

\*\*\* All present are expected to conduct themselves in accordance with our City's Core Values \*\*\*



## 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, October 13, 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:

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
15-0901		Minutes of previous meetings (9/08/15 & 9/22/15)	
15-1004	CISM	Resolution Establishing Assessment Rates for 2016 New Street Construction Projects	Approved 5-0
03-1116	CISM	Resolution Accepting Easement for the construction of a parking lot at 1801 - 1901 Westwood Center Boulevard	Approved 4-0
15-1005	CISM & PLAN	Resolution accepting dedication of right-of-way for the extension of 1st Street	Approved 5-0 Approved 4-0
15-1009	FIN	Resolution Adopting a Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Obligations and Continuing Disclosure	Approved 5-0
12-1009	P&T	Ordinance Removing one parking stall and replacing it with no parking on the south side of Washington Street from 51 feet of its intersection with N. 5th Street	Approved 5-0
15-0108	PH&S	Resolution Approving or Denying Various Licenses as Indicated	Approved 4-0

File #	CMT	Resolutions and Ordinances	ACT
15-1003		Confirmation of Mayor's Appointments	
15-1007	PH&S	Resolution Supporting the efforts of Wausau Fire Department in becoming an accredited agency	Approved 4-0
15-1008	P&T	Ordinance Designating a 15 mile per hour speed limit school zone on W. Wausau Avenue from N. 10th Avenue to Stevens Drive and Stevens Drive from W. Wausau Avenue to Golden Meadow Street	Approved 4-1
15-1006	PLAN	Ordinance Rezoning 1741, 1749 & 1757 North 3rd Avenue from M1, Limited Industrial District, to B1, Neighborhood Shopping District.	Approved 4-0
		Suspend the Rule 1(D) Transmission of Committee Business to Council - (2/3 Vote required) for items with pending committee action.	
01-0904	ED	Resolution Conveying an approximately 0.19 acre strip of City-owned property located north of International Drive, east of the detention pond and south of Eastbay's existing building to Stettin Investor's Group (SIG) to facilitate additional access and parking options at the existing facility leased to Eastbay/Footlocker.com in the Wausau Business Campus as part of the sale originally approved.	Pending

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

Signed by James E. Tipple, Mayor

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 10/07/15 @ 12:30 pm.. Questions regarding this agenda may be directed to the City Clerk.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids & services. For information or to request this service, contact the City Clerk at (715) 261-6620.



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## OFFICIAL NOTICE AND AGENDA

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 Date/Time: **Tuesday, October 13, 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**

### ADDENDUM

File #	CMT	Resolutions and Ordinances	ACT
01-0904	ED	Resolution setting the sale price of the previously approved 3 year option on an additional 8.53 acres at 7750 International Drive (PIN: 291-2906-251-0978) 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.	Pending
Adjournment			

Signed by James E. Tipple, Mayor

This Revised Agenda was posted at City Hall and faxed to the Daily Herald newsroom on 10/09/2015 @ 9:15 AM.  
 Questions regarding this agenda may be directed to the City Clerk.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids & services. For information or to request this service, contact the City Clerk at (715) 261-6620.

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

**Roll Call**

09/08/2015 7:00:48 PM

Roll Call indicated 11 members present.

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

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

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

**Communications and Committee Reports**

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

**Consent Agenda**

09/08/2015 7:16:21 PM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes Votes: 11      No Votes: 0      Result: PASS

**15-0105 Amendment**

09/08/2015 7:20:25 PM

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

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

Yes Votes: 11      No Votes: 0      Result: PASS

**15-0105**

09/08/2015 7:21:23 PM

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

Yes Votes: 11      No Votes: 0      Result: PASS

**15-0912**

09/08/2015 7:24:06 PM

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

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

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

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

**15-0911**

09/08/2015 7:38:26 PM

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

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

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

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

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

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

*Vote on main motion:*

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

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

**14-0814**

09/08/2015 7:42:45 PM

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

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

Yes Votes: 11      No Votes: 0      Result: PASS

**15-0907**

09/08/2015 7:43:29 PM

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

Yes Votes: 11      No Votes: 0      Result: PASS

**Suspend the Rule**

09/08/2015 7:44:07 PM

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

Yes Votes: 11      No Votes: 0      Result: PASS

**15-0913**

09/08/2015 7:44:48 PM

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

approving 2015 budget modification for same.

Yes Votes: 11      No Votes: 0      Result: PASS

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

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

**Adjourn**

09/08/2015 7:52:21 PM

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

Yes Votes: 11      No Votes: 0      Result: PASS

James E. Tipple, Mayor  
Toni Rayala, City Clerk

**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 3<sup>rd</sup> 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 5<sup>th</sup> at the corner of 2<sup>nd</sup> 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 24<sup>th</sup>, 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 2<sup>nd</sup> Avenue from Stewart Avenue to Elm Street and Clark Street from 2<sup>nd</sup> 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 3<sup>rd</sup> 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 4<sup>th</sup> Avenue to 17<sup>th</sup> Avenue by striking the 5<sup>th</sup> 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 4<sup>th</sup> and 5<sup>th</sup> 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 4<sup>th</sup> 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 4<sup>th</sup> Avenue to 17<sup>th</sup> Avenue: to remove the 4<sup>th</sup> 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 4<sup>th</sup> Avenue to 17<sup>th</sup> 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



## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

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Date of Meeting: September 10, 2015, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Lindman, Jacobson, Groat, 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.

### **Establish assessment rates for 2016 construction projects**

---

Wesolowski stated that rates for special assessments are reviewed every year. The policy has been to assess 60% of the actual costs for new streets and 60% of that charge for street reconstruction. This year the rate is set at \$38 per foot for street improvements and \$22.80 per foot for street reconstruction. This was a \$2 per foot increase from 2014. For 2016 it is recommend increasing the rate to \$42 per foot as staff is expecting an increase in costs and would like to recoup some costs for engineering testing services. This would still be around 60% of the actual costs. In the past street reconstruction projects were charged 60% of the street improvement rate. Staff would like to recommend having the same rate for both street improvement and street reconstruction projects. The Municipal Code does indicate a reduced rate be given if a street does not last the design life of 35 years. Wesolowski recommends holding the rates for streets receiving Community Development Block Grant funding at \$15 per foot and the sewer lateral replacement rate at \$500. Rasmussen asked if the rate would be \$42 per foot for all projects. Wesolowski confirmed unless the street has not reached its design life. He noted that communities throughout the state charge differently. Some communities charge 100% and some do not charge any. Also, some communities try to recoup a large percentage of their engineering costs. Rasmussen asked if staff foresees a massive amount of pushback from increasing the rate and asked if it would be more palatable to phase in an increase over multiple years. Groat stated that there is a wide variety of what communities are doing but the majority of communities that assess are recovering their internal engineering costs, not necessarily dollar for dollar but assuming an 8% to 11% cost for engineering. There are not only the engineering services of developing and designing the street but also the engineering techs inspecting the projects. Right now those costs are not being recovered by special assessment. The capital budget is under more and more pressure each year and an 8% increase could bring nearly \$40,000 in additional revenue, which would help in the long term and put us consistent with other communities. Rasmussen questioned if most residents choose the 5 year payment plan. Groat explained that a few years ago the City was charging a 9% interest rate, but now is charging 1% over the borrowing rate (approximately 3% to 4%). This is beneficial to the homeowner and more realistic to borrowing costs, but did reduce revenues. It was Rasmussen's thought that if there was too large of an increase it would force more people to take the payment plan. Groat believes a lot of people are taking the five year plan because the interest rate is affordable whereas when it was 9% people would go to a home equity or another loan. Wesolowski stated when it comes to public hearings there is always pushback. He noted that in the past separate public hearings needed to be held because of the two separate assessment rates. Rasmussen has also noticed that residents dispute where they are going to park, where garbage is going to get picked up, whether or not trees will be cut down, and sidewalk installation, but not necessarily the rate. She does not have a problem with increasing the rate as it does seem like we have been eating a lot of cost. The only time money is recovered for engineering services is if liquidated damages are assessed. Abitz believes it is fair but was contacted by a resident on Flieth Street since that street did not receive Community Development Block Grant funds. She has noticed that a lot of residents are getting their driveway fixed during construction projects so it is done at one time.

The resident on Flieth was concerned how he was going to pay for it as he believed the cost was \$10,000. However, his costs are actually between \$2,000 and \$3,000.

Gisselman moved to approve setting the special assessment rate at \$42 per foot, street eligible for Community Development Block Grant funding at \$15 per foot and the sewer lateral replacement rate at \$500. Mielke seconded and the motion passed unanimously 5-0.

**AGENDA ITEM**

Establish assessment rates for 2016 construction projects

**BACKGROUND**

Each year we review the assessment rate for street improvement projects (new curb, gutter and pavement construction). Historically, City policy has been to assess 60% of the project costs to the abutting property owners. There are many variables that come into play, including the configuration of the lots along the street and the competition for the project among contractors. In general terms, construction costs remained relatively steady from 2014 to 2015. The assessment rate for street improvement in 2015 was set at \$38 per assessable foot, this was a \$2 increase from 2014.

The street reconstruction assessment rate has been set at 60% of the new construction rate. This year that rate was \$22.80 per foot.

The assessment rate for streets eligible for Community Development Block Grant Funds (CDBG) was set at \$15 per foot in 2015.

Sewer lateral replacement during street projects was set at \$500 in 2015.

**FISCAL IMPACT**

The money collected from special assessments goes to the general fund. The amount collected each year is dependent on the streets which are included in the final budget and are approved for construction after public hearings. Assessments over \$300 but less than \$20,000 can be paid over a five-year period. Assessments over \$20,000 can be paid over a ten-year period.

**STAFF RECOMMENDATION**

Staff would recommend considering increasing the rate per assessable foot for Street Improvements to \$42 per assessable foot. The increase would account for likely increase in construction costs in 2106 and costs associated with engineering testing services. Staff also recommends revisiting the rate for street reconstruction, typically set at 60% of the street improvement rate. Section 3.24.060 of the Wausau Municipal Code addresses the flat fee rate cannot exceed the actual costs. Adjusted rates can be levied if the street has not reached its full design life of 35 years. Staff would recommend making the street reconstruction rate the same as the street improvement rate, unless the design life has not been met in accordance with 3.24.060(d) of the Wausau Municipal Code. It is also recommended to keep the rate for CDBG eligible streets at \$15 per foot, and the sewer lateral replacement rate at \$500.

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>	
Accepting Easement for the construction of a parking lot at 1801 - 1901 Westwood Center Boulevard	
Committee Action:	Approved 4-0
Fiscal Impact:	None
<b>File Number:</b>	03-1116
<b>Date Introduced:</b>	October 13, 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**, a new single multi-story healthcare facility is proposed for 1801 – 1901 Westwood Center Boulevard; and

**WHEREAS**, the proposed plans show a parking lot at the corner of Westwood Center Boulevard and Westwood Drive that encroaches into the existing City right-of-way; and

**WHEREAS**, construction of the parking lot would require a 15-foot easement to allow a row of 30 parking stalls in the existing right-of-way; and

**WHEREAS**, Westwood Center Boulevard contains two travel lanes in each direction, with sidewalks on the north side of the street; and

**WHEREAS**, future expansion of Westwood Center Boulevard to accommodate additional travel lanes or sidewalk on the south side of the street is not anticipated; and

**WHEREAS**, accepting the proposed easement would still leave approximately 13 feet from the curb on Westwood Center Boulevard to the curb of the proposed parking lot; and

**WHEREAS**, staff will continue to work with the developer regarding the details of the vertical separation, clear-zone requirements for Westwood Center Boulevard, and related right-of-way needs; and

**WHEREAS**, your Capital Improvements and Street Maintenance Committee met on June 11, 2015 to review the proposed easement and recommends accepting the easement for the construction of a parking lot at 1801 – 1901 Westwood Center Boulevard; now therefore

**BE IT RESOLVED** the Common Council of the City of Wausau does hereby approve the acceptance of the easement, a copy of which is attached hereto and incorporated herein by reference, and the City Clerk is hereby instructed to have the easement recorded in the office of the Marathon County Register of Deeds.

Approved:

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James E. Tipple, Mayor

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

---

Date of Meeting: June 11, 2015, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Mielke, Gisselman, Kellbach, Abitz

Also Present: Lindman, Jacobson, Lenz, Wesolowski, Winters

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. Vice Chairperson Mielke called the meeting to order.

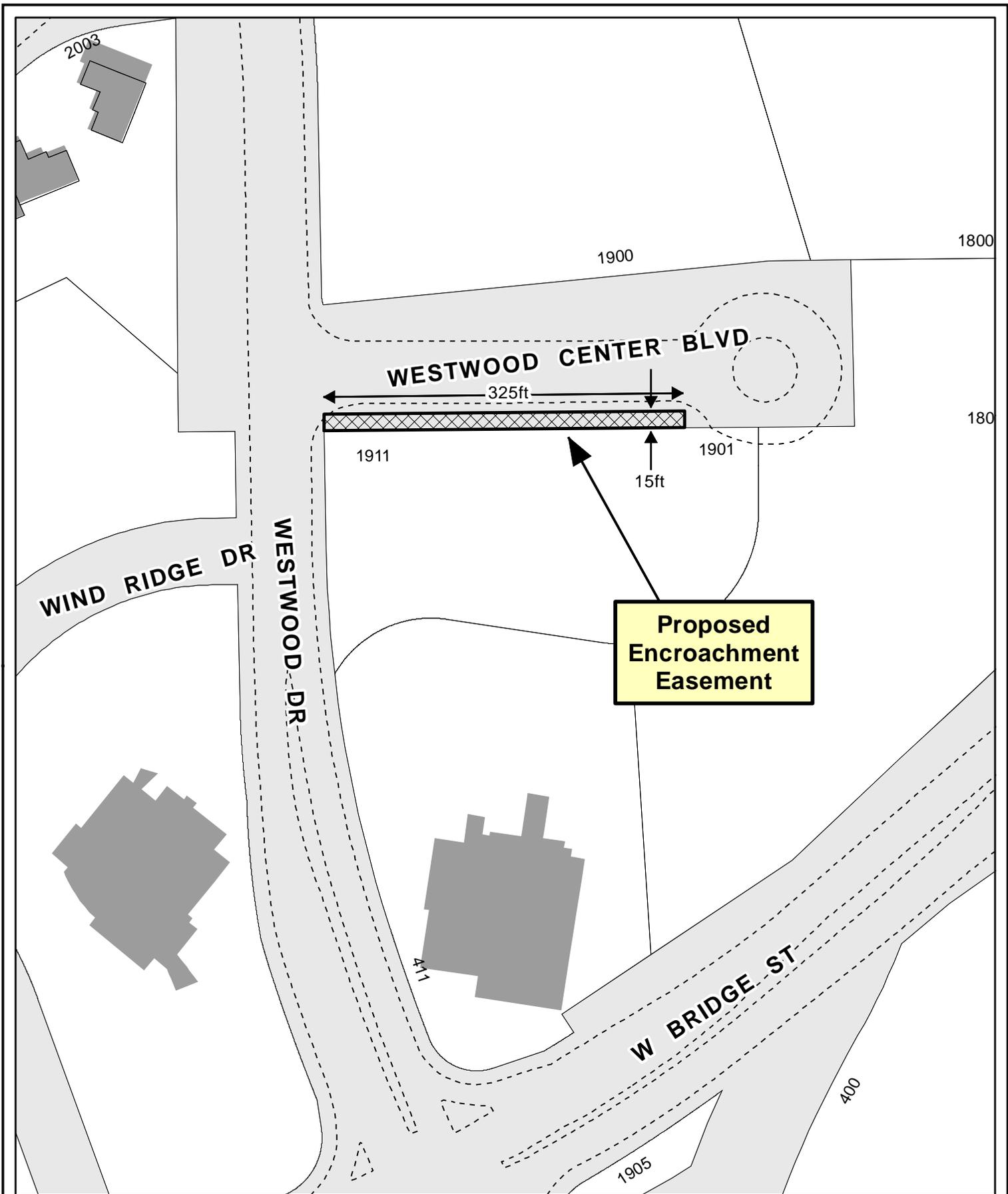
### **Discussion and possible action on granting an easement at 1901 Westwood Center Boulevard for construction of a parking lot**

Lenz explained that the zoning has been approved for a health care facility at Westwood Drive and Westwood Center Boulevard. An easement is needed to construct a parking lot on the City right-of-way. Staff met and agreed the street is maximized in terms of travel lanes, there is sidewalk on the north side, and staff does not feel the right-of-way is needed on the south side. It was felt that an understanding can be reached through an easement agreement to allow 30 spaces constructed within the right-of-way. The entire parking lot would be new and a substantial amount of grading is needed to construct the parking lot as shown.

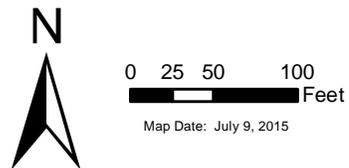
Chuck Ghidorzi stated the easement would be approximately 15', which would leave a 13' to 13½' of boulevard. This is a challenging site but there would be approximately 85 new full time employees at the facility. This would provide parking for the employees with some patient parking.

Abitz questioned if there would be entrance off of Westwood Center Boulevard. Ghidorzi replied the grade change goes down about 8' so the driveway off of Westwood Center Boulevard would not serve the parking lot. He would like to keep the new parking lot as close to grade as possible. Ghidorzi stated the GI Clinic does have offsite parking and there may be an opportunity for them to park closer. Abitz asked if there would be two lanes in and two lanes out by the cul-de-sac. Ghidorzi explained the road will stay as is. Lenz added that the roadway will not change other than a curb cut for the driveway will be closed off. Abitz questioned if she should abstain from voting because of working for Aspirus. Ghidorzi indicated the development is not part of Aspirus.

Gisselman moved to approve the easement at 1901 Westwood Center Boulevard for the construction of a parking lot. Kellbach seconded and the motion carried unanimously 4-0.

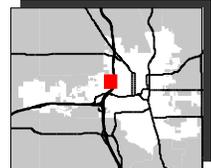


**Proposed Encroachment Easement**



**CITY OF WAUSAU**  
Marathon County, Wisconsin

- Legend**
- Building
  - Proposed Easement
  - Right of Way
  - Road (Paved)



**EASEMENT AGREEMENT**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the CITY OF WAUSAU, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, hereinafter referred to as "CITY", and OPB, LLC, the owners of land in the City of Wausau adjacent to the street right-of-way which is the subject of this easement, hereinafter referred to as "OWNER";

WITNESSETH:

WHEREAS, OWNER owns the property known as 1901 Westwood Center Boulevard in the City of Wausau, and OWNER has requested that CITY grant to them permission by easement to construct a portion of a parking lot within the Westwood Center Boulevard right-of-way; and

WHEREAS, CITY is willing to permit this encroachment upon certain terms and conditions, including hold harmless and insurance provisions; and

WHEREAS, the area encompassed by this easement is described as follows:

Part of the Southwest ¼ of the Northeast ¼, Section 27, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, described as follows:

The South 15 feet of the Westwood Center Boulevard right-of-way, lying between the East right-of-way of Westwood Drive extended northerly and a line 325 feet east of and parallel with said East right-of-way extended northerly.

NOW, THEREFORE, the parties hereto agree as follows:

1. CITY grants to OWNER an easement in the Westwood Center Boulevard right-of-way for the purpose of constructing a parking lot. Easement is hereby granted contingent upon the following conditions:
  - a. The OWNER shall be responsible for all costs associated with maintaining the structural integrity of the rock face and/or retaining wall necessary to support the remaining right-of-way for Westwood Center Boulevard.
  - b. The OWNER shall be responsible to ensure appropriate safety measures are constructed that meet City requirements as approved by Inspections and Zoning.
  - c. The OWNER shall obtain any necessary permits for the construction of the parking lot.
2. OWNER shall maintain liability insurance coverage for their operations on and activities at their location including the easement area, which insurance shall be suitable to CITY and in an amount not less than one million dollars. CITY shall be named as an additional insured on the policy. OWNER shall increase these insurance limits upon request of the CITY.
3. OWNER agrees to indemnify and hold harmless CITY, its employees, agents, officers and officials, whether hired, appointed or elected, free and harmless from and against any and all judgments, damages, losses, costs, claims, expenses, suits, demands, actions and/or causes of action of any kind or of any

Recording Area

Name and Return Address

City of Wausau Engineering Department  
407 Grant Street  
Wausau, WI 54403

PIN:

nature which may be sustained or to which they may be exposed by reason of injury or injuries to anyone or of the death or deaths of anyone, or by reason of any personal injury and/or real property damage, or by reason of any other liability imposed by law or by anything or by anyone else upon the above-referenced entities and/or individuals as the result of and/or due to OWNER'S and/or anyone else's operations, actions or omissions on the demised premises or on the adjacent premises owned by OWNER and/or as a result of and/or due to the presence of OWNER or anyone else on the demised premises or on any adjacent premises owned by OWNER and/or due to the existence of this agreement; specifically included within this indemnification and hold harmless are attorneys' fees and other costs of defense which may be sustained by and/or occasioned to the above-referenced entities and/or individuals.

4. OWNER agrees to release CITY, its employees, agents, officers and officials, whether appointed, hired or elected, from and against any and all judgments, damages, losses, costs, claims, expenses, suits, demands, actions, and/or causes of action of any kind or of any nature, which may be sustained or to which they may be exposed by reason of injury or injuries to anyone or of the death or deaths of anyone, or by reason of any personal injury and/or real property damage, or by reason of any other liability imposed by law or by anything or by anyone else upon the above-referenced entities and/or individuals as the result of and/or due to OWNER'S and/or anyone else's operations, actions or omissions on the demised premises or any adjacent premises owned by OWNER and/or as a result of and/or due to the presence of OWNER or anyone else on the demised premises or on any adjacent premises owned by OWNER and/or due to the existence of this agreement; specifically included within this release section are attorneys' fees and other costs of defense which may be sustained by and/or occasioned to the above-referenced entities and/or individuals.
5. This agreement and all of its provisions shall continue and survive as required by CITY, shall terminate and become null and void within thirty (30) days of notice by CITY. Such removal can be ordered by CITY, at its sole option, for any reason.
6. The terms of this agreement are transferrable by OWNER; however, CITY must be given notice, in writing, of any transfer.

IN WITNESS WHEREOF, this agreement has been duly executed the day and year first above written.

CITY OF WAUSAU BY:

OPB, LLC

BY:

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

Signed: \_\_\_\_\_

Print name and title: \_\_\_\_\_

\_\_\_\_\_  
Toni Rayala, City Clerk

STATE OF WISCONSIN    )  
  ) ss.  
COUNTY OF MARATHON)

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2015, the above named James E. Tipple, Mayor, and Toni Rayala, Clerk for the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Wisconsin  
My commission expires: \_\_\_\_\_

STATE OF WISCONSIN    )  
  ) ss.  
COUNTY OF MARATHON)

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2015, the above named (print name and title:) \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Wisconsin  
My commission expires: \_\_\_\_\_

This instrument was drafted by  
Anne L. Jacobson, City Attorney  
City of Wausau  
407 Grant, Street  
Wausau, WI 54403-4783

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

**JOINT RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE AND PLAN COMMISSION**

Accepting dedication of right-of-way for the extension of 1<sup>st</sup> Street

Committee Action: CISM: Approved 5-0

Plan: Approved 4-0

Fiscal Impact: None

**File Number:** 15-1005

**Date Introduced:** October 13, 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> <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**, in conjunction with redevelopment efforts along the riverfront, the City of Wausau is currently constructing the extension of 1<sup>st</sup> Street from approximately 300' north of Fulton Street to approximately 200' north of Bridge Street; and

**WHEREAS**, the area proposed for dedication extends to East Wausau Avenue and is all City-owned land; and

**WHEREAS**, your Capital Improvements and Street Maintenance Committee reviewed the proposed dedication on September 10, 2015 and recommends the area as delineated on the attached map be dedicated for right-of-way; and

**WHEREAS**, your Plan Commission reviewed the proposed dedication on September 15, 2015 and recommends the area as delineated on the attached map be dedicated for right-of-way; now therefore

**BE IT RESOLVED** the Common Council of the City of Wausau does accept the dedication of right-of-way as shown on the accompanying map, and the City Clerk is hereby instructed to have this resolution recorded in the office of the Marathon County Register of Deeds.

Approved:

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James E. Tipple, Mayor

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

---

Date of Meeting: September 10, 2015, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Lindman, Jacobson, Groat, 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 the dedication of right-of-way for the extension of 1<sup>st</sup> Street**

Wesolowski stated that 1<sup>st</sup> Street is under construction from Fulton Street to the Water Treatment Plant north of Bridge Street. The area proposed for dedication extends to East Wausau Avenue. This is all City-owned land that should be dedicated as right-of-way. Wesolowski further explained that 1<sup>st</sup> Street will be reconstructed to the Water Treatment Plant and the existing road will serve as the street to East Wausau Avenue. Abitz mentioned that there was an issue with Lemke Cheese and their driveway. Wesolowski stated that dedicating the proposed area clarifies that the road will be on right-of-way rather than a City-owned parcel. Rasmussen feels it is good to delineate the area for future projects.

Mielke moved to approve the dedication of right-of-way for the extension of 1<sup>st</sup> Street. Kellbach seconded.

Gisselman does not feel the City can go too much further with two 1<sup>st</sup> Streets. Wesolowski has been talking with the Inspections and GIS Departments on the matter. It has been suggested to rename the area from Fulton Street to East Wausau Avenue to North River Drive. He noted that when traveling north on 1<sup>st</sup> Street at Fulton the street would change from 1<sup>st</sup> Street to North River Drive. Rasmussen feels this would be a natural transition point due to the proposed building. Abitz questioned if there was a business in that area that would have to change their address. Wesolowski stated there may be one parcel. Gisselman believes that building is currently vacant.

There being a motion and a second, motion to approve the dedication of right-of-way for the extension of 1<sup>st</sup> Street passed unanimously 5-0.

## PLAN COMMISSION

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Time and Date: The Plan Commission met on Tuesday, September 15, 2015, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Lindman, Gisselman, Atwell, Bohlken

Others Present: Lenz, DeSantis, Hebert, Higginbotham, Rasmussen, Ruffi, Ohrmundt, Lancaster

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

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

### **Discussion and possible action on the dedication of right-of-way for the extension of 1<sup>st</sup> Street.**

Lenz said that this item comes from the CISM committee. The city owns the property that the street would be on. It is currently under construction. It is being called 1<sup>st</sup> Street, even though there is another 1<sup>st</sup> Street in this area. Staff would like to put it on the map as right-of-way to separate the street and sidewalk from the rest of the city parcel, some of which is developable. A map on the 2<sup>nd</sup> page shows the alignment of the right-of-way. Lindman said the right-of-way is 60' wide, which is normal, and it expands going up the river.

Gisselman motioned to dedicate the right-of-way for the extension of 1<sup>st</sup> Street. Bohlken seconded.

Gisselman said that there are two 1<sup>st</sup> Streets and he would like to have this looked at. It is not fair to the city to have two 1<sup>st</sup> Streets. Gisselman said he will take this up with the City Council to have an amendment at that time.

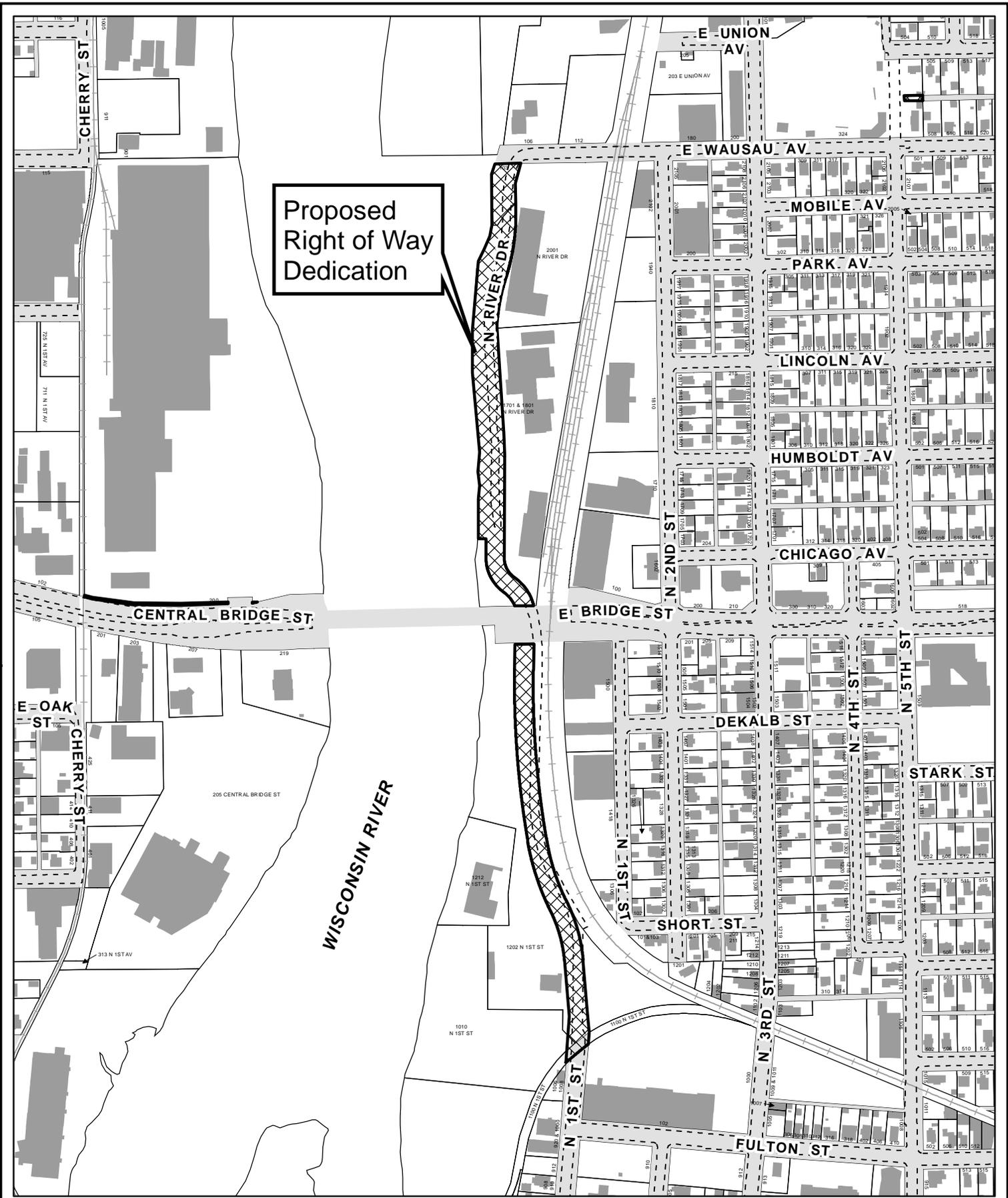
Lindman said there has been discussion on the name. Hebert gives addresses but not street names. The county is working on redoing some of their addresses. A break could occur at Fulton Street. Lindman said he does not have a timeline at this time, but it will be addressed. Gisselman said a 1<sup>st</sup> Street is being created with this action and asked for input from DeSantis. DeSantis said that with multiple 1<sup>st</sup> Streets it creates a lot of problems with dispatch. A lot of phone calls come by cell phones and there isn't the physical place to tie things in. DeSantis said they have been called to 1<sup>st</sup> Street, when it should be 1<sup>st</sup> Avenue. It can cause delays for fire and police departments. Any opportunity to end the confusion is welcome.

Atwell asked when the naming of the street would be put into place. Hebert said it is unclear who names the street, since he only assigns the physical address. A final decision should be made by the council. Lenz said that when new subdivisions are created, the street names are proposed by the developers and the plat is approved by the City. In this case, the City is in effect the developer, and he is unaware of precedence for this situation. Bohlken said there are properties on the map with North River Drive addresses. Lenz said that developments like WOW will need a street name.

Atwell asked if it should be useful to approve with the name of the street being North River Drive. Hebert asked Gisselman if he is concerned with North 1<sup>st</sup> Street jumping the tracks. Gisselman said he would like to keep the streets adjacent as they are. Lindman said that they will look into the procedure that staff needs to follow. Gisselman said he hopes it is taken care of before it goes to council.

The motion passed unanimously. It will go to Common Council on October 13, 2015.

<b>AGENDA ITEM</b>
Discussion and possible action on the dedication of right-of-way for the extension of 1 <sup>st</sup> Street
<b>BACKGROUND</b>
The City is currently constructing the extension of 1 <sup>st</sup> Street from approximately 300' north of Fulton Street to approximately 200' north of Bridge Street. The proposed dedication, as shown on the attached map, would dedicate the land for this extension and the land north of this past the water treatment plant.
<b>FISCAL IMPACT</b>
No fiscal impact. The City currently owns the parcels of land which will be dedicating the land.
<b>STAFF RECOMMENDATION</b>
Staff recommends approving the proposed dedication.
Staff contact: Allen Wesolowski 715-261-6762



Proposed  
Right of Way  
Dedication

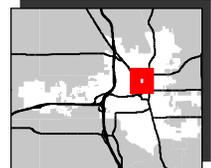


0 75 150 300  
Feet  
Map Date: September 8, 2015

# CITY OF WAUSAU

Marathon County, Wisconsin

- Legend**
-  Proposed Right of Way
  -  Existing Right of Way
  -  Existing Road (Paved)
  -  Existing Building





Department of Community Development  
Planning and Economic Development Division

Brad Lenz, AICP  
City Planner

October 6, 2015

Gary Gisselman  
District 5 Alderperson  
319 Park Avenue  
Wausau, WI 54403

Gary:

This letter is in response to your questions at recent meetings of the Capital Improvements & Street Maintenance (CISM) committee and Plan Commission regarding the dedication of right-of-way for the extension of 1st Street. The future street has commonly been referred to as an extension of 1st Street, but as you have correctly pointed out, this name would conflict with the existing 1st Street lying across the railroad tracks to the north. The future street would not connect to the existing 1<sup>st</sup> Street, but would, in fact, run in front of existing properties with a N. River Drive address (i.e., Wausau Chemical and the city's water treatment facilities). City staff agrees with you that the name "N. River Drive" for the street within the proposed right-of-way is appropriate.

Staff would also recommend renaming the short segment of the existing N. 1<sup>st</sup> Street lying north of Fulton Street, so that the cut-off between N. 1<sup>st</sup> Street and N. River Drive occurs at the Fulton Street intersection. Although there are existing properties north of Fulton with a 1<sup>st</sup> Street address, these properties are vacant and owned by the City. Also, the property lines of these parcels will likely be redrawn in the near future as redevelopment occurs. New addresses for this area would be assigned with a N. River Drive address. Upon completion of the street construction, new street signs would be installed at the Fulton Street intersection, indicating N. River Drive lies to the north while N. 1<sup>st</sup> Street lies to the south.

Staff feels it is appropriate for the Common Council to approve the street name while the right-of-way dedication is being acted upon. Since the dedication has previously been agendized as the 1<sup>st</sup> Street extension, an amendment to the resolution with the name change to "N. River Drive" should be put forth.

Naming of streets generally occurs through land divisions proposed by private developers. Plats are submitted to the City with the street names already included. The plat approval process is essentially the same as a right-of-way dedication, in that they both are reviewed by CISM and



Department of Community Development  
Planning and Economic Development Division

Brad Lenz, AICP  
City Planner

Plan Commission before final approval is given by the Common Council. The current right-of-way dedication uses land that is owned by the City, so in this case no private developers were involved in a land division. We feel that the naming of the street is a small enough change to the right-of-way dedication that an amendment can be made on the Council floor.

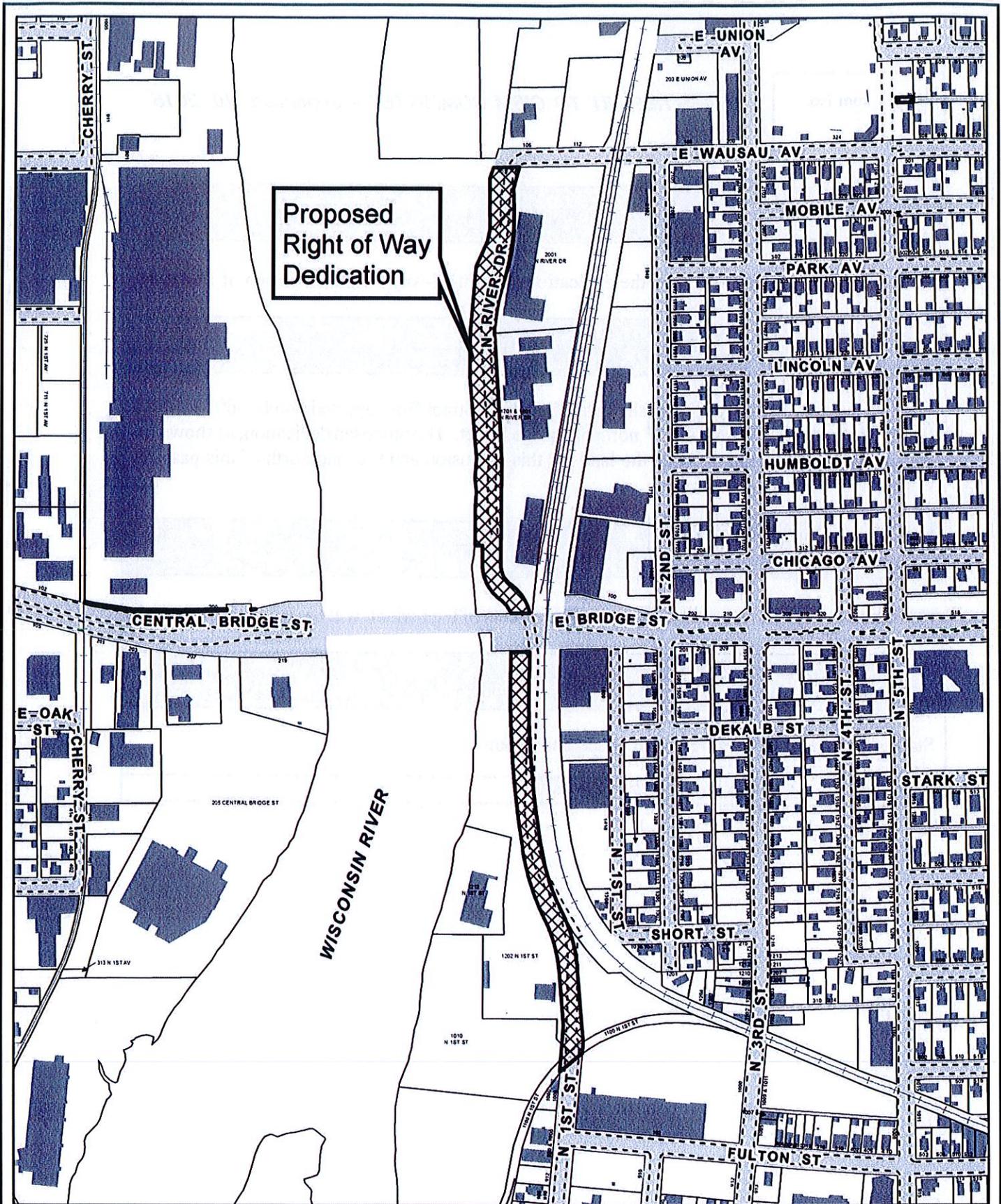
City staff verified with Marathon County that the proposed street name is okay for addressing, particularly as it relates to 911 dispatch. The only place in the county that "N. River Drive" is currently being used is on the parcels at the north end of the proposed right-of-way. New parcels along the street will be assigned numeric addresses that are consistent with the existing parcels and with the numeric conventions of parallel streets. This should improve the overall navigability of this area.

Thank you for your attention to this matter, and please let me know of any questions.

Sincerely,

**Brad Lenz**

Cc: Mayor Tipple, Eric Lindman, Bill Hebert, Anne Jacobson, Ann Werth



Proposed  
Right of Way  
Dedication



0 75 150 300  
Feet  
Map Date: September 8, 2015

# CITY OF WAUSAU

Marathon County, Wisconsin

- Legend**
-  Proposed Right of Way
  -  Existing Right of Way
  -  Existing Road (Paved)
  -  Existing Building



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

<b>RESOLUTION OF THE FINANCE COMMITTEE</b>	
Adopting a Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Obligations and Continuing Disclosure	
Committee Action:	Approved 5-0
Fiscal Impact:	None
<b>File Number:</b>	15-1009
<b>Date Introduced:</b>	October 13, 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**, your Finance Committee, at their September 8, 2015 meeting, considered and recommends the attached Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Obligations and Continuing Disclosure as recommended by Bond Counsel

**NOW THEREFORE, BE IT RESOLVED** by the Common Council of the City of Wausau that the Policy which is attached hereto and incorporated herein by reference is hereby adopted as the Adopting a Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Obligations and Continuing Disclosure for the City of Wausau

Approved:

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

**FINANCE COMMITTEE**

Date and Time: Tuesday, September 8, 2015 @ 5:30 pm., Board Room

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

Others Present: Groat, Jacobson, Giese, Lindman, Schock, Werth, Seubert, Gisselman, Wagner, Neal, Goede, and Media

**Discussion and possible action on Post Issuance Compliance Policy for Tax Exempt and Tax-Advantaged Obligations and Continuing Disclosure**

Groat stated we switched bond counsel firms from Foley to Quarles & Brady and they have some continuing disclosure checklists they would like the city to complete each year and they recommend we adopt Post Issuance Compliance Policy. She explained there are things that the city does after we issue debt to comply with the IRS regulations as far as monitoring spend down; submitting disclosures to clearing houses so bond holders can see if we have had any changes in our financial status or of any of our borrowings. She noted it is somewhat of a housekeeping item.

Motion by Nagle, second by Kellbach to adopt the Post Issuance Compliance Policy for Tax Exempt and Tax-Advantaged Obligations and Continuing Disclosure. Motion carried 5-0.

## **Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Obligations and Continuing Disclosure**

**Adopted: October 13, 2015**

### **Statement of Purpose**

This Post-Issuance Compliance Policy (the "Policy") sets forth specific policies of the City of Wausau, Wisconsin (the "Issuer") designed to monitor post-issuance compliance:

- (i) with applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations promulgated thereunder ("Treasury Regulations") for obligations issued by the Issuer on tax-exempt or tax-advantaged basis ("Obligations"); and
- (ii) with applicable requirements set forth in certificates and agreement(s) ("Continuing Disclosure Agreements") providing for ongoing disclosure in connection with the offering of obligations to investors ("Offerings"), for obligations (whether or not tax-exempt / tax-advantaged) subject to the continuing disclosure requirements of Rule 15c2-12(b)(5) (the "Rule") promulgated by the Securities and Exchange Commission ("SEC") under the Securities Exchange Act of 1934.

This Policy documents practices and describes various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations continue to be eligible to be excluded from gross income for federal income tax purposes or that the Obligations continue to receive tax-advantaged treatment. The federal tax law requirements applicable to each particular issue of Obligations will be detailed in the arbitrage or tax certificate prepared by bond counsel and signed by officials of the Issuer and the post-closing compliance checklist provided by bond counsel with respect to that issue. This Policy establishes a permanent, ongoing structure of practices and procedures that will facilitate compliance with the requirements for individual borrowings.

This Policy similarly documents practices and describes various procedures and systems designed to ensure compliance with Continuing Disclosure Agreements, by preparing and disseminated related reports and information and reporting "material events" for the benefit of the holders of the Issuer's obligations and to assist the Participating Underwriters (within the meaning of the Rule) in complying with the Rule.

The Issuer recognizes that compliance with pertinent law is an on-going process, necessary during the entire term of the obligations, and is an integral component of the Issuer's debt management. Accordingly, the analysis of those facts and implementation of the Policy will require on-going monitoring and consultation with bond counsel and the Issuer's accountants and advisors.

## **General Policies and Procedures**

The following policies relate to procedures and systems for monitoring post-issuance compliance generally.

- A. The Finance Director (the "Compliance Officer") shall be responsible for monitoring post-issuance compliance issues
- B. The Compliance Officer will coordinate procedures for record retention and review of such records.
- C. All documents and other records relating to Obligations issued by the Issuer shall be maintained by or at the direction of the Compliance Officer. In maintaining such documents and records, the Compliance Officer will comply with applicable Internal Revenue Service ("IRS") requirements, such as those contained in Revenue Procedure 97-22.
- D. The Compliance Officer shall be aware of options for voluntary corrections for failure to comply with post-issuance compliance requirements (such as remedial actions under Section 1.141-12 of the Regulations and the Treasury's Tax-Exempt Bonds Voluntary Closing Agreement Program) and take such corrective action when necessary and appropriate.
- E. The Compliance Officer will review post-issuance compliance procedures and systems on a periodic basis, but not less than annually.

## **Issuance of Obligations - Documents and Records**

With respect to each issue of Obligations, the Compliance Officer will:

- A. Obtain and store a closing binder and/or CD or other electronic copy of the relevant and customary transaction documents (the "Transcript").
- B. Confirm that bond counsel has filed the applicable information report (e.g., Form 8038, Form 8038-G, Form 8038-CP) for such issue with the IRS on a timely basis.
- C. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditure of the proceeds of such Obligations with other applicable staff members of the Issuer.

## **Arbitrage**

The following policies relate to the monitoring and calculating of arbitrage and compliance with specific arbitrage rules and regulations.

The Compliance Officer will:

- A. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the Transcript.
- B. Confirm that a computation of the yield on such issue from the Issuer's financial advisor or bond counsel (or an outside arbitrage rebate specialist) is contained in the Transcript.
- C. Maintain a system for tracking investment earnings on the proceeds of the Obligations.
- D. Coordinate the tracking of expenditures, including the expenditure of any investment earnings. If the project(s) to be financed with the proceeds of the Obligations will be funded with multiple sources of funds, confirm that the Issuer has adopted an accounting methodology that maintains each source of financing separately and monitors the actual expenditure of proceeds of the Obligations.
- E. Maintain a procedure for the allocation of proceeds of the issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures. This procedure shall include an examination of the expenditures made with proceeds of the Obligations within 18 months after each project financed by the Obligations is placed in service and, if necessary, a reallocation of expenditures in accordance with Section 1.148-6(d) of the Treasury Regulations.
- F. Monitor compliance with the applicable "temporary period" (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the issue, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.
- G. Ensure that investments acquired with proceeds of such issue are purchased at fair market value. In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used.
- H. Avoid formal or informal creation of funds reasonably expected to be used to pay debt service on such issue without determining in advance whether such funds must be invested at a restricted yield.
- I. Consult with bond counsel prior to engaging in any post-issuance credit enhancement transactions or investments in guaranteed investment contracts.
- J. Identify situations in which compliance with applicable yield restrictions depends upon later investments and monitor implementation of any such restrictions.
- K. Monitor compliance with six-month, 18-month or 2-year spending exceptions to the rebate requirement, as applicable.
- L. Procure a timely computation of any rebate liability and, if rebate is due, to file a Form 8038-T and to arrange for payment of such rebate liability.

- M. Arrange for timely computation and payment of "yield reduction payments" (as such term is defined in the Code and Treasury Regulations), if applicable.

### **Private Activity Concerns**

The following polices relate to the monitoring and tracking of private uses and private payments with respect to facilities financed with the Obligations.

The Compliance Officer will:

- A. Maintain records determining and tracking facilities financed with specific Obligations and the amount of proceeds spent on each facility.
- B. Maintain records, which should be consistent with those used for arbitrage purposes, to allocate the proceeds of an issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures.
- C. Maintain records allocating to a project financed with Obligations any funds from other sources that will be used for otherwise non-qualifying costs.
- D. Monitor the expenditure of proceeds of an issue and investment earnings for qualifying costs.
- E. Monitor private use of financed facilities to ensure compliance with applicable limitations on such use. Examples of potential private use include:
  - 1. Sale of the facilities, including sale of capacity rights;
  - 2. Lease or sub-lease of the facilities (including leases, easements or use arrangements for areas outside the four walls, e.g., hosting of cell phone towers) or leasehold improvement contracts;
  - 3. Management contracts (in which the Issuer authorizes a third party to operate a facility, e.g., cafeteria) and research contracts;
  - 4. Preference arrangements (in which the Issuer permits a third party preference, such as parking in a public parking lot);
  - 5. Joint-ventures, limited liability companies or partnership arrangements;
  - 6. Output contracts or other contracts for use of utility facilities (including contracts with large utility users);
  - 7. Development agreements which provide for guaranteed payments or property values from a developer;
  - 8. Grants or loans made to private entities, including special assessment agreements; and

9. Naming rights arrangements.

Monitoring of private use should include the following:

1. Procedures to review the amount of existing private use on a periodic basis; and
2. Procedures for identifying in advance any new sale, lease or license, management contract, sponsored research arrangement, output or utility contract, development agreement or other arrangement involving private use of financed facilities and for obtaining copies of any sale agreement, lease, license, management contract, research arrangement or other arrangement for review by bond counsel.

If the Compliance Officer identifies private use of facilities financed with tax-exempt or tax-advantaged debt, the Compliance Officer will consult with the Issuer's bond counsel to determine whether private use will adversely affect the tax status of the issue and if so, what remedial action is appropriate. The Compliance Officer should retain all documents related to any of the above potential private uses.

### **Qualified Tax-Exempt Obligations**

If the Issuer issues "qualified tax-exempt obligations" in any year, the Compliance Officer shall monitor all tax-exempt financings (including lease purchase arrangements and other similar financing arrangements and conduit financings on behalf of 501(c)(3) organizations) to assure that the \$10,000,000 "small issuer" limit is not exceeded.

### **Federal Subsidy Payments**

The Compliance Officer shall be responsible for the calculation of the amount of any federal subsidy payments and the timely preparation and submission of the applicable tax form and application for federal subsidy payments for tax-advantaged obligations such as Build America Bonds, New Clean Renewable Energy Bonds and Qualified School Construction Bonds.

### **Reissuance**

The following policies relate to compliance with rules and regulations regarding the reissuance of Obligations for federal law purposes.

The Compliance Officer will identify and consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations which could potentially be treated as a reissuance for federal tax purposes.

### **Record Retention**

The following policies relate to retention of records relating to the Obligations issued.

The Compliance Officer will:

- A. Coordinate with staff regarding the records to be maintained by the Issuer to establish and ensure that an issue remains in compliance with applicable federal tax requirements for the life of such issue.
- B. Coordinate with staff to comply with provisions imposing specific recordkeeping requirements and cause compliance with such provisions, where applicable.
- C. Coordinate with staff to generally maintain the following:
  - 1. The Transcript relating to the transaction (including any arbitrage or other tax certificate and the bond counsel opinion);
  - 2. Documentation evidencing expenditure of proceeds of the issue;
  - 3. Documentation regarding the types of facilities financed with the proceeds of an issue, including, but not limited to, whether such facilities are land, buildings or equipment, economic life calculations and information regarding depreciation.
  - 4. Documentation evidencing use of financed property by public and private entities (e.g., copies of leases, management contracts, utility user agreements, developer agreements and research agreements);
  - 5. Documentation evidencing all sources of payment or security for the issue; and
  - 6. Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, SLGs subscriptions, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations).
- D. Coordinate the retention of all records in a manner that ensures their complete access to the IRS.
- E. Keep all material records for so long as the issue is outstanding (including any refunding), plus seven years.

## **Conduit Bond Financings**

In conduit bond financings, such as industrial revenue bonds or Midwestern Disaster Area Bonds, the Issuer is not in a position to directly monitor compliance with arbitrage requirements and qualified use requirements because information concerning and control of those activities lies with the private borrower. The Issuer's policy in connection with conduit financings is to require that the bond documents in such financings impose on the borrower (and trustee or other applicable party) responsibility to monitor compliance with qualified use rules and arbitrage and other federal tax requirements and to take necessary action if remediation of nonqualified bonds is required.

## **Continuing Disclosure**

Under the provisions of SEC Rule 15c2-12 (the "Rule"), Participating Underwriters (as defined in the Rule) are required to determine that issuers (such as the Issuer) have entered into written Continuing Disclosure Agreements to make ongoing disclosure in connection with Offerings subject to the Rule. Unless the Issuer is exempt from compliance with the Rule or the continuing disclosure provisions of the Rule as a result of certain permitted exemptions, the Transcript for each issue of related obligations will include a Continuing Disclosure Agreement executed by the Issuer.

In order to monitor compliance by the Issuer with its Continuing Disclosure Agreements, the Compliance Officer will take the actions listed below, if and as required by such Continuing Disclosure Agreements. The Compliance Officer may coordinate with staff, and may engage a dissemination agent, counsel, and/or other professionals to assist in discharging the Compliance Officer's duties under these Procedures as the Compliance Officer deems necessary.

### **A. Compilation of Currently Effective Continuing Disclosure Agreements**

The Compliance Officer shall compile and maintain a set of all currently effective Continuing Disclosure Agreements of the Issuer. Such agreements are included in the transcript of proceedings for the Issuer's respective bond or note issue. Continuing Disclosure Agreements are "Currently Effective" for purposes of these Procedures (and hence shall be included in the set of Currently Effective Continuing Disclosure Agreements) for so long as the bonds or notes to which they relate are outstanding. As bonds or notes are completely repaid or redeemed, the Compliance Officer shall remove the related continuing disclosure agreements from the set of Currently Effective Continuing Disclosure Agreements.

### **B. Annual Review and Annual Reporting Requirements**

The Compliance Officer shall ensure that all necessary financial statements, financial information and operating data is filed in the manner and by the filing dates set forth in the Currently Effective Continuing Disclosure Agreements. The Compliance Officer shall review the set of Currently Effective Continuing Disclosure Agreements annually, prior to each annual filing, keeping in mind:

- The financial information and operating data required to be reported under a particular Continuing Disclosure Agreement may differ from the financial information and operating data required to be reported under another Continuing Disclosure Agreement; and
- The timing requirements for reporting under a particular Continuing Disclosure Agreement may differ from the timing requirements for filing under another Continuing Disclosure Agreement.

**C. Calendar; EMMA Notification System**

The Compliance Officer shall keep a calendar of all pertinent filing dates required under the Issuer's Currently Effective Continuing Disclosure Agreements. The Compliance Officer shall also subscribe to notification services made available through the EMMA system.

**D. Annual Review of Prior Filings**

As part of the annual review process, the Compliance Officer shall also review prior filings made within the past five years subsequent to the last such review of prior filings. If the Compliance Officer discovers any late or missing filings, the Compliance Officer (after discussing the circumstances with the Issuer's dissemination agent, counsel or other agents as necessary) shall "remedy" such prior failures by ensuring that the missing information is filed.

**E. Monitoring of Material Events**

The Compliance Officer shall monitor the occurrence of any of the following events and/or other events set forth in the Currently Effective Continuing Disclosure Agreements and shall provide notice of the same in the required manner and by the relevant reporting deadline (likely within 10 days of the occurrence):

- Principal and interest payment delinquencies;
- Non-payment related defaults, if material;
- Unscheduled draws on debt service reserves reflecting financial difficulties;
- Unscheduled draws on credit enhancements reflecting financial difficulties;
- Substitution of credit or liquidity providers, or their failure to perform;
- Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Issuer's bonds or notes, or other material events affecting the tax status of the Issuer's bonds or notes;

- Modification to rights of holders of the Issuer's bonds or notes, if material;
- Calls of the Issuer's bonds or notes, if material, and tender offers;
- Defeasances of the Issuer's bonds or notes;
- Release, substitution or sale of property securing repayment of the Issuer's bonds or notes, if material;
- Rating changes;
- Bankruptcy, insolvency, receivership or similar event of the Issuer;
- The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- Appointment of a successor or additional trustee or the change of name of a trustee, if material.

#### **F. Review of Official Statements**

The Compliance Officer shall review drafts of any Official Statement for a new offering of bonds or notes, with assistance from its dissemination agent, counsel or other agents of the Issuer as necessary, and shall determine that the Official Statement accurately and completely describes the Issuer's continuing disclosure compliance history within the five years prior to the date of the respective Official Statement. This compliance review is not meant to limit the Issuer's other reviews of or diligence procedures relating to its Official Statements.

#### **G. Municipalities Continuing Disclosure Cooperative Initiative**

If the Issuer has previously reported to the Division of Enforcement (the "Division") of the U.S. Securities and Exchange Commission (the "Commission") under the *Municipalities Continuing Disclosure Cooperative Initiative* (the "MCDC Initiative") and if the Division recommended enforcement proceedings and settlement terms in that connection, then the Compliance Officer shall also be responsible, with assistance from its dissemination agent, counsel, and/or other agents of the Issuer, for implementing the undertakings required by such settlement. A list of these "undertakings" is set forth in the Division's announcement describing the MCDC Initiative: <http://www.sec.gov/divisions/enforce/municipalities-continuing-disclosure-cooperation-initiative.shtml>.

## **H. Record Retention**

The Compliance Officer shall retain documentation evidencing the Issuer's annual reviews and its reviews of Official Statements in connection with new offerings as set forth above. This Issuer shall retain this documentation, for each Continuing Disclosure Agreement, for the period that the related bonds or notes are outstanding.

## **I. Annual Review Checklist**

The Compliance Officer may (or may not) choose to use and retain the attached Annual Review Checklist to assist in implementing these Procedures.

**CONTINUING DISCLOSURE ANNUAL REVIEW CHECKLIST**

**1. Fiscal Year Ending:** \_\_\_\_\_

**2. Compliance Officer:** \_\_\_\_\_

**3. Checklist Completion Date:** \_\_\_\_\_

**4. Bonds/Notes for which there are Currently Effective Continuing Disclosure Agreements  
- Attach Agreements:**

\$ \_\_\_\_\_, \_\_\_\_\_, dated \_\_\_\_\_, 20\_\_

**5. Have any new Bonds or Notes subject to Continuing Disclosure Been Issued this Year?**

\_\_\_\_\_ No

\_\_\_\_\_ Yes (Add Agreement to Set of Currently Effective Continuing Disclosure Agreements)

If Yes, did the Compliance Officer review the Official Statement's Description of the Issuer's Continuing Disclosure Compliance History within the Prior 5 Years? **Circle: Y / N** (If N, review and discuss any issues with counsel.)

**6. Have any Bonds or Notes subject to Continuing Disclosure Been Completely Paid or Redeemed this Year?**

\_\_\_\_\_ No

\_\_\_\_\_ Yes (Remove Agreement from Set of Currently Effective Continuing Disclosure Agreements)

**7. (a) Has the Compliance Officer Review the Annual Continuing Disclosure Filing to Ensure that all Necessary Financial Statements, Financial Information and Operating Data is Included?**

\_\_\_\_\_ Yes

\_\_\_\_\_ No (Compliance Officer must review the Annual Continuing Disclosure Filing)

**(b) For purposes of this review, please keep in mind:**

	Checked?
Different Continuing Disclosure Agreements may require different information to be file (so check each one)	Y / N
Different Continuing Disclosure Agreements may have different filing timing requirements (so check each one).	Y / N

**Have any of the Following Events Occurred this Year?**

Event	Circle
1. Principal and interest payment delinquencies	Y / N
2. Non-payment related defaults, if material	Y / N
3. Unscheduled draws on debt service reserves reflecting financial difficulties	Y / N
4. Unscheduled draws on credit enhancements reflecting financial difficulties	Y / N
5. Substitution of credit or liquidity providers, or their failure to perform	Y / N
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Issuer's bonds or notes, or other material events affecting the tax status of the Issuer's bonds or notes	Y / N
7. Modification to rights of holders of the Issuer's bonds or notes, if material	Y / N
8. Calls of the Issuer's bonds or notes, if material, and tender offers	Y / N
9. Defeasances of the Issuer's bonds or notes	Y / N
10. Release, substitution or sale of property securing repayment of the Issuer's bonds or notes, if material	Y / N
11. Rating changes	Y / N

12. Bankruptcy, insolvency, receivership or similar event of the Issuer Y / N
13. The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material Y / N
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material Y / N

**If any such Event Occurred, was Proper Notice Provided?**

\_\_\_\_\_ Yes

\_\_\_\_\_ No (Call your dissemination agent or counsel immediately to discuss)

\_\_\_\_\_ N/A

**Has the Issuer Retained a Dissemination Agent? (i.e., a Paid Third Party that Assists with Filings)**

\_\_\_\_\_ Yes: Name/Contact: \_\_\_\_\_

\_\_\_\_\_ No



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

Date of Meeting: Thursday, September 17, 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, Maryanne Groat, Elizabeth Field, Tamara Scholze, Noreen Landowski, Sid Elford, Beth Zunker, Brian Kowalski

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 5:20 pm.

### **(4) Discussion and possible action: Abandonment of parking space on Washington Street at N 5<sup>th</sup> Street (Metro Ride)**

Discussion:

Lt. Graham referred to an email from Metro Ride which stated that City busses are having a difficult time trying to turn east onto Washington St from southbound N. 5<sup>th</sup> Street because of a parking space near the corner. Metro Ride would like the parking space to be eliminated and that section posted with a "No Parking Here to Corner" sign.

Motion by Winters, second by Kellbach, to abandon the parking space on Washington Street at N. 5<sup>th</sup> Street and to post a sign in that location that states "No Parking Here to Corner".

Motion carried 5-0

**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>	October 13, 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**, your Public Health and Safety Committee considered certain license applications at its September 21, 2015 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***

September 21, 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. Application for **Class A Beer & Liquor** for the new Kwik Trip located at 310 Grand Avenue, scheduled for opening October 29, 2015.
2. Application for **Class A Beer** license, C & B Super Market, LLC, Bai Vue, premise address 640 S 3<sup>rd</sup> Ave, (formerly Pope's Hobbyland), anticipated opening December 1, 2015.
3. Two applications for **Class B Beer & Liquor** to be considered at the Liquor License Review Subcommittee prior to this meeting: ADCH, LLC, Rebecca Hummer, dba Allister Deacon's Coffee House, 300 3<sup>rd</sup> St, STE 103; and Val-Roc, LLC, Valerie Charneski, dba Sweets on Third, 615 3<sup>rd</sup> St.
4. All Operator's and Public Transport Driver Applications have been recommended for approval.
5. Special Event Class I – Wausau Events Winterfest 2016, scheduled for January 30, 2016. Class II Events – 2015 Eastbay Turkey Trot on Thanksgiving; and Kocourek Suburu's Strut You Mutt, September 26, 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: September 17, 2015

(715) 261-6620

**PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, September 21, 2015 at 5:15 pm, (Council Chambers)

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

Members Excused: Gisselman

Others Present: Alfonso, Hardel, Kujawa, Rayala, Groat, Ray Neupert

**Consider various license applications.**

Rayala noted the Change of Agent for Burns Post VFW, which is marked pending on the list, has been withdrawn by the applicant Sandra Mason because of a felony conviction on her record which she realized would result in a denial. The VFW was informed and they are submitting paperwork for another individual to appoint as agent.

Motion by Neal, second by Kellbach to approve or deny applications as recommended by staff and remove the Change of Agent (Sandra Mason) for VFW from the list. Motion carried 4-0.

HEALTH AND SAFETY LIST  
 ALL LICENSES  
 SEPTEMBER 21, 2015

 REPORT ID: LRS530I  
 RUN DATE: 10/07/15  
 RUN TIME: 10:59:59

<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>REVOCAATION</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>
CHRISTINE'S 2 LLC 2756 HAMILTON ST OSHKOSH, WI 54901	2015	8/17/2015	9/11/2015	6/30/2016		CHRISTINE'S	AMUSEMENT DEVICES	___	___	___	___
MOUNTAIN LANES INC 1401 ELM ST WAUSAU, WI 54401	2015	9/24/2015	9/24/2015	6/30/2016		MOUNTAIN LANES	AMUSEMENT DEVICES	___	___	___	___
C & B SUPER MARKET, LLC 640 S 3RD AVE WAUSAU, WI 54401	2015	9/15/2015	12/01/2015	6/30/2016		C & B SUPER MARKET	CLASS A BEER	___	___	___	___
KWIK TRIP, INC 1626 OAK ST PO BOX 2107 LA CROSSE, WI 54601-2107	2015	8/31/2015	10/29/2015	6/30/2016		KWIK TRIP #188	CLASS A BEER & LIQUOR	___	___	___	___
ADCH, LLC 300 3RD ST STE 103 WAUSAU, WI 54403	2015	9/04/2015	7/01/2015	6/30/2016		ALLISTER DEACON'S CO	CLASS B BEER & LIQUOR	___	___	___	___
VAL-ROC LLC 615 3RD ST WAUSAU, WI 54403	2015	9/16/2015	7/01/2015	6/30/2016		SWEETS ON THIRD	CLASS B BEER & LIQUOR	___	___	___	___
ADAMSKI, JUSTIN L 1914 AVA RD APT 8 KRONENWETTER , WI 54455	2015	9/09/2015		6/30/2016		SHOPKO 079	OPERATOR NEW	___	___	___	___
ALSTEEN, SANDRA M 3312 JAY STREET WAUSAU, WI 54403	2015	8/12/2015		6/30/2016		VFW BURNS POST 388	OPERATOR NEW	___	___	___	___
BORTH, OCTOBER L 1210 N 4TH ST WAUSAU, WI 54403	2015	8/18/2015		6/30/2016		R STORE #8	OPERATOR NEW	___	___	___	___
CANNON, AMANDA J 720 1/2 PROSPECT AVE WAUSAU, WI 54403	2015	8/26/2015		6/30/2016		J. GUMBO'S	OPERATOR NEW	___	___	___	___
DIONNE, NICOLE M 2421 CHARLOTTE COURT #7 ANTIGO, WI 54409	2015	9/10/2015		6/30/2016		SHOPKO 079	OPERATOR NEW	___	___	___	___
GRAHAM, JILLIAN M 2617 JELINEK AVE WESTON, WI 54476	2015	9/02/2015		6/30/2016		COP SHOPPE PUB	OPERATOR NEW	___	___	___	___
GRAY, WENDY E 520 S 12TH STREET WAUSAU, WI 54403	2015	9/09/2015		6/30/2016		THE PLAZA HOTEL & SU	OPERATOR NEW	___	___	___	___

HEALTH AND SAFETY LIST  
ALL LICENSES  
SEPTEMBER 21, 2015REPORT ID: LRS530I  
RUN DATE: 10/07/15  
RUN TIME: 10:59:59

<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>
HANAMANN, DEREK J 1341 PROSPECT AVE WAUSAU, WI 54403	2015	9/10/2015		6/30/2016		SHOPKO 079	OPERATOR NEW	___	___	___	___
HOLBROOK, CASSANDRA R 1020 S 50TH AVE APT 50 WAUSAU, WI 54401	2015	8/31/2015		6/30/2016		NEW CITY GRILL/JEFFE	OPERATOR NEW	___	___	___	___
KAHN, KEEGAN J 102 1/2 S 4TH AVE WAUSAU, WI 54401	2015	8/25/2015		6/30/2016		MALARKEY'S PUB	OPERATOR NEW	___	___	___	___
KRATWELL, STEVE 3800 JAMES AVE WAUSAU, WI 54403	2015	9/10/2015		6/30/2016		KWIK TRIP #728	OPERATOR NEW	___	___	___	___
LANDRATH, LORI L 1328 N 3RD STREET APT 2 WAUSAU, WI 54403	2015	9/14/2015		6/30/2016		WALGREEN'S STORE #07	OPERATOR NEW	___	___	___	___
LAWRENCE, JODI J 4111 STEWART AVE APT 4 WAUSAU, WI 54401	2015	9/10/2015		6/30/2016		WAGNER SHELL 4611	OPERATOR NEW	___	___	___	___
LITTLE, ELIZABETH E 1080 RAINBOW DR MERRILL, WI 54452	2015	9/11/2015		6/30/2016		VFW BURNS POST 388	OPERATOR NEW	___	___	___	___
LUBBEN, HEATHER M 916 N 6TH AVE WAUSAU, WI 54401	2015	9/02/2015		6/30/2016		KWIK TRIP #322	OPERATOR NEW	___	___	___	___
MARSHALL, BRITTANY S 1120 1/2 S 12TH AVENUE WAUSAU, WI 54401	2015	9/11/2015		6/30/2016		R STORE #8	OPERATOR NEW	___	___	___	___
MARTINSON, DAVID C 617 N 3RD AVE WAUSAU, WI 54401	2015	8/27/2015		6/30/2016		SHOWTIME	OPERATOR NEW	___	___	___	___
NORMAND, KESSA M R5721 KILLDEER RD ATHENS, WI 54411	2015	8/14/2015		6/30/2016		CRUSIN 1724	OPERATOR NEW	___	___	___	___
POWELL, AMBER L 724 JACKSON STREET WAUSAU, WI 54403	2015	9/09/2015		6/30/2016		SHOPKO 079	OPERATOR NEW	___	___	___	___
RAUEN, SAMANTHA L 1033 W 20TH ST EDGAR, WI 54426	2015	9/11/2015		6/30/2016		PLAYER'S	OPERATOR NEW	___	___	___	___
RICHARDS, DENICE I 522 S 2ND AVE WAUSAU, WI 54401	2015	8/28/2015		6/30/2016		R STORE #6	OPERATOR NEW	___	___	___	___

HEALTH AND SAFETY LIST  
ALL LICENSES  
SEPTEMBER 21, 2015REPORT ID: LRS530I  
RUN DATE: 10/07/15  
RUN TIME: 10:59:59

<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>
ROZMARYNOWSKI, KIM M 1312 S 12TH AVE WAUSAU, WI 54401	2015	8/12/2015		6/30/2016		TOBACCO OUTLET PLUS	OPERATOR NEW	___	___	___	___
SLOCUM, ALYSSA A 724 N 2ND AVE WAUSAU, WI 54401	2015	9/01/2015		6/30/2016		R-STORE #31	OPERATOR NEW	___	___	___	___
TARRAS, HOLLY J 833 FIRST STREET ROTHSCHILD, WI 54474	2015	9/02/2015		6/30/2016		KWIK TRIP #322	OPERATOR NEW	___	___	___	___
WATTERS, JAMES P 3201 MERRILL AVE WAUSAU, WI 54401	2015	9/09/2015		6/30/2016		TREMOR'S BAR	OPERATOR NEW	___	___	___	___
WEAVER, MOLLY A 612 BERTHA STREET WAUSAU, WI 54403	2015	9/03/2015		6/30/2016		DEN MAR TAVERN	OPERATOR NEW	___	___	___	___
WILLHITE, ADAM D 1212 GRAND AVENUE APT 31 WAUSAU, WI 54403	2015	8/31/2015		6/30/2016		CHEER'S BAR	OPERATOR NEW	___	___	___	___
WORKS, TRACY N W7354 JOE SNOW RD MERRILL, WI 54452	2015	8/26/2015		6/30/2016		COP SHOPPE PUB	OPERATOR NEW	___	___	___	___
XIONG, KONG CHEE 1211 PINE STREET WAUSAU, WI 54401	2015	8/13/2015		6/30/2016		KOHLMAN'S INC	OPERATOR NEW	___	___	___	___
YANG, SHENG 514 ROSECRANS STREET WAUSAU, WI 54401	2015	8/13/2015		6/30/2016		WALGREEN'S STORE #07	OPERATOR NEW	___	___	___	___
ERICKSEN, BENJAMIN 2702 MERRILL AVENUE WAUSAU, WI 54401	2015	9/01/2015		6/30/2017		KWIK TRIP #601	OPERATOR - LAPSED RENEWAL	___	___	___	___
MODRZEJEWSKI, JANET D 1812 EMERSON ST WAUSAU, WI 54403	2015	8/19/2015		6/30/2017		VFW BURNS POST 388	OPERATOR - LAPSED RENEWAL	___	___	___	___
SMITH, AMANDA L 3108 MARTIN AVE WAUSAU, WI 54401	2015	8/28/2015		6/30/2017		LOPPNOW'S SPORTS BAR	OPERATOR - LAPSED RENEWAL	___	___	___	___
STONE, DOUGLAS R 12284 ADAMS LN MERRILL, WI 54452	2015	9/10/2015		6/30/2017		WAUSAU CURLING CENTE	OPERATOR - LAPSED RENEWAL	___	___	___	___



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

<b>RESOLUTION OF THE PUBLIC HEALTH &amp; SAFETY COMMITTEE</b>	
Supporting the efforts of Wausau Fire Department in becoming an accredited agency	
Committee Action:	Approved 4-0
Fiscal Impact:	2016-\$6,000 2017-\$11,000
<b>File Number:</b>	15-1007
<b>Date Introduced:</b>	October 13, 2015

<b>FISCAL IMPACT SUMMARY</b>			
<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: 2016-\$6,000 2017-\$11,000</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 Wausau Fire Department wishes to obtain national accreditation through the Center for Public Safety Excellence (CPSE) and the Commission on Fire Accreditation International (CFAI); and

**WHEREAS**, accreditation will assist the Wausau Fire Department in achieving organizational and professional excellence; and

**WHEREAS**, through the comprehensive strategic self-assessment model and accreditation process the Wausau Fire Department will be able to examine past, current, and future service levels and internal performance and compare them to industry best practices which will promote continuous quality improvement and enhancement of service delivery to our community; and

**WHEREAS**, the accreditation process requires a substantial commitment of time and resources, the Wausau Fire Department realizes the value of the self-assessment process and is determined to pursue and achieve accreditation status; and

**WHEREAS**, accreditation process has the potential to decrease the current ISO rating of the City of Wausau which directly impacts the insurance ratings for the residents and businesses; and

**WHEREAS**, the Wausau Fire Department believes accreditation has the potential to dramatically improve the Department, its services and its vision for the future; and

**WHEREAS**, your Public Health and Safety Committee, at their meeting of September 21, 2015, approved the efforts of the Wausau Fire Department in becoming accredited through CFAI and the investment of said resources required to allow Wausau Fire Department to become an accredited agency.

**NOW THEREFORE BE IT RESOLVED** the Common Council of the City of Wausau hereby approves and supports the efforts of the Wausau Fire Department in becoming an accredited agency.

Approved:

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James E. Tipple, Mayor

## **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

### **Operations Report from Fire Department for July 2015**

Chief Kujawa reported there was a fire today at the Ponderosa Motel and quick response contained it to one room. She reiterated her need for support from this committee and the Common Council moving forward on accreditation. It will require a lot of work from the department and there is some cost associated with it. The registration fee is \$500 and they were planning on registering in September. The applicant status will happen in 2016 at a cost of approximately \$6,500 and then the candidate agency status, which means a peer group, comes in for an onsite assessment in 2018 is about \$7,500. There will be additional cost to send our people to present to the accreditation agency at the conference in 2018. It is a long process with a total cost of \$16,000 - \$18,000. She noted there has been some suggestion that in future years Medicare and Medicaid are looking at not paying agencies that are not accredited. They are looking at an accreditation standard so that they know you are performing at a very high level. Motion by Gisselman, second by Kellbach to place this item on the agenda for next month so that we can take official action in promoting this both for Finance Committee and to the City Council. Motion carried unanimously.

## **PUBLIC HEALTH & SAFETY COMMITTEE**

Date and Time: Monday, September 21, 2015 at 5:15 pm, (Council Chambers)

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

Members Excused: Gisselman

### **Discussion and possible action on accreditation process to be undertaken by the Wausau Fire Department (Kujawa)**

Chief Kujawa stated she was bringing this resolution forward to the committee to take action on as directed following discussion last month. Neal asked for clarification on the fiscal impact number. Kujawa explained the dollar figures indicated are simply to pay CFAI to come in and do the accreditation process. Neal questioned if there was some tangible benefit or impact to the city in terms of our insurance or operations. Kujawa explained accreditation will require us to do a self-assessment; a community risk assessment; a standard of cover, looking very closely at our deployment strategies; and a strategic plan. All of this outcome-based data results in benefits to the city insurance rating through CVMIC.

Motion by Neal, second by Kellbach to approve the resolution on accreditation process for the Wausau Fire Department. Motion carried 4-0.

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

<b>RESOLUTION OF THE PARKING &amp; TRAFFIC COMMITTEE</b>	
Designating a 15 mile per hour speed limit school zone on W. Wausau Avenue from N. 10 <sup>th</sup> Avenue to Stevens Drive and Stevens Drive from W. Wausau Avenue to Golden Meadow Street	
Committee Action:	Approved 4-1
Fiscal Impact:	Minimal cost and time to install signs
<b>File Number:</b>	15-1008
<b>Date Introduced:</b>	October 13, 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 speed limit on W. Wausau Avenue from N. 10<sup>th</sup> Avenue to Stevens Drive and Stevens Drive from W. Wausau Avenue to Golden Meadow Street is currently 25 miles per hour; and

**WHEREAS**, Wausau West High School administration has requested the speed limit be reduced to 15 miles per hour while children are present adjacent to the high school; and

**WHEREAS**, pursuant to Section 346.57(4)(b) Wis. Stats., a 15 mile per hour speed school zone may be established; and

**WHEREAS**, your Parking and Traffic Committee, at their meeting on September 17, 2015, examined the issue and recommended that a 15 mile per hour speed limit school zone be established on W. Wausau Avenue from N. 10<sup>th</sup> Avenue to Stevens Drive and Stevens Drive from W. Wausau Avenue to Golden Meadow Street.

**NOW, THEREFORE, BE IT RESOLVED** the Common Council of the City of Wausau does hereby approve of the 15 mile per hour speed limit school zone and posting of appropriate signs.

Approved:

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

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

Date of Meeting: Thursday, September 17, 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, Maryanne Groat, Elizabeth Field, Tamara Scholze, Noreen Landowski, Sid Elford, Beth Zunker, Brian Kowalski

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 5:20 pm.

### **(6) Discussion and possible action: Signing roadways surrounding Wausau West High School as a School Zone with reduced speed limits during school start and release times.**

Discussion:

Lt. Graham received a request from Wausau West High School administration to reduce the school zone speed to 15 mph while children are present. Signs would be posted between 10<sup>th</sup> Avenue and Stevens Drive and in the vicinity of Stevens Drive to the football field area.

Nutting stated he is opposed to restricting north-bound traffic on Stevens Drive. Mielke felt the committee should follow the recommendation of Staff.

Motion by Mielke, second by Kellbach, to sign roadways surrounding Wausau West High School as School Zone with reduced speed limits during school start and release times.

Motion carried 4-1 (Nutting opposed)

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

**ORDINANCE OF THE PLAN COMMISSION**

Rezoning 1741, 1749 & 1757 North 3<sup>rd</sup> Avenue from M1, Limited Industrial District, to B1, Neighborhood Shopping District.

Committee Action: Approved 4-0

**Ordinance Number:**

Fiscal Impact: None.

**File Number:** 15-1006

**Date Introduced:** October 13, 2015

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

**Section 1. That the site of lands described as follows:**

*Part of NW, NE, Commencing 352' East & 384' South of NW Corner of NW, NE South 118', East 292', North 236', West 292', South 118' to Beginning, Excluding Parcel as Described in Volume 401 of Deeds Page 348, Section 23, Township 29 North, Range 7 East, Except Parcel as Described in Volume M178, Page 493 Street, **MORE COMMONLY KNOWN AS 1741 NORTH 3<sup>RD</sup> AVENUE;** AND*

*Part of NW, NE, Commencing 352' East & 266' South of NW Corner of NW, NE East 292', South 177', West 142', Northwesterly to a Point 100' East and 147' South of Point of Beginning West 100', North 147' to Beginning Section 23, Township 29 North, Range 7 East, Except Parcel as Described in Volume M178, Page 493 Street, **MORE COMMONLY KNOWN AS 1749 NORTH 3<sup>RD</sup> AVENUE;** AND*

*Part of NW, NE, Commencing 352' East & 148' South of NW Corner of NW, NE East 292', South 118', West 292', North 118' to Beginning Section 23, Township 29 North, Range 7 East, Except Parcel as Described in Volume N178, Page 493 Street, **MORE COMMONLY KNOWN AS 1757 NORTH 3<sup>RD</sup> AVENUE***

**now comprising a part of M1, Limited Industrial District, according to the Zoning Ordinance of the City of Wausau is hereby rezoned to B1, Neighborhood Shopping District.**

**Section 2.** This change in zoning shall be designated on the official city zoning map.

**Section 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4.** This ordinance shall be in full force and effect from and after its date of publication.

Adopted:  
Approved:  
Published:  
Attest:

Approved:

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James E. Tipple, Mayor

Attest:

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Toni Rayala, Clerk

## PLAN COMMISSION

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Time and Date: The Plan Commission met on Tuesday, July 21, 2015, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Tipple, Lindman, Gisselman, Oberbeck, Bohlken, Atwell

Others Present: Lenz, Hebert, DeSantis, Huotari, Clauss, Firkus, Johnson, Scholfield, Baregi

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 and welcomed Tom Atwell as the newest member of the commission.

### **Discussion and possible action on approving a public hearing for rezoning 1741, 1749 & 1757 North 3<sup>rd</sup> Avenue.**

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Lenz said that this item is to authorize a public hearing for the rezoning, which would be held at a subsequent meeting if we agree that it should be done. The alderperson for the area is available to answer any questions. The property is currently zoned M1, Limited Industrial District, which is shown on the map as a grey shaded area. This is a unique situation; it is not something that would be done with today's standards. Public comments would be taken during the public hearing. This is the first step. Staff is willing to consider B1 zoning or to look at another zoning that is not manufacturing. The property around the subject property is essentially all residential.

Rasmussen said that the email that is in the packet speaks for itself. In the last 1960's, 1970's, and 1980's, Digman owned dwellings for the workers. The children inherited the property and sold it to two partners, who are parting ways and selling the property again. If this is zoned manufacturing when a new owner purchases and has an intended manufacturing use that is allowed per the zoning code, it could not be stopped. The neighboring owners are not anti-business, and the property is conducive to light commercial.

Bohlken asked if the soil is contaminated. Rasmussen said that it could be. There is currently a mechanic business being run, but not sure of the contamination. Mayor Tipple said one resident is in favor of responsive zoning and the public hearing would be appropriate.

Gisselman asked if there is an active business operating now. Hebert answered there is one auto garage on the north end of the property and three houses on the 3<sup>rd</sup> Avenue that are being rented. One building on the aerial is gone and several small sheds on the aerial have also been torn down. Mayor Tipple said that it was a lumber yard at one time.

Atwell motioned to approve a public hearing to rezone 1741, 1749 & 1757 North 3<sup>rd</sup> Avenue. Bohlken seconded, and the motion carried unanimously 6-0.

## Melissa Engen

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**From:** Brad Lenz  
**Sent:** Tuesday, August 18, 2015 1:03 PM  
**To:** Melissa Engen  
**Subject:** FW: Rezoning hearing for 1741, 1749, & 1757 North 3rd Ave.

Melissa,  
Please print for plan commissioners...

Thanks,  
Brad

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**From:** Lisa Rasmussen  
**Sent:** Monday, August 17, 2015 9:27 PM  
**To:** Brad Lenz  
**Subject:** Fwd: Rezoning hearing for 1741, 1749, & 1757 North 3rd Ave.

Hi Brad,  
See below for Plan Comm regarding the Digman site. Please include the email as public feedback.  
Lisa

Sent from my iPad

Begin forwarded message:

**From:** JOHN WOLLER <[woller04@yahoo.com](mailto:woller04@yahoo.com)>  
**Date:** August 17, 2015 at 6:17:12 PM CDT  
**To:** Jim Tipple <[Jim.Tipple@ci.wausau.wi.us](mailto:Jim.Tipple@ci.wausau.wi.us)>  
**Cc:** Lisa Rasmussen <[Lisa.Rasmussen2@ci.wausau.wi.us](mailto:Lisa.Rasmussen2@ci.wausau.wi.us)>  
**Subject:** Rezoning hearing for 1741, 1749, & 1757 North 3rd Ave.  
**Reply-To:** JOHN WOLLER <[woller04@yahoo.com](mailto:woller04@yahoo.com)>

Dear Mayor Tipple

My wife and I will be out of town when the hearing is being held but I wanted to voice our opinion on the matter. As far as the rezoning of the properties at 1741, 1749, & 1757 North 3rd Ave. our preference is for the properties to be zoned residential. Our second preference would be the option of B1. Our feeling is that because the properties have not been used for Industry for quite some time that it should go to residential.

John & Rita Woller



## **STAFF REPORT**

TO: City of Wausau Plan Commission  
FROM: Brad Lenz, City Planner  
DATE: August 13, 2015

### **GENERAL INFORMATION**

**APPLICANT:** City of Wausau  
**LOCATION:** 1741, 1749, and 1757 N. 3<sup>rd</sup> Avenue  
**EXISTING ZONING:** M1, Limited Industrial District  
**REQUESTED ZONING:** B1, Neighborhood Shopping District  
**PURPOSE:** The City of Wausau is initiating the zoning change to make the future land uses of the property more compatible with the surrounding residential properties.  
**EXISTING LAND USE:** Mixed, residential and commercial  
**SIZE OF PARCELS:** 2.36 acres in total  
**SURROUNDING ZONING AND LAND USE:**

North: R2, Single Family Residence District; Single family homes  
South: R2; Single family homes  
East: R2; Single-family home and vacant residential lots  
West: R1, Single Family Residence District; telephone utility

See attached Zoning Map

## ANALYSIS

Per Wausau Municipal Code 23.78.060, the plan commission shall make zoning change recommendations based upon the evidence presented in each of the following matters where applicable:

- (a) Existing use of property within the general area of the property in question and the effect the proposed rezoning is likely to have on these land uses;*
- (b) The compatibility of the land uses which would be permitted by the zone change with the existing or planned land uses within the general area of the property in question;*
- (c) The zoning classification of property within the general area of the property in question;*
- (d) The suitability of the property in question to the uses permitted under the existing zoning classification;*
- (e) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification;*
- (f) Whether the proposed zone change is generally consistent with the goals, objectives and policies identified in the City of Wausau Comprehensive Plan*
- (g) The nature and extent of the input received at the public hearing regarding the proposed zone change;*
- (h) The precedence, if any, that approval of the requested zoning could have on similar requests made elsewhere in the city; and*
- (i) If the property was recently annexed, the zoning classification of the property prior to annexation.*

As discussed at a previous plan commission meeting, the properties represent a somewhat unique zoning situation in the city. They are a small pocket of industrially-zoned properties surrounded by residential zoning. A change in zoning would ensure future uses of the property are more compatible with the surrounding residential neighborhood. Existing uses of the property that are permitted in the M1, would be allowed to continue as legal, non-conforming uses, but new uses established on the property would need to conform to the new zoning district.

The proposed zoning is B1, Neighborhood Shopping District, which would allow some commercial use of the property, particularly uses that would serve the nearby residential population. It would also allow single family homes by right, and multi-family units (up to four-family dwellings) by conditional use. It would not allow heavier commercial or industrial uses that would be permitted in the M1 district.

The City's Comprehensive Plan seems to support the idea of rezoning small pockets of industrial properties within a residential area. In the Land Use chapter of the plan, an industrial development goal is to "Segregate industrial areas from other activities to reduce the extent of possible land use conflicts." A policy from the same section of the plan states: "The City encourages clustering of industrial activity in planned industrial parks or in areas adjacent to existing industrial activities." Although the site does not lend itself to large-scale industrial development, the current zoning district of M1 would allow some uses, particularly a variety of manufacturing activities, that could potentially conflict with neighboring residential uses.

## 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 rezoning 1741, 1749 & 1757 North 3<sup>rd</sup> Avenue from M1, Limited Industrial District, to B1, Neighborhood Shopping District. (City of Wausau)**

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Mayor Tipple read an email from John and Rita Woller. In the email, it was stated that they preferred residential zoning as the first choice, B1 zoning as a second choice, but not industrial zoning.

Sarah Ruffi, 627 Jackson Street, representing David and Becky Hummer, asked if there is an actual purpose for this change, as a proposed land use needs to be known.

Phillip Buch, 1721 North 2<sup>nd</sup> Avenue, said the area has been residential for all these years, other than the Digman Properties. There was a lot of air pollution with Digman Properties. There are numerous violations and there hasn't been any paving done to the property. Buch said he would like the zoning of the properties be residential. Buch asked who received the letters because some neighbors didn't receive the letter and asked what the distance of the notification is.

Lisa Rasmussen, 1310 Crescent Drive, said she initiated the process on behalf of the residents in this neighborhood. The Digman properties have been zoned M1 for several decades and it is a nonconforming use. The uses that have been done at these properties are very disruptive to a residential area. Today, M1 zoning would be never be near a residentially zoned area. There isn't the ability to control noise, hours of operation, disruption, or smell. The neighborhood is not unfriendly to business, but a reasonable land use needs to be on these sites. B1 is the most restrictive commercial use. These uses are not open late hours and do not manufacture things. The types of businesses would be office, light retail, or clinics. The neighbors would probably tell you that they want residential zoning, but do not want the same uses to continue. If a commercial use would be necessary, it would be the most restrictive commercial use. It will be less invasive. The current property owners are splitting ways and will soon be for sale and this is the time to address the grandfathered nonconforming use.

Jim Scheel, 1736 North 1<sup>st</sup> Avenue, said he and his wife are both against the rezoning and it should be residential zoning. Since Mr. Digman has passed away, the path near the fence is not kept up and branches are blowing into his yard. Scheel said he would like to keep it residential.

Jerry Frickenstein, 1720 North 1<sup>st</sup> Avenue, said that everyone complained about the dust and dirt from Digmans. It should never have been zoned M1, but it was approved. It is a blighted area and the city has torn down barns on Campus Drive. The two barns on these properties should have been torn down a long time ago. Frickenstein said he doubted that any of these buildings are code compliant. Frickenstein said he had a question about the legal description since it didn't make sense. Frickenstein said the properties should be R1 or R2 so it is a residential area.

David Hummer, 115 West Campus Drive, said he and his wife are the largest property owners, except for the Digman properties. They have gone through great lengths to rehab the property and are very proud of it. Hummer said they are against anything that is not residential zoning. A demolition material disposal site is a conditional use for B1 zoning and Hummer said he absolutely disagrees with that, if that is the

intention.

Frickenstein said that Digman sold insulation and paint and asked if there has been any testing on the ground pollution in the area and asked if it should be done.

Scheel said that there is an error in the map, just south of 115 West Campus Drive. The 1748 North 1<sup>st</sup> Avenue and 1743 North 1<sup>st</sup> Avenue lot lines are not correct or the Digman fence is not located on the Digman property. The owner of 1748 North 1<sup>st</sup> Avenue confirmed this. Mayor Tipple said that it is possible.

Hummer said that 1974 is the last time that the entire neighborhood was surveyed and there are several survey markers along different properties. Hummer said the survey marker for the southeast corner of his property is in the middle of a neighbor's property. Hummer said it doesn't make sense. This is all hearsay and long feud between deceased persons. Hummer said the lot lines of 1733, 1737 and 1743 North 3<sup>rd</sup> Avenue may be wrong because of the northern lot. Hummer said he would like it cleared up.

Rasmussen said that B1 zoning is most commercial restrictive use and there isn't a plan for any of the conditional uses. The original plan was to rezone for single family homes, but that type of zoning change may hinder the owner's ability to market and sell the property. If the commission is interested in zoning to residential based on feedback and the process needs to be done it needs to be started right away.

Scheel asked if the lot lines on 2<sup>nd</sup> Avenue are true. Mayor Tipple said this would be addressed.

Mayor Tipple closed the public hearing.

Lenz said that since it was noticed as a B1 zoning, the commission could change it to residential since it would be more restrictive. He said a recommendation could be made to Common Council right away to rezone to residential, if that is the wish of the commission. There isn't a specific proposal for the property. The city is proposing the zoning change but is not the developer; it was proposed to restrict the future uses of the property. There are several uses that would be permitted without review of the commission; others would need additional approval. He said the property line issues sound major, but the city surveyor is not present and would not normally get involved with neighbor-to-neighbor disputes. Private land surveyors would need to be contacted because the work is very detailed and city does not have this capacity. Mayor Tipple said that he would check out the surveying capabilities because public right-of-way is in question. Hummer said the legal description does not match the survey.

Lenz said that there were comments about the conditional use and a demolition business. It would be a conditional use and the same process of a rezoning would be followed, so the neighbors would be notified. It would be doubtful that the city would approve that type of business because the point of the rezoning is to make the property compatible with the neighborhood. A notification map was shown to the audience. According to the ordinance, property owners within 100 feet need to be notified. A notice was sent to property owners within 200 feet around the properties. All the properties that are immediately around the property were sent a notice. The notices go to property owners so if it is a rental property, tenants would not be sent a copy of the notice. Lenz said the pollution issue is hard to assess. If the city owned the property, testing would be done, but unless it is severely contaminated, we may not know the extent of it. He said the nuisance ordinance should be followed, particularly in terms of the dust.

Hummer said that 2<sup>nd</sup> Avenue does not run all the way up as shown on the map. Lenz said that it is city right-of-way as shown and a street could be put there in the future even though there isn't one there now. Mayor Tipple said that the pollution could be remedied as a condition of sale.

Oberbeck asked if there has been any contact with the owner or any comments from the owner. Lenz said

that word was passed along to them and they also received a written notice, as the neighbors did. Gisselman said he would like to think about a residential zoning and agendize it as a specific item.

Gisselman motioned to postpone this item to the next meeting and have a public hearing for it to be rezoned to a residential zoning district.

Lenz said that R1 and R2 and both single family residential districts. Gisselman said that since the neighbors are R2 zoning, that may be best. Lenz said the only difference is the lot sizes and setbacks. Gisselman asked that the planning office come back with a suggestion at the next meeting. Lenz said that the neighbors are all zoned R2, so that would be the most consistent. Mayor Tipple asked if another public hearing would need to be held. Oberbeck asked if the B1 zoning would need to be voted down; since that is the way it is agendized. Mayor Tipple said that if it is voted down, it would need to go to Common Council as such. Gisselman said that he would like to have a public hearing to make sure all the neighbors are aware of the zoning change.

Atwell asked if the primary reasoning for B1 is the marketability of the property. The owners may take more interest in the zoning change if it were to be rezoned as residential. Lenz said that staff looked at B1 to give the owners some options. The city has the ability to rezone property, but does not typically do it without the owner's consent. Lenz said the B1 offers options for convenience businesses into a neighborhood, such as a corner store. He said this district is generally seen as compatible with residential neighborhoods. Atwell said that it would be a different outcome and a lot of the residents seem to want the residential zoning. Atwell asked if there are other properties in this area that are owned by the same owner. Lenz said that there are single lots to the east of the 2<sup>nd</sup> Ave right-of-way that are owned by the same owners and are divided for single family homes. The lots are vacant and the street would be extended if developed. Some developers had looked at these lots, but were having a hard time making it work economically because of the demolition and cleanup costs plus extending the infrastructure. Atwell asked if the buildings would need to be demolished if the rezoning is done and a new owner obtains the property. Lenz answered that the use could stay; zoning does not go with the ownership of the property, but the use of the property. Atwell asked if some of the buildings are vacant. It was confirmed that some of the uses are vacant. The continuation clause will need to be confirmed. Mayor Tipple said that the city would look at the code violations of the property. Mayor Tipple said that if the properties are rezoned to R2, the properties may sit as they currently are. Atwell asked if certain conditions could be ruled out in B1 district. Lenz said that Common Council has the final vote and staff cannot guarantee that it would or wouldn't be allowed.

Oberbeck seconded, and the motion carried unanimously 5-0. A public hearing will be held during the September 15, 2015 meeting.



## Memorandum

From: Brad Lenz  
To: Plan Commission  
Date: September 9, 2015  
Subject: Rezoning of N. 3<sup>rd</sup> Avenue properties

At last month's Plan Commission meeting, the properties at 1741, 1749, and 1757 North 3<sup>rd</sup> Avenue were the subject of a rezoning petition initiated by the City. The proposal was to rezone the properties from their current industrial zoning to B1, Neighborhood Shopping District to make the properties more compatible with surrounding residential properties while still allowing viable redevelopment opportunities. The action by the Plan Commission was to postpone a recommendation and set up a public hearing this month to consider R2, Single Family Residence District zoning. Please see the attached minutes from last month's meeting, along with the staff report and its accompaniments.

It is expected that the owners of the subject properties will testify at this month's public hearing against the rezoning to R2. This zoning district is very restrictive in terms of the uses allowed. Although several neighbors at the last public hearing expressed a strong preference for the properties to be developed with single-family homes, a zoning change to R2 will not automatically produce this result. One reason is that, besides single-family dwellings, other uses are permitted by right in the R2 district. Examples of these uses are community living arrangements as well as a variety of educational, cultural, and religious institutions. Although the City may control the underlying zoning of the property, in this case the City does not own the properties and will not be developing them. The private market may or may not deem these particular lots suitable for single-family homes, given the small number of buildable lots and their expected sales prices, versus the costs to clean up the properties and install needed infrastructure.

The properties may continue to be used legally as they are now (as "non-conforming uses") even if the new zoning district prohibits them. If the goal is to remove the existing uses from the properties by redeveloping them with something better for the neighborhood, it may be most beneficial for the properties to have a zoning district that would allow more economically viable options that are still compatible with the neighborhood.

Staff recommends that the Plan Commission discuss potential zoning options in more detail following testimony at the public hearing.

## PLAN COMMISSION

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Time and Date: The Plan Commission met on Tuesday, September 15, 2015, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Lindman, Gisselman, Atwell, Bohlken

Others Present: Lenz, DeSantis, Hebert, Higginbotham, Rasmussen, Ruffi, Ohrmundt, Lancaster

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

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

### **PUBLIC HEARING: Discussion and possible action on rezoning 1741, 1749 & 1757 North 3<sup>rd</sup> Avenue from M1, Limited Industrial District, to R2, Single Family Residence District. (City of Wausau)**

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Dan Higginbotham, PGA - 156 Kent Street, said the owners have owned the property for 1 ½ - 2 years. The zoning was M1 when the property was purchased from Digman, as it is currently zoned. The lots to the east of the 2<sup>nd</sup> Ave right-of-way are zoned for single family residential use. The properties were not purchased for single family or industrial use. No one was present during the August meeting when the proposal was B1. Higginbotham said that in hindsight someone should have come to the meeting to state the plans of the properties. The future use is pictured as multi-family or assisted living campus as the best use of the property. With the plans, it was not upsetting to see a rezone from M1 to B1. It would be difficult to develop the lots east of 2<sup>nd</sup> Avenue as single family. Higginbotham asked that this not be rezoned to R2 and said that he didn't think it could be rezoned to B1 since it was not agendized as such. PGA has a good track record and has not been a bad neighbor and hopes that will speak for itself. It is not an interest to having this property be a demolition yard.

Lisa Rasmussen, 1310 Crescent Drive, said that the commission has heard from her at the last two meetings about the reason for the rezoning. It was never to restrict the marketability or use of the property. It was to get rid of a nonconforming use in the neighborhood. R2 zoning may be the desired use for the neighbors, but the plan commission can rezone to B1 based on the owners statement. Since the public hearing already occurred for B1 zoning, the commission could forward either recommendation to the Common Council

Sarah Ruffi, representing David and Rebecca Hummer, said that under B1 zoning multi-family and elderly living is not a permitted or conditional use. Ruffi said that they would still object since PGA could use this as a demo site.

Lindman closed the public hearing.

Lenz said that a conditional use would not be available for a multi-family development (unrestricted) in B1 or R2 zoning. There are some other uses allowed in the R2 zoning besides single-family homes. Senior housing is not listed in the zoning code, but care facilities are. A demo site would require a conditional use that would go through a separate process similar to this process of rezoning – notices would be sent and Plan Commission and Common Council would need to approve it. It has been discussed if B1 could go to council without another Plan Commission meeting and staff feels that is possible. A public hearing was already held and it is within the 30-day timeframe to send to Common Council. There hasn't been a confirmation from the Attorneys office, but this will reviewed before the Common Council meeting in October.

Hebert clarified that a conditional use in the B1 district can be approved for 2-4 family units. Once the zoning is B1, it could be subdivided with the potential of several 4-unit buildings on each parcel. Some of the conditional uses for R2 zoning are nursing homes or care for aged or children. It has been typical to have UDD zoning with multi-family developments. The commission would have more authority over buffers, parking, building finishes, landscaping, and other items. A public hearing would need to occur

with UDD zoning.

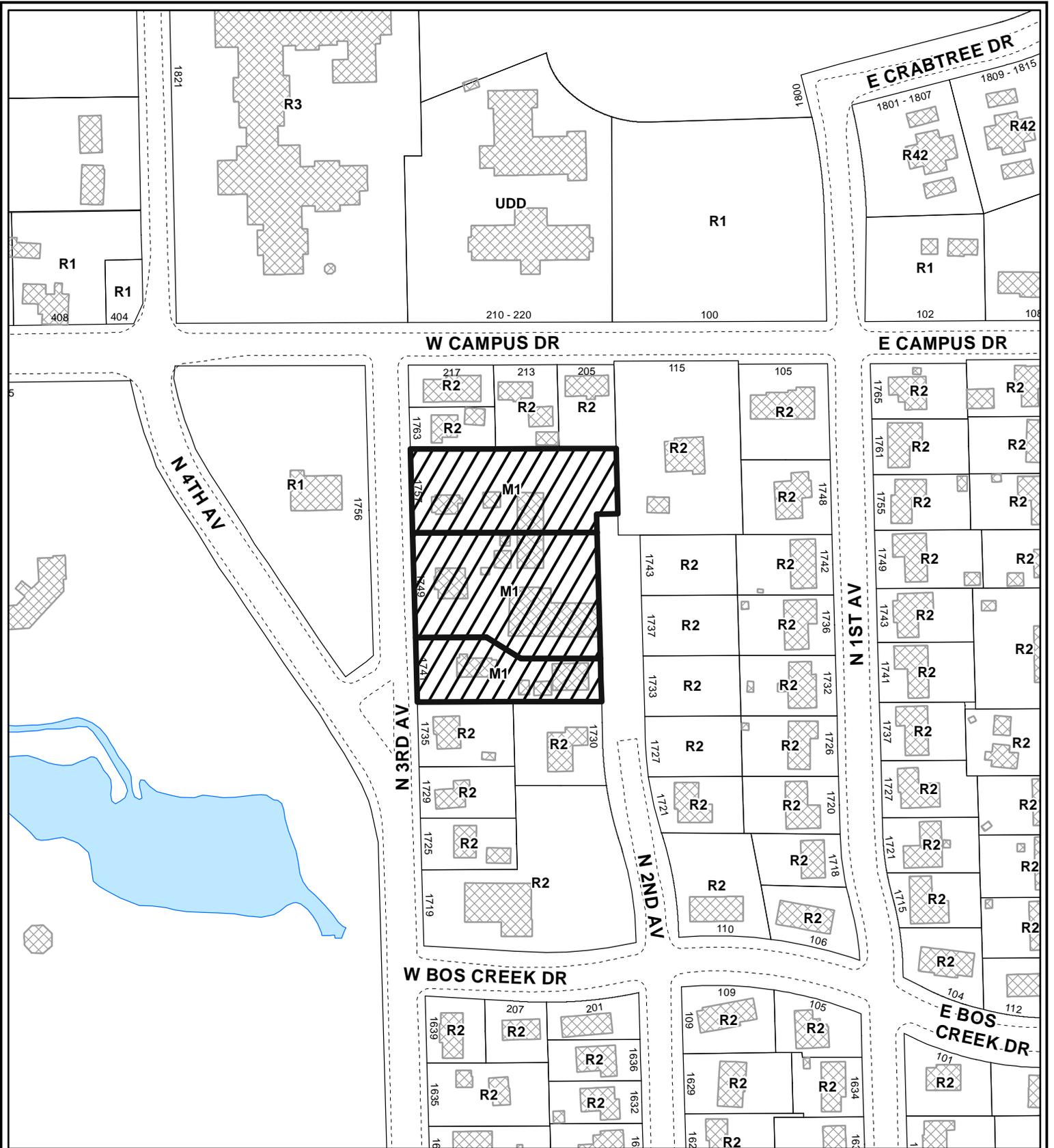
Gisselman questioned if the UDD zoning could be done today. Hebert said it could not. A general development plan is required for the commission's review. There aren't any required plans for straight R2 or B2 zoning. Gisselman asked about the steps for a conditional use. Lenz said that a site plan could be required, but there is more review with UDD zoning. Conditions could be put on a conditional use to protect the public interest. Gisselman said the concept is looked at. Hebert said that is correct, it is not as detailed as UDD zoning.

Lindman said that rezoning the properties to B1 allows for more uses than restricting to R2. B1 zoning would be a good zoning district, but R2 zoning is also an option. Both options would require a conditional use for the future plans discussed by the petitioners and a public hearing would be required. Lenz said that more details would be needed for UDD zoning.

Gisselman motion to rezone 1741, 1749 & 1757 North 3<sup>rd</sup> Avenue from M1, Limited Industrial District, to B1, Neighborhood Shopping District.

Lenz said that any uses listed as permitted in B1 would be allowed to move in without further review by the committee or Council. Atwell said that a conditional use would need to be approved for a demolition site. Hebert said that is correct. Atwell said that are no immediate plans for the development, it is just to protect the area. Atwell asked the owners if they are planning on keeping the property. It was confirmed.

Bohlken seconded, and the motion carried unanimously 4-0. This item will go to Common Council on October 13, 2015.



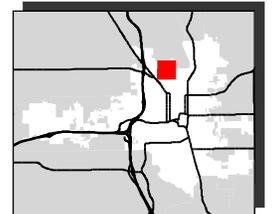
Map Date: August 3, 2015

City of Wausau  
Marathon County Wisconsin



- Area of Interest
- Building

Map Location



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

**RESOLUTION OF THE ECONOMIC DEVELOPMENT COMMITTEE**

Conveying an approximately 0.19 acre strip of City-owned property located north of International Drive, east of the detention pond and south of Eastbay's existing building to Stettin Investor's Group (SIG) to facilitate additional access and parking options at the existing facility leased to Eastbay/Footlocker.com in the Wausau Business Campus as part of the sale originally approved.

Committee Action: Pending

Fiscal Impact: None

File Number: 01-0904

Date Introduced: October 13, 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> <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 City originally established the Wausau Business Campus to encourage job growth and facilitate quality commercial infrastructure;

**WHEREAS**, the sale of approximately seven (7) acres of land to the Stettin Investor's Group (SIG) was approved by the Economic Development Committee and City Council; and

**WHEREAS**, the Stettin Investor's Group and Eastbay/Footlocker.com would like to build a driveway with access off International Drive; and

**WHEREAS**, the sliver of City-owned land which blocks their access is a remnant parcel that is not developable; and

**NOW THEREFORE BE IT RESOLVED**, the Common Council of the City of Wausau instructs staff to survey and convey the property north of International Drive, east of the detention pond and south of Eastbay's existing building to Stettin Investor's Group (SIG) and to include this conveyance in the closing with the larger previously approved parcel.

Approved:

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James E. Tipple, Mayor



## Staff Report

**From:** Ann Werth  
**To:** Economic Development Committee Members  
**Date:** October 13, 2015  
**Re:** Business Campus Land Conveyance

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Purpose: Obtain committee approval to convey a 0.19 acre strip of land to the Stettin Investor's Group for access and a driveway

Facts OR Considerations:

The sliver of land is on the north side of International Drive, just east of the detention pond, and south of Eastbay's existing building. A map is attached. The sliver of land, owned by the City, lies between International Drive and the Eastbay property.

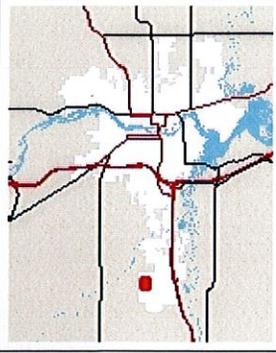
The sale of land to the Stettin Investor's Group for the Eastbay parking lot was approved by the Economic Development Committee on September 15, 2015 and Council on September 22, 2015. Access to International Drive was not requested at that time. The sliver of land, which blocks their access, is a remnant parcel that is not developable.

Recommendation:

Staff recommendation is to approve the conveyance of the property and include this conveyance in the closing with the larger parcel that was already approved for sale.



# Inspection Mapping System



- Legend**
- Parcels
  - Railroad
  - ▭ Paved Road
  - ▭ Divided Highway
  - Stream - River
  - ▭ Pond - Lake
  - ▭ Wausau Wetland

*CONVEY GREEN SLIVER  
TO EASTBAY/SIG*

*TO 72nd AVE.*

*Researcher approved  
for sync to  
EAST BAY*

INTERNATIONAL DR

*CITY TO RETAIN*



Map Created: 10/1/2015

82.30 0 82.30 Feet



User\_Defined\_Lambert\_Conformal\_Conic

**Notes**

DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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

**RESOLUTION OF THE ECONOMIC DEVELOPMENT COMMITTEE**

Setting the sale price of the previously approved 3 year option on an additional 8.53 acres at 7750 International Drive (PIN: 291-2906-251-0978) 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.

Committee Action: Pending

Fiscal Impact: None

File Number: 01-0904

Date Introduced: October 13, 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> <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 Stettin Investor's Group (SIG) developed a 500,000 sq.ft. distribution and warehousing facility on 23 acres of previously City owned land for Eastbay/Footlocker.com which has continued to grow and expand throughout the City and within the Wausau Business Campus; and

**WHEREAS**, the City wholeheartedly supports Eastbay/Footlocker.com's continued expansion in Wausau and values the continued partnership which has benefited both the company and the City.

**WHEREAS**, the City previously approved a 3 year option on an additional 8.53 acres at 7750 International Drive (PIN: 291-2906-251-0978) to Stettin Investor's Group (SIG) to facilitate additional parking and future expansion options at the existing facility leased to Eastbay/Footlocker.com.

**NOW THEREFORE BE IT RESOLVED**, the Common Council of the City of Wausau instructs staff to set the purchase price of the option on the 8.53 acres at 7750 International Drive (PIN: 291-2906-251-0978) for an amount determined by the Economic Development Committee.

Approved:

---

James E. Tipple, Mayor

Document No.

**OPTION**  
Document Title

IN CONSIDERATION of the sum of One Hundred and no/100 Dollars (\$100.00) per year, the first year's payment of which is this day in hand paid to the City of Wausau by Stettin Investors Group, LLP, receipt of which is hereby acknowledged, the City of Wausau does hereby give to said Stettin Investors Group, LLP, its successors and assigns, the option to purchase on or before the \_\_\_\_ day of \_\_\_\_\_, 2018, the following described real estate located in the City of Wausau, County of Marathon, State of Wisconsin, to-wit:

Lot 2 of Certified Survey Map No. 1486479 recorded in the office of the Register of Deeds for Marathon County, Wisconsin, in Volume 66 of Certified Survey Maps on page 187.

Recording Area

Name and Return Address:

Stettin Investors Group, LLP  
Attn: William Reif  
707 Gray Place  
Wausau WI 54403

Charge:

PIN: 291.4.2906.2512.0978

for the sum of \_\_\_\_\_ (\$\_\_\_\_\_) payable as follows: Cash at closing. The option price shall be in addition to this sum.

Notice of the intention to exercise this option shall be served upon the City of Wausau within the time above specified, either by personal delivery or by registered mail, addressed to the City of Wausau at 407 Grant Street, Wausau, WI 54403-4783.

Within 30 days from the date such notice is so served, the City of Wausau will furnish an owner's policy of title insurance, in the sum of \$\_\_\_\_\_, written by an insurance company licensed by the State of Wisconsin, showing title as called for by this agreement. Sale shall be consummated and the conveyance made within 60 days after service of the notice above specified; conveyance shall be made by warranty deed free and clear of all liens and encumbrances, except: None.

Rents, general taxes and interest shall be prorated to date of transfer, insurance policies shall be assigned and premiums therefor be likewise prorated.

It is agreed that time is of the essence of this option.

Should Stettin Investors Group, LLP fail to exercise this option within the time herein limited, all rights and privileges granted hereunder shall be deemed completely surrendered, this option terminated, and the amount this day paid shall belong to the city of Wausau.

If more than one person executes this option as owner, singular terms used herein shall be read as if written plural.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF WAUSAU BY:

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

\_\_\_\_\_  
\*Toni Rayala, City Clerk

STETTIN INVESTORS GROUP, LLP BY:

\_\_\_\_\_  
\*William Reif, Member

STATE OF WISCONSIN     )  
  )  
COUNTY OF MARATHON    )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, the above named James E. Tipple, Mayor, and Toni Rayala, City Clerk, for the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public, Wisconsin  
My commission expires \_\_\_\_\_

STATE OF WISCONSIN     )  
  )  
COUNTY OF \_\_\_\_\_)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, the above named William Reif, member of Stettin Investors Group, LLP, to me known to be the person who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
\_\_\_\_\_  
Notary Public, Wisconsin  
My commission expires \_\_\_\_\_

This instrument was drafted by  
Anne L. Jacobson, City Attorney  
for the City of Wausau  
407 Grant Street  
Wausau WI 54403

14915



DOC = 1486479

CL 15.00

*Michael J. Sydow*

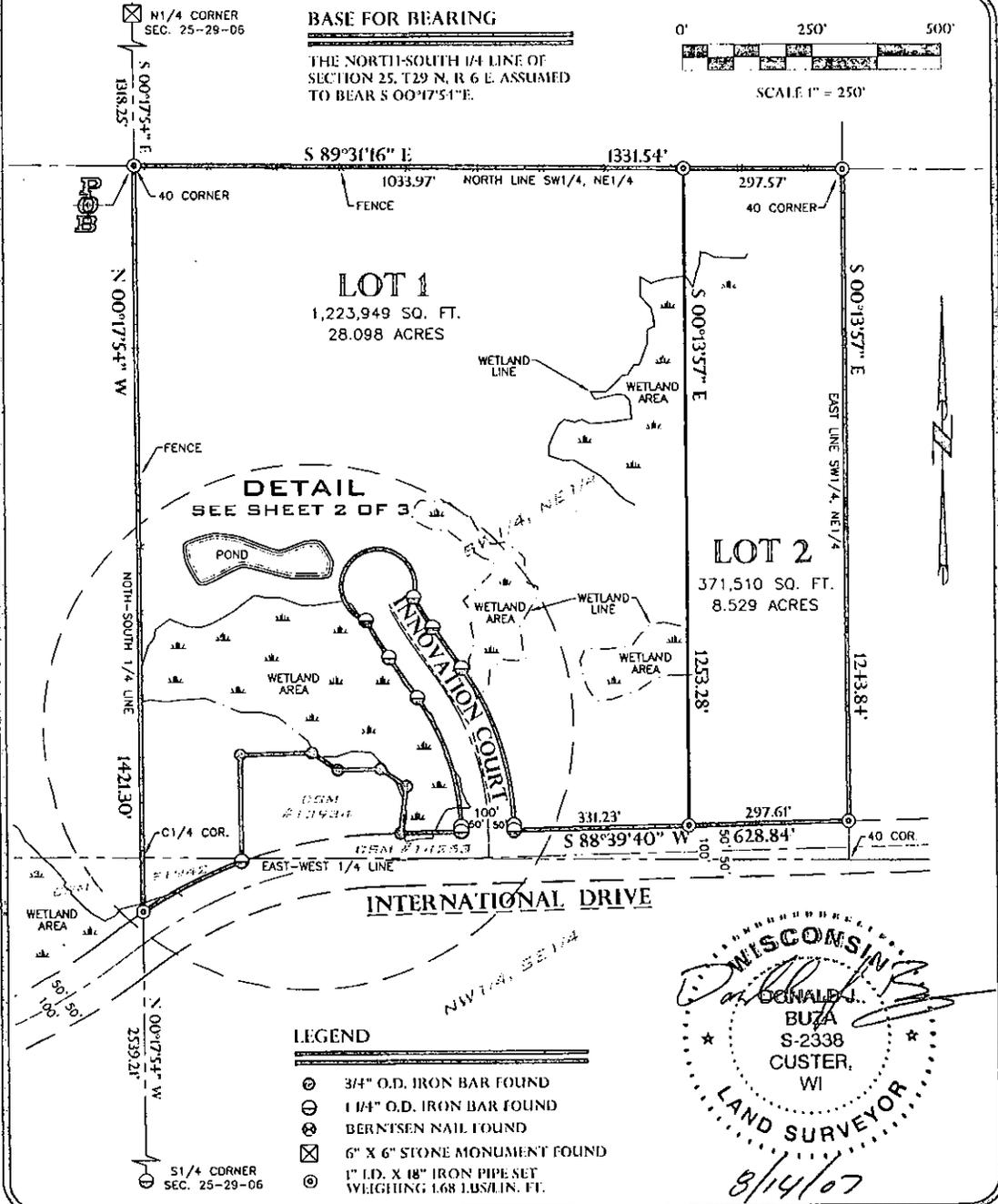
(NWSE + SWNE)

Lot 1: 291.4, 2906, 251, 0979

Lot 2: 291.4, 2906, 251, 0978 (SWNE)

**MARATHON COUNTY CERTIFIED SURVEY MAP**

OF PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, INCLUDING PART OF CERTIFIED SURVEY MAP #1942; ALL IN TOWNSHIP 29 NORTH, RANGE 6 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.



WISCONSIN  
 DONALD J. BUZA  
 S-2338  
 CUSTER, WI  
 LAND SURVEYOR  
 8/14/07

**POINT BEGINNING**  
 LAND SURVEYING  
 LANDSCAPE ARCHITECTURE  
 ENGINEERING  
 DONALD BUZA  
 RLS #2338

THIS INSTRUMENT WAS DRAFTED BY DONALD BUZA AND DRAWN BY CYNTHIA MILLER

FIELD BOOK 26, 8-11 PAGE 41-45, 1-2  
 JOB # 07788

SHEET 1 OF 3 SHEETS