

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, September 22, 2015, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

09/22/2015 7:00:33 PM

Roll Call indicated 11 members present.

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

Proclamation:

Mayor Tipple proclaimed **September 29, 2015, Wausau Day Without Violence** in the City of Wausau and called upon the citizens to observe this day with appropriate programs and activities.

Presentations:

1) Wausau Police Department Recruitment Video - Lt. Todd Baeten

Lt. Baeten stated this last year he participated in a Certified Public Manager Program, a component of which was for each student to complete a project for their respective organizations. He decided to work with some other department members to develop a tool for recruitment and retention in the form of a recruitment video. He commented he has noticed throughout the years that the number of applicants for the position of police officer has decreased. It is a time consuming and costly investment to hire and train these prospective officers. He wanted to develop a video that would accurately tell the story of the Police Department and why officers do what they do. Video can be viewed online:

<http://www.ci.wausau.wi.us/Departments/CityCouncil/MinutesAgendas/CouncilMeetingVideo.aspx>

2) Boys & Girls Club-City of Wausau Partnership Update - Stezenski-Williams

Brian Stezenski-Williams stated one strong aspect of the partnership of the club and the city has been with the Police Department beginning with Chief Bill Brandimore. Lt. Todd Baeten presented to the Council what he has been working on with the Boys & Girls Club. Presentation can be viewed online:

<http://www.ci.wausau.wi.us/Departments/CityCouncil/MinutesAgendas/CouncilMeetingVideo.aspx>

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

- 1) Beverly Folgert, 909 Greenhill Dr, spoke in favor of the Lamar billboards located at the corner of Bridge and 3rd Streets. She urged the Council to continue Lamar's lease agreement.
- 2) Rich Reinart, 9237 Heritage Dr, Marshfield, and Bill Mitchell, 8287 Falcon Rd, Marshfield, spoke on behalf of Lamar Advertising. Reinart stated he proposed an addendum to the lease that would allow the city to cancel with a 60 day notice in case it were developed or sold. Mitchell stated they believed it was a no-risk opportunity for the City of Wausau; it was good for their company, the city and the taxpayers.
- 3) Karen Hocking, 2616 Nightingale Ln, Rib Mountain, indicated she was representing the Bridge Street Investment Group. She stated they brought in a UDD development which was 100% followed and bought an additional property for employee parking, increasing the tax base a lot. She pointed out they did not ask the city for any money and the project took out a lot of blight in that area.
- 4) Joe Gehin, 3400 Springdale Ave, spoke on behalf of Wausau Mine Company and Bridge Street Investments development agreements. He pointed out Bridge Street Investments took no assistance from the city in terms of dollars or in-kind service and bought three remnant parcels left over from the Bridge Street construction. When we reconstructed Stewart Avenue we could have spent in excess of \$400,000 to relocate Wausau Mine Company and the only city investment was the in-kind service to take down the old building and house behind it. He urged the Council to pass the resolution as satisfactory completing the intent of the signed Development Agreements.

Communications & Committee Reports

- 1) Mayor Tipple read the Press Release regarding the City of Wausau receiving GFOA's Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada. This has been presented to Maryanne Groat, CPA, Finance Director.
- 2) Nutting stated it was a great pleasure to work alongside business owners and residents of the near west side this Saturday for neighborhood cleanup. He noted a new business will be opening on October 5th at the corner of 2nd and Clark that will feature every imaginable kind of cheese.
- 3) Nagle stated the issue of mass transit is one of the most important issues to be addressed by Council and surrounding cities and townships. He encouraged the city representatives on the County Board to do everything they possibly can to obtain funding from the county to do a true metropolitan transit system. He commented now that there is talk of a wheel tax, what better use for it than to support a metropolitan bus system.
- 4) Mielke thanked Maryanne Groat for presenting to the neighborhood groups regarding the new garbage & recycling process. Tipple noted there will be a Q & A in the newsletter regarding this as well.
- 5) Winters stated they are starting a new Riverview Neighborhood Association, Thursday, September 24th, at 6:30 pm., at Good Shepherd Lutheran Church.

Consent agenda

09/22/2015 7:39:32 PM

Motion by Neal, second by Abitz to adopt all times on the Consent Agenda as follows:

15-0801 Minutes of previous meeting(s) (08/11/2015)

15-0915 Initial Resolution of the Capital Improvements and Street Maintenance Committee setting a public hearing vacating and discontinuing a portion of alley bounded by Prospect Avenue, Genrich Street, Dunbar Street and Single Avenue.

15-0916 Initial Resolution of the Capital Improvements and Street Maintenance Committee setting a public hearing vacating and discontinuing a portion of 80th Avenue.

15-0916 Initial Resolution of the Capital Improvements and Street Maintenance Committee approving agreement for the Management and Maintenance of a Stormwater facility (Kocourek Holdings - North 20th Avenue).

06-0508 Resolution of the Plan Commission amending the precise implementation plan for 302 Spruce Street to allow for a building expansion in an existing Unified Development District.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0903

09/22/2015 7:40:07 PM

Motion by Gisselman, second by Nagle to approve the Mayor's appointment to the Citizens Advisory Committee – CDBG.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0105

09/22/2015 7:43:22 PM

Motion by Rasmussen, second by Neal to adopt a Resolution of the Capital Improvements and Street Maintenance Committee postponing the street construction project of 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac.

Yes Votes: 11 No Votes: 0 Result: PASS

06-0909

09/22/2015 7:50:37 PM

Motion by Neal, second by Nutting to adopt a Resolution of the Capital Improvements and Street Maintenance Committee approving lease extension with Lamar for the signs located at Bridge Street and 3rd Street.

Rasmussen explained the CISM Committee voted this way because this particular billboard removal was stipulated in a prior legal settlement. The sunset date was established as part of that legal settlement and it was contemplated that no extensions were to be given and both sides were aware of this. Jacobson pointed out the date within the stipulation coincides with the natural expiration of the lease on December 31, 2015.

Neal did find any compelling reason why we would not seek an extension of this lease. He felt that Lamar and the city as the two chief parties in the litigation could come back to the table and negotiate anything they want to. This would bring in revenue and Lamar has agreed to vacate if we need to take action with that property. It is a highly visible commercial corner at a stop light.

Yes Votes: 8 No Votes: 3 Abstain: 0 Not Voting: 0 Result: PASS

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

02-1005 Amendment 1

09/22/2015 8:02:37 PM

Motion by Rasmussen, second to Mielke to amend the Resolution CISM Committee approving the preliminary plans and cross section for the Thomas Street Project from 4th Avenue to 17th Avenue by striking the 5th Whereas clause, "WHEREAS, although full acquisition is not required for Parcels 17, 18, 19, 20 and 71 to construct the road as designed, the Capital Improvements and Street Maintenance Committee has requested these parcels be forwarded to the Economic Development Committee for consideration of full acquisition for possible redevelopment;"

Nagle stated there is some ambiguity in this resolution, specifically the 4th and 5th Whereas paragraphs, that seem to imply there is going to be some required acquisition before a plat map has been approved or appraisals done. He felt it would be premature to decide what is a total taking or a partial taking and what the damages are until this is done.

Rasmussen pointed out this resolution only approves the cross section that dovetails with the GRAEF design and moves the project forward, it is not about buying five extra homes or approving individual deals. Until this step is completed they cannot finalize the plat or move the project any further. Nagle did not feel the parcels should be put into the resolution.

Abitz clarified the reason we shifted it five feet to the south was because if we went north we would have to obtain quite a few additional homes as well as the other five parcels noted in paragraph 5 and that is why the 4th Whereas couldn't be removed.

Vote on amendment:

Yes Votes: 11 No Votes: 0 Result: PASS

02-1005 Amendment 2

09/22/2015 8:04:42 PM

Motion by Nagle, second by Winters to amend the Resolution CISM Committee approving the preliminary plans and cross section for the Thomas Street Project from 4th Avenue to 17th Avenue: to remove the 4th Whereas: "WHEREAS shifting the road five feet to the south impacts the properties delineated as parcels...."

Nagle stated these determinations will be made later and do not need to be in the resolution. Rasmussen disagreed stating the final plat will come back before the Council and this paragraph can remain.

Yes Votes: 5 No Votes: 6 Abstain: 0 Not Voting: 0 Result: FAIL

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

Motion by Nutting, second by Mielke to adopt a Resolution of the Capital Improvements and Street Maintenance Committee approving the preliminary plans and cross section for the Thomas Street Project from 4th Avenue to 17th Avenue, as amended on council floor.

Yes Votes: 9 No Votes: 2 Abstain: 0 Not Voting: 0 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	NO
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

15-0809

Motion by Wagner, second by Nutting to adopt a Joint Ordinance of the Capital Improvements and Street Maintenance Committee and the Plan Commission annexing territory from the Town of Stettin to the City of Wausau (Travis Bruch - 4212 Hilltop Avenue)

Yes Votes: 11 No Votes: 0 Result: PASS

15-0918

Motion by Rasmussen, second by Wagner to adopt a Resolution of the Economic Development Committee approving City to sell approximately 2.75 acres to be surveyed at approximately 625 S. 84th Avenue (PIN#291-2906-362-0953) to Landmark Leasing (Urban Construction) for \$27,500 to construct a new 20,000 sq. ft. building and associated parking for a business expansion in the Wausau Business Campus.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0919

Motion by Wagner, second by Mielke to adopt a Resolution of the Economic Development Committee approving sale of approximately 7 acres at 402 N. 72nd Avenue (PIN# 291-2906-251-0977) to be surveyed for \$42,000 and grant a 3 year option on an additional 8.53 acres at 7750 International Drive (PIN# 291-2906-251-0978) for \$100 annually to Stettin Investor's Group (SIG) to facilitate additional parking and future expansion options at the existing facility leased to Eastbay/Footlocker.com in the Wausau Business Campus.

Yes Votes: 11 No Votes: 0 Result: PASS

14-1109

Motion by Neal, second by Mielke to adopt a Resolution of the Finance Committee authorizing 2015 Budget Modification.

Yes Votes: 11 No Votes: 0 Result: PASS

Suspend the Rule

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

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES

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

15- 0920

09/22/2015 8:40:28 PM

Discussion regarding Bridge Street Investment & Wausau Mine Company Development Agreements. The two will be voted on separately; Mielke indicated he will abstain from voting on Wausau Mine Company due to a conflict of interest.

Rasmussen stated both of these developments have improved the area they sit in and neither were city financed projects. She believed the intent of the agreements was met on both agreements. Oberbeck felt an agreement is an agreement which they all signed and they should amend it if they want to change it, not just forgive it. Lengthy discussion followed.

Call the question

Motion by Abitz, second by Neal to call the question. (Requires 2/3 vote)

Yes Votes: 7 No Votes: 4 Abstain: 0 Not Voting: 0 Result: FAIL

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

Abitz exited the meeting. Discussion continued.

15-0920

09/22/2015 8:42:29 PM

Motion by Neal, second by Nutting to adopt a Joint Resolution of the Economic and Finance Committees accepting the response from Wausau Mine Company/Dan Wage as satisfactory completing the intent of the signed Development Agreement.

Yes Votes: 6 No Votes: 3 Abstain: 1 Not Voting: 1 Result: PASS

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

15-0920

09/22/2015 8:42:57 PM

Motion by Neal, second by Nutting to adopt a Joint Resolution of the Economic and Finance Committees accepting the response from Bridge Street Investment Group/Karen Hocking as satisfactory completing the intent of the signed Development Agreements.

Yes Votes: 6 No Votes: 4 Abstain: 0 Not Voting: 1 Result: PASS

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

15-0105 To Table

09/22/2015 8:51:29 PM

Motion by Winters, second by Neal to table the Resolution of CISM levying Special Assessments for 2015 Street Reconstruction Projects - 730 East Crocker Street, until next council meeting on October 13, 2015.

Winters stated he requested a legal opinion but only just received it and it is 16 pages long. He felt it should be tabled for two more weeks until he had a chance to read the opinion. Jacobson apologized for the lateness of the opinion due to medical leave and Board of Review. She explained what was in the legal opinion and stated she was satisfied that the assessment was calculated correctly and was fair and reasonable. She indicated she was asked tonight what could be done to help the owner or what appeal rights the owner might have, which was not asked in the original request, however, she was willing to look into it.

Vote to table:

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

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

14-1109

09/22/2015 8:52:11 PM

Motion by Nutting, second by Mielke to adopt a Resolution of the Finance Committee authorizing a 2015 Budget Modification to Fund the Purchase of up to 5 used buses for a total not to exceed \$22,000.00.

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

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

None.

CLOSED SESSION

09/22/2015 8:53:16 PM

Motion by Rasmussen, second by Neal to move into CLOSED SESSION pursuant to Section 19.85(1)(g) of the Wisconsin Statutes conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, regarding litigation strategy to be adopted in Marathon County Case No. 15CV375 Brent Zoicher vs. City of Wausau.

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

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

2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	NV
11	Mielke, Robert	YES

Meeting adjourned in Closed Session.

James E. Tipple, Mayor
Toni Rayala, City Clerk