

**OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL**  
held on Tuesday, December 22, 2015, at 6:00 pm in the Council Chambers at City Hall.  
Mayor Tipple presiding.

**Roll Call**

12/22/2015 6:00:52 PM

Roll call indicated 10 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	NV
11	Mielke, Robert	YES

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

- 1) Deb Ryan, 702 Elm St, spoke regarding the TID amendments and opposed the donation from a TID to help the mall. She made suggestions on what she thought the mall should house.

**Communications & Committee Reports**

Mayor Tipple stated the Children's Museum is encouraging approval of the proposed TIF plans on the agenda tonight.

**Consent Agenda**

12/22/2015 6:05:42 PM

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

**15-1101** Minutes of previous meetings (11/24/15)

**15-1010** Final Resolution of the Capital Improvements & Street Maintenance Committee and the Plan Commission vacating and discontinuing a portion of 77<sup>th</sup> Avenue.

**03-0717** Resolution of the Finance Committee approving Municipality Held for Cause Services Agreement with the Humane Society of Marathon County, Inc.

**03-0717** Resolution of the Finance Committee approving purchase of Animal Impoundment Services Agreement for the impoundment, care, treatment and or humane disposal of non-dog strays taken into custody by law enforcement or humane officers, between the Humane Society of Marathon County, Inc. and the City of Wausau from January 1, 2016 through December 31, 2016.

**12-1214** Resolution of the Finance Committee approving Intergovernmental Humane Officer Services Agreement

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

**02-1005**

12/22/2015 6:06:31 PM

Motion by Nutting, second by Gisselman to adopt a Resolution of the Capital Improvements and Street Maintenance Committee approving Amendment #1 to Real Estate Services Contract for a right-of-way property acquisitions required related to the Thomas Street Project.

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

**15-1211**

12/22/2015 6:07:02 PM

Motion by Neal, second by Oberbeck to adopt a Resolution of the Finance Committee authorizing the City of Wausau to purchase 1312 N. 3rd Street, Wausau.

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

Motion by Nutting, second by Wagner to adopt a Resolution of the Economic Development approving sale of 1427 N. 12<sup>th</sup> Avenue.

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

12-0219

Motion by Nagle, second by Mielke to table the Resolution of the Human Resources Committee approving amendments to Employee Handbook and send it back to the HR Committee.

Nagle indicated after the last Human Resource Committee meeting he received a correspondence from an employee asking that the employees be given another opportunity to speak to the committee and the Council concerning some of the provisions in the handbook. He encouraged any employee or group of employees, or possibly a spokesperson, to come to the committee to speak to the issues. Neal agreed and indicated he read the same communication and felt there were some compelling arguments.

Rasmussen requested that if it goes back to HR Committee and we are to consider employee feedback that we create some type of focus group to have the dialogue and provide the minutes to the committee for consideration.

Wagner felt the handbook should be approved and we can always open parts of it back up for discussion at any time throughout the year. He stated a lot of work has been done on it over the last couple months and he didn't think we should "throw out the baby with the bath water." He liked the idea of a focus group and offered to spearhead it with employees or departments. He acknowledged we have not had to be concerned with the benefits of the individuals because the unions had the responsibility and brought us what they needed. Now, with the workforce that doesn't have a union negotiating for them, it is our responsibility to learn what the employees need; this brings a lot more to a discussion on what goes in the handbook and what doesn't. He felt there was no reason not to pass the handbook with a commitment to come back and discuss things through focus groups.

Oberbeck felt that rather than having a focus group, he would like to see the proposed handbook issued to the employees for their review and have written statements with regard to their issues to be reviewed by HR Committee.

Winters commented the key is that it is important for employee morale that we be listening to people, so going ahead and just passing it and saying we will listen to you later is not the same as listening up front. He felt to accomplish the goal we need to table it and send it back.

Yes Votes: 8 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	NO
3	Nutting, David E.	NO
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

Wagner stated the HR Committee will determine how we will get the feedback from the employees and then bring it back to Council.

94-0907 Amendment

Motion by Winters, second by Mielke to amend the Joint Resolution of the Economic Development Committee and the Plan Commission approving an Amendment to the Project Plan and Boundaries of Tax Incremental District No. 3, City of Wausau, Wisconsin - to exclude the property north of Winton Street in TID #3.

Rasmussen clarified these three resolutions before us are not a final blessing or vote on the mall project; if approved, they allow the Joint Review Board to meet and allow the other three taxing entities a chance to weigh in on the merits and the validity of the proposal. These amendments do not only deal with CBL, they also deal with the territory surrounding the mall and projects in the future that are on the horizon for our east riverfront. She reiterated it is not a final mall vote.

Winters stated the areas north of Winton Street is where the Sonnentog Condo Development is going to be and was included in the TID because of concerns of it being in a floodplain. He indicated we have had a survey and the floodplain issues are manageable so there will be no more remedial work there; it is going to be done without city money so it doesn't need to be in the TID. Rasmussen explained this property was discussed and the decision was made to leave that territory on the map because that development has requested an extension of the River Edge Trail, which is expensive and not built for free.

*Vote on Amendment:*

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

**94-0907**

12/22/2015 6:27:49 PM

Motion by Nutting, second by Gisselman to adopt a Joint Resolution of the Economic Development Committee and the Plan Commission approving an Amendment to the Project Plan and Boundaries of Tax Incremental District No. 3, City of Wausau, Wisconsin.

Winters questioned why the Sears and Younkers buildings were being left out of the TID amendment if we are trying to redevelop the mall. Groat stated we don't have any firm plans for either one of those properties, so going forward the city would have a couple of options: 1) once we have some plans we could amend the boundaries to bring them in; or 2) we could leave them out and do construction within the half mile boundary and then new increment would go to the city budget rather than the district. She felt leaving them out gives us the greatest flexibility possible. Winters felt it shouldn't be all about the TIF districts and we should be thinking about how we are going to pay for services.

Yes Votes: 9      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	NV
11	Mielke, Robert	YES

**97-0404**

12/22/2015 6:28:39 PM

Motion by Nutting, second by Rasmussen to adopt a Joint Resolution of the Economic Development Committee and the Plan Commission approving an Amendment to the Project Plan and Boundaries of Tax Incremental District No. 5, City of Wausau, Wisconsin.

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

**97-0404**

12/22/2015 6:29:21 PM

Motion by Oberbeck, second by Gisselman to adopt a Joint Resolution of the Economic Development Committee and the Plan Commission approving an amendment to the Project Plan of Tax Incremental District No. 5, City of Wausau, Wisconsin.

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

**Suspend the Rule**

12/22/2015 6:30:06 PM

Motion by Rasmussen, second by Wagner to suspend the Rule 1(D) Transmission of Committee Business to Council for the following items - (2/3 Vote required)

Yes Votes: 9 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	NV
11	Mielke, Robert	YES

**15-1213**

12/22/2015 6:31:31 PM

Motion by Winters, second by Neal to adopt a Resolution of the Public Health & Safety Committee opposing the proposed legislation AB 568 Prohibiting Municipal Landlord Registration and Rental Inspection Programs; Undermining Historic Preservation Ordinances; and Repealing Grandfathering more Stringent Multifamily Sprinkler Requirements.

Rasmussen opposes a bill circulating in Madison to preempt our rental licensing initiative which was well established in terms of our fight to combat urban decay and blight. It is not only about rental licensing, but about 10 others things many of which could be separate legislation.

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

**15-1214**

12/22/2015 6:32:45 PM

Motion by Rasmussen, second by Wagner to adopt a resolution of the Public Health & Safety Committee urging Local Legislators to Sign On as Co-Sponsors of LRB 3896/1 which Proposes Allowing Municipalities to Establish a Premier Economic Development District and Additionally Permit Municipality to Purchase "Class B" Liquor Licenses from Contiguous and Noncontiguous Municipalities.

Rasmussen explained Class B license quotas are based on population and we and a number of communities are running up against our quota for regular Class B Beer & Liquor licenses and dwindling in our supply of reserve licenses. This would offer us some relief, especially with our developing riverfront district if it does become a dining and entertainment venue.

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

**Public Comment and Suggestions (for items not appearing on the agenda)**

- 1) Deb Ryan, 702 Elm St, questioned what the Council was going to do about the fact that Alderman Nutting was not attending the neighborhood meetings for which she felt he should be sanctioned. She did not think Nagle should have been allowed to vote on the TID amendments because he was the former City Attorney, which she saw as a conflict of interests. She also felt Wagner had a conflict of interest regarding the Employee Handbook because of the city's association with the Entrepreneurial Center.

**CLOSED SESSION**

12/22/2015 6:38:20 PM

Motion by Nutting, 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 Zocher vs. City of Wausau.

*Roll Call Vote:*

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

**CLOSED SESSION**

12/22/2015 6:38:36 PM

Motion by Nutting 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. 14CV543 Financial Way vs. City of Wausau including offer of settlement in 14CV543 and 15CV561.

*Roll Call Vote:*

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

**CLOSED SESSION**

12/22/2015 6:38:49 PM

Motion by Nutting, second by Winters 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 annexation petitions from petitioners from the Town of Maine of file with the City Clerk and the Town of Maine incorporation process.

*Roll Call Vote:*

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