

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, November 10, 2015, at 6:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

11/10/2015 6:00:35 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

Suspend Rule

11/10/2015 6:03:02 PM

Motion by Neal, second by Abitz to suspend Rule 1(D) Transmission of Committee Business To Council.

Yes Votes: 11 No Votes: 0 Result: PASS

Closed Session

11/10/2015 6:04:18 PM

Motion by Neal, second by Mielke to convene in Closed Session pursuant to Section 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, for the purpose of conferring with legal counsel regarding pending tax litigation and related claims for excessive assessment involving Walgreen Co., Case No. 11 CV 958 and 2015 Claims (17th Ave. and Central Bridge St.).

Roll Call Vote:

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

Reconvened back into Open Session

Closed Session Item

11/10/2015 6:44:4.3 PM

Motion by Mielke, second by Nutting to accept the settlement presented by the Walgreen's company pending tax years 2010-2015 for 105 Central Bridge St. and 2012-2014 for the 504 S. 17th Ave properties, of total refund in the amounts, without interest, of \$192,917.06 and \$119,414.98, respectively.

Jacobson explained the resolution approves a settlement recommendation in our pending consolidated Walgreen property tax cases. At issue at the current moment are tax years 2010 through 2015 for the 105 Central Bridge Street property and tax years 2012 through 2014 with regard to the 504 S. 17th Avenue property. She stated it is the difference between the city's appraisals and Walgreen's appraisals and what they claim the property should be assessed at; they filed claims of excessive assessments for each of those tax years, which is what got us into court. She noted part or all of this would be able to be charged back if the Department of Revenue

decides next year that it can be done. This is based on recent court decisions that have come out and continue to come out on the fact that the average assessment for the 188 Walgreen stores across the state is now \$2,084,439; so at \$3,750,000, our 17th Avenue Walgreens would be the highest assessed Walgreens store in the state. She stated we have taken into account other sales of other retail property in the city and have looked at the competing appraisals and approaches to value by both Walgreen's and the city's appraisers.

Yes Votes: 11 No Votes: 0 Result: PASS

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

Mayor Tipple stated based on our current budget, 72% of the residential properties will experience no more than a \$20 increase and in that 72%, 55.9% will get a decrease, which is more than half of our taxpayers. 5.74% will increase \$30 or less; 5.29% less than \$40; 3.02% less than \$50; 3.8% less than \$75; and 10% with an increase of greater than \$75 for the year.

- 1) Linda Berna-Karger, Humane Society Board President and homeowner in District 2, spoke regarding the removal of funding for cat impoundment. She read from the state law regarding the city's statutory responsibilities in protecting abandoned and/or stray cats. .
- 2) Heather Christiansen, 3906 Mount View Ave, member of the Board of Directors of the Humane Society, spoke in opposition to the removal of funding for cat impoundment. She pointed out the health risks of the over population of cats as a result of this. She encouraged the Council to work with the Humane Society.
- 3) Andrew Schmidt, 3949 Henry St, Legal Counsel for the Humane Society, spoke regarding the defunding of the care of stray cats. He pointed out the state statutes 173.13(9)(C) is clear that a person can pick up an animal and take it to a pound. He asked that the budget allow for the proper intake of stray or abandoned domesticated cats.
- 4) Mary Kirlin, 8701 Wintergreen Rd, Director of the Humane Society, pointed out we have kept our agreement with the city and talked about the issues with citizens bringing in cats and the lack of response of law enforcement.
- 5) Deb Ryan, 702 Elm St, spoke regarding the stray cat issue and working with other communities that are not dealing with it. She also questioned why there was a tax increase when Social Security is not allowing an increase. She felt they need to eliminate all overtime; give no raises to any employees; and eliminate funds for Boys & Girls Club.
- 6) Elizabeth Field, 2009 Lamont St, River District Director, spoke in support of the Wausau Club development by Elk Creek Architectural (Mark Goffin), noting he has done a fantastic job of securing financing and lease agreements of the space. She pointed out he is now asking for a loan, not a grant. She spoke to the value and jobs it will add to the downtown.
- 7) Joe Gehin, 3400 Springdale Ave, spoke in support of the budget as presented and felt it was important to remember why we cannot trim the budget at the risk of not taking care of our aging infrastructure or meeting our fiscal and environmental responsibility.
- 8) Ron Sems, 714 Eau Claire Blvd, commented regarding the investment made in the soccer fields and the positive outcome of these types of things for quality of life.

Communications & Committee Reports

None.

Consent Agenda

11/10/2015 7:15:36 PM

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

15-1101 Minutes of the previous meeting(s) (10/27/15)

06-1215 Insurance Claims Report: April 2015 - June 2015 and July 2015 - September 2015

04-1006 Resolution of the Finance Committee approving the 2016 Operating Plan for Business Improvement District (BID) No. 1

04-0921 Ordinance of the Parking & Traffic Committee removing no parking restriction on the south side of the 200 block of Chicago Avenue.

15-1105 Ordinance of the Plan Commission Rezoning 5601 Sherman Street from UDD, Unified Development District, to RI, Single Family Residence District.

15-1107 Ordinance of the Plan Commission Repealing and Recreating Section 23.02.057 Brew pub, to adopt the state statute definition.

15-0108 Resolution of the Public Health & Safety Committee Approving or Denying Various Licenses as Indicated.

Yes Votes: 11 No Votes: 0 Result: PASS

15-1109 Amendment

11/10/2015 7:26:20 PM

Motion by Rasmussen, second by Abitz to amend Resolution of the Committee of the Whole adopting the 2016 City of Wausau Budget by restoring the cat sheltering funding for \$37,105.

Rasmussen stated she has received a fair amount of resident feedback concerning the public health risk that is posed by us seemingly doing nothing on this cat matter. She felt we have to either impound them or do a Trap-Neuter-Release program, but to say no to both may create an overpopulation issue that is going to be very expensive to solve later. She moved to restore the funding in the amount of \$50,000, seconded by Abitz.

Neal stated he was supportive of bringing money back into the budget for sheltering stray cats, but was more concerned about the money spent by the police department to accomplish that. Groat stated prior to the meeting where the cat deductions occurred we had a levy of \$37,105 in the Animal Control fund, which had decreased from \$78,000 in 2015 primarily due to the increase in the fees as well as the elimination of the PetData costs. She stated if they wanted to bring the cat contract back they would only need to increase the levy \$37,105. Rasmussen amended her motion to change \$50,000 to \$37,105 and Abitz agreed. Groat stated if this motion is adopted, the levy would become \$24,971,569 and the assessed tax rate would be \$9.43.

Oberbeck amended the motion to add the Trap-Neuter-Release Program to start to control the cat population, seconded by Nutting. Rasmussen stated TNR requires an enabling ordinance which was drafted but failed 3-7 a previous Council meeting. She indicated as Chair of PH&S they would give it a second look and possibly amend the target zone originally proposed or possibly consider city wide. Nutting withdrew his second in reference to Rasmussen taking it up at a future PH&S Committee meeting; the amendment to the original amendment died for lack of second.

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	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	NO
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

15-1109

11/10/2015 7:28:32 PM

Motion by Nutting, second by Rasmussen to adopt the Resolution of the Committee of the Whole Adopting the 2016 City of Wausau Budget and general property tax to support same, as amended on council floor.

Winters commented we are increasing the levy \$824,000 or 3.42% at a time when inflation is .31% and Social Security recipients are getting no cost of living increase. This has been a tough time for Wausau in the last decade; from 2005 to 2014 average household incomes have dropped 12.5%, yet the size of our government and levy has increased 33% during that time. He felt this was a budget that was out of step with its times and its community.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	NO
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	NO
11	Mielke, Robert	NO

15-1106

11/10/2015 7:30:21 PM

Motion by Rasmussen, second by Oberbeck to adopt the Joint Ordinance of the Capital Improvement & Street Maintenance Committee and the Plan Commission Annexing Territory from the Town of Stettin to the City of Wausau (Eau Claire River, LLC - S. 60th Avenue)

Yes Votes: 11 No Votes: 0 Result: PASS

14-1109

11/10/2015 7:32:34 PM

Motion by Nutting, second by Abitz to adopt the Resolution of the Finance Committee authorizing a midyear budget modification as required by Ordinance 3.08.050 Annual Budget Adjustment Required.

Winters questioned what the forecasted outcome was for this year's budget and Groat indicated there was a profit although she did not recall the exact amount. Winters questioned if there was surplus money for this year if some of it could have been used to decrease the levy increase for next year. Groat explained the Council adopted a policy that states they have to have a balanced budget and that they cannot use one time revenues to apply against the budget. She indicated most likely our profit for the year will be consumed by the tax litigation that we just settled.

Yes Votes: 11 No Votes: 0 Result: PASS

15-1104

Mayor Tipple stated this item was withdrawn from the agenda by request.

15-1108

11/10/2015 7:33:59 PM

Motion by Gisselman, second by Neal to adopt the Ordinance of the Plan Commission Rezoning 912 and 920/1000 North First Street from B2, Community Service District, 1006, 1010, 1202 and 1212 North First Street from M2, General Industrial District, and 1100 North First Street from an unzoned parcel, to UDD, Unified Development District and approving the General Development plan to allow for a mixed-use residential and commercial development.

Yes Votes: 11 No Votes: 0 Result: PASS

15-1110

11/10/2015 7:35:10 PM

Motion by Abitz, second by Nutting to adopt the Ordinance of the Parking & Traffic Committee Amending Section 10.20.080(b) and Creating Section 10.20.080(c) implementing a single enforcement and operations time schedule in the Central Business District.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0107 Amendment

11/10/2015 7:55:24 PM

Motion by Oberbeck, second by Winters to amend the Joint Resolution of the Economic Development and the Finance Committees approving Elk Creek Architectural LLC's proposal and plan for redevelopment of the Wausau Club property at 309 McClellan Street, and instructing City staff to prepare a grant application to the Wisconsin Economic Development Corporation (WEDC) - to have the development agreement come back to both Economic Development and Finance Committees and then to Council.

Winters stated the plan calls for 30 jobs with annual wages of between \$19,800 and \$22,000 per year, with the top being close to \$10 per hour; he questioned how this helps us raise our wage when it is half the average median income of Wausau. Chris Schock stated the project has many facets and it was not necessarily meant to be a job creation project. It is viewed as an incubator for various entrepreneurial businesses that have leased the space within the building, many of which are startups. These businesses are in retail and service, which do not traditionally have the kind of wage growth that other industries would have, however, these types of businesses are sought after for the River District and are important aspects of community life. Discussion followed regarding the financing and the numbers presented.

Rasmussen commented this project is about getting the Wausau Club returned to the private sector and get back on the tax rolls. The jobs that are generated from it are an ancillary benefit and the project addresses some market leakage out of the downtown in terms of services provided that have been identified by Main Street and the River District. She pointed out the first time ED Committee saw this project the structure of it was really different and the loan to grant mix has changed; he has secured a private investor, as he was asked to do; and he has secured leases for the space, as well as backup leases. He has already missed prior WEDC grant windows based on this process through the two committees. She felt we need to move this project forward.

Oberbeck stated at Finance Committee they discussed the numbers that Winters was asking for and he also felt the documents were incomplete without the correct numbers in them. It was his understanding that this was not the approval of the development agreement nor did staff have the authority to enter into one; it is only to move the grant forward. He indicated it was stated that more

details have to be worked out in the development agreement and then it would come back. He wanted to see the project move forward but felt the Council needs one more look at it.

Jacobson clarified the resolution does state that the city is directed to prepare and sign a development agreement, which is authorizing language. If they want the agreement to come back they will need to amend the authorizing language in the resolution. Rasmussen felt unless the development agreement was substantively different from what we've seen in the ED Committee, she had no issue with the way the resolution was worded.

Vote on the amendment:

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	YES
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

15-0107

11/10/2015 7:55:55 PM

Motion by Wagner, second by Gisselman to adopt the Joint Resolution of the Economic Development Committee and Finance Committee approving Elk Creek Architectural LLC's proposal and plan for redevelopment of the Wausau Club property at 309 McClellan Street, and instructing City staff to prepare a grant application to the Wisconsin Economic Development Corporation (WEDC), as amended on the council floor.

Yes Votes: 11 No Votes: 0 Result: PASS

County Board Members Nutting, Kellbach and Abitz exited the meeting.

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

- 1) Deb Ryan, 702 Elm St, stated we are currently up to 13 neighborhood groups and the Wausau Fire Department has become involved in sharing information. She hoped that the Wausau Police and Humane Officers will also do so in the future.
- 2) James Straub, 5601 Sherman Street questioned if his rezoning was approved and the clerk indicated it was approved on the Consent Agenda.

Adjourn

11/10/2015 7:58:28 PM

Motion by Neal, second by Mielke to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:58 pm.

James E. Tipple, Mayor
Toni Rayala, City Clerk