

*** 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, January 12, 2016 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
15-1201		Minutes of previous meeting(s). (12/08/15 & 12/22/15)	
16-0104	CISM	Preliminary Resolution Levying Special Assessments for 2016 Street Improvement Project	Approved 5-0
16-0105	CISM	Preliminary Resolution Levying Special Assessments for 2016 Street Reconstruction Projects	Approved 5-0
16-0107	FIN & WWW	Joint Resolution Approving Agreement with HydroCorp for the Administration of the Cross Connection Control Program	Approved 4-0 Approved 4-0
14-0608	PLAN	Resolution Amending the precise implementation plan for 1800 Westwood Center Boulevard to allow for signage.	Approved 6-0
16-0108	PH&S	Resolution Approving or Denying Various Licenses as Indicated	Approved 5-0
80-0424	PH&S	Ordinance Repealing Section 10.32.020 Restrictions on permit	Approved 5-0
04-0511	PH&S	Ordinance Amending Sections 2.90.010, 2.90.020, 2.95.010, 5.30.040, 9.04.010, 9.04.022 and 17.36.010 to include "electronic delivery device" and amending "smoking"	Approved 5-0

File #	CMT	Resolutions and Ordinances	ACT
16-0103		Confirmation of Mayor's Appointments	
15-0105	CISM	Resolution Postponing the street construction project of Clark Street from 2nd Avenue to the cul-de-sac	Approved 5-0
15-0105	CISM	Preliminary Resolution Levying Special Assessments for 2016 Street Reconstruction Project of 2nd Avenue from Stewart Avenue to Elm Street	Approved 5-0
14-1109	FIN	Resolution Authorizing a 2015 Budget Modification to fund Sick Leave Payout within the Engineering Department	Approved 5-0
		Suspend the Rule 1(D) Transmission of Committee Business to Council for the following items - (2/3 Vote required)	
02-1005	CISM & FIN	Joint Resolution Approving setting a minimum amount for property acquisitions related to the Thomas Street Project	Approved 5-0 FIN- Pending
16-0106	COUN	Resolution Authorizing the filing of a verified complaint, and authorizing the City's attorneys to take further action on behalf of the City, relating to incorporation of the Town of Maine	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 1/07/16 @ 2:15 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.

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, December 8, 2015, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

12/08/2015 7:00:13 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	NV
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

Rasmussen entered the meeting at 7:05 pm.

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

- 1) Jeremy Ray, city employee of the Assessment Department spoke regarding the Assessment Services Contract with the City of Schofield, explaining the difference between the services provided for Wausau and Schofield and questioned why they would turn down the revenue.
- 2) Mayor Tipple read comments from Jim DeBauche, Finance Committee Chairperson and Ward 4 Alderman of the City of Schofield, in support of the Assessment Services contract for Schofield.

Communications & Committee Reports

- 1) Mayor Tipple spoke regarding the East Riverfront proposals from SC Swiderski and Frantz Community Investors. He stated there will be a public presentation and Q&A session at the Economic Development Committee meeting on January 5, 2016, starting at 4:30 pm. He requested that questions be submitted to staff before the close of business Friday, December 11th.
- 2) Abitz stated both the Parking & Traffic Committee and Transit Commission meetings will be canceled for the month of December.

Consent Agenda

12/08/2015 7:10:43 PM

Motion by Nutting, second by Abitz to adopt all items on the consent agenda as presented:

15-1203 Confirmation of the Clerk's Appointments to members of the Board of Election Officials for a term ending December 31, 2017.

99-1020 Resolution of the Finance Committee approving lease agreement of city-owned property adjacent to 206 Grand Avenue, Schofield (Koz Holdings LLC d/b/a Pro Players Sport Bar and Grill).

15-1204 Ordinance of the Parking and Traffic Committee designating no parking west side of Prospect Avenue beginning north of its intersection with E. Thomas Street and extending north 49 feet.

15-1204 Ordinance of the Parking & Traffic Committee designating no parking north side of E. Thomas Street beginning west of its intersection with Prospect Avenue and extending west 68 feet.

15-1204 Ordinance of the Parking & Traffic Committee designating no parking south side of E. Thomas Street beginning west of its intersection with Prospect Avenue and extending 84 feet.

15-1205 Ordinance of the Parking & Traffic Committee designating no parking on the north and south sides of the 500 block of E. Wausau Avenue.

15-1206 Ordinance of the Parking & Traffic Committee designating no parking on the north side of the 400 block of Grant Street.

15-1110 Ordinance of the Parking & Traffic Committee designating 15-minute parking on the south side of the 400 block of Grant Street.

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

93-0430 Ordinance of the Public Health & Safety Committee Amending Section 9.04.034(b) Penalties for misuse of E9-1-1, Regulated Use.

Yes Votes: 11 No Votes: 0 Result: PASS

12-1014 12/08/2015 7:11:39 PM

Motion by Rasmussen, second by Neal to adopt a joint ordinance of the Finance and Public Health & Safety Committees Amending Section 8.08.170(b) Licenses.

Yes Votes: 11 No Votes: 0 Result: PASS

10-0304 12/08/2015 7:12:27 PM

Motion by Gisselman, second by Mielke to adopt a Joint Resolution of the Plan Commission and the Capital Improvements & Street Maintenance Committee adopting the Bicycle and Pedestrian Plan for the Wausau Area Metropolitan Planning Organization (2015).

Yes Votes: 11 No Votes: 0 Result: PASS

15-1207 12/08/2015 7:27:06 PM

Motion by Oberbeck, second by Neal to adopt a Resolution of the Plan Commission amending the general development plan at 2130, 2121, 2201, 2221, 2301 and 2305 Northwestern Avenue by adding 2221, 2301 and 2305 Northwestern Avenue to the General Development Plan and allowing for a total of 120 multifamily residential units.

Gisselman explained he voted no in Plan Commission because he felt it was an over development for this small piece of property and worried about the runoff from this slope to the Eau Claire River. Excessive traffic on Northwestern Avenue was another of his concerns. Discussion followed.

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

05-0507 Amendment 12/08/2015 7:34:24 PM

Motion by Oberbeck, second by Mielke to amend the Resolution of the Plan Commission amending the General Development Plan and approving the Precise Implementation Plan at 1550 Westwood Drive to allow for a development of 80 multifamily residential units - to add after BE IT RESOLVED "3. The developer will work with the Park Department for the development of the dedicated park land required."

Yes Votes: 11 No Votes: 0 Result: PASS

05-0507 12/08/2015 7:35:08 PM

Motion by Rasmussen, second by Oberbeck to adopt a Resolution of the Plan Commission amending the General Development Plan and approving the Precise Implementation Plan at 1550 Westwood Drive to allow for a development of 80 multifamily residential units, as amended on council floor.

Yes Votes: 11 No Votes: 0 Result: PASS

15-1106

12/08/2015 7:35:58 PM

Motion by Oberbeck, second by Winters to adopt an ordinance of the Plan Commission establishing zoning as M2, General Industrial District, for the area recently annexed into the City of Wausau south of 917 South 60th Avenue.

Yes Votes: 11 No Votes: 0 Result: PASS

Suspend the Rule

12/08/2015 7:37:13 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: 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

15-1208

12/08/2015 7:39:16 PM

Motion by Nutting, second by Mielke to adopt a resolution of the Finance Committee approving contract for residential and commercial electrical inspection services between the City of Wausau and Village of Weston.

Yes Votes: 11 No Votes: 0 Result: PASS

03-0917

12/08/2015 7:40:32 PM

Motion by Oberbeck, second by Rasmussen to adopt a resolution of the Finance Committee meeting authorizing the withdrawal from the Local Government Property Insurance Fund beginning January 1, 2016.

Yes Votes: 11 No Votes: 0 Result: PASS

15-1209

12/08/2015 7:41:33 PM

Motion by Rasmussen, second by Gisselman to adopt a resolution of the Plan Commission amending the General Development Plan and approving the Precise Implementation Plan at 1901 North 10th Avenue to allow for the addition of two (2) detached garages and a small office building.

Yes Votes: 11 No Votes: 0 Result: PASS

15-1210

12/08/2015 7:42:05 PM

Motion by Mielke, second by Wagner to adopt a resolution of the Finance Committee approving the purchase of body cameras for the Wausau Police Department.

Yes Votes: 11 No Votes: 0 Result: PASS

To Reconsider 12-1116

12/08/2015 7:45:07 PM

Motion by Mielke, second by Neal to reconsider a failed motion regarding the Assessment Services Contract between the City of Wausau and the City of Schofield to provide assessment services to the City of Schofield for the assessment of real and personal property of contract years 2016-2020. (Failed 5-6 at Council 11/24/15)

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
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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	YES
11	Mielke, Robert	YES

12-1116

12/08/2015 7:51:48 PM

Motion by Nagle, second by Mielke to adopt a resolution of the Finance Committee approving the Assessment Services Contract between the City of Wausau and the City of Schofield to provide assessment services to the City of Schofield for the assessment of real and personal property of contract years 2016-2020.

Mielke indicated he requested this item be brought back for reconsideration because: 1) \$90,000 is already in the city budget for the next five years; 2) another entity should not take the contract after Wausau has done all the leg work; and 3) it is a good way of expanding good relations with our neighboring communities. Discussion followed.

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	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	YES
11	Mielke, Robert	YES

Gerry Klein requested the Council members to schedule time with the HelpDesk to come up to IT to have software installed on the iPads.

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

- 1) Bernie DeLonay, Frazer Family Foundation, commented on the Holiday Parade and Public Access.

Adjournment

12/08/2015 7:57:10 PM

Motion by Mielke, second by Abitz to adjourn. Motion passed unanimously. Meeting adjourned at 7:57 p.m.

James E. Tipple, Mayor
Toni Rayala, City Clerk

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 77th 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. 12th 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

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

RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE	
Preliminary Resolution Levying Special Assessments for 2016 Street Improvement Project	
Committee Action:	Approved 5-0
Fiscal Impact:	None at this time. Construction would take place in 2016 and the special assessments would be levied when the project is substantially completed.
File Number:	16-0104
Date Introduced:	January 12, 2016

FISCAL IMPACT SUMMARY			
COSTS	<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>
SOURCE	<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> <i>Annual Retirement</i>
	<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

BE IT RESOLVED by the Common Council of the City of Wausau as follows:

1. The Common Council hereby declares its intention to exercise its police power under Section 66.0703 of the Wisconsin Statutes and Section 3.24.020 of the Wausau Municipal Code to levy special assessments upon property for special benefits conferred upon such property by the improvement of the following streets under the 2016 Street Improvement Project:

Ashland Avenue from Evergreen Road to Meadowview Road
Meadowview Road from Ashland Avenue to the cul-de-sac

2. The public improvement shall include the installation of bituminous concrete pavement, curb and gutter, drive approaches, base course; installation and/or replacement of sidewalk where necessary; and installation and/or replacement of sanitary sewer, water and storm sewer laterals where necessary.

3. The total amount assessed against the properties in the defined assessment district shall not exceed the total cost of the City's share of the improvements. The City Council determines that the improvements constitute an exercise of the police power and the assessment against each parcel shall be upon a reasonable basis. The final assessment bill will be sent to property owners upon substantial completion of the project.

4. Unless other installment plans are determined at the hereinafter stated public hearing, the assessment against any parcel shall be paid as follows:

Assessments under \$300: If payment is not made prior to November 1, 2016, the special assessment will be placed on the 2016 real estate tax bill and be due in full on or before January 31, 2017. There is no interest charged when paid in full. Assessments totaling less than \$300 must be paid in full and do not qualify for the five-year payment schedule.

Assessments totaling \$300 but less than \$20,000: If full payment is not made prior to November 1, 2016, assessments totaling \$300 but less than \$20,000 will automatically be placed on the five-year payment schedule on the 2016 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2016 real estate taxes **OR**
- B. Payment of the first one-fifth of the assessment with the 2016 real estate taxes without interest. The remaining balance is paid in equal installments on the next four real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% beginning February 1, 2017, on the unpaid balance. (The 2015 rate was 2.88%.) The remaining balance may be paid at any time with interest calculated through the month of payment.

Assessments over \$20,000: If payment is not made prior to November 1, 2016, assessments totaling \$20,000 or more will automatically be placed on the ten-year payment schedule on the 2016 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2016 real estate taxes **OR**
- B. Payment of the first one-tenth of the assessment with the 2016 real estate taxes without interest. The remaining balance is paid in equal installments on the next nine real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% beginning February 1, 2017, on the unpaid balance. (The 2015 rate was 2.88%.) The remaining balance may be paid at any time with interest calculated through the month of payment.

Real estate taxes may be paid in full or in three installments (January 31, April 30, July 31), however, the special assessments must be paid on or before January 31, 2017. No payments can be applied to real estate taxes if the special assessments are not paid. Section 74.12(11)(a), Wisconsin Statutes, specifically states if a treasurer receives a payment from a taxpayer which is not sufficient to pay all general property taxes, special assessments and special taxes due, the treasurer shall apply the payment to the amounts due, including interest and penalties, in the following order: (1) personal property taxes; (2) delinquent utility charges; (3) special charges; (4) special assessments; (5) special taxes; (6) real property taxes.

5. The Engineering Department shall prepare a report which shall consist of the preliminary plans for the proposed work, an estimate of the cost of the work, and a schedule of the proposed assessments for each parcel; a copy of the report shall be filed with the City Clerk for public inspection. In accordance with Section 66.0703(7)(a), Wisconsin Statutes, notice shall be given of a public hearing on the project; the hearing shall be held by the Board of Public Works in the Council Chambers of City Hall and will be scheduled early in 2016.

6. The installation of said improvements shall be accomplished according to the provisions of Title 12 and Chapter 3.24 of the Wausau Municipal Code, where applicable.

Approved:

James E. Tipple, Mayor

JOINT MEETING OF THE CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE AND PLAN COMMISSION

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

Members Present: **Capital Improvements and Street Maintenance Committee:**
Rasmussen, Mielke, Gisselman, Kellbach, Abitz
Plan Commission:
Mayor Tipple, Lindman, Oberbeck, Gisselman, Atwell

Also Present: Jacobson, Lenz, 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 of the Capital Improvements and Street Maintenance Committee to order; and Mayor Tipple called the meeting of the Plan Commission to order.

Discussion and possible action on preliminary resolutions for 2016 construction projects

Wesolowski explained that preliminary resolutions have to be approved to schedule public hearings for next year's projects. Clark Street will have to be removed based upon the motion made earlier to defer the project. Wesolowski noted that the public hearing for 2nd Avenue was held in early 2015, but the project was delayed until 2016. That project was approved and the public hearing held with the previous assessment rate of \$21.60 per foot. If the committee recommends moving forward with that rate, Wesolowski does not believe another public hearing needs to be held. The new rate approved for 2016 projects is \$42 per foot. If the 2016 rate is to be used for 2nd Avenue, a new public hearing will be held. Staff recommends moving forward with 2nd Avenue at the 2015 rate of \$21.60 and approval of the preliminary resolutions for the remaining streets at the 2016 rate of \$42. Rasmussen stated the residents were notified of and are expecting the rate of \$21.60. Wesolowski explained that the rate was increased to \$42 reflect current construction prices. Rasmussen questioned if most of the properties along 2nd Avenue are commercial. Wesolowski responded there are 4 to 5 residential properties in the last block of the west side of the project.

Mielke moved to approve the preliminary resolutions for 2016 construction projects, with the exception of Clark Street which was delayed by previous action, and approve using the 2015 assessment rate for the project of 2nd Avenue from Stewart Avenue to Elm Street. Abitz seconded and the motion carried unanimously 5-0.

AGENDA ITEM
Discussion and possible action on preliminary resolutions for 2016 construction projects
BACKGROUND
<p>The following construction projects are included in the 2016 budget:</p> <p><u>Street Improvements</u> Ashland Avenue from Evergreen Road to Meadowview Road Meadowview Road from Ashland Avenue to the cul-de-sac</p> <p><u>Street Reconstruction</u> 2nd Avenue from Stewart Avenue to Elm Street Clark Street form 2nd Avenue to the cul-de-sac Kent Street from Grand Avenue to Zimmerman Street Chicago Avenue from 2nd Street to 10th Street</p> <p>A resolution was adopted earlier this year to delay the project of 2nd Avenue and Clark Street. Discussion should be held if this project will be assessed at the 2015 or 2016 rate.</p>
FISCAL IMPACT
None at this time.
STAFF RECOMMENDATION
Staff recommends the preliminary resolutions for special assessment be adopted and public hearings scheduled. The preliminary resolutions will go to Council in January and public hearings will be held in late January or early February.
Staff contact: Allen Wesolowski 715-261-6762

upon a reasonable basis. The final assessment bill will be sent to property owners upon substantial completion of the project.

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Approved:

James E. Tipple, Mayor

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Also Present: Jacobson, Lenz, 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.

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FISCAL IMPACT
None at this time.
STAFF RECOMMENDATION
Staff recommends the preliminary resolutions for special assessment be adopted and public hearings scheduled. The preliminary resolutions will go to Council in January and public hearings will be held in late January or early February.
Staff contact: Allen Wesolowski 715-261-6762

BE IT RESOLVED the Common Council of the City of Wausau does hereby approve the attached agreement with HydroCorp for the administration of the cross connection control program.

Approved:

James E. Tipple, Mayor



Minutes of July 7, 2015

A meeting of the Wausau Water Works Commission was called to order at 1:30 p.m. in City Hall on July 7, 2015. In compliance with Wisconsin Statutes, this meeting was posted and receipted for by the Wausau Daily Herald on June 26, 2015.

5) Discussion and possible action on hiring an outside consultant for administration of the Cross-Connection Program.

Lindman reminded the Commission that at the last meeting discussion was held regarding HydroCorp and hiring an outside consultant for the cross-connection program. The direction given was for staff to look for other firms that may offer this program. Boers stated that two contractors that would have been able to handle this for the City have gone out of business leaving two other contractors in the state, Kunkel Engineering and HydroCorp. Kunkel Engineering declined to look at the program. The next closest company is Aqua Backflow, which is located in Elgin, Illinois. Mr. Rebman questioned where HydroCorp is located. Boers responded it is just outside of Fond du Lac.

Lindman explained that in accordance with the DNR, the City has to come into compliance with the cross connection program. At this point we are not making enough progress to come into compliance. Lindman feels if there is a plan with a consultant, the DNR would extend the compliance deadline into 2016. Boers stated a contract with HydroCorp would be \$91,000 a year and Boers estimates it would cost approximately \$107,000 if the City would hire two employees to complete this work. Lindman stated the possibility of the City completing the cross connection inspections and charge a fee to help recoup some costs was also discussed. This would allow all the inspections to be consistent.

Mr. Rebman questioned the percentage of compliance to date. Boers believes it is less than 10% with commercial/industrial properties. Mayor Tipple questioned if this is an ongoing program and Boers confirmed. Mr. Gehin believes the original intent was to work with the City Plumbing Inspector to complete the process, but that did not work out. Lindman stated the idea is to complete the program for two years to come into compliance and obtain background information. Then a determination could be made if this could be done in-house. Mayor Tipple questioned if money was allocated for this program. Lindman explained it is not in the budget but is a DNR requirement. It would be requested in the 2016 budget but if he would like the opportunity to have discussions with HydroCorp and move forward with the program starting in 2016. Ideally staff would like to start this year. Mr. Gehin feels that by the time it would be implemented about a third of the year would be remaining so the cost should be less for the remainder of 2015.

Motion by Mr. Rebman to approve moving forward with a sole source request and request funding for 2016. Seconded by Mr. Gisselman. Motion carried unanimously 4-0.

FINANCE COMMITTEE

Date and Time: Tuesday, July 14, 2015 @ 5:30 pm., Board Room

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

Members Not Present: Nagle

Others Present: Groat, Jacobson, Giese, Kujawa, Lindman, Krohn, Schock, Werth, Tipple, Neal, Wagner, Phil Cossan, Carol Wesley.

Discussion and possible action regarding sole source purchase for Contractual Services Cross Connection Compliance – Lindman

Lindman explained each municipality in Wisconsin that has a community water system is required to have a cross connection control program for the non-residential units. For the past couple years the water department has struggled to come in compliance as the DNR has started enacting their legislation as far as enforcement. They struggled with the resources in order to do the inspections as well as to administer the program. Another option is to contract out the work, so over the past couple months they have looked at some contractual services for the work. He indicated there is only company nearby in Wisconsin that will handle a municipality of this size and that is HydroCorp. He estimated it would require two employees to meet the two year deadline given by the DNR and it would actually cost the city more than a two year contract for the services. After the two years when we have come into compliance the city could either continue contractual services as a lesser amount or reevaluate if the city could take over the program. He noted some of the ordinances may need to be amended in order for us to recoup some of the inspection costs. He stated this would be put into the operating budget for the water department.

Motion by Kellbach, second by Mielke to approve the sole source purchase for Contractual Services Cross Connection Compliance. Motion carried 4-0.

PROFESSIONAL SERVICE AGREEMENT

This agreement, made and entered into this (date) _____ by and between the City of Wausau Waterworks, organized and existing under the laws of the State of Wisconsin, referred to as "Utility", and HydroCorp™ a Michigan Corporation, referred to as "HydroCorp".

WHEREAS, the Utility supplies potable water throughout its corporate boundary to property owners; and desires to enter into a professional services contract for cross connection control program inspection, reporting and management services.

WHEREAS, HydroCorp is experienced in and capable of supplying professional inspection of potable water distribution systems and cross connection control program management to the Utility and the Utility desires to engage HydroCorp to act as its independent contractor in its cross connection control program.

WHEREAS, the Utility has the authority under the laws of the State of Wisconsin and its local governing body to enter into this professional services contract.

NOW THEREFORE, in consideration of the mutual agreements herein contained, and subject to the terms and conditions herein stated, the parties agree as follows:

ARTICLE I. Purpose

During the term of this Agreement, the Utility agrees to engage HydroCorp as an independent contractor to inspect and document its findings on the potable water distribution system in public, commercial and industrial facilities within the community. Each party to this Agreement agrees that it will cooperate in good faith with the other, its agents, and subcontractors to facilitate the performance of the mutual obligations set forth in this Agreement. Both Parties to this Agreement recognize and acknowledge that the information presented to them is complete and accurate, yet due to the inaccessible nature of water piping or due to access constraints within water users' facilities, complete and accurate data is not always available.

ARTICLE II. Scope of Services

The scope of services to be provided by HydroCorp under this Agreement will include the inspections/surveys, program administration, answering telephone call inquiries, scheduling of inspections, program compliance review, public education materials, preparation of quarterly management reports, and annual cross connection reports with respect to the facilities to the extent specifically set forth in this Article II (hereinafter the "Scope of Services"). Should other reports/services be included within the Scope of Services, the same shall be appended to this Agreement as Exhibit 1.

2.1 PROGRAM REVIEW/PROGRAM START UP MEETING. HydroCorp will conduct a Program Startup Meeting for the Cross-Connection Control/Backflow Prevention Program. Items for discussion/review will include the following:

- Review state & local regulations
- Review and/or provide assistance in establishing local Cross-Connection Control Ordinance
- Review/establish wording and timelines for program notifications including:
 - Inspection Notice
 - Compliance Notice
 - Non-Compliance Notices 1-2, Penalty Notices
- Special Program Notices
- Electronic use of notices/program information
- Obtain updated facility listing, address information and existing program data from Utility
- Prioritize Inspections (City buildings, schools, high hazard facilities, special circumstances.)



- Review/establish procedure for vacant facilities
- Establish facility inspection schedule
- Review/establish procedures and protocol for addressing specific hazards
- Review/establish high hazard, complex facilities and large industrial facility inspection procedures including supplemental information/notification that may be requested from these types of facilities in order to achieve program compliance.
- Review/establish program reporting procedures including electronic reporting tools
- Review/establish educational and public awareness brochures

2.2 INSPECTIONS. HydroCorp will perform initial inspections, compliance inspections, and re-inspections at individual industrial, commercial, institutional facilities and miscellaneous water users within the utility served by the public water supply for cross-connections. Inspections will be conducted in accordance with Wisconsin Department of Natural Resources (DNR) Cross Connection Control Rules.

- *Initial Inspection* – the first time a HydroCorp representative inspects a facility for cross connections. Degree of Hazard will be assigned and/or verified during this facility visit. The Degree of Hazard will dictate future re-inspection frequency/schedule of facility, (facility will be either compliant or non-compliant after this inspection).
- *Compliance Inspection* – subsequent visit by a HydroCorp representative to a facility that was non-compliant during the *Initial Inspection* to verify that corrective action was completed and meets the program requirements.
- *Re-Inspection* – Revisit by a HydroCorp representative to a facility that was previously inspected. The re-inspection frequency/schedule is based on the degree of hazard assigned to the facility during the initial inspection (two, six, ten or twenty year re-inspection cycle).

2.3 INSPECTION SCHEDULE. HydroCorp shall determine and coordinate the inspection schedule. Inspection personnel will check in/out with the Utility's designated contact person. The initial check in will include a list of inspections scheduled. An exit interview will include a list of inspections completed.

2.4 PROGRAM DATA. HydroCorp will generate and document the required program data for the Facility Types listed in the Scope of Services using the HydroCorp Software Data Management Program. Program Data shall remain property of the Utility; however, the HydroCorp Software Data Management program shall remain the property of HydroCorp and can be purchased for an additional fee. Data services will include:

- Prioritize and schedule inspections
- Notify users of inspections, backflow device installation and testing requirements if applicable
- Monitor inspection compliance using the HydroCorp online software management program. (Note: WI Department of Safety & Professional Services (DSPS) manages backflow prevention assembly testing notification and compliance.)
- Maintain program to comply with all DNR regulations

2.5 MANAGEMENT REPORTS. HydroCorp will submit comprehensive management reports in electronic, downloadable format on a quarterly & annual basis to the Utility. Reports to include the following information:

- Name, location and date of inspections
- Number of facilities inspected/surveyed
- Number of facilities compliant/non-compliant

2.6 REVIEW OF CROSS-CONNECTION CONTROL ORDINANCE. HydroCorp will review or assist in the development/revision of a cross-connection control ordinance. Items for review include:

- Code adoption references, standard operational procedures, program notice documentation, reporting procedures and preference standards.



- Penalties for noncompliance.
- 2.7 **VACUUM BREAKERS.** The Utility may provide up to six (6) ASSE approved hose bib vacuum breakers or anti-frost hose bib vacuum breakers per facility as required, in order to place a facility into immediate compliance at the time of inspection if no other cross-connections are identified.
- 2.8 **PUBLIC RELATIONS PROGRAM.** HydroCorp will assist the Utility with a community-wide public relations program including general awareness brochures and website cross connection control program content.
- 2.9 **SUPPORT.** HydroCorp will provide ongoing support via phone, fax, text, website or email for the contract period.
- 2.10 **FACILITY TYPES.** The facility types included in the program are as follows:
- Industrial
 - Institutional
 - Commercial
 - Public Authority
 - Multifamily

Complex Facilities. Large industrial and high hazard complexes or facilities may require inspection/survey services outside the scope of this Agreement. An independent cross connection control survey (at the business owner's expense) may be required at these facilities and the results submitted to the Utility to help verify program compliance.

- 2.11 **INSPECTION TERMS.** HydroCorp will perform inspections of **781** facilities over a 1 year contract period. **781** additional facilities will be due for inspection in **2017**. The total inspections include all initial inspections, compliance and re-inspections. Once the contracted number of inspections are completed, additional inspections can be requested for an agreed upon price/fee per inspection by both parties and added as an addendum to this agreement.
- 2.12 **COMPLIANCE WITH DEPARTMENT OF NATURAL RESOURCES ADMINISTRATIVE CODE.** HydroCorp will assist in compliance with DNR and Wisconsin Administrative Code cross connection control program requirements for all commercial, industrial, institutional, multifamily and public authority facilities.
- 2.13 **POLICY MANUAL.** HydroCorp will review and/or develop a comprehensive cross connection control policy manual/plan and submit to WI-DNR for approval on behalf of the Utility.
- 2.14 **INVENTORY.** HydroCorp shall inventory all accessible (ground level) backflow prevention assemblies and devices. Documentation will include: location, size, make, model and serial number if applicable.
- 2.15 **DATA MANAGEMENT.** HydroCorp shall provide data management and program notices for all inspection services throughout the contract period.
- 2.16 **ANNUAL YEAR END REVIEW.** HydroCorp will conduct an on-site annual year-end review meeting to discuss overall program status and specific program recommendations.
- 2.17 **CROSS CONNECTION CONTROL BROCHURES.** HydroCorp will provide approximately **781** cross-connection control educational brochures for the duration of the Agreement.
- 2.18 **INSURANCE.** HydroCorp will provide all required copies of general liability, workers compensation and errors and omissions insurance naming the Utility as an additional insured if required.

ARTICLE III. Responsibilities of the Utility



- 3.1 UTILITY'S REPRESENTATIVE.** On or before the date services are to commence under this Agreement, the Utility shall designate an authorized representative ("Authorized Representative") to administer this Agreement.
- 3.2 COMPLIANCE WITH LAWS.** The Utility, with the technical and professional assistance of HydroCorp, shall comply with all applicable local, state, and federal laws, codes, ordinances, and regulations as they pertain to the water inspection and testing, and shall pay for any capital improvements needed to bring the water treatment and delivery system into compliance with the aforementioned laws.
- 3.3 NOTICE OF LITIGATION.** In the event that the Utility or HydroCorp has or receives notice of or undertakes the prosecution of any actions, claims, suits, administrative or undertakes the prosecution of any actions, claims, suits, administrative or arbitration proceedings, or investigations in connection with this Agreement, the party receiving such notice or undertaking of such prosecution shall give the other party timely notice of such proceedings and will inform the other party in advance of all hearings regarding such proceedings.
- 3.4 FACILITY LISTING.** The Utility must provide HydroCorp a complete list of facilities to be inspected, including facility name, type of service connection, address, contact person, and phone number, (if available). *Electronic file format such as Microsoft Excel, etc. is required. An additional one-time fee to manually enter facility listing will be charged at the rate of \$80.00 per hour. Incorrect facility addresses will be returned to the Utility contact and corrected address will be requested.*
- 3.5 LETTERHEAD/LOGO.** The Utility will provide HydroCorp with an electronic file copy of the utility logo or utility letterhead and all envelopes for the mailing of all official program correspondence only. (300 dpi in either .eps, or other high quality image format for printing.)

ARTICLE IV. Term, Compensation and Changes in Scope of Services

- 4.1 TERM AND TERMINATION TERM.** Services by HydroCorp under this Agreement shall commence on **January 4th, 2016** and end **one (1) years** from such date, unless this Agreement is renewed or terminated as provided herein. The terms of this Agreement shall be valid only upon the execution of this Agreement within ninety (90) days of its receipt. Failure to execute this Agreement within the ninety (90) day period shall deem the proposed terms void.
- 4.2 RENEWAL.** Upon the expiration of this Agreement the utility will have the option to renew under the same terms of this Agreement for two (2) consecutive one (1) year periods.
- 4.3 TERMINATION.** The Utility or HydroCorp may terminate this Agreement at any time and on any date in the initial and renewal terms of this Agreement, with or without any cause, by giving written notice of such intent to terminate to the other party at least thirty (30) days prior to the effective date of termination. Notice of the intent to terminate shall be given in writing by personal service, by an authorized agent, or by certified mail, return receipt requested. The Utility shall pay the balance of any outstanding accounts for work performed by HydroCorp.
- 4.4 BASE COMPENSATION.** Starting **January 4th, 2016**, the Utility shall pay HydroCorp as compensation ("Base Compensation") for labor, equipment, material, supplies, and utilities provided and the services performed pursuant to this Agreement, the sum of **\$7,627.00** per month for a one (1) year contract period totaling **\$91,524.00**.
- 4.5 PAYMENT OF INVOICES.** Upon presentation of invoices by HydroCorp, all payments including base and other compensation shall be due and payable on the first day of each month (due date) after the month for which services have been rendered. All such payments shall be made no later than thirty (30) days after the due date. Failure to pay shall be deemed a default under this Agreement. For any payment to HydroCorp which is not made within thirty (30) calendar days after the due date, HydroCorp, shall receive interest at one and one-half (1½) percent per month on the unpaid balance.



- 4.6 CHANGES IN SCOPE OF SERVICES.** In the event that the Utility requests and HydroCorp consents to perform additional work or services involving the consulting, management, operation, maintenance, and repair of the Utility's water delivery system where such services or work exceeds or changes the Scope of Services contemplated under this Agreement, HydroCorp shall be provided additional compensation. Within thirty (30) calendar days from the date of notice of such additional work or services, the parties shall mutually agree upon an equitable sum for additional compensation. This amount shall be added to the monthly sum effective at the time of change in scope. Changes in the Scope of Service include, but are not limited to, requests for additional service by the Utility or additional costs incurred in meeting new or changed government regulations or reporting requirements.
- 4.7 CLIENT CONFIDENTIALITY.** Disclosure of all communications between HydroCorp and the Utility regarding business practices and other methods and forms of doing business is subject to the provisions of Wisconsin Public Records Law, Chapter 19, Wis. Stats. HydroCorp agrees to make available for inspection and copying all records (as defined in sec. 19.32 (2), Wis. Stats.) in its possession created, produced, collected or otherwise related to this Agreement to the same extent as if the records were maintained by the Utility. HydroCorp expressly acknowledges and agrees that its obligations concerning Public Records Law and compliance under this Agreement should not be limited by copyright, license, privacy and/or confidentiality except as authorized under the Public Records Law.
- 4.8 ACCESSIBILITY.** Backflow prevention device information will be completed in full only when the identifying information (i.e. data plate, brass tag, etc.) is accessible and visible from ground level or from a fixed platform/mezzanine.
- 4.9 CONFINED SPACES.** – HydroCorp personnel will not enter confined spaces.

ARTICLE V. Risk Management and General Provisions

- 5.1 INFORMATION.** Both Parties to this Agreement recognize and acknowledge that the information presented to them is complete to the best of their knowledge, yet due to the inaccessible nature of water piping or lack of access provided by property owner/water user, complete accurate data is not always available. Cross-connection control inspection and results are documented as of a specific date. The property owner and/or water user may make modifications to the potable water system after the inspection date that may impact compliance with the program.
- 5.2 INDEMNIFICATION.** HydroCorp agrees to and shall hold the Utility, its elected and appointed officers, and employees harmless from any liability for claims or damages for personal injury or property damage which is caused by or arises from the sole negligence of HydroCorp in the performance of its services under this Agreement. The Utility agrees to and shall hold HydroCorp, its officers, and employees harmless from any liability for claims or damages for personal injury or property damage which is caused by, or arises from, the sole negligence of the Utility. In the event that both HydroCorp and the Utility are found by a fact finder to be negligent and the negligence of both is a proximate cause of such claim for damage, then in such event each party shall be responsible for the portion of the liability equal to its comparative share of the total negligence. HydroCorp's liability to the Utility for any loss, damage, claim, or expense of any kind or nature caused directly or indirectly by the performance or non-performance of obligations pursuant to this Agreement shall be limited to general money damages in an amount not exceed or within the limits of the insurance coverage provided hereunder. HydroCorp shall in no event be liable for indirect or consequential damages, including but not limited to, loss of profits, loss of revenue, or loss of facilities, based upon contract, negligence, or any other cause of action.
- 5.3 HYDROCORP INSURANCE.** HydroCorp currently maintains the following insurance coverage's and limits:
- | | |
|------------|-----------|
| Occurrence | Aggregate |
|------------|-----------|



Comprehensive General Liability	\$1 Million	\$2 Million
Excess Umbrella Liability	\$5 Million	\$5 Million
Automobile Liability (Combined Single Limit)	\$1 Million	
Worker's Compensation/ Employer's Liability	\$1 Million	
Errors and Omissions	\$2 Million	\$2 Million

Within thirty (30) calendar days of the start of the project, HydroCorp shall furnish the Utility with satisfactory proof of such insurance, and each policy will require a 30-day notice of cancellation to be given to the Utility while this Agreement is in effect. The Utility shall be named as an additional insured according to its interest under the general liability policy during the term of this Agreement.

- 5.4 **UTILITY INSURANCE.** The Utility will maintain liability insurance on an all risk basis and including extended coverage for matters set forth in this Agreement. The Utility and HydroCorp agree that with respect to insurance coverage carried by either party in connection with the Facilities, such insurance will provide for the waiver by the insurance carrier of any subrogation rights against the Utility or against HydroCorp as the case may be.
- 5.5 **RELATIONSHIP.** The relationship of HydroCorp to the Utility is that of independent contractor and not one of employment. None of the employees or agents of HydroCorp shall be considered employees of the Utility. For the purposes of all state, local, and federal laws and regulations, the Utility shall exercise primary management, and operational and financial decision-making authority.
- 5.6 **ENTIRE AGREEMENT AMENDMENTS.** This Agreement contains the entire Agreement between the Utility and HydroCorp, and supersedes all prior or contemporaneous communications, representations, understandings, or agreements. This Agreement may be modified only by a written amendment signed by both parties.
- 5.7 **HEADINGS, ATTACHMENTS, AND EXHIBITS.** The heading contained in this Agreement is for reference only and shall not in any way affect the meaning or interpretation of this Agreement. The Attachments and Exhibits to this Agreement shall be construed as integral parts of this Agreement.
- 5.8 **WAIVER.** The failure on the part of either party to enforce its rights as to any provision of this Agreement shall not be construed as a waiver of its rights to enforce such provisions in the future.
- 5.9 **ASSIGNMENT.** This Agreement shall not be assigned by either party without the prior written consent of the other unless such assignment shall be to the affiliate or successor of either party.
- 5.10 **FORCE MAJEURE.** A party's performance under this Agreement shall be excused if, and to the extent that, the party is unable to perform because of actions due to causes beyond its reasonable control such as, but not limited to, Acts of God, the acts of civil or military authority, loss of potable water sources, water system contamination, floods, quarantine restrictions, riot, strikes, commercial impossibility, fires, explosions, bombing, and all such interruptions of business, casualties, events, or circumstances reasonably beyond the control of the party obligated to perform, whether such other causes are related or unrelated, similar or dissimilar, to any of the foregoing. In the event of any such force majeure, the party unable to perform shall promptly notify the other party of the existence of such force majeure and shall be required to resume performance of its obligations under this Agreement upon the termination of the aforementioned force majeure.
- 5.11 **AUTHORITY TO CONTRACT.** Each party warrants and represents that it has authority to enter into this Agreement and to perform the obligations, including any payment obligations, under this Agreement.
- 5.12 **GOVERNING LAW AND VENUE.** This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin, regardless of the fact that any of the parties hereto may be or may



become a resident of a different state or jurisdiction. Any suit or action arising shall be filed in a court of competent jurisdiction within the State of Wisconsin, venue by the presiding County. The parties hereby consent to the personal jurisdiction of said court within the State of Wisconsin

5.13 COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument.

5.14 NOTICES. All notices, requests, demands, payments and other communications which are required or may be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered personally or sent by nationally recognized overnight carrier, or mailed by certified mail, postage prepaid, return receipt requested, as follows:

If to HydroCorp:

HydroCorp
c/o John Hudak
5700 Crooks Road, Ste. 100
Troy, MI 48337
(248) 250-5005

If to Utility: City of Wausau Waterworks
407 Grant Street
Wausau, WI 54403

5.15 SEVERABILITY. Should any part of this Agreement for any reason, be declared invalid or void, such declaration will not affect the remaining portion, which will remain in full force and effect as if the Agreement has been executed with the invalid portion eliminated.

SIGNATURES

IN WITNESS WHEREOF, the parties have duly executed this Agreement effective as of the date first above written.

City of Wausau Waterworks

_____ Date: _____
By:
Title:

HydroCorp


_____ Date: July 21st, 2015
By: John Hudak
Its: President



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

RESOLUTION OF THE PLAN COMMISSION

Amending the precise implementation plan for 1800 Westwood Center Boulevard to allow for signage.

Committee Action: Approved 6-0

Fiscal Impact: None.

File Number: 14-0608

Date Introduced: January 12, 2016

WHEREAS, the Plan Commission met on December 15, 2015, to review a request by Aspirus to amend the precise implementation plan for 1800 Westwood Center Boulevard to allow for signage, in an Unified Development District; and

WHEREAS, the building is being rebranded as the Aspirus Westwood Center and the existing signage will be changed out as shown; and

WHEREAS, the proposed signage generally conforms to the regulations contained in the city's business zoning districts; and

WHEREAS, the height of the building sign would require a conditional use permit in a business district zone because of its height; and

WHEREAS, the proposed signs are not expected to be detrimental to surrounding properties nor to the general public's health, safety, or welfare; now therefore

BE IT RESOLVED that the Common Council of the City of Wausau hereby approves the precise implementation plan for 1800 Westwood Center Boulevard to allow for signage, as presented.

Approved:

James E. Tipple, Mayor

PLAN COMMISSION

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

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

Others Present: Rasmussen, Nagle, Wagner, Nutting, Neal, Lenz, DeSantis, Hebert, Groat, Field, Mella, Cosson, Schock, Woller

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.

Discussion and Possible Action on Amending the Precise Implementation Plan at 1800 Westwood Center Boulevard to Allow for Signage.

Lenz said that property is undergoing a rebranding with Aspirus becoming a major tenant in the building. The proposed signage is located in the packet. The existing white monument signs will be replaced with the blue Aspirus signs. The building sign will also change. This is a Unified Development District so the zoning regulations are determined by this committee. The signage seems to conform to other commercial districts.

Mayor Tipple asked if the West sign would remain. Matthew Woller, Graphic House, said that the sign would remain and another sign would be added to the pylon. Mayor Tipple asked if this is included now or would be requested at a later date. Woller said it would be included in this request. Hebert gave a rendition to Mayor Tipple and stated it was previously approved during the past summer.

Atwell asked what this amendment would be for. Hebert said the first page shows the larger wall sign. It is typically a conditional use to have sign higher than 30' above the curb level and this is approximately 50'. The sign is rather high. Lenz said that with some UDD's, signs are approved "as presented." These signs are technically different than the last ones and they would normally require a conditional use for their height. This is why staff felt they should be run through the commission.

Gisselman asked if there would be a building sign. Woller said there is a WPS sign on the building that will be removed and the Aspirus sign added.

Mayor Tipple said the signage looks very nice on the building.

Oberbeck motioned to amend the Precise Implementation Plan at 1800 Westwood Center Boulevard to allow for signage. Atwell seconded and the motion carried unanimously 6-0.



December 14, 2015

Mr. Brad Lentz
Zoning Director
Wausau City Hall
407 Grant St.
Wausau, Wisconsin 54403

Dear Brad:

Recently Aspirus has acquired a majority ownership of the Westwood Conference Center, which is located at 1800 Westwood Blvd, Wausau. Along with the ownership change of the building Aspirus' Central Billing Office has also become a tenant within the building.

With Aspirus' acquisition of the former Westwood Conference Center it is desirable to rename the facility as the "Aspirus Westwood Center". Over the past several years the conference center functions within the building have become a minor entity and therefore it has been determined that this has very little value to the building name. To assist in the renaming and branding of the building we are proposing that a new sign with the Aspirus logo and name be located on the east façade of the building. The proposed sign is the new brand standard for all Aspirus buildings. This new standard provides the Aspirus logo and name on the building and then utilizes the site signs to further label the building name "Aspirus Westwood Center". With regards to the site signage, Aspirus is proposing to replace the older site signs located at the entrance to the Westwood Center with two new signs that identify the name of the building, "Aspirus Westwood Center". As previously noted Aspirus has become a tenant within the building; however, there are two large corporate entities that lease space within the building, they are WPS Health Solutions and WEST. Currently a pylon sign is located on the Westwood campus closer to the highway that provides signage for WEST. We are also requesting permission to add WPS Health Solutions to this pylon sign.

If you should have any questions regarding the proposed signage changes to the Aspirus Westwood Center or the new branding standards for Aspirus please do not hesitate to contact me.

Sincerely,

Gary Wojciechowski
Director of Facilities and Construction Management
Aspirus, Inc.

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

RESOLUTION OF THE PUBLIC HEALTH & SAFETY COMMITTEE	
Approving or Denying Various Licenses as Indicated	
Committee Action:	Approved 5-0
Fiscal Impact:	None
File Number:	16-0108
Date Introduced:	January 12, 2016

FISCAL IMPACT SUMMARY			
COSTS	<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>
SOURCE	<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> <i>Annual Retirement</i>
	<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 December 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

December 21, 2015 Meeting

AGENDA ITEM

Approve or deny various licenses as indicated on the attached summary report of all applications received.

ADDITIONAL INFORMATION

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. One Operator's License recommended for denial for Amanda Hayes, based on four OWI convictions: 11/2006, 08/2002, 01/2002, first offense date unknown.
2. Application for a Class A Beer License , Fast Fuel Mart, LLC, d/b/a Fast Fuel Mart #2, for new location at 407 N 3rd Ave (Raj Bhandari)
3. Application for a Class B Beer License, United America, LLC, d/b/a Pizza Bites, 802 E Wausau Ave (Raj Bhandari). **Note:** This premise address is the same as Fast Fuel Mart, which holds a Class A Beer & Liquor license for the service station. A Class B license cannot be combined with a Class A license and that is why he is applying with a new LLC for the back portion of the building where there was once a Subway. It has a separate door; however, it cannot be a connecting premise, so he needs to have a wall separating it from the service station portion.
4. One Class II Special Event application for D.C. Everest High School Band Concert in May 2016 on The 400 Block.

STAFF RECOMMENDATION

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: November 10, 2015

(715) 261-6620

PUBLIC HEALTH & SAFETY COMMITTEE

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

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

Others Present: Alfonso, Hardel, Czarapata, Rayala, Goede, McKenzie Drengher, Destinee Coenen, Jon Radtke, Ashlee Bishop, Amanda Hayes, Scott Liegl, Dick Holster, media

Consider request for 90 day extension for good cause to open for business - Sweets on Third, 615 3rd Street (Val-Roc, LLC)

Rayala indicated she spoke with Tim Nawrocki and they are requesting the extension due to the fire in the Downtown Grocery which adjoins their business. They are waiting for insurance issues to be settled and the owner of the building move forward with the cleanup and restoration from the fire damage.

Wagner was concerned that 90 days may not be enough time. Rasmussen stated if the work is not complete after that period of time they can come back and request another extension.

Motion by Neal, second by Gisselman to approve the 90 day extension for Val-Roc, LLC. Motion carried 5-0.

Consider various license applications.

Rasmussen stated there was one recommendation for denial of an Operator's License for Amanda Hayes, who was present to address the committee.

Amanda Hayes acknowledged she has had four OWI convictions, but the last one was 10 years ago and was not a felony. She stated she has a job at a gas station which she likes and although her boss indicated they could work around it if she did not have a license; she was hoping they would consider granting her one so she could work alone. She commented she was not bartending, just working at a gas station. Rasmussen pointed out even though she was working at a gas station now; the license is a portable city wide license which could be used for bartending as well. Neal requested they vote on this license separately from the list.

Rayala stated we received an application for a Temporary Class B Retailer's (picnic) license from Marathon County Youth Hockey for the Pond Hockey Tournament sponsored by Leinenkugel's, on January 15, 2015 at Marathon Park. Typically this event was held at Sunnysvale, but the warm weather has made the safety questionable. Scott Liegl, Wausau/Central Wisconsin Visitor's Bureau, stated this was a contingency plan or alternative and if the weather changed they would keep it at the original location.

Rayala stated Raj Bhandari was present to answer questions regarding his application for a Class B Beer license at 802 E. Wausau Avenue. Fast Fuel Mart, LLC (owner Raj Bhandari) currently holds a Class A Beer & Liquor license at 802 E. Wausau Avenue. There is a prohibition in the State Statutes against a person obtaining both a Class A and a Class B (or Class C Wine) license for the same or connecting premise.

Bhandari stated when he purchased the building it housed a Subway in the back portion which subsequently closed. He indicated he tried, but was unsuccessful, to get another food service for that space because there was a high demand for it. He stated if people were in the food area, they would not be able to come into the gas station because there is a gate between them. He pointed out he has applied for the Class B Beer license under a separate entity, United America, LLC.

Rasmussen stated there needs to be full separation between the two premises and that a gate would not be enough, there would need to be a wall. She questioned if there was separate access to the two businesses and separate restrooms. Bhandari stated there is a common restroom, but he is considering putting in another. He pointed out there is an entirely separate entrance door and parking for that part of the building. Rasmussen stated the license should be contingent upon the construction of the wall and an inspection for code compliance, as well as from police.

Motion by Wagner, second by Neal to approve or deny various licenses as recommended by staff, with the exception of Amanda Hayes and United America, LLC. Motion carried 5-0.

Motion by Neal , second by Kellbach to approve the Class B Beer License for United America, LLC, contingent upon construction of a wall to separate the premises and approval by the Inspections and Police Departments. Motion carried 5-0.

Motion by Wagner, second by Neal to approve the Operator's License for Amanda Hayes. Motion failed 1-4.

HEALTH AND SAFETY LIST
 ALL LICENSES
 DECEMBER 21, 2015

 REPORT ID: LRS530I
 RUN DATE: 12/30/15
 RUN TIME: 15:17:09

<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>REVOCATION</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>
FAST FUEL MART, LLC 407 N THIRD AVE WAUSAU, WI 54401	2015	11/16/2015	7/01/2015	6/30/2016		FAST FUEL MART	CLASS A BEER	✓			
UNITED AMERICA, LLC 802 E WAUSAU AVE WAUSAU, WI 54401	2015	11/16/2015	7/01/2015	6/30/2016		PIZZA BITES	CLASS B BEER	✓			
MARATHON COUNTY YOUTH HOCKEY C/O CVB 219 JEFFERSON ST WAUSAU, WI 54403	2016	12/18/2015	1/15/2016	1/17/2016		LEINENKUGEL'S CLASSI	TEMP CLASS B RETAILER	✓			
BARTOSCH, MICHAEL W 1140 W BRIDGE ST APT 111 WAUSAU, WI 54401	2015	12/04/2015		6/30/2016		SHOPKO 079	OPERATOR NEW	✓			
BRIGHT, JOE M 12750 N 12TH AVE MERRILL, WI 54452	2015	12/14/2015		6/30/2016		THE PLAZA HOTEL & SU	OPERATOR NEW	✓			
CALL, RACHEL M 561 LINCOLN ST MOSINEE, WI 54455	2015	11/10/2015		6/30/2016		KRIST FOOD MART #89	OPERATOR NEW	✓			
CHANG, CHOW K 3214 TERRACE CT #3 WAUSAU, WI 54401	2015	12/14/2015		6/30/2016		TRIG'S WAUSAU	OPERATOR NEW	✓			
CHIAPUZIO, HAILEY P 3503 SCHOFIELD AVE APT3 SCHOFIELD, WI 54476	2015	11/20/2015		6/30/2016		R STORE #5	OPERATOR NEW	✓			
DOZER, JULIE A 5810 THOMAS AVE WESTON, WI 54476	2015	12/03/2015		6/30/2016		KWIK TRIP #851	OPERATOR NEW	✓			
ERICKSON, THOMAS 3915 KINGLET CIRCLE WAUSAU, WI 54401	2015	11/20/2015		6/30/2016		WAUSAU CURLING CENTE	OPERATOR NEW	✓			
FARRAR, BRANDON T 920 S 14TH AVE WAUSAU, WI 54401	2015	11/23/2015		6/30/2016		WALGREEN'S STORE #07	OPERATOR NEW	✓			
FRAAZA, MELISSA M 802 YOUNG STREET WAUSAU, WI 54403	2015	12/07/2015		6/30/2016		R STORE #7	OPERATOR NEW	✓			
GEURINK, AUTUMN J 611 KENT STREET WAUSAU, WI 54403	2015	12/11/2015		6/30/2016		VINO LATTE	OPERATOR NEW	✓			

HEALTH AND SAFETY LIST
ALL LICENSES
DECEMBER 21, 2015REPORT ID: LRS530I
RUN DATE: 12/30/15
RUN TIME: 15:17:09

<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>	
* HAYES, AMANDA L 4031 TROY ST WAUSAU, WI 54403	2015	12/10/2015		6/30/2016		KRIST FOOD MART #89	OPERATOR NEW	---	X	---	---	* DENIED
JAMES, GREGG M 6101 DAWN ST WAUSAU, WI 54476	2015	12/14/2015		6/30/2016		WAUSAU CURLING CENTE	OPERATOR NEW	✓	---	---	---	
KOHLER, CASSIDY A 223 DISCHER ST #24 SCHOFIELD, WI 54476	2015	11/11/2015		6/30/2016		BUFFALO WILD WINGS	OPERATOR NEW	✓	---	---	---	
KOSS, KAYLYN R 609 16TH STREET MOSINEE, WI 54455	2015	12/11/2015		6/30/2016		JIM'S CORNER PUB	OPERATOR NEW	✓	---	---	---	
LAWRENCE, LINDA E 715 NORTON ST WAUSAU, WI 54401	2015	11/16/2015		6/30/2016		KRIST FOOD MART	OPERATOR NEW	✓	---	---	---	
LEWIS, REBECCA L 216 N 1ST AVENUE WAUSAU, WI 54401	2015	12/07/2015		6/30/2016		BMW FUEL MART	OPERATOR NEW	✓	---	---	---	
LOR, PHEEPONG 1300 N 9TH AVE APT 8B WAUSAU, WI 54401	2015	12/03/2015		6/30/2016		THE STORE #62	OPERATOR NEW	✓	---	---	---	
MOUA, TONG K 420 N 5TH AVE WAUSAU, WI 54401	2015	12/14/2015		6/30/2016		CHRISTINE'S	OPERATOR NEW	✓	---	---	---	
NICHOLS, HEATHER S 2511 EMERSON STREET WAUSAU, WI 54403	2015	12/01/2015		6/30/2016		COP SHOPPE PUB	OPERATOR NEW	✓	---	---	---	
OHLMANN, JAIMIE M 507 E 9TH ST MERRILL, WI 54452	2015	12/01/2015		6/30/2016		R-STORE #34	OPERATOR NEW	✓	---	---	---	
SALLOUM, ROBERT F 4716 NORWAY PINE DR STEVENSPOINT , WI 54482	2015	12/02/2015		6/30/2016		SHOPKO 079	OPERATOR NEW	✓	---	---	---	
SCHAEFFER, NATHAN D 5006 BLAZING STAR ST WAUSAU, WI 54401	2015	11/30/2015		6/30/2016		BUFFALO WILD WINGS	OPERATOR NEW	✓	---	---	---	
SOPATA, JOSHUA T 3808 MOUNT VIEW AVE #42 WESTON, WI 54476	2015	12/11/2015		6/30/2016		KWIK TRIP #851	OPERATOR NEW	✓	---	---	---	
STUPLICH, SARA L 624 S 5TH AVENUE WAUSAU, WI 54401	2015	11/20/2015		6/30/2016		VINO LATTE	OPERATOR NEW	✓	---	---	---	

HEALTH AND SAFETY LIST
ALL LICENSES
DECEMBER 21, 2015REPORT ID: LRS530I
RUN DATE: 12/30/15
RUN TIME: 15:17:09

NAME ADDRESS	RECORD YEAR	APPLICATION DATE	EVENT START DATE	EXPIRATION DATE	REVOCATION DATE	BUSINESS NAME	LICENSE TYPE	APR	DEN	PEN	OWES DEBT
WENDT, ALEXA M 1325 PROSPECT AVE WAUSAU, WI 54403	2015	11/23/2015		6/30/2016		DEN MAR TAVERN	OPERATOR NEW	✓			
YANG, SEE 632 MCCLELLAN STREET WAUSAU, WI 54403	2015	11/19/2015		6/30/2016		R STORE #8	OPERATOR NEW	✓			
YOUNG, ROZALYNN 3727 N 6TH ST WAUSAU, WI 54403	2015	12/02/2015		6/30/2016		KWIK TRIP #188	OPERATOR NEW	✓			
DARELIUS, DAVID W 1908 ROSECRANS ST WAUSAU, WI 54401	2015	12/04/2015		6/30/2017		KRIST FOOD MART #89	OPERATOR - LAPSED RENEWAL	✓			
LEE, KENG 3402 KILDEER LN WAUSAU, WI 54401	2015	11/25/2015		6/30/2017		WALGREEN'S STORE #07	OPERATOR - LAPSED RENEWAL	✓			
MCKENNA, KELLY A 207 1/2 N 2ND AVE WAUSAU, WI 54401	2015	11/18/2015		6/30/2017		KWIK TRIP #188	OPERATOR - LAPSED RENEWAL	✓			
PASHOLK, PAMELA 627 HUMBOLDT AVE WAUSAU, WI 54403	2015	12/11/2015		6/30/2017		KRIST FOOD MART	OPERATOR - LAPSED RENEWAL	✓			
PRICHARD, JESSE 1028 S 9TH AVENUE WAUSAU, WI 54401	2015	11/17/2015		6/30/2017		INTERMISSION	OPERATOR - LAPSED RENEWAL	✓			
TOBALSKY, MARCY J 510 ASPEN GROVE LN WAUSAU, WI 54403	2015	11/30/2015		6/30/2017		THE PLAZA HOTEL & SU	OPERATOR - LAPSED RENEWAL	✓			
FAST FUEL MART, LLC 407 N THIRD AVE WAUSAU, WI 54401	2015	11/16/2015	7/01/2015	6/30/2016		FAST FUEL MART	CIGARETTE & TOBACCO	✓			
NYBERG 435 OLD HWY 51 MOSINEE, WI 54455	JEFFREY	2015	11/10/2015	11/16/2015	12/25/2015	WHITEHOUSE ENTERPRIS	CHRISTMAS TREE	✓			
SALZMAN ROUTE 5 4610 LAHR AVE WAUSAU, WI 54403	LEONARD	2015	12/04/2015	12/04/2015	12/25/2015	SALZMAN CHRISTMAS TR	CHRISTMAS TREE	✓			
WANISH 3913 STACEY CIRCLE WAUSAU, WI 54403	JOSH	2015	11/24/2015	12/01/2015	12/31/2015	JOSH WANISH	CHRISTMAS TREE	✓			
D.C. EVEREST SENIOR HIGH SCHOO 6500 ALDERSON STR WESTON, WI 54476		2016	12/01/2015	5/25/2016	5/25/2016	DC EVEREST HIGH SCHO	SPECIAL EVENT CLASS II	✓			

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

ORDINANCE OF THE PUBLIC HEALTH & SAFETY COMMITTEE

Repealing Section 10.32.020 Restrictions on permit

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: None

File Number: 80-0424

Date Introduced: January 12, 2016

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

Section 1. That Section 10.32.020 Restrictions on permit is hereby repealed.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect on the day after its publication.

Adopted:

Approved:

Published:

Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk



Office of the City Attorney

TEL: (715) 261-6590
FAX: (715) 261-6808

Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

COMMENTS ON REPEAL OF W.M.C. §10.32.020, RESTRICTIONS ON PERMIT

- W.M.C. §10.32.020, Restrictions on permit, provides that no parade permit may be issued during the time period of 6:00 p.m. to 9:00 p.m., Monday through Friday.
- Each year the City Christmas Parade occurs during this time period on a December Friday night requiring a waiver of this restriction. This has resulted in the City adopting language in the same municipal code section permitting waivers of this restriction on a case by case basis.
- It is unclear in the present day, the reasons why such a restriction on parade permits was initially instituted. The general consensus appears to be that there is no public health or safety reason for continuing such a restriction.

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Tuesday, November 17, 2015 at 5:15 pm, (Board Room)

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

Members Excused: Gisselman

Others Present: Alfonso, Hagenbucher, Kujawa, Rayala, Goede, Lindsey Lewitzke, Jamie Hoover, media

Discussion and possible action regarding amendments to, or repeal of, time and day restrictions for parade permits under W.M.C. s. 10.32.020, Restrictions on permit.

Alfonso stated no one seemed to know the reason for this rule prohibiting parades between the hours of 6:00 p.m. and 9:00 p.m. on Mondays and Fridays. We have to give a waiver of it for the Holiday Parade every year, so it would be best to just eliminate it from the code.

Motion by Wagner, second by Neal to repeal the time/day restriction for parade permits. Motion carried 4-0.

ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE

Amending Sections 2.90.010, 2.90.020, 2.95.010, 5.30.040, 9.04.010, 9.04.022 and 17.36.010 to include “electronic delivery device” and amend “smoking”

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: None

File Number: 04-0511

Date Introduced: January 12, 2016

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

Add ()
Delete (——)

Section 1. That Section 2.90.010 Definitions, is hereby amended to read as follows:

2.90.010 Definitions. When used in this chapter, the following words have the following meanings:

...

(c) “Electronic delivery device” means any product containing or delivering nicotine or other similar substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. Electronic delivery device includes any device manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or description, or any component part of such product whether or not sold separately. Electronic delivery device does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for such an approved purpose.

(d) “Smoke” or “Smoking” means burning, holding, inhaling, exhaling or carrying a any lighted or heated cigar, cigarette, pipe or any other lighted smoking equipment or heated tobacco or plant product intended for inhalation, whether natural, or synthetic, in any manner or form. Smoking includes the use of an electronic delivery device which creates an aerosol or vapor, in any manner or form, or the use of any oral smoking device.

(e) “Cigarette” means . . .

(f) “Tobacco products” means . . .

(g) “Smokeless tobacco” means . . .

Section 2. That Section 2.90.020 Smoking prohibited, is hereby amended to read as follows:

2.90.020 Smoking prohibited. No person may smoke, ~~or~~ use smokeless tobacco, or use tobacco products within any city-owned facility except for those areas that are specifically leased to private entities, and specifically excluding Athletic Park when it is being utilized for Wausau Woodchucks baseball games. No person may smoke, ~~or~~ use smokeless tobacco, or use tobacco products within any city-owned vehicle.

Section 3. That Section 2.95.010 Definitions, is hereby amended to read as follows:

2.95.010 Definitions. When used in this chapter, the following words shall have the following meanings:

(a) “Electronic delivery device” shall have the meaning set forth in section 2.90.010(c) of this code.

~~(a)~~(b) “School property” means . . .

~~(b)~~(c) “Smoke” or “Smoking” means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment. shall have the meaning set forth in section 2.90.010(d) of this code.

~~(e)~~(d) “Smokeless tobacco” means . . .

Section 4. That Section 5.30.040 License regulations, is hereby amended to read as follows:

5.30.040 License regulations.

. . .

(c) No licensed retailer, or the agent or employee thereof, may sell or give cigarettes or tobacco products or any electronic delivery device as defined in W.M.C. §2.90.010(c) to any person under the age of eighteen, except as provided by section 9.04.022(c) of this code. A vending machine operator is not liable under this section for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of eighteen if the vending machine operator was not aware of the purchase.

Section 5. That Section 9.04.010 State statutes adopted, is hereby amended to read as follows:

9.04.010 State statutes adopted. The following state statutes are adopted by reference and incorporated herein, except for the penalty provision therein which shall be governed by section 1.01.110:

101.123 [Smoking prohibited.]

. . .

Section 6. That Section 9.04.022 Use of cigarette and tobacco products prohibited, is hereby amended to read as follows:

9.04.022 Use of cigarette ~~and~~ tobacco products **or other smoking or electronic delivery devices** prohibited. (a) Definitions . . .

“Cigarette” means . . .

“Electronic delivery device” shall have the meaning set forth in section 2.90.010(c) of this code.

“Law enforcement officer” means . . .

“Smoke” or “smoking” shall have the meaning set forth in section 2.90.010(d) of this code.

“Tobacco products” means . . .

. . .

(b) Except as provided in subsection (c) of this section, no child may do any of the following:

(1) Buy or attempt to buy any cigarette or tobacco product **or other smoking or electronic delivery device**;

(2) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product **or other smoking or electronic delivery device**;

(3) Possess any cigarette or tobacco product **or other smoking or electronic delivery device**.

(c) A child may purchase or possess cigarettes or tobacco products **or other smoking or electronic delivery device** for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Section 134.65(1) of the Wisconsin Statutes.

(d) A law enforcement officer shall seize any cigarette or tobacco product **or other smoking or electronic delivery device** involved in any violation of subsection (b) of this section committed in his or her presence.

(e) **Smoking ban adopted. The City adopts by reference, the provisions of Wis. Stats. § 101.123, smoking prohibited, pertaining to the statewide smoking ban. For purposes of enforcing the smoking ban found in Wis. Stats. §101.123 within this City, the definition found in subsection (a) of this section for “smoke” or “smoking” shall apply instead of the definition for “smoking” found in said state statutes and the definition found in subsection (a) of this section for “electronic delivery device” shall also apply.**

~~(e)~~(f) Penalty shall be not more than fifty dollars.

Section 7. That Section 17.36.010 Smoking defined is hereby amended to read as follows:

~~17.36.010 Smoking defined.~~ **Definitions.** ~~“Smoking” means and includes the carrying of lighted pipe, cigar, cigarette or tobacco in any form.~~ When used in this chapter, the following words shall have the following meanings:

(a) “Electronic delivery device” shall have the meaning set forth in section 2.90.010(c) of this code.

(b) “Smoke” or “smoking” shall have the meaning set forth in section 2.90.010(d) of this code.

Section 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk



COMMENTS ON PROHIBITION OF ELECTRONIC DELIVERY [SMOKING] DEVICES
BY MINORS AND USE ON SCHOOL PROPERTY, IN GOVERNMENT BUILDINGS, AND
IN CERTAIN PUBLIC PLACES

- The Public Health & Safety Committee has been requested to consider implementing a prohibition on the possession of electronic delivery [smoking] devices, such as e-cigarettes, e-cigars, and vape pens by minors and use of such devices on school property, in government buildings and certain public places, and against the sale of such items to minors. In particular, representatives of the Marathon County Health Department, as well as Wausau Police Department School Resource Officers, are urging the City to examine its ordinances in this regard.
- The State Legislature has entertained legislation concerning “inhaling or exhaling vapor or a vaporized solution from an electronic device,” (see, 2015 SB 120 and 2015 AB 146), however, as of this date, no law has yet been enacted.
- The proposed amendments to W.M.C. chapters 2.90, 2.95, 5.30, 9.04, and 17.36, expand the definition of “smoke” and “smoking” and add a definition for “electronic delivery device” to effectively include products that contain or nicotine or other similar substance. The effect of these changes in the foregoing chapters would generally make it a violation of municipal ordinance for a person to use smoke or use electronic smoking devices in city owned facilities, on school property in the Wausau School District, sell or give electronic smoking type devices to a person under the age of eighteen, and for those under the age of 18 to buy, attempt to buy or possess electronic smoking devices (in addition to the current prohibitions on cigarettes or tobacco products). These changes also enhance the enforcement of the Wausau municipal ordinance adopting Wis. Stat. §101.123 (also known as the Wisconsin Clean Indoor Air Act) which restricts smoking in 15 specific enclosed places as well as all enclosed places that are places of employment or public places by prohibiting the use of electronic delivery [smoking] devices, such as e-cigarettes, e-cigars, and vape pens in such locations.

PUBLIC HEALTH & SAFETY COMMITTEE

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

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

Others Present: Alfonso, Hardel, Czarapata, Rayala, Goede, McKenzie Drengler, Baeten, Destinee Coenen, Jon Radtke, Ashlee Bishop, Amanda Hayes, Scott Liegl, Dick Holster, media

Presentation: E-Cigarette Update (Destinee Coenen)

Rasmussen stated our school resource officers within the Police Department and the Marathon County Health Department in connection with the Healthy Marathon County's initiative has come to us and asked that we consider some sample legislation aligning e-cigarettes with our other indoor smoking clean air policies.

Destinee Coenen presented a PowerPoint on the use and health risks of E-Cigarettes (*copy on file*). She noted a resolution was passed on October 20, 2015 by the Marathon County Board of Supervisors which was two-fold in that it supports adding e-cigarettes to its clean indoor air law and supports local communities doing the same.

Joe Rolling, member of the Tri-County Tobacco Free Coalition, as well as a respiratory therapist, indicated research is starting to come out and there are some initial studies showing lung problems with inhalation of these products. He provided articles on the subject (*on file*).

Michelle Armstrong, 2173 Meadowbrook Way, spoke in support of adding e-cigarettes to the smoke free clean indoor air act in the City of Wausau.

Discussion and possible action on amending related ordinances sections of the WMC in reference to smoking and prohibition of e-cigarettes and related electronic delivery devices: §§ 9.04.010, 9.040.022, 2.90.010, 2.90.020, 17.36.010, 5.30.040, and 2.95.010

Rasmussen stated Tara Alfonso researched other communities and received sample copies of legislation through the Health Department and the Healthy Communities Initiative. These amendments are all inter-related to achieve the same end. Neal commented he fully supported this because there is too much unknown about its effects on the health of the user and those around them. Rasmussen indicated she has received a fair amount of feedback in emails and letters from the public supporting this as well.

Motion by Neal, second Kellbach to approve the ordinance amendments in reference to smoking and prohibition of e-cigarettes and related electronic devices. Motion carried 5-0.

E-CIGARETTES A GROWING CONCERN

WHAT ARE E-CIGARETTES?

An electronic cigarette is an oral device that can be used to simulate smoking and that produces an aerosol of nicotine and/or other substances.

THEY TAKE MANY FORMS

E-cigarettes are also known as e-hookahs, hookah pens, vape pens, vaporizers, e-cigars, and e-pipes.



4 REASONS TO BE CONCERNED ABOUT E-CIGARETTES

They produce more than just water vapor

- Secondhand aerosol can contain nicotine, ultrafine particles, heavy metals, and cancer-causing chemicals.¹
- Communities have come to expect clean indoor air; e-cigarette use threatens this standard and makes enforcement confusing.

They aren't regulated and haven't been proven safe

- Studies have found some e-cigarettes can contain formaldehyde and diacetyl, chemicals harmful to the human body.²
- There are no regulations on the manufacture or sale of the 450+ brands of e-cigarettes and e-juice to protect consumers or bystanders.³
- Contents vary widely and don't always match the ingredients or amounts listed on labels. In fact, there is no requirement to list ingredients.⁴

They aren't approved to help smokers quit

- No e-cigarette has been approved by the FDA as a cessation device.
- E-cigarette users often continue to smoke regular cigarettes as well as use e-cigarettes.⁵

They appeal to youth

- Nationally, the use of e-cigarettes among youth has more than tripled in the last year,⁶ a cause for concern since nicotine is known to have harmful effects on adolescent brains.⁷
- In Wisconsin 8% of high school students currently use e-cigarettes.⁸
- Alarming, e-cigarette use is associated with increased intentions to smoke conventional cigarettes.⁹



1 E-cigarettes: A scientific review. Contemporary Reviews in Cardiovascular Medicine. Circulation, 2014

2 Evaluation of Electronic Cigarette Liquids and Aerosol for the Presence of Selected Inhalation Toxins. Nicotine & Tobacco Research, September 2014.

3 Four hundred and sixty brands of e-cigarettes and counting: implications for product regulation. Tobacco Control, May 2014

4 E-Cigarettes: Questions and Answers, U.S. Food and Drug Administration, September 2010.

5 Electronic Cigarettes and Conventional Cigarette Use Among US Adolescents: A Cross-sectional Study. JAMA Pediatr. March 2014.

6 2013-2014 National Youth Tobacco Survey

7 The health consequences of smoking—50 years of progress. US Department of Health and Human Services, CDC, 2014

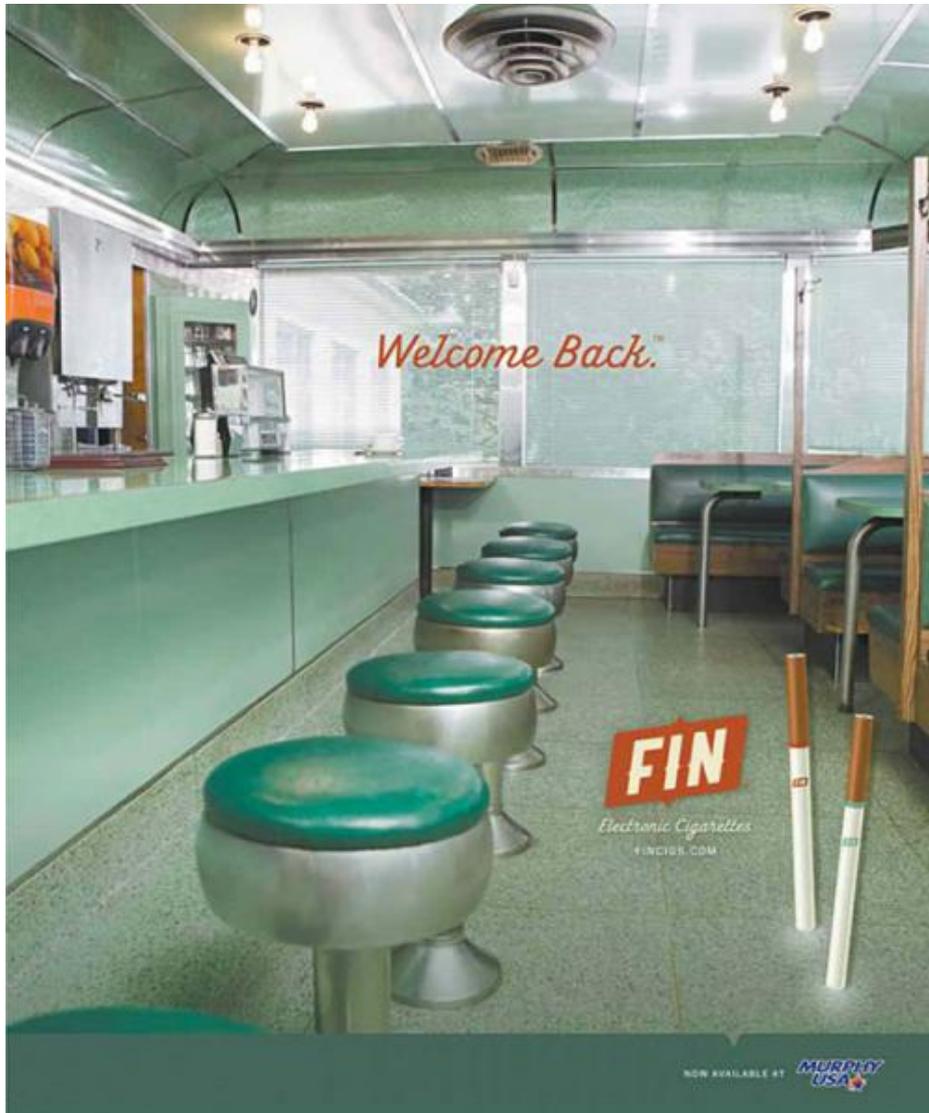
8 2014 Wisconsin Youth Tobacco Survey

9 Intentions to smoke cigarettes among never-smoking US middle and high school electronic cigarette users: National Youth Tobacco Survey, 2011-2013. Nicotine & Tobacco Research, February 2014.

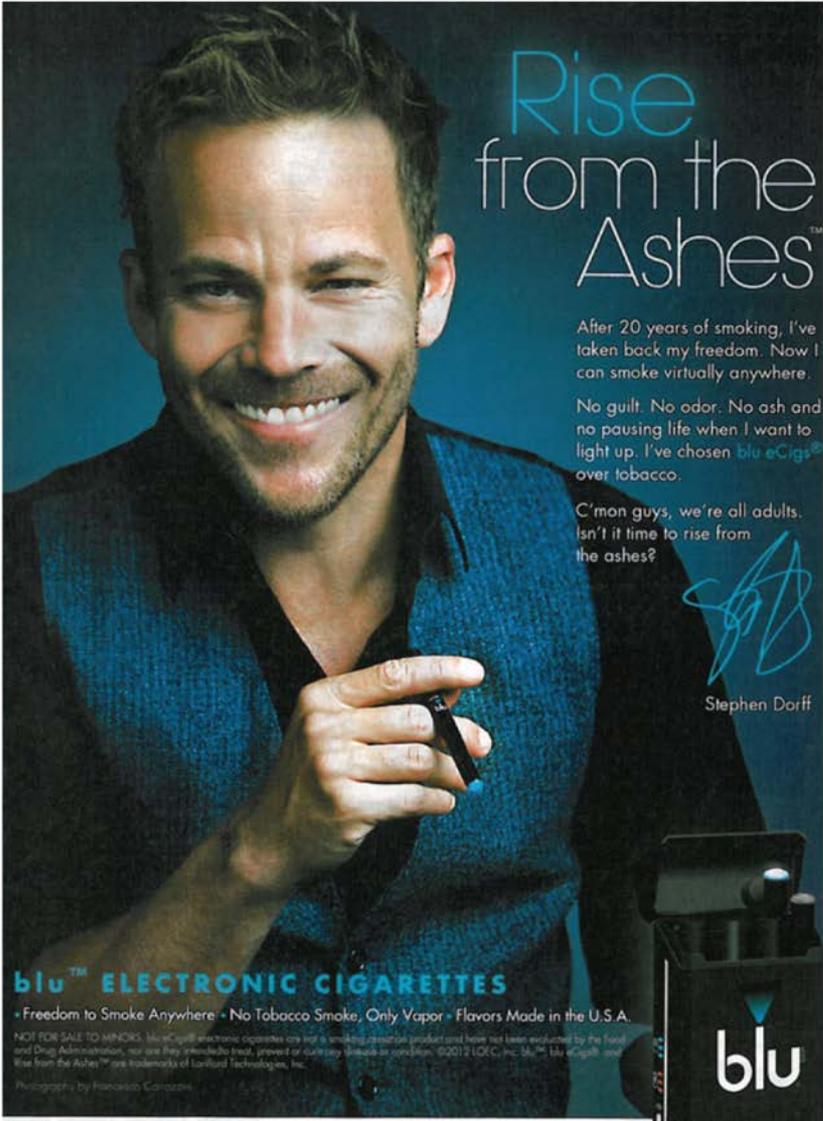
E-CIGARETTES: A GROWING CONCERN



Destinee Coenen, CHES
Central Wisconsin Tobacco Free Coalition Coordinator
1000 Lake View Drive, Suite 100
Wausau, WI 54403
715-261-1931
Destinee.Coenen@co.marathon.wi.us



1. Maintains Wisconsin's standard of clean air by supporting inclusion of e-cigarettes in Wisconsin's Clean Indoor Air Law
2. Shows support for local communities to include e-cigarettes into their clean indoor air ordinances



Rise from the Ashes™

After 20 years of smoking, I've taken back my freedom. Now I can smoke virtually anywhere.

No guilt. No odor. No ash and no pausing life when I want to light up. I've chosen blu eCigs® over tobacco.

C'mon guys, we're all adults. Isn't it time to rise from the ashes?



Stephen Dorff

blu™ ELECTRONIC CIGARETTES

• Freedom to Smoke Anywhere • No Tobacco Smoke, Only Vapor • Flavors Made in the U.S.A.

NOT FOR SALE TO MINORS. blu eCigs® electronic cigarettes are not a smoking cessation product and have not been evaluated by the Food and Drug Administration, nor are they intended to treat, prevent or cure any disease or condition. ©2012 LOEC, Inc. blu™, blu eCigs®, and Rise from the Ashes™ are trademarks of Lorillard Technologies, Inc.

Photography by Francesco Carrazzini

blucigs.com/StephenDorff



WHAT IS AN E-CIGARETTE?

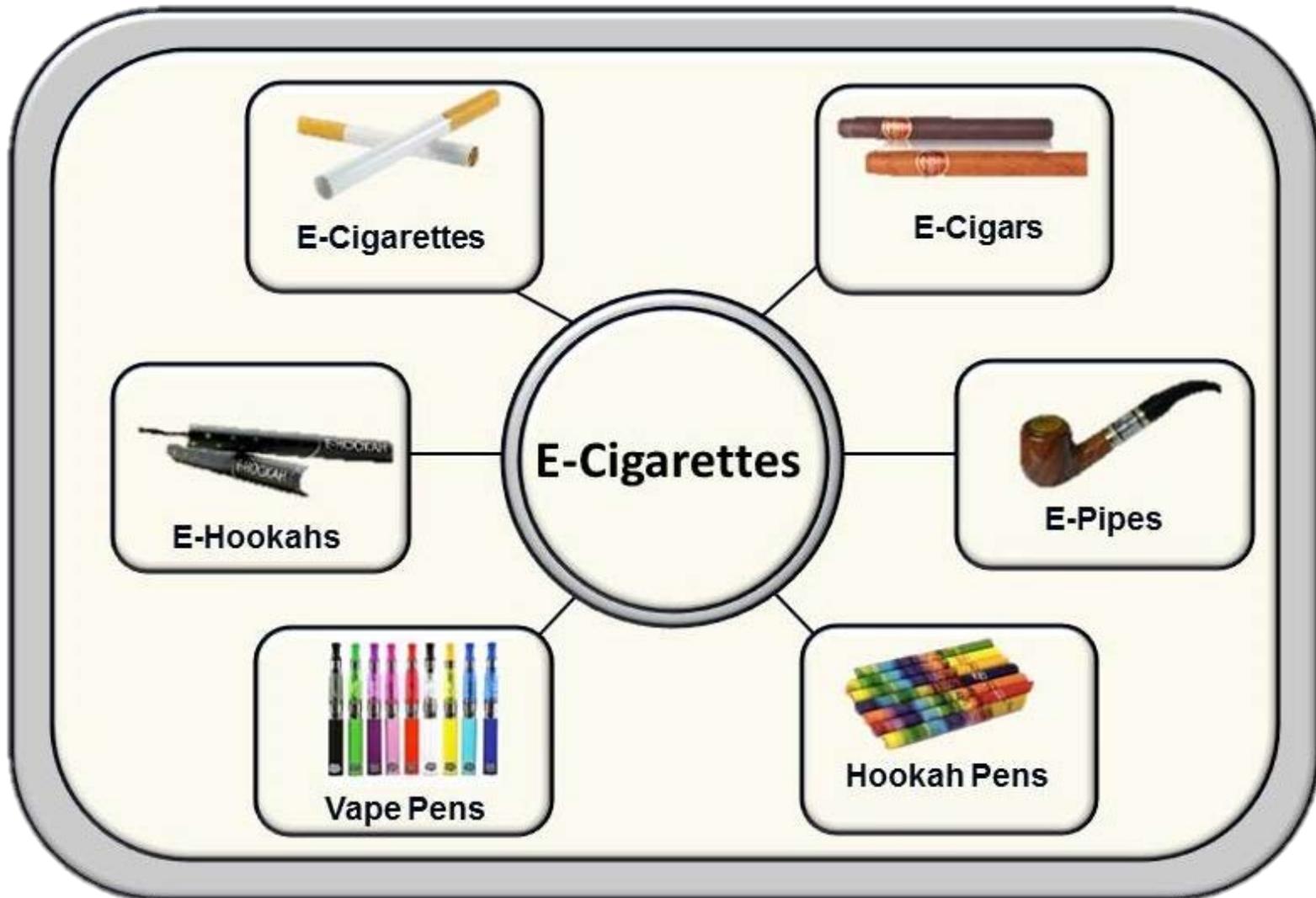


Vape Pens

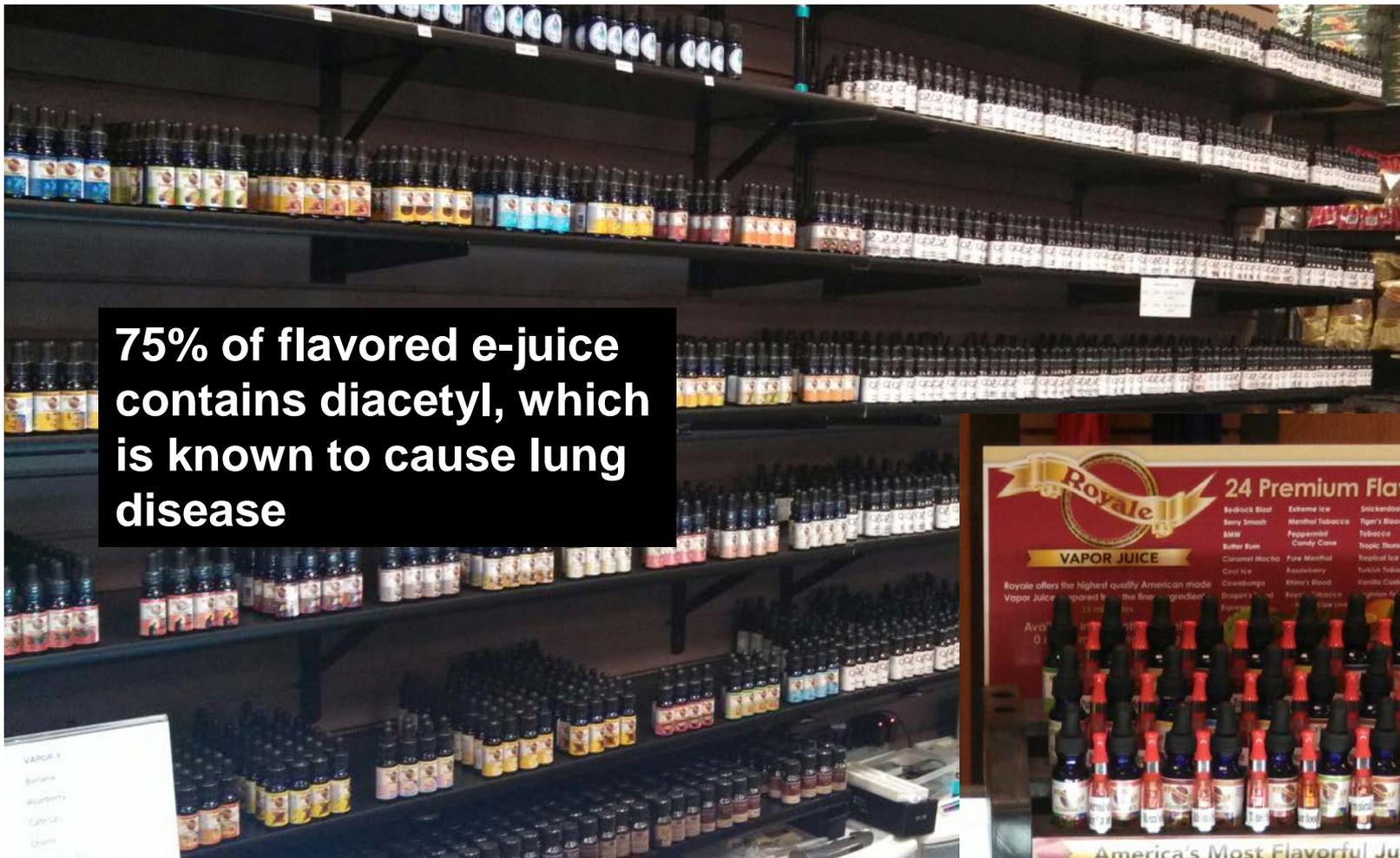


Photo Source: <http://www.legacyforhealth.org/>

E-CIGARETTES INCLUDE:



E-JUICE



E-CIGARETTES GIVE OFF MORE THAN JUST "WATER VAPOR"



BETTER THAN SMOKING?

**NO Tobacco Smoke!
Only Water Vapor.**

New high-tech atomizer converts water to a smoke-like vapor, generating a cigarette-like look and feel without dangerous chemicals such as nicotine and without the nasty smell.

L.E.D. LITHIUM BATTERY • ATOMIZER • CARTRIDGE



"It's a better oral fixation!" ~ Jake L., FL

Make the switch to American Blue Tip™ Smokes, a healthier, convenient alternative to cigarettes. Enjoy all of the pleasures of smoking without the stigma. American Blue Tip is so effective as a substitute for cigarettes because it feels like the real thing, providing the authentic smoking experience: Feel the weight between your fingers. Inhale and exhale the smoke-like vapor. Feed the hand to mouth habit. Keep your

"The New Drag"

Let's face it, there are many reasons why people love to smoke - it's relaxing and social. More than anything else, smoking *used to be* fun. Smoking used to provide a certain energy; create a certain buzz. The devastating effects of cigarettes have robbed smokers of all of these benefits. With American Blue Tip smokes, you can have all that back.

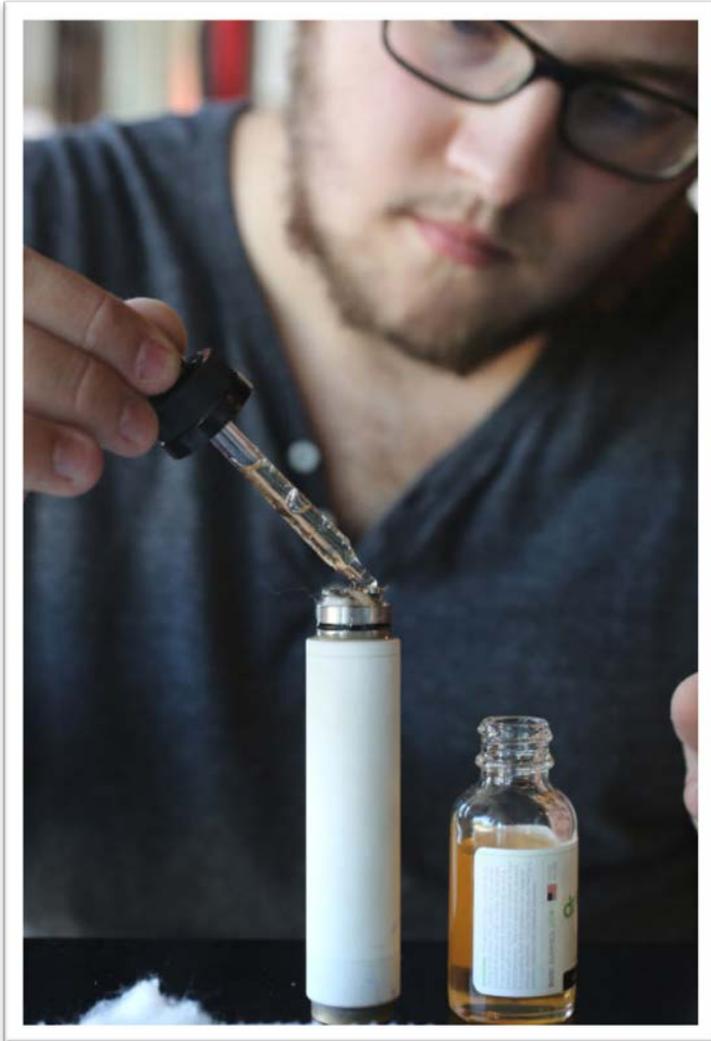
Satisfy your urge!

SAVE MONEY! American Blue Tip is available now. Evaluate the American Blue Tip experience for yourself with a 30-day risk-free trial. That's right, try it **risk-free!** and see the benefits for yourself. Finally, smoke without the health risks associated with tar & other danger-

SECONDHAND AEROSOL



E-CIGARETTES ARE NOT REGULATED



E-CIGARETTES AND MARIJUANA

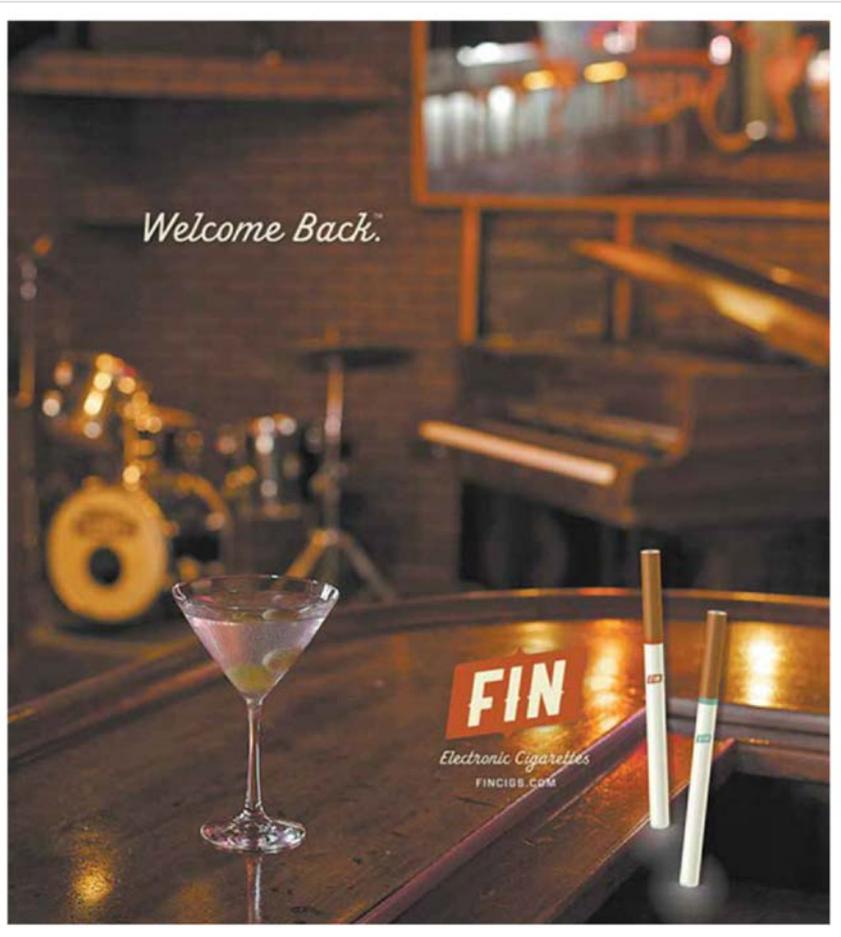


**420
VAPE
JUICE**
420VAPEJUICE.COM

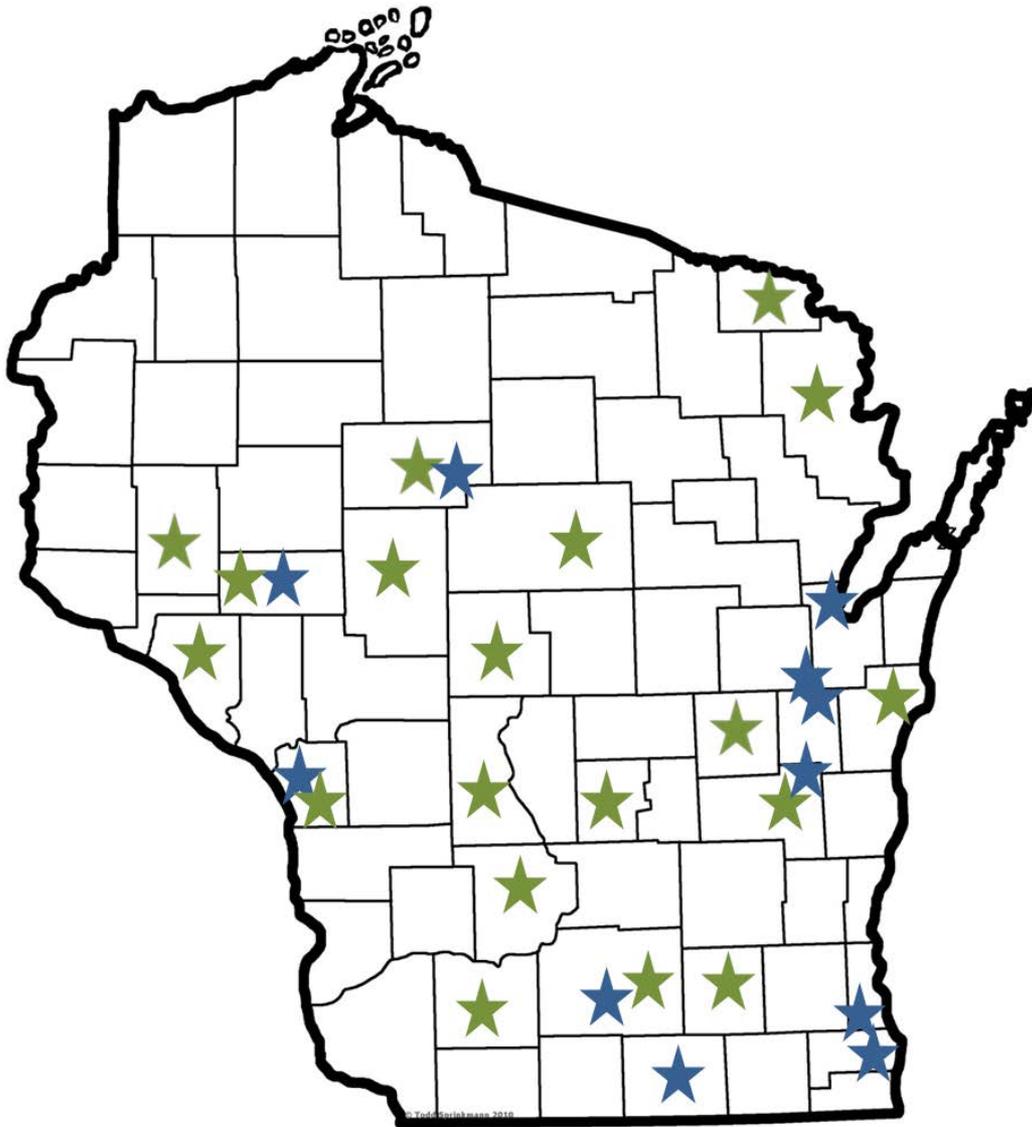
**NEW 10ML CBD OIL
30MG CBD BY VOLUME**



WISCONSIN'S STANDARD



- E-Cigarettes do not meet our standard of Clean Indoor Air
- 'Smoky look' creates confusion with enforcement
- Renormalized the act of smoking
- It's NOT just water vapor



City Policies in Place:

- Onalaska**
- Ashwaubenon**
- Greenfield**
- Madison**
- Janesville**
- South Milwaukee**
- Appleton*
- Eau Claire*
- Medford*
- Neenah*
- North Fond du Lac*
- Wauwatosa*

County Policies in Place:

- Dane**
- Florence**

16 Wisconsin Counties- including
Marathon County

*Only City/County Owned Property

RESOURCES

1. E-cigarettes A scientific review. Contemporary Reviews in Cardiovascular Medicine. Circulation, 2014.
2. Evaluation of Electronic Cigarette Liquids and Aerosol for the Presence of Selected Inhalation Toxins. Nicotine & Tobacco Research, September 2014.
3. Four hundred and sixty brands of e-cigarettes and counting: implications for product regulation. Tobacco Control, May 2014.
4. E-Cigarettes: Questions and Answers, U.S. Food and Drug Administration, September 2010.
5. Electronic Cigarettes and Conventional Cigarette Use Among UW Adolescents: A Cross-sectional Study. JAMA Pediatr. March 2014.
6. 2013-2014 National Youth Tobacco Survey.
7. The health consequences of smoking- 50 years of progress. US Department of Health and Human Services, CDC, 2014.
8. Intentions to smoke cigarettes among never-smoking US middle and high school electronic cigarette users: National Youth Tobacco Survey 2011-2013. Nicotine & Tobacco Research, February 2014.
9. Lab tests reveal popular e-cigarette liquids contain harmful chemicals. Milwaukee Journal Sentinel. October 2015.

NOT APPROVED BY FDA TO HELP SMOKERS QUIT



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- No Tobacco Smoke, Only Vapor
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SWITCH TO BLU**

blu is the smart choice for smokers wanting a change. Take back your freedom to smoke when and where you want without ash or smell. blu is everything you enjoy about smoking and nothing else. Nobody likes a quitter, so make the switch today.

Visit blucigs.com

* From blu Smart Pack

PREMIUM ELECTRONIC CIGARETTE

18+ only. CALIFORNIA PROPOSITION 65 - Warning: This product contains nicotine, a chemical known to the state of California to cause birth defects or other reproductive harm.

E-CIGARETTES APPEAL TO YOUTH



BURDEN OF TOBACCO IN WI



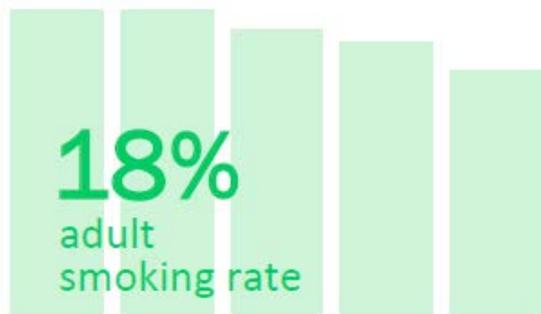
2014 WI Youth Tobacco Survey

7.9%

of Wisconsin high school students have used e-cigarettes.

(National YTS 2013 average: 4.5%)

2014 WI Youth Tobacco Survey



2013 Behavioral Risk Factor Surveillance System

4.7%

of Midwest adults have used e-cigarettes.

(WI specific data not currently available)

National Adult Tobacco Survey, United States, 2012–2013

RESOLUTION #R-66-15
Supporting Regulation of E-Cigarettes

WHEREAS, e-cigarettes are not regulated by the FDA and studies show discrepancies in the amount of nicotine in them. Non-nicotine e-cigarettes may still contain nicotine, leading to a lifetime of ~~tobacco~~ nicotine addiction among youth who use these products; and

WHEREAS, e-cigarettes produce more than water vapor. Secondhand aerosol can contain nicotine, ultrafine particles, heavy metals, and cancer-causing chemicals⁴; and

WHEREAS, studies show when e-cigarettes were used at high levels, inhaled formaldehyde was 5 to 15 times higher than conventional cigarettes⁵; and

WHEREAS, nicotine is addictive and e-cigarette use is associated with increased intentions to smoke conventional cigarettes⁶; and

WHEREAS, e-cigarettes are defined as any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product; and

WHEREAS, on July 5, 2010 Wisconsin passed the statewide Clean Indoor Air law that 86% of Wisconsin residents currently support. Maintaining Wisconsin's standard of clean indoor air is important to protect the health of residents³; and

WHEREAS, e-cigarettes threaten Wisconsin's standard of clean indoor air because e-cigarettes are not included in the statewide Clean Indoor Air law; and

WHEREAS, cities and counties across Wisconsin have the opportunity to incorporate e-cigarettes into their smoke-free ordinances to protect residents against the potentially harmful effects of secondhand aerosol; and

WHEREAS, the State Statutes allows local governments the authority to protect people from the potentially harmful effects of secondhand aerosol.

WHEREAS, the people in local communities believe they have the right to protect themselves against the potentially harmful effects of secondhand aerosol; and

WHEREAS, Marathon County Board of Supervisors has resolved to become the healthiest County in the State of Wisconsin¹ and has successfully passed resolutions related to past tobacco initiatives²; and

WHEREAS, Marathon County has included e-cigarettes into their 'Tobacco Free County Buildings, Property/Grounds, Equipment, and Vehicles' policy, which prohibits the use of e-cigarettes in Marathon County government buildings⁷; and

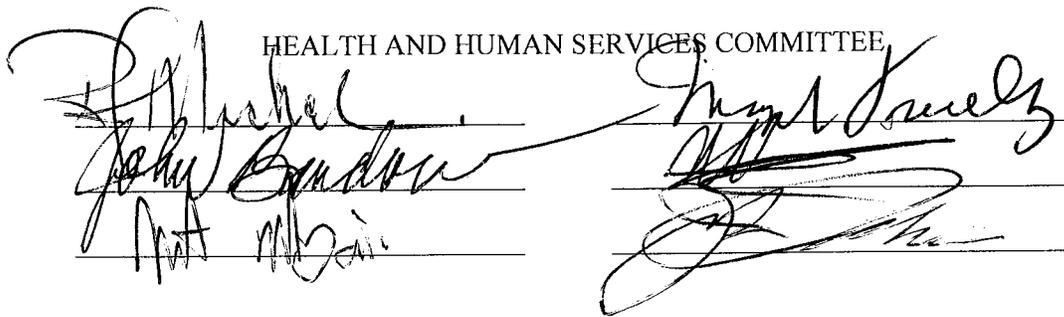
WHEREAS, the Marathon County Board of Health took action September 1, 2015 to support Federal regulations on e-cigarettes and e-juice through the FDA.

NOW, THEREFORE, BE RESOLVED THAT the Marathon County Board of Supervisors supports adding E-cigarettes to Wisconsin's Clean Indoor Air law and opposes any attempt to exempt the use of e-cigarettes from Wisconsin's Clean Indoor Air law.

BE IT FURTHER RESOLVED THAT the Marathon County Board of Supervisors supports and encourages local communities in Marathon County to include e-cigarettes into their smoke-free ordinances to protect the health of their citizens and opposes any state legislation that preempts local governments from doing so.

DATED: October 20, 2015.

HEALTH AND HUMAN SERVICES COMMITTEE



The image shows the text 'HEALTH AND HUMAN SERVICES COMMITTEE' centered above two columns of handwritten signatures. Each signature is written over a horizontal line. The left column contains three signatures, and the right column contains two. The signatures are in black ink and appear to be cursive or semi-cursive.

Fiscal Impact: No budgetary tax levy impact.

Health Impact: Nicotine is addictive and 86% of Wisconsin residents support the smoke-free air law.

References:

- 1 [Resolution #R-44-12](#) Marathon County- The Healthiest County in the State
- 2 Resolution #R-13-07 Resolution in Support of Increasing the Wisconsin Excise Tax on Cigarettes by \$1.25 per Pack and Adoption of a Statewide Workplace Smoking Ban with No Exceptions
- 3 The LIFE Steering Committee Focus 2013-2015 LIFE in Marathon County: Local indicators for Excellence. Wausau, WI, 2013.
- 4 E-cigarettes: A scientific review. Contemporary Reviews in Cardiovascular Medicine. Circulation, 2014
- 5 Hidden Formaldehyde in E-Cigarette Aerosols. Letter to the Editor New England Journal of Medicine, 2015.
- 6 Intentions to Smoke Cigarettes Among Never-Smoking US Middle and High School Electronic Cigarette Users: National Youth Tobacco Survey, 2011-2013. Nicotine & Tobacco Research, February 2014.

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

RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE	
Postponing the street construction project of Clark Street from 2 nd Avenue to the cul-de-sac	
Committee Action:	Approved 5-0
Fiscal Impact:	None at this time.
File Number:	15-0105
Date Introduced:	January 12, 2016

FISCAL IMPACT SUMMARY			
COSTS	<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>
SOURCE	<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> <i>Annual Retirement</i>
	<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, 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac was proposed to be reconstructed in 2016; and

WHEREAS, the City has contracted with GRAEF to design the landscaping features for the project; and

WHEREAS, the current design includes raised concrete intersections, specialty pavers, specialty tree grates, lighting, ornamental plantings and gateway features; and

WHEREAS, with the unique amenities proposed for the project, the estimated costs are over the budgeted amount; and

WHEREAS, the owner of the majority of the properties along Clark Street from 2nd Avenue to the cul-de-sac is interested in redeveloping the area and delaying this portion of the project would allow for consideration of redevelopment plans; and

WHEREAS, your Capital Improvements and Street Maintenance Committee discussed the proposed project at its meeting on December 10, 2015 and recommends postponing the Clark Street portion

of the project to 2017, which will allow 2nd Avenue to be completed in 2016 with the amenities as proposed;
now therefore

BE IT RESOLVED the Common Council of the City of Wausau does hereby approve postponing
the street construction project of Clark Street from 2nd Avenue to the cul-de-sac.

Approved:

James E. Tipple, Mayor

JOINT MEETING OF THE CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE AND PLAN COMMISSION

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

Members Present: **Capital Improvements and Street Maintenance Committee:**
Rasmussen, Mielke, Gisselman, Kellbach, Abitz
Plan Commission:
Mayor Tipple, Lindman, Oberbeck, Gisselman, Atwell

Also Present: Jacobson, Lenz, 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 of the Capital Improvements and Street Maintenance Committee to order; and Mayor Tipple called the meeting of the Plan Commission to order.

Discussion and possible action on design modifications for 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac

Rasmussen reminded the committee that based upon the material selected for the unique design; the costs for the project were expensive. Staff was directed to go back to see if there were less expensive but aesthetically pleasing materials available. Wesolowski explained that staff worked with GRAEF to pare down the design. However, staff would like to move forward with a phased approach with reconstruction of 2nd Avenue in 2016 as the first phase and defer Clark Street to a second phase. An owner of several properties on Clark Street is looking at redevelopment and changing the dynamics of the area. If Clark Street is reconstructed, it may limit his options. Lenz further explained that the owner is looking to purchase the only other property on Clark Street that he does not currently own. Redevelopment of the area could potentially require vacation of Clark Street. Delaying Clark Street a year would allow redevelopment plans to be worked out and would be one way to meet the budget for 2nd Avenue. Wesolowski stated the intent would be to reconstruct 2nd Avenue next year with the originally proposed materials and amenities. Rasmussen does not have a problem with the phased approach, but the stakeholders are sensitive to the fact that nothing has been happening. She does not want Clark Street to be eliminated entirely because of the perception. The perception of a lot of the stakeholders on that side is that the transformation on the east side was dramatic and a serious public private partnership. On the east side, we have been willing to do everything from shifting, borrowing and forming TID districts to get it done. She does not want anyone on the west side to feel that the City has downgraded their project. If a phased implementation moves forward whether or not the property owner on Clark Street makes a move, she would like to see the second phase get followed through on and have similar aesthetics to 2nd Avenue.

Abitz stated the Parking & Traffic Committee would like to move forward with the project so spots can be striped for Eastbay. Wesolowski stated design plans are mainly completed. If materials would be changed there would be redesign. He spoke with WPS last week and they are onboard to get utilities buried in spring. Mielke noted that at this point as long as the project is followed up on a phased approach would be alright. The constituents just want the project done.

Gisselman stated the cul-de-sac on Clark Street is also used by merchants on 1st Avenue for parking. Lenz explained the City purchased property from the DOT to make the cul-de-sac. A condition from the DOT was for it to be maintained for public use. If vacated, there is public parking that will need to stay in some form. Rasmussen added that a lot of the appeal of the project was the public market space along Clark Street. Gisselman noted that a new look of Clark Street would provide visual appeal off of Stewart Avenue. Lenz explained that Stewart Avenue will be repaved next year. With 2nd Avenue reconstruction and Stewart Avenue improvements there will be a lot happening in the area next year, even without Clark Street. Originally he was not in favor of delaying the project since it already has been delayed, but he would rather

keep the higher quality of the project than dilute it. Rasmussen feels if the original vision can be achieved by completing the project in two phases rather than one, the end result would be more pleasing to the residents.

Abitz questioned if Clark Street would be reconstructed to 4th Avenue. If the project is delayed, The Store gas station will be completed and there may be a new traffic flow in the area. Rasmussen does not believe that area of Clark Street was in the project limits. Wesolowski stated that Clark Street is in poor shape up to 4th Avenue. The project could be brought back to include a larger portion of Clark Street.

Abitz moved to defer Clark Street from 2nd Avenue to the cul-de-sac to 2017 and complete 2nd Avenue from Stewart Avenue to Elm Street in 2016. Gisselman seconded.

Gisselman questioned if this portion of Clark Street is in place for the 2017 budget. Wesolowski replied no and there would have to be an amendment to include this in the TIF for 2017. Gisselman questioned if money would be saved in the 2016 budget by not completing Clark Street. Wesolowski explained that with all of the amenities for this project, the project is over budget and both 2nd Avenue and Clark Street could not be completed under the existing budget. Staff looked at using a lower quality material or removing an amenity from the project. The project can be completed without changing amenities and within budget if only 2nd Avenue is completed. Mielke asked if there is a guarantee that Clark Street will be in the 2017 budget. Rasmussen replied it would have to survive CISM, Finance and Council. Abitz stated all Council members are aware of how 2nd Avenue is proposed to be developed; however, a new Council may be in place at that time. Rasmussen indicated education will be needed to bring all Council members up to speed. Wesolowski stated several things could be done to reduce the budget if the committee would like to move forward with reconstruction of both streets. There are a lot of amenities that could be cut back to get within budget and complete both streets. Mielke feels that would defeat the concept. Rasmussen believes the most forward thinking approach is to do 2nd Avenue as proposed and then Clark Street the following year.

There being a motion and a second, motion to defer Clark Street from 2nd Avenue to the cul-de-sac to 2017 and complete 2nd Avenue from Stewart Avenue to Elm Street in 2016 carried unanimously 5-0.

Agenda Item No.

7

STAFF REPORT TO CISM COMMITTEE – December 10, 2015

AGENDA ITEM
Discussion and possible action on design modifications for 2 nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2 nd Avenue to the cul-de-sac
BACKGROUND
2 nd Avenue from Stewart Avenue to Elm Street is scheduled for reconstruction in 2016. Initial cost estimates for the current design is approximately \$1.8 million. The current design uses specialty pavers, specialty tree grates, concrete intersections, benches, planters and specialty landscaping. Staff will be working with Graef to continue to scale down the project to meet the current budget.
FISCAL IMPACT
The project is being funded using TID 8 funds. Any costs beyond the current budgeted amount would have a negative impact on the TID.
STAFF RECOMMENDATION
None. Staff will present ideas to the committee to bring the project closer to budget and advance the plans accordingly.
Staff contact: Allen Wesolowski 715-261-6762

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

**RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE**

Preliminary Resolution Levying Special Assessments for 2016 Street Reconstruction Project of 2nd Avenue from Stewart Avenue to Elm Street

Committee Action: Approved 5-0

Fiscal Impact: None at this time. Construction would take place in 2016 and the special assessments would be levied when the project is substantially completed.

File Number: 15-0105

Date Introduced: January 12, 2016

FISCAL IMPACT SUMMARY

COSTS	<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>
SOURCE	<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> <i>Annual Retirement</i>
	<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

BE IT RESOLVED by the Common Council of the City of Wausau as follows:

1. The Common Council hereby declares its intention to exercise its police power under Section 66.0703 of the Wisconsin Statutes and Section 3.24.020 of the Wausau Municipal Code to levy special assessments upon property for special benefits conferred upon such property by the improvement of the following streets under Street Reconstruction projects to take place in 2016:

2nd Avenue from Stewart Avenue to Elm Street

2. The public improvement shall include the removal and replacement of bituminous concrete and/or Portland cement concrete pavement, curb and gutter, drive approaches; installation and/or replacement of sidewalk and sanitary sewer, water and storm sewer laterals where necessary.

3. The total amount assessed against the properties in the defined assessment district shall not exceed the total cost of the City's share of the improvements. The City Council determines that the improvements constitute an exercise of the police power and the assessment against each parcel shall be upon a reasonable basis. The final assessment bill will be sent to property owners upon substantial completion of the project.

4. Unless other installment plans are determined at the hereinafter stated public hearing, the assessment against any parcel shall be paid as follows:

Assessments under \$300: If payment is not made prior to November 1, 2016, the special assessment will be placed on the 2016 real estate tax bill and be due in full on or before January 31, 2017. There is no interest charged when paid in full. Assessments totaling less than \$300 must be paid in full and do not qualify for the five-year payment schedule.

Assessments totaling \$300 but less than \$20,000: If full payment is not made prior to November 1, 2016, assessments totaling \$300 but less than \$20,000 will automatically be placed on the five-year payment schedule on the 2016 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2016 real estate taxes **OR**
- B. Payment of the first one-fifth of the assessment with the 2016 real estate taxes without interest. The remaining balance is paid in equal installments on the next four real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% beginning February 1, 2017, on the unpaid balance. (The 2015 rate was 2.88%.) The remaining balance may be paid at any time with interest calculated through the month of payment.

Assessments over \$20,000: If payment is not made prior to November 1, 2016, assessments totaling \$20,000 or more will automatically be placed on the ten-year payment schedule on the 2016 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2016 real estate taxes **OR**
- B. Payment of the first one-tenth of the assessment with the 2016 real estate taxes without interest. The remaining balance is paid in equal installments on the next nine real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% beginning February 1, 2017, on the unpaid balance. (The 2015 rate was 2.88%.) The remaining balance may be paid at any time with interest calculated through the month of payment.

Real estate taxes may be paid in full or in three installments (January 31, April 30, July 31), however, the special assessments must be paid on or before January 31, 2017. No payments can be applied to real estate taxes if the special assessments are not paid. Section 74.12(11)(a), Wisconsin Statutes, specifically states if a treasurer receives a payment from a taxpayer which is not sufficient to pay all general property taxes, special assessments and special taxes due, the treasurer shall apply the payment to the amounts due, including interest and penalties, in the following order: (1) personal property taxes; (2) delinquent utility charges; (3) special charges; (4) special assessments; (5) special taxes; (6) real property taxes.

5. The Engineering Department shall prepare a report which shall consist of the preliminary plans for the proposed work, an estimate of the cost of the work, a schedule of the proposed assessments for each parcel; a copy of the report shall be filed with the City Clerk for public inspection. In accordance with Section 66.0703(7)(a), Wisconsin Statutes, a public hearing on the project was held May 4, 2015 by the Board of Public Works in the Council Chambers of City Hall.

6. The installation of said improvements shall be accomplished according to the provisions of Title 12 and Chapter 3.24 of the Wausau Municipal Code, where applicable.

Approved:

James E. Tipple, Mayor

JOINT MEETING OF THE CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE AND PLAN COMMISSION

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

Members Present: **Capital Improvements and Street Maintenance Committee:**
Rasmussen, Mielke, Gisselman, Kellbach, Abitz
Plan Commission:
Mayor Tipple, Lindman, Oberbeck, Gisselman, Atwell

Also Present: Jacobson, Lenz, 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 of the Capital Improvements and Street Maintenance Committee to order; and Mayor Tipple called the meeting of the Plan Commission to order.

Discussion and possible action on design modifications for 2nd Avenue from Stewart Avenue to Elm Street and Clark Street from 2nd Avenue to the cul-de-sac

Rasmussen reminded the committee that based upon the material selected for the unique design; the costs for the project were expensive. Staff was directed to go back to see if there were less expensive but aesthetically pleasing materials available. Wesolowski explained that staff worked with GRAEF to pare down the design. However, staff would like to move forward with a phased approach with reconstruction of 2nd Avenue in 2016 as the first phase and defer Clark Street to a second phase. An owner of several properties on Clark Street is looking at redevelopment and changing the dynamics of the area. If Clark Street is reconstructed, it may limit his options. Lenz further explained that the owner is looking to purchase the only other property on Clark Street that he does not currently own. Redevelopment of the area could potentially require vacation of Clark Street. Delaying Clark Street a year would allow redevelopment plans to be worked out and would be one way to meet the budget for 2nd Avenue. Wesolowski stated the intent would be to reconstruct 2nd Avenue next year with the originally proposed materials and amenities. Rasmussen does not have a problem with the phased approach, but the stakeholders are sensitive to the fact that nothing has been happening. She does not want Clark Street to be eliminated entirely because of the perception. The perception of a lot of the stakeholders on that side is that the transformation on the east side was dramatic and a serious public private partnership. On the east side, we have been willing to do everything from shifting, borrowing and forming TID districts to get it done. She does not want anyone on the west side to feel that the City has downgraded their project. If a phased implementation moves forward whether or not the property owner on Clark Street makes a move, she would like to see the second phase get followed through on and have similar aesthetics to 2nd Avenue.

Abitz stated the Parking & Traffic Committee would like to move forward with the project so spots can be striped for Eastbay. Wesolowski stated design plans are mainly completed. If materials would be changed there would be redesign. He spoke with WPS last week and they are onboard to get utilities buried in spring. Mielke noted that at this point as long as the project is followed up on a phased approach would be alright. The constituents just want the project done.

Gisselman stated the cul-de-sac on Clark Street is also used by merchants on 1st Avenue for parking. Lenz explained the City purchased property from the DOT to make the cul-de-sac. A condition from the DOT was for it to be maintained for public use. If vacated, there is public parking that will need to stay in some form. Rasmussen added that a lot of the appeal of the project was the public market space along Clark Street. Gisselman noted that a new look of Clark Street would provide visual appeal off of Stewart Avenue. Lenz explained that Stewart Avenue will be repaved next year. With 2nd Avenue reconstruction and Stewart Avenue improvements there will be a lot happening in the area next year, even without Clark Street. Originally he was not in favor of delaying the project since it already has been delayed, but he would rather

keep the higher quality of the project than dilute it. Rasmussen feels if the original vision can be achieved by completing the project in two phases rather than one, the end result would be more pleasing to the residents.

Abitz questioned if Clark Street would be reconstructed to 4th Avenue. If the project is delayed, The Store gas station will be completed and there may be a new traffic flow in the area. Rasmussen does not believe that area of Clark Street was in the project limits. Wesolowski stated that Clark Street is in poor shape up to 4th Avenue. The project could be brought back to include a larger portion of Clark Street.

Abitz moved to defer Clark Street from 2nd Avenue to the cul-de-sac to 2017 and complete 2nd Avenue from Stewart Avenue to Elm Street in 2016. Gisselman seconded.

Gisselman questioned if this portion of Clark Street is in place for the 2017 budget. Wesolowski replied no and there would have to be an amendment to include this in the TIF for 2017. Gisselman questioned if money would be saved in the 2016 budget by not completing Clark Street. Wesolowski explained that with all of the amenities for this project, the project is over budget and both 2nd Avenue and Clark Street could not be completed under the existing budget. Staff looked at using a lower quality material or removing an amenity from the project. The project can be completed without changing amenities and within budget if only 2nd Avenue is completed. Mielke asked if there is a guarantee that Clark Street will be in the 2017 budget. Rasmussen replied it would have to survive CISM, Finance and Council. Abitz stated all Council members are aware of how 2nd Avenue is proposed to be developed; however, a new Council may be in place at that time. Rasmussen indicated education will be needed to bring all Council members up to speed. Wesolowski stated several things could be done to reduce the budget if the committee would like to move forward with reconstruction of both streets. There are a lot of amenities that could be cut back to get within budget and complete both streets. Mielke feels that would defeat the concept. Rasmussen believes the most forward thinking approach is to do 2nd Avenue as proposed and then Clark Street the following year.

There being a motion and a second, motion to defer Clark Street from 2nd Avenue to the cul-de-sac to 2017 and complete 2nd Avenue from Stewart Avenue to Elm Street in 2016 carried unanimously 5-0.

JOINT MEETING OF THE CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE AND PLAN COMMISSION

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

Members Present: **Capital Improvements and Street Maintenance Committee:**
Rasmussen, Mielke, Gisselman, Kellbach, Abitz
Plan Commission:
Mayor Tipple, Lindman, Oberbeck, Gisselman, Atwell

Also Present: Jacobson, Lenz, 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 of the Capital Improvements and Street Maintenance Committee to order; and Mayor Tipple called the meeting of the Plan Commission to order.

Discussion and possible action on preliminary resolutions for 2016 construction projects

Wesolowski explained that preliminary resolutions have to be approved to schedule public hearings for next year's projects. Clark Street will have to be removed based upon the motion made earlier to defer the project. Wesolowski noted that the public hearing for 2nd Avenue was held in early 2015, but the project was delayed until 2016. That project was approved and the public hearing held with the previous assessment rate of \$21.60 per foot. If the committee recommends moving forward with that rate, Wesolowski does not believe another public hearing needs to be held. The new rate approved for 2016 projects is \$42 per foot. If the 2016 rate is to be used for 2nd Avenue, a new public hearing will be held. Staff recommends moving forward with 2nd Avenue at the 2015 rate of \$21.60 and approval of the preliminary resolutions for the remaining streets at the 2016 rate of \$42. Rasmussen stated the residents were notified of and are expecting the rate of \$21.60. Wesolowski explained that the rate was increased to \$42 reflect current construction prices. Rasmussen questioned if most of the properties along 2nd Avenue are commercial. Wesolowski responded there are 4 to 5 residential properties in the last block of the west side of the project.

Mielke moved to approve the preliminary resolutions for 2016 construction projects, with the exception of Clark Street which was delayed by previous action, and approve using the 2015 assessment rate for the project of 2nd Avenue from Stewart Avenue to Elm Street. Abitz seconded and the motion carried unanimously 5-0.

AGENDA ITEM
Discussion and possible action on preliminary resolutions for 2016 construction projects
BACKGROUND
<p>The following construction projects are included in the 2016 budget:</p> <p><u>Street Improvements</u> Ashland Avenue from Evergreen Road to Meadowview Road Meadowview Road from Ashland Avenue to the cul-de-sac</p> <p><u>Street Reconstruction</u> 2nd Avenue from Stewart Avenue to Elm Street Clark Street form 2nd Avenue to the cul-de-sac Kent Street from Grand Avenue to Zimmerman Street Chicago Avenue from 2nd Street to 10th Street</p> <p>A resolution was adopted earlier this year to delay the project of 2nd Avenue and Clark Street. Discussion should be held if this project will be assessed at the 2015 or 2016 rate.</p>
FISCAL IMPACT
None at this time.
STAFF RECOMMENDATION
Staff recommends the preliminary resolutions for special assessment be adopted and public hearings scheduled. The preliminary resolutions will go to Council in January and public hearings will be held in late January or early February.
Staff contact: Allen Wesolowski 715-261-6762

RESOLUTION OF THE FINANCE COMMITTEE

Authorizing a 2015 Budget Modification to fund Sick Leave Payout within the Engineering Department

Committee Action: Approved 5-0

Fiscal Impact: \$22,000

File Number: 14-1109

Date Introduced: January 13, 2016

RESOLUTION

WHEREAS, the engineering salary accounts will be overdrawn approximately \$22,000 due a December 2015 retirement; and

WHEREAS, funds are available within the public works snow removal budget to fund the overage; and

WHEREAS, the Finance Committee has reviewed and recommends a budget amendment to transfer funds from the Winter maintenance salt account 110-102594540

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau, that the proper City Official(s) be hereby authorized and directed to modify the 2015 budget to transfer \$22,000 from 110-102594540 Winter Maintenance Salt to 110-100291210 Engineering Salaries

BE IT FURTHER RESOLVED this budget modification shall be published in the official newspaper as required.

Approved:

James E. Tipple, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, December 22, 2015 @ 5:00 pm., Council Chambers

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

Others Present: Groat, Hite, Lindman, Hanson, Schock, Tipple, Neal, Wagner, Goede, Elizabeth Field, Ben Walljasper, and media.

Discussion and Possible Action regarding budget modification for Engineering Salaries

Lindman explained this is in regard to a retirement in the Engineering Department and the sick leave payout.

Without the funds for the payout we would not be able to hire a replacement until May. This budget modification is out of the winter maintenance account due to our lack of snow this year.

Motion by Mielke, second by Nagle to approve the budget modification for Engineering Salaries. Motion carried 5-0.

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

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

Approving setting a minimum amount for property acquisitions related to the Thomas Street Project

Committee Action: CISM: Approved 5-0
Finance: Pending

Fiscal Impact: Minimum of \$200 per parcel.

File Number: 02-1005

Date Introduced: January 12, 2016

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source:</i> TID #6, 2016 budget
	<i>One-time Costs:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i> Based upon scope of work
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i> TBD <i>Annual Retirement</i> TBD
	<i>TID Financed:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i> TBD
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input checked="" type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, Thomas Street from 3rd Avenue to 17th Avenue is proposed to be reconstructed in 2017; and

WHEREAS, several properties along the corridor will require small property acquisitions for the approved road design; and

WHEREAS, thirty-seven properties along the corridor will require a temporary limited easement during construction of the project; and

WHEREAS, to provide an incentive for property owners and to avoid additional costs of short term appraisals and the process of eminent domain, the State has set a minimum of \$200 for small property acquisitions and temporary limited easements on their projects; and

WHEREAS, setting a minimum dollar amount for small property acquisitions and temporary limited easements related to the Thomas Street Project was discussed by your Capital Improvements and Street Maintenance Committee at its meeting on December 10, 2015 and by your Finance Committee at its meeting on January 12, 2016, and both committees recommend approving a minimum of \$200; now therefore

BE IT RESOLVED the Common Council of the City of Wausau does hereby approve a \$200 minimum amount for property acquisitions and temporary limited easements.

Approved:

James E. Tipple, Mayor

JOINT MEETING OF THE CAPITAL IMPROVEMENTS AND STREET MAINTENANCE
COMMITTEE AND PLAN COMMISSION

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

Members Present: **Capital Improvements and Street Maintenance Committee:**
Rasmussen, Mielke, Gisselman, Kellbach, Abitz
Plan Commission:
Mayor Tipple, Lindman, Oberbeck, Gisselman, Atwell

Also Present: Jacobson, Lenz, 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 of the Capital Improvements and Street Maintenance Committee to order; and Mayor Tipple called the meeting of the Plan Commission to order.

Discussion and possible action on setting a minimum amount for property acquisitions related to the Thomas Street Project

This item was taken out of agenda order.

Lindman stated the State has a minimum of \$200 for property acquisitions that require small takings or for a temporary limited easement. This provides an incentive to home owners to sign necessary documents. Staff would like a minimum amount of \$200 to \$250 set for the Thomas Street Project. If the offered value is a small amount it could be difficult to obtain the property owner's signature. Speich indicated if the property owner does not sign a TLE to allow the contractor to work on the property owner's side of the sidewalk there are a few options. The parcel could be removed from the plat and the existing sidewalk would be left with the project going around that property, or \$1,900 could be spent on a short term appraisal and the process of eminent domain followed. Speich stated there are 42 parcels along the project. Five of those will be appraised due to parking issues, which would leave 37 properties needing a TLE.

Mielke moved to direct staff to set a minimum amount of \$200 for property acquisitions and Temporary Limited Easements related to the Thomas Street Project. Gisselman seconded.

Gisselman questioned if there is an estimate of how much this will cost. Gehin replied the minimum amount would be \$7,500. Speich stated before any offers are made, the Finance Committee will review the parcel payment report, which will show each parcel and proposed payment.

There being a motion and a second, motion to direct staff to set a minimum amount of \$200 for property acquisitions and Temporary Limited Easements related to the Thomas Street Project carried unanimously 5-0.

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

RESOLUTION OF THE COMMON COUNCIL	
Authorizing the filing of a verified complaint, and authorizing the City's attorneys to take further action on behalf of the City, relating to incorporation of the Town of Maine	
Committee Action: Pending	
Fiscal Impact:	
File Number: 16-0106	Date Introduced: January 12, 2016

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input type="checkbox"/> No <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
SOURCE	<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> <i>Annual Retirement</i>
	<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

BE IT RESOLVED, Mayor James E. Tipple is hereby authorized to execute and file a verified complaint, on behalf of the City of Wausau, and in his capacity as Mayor of the City of Wausau, with the Marathon County District Attorney, pursuant to Wis. Stat. § 19.97, in the form attached as Exhibit A, and with such modifications to the verified complaint as may be approved by Mayor Tipple and the City's attorneys; and

BE IT FURTHER RESOLVED, the City's attorneys are hereby authorized to take such actions as they deem appropriate against the Village of Maine, and such other parties as they deem appropriate, to seek enforcement of and remedies for violations of the Wisconsin Open Meetings Law relating to the incorporation of the Town of Maine, and to facilitate the City's annexation of lands in Maine pursuant to petitions for annexation that have been and may hereafter be filed with the City of Wausau.

Approved:

James E. Tipple, Mayor

EXHIBIT A

VERIFIED OPEN MEETINGS LAW COMPLAINT

NOW COMES the complainants, the City of Wausau, and James E. Tipple, and as and for a verified complaint pursuant to Wis. Stat. § 19.97, allege and complain as follows:

1. The City of Wausau (the “City”) is a body politic or corporate located in Marathon County, Wisconsin.

2. James E. Tipple is an adult resident of the State of Wisconsin and is the Mayor of the City.

3. This verified complaint is made by James E. Tipple on behalf of and in his official capacity as Mayor of the City, as well as in his individual capacity as an adult resident of the State of Wisconsin.

4. The Town of Maine (“Maine”) is a body politic or corporate located in Marathon County, Wisconsin. The address of the Maine town hall is 6111 N. 44th Avenue, Wausau, WI 54401.

5. Betty Hoenisch is an adult resident of Marathon County, the State of Wisconsin, and is an elected member of the Board of Supervisors of the Town of Maine.

6. Tad Schult is an adult resident of Marathon County, the State of Wisconsin, and is an elected member of the Board of Supervisors of the Town of Maine.

7. Keith Rusch is an adult resident of Marathon County, the State of Wisconsin, and is an elected member of the Board of Supervisors of the Town of Maine.

8. The Board of Supervisors of the Town of Maine (the “Board”) is a governmental body within the meaning of the Wisconsin Open Meetings Law, Wis. Stat. § 19.81, et seq.

9. The Wisconsin Open Meetings Law applies to the Board and Hoenisch, Schult and Rusch in their capacities as members of the Board.

10. This verified complaint is based in part upon information available at http://www.townofmaine.com/meeting_minutes/.

11. During 2015, the Board held numerous meetings within the meaning of the Wisconsin Open Meetings Law.

12. At ten of these meetings, the Board held closed sessions to discuss, initiate, deliberate upon, and act upon a variety of issues relating to the Village of Brokaw.

13. The Board discussed Brokaw at a closed session meeting on January 19, 2015, according to the minutes of the meeting available at http://www.townofmaine.com/meeting_minutes/. According to the minutes, the subject matter intended for consideration in a contemplated closed session at this meeting, as described in the agenda, was publicly noticed as follows:

“Chairman will entertain a motion to convene into Closed Session pursuant to State Statute 19.85(1) (g) for the purpose of conferring with legal counsel [sic] for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to the Brokaw Study on possible dissolution and potential [sic] litigation in which it is or is likely to become involved.”

14. The minutes of this closed meeting reflect that the Board met on January 19, 2015, voted unanimously on a motion to convene into closed session “pursuant to State Statute 19.85(1)(g)” for the same purpose as set forth in the agenda, and then convened into closed session.

15. The Maine Board next held a closed session meeting on January 29, 2015, according to the minutes of the meeting available at http://www.townofmaine.com/meeting_minutes/. According to these minutes, the subject matter intended for consideration in a contemplated closed session at this meeting, as described in the agenda, was publicly noticed as follows:

“Chairman will entertain a motion to convene into Closed Session pursuant to State Statute 19.85(1) (g) for the purpose of conferring with legal consul [sic] for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to the Brokaw Study on possible dissolution and potential litigation in which it is or is likely to become involved.”

16. The minutes of this meeting reflect that the Board met on January 29, 2015, voted unanimously on a motion to convene into closed session “with the Town of Texas Board of Supervisors and their legal consul [sic] pursuant to State Statute 19.85(1)(g)” for same purpose as set forth in the agenda, and then convened into closed session.

17. According to information available at http://www.townofmaine.com/meeting_minutes/, over the next nine months, the Board repeated this basic pattern eight times with some variations.

18. According to information available at http://www.townofmaine.com/meeting_minutes/, the Board held closed sessions on February 23, 2015, February 26, 2015, March 5, 2015, March 23, 2015, June 4, 2015, July 21, 2015, August 21, 2015 and October 19, 2015 (collectively the “Closed Sessions”).

19. All of the notices of and motions to convene into the Closed Sessions asserted the litigation exemption under Wis. Stat. § 19.85(1)(g) as a reason for holding a closed session.

20. The notices of and motions to convene into the July 21 and August 21 Closed Sessions asserted the competitive or bargaining exemption under Wis. Stat. § 19.85(1)(e) as an additional reason for holding the closed session.

21. Copies of the minutes and agenda of the Closed Sessions are available at http://www.townofmaine.com/meeting_minutes.

22. According to information available at http://www.townofmaine.com/meeting_minutes/, on September 23, 2015, the Board, following a vote of its members, approved a resolution “to commence negotiations for a cooperative plan pursuant to Wis. Stat. § 66.0307 between the Town of Maine, Town of Texas, and the Village of Brokaw, Marathon County, Wisconsin.”

23. Upon information and belief, the Board decided to pursue a cooperative plan with the Village of Brokaw and the Town of Maine during one or more of those Closed Sessions held before the September 23, 2015 meeting.

24. Upon information and belief, the information-gathering, discussions, deliberations and actions initiated or acted upon during those Closed Sessions from January 19 through August 21, 2015 influenced the Board members' vote on the cooperative plan resolution on September 23, 2015.

25. According to information available at http://www.townofmaine.com/meeting_minutes/, on October 19, 2015, the Board, following a vote of its members in open session, adopted an incorporation resolution.

26. According to information available at http://www.townofmaine.com/meeting_minutes/, on October 26, 2015, following a vote of its members in open session at a meeting, the Board adopted an amended incorporation resolution.

27. Upon information and belief, the Board decided to pursue the incorporation of the Town of Maine during one or more of the Closed Sessions.

28. Upon information and belief, the information-gathering, discussions, deliberations and action initiated or acted upon during the Closed Sessions influenced the Board members' votes on the initial incorporation resolution and the amended incorporation resolution.

29. Upon information and belief, prior to October 26, 2015 and in one or more closed sessions, the Town Board discussed and initiated, deliberated upon, and acted upon a variety of matters concerning the incorporation of Maine, a cooperative plan with the

Village and Texas, and potential loss of territory or tax base due to the filing of petitions by Maine residents to annex to the City.

30. None of the notices of those Closed Sessions held between January 19 and August 21, 2015 were reasonably likely to apprise members of the public and the news media that the Board was discussing, initiating, deliberating upon or taking action with respect to incorporation, a cooperative plan or annexation matters.

31. None of the notices of the Closed Sessions contained a description of the specific nature of the business under which the Board believed a closed session was authorized.

32. In conducting the Closed Sessions, the Board and its members violated the Wisconsin Open Meetings Law in the following respects:

- a. In failing to give adequate notice to the public and news media of the closed sessions;
- b. In discussing matters in closed sessions that are not permitted by Wis. Stat. § 19.85; and
- c. In initiating, deliberating upon and acting upon action in closed sessions that are not permitted by Wis. Stat. § 19.85.

33. Betty Hoenisch, Tad Schult, and Keith Rusch knowingly attended each of the Closed Sessions held in violation of the Wisconsin Open Meetings Law.

34. In adopting resolutions in open session on September 23, October 19 and October 26, 2015, the Board and its members did not cure or remedy the prior violations of the Wisconsin Open Meetings Law.

35. The complainants reserve the right to amend this verified complaint to allege such other violations of the Wisconsin Open Meetings Law by the Board and its members as become apparent during further investigation.

36. This verified complaint is made to the District Attorney of Marathon County, Wisconsin under Wis. Stat. § 19.97, which authorizes the district attorney of the county in which the violation takes place to file an action to recover the forfeiture provided in Wis. Stat. § 19.96, to void actions taken in violation of the Wisconsin Open Meetings Law, and to obtain other equitable and declaratory relief.

WHEREFORE, the complainants request that the District Attorney for Marathon County, Wisconsin either refuse to commence or timely commence an action against the Maine Board of Supervisors and its members to:

- A. Recover the forfeitures provided by statute;
- B. Void any action taken in violation of the Wisconsin Open Meetings Law pursuant to Wis. Stat. § 19.97(3) and declare that any action subsequently taken in open session did not remedy or cure prior violations of the Wisconsin Open Meetings Law and is therefore void;

C. Declare that any annexation ordinance adopted by the City in respect to any petition for direct annexation filed by any Maine resident has precedence over the incorporation or cooperative plan process.

D. Order the governmental body of Maine and its members to comply with the Wisconsin Open Meetings Law; and

E. Order such other relief as is equitable, just, and consistent with the Wisconsin Open Meetings Law.

STATE OF WISCONSIN)
)
COUNTY OF MARATHON)

The City of Wausau, a body politic or corporate by its Mayor, James E. Tipple, upon authorization and approval of the Common Council, being first duly sworn on oath deposes and says that on behalf of the City of Wausau, he is authorized to aver on behalf of the City in his official capacity as Mayor, that the City is one of the above-named complainants, that he has read the foregoing complaint and that, based on his knowledge, the contents of the complaint are true.

James E. Tipple

Subscribed and sworn to before me
this ____ day of January, 2016.

Notary Public, State of Wisconsin
My Commission expires _____.

STATE OF WISCONSIN)
)
COUNTY OF MARATHON)

James E. Tipple, in his individual capacity, being first duly sworn on oath deposes and says that he is one of the above-named complainants, that he has read the foregoing complaint and that, based on his knowledge, the contents of the complaint are true.

James E. Tipple

Subscribed and sworn to before me
this ____ day of January, 2016.

Notary Public, State of Wisconsin
My Commission expires _____.