX Sexual Assault		1						
SIU Special Investigation Info	2				1			
SLO Lock out	2		1				1	
SMI Service Misc.	11	12	12		1	1	1	
SXP Extra Patrol	8	2	1	4	1		2	1
THR Hit & Run Crash	1	2		1			1	
TM Telephone Message	2	1						
TMI Traffic Misc.	1	2	2					1
TPD Property Damage crash	1			1				
TSI Traffic Stop - self initiated	1	1	1	2			2	4
WC Welfare Check	2			1	1		1	1
T46 Disabled Vehicle				1				1
VAL Attempt to Locate Vehicle					4	1	1	
SV Stolen Vehicle					1			
PMI Parking Misc.							1	
RPO Repossessed Vehicle								1
CT Criminal Theft					1			
CRA Community Relations	137	130	56	38	39	14	50	35

## Call History for M & R Station (818 S 3<sup>rd</sup> Avenue)

Date of Report: 08/26/2015

### Preface

The property known as M & R Station (bar), located at 818 S 3<sup>rd</sup> Avenue, was purchased in March of 2015 and opened for business in May of 2015.

### Call History

Date	Type of Call	Summary	Enforcement Action
05/15/2015	Compliance Check	Routine bar compliance check.	None
06/01/2015	Medical Assist	A disoriented and intoxicated male was lying outside the business underneath a commercial tent near the business.	The male was court committed for alcohol and was released to the Health Care Center.
06/05/2015	Community Relations	Officers presented employees with flyers for an individual wanted by the Wausau Police Department.	N/A
06/11/2015	Compliance Check	Routine bar compliance check.	None
06/17/2015	Noise Compliant	Anonymous party observed 5 people arguing and pushing near "Central Wisconsin Tents," a business located south of M & R Station.	Individuals were gone upon officers' arrival.
06/25/2015	Suspicious Activity	A report of 3 to 4 people drinking alcohol outside near the back of the business.	No individuals were observed upon officers' arrival.
06/27/2015	Traffic Accident	Parking lot accident with minor damage.	None
07/04/2015	Fireworks Complaint	Fireworks going off in the vicinity of the business.	Officers were unable to locate the source of the fireworks.
07/16/2015	Compliance Check	Routine bar compliance check.	None
07/22/2015	Medical Emergency	Male claimed he was assaulted by a man with a knife. The incident did not occur at the business, but rather at a residence down the street.	N/A
07/25/2015	Warrant Service	Employee called to report that the wanted subject (see incident on 06/05/2015) was at the business.	A short traffic pursuit ensued with the possible suspect. He was not able to be apprehended at the

			time.
07/26/2015	Follow-up	Officer retrieved video of wanted subject.	N/A
07/29/2015	Follow-up	Re: Wanted subject	N/A
08/04/2015	Follow-up	Re: Wanted subject	N/A
08/05/2015	Warrant Service	Employee called to report that the wanted subject (see incident on 06/05/2015 & 07/25/2015) was at the business.	Subject was located and arrested on various charges.
08/09/2015	Criminal Miscellaneous	Employee called after being threatened by a patron who was drinking outside of the business.	The employee did not wish to see an officer at the time.
08/19/2015	Traffic Miscellaneous	A citizen complained the nearby train was blocking the roadway for an extended length of time.	N/A

Highlighted Events = Calls for service not generated by the business for crime or nuisance activity occurring on the actual premises.

BEFORE THE CITY OF WAUSAU  
STATE OF WISCONSIN    PUBLIC HEALTH & SAFETY COMMITTEE    MARATHON COUNTY

BENJAMIN GRAHAM,

Complainant,

vs.

SUMMONS

ITS OUR CLUBHOUSE LLC  
738 S. 3<sup>rd</sup> Avenue  
Wausau WI 54401,

Respondent.

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TO: ITS OUR CLUBHOUSE LLC  
738 S. 3<sup>rd</sup> Avenue  
Wausau WI 54401

THIS IS TO ADVISE you that a hearing will be held before the Public Health & Safety Committee of the City of Wausau on **Monday, August 31, 2015, at 5:15 p.m. in the Council Chambers of Wausau City Hall** located at 407 Grant Street, Wausau, WI 54403. At said hearing the Public Health & Safety Committee will consider whether or not your Class "B" Beer & Liquor License issued for the period of July 1, 2015, through June 30, 2016, for the operation of your business, located at 738 S. 3<sup>rd</sup> Avenue, Wausau, Wisconsin, should be revoked.

The hearing has been called because a Complaint has been filed by Benjamin Graham pursuant to Section 125.12 of the Wisconsin Statutes, alleging certain violations of Chapter 125 of the Wisconsin Statutes and municipal regulations adopted pursuant to Section 125.10 of the Wisconsin Statutes, in reference to the operation of the licensed premises mentioned above. A copy of the Complaint is attached to this Summons.

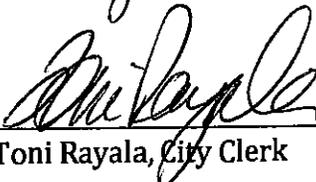
**YOU ARE HEREBY SUMMONED to appear at a hearing to be held before the Public Health & Safety Committee on the 31st day of August, 2015, at 5:15 p.m. in the Council Chambers of Wausau City Hall, located at 407 Grant Street, Wausau, WI 54403, and show cause why your license should not be revoked.**

YOU ARE FURTHER NOTIFIED that you may have an attorney represent you at your own expense. Both you and the Complainant have the right to testify and are then subject to cross examination. Both you and the Complainant have the right to subpoena witnesses to testify on your behalf who are subject to cross examination. If you desire to subpoena

witnesses subpoenas will be issued by the Mayor of the City of Wausau and can be secured from the office of the City Attorney. Evidence at the hearing will consist of sworn testimony and any relevant exhibits presented to the Public Health & Safety Committee. A written transcript of the hearing will be provided at your expense.

YOU ARE FURTHER NOTIFIED that failure to appear shall result in the allegations of the Complaint being taken as true and if the Public Health & Safety Committee finds them to be sufficient your license shall be revoked pursuant Section 125.12(2)(b)1. of the Wisconsin Statutes. If you appear and the Public Health & Safety Committee finds the Complaint to be true, your license may be revoked. If the Public Health & Safety Committee finds the complaint untrue, the proceedings will be dismissed without costs. Judicial review of the findings of the Public Health & Safety Committee is set forth in Section 125.12(2)(d) of the Wisconsin Statutes.

Dated at Wausau, Wisconsin, this 24th day of August, 2015.



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Toni Rayala, City Clerk

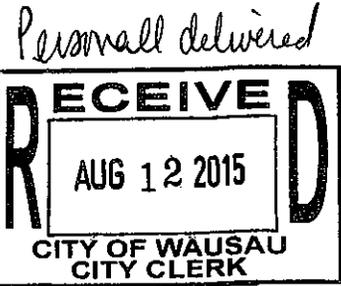
**BEFORE THE CITY OF WAUSAU**  
**STATE OF WISCONSIN PUBLIC HEALTH & SAFETY COMMITTEE MARATHON COUNTY**

**BENJAMIN GRAHAM,**

**Complainant,**

vs.

**COMPLAINT**



**ITS OUR CLUBHOUSE LLC**  
738 S. 3<sup>rd</sup> Avenue  
Wausau WI 54401,

**Respondent.**

NOW COMES Benjamin Graham, a police officer with the City of Wausau Police Department, and alleges as follows that:

1. The Complainant, Benjamin Graham, is an adult resident of the City of Wausau with a business address of 515 Grand Avenue, Wausau, Wisconsin, and at all times material to this action, he was and is a police officer employed by the City of Wausau Police Department.

2. The Complainant, Benjamin Graham, as a police officer with the City of Wausau Police Department, is familiar with the efforts of City police officers and local law enforcement agencies and their investigations into violations by taverns and other places where alcohol is sold within the City of Wausau, of alcohol beverage and other laws, and by employees and agents of such taverns and other places.

3. The Respondent herein, Its Our Clubhouse LLC ("Respondent"), is an alcohol beverage licensee according to documents filed with the City Clerk of the City of Wausau. To the best information and belief of Complainant, the Respondent is a Wisconsin limited liability company whose agent is Bryan J. Morel ("Morel") and whose members are Morel and Jolene S. Finger. The licensed premises operated by the Respondent is alternately known as "Its Our Clubhouse," "It's Our Clubhouse," and "Its Our Clubhouse and Yours" (collectively "Clubhouse") and is located at 738 S. 3<sup>rd</sup> Avenue, Wausau, Wisconsin.

4. On May 18, 2015, the Public Health & Safety Committee of the City of Wausau recommended the granting of a Class "B" Beer & Liquor License to Respondent for the period July 1, 2015, through June 30, 2016.

5. On June 10, 2015, the Common Council of the City of Wausau granted a Class "B" Beer & Liquor License ("License") to Respondent for the period of July 1, 2015, through June 30, 2016.

6. The Respondent has been operating under a Class "B" Beer & Liquor License continuously since June 12, 2014.

7. The Public Health & Safety Committee should recommend to the Common Council revocation of the Respondent's License on the grounds that the Respondent has violated chapter 125 of the Wisconsin Statutes as adopted by Section 5.64.010 of the Wausau Municipal Code, and municipal regulations adopted pursuant to Section 125.10 of the Wisconsin Statutes in that the Respondent keeps or maintains a disorderly or riotous, indecent or improper house under Wis. Stat. Section 125.12(2)(ag)2., such knowledge being based upon Complainant's best information and belief, review of City of Wausau Police Department records made at or near the time of the incidents reported therein in the course of regularly conducted law enforcement activity, based upon the personal knowledge of those law enforcement officers, and review of City of Wausau public records as follows:

- a. On October 14, 2014, the Common Council approved a resolution of the Public Health and Safety Committee and suspended the License of the Respondent for sixty (60) days finding the allegations contained in a Complaint filed against Respondent by Edward Gault, an adult resident of the City of Wausau, to be true that the Respondent kept or maintained a disorderly or riotous, indecent or improper house in violation of the provisions of Chapter 125 of the Wisconsin Statutes and Chapter 5.64 of the Wausau Municipal Code during the period of approximately June 12, 2014 through October 3, 2014.
- b. The Respondent resumed operation of its business on or about December 15, 2014, after serving the sixty (60) day suspension.
- c. Since resuming operation of its business on or about December 15, 2014, there have been an additional forty-four (44) calls for service by police to the Clubhouse. A copy of the call summary for the period December 15, 2014 to July 17, 2015, is attached to this Complaint as Exhibit 1.
- d. Since the opening of the Clubhouse, there have been a total of one hundred thirty five (135) calls for service by police to the Clubhouse. A copy of the call summary for the period June 12, 2014 to June 20, 2015 is attached to this Complaint as Exhibit 2.
- e. On July 8, 2015, at approximately 0132 hours City of Wausau police officers responded to the Clubhouse concerning reports of multiple gun fire exchanged between two male patrons of the bar, outside an entrance door to the Clubhouse and in the surrounding area of the Clubhouse. Based upon police investigations, it is alleged that multiple rounds of gun fire were exchanged between these two individuals endangering the lives of patrons in the bar, tenants located and sleeping within apartments located at 738 S. 3<sup>rd</sup> Avenue, passing vehicle traffic, and other citizens

residing in the nearby area. Two individuals were subsequently arrested and charged in Marathon County Circuit Court Case Nos. 2015CF613 and 2015CF614 with multiple counts of First Degree Recklessly Endangering Safety, a Class F Felony under Wis. Stat. s. 941.30(1) and Felon in Possession of a Firearm, a Class G Felony under Wis. Stat. s. 941.29(2)(a).

- f. During the week of July 12, 2015, the City of Wausau Police Department conducted a Neighborhood Quality of Life Canvas [sic] ("Survey") in the vicinity of South 3<sup>rd</sup> Avenue and West Street, the neighborhood surrounding the Clubhouse. Based upon the Survey of citizens residing at 20 separate properties, seventy five percent (75%) of residents identified the Clubhouse as a top issue causing a decline in their quality of life. Complaints by residents encompass: trespassing, littering, damage to property, theft, loud noise, fights, gun fire, speeding and loud vehicles, and drug dealing. A copy of the Survey is attached to this Complaint as Exhibit 3.

8. That under applicable State law, the license holder or corporate agent is held strictly liable for the actions of its employees and for the activities occurring on the licensed premises.

THEREFORE, your Complainant respectfully requests the Common Council of the City of Wausau, Marathon County, Wisconsin, to revoke said license of the Respondent, Its Our Clubhouse LLC, for said premises.

  
Benjamin Graham, Complainant



	A	B	C	D	E	F	G	H	I
1	Call summary for: 12/15/2014 to 07/17/2015								
2									
3	738 S 3RD AVE, IT'S OUR CLUBHOUSE								
4									
5									
6	Event	Date	Case	Complainant	Type	Unit	From	To	Resolution
7									
8	140148884	12/18/2014		Refused	Criminal Misc	3092	2215	2243	Probation violation - person left, bartender to call if returned
9	140149287	12/19/2014		Crime stoppers	Criminal Misc	3075	2309	0023	Absolute sobriety- person left - call if returned
10	140151632	12/26/2014		named	Vehicle lock out	3082	1749	1806	unable to unlock
11	140153247	12/30/2014		3891	Warrant Service	3933	1519	1529	
12	150004153	01/11/2015		named	Medical emergency	3121	0055	0118	Intoxication - was able to walk on own
13	150006076	01/15/2015		Owner	Civil complaint	3941	1812	2051	civil matter over money
14	150018471 LEO	02/15/2015	15-1237	Named	Battery	3141	0102	0227	female taken to jail - battery, battery to Emergency personnel, bail jump, dc & resisting
15	150028401	03/11/2015		Owner	Criminal Misc	3863	1612	1717	Wants officer to speak to customer regarding behavior
16	150028610	03/11/2015		no name	Criminal Misc	3154	2311	0029	party intoxicated left bar. Then males brought liquor in bar
17	150031194	03/18/2015		Named	Criminal Misc	3093	0205	0416	Threat against owner, no info on suspect, complainant hung up on officer
18	150031226	03/18/2015	15-2194	named	CDP	3941	0449	0513	Vehicle keyed
19	150032871	03/22/1988		no name	Criminal Misc	3093	0328	0354	Wanted person coming to Wausau 738 S 3rd Av
20	150034594	03/26/2015	15-2487	Refused	Suspicious Activity	3863	1404	1507	people arguing/released/then valid warrant came from dispatch/found and arrested at bar

# EXHIBIT 1

A	B	C	D	E	F	G	H	I
21 150034684	03/26/2015		Business name	Criminal Misc		1702	1711	Was calling about being short money, no long needs officer
22 150035295	03/28/2015		Refused	DOG	3075	0226	0252	dog left in car in bartenders spot - officer found no dog
23 150036779	03/31/2015		Refused	Suspicious Activity	3093	2249	2301	not enough information to investigate
24 150038469	04/05/2015		Refused	Noise Call	3121	0148	0219	did not locate noise issues
25 150040153	04/09/2015		Owner	Criminal Misc	3051	1538	1557	kicked out of bar due to urination - warned not to return
26 150040754 DC	04/11/2015	15-3044	bartender	Fight	3076	0040	0211	transported to jail; dc, resisting, obstructing, bail jump
27 150041147	04/11/2015	15-3086		Traffic Stop	3131	2348	0049	Probation hold
28 150041197	04/12/2015	15-3197	named	Follow up	3131	0147	0241	customers refused to pay
29 150046694	04/25/2015		Business name	Battery	3113	2116	2142	female slammed on bar, refused to press charges
30 155046813	04/26/2015		Refused	Fight	3075	0231	0243	several people got into cars & left when officers arrived
31 150049170	05/02/2015		Refused	Noise Call	3092	0100	0115	Music was not loud when door shut. Gets loud when doors open to exit to smoke
32 150049605	05/03/2015		Refused	Noise Call	3051	0111	0123	people outside bar, female kept hitting car alarm - bartender warned to keep under control
33 150051178	05/06/2015		no name	Suspicious Activity	3022	1607	1659	99 info is not right
34 150051314 PO HOLD	05/06/2015	15-3799	Refused	Fight	3941	2257	2344	only person left when officers arrived was one person - was on probation and put hold on him.
35 150052655	05/10/2015	15-3886	Business name	Criminal Misc	3143	0215	0250	man braking bottles and going crazy - warrant hold DOC
36 150057178	05/21/2015		Named	Criminal Misc	3924	1643	1654	Harassing Text messages - person apologized
37 150057828	05/22/2015		Named	Vehicle lock out	3131	2337	2350	Opened no issues

A	B	C	D	E	F	G	H	I
38 150057893	05/23/2015		Refused	Suspicious Activity	3152	0231	0247	Large after party in bar - no one in bar except 2 bartenders when officers arrived
39 150058290	05/24/2015	15-4322	Named	Thread w/weapon	3152	0228	0359	suspect pulled gun on RP - not located
40 150058302	05/24/2015	15-4323	no name	Traffic Misc	3152	0259	0556	Arrested OWI
41 150058401 K9 SEARCH	05/24/2015		Owner	Service Misc	3041	1158	1300	Wanted K9 to go thru apt.
42 150063601	06/04/2015	15-4720	Refused	Criminal Misc	3093	2026	2108	suspect on 'no drink' took off from officer-will be referred for obstructing
43 1500666666 CITED	06/11/2015	15-4948		Bar check	3131	2028	2057	Citation issued
44 150066710 SMPASST	06/11/2015	15-4951	named	Fight	3143	2233	0020	Suspect hitting outside - will be referred for misdemeanor battery
45 150068013	06/15/2015		Refused	Suspicious Activity	3093	0144	0222	bragging that he knocked someone's teeth out - blood on fists. Suspect cut hand when punching sign.
46 150068876	06/17/2015		Business name	Welfare Check	3141	0041	0120	Physical fight (family disturbance); no one on scene knew of a disturbance.
47 150068879 DOC99	06/17/2015	15-5133		Warrant Self In	3143	0055	0124	person located and arrested for probation warrant
48 150070908	06/21/2015		Owner	Suspicious Activity	3933	1400	1451	Renters keep tripping the breakers, renter has complained bout situation - breakers go off when oven & coffee pot are on
49 150072911	06/25/2015	15-5489	Owner	Criminal Misc	3151	1949	2006	someone assaulted customer & left. Suspect located and apologized, followed up with victim
50 150078447	07/08/2015	15-5881	no name	Thread w/weapon	3158	0132	0521	two suspects with guns - both arrested



# Call Summary

Its Our Clubhouse  
 738 S 3rd Ave  
 6/12/2014-7/20/2015

## Call types and number of Responses

7P	Process Service	3
7W	Warrant Arrest	2
7WI	Warrant Self-Initiated	2
ATL	Attempt to Locate	1
BAR	Bar Check	8
BAT	Battery	2
C16	Domestic	2
C32	Gun Call	2
CDP	Criminal Damage to Property	1
CMI	Criminal Misc.	25
DOG	Dog Call	1
FGT	Fight	9
FIR	Fire Call	1
FIS	Field Interview Stop	
FUI	Follow UP Investigation	11
H91	911 Hang Up	3
IVL	Civil	2
JA	Juvenile Alcohol	
LAF	Lost & Found	
ME	Med Call	4
NOI	Noise Complaint	14
PP	Probation Check	
S43	Informational	1
SA	Suspicious Activity	10
SEX	Sexual Assault	
SIU	Special Investigation Info	2
SLO	Lock out	2
SMI	Service Misc.	11
SXP	Extra Patrol	8
THR	Hit & Run Crash	1
TM	Telephone Message	2
TMI	Traffic Misc.	1
TPD	Property Damage crash	1
TSI	Traffic Stop - self initiated	1
WC	Welfare Check	2

## Call summary for: 06/12/2014 - 07/20/2015

Output for: PDSML1

Click on heading to change sort order.

Event IncName	Pri	Type	Group	Grid	Unit	From	To	Location
[6/16/14]								
#140069545	2	SA	PD	PSW2F1	3076	23:39	00:02	738 S 3RD AV, CWAUS
[6/19/14]								
#140070461 WW	3	NOI	PD	PSW2F1	3051	00:34	00:55	ALIBI BAR, CWAUS
[6/22/14]								
#140071835	1	ME	PD	PSW2F1	3912	03:16	03:33	ALIBI BAR, CWAUS
#140071836	1A	ME	WA	PSW2F1		03:16	03:39	ALIBI BAR, CWAUS
#140071837	1A	ME	WS	PSW2F1	88M1	03:16	03:45	ALIBI BAR, CWAUS
[6/26/14]								
#140073636 VW	3	NOI	PD	PSW2F1	3075	01:30	01:58	ALIBI BAR, CWAUS
[6/30/14]								
#140075480	1	CMI	PD	PSW2F1	3081	00:02	00:24	738 S 3RD AV, CWAUS
[7/04/14]								
#140077400	1	CMI	PD	PSW2F1	3092	02:36	03:46	ITS OUR CLUBHOUSE, CWAUS
[7/06/14]								
#140078285	1	CMI	PD	PSW2F1	3074	01:37	02:20	738 S 3RD AV, CWAUS
#140078291 SHUTDOORS	3	NOI	PD	PSW2F1	3074	02:03	02:28	ITS OUR CLUBHOUSE, CWAUS
[7/08/14]								
#140079107	3	ATL	PD	PSW2F1	3092	02:23	02:26	ITS OUR CLUBHOUSE, CWAUS
#140079471	6	BAR	PD	PSW2F1	3092	22:13	22:18	ITS OUR CLUBHOUSE, CWAUS
[7/13/14]								
#140081507	3	SMI	PD	PSW2F1	3092	02:45	03:01	ITS OUR CLUBHOUSE, CWAUS
[7/16/14]								
#140083097	6	SIU	PD	PSW2F1	3092	22:46	23:10	ITS OUR CLUBHOUSE, CWAUS
[7/18/14]								
#140084006	1	CMI	PD	PSW2F1	3142	23:18	00:59	ITS OUR CLUBHOUSE, CWAUS
[7/21/14]								
#140085242	6	BAR	PD	PSW2F1	3092	21:15	21:19	ITS OUR CLUBHOUSE, CWAUS
[7/26/14]								
#140087268 VWCLOSEDOORS	3	NOI	PD	PSW2F1	3092	00:33	00:55	ITS OUR CLUBHOUSE, CWAUS
[7/27/14]								
#140087829	1	H91	PD	PSW2F1		09:14	09:14	ITS OUR CLUBHOUSE, CWAUS
#140088075	2	SA	PD	PSW2F1	3092	23:51	23:56	ITS OUR CLUBHOUSE, CWAUS
[7/28/14]								
#140088086	1	CMI	PD	PSW2F1	3092	00:58	02:15	738 S 3RD AV, CWAUS

[7/30/14]									
#140088967	3	NOI	PD	PSW2F1	3075	02:09	02:17	ITS OUR CLUBHOUSE, CWAUS	
[7/31/14]									
#140089452	2	SA	PD	PSW2F1	3141	01:25	01:40	ITS OUR CLUBHOUSE, CWAUS	
[8/02/14]									
#140090363	1	H91	PD	PSW2F1	3113	00:22	00:39	ITS OUR CLUBHOUSE, CWAUS	
#140090403	3	NOI	PD	PSW2F1	3131	02:30	03:34	ITS OUR CLUBHOUSE, CWAUS	
[8/04/14]									
#140091749	1	CMI	PD	PSW2F1	3092	23:33	23:53	738 S 3RD AV, CWAUS	
[8/06/14]									
#140092189	3	SMI	PD	PSW2F1	3092	00:07	00:23	ITS OUR CLUBHOUSE, CWAUS	
#140092192	1	CMI	PD	PSW2F1	3092	00:23	00:42	ITS OUR CLUBHOUSE, CWAUS	
[8/07/14]									
#140092850	2	SA	PD	PSW2F1	3935	14:48	16:05	738 S 3RD AV, CWAUS	
[8/08/14]									
#140093482	6	BAR	PD	PSW2F1	3092	22:43	23:02	ITS OUR CLUBHOUSE, CWAUS	
[8/09/14]									
#140093530 DVDC	1	C16	PD	PSW2F1	3092	01:28	02:51	ITS OUR CLUBHOUSE, CWAUS	
#140093531	1	ME	PD	PSW2F1		01:28	01:31	ITS OUR CLUBHOUSE, CWAUS	
#140093532	1A	ME	WA	PSW2F1		01:28	01:31	ITS OUR CLUBHOUSE, CWAUS	
#140093533	1A	ME	WS	PSW2F1	88M1	01:28	01:50	ITS OUR CLUBHOUSE, CWAUS	
#140093547	1A	ME	WS	PSW2F1	88M1	02:31	03:14	ITS OUR CLUBHOUSE, CWAUS	
#140093549	1A	ME	WA	PSW2F1	88E1	02:34	02:45	738 S 3RD AV, CWAUS	
#140093552	6	FUI	PD	PSW2F1	3092	02:51	02:54	738 S 3RD AV, CWAUS	
[8/14/14]									
#140095999	2	SA	PD	PSW2F1	3092	20:54	21:08	ITS OUR CLUBHOUSE, CWAUS	
[8/16/14]									
#140096518 CITED	3	NOI	PD	PSW2F1	3143	01:19	02:28	ITS OUR CLUBHOUSE, CWAUS	
[8/19/14]									
#140098086	3	SMI	PD	PSW2F1	3092	22:11	22:46	ITS OUR CLUBHOUSE, CWAUS	
#140098094 INFO961	1	CMI	PD	PSW2F1	3092	22:46	22:53	ITS OUR CLUBHOUSE, CWAUS	
[8/21/14]									
#140099049	3	NOI	PD	PSW2F1	3143	22:17	22:36	ITS OUR CLUBHOUSE, CWAUS	
[8/23/14]									
#140099607 NOCHARGES	1	FGT	PD	PSW2F1	3092	02:24	03:15	ITS OUR CLUBHOUSE, CWAUS	
#140099949	1	CMI	PD	PSW2F1	3941	22:42	23:15	ITS OUR CLUBHOUSE, CWAUS	
#140099973	3	NOI	PD	PSW2F1	3092	23:57	00:08	ITS OUR CLUBHOUSE, CWAUS	
[8/24/14]									
#140099997 VERBAL	1	C16	PD	PSW2F1	3051	01:19	01:34	ITS OUR CLUBHOUSE, CWAUS	
[8/29/14]									

#140102178	6	SIU	PD	PSW2F1	999	00:32	00:37	ITS OUR CLUBHOUSE, CWAUS
#140102624	3	SXP	PD	PSW2F1	3143	22:36	23:45	ITS OUR CLUBHOUSE, CWAUS
[8/30/14]								
#140102659 CITEDDISTPEACH	3	NOI	PD	PSW2F1	3143	00:07	00:28	ITS OUR CLUBHOUSE, CWAUS
[9/02/14]								
#140104196	3	SMI	PD	PSW2F1	3131	18:20	19:40	ITS OUR CLUBHOUSE, CWAUS
[9/05/14]								
#140105601	6	FUI	PD	PSW2F1	3092	18:42	19:51	ITS OUR CLUBHOUSE, CWAUS
[9/06/14]								
#140105736	3	SMI	PD	PSW2F1	3051	00:32	01:01	ITS OUR CLUBHOUSE, CWAUS
#140105776	3	SMI	PD	PSW2F1	3092	02:31	02:39	ITS OUR CLUBHOUSE, CWAUS
[9/07/14]								
#140106188 UNF	3	NOI	PD	PSW2F1	3024	00:51	01:11	ITS OUR CLUBHOUSE, CWAUS
#140106216	3	SXP	PD	PSW2F1	3051	02:14	02:22	ITS OUR CLUBHOUSE, CWAUS
#140106489	3	SXP	PD	PSW2F1	3092	22:02	22:04	ITS OUR CLUBHOUSE, CWAUS
[9/14/14]								
#140109284	1	CMI	PD	PSW2F1	3131	02:31	02:36	ITS OUR CLUBHOUSE, CWAUS
#140109472 VERBALINLOT	1	FGT	PD	PSW2F1	3093	18:37	19:39	ITS OUR CLUBHOUSE, CWAUS
[9/22/14]								
#140113094 POSS961	1	CMI	PD	PSW2F1	3143	21:33	22:26	ITS OUR CLUBHOUSE, CWAUS
[9/25/14]								
#140114489	6	BAR	PD	PSW2F1	3092	20:32	20:40	ITS OUR CLUBHOUSE, CWAUS
[10/07/14]								
#140119397	6	7P	PD	PSW2F1	3141	18:25	18:33	ITS OUR CLUBHOUSE, CWAUS
[10/08/14]								
#140119675	1	CMI	PD	PSW2F1	3951	12:42	13:03	ITS OUR CLUBHOUSE, CWAUS
[10/09/14]								
#140120331 UNFD	1	FGT	PD	PSW2F1	3941	23:22	01:23	ITS OUR CLUBHOUSE, CWAUS
[10/10/14]								
#140120710	6	7P	PD	PSW2F1	3143	19:29	19:40	ITS OUR CLUBHOUSE, CWAUS
#140120721	6	TM	PD	PSW2F1	3143	19:43	20:09	ITS OUR CLUBHOUSE, CWAUS
[10/15/14]								
#140122611	6	7P	PD	PSW2F1	3041	16:18	17:29	738 S 3RD AV, CWAUS
[10/17/14]								
#140123462	3	IVL	PD	PSW2F1	3951	15:28	16:00	ITS OUR CLUBHOUSE, CWAUS
[10/20/14]								
#140124821	1	H91	PD	PSW2F1	3141	23:17	23:37	738 S 3RD AV #2, CWAUS
[12/16/14]								
#140148046	6	BAR	PD	PSW2F1	3141	21:11	21:27	ITS OUR CLUBHOUSE, CWAUS
[12/18/14]								

#140148884	1	CMI	PD	PSW2F1	3092	22:15	22:43	ITS OUR CLUBHOUSE, CWAUS
[12/19/14]								
#140149287	1	CMI	PD	PSW2F1	3075	23:09	00:23	738 S 3RD AV, CWAUS
[12/26/14]								
#140151632	3	SLO	PD	PSW2F1	3082	17:49	18:06	ITS OUR CLUBHOUSE, CWAUS
[12/30/14]								
#140153247	3	7W	PD	PSW2F1	3933	15:19	15:29	ITS OUR CLUBHOUSE, CWAUS
[1/11/15]								
#150004143	1	ME	PD	PSW2F1	3121	00:55	01:18	ITS OUR CLUBHOUSE, CWAUS
#150004144	1A	ME	WA	PSW2F1		00:55	01:13	ITS OUR CLUBHOUSE, CWAUS
#150004145	1A	ME	WS	PSW2F1	88M1	00:55	01:12	ITS OUR CLUBHOUSE, CWAUS
[1/15/15]								
#150006076	3	IVL	PD	PSW2F1	3941	18:12	20:51	ITS OUR CLUBHOUSE, CWAUS
[2/08/15]								
#150015919	6	FUI	PD	PSW2F1	3093	20:36	21:03	ITS OUR CLUBHOUSE, CWAUS
[2/11/15]								
#150017048	6	FUI	PD	PSW2F1	3076	18:48	18:53	ITS OUR CLUBHOUSE, CWAUS
[2/15/15]								
#150018471 LEO	1	BAT	PD	PSW2F1	3141	01:02	02:27	ITS OUR CLUBHOUSE, CWAUS
#150018689	6	FUI	PD	PSW2F1	3141	19:17	19:48	ITS OUR CLUBHOUSE, CWAUS
[3/11/15]								
#150028401	1	CMI	PD	PSW2F1	3863	16:12	17:17	738 S 3RD AV, CWAUS
#150028610	1	CMI	PD	PSW2F1	3154	23:11	00:29	ITS OUR CLUBHOUSE, CWAUS
[3/18/15]								
#150031194	1	CMI	PD	PSW2F1	3093	02:05	04:16	738 S 3RD AV, CWAUS
#150031224	3	THR	PD	PSW2F1	3941	04:12	04:55	ITS OUR CLUBHOUSE, CWAUS
#150031226	1	CDP	PD	PSW2F1	3941	04:49	05:13	ITS OUR CLUBHOUSE, CWAUS
[3/20/15]								
#150032280	<del>1</del>	<del>GNP</del>	<del>PD</del>	<del>PSW2F1</del>		<del>19:34</del>	<del>19:34</del>	<del>738 S 3RD AV #380WTJ, CWAUS</del>
[3/22/15]								
#150032871	1	CMI	PD	PSW2F1	3093	03:28	03:54	738 S 3RD AV #4, CWAUS
[3/26/15]								
#150034684	1	CMI	PD	PSW2F1		17:02	17:11	ITS OUR CLUBHOUSE, CWAUS
[3/28/15]								
#150035295	3	DOG	PD	PSW2F1	3075	02:26	02:52	ITS OUR CLUBHOUSE, CWAUS
[3/31/15]								
#150036779	2	SA	PD	PSW2F1	3093	22:49	23:01	ITS OUR CLUBHOUSE, CWAUS
[4/05/15]								
#150038469	3	NOI	PD	PSW2F1	3121	01:48	02:19	ITS OUR CLUBHOUSE, CWAUS
[4/09/15]								
#150040153	1	CMI	PD	PSW2F1	3051	15:38	15:57	ITS OUR CLUBHOUSE, CWAUS
[4/11/15]								
#150040754	1	FGT	PD	PSW2F1	3076	00:40	02:11	ITS OUR CLUBHOUSE, CWAUS

DC									
#150040755	1	FGT	PD	PSW2F1		00:41	00:42	ITS OUR CLUBHOUSE, CWAUS	
#150040778	3	S43	PD	PSW2F1		03:29	03:29	ITS OUR CLUBHOUSE, CWAUS	
#150041147	1	TSI	PD	PSW2F1	3131	23:48	00:49	ITS OUR CLUBHOUSE, CWAUS	
[4/12/15]									
#150041197	6	FUI	PD	PSW2F1	3131	01:47	02:41	ITS OUR CLUBHOUSE, CWAUS	
#150041401	6	FUI	PD	PSW2F1	3075	16:38	18:02	738 S 3RD AV #1, CWAUS	
[4/18/15]									
#150043583	3	SXP	PD	PSW2F1	3093	00:59	01:27	ITS OUR CLUBHOUSE, CWAUS	
#150043599	3	SXP	PD	PSW2F1	3093	02:14	02:28	ITS OUR CLUBHOUSE, CWAUS	
[4/25/15]									
#150046694	1	BAT	PD	PSW2F1	3113	21:16	21:42	ITS OUR CLUBHOUSE, CWAUS	
[4/26/15]									
#150046813	1	FGT	PD	PSW2F1	3075	02:31	02:43	ITS OUR CLUBHOUSE, CWAUS	
[5/02/15]									
#150049170	3	NOI	PD	PSW2F1	3092	01:00	01:15	ITS OUR CLUBHOUSE, CWAUS	
[5/03/15]									
#150049605	3	NOI	PD	PSW2F1	3051	01:11	01:23	ITS OUR CLUBHOUSE, CWAUS	
[5/06/15]									
#150050925	6	BAR	PD	PSW2F1	3053	02:14	02:40	ITS OUR CLUBHOUSE, CWAUS	
#150051178	2	SA	PD	PSW2F1	3022	16:07	16:59	738 S 3RD AV #1, CWAUS	
#150051314 POHOLD	1	FGT	PD	PSW2F1	3941	22:57	23:44	ITS OUR CLUBHOUSE, CWAUS	
[5/10/15]									
#150052655 POHOLD	1	CMI	PD	PSW2F1	3143	02:15	02:50	ITS OUR CLUBHOUSE, CWAUS	
[5/17/15]									
#150055347	2	TPD	PD	PSW2F1	3093	00:09	00:36	738 S 3RD AV #3, CWAUS	
[5/21/15]									
#150057178	1	CMI	PD	PSW2F1	3924	16:43	16:54	ITS OUR CLUBHOUSE, CWAUS	
[5/22/15]									
#150057828	3	SLO	PD	PSW2F1	3131	23:37	23:50	ITS OUR CLUBHOUSE, CWAUS	
[5/23/15]									
#150057893	2	SA	PD	PSW2F1	3152	02:31	02:47	ITS OUR CLUBHOUSE, CWAUS	
[5/24/15]									
#150058290	1	C32	PD	PSW2F1	3152	02:28	03:59	ITS OUR CLUBHOUSE, CWAUS	
#150058302	3	TMI	PD	PSW2F1	3152	02:59	05:56	ITS OUR CLUBHOUSE, CWAUS	
#150058401 K9SEARCH	3	SMI	PD	PSW2F1	3041	11:58	13:00	738 S 3RD AV #1/2, CWAUS	
#150058538	6	FUI	PD	PSW2F1	3053	20:39	20:49	ITS OUR CLUBHOUSE, CWAUS	
[5/26/15]									
#150059074	4	WC	PD	PSW2F1	550	08:50	09:23	738 S 3RD AV #4, CWAUS	
[5/29/15]									
#150060652	3	SMI	PD	PSW2F1	3586	18:09	18:15	738 S 3RD AV, CWAUS	

NSPI									
[6/02/15]									
#150062435 NSPI	3	SMI	PD	PSW2F1	3589	14:27	15:21	738 S 3RD AV, CWAUS	
[6/04/15]									
#150063506	3	7W	PD	PSW2F1	3047	17:10	18:00	ITS OUR CLUBHOUSE, CWAUS	
#150063601	1	CMI	PD	PSW2F1	3093	20:26	21:08	ITS OUR CLUBHOUSE, CWAUS	
[6/08/15]									
#150065403	6	BAR	PD	PSW2F1	3093	22:20	22:28	ITS OUR CLUBHOUSE, CWAUS	
[6/11/15]									
#150066666 CITED	6	BAR	PD	PSW2F1	3131	20:28	20:57	ITS OUR CLUBHOUSE, CWAUS	
#150066710 SMPLASST	1	FGT	PD	PSW2F1	3143	22:33	00:20	ITS OUR CLUBHOUSE, CWAUS	
[6/13/15]									
#150067246	3	SXP	PD	PSW2F1	3093	02:23	03:09	ITS OUR CLUBHOUSE, CWAUS	
[6/14/15]									
#150067646	3	SXP	PD	PSW2F1	3093	02:48	03:51	ITS OUR CLUBHOUSE, CWAUS	
[6/15/15]									
#150068013	2	SA	PD	PSW2F1	3093	01:44	02:22	ITS OUR CLUBHOUSE, CWAUS	
[6/17/15]									
#150068876	4	WC	PD	PSW2F1	3141	00:41	01:20	ITS OUR CLUBHOUSE, CWAUS	
#150068879 DOC99	6	7WI	PD	PSW2F1	3143	00:55	01:24	ITS OUR CLUBHOUSE, CWAUS	
[6/18/15]									
#150069347	3	SXP	PD	PSW2F1	3093	02:30	02:34	ITS OUR CLUBHOUSE, CWAUS	
#150069825	6	FUI	PD	PSW2F1	3093	23:27	23:29	ITS OUR CLUBHOUSE, CWAUS	
[6/19/15]									
#150070301	6	7WI	PD	PSW2F1	3053	23:14	23:28	ITS OUR CLUBHOUSE, CWAUS	
[6/21/15]									
#150070908	2	SA	PD	PSW2F1	3933	14:00	14:51	738 S 3RD AV #4, CWAUS	
[6/25/15]									
#150072911	1	CMI	PD	PSW2F1	3151	19:49	20:06	ITS OUR CLUBHOUSE, CWAUS	
[6/30/15]									
#150075193	6	TM	PD	PSW2F1	3074	22:48	23:18	ITS OUR CLUBHOUSE, CWAUS	
[7/08/15]									
#150078447	1	C32	PD	PSW2F1	3158	01:32	05:21	ITS OUR CLUBHOUSE, CWAUS	
#150078449	1	C32	PD	PSW2F1		01:39	01:39	ITS OUR CLUBHOUSE, CWAUS	
#150078468	3	SMI	PD	PSW2F1		04:16	04:19	ITS OUR CLUBHOUSE, CWAUS	
#150078818	6	FUI	PD	PSW2F1	3024	20:00	22:50	ITS OUR CLUBHOUSE, CWAUS	
[7/09/15]									
#150078903	3	SMI	PD	PSW2F1	3154	01:31	01:45	ITS OUR CLUBHOUSE, CWAUS	
#150079034	1	CMI	PD	PSW2F1	3041	12:06	17:45	738 S 3RD AV, CWAUS	
#150079193	1	FIR	PD	PSW2F1		17:10	17:40	ITS OUR CLUBHOUSE, CWAUS	

#150079194	1A	FIR	WA	PSW2F1	88E2	17:10	17:43	ITS OUR CLUBHOUSE, CWAUS
[7/16/15]								
#150082119	1	FGT	PD	PSW2F1	3093	01:47	03:02	ITS OUR CLUBHOUSE, CWAUS
#150082121	1A	ME	WS	PSW2F1	88M3	01:48	02:30	ITS OUR CLUBHOUSE, CWAUS
#150082454	6	FUI	PD	PSW2F1	3093	18:52	18:54	ITS OUR CLUBHOUSE, CWAUS
[7/18/15]								
#150083475	1	FGT	PD	PSW2F1	3131	22:40	22:52	ITS OUR CLUBHOUSE, CWAUS

# Neighborhood Quality of Life Canvas

July 2015

S 3<sup>rd</sup> Avenue/West Street (City of Wausau)

## BACKGROUND

In an effort to identify underlying conditions that precipitate quality of life concerns, the Wausau Police Department conducted a neighborhood quality of life canvas in the vicinity of S 3<sup>rd</sup> Avenue and West Street during the week of July 12, 2015 (see map below). Officers made contact with citizens residing at 20 separate properties. The following questions were asked of residents in the neighborhood:

1. On a scale from 1 to 10 (1 being "terrible" and 10 being "excellent") how would you rate the quality of life in your immediate neighborhood?
2. What are the top 3 issues affecting your quality of life?
3. How have these issues specifically affected you?
4. What impact, whether positive or negative, has tavern activity had upon you personally and the neighborhood generally?
5. What are some solutions to deal with the top issues that would enhance your quality of life?

## SURVEY AREA



## SYNOPSIS

The average quality of life rating for the immediate neighborhood was 5.7 out of 10.

75 percent of residents identified It's Our Clubhouse as a top issue causing a decline in their quality of life. Additional issues identified by residents included noise generated by 3M trucks, blighted properties, speeding vehicles, and partying. Of the issues, It's Our Clubhouse was identified by residents as an underlying condition precipitating a majority of crime and quality of life concerns. Specifically, residents identified the following undesirable behaviors in connection with the bar:

- Trespassing
- Littering
- Damage to Property
- Theft
- Loud Noise
- Fights
- Gun Fire
- Speeding/Loud Vehicles
- Drug Dealing

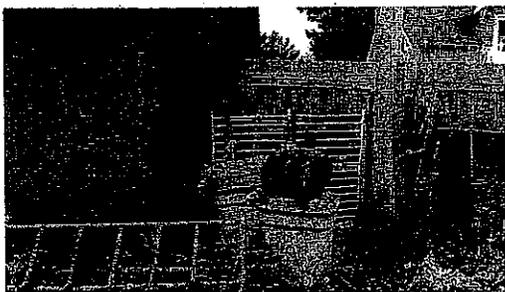
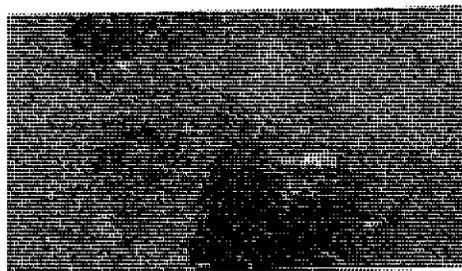
The following is a summary of comments made by residents in connection with It's Our Clubhouse:

- A resident allegedly had property stolen and a fence damaged by patrons cutting through her yard.
- A resident reported frequent drug dealing involving patrons; described the owner as "arrogant"; and claimed there were less issues with the previous bar at that location. The resident observed the bar owner flicking off camera crews as they provided news coverage for the recent shooting.
- A resident claimed the noise generated from It's Our Clubhouse was greater than the two bars closest to him combined.
- A resident claimed patrons are "rowdy," "noisy," and are known to leave glass bottles and other trash in his yard.
- A resident claimed trespassing patrons have trampled her flowers and repeatedly leave bottles, plastic cups, condom wrappers, et cetera in her yard. This resident of 10 years and her family are seeking to move because of the issues associated with the bar. Her landlord also contacted police upset that she is losing a quality tenant because of issues associated with the bar (e.g. fights in the yard; garbage in the yard; et cetera). Photos supplied by her tenant were included at the end of this report.
- A resident claimed of intoxicated patrons leaving the bar and making excessive amounts of noise, especially during nighttime hours.
- A resident stated it is common to be awoken at night as a result of issues at the bar. The bar allegedly attracts "bad people." This resident is seeking to move.
- A resident complained of patrons trespassing, damaging her fence, leaving trash and empty beer cans on her property, loud noise, intoxicated patrons, and a lot of cars parked on the street.
- A resident complained of patrons generating excessive noise, taking short cuts through her yard, and cars racing up and down the street.

- A resident stated the bar has had a very negative impact on the entire neighborhood. She feels unsafe, is embarrassed to have family over because of the crime, and will likely sell her home if It's Our Clubhouse remains open.
- A resident reported repeated trespassing by bar patrons through her yard, described the bar's patrons as "trashy," and alleged the bar owner is not a respectful neighbor. She noticed a considerable difference in quality of life when the bar was closed for several months and wondered why it was allowed to remain open after the recent shooting.
- A resident believed most issues causing a decline in his quality of life were the result of the bar. The resident claimed there weren't nearly as many problems when the bar was "The Alibi" and claimed the owner of It's Our Clubhouse does not appear to want to cooperate.
- A resident complained of patrons dealing drugs, patrons fighting in his front yard, and intoxicated patrons leaving the bar. These issues have prompted a desire to move.
- A resident complaint of patrons jumping over his fence, patrons dealing drugs, and patrons leaving garbage in his yard. The owner of the bar also told this resident, "I'll put you in the news...in the obituary!" after the bar owner observed this resident speaking with the media.
- A resident claimed her flowers had been trampled by trespassing patrons and claimed the overall quality of life has gone downhill since the new bar owner came in.
- A resident who travels on West Street on a daily basis complained that it could very well have been her as depicted in the video driving through while gunfire was being exchanged. Activity like that ruins the reputation of a neighborhood and has caused her to fear for her safety.

Of the 75 percent of residents who identified It's Our Clubhouse as an underlying problem, most recommended a closing of the establishment. In their opinion, a closing of the bar would in turn remedy many of the issues that precipitate from the bar, its owner, and its patrons.

## PICTURES



<b>RESOLUTION OF THE HUMAN RESOURCES COMMITTEE</b>	
Recommending that the Position of City Administrator Not be Established at this time	
Committee Action:	Approved 4-0
Fiscal Impact:	None
<b>File Number:</b>	14-0814
<b>Date Introduced:</b>	September 8, 2015

<b>FISCAL IMPACT SUMMARY</b>			
<b>COSTS</b>	<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>
<b>SOURCE</b>	<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> <span style="float: right;"><i>Annual Retirement</i></span>
	<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 Human Resources Committee considered the matter of whether to recommend the establishment of a new full-time equivalent (FTE) City Administrator position, and

**WHEREAS**, the Human Resources Committee held a public meeting to obtain citizen feedback on August 13, 2015, and

**WHEREAS**, the Human Resources Committee unanimously decided not to recommend establishment of a City Administrator position at this time, and

**NOW THEREFORE BE IT RESOLVED** by the Common Council of the City of Wausau that the FTE for a City Administrator not be established as recommended by the Human Resources Committee at their meeting on September 2, 2015.

Approved:

\_\_\_\_\_  
James E. Tipple, Mayor

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

DATE/TIME: September 2, 2015 at 4:30 p.m.  
LOCATION: City Hall (407 Grant Street) – Board Room  
MEMBERS PRESENT: R. Wagner (C), G. Gisselman, W. Nagle, D. Oberbeck  
MEMBERS ABSENT: L. Rasmussen  
Also Present: R. Mielke, M. Hite, A. Jacobson, E. Krohn

**Discussion of Public Feedback and the Results of the Advisory Referendum Regarding Hiring a City Administrator.**

Wagner pointed out that the comments were summarized from the public meeting and sent out with the agenda. He also stated disappointment in the low turnout, stating that as a result nothing was shared that the Committee was not already aware of. Wagner also complimented Oberbeck on the presentation he made at the recent Finance Committee meeting, stating it was a wonderful example of what the Common Council should be able to expect from a City Administrator. That it would be the responsibility of the Administrator to ensure the Council was informed on revenue and expenditures.

**Discussion and Possible Action on Potential City Administrator Position.**

Wagner began by praising the Human Resources staff on the excellent job they did on preparing research related to a potential City Administrator position. He stated that the end result is the Committee has been provided with a good set of responsibilities and tasks illustrative of a City Administrator.

He also referred to the recent e-mail he sent stating his belief that the climate is not right at this time to support the establishment of a City Administrator position. He stated his recommendation is that the Human Resources Committee make do nothing at this time, instead that everyone focus on matters immediately at hand which includes the Mall, the Budget and addressing the deficit along with the Citywide property Revaluations. He stated his belief that everyone needs to work together to join forces on these important issues at this time. He also suggested that instead of recommending action to Common Council at this time, that the establishment of a City Administrator position should be a campaign issue to stimulate public understanding through debate of the issue. If this route is elected, then the matter would be deferred to the Common Council 2 years into the future.

Oberbeck suggested in the interim it would be important to hold staff accountable to ensure the right information is brought forth to the Common Council. As an example, he stated there are issues emerging with the budget now that should have been made known earlier. He stated a frustration with having to ask for information instead of staff being proactive in bringing it forward. He reminded the Committee this should be the expectation and responsibility of whomever is in charge, whether the current Mayor or in the future a City Administrator.

Wagner redirected the conversation to the public input, stating that citizen feedback tells them that this is the system the people want. He also stated his direction that the Mayor needs to work with staff to bring forward a proposal for a balanced budget instead of placing the Common Council in a position where Council has to pick and choose line items.

Oberbeck moved to recommend to the Common Council not to establish a City Administrator position at this time. Gisselman seconded. Motion passed unanimously.

**Adjourn.**

Meeting adjourned by Wagner.

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Romey Wagner  
Human Resources Committee, Chair

**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.

Committee Action: Approved 5-0

Fiscal Impact: None.

**File Number:** 15-0907

**Date Introduced:** September 8, 2015

**WHEREAS**, on August 18, 2015, the Plan Commission held a public hearing to consider a request from Sherry Rogers Tierney for a conditional use at 2505 Stewart Avenue to allow for a car rental agency; and

**WHEREAS**, the proposed use would occupy a vacant commercial building that has recently housed different restaurants; and

**WHEREAS**, the rental car company, slated to be a national franchise, would contain a relatively small number of vehicles – approximately 20 vehicles and 5 trucks; and

**WHEREAS**, the majority of vehicles would be parked behind the building, away from Stewart Avenue; and

**WHEREAS**, the site should have enough capacity for customer and employee parking, in addition to rental cars; and

**WHEREAS**, the company would occupy an existing building that is adequately served with public facilities; and

**WHEREAS**, the proposed use should not impact the neighboring properties or public’s general welfare; now therefore

**BE IT RESOLVED** that the Common Council of the City of Wausau hereby approves a conditional use at 2505 Stewart Avenue to allow for a car rental agency, as presented.

Approved:

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James E. Tipple, Mayor

## PLAN COMMISSION

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Time and Date: The Plan Commission met on Tuesday, August 18, 2015, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Tipple, Lindman, Gisselman, Atwell, Oberbeck (arrived at 5:05 p.m.)

Others Present: Lenz, DeSantis, Schwantes, Tierney, Johnson, Ruffi, Buch, Rasmussen, Scheel, Frickenstein, Hummer

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

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

### **PUBLIC HEARING: Discussion and possible action on approving a conditional use at 2505 Stewart Avenue to allow for a car rental agency in a IB, Interchange Business District. (Tierney)**

Sherry Rogers Tierney, Mid-Western Wheels, franchise of Avis Budget Rent-a-car, said that they are located at Central Wisconsin Airport and are looking to add a location at 2505 Stewart Avenue. There will be both car and truck rentals. The cars will be daily-use and have a number of large accounts in the downtown area that they will be serving. This will also be a truck dealer to stage a few budget trucks that could be used for business use or for moving purposes. Tierney said they also offer one-way service out of Wausau. The location at the Central Wisconsin Airport has been operating for 15 years. The conditional use would be for the car rental.

Dan Johnson, 1602 Skyline Lane, said the facility would bring 10 jobs to the community and is very impressive. This location has had 4 restaurants recently that could not make it.

Mayor Tipple closed the public hearing. Mayor Tipple read an email from Randy Bailey, Trek Bicycle Store. In the email, Bailey questioned which entrances would be used, how safety of cyclists would be addressed, how many cars would be located on the property and how they would be parked, and asked a question about the easement on the two properties.

Lenz said in the zoning code, a car rental agency is listed as a potential allowable use. This is a relatively small operation and should provide enough space to park the cars, along with employees and customers. Lenz showed an aerial photo and said that with no barrier between the properties, people may float back and forth between the properties. Lenz said it appears that the vehicles will be parked in such a way that the correct entrance would be used.

Tierney said the east driveway would be used exclusively and curb stops could be installed. Once the area is marked with parking stripes, the flow of traffic can be easily taken care of. Tierney said that the bicyclist safety is a high concern and they do not want any issues.

Lenz said that according to the application, there will be 20 cars and 5 trucks and asked what type of trucks these would be. Tierney said they would be 10 and 12 foot box trucks. There could be a 24 foot box truck, but that would be very rare. Cargo vans may also be used.

Johnson said that there are two easements. A ten foot no build easement starts at the curb and went with Trek Bicycle Store. There is a twenty foot strip near the back of the part of the strip that cannot be built on. There was a cross easement years ago that went away when Burger King was demolished.

Gisselman asked how the car washing will be done. Tierney said that they are looking at building a small garage to the south side of the building. The cars would be pulled into the garage in the winter and the majority of cleaning is done by hand, unless they take it off-site to a car wash. Lenz said that would be an accessory to the use and would be within the conditional use.

Oberbeck motioned to approve a conditional use at 2505 Stewart Avenue to allow for a car rental agency

in an IB, Interchange Business District. Atwell seconded, and the motion carried unanimously 5-0. This item will go to Common Council on September 8, 2015.



## **STAFF REPORT**

TO: City of Wausau Plan Commission  
FROM: Brad Lenz, City Planner  
DATE: August 12, 2015

### **GENERAL INFORMATION**

**APPLICANT:** Sherry Rogers Tierney, Midwestern Wheels, Inc.  
**LOCATION:** 2505 Stewart Avenue  
**EXISTING ZONING:** IB, Interchange Business District  
**REQUESTED ZONING:** Conditional Use  
**PURPOSE:** To allow for a car and truck rental agency. In the IB District, car rental agencies may be allowed by conditional use.  
**EXISTING LAND USE:** Vacant commercial building  
**SIZE OF PARCEL:** Approximately 0.5 acres with adjacent parcel

### **SURROUNDING ZONING AND LAND USE:**

North: B2, Community Service District; Restaurant  
South: B2; Vacant commercial site and highway right-of-way  
East: Highway right-of-way  
West: IB; Retail store

See attached Zoning Map

## ANALYSIS

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 use would occupy a vacant commercial building that has recently housed different restaurants. The site is located along a major commercial corridor in the city, and adjacent to the freeway. The rental car company, slated to be a national franchise, would contain a relatively small number of vehicles – approximately 20 vehicles and 5 trucks. The majority of vehicles would be parked behind the building, away from Stewart Avenue. The site should have ample capacity for customer and employee parking, in addition to the rental cars. Being that it would occupy an existing building, the site is adequately served with public facilities. A similar business operates along Sherman Street in the same zoning district, seemingly without impacts to neighboring properties or the public's general welfare. Staff recommends approval of the conditional use as proposed.

## Melissa Engen

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**From:** Brad Lenz  
**Sent:** Monday, August 17, 2015 2:06 PM  
**To:** Melissa Engen  
**Subject:** FW: 2505 Stewart Ave. Public Hearing comments

Melissa,  
Please bring copies of the below email to plan commission.  
Thanks,  
Brad

-----Original Message-----

**From:** [randy@stadiumbike.com](mailto:randy@stadiumbike.com) [<mailto:randy@stadiumbike.com>]  
**Sent:** Monday, August 17, 2015 2:04 PM  
**To:** Brad Lenz  
**Cc:** Jim Tipple  
**Subject:** 2505 Stewart Ave. Public Hearing comments

Mayor Tipple,  
I spoke with Brad Lenz today regarding the public hearing for 2505 Stewart Ave. I am the owner of the Trek Bicycle Store at 2601 Stewart Ave. under the ownership of Waterford Development. I will not be able to attend the meeting.

I do not fully oppose the idea of a rental car business as a neighbor but would like to address some concerns I have.

1. Our East side Entrance to Stewart Ave. This appears to be a shared entrance with the 2505 property, but it is our property and the 2505 property should use the single entrance on the east side of their building.
2. Safety of our customers is the main concern I have. We have cyclists test riding on our property (doing laps around our building) and the studio in our space has clients outside the building exercising. I want to ensure the added business does not hamper the ability of our customers to try a bike on our property or our tenant's customers from feeling comfortable being outside of the building.
3. How many cars will be on the space and how will the cars be parked. Will a fence or concrete curb sections need to be installed on the 2505 property to help make this project work better?
4. Easement- When I purchased the 2601 Stewart Ave. property in 2007 it was purchased with an easement between 2505 Stewart and 2601 Stewart. The reason for the easement was based on the close proximity of the 2505 structure to the 2601 property line. The west side of the 2505 building is only a couple feet off of our property line. The easement is a large section of the back of the 2505 property where no structures can be built.

If this needs to be produced I can get a copy.

If you have any questions please let me know.

Thank you,  
Randy Bailey

> Randy,

>

> You had asked for the mayor's email address. It is below:

>

> [Jim.Tipple@ci.wausau.wi.us](mailto:Jim.Tipple@ci.wausau.wi.us)<mailto:Jim.Tipple@ci.wausau.wi.us>

>

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> . . . .

> Brad Lenz, AICP

> City Planner

> City of Wausau

> 407 Grant Street

> Wausau, WI 54403

> Email: [brad.lenz@ci.wausau.wi.us](mailto:brad.lenz@ci.wausau.wi.us)<mailto:brad.lenz@ci.wausau.wi.us>

> Phone: 715-261-6753

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> Statement of Confidentiality

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> solely for the use of the individual or entity to whom they are addressed.

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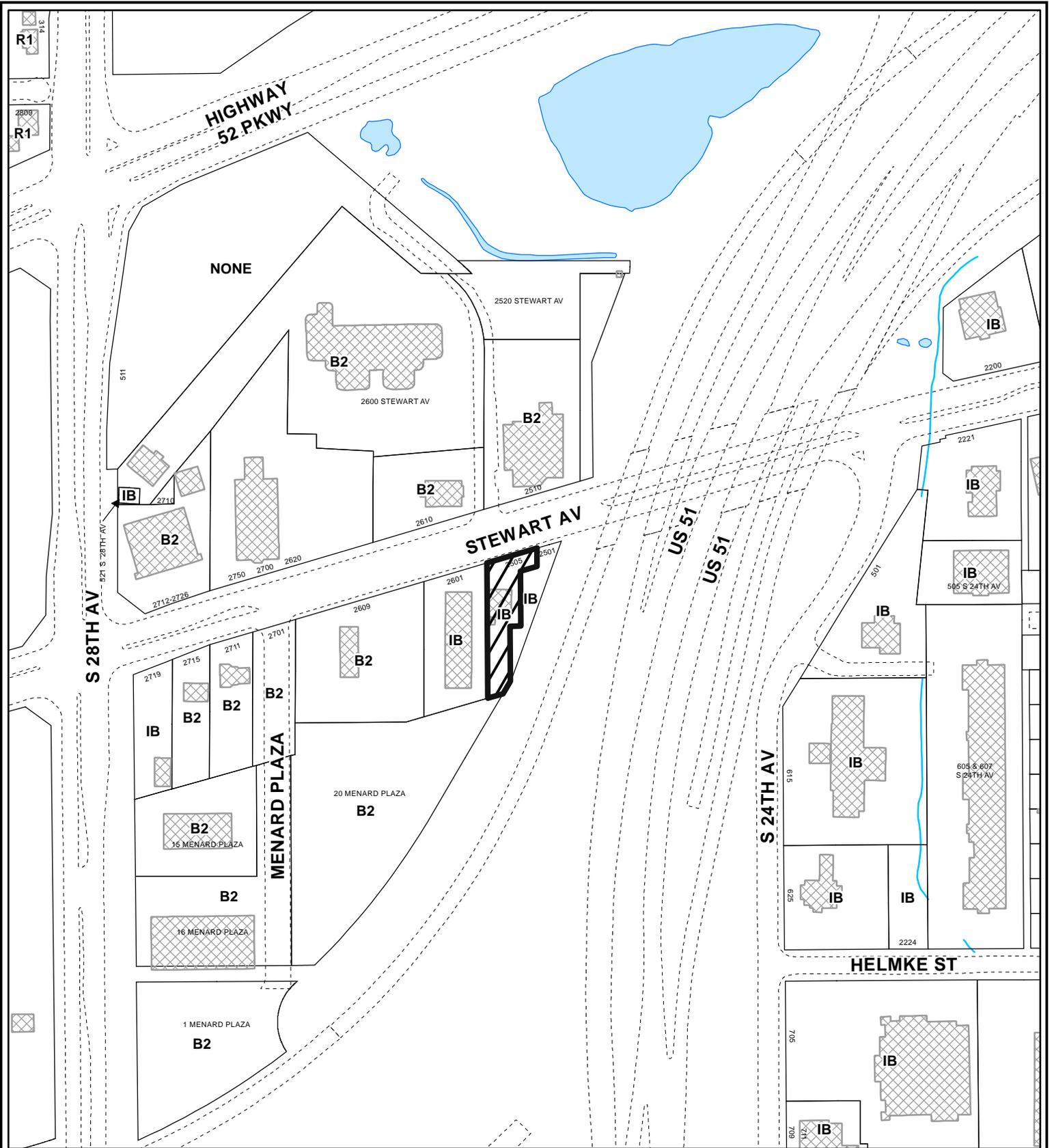
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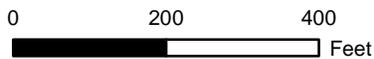
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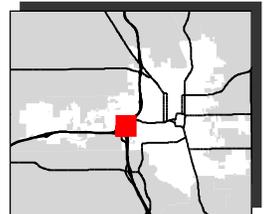
Map Date: August 3, 2015

**City of Wausau**  
Marathon County Wisconsin



-  Area of Interest
-  Building

Map Location



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

**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

Committee Action: Pending

Fiscal Impact: \$17,500 payment to Plaintiff, Heather Detjens

**File Number:** 15-0913

**Date Introduced:** September 8, 2015

**FISCAL IMPACT SUMMARY**

<b>COSTS</b>	<i>Budget Neutral</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: \$17,500</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
<b>SOURCE</b>	<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> <span style="float: right;"><i>Annual Retirement</i></span>
	<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**, a Notice of Injury was filed by Warshafsky, Rotter, Tarnoff & Bloch, S.C. on behalf of Heather Detjens with the city on September 28, 2010, regarding a dog bite; and

**WHEREAS**, a Claim for Damages dated May 16, 2013 was filed with the city; however no action was taken on this claim; and

**WHEREAS**, a Summons and Complaint was filed in Marathon County Circuit Court, Case No. 13CV401, on May 17, 2013 and a subsequent amended Summons and Complaint naming the City of Wausau was filed on September 16, 2013; and

**WHEREAS**, on August 11, 2015, the Common Council discussed, in closed session, a possible settlement offer; and

**WHEREAS**, on September 8, 2015, the Finance Committee recommended approval of the proposed Pierringer Release and Settlement of Claims and also a budget modification in the amount of \$17,500.

**NOW, THEREFORE, BE IT RESOLVED** the Common Council of the City of Wausau does hereby approve the settlement through the Pierringer Release and Settlement of Claims and authorizes the payment of such settlement.

**BE IT FURTHER RESOLVED** by the Common Council of the City of Wausau that the proper City officials be and are hereby authorized and directed to modify and increase the 2015 budget as follows:

171-155095195 Insurance Deductible Payments – General Liability \$17,500

**BE IT FURTHER RESOLVED** this budget modification be published in the official newspaper as required.

Approved:

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James E. Tipple, Mayor



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Office of the City Attorney

TEL: (715) 261-6590

FAX: (715) 261-6808

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Anne L. Jacobson  
City Attorney

Tara G. Alfonso  
Assistant City Attorney

## Memorandum

**From:** Anne L. Jacobson, City Attorney  
**To:** Finance Committee  
**Date:** September 1, 2015  
**Re:** Staff Analysis of Settlement Agreement  
Heather Detjens v. Lorrie Jehn et al (City of Wausau), Case No. 13CV401)

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Attached please find the Pierringer Release and Settlement of Claims reflecting the negotiated settlement of the dog bite case for Heather Detjens v. Lorrie Jehn et al (City of Wausau). The Plaintiff releases the City as a party from the suit so that the Plaintiff may continue to prosecute her case against the dog's owner, for her strict liability for the actions of her dog.



parties herein, their agents, servants, employees, administrators, representatives, successors and assigns, from any amount they will, or may be required to pay upon any judgment obtained against them by any joint tortfeasor or any other party for contribution or indemnification, and in anyway arising out of the damages of the undersigned resulting from the above-described incident, and the undersigned does further agree to satisfy any such judgment against the settling parties and does further agree in the event an action is pending, to authorize my attorney to execute a stipulation to dismiss on the merits and without costs to any of settling parties any actions brought against them or that may be brought against them growing out of the aforesaid incident.

The undersigned hereby agree to satisfy on behalf of the settling parties any amount of any judgment to which they may be found to be entitled against any other tortfeasor arising from the above-described incident, up to the extent of the fraction of their causes of action herein before defined and released hereunder.

It is further understood and agreed that this release expressly reserves all rights of the parties released herein to pursue their legal remedies, rights, claims and causes of action arising out of the above-described incident or occurrence.

The undersigned, Heather DeJens, further warrants and represents that there are no other persons, firms, corporations, government entities, insurance companies, hospitals, secondary tort victims or other third persons or parties who have rights against the parties released herein based upon subrogation, derivation, assignment or otherwise, resulting from or arising out of the above-described incident or occurrence.

The undersigned, Heather DeJens, or herself or her heirs, successors, representatives and assigns, hereby agree to indemnify and hold harmless all persons released hereunder, and their attorneys, of and from all loss, damages and expense (including all costs of defense and attorneys fees) as a result of any claim based upon subrogation, derivation, assignment or otherwise, resulting from or arising out of the above-described incident or occurrence.

I further state that I have carefully read the foregoing release and know the contents thereof, and that I sign the same of my own free act and deed. I further state that this release shall also be binding upon my heirs, successors, administrators and assigns.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28 day of August 2015.

Heather DeJens

Donna Adkins witness

HE-7

