

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, February 23, 2016, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll Call

02/23/2016 7:01:26 PM

Roll Call indicated 11 members present.

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

Presentation: Workplace Investigations – Attorney Kyle J. Gulya of von Briesen & Rober, S.C.

Mayor Tipple introduced a presentation by Attorney Kyle Gulya from Madison. He indicated Attorney Gulya delivers workplace investigations training for CVMIC and advises municipalities throughout Wisconsin regarding complex labor and employment issues, employment discrimination claims investigations and disposition. He has been recognized for his work by several entities including the National Public Employer Labor Relations Association and frequently presents regarding internal investigations, public records issues and other timely employment issues.

Attorney Jacobson called a point of order as parliamentarian, requesting that the Mayor not ignore the alderpersons whom have pressed their “request to speak” lights. She referred to Robert’s Rules of Order regarding the order of business at a meeting and the presiding officer’s duties. She recommended against the hearing of the presentation at this time without recognizing the alderpersons requesting to speak. She felt this may be a legal argument disguised as a presentation, creating possible liability to the city.

Mayor Tipple stated this presentation was for information only.

Point of Order

02/23/2016 7:07:12 PM

Motion by Winters, second by Oberbeck to challenge the ruling of the chair to recognize alderperson’s requests to speak.

Yes Votes: 11 No Votes: 0 Result: PASS

Agenda Order

02/23/2016 7:08:17 PM

Motion by Mielke, second by Abitz to bring forward the four addendum resolutions from the Committee of the Whole.

Yes Votes: 11 No Votes: 0 Result: PASS

Table Presentation

02/23/2016 7:28:46 PM

Motion by Rasmussen, second by Mielke to table the presentation of Attorney Gulya indefinitely.

Rasmussen stated she wanted to table this to another meeting because she felt the audience did not want to sit through a presentation that was possibly germane to an investigation that we have not even begun yet, nor articulated the scope of. She did not feel the presentation was appropriate for tonight.

Mielke questioned who authorized this lawyer and who was authorizing the payment for his services and if this would be a procurement policy issue. He agreed with tabling due to the length of tonight’s agenda and because it was not discussed with Council and added to the agenda at the last minute. He wanted the Committee of the Whole addendum items to be acted upon first and then to move on with the rest of the agenda. He suggested hearing the presentation at another time if the Council agrees.

Wagner questioned what they were afraid he was going to say. He stated he had no one at City Hall to turn to for advice; not the City Attorney, not the HR Director, not the Mayor, nor the Council President because they were all involved. He felt if the four resolutions from the COW were written by the City Attorney, it was a conflict of interest and should have been handled by an outside person. He

wanted to hear the presentation to understand what a proper investigation is from a third party from the outside. He wanted to know, as the HR Chairperson, the process and the responsibilities. He urged them to vote against tabling the presentation.

Winters questioned Attorney Gulya as to the scope of work. Gulya stated he was asked to present to the Council with regard to the employer’s responsibility to investigate claims of policy violations; regardless of who the offender is, whether it is a third party, an employee, a vendor, a community member, etc. Also to present what is the employer’s responsibility to protect a complainant, to protect witnesses and the investigator from retaliation. The third issue was how it all ties into the language of the Employee Handbook. Winters questioned if he was present to provide legal advice. Gulya responded that he has not been asked to render legal advice and that if the City Attorney asked for legal advice they would discuss how we would go about doing that.

Following discussion, vote to table:

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	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	YES
11	Mielke, Robert	YES

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

- 1) Myla Hite, 4141 Briarwood Ave, HR Director, addressed the Council regarding the investigation and the performance of her job regarding the process. She felt Kyle Gulya, as well as herself, could have helped them prevent and mitigate employment related risk. She felt the four addendum items warrant close and careful consideration and they need to protect those they have said they would protect – the complainant and the person who investigated it.
- 2) Roy Hoenecke, 1022 Spring St, spoke in opposition to investing money in the Wausau Center Mall.
- 3) Dennis Smith, 2516 Polzer Dr, Candidate for Alderman – District 11, spoke in opposition to the unsecured loan to CBL for the Wausau Center Mall.
- 4) Tom Kilian, 133 E Thomas St, requested the resolution approving Amendment #4 to the design service for Thomas Street be tabled or sent back to Capital Improvements & Street Maintenance Committee.
- 5) Joseph Mella, 500 N 1st St, President of Central Wausau Progress, spoke in support of the revitalization of the Wausau Center Mall.
- 6) Doug Diny, 902 Adams St, Candidate for Alderman – District 4, opposed the plan for the Wausau Center Mall and requested they table it for a better deal.
- 7) Thomas Belongia, 3320 N 12th St, Candidate for Alderman - District 6, asked them to wait six weeks until after the election to act on the Wausau Center Mall.
- 8) Will Allmandinger, 1207 Eastview Dr, sent an Email in opposition to financing the Wausau Center Mall.
- 9) Mark Craig, 814 Adams St, provided history on the original action to build the Wausau Center Mall 30 years ago and encouraged support of the financing for CBL to reinvigorate it.
- 10) Tyler Vogt, 1004 Spur Ln, owner of Malarkey’s and Townies Grill, spoke in favor of mall reinvigoration and felt there was no other viable option.
- 11) Fred Heider, 1306 Spruce St, suggested there be an amendment to the CBL resolution regarding the loan to CBL provides that the mall be reconstructed as an energy certified building.
- 12) Paul Henning, 1906 E Hamilton St, spoke regarding the mall deal being motivated by fear and hope and negotiations with CBL. He felt they should take more time to find a better deal.
- 13) Frank Larson, 2228 Windtree Dr, sent an Email in opposition to spending any more money on the mall or providing loans.
- 14) Dottie Miner, 330 N Third St, sent Email in support of saving the Wausau Center Mall and revitalizing it, noting it was important to the other downtown businesses.
- 15) Elizabeth Field, 2007 Lamont St, Wausau River District Director, urged the Council to support the investment in the Wausau Center Mall. She spoke on behalf of the business owners in the downtown, who would be greatly impacted by their decision.
- 16) Tom Bloch, 1111 N 2nd Ave, agreed with Mr. Smith, Belongia and Diny opposing the financing of the Wausau Mall and asked them to wait for a better deal.
- 17) Patrick Miner, 330 N 3rd St, stated the city has built brand value with our downtown, the Palladian, The 400 Block, the Grand Theater, the shops and the Wausau Center Mall. He urged support of a modern movie theater in the mall.

- 18) Joe Gehin, 3400 Springdale Ave, spoke in support of the financing for reinvigoration of the Wausau Center Mall.
- 19) Dave Konkal, 1635 Burek Ave, felt Council should take into consideration that it was a one-sided negotiation with CBL who dictated the terms to the city.
- 20) Robert Rasmussen, 4414 Edgewood Blvd, Regional Director of Specialty Leasing for the Madison region for CBL, discussed the plans of viability of the Wausau Center. The first phase would be to re-locate Younkers to the former JC Penney's space. He indicated a movie theater for the mall is under consideration with many other retailers and entertainment venues. He referred to a PowerPoint of the plan. (*On file in the Clerk's Office.*) He noted time was of the essence.

Communications or Committee Reports

- 1) Wagner stated the first awards banquet for the Wausau Police Department will be held on March 1, 2016 at 5:00 pm, at a cost of \$25.

There was consensus to move the CBL resolution to immediately after the Consent Agenda.

Consent Agenda

02/23/2016 8:42:15 PM

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

16-0201 Minutes of previous meeting(s). (02/02/16 & 02/09/16)

16-0211 Resolution of the Capital Improvements and Street Maintenance Committee approving agreement for the Management and Maintenance of a Stormwater facility (Wausau and Marathon County Parks, Recreation and Forestry Department - 500 West Randolph Street)

00-0914 Resolution of the Capital Improvement and Street Maintenance Committee approving agreement for the Management and Maintenance of a Stormwater facility (Highland Community Church - 1005 North 28th Avenue)

16-0212 Resolution of the Capital Improvements and Street Maintenance Committee approving agreement for the management and maintenance of a Stormwater facility (Wausau School District -1018 South 12th Avenue) (G.D. Jones School)

16-0213 Resolution of the Capital Improvements and Street Maintenance Committee approving agreement for the Management and Maintenance of a Stormwater facility (Wausau School District - 500 West Randolph Street) (Thomas Jefferson School)

14-1009 Resolution of the Capital Improvements and Street Maintenance Committee accepting Easement for the Placement of a Decorative Rock, Memorial Plaque and Vegetation within the Independence Lane right-of-way (Franklin Heights Homeowners Association)

16-0213 Joint Resolution of the Capital Improvements and Street Maintenance Committee and the Plan Commission accepting Warranty Deed from 720 Grant Street for Dedication for Street right-of-way purposes.

16-0210 Resolution of the Finance Committee authorizing the execution of Airport Ground Lease-Robson Summitt LLC.

Yes Votes: 11 No Votes: 0 Result: PASS

80-1146 Wausau Center Mall item introduced

Chris Schock summarized there is general agreement that the mall needs to change, to attract new tenants, to diversify, to rehab existing spaces, and to set a new future. It has been worked on since last June and been heavily debated and negotiated, with this being the first step of multiple steps. This is not a loan to operations or to companies; it is a loan and investment for physical improvements. Discussion followed.

80-1146 Amendment #1

02/23/2016 9:20:02 PM

Motion by Abitz, second by Winters to amend the Resolution of the Economic Development and Finance Committees authorizing the execution of a development agreement, the fifth amendment to the ground lease & air rights agreement and a parking agreement amendment between the City of Wausau and CBL & Associates Properties, Inc. and provide loan resources for tenant improvements related to the reinvigoration of the Wausau Center Mall facility and the related budget modification - that CBL & Associates Properties report quarterly to the Council of their marketing efforts to promote the mall.

Yes Votes: 11 No Votes: 0 Result: PASS

80-1146 Amendment #2

02/23/2016 9:25:42 PM

Motion by Winters, second by Abitz to amend Resolution of the Economic Development and Finance Committees authorizing the

execution of a development agreement, the fifth amendment to the ground lease & air rights agreement and a parking agreement amendment between the City of Wausau and CBL & Associates Properties, Inc. and provide loan resources for tenant improvements related to the reinvigoration of the Wausau Center Mall facility and the related budget modification - to add the right to terminate the development agreement if CBL sells the mall.

Winters summarized along with the \$4.1 million loan and \$405,000 grant we must give a reduction in the ground lease for 10 years at \$76,000 per year; a \$50,000 reduction in the parking lease for a term of 5 years; and we reduced the value in the mall in the revaluation from \$39 million to \$22 million, giving them a 43% tax cut. He was concerned that CBL may just sell the mall and go and that is his reason for this amendment.

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

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

Call the Question

02/23/2016 9:26:40 PM

Motion by Nagle, second by Neal to call the question and vote

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

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

80-1146

02/23/2016 9:28:40 PM

Motion by Nagle, second by Nutting to adopt a Joint Resolution of the Economic Development and the Finance Committees authorizing the execution of a development agreement, the fifth amendment to the ground lease and air rights agreement and a parking agreement amendment between the City of Wausau and CBL & Associates Properties, Inc. and provide loan resources for tenant improvements related to the reinvigoration of the Wausau Center Mall facility and the related budget modification, as amended by two amendments on council floor.

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	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	Winters, Keene	NO
7	Rasmussen, Lisa	YES

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

Brief Intermission.

16-0220

02/23/2016 9:46:25 PM

Motion by Rasmussen, second by Kellbach to adopt a Resolution of the Committee of the Whole approving a change in the reporting authority and the reporting chain of command for the City Attorney from the date of the Council meeting on February 23, 2016 until April 19, 2016, from the Mayor, to the City Council.

Wagner questioned the appropriateness of the resolution being written by the City Attorney because he felt it was a conflict of interest for her. Jacobson indicated she wrote the resolution from the motions that were made and had it reviewed by several people. He suggest the Council President be the person she report to as the liaison to the Council.

Yes Votes: 11 No Votes: 0 Result: PASS

16-0221

02/23/2016 9:48:12 PM

Motion by Rasmussen, second by Abitz to adopt a Resolution of the Committee of the Whole approving an independent investigation concerning those circumstances discussed in closed session regarding the investigation undertaken pertaining to the Metro Ride Incident Report and legal opinion of City Attorney related thereto.

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

16-0222

02/23/2016 9:48:53 PM

Motion by Abitz, second by Oberbeck to adopt a Resolution of the Committee of the Whole directing the Human Resources Director, Myla Hite, to turn over all papers, and all communications with Attorney Dean Dietrich to City Attorney Anne Jacobson, involving any file material of outside counsel related to the investigation of the Metro Ride Incident.

Yes Votes: 11 No Votes: 0 Result: PASS

16-0223

02/23/2016 9:49:36 PM

Motion by Neal, second by Abitz to adopt a Resolution of the Committee of the Whole approving the hiring of an investigator and authorizing the City Attorney to contract Cities and Villages Mutual Insurance Company, to recommend an investigator with no prior knowledge or working relationship with any parties involved or city staff in the investigation of the Metro Ride Incident.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0708

02/23/2016 9:55:46 PM

Motion by Nutting, second by Mielke to adopt a Resolution of the Economic Development Committee accepting the proposal of Frantz Community Investors (FCI) and begin final plans and negotiations for the development of the East Riverfront Redevelopment Area.

Oberbeck questioned the level of on grade parking and the fact that it is mostly residential. Schock stated the entire north zone is office and commercial space and the south zone is more heavy in residential. The plan will change from the original proposal.

Yes Votes: 11 No Votes: 0 Result: PASS

04-0212 Amendment

02/23/2016 10:31:59 PM

Motion by Winters, second by Abitz to amend the Resolution of the Finance Committee authorizing an intergovernmental services agreement between the City of Wausau and the Town of Stettin whereby the City of Wausau would provide fire and EMS services to the Town of Stettin - to change the budget sources on the fiscal impact: additional revenues of \$51,089 plus EMS billing revenue.

Oberbeck commented he voted no at Finance Committee because of the cost of services and felt Stettin residents should pay what the Wausau residents pay; he was not willing to discount it.

Chief Kujawa stated the Town of Stettin approached the City of Wausau asking us to provide services because we are situated in an area that would provide them with the best response time. She commented the Fire Department would not be able to do it alone and would have to collaborate with other agencies. She pointed out we are trying to extend a hand to work with other agencies in a collaborative effort to provide services to the metro area.

Lengthy discussion followed.

Vote on the Amendment:

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

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

04-0212 Table

02/23/2016 10:35:15 PM

Motion by Rasmussen, second by Neal to table the Resolution of the Finance Committee authorizing an intergovernmental services agreement between the City of Wausau and the Town of Stettin whereby the City of Wausau would provide fire and EMS services to the Town of Stettin - to change the budget sources on the fiscal impact: additional revenues of \$51,089 plus EMS billing revenue – to the March 1, 2016 Council meeting.

Rasmussen asked Kujawa to go back to Stettin to have them consider if a \$30 per capita rate was possible and if they would consider a one year contract versus a three year contract. She stated the Council could act on the Chief Kujawa’s report or on a variation there of on March 1st.

Yes Votes: 11 No Votes: 0 Result: PASS

16-0104

02/23/2016 10:37:25 PM

Motion by Rasmussen, second by Abitz to adopt a Resolution of the Capital Improvements & Street Maintenance Committee approving Delay of the 2016 Street Improvement Projects of Ashland Avenue from Evergreen Road to Meadowview Road and Meadowview Road from Ashland Avenue to the cul-de-sac.

Yes Votes: 11 No Votes: 0 Result: PASS

15-1004

02/23/2016 10:38:01 PM

Motion by Mielke, second by Rasmussen to adopt a Resolution of the Capital Improvements & Street Maintenance revising assessment rates for the 2016 New Street Construction Project of Kent Street from Grand Avenue to Zimmerman Street.

Yes Votes: 11 No Votes: 0 Result: PASS

16-0105

02/23/2016 10:39:26 PM

Motion by Abitz, second by Nagle to adopt a Resolution of the Capital Improvements and Street Maintenance Committee approving

2016 Street Reconstruction Project and Authorization to Let Bids - Kent Street from Grand Avenue to Zimmerman Street.

Yes Votes: 11 No Votes: 0 Result: PASS

01-0842

02/23/2016 10:40:12 PM

Motion by Wagner, second by Rasmussen to adopt a Resolution of the Capital Improvement & Street Maintenance Committee approving amendment to Wisconsin DOT Memorandum of Understanding for the Stewart Avenue Detention Pond.

Yes Votes: 11 No Votes: 0 Result: PASS

01-0842

02/23/2016 10:40:46 PM

Motion by Wagner, second by Neal to adopt a Resolution of the Capital Improvement & Street Maintenance Committee approving a Temporary Limited Easement for Grading and the Placement of fill and riprap in a portion of Pond D located at 3201 Stewart Avenue.

Yes Votes: 11 No Votes: 0 Result: PASS

02-1005 Refer Back

02/23/2016 10:48:51 PM

Motion by Gisselman, second by Mielke to refer back the Resolution of the of the Capital Improvement & Street Maintenance Committee approving amendment #4 to the Design services contract for the Thomas Street reconstruction project - back to committee.

Gisselman indicated he voted for this at committee, but since then and in addition to what Mr. Kilian stated this evening during public comment, he felt there were some serious questions the Council may want to take a look at.

Rasmussen stated this is to allow work that AECOM already has underway to be completed and continue. It is not extra funding to design a four lane east section; that design already exists and was done as part of the original plan. If we don't approve this contract they can't finish the work; this has nothing to do with undermining the residents on the east half and there is no need for a delay.

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

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

02-1005

02/23/2016 10:49:49 PM

Motion by Rasmussen, second by Abitz to adopt a Resolution of the Capital Improvements & Street Maintenance Committee approving Amendment #4 to the Design Services Contract for the Thomas Street Reconstruction Project.

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

15-1215

02/23/2016 10:53:02 PM

Motion by Nutting, second by Winters to adopt a Joint Ordinance of the Capital Improvements and Street Maintenance Committee and the Plan Commission annexing territory from the Town of Maine* to the City of Wausau: (Waldvogel (petitioner) - territory bounded by CTH K, Merrill Ave., N. 28th Ave., Decator Dr.) (Schmitt (petitioner) - territory south of Emery Dr. and east of CTH K) (Johnson (petitioner) - 4306 and 4702 County Road K and adjacent property to the west) *We are advised by the Department of Administration that the incorporation of the Town occurred on December 11, 2015. The validity of the incorporation remains subject to challenge. For purposes of this document, reference to the Town of Maine is used.

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

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

Suspend the Rule

02/23/2016 10:54:16 PM

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

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

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

16-0106

02/23/2016 11:02:28 PM

Motion by Neal, second by Rasmussen to adopt a Resolution of the Common Council authorizing and directing the City's attorneys to submit written comments on the proposed cooperative boundary plan among the Village of Maine, Village of Brokaw and Town of Texas.

Jacobson introduced Laura Callon, an attorney with Stafford-Rosenbaum, engaged by the city to address the issue. Attorney Callon stated the cooperative plan process is highly regulated by state statutes, which dictate the content of the plan, the process for adopting it and the terms and conditions under which DOA approves it. She stated the city filed its lawsuit against Maine and the Maine Board of Supervisors on February 3, 2016. She explained the lawsuit challenges not only the process by which Maine was incorporated, but also the resolution that authorized Maine to engage in the negotiations for this cooperative plan. There was a public hearing at Wausau West High School and comments were heard and the city has until March 1, 2016 to comment. She indicated they were tasked with reviewing the plan to determine compliance with state statutes and it is our opinion that the plan does not comply; the content of the plan is insufficient and doesn't satisfy the requirements for approval by DOA. She noted the resolution on the floor tonight identifies the six key talking points for the comments submission.

Yes Votes: 11 No Votes: 0 Result: PASS

15-0105

02/23/2016 11:03:24 PM

Motion by Nutting, second by Rasmussen to adopt a Resolution of the Capital Improvements & Street Maintenance Committee approving 2016 Street Reconstruction Project and Authorization to Let Bids - 2nd Avenue from Stewart Avenue to Elm Street.

Yes Votes: 11 No Votes: 0 Result: PASS

16-0105

02/23/2016 11:04:00 PM

Motion by Rasmussen, second by Abitz to adopt a Resolution of the Capital Improvements & Street Maintenance Committee approving 2016 Street Reconstruction Project and Authorization to Let Bids - Chicago Avenue from 2nd Street to 10th Street.

Yes Votes: 11 No Votes: 0 Result: PASS

08-0923

02/23/2016 11:04:51 PM

Motion by Mielke, second by Wagner to adopt a Resolution of the Finance Committee approving the award of a five year contract for EMS Billing and Collection Services and related Electronic Patient Care Reporting System to PTS Services, Inc. A McKesson Company.

Yes Votes: 11 No Votes: 0 Result: PASS

Closed Session

02/23/2016 11:07:45 PM

Motion by Nutting, second by Mielke to move into CLOSED SESSION pursuant to Section 19.85(1)(e) of the Wisconsin Statutes for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session - Discussion and possible action on the Thomas Street Relocation Plan and Project Data Book.

Roll Call Vote:

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

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

Meeting adjourned in Closed Session.

James E. Tipple, Mayor
Toni Rayala, City Clerk