

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



OFFICIAL NOTICE AND AGENDA - REVISED*

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

Meeting of the: **COMMON COUNCIL OF THE CITY OF WAUSAU**
 Date/Time: **Tuesday, January 10, 2017 at 7:00 pm.**
 Location: **City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers**
 Members: Patrick 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: Award Presentation by Wausau Police Department

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
16-1201		Minutes of previous meeting(s). (12/13/16)	
17-0104	CISM	Preliminary Resolution Levying Special Assessments for 2017 Alley Paving Project	Approved 5-0
17-0105	CISM	Preliminary Resolution Levying Special Assessments for 2017 Street Construction Projects	Approved 4-0
17-0106	CISM	Resolution Approving Agreement for the Management and Maintenance of a Stormwater facility (CVS/pharmacy, LLC – 102 Central Bridge Street)	Approved 4-0
98-0715	CISM	Ordinance authorizing the removal of yield signs and authorizing the installation of stop signs at N. 10th and Jefferson Streets	Approved 4-0
17-0110	CISM	Ordinance authorizing the installation of stop signs at S. 12th Avenue and Bopf Street	Approved 4-0
90-1224	FIN	Ordinance Amending Section 17.10.010 Fees designated	Approved 5-0
17-0108	PH&S	Resolution approving or denying various licenses as indicated	Approved 5-0

File #	CMT	Resolutions and Ordinances	ACT
17-0103		Confirmation of Mayor's Appointments	
94-0828	RTCO	Resolution approving Tourism Entity Agreement between the City of Wausau, its Room Tax Commission and the Wausau Central Wisconsin Convention & Visitors Bureau, Inc.	Approved 5-0
17-0109	CISM	Resolution Approving Detour Agreement with WisDOT regarding STH 29	Approved 4-0
17-0107	HIST & PLAN	Joint Ordinance Amending Section 2.82.065 Historic Districts	Approved 6-0
17-0108	PH&S	Resolution Creating City policy for awarding Operator's (Bartender's) Licenses. Suspend the Rules (2/3 vote required)	Approved 5-0
95-0508	ED	Resolution waiving City's right to purchase property in the Wausau Business Campus in order to allow the title transfer of 8450/8454 Highland Drive from Richard A. Lorbecki and Amy R. Lorbecki Joint Revocable Trust dated May 19, 2014 to Rowan & Wren Investments, LLC	Pending
15-1109	FIN	Resolution authorizing a 2016 Budget Modification for Legal Services	Pending
02-1005	FIN	*Resolution accepting dedication of a portion of the following for public right-of-way: 1331 W. Thomas Street, 1102 S. 11th Avenue, 1101 S. 11th Avenue, 1041 S. 10th Avenue, 814 W. Thomas Street and 1047 S. 8th Avenue	Pending

Public Comment & Suggestions
Adjournment

Signed by Robert B. Mielke, Mayor

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 1/09/17 @ 4:00 pm. Questions regarding this agenda may be directed to the City Clerk.

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, December 13, 2016, at 7:00 pm in the Council Chambers at City Hall.
Mayor Mielke presiding.

Roll Call

12/13/2016 7:00:03 PM

Roll Call indicated 10 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Peckham, Patrick	YES
2	Wagner, Romey	YES
3	Nutting, David E.	NV
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	YES
9	Gehin, Joe	YES
10	Abitz, Sherry	YES
11	Smith, Dennis	YES

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

None

Merit Awards

Mayor Mielke acknowledged members of the community for their heroism in assisting in the attempted rescue of a man from a burning vehicle at risk to themselves and administering CPR until EMS arrived. Certificates of Merit were presented to: Dakota Martin, Mark Nelson, Brian Freund, Erika VanDeYacht, Ben Lee, and Steve Cerny.

Proclamation

Mayor Mielke proclaimed 2017 as the **Year of Local Talent in Music and Art** and declared that members of city staff and city council will assist wherever feasible to enhance our cultural environment by seeking new related infrastructure, pursuing partnerships, streamlining official processes, and providing logistical support and advocacy wherever possible.

Consent Agenda

12/13/2016 7:09:46 PM

Motion by Neal, second by Smith to approve all items on the Consent Agenda as follows:

Mayor Mielke indicated File # 16-1109 will be pulled off the Consent Agenda and voted on separately.

16-1101 Minutes of the previous meeting(s). (11/22/16)

12-0110 Resolution of the Capital Improvements and Street Maintenance Committee authorizing a public hearing to amend the Official City Map to establish the new exterior lines of the realignment of Curling Way at Townline Road.

16-0911 Final Joint Resolution of the Capital Improvements and Street Maintenance Committee and the Plan Commission vacating and discontinuing excess right-of-way at the northeast corner of Prospect Avenue and Single Avenue

16-1208 Ordinance of the Capital Improvement and Street Maintenance Committee authorizing installation of stop sign for northbound traffic on N. 30th Avenue and West Wausau Avenue

04-1214 Ordinance of the Committee of the Whole amending Section 2.60.040 Board of Public Works

16-1204 Resolution of the Economic Development Committee approving easement for facilities located behind 309 McClellan Street (WPS)

01-1106 Resolution of the Finance Committee Adopting an encumbrance Roll Forward Policy

03-0717 Resolution of the Finance Committee approving purchase of Animal Impoundment Services Agreement for the impoundment, care, treatment and/or humane disposal of non-dog strays taken into custody by law enforcement or humane officers, between the Humane Society of Marathon County, Inc. and the City of Wausau, from 1/1/17 through 12/31/17

03-0717 Resolution of the Finance Committee approving Municipality Held for Cause Services Agreement for the impoundment, care, treatment and/or humane disposal of animals taken into custody by law enforcement or humane Officer and animals held for cause, between the Humane Society of Marathon County, Inc. and the City of Wausau, from 1/1/17 through 12/31/17.

12-1214 Resolution of the Finance Committee approving of Intergovernmental Humane Officer Services Agreement between the City of Wausau and Everest Metropolitan Police Department from January 1, 2017 through December 31, 2017

16-1205 Resolution of the Plan Commission approving a conditional use at 725 Woods Place to allow for the East Hangar Development Area, which will allow private individuals to lease airport property to build private hangars, in a R2, Single Family Residence District

16-1207 Resolution of the Plan Commission approving subdivision plat for Royal Ridge Estates and Royal View Estates 16-0108
Resolution of the Public Health and Safety Committee approving or denying various licenses as indicated.

93-0717 Ordinance of the Public Health and Safety Committee Repealing and Recreating Section 16.04.030 Residential Rental Contact Registration

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

16-1109 12/13/2016 7:10:30 PM

Motion by Wagner, second by Rasmussen to approve a Resolution of the Finance Committee approving Modification of the 2017 Budget (Fire Department)

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

16-1116 12/13/2016 7:11:03 PM

Motion by Gisselman, second by Kellbach to adopt a Joint Ordinance of the Capital Improvements and Street Maintenance Committee and the Plan Commission annexing territory from the Town of Wausau to the City of Wausau - Lawrence Kainz - 1509 Sell Street

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

14-1014 12/13/2016 7:11:54 PM

Motion by Wagner, second by Neal to adopt a Resolution of the Economic Development Committee approving amendment to the signed Development Agreement between the City of Wausau and Wausau On the Water (Van Smiling Eyes, Inc.)

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

14-1013 12/13/2016 7:12:40 PM

Motion by Peckham, second by Gisselman to adopt a Resolution of the Economic Development Committee approving the amendment of the signed Development Agreement with Badger Lofts Limited Partnership and/or Atrium Lofts, LLC (Metroplains Partners) for the redevelopment of property located at 1418 N. 1st Street (Savo Supply)

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

16-1206 12/13/2016 7:12:56 PM

Motion by Rasmussen, second by Kellbach to adopt an ordinance of the Plan Commission rezoning 1340 Cherry Street from R3, Two Family residence District, to B2, Community Service District

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

08-0923 12/13/2016 7:14:06 PM

Motion by Gehin, second by McElhaneay to adopt a Resolution of the Finance Committee approving amendment to ImageTrend, Inc. software license agreement.

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

02-0435

12/13/2016 7:14:46 PM

Motion by Gehin, second by Smith to adopt a Resolution of the Finance Committee approving the Pledge Depository Agreement and Pledge Agreement for collateralization of deposit account with BMO Harris Bank and Bank of America.

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

Suspend the Rules

12/13/2016 7:13:30 PM

Motion by Neal, second by Kellbach to suspend the rules.

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

01-1106

12/13/2016 7:15:14 PM

Motion by McElhane, second by Wagner to adopt a Resolution of the Finance Committee adopting Investment Policy.

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

16-1209

12/13/2016 7:16:13 PM

Motion by Gisselman, second by Peckham to adopt a Joint Resolution of the Economic Development and the Finance Committees approving a Development Agreement between the City of Wausau and the Wisconsin Woodchucks (Macndon Ventures, LLC) for the construction of a mixed use office and storage facility.

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

Public Comment or Suggestions

- 1) Bernie Delonay, Frazer Family Foundation, commented on the vocal and instrumental talent in the area. One of the things their foundation does is give scholarships to high school seniors for vocal and instrumental achievement.
- 2) Abitz stated there will not be any meetings for the Airport Committee or Transit Committee for December.

Adjourn

Motion by Gehin, second by Neal to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:20 p.m.

Robert B. Mielke, Mayor
Toni Rayala, City Clerk

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

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

Preliminary Resolution Levying Special Assessments for 2017 Alley Paving Project

Committee Action: Approved 5-0

Fiscal Impact: The estimated construction cost of \$25,000 and estimated special assessments of \$7,200 would occur in 2017.

File Number: 17-0104

Date Introduced: January 10, 2017

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

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

1. The Common Council hereby declares its intention to exercise its police power under Section 66.0701 of the Wisconsin Statutes and Section 3.24.020 of the Wausau Municipal Code to levy special assessments for special benefits conferred upon abutting properties by improvement of:

Alley bounded by Lincoln Avenue, Humboldt Avenue, 8th Street and 9th Street
Alley bounded by Callon Street, Clark Street, 2nd Avenue and 3rd Avenue

2. The public improvement shall include bituminous concrete paving.
3. The total amount assessed against the properties in the defined assessment district shall not exceed the total cost of the City's share of the improvements. The City Council determines that the improvements constitute an exercise of the police power and that the assessment against each parcel shall be upon a reasonable basis.
4. Unless other installment plans are determined at the hereinafter stated public hearing, the assessment against any parcel shall be paid as follows:

Assessments under \$300: If payment is not made prior to November 1, 2017, the special assessment will be placed on the 2017 real estate tax bill and be due in full on or before January 31, 2018. There is no interest charged when paid in full. Assessments totaling less than \$300 must be paid in full and do not qualify for the five-year payment schedule.

Assessments totaling \$300 but less than \$20,000: If full payment is not made prior to November 1, 2017, assessments totaling \$300 but less than \$20,000 will automatically be placed on the five-year payment schedule on the 2017 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2017 real estate taxes **OR**
- B. Payment of the first one-fifth of the assessment with the 2017 real estate taxes without interest. The remaining balance is paid in equal installments on the next four real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% beginning February 1, 2018, on the unpaid balance. (The 2016 rate was 2.55%.) The remaining balance may be paid at any time with interest calculated through the month of payment.

Assessments over \$20,000: If payment is not made prior to November 1, 2017, assessments totaling \$20,000 or more will automatically be placed on the ten-year payment schedule on the 2017 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2017 real estate taxes **OR**
- B. Payment of the first one-tenth of the assessment with the 2017 real estate taxes without interest. The remaining balance is paid in equal installments on the next nine real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% beginning February 1, 2018, on the unpaid balance. (The 2016 rate was 2.55%.) The remaining balance may be paid at any time with interest calculated through the month of payment.

Real estate taxes may be paid in full or in three installments (January 31, April 30, July 31), however, the special assessments must be paid on or before January 31, 2018. No payments can be applied to real estate taxes if the special assessments are not paid. Section 74.12(11)(a), Wisconsin Statutes, specifically states if a treasurer receives a payment from a taxpayer which is not sufficient to pay all general property taxes, special assessments and special taxes due, the treasurer shall apply the payment to the amounts due, including interest and penalties, in the following order: (1) personal property taxes; (2) delinquent utility charges; (3) special charges; (4) special assessments; (5) special taxes; (6) real property taxes.

- 5. The Engineering Department shall prepare a report which shall consist of the preliminary plans for the proposed work, an estimate of the cost of the work, a schedule of the proposed assessments for each parcel; a copy of the report shall be filed with the City Clerk for public inspection. In accordance with Section 66.0703(7)(a), Wisconsin Statutes, notice shall be given of a public hearing on the project; the hearing shall be held by the Board of Public Works in the Council Chambers of City Hall and will be scheduled early in 2017.

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

Approved:

Robert B. Mielke, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: July 14, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Mayor Mielke, Lindman, Wesolowski, Sean Gehin, Graham

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and received by the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:30 p.m. Chairman Gisselman called the meeting to order.

Discussion and possible action on a preliminary resolution for paving the alley bounded by Lincoln Avenue, Humboldt Avenue, 8th Street and 9th Street

Wesolowski stated a petition was received to pave the alley bounded by Lincoln, Humboldt, 8th Street and 9th Street. Past practice has been for this committee to recommend moving forward with a public hearing to levy special assessments. The Board of Public Works would hold the public hearing with results considered by CISM. If approved, money would be budgeted for 2017 construction. Abitz asked if the property owners are aware they would be responsible for plowing the alley. Wesolowski stated any winter maintenance is the responsibility of the property owners; however, they would not be required to plow the alley. Abitz noted an alley near Krist where the owners thought the City would plow it after the alley was paved. Wesolowski indicated letters will be sent out for the public hearing and a statement regarding plowing the alley can be included in that notice.

Rasmussen moved to approve the preliminary resolution for paving the alley bounded by Lincoln Avenue, Humboldt Avenue, 8th Street and 9th Street. Kellbach seconded and the motion carried unanimously 5-0.

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: October 13, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Gisselman, Kellbach, McElhaney, Abitz

Also Present: Mayor Mielke, Lindman, Groat, Wesolowski, Sean Gehin, Graham, Peckham, Nutting

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and received by the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:30 p.m. Chairman Gisselman called the meeting to order.

Discussion and possible action on preliminary resolution for paving the alley bounded by Callon Street, Clark Street, 2nd Avenue and 3rd Avenue

Wesolowski stated this alley is a concrete alley in disrepair and due to the slope there are water concerns with the Rainbow Laundry building. The businesses would be assessed for the cost of the asphalt with the City covering the excavation and base course.

Abitz moved to approve the preliminary resolution for paving the alley bounded by Callon Street, Clark Street, 2nd Avenue and 3rd Avenue. McElhaney seconded and the motion carried unanimously.

At this time Abitz left the meeting.

AGENDA ITEM
Discussion and possible action on a preliminary resolution for paving the alley bounded by Lincoln Avenue, Humboldt Avenue, 8 th Street and 9 th Street
BACKGROUND
A request has been received to pave the alley bounded by Lincoln Avenue, Humboldt Avenue, 8 th Street and 9 th Street.
FISCAL IMPACT
The estimated cost to pave this alley is \$10,000. Property owners would be assessed the cost of the asphalt, which is estimated at \$5.00 per foot. Funds would need to be budgeted for 2017 construction.
STAFF RECOMMENDATION
Staff recommends authorizing a public hearing to levy special assessment for paving this alley.
Staff contact: Allen Wesolowski 715-261-6762

Agenda Item No.

10

STAFF REPORT TO CISM COMMITTEE - October 13, 2016

AGENDA ITEM

Discussion and possible action on preliminary resolution for paving the alley bounded by Callon Street, Clark Street, 2nd Avenue and 3rd Avenue

BACKGROUND

A petition has been received to pave the alley bounded by Callon Street, Clark Street, 2nd Avenue and 3rd Avenue.

FISCAL IMPACT

The estimated cost to pave this alley is \$15,000. Property owners would be assessed the cost of the asphalt, which is estimated at \$5.00 per foot. Funds would need to be budgeted for 2017 construction.

STAFF RECOMMENDATION

Staff recommends authorizing a public hearing to levy special assessment for paving this alley.

Staff contact: Allen Wesolowski 715-261-6762

Andrew Grundman
PETITION

TO THE MAYOR AND COMMON COUNCIL
 OF THE CITY OF WAUSAU, WISCONSIN

For Office Use

RECEIVED

6/10/16

City of Wausau
 Date Filed with City Clerk 3

A Petition For:

- Alley Vacation Sanitary Sewer Storm Sewer Other as Follows:
 Blacktop Paving Street Light Watermain
 Curb and Gutter Street Vacation Zoning Change
- Alley Blacktop Paving

The undersigned petitioners respectfully request that your honorable body take such action as will cause the:

Alley Between Lincoln Ave and Humboldt Ave on the 800 Block be paved with black top to prevent erosion and to support the high level of traffic

Signature of Electors	Print Name Clearly	Print Home Address	Date of Signing
	Andrew Grundman	819 1/2 Lincoln Ave	3-17-16
	MIKE NEWBERRY	1810 N 9th St	3-17-16
	Jody Newberry	1810 N 9th St	3-17-16
	DANA Newberry	1810 N. 9th St	4-13-16
	Lauretta Wagner	802 Humboldt Ave	4-13-16
	Britney Woodsworth	802 1/2 Humboldt Ave	4-13-16
	Chas Layman	801 Lincoln Ave	4-13-16
	Oran Layman	" " "	4-13-16
	Jessica Nell	816 Humboldt Ave	4-20-16
		828 1/2 Humboldt Ave	4/20/16
	Andrew Stefferle	828 Humboldt Ave	4/20/16
	Amber Hill	828 Humboldt A	4/20/16
	Gwendolyn Godfrey	822 Humboldt Ave	4/20/16
	Jen Kniers	818 Humboldt Ave	4/20/16
	MIKE LIESENFELD	815 LINCOLN AVE	4/20/16

AFFIDAVIT OF CIRCULATOR

STATE OF WISCONSIN
 CITY OF WAUSAU
 I, Andrew Grundman being duly sworn deposes and says that he is a resident of the affected area, residing at 819 Lincoln Ave Wausau WI 54403 in the City of Wausau; that he is personally acquainted with the persons who have signed the foregoing petition; that he knows them to be residents of the affected area; that they signed the same with full knowledge of the contents thereof; that their respective residents are stated therein; that each signer signed the same on the date stated opposite his name; and that he intends to support the petition.

Filed in the Office of the City Clerk and sworn to before me this 10 day of June, 2016

Signature of City Clerk or designee
 cc: Engineering Dept.

(Signature of Circulator)
819 Lincoln Ave Wausau
 (Address of Circulator)
 WI 54403

RECEIVED
 JUN 13 2016
 CITY OF WAUSAU
 CITY CLERK

cc: Engineering Planner

For Office Use
9/20/14
Date Filed with City Clerk

Mayor

PETITION

TO THE MAYOR AND COMMON COUNCIL OF THE CITY OF WAUSAU, WISCONSIN

A Petition For:

Alley Blacktop Paving & Storm Sewer

The undersigned petitioners respectfully request that your honorable body take such action as will cause the:

Re-pave the east-west alley lying north of Clark Street and lying south of Callon Street from South 2nd Avenue to South 3rd Avenue and include in the project storm water facilities as has been discussed with the City's engineering department. Currently storm water does not drain from this alley and backs up into the building located at 210 Clark Street.

The undersigned represents 100% of the property owners based on lineal footage on the south side of said alley and 50% of the property owners based on lineal footage on the north side of said alley (for a total of 75% of the affected adjacent property).

SIGNATURE OF PROPERTY OWNER: <u>Arden J. Emmerich</u>	DATE OF SIGNING: <u>9/14/16</u>
PRINTED NAME: Arden J. Emmerich, President, Emmerich & Associates, Inc.	
ADDRESS: 453 Grand Avenue, Schofield, WI 54476	
(PROPERTY ADDRESS: 210 Clark Street, Wausau, WI, 75% of impacted area)	
SIGNATURE OF PROPERTY OWNER: <u>J. K. Schaefer</u>	DATE OF SIGNING: <u>9/14/16</u>
PRINTED NAME: <u>Jim K. Schaefer</u>	
ADDRESS: <u>6205 STEWART DR WAUSAU WI 54401</u>	
(PROPERTY ADDRESS: 205 Callon Street, Wausau, WI, 12.5% of impacted area)	
SIGNATURE OF PROPERTY OWNER: <u>Jerry Henry</u>	DATE OF SIGNING: <u>9/15/16</u>
PRINTED NAME: <u>Jerry Henry</u>	
ADDRESS: <u>209 Callon St</u>	
(PROPERTY ADDRESS: 209 Callon Street, Wausau, WI, 12.5% of impacted area)	

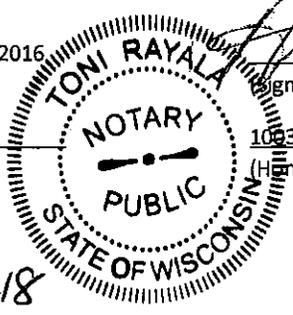
AFFIDAVIT OF CIRCULATOR

STATE OF WISCONSIN CITY OF WAUSAU

Arden J. Emmerich, being duly sworn disposes and says that he is a property owner of the affected area, owning the property located at 210 Clark Street (Lots 1, 2, 3, 4, 5 & 8 in Block 7 of A Stewarts Addition, PIN 291-2907-264-0164) in the City of Wausau; that he is personally acquainted with the person(s) who have signed the foregoing petition; that he knows them to be property owners of the affected area; that they signed the same with full knowledge of the contents thereof; that each signer signed the same on the date stated opposite their name; and that they intend to support the petition.

Filed in the Office of the City Clerk and sworn to before me this 29 day of September, 2016

Ami Koziele
Signature of City Clerk or designee



Arden J. Emmerich
Signature of Circulator

1093 Tenth Street, Mosinee, WI 54455
(Home Address of Circulator)

Expires
12-21-18

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

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

Assessments under \$300: If payment is not made prior to November 1, 2017, the special assessment will be placed on the 2017 real estate tax bill and be due in full on or before January 31, 2018. There is no interest charged when paid in full. Assessments totaling less than \$300 must be paid in full and do not qualify for the five-year payment schedule.

Assessments totaling \$300 but less than \$20,000: If full payment is not made prior to November 1, 2017, assessments totaling \$300 but less than \$20,000 will automatically be placed on the five-year payment schedule on the 2017 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2017 real estate taxes **OR**
- B. Payment of the first one-fifth of the assessment with the 2017 real estate taxes without interest. The remaining balance is paid in equal installments on the next four real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% beginning February 1, 2018, on the unpaid balance. (The 2016 rate was 2.55%.) The remaining balance may be paid at any time with interest calculated through the month of payment.

Assessments over \$20,000: If payment is not made prior to November 1, 2017, assessments totaling \$20,000 or more will automatically be placed on the ten-year payment schedule on the 2017 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2017 real estate taxes **OR**
- B. Payment of the first one-tenth of the assessment with the 2017 real estate taxes without interest. The remaining balance is paid in equal installments on the next nine real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% beginning February 1, 2018, on the unpaid balance. (The 2016 rate was 2.55%.) The remaining balance may be paid at any time with interest calculated through the month of payment.

Real estate taxes may be paid in full or in three installments (January 31, April 30, July 31), however, the special assessments must be paid on or before January 31, 2018. No payments can be applied to real estate taxes if the special assessments are not paid. Section 74.12(11)(a), Wisconsin Statutes, specifically states if a treasurer receives a payment from a taxpayer which is not sufficient to pay all general property taxes, special assessments and special taxes due, the treasurer shall apply the payment to the amounts due, including interest and penalties, in the following order: (1) personal property taxes; (2) delinquent utility charges; (3) special charges; (4) special assessments; (5) special taxes; (6) real property taxes.

5. The Engineering Department shall prepare a report which shall consist of the preliminary plans for the proposed work, an estimate of the cost of the work, a schedule of the proposed assessments for each parcel; a copy of the report shall be filed with the City Clerk for public inspection. In accordance with Section 66.0703(7)(a), Wisconsin Statutes, notice shall be given of a public hearing on the project; the hearing shall be held by the Board of Public Works in the Council Chambers of City Hall and will be scheduled early in 2017.

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

Approved:

Robert B. Mielke, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: December 8, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Gisselman, Abitz, Kellbach, McElhaney (Rasmussen was excused.)

Also Present: Wesolowski, Sean Gehin, Graham, Stratz, Joe Gehin

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and received by the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:30 p.m. Chairman Gisselman called the meeting to order.

Discussion and possible action on preliminary resolutions for 2017 projects

Wesolowski explained that approving the preliminary resolutions will allow moving forward with public hearings for 2017 projects. The streets that were approved in the budget are Washington Street from the railroad tracks to 13th Street, 2nd Street from Bridge Street to East Wausau Avenue and East Wausau Avenue from the railroad tracks to 3rd Street.

Kellbach moved to approve the preliminary resolution for 2017 projects. McElhaney seconded and the motion carried unanimously 4-0.

AGENDA ITEM
Discussion and possible action on preliminary resolutions for 2017 projects
BACKGROUND
<p>The following construction projects are included in the 2017 budget:</p> <p>Washington Street from the railroad tracks to 13th Street 2nd Street from Bridge Street to East Wausau Avenue East Wausau Avenue from the railroad tracks to 3rd Street</p>
FISCAL IMPACT
None at this time.
STAFF RECOMMENDATION
Staff recommends the preliminary resolutions for special assessments be adopted and public hearing scheduled. Public hearings would be held in late January or early February.
Staff contact: Allen Wesolowski 715-261-6762

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: December 8, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Gisselman, Abitz, Kellbach, McElhaney (Rasmussen was excused.)

Also Present: Wesolowski, Sean Gehin, Graham, Stratz, Joe Gehin

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and received by the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:30 p.m. Chairman Gisselman called the meeting to order.

CONSENT AGENDA

A. Approve minutes of the November 10, 2016 meeting

B. Action on Stormwater Maintenance Agreement for Wisconsin CVS/pharmacy, LLC at 102 Central Bridge Street

Kellbach moved to approve the consent agenda items. McElhaney seconded and the motion carried unanimously 4-0.

Agenda Item No.

2B

STAFF REPORT TO CISM COMMITTEE – December 8, 2016

AGENDA ITEM

Action on Stormwater Maintenance Agreement for Wisconsin CVS/pharmacy, LLC at 102 Central Bridge Street

BACKGROUND

The CVS/Pharmacy property located at the 102 Bridge Street includes a number of stormwater best management practices which include vegetated swales, catch basins, on-site storm sewer, and riprap outfalls to meet City and DNR stormwater requirements. To ensure properly functioning post-stormwater facilities year after year, the City requires the owner sign a maintenance agreement, making the owner inspect and maintain the facilities on a bi-annual basis. After numerous reminders and phone calls, a signed maintenance agreement has been received and is attached for your review.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of the stormwater maintenance agreement.

Staff contact: Sean Gehin 715-261-6748

**AGREEMENT FOR THE MANAGEMENT AND
MAINTENANCE OF A STORMWATER FACILITY**

THIS AGREEMENT made this ___ day of ___, 20___, by and between the City of Wausau, a municipal corporation of the State of Wisconsin, hereinafter referred to as "CITY", and Wisconsin CVS/pharmacy, LLC, a corporation organized under the laws of the State of Wisconsin, hereinafter referred to as "OWNER";

WITNESSETH:

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

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

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

NOW, THEREFORE, the parties hereto agree as follows:

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

Recording Area

Name and Return Address

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

PIN:

291.2907.261.0953

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

OWNER:

By: RICHARD SMART
 By: [Signature]

CITY OF WAUSAU:

By: James E. Tipple, Mayor Robert B. Mielke, Mayor
 By: Toni Rayala, Clerk

ILLINOIS
 STATE OF WISCONSIN)
LAKE) ss.
 COUNTY OF MARATHON)

Personally came before me this 28 day of OCTOBER, 2016, the above-named Richard Smart and _____ of Wisconsin CVS/pharmacy, LLC, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



Cynthia C. Bandy
 Notary Public, Wisconsin ILLINOIS
 My commission: 09/18/18

STATE OF WISCONSIN)
) ss.
 COUNTY OF MARATHON)

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

 Notary Public, Wisconsin
 My commission: _____

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

EXHIBIT B

Operation and Maintenance, Long-term

The OWNER of this project in the City of Wausau, Marathon County, Wisconsin, is directly responsible for the operation, inspection, and maintenance of all stormwater facilities located within the CVS Pharmacy Store #10172 (102 Central Bridge Street) - Wausau site, as described below.

- **Grass Swale Area**

Inspection: Accumulation of sediment and/or debris. Look for erosion or damage. Review plant health.

Maintenance: Remove accumulated sediment and/or debris and repair any eroded or damaged areas. Replace dying plants.

- **Catch Basin, Storm Sewer, and Outfall**

Inspection: Accumulation of sediment and/or debris within catch basin, storm sewer pipe, and/or outfall. Look for damage to pipe, catch basin structure, and outfall.

Maintenance: Remove accumulated sediment and/or debris within the pipe, sumps of catch basins, and/or within or near outfall. Repair damaged to pipe, catch basin, and/or outfall. If the damage is un-repairable then the pipe, catch basin, and/or outfall shall be replaced.

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

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

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: December 8, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Gisselman, Abitz, Kellbach, McElhaney (Rasmussen was excused.)

Also Present: Wesolowski, Sean Gehin, Graham, Stratz, Joe Gehin

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and received by the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:30 p.m. Chairman Gisselman called the meeting to order.

Discussion and possible action to replace the yield signs at North 10th Street and Jefferson Street with stop signs

Graham indicated Alderperson Neal was contacted by a resident regarding increased accidents at North 10th Street and Jefferson Street. This intersection is controlled with yield signs for east and west bound traffic. The crash history shows three crashes in 2016, one in 2013 and one in 2011. All were the result of failure to yield the right-of-way. Three of the at-fault vehicles were traveling east. Two of the at-fault vehicles were traveling west. Graham added that even though there are yield signs at the intersection, a stop is required as there is limited visibility. Because limited visibility is one warrant looked for in respect to stop sign decisions, staff recommends converting the yield signs to stop signs.

Kellbach moved to approve converting the yield signs at North 10th Street and Jefferson Street to stop signs. McElhaney seconded and the motion carried unanimously 4-0.

AGENDA ITEM

Discussion and possible action to replace the yield signs at North 10th Street and Jefferson Street with stop signs

BACKGROUND

Alderman Neil expressed concerns regarding an increase in accidents at North 10th Street and Jefferson Street. A request was made to consider replacing the existing yield signs with stop signs. Jefferson Street is controlled with yield signs. North 10th Street is not controlled.

Crash History

Location: N 10th Street/Jefferson Street
Date Range: 1/1/2011 – 11/1/2016

	2011	2012	2013	2014	2015	2016
# of Accidents	1	0	1	0	0	3

In each case, the cause of crash was failure to yield the right of way. 3 of the at-fault vehicles were traveling east. 2 of the at-fault vehicles were traveling west.

FISCAL IMPACT

Minimal.

STAFF RECOMMENDATION

The intersection in question requires a near stop or stop in order to observe north and southbound traffic. The reasons for this are the close proximity of homes to the roadway, coupled with the grade and boulevard trees. In conformity with the MUTCD, it is the recommendation of staff to replace the existing yield signs with stop signs. The MUTCD clarifies that stop signs may be placed on the minor-street when “a restricted view exists that requires road users to stop in order to adequately observe conflicting traffic on the through street.”

Staff contact: Allen Wesolowski (715) 261-6762 or Lt. Ben Graham (715) 261-7955

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

ORDINANCE OF THE CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Authorizing the installation of stop signs at S. 12th Avenue and Bopf Street

Committee Approved 4-0 **Ordinance Number:**
Fiscal Impact: Minimal cost to install signs

File Number: 17-0110 **Date Introduced:** January 10, 2017

WHEREAS, your Capital Improvements and Street Maintenance Committee has examined the arterial control at the intersection of S. 12th Avenue and Bopf Street; and

WHEREAS, based upon the examination of this intersection, your Capital Improvements and Street Maintenance Committee recommends that stop signs should be installed at the herein stated locations.

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

Section 1. Stop signs shall be installed at the following locations:

Northwest corner of S. 12th Avenue and Bopf Street; and
Southeast corner of S. 12th Avenue and Bopf Street.

The stop sign inventory maintained by the GIS department and on file in the City Clerk's office shall be amended to include said locations.

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

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

Robert B. Mielke, Mayor

Attest:

Toni Rayala, Clerk

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: December 8, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Gisselman, Abitz, Kellbach, McElhaney (Rasmussen was excused.)

Also Present: Wesolowski, Sean Gehin, Graham, Stratz, Joe Gehin

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and received by the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:30 p.m. Chairman Gisselman called the meeting to order.

Discussion and possible action to create a 4-way stop at South 12th Avenue and Bopf Street

Graham indicated concerns were expressed of safety because of limited visibility at the intersection of South 12th Avenue and Bopf Street. The crash history indicates a rate of 1.16 crashes per year or seven crashes within the last six years. Three accidents were a result of failing to yield the right-of-way after stopping for the stop sign. Two of the at-fault vehicles were traveling east on Bopf Street and one at-fault vehicle was traveling west on Bopf Street. In each case, the struck vehicle was traveling north on South 12th Avenue. As you are traveling east on Bopf Street and come to the stop sign it is difficult to see to the south. Three crashes were the result of vehicles traveling too fast for conditions and sliding past the stop sign into the intersection. The other crash was the result of failure to yield the right-of-way from a stop sign. This at-fault vehicle was traveling east on Bopf Street and struck a vehicle traveling north. Five of the seven vehicles involved eastbound vehicles colliding with a northbound vehicle, which gives evidence there may be a visibility issue. Operators appear to have difficulties seeing the stop sign. Graham noted the sign appears to be placed farther to the right than it should be. A photograph was provided showing a vehicle approximately $\frac{3}{4}$ of a block away and it is difficult to see the stop sign. Another photograph shows how a vehicle basically has to pull into the intersection to see vehicles traveling north.

Wesolowski observed the intersection and noticed there is more traffic on Bopf Street than 12th Avenue. This indicates the stop signs should be placed on 12th Avenue rather than Bopf Street. In the past before the bridge was reconstructed, there may have been more traffic on 12th Avenue. Placing the stop signs on 12th Avenue would provide a better view of traffic east and west. Staff's initial thought was to switch the stop signs from Bopf Street to 12th Avenue rather than creating a 4-way stop. Abitz said the request of a 4-way stop came from Kolbe and Kolbe so their vehicles do not have to wait for traffic to make a left hand turn. Without a 4-way stop vehicles would be waiting a long time, especially when employees leave at 2:30. This is due to the inflow of traffic from 17th Avenue. Traffic on Bopf Street has increased as they are avoiding Thomas Street and the traffic lights. If the stop sign is removed it would result in the increase of speed. Gisselman noted traffic still has to stop at 11th Avenue and Bopf Street. Abitz replied Bopf Street from 17th to 12th Avenue is a long area without a stop sign. She feels there is a need to control the intersection with a 4-way stop due to the amount of traffic.

Graham clarified that the MUTCD would warrant either switching the stop signs or converting the intersection to a 4-way stop. Typically they want to do whatever is the least restrictive. Abitz would like a 4-way stop because of the traffic flow from Kolbe and Kolbe and it is a blind intersection. She feels a new can of worms would be opened by switching the stop sign placement. Wesolowski indicated there is limited visibility on the southwest corner. The recommendation was based on placing stop signs on the street with the least amount of traffic. Since there are warrants, staff would not have an issue with making this intersection a 4-way stop.

Abitz moved to approve creating a 4-way stop at South 12th Avenue and Bopf Street. McElhaney seconded.

Kurtzweil agreed. He travels from Rib Mountain to Holy Name almost every day and stated this is the most dangerous intersection he goes through. Visibility of the stop sign is bad and he feels it would be best to have a 4-way stop.

CISM Committee
December 8, 2016 – Page 2

There being a motion and a second, motion to approve creating a 4-way stop at South 12th Avenue and Bopf Street carried unanimously 4-0.

AGENDA ITEM

Discussion and possible action to create a 4-way stop at South 12th Avenue and Bopf Street

BACKGROUND

Aldersperson Abitz expressed concerns regarding safety at the intersection of South 12th Avenue and Bopf Street due to limited visibility. Traffic on South 12th Avenue is not controlled. Traffic on Bopf Street is controlled by stop signs. Aldersperson Abitz advised employees of Kolbe and Kolbe inquired whether additional stop signs could be added making the intersection a 4-way stop.

Crash History

Location: S 12th Avenue/Bopf Street

Date Range: 1/1/2011 – 11/1/2016

	2011	2012	2013	2014	2015	2016
# of Accidents	1	1	0	3	1	1

Summary

Between 1/1/2011 and 11/1/2016, there were 7 crashes at S 12th Avenue and Bopf Street. Crashes occurred at a rate of 1.16 crashes/year.

Causes

3 of the crashes were the result of vehicles failing to stop for the stop sign. 2 at-fault vehicles were traveling east on Bopf Street. 1 at-fault vehicle was traveling west on Bopf Street. In each case, the struck vehicle was traveling north on South 12th Avenue.

3 of the crashes were the result of vehicles traveling too fast for conditions and sliding past the stop sign and into the intersection in snowy conditions. 2 at-fault vehicles were traveling east on Bopf Street. 1 at-fault vehicle was traveling west on Bopf Street. 2 of the struck vehicles were traveling south on South 12th Avenue. The third was traveling north on South 12th Avenue.

1 of the crashes was the result of failure to yield the right of way from the stop sign. The at-fault vehicle was traveling east on Bopf Street. The struck vehicle was traveling north on South 12th Avenue.

Conclusion

5 out of 7 crashes involved an eastbound vehicle colliding with a northbound vehicle. Operators appear to have difficulties seeing the stop sign and observing northbound traffic. Photographs (see below) were captured to demonstrate visibility issues eastbound motorists' face.



FISCAL IMPACT

Minimal.

STAFF RECOMMENDATION

The recommendation of staff would be the following:

1. Move the stop signs to 12th Avenue, the roadway with the lesser traffic. The MUTCD states the stop signs should be placed on the less important road (less traffic). Doing this also provides better visibility for the stopped cars on 12th Avenue as compared to a stopped vehicle on Bopf Street.
2. If the committee wishes to, add stop signs on South 12th Avenue making the intersection a 4-way stop. The MUTCD clarifies that 4-way stops may be considered when “a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop.”

Staff contact: Allen Wesolowski (715) 261-6762 or Lt. Ben Graham (715) 261-7955

ORDINANCE OF FINANCE COMMITTEE

Amending Section 17.10.010 Fees designated

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: None

File Number: 90-1224

Date Introduced: January 10, 2017

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

Add ()
Delete (——)

Section 1. That Section 17.10.010 Fees designated is hereby amended to read as follows:

17.10.010 Fees designated

...

(e) Fees for reinspection. Any person who shall fail or neglect to comply with any lawful order of the chief of the fire department or his/her designee issued pursuant to the provisions of this chapter may be assessed ~~thirty dollars per inspection~~ a re-inspection fee for compliance inspections in excess of two. The fee shall be as specified in Section 3.40.010(a). Reinspection fees that are not timely paid shall be entered on the tax roll as a special charge against said lot or parcel of land pursuant to the provisions of Section 66.0627 of the Wisconsin Statutes for collection and settlement under Chapter 74 of the Wisconsin Statutes.

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

Section 3. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

Robert B. Mielke, Mayor

Attest:

Toni Rayala, Clerk

FINANCE COMMITTEE

Date and Time: Tuesday, December 13, 2016 @ 5:00 pm., Council Chambers

Finance Members Present: Rasmussen (C), Smith, Kellbach, Gehin, and Nutting

Others Present: Groat, Jacobson, Mielke, Barnes, Kujawa, Lindman, Schock, Splinter, Mohelnitzky, Giese, Abitz, Gisselman, Neal, Wagner, Goede.

Discussion and possible action regarding amending Section 17.10.010 regarding re-inspection fees

Chief Kujawa noted the comprehensive fee schedule was already approved by Council, however, our re-inspection fees did not align with it and this will correctly update it.

Motion by Kellbach, second by Nutting to approve the amendment to Section 17.10.010. Motion carried 5-0.

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, December 19, 2016 at 5:15 pm, (Council Chambers)

Members Present: Rasmussen, Wagner, Kellbach, McElhaney, Peckham

Others Present: Alfonso, Rayala, Hardel, Kujawa, Klein, Hagenbucher, Mielke, Neal, and Lindsey Lewitzky

Consider various license applications

Rasmussen noted there were no denial recommendations this month. Wausau Events 2017 special event applications were included on the list, as well as various license renewals.

Motion by Wagner, second by Kellbach to approve the licenses as recommended. Motion carried 5-0.

CLERK'S REPORT TO PUBLIC HEALTH & SAFETY COMMITTEE

December 19, 2016 Meeting

AGENDA ITEM

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

ADDITIONAL INFORMATION

Applications as listed have or will have a background check run by staff and reviewed by the Police Chief or his designee. Applications marked pending will have a status update at the meeting. In accordance with city ordinance, **all permits approved are held for debts owed to the city until the debt is paid in full.**

1. All Operator's on the list have been recommended for approval; there are no denials.
2. Wausau Events has applied for Temporary Class B Retailer (Picnic) licenses for the Balloon Rally Rib Fest, the Blues Fest and the Beer & Bacon Fest for 2017.
3. Wausau Events 2017 Season Special Event applications are under consideration, as well as a new event in they are holding in conjunction with CVB for the World Wisconsin Ginseng Festival, September 15-17, 2017, on The 400 Block. Organizers will be present to answer questions regarding this new event.
4. Class II Special Event application from The Women's Community for their annual Marshfield Clinic Proudly Presents: Chase'n Chocolate 5K Fun Run/Walk, May 13, 2017.
5. Renewals for Pet Fanciers already approved and a couple of new applications for Pet Fanciers, which are pending approval of the Humane Officer.

STAFF RECOMMENDATION

Staff recommendation is to approve or deny as indicated on the summary report including those that may be introduced at the meeting. Please let me know if you have any question regarding any license applications listed.

Mary Goede, Deputy Clerk

Date of Report: December 15, 2016

(715) 261-6621

HEALTH AND SAFETY LIST
ALL LICENSES
DECEMBER 19, 2016REPORT ID: LRS5301
RUN DATE: 1/03/17
RUN TIME: 12:49:43

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCAATION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>ONES</u> <u>DEBT</u>
WAUSAU EVENTS 316 SCOTT ST WAUSAU, WI 54403	2017	11/09/2016	7/13/2017	7/16/2017		BALLOON RALLY / RIB	TEMP CLASS B RETAILER	✓			
WAUSAU EVENTS 316 SCOTT ST WAUSAU, WI 54403	2017	11/09/2016	8/18/2017	8/19/2017		BIG BULL FALLS BLUES	TEMP CLASS B RETAILER	✓			
WAUSAU EVENTS 316 SCOTT ST WAUSAU, WI 54403	2017	11/09/2016	9/23/2017	9/23/2017		BEER & BACON FEST	TEMP CLASS B RETAILER	✓			
BANAS, ERIC J 1211 C MERRILL AVE WAUSAU, WI 54401	2016	12/08/2016		6/30/2017		PINE RIDGE WAUSAU LL	OPERATOR NEW	✓			
FRITSCH, SYLVIA C 1202 CURVE RD MOSINEE, WI 54455	2016	11/23/2016		6/30/2017		R-STORE #34	OPERATOR NEW	✓			
FRUEND, BRIAN 515 ADAMS ST WAUSAU, WI 54403	2016	11/16/2016		6/30/2017		ROSATIS PIZZA	OPERATOR NEW	✓			
GLAZNER, ROBERT A 1202 MOSINEE AVE MOSINEE, WI 54455	2016	11/17/2016		6/30/2017		R STORE #8	OPERATOR NEW	✓			
LARSON, VANESSA 7410 WHITESPIRE RD #11 WESTON, WI 54476	2016	11/30/2016		6/30/2017		TRIG'S WAUSAU	OPERATOR NEW	✓			
MCCARTHY, KEVIN 2282 MEADOW DR KRONENWETTER, WI 54455	2016	11/21/2016		6/30/2017		WAUSAU ELKS CLUB 248	OPERATOR NEW	✓			
MOUA, MAI CHEE 122 S 2ND AVE WAUSAU, WI 54401	2016	11/17/2016		6/30/2017		CHRISTINE'S	OPERATOR NEW	✓			
NICK, CASEY R 201 ROSS AVE WAUSAU, WI 54403	2016	12/09/2016		6/30/2017		LUMPY'S	OPERATOR NEW	✓			
OLIVER, DEANNA C 825 YOUNG ST WAUSAU, WI 54403	2016	11/18/2016		6/30/2017		COP SHOPPE PUB	OPERATOR NEW	✓			
SCHARBARTH, ROLAIN R 116 LAKE VIEW CT WAUSAU, WI 54403	2016	12/08/2016		6/30/2017		R-STORE #34	OPERATOR NEW	✓			
SCHOBPKE, AARON D 1515 N 16TH AVE WAUSAU, WI -5440	2016	11/22/2016		6/30/2017		KWIK TRIP #322	OPERATOR NEW	✓			

HEALTH AND SAFETY LIST
ALL LICENSES
DECEMBER 19, 2016REPORT ID: LRS530I
RUN DATE: 1/03/17
RUN TIME: 12:49:43

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCATION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
SCHWARTZMAN, MICHELLE L 1224 TOWNLINE RD APT 10 WAUSAU, WI 54403	2016	12/09/2016		6/30/2017		CABARET	OPERATOR NEW	✓			
STEFFEN, MARCUS J 622 N 4TH AVE WAUSAU, WI 54401	2016	12/07/2016		6/30/2017		WALGREEN'S STORE #07	OPERATOR NEW	✓			
THOMPSON, SHAWNNA L 625 PARK AVE WAUSAU, WI 54403	2016	12/05/2016		6/30/2017		R-STORE #31	OPERATOR NEW	✓			
YOUNG, KATHERINE J 605 E THOMAS ST WAUSAU, WI 54403	2016	11/18/2016		6/30/2017		COURTYARD BY MARRIOTT	OPERATOR NEW	✓			
DIXON, JEFFREY 408 W WILSON AVE STEVENS POINT, WI 54481	2016	11/17/2016		6/30/2018		BACK WHEN CAFE	OPERATOR - LAPSED RENEWAL	✓			
GRYSKIEWICZ, LUDVIKA K 302 N 11TH AVE WAUSAU, WI 54401	2016	11/16/2016		6/30/2018		2510 RESTAURANT	OPERATOR - LAPSED RENEWAL	✓			
KING, JODI M 608 S 10TH STREET WAUSAU, WI 54403	2016	12/09/2016		6/30/2018		CHEER'S BAR	OPERATOR - LAPSED RENEWAL	✓			
KNAEBE, KATIE L 824 N 2ND AVE WAUSAU, WI 54401	2016	12/02/2016		6/30/2018		KRIST FOOD MART #61	OPERATOR - LAPSED RENEWAL	✓			
MCCASLIN, AMY 603 COTTAGE ST MERRILL, WI 54452	2016	11/23/2016		6/30/2018		WAUSAU MINE COMPANY	OPERATOR - LAPSED RENEWAL	✓			
PETERSON, PHILLIP G 619 S 5TH AVE WAUSAU, WI 54401	2016	12/08/2016		6/30/2018		WAUSAU ELKS CLUB 248	OPERATOR - LAPSED RENEWAL	✓			
PREGONT, CASSANDRA M 1015 JACKSON ST WAUSAU, WI 54403	2016	11/28/2016		6/30/2018		R STORE #6	OPERATOR - LAPSED RENEWAL	✓			
YUNK, NICOLE L 1105 S 14TH AVE WAUSAU, WI 54401	2016	12/07/2016		6/30/2018		CHEER'S BAR	OPERATOR - LAPSED RENEWAL	✓			
SALZMAN LEONARD ROUTE 5 4610 LAHR AVE WAUSAU, WI 54403	2016	11/28/2016	11/28/2016	12/25/2016		SALZMAN CHRISTMAS TR	CHRISTMAS TREE	✓			

HEALTH AND SAFETY LIST
ALL LICENSES
DECEMBER 19, 2016REPORT ID: LRS530I
RUN DATE: 1/03/17
RUN TIME: 12:49:43

<u>NAME</u> <u>ADDRESS</u>	<u>RECORD</u> <u>YEAR</u>	<u>APPLICATION</u> <u>DATE</u>	<u>EVENT START</u> <u>DATE</u>	<u>EXPIRATION</u> <u>DATE</u>	<u>REVOCAATION</u> <u>DATE</u>	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>APR</u>	<u>DEN</u>	<u>PEN</u>	<u>OWES</u> <u>DEBT</u>
MOUNTAIN LANES FAMILY FUN CENT KAILLEAH KOEHLER 810 DUNBAR ST WAUSAU, WI 54403	2016	12/06/2016	7/01/2016	6/30/2017		MOUNTAIN LANES FAMIL	TAVERN ENTERTAINMENT	✓			
ABEL, LONA L 718 TURNER ST WAUSAU, WI 54403	2017	12/12/2016	1/01/2017	12/31/2017		LONA L. ABEL	PET FANCIER PERMIT	✓			
FOLLENSBEE, JILL F 201 SCHWEBACH ST WAUSAU, WI 54403	2017	12/12/2016	1/01/2017	12/31/2018		JILL FOLLENSBEE	PET FANCIER PERMIT	✓			
JACKSON, PAM 404 S 20TH ST WAUSAU, WI 54403	2016	11/17/2016	11/17/2016	12/31/2017		PAM JACKSON	PET FANCIER PERMIT	✓			
JEHN, DIANE 310 S 11TH AVE WAUSAU, WI 54401	2016	12/06/2016	1/01/2016	12/31/2017		DIANE JEHN	PET FANCIER PERMIT	✓			
JONES, WENDY A 327 S 56TH AVE WAUSAU, WI 54401	2016	12/02/2016	1/01/2016	12/31/2017		WENDY JONES	PET FANCIER PERMIT	✓			
MANOWSKI, ROBERT F 2904 GLENDALE AVE WAUSAU, WI 54401	2016	12/19/2016	1/01/2016	12/31/2017		ROBERT MANOWSKI	PET FANCIER PERMIT	✓			
MCDONNELL TRACY 12 NORTH HILL RD WAUSAU, WI 54403	2016	11/28/2016	1/01/2016	12/31/2017		TRACY MCDONNELL	PET FANCIER PERMIT	✓			
STOLZMAN, DEBRA K 3420 HORSESHOE SPRING RD WAUSAU, WI 54403	2017	12/12/2016	1/01/2017	12/31/2018		DEBRA STOLZMAN	PET FANCIER PERMIT	✓			
SWANBORG, VALERIE J 3201 N 12TH ST WAUSAU, WI 54403	2017	12/13/2016	1/01/2016	12/31/2017		TIA (40789), DEALS-A	PET FANCIER PERMIT	✓			
WAUSAU EVENTS 316 SCOTT ST WAUSAU, WI 54403	2017	11/09/2016	6/16/2017	6/18/2017		SUMMER KICKOFF WEEKE	SPECIAL EVENT CLASS 1	✓			
WAUSAU EVENTS 316 SCOTT ST WAUSAU, WI 54403	2017	11/09/2016	6/21/2017	8/23/2017		CONCERTS ON THE SQUA	SPECIAL EVENT CLASS 1	✓			
WAUSAU EVENTS 316 SCOTT ST WAUSAU, WI 54403	2017	11/09/2016	6/22/2017	9/21/2017		MARKETPLACE THURSDAY	SPECIAL EVENT CLASS 1	✓			
WAUSAU EVENTS 316 SCOTT ST WAUSAU, WI 54403	2017	11/09/2016	7/13/2017	7/16/2017		BALLOON RALLY / RIB	SPECIAL EVENT CLASS 1	✓			

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

CONFIRMATION OF MAYOR'S APPOINTMENTS

to Boards, Commissions and Committees: *Community Development Authority*

File Number: 17-0103

Date Introduced:

January 10, 2017

Community Development Authority

Becky McElhaney

3839 Woodland Ridge Rd

Term of Office 2016-2018

715-581-3762

*Replacing Romey Wagner

- (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

Becky MacElhaney

Bio

1/6/17

I am a lifetime resident of the Wausau area having 20 plus years of experience as an RN in varied settings which includes mental health, elderly and the disabled populations. My passion and understanding for the need to provide proper housing in the proper setting for these and all residents throughout our area will fit well with the CDA's mission. I look forward to my role to assist the Authority to reach the goals set before us.

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

RESOLUTION OF THE ROOM TAX COMMISSION	
Approving Tourism Entity Agreement between the City of Wausau, its Room Tax Commission and the Wausau Central Wisconsin Convention & Visitors Bureau, Inc.	
Committee Action:	Approved 5-0
Fiscal Impact:	Approximately \$355,000
File Number:	94-0828
Date Introduced:	January 10, 2017

FISCAL IMPACT SUMMARY				
COSTS	<i>Budget Neutral</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Budget Source:</i>	
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>	
	<i>Recurring Costs:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: Based upon current payment \$355,000</i>	
SOURCE	<i>Fee Financed:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: Annual room tax revenue about \$875,000</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 <input type="checkbox"/> Debt <input type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/></i>			

RESOLUTION

WHEREAS, the City is authorized by the laws of Wisconsin to impose, collect, and distribute a portion of the proceeds of hotel/motel room taxes to promote and develop tourism and for the purpose of improving the economic well-being of the entire community, and has funded such a program since at least 1990; and

WHEREAS, the City has enacted an ordinance imposing a uniform tax on the privilege of furnishing, at retail, rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations which are available to the public pursuant to sec. 66.0615 Wis. Stats. (“Room Tax Act”); and

WHEREAS, within the Room Tax Ordinance, the City has imposed a Room Tax of eight percent (8%); and

WHEREAS, the City has created a Room Tax Commission (“Commission”) to oversee the proper expenditures of room taxes in accordance with the requirements of the Wisconsin Room Tax Act; and

WHEREAS, the City and its Commission desire to enter into a non-exclusive contract with the CVB, as a qualifying “tourism entity” as defined in Section (1)(f) of the Room Tax Act, for it to provide the City or its Commission with staff, support services and assistance in developing and implementing

programs that foster tourism promotion and tourism development in the City to visitors as provided in Section (1)(b)4 of the Room Tax Act and the CVB desires to enter into such a contract with the City and its Room Tax Commission; and

WHEREAS, the agreements of the parties as to such services shall be as set forth herein; and

WHEREAS, your Room Tax Commission, on November 30, 2016, discussed and recommended approval of the Tourism Entity Agreement.

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 a Tourism Entity Agreement between the City of Wausau, its Room Tax Commisison and the Wausau Central Wisconsin Convention & Visitors Bureau, Inc.

Approved:

Robert B. Mielke, Mayor



Office of the City Attorney

TEL: (715) 261-6590

FAX: (715) 261-6808

Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

COMMENTS REGARDING TOURISM ENTITY AGREEMENT

The City's Room Tax Commission met on November 30, 2016, in closed session. Subsequent to that meeting, I met with Dick Barrett, of the Convention and Visitors Bureau (CVB). To the extent his requested changes have been incorporated into the Agreement attached, I note those changes for the benefit of the City Council members:

- The effective date of the agreement has been added to include January 1, 2017.
- CVB suggested the following wording for 4.c.:

The Room Tax Commission, in turn, will remit the portion of the 8% room tax collected as follows; 2½% for CVB expenses ½ of 1% Central Wisconsin Sports Authority expenses and ½ of 1% for Meeting Means Business expense totaling 3 ½% of the 8% to the CVB within 45 days after the end of each quarter. This shall be used for tourism promotion and tourism development in the City as outlined by state statute.

- CVB has requested 60 days, rather than 30 days, under 6.b. and c. within which to provide to the City or its Room Tax Commission, an accounting of the activities and expenditures of the room tax revenues and a written Financial Budget Plan for the year.
- The term is shown as 2 (two) years, at the request of CVB; however, they requested additional one year automatic renewal periods.
- The Finance Director will maintain the accounts, rather than the CVB.

ROOM TAX COMMISSION

Date and Time: Wednesday, November 30, 2016 at 4:30 pm, (Maple Room)

Members Present: Tim VanDeYacht, Tom Weaver, Lisa Rasmussen, Romey Wagner, Tom Neal

Others Present: Mielke, Jacobson, Groat, Goede, Lindsey Lewitzke, Elizabeth Fields, Kathy Foley, Amy Beck

Mayor Mielke called the meeting to order and all members and individuals present were introduced.

Elect Chair, Vice Chair and Secretary

Motion by Wagner, second by Neal to elect Tom Weaver as Chair of the commission. Motion carried 5-0.

Motion by Neal, second by Wagner to elect Tim VanDeYacht as Vice Chair and Secretary of the commission.

Motion carried 5-0.

Discussion and Possible Action on approval of contract with existing tourism entity for tourism promotion

Attorney Jacobson stated effective January 1, 2017 is our target goal to have a contract in place. The commission must contract with an existing tourism entity in the community and the city would be required to forward the appropriate room tax revenue to this commission. She noted the commission will contract with the entity but it has to be approved by Council. She indicated she sent termination notices for the three contracts we currently have with Wausau/Central Wisconsin Convention & Visitors Bureau (CVB) and a termination letter, effective at the end of this year.

Groat explained the state statutes allow the city to retain the greater of 30% or of a historical lookback time period. She noted she informed the Finance Committee that if the city elected to retain only 30%, it would amount to \$253,000, but if they look at the stepdown and retain what we retained in 2014, it would amount to \$506,000. Groat stated the city has been using its room tax in three categories: 1) for city purposes, 2) our financial obligation with the CVB, and 3) grants to a variety of organizations. City has evaluated these requests based on their contribution in the way of generating tourism as well as improving the quality of life to the community. The Finance Committee recommendation was to retain the maximum amount, which would allow two avenues to apply for room tax. They can apply to the city and/or to the commission. Since the tourism related expectation for the Room Tax Commission is pretty strict, some entities could get funds from the city because they wouldn't have to meet those strict guidelines.

CLOSED SESSION pursuant to s. 19.85(1)(e), Wis. Stats., deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, relating to negotiating a contract with an existing tourism entity for tourism promotion

Motion by Neal, second by Wagner to convene in closed session. Roll Call Vote: Ayes: Wagner, Neal, Rasmussen, VanDeYacht, and Weaver. Noes: 0. Motion carried 5-0.

RECONVENED back into OPEN SESSION and continued the meeting.

Discussion and possible action regarding establishing a room tax grant process

The commission directed Maryanne Groat to re-evaluate the ranking sheets and criteria that were used in the past to allocate room tax funds and bring a draft to the next meeting for consideration. Groat indicated she could tweak the criteria to focus more on tourism aspects because there is reporting to the DOR that will need to be done. Wagner questioned when they would need to make decisions on the allocations. Groat stated typically the applications were due by August 30th and February 28th, with the August applications being for the next year and the February for that same year. Rasmussen suggested bringing a proposed application/allocation schedule for 2017 and future years.

Adjourn

Motion by Rasmussen, second by Neal to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 5:45 pm.

TOURISM ENTITY AGREEMENT

This TOURISM ENTITY AGREEMENT ("Agreement") is entered into by and between the City of Wausau, a Wisconsin municipal corporation ("City"), its Room Tax Commission ("Commission"), and the Wausau Central Wisconsin Convention & Visitors Bureau, Inc., a Wisconsin Non-Profit 501(c)(6) Non-Stock Corporation ("CVB"), effective on this 1st day of January, 2017.

WHEREAS, the City is authorized by the laws of Wisconsin to impose, collect, and distribute a portion of the proceeds of hotel/motel room taxes to promote and develop tourism and for the purpose of improving the economic well-being of the entire community, and has funded such a program since at least 1990; and

WHEREAS, the City has enacted an ordinance imposing a uniform tax on the privilege of furnishing, at retail, rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations which are available to the public pursuant to sec. 66.0615 Wis. Stats. ("Room Tax Act"); and

WHEREAS, within the Room Tax Ordinance, the City has imposed a Room Tax of eight percent (8%); and

WHEREAS, the City has created a Room Tax Commission ("Commission") to oversee the proper expenditures of room taxes in accordance with the requirements of the Wisconsin Room Tax Act; and

WHEREAS, the City and its Commission desire to enter into a non-exclusive contract with the CVB, as a qualifying "tourism entity" as defined in Section (1)(f) of the Room Tax Act, for it to provide the City or its Commission with staff, support services and assistance in developing and implementing programs that foster tourism promotion and tourism development in the City to visitors as provided in Section (1)(b)4 of the Room Tax Act and the CVB desires to enter into such a contract with the City and its Room Tax Commission; and

WHEREAS, the agreements of the parties as to such services shall be as set forth herein; and

NOW THEREFORE, in consideration of the mutual promises, covenants and agreements herein contained and other good and valuable consideration, the sufficiency of which is acknowledged, the parties hereby agree as follows:

1. Recitals. The foregoing Recitals are hereby incorporated in and made a part of this Agreement.
2. Definitions.
 - a. "CVB" shall mean the Wausau Central Wisconsin Convention & Visitors Bureau, Inc., a Wisconsin Non-Profit 501(c)(6) Non-Stock Corporation.
 - b. "Room Tax" shall mean a tax imposed on the privilege of furnishing, at retail, rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing

accommodations which are available to the public pursuant to the Room Tax Act. The municipality shall impose a room tax in the amount of eight (8%) percent.

- c. "Municipality" shall mean the governmental unit as identified in this Agreement in which an operating lodging property is located and which collects a room tax.
 - d. "Remitted Room Taxes" shall mean the amount of room taxes that the City has collected and forward to the CVB under this agreement.
 - e. "Room Tax Act" shall mean Section 66.0615 Wis. Stats., as amended during the term of this agreement.
 - f. "Tourism promotion and tourism development" means any of the following that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at more than one establishment on which a tax under Section (1m)(a) of the Room Tax Act may be imposed, that are owned by different persons and located with a municipality in which a tax under this section is in effect:
 - 1. Marketing projects, including but not limited to advertising media buys, creation and efforts to recruit conventions, sporting events, programs, or motor coach groups.
 - 2. Transient tourist informational services.
 - 3. Tangible municipal development, including a convention center.
 - 4. Room taxes shall not be used to construct or develop a lodging facility.
3. Purpose. The purpose of this Agreement is to set forth the respective responsibilities, powers, duties and obligations of the parties hereto in collecting and utilizing Room Tax Revenues generated in the Municipality under the provisions of the Room Tax Act and spent in accordance with the requirements of the Room Tax Act as stated in paragraph 2.
4. Financing. The City has imposed and will collect an 8% room tax on transient visitors who stay at the lodging properties within the City.
- a. The City will retain the greater of either 30% of its current year room tax revenues, effective with taxes collected and expenditures made on January 1, 2017, for FY 2017, Room Tax amount retained in FY 2014; for FY 2018, that retained in FY 2013, for FY 2019, that retained in FY 2012; for FY 2020, that retained in FY 2011; and for FY 2021 and forward, that retained in FY 2010. The City will furnish CVB with the amounts the City retained for years 2010, 2011, 2012, 2013, and 2014 for future budgeting purposes by July 31 of each year for the upcoming year.
 - b. The City will forward to its Room Tax Commission, any room tax revenue exceeding the amount it may retain by the Room Tax Act.
 - c. The Room Tax Commission, in turn, will remit 37.5% of room tax collected to the CVB on a quarterly basis, 6.25% of which is designated for the Central Wisconsin Sports Authority to fund opportunities to host major sports tournaments within 45 days after the end of each calendar quarter, all of which shall be used for tourism promotion and tourism development in the City as outlined by state statute.
 - d. The CVB shall submit an invoice to the City on a Quarterly basis. The invoice shall contain such detail by property as may be required by the city. It is expressly understood that the City or its Room Tax Commission is obligated to pay only the CVB for any expenses incurred in carrying out the terms of this agreement.

5. Appointment of Tourism Entity. The City and its Room Tax Commission, hereby appoint the CVB as the tourism entity referenced in the Room Tax Act. The city retains the right to enter into other non-exclusive agreements in compliance with the Room Tax Act.
6. CVB Responsibilities. The CVB shall be responsible for the following:
 - a. Administrative Support. The CVB will be required to obtain staff, support services, and assistance in developing and implementing programs to promote tourism promotion and tourism development with the City. Any notices or documentation required to be provided to the City or its Room Tax Commission by the CVB for the funds it receives shall be forwarded to the Mayor or Chairperson of the Room Tax Commission. It is further acknowledged that, upon reasonable prior notice, the CVB will attend meetings called by the City or its Room Tax Commission to discuss issues pertaining to room tax collection and expenditures and otherwise cooperate to achieve the purposes of the room tax statute.
 - b. Accounting. The CVB shall provide the City or its Room Tax Commission with an accounting of the activities and of the expenditures of the room tax revenues, on a quarterly basis, and the CVB shall have not more than sixty (60) days following each quarter to respond; additionally, the CVB shall provide to the City or its Room Tax Commission, a copy of its annual audit within sixty (60) days of it having been produced. The City or its Room Tax Commission shall have the right to examine such records at all reasonable times. Progress reports and reviews by the City or its Room Tax Commission may be called for at any time.
 - c. Financial Budget Plan. Not later than January 1st of each year, or as otherwise agreed, the CVB shall generate a written Financial Budget Plan for the year. This Plan of Business shall be made available to the City or its Room Tax Commission within sixty (60) days of the City's or Room Tax Commission's written request for the same. The parties agree that the Financial Budget Plan may be revised from time to time and, if so, the City or its Room Tax Commission will be so notified and provided a revised Financial Budget Plan. It is understood that the City or its Room Tax Commission shall have no approval rights of the Financial Budget Plan but may provide comment or recommendation to the CVB which may be implemented at the CVB's discretion.
 - d. Reports. The CVB agrees to prepare a separate DOR Form that is created and provided by the Department of Revenue ("DOR") for the City, on or before April 1, beginning in 2017 as provided in section (4) of the Room Tax Act, unless an extension in filing the Form to the DOR has been approved. If so, the CVB shall submit the DOR Form to the City on or before thirty (30) days before it is due to the DOR. The City and its Room Tax Commission agree to cooperate with the CVB in completing this form.
 - e. Compliance. The CVB agrees to comply with applicable laws pertaining to its non-profit status.
7. Acknowledgment of Compliance. The CVB acknowledges and agrees that the imposition of a total Room Tax in the amount of eight (8%) percent by the City complies with the Room Tax Act.
8. Room Tax Delinquencies. The parties agree that they shall work together toward the collection of any delinquent room tax owed to the City and the parties shall cooperate with the City to assist it in the collection of any delinquent or deficient amounts owed by any operator required to collect and remit Room Tax proceeds under City ordinance.

9. Events of Default. Each of the following shall be considered to be an Event of Default (only following the applicable cure period) by the CVB:
 - a. The failure to provide an accounting or audit hereunder after thirty (30) days written notice of CVB's failure to do so by the City or its Room Tax Commission, as applicable.
 - b. The failure to provide a Financial Budget Plan hereunder after thirty (30) days written notice of CVB's failure to do so by the City or its Room Tax Commission.
 - c. The failure to provide the DOR Form to the City hereunder, unless excused by the City or the CVB is unable to provide the form in a timely manner due to circumstances beyond its control.
10. Term. This Agreement shall remain in effect for a period of two (2) years from the effective date of this Agreement, unless terminated as follows:
 - a. The City or its Room Tax Commission may terminate this Agreement at any time if (i) it is found that the CVB, or its agents, has committed a material breach of this Agreement, including but not limited to, the intentional misuse of the Room Tax revenues for purposes outside of which are permitted by the Room Tax Act, which material breach is not cured within thirty (30) days of the CVB's receipt of written notice from the City or its Room Tax Commission containing a sufficient description of the material breach alleged, or (ii) the CVB is no longer acting as a "tourism entity" as defined in the Room Tax Act.
 - b. In the event of termination, the funds in the Room Tax Account shall be the property of the City or its Room Tax Commission. All other funds in the possession of the CVB shall remain the property of CVB. However, the City shall make no further remittances to the CVB under this Agreement.
 - c. Following termination, the City or its Room Tax Commission shall have no further obligation to the CVB. However, the obligations of CVB to provide an accounting or audit as described in paragraph (6)(b) and a report as described in paragraph (6)(d), shall survive termination of this Agreement.
11. Indemnification and Hold Harmless. The CVB shall indemnify, save and hold harmless the City and all its officers, agents, employees and Room Tax Commission from any and all claims, demands, action, or causes of actions of whatever nature and character, arising out of or by reason of the execution or performance of work or services provided herein, except upon the sole negligence or willful misconduct of the City or its Room Tax Commission and further agree to defend, at its sole cost and expense, any action or proceeding commenced for the purpose of asserting any claim of whatever character arising hereunder.
12. Modification. This Agreement shall not be modified without an express written agreement executed by the parties.
13. Severability. If any provision or provisions of this Agreement shall be held to be invalid, such holding shall not in any way whatsoever affect the validity of the remainder of this Agreement.
14. Governing Law. This Agreement has been drawn and executed and shall be performed in the State of Wisconsin and shall be governed by the laws of the State of Wisconsin.
15. Waiver. No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be a waiver

of the right or power. A waiver by a party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms or conditions of this Agreement.

16. Enforcement. Enforcement of this 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 Agreement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the non-prevailing party.
17. Entire Agreement. This Agreement sets forth the entire understanding of the parties hereto and supersedes any and all prior agreements, arrangements and understandings relating to the subject matter hereof. There are no representations, arrangements, understandings, or agreements, oral or written, not contained herein.
18. Authority. In signing this Agreement, the parties represent and warrant that the terms herein have been approved by their respective governing bodies and that appropriate authority rests in the signatories on behalf of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement, comprising 17 paragraphs, as of the date first above written.

CITY OF WAUSAU

By: _____
Robert B. Mielke, Mayor

Countersigned: _____
Toni Rayala, Clerk

CITY OF WAUSAU ROOM TAX COMMISSION

By: _____
Tom Weaver, Chair

Attest: _____
Tim Van De Yacht, Secretary

Wausau Central Wisconsin Convention & Visitors Bureau, Inc.

By: _____
Richard Barrett, Executive Director

Attest: _____
Jodi Maguire, Secretary

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

RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET MAINTENANCE COMMITTEE	
Approving Detour Agreement with WisDOT regarding STH 29	
Committee Action:	Approved 4-0
Fiscal Impact:	None.
File Number:	17-0109
Date Introduced:	January 10, 2017

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> Annual Retirement
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, the Wisconsin Department of Transportation (WisDOT) intends to complete epoxy overlays on bridge structures on STH 29/USH 51; and

WHEREAS, the WisDOT has inquired about using STH 52 to detour traffic for STH 29/USH 51 during this project and;

WHEREAS, the City of Wausau is the maintaining authority for STH 52 and for allowing the WisDOT to utilize STH 52 for this detour, they have proposed to re-apply paint striping; and

WHEREAS, your Capital Improvements and Street Maintenance Committee met on December 8, 2016 to review the Detour Agreement and recommends approval (a copy of which is attached); now therefore

BE IT RESOLVED that the Common Council of the City of Wausau hereby authorizes and directs the proper City officials to execute the attached Detour Agreement.

Approved:

Robert B. Mielke, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: December 8, 2016, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Gisselman, Abitz, Kellbach, McElhaney (Rasmussen was excused.)

Also Present: Wesolowski, Sean Gehin, Graham, Stratz, Joe Gehin

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and received by the *Wausau Daily Herald* in the proper manner.

Noting the presence of a quorum, at approximately 5:30 p.m. Chairman Gisselman called the meeting to order.

Discussion and possible action on Detour Agreement with WisDOT regarding STH 52

Wesolowski explained that the DOT is planning to place an epoxy overlay on the flyovers on Highways 51 and 29 to protect the concrete. During this project, they will need a detour route. The DOT is proposing to use STH 52. Wesolowski outlined the proposed detour routes and indicated the work is estimated to take two days for one overpass and twelve days for the other. Wausau is the maintaining authority of STH 52; therefore, the DOT needs permission to use this section of roadway for the detours. In return, the DOT is proposing to repaint the lane markings. Wesolowski provided pictures of the condition of the pavement at STH 52 and Stewart Avenue, which is 10 years old and in need of some repair. He believes there was a failure in construction as this pavement was going bad when it was first placed. He suggested also asking the DOT to repair the pavement at this intersection when the detour is completed.

Abitz is concerned with the timeframe of this detour as Thomas Street will also be detoured. She does not want to see a conflict with the detour of Thomas Street. Wesolowski indicated the DOT is unsure when this work will take place and it is unlikely to take place next summer. If it would take place next year, it would be difficult to avoid Thomas Street construction as that project will be ongoing all summer.

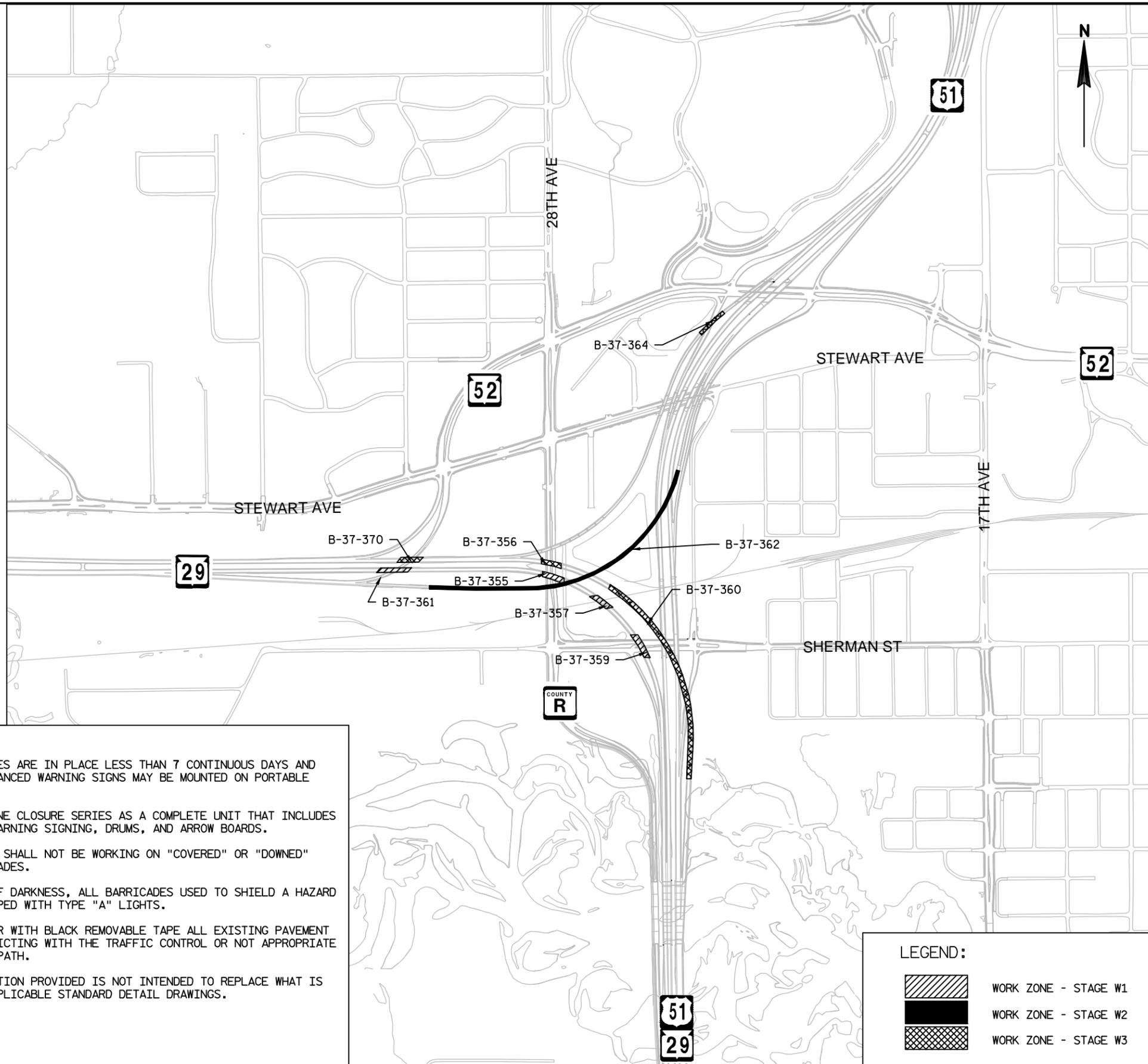
Abitz moved to approve the agreement along with inquiring with the DOT on repair of the intersection at STH 52 and Stewart Avenue. McElhaney seconded and the motion carried unanimously 4-0.

AGENDA ITEM
Discussion and possible action on Detour Agreement with WisDOT regarding STH 29
BACKGROUND
The Wisconsin Department of Transportation has approached the City about using STH 52 to detour traffic for STH 29/USH 51 to accommodate epoxy overlays on bridge structures. See the attached maps for the structures and detour routes. The City is the maintaining authority for STH 52. For allowing the DOT to utilize this section of STH 52 for the detour, the WDOT is proposing to re-apply paint striping as outlined in the proposal.
FISCAL IMPACT
None
STAFF RECOMMENDATION
Staff recommends approval of the agreement.
Staff contact: Allen Wesolowski 715-261-6762

STAGE W1
PURPOSE:
 PLACE POLYMER OVERLAY ON THE FOLLOWING STRUCTURES:
 B-37-355
 B-37-361
 B-37-357
 B-37-359
TRAFFIC HANDLING:
 EASTBOUND STH 29 OPEN TO ONE LANE OF TRAFFIC
 WESTBOUND STH 29 OPEN TO TWO LANES OF TRAFFIC
 ALL RAMP OPEN TO TRAFFIC
RESTRICTIONS:
 STAGE W1A:
 EASTBOUND STH 29 OUTSIDE LANE CLOSED
 STAGE W1B:
 EASTBOUND STH 29 INSIDE LANE CLOSED

STAGE W2
PURPOSE:
 PLACE POLYMER OVERLAY ON THE FOLLOWING STRUCTURE:
 B-37-362
 PIER SURFACE REPAIR AND PIER STAINING ON THE FOLLOWING STRUCTURE:
 B-37-364
TRAFFIC HANDLING:
 EASTBOUND STH 29 OPEN TO TWO LANES OF TRAFFIC
 WESTBOUND STH 29 OPEN TO TWO LANES OF TRAFFIC
 RAMP FROM EB STH 29 TO NB USH 51 DETOURED VIA STH 52
 ALL OTHER RAMP OPEN TO TRAFFIC
RESTRICTIONS:
 RAMP FROM EB STH 29 TO NB USH 51 CLOSED TO TRAFFIC
 RAMP FROM STH 52 TO SB USH 51 DAYTIME LANE SHIFTS AND SHOULDER CLOSURES

STAGE W3
PURPOSE:
 PLACE POLYMER OVERLAY ON THE FOLLOWING STRUCTURES:
 B-37-356
 B-37-370
 B-37-360
 B-37-364
TRAFFIC HANDLING:
 EASTBOUND STH 29 OPEN TO TWO LANES OF TRAFFIC
 WESTBOUND STH 29 OPEN TO ONE LANE OF TRAFFIC
 RAMP FROM SB USH 51 TO WB STH 29 DETOURED VIA STH 52 IN STAGE W3B
 ALL OTHER RAMP OPEN TO TRAFFIC
RESTRICTIONS:
 STAGE W3A:
 WESTBOUND STH 29 OUTSIDE LANE CLOSED
 STAGE W3B:
 WESTBOUND STH 29 OUTSIDE LANE CLOSED
 RAMP FROM SB USH 51 TO WB STH 29 CLOSED TO TRAFFIC
 STAGE W3C:
 WESTBOUND STH 29 INSIDE LANE CLOSED



GENERAL NOTES FOR TRAFFIC CONTROL

DRAWINGS SHOW TRAFFIC CONTROL FOR A TYPICAL SITUATION. ADDITIONAL TRAFFIC CONTROL DEVICES MAY BE REQUIRED AND/OR LAYOUT DETAILS MODIFIED DEPENDING ON METHODS OF SEQUENCE OF OPERATION.

ADJUST SIGN SPACING TO AVOID CONFLICT WITH AND TO PROVIDE A MINIMUM SPACING OF 200 FEET (500 FEET DESIRABLE) TO EXISTING SIGNS.

UNLESS NOTED, ALL WARNING SIGNS ARE 48" X 48".

"W0" IS THE SAME AS "W" EXCEPT THE BACKGROUND IS ORANGE.

ALL TRAFFIC CONTROL SIGNING WILL CONFORM TO PART VI OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2009 EDITION, & THE WISCONSIN SUPPLEMENT DATED MAY 25, 2011.

CONSIDER GEOMETRICS WHEN LOCATING SIGNS AND ARROW BOARDS SO THE DRIVER HAS A CLEAR VIEW OF THE ARROW BOARD AND LANE CLOSURE DRUMS FOR A MINIMUM OF 1500 FEET IN FRONT OF DRUMS.

IF LANE CLOSURES ARE IN PLACE LESS THAN 7 CONTINUOUS DAYS AND NIGHTS THE ADVANCED WARNING SIGNS MAY BE MOUNTED ON PORTABLE SUPPORTS.

INSTALL THE LANE CLOSURE SERIES AS A COMPLETE UNIT THAT INCLUDES ALL ADVANCED WARNING SIGNING, DRUMS, AND ARROW BOARDS.

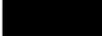
WARNING LIGHTS SHALL NOT BE WORKING ON "COVERED" OR "DOWNED" SIGN OR BARRICADES.

DURING HOURS OF DARKNESS, ALL BARRICADES USED TO SHIELD A HAZARD SHALL BE EQUIPPED WITH TYPE "A" LIGHTS.

REMOVE OR COVER WITH BLACK REMOVABLE TAPE ALL EXISTING PAVEMENT MARKINGS CONFLICTING WITH THE TRAFFIC CONTROL OR NOT APPROPRIATE TO THE TRAVEL PATH.

LAYOUT INFORMATION PROVIDED IS NOT INTENDED TO REPLACE WHAT IS PROVIDED IN APPLICABLE STANDARD DETAIL DRAWINGS.

LEGEND:

-  WORK ZONE - STAGE W1
-  WORK ZONE - STAGE W2
-  WORK ZONE - STAGE W3

DETOUR ROUTE OVERVIEW

SB USH 51 RAMP TO WB STH 29 DETOUR USES
 WEST STH 52 PARKWAY
 EB STH 29 RAMP TO NB USH 51 DETOUR USES
 EAST STH 52 PARKWAY

NOTE: SEE TRAFFIC CONTROL PLANS FOR LANE
 AND RAMP CLOSURE SIGNING.
 ALL DETOUR J ASSEMBLIES SHALL HAVE
 ORANGE DIRECTIONAL ARROWS.



DETOUR ROUTES
 (SOUTHBOUND-WESTBOUND)
 (EASTBOUND-NORTHBOUND)

BEGIN DETOUR
 TO WB STH 29

END DETOUR
 TO NB USH 51

END DETOUR
 TO WB STH 29

BEGIN DETOUR
 TO NB USH 51

EB STH 29 RAMP TO NB USH 51 CLOSED

SB USH 51 RAMP TO WB STH 29 CLOSED

WORK ZONE
 STRUCTURE B-37-364
 (EST. DURATION 2 DAYS)

WORK ZONE
 STRUCTURE B-37-362
 (EST. DURATION 12 DAYS)

LEGEND

- ↑ ↓ TYPE III BARRICADE WITH/WITHOUT ATTACHED SIGN
- ▶ ◀ DETOUR ROUTE EB STH 29 TO NB USH 51
- ◀ ▶ DETOUR ROUTE SB USH 51 TO WB STH 29
- ◆ ◆ RAMP CLOSED



DETOUR AGREEMENT BETWEEN THE WISCONSIN DEPARTMENT OF TRANSPORTATION AND CITY OF WAUSAU

This agreement is to define the conditions for use of the roadways under the jurisdiction of the City of Wausau along the route for the proposed detour of STH 29, to facilitate a polymer overlay maintenance project on structures B-37-362 (STH 29 Eastbound to USH 51 Northbound) and B-37-364 (USH 51 Southbound to STH 29 Westbound).

The detour route for southbound USH 51 traffic will be to exit USH 51 at Stewart Ave (STH 52), take STH 52 west, enter STH 29 westbound using the STH 29 ramps.

The detour route for westbound STH 29 traffic will be to exit STH 29 at STH 52, take STH 52 east, enter USH 51 northbound the USH 51 ramps.

The detour is expected to be in place for three weeks.

The Wisconsin Department of Transportation will arrange and pay for all necessary traffic controls for said detour.

The Wisconsin Department of Transportation will, prior to using the detour, complete the following work:

- reapply 4-inch lane and edge line markings along the westbound direction of STH 52 from the USH 51 southbound ramp intersection to the STH 52/Stewart Ave intersection;

- reapply 4-inch lane and edge line markings along the eastbound direction of STH 52 from the STH 52/Stewart Ave intersection to the USH 51 northbound ramp intersection;

- reapply the 8-inch channelizing marking along the eastbound direction of STH 52 from the USH 51 southbound ramp intersection to the USH 51 northbound ramp intersection;

- reapply the series (three in total) of "ONLY" and Left Turn Arrow marking along the eastbound direction of STH 52 from the USH 51 southbound ramp intersection to the USH 51 northbound ramp intersection.

All other existing pavement markings will remain untouched, unless other arrangements are made for the markings to be completed, at the cost of the municipality, through a separate State Municipal Agreement (SMA).

Temporary repairs to maintain highway traffic will be the responsibility of the Wisconsin Department of Transportation. Repairs beyond that needed to maintain highway traffic will be the responsibility of the underlying maintaining authority.

Any damage caused by the additional traffic to the detour route as described above will be repaired at no cost to the maintaining authority. Prior to use as a detour, this route will be photographed and logged to document the condition prior to use.

WISCONSIN DEPARTMENT OF TRANSPORTATION

By: _____ Date: _____

CITY OF WAUSAU

By: _____ Date: _____

**Project 1009-45-66
STH 29
Marathon County**

**JOINT ORDINANCE OF THE HISTORIC PRESERVATION COMMISSION
AND THE PLAN COMMISSION**

Amending Section 2.82.065 *Historic Districts*

Committee Action: Hist Comm: Approved 6-0 Ordinance Number:
Plan Comm: Approved 6-0

Fiscal Impact: None

File Number: 17-0107

Date Introduced: January 10, 2017

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

Section 1. **That Section 2.82.065 of the *Wausau Municipal Code* shall be amended as follows:**

Add()

2.82.065 Historic Districts. (d) The following properties are designated as the Class II Highland Park District

(1) The property located at 1206 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0001

HIGHLAND PARK ADD LOT A EX N 184' THEREOF

(2) The property located at 1025 Everest Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0002

HIGHLAND PARK ADD N 184' OF LOT A

(3) The property located at 1219 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0003

HIGHLAND PARK ADD N 101' OF LOT B

(4) The property located at 1217 Kreutzer Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0004

HIGHLAND PARK ADD LOT B EX S 263' THEREOF ALSO EX N 101' THEREOF

(5) The property located at 1222 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0005

HIGHLAND PARK ADD S 263' OF LOT B

(6) The property located at 1010 Adams Street and more particularly described at:

PIN: 37.291.4.2907.254.0006

HIGHLAND PARK ADD LOT 1 BLK 1

(7) The property located at 1065 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0007

HIGHLAND PARK ADD LOT 2 & W 32' OF LOT 3 BLK 1

(8) The property located at 1014 Everest Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0008

HIGHLAND PARK ADD S 100' OF LOT 3 EX W 32' THEREOF ALSO N 50' OF LOT 4 BLK 1

(9) The property located at 1101 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0009

HIGHLAND PARK ADD ALL THAT PT OF LOT 3 BLK 1 LYG E OF E LN OF 11TH ST EXTENDED N & N OF A LN PARA WITH & 100' N OF N LN OF LOT 4 BLK 1

(10) The property located at 1012 Everest Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0010

HIGHLAND PARK ADD S 100' OF LOT 4 BLK 1 INCL PT OF CSM VOL 4-16 (826)

DESD AS E1/2 OF LOT 6 BLK 1 OF H B HUNTINGTONS ADD

(11) The property located at 1010 Everest Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0011

HIGHLAND PARK ADD LOT 5 BLK 1

(12) The property located at 1100 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0012

HIGHLAND PARK ADD LOT 6 BLK 1 & THAT PT OF VAC 11TH ST LYG W OF SD LOT ALSO LOTS 4 5 & 6 BLK 1 EX N 115' & LOTS 4 5 6 7 & 8 BLK 2 OF H B HUNTINGTONS ADD INCL VAC FULTON ST ADJ SD LOTS CSM VOL 19 PG 14

(13) The property located at 1105 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0013

HIGHLAND PARK ADD LOT 1 ALSO ALL THAT PT OF LOT 2 LYG W OF E LN OF LOT 1 EXTENDED N BLK 2 ALSO HOEFLINGERS 4TH ADD LOTS 7 & 8 INCL THAT PT OF VAC 12TH ST LYG BETWN ABOVE DESD LOTS & S 6' OF VAC ALLEY LYG N OF VAC 12TH & LOTS 7 & 8 BLK 5

(14) The property located at 1215 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0015

HIGHLAND PARK ADD E 78' OF LOT 2 & ALL OF LOTS 3 & 4 BLK 2 ALSO N 6' OF VAC ALLEY LYG S OF SD LOTS INCL THAT PT OF VAC 12TH ST LYG SLY & ADJ SD LOTS

(15) The property located at 1107 North 10th Street and more particularly described at:

PIN: 37.291.4.2907.254.0016

HIGHLAND PARK ADD LOT 1 BLK 3

(16) The property located at 1111 North 10th Street and more particularly described at:

PIN: 37.291.4.2907.254.0017

HIGHLAND PARK ADD LOT 2 ALSO PT OF LOT 5 COM AT NE COR OF LOT 2 E 50' S TO SLY LN OF LOT 5 SWLY ALG SLY LN OF LOT 5 TO SWLY COR OF SD LOT N TO BEG BLK 3

(17) The property located at 1009 Hamilton Street and more particularly described at:

PIN: 37.291.4.2907.254.0020

HIGHLAND PARK ADD PART OF LOT 5 COM AT NW COR OF LOT 5 E 79' S 53' SWLY 50.45' TO A PT 63' E OF NE COR OF LOT 2 BLK 3 OF SD ADD W 63' TO NE COR OF LOT 2 N 100' TO BEG BLK 3

(18) The property located at 1020 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0021

HIGHLAND PARK ADD LOT 5 & W 50' OF LOT 6 EX PCLS DESD IN VOLS 296 OF DEEDS PG 217 VOL 398 PG 3 BLK 3

(19) The property located at 1022 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0022

HIGHLAND PARK ADD LOT 6 EX W 50' THEREOF ALSO EX E 50' THEREOF BLK 3

(20) The property located at 1106 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0023

HIGHLAND PARK ADD E 50' OF LOT 6 AND W 50' OF LOT 7 ALSO ALL LAND LYG N LY OF W LY 50' OF LOT 7 AND S LY OF HAMILTON ST BLK 3

(21) The property located at 1208 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0025

HIGHLAND PARK ADD E 100' OF LOT 7 & W 75' OF LOT 8 BLK 3 INCL S 10' OF VAC HAMILTON ST LYG N OF SD PCL

(22) The property located at 1212 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0026

HIGHLAND PARK ADD E HALF OF LOT 8 BLK 3 INCL S 10' OF VAC
HAMILTON ST LYG N OF SD PCL

(23) The property located at 1216 Highland Park Boulevard and more particularly
described at:

PIN: 37.291.4.2907.254.0027

HIGHLAND PARK ADD W 75' OF LOT 9 BLK 3 INCL S 10' OF VAC HAMILTON
ST LYG N OF SD PCL

(24) The property located at 1220 Highland Park Boulevard and more particularly
described at:

PIN: 37.291.4.2907.254.0028

HIGHLAND PARK ADD E 75' OF LOT 9 BLK 3 INCL S 10' OF VAC HAMILTON
ST LYG N OF SD PCL

(25) The property located at 1224 Highland Park Boulevard and more particularly
described at:

PIN: 37.291.4.2907.254.0029

HIGHLAND PARK ADD LOT 10 BLK 3 INCL S 10' OF VAC HAMILTON ST LYG
N OF SD LOT ALSO PT OF NE SE SEC 25-29-7 DESD AS LOT (1) OF CSM VOL
10-157(2684)

(26) The property located at 910 North 13th Street and more particularly described at:

PIN: 37.291.4.2907.254.0268

HOEFLINGERS 4TH ADD LOTS 9 10 11 & 12 BLK 5 ALSO THE S1/2 OF VAC
ALLEY LYG N OF SAID LOTS NDA CSM VOL 12-164(3294) DOC #806496

(27) The property located at 812 North 13th Street and more particularly described at:

PIN: 37.291.4.2907.254.0269

HOEFLINGERS 4TH ADD LOTS 1 & 2 & ALL OF ALLEY NOW VAC LYG S OF SD
LOTS BLK 6

(28) The property located at 1209 McIndoe Street and more particularly described at:

PIN: 37.291.4.2907.254.0270

HOEFLINGERS 4TH ADD LOTS 3 & 4 BLK 6

(29) The property located at 1205 McIndoe Street and more particularly described at:

PIN: 37.291.4.2907.254.0271

HOEFLINGERS 4TH ADD LOTS 5 & 6 BLK 6

(30) The property located at 1202 Franklin Street and more particularly described at:

PIN: 37.291.4.2907.254.0272

HOEFLINGERS 4TH ADD LOTS 7 8 & 9 BLK 6

(31) The property located at 802 North 13th Street and more particularly described at:

PIN: 37.291.4.2907.254.0275

HOEFLINGERS 4TH ADD LOTS 10 11 & 12 BLK 6

(32) The property located at 1303 McIndoe Street and more particularly described at:

PIN: 37.291.4.2907.254.0277

HOEFLINGERS 4TH ADD PT OF LOT 3 & ALL OF LOTS 4 & 5 BLK 7 INCL N1/2 OF VAC ALLEY LYG S OF SD LOTS PCL A AS SHN ON CSM VOL 14 PG 53

(33) The property located at 801 North 13th Street and more particularly described at:

PIN: 37.291.4.2907.254.0278

HOEFLINGERS 4TH ADD LOTS 6 & 7 BLK 7 ALSO THE S ½ OF VAC ALLEY LYG N OF AND ADJ THERETO

(34) The property located at 1010 Franklin Street and more particularly described at:

PIN: 37.291.4.2907.254.0289

H B HUNTINGTONS ADD LOTS 7 8 & 9 BLK 3 DESD AS PCL (1) OF CSM VOL 47-137 (11275)

(35) The property located at 1111 McIndoe Street and more particularly described at:

PIN: 37.291.4.2907.254.0291

E J GOODRICKS ADD LOTS 1 2 3 4 EX W 10' OF LOT 4 BLK 2

(36) The property located at 1021 McIndoe Street and more particularly described at:

PIN: 37.291.4.2907.254.0292

H B HUNTINGTONS ADD LOT 6 BLK 3 INCL N1/2 OF VAC ALLEY LYG S & ADJ SD LOT & ALL OF VAC 11TH ST LYG E & ADJ SD LOT ALSO W 10' OF LOT 4 BLK 2 OF E J GOODRICKS ADD CSM VOL 44-45(10603)

(37) The property located at 1116 Franklin Street and more particularly described at:

PIN: 37.291.4.2907.254.0295

E J GOODRICKS ADD E 66' OF LOT 5 BLK 2

(38) The property located at 1114 Franklin Street and more particularly described at:

PIN: 37.291.4.2907.254.0296

E J GOODRICKS ADD E 66' OF W 132' OF LOT 5 BLK 2

(39) The property located at 1110 Franklin Street and more particularly described at:

PIN: 37.291.4.2907.254.0297

E J GOODRICKS ADD W THIRD OF LOT 5 BLK 2 CSM VOL 18 PG 271

(40) The property located at 1019 Adams Street and more particularly described at:

PIN: 37.291.4.2907.254.0329

HB HUNTINGTONS ADD BLK 1 OF N 115 FT OF LOTS 4 & 5 & THE N 115' FT OF LOT 6 EX E HALF AS SHN IN CSM VOL 4 PG 16 & CSM VOL 11 PG 173

(41) The property located at 1000 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0945

SEC 25-29-7 PT OF NE SE COM AT INSECTN OF E LN OF 13TH ST & S LN OF HIGHLAND PK BLVD S ALG E LN OF 13TH ST 110' E 318' TO E LN OF SD FORTY N 215' W 293.2' TO ELY LN OF HIGHLAND PARK BLVD SWLY ALG SD BLVD 107.8' TO BEG CSM VOL 2-259

(42) The property located at 1231 Highland Court and more particularly described at:

PIN: 37.291.4.2907.254.0952

SEC 25-29-7 PT OF NE1/4 SE1/4 COM AT NE COR OF CSM 11-94 (2924) THE POB THENCE ELY TO E LN OF SD NE1/4 SE1/4 S 130' W 170' N 130' TO BEG EX PCL DESD IN VOL M759-1028

(43) The property located at 1310 McIndoe Street and more particularly described at:

PIN: 37.291.4.2907.254.0991

PT OF NE SE COM AT INSECTN ON N LN OF MCINDOE ST & E LN OF 13TH ST E ALG MCINDOE ST 318' TO E LN OF NE SE N 127' TO SE COR OF PCL DESD IN VOL 319 OF DEEDS PG 47 W ALG S LN OF SAID PCL 318.8' TO E LN OF 13TH ST S ALG 13TH ST 126' TO BEG SEC 25-29-7 AS SHN ON CSM VOL 14 PG 139 EX PCL DESD IN VOL 418 PG 258

(44) The property located at 1010 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0994

PT OF NE SE COM AT NE COR OF PCL DESD IN VOL 319 OF DEEDS PG 47 N 118' W 290.7' TO ELY LN OF HIGHLAND PARK BLVD SLY ALG SD BLVD 118.7' TO NW COR OF PCL DESD IN VOL 319 OF DEEDS PG 47 E ALG SD PCL 296.5' TO BEG SEC 25-29-7

(45) The property located at 1016 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0995

PT OF NE SE COM 510' S OF NE COR OF NE SE W 290.7' TO E LN OF HIGHLAND PARK BLVD N ALG SD BLVD 150.7' E 306.8' TO E LN OF NE SE S 150' TO BEG SEC 25-29-7

(46) The property located at 1111 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0996

PT OF NE SE COM 260' S OF NE COR OF NE SE S 100' W TO E LN OF HIGHLAND PARK BLVD N ALG SAID BLVD TO A PT DUE W OF BEG E TO BEG SEC 25-29-7 AS SHOWN ON CSM VOL 1 PG 142

(47) The property located at 1225 Highland Park Boulevard and more particularly described at:

PIN: 37.291.4.2907.254.0997

PT OF NE SE COM 20 FT S OF SE COR OF LOT 10 BLK 3 HIGHLAND PARK ADD E TO E LINE OF NE SE S 130 FT W TO E LINE OF HIGHLAND PARK BLVD N TO BEG SEC 25 29 7 EX PCL DESD IN VOL 145 PG 329 AS SHN ON CSM RECD IN VOL 11 PG 94

(48) The property located at 1226 Highland Court and more particularly described at:

PIN: 37.291.4.2907.254.0999

SEC 25-29-7 PT OF NE1/4 SE1/4 DESD AS PCL (2) OF CSM VOL 10-157(2684) INCL S 20' OF VAC HIGHLAND CT LYG SLY & ADJ TO SD CSM

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

Section 4. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

Robert B. Mielke, Mayor

Attest:

Toni Rayala, Clerk

HISTORIC PRESERVATION COMMISSION

Time and Date: Wednesday, November 30, 2016, at 6:00 p.m. in the Council Chambers of Wausau City Hall
Members Present: Gisselman (C), Tryczak, Crooks, Oberbeck, Forer, Grimm
Others Present: Lenz, Prehn, Wilder, Johnson, Ujarmeli

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Chairperson Gisselman called the meeting to order at approximately 6:00 p.m. stating that a quorum was present.

PUBLIC HEARING: Discussion and possible action on designated the Highland Park District as a Class II Local Historic District.

Gisselman introduced the members of the commission and explained the purposed of the public hearing. An informational meeting was held earlier this year. A public hearing had been scheduled earlier this fall, but was canceled after meeting with the State Historical Society so the map could be slightly changed. Lenz presented the updated map. He said the first map included two properties on the northwest corner of the map but this updated map does not include them. Gisselman read portions of the Wausau Municipal code pertaining to local historic districts.

Linda Prehn, 1105 Highland Park Boulevard, said that she may have missed the meeting that explains what this does and asked what the designation would mean. Gisselman said that there would be the prestige of having a home in the historic district. He said a Certificate of Appropriateness will need to be obtained for alterations. The Certificate of Appropriateness issued by the commission will be advisory only. A meeting of the Historic Preservation Commission will be held to approve the Certificate of Appropriateness. Prehn asked if that would be this commission and Gisselman confirmed. Prehn asked if the Easthill Residential Historic District is a Class II Local Historic District and Gisselman confirmed this. Prehn asked how many certificates are issued every year. Gisselman said that they are advisory only and during the meeting, the project is discussed and the commission has not said no to anything is a long time. The owners are usually sensitive to the historic nature of their properties. Prehn asked if a certificate would be needed whenever a building permit is needed. Gisselman said that is correct, for exterior renovations that are visible from the street. Gisselman said that he believed that there were about 2 Certificate of Appropriateness from 2016. Prehn asked what happens if the owners do not want to follow what the commission says. Gisselman said it is advisory and they can go forward.

Mickey Wilder, 1231 Highland Court, asked if this would affect parking on the street in any way and said that there will be walking paths to attract people to the area. Gisselman said that this would only affect the structure and does not affect any walking paths. Lenz added that the commission may look to put up signs, similar to those in the other districts. Gisselman said that the Andrew Warrens Historic District and Easthill Residential Historic District are both on the national register, and they may look at getting this district on the national register. Gisselman said that if this moves forward tonight, it would need to be reviewed by the Plan Commission and Common Council.

Scott Johnson, 1014 Everest Boulevard, asked if there would ever be a possibility of the commission sending them a letter indicating that something needs to be done. Johnson said they have a child with cerebral palsy in a wheelchair and there are certain alterations that they need to make to their home, in order to make it accessible. Johnson said that he would not like to see something happen to where he is told that this particular ramp is not allowed in an historic district. Lenz said that historical review operates somewhat outside of regular zoning ordinances, but zoning is flexible for accessibility issues. He does not see this commission interfering with it either. Lenz also said that the recommendations are advisory only, so accessibility may take precedent for some home owners. Johnson said that it would be

advisory today and asked if would always be only advisory or if there is a time down the road where it may change. Gisselman said that he is not sure how future commission would feel, but said he is very comfortable right now with how the ordinances read and how the other historic districts are functioning. Gisselman said that he does not see that, from his perspective, but it may change ten years down the road. He said, however, in order to have a change like that, a public hearing would need to be held and approvals from the various commissions would need to be given, just like when establishing a new district.

Gizo Ujarmeli, 920 Hamilton Street, said that he lives right on the edge of the district, but would not be part of the district. Gisselman said that is correct. Ujarmeli said that he is a realtor in town and works with many historic buildings and asked how this will affect this particular area of the city. Ujarmeli asked what types of limitations will be created. Gisselman said that if a homeowner would like to do something to the exterior of the property that requires a building permit, a Certificate of Appropriateness from this commission would need to be acquired. It is purely advisory. Ujarmeli asked how much of a difference will there be from the Highland Park Historic District and the Andrew Warrens Historic District. Gisselman said that they will be exactly the same.

Gisselman closed the public hearing.

Oberbeck said the advisory portion is often helpful to the homeowners. It is another set of eyes on the project. It has been advantageous for the homeowners in the existing districts.

Crooks said that the ordinance has been in place since the 1990's. After the ordinance was created, the Downtown Historic District was created. Class II Historic Districts are advisory only. A Class I Historic District would give the commission the authority to absolutely deny a project. There aren't any Class I Historic Districts in the city and there haven't been any attempts to create one. There are three Class II Historic Districts and they receive a maximum of about four applications per year. The process is triggered when a building permit is applied for. Crooks said that he has been on the commission a long time and cannot remember denying anyone the certificate, which would be advisory only.

Grimm motioned to designate the Highland Park District as a Class II Local Historic District. Tryczak seconded, and the motion carried unanimously 6-0. This item will go to the Plan Commission on December 20 and Common Council on January 10.

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, December 20, 2016, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Mielke, Gisselman, Peckham, Lindman, Zahrt, Brueggeman

Others Present: Lenz, Hebert, Lawrence

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 Mielke called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

Approve the minutes of the November 15, 2016 meeting.

Brueggeman motioned to approve the minutes of the November 15, 2016 meeting. Peckham seconded, and the motion carried unanimously 6-0.

Discussion and possible action on designating the Highland Park District as a Class II Local Historic District.

Lenz said that a map of the proposed Highland Park District is in the packet. The Historic Preservation Commission has been looking at this area for quite a few months and has worked with one of the property owners on the designation. An informational meeting was held. All of the residents of the district were invited to see what it means, ask questions, and to offer feedback. Several neighbors showed up at the informational meeting, but no one was opposed to it. After the informational meeting, someone from the State Historical Society came to the area and toured the district. They gave some suggestions on the boundaries, but it mostly stayed the same. A public hearing was held in November, which is a requirement of the city ordinance to create a class II local historic district. There were some interested neighbors again, but there was no formal opposition. Lenz said the Plan Commission needs to review the district, as part of the approval process. The standards that the commission should review are included in the staff report. Staff recommends approval of the designation. The city already has three other historic districts which are: Downtown Historic District, Andrew Warrens Historic District and Easthill Residential Historic District. A "Class II" Historic Districts mean that the Historic Preservation Commission needs to issue a Certificate of Appropriateness for any exterior alterations on properties in the districts. The certificate is advisory only and helps with planning for the renovations. Generally, the neighbors feel it is a good thing because there is some oversight on what their neighbors are doing to their houses.

Gisselman motioned to recommend designating the Highland Park District as a Class II Local Historic District. Brueggeman seconded, and the motion carried unanimously 6-0. This item will go to Common Council on January 10, 2017.



Memorandum

From: Brad Lenz
To: Plan Commission
Date: December 14, 2016
Subject: Staff report for upcoming meeting

This memo summarizes the agenda items for the December 20th Plan Commission meeting. Additional staff comments and discussion will take place at the meeting itself. Attachments to this memo provide additional information for each item.

#1 – Minutes from the November meeting.

Previous meeting minutes should be reviewed. They will be placed on file if approved.

#2 – Comprehensive Plan

City staff has been working with North Central Wisconsin Regional Planning Commission (NCWRPC or Regional Planning) for over a year on the update to the city's comprehensive plan. Last month at Plan Commission, a draft was put together and presented to the commission that was based on the individual chapters previously reviewed by the commission. The current action being sought is for the Plan Commission to formally recommend adoption of the plan to the Common Council. The draft resolution is attached. A public hearing, as required by Wisconsin Statutes, is being scheduled for January 24th, prior to final action by the Common Council.

#3 – Highland Park Historic District.

The city's Historic Preservation Commission held a public hearing to consider creating a new historic district called the Highland Park Historic District. A map of the proposed district is included in the packet. The new district would be located adjacent to the existing East Hill Historic District. The city has a total of three (3) existing historic districts, all of them "Class II" districts. Class II essentially means that any recommendations by the Historic Preservation Commission to property owners within the district are advisory only. Upon creation of the district, home owners within the district would need to apply for a Certificate of Appropriateness for external renovations to their home that are visible from a city street and require a building permit.

The Historic Preservation Commission held a public informational meeting earlier this year in addition to the formal public hearing last month. Homeowners within the district

were notified of both meetings. At each meeting, several homeowners attended and asked questions, but none expressed formal opposition to the creation of the district. A representative from the Wisconsin Historical Society visited the area and reviewed the proposed boundaries of the district. The Historic Preservation Commission voted unanimously to approve creation of the district. Please see the attached meeting minutes.

Per Wausau Municipal Code 2.82.060(b)(2), the plan commission shall review the historic district recommendation of the historic preservation commission and make a recommendation to the common council based on the following factors:

- (A) Will the designation of the property as a historic district interfere with the orderly, coordinated, and harmonious development of the city;
- (B) Will the designation of the property as a historic district conflict with parts of the master plan, official map or redevelopment plans;
- (C) Will the designation of property as a historic district promote the general public health, safety and general welfare.

Staff recommends approval of the district based on the three factors above.

#4 – Proposed rezoning of two city-owned properties

From time-to-time, city staff initiates what they feel are improvements to the zoning map. Staff is proposing rezoning the following two properties, both of which are currently owned by the city of Wausau. Maps of both properties are attached for reference.

503 Grand Avenue – from B3 to R3

Explanation: This parcel was the former home of an automotive (i.e., oil-change) business. The City purchased the property a few years ago when the police department was looking to upgrade their parking lot and add indoor storage space. At the time of its purchase, this parcel was the only one left on the block that was not associated with the public safety facility. The former oil change shop was repurposed into vehicle and other storage for the police department. The current zoning of the property (B3) is essentially a remnant from the building's previous use. The other parcels on the public safety block are both zoned R3. Parcel lines may be redrawn or dissolved at some point in the future to reflect that the entire block is now essentially functioning as a single parcel under the control of the police and fire departments.

814 Grand Avenue – from R3 to B3

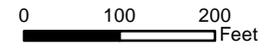
Explanation: A blighted house was removed from this small parcel several years ago. The city owns all of the parcels on this block, with only the corner lot at Thomas Street and Grand Avenue containing a building – Vino Latte presently rents this space. The individual parcels south of Vino Latte are not likely to be redeveloped individually, particularly the subject property which is currently zoned R3. At some point, these parcels may be combined to form a single parcel that is more marketable, or they may be needed for future for road reconstruction.

In either case, the future use of this individual property is highly unlikely to be residential, as it is a small, oddly-shaped parcel that is surrounded by commercial property and located near the intersection of two busy arterial streets. Staff feels the parcel should be rezoned B3 to match adjacent properties.

Zoning map amendments require public hearings, and staff is seeking authorization by Plan Commission to schedule the hearings for next month's meeting.

Highland Park Historic District

-  National Register Historic Places
-  Proposed Historic District Expansion
-  Easthill Residential Historic District
- 1938** Year in which house was built (Source: CAMA)

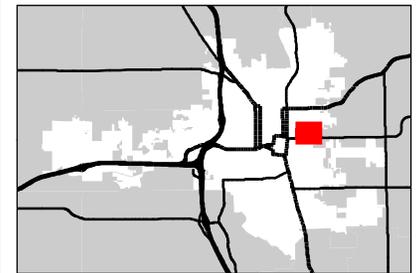


NOTES:
 1. DUPLICATION OF THIS MAP IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE CITY OF WAUSAU ENGINEERING DEPT.
 2. THIS MAP WAS COMPILED AND DEVELOPED BY THE CITY OF WAUSAU AND MARATHON COUNTY GIS. THE CITY AND COUNTY ASSUME NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.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

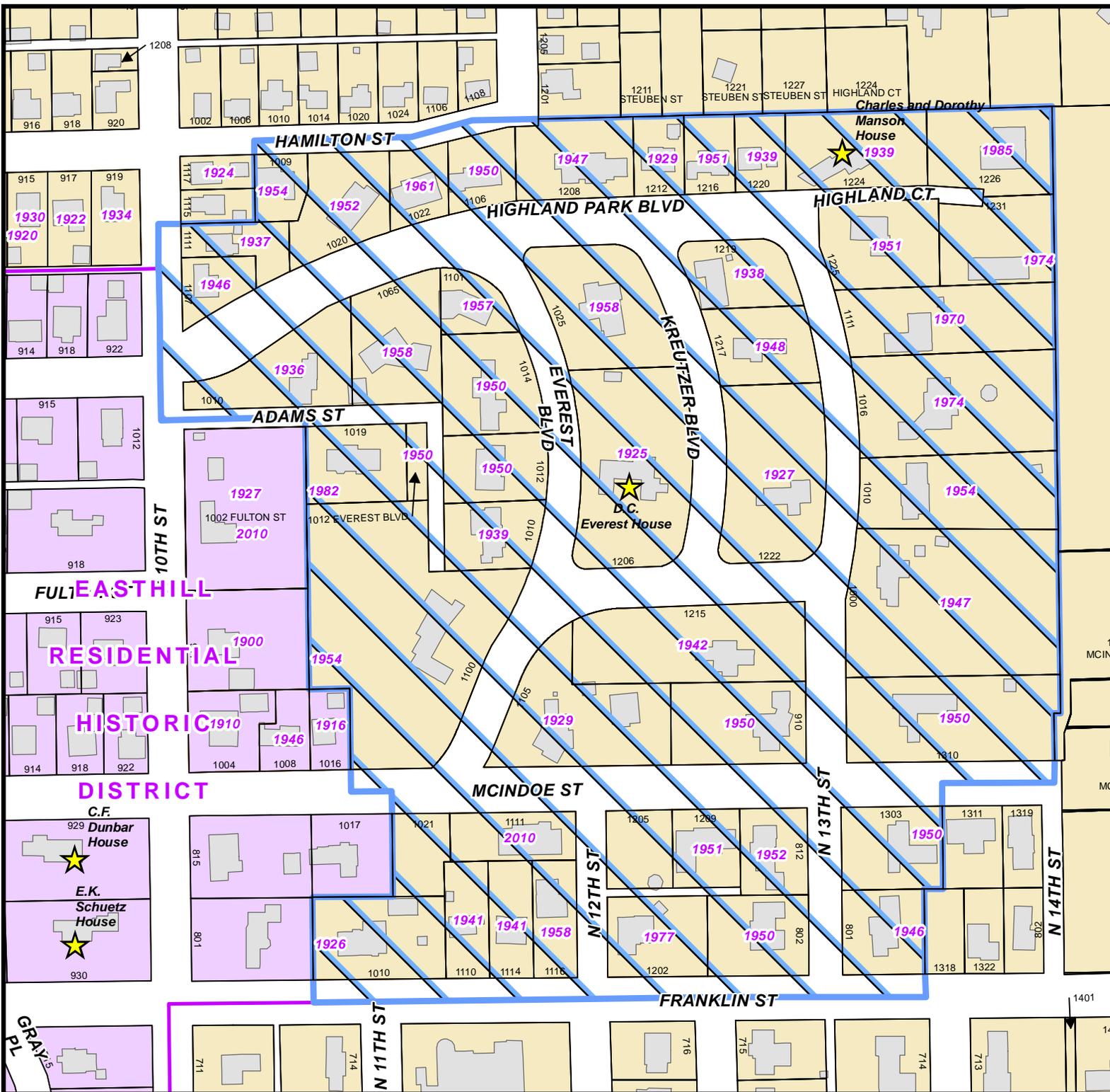
Date: 08/31/2016

Designation of Local Historic Landmarks and Districts in Wausau Under Chapter 2.82 of the Wausau Municipal Code.

Designation of NRHP features obtained by the National Park Service.



Document Path: P:\citybase\projects\inspector\mxds\Proposed_HighlandPark_HistoricDistrict.mxd



offender or the felony, misdemeanors, or other offenses are considered substantially related to the alcohol related job or licensed activity for which that applicant has applied and,

WHEREAS, your Public Health & Safety Committee met on December 19, 2016 and recommended the adoption of a City policy for the issuance of Operator's (Bartender's) licenses, a copy of which is attached as Exhibit 1.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wausau that the attached policy for the issuance of Operator's (Bartender's) licenses is hereby approved.

Approved:

Robert B. Mielke, Mayor

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, December 19, 2016 at 5:15 pm, (Council Chambers)

Members Present: Rasmussen, Wagner, Kellbach, McElhaney, Peckham

Others Present: Alfonso, Rayala, Hardel, Kujawa, Klein, Hagenbucher, Mielke, Neal, and Lindsey Lewitzky

Discussion and possible action on adoption of guidelines/policy related to issuance of Operator's Licenses Bartender's Licenses).

Rasmussen stated historically for the last six or more years applicants recommended for denial have had the option to come before the committee and the council to appeal. We have not had an actual process for the appeal and it can be daunting for individuals to pour out their stories in front of the committee and audience. She indicated Alfonso researched the law as to what it takes to legally possess a license and/or to deny one. The goal was to come up with a consistent appeal policy which lays out the criteria the chief has been using for his denial recommendations.

Alfonso stated the issuance of alcohol related licenses is governed by state statute; there are provisions in the statutes that set forth specific requirements for holding licenses. She pointed out the statutes state that they may not be a convicted felon where the circumstances of the conviction are substantially related to the activity/job. They also may not be a habitual offender where the offenses are substantially related to the job. She stated we should not be giving licenses out to people who have felony convictions substantially related and the only exception is where a person has received a pardon by the Governor. She noted our policy has been OWI and drug convictions are substantially related. She went into more detail regarding the statutes and similar case law.

Rasmussen felt there has been some confusion on the criteria for denial and although the chief, clerk's office and the committee know what it is, it has not been published where the public, employers and the council can see it. Chief Hardel agreed the criteria needs to be publicly accessible instead of just telling individuals verbally. Rasmussen commented too many times decisions to overturn a denial recommendation have been made on an emotional basis. If they have a felony conviction that is substantially related to the activities of bartending the state statutes says they cannot legally hold a bartender's license.

Peckham felt we need to continue to legitimately hear an appeal of a denial when someone feels their life situation has changed and he did not see that the form proposed provided that option. Rasmussen stated we can consider overturning a recommendation where there is a record of misdemeanor convictions and the individual can convince the committee of a direction change, but not with substantially related felony convictions unless there was a pardon. Neal commented they should be careful not go too broad in what they consider substantially related and become too restrictive. Peckham requested they amend the appeal form by adding a check box that states: "I believe the felony I have been convicted of is not substantially related to the service of alcohol beverages and is not contained within the policy as previously published." *Discussion followed.* Peckham also asked for a checkbox with the word "other" and "attach separate sheet if needed."

Motion by Wagner, second by McElhaney to approve the policy and add the two revisions to the appeal form as stated above. Motion carried 5-0.



Office of the City Attorney

TEL: (715) 261-6590
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Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

COMMENTS ON PROPOSED OPERATOR'S LICENSE POLICY

The purpose of the proposed policy on the issuance of Operator's Licenses is to create a framework within the requirements of the State's laws relating to alcohol to assist in evaluating when an applicant's arrest or conviction record would preclude him/her from issuance of a license related to alcohol beverage service because he/she has certain felony convictions that are considered substantially related to bartending, bar management, or other alcohol service, or is deemed to be an habitual offender because of an accumulation of certain misdemeanor or other offenses that are considered substantially related to bartending, bar management, or other alcohol service.

The proposed policy that was approved by the Public Health & Safety Committee provides clear and definitive guidelines that certain offenses and crimes disqualify an individual from an Operator's License because these offenses and crimes have been carefully considered by the City and have been determined to be substantially related to the position of alcohol service. Under this policy, once a person was determined to possess a criminal conviction or arrest record falling within its parameters, they would be denied an Operator's License. There should be no exceptions granted once this determination is made for the offenses enumerated in the policy. It would be very important that the City clearly follow and apply the policy with respect to its terms to avoid raising possible risks relating to its statutory municipal immunity protections.

The alternative proposed for the policy (which is offered subsequent to the Public Health & Safety Committee recommendation) also provides clear and definitive guidelines with firm application as to certain felony convictions. The alternative also includes a more express statement, highlighted in yellow, that the Committee and Council, with respect to determining whether an individual is deemed to be a "habitual offender," may take into account additional circumstances related to the offense and the applicant. Persons with certain felony convictions within the parameters of the policy would be denied an Operator's License, with no exceptions granted for those enumerated felony convictions.



CITY OF WAUSAU POLICY
OPERATOR'S LICENSES

Policy Source: Public Health & Safety Committee
Public Health & Safety Committee Approval: _____, 2016
Common Council Approval: _____, 201_
Effective Date: _____, 201_

PURPOSE:

Individuals who hold alcohol related licenses hold a position of trust with the City and consequently must act in cooperation with law enforcement to ensure that alcohol related laws are enforced. The purpose of this policy is to assist in evaluating when an applicant's arrest or conviction record would preclude him/her from issuance of a license related to alcohol beverage service because he/she is an habitual offender or the felony, misdemeanors, or other offenses are considered substantially related to an alcohol related job or licensed activity for which that applicant has applied.

POLICY:

All licenses granted and issued for the sale of fermented or intoxicating liquors shall be carried out under the provisions of Chapter 125 of the Wisconsin Statutes and the Wausau Municipal Code chapter 5.64.

Section 125.04 of Wisconsin Statutes sets forth the general requirements for issuance of licenses. The provisions of this section are applicable to the issuance of managers' and bartenders' licenses.

Among other requirements (such as the licensee shall be at least 18 years of age) Wis. Stat. s. 125.04(5)(a) – (b) provides, *subject to the Wisconsin Fair Employment Act*, that a license may only be issued to a person who:

- Does not have an arrest or conviction record,
- Is not an habitual law offender, or
- Has not been convicted of a felony unless the person has been duly pardoned.

The Wisconsin Fair Employment Act, Wis. Stat. ss. 111.321 and 111.322, prohibits discrimination in licensing and employment based upon an arrest or conviction record. However, pursuant to Section 111.335 it is not discrimination to refuse to license or employ an individual because of a pending arrest

record or conviction record if the circumstances of that arrest, conviction or the habitual offenses *are substantially related to the particular job or licensed activity in question.*

Stated in another way, a person who has an arrest or conviction record, is a habitual law offender, or is a convicted felon (unless duly pardoned) **may not** be issued a license or permit related to alcohol beverages where the circumstances of the arrests, convictions or habitual offenses are substantially related to the job or licensed activity.

The requirements contained within this statute are not discretionary. They impose a *mandatory disqualification* upon holding a license related to the sale of alcohol beverages.

APPLICATION OF POLICY:

All offenses occurring within a five (5) year and ten (10) year period of submission of the application are considered with respect to civil violations such as ordinance convictions and criminal misdemeanor convictions.

Felony convictions occurring at any time prior to the submission of the application are considered.

The following list of offenses, arrests, or convictions are those deemed by the City of Wausau, after careful consideration, to be substantially related to the job or activity of managing an establishment selling alcohol beverages or bartending at such an establishment. This list, however, is not exclusive. Other offenses, arrests, or convictions not listed below may also be found, in evaluating an application, to be substantially related to the job or activity of managing an establishment selling alcohol beverages or bartending at such an establishment.

1. Certain Alcohol and Drug Related Offenses

A manager of an establishment selling alcohol beverages or a bartender at such an establishment is required to exercise responsibility and good judgment in connection with that service. These responsibilities include ensuring underage individuals are not served alcohol, patrons are not over served, alerting police to disorderly incidents, and observance of closing hours. The City finds that a felony or habitual alcohol and drug related offenses demonstrate certain tendencies and inclinations with respect to a lack of judgment, or poor judgment and self-control in connection with the use of alcohol and drugs that are likely to reappear later in the context of the service or supervision of the service of alcohol beverages.

As a result the City finds that two (2) convictions within five (5) years of submission of the application, or three convictions within ten (10) years of submission of the application, of any combination of the following alcohol and/or drug related offenses arising from separate incidents, constitute circumstances that are substantially related to the service or supervision of the service of alcohol beverages.

- Operating a motor vehicle under the influence of an intoxicant or other drug (Wis. Stat. s. 346.63).
- Operating a motor vehicle with a prohibited alcohol content of .08 g/100 mL.
- Misdemeanor possession or attempted possession of controlled substance or controlled substance analogs (Wis. Stat. s. 961.41(3g)).

2. Felony Offenses Involving Bodily Security

A manager of an establishment selling alcohol beverages or a bartender at such an establishment is expected to exercise good judgment, levelheadedness and patience in dealing with the behavior of individuals on the premises who may be impaired or intoxicated and thus potentially lacking these same qualities, traits and inclinations. Such an individual must also possess the ability to accomplish his/her purposes without a propensity to use force or the threat of force. The City finds that violent offenses involving physical harm to other persons demonstrate a serious disregard for the rights of others and the tendency to use force or threat of force to accomplish one's purpose and indicate the lack of judgment, self-control, patience, and avoidance of force needed in relation to the service of alcohol beverages and the atmosphere of a licensed premises where individuals present may be impaired or intoxicated and therefore, such offenses are substantially related to the service or supervision of the service of alcohol beverages.

As a result, the City finds that certain felony convictions involving bodily security are substantially related to the service or supervision of the service of alcohol beverages. Such offenses include, but are not limited to the following:

- Homicide (Wis. Stat. ss. 940.01, 940.02, 940.05, and 940.06)
- Substantial battery and aggravated battery (Wis. Stat. s. 940.19)
- Homicide by intoxicated use of vehicle or firearm (Wis. Stat. s. 940.09)
- Injury by intoxicated use of a vehicle (Wis. Stat. s. 940.25)
- Battery to law enforcement officers (Wis. Stat. s. 940.20(2)).
- Resisting or obstructing an officer (Wis. Stat. s. 946.41(2r)-(2t))

3. Felony Drug Offenses

A manager of an establishment selling alcohol beverages or a bartender at such an establishment is required to exercise responsibility and good judgment in connection with that service. These responsibilities include ensuring underage individuals are not served alcohol, patrons are not over served, alerting police to disorderly incidents, and observance of closing hours. The City finds that felony drug related offenses demonstrate certain tendencies and inclinations with respect to a lack of judgment, or poor judgment and self-control in connection with the use of drugs and an inability to follow the law that are likely to reappear later in the context of the service or supervision of the service of alcohol beverages.

As a result, the City finds that any felony conviction involving drug offenses is substantially related to the service or supervision of the service of alcohol beverages. Such offenses include, but are not limited to the following:

- Offenses set forth in subchapter IV of the Uniform Controlled Substances Act (Wis. Stat. ch. 961), such as: manufacture, distribution or delivery of controlled substances or controlled substance analog; possession with intent to manufacture, distribute or deliver; maintaining a drug trafficking place.

PROPOSED ALTERNATIVE



CITY OF WAUSAU POLICY
OPERATOR'S LICENSES

Policy Source: Public Health & Safety Committee
Public Health & Safety Committee Approval: _____, 2016
Common Council Approval: _____, 201_ _
Effective Date: _____, 201_ _

PURPOSE:

Individuals who hold alcohol related licenses hold a position of trust with the City and consequently must act in cooperation with law enforcement to ensure that alcohol related laws are enforced. The purpose of this policy is to assist in evaluating when an applicant's arrest or conviction record would preclude him/her from issuance of a license related to alcohol beverage service because he/she is an habitual offender or the felony, misdemeanors, or other offenses are considered substantially related to an alcohol related job or licensed activity for which that applicant has applied.

POLICY:

All licenses granted and issued for the sale of fermented or intoxicating liquors shall be carried out under the provisions of Chapter 125 of the Wisconsin Statutes and the Wausau Municipal Code chapter 5.64.

Section 125.04 of Wisconsin Statutes sets forth the general requirements for issuance of licenses. The provisions of this section are applicable to the issuance of managers' and bartenders' licenses.

Among other requirements (such as the licensee shall be at least 18 years of age) Wis. Stat. s. 125.04(5)(a) – (b) provides, *subject to the Wisconsin Fair Employment Act*, that a license may only be issued to a person who:

- Does not have an arrest or conviction record,
- Is not an habitual law offender, or
- Has not been convicted of a felony unless the person has been duly pardoned.

PROPOSED ALTERNATIVE

The Wisconsin Fair Employment Act, Wis. Stat. ss. 111.321 and 111.322, prohibits discrimination in licensing and employment based upon an arrest or conviction record. However, pursuant to Section 111.335 it is not discrimination to refuse to license or employ an individual because of a pending arrest record or conviction record if the circumstances of that arrest, conviction or the habitual offenses *are substantially related to the particular job or licensed activity in question.*

Stated in another way, a person who has an arrest or conviction record, is a habitual law offender, or is a convicted felon (unless duly pardoned) **may not** be issued a license or permit related to alcohol beverages where the circumstances of the arrests, convictions or habitual offenses are substantially related to the job or licensed activity.

The requirements contained within this statute are not discretionary. They impose a *mandatory disqualification* upon holding a license related to the sale of alcohol beverages.

APPLICATION OF POLICY:

All offenses occurring within a five (5) year and ten (10) year period of submission of the application are considered with respect to civil violations such as ordinance convictions and criminal misdemeanor convictions.

Felony convictions occurring at any time prior to the submission of the application are considered.

The following list of offenses, arrests, or convictions are those deemed by the City of Wausau, after careful consideration, to be substantially related to the job or activity of managing an establishment selling alcohol beverages or bartending at such an establishment. This list, however, is not exclusive. Other offenses, arrests, or convictions not listed below may also be found, in evaluating an application, to be substantially related to the job or activity of managing an establishment selling alcohol beverages or bartending at such an establishment. **Where offenses, arrests or convictions, other than felonies, are considered, the City may take into account additional circumstances related to the offense and the applicant in determining whether an individual is an habitual offender for purposes of application of this policy.**

1. Certain Alcohol and Drug Related Offenses

A manager of an establishment selling alcohol beverages or a bartender at such an establishment is required to exercise responsibility and good judgment in connection with that service. These responsibilities include ensuring underage individuals are not served alcohol, patrons are not over served, alerting police to disorderly incidents, and observance of closing hours. The City finds that a felony or habitual alcohol and drug related offenses demonstrate certain tendencies and inclinations with respect to a lack of judgment, or poor judgment and self-control in connection with the use of alcohol and drugs that are likely to reappear later in the context of the service or supervision of the service of alcohol beverages.

As a result the City finds that two (2) convictions within five (5) years of submission of the application, or three convictions within ten (10) years of submission of the application, of any

PROPOSED ALTERNATIVE

combination of the following alcohol and/or drug related offenses arising from separate incidents, constitute circumstances that are substantially related to the service or supervision of the service of alcohol beverages.

- Operating a motor vehicle under the influence of an intoxicant or other drug (Wis. Stat. s. 346.63).
- Operating a motor vehicle with a prohibited alcohol content of .08 g/100 mL.
- Misdemeanor possession or attempted possession of controlled substance or controlled substance analogs (Wis. Stat. s. 961.41(3g)).

2. Felony Offenses Involving Bodily Security

A manager of an establishment selling alcohol beverages or a bartender at such an establishment is expected to exercise good judgment, levelheadedness and patience in dealing with the behavior of individuals on the premises who may be impaired or intoxicated and thus potentially lacking these same qualities, traits and inclinations. Such an individual must also possess the ability to accomplish his/her purposes without a propensity to use force or the threat of force. The City finds that violent offenses involving physical harm to other persons demonstrate a serious disregard for the rights of others and the tendency to use force or threat of force to accomplish one's purpose and indicate the lack of judgment, self-control, patience, and avoidance of force needed in relation to the service of alcohol beverages and the atmosphere of a licensed premises where individuals present may be impaired or intoxicated and therefore, such offenses are substantially related to the service or supervision of the service of alcohol beverages.

As a result, the City finds that certain felony convictions involving bodily security are substantially related to the service or supervision of the service of alcohol beverages. Such offenses include, but are not limited to the following:

- Homicide (Wis. Stat. ss. 940.01, 940.02, 940.05, and 940.06)
- Substantial battery and aggravated battery (Wis. Stat. s. 940.19)
- Homicide by intoxicated use of vehicle or firearm (Wis. Stat. s. 940.09)
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PROPOSED ALTERNATIVE

inclinations with respect to a lack of judgment, or poor judgment and self-control in connection with the use of drugs and an inability to follow the law that are likely to reappear later in the context of the service or supervision of the service of alcohol beverages.

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- Offenses set forth in subchapter IV of the Uniform Controlled Substances Act (Wis. Stat. ch. 961), such as: manufacture, distribution or delivery of controlled substances or controlled substance analog; possession with intent to manufacture, distribute or deliver; maintaining a drug trafficking place.



REVIEW OF DENIAL RECOMMENDATION
OPERATOR'S (MANAGER'S/BARTENDER'S) LICENSE

Name: _____
Street Address: _____
City, State & Zip Code: _____
Telephone Number: _____
Email: _____

My application for an Operator's (Manager's/Bartender's) License has been recommended for denial for failing to meet one or more of the qualifications for licenses and permits of the General Licensing Requirements of the Wisconsin Statutes, Section 125.04(5).** I hereby submit a request for review of this denial recommendation and request approval of my license application, for the following reasons:

- Information that I have been convicted of a felony is incorrect for the following reasons:

Please see attached for additional information.

- I believe the felony I have been convicted of is not substantially related to the service of alcohol beverages AND it is NOT a felony contained in the City's Operator's (Manager's/Bartender's) Policy:

Please see attached for additional information.

- I have been granted a pardon for my felony conviction which is substantially related to the service of alcohol beverages as follows:

Please see attached for additional information.

- Information that I have been convicted of, or have a pending arrest record concerning, two (2) ordinance or criminal misdemeanor violations substantially related to the service of alcohol beverages within five (5) years of the submission of my application, or am otherwise a “habitual offender,” is incorrect for the following reasons:

Please see attached for additional information.

- Information that I have not been a resident of the State of Wisconsin continuously for at least 90 days prior to submission of my application is incorrect as follows:

Please see attached for additional information.

- Information that I am not at least 18 years of age is incorrect as follows:

Please see attached for additional information.



- Information that I have not successfully completed a responsible beverage server training course within 2 years of my submission of my application is incorrect as follows:

Please see attached for additional information.

- Other:

Please see attached for additional information.

****NOTE: Wisconsin Statutes, section 125.04 requires that a natural person, in order to hold an operator's (manager's/bartender's) license, meet the following requirements:**

- 1.) **Age:** Be at least 18 years old;
- 2.) **Arrest or conviction record:** a.) May not be a convicted felon where the conviction is substantially related to the job or licensed activity; b.) may not be an habitual offender where the habitual offenses are substantially related to the job or licensed activity; or (c) may not have an arrest or conviction record where the arrests or convictions are substantially related to the job or licensed activity. (For purposes of arrest or conviction records the City will examine whether there are 2 or more offenses occurring within a 5 year period, or 3 or more within a 10 year period of the submission of the application).
- 3.) **Residency:** Reside in Wisconsin at least 90 days continuously prior to application date;
- 4.) **Responsible beverage server training course:** Must have successfully completed a DOR approved responsible beverage server training course within the past two years of the application.

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

RESOLUTION OF THE ECONOMIC DEVELOPMENT COMMITTEE

Waiving City's right to purchase property in the Wausau Business Campus in order to allow the title transfer of 8450/8454 Highland Drive from Richard A. Lorbecki and Amy R. Lorbecki as Trustees of the Richard A. Lorbecki and Amy R. Lorbecki Joint Revocable Trust dated May 19, 2014 to Rowan & Wren Investments, LLC

Committee Action: Pending

Fiscal Impact: None

File Number: 95-0508

Date Introduced: January 10, 2017

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, Richard A. Lorbecki and Amy R. Lorbecki as Trustees of the Richard A. Lorbecki and Amy R. Lorbecki Joint Revocable Trust dated May 19, 2014 intends to transfer title of 8450/8454 Highland Drive to Rowan & Wren Investments, LLC ; and

WHEREAS, deed restrictions on the property give the City of Wausau the right to exercise its option to repurchase the property at the lesser of the price and terms offered to Grantee by a prospective buyer; or at the original sale price, plus interest at the rate of 5 percent per annum; and

WHEREAS, the prospective buyers are exercising a \$200,000.00 option contained in a Purchase and Option Agreement which is part of a broader buyout of a family business; and

WHEREAS, your Economic Development Committee, at their January 10, 2017 meeting, considered the matter and wishes to waive the right to purchase the property.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau that the City hereby waives its right to exercise its option to purchase the property at 8450/8454 Highland Drive in the Wausau Business Campus in order to allow the transfer of title of the property to Rowan & Wren Investments, LLC.

BE IT FURTHER RESOLVED by the Common Council of the City of Wausau that the Mayor

and Clerk are hereby authorized to execute the attached Waiver of Right to Repurchase.

BE IT FURTHER RESOLVED that Rowan & Wren Investments, LLC will abide by all terms and conditions set forth in the Wausau Business Campus covenants and that any previous deed restrictions run with the property.

Approved:

Robert B. Mielke, Mayor

WAIVER OF RIGHT TO REPURCHASE

Document Number

Document Title

The City of Wausau, a Wisconsin Municipal corporation ("City") reserved certain Rights, including a right to purchase the property located at 8450/8454 Highland Drive in the City of Wausau, in a Warranty Deed dated May 19, 1995 and recorded in the office of the Register of Deeds for Marathon County, Wisconsin, on May 19, 1995 in Micro-Record 706 on page 893, as Document No. 1049817 ("Warranty Deed") and which is legally described in Exhibit A attached hereto ("Property").

Richard A. Lorbecki and Amy R. Lorbecki as Trustees of the Richard A. Lorbecki and Amy R. Lorbecki Joint Revocable Trust dated May 19, 2014 has received an offer to purchase the Property from Rowan & Wren Investments, LLC, a summary of which offer has been provided to the City of Wausau, and intends to transfer title to the Property to Rowan & Wren Investments, LLC (the "Transfer").

The City of Wausau does not wish to exercise its right under the Warranty Deed to repurchase this Property.

Recording Area

Name and Return Address:

Attorney David Eckert
P O Box 1185
Wausau WI 54402-1185

PIN: 291.2906.253.0990

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the City of Wausau, Wisconsin, hereby waives any right to exercise its option to repurchase the Property with respect to or as a result of this Transfer.

Dated this ____ day of _____, 2017.

CITY OF WAUSAU

By: _____
Robert B. Mielke, Mayor

ATTEST:

By: _____
Toni Rayala, City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this ____ day of _____, 2017, Robert B. Mielke, Mayor and Toni Rayala, City Clerk, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

_____, Notary Public
Marathon County, Wisconsin
My Commission _____.

This instrument was drafted by Anne L. Jacobson, City Attorney, 407 Grant Street, Wausau, Wisconsin 54403

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Lot one (1) of Certified Survey Map No. 8614 recorded in the office of the Register of Deeds for Marathon County, Wisconsin, in Volume 33 of Certified Survey Maps on page 182; being a part of the southwest quarter (SW1/4) of the southwest quarter (SW ¼) of Section twenty-five (25), Township twenty-nine (29) North, Range six (6) East, in the City of Wausau, Marathon County, Wisconsin.

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

RESOLUTION OF THE FINANCE COMMITTEE	
Authorizing a 2016 Budget Modification for Legal Services	
Committee Action:	Pending
Fiscal Impact:	\$12,000
File Number:	15-1109
Date Introduced:	January 10, 2017

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 checked="" type="checkbox"/>	<i>Budget Source: Budget Transfer</i>
	<i>One-time Costs:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount: \$12,000</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input 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 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 has encountered additional legal expenses due to a variety of issues and lawsuits; and

WHEREAS, the outside legal services budget is depleted, and

WHEREAS, your Finance Committee recommends the budget modification outlined below:

Transfer To:	110-13092120	City Attorney BudgetLegal Services	\$ 12,000
Transfer From:	110-12491210	Assessor Commerical - Wages	\$ 12,000

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 above.

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, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE FINANCE COMMITTEE

Accepting dedication of a portion of the following for public right-of-way: 1331 W. Thomas Street, 1102 S. 11th Avenue, 1101 S. 11th Avenue, 1041 S. 10th Avenue, 814 W. Thomas Street and 1047 S. 8th Avenue

Committee Action: Pending

Fiscal Impact: None

File Number: 02-1005	Date Introduced: January 10, 2017
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FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, on October 14, 2014, the Common Council approved the design concept and plan for the Thomas Street Project; and

WHEREAS, on October 27, 2015, the Common Council approved entering into a real estate services contract with MSA Professional Services, Inc. for the right-of-way property acquisitions for the Thomas Street Project; and

WHEREAS, on December 22, 2015, the Common Council approved Amendment No. 1 to the real estate services contract with MSA Professional Services, Inc.; and

WHEREAS, portions of six city-owned nominal fee/TLE parcels included in Amendment No. 1 are needed for the reconstruction project which are as follows:

- Parcel 8 - 1331 West Thomas Street
- Parcel 23 - 1102 South 11th Avenue
- Parcel 31 - 1101 South 11th Avenue
- Parcel 35 - 1041 South 10th Avenue
- Parcel 39 - 814 West Thomas Street
- Parcel 47 - 1047 South 8th Avenue; and

WHEREAS, the dedication of these lands is required at this time and it is in the public interest for the City to dedicate such lands; and

WHEREAS, the value of these properties was determined and the Nominal Payment Parcel Report was executed by the Mayor on April 29, 2016; and

WHEREAS, your Finance Committee, on January 10, 2017, recommended dedicating the said portions of six city-owned parcels for public right-of-way for the Thomas Street Project; and

WHEREAS, in lieu of exercising its right to an appraisal and to just compensation, the City intends by this Resolution to waive this right and declare its intent to dedicate said lands as public right-of-way.

NOW, THEREFORE, BE IT RESOLVED the Common Council of the City of Wausau does accept the dedication of portions of the six city-owned properties listed above for right-of-way.

BE IT FURTHER RESOLVED this resolution shall be recorded in the office of the Marathon County Register of Deeds.

Approved:

Robert B. Mielke, Mayor

AMENDMENT NO 1
to the
Contract for Consultant Services
between
City of Wausau, Wisconsin (MUNICIPALITY)
and
MSA Professional Services, Inc. (CONSULTANT)
for
Thomas Street, 4th Avenue to 17th Avenue
City of Wausau, Marathon County

This Contract, made and entered into on November 4, 2015, is hereby amended as follows and is made part of the original AGREEMENT.

BY THIS AMENDMENT:

- A. By adding Phase 2, the scope of services is increased to provide real estate acquisition services for an additional 42 parcels. The additional 42 parcels and details of the scope of work to be performed is included as Exhibit G.
- B. The completion date for the Contract is unchanged.
- C. The total value of this Amendment is \$77,450 lump sum. Details of the fees for each parcel are included as Exhibit H.

Original contract	\$276,625
Amendment No 1	\$77,450
Total	\$354,075

THIS AMENDMENT IS NECESSARY BECAUSE:

- A. There are approximately 66 parcels abutting the street reconstruction. Because of the size and complexity of the project, property acquisitions and relocations have been subdivided into phases. Phase 1 is included in the original contract dated November 4, 2015 and includes 24 parcels. This Amendment provides for the 42 parcels listed on Exhibit G.

In witness whereof, the parties hereto have caused this Amendment to be executed and approved by their authorized officers or representatives, effective on the date written herein.

MUNICIPALITY
City of Wausau

By: James E. Tipple
James Tipple
Mayor

CONSULTANT
MSA Professional Services

By: Michael J. Statz 1/22/16
Michael J. Statz
Wisconsin Transportation Program Manager

Date 1/22/16

EXHIBIT G
SCOPE OF ACQUISITION SERVICES

Phase 1 Acquisition of 24 parcels on Thomas Street – 4th Avenue to 17th Avenue

The City of Wausau plans to reconstruct Thomas Street from 4th Avenue to 17th Avenue. The project will include the replacement of water/sewer service laterals, new sidewalks, curb and gutter and a center median. The reconstructed street is approximately 3,600 feet long. There are approximately 66 parcels abutting the street reconstruction. Because of the size and complexity of the project, property acquisitions and relocations have been subdivided into phases. Phase 1 is included in the original contract dated November 4, 2015. Phase 1 included acquisition of the following parcels.

- Three commercial parcels and 16 residential parcels were identified as requiring a total acquisition of the parcel in fee.
- Five parcels will have appraisals prepared to address strip land acquisition and total purchase acquisition valuations options. The City will determine which option will be utilized based on information provided in the appraisals.

Phase 2 Acquisition of 42 parcels on Thomas Street-4th Avenue to 15th Avenue

The parcels identified in the following table have been identified based on the right of way plat prepared by AECOM and approved on October 27, 2015 and signed by the City of Wausau November 6, 2015 and the Relocation Order filed on November 24, 2015. The design of the project has not yet been completed by AECOM and decisions made on topics like handicapped accessible ramps at corners and other design changes may impact the type and size of parcels noted on the previously referenced plat.

The anticipated schedule for starting the Phase 2 Nominal Payment Parcel Report and Appraisal is February 1, 2016. All plat changes must be completed by that date. Failure by AECOM to complete all plat changes by that date could cause a corresponding delay in the acquisition delivery schedule. The acquisition agents require a minimum of 120 days between the time the offer is presented to the landowners and title is required, in order to meet the project schedule for construction in Spring 2017.

Should the November 6, 2015 plat be revised and any changes made to parcels for which MSA has already made an offer, a negotiated settlement has been reached and/or the parcel has been acquired by MSA, the parcel will be considered to be a new parcel, subject to negotiation of new fees. The original offer will be rescinded and a new offer will be prepared based on the revised plat. MSA will present the new offer to the landowner and the acquisition timeframe will start over.

- If the original offer was a Nominal Offer based on the Project Data Book, a revised Nominal Payment Parcel Report will be prepared for review and approval by the City. The parcels with Nominal Offers allow the landowner 10 days to consider the offer. If a negotiated settlement can't be reached, then an appraisal of value will be required under the Owner's rights as set forth in the Federal Uniform Relocation Act to continue with eminent domain, if requested by the City. The parcel will be considered to be a new parcel, subject to negotiation of new acquisition fees.
- If the original offer was based on an appraisal, the appraiser will contact the landowner and offer to meet with the landowner to explain the appraisal is being revised based on the revised plat. The appraisal will be reviewed by the Review Appraiser and a revised Offering Price Report will be prepared for review and approval by the City. The parcels with appraisals provide the landowners 60 days to obtain a 2nd appraisal. The parcel will be considered to be a new parcel, subject to negotiation of new acquisition fees, appraisal fees, and appraisal review fees.

In Phase 2, there are 14 commercial parcels, 20 residential parcels, 2 Institutional (church) and 6 vacant parcels (City) that have been identified as requiring acquisition of Fee, TLE, or Fee/TLE as shown in the following table for a total of 42 parcels. No relocations are anticipated.

Five parcels have been identified to have appraisals prepared to address the loss in parking. These parcels may have severance damages or cost to cure included in the appraisals.

Phase 2 Acquisitions				
Parcel #	Owner	Comm/Res	Interest Required	Appraisal
2	Michael Hanke	Res	TLE	
3	Bee Moua & Mor Vue	Res	Fee/TLE	
4	Denise Emmerich	Res	Fee/TLE	
5	Steven Xia Chang & Xai K. Chang	Res	TLE	
6	Webko Real Estate, LLC	Comm	Fee/TLE	Yes
7	Webko Real Estate, LLC	Comm	Fee/TLE	Yes
8	City of Wausau	Vacant	Fee/TLE	
10	David Linke & Hope Linke	Res	TLE	
11	Connie Nienow	Res	TLE	
12	Louis Kraus & Patricia Kraus	Res	TLE	
13	Dale Weinke	Res	TLE	
14	Ervin Birr & Joann Birr	Res	TLE	
15	Helke LLC	Res	TLE	
16	Rosewitha Pahl	Res	TLE	
17	Diane Stencil	Res	TLE	
18	Claude Paszek & Judy Paszek	Res	Fee/TLE	
20	James Mary Treu Revocable Trust	Comm	Fee/TLE	Yes
23	City of Wausau	Vacant	Fee/TLE	
28	Joyce Kreager Revocable Trust	Comm	Fee/TLE	Yes
30	Clinton Gibson	Res	Fee/TLE	
31	City of Wausau	Vacant	Fee/TLE	
32	Clifford Heiser	Res	Fee/TLE	
33	Jesse Kufahl	Res/Comm	TLE	
34	Holy Name of Jesus Parish	Institution	TLE	
35	City of Wausau	Vacant	Fee/TLE	
39	City of Wausau	Vacant	Fee/TLE	
42	ABC Rentals, LLC	Res	TLE	
43	James Anderes	Res	TLE	
44	James Ascher & Audrey Ascher	Comm	TLE	
45	Scott Koy	Res	TLE	
46	Chai Pa Xiong & May Yang Vang	Comm	TLE	
47	City of Wausau	Vacant	Fee/TLE	
52	Robert Bredeck	Comm	Fee/TLE	Yes
53	Helke LLC	Res	TLE	
54	Joy & Kevin's Properties LLC	Comm	TLE	
55	James Litzenberger & Kenneth Schauer	Comm	TLE	

56	EZ & KZ Enterprises, LLC	Comm	TLE	
61	Brian Shidell	Comm	TLE	
62	David Newman	Comm	TLE	
63	Jeremy Luisier	Comm	TLE	
64	Underwood Chapel, LLC	Institution	TLE	
65	Bhagavati, LLC	Comm	TLE	

1. Appraisals will be prepared for five parcels (6, 7, 20, 28 and 52).
2. Appraisals will be reviewed by the Review Appraiser and the Review Appraiser will create an Offering Price Report to be submitted to the City for their review and approval.
3. MSA negotiators will contact these five landowners (6, 7, 20, 28, and 52) to set up a meeting to present the offer packages, following Common Council approval of the Appraisals and Offering Price Reports. All meetings are assumed to take place in the Wausau area.
4. When negotiated settlements have been reached for Parcels 6, 7, 20, 28, and 52, an Offer to Purchase will be signed by the landowners and presented to the City for approval. After the Offer to Purchase has been approved by the Common Council, it will be sent to the Title Company to clear the title and set a closing date. MSA will attend the closings, if requested by the City. W-9 Forms will be prepared for all parcels and 1099's will be prepared by the title company for parcels with a value more than \$600.00. Checks will be distributed and documents will be recorded by the Title Company after the closing.
5. MSA will create a Nominal Payment Parcel Report for the remaining 37 parcels listed in Phase 2. The Nominal Payment Parcel Report will be prepared based on the land values included in the Project Data Book. Compensation for landscaping or improvements located in the Fee or TLE area will be included in the Nominal Payment Parcel Report. The Nominal Payment Parcel Report will be submitted to the City for Common Council review and approval.
6. MSA will create offer packages for the 37 parcels based on the approved Nominal Parcel Report. There are 11 Fee/TLE Nominal parcels and 26 TLE only parcels.
7. Of the 11 Nominal Fee & TLE parcels, offers for the 6 City owned parcels (8, 23, 31, 35, 39, and 47) will be delivered to the Public Works Office to be reviewed and approved by the Common Council.
8. For the remaining five Nominal FEE & TLE parcels (3, 4, 18, 30, and 32), MSA will create offer packages and appointments will be made with the owners to explain the offers. If a settlement is reached, the Nominal Payment Parcel --Waiver of Appraisal, Statement to Construction Engineer, Warranty Deed and W-9's will be signed for acquisitions exceeding \$600. MSA will request checks from the City, send the checks to the landowners and present the signed Warranty Deed documents to the City for recording. Mortgage releases or lien releases will not be obtained from financial institutions.
9. MSA will send the offers for the 26 Temporary Limited Easement only parcels by Certified Mail. The offer letter will provide direction to the owners to sign the Nominal Payment Parcel --Waiver of Appraisal, Statement to Construction Engineer and Temporary Limited Easement if they are in agreement with the offer, in the presence of a Notary Public and return the documents to MSA.

10. MSA will meet with the 26 TLE only owners if requested to do so. MSA will request checks from the City, send the checks to the landowners and present the signed Temporary Limited Easement documents to the City for recording. Mortgage releases or lien releases will not be obtained from financial institutions.
11. MSA will obtain W-9s for 37 parcels not closed by Runkel Abstract and Title and create Federal Form 1099 for those parcels over \$600.
12. If a negotiated settlement cannot be reached, MSA will meet with the City to discuss the issues related to the acquisition of the parcel. MSA will make a recommendation to the City for its consideration regarding proceeding with the eminent domain process in order to acquire the property to meet the project schedule. MSA will assume responsibility for condemnation actions, if authorized by City, up to the recording of the Award of Damages as required. The City will cut the checks for payment to the property owners, and sign Jurisdictional Offers, Lis Pendens, and Award of Damages. The City will be responsible for actions taken after the Award of Damages is recorded.
13. Once the acquisitions are complete, the parcel files will be assembled, including all approved documents, copies of recorded conveyances and parcel diaries. A certification of right of way will be prepared for the project.
14. Assist the City in obtaining a Hmong interpreter to translate for affected property owners in the project area.
15. Services provided by the City of Wausau include: Property information, updated title reports, owner contact information, tax information, right of way plat, legal descriptions, construction plans, and language interpreters.

EXHIBIT "H"
PHASE 2 REAL ESTATE ACQUISITIONS
AMENDMENT #1
NEGOTIATION PARCEL FEES

Negotiator : Glenn J. Speich Jr., Barbara Skibinski, Beth Steinhauer, Barb Halley,
Ed Singer

Date 11/18/15

Parcel No.	Owner	Relocation/ Appraisal	Comm/Res	Interest Required	Negotiation Fee
2	Michael Hanke	No	Res	TLE	\$925
3	Bee Moua & Mor Vue	No	Res	Fee/TLE	\$1,500
4	Denise Emmerich	No	Res	Fee/TLE	\$1,500
5	Steven Xia Chang & Xai K. Chang	No	Res	TLE	\$925
6	Webko Real Estate, LLC	No / Yes	Comm	Fee/TLE	\$3,600
7	Webko Real Estate, LLC	No / Yes	Comm	Fee/TLE	\$3,600
8	City of Wausau	No	Vacant	Fee/TLE	\$250
10	David Linke & Hope Linke	No	Res	TLE	\$925
11	Connie Nienow	No	Res	TLE	\$925
12	Louis Kraus & Patricia Kraus	No	Res	TLE	\$925
13	Dale Weinke	No	Res	TLE	\$925
14	Ervin Birr & Joann Birr	No	Res	TLE	\$925
15	Helke LLC	No	Res	TLE	\$925
16	Rosewitha Pahl	No	Res	TLE	\$925
17	Diane Stencil	No	Res	TLE	\$925
18	Claude Paszek & Judy Paszek	No	Res	Fee/TLE	\$1,500
20	James Mary Treu Revocable Trust	No / Yes	Comm	Fee/TLE	\$3,600
23	City of Wausau	No	Vacant	Fee/TLE	\$250
28	Joyce Kreager Revocable Trust	No / Yes	Comm	Fee/TLE	\$3,600
30	Clinton Gibson	No	Res	Fee/TLE	\$1,500
31	City of Wausau	No	Vacant	Fee/TLE	\$250
32	Clifford Heiser	No	Res	Fee/TLE	\$1,500

33	Jesse Kufahl	No	Res/Comm	TLE	\$925
34	Holy Name of Jesus Parish	No	Institution	TLE	\$925
35	City of Wausau	No	Vacant	Fee/TLE	\$250
39	City of Wausau	No	Vacant	Fee/TLE	\$250
42	ABC Rentals, LLC	No	Res	TLE	\$925
43	James Anderes	No	Res	TLE	\$925
44	Jaems Ascher & Audrey Ascher	No	Comm	TLE	\$925
45	Scott Koy	No	Res	TLE	\$925
46	Chai Pa Xlong & May Yang Vang	No	Comm	TLE	\$925
47	City of Wausau	No	Vacant	Fee/TLE	\$250
52	Robert Bredeck	No / Yes	Comm	TLE	\$3,600
53	Helke LLC	No	Res	TLE	\$925
54	Joy & Kevin's Properties LLC	No	Comm	TLE	\$925
55	James Litzenberger & Kenneth Schauer	No	Comm	TLE	\$925
56	EZ & KZ Enterprises, LLC	No	Comm	TLE	\$925
61	Brian Shidell	No	Comm	TLE	\$925
62	David Newman	No	Comm	TLE	\$925
63	Jeremy Luiser	No	Comm	TLE	\$925
64	Underwood Chapel, LLC	No	Institution	TLE	\$925
65	Bhagavati, LLC	No	Comm	TLE	\$925
Consultant Project Management Fee					\$6,300
Assist City with finding Hmong language interpreter for project area owners					\$500
TOTAL FEE					\$57,850
Contingency Fee – Prepare federal forms 1099s for Owners who received settlement checks greater than \$600. Provide forms to City for filing and mailing before January filing deadline. Form 1099 @ \$100/ea.					
PROJECT I.D. THOMAS STREET			COUNTY: MARATHON		

EXHIBIT H-1

APPRAISAL PARCEL FEES

RE1002 88 (Replaces RA121)

APPRAISER: Scott Williams Appraisals

DATE: 11/18/15

Parcel No	Owner	Comm/Res	Specialty Reports	Appraisal Format Required	Required Completion Date	Appraisal Fee
6	Webko Real Estate, LLC	Comm		STDI		\$2,250
7	Webko Real Estate, LLC	Comm		STDI		\$2,250
20	James Mary Treu Revocable Trust	Comm		STDI		\$4,200
28	Joyce Kreager Revocable Trust	Comm		STDI		\$3,500
52	Robert Bredeck	Comm		STDI		\$3,900
TOTAL FEE						\$16,100
<p>Contingency Fee If Nominal Acquisitions do not sign Initial offer and an appraisal is required to proceed with negotiations or the use of eminent domain. Additional residential strip taking appraisals@ \$1,900/ea.</p> <p>If the Review Appraiser requests an appraisal that includes the improvements on the remnant portion of the property, the fee will be \$2,900/ea.</p>						
PROJECT I.D. THOMAS STREET					COUNTY: MARATHON	

EXHIBIT H-2

APPRAISAL REVIEW FEES

APPRAISER: Rolling & Barnes, LLC

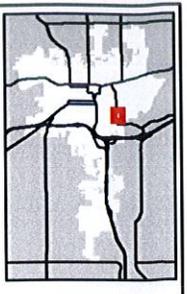
DATE: 11/18/15

						Appraisal Review Fees
Review each Appraisal – Desk & field review, communicate with appraisers, LPA 2128 review report, and LPA 1894 Offering Price Report. Cost for 5 parcels @ \$700 per each						\$3,500
TOTAL FEE						\$3,500
Contingency Fee Desk review of Owner supplied appraisal @ \$700 per each Desk review of additional appraisals if required to complete eminent domain process @ \$700 per each						
PROJECT I.D. THOMAS STREET					COUNTY: MARATHON	



CITY OF WAUSAU
Marathon County Wisconsin

Portions of highlighted parcels necessary for public right-of-way



NOTES:
 1. REPLICATION OF THIS MAP IS PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE CITY OF WAUSAU ENGINEERING DEPT.
 2. THIS MAP WAS COMPILED AND DEVELOPED BY THE CITY OF WAUSAU AND MARATHON COUNTY. WAUSAU AND MARATHON COUNTY ASSUME NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
 3. MAP FEATURES DEVELOPED FROM APRIL 2010 AERIAL PHOTOGRAPHY.

ID	Address
8	1331 West Thomas Street
23	1102 South 11 th Avenue
31	1101 South 11 th Avenue
35	1041 South 10 th Avenue
39	814 West Thomas Street
47	1047 South 8 th Avenue

W THOMAS ST

BOPF ST

MADISON ST

S 8TH AV

S 9TH AV

S 10TH AV

S 11TH AV

S 12TH AV

S 13TH AV

S 14TH AV

47

39

35

31

23

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LEGAL DESCRIPTION

That land contained within the following described tract of land in Lot 20, Block 2 of Wunsch's Roosevelt Park Addition; recorded as Document 321141 and located in the SE 1/4 of the SE 1/4 of Section 34, T29N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

Commencing at a 3/4 inch iron rod at the southeast corner of Section 34, T29N, R7E;
Thence N00°05'53"W, 1292.08 feet along the east line of said Section 34 to the point of beginning;
Thence S88°05'08"W, 29.94 feet to the west right of way line of South 12TH Avenue;
Thence S88°05'08"W, 102.93 feet;
Thence S89°43'35"W, 7.37 feet to the east right of way line of a public alley;
Thence S89°43'35"W, 16.00 feet to the west right of way line of a public alley;
Thence S89°43'35"W, 110.03 feet to the east right of way line of South 13TH Avenue;
Thence S89°43'35"W, 60.00 feet to the west right of way line of South 13TH Avenue;
Thence S89°43'35"W, 109.87 feet to the east right of way line of a public alley;
Thence S89°43'35"W, 16.00 feet to the west right of way line of a public alley;
Thence S89°43'35"W, 110.02 feet to the east right of way line of South 14TH Avenue;
Thence S89°43'35"W, 60.00 feet to the west right of way line of South 14TH Avenue;
Thence S89°43'35"W, 97.83 feet;
Thence N88°26'37"W, 12.23 feet to the east right of way line of a public alley;
Thence S74°03'31"W, 16.63 feet to the west right of way line of a public alley;
Thence N88°26'37"W, 110.16 feet to the east right of way line of South 15TH Avenue;
Thence N48°53'36"W, 53.40 feet to a point on the reference line of Thomas Street;
Thence N01°33'23"E, 52.46 feet to the north right of way line of Thomas Street;
Thence N05°03'23"E, 5.03 feet to the beginning of a curve deflecting to the right;
Thence 69.26 feet along said curve having a chord bearing N19°45'14"E, 68.50 feet and a radius of 135.00 feet to the beginning of a reverse curve deflecting to the left;
Thence 43.54 feet along said curve having a chord bearing N23°58'09"E, 43.30 feet and a radius of 119.00 feet to the north line of Lot 2, Block 3 of Crocker's Addition to the Town of Stettin, now City of Wausau;
Thence N89°43'35"E, 7.05 feet along said north line to the northeast corner of said Lot 2 and the west right of way line of South 15TH Avenue;
Thence S00°05'43"E, 108.45 feet along said west line to the north right of way line of Thomas Street;
Thence S80°03'08"E, 50.78 feet to the east right of way line of South 15TH Avenue;
Thence S88°26'37"E, 79.58 feet to the north right of way line of Thomas Street;
Thence N89°43'35"E, 584.84 feet along said north line;
Thence N88°05'08"E, 104.17 feet to the west right of way line of South 12TH Avenue;
Thence N88°05'08"E, 30.02 feet to the east line of Section 34;
Thence S00°05'53"E, 76.04 feet along said east line to the point of beginning.

Said parcel contains **1763 square feet** of land, more or less, for highway purposes.

Also a **Temporary Limited Easement** for grading slopes, including for such purpose the right to operate necessary equipment thereon, the right of ingress and egress, as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable to prevent erosion of the soil. **This easement is to terminate upon completion of the construction of this project.**

LEGAL DESCRIPTION

Said easement includes that land of the owner in Lot 20, Block 2 of Wunsch's Roosevelt Park Addition; recorded as Document 321141 and located in the SE 1/4 of the SE 1/4 of Section 34, T29N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

A five (5) foot wide strip of land lying south of and adjacent to the above-described fee taking.

Said parcel contains **550 square feet** of land, more or less.

LEGAL DESCRIPTION

That land contained within the following described tract of land in the East 63 feet of Lots 1 and 2, in Block 1 of A. R. Holub's Addition to Wausau; recorded as Document 269473 and located in the SW 1/4 of the SW 1/4 of Section 35, T29N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

Commencing at a 3/4 inch iron rod at the southwest corner of Section 35, T29N, R7E;
Thence N00°05'53"W, 1292.08 feet along the west line of said Section 35 to the point of beginning;
Thence N00°05'53"W, 76.04 feet continuing along said west line;
Thence N88°05'08"E, 30.02 feet to the east right of way line of South 12TH Avenue;
Thence N88°05'08"E, 252.92 feet;
Thence N77°25'03"E, 20.21 feet to the beginning of a curve deflecting to the left;
Thence 18.94 feet along said curve having a chord bearing N38°39'35"E, 17.53 feet and a radius of 14.00 feet to the west right of way line of South 11TH Avenue;
Thence S00°05'53"E, 27.46 feet along said west line to the north right of way line of Thomas Street;
Thence S00°03'00"E, 60.38 feet to the northeast corner of Block 1 of A. R. Holub's Addition to Wausau;
Thence S00°05'30"E, 97.48 feet along the west right of way line of South 11TH Avenue to the beginning of a curve deflecting to the left;
Thence 59.66 feet along said curve having a chord bearing N17°34'14"W, 59.35 feet and a radius of 168.90 feet to the beginning of a compound curve deflecting to the left;
Thence 17.73 feet along said curve having a chord bearing N50°46'15"W, 17.25 feet and a radius of 22.00 feet;
Thence N73°51'08"W, 76.36 feet;
Thence S88°05'08"W, 30.98 feet to the east right of way line of a public alley;
Thence S88°05'08"W, 12.01 feet to the west right of way line of a public alley;
Thence S88°05'08"W, 135.53 feet to the east right of way line of South 12TH Avenue;
Thence S88°05'08"W, 30.54 feet to the west line of Section 35 and the point of beginning.

Said parcel contains **2370 square feet** of land, more or less, for highway purposes.

Also a **Temporary Limited Easement** for grading slopes, including for such purpose the right to operate necessary equipment thereon, the right of ingress and egress, as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable to prevent erosion of the soil. **This easement is to terminate upon completion of the construction of this project.**

Said easement includes that land of the owner in the East 63 feet of Lots 1 and 2, in Block 1 of A. R. Holub's Addition to Wausau; recorded as Document 269473 and located in the SW 1/4 of the SW 1/4 of Section 35, T29N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

A five (5) foot wide strip of land lying southwesterly of and adjacent to the above-described fee taking.

Said parcel contains **536 square feet** of land, more or less.

LEGAL DESCRIPTION

That land contained within the following described tract of land in Lot 20, Block 3 of A. A. Bock's Lake Park Addition to the City of Wausau; recorded as Document 132712 and located in the SW 1/4 of the SW 1/4 of Section 35, T29N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

Commencing at a 3/4 inch iron rod at the southwest corner of Section 35, T29N, R7E; Thence N89°09'13"E, 611.58 feet along the south line of Section 35 to the southerly extension of the east line of Block 3 of A. A. Bock's Lake Park Addition to the City of Wausau; Thence N00°05'48"E, 1300.90 feet along said east line to the northeast corner of said Block 3 and the point of beginning;
Thence S89°33'28"W, 106.41 feet along the north line of said Block 3;
Thence S88°05'08"W, 13.99 feet to the east right of way line of a public alley;
Thence S88°05'08"W, 12.01 feet to the west right of way line of a public alley;
Thence S88°05'08"W, 17.44 feet to the beginning of a curve deflecting to the left;
Thence 64.01 feet along said curve having a chord bearing S72°48'17"W, 63.25 feet and a radius of 120.00 feet to the beginning of a compound curve deflecting to the left;
Thence 15.78 feet along said curve having a chord bearing S40°46'39"W, 15.56 feet and a radius of 27.00 feet;
Thence S24°01'52"W, 53.91 feet to the west line of said Block 3;
Thence N00°05'30"W, 80.12 feet along said west line to the northwest corner of Block 3;
Thence N00°03'00"W, 60.32 feet to the southwest corner of Block 3 of J. H. Koehler's Addition to Wausau;
Thence N00°05'53"W, 29.77 feet along the said west line to the beginning of a non-tangent curve deflecting to the left;
Thence 27.24 feet along said curve having a chord bearing S46°00'22"E, 24.42 feet and a radius of 17.00 feet;
Thence N88°05'08"E, 92.93 feet to the west right of way line of a public alley;
Thence N88°05'08"E, 12.01 feet to the east right of way line of a public alley;
Thence N88°05'08"E, 20.46 feet;
Thence N89°33'15"E, 99.45 feet to the east line of Block 3 of J. H. Koehler's Addition;
Thence N89°33'15"E, 60.00 feet to the west line of Block 2 of J. H. Koehler's Addition;
Thence N89°33'15"E, 120.43 feet to the west right of way line of a public alley;
Thence N89°33'15"E, 12.00 feet to the east right of way line of a public alley;
Thence N89°33'15"E, 120.43 feet to the east line of Block 2 of J. H. Koehler's Addition;
Thence S00°05'16"W, 16.26 feet to the southeast corner of said Block 2;
Thence S00°41'26"W, 59.99 feet to the northeast corner of Block 2 of A. A. Bock's Lake Park Addition to the City of Wausau;
Thence S89°33'28"W, 251.87 feet to the northwest corner of said Block 2;
Thence S89°33'28"W, 60.00 feet to the northeast corner of Block 3 of A. A. Bock's Lake Park Addition and the point of beginning.

Said parcel contains **1732 square feet** of land, more or less, for highway purposes.

Also a **Temporary Limited Easement** for grading slopes, including for such purpose the right to operate necessary equipment thereon, the right of ingress and egress, as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable to prevent erosion of the soil. **This easement is to terminate upon completion of the construction of this project.**

LEGAL DESCRIPTION

Said easement includes that land of the owner in Lot 20, Block 3 of A. A. Bock's Lake Park Addition to the City of Wausau; recorded as Document 132712 and located in the SW 1/4 of the SW 1/4 of Section 35, T29N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

A five (5) foot wide strip of land lying southeasterly of and adjacent to the above-described fee taking.

Said parcel contains **575 square feet** of land, more or less.

LEGAL DESCRIPTION

That land contained within the following described tract of land in the West half of Lot 12, Block 2 of J. H. Koehler's Addition to Wausau; recorded as Document 138832 and located in the NW 1/4 of the SW 1/4 of Section 35, T29N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

Commencing at a 3/4 inch iron rod at the southwest corner of Section 35, T29N, R7E; Thence N89°09'13"E, 611.58 feet along the south line of Section 35 to the southerly extension of the east line of Block 3 of A. A. Bock's Lake Park Addition to the City of Wausau; Thence N00°05'48"E, 1300.90 feet along said east line to the northeast corner of said Block 3 and the point of beginning;

Thence S89°33'28"W, 106.41 feet along the north line of said Block 3;

Thence S88°05'08"W, 13.99 feet to the east right of way line of a public alley;

Thence S88°05'08"W, 12.01 feet to the west right of way line of a public alley;

Thence S88°05'08"W, 17.44 feet to the beginning of a curve deflecting to the left;

Thence 64.01 feet along said curve having a chord bearing S72°48'17"W, 63.25 feet and a radius of 120.00 feet to the beginning of a compound curve deflecting to the left;

Thence 15.78 feet along said curve having a chord bearing S40°46'39"W, 15.56 feet and a radius of 27.00 feet;

Thence S24°01'52"W, 53.91 feet to the west line of said Block 3;

Thence N00°05'30"W, 80.12 feet along said west line to the northwest corner of Block 3;

Thence N00°03'00"W, 60.32 feet to the southwest corner of Block 3 of J. H. Koehler's Addition to Wausau;

Thence N00°05'53"W, 29.77 feet along the said west line to the beginning of a non-tangent curve deflecting to the left;

Thence 27.24 feet along said curve having a chord bearing S46°00'22"E, 24.42 feet and a radius of 17.00 feet;

Thence N88°05'08"E, 92.93 feet to the west right of way line of a public alley;

Thence N88°05'08"E, 12.01 feet to the east right of way line of a public alley;

Thence N88°05'08"E, 20.46 feet;

Thence N89°33'15"E, 99.45 feet to the east line of Block 3 of J. H. Koehler's Addition;

Thence N89°33'15"E, 60.00 feet to the west line of Block 2 of J. H. Koehler's Addition;

Thence N89°33'15"E, 120.43 feet to the west right of way line of a public alley;

Thence N89°33'15"E, 12.00 feet to the east right of way line of a public alley;

Thence N89°33'15"E, 120.43 feet to the east line of Block 2 of J. H. Koehler's Addition;

Thence S00°05'16"W, 16.26 feet to the southeast corner of said Block 2;

Thence S00°41'26"W, 59.99 feet to the northeast corner of Block 2 of A. A. Bock's Lake Park Addition to the City of Wausau;

Thence S89°33'28"W, 251.87 feet to the northwest corner of said Block 2;

Thence S89°33'28"W, 60.00 feet to the northeast corner of Block 3 of A. A. Bock's Lake Park Addition and the point of beginning.

Said parcel contains **985 square feet** of land, more or less, for highway purposes.

Also a **Temporary Limited Easement** for grading slopes, including for such purpose the right to operate necessary equipment thereon, the right of ingress and egress, as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable to prevent erosion of the soil. **This easement is to terminate upon completion of the construction of this project.**

LEGAL DESCRIPTION

Said easement includes that land of the owner in the West half of Lot 12, Block 2 of J. H. Koehler's Addition to Wausau; recorded as Document 138832 and located in the NW 1/4 of the SW 1/4 of Section 35, T29N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

A five (5) foot wide strip of land lying north of and adjacent to the above-described fee taking.

Also a five (5) foot wide strip of land lying east of and adjacent to the east right of way line of South 10TH Avenue and extending fifteen (15) feet north of the above-described fee taking.

Said parcel contains **351 square feet** of land, more or less.

LEGAL DESCRIPTION

That land contained within the following described tract of land in the West half of Lot 6, in Block 1 of Hildensperger and Brand Addition to the City of Wausau; recorded as Document 107610 and located in the NW 1/4 of the SW 1/4 of Section 35, T29N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

Commencing at a 3/4 inch iron rod at the southwest corner of Section 35, T29N, R7E; Thence N89°09'13"E, 1235.43 feet along the south line of Section 35 to the southerly extension of the east line of Block 2 of Hildensperger and Brand Addition to the City of Wausau; Thence N00°05'50"E, 1296.61 feet along said east line to the northeast corner of said Block 2 and the point of beginning;

Thence S89°31'54"W, 119.97 feet along the north line of Block 2 to the east right of way line of a public alley;

Thence S89°31'54"W, 12.00 feet to the west right of way line of a public alley;

Thence S89°31'54"W, 119.97 feet to the northwest corner of Block 2 of said Block 2;

Thence N00°41'25"E, 60.01 feet to the southwest corner of Block 1 of Hildensperger and Brand Addition to the City of Wausau;

Thence N00°05'16"E, 16.24 feet along the west line of said Block 1;

Thence N89°33'15"E, 119.69 feet to the west right of way line of a public alley;

Thence N89°33'15"E, 12.00 feet to the east right of way line of a public alley;

Thence N89°33'15"E, 119.69 feet to the east line of said Block 1;

Thence N89°33'15"E, 60.00 feet to the west line of Block 3 of Wisconsin Valley Land Company's First Addition to Wausau;

Thence N89°33'15"E, 120.04 feet to the west right of way line of a public alley;

Thence N89°33'15"E, 12.00 feet to the east right of way line of a public alley;

Thence N89°33'15"E, 120.04 feet to the east line of said Block 3;

Thence S00°10'16"W, 16.13 feet to the southeast corner of said Block 3;

Thence S00°13'12"W, 60.00 feet to the northeast corner of Block 5 of Lotz and Bopf's First Addition to Wausau;

Thence S89°32'27"W, 120.00 feet along the north line of said Block 5 to the east right of way line of a public alley;

Thence S89°32'27"W, 12.00 feet to the west right of way line of a public alley;

Thence S89°32'27"W, 120.00 feet to the northwest corner of said Block 5;

Thence S89°35'56"W, 60.00 feet to the northeast corner of Block 2 of Hildensperger and Brand Addition to the City of Wausau and the point of beginning.

Said parcel contains **971 square feet** of land, more or less, for highway purposes.

Also a **Temporary Limited Easement** for grading slopes, including for such purpose the right to operate necessary equipment thereon, the right of ingress and egress, as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable to prevent erosion of the soil. **This easement is to terminate upon completion of the construction of this project.**

Said easement includes that land of the owner in the West half of Lot 6, in Block 1 of Hildensperger and Brand Addition to the City of Wausau; recorded as Document 107610 and located in the NW 1/4 of the SW 1/4 of Section 35, T29N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

A five (5) foot wide strip of land lying north of and adjacent to the above-described fee taking.

LEGAL DESCRIPTION

Also a five (5) foot wide strip of land lying east of and adjacent to the east right of way line of South 9TH Avenue and extending ten (10) feet north of the above-described fee taking.

Said parcel contains **324 square feet** of land, more or less.

LEGAL DESCRIPTION

That land contained within the following described tract of land in Lot 13, in Block 3 of Wisconsin Valley Land Company's First Addition to Wausau; recorded as Document 96723 and located in the NW 1/4 of the SW 1/4 and the NE 1/4 of the SW 1/4 of Section 35, T29N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

Commencing at a 3/4 inch iron rod at the southwest corner of Section 35, T29N, R7E; Thence N89°09'13"E, 1235.43 feet along the south line of Section 35 to the southerly extension of the east line of Block 2 of Hildensperger and Brand Addition to the City of Wausau; Thence N00°05'50"E, 1296.61 feet along said east line to the northeast corner of said Block 2 and the point of beginning;

Thence S89°31'54"W, 119.97 feet along the north line of Block 2 to the east right of way line of a public alley;

Thence S89°31'54"W, 12.00 feet to the west right of way line of a public alley;

Thence S89°31'54"W, 119.97 feet to the northwest corner of Block 2 of said Block 2;

Thence N00°41'25"E, 60.01 feet to the southwest corner of Block 1 of Hildensperger and Brand Addition to the City of Wausau;

Thence N00°05'16"E, 16.24 feet along the west line of said Block 1;

Thence N89°33'15"E, 119.69 feet to the west right of way line of a public alley;

Thence N89°33'15"E, 12.00 feet to the east right of way line of a public alley;

Thence N89°33'15"E, 119.69 feet to the east line of said Block 1;

Thence N89°33'15"E, 60.00 feet to the west line of Block 3 of Wisconsin Valley Land Company's First Addition to Wausau;

Thence N89°33'15"E, 120.04 feet to the west right of way line of a public alley;

Thence N89°33'15"E, 12.00 feet to the east right of way line of a public alley;

Thence N89°33'15"E, 120.04 feet to the east line of said Block 3;

Thence S00°10'16"W, 16.13 feet to the southeast corner of said Block 3;

Thence S00°13'12"W, 60.00 feet to the northeast corner of Block 5 of Lotz and Bopf's First Addition to Wausau;

Thence S89°32'27"W, 120.00 feet along the north line of said Block 5 to the east right of way line of a public alley;

Thence S89°32'27"W, 12.00 feet to the west right of way line of a public alley;

Thence S89°32'27"W, 120.00 feet to the northwest corner of said Block 5;

Thence S89°35'56"W, 60.00 feet to the northeast corner of Block 2 of Hildensperger and Brand Addition to the City of Wausau and the point of beginning.

Said parcel contains **1942 square feet** of land, more or less, for highway purposes.

Also a **Temporary Limited Easement** for grading slopes, including for such purpose the right to operate necessary equipment thereon, the right of ingress and egress, as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable to prevent erosion of the soil. **This easement is to terminate upon completion of the construction of this project.**

Said easement includes that land of the owner in Lot 13, in Block 3 of Wisconsin Valley Land Company's First Addition to Wausau; recorded as Document 96723 and located in the NW 1/4 of the SW 1/4 and the NE 1/4 of the SW 1/4 of Section 35, T29N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

A five (5) foot wide strip of land lying north of and adjacent to the above-described fee taking.

LEGAL DESCRIPTION

Also a five (5) foot wide strip of land lying east of and adjacent to the east right of way line of South 8TH Avenue and extending ten (10) feet north of the above-described fee taking.

Said parcel contains **625 square feet** of land, more or less.