



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, March 22, 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 |
|---------|------|--|--------------|
| 16-0201 | | Minutes of previous meeting(s). (2/23/16) | |
| 09-0806 | CISM | Resolution Accepting Easement for Parking Lot on City-Owned Property, 1801 North River Drive (AJR Properties North, LLC) | Approved 5-0 |
| 12-0507 | CISM | Resolution Approving revisions to State/Municipal Agreement for Highway 52 (Stewart Avenue) from 17th Avenue to 1st Street | Approved 5-0 |
| 16-0318 | CISM | Resolution Approving Agreement for the Management and Maintenance of a Stormwater facility (Wausau School District – 4303 Troy Street) | Approved 5-0 |
| 99-1104 | FIN | Resolution Amending the Procurement Policy | Approved 5-0 |
| 03-0306 | FIN | Resolution Authorizing the write off of certain uncollectible delinquent personal property tax accounts from the City's accounting records | Approved 5-0 |
| 92-1009 | FIN | Resolution Approving Amendment to the Residential Solid Waste and Recycling Service Agreement with Harter's Fox Valley Disposal LLC Related to the Performance Bond | Approved 5-0 |
| 16-0312 | P&T | Ordinance approving installation of flashing pedestrian signs on 1st Avenue at the north pedestrian crossing at the intersection of 1st Avenue and Elm Street | Approved 4-0 |
| 16-0313 | P&T | Ordinance designating no parking, standing or stopping on the north side of Pardee Street between S. 7th Avenue and S. 9th Avenue and repealing all existing parking restrictions on the south side of Pardee Street between S. 7th Avenue and S. 9th Avenue | Approved 3-0 |
| 16-0314 | P&T | Ordinance designating no parking, standing or stopping on the west side of S. 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding buses | Approved 3-0 |
| 16-0315 | P&T | Ordinance designating no parking, standing or stopping on the south side of West Street between S. 6th Avenue and S. 9th Avenue and repealing all existing parking restrictions on the north side of West Street between S. 6th Avenue and S. 9th Avenue | Approved 3-0 |
| 13-1115 | PH&S | Ordinance Amending Section 16.04.039 Residential Rental Licensing removing landlord notice requirements | Approved 5-0 |

| File # | CMT | Resolutions and Ordinances | ACT |
|----------|-------------|---|------------------------------|
| 16-0303 | | Confirmation of Mayor's Appointments | |
| 16-0317A | CISM | Resolution Approving the River Edge Parkway project, from Bridge Street to West Wausau Avenue, for WisDOT's Transportation Alternative Program. | Approved 5-0 |
| 16-0317B | CISM | Resolution Approving the Stettin Drive Trail project, from Brockmeyer Park to Stettin Elementary School, for WisDOT's Transportation Alternative Program. | Approved 5-0 |
| 16-0317C | CISM | Resolution Approving the Business Campus Trail project, from Packer Drive to Highland Drive, for WisDOT's Transportation Alternative Program | Approved 5-0 |
| 15-1217 | CISM & PLAN | Joint Ordinance annexing territory from the Town of Maine* to the City of Wausau - (Niemeyer (petitioner) - territory bounded by W. Cassidy Drive, N. 4th Avenue and Decator Drive. | Approved 5-0 Approved 6-0 |
| 16-0309 | ED & FIN | Joint Resolution Executing a Development Agreement with JARP Industries Inc. to provide developer incentive grant of \$125,000 for the construction of a new water service lateral in TID #10 | Approved 4-0 Approved 5-0 |
| 16-0310 | ED & FIN | Joint Resolution Approving the purchase of approximately 205 acres of land from the Arlon & Delphine Schmidt and Schmidt Revocable Trusts located in the vicinity of Highland Drive and County Road O (PIN# 076-2906-263-0997, 076-2906-263-0990, 076-2906-263-0988, 076-2906-263-0989, 076-2906-263-0999, 076-2906-264-0998, 076-2906-264-0999) for the expansion of the Wausau Business Campus. | Approved 4-0 Approved 5-0 |
| 16-0316A | FIN | Preliminary Resolution Authorizing \$8,825,000 General Obligation Promissory Notes | Approved 5-0 |
| 16-0316B | FIN | Preliminary Resolution Authorizing \$6,630,000 General Obligation Bonds for Community Development Projects in Tax Incremental District No. 3 and Swimming Pool Projects | Approved 5-0 |

| | | | |
|----------|---------------|---|------------------------------|
| 16-0316C | FIN | Preliminary Resolution Authorizing \$4,755,000 Taxable General Obligation Bonds for Community Development Projects in Tax Incremental District Nos. 3 and 8 | Approved 5-0 |
| 03-1007 | FIN | Resolution Approving the 2016 Community Development Block Grant Program Budget | Approved 5-0 |
| 15-1109 | FIN | Resolution Approving Modification of the 2016 Budget Capital Projects Fund – Asphalt Overlay | Approved 5-0 |
| 16-0219 | FIN | Resolution approving alleged claim for excessive assessment - Fernando and Heidi Riveron (1010 Franklin Street) | Failed 1-4 |
| 16-0320 | FIN | Resolution approving lease agreement with Evolutions in Design, LLC for parking on city-owned property bounded by McClellan Street and N. 1st Street | Approved 5-0 |
| 16-0321 | HR | Resolution approving funding for Legal Services for Employee Grievances presented before the Human Resources Committee. | Approved 4-0 |
| 02-0432 | P&T, AND CISM | Joint Ordinance Amending Section 2.16.010 Generally to dissolve the Parking and Traffic Committee (Requires 2/3 vote) | Approved 3-0 Approved 4-0 |
| 16-0311 | P&T, AND CISM | Joint Ordinance Amending Sections 2.060.010 Boards and commissions enumerated – Appointment; 10.01.020 Through streets; 10.010.030 Yield right-of-way intersections; 10.01.040 Speed limits; 10.01.050 Traffic control signals; 10.01.060 One way streets; 10.01.090 Enforcement; 10.20.010 Traffic commission to establish limits; 10.040.050 Rules of the road; 10.52.020 Police administration; 10.52.030 Records of traffic violations; 10.52.040 Police to investigate accidents and receive accident reports; 10.52.070 Official traffic control devices; 10.52.140 Erection of official traffic signs and signals; 12.44.040 Exceptions; to transfer the duties, responsibilities and authority of the Parking and Traffic Committee to the Capital Improvements and Street Maintenance Committee. | Approved 3-0 Approved 4-0 |
| 14-1014 | PLAN | Resolution approving the precise implementation plan for 1420 North River Drive to allow for a family entertainment center | Approved 5-0 |
| 15-0606 | PH&S | Ordinance Creating Section 8.08.05 Feral cat caregiver and TNR program requirements to enable implementation of Trap, Neuter, Release Program for Feral and Stray Cats | Approved 3-2 |
| 92-0627 | PH&S | Ordinance Amending Section 8.08.001 Definitions (d) adding “Domesticated cat or dog” and (f) amending “owner” | Approved 5-0 |
| | | Suspend the Rule 1(D) Transmission of Committee Business to Council for the following items - (2/3 Vote required) | |
| 16-0215 | FIN | Resolution approving alleged claim for excessive assessment - CVS Pharmacy | Pending |
| 16-0216 | FIN | Resolution approving alleged claim for excessive assessment - Patrick and Amanda France (226 Fountain Hills Blvd) | Pending |
| 16-0217 | FIN | Resolution approving alleged claim for excessive assessment - US Bank | Pending |
| 16-0218 | FIN | Resolution approving alleged claim for excessive assessment - Wisconsin Hospitality Group (Applebees) | Pending |
| 16-0214 | FIN | Resolution approving alleged claim for unlawful tax - Achieve Center, Inc. | Pending |
| 14-0405 | COUN | Resolution approving agreement for settlement of lawsuits between City of Wausau and Financial Way for tax years 2013 and 2014 (Case Nos. 14CV543 and 15CV561) and related budget modification. | Pending |
| 16-0319 | COUN | Resolution approving mutual aid agreement for law enforcement participation with the North Central Emergency Response Mutual Assistance Team (NCERT) | Pending |

Public Comment & Suggestions - (for matters not appearing on the agenda)
Adjournment

Signed by James E. Tipple, Mayor

*We are advised by the Department of Administration that the incorporation of the Town occurred on December 11, 2015. The validity of that incorporation remains subject to challenge. For purposes of this document, reference to the Town of Maine is used.

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 3/17/16 @ 4:30 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, 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

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

| | |
|---|----------------|
| RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE | |
| Accepting Easement for Parking Lot on City-Owned Property, 1801 North River Drive (AJR Properties North, LLC) | |
| Committee Action: | Approved 5-0 |
| Fiscal Impact: | None |
| File Number: | 09-0806 |
| Date Introduced: | March 22, 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, AJR Properties North, LLC, has a ten year easement to maintain an employee parking lot for Wausau Chemical Corporation on property owned by the City at 1801 North River Drive, north of the water treatment plant; and

WHEREAS, the existing easement will expire in 2019; however, an extension for an additional ten years has been requested as Wausau Chemical would like to improve their facilities knowing the parking lot would be available beyond 2019; and

WHEREAS, your Capital Improvements and Street Maintenance Committee met on December 10, 2015 to review the proposed easement extension and recommends approval; now therefore

BE IT RESOLVED the Common Council of the City of Wausau does hereby approve the easement extension, a copy of which is attached hereto and incorporated herein by reference, and the City Clerk is hereby instructed to have the easement recorded in the office of the Marathon County Register of Deeds.

Approved:

James E. Tipple, Mayor

Document No.

EASEMENT AGREEMENT

Document Title

THIS AGREEMENT, made this _____ day of _____, 2016, by and between the CITY OF WAUSAU, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, hereinafter referred to as "CITY", and AJR PROPERTIES NORTH LLC, a Wisconsin corporation, hereinafter referred to as "AJR";

WITNESSETH:

WHEREAS, CITY owns the property known as 1801 N. River Drive, in the City of Wausau, and AJR wishes to use a portion of this property for an employee parking lot adjacent to their property located at 2001 N. River Drive; and

WHEREAS, CITY is willing to permit a ten-year nonexclusive easement for the construction and maintenance of a parking lot on this property to AJR upon certain terms and conditions, as hereinafter enumerated, including hold harmless and insurance provisions; and

WHEREAS, the area encompassed by this easement is described as follows:

Part of the NW¼ of the NW¼, Section 25, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, described as follows:

Commencing at the Southwest corner of Parcel 1 of Certified Survey Map No. 12726 recorded in the office of Register of Deeds for Marathon County in Volume 55 of Certified Survey Maps on page 44, the point of beginning.

Thence N86°55'E, along the South line of said Parcel 1, 70 feet; thence S12°W, 60 feet; thence S86°55'W, approximately 70 feet to the East edge of North River Drive; thence Northerly, along said East edge, approximately 60 feet to said South line of Parcel 1 extended Westerly; thence N86°55'E, along said South line extended Westerly, approximately 10 feet to said Southwest corner of Parcel 1, the point of beginning.

NOW, THEREFORE, the parties hereto agree as follows:

1. CITY grants to AJR a nonexclusive easement for the purpose of constructing and maintaining a paved employee parking lot. The parking lot will be constructed and maintained solely at the expense of AJR.
2. Snow removed from the parking lot shall not be placed on CITY property beyond the area defined by the legal description.

Recording Area

Name and Return Address

City Attorney's Office
407 Grant Street
Wausau, WI 54403

Charge: City of Wausau

PIN: Part of 291.2907.252.0996

3. In the event a repair or replacement of the existing watermain occurs within the parking lot, AJR will restore any disturbed paved area at their expense.
4. The parking lot shall not be used to store or park any equipment/vehicles which are part of the AJR operations. The parking lot shall be for employee parking only.
5. This easement agreement shall remain in effect for ten years. If AJR ceases to own the property at 2001 N. River Drive, CITY reserves the right to terminate the agreement with 120 days notice.
6. AJR specifically agrees that CITY is under no obligation to plow, pave or otherwise maintain the property which is the subject of this easement.
7. AJR shall maintain liability insurance coverage for their operations on and activities at their location including the easement area, which insurance shall be suitable to CITY and in an amount not less than one million dollars. CITY shall be named as an additional insured on the policy. OWNER shall increase these insurance limits upon request of the CITY.
8. AJR agrees to indemnify and hold harmless CITY, its employees, agents, officers and officials, whether hired, appointed or elected, free and harmless from and against any and all judgments, damages, losses, costs, claims, expenses, suits, demands, actions and/or causes of action of any kind or of any nature which may be sustained or to which they may be exposed by reason of injury or injuries to anyone or of the death or deaths of anyone, or by reason of any personal injury and/or real property damage, or by reason of any other liability imposed by law or by anything or by anyone else upon the above-referenced entities and/or individuals as the result of and/or due to AJR's and/or anyone else's operations, actions or omissions on the demised premises or on the adjacent premises owned by AJR and/or as a result of and/or due to the presence of AJR or anyone else on the demised premises or on any adjacent premises owned by AJR and/or due to the existence of this agreement; specifically included within this indemnification and hold harmless are attorneys' fees and other costs of defense which may be sustained by and/or occasioned to the above-referenced entities and/or individuals.
9. AJR agrees to release CITY, its employees, agents, officers and officials, whether appointed, hired or elected, from and against any and all judgments, damages, losses, costs, claims, expenses, suits, demands, actions, and/or causes of action of any kind or of any nature, which may be sustained or to which they may be exposed by reason of injury or injuries to anyone or of the death or deaths of anyone, or by reason of any personal injury and/or real property damage, or by reason of any other liability imposed by law or by anything or by anyone else upon the above-referenced entities and/or individuals as the result of and/or due to AJR's and/or anyone else's operations, actions or omissions on the demised premises or any adjacent premises owned by AJR and/or as a result of and/or due to the presence of AJR or anyone else on the demised premises or on any adjacent premises owned by AJR and/or due to the existence of this agreement; specifically included within this release section are attorneys' fees and other costs of defense which may be sustained by and/or occasioned to the above-referenced entities and/or individuals.
10. This agreement and all of its provisions, with the exception of the insurance, hold harmless, and release provisions which shall continue and survive as required by CITY, shall become null and void upon termination of this easement.

IN WITNESS WHEREOF, this agreement has been duly executed the day and year first above written.

CITY OF WAUSAU BY:

AJR PROPERTIES NORTH LLC BY:

James E. Tipple, Mayor

Toni Rayala, City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2016, the above named James E. Tipple, Mayor, and Toni Rayala, Clerk for the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission expires: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2016, the above named _____, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission expires: _____

This instrument was drafted by
Anne L. Jacobson, City Attorney
City of Wausau
407 Grant Street
Wausau, WI 54403-4783

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 an extension of an easement agreement for the parking lot lease with Wausau Chemical

Lindman explained that Wausau Chemical has had an easement for a portion of City property on the south side of their lot which is used for employee parking. The existing easement is for 10 years and will expire in 2019. Wausau Chemical is asking for an extension of 10 years as they are proposing improvements and would like to insure they will have parking available.

Mielke moved to approve an extension of an easement agreement for the parking lot lease with Wausau Chemical. Abitz seconded and the motion carried unanimously 5-0.

AGENDA ITEM

Discussion and possible action on an extension of an easement agreement for the parking lot lease with Wausau Chemical

BACKGROUND

Wausau Chemical currently has an Easement Agreement with the City to use a city lot for employee parking. It is a 10 year easement and will expire in 2019. Wausau Chemical has asked to have this Easement considered for extension; an additional 10 years. They plan on making some improvements to their facilities and would like to count on parking availability beyond 2019.

FISCAL IMPACT

No fiscal impact other than time to prepare an updated easement.

STAFF RECOMMENDATION

Staff recommends an easement extension with some language changes to the existing easement. The Easement Agreement language will be reviewed by the City Attorney and then presented to Wausau Chemical for their review.

Staff contact: Eric Lindman 715-261-6745

Document No.

09-0806

EASEMENT AGREEMENT

Document Title

STATE OF WISCONSIN - MARATHON COUNTY
RECORDED
08/17/2009 3:43:47 PM
MICHAEL J. SYDOW, REGISTER OF DEEDS

Michael J. Sydow



DOC # 1550216

THIS AGREEMENT made this 23rd day of June, 2009, by and between the City of Wausau, a municipal corporation of the State of Wisconsin, hereinafter referred to as "CITY," and AJR PROPERTIES NORTH LLC, a Wisconsin corporation, hereinafter referred to as "AJR";

WITNESSETH:

WHEREAS, CITY owns the property known as 1801 N. River Drive, and AJR wishes to use a portion of this property for an employee parking lot adjacent to their property located at 2001 N. River Drive; and

WHEREAS, CITY is willing to permit a ten-year nonexclusive easement for the construction and maintenance of a parking lot on this property to AJR upon certain terms and conditions, as hereinafter enumerated; and

WHEREAS, the area encompassed by this easement is part of the NW 1/4 of the NW 1/4, Section 25, Township 29 North, Range 7 East, in the City of Wausau, Marathon County, Wisconsin, described as follows:

Commencing at the Southwest corner of Parcel 1 of Certified Survey Map No. 12726 recorded in the office of Register of Deeds for Marathon County in Volume 55 of Certified Survey Maps on page 44, the point of beginning.

Thence N86°55'E, along the South line of said Parcel 1, 70 feet; thence S12°W, 60 feet; thence S86°55'W, approximately 70 feet to the East edge of North River Drive; thence Northerly, along said East edge, approximately 60 feet to said South line of Parcel 1 extended Westerly; thence N86°55'E, along said South line extended Westerly, approximately 10 feet to said Southwest corner of Parcel 1, the point of beginning.

NOW, THEREFORE, the parties hereto agree as follows:

- 1. CITY grants to AJR a nonexclusive easement for the purpose of constructing and maintaining a paved employee parking lot. The parking lot will be constructed and maintained solely at the expense of AJR.
2. Snow removed from the parking lot shall not be placed on CITY property beyond the area defined by the legal description.
3. In the event a repair or replacement of the existing watermain occurs within the parking lot, AJR will restore any disturbed paved area at their expense.
4. The parking lot shall not be used to store or park any equipment/vehicles which are part of the AJR operations. The parking lot shall be for employee parking only.
5. This easement agreement shall remain in effect for ten years. After ten years, or if AJR ceases to own the property at 2001 N. River Drive, CITY reserves the right to terminate the agreement with 120 days notice. The agreement may extend beyond the ten years.
6. AJR specifically agrees that CITY is under no obligation to plow, pave or otherwise maintain the property which is the subject of this easement.
7. AJR shall maintain liability insurance which will cover the liability associated with this easement in an amount not less than one million dollars. CITY shall be named as an additional insured on the policies.
8. AJR agrees to indemnify and hold harmless CITY, its employees, agents, officers and officials, whether hired, appointed or elected, free and harmless from and against any and all judgments, damages, losses, costs, claims, expenses, suits,

Recording Area
Name and Return Address
City of Wausau Engineering Department
407 Grant Street
Wausau, WI 54403
PIN: 37.291.4.2907.252.0996

demands, actions and/or causes of action of any kind or of any nature which may be sustained or to which they may be exposed by reason of injury or injuries to anyone or of the death or deaths of anyone, or by reason of any personal injury and/or real property damage, or by reason of any other liability imposed by law or by anything or by anyone else upon the above-referenced entities and/or individuals as the result of and/or due to AJR'S and/or anyone else's operations, actions or omissions on the demised premises or on the adjacent premises owned by AJR and/or as a result of and/or due to the presence of AJR or anyone else on the demised premises or on any adjacent premises owned by AJR and/or due to the existence of this agreement; specifically included within this indemnification and hold harmless are attorneys' fees and other costs of defense which may be sustained by and/or occasioned to the above-referenced entities and/or individuals.

- 9. AJR agrees to release CITY, its employees, agents, officers and officials, whether appointed, hired or elected, from and against any and all judgments, damages, losses, costs, claims, expenses, suits, demands, actions, and/or causes of action of any kind or of any nature, which may be sustained or to which they may be exposed by reason of injury or injuries to anyone or of the death or deaths of anyone, or by reason of any personal injury and/or real property damage, or by reason of any other liability imposed by law or by anything or by anyone else upon the above-referenced entities and/or individuals as the result of and/or due to AJR'S and/or anyone else's operations, actions or omissions on the demised premises or any adjacent premises owned by AJR and/or as a result of and/or due to the presence of AJR or anyone else on the demised premises or on any adjacent premises owned by AJR and/or due to the existence of this agreement; specifically included within this release section are attorneys' fees and other costs of defense which may be sustained by and/or occasioned to the above-referenced entities and/or individuals.
- 10. This agreement and all of its provisions, with the exception of the insurance, hold harmless, and release provisions, shall terminate and become null and void, in the event that AJR moves their operations from the area and are no longer in need of this easement.
- 11. The terms of this agreement are transferable by AJR, however, CITY must be given notice, in writing, of any transfer.

IN WITNESS WHEREOF, this agreement has been duly executed the day and year first above written.

CITY OF WAUSAU BY:
James E. Tipple
James E. Tipple, Mayor
Kelly Michaels
Kelly Michaels, Clerk

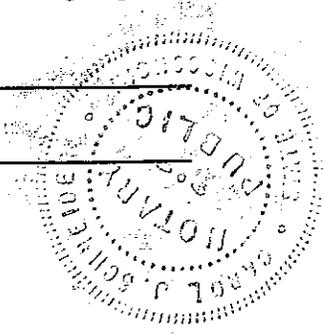
AJR PROPERTIES NORTH LLC, BY:
John Boeke
John Boeke
Robert Flashinski
Robert Flashinski

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)



Personally came before me this 23rd day of June, 2009, the above named James E. Tipple, Mayor, and Kelly Michaels, Clerk for the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Carol J. Schneider
Notary Public, Wisconsin
My commission: 5-23-10



STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

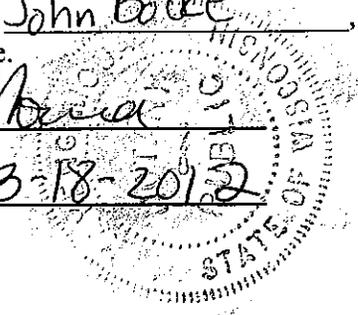


DOC# 1550216

Robert Flashinski

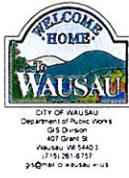
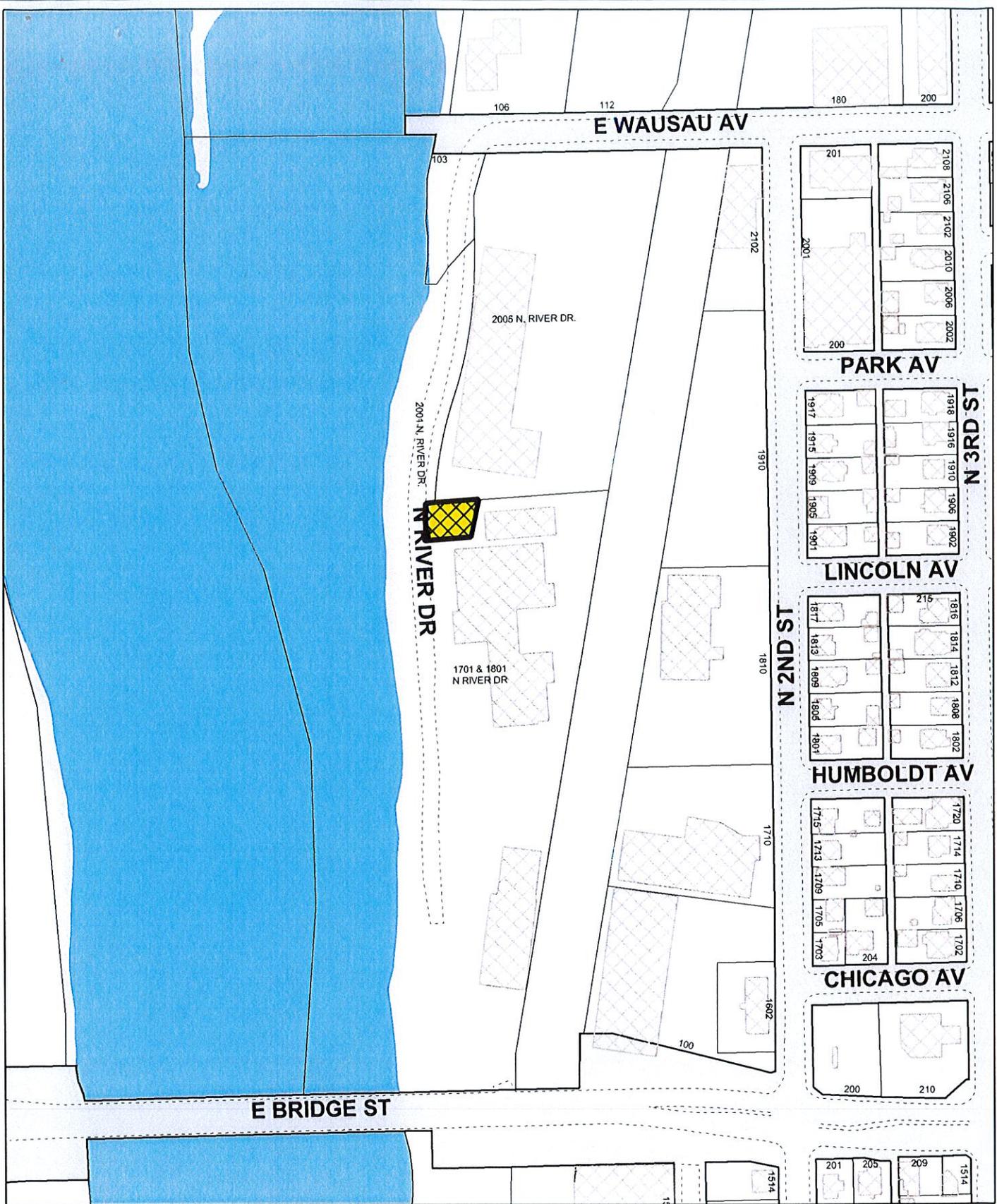
Personally came before me this 24 day of June, 2009, the above named John Boake, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Waymond M. ...
Notary Public, Wisconsin
My commission: EX. 3-18-2012



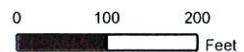
M:\easements\ajrpropnorthllc061009.doc

This instrument was drafted by Engineering Department staff for the City of Wausau, 407 Grant, Street, Wausau, WI 54403-4783.

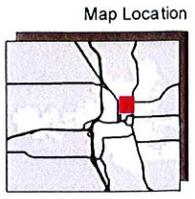


Map Date: July 1, 2009

CITY OF WAUSAU
Marathon County Wisconsin



-  Easement
-  Buildings



DOC # 1550216

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

RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE

Approving revisions to State/Municipal Agreement for Highway 52 (Stewart Avenue) from 17th Avenue to 1st Street

Committee Action: Approved 5-0

Fiscal Impact: Estimated cost to the City is \$295,841

File Number: 12-0507

Date Introduced: March 22, 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 checked="" type="checkbox"/> | <i>Budget Source:</i> |
| | <i>One-time Costs:</i> | Yes <input checked="" 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

WHEREAS, a resurfacing project that will repair concrete joints and overlay with asphalt is proposed for Highway 52 (Stewart Avenue) from 17th Avenue to 1st Street; and

WHEREAS, on May 22, 2012, a State/Municipal Agreement was approved by the Common Council which showed the City to pay approximately \$45,000 in roadway construction costs, and

WHEREAS, on September 10, 2013, a revision to the State/Municipal Agreement was approved by the Common Council, which included traffic signal upgrades and the installation of gates at the railroad crossing at 1st Avenue and Stewart Avenue. These revisions increased the City's portion to approximately \$146,510, and

WHEREAS, on December 9, 2014, a third revision to the State/Municipal Agreement was approved by the Common Council to address real estate needs for the project by the City becoming the purchasing agent for the required real estate, and

WHEREAS, a fourth revision to the State/Municipal Agreement is proposed to update utility adjustment costs, traffic signal upgrades at the intersection of 1st Street and Scott Street, to update expenditure of Community Sensitive Solutions (CSS), and

WHEREAS, the Capital Improvements and Street Maintenance Committee discussed the proposed fourth revision to the State/Municipal Agreement its meeting on March 10, 2016 and recommends it be approved (a copy of which is attached); now therefore

BE IT RESOLVED that the Common Council hereby authorizes and directs the proper City officials to execute the attached revised State/Municipal Agreement for improvements to Highway 52 (Stewart Avenue) form 17th Avenue to 1st Street.

Approved:

James E. Tipple, Mayor



**Fourth REVISION
STATE/MUNICIPAL AGREEMENT
FOR A STATE- LET HIGHWAY
PROJECT**

This agreement supersedes the agreement signed by the Municipality on 12/10/2014 and signed by the State on 12/16/2014 EXCEPT funding approved CSS cap of \$4,750.

Revised Date: February 18, 2016
I.D.: 6999-03-09, 28, 59, 79, 80, 81
Highway: STH 52
Title: C Wausau, Highway 52
Subtitle: 17th Avenue to 1st Street
County: Marathon County
Roadway Length: 1.25 miles

The signatory city of Wausau, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility - Describe and give reason for request:

The existing concrete pavement in the travel lanes from 17th Avenue to 1st Avenue exhibits distresses of deteriorated joints with extensive joint repairs and cracks with faulting. The existing concrete pavement on STH 52 westbound from McClellan Street to the Wisconsin River bridge, also has deteriorated joints with cracking and faulting.

The existing concrete pavement on STH 52 eastbound from 1st Avenue to the Wisconsin River Bridge and on STH 52 westbound from the Wisconsin River bridge to 1st Avenue is prematurely deteriorated due to a chemical reaction called alkali silica reaction (ASR).

Proposed Improvement - Nature of work: For STH 52 from 17th Avenue to 1st Avenue, it is proposed to complete a resurfacing project that will repair concrete joints and overlay with asphalt. The project will also upgrade the traffic and railroad warning devices at 1st Avenue.

For STH 52 westbound from McClellan Street to 1st Avenue and for STH 52 eastbound from 1st Avenue to the Wisconsin River Bridge, it is proposed to complete a pavement replacement that will remove the existing pavement and replace it.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: Traffic signal upgrades, sanitary sewer and water adjustments.

TABLE 1: SUMMARY OF COSTS

| Phase | Total Est. Cost | Federal/State Funds | % | Municipal Funds | % |
|---|---------------------|---------------------|---------|-------------------|---------|
| Preliminary Engineering (6999-03-09): | | | | | |
| Plan Development | \$ 650,000 | \$ 487,500 | 75% | \$ 162,500 | 25% |
| Real Estate (6999-03-28) | \$ 65,000 | \$ 65,000 | 100% | \$ - | 0% |
| Railroad Forcework (6999-03-59): | \$ 222,200 | \$ 222,200 | 100% | \$ - | 0% |
| ¹ Participating Construction (6999-03-79): | | | | | |
| Roadway, cat 0010: | \$ 1,634,392 | \$ 1,589,392 | Bal | \$ 45,000 | LS |
| Utility adjustments, cat 0020: | \$ 18,850 | \$ - | 0% | \$ 18,850 | 100% |
| HSIP Traffic signal upgrades, cat 0030: | \$ 355,498 | \$ 315,087 | 90% max | \$ 40,411 | 10% bal |
| subtotal 6999-03-79: | \$ 2,008,740 | \$ 1,904,479 | | \$ 104,261 | |
| ¹ Participating Construction (6999-03-80): | | | | | |
| Roadway, cat 0010: | \$ 629,250 | \$ 629,250 | 100% | \$ - | 0% |
| Utility adjustments, cat 0020: | \$ 2,150 | \$ - | 0% | \$ 2,150 | 100% |
| ² Bench installation (CSS), cat 0030: | \$ 4,000 | \$ 4,000 | Max | \$ - | bal |
| subtotal 6999-03-80: | \$ 635,400 | \$ 633,250 | | \$ 2,150 | |
| ¹ Participating Construction (6999-03-81): | | | | | |
| Roadway, cat 0010: | \$ 308,175 | \$ 308,175 | 100% | \$ - | 0% |
| Utility adjustments, cat 0020: | \$ 6,050 | \$ - | 0% | \$ 6,050 | 100% |
| ² Bench installation (CSS), cat 0030: | \$ 750 | \$ 750 | Max | \$ - | bal |
| Local traffic signal upgrades, cat 0040: | \$ 20,880 | \$ - | 0% | \$ 20,880 | 100% |
| subtotal 6999-03-81: | \$ 335,855 | \$ 308,925 | | \$ 26,930 | |
| Total Cost Distribution | \$ 3,917,195 | \$ 3,621,354 | | \$ 295,841 | |

1. Estimate includes construction engineering.
2. See number 9 of terms and conditions about Community Sensitive Solutions (CSS).

This request is subject to the terms and conditions that follow (pages 3 – 8) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

| | | |
|---|---|------|
| Signed for and in behalf of the city of Wausau (please sign in blue ink) | | |
| Name (print) | Title | Date |
| Signature | | |
| Signed for and in behalf of the State (please sign in blue ink) | | |
| Name Brian Gaber | Title WisDOT North Central Region Planning Chief | Date |
| Signature | | |

TERMS AND CONDITIONS:

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceed Federal/State financing commitments or are ineligible for Federal/State financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table that show Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
3. Funding of each project Phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or State transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter and bridge costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking and testing of sanitary sewer and water main.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
 - (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other Utility or Facility Owner includes the following items:
 - (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Roadway and Bridge width in excess of standards.
 - (d) Construction inspection, staking and material testing and acceptance for construction of sanitary sewer and water main.
 - (e) Parking lane costs.
 - (f) Coordinate, clean up, and fund any hazardous materials encountered during construction. All

hazardous material cleanup work shall be performed in accordance to state and federal regulations.

- (g) Damages to abutting property due to change in street or sidewalk widths, grades or drainage.
 - (h) Conditioning, if required and maintenance of detour routes.
 - (i) Repair of damages to roads or streets caused by reason of their use in hauling materials incidental to the improvement.
5. As the work progresses, the Municipality will be billed for work completed which is not chargeable to Federal/State funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
 6. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
 7. The work will be administered by the State and may include items not eligible for Federal/State participation.
 8. The Municipality shall at its own cost and expense:
 - (a) Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory requirements to include, but not limited to, snow and ice removal from sidewalks, in a manner satisfactory to the State and shall make ample provision for such maintenance each year. This agreement does not remove the current municipal maintenance responsibility.
 - (b) Maintain all items outside the travel lane along the project, to include but not limited to parking lanes, curb and gutter, drainage facilities, sidewalks, multi-use paths, retaining walls, pedestrian refuge islands, landscaping features and amenities funded by community sensitive solutions.
 - (c) The Municipality will maintain the storm sewer in conjunction with this improvement project at their own expense. This maintenance will include the following items:
 1. Street Sweeping Program: Sweeping operations should be scheduled at least twice per year (once in April and once in November) to help prevent the accumulation of dirt, sand, leaves, paper, or other clogging debris. Damage to curb and gutter areas that could affect the efficiency of flow should be reported to the State.
 2. Spring Cleaning and Inspection of Inlets, Catch Basins, Manholes, Pipes and Outfalls: The overall desire is to maintain a free flow condition throughout the life of the facility. Vacuum equipment is recommended for cleaning inlets, catch basins, and manholes. Clean the inlets and outlets of pipes and outfall areas from blockages due to weed growth, siltation, debris from the roadway or slope and activity of animals. It may be necessary to flush using large quantities of clean water. Replace broken or malfunctioning castings, grates or covers. During the spring cleaning and inspections; perform routine mortar repairs such as tuck pointing and plastering to the inlets, catch basins, and manholes; document and report any non-routine maintenance required to the storm system. Report these findings to the State.
 - (d) Maintain and accept responsibility for the energy, operation, maintenance, repair and replacement of the lighting system.
 - (e) Regulate and prohibit parking along the highway.
 - (f) Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy which has equal or more restrictive controls.

- (g) Provide complete plans, specifications and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions or claims resulting from the sanitary sewer and water system construction.
- (h) Maintain all community sensitive solutions and/or enhancement funded items.
- (i) Coordinate with the state on changes to highway access within the project limits.
- (j) Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the projects.

9. Basis for local participation:

(a) Preliminary Engineering – Project ID 6999-03-09:

In accordance with the State’s Local Cost Sharing Policy of the Program Management Manual, the Municipality is responsible for 25% of the preliminary engineering costs for improvement projects on a connecting highway.

(b) Real Estate – Project ID 6999-03-28:

It shall be the responsibility of the Municipality to provide all of the real estate work and payments necessary to acquire the rights, interests, and/or releases for this project. However, in accordance with the Program Management Manual, the State is responsible for all costs associated with the acquisition of the necessary real estate thereof.

When State or Federal dollars are to be used to reimburse the Municipality for any real estate acquisition related costs, all real estate activities are subject to reviews and approvals by the State. Required State reviews and approvals are identified in the Local Public Agency manual. Examples of some review and approval items are listed in the following table.

| | |
|---|-----------------------------------|
| Contract services & fee for consultant services | Nominal Value approvals |
| Capability statement for consultant services | Administrative revisions |
| Appraisal reviews | Revised offers |
| Offering price approvals | Acquisition Stage Relocation Plan |
| Relocation computations | Revised relocation computations |
| Relocation claims | Sales Studies |

The Municipality will be given a direct cash reimbursement for the approved real estate costs of this project. Reimbursement will be limited to one payment request for the total real estate expenditures when all real estate activities have been completed.

In order for the Municipality to receive reimbursement for acquiring the real estate, the State must be given copies of all the related documents for review and approval. The reimbursement will be based on detailed invoices and supporting documents provided by the Municipality to the State, which show actual expenditures.

Approved real estate costs are those actual costs appropriately documented by the Municipality, and further approved by the State for reimbursement.

Real Estate Remnant Parcels: Any remnant properties created by partial acquisitions and acquired as part of this public improvement project, or any additional lands deemed unnecessary for the project, will be acquired by the Municipality. Such remnants or additional lands will not be considered for reimbursement of their acquisition costs and must be purchased with Municipal funds. Post project disposal and/or use of these remnants and additional lands will be at the sole discretion of the Municipality.

All municipal lands, owned by the Municipality being party to this agreement, required for this improvement project shall be dedicated/donated as right-of-way by specific resolution of the municipal governing body at no cost to the State. Exceptions to this dedication are those lands held by the Municipality under 4F and 6F Park lands.

(c) Railroad Forcework – Project ID 6999-03-59:

In accordance with the State’s Local Cost Sharing Policy of the Program Management Manual, the State is responsible for rail forcework costs necessitated for improvement projects on a connecting highway. The Municipality acquired safety funding for the traffic signal upgrades at STH 52 and 1st Avenue; however, were unsuccessful in obtaining safety funding to upgrade the rail warning devices. Since the traffic signals need to be interconnected with the rail warning devices, the state agrees to pay 100% of the costs for the rail warning devices.

(d) Participating Construction – Project ID 6999-03-79:

This highway is connecting highway and the municipality is responsible for maintenance of this highway. The state has determined that the proposed resurfacing work (joint repair and asphaltic overlay plus other work) is an improvement project that is eligible for state/federal funds and the state and municipality agree to participate as defined below.

Roadway Items (Category 010): In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, the State is responsible for all costs associated with the usual items of roadway construction (base patching, milling, paving, etc.), which are an integral part of the construction project.

The municipality has asked that the state adjust the project to accommodate bicycles in front of the Marathon County Park and in front of John Muir Middle School. The state has estimated that it will cost \$225,000 to cut the pavement at the curb and gutter, widen the roadway and place new curb and gutter in order to provide on-street bicycle accommodations. These areas are defined for the eastbound traffic from the beginning of the project to existing parking (near 8th Avenue) and for the westbound traffic from 12th Avenue to the end of project. The municipality agrees to remove existing parking along STH 52 from 17th Avenue to 1st Avenue to provide bicycle accommodations. The municipality agrees to pay a lump sum of \$45,000 and the state agrees to pay the balance.

- i) Driveways: In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, when replacement driveways are necessitated by roadway construction and there is a sidewalk, concrete from curb to sidewalk and replacement in kind beyond the sidewalk is 100% eligible for federal/State funding. When there is no sidewalk, replacement in kind beyond the curb is 100% eligible for Federal/State funding. New driveways are not eligible for Federal/State funding.
- ii) Traffic Signals: In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, traffic signals necessary and warranted for the safety and efficient flow of traffic within the construction limits are 100% eligible for Federal/State funding.

Utility adjustments (Category 0020): In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, the Municipality agrees to pay 100% of the costs associated with new installations of, or alteration of, sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire, or police alarm facilities, parking meters, and similar utilities.

HSIP Traffic Signal Upgrades (Category 0030): This category is funded through the state's Highway Safety Improvement Program (HSIP). The State agrees to pay 90% of costs up to a maximum of \$315,087.30 and the Municipality agrees to pay 10% of costs plus the balance.

HAZMAT: In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, the Municipality agrees to pay 100% of the costs associated with transporting hazardous material for which the municipality has been identified as the responsibly party. The municipality is responsible for securing a suitable site to store the material.

(e) Participating Construction – Project ID 6999-03-80:

Roadway Items (Category 010): In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, the State is responsible for all costs associated with the usual items of roadway construction (base patching, milling, paving,, etc.), which are an integral part of the construction project.

- i) Driveways: In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, when replacement driveways are necessitated by roadway construction and there is a sidewalk, concrete from curb to sidewalk and replacement in kind beyond the sidewalk is 100% eligible for federal/State funding. When there is no sidewalk, replacement in kind beyond the curb is 100% eligible for Federal/State funding. New driveways are not eligible for Federal/State funding.
- ii) Traffic Signals: In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, traffic signals necessary and warranted for the safety and efficient flow of traffic within the construction limits are 100% eligible for Federal/State funding.

Utility adjustments (Category 0020): In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, the Municipality agrees to pay 100% of the costs associated with new installations of, or alteration of, sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire, or police alarm facilities, parking meters, and similar utilities.

Community Sensitive Solutions (CSS) (Category 0030): In accordance with the State's Facility Development Manual scenic views, community image, and roadside landscaping play an important part in the driving experience, therefore a process to determine aesthetic levels of impact and project funding was developed for project enhancements. The Municipality and State agree to install benches through this category. The state agrees to provide a maximum of \$4,000 in federal/state funding for amenities. The municipality agrees to pay the balance.

HAZMAT: In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, the Municipality agrees to pay 100% of the costs associated with transporting hazardous material for which the municipality has been identified as the responsibly party. The municipality is responsible for securing a suitable site to store the material.

(f) Participating Construction – Project ID 6999-03-81:

Roadway Items (Category 010): In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, the State is responsible for all costs associated with the usual items of roadway construction (base patching, milling, paving etc.), which are an integral part of the construction project.

- i) Driveways: In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, when replacement driveways are necessitated by roadway construction and there is a sidewalk, concrete from curb to sidewalk and replacement in kind beyond the sidewalk is 100% eligible for federal/State funding. When there is no sidewalk, replacement in kind beyond the curb is 100% eligible for Federal/State funding. New driveways are not eligible for Federal/State funding.
- ii) Traffic Signals: In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, traffic signals necessary and warranted for the safety and efficient flow of traffic within the construction limits are 100% eligible for Federal/State funding.

Utility adjustments (Category 0020): In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, the Municipality agrees to pay 100% of the costs associated with new installations of, or alteration of, sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire, or police alarm facilities, parking meters, and similar utilities.

Community Sensitive Solutions (CSS) (Category 0030): In accordance with the State's Facility Development Manual scenic views, community image, and roadside landscaping play an important part in the driving experience, therefore a process to determine aesthetic levels of impact and project funding was developed for project enhancements. The Municipality and State agree to install benches through this category. The state agrees to provide a maximum of \$750 in federal/state funding for amenities. The municipality agrees to pay the balance.

Local Traffic Signal Upgrades (Category 0040): The Municipality has requested to add protected northbound left turn phases at 1st Street and Scott Street as part of this project. The adjustment to the traffic signals will improve operation on the local street and therefore, the municipality agrees to pay 100% of the costs for this installation.

HAZMAT: In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, the Municipality agrees to pay 100% of the costs associated with transporting hazardous material for which the municipality has been identified as the responsibly party. The municipality is responsible for securing a suitable site to store the material.

Comments and Clarification: This agreement is an active agreement that may need to be amended as the project is designed. It is understood that these amendments may be needed as some issues have not been fully evaluated or resolved. The purpose of this agreement is to specify the local and state involvement in funding the project. A signed agreement is required before the State will prepare or participate in the preparation of detailed designs, acquire right-of-way, or participate in construction of a project that merits local involvement.

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 10, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Gisselman, Kellbach, Abitz, Mielke

Also Present: Oberbeck, Lindman, Wesolowski, Lenz

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 to order.

Discussion and possible action on the updated Fourth Revision to the State/Municipal Agreement for State Project ID 6999-03-09, 28, 59, 79, 80, 81, STH 52 (Stewart Avenue)

Wesolowski explained that the fourth revision provided by the DOT was before the committee last month and was not accurate as the DOT had not included several design amendments. An update revision has been provided with a new cost share of \$295,841.

Abitz moved to approve the updated Fourth Revision to the State/Municipal Agreement for State Project ID 6999-03-09, 28, 59, 79, 80, 81, STH 52 (Stewart Avenue.) Mielke seconded and the motion carried unanimously 5-0.

AGENDA ITEM

Discussion and possible action on the updated Fourth Revision to the State/Municipal Agreement for State Project ID 6999-03-09, 28, 59, 79, 80, 81 – STH 52 (Stewart Avenue)

BACKGROUND

The Wisconsin Department of Transportation will be resurfacing Stewart Avenue from 17th Avenue to 1st Street. The City currently has a State/Municipal Agreement (SMA) with WDOT for the cost sharing of the project. This is the fourth revision to the SMA. The revisions are necessary to update utility adjustment costs, traffic signal upgrades at the intersection of 1st Street and Scott Street, and to update the expenditure of the CSS funding. This version also reflects the most up-to-date design costs for the project.

This item was before CISM in February. Unfortunately, the previous version dated January 27th, did not include the increased design costs for the project. The previous document, along with the staff report from the February meeting, is included in the packet.

FISCAL IMPACT

The current version (version 3) of the SMA has a City cost share of \$146,510. The previous Fourth Revision had a City cost share of \$163,213. The updated Fourth Revision of the SMA has a City cost share of \$295,841. A budget modification will need to be made to Finance to account for the additional costs.

STAFF RECOMMENDATION

Staff Recommends approval of the revised SMA.

Staff contact: Allen Wesolowski 715-261-6762

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

| | |
|---|----------------|
| RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE | |
| Approving Agreement for the Management and Maintenance of a Stormwater facility (Wausau School District – 4303 Troy Street) | |
| Committee Action: | Approved 5-0 |
| Fiscal Impact: | None |
| File Number: | 16-0318 |
| Date Introduced: | March 22, 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 Capital Improvements and Street Maintenance Committee met on March 10, 2016 to review the agreement and recommends approval of an Agreement for the Management and Maintenance of a Stormwater Facility for Wausau School District, for stormwater facilities on their property at 4303 Troy Street; now therefore

BE IT RESOLVED the Common Council of the City of Wausau does hereby approve the Agreement, a copy of which is attached hereto and incorporated herein by reference, and the City Clerk is hereby instructed to have the agreement recorded in the office of the Marathon County Register of Deeds.

Approved:

James E. Tipple, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 10, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Gisselman, Kellbach, Abitz, Mielke

Also Present: Oberbeck, Lindman, Wesolowski, Lenz

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 to order.

CONSENT AGENDA

- A. Approve minutes of the February 11, 2016 and February 23, 2016 meetings**
 - B. Action on a Stormwater Maintenance Agreement for the Wausau School District at 4303 Troy Street (Riverview Elementary School)**
 - C. Action on a Sanitary Sewer Easement at 1201 Westwood Drive**
-

Mielke moved to approve the consent agenda items. Gisselman seconded and the motion carried unanimously 5-0.

Agenda Item No.

1B

STAFF REPORT TO CISM COMMITTEE - March 10, 2016

AGENDA ITEM

Action on a Stormwater Maintenance Agreement for the Wausau School District at 4303 Troy Street (Riverview Elementary School)

BACKGROUND

The Wausau School District is currently in the process of redeveloping a number of the elementary schools in the district. Riverview Elementary School is one of the selected schools to be redeveloped. The proposed redevelopment includes: a building addition, improvements to the playground area and expansion of the existing parking lot. To manage the additional stormwater runoff, the school will be installing best management practices to convey, treat and store the stormwater. The proposed on-site practices include swales, a dry detention basin, infiltration basin, bio-retention basin and storm sewer. To ensure properly functioning stormwater practices year after year, the City requires the owner to sign a maintenance agreement, making the owner inspect and maintain the facilities on a bi-annual basis. The maintenance agreement is attached for your review.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Staff recommends approval of the stormwater maintenance agreement.

Staff contact: Sean Gehin 715-261-6748

AGREEMENT FOR THE MANAGEMENT AND
MAINTENANCE OF A STORMWATER FACILITY

THIS AGREEMENT made this 22 day of FEB, 20 , by and between the City of Wausau, a municipal corporation of the State of Wisconsin, hereinafter referred to as "CITY", and Wausau School District, a corporation organized under the laws of the State of Wisconsin, hereinafter referred to as "OWNER";

WITNESSETH:

WHEREAS, CITY has an interest in and an obligation for the development, management, and maintenance of stormwater facilities within the corporate limits of the City of Wausau, which interest and obligation is evidenced in CITY's stormwater management ordinance and in this agreement which is being entered into pursuant to that ordinance; and

WHEREAS, OWNER wishes to construct certain buildings on land in the City of Wausau, and as an inducement for CITY to grant to OWNER a permit to construct these improvements, OWNER wishes to enter into this agreement for the management and maintenance of a stormwater facility; and

WHEREAS, the specific provision of the Wausau Municipal Code which provides for stormwater management is Chapter 15.56 of the Wausau Municipal Code, which code provides for the routine and extraordinary post construction maintenance of a stormwater management facility, and such a facility is being herein installed for the use and benefit of the development of OWNER's property, and this agreement will specifically provide for the management and maintenance of that stormwater facility.

NOW, THEREFORE, the parties hereto agree as follows:

1. That attached hereto, and incorporated herein by reference, is "Exhibit A," a map upon which there is located certain improvements and also a "detention pond" which is the subject of this agreement.
2. OWNER specifically agrees to maintain the detention pond in accordance with the schedules and procedures set forth in "Exhibit B" attached hereto and incorporated herein by reference.
3. OWNER specifically grants CITY access to, from and across the property encompassed in "Exhibit A" in order to evaluate and inspect the pond and, in addition to the detention pond, any other stormwater facilities, which evaluation and inspection will, from time to time, be necessary in order to ascertain that the practices concerning management and maintenance are being followed pursuant to CITY's stormwater management ordinances; CITY shall maintain, as a public record, the results of all site inspections, and shall recommend any corrective actions required to bring the stormwater management practices into proper operating condition.
4. Upon notification to OWNER that maintenance deficiencies exist on property, any corrective actions shall be undertaken by OWNER within a time frame as set forth by CITY, which time frame will be reasonable; should OWNER not satisfactorily complete any directives of CITY, as identified in any inspection report or directive, within the time frame provided by CITY, then the parties agree that CITY shall complete any corrective actions and the cost of those actions, including any administrative charges, shall be paid in full by OWNER or, in lieu thereof, shall be placed as a special assessment on the tax rolls of all of the property described on "Exhibit A" pursuant to Wisconsin Statutes.

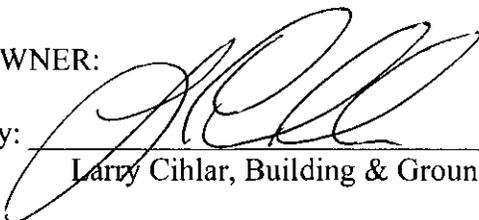
Recording Area

Name and Return Address

City of Wausau Engineering Dept.
407 Grant Street
Wausau, WI 54403

PIN: 291-2907-131-0998

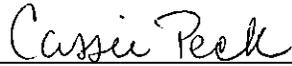
- 5. This agreement is being entered into pursuant to the provisions of Chapter 15.56 of the city ordinances of the City of Wausau, and the parties agree that OWNER will be bound by these provisions or any future amendments to these provisions or any separate provisions relating to stormwater management.
- 6. These covenants, agreements, and obligations provided for in this agreement shall travel with the land and be binding upon OWNER, its successors and assigns in perpetuity.

OWNER:
 By: 
 Larry Cihlar, Building & Grounds Director
 By: _____

CITY OF WAUSAU:
 By: _____
 James E. Tipple, Mayor
 By: _____
 Toni Rayala, Clerk

STATE OF WISCONSIN)
) ss.
 COUNTY OF MARATHON)

Personally came before me this 22 day of February, 2016, the above-named Larry Cihlar and _____ of _____, LLC, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.


 Notary Public, Wisconsin
 My commission: Oct 9, 2014

STATE OF WISCONSIN)
) ss.
 COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 20____, the above-named James E. Tipple, Mayor, and Toni Rayala, Clerk of the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

 Notary Public, Wisconsin
 My commission: _____

EXHIBIT A

See Grading & Drainage Map

EXHIBIT B

Storm Water Operations and Maintenance Riverview Elementary School

The OWNER of this project in the City of Wausau, Marathon County, Wisconsin, is directly responsible for the operation, inspection, and maintenance of all storm water facilities located within the project site, as described below.

- **Detention Pond:**
Inspection: Look for accumulation of sediment and/or debris in pond and riprap. Length of time water is retained in basin. Look for erosion or damage. Review plant health.

Maintenance: Remove accumulated sediment deposits and/or debris in pond and riprap and repair any eroded or damaged grass areas. If water is retained for more than 24-48 hours after a storm event, replace top soil in bottom of basin by removing top 6" of topsoil, tilling bottom of basin, installing new topsoil and restoring grass in basin.
- **Bio-retention Basin :**
Inspection: Look for accumulation of sediment and/or debris in basin and riprap. Length of time water is retained in basin. Look for erosion or damage. Review plant health; look for weeds and grasses encroaching on plants.

Maintenance: Remove accumulated sediment deposits and/or debris in basin and riprap and repair any eroded or damaged grass areas. If water is retained for more than 24-48 hours after a storm event replace top 6" of engineered soil. Remove any identified weeds or grasses. Do not plow/store snow in bio-retention basin. Mow as needed through the first two years to a height of 6"-10" in native plantings. Mow and spot spray (any invasive weeds) as needed. Twice per year remove and replace any dead or diseased plants. Mow grass filter strips, sides of the banks and turf covers at least four times per year around bio-retention area. Maintain a minimum height of 2-½".
- **Storm Sewer:**
Inspection: Accumulation of sediment and/or debris within endwall structure and storm sewer pipe. Look for damage to pipe and endwall structure.

Maintenance: Remove accumulated sediment and/or debris within the pipe and endwall structure. Repair damage to pipe or endwall structure. If the damage is un-repairable then the pipe and/or endwall structure shall be replaced.
- **Infiltration Basins:**
Inspection: Look for accumulation of sediment and/or debris in pond and riprap. Length of time water is retained in basin. Look for erosion or damage. Review plant health.

Maintenance: Remove accumulated sediment deposits and/or debris in pond and riprap and repair any eroded or damaged grass areas. If water is retained for more than 24-48 hours after a storm event, remove the top 6" of sand/compost mix. Till the bottom of basin and install 6" of

new soil mixture (20% compost and 80% on-site sand) . Snow shall not be stored or plowed into infiltration basins.

The aforementioned inspection and maintenance schedule shall be performed after any rainfall event exceeding one inch of rainfall, and at a minimum semi-annually in early spring and fall.

All inspections and maintenance shall be documented and the OWNER shall keep all inspection and maintenance reporting/records onsite and available upon request of the City and/or Wisconsin Department of Natural Resources.

LEGEND:

PROPOSED DRAINAGE AREA 

D1

SITE SOURCE AREA
 EXISTING PAVED PARKING=0.402 AC
 PROPOSED PAVED PARKING=0.074 AC
 GRASS AREA= 0.087 AC
 SIDEWALK= 0.096 AC

D2

SITE SOURCE AREA
 PAVED PARKING=0.080 AC
 GRASS AREA= 0.013 AC
 SIDEWALK= 0.015 AC

D3

SITE SOURCE AREA
 GRASS AREA= 0.650 AC
 SIDEWALK= 0.053 AC
 HARD SURFACE PLAY AREA= 0.267 AC
 ROOF= 0.297 AC

D4

SITE SOURCE AREA
 PAVED PARKING AREA= 0.156 AC
 GRASS AREA= 0.184 AC
 SIDEWALK= 0.031 AC

D5

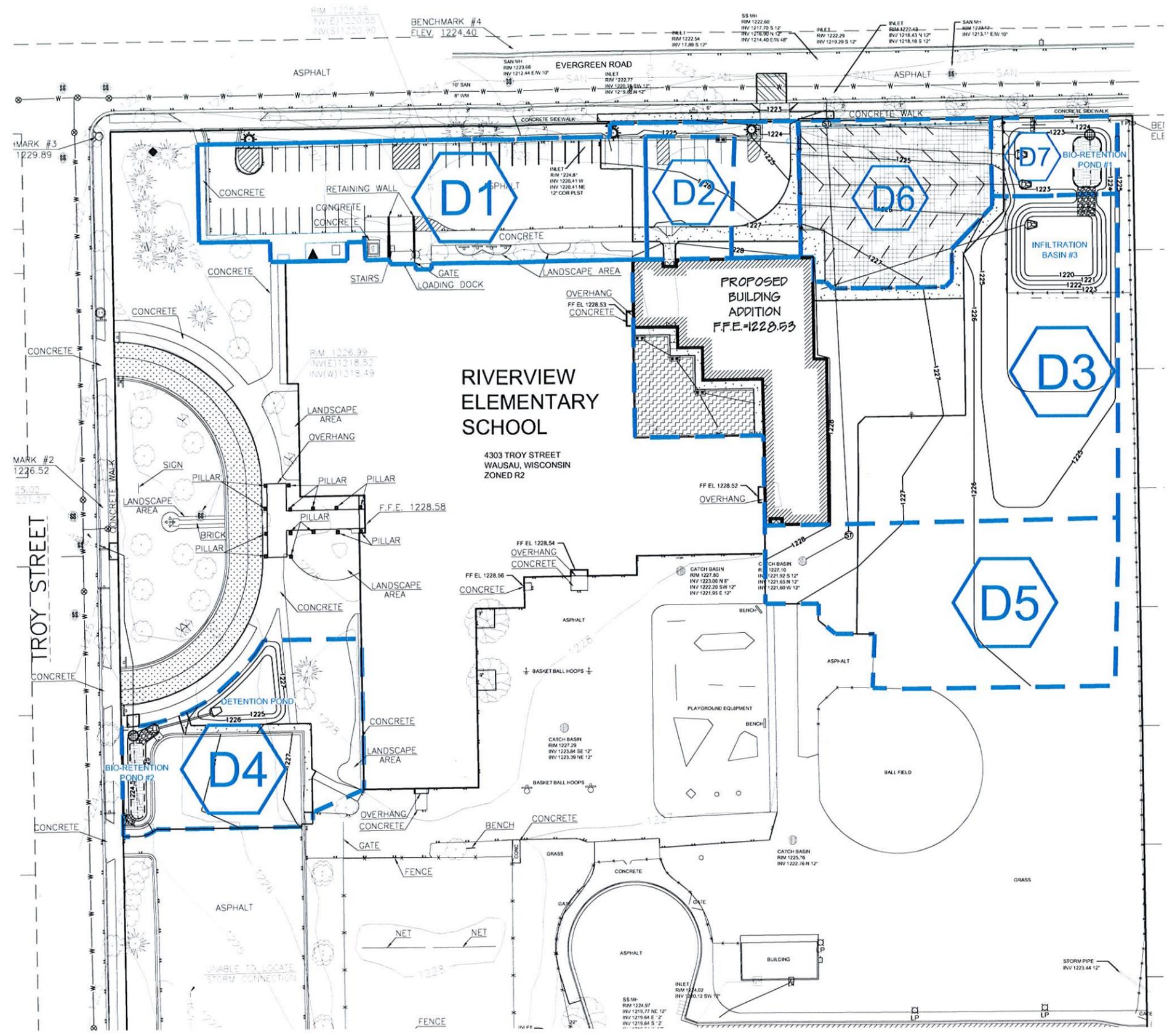
SITE SOURCE AREA
 GRASS AREA= 0.442 AC
 HARD SURFACE PLAY AREA= 0.087 AC

D6

SITE SOURCE AREA
 SIDEWALK= 0.010 AC
 GRASS AREA= 0.012 AC
 SOFT SURFACE PLAY AREA=0.283 AC

D7

SITE SOURCE AREA
 GRASS AREA= 0.094 AC
 SIDEWALK=0.010 AC



9
RIVERVIEW SCHOOL

A parcel of land lying in the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section Thirteen (13), Township Twenty-nine (29) North, Range Seven (7) East, more fully described as follows: Starting at the Northeast corner of Section 13, Township 29 North, Range 7 East, thence Westerly a distance of 626.30 feet, more or less,

along the North line of said Section 13 to the point of beginning, the said point being the West line of Henry Street extended Northerly from the John Schauss, Jr. Subdivision; thence Southerly along the West line of Henry Street extended, a distance of 669.4 feet to a point, said West line and Section line having an 89 degree 35' angle in the Southeast quadrant of the intersection; thence along a line having an angle from the North to the West of 90 degrees 18', a distance Westerly 718.55', to a point on the Easterly North-South 1/16th line of Section 13, the North-South 1/16th line and the East-West line having an angle of 89 degrees 39' from East to North; thence Northerly a distance of 667.0 feet along said 1/16th line to the North line of Section 13, the 1/16th line making an angle of 89 degrees 38' with the North line of Section 13, from South to East; thence Easterly from the Easterly North-South 1/16th line along the North line of Section 13, a distance of 717.8 feet to the point of beginning.

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

| RESOLUTION OF THE FINANCE COMMITTEE | |
|--|----------------|
| Amending the Procurement Policy | |
| Committee Action: | Approved 5-0 |
| Fiscal Impact: | None |
| File Number: | 99-1104 |
| Date Introduced: | March 22, 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 Wausau Water Works Commission, at their November 3, 2015 meeting, considered and recommended an amendment to the procurement policy to allow for the sole source purchase of Neptune water meters due to the benefits of standardization of inventory and meter reading compatibility and

WHEREAS, your Finance Committee, at their December 8, 2015 meeting, considered and recommended the attached revision to the Procurement Policy to accommodate the sole source purchase of Neptune water meters.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau that the Procurement Policy which is attached hereto and incorporated herein by reference is hereby adopted as the Procurement Policy of the City of Wausau and that its administration and enforcement shall be done under the direction of the Mayor and department heads.

Approved:

James E. Tipple, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, December 8, 2015 @ 6:00 pm., Board Room

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

Others Present: Groat, Jacobson, Hebert, Hite, Kujawa, Lindman, Stratz, Tipple, Barnes, Jaeger, Chmiel, Neal, Abitz, Goede, media.

Discussion and Possible Action Amending the Procurement Policy to exempt water meters from competitive purchasing requirement and sole source documentation

Lindman stated the utility went out for bids for water meters in the spring and received two; Badger was one and the other was Neptune, which we currently use. The Badger meters did not meet specifications without the purchase of some additional significant equipment. He indicated the utility would like to stay with Neptune meters and requested that it be put in the procurement policy moving forward so he wouldn't have to sole source every year. He noted they do have a couple different suppliers of the meters, as well as directly from Neptune, and will get quotes from those suppliers. He noted they typically replace from \$80,000 - \$100,000 of meters per year.

Motion by Nagle, second by Mielke to approve amending the Procurement Policy to exempt water meters from competitive purchasing requirements and sole source documentation. Motion carried 5-0.

CITY OF WAUSAU, WISCONSIN

PROCUREMENT POLICY

POLICY OBJECTIVE

The City of Wausau has adopted this procurement policy in order to provide City employees with uniform guidance in the purchase of supplies, equipment, services and property. The controls and procedures set forth are intended to provide reasonable assurance that the lowest cost, highest quality good or service is obtained, while balancing the need for flexibility and efficiency in departmental operations.

COVERAGE

This policy applies to the purchases of all departments and divisions of the City of Wausau. The provisions of Wisconsin Statutes s 62.15 and Wausau Municipal Code 12.08 apply to the procurement of public construction and take precedence over any portion of this policy that may conflict with that statute. Procurement activities for MetroRide are subject to the provisions of the Federal Transit Administration and take precedence over any portion of this policy which may conflict with their guidelines. More restrictive procurement procedures required by grants, aids, statutes or other external requirements or funding sources will take precedence.

GOALS

1. To encourage open and free competition to the greatest extent possible.
2. To receive maximum value and benefits for each public dollar spent.
3. To ensure that all purchases are made in compliance with federal, state and local laws.
4. To prevent potential waste, fraud, abuse and conflicts of interest in the procurement process.
5. To assure proper approvals are secured prior to the purchase and disbursement of public funds.

ETHICAL STANDARDS

1. All procurement shall comply with applicable federal, state and local laws, regulations, policies and procedures. Municipal Code 2.03 Code of Ethics for Public Officials and Employees provides general ethical standards and conduct expectations.
2. In general, employees are not to engage in any procurement related activities that would actually or potentially create a conflict of interest, or which might reasonably be expected to contribute to the appearance of such a conflict.
3. No employee shall participate in the selection, award or administration of a contract if a conflict of interest would be involved. Such a conflict would arise when the employee, any member of his immediate family, business partner or any organization that employs, or is about to employ, any of the above, has a financial interest or other interest in the firm selected for award.
4. To promote free and open competition, technical specifications shall be prepared to meet the minimum legitimate need of the City and to the extent possible, will not exclude or discriminate against any qualified contractors.
5. No employee shall solicit or accept favors, gratuities, or gifts of monetary value from actual or potential contractors or subcontractors.
6. Employees must maintain strict confidentiality in the procurement process and shall not impart privileged information to any contractors that would give them advantage over other potential contractors.

7. Personal purchases for employees by the City are prohibited. City employees are also prohibited from using the City's name or the employee's position to obtain special consideration in personal purchases. Employee purchase programs may be established with vendors with prior approval from the Mayor, provided that the vendor provides similar programs to employees of other private entities.

GENERAL GUIDELINES

These general guidelines shall be adhered to as closely as possible by all departments in the procurement of goods and services.

1. Procurements are classified into the following two major categories:
 - Purchasing Goods is defined as equipment, furnishings, supplies, materials and vehicles or other rolling stock. The rental, leasing of these items is also considered to fall within this category and the cost shall be determined by considering the maximum total expenditure over the term of the agreement.
 - Purchase of Services is classified into additional categories of professional services, contractor services, construction services and combined goods and service contracts.
2. Buy Local - It is the desire of the City to purchase locally when possible. This can be accomplished by ensuring that local vendors who have goods or services available are included in the competitive solicitation process that will precede major purchases. It is also the desire of the City to purchase from disadvantaged enterprise businesses whenever possible as defined by Wisconsin Statute 84.06(1).
3. Cooperative Procurement Programs – Departments are encouraged to use cooperative purchasing programs sponsored by the State of Wisconsin or other jurisdictions. Purchases of goods and services secured through these programs are considered to have met the requirements of competitive procurement outlined in this policy. Additionally, if identical products can be obtained at a lower price than current cooperative purchasing contracts, no additional quotes are required.
4. Purchasing Oversight – Department heads have the responsibility for procurement issues in their individual departments. A department head is defined as the City employee having responsibility for the department on behalf of which moneys were appropriated in the City budget for purchases.
5. Emergencies – When an emergency situation does not permit the use of the competitive process outlined in the policy, the applicable department head, Finance Director and Mayor may determine the procurement methodology most appropriate to the situation. Appropriate documentation of the basis for the emergency should be maintained and filed with the City Clerk. All emergency purchases exceeding \$50,000 shall require the Department Head to provide written notice to the Common Council.
6. Identical Quotes or Bids – If two or more qualified bids/quotes are for the same total amount or unit price, and quality or service is considered equal the contract shall be awarded to the local bidder. Where this is not practical the contract will be awarded by drawing lots in public.
7. Serial Contracting – No contract or purchase shall be subdivided to avoid the requirements of this policy. Serial contracting is the practice of issuing multiple purchase order to the same vendor for the same good or service in any 90 day period in order to avoid the requirements of the procurement policy.
8. Purchase Orders and Purchase Order Cover Sheet – Shall be issued for all purchases of goods and services in excess of \$5,000.
9. Policy Review – This policy will be reviewed by the Finance Committee every two years or sooner at the discretion of the Common Council.

10. Protest Procedures – Any interested party who wishes to protest at any point in the procurement process, evaluation, award, or post-award, may do so. An “interested party” must, however, be an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract. Protests must be submitted timely, in writing to the City Clerk, 407 Grant Street, Wausau WI 54403 but no later than five (5) working days following the City’s procurement decision. The protest must contain a detailed statement of the grounds for the protest and any supporting documentation. Upon the receipt of the written protest, the City Clerk will notify the City Attorney and Finance Director who will work to resolve the matter within five (5) working days. If the protester is not satisfied and indicates the intention to appeal to the next step the award will be temporarily suspended unless it is determined that: 1) the item to be procured is urgently required; 2) delivery or performance will be unduly delayed by failure to make the award promptly; 3) Failure to make the prompt award will otherwise cause harm to the City; or 4) The protest has no merit. If the protester wishes to appeal the decision of the City Attorney and Finance Director the matter will be forwarded to the City of Wausau Finance Committee and the Common Council for the ultimate local disposition.

PURCHASE OF GOODS

1. Purchase of Goods under \$5,000 – may be made based on the best judgment of the department head or division director. However, it is recommended that competitive quotes be obtained. Specific procurement documentation is not required.
2. Purchase of Goods \$5,000 to \$25,000 – requires department head approval PRIOR to placing the order and the issuance of a purchase order. The cost of the purchase must have been included within the approved department budget. The department **MUST** obtain (3) three written quotations, if possible. Quote summary, request for quote documentation and written quotes must be submitted to the Finance Department with the purchase order request. Purchase orders will not be processed without the proper documentation.
3. Purchase of Goods in excess of \$25,000 – a formal bid process is required.
 - a. Requests for such bids shall be formally noticed. All notices and solicitations of bids shall state the time and place of the bid opening.
 - b. All bids shall be submitted sealed to the City Official designated in the bid packet and shall have the bid name and date identified on the envelope.
 - c. All sealed bids shall be opened and recorded by the Board of Public Works. The department head shall be responsible for the preparation of all plans, bid specifications, notices and advertising. Prequalification of bidders may be done at the discretion of the department head. A tabulation of bids received shall be available for public inspection. The Board of Public Works shall have the authority to award the contract when the costs of the purchase have been included within the approved City budget. Purchases that do not meet this criteria and are not otherwise authorized by law, rule or regulation, shall be authorized separately by the Common Council. All bid documentation shall be placed on file with the City Clerk.
 - d. In general, the contract shall be awarded to the lowest priced responsible bid, taking into consideration the following factors: the qualities of the goods supplied, conformity with specifications, product compatibility, maintenance costs, vendor support and delivery terms. Written documentation or explanation shall be required if the contract is awarded to other than the lowest responsible bidder. This documentation will include a justification as to why it was in the City’s best interest to award the contract to other than the lowest responsible bidder.
4. Commodities \$5,000-\$50,000 – commodities subject volatile pricing such as fuel may through via written quotes. These purchases require department head approval prior to placing the order and the issuance of a purchase order. The cost of the purchase must have been included within the approved department budget. The department must obtain (3) written quotations, if possible. Quote summary, written quotes and any other available documentation must be submitted to the Finance Department with the purchase order request.
5. The department head shall administer the purchase.

6. The following items must be purchased using a centralized purchasing process:
 - a. Copiers - coordinated by the CCITC.
 - b. Computer hardware/software - coordinated by CCITC.
 - c. Cellular telephone, telephones, security cameras and similar communication and technology equipment – coordinated by CCITC.
 - d. Furniture – coordinated by Department of Public Works.
 - e. Office Supplies – coordinated by the Finance Department.
 - f. Janitorial Services – coordinated by Department of Public Works.
 - g. Vehicles and other rolling Stock – coordinated by Department of Public Works.
 - h. Facility Maintenance, Repair and Improvement – coordinated by Department of Public Works.
 - i. Procurement of Legal Services – coordinated by the City Attorney’s office.

PURCHASE OF SERVICES

Whenever practical the purchase of services should be conducted based upon a competitive process:

- Contractor services is defined as the furnishing of labor, time or effort by a contractor, usually not involving the delivery of specific goods or products other than those that are the end result of and incidental to the required performance. Examples of contractor service include: refuse and recycling collection, snow removal, EMS billing services, janitorial, elevator maintenance, mailing, or delivery services. Contractor services shall follow the competitive procurement policy for the Purchase of Goods subject to the same spending guidelines. The cost shall be determined by considering the maximum total expenditure over the term of the contract.
- Construction services is defined as substantial repair, remodeling, enhancement construction or other changes to any City owned land, building or infrastructure. Procedures found with in State of Wisconsin Statute 62.15 and Wausau Municipal Code 12.08 shall take precedence. In absence of guidance in these areas, construction services shall follow the competitive procurement policy for the Purchase of Goods subject to the same spending guidelines.
- Combined Goods and Services in situations where the purchase combines goods and services (exclusive of construction and contractor services), such as many technology projects, the purchase shall be treated as a purchase of professional services.
- Professional services is defined as consulting and expert services provided by a company, organization or individual. Examples of professional services include: attorneys, certified public accountants, appraiser, financial and economic advisors, engineers, architect, planning and design. Professional services are generally measured by the professional competence and expertise of the provider rather than cost alone.
 - a) If it is estimated that the service being solicited has a total cost of over \$25,000 a formal Request for Proposal shall be used to solicit vendor responses. The department head shall be responsible for the preparation of all Requests for Proposal specifications, notices and advertising. Prequalification of proposers may be done at the discretion of the department head. A formal RFP will not be required to solicit legal services for representation in a specific matter, regardless of cost. The City Attorney will consult with the Finance Committee if it is anticipated that expenses (fees and costs) in excess of \$25,000for a single matter will be incurred. When retention of legal services to perform ongoing services in one type of matter, such as bond counsel or prosecution services, is required, the procurement policy, for professional services shall be followed.
 - i) Attorney Services: Billing Frequency and Format
 - A) Time Changes. Actual time should be billed in one-tenth (.10) hour increments.

- B) Billing Frequency. Invoices for legal services or expense shall be invoiced every 30 days from the date of initial suit assignment and monthly thereafter.

In any event, invoices submitted more than 60 days after the last date of legal services will require explanation of the billing delay to the City Attorney.

Invoices submitted more than one (1) year after the last date of legal services or expense will be rejected.

- b) The Purpose of an RFP is to solicit proposals with specific information on the proposer and the service offered which will allow the City to select the best proposal. The best proposal is not necessarily the proposal with the lowest cost.
- c) Based upon the services or project and the magnitude of the outcome a selection committee may be advisable.
- d) Requests for proposals shall be formally noticed. All notices and solicitations of proposals shall state the time and place of the proposal opening.
- e) Information to be requested of the proposer should include: Years of experience in the area desired services, financial strength of the company, examples of similar services/projects completed, resumes of staff associated with the project/service, list of references, insurance information, In addition the proposal should provide information about the City, scope of services requested and desired outcomes or deliverables. The proposal should also identify evaluation factors and relative importance.
- f) Establish selection criteria and include this information with the RFP. It is generally advisable to establish a numeric ranking matrix. This reduces the subjective nature of the rating process.
- g) Proposals should be solicited from an adequate number of qualified sources. Requests for proposal should be formally noticed. All notices and solicitations should provide the issue date, response due date, date and time of opening responses and a contact person.
- h) Proposals shall be opened and recorded by the Board of Public Works. A tabulation of proposals received shall be available for public inspection. All proposal documentation shall be placed on file with the City Clerk. The Department Head and selection committee (if applicable) will then review the proposals and make a selection.

- Service contracts or agreements should be reviewed by the City Attorney and placed on file with the City Clerk.

SOLE SOURCE

Sole source purchasing allows for the procurement of goods and services from a single source without soliciting quotes or bids from multiple sources. Sole source procurement cannot be used to avoid competition, rather it is used in certain situations when it can be documented that a vendor or contractor holds a unique set of skills or expertise, that the services are highly specialized or unique in character or when alternate products are unavailable or unsuitable from any other source. Sole source purchasing should be avoided unless it is clearly necessary and justifiable. The justification must withstand public and legislative scrutiny. In advance of the purchase, the Department Head is responsible for providing written documentation justifying the valid reason to purchase from one source or that only one source is available. Sole

source purchasing criteria include: urgency due to public safety, serious injury financial or other, other unusual and compelling reasons, goods or service is available from only one source and no other good or service will satisfy the City's requirements, legal services provided by an attorney, lack of acceptable bids or quotes, an alternate product or manufacturer would not be compatible with current products resulting in additional operating or maintenance costs, standardization of a specific product or manufacturer will result in a more efficient or economical operation, aesthetic purposes or compatibility is an overriding consideration, the purchase is from another governmental body, continuity achieved in a phased project, the supplier or service demonstrates a unique capability not found elsewhere, economical to the city on the basis of time and money of proposal development.

1. Sole source purchase under \$5,000 shall be evaluated and determined by the Department Head.
2. Sole source purchase of \$5,000 to \$25,000 a formal written justification shall be forwarded to the Finance Director in advance of the purchase, who will concur with the sole source or assist in locating additional competitive sources.
3. Sole source purchase exceeding \$25,000 must be approved by the Finance Committee.

Sole Source Exemptions: The following purchases are exempt from competitive purchasing requirements and sole source documentation:

1. Software maintenance and support services when procured from the proprietary owner of the software.
2. Original equipment manufacturer maintenance service contracts, and parts purchases when procured directly from the original manufacturer/authorized dealer or representative.
3. Insurance policy purchases and services through CVMIC and TMIC of Wisconsin
4. Property Insurance purchases from the Local Property Insurance Fund.
5. Utility Services and Charges.
6. Marathon County Landfill
7. Services and products purchased from CCITC
8. Neptune water meters

BUDGET

All purchases shall be made in accordance with the budget approved by the Common Council. The department head has the responsibility for managing departmental spending to ensure the line item budget is not overspent and for initiating Transfer of Funds Requests when appropriate.

CONTRACT AUTHORIZATION

The Mayor is authorized to enter into contracts on behalf of the City of Wausau without additional council approval if the contracts meet the following criteria:

1. Purchase of Goods – The City may purchase equipment, furnishings, goods, supplies materials and rolling stock when the costs of the same have been included in the approved City Budget.
2. Purchase of Services – The City may contract for the purchase of services without Council resolution when the following conditions have been met:
 - a) The funds for services are included in the approved City budget.
 - b) The procurement for services complies with the procurement policy.
 - c) The City Attorney has reviewed and approved the form of the contract.
 - d) The contract complies with other laws, resolutions and ordinances.
 - e) The contract term meets one of the following criteria:
 1. The contract is for a period of one year or less, or
 2. The contract is for a specific project, or
 3. The contract is for a period of not more than three years and the annual average cost of the services does not exceed \$25,000.
3. The following contracts require council approval:
 - (a) Collective Bargaining Agreements – Any contract between the City of Wausau and any collective bargaining unit representing City employees.

- (b) Real Estate Purchases – Contracts for the sale or purchase of real estate where the City of Wausau is the proposed seller or purchaser. Council approval is **not** required for commencement of foreclosure action to collect a loan or other debt owed to the City when the debtor has failed to cure any default in payment of the loan or other obligation.
- (c) Leases – Contracts for lease of real estate where the City is either a proposed landlord or a proposed tenant exclusive of airport hangar, parking stall rentals and short term park facilities rentals.
- (d) Easements and Land Use Restrictions – Contracts for easements, restrictive covenants or other limitations which may be placed upon the use of any City-owned property.
- (e) Intergovernmental Contracts in excess of \$5,000 – Contracts between the City of Wausau and other local, state or federal governments or agencies except, cooperative purchasing agreements.
- (f) Development Agreements – Contracts for the provision of infrastructure, financial assistance or other incentives by the City for the benefit of a developer or business venture.
- (g) City Services – Contracts whereby the City of Wausau agrees to provide services to another party.
- (h) Managed competition, outsourcing contracts – Contracts for labor or personal services to be performed by persons who are not city employees for work that has been performed by city employees within the past five (5) years and the contract will result in the elimination of positions and the layoff of personnel.

4. The common council delegates contract approval to the department level for the following:

- (a) Community Development Housing and Commercial Development Loans and Grants issued from grants and related program income.

Contracts shall be signed by the Mayor and counter-signed by the City Clerk, City Finance Director and City Attorney. The City Finance Director shall certify that funds have been provided by the Council to pay the liability that may be incurred under the contract. The City Attorney shall approve the contract as to form and the City Clerk shall attest to the Mayor's signature. Contract change orders may be signed by the Board of Public Works as long as the change order does not materially change the work performed and funds are available within the budget. Purchase contracts for goods or services valued at \$5,000 or less may be signed by individual department directors as long as the purchase is provided in the budget.

H:\fwcommon\financialpolicies\procurementpolicy.wpd

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

RESOLUTION OF THE FINANCE COMMITTEE

Authorizing the write off of certain uncollectible delinquent personal property tax accounts from the City's accounting records

Committee Action: Approved 5-0

Fiscal Impact:

File Number: 03-0306

Date Introduced: March 22, 2016

FISCAL IMPACT SUMMARY

| | | 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 checked="" type="checkbox"/> |
| | <i>One-time Costs:</i> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Recurring Costs:</i> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| | | <i>Budget Source:</i> | <i>Amount: \$10,841.50</i> |
| | | <i>Amount:</i> | |
| SOURCE | <i>Fee Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Grant Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Debt Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>TID Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>TID Source: Increment Revenue</i> | | <input type="checkbox"/> |
| | | <i>Funds on Hand</i> | <input type="checkbox"/> |
| | | <i>Interfund Loan</i> | <input type="checkbox"/> |

RESOLUTION

WHEREAS the City of Wausau has an ongoing program for the collection of delinquent personal property taxes, however there are always some personal property taxes which are uncollectible due to various reasons (death of the taxpayer, bankruptcy, court settlement, etc.), and

WHEREAS, there is always a continuous effort to recover delinquent personal property taxes, and

WHEREAS, the Finance Committee has reviewed the list of 2014 delinquent personal property taxes on Attachment A and recommends the write off and charge back of these taxes as provided within the State of Wisconsin Statutes, Now Therefore

BE IT RESOLVED by the Common Council of the City of Wausau that the proper City Official(s) be and are hereby authorized and directed to write off the delinquent personal property taxes as outlined on Attachment A, from the Tax Adjustment account #110-25097410, a total of \$10,841.50 (the City's portion) in personal property taxes and \$16,612.05 from account #110-11145 in order to provide sound financial management.

BE IT FURTHER RESOLVED, by the Common Council of the City of Wausau that the proper City Official(s) be and are hereby authorized and directed to charge back to the appropriate governmental entities their share of these delinquent personal property taxes as outlined on Attachment A.

BE IT FURTHER RESOLVED, by the Common Council of the City of Wausau that the list of delinquent personal property taxes be entered into the minutes and published in the newspaper.

Approved:

James E. Tipple, Mayor

2014 DELINQUENT PERSONAL PROPERTY TAX CHARGEBACKS

| | | |
|---|---|---------------------|
| Acceleration LLC (Hudson's Classic Grill) | B | \$ 1,730.87 |
| Albee Property Mgmt LLC | U | 126.59 |
| All in the Family Restaurant | O | 12.17 |
| Journey to Wellness | O | 53.56 |
| BPP Wisconsin LLC (Days Inns) | B | 1,962.14 |
| Bucks & Bros Auto | O | 238.57 |
| Budget Auto Plus | O | 491.75 |
| Budget Resale Furniture | U | 277.52 |
| Cabin Pizza | O | 384.64 |
| Cherryberry Self Serve Yogurt | O | 2,881.20 |
| Coldwater Creek | B | 8,642.19 |
| Country Coin & Collectibles | I | 68.16 |
| CPI Images LLC | B | 133.89 |
| Crooks Associated Service/B & B Movers | U | 835.01 |
| CW Tents & Party Rentals | O | 244.59 |
| Deb Shops SDW LLC | B | 328.65 |
| Design Lab Botanical Studio | O | 107.11 |
| Dynamic Solutions Mediation | I | 38.95 |
| Farmers Insurance (Engman) | O | 333.52 |
| Gene's Coins | O | 9.74 |
| Sidetracked (Harter) | O | 211.79 |
| Innovative PC Solutions LLC | O | 53.56 |
| Insurance Services of Wausau LLC | C | 199.62 |
| Johnnie's Service Inc | O | 703.55 |
| B & D Improvements | I | 92.51 |
| Kustom Auto & Repair | U | 253.18 |
| Ryan Lister, Attorney at Law | O | 569.65 |
| Opportunity Realty | O | 109.55 |
| Paradox (Kurzynski) | O | 243.44 |
| X Treme Audio & Custom | O | 211.79 |
| Perspektive Media Group | C | 253.18 |
| Rajshree Inc (Ponderosa Motel) | O | 745.40 |
| Revelation Glassworks | I | 38.95 |
| The Beauty Parlor | O | 9.74 |
| Snow Services LLC | U | 1,964.58 |
| Valley Construction Co/Badger Roofing of WI | C | 929.95 |
| Stericycle Inc | I | 65.73 |
| The Planted Seed | O | 158.24 |
| The Wedding Store | U | 552.76 |
| City Bike Works | C | 611.04 |
| Wausau Mfg Corp | I | 4.87 |
| Wausau Music Center Inc | B | <u>569.65</u> |
| | | <u>\$ 27,453.55</u> |

O - Out of Business/no response
 B - Bankruptcy
 C - Current/Potential court action

U - Unsatisfied Judgment
I - Immaterial amount

FINANCE COMMITTEE

Date and Time: Tuesday, March 8, 2016 @ 5:15 pm., Board Room

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

Others Present: Groat, Lindman, Jacobson, Ray, Kujawa, Schock, Stratz, Werth, Abitz, Neal, Wagner, Rasmussen, Bruce Bohlken, Pat Peckham, Fernando & Heidi Riveron, and other interested parties.

Discussion and possible action regarding the resolution authorizing the write off of certain uncollectible delinquent personal property tax accounts from the City of Wausau's accounting records and related charge backs to other government units

Groat stated this is an annual process where we write off delinquent personal property tax and collect back from the other taxing jurisdictions their share. She noted we continue to try to collect on them and if successful, the school and county will get their share. The total amount outstanding for 2014 is \$27,453.55.

Motion by Nagle, second by Mielke to approve the resolution authorizing the write off of certain uncollectible delinquent personal property tax account. Motion carried 5-0.

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

| RESOLUTION OF THE FINANCE COMMITTEE | |
|--|----------------|
| Approving Amendment to the Residential Solid Waste and Recycling Service Agreement with Harter's Fox Valley Disposal LLC Related to the Performance Bond | |
| Committee Action: | Approved 5-0 |
| Fiscal Impact | None |
| File Number: | 92-1009 |
| Date Introduced: | March 22, 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>One-time Costs:</i> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| | <i>Recurring Costs:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| SOURCE | <i>Fee Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Grant Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Debt Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>TID Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <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, the City has entered into an Agreement for Harter's Fox Valley Disposal LLC ("Contractor") to provide residential solid waste and recyclable collection services to the City of Wausau for a ten year, three month term; and

WHEREAS, the Agreement requires the Contractor to provide the City with a performance bond or letter of credit in the amount of not less than \$500,000.00 to assure performance of the Agreement during its term; and

WHEREAS, the Agreement requires that the bond shall be maintained during the entire duration of the Agreement; and

WHEREAS, it is in the best interest of the parties to enter into an amendment to the Agreement to clarify that the performance bond may be provided to the City on an annual basis and then renewed for each year of the Agreement.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Wausau that the appropriate City officials are hereby authorized and directed to enter into the attached amendment to the

Agreement between the City of Wausau and Harter's Fox Valley Disposal LLC clarifying that the performance bond to be provided under the terms of the Agreement may be provided on an annual basis.

Approved:

James E. Tipple, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, March 8, 2016 @ 5:15 pm., Board Room

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

Others Present: Groat, Lindman, Jacobson, Ray, Kujawa, Schock, Stratz, Werth, Abitz, Neal, Wagner, Rasmussen, Bruce Bohlken, Pat Peckham, Fernando & Heidi Riveron, and other interested parties.

Discussion and possible action regarding addendum number one to the ten year refuse and recycling contract with Harter's Fox Valley Disposal to change the language on the annual performance bond

Groat explained this was the first year that we had a performance bond in the contract; at the time the contract was drafted it wasn't clear whether there would be a performance bond for the entire term of the contract. This action is to clarify that they provide a bond annually, as well as provide the renewal within 60 days of the expiration of the previous bond. If they are unable for whatever reason to obtain a bond, we will have plenty of notice and if they don't provide the bond it becomes material breach of the contract.

Motion by Nagle, second by Mielke to approve addendum number one to the ten year refuse and recycling contract with Harter's Fox Valley Disposal. Motion carried 5-0.



TO: FINANCE COMMITTEE

FROM: MARYANNE GROAT

DATE: March 3, 2016

SUBJECT: Amendment Number One of the Harter's Fox Valley Disposal Contract regarding the Performance Bond

Purpose: To consider the proposed contract amendment to the ten year refuse and recycling contract with Harters Fox Valley Disposal.

Background: The new refuse and recycling contract contained a clause that requires the contractor to provide a \$500,000 performance bond. The purpose of the bond is to provide the city with financial compensation if the contractor was unable to perform their responsibilities within the contract. The money is designed to defray the extra costs of obtaining an emergency service. As we implemented the contract, we noted that the language did not clearly define the specifics of the performance bond. The Attorney's office has crafted an addendum that reflects the agreed upon terms of the bond.

Impact: The addendum indicates that the performance bond will be provided annually within 60 days of the expiration of the expiring bond. This 60 days will allow the city proper notification if the contractor is no longer able to secure bonding. In addition, the inability or unwillingness to provide the bond by the 60 day expiration date is a material breach in the contract allowing the City to seek other services.

AMENDMENT TO RESIDENTIAL SOLID WASTE
AND RECYCLING SERVICE AGREEMENT

THIS AMENDMENT TO RESIDENTIAL SOLID WASTE AND RECYCLING SERVICE AGREEMENT made this _____ day of _____, 2016, by and between the City of Wausau, a municipal corporation of the State of Wisconsin located in Marathon County, Wisconsin, hereinafter referred to as “City” and Harter’s Fox Valley Disposal LLC, hereinafter referred to as “Contractor.”

WHEREAS, City and Contractor have entered into an Agreement to provide residential solid waste and recyclable collection services to the citizens of the City and Contractor is in the business of providing such residential solid waste and recyclable collection services; and

WHEREAS, the Agreement requires in Section 11.0 for the Contractor to provide the City with a performance bond or letter of credit in the amount of not less than \$500,000.00 to assure performance of the Agreement during its term;

WHEREAS, the Agreement requires in Section 11.0 that the bond shall be maintained during the entire duration of the Agreement;

WHEREAS, it is in the best interests of the parties to enter into this Amendment to further clarify the requirements of Section 11.0.

NOW, THEREFORE, in consideration of the mutual covenants set forth below, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

Amendment of Section 11.0. Performance Bond. The following language indicated in bold type is hereby added to Section 11.0 as follows:

11.0. Performance Bond. Contractor shall provide the City, in order to assure performance of the Agreement during its term, a performance bond issued by a surety company licensed to do business in the State of Wisconsin or a letter of credit in the amount of not less than \$500,000.00. Proof of ability to furnish the performance bond or letter of credit shall be furnished to the City prior to execution of this Agreement. Any performance bond shall be rated “B” or better in the latest edition of “Best’s Guide” and otherwise satisfactory to the City. Such a bond shall be maintained during the entire duration of this Agreement. **If the bond is provided to the City on an annual basis then the renewal bond for each year of this Agreement shall be provided in advance to the City not less than sixty (60) days prior to the expiration of the bond which is then in effect for the current year. Failure by Contractor to provide a bond for each year of this Agreement not less than sixty (60) days prior to the expiration of the bond for the current Agreement year shall constitute a material breach of this Agreement.**

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day and year first above written.

CITY OF WAUSAU, WISCONSIN

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

CONTRACTOR: HARTER'S FOX VALLEY DISPOSAL LLC

By:_____

Name:_____

Title:_____

Attest:_____

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

| ORDINANCE OF PARKING & TRAFFIC COMMITTEE | |
|---|--|
| Approving installation of flashing pedestrian signs on 1 st Avenue at the north pedestrian crossing at the intersection of 1 st Avenue and Elm Street | |
| Committee Action: | Approved 4-0 Ordinance Number: |
| Fiscal Impact: | Estimated cost of \$7,287, excluding installation, with Eastbay to contribute half of the total cost |
| File Number: | 16-0312 Date Introduced: March 22, 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 checked="" 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"/> | | |

WHEREAS, a request was received Eastbay, Inc. (“Eastbay”) for the installation of flashing yellow pedestrian signs at the intersection of 1st Avenue and Elm Street; and

WHEREAS, your Parking and Traffic Committee, at their February 18, 2016 meeting, reviewed the request and recommends that flashing yellow pedestrian signs be installed on 1st Avenue at the north pedestrian crossing at the intersection of 1st Avenue and Elm Street.

NOW, THEREFORE, the Common Council of the City of Wausau do ordain as follows:

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

Section 1. Flashing yellow pedestrian signs be installed on 1st Avenue at the north pedestrian crossing at the intersection of 1st Avenue and Elm Street with Eastbay to contribute half of the total cost.

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

Parking and Traffic Committee Meeting Minutes

Date of Meeting: Thursday, February 18, 2016 at 5:15pm, in the Birch Room at City Hall
Members Present: Abitz{C}, Winters {VC}, Mielke, Nutting, (Kellbach absent)
Others Present: Lt. Graham, Tara Alfonso, Allen Wesolowski, Jennifer Friday, Jeff Lindell, Larry Cihlar, Larry Mancini, Greg Sidoff

In accordance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by Vice Chairperson Winters at 5:20 pm.

(5) Discussion and possible action: To consider installation of pedestrian signs on 1st Avenue near Elm Street

Discussion:

Wesolowski presented literature to the committee members indicating pedestrian signal options and their respective cost. The proposed location for the installation of the pedestrian crossing signs is the north side of the intersection at N. 1st Avenue and Alexander Street to cross N. 1st Avenue.

Greg Sidoff, Facilities Manager at Eastbay stated that Eastbay typically has 400-500 employees reporting to work for the first shift and only 290 parking spaces on their property on the east side of N. 1st Avenue so there is significant pedestrian traffic crossing N. 1st Avenue from other parking locations on the west side. Eastbay is concerned about the safety of their employees.

Wesolowski explained the differences between the two pedestrian sign option, the Flashing LED sign and the Rectangular Rapid Flash Beacon (RRFB). Wesolowski recommends the newer RRFB technology signs because it has been determined to be more effective.

The cost for the 2 Flashing LED sign is estimated at \$6867 while the cost for the 2 RRFB sign is estimated at \$7287. Installation is not included.

Greg Sidoff stated that Eastbay would be willing to contribute half of the cost.

Motion by Winters, second by Mielke, to install RRFB pedestrian signs on the north side of the intersection of N. 1st Avenue and Alexander Street.

Motion carried 4-0.

Parking and Traffic Committee Meeting Minutes

Date of Meeting: Thursday, February 18, 2016 at 5:15pm, in the Birch Room at City Hall
Members Present: Abitz{C}, Winters {VC}, Mielke, Nutting, (Kellbach absent)
Others Present: Lt. Graham, Tara Alfonso, Allen Wesolowski, Jennifer Friday, Jeff Lindell, Larry Cihlar, Larry Mancini, Greg Sidoff

In accordance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by Vice Chairperson Winters at 5:20 pm.

(8) Discussion and possible action: To restrict parking surrounding Lincoln Elementary School as follows:

1. No parking, standing or stopping on the north side of Pardee Street between S 7th Avenue and S 9th Avenue, during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the south side of Pardee Street between S 7th Avenue and S 9th Avenue will be removed thereby allowing parking on the south side).
2. No parking, standing or stopping on the west side of S 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding busses.
3. No parking, standing or stopping on the south side of West Street between S 6th Avenue and S 9th Avenue during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the north side of West Street between S 6th Avenue and S 9th Avenue will be removed thereby allowing parking on the north side).

Discussion:

Lt. Graham stated that there are concerns about student safety during drop off and pick up times at Lincoln Elementary. Additionally, the current signage is not listed in the Municipal Ordinances making it difficult to enforce.

Lt. Graham and school staff met and decided that since the current signs are unenforceable a change needs to be made. After discussing ways to ensure student safety with regards to this issue the above recommendations were made.

The impact of the first recommendation would be that those utilizing the parking on the north side of Pardee Street in front of the school district building and the parks department building would need to park on the south side of Pardee Street.

Larry Cihlar from Wausau School District indicated that they do not object to making the north side of Pardee Street "No Parking" in the interest of student safety. His suggestion was to have "No Parking" on the north side of Pardee Street between S 7th Avenue and S 9th Avenue at all times not just during school hours. He maintains that it is difficult for School District and Parks Department large vehicles to get through when cars are parked on both sides of Pardee Street after school hours or when school is not in session.

Lt. Graham indicated that by making the changes recommended, the existing parking and safety issues surrounding Lincoln school and the legal issues involved with signage being listed in the Municipal Ordinances would be addressed.

Abitz expressed a concern about resident parking on the south side of West St. Lt. Graham indicated that all of those residents were notified of this agenda item and that he did not receive any calls. Abitz also noted that the signage would specify school hours only so as not to impact parking for the Fair.

Motion by Mielke, second by Nutting to restrict parking surrounding Lincoln Elementary School as follows:

1. No parking, standing or stopping on the north side of Pardee Street between S 7th Avenue and S 9th Avenue (signs currently posted on the south side of Pardee Street between S 7th Avenue and S 9th Avenue will be removed thereby allowing parking on the south side).
2. No parking, standing or stopping on the west side of S 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding busses.
3. No parking, standing or stopping on the south side of West Street between S 6th Avenue and S 9th Avenue during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the north side of West Street between S 6th Avenue and S 9th Avenue will be removed thereby allowing parking on the north side).

Motion carried 3-0

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

ORDINANCE OF PARKING AND TRAFFIC COMMITTEE

Designating no parking, standing or stopping on the west side of S. 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding buses

Committee Action: Approved 3-0 **Ordinance Number:**

Fiscal Impact: Minimal cost and time to place sign

File Number: 16-0314 **Date Introduced:** March 22, 2016

WHEREAS, the Lincoln Elementary School staff has expressed concern for student safety during drop off and pick up times; and

WHEREAS, your Parking and Traffic Committee, at their February 18, 2016 meeting, examined the need for no parking on the west side of S. 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding buses and recommends approval.

NOW, THEREFORE, BE IT RESOLVED the Common Council of the City of Wausau do ordain as follows:

Section 1. That Section 10.20.080(a) of the Wausau Municipal Code is hereby amended as follows:

There shall be no parking:

West side of S. 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding buses

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 from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

Parking and Traffic Committee Meeting Minutes

Date of Meeting: Thursday, February 18, 2016 at 5:15pm, in the Birch Room at City Hall
Members Present: Abitz{C}, Winters {VC}, Mielke, Nutting, (Kellbach absent)
Others Present: Lt. Graham, Tara Alfonso, Allen Wesolowski, Jennifer Friday, Jeff Lindell, Larry Cihlar, Larry Mancini, Greg Sidoff

In accordance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by Vice Chairperson Winters at 5:20 pm.

(8) Discussion and possible action: To restrict parking surrounding Lincoln Elementary School as follows:

1. No parking, standing or stopping on the north side of Pardee Street between S 7th Avenue and S 9th Avenue, during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the south side of Pardee Street between S 7th Avenue and S 9th Avenue will be removed thereby allowing parking on the south side).
2. No parking, standing or stopping on the west side of S 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding busses.
3. No parking, standing or stopping on the south side of West Street between S 6th Avenue and S 9th Avenue during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the north side of West Street between S 6th Avenue and S 9th Avenue will be removed thereby allowing parking on the north side).

Discussion:

Lt. Graham stated that there are concerns about student safety during drop off and pick up times at Lincoln Elementary. Additionally, the current signage is not listed in the Municipal Ordinances making it difficult to enforce.

Lt. Graham and school staff met and decided that since the current signs are unenforceable a change needs to be made. After discussing ways to ensure student safety with regards to this issue the above recommendations were made.

The impact of the first recommendation would be that those utilizing the parking on the north side of Pardee Street in front of the school district building and the parks department building would need to park on the south side of Pardee Street.

Larry Cihlar from Wausau School District indicated that they do not object to making the north side of Pardee Street "No Parking" in the interest of student safety. His suggestion was to have "No Parking" on the north side of Pardee Street between S 7th Avenue and S 9th Avenue at all times not just during school hours. He maintains that it is difficult for School District and Parks Department large vehicles to get through when cars are parked on both sides of Pardee Street after school hours or when school is not in session.

Lt. Graham indicated that by making the changes recommended, the existing parking and safety issues surrounding Lincoln school and the legal issues involved with signage being listed in the Municipal Ordinances would be addressed.

Abitz expressed a concern about resident parking on the south side of West St. Lt. Graham indicated that all of those residents were notified of this agenda item and that he did not receive any calls. Abitz also noted that the signage would specify school hours only so as not to impact parking for the Fair.

Motion by Mielke, second by Nutting to restrict parking surrounding Lincoln Elementary School as follows:

1. No parking, standing or stopping on the north side of Pardee Street between S 7th Avenue and S 9th Avenue (signs currently posted on the south side of Pardee Street between S 7th Avenue and S 9th Avenue will be removed thereby allowing parking on the south side).
2. No parking, standing or stopping on the west side of S 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding busses.
3. No parking, standing or stopping on the south side of West Street between S 6th Avenue and S 9th Avenue during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the north side of West Street between S 6th Avenue and S 9th Avenue will be removed thereby allowing parking on the north side).

Motion carried 3-0

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

ORDINANCE OF PARKING AND TRAFFIC COMMITTEE

Designating no parking, standing or stopping on the south side of West Street between S. 6th Avenue and S. 9th Avenue and repealing all existing parking restrictions on the north side of West Street between S. 6th Avenue and S. 9th Avenue

Committee Action: Approved 3-0 **Ordinance Number:**

Fiscal Impact: Minimal cost and time to remove and place signs

File Number: 16-0315 **Date Introduced:** March 22, 2016

WHEREAS, the Lincoln Elementary School staff has expressed concern for student safety during drop off and pick up times; and

WHEREAS, your Parking and Traffic Committee, at their February 18, 2016 meeting, examined the need for no parking on the south side of West Street between S. 6th Avenue and S. 9th Avenue and recommends approval.

NOW, THEREFORE, BE IT RESOLVED the Common Council of the City of Wausau do ordain as follows:

Section 1. That Section 10.20.080(a) of the Wausau Municipal Code is hereby amended as follows:

There shall be no parking:

South side of West Street between S. 6th Avenue and S. 9th Avenue during school hours, Monday through Friday, 7:00 a.m. to 4:00 p.m.

Section 2. Repeal all existing parking ordinances on the north side of West Street between S. 6th Avenue and S. 9th Avenue

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. 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

Parking and Traffic Committee Meeting Minutes

Date of Meeting: Thursday, February 18, 2016 at 5:15pm, in the Birch Room at City Hall
Members Present: Abitz{C}, Winters {VC}, Mielke, Nutting, (Kellbach absent)
Others Present: Lt. Graham, Tara Alfonso, Allen Wesolowski, Jennifer Friday, Jeff Lindell, Larry Cihlar, Larry Mancini, Greg Sidoff

In accordance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by Vice Chairperson Winters at 5:20 pm.

(8) Discussion and possible action: To restrict parking surrounding Lincoln Elementary School as follows:

1. No parking, standing or stopping on the north side of Pardee Street between S 7th Avenue and S 9th Avenue, during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the south side of Pardee Street between S 7th Avenue and S 9th Avenue will be removed thereby allowing parking on the south side).
2. No parking, standing or stopping on the west side of S 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding busses.
3. No parking, standing or stopping on the south side of West Street between S 6th Avenue and S 9th Avenue during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the north side of West Street between S 6th Avenue and S 9th Avenue will be removed thereby allowing parking on the north side).

Discussion:

Lt. Graham stated that there are concerns about student safety during drop off and pick up times at Lincoln Elementary. Additionally, the current signage is not listed in the Municipal Ordinances making it difficult to enforce.

Lt. Graham and school staff met and decided that since the current signs are unenforceable a change needs to be made. After discussing ways to ensure student safety with regards to this issue the above recommendations were made.

The impact of the first recommendation would be that those utilizing the parking on the north side of Pardee Street in front of the school district building and the parks department building would need to park on the south side of Pardee Street.

Larry Cihlar from Wausau School District indicated that they do not object to making the north side of Pardee Street "No Parking" in the interest of student safety. His suggestion was to have "No Parking" on the north side of Pardee Street between S 7th Avenue and S 9th Avenue at all times not just during school hours. He maintains that it is difficult for School District and Parks Department large vehicles to get through when cars are parked on both sides of Pardee Street after school hours or when school is not in session.

Lt. Graham indicated that by making the changes recommended, the existing parking and safety issues surrounding Lincoln school and the legal issues involved with signage being listed in the Municipal Ordinances would be addressed.

Abitz expressed a concern about resident parking on the south side of West St. Lt. Graham indicated that all of those residents were notified of this agenda item and that he did not receive any calls. Abitz also noted that the signage would specify school hours only so as not to impact parking for the Fair.

Motion by Mielke, second by Nutting to restrict parking surrounding Lincoln Elementary School as follows:

1. No parking, standing or stopping on the north side of Pardee Street between S 7th Avenue and S 9th Avenue (signs currently posted on the south side of Pardee Street between S 7th Avenue and S 9th Avenue will be removed thereby allowing parking on the south side).
2. No parking, standing or stopping on the west side of S 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding busses.
3. No parking, standing or stopping on the south side of West Street between S 6th Avenue and S 9th Avenue during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the north side of West Street between S 6th Avenue and S 9th Avenue will be removed thereby allowing parking on the north side).

Motion carried 3-0

ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE

Amending Section 16.04.039 Residential Rental Licensing removing landlord notice requirements

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: None

File Number: 13-1115

Date Introduced: March 22, 2016

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

Add ()
Delete (——)

Section 1. That Section 16.04.039 Residential Rental Licensing, is hereby amended to read as follows:

16.04.039 Residential Rental Licensing.

...

(e) Inspection.

...

(1) Upon receipt of an application and payment of the required fee, the ~~department~~ Department will conduct an inspection of the dwelling or dwelling unit for compliance with the provisions of the municipal code. If a provisional license is not issued for a dwelling unit, the Department shall make the inspection within 30 days of the date of the completed application unless another date is mutually agreed upon by the ~~Department and owner~~.

(2) Appointments for inspections shall be scheduled by the ~~department~~ Department. The Department shall provide notice of the time and date of the inspection by first class mail to the address provided in the application at least 21 days before the scheduled inspection date.

(3) The owner shall arrange for access to the dwelling unit and all portions of the property affected by the rental of the dwelling unit where a dwelling unit is vacant and currently not under lease and shall notify all tenants of the inspection in accordance with Wisconsin law and the lease agreement between the owner and the tenant. Failure to provide access to the property and dwelling unit on the agreed inspection date for a dwelling unit which is vacant and currently not under lease may will subject the owner to the fees specified in section 16.04.025 and denial of the residential rental license.

(4) Inspections shall not be conducted:

...

(B) Without prior notice to the tenant ~~by the owner as required by state law or the lease agreement.~~

...

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



COMMENTS REGARDING
AMENDMENTS TO RESIDENTIAL RENTAL LICENSING,
W.M.C. §16.04.039

- The City's Residential Rental Licensing ordinance at W.M.C. §16.04.039 was challenged by certain landlords in a case brought in Marathon County Circuit Court, Case No. 2014 CV 533, *BC II Properties LLC, et al. v. City of Wausau*. Landlords challenged the ordinance arguing that the entire ordinance was preempted by §66.0104(2)(d)1.a, Wisconsin Statutes. The City prevailed in the Circuit Court and judgment was entered in favor of the City upon its motion for summary judgment. The Landlords appealed to the District III, Court of Appeals.
- During the time the appeal was pending, the Court of Appeals, District IV ruled in *Olson v. City of La Crosse*, 2015 WI App. 67, 364 Wis.2d 615, 869 N.W. 2d 537 that notice provisions set forth in a City of La Crosse rental registration and inspection program were preempted by Wis. Stat. §66.0104(2)(d)1.a. The provisions of the City's Residential Rental Licensing ordinance and the City of La Crosse rental registration and inspection program were nearly identical.
- Based upon the Court of Appeals, District IV decision in *Olson*, the Court of Appeals, District III, through summary disposition, summarily reversed and remanded *BC II Properties* for further proceedings in the Circuit Court.
- Based upon the decision in *Olson*, the City and the Landlords in *BC II Properties* submitted a joint Conclusion of Law and Order to the Marathon County Circuit Court. This order was approved by the Circuit Court and a copy is attached.
- The Conclusions of Law and Order provide, consistent with *Olson*, that the notice provision of W.M.C. §16.04.039(e)(3) and (e)(4)(B) are preempted by Wis. Stat. §66.0104(2)(d)1.a. and shall be severed from the City of Wausau ordinance.
- The remainder of the Circuit Court's original order was affirmed.
- The amendments to the Residential Rental Licensing ordinance under consideration at this time implement the Conclusions of Law and Order of the Circuit Court in Marathon County Circuit Court, Case No. 2014 CV 533, *BC II Properties LLC, et al. v. City of Wausau*. Essentially these amendments remove the provisions of the ordinance that require landlords to provide notice to their tenants of a mandatory rental inspection. The responsibility of communicating to tenants about the City's rental inspection program and the inspection falls upon the City.

PUBLIC HEALTH & SAFETY COMMITTEE

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

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

Others Present: Alfonso, Rayala, Kujawa, Goede, Dick Holster, Lindsey Lewitzke, Allen Hendricks, Jenna Heck, Amy Leanoff, Angie Livingstone, Christina Winterhoff

Discussion and possible action regarding revisions to the Rental Licensing Ordinance to comply with Conclusions of Law and Order of Marathon County Circuit Court, Case No. 2014 CV533, BC II Properties LLC, et al. v. City of Wausau.

Alfonso explained the City of Wausau and La Crosse were appealing at the same time, but the Appellate Court in La Crosse decided their case before the Appellate Court here decided ours. Based on the decision on the La Crosse case, the court here summarily dismissed the appeal pending in our case and remanded it back to the Circuit Court for findings consistent with the decision in the La Crosse case. The court determined that the state statute passed a couple of years ago prohibited municipalities from requiring landlords to provide information to tenants that was not required under state law. She explained the La Crosse case decided that by requiring landlords to notify tenants of rental inspections was not something already required under state law; therefore, that portion of the ordinance was preempted. They did not find that the rest of the city's ordinance was invalid in La Crosse, which is the exact same ordinance as ours. The attorney for the landlords here, who is the same attorney for the landlords in La Crosse, discussed it with us and there was a joint order in which we agree to sever those portions of the ordinance relating to notice to tenants by landlords. She noted there is legislation pending that if passed will effectively kill rental licensing, but she felt they should move forward with this revision anyway because there is a court order to do so.

Motion by Neal, second by Gisselman to approve the revision to the rental licensing ordinance. Motion carried 5-0.

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

CONFIRMATION OF MAYOR'S APPOINTMENTS

to Boards, Commissions and Committees: *Wausau Water Works Commission*

File Number: 16-0303

Date Introduced:

March 22, 2016

Wausau Water Works Commission

Jim Force (1)
*Reappointment

515 Franklin St

5 Yr Term Exps 4/30/21

715-845-9571

- (N) Individual is filling the unexpired term of a former member
- (1) Individual is in their own 1st full term
- (#) Designates the term number appointed to

Approved:

James E. Tipple, Mayor

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

| RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE | |
|--|---|
| Approving the River Edge Parkway project, from Bridge Street to West Wausau Avenue, for WisDOT's Transportation Alternative Program. | |
| Committee Action: | Approved 5-0 |
| Fiscal Impact: | Future commitment of 20% of approved construction costs (\$62,000 local share estimate) plus State review fees (\$74,400 estimate). |
| File Number: | 16-0317A |
| Date Introduced: | March 22, 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, the city of Wausau has adopted multiple plans and has undertaken numerous efforts that show support for alternative modes of transportation in the city; and

WHEREAS, the River Edge Master Plan, adopted in 1995, prescribes development of a multi-use trail along both sides of the Wisconsin River; and

WHEREAS, the city's current Comprehensive Plan reaffirms the importance of the river edge trail; and

WHEREAS, development of the River Edge Parkway is currently a focal point of downtown redevelopment efforts; and

WHEREAS, the proposed project on the west side of the river would extend the parkway a quarter-mile along the river to the north as well as run east-west to provide another access point to and from the city's street grid; and

WHEREAS, the proposed segment would bring the trail closer to its northernmost terminus on the west side of the river in Schofield Park; and

WHEREAS, added segments of the parkway improve the overall connectivity of the network and increases the attractiveness of the overall system; and

WHEREAS, the city's Bicycle and Pedestrian Advisory Committee and the Parks & Recreation Committee reviewed the proposed project and are supportive of the plan; and

WHEREAS, the Transportation Alternative Program (TAP) of the Wisconsin Department of Transportation could cover up to 80% of approved project costs; and

WHEREAS, the City has funded the majority of the costs for the existing parkway, including property acquisition, site preparation, and construction, in conjunction with donations and grants, but no outside funding other than the TAP funding has been identified for the proposed segment; now therefore

BE IT RESOLVED that the Common Council of the City of Wausau hereby supports the proposed project of the west side River Edge Parkway segment from Bridge Street to West Wausau Avenue; and

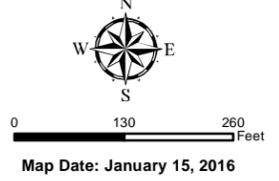
BE IT FURTHER RESOLVED that the Common Council supports the application of this project to the Wisconsin Department of Transportation's 2016-2020 Transportation Alternative Program, including local cost share requirements of the program.

Approved:

James E. Tipple, Mayor



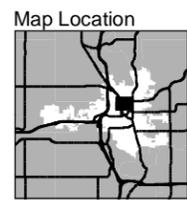
NOTES:
 1. DUPLICATION OF THIS MAP IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE CITY OF WAUSAU ENGINEERING DEPT.
 2. THIS MAP WAS COMPILED AND DEVELOPED BY THE CITY OF WAUSAU AND MARATHON COUNTY GIS, THE CITY AND COUNTY ASSUME NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
 3. MAP FEATURES DEVELOPED FROM APRIL 2010 AERIAL PHOTOGRAPHY.
 4. AERIAL PHOTO SHOWN HEREON FLOWN SPRING, 2015.



RIVEREDGE TRAIL

CITY OF WAUSAU
 Marathon County, Wisconsin

| Legend | |
|--------|--|
| | 1540' - Proposed 10ft wide Asphalt Trail |
| | 145' - Proposed Elevated Boardwalk |
| | 170' - Proposed Wetland Boardwalk |
| | Parcel Boundary |



CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 10, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Gisselman, Kellbach, Abitz, Mielke

Also Present: Oberbeck, Lindman, Wesolowski, Lenz

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 to order.

Discussion and possible action on resolutions approving 2016-2020 Transportation Alternatives Program (TAP) projects

Lenz explained there are three separate resolutions for the three applications prepared for TAP funding from the DOT. Applications were submitted for three projects, which are the Riveredge Parkway on Bridge Street to West Wausau Avenue, Stettin Drive from Brockmeyer Park to Stettin Elementary School, and the Business Campus Trail from Packer Drive underneath the Hwy. 29 overpass on 72nd Avenue to Highland Drive. These are projects that are for multiuse transportation such as bikes, pedestrians and other non-motorized vehicles. He reminded the committee that TAP funding is an 80% grant with the DOT paying for 80% of the cost and the remaining 20% would be the City's responsibility. The committee previously approved applying for the funding. The next step in the process is to approve resolutions of support. The resolutions do not include a budgetary commitment because we do not know yet if the grants will be received and this would not be for this budget year but for a future year.

Mielke moved to approve the three resolutions approving 2016-2020 Transportation Alternatives Program (TAP) projects. Kellbach seconded.

Abitz questioned where we would stand if the grant is not received. Lenz indicated a funding source has not been identified for any of the projects. Rasmussen stated that assuming a grant was not received, Safe Routes to Schools may be an option for the project on Stettin Drive. Lenz explained that Safe Routes is part of this grant program. If the City was to apply specifically for Safe Routes funding, often a Safe Routes Plan is to be completed first along with other requirements. Gisselman questioned if negotiations have begun regarding easements on the Riveredge Trail. Lenz replied for this particular section there is one property owner and there have been preliminary discussions. This would also give momentum for other sections of the trail.

There being a motion and a second, motion to approve the three resolutions approving 2016-2020 Transportation Alternatives Program (TAP) projects carried unanimously 5-0.

| AGENDA ITEM |
|---|
| Discussion and possible action on resolutions approving 2016-2020 Transportation Alternatives Program (TAP) projects. |
| BACKGROUND |
| The City submitted three (3) applications to WisDOT for the current cycle of their Transportation Alternatives Program (TAP): (1) River Edge Parkway from Bridge Street to West Wausau Avenue; (2) Stettin Drive trail from Brockmeyer Park to Stettin Elementary School; and (3) Business Campus trail from Packer Drive to Highland Drive. Part of the application process is for the governing body to pass resolutions of support for the proposed projects. CISM had previously authorized staff to apply to the TAP program, but now formal resolutions of support passed by the Common Council are needed to continue the grant process. For more information, attached are maps of the projects along with the resolutions for Council. |
| FISCAL IMPACT |
| WisDOT reimburses 80% of the approved project costs. Local cost share as well as design and review costs will be budgeted in future years, pending approval of the grant applications. |
| STAFF RECOMMENDATION |
| Staff recommends approval of the resolutions supporting the three projects. |
| Staff contact: Brad Lenz 715-261-6753 |

WHEREAS, the Transportation Alternative Program (TAP) of the Wisconsin Department of Transportation could cover up to 80% of approved project costs; and

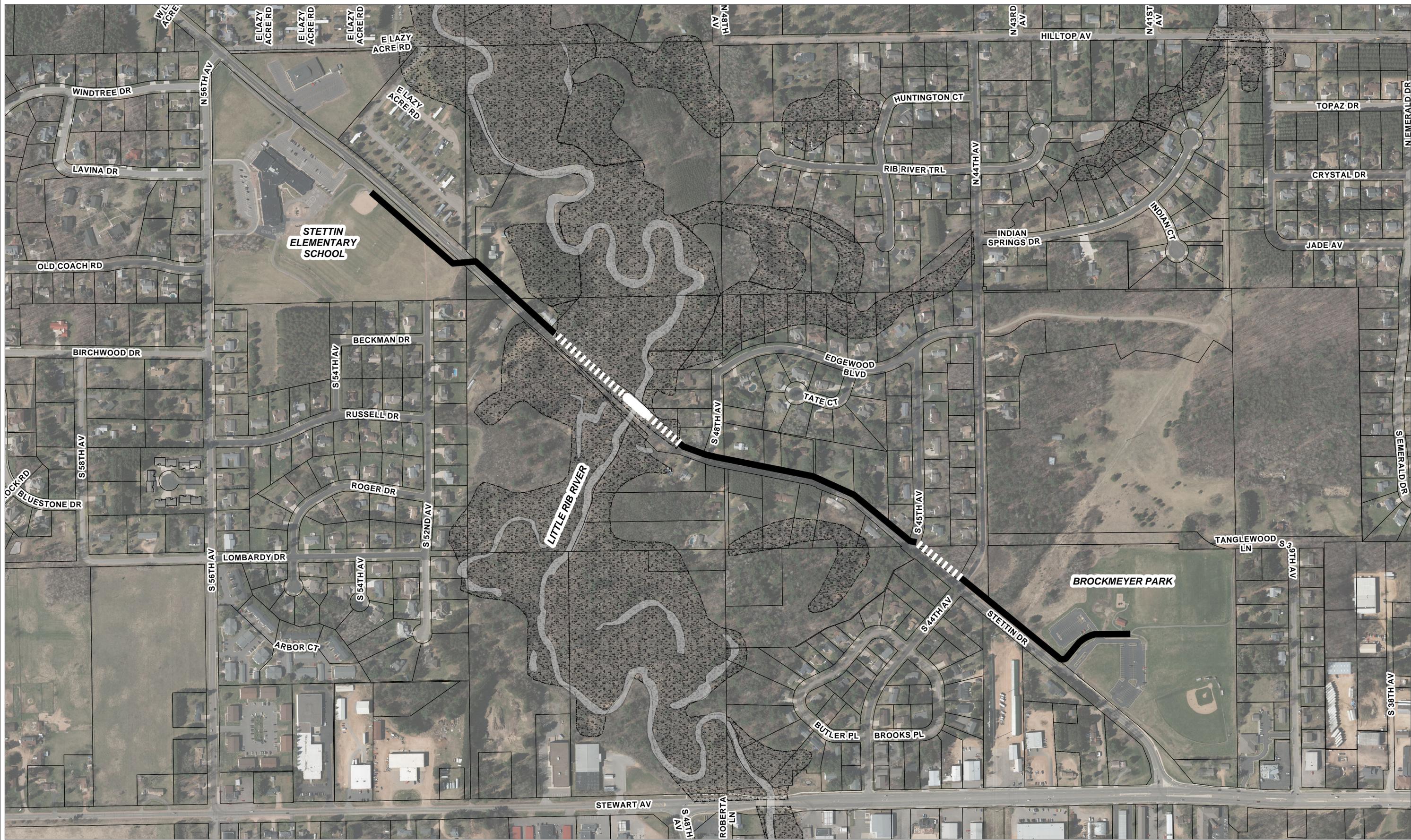
WHEREAS, the City has funded the majority of trail projects within the city in conjunction with donations and grants, but no outside funding other than the TAP funding has been identified for the proposed trail segment; now therefore

BE IT RESOLVED that the Common Council of the City of Wausau hereby supports the proposed project of the Stettin Drive Trail, from Brockmeyer Park to Stettin Elementary School; and

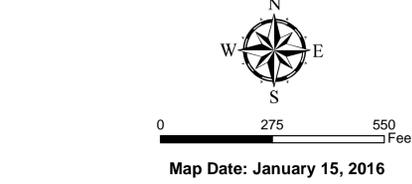
BE IT FURTHER RESOLVED that the Common Council supports the application of this project to the Wisconsin Department of Transportation's 2016-2020 Transportation Alternative Program, including local cost share requirements of the program.

Approved:

James E. Tipple, Mayor



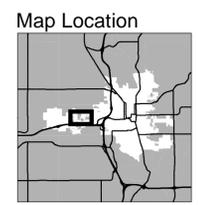
NOTES:
 1. DUPLICATION OF THIS MAP IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE CITY OF WAUSAU ENGINEERING DEPT.
 2. THIS MAP WAS COMPILED AND DEVELOPED BY THE CITY OF WAUSAU AND MARATHON COUNTY GIS. THE CITY AND COUNTY ASSUME NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
 3. MAP FEATURES DEVELOPED FROM APRIL 2010 AERIAL PHOTOGRAPHY.
 4. AERIAL PHOTO SHOWN HEREON FLOWN SPRING, 2015.



STETTIN DRIVE TRAIL

CITY OF WAUSAU
 Marathon County, Wisconsin

| Legend | |
|--------|--|
| | 3680' - Proposed 10ft wide Asphalt Trail |
| | 1030' - Proposed Wetland Boardwalk |
| | 125' - Proposed Pedestrian Bridge |
| | Parcel Boundary |
| | Wetlands As Determined by the WDNR |



CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 10, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Gisselman, Kellbach, Abitz, Mielke

Also Present: Oberbeck, Lindman, Wesolowski, Lenz

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 to order.

Discussion and possible action on resolutions approving 2016-2020 Transportation Alternatives Program (TAP) projects

Lenz explained there are three separate resolutions for the three applications prepared for TAP funding from the DOT. Applications were submitted for three projects, which are the Riveredge Parkway on Bridge Street to West Wausau Avenue, Stettin Drive from Brockmeyer Park to Stettin Elementary School, and the Business Campus Trail from Packer Drive underneath the Hwy. 29 overpass on 72nd Avenue to Highland Drive. These are projects that are for multiuse transportation such as bikes, pedestrians and other non-motorized vehicles. He reminded the committee that TAP funding is an 80% grant with the DOT paying for 80% of the cost and the remaining 20% would be the City's responsibility. The committee previously approved applying for the funding. The next step in the process is to approve resolutions of support. The resolutions do not include a budgetary commitment because we do not know yet if the grants will be received and this would not be for this budget year but for a future year.

Mielke moved to approve the three resolutions approving 2016-2020 Transportation Alternatives Program (TAP) projects. Kellbach seconded.

Abitz questioned where we would stand if the grant is not received. Lenz indicated a funding source has not been identified for any of the projects. Rasmussen stated that assuming a grant was not received, Safe Routes to Schools may be an option for the project on Stettin Drive. Lenz explained that Safe Routes is part of this grant program. If the City was to apply specifically for Safe Routes funding, often a Safe Routes Plan is to be completed first along with other requirements. Gisselman questioned if negotiations have begun regarding easements on the Riveredge Trail. Lenz replied for this particular section there is one property owner and there have been preliminary discussions. This would also give momentum for other sections of the trail.

There being a motion and a second, motion to approve the three resolutions approving 2016-2020 Transportation Alternatives Program (TAP) projects carried unanimously 5-0.

AGENDA ITEM

Discussion and possible action on resolutions approving 2016-2020 Transportation Alternatives Program (TAP) projects.

BACKGROUND

The City submitted three (3) applications to WisDOT for the current cycle of their Transportation Alternatives Program (TAP): (1) River Edge Parkway from Bridge Street to West Wausau Avenue; (2) Stettin Drive trail from Brockmeyer Park to Stettin Elementary School; and (3) Business Campus trail from Packer Drive to Highland Drive. Part of the application process is for the governing body to pass resolutions of support for the proposed projects. CISM had previously authorized staff to apply to the TAP program, but now formal resolutions of support passed by the Common Council are needed to continue the grant process. For more information, attached are maps of the projects along with the resolutions for Council.

FISCAL IMPACT

WisDOT reimburses 80% of the approved project costs. Local cost share as well as design and review costs will be budgeted in future years, pending approval of the grant applications.

STAFF RECOMMENDATION

Staff recommends approval of the resolutions supporting the three projects.

Staff contact: Brad Lenz 715-261-6753

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

RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE

Approving the Business Campus Trail project, from Packer Drive to Highland Drive, for WisDOT's Transportation Alternative Program.

Committee Action: Approved 5-0

Fiscal Impact: Future commitment of 20% of approved construction costs (\$117,200 local share estimate) plus State review fees (\$95,115 estimate).

File Number: 16-0317C

Date Introduced: March 22, 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, the city of Wausau has adopted multiple plans and has undertaken numerous efforts that show support for alternative modes of transportation in the city; and

WHEREAS, the City has planned for improvements to the business campus to ensure that jobs within the community are not only retained but expanded; and

WHEREAS, currently the north and south sides of the business campus are separated by Highway 29, with no bicycle or pedestrian accommodations underneath the existing highway underpass to connect to the two sides; and

WHEREAS, the proposed project would create bicycle and pedestrians accommodations along 72nd Avenue to connect the north and south sides of the business campus; and

WHEREAS, the proposed accommodations would allow employees and nearby residents north of Highway 29 safe bicycle and pedestrian access to Sunny Vale Park and other destinations south of Highway 29; and

WHEREAS, the city's Bicycle and Pedestrian Advisory Committee reviewed the proposed project and is supportive of the plan; and

WHEREAS, the Transportation Alternative Program (TAP) of the Wisconsin Department of Transportation could cover up to 80% of approved project costs; and

WHEREAS, the City has funded the majority of the trail projects within the city in conjunction with donations and grants, but no outside funding other than the TAP funding has been identified for the proposed trail segment; now therefore

BE IT RESOLVED that the Common Council of the City of Wausau hereby supports the proposed project of the Business Campus trail, from Packer Drive to Highland Drive; and

BE IT FURTHER RESOLVED that the Common Council supports the application of this project to the Wisconsin Department of Transportation's 2016-2020 Transportation Alternative Program, including local cost share requirements of the program.

Approved:

James E. Tipple, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 10, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Gisselman, Kellbach, Abitz, Mielke

Also Present: Oberbeck, Lindman, Wesolowski, Lenz

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 to order.

Discussion and possible action on resolutions approving 2016-2020 Transportation Alternatives Program (TAP) projects

Lenz explained there are three separate resolutions for the three applications prepared for TAP funding from the DOT. Applications were submitted for three projects, which are the Riveredge Parkway on Bridge Street to West Wausau Avenue, Stettin Drive from Brockmeyer Park to Stettin Elementary School, and the Business Campus Trail from Packer Drive underneath the Hwy. 29 overpass on 72nd Avenue to Highland Drive. These are projects that are for multiuse transportation such as bikes, pedestrians and other non-motorized vehicles. He reminded the committee that TAP funding is an 80% grant with the DOT paying for 80% of the cost and the remaining 20% would be the City's responsibility. The committee previously approved applying for the funding. The next step in the process is to approve resolutions of support. The resolutions do not include a budgetary commitment because we do not know yet if the grants will be received and this would not be for this budget year but for a future year.

Mielke moved to approve the three resolutions approving 2016-2020 Transportation Alternatives Program (TAP) projects. Kellbach seconded.

Abitz questioned where we would stand if the grant is not received. Lenz indicated a funding source has not been identified for any of the projects. Rasmussen stated that assuming a grant was not received, Safe Routes to Schools may be an option for the project on Stettin Drive. Lenz explained that Safe Routes is part of this grant program. If the City was to apply specifically for Safe Routes funding, often a Safe Routes Plan is to be completed first along with other requirements. Gisselman questioned if negotiations have begun regarding easements on the Riveredge Trail. Lenz replied for this particular section there is one property owner and there have been preliminary discussions. This would also give momentum for other sections of the trail.

There being a motion and a second, motion to approve the three resolutions approving 2016-2020 Transportation Alternatives Program (TAP) projects carried unanimously 5-0.

AGENDA ITEM

Discussion and possible action on resolutions approving 2016-2020 Transportation Alternatives Program (TAP) projects.

BACKGROUND

The City submitted three (3) applications to WisDOT for the current cycle of their Transportation Alternatives Program (TAP): (1) River Edge Parkway from Bridge Street to West Wausau Avenue; (2) Stettin Drive trail from Brockmeyer Park to Stettin Elementary School; and (3) Business Campus trail from Packer Drive to Highland Drive. Part of the application process is for the governing body to pass resolutions of support for the proposed projects. CISM had previously authorized staff to apply to the TAP program, but now formal resolutions of support passed by the Common Council are needed to continue the grant process. For more information, attached are maps of the projects along with the resolutions for Council.

FISCAL IMPACT

WisDOT reimburses 80% of the approved project costs. Local cost share as well as design and review costs will be budgeted in future years, pending approval of the grant applications.

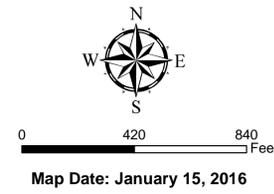
STAFF RECOMMENDATION

Staff recommends approval of the resolutions supporting the three projects.

Staff contact: Brad Lenz 715-261-6753



NOTES:
 1. DUPLICATION OF THIS MAP IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE CITY OF WAUSAU ENGINEERING DEPT.
 2. THIS MAP WAS COMPILED AND DEVELOPED BY THE CITY OF WAUSAU AND MARATHON COUNTY GIS. THE CITY AND COUNTY ASSUME NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
 3. MAP FEATURES DEVELOPED FROM APRIL 2010 AERIAL PHOTOGRAPHY.
 4. AERIAL PHOTO SHOWN HEREON FLOWN SPRING, 2015.

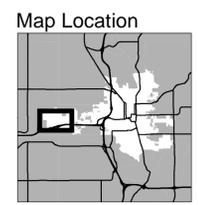


WAUSAU BUSINESS CAMPUS TRAIL

CITY OF WAUSAU
 Marathon County, Wisconsin

Legend

- 6425' - Proposed 10ft wide Asphalt Trail
- 400' - Proposed Elevated Boardwalk
- 125' - Proposed Wetland Boardwalk
- Existing Multi-use Trail
- Future Campus Trail Network
- Parcel Boundary
- Wetlands As Determined by the WDNR



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

**JOINT ORDINANCE OF CAPITAL IMPROVEMENTS & STREET
MAINTNANCE COMMITTEE AND PLAN COMMISSION**

Annexing territory from the Town of Maine* to the City of Wausau

(Niemeyer (petitioner) – territory bounded by W. Cassidy Drive, N. 4th Avenue and Decator Drive

Committee Action: CISM: Approved 5-0
Plan Comm: Approved 6-0

Ordinance Number:

Fiscal Impact: Pursuant to state law, a payment will be made to the Town of Maine* for their tax share loss for a period of five years. This payment will be offset by the new taxes generated on the annexation.

File Number: 15-1215

Date Introduced: March 22, 2016

RECITALS

- A. *Territory A*: On February 15, 2016, Fred Niemeyer, Shirley Niemeyer, Lorraine Grebe, Ronald B. Peters, Faye J. Peters, Jacqueline L. Schnelle and JoAnn Otto, being the owners of all of the real property proposed to be annexed, and there being no electors residing therein, petitioned the City to annex the lands described in Exhibit A (hereafter “Territory A”).
- B. A copy of the above described annexation petition, together with a map and legal description of the territory, has been filed with the Wisconsin Department of Administration and the Town Clerk of the Town of Maine*.
- C. The City has considered the recommendation the Department of Administration has made regarding the proposed annexation.

ORDINANCE

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

Section 1. The above recitals are material to and are incorporated in this Ordinance.

Section 2. Territory Annexed. In accordance with Chapter 66, Wisconsin Statutes, and the above described petition for direct annexation, Territory A is hereby annexed to the City of Wausau.

Section 3. Effect of Annexation. From and after the enactment of this ordinance, the Annexed Territory shall be a part of the City of Wausau and remain a part of the Wausau School District for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Wausau, and governing the School District.

Section 4. Aldermanic District and Population of Annexed Area.

Territory A is hereby made a part of the 7th Aldermanic District and the 45th Ward of the City of Wausau, subject to the ordinances, rules and regulations of the city, county, and state, governing districts. The population of Territory A is zero (0).

Section 5. Agreement to Pay Town Taxes. The City shall pay to the Town of Maine* all necessary property taxes that are due and owing pursuant to the provisions of Section 66.0217(14) of the Wisconsin Statutes.

Section 6. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision or application.

Section 7. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

*We are advised by the Department of Administration that the incorporation of the Town occurred on December 11, 2015. The validity of that incorporation remains subject to challenge. For purposes of this document, reference to the Town of Maine is used.

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 10, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Gisselman, Kellbach, Abitz, Mielke

Also Present: Oberbeck, Lindman, Wesolowski, Lenz

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 to order.

Discussion and possible action on petition for annexation from the Town of Maine: Niemeyer (petitioner) – Territory bounded by W. Cassidy Drive, N. 4th Avenue and Decator Drive

Lindman provided an updated map showing the proposed parcel in relation to previous annexations. Abitz questioned how several small parcels shown on the map fit in. Lindman stated those are parcels owned by others that are not annexed. Lenz further explained that the annexations to date have been direct unanimous annexations. Those parcels are owned by people who have not petitioned to be in the City. How those parcels will be served with utilities in the future is up for debate as they are not within the City. Rasmussen said this committee has been clear on the fact that we have not gone out soliciting for annexations but rather reacted when people came to us.

Gisselman moved to approve the petition for annexation from Niemeyer for territory bounded by West Cassidy Drive, North 4th Avenue and Decator Drive. Kellbach seconded.

Gisselman asked if an update will be received regarding the recent annexations. Rasmussen stated a legal update will be provided by the City Attorney at a future Council meeting.

There being a motion and a second, motion to approve the petition for annexation from Niemeyer for territory bounded by West Cassidy Drive, North 4th Avenue and Decator Drive carried unanimously 5-0.

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, March 15, 2016, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Tipple, Gisselman, Atwell, Bohlken, Lindman, Oberbeck (arrived at 5:07 p.m.)

Others Present: Lenz, DeSantis, Arndt, Bill Greenwood, Julie Greenwood, Schock

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 for annexation from the Town of Maine: Neimeyer (petitioner) – Territory bounded by W. Cassidy Drive, N. 4th Avenue and Decator Drive.

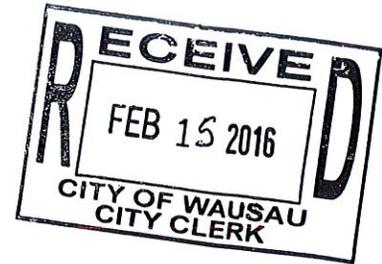
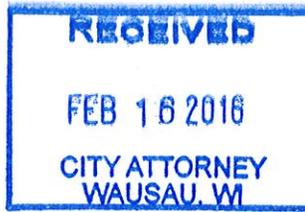
Lindman said that this item went to CISM last week. A large 11x17 map was passed out at the start of the meeting. The parcel outlined in red is the parcel in question. The annexation was requested by the property owner.

Bohlken motioned to approve the annexation from the Town of Maine: Neimeyer (petitioner) – Territory bounded by W. Cassidy Drive, N. 4th Avenue and Decator Drive. Oberbeck seconded, and the motion carried unanimously 6-0. This item will go to Common Council on March 22, 2016.

| AGENDA ITEM |
|--|
| Discussion and possible action on petition for annexation from the Town of Maine*: Niemeyer (petitioner) – Territory bounded by W. Cassidy Drive, N. 4 th Avenue and Decator Drive |
| BACKGROUND |
| A petition has been received to annex the territory bounded by W. Cassidy Drive, N. 4 th Avenue and Decator Drive. The petition and annexation map are attached for your reference. |
| FISCAL IMPACT |
| The City will pay the Town of Maine* for a period of five years an amount equal to the value of the town taxes received from the annexation area at the time the annexation petition is final. |
| STAFF RECOMMENDATION |
| Staff recommends approval of the annexation |
| Staff contact: Eric Lindman 715-261-6745 |

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ASSESSOR
ATTORNEY
ENGINEERING
GIS
CITY PLANNER
INSPECTIONS
Water Works
CHERYL @ WA. Police Dept



726 Greenfield Avenue
Wausau WI 54401

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

~~Toni Rayala, Clerk
City of Wausau
407 Grant Street
Wausau, WI 54403~~

Tina Meverden, Clerk
Town of Maine*
4200 N. 44th Avenue
Wausau, WI 54401

Yvonne Henning, Clerk
Wausau School District
415 Seymour Street
P.O. Box 359
Wausau, WI 54402-0359

Mr. Erich Schmidtke
Division of Intergovernmental Relations
Municipal Boundary Review
Wisconsin Department of Administration
101 East Wilson Street, 10th Floor
Madison, WI 53702-0001

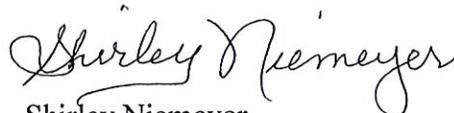
Re: Annexation- Territory bounded by W. Cassidy Drive, N. 4th Avenue and Decator Drive

Ladies/Gentlemen:

Enclosed to each of you please find copy of a petition for direct annexation of territory in the Town of Maine* to the City of Wausau, pursuant to Chapter 66, Wisconsin Statutes. Also enclosed is a scale map of the real estate which is located in the Town of Maine,* Marathon County, Wisconsin. The petition contains the signatures of the sole owners of the territory; there are no electors residing within the territory.

At this time I am also submitting to the Department of Administration a completed "Request for Annexation Review" form and check payable to the Department of Administration totaling \$1,350 for their review fee.

Sincerely,


Shirley Niemeyer

Enclosures

Ms. Rayala, To you I enclose the original, signed petition for filing.

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PETITION FOR ANNEXATION

The undersigned, constituting 100 percent of the owners of the following-described property located in the Town of Maine*, Marathon County, Wisconsin, lying contiguous to the City of Wausau, there being no electors residing therein, petition the Honorable Mayor and Common Council of said city to annex the territory described below and shown upon the attached scale map, as permitted by Chapter 66 of the Wisconsin Statutes, to the City of Wausau, Marathon County, Wisconsin:

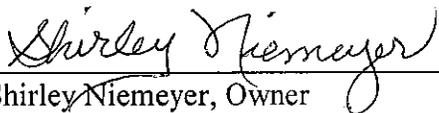
SEE ATTACHED MAP AND LEGAL DESCRIPTION

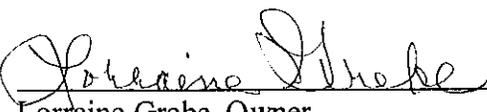
There are no persons residing in the territory

Dated this 15th day of February, 2016.

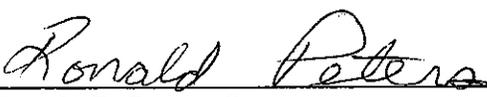
THE FRED AND SHIRLEY NIEMEYER
REVOCABLE TRUST DATED
DECEMBER 4, 2002 BY:


Fred Niemeyer, Owner
726 Greenfield Avenue
Wausau WI 54401


Shirley Niemeyer, Owner
726 Greenfield Avenue
Wausau WI 54401


Lorraine Grebe, Owner
3104 Hilltop Avenue
Wausau WI 54401

RONALD B. PETERS AND FAYE J. PETERS
JOINT REVOCABLE TRUST DATED
MARCH 19, 2008 BY:


Ronald B. Peters, Owner
2802 Emery Drive
Wausau WI 54401

Faye Peters

Faye J. Peters, Owner
2802 Emery Drive
Wausau WI 54401

Jacqueline L. Schnelle

Jacqueline L. Schnelle, Owner
1406 W. Wausau Avenue
Wausau WI 54401

JoAnn Otto

JoAnn Otto, Owner
5280 Falcon Drive
Wausau WI 54401

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**Legal Description for Proposed Annexation
Niemeyer/Grebe/Peters/Schnelle/Otto**

Part of the East ½ of the Northwest ¼, Section 14, Township 29 North, Range 7 East,
Town of Maine*, Marathon County, Wisconsin, described as follows:

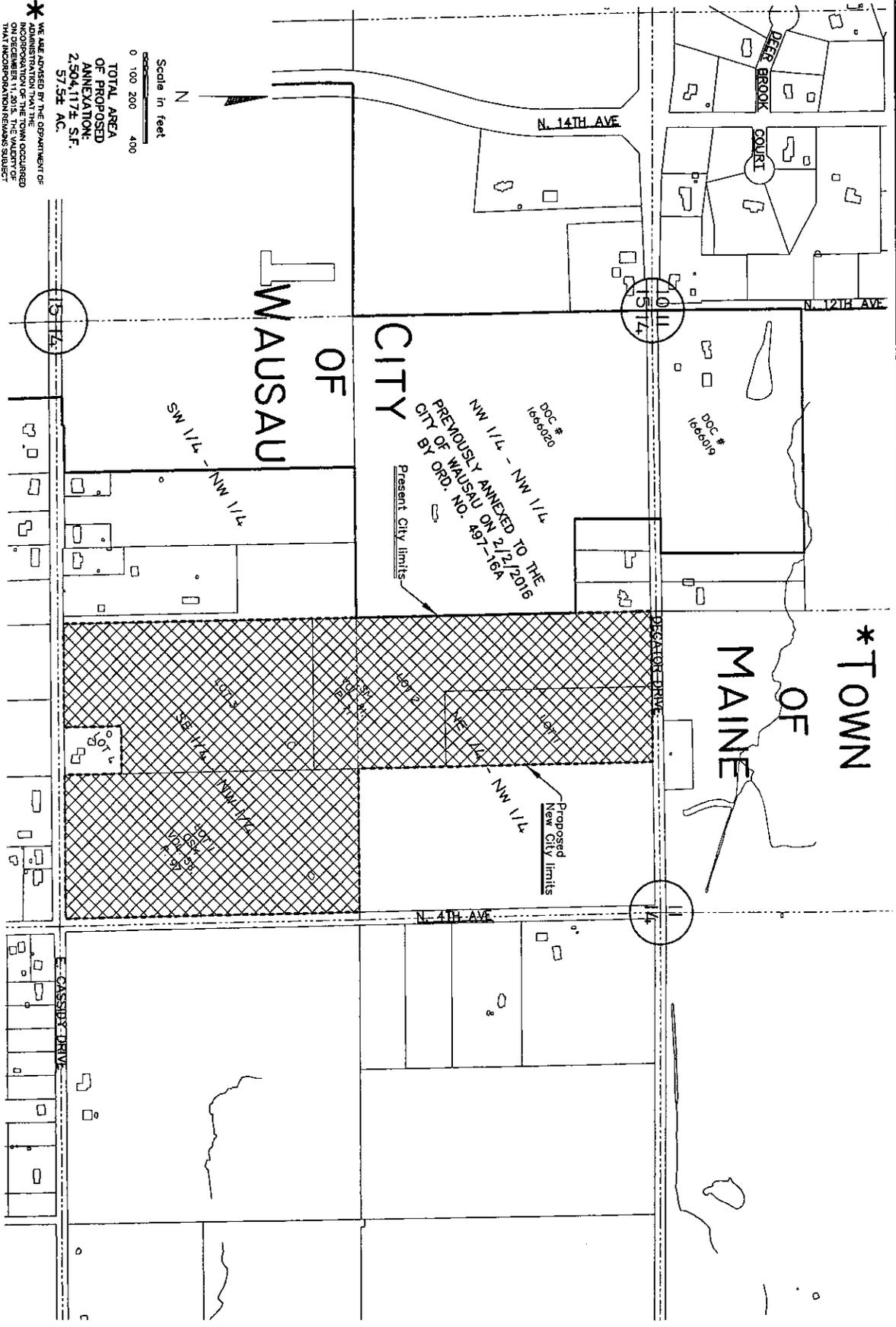
Lots 1, 2, and 3 of Certified Survey Map No. 17139 recorded in Office of Register of Deeds for Marathon County in Volume 81 of Certified Survey Maps on Page 71, and Lot 1 of Certified Survey Map No. 13350 recorded in Office of Register of Deeds for Marathon County in Volume 58 of Certified Survey Maps on Page 97.

*We are advised by the Department of Administration that the incorporation of the Town occurred on December 11, 2015. The validity of that incorporation remains subject to challenge. For purposes of this document, reference to the Town of Maine is used.

O:\Engineering\Documents\Niemeyer-annex.docx
February 11, 2016

WE ARE ADVISED BY THE DEPARTMENT OF ADMINISTRATION THAT THE INCORPORATION OF THE TOWN OCCURRED ON FEBRUARY 23, 1957. THE TOWN OF WAUSAU HAS THE RIGHT TO CHALLENGE, FOR PURPOSES OF THIS DOCUMENT, REFERENCE TO THE TOWN OF MAINE IS USED.

Scale in feet
 0 100 200 400
 TOTAL AREA OF PROPOSED ANNEXATION: 2,304,176 S.F.
 57.56 AC.



Page 1 of 2 (See attached legal description)

| | | | | | | | |
|-----------------------------------|---|--|---------------------------------------|---|----------------------------|--|--------------|
| 16-02-10 SHEET NO. 2 SHEETS | PROPOSED ANNEXATION MAP AREA #15 (NIEMEYER/GREBE/PETERS/SCHNELLE/ZOTIO) | | ISSUED FOR: | DATE: 02/10/2016 | DESIGNED BY: J.D. VANBOXEL | DRAWN BY: J.D. VANBOXEL | |
| | ANNEXING TERRITORY FROM THE *TOWN OF MAINE TO THE CITY OF WAUSAU | | PRELIMINARY: <input type="checkbox"/> | REVIEW/APPROVAL: <input type="checkbox"/> | CHECKED BY: D.F. HUENPFNER | INTRODUCED: | |
| | | | OTHER USE: <input type="checkbox"/> | FINAL RECORD: <input type="checkbox"/> | ADOPTED: | ORDINANCE NUMBER: | FILE NUMBER: |
| | | | | | | CITY OF WAUSAU Engineering Department 407 GRANT STREET WAUSAU, WI. 54985-4700 (715) 831-8760 FAX (715) 831-8768 | |
| | | | | | | | |

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

**JOINT RESOLUTION OF THE ECONOMIC DEVELOPMENT
AND FINANCE COMMITTEES**

Executing a Development Agreement with JARP Industries Inc. to provide developer incentive grant of \$125,000 for the construction of a new water service lateral in TID #10.

Committee Action: ED Com: Approved 4-0
 Finance: Approved 5-0

Fiscal Impact: Grant: \$125,000

File Number: 16-0309

Date Introduced: March 22, 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 checked="" type="checkbox"/> | <i>Budget Source:</i> |
| | <i>One-time Costs:</i> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | <i>Amount: \$125,000 TID #10 grant</i> |
| | <i>Recurring Costs:</i> | Yes <input type="checkbox"/> No <input checked="" 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>TID Financed:</i> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | <i>Amount: \$125,000</i> |
| | <i>TID Source: Increment Revenue <input type="checkbox"/> Debt <input type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input checked="" type="checkbox"/></i> | | |

RESOLUTION

WHEREAS, the City originally established the Wausau Business Campus to encourage job growth and facilitate quality commercial and industrial infrastructure for economic development;

WHEREAS, the City has a long and successful track record of public-private partnerships for development throughout the City and within the Wausau Business Campus which includes the construction of public infrastructure to facilitate private investment and job creation as noted within the Tax Increment Financing District #10 Plan and the City’s Economic Development Agreement Process Guidelines; and

WHEREAS, pursuant to the authority granted in Wisconsin Statutes, Section 66.1105, created Tax Increment District Number Ten and adopted a project plan to finance certain costs associated with the improvement of public infrastructure and to induce development within and around the TID; and

WHEREAS, the project plan objectives of TID #10 is to:

- Increase the employment opportunities in the community.
- Increase the per capita income in the community.
- Increase the industrial property tax base.

- Accommodate new industries and the expansion of existing industries.
- Increase the availability of industrial sites;
- Provide appropriate financial incentives to encourage business expansion and attraction, thereby facilitate the creation of new jobs and increased tax base;
- Improve infrastructure, attractiveness and amenities of the business park to remain competitive within the market.
- To enhance the development and foster renewal of industrial sites within and adjacent to the District and;

WHEREAS, the Finance Committee and Economic Development Committee have reviewed the developer incentive request and finds the following:

- That the JARP Industries Inc., growth would not occur without the financial assistance from the City of Wausau financed from Tax Increment District Number Ten.
- That the financial assistance will be supported by a developer agreement.
- The developer incentives for infrastructure improvements are an eligible expense under the tax increment financing laws;
- That this project furthers the purposes of Tax Increment Financing and the objectives of the Tax Increment District Number Ten Project Plan objectives;
- That developer incentives and payments made at the discretion of the common council were listed as project plan costs within the Tax Increment District Ten Project Plan;
- That the expansion of manufacturing capabilities; and increased employment, capital and facility growth in the long and short term is in the vital and best interest of the City and its residents and in accordance with the public purpose and conditions of applicable state and local laws and the standards under which the tax increment district was undertaken and implemented;

WHEREAS, an existing business within the Wausau Business Campus will purchase an existing facility to expand their operation at this site- committing to the creation of an additional 30 FTE jobs and a minimum of \$50,000 worth of additional improvements at the facility by January 1, 2019;

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

1. That the Common Council of the City of Wausau finds the following:
 - That the JARP Industries, Inc., facility acquisition and related growth would not occur without the financial assistance from the City of Wausau financed from Tax Increment District Number Ten.
 - That the financial assistance will be supported by a developer agreement.
 - The developer incentives for infrastructure improvements are an eligible expense under the tax increment financing laws;
 - That developer incentives and payments made at the discretion of the common council were listed as project plan costs within the Tax Increment District Ten Project Plan;
 - That this project furthers the purposes of Tax Increment Financing and the objectives of the Tax Increment District Number Ten Project Plan objectives;
 - That the expansion of manufacturing capabilities; and increased employment, capital and facility growth in the long and short term is in the vital and best interest of the City and its residents and in accordance with the public purpose and conditions of applicable state and

local laws and the standards under which the tax increment district was undertaken and implemented;

2. That the Mayor is authorized and directed to work on behalf of the City of Wausau to prepare a development agreement for the payment of developer incentives of up to \$125,000 on a reimbursement basis for costs associated with the construction of a new water lateral and the creation of 30 full-time positions and that final approval of the agreement is delegated to the Mayor for execution of the agreement.
3. That the Finance Director and proper City officials are here by authorized to modify the budget for Tax Increment District Number Ten Fund and publish the budget modification in the official newspaper as required.

Increase budget line item: 148-351397200 TID #10 – Developer Grants \$125,000

4. That the City Clerk mail a copy of the executed Developer Agreement to the Joint Review Board Members.

Approved:

James E. Tipple, Mayor

ECONOMIC DEVELOPMENT COMMITTEE

Time and Place: The Economic Development Committee met on Thursday, February 18, 2016 at 4:30 p.m. in the 2nd floor Board Room at City Hall, 407 Grant Street, Wausau

ED Members Present: David Nutting, Romey Wagner and Tom Neal (VC)
Rasmussen arrived at 5:10 and Nagle arrived at 5:30

Others Present: Chris Schock, Travis Lepinski, MaryAnne Groat, Gary Gisselman, Mayor Jim Tipple, Eric Lindman, Bill Hebert, Tammy Stratz, Dave Johnson, Kevin Korpela and Dave Naskrent

DISCUSSION AND POSSIBLE ACTION ON THE TAX INCREMENTAL FINANCING REQUEST FOR THE PROPERTY LOCATED AT 7811 WEST STEWART AVENUE

Kraft gave a PowerPoint presentation on a description of his business and the TIF request. The request is to update a water/sewer line to his business at 7811 W. Stewart Ave.

Wagner motioned to approve TIF application/proposal. Nutting seconded and the motion carried unanimously 4-0.

FINANCE COMMITTEE

Date and Time: Tuesday, March 8, 2016 @ 5:15 pm., Board Room

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

Others Present: Groat, Lindman, Jacobson, Ray, Kujawa, Schock, Stratz, Werth, Abitz, Neal, Wagner, Rasmussen, Bruce Bohlken, Pat Peckham, Fernando & Heidi Riveron, and other interested parties.

Discussion and Possible Action on the Tax Increment Financing Request from Jarp Industries, 7811 Stewart Avenue Tax Increment District Number Ten and related budget modification

Schock summarized this is an existing building to be acquired by Jarp Industries to expand their workforce. He indicated Kevin Kraft, owner, was committing to 30 full-time equivalent jobs at the facility, as well as additional improvements to it. This will allow the sale of the building to Jarp and allow a water service lateral to be extended from Stewart to the building. He requested they discuss the sale in closed session.

Kevin Kraft stated Jarp is a family-owned company that has been in Schofield since 1959. He indicated they would like to grow the business in Wausau and have entered a lease with the option to buy, which was very important to them to control their growth. The issue is with the water service and if they were to bear the cost of that improvement it would put the cost of the building over the assessed value and jeopardize the financing involved.

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 potential land acquisitions for the purpose of expanding the Wausau Business Campus

- Discussion and Possible Action on the Tax Increment Financing Request from Jarp Industries, 7811 Stewart Avenue Tax Increment District Number Ten

Motion by Nagle, second by Nutting to convene in Closed Session. Roll Call Vote: Ayes: Kellbach, Mielke, Nutting, Nagle, and Oberbeck. Motion carried 5-0.

RECONVENED back into Open Session to take action on Tax Increment Financing Request from Jarp Industries, 7811 Stewart Avenue Tax Increment District Number Ten

Motion by Mielke, second by Nutting to approve the tax increment financing request from Jarp Industries for infrastructure improvements to allow for creation of a business within the business park which will provide additional jobs; and to modify the budget to accommodate the development payment. Motion carried 5-0.



Staff Report

From: Christian Schock
To: Finance Committee Members
Date: March 8, 2016
Re: JARP Expansion, 7811 Stewart Ave.

Purpose:

- JARP Industries, Inc. to purchase a portion of the existing Wausau Coated property and a building for future expansion.

Previous Facts:

- The water service lateral for the existing building is located across land owned by Wausau Coated and cannot service another land owner.
- JARP Industries has agreed to purchase the existing building from Wausau Coated (following the construction of their new building late last year) for future expansion in cylinder remanufacturing sector.

Current Considerations:

- The new water service lateral is required to facilitate the sale of the building and property. It is required because of the \$2mil expansion of Wausau Coated which is now located above the existing water service. A new lateral would cost approximately \$125,000 to install the service. The applicant requests a TIF grant of \$125,000 from TID #10 for the project to proceed.
- The project will create an additional 30 FTE jobs in this facility, and the owner will commit to an additional minimum of \$50,000 in property and building improvements at this site by 1/1/19.



City of Wausau TIF Application

Please complete the following information and return it along with a \$125 fee made payable to Community Development.

DEVELOPER

Legal Entity: WCE3 & JARP Industries, Inc.

d/b/a: _____

Main Office Location: _____

Type of Business: JARP - remanufacture of hydraulic cylinders

Project Description:

Update water / sewer lines to meet State plumbing code as property is being subdivided.

Reason for Application Assistance:

A new line is needed to meet State plumbing code. Both parties would otherwise agree to have WCE3 maintain the existing lines at their cost. The original line was installed by the City.

PROPERTY INFORMATION

Parcel 1

Address: 7811 W. Stewart Ave

Size: 6.75 acres

Current Use: Manufacturing

Current Assessed Value: Does not stand alone

Current Property Taxes: Does not stand alone

Parcel 2

Address: 7805 W. Stewart Ave

Size: 7.74 acres

Current Use: Manufacturing

Current Assessed Value: \$1,650,700 (2015, whole property)

Current Property Taxes: \$42,139 (2015, whole property)

PROPOSED IMPROVEMENTS

Describe improvement details

New water line / sewer line from Stewart Avenue.
New asphalt.
Building expansion in 2015/2016 by Wausau Coated products.
Potential for building expansion by JARP in 3 to 5 years.

RETURN ON INVESTMENT ANALYSIS

Project Costs

| | Amount (\$) | Source of Funds |
|----------------------------------|--------------------|-----------------|
| Purchase of Land | \$1,650,000 | WCE3 |
| Demolition Cost | | |
| Site Improvements | \$125,000 | TBD |
| Purchase of Existing Facility | | |
| Construction of New Building(s) | \$2,000,000 | WCE3 |
| Renovation of Existing Structure | | |
| Machinery & Equipment | | |
| Architectural & Engineering Fees | | |
| Legal & Other Professional Fees | | |
| Contingency | | |
| Working Capital | | |
| Other (please specify) | | |
| | | |
| | | |
| Total Project Costs | \$3,775,000 | |

Value of Property

- Lot Size (in acres): 6.75 acres / 7.74 acres
- Improvement Square Footage: 45,000
- Current Assessed Values: Land \$ 341,400 + Improvements \$ 1,309,300 = 1,650,700
- Calculated Property Value: Land \$ 341,400 + Improvements \$ 3,309,700 = 3,750,700

Projected Property Taxes

- Current Property Taxes: \$ 42,139
- Calculated Property Taxes: \$95,747
- Calculated Tax Increment: \$53,608

Zoning:

- Current Zoning: M2
- Proposed Zoning: M2

Requested City Participation/Financing

| Source | Amount | Terms: Years/Interest | Contact Information |
|-------------------------------|----------------|--------------------------|------------------------|
| Loans: | | | |
| | | | |
| | | | |
| Equity | | | |
| Requested City Participation: | | | |
| Loan: | | | |
| Grant: | | | |
| Other: | 125,000 | | |
| Total Financing | 125,000 | | |

City of Wausau ROI: \$120,000 net present value over 5 years at 3% cost of funds (does not include new jobs)

Jobs Created

- Up to \$15,000: _____
- \$15,001-\$30,000: _____
- \$30,001-\$45,000: 15 _____
- \$45,001-\$60,000: 3 _____
- \$60,001 and above: _____
- Description of Employee benefits:

Health, dental, 401(k) with employer match, wellness, life & disability insurance.

Please return to Community Development, 407 Grant Street, Wausau, WI 54403.

CITY OF WAUSAU
TAX INCREMENTAL DISTRICT NUMBER TEN
CASH FLOW PROJECTION

| Year | SOURCES OF FUNDS | | | | | | Annual Surplus (Deficit) | Cumulative Balance | |
|------------------|------------------|------------------------------------|--------------------|-------------------------|------------------|-----------------------|-----------------------------|-----------------------|-------------|
| | Debt Service | Administrative & Fiscal Charges | Developer Grant | Capital Expenditures | Debt Proceeds | Existing Increment | | | |
| ACTUAL | | | | | | | | | |
| 1 | 2013 | | \$1,000 | | | | (\$1,000) | (\$1,000) | |
| 2 | 2014 | | \$37,464 | | \$201,909 | \$310,000 | \$70,627 | \$69,627 | |
| ESTIMATED | | | | | | | | | |
| 3 | 2015 | \$7,625 | \$30,469 | \$1,200,000 | \$207,623 | \$1,225,000 | \$33,001 | (\$187,716) | (\$118,089) |
| 4 | 2016 | \$44,300 | \$2,150 | 125,000 | | | \$78,842 | (\$92,608) | (\$210,697) |
| 5 | 2017 | \$59,223 | \$6,000 | | | | \$124,869 | \$59,646 | (\$151,051) |
| 6 | 2018 | \$142,973 | \$6,000 | | | | \$125,181 | (\$23,792) | (\$174,843) |
| 7 | 2019 | \$140,873 | \$6,000 | | | | \$125,494 | (\$21,379) | (\$196,222) |
| 8 | 2020 | \$138,773 | \$6,000 | | | | \$125,808 | (\$18,965) | (\$215,187) |
| 9 | 2021 | \$141,410 | \$6,000 | | | | \$126,123 | (\$21,287) | (\$236,474) |
| 10 | 2022 | \$143,723 | \$6,000 | | | | \$126,438 | (\$23,285) | (\$259,759) |
| 11 | 2023 | \$141,029 | \$6,000 | | | | \$126,754 | (\$20,275) | (\$280,034) |
| 12 | 2024 | \$143,210 | \$6,000 | | | | \$127,071 | (\$22,139) | (\$302,173) |
| 13 | 2025 | \$140,211 | \$6,000 | | | | \$127,389 | (\$18,822) | (\$320,995) |
| 14 | 2026 | \$136,910 | \$6,000 | | | | \$127,707 | (\$15,203) | (\$336,198) |
| 15 | 2027 | \$138,235 | \$6,000 | | | | \$128,026 | (\$16,209) | (\$352,407) |
| 16 | 2028 | \$139,410 | \$6,000 | | | | \$128,346 | (\$17,064) | (\$369,471) |
| 17 | 2029 | \$140,435 | \$6,000 | | | | \$128,667 | (\$17,768) | (\$387,239) |
| 18 | 2030 | \$111,705 | \$6,000 | | | | \$128,989 | \$11,284 | (\$375,955) |
| 19 | 2031 | | \$6,000 | | | | \$129,311 | \$123,311 | (\$252,644) |
| 20 | 2032 | | \$6,000 | | | | \$129,634 | \$123,634 | (\$129,010) |
| 21 | 2033 | | \$6,000 | | | | \$129,958 | \$123,958 | (\$5,052) |
| | 2034 | | \$6,000 | | | | \$130,283 | \$124,283 | \$119,231 |
| TOTAL | | \$1,910,045 | \$178,083 | \$1,325,000 | \$409,532 | \$1,535,000 | \$2,407,891 | | |

Jarp Grant

Mandated Termination
Date
9/17/2033

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

**JOINT RESOLUTION OF THE ECONOMIC DEVELOPMENT
AND FINANCE COMMITTEES**

Approving the purchase of approximately 205 acres of land from the Arlon & Delphine Schmidt and Schmidt Revocable Trusts located in the vicinity of Highland Drive and County Road O (PIN# 076-2906-263-0997, 076-2906-263-0990, 076-2906-263-0988, 076-2906-263-0989, 076-2906-263-0999, 076-2906-264-0998, 076-2906-264-0999) for the expansion of the Wausau Business Campus.

Committee Action: ED Com: Approved 4-0
 Finance: Approved 5-0

Fiscal Impact: approx. \$1,640,000

| | | | |
|---------------------|---------|-------------------------|----------------|
| File Number: | 16-0310 | Date Introduced: | March 22, 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 checked="" type="checkbox"/> | <i>Budget Source:</i> |
| | <i>One-time Costs:</i> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | <i>Amount: \$1,640,000</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 checked="" type="checkbox"/> No <input type="checkbox"/> | <i>Amount: \$1,640,000</i> |
| | <i>TID Financed:</i> | Yes <input type="checkbox"/> No <input type="checkbox"/> | <i>Amount:</i> |
| | <i>TID Source: Increment Revenue <input type="checkbox"/> Debt <input checked="" type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/></i> | | |

RESOLUTION

WHEREAS, the City originally established the Wausau Business Campus to encourage job growth and facilitate quality commercial and industrial infrastructure for economic development; and

WHEREAS, the City has effectively planned and implemented the original vision of the Wausau Business Campus into a successful business and industrial area home to over 50 businesses and thousands of jobs; and

WHEREAS, available land suitable for building expansion within the Wausau Business Campus is increasingly limited with no larger parcels left for development opportunities, the City finds it appropriate to expand the Wausau Business Campus to welcome new growth.

NOW THEREFORE BE IT RESOLVED, the Common Council of the City of Wausau instructs the proper City officials and staff to purchase approximately 205 acres of land from the Arlon & Delphine Schmidt and Schmidt Revocable Trusts located in the vicinity of Highland Drive and County Road O for the expansion of the Wausau Business Campus. The properties for purchase have the following PINs

#076-2906-263-0997, #076-2906-263-0990, #076-2906-263-0988, #076-2906-263-0989, #076-2906-263-0999, #076-2906-264-0998, #076-2906-264-0999 and the purchase shall be contingent on staff review and approval of a Phase 1 Environmental Assessment to be provided by the seller.

BE IT FURTHER RESOLVED, that the Finance Director and proper City officials are authorized to modify the budget for Arlon Schmidt Land Acquisition Fund and publish the budget modification in the official newspaper as required.

Increase budget line item: \$1,640,000

Land Acquisition Account: 149-352198210, Proceeds from Debt Issuance: 149-352289120

Approved:

James E. Tipple, Mayor

ECONOMIC DEVELOPMENT COMMITTEE

Time and Place: The Economic Development Committee met on Thursday, February 18, 2016 at 4:30 p.m. in the 2nd floor Board Room at City Hall, 407 Grant Street, Wausau

ED Members Present: David Nutting, Romey Wagner and Tom Neal (VC)
Rasmussen arrived at 5:10 and Nagle arrived at 5:30

Others Present: Chris Schock, Travis Lepinski, MaryAnne Groat, Gary Gisselman, Mayor Jim Tipple, Eric Lindman, Bill Hebert, Tammy Stratz, Dave Johnson, Kevin Korpela and Dave Naskrent

DISCUSSION AND POSSIBLE ACTION ON POTENTIAL LAND ACQUISITIONS IN THE WAUSAU BUSINESS CAMPUS

Schock showed a large map of the land next to the Business Campus under consideration for purchase. The map showed land contours. Most of the land is useable highland.

Discussion will be done in closed session.

CLOSED SESSION PURSUANT TO 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 REQUEST FOR ASSISTANCE FOR THE PROPERTY AT 607 NORTH THIRD STREET**

***DISCUSSION AND POSSIBLE ACTION ON POTENTIAL LAND ACQUISITIONS IN THE WAUSAU BUSINESS CAMPUS**

***DISCUSSION AND POSSIBLE ACTION ON THE TAX INCREMENTAL FINANCING REQUEST FOR THE PROPERTY LOCATED AT 7811 WEST STEWART AVENUE**

Rasmussen motioned to go into closed session. Wagner seconded. Roll call was done; all members were present but Nagle.

RECONVENE INTO OPEN SESSION TO TAKE ACTION ON CLOSED SESSION ITEMS, IF NECESSARY

Rasmussen motioned to move into open session. Wagner seconded and the motion carried unanimously 4-0.

Rasmussen motioned to acquire all property next to Business Campus being offered, on payment terms. Nagle seconded and the motion carried unanimously 4-0.

FINANCE COMMITTEE

Date and Time: Tuesday, March 8, 2016 @ 5:15 pm., Board Room

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

Others Present: Groat, Lindman, Jacobson, Ray, Kujawa, Schock, Stratz, Werth, Abitz, Neal, Wagner, Rasmussen, Bruce Bohlken, Pat Peckham, Fernando & Heidi Riveron, and other interested parties.

Discussion and Possible Action on land acquisitions for the purpose of expanding the Wausau Business Campus

Schock indicated the discussion required closed session because it had to do with real estate acquisition to expand the business campus.

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 potential land acquisitions for the purpose of expanding the Wausau Business Campus

- Discussion and Possible Action on the Tax Increment Financing Request from Jarp Industries, 7811 Stewart Avenue Tax Increment District Number Ten

Motion by Nagle, second by Nutting to convene in Closed Session. Roll Call Vote: Ayes: Kellbach, Mielke, Nutting, Nagle, and Oberbeck. Motion carried 5-0.

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

| PRELIMINARY RESOLUTION OF THE FINANCE COMMITTEE | |
|---|---|
| Authorizing \$8,825,000 General Obligation Promissory Notes | |
| Committee Action: | Approved 5-0 |
| Fiscal Impact: | \$8,825,000 plus interest costs determined on sale date |
| File Number: | 16-0316A |
| Date Introduced: | March 22, 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> |
| | <i>One-time Costs:</i> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | <i>Amount:</i> |
| | <i>Recurring Costs:</i> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | <i>Amount: Annual Debt Amortization will be determined on sale date</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 checked="" type="checkbox"/> No <input type="checkbox"/> | <i>Amount: \$4,500,000 TID #6 for Thomas Street</i> |
| | <i>TID Source: Increment Revenue</i> <input checked="" type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/> | | |

WHEREAS the City of Wausau, Marathon County, Wisconsin (the "City") is presently in need of an amount not to exceed \$8,825,000 for public purposes, including paying the cost of Wisconsin Department of Transportation projects, street, sidewalk, storm sewer and other street improvements and extensions, airport hangar and runway improvement projects, athletic park improvements, acquiring land for street uses, law enforcement software and playground equipment, providing financial assistance to Tax Incremental District projects, and refunding obligations of the City, including interest on them; and

WHEREAS it is desirable to borrow said funds through the issuance of general obligation promissory notes pursuant to Section 67.12(12), Wisconsin Statutes;

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Issuance of the Notes. The City shall issue its general obligation promissory notes designated "General Obligation Promissory Notes, Series 2016A" in an amount not to exceed \$8,825,000 (the "Notes") for the purposes above specified.

Section 2. Sale of Notes. The Common Council hereby authorizes and directs that the Notes be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Notes as may have been received and take action thereon.

Section 3. Notice of Sale. The City Clerk (in consultation with the City's financial advisor, Ehlers & Associates, Inc. ("Ehlers")) be and hereby is directed to cause notice of the sale of the Notes to be disseminated in such manner and at such times as the City Clerk may determine and to cause copies of a complete, official Notice of Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 4. Official Statement. The City Clerk shall cause an Official Statement concerning this issue to be prepared by Ehlers. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Adopted, approved and recorded March 22, 2016.

James E. Tipple
Mayor

ATTEST:

Toni Rayala
City Clerk

FINANCE COMMITTEE

Date and Time: Tuesday, March 8, 2016 @ 5:15 pm., Board Room

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

Others Present: Groat, Lindman, Jacobson, Ray, Kujawa, Schock, Stratz, Werth, Abitz, Neal, Wagner, Rasmussen, Bruce Bohlken, Pat Peckham, Fernando & Heidi Riveron, and other interested parties.

Discussion and possible action regarding the resolutions authorizing \$8,825,000 in General Obligation Promissory Notes

and

Discussion and possible action regarding resolution authorizing \$6,630,000 General Obligation Bonds for Community Development Projects in Tax Incremental District Number 3 and Swimming Pool Project

and

Discussion and possible action regarding resolution authorizing \$4,755,000 taxable general obligation bonds for community development projects in Tax Increment District Nos. 3 and 8

Groat stated this and the next two items are all basically funding our capital projects in the budget in 2016, as well as the mall loan and one refinancing. She indicated the tentative schedule is Finance consideration tonight; preliminary resolutions to Council March 22, 2016; final sale and adoption of final resolutions on April 12, 2016; with settlement on May 10, 2016.

Groat stated each year when we go to borrow our financial advisors look at refinancing opportunities and they identified two of them. One is the 2008 promissory note of \$1,330,000, which would generate a savings of approximately \$12,000 in interest. The second one is a 2009 issue that has a principal balance of \$1,235,000. She explained when we looked at the accumulated reserves in the debt service fund we found it could pay that issue off early and save approximately \$53,000 in interest; this would not impact our ability to fund future debt retirement in future years. She stated when we had anticipated borrowing \$200,000 in TID #7 for the stormwater for O'Malley's, but the State of Wisconsin is now paying for it so the \$200,000 is being taken out of the borrowing. She indicated we have added the loan for the Wausau Center Mall.

Groat noted to be bank qualified we need to stay under \$10 million, which we are not able to do this year given these large projects for Thomas Street, the pool, the riverfront and the mall. It will be approximately \$300,000 of additional interest over the life of the debt; however, sale date affects it so our advisors are encouraging us to issue early this year.

Motion by Nagle, second by Mielke to approve the resolutions authorizing \$8,825,000 in General Obligation Promissory Notes. Motion carried 5-0.

Motion by Nagle, second by Mielke to approve the resolution authorizing \$6,630,000 General Obligation Bonds for Community Development Projects in Tax Incremental District Number 3 and Swimming Pool Project. Motion carried 5-0.

Motion by Nagle, second by Mielke to approve the resolution authorizing \$4,755,000 taxable general obligation bonds for community development projects in Tax Increment District Nos. 3 and 8. Motion carried 5-0.



TO: FINANCE COMMITTEE

FROM: MARYANNE GROAT

DATE: MARCH 3, 2016

RE: AUTHORIZING 2016 DEBT ISSUANCE AND RELATED TIME SCHEDULE

BACK GROUND INFORMATION

The 2016 budget and the mall development loan approval anticipated financings through the issuance of debt. The projects proposed for the 2016 issue are provided on the attached project list.

The City works with Quarles and Brady as bond counselor and Elhers Associates, Inc. as financial advisors. These professionals assist us in managing the legal, marketing and financial processes of issuing our debt issues. Elhers will competitively bid these issues to obtain the lowest rates possible.

Steps in the debt issuance process include:

- | | |
|--|------------|
| • Preliminary Resolution – Finance Consideration | March 8th |
| • Preliminary Resolution – Council Consideration | March 22nd |
| • Sale and Final Resolution –Finance Committee and Council | April 12th |
| • Settlement Date (tentative) | May 10th |

The preliminary resolution authorizes city staff, financial advisors and bond counsel to proceed with the necessary work required to initiate the sale such as preparation and distribution of the official statement, notice of sale and bid form, publishing sale notices and obtaining a credit rating. The sale will then take place on the morning of April 12th and considered by the Finance Committee and Common Council on the same date.

Our financial advisors have examined two of the City's outstanding debt issues that are callable on May 18, 2016. The 2008 issue has a principal balance of \$1,330,000 this issue will be refinanced to reduce interest costs. The 2009 issue that has a principal balance of \$1,235,000 will be retired early with accumulated reserves of the Debt Service Fund. The early retirement will save \$53,163 in interest. The interest savings from the refinancing will be determined on sale date.

Based on 2016 project needs the City's issue will not be bank qualified. This will increase interest rates slightly. Our financial advisors will provide an estimate of this cost.

The Water and Sewer Utility is in the process of finalizing their financial capital needs for 2016. We will evaluate current financial capacity of the utility and seek a State Trust Fund Loan to finance these purchases in future months.

Below is a complete listing of the proposed projects along with a budget reconciliation. The ultimate amount of the principal borrowed will increase to accommodate debt issuance costs and underwriter's discount. This is provided on the attached Pre-Sale Estimates provided by Elhers.

CITY OF WAUSAU 2016 FINANCE PLAN - PROJECTS

| | 2016 Adopted Budget | 2016 Modified Budget | 2016 Proposed Debt Deposit to Construction Account | Variance |
|--|--------------------------------|-------------------------------------|---|-----------------|
| Capital Improvement Plan (detailed below) | \$ 2,874,324 | \$ 2,874,324 | \$ 2,875,000 | \$ 676 rounding |
| TID #6 Thomas Street ROW Land Acquisition | \$ 4,500,000 | \$ 4,500,000 | \$ 4,500,000 | \$ - |
| 2008 Promissory Note - Refinancing | | | \$ 1,330,000 | \$ 1,330,000 |
| 10 Year GO Promissory Note 2016A | \$ 7,374,324 | \$ 7,374,324 | \$ 8,705,000 | \$ 1,330,676 |
| | | | | |
| Swimming Pool | \$ 3,200,000 | \$ 3,200,000 | \$ 3,200,000 | \$ - |
| TID #3 - Riverfront | \$ 3,300,000 | \$ 3,300,000 | \$ 3,300,000 | \$ - |
| 20 Year GO Bonds 2016B | \$ 6,500,000 | \$ 6,500,000 | \$ 6,500,000 | \$ - |
| | | | | |
| Wausau Center Mall | | \$ 4,100,000 | \$ 4,100,000 | \$ - |
| TID #8 | \$ 550,000 | \$ 550,000 | \$ 550,000 | \$ - |
| Taxable Bonds 2016C | \$ 550,000 | \$ 4,650,000 | \$ 4,650,000 | \$ - |
| | | | | |
| Capital Improvement Plan: | | | | |
| Land Acquisition for Street Uses | \$ 35,000 | \$ 35,000 | | |
| DOT Projects | 151,000 | 151,000 | | |
| Street Improvements | 1,235,923 | 1,235,923 | | |
| Sidewalks | 60,000 | 60,000 | | |
| StormSewer | 357,500 | 357,500 | | |
| Other Street Improvements | 415,000 | 415,000 | | |
| East Hangar Development and Runway Project | 77,188 | 77,188 | | |
| Law Enforcement Software | 167,713 | 167,713 | | |
| Athletic Park Improvements | 300,000 | 300,000 | | |
| Playground Equipment | 75,000 | 75,000 | | |
| | \$ 2,874,324 | \$ 2,874,324 | | |

FISCAL IMPACT

The annual debt retirement of the capital improvement plan and pool borrowing will fit within our existing debt service levy of \$4,123,000. The TID projects have been considered within the cash flow planning of the TID districts

Outstanding debt on December 31, 2016 is expected to increase \$10,295,000 before the Water and Sewer utility issues.

CITY OF WAUSAU 2016 FINANCE PLAN - PROJECTS

| | <u>2016 Adopted Budget</u> | <u>2016 Modified Budget</u> | <u>2016 Proposed Debt Deposit to Construction Account</u> | <u>Variance</u> |
|--|--------------------------------|---------------------------------|---|-----------------|
| Capital Improvement Plan (detailed below) | \$ 2,874,324 | \$ 2,874,324 | \$ 2,875,000 | \$ 676 rounding |
| TID #6 Thomas Street ROW Land Acquisition | \$ 4,500,000 | \$ 4,500,000 | \$ 4,500,000 | \$ - |
| 2008 Promissory Note - Refinancing | | | \$ 1,330,000 | \$ 1,330,000 |
| 10 Year GO Promissory Note 2016A | \$ 7,374,324 | \$ 7,374,324 | \$ 8,705,000 # | \$ 1,330,676 |
| | | | | |
| Swimming Pool | \$ 3,200,000 | \$ 3,200,000 | \$ 3,200,000 | \$ - |
| TID #3 - Riverfront | \$ 3,300,000 | \$ 3,300,000 | \$ 3,300,000 | \$ - |
| 20 Year GO Bonds 2016B | \$ 6,500,000 | \$ 6,500,000 | \$ 6,500,000 # | \$ - |
| | | | | |
| Wausau Center Mall | | \$ 4,100,000 | \$ 4,100,000 | \$ - |
| TID #8 | \$ 550,000 | \$ 550,000 | \$ 550,000 | \$ - |
| Taxable Bonds 2016C | \$ 550,000 | \$ 4,650,000 | \$ 4,650,000 | \$ - |
| | | | | |
| Capital Improvement Plan: | | | | |
| Land Acquisition for Street Uses | \$ 35,000 | \$ 35,000 | | |
| DOT Projects | 151,000 | 151,000 | | |
| Street Improvements | 1,235,923 | 1,235,923 | | |
| Sidewalks | 60,000 | 60,000 | | |
| StormSewer | 357,500 | 357,500 | | |
| Other Street Improvements | 415,000 | 415,000 | | |
| East Hangar Development and Runway Project | 77,188 | 77,188 | | |
| Law Enforcement Software | 167,713 | 167,713 | | |
| Athletic Park Improvements | 300,000 | 300,000 | | |
| Playground Equipment | 75,000 | 75,000 | | |
| | <u>\$ 2,874,324</u> | <u>\$ 2,874,324</u> | | |

SUMMARY OF DEBT CHANGES

| | General Obligation Bonds | General Obligation Notes | Wisconsin State Trust Fund Loans | Total General Obligation Debt | Utility Revenue Bonds | Total |
|---|---|---|---|--|----------------------------------|---------------|
| BALANCE 1/1/2011 | \$ 14,985,000 | \$ 33,450,000 | \$ 1,319,677 | \$ 49,754,677 | \$ - | \$ 49,754,677 |
| 2011 Additions: | | | | | | |
| Capital Improvement Plan | | 3,427,510 | | 3,427,510 | | 3,427,510 |
| TID #6 | | 1,244,970 | | 1,244,970 | | 1,244,970 |
| Sewer Utility Debt | | 3,012,520 | | 3,012,520 | | 3,012,520 |
| 2011 Retirements | (1,210,000) | (5,775,000) | (351,502) | (7,336,502) | | (7,336,502) |
| BALANCE 1/1/2012 | \$ 13,775,000 | \$ 35,360,000 | \$ 968,175 | \$ 50,103,175 | \$ - | \$ 50,103,175 |
| 2012 Additions: | | | | | | |
| Capital Improvement Plan | | 3,023,369 | | 3,023,369 | | 3,023,369 |
| TID #3 | | 2,725,000 | | 2,725,000 | | 2,725,000 |
| TID #6 | | 700,000 | | 700,000 | | 700,000 |
| Other Redevelopment | | 135,575 | | 135,575 | | 135,575 |
| Refinancing | | 9,676,631 | | 9,676,631 | | 9,676,631 |
| 2012 Retirements | (9,260,000) | (7,790,000) | (968,175) | (18,018,175) | | (18,018,175) |
| BALANCE 1/1/2013 | \$ 4,515,000 | \$ 43,830,575 | \$ - | \$ 48,345,575 | \$ - | \$ 48,345,575 |
| 2013 Additions: | | | | | | |
| Capital Improvement Plan | | 2,855,000 | | 2,855,000 | | 2,855,000 |
| Swimming Pool Debt | 3,410,000 | | | 3,410,000 | | 3,410,000 |
| TID #3 | | 1,108,000 | | 1,108,000 | | 1,108,000 |
| TID #6 | | 2,065,000 | | 2,065,000 | | 2,065,000 |
| TID #7 | | 445,000 | | 445,000 | | 445,000 |
| TID #9 | | 630,000 | | 630,000 | | 630,000 |
| 2013 Retirements | (1,300,000) | (7,085,000) | | (8,385,000) | | (8,385,000) |
| BALANCE 1/1/2014 | \$ 6,625,000 | \$ 43,848,575 | \$ - | \$ 50,473,575 | \$ - | \$ 50,473,575 |
| 2014 Additions: | | | | | | |
| Capital Improvement Plan | | 3,955,000 | | 3,955,000 | | 3,955,000 |
| TID #3 | 1,185,000 | | | 1,185,000 | | 1,185,000 |
| TID#8 | | 190,000 | | 190,000 | | 190,000 |
| TID #10 | 310,000 | | | 310,000 | | 310,000 |
| Refinancing | | 2,450,000 | | 2,450,000 | | 2,450,000 |
| 2014 Retirements | (2,485,000) | (8,140,000) | | (10,625,000) | | (10,625,000) |
| BALANCE 1/1/2015 | \$ 5,635,000 | \$ 42,303,575 | \$ - | \$ 47,938,575 | \$ - | \$ 47,938,575 |
| 2015 Projected Additions: | | | | | | |
| Capital Improvement Plan | | 2,910,000 | | 2,910,000 | | 2,910,000 |
| Swimming Pool Debt | 3,060,000 | | | 3,060,000 | | 3,060,000 |
| TID #3 | 4,075,000 | | | 4,075,000 | | 4,075,000 |
| TID #8 | | 1,020,000 | | 1,020,000 | | 1,020,000 |
| TID #10 | 1,225,000 | | | 1,225,000 | | 1,225,000 |
| Water and Sewer Utility | | | 4,000,000 | 4,000,000 | | 4,000,000 |
| 2015 Retirements | (1,080,000) | (6,775,000) | | (7,855,000) | | (7,855,000) |
| PROJECTED BALANCE 12/31/2015 | \$ 12,915,000 | \$ 39,458,575 | \$ 4,000,000 | \$ 56,373,575 | \$ - | \$ 56,373,575 |
| 2016 Projected Additions: | | | | | | |
| Capital Improvement Plan | | 2,875,000 | | 2,875,000 | | 2,875,000 |
| Swimming Pool Debt | 3,200,000 | | | 3,200,000 | | 3,200,000 |
| TID #3 Riverfront | 3,300,000 | | | 3,300,000 | | 3,300,000 |
| TID #3 Mall | 4,100,000 | | | 4,100,000 | | 4,100,000 |
| TID #6 Thomas Street | | 4,500,000 | | 4,500,000 | | 4,500,000 |
| TID #8 Streets and Developer Loan | 550,000 | | | 550,000 | | 550,000 |
| Debt Issuance | 235,000 | 120,000 | | 355,000 | | 355,000 |
| 2016 Retirements including early retirement | (325,000) | (8,260,000) | | (8,585,000) | | (8,585,000) |
| PROJECTED BALANCE 12/31/2016 | \$ 23,975,000 | \$ 38,693,575 | \$ 4,000,000 | \$ 66,668,575 | \$ - | \$ 66,668,575 |

COMPUTATION OF DEBT LIMIT

| | December 31, 2011 | December 31, 2012 | December 31, 2013 | December 31, 2014 | December 31, 2015 | December 31, 2016 |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Equalized Valuation | \$ 2,652,252,200 | \$ 2,554,319,700 | \$ 2,520,917,800 | \$ 2,655,928,800 | \$ 2,633,849,300 | \$ 2,633,849,300 |
| | 5% | 5% | 5% | 5% | 5% | 5% |
| Total Allowable Debt | \$ 132,612,610 | \$ 127,715,985 | \$ 126,045,890 | \$ 132,796,440 | \$ 131,692,465 | \$ 131,692,465 |
| Outstanding Debt | \$ 50,103,175 | \$ 48,345,575 | \$ 50,473,575 | \$ 47,938,575 | \$ 56,373,575 | \$ 66,668,575 |
| Legal Debt Margin | \$ 82,509,435 | \$ 79,370,410 | \$ 75,572,315 | \$ 84,857,865 | \$ 75,318,890 | \$ 65,023,890 |
| Debt Utilized | 37.78% | 37.85% | 40.04% | 36.10% | 42.81% | 50.62% |



2016 G.O. Finance Plan - Pre Sale Estimates



| | GO Tax Exempt Notes, Series 2016A | GO Tax Exempt Bonds, Series 2016B | GO Taxable Bonds, Series 2016C | Total Projects |
|--|---|---|-----------------------------------|----------------|
| CAPITAL PLAN | | | | |
| Capital Projects | 2,875,000 | | | 2,875,000 |
| Schulenburg Pool | | 3,200,000 | | 3,200,000 |
| TID #3 | | | | |
| Riverfront (Trail, Wharf, Bridge, Landscaping) | | 3,300,000 | | 3,300,000 |
| TID #6 | | | | |
| Thomas Street Right of Way Acquisition | 4,500,000 | | | 4,500,000 |
| TID #7 | | | | |
| Stormwater Detention Project | 0 | | | 0 |
| TID #8 | | | | |
| Schierl Project on 2nd Avenue - Taxable | | | 550,000 | 550,000 |
| Mall Project TID #3 | | | 4,100,000 | 4,100,000 |
| REFUNDINGS | | | | |
| Amount needed to refund \$9,845,000 G.O. Notes dated 6/26/08 | | | | |
| Principal due on call date of 5/18/16 | 1,330,000 | | | |
| Interest due on call date of 5/18/16 | 6,164 | | | |
| Less: Available Levied funds (10/1/16 int pmt) | (23,608) | | | |
| Total Projects | 8,687,557 | 6,500,000 | 4,650,000 | 18,525,000 |
| Underwriter's Discount (\$10/\$1,000 (notes) \$12.50/\$1,000 (Bonds) | 88,250 | 82,875 | 59,438 | |
| Bond Counsel Fee | 13,000 | 12,000 | 9,500 | |
| Disclosure Counsel (If chosen) | 7,800 | 7,200 | 5,700 | |
| Ehlers | 15,500 | 15,500 | 15,500 | |
| Rating Agency Fee | 13,500 | 13,500 | 11,000 | |
| BTSC (paying if terms) | 675 | 675 | 675 | |
| Total Cap | 8,826,282 | 6,631,750 | 4,751,813 | |
| Interest Earnings | (2,305) | (2,031) | (1,453) | |
| Rounding | 1,023 | 281 | 4,641 | |
| Issue | 8,825,000 | 6,630,000 | 4,755,000 | 20,210,000 |



Projected Impact of Proposed 2016 Issues

Pre Sale Estimates



Existing General Obligation Debt Only

| YEAR | Equalized Value Projection | Total Payment (P&I) | Less Non Levy Revenues | Net Debt Service Levy | Debt Service Tax Rate |
|---------------|----------------------------|---------------------|------------------------|-----------------------|-----------------------|
| 2016 | 2,418,210,900 | 8,576,666 | (4,202,354) | 4,374,312 | 1.81 |
| 2017 | 2,418,210,900 | 7,444,087 | (4,790,446) | 2,653,641 | 1.10 |
| 2018 | 2,424,256,427 | 7,612,210 | (4,578,843) | 3,033,368 | 1.25 |
| 2019 | 2,430,317,068 | 6,923,745 | (4,147,716) | 2,776,029 | 1.14 |
| 2020 | 2,436,392,861 | 6,416,668 | (3,796,214) | 2,620,454 | 1.08 |
| 2021 | 2,442,483,843 | 5,555,106 | (3,255,080) | 2,300,025 | 0.94 |
| 2022 | 2,448,590,053 | 3,896,868 | (1,962,295) | 1,934,573 | 0.79 |
| 2023 | 2,454,711,528 | 3,048,254 | (1,574,726) | 1,473,528 | 0.60 |
| 2024 | 2,466,985,086 | 2,465,375 | (1,274,563) | 1,190,813 | 0.48 |
| 2025 | 2,479,320,011 | 2,017,920 | (1,267,608) | 750,313 | 0.30 |
| 2026 | 2,491,716,611 | 1,049,700 | (627,975) | 421,725 | 0.17 |
| 2027 | 2,504,175,194 | 1,041,565 | (625,365) | 416,200 | 0.17 |
| 2028 | 2,516,696,070 | 1,041,880 | (631,780) | 410,100 | 0.16 |
| 2029 | 2,529,279,550 | 1,030,605 | (627,180) | 403,425 | 0.16 |
| 2030 | 2,541,925,948 | 890,095 | (493,580) | 396,515 | 0.16 |
| 2031 | 2,554,635,578 | 384,445 | 0 | 384,445 | 0.15 |
| 2032 | 2,567,408,756 | 382,220 | 0 | 382,220 | 0.15 |
| 2033 | 2,580,245,800 | 369,840 | 0 | 369,840 | 0.14 |
| 2034 | 2,593,147,029 | 200,325 | 0 | 200,325 | 0.08 |
| 2035 | 2,606,112,764 | 203,500 | 0 | 203,500 | 0.08 |
| 2036 | 2,619,143,327 | | | | |
| TOTALS | | 60,347,573 | (33,855,723) | 26,491,850 | |

Projected Debt Service for 2016 Issues

| YEAR | General Obligation Promissory Notes, Series 2016A \$8,825,000 Dated 5-10-16 | | | | Tax Exempt General Obligation Corporate Purpose Bonds, Series 2016B \$6,630,000 Dated 5-10-16 | | | | Taxable General Obligation Corporate Purpose Bonds, Series 2016C \$4,755,000 Dated 5-10-16 | | | | 2016 Issue Offsetting Revenues | | | | 2016 Total Non Levy Revenues | Net Debt Service Levy | Debt Service Tax Rate | YEAR | |
|---------------|---|------------------------|----------------|------------------|--|------------------------|------------------|------------------|---|------------------------|----------------|------------------|--------------------------------|--------------------|----------|------------------|------------------------------|-----------------------|-----------------------|---------------|------|
| | Prin (4/1) | Est. Rate ¹ | Interest | Total | Prin (4/1) | Est. Rate ¹ | Interest | Total | Prin (4/1) | Est. Rate ¹ | Interest | Total | TID 3 | TID 6 | TID 7 | TID 8 | | | | | |
| 2016 | | | | | | | | | | | | | | | | | | 0 | 4,374,312 | 1.81 | 2016 |
| 2017 | 1,375,000 | 1.050% | 189,323 | 1,564,323 | 150,000 | 1.050% | 221,493 | 371,493 | 315,000 | 1.380% | 154,131 | 469,131 | (536,378) | (556,948) | 0 | (38,853) | (1,132,179) | 3,926,408 | 1.62 | 2017 | |
| 2018 | 1,250,000 | 1.200% | 119,290 | 1,369,290 | 50,000 | 1.200% | 157,848 | 207,848 | 325,000 | 1.590% | 105,384 | 430,384 | (464,815) | (552,285) | 0 | (41,809) | (1,058,909) | 3,981,980 | 1.64 | 2018 | |
| 2019 | 795,000 | 1.400% | 106,225 | 901,225 | 370,000 | 1.400% | 154,958 | 524,958 | 515,000 | 1.850% | 98,036 | 613,036 | (876,288) | (555,910) | 0 | (41,379) | (1,473,576) | 3,341,672 | 1.37 | 2019 | |
| 2020 | 810,000 | 1.550% | 94,383 | 904,383 | 375,000 | 1.550% | 149,461 | 524,461 | 525,000 | 2.190% | 87,524 | 612,524 | (877,849) | (553,570) | 0 | (40,874) | (1,472,293) | 3,189,529 | 1.31 | 2020 | |
| 2021 | 820,000 | 1.600% | 81,545 | 901,545 | 380,000 | 1.600% | 143,515 | 523,515 | 525,000 | 2.330% | 75,659 | 600,659 | (862,848) | (555,615) | 0 | (40,309) | (1,458,771) | 2,866,973 | 1.17 | 2021 | |
| 2022 | 830,000 | 1.700% | 67,930 | 897,930 | 385,000 | 1.700% | 137,203 | 522,203 | 525,000 | 2.500% | 62,980 | 587,980 | (851,853) | (552,158) | 0 | (39,705) | (1,443,715) | 2,498,970 | 1.02 | 2022 | |
| 2023 | 850,000 | 1.850% | 53,013 | 903,013 | 395,000 | 1.850% | 130,276 | 525,276 | 525,000 | 2.520% | 49,803 | 574,803 | (839,996) | (552,924) | 0 | (39,078) | (1,431,998) | 2,044,622 | 0.83 | 2023 | |
| 2024 | 860,000 | 2.050% | 36,335 | 896,335 | 400,000 | 2.050% | 122,523 | 522,523 | 575,000 | 2.600% | 35,713 | 610,713 | (876,718) | (552,584) | 0 | (38,438) | (1,467,739) | 1,752,644 | 0.71 | 2024 | |
| 2025 | 885,000 | 2.200% | 17,785 | 902,785 | 410,000 | 2.200% | 113,913 | 523,913 | 575,000 | 2.750% | 20,331 | 595,331 | (861,638) | (556,050) | 0 | (37,769) | (1,455,456) | 1,316,885 | 0.53 | 2025 | |
| 2026 | 350,000 | 2.300% | 4,025 | 354,025 | 420,000 | 2.300% | 104,573 | 524,573 | 50,000 | 2.850% | 11,713 | 61,713 | (303,280) | | 0 | (61,713) | (364,993) | 997,043 | 0.40 | 2026 | |
| 2027 | | | | | 435,000 | 2.550% | 94,196 | 529,196 | 50,000 | 3.100% | 10,225 | 60,225 | (306,848) | | | (60,225) | (367,073) | 638,549 | 0.25 | 2027 | |
| 2028 | | | | | 445,000 | 2.700% | 82,643 | 527,643 | 50,000 | 3.200% | 8,650 | 58,650 | (304,693) | | | (58,650) | (363,343) | 633,050 | 0.25 | 2028 | |
| 2029 | | | | | 455,000 | 2.800% | 70,265 | 525,265 | 50,000 | 3.450% | 6,988 | 56,988 | (306,990) | | | (56,988) | (363,978) | 621,700 | 0.25 | 2029 | |
| 2030 | | | | | 465,000 | 3.000% | 56,920 | 521,920 | 50,000 | 4.700% | 4,950 | 54,950 | (303,650) | | | (54,950) | (358,600) | 614,785 | 0.24 | 2030 | |
| 2031 | | | | | 485,000 | 3.100% | 42,428 | 527,428 | 50,000 | 3.700% | 2,850 | 52,850 | (304,650) | | | (52,850) | (357,500) | 607,223 | 0.24 | 2031 | |
| 2032 | | | | | 190,000 | 3.250% | 31,823 | 221,823 | 50,000 | 3.850% | 963 | 50,963 | | | | (50,963) | (50,963) | 604,043 | 0.24 | 2032 | |
| 2033 | | | | | 195,000 | 3.350% | 25,469 | 220,469 | | | | | | | | | | 590,309 | 0.23 | 2033 | |
| 2034 | | | | | 200,000 | 3.450% | 18,753 | 218,753 | | | | | | | | | | 419,078 | 0.16 | 2034 | |
| 2035 | | | | | 210,000 | 3.550% | 11,575 | 221,575 | | | | | | | | | | 425,075 | 0.16 | 2035 | |
| 2036 | | | | | 215,000 | 3.650% | 3,924 | 218,924 | | | | | | | | | | 218,924 | 0.08 | 2036 | |
| TOTALS | 8,825,000 | | 769,853 | 9,594,853 | 6,630,000 | | 1,873,754 | 8,503,754 | 4,755,000 | | 735,897 | 5,490,897 | (8,878,491) | (4,988,043) | 0 | (754,550) | (14,621,083) | 35,019,772 | | TOTALS | |

NOTES
 Proposed interest rates based on AA3 sale 2/8/16 + .25 + NONBQ adjustment, taxable issue adjusted for spread in tax exempt vs taxable MMD
 Existing Debt does not include obligations to be refunded



G.O. Promissory Notes, Series 2016A



Debt Service Breakdown by Purpose

Dated 5/10/16

| | Capital Projects 2,920,000 | | | | TID 6 4,570,000 | | | Refunding 2008 Notes (General) 1,335,000 | | | Estimated Total Issue Debt Service | | | | |
|---------------|----------------------------|-------------------|----------------|------------------|------------------|----------------|------------------|--|---------------|------------------|------------------------------------|-------------------|----------------|------------------|---------------|
| YEAR | Prin (4/1) | Rate ¹ | Interest | Total | Prin (4/1) | Interest | Total | Prin (4/1) | Interest | Total | Principal | Rate ¹ | Interest | Net Total | YEAR |
| 2017 | 250,000 | 1.050% | 69,997 | 319,997 | 455,000 | 101,948 | 556,948 | 670,000 | 17,378 | 687,378 | 1,375,000 | 1.050% | 189,323 | 1,564,323 | 2017 |
| 2018 | 100,000 | 1.200% | 48,015 | 148,015 | 485,000 | 67,285 | 552,285 | 665,000 | 3,990 | 668,990 | 1,250,000 | 1.200% | 119,290 | 1,369,290 | 2018 |
| 2019 | 300,000 | 1.400% | 45,315 | 345,315 | 495,000 | 60,910 | 555,910 | | | | 795,000 | 1.400% | 106,225 | 901,225 | 2019 |
| 2020 | 310,000 | 1.550% | 40,813 | 350,813 | 500,000 | 53,570 | 553,570 | | | | 810,000 | 1.550% | 94,383 | 904,383 | 2020 |
| 2021 | 310,000 | 1.600% | 35,930 | 345,930 | 510,000 | 45,615 | 555,615 | | | | 820,000 | 1.600% | 81,545 | 901,545 | 2021 |
| 2022 | 315,000 | 1.700% | 30,773 | 345,773 | 515,000 | 37,158 | 552,158 | | | | 830,000 | 1.700% | 67,930 | 897,930 | 2022 |
| 2023 | 325,000 | 1.850% | 25,089 | 350,089 | 525,000 | 27,924 | 552,924 | | | | 850,000 | 1.850% | 53,013 | 903,013 | 2023 |
| 2024 | 325,000 | 2.050% | 18,751 | 343,751 | 535,000 | 17,584 | 552,584 | | | | 860,000 | 2.050% | 36,335 | 896,335 | 2024 |
| 2025 | 335,000 | 2.200% | 11,735 | 346,735 | 550,000 | 6,050 | 556,050 | | | | 885,000 | 2.200% | 17,785 | 902,785 | 2025 |
| 2026 | 350,000 | 2.300% | 4,025 | 354,025 | | | | | | | 350,000 | 2.300% | 4,025 | 354,025 | 2026 |
| TOTALS | 2,920,000 | | 330,442 | 3,250,442 | 4,570,000 | 418,043 | 4,988,043 | 1,335,000 | 21,368 | 1,356,368 | 8,825,000 | | 769,853 | 9,594,853 | TOTALS |

Rates based on Aa3 issue sold 2/8/16 + .25 + NONBQ Adjustment

Pre Sale Estimates



G.O. Bonds, Series 2016B



Debt Service Breakdown by Purpose

| | Pool - General Fund 3,260,000 | | | TID 3 3,370,000 | | | Estimated Total Issue Debt Service | | | | |
|---------------|-------------------------------|------------------|------------------|------------------|----------------|------------------|------------------------------------|-------------------|------------------|------------------|---------------|
| YEAR | Prin (4/1) | Interest | Total | Prin (4/1) | Interest | Total | Prin (4/1) | Rate ¹ | Interest | Total | YEAR |
| 2016 | | | | | | | | | | | 2016 |
| 2017 | 150,000 | 115,392 | 265,392 | 0 | 106,101 | 106,101 | 150,000 | 1.050% | 221,493 | 371,493 | 2017 |
| 2018 | 50,000 | 81,608 | 131,608 | 0 | 76,240 | 76,240 | 50,000 | 1.200% | 157,848 | 207,848 | 2018 |
| 2019 | 140,000 | 80,328 | 220,328 | 230,000 | 74,630 | 304,630 | 370,000 | 1.400% | 154,958 | 524,958 | 2019 |
| 2020 | 140,000 | 78,263 | 218,263 | 235,000 | 71,199 | 306,199 | 375,000 | 1.550% | 149,461 | 524,461 | 2020 |
| 2021 | 145,000 | 76,018 | 221,018 | 235,000 | 67,498 | 302,498 | 380,000 | 1.600% | 143,515 | 523,515 | 2021 |
| 2022 | 145,000 | 73,625 | 218,625 | 240,000 | 63,578 | 303,578 | 385,000 | 1.700% | 137,203 | 522,203 | 2022 |
| 2023 | 150,000 | 71,005 | 221,005 | 245,000 | 59,271 | 304,271 | 395,000 | 1.850% | 130,276 | 525,276 | 2023 |
| 2024 | 150,000 | 68,080 | 218,080 | 250,000 | 54,443 | 304,443 | 400,000 | 2.050% | 122,523 | 522,523 | 2024 |
| 2025 | 155,000 | 64,838 | 219,838 | 255,000 | 49,075 | 304,075 | 410,000 | 2.200% | 113,913 | 523,913 | 2025 |
| 2026 | 160,000 | 61,293 | 221,293 | 260,000 | 43,280 | 303,280 | 420,000 | 2.300% | 104,573 | 524,573 | 2026 |
| 2027 | 165,000 | 57,349 | 222,349 | 270,000 | 36,848 | 306,848 | 435,000 | 2.550% | 94,196 | 529,196 | 2027 |
| 2028 | 170,000 | 52,950 | 222,950 | 275,000 | 29,693 | 304,693 | 445,000 | 2.700% | 82,643 | 527,643 | 2028 |
| 2029 | 170,000 | 48,275 | 218,275 | 285,000 | 21,990 | 306,990 | 455,000 | 2.800% | 70,265 | 525,265 | 2029 |
| 2030 | 175,000 | 43,270 | 218,270 | 290,000 | 13,650 | 303,650 | 465,000 | 3.000% | 56,920 | 521,920 | 2030 |
| 2031 | 185,000 | 37,778 | 222,778 | 300,000 | 4,650 | 304,650 | 485,000 | 3.100% | 42,428 | 527,428 | 2031 |
| 2032 | 190,000 | 31,823 | 221,823 | | | | 190,000 | 3.250% | 31,823 | 221,823 | 2032 |
| 2033 | 195,000 | 25,469 | 220,469 | | | | 195,000 | 3.350% | 25,469 | 220,469 | 2033 |
| 2034 | 200,000 | 18,753 | 218,753 | | | | 200,000 | 3.450% | 18,753 | 218,753 | 2034 |
| 2035 | 210,000 | 11,575 | 221,575 | | | | 210,000 | 3.550% | 11,575 | 221,575 | 2035 |
| 2036 | 215,000 | 3,924 | 218,924 | | | | 215,000 | 3.650% | 3,924 | 218,924 | 2036 |
| TOTALS | 3,260,000 | 1,101,611 | 4,361,611 | 3,370,000 | 772,143 | 4,142,143 | 6,630,000 | | 1,873,754 | 8,503,754 | TOTALS |

Rates based on Aa3 issue sold 2/8/16 + .25 + NONBQ Adjustment

Pre Sale Estimates



Taxable G.O. Bonds, Series 2016C



Debt Service Breakdown by Purpose

| | TID #8 565,000 | | | Mall TID 3 4,190,000 | | | Estimated Total Issue Debt Service | | | | |
|---------------|-------------------|----------------|----------------|-------------------------|----------------|------------------|------------------------------------|-------------------|----------------|------------------|---------------|
| YEAR | Prin (4/1) | Interest | Total | Prin (4/1) | Interest | Total | Prin (4/1) | Rate ¹ | Interest | Total | YEAR |
| 2016 | | | | | | | | | | | 2016 |
| 2017 | 15,000 | 23,853 | 38,853 | 300,000 | 130,278 | 430,278 | 315,000 | 1.380% | 154,131 | 469,131 | 2017 |
| 2018 | 25,000 | 16,809 | 41,809 | 300,000 | 88,575 | 388,575 | 325,000 | 1.590% | 105,384 | 430,384 | 2018 |
| 2019 | 25,000 | 16,379 | 41,379 | 490,000 | 81,658 | 571,658 | 515,000 | 1.850% | 98,036 | 613,036 | 2019 |
| 2020 | 25,000 | 15,874 | 40,874 | 500,000 | 71,650 | 571,650 | 525,000 | 2.190% | 87,524 | 612,524 | 2020 |
| 2021 | 25,000 | 15,309 | 40,309 | 500,000 | 60,350 | 560,350 | 525,000 | 2.330% | 75,659 | 600,659 | 2021 |
| 2022 | 25,000 | 14,705 | 39,705 | 500,000 | 48,275 | 548,275 | 525,000 | 2.500% | 62,980 | 587,980 | 2022 |
| 2023 | 25,000 | 14,078 | 39,078 | 500,000 | 35,725 | 535,725 | 525,000 | 2.520% | 49,803 | 574,803 | 2023 |
| 2024 | 25,000 | 13,438 | 38,438 | 550,000 | 22,275 | 572,275 | 575,000 | 2.600% | 35,713 | 610,713 | 2024 |
| 2025 | 25,000 | 12,769 | 37,769 | 550,000 | 7,563 | 557,563 | 575,000 | 2.750% | 20,331 | 595,331 | 2025 |
| 2026 | 50,000 | 11,713 | 61,713 | | | | 50,000 | 2.850% | 11,713 | 61,713 | 2026 |
| 2027 | 50,000 | 10,225 | 60,225 | | | | 50,000 | 3.100% | 10,225 | 60,225 | 2027 |
| 2028 | 50,000 | 8,650 | 58,650 | | | | 50,000 | 3.200% | 8,650 | 58,650 | 2028 |
| 2029 | 50,000 | 6,988 | 56,988 | | | | 50,000 | 3.450% | 6,988 | 56,988 | 2029 |
| 2030 | 50,000 | 4,950 | 54,950 | | | | 50,000 | 4.700% | 4,950 | 54,950 | 2030 |
| 2031 | 50,000 | 2,850 | 52,850 | | | | 50,000 | 3.700% | 2,850 | 52,850 | 2031 |
| 2032 | 50,000 | 963 | 50,963 | | | | 50,000 | 3.850% | 963 | 50,963 | 2032 |
| TOTALS | 565,000 | 189,550 | 754,550 | 4,190,000 | 546,348 | 4,736,348 | 4,755,000 | | 735,897 | 5,490,897 | TOTALS |

Rates based on Aa3 issue sold 2/8/16 + .25, adjusted for spread Taxable MMD vs Tax Exem

Pre Sale Estimates



Estimated Refunding Savings

Existing Debt Service To Be Refunded

| 2008 GO Promissory Notes | | | | | Existing Debt to be paid by Issuer | Proposed 2016A Refunding Portion | | | | Total Savings |
|--------------------------|------------------|-------|----------------|------------------|------------------------------------|----------------------------------|----------|---------------|------------------|---------------|
| Issue | | | | | | | | | | |
| Amount | \$9,845,000 | | | | | \$1,075,000 | | | | |
| Dated | 26-Jun-08 | | | | 10-May-16 | | | | | |
| Call Date | 1-Apr-15 | | | | | | | | | |
| Call Amt | | | | | | | | | | |
| Year | Prin (4/1) | Rate | Interest | Total | Prin (4/1) | Est. Rate ¹ | Interest | Total | | |
| 2016 | 660,000 | 3.55% | 58,930 | 718,930 | 718,930 | | | 0 | 0 | |
| 2017 | 660,000 | 3.55% | 35,500 | 695,500 | | 670,000 | 1.05% | 17,378 | 687,378 | 8,122 |
| 2018 | 670,000 | 3.55% | 11,893 | 681,893 | | 665,000 | 1.20% | 3,990 | 668,990 | 12,903 |
| 2019 | | | | | | | | | | 0 |
| | | | | | | | | | | 0 |
| Total | 1,990,000 | | 106,323 | 2,096,323 | 718,930 | | | 21,368 | 1,356,368 | 21,024 |

Notes:

Rates based on Aa3 issue sold 2/8/16 + .25 + NONBQ Adjustment

NET FUTURE VALUE SAVINGS

21,024

Pre Sale Estimates

NET PRESENT VALUE SAVINGS AS A PERCENT OF REFUNDED PRINCIPAL = 1.52%

20,219

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

PRELIMINARY RESOLUTION OF THE FINANCE COMMITTEE

Authorizing \$6,630,000 General Obligation Bonds for Community Development Projects in Tax Incremental District No. 3 and Swimming Pool Projects

Committee Action: Approved 5-0

Fiscal Impact: \$6,630,000 plus interest costs determined on sale date

File Number: 16-0316B

Date Introduced: March 22, 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> |
| | <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: To be determined on sale date</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 checked="" type="checkbox"/> No <input type="checkbox"/> | <i>Amount: \$3,370,000 TID #3</i> |
| | <i>TID Source: Increment Revenue <input checked="" type="checkbox"/> Debt <input type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/></i> | | |

BE IT RESOLVED by the Common Council of the City of Wausau, Marathon County, Wisconsin that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed \$3,370,000 for the public purpose of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, in the City's Tax Incremental District No. 3;

BE IT RESOLVED by the Common Council of the City of Wausau, Marathon County, Wisconsin that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed \$3,260,000 for the public purpose of paying the cost of swimming pool projects.

BE IT FURTHER RESOLVED, THAT:

Section 1. Combination of Issues. Each of the resolution paragraphs above shall constitute the Initial Resolution for the bonds authorized thereby, within the meaning of Wisconsin Statutes, Section 67.05(1) (collectively, the "Initial Resolutions"). Such bond issues authorized by the Initial Resolutions are hereby combined into one issue of bonds designated "General Obligation Corporate Purpose Bonds, Series 2016B" (the "Bonds") and, provided no sufficient petition for referendum is received with respect to the Initial Resolutions, the City of Wausau, Marathon County, Wisconsin (the "City") shall issue the Bonds in an amount not to exceed \$6,630,000 for the purposes above specified.

FINANCE COMMITTEE

Date and Time: Tuesday, March 8, 2016 @ 5:15 pm., Board Room

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

Others Present: Groat, Lindman, Jacobson, Ray, Kujawa, Schock, Stratz, Werth, Abitz, Neal, Wagner, Rasmussen, Bruce Bohlken, Pat Peckham, Fernando & Heidi Riveron, and other interested parties.

Discussion and possible action regarding the resolutions authorizing \$8,825,000 in General Obligation Promissory Notes

and

Discussion and possible action regarding resolution authorizing \$6,630,000 General Obligation Bonds for Community Development Projects in Tax Incremental District Number 3 and Swimming Pool Project

and

Discussion and possible action regarding resolution authorizing \$4,755,000 taxable general obligation bonds for community development projects in Tax Increment District Nos. 3 and 8

Groat stated this and the next two items are all basically funding our capital projects in the budget in 2016, as well as the mall loan and one refinancing. She indicated the tentative schedule is Finance consideration tonight; preliminary resolutions to Council March 22, 2016; final sale and adoption of final resolutions on April 12, 2016; with settlement on May 10, 2016.

Groat stated each year when we go to borrow our financial advisors look at refinancing opportunities and they identified two of them. One is the 2008 promissory note of \$1,330,000, which would generate a savings of approximately \$12,000 in interest. The second one is a 2009 issue that has a principal balance of \$1,235,000. She explained when we looked at the accumulated reserves in the debt service fund we found it could pay that issue off early and save approximately \$53,000 in interest; this would not impact our ability to fund future debt retirement in future years. She stated when we had anticipated borrowing \$200,000 in TID #7 for the stormwater for O'Malley's, but the State of Wisconsin is now paying for it so the \$200,000 is being taken out of the borrowing. She indicated we have added the loan for the Wausau Center Mall.

Groat noted to be bank qualified we need to stay under \$10 million, which we are not able to do this year given these large projects for Thomas Street, the pool, the riverfront and the mall. It will be approximately \$300,000 of additional interest over the life of the debt; however, sale date affects it so our advisors are encouraging us to issue early this year.

Motion by Nagle, second by Mielke to approve the resolutions authorizing \$8,825,000 in General Obligation Promissory Notes. Motion carried 5-0.

Motion by Nagle, second by Mielke to approve the resolution authorizing \$6,630,000 General Obligation Bonds for Community Development Projects in Tax Incremental District Number 3 and Swimming Pool Project. Motion carried 5-0.

Motion by Nagle, second by Mielke to approve the resolution authorizing \$4,755,000 taxable general obligation bonds for community development projects in Tax Increment District Nos. 3 and 8. Motion carried 5-0.

Section 2. Notice to Electors. The City Clerk shall, within fifteen (15) days, publish a notice to the electors regarding adoption of the Initial Resolutions in substantially the form attached hereto in the official City newspaper as a class 1 notice under ch. 985, Wis. Stats.

Section 3. Sale of Bonds. The Common Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 4. Notice of Sale. The City Clerk (in consultation with the City's financial advisor, Ehlers & Associates, Inc. ("Ehlers")) is hereby authorized and directed to cause the sale of the Bonds to be publicized at such times and in such manner as the City Clerk may determine and to cause copies of a complete official Notice of Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 5. Official Statement. The City Clerk shall cause an Official Statement concerning this issue to be prepared by Ehlers. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Adopted, approved and recorded March 22, 2016.

James E. Tipple
Mayor

ATTEST:

Toni Rayala
City Clerk

(SEAL)

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

| PRELIMINARY RESOLUTION OF THE FINANCE COMMITTEE | |
|--|---|
| Authorizing \$4,755,000 Taxable General Obligation Bonds for Community Development Projects in Tax Incremental District Nos. 3 and 8 | |
| Committee Action: | Approved 5-0 |
| Fiscal Impact: | \$4,755,000 plus interest costs determined on sale date |
| File Number: | 16-0316C |
| Date Introduced: | March 22, 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> |
| | <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: Annual debt amortization will be determined on sale date</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 checked="" type="checkbox"/> No <input type="checkbox"/> | <i>Amount: \$4,755,000</i> |
| | <i>TID Source: Increment Revenue</i> <input checked="" type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/> | | |

BE IT RESOLVED by the Common Council of the City of Wausau, Marathon County, Wisconsin (the "City") that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, general obligation bonds in an amount not to exceed \$4,755,000 for the public purpose of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, in the City's Tax Incremental District Nos. 3 and 8.

BE IT FURTHER RESOLVED, THAT:

Section 1. Notice to Electors. The first resolution paragraph above shall constitute the Initial Resolution for the bonds authorized thereby, within the meaning of Wisconsin Statutes, Section 67.05(1) (the "Initial Resolution"). The City Clerk shall, within fifteen (15) days, publish a notice to the electors regarding adoption of the Initial Resolution in substantially the form attached hereto in the official City newspaper as a class 1 notice under ch. 985, Wis. Stats.

Section 2. Issuance of the Bonds. Due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such bonds on a taxable rather than tax-exempt basis. The bonds authorized by the Initial Resolution shall be designated "Taxable General Obligation Community Development Bonds, Series 2016C" (the "Bonds") and, provided no sufficient petition for referendum is received with respect to the Initial Resolution, the City shall issue the Bonds in an amount not to exceed \$4,755,000 for the purpose above specified.

FINANCE COMMITTEE

Date and Time: Tuesday, March 8, 2016 @ 5:15 pm., Board Room

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

Others Present: Groat, Lindman, Jacobson, Ray, Kujawa, Schock, Stratz, Werth, Abitz, Neal, Wagner, Rasmussen, Bruce Bohlken, Pat Peckham, Fernando & Heidi Riveron, and other interested parties.

Discussion and possible action regarding the resolutions authorizing \$8,825,000 in General Obligation Promissory Notes

and

Discussion and possible action regarding resolution authorizing \$6,630,000 General Obligation Bonds for Community Development Projects in Tax Incremental District Number 3 and Swimming Pool Project

and

Discussion and possible action regarding resolution authorizing \$4,755,000 taxable general obligation bonds for community development projects in Tax Increment District Nos. 3 and 8

Groat stated this and the next two items are all basically funding our capital projects in the budget in 2016, as well as the mall loan and one refinancing. She indicated the tentative schedule is Finance consideration tonight; preliminary resolutions to Council March 22, 2016; final sale and adoption of final resolutions on April 12, 2016; with settlement on May 10, 2016.

Groat stated each year when we go to borrow our financial advisors look at refinancing opportunities and they identified two of them. One is the 2008 promissory note of \$1,330,000, which would generate a savings of approximately \$12,000 in interest. The second one is a 2009 issue that has a principal balance of \$1,235,000. She explained when we looked at the accumulated reserves in the debt service fund we found it could pay that issue off early and save approximately \$53,000 in interest; this would not impact our ability to fund future debt retirement in future years. She stated when we had anticipated borrowing \$200,000 in TID #7 for the stormwater for O'Malley's, but the State of Wisconsin is now paying for it so the \$200,000 is being taken out of the borrowing. She indicated we have added the loan for the Wausau Center Mall.

Groat noted to be bank qualified we need to stay under \$10 million, which we are not able to do this year given these large projects for Thomas Street, the pool, the riverfront and the mall. It will be approximately \$300,000 of additional interest over the life of the debt; however, sale date affects it so our advisors are encouraging us to issue early this year.

Motion by Nagle, second by Mielke to approve the resolutions authorizing \$8,825,000 in General Obligation Promissory Notes. Motion carried 5-0.

Motion by Nagle, second by Mielke to approve the resolution authorizing \$6,630,000 General Obligation Bonds for Community Development Projects in Tax Incremental District Number 3 and Swimming Pool Project. Motion carried 5-0.

Motion by Nagle, second by Mielke to approve the resolution authorizing \$4,755,000 taxable general obligation bonds for community development projects in Tax Increment District Nos. 3 and 8. Motion carried 5-0.

Section 3. Sale of Bonds. The Common Council hereby authorizes and directs that the Bonds be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Bonds as may have been received and take action thereon.

Section 4. Notice of Sale. The City Clerk (in consultation with the City's financial advisor, Ehlers & Associates, Inc. ("Ehlers")) is hereby authorized and directed to cause the sale of the Bonds to be publicized at such times and in such manner as the City Clerk may determine and to cause copies of a complete official Notice of Sale and other pertinent data to be forwarded to interested bidders as the City Clerk may determine.

Section 5. Official Statement. The City Clerk shall cause an Official Statement concerning this issue to be prepared by Ehlers. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Adopted, approved and recorded March 22, 2016.

James E. Tipple
Mayor

ATTEST:

Toni Rayala
City Clerk

(SEAL)

RESOLUTION OF THE FINANCE COMMITTEE

Approving the 2016 Community Development Block Grant Program Budget

Committee Action: Approved 5-0

Fiscal Impact: Award of \$557,487 in Community Development Block Grant Funds to the City of Wausau

File Number: 03-1007

Date Introduced: March 22, 2016

RESOLUTION

WHEREAS the City is beginning its second year of its 5-Year Consolidated Plan, and

WHEREAS the Citizens Advisory Committee for Community Development held two public hearings, two working sessions and has prepared a proposed Block Grant program funding recommendation to the Finance Committee in which the Finance Committee has approved said plan, and

BE IT RESOLVED, by the Common Council of the City of Wausau that the proposed 2016 Action Plan in the amount of \$557,487 for the Community Development Block Grant (CDBG) Program be and the same is hereby approved and its filing with the appropriate agency is hereby authorized, and that the Common Council acknowledges all understandings, assurances and certifications contained in said 2016 Action Plan, and

BE IT FURTHER RESOLVED, that the Mayor is designated as the authorized representative of the City to act in connection with said plan, to provide any and all additional information or program reports as may be required, and that the Mayor is hereby authorized to execute any documents which are necessary for the implementation of the 2016 Community Development Block Grant Program.

Approved:

James E. Tipple, Mayor



MEMO

TO: Common Council

FROM: Tammy Stratz, Community Development

DATE: March 9, 2016

RE: 2016 Community Development Block Grant Program

The Citizen's Advisory Committee for Community Development held two public hearings to receive comments on community needs, public performance and the proposed 2016 Community Development Block Grant (CDBG) program funds. On Wednesday, December 9, 2015, the Committee held its first working session meeting to develop a proposed statement of objectives and use of projected funds for the 2016 Block Grant program. On February 16, 2016 the City of Wausau received notification as to what the actual allocation amount will be. The Citizens' Advisory Committee met again on Monday, February 29, 2016 to program these new figures. The proposed program was then forwarded on to the Finance Committee on Tuesday, March 8th. The Finance Committee unanimously passed the 2016 Community Development Block Grant program as recommended by the Citizens Advisory Committee.

Enclosed is the breakdown sheet of the proposed use of 2016 funds as recommended by both the Citizen's Advisory Committee and the Finance Committee. If you would like a binder with the complete applications, please let me know and we will get you one right away. As you evaluate the recommendations and funding requests, there are a number of items to consider. This year we had funding requests totaling \$633,587. The City of Wausau's 2016 Block Grant allocation will be \$557,487. When reviewing the attached proposed program, please remember that public service activities cannot be funded for more than 15% of the \$557,487 – or a maximum of \$83,623.

The primary purpose of the Housing and Community Development Act is to develop a viable community by providing decent housing and suitable living environments, expanding economic opportunities primarily for low and moderate income persons, and provide a safe community. All activities must have been rated as a high priority in our 5-year Consolidated Plan in order to be considered for funding. All activities the Community Development Citizens Advisory Committee has recommended meet these criteria. In addition, each activity carried out with CDBG funds must meet one of the three broad national objectives:

- Benefit low and moderate income persons
- Aid in the prevention or elimination of slum and blight
- Meet other community development needs having a particular urgency because existing conditions pose a serious or immediate threat to health.

Also attached is our 2016 Action Plan for spending the Community Development Block Grant funds. Please review it and let us know if you have any questions. This plan is due into HUD no later than April 10, 2016.

If you have any questions regarding the process, the proposals or funding recommendations, please call me at 261-6682. Thank you for your input and your continued support of this program.

2016 CDBG Program

| Activity Code | Applicant/Agency | Requested | Cit. Adv. Recommended | Finance Approved | Council Approved |
|------------------|--|-------------------|-----------------------|-------------------|------------------|
| A - 570.206 | CD Administration | \$ 112,000 | \$ 111,497 | \$ 111,497 | |
| ED - 570.201 (d) | Brownfield Revolving Loan | \$ 30,000 | \$ 27,990 | \$ 27,990 | |
| ED - 570.203 (b) | Economic Development | \$ 35,000 | \$ 35,000 | \$ 35,000 | |
| H - 570.202 | Homeowner Rehabilitation | \$ 150,000 | \$ 150,000 | \$ 150,000 | |
| PF - 570.201 (c) | Neighborhood Revitalization | \$ 30,000 | \$ 30,000 | \$ 30,000 | |
| PF - 570.201 (c) | Street Reconstruction | \$ 125,000 | \$ 125,000 | \$ 125,000 | |
| PS - 570.201 (e) | Big Brothers Big Sisters | \$ 10,000 | \$ 8,000 | \$ 8,000 | |
| PS - 570.201 (e) | Childrens Service - Start Right | \$ 36,523 | \$ 20,000 | \$ 20,000 | |
| PS - 570.201 (e) | Project Step Up (Cath. Charities) | \$ 10,000 | \$ 10,000 | \$ 10,000 | |
| PS - 570.201 (e) | Warming Center (Cath. Charities) | \$ 10,000 | \$ 5,000 | \$ 5,000 | |
| PS - 570.201 (e) | Sal. Army - Transitional Living Center | \$ 30,000 | \$ 15,000 | \$ 15,000 | |
| PS - 570.201 (e) | Hispanic Chamber of Commerce | \$ 20,064 | \$ - | \$ - | |
| PS - 570.201 (e) | Short Street Housing Services | \$25,000 | \$ 20,000 | \$ 20,000 | |
| PS - 570.201 (e) | Benedictine Living Community | \$ 10,000 | \$ - | \$ - | |
| | Total | \$ 633,587 | \$ 557,487 | \$ 557,487 | |

Note: Public Service funding cannot exceed 15% of grant amount \$ 83,623

\$ -

| | | |
|-------------------------------|-----------------|----------|
| P.S. - Public Service Cap 15% | Left to Fund | \$ - |
| Administration Cap 20% | PS Left to Fund | \$ 5,623 |

Code Definitions:

| | |
|----|-------------------------|
| A | Administration/Planning |
| C | Clearance |
| ED | Economic Development |
| H | Housing |
| PF | Public Facility |
| PS | Public Service |
| SB | Slum & Blight |

FINANCE COMMITTEE

Date and Time: Tuesday, March 8, 2016 @ 5:15 pm., Board Room

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

Others Present: Groat, Lindman, Jacobson, Ray, Kujawa, Schock, Stratz, Werth, Abitz, Neal, Wagner, Rasmussen, Bruce Bohlken, Pat Peckham, Fernando & Heidi Riveron, and other interested parties.

Discussion and possible action regarding the Citizen Advisory Committee's recommendation for the allocation of the 2016 Community Development Block Grant Funds

Tammy Stratz stated the Citizens Advisory Committee has met and held two public hearings and working sessions to put together a proposal to allocate the 2016 Block Grant Funds. She noted there are certain caps on public services and administration; this proposal is under those caps and they recommended approval.

Nagle commented we respect and appreciate the hard work that the people on the Citizens Advisory Committee put in to this process which benefits the community.

Motion by Nagle, second by Mielke to approve the recommendation of the Citizens Advisory Committee for the allocation of the 2016 CDBG Funds. Motion carried 5-0.

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

| RESOLUTION OF THE FINANCE COMMITTEE | |
|--|--|
| <p>Approving Modification of the 2016 Budget Capital Projects Fund – Asphalt Overlay</p> | |
| Committee Action: | Approved 5-0 |
| Fiscal Impact (2016): | This action will modify transfer \$179,478 from street improvements to asphalt overlay |
| File Number: | 15-1109 |
| Date Introduced: | March 22, 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 checked="" type="checkbox"/> No <input type="checkbox"/> | <i>Budget Source: Street Improvements</i> | | |
| | <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> | | |
| 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 type="checkbox"/> No <input checked="" type="checkbox"/> | <i>Amount</i> | <i>Annual Retirement</i> | |
| | <i>TID Financed:</i> | Yes <input type="checkbox"/> No <input checked="" 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, the 2016 budget contained \$179,478 for the reconstruction of Ashland Avenue and Meadowview Road, and

WHEREAS, after hearing resident objections to the project, your CISM Committee recommended these projects be eliminated from the 2016 construction schedule; and

WHEREAS, due to other capital demands the City of Wausau eliminated the annual asphalt overlay project from the 2016 budget; and

WHEREAS, the engineering staff are recommending the City reallocate the funds budgeted for Ashland Avenue and Meadowview Road to Asphalt Overlay;

WHEREAS, your Finance Committee has reviewed and recommends the following transfer of funds:

| | | |
|---------------|-----------------------------------|-----------|
| Transfer From | 150-232098230 Street Improvements | \$179,478 |
| Transfer To | 150-232698230 Asphalt Paving | \$179,478 |

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Wausau that the proper City Officials be and are hereby authorized and directed to modify the 2016 budget as indicated and publish such transfer in the official newspaper.

Approved:

James E. Tipple, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, March 8, 2016 @ 5:15 pm., Board Room

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

Others Present: Groat, Lindman, Jacobson, Ray, Kujawa, Schock, Stratz, Werth, Abitz, Neal, Wagner, Rasmussen, Bruce Bohlken, Pat Peckham, Fernando & Heidi Riveron, and other interested parties.

Discussion and possible action regarding a 2016 budget modification to reflect the delay in Ashland Avenue street project and Funding Asphalt Overlay Project

Lindman explained this project was slated for the reconstruction of Ashland Avenue with curb & gutter; however, the residents came forward stating they did not want it, so CISM decided not to move forward with it. He stated he would like to take those funds and allocate to the Asphalt Overlay Project. He indicated the Asphalt Overlay Project had been pulled out of the CIP budget for 2016, so this would allow us approximately \$180,000 to get some additional work done. Oberbeck questioned if this street project for Ashland would be coming back for 2017. Lindman stated this hasn't been determined yet, but it would be weighted by how much additional maintenance it takes each year. Rasmussen explained the reasoning of the CISM Committee regarding the street project.

Motion by Nagle, second by Kellbach to approve the budget modification to fund the Asphalt Overlay Project.
Motion carried 5-0.

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

| RESOLUTION OF THE FINANCE COMMITTEE | |
|--|----------------|
| Approving alleged claim for excessive assessment – Fernando and Heidi Riveron (1010 Franklin Street) | |
| Committee Action: | Failed 1-4 |
| Fiscal Impact: | None |
| File Number: | 16-0219 |
| Date Introduced: | March 22, 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, Fernando and Heidi Riveron appealed the 2015 assessment of their property located at 1010 Franklin Street (PIN 291.2908.254.0289) to the Board of Review and the Board determined the assessor’s valuation incorrect and reduced the full value of the property and improvements to \$870,000; and

WHEREAS, on December 18, 2015, Fernando and Heidi Riveron served on the Clerk, a claim for excessive assessment pursuant to Section 74.37, Wisconsin Statutes; and

WHEREAS, pursuant to said claim, Fernando and Heidi Riveron are requesting that the amount of general property tax imposed because the assessment of their property was excessive, be refunded; and

WHEREAS, city staff has reviewed the claim and recommends that the claim be disallowed; and

WHEREAS, your Finance Committee, on March 8, 2016, considered the matter and recommends that the claim be disallowed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau, that the claim of Fernando and Heidi Riveron filed the with city clerk on December 18, 2015, for excessive assessment of the real property located at 1010 Franklin Street (PIN 291.2908.254.0289) is hereby approved.

Approved:

James E. Tipple, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, March 8, 2016 @ 5:15 pm., Board Room

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

Others Present: Groat, Lindman, Jacobson, Ray, Kujawa, Schock, Stratz, Werth, Abitz, Neal, Wagner, Rasmussen, Bruce Bohlken, Pat Peckham, Fernando & Heidi Riveron, and other interested parties.

Public Comment

Fernando Riveron, 1010 Franklin St, addressed the committee objecting to the assessment of their property, indicating they went through the appropriate process at the Board of Review on October 1, 2015. He explained they disagreed with the assessment because they just recently bought the house for significantly less than the assessment. They learned from the Assessor's Manual that the 'arm's length sale' that is a conforming sale is the best measure of value of a property. He indicated the Assessor's letter states that it was not an arm's length sale and is nonconforming; however, he stated this was not true because they went through two realtors. They paid the asking price and did not negotiate the price. It was a conforming sale because the price per foot was higher than other homes in the East Hill neighborhood. He requested the Finance Committee forward this to the Council for discussion.

Discussion and Possible Action regarding Claim for Excessive Assessment (Fernando and Heidi Riveron)

Jeremy Ray, Interim City Assessor, explained the duty of the city in a claim for excessive assessment is straight forward; there are specific criteria the claimant has to meet in order for the claim to be allowed. He reviewed the criteria needed and referred to the information in their committee packets. He recommended disallowance of the claim and allow the claimant to move forward using other avenues to get their assessment adjusted.

Oberbeck noted there seemed to be two different points of view as to whether it was or was not an arm's length sale. Ray stated he was not present at the BOR hearing on this case, but the board did determine that the Assessor's valuation was incorrect and they established a value that they determined was correct. He pointed out the value the BOR placed on the property is protected by statutes and is the value they were taxed on. He stated the post BOR assessment on the property was \$870,000. Nagle questioned why the purchase price of \$798,000 was not the fair market value. Ray indicated after the property was purchased there were deficiencies that were improved by the new homeowners during the year. Heidi Riveron stated they only repaired rotting wood. Dr. Riveron indicated he could obtain an affidavit from a builder stating there were no improvements on this house.

Jacobson noted if they take no action it would be deemed denied. Oberbeck stated we need to move this forward to Council so it could be acted on, however, it was his understanding that we cannot meet the 90 days required to get it before Council. Jacobson explained if we respond within 90 days it provides 90 days to appeal to the circuit court; if we fail to take action on it within 90 days it extends the appeal period to two years.

Motion by Nutting, second by Oberbeck to approve the resolution regarding the claim for excessive assessment for Fernando and Heidi Riveron. Motion failed 1-4.



Claim for Excessive Assessment Worksheet

Claimant: Fernando and Heidi Riveron

PIN: 291-2907-254-0289

A claim for excessive assessment under Wisconsin Statutes § 74.37 shall meet ALL of the following requirements. Failure to meet any one (1) condition shall be grounds to disallow the claim.

- Must be filed against the taxation district imposing the assessment.
- Must be in writing.
- Must state the alleged circumstances giving rise to the claim.
- Must state as accurately as possible the amount of the claim.
- Must be signed by the claimant or his or her agent.
- Must be served on the clerk of the taxation district as prescribed in §801.11(4) by January 31 of the year in which the tax is based upon the contested assessment is payable.
- Claimant must have previously objected to the assessment under § 70.47, except under § 70.47 (13). *This condition does not apply if notice under § 70.365 was not required.*
- Claimant must have timely paid the tax, or authorized installment of the tax, which was based on the alleged excessive assessment.
- Claimant must NOT have appealed the same assessment under § 70.47(13) or § 70.85.
- Tax must be based on an excessive assessment and not palpable errors as defined in § 74.33.

Meaning(s):

- Assessment was amended after tax bills were issued.
- Assessment is otherwise factually incorrect to the excess.

Subjective analysis of the information used to determine the assessment or the claimant's opinion of value should not be considered as § 74.37 does not provide for such proceedings by the taxation district. The established assessments by the Assessor and/or the Board of Review are protected by statutes. Allowing a claim does NOT change the assessment.

- § 70.49(2), each assessment "shall, in all actions and proceedings involving such values, be presumptive evidence that all such properties have been justly and equitably assessed."
- § 70.47(9), Correction of Assessments. (a) From evidence before it the board (of review) shall determine whether the assessor's assessment is correct. If the assessment is too high or too low, the board shall raise or lower the assessment accordingly and state on the record the correct assessment and that that assessment is reasonable in light of all relevant evidence that the board received.

Claim Determination: ALLOW DISALLOW

Determination by: Jeremy M. Ray – Interim City Assessor

February 23, 2016

74.37 Claim for Excessive Assessment
Real Estate Parcel

PIN# 291 2907 254 0289
1010 Franklin St
Owner: Fernando and Heidi Riveron

The Riveron's filed a Section 74.37 Claim for Excessive Assessment with our City Clerk, Toni Rayala, on December 18, 2015.

The Riveron's 2014 assessment was lowered for the 2015 city-wide revaluation. The Riveron's 2015 assessment prior to the Board of Review was \$938,500. The Riveron's filed an objection with the 2015 Board of Review. At the 2015 Board of Review hearing the final outcome was to lower their assessment to \$870,000.

| <u>2014 Assessment</u> | | <u>2015 Assessment</u> | | <u>Post BOR 2015 Assessment</u> | |
|------------------------|-----------|------------------------|------------|---------------------------------|-----------|
| Land | \$ 62,300 | Land | \$ 62,300 | Land | \$ 62,300 |
| Improvement | \$919,100 | Improvement | \$ 876,200 | Improvement | \$807,700 |
| Total | \$981,400 | Total | \$ 938,500 | Total | \$870,000 |

In February 28, 2014 they paid \$798,000 for the home. The Riveron's lived right next door and were watching the sale price drop. They purchased it directly from their neighbor. There was a listing in July 2011 for \$1,500,000, listing dropped in July 2012 to \$995,000, then went off the market.

During sale inspection Mrs. Riveron stated they had already stuck in over \$60,000 which included: porch/deck made larger, repaired leaking roof, new fireplace, painted, repaired siding. Seller had appraisal for \$877,700 done in 2013 prior to the \$60,000 worth of improvements.

The Riveron sale was not considered a "conforming arm's-length transaction".

I recommend denial of Riveron's claim for excessive assessment.

Respectfully submitted,

Nanette S. Giese
City Assessor
City of Wausau

Accepted

OBJECTION FORM FOR REAL PROPERTY ASSESSMENT

Section 70.47(7)(a), Wisconsin Statutes states "No person shall be allowed in any action or proceedings to question the amount or valuation of property unless such written objection has been filed and such person in good faith presented evidence to such board in support of such objection and made full disclosure before said board . . ."

Note: The Board of Review can hear only sworn oral testimony regarding the value of the property. It cannot hear protests regarding the amount of property taxes or questions of exemption. The best evidence of the value of your property is a recent arm's-length sale of your property. The next best evidence is recent arm's-length sales of comparable property. If there are no sales of your property or comparable property, you should present other evidence that indicates the value of your property. This would include cost, income, appraisals, and sales of like property.

| | |
|--|----------------------------|
| Property Owner's Name Fernando and Heidi Riveron | Agent Name (if applicable) |
| Owner's Mailing Address 10 10 Franklin | Agent's Mailing Address |
| Owner's Telephone Number 715-581-4072 / 715-581-4073 | Agent's Telephone Number |

Please provide the following information on the property and the assessment to which you are objecting. (Attach additional sheets, if necessary.)

- Property Address **10 10 Franklin**
- Legal Description or parcel number from the current assessment roll
#291 2907 254 0289
- Total Property Assessments **938,500**
- Please explain why you think the above assessed value is incorrect **The Assessment is much higher than the sale price in 2014 or comparables**
- In your opinion, what was the taxable value of this property on January 1 of the year being appealed? **798,000.00**

If this property contains acreage that is not in a market value class, provide a further opinion of the taxable value breakdown:

| STATUTORY CLASS | ACRES | \$ PER ACRE | FULL TAXABLE VALUE |
|--|-------|-------------------------------|--------------------|
| Residential Total Market Value | | | 798,000.00 |
| Commercial Total Market Value | | | |
| Agricultural Classification: # of Tillable Acres | @ | \$ acre use value | |
| # of Pasture Acres | @ | \$ acre use value | |
| # of Specialty Acres | @ | \$ acre use value | |
| Undeveloped Classification # of Acres | @ | \$ acre @ 50% of Market Value | |
| Agricultural Forest Classification # of Acres | @ | \$ acre @ 50% of Market Value | |
| Forest Classification # of Acres | @ | \$ acre @ Market Value | |
| Class 7 "Other" Total Market Value | | Market Value | |
| Managed Forest Land Acres | @ | \$ acre @ 50% of Market Value | |
| Managed Forest Land Acres | @ | Market Value | |

- Check the method of acquisition of the property: Purchase Trade Gift Inheritance
Acquisition Price \$ **798,975.00** Date **2/28/14**
- Have you improved, remodelled, added to, or changed this property since acquiring it? Yes No
If yes, describe:
(a) When were the changes made?
(b) What were the cost of the changes?
(c) Does the above figure include the value of all labor, including your own? Yes No
- Have you listed the property for sale within the last five years? Yes No
(a) If yes, when and for how long was the property listed?
(b) What was the asking price?
(c) What offers were received?
- (a) Has anyone made an appraisal of this property within the last five years? Yes No
(b) If yes, when and for what purpose?
(c) What was the appraised value?
- Please list the name(s) of Board of Review member(s) you are requesting to be removed from your hearing. NOTE: This section does not apply in first or second class cities. **None**
- Please provide a reasonable estimate of the length of time that the hearing will take **1.2 hr.**

| | |
|---|------------------------|
| Owner's or Agent's Signature Fernando Riveron | Date 9/18/15 |
|---|------------------------|

PA-116A (R. 1-12)

Wisconsin Department of Revenue

Rec'd @ 9:59AM 9/21/15

BOARD OF REVIEW

Time and Place: Thursday, October 1, 2015 @ 9:00 a.m. in the Council Chambers at City Hall.
Members Present: Russ Tonelli, Carmen Siegel (C), Gary Klingbeil (alt)
Others Present: Nan Giese, Rick Rubow, Toni Rayala, Robert Mayer, Jeremy Ray, Anne Jacobson, Shane VanderWaal via phone

In accordance with Chapter 19, Wisconsin Stats., Notice of this meeting was posted in three public buildings (City Hall, County Courthouse and Public Library) and faxed to the Daily Herald in the proper manner. It was noted a quorum was present and the meeting was called to order by Chairperson Carmen Siegel at 9:00 am.

3) HEAR OBJECTIONS SCHEDULED:

9:45 am Hearing RE: Fernando & Heidi Riveron: PIN# 291-2907-254-0289, 1010 Franklin Street, Wausau, WI 54403. Siegel introduced the objection of Fernando and Heidi Riveron for property at 1010 Franklin Street. The following individuals present were sworn in: Fernando and Heidi Riveron. City Assessor: Nanette Giese, Property Appraisers: Rick Rubow, Kristeen Quale, remained under oath. Testimony was taken by both parties. Three exhibits were placed on file on behalf of the objector. One exhibit was placed on file on behalf of the assessor. Board deliberated on the testimony and made the following determination.

(VanderWaal joined the hearing to advise the Board of Review via telephone).

Motion by Siegel that the assessor's valuation is incorrect and the full value of the property based on the improvements should be \$816,000, by adding the sale value of \$798,000 plus value for the fireplace: (\$753,700 for improvement and \$62,300 for land value). Motion died due to a lack of a second.

Motion by Tonelli, second by Klingbeil pursuant to Section 70.47(9)(a) of Wisconsin Statutes, the Board of Review, by majority and roll call vote hereby determine the assessor's valuation incorrect and the full value of the property and improvement(s) is \$870,000: the land value at \$62,300 stays the same, and the improvement value is adjusted from \$876,200 to \$807,700. Roll Call Vote: Tonelli-aye, Klingbiel-aye, Siegel-aye. Motion carried 3-0.

BOARD OF REVIEW

Time and Place: Tuesday, September 22, 2015 @ 9:30 a.m., in the Council Chambers at City Hall.
Members Present: Russ Tonelli, Carmen Siegel (C), Dennis Nicholiason, Gary Klingbeil (alt)
Others Present: Nan Giese, Rick Rubow, Anne Jacobson, Toni Rayala

In accordance with Chapter 19, Wisconsin Stats., Notice of this meeting was posted in three public buildings (City Hall, County Courthouse and Public Library) and faxed to the Daily Herald in the proper manner. It was noted a quorum was present and the meeting was called to order by Chairperson Carmen Siegel at 9:40 am.

Motion by Siegel, second by Klingbeil to accept the objection of Fernando and Heidi Riveron, PIN# 291-2908-254-0289, 1010 Franklin Street. Roll call vote: Siegel-yes, Tonelli-yes, Klingbeil-yes, Nicoliasen-yes. Motion passed unanimously. Objection form accepted.

DEC 18 2015

City of Wausau
11/25/2015
Assessors office
Wausau, Wi. 54403

CC: Atty
Assessor
BOR JL

Dear Sirs,

With regard to the property at 1010 Franklin, Wausau, Wisconsin, parcel # 291-2908-254-0289, we wish to file a claim for excessive assessment. We presented the case for an erroneous assessment before the City's Board of Review on 10/01/2015 and wish to appeal their decision.

On 2/28/2014 we purchased the property via an arm's length transaction for \$797,975.00. The seller's agent was Gizo Ujarmeli of the Gem Team / Coldwell Banker Realtors. Our agent was Mitchell Viegut, an independent broker. We paid realtor fees as applicable upon the sale. This was a full price open market sale with the existing market conditions setting the value of the property. We also presented the examples of comparable properties in the East side district of the City, an area with older historic homes where prices per square foot have been perennially depressed. Average sales prices are 68 dollars per square foot. Larger homes often sell for less than this because of their undesirable size).

We contested the assessment of \$938,500 for 2015 based upon the obvious facts that are applicable to the laws that dictate assessment value

1. This was a legitimate arms length transaction.
2. The sale was conforming. Larger homes in our area are selling for about 50-68 dollars per square foot. We paid about 100 dollars per square foot.

At the hearing the Assessors erroneously made the case against this recent open market sale as setting the actual value of the home. First they claimed that this was not a legitimate arms length transaction. We proved that it was indeed. However, the assessors wanted to arbitrarily deny us this protection of the Markarian Hierarchy and consulted with attorney Sean Vanderwall. He could see no reason why this was not a legitimate arms length sale. Not to be dissuaded from their goal of throwing out the first rule of the Markarian Hierarchy the assessor, Nan Giese, persisted. She quickly chose to switch tactics and claim that our sale was "nonconforming".

We do know quite a few details regarding the sale of three large comparable homes in our neighborhood. All were clearly legitimate arms length, conforming sales yet the assessors office chose to say that they were not conforming nor arms length transactions. All of the sales that would have once again provided evidence of assessment value in our area were all conveniently thrown out. Comparable recent sales in the East Hill area have been as follows (price per square

foot) \$49.89, \$49.50, \$74.95, \$75.78, and \$93.08. It is worth noting that the most comparable home sold in our area were deemed either nonconforming, or not an arms length transactions.

The homes in the East Hill area of Wausau have sold at depressed prices for over a decade because of the high cost of maintaining homes nearly a hundred years old. This area has been encroached upon by less desirable properties and a recent increase in crime. Our property is on Franklin Street, a main street that has significant traffic and limits privacy. All these are factors that decrease the market price/value of a residential property. Further, the carrying cost in the area (in part because of the high tax rate) has made these homes less desirable than the newer homes of comparable square footage in other parts of town. The assessors miscalculated the square footage of our home at 8,975 whereas the listed square footage is 8,160. The previous owners had contested this and had the assessors' office re-measure in their presence to arrive at the 8,160 figure. The above grade square footage is 6,181. If one used the assessors erroneous square footage, the sale price our property would be at a more than comparable \$88.91/sq. foot. However, using the accurate square footage, the price per square foot is \$97.80.

We respectfully disagree with the Assessors who have chosen to ignore section 70.32(1) of the Wisconsin Statutes, which requires an assessor to value real property at the "full value" that ordinarily could be obtained by a private sale. They ignored the testimony and contractual proof that the transaction was indeed at arms length in an open market and case law defining such. Secondly, they disregarded real comparable recent sales as well as historical data for this particular part of town. They fallaciously selected "comparable" sales that were in demographically different parts of our community. The Department of Revenue Wisconsin Property Assessment Manual states that it is erroneous to assess property using the third level "when the market value has been established by a fair sale of the property in question or like property".

During the hearing we learned that the assessors felt justified in their apparent increased value because supposedly:

1. We had added a bedroom and bathroom (we had not).
2. We had spent money on renovations ...they claimed 60,000.00 without substantiation. There had been only maintenance repairs done. We did add a fireplace insert and framing at a cost of \$8,000.00 during the following tax year. No improvements were made at all in the 2014 tax year. Rotting wood all over the outside was repaired. Every year we will need to tackle this problem of continued repair.

We appealed the excessive assessment before the Board of Review and found the process to be unfair. We presumed that adherence to statute and principles of fairness would guide the deliberation of these elected officials. We unfortunately encountered an adversarial tone and a desire to distort truth to reach a desired valuation almost \$200,000 above the recent sale price. During the hearing the city Attorney, Mr. VanDerwaal, seemed perplexed as to why the assessors felt that the recent sale price did not establish the market value. The assessor seemed to go through rhetorical machinations to justify the application of different tiers of valuation and not just use the recent sale price. The purpose of Statute is to remove ambivalence and subjectivity from the process to avoid partiality or agenda-driven interpretations that could lead to the

arbitrary exercise of power. We respectfully request your re-evaluation of this excessive assessment and the inappropriate application of Wisconsin Statute 70.32(1). We remain confident in the process and the ability of a citizen to demand fair and equitable application of the law.

Sincerely,

A handwritten signature in black ink, appearing to read "Fernando and Heidi Riveron". The signature is fluid and cursive, with the first name starting with a large "F" and the last name starting with a large "R".

Fernando and Heidi Riveron
1010 Franklin
Wausau, Wisconsin 54403
(715) 581-4072

to take final action on the claim within 90 days after the claim is filed.

(b) The taxation district shall notify the claimant by certified or registered mail whether the claim is allowed or disallowed within 90 days after the claim is filed.

(c) If the governing body of the taxation district determines that an unlawful tax has been paid and that the claim for recovery of the unlawful tax has complied with all legal requirements, the governing body shall allow the claim. The taxation district treasurer shall pay the claim not later than 90 days after the claim is allowed.

(d) If the taxation district disallows the claim, the claimant may commence an action in circuit court to recover the amount of the claim not allowed. The action shall be commenced within 90 days after the claimant receives notice by certified or registered mail that the claim is disallowed.

(4) INTEREST. The amount of a claim filed under sub. (2) or an action commenced under sub. (3) may include interest computed from the date of filing the claim against the taxation district, at the rate of 0.8% per month.

(5) LIMITATIONS ON BRINGING CLAIMS. (a) Except as provided under par. (b), a claim under this section shall be filed by January 31 of the year in which the tax is payable.

(b) A claim under this section for recovery of taxes paid to the wrong taxation district shall be filed within 2 years after the last date specified for timely payment of the tax under s. 74.11, 74.12 or 74.87.

(c) No claim may be filed or maintained under this section unless the tax for which the claim is filed, or any authorized installment payment of the tax, is timely paid under s. 74.11, 74.12 or 74.87.

(d) No claim may be made under this section based on the contention that the tax was unlawful because the property is exempt from taxation under s. 70.11 (21) or (27).

(6) COMPENSATION FOR TAXATION DISTRICT. If taxes are refunded under sub. (3), the governing body of the taxation district may proceed under s. 74.41.

History: 1987 s. 378; 1989 s. 104; 1991 s. 30; 1997 s. 237; 2007 s. 14.
This section only authorizes courts to determine whether a taxpayer is exempt from taxes already paid, not taxes that might be assessed in the future. Tax exempt status, once granted, is not automatic. It is subject to continuing review, a notion inconsistent with a declaration that property is exempt from future property taxes. *Northwest Wisconsin Community Services Agency, Inc. v. City of Montreal*, 2010 WI App 119, 328 Wis. 2d 760, 789 N.W.2d 392, 99-2568.

74.37 Claim on excessive assessment. (1) DEFINITION. In this section, a "claim for an excessive assessment" or an "action for an excessive assessment" means a claim or action, respectively, by an aggrieved person to recover that amount of general property tax imposed because the assessment of property was excessive.

(2) CLAIM. (a) A claim for an excessive assessment may be filed against the taxation district, or the county that has a county assessor system, which collected the tax.

(b) A claim filed under this section shall meet all of the following conditions:

1. Be in writing.
2. State the alleged circumstances giving rise to the claim.
3. State as accurately as possible the amount of the claim.
4. Be signed by the claimant or his or her agent.
5. Be served on the clerk of the taxation district, or the clerk of the county that has a county assessor system, in the manner prescribed in s. 801.11 (4) by January 31 of the year in which the tax based upon the contested assessment is payable.

(3) ACTION ON CLAIM. (a) In this subsection, to "disallow" a claim means either to deny the claim in whole or in part or to fail to take final action on the claim within 90 days after the claim is filed.

(b) The taxation district or county that has a county assessor system shall notify the claimant by certified or registered mail whether the claim is allowed or disallowed within 90 days after the claim is filed.

(c) If the governing body of the taxation district or county that has a county assessor system determines that a tax has been paid which was based on an excessive assessment, and that the claim for an excessive assessment has complied with all legal requirements, the governing body shall allow the claim. The taxation district or county treasurer shall pay the claim not later than 90 days after the claim is allowed.

(d) If the taxation district or county disallows the claim, the claimant may commence an action in circuit court to recover the amount of the claim not allowed. The action shall be commenced within 90 days after the claimant receives notice by registered or certified mail that the claim is disallowed.

(4) CONDITIONS. (a) No claim or action for an excessive assessment may be brought under this section unless the procedures for objecting to assessments under s. 70.47, except under s. 70.47 (13), have been complied with. This paragraph does not apply if notice under s. 70.365 was not given.

(b) No claim or action for an excessive assessment may be brought or maintained under this section unless the tax for which the claim is filed, or any authorized installment of the tax, is timely paid under s. 74.11 or 74.12.

(c) No claim or action for an excessive assessment may be brought or maintained under this section if the assessment of the property for the same year is contested under s. 70.47 (7) (c), (13), or (16) (c) or 70.85. No assessment may be contested under s. 70.47 (7) (c), (13), or (16) (c) or 70.85 if a claim is brought and maintained under this section based on the same assessment.

NOTE: The supreme court in *Metropolitan Associates v. City of Milwaukee*, 2011 WI 20, held the amendment of par. (c) by 2007 Wis. Act 86 to be unconstitutional and severed from the remainder of the statute. Prior to the amendment by Act 86, par. (c) read:

(c) No claim or action for an excessive assessment may be brought or maintained under this section if the assessment of the property for the same year is contested under s. 70.47 (13) or 70.85. No assessment may be contested under s. 70.47 (13) or 70.85 if a claim is brought and maintained under this section based on the same assessment.

(d) No claim or action for an excessive assessment may be brought or maintained under this section if the taxation district in which the property is located enacts an ordinance under s. 70.47 (7) (c) or if the 1st class city in which the property is located enacts an ordinance under s. 70.47 (16) (c), except that this paragraph does not apply if the taxation district or the 1st class city did not comply with s. 70.365.

NOTE: The supreme court in *Metropolitan Associates v. City of Milwaukee*, 2011 WI 20, held the creation of par. (d) by 2007 Wis. Act 86 to be unconstitutional and severed from the remainder of the statute.

(5) INTEREST. The amount of a claim filed under sub. (2) or an action commenced under sub. (3) may include interest at the average annual discount rate determined by the last auction of 6-month U.S. treasury bills before the objection per day for the period of time between the time when the tax was due and the date that the claim was paid.

(6) EXCEPTION. This section does not apply in counties with a population of 500,000 or more.

NOTE: The supreme court in *Nankin v. Village of Shorewood*, 2001 WI 92, 245 Wis. 2d 86, 630 N.W.2d 141, held sub. (6) to be unconstitutional and severed from the remainder of the statute.

(7) COMPENSATION. If taxes are refunded under sub. (3), the governing body of the taxation district or county that has a county assessor system may proceed under s. 74.41.

History: 1987 s. 378; 1989 s. 104; 1993 s. 292; 1995 s. 408; 2007 s. 86.
Sections 70.47 (13), 70.85, and 74.37 provide the exclusive method to challenge a municipality's bases for assessment of individual parcels. All require appeal to the board of review prior to court action. There is no alternative procedure to challenge an assessment's compliance with the uniformity clause. *Hermann v. Town of Dela- vion*, 215 Wis. 2d 370, 572 N.W.2d 853 (1998), 96-0171.

Sub. (6) is unconstitutional and severed from the remainder of the section. *Nankin v. Village of Shorewood*, 2001 WI 92, 245 Wis. 2d 86, 630 N.W.2d 141, 99-105K.

DEC 18 2015

Tax payment receipt.

City of Wausau
Customer Service Department
407 Grant St.
Wausau, WI 54403
715-261-6620

Item: Estate Tax Bill 1x 0.00 0.00

Check Number: 29129072540289
Tax Year: 2015
Pay Option: Full Payment
Pay Amount: \$0.00

11 Taxes Prepaid
1x 22,053.86 22,053.86

Subtotal: 22,053.86
Total: 22,053.86

Check Number: 3780 22,053.86

12/18/2015 12:29

91169125 /5/1

***** DUPLICATE #001 *****

12/18/2015 12:30

All returned checks are subject to NSF fee.

- Thank You -

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

| RESOLUTION OF THE FINANCE COMMITTEE | |
|---|----------------|
| Approving lease agreement with Evolutions in Design, LLC for parking on city-owned property between 1 st and 2 nd Streets on McClellan Street | |
| Committee Action: | Approved 5-0 |
| Fiscal Impact: | None |
| File Number: | 16-0320 |
| Date Introduced: | March 22, 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 Finance Committee, at their January 12, 2016 meeting, discussed the City entering into a parking lot lease agreement with Evolutions in Design, LLC which would provide parking for their employees during Resurrection Parish’s construction project; and

WHEREAS, your Finance Committee recommends approving the lease agreement for parking by Evolutions in Design, LLC’s employees on city-owned property located between 1st and 2nd Streets on McClellan Street.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wausau, that the proper city officials are hereby authorized and directed to execute the original of the attached parking lot lease agreement between Evolutions in Design, LLC and the City of Wausau.

Approved:

James E. Tipple, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, January 12, 2016 @ 5:00 pm., Board Room

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

Others Present: Lindman, Schock, Tipple, Neal, Wagner, Baeten, Bishop, Jacobson, Werth, Stratz, Kujawa, Barnes, Goede, Elizabeth Field, Pat Peckham

Discussion and possible action regarding a lease agreement with Evolution in Designs for parking on city-owned property bounded by McClellan Street and N. 1st Street.

Jacobson stated this is in regard to the lot bounded N 1st Street and McClellan Street and who is responsible for the sidewalk and parking lot maintenance. The west side of the block described as Lot #1, which we now own, and the east side of the block described as Lot #2, we lease from the parish. Evolutions in Design had an arrangement with the parish to allow his employees to park somewhere on that lot, which may be on city property. We need to enter into some type of lease arrangement to allow them to continue to park.

Werth explained Evolutions had a bartering arrangement with the church where they would supply flowers to the church every month and in return they would park 12 vehicles there. Right now somewhat difficult construction is going on there and we are proposing to let them continue to park there for the months of February, March and April at no cost. In the spring they would move to one of the ramps. Jacobson noted the city is responsible for clearing the sidewalks and the parish is responsible for plowing the lot.

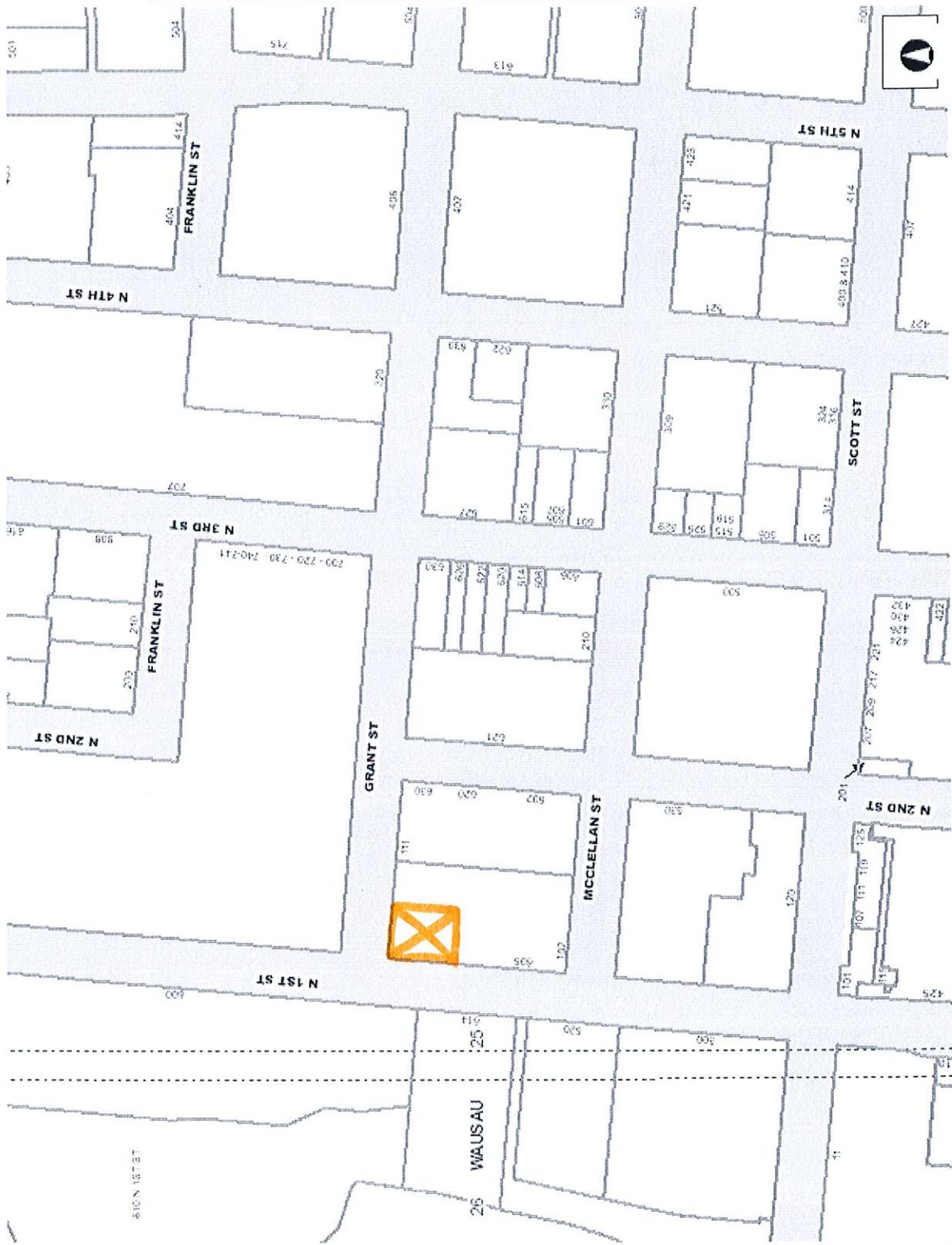
Motion by Nagle, second by Mielke to approve the agreement for parking with Evolutions in Design. Motion carried 5-0.

Wausau Land Information Mapping System

- HALSEY
- BERN
- HOLTON
- HULL
- BRIGHTON
- SPENCER
- BERLIN
- MAINE
- STETIN
- WENCAS
- WHEATON
- WILSON
- WYOMING
- DAY
- LEBERGER
- FRANZEN
- WASHBURN
- WHEATON
- WILSON
- WYOMING
- DAY
- LEBERGER
- FRANZEN

Legend

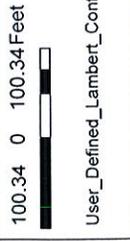
- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- Road Names
- Named Places
- Municipalities

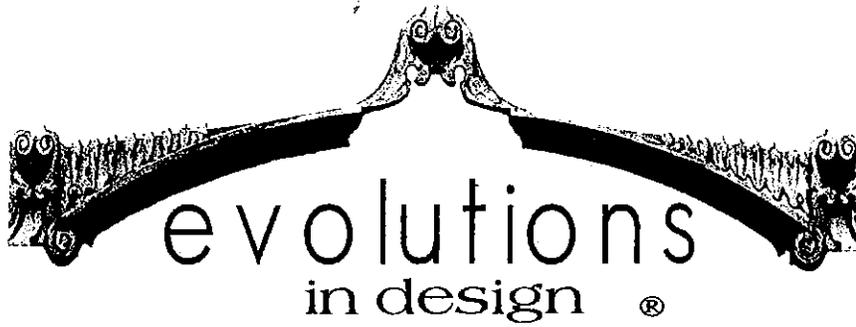


Notes

DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.

THIS MAP IS NOT TO BE USED FOR NAVIGATION





March 17, 2016

The City of Wausau
Grand Street
Wausau WI 54403

Evolutions in design llc
626 3rd street
Wausau WI 54403

To whom it may concern

In regards to attached letter and lease for use of parking lot. Evolutions in design, llc would like to ask for an extension of time to use the lot till June 30, 2016. Over the past 9 months we have been through many difficult days and situations in regards to the alley work that has been done. We have been as accommodating as we can be and in return we would like to ask this of you. We will provide the insurance items that you request listing the City of Wausau as additional insured as per your request.

Most sincerely

Randy P Verhasselt

Evolutions in design, llc

AGREEMENT FOR LEASE OF PARKING LOT—
FIRST AND McCLELLAN STREETS

THIS AGREEMENT, made this _____ day of _____, 2016, between the City of Wausau, a municipal corporation of the State of Wisconsin, hereinafter referred to as “CITY,” and Evolutions in Design, LLC, a Wisconsin limited liability company, hereinafter referred to as “EVOLUTIONS”;

WITNESSETH:

WHEREAS, CITY, is the owner of the parking lot located between 1st and 2nd Streets on McClellan Street, in the City of Wausau, which parking lot is delineated on “Exhibit A” attached hereto and incorporated hereby reference, and shall hereinafter be referred to as “LOT”; and

WHEREAS, EVOLUTIONS wishes to lease LOT so as to provide parking to its employees during construction in the area, allowing EVOLUTIONS to utilize portions of LOT for employee parking, and CITY will permit the lease of LOT, all upon certain terms and conditions.

NOW, THEREFORE, the parties hereto agree as follows:

1. Except as hereinafter agreed, EVOLUTIONS shall have the exclusive use of LOT for the provision of whatever parking arrangement CITY wishes for no consideration.
2. This Lease shall terminate on June 30, 2016.
3. CITY shall not provide any security or protective services with respect to the LOT.
4. CITY shall provide snow removal and other lot maintenance and upkeep of LOT.
5. CITY shall plow snow in LOT when needed and shall avoid placing any snow adjacent to the building located at 615 North Third Street. City shall remove snow from sidewalks adjacent to LOT on Third Street and Grant Street and otherwise sweep and maintain sidewalks.

Notwithstanding anything to the contrary contained herein, CITY will keep, maintain, and preserve LOT in a first class condition. EVOLUTIONS will indemnify and hold harmless CITY from and against all loss, claims, damages, costs, or expenses suffered by EVOLUTIONS.

6. EVOLUTIONS hereby agrees that CITY shall not be liable for injury to EVOLUTION’S employees, invitees, customers, sublessees, agents, occupants, contractors, public citizens, or any other person in or about LOT, nor shall CITY be liable for injury to EVOLUTIONS’S employees, agents, contractors, occupants, invitees, customers, sublessees, public citizens, or any other person in or about LOT.

Recording Area

Name and Return Address

Office of the City Attorney
City Hall – 407 Grant Street
Wausau, WI 54403

(\$30 Charge to City of Wausau)

PIN: Part of 291.2907.253.0609

EVOLUTIONS shall indemnify, defend and hold harmless CITY from and against any and all claims arising from EVOLUTIONS's use of LOT, or from the conduct of EVOLUTION's business or from any activity, work or things done, permitted or suffered by EVOLUTIONS in or about LOT or elsewhere and shall further indemnify, defend and hold harmless CITY from and against any and all claims arising from any breach or default in the performance of any obligation on EVOLUTION's part to be performed under the terms of this Lease, or arising from any negligence of EVOLUTIONS, or any of EVOLUTION's sublessees, agents, customers, invitees, contractors, occupants, or employees, and from and against all costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon; and in case any action or proceeding be brought against CITY by reason of any such claim, EVOLUTIONS, upon notice from CITY, shall defend the same at EVOLUTION's expense by counsel satisfactory to CITY. EVOLUTIONS, as a material part of consideration to CITY, hereby assumes all risk of damage to property or injury to persons, in, upon or about LOT arising from any cause, and EVOLUTIONS hereby waives all claims in respect thereof against CITY; however, the provisions in this paragraph shall not apply to those cases in which CITY is negligent.

7. EVOLUTIONS shall obtain before the Commencement Date, and shall maintain through the expiration or termination of this Lease, a policy of commercial general liability insurance on LOT with limits of public liability not less than \$1,000,000 for death/or bodily injury, including personal injury, and property damage liability of not less than \$1,000,000 per occurrence.
 - A. Commercial general liability insurance naming EVOLUTIONS, CITY, and any mortgagee designated by CITY as the insured, to insure against injury to property, person or loss of life arising out of the ownership, use, occupancy, or maintenance of LOT with limits of public liability not less than \$1,000,000 per occurrence. EVOLUTIONS shall provide to CITY and any party designated by CITY a copy of the insurance policy endorsement or wording showing that CITY and such other parties have been added as additional named insureds. The policy shall contain a supplemental endorsement covering contractual liability voluntarily assumed by the insured under this Lease.
8. This Lease shall be governed by and be construed and interpreted in accordance with the laws of the State of Wisconsin.

IN WITNESS WHEREOF, the parties hereto have executed this Lease on the day and year first above written.

CITY OF WAUSAU

By: _____
James E. Tipple, Mayor

BY: _____
Toni Rayala, Clerk

EVOLUTIONS IN DESIGN, LLC

By: _____
Randy P. Verhasselt

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2016, the above-named James E. Tipple, Mayor, and Toni Rayala, Clerk of the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2016, the above-named _____ of Evolutions in Design, LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission: _____

This instrument was drafted by Anne L. Jacobson
City Attorney for the City of Wausau, 407 Grant
Street, Wausau, WI 54403

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

| RESOLUTION OF THE HUMAN RESOURCES COMMITTEE | |
|---|----------------|
| Approving funding for Legal Services for Employee Grievances presented before the Human Resources Committee | |
| Committee Action: | Approved 4-0 |
| Fiscal Impact: | \$20,000 |
| File Number: | 16-0321 |
| Date Introduced: | March 22, 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>One-time Costs:</i> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Recurring Costs:</i> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| | | <i>Budget Source: Legal Fees Budget</i> | |
| | | <i>Amount: \$20,000</i> | |
| | | <i>Amount:</i> | |
| SOURCE | <i>Fee Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Grant Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Debt Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>TID Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>TID Source: Increment Revenue</i> | | <input type="checkbox"/> |
| | | <i>Funds on Hand</i> | <input type="checkbox"/> |
| | | <i>Interfund Loan</i> | <input type="checkbox"/> |

WHEREAS, the employees of City of Wausau deserve to have fairly processed grievances heard objectively under the employee handbook.

WHEREAS, the City of Wausau needs legal services which may include consultation, representation, or other expertise for similar services by external counsel to ensure employee grievances are processed fairly and timely in accordance with the employee handbook.

NOW THEREFORE BE IT RESOLVED that the Common Council commit the expenditure by the Human Resources Committee not to exceed \$20,000 for legal services.

BE IT FURTHER RESOLVED by the Common Council of the City of Wausau that the funds be appropriated for expenditure through the Human Resources Committee Chair as they see fit to properly adjudicate the employee grievances.

Approved:

James E. Tipple, Mayor

DRAFT

**CITY OF WAUSAU HUMAN RESOURCES COMMITTEE
MINUTES OF OPEN SESSION**

DATE/TIME: March 14, 2016 at 4:30 p.m.
LOCATION: City Hall (407 Grant Street) – Board Room
MEMBERS PRESENT: R. Wagner (C), G. Gisselman, W. Nagle, D. Oberbeck
MEMBERS ABSENT: L. Rasmussen
Also Present: Mayor Tipple, T. Alfonso, M. Barnes, M. Hite, A. Jacobson, E. Krohn, T. Kujawa, E. Lindman, J. Ray, J. Schafer, Tom Belongia (citizen), Nora Hertel (reporter), Jennie Sisk (citizen).

9. Discussion and Possible Action to Request Legal Counsel Approval from City Council for Grievance Procedures with Human Resources Committee.

Wagner said that with the current grievances presented to the Human Resources Committee, his normal channels of obtaining information and/or advice have been closed since the City Attorney and Human Resources Director are involved, and he has not felt it appropriate to go to either to discuss these matters. Wagner received permission from the City Attorney to obtain legal advice for matters of this meeting from outside sources, but he found it difficult to find a source that was not aware of or involved with current City issues. Wagner said he feels that in order to handle the grievance procedures properly and do what's best for the City; he needs legal advice for the Committee. Without legal counsel, Wagner said that he cannot interpret statutes, wordings, and procedures. Gisselman agreed with Wagner and said he feels the Committee needs to ask Council for help and has the obligation to do so under Step 3 of the grievance process. Oberbeck said that in looking at the information, the Committee needs to figure out what is fact and what is not since there are two different opinions, and questioned if moving the grievances to a hearing would achieve this. Oberbeck said there has to be fact and there has to be action.

Nagle said that clearly there are very serious issues here, involving the internal workings of City Hall, grievances, and tax payer exposure to litigation with monetary damages, and that CVMIC will be involved in some way. Nagle said that if there are lawsuits and monetary damages are paid out, the tax payers are the ones who suffer. Nagle said his second concern is the change of alderperson next month, and he believes that the Council needs to make the decisions because of their seriousness, not the Human Resources Committee. Nagle's third concern is that speed doesn't necessary help with this sort of process when dealing with serious issues and "haste makes waste" is a possibility in this situation.

Wagner asked if Nagle felt that because of the change of Council, moving the grievances to Step 4 would be justified. Nagle responded that when talking about moving around grievance steps, you have to make sure that the grievant is agreeable; you can't violate anyone's due process. Wagner said that the outside investigator would bring facts back to the Committee, whoever is seated at it, and then it would be a determination of the facts for the Committee to talk about. Wagner said if they do Step 3 in two weeks, at least 2 of the 5 members wouldn't be seeing it through to the end. Wagner said he could ask each grievant if they are agreeable to moving to Step 4 and provide two names, and Alfonso could provide a name for who could represent the City for possible investigators. Wagner said it would be helpful to have a legal advisor for selecting an investigator. Gisselman read Step 4 and said he believes that once an investigator shares their findings with the Committee, it would then move to Council if needed. Wagner said that he thought it went back to the HR Committee, and therefore this is another example of needing someone to clarify the steps.

Wagner said the easiest thing to do would be to table the grievances for legal advice, and then the procedure would start at the next time the grievances are agendized. Nagle believes a lawyer is needed to define the risks involved with the grievances. Wagner agreed. Oberbeck said that a lawyer could also determine if the grievances are valid. Wagner asked how to proceed with the request to Council. Discussion on how to proceed took place.

Gisselman questioned if the Committee needed to take action at the present meeting in order to be compliant with the grievance process. Alfonso said that according to the Grievance Policy, if it isn't possible to be prepared for a grievance meeting, the grievance may be reviewed at the next possible meeting date, and that this should apply to not only the grievant, but the Committee also. Alfonso said that if they don't feel they are prepared for today's meeting, they could ask the Council for an attorney and then come back at Step 3 at the next possible meeting date. Oberbeck said that his concern is that typically the City Attorney is available to advise as such a meeting and at this time they do not have that available. Nagle said unless there is an objection, they can table the grievance for the next meeting. Wagner asked Hite if she would agree to a delay (Jacobson previously requested for her grievance to be tabled until the next meeting.). Hite said that she would agree to an extension of the timeline to April. Hite said that her agenda is not to sue the City, but to stop the retaliation from occurring. Hite said that she came prepared to offer evidence to support that what she is saying is true, and would agree that if the Committee heard the grievance and determined that she met the burden of proof, she would agree to do a waiver of any future actions. Hite said that if the Committee doesn't take action, or someone doesn't take action through the grievance procedure, then she will have no choice but to file with an external agency; she has brought it through the grievance procedure with hope to prevent that from happening. Hite said that she will agree to an extension if the grievance is brought to conclusion.

Nagle and Oberbeck agree that a lawyer is needed. Gisselman said that he would like to act upon this as soon as possible. Wagner asked who should look for legal service for the Committee. It was decided that Wagner will reach out to CVMIC and possibly League of Municipalities for legal service for the Committee.

Motion by Nagle to request legal services for the Human Resources Committee from City Council. Second by Gisselman. All ayes. Motion passes 4-0.

Romey Wagner
Human Resources Committee, Chair

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

**JOINT ORDINANCE OF THE PARKING & TRAFFIC COMMITTEE AND
THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE**

Amending Section 2.16.010 Generally to dissolve the Parking and Traffic Committee.

Committee Action: P&T Com: Approved 3-0
CISM Com: Approved 4-0

Fiscal Impact: None

File Number: 02-0432

Date Introduced: March 22, 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"/> | | | |

WHEREAS, the duties and responsibilities of the Parking and Traffic Committee (“P&T Committee”) include investigating and making recommendations concerning parking and traffic issues; studying the traffic flow and parking needs of the City; and, recommending policies for the administration and enforcement of traffic related matters; and

WHEREAS, the duties and responsibilities of the Capital Improvements and Street Maintenance Committee (“CISM Committee”) include locating and recommending the acquisition of areas for municipal purposes such as requirements for expansion of the city street system and improvements therefore; and investigating, determining and recommending to the Common Council capital outlay improvements program for public works such as the construction of new streets, and other improvements to streets such as the construction of curb and gutter, paving and sidewalks; and

WHEREAS, matters considered by the two committees often correlate or overlap requiring dual considerations of both project design and traffic flow and parking needs; and

WHEREAS, certain agenda items appearing before the P&T Committee could be considered by the CISM Committee; and

WHEREAS, the two committees have a number of shared council members in common;

WHEREAS, the City is desirous of reducing the number of meetings to be attended by the legislative body and staff and of realizing increased efficiencies to be obtained by considering street project design, traffic flow and parking needs in a consolidated fashion; and

WHEREAS, your P&T Committee, at its February 18, 2016, meeting and your CISM Committee at its January 14, 2016, meeting each recommend that the duties, responsibilities and authority of the P&T Committee be combined into the CISM Committee.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Wausau do ordain as follows:

Add ()
Delete (—)

Section 1. That section 2.16.010 Generally, is hereby amended to read as follows:

...

2.16.010 Generally. The standing rules of the common council are set forth as follows:

...

RULE 13 – COMMITTEES

B. Standing Committees. The standing committees of the council shall be:

1. Capital Improvements and Street Maintenance
2. Coordinating (made up of chairpersons of other standing committees)
3. Economic Development
4. Finance
5. Human Resources
6. Park and Recreation
- ~~7. Parking and Traffic~~
- 87.** Public Health and Safety

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

Parking and Traffic Committee Meeting Minutes

Date of Meeting: Thursday, February 18, 2016 at 5:15pm, in the Birch Room at City Hall
Members Present: Abitz{C}, Winters {VC}, Mielke, Nutting, (Kellbach absent)
Others Present: Lt. Graham, Tara Alfonso, Allen Wesolowski, Jennifer Friday, Jeff Lindell, Larry Cihlar, Larry Mancini, Greg Sidoff

In accordance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by Vice Chairperson Winters at 5:20 pm.

(1) Minutes of the Prior Meeting – 01/21/2016

Motion by Mielke, second by Nutting, to approve the minutes from the January 21, 2016 meeting.

Motion carried 3-0. (Abitz and Kellbach absent)

(2) Discussion and possible action: Traffic study for John Muir Middle School and the surrounding infrastructure

Discussion:

Wesolowski indicated that City Staff, the Wisconsin Department of Transportation and School Staff had a meeting to discuss traffic concerns surrounding John Muir Middle School.

Larry Mancini, Principal of John Muir middle spoke addressing the various traffic congestion issues at and near the school. Specifically, there is a concern about traffic congestion and safety at the intersection of Stewart Ave and S 12th Ave during morning drop-off and afternoon pick-up hours for the school. There are no signal lights at that intersection so crossing guards are responsible for stopping traffic and allowing children to safely cross Stewart Ave. There is also a concern about vehicles parking illegally on S 12th Ave in order to drop off children at the school. There are also infrastructure parking issues at the school which creates additional traffic congestion.

After additional discussion regarding the specific traffic congestion at the various spots within the school grounds and on the surrounding streets, Winters asked what it is that the school would like to see happen to resolve this issue.

Wesolowski indicated that when he met previously with the school staff and the DOT it was suggested that one option would be to hire a company to conduct a traffic study in conjunction with the City and share the cost. That is what the school is seeking from the Committee at this meeting.

Alfonso noted that a similar situation existed at Newman school and the school resolved the issue itself and paid for the improvements themselves.

Wesolowski also stated that the DOT is not interested in erecting and paying for a signal at S 12th Ave and Stewart Ave.

Motion by Abitz, second by Mielke to direct the Engineering Department to conduct further study of the traffic issues and report back to the committee.

Motion carried 3-1. Nutting dissented.

(3) Discussion: Entry and exit concerns for Tobacco Outlet (W Thomas Street and S 3rd Avenue)

Discussion:

Abitz indicated that she is concerned about cars trying to exit the Tobacco Outlet parking lot and turn east onto Thomas Street because she feels it is a safety concern. She inquired as to whether the committee could take action on this matter. Specifically, she would like a "No Exit" sign installed at the driveway entrance to Tobacco Outlet from W Thomas Street.

Wesolowski and Lt. Graham stated that since it is private property the committee would not be able to install any signage or enforce any violations of signage. The committee would be able to request that the owners of Tobacco Outlet install signage. Lt. Graham also noted that in the past 3 years there has been 1 accident involving a vehicle exiting the south entry/exit of Tobacco Outlet.

The committee directed Lt. Graham to contact the owners of Tobacco Outlet about this issue

(4) Discussion: Reducing the speed limit in the 2900 block of Stewart Avenue from 35 MPH to 25 MPH

Discussion:

Lt. Graham stated that he was unaware of who brought forth the issue.

Nutting indicated that he was in favor of the change.

Wesolowski said that a traffic study would have to be done prior to any change to the speed limit. Alfonso expressed a concern about the legality of the committee authorizing the change even after a traffic study is complete because it is not clear that it is allowed by the DOT. Wesolowski will investigate the legality issue.

The committee directed Wesolowski to complete a traffic study as soon as weather permits.

(5) Discussion and possible action: To consider installation of pedestrian signs on 1st Avenue near Elm Street

Discussion:

Wesolowski presented literature to the committee members indicating pedestrian signal options and their respective cost. The proposed location for the installation of the pedestrian crossing signs is the north side of the intersection at N. 1st Avenue and Alexander Street to cross N. 1st Avenue.

Greg Sidoff, Facilities Manager at Eastbay stated that Eastbay typically has 400-500 employees reporting to work for the first shift and only 290 parking spaces on their property on the east side of N. 1st Avenue so there is significant pedestrian traffic crossing N. 1st Avenue from other parking locations on the west side. Eastbay is concerned about the safety of their employees.

Wesolowski explained the differences between the two pedestrian sign option, the Flashing LED sign and the Rectangular Rapid Flash Beacon (RRFB). Wesolowski recommends the newer RRFB technology signs because it has been determined to be more effective.

The cost for the 2 Flashing LED sign is estimated at \$6867 while the cost for the 2 RRFB sign is estimated at \$7287. Installation is not included.

Greg Sidoff stated that Eastbay would be willing to contribute half of the cost.

Motion by Winters, second by Mielke, to install RRFB pedestrian signs on the north side of the intersection of N. 1st Avenue and Alexander Street.

Motion carried 4-0.

(6) Discussion: To consider installation of digital speed warning signs on W Bridge Street between N 6th Avenue and N 17th Avenue

Discussion:

Lt. Graham stated that a resident had expressed concerns to Winters about speeding on W Bridge Street between N 6th Avenue and N 17th Avenue.

Wesolowski presented cost figures for the digital warning sign.

After further discussion the committee decided that increased enforcement in that area would be more effective than the installation of digital warning sign.

No further action was taken.

(7) Discussion and possible action: To prohibit parking on the north side of Marquardt Road from a point 225 feet east of its intersection with N 6th Street to N 6th Street

Discussion:

Lt. Graham stated that a resident expressed concern about this issue at one of the sector meetings. The location of this issue is within Winter's district and since Winters had to depart this meeting for another meeting the committee decided to table the issue until next month's meeting

(8) Discussion and possible action: To restrict parking surrounding Lincoln Elementary School as follows:

1. No parking, standing or stopping on the north side of Pardee Street between S 7th Avenue and S 9th Avenue, during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the south side of Pardee Street between S 7th Avenue and S 9th Avenue will be removed thereby allowing parking on the south side).
2. No parking, standing or stopping on the west side of S 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding busses.
3. No parking, standing or stopping on the south side of West Street between S 6th Avenue and S 9th Avenue during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the north side of West Street between S 6th Avenue and S 9th Avenue will be removed thereby allowing parking on the north side).

Discussion:

Lt. Graham stated that there are concerns about student safety during drop off and pick up times at Lincoln Elementary. Additionally, the current signage is not listed in the Municipal Ordinances making it difficult to enforce.

Lt. Graham and school staff met and decided that since the current signs are unenforceable a change needs to be made. After discussing ways to ensure student safety with regards to this issue the above recommendations were made.

The impact of the first recommendation would be that those utilizing the parking on the north side of Pardee Street in front of the school district building and the parks department building would need to park on the south side of Pardee Street.

Larry Cihlar from Wausau School District indicated that they do not object to making the north side of Pardee Street "No Parking" in the interest of student safety. His suggestion was to have "No Parking" on the north side of Pardee Street between S 7th Avenue and S 9th Avenue at all times not just during school hours. He maintains that it is difficult for School District and Parks Department large vehicles to get through when cars are parked on both sides of Pardee Street after school hours or when school is not in session.

Lt. Graham indicated that by making the changes recommended, the existing parking and safety issues surrounding Lincoln school and the legal issues involved with signage being listed in the Municipal Ordinances would be addressed.

Abitz expressed a concern about resident parking on the south side of West St. Lt. Graham indicated that all of those residents were notified of this agenda item and that he did not receive any calls. Abitz also noted that the signage would specify school hours only so as not to impact parking for the Fair.

Motion by Mielke, second by Nutting to restrict parking surrounding Lincoln Elementary School as follows:

1. No parking, standing or stopping on the north side of Pardee Street between S 7th Avenue and S 9th Avenue (signs currently posted on the south side of Pardee Street between S 7th Avenue and S 9th Avenue will be removed thereby allowing parking on the south side).
2. No parking, standing or stopping on the west side of S 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding busses.
3. No parking, standing or stopping on the south side of West Street between S 6th Avenue and S 9th Avenue during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the north side of West Street between S 6th Avenue and S 9th Avenue will be removed thereby allowing parking on the north side).

Motion carried 3-0

(9) Discussion and possible action: Merging the Capital Improvements and Street Maintenance Committee (CISM) and the Parking and Traffic Committee

Discussion:

The committee members noted that there are many issues that overlap between these two committees and it seems like a feasible idea. Abitz stated that she feels it would be best to have the committees combined prior to the next City Council election when elected members would be choosing which committees they would be involved with. The members also felt that some of the issues currently discussed could be assigned to City Staff to handle.

Alfonso explained the steps that would need to be taken to accomplish combining the two committees.

The committee members noted that the final Parking and Traffic Committee meeting would be held in March 2016.

Motion by Mielke, second by Nutting to Merge the Capital Improvements and Street Maintenance Committee (CISM) and the Parking and Traffic Committee.

Motion carried 3-0

(10) Future Agenda Items: To prohibit parking on the south side of the 1000 block of Graves Avenue

Lt. Graham read a letter received by Winters from residents Pat and Jan Brenahan expressing their opinion regarding this issue. They do not object to the proposal but request that parking restrictions be lifted during holidays. The committee determined that it would not be possible to do that.

Committee members decided to re-address the issue at the March 2016 meeting. Residents will again be notified of this agenda item prior to the meeting.

(11) Communications: None

(12) Adjournment: Motion by Mielke, second by Nutting, to adjourn the meeting. Motion carried 3-0. Meeting adjourned 6:50 PM

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: January 14, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Mielke, Gisselman, Kellbach, Abitz

Also Present: Lindman, Jacobson, Wesolowski, Gehin, Graham

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 to order.

Discussion and possible action on merging the Capital Improvements and Street Maintenance Committee and the Parking and Traffic Committee

Rasmussen stated this has been discussed before in the sentiment of reducing the number of meetings that have to be staffed and attended on a monthly basis. Additionally, when we talk about roads and infrastructure there have been complaints that the committee that approves the design (CISM) does not communicate properly with the committee who manages the flow of streets (Parking and Traffic). Often there are a number of agenda items that appear on Parking and Traffic that could be considered at CISM. Also there are members in common already. Many times items that appear on Parking and Traffic agendas have engineering and design standards that manage those things, which could be managed as a staff function with a recommendation to committee. Rasmussen has spoken with Abitz regarding this and they are looking for input from committee members and staff. Mielke is in favor as he has been a proponent for reducing meetings and feels many items correlate together. Gisselman noted that this meeting has already been an hour and half and combining Parking and Traffic items would make for a lengthy meeting. Rasmussen said Parking and Traffic will also consider this and both committees would make a recommendation to Council with the idea it would become effective with the new Council in April. The length of the agenda comes down to agenda management, which could be controlled by the committee Chair. She does not foresee a massive volume of Parking and Traffic items as there are times when that committee does not meet due to lack of items. Wesolowski feels it makes sense and possibly some items do not even need to go to Parking and Traffic after consulting with the Chair. He also noted that the committees were created by the rules of Council. Rasmussen added that a recommendation would be sent to Council asking for an amendment of the structure to merge the committees. She had a discussion with Abitz regarding the fact that some things come up for a lengthy debate at Parking and Traffic that do not need to as there are guidelines where some of the items could be internal staff decisions. If there is an issue that is highly contested in the public and the public needs a venue in which they can be heard, it could be entertained at CISM. Graham feels it can be accomplished and that it would come down to prioritization of agenda items.

Mielke moved to approve the merging of the Capital Improvements and Street Maintenance Committee and the Parking and Traffic Committee. Kellbach seconded and the motion carried unanimously 4-0.

It was noted that this item will also be considered by Parking and Traffic and a joint resolution will be forwarded to Council prior to April with the newly merged committee beginning with the new Council in April. Gisselman added the rules of the Council would have to change to accommodate this. Jacobson said the committees are formed by Chapter 2.16. There would be a joint resolution to eliminate one standing committee and add a description that the committee is being joined and the duties of both would now become the duties of one committee. A 2/3 vote by Council is required to amend Chapter 2.16.



Wausau Wisconsin

CITY COUNCIL

March 04, 2016

Select Language



HOME LIVE WORK VISIT GOVERNMENT DEPARTMENTS SERVICES

Departments > City Council > Standing Committees > Parking & Traffic Committee

| |
|--|
| City Council |
| General Information |
| Neighborhood Groups |
| Alderpersons |
| Boards Committees |
| Commissions |
| Standing Committees |
| CISM |
| Coordinating Committee |
| Economic Development Committee |
| Finance Committee |
| Human Resources Committee |
| Parking & Traffic Committee |
| Parks & Recreation Committee |
| Public Health & Safety Committee |
| Minutes & Agendas |
| Celebrating Community |

Parking & Traffic Committee

It will be the duties of this committee to investigate and make recommendations concerning parking and traffic issues; to recommend policies for the administration of the Parking Utility along with the enforcement of traffic related matters; to make recommendations for the placement of traffic signs; to investigate, study and recommend any needed improvements that will make the operations of the Traffic Bureau more efficient or effective; to recommend ways of improving present traffic ordinances and to study the traffic flow and parking needs of the City; to work with the various departments of the city and with the various state and federal agencies dealing with traffic or parking and to make recommendations concerning the programs that it administers as they relate to this committee.

Regular Meeting Schedule: 3rd Thursday of every month @ 5:30 pm. Meetings are only held upon issuance of the official agenda notice. Please check the calendar to confirm whether the meeting will be held.

| Representing PT | Name | Address | Term | Phone # |
|-----------------|------------------|-------------------|-----------|----------|
| Chairperson | Sherry Abitz | 1201 S 7th Ave | 2014-2016 | 843-0990 |
| Aldersperson | Robert Mielke | 315 S 8th Ave | 2014-2016 | 845-1830 |
| Aldersperson | Karen Kellbach | 502 Knox ST | 2014-2016 | 675-2694 |
| Aldersperson | Keene Winters | 3824 Riverview Dr | 2014-2016 | 675-0060 |
| Aldersperson | David E. Nutting | 534 S 1st Ave | 2014-2016 | 842-2589 |





Wausau Wisconsin

CITY COUNCIL

March 04, 2016

Select Language

HOME LIVE WORK VISIT GOVERNMENT DEPARTMENTS SERVICES

| |
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| Parking & Traffic Committee |
| Parks & Recreation Committee |
| Public Health & Safety Committee |
| Minutes & Agendas |
| Celebrating Community |

Departments > City Council > Standing Committees > CISM

Capital Improvements and Street Maintenance Committee

It will be the duties of this committee to recommend the purchase, sale or leasing of real estate by the city and to recommend the use or disposition of vacant or unutilized city-owned real estate; to review certain plats; to locate and recommend the acquisition of areas for municipal purposes, such purposes to include the requirements for expansion of the city street system and improvements therefor, to conduct hearings on official map proceedings and street and alley vacations; to investigate, determine and recommend to the Common Council capital outlay improvements program for Public Works, such program to include the construction of new streets, sewers, watermains in conjunction with the Sewer and Water Commissions, and such other improvements to streets as the construction of curb and gutter, paving and sidewalks, and to determine priorities on locations therefor; and to handle street light and maintenance policies.

Regular Meeting Schedule: 2nd Thursday of every month @ 5:30 pm. Meetings are only held upon issuance of the official agenda notice. Please check the calendar to confirm whether the meeting will be held.

| Representing CISM | Name | Address | Term | Phone # |
|-------------------------|----------------|------------------|-----------|--------------|
| Chairperson | Lisa Rasmussen | 1310 Crescent Dr | 2014-2016 | 715-675-4872 |
| Aldersperson | Karen Kellbach | 502 Knox St | 2014-2016 | 715-675-2694 |
| Aldersperson | Gary Gisselman | 319 Park Ave | 2014-2016 | 715-848-5160 |
| Aldersperson | Sherry Abitz | 1201 S 7th Ave | 2014-2016 | 715-843-0990 |
| Aldersperson-Vice Chair | Robert Mielke | 315 S 8th Ave | 2014-2016 | 715-845-1830 |



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

**JOINT ORDINANCE OF THE PARKING & TRAFFIC COMMITTEE AND
THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE**

Amending Sections 2.060.010 Boards and commissions enumerated – Appointment; 10.01.020 Through streets; 10.010.030 Yield right-of-way intersections; 10.01.040 Speed limits; 10.01.050 Traffic control signals; 10.01.060 One way streets; 10.01.090 Enforcement; 10.20.010 Traffic commission to establish limits; 10.040.050 Rules of the road; 10.52.020 Police administration; 10.52.030 Records of traffic violations; 10.52.040 Police to investigate accidents and receive accident reports; 10.52.070 Official traffic control devices; 10.52.140 Erection of official traffic signs and signals; 12.44.040 Exceptions; to transfer the duties, responsibilities and authority of the Parking and Traffic Committee to the Capital Improvements and Street Maintenance Committee

Committee Action: P&T Com: Approved 3-0
CISM Com: Approved 4-0

Fiscal Impact: None

File Number: 16-0311

Date Introduced: March 22, 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"/> | | |

WHEREAS, the duties and responsibilities of the Parking and Traffic Committee (“P&T Committee”) include investigating and making recommendations concerning parking and traffic issues; studying the traffic flow and parking needs of the City; and, recommending policies for the administration and enforcement of traffic related matters; and

WHEREAS, the duties and responsibilities of the Capital Improvements and Street Maintenance Committee (“CISM Committee”) include locating and recommending the acquisition of areas for municipal purposes such as requirements for expansion of the city street system and improvements therefore; and investigating, determining and recommending to the Common Council capital outlay improvements program for public works such as the construction of new streets, and other improvements to streets such as the construction of curb and gutter, paving and sidewalks; and

WHEREAS, matters considered by the two committees often correlate or overlap requiring dual considerations of both project design and traffic flow and parking needs; and

WHEREAS, certain agenda items appearing before the P&T Committee could be considered by the CISM Committee; and

WHEREAS, the two committees have a number of shared council members in common;

WHEREAS, the City is desirous of reducing the number of meetings to be attended by the legislative body and staff and of realizing increased efficiencies to be obtained by considering street project design, traffic flow and parking needs in a consolidated fashion; and

WHEREAS, your P&T Committee, at its February 18, 2016, meeting and your CISM Committee at its January 14, 2016, meeting each recommend that the duties, responsibilities and authority of the P&T Committee be combined into the CISM Committee.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Wausau do ordain as follows:

Add ()
Delete (—)

Section 1. That Section 2.60.010 Boards and commissions enumerated – Appointment, is hereby amended to read as follows:

2.060.10 Boards and commissions enumerated- Appointment. Citizen members of the following boards and commissions shall be appointed by the mayor; such appointments shall be confirmed by the common council:

...

- (i) Committee on aging;
- (j) Community development authority;
- ~~(k) Parking and traffic committee;~~
- ~~(k)~~(k) Airport committee;
- ~~(m)~~(l) Citizens advisory commission on physical disabilities;
- ~~(n)~~(m) Bicycle advisory committee;
- ~~(o)~~(n) Veterans committee.

(p)(o) Legislative committee.

(p) Neighbor to neighbor committee.

Section 2. That Section 10.01.020 Through streets, is hereby amended to read as follows:

10.01.020 Through streets. The ~~traffic commission~~ capital improvements and street maintenance committee shall may designate through streets, pursuant to Section 349.07 of the Wisconsin Statutes. This designation shall be based on engineering and traffic investigations, then reported to the common council. ~~Upon council adoption of the report of the traffic commission,~~ Such through streets shall be established by the common council upon adoption of the report by ordinance or resolution.

Section 3. That Section 10.01.030 Yield right-of-way intersections, is hereby amended to read as follows:

10.01.030 Yield right-of-way intersections. The ~~traffic commission~~ capital improvements and street maintenance committee shall may designate "Yield Right-of-Way" intersections, pursuant to Section ~~349.08~~ 349.07 of the Wisconsin Statutes. This designation shall be based on engineering and traffic investigations, then reported to the common council. ~~Upon council adoption of the report of the traffic commission,~~ Such intersections shall be established by the common council upon adoption of the report by ordinance or resolution.

Section 4. That Section 10.01.040 Speed limits, is hereby amended to read as follows:

10.01.040 Speed limits. Speed limits within the city shall be as provided by Sections 346.57, 346.58 and 346.59 of the Wisconsin Statutes. The ~~traffic commission~~ capital improvements and street maintenance committee shall, may, upon the basis of an engineering and traffic investigation and pursuant to Section 349.11 of the Wisconsin Statutes, ~~establish additional~~ modify speed restrictions, with the consent of the ~~State Highway Commission~~ Department of Transportation. Recommended changes in speed limits shall be reported to the common council. ~~Upon council adoption of the report of the traffic commission,~~ Such speed limits shall be established by the common council upon adoption of the report by ordinance or resolution.

Section 5. That Section 10.01.050 Traffic control signals, is hereby amended to read as follows:

10.01.050 Traffic control signals. Traffic control signals which have been approved by the ~~State Highway Commission~~ which conform to the uniform traffic control device manual shall may be installed at intersections designated by the ~~traffic commission~~ capital improvements and street maintenance committee for such installations, pursuant to Section ~~349.08~~ 349.07 of the Wisconsin Statutes. The ~~traffic commission~~ capital improvements and street maintenance committee shall recommend to the common council those intersections to be controlled by traffic control signals.

~~Upon council adoption of the report of the traffic commission s~~ Such controlled intersections shall be established ~~by the common council upon adoption of the recommendation by ordinance or resolution.~~

Section 6. That Section 10.01.060 One-way streets, is hereby amended to read as follows:

10.01.060 One way streets. Streets, alleys, or portions thereof may be designated as one-way streets or alleys. All vehicles shall proceed in one direction thereon. The ~~traffic commission~~ capital improvements and street maintenance committee shall recommend to the council those streets or alleys to be designated as one-way. ~~Upon council adoption of the report of the traffic commission s~~ Such one-way streets or alleys shall be established ~~by the common council upon adoption of the recommendation by ordinance or resolution.~~

Section 7. That Section 10.01.090 Enforcement, is hereby amended to read as follows:

10.01.090 Enforcement. This chapter shall be enforced in accordance with the provisions of Sections 345.20 to 345.53, Chapters ~~299~~ 799, and Section 66.0114 of the Wisconsin Statutes. Chapter ~~299~~ 799 will govern city prosecution procedure. . .

Section 8. That Section 10.20.010 Traffic commission to establish limits, is hereby amended to read as follows:

10.20.010 ~~Traffic commission~~ Capital improvements and street maintenance committee to establish limits. The ~~traffic commission~~ capital improvements and street maintenance committee shall establish parking restrictions on the basis of engineering or traffic investigations, or both, and shall report such restrictions to the common council. ~~Upon adoption of the report of the traffic commission s~~ Such parking restrictions shall be established by the common council upon adoption of the report by ordinance or resolution.

Section 9. That Section 10.40.050 Rules of the road, is hereby amended to read as follows:

10.040.050 Rules of the road.

...

(b) ~~Except as in subsection (c) of this section, t~~ The parking and traffic committee capital improvements and street maintenance committee is the delegated authority to recommend to the common council rules restricting bicycle operation within the city. After adoption by the council and publication, the ~~parking and traffic committee~~ capital improvements and street maintenance committee shall ~~caused~~ post the signs ~~to be posted~~ bearing the restrictions at appropriate places upon the streets.

Section 10. That Section 10.52.020 Police administration, is hereby amended to read as follows:

10.52.020 Police administration.

...

(b) It is the duty of the traffic division with such aid as may be rendered by other members of the police department **or other city departments**, to enforce the street traffic regulations of this city, to make arrests for traffic violations, to investigate accidents, to determine the installation and proper timing of traffic control devices, to conduct engineering analyses of accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions and to cooperate with the city officials and the ~~traffic commission~~ **capital improvements and street maintenance committee** in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city.

Section 11. That Section 10.52.030 Records of traffic violations, is hereby amended to read as follows:

10.52.030 Records of traffic violations.

...

(c) All such records and reports shall be available for use and study by the ~~city traffic commission~~ **capital improvements and street maintenance committee**.

Section 12. That Section 10.52.040 Police to investigate accidents and receive accident reports, is hereby amended to read as follows:

10.52.040 Police to investigate accidents and receive accident reports.

...

(b) The divisions shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the ~~city traffic commission~~ **capital improvements and street maintenance committee**.

Section 13. That Section 10.52.070 Official traffic control devices, is hereby amended to read as follows:

10.52.070 Official traffic control devices.

...

(b) All traffic control devices shall conform to the **uniform traffic control device manual** and specifications approved by the ~~State Highway Commission~~ **Department of Transportation**. All traffic control devices so erected and not inconsistent with **the manual**, the provisions of state law or this chapter shall be official traffic control devices.

Section 14. That Section 10.52.140 Erection of official traffic signs and signals, is hereby amended to read as follows:

10.52.140 Erection of official traffic signs and signals. (a) ~~The traffic commission~~ **capital improvements and street maintenance committee** is hereby authorized and directed to procure, erect and maintain all appropriate standard traffic signs, signals and markings conforming to the rules of the ~~State Highway Commission~~ **Department of Transportation** giving such notice of the provisions of this section as required by state law. Signs shall be erected in such locations and manner as authorized by the governing body **and as required by the Department of Transportation** as to give adequate warning to users of the street, alley or highway in question. . . .

(b) ~~The traffic commission~~ **capital improvements and street maintenance committee** may make and enforce temporary regulations to cover emergencies or special conditions.

(c) The traffic division, with the approval of the ~~traffic commission~~ **capital improvements and street maintenance committee**, may make temporary rules regulating traffic or test traffic control devices under actual conditions of traffic.

Section 15. That Section 12.44.040 Exceptions, is hereby amended to read as follows:

12.44.040 Exceptoins. The prohibitions in section 12.44.020 shall not apply to the following:

...

(m) Streets or portions of streets in the central business district may be closed for periods not to exceed twenty-four hours for the purpose of street sales, promotions and the like. Such street closings shall be made only upon the consent of the ~~traffic commission~~ **public health and safety committee** ~~the mayor~~ and the chief of police or his or her designee.

Section 16. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 17. This ordinance shall be in full force and effect at 12:01 a.m. on April 18, 2016.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

Parking and Traffic Committee Meeting Minutes

Date of Meeting: Thursday, February 18, 2016 at 5:15pm, in the Birch Room at City Hall
Members Present: Abitz{C}, Winters {VC}, Mielke, Nutting, (Kellbach absent)
Others Present: Lt. Graham, Tara Alfonso, Allen Wesolowski, Jennifer Friday, Jeff Lindell, Larry Cihlar, Larry Mancini, Greg Sidoff

In accordance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by Vice Chairperson Winters at 5:20 pm.

(1) Minutes of the Prior Meeting – 01/21/2016

Motion by Mielke, second by Nutting, to approve the minutes from the January 21, 2016 meeting.

Motion carried 3-0. (Abitz and Kellbach absent)

(2) Discussion and possible action: Traffic study for John Muir Middle School and the surrounding infrastructure

Discussion:

Wesolowski indicated that City Staff, the Wisconsin Department of Transportation and School Staff had a meeting to discuss traffic concerns surrounding John Muir Middle School.

Larry Mancini, Principal of John Muir middle spoke addressing the various traffic congestion issues at and near the school. Specifically, there is a concern about traffic congestion and safety at the intersection of Stewart Ave and S 12th Ave during morning drop-off and afternoon pick-up hours for the school. There are no signal lights at that intersection so crossing guards are responsible for stopping traffic and allowing children to safely cross Stewart Ave. There is also a concern about vehicles parking illegally on S 12th Ave in order to drop off children at the school. There are also infrastructure parking issues at the school which creates additional traffic congestion.

After additional discussion regarding the specific traffic congestion at the various spots within the school grounds and on the surrounding streets, Winters asked what it is that the school would like to see happen to resolve this issue.

Wesolowski indicated that when he met previously with the school staff and the DOT it was suggested that one option would be to hire a company to conduct a traffic study in conjunction with the City and share the cost. That is what the school is seeking from the Committee at this meeting.

Alfonso noted that a similar situation existed at Newman school and the school resolved the issue itself and paid for the improvements themselves.

Wesolowski also stated that the DOT is not interested in erecting and paying for a signal at S 12th Ave and Stewart Ave.

Motion by Abitz, second by Mielke to direct the Engineering Department to conduct further study of the traffic issues and report back to the committee.

Motion carried 3-1. Nutting dissented.

(3) Discussion: Entry and exit concerns for Tobacco Outlet (W Thomas Street and S 3rd Avenue)

Discussion:

Abitz indicated that she is concerned about cars trying to exit the Tobacco Outlet parking lot and turn east onto Thomas Street because she feels it is a safety concern. She inquired as to whether the committee could take action on this matter. Specifically, she would like a "No Exit" sign installed at the driveway entrance to Tobacco Outlet from W Thomas Street.

Wesolowski and Lt. Graham stated that since it is private property the committee would not be able to install any signage or enforce any violations of signage. The committee would be able to request that the owners of Tobacco Outlet install signage. Lt. Graham also noted that in the past 3 years there has been 1 accident involving a vehicle exiting the south entry/exit of Tobacco Outlet.

The committee directed Lt. Graham to contact the owners of Tobacco Outlet about this issue

(4) Discussion: Reducing the speed limit in the 2900 block of Stewart Avenue from 35 MPH to 25 MPH

Discussion:

Lt. Graham stated that he was unaware of who brought forth the issue.

Nutting indicated that he was in favor of the change.

Wesolowski said that a traffic study would have to be done prior to any change to the speed limit. Alfonso expressed a concern about the legality of the committee authorizing the change even after a traffic study is complete because it is not clear that it is allowed by the DOT. Wesolowski will investigate the legality issue.

The committee directed Wesolowski to complete a traffic study as soon as weather permits.

(5) Discussion and possible action: To consider installation of pedestrian signs on 1st Avenue near Elm Street

Discussion:

Wesolowski presented literature to the committee members indicating pedestrian signal options and their respective cost. The proposed location for the installation of the pedestrian crossing signs is the north side of the intersection at N. 1st Avenue and Alexander Street to cross N. 1st Avenue.

Greg Sidoff, Facilities Manager at Eastbay stated that Eastbay typically has 400-500 employees reporting to work for the first shift and only 290 parking spaces on their property on the east side of N. 1st Avenue so there is significant pedestrian traffic crossing N. 1st Avenue from other parking locations on the west side. Eastbay is concerned about the safety of their employees.

Wesolowski explained the differences between the two pedestrian sign option, the Flashing LED sign and the Rectangular Rapid Flash Beacon (RRFB). Wesolowski recommends the newer RRFB technology signs because it has been determined to be more effective.

The cost for the 2 Flashing LED sign is estimated at \$6867 while the cost for the 2 RRFB sign is estimated at \$7287. Installation is not included.

Greg Sidoff stated that Eastbay would be willing to contribute half of the cost.

Motion by Winters, second by Mielke, to install RRFB pedestrian signs on the north side of the intersection of N. 1st Avenue and Alexander Street.

Motion carried 4-0.

(6) Discussion: To consider installation of digital speed warning signs on W Bridge Street between N 6th Avenue and N 17th Avenue

Discussion:

Lt. Graham stated that a resident had expressed concerns to Winters about speeding on W Bridge Street between N 6th Avenue and N 17th Avenue.

Wesolowski presented cost figures for the digital warning sign.

After further discussion the committee decided that increased enforcement in that area would be more effective than the installation of digital warning sign.

No further action was taken.

(7) Discussion and possible action: To prohibit parking on the north side of Marquardt Road from a point 225 feet east of its intersection with N 6th Street to N 6th Street

Discussion:

Lt. Graham stated that a resident expressed concern about this issue at one of the sector meetings. The location of this issue is within Winter's district and since Winters had to depart this meeting for another meeting the committee decided to table the issue until next month's meeting

(8) Discussion and possible action: To restrict parking surrounding Lincoln Elementary School as follows:

1. No parking, standing or stopping on the north side of Pardee Street between S 7th Avenue and S 9th Avenue, during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the south side of Pardee Street between S 7th Avenue and S 9th Avenue will be removed thereby allowing parking on the south side).
2. No parking, standing or stopping on the west side of S 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding busses.
3. No parking, standing or stopping on the south side of West Street between S 6th Avenue and S 9th Avenue during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the north side of West Street between S 6th Avenue and S 9th Avenue will be removed thereby allowing parking on the north side).

Discussion:

Lt. Graham stated that there are concerns about student safety during drop off and pick up times at Lincoln Elementary. Additionally, the current signage is not listed in the Municipal Ordinances making it difficult to enforce.

Lt. Graham and school staff met and decided that since the current signs are unenforceable a change needs to be made. After discussing ways to ensure student safety with regards to this issue the above recommendations were made.

The impact of the first recommendation would be that those utilizing the parking on the north side of Pardee Street in front of the school district building and the parks department building would need to park on the south side of Pardee Street.

Larry Cihlar from Wausau School District indicated that they do not object to making the north side of Pardee Street "No Parking" in the interest of student safety. His suggestion was to have "No Parking" on the north side of Pardee Street between S 7th Avenue and S 9th Avenue at all times not just during school hours. He maintains that it is difficult for School District and Parks Department large vehicles to get through when cars are parked on both sides of Pardee Street after school hours or when school is not in session.

Lt. Graham indicated that by making the changes recommended, the existing parking and safety issues surrounding Lincoln school and the legal issues involved with signage being listed in the Municipal Ordinances would be addressed.

Abitz expressed a concern about resident parking on the south side of West St. Lt. Graham indicated that all of those residents were notified of this agenda item and that he did not receive any calls. Abitz also noted that the signage would specify school hours only so as not to impact parking for the Fair.

Motion by Mielke, second by Nutting to restrict parking surrounding Lincoln Elementary School as follows:

1. No parking, standing or stopping on the north side of Pardee Street between S 7th Avenue and S 9th Avenue (signs currently posted on the south side of Pardee Street between S 7th Avenue and S 9th Avenue will be removed thereby allowing parking on the south side).
2. No parking, standing or stopping on the west side of S 6th Avenue from a point 370 feet north of its intersection with West Street to West Street, excluding busses.
3. No parking, standing or stopping on the south side of West Street between S 6th Avenue and S 9th Avenue during school hours, Monday through Friday, 7 AM to 4 PM (signs currently posted on the north side of West Street between S 6th Avenue and S 9th Avenue will be removed thereby allowing parking on the north side).

Motion carried 3-0

(9) Discussion and possible action: Merging the Capital Improvements and Street Maintenance Committee (CISM) and the Parking and Traffic Committee

Discussion:

The committee members noted that there are many issues that overlap between these two committees and it seems like a feasible idea. Abitz stated that she feels it would be best to have the committees combined prior to the next City Council election when elected members would be choosing which committees they would be involved with. The members also felt that some of the issues currently discussed could be assigned to City Staff to handle.

Alfonso explained the steps that would need to be taken to accomplish combining the two committees.

The committee members noted that the final Parking and Traffic Committee meeting would be held in March 2016.

Motion by Mielke, second by Nutting to Merge the Capital Improvements and Street Maintenance Committee (CISM) and the Parking and Traffic Committee.

Motion carried 3-0

(10) Future Agenda Items: To prohibit parking on the south side of the 1000 block of Graves Avenue

Lt. Graham read a letter received by Winters from residents Pat and Jan Brenahan expressing their opinion regarding this issue. They do not object to the proposal but request that parking restrictions be lifted during holidays. The committee determined that it would not be possible to do that.

Committee members decided to re-address the issue at the March 2016 meeting. Residents will again be notified of this agenda item prior to the meeting.

(11) Communications: None

(12) Adjournment: Motion by Mielke, second by Nutting, to adjourn the meeting. Motion carried 3-0. Meeting adjourned 6:50 PM

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: January 14, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Mielke, Gisselman, Kellbach, Abitz

Also Present: Lindman, Jacobson, Wesolowski, Gehin, Graham

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 to order.

Discussion and possible action on merging the Capital Improvements and Street Maintenance Committee and the Parking and Traffic Committee

Rasmussen stated this has been discussed before in the sentiment of reducing the number of meetings that have to be staffed and attended on a monthly basis. Additionally, when we talk about roads and infrastructure there have been complaints that the committee that approves the design (CISM) does not communicate properly with the committee who manages the flow of streets (Parking and Traffic). Often there are a number of agenda items that appear on Parking and Traffic that could be considered at CISM. Also there are members in common already. Many times items that appear on Parking and Traffic agendas have engineering and design standards that manage those things, which could be managed as a staff function with a recommendation to committee. Rasmussen has spoken with Abitz regarding this and they are looking for input from committee members and staff. Mielke is in favor as he has been a proponent for reducing meetings and feels many items correlate together. Gisselman noted that this meeting has already been an hour and half and combining Parking and Traffic items would make for a lengthy meeting. Rasmussen said Parking and Traffic will also consider this and both committees would make a recommendation to Council with the idea it would become effective with the new Council in April. The length of the agenda comes down to agenda management, which could be controlled by the committee Chair. She does not foresee a massive volume of Parking and Traffic items as there are times when that committee does not meet due to lack of items. Wesolowski feels it makes sense and possibly some items do not even need to go to Parking and Traffic after consulting with the Chair. He also noted that the committees were created by the rules of Council. Rasmussen added that a recommendation would be sent to Council asking for an amendment of the structure to merge the committees. She had a discussion with Abitz regarding the fact that some things come up for a lengthy debate at Parking and Traffic that do not need to as there are guidelines where some of the items could be internal staff decisions. If there is an issue that is highly contested in the public and the public needs a venue in which they can be heard, it could be entertained at CISM. Graham feels it can be accomplished and that it would come down to prioritization of agenda items.

Mielke moved to approve the merging of the Capital Improvements and Street Maintenance Committee and the Parking and Traffic Committee. Kellbach seconded and the motion carried unanimously 4-0.

It was noted that this item will also be considered by Parking and Traffic and a joint resolution will be forwarded to Council prior to April with the newly merged committee beginning with the new Council in April. Gisselman added the rules of the Council would have to change to accommodate this. Jacobson said the committees are formed by Chapter 2.16. There would be a joint resolution to eliminate one standing committee and add a description that the committee is being joined and the duties of both would now become the duties of one committee. A 2/3 vote by Council is required to amend Chapter 2.16.



Wausau Wisconsin

CITY COUNCIL

March 04, 2016

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Parking & Traffic Committee

It will be the duties of this committee to investigate and make recommendations concerning parking and traffic issues; to recommend policies for the administration of the Parking Utility along with the enforcement of traffic related matters; to make recommendations for the placement of traffic signs; to investigate, study and recommend any needed improvements that will make the operations of the Traffic Bureau more efficient or effective; to recommend ways of improving present traffic ordinances and to study the traffic flow and parking needs of the City; to work with the various departments of the city and with the various state and federal agencies dealing with traffic or parking and to make recommendations concerning the programs that it administers as they relate to this committee.

Regular Meeting Schedule: 3rd Thursday of every month @ 5:30 pm. Meetings are only held upon issuance of the official agenda notice. Please check the [calendar](#) to confirm whether the meeting will be held.

| Representing PT | Name | Address | Term | Phone # |
|-----------------|------------------|-------------------|-----------|----------|
| Chairperson | Sherry Abitz | 1201 S 7th Ave | 2014-2016 | 843-0990 |
| Aldersperson | Robert Mielke | 315 S 8th Ave | 2014-2016 | 845-1830 |
| Aldersperson | Karen Kellbach | 502 Knox ST | 2014-2016 | 675-2694 |
| Aldersperson | Keene Winters | 3824 Riverview Dr | 2014-2016 | 675-0060 |
| Aldersperson | David E. Nutting | 534 S 1st Ave | 2014-2016 | 842-2589 |





Wausau Wisconsin

CITY COUNCIL

March 04, 2016

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| |
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Departments > City Council > Standing Committees > CISM

Capital Improvements and Street Maintenance Committee

It will be the duties of this committee to recommend the purchase, sale or leasing of real estate by the city and to recommend the use or disposition of vacant or unutilized city-owned real estate; to review certain plats; to locate and recommend the acquisition of areas for municipal purposes, such purposes to include the requirements for expansion of the city street system and improvements therefor, to conduct hearings on official map proceedings and street and alley vacations; to investigate, determine and recommend to the Common Council capital outlay improvements program for Public Works, such program to include the construction of new streets, sewers, watermains in conjunction with the Sewer and Water Commissions, and such other improvements to streets as the construction of curb and gutter, paving and sidewalks, and to determine priorities on locations therefor; and to handle street light and maintenance policies.

Regular Meeting Schedule: 2nd Thursday of every month @ 5:30 pm. Meetings are only held upon issuance of the official agenda notice. Please check the calendar to confirm whether the meeting will be held.

| Representing CISM | Name | Address | Term | Phone # |
|-------------------------|----------------|------------------|-----------|--------------|
| Chairperson | Lisa Rasmussen | 1310 Crescent Dr | 2014-2016 | 715-675-4872 |
| Aldersperson | Karen Kellbach | 502 Knox St | 2014-2016 | 715-675-2694 |
| Aldersperson | Gary Gisselman | 319 Park Ave | 2014-2016 | 715-848-5160 |
| Aldersperson | Sherry Abitz | 1201 S 7th Ave | 2014-2016 | 715-843-0990 |
| Aldersperson-Vice Chair | Robert Mielke | 315 S 8th Ave | 2014-2016 | 715-845-1830 |



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RESOLUTION OF THE PLAN COMMISSION

Approving the precise implementation plan for 1420 North River Drive to allow for a family entertainment center.

Committee Action: Approved 5-0

Fiscal Impact: None.

File Number: 14-1014

Date Introduced: March 22, 2016

WHEREAS, the Plan Commission met on March 15, 2016, to review a request to approve the precise implementation plan for 1420 North River Drive to allow for a family entertainment center, in a Unified Development District; and

WHEREAS, the project is slated to begin this spring with the business opening later this year; and

WHEREAS, agreements have been approved by the City to provide financial assistance to the project; and

WHEREAS, the details of a land lease and maintenance agreement are being finalized; and

WHEREAS, staff feels that the proposed plan generally conforms to the UDD zoning criteria; and

WHEREAS, stormwater management of the site is being addressed through the public infrastructure project (i.e., North River Drive and associated parking lots; and

WHEREAS, the plans for the building and site have gone through a number of iterations over the months and years since the concept was first presented to the City; and

WHEREAS, staff has recommended that the arena be shifted at least a few feet to the west, however, the petitioners wish to keep the east wall of the arena flush with the rest of the building to maximize the outdoor lawn area on the west side of the arena and to minimize changes to the existing construction plans; now therefore

BE IT RESOLVED that the Common Council of the City of Wausau hereby approves the precise implementation plan for 1420 North River Drive to allow for a family entertainment center, with the conditions that the following plans are submitted to City staff for approval:

1. Grading plan
2. Landscaping plan, and
3. Building elevations with updated graphics

Approved:

James E. Tipple, Mayor

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, March 15, 2016, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Tipple, Gisselman, Atwell, Bohlken, Lindman, Oberbeck (arrived at 5:07 p.m.)

Others Present: Lenz, DeSantis, Arndt, Bill Greenwood, Julie Greenwood, Schock

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 approving the Precise Implementation Plan for 1420 North River Drive to allow for a family entertainment center.

Lenz said that the precise implementation plan for the Unified Development District zoning is up for review. The general development plan was approved along with the larger east riverfront area last fall. This family entertainment center is located on the north end of the east riverfront and will have a bar, restaurant, and gaming area including laser tag. The precise plans are located in the packet. Staff has gone through the renditions and some additional renditions were handed out at the start of the meeting. Development agreements have gone through Economic Development and Finance Committees. The lease and maintenance agreements are being finalized. This is the second part of the zoning for the landscape plans, floor plans, site plans, and building elevations. The grading plan is being finalized. Arndt said that he just received it from Stantec for reviewed. Lenz said that there have been conversations on the building location and placement.

Oberbeck arrived at 5:07 p.m.

Lenz said the red line on the site plan is the edge of the lot line. Decorative street lights and street trees will be placed from Bridge Street down to the south end of the project. The building setback is shown at six feet eight inches. This distance does not leave enough area for street trees. He felt the laser tag arena could be shifted toward the river to make room for improved landscaping along the street.

Arndt said that if the floor plan shifts a few feet to the west there will still not be enough room for trees. Arndt said he would propose to not have trees, but do other landscaping. Moving the site plan would affect the traffic pattern and viewing area. Oberbeck asked why the entire building couldn't be shifted, as it is not an entrance but just storage. Arndt said that Bill Greenwood would like to have events and parties in the lawn area. This would take away the area and inflict on the kitchen entrance for deliveries. The room is needed. Oberbeck asked about the service and asked if it would be paved. Arndt said it would be from the sidewalk. Arndt said that trucks would not be in the back.

Lindman said it is a tall building and there is nothing to break up the shear wall. The trees would break it up. Arndt said the original plan had vertical and horizontal siding in the area. Lindman said that an additional sign could break it up. Arndt said that a graphic designer is working on art work for the building. Bill Greenwood said that plants could be hung from roof or wall art could be placed on the building. The logo is not ready yet and need to choose prints so those are not able to be given to the commission at this time.

Atwell asked where the garbage facilities would be located. Arndt said the city garbage area will be used. Mayor Tipple asked if the area will be screened. Lenz said that the structure is not designed yet, but will be located at the northwest corner of the parking lot. They will need to carry the garbage to that location.

Lenz said that on the landscape plan, the laser tag arena will be landscaped on the east with gravel/riprap. Arndt said that bushes could be added to complement. Lenz said that trees on Bridge Street to WOW are linden trees and with the lack of space, at least 3 trees would need to be eliminated from the front of WOW if the building is not shifter over. Up to 6 trees could be taken away from the current plan for the street.

Gisselman asked how far the building would come to the west of the river and where the patio area will be. Lenz said the red line shows the west side of the parcel. This will be several feet off the actual trail.

Lenz said that he is waiting to see the grading plan to see how high the retaining wall will need to be. Gisselman asked if it will be on the same level or if it would come down. Lenz said that there will be some grade change but wasn't sure how much.

Oberbeck asked where the mechanical equipment would be located. Arndt said that it will be located on the flat portion of the roof on the main building. Oberbeck asked if the compressors would be there also. Arndt confirmed this. Bill Greenwood said that if the building moved from the south there would be no room. The riverfront area is more important than the other side. Oberbeck said he is trying to see how it will look. This is a large area and will have a big impact on the area. Arndt said that it will not be visible and will not be heard from ground level. Oberbeck asked if they will be outside. This was confirmed.

Atwell asked where the patio is located. Arndt said the patio will be extended from the grass 100 feet. Atwell said the layout is not shown. Arndt said the patio is not shown on the renderings. Lenz showed the commission where the patio would be located. Atwell asked what the capacity would be for the patio area. Arndt answered approximately 100. Bill Greenwood said the patio area will end up being curved and they are working with Revi Design.

Oberbeck said that metal buildings often have a lot of ice buildup and asked how this would be handled. Arndt said the large flat area of the roof will be internally drained. The higher roof and laser tag area will be sloped to the flat roof. Bill Greenwood asked where it would drain to. Arndt answered the storm sewer drain.

Gisselman asked how far the patio is coming out. Arndt answered 5 feet. Lenz said that there is a faint pencil line on the landscape plan where the trail would be. There may be a retaining wall, but not sure how it will fit. Gisselman said it will be 5 feet from the trail. Lindman said the corner will be tight. Oberbeck said it would be great to have it near the trail. Bill Greenwood said that in the future they would love to add onto the patio area in the future. Oberbeck asked if there would be a trail to the patio area. Greenwood said it will not be. Oberbeck asked if they had thought about a trail to the patio area. Arndt said there is a concern with alcohol leaving the premises. Oberbeck said that would be at their own risk.

Lindman asked if there will be a sitting wall. Arndt said there will be a 2 foot sitting wall. Oberbeck asked if separation is needed for the deck due to the parkland. Bohlken said that customers would appreciate a trail to the patio area. Mayor Tipple said that it is a business decision and the city does compliance checks. Greenwood said that is exactly the reason for the decision. Atwell asked if they have reached out to other communities for feedback and said that it would be enjoyable. Julie Greenwood said that it is a liability issue. Greenwood said they have gone to Milwaukee and they have a lot of problems. Pullmans in Appleton has different areas to come in, walk up, and sit down and sometimes creates animosity. Atwell said the Fox Harbor has a specific entrance and is channeled through the point and not the whole side. It seems to work well. Atwell asked how the garbage is going to be taken out. Arndt said that it would be walked from the kitchen area to the garbage area. Bill Greenwood said it would be brought from the north to the end and will go through the service door. Garbage typically stinks and can leak juices and he does not want it near the building.

DeSantis asked about the fire connection and riser. Arndt said the riser will be located at the southeast corner. DeSantis asked where the electrical will be. Arndt said it will be in the storage area, which will be a bit bigger than appears. DeSantis said that a small closet will be gone and it will be all mechanical. There will be a lack of adequate storage for cleaning supplies and cannot be stored in hallways and near electrical. Make sure it is well thought out as it is harder to finish later. Greenwood said that the supplies will be located in the office and another storage area in the kitchen.

Gisselman asked Lenz what documents staff recommends providing to the commission and council. Lenz said it is up to the commission and they could also have staff review any plans. A grading plan should be submitted and it depends on what is decided for a landscaping plan. Staff could approve signage for the building or it could be approved by the commission at a later date. Building signs are generally acceptable. Gisselman asked if any building signs would be installed. Bill Greenwood said that they may just have the logo on the door, as this will be a destination place and the street is not a busy street. Oberbeck asked what happened with the WOW signage that was in an earlier plan. Greenwood answered

that it was scrapped. Oberbeck said that it was interesting.

Oberbeck said he didn't understand the garbage or service situation. Greenwood said there is a common area between the lots where the garbage area would be located. Schock said the garbage area would be located on the southwest corner of the northern lot, in the center of the 2 parking lots. It was part of the original plan and the trash would have to be wheeled to the location. It is quite a distance, but it keeps it away and curbs didn't have to be redesigned. Julie Greenwood said that this is similar to the other businesses they own. Bill Greenwood said the sidewalk goes around the building. The city has sidewalk on the north side.

Lenz asked Schock if the plans work with developer agreement previously approved. Schock said the Economic Development Committee and Common Council have reviewed plans and some changes have been made, but would not be related to the commission. The elements were added and incorporated previously. Schock said that he agrees with Lenz with moving the building and to allow some breakup in the façade. Mayor Tipple said that it is a tough decision with the constrictive space. Gisselman said that he is very sensitive to the trail and leery about moving the building closer to the trail. Oberbeck asked if the entrance to the building could be alleviated and pathway to the sidewalk could be expanded. Arndt said that it is landscaped, but the city owns the sidewalk. Oberbeck said that this is a major building and this would aid in the connection and help the riverfront. Arndt said that it would increase the entrance. Lenz said that the project is currently out to bid. Julie Greenwood said the area could be widened to the entrance. Arndt added that it is smaller to the sidewalk. Lenz said there will be decorative lights for the path and a node at the intersection.

Oberbeck asked why there are two entrances into the parking lot. Lenz said he was not sure about the original reasoning other than it provides a direct connection to the front door. Oberbeck said the area was to encourage pedestrians and the link to the trail is very important. Lenz said that this could be discussed in a different committee/forum. Oberbeck said the precise implementation plan is not zoning, it is the layout and how it relates to the riverfront. Schock said that it is not on the same parcel; the sidewalk is off of the parcel and the plans are currently out to bid. Oberbeck said that it should be embellished before any building is done. Lindman said this will be discussed by staff and other committees.

Atwell motioned to approve the Precise Implementation Plan for 1420 North River Drive to allow for a family entertainment center with the conditions that a grading plan, landscaping plan, and graphic concept layout plan needs to be submitted prior to the council meeting. Bohlken seconded.

Bill Greenwood said that he is worried that the graphics would be done in time. Mayor Tipple said that the council will need to know how many murals and how big they will be. The actual look of the mural would not need to be submitted prior to the meeting.

The motion carried unanimously 6-0. This item will go to Common Council on March 22, 2016.



MEMO

TO: Members of City Plan Commission
FROM: Brad Lenz, City Planner
DATE: March 10, 2016
SUBJECT: Precise Implementation Plan for Wausau on the Water (WOW)

A General Development Plan of the Unified Development District (UDD) for the East Riverfront District was passed last year to allow for the proposed family entertainment center. The plan for the rest of the riverfront area includes a mix of commercial and residential uses. A Precise Implementation Plan needs to be approved for the WOW project in order to satisfy its zoning requirements and allow construction to begin. The project is slated to begin this Spring with the business opening later this year.

The City has been working with the developers of the WOW project for a number of months to bring the first project on this part of the riverfront to fruition. Agreements have been approved by the City to provide financial assistance to the project. The details of a land lease and maintenance agreement are being finalized. From the city's municipal code (Chapter 23.65.040), the approval of a development proposal, from a UDD zoning perspective, shall be based upon the following criteria:

- a) *That the proposed development is consistent with the spirit and intent of these regulations, has been prepared with competent professional advice and guidance and produces significant benefits in terms of improved environmental design to justify the application of the unified development concept;*
- b) *That the site development plan reflects sensitive consideration of the physical nature of the site with particular concern for conservation of natural features, preservation of open space and careful shaping of terrain to minimize scarring, and insures proper drainage and preservation of natural terrain wherever appropriate;*
- c) *That the general character and intensity of use of the development produces an attractive environment appropriate to the uses proposed, and is compatible with existing development in the surrounding area and with general community development plans and policies;*
- d) *That the development can be provided with appropriate municipal services and would not conflict with or cause overload on such facilities as schools, highways, police, fire or utility services;*
- e) *That proposed design standards provide adequately for practical functioning and maintenance, based on actual functional need, in terms of circulation, parking, emergency services, delivery services and snowplowing;*

- f) That adequate provision has been made to insure proper maintenance and preservation of any common areas provided for the recreation and esthetic enhancement of the development.*

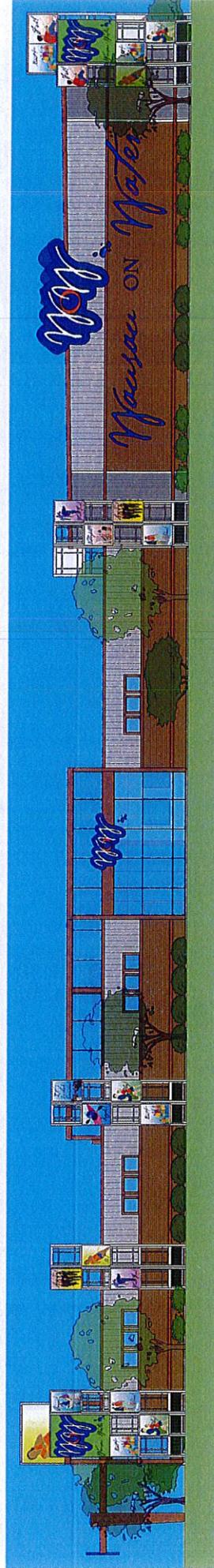
Staff feels that the proposed plan generally conforms to the above criteria. Stormwater management of the site is being addressed through the public infrastructure project (i.e., North River Drive and associated parking lots). A grading plan to show how the building site will tie into the public infrastructure will be available at the Plan Commission meeting.

The plans for the building and site have gone through a number of iterations over the months and years since the concept was first presented to the City. The original plan for the business was to utilize a former industrial building on the site. That building has since been torn down due to limitations of its use with a new building addition. The current version of the plan generally conforms to the most recent renditions presented to the City when the financial agreements were approved. Specific details of how the plans have evolved can be addressed at the Plan Commission meeting by staff and/or the petitioners.

Staff has recommended to the petitioners a change to the plans that would alleviate some concerns with the site plan. Currently, the laser tag arena on the north end is planned to be located less than seven (7) feet from the River Drive sidewalk. A concern is that the over 20-foot high wall would limit growth of street trees and/or other landscaping. Also, the blank façade of this part of the building could be intimidating to pedestrians and invite vandalism to the building by being so close to the sidewalk. Aesthetics of the overall building may also be improved by setting the laser tag arena back slightly from the rest of the building, thereby breaking up a long, largely blank wall. Staff has recommended that the arena be shifted at least a few feet to the west. The petitioners wish to keep the east wall of the arena flush with the rest of the building to maximize the outdoor lawn area on the west side of the arena and to minimize changes to the existing construction plans. Staff is seeking resolution to this particular issue and any others brought up at the Plan Commission meeting so that the Precise Implementation Plan of the UDD can be approved at the March 22nd Common Council meeting.



Beginning Design



Recommended Design

CONCEPT DESIGN 1

“Harmonization” w/Trail Landscape Architectural Theme & Identity



Wausau, Wisconsin / August 20th, 2015
WAUSAU EAST RIVERFRONT DEVELOPMENT



PLOTTED: 3/22/2016 2:07:39 PM

PROPOSED BUILDING FOR -- WOW ~ BILL GREENWOOD WAUSAU, WI

LOCATION MAP

PROJECT INFORMATION

APPLICABLE BUILDING CODE
2012 WISCONSIN COMMERCIAL BUILDING CODE

BUILDING AREA
PROJECT AREA 150'-0" X 110'-0" (16,500 SF)
50'-0" X 85'-0" (4,250 SF)

OCCUPANCY
A2 - ASSEMBLY

CONSTRUCTION CLASSIFICATION
PROPOSED ALTERATIONS TYPE IIB - FULLY SPRINKLED
A2 EXIT DISTANCE 250'
1007.1

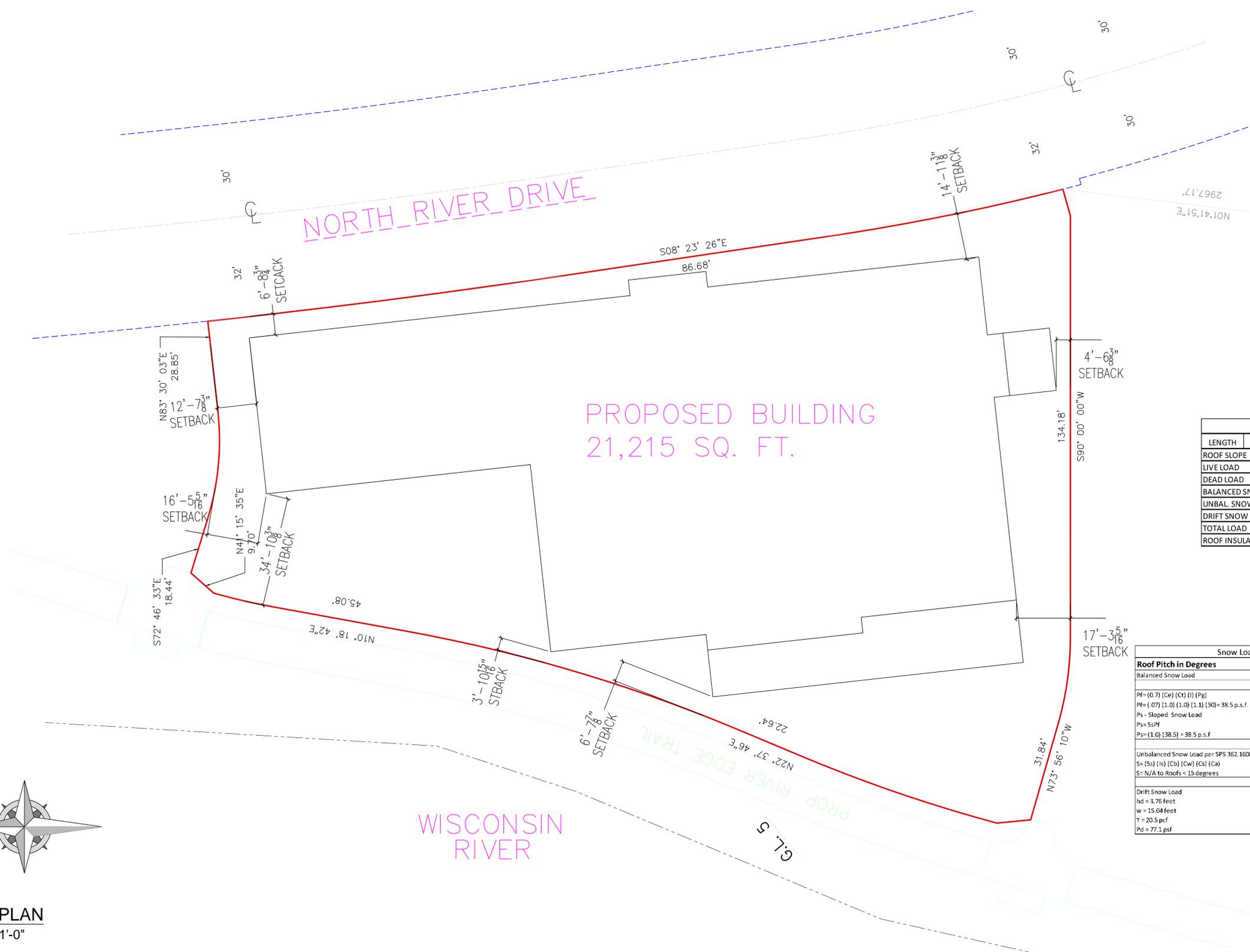
SITE ADDRESS
1420 North River Drive Wausau, WI 54403

EXIT DOORS
ALL DOORS TO BE 3070 DOORS WITH LEVER LOCKS
EXIT SIGN

United Structures Inc.
P.O. Box 527 Schofield, WI 54476 715-355-1040 Fax 715-359-0541

REVISIONS

| NUMBER | DATE | DESCRIPTION |
|--------|------|-------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |



Building Information

| LENGTH | SEE PLAN | WIDTH | SEE PLAN | EVE HT. | SEE PLAN |
|--------------------|----------|--------------|----------|--|----------|
| ROOF SLOPE | | 0.5" / 12" | | MWFRS DATA & APPLIED LOADS: | |
| LIVE LOAD | | 20 P.S.F. | | CAT. III IMP. FACTOR 1.0 EXPOSURE B SEISMIC A | |
| DEAD LOAD | | 3 P.S.F. | | BASIC WINDSPEED 90 MPH | |
| BALANCED SNOW LOAD | | 38.5 P.S.F. | | INTERNAL PRESSURE COEFFICIENT = +/- 0.18 GC pi | |
| UNBAL SNOW LOAD | | N/A | | DESIGN WIND PRESSURE ON WALLS 10 P.S.F. | |
| DRIFT SNOW LOAD | | 77.1 P.S.F. | | DESIGN WIND PRESSURE ON ROOF - 16 P.S.F. | |
| TOTAL LOAD | | 138.6 P.S.F. | | WALL INSULATION | |
| ROOF INSULATION | | R19 & R28 | | R13 | |

Occupancy
Total: 908

Snow Load Calculation

Roof Pitch in Degrees
Balanced Snow Load

$P_f = (0.7) (C_e) (C_t) (I) (P_g)$
 $P_f = (0.7) (1.0) (1.0) (1.1) (50) = 38.5 \text{ p.s.f.}$
 $P_s = \text{Sloped Snow Load}$
 $P_s = S_s P_f$
 $P_s = (1.0) (38.5) = 38.5 \text{ p.s.f.}$

Unbalanced Snow Load per SPS 392.1608 Wisconsin Alternate Standard Evaluation
 $S = (S_s) (I_s) (C_b) (C_w) (C_s) (C_a)$
 $S = \text{N/A to Roofs} < 15 \text{ degrees}$

Drift Snow Load
 $h_d = 3.76 \text{ feet}$
 $w = 15.04 \text{ feet}$
 $Y = 20.5 \text{ pcf}$
 $P_d = 77.1 \text{ psf}$

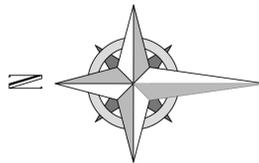
Nicholas Barak, Wisconsin Professional Engineer

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| 9 | FRAME SECTION 1 |
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| 12 | FRAME SECTION 4 |
| 13 | FRAME SECTION 5 |
| 14 | ENLARGED BATHROOM / ACC |
| 15 | BATHROOM DETAILS |
| 16 | 3D BUILDING PERSPECTIVE |

Bathroom Fixtures

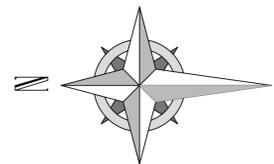
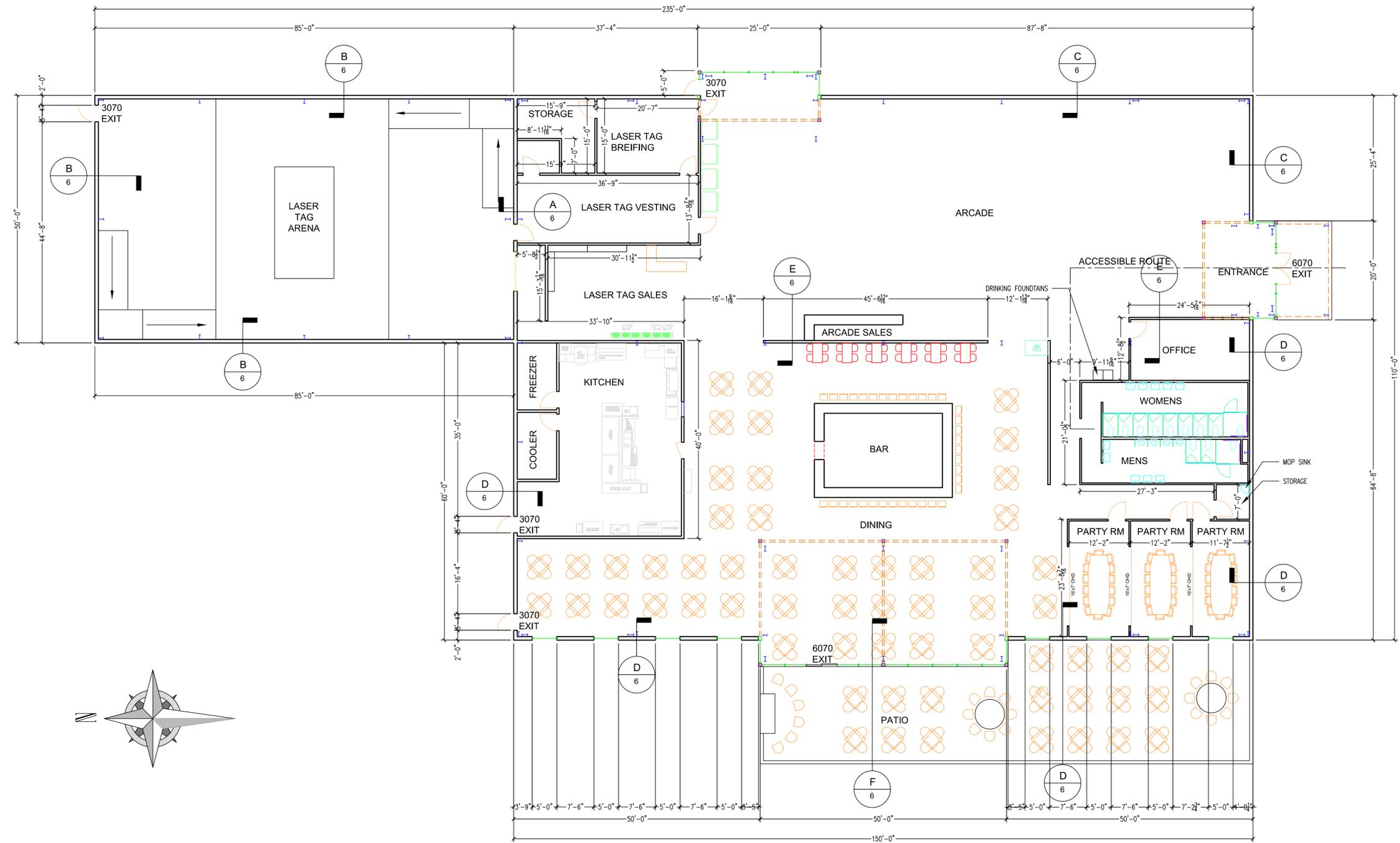
| Category | Count |
|--------------------|-------|
| Mens | |
| Urinals | 4 |
| Toilets | 2 |
| Accessible Toilets | 1 |
| Womens | |
| Toilets | 8 |
| Accessible Toilets | 1 |



SITE PLAN
1/16" = 1'-0"

PROPOSED:
WOW ~ BILL GREENWOOD
WAUSAU, WI

| SCALE | DATE |
|----------------------------|---------------|
| As Noted | 1/22/2016 |
| DRAWN BY | DA |
| DRAWING DESCRIPTION | SITE PLAN |
| PAGE | SHEET 1 OF 16 |



FLOOR PLAN
3/32" = 1'-0"

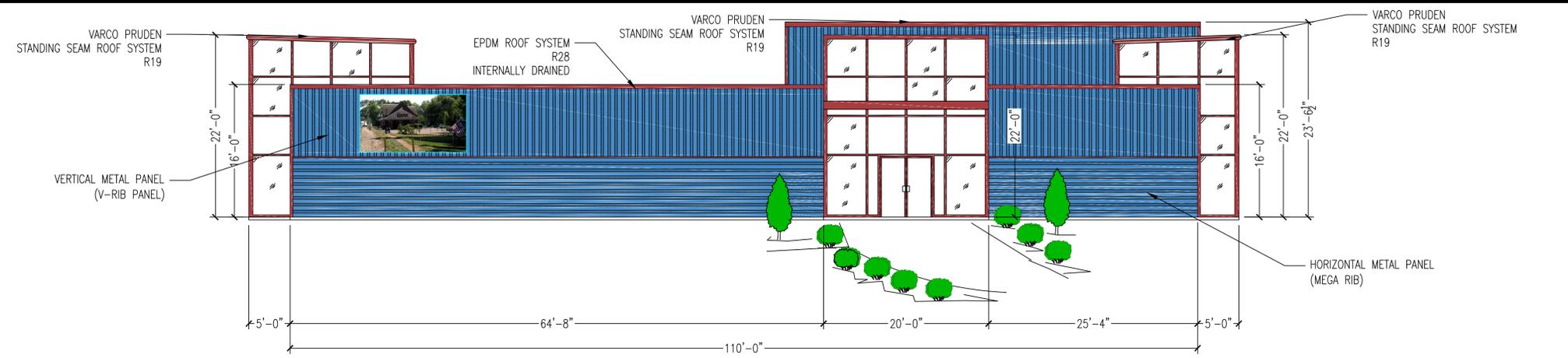
| REVISIONS | |
|-----------|-------------|
| NUMBER | DESCRIPTION |
| 1 | |
| 2 | |
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PROPOSED:
WOW ~ BILL GREENWOOD
WAUSAU, WI

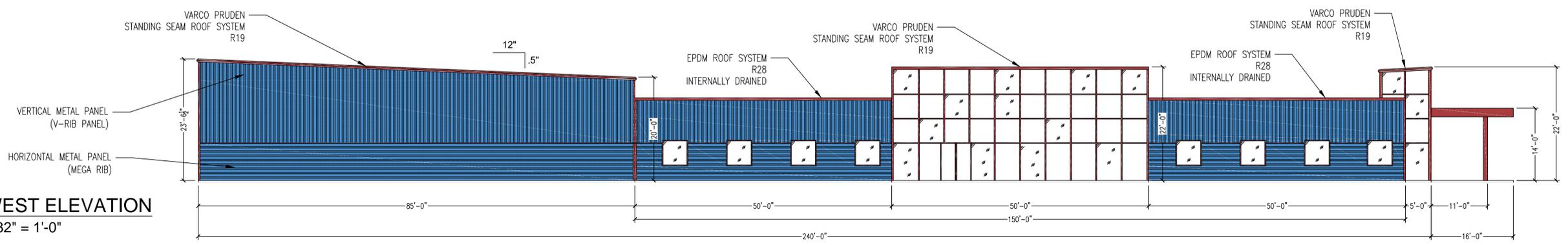
| | |
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| SCALE | DATE |
| As Noted | 1/22/2016 |
| DRAWN BY | |
| DA | |
| DRAWING DESCRIPTION | |
| FLOOR PLAN | |
| PAGE | |
| SHEET 2 OF 16 | |

PLOTTED: 3/22/2016 3:52:32 PM

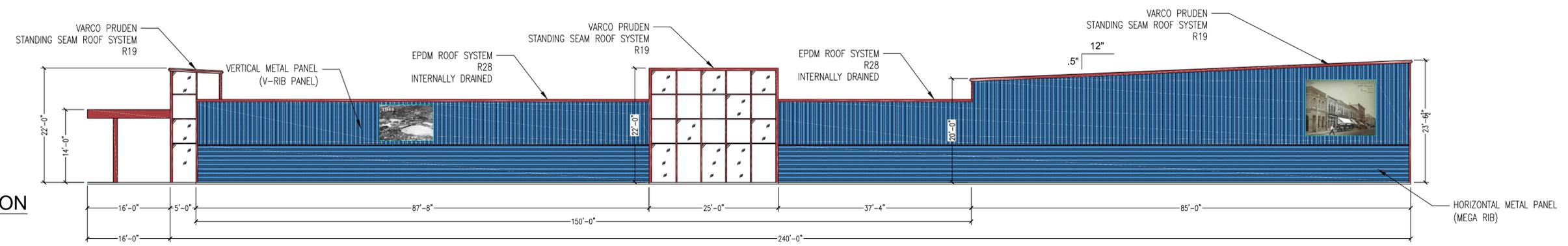
SOUTH ELEVATION
1/8" = 1'-0"



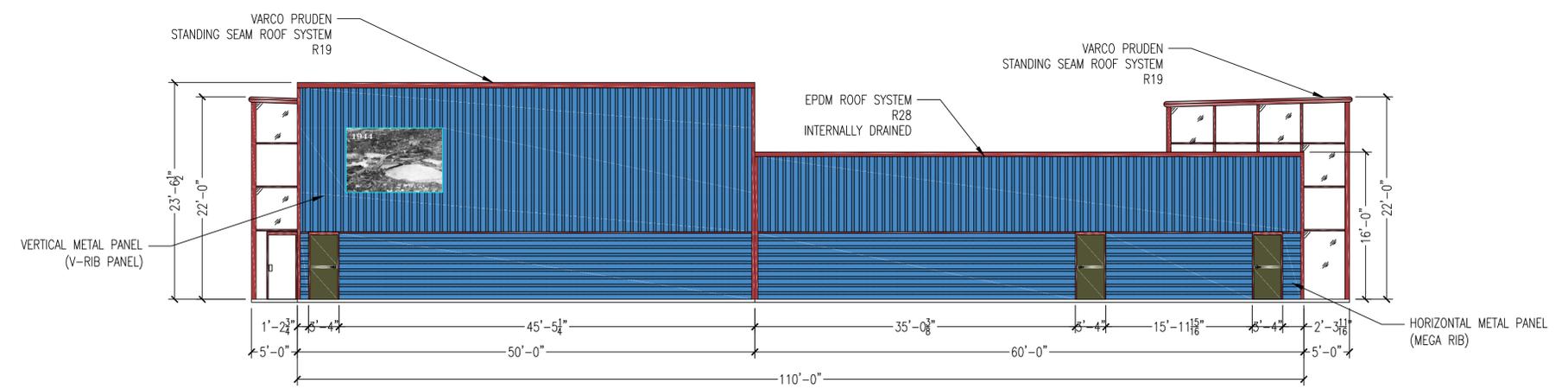
WEST ELEVATION
3/32" = 1'-0"



EAST ELEVATION
3/32" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"



United Structures Inc.
P.O. Box 527 Schofield, WI 54476 715-355-1040 Fax 715-359-0541

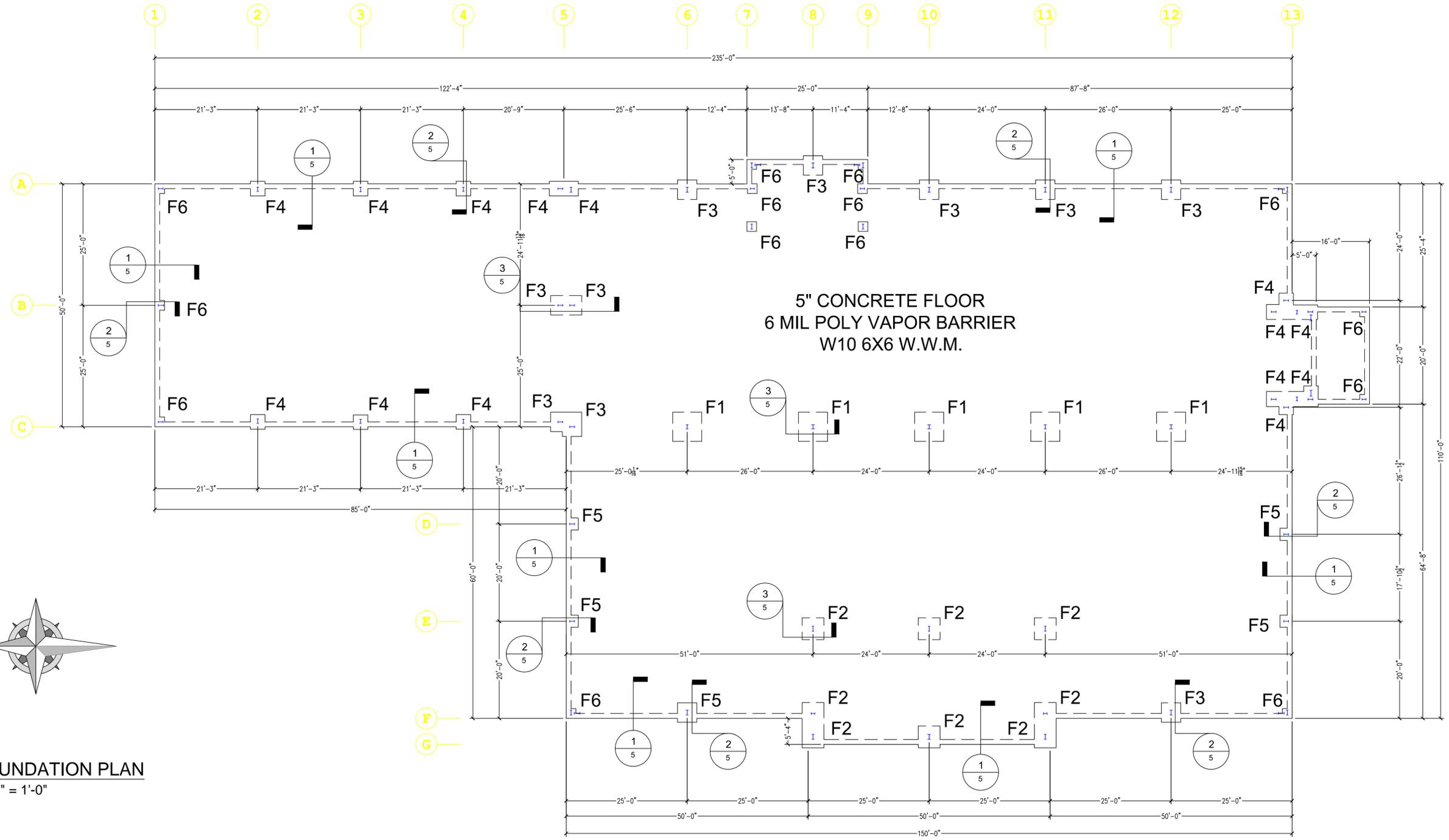


| REVISIONS | |
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| NUMBER | DESCRIPTION |
| 1 | |
| 2 | |
| 3 | |
| 4 | |

PROPOSED:
WOW ~ BILL GREENWOOD
WAUSAU, WI

| | |
|---------------------|-----------|
| SCALE | DATE |
| As Noted | 1/22/2016 |
| DRAWN BY | DA |
| DRAWING DESCRIPTION | |
| ELEVATIONS | |
| PAGE | |
| SHEET 3 OF 16 | |

PLOTTED: 3/22/2016 2:07:51 PM



FOUNDATION PLAN
3/32" = 1'-0"

| FOOTING | SIZE | THICKNESS | REINFORCING |
|---------|----------|-----------|---------------------------------|
| F1 | 6'-0" SQ | 24" | 2 ROW - #6 REBAR @ 9" O.C. E.W. |
| F2 | 4'-6" SQ | 24" | 2 ROW - #6 REBAR @ 9" O.C. E.W. |
| F3 | 4'-0" SQ | 18" | 2 ROW - #6 REBAR @ 9" O.C. E.W. |
| F4 | 3'-0" SQ | 18" | 2 ROW - #6 REBAR @ 9" O.C. E.W. |
| F5 | 2'-6" SQ | 18" | 2 ROW - #6 REBAR @ 9" O.C. E.W. |
| F6 | 2'-0" SQ | 18" | 2 ROW - #6 REBAR @ 9" O.C. E.W. |

NOTE - Pier to be at least 2" wider than base plate. (VERIFY)

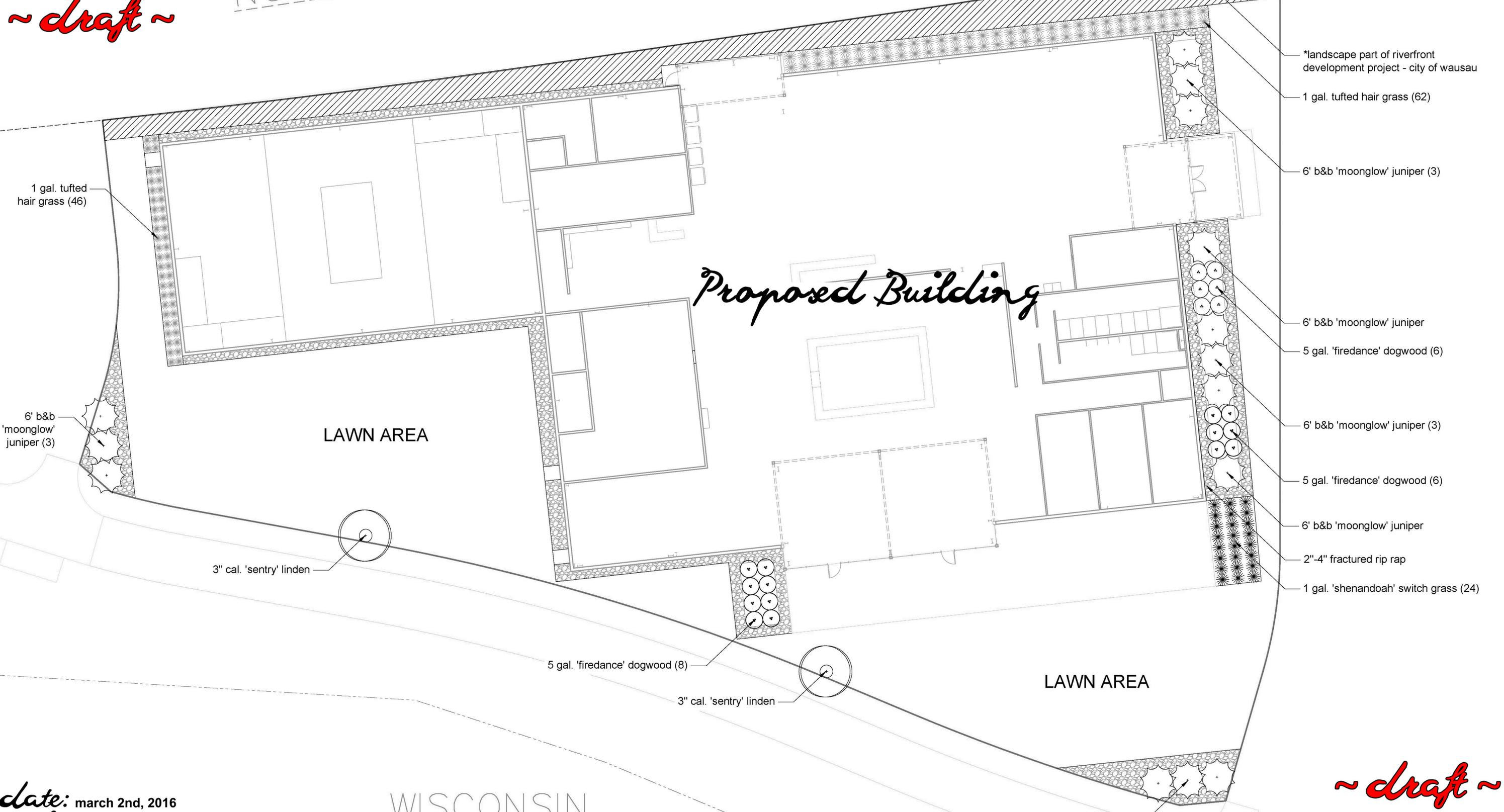
| REVISIONS | |
|-----------|-------------|
| NUMBER | DESCRIPTION |
| 1 | |
| 2 | |
| 3 | |
| 4 | |

PROPOSED:
WOW ~ BILL GREENWOOD
WAUSAU, WI

| | |
|--|-------------------|
| SCALE As Noted | DATE 1/22/2016 |
| DRAWN BY DA | |
| DRAWING DESCRIPTION FOUNDATION PLAN | |
| PAGE SHEET 4 OF 16 | |

~ draft ~

NORTH RIVER DRIVE



1 gal. tufted hair grass (46)

6' b&b 'moonglow' juniper (3)

LAWN AREA

3" cal. 'sentry' linden

5 gal. 'firedance' dogwood (8)

3" cal. 'sentry' linden

LAWN AREA

WISCONSIN RIVER

Proposed Building

*landscape part of riverfront development project - city of wausau

1 gal. tufted hair grass (62)

6' b&b 'moonglow' juniper (3)

6' b&b 'moonglow' juniper

5 gal. 'firedance' dogwood (6)

6' b&b 'moonglow' juniper (3)

5 gal. 'firedance' dogwood (6)

6' b&b 'moonglow' juniper

2"-4" fractured rip rap

1 gal. 'shenandoah' switch grass (24)

6' b&b 'moonglow' juniper (3)

~ draft ~

date: march 2nd, 2016
scale: one inch equals ten feet
drawn by: DAVE SETHER



wausau on water

WOW

ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE

Creating Section 8.08.05 Feral cat caregiver and TNR program requirements to enable implementation of Trap, Neuter, Release Program for Feral and Stray Cats

Committee Action: Approved 3-2

Ordinance Number:

Fiscal Impact: None

File Number: 15-0606

Date Introduced: March 22, 2016

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

Section 1. That Section 8.08.05 Feral cat caregiver and TNR program requirements, is hereby created to read as follows:

8.08.05. Feral cat caregiver and TNR program requirements. (a) Definitions. For purposes of this section, the following definitions shall apply:

- (1) “Authorized TNR program” means a TNR program directed and coordinated by the Community Cat Action Team, Inc., a Wisconsin corporation, provided it remains a non-profit animal rescue or welfare group and has as at least one of its purposes, the rescue and placement of cats which cannot be kept or placed by public animal control agencies or humane shelters.
- (2) “Caregiver” means any person trained and designated by an authorized TNR program as a caregiver, who in accordance with a good faith effort to trap, neuter, vaccinate and return a feral or stray cat to a feral cat colony, provides food, water or shelter to or otherwise cares for a feral or stray cat.
- (3) “Ear-tipped” means a straight line cut of the tip of the ear on a cat, typically the left ear, performed by a licensed veterinarian when a cat is under anesthesia and identifies a cat as sterilized.
- (4) “Feral cat” means a cat that is wild, untamed, or unsocialized.
- (5) “Feral cat colony” means a group of cats that congregates, more or less, together as a unit. Although not every cat in a colony may be feral, any nonferal or free-roaming cats that congregate with a colony shall be deemed to be a part of it.
- (6) “Free-roaming cat” means a cat that is regularly off the property of the owner and is not under the physical control or restraint of the owner.

(7) “Stray cat” means a cat that is socialized to humans and does not have an owner.

(8) “TNR” means a trap, neuter and return program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped and returned to the original location where they live.

(b) Caregivers shall be entitled to maintain feral cat colonies upon strict compliance with the terms and conditions of this section.

(1) Registration of the feral cat colony with the authorized TNR program.

(2) Taking reasonable steps to obtain the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured.

(3) Taking reasonable steps to result in the spay/neuter, by a licensed veterinarian, of the colony population.

(4) Taking reasonable steps to find permanent, inside homes for colony cats that exhibit the potential for acclimating to such a placement.

(5) Providing adequate containment and disposal of excrement. Caregivers shall be subject to the provisions of section 8.08.220 notwithstanding any provision of section 8.08.001(f).

(6) Taking reasonable steps to prevent feral colony cats from creating a nuisance on adjacent properties.

(7) In the event that kittens are born to a colony cat, the caregiver shall take reasonable steps likely to result in the removal of the kittens from the feral cat colony after they have been weaned, and obtain placement of the kittens in permanent inside homes.

(8) Immediately report to the City Animal Control Officer any cat that appears to have been exposed to, or potentially suffering from rabies. Caregivers shall be subject to the provisions of section 8.08.240 notwithstanding any provision of section 8.08.001(f).

(c) The authorized TNR program shall comply with the provisions of this subsection.

(1) Review and approve caregivers.

(2) Help to resolve complaints over the conduct of a feral cat colony caregiver or of cats within a colony.

(3) Provide the City Animal Control Officer on an annual basis, or upon other reasonable request, with information relating to the authorized TNR program including number of cats and kittens spayed and neutered, number of cats and kittens placed in permanent homes.

(d) It shall be an affirmative defense to prosecution under sections 8.08.030, Dognapping and catnapping; 8.08.120, Number of dogs and cats limited; 8.08.170, Licenses; and, 8.08.190, Animals not to run at large, that the animal is a feral or stray cat provided care by a Caregiver approved by the authorized TNR program. It shall be a condition of this provision that a Caregiver display a copy of his/her contract or other written agreement with the authorized TNR program to City officials upon request to verify approved participation in the authorized TNR program.

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 from and after its date of 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 REGARDING PROPOSED
ORDINANCE TO ENABLE IMPLEMENTATION OF
TRAP, NEUTER, RELEASE PROGRAM FOR FERAL AND STRAY CATS**

- In 2015, the City of Wausau considered allowing a pilot trap, neuter, release program for feral and stray cats. The implementation of this program required certain proposed changes to chapter 8 of the Wausau Municipal Code governing the care and control of animals. The proposed pilot program failed the Common Council July 14, 2015, on a 7 – 3 vote.
- Subsequently, at its December 21, 2015 meeting, the Public Health & Safety Committee agreed to revisit the trap, neuter, release program, but this time on a City wide basis.
- Lt. Todd Baeten, Ashlee Bishop, and Tara Alfonso met with Aime Leonoff in January, 2016, to see whether the Community Cat Action Team was still interested in conducting a program in the City of Wausau, and if so, whether it was able to conduct such program “city wide” rather than in the original, smaller, pilot area first considered by the City.
- The ordinances being considered at this time contain certain changes from the original proposed ordinances for a trap, neuter and release program considered by the Common Council last year. Those changes are indicated on the enclosed “tracked change/marked up” copy of the ordinance.
- Changes made to the proposed ordinances from last year’s version include:
 1. Removal of the restriction of the program to a “pilot area” allowing it to proceed on a “City wide” basis.
 2. Removal of the requirement that a caregiver report to the City Animal Control Officer any cat that appears to be ill or diseased. The requirement to report a cat that appears to have been exposed to or potentially suffering from rabies remains.
 3. Removal of the requirement that the CCAT organization maintain liability insurance.
 4. Removal of the expiration date for the authorization of the program. This can be included again, as and if desired.
 5. Deletion of the requirement that kittens be placed in foster homes or animal rescue facilities in order avoid pressure upon the Humane Society of Marathon County to receive such animals. The requirement upon caregivers to attempt to obtain reasonable placement of kittens in permanent inside homes remains.
- Regarding the requirement of liability insurance, CCAT has advised that it has reformatted its program. It is now only facilitating trap, neuter, and release activities among individuals who are interested in engaging in this activity. This apparently

involves CCAT training interested individuals on how to trap cats and where to bring them for neutering. It has advised it will have/or does have written agreements or other documentation with individuals it has facilitated in performing this function. Therefore, it does not believe that liability insurance is necessary in this facilitating capacity, and further, that insurance proved expensive, difficult or near impossible for it to obtain.

- In the event the City approves changes to ordinances, it is still also strongly recommended that the City condition its approval upon CCAT providing the City with an indemnification and release in the following form through a separate document:

CCAT shall defend, indemnify and hold harmless City, its employees, agents, and elected and appointed officials from and against all liabilities, losses, judgments, actions, suits, obligations, debts, demands, damages, penalties, claims, costs, charges and expenses, including reasonable attorneys' fees, of any kind or of any nature whatsoever which may be imposed, incurred, sustained or asserted against the City, its employees, agents, and/or elected or appointed officials by reason of any injury or death to any person, or loss, damage, or destruction of any property or loss of use thereof, or otherwise arising directly or indirectly as a result of the acts or omissions of CCAT, its agents, employees, or volunteers under its trap, neuter, release program within the City of Wausau.

CCAT hereby releases the City, its employees, agents, and elected and appointed officials from and against all liabilities, losses, judgments, actions, suits, obligations, debts, demands, damages, penalties, claims, costs, charges and expenses, including reasonable attorneys' fees, which may arise as a result of the acts or omissions of CCAT, its agents, employees, or volunteers under its trap, neuter, release program within the City of Wausau.

PUBLIC HEALTH & SAFETY COMMITTEE

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

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

Others Present: Alfonso, Rayala, Kujawa, Goede, Dick Holster, Lindsey Lewitzke, Allen Hendricks, Jenna Heck, Amy Leanoff, Angie Livingstone, Christina Winterhoff

Discussion and possible action creating ordinance Section 8.08.05 Feral cat caregiver and TNR program requirements to enable implementation of Trap, Neuter, Release Program for Feral and Stray Cats.

Rasmussen stated she agreed at budget time to have the committee consider Trap-Neuter-Release as a parallel measure to the Humane Officer's efforts to control the stray cat population. Staff was directed to go back and confer with the Police Department and with Aime Leonoff from CCAT to determine if it would be possible to create an enabling ordinance to allow them to operate within the city. She noted the original ordinance that failed last summer included a clinical trial of the program in a trial zone. She felt that created some of the opposition because the most outspoken group against it was that neighborhood group.

Alfonso stated she met with Aime Leonoff, Lt. Todd Baeten, and Humane Ofc Ashlee Bishop to discuss whether CCAT would be willing to do TNR on a city wide basis. She noted that Leonoff indicated that CCAT is now acting more in a facilitator role rather than a group that runs the program. People that are interested in participating can call them to learn how to go about it.

Aime Leonoff, CCAT, explained if people call in that are caregivers and want to get the animals spayed or neutered and/or vaccinated, they are directed to call Terry and she will speak with them, find out the number of cats; bring out traps and educate them how to use them; facilitates with making appointments for the low cost spay and neuter; and provide financial assistance, if needed. She indicated under this process they have had approximately 70 cats that they have helped fix and vaccinate, so far.

Alfonso explained she amended the ordinance to remove the pilot area and also to remove the requirement that a caregiver has to report to the animal control officer any cat that is ill or diseased. Another change was to remove the liability insurance requirement, because it was either not available to individuals or prohibitively expensive. She pointed out the original ordinance had requested that CCAT give us a list of all the people participating in this program, however, they are reluctant to provide this list for privacy and other reasons. If we do the program, CCAT will have a written contract with these people so the Humane Officer will be able to know if someone is just a cat hoarder or a caregiver participating with the CCAT group. The contract could be provided to the officer upon request, rather than a whole list.

Wagner commented he liked the program the way it was before and did not like the idea of a letting anyone who wants to freelance and be feeding ten cats in their backyard. Leonoff stated there were not that many participating and they were not encouraging hoarding; there will be a contract between CCAT and the caregiver. She indicated they will address any complaints.

Gisselman indicated as a member of the Park Committee he would vote against the ordinance because it might jeopardize our "Bird City" designation.

Motion by Neal, second by Kellbach to approve the ordinance as amended. Motion carried 3-2.

Discussion and possible action amending ordinance Section 8.08.001 Definitions (d) adding "domesticated cat or dog" and (f) amending "owner."

Motion by Wagner, second by Neal to approve the ordinance amendment. Motion carried 5-0.

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

| ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE | |
|---|--------------------------|
| Creating Section 8.08.05 Feral cat caregiver and TNR program requirements | |
| Committee Action: | Ordinance Number: |
| Fiscal Impact: None | |
| File Number: | Date Introduced: |

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

Section 1. That Section 8.08.05 Feral cat caregiver and TNR program requirements, is hereby created to read as follows:

8.08.05. Feral cat caregiver and TNR program requirements. (a) Definitions. For purposes of this section, the following definitions shall apply:

- (1) “Authorized TNR program” means a TNR program directed ~~and~~ operated and coordinated by the Community Cat Action Team, Inc., a Wisconsin corporation, provided it remains a non-profit animal rescue or welfare group and has as at least one of its purposes, the rescue and placement of cats which cannot be kept or placed by public animal control agencies or humane shelters.
- (2) “Caregiver” means any person trained and designated by an authorized TNR program as a caregiver, who in accordance with a good faith effort to trap, neuter, vaccinate and return a feral or stray cat to a feral cat colony, provides food, water or shelter to or otherwise cares for a feral or stray cat.
- (3) “Ear-tipped” means a straight line cut of the tip of the ear on a cat, typically the left ear, performed by a licensed veterinarian when a cat is under anesthesia and identifies a cat as sterilized.
- (4) “Feral cat” means a cat that is wild, untamed, or unsocialized.
- (5) “Feral cat colony” means a group of cats that congregates, more or less, together as a unit. Although not every cat in a colony may be feral, any nonferal or free-roaming cats that congregate with a colony shall be deemed to be a part of it.

(6) “Free-roaming cat” means a cat that is regularly off the property of the owner and is not under the physical control or restraint of the owner.

~~(7) “Pilot area” means that portion of the City bounded by east side of Third Avenue, the west side of Sixth Avenues, the north side of Stewart Avenue and the north side of Spruce Street.~~

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~~(8)~~ (7) “Stray cat” means a cat that is socialized to humans and does not have an owner.

~~(8)~~ (9) “TNR” means a trap, neuter and return program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped and returned to the original location where they live.

(b) ~~Feral cat colonies shall be permitted within the pilot area only, and~~ Caregivers shall be entitled to maintain such feral cat colonies ~~in such pilot area~~ upon strict compliance with the terms and conditions of this section.

(1) Registration of the feral cat colony with the authorized TNR program.

(2) Taking reasonable steps to obtain the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured.

(3) Taking reasonable steps to result in the spay/neuter, by a licensed veterinarian, of the colony population.

(4) Taking reasonable steps to find permanent, inside homes for colony cats that exhibit the potential for acclimating to such a placement.

(5) Providing adequate containment and disposal of excrement. Caregivers shall be subject to the provisions of section 8.08.220 notwithstanding any provision of section 8.08.001(f).

(6) Taking reasonable steps to prevent feral colony cats from creating a nuisance on adjacent properties.

(7) In the event that kittens are born to a colony cat, the caregiver shall take reasonable steps likely to result in the removal of the kittens from the feral cat colony after they have been weaned, and obtain placement of the kittens in permanent inside homes, ~~foster homes or animal rescue facilities~~.

(8) Immediately report to the City Animal Control Officer any cat that appears ~~to be ill, diseased, or to~~ have been exposed to, or potentially suffering from rabies. Caregivers shall be subject to the provisions of section 8.08.240 notwithstanding any provision of section 8.08.001(f).

(c) The authorized TNR program shall comply with the provisions of this subsection.

- (1) Review and approve caregivers.
- (2) Help to resolve complaints over the conduct of a feral cat colony caregiver or of cats within a colony.
- (3) Provide the City Animal Control Officer on an annual basis, or upon other reasonable request, with information relating to the authorized TNR program including number of cats and kittens spayed and neutered, number of cats and kittens placed in permanent homes, ~~a list of the names and addresses of approved caregivers, and the number of colonies and number of cats in each feral cat colony.~~

~~(4) Maintain liability insurance for all activities, actions and work performed under in connection with the authorized TNR program with a minimum combined single limit in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) of liability per occurrence for bodily injury and property damage and furnish the City with a Certificate of Insurance naming the City, its employees, agents, representatives, and elected and appointed officials as additional insureds. The policy of insurance shall state that coverage shall not be cancelled by the insurer in less than thirty (30) days after the insured and the City have received written notice of such cancellation~~

(d) It shall be an affirmative defense to prosecution under sections 8.08.030, Dognapping and catnapping; 8.08.120, Number of dogs and cats limited; 8.08.170, Licenses; and, 8.08.190, Animals not to run at large, that the animal is a feral or stray cat provided care by a ~~e~~Caregiver ~~in the pilot area approved by through~~ the authorized TNR program. It shall be a condition of this provision that a Caregiver display a copy of his/her contract or other written agreement with the authorized TNR program to City officials upon request to verify approved participation in the authorized TNR program.

~~(e) The authorization of this program and ordinance and designation of the authorized TNR program shall expire on July 1, 2018, unless reauthorized by the common council.~~

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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 from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

James E. Tipple, Mayor

Attest:

Toni Rayala, Clerk

ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE

Amending Section 8.08.001 Definitions (d) adding “Domesticated cat or dog” and (f) amending “owner”

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: None

File Number: 92-0627

Date Introduced: March 22, 2016

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

Add ()
Delete (—)

Section 1. That Section 8.08.001 Definitions, is hereby amended to read as follows:

8.08.001 Definitions.

...

(d) “Domesticated cat or dog” means a cat or dog that is socialized to humans and is appropriate as a companion for humans.

(~~d~~)(e) “Farm animal/poultry” means any warmblooded animal/fowl . . .

(e)(f) “Owner” means any individual, partnership or corporation that has the right of property in an animal or who keeps, harbors, cares for, acts as its custodian, or who knowingly permits an animal to remain on or about his/premises/property for five or more consecutive days. For purposes of this chapter, any individual designated in writing by an authorized TNR program, who acts as a caregiver for a feral or stray cat that has been ear tipped and neutered as part of a TNR program shall not be deemed to be an Owner of such feral or stray cat; provided however, that such individual complies with the provisions of Section 8.08.05 and provides a copy of the written designation to appropriate City officials upon request.

(~~f~~)(g) “Pet” means and animal kept for pleasure rather than utility, which may/may not be susceptible to rabies.

(~~g~~)(h) “Temporary foster care” means the care of a dog or cat by a person residing in a single or two family dwelling unit for 6 months or less and where such animal has been placed in the care of such person by a non-profit animal rescue, shelter, or welfare group qualifying as an exempt organization under section 501(c)(3) of the Internal Revenue Code.

(h)(i) “Unprovoked bite” means not stimulated to produce an angry or vexed reaction.

(i)(j) “U.S.D.A. approved rabies vaccine” means rabies vaccine for dogs, cats, horses, cows or sheep only.

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

PUBLIC HEALTH & SAFETY COMMITTEE

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

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

Others Present: Alfonso, Rayala, Kujawa, Goede, Dick Holster, Lindsey Lewitzke, Allen Hendricks, Jenna Heck, Amy Leanoff, Angie Livingstone, Christina Winterhoff

Discussion and possible action creating ordinance Section 8.08.05 Feral cat caregiver and TNR program requirements to enable implementation of Trap, Neuter, Release Program for Feral and Stray Cats.

Rasmussen stated she agreed at budget time to have the committee consider Trap-Neuter-Release as a parallel measure to the Humane Officer's efforts to control the stray cat population. Staff was directed to go back and confer with the Police Department and with Aime Leonoff from CCAT to determine if it would be possible to create an enabling ordinance to allow them to operate within the city. She noted the original ordinance that failed last summer included a clinical trial of the program in a trial zone. She felt that created some of the opposition because the most outspoken group against it was that neighborhood group.

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Aime Leonoff, CCAT, explained if people call in that are caregivers and want to get the animals spayed or neutered and/or vaccinated, they are directed to call Terry and she will speak with them, find out the number of cats; bring out traps and educate them how to use them; facilitates with making appointments for the low cost spay and neuter; and provide financial assistance, if needed. She indicated under this process they have had approximately 70 cats that they have helped fix and vaccinate, so far.

Alfonso explained she amended the ordinance to remove the pilot area and also to remove the requirement that a caregiver has to report to the animal control officer any cat that is ill or diseased. Another change was to remove the liability insurance requirement, because it was either not available to individuals or prohibitively expensive. She pointed out the original ordinance had requested that CCAT give us a list of all the people participating in this program, however, they are reluctant to provide this list for privacy and other reasons. If we do the program, CCAT will have a written contract with these people so the Humane Officer will be able to know if someone is just a cat hoarder or a caregiver participating with the CCAT group. The contract could be provided to the officer upon request, rather than a whole list.

Wagner commented he liked the program the way it was before and did not like the idea of a letting anyone who wants to freelance and be feeding ten cats in their backyard. Leonoff stated there were not that many participating and they were not encouraging hoarding; there will be a contract between CCAT and the caregiver. She indicated they will address any complaints.

Gisselman indicated as a member of the Park Committee he would vote against the ordinance because it might jeopardize our "Bird City" designation.

Motion by Neal, second by Kellbach to approve the ordinance as amended. Motion carried 3-2.

Discussion and possible action amending ordinance Section 8.08.001 Definitions (d) adding "domesticated cat or dog" and (f) amending "owner."

Motion by Wagner, second by Neal to approve the ordinance amendment. Motion carried 5-0.

RESOLUTION OF FINANCE COMMITTEE

Approving alleged claim for excessive assessment – CVS Pharmacy (102 Central Bridge Street)

Committee Action: Pending

Fiscal Impact: None

File Number: 16-0215

Date Introduced: March 22, 2016

RESOLUTION

WHEREAS, CVS Pharmacy appealed the 2015 assessment of the real property located at 102 Central Bridge Street (PIN 291.2907.261.0953) to the Board of Review; however, the claim did not comply with the statutory requirements of s. 74.37(4)(a) to constitute a valid claim because the procedures for objecting to the assessment under s. 70.47 have not been complied with; and

WHEREAS, the Board of Review dismissed the claimant’s alleged objection without acting on the merits of the objection and therefore did not issue a written Notice of Determination that affirmed the assessment; and

WHEREAS, on January 25, 2016, CVS Pharmacy filed a claim for excessive assessment pursuant to Section 74.37, Wisconsin Statutes; and

WHEREAS, pursuant to said claim, CVS Pharmacy, is requesting that the amount of general property tax imposed because the assessment of their property was excessive, be refunded; and

WHEREAS, city staff has reviewed the claim and recommends that the claim be disallowed; and

WHEREAS, your Finance Committee, on March 22, 2016, considered the matter and recommends that the claim be disallowed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau, that the claim of CVS Pharmacy filed with the city clerk on January 25, 2016, for excessive assessment of the real property located at 102 Central Bridge Street (PIN 291.2907.261.0953) is hereby approved.

Approved:

James E. Tipple, Mayor

BOARD OF REVIEW

Time and Place: Tuesday, September 22, 2015 @ 9:30 a.m., in the Council Chambers at City Hall.

Members Present: Russ Tonelli, Carmen Siegel (C), Dennis Nicholiason, Gary Klingbeil (alt)

Others Present: Nan Giese, Rick Rubow, Anne Jacobson, Toni Rayala

Motion by Siegel, second by Tonelli, to accept the objection form of Patrick France, PIN# 291-2908-321-0010, 226 Fountain Hills Blvd. Roll call vote: Siegel-yes, Tonelli-yes, Klingbeil-yes, Nicoliasen-yes. Motion passed unanimously.

Giese spoke about errors on the CVS Pharmacy objection form. She stated the response in 7(B) is \$3,524,920, not the \$1,300,000. She also had concerns about who owns the property. CVS is the tenant. Also CVS did not file any income and expense information that was requested by the assessor's office. Giese asked for a motion to dismiss this objection because they didn't submit income and expense information. Motion by Siegel, second by Nicoliasen to dismiss the objection form of Wausau Pharmacy LLC / CVS Pharmacy Inc. PIN# 291-2907-261-0953, 102 Central Bridge Street, based on this information; State Statutes 70.47(7)(af), no person may appear before the board of review, testify to the board by telephone or object to a valuation; if that valuation was made by the assessor or the objector using the income method; unless the person supplies to the assessor all of the information about income and expenses, as specified in the manual under s. 73.03(2a), that the assessor requests. Roll Call vote: Siegel-yes, Tonelli-yes, Klingbeil-yes, Nicoliasen-yes. Motion passed unanimously. Objection was not accepted.

Giese said that U.S. Bank did not file income and expense information that she requested in February 2015. Subject to written verification of this request for the file, Siegel motioned to not accept the objection of U.S. Bank, second by Klingbeil based on State statutes 70.47(7)(af) no person may appear before the board of review, testify to the board by telephone or object to a valuation; if that valuation was made by the assessor or the objector using the income method; unless the person supplies to the assessor all of the information about income and expenses, as specified in the manual under s. 73.03(2a), that the assessor requests. Roll Call vote: Siegel-yes, Tonelli-yes, Klingbeil-yes, Nicoliasen-yes. Motion passed unanimously. Objection was not accepted.

Giese said Wisconsin Hospitality Group did not file income and expense information and she requested this information February. Subject to written verification of this request for the file, Siegel motioned to not accept the objection of Wisconsin Hospitality Group, second by Tonelli based on State statutes 70.47(7)(af) no person may appear before the board of review, testify to the board by telephone or object to a valuation; if that valuation was made by the assessor or the objector using the income method; unless the person supplies to the assessor all of the information about income and expenses, as specified in the manual under s. 73.03(2a), that the assessor requests. Roll Call vote: Siegel-yes, Tonelli-yes, Klingbeil-yes, Nicoliasen-yes. Motion passed unanimously. Objection was not accepted.

Motion by Klingbeil, second by Nicoliasen to adjourn until September 28, 2015 at 9:00 am. Motion passed unanimously. Meeting adjourned at 3:26 pm.

LVJ

YEAR STATE OF WISCONSIN
2015 CITY OF WAUSAU

ORIGINAL TAX RECEIPT
3068898 MNFWRMW1 1/26/2016

37-291-4-2907-261-0953
WAUSAU PHARMACY LLC

59.262907.0GL.001.2700

PAID BY:

011200608 101444

TAX DUE: 99,021.53

INTEREST:

PENALTY:

OTHER:

TOTAL DUE: 99,021.53

PAYMENT: 99,021.53

LOTTERY CREDIT:

CHANGE:

TRANSACTION TOTAL: 99,021.53

APPLIED TO:

GENERAL TAX: 99,021.53

INTEREST:

PENALTY:

OTHER:

TAX

REMAINING: .00

102 CENTRAL BRIDGE ST

SEC 26-29-7

PT OF GOVT LOTS 1 & 2
DESD AS LOT (1) OF CSM VOL
76-132(16483)DOC #1638703

WAUSAU PHARMACY LLC
ONE CVS DR
WOONSOCKET RI 02895

Return this portion with payment.

Total Due for Full Payment:
Installment Payment:
Payment Date:

Amount Enclosed \$ _____

Check For Billing Address Change.

Make check payable and mail payments to:

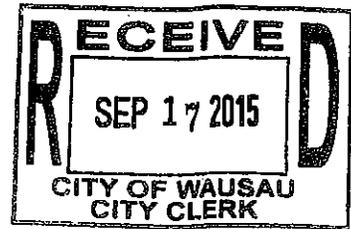
ROBERT HILL LAW, LTD.
ATTORNEYS AT LAW

1339 COUNTY ROAD D CIRCLE EAST
MAPLEWOOD, MINNESOTA 55109
E-MAIL: bob@roberthilllaw.com

GENERAL TELEPHONE: 952-426-7373

ROBERT A. HILL*
*Also Admitted in Virginia

September 16, 2015



SENT VIA FEDEX AND EMAIL (TONI.RAYALA@CI.WAUSAU.WI.US)

Toni Rayala, City Clerk
City of Wausau
407 Grant Street
Wausau, WI 54403

Re: CVS Pharmacy

Dear Ms. Rayala:

Enclosed is an Objection Form for Real Property Assessment for the following parcel number:

291-2907-261-0953

An Agent Authorization form is also enclosed, granting the parties listed therein full authority to act on behalf of CVS Pharmacy with respect to Wisconsin property assessments.

Also attached is the completed Request for Waiver of Board of Review Hearing. If such Waiver is not granted, we would like to request that we be allowed to do the Hearing by telephone. Please note this Waiver is being requested in light of the recent decision of the City of Appleton to appeal the judgment in the CVS Pharmacy matter as well as pending matters in circuit court for this property.

Sincerely,

Kari Alstad

Enclosures

cc: Nanette Giese, City Assessor (via email)
Anne Jacobson, City Attorney (via email)
Amy Seibel (via email)

OBJECTION FORM FOR REAL PROPERTY ASSESSMENT

Section 70.47(7)(a), Wisconsin Statutes states " No person shall be allowed in any action or proceedings to question the amount or valuation of property unless such written objection has been filed and such person in good faith presented evidence to such board in support of such objection and made full disclosure before said board . . ."

Note: The Board of Review can hear only sworn oral testimony regarding the value of the property. It cannot hear protests regarding the amount of property taxes or questions of exemption. The best evidence of the value of your property is a recent arm's-length sale of your property. The next best evidence is recent arm's length sales of comparable property. If there are no sales of your property or comparable property, you should present other evidence that indicates the value of your property. This would include cost, income, appraisals, and sales of like property.

| | |
|--|---|
| Property Owner's Name Wausau Pharmacy LLC / CVS Pharmacy Inc | Agent Name (if applicable) Robert A. Hill, Robert Hill Law, Ltd. |
| Owner's Mailing Address One Woonsocket, RI 02892 | Agent's Mailing Address 1339 County Road D Circle East, Maplewood, MN 55109 |
| Owner's Telephone Number 401-770-7200 | Agent's Telephone Number 952-426-7373 |

Please provide the following information on the property and the assessment to which you are objecting. (Attach additional sheets, if necessary.)

- Property Address 102 Central Bridge Street
- Legal Description or parcel number from the current assessment roll parcel number 291-2907-261-0953
- Total Property Assessments \$3,875,000
- Please explain why you think the above assessed value is incorrect Assessed value exceeds fair market value of the property and is not uniform with other assessments in the City.
- In your opinion, what was the taxable value of this property on January 1 of the year being appealed? 1,500,000
If this property contains acreage that is not in a market value class, provide a further opinion of the taxable value breakdown:

| STATUTORY CLASS | ACRES | \$ PER ACRE | FULL TAXABLE VALUE |
|--|-------|---------------------------------|--------------------|
| Residential Total Market Value | | | |
| Commercial Total Market Value | | | 1,500,000 |
| Agricultural Classification: # of Tillable Acres | | @ \$ acre use value | |
| # of Pasture Acres | | @ \$ acre use value | |
| # of Specialty Acres | | @ \$ acre use value | |
| Undeveloped Classification # of Acres | | @ \$ acre @ 50% of Market Value | |
| Agricultural Forest Classification # of Acres | | @ \$ acre @ 50% of Market Value | |
| Forest Classification # of Acres | | @ \$ acre @ Market Value | |
| Class 7 "Other" Total Market Value | | Market Value | |
| Managed Forest Land Acres | | @ \$ acre @ 50% of Market Value | |
| Managed Forest Land Acres | | @ Market Value | |

- Check the method of acquisition of the property: Purchase Trade Gift Inheritance
Acquisition Price \$ 1,600,000 Date 1/2013
- Have you improved, remodeled, added to, or changed this property since acquiring it? Yes No
If yes, describe: Original building demolished and new building constructed.
(a) When were the changes made? 2013
(b) What were the cost of the changes? \$1,300,000
(c) Does the above figure include the value of all labor, including your own? Yes No
- Have you listed the property for sale within the last five years? Yes No
(a) If yes, when and for how long was the property listed?
(b) What was the asking price?
(c) What offers were received?
- (a) Has anyone made an appraisal of this property within the last five years? Yes No
(b) If yes, when and for what purpose?
(c) What was the appraised value?
- Please list the name(s) of Board of Review member(s) you are requesting to be removed from your hearing. NOTE: This section does not apply in first or second class cities.
- Please provide a reasonable estimate of the length of time that the hearing will take Waiver of hearing is being requested.

| | |
|--|--------------------------|
| Owner's or Agent's Signature <i>Robert A Hill</i> | Date 9/16/2015 |
|--|--------------------------|

Request for Waiver of Board of Review (BOR) Hearing

Section 70.47 (8m), Wis. Stats., states, "The board may, at the request of the taxpayer or assessor, or at its own discretion, waive the hearing of an objection under sub. (8) or, in a 1st class city, under sub. (16) and allow the taxpayer to have the taxpayer's assessment reviewed under sub. (13). For purposes of this subsection, the board shall submit the notice of decision under sub. (12) using the amount of the taxpayer's assessment as the finalized amount. For purposes of this subsection, if the board waives the hearing, the waiver disallows the taxpayer's claim on excessive assessment under sec. 74.37(3) and notwithstanding the time period under sec. 74.37(3)(d), the taxpayer has 60 days from the notice of hearing waiver in which to commence an action under sec. 74.37(3)(d)."

NOTE: The legal requirements of the Notice of Intent to Appear must be satisfied and the Objection Form must be completed and submitted as required by law prior to the Request for Waiver of Board of Review Hearing being submitted.

NOTE: Request for Waiver must be presented prior to the commencement of the hearing.

| | |
|--|---|
| Municipality Wausau | County Marathon |
| Property owner's name Wausau Pharmacy LLC / CVS Pharmacy Inc | Agent name (if applicable)* Robert A. Hill, Robert Hill Law, Ltd |
| Owner's mailing address One CVS Drive, Woonsocket, RI 02895 | Agent's mailing address 1339 County Road D Circle East, Maplewood, MN 55109 |
| Owner's telephone number (401) 770 - 7200 | Agent's telephone number (952) 426 - 7373 |
| <input checked="" type="checkbox"/> Land Line <input type="checkbox"/> Cell Phone | <input checked="" type="checkbox"/> Land Line <input type="checkbox"/> Cell Phone |
| Owner's email address llapierre@cvs.com | Agent's email address bob@roberthilllaw.com / kari@roberthilllaw.com |

| | |
|---|--|
| Property address 102 Central Bridge Street | |
| Legal description or parcel number Parcel ID 291-2907-261-0953 | |
| Taxpayer's assessment as established by assessor - Value as determined due to waiving of BOR hearing \$ 3,875,000 | |
| Property owner's opinion of value \$ 1,500,000 | |
| Basis for request Prior assessment years are pending in circuit court. | |
| Date Notice of Intent to Appear at BOR was given 09 - 16 - 2015 | Date Objection Form was completed and submitted 09 - 16 - 2015 |

All parties to the hearing understand that in granting of this waiver there can be no appeal to the Department of Revenue under sec. 70.85, Wis. Stats., or a claim for excessive assessment under sec. 74.37, Wis. Stats. All parties understand any action under sec. 70.47(13), Wis. Stats., must be commenced within 60 days of the receipt of the notice of the waiving of the hearing.

Robert A. Hill

Property Owner's / Agent's Signature

*If agent, attach signed Agent Authorization Form, PA-105

Decision

Approved Denied

Reason _____

Board of Review Chairperson's Signature

Date

Taxpayer advised _____

Date

Request to Testify by Telephone or Submit a Sworn Written Statement at the Board of Review (BOR)

Section 70.47(8), Wis. Stats., states "...Instead of appearing in person at the hearing, the board may allow the property owner, or the property owner's representative, at the request of either person, to appear before the board, under oath, by telephone or to submit written statements, under oath, to the board. ..."

NOTE: The legal requirements of the Notice of Intent to Appear at the BOR must be satisfied and the Objection Form must be completed and submitted to the BOR as required by law prior to the Request to Testify by Telephone or Submit Sworn Written Statement form being submitted.

| | |
|--|---|
| Municipality Wausau | County Marathon |
| Property owner's name Wausau Pharmacy LLC / CVS Pharmacy Inc | Agent name (if applicable) Robert A. Hill, Robert Hill Law, Ltd. |
| Owner's mailing address One CVS Drive, Woonsocket, RI 02895 | Agent's mailing address 1339 County Road D Circle East, Maplewood, MN 55109 |
| Owner's telephone number (401) 770-7200 | Agent's telephone number (952) 426-7373 |
| <input checked="" type="checkbox"/> Land Line <input type="checkbox"/> Cell Phone | <input checked="" type="checkbox"/> Land Line <input type="checkbox"/> Cell Phone |
| Owner's email address llapierre@cvs.com | Agent's email address bob@roberthilllaw.com / kari@roberthilllaw.com |

Please provide the following information on the property and the assessment to which you are objecting. (Attach additional sheets, if necessary.)

1. Property address 102 Central Bridge Street

2. Legal description or parcel number from the current assessment roll Parcel ID 291-2907-261-0953

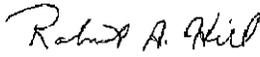
3. Total Property Assessment \$3,875,000

4. If agent, attach signed Agent Authorization form, PA-105

Testify by telephone* Submit sworn written statement

Basis for request Pending matters in circuit court.

* If the request is approved, provide the best telephone number to reach you 612-735-1985

| | |
|---|--------------------------|
| Owner's or Agent's signature  | Date 9/16/2015 |
|---|--------------------------|

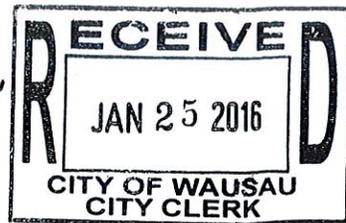
For Board Use Only

Approved Denied

Reason _____

Taxpayer advised _____
Date

*Rec'd by
personal delivery*



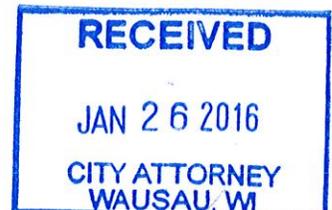
CLAIM FOR EXCESSIVE ASSESSMENT

*cc: Atty
Assessor
BOR file*

TO: City Clerk
City of Wausau
407 Grant Street
Wausau, WI 54403

Now comes Claimant, CVS Pharmacy, tenant on parcel number 291-2907-261-0953 (the "Property") in Wausau, Wisconsin, by Claimant's agent/attorney Robert Hill Law, Ltd., and files this Claim for Excessive Assessment against the City of Wausau (the "City"), pursuant to WIS.STAT. § 74.37.

1. Claimant is the tenant on the property, located at 102 Central Bridge Street, Wausau, Wisconsin, is responsible for taxes on the Property and is authorized to bring this claim in its own name.
2. For 2015, property in the City was assessed at 100.52% of its fair market value as of January 1, 2015, and was taxed at \$25.573164 per \$1,000 of assessed value.
3. The 2015 assessment of the property was set by the City Assessor's office at \$3,875,000.
4. Claimant made a timely appeal to the Board of Review, which refused to establish a date for a hearing on Claimant's appeal.
5. Based on this assessment, the City imposed a tax of \$99,021.53 on the Property.
6. The fair market value of the Property for the 2015 assessment is no higher than \$1,500,000. This value is derived from sales of comparable properties and by ascertaining the fair market rent for the Property and capitalizing that amount, net of a vacancy and collection loss and net of expenses. In addition, the Property was not assessed uniformly in compliance with Article VIII, Section 1 of the Wisconsin Constitution.
7. Based on the assessment ratio set forth in paragraph 2, the correct assessment of the Property for the 2015 assessment should be no higher than \$1,507,800, and the correct tax on the Property for 2015 should be no higher than \$38,559.12.
8. As a result of the excessive assessment of the Property for 2015, an excess tax in at least the amount of \$60,462.41 was imposed on the Property.



9. The amount of this claim is \$60,462.41, plus interest thereon at the applicable statutory rate.

Dated at Maplewood, Minnesota this 18th day of January, 2016.

ROBERT HILL LAW, LTD.

A handwritten signature in black ink, appearing to read "Robert A. Hill". The signature is written in a cursive style with a large, stylized "R" and "H".

Robert A. Hill

Jill Mickhaber

J+S Process Service

Po Box 1622

Waleska

715-301-3919

February 23, 2016

74.37 Claim for Excessive Assessment
Real Estate Parcel

PIN# 291 2907 261 0953
102 Central Bridge St
Owner: Wausau Pharmacy LLC – (Tenant - CVS Pharmacy)

Wausau Pharmacy LLC – (Tenant - CVS Pharmacy), filed a Section 74.37 Claim for Excessive Assessment with our City Clerk, Toni Rayala, on January 25, 2016.

Wausau Pharmacy LLC – (Tenant - CVS Pharmacy) filed an objection with the 2015 Board of Review. Their 2015 assessment prior to the Board of Review was \$3,875,000. There was not a 2015 Board of Review hearing and there was no determination by the Board of Review.

| <u>2014 Assessment</u> | | <u>2015 Assessment</u> | |
|------------------------|-------------|------------------------|--------------|
| Land | \$1,500,000 | Land | \$ 1,450 000 |
| Improvement | \$3,100,000 | Improvement | \$ 2,425,000 |
| Total | \$4,600,000 | Total | \$ 3,875,000 |

Wausau Pharmacy LLC – (Tenant - CVS Pharmacy) appealed the 2015 assessment to the Board of Review; however, the claim did not comply with the statutory requirements of WI Stats. 74.37(4)(a) and to constitute a valid claim because the procedures for objecting to the assessment under WI Stats. 70.47 have not been complied with.

I recommend denial of Wausau Pharmacy LLC – (Tenant - CVS Pharmacy) claim for excessive assessment.

Respectfully submitted,

Nanette S. Giese
City Assessor
City of Wausau



Claim for Excessive Assessment Worksheet

Claimant: CVS Pharmacy

PIN: 291-2907-261-0953

A claim for excessive assessment under Wisconsin Statutes § 74.37 shall meet ALL of the following requirements. Failure to meet any one (1) condition shall be grounds to disallow the claim.

- Must be filed against the taxation district imposing the assessment.
- Must be in writing.
- Must state the alleged circumstances giving rise to the claim.
- Must state as accurately as possible the amount of the claim.
- Must be signed by the claimant or his or her agent.
- Must be served on the clerk of the taxation district as prescribed in §801.11(4) by January 31 of the year in which the tax is based upon the contested assessment is payable.
- Claimant must have previously objected to the assessment under § 70.47, except under § 70.47 (13). *This condition does not apply if notice under § 70.365 was not required.*
- Claimant must have timely paid the tax, or authorized installment of the tax, which was based on the alleged excessive assessment.
- Claimant must NOT have appealed the same assessment under § 70.47(13) or § 70.85.
- Tax must be based on an excessive assessment and not palpable errors as defined in § 74.33.

Meaning(s):

- Assessment was amended after tax bills were issued.
- Assessment is otherwise factually incorrect to the excess.

Subjective analysis of the information used to determine the assessment or the claimant's opinion of value should not be considered as § 74.37 does not provide for such proceedings by the taxation district. The established assessments by the Assessor and/or the Board of Review are protected by statutes. Allowing a claim does NOT change the assessment.

- § 70.49(2), each assessment "shall, in all actions and proceedings involving such values, be presumptive evidence that all such properties have been justly and equitably assessed."
- § 70.47(9), Correction of Assessments. (a) From evidence before it the board (of review) shall determine whether the assessor's assessment is correct. If the assessment is too high or too low, the board shall raise or lower the assessment accordingly and state on the record the correct assessment and that that assessment is reasonable in light of all relevant evidence that the board received.

Claim Determination: ALLOW DISALLOW

Determination by: Jeremy M. Ray – Interim City Assessor

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

| RESOLUTION OF THE FINANCE COMMITTEE | |
|---|----------------|
| Approving alleged claim for excessive assessment – Patrick and Amanda France (226 Fountain Hills Boulevard) | |
| Committee Action: | Pending |
| Fiscal Impact: | None |
| File Number: | 16-0216 |
| Date Introduced: | March 22, 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>One-time Costs:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Recurring Costs:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| SOURCE | <i>Fee Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Grant Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Debt Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>TID Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>TID Source: Increment Revenue <input type="checkbox"/> Debt <input type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/></i> | | |

RESOLUTION

WHEREAS, Patrick and Amanda France appealed the 2015 assessment of their real property located at 226 Fountain Hills Boulevard (PIN 291.2908.321.0010) to the Board of Review; and

WHEREAS, the Board of Review sustained the valuation set by the assessor; and

WHEREAS, on January 27, 2016, Patrick and Amanda France served on the Clerk, a claim for excessive assessment pursuant to Section 74.37, Wisconsin Statutes; and

WHEREAS, pursuant to said claim, Patrick and Amanda France, are requesting that the amount of general property tax imposed because the assessment of their property was excessive, be refunded; and

WHEREAS, city staff has reviewed the claim and recommends that the claim be disallowed; and

WHEREAS, your Finance Committee, on March 22, 2016, considered the matter and recommends that the claim be disallowed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau, that the claim of Patrick and Amanda France filed with the city clerk of January 27, 2016, for excessive assessment of the real property located at 226 Fountain Hills Boulevard (PIN 2908.321.0010) is hereby approved.

Approved:

James E. Tipple, Mayor

YEAR STATE OF WISCONSIN
2015 CITY OF WAUSAU

ORIGINAL TAX RECEIPT
3055796 ACFWBAS1 12/28/2015

=====

37-291-4-2908-321-0010 59.2455 .000.010.0000

PAID BY:

PATRICK J FRANCE
AMANDA M FRANCE

226 FOUNTAIN HILLS BLVD
FOUNTAIN HILLS
LOT 10

PATRICK J FRANCE
AMANDA M FRANCE
226 FOUNTAIN HILLS BLVD
WAUSAU WI 54403

POS
TAX DUE: 8,430.17
INTEREST:
PENALTY:
OTHER:
TOTAL DUE: 8,430.17
PAYMENT: 6,858.68
LOTTERY CREDIT: 115.16
CHANGE:
TRANSACTION TOTAL: 6,973.84
APPLIED TO:
GENERAL TAX: 6,973.84
INTEREST:
PENALTY:
OTHER:
TAX
REMAINING: 1,456.33

Return this portion with payment.

PATRICK J FRANCE
AMANDA M FRANCE
226 FOUNTAIN HILLS BLVD
WAUSAU WI 54403

Total Due for Full Payment: **1,456.33**
Installment Payment: 1,456.33
Payment Date: 7/31/2016

Amount Enclosed \$ _____

Check For Billing Address Change.

Make check payable and mail payments to:
CITY OF WAUSAU
PO BOX 3051
MILWAUKEE WI 53201-3051



291-2908-321-0010



0129129083210010000145633000145633201607315

YEAR STATE OF WISCONSIN
2015 CITY OF WAUSAU

ORIGINAL TAX RECEIPT
3069788 ACFWBAS1 1/27/2016

=====

| | | | | |
|-------------------------|---------|---------------|--------------------|----------|
| 37-291-4-2908-321-0010 | 59.2455 | .000.010.0000 | PAID BY: | |
| PATRICK J FRANCE | | | POS | |
| AMANDA M FRANCE | | | TAX DUE: | 1,456.33 |
| | | | INTEREST: | |
| | | | PENALTY: | |
| | | | OTHER: | |
| 226 FOUNTAIN HILLS BLVD | | | TOTAL DUE: | 1,456.33 |
| FOUNTAIN HILLS | | | PAYMENT: | 1,456.33 |
| LOT 10 | | | LOTTERY CREDIT: | |
| | | | CHANGE: | |
| | | | TRANSACTION TOTAL: | 1,456.33 |
| | | | APPLIED TO: | |
| | | | GENERAL TAX: | 1,456.33 |
| | | | INTEREST: | |
| | | | PENALTY: | |
| | | | OTHER: | |
| PATRICK J FRANCE | | | TAX | |
| AMANDA M FRANCE | | | REMAINING: | .00 |
| 226 FOUNTAIN HILLS BLVD | | | | |
| WAUSAU WI 54403 | | | | |

Return this portion with payment.

Total Due for Full Payment:
Installment Payment:
Payment Date:

Amount Enclosed \$ _____

Check For Billing Address Change.

Make check payable and mail payments to:

Objection Form for Real Property Assessment

Section 70.47(7)(a), Wisconsin Statutes states " No person shall be allowed in any action or proceedings to question the amount or valuation of property unless such written objection has been filed and such person in good faith presented evidence to such board in support of such objection and made full disclosure before said board . . ."

Note: The Board of Review can hear only sworn oral testimony regarding the value of the property. It cannot hear protests regarding the amount of property taxes or questions of exemption. The best evidence of the value of your property is a recent arm's-length sale of your property. The next best evidence is recent arm's-length sales of comparable property. If there are no sales of your property or comparable property, you should present other evidence that indicates the value of your property. This would include cost, income, appraisals, and sales of like property.

| | |
|--|--|
| Property Owner's Name <i>Patrick & Amanda France</i> | Agent Name (if applicable) _____ |
| Owner's Mailing Address <i>226 Fountain Hills Blvd Wausau 54403</i> | Agent's Mailing Address _____ |
| Owner's Telephone Number <i>(715) 298-1570 / 715 573-4350</i> | Agent's Telephone Number <i>() _____</i> |

Please provide the following information of the property and the assessment to which you are objecting. (Attach additional sheets, if necessary.)

1. Property Address *226 Fountain Hills Blvd Wausau WI 54403*
2. Legal Description or parcel number from the current assessment roll *291 2908 321 0010*
3. Total Property Assessments *341,500*
4. Please explain why you think the above assessed value is incorrect *Increased from 283,500. Obtained real estate appraisal as of 1/1/15 which valued our property @ 253,000*
5. In your opinion, what was the taxable value of this property on January 1 of the year being appealed? *\$ 283,500*
If this property contains acreage that is not in a market value class, provide a further opinion of the taxable value breakdown:

| STATUTORY CLASS | ACRES | \$ PER ACRE | FULL TAXABLE VALUE |
|--|-------|-------------------------------|--------------------|
| Residential Total Market Value | | | |
| Commercial Total Market Value | | | |
| Agricultural Classification: # of Tillable Acres | @ | \$ acre use value | |
| # of Pasture Acres | @ | \$ acre use value | |
| # of Specialty Acres | @ | \$ acre use value | |
| Undeveloped Classification # of Acres | @ | \$ acre @ 50% of Market Value | |
| Agricultural Forest Classification # of Acres | @ | \$ acre @ 50% of Market Value | |
| Forest Classification # of Acres | @ | \$ acre @ Market Value | |
| Class 7 "Other" Total Market Value | | Market Value | |
| Managed Forest Land Acres | @ | \$ acre @ 50% of Market Value | |
| Managed Forest Land Acres | @ | Market Value | |

6. Check the method of acquisition of the property: Purchase Trade Gift Inheritance
Acquisition Price \$ *54,900* Date *7-26-06*
7. Have you improved, remodeled, added to, or changed this property since acquiring it? Yes No
If yes, describe: *Home Built - Total costs ~~245,000~~ 245,000.*
(a) When were the changes made? *2004 & 2010*
(b) What were the cost of the changes? _____
(c) Does the above figure include the value of all labor, including your own? Yes No
8. Have you listed the property for sale within the last five years? Yes No
(a) If yes, when and for how long was the property listed? _____
(b) What was the asking price? _____
(c) What offers were received? _____
9. (a) Has anyone made an appraisal of this property within the last five years? Yes No
(b) If yes, when and for what purpose? *Appraisal Done as of 1/1/15*
(c) What was the appraised value? *253,000*

10. Please list the name(s) of Board of Review member(s) you are requesting to be removed from your hearing. NOTE: This section does not apply in first or second class cities. _____

11. Please provide a reasonable estimate of the length of time that the hearing will take *5 min / 1/2 hour*

| | |
|---|----------------------------|
| Owner's or Agent's Signature <i>Patrick France</i> | Date <i>9 - 21 - 15</i> |
|---|----------------------------|

Rec'd 9/21/15 @ 12:15pm

City of Wausau

For Office Use:

9/9/15 @ 11:15

Written Oral

Notice of Intent to File Objection with Board of Review

I, Patrick France, (insert name) as the property owner or as an agent for _____, (insert property owner's name or strike) with an address of 226 Fountain Hills Blvd, hereby give notice of intent to file an objection on the assessment for the following property: 226 Fountain Hills Blvd, Wausau WI 54907 (Insert address of subject property) with the parcel or tax identification number # 291 - 2908-321-0010 for the 2015 (insert year) Assessment Year.

THIS NOTICE OF INTENT IS BEING FILED (please mark one)

- At least 48 hours before the Board's first scheduled meeting.
- During the first two hours of the Board's first scheduled meeting (complete Section A)
- Up to the end of the fifth day of the session or up to the end of the final day of the session if the session is less than five days (complete Section B)

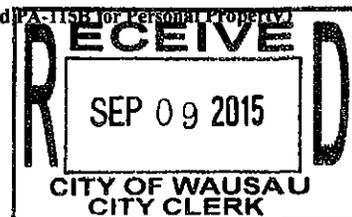
IMPORTANT NOTE: FILING OF THIS FORM DOES NOT RELIEVE THE OBJECTOR OF THE REQUIREMENT TO TIMELY FILE A **FULLY COMPLETED WRITTEN OBJECTION ON THE PROPER FORM WITH THE CLERK OF THE BOARD OF REVIEW.**

Date: 9/9/15 Signature: Patrick France

Section A: The Board of Review may grant a waiver of the 48 hour notice of an intent to file a written or oral objection if a property owner who does not meet the notice requirement appears before the Board during the first two hours of the first meeting, shows good cause for failure to meet the 48 hour notice requirement and files a written objection. My good cause is as follows:

Section B: The Board of Review may waive all notice requirements and hear the objection even if the property owner fails to provide written or oral notice of an intent to object 48 hours before the first scheduled meeting, and fails to request a waiver of the notice requirement during the first two hours of the meeting, if the property owner appears before the Board of any time up to the end of the fifth day of the session or up to the end of the final day of the session if the session is less than five days, and FILES A WRITTEN OBJECTION AND PROVIDES EVIDENCE OF EXTRAORDINARY CIRCUMSTANCES. Proof of my extraordinary circumstances is as follows:

A WRITTEN OBJECTION ON THE PROPER FORM MUST BE PROPERLY FILED WITH THE CLERK OF THE BOARD OF REVIEW. (PA-115A for Real Estate Property and PA-115B for Personal Property)



BOARD OF REVIEW

Time and Place: Tuesday, September 22, 2015 @ 9:30 a.m., in the Council Chambers at City Hall.

Members Present: Russ Tonelli, Carmen Siegel (C), Dennis Nicholiason, Gary Klingbeil (alt)

Others Present: Nan Giese, Rick Rubow, Anne Jacobson, Toni Rayala

Motion by Siegel, second by Tonelli, to accept the objection form of Patrick France, PIN# 291-2908-321-0010, 226 Fountain Hills Blvd. Roll call vote: Siegel-yes, Tonelli-yes, Klingbeil-yes, Nicoliasen-yes. Motion passed unanimously.

Giese spoke about errors on the CVS Pharmacy objection form. She stated the response in 7(B) is \$3,524,920, not the \$1,300,000. She also had concerns about who owns the property. CVS is the tenant. Also CVS did not file any income and expense information that was requested by the assessor's office. Giese asked for a motion to dismiss this objection because they didn't submit income and expense information. Motion by Siegel, second by Nicoliasen to dismiss the objection form of Wausau Pharmacy LLC / CVS Pharmacy Inc. PIN# 291-2907-261-0953, 102 Central Bridge Street, based on this information; State Statutes 70.47(7)(af), no person may appear before the board of review, testify to the board by telephone or object to a valuation; if that valuation was made by the assessor or the objector using the income method; unless the person supplies to the assessor all of the information about income and expenses, as specified in the manual under s. 73.03(2a), that the assessor requests. Roll Call vote: Siegel-yes, Tonelli-yes, Klingbeil-yes, Nicoliasen-yes. Motion passed unanimously. Objection was not accepted.

Giese said that U.S. Bank did not file income and expense information that she requested in February 2015. Subject to written verification of this request for the file, Siegel motioned to not accept the objection of U.S. Bank, second by Klingbeil based on State statutes 70.47(7)(af) no person may appear before the board of review, testify to the board by telephone or object to a valuation; if that valuation was made by the assessor or the objector using the income method; unless the person supplies to the assessor all of the information about income and expenses, as specified in the manual under s. 73.03(2a), that the assessor requests. Roll Call vote: Siegel-yes, Tonelli-yes, Klingbeil-yes, Nicoliasen-yes. Motion passed unanimously. Objection was not accepted.

Giese said Wisconsin Hospitality Group did not file income and expense information and she requested this information February. Subject to written verification of this request for the file, Siegel motioned to not accept the objection of Wisconsin Hospitality Group, second by Tonelli based on State statutes 70.47(7)(af) no person may appear before the board of review, testify to the board by telephone or object to a valuation; if that valuation was made by the assessor or the objector using the income method; unless the person supplies to the assessor all of the information about income and expenses, as specified in the manual under s. 73.03(2a), that the assessor requests. Roll Call vote: Siegel-yes, Tonelli-yes, Klingbeil-yes, Nicoliasen-yes. Motion passed unanimously. Objection was not accepted.

Motion by Klingbeil, second by Nicoliasen to adjourn until September 28, 2015 at 9:00 am. Motion passed unanimously. Meeting adjourned at 3:26 pm.

BOARD OF REVIEW

Time and Place: Thursday, October 1, 2015 @ 9:00 a.m. in the Council Chambers at City Hall.

Members Present: Russ Tonelli, Carmen Siegel (C), Gary Klingbeil (alt)

Others Present: Nan Giese, Rick Rubow, Toni Rayala, Robert Mayer, Jeremy Ray, Anne Jacobson, Shane VanderWaal via phone

3) HEAR OBJECTIONS SCHEDULED:

9:00 am Hearing RE: Patrick France: PIN# 291-2908-321-0010, 226 Fountain Hills Blvd. Wausau, WI 54403. Siegel introduced the objection of Patrick France for property at 226 Fountain Hills Blvd. The following individuals present were sworn in: Patrick France and appraiser Timothy Schneider; City Assessor: Nanette Giese, Property Appraisers: Rick Rubow and Kristeen Quale. Testimony was taken by both parties. One exhibit was placed on file on behalf of the objector. One exhibit was placed on file on behalf of the assessor. Board deliberated on the testimony and made the following determination.

Motion by Tonelli, second by Klingbeil that exercising its judgement and discretion, pursuant to Section 70.47(9)(a) of the Wisconsin Statutes the Board of Review by majority and roll call vote hereby determine: the property owner did not present sufficient evidence to rebut the presumption of correctness granted by law to the Assessor; and sustains the same valuation as set by the assessor. Roll Call Vote: Tonelli-aye, Klingbiel-aye, Siegel-aye. Motion carried 3-0.

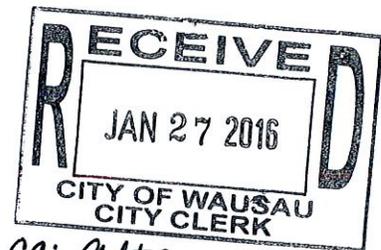
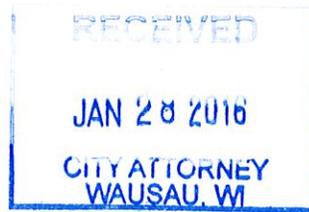
01/26/16

To: City of Wausau

From: Patrick and Amanda France

Re: Claim on Excessive Assessment (parcel # 291-2908-321-0010)

Amount : \$1,449.58



Rec'd by personal delivery

cc: Attorney Assessors

Circumstances for the claim:

- The assessment on the parcel listed above increased from \$283,500 (2014) to \$341,500 (2015). There were no changes made to our property since the last re-assessment. After researching assessment values on comparable properties we discovered that most assessment values either remained flat or decreased slightly from 2014 to 2015. We decided to appeal to the board of review. In advance of the review, we had an appraisal done by a local certified residential appraiser (Timothy Schneider). This appraisal valued our house at \$253,000 as of 1/1/15. At the board of review Schneider presented his appraisal and answered questions. During the question/cross examination, Mr. Schneider listed all recent sales from the Fountain Hills Subdivision that were not used in his report and explained why each was not used (ex. one story vs. two story).
- The city assessment department presented their residential sales comparison. There were a few items that we hold in question on this assessment:
 - 3 of the 4 comparables chosen were one story houses (ours is a 2 story). Two of these one story houses are located in the cul-de-sac of our neighborhood where there are higher end houses, and one is located on the west side of Wausau. The average price of these 3 one story houses is \$370,666.
 - Comparable #2 on the real estate appraisal we had done was a 2 story house located on Aspen Grove Ln (one street to the north of us in our subdivision). This house is similar to ours; a two story, built by the same builder, is of similar quality, and is slightly smaller in size (460 total sq. ft.). This house sold for \$249,900 on 10/30/14. It seems that this comparable would have been much more appropriate than any of the three one story houses that were chosen, and this would have resulted in a much lower value on the City's report.
- At the conclusion of the board of review hearing there was not any deliberation among the board members, there was just a motion made to keep the assessment as is.

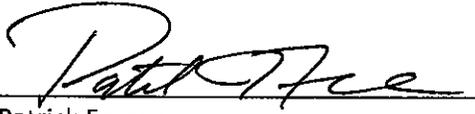
Explanation of claim amount:

- 2015 net property tax amount = \$8,315.01 (based on an assessment amount of \$341,500).
- Net property tax on previous year's amount ($\$283,500 \times .024894459$) would be : \$7,058- (first dollar credit: \$71.29)-(Lottery & Gaming credit: \$121.28)= \$6,865.43 (Even though the appraisal came in lower we are only requesting the difference between the 2015 and 2014 assessment values).
- $\$8,315.01 - \$6,865.43 = \$1,449.58$.

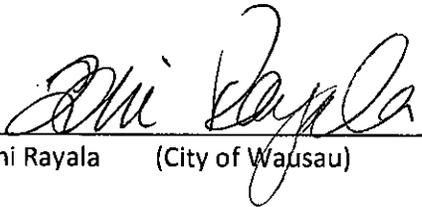
Conclusion

- Wisconsin state law requires that properties are assessed at full market value as of January 1st each year.
- We obtained an appraisal as of January 1st 2015 which valued our house at \$253,000 (\$88,500 less than the 2015 City of Wausau assessment). The appraisal was done by a local certified appraiser.

- When factoring the significant increase in assessment value without any change made to the property, along with the large discrepancy between the assessed value and the appraised market value, it is clear that the 2015 assessment of our property is excessive.


Patrick France

1-27-14
Date


Toni Rayala (City of Wausau)

1-27-16
Date

February 23, 2016

74.37 Claim for Excessive Assessment
Real Estate Parcel

PIN# 291 2908 321 0010
226 Fountain Hills Blvd
Owner: Patrick and Amanda France

The France's filed a Section 74.37 Claim for Excessive Assessment with our City Clerk, Toni Rayala, on January 27, 2016.

The France's filed an objection with the 2015 Board of Review. The France's 2015 assessment prior to the Board of Review was \$341,500. At the 2015 Board of Review hearing our assessment was sustained at \$341,500.

| <u>2014 Assessment</u> | | <u>2015 Assessment</u> | |
|------------------------|-----------|------------------------|------------|
| Land | \$ 59,900 | Land | \$ 51,500 |
| Improvement | \$223,600 | Improvement | \$ 290,000 |
| Total | \$283,500 | Total | \$ 341,500 |

Owner obtained an appraisal done for the Board of Review which came in at \$253,000 as of January 1, 2015 by Tim Schneider. We questioned the quality of construction on the comparables used in the France appraisal. Also, the above grade square footage was adjusted at \$30 per square foot which is low.

I recommend denial of Riveron's claim for excessive assessment.

Respectfully submitted,

Nanette S. Giese
City Assessor
City of Wausau



Claim for Excessive Assessment Worksheet

Claimant: Patrick and Amanda France

PIN: 291-2908-321-0010

A claim for excessive assessment under Wisconsin Statutes § 74.37 shall meet ALL of the following requirements. Failure to meet any one (1) condition shall be grounds to disallow the claim.

- Must be filed against the taxation district imposing the assessment.
- Must be in writing.
- Must state the alleged circumstances giving rise to the claim.
- Must state as accurately as possible the amount of the claim.
- Must be signed by the claimant or his or her agent.
- Must be served on the clerk of the taxation district as prescribed in §801.11(4) by January 31 of the year in which the tax is based upon the contested assessment is payable.
- Claimant must have previously objected to the assessment under § 70.47, except under § 70.47 (13). *This condition does not apply if notice under § 70.365 was not required.*
- Claimant must have timely paid the tax, or authorized installment of the tax, which was based on the alleged excessive assessment.
- Claimant must NOT have appealed the same assessment under § 70.47(13) or § 70.85.
- Tax must be based on an excessive assessment and not palpable errors as defined in § 74.33.

Meaning(s):

- Assessment was amended after tax bills were issued.
- Assessment is otherwise factually incorrect to the excess.

Subjective analysis of the information used to determine the assessment or the claimant's opinion of value should not be considered as § 74.37 does not provide for such proceedings by the taxation district. The established assessments by the Assessor and/or the Board of Review are protected by statutes. Allowing a claim does NOT change the assessment.

- § 70.49(2), each assessment "shall, in all actions and proceedings involving such values, be presumptive evidence that all such properties have been justly and equitably assessed."
- § 70.47(9), Correction of Assessments. (a) From evidence before it the board (of review) shall determine whether the assessor's assessment is correct. If the assessment is too high or too low, the board shall raise or lower the assessment accordingly and state on the record the correct assessment and that that assessment is reasonable in light of all relevant evidence that the board received.

Claim Determination: ALLOW DISALLOW

Determination by: Jeremy M. Ray – Interim City Assessor

| RESOLUTION OF THE FINANCE COMMITTEE | |
|---|----------------|
| Approving alleged claim for excessive assessment – US Bank N.A. (401 N. 5 th Street) | |
| Committee Action: | Pending |
| Fiscal Impact: | None |
| File Number: | 16-0217 |
| Date Introduced: | March 22, 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>One-time Costs:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Recurring Costs:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| SOURCE | <i>Fee Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Grant Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>Debt Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>TID Financed:</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| | <i>TID Source: Increment Revenue <input type="checkbox"/> Debt <input type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/></i> | | |

RESOLUTION

WHEREAS, US Bank N.A. appealed the 2015 assessment of the real property located at 401 N. 5th Street (PIN 291.2907.253.0362) to the Board of Review; however, the claim did not comply with the statutory requirements of s. 74.37(4)(a) and to constitute a valid claim because the procedures for objecting to the assessment under s. 70.47 have not been complied with; and

WHEREAS, the Board of Review dismissed the claimant’s alleged objection without acting on the merits of the objection and therefore did not issue a written Notice of Determination that affirmed the assessment; and

WHEREAS, on January 27, 2016, US Bank N.A. filed a claim for excessive assessment pursuant to Section 74.37, Wisconsin Statutes; and

WHEREAS, pursuant to said claim, US Bank N.A., is requesting that the amount of general property tax imposed because the assessment of their property was excessive, be refunded; and

WHEREAS, city staff has reviewed the claim and recommends that the claim be disallowed; and

WHEREAS, your Finance Committee, on March 22, 2016, considered the matter and recommends that the claim be disallowed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau, that the claim of US Bank N.A. filed with the city clerk of January 27, 2016, for excessive assessment of the real property located at 401 N. 5th Street (PIN 2907.253.0362) is hereby approved.

Approved:

James E. Tipple, Mayor

1st Installment paid US Bank

YEAR
2015

STATE OF WISCONSIN
CITY OF WAUSAU

3067286

ORIGINAL TAX RECEIPT
MNFWBAS1

1/22/2016

37-291-4-2907-253-0362 59.7030 .005.001.0000
FIRSTSTAR BANK WAUSAU
NATIONAL ASSOCIATION

PAID BY:

092900383 632536

TAX DUE: 118,525.13

INTEREST:

PENALTY:

OTHER:

TOTAL DUE: 118,525.13

PAYMENT: 41,175.13

LOTTERY CREDIT:

CHANGE:

TRANSACTION TOTAL: 41,175.13

APPLIED TO:

GENERAL TAX: 38,675.13

INTEREST:

PENALTY:

OTHER: 2,500.00

TAX

REMAINING: 77,350.00

401 N 5TH ST

STEWART MANSON & HINTONS
ADD LOTS 1 2 3 4 5 13 14 15
16 ALSO LOT 6 EX THE E 5'
ALSO LOT 11 EX N 80' AND E
5' ALSO LOT 12 EX THE N 80'
INCL VAC ALLEY LYG WITHIN
FIRSTSTAR BANK WAUSAU NA
C/O US BANK CORP PROP
ATTN TAX DEPT
2800 EAST LAKE ST
MINNEAPOLIS MN 55406

2500.00
Business
Improvement
District

Return this portion with payment.

FIRSTSTAR BANK WAUSAU NA
C/O US BANK CORP PROP
ATTN TAX DEPT
2800 EAST LAKE ST
MINNEAPOLIS MN 55406

Total Due for Full Payment:
Installment Payment:
Payment Date:

77,350.00
38,675.00
4/30/2016

Amount Enclosed \$ _____

Check For Billing Address Change.

Make check payable and mail payments to:
CITY OF WAUSAU
PO BOX 3051
MILWAUKEE WI 53201-3051



291-2907-253-0362



0129129072530362007735000003867500201604305

**FACSIMILE MESSAGE****IMPORTANT CONFIDENTIALITY NOTICE**

The documents included in this facsimile transmission from the law firm of Reinhart Boerner Van Deuren s.c. contain information that may be confidential or legally privileged. These documents are intended only for the use of the individuals or entities named on this transmission cover sheet. If you or your firm are not the intended recipient and have received this transmission mistakenly, you are hereby notified that reading, copying, disclosing or distributing these documents, or taking any action based on the information contained within them, is strictly prohibited, and that the documents should be returned to this firm immediately. If you have received this facsimile in error, please notify us by calling 414-298-1000 immediately so that we can arrange to retrieve the transmitted documents at no cost to you.

PLEASE DELIVER THE FOLLOWING TO:

Memory Tag: 2# _____

| | | | |
|-----------------|--------------------|----------------------|---------------------|
| Name: | Toni Rayala, Clerk | Facsimile No. | 715-261-6626 |
| Company: | City of Wausau | Phone No. | 715-261-6620 |

FROM: Don M. Millis
DATE: September 22, 2015

REQUESTED BY Erica Johnson
EXTENSION 2281

ATTORNEY NO.
CLIENT NO.
MATTER NO.

Total number of pages sent, including this page

| |
|---|
| 3 |
|---|

IF ANY PROBLEMS OCCUR WITH THIS TRANSMISSION OR IF YOU HAVE NOT RECEIVED ALL THE PAGES,
PLEASE CALL OUR FACSIMILE OPERATOR AT 414-298-1000.



Reinhart Boemer Van Deuren s.c.
P.O. Box 2018
Madison, WI 53701-2018

22 East Mifflin Street
Suite 600
Madison, WI 53703

Telephone: 608-229-2200
Facsimile: 608-229-2100
reinhartlaw.com

September 22, 2015

Don M. Millis
Direct Dial: 608-229-2234
dmillis@reinhartlaw.com

SENT BY FACSIMILE (715-261-6626)
AND OVERNIGHT COURIER

Toni Rayala, Clerk
City of Wausau
407 Grant Street
Wausau, WI 54403

Dear Clerk:

Re: 401 5th Street, parcel #291-2907-253-0362

Enclosed please find an Objection Form for Real Property assessment filed on behalf of U.S. Bank National Association to the 2015 property tax assessment for the above-referenced property.

Sincerely,

Don M. Millis

32752751

OBJECTION FORM FOR REAL PROPERTY ASSESSMENT

Section 70.47(7)(a), Wisconsin Statutes states "No person shall be allowed in any action or proceedings to question the amount or valuation of property unless such written objection has been filed and such person in good faith presented evidence to such board in support of such objection and made full disclosure before said board . . ."

Note: The Board of Review can hear only sworn oral testimony regarding the value of the property. It cannot hear protests regarding the amount of property taxes or questions of exemption. The best evidence of the value of your property is a recent arm's-length sale of your property. The next best evidence is recent arm's-length sale of comparable property. If there are no sales of your property or comparable property, you should present other evidence that indicates the value of your property. This would include cost, income, appraisals, and sales of like property.

| | |
|---|---|
| Property Owner's Name US Bank N.A. | Agent Name (if applicable) Reinhart Boerns Van Deuren s.c., including but not limited to, Don M. Millie, Jessica Polakowski, Josh Tagatz and Greg Stein |
| Owner's Mailing Address 2600 E Lake ST Minneapolis, MN 55406-1930 | Agent's Mailing Address 22 E. Mifflin St., Ste. 200 Madison, WI 53703 |
| Owner's Telephone Number | Agent's Telephone Number 608-229-2200 |

Please provide the following information on the property and the assessment to which you are objecting. (Attach additional sheets, if necessary.)

- Property Address 401 5th Street, Wausau
- Legal Description or parcel number from the current assessment roll 291-2907-263-0362
- Total Property Assessments \$4,539,900
- Please explain why you think the above assessed value is incorrect. Assessment exceeds the fair market value. Assessment violates uniformity clause of Wisconsin's Constitution because it is not uniform with other assessments in the City.
- In your opinion, what was the taxable value of this property on January 1 of the year being appealed? \$2,050,000
If this property contains acreage that is not in a market value class, provide a further opinion of the taxable value breakdown:

| STATUTORY CLASS | ACRES | | \$ PER ACRE | FULL, TAXABLE VALUE |
|--|-------|---|-------------------------------|---------------------|
| Residential Total Market Value | | | | |
| Commercial Total Market Value | | | | |
| Agricultural Classification: # of Tillable Acres | | @ | \$ acre use value | |
| # of Pasture Acres | | @ | \$ acre use value | |
| # of Specialty Acres | | @ | \$ acre use value | |
| Undeveloped Classification # of Acres | | @ | \$ acre @ 50% of Market Value | |
| Agricultural Forest Classification # of Acres | | @ | \$ acre @ 50% of Market Value | |
| Forest Classification # of Acres | | @ | \$ acre @ Market Value | |
| Class 7 "Other" Total Market Value | | | Market Value | |
| Managed Forest Land Acres | | @ | \$ acre @ Market Value | |
| Managed Forest Land Acres | | @ | Market Value | |

- Check the method of acquisition of the property: Purchase Trade Gift Inheritance
Acquisition Price Construction Date: 1985
- Have you improved, remodeled, added to, or changed this property since acquiring it? Yes No
If yes, describe:
(a) When were the changes made? _____
(b) What were the cost of the changes? _____
(c) Does the above figure include the value of all labor, including your own? Yes No
- Have you listed the property for sale within the last five years? Yes No
(a) If yes, when and for how long was the property listed? _____
(b) What was the asking price? _____
(c) What offers were received? _____
- Has anyone made an appraisal of this property within the last five years? Yes No
(b) If yes, when and for what purpose? _____
(c) What was the appraised value? _____
- Please list the name(s) of Board of Review member(s) you are requesting to be removed from your hearing. NOTE: This section does not apply in first or second class cities. N/A

Please provide a reasonable estimate of the length of time that the hearing will take 30 minutes

| | |
|--|------------------------|
| Owner's or Agent's Signature <u>[Signature]</u> | Date <u>9/22/15</u> |
|--|------------------------|

BOARD OF REVIEW

Time and Place: Tuesday, September 22, 2015 @ 9:30 a.m., in the Council Chambers at City Hall.

Members Present: Russ Tonelli, Carmen Siegel (C), Dennis Nicholiason, Gary Klingbeil (alt)

Others Present: Nan Giese, Rick Rubow, Anne Jacobson, Toni Rayala

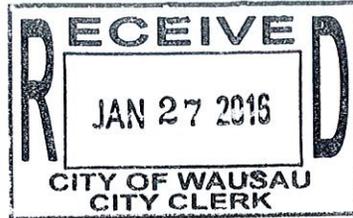
Motion by Siegel, second by Tonelli, to accept the objection form of Patrick France, PIN# 291-2908-321-0010, 226 Fountain Hills Blvd. Roll call vote: Siegel-yes, Tonelli-yes, Klingbeil-yes, Nicoliasen-yes. Motion passed unanimously.

Giese spoke about errors on the CVS Pharmacy objection form. She stated the response in 7(B) is \$3,524,920, not the \$1,300,000. She also had concerns about who owns the property. CVS is the tenant. Also CVS did not file any income and expense information that was requested by the assessor's office. Giese asked for a motion to dismiss this objection because they didn't submit income and expense information. Motion by Siegel, second by Nicoliasen to dismiss the objection form of Wausau Pharmacy LLC / CVS Pharmacy Inc. PIN# 291-2907-261-0953, 102 Central Bridge Street, based on this information; State Statutes 70.47(7)(af), no person may appear before the board of review, testify to the board by telephone or object to a valuation; if that valuation was made by the assessor or the objector using the income method; unless the person supplies to the assessor all of the information about income and expenses, as specified in the manual under s. 73.03(2a), that the assessor requests. Roll Call vote: Siegel-yes, Tonelli-yes, Klingbeil-yes, Nicoliasen-yes. Motion passed unanimously. Objection was not accepted.

Giese said that U.S. Bank did not file income and expense information that she requested in February 2015. Subject to written verification of this request for the file, Siegel motioned to not accept the objection of U.S. Bank, second by Klingbeil based on State statutes 70.47(7)(af) no person may appear before the board of review, testify to the board by telephone or object to a valuation; if that valuation was made by the assessor or the objector using the income method; unless the person supplies to the assessor all of the information about income and expenses, as specified in the manual under s. 73.03(2a), that the assessor requests. Roll Call vote: Siegel-yes, Tonelli-yes, Klingbeil-yes, Nicoliasen-yes. Motion passed unanimously. Objection was not accepted.

Giese said Wisconsin Hospitality Group did not file income and expense information and she requested this information February. Subject to written verification of this request for the file, Siegel motioned to not accept the objection of Wisconsin Hospitality Group, second by Tonelli based on State statutes 70.47(7)(af) no person may appear before the board of review, testify to the board by telephone or object to a valuation; if that valuation was made by the assessor or the objector using the income method; unless the person supplies to the assessor all of the information about income and expenses, as specified in the manual under s. 73.03(2a), that the assessor requests. Roll Call vote: Siegel-yes, Tonelli-yes, Klingbeil-yes, Nicoliasen-yes. Motion passed unanimously. Objection was not accepted.

Motion by Klingbeil, second by Nicoliasen to adjourn until September 28, 2015 at 9:00 am. Motion passed unanimously. Meeting adjourned at 3:26 pm.



ORIGINAL

Rec'd by personal del.

January 21, 2016

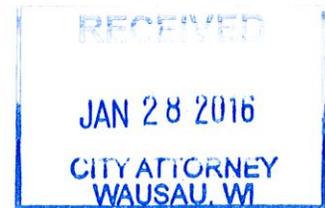
*cc: Atty
Assessor*

Don M. Millis, Esq.
Direct Dial: 608-229-2234
dmillis@reinhartlaw.com

CLAIM FOR EXCESSIVE ASSESSMENT

SERVED BY PROCESS SERVER

Toni Rayala, Clerk
City of Wausau
407 Grant Street
Wausau, WI 54403-4737



Dear Clerk:

Re: Tax Parcel No. 291-2907-253-0362

Now comes Claimant, US Bank N.A., owner of parcel 291-2907-253-0362 (the "Property") in Wausau, Wisconsin, by Claimant's attorneys Reinhart Boerner Van Deuren s.c., and files this Claim for Excessive Assessment against the City of Wausau (the "City"), pursuant to Wis. Stat. § 74.37. You hereby are directed to serve any notice of disallowance on the undersigned agent of the Claimant.

1. This Claim is brought under Wis. Stat. § 74.37(3)(d), for a refund of excessive real estate taxes imposed on Claimant by the City for the year 2015, plus statutory interest, with respect to the Property.
2. Claimant is the owner of the Property, is responsible for the payment of property taxes and the prosecution of property tax disputes involving the Property and is authorized to bring this claim in its own name.
3. The City is a body corporate and politic, duly organized as a municipal corporation under Wisconsin law, with its principal office located at 407 Grant Street in the City.
4. The Property is located at 401 North 5th Street within the City and is identified in the City's records as Tax Parcel No. 291-2907-253-0362.
5. The Wisconsin Department of Revenue determined that the aggregate ratio of property assessed in the City was 100.5248761% as of January 1, 2015.

6. For 2015, property tax was imposed on property in the City at the rate of \$25.573164 per \$1,000 for of the assessed value for Property.
7. For 2015, the City's assessor set the assessment of the Property at \$4,539,900.
8. Claimant appealed the 2015 assessment of the Property by filing a timely objection with the City's Board of Review pursuant to Wis. Stat. § 70.47 and otherwise complying with all of the requirements of Wis. Stat. § 70.47, except Wis. Stat. § 70.47(13).
9. The City's Board of Review without justification unlawfully denied Claimant a hearing and dismissed its objection.
10. The City imposed tax on the Property in the amount of \$116,099.61.
11. Claimant timely paid the property taxes imposed by the City on the Property for 2015, or the required installment thereof.
12. The fair market value of the Property as of January 1, 2015 was no higher than \$2,050,000.
13. Based on the aggregate ratio 100.5248761%, the correct assessment of the Property for 2015 is no higher than \$2,060,760.
14. Based on the tax rate of \$25.573164 per \$1,000 of assessed value, the correct amount of property tax on the Property for 2015 should be no higher than \$52,700.15.
15. The 2015 assessment of the Property, as set by the City's Board of Review was excessive and, upon information and belief, violated Article VIII, Section 1 (i.e., the Uniformity Clause) of the Wisconsin Constitution. As a result, the property tax imposed on the Property for 2015 was excessive in at least the amount of \$63,399.46.
16. Claimant is entitled to a refund of 2015 tax in the amount of \$63,399.46, or such greater amount as may be determined to be due to Claimant, plus statutory interest.
17. The amount of this claim is \$63,399.46, plus interest thereon.

January 21, 2016
Page 3

Dated at Madison, Wisconsin, this 21st day of January, 2016.

Sincerely yours,

A handwritten signature in black ink, appearing to read "DM", written over the typed name.

Don M. Millis
Agent for Claimant

DMILLIS/33405711

PRIVATE LEGAL PROCESS.LLC

Date: 1/27/16
Time: 12:20 pm
Sign: Amy Londo

February 23, 2016

74.37 Claim for Excessive Assessment
Real Estate Parcel

PIN# 291 2907 253 0362
401 N 5th St

Owner: FirStar Bank Wausau, National Association (US Bank N.A.)

US Bank N.A. filed a Section 74.37 Claim for Excessive Assessment with our City Clerk, Toni Rayala, on January 27, 2016.

US Bank N.A. filed an objection with the 2015 Board of Review. Their 2015 assessment prior to the Board of Review was \$4,539,900. There was not a 2015 Board of Review hearing and there was no determination by the Board of Review.

| <u>2014 Assessment</u> | | <u>2015 Assessment</u> | |
|------------------------|-------------|------------------------|--------------|
| Land | \$ 684,000 | Land | \$ 684,000 |
| Improvement | \$3,628,100 | Improvement | \$ 3,855,900 |
| Total | \$4,312,100 | Total | \$ 4,539,900 |

US Bank N.A. appealed the 2015 assessment to the Board of Review; however, the claim did not comply with the statutory requirements of WI Stats. 74.37(4)(a) and to constitute a valid claim because the procedures for objecting to the assessment under WI Stats. 70.47 have not been complied with. 70.47(7)(af) was not complied to by US Bank N.A. – request for income and expense.

I recommend denial of US Bank N.A. claim for excessive assessment.

Respectfully submitted,

Nanette S. Giese
City Assessor
City of Wausau



Claim for Excessive Assessment Worksheet

Claimant: US Bank N.A.

PIN: 291-2907-253-0362

A claim for excessive assessment under Wisconsin Statutes § 74.37 shall meet ALL of the following requirements. Failure to meet any one (1) condition shall be grounds to disallow the claim.

- Must be filed against the taxation district imposing the assessment.
- Must be in writing.
- Must state the alleged circumstances giving rise to the claim.
- Must state as accurately as possible the amount of the claim.
- Must be signed by the claimant or his or her agent.
- Must be served on the clerk of the taxation district as prescribed in §801.11(4) by January 31 of the year in which the tax is based upon the contested assessment is payable.
- Claimant must have previously objected to the assessment under § 70.47, except under § 70.47 (13). *This condition does not apply if notice under § 70.365 was not required.*
- Claimant must have timely paid the tax, or authorized installment of the tax, which was based on the alleged excessive assessment.
- Claimant must NOT have appealed the same assessment under § 70.47(13) or § 70.85.
- Tax must be based on an excessive assessment and not palpable errors as defined in § 74.33.

Meaning(s):

- Assessment was amended after tax bills were issued.
- Assessment is otherwise factually incorrect to the excess.

Subjective analysis of the information used to determine the assessment or the claimant's opinion of value should not be considered as § 74.37 does not provide for such proceedings by the taxation district. The established assessments by the Assessor and/or the Board of Review are protected by statutes. Allowing a claim does NOT change the assessment.

- § 70.49(2), each assessment "shall, in all actions and proceedings involving such values, be presumptive evidence that all such properties have been justly and equitably assessed."
- § 70.47(9), Correction of Assessments. (a) From evidence before it the board (of review) shall determine whether the assessor's assessment is correct. If the assessment is too high or too low, the board shall raise or lower the assessment accordingly and state on the record the correct assessment and that that assessment is reasonable in light of all relevant evidence that the board received.

Claim Determination: ALLOW DISALLOW

Determination by: Jeremy M. Ray – Interim City Assessor

RESOLUTION OF THE FINANCE COMMITTEE

Approving alleged claim for excessive assessment – Wisconsin Hospitality Group (2221 Stewart Avenue)

Committee Action: Pending

Fiscal Impact: None

File Number: 16-0218

Date Introduced: March 22, 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, Wisconsin Hospitality Group appealed the 2015 assessment of the real property located at 2221 Stewart Avenue (PIN 291.2907.342.0953) to the Board of Review; however, the claim did not comply with the statutory requirements of s. 74.37(4)(a) and to constitute a valid claim because the procedures for objecting to the assessment under s. 70.47 have not been complied with; and

WHEREAS, the Board of Review dismissed the claimant’s alleged objection without acting on the merits of the objection and therefore did not issue a written Notice of Determination that affirmed the assessment; and

WHEREAS, on January 27, 2016, Wisconsin Hospitality Group filed a claim for excessive assessment pursuant to Section 74.37, Wisconsin Statutes; and

WHEREAS, pursuant to said claim, Wisconsin Hospitality Group, is requesting that the amount of general property tax imposed because the assessment of their property was excessive, be refunded; and

WHEREAS, city staff has reviewed the claim and recommends that the claim be disallowed; and

WHEREAS, your Finance Committee, on March 22, 2016, considered the matter and recommends that the claim be disallowed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau, that the claim of Wisconsin Hospitality Group filed with the city clerk of January 27, 2016, for excessive assessment of the real property located at 2221 Stewart Avenue (PIN 2907.342.0953) is hereby approved.

Approved:

James E. Tipple, Mayor

45th Installment Paid

AppleDee's

YEAR STATE OF WISCONSIN
2015 CITY OF WAUSAU

ORIGINAL TAX RECEIPT
3074960 ACFWBAS1 2/03/2016

37-291-4-2907-342-0953 59.342907.005.021.0000
GE CAPITAL FRANCHISE FINANCE CORPORATION

2221 STEWART AVE

SEC 34-29-07
PT OF NE1/4 NW1/4
DESD AS LOT (1) OF CSM VOL
32-80 (8312) EX PCL DESD IN
DOC #1199211(ST)

WISCONSIN HOSPITALITY GROUP
2120 PEWAUKEE RD
STE 200
WAUKESHA WI 53188-2491

PAID BY:
POS
TAX DUE: 48,690.01
INTEREST:
PENALTY:
OTHER:
TOTAL DUE: 48,690.01
PAYMENT: 16,262.01
LOTTERY CREDIT:
CHANGE:
TRANSACTION TOTAL: 16,262.01
APPLIED TO:
GENERAL TAX: 16,216.95
INTEREST:
PENALTY:
OTHER: 45.06
TAX
REMAINING: 32,428.00

45.00
Delinquent
utility

Return this portion with payment.

WISCONSIN HOSPITALITY GROUP
2120 PEWAUKEE RD
STE 200
WAUKESHA WI 53188-2491

Total Due for Full Payment: **32,428.00**
Installment Payment: 16,214.00
Payment Date: 4/30/2016

Amount Enclosed \$ _____

Check For Billing Address Change.

Make check payable and mail payments to:
CITY OF WAUSAU
PO BOX 3051
MILWAUKEE WI 53201-3051



291-2907-342-0953





Reinhart Boerner Van Duren s.c.
P.O. Box 2018
Madison, WI 53701-2018

22 East Mifflin Street
Suite 600
Madison, WI 53703

Telephone: 608-229-2200
Facsimile: 608-228-2100
reinhartlaw.com

September 18, 2015

Don M. Millis
Direct Dial: 608-229-2234
dmillis@reinhartlaw.com

**SENT BY FACSIMILE (715-261-6626)
AND OVERNIGHT COURIER**

Toni Rayala, Clerk
City of Wausau
407 Grant Street
Wausau, WI 54403

Dear Clerk:

Re: Wisconsin Hospitality Group

Enclosed please find an Objection Form for Real Property Assessment for 2221 Stewart Avenue, parcel number 291-2907-342-0953.

Sincerely,

Don M. Millis

OBJECTION FORM FOR REAL PROPERTY ASSESSMENT

Section 70.47(7)(a), Wisconsin Statutes states "No person shall be allowed in any action or proceedings to question the amount or valuation of property unless such written objection has been filed and such person in good faith presented evidence to such board in support of such objection and made full disclosure before said board . . ."

Note: The Board of Review can hear only sworn oral testimony regarding the value of the property. It cannot hear protests regarding the amount of property taxes or questions of exemption. The best evidence of the value of your property is a recent arm's-length sale of your property. The next best evidence is recent arm's-length sale of comparable property. If there are no sales of your property or comparable property, you should present other evidence that indicates the value of your property. This would include cost, income, appraisals, and sales of like property.

| | |
|--|--|
| Property Owner's Name Wisconsin Hospitality Group (Tenant) | Agent Name (if applicable) Reinhart Boerne Van Deuren s.c., including but not limited to, Don M. Millis, Jessica Polakowski, Josh Taggatz and Greg Stein |
| Owner's Mailing Address 2120 Pewaukee Road, Suite 200 Waukesha, WI 53188 | Agent's Mailing Address 22 E. Mifflin St., Ste. 200 Madison, WI 53703 |
| Owner's Telephone Number | Agent's Telephone Number 608-229-2200 |

Please provide the following information on the property and the assessment to which you are objecting. (Attach additional sheets, if necessary.)

- Property Address 2221 Stewart Avenue, Wausau
- Legal Description or parcel number from the current assessment roll 281-2907-342-0953
- Total Property Assessments \$1,905,100
- Please explain why you think the above assessed value is incorrect Assessment exceeds the fair market value. Assessment violates uniformity clause of Wisconsin's Constitution because it is not uniform with other assessments in the City.
- In your opinion, what was the taxable value of this property on January 1 of the year being appealed? \$1,323,000
If this property contains acreage that is not in a market value class, provide a further opinion of the taxable value breakdown:

| STATUTORY CLASS | ACRES | | \$ PER ACRE | FULL TAXABLE VALUE |
|--|-------|---|-------------------------------|--------------------|
| Residential Total Market Value | | | | |
| Commercial Total Market Value | | | | |
| Agricultural Classification: # of Tillable Acres | | @ | \$ acre use value | |
| # of Pasture Acres | | @ | \$ acre use value | |
| # of Specialty Acres | | @ | \$ acre use value | |
| Undeveloped Classification # of Acres | | @ | \$ acre @ 50% of Market Value | |
| Agricultural Forest Classification # of Acres | | @ | \$ acre @ 50% of Market Value | |
| Forest Classification # of Acres | | @ | \$ acre @ Market Value | |
| Class 7 "Other" Total Market Value | | | Market Value | |
| Managed Forest Land Acres | | @ | \$ acre @ Market Value | |
| Managed Forest Land Acres | | @ | Market Value | |

- Check the method of acquisition of the property: Purchase Trade Gift Inheritance
Acquisition Price \$2,894,700 Date: 3/2006
- Have you improved, remodeled, added to, or changed this property since acquiring it? Yes No
If yes, describe: reparis
(a) When were the changes made? 2006-ongoing
(b) What were the cost of the changes? \$25,000 - 50,000
(c) Does the above figure include the value of all labor, including your own? Yes No
- Have you listed the property for sale within the last five years? Yes No
(a) If yes, when and for how long was the property listed? _____
(b) What was the asking price? _____
(c) What offers were received? _____
- Has anyone made an appraisal of this property within the last five years? Yes No
(b) If yes, when and for what purpose? _____
(c) What was the appraised value? _____
- Please list the name(s) of Board of Review member(s) you are requesting to be removed from your hearing. NOTE: This section does not apply in first or second class cities. N/A

Please provide a reasonable estimate of the length of time that the hearing will take 30 minutes

| | |
|--|------------------------|
| Owner's or Agent's Signature <u>Don M. Millis</u> | Date <u>9/18/15</u> |
|--|------------------------|

BOARD OF REVIEW

Time and Place: Tuesday, September 22, 2015 @ 9:30 a.m., in the Council Chambers at City Hall.

Members Present: Russ Tonelli, Carmen Siegel (C), Dennis Nicholiason, Gary Klingbeil (alt)

Others Present: Nan Giese, Rick Rubow, Anne Jacobson, Toni Rayala

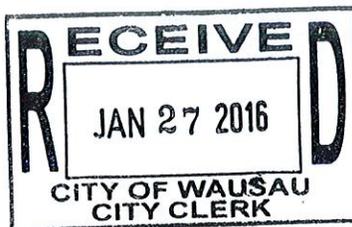
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Motion by Klingbeil, second by Nicoliasen to adjourn until September 28, 2015 at 9:00 am. Motion passed unanimously. Meeting adjourned at 3:26 pm.



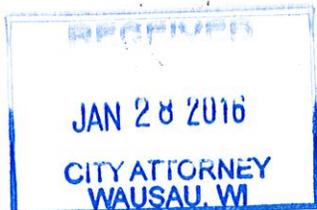
Rec'd by personal del.

January 21, 2016

*Ces City
Assessor*

Don M. Millis, Esq.
Direct Dial: 608-229-2234
dmillis@reinhartlaw.com

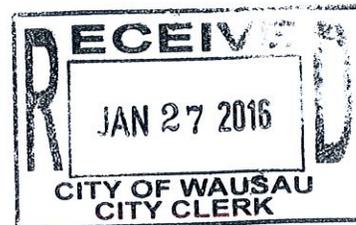
ORIGINAL



CLAIM FOR EXCESSIVE ASSESSMENT

SERVED BY PROCESS SERVER

Toni Rayala, Clerk
City of Wausau
407 Grant Street
Wausau, WI 54403-4737



Dear Clerk:

Re: Tax Parcel No. 291-2907-342-0953

Now comes Claimant, Wisconsin Hospitality Group, owner of parcel 291-2907-342-0953 (the "Property") in Wausau, Wisconsin, by Claimant's attorneys Reinhart Boerner Van Deuren s.c., and files this Claim for Excessive Assessment against the City of Wausau (the "City"), pursuant to Wis. Stat. § 74.37. You hereby are directed to serve any notice of disallowance on the undersigned agent of the Claimant.

1. This Claim is brought under Wis. Stat. § 74.37(3)(d), for a refund of excessive real estate taxes imposed on Claimant by the City for the year 2015, plus statutory interest, with respect to the Property.
2. Claimant is the owner of the Property, is responsible for the payment of property taxes and the prosecution of property tax disputes involving the Property and is authorized to bring this claim in its own name.
3. The City is a body corporate and politic, duly organized as a municipal corporation under Wisconsin law, with its principal office located at 407 Grant Street in the City.
4. The Property is located at 2221 Stewart Street within the City and is identified in the City's records as Tax Parcel No. 291-2907-342-0953.
5. The Wisconsin Department of Revenue determined that the aggregate ratio of property assessed in the City was 100.5248761% as of January 1, 2015.

6. For 2015, property tax was imposed on property in the City at the rate of \$25.573164 per \$1,000 for of the assessed value for Property.
7. For 2015, the City's assessor set the assessment of the Property at \$1,905,100.
8. Claimant appealed the 2015 assessment of the Property by filing a timely objection with the City's Board of Review pursuant to Wis. Stat. § 70.47 and otherwise complying with all of the requirements of Wis. Stat. § 70.47, except Wis. Stat. § 70.47(13).
9. The City's Board of Review without justification unlawfully denied Claimant a hearing and dismissed its objection.
10. The City imposed tax on the Property in the amount of \$48,719.43.
11. Claimant timely paid the property taxes imposed by the City on the Property for 2015, or the required installment thereof.
12. The fair market value of the Property as of January 1, 2015 was no higher than \$900,000.
13. Based on the aggregate ratio 100.5248761%, the correct assessment of the Property for 2015 is no higher than \$904,724.
14. Based on the tax rate of \$25.573164 per \$1,000 of assessed value, the correct amount of property tax on the Property for 2015 should be no higher than \$23,136.65.
15. The 2015 assessment of the Property, as set by the City's Board of Review was excessive and, upon information and belief, violated Article VIII, Section 1 (i.e., the Uniformity Clause) of the Wisconsin Constitution. As a result, the property tax imposed on the Property for 2015 was excessive in at least the amount of \$25,582.78.
16. Claimant is entitled to a refund of 2015 tax in the amount of \$25,582.78, or such greater amount as may be determined to be due to Claimant, plus statutory interest.
17. The amount of this claim is \$25,582.78, plus interest thereon.

January 21, 2016
Page 3

Dated at Madison, Wisconsin, this 21st day of January, 2016.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'DM', with a stylized flourish extending from the end.

Don M. Millis
Agent for Claimant

DMILLIS/33406167

PRIVATE LEGAL PROCESS, LLC

DATE: 1/27/16

TIME: 12:20 pm

SIGNATURE: *Amy Jones*

February 23, 2016

74.37 Claim for Excessive Assessment
Real Estate Parcel

PIN# 291 2907 342 0953
2221 Stewart Ave

Owner: GE Capital Franchise Finance Corp. (WI Hospitality Group aka Applebee's)

WI Hospitality Group aka Applebee's, filed a Section 74.37 Claim for Excessive Assessment with our City Clerk, Toni Rayala, on January 27, 2016.

WI Hospitality Group aka Applebee's filed an objection with the 2015 Board of Review. Their 2015 assessment prior to the Board of Review was \$1,905,100. There was not a 2015 Board of Review hearing and there was no determination by the Board of Review.

| <u>2014 Assessment</u> | | <u>2015 Assessment</u> | |
|------------------------|-------------|------------------------|--------------|
| Land | \$ 396,200 | Land | \$ 396,200 |
| Improvement | \$1,508,900 | Improvement | \$ 1,508,900 |
| Total | \$1,905,100 | Total | \$ 1,905,100 |

WI Hospitality Group aka Applebee's appealed the 2015 assessment to the Board of Review; however, the claim did not comply with the statutory requirements of WI Stats. 74.37(4)(a) and to constitute a valid claim because the procedures for objecting to the assessment under WI Stats. 70.47 have not been complied with. 70.47(7)(af) was not complied to by , WI Hospitality Group aka Applebee's – request for income and expense.

I recommend denial of, WI Hospitality Group aka Applebee's claim for excessive assessment.

Respectfully submitted,

Nanette S. Giese
City Assessor
City of Wausau



Claim for Excessive Assessment Worksheet

Claimant: Wisconsin Hospitality Group

PIN: 291-2907-342-0953

A claim for excessive assessment under Wisconsin Statutes § 74.37 shall meet ALL of the following requirements. Failure to meet any one (1) condition shall be grounds to disallow the claim.

- Must be filed against the taxation district imposing the assessment.
- Must be in writing.
- Must state the alleged circumstances giving rise to the claim.
- Must state as accurately as possible the amount of the claim.
- Must be signed by the claimant or his or her agent.
- Must be served on the clerk of the taxation district as prescribed in §801.11(4) by January 31 of the year in which the tax is based upon the contested assessment is payable.
- Claimant must have previously objected to the assessment under § 70.47, except under § 70.47 (13). *This condition does not apply if notice under § 70.365 was not required.*
- Claimant must have timely paid the tax, or authorized installment of the tax, which was based on the alleged excessive assessment.
- Claimant must NOT have appealed the same assessment under § 70.47(13) or § 70.85.
- Tax must be based on an excessive assessment and not palpable errors as defined in § 74.33.

Meaning(s):

- Assessment was amended after tax bills were issued.
- Assessment is otherwise factually incorrect to the excess.

Subjective analysis of the information used to determine the assessment or the claimant's opinion of value should not be considered as § 74.37 does not provide for such proceedings by the taxation district. The established assessments by the Assessor and/or the Board of Review are protected by statutes. Allowing a claim does NOT change the assessment.

- § 70.49(2), each assessment "shall, in all actions and proceedings involving such values, be presumptive evidence that all such properties have been justly and equitably assessed."
- § 70.47(9), Correction of Assessments. (a) From evidence before it the board (of review) shall determine whether the assessor's assessment is correct. If the assessment is too high or too low, the board shall raise or lower the assessment accordingly and state on the record the correct assessment and that that assessment is reasonable in light of all relevant evidence that the board received.

Claim Determination: ALLOW DISALLOW

Determination by: Jeremy M. Ray – Interim City Assessor

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

| RESOLUTION OF THE FINANCE COMMITTEE | |
|--|----------------|
| Approving alleged claim for recovery of unlawful tax – Achieve Center, Inc. (520 N. 28 th Avenue) | |
| Committee Action: | Pending |
| Fiscal Impact: | None |
| File Number: | 16-0214 |
| Date Introduced: | March 22, 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, on January 29, 2016, Achieve Center, Inc. filed a claim for recovery of an unlawful tax for its property located at 520 N. 28th Avenue (PIN 291.2907.281.0977) pursuant to Section 74.35(2), Wisconsin Statutes; and

WHEREAS, pursuant to said claim, Achieve Center, Inc., is requesting a refund of \$20,026.67 plus interest on the principal amount at the rate of 0.8% per month from the date of the claim to the date of payment for a partial exemption; and

WHEREAS, Achieve Center, Inc. filed a property tax exemption request on August 10, 2015 for exemption from tax pursuant to Section 70.11(4), Wisconsin Statutes as a benevolent association, which request was denied on September 21, 2015 by Tax Exemption Request Determination.

WHEREAS, city staff has reviewed the claim and recommends that the claim be disallowed; and

WHEREAS, your Finance Committee, on March 22, 2016, considered the matter and recommends that the claim be disallowed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau, that the claim of Achieve Center, Inc. filed with the city clerk on January 29, 2016, for unlawful tax for the property located at 520 N. 28th Avenue (PIN 2907.281.0977) is hereby approved.

Approved:

James E. Tipple, Mayor

YEAR STATE OF WISCONSIN
2015 CITY OF WAUSAU

ORIGINAL TAX RECEIPT
3071774 ACFWBAS1 1/29/2016

37-291-4-2907-281-0977
ACHIEVE CENTER INC

59.282907.004.011.0000

PAID BY:

520 N 28TH AVE

PT OF SE NE SEC 28-29-7 BEG
30' W OF NE COR W 296' S
150' E'LY ALG CURVE 255.88'
E 70.45' N 270' TO POB
CSM VOL 18 PG 29

ACHIEVE CENTER INC
520 N 28TH AVE
WAUSAU WI 54401

| | |
|--------------------|-----------|
| POS | |
| TAX DUE: | 33,377.78 |
| INTEREST: | |
| PENALTY: | |
| OTHER: | |
| TOTAL DUE: | 33,377.78 |
| PAYMENT: | 33,377.78 |
| LOTTERY CREDIT: | |
| CHANGE: | |
| TRANSACTION TOTAL: | 33,377.78 |
| APPLIED TO: | |
| GENERAL TAX: | 33,377.78 |
| INTEREST: | |
| PENALTY: | |
| OTHER: | |
| TAX | |
| REMAINING: | .00 |

Return this portion with payment.

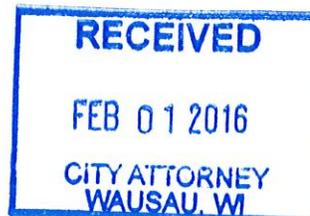
Total Due for Full Payment:
Installment Payment:
Payment Date:

Amount Enclosed \$ _____

Check For Billing Address Change.

Make check payable and mail payments to:

January 28, 2016



HAND DELIVERED

Toni Rayala, City Clerk
City of Wausau
407 Grant Street
Wausau, WI 54403

Re: Claim for Recovery of Unlawful Tax
Achieve Center, Inc.
520 N. 28th Street
Suite 200
Wausau, WI 54401
Parcel No. 291-2907-281-0977

Dear Ms. Rayala:

This letter constitutes a claim for recovery of unlawful tax under § 74.35(2) of the Wisconsin Statutes for property of Achieve Center, Inc. ("Achieve") located at the address above. This claim is based upon a property tax bill issued by the City of Wausau in the amount of \$33,377.78, a copy of which is attached.

Background for Claim

Achieve provides assessment and treatment for children and families with neuropsychological development disorders, chronic health problems, and physical disabilities. Achieve provides assessments, diagnosis, and treatment to improve cognitive functioning, speech, language, and behavior.

The Achieve Center building consists of 11,069 square feet of space. Approximately 40% of the premises (4,984 square feet) is leased to Aspirus Wausau Hospital, Inc. ("Aspirus"), and the remaining 6,085 square feet are used exclusively by Achieve for the purposes listed above and described in more detail later in this letter. Achieve is seeking repayment only for that portion of the property tax related to the property used by Achieve, and not for that portion of the property that is used by Aspirus.

Achieve acquired the property from Aspirus on January 2, 2014. Achieve applied for a real estate tax exemption on February 15, 2014, which was denied by the City Assessor on April 23, 2014. While several reasons were given for this denial, it appears that the ultimate position taken

by the Assessor was that Achieve was not entitled to exemption for 2014 since it was not the owner of the property as of the statutory assessment date of January 1, 2014.

In a letter of April 29, 2015, City Attorney Anne Jacobson stated that “if nothing else has changed ... the Achieve Center, Inc. would now qualify for a tax exemption [for 2015] because they [sic] owned the property on January 1, 2015.” Achieve submitted a new exemption request on August 10, 2015 [note that in her April 29 letter, the City Attorney confirmed that the Assessor waived the late filing date for the 2015 tax year]. Notwithstanding the City Attorney’s anticipated approval of the exemption for 2015, the Assessor again denied the request for exemption on September 21, 2015. The Assessor did not explain the reason for the denial other than to cite to the Wisconsin Court of Appeals’ decision in *UW Medical Foundation, Inc. v. City of Madison*, 2003 WI App 204, 267 Wis. 2d 504, 671 N.W.2d 292.

Basis for Claim

1. Requirements for exemption under § 70.11(4).

In order to qualify for exemption as a benevolent association, Achieve must establish three facts:

- Achieve is a benevolent organization.
- Achieve owns and exclusively uses the property.
- Achieve uses the property for exempt purposes.

Deutsches Land, Inc. v. City of Glendale, 225 Wis. 2d 70, 591 N.W.2d 583 (1999). It was not clear whether the Assessor denied Achieve’s exemption request because she concluded that Achieve is not a benevolent organization, that the property is not used for exempt purposes, or both. Given that Achieve is only seeking an exemption for the space that it uses and not for the space leased to Aspirus, Achieve believes that there is no dispute that Achieve owns and exclusively uses the property for which exemption is sought.

2. Achieve is a benevolent organization.

The Wisconsin statutes do not specifically define what it means to be “benevolent.” The Wisconsin Property Assessment Manual (“WPAM”) refers to the following dictionary definitions at page 22-5:

- Characterized by or suggestive of doing good.
- Of, concerned with, or organized for the benefit of charity.
- An inclination to perform kind, charitable acts.

The WPAM notes that an organization must be a non-profit organization (which Achieve is), but that does not mean that the organization must operate at a loss or even break-even. Instead, the issue is what is done with the profit.

In Attachment A to this letter, I have set forth again the details showing why Achieve qualifies as a benevolent organization. These may be summarized briefly as follows:

- The services provided by Achieve are not only directed to an underserved population, but in fact are not otherwise available in either the public or private sector in Marathon County. These includes services for children with autism and those requiring behavioral therapy; children who are blind or struggle with verbal communication; and children with significant learning disabilities and other chronic disorders. If not for Achieve, local government or the school districts would be required to provide these services or refer these children to other providers outside of Marathon County.
- Achieve's policy is that no child will be turned away due to the financial situation of a family, and it does not discriminate in any way based on payer source. This policy, which is provided to patients' parents and guardians in writing, also confirms that if at any time a parent or guardian expresses concern about the ability to pay for services, Achieve will negotiate a plan that may involve free services, a sliding discount fee schedule, a payment plan, or assistance in enrolling in Medicaid or other government assistance.
- In addition to its provision of free or discounted services of the type noted above, Achieve provides many other services at no charge including individual educational planning as well as consultations and referrals relating to rare disorders and complex presentations requiring specialty care.
- The Achieve Center regularly works with local school administrators and local governments, at no charge, on a variety of other projects as outlined in Attachment A.

Achieve has documented how it performs benevolent activities and how those activities benefit society. Achieve provides services that would otherwise have to be provided at government expense, and its services make Marathon County residents less dependent on government care. While it is not necessary to provide services for free or at reduced cost to qualify as benevolent, Achieve does so. To the extent that Achieve makes any profit from these activities, those funds are used to improve facilities and expand its benevolent purpose and mission. In short, the Marathon County community is a better place as a result of these activities. See WPAM at page 22-15. Based on all the foregoing, there should be no question that Achieve is a "benevolent association" within the meaning of Wis. Stat. § 70.11(4).

3. Achieve uses the property for exempt purposes.

As noted previously, Achieve provides rehabilitation services to disabled children. In denying Achieve's exemption application request, the Assessor has relied on the *UW Medical Foundation* case. Presumably, the Assessor was relying on language in *UW Medical Foundation* indicating that the provision of medical care is not automatically "benevolent" under Wis. Stat. § 70.11(4). However, the Court of Appeals in *UW Medical Foundation* also noted that "Even though we conclude the provision of out-patient medical care, per se, is not 'benevolent' use, providing such care free or at greatly reduced cost to the poor might be." While the Foundation in *UW Medical Foundation* failed to meet that test, Achieve provides a much greater level of free and discounted services such that its use of its property qualifies for exemption under that statute.

In *UW Medical Foundation*, the Foundation acquired seven clinics located in Madison, Wisconsin that were not previously exempt from property tax. Most significantly, approximately 98% of the patients treated by the Foundation at the Madison clinics paid for their treatment at prevailing market rates. Only 2% of the patients at the Madison clinics received adjusted rates by the Foundation or free care, and approximately 80% of those adjustments were related either to the patient's bankruptcy or to other circumstances that rendered the fees uncollectable. The bottom line was that the Foundation priced its services at prevailing market rates, such that the Court of Appeals was unable to distinguish the care provided by its clinics to those offered by for-profit providers.

By contrast, Achieve provides a much higher proportion of free and reduced-fee care:

- In 2014, Achieve provided approximately 15% of its services at no charge, and an additional 5% of services were billed at discounted rates. Further, another 32% of services were payable under the Medicaid program, which in most instances does not even cover the cost of providing care.
- For 2015, Achieve provided approximately 3% of services at a discounted rate and over 23% (\$138,000) at no charge whatsoever. This is an addition to over 13% of payments that were under the Medicaid program, which again is paid at steeply discounted rates.

It also appears that the Wausau assessor may have been concerned about the fact that Achieve uses a collection agency on certain accounts. The actual amount of collections generated from this route was less than 1/3 of 1% of total revenues, however. Moreover, collections were pursued only in those situations where Achieve has made every effort to contact the financially responsible party in writing and by telephone, and where the financially responsible party has either not responded or has refused to discuss the matter. If at any time – including while the matter is in collection – a patient's parent or guardian expresses concern regarding ability to pay, Achieve will negotiate payment arrangements (potentially including a total write-off of fees) due to this inability to pay.

Amount of Claim

Achieve seeks recovery for that portion of the tax attributable to the space that it occupies. Based on square footage, Achieve is using 60% of the property, such that it is entitled to a refund of \$20,026.67. Achieve also asserts a claim for interest on the principal amount at the rate of 0.8% per month from the date of the claim to the date of payment, pursuant to § 74.35(4), Stats.

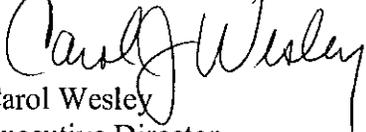
Achieve requests that the City provide notice to it within 90 days, by certified or registered mail, as to whether this claim is allowed or disallowed, pursuant to § 74.35(3)(b), Stats.

Thank you for your consideration.

Very truly yours,

Toni Rayala, City Clerk
January 28, 2016
Page 5

ACHIEVE CENTER, INC.


Carol Wesley
Executive Director

Enclosure

cc: David J. Edquist, Esq.
Mayor James E. Tipple
Nan Giese, City Assessor
Anne L. Jacobson, City Attorney

ATTACHMENT A

The Achieve Center was founded with the mission to provide information, consultation, support, assessment, and treatment for children and their families with neuropsychological developmental disorders, chronic health issues, and physical disabilities. This is an underserved population in Marathon County and the surrounding area where these services are not otherwise available in either the public or private sector. Without the Achieve Center, the County and/or the School Districts would be required to provide these services or, along with physicians and allied health care providers, to refer these children to facilities outside the County, sometimes to facilities more than 100 miles distant.

The Achieve Center turns no child away due to the financial situation of the family. There is a wait list for assessment and treatment due to the high demand for services. However, on the wait list there is no differentiation between those children with standard health insurance, Medicaid, or in need of free services. As a non-profit organization the priority is the well-being of children.

The State of Wisconsin requires that providers who assess and treat children with autism be certified as qualified to provide these services. The Achieve Center is the only facility in Marathon County with providers qualified to assess and treat children with autism and is the only facility in the County providing post intensive treatment.

The Achieve Center Special Pediatric Assessment Clinic (SPACE) is a developmental clinic for children ages 3-8 years of age. This clinic is the only developmental clinic in Marathon County and the surrounding area providing assessment for this age group. The SPACE clinic picks up where the Birth to Three Program of Marathon County and the Aspirus NICU Developmental Clinic leave off.

Pediatric behavioral therapy, which includes individual treatment, day treatment and group therapy for children and their families with developmental disorders, is exclusively offered in Marathon County by the Achieve Center. The Center has licensed therapists with specialized training and experience dedicated to the treatment of children affected by these disorders. Treatment also incorporates speech and language provided by the Center's Pathologist, thus integrating multiple modalities to improve outcomes. This is a unique approach and not otherwise found in central and northern Wisconsin.

The Achieve Center provides services to children who are blind, struggle with verbal communication, have difficulty with ambulation, have significant learning disabilities, chronic health problems, and/or who have severe cognitive delays. Parent support groups, which are provided at no charge, assist parents in coping with the challenges of caring for

their children with special needs. No other program for this purpose is offered in Marathon County.

The clinical staff of the Achieve Center attends Individual Educational Planning (IEP) meetings at the child's school for patients at no charge. These meetings are attended to assist in coordination of services with, and to provide consultation to, the school staff. The Achieve Center also works with FACETS, a non-profit advocacy program that provides free assistance for children in need of accommodations in school. The Achieve Center is a training site for the FACETS program and offers space and support services at no charge. Two of the Achieve Center staff have completed formal training as advocates for FACETS, and one as a mediator.

The Achieve Center offers consultation and referral at no charge for parents, educators, physicians, allied health providers, and social workers who are seeking assistance for a child and requesting recommendations for treatment and other services to best meet the child's needs. Because of the Achieve Center's expertise in developmental disorders and its network of other providers throughout the Midwest, the Achieve Center is able to give recommendations and facilitate referrals for children with rare disorders, complex presentations, or who are in need of a specialist not found in the area.

Through a grant from the Community Foundation of Northcentral Wisconsin, the Achieve Center offers at no charge the iPad iCan program, which provides awareness and instruction in the use of the iPad and applications for individuals who have speech and language impairment, are physically or neurologically impaired, or experience chronic health problems. This population gains improved quality of living from using an iPad to learn specific skills, or to manage and organize their daily lives.

The Achieve Center collaborates with, and provides program support for, Special Olympics and my Team Triumph at no charge to assist them in their mission to encourage and provide athletic opportunities for people with disabilities. Such assistance includes but is not limited to, providing recommendations for coaching athletes with complex needs, participation in organizational committees for special programs, teaching "sports psychology" to the athletes and coaches, appointment to a Special Olympics national committee, and providing meeting rooms and employee time for organizing and participating in my Team Triumph races.

Parents can experience confusion and frustration related to navigating the public school system to obtain all the available resources their children require. To facilitate communication between parents and school districts, the Achieve Center has organized, at

no charge, listening sessions. The Center has invited school administrators to spend a day at the Center dedicated to the specific school, during which time parents can meet with the school representative to discuss concerns and to gather information helpful to their child's educational experience.

The Achieve Center was instrumental in assisting Marathon County and nine other surrounding Counties to achieve designation as a Health Professional Shortage Area for mental health. This designation allowed for the establishment of a National Health Services Corps in these counties that works to recruit mental health professionals for employment at approved sites. It was a formal request from the Achieve Center to the Wisconsin Department of Health and Family Services (now the Department of Health Services) that initiated the process. The Achieve Center was identified as one of two approved sites in Marathon County, the other being the Bridge Clinic.



TAX EXEMPTION REQUEST DETERMINATION

| | |
|---------------------------------------|---|
| Requested By | Mail To: Achieve Center Inc Attn: Carol Wesley, Exec. Director 520 N 28 th Ave Suite 200 Wausau, WI 54401 |
| Request Date | August 10, 2015 |
| Parcel Number | 291-2907-281-0977 (Real Estate - Marathon County) |
| Property Address | 520 N 28 th Ave, Wausau, WI 54401 |
| Legal Description | Pt of SE NE Sec 28-29-7 Beg 30' W of NE Cor W 296' S 150' E'ly Alg Curve 255.88' E 70.45' N 270' to POB CSM Vol 18 Pg 29 |
| Exemption Statute Requested | Wisconsin State Statute 70.11 (4) |
| Exemption Statute Reviewed and Denied | 70.11 (4) Education, Religious and Benevolent Institutions . . . Wisconsin Property Assessment Manual Chapter 22 |
| Assessor's Notes | <p>... Statute says, "Property owned and used exclusively by educational institutions offering regular courses 6 months in the year; or by churches of religious, educational or <u>benevolent</u> associations, or by a nonprofit entity that ..."</p> <p>A portion of the property is currently leased and the lessee does not meet ALL of the requirements necessary for exemption:</p> <ol style="list-style-type: none"> 1. All of the leasehold income is used for maintenance, construction debt retirement (or both). 2. The lessee would be exempt from taxation if it owned the property. <p>The court in (UW Medical Foundation, Inc. V. City of Madison, 2003 WI App 204, 267 Wis. 2d 504, 671 N.W. 2d 292, 02-1473) held the following:</p> <p>The Wisconsin Supreme Court has long held that neither a single test nor isolated answers to inquiries concerning an organization's operations will automatically determine when an organization is engaged in a benevolent activity. Rather, the facts of each case must be regarded as a whole and the substance of the scheme of operation as it exists must be examined.</p> <p style="text-align: center;">Continued on next page</p> |

| | |
|--------------------------|---|
| | <p>To be benevolent ownership of property is not enough to satisfy (4)(a); benevolent use is also required. The sole issue in this case was whether this activity was "benevolent" in nature. We note at the outset that we reject the Foundation's suggestion that all provision of medical care is "benevolent" because it makes the recipients "better members of society by improving their physical and mental condition." By that standard, many enterprises would qualify as "benevolent." Spas, restaurants, and yacht clubs all arguably make individuals better members of society by improving their physical and mental condition, but we seriously doubt that such enterprises, even if owned and operated by nonprofit entities, could reasonably hope to obtain an exemption from property taxes....</p> <p>Charging market rates for medical services, advertising extensively to support them, and forbearing collecting for its services only when accounts were deemed uncollectible were factors considered by the court in determining the Foundation was not engaged in benevolent use of its properties and thus was not entitled to a property tax exemption.</p> <p>Wis. Stats. 70.109 Presumption to taxability. Exemptions under this chapter shall be strictly construed in every instance with a presumption that the property in question is taxable, and the <u>burden of proof</u> is on the person who claims the exemption.</p> |
| Assessor's Determination | Exempt Request Denied for 2015 Assessment Year. |
| Date | September 21, 2015 |
| Signature | <p>_____</p> <p>Nanette S. Giese, City Assessor</p> |



Recovery of Unlawful Taxes Worksheet

Claimant: Achieve Center, Inc.

PIN: 291-2907-281-0977

A claim for recovery of unlawful taxes under Wisconsin Statutes § 74.35 shall meet ALL of the following requirements. Failure to meet any one (1) condition shall be grounds to disallow the claim.

- Must be filed against the taxation district which collected the tax.
- Must be in writing.
- Must state the alleged circumstances giving rise to the claim, including basis for the claim as described in § 74.33 (1)(a) to (f). At least one of the following must be checked true:
 - a) A clerical error has been made in the description of the property or in the computation of the tax.
 - b) The assessment included real property improvements which did not exist on the date under s. 70.10 for making the assessment.
 - c) The property is exempt by law from taxation. *Properties assessed as manufacturing by the State of Wisconsin must be appealed under § 70.995(8)(c).*
 - d) The property is not located in the taxation district for which the tax roll was prepared.
 - e) A double assessment has been made.
 - f) An arithmetic, transpositional or similar error has occurred.
- Must state as accurately as possible the amount of the claim.
- Must be signed by the claimant or his or her agent.
- Must be served on the clerk of the taxation district as prescribed in §801.11(4) by January 31 of the year in which the tax is based upon the contested assessment is payable.
- Must NOT be a claim that a property is exempt under § 70.11 (21) or (27).
 - 21) Treatment Plant and Pollution Abatement Equipment.*
 - 27) Manufacturing Machinery and Specific Processing Equipment*
- Claimant must have timely paid the tax, or authorized installment of the allegedly unlawful tax.

In regards to claims the property is exempt from taxation: Wisconsin State Statutes 70.109 requires the presumption of taxability. Exemptions shall be strictly construed in every instance with a presumption that the property in question is taxable, and the burden of proof is on the person who claims the exemption. Statutes grant only the Assessor, the Courts and the Legislature the authority to determine exemption status. Neither the Board of Review nor the taxation district has statutory authority to grant exemptions. The established assessments by the Assessor are protected by statutes. Allowing a claim does NOT grant an exemption.

Claim Determination: ALLOW DISALLOW

Determination by: Jeremy M. Ray – Interim City Assessor

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

RESOLUTION OF THE COMMON COUNCIL - REVISED

Approving agreement for settlement of lawsuits between City of Wausau and Financial Way, LLC for tax years 2013 and 2014 (Case Nos. 14CV543 and 15CV561) and related budget modification

Committee Action: Pending

Fiscal Impact: Tax reimbursement to Financial Way, LLC for \$10,843 for 2014 with reimbursement to the city by other taxing jurisdictions in an amount to be determined by the State Department of Revenue

File Number: 14-0405

Date Introduced: March 22, 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 checked="" 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, Financial Way, LLC appealed the 2013 assessment for the property location at 311 Financial Way (PIN 2907.274.0951) by filing a timely objection with the city’s Board of Review; and

WHEREAS, the city’s Board of Review dismissed the alleged claimant’s objections without acting on the merits of the objections; and

WHEREAS, on January 29, 2014, Financial Way, LLC filed a claim for excessive assessment for tax year 2013 which was denied; and

WHEREAS, Financial Way, LLC filed a refund action in Marathon County Circuit Court, Case No. 14CV543; and

WHEREAS, Financial Way, LLC appealed the 2014 assessment by filing a timely objection with the city’s Board of Review; and

WHEREAS, the city’s Board of Review dismissed the alleged claimant’s objections without acting on the merits of the objections; and

WHEREAS, on January 27, 2015, Financial Way, LLC filed a claim for excessive assessment for tax year 2014 which was denied, and

WHEREAS, Financial Way, LLC filed a refund action in Marathon County Circuit Court, Case No. 15CV 561; and

WHEREAS, the City of Wausau and Financial Way, LLC have agreed to the following settlement:

2013 Refund – No refund
2014 Refund – \$10,843.00; and

WHEREAS, the total refund for tax year 2014 shall be \$10,843.00, and Financial Way, LLC waives interest.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau that the appropriate city officials are hereby authorized and directed to execute a Settlement Agreement in compliance with the terms of this resolution, which will settle Marathon County Circuit Court Cases 14CV543 and 15CV561.

BE IT FURTHER RESOLVED, by the Common Council of the City of Wausau that the proper City Officials be and are hereby authorized and directed to modify the 2016 budget by increasing the Tax Increment District Number Six budget 144-344097410 Tax Claims account in the amount of \$10,843.00 and publish such transfer in the official newspaper.

Approved:

James E. Tipple, Mayor

SETTLEMENT AGREEMENT

This Agreement is between Financial Way, LLC ("Financial Way"), a corporation organized and existing under the laws of the State of Wisconsin, and the City of Wausau, Wisconsin (the "City"), a municipal corporation organized and existing under the laws of the State of Wisconsin.

1. Definitions. In this Agreement:

- (a) Collectively, the "Property" means the land and improvements located at 311 Financial Way within the City.
- (b) "Case" means the action pending in the circuit court for Marathon County, Wisconsin titled *Financial Way, LLC v. City of Wausau*, Case Nos. 14-CV-543 and 15-CV-561.
- (c) "Court" means the Circuit Court for Marathon County.
- (d) A "tax year" means a year in which an assessment is made as of January 1, with taxes based on the assessment payable in the year following the tax year.

2. Refund of Taxes. The City shall issue a refund payable to Reinhart Boerner Van Deuren S.C. Trust Account, or to another account designated by Financial Way in writing, pursuant to Wis. Stat. § 74.37, in the amount of \$10,843 for 2014, as a refund of property taxes previously paid by the Financial Way based on the property tax assessment of the Property for the 2014 tax year. The parties agree that no portion of this amount constitutes interest.

3. Waiver of Costs. Each party waives all claims for costs.

4. Time of payment. The City shall pay the refund of taxes provided in section 2 of this Agreement in full within 30 days of the date this Agreement is signed by both parties.

5. Stipulation for Dismissal. No later than ten days after Financial Way receives payment in full of the refund of taxes provided in section 2 of this Agreement, the parties shall (a) enter into a stipulation, signed by their respective attorneys, for the dismissal of the case (including, but not limited to, all claims asserted in the Complaint in the Case) on the merits, with prejudice, and without costs to either party; and (b) file the stipulation with the Court. The Stipulation for Dismissal shall provide that the Court shall retain jurisdiction over the Case for the purpose of enforcing this Agreement.

6. Responsibility for Fees and Expenses of Attorneys and Experts. Each party shall be solely responsible for the fees of its attorneys and experts.

7. No Representations. Each party acknowledges and agrees that no representation or promise not expressly contained in this Agreement has been made by the opposing party or any of its employees, attorneys, agents, or representatives. Each party acknowledges that it is not entering into this Agreement on the basis of any such representation or promise, express or implied.

8. Binding on Successors. This Agreement shall be binding upon and inure to the benefit of each of the parties and their respective heirs, successors, and assigns.

9. Governing Law. This Agreement shall be governed and interpreted by the laws of the State of Wisconsin.

10. Interpretation of Agreement. The parties acknowledge that this Agreement is the product of joint negotiations. If any dispute arises concerning the interpretation of this Agreement: (a) neither party shall be deemed the drafter of this Agreement for purposes of its interpretation; and (b) the parties shall attempt in good faith to resolve the dispute.

11. Representation By Counsel; Reliance. Each party acknowledges that it has been represented throughout all negotiations leading up to this Agreement by attorneys of its choice and that its attorneys have approved this Agreement. Each party represents that in entering into this Agreement, the party has relied on its own judgment and on the advice of its attorneys, and that no statements or representations made by the other party or any of its agents, except statements or representations expressly made in this Agreement, have influenced or induced the party to sign this Agreement.

12. No Assignment or Transfer. Financial Way represents and warrants that it has not assigned or transferred to anyone and will not assign or transfer to anyone any of the claims in the Case.

13. Entire Agreement. This Agreement states and constitutes the entire agreement of the parties concerning its subject matter and supersedes all prior or contemporaneous agreements (written or oral), representations, negotiations, and discussions concerning its subject matter.

14. No Admissions of Liability or Concerning Assessments or Fair Market Value. This Agreement is the settlement of disputed claims. By entering into this Agreement, the City does not admit any liability to Financial Way for any of the claims asserted in the Case or the Financial Way's objections to the assessments, and the payments made under this Agreement shall not be construed as an admission of any such liability. Neither Party makes an admission about the assessments or the fair market value of the Property as of January 1, 2014 or any other date nor any other admission concerning the assessment of the Financial Way property. In addition, none of the agreed upon values or assessments as of January 1, 2014 shall be admissible in any proceeding or assessment challenge in any subsequent year.

15. Waiver. No waiver of any breach of this Agreement shall be deemed a continuing waiver of that breach or a waiver of any other breach of this Agreement.

16. Amendments or Modifications. This Agreement may not be amended, modified or altered in any manner whatsoever, except by a further written agreement duly authorized and signed by the parties.

17. Authorization to Sign Agreement. Each person signing this Agreement on behalf of either party represents and warrants that the person holds the position indicated beneath the person's signature and that the person has the requisite corporate or other authority to sign this

Agreement on behalf of the party. Each party represents that entry into this Agreement is not in contravention of any agreement or undertaking to which the party is bound.

18. Reading of Agreement. Each person signing this Agreement on behalf of either party acknowledges that the person has read this Agreement, that the person understands the terms and conditions of this Agreement, that the person (if other than an attorney for the party) has been advised by legal counsel concerning this Agreement, and that the person freely and voluntarily signs this Agreement.

Dated: _____, 2016.

FINANCIAL WAY, LLC

BY: Reinhart Boerner Van Deuren s.c.
22 East Mifflin Street, Suite 600
Madison, WI 53703

Don M. Millis
State Bar No. 1015755
Jessica Hutson Polakowski
State Bar ID 1061368

Dated: _____, 2016.

CITY OF WAUSAU

By: _____
Its: _____

Dated: _____, 2016.

APPROVED AS TO FORM:

BY: Stafford Rosenbaum LLP
222 W. Washington Avenue, Suite 900
Madison, Wisconsin 53701

Amie B. Trupke
State Bar ID 1041768

RESOLUTION OF THE COMMON COUNCIL

Approving mutual aid agreement for law enforcement participation with the North Central Emergency Response Mutual Assistance Team (NCERT)

Committee Action: Pending

Fiscal Impact:

File Number: 16-0319

Date Introduced: March 22, 2016

FISCAL IMPACT SUMMARY

| | | | | |
|---------------|---|------------------------------|-----------------------------|---|
| COSTS | <i>Budget Neutral</i> | Yes <input 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, the City of Wausau and other participating agencies in this agreement are so located that it is to the advantage of each to extend aid to the other with respect to the delivery of law enforcement services; and

WHEREAS, it is recognized that the use of police officers to perform duties outside the territorial limits of the municipality by whom they are employed may be desirable and may be required under certain circumstances to protect and preserve the common health, safety and welfare; and

WHEREAS, the City of Wausau and other participating agencies deem mutual aid law enforcement services to be in the best interest of their respective communities; and

WHEREAS, authority is granted to enter into the mutual aid agreement pursuant to the law of the State of Wisconsin in Section 66.0313; and

WHEREAS, your Public Health and Safety Committee, at their meeting of October 19, 2015, encouraged participation but took no formal action on the item.

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Wausau does hereby authorize the Mayor and Police Chief to execute the agreement, a copy of which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that all City of Wausau officials and employees are hereby authorized and directed to do and perform all that is necessary to successfully carry out the terms of this resolution.

Approved:

James E. Tipple, Mayor

NORTHCENTRAL EMERGENCY RESPONSE TEAM

The undersigned agencies agree pursuant to Wisconsin Statutes as follows:

Section 1. PURPOSE OF AGREEMENT

This agreement is made in recognition of the fact that situations may occur which are beyond the ability of the individual law enforcement agency to deal with effectively in terms of personnel, equipment, and available resources. Each agency identified on Appendix 1 expresses its intent to assist the other agencies identified on Appendix 1 by assigning some of its personnel, equipment, and available resources to a requesting agency as resources and situations allow. The specific intent of this agreement is to permit the law enforcement agency of each municipality to more fully safeguard the lives, persons, and property of all citizens.

Section 2. DEFINITIONS

For the purpose of this agreement, the following terms are defined as follows:

A. "NORTHCENTRAL EMERGENCY RESPONSE TEAM MUTUAL ASSISTANCE RESPONSE TEAMS"

An organization of Northern Wisconsin law enforcement agencies participating in this mutual aid agreement.

B. "INCIDENT"

An emergency situation that threatens or causes loss of life and property and exceeds the physical and organizational capability of a unit of local government.

C. "AGENCY"

A law enforcement organization recognized by its city, village, or county.

D. "MUTUAL AID"

A definite and prearranged written agreement and plan whereby regular response and assistance is provided in the event of incidents by requesting agencies by the aiding agency in accordance with the police incident assignments as developed by the Police Chiefs/Sheriffs of the participating agencies.

E. "PARTICIPATING AGENCY"

An agency that commits itself to this mutual aid agreement by adopting an ordinance or resolution authorizing participation in the program with other agencies of rendering and receiving mutual aid in the event of an incident in accordance with the police incident assignments.

F. "REQUESTING AGENCY"

The municipality in which an incident occurs that is of such magnitude that it cannot be adequately handled by the local law enforcement agency.

G. "AIDING AGENCY"

A municipality furnishing police equipment and personnel to a requesting agency.

H. "POLICE INCIDENT ASSIGNMENTS"

A predetermined listing of personnel and equipment that will respond to aid a requesting agency.

Section 3. AGREEMENT TO EFFECTUATE THE MUTUAL AID PLAN

The Mayor, Village President or Town Chairman of each participating municipality is authorized on behalf of that municipality to enter into and alter and amend on the advice of the Police Chief/Sheriff and with the consent and authorization of the governing body of that municipality, and with the agreement of other municipalities for mutual aid according to the following:

- A. Whenever an incident (emergency) is of such magnitude and consequence that it is deemed advisable by the senior on-duty officer of the requesting agency to request assistance of the aiding agencies through the senior on-duty officer, he or she is hereby authorized to do so under the terms of the mutual aid agreement, and they are authorized to and shall forthwith take the following action:
1. Immediately determine what resources are required according to the mutual aid police incident assignment.
 2. Immediately determine if the required equipment and personnel can be committed in response to the request from the requesting agency.
 3. Dispatch immediately the personnel and equipment required to the requesting agency in accordance with the police incident assignment.
- B. The rendering of assistance under the terms of this mutual aid agreement shall not be required in accordance with the police incident assignments if the commanding officer of the aiding agency determines that the available personnel and equipment are required for the protection of the aiding agency. In that event it is the

responsibility of the aiding agency to immediately notify the requesting agency of same. The judgment of the commanding officer shall be final.

- C. The senior officer present, of the requesting agency, shall assume full responsibility and command for operations at the scene. He or she will assign personnel and equipment, of the aiding agencies, to positions when and where deemed necessary.
- D. It is expected that requests for mutual aid under this agreement will be initiated only when the needs exceed the resources of the requesting agency. Aiding agencies will be released and returned to duty in their own community as soon as the situation is restored to the point which permits the requesting agency to adequately handle it with its own resources or is no longer able to provide assistance per paragraph (3)(b) herein.
- E. All service performed under this agreement shall be rendered without reimbursement of any party from the other(s). Request for indemnification for unusual or extraordinary and unanticipated costs incurred in the performance of mutual aid may be submitted by the aiding agency to the requesting agency for consideration of its Board or Council which may authorize payment in the exercise of discretion.
- F. Pursuant to S. 66.0313 Wis. Stats., law enforcement personnel who provide mutual aid assistance shall be deemed an employee of the requesting agency for the purpose of S.895.35 and S.895.46 Wis. Stats. All provisions of S.66.0513 shall apply to this agreement.
- G. The Police Chiefs/Sheriffs of the participating agencies shall maintain a governing board and establish an operational plan for giving and receiving aid under this agreement. Said plan shall be reviewed, updated, and tested at regular intervals.

Section 4. TERMINATION

Any agency may withdraw from the North Central Emergency Response Team Mutual Assistance Team agreement by notifying the Police Chiefs/Sheriffs of the other participating agencies in writing, whereupon the withdrawing agency will terminate participation ninety (90) days from the date of written notice.

Section 5. ADOPTION

This mutual aid agreement shall be in full force and effect with the passage and approval of a companion ordinance or resolution by all participating municipalities, in the manner provided by law, and in the signing of this agreement by the Village President, City Mayor, or other governing body of the municipality.

IN WITNESS WHEREOF, this agreement has been duly executed by the following parties:

CITY OF WAUSAU

James E. Tipple, Mayor

Jeffrey G. Hardel, Chief of Police

ATTEST:

Toni Rayala, City Clerk

APPENDIX 1

Mutual Aid Agreements have been received from the following:

| | |
|---------------------|-------------------|
| City of Rhinelander | January 13, 2014 |
| City of Merrill | January 14, 2014 |
| City of Antigo | February 12, 2014 |
| City of Tomahawk | April 4, 2014 |
| City of Medford | October 7, 2014 |
| Town of Minocqua | May 5, 2015 |