

**OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL**  
held on Tuesday, September 10, 2019 at 7:00 pm in the Council Chambers at City Hall.  
Mayor Robert Mielke presiding.

*\*Meeting was delayed to 7:30 p.m. due to a prior meeting running late.*

**Roll Call**

9/10/2019 7:29:57 PM

Roll call indicated 8 members.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Peckham, Patrick	NV
2	Martens, Michael	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	NV
9	Herbst, Dawn	YES
10	Thao, Mary	YES
11	Smith, Dennis	YES

**Communications**

- 1) Council President Rasmussen announced the resignation of Aldersperson Karen Kellbach, District 8, effective today, due to serious ongoing health issues. Karen Kellbach was elected as Aldersperson in April 2000, serving until April 2006. She returned to Council in March 2011, having been appointed to fill an unexpired term of a former aldersperson, and winning re-election thereafter for four more terms from 2012 to the present. Rasmussen read a statement recognizing all the contributions and efforts Karen has made to her district and our community over the years.
- 2) Mayor Mielke introduced and welcomed recently hired Assistant City Attorney Nathan Miller. Miller stated he was born and raised in Sparta, went to school the Twin Cities, and worked for four years as a defense attorney for workers compensation insurance. He stated he was happy to be joining as a third attorney for the City of Wausau and was here to assist.

**Proclamations:**

- 1) Mayor Mielke proclaimed the week of **September 15-21, 2019** as **Constitution Week** in the City of Wausau and encouraged all citizens to demonstrate our love for the United States of America and the blessings of freedom our founding fathers secured for all of us.
- 2) Mayor Mielke proclaimed support for the goals and ideals of the **2020 Census** and will disseminate 2020 Census information to encourage participation, asked its affiliates and membership to partner together to achieve an accurate and complete count, and encouraged people in Wausau to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation among all populations.
- 3) Mayor Mielke proclaimed **September 2019**, as **National Suicide Prevention Awareness Month**, and encouraged all residents to take the time to inquire as to the well-being of their family, friends, and neighbors over the next few days and to genuinely convey their appreciation for their existence by any gesture they deem appropriate.

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

- 1) Phil Salamone, 515 ½ Adams St, addressed the Council to talk about the swimming pools. He urged the Council to consider free pools all the time next year and provided ten reasons why, referring to the Park Department report on the free days.

**Consent Agenda**

9/10/2019 7:48:16 PM

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

**19-0801** Minutes of the previous session meeting(s). (8/13/2019)

**18-1117** Resolution of the Capital Improvements & Street Maintenance Committee approving Agreement for the Management and Maintenance of a Stormwater facility (Woodson YMCA - 707 North 3<sup>rd</sup> Street)

**91-0917** Ordinance of the Capital Improvements & Street Maintenance Committee designating two handicapped parking stalls on the

west side of North River Drive beginning 1390 feet north and ending 1425 feet north of the center of the right of way with Fulton Street as measured along the centerline of North River Drive

**19-0604** Final Resolution of the Capital Improvements & Street Maintenance Committee and the Plan Commission vacating and discontinuing a portion of Badger Avenue right-of-way lying between 1811 Badger Avenue and N. Business Highway 51 adjacent to the parking lot

**19-0904** Resolution of the Finance Committee appointing Bond Trust Services Corporation to Serve as Fiscal Agent in connection with Outstanding Obligations

**19-0906** Resolution of the Finance Committee approving Memorandum of Agreement Between the United States of America Department of Transportation Federal Aviation Administration MOA No. 697DCM-19-L-1108

**99-0916** Resolution of the Finance Committee authorizing continued membership on CVMIC for policy years 2021 and 2022

**12-0219** Resolution of the Human Resources Committee amending Employee Handbook section 5.13 - Clothing and Equipment

**19-0108** Resolution of the Public Health & Safety Committee Granting an exemption to 9.04.025 consumption or Possession of Intoxicants on public right-of-way to Wausau River District for the Exhibitour Event being held on September 28, 2019 from 5:30 pm to 8:00 pm

**19-0108** Resolution of the Public Health & Safety Committee approving or denying Various Licenses as Indicated

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

**19-0907** 9/10/2019 7:49:03 PM  
Motion by Gisselman, second by Rasmussen to approve a Resolution of the Economic Development Committee amending the existing development agreement with Blenker Developments LLC and their assigns for the ongoing construction of the River East Brownstones project in the vicinity of 3<sup>rd</sup> and 2<sup>nd</sup> Streets at Short Street.

Thao questioned if originally the development agreement with Blenker was to have eight units, but because of some unforeseen issues we are looking to revise it to have six units. Schock explained the area south of Short Street has changed in its configuration and the units are larger than what was originally contemplated in their proposal, so it is changing from eight to six units.

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

**18-1109** 9/10/2019 7:50:31 PM  
Motion by Neal, second by Martens to adopt a Resolution of the Finance Committee approving the 2019 budget modification for the Brockmeyer and Oak Island Park Improvements.

Yes Votes: 7    No Votes: 1    Abstain: 0    Not Voting: 3    \*Result: FAIL  
*\*Requires 2/3 majority vote of the full Council to pass, or 8 yes votes.*

District	Aldersperson	Vote
1	Peckham, Patrick	NV
2	Martens, Michael	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	NV
9	Herbst, Dawn	YES
10	Thao, Mary	YES
11	Smith, Dennis	NO

**18-1111** 9/10/2019 8:05:26 PM  
Motion by Herbst, second by McElhaney to adopt a Resolution of the Human Resources Committee Approving Social Media Policy for Elected Officials.

Martens stated when this policy was referred back to the Human Resources Committee he had extreme reservations about the elected official media policy. He stated it was a rubber stamp of the employee social media policy and he did not feel the policy itself made sense for an elected official and as elected officials it puts an undue burden on us. He suggested it would be better addressed as a Council Rule. He stated there were two separate policies in committee and he indicated he voted “no” on the elected official policy and voted “yes” on the employee social media policy. The employee and elected official are now being presented as one combined policy and he requested they be split to be voted on separately.

Thao agreed and stated she would like to see the elected official policy go away so they can work with the Council Rules to determine how we should behave when it comes to social media platforms owned by the city government. She felt this was the same policy that was sent back to Human Resources and that the paragraph on page 4 of the employee version referring to elected officials should be removed.

*There was consensus of Council to vote separately on an Elected Official Media Policy and an Employee Social Media Policy.*

Rasmussen commented when we try to manage the conduct of elected officials or restrict their speech and/or ability to use communication tools, we tread is some pretty tough waters and possible legal trouble. She agreed we need to address this through our Council Rules. She noted at the Council Retreat there was discussion on forming a rules committee to take a definitive look at our rules and this process could be part of that.

Neal pointed out this policy is for the use of social media as it pertains to official city vehicles/platforms, not personal vehicles/pages. He felt they should use their own methods to reach people and that is where our freedom of speech lies. He indicated when this was clarified he approved the idea of the policy.

Jacobson felt anyone that uses social media platforms or comments/interacts on them should be held to the same standards of employees. She explained the policy was meant to apply to all users, not just employees and that is why it was just one policy. She pointed out elected officials will have to follow copyright laws and will still be held to be in compliance with other laws if they are using city sponsored social media sites.

*Vote on Elected Official Social Media Policy only:*

Yes Votes: 3      No Votes: 5      Abstain: 0      Not Voting: 3      Result: FAIL

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

**18-1111 Amendment** 9/10/2019 8:08:07 PM  
 Motion by Thao, second by Neal to amend the Resolution of the Human Resources Committee Approving an Employee Social Media Policy, to strike the fourth paragraph referencing Elected Officials.

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

**18-1111** 9/10/2019 8:08:44 PM  
 Motion by Smith, second by Thao to adopt a Resolution of the Human Resources Committee approving Social Media Policy for Employees, as amended on Council floor.

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

**19-0905** 9/10/2019 8:10:57 PM  
 Motion by Neal, second by Herbst to approve a Joint Resolution of the Human Resources and the Finance Committees Creating the Position of Business Development Specialist

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

**18-1109**

9/10/2019 8:11:26 PM

Motion by Gisselman, second by Martens to approve a Joint Resolution of the Human Resources and Finance Committee creating the Part Time Position for Administrative Assistant III in the Finance Department and approving the Related Budget Modification

Thao stated she had concerns with the cost of an additional \$29,500 in the next budget year, plus any other benefits that come with it. She recalled talking to staff about the options to our compensation model and not having the money this year for option three and perhaps rolling something out next year. She did not feel she could vote on this and be fair to all the things she has said to staff and colleagues. She indicated she was going to vote no.

Groat clarified the fiscal impact of \$29,500 was not really accurate because that amount includes social security and retirement. She pointed out though a part time position may take health insurance, they typically do not because it is not affordable for them. Part time people are usually not looking for an insurance benefit.

Groat stated if it is not a unanimous vote tonight it is going to fail because it includes the budget modification and therefore needs all eight affirmative votes. She commented next year is a very big budget for the department because it takes approximately 150 seasonal employees (poll workers) to run an election. The Administrative III position that was in the Community Development Department's main focus was on maintaining that election pool of workers. It was worked on all year long to hire and schedule. There are a lot of older, retired employees that are our poll workers and there is a lot of turnover during elections. She indicated this position and the election work the previous person was doing is critical to us given the upcoming Presidential and Council elections.

Rayala reiterated it is very difficult to recruit and keep poll workers, for instance, at the last election seven workers called in sick on that morning. She felt this position was very important not just for elections but for coverage at the front counter of Customer Service.

Rasmussen felt for any resolution that contains a budget modification when we are at minimum quorum and all districts are not being represented in the decision, it would make sense to defer action to a future meeting. She pointed out that Nutting indicated to her that he was concerned that he was not able to action on these budget modifications. She suggested holding this item to ensure all districts are represented in the vote.

**18-1109 Postpone**

9/10/2019 8:21:22 PM

Motion by Rasmussen, second by Neal to defer action on this item and defer it to the first Council meeting in October.

Thao objected to the deferral and stated we have enough people here to make the decision. She felt there should have been discussion between Groat and Schock regarding the impacts of changing the Administrative III position to a different role that loses 10 – 20% of this person's time. She felt they could have come up with something that was fitting instead of coming forward for a new position. She commented we do budget modifications all the time and felt deferring this was unethical.

Rasmussen stated it was not her goal to create a situation where anyone perceives that we are pulling an item to count votes. She pointed out that we do not know how the missing members would vote. She stated if they wanted to take action tonight that they can vote down her motion to defer action.

Yes Votes: 4 No Votes: 4 Abstain: 0 Not Voting: 3 \*Result: TIE  
*\*Mayor Mielke broke the tie voting yes to PASS.*

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

**Suspend the Rules**

9/10/2019 8:22:30 PM

Motion by Neal, second by Martens to suspend the Rules

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

**19-0805**

9/10/2019 8:45:32 PM

Motion by Rasmussen, second by Herbst to approve a Resolution of the Finance Committee authorizing the Issuance and Sale of \$7,825,000 General Obligation Promissory Notes, Series 2019A

Phil Cosson, Ehler’s & Associates, presented on the sale day debt resolutions (*Wausau City Council – YouTube*). He noted Moody’s affirmed the city’s AA3 and the credit report was very positive. Sale Day Reports can be accessed in the Finance Packet online: [http://www.ci.wausau.wi.us/Portals/0/Departments/Council/Archives/Standing%20Committees/Finance%20Committee/2019/FINC\\_20190910\\_Packet.pdf](http://www.ci.wausau.wi.us/Portals/0/Departments/Council/Archives/Standing%20Committees/Finance%20Committee/2019/FINC_20190910_Packet.pdf)

Rasmussen asked Cosson to comment on the AA3 rating as to what it means and questioned if it was a poor rating to have and if it is in any way to be considered by residents as poor management of debt. Cosson stated they view any AA rating as a very strong credit and the market views as a very strong credit.

Cosson stated they received three bids on the GO Series 2019A and low bid was awarded to Robert W. Baird at a rate of 1.7115%

Yes Votes: 6    No Votes: 2    Abstain: 0    Not Voting: 3    Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Peckham, Patrick	NV
2	Martens, Michael	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	NV
9	Herbst, Dawn	YES
10	Thao, Mary	NO
11	Smith, Dennis	NO

**19-0806**

9/10/2019 8:46:16 PM

Motion by Neal, second by Gisselman to approve a Resolution of the Finance Committee Awarding the Sale of \$4,870,000 General Obligation Fire Station Bonds, Series 2019B

Cossan stated three bids were received on this issue and the winning bid came from Robert W. Baird with a true interest rate of 2.4741% on a 20 year term.

Yes Votes: 7    No Votes: 1    Abstain: 0    Not Voting: 3    Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Peckham, Patrick	NV
2	Martens, Michael	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	NV
9	Herbst, Dawn	YES
10	Thao, Mary	NO
11	Smith, Dennis	YES

**19-0807**

9/10/2019 8:47:00 PM

Motion by Herbst, second by Rasmussen to approve a Resolution of the Finance Committee authorizing the Issuance and Sale of \$6,530,000 Sewer System Revenue Bonds, Series 2019C of the City of Wausau, Marathon County, Wisconsin, and Providing for the

Payment of the Bonds and Other Details with Respect to the Bonds

Cosson stated there were three bids, Robert W. Baird was the winning bids with a true interest rate of 2.4858% for 20 years.

Yes Votes: 7      No Votes: 1      Abstain: 0      Not Voting: 3      Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Peckham, Patrick	NV
2	Martens, Michael	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	NV
9	Herbst, Dawn	YES
10	Thao, Mary	NO
11	Smith, Dennis	YES

**19-0808**

9/10/2019 8:47:46 PM

Motion by Martens, second by Gisselman to approve a Resolution of the Finance Committee authorizing the Issuance and Sale of \$2,695,000 Water System Revenue Bonds, Series 2019D of the City of Wausau, Marathon County, Wisconsin, and Providing for the Payment of the Bonds and Other Details with Respect to the Bonds

Cosson stated this is also a 20 year debt issue with a true interest rate of 2.4965%.

Yes Votes: 7      No Votes: 1      Abstain: 0      Not Voting: 3      Result: PASS

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Peckham, Patrick	NV
2	Martens, Michael	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	NV
9	Herbst, Dawn	YES
10	Thao, Mary	NO
11	Smith, Dennis	YES

**16-1110**

9/10/2019 8:48:37 PM

Motion by Martens, second by Herbst to approve a Resolution of the Finance Committee authorizing the Wausau Police Department to accept a Victims of Crime Act grant of \$300,000 to continue the Victim Response Team and the B.A. & Ester Greenheck Foundation Grant of \$193,500

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

**19-0909**

9/10/2019 8:49:05 PM

Motion by Neal, second by Rasmussen to approve a Resolution of the Human Resources Committee creating the Position of Crime Response Specialist

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

**19-0908**

9/10/2019 8:50:10 PM

Motion by Gisselman, second by Herbst to adopt a Resolution of the Human Resources Committee approving United Way Participation Incentive

Neal stated the committee discussed that next year they would offer employees more options for charitable participation and incentives, so it is not just relegated to the United Way alone.

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

**19-0910**

9/10/2019 8:50:44 PM

Motion by Gisselman, second by Herbst to approve a Resolution of the Plan Commission amending the precise implementation plan at 327 North 17<sup>th</sup> Avenue to allow for a building sign in excess of thirty feet in height from curb level, in a UDD, Unified Development District

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

**12-0219**

9/10/2019 8:51:19 PM

Motion by Neal, second by McElhaney to approve a Resolution of the Human Resources Committee amending Employee Handbook section 7.12 Post Employment Health Plan - Sick Leave Conversion

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

**Public Comment and Suggestions:**

- 1) Bernie DeLonay, Frazer Family Foundation, Wausau, spoke regarding Public Access TV and the hearing impaired encouraging the city to continue all its programming.
- 2) Doug Diny, 708 Fulton St, suggested putting "2/3 vote required" on the agenda itself as a reminder to Council for items that need a majority to pass, such as budget modifications.
- 3) Deb Ryan, 702 Elm St, thanked Karen Kellbach for all she has done over the years for District 8 and the community and hoped the Council would be able to appoint someone soon to replace her. She also commented more facts need to be provided regarding the Wausau Center Mall proposal.

**Adjournment**

9/10/2019 9:00:28 PM

Motion by Neal, second by Smith to adjourn. Motion carried unanimously. Meeting adjourned at 9:00 pm.

Robert B. Mielke, Mayor  
Toni Rayala, City Clerk