

*** All present are expected to conduct themselves in accordance with our City's Core Values ***



OFFICIAL NOTICE AND AGENDA

Notice is hereby given that the Common Council of the City of Wausau, Wisconsin will hold a regular or special meeting on the date, time and location shown below.

Meeting of the: **COMMON COUNCIL OF THE CITY OF WAUSAU**
 Date/Time: **Tuesday, April 26, 2016 at 7:00 pm.**
 Location: **City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers**
 Members: Pat Peckham, Romey Wagner, David Nutting, Tom Neal, Gary Gisselman, Becky McElhaney, Lisa Rasmussen, Karen Kellbach, Joe Gehin, Sherry Abitz, Dennis Smith

Call to Order

Pledge of Allegiance / Roll Call / Proclamations

Presentations:

Public Comment: Pre-registered citizens for matters appearing on the agenda and other public comment.

Committee Reports: (All standing and non-standing committees, commissions or boards)

File #	CMT	Consent Agenda	ACT
16-0301		Minutes of previous meeting(s). (3/22/16)	
99-1104	FIN	Resolution Amending the Procurement Policy Sole Source Authorization for Water and Sewer Utility	Approved 5-0
08-0609	P&R	Resolution Authorizing Temporary Easement Agreement – Athletic Park Parking (Wilson Hurd)	Approved 5-0
16-0412	PLAN	Resolution Accepting a public sculpture along the River Edge Parkway at 146 W. Washington Street.	Approved 6-0

File #	CMT	Resolutions and Ordinances	ACT
16-0403		Confirmation of Mayor's Appointments	
15-1109	FIN	Resolution Authorizing Various Room Tax Grants and modification of the 2016 Budget	Approved 5-0
15-1109	FIN	Resolution Approving Modification of the 2016 Budget for the Payment of the Walgreens 2015 Excessive Tax Claim	Approved 5-0
01-1106	FIN	Resolution Amending the Budget Policy for Utility Fund Budget Modifications	Approved 5-0
02-1005	FIN	Resolution Approving Acquisition of 1038 South 15th Avenue	Approved 4-0
02-1005	FIN	Resolution Approving Acquisition of 1102 South 13th Avenue	Approved 5-0
16-0219	FIN	REINTRODUCTION - Rule 6C - March 22, 2016 Resolution approving alleged claim for excessive assessment – Fernando and Heidi Riveron (1010 Franklin Street)	
		Suspend the Rule 1(D) Transmission of Committee Business to Council for the following items - (2/3 Vote required)	
16-0219	FIN	Resolution approving clarification of amount of claim for excessive assessment – Fernando and Heidi Riveron	Pending
16-0214	FIN	Resolution approving modification of the 2016 budget for the claim for recovery of unlawful tax – Achieve Center, Inc	Pending
08-0917	FIN	Resolution Approving termination of agreement between the City of Wausau and McDevco for the construction and operation of a paved surface parking lot bounded by 1st, 2nd and Scott Streets	Pending
16-0413	COUN	Resolution approving hiring of special counsel to advise the Ethics Board regarding ethics complaint filed by Keene Winters	Pending

Public Comment & Suggestions

CLOSED SESSION pursuant to Section 19.85(1)(g) of the Wisconsin Statutes conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, regarding State of Wisconsin ex rel. City of Wausau et al. v. Village of Maine et al. Marathon County Case No. 16CV74

RECONVENE into Open Session, if necessary, to take action on Closed Session item.

Adjournment

Signed by Robert B. Mielke, Mayor

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 4/22/16 @ 3:30 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, March 22, 2016, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

Roll call

03/22/2016 7:09:05 PM

Roll call indicated 10 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Nagle, William P.	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	NV
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 (Pre-registered citizens for matters appearing on the agenda)

- 1) Amie Leonoff, 1105 Jefferson St, President of the Community Cat Action Team (CCAT), spoke in support of the TNR Ordinance. She stated they have a solid plan with committed volunteers, interested caregivers, veterinary resources, equipment and funds. She asked that they be given a chance to make the program work.
- 2) Fernando Riveron, 1010 Franklin St, spoke regarding the claim of excessive assessment for his property. He stated he purchased the house a year ago through a realtor in an arm's length, conforming sale at the asking price and have made no improvements. The assessment was almost 20% higher than the sale price and he believed it was based on untruths. He asked them to right the wrong and send it back to the Assessor for an appropriate assessment.
- 3) Terry Carroll, E14961 County Rd Z, Vice President of CCAT, spoke in support of the TNR Ordinance, stating they are ready to go on the program and can start in the next couple of weeks. She indicated they were capable of getting 40 cats spayed/neutered per month.

Communications & Committee Reports

- 1) Mayor Tipple stated he would be issuing a press release regarding the annexations of property from the Town of Maine.
- 2) Gerry Klein addressed the Council regarding the 21 open records requests and explained the email and archive systems. He indicated the IT Department can help them recover deleted emails from the archive manager. Discussion followed.
- 3) Abitz thanked the Parking & Traffic Committee members for their service.
- 4) Nutting asked the Council for a moment of silence to remember our former colleague, Aaron Baumgardt, who recently passed. Mayor Tipple noted Baumgardt served 18 years on the City Council.

Consent Agenda

03/22/2016 7:43:07 PM

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

Winters requested three items be pulled from Consent: file #'s 12-0507, 99-1104, and 03-0306

16-0201 Minutes of the previous meeting(s). (2/23/16)

09-0806 Resolution of the Capital Improvements and Street Maintenance Committee accepting Easement for Parking Lot on City-Owned Property, 1801 North River Drive (AJR Properties North, LLC)

16-0318 Resolution of the Capital Improvements and Street Maintenance Committee approving Agreement for the Management and Maintenance of a Stormwater facility (Wausau School District - 4303 Troy Street)

92-1109 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.

16-0312 Ordinance of the Parking & Traffic Committee approving installation of flashing pedestrian signs on 1st Avenue at the north pedestrian crossing at the intersection of 1st Avenue and Elm Street.

16-0313 Ordinance of the Parking & Traffic Committee 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.

16-0314 Ordinance of the 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.

16-0315 Ordinance of the Parking & Traffic 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.

13-1115 Ordinance of the Public Health & Safety Committee amending Section 16.04.039 Residential Rental Licensing removing landlord notice requirements.

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

12-0507 Table

03/22/2016 7:49:28 PM

Motion by Winters, second by Oberbeck to table the 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 - until following the April 7, 2016 Finance Committee meeting detailing where the financing will come from for this project.

Winters stated the estimated cost is \$295,000, it is not budget neutral and it is not included in the budget, and therefore would be a budget amendment requiring 2/3 vote. He could not find a source of funds in the documents and questioned where the money was coming from. Lindman stated these were additional design costs for the state DOT, but was not sure where the funds were coming from for it. Winters felt it should go back to committee and brought back to Council with that information.

Rasmussen stated we have to do the project whether we do a budget amendment or take it through Finance to find the source, but there was no reason not to approve the project tonight and move it forward to let bids. She believed if they delayed the bidding process the DOT might just walk away from the project.

Yes Votes: 3 No Votes: 6 Abstain: 0 Not Voting: 1 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	NV
5	Gisselman, Gary	NO
6	Winters, Keene	YES
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	YES
10	Abitz, Sherry	NO
11	Mielke, Robert	YES

12-0507

03/22/2016 7:51:17 PM

Motion by Nutting, second by Rasmussen to approve a 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.

Yes Votes: 9 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	NV
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

99-1104

03/22/2016 7:54:40 PM

Motion by Nutting, second by Abitz to adopt the Resolution of the Finance Committee amending the Procurement Policy.

Winters disagreed with amending the policy by exempting specific products.

Yes Votes: 9 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	NV
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

03-0306

03/22/2016 7:59:04 PM

Motion by Rasmussen, second by Mielke to adopt a Resolution of the Finance Committee authorizing the write off of certain uncollectible delinquent personal property tax accounts from the City's accounting records.

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

16-0303

03/22/2016 7:59:38 PM

Motion by Gisselman, second by Wagner to confirm the Mayor's appointment to the Wausau Water Commission.

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

16-0317A

03/22/2016 8:00:27 PM

Motion by Rasmussen, second by Gisselman to approve a Resolution of the Capital Improvements and Street Maintenance Committee approving the River Edge Parkway project, from Bridge Street to West Wausau Avenue, for WisDOT's Transportation Alternative Program.

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

16-0317B

03/22/2016 8:01:16 PM

Motion by Oberbeck, second by Mielke to adopt a resolution of the Capital Improvements and Street Maintenance Committee approving the Stettin Drive trail project, from Brockmeyer Park to Stettin Elementary School, for WisDOT's Transportation Alternative Program.

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

16-0317C

03/22/2016 8:02:10 PM

Motion by Oberbeck, second by Mielke to adopt a resolution of the Capital Improvements and Street Maintenance Committee approving the Business Campus Trail project, from Packer Drive to Highland Drive, for WisDOT's Transportation Alternative Program.

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

15-1215

03/22/2016 8:03:05 PM

Motion by Nutting, second by Rasmussen to adopt a Joint Ordinance of the Capital Improvements and Street Maintenance Committee & the 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.

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

16-0309

03/22/2016 8:06:32 PM

Motion by Wagner, second by Mielke to adopt a Joint Resolution of the Economic and the 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.

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

16-0310

03/22/2016 8:17:11 PM

Motion by Wagner, second by Oberbeck to adopt a Joint Resolution of the Economic Development and the Finance Committee 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, 072-2906-263-0988, 076-2906-263-0989, 076-2906-263-0999, 076-2906-264-0998, 076-2906-264-0999) for the expansion of the Wausau Business Campus.

Winters questioned if this was all solid buildable land. Schock stated the committee has reviewed the soils and engineering did mapping of the area and is confident that the vast majority of the property is very valuable for development purposes.

Yes Votes: 9 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	NV
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

16-0316A

03/22/2016 8:24:42 PM

Motion by Nutting, second by Rasmussen to adopt a Preliminary Resolution of the Finance Committee authorizing \$8,825,000 General Obligation Promissory Notes.

Winters reviewed the debt issues and felt there were negative trends of borrowing longer and borrowing more. Discussion followed.

Yes Votes: 9 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	NV
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

16-0316B

03/22/2016 8:25:29 PM

Motion by Nutting, second by Rasmussen to adopt a 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.

Yes Votes: 9 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	NV
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

16-0316C

03/22/2016 8:26:15 PM

Motion by Nutting, second by Wagner to adopt a 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.

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

03-1007

03/22/2016 8:26:58 PM

Motion by Kellbach, second by Rasmussen to adopt a Resolution of the Finance Committee approving the 2016 Community Development Block Grant Program Budget.

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

15-1109

03/22/2016 8:27:44 PM

Motion by Oberbeck, second by Gisselman to adopt a Resolution of the Finance Committee approving Modification of the 2016 Budget Capital Projects Fund - Asphalt Overlay.

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

16-0219

03/22/2016 8:52:16 PM

Motion by Nutting, second by Oberbeck to adopt a Resolution of the Finance Committee approving alleged claim for excessive assessment - Fernando and Heidi Riveron (1010 Franklin Street).

Wagner stated this should be sent back to the Assessor's Department because he agreed there was a wrong that needed to be righted.

Jeremy Ray, Interim Assessor, clarified the definition of a conforming arm's length sale and explained the Assessor Department's position, as well as the Board of Review, which determined it to be \$870,000. He noted the seller also had an appraisal done in 2013 with a value of \$877,700. In his opinion, there was not an excessive assessment on this property and he recommended the claim be disallowed. Discussion followed regarding assessments, revaluation and the Board of Review. Rasmussen pointed out we need to be careful not to set a precedent by approving these at the Council level. She felt it undermines the process and we need to allow this to go through the proper procedure, whether it is circuit court or not.

Abitz indicated she would abstain from voting.

Yes Votes: 5 No Votes: 4 Abstain: 1 Not Voting: 1 Result: PASS

<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	NV
5	Gisselman, Gary	NO
6	Winters, Keene	YES
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	YES
10	Abitz, Sherry	ABS

16-0320

03/22/2016 8:52:59 PM

Motion by Mielke, second by Nagle to adopt a Resolution of the Finance Committee approving lease agreement with Evolutions in Design, LLC for parking on city-owned property bounded by McClellan Street and N. 1st Street.

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

16-0321 Amendment

03/22/2016 9:09:58 PM

Motion by Rasmussen, second by Abitz to amend the Resolution of the Human Resources Committee approving funding for legal services for employee grievances presented before the Human Resources Committee - to hire outside counsel to assist with and advise the Human Resources Committee and the Human Resources Chair on the internal process to follow using our internal policies as a guide for only the two grievances that have been currently presented and that it be incorporated into the scope of work.

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

16-0321 Amendment #2

03/22/2016 9:11:26 PM

Motion by Winters, second by Oberbeck to amend the Resolution of the Human Resources Committee approving funding for Legal Services for Employee Grievances presented before the Human Resources Committee - to approve funding up to the amount of \$8,000 and for the Human Resources Committee to come back before the council if more funds are needed.

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

16-0321

03/22/2016 9:12:06 PM

Motion by Wagner, second by Gisselman to adopt a resolution of the Human Resources Committee approving Funding for Legal Services for Employee Grievances presented before the Human Resources Committee, as amended on council floor.

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

02-0432

03/22/2016 9:13:21 PM

Motion by Mielke, second by Rasmussen to adopt a Joint Ordinance of the Parking & Traffic Committee and of the Capital Improvement and Street Maintenance Commission amending Section 2.16.010 Generally to dissolve the Parking & Traffic Committee (Requires 2/3 Vote - of all members of the council)

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

16-0311

03/22/2016 9:15:21 PM

Motion by Rasmussen, second by Nutting to adopt a Joint Ordinance of the Parking & Traffic Committee and the Capital Improvement and Street Maintenance Commission 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; 10.040.50 Rules of the road; 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.

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

14-1014

03/22/2016 9:15:58 PM

Motion by Wagner, second by Nagle to adopt a Resolution of the Plan Commission approving the precise implementation plan for 1420 North River Drive to allow for a family entertainment center.

Yes Votes: 9 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

District	Aldersperson	Vote
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	NV
5	Gisselman, Gary	YES
6	Winters, Keene	NO

7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Oberbeck, David	YES
10	Abitz, Sherry	YES
11	Mielke, Robert	YES

15-0606 amendment

03/22/2016 9:22:29 PM

Motion by Wagner, second by Rasmussen to amend the Ordinance of the 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 - to add a recap of the trapping season reporting of statistics, submitted to Public Health & Safety.

Wagner indicated he voted no at committee, but would reconsider if there was a reporting process whereby in six months they come before PH&S and provide a recap of the numbers of cats trapped, spayed, neutered, euthanized, etc. It can always be revisited, but we need to try something. Gisselman stated he was the other no vote at committee and he felt the program would make it more difficult for us to be designated as a "Bird City."

Yes Votes: 8 No Votes: 2 Abstain: 0 Not Voting: 1 Result: PASS

<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	NV
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

15-0606

03/22/2016 9:22:56 PM

Motion by Rasmussen, second by Nutting to adopt an ordinance of the 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, as amended on council floor.

Yes Votes: 6 No Votes: 4 Abstain: 0 Not Voting: 1 Result: PASS

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

92-0627

03/22/2016 9:23:42 PM

Motion by Rasmussen, second by Wagner to adopt an ordinance of the Public Health & Safety Committee amending Section 8.08.011 Definitions (d) adding "Domesticated cat or dog" and (f) amending "owner."

Yes Votes: 8 No Votes: 2 Abstain: 0 Not Voting: 1 Result: PASS

<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	NV
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

Suspend the Rule

03/22/2016 9:24:17 PM

Motion by Nutting, second by Abitz to suspend the Rule 1(D) Transmission of Committee Business to Council for the following items (2/3 Vote of the members present required)

Yes Votes: 9 No Votes: 1 Abstain: 0 Not Voting: 1 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Nagle, William	YES
2	Wagner, Romey	YES
3	Nutting, David E.	YES
4	Neal, Tom	NV
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

16-0215

03/22/2016 9:25:37 PM

Motion by Nutting, second by Mielke to adopt a Resolution of the Finance Committee approving alleged claim for excessive assessment - CVS Pharmacy.

Yes Votes: 0 No Votes: 10 Abstain: 0 Not Voting: 1 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	NV
5	Gisselman, Gary	NO
6	Winters, Keene	NO
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	NO
10	Abitz, Sherry	NO
11	Mielke, Robert	NO

16-0216

03/22/2016 9:26:16 PM

Motion by Mielke, second by Kellbach to adopt a Resolution of the Finance committee approving alleged claim for excessive assessment - Patrick and Amanda France (226 Fountain Hills Blvd).

Yes Votes: 0 No Votes: 10 Abstain: 0 Not Voting: 1 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	NV
5	Gisselman, Gary	NO

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

16-0217

03/22/2016 9:27:05 PM

Motion by Nutting, second by Winters to adopt a Resolution of the Finance Committee approving alleged claim for excessive assessment - US Bank.

Yes Votes: 0 No Votes: 10 Abstain: 0 Not Voting: 1 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	NV
5	Gisselman, Gary	NO
6	Winters, Keene	NO
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	NO
10	Abitz, Sherry	NO
11	Mielke, Robert	NO

16-0218

03/22/2016 9:27:37 PM

Motion by Rasmussen, second by Kellbach to adopt a Resolution of the Finance Committee approving alleged claim for excessive assessment - Wisconsin Hospitality Group (Applebees).

Yes Votes: 0 No Votes: 10 Abstain: 0 Not Voting: 1 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	NV
5	Gisselman, Gary	NO
6	Winters, Keene	NO
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	NO
10	Abitz, Sherry	NO
11	Mielke, Robert	NO

14-0405

03/22/2016 9:30:34 PM

Motion by Winters, second by Gisselman to adopt a Resolution of the Common Council 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.

Ray stated the staff recommends approval of the resolution for settlement.

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

16-0319

03/22/2016 9:31:22 PM

Motion by Rasmussen, second by Mielke to adopt a Resolution of the Common Council approving mutual aid agreement for law enforcement participation with the North Central Emergency Response Mutual Assistance Team (NCERT).

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

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

- 1) Bernie DeLonay thanked the Council members that are departing at the end of their term for their service.
- 2) Jeremy Ray commented that some Council members have apparent misconceptions on the assessment process and he hoped the new Council would allow him to give a presentation on this process. He noted the recent reevaluation, all properties were determined to be equitably assessed by the Department of Revenue standards.

Adjournment

03/22/2016 9:38:29 PM

Motion by Mielke, second by Winter to adjourn. Motion carried unanimously. Meeting adjourned at 9:40 pm.

James E. Tipple, Mayor
Toni Rayala, City Clerk

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

RESOLUTION OF THE FINANCE COMMITTEE	
Amending the Procurement Policy Sole Source Authorization for Water and Sewer Utility	
Committee Action:	Approved 5-0
Fiscal Impact:	None
File Number:	99-1104
Date Introduced:	April 26, 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 April 7, 2016 meeting, considered and recommends the attached revision to the Procurement Policy which provides authority to the Water Commission for review over Water and Sewer Utility sole source exemptions

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:

Robert B. Mielke, Mayor

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. **Except for the purchases related to the Water and Sewer Utility**, sole source purchase exceeding \$25,000 must be approved by the Finance Committee.
4. **Sole source purchases related to the Water and Sewer Utility exceeding \$25,000 must be approved by the Wausau Waterworks Commission.**

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.

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

RESOLUTION OF PARK AND RECREATION COMMITTEE	
Authorizing Temporary Easement Agreement – Athletic Park Parking (Wilson-Hurd)	
Committee Action:	Approved 5-0
Fiscal Impact:	None
File Number:	08-0609
Date Introduced:	April 26, 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 Park and Recreation Committee, at their April 4, 2016, meeting, recommends the City enter into the attached temporary easement agreement with Wilson-Hurd which provides for a one-year nonexclusive use of the south 195 feet of the Wilson-Hurd property located at 311 Winton Street to the City of Wausau for the purpose of providing off-street parking for activities at Athletic Park at no cost, except that the City shall establish, operate and maintain the lot; and

WHEREAS, your Park and Recreation Committee recommends the temporary easement agreement be renewed.

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 temporary easement agreement between Wilson-Hurd Manufacturing Company and the City of Wausau providing for off-street parking for activities at Athletic Park.

Approved:

Robert B. Mielke, Mayor

DRAFT

CITY OF WAUSAU – PARK AND RECREATION COMMITTEE MEETING MINUTES

Date/Time: April 4, 2016 at 5:15pm Location: Board Room, City Hall
Members Present: Gary Gisselman, Robert Mielke, Tom Neal, David Nutting, David Oberbeck (c)
Others Present: Bill Duncanson–Director, Pat Peckham, Patrick Hoerter

In accordance with Chapter 19, Wisc. 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 Oberbeck at 5:15pm.

Public comments – None brought forward.

Approval of Minutes – **Motion** by Mielke, second by Neal to approve the Park and Recreation Committee March 7th, 2016 draft minutes. Motion **carried** by voice vote. Vote reflected as 5-0.

Athletic Park Parking Lot - Discussion and Possible Action on Renewing a Temporary Easement Agreement with Wilson Hurd for Athletic Park Parking – Duncanson said this is an annual agreement that Wilson-Hurd offers to the City allowing use of part of their property for Athletic Park parking. There is no cost for the agreement. Wilson-Hurd's primary requirement is that the lot is properly maintained and kept free of litter. **Motion** by Mielke, second by Neal to renew the temporary easement agreement with Wilson-Hurd. Motion **carried** by voice vote. Vote reflected as 5-0.

TEMPORARY EASEMENT AGREEMENT FOR THE USE OF WILSON-HURD PROPERTY FOR ATHLETIC PARK
PARKING BY THE CITY OF WAUSAU

THIS AGREEMENT (the "Temporary Easement Agreement") made this _____ day of _____, 2016, by and between Wilson-Hurd Mfg. Co., a Wisconsin corporation, herein referred to as "GRANTOR," and the City of Wausau, a municipal corporation of the State of Wisconsin, herein referred to as "CITY";

WITNESSETH:

WHEREAS, CITY wishes to establish and operate a temporary parking lot on land owned by GRANTOR for the purpose of providing off-street parking for activities at Athletic Park; and

WHEREAS, GRANTOR will allow such parking lot as a temporary easement on GRANTORS property upon certain terms and conditions as hereinafter enumerated.

NOW, THEREFORE, the parties hereto agree as follows:

1. GRANTOR hereby grants to CITY at no charge, a temporary nonexclusive easement (the "Easement") over and across the south 195.00 feet of the Wilson-Hurd property at 311 Winton Street, Wausau, Wisconsin, as delineated on "Exhibit 1" which is attached hereto and incorporated herein by reference (the "Temporary Easement Area"), for the purpose of establishing, operating, and maintaining a temporary parking lot for the benefit of the public while the public is attending activities at Athletic Park.
2. CITY shall provide temporary perimeter improvements to delineate and contain the parking activities on the Temporary Easement Area, shall be responsible for all mowing, dust control, and litter collection and removal on the Temporary Easement Area, and shall install, maintain, repair and remove the surface of and other improvements on the Temporary Easement Area. Typical parking lot improvements and maintenance of the Temporary Easement Area will consist of filling low areas that collect water, maintaining the grass, removing surface debris, stabilizing and grading entrances, and installing identification signage, traffic control devices and signage, and security lighting. The security lighting shall consist of two wood poles without footings located along the south edge of the Temporary Easement Area as shown on Exhibit 2. Each pole shall have two flood type fixtures mounted on it. Such security lighting shall be allowed to remain in place until such time that it is determined whether a new Temporary Easement Agreement will be approved for the following year. If either GRANTOR or CITY determine that a new Temporary Easement Agreement will not be approved or sought for the following year, upon written notification to the other party, CITY will remove such security lighting within thirty (30) days and restore the Temporary Easement Area at the sole cost of CITY.
3. CITY shall be responsible to maintain the improvements in the Temporary Easement Area and, if CITY fails to adequately maintain the Temporary Easement Area and its improvements, GRANTOR may provide CITY with a written notice setting forth the needed repairs, improvements or maintenance. If it is determined that work is, in fact, needed in the Temporary Easement Area and if CITY does not commence such work within five (5) working days from the date of receipt of the aforesaid written notice, and such failure to commence such maintenance or repair work is not due to a cause beyond CITY's control, then GRANTOR may perform such work and CITY shall reimburse GRANTOR for all costs which are reasonably incurred by GRANTOR in performing such work.
4. GRANTOR hereby grants CITY permission to establish and charge a nominal fee to individuals using the parking lot on the Temporary Easement Area.
5. CITY shall maintain in effect at all times during the term of this Temporary Easement Agreement a policy of commercial general liability insurance to insurance against injury to property, person, or loss of life arising out of use of the Temporary Easement Area with limits of coverage that are reasonably acceptable to GRANTOR. CITY shall provide GRANTOR with a certificate of insurance showing that GRANTOR is an additional insured under such commercial general liability insurance. The policy of commercial general liability insurance shall contain a supplemental endorsement covering contractual liability voluntarily assumed by CITY under this Temporary Easement Agreement. No such policy of commercial general liability insurance shall be terminated except after thirty (30) days' prior written notice to GRANTOR. At least thirty (30) days prior to the expiration of such policy of commercial general liability insurance, CITY shall furnish GRANTOR with evidence of the renewal of such policy.

6. CITY agrees to release, indemnify and hold harmless GRANTOR, and GRANTOR's employees, agents, and officers, 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 or personal 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 the operations, actions, or omissions of CITY or the public in connection with the use of the Temporary Easement Area; specifically included within this release, 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.
7. GRANTOR agrees to release, indemnify and hold harmless CITY, and CITY's employees, agents, officers and officials, (whether hired, appointed 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 the operations, actions, or omissions of GRANTOR on the Temporary Easement Area or on any adjacent premises owned by GRANTOR and/or as a result of and/or due to the presence of GRANTOR on the Temporary Easement Area or on any adjacent premises owned by GRANTOR; specifically included within this release, 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.
8. CITY agrees to defend, indemnify and hold harmless GRANTOR, and GRANTOR's employees, agents, and officers from and against any and all judgments, damages, losses, costs, claims, expenses, suits, demands, actions, causes of action, administrative orders, consent agreements and orders, liabilities, and penalties arising under any applicable federal, state, or local statute, law, or regulation relating to environmental matters which are now in force or hereinafter enacted to the extent that such have been occasioned, wholly or in part, by any condition, accident, or event caused by any negligent or intentional act or omission of CITY, or any of CITY's employees, agents, officers, officials (whether hired, appointed, or elected), contractors, subcontractors, licensees, invitees (including the public), successors, and assigns on the Temporary Easement Area which arises out of disposing, releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of "Toxic Material," "Hazardous Substances," or "Hazardous Waste" during the term of this Temporary Easement Agreement or the performance or failure to perform any abatement activities required by any appropriate federal, state, or local government authority with regard thereto.
9. GRANTOR agrees to defend, indemnify and hold harmless CITY, and CITY's employees, agents, and officers, and officials (whether hired, appointed, or elected), from and against any and all judgments, damages, losses, costs, claims, expenses, suits, demands, actions, causes of action, administrative orders, consent agreements and orders, liabilities, and penalties arising under any applicable federal, state, or local statute, law, or regulation relating to environmental matters which are now in force or hereinafter enacted to the extent that such have been occasioned, wholly or in part, by any condition, accident, or event caused by any negligent or intentional act or omission of GRANTOR, or any of GRANTOR's employees, agents, officers, contractors, subcontractors, licensees, invitees (excluding the public), successors, and assigns on the Temporary Easement Area which arises out of disposing, releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of "Toxic Material," "Hazardous Substances," or "Hazardous Waste" prior to or during the term of this Temporary Easement Agreement or the performance or failure to perform any abatement activities required by any appropriate federal, state, or local government authority with regard thereto.
10. This Temporary Easement Agreement shall be effective as of the day and year first above written and, unless earlier terminated by GRANTOR, shall expire as of December 31, 2016. GRANTOR reserves the right to cancel this Temporary Easement Agreement at its sole discretion upon thirty (30) days' prior written notice to CITY. Upon receipt of such notice, CITY will have thirty (30) days to cease its use of the Temporary Easement Area, to remove all improvements which CITY has installed on the Temporary Easement Area, and to restore the Temporary Easement Area to the condition which it was in as of the day and year first above written.
11. This Temporary Easement Agreement shall be constructed and enforced in accordance with the internal laws of the State of Wisconsin.
12. All notices to either party to this Temporary Easement Agreement shall be delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the other party at that party's last known address. Either party may change its address for notice by providing written notice to the other party.

13. Enforcement of this Temporary Easement Agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Temporary Easement Agreement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Temporary Easement Agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the nonprevailing party.

14. Nothing in this Temporary Easement Agreement shall be deemed to be a gift or dedication of any portion of the Temporary Easement Area to the general public or for any public purpose whatsoever. CITY and GRANTOR agree to cooperate with each other and to take such measures as may be necessary to prevent the dedication to the public of the Temporary Easement Area, whether by express grant, implication, or prescription. These measures may include, without limitation, the posting of "Private Parking Lot", "No Through Traffic", or "No Trespassing" signs. Such measures shall not, however, unreasonably interfere with the easement rights granted under this Temporary Easement Agreement.

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

WILSON-HURD MFG. CO.

CITY OF WAUSAU

Dan Wieselmann, Vice President Finance

Mayor

Toni Rayala, Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this ____ day of _____, 2016, the above named Dan Wieselmann of Wilson-Hurd Manufacturing Company, to me known to be the person(s) 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 _____, 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: _____

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



Marathon County-City of Wausau IMS



- Legend**
- Municipal Boundary
 - Parcels
 - Owner Last Name
 - Parcel Annotation
 - Hooks
 - Section Lines/Numbers

Scale: 1" = 100 feet

4/22/2008 10:20:15 AM.

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.

WILSON HARDWARE

TWO LIGHT FIXTURES
EACH WITH TWO FLOOD
TYPE FIXTURES

G B VENDING

15 HIG ST

CITY OF WAUSAU



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

RESOLUTION OF THE PLAN COMMISSION	
Accepting a public sculpture along the River Edge Parkway at 146 W. Washington Street.	
Committee Action:	Approved 6-0
Fiscal Impact:	None.
File Number:	16-0412
Date Introduced:	April 26, 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>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 Plan Commission met on April 19, 2016, to review a request by the Rotary Club of Wausau, to accept donation of a public sculpture along the River Edge Parkway in Downtown Wausau; and

WHEREAS, Wisconsin Statutes [62.23(5)] state: *"The council... shall refer to the city plan commission, for its consideration and report before final action is taken by the council ... the following matters: ... the location of any statue or memorial."*

WHEREAS, public art enriches the lives of residents and visitors, and can provide economic benefits to a community; and

WHEREAS, the Rotary Club would like the proposed sculpture to serve as a catalyst for additional public art, including an Art Trail along the River Edge Parkway; and

WHEREAS, Wausau has historically been a strong community for the arts with first-class cultural institutions; and

WHEREAS, the proposed sculpture would be located along Washington Street, visible from the street and near two existing sculptures; and

WHEREAS, the specific location would not interfere with operation of the River Edge Parkway or with special events at the kayak course; and

WHEREAS, the parcel of land on which the sculpture would sit is currently owned by the Community Development Authority of Wausau, but will be transferred to the City of Wausau prior to installation of the sculpture; and

WHEREAS, a legal agreement will be executed outlining the details of ownership, maintenance, insurance/liability, timelines, and other rights and responsibilities of the parties; now therefore

BE IT RESOLVED that the Common Council of the City of Wausau hereby approves the acceptance of the sculpture, as presented; and

BE IT FURTHER RESOLVED that the Common Council authorizes City Staff to execute the legal agreement outlining the rights and responsibilities of all parties involved.

Approved:

Robert B. Mielke, Mayor

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, April 19, 2016, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

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

Others Present: Lenz, Hebert, Williams, Werth

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 dedicating a sculpture along the River Edge Parkway at 146 West Washington Street.

Lenz passed out a parcel map of the proposed location for the sculpture. He said Plan Commission is the body that starts the approval process with Common Council giving final approval.

Kathleen Williams, 2404 Fern Lane, said that she is here on behalf of the Rotary Club of Wausau to address the proposal. Williams extended thanks to the commission to hear the request and staff for taking time over the past few years to review the proposal. Kathleen introduced the other members of the Rotary Club of Wausau that were present. Williams told the commission of the mission statement of the club and what the club stands for. Williams said that the club would like to serve as a catalyst for the community. Two initial projects will be located at Bluegill Bay and in the city of Wausau. The large statute will be made of stainless steel and a rare wood. 'Is it beneficial to all concerned?' will be engraved on the statute. The idea of a reflections art trail is something that could be something extraordinary in the community. Prominent citizens in the Wausau area will serve as Board of Directors to help manage the projects. The art trail could build a bigger sense of community and bridge generations together. Williams told the commission a listing of people that have agreed to serve on the Board of Directors. This display of art could draw people to the site. Williams told some history of other art trails that have economically helped communities. Williams passed out books and pamphlets of what the community could morph into. Williams asked the commission to approve placement of the sculpture and would love it if the trail could get endorsed.

Mayor Tipple said that he would need to abstain from this vote, but said it is a fabulous project.

Gisselman asked what the symbolism of the statue is. Williams said that it shows people hold each other up and work together like gears to benefit the whole community. Williams also said that she would like to have QR codes on artwork so that the pieces could be followed and that people could find out information on the artists.

Werth said that Community Development Authority just approved to have the property deeded back to the city and they are in favor of the project.

Lenz said that the staff report outlines that some details need to be worked out. An agreement will be drafted that spells out ownership, timelines, maintenance, and liability.

Williams said that paperwork has been submitted for the organization to be incorporated.

Gisselman asked if this element could be incorporated into the Comprehensive Plan. Lenz said the Cultural Resources chapter could include language recommending an arts commission or similar group.

Oberbeck motioned to dedicate a sculpture along the River Edge Parkway at 146 West Washington Street. Atwell seconded, and the motion carried unanimously 5-0. Mayor Tipple abstained from the vote.



Memorandum

From: Brad Lenz
To: Plan Commission
Date: April 14, 2016
Subject: Dedicating a Sculpture for the River Edge Parkway

The Rotary Club of Wausau is seeking to install a sculpture along the River Edge Parkway in Downtown Wausau. See the attached aerial photo for the proposed location. This sculpture would be the first in a larger public art initiative known as “*Reflections Art Trail-Wausau.*” See the attached summary for more details.

To officially designate a public sculpture, the Wisconsin Statutes [62.23(5)] state: *“The council... shall refer to the city plan commission, for its consideration and report before final action is taken by the council ... the following matters: ... the location of any statue or memorial.”*

The proposed location is along the River Edge Parkway near two existing public sculptures. The specific location of the proposed sculpture would be visible from Washington Street but would not interfere with operations of the River Edge Parkway or with events at the kayak course. The parcel of land on which the sculpture would sit is technically owned by the Community Development Authority of Wausau. City staff is currently seeking their approval for placement of the sculpture.

Staff recommends acceptance of the sculpture at the proposed location. Details of the rights and responsibilities of all parties involved (including the City, artist, property owner, and participating organizations) should be worked out in a signed agreement. This agreement should spell out details of ownership, timelines, maintenance, and insurance/liability.

Project Name: Reflections Art Trail- Wausau

Contact Person: Dr. Kathleen Williams, Rotary Club of Wausau, Member and Board of Directors, Reflections Art Trail-Wausau, Chair

630.795.9994 or kathleenwilliamsconsulting@gmail.com

Project Summary:

The Rotary Club of Wausau (RCW) would like to serve as a catalyst for the community to begin an ongoing program and display of public art throughout Wausau. To begin this initiative and to commemorate the 100th Anniversary of the RCW, two initial projects are being proposed: a sculpture to be located at the entrance of the city's River Trail (off of Stewart Avenue/Washington Street behind the library) and 2) a series of designed stepping stones to be located at Blue Gill Bay (the focus of RCW's clean water/pond project).

The sculpture will be created by a professional artist from Wisconsin, Carl Grommell, and will be approximately 10' high, 5'3" wide, and 26" deep and will be made of stainless steel and a rare wood called Ipe. It will be entitled "Beneficial" as it will have the engraved phrase, "Is it Beneficial to All Concerned?".

The stepping stones will be created by students attending classes at the Center for Visual Arts (but professionally finished to enhance longevity). Marathon County has already agreed to place the stepping stones at the park.

Further, the Rotary Club of Wausau has initiated the development of a community-based corporation entitled *Reflections Art Trail-Wausau* to assist in the acquisition of additional pieces of art to be placed with your permission along the River Trail, downtown Wausau, as well as potentially other locations throughout the city, such as Blue Gill Bay, downtown, and Monk Gardens. Currently, prominent citizens in the

Wausau area have agreed to serve on the board of directors of the *Reflections Art Trail-Wausau* in order to add beauty to the town, build a stronger sense of community, and bridge generations by paying tribute to Wausau through a diverse collection of murals, mosaics, sculptures, and other public arts. Currently, we would like an Ex Officio member to serve on this board from the city.

Further, I have reached out to several foundations to assist in the funding of two additional sculptures, and there seems to be strong interest.

The proposed Board will be a 501 (3) (c) not-for-profit organization composed of approximately ten individuals who have expertise in and/or a love of the arts, as well as a strong desire to create another element to Wausau to draw visitors to our community.

An attorney, Bill Tehan of Ruder Ware and affiliated with Rotary, is assisting legal requirements of the corporation. The purpose of the Board of Directors will be to:

1. Develop a vision statement(s), related goals, and an annual action plan for the creation and development of a *Reflections Art Trail-Wausau*.
2. Pursue and provide recommendations to the City of Wausau or County of Marathon regarding annual selection(s) and placement of art for outdoor public display and to be routinely added to the *Reflections Art Trail-Wausau*.
3. Promote the identification and development of available resources related to the acquisition of new art works to be added to the *Reflections Art Trail-Wausau*.

Targeted Population: General Public

Program Area: Visual Arts

Geographic Area Served: City of Wausau

Request Type: Capital Improvement and Development

Public Component:

The sculpture will be permanently placed at the River Trail and the stepping stones at Blue Gill Bay. Countless visitors will be able to view the art work 24/7. The RCW will sponsor a public Commemorative Celebration following placement and unveiling of the art work.

Our Objectives include:

- * provide a sculpture to be placed at the entrance to the River Trail (Stewart Avenue)
- * provide student-created mosaic stepping stones at Blue Gill Bay to enhance and highlight the RCW's pond/water clean-up project at that site
- * assist with the coordination of other local entities and experts (arts administrators, arts councils, organizations) to create a project oversight council/Board of Directors called Reflections Art Trail-Wausau to serve as the life blood behind the project, to seek out quality art, and to secure funding for the art.
- * acquire additional pieces of art for the City of Wausau

Members of the RCW have reached out to many members of our community to seek their support, such as Kathy Foley, Director of the Woodson Art Museum, Jim O'Connell and Sean Wright formerly and currently, respectively, of The Grand Theatre, C. Ann Dietrich and Rose DeHut of the CVA, Central Wausau Progress, Mayor Tipple, Ann Werth, City of Wausau River Trail Sub-committee, area artists (Tom Fleming, Diana Budde, Kate Bradley, and David Hummer) and have engaged countless other citizens.

The display of art along the River Trail could be a major catalyst to draw people to the site and where they can contribute to the economy of the area and Wausau. This array of art eventually can serve to be yet another source of pride for Wausau and its citizens.

The first commemorative work of art can be placed on the River Trail sometime spring 2017.

Community Need:

Wausau residents' and visitors' lives will be enriched culturally and aesthetically by this project. Our community as a whole should be economically enhanced because of it, as well, drawing people from many geographic areas. Take for example the little town of Chamainus, British Columbia, that developed a project of art murals following the closure of its local paper mill; a major blow to its economy. After developing wide-scale art mural projects produced by internationally acclaimed artists, Chamainus reported in 1996 that it was visited by an estimated 400,000 tourists annually. Those numbers reflected an additional six million dollars to its economy.

The Wausau community prides itself on its artistic and cultural focus. Beginning our own Art Trail will contribute to the beauty and appeal that Wausau enjoys while celebrating its contributors and rich history. Further, placement of this first commemorative piece of art on the River Trail will draw individuals to an area currently being developed by the city in a further attempt to boost our economy and pride. Those visitors will likely visit other parts of our city potentially considering working or living here. Wausau has the opportunity to become even more appealing.

Similar Projects:

The Leigh-Yawkey Woodson Art Museum has on its campus an outdoor "gallery" of sculptures. The project the RCW proposes is different in that a variety of locations (River Trail and Blue Gill Bay) are being targeted for art placement and the array of art, eventually, will be developed and expanded. The intent is to promote this effort as an ongoing endeavor.

Additionally, in close proximity to the River Trail is the bronze "Kayakers" sculpture and fountain; a project of the morning club of Rotary. At the 400 Block is a recently placed Raven commemorating the 50th Anniversary of Artrageous. The art work proposed will enhance further the culturally and artistically rich tradition Wausau enjoys. QR Codes eventually will be developed to indicate 24/7 information about the artist and art work.

Collaboration:

As mentioned previously, meetings have occurred with Mayor Tipple and Ann Werth, Community Development Director, presentations were delivered to the River Trail Subcommittee (who are in support of the project) and Central Wausau Progress (following the presentation, the group voted to support the idea). Meetings also were held with Rose DeHut and C. Ann Dietrich, Executive Director and President of the Center of the Visual Arts, respectively, who have agreed to have their students participate in the creation of the mosaic stepping stones.

The Community Foundation of North Central Wisconsin has awarded a grant to support this effort.

Wisconsin Public Service has awarded a grant to fund this project.

The Rotary Club of Wausau has raised enough money to fund this project.

Evaluation:

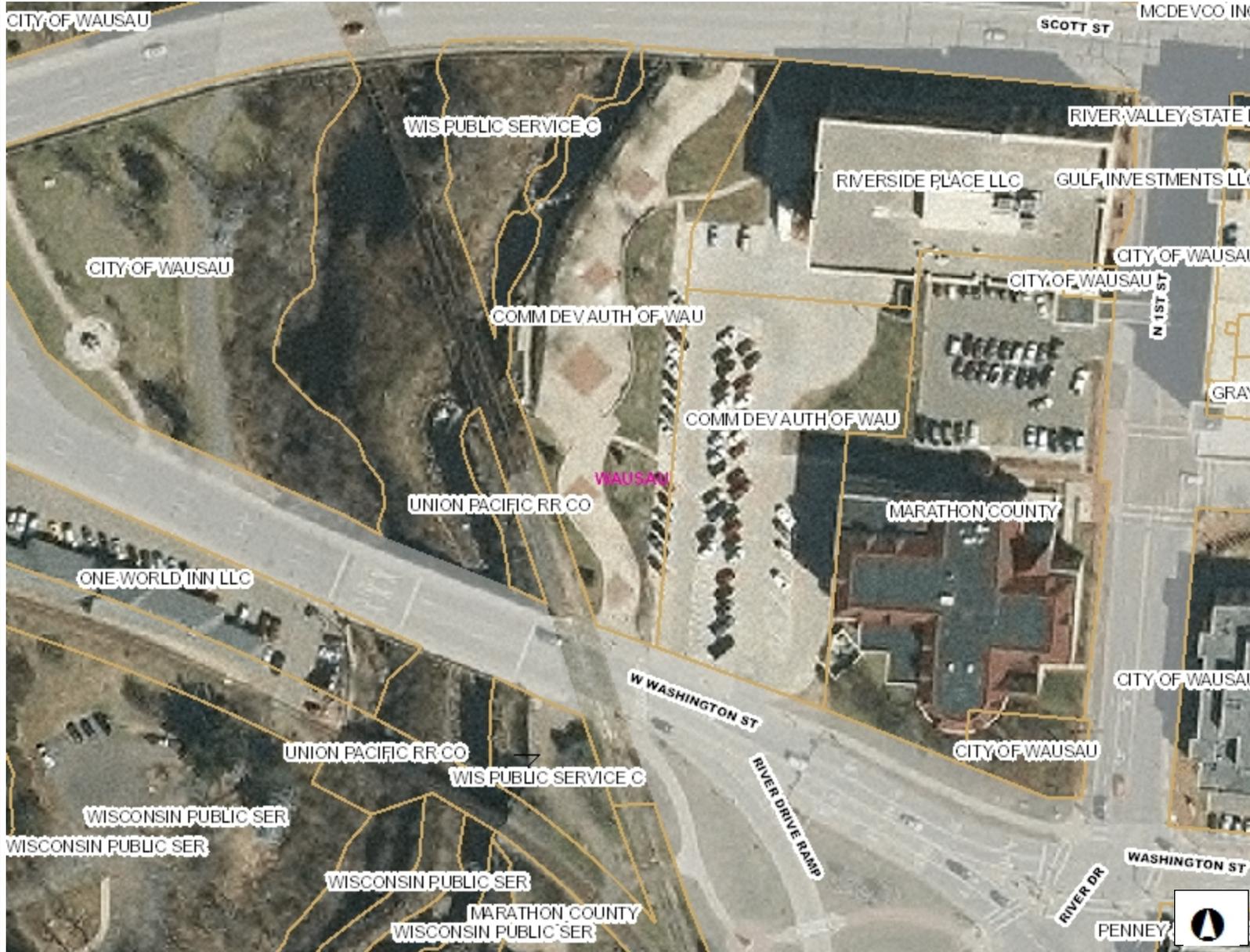
The RCW will work with the City of Wausau, Marathon County, and the Wausau Area Visitors and Information Bureau to determine what baseline data regarding current visitor attendance and economic impact has occurred in Wausau and then compare those numbers to post art work placement.

Additionally, public opinion potentially will be monitored through media reports/surveys and will no doubt serve as the driving force to produce more art work displays throughout our community.

Funding

The Rotary Club of Wausau has raised funds to sponsor the sculpture and the stepping stones. Additionally, funds may be available for outdoor lighting to enhance the sculpture, if permitted.

Year of Incorporation of the Rotary Club of Wausau : 1905



Legend

- Owner Last Names
- Parcels
- Land Hooks
- Right Of Ways
- Road Names
- Named Places
- Municipalities
- 2015 Orthos
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

55.91 0 55.91 Feet



User_Defined_Lambert_Conformal_Conic

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Existing kayak sculpture

Proposed sculpture

Existing "peace" sculpture

Orientation: North
Zoom Level: Neighborhood
Type: Angled
File: WICWAU001010NeighOblig6751N_120329.p
Date: 2012/03/29
Scale: 50%

CONFIRMATION OF MAYOR'S APPOINTMENTS

to Boards, Commissions and Committees: *Bicycle & Pedestrian Advisory Committee; Board of Review*

File Number: 16-0403 **Date Introduced:** April 26, 2016

Bicycle & Pedestrian Advisory Committee

Andrew Plath *Reappointment	111 S 4th Avenue	Term Expires 4/30/18	715-842-7120
Aaron Ruff *Reappointment	1000 Lake View Drive	Term Expires 4/30/18	715-261-1935
Susan Schmidt *Replacing Keith Draheim	3949 Henry Street	Term Expires 4/30/18	715-573-4800
Dawn Follendorf *Reappointment	2314 Midway Blvd	Term Expires 4/30/18	715-348-1459

Board of Review

Aaron Zitzelsberger *Replacing Brad Bollmann	1503 McIndoe Court	Term Expires 4/30/21	608-852-5926
Monty Raskin (1) *New Appointment	N 7th Ave PO Box 382	Term Expires 4/30/21	715-675-0337

- (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:

Robert B. Mielke, Mayor

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

RESOLUTION OF THE FINANCE COMMITTEE	
Authorizing Various Room Tax Grants and modification of the 2016 Budget	
Committee Action:	Approved 5-0
Fiscal Impact:	\$49,000
File Number:	15-1109
Date Introduced:	April 26, 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: Room Tax Revenue</i>
	<i>One-time Costs:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: \$49,000</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: Room Tax \$49,000</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 Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue <input type="checkbox"/> Debt <input type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/></i>		

WHEREAS, the City of Wausau adopted a room tax policy for the use of room tax revenues to assist with funding services necessary to support visitors that would otherwise be borne by local taxpayers as well as to promote, protect, preserve and invest in activities and facilities that make Wausau a more attractive and compelling destination for visitors and residents alike, and

WHEREAS, a preliminary 2016 budget was adopted by the Council based upon room tax applications received for the August 2015 allocation period; and

WHEREAS, the Finance Committee has reviewed the applications, and heard program testimony and recommends funding for February requests and a modified budget as provided on Exhibit A.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wausau that the proper City official(s) be authorized and directed to modify the 2016 budget as presented on Exhibit A and to authorize the room tax grants as itemized with funding to come from the Room Tax Fund.

BE IT FURTHER RESOLVED, that the proper City Officials are hereby authorized and directed to publish the budget modification in the official newspaper as required.

Approved:

Robert B. Mielke, Mayor

**CITY OF WAUSAU
ROOM TAX FINANCE COMMITTEE PROPOSED BUDGET 2016**

		2016 BUDGET MODIFICATION
Wausau Area 4th of July Celebration, Inc.	151-151097212	<i>7,700</i>
Wausau Events - Screen on the Green	151-151097255	<i>3,000</i>
Wausau Events - Balloon Rally	151-151097249	<i>10,000</i>
Wausau Events - Market Place Thursdays	151-151097252	<i>5,000</i>
Wausau Events - Beer and Bacon	151-151097257	<i>3,000</i>
Festival of Arts	151-151097241	<i>5,000</i>
Wausau Community Theater	151-151097244	<i>2,500</i>
Chalkfest	151-151097248	<i>800</i>
Wausau Symphony Band	151-151097251	<i>4,000</i>
Main Street First Thursdays Event	151-151097258	<i>1,500</i>
Main Street Dining Week	151-151097259	<i>2,000</i>
Wausau Artrageous Weekend	151-151097219	<i>4,500</i>
		<hr/> \$49,000 <hr/>
 Room Tax Revenue	 151-151081210	 <hr/> \$49,000 <hr/>

FINANCE COMMITTEE

Date and Time: Thursday, April 7, 2016 @ 5:00 pm., Board Room

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

ED Members Present: Nagle (C), Rasmussen, Nutting, Wagner, Neal

Others Present: Tipple, Groat, Lindman, Jacobson, Ra, Kujawa, Schock, Stratz, Lepinski, Goede, and other interested parties.

Discussion and possible action regarding the 2016 room tax grant awards and related budget modification

Groat stated we have a two times per year allocation process; continuing appropriations received approval last fall which were incorporated into the 2016 budget. She referred to the summary of those that have submitted requests through the spring of 2016. She indicated there are a couple of new requests: Wausau Events has submitted a request for a Beer & Bacon Festival; Wausau Symphony Band has submitted a request for \$4,000; and Main Street Dining Week submitted a request for \$2,000. She stated if they funded all of the requests there would be a projected deficit of \$26,000, based on estimated revenue of 750,000. She noted the 2015 Room Tax collection was \$845,000, so we do have a very conservative revenue estimate.

Groat pointed out this is the last year they will be giving grants because effective January 1, 2017, it is taken out of the city's hands. The CVB will be receiving the funds, but the city will keep 30%. Discussion followed.

Motion by Nagle, second by Mielke to allocate the room tax requests as presented and approve the related budget modification. Motion carried 5-0.



TO: FINANCE COMMITTEE MEMBERS
FROM: MARYANNE GROAT
DATE: March 16, 2015

SUBJECT: 2016 Room Tax Fund Budget

Purpose: To present for Committee consideration the Room Tax Applications submitted at the end of February for consideration in the 2016.

Background Information

The City of Wausau collects and disburses room tax based upon the Wausau Code, the room tax policy and the CVB contract. The City's room tax rate of 8% is the maximum allowed by Wisconsin Statutes. The City of Wausau is exempt from the state provision regulating expenditure of 70% of room tax on tourism promotion and development, since our rate was established prior to May 13, 1994. In 2014, the City initiated a change to our ordinance which allows hotels to retain 1% of the room tax funds they collect.

Attached is a copy of the room tax policy. The policy guarantees funding to those entities outlined in the Continuing Appropriation section of the policy. The City has a written contract with the CVB that commits room tax for CVB and Sports Authority operations. These funds are percentage based on room taxes collected and remitted quarterly.

2016 will be the last year the City will be able to entertain applications for Room Tax because beginning in 2017 funds will need to be remitted to a commission for allocation to tourism.

Twice per year, August and February, not-for-profits can apply for room tax funds. The continuing appropriation members complete an abbreviated application each fall. The City includes the August applications and funding for continuing appropriation entities within the next year's budget. After the February applications are compiled, the committee considers the additional applications and makes any final adjustments to the allocations as deemed appropriate.

A history of room tax collections is:

2015	\$845,155
2014	\$809,198
2013	\$767,192
2012	\$739,569
2011	\$692,704

Attached is a proposed budget that includes the following:

- Room Tax Revenue of \$750,000
- Continuing Contribution Recipients funding at 2015 levels as approved by the 2016 budget.
- 400 Block, Capital Projects and General Fund transfers contained in the 2016 budget.

- The fall event and marketing requests approved within the 2016 budget.
- The spring 2016 requests which are highlighted in pink. This includes two brand new community events Beer and Bacon from Wausau Area Events and Wausau Dining Week from Main Street. The Wausau Symphony has also requested funds in the amount of \$4,000.
- Increase requests include: the 4th of July is requesting a \$4,040 increase, Festival of Arts is requesting a \$2,000 increase.
- The following events are decreasing their financial support requests: Market Place Thursdays \$1,000, Chalkfest \$200, First Thursdays \$1,000.

To accommodate all requests the Finance Committee would need to modify the revenue estimate from \$750,000 to \$793,000. This would result in an accumulated surplus of \$441.

**CITY OF WAUSAU
ROOM TAX FINANCE COMMITTEE PROPOSED BUDGET 2016**

		2016 ADOPTED BUDGET	
FUND BALANCE December 31, 2015			\$ 82,126
2016 ESTIMATED REVENUES		\$ 750,000	
EXPENSES	Prior year collections		\$ 845,155
CONTINUING CONTRIBUTIONS			
	CVB <i>(2.5% of Room Tax Rate or .3125%)</i>	\$ 234,375	
	SPORTS MARKETING FUND <i>(.5% of Room Tax Rate or .0625%)</i>	46,875	
		281,250	
	WAUSAU EVENTS, INC 10.25%	\$ 79,004	
	MAIN STREET 5.00%	30,000	
	PERFORMING ARTS 6.50%	50,100	
	WOODSON ART MUSEUM 4.30%	33,143	
	HISTORICAL SOCIETY 3.00%	23,123	
	CONCERT BAND 1.00%	7,708	
	CENTER FOR VISUAL ARTS 1.50%	11,562	
	400 BLOCK	31,200	
	CAPITAL PROJECTS FUND	40,000	
	CITY FUNDING 25.00%	187,500	
TOTAL CONTINUING CONTRIBUTIONS		\$ 493,340	
ROOM TAX RETAINED BY HOTELS			7,500
2016 ROOM TAX REQUESTS - EVENTS AND MARKETING			
Fall 2015 Requests		2015 BUDGET	
	Wausau Kayak and Canoe Corporation - Event	\$ 12,000	\$ 12,000
	Central Stage Band	-	5,000
	Wausau Events WinterFest - Event	5,000	4,000
Spring 2016 Requests			
	Wausau Area 4th of July Celebration, Inc.	7,700	11,740
	Wausau Events - Screen on the Green	3,000	3,000
	Wausau Events - Balloon Rally	10,000	10,000
	Wausau Events - Market Place Thursdays	6,000	5,000
	Wausau Events - Beer and Bacon	-	3,000
	Festival of Arts	5,000	7,000
	Wausau Community Theater	2,500	2,500
	Chalkfest	1,000	800
	Wausau Symphony Band	-	4,000
	Main Street First Thursdays Event	2,500	1,500
	Main Street Dining Week	-	2,000
	Wausau Artrageous Weekend	4,500	4,500
		\$ 59,200	\$ 76,040
PROJECTED FUNDS AVAILABLE 12/31/2015			\$ (26,004)

CITY OF WAUSAU, WISCONSIN ROOM TAX POLICIES

The City of Wausau maintains a room tax to assist with funding services necessary to support and attract visitors that would otherwise be borne by local taxpayers as well as to promote, protect, preserve and invest in activities and facilities that make Wausau a more attractive, safe and compelling destination for visitors and residents alike.

City of Wausau ordinance 3.25.030 Collection and Distribution shall be followed.

The annual budget for room tax revenues shall be determined by the Finance Director and approved by the Finance Committee based on actual receipts from the prior full calendar year for which data is available as the city's budget is being prepared along with reasonable projections. The following annual distributions shall occur:

CONTINUING ANNUAL APPROPRIATIONS:

The city shall contribute an amount equal to 31.25% of actual current collections to the Wausau/Central Wisconsin Convention & Visitors Bureau, and an additional 6.25% for Badger State Games as governed by agreement with CWCVB.

In addition to the CWCVB, the City of Wausau recognizes other not-for-profit organizations that have demonstrated their significance as a destination for visitors and residents. These organizations shall receive an annual allocation of room tax revenues which shall be apportioned as follows:

Wausau Area Events: An amount of \$65,600 but not greater than 10.25% of immediate prior year collections. It is intended that this amount be used to fund operating expenses. Additional amounts for specific events such as Chalkfest, Concerts on the Square, Wausau Hot Air Balloon Rally & Glow and certain other events will be funded separately through the Room Tax Grants portion.

Wausau Main Street: An amount of \$30,000 but not greater than 5% of immediate prior year collections, however, the total City contribution to Main Street shall not exceed one-third of the annual Main Street budget.

Grand Theater – Performing Arts Foundation: An amount of \$45,000 but not greater than 6.5% of immediate prior year collections.

Leigh Yawkey Woodson Art Museum: An amount of \$30,100 but not greater than 4.30% of immediate prior year collections.

Marathon County Historical Society: An amount of \$21,000 but not greater than 3% of immediate prior year collections.

Center for the Visual Arts: An amount of \$10,000 but not greater than 1.5% of immediate prior year collections.

Wausau Concert Band: An amount of \$6,500 but not greater than 1% of immediate prior year collections.

Each organization shall submit complete annual financial reports and include the City logo on promotional materials.

In addition to these allocations the City of Wausau operations will benefit from Room Tax Collections as follows:

- General Fund will be allocated a sum of 25% of projected room tax collections to offset operating costs.

ROOM TAX GRANT PROGRAM:

To the extent that funds are available, the Finance Committee will consider, semi-annually (August 30th and February 28th) applications for room tax grants from outside organizations which clearly show benefits to the City of Wausau in the following categories: economic development, tourism and special community events or projects which enhance the quality of life.

There are three categories in which grants are awarded. Capital projects, Events, and Marketing efforts:

Capital costs associated with acquisition, restoration, enhancement, construction or expansion of existing facilities, sites or attractions for the purpose of accommodating tourism or increased tourism attraction, or for the purpose of providing new or increased programming.

Events including festivals, celebrations, shows, performances, special exhibits or displays and other events, particularly those that will attract outside visitors will be considered in this category. The maximum grant available is \$15,000.

Marketing efforts including the development and implementation of a marketing plan designed to increase visitation to an attraction or event. The maximum grant available is \$7,500.

All organizations should attempt to demonstrate their plan towards event self-sufficiency. Interested organizations must submit timely and meet the requirements and specifications identified within the applications instructions. The Finance Committee will review the funding requests and forward a recommendation to Common Council for incorporation within the annual budget.

OTHER:

Any monies remaining at yearend will stay within the segregated room tax fund for allocations in subsequent budget cycles.

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 charge back the taxes to the participating taxing jurisdictions pursuant to State Law.

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 as indicated and publish such transfer in the official newspaper.

Approved:

Robert B. Mielke, Mayor

FINANCE COMMITTEE

Date and Time: Thursday, April 7, 2016 @ 5:00 pm., Board Room

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

Others Present: Tipple, Groat, Lindman, Jacobson, Ra, Kujawa, Schock, Stratz, Lepinski, Goede, and other interested parties.

Discussion and possible action regarding budget modification Walgreens 2015 excessive taxes

Groat explained when they approved the agreement for excessive taxes with Walgreens the 2015 tax bills weren't developed yet, so we didn't know what the taxes were going to be. The agreement stated that we will pay them any increase in value over \$2.2 million, which will represent about a \$60,058.47 refund. We did not anticipate this in the budget because it was already approved, so this is a modification. She noted the law now states we will be reimbursed by the other taxing entities, so our share is actually approximately \$20,000. She indicated it would come from the Contingency Fund for our net amount.

Motion by Nagle, second by Mielke to approve the budget modification for Walgreens excessive taxes. Motion carried 5-0.

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

RESOLUTION OF THE FINANCE COMMITTEE	
Amending the Budget Policy for Utility Fund Budget Modifications	
Committee Action:	Approved 5-0
Fiscal Impact:	None
File Number:	01-1106
Date Introduced:	April 26, 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 April 7, 2016 meeting, considered and recommends the attached revision to the Budget Policy which modifies the approval process of Water and Sewer Utility budget modifications.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau that the Budget Policy which is attached hereto and incorporated herein by reference is hereby adopted as the Budget 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:

Robert B. Mielke, Mayor

FINANCE COMMITTEE

Date and Time: Thursday, April 7, 2016 @ 5:00 pm., Board Room

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

Others Present: Tipple, Groat, Lindman, Jacobson, Ra, Kujawa, Schock, Stratz, Lepinski, Goede, and other interested parties.

Discussion and possible action on modification of the budget policy to provide budget modification oversight of the Water and Sewer Utility Funds to the Water Utility Commission

Oberbeck questioned why the city council would not have oversight of the Water Commission when they modify the budget. Groat stated the purpose of this item is to start a conversation, because the state statutes seem to give utility commissions more authority than the City of Wausau has recognized in the past, particularly when it comes to the finances of the utility. Currently the utility commission approves the budget modification as it's outlined in the state statutes and in our municipal code; then it comes to Finance Committee and then, on to Common Council. She questioned if they would like to mitigate some of that red tape by taking it directly from the commission to Council, eliminating one step. Another option would be to delegate all of the authority for budget modification to the Water and Sewer Commission.

Lindman stated the ordinance states that the utility commission has the financial authority to do this; they can let bids and do contracts. He felt if they were going to make the decisions come through Finance, then they would need to amend the ordinance. He noted the utilities generate revenue for the utility, they maintain their own financial records and they are brought monthly to the commission meetings. He recommended taking modifications from the commission directly to Council.

Motion by Mielke, second by Kellbach to remove the Finance Committee from the process and go directly from the commission to the Council. Approved 5-0.

City of Wausau

BUDGETARY POLICY

The following policies guide the development of the City annual budget and help manage the financial pressures due to growing demands on city resources and services, while preserving the long-term fiscal stability.

Budget Communication

Public involvement shall be encouraged in the annual budget process to ensure that the budget aligns with citizen priorities and to promote a well-informed community. An annual budget calendar will be adopted by the Finance Committee to communicate the process and timelines involved.

Budget Priorities

The City Council shall develop and pass a formal statement of budget priorities at the beginning of each annual budget cycle. The City's annual budget will be developed in accordance with the policies and priorities set forth in the comprehensive plan, the five year strategic financial plan, city council goals, the needs of the community and federal and state laws.

Budget Process

1. Annually, the Common Council acting as a Committee of the Whole will convene, at their first meeting in March to develop a formal statement of budget priorities for the ensuing year.
2. The Mayor will develop budget directives reflecting the priorities established which will guide departments with the development of their budgets.
3. Department directors have primary responsibility for preparing their budgets in compliance with budget directives.
4. The Mayor will review the departmental budget requests to determine whether they fulfill the budget priorities.
5. The Mayor and staff will develop a proposed budget and submit to the Finance Committee for consideration at the first meeting in October.
6. The Finance Committee will review the budget and make recommendations to the Common Council for approval.
7. A public hearing in compliance with Wisconsin State Statutes will be conducted to obtain final input on the budget prior to Council consideration.

Basis of Budgeting

The City's budget shall be prepared on a basis consistent with generally accepted accounting principles. Budgets shall be adopted for all funds except trust and agency funds.

Budget Document

The budget document is an important device for communicating the City's budget priorities and policy decisions. The budget shall be a detailed comprehensive document that outlines council priorities, and provides adequate detail on departmental responsibilities, mission, organizational structure, goals and objectives and financial information. The budget document shall also include a narrative summarizing the major budget issues, a summary of personnel changes and staffing levels, historical information on property taxes and rates and a review of state aids. The budget document will contain detail on the outstanding debt and a summary of the debt retirement by year along with the capital budget.

Budget Monitoring

The Finance Director will prepare and submit to the Finance Committee a monthly financial report providing a statement of combined revenues and expenses for all funds. The financial report will provide a budget, actual and prior year comparison along with narrative outlining areas of concern or points of interest.

The Finance Director will prepare and submit to the Finance Committee on a quarterly basis a financial forecast of personnel service costs compared to budget accompanied by a narrative outlining areas of concern or interest.

Five Year Financial Plan

Long term financial forecasts provide insight into potential future financial problems so that action can be taken on a proactive basis. The Finance Department shall maintain a long-term financial forecast of the General Fund and present the report to the Common Council at the beginning of the annual budget process.

Balanced Budget

General Fund- The General Fund, which is the main operating fund of the City, is required to have a balanced budget, meaning that total anticipated recurring revenues will equal total budgeted recurring expenditures.

Other Funds - Non-general funds shall be considered balanced when budgeted expenditures are equal to or less than the amount of budgeted revenues plus available fund balance. If sufficient funds are not available (such as in a Tax Increment District) a cash flow will be presented to demonstrate the long range financial impact of the deficit.

Budget Control

The City shall maintain a budgetary control system to ensure adherence to the budget. Department heads are responsible for monitoring their budget and reporting expected budget difficulties to the Finance Director. Budget control is maintained as follows:

- At the overall fund level for all funds,
- At the program level for special revenue, enterprise and internal service funds,
- At the department level for the General Fund,
- At the level of total personnel expense and total other operating expense within each program or department for all operating budgets,
- At the project level for capital budgets.

Proprietary Fund Budgets generally serve as a financial plan with revenues and costs varying with the demand for services.

Contingency Account

A contingency account of 1.5% of the general fund budget shall be maintained in the operating budget for unanticipated expenditures. If sufficient unexpended balance remains in the current year's contingency account, these funds may be carried over to the following year's budget to meet this requirement.

Budget Amendments

- The following budget amendments require written approval by the Mayor and Finance Director and shall be reported to the Finance Committee as an informational item:
 - New appropriations funded by grants, user fees or other non-tax revenues of \$5,000 or less,
 - Transfers of \$5,000 or less between programs or departments within a fund,
 - Transfers of \$5,000 or less between projects in the capital budget,Authority granted in this section specifically excludes amendments to use money budgeted for personnel costs for any other purpose.
- The following budget amendments require written approval by the Mayor and Finance Director and approval by the Finance Committee:
 - New appropriations funded by grants, user fees or other non-tax revenues of \$5,001 to 15,000,
 - Transfers of \$5,001 to 15,000 between programs or departments within a fund,
 - Transfers of \$5,001 to 15,000 between projects in the capital budget,
- The following budget amendments shall be considered by the Finance Committee and require Common Council Approval
 - New appropriations in excess of \$15,000 funded by grants, user fees, or other non-tax revenues,
 - Transfers in excess of \$15,000 between programs or departments within a fund,
 - Transfer in excess of \$15,000 between projects in the capital budget,
 - All transfers between funds,
 - Transfer from the Contingency Account,
 - Transfers from personnel costs to other budgetary line items.

- **In consideration of Wausau Municipal Code Chapter 13.04 Section 13.04.030 budget amendments of the Water and Sewer Utility Funds shall be considered by the Water and Sewer Commission:**
 - **New appropriations funded by grants, user fees or other non-tax revenues of \$5,001 to 15,000,**
 - **Transfers of \$5,001 to 15,000 between programs or departments within a fund,**
 - **Transfers of \$5,001 to 15,000 between projects in the capital budget.**

- **In consideration of Wausau Municipal Code Chapter 13.04 Section 13.04.030 budget amendments of the Water and Sewer Utility Funds shall be considered by the Water and Sewer Commission and require Common Council Approval:**
 - **New appropriations in excess of \$15,000 funded by grants, user fees, or other non-tax revenues,**
 - **Transfers in excess of \$15,000 between programs or departments within a fund,**
 - **Transfer in excess of \$15,000 between projects in the capital budget,**
 - **All transfers between funds,**
 - **Transfer from the Contingency Account,**
 - **Transfers from personnel costs to other budgetary line items.**

Cost Allocations

The City employs cost allocation plan models for a variety of purposes including: the recovery of indirect costs from grants, aids, capital projects funds, internal service funds, enterprise funds and external work-for-others.

Cost allocation models should abide by grant agreements, contracts and other applicable Federal, State and local guidelines.

Lapsing and Non-Lapsing Budgets

Budgets are classified as either lapsing (spending authority terminates at year end) or non-lapsing (spending authority continues through the life of the project). All funds are considered lapsing except, Capital Project Funds and Community Development Funds.

Carryover of Prior Year Budgeted Expenditures

Carryover requests shall be considered by the Finance Committee and require Common Council approval. Re-appropriation of unspent prior year authorizations for purposes other than their original designations shall be specifically identified.

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

RESOLUTION OF THE FINANCE COMMITTEE	
Approving Acquisition of 1038 South 15 th Avenue	
Committee Action:	Approved 4-0
Fiscal Impact:	\$142,000
File Number:	02-1005
Date Introduced:	April 26, 2016

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source:</i> TID #6
	<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 checked="" 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:</i>
	<i>TID Source:</i> Increment Revenue <input type="checkbox"/> Debt <input checked="" type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/>		

RESOLUTION

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

WHEREAS, in order for the reconstruction project to take place, certain properties will need to be acquired, and

WHEREAS, in order to acquire the necessary property for the approved road design, the City hired MSA Professional Services to administer the real estate acquisitions needed for the reconstruction project, and

WHEREAS, MSA Professional Services completed an appraisal of 1038 South 15th Avenue and on March 22, 2016, your Finance Committee approved the appraisal and directed staff to make an offer to the property owner, and

WHEREAS, the property owner has accepted the offer, 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 acquire the property of 1038 South 15th Avenue.

Approved:

Robert B. Mielke, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, March 22, 2016 @ 5:15 pm., Board Room

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

Others Present: Tipple, Groat, Lindman, Alfonso, Ray, Rubow, Kujawa, Schock, Werth, Klein, Henrichs, Mohelnitzky, Seubert, Goede, Abitz, Gisselman, Pat Peckham.

Discussion and possible action on purchasing the following properties for the Thomas Street Reconstruction project: Parcel #1 - 1038 S 15th Avenue, Parcel #29 - 1040 South 10th Avenue, Parcel #51 - 610 West Thomas Street

Lindman stated these are the first three appraisals for full takings on Thomas Street Project that need to be discussed 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

purchasing the following properties for the Thomas Street Reconstruction project: Parcel #1 - 1038 S 15th Avenue, Parcel #29 - 1040 South 10th Avenue, Parcel #51 - 610 West Thomas Street

Motion by Nutting, second by Mielke to convene in closed session. Roll Call Vote: Ayes: Nagle, Kellbach Nutting, Mielke, Oberbeck. Noes: 0. Motion carried 5-0.

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE - LONG FORM

ipa1618 08/2011 (Replaces RO692)

THIS AGREEMENT, made and entered into by and between **Jesse Towle, a single adult, Vendee and Alan Towle and Kevin L. Towle as Trustees of the Milton A. Towle Revocable Trust dated March 19, 2012**, hereinafter called SELLER, and the **City of Wausau**, hereinafter called BUYER.

DESCRIPTION: The SELLER agrees to sell and the BUYER agrees to buy, upon the terms and conditions hereinafter named, the following described real estate situated in **Marathon County, Wisconsin: see attached legal**

SELLER warrants and represents to **BUYER** that SELLER has no notice or knowledge of any: 1) Planned or commenced public improvements which may result in special assessments to otherwise materially affect the property other than the planned transportation facility for which the **BUYER** is purchasing this property; 2) Government agency or court order requiring repair, alteration, or correction of any existing condition; 3) Shoreland or special land use regulations affecting the property; 4) Underground storage tanks and the presence of any dangerous or toxic materials or conditions affecting the property.

The purchase price of said real estate shall be the sum of **One hundred forty two thousand and 00/100** dollars, (**\$142,000.00**).

THE SELLER SHALL, UPON PAYMENT OF THE PURCHASE PRICE, CONVEY THE PROPERTY BY GOOD AND SUFFICIENT WARRANTY DEED, OR OTHER CONVEYANCE PROVIDED HEREIN, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPTING: General taxes for year of closing and N/A provided none of the foregoing prohibit present use.

Legal possession of premises shall be delivered to BUYER on date of closing.

SELLER represents that the property is now occupied by **SELLER**.

Physical occupancy shall be given to BUYER on **30 days after closing**.

SPECIAL CONDITIONS: None

This agreement for purchase is subject to acceptance by BUYER. If this agreement is not accepted by the BUYER within **30** days after SELLER's signature this agreement shall be null and void.

This transaction is to be closed at the office of **Runkel Abstract & Title Company, 522 Scott Street, Wausau, WI** on or before date: **August 1, 2016**, or at such other time and place as may be agreed to in writing by the BUYER and SELLER.

THIS AGREEMENT INCLUDES THE BALANCE OF TERMS ON REVERSE SIDE.

The above agreement is hereby accepted.

Sheila Towle 4/19/16
 Witness Signature Date

Sheila Towle 4/19/16
 Print Name Date

[Signature] 4/19/16
 Seller Signature Date

Jesse Towle, Vendee
 Print Name

Charlotte Towle 4/19/16
 Charlotte Towle, vendee

The Milton A. Towle Revocable Trust dated March 19, 2012

[Signature] 4-19-16
 Seller Signature Date

Alan Towle, Trustee
 Print Name

[Signature] 4-19-16
 Seller Signature Date

Kevin L. Towle, Trustee
 Print Name Date

City of Wausau, Mayor's Signature Date

James E. Tipple
 Print Name

Project ID: Thomas Street

Parcel No.: 1

THE FOLLOWING TERMS ARE PART OF THE CONTRACT.

Included in the purchase price are such of the following items as may be on the premises, which will be delivered free and clear of encumbrances: all garden bulbs, plants, shrubs and trees; screen doors and windows; storm doors and windows; electric lighting fixtures; window shades, curtain and traverse rods, blinds, and shutters; bathroom accessory fixtures; central heating and cooling units and attached equipment; water heater and softener; linoleum cemented to floors; attached carpeting and fitted rugs; awnings; exterior attached antennas and component parts; garage door opener and remote control; fireplace equipment and accessories.

ADDITIONAL ITEMS INCLUDED IN SALE:

ITEMS NOT INCLUDED IN SALE: Dishwasher, spirea bush in backyard

General taxes levied in the year of closing shall be prorated at the time of closing on the basis of the net general taxes for the preceding year.

(**Caution:** If property has not been fully assessed, make special agreement.)

(**Caution:** If area assessments are contemplated, make special agreement.)

Interest, rents and water shall be prorated as the date of closing. Accrued income and expenses, including taxes for the day of closing, shall accrue to the SELLER.

Special assessments, if any, for work on site actually commenced prior to date of this offer, shall be paid by SELLER.

Special assessments, if any, for work on site actually commenced after date of this offer, shall be paid by BUYER.

EXISTING MORTGAGES: Mortgages existing at the time of this agreement are as follows: **Land Contract between Alan Towle and Kevin L. Towle as Trustees of the Milton A. Towle Revocable Trust dated March 19, 2012 to Jesse Towle, a single adult.**

A first mortgage held by **N/A**, mortgagee, and a subsequent mortgage held by **N/A**, mortgagee.

RIGHT OF TENANTS. The SELLER agrees to furnish the BUYER with copies of any existing leases or agreements made with tenants, if any. **N/A**

PHYSICAL DAMAGE TO PREMISES. In the event the premises shall be damaged from any cause, including fire or elements, prior to the time of closing, this agreement may be canceled at the option of the BUYER. Should the BUYER elect to carry out this agreement despite such damage, the BUYER shall be entitled to all the credit for the insurance proceeds resulting from such damage, not exceeding, however, the purchase price.

The SELLER hereby agrees, for himself, his personal representatives, his heirs, executors and administrators, that he will save harmless the BUYER from any and all claims for personal injury or damages to personal property on the premises, or any other claims which may be made by reason for such injury or damage during the period the SELLER is in possession of the said premises. The SELLER also grants to the BUYER, its agents and assigns, the right to inspect the premises at reasonable times. The SELLER assumes all responsibility for the proper maintenance of the premises to and including the date of vacation as herein above agreed.

The SELLER further agrees to pay all utility bills, and present evidence of such payment, prior to receiving the final payment under this agreement to convey the subject premises.

The SELLER further agrees to secure quit claim deeds from any and all parties having an interest in the subject premises by reason of existing share well agreements, or easements for the purpose of water rights and septic disposal rights.

The SELLER further agrees to save the BUYER harmless from any and all obligations to participate in the payment of costs accrued by reason of the operation of said water well or septic disposal system. The SELLER agrees to furnish proper documents to affect these releases.

PARTIES BOUND. This agreement shall be binding upon the heirs, personal representatives, successors, and assigns of all parties.

No representations other than those expressed herein, either oral or written are a part of this sale.

The SELLER acknowledges receipt of a copy of this agreement.

Any items requiring compensation under s. 32.19, Wis. Stats. are not included in the appraisal allocation, and have not been included in this agreement. Relocation expenses may be claimed by submitting a Relocation Claim as provided in s. 32.19, Wis. Stats., and the Wis. Administrative Code Comm 202.

City of Wausau

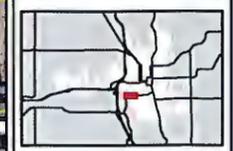


1 inch = 100 feet

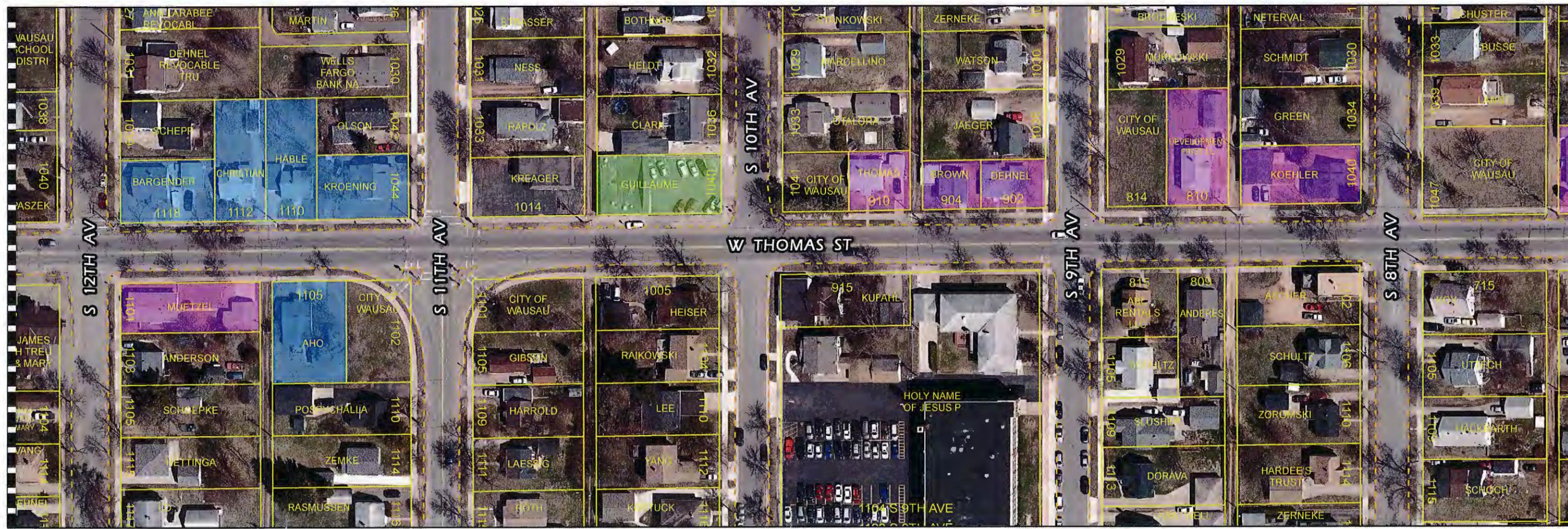
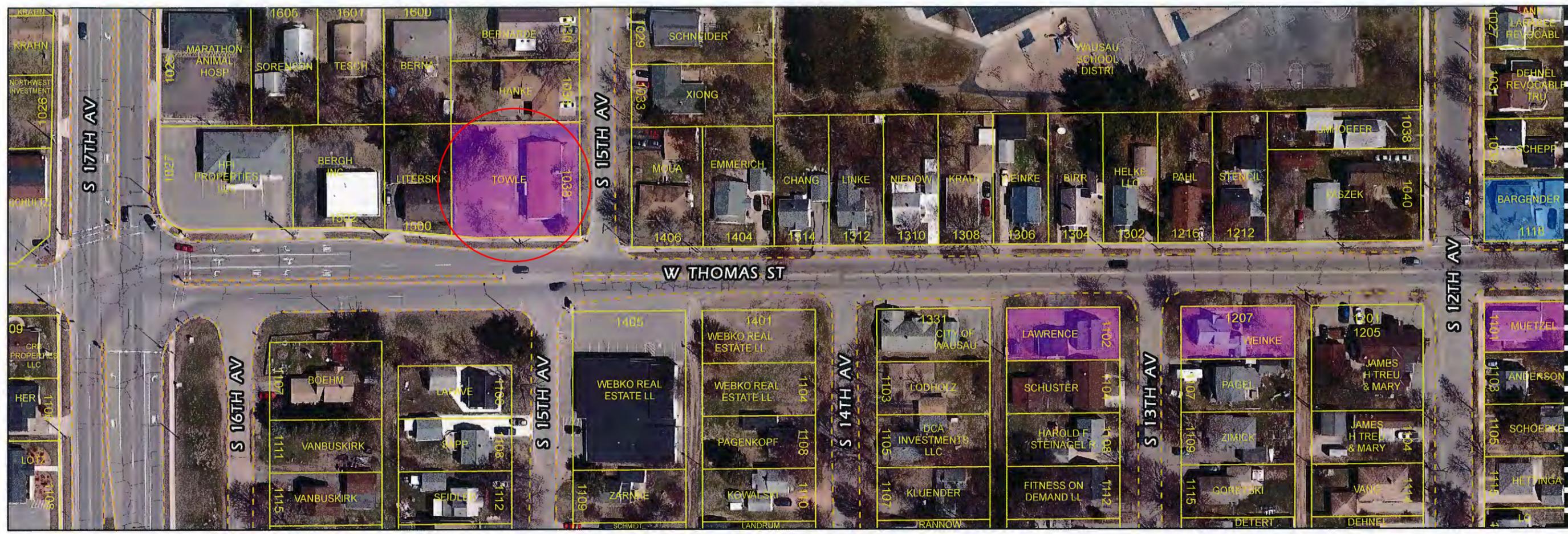
- Commercial relocation for roadway
- Consider purchase for future development
- Residential relocation for roadway
- Road (Paved)
- Parcel (LRS View)

- 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 IMAGERY WAS COLLECTED ON SUNDAY, MAY 4, 2014 WITH 2 INCH SPATIAL RESOLUTION.

Date: 04/01/2016



Page 1 of 2



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

RESOLUTION OF THE FINANCE COMMITTEE	
Approving Acquisition of 1102 South 13 th Avenue	
Committee Action:	Approved 5-0
Fiscal Impact:	\$85,000
File Number:	02-1005
Date Introduced:	April 26, 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"/>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	<i>Debt Financed:</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	<i>TID Financed:</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	<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, Thomas Street from 3rd Avenue to 17th Avenue is proposed to be reconstructed in 2017, and

WHEREAS, in order for the reconstruction project to take place, certain properties will need to be acquired, and

WHEREAS, in order to acquire the necessary property for the approved road design, the City hired MSA Professional Services to administer the real estate acquisitions needed for the reconstruction project, and

WHEREAS, MSA Professional Services completed an appraisal of 1102 South 13th Avenue and on April 12, 2016, your Finance Committee approved the appraisal and directed staff to make an offer to the property owner, and

WHEREAS, the property owner has accepted the offer, 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 acquire the property of 1102 South 13th Avenue.

Approved:

Robert B. Mielke, Mayor

FINANCE COMMITTEE

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

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

Others Present: Tipple, Groat, Lindman, Jacobson, Ray, Rubow, Stratz, Barnes, Hite, Gisselman, Goede

Discussion and possible action on purchasing the following properties for the Thomas Street Reconstruction project: Parcel 9 – 1102 South 13th Ave, Parcel 22 – 1105 West Thomas St, Parcel 24 – 1118 West Thomas St, Parcel 25 – 1112 West Thomas St, Parcel 26 – 1110 West Thomas St, Parcel 27 – 1044 South 11th Ave., Parcels 22-27 1100 block of Thomas St.

Lindman indicated there were six appraisals to consider, noting that Parcel #9 has been approved for a full taking. There are five that are on the 1100 block, which the Finance Committee in September had delayed until the appraisals were done. He pointed out the map shows all of the properties that are proposed for takings, but it doesn't show the strip takings. He stated taking strips along the 1100 block will bring the sidewalk less than 12 feet from the homes and even closer to the stoops and the porches. Oberbeck indicated the committee would meet with the consultant regarding the negotiations of the properties 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 - Purchasing the following properties for the Thomas Street Reconstruction project: Parcel 9 – 1102 South 13th Ave, Parcel 22 – 1105 West Thomas St, Parcel 24 – 1118 West Thomas St, Parcel 25 – 1112 West Thomas St, Parcel 26 – 1110 West Thomas St, Parcel 27 – 1044 South 11th Ave., Parcels 22-27 1100 block of Thomas St.

Motion by Mielke, second by Nutting to convene in closed session. Roll Call Vote: Ayes: Kellbach, Mielke, Nutting, Nagle, Oberbeck. Noe: 0. Motion carried 5-0.

RECONVENED into Open Session to take action deemed necessary on the closed session item.

Motion by Mielke, second by Nutting to amend the Relocation Plan for the Thomas Street Reconstruction Project to include: Parcel 9 – 1102 South 13th Ave, Parcel 22 – 1105 West Thomas St, Parcel 24 – 1118 West Thomas St, Parcel 25 – 1112 West Thomas St, Parcel 26 – 1110 West Thomas St, Parcel 27 – 1044 South 11th Ave., Parcels 22-27 1100 block of Thomas St. Motion carried 5-0.

AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE - LONG FORM

lpa1618 08/2011 (Replaces RO692)

THIS AGREEMENT, made and entered into by and between **Paul Lawrence, a single person a/k/a Paul Allen Lawrence**, hereinafter called SELLER, and the **City of Wausau**, hereinafter called BUYER.

DESCRIPTION: The SELLER agrees to sell and the BUYER agrees to buy, upon the terms and conditions hereinafter named, the following described real estate situated in **Marathon** County, Wisconsin: **see attached legal**

SELLER warrants and represents to **BUYER** that SELLER has no notice or knowledge of any: 1) Planned or commenced public improvements which may result in special assessments to otherwise materially affect the property other than the planned transportation facility for which the **BUYER** is purchasing this property; 2) Government agency or court order requiring repair, alteration, or correction of any existing condition; 3) Shoreland or special land use regulations affecting the property; 4) Underground storage tanks and the presence of any dangerous or toxic materials or conditions affecting the property.

The purchase price of said real estate shall be the sum of **Eighty five thousand and 00/100**dollars, (**\$85,000.00**).

THE SELLER SHALL, UPON PAYMENT OF THE PURCHASE PRICE, CONVEY THE PROPERTY BY GOOD AND SUFFICIENT WARRANTY DEED, OR OTHER CONVEYANCE PROVIDED HEREIN, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES EXCEPTING: General taxes for year of closing provided none of the foregoing prohibit present use.

Legal possession of premises shall be delivered to BUYER on date of closing.

SELLER represents that the property is now occupied by **SELLER**.

Physical occupancy shall be given to BUYER on **30 days after closing**.

SPECIAL CONDITIONS: None

This agreement for purchase is subject to acceptance by BUYER. If this agreement is not accepted by the BUYER within **30** days after SELLER's signature this agreement shall be null and void.

This transaction is to be closed at the office of **Runkel Abstract & Title Company, 522 Scott Street, Wausau, WI** on or before date: **August 1, 2016**, or at such other time and place as may be agreed to in writing by the BUYER and SELLER.

THIS AGREEMENT INCLUDES THE BALANCE OF TERMS ON REVERSE SIDE.

The above agreement is hereby accepted.

Witness Signature Date

Print Name

Seller Signature Date

Print Name

Paul Lawrence 4-18-16

Seller Signature Date

Paul Lawrence a/k/a Paul Allen Lawrence

Print Name

Seller Signature Date

Print Name Date

City of Wausau, Mayor's Signature Date

Robert Mielke

Print Name

Project ID: Thomas Street

Parcel No.: 9

THE FOLLOWING TERMS ARE PART OF THE CONTRACT.

Included in the purchase price are such of the following items as may be on the premises, which will be delivered free and clear of encumbrances: all garden bulbs, plants, shrubs and trees; screen doors and windows; storm doors and windows; electric lighting fixtures; window shades, curtain and traverse rods, blinds, and shutters; bathroom accessory fixtures; central heating and cooling units and attached equipment; water heater and softener; linoleum cemented to floors; attached carpeting and fitted rugs; awnings; exterior attached antennas and component parts; garage door opener and remote control; fireplace equipment and accessories.

ADDITIONAL ITEMS INCLUDED IN SALE: **N/A**

ITEMS NOT INCLUDED IN SALE: **N/A**

General taxes levied in the year of closing shall be prorated at the time of closing on the basis of the net general taxes for the preceding year.

(Caution: If property has not been fully assessed, make special agreement.)

(Caution: If area assessments are contemplated, make special agreement.)

Interest, rents and water shall be prorated as the date of closing. Accrued income and expenses, including taxes for the day of closing, shall accrue to the SELLER.

Special assessments, if any, for work on site actually commenced prior to date of this offer, shall be paid by SELLER.

Special assessments, if any, for work on site actually commenced after date of this offer, shall be paid by BUYER.

EXISTING MORTGAGES: Mortgages existing at the time of this agreement are as follows: **BMO Harris Bank N.A.**

A first mortgage held by **BMO Harris Bank N.A.**, mortgagee, and a subsequent mortgage held by **N/A**, mortgagee.

RIGHT OF TENANTS. The SELLER agrees to furnish the BUYER with copies of any existing leases or agreements made with tenants, if any. **N/A**

PHYSICAL DAMAGE TO PREMISES. In the event the premises shall be damaged from any cause, including fire or elements, prior to the time of closing, this agreement may be canceled at the option of the BUYER. Should the BUYER elect to carry out this agreement despite such damage, the BUYER shall be entitled to all the credit for the insurance proceeds resulting from such damage, not exceeding, however, the purchase price.

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City of Wausau



1 inch = 100 feet

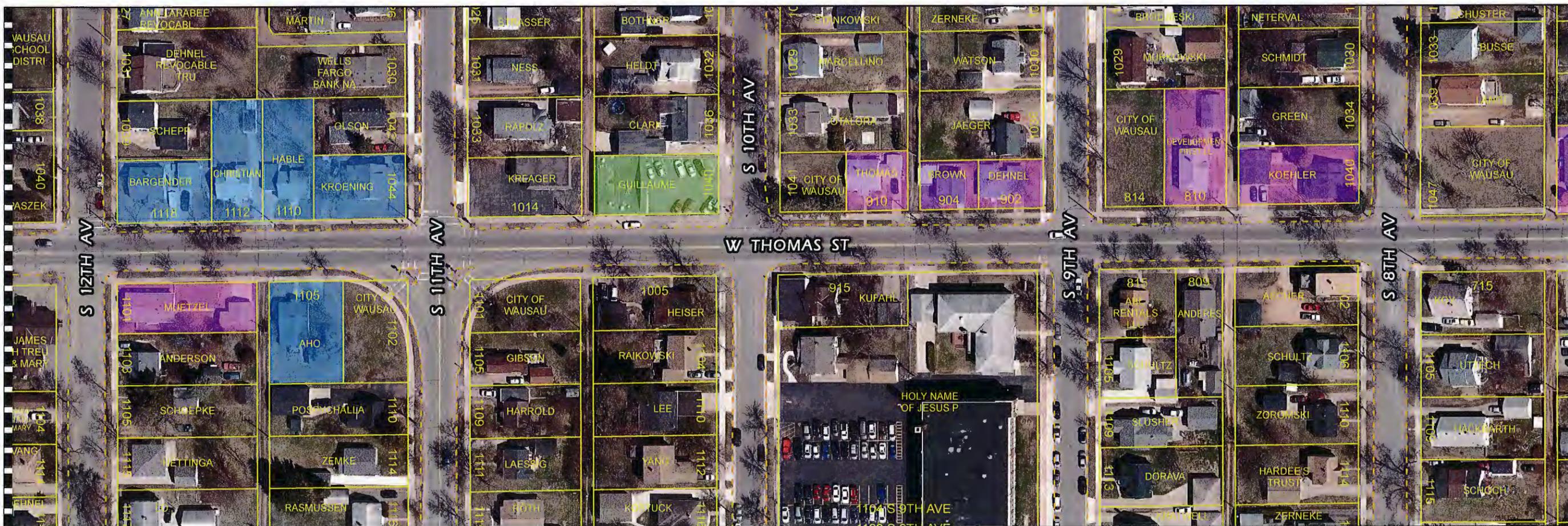
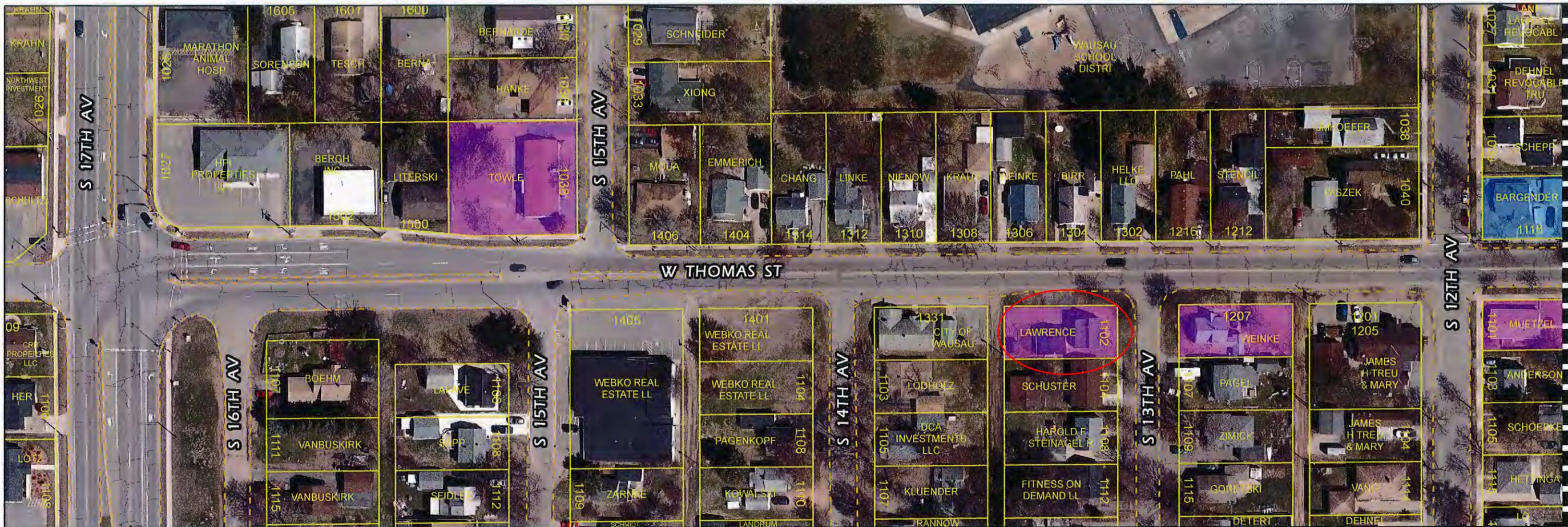
- Commercial relocation for roadway
- Consider purchase for future development
- Residential relocation for roadway
- Road (Paved)
- Parcel (LRS View)

- 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 IMAGERY WAS COLLECTED ON SUNDAY, MAY 4, 2014 WITH 2 INCH SPATIAL RESOLUTION.

Date: 04/01/2016



Page 1 of 2



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 Adopted 5-4-1
Date Reintroduced:	April 26, 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

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, March 22, 2016, at 7:00 pm in the Council Chambers at City Hall.
Mayor Tipple presiding.

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

Fernando Riveron, 1010 Franklin St, spoke regarding the claim of excessive assessment for his property. He stated he purchased the house a year ago through a realtor in an arm's length conforming sale at the asking price and have made no improvements. The assessment was almost 20% higher than the sale price and he believed it was based on untruths. He asked them to right the wrong and send it back to the Assessor for an appropriate assessment.

16-0219

03/22/2016 8:52:16 PM

Motion by Nutting, second by Oberbeck to adopt a Resolution of the Finance Committee approving alleged claim for excessive assessment - Fernando and Heidi Riveron (1010 Franklin Street).

Wagner stated this should be sent back to the Assessor's Department because he agreed there was a wrong that needed to be righted.

Jeremy Ray, Interim Assessor, clarified the definition of a conforming arm's length sale and explained the Assessor Department's position, as well as the Board of Review, which determined it to be \$870,000. He noted the seller also had an appraisal done in 2013 with a value of \$877,700. In his opinion, there was not an excessive assessment on this property and he recommended the claim s be disallowed. Discussion followed regarding assessments, revaluation and the Board of Review. Rasmussen pointed out we need to be careful not to set a precedent by approving these at the Council level. She felt it undermines the process and we need to allow this to go through the proper procedure, whether it is circuit court or not.

Abitz indicated she would abstain from voting.

Yes Votes: 5 No Votes: 4 Abstain: 1 Not Voting: 1 Result: PASS

<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	NV
5	Gisselman, Gary	NO
6	Winters, Keene	YES
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NO
9	Oberbeck, David	YES
10	Abitz, Sherry	ABS
11	Mielke, Robert	YES

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	

6. Check the method of acquisition of the property: Purchase Trade Gift Inheritance
Acquisition Price \$ **798,975.00** Date **2/28/14**

7. 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

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?
(c) What was the appraised value?

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. **None**

11. 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
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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

City 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

9125 /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 clarification of amount of claim for excessive assessment – Fernando and Heidi Riveron	
Committee Action:	Pending
Fiscal Impact:	Refund Amount \$1,841.27
File Number:	16-0219
Date Introduced:	April 26, 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, on March 22, 2016, the Common Council approved the claim for excessive assessment filed pursuant to Section 74.37, Wisconsin Statutes, on December 18, 2015; and

WHEREAS, the City will seek reimbursement from the State, School District, County and Technical College for their share of these excessive taxes pursuant to Wisconsin State 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, their claim did not explicitly state the amount of their claim, but a reasonable inference can be made from reading their letter that they believe the assessment of their home should be the \$798,000.00 they paid for the home, rather than the \$870,000.00 assessment set by the 2015 Board of Review, and that they are seeking a tax refund representing the difference between the tax paid on \$870,000.00 and what would have been due on a \$798,000.00 assessment;

NOW THEREFORE BE IT RESOLVED, that the Common Council determines the amount of the claim approved on March 22, 2016, to be the difference between the tax owed on \$870,000 and \$ 798,000, and

directs staff to calculate the amount owed on \$798,000 and refund the amount paid over and above what was owed on \$798,000, for 2015.

Approved:

Robert B. Mielke, Mayor

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

RESOLUTION OF THE FINANCE COMMITTEE

Approving Modification of the 2016 Budget for the claim for recovery of unlawful tax - Achieve Center, Inc.

Committee Action: Pending

Fiscal Impact (2016): The net burden to the City of Wausau of \$7,386

File Number: 15-1109

Date Introduced: April 26, 2016

FISCAL IMPACT SUMMARY

		COSTS				
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: Contingency</i>		
	<i>One-time Costs:</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<i>Amount: The city's net obligation is \$7,386</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 <input type="checkbox"/> Debt <input type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/></i>					

RESOLUTION

WHEREAS, on April 12, 2016 the Common Council authorized the payment of claim for the recovery of unlawful tax to Achieve Center Inc, and

WHEREAS, the City will seek reimbursement from the State, School District, County and Technical College for their share of these excessive taxes pursuant to Wisconsin State Statutes; and

WHEREAS, your Finance Committee has reviewed and recommends the following transfer of funds to finance the City's share of the excessive tax reimbursement:

Transfer From	Contingency	110-25099950	\$7,386
Transfer To	Claims & Bad Debt	110-25097410	\$7,386

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 charge back the taxes to the participating taxing jurisdictions pursuant to State Law.

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 as indicated and publish such transfer in the official newspaper.

Approved:

Robert B. Mielke, Mayor

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

RESOLUTION OF THE FINANCE COMMITTEE	
Approving termination of agreement between the City of Wausau and McDevco for the construction and operation of a paved surface parking lot bounded by 1st, 2nd and Scott Streets	
Committee Action:	Pending
Fiscal Impact (2016):	None
File Number:	08-0917
Date Introduced:	April 26, 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 checked="" 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, on September 10, 2008 the City of Wausau Common Council authorized the execution of a land lease for 120 Scott Street with McDevco for use as a surface parking lot; and

WHEREAS, on April 12, 2016 the City of Wausau Common Council authorized the purchase of 120 Scott Street; and

WHEREAS, on April 19, 2016 the City of Wausau and McDevco executed the necessary documents to transfer the property ownership to the City of Wausau pursuant to the Common Council's directive; and

WHEREAS, your Finance Committee has reviewed and recommends the termination of the 2008 land lease as the property is now owned by the City of Wausau

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 terminate the McDevco 120 Scott Street parking lot lease.

Approved:

Robert B. Mielke, Mayor

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

RESOLUTION OF THE FINANCE COMMITTEE	
Approving hiring of special counsel to advise the Ethics Board regarding ethics complaint filed by Keene Winters	
Committee Action:	Pending
Fiscal Impact:	Unknown
File Number:	16-0413
Date Introduced:	April 26, 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, on March 18, 2016, an Ethics Complaint was delivered to the City Clerk and City Attorney’s Offices by then Alderperson Keene Winters; and

WHEREAS, the complaint must be filed with the duly convened Ethics Board for the City of Wausau, pursuant to municipal ordinance and there were at that time three members remaining on the board; and

WHEREAS, on April 12, 2016, two appointments to the Ethics Board were confirmed by the Council, bringing the total number of members to five; subsequently, one member resigned, leaving the total number at four, which is the minimum number required to hold a hearing under the procedure outlined in the ordinance; and

WHEREAS, the city attorney is to furnish the board the legal assistance necessary to carry out its functions, according to ordinance. The board or the city attorney may request the common council to authorize special counsel for the board; and

WHEREAS, the city attorney cannot act both as legal counsel and as a witness, thus creating an ethical conflict of interest, making it necessary to procure special counsel for the board; and

WHEREAS, the Ethics Board must meet to act on acceptance of the complaint and is currently scheduled to convene on May 5, 2016, at 4:00 p.m.;

NOW THEREFORE BE IT RESOLVED, that upon the city attorney's request to authorize special counsel for the Ethics Board, the Common Council approves the hiring of special counsel to advise the Ethics Board in the matter to be filed before it by Keene Winters.

Approved:

Robert B. Mielke, Mayor