

**OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL**

held on Tuesday, January 8, 2019 at City Hall.

Mayor Robert Mielke presiding.

**Roll Call**

1/8/2019 7:00:24 PM

Roll call indicated 9 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	NV
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	NV
9	Herbst, Dawn	YES
10	Thao, Mary	YES
11	Smith, Dennis	YES

**Proclamations:**

Mayor Mielke proclaimed the **Martin Luther King Jr. Holiday** as a **Day of Service** in Wausau, and called upon the people of the City to pay tribute to the life and works of Dr. Martin Luther King Jr. through participation in community service projects on Martin Luther King Day and throughout the year.

Mayor Mielke proclaimed **January 20-26, 2019** as **Wausau School Choice Week**, to raise awareness of the need for effective educational options, and called this observance to the attention of all citizens.

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

- 1) Lavern Pantiko, 310 Adams St, spoke on behalf of friends and family that were unhappy about the small park behind the YMCA being gone and felt they should be given an explanation as to why, when, where and how.
- 2) Seng Yang, 113 Edward St, spoke in favor of allowing for a tavern at 316 Sherman Street. He believed the tavern in this area would help sustain the World Market project and help him fulfill his vision of another business opportunity.
- 3) True Yang, 1832 Norway Ln, Kronenwetter, spoke in favor of allowing a tavern at 316 Sherman Street to help attract young professionals, especially Hmong professionals. He felt it would help Wausau as embracing diversity and building community space. He pointed out they would use the World Market parking lot to alleviate parking concerns and soundproof the walls to reduce noise. They intended to create a safe environment by cooperating with police.
- 4) Romey Wagner, 3500 Golf View Dr, spoke in favor of a tavern at 316 Sherman Street and felt with the help of the World Market they were addressing all of the concerns. He believed both the Hmong community and the city needed it.

**Consent Agenda**

1/8/2019 7:18:42 PM

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

**18-1201** Minutes of the previous meeting(s). (12/11/18)

**19-0104** Preliminary Resolution of the Capital Improvements & Street Maintenance Commission Levying Special Assessments for 2019 Street Construction Projects

**18-0412** Resolution of the Capital Improvements & Street Maintenance Commission accepting Easement for Maintaining the Dedicated Storm Water Detention Pond at 305 South 20th Street. (Bliven)

**19-0105** Resolution of the Capital Improvements & Street Maintenance Commission approving Agreement for the Management of Maintenance of a Stormwater facility (AJR Properties East, LLC - 9919 Innovation Way)

**11-0104** Resolution of the Capital Improvements & Street Maintenance Commission approving North Central Wisconsin Stormwater Coalition Cooperative Agreement

**18-0605** Resolution of the Capital Improvements & Street Maintenance Commissions approving Agreement for the Management and Maintenance of a Stormwater facility (Rivers Edge Storage LLC - 2414 and 2514 North 3rd Street)

**01-0217** Resolution of the Plan Commission petitioning the Secretary of Transportation for Airport Improvement Aid and Designation of the Secretary of Transportation to Act as the City's Agent for Administering the Aid and for Execution of Agency Agreement and Federal Block Grant Owner Assurances

**18-0108** Resolution of the Public Health & Safety Committee Approving or Denying various license as Indicated

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

**16-0913**

1/8/2019 7:19:28 PM

Motion by Gisselman, second by Herbst to adopt a Resolution of the Capital Improvements & Street Maintenance Commission Accepting the transfer of City property for the reconstruction of South 1<sup>st</sup> Avenue pursuant to Transportation Project Plat 6999-18-03, Parcel 78 - 401 South 1<sup>st</sup> Avenue

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	NV
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	NV
9	Herbst, Dawn	YES
10	Thao, Mary	NO
11	Smith, Dennis	YES

**14-1009**

1/8/2019 7:21:08 PM

Motion by Martens, second by Neal to adopt a Resolution of the Finance Committee Approving a non-exclusive contract for cellular service with New Cell, Inc. d/b/a Cellcom

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

**02-1005**

1/8/2019 7:21:36 PM

Motion by Nutting, second by Peckham to approve a Resolution of the Finance Committee Approving Acquisition of 241 East Thomas Street

Yes Votes: 7    No Votes: 2    Abstain: 0    Not Voting: 2    Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	NO
6	McElhaney, Becky	NV
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	NV
9	Herbst, Dawn	YES
10	Thao, Mary	NO
11	Smith, Dennis	YES

**19-0106**

1/8/2019 7:22:10 PM

Motion by Gisselman, second by Herbst to adopt a Resolution of the Plan Commission Amending the General Development Plan and Precise Implementation Plan at 1314 Grand Avenue to allow for a single family residential property in a UDD, Unified Development District

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

Motion by Gisselman, second by Rasmussen to adopt a Resolution of the Plan Commission Approving a conditional use at 212 East Randolph Street and 1409 Cherry Street to allow for VFW club house uses, in a M1, Limited Industrial District

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

Motion by Neal, second by Peckham to approve a Resolution of the Plan Commission Amending the General Development Plan and Precise Implementation Plan at 316 Sherman Street to allow for a tavern in a UDD, Unified Development District

Rasmussen stated neighborhood impact is key and matters most and when considering liquor licensing we look at alcohol outlet density and concentration. If there are too many in an area it can have a negative neighborhood impact. This particular area has had a very negative neighborhood impact and twice in recent history we have had to close taverns there. She pointed out although it partially had to do with bad management and Mr. Her has done a wonderful job managing World Market, he is not the manager of this proposed establishment, he is a landlord. There are already several establishments in this area and it is already bordering on too many. She felt there were many other occupancies that Mr. Her could facilitate in that building, other than a tavern that would create a far more positive outcome. She did not believe this was a good fit.

Neal commented he was not a fan of predicting doom and gloom future based on what happened with others. He pointed out there are many long time neighborhood taverns in good standing, such as the Domino and B&R's. He felt this proposed business was something special that fulfills a purpose that we should not stand in the way of based on other failed businesses.

Gisselman indicated as a member of the Plan Commission he voted against it because this neighborhood has had a lot of problems with taverns and is finally coming back from a lot of that stress. He believed it was too early to put another tavern into this neighborhood.

Peckham stated he was the one yes vote on the Plan Commission because although he was unsure about it, he thought there should be some consideration given to this applicant. He was now convinced the applicant will work hard to keep it open, thriving and operating appropriately. He liked the parking being at World Market rather than on Sherman Street and the plan for soundproofing.

Thao commented when members of the Hmong community come together to have conversations about our dreams and goals we like to go establishments where we feel comfortable. She indicated they have met at the World Market and Christine's which are nearby. She stated the World Market was a partnership and investment made by the city and McDevco which we cannot allow it to fail. The property at 316 Sherman Street, which they own, has been vacant for the last three years. She believed the Yang's have addressed the concerns of the citizens and are willing to work with the police department. She did not think we should take a base line of what prior business owners have done to mismanage their businesses. She urged the Council to give them an opportunity to take the next step to try to obtain a liquor license. She commented they approved VFW for a clubhouse at this address, so not approving this would be a double standard.

Martens agreed with Thao, was impressed by the letter of True Yang, and believed it was a win-win situation. He also felt it would be a double standard not to approve it because they approved the VFW.

Nutting felt this was a very difficult decision for him as the representative of this district which hosts the World Market which he wholeheartedly supported. The stalling point for him was the location and thought the project was very good and would be great at a different location. He indicated the residents that have contacted him are not in favor of a tavern there.

Rasmussen wanted to be absolutely clear that this was not a cultural issue, it is an alcohol issue. This is a question of whether Wausau needs another tavern in this residential area. She did not believe there was any double standard here; it is all about whether this is the right place for that operation, and she did not feel that it was and did not believe the World Market would fail if this building did not become a tavern.

Thao responded in the last six months they approved the renewal of Hiawatha, the Urban Bistro (Westside Battery building), and the Masonic Temple, so why wouldn't they approve this one.

Neal stated he did see there was a cultural consideration here that we should not overlook. He thought it was potentially special and strongly encouraged approval.

Yes Votes: 4 No Votes: 5 Abstain: 0 Not Voting: 2 Result: FAIL

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Nutting, David E.	NO
4	Neal, Tom	YES
5	Gisselman, Gary	NO
6	McElhaney, Becky	NV
7	Rasmussen, Lisa	NO
8	Kellbach, Karen	NV
9	Herbst, Dawn	NO
10	Thao, Mary	YES
11	Smith, Dennis	NO

**97-0712**

1/8/2019 7:49:58 PM

Motion by Rasmussen, second by Herbst to adopt a Resolution of the Finance Committee Approving City's Waiver of Right to Repurchase property at 401-505 N. 72<sup>nd</sup> Avenue in the Wausau Business Campus

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

**02-1005**

1/8/2019 7:50:46 PM

Motion by Nutting, second by Smith to adopt a Resolution of the Finance Committee Approving Jurisdictional Offer to owner of 114 E. Thomas Street by publication, for Phase II of the Thomas Street Reconstruction Project

Yes Votes: 7 No Votes: 2 Abstain: 0 Not Voting: 2 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	NO
6	McElhaney, Becky	NV
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	NV
9	Herbst, Dawn	YES
10	Thao, Mary	NO
11	Smith, Dennis	YES

**Suspend the rules**

1/8/2019 7:49:26 PM

Motion by Nutting, second by Gisselman to suspend the rules

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

**02-1005**

1/8/2019 7:51:19 PM

Motion by Herbst, second by Rasmussen to adopt a Resolution of the Finance Committee Approving Jurisdictional Offer to owner of 218 E. Thomas Street, by publication, for Phase II of the Thomas Street Reconstruction Project

Yes Votes: 7 No Votes: 2 Abstain: 0 Not Voting: 2 Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	NO
6	McElhaney, Becky	NV
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	NV
9	Herbst, Dawn	YES
10	Thao, Mary	NO

**14-0707**

1/8/2019 7:53:22 PM

Motion by Peckham, second by Martens to adopt a Resolution of the Finance Committee Approving Jurisdictional Offers for properties for the Townline Road Reconstruction Project: Parcel 1 - 1225 Grand Avenue; Parcel 2 - 1228 Prospect Avenue, Parcel 3 - 702 Townline Road, Parcel 6 - 714 Townline Road, Parcel 14 - 1303 Grand Avenue, Parcel 47 - 1204 Townline Road, Parcel 51 - 915 Townline Road

Peckham questioned why so many of these property owners did not respond. Lindman stated this is partially funded by the DOT so we are following Wisconsin state statutes on property acquisition and these are mainly temporary limited easements (TLE) so we can put the sidewalk in and grade back. We aren't actually taking any property, just temporarily using it for the road construction project. For whatever reason, these owner's did not respond to us, we could not get ahold of them and they weren't interested in signing for the small amount. This is the next step to keep the project moving forward.

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

**14-0707**

1/8/2019 7:53:55 PM

Motion by Herbst, second by Peckham to adopt a Resolution of the Finance Committee Approving Jurisdictional Offer for Parcel 52 - 917 / 929 Townline Road for the Townline Road Reconstruction Project

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

**18-0608**

1/8/2019 7:54:21 PM

Motion by Nutting, second by Rasmussen to adopt a Resolution of the Finance Committee Approving Jurisdictional Offer for Parcel 16 - 926 South 1<sup>st</sup> Avenue for the 1<sup>st</sup> Avenue Reconstruction Project

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Nutting, David E.	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	NV
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	NV
9	Herbst, Dawn	YES
10	Thao, Mary	NO
11	Smith, Dennis	YES

**Public Comment or Suggestions**

Judith Mueller, 903 Kickbusch St, commented on the fact that Aldersperson Thao has chosen not to attend closed sessions and suggested they accept offers of diversity training and/or mediation.

**CLOSED SESSION**

1/8/2019 7:59:28 PM

Motion by Rasmussen, second by Neal to move into CLOSED SESSION pursuant to 19.85(1)(e) of the Wisconsin Statutes for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and pursuant to Wis. Stat. Section (19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, for the purpose of conferring with legal counsel regarding selection from proposals received for the Riverlife Villages Phase 1 project of a new developer and approval of lien settlement to restart the project

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Nutting, David E.	YES

4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	<i>NV</i>
7	Rasmussen, Lisa	YES
8	Kellbach, Karen	<i>NV</i>
9	Herbst, Daw	YES
10	Thao, Mary	NO
11	Smith, Dennis	YES

*Thao exited the meeting before closed session deliberation.*

**Reconvened into Open Session** to take action on Closed Session item.

**15-0708**

1/8/2019 8:53:57 PM

Motion by Neal, second by Rasmussen to adopt a Resolution of the Common Council approving the Acceptance of proposal from Gorman and Company for Riverlife Villages (Phase 1) project, approval of settlement agreements with existing contractors, engineers and architects to remove liens, and the existing developer; and approval of final development agreements and ground leases with Gorman and Company for the restart of the project

Mayor Mielke read the resolution aloud. Rasmussen stated it was important to recognize this dollar figure in terms of the agreement and settlement to the liens represents the city’s original financial commitment to the project initially and does not inject new public money into the project. This will unencumber the property and allow it to move forward in a positive way.

Gisselman requested the media be given the resolution to make it public as soon as possible.

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

Mayor Mielke stated this approval of this resolution authorizes settlement payments to remove liens and selected a new developer, Gorman and Company, to take over the Riverlife Villages Phase 1 Project. The settlements total no more than the original incentive approved for the project and the previous developer, Barker Financial, will pay the city an amount which exceeds a full balance of their loan. We will be finalizing on a development agreement and any changes from the original approved plan with the developer soon. The project construction will be restarting this spring with a completion of the first building in the spring of 2020. We are also continuing to work with other interested parties for additional development in the Riverlife area and will continue to review those potential projects as they come.

**Adjourn**

1/8/2019 8:55:03 PM

Motion by Neal, second by Peckham to adjourn. Motion carried unanimously. Meeting adjourned in Open Session at 8:55 p.m.

Robert B. Mielke, Mayor  
Toni Rayala, City Clerk