

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL

held on Tuesday, October 27, 2015 at 7:00 pm., in the Council Chambers.

Mayor Tipple presiding.

Roll Call

10/27/2015 7:02:53 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

Proclamations

Mayor Tipple proclaimed **November** as “**Small Business Month**” and presented the proclamation to Elizabeth Field.

Mayor Tipple proclaimed **Extra Mile Day** on **November 1, 2105** and urged each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

Mayor Tipple proclaimed **October 25 – November 1, 2015**, as **WHITE RIBBONS AGAINST PORNOGRAPHY WEEK** and called upon all citizens of Wausau to wear or display white ribbons as a sign of their commitment to standards of decency and as citizens given their support for those who enforce the laws against obscenity.

Presentations:

The Council video presentations can be viewed online on the city’s website at: <https://waac.viebit.com/>

Wausau Fire Department and Community Paramedicine (Dr. Mark Mirick and Chief Kujawa)

Hard copy of PowerPoint presentation on file in Clerk’s Office.

Main Street Update (Elizabeth Field)

Hard copy of PowerPoint presentation on file in Clerk’s Office.

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

- 1) Kevin Malovrh, 317 Gerald's Ct, Advantage Insurance, spoke regarding the former Kwik Trip property at 1500 Grand Avenue. He would like to obtain the property to help facilitate the program of the Entrepreneurial Education Center, where he started his business from scratch, built it up and now wants to expand it. He noted he did not want any help from the city and that he has financing approval from the bank.
- 2) Corey Sandquist, 5403 Lakeshore Dr, Sandquist Chiropractic, stated he also has a proposal for 1500 Grand Avenue for a chiropractic clinic. He felt it would complement and beautify and add value to that neighborhood. He indicated he needed to expand because his daughter was entering chiropractic college and will be coming back here to practice. He indicated he originally asked for \$85,000 in low or no interest loans, but has now obtained his own financing, if necessary. He submitted letters of support from the neighborhood and community.
- 3) Cal Tillisch, 431 Sturgeon Eddy Rd, spoke on behalf of the Sandquist proposal and stated that Sandquist would be willing to grant a riverwalk easement on the property if he obtained it.

Communications & Committee Reports

Mayor Tipple announced the Wausau Center Mall public forum will be held on Monday, November 16, 2015, from 5:30 – 7:30 pm., at the UWMC Veninga Theater - Center for Civic Engagement. It will be hosted by the City of Wausau Community Development ED Department and the facilitator will be our consultant. It will be an opportunity to hear from retail experts on options for the future with questions & answer format.

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

15-1001 Minutes of previous meeting(s). (10/13/15)

15-1010 Initial Resolution of the Capital Improvements & Street Maintenance Committee setting a public hearing regarding vacating and discontinuing a portion of 77th Avenue.

12-1106 Resolution of the Capital Improvements & Street Maintenance Committee authorizing downtown snow/ice removal 2015-2016.

90-1136 Ordinance of the Public Health & Safety Committee amending Section 6.44.010 Definitions to exclude certain residential units located in commercial buildings from solid waste pick-up.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0105

Motion by Rasmussen, second by Abitz to adopt the Resolution of the Capital Improvements & Street Maintenance Committee Levying Special Assessments for 2015 Street Reconstruction Projects - 730 East Crocker Street.

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

02-1005

Motion by Abitz, second by Nutting to adopt the Resolution of the Capital Improvements & Street Maintenance Committee approving Real Estate Services Contract for right-of-way property acquisition required related to the Thomas Street Project.

Jacobson noted the draft contract in their packets has been changed, but not in any way material way that would prevent them from approving it this evening. She noted they did add a term to end it November 30, 2019, which would take in the acquisition period, as well as two years beyond having relocated residents and helping them complete any paperwork for which they may be eligible for relocation benefits.

Yes Votes: 11 No Votes: 0 Result: PASS

02-1005

Motion by Nutting, second by Rasmussen to adopt the Joint Resolution of the Capital Improvements & Street Maintenance Committee and the Plan Commission approving right-of-way for the Thomas Street Project.

Yes Votes: 11 No Votes: 0 Result: PASS

15-1012 & 15-1011 Refer back

Motion by Mielke, second by Neal to refer the Resolutions of Economic Development Committee accepting the proposal of Advantage Insurance/Kevin Malovrh to transfer the City owned property at 1500 Grand Avenue (formerly a Kwik Trip) for the establishment of an insurance office; AND accepting the proposal of Sandquist Chiropractic Office to transfer the City owned property at 1500 Grand Avenue (formerly a Kwik Trip) for the establishment of a chiropractic office - back to the ED Committee.

Jacobson explained if they approve this resolution with the proposal from Kevin Malovrh, the second resolution from Corey Sandquist following this one would become moot because the property would no longer be available. Neal felt they should be able to hear the

merits of both proposals and then make a choice between the two. He questioned if they could discuss the second proposal within the context of this one, as they were both worthy of discussion. Jacobson stated they have two resolutions for the property that came out of committee, both of which failed on a tie vote of 2-2 and they couldn't be combined together because they were two separate motions. She felt they could speak to both proposals as to whether they were or were not in favor. Nagle agreed because both items had been noticed on the agenda under the open meeting law.

Nagle felt the Sandquist proposal was the best use for that lot because he is investing as a chiropractic clinic not just an office. His daughter will practice with him; he is not buying it to sell it or to someday change the use. He believed it would bring stability to the neighborhood. Sandquist's other three lots will remain for future business use creating another environment that will pay taxes. Nagel commented he has been encouraging the development of a river edge trail from the southeast side to Oak Island to downtown to Thomas Street. This is an opportunity with an easement offered by Sandquist to accomplish this trail. He urged the Council to vote no on the Malovrh proposal and yes to Sandquist.

Gisselman felt this was an awkward way of handling this and moved to send both proposals to a Committee of the Whole for full consideration, seconded by Neal.

Rasmussen stated the reason both votes resulted in ties is because she was out of town and unable to attend the meeting. She had a position on the proposal and it would have most likely been a 3-2 vote for one of them. She stated when we went out RFPs we received proposals from Young's Pharmacy for a quick care medical facility/pharmacy and Mr. Malvorh's proposal for the insurance agency. Young's Pharmacy was chosen based on land use and quick care dynamic. She felt the insurance agency went through the RFP process fair and square; he endured it since the first quarter only to go through it all again. She did not feel referring it the Committee of the Whole solved much and that the insurance agency proposal changes the face of that site dramatically. She stated if they used the easement commitment from Sandquist to make the decision, it sweetened the deal in a way that Mr. Malvorh could not possibly compete. She stated they should focus on proposal vs proposal, building for building. She indicated she would support the insurance agency proposal.

Nutting did not feel it should be referred to Committee of the Whole because they had all the information in front of them already and should make a decision so one of them can move forward.

Wagner stated both projects are admirable but questioned if we were setting a precedent by letting someone come forward late in the process because he wasn't ready at the time the RFP originally went out. He did not feel the process let them compete against each other. Discussion continued.

Jacobson directed them to vote on the motion on the floor to refer to Committee of the Whole. Neal withdrew his second to that motion and the motion to refer to Committee of the Whole died. Mielke suggested it go back to ED Committee and be brought back to Council in two weeks or at a special meeting. Rasmussen did not feel it should go back to ED and it would only delay the process because there was nothing new to add.

Vote to refer back to ED Committee:

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

15-1012

10/27/2015 8:42:12 PM

Motion by Wagner, second by Abitz to adopt the Resolution of the Economic Development Committee accepting the proposal of Advantage Insurance/Kevin Malovrh to transfer the City owned property at 1500 Grand Avenue (formerly a Kwik Trip) for the establishment of an insurance office.

Yes Votes: 7 No Votes: 4 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.	NO
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	NO

94-0907 To Table

10/27/2015 8:53:23 PM

Motion by Oberbeck, second by Mielke to table the Resolution of the Economic Development Committee authorizing the proper city officials to draft a Project Plan Amendment and follow appropriate procedures required to amend Tax Incremental District Number Three for the Wausau Center Mall Project.

Winters questioned how much of our existing property is in TIFs because there is a limit and until he knew that number he would vote no. Groat stated the rate was 8.19% and if we were to remove the property out of TID #5 to decrease the boundary size it would go down to 7.66%. She commented the limit is 12% but the mall would not increase it to over that.

Rasmussen clarified the amendment to TID #3 would add the Wausau Center Mall, but not the entire mall; it would not include Sears or Younkers. Oberbeck felt this was premature in front of the public hearings on the mall and what happens there. Groat explained the resolution would be authorizing the writing of the project plan and the public hearing takes place after the project plan is developed. She commented they directed her to bring a resolution to Council on TID #5, so it seemed odd to do it for TID #5 and not TID #3 since they both go together. She felt they should treat both of these issues the same. Oberbeck stated he has not seen all of the numbers and still had questions. Tipple reiterated this is merely authorizing a draft project plan that will come back to various committees and the Joint Review Board.

Vote to table:

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

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

94-0907

10/27/2015 8:53:48 PM

Motion by Neal, second by Wagner to adopt the Resolution of the Economic Development Committee authorizing the proper city officials to draft a Project Plan Amendment and follow appropriate procedures required to amend Tax Incremental District Number Three for the Wausau Center Mall Project.

Yes Votes: 11 No Votes: 0 Result: PASS

97-0404 To Amend

10/27/2015 8:59:05 PM

Motion by Oberbeck, second by Winters to amend the Joint Resolution authorizing the proper City Officials draft Project Plan Amendment and follow Statutory Procedures required to Tax Increment District Number Five to reduce the boundaries of the district and to serve as a donor district to Tax Increment District Three - for full closure of TID #5.

Oberbeck stated after reviewing the financials for 2016 and the funds that would be available he wanted to fully close TID #5 and not

be a donor district. Rasmussen pointed out Ehlers explained to us that a lot of the risk of the CBL project is reduced by using those donor funds from TID #5 and if we lock the door on TID #5 we lose that ability.

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

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

97-0404

10/27/2015 8:59:34 PM

Motion by Winters, second by Neal to adopt the Joint Resolution authorizing the proper City Officials draft Project Plan Amendment and follow Statutory Procedures required to Tax Increment District Number Five to reduce the boundaries of the district and to serve as a donor district to Tax Increment District Three.

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	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	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

12-1012

10/27/2015 9:00:23 PM

Motion by Nutting, second by Mielke to adopt the Resolution of the Human Resources Committee approving Health Plan Design for 2016

Yes Votes: 11 No Votes: 0 Result: PASS

12-1007

10/27/2015 9:07:10 PM

Motion by Nutting, second by Neal to adopt the Resolution of the Finance Committee authorizing City staff to insource pet licensing processing beginning with the January 2016 licensing season and offer pet licensing and data management services to the Village of Weston.

Winters referred to a handout he distributed which was a report from PetData on what they have done per quarter. He did not believe we could do it more cheaply than PetData. He pointed out in July they passed an increase in pet licensing fees in order to pay the cost of sheltering cats, but two weeks ago they decided not to shelter cats. Now they are going to decide to bill this program and transfer money to the general fund, which we promised not to do. He asked for a real cost estimate on what it will cost us to do these services in-house.

Rasmussen we had a presentation and lengthy discussion regarding this at Public Health & Safety Committee. One of the pitfalls she found out about is that the PetData system doesn't automatically update, so when officers are going out to follow up on late licensing or failure to license, it has turned out that they already purchased a license up to four weeks ago, but it is not showing. In a demo of the new system in-house the data updates in real time and has also has integration into our GIS mapping system, which PetData does not. She indicated our Humane Officer was very excited about it and what it can do for her enforcing the program. PetData only

sells half the licenses and there is still a group of people that are not technology users. We have the ability to share this new system with Weston if they choose to participate.

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

Suspend the Rule

10/27/2015 9:08:03 PM

Motion by Wagner, second by Kellbach to Suspend Rule 1(D) Transmission of Committee Business to Council.

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

15-0809

10/27/2015 9:08:49 PM

Motion by Nutting, second by Rasmussen to adopt the Ordinance of the Common Council amending Ordinance No. 497-15B (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

15-1013

10/27/2015 9:09:41 PM

Motion by Mielke, second by Neal to adopt the Resolution of the Finance Committee approving contract for residential building inspection services between the City of Wausau and City of Schofield.

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

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

None

Closed Session

10/27/2015 9:10:54 PM

Motion by Mielke, second by Rasmussen to convene into Closed Session pursuant to 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, regarding offer of settlement in Marathon County Case No. 15CV114 Andy T. Her et al vs. Cities and Villages Mutual Insurance Company et al (City of Wausau).

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

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

Nagle exited the meeting.

Reconvened back into Open Session

15-1014

10/27/2015 9:16:41 PM

Motion by Mielke, second by Neal to adopt the Resolution of the Common Council approving agreement for settlement of lawsuit – Andy T. Her et al vs. Cities and Villages Mutual Insurance Company et al (City of Wausau), Marathon County Case No. 15CV114.

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

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

Adjourn

Motion by Mielke, second by Abitz to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:17 pm.

James E. Tipple, Mayor
Toni Rayala, City Clerk