



OFFICIAL NOTICE AND AGENDA

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

Meeting of the:	COMMON COUNCIL OF THE CITY OF WAUSAU
Date/Time:	Tuesday, January 10, 2023 at 6:30 p.m.
Location:	City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers
Members:	Carol Lukens, Michael Martens, Tom Kilian, Doug Diny, Gary Gisselman, Becky McElhaney, Lisa Rasmussen, Sarah Watson, Dawn Herbst, Lou Larson, Chad Henke

Call to Order			
Pledge of Allegiance / Roll Call / Proclamations			
Presentations:			
> Open Meeting Excellence Award			
> Update on Third Amendment to Riverfront Declaration			
> Efforts to Support Wausau's Unhoused			
Public Comment:	Pre-registered citizens for matters appearing on the agenda and other public comment.		
Committee Reports	Board of Public Works - Insurance Claims October 2022 - December 2022		Placed on file
File #	CMT	Consent Agenda	ACT
22-1101	COUN	Minutes of previous meetings (11/15/22 & 11/22/22)	Place on file
22-1201	COUN	Minutes of previous meeting (12/13/22)	
22-1110	CISM	Resolution Approving 2023 Street Reconstruction Projects and Authorization to Let Bids	Approved 5-0
22-0108	PH&S	Resolution Approving or Denying Various Licenses as Indicated	Approved 5-0
23-0105	PH&S	Ordinance Creating Ch. 10.41, Electric scooters	Approved 5-0
23-0111	PH&S	Ordinance Amending Section 1.01.025 Issuance of citations; Creating Section 5.64.066 False or altered identification cards; misrepresentation of age	Approved 5-0
23-0112	PH&S	Ordinance Creating Section 8.08.115 Restrictions on the sale of animals	Approved 5-0
23-0110	WATS	Resolution Observing Transit Equity Day (February 3, 2023)	Approved 4-0
File #	CMT	Resolutions and Ordinances	ACT
Approval of request by two alders, pursuant to Rule 13 of Chapter 2.16, to schedule a meeting of the Committee of the Whole for discussion and consideration of responses by the City and County to the homeless; comment by providers of services to the homeless and creating a new department of social development and action in Wausau city government			
22-1203		Confirmation of Mayor's Appointment to the position of Human Resources Director	
23-0103		Mayor's Appointments	
23-0109	CISM	Ordinance Amending Section 10.20.080(a) designating no parking on east side of Torney Avenue between McDonald Street and Townline Road	Approved 5-0
21-1109	FIN	Resolution Approving Modification of the 2022 Budget for Franklin Street Improvements performed by the Marathon County Highway Department	Approved 3-0
91-1008	FIN	Resolution Adopting Grant Policy	Approved 3-0
23-0106	PLAN	Ordinance Rezoning 1427 Lake Street from SR-5, Single Family Residential-5 Zoning District and 1601 & 1607 Chellis Street from SR-2, Single Family Residential-2 Zoning District to TRD-12, Townhome Residential-12 Zoning District.	Approved 6-1
23-0107	PLAN	Ordinance Rezoning 1723/1725 Bopf Street from TF-10, Two-Flat Residential-10 Zoning District to SR-7, Single Family Residential-7 Zoning District	Approved 7-0
23-0113	PH&S	Resolution Supporting Membership in the Wisconsin Local Government Climate Coalition	Approved 3-2
Suspend Rule 6(B) Filing (2/3 vote required)			
23-0104	CISM & FIN	Joint Resolution Approving Urban Nonpoint Source Construction Grant Agreement to Convert the Strawberry Fields Dry Detention Pond to a Wet Pond	Approved 5-0 Pending
15-1208	FIN	Resolution Approving contract for residential and commercial electrical inspection services between the City of Wausau and Village of Weston	Pending
Public Comment & Suggestions			
Adjournment			

Signed by Mayor Katie Rosenberg

Members of the public who do not wish to appear in person may view the meeting live on live on the Internet, by cable TV, Channel 981, and a video is available in its entirety and can be accessed at <https://tinyurl.com/WausauCityCouncil>. Any person wishing to offer public comment who does not appear in person to do so, may e-mail kaitlyn.bernarde@ci.wausau.wi.us with "Common Council public comment" in the subject line prior to the meeting start.

This Notice was posted at City Hall and transmitted to the Daily Herald newsroom on 1/06/23 @ 2:30 PM. Questions regarding this agenda may be directed to the City Clerk.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of Wausau will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the ADA Coordinator at (715) 261-6590 or ADAServices@ci.wausau.wi.us to discuss your accessibility needs. We ask your request be provided a minimum of 72 hours before the scheduled event or meeting. If a request is made less than 72 hours before the event the City of Wausau will make a good faith effort to accommodate your request.

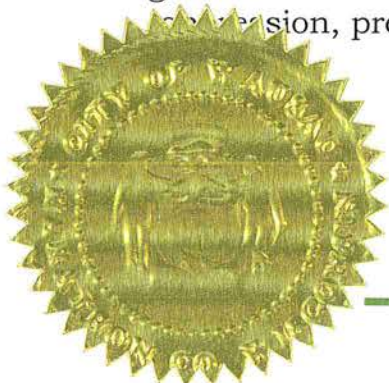
Proclamation

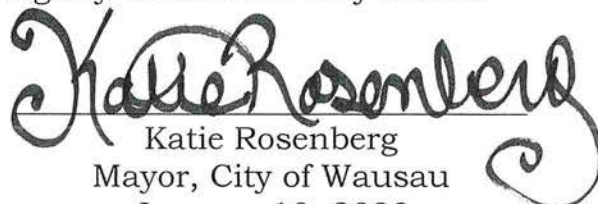
- WHEREAS,** the Civil Rights movement profoundly shaped the trajectory of the United States of America and one of the great leaders of the Civil Rights movement is Dr. Martin Luther King, Jr., whose dream continues to inspire our nation and is just important today as it was in the 1960's; and
- WHEREAS,** Dr. King devoted his life to advancing equality, social justice, and opportunity for all, and challenged all Americans to participate in the never-ending work of building a more perfect union; and
- WHEREAS,** to truly do justice to what Dr. King stood for and stood against requires more than just reflection; it requires action. We must protect the hard-fought gains he achieved from those who would undo them, and we must continue his unfinished struggle to ensure every person lives without fear, and enjoys the promised realization of equality; and
- WHEREAS,** to fully honor the legacy of Dr. King in its entirety, we also must explore and emulate his use of nonviolence to promote change, and call people to commit to public service for the common good. Real change comes only when people act openly and honestly with one another and accept the lived experiences we each bring to the conversation of civil rights; and
- WHEREAS,** we must use our voice of change at the ballot box and we must use our voice of change with our wallets. We must use our voice of change in our community affairs, and we must use our voice of change to address all aspects of power. Being color-blind is a fallacy. Being gender-blind is a misconception of good faith. Putting intentions into action is what Dr. King exemplified and we must do more than hold an absence of bigotry or hatred in our hearts; and
- WHEREAS,** Dr. King's voice was not silenced by the bullet that took his life 55 years ago. It lives on in each of us, but only if we choose to hear it; now

THEREFORE, be it resolved that I, Katie Rosenberg, Mayor of the City of Wausau, do hereby proclaim January 16, 2023 as

Martin Luther King Jr. Day

in the City of Wausau, State of Wisconsin, and I commend this observance to all citizens, relying upon each of us to ask ourselves: "What are we doing for others?" and to observe this day with study and reflection, and make a personal commitment to act in honor of Dr. King's teachings and memory throughout the coming years by standing up and speaking out against division, prejudice, and bigotry wherever it may reside.




Katie Rosenberg
Mayor, City of Wausau
January 10, 2023



To: Kaitlyn Bernarde, City Clerk
From: Board of Public Works
Date: January 4, 2023
Subject: Insurance Claims – October 2022 – December 2022
06-1215

The Board of Public Works has settled, compromised, or denied the following claims during the months of October 2022 – December 2022

Date of Incident	Claimant	Claim Details	Amount of claim	Action
9/27/22	Thomas Kreager 241560 Sawmill Rd. Aniwa	City employee vehicle side swiped parked collector vehicle – between 4 th & 5 th St. on McClellan St.	\$2,201.79	Approved 11/29/22
11/1/22	ChiAnna Stencil 129019 Skyfalls Dr. Athens	Vehicle ran over traffic counter tube – spike stuck in tire – just south of Festival Foods on 17 th Ave.	\$633.00	Approved 12/7/22

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, November 15, 2022, in Council Chambers, beginning at 6:30 p.m.,
Mayor Katie Rosenberg presiding.

Roll Call

11/15/2022

Roll Call indicated 11 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

Presentation: Wausau CVB requesting support for Marathon County ARPA Grant

Tim White, Executive Director for the Wausau Central Wisconsin Visitors Bureau, addressed the Council requesting a letter of support from the City of Wausau to Marathon County regarding a \$600,000 ARPA Grant the CVB applied for. He stated they own a parcel of land in Rib Mountain off County Road NN, aka the former Shakey's building, which is currently uninhabitable. He explained they have prepared through Function Design a plan for a very basic visitor's center with space for displays to highlight the entire county, as well as offices and a conference room for public use. He indicated they would demolish the current building which has mold and asbestos and build a small space of approximately 2,200 square feet for the new visitor's center.

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

- 1) Bob Tess, 3201 Oak Ave, Stevens Point, CFO of the Wausau School District, representing the School Board and the financial interest of the entire district, which owns the John Marshall Elementary School. He stated they would like the flexibility to determine the future of John Marshall School with help from the entire community through a process that is currently developing. He invited all to the Wausau West Auditorium, November 20th at 5:00 pm, a community event for discussion.
- 2) Scott Seefeldt, 2007 Garth St, addressed the Council to advocated for the preservation of John Marshall as a historic neighborhood school and asked them to approve local historic landmark designation. He noted this does not by itself prevent the district from doing what it wants with the property, including tearing it down.
- 3) Mary Aughenbaugh, 1803 Lillie St, spoke in favor of the local historic landmark designation of John Marshall School as an important sense of place in the neighborhood.

Consent Agenda

11/15/2022

Motion by Watson, second by Larson to adopt all the items on the Consent Agenda as follows:

22-1003 Minutes of previous meeting (10/25/22)

21-1109 Resolution of the Finance Committee Approving Modification of the 2022 Budget for Additional Street Asphalt patching and improvement

12-0219 Joint Resolution of the Human Resources Committee and the Finance Committee Amending Resolution Approving Creation of Retirement Notice Incentive

22-1107 Ordinance of the Plan Commission Rezoning 6801 Stettin Drive from SR-2, Single Family Residential-2 Zoning District to MI, Medium Industrial Zoning District.

22-0108 Resolution of the Public Health & Safety Committee Approving or Denying Various Licenses as Indicated

86-0818 Ordinance of the Wausau Water Works Commission Amending Section 3.24.100 Connection fee for sanitary sewer and water main improvements

Yes Votes: 11 No Votes: 0 Result: PASS

Motion by Lukens, second by Watson to confirm the Mayor's Appointment of Jesse Kearns to the Sustainability, Energy & Environment Committee.

Yes Votes: 11 No Votes: 0 Result: PASS

PUBLIC HEARING: Proposed 2023 City of Wausau Budget

11/15/2022

PowerPoint Presentation by the Mayor on the budget. *Full Meeting video:* <https://www.youtube.com/watch?v=Jr1EPoXihtg>

The presentation touched on the City's Statement of Value and challenges, as well as explained the terms: Levy Limits, Expenditure Restraint, Shared Revenue, Net New Construction, Equalized Value, Mill Rate, and Tax Rate. The budget process, key 2023 investments and other funding considerations were reviewed. The estimated the overall 2023 budget cost of \$129,352,037 million, this includes upgrades to city facilities, employee raises and what it takes to cover inflation.

Mayor Rosenberg opened the Public Hearing for public comment. Being no testimony, the hearing was closed. There was no action taken; the budget will be voted at the Council meeting on November 22, 2022.

22-1006

11/15/2022

Motion by Gisselman, second by Diny to adopt the Joint Ordinance of the Historic Preservation Committee and Plan Commission Amending Section 2.82.055 of the Wausau Municipal Code to include the designation of the John Marshall School, 1918 Lamont Street, as a Local Historic Landmark.

Doug Diny commented it appeared there were two governing bodies pitted against each other and he believed if this had come to us with a 5-4 vote in favor, we would have approved it months ago; however, that wasn't the case as School Board voted unanimously to ask us not to landmark the school. He indicated he heard from both sides in his district and felt Council should take into consideration the historic significance of the school, but it was their decision to make.

Lisa Rasmussen was glad they took some extra time to engage with the community because she felt they did not have sufficient feedback the last time they considered this. She believed neighborhood schools matter to neighborhoods, however there is no guarantee that historic designation of the building will save it or the school; they can still close it, demolish it, or sell it. She did not feel that creating a half dozen mega elementary schools to save operational dollars is better than having 11 neighborhood schools that kids can walk and bike to. She requested hearing from the District 1 Alderperson Carol Lukens on what she was hearing in her area.

Carol Lukens indicated she has spoken with many people in the past month, and she has attended the Historic Preservation Commission presentation. She stated every single resident she spoke with, all ages, want John Marshall to remain in the neighborhood. The only reasons that anyone she talked with has been against designation is because of the fear the School Board will use it to close John Marshall and some families have said if that happens, they will move. A neighborhood school is resounding and many more than not want it landmarked because it has a history, and the children should be a focal point of this.

Gary Gisselman stated the Historic Preservation Commission has been discussing this for a good part of this year and did engage the community. The building is an important historic landmark and that is why the commission has presented this 100-year-old building to the Council.

Michael Martens pointed out that although the School District can do whatever they want with the building, landmarking does provide extra steps so that the School District will have to show the reason for what it decides. Landmarking gives this 100-year-old school that extra level of protection.

Tom Kilian commented we are hearing complaints about high density development on the residential front and high-density school development. He stated we need to preserve these facilities and our history. Speaking on behalf of District 3 he felt we have already destroyed enough of Wausau neighborhoods, architecture, and past structure.

Mayor Rosenberg asked Brad Lenz to clarify what happens if it is landmarked and what kind of roadblocks it puts up for a building owner if they want to do something. Brad Lenz explained there are ways for the property owner to make a case to

the Historic Preservation Commission to do what they would like to do. The commission can grant permission, but this puts another step in the review process that we don't have right now.

Becky McElhaney pointed out she is only looking at it as to whether the building is historic; she was not trying to get around the School Board. She stated the Council is tasked with doing things like this and the Historic Preservation Commission has done its work and made its recommendation. *Comments continued.*

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	NO
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

22-1104

11/15/2022

Motion by Watson, second by Henke to adopt the Resolution of the Economic Development Committee Approving the proposal submitted by Commonwealth Development Corporation for the development of affordable housing at 700, 804, 810, 814 and 816 Grand Ave and a Planning Option Agreement with Commonwealth Development Corporation.

Randy Fifrick stated there were four proposals and the ED Committee selected Commonwealth Development Corp. He noted within the Planning Option the Attorney's Office provided some minor clarification points from what was submitted in the packet. He explained the goal of the Planning Option Agreement is to move things forward and keep the development process moving smoothly.

Michael Martens stated he had some concerns about the overall development itself. He indicated residents of the Longfellow Neighborhood Group are very concerned with the traffic at the intersection of Grand Avenue and Thomas Street. It appears there are two entrances in and out of the of the apartment building onto Grand and/or Thomas and that is seen as a bottle neck, especially during rush hour traffic. There was also discussion about the fruit trees on the property into which went a lot of effort, so he wanted a provision in the agreement to move those trees to a new location.

Fifrick stated they reached out to UW Extension, who indicated they were already considering moving away from this site after this year. The Extension is working on getting those trees transplanted next spring. He acknowledged the concern with the traffic and stated it will be given further consideration in the development process; perhaps a right-in/right out only, to help mitigate that.

Doug Diny stated there are 67 parking spaces and 7 of those are marked handicap leaving a potential of 60 spaces for 50 residents. The city ordinance is 1.5 spaces per unit, so that would be more like 75. He questioned if there was a concern that this will be an issue. He pointed out if someone drove in with no place to park, they can't turn around. Fifrick stated there was a sufficient amount of parking for this site based on other low-income buildings; however, these are all issues that they will continue to work on through the planning process.

Gary Gisselman added that safe pedestrian crossing could be an issue at that intersection as well. He questioned if they had an estimate of the expense for moving the infrastructure underneath that land.

Tyler Sheeran, Commonwealth Development, explained there is a 100-year-old storm sewer that goes through that property and \$300,000 was the estimate to move it, but he thought re-routing might make more sense. He stated the planning team is looking at the pedestrian issue and ways to improve that intersection. There is discussion for a bus stop in the area to limit pedestrian traffic. Mayor Rosenberg pointed out the DOT oversees that intersection.

Lisa Rasmussen stated the planning option needs to take flight to allow them to work through the details of the project. This gets us quality affordable units that look like their market rate counterparts. It has the underground parking and also includes an amenity for young families. There is not only underground parking, but enough surface parking to contemplate visitors, deliveries, and surface parking of vehicles.

Sarah Watson believed it was an awesome project and getting more affordable units is what the city needs. She pointed out it is close to a lot of services, such as Community Partners, bus lines, downtown, etc. It is a lot the city owns so we don't have to purchase something outside. She felt the contractor put together a great package and the renderings were amazing.

Yes Votes: 11 No Votes: 0 Result: PASS

22-1105

11/15/2022

Motion by Henke, second by Watson to adopt the Resolution of the Economic Development Committee Authorizing the sale of 205 N. 10th Street.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Tom	NO
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

21-1204

11/15/2022

Motion by Watson, second by Rasmussen to adopt the Resolution of the Economic Development Committee Approving the First Amendment to the Planning Option with Gorman & Company, LLC for the redevelopment of the former Westside Battery and L&S Printing properties at 415 S. 1st Ave.

Yes Votes: 11 No Votes: 0 Result: PASS

22-1106 to Amend

11/15/2022

Motion by Rasmussen, second by Watson to Amend the Resolution of the Economic Development Committee Approving Waiver of the City's Right of Refusal to repurchase the property and Consent to Transfer the property located at 309 McClellan Street of Jim N. E. Cricket, LLC to MOCA – to direct staff to create appropriate documentation to remove transfer deed restrictions covenants for 20 years.

Lisa Rasmussen stated from the start of the renovation of the Wausau Club, the building that was turned over to create the Museum of Contemporary Art (MOCA) was in a terrible state when they received it. The Hummers took out a rehab loan which they continue to pay for to finish the work the previous owner started and bailed out on. She commented at the time we toured that building it was a stone's throw away from the wrecking ball, with holes cut in every floor, ceiling, and wall. It needed substantial work to be suitable for any purpose. The Hummers have done the work and still have a plan to renovate the upstairs into event space, which would be taxable.

Rasmussen pointed out the fact that MOCA has never been similarly situated to their counterparts at the Woodson Art Museum, which operates on an endowment and receives room tax dollars from two different vectors, both continuing appropriations that are allocated by the Finance Committee as well as receive on an annual basis a percentage of the city's retained room tax dollars. There is no requirement attached to those dollars to not use them for overhead, they can do that if they wish, but the Museum of Contemporary Art does not enjoy that luxury and have never requested room tax but does generate room nights. She added that the Woodson Art Museum also comes to the Room Tax Commission almost

annually for a second allocation for marketing various exhibits. She believed MOCA has enhanced our appreciation in this community just like every other arts organization continues to do. She felt it was fair to put them on somewhat of a level playing field by waiving off the pilot payment and allow the tax-exempt status in the lower museum portion.

Tom Kilian stated the Woodson example was brought up at ED Committee and it was explained it was not analogous to this situation because there was no such agreement with the city. He believed this matter in the terms of the tax dynamic was characterized as an error in City Pages, but to his understanding from the City Assessor there was no such error and that it simply followed a typical process. He felt the city was in fiscal trouble from doing things like selling \$15,000 properties for \$2,000 and waiving pilot agreements or potential pilot relationships. He appreciated and respected the contributions MOCA has made to the city, but on a purely financial level it is important we apply things uniformly and have consistent expectations and enforcement with agreements and finances.

Rasmussen indicated the Hummers were about at the end of their rope trying to grapple with how to get to a point where the non-profit that operates MOCA can own the building. She felt we were a short distance away from not having the museum anymore. The pilot payment after the reduction was estimated to be approximately \$6,000 and she did not see that as making or breaking the city. She did not want to lose the museum over this and reiterated when the upstairs is renovated for event space it will continue to yield tax payments.

Tom Kilian responded \$6,000 may not be a large amount but undercutting ourselves financially over and over again year after year, the sum of those parts to add up to something profound.

City Attorney, Anne Jacobson, stated following the ED Committee meeting, her concern was to draft a resolution that in some way granted tax exemption status to this particular entity. She referred to her memo in the packet that sorts out the actions that needed to be taken and the rights the city could exercise. The first was the city's right of first refusal to either repurchase the property or waive it so that Jim N. E. Cricket, LLC could sell the entity to MOCA, Inc. She explained to do that the option he provided is included in the packet, but she didn't know at the time whether the financing commitment was satisfied by Mr. Hummer's lender or not. She stated if the Council is seriously considering repurchasing or waiving that right they need to know if that was met or not. Secondly, they need to decide whether to consent to the transfer of the property. The pilot payment is a restrictive covenant that runs with the land. She noted the consideration for giving them the property was that if they transfer it, they can't transfer it to a non-taxable entity or if they do, the taxes have to continue to be paid. She clarified this resolution would have to be amended to amend the construction loan agreement and the currently recorded land restriction. She stated whether the entity is tax exempt or not that restriction will run with the land through August 31, 2037, or another 15 years. Jim N. E. Cricket, LLC has paid taxes of approximately \$15,000 per year, which is a partial assessment, so when the event space is finished, or any other improvements are made the assessor will reserve the right to modify that assessment.

Rasmussen stated the goal is to waive the pilot payment only through this amendment. Discussion continued.

Vote on Amendment to direct staff to create appropriate documentation to remove transfer deed restrictions covenants for 20 years.

Yes Votes: 5 No Votes: 6 Abstain: 0 Not Voting: 0 Result: FAIL

<u>District</u>	<u>Alderpersion</u>	<u>Vote</u>
1	Lukens, Carol	YES
2	Martens, Michael	NO
3	Kilian, Tom	NO
4	Diny, Doug	NO
5	Gisselman, Gary	NO
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	NO
9	Herbst, Dawn	YES
10	Larson, Lou	NO
11	Henke, Chad	YES

21-1106 to Refer back

11/15/2022

Motion by Gisselman, second by Kilian to Refer the Resolution of the Economic Development Committee Approving Waiver of the City's Right of Refusal to repurchase the property and Consent to Transfer the property located at 309 McClellan Street of Jim N. E. Cricket, LLC to MOCA – back to the ED Committee.

Sarah Watson, Chair of ED, stated there was already a lot of discussion at committee and she did not feel they needed to rehash this item. She asked the Council to act on the resolution as originally presented and not refer it back. She indicated the committee can discuss Attorney's Jacobson's memo at the beginning of next month and bring it back anything that is necessary.

Yes Votes: 3 No Votes: 8 Abstain: 0 Not Voting: 0 Result: FAIL

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	NO
2	Martens, Michael	NO
3	Kilian, Tom	YES
4	Diny, Doug	NO
5	Gisselman, Gary	YES
6	McElhaney, Becky	NO
7	Rasmussen, Lisa	NO
8	Watson, Sarah	NO
9	Herbst, Dawn	NO
10	Larson, Lou	YES
11	Henke, Chad	NO

21-1106

11/15/2022

Motion by Lukens, second by Henke to adopt the Resolution of the Economic Development Committee Approving Waiver of the City's Right of Refusal to repurchase the property and Consent to Transfer the property located at 309 McClellan Street of Jim N. E. Cricket, LLC to MOCA.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Tom	NO
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	NO
11	Henke, Chad	YES

19-0514

11/15/2022

Motion by Watson, second by Herbst to adopt the Resolution of the Economic Development Committee Approving the First Amendment to the Development Agreement for Mountain Lane Apartments with 1401 Elm Street, LLC and Roland Lokre.

Yes Votes: 11 No Votes: 0 Result: PASS

19-0514

11/15/2022

Motion by Watson, second by Herbst to adopt the Resolution of the Economic Development Committee Approving the sale of Mountain Lane Apartments of 1401 Elm Street, LLC and Roland Lokre to Mountain Lane Property, LLC and Assignment and Assumption of Development agreement by Mountain Lane Property, LLC.

Yes Votes: 11 No Votes: 0 Result: PASS

22-1108

11/15/2022

Motion by Rasmussen, second by Lukens to adopt the Joint Resolution of the Economic Development and Finance Committees Approving sale of 110 S. 84th Avenue in the Business Campus to Wausau Coated Enterprises II LLC.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109

11/15/2022

Motion by Lukens, second by Watson to adopt the Resolution of the Finance Committee Approving Modification of the 2022 Budget for the EMs Flex Grant Award.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109A

11/15/2022

Motion by Watson, second by Herbst to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects -- Corrosion Control Optimization Study.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109B

11/15/2022

Motion by Watson, second by Lukens to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects -- Lead Service Line Replacement Plan Consulting Services.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109C

11/15/2022

Motion by Lukens, second by Watson to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects -- PFAS Treatment Process Design.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109D

11/15/2022

Motion by Martens, second by Lukens to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects -- 2023 Sewer Main Projects (related to the 2023 street reconstruction of 10th Avenue, Grant Street and Henrietta Street).

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109E

11/15/2022

Motion by Watson, second by Lukens to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects -- 2023 Water Main Projects (related to the 2023 street reconstruction of 10th Avenue, Grant Street and Henrietta Street).

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109F

11/15/2022

Motion by Herbst, second by Watson to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects -- Sewer Lift Station Upgrade Design.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109

11/15/2022

Motion by Watson, second by Diny to adopt the Resolution of the Finance Committee Approving the Reclassification of Projects funded by the American Rescue Plan Act of 2021, Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Program to the Revenue Loss Classification.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109G

11/15/2022

Motion by Rasmussen, second by Herbst to adopt the Resolution of the Finance Committee Establishing the 2023 Property Tax Equivalent for Wausau Water Works Wausau Wisconsin.

Yes Votes: 11 No Votes: 0 Result: PASS

Suspend the Rule

11/15/2022

Motion by Rasmussen, second by Watson to Suspend Rule 12(A) Referral of Resolutions.

Yes Votes: 11 No Votes: 0 Result: PASS

85-0214

11/15/2022

Motion by Rasmussen, second by Herbst to adopt the Ordinance of the Common Council Amending Section 12.32.040 Insurance required.

Anne Jacobson explained she typically reviews the insurance certificates that come in for the Portland Cement and Bituminous Concrete License applications and this would be a change from 10 days to require 30 days' notice of cancellation. Lisa Rasmussen clarified a carrier cancellation of coverage, where they either intend not to renew or cut it off mid-stream, is where it would be 30 days' notice.

Yes Votes: 11 No Votes: 0 Result: PASS

Public Comment or Suggestions:

None

Adjournment

11/15/2022

Motion by Watson, second by Lukens to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:44 pm.

Katie Rosenberg, Mayor
Kaitlyn Bernarde, City Clerk

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, November 22, 2022, in Council Chambers, beginning at 6:30 p.m.,
Mayor Katie Rosenberg presiding.

Roll Call

11/22/2022

Roll Call indicated 10 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	NV (<i>entered late</i>)
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

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

None

Consent Agenda

11/22/2022

Motion by Watson, second by Herbst to adopt all the items on the Consent Agenda as follows:

22-1101 Minutes of previous meetings (11/09/22)

03-0511 Resolution of the Parks & Recreation Committee Adopting the Updated Comprehensive Outdoor Recreation Plan 2023-2027

22-1113 Ordinance of the Parks & Recreation Committee Amending Sections 9.20.010 Vehicle regulation, 9.20.020 Regulation of persons, 12.56.040 Damage to trees and shrubs, 12.56.080 Permit to plant, remove, maintain and protect trees and shrubs, 12.56.090 Power to plant, remove, maintain and protect trees and shrubs and 12.56.150 Arboricultural specifications and standards, and creating Section 12.56.165 Emerald ash borer.

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

22-1003

11/22/2022

Motion by Lukens, second by Watson to confirm the Mayor's Appointments of Carolyn Marohl to the CIP Committee and Tim VanDeYacht to the Room Tax Commission.

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

(Doug Diny *entered the meeting.*)

22-1109 Budget Discussion

11/22/2022

Doug Diny questioned if there was a statutory deadline to adopt the budget. Attorney Nathan Miller responded there was no statutory deadline, however, the city needs to inform citizens of the mill rate/levy rate and send them their tax bill since it is due the end of January. The city also needs to be able to have the revenue to pay for the operations and expenses.

Lisa Rasmussen explained the reason the public hearing is historically held the first meeting in November followed by adoption at the end of November is so the tax bills can be mailed and arrive in residents' mailboxes by the second Saturday of December. Some people wish to pay their tax bill before the end of 2022 to receive an income tax deduction. She commented there was a year the bills went out late and there was a massive amount of backlash and complaints from citizens.

Diny felt this might be a good time to start thinking about next year's budget and the process which should be all year long. He was concerned with the debt service and the amount of debt, especially the utility debt service and the personnel added via grants and ARPA that will come due two or three years down the road.

Maryanne Groat stated there was budget session discussion regarding the 12 added firefighter positions, 3 that were added from ARPA and 9 that are funded from the SAFER Grant, as well as the Outreach Coordinator in the Police Department that will eventually come onto the levy. She noted the timing is going to be relatively convenient because of the closure of TID #6 and #7 happening about the same time those grants close. She explained we then won't have to allocate increment to those districts which leaves a space open for the funding of these positions. A referendum is another tool for feedback from the taxpayer to question if they are willing to increase the tax rate for those positions.

Rasmussen pointed out in the 2023 Budget there are a couple things that are intended specifically to stem new borrowing in the utility. ARPA funding was ranked and approved for the capital projects for the Water & Sewer Utility for 2023, which impacts the water rate payer in a positive way. She noted since there are more water users than there are property taxpayers the ARPA dollars used for the utility projects benefits a larger cross section of the public. Also in the budget is an agreement to forgive \$500,000 of the pilot payment the Water & Sewer Utility normally makes to the city. That payment was inflated to contemplate new growth and our budget did not necessarily need that growth or contemplate that higher number. Just tonight the Finance Committee approved applying ARPA funds to offset the borrowing for 2022 capital projects that are already complete at the utility and reduce the pilot payment for 2022.

Tom Kilian commented that the closure of TID #7 was mentioned, however TID #12 is essentially being fed by TID #7 because there is not a lot going on there with revenue. He also commented Moody's opinion came in several weeks after discussion of the T. Wall Development. He stated knowing about the negative outlook and some of the challenges that occurred with the bonds described by Ehler's, we had been informed that the reverse TID with the T. Wall Development was primarily done for risk reduction for the city and the taxpayer. He questioned if it would have been realistic or a good idea to go to bonds for that anyway or if we were even in a position to do it. He stated in his opinion we were leveraged and that the reverse TID was not just about risk reduction, but also appears that because we are paying that after the increment is generated, it really doesn't present the same challenges that go into bonds initially. He questioned if the Finance Director agreed with that opinion.

Groat responded it has been a strategic change of Council to not borrow money for private developments the last couple years. She agreed this is a better strategy because it reduces risk and reduces our borrowing, but it does increase the cost of the project due to higher borrowing rates for the private sector. She noted we can prepay those developer payments given any extra capacity the district has to mitigate the increased interest costs. Kilian commented in terms of the interest he was perplexed at the time why the city would want to pay \$4.8 million in interest over a 20 year period if paying it off sooner would have reduced the interest substantially.

22-1109 Budget Amendment

11/22/2022

Motion by Diny, second by Gisselman to Amend the 2023 City of Wausau Budget Resolution - that the Council will not consider any budget modifications in the first half of the year.

Diny felt there were too many budget modifications in the first part of the year and if they were not allowed it would force the budget process to work as it is intended.

Rasmussen felt they should be cautious about hamstringing the city's ability to modify the budget because there are causes that you must modify the budget for that are not only added new spending or increases, but also for reclassifying a job; processing carryover for unfinished work; added defense costs for a lawsuit; intergovernmental agreements that require funds; or unanticipated snowfall. She stated the Council can vote down any modifications it does not like, but we need the ability to function.

Diny commented he did not want to stand in the way of an emergency modification, but his intent was just to slow the roll of the number and frequency in the early onset of taking a budget that we've had seven sessions to put together to have a budget modification right away in January. He just wanted to give some validity to the budget. Nathan Miller pointed out a budget modification takes a super majority (2/3 vote) to pass.

Yes Votes: 1

No Votes: 10

Abstain: 0

Not Voting: 0

Result: FAIL

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	NO
2	Martens, Michael	NO
3	Kilian, Tom	NO
4	Diny, Doug	YES
5	Gisselman, Gary	NO
6	McElhaney, Becky	NO
7	Rasmussen, Lisa	NO
8	Watson, Sarah	NO
9	Herbst, Dawn	NO

10	Larson, Lou	NO
11	Henke, Chad	NO

Diny put a motion on the floor to add a City Administrator position beginning July 1st at a total cost of \$129,000 funded by 2022 surplus. Motion died for lack of a second.

22-1109 Budget Adoption 11/22/2022

Motion by Rasmussen, second by Watson to adopt the Resolution of the Finance Committee Adopting the 2023 City of Wausau Budget and General Property Tax to Support Same as presented.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Tom	NO
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

22-1110 11/22/2022

Motion by Rasmussen, second by Larson to adopt the Preliminary Resolution of the Capital Improvement & Street Maintenance Committee Levying Special Assessments for 2023 Street Construction Projects.

Yes Votes: 11 No Votes: 0 Result: PASS

Suspend the Rules 11/22/2022

Motion by Watson, second by Lukens to Suspend Rule 6(B) Filing of Resolutions.

Yes Votes: 11 No Votes: 0 Result: PASS

22-1111 11/22/2022

Motion by Herbst, second by Watson to adopt the Joint Resolution of the Human Resources and Finance Committees Reclassifying the Payroll Coordinator to Accountant (Payroll).

Yes Votes: 11 No Votes: 0 Result: PASS

22-1112 11/22/2022

Motion by Herbst, second by Watson to adopt the Joint Resolution of the Human Resources and Finance Committees Authorizing reclassification of Wastewater Plant Operations Supervisor.

Diny requested clarification regarding the budget neutral statement on the resolution and questioned if the reclass was costing more or costing less. Becky McElhaney indicated it was budget neutral and the current position was being reclassified due to a requirement for more supervisory experience. Eric Lindman explained this is a replacement for the individual who is retiring and that some responsibilities were added to the job classification so the paygrade range will be increased by one pay grade. McElhaney clarified it remains budget neutral because the new person will be starting at a lower step than the person who is retiring from the top of the pay scale.

Yes Votes: 11 No Votes: 0 Result: PASS

Adjournment 11/22/2022

Motion by Watson, second by Lukens to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:12 pm.

Katie Rosenberg, Mayor
Kaitlyn Bernarde, City Clerk

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, December 13, 2022, in Council Chambers, beginning at 6:30 p.m.,
Mayor Katie Rosenberg presiding.

Roll Call

12/13/2022

Roll Call indicated 9 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Lukens, Carol	NV
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	NV
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

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

- 1) Bruce Grau, 1115 N 10th St, commented on the homeless and lack of affordable housing and health care for them.
- 2) Sandra Kelch, 802 Augusta Ave, spoke on chronic homelessness in the city and the need for trauma informed care and long-term services.

Committee Reports:

Board of Public Works - Insurance Claims July 2022 - September 2022

(Placed on file)

Consent Agenda

12/13/2022

Motion by Rasmussen, second by Diny to adopt all the items on the Consent Agenda as follows:

Tom Kilian requested 22-1101 Minutes of the 11/22/22 meeting be removed from the Consent Agenda.

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 January 1, 2023 through December 31, 2023.

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, 2023 through December 31, 2023.

22-1109 Resolution of the Finance Committee Authorizing the modification of fees to the City of Wausau Fees and Licenses Schedule adopted pursuant to Wausau Municipal Code 3.40.010(a) (2023 Comprehensive Fee Schedule)

22-1204 Ordinance of the Plan Commission Ordinance Rezoning 306 South 4th Avenue from SR-7, Single Family Residential-7 Zoning District to TF-10, Two Flat Residential-10 Zoning District

22-0108 Resolution of the Public Health & Safety Committee Approving or Denying Various Licenses as Indicated. Adopted 9-0.

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

22-1101

12/13/2022

Motion by Kilian, second by Larson to postpone approval of minutes of 11/22/22 to the January 10, 2023 meeting.

Tom Kilian requested the comments he made in the budget discussion be added to the minutes and defer action to the next meeting.

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

Motion by Herbst, second by Martens to adopt the Resolution of the Arts Commission Approving acceptance of a public sculpture to be installed along the River Edge Parkway at 146 W. Washington Street.

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

15-0708

12/13/2022

Motion by Rasmussen, second by Henke to adopt the Resolution of the Economic Development Committee Terminating Development Agreement with Riverlife Condos, LLC (Mitch Viegut)

Doug Diny questioned if there had been any discussion or commentary from the developer since the ED Committee meeting.

Liz Brodek stated there were a couple communications from both their attorney and Mitch Viegut answering some of the outstanding questions/conditions of the development agreement. Mayor Rosenberg stated it was the committee decision to terminate.

Lisa Rasmussen stated ED discussion was regarding the fact they had several months to bring the agreement to fruition where the land sale to take place and closing could happen, but until they were in noncompliance with the agreement they waited until the 30th day to communicate. There was no confidence that anything would get better and ED Committee had already given three extension and elements of the plan kept getting smaller with every extension request. She indicated the committee has given up on this plan and does not wish to grant anymore extensions.

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

19-0921 Amendment

12/13/2022

Motion by Gisselman, second by Kilian to Amend the Resolution of the Economic Development Committee Approving Wausau Opportunity Condominium Plat, Declaration of Condominium by Wausau Opportunity Zone Inc., Bylaws and Articles of Incorporation of Wausau Opportunity Zone, Inc., Bylaws and Articles of Incorporation of Wausau Opportunity Condominium Association, Inc., Deeds of the Condominium Units, and appointment of City Director on Condominium Association, Inc. - Amend to strike "It is contemplated and intended that the Pedestrian Bridge and Pedestrian Bridge Structure may be owned by the public and thereafter operated and maintained by the City," from Section 5.2(a) of the Declaration of Condominium.

Tom Kilian stated there is extensive reference to the pedestrian walkway and bridge in the agreement in the packet and asked for elaboration on the relationship and expectations that would either create or effectuate with the bridge. Liz Brodek explained we are basically reserving space in a no-build zone where the walkway is expected to be placed. She indicated currently there is no timeline or design and reiterated it is simply reserving space for the eventual development.

Kilian questioned what was expected of the city in relation to the bridge and walkway. Brodek stated the agreement is that if WOZ or the successive unit owners develop that walkway it would eventually be deeded over to the city for maintenance. The contemplation is that Units 1 and 2 owners would be constructing it at their cost. WOZ is currently the owner of Units 1 and 2, but the agreement is written to allow the any successors to assume ownership of Units 1 and 2 so that WOZ is not in perpetuity the owner.

Kilian questioned if he was correct that there would be no expectation of the city funding construction of the bridge or walkway. Attorney Joe Mella explained there was no expectation baked into the document as to construction of the bridge or the pedestrian walkway. The language of the documents is drafted in a way that essentially requires that whoever owns Unit 1 and 2 to build a walkway if a bridge gets constructed and connects to that side of the building. Whomever comes up with a way to construct a bridge and gets it done, those Unit owners are then required to cooperate and ensure they don't build something in the spot where the bridge can connect.

Gary Gisselman referred to page 11 in the Declaration of Condominium regarding the statement that structure may eventually be owned by the public and maintained by the city. He was not comfortable with this statement and felt this obligation should be stricken because we don't know what the bridge is about yet.

Rasmussen felt the amendment was unnecessary because the operative word is "may" and not "shall" which is of critical importance to us when we look at our contracts. The fact that we may build something or may own something certainly doesn't mean that we do now or are obligated to later. She pointed out the contract was drafted by our outside legal counsel and reviewed by both internal and external legal counsel who were satisfied with it as written. Any partnership that ever comes forward relevant to that walkway, be it for construction, funding, permits, or zoning will take future action of the Council. The Council has control of all of it.

Tom Kilian disagreed and felt if the city has language that it *may* do something, it is generally going to do it. He pointed out legal review is not policy review, and this is more a matter of policy, and it would be in our best interest to remove this language.

Doug Diny questioned if WOZ could object to this amendment. Anne Jacobson stated they could refuse to sign it if the language is removed, but it is the Council's choice whether to do so. She also agreed that the language is permissive and future-looking and does not commit us to do what it says.

Vote on the Amendment:

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	NV
2	Martens, Michael	NO
3	Kilian, Tom	YES
4	Diny, Doug	NO
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	NO
8	Watson, Sarah	NV
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Henke, Chad	NO

19-0921

12/13/2022

Motion by Rasmussen, second by Henke to adopt the resolution of the Economic Development Committee Approving Wausau Opportunity Condominium Plat, Declaration of Condominium by Wausau Opportunity Zone Inc., Bylaws and Articles of Incorporation of Wausau Opportunity Zone, Inc., Bylaws and Articles of Incorporation of Wausau Opportunity Condominium Association, Inc., Deeds of the Condominium Units, and appointment of City Director on Condominium Association, Inc. as amended.

Doug Diny questioned if the city has analyzed whether they want to execute the clause to get out of running the parking ramp. Anne Jacobson stated that has not been any discussion at committee level whether to cease operating the ramp. Diny stated the city does not make money on the ramps, but we are apparently staying invested in the ramp because we expect a return down the road. He questioned if we had any inkling what that could look like in 5 or 10 years, or should we get away from it now if they are willing to buy it.

Lisa Rasmussen stated her understanding was the need for this came about because we dissolved the prior air rights agreement. In order to clarify who owns what and who has the rights this document/arrangement is necessary. We have the option to get out of the parking ramp business and WOZ has first right of refusal if they want it. At this point we own and operate it and we need to have delineated control over it for now.

Tom Kilian stated at discussion in ED Committee outside counsel stated that the body had already essentially agreed to these things with prior agreements or amendments, and this was to effectuate those things. He believed we are bound by the agreements previously voted on.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	NV
2	Martens, Michael	YES
3	Kilian, Tom	NO
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	NV
9	Herbst, Dawn	YES
10	Larson, Lou	NO
11	Henke, Chad	YES

22-1106

12/13/2022

Motion by Martens, second by Henke to adopt the Resolution of the Economic Development Committee Authorizing the purchase of 722 Washington Street.

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

Motion by Henke, second by Herbst to adopt the Resolution of the Economic Development Committee Approving the sale of 206 N. 6th Avenue.

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

21-1109

12/13/2022

Motion by Rasmussen, second by Martens to adopt the Resolution of the Finance Committee Establishing the 2022 Property Tax Equivalent for Wausau Water Works Wausau Wisconsin.

Rasmussen stated this and the following items on the agenda from Finance Committee are a list of different things for the Water & Sewer Utility both to apply ARPA funds and to amend pilot payments. She explained all these things are designed to improve the financial health of the Water Utility. There was robust dissemination about the negative outlook issued by Moody's based on utility debt pending a rate change coming from the PSC. She pointed out we don't set the water rates, but we do control the sewer rate. The PSC over the next 4 to 5 months is going to be making their decision on the rate case submitted by the utility. The hope is to stop further borrowing and the incursion of further debt on the behalf of the utility and uses federal dollars in such a way that reducing that debt load benefits all water & sewer customers. It is a way to apply rescue plan funding to benefit a large cross section of the community because there are more water system users than there are property taxpayers in the city. This provides a wide public impact and staves off what would have been a larger rate increase.

Further comments and discussion on this subject can be accessed: <https://www.youtube.com/watch?v=YjGS6ZskN5s>

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	NV
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	NV
9	Herbst, Dawn	YES
10	Larson, Lou	NO
11	Henke, Chad	YES

21-1109A

12/13/2022

Motion by Rasmussen, second by Diny to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects - 2022 Water and Sewer Replacement (related to the 2022 street reconstruction of 4th Street (McClellan St to Scott St) and 4th Avenue (Bridge St to Knox St).

Lou Larson questioned how much ARPA funds would be left if all these requests are passed. Maryanne Groat stated it would be just shy of \$3 million. Larson questioned how much of the \$15 million of ARPA funds have been put to use for the homeless issues. Groat stated \$777,000 with Catholic Charities; several allocations to improve affordable housing, including to the Landmark for \$350,000; infill new construction for \$600,000; and affordable rental units for \$500,000, for a total of just under \$2 million.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	NV
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	NV
9	Herbst, Dawn	YES

10	Larson, Lou	NO
11	Henke, Chad	YES

21-1109B

12/13/2022

Motion by Rasmussen, second by Diny to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects - 2022 Water and Sewer Main Projects (related to the 2022 street reconstruction of Bugbee Ave (Burek Ave to Tierney Road); Burek Ave (Campus Dr to Bugbee Ave) and Campus Drive (Cherry St to Burek Ave).

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	NV
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	NV
9	Herbst, Dawn	YES
10	Larson, Lou	NO
11	Henke, Chad	YES

21-1109C

12/13/2022

Motion by Martens, second by Diny to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects - Torney Avenue (McDonald St to Townline Rd).

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	NV
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	NV
9	Herbst, Dawn	YES
10	Larson, Lou	NO
11	Henke, Chad	YES

21-1109D

12/13/2022

Motion by Rasmussen, second by Henke to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects - Industrial Park Force Main.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	NV
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	NV
9	Herbst, Dawn	YES

10	Larson, Lou	NO
11	Henke, Chad	YES

22-1205

12/13/2022

Motion by Herbst, second by Henke to adopt the Resolution of the Parks & Recreation Committee Approving installation of infield synthetic turf at Athletic Park.

Larson questioned how the Council felt about the installation of synthetic turf which has a lot of pros and cons. He understood it would be good for tourism, but would it be good for the park and for injuries.

Rasmussen stated this adjustment to Athletic Park is necessary to gain the economic impact from the softball team coming. She indicated it appears, according to Mark MacDonald, that it is a newer version of turf, not the older stuff that had caused a volume of injuries to players. She stated this turf does reduce rainouts because it drains better making the field more useful on more days for additional activities and allows the field to made adjustable both for the two different sports and for different age ranges. She noted it seems to reduce maintenance time and maintenance days for Park Department employees as well.

Gisselman questioned how long they were projecting this softball league to stay. Mark MacDonald stated this opens the field up to the other 50% of your population because now youth softball can play on the same field, so Wausau West and Wausau East could play their softball games there. He indicated they anticipated a 10-year agreement with the softball league.

Gisselman commented his concern was if the toxicity of the turf proves to be a health hazard, we will want to be able to resolve that issue, because research in regard to that is coming out every day. MacDonald stated the manufacturer will certify to us that they do not introduce PFAS in the manufacturing process or the installation process. Gisselman stated there are other health hazards besides PFAS. He just wanted everyone to be alert to the fact that research on this is happening.

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

22-1209

12/13/2022

Motion by Herbst, second by Larson to adopt the Resolution of the Wausau Water Works Commission creating Special Committee - Wausau Drinking Water Treatment Facility Solar Array Project Task Force.

Larson commented he supported the task force but would also think about dissolving the Wausau Water Works Commission and perhaps have this task force report to a committee or standing committee so that anything that goes through it comes to Council.

Mayor Rosenberg explained the intention of the task force was to be much like the Policing Task Force in that we get recommendations which are passed on to the Wausau Water Works Commission and this body so that we can consider whether or not we like the concept of a solar array. No decisions will be made on their own.

Gisselman felt this was a good way of moving it off the mark and moving forward and looked forward to the research and discussion. He thought they could be looking forward to city wide solar arrays.

Dawn Herbst indicated she was a member of the Water Commission and there are very wonderful, educated individuals that sit on that commission. She disagreed with dissolving this commission that brings forward so much information.

Diny felt the task force should be looking at optimizing what this system can do for the plant so that we are running 100% of the energy load from this unit. He believed it should ultimately positively impact our rate payers. Mayor Rosenberg indicated she would add an extra bullet point that states consider return on investment.

Rasmussen commented this was definitely the way to gauge wide public opinion. She did not think they should assume the adjacent neighbors are all against the project because they are not. She indicated there were 4 or 5 who will never support it, but the rest are amenable to at least two of the three designs or are still on the fence.

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

Suspend the Rules

12/13/2022

Motion by Rasmussen, second by Herbst to Suspend Rule 6(B) Filing of Resolutions & 12(A) Referral of Resolutions.

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

21-1109

12/13/2022

Motion by Martens, second by Henke to adopt the Resolution of the Finance Committee (Correction to Original Resolution adopted 9/27/2022) Approving and adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects - Catholic Charities Year-Round Warming Center.

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

06-0406

12/13/2022

Motion by Diny, second by Martens to adopt the Resolution of the Finance Committee Approving City's Waiver of First Right of Refusal to Repurchase Property at 7555 Stewart Avenue (Arthur Rentals-Wisconsin, Inc.).

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

22-1210

12/13/2022

Motion by Diny, second by Martens to adopt the Resolution of the Finance Committee Supporting the Convention and Visitors Bureau grant application.

Rasmussen explained a few weeks ago Tim White of the CVB came to the Finance Committee about their desire to apply for a grant from Marathon County's ARPA funds to assist them in constructing a new visitor's center on the former Shakey's property in Rib Mountain. All they asked is that we draft a resolution that supports their grant application to the county. The City of Wausau is a key supporter of tourism and the generation of room tax and the CVB's ability to have a space that's effective and welcoming to visitors and to conduct their operations made sense.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	NV
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	NO
7	Rasmussen, Lisa	YES
8	Watson, Sarah	NV
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

02-1216

12/13/2022

Motion by Herbst, second by Rasmussen to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Approving bargaining agreement between the City of Wausau and Wausau Professional Police Association for January 1, 2023 through December 31, 2024.

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

02-1217

12/13/2022

Motion by Herbst, second by Diny to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Approving bargaining agreement between the City of Wausau and Wausau Firefighter Association for January 1, 2023 through December 31, 2024.

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

03-1111

12/13/2022

Motion by Herbst, second by Diny to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Authorizing a 3% general wage adjustment for non-represented employees effective December 25, 2022 (first pay period for 2023).

Becky McElhaney, HR Committee Chair, explained this wage adjustment passed earlier and this action is only moving it up to the first pay period from the end of December thru the 1st of January to make it easier to sync with the new Workday software.

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

Public Comment & Suggestions

None

Closed Session

12/13/2022

Motion by Rasmussen, second by Herbst to convene in Closed Session 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 a settlement offer received in Marathon County Case No. 22-CV-284 (Lori J. Fish and James B. Fish). Roll call vote carried unanimously.

Roll Call Vote:

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	NV
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	NV
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

Reconvened into Open Session**22-1211**

12/13/2022

Motion by Herbst, second by Diny to adopt the Resolution of the Common Council Approving agreement for settlement of lawsuit – Lori J. Fish and James B. Fish, Marathon County Case No. 22-CV-284 for \$29,000.

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

Adjournment

12/13/2022

Motion by Henke, second by Larson to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:18 pm.

Katie Rosenberg, Mayor
Kaitlyn Bernarde, City Clerk

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

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

Approving 2023 Street Reconstruction Projects and Authorization to Let Bids

Committee Action: Approved 5-0

Fiscal Impact: Estimated construction cost \$5,174,300; estimated special assessments \$350,000

File Number: 22-1110

Date Introduced: January 10, 2023

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes ☐ No ☒	
	<i>Included in Budget:</i>	Yes ☒ No ☐	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes ☒ No ☐	<i>Amount: \$5,174,300</i>
	<i>Recurring Costs:</i>	Yes ☐ No ☐	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes ☐ No ☐	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes ☐ No ☐	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes ☒ No ☐	<i>Amount: \$3,374,300 Annual Retirement</i>
	<i>TID Financed:</i>	Yes ☒ No ☐	<i>Amount: \$1,800,000</i>
	<i>TID Source: Increment Revenue ☐ Debt ☐ Funds on Hand ☐ Interfund Loan ☐</i>		

RESOLUTION

WHEREAS, the following streets have been proposed for construction under the 2023 Street Construction Project:

Henrietta Street from Bellis Street to 13th Street
North 10th Avenue from Oak Street to West Wausau Avenue
Grant Street from North 6th Street to North 7th Street
North 17th Avenue from Stewart Avenue to Elm Street

WHEREAS, this project is assessable in whole or in part to the abutting property owners for special benefits conferred upon properties by the improvement of the abovementioned streets; a preliminary resolution to levy special assessments to the abutting owners was adopted by the Common Council on November 22, 2022; and the Engineer's report has been filed with the City Clerk, and

WHEREAS, the Board of Public Works conducted public hearings for the project special assessments on December 6, 2022, and

WHEREAS, the Capital Improvements and Street Maintenance Committee discussed the proposed projects at its meeting on December 8, 2022 and recommends work be accomplished under the 2023 Street Construction Projects, and

WHEREAS, the 2023 special assessment rate was set by Council on September 27, 2022, and

WHEREAS, street grades will be established or reestablished and fixed as shown on the plans for the project (copy on file in the Engineering Department), and minor revisions will be made in the plans as may be necessary during construction, now therefore

BE IT RESOLVED that the Common Council authorizes securing of bids and construction of the 2023 Street Construction Projects.

Approved:

Katie Rosenberg, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: December 8, 2022, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lou Larson, Doug Diny, Chad Henke, Lisa Rasmussen, Gary Gisselman

Also Present: Eric Lindman, Allen Wesolowski, TJ Niksich, Tara Alfonso, Cord Buckner, Lori Wunsch

2023 Street Reconstruction Projects: Discuss public hearing results and make recommendation

Wesolowski stated the Board of Public Works held the public hearing on Tuesday. A few comments were received regarding the affordability. We always receive some comments and there were no more than normal. He recommends approving the projects as proposed.

Rasmussen thought a lot of the comments could be worked through with residents regarding driveway condition and sidewalks. It did not seem that there was an overwhelmingly amount of opposition to the projects.

Rasmussen moved to approve the 2023 Street Reconstruction Projects. Diny seconded and the motion carried unanimously 5-0.

AGENDA ITEM
2023 Street Reconstruction Projects: Discuss public hearing results and make recommendation
BACKGROUND
The Board of Public works will hold hearings on Special Assessments on Dec. 6 th , 2022. The hearings allow residents to comment on special assessments on the projects.
FISCAL IMPACT
Special Assessments pay for a portion of the reconstruction project. This year the assessment rate was set at \$55 per foot on reconstruction projects.
STAFF RECOMMENDATION
Staff will summarize the results of the public hearings and provide a recommendation at the CISM meeting.
Staff contact: Allen Wesolowski 715-261-6762

BOARD OF PUBLIC WORKS

Date of Meeting: December 6, 2022, at 4:00 p.m. in the Council Chambers

Members Present: Eric Lindman, Anne Jacobson

Also Present: Allen Wesolowski, TJ Niksich, Lori Wunsch

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

PUBLIC HEARING: 2023 Street Construction Projects

Henrietta Street from Bellis Street to 13th Street

Grant Street from North 6th Street to North 7th Street

10th Avenue from Oak Street to West Wausau Avenue

North 17th Avenue from Stewart Avenue to Elm Street

Lindman explained the purpose of the meeting is to take comments from property owners regarding special assessments. The comments received are forwarded to the Capital Improvements and Street Maintenance Committee (CISM) which will meet December 8, 2022 at 5:15 p.m. CISM will approve, disapprove, or modify the plans or assessments for the project and forward a recommendation to the Common Council. It is anticipated the Common Council will take action at the January 10, 2022 meeting. There were no objections to dispense with the reading of the official hearing notice.

Lindman indicated the 2023 street assessment rate is set at \$55 per foot. The sewer lateral is \$500 if replaced. Drive approach replacement is estimated at \$6.50 per square foot. Replacement of defective sidewalk is estimated at \$8.00 per lineal foot and installation of new sidewalk is estimated at \$16.00 per lineal foot.

Lindman stated staff from the Engineering Department will be available after the public hearing if there are specific questions about individual properties or the work to be done under the project.

Niksich explained all four projects are similar in scope. They consist of full reconstruction and replacement of utilities. The projects were chosen because the roadways have lasted longer than the typical design life and normal maintenance operations are cost prohibitive. The underlying utilities are failing or near failing. Typically construction season is between May 1 and October 31. We will not allow the contractor to work that entire length. Projects are usually limited to a certain number of days. Large projects typically take three months and smaller projects, similar to Grant Street, typically take a month to 45 days. A letter will be sent prior to construction with what to expect as far as getting to your property, street travel, access to driveways, garbage collection, and temporary water service. Because the water main will be replaced, a temporary water service will be hooked up. The temp service should not affect you other than allowing the contractor to come in to make sure air has been removed from your line. The letter will also include information on newly poured concrete, landscaping, and mail delivery. During the project we will set up temporary mailboxes. Usually a cluster of boxes will be placed in a couple of locations to ensure mail delivery is not interrupted.

Property owners should have received two letters; one informing of the public hearing with estimated assessments and the other requesting basic information on your property, such as if there is a sump pump or sprinkler system and your requested drive approach width. We request that these are returned as soon as possible so we can move forward with design and bid out the projects in January. We also ask for construction access during the project. The main disturbance would be where we connect water and sewer service and would have to go 5' to 10' into your property. If sidewalk is replaced there would be a 1' to 2' encroachment. The areas will be fully restored with topsoil and seed by the contractor.

At this time, Lindman opened the public hearing and asked for persons in attendance who wished to speak regarding special assessments to come to the podium and give their name, address, and comments.

Jesse Modrzejewski, 1016 Henrietta Street, stated he just had new sidewalk put in and there is nothing wrong with his drive approach. He doesn't want it ripped out and have to pay thousands of dollars again. Nicksich indicated if sidewalk is new and not in poor condition it would not be removed. It would be removed if it is in the way of the sewer and water services. If that is the case, the walk would be replaced at no charge to the owner. The approach will likely have to be replaced in order to get new curb. Modrzejewski said there is nothing wrong with it and doesn't want it ruined just because it is easier for the City. If someone is replacing a window, they are not going to rip down a wall because it is easier. He does not understand why his driveway would be ripped up when there is nothing wrong with it. Lindman indicated this meeting is for comments on special assessments. Specific questions can be answered after the meeting. To match grade for the street and for drainage, approaches will most likely have to be torn up. Modrzejewski feels it is just ruining things at the property owner's expense because it is easier for the City.

Jacobson noted comments have been taken and this is not supposed to be an exchange or question and answer session. The points are well taken and noted for the record. Property owners can talk directly with the engineers after the hearing.

Nick Schroeder, 515 North 10th Avenue, asked how people on a fixed income can afford this and why doesn't the City offer an interest free repayment plan on the taxes.

Wesolowski read into record comments received from Lukas Loveland of 1222 Henrietta Street. Loveland is not in favor of the assessments and does not feel he can afford a \$4,000 bill.

Matt Krasowski, 117 South 17th Ave, said there is no reason for sidewalk from Stewart Ave to Elm Street to be removed. It is flat and always maintained. He can understand the drive entry but there is no reason to replace the sidewalk. The amount of money charged for his 123' of frontage is pretty substantial; imposing around a \$20,000 assessment on his property. He would like the sidewalk and driveway left alone. He just put in new blacktop and doesn't need that ripped up. The curb and gutter is good and he was told the laterals were great when the building was built 10 years ago.

Jason Bombagi, 608 North 10th Ave, said the City redid his lateral in winter when it froze and broke. His approach and sidewalk were redone when Bridge Street was reconstructed. He does not see any reason for his approach or sidewalks to be ripped up.

No further comments were received, and the public hearing was closed.

Lindman moved to adjourn the meeting. Seconded by Jacobson and the motion passed. Meeting adjourned at approximately 4:20 pm.

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

RESOLUTION OF THE PUBLIC HEALTH & SAFETY COMMITTEE

Approving or Denying Various Licenses as Indicated

Committee Action: Approved 5-0

Fiscal Impact: None

File Number: 22-0108

Date Introduced: January 10, 2023

FISCAL IMPACT SUMMARY

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

RESOLUTION

WHEREAS, your Public Health and Safety Committee considered certain license applications at its December 19, 2022 meeting, and has made recommendations that are attached hereto in the meeting minutes and recommends these actions to the Council for its approval, now therefore

BE IT RESOLVED by the Common Council of the City of Wausau that the City Clerk be hereby authorized to issue the licenses on the attached list, incorporated as part of this resolution, according to recommendations made by the Public Health & Safety Committee and upon successful completion and acceptable proof that all applicable state and municipal regulations and requirements have been met by the applicants.

Approved:

Katie Rosenberg, Mayor

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, December 19, 2022, at 5:15 pm, (Council Chambers)

Members Present: Lisa Rasmussen, Chad Henke, Doug Diny, Lou Larson, Becky McElhaney

Others Present: Nathan Miller, Ben Bliven, Matt Barnes, Jeremy Kopp, Tara Alfonso, Andrew Lynch, Kaitlyn Bernarde, Mary Goede, Katie Rosenberg

Consider approval or denial of various license applications

Lisa Rasmussen noted there were no denial recommendations this month. She stated the Liquor License Review Subcommittee recommended approval for Class B Beer & Liquor Licenses for Hiawatha Sports Bar, The Velveteen Plum, and Tuesday's Bar (formerly Angelo's Restaurant).

Motion by Larson, second by Diny to approve the licenses as recommended. Motion carried 5-0.

CLERK'S REPORT TO PUBLIC HEALTH & SAFETY COMMITTEE

December 19, 2022 Meeting

AGENDA ITEM # 2

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. **Denial Recommendations:** None
2. **Regular Class B Beer & Liquor Licenses:** The Liquor License Review Subcommittee met on 12/13/22 and recommended approval of three applications: **1)** Hiawatha Sports Bar LLC, Chris McHahon & Robert Reed, dba Hiawatha Sports Bar, 713 Grant St; **2)** V. Plum LLC, Michael Masgay & Jesse Bartnk, dba Velvetreen Plum, 1520 Elm St; a new rooftop restaurant; and **3)** AC/DC Inc, Ed Kraimer & Elliott Johnson, dba Tuesday's Bar (Angelo's Restaurant) 1206 N 6th St.
3. **Class I Special Event:** Winterfest, by Wausau Events, Saturday, January 28, 2023; **Class II Special Event:** Annual "Chase n Chocolate" Run-Walk Benefitting the Women's Community, Saturday, May 13, 2023.

Note: Links to the Special Events applications will be emailed to the committee.

STAFF RECOMMENDATION

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, 2022

(715) 261-6621



PHS Date 12/19/2022

License ID	License Typ	Name	Address	Details	Business	Begin Dt	End Dt	Police	PHS	Council
171298	9026 - Class I	ADERHOLDT, ALISSANDRA	316 SCOTT ST WAUSAU WI 54403	WINTERFEST on SATURDAY, JANUARY 28, 2023 Organized by WAUSAU EVENTS					Yes	
171297	9027 - Class II	GRAHAM JENNINGS, JANE	3200 HILLTOP AVE WAUSAU WI 54401	"CHASE'N CHOCOLATE" RUN-WALK on SATURDAY, MAY 13, 2023 Organized by THE WOMEN'S COMMUNITY					Yes	
171914	9064 - Class B Beer & Liquor	BARTNIK, JESSE	205269 HWY 49 WITTENBERG WI 54499		VELVETEEN PLUM			Yes	Yes	
179116	9064 - Class B Beer & Liquor	JOHNSON, ELLIOTT	140 SCHOOL ST SCHOFIELD WI 54476		TUESDAY'S BAR			Yes	Yes	
178686	9064 - Class B Beer & Liquor	MCMAHON, CHRISTOPHER	111 N 10TH AVE WAUSAU WI 54401		HIAWATHA SPORTS BAR	11/29/2022	06/30/2023	Yes	Yes	
178948	9076 - Tavern Entertainment	,	111 N 10TH AVE WAUSAU WI 54401		HIAWATHA SPORTS BAR	12/19/2022	06/30/2023		Yes	
178946	9078 - Amusement Device	,	111 N 10TH AVE WAUSAU WI 54401		HIAWATHA SPORTS BAR	12/19/2022	06/30/2023		Yes	
178846	9080 - Public Transport Driver New	BRAHM, REBECCA	628 GRAND AVE, APT 7 SCHOFIELD WI 54476		NORTHWOODS CAB	11/21/2022	06/30/2023	Yes	Yes	
178906	9080 - Public Transport Driver New	STAMPER, TRACY	608 PARK AVE WAUSAU WI 54403		NORTHWOODS CAB LLC	11/28/2022	06/30/2023	Yes	Yes	

Total Licenses

ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE

Creating Ch. 10.41. Electric scooters.

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: None

File Number: 23-0105

Date Introduced: January 10, 2023

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

Add ()

Delete (—)

Section 1. That Chapter 10.41 Electric scooters is hereby created to read as follows:

10.41.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

Electric scooter means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on paved level surface when powered solely by the electric motor. Electric scooter does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

10.41.020 State laws applicable. Every person using an electric scooter upon a public roadway shall be subject to the provisions of all ordinances and state laws including Wis. Stats. §§346.02(12), 346.80, 346.803, and 346.805, applicable to the operator of any vehicle, except those provisions with reference to the equipment of vehicles and those provisions that, by their nature, would have no application.

10.41.030 Provisions for operation.

(a) Where prohibited. Except as provided in subsection (b), no electric scooters shall be operated on any public sidewalks or any City-owned parking ramps. No electric scooters shall be operated on any roadway, trail, path, or property where a sign is erected indicating that bicycles and/or electric scooters are prohibited.

(b) Permitted Sidewalks. Electric scooters are permitted on the sidewalks in the following locations:

(1) Bridge Street bridge;

(2) Thomas Street bridge;

- (3) Scott Street and W. Washington bridge;
- (4) Grand Avenue, from Schofield City limits to the southern boundary line of Forest Street; and,
- (5) Forest Street, from the east boundary of Sixth Street to the west boundary of Fifth Street.

(c) Riding on roadway.

- (1) Every person using an electric scooter upon a two-way public street shall ride as near as practicable to within five feet of the right curb or edge of the roadway, except when passing another vehicle or making a left-hand turn; and when riding in groups, users of electric scooters shall ride in single file, except on residential streets which are not divided by painted or other marked extra lines where they may ride two abreast. On one-way roads, the user may ride as near as practicable to within five feet of the left-hand curb or edge of the roadway.
- (2) Persons using electric scooters shall not impede the normal movement of motor vehicle traffic.

(d) Bicycle ways. Operation of electric scooters are permitted on any ways, lanes, trails, paths, or other property designated for the use and operation of bicycles.

(e) Clinging to other vehicles. No person using an electric scooter shall cling to or attach themselves or an electric scooter to any moving vehicle.

(f) Contests with other vehicles; stunt riding. No person using an electric scooter shall participate in any race, speed, or endurance contest with any other moving vehicle on a City roadway or perform any trick riding on any highway, bicycle way, or sidewalk or operate with no hands on the handlebars or otherwise practice any fancy or acrobatic riding or stunts while operating such electric scooter.

(g) Traffic regulations and speed limits. Every person using an electric scooter upon a public roadway shall obey all the instructions of official traffic-control devices, signs, and signals applicable to vehicles and shall not operate an electric scooter at a speed greater than the speed limit.

(h) Right-of-way.

- (1) The operator of a vehicle shall yield the right-of-way to a person using an electric scooter in the same manner as for bicyclists and pedestrians. When using an electric scooter, every person shall, upon entering a public roadway, yield the right-of-way to motor vehicles, except that a person using an electric scooter shall be subject to the same regulations as bicyclists and pedestrians. Operators of electric scooters shall offer the right-of-way to bicycles in bicycle lanes and on bicycle paths.

(2) Every person operating an electric scooter upon a sidewalk shall yield the right-of-way to any pedestrian or bicyclist and shall exercise due care and give an audible signal when passing a bicycle or other electric scooter or electric personal assistive mobility device or a pedestrian proceeding in the same direction.

(i) Towing prohibited. The operator of an electric scooter shall not tow, drag, or cause to be drawn behind the electric scooter any coaster, sled, toy vehicle, trailer, person on in-line or other skates or skateboard, or any other type of conveyance.

(j) Passengers. No electric scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

(k) Age limit. No person less than eight years of age shall operate an electric scooter on City roadways or sidewalks, except that persons six or seven years of age may do so during daylight hours if accompanied by an adult capable of remaining close enough to ensure the safe operation of the scooter by such child, such as by walking or running alongside, using their own electric scooter or bicycle, or engaging in a similar activity. This subsection is intended to permit the usage of electric scooters by families.

(l) Headphones prohibited. No operator of an electric scooter shall wear any headphones, earphones, or earbuds covering or inserted into both ears while operating an electric scooter.

(m) Equipment regulations. Every person using electric scooters between one-half hour after sunset and one-half hour before sunrise shall have the scooter equipped with a lamp firmly attached to the front of such electric scooter exhibiting a white light to the front, and with a reflector or a lamp mounted on the rear of the vehicle visible at a distance of 500 feet. The reflector shall not be less than three inches in diameter.

(n) Parking. No owner of an electric scooter shall permit it to be left, nor shall any person using an electric scooter leave it, unattended in a manner which obstructs any City roadway or sidewalk or other public way.

10.41.030 Penalty. Any person violating any provision of this chapter shall be required to forfeit fifty dollars (\$50.00) as well as court costs and the costs of prosecution.

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

Section 3. This ordinance shall be in full force and effect on the day after its publication.

Adopted:
Approved:
Published:
Attest:

Approved:

Katie Rosenberg, Mayor

Attest:

Kaitlyn A. Bernarde, Clerk

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, December 19, 2022, at 5:15 pm, (Council Chambers)

Members Present: Lisa Rasmussen, Chad Henke, Doug Diny, Lou Larson, Becky McElhaney

Others Present: Nathan Miller, Ben Bliven, Matt Barnes, Jeremy Kopp, Tara Alfonso, Andrew Lynch, Kaitlyn Bernarde, Mary Goede, Katie Rosenberg

Discussion and possible action on an Ordinance Creating Ch. 10.41, Electric scooters.

Rasmussen stated a number of cities are beginning to allow electric scooters because places rent them out and there has been an approach from a company that would like to rent some in the downtown area and/or on the riverfront. The scooters would operate curbside like a bicycle or in the bike lanes as well as on the sidewalk where bikes are allowed on the sidewalks, such as Grand Avenue and bridges.

Chad Henke questioned if the scooters would have any rear marking, such as a reflector. Andrew Lynch stated a lot of the new electric scooters come with a light on the front and a light on the back instead of a reflector. Henke asked if reflective clothing could be worn if there wasn't and Rasmussen indicated it was a provision/exemption that could be added in the future if it becomes an issue.

Motion by Henke, second by Henke to approve the ordinance allowing electric scooters. Motion carried 5-0.



Memorandum

From: Andrew Lynch
To: Public Health and Safety Committee
Date: December 14, 2022
Subject: Create Chapter 10.41 Electric Scooters

In 2019 Wisconsin Act 11 defined and authorized a framework for the operation of electric scooters. This was in response to the rise in use of personal and rental scooters in many cities around the country. Earlier this year, one of the larger scooter rental vendors, Bird Co (<https://www.bird.co/>), contacted the City and began a dialogue about future operations. It was noted that the city scooter ordinance would need to be updated. Creation of this ordinance is not an endorsement or authorization of any scooter rental vendor.

People currently using electric scooters in the City are operating in an ambiguous area between what is permitted by state law versus how the current City ordinance defines a motorized scooter. The Bicycle and Pedestrian Advisory Committee endorsed the ordinance at their October meeting.



Electric scooters have become more widely available as battery size has shrunk and mobile apps allow for rental models from companies such as Bird, Lime, Spin, and Lyft etc. Personal electric scooters are available through major retailers and have a range of features pertaining to battery size, speed, range, and portability. It appears the scooters for purchase, with exceptions, are equipped with lights and are limited to 19 mph. Prices range from \$150 - \$800. In the transportation spectrum, scooters fall under the ‘micro-mobility’ sector between walking and transit and seem to have equal appeal for commuting or recreation.

The Wausau Police Department provided informal feedback, which was generally positive and supportive, to the Bicycle Pedestrian Committee before the October meeting. Chief Bliven was also informed of this desired change and had questions regarding crashes in communities where larger fleets of scooters are in operation. Staff reached out to Green Bay which is currently in year two of Bird Scooter operations:

- How many accidents involved scooters? *None reported to us, Bird, or the police department. During a news report in 2021, the hospital reported at least 1, but couldn't confirm if it was a Bird, personal e-*

scooter, or a non-motorized scooter. In 2022, our Police Department had a perceived increase in impaired use of the scooters, but did not issue any citations or make any arrests.

Staff Comments:

Electric scooters allow residents and visitors another option to commute, travel, and recreate in the City. Creating this ordinance allows for local control of electric scooter operation in the City and provides clarity for users and law enforcement. Any future operations by scooter rental vendors would be subject to a separate authorization by the appropriate committee and City Council.

throughout the city, and noted the future increase in pedestrian traffic at Grand and Thomas due to the development of the 700 Grand Ave site. Lynch asked the committee to email any recommendations by Friday since the initial summary for the application was due on Nov 2.

Discussion and Possible Action: Electric Scooter Ordinance Change

The City was approached by Bird Scooter Co to place their rental scooters in the city. This brought forth the issue of the City ordinance not allowing scooter use and people already using their personal scooters. State law allowed scooters as of 2019, cities around the state such as Milwaukee, Green Bay, Shawano have allowed scooter use. The Green Bay ordinance was offered as an example. Wausau PD was informally asked about allowing scooters and the reception was generally positive to changing the ordinance. The committee liked the Green Bay example and felt the ordinance change should be pursued.

Motion/Second: Filtz/Hope Recommend updating the ordinance to allow scooters in the public right of way. Motion passed unanimously. Staff will work with Public Health and Safety committee to move this along.

Updates and Information

- Wausau Rides Bikeshare
Lynch reported the total number of users at 122 and total rentals at 311. It is expected the bikes will be pulled in for the winter in early November and deployed in Spring 2023. Exact dates for both events are weather dependent.
- Regional Bike Maps - MPO
Mayor Rosenberg sent the committee request to the MPO and it was included in their work plan for 2023.

Future Agenda Items

None.

Adjourn

Motion and second to adjourn by Hope/Filtz. Motion passed unanimously.

The meeting was adjourned at 5:25 p.m.

Next meeting is November 28. It is likely there will not be a December meeting.



Office of the City Attorney

TEL: (715) 261-6590
FAX: (715) 261-6808

Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

Nathan Miller
Assistant City Attorney

To: Public Health & Safety Committee
Common Council

From: Tara G. Alfonso, Asst. City Attorney

Date: December 14, 2022

Re: Create W.M.C.§10.41 Electric scooters

- An inquiry has been directed to the Community Development Department as to whether the City would entertain a change to its ordinances to permit the use of electric scooters within the City.
- Wisconsin Statutes permit a municipality to regulate the operation of these devices within its corporate city limits including the operation of these scooters on any roadway with a speed limit of more than 25 miles per hour, limits on parking of the scooters and restricting or prohibiting their operation on sidewalks or bicycle ways.
- The draft of the proposed ordinance would prohibit the use of electric scooters on sidewalks with the exception of those places where the City currently allows the use of bicycles on City streets, namely the Washington, Scott, Thomas and Bridge Street bridges, and a portion of Grand Avenue and Forest Street.
- The draft ordinance does not provide a prohibition from operating electric scooters on any roadway with a speed limit of greater than 25 miles per hour, however, depending upon the decision of the Committee, such a restriction could be added.
- The draft ordinance also contains a provision that prohibits an owner of, or person using an electric scooter from leaving the vehicle unattended in a manner which obstructs any City roadway or sidewalk or other public way.
- The proposed penalty for violation of the ordinance is \$50.00 plus court costs; the total forfeiture would be \$124.00.

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

ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE

Amending Section 1.01.025 Issuance of citations; Creating Section 5.64.066 False or altered identification cards; misrepresentation of age

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: None

File Number: 23-0111

Date Introduced: January 10, 2023

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

Add (☐)

Delete (☐)

Section 1. That Section 1.01.025 Issuance of citations, is hereby amended to read as follows:

1.01.025 Issuance of citations.

....

(c) Schedule of cash deposits.

(1) A schedule of cash deposits is established as follows:

....

(B) For violations of all ordinances other than those governed by the
aforescribed Uniform State Deposit Schedule and except as provided in subsection (C),
the cash deposit schedule shall be as follows:

Municipal Ordinance Schedule of Deposits

....

<u>Ord. No.</u>	<u>Offense</u>	<u>Deposit</u>
5.64.034	(a) Server under the influence	50.00
	(c) Failure to close licensed premises	50.00
	Second or subsequent violations of sub (a) or (c)	200.00
5.64.066(c)	False or altered identification cards; misrepresentation of age	250.00
	Second or subsequent violation	500.00
6.44.040(c)	Location of waste container violations	30.00

Section 2. That Section 5.64.066 False or altered identification cards; misrepresentation of age
is created to read as follows:

5.64.066 False or altered identification cards; misrepresentation of age.

(a) *Definition.* In this section, “official identification card” means any of the following:

1. A valid operator’s license issued under Wis. Stats. ch. 343 that contains a photograph of the holder.
2. An identification card issued under Wis. Stat. § 343.50.
3. An identification card issued under Wis. Stat. 1987 § 125.08.
4. A valid military identification card issued to a member of the U.S. armed forces, or forces incorporated as part of the U.S. armed forces, that contains the person’s photograph and date of birth.
5. A valid U.S. passport.

(b) *Use.* No card other than the identification card authorized under this section may be recognized as an official identification card in this state. In place of an official identification card, documentary proof under Wis. Stat. § 125.07(7) may be substituted.

(c) *Penalties.* Any person under the age of 21 who does any of the following is subject to the penalties specified under Section 1.01.025:

1. Intentionally carries an official identification card not legally issued to them, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information. A law enforcement officer shall confiscate any card that violates this subsection.
2. Making, altering or duplicating an official identification card purporting to show that they have attained the legal drinking age.
3. Presents false information to an issuing officer in applying for an official identification card.
4. Intentionally carrying an official identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.

State Law Reference—Proof of age, Wis. Stats. § 125.085.

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:

Katie Rosenberg, Mayor

Attest:

Kaitlyn A. Bernarde, City Clerk

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, December 19, 2022, at 5:15 pm, (Council Chambers)

Members Present: Lisa Rasmussen, Chad Henke, Doug Diny, Lou Larson, Becky McElhaney

Others Present: Nathan Miller, Ben Bliven, Matt Barnes, Jeremy Kopp, Tara Alfonso, Andrew Lynch, Kaitlyn Bernarde, Mary Goede, Katie Rosenberg

Discussion and possible action on an Ordinance Amending Section 1.01.025 Issuance of citations: and Creating Section 5.64.066 False or altered identification cards, misrepresentation of age

Nathan Miller stated he received a call from Cord Buckner at the PD regarding an officer that had written up an individual using a fake ID from a different jurisdiction and found they had something on the books for this. In the past they have used misappropriation of identification, a criminal offense, which seemed a little too extreme for this type of thing.

Miller proposed an ordinance basically copying the state statute of using a fake ID, but noted we can't, however, have an ordinance about the person making the fake ID, only the person either holding it or using it. He stated the different violations resulting in a citation would be using a fake ID, carrying one, or giving false information to get the ID. He clarified the holder/user could be charged in municipal court, but the maker of the ID could be charged criminally in circuit court.

Motion by Diny, second by Henke to approve the ordinance amendment. Motion carried 5-0.



Wausau Police Department

515 Grand Ave

Wausau, WI 54403

Ph. 715-261-7800

DATE:

December 1, 2022

TO:

City of Wausau Public Health and Safety Committee

RE: Proposed Amendment to Wausau Municipal Code

Dear Public Health and Safety Committee Members,

We are requesting your consideration in amending Wausau Municipal Code (WMC) 1.01.025 *Issuance of Citations* and creating a new WMC section 5.64.066 *False or Altered Identification Cards; Misrepresentation of Age*.

The Wausau Police Department has reviewed its current response to persons using false or altered identification cards, or misrepresenting their age, primarily on occasions when they are attempting to present themselves as having attained the legal drinking age. In our review, we revisited state statute and found something better suited to addressing the instances previously described: Wis. Stat. § 125.085 *Proof of Age*.

WMC does not currently have a section adopting, or otherwise reflecting, the elements in the statute. We believe creation of WMC section 5.64.066 will enhance our ability to enforce proof of age violations across a variety of situations we encounter.

Thank you for your consideration,

Cord Buckner
Lieutenant, Patrol Services
Wausau Police Department

Benjamin Bliven
Chief

Matthew Barnes
Deputy Chief

Todd Baeten
Patrol Captain

Benjamin Graham
Detective Captain

Melinda Pauls
Administrative Captain

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

ORDINANCE OF PUBLIC HEALTH AND SAFETY COMMITTEE			
Creating Section 8.08.115 Restrictions on the sale of animals			
Committee Action:		Approved 5-0	Ordinance Number:
Fiscal Impact:		None	
File Number:	23-0112	Date Introduced:	January 10, 2023

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

Section 1. That Section 8.08.115 Restrictions on the sale of animals is created to read as follows:

8.08.115 Restrictions on the sale of animals.

(a) Purpose and intent.

WHEREAS, most puppies and kittens sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits ("puppy mills" and "kitten mills," respectively). According to the Humane Society of the United States, an estimated ten thousand puppy mills produce more than two million puppies per year in the United States.

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal veterinary care; lack of adequate food, water and shelter; lack of socialization, exercise and enrichment; lack of sanitation.

WHEREAS, pet store puppies are often sick and have behavioral problems due to the substandard conditions they were likely born into often including that they were taken from their mothers at a very young age; they were transported in trucks filled with other young puppies and they were placed in a pet store cage with or near other puppies who are often sick.

WHEREAS, pet stores often mislead consumers as to where the puppies and kittens in the stores came from and make false health and behavior guarantees. Many consumers end up paying hundreds or thousands of dollars in veterinary bills and suffer the heartbreak of having their new pet suffer, and in some cases pass away.

WHEREAS, according to the U.S. Centers for Disease Control and Prevention, pet store puppies pose a health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies.

WHEREAS, current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of puppy and kitten mill dogs and cats in pet stores pose. Federal oversight of the commercial breeding industry is severely lacking.

WHEREAS, prohibiting pet stores from selling dogs and cats is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills and decrease the burden that pet store puppies and kittens that end up in animal shelters place on local agencies and taxpayers.

WHEREAS, the huge majority of pet stores, both large chains and small and family-owned shops, are already in compliance with the proposed ordinance as they already do not sell dogs and cats but rather profit from selling products, offering services, and in some cases, collaborating with local animal shelters and rescues to host adoption events.

WHEREAS, this section will not affect a consumer's ability to obtain a dog or cat of his or her choice from an animal rescue, shelter, or breeder who sells directly to the public.

WHEREAS, the council believes it is in the best interest of Wausau, Wisconsin to adopt reasonable regulations to reduce costs to Wausau, Wisconsin and its residents, protect citizens who may purchase cats or dogs from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Wausau.

(b) Definitions.

Animal means any live cat or dog.

Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

Breeder means a person that maintains a dog or cat for the purpose of breeding and selling their offspring.

Broker means a person that transfers a dog or cat from a breeder for resale by another person.

Cat means a member of the species of domestic cat, *Felis catus*.

Dog means a member of the species of domestic dog, *Canis familiaris*.

Pet store means a retail establishment where animals are sold, exchanged, bartered or offered for sale to the general public. Such definition shall not include an animal care facility or animal rescue organization, as defined.

(c) *Restrictions on the sale of animals.*

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of animals. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable animals provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals. Animals may not be kept overnight.

(d) *Penalty.*

A pet store that violates this section shall be subject to a civil penalty of five hundred dollars, and each dog or cat offered for sale in violation of this section shall constitute a separate violation.

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:

Approved:

Published:

Attest:

Katie Rosenberg, Mayor

Attest:

Kaitlyn A. Bernarde, City Clerk

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, **September 19, 2022**, at 5:15 pm, (Council Chambers)

Members Present: Lisa Rasmussen, Chad Henke, Doug Diny, Lou Larson, Becky McElhaney

Others Present: Nathan Miller, Jeremy Kopp, Matt Barnes, Kaitlyn Bernarde, Mary Goede, Katie Rosenberg

Discussion and possible action regarding an Ordinance Creating Section 8.08.115 Large scale commercial animal breeding prohibited

Mayor Katie Rosenberg explained she stopped by a local business and met Season Schmitz, who informed her of the work she is doing in other municipalities and asked if it were something Wausau would consider. She noted Wausau does not currently have a pet store, which may make it easier to consider regulating since it would not be affecting any operational business.

Season Schmitz indicated she took this subject up in Weston because there was a pet store there that primarily sells puppies. This concerned her because she sees these dogs that come from puppy mills coming in through a rescue that she works with as a volunteer. These animals are terrified and in horrible condition. She explained the operations of a puppy mill and the problem with them. She encouraged them to consider a humane Pet Store ordinance, which has already been adopted by over 400 localities across the nation, including Whitewater, Fort Atkinson, Appleton, Wauwatosa, and Waukesha.

To view full presentation: <https://www.youtube.com/watch?v=2zIPT2CVKpM>

Discussion and questions followed regarding a draft of a proposed ordinance. Nathan Miller indicated next month a kennel license ordinance will be on the agenda for consideration and suggested the committee hold action on this ordinance for that meeting since the two relate.

Consensus of the committee was to bring it back to the next meeting. (*Item was delayed to December*)

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, **December 19, 2022**, at 5:15 pm, (Council Chambers)

Members Present: Lisa Rasmussen, Chad Henke, Doug Diny, Lou Larson, Becky McElhaney

Others Present: Nathan Miller, Ben Bliven, Matt Barnes, Jeremy Kopp, Tara Alfonso, Andrew Lynch, Kaitlyn Bernarde, Mary Goede, Katie Rosenberg

Discussion and possible action on an Ordinance Creating Section 8.08.115 Restrictions on the sale of animals

Rasmussen noted this is regarding the retail animal sale pet store ordinance, also called “puppy mill” ordinance, that was discussed at a previous meeting but postponed. Attorney Nathan Miller indicated he made one change to clarify between breeding as opposed to just not selling the pets in the store.

Rasmussen stated the committee was sent an email from an advocacy group talking about guinea pigs and rabbits. She did not think the intention was to manage the sale of those animals and questioned if this ordinance was specific to dogs and cats only. Miller indicated rabbits were included. Rasmussen did not feel it was necessary to include rabbits. Humane Officer Ashlee Bishop commented the only argument she could see was that rabbits are allowed in the city, and she picks up a few rabbits a year because people sometimes release them outside. She pointed out however, that you can also get rabbits from most farms. Rasmussen reiterated she thought our intention was to manage the retail pet store sale of dogs and cats only.

Miller noted there currently are not any pet stores in the city, making it basically a pre-emptive ordinance.

Motion by Henke, second by McElhaney to approve the ordinance with the exclusion of rabbits. Motion carried 5-0.



Wausau Police Department

515 Grand Ave

Wausau, WI 54403

Ph. 715-261-7800

Wisconsin Act 90 was passed in 2009. It created regulations that dog breeders, rescues and shelters must follow regarding the care and condition of dogs in the state. This is enforced for anyone selling, i.e., puppy mills, or rehoming more than 25 dogs a year. These are the bare minimum requirements for these animals. It still leaves adult dogs with very little human contact and never living in a home setting. They are kept just to be breeding stock.

There are well documented abuses related to puppy and kitten mills. The breeding techniques are questionable with overbreeding and inbreeding as some of the main problems. These puppies and kittens also receive subpar food, water, and veterinary care, which only then leads to behavioral and health issues later on.

Stores that want to sell animals are taking them from places like puppy mills to sell them. Some of them are also getting dogs from other states that do not have regulations like Act 90 that monitor the breeding facilities. They are getting them at a reduced price and giving the puppy mills a reason to continue breeding. It is as simple as supply and demand. Currently, there are no pet stores in Wausau that sell puppies or kittens. This ordinance is a proactive approach to this problem that we are seeing outside our community. If we can remove the demand, we can make Wausau a safer place for animals.

Benjamin Bliven
Chief

Matthew Barnes
Deputy Chief

Todd Baeten
Patrol Captain

Benjamin Graham
Detective Captain

Melinda Pauls
Administrative Captain

RESOLUTION OF THE TRANSIT COMMISSION

Observing Transit Equity Day (February 3, 2023)

Committee Action: Approved 4-0

Fiscal Impact: None

File Number: 23-0110

Date Introduced: January 10, 2023

RESOLUTION

WHEREAS, Transit Equity Day is a national day of action to commemorate the February 4 birthday of Rosa Parks, an iconic figure in the movements for social justice and racial equality, who played a major role in the inception of the Civil Rights movement; and

WHEREAS, Transit Equity Day highlights Rosa Parks' 1955 pivotal work and her brave and determined advocacy for safe and reliable public transportation for all people and communities both then and today; and

WHEREAS, Transit Equity Day of action is recognized to elevate the message that public transit is a strategy to combat climate change, and that public transit promotes affordable, accessible, clean and safe transportation alternatives for all community members; and

WHEREAS, The City of Wausau values equity and sustainability, and desires to provide equal access to safe, efficient and accessible public transit, that is sustainable and environmentally friendly;

NOW, THEREFORE, BE IT RESOLVED, by the City of Wausau Transit Commission that Friday February 3, 2023 will be observed as "Transit Equity Day" by reserving a seat on every Metro Ride bus to honor and celebrate the invaluable work of Rosa Parks.

Approved:

Becky McElhaney, Transit Commission Chair

TRANSIT COMMISSION MINUTES

Date and Time: The Transit Commission met on Thursday, December 15, 2022 at 4:45 P.M. at Wausau City Hall, 407 Grant St., Wausau, WI.

Members Present: Becky McElhaney, Gary Gisselman, Kathi Zoern, Kyle Turner

Members Excused: Carol Lukens

Also Present: Greg Seubert (Metro Ride), Mayor Katie Rosenberg, Megan Newman (Metro Ride), Julie Crull (Metro Ride), Dave Mack (MPO), Lance Mueller (MPO)

In accordance with Chapter 19 of the Wisconsin Statutes, notice of this meeting was posted and sent to the Wausau Daily Herald in the proper manner. The meeting was called to order at 4:45 pm by Becky McElhaney after noting a quorum was present.

Discussion and Possible Action on Approval of Transit Equity Day Resolution

Seubert recapped 2022 participation in Transit Equity Day and its association with the birthday of Rosa Parks. He stated that in 2023 the birthday of Rosa Parks falls on a Saturday, so he is proposing celebrating the event on Friday, February 3rd. Metro Ride will commemorate the day by reserving a seat on every bus with a poster and a rose on the seat.

Zoern asked if this will be done on all paratransit buses. Seubert responded that it will be done on all buses, including paratransit.

Motion to approve by Turner, seconded by Zoern. Motion passed unanimously.

January 4, 2023

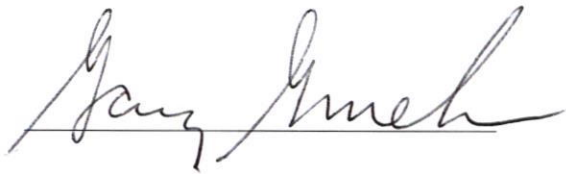
Ms. Becky McElhaney,
President of the Wausau City Council
407 Grant Street
Wausau, WI 54403
Becky.McElhaney@ci.wausau.wi.us

Dear President McElhaney

We, the following two members of the City of Wausau City Council according to Rule 13 of Chapter 2.16 – Standing Rules of the Common Council, request that an agenda item calling for a committee of the whole to discuss and take possible action on the issue of homelessness be placed on the agenda for the City Council meeting of January 10, 2023.

Gary Gisselman, District 5 Alderperson

Tom Kilian, District 3 Alderperson

Handwritten signature of Gary Gisselman in black ink, written over a horizontal line.Handwritten signature of Tom Kilian in black ink, written over a horizontal line.

According to Rule 13 of **Chapter 2.16 - STANDING RULES OF THE
COMMON COUNCIL**

Committee of the whole. The Mayor, the Executive Committee, Council President or two alderpersons may call for a meeting of the entire Council as a committee of the whole for discussion and consideration on any matter. When two alderpersons call for such a meeting, their request shall be placed on the agenda of the next regular meeting of the Council for consideration. The Mayor shall be an ex officio, non-voting member of the committee, and the Council President shall be the Chairperson of the committee of the whole. In the absence of the Council President, the Mayor shall preside as Vice-Chair.

The agenda of this Committee of the Whole

Review the city of Wausau responses to the homeless

Review Marathon County responses to the homeless

Comment by providers of services to the homeless

Public comment

Creating a new department of social development and action in Wausau city government

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

CONFIRMATION OF MAYOR’S APPOINTMENT

To the position of Human Resources Director

File Number: 22-1203

Date Introduced: January 10, 2023

RESOLUTION

WHEREAS, the Human Resources Director position has been vacant since June 16, 2022, and

WHEREAS, pursuant to Chapter 2.12.015, Mayor Rosenberg has appointed James Henderson to the position of Human Resources Director, effective December 27, 2022,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau that James Henderson is hereby confirmed to the position of Human Resources Director, effective December 27, 2022.

Approved:

Katie Rosenberg, Mayor

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

CONFIRMATION OF MAYOR'S APPOINTMENTS

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

File Number: 23- 0103

Date Introduced: January 10, 2023

Community Development Authority (CDA)

Carol Lukens
*Replacing Sarah Watson

407 Grant St

2022-2024 Term of Office

- (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:

Katie Rosenberg, Mayor

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

**ORDINANCE OF CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE**

Amending Section 10.20.080(a) designating no parking on east side of Torney Avenue between McDonald Street and Townline Road

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: Minimal to install signs

File Number: 23-0109

Date Introduced: January 10, 2023

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

Add ()

Section 1. That Section 10.20.080(a) is hereby amended to read as follows:

(a) There shall be no parking in the following location:

....

Torney Avenue

- **East side of the street between McDonald Street and Townline Road**

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

Section 3. This ordinance shall be in full force and effect on the day after its publication.

Adopted:

Approved:

Approved:

Published:

Attest:

Katie Rosenberg, Mayor

Attest:

Kaitlyn A. Bernarde, Clerk

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: December 8, 2022, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lou Larson, Doug Diny, Chad Henke, Lisa Rasmussen, Gary Gisselman

Also Present: Eric Lindman, Allen Wesolowski, TJ Niksich, Tara Alfonso, Cord Buckner, Lori Wunsch

Discussion and possible action on parking restrictions on Torney Avenue from McDonald Street to Townline Road

Wesolowski reminded the committee that Torney Avenue was reconstructed this summer. The road width was left the same as there is only 33' of right-of-way. It is a narrow cross section. That did not change with the reconstruction. It is 24' from back of curb to back of curb and the sidewalks are attached directly at the back of the curb. It is a mountable curb. A petition was signed by quite a few residents to eliminate parking on the east side. Letters were sent to property owners along the roadway and no one was present to offer comments. Wesolowski did receive three phone calls. Two were in favor; Dan Weith of 1309 Torney and Megan Pratt of 1329 Torney. One was not in favor; Mary McCarten of 1325 Torney. She has lived on Torney for 54 years and doesn't feel it needs to be changed.

Larson has traveled down Torney and it is very narrow. He believes restricting parking is a good idea. Rasmussen agrees. She added that a narrow right-of-way makes it difficult for larger vehicles, difficult for people to see to get in and out, trouble plowing snow and trouble with garbage collection. She feels this makes sense and most are supportive.

Rasmussen moved to approve restricting parking on the east side of Torney Avenue from McDonald Street to Townline Road.

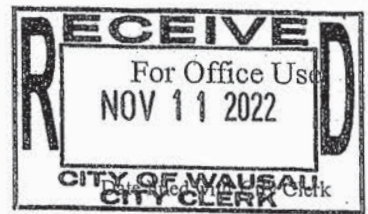
Diny asked how this plays into the street parking strategy with alternative side parking. Larson asked if Diny has been down the street and Diny has not. Larson said it is a very narrow street. Wesolowski explained that no parking on the east side would be all of the time. Currently there are no parking restrictions. The sidewalks are directly at the back of the curb, which is another reason for no parking. We do not want people parking on the sidewalk. Diny noted the petition references alternating day parking. Wesolowski said that was another option, but alternate day parking creates confusion. He feels it would be better with no parking on one side, especially since that is what the residents are requesting.

Henke seconded the motion and the motion carried unanimously 5-0.

AGENDA ITEM
Discussion and possible action on parking restrictions on Torney Avenue from McDonald Street to Townline Road
BACKGROUND
The City received a petition (attached) to restrict parking to one side of the street on Torney Avenue from McDonald Street to Townline Road. This block of Torney Avenue was reconstructed in the Summer of 2022. The current cross section consists of 2-10 foot lanes and 2 foot mountable curb and gutter. This represents 24 feet from back of curb to back of curb. Typical street reconstruction which allows parking on both sides of the street is 33 feet back of curb to back of curb.
FISCAL IMPACT
Minimal, installation of signs.
STAFF RECOMMENDATION
Staff recommends approving ‘No Parking’ on east side of Torney Avenue from McDonald Street to Townline Road. This recommendation is based upon the narrow roadway and the fact the sidewalk is adjacent to the back of curb.
Staff contact: Allen Wesolowski 715-261-6762

COPY

PETITION

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

A Petition For:

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

No Parking Signs
on Torney Avenue

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

We are requesting that there be no parking
on the East side of the street at all times or
Alternating day parking but for there to be no parking on one
side of the street at all times (Majority Prefers No Parking on East Side)

Signature of Electors	Print Name Clearly	Print Home Address	Date of Signing
1. Katie Hohen	Katie Hohenstein	1331 Torney Ave	11-7-2022
2. James Hohen	James Hohenstein	1331 Torney Ave	11-7-2022
3. Torrie Hutchings	Torrie Hutchings	1408 Torney	11-7-22
4. Mary Woellner	MARY Woellner	1416 Torney Ave	11-7-22
5. Steve Raab	Steve Raab	1314 Torney Ave	11-7-22
6. Soua Yang	Soua Yang	1329 Torney Ave	11-7-22
7. David Fred	David Fred	1336 Torney Ave	11-7-22
8. Craig Kasten	Craig Kasten	1312 TORNEY AVE	11-7-22
9. Jeanne Kraus	Jeanne Kraus	Neith 1309 Torney Ave	11-7-22
10. Megan Pratt	Megan Pratt	1329 Torney Ave	11-7-2022
11. Brian Jacobsen	Brian Jacobsen	1337 Torney Ave	11-7-2022
12. Stephany Woller	Stephany Woller	1330 Torney Ave	11-7-2022
13. Anthony Woller	Anthony Woller	1330 Torney Ave	11-7-2022
14. Jeff Zernicke	Jeff Zernicke	805 Townline Rd	11-11-2022
15. Heather Shelbuck	Heather Shelbuck	805 Townline Rd	11-11-2022

AFFIDAVIT OF CIRCULATOR

STATE OF WISCONSIN

CITY OF WAUSAU James Hohenstein being duly sworn disposes and says that he is a resident of the affected area, residing at 1331 Torney Ave Wausau 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 11 day of November, 2022

Kathleen J. Bernarde
Signature of City Clerk or designee

James Hohenstein
(Signature of Circulator)
1331 Torney Ave
(Address of Circulator)



ArcGIS Web Map

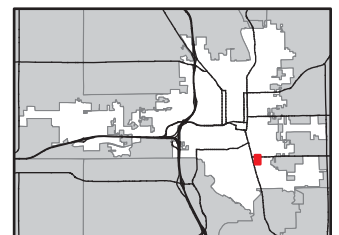
City of Wausau / DPW

Date Printed: 11/29/2022

0 0.01 0.02
mi

- Municipal Boundaries
- Parcel

Torney Ave, No
Parking east side



NOTES:

1. Duplication of this map is prohibited without the written consent of the City of Wausau DPW / GIS 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. City of Wausau
Public Works / GIS Division
407 Grant St
Wausau, WI 54403
www.ci.wausau.wi.us

Ayres Associates Inc
Geospatial Division
5201 E Terrace Dr, Suite 200
Madison, WI 53718
(608) 443-1200
www.ayresassociates.com, City of Wausau
407 Grant St
Wausau, WI 54403
(715) 261-6740
www.ci.wausau.wi.us

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

RESOLUTION OF THE FINANCE COMMITTEE

Approving Modification of the 2022 Budget for Franklin Street Improvements performed by the Marathon County Highway Department

Committee Action: Approved 3-0

Fiscal Impact: 24,668.11

File Number: 21-1109

Date Introduced: January 10, 2023

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes ☒ No ☐	
	<i>Included in Budget:</i>	Yes ☐ No ☒	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes ☒ No ☐	<i>Amount: \$24,668.11</i>
	<i>Recurring Costs:</i>	Yes ☐ No ☒	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes ☐ No ☒	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes ☒ No ☐	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes ☐ No ☒	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes ☐ No ☒	<i>Amount:</i>
	<i>TID Source: Increment Revenue ☐ Debt ☐ Funds on Hand ☐ Interfund Loan ☐</i>		

WHEREAS, the Marathon County Highway Department paved CTH Z from 13th Street to CTHX as part of their summer paving program and

WHEREAS, Franklin Street from 13th to 15th Street is the City of Wausau's responsibility; and

WHEREAS, Marathon County is seeking reimbursement for the costs associated with the City's responsibility in the amount of \$24,668.11

WHEREAS, the Finance Committee authorized a budget modification to fund the reimbursement;

GL Code	Description	Period	Amount
110 101992490	Traffic Lines and Signs	12	-\$24,668.11
110 101592490	Street Maintenance	12	\$24,668.11

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Wausau that the proper City Officials be and are hereby authorized and directed to modify the 2022 budget as noted above.

Approved:

Katie Rosenberg, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, December 13, 2022 @ 5:00 pm., Council Chambers

Members Present: Lisa Rasmussen, Michael Martens, Doug Diny

Members Excused: Carol Lukens, Sarah Watson

Others Present: Maryanne Groat, Anne Jacobson, Anne Keenan, Dustin Kreage, Eric Lindman, Bob Barteck, Ben Bliven, Liz Brodek, Katie Rosenberg, and Kaitlyn Bernarde

Discussion and possible action regarding budget modification Street Improvements Franklin Street \$24,668.11

Lisa Rasmussen stated it is a line-item transfer from Signs & Maintenance to Street Maintenance.

Motion by Diny, second by Martens to approve the budget modification. Motion carried 3-0.

an Eric R. R. M. J.

Date:

3 - Finance Department

INVOICE

SEND PAYMENTS TO:
MARATHON CO TREASURER
COURTHOUSE 500 FOREST ST
WAUSAU WI 54403
SVC: MARATHON CO HIGHWAY DEPT

INVOICE NO: I0038794

INVOICE DATE: 11/22/22

CUSTOMER:

CITY OF WAUSAU
407 GRANT ST
WAUSAU WI 54403

CUSTOMER NO: HW0042

0.00% Per Month Finance Charge

DESCRIPTION	ACCOUNT NUMBER	INVOICE AMOUNT
290-59: FRANKLIN ST PAVING ASPHALT MILLING/OVERLAY FROM 13TH ST TO 15TH ST, WAUSAU. APPROX 2,300 SQ YDS, 290 TONS OF ASPHALT. INCLUDES ADM FEE.		
290-59: FRANKLIN ST PAVING ASPHALT MILLING/OVERLAY FROM 13TH ST TO 15TH ST, WAUSAU. APPROX 2,300 SQ YDS, 290 TONS OF ASPHALT. INCLUDES ADM FEE.	801-29087240	24,668.11
TOTAL		\$24,668.11

- 1 -

Mary Rosensprung

From: Kevin S. Lang
Sent: Tuesday, November 22, 2022 6:47 AM
To: Mary Rosensprung
Subject: RE: County Road Z/Franklin Street

I started with your total cost that included admin and small tools, so those are already factored into the \$24,668.11.

Thanks for verifying!

Kevin Lang, PE
Deputy Director
Marathon County Highway Department
phone 715.261.1809 | mobile 715.581.4759
www.co.marathon.wi.us/highway



From: Mary Rosensprung <Mary.Rosensprung@co.marathon.wi.us>
Sent: Tuesday, November 22, 2022 6:18 AM
To: Kevin S. Lang <Kevin.Lang@co.marathon.wi.us>
Subject: RE: County Road Z/Franklin Street

Should the \$24,668.11 include our Administrative Fee, or do you want me to add the admin fee to the \$24,668.11?

From: Kevin S. Lang <Kevin.Lang@co.marathon.wi.us>
Sent: Monday, November 21, 2022 2:59 PM
To: Mary Rosensprung <Mary.Rosensprung@co.marathon.wi.us>
Cc: Mary Hartwig <Mary.Hartwig@co.marathon.wi.us>
Subject: FW: County Road Z/Franklin Street

Mary,

Can you prepare and invoice for the City of Wausau? It can be sent to attn: Eric Lindman, Director of Public Works and Utilities.

Lump Sum charge of \$24,668.11
Scope of work was asphalt milling and overlaying Franklin Street from 13th Street to 15th Street, approximately 2300 Square Yards and 290 tons of asphalt.

The funds should go toward the expenses in 279-Z1, as the work was a two block extension of that project.

Let me know if you need anything further from me.

Thanks!

Kevin Lang, PE
Deputy Director
Marathon County Highway Department
phone 715.261.1809 | mobile 715.581.4759
www.co.marathon.wi.us/highway



From: Eric Lindman <Eric.Lindman@ci.wausau.wi.us>
Sent: Monday, November 21, 2022 2:25 PM
To: Kevin S. Lang <Kevin.Lang@co.marathon.wi.us>
Cc: Allen Wesolowski <Allen.Wesolowski@ci.wausau.wi.us>
Subject: RE: County Road Z/Franklin Street

Hi kevin, I appreciate the email. Yes I am OK with the cost, do not go to any further significant effort to break down any quantities. On the invoice just provide a description for what is being paid if it is a lump sum. Thanks.

Eric Lindman, P.E.

Director of Public Works & Utilities
City of Wausau
407 Grant St.
Wausau, WI 54403-4783
P: 715-261-6745
C: 715-292-2606

From: Kevin S. Lang <Kevin.Lang@co.marathon.wi.us>
Sent: Monday, November 21, 2022 1:41 PM
To: Eric Lindman <Eric.Lindman@ci.wausau.wi.us>
Subject: RE: County Road Z/Franklin Street

Eric,

I'm trying to close out some projects and working on the invoice for the paving on Franklin Street. Before I put any more effort into this, let me know if this breakdown would be adequate for you.

The total project cost was \$1,820,295.86 and all of the asphalt mix added up to 20,517.82 tons. If I deduct out my estimated \$65,000 for pulverizing work and \$10,000 for milling work at CTH Z & X intersection (this work wasn't needed and above and beyond what we did for your two blocks), the total project cost on a basis of cost per ton of asphalt is \$85.06.

We estimated the asphalt for the City section at 290 tons for a net cost of \$24,668.11.

I could spend a bunch of time getting more accurate estimates and it might be a little better, or a little worse. I think that cost gets us a fair payment and I would venture to guess the City is getting a good deal compared to going out for bid, plus you didn't have any engineering or bidding efforts into it.

If you agree, please let me know and we'll send an invoice. If you'll need something further, please email or call to let me know your thoughts.

Thanks!

Kevin Lang, PE
Deputy Director
Marathon County Highway Department
phone 715.261.1809 | mobile 715.581.4759
www.co.marathon.wi.us/highway



From: Kevin S. Lang
Sent: Monday, August 8, 2022 1:13 PM
To: Eric Lindman <Eric.Lindman@ci.wausau.wi.us>
Subject: RE: County Road Z/Franklin Street

Eric,

I have had some recent discussions with Allen about the actual work, but wanted to make sure to loop you in on this. We don't have a formal agreement setup for this work; I am just planning on setting up a project invoice based on the approval from your May 10, 2022 email below. We plan to do the milling work next week and the paving will start the following week on the east end of the project working our way back to the west end.

Kevin Lang, PE
Deputy Director
Marathon County Highway Department
phone 715.261.1809 | mobile 715.581.4759
www.co.marathon.wi.us/highway



From: Eric Lindman <Eric.Lindman@ci.wausau.wi.us>
Sent: Tuesday, May 10, 2022 10:37 AM
To: Kevin S. Lang <Kevin.Lang@co.marathon.wi.us>
Cc: Allen Wesolowski <Allen.Wesolowski@ci.wausau.wi.us>
Subject: Re: County Road Z/Franklin Street

Yes, let's plan for this and we will find the funds. Thanks Kevin.

Sent from my iPhone

On May 10, 2022, at 10:10 AM, Kevin S. Lang <Kevin.Lang@co.marathon.wi.us> wrote:

The area is about 650' long and 30' wide. Adding in a little for radii and shoulders totals about 2300 SY. I think we figured a little conservative with the asphalt tonnage at 290. If we're at 2" thick and 115#/SY-Inch we should estimate 265 tons. My intention at the end would be to measure up the actual area, and calculate a tonnage based on the actual weight of the asphalt used. For budgeting, I'd estimate \$2/SY for milling and hot mix in place at \$80-90/ton. (Our FOB price for surface mix is \$60.23/ton).

That would give budget numbers of \$4400 for milling and \$25,000 for paving for a budget cost around \$30,000. We should be well under that amount if everything goes well as you'll get the efficiencies of the crew out for their mainline paving operations.

Kevin Lang, PE
Deputy Director
Marathon County Highway Department
phone 715.261.1809 | mobile 715.581.4759
www.co.marathon.wi.us/highway
<image002.jpg>

From: Allen Wesolowski <Allen.Wesolowski@ci.wausau.wi.us>
Sent: Tuesday, May 10, 2022 7:36 AM
To: Kevin S. Lang <Kevin.Lang@co.marathon.wi.us>
Cc: Eric Lindman <Eric.Lindman@ci.wausau.wi.us>
Subject: RE: County Road Z/Franklin Street

Kevin,

What is your cost estimate for this work? We would need to find the funding to cover this.

Thanks

Allen M. Wesolowski, P.E.
City Engineer
City of Wausau
Office: 715-261-6762
Cell: 715-581-5774

From: Kevin S. Lang <Kevin.Lang@co.marathon.wi.us>
Sent: Tuesday, May 10, 2022 5:41 AM
To: Eric Lindman <Eric.Lindman@ci.wausau.wi.us>; Allen Wesolowski <Allen.Wesolowski@ci.wausau.wi.us>
Subject: County Road Z/Franklin Street

Eric and Allen,

Based on earlier discussions, it is our understanding that you would like us to include some mill and overlay on Franklin Street. Please review the information below and confirm if this is acceptable. This work is scheduled to begin in July.

The Marathon County Highway Department will be paving CTH Z from 13th Street in Wausau to County Highway X as part of the summer paving program for 2022. Marathon County will mill and overlay two inches of Hot Mix Asphalt from the construction joint near 13th Street to the centerline of 15th Street (shown below). Marathon County will bill the City of Wausau for any and all costs associating with this mill and overlay according to Wisconsin DOT practices, as well as the Department's standard administrative charge (currently 4.53%). City of Wausau crews will be responsible for any and all work associated with sewer and water castings, as well as any other utility work or base repairs that may be needed. The estimated tonnage of Hot Mix Asphalt required to complete this project is 290 tons.

<image003.png>

Kevin Lang, PE
Deputy Director
Marathon County Highway Department
phone 715.261.1809 | mobile 715.581.4759
www.co.marathon.wi.us/highway
<image002.jpg>

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

RESOLUTION OF THE FINANCE COMMITTEE

Adopting Grant Policy

Committee Action: Approved 3-0

Fiscal Impact: None

File Number: 91-1008

Date Introduced: January 10, 2023

RESOLUTION

WHEREAS, the City of Wausau recognizes the need for sound financial policies and procedures, and

WHEREAS, the policy will establish uniform acceptance and administration of grants, and

WHEREAS, the Finance Committee has reviewed and recommends the attached grant policy attached hereto and incorporated as a part of this resolution,

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Wausau that the grant policy be adopted as recommended above.

Approved:

Katie Rosenberg, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, December 13, 2022 @ 5:00 pm., Council Chambers

Members Present: Lisa Rasmussen, Michael Martens, Doug Diny

Members Excused: Carol Lukens, Sarah Watson

Others Present: Maryanne Groat, Anne Jacobson, Anne Keenan, Dustin Kreage, Eric Lindman, Bob Barteck, Ben Bliven, Liz Brodek, Katie Rosenberg, and Kaitlyn Bernarde

Discussion and possible action regarding Grant Acceptance and Management Policy

Maryanne Groat stated she submitted the first draft to the committee in November with a plan to send it to all the stakeholders for feedback before bringing it back for final approval. She indicated she received a lot of positive responses from the departments, with the biggest response clarifying how grant reports should be approved. She explained one of findings this year was that grant reports were not being reviewed prior to submission. The review comment related to the Community Development Department that wanted an independent review and approval prior to submitting the report. She stated she initially proposed that Finance Department would do the review, but the feedback was that might take too much time. The suggestion was to be able to choose their independent review which she felt was fair. The policy now requires that there shall be an independent review, but they can choose their supervisor or another individual to review it. Another suggestion from the feedback was for either a committee or Council review of grant applications if a new position was created and established, so she indicated she changed the language to say the Finance Committee and Common Council.

Groat stated she also received feedback from Greg Seubert that the Federal Transit Administration (FTA) requires the city adopt a resolution that delegates the application and grant execution to the mayor. This requirement was passed in 2010, via Resolution 10-0605. She noted the policy now acknowledges this to be in compliance with that resolution.

Motion by Diny, second by Martens to adopt the Grant Acceptance & Management Policy as presented. Motion carried 3-0.



TO: FINANCE COMMITTEE
FROM: MARYANNE GROAT
DATE: December 9, 2022
RE: Grant Policy

The Grant Policy was modified to incorporate responses from the departments. Changes included:

- specifying that the Finance Committee and Common Council must approve grant applications that create new positions and establish ongoing programs. The initial policy did not specify committee's needed to approve.
- Modified the grant report approval language to include: Departments shall develop and maintain a process to independently review and approve grant reports and financial reimbursement requests and draws prior to submission.
- Acknowledging that Council has already delegated transit grant application and execution to the Mayor in resolution 10-0605

CITY OF WAUSAU, WISCONSIN

GRANT ACCEPTANCE & MANAGEMENT POLICY

POLICY OBJECTIVE

The City of Wausau has adopted this grant policy to establish uniform acceptance and administration of grants. In addition, the policies are designed to:

- Provide transparency on grant related activity
- Provide for proper grant award approvals and budgeting
- Ensure grant purpose is consistent with the city and department goals
- Measure the grant's impact on the city's current and future resources
- Reduce exposure to grant-related legal liabilities
- Provide accurate, efficient and effective record management
- Provide reliable and accurate financial reporting
- Develop uniform grant accounting practices
- Maintain compliance with federal and state grant requirements
- Maintain appropriate segregation of duties between recording, authorizing, reporting and approval
- Establish a single repository of grant agreements and financial reports
- Establish a single inventory of grant income and expenses
- Ensure that assets purchased are properly safeguarded

MANAGEMENTS COMPLIANCE RESPONSIBILITIES

City department directors are responsible for administering the grants in a manner consistent with the grantor's terms and conditions. The city is subject to an annual single audit. This compliance audit is performed in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States; the audit requirements of *Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the *State Single Audit Guidelines* issued by the Wisconsin Department of Administration. Management responsibilities include:

- Maintaining a system of internal controls that prevents and detects non-compliance with grant requirements, errors and fraud.
- Maintaining sufficient documentation of grant programs, accomplishments and costs.
- Preparing an accurate and complete schedule of expenditures of federal and state awards.

FINANCIAL RECORD KEEPING

The financial system shall support:

- Approvals and authorizations
- Supporting documentation of expenditures
- Accurate tracking of time spent on grant activities
- Identify sources and uses of grant funds
- Document all transactions allocated to the grant
- Record retention pursuant to grant requirements
- Documentation of subrecipient monitoring

GRANT APPROVAL

Grant awards that exceed \$10,000 or any amount if required by law or the grant must be approved by the Finance Committee and Common Council prior to acceptance of funds. The grant award resolution should include:

- grant purpose
- grant source (ie: federal or state agency, or non-governmental entity)
- grant award amount
- grant period
- required grant match and sources of such funds
- costs that will be incurred by the city as a result of implementing the grant that are not covered by the grant such as equipment, uniforms, vehicles, computers

GRANT APPROVAL cont.

- future budget implications and a continuation plan at grant termination for grants that create new programs or increase FTE's
- include a budget modification if the grant will increase spending
- attach grant award, grant agreement and any other accompanying documentation.
- identify the oversight department and the grant manager responsible for administering the grant

Grant awards shall be signed by the mayor. The oversight department is responsible for submitting required grant award activation documents to the grantor on a timely basis.

Grant award \$10,000 or less may be approved by approved by the mayor.

Grants that create new positions or establish ongoing programs must be approved by the Finance Committee and Common Council prior to submitting a grant application. The grant application resolution should include the relevant information outlined in the grant award resolution.

The grant policy acknowledges that the Common Council resolution 10-0605 has given the Mayor or his/her designee the authority to file grant applications and execute grant agreements with the Federal Transit Administration.

GRANT MANAGEMENT ROLES AND RESPONSIBILITIES

Department Head or Program Managers: Are responsible for grant related activity such as grant writing, grant award approval, grant management, preparing necessary budget modifications, developing grant implementation plans, managing grant programs, submitting programmatic and financial reports to grantors, properly closing out grant projects, managing grant compliance, subrecipient monitoring, and meeting grant terms and conditions. In addition, the department director is responsible for adhering to the grant policy and providing the necessary grant documents to the central repository on a timely basis. Departments shall develop and maintain a process to independently review and approve grant reports and financial reimbursement requests and draws prior to submission.

Finance Director: The Finance Director is responsible for the oversight assistance of grant-related financial activity. In this role the Finance Director reviews financial reports and provides general oversight of other grant related issues including the proper budgeting and accounting. The Finance Director shall be provided copies of all financial reports, draws and reimbursement requests prior to submission.

Mayor: The mayor is responsible for executing grant awards pursuant to the policy.

GRANT AGREEMENT & USE OF FUNDS PROCEDURES

1. Department head or manager, upon receipt of a grant award notification, grant agreement, grant budget, contract or memorandum of agreement, shall forward a copy to the Finance Director for accumulation in a central repository.
2. Finance Director is responsible for establishing the proper accounting worktags to maintain the grant activity in a separate grant code.
3. No grant funds shall be disbursed until the proper approval and worktags have been established in the accounting records.
4. Department head or manager is responsible for establishing the proper review and approval process for purchases and staff time allocated to the grant. Review should include procurement compliance, grant eligibility and sufficient supporting documentation. Transactions shall be coded with the proper worktags to ensure proper accounting.

GRANT REPORTING AND REIMBURSEMENT

1. As required by the grantor, recipient departments must prepare timely and accurate progress or programmatic reports. The reports shall be reviewed and approved by the department director or manager prior to submission.
2. The recipient department shall complete and submit all financial status reports, budget adjustments, reimbursement and draw requests to the Finance Director for review and approval prior to submission. The Finance Director will maintain a copy of these reports for the grant central repository.
3. The recipient department will timely alert the Finance Director of the receipt of grant funds and program income so that they may be accurately recorded in the accounting records.
4. The Finance Director will maintain an inventory of grants which will be used to compile the Schedule of Expenditures and State Awards required by the Uniform Guidance and State Single Audit Guidelines.

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

ORDINANCE OF THE PLAN COMMISSION

Rezoning 1427 Lake Street from SR-5, Single Family Residential-5 Zoning District and 1601 & 1607 Chellis Street from SR-2, Single Family Residential-2 Zoning District to TRD-12, Townhome Residential-12 Zoning District.

Committee Action: Approved 6-1

Fiscal Impact: None.

File Number: 23-0106

Date Introduced: January 10, 2023

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

Section 1. That the site of lands described as follows:

ROOSEVELT PARK ADD #2 LOT 12 BLK 6, MORE COMMONLY KNOWN AS 1427 LAKE STREET

SEC 03-28-07 PT OF NE 1/4 NE 1/4 DESD AS PCL (2) OF CSM VOL 46-36(10984), MORE COMMONLY KNOWN AS 1601 CHELLIS STREET;

SEC 03-28-07 PT OF NE 1/4 NE 1/4 DESD AS PCL (1) OF CSM VOL 46-36(10984), MORE COMMONLY KNOWN AS 1607 CHELLIS STREET

now comprising a part of SR-5, Single Family Residential-5 Zoning District and SR-2, Single Family Residential-2 Zoning District according to the Zoning Ordinance of the City of Wausau is hereby rezoned to TRD-12, Townhome Residential-12 Zoning District.

Section 2. This change in zoning shall be designated on the official city zoning map.

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:

Katie Rosenberg, Mayor

Attest:

Kaitlyn Bernarde, City Clerk

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, December 20, 2022, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Katie Rosenberg, Eric Lindman, Sarah Watson, Dawn Herbst, Bruce Bohlken, Andrew Brueggeman, George Bornemann.

Others Present: William Hebert, Andrew Lynch, Tara Alfonso, Brian Stahl, Mark Thompson, Brian Stolzman, Yvonne Nutter, Robert Egan, Carolyn Wilde, Ty Fischer, Gizo Ujarmeli, Trent Claybaugh

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

PUBLIC HEARING: Discussion and possible action on rezoning 1427 Lake Street from SR-5, Single Family Residential-5 Zoning District and 1601 & 1607 Chellis Street from SR-2, Single Family Residential-2 Zoning District to TRD-12, Townhome Residential-12 Zoning District.

Lynch said that the additional lot at 1611 Chellis Street will need to come back for rezoning and it will be a similar situation as these. The development would be for four lots for an 8-unit building with garage. The access will be off of Lake Street and there will not be any access from Chellis Street. 1611 Chellis Street was a remnant from the 17th Avenue reconstruction project.

Mayor Rosenberg opened the public hearing.

Mark Thompson, Marathon Technical Services at 1699 Schofield Avenue, said that he represents Wausau Real Estate. The request is to rezone from single family to TRD-12. The land use will remain residential. 17th Avenue is a high traffic area and the higher density is justified. The current zoning would allow for 6 units per acre. The building will be two story with 3 bedroom and 2 ½ bathroom in each unit and will have garage space. The plans are included in the packet.

Brian Stolzman, 1411 Lake Street, said that they just moved to the neighborhood. This will be a pretty big change to add 8 units in the back yard. This will bring 8 families with vehicles and will cause traffic issues. The neighborhood will be greatly impacted, and it should stay the same. Stolzman recommended that the commission deny or hold off any voting for more education. This should stay a single-family area. Stolzman added that they are not opposed to advancement.

Yvonne Nutter, 1507 Chellis Street, said the area is mostly owner occupied and this will drastically change the neighborhood. This will obstruct the views of Rib Mountain and Rib River. The property values will be drastically reduced. There are already a lot of vehicles racing down 17th Avenue and making unsafe U-turns. What will the city do to remedy the vehicle traffic? Will a privacy fence be required? Will a survey be required? Will the end of Chellis Street be closed?

Robert Egan, 1413 Lake Street, said that they have only known about this for about 1 week. The 2-story condo will impede the nice view of Rib Mountain. The additional rentals will add to unsavory characters in the area. Egan said the city will do what they want but said he would fight this.

Carolyn Wilde, 3981 North 60th Avenue, said that parcels number 1 and number 2 are not owned by the petitioners and are owned by Spitfire LLC. Wilde asked if it has been sold or closed on. 1427 Lake Street was constructed on but had to be deconstructed. Wilde asked if it has been factored in that no tax has been collected on for 1611 Lake Street. Parcels 1 and 2 are landlocked and Chellis Street does not continue. When the project happened to move the bridge from 11th Avenue to 17th Avenue, the city planners intended on not having structures located at 1427 Lake Street and 1611 Chellis Street. There are no sewer or water services.

Ty Fischer said that the only rental property has officers there all of the time. Fischer said that he is good friends with the entire neighborhood, and this will increase traffic. The beautiful views will be blocked. This could go anywhere. It will be a rental property. A dock will not be able to be put in for water use.

Gizo Ujarmeli said that he appreciates the comments and said that most people have their mind made up already. These will be owner occupied condos and will make the area more beautiful. This will not take away the views. This will not disturb the traffic. This will increase property values, as they will be higher value condos. There will be a no-rental stipulations with the condo association.

Mayor Rosenberg closed the public hearing.

Discussion and possible action on rezoning 1427 Lake Street from SR-5, Single Family Residential-5 Zoning District and 1601 & 1607 Chellis Street from SR-2, Single Family Residential-2 Zoning District to TRD-12, Townhome Residential-12 Zoning District.

Brueggeman motioned to rezone 1427 Lake Street from SR-5, Single Family Residential-5 Zoning District and 1601 & 1607 Chellis Street from SR-2, Single Family Residential-2 Zoning District to TRD-12, Townhome Residential-12 Zoning District. Bohlken seconded.

Lynch said that in the packet, there is a letter from John Kordus who is the owner of Spitfire LLC. In the letter, he is in support of the rezoning request and allowed the zoning request. Hebert said that there is a requirement of fencing or landscaping for a buffer. Lindman said that water and sewer is accessible, and an easement exists.

Brueggeman said that the density of the current zoning would not be changed much with this proposal. Hebert confirmed this. Hebert added that this is just the rezoning but will need to come back for a conditional use for an 8-unit.

The motion carried 6-1. Herbst voted against the item. This item will go to Common Council in January 2023



Memorandum

From: Andrew Lynch
To: Plan Commission
Date: December 15, 2022
Subject: 1427 Lake St & 1601/1607 Chellis St – Rezone from SR-2 and SR-5 to TRD-12

Introduction

Marathon Technical Services LLC on behalf of Wausau Real Estate and Gizo Ujarmeli is petitioning for a rezone of four lots on Lake and Chellis Streets that border 17th Avenue. Wausau Real Estate directly owns 1427 Lake Street and 1611 Chellis Street and will be acting as the agent for John Kordus, the owner of 1601 and 1607 Chellis Street. See the included letter authorizing Wausau Real Estate to act on his behalf for the rezoning. Neighbors were properly notified of this request.

Townhome Residential-12 (TRD-12) Zoning is intended to create, preserve, and enhance areas for townhome multi-family uses in small buildings oriented to the street at low densities up to 12 dwelling units per acre. The petitioner is planning to build up to 8 townhomes on the combined lots with access via Lake Street and would require a conditional use permit to do so.

Amendments to Zoning Map

Section 23.10.31(4)(b) of the Zoning Code outlines criteria for zoning map amendments that staff and the Plan Commission are to review and make recommendation to the Common Council. Under this section, a proposed amendment is to be evaluated as to whether it:

1. Advances the purposes of this Chapter as outlined in Section 23.01.03 and the applicable rules of Wisconsin Department of Administration and the Federal Emergency Management Agency
2. Is in harmony with the Comprehensive Plan
3. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
4. Addresses any of the following factors that are not properly addressed on the current Official Zoning Map:
 - a. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.
 - b. A mapping mistake was made, including the omission on the Official Zoning Map of an approved zoning map amendment.
 - c. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
 - d. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.

Staff Comments:

The rezoning of the parcels to TRD-12 is in harmony with the future land use of Urban Residential and current surrounding residential use. Given the proximity of 17th Ave to the parcels, it is less desirable for single family homes. Access via Lake Street would provide the necessary 40 feet of Frontage at Right-of-Way. Developing these lots individually would be challenging due to the lack of right-of-way frontage.

CITY OF WAUSAU
APPLICATION FOR ZONING MAP AMENDMENT

If you are requesting a zoning map amendment, please provide the following information. Note that a different application is required if you are requesting a conditional use and additional information is required if you are requesting Planned Unit Development District zoning. Should you have any questions about this form or the City's rezoning process, please call 715-261-6780 (Zoning) or 715-261-6760 (Planning).

1. Primary petitioner's Name (PRINT): WAUSAU REAL ESTATE LLC

Primary petitioner's Address (PRINT): 101 SCOTT ST WAUSAU WI 54403

Primary petitioner's Telephone Number (with Area Code): 715-680-0600

Primary petitioner's representative to contact in case of questions about this petition:

GIZO UARMELI
(Name - PRINT)

101 SCOTT ST
(Address - PRINT)

715-680-0600 gem@amaximmo.com
(Telephone No. with Area Code) Email Address

Names of additional petitioners, if any:

(PRINTED Name)

(PRINTED Name)

(PRINTED Address)

(PRINTED Address)

(Telephone No. / Email Address)

(Telephone No. / Email Address)

2. Name, Address, and Telephone Number of EACH additional property owner within the area proposed to be rezoned. If the primary petitioner owns all of the property proposed to be rezoned, merely indicate "NONE." (Add an additional page, if necessary)

Name (PRINT): SPITFIRE LLC Jolita Korus

Address (PRINT): _____

Phone No.: _____ Email Address: _____

Name (PRINT): _____

Address (PRINT): _____

Phone No.: _____ Email Address: _____

3. ADDRESS(ES) of property to be rezoned: 1427 LAKE - 1601, 1607 & 1611 CHELIS
(Please attach a legal description for all the area(s) proposed to be rezoned. This may be available from the City Assessment Department or City Engineering Department.)

4. A. **Existing** zoning district classification(s) of the land included within the petition: SR2 & SR5

B. **Proposed** zoning district classification(s) of the land included within the petition: TRD-12

C. Existing land uses on land included within the petition: VACANT

D. Proposed land use(s) following rezoning: 8 UNIT Condominium TownHome

5. Please provide a brief narrative justifying the rezoning of this property. (Attach an additional sheet if necessary):

See Attached Summary Sheet

6. Please attach a map of the area showing the parcels proposed to be rezoned, adjacent streets, existing zoning on the parcels, and other information you feel might be helpful in evaluating your proposal.

Signature of Petitioner:

Date:

11/28/22

IF ADDITIONAL PAGES ARE NEEDED, PLEASE ATTACH HERETO

Please return this completed form with the information indicated above and the publication fee of **\$400** to the City Planning Office (or the Department of Inspections) located in Wausau City Hall, 407 Grant Street, Wausau WI 54403.

Checks should be made payable to "City of Wausau".

Please note: ⇒ The fee for a requested **special Plan Commission meeting** is **\$550**.

⇒ All fees are subject to increase each year on January 1.

Should you have any questions regarding this form or the City's rezoning process, please phone 715-261-6780 (Zoning) or 715-261-6760 (Planning).

For City Use Only

Date received at City Hall: _____

Received by: _____

Amount submitted with application: \$ _____ Check Number: _____

Month requested for public hearing: _____

Requested Common Council meeting date for final approval: _____

Notes: _____



Marathon Technical Services LLC
1699 Schofield Ave.
Suite 115
Schofield, WI 54476

Consulting Engineers
Municipal Infrastructure, Site Design and Commercial Building Design

November 28, 2022

Mr. William Hebert
City of Wausau
Inspections Department
407 Grant St
Wausau, WI 54403

RE: 1427 Lake St rezoning

Dear Mr. Hebert,

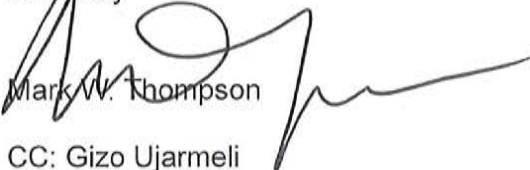
On behalf of Wausau Real Estate LLC and its member Gizo Ujarmeli, please find attached an application for a zoning map amendment for 1601 and 1607 Chellis St, 1427 Lake St and a recently vacated right of way parcel (1611 Chellis), adjacent to these parcels. Wausau Real Estate directly owns 1427 Lake and 1611 Chellis (the vacated right of way), and they have an accepted offer on the two Chellis St parcels. Attached is an agent letter from that owner, Spitfire LLC.

The existing parcels have SR-2 and SR-5 single family zoning. The combined parcels abut 17th Ave., at the north end of the bridge over the Rib River. North on 17th Ave., beginning on the south side of Thomas St., the parcels abutting 17th Ave., are transitioning to retail and service type commercial activities. We believe the area along 17th Ave, south of Thomas St will remain residential. However, with the increasing traffic counts we believe the highest and best use of the subject parcels is a higher density residential growth.

We propose a zoning change to a townhome TRD-12 district, for a proposed condominium development. The TRD-12 district allows a four-unit townhome by right. We later will request a conditional use to develop an eight-unit condominium building. For reference we have enclosed preliminary floor plans, building elevations and a site plan.

Please contact us if there are any questions.

Sincerely


Mark W. Thompson

CC: Gizo Ujarmeli

November 28, 2022

Mr. William Hebert
Inspections Department
407 Grant Street
City of Wausau, WI 54403

RE: 1601 & 1607 Chellis Street

Dear Mr. Hebert

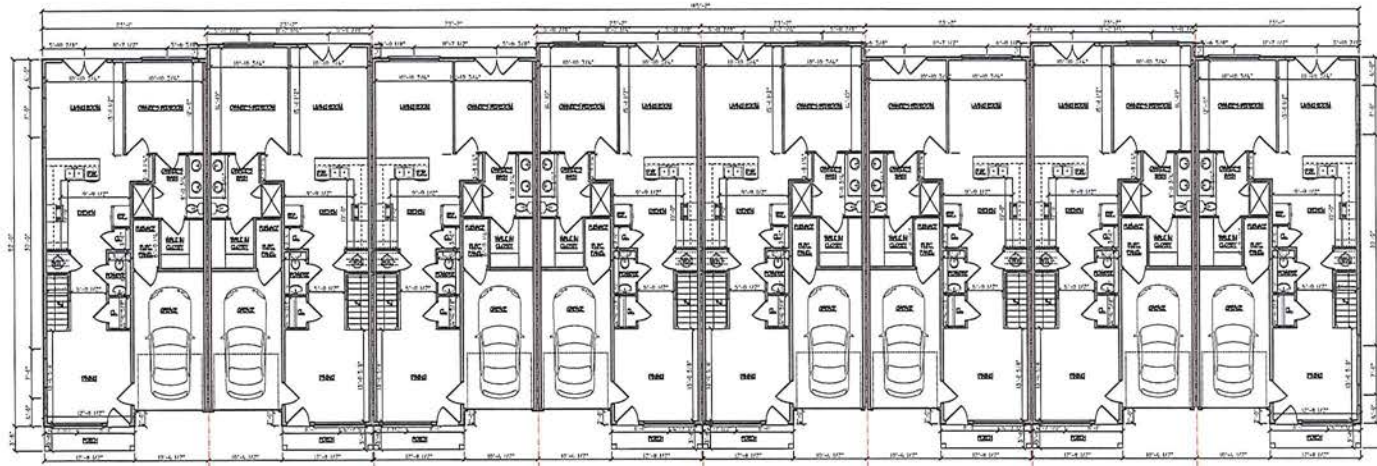
Please be advised that we have accepted an offer to purchase the referenced two parcels from Wausau Real Estate LLC. They are acting as our agent in regard to their request to rezone these two parcels, as well as their two adjacent parcels.

We are in support of their request to rezone the parcels to a Townhome -12 district.

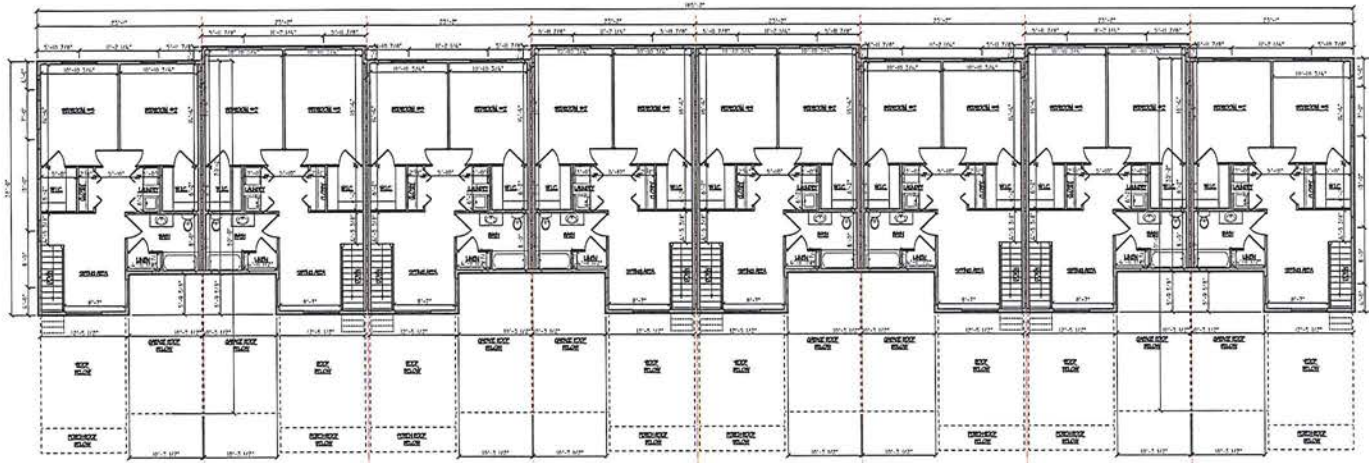
Please contact us if you have any questions.

Sincerely


John Kordus



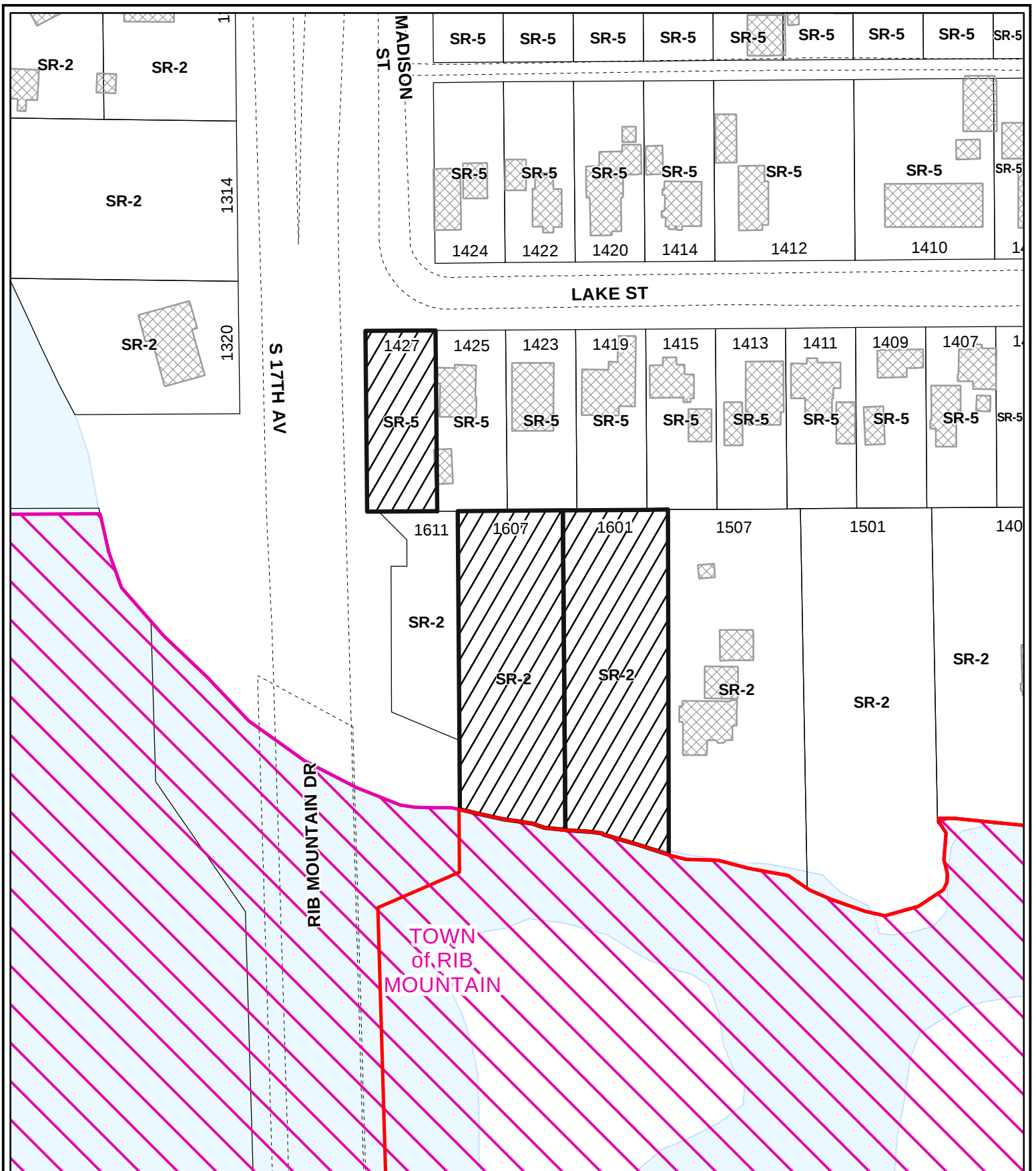
OVERALL FIRST FLOOR PLAN 9,647 SQ. FT.
SCALE: 1/8" = 1'-0"



OVERALL SECOND FLOOR PLAN 6,365 SQ. FT.
SCALE: 1/8" = 1'-0"







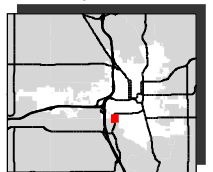
Map Date: December 2, 2022

City of Wausau
Marathon County Wisconsin

0 50 100
Feet

Area of Interest
 Building

Map Location



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

ORDINANCE OF THE PLAN COMMISSION

Rezoning 1723/1725 Bopf Street from TF-10, Two-Flat Residential-10 Zoning District to SR-7, Single Family Residential-7 Zoning District.

Committee Action: Approved 7-0

Fiscal Impact: None.

File Number: 23-0107

Date Introduced: January 10, 2023

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

Section 1. That the site of lands described as follows:

PT OF SW SE 34-29-7 THAT PT LYG S OF S LN OF BOPF ST EXT E OF W LN OF 19TH
AVE EXT N & E OF PCL DESD IN VOL 120D-457 & W OF W LN OF PCL DESD IN
VOL 311D-266, MORE COMMONLY KNOWN AS 1723/1725 BOPF STREET

now comprising a part of TF-10, Two-Flat Residential-10 Zoning District according to the Zoning Ordinance of the City of Wausau is hereby rezoned to SR-7, Single Family Residential-7 Zoning District.

Section 2. This change in zoning shall be designated on the official city zoning map.

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:

Katie Rosenberg, Mayor

Attest:

Kaitlyn Bernarde, City Clerk

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, December 20, 2022, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Katie Rosenberg, Eric Lindman, Sarah Watson, Dawn Herbst, Bruce Bohlken, Andrew Brueggeman, George Bornemann.

Others Present: William Hebert, Andrew Lynch, Tara Alfonso, Brian Stahl, Mark Thompson, Brian Stolzman, Yvonne Nutter, Robert Egan, Carolyn Wilde, Ty Fischer, Gizo Ujarmeli, Trent Claybaugh

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

PUBLIC HEARING: Discussion and possible action on rezoning 1723/1725 Bopf Street from TF-10, Two-Flat Residential-10 Zoning District to SR-7, Single Family Residential-7 Zoning District.

Hebert said that this large lot that has two houses on it and they would like to split the lot. The required lot size needs to be reduced in order to do that. The lot size requirements would be met in SR-7 zoning.

Mayor Rosenberg opened the public hearing.

Mayor Rosenberg closed the public hearing.

Discussion and possible action on rezoning 1723/1725 Bopf Street from TF-10, Two-Flat Residential-10 Zoning District to SR-7, Single Family Residential-7 Zoning District.

Brueggeman motioned to rezone 1723/1725 Bopf Street from TF-10, Two-Flat Residential-10 Zoning District to SR-7, Single Family Residential-7 Zoning District. Bohlken seconded, and the motion carried unanimously 7-0. This item will go to Common Council in January 2023.



STAFF REPORT

TO: City of Wausau Plan Commission
FROM: William D. Hebert, Zoning Administrator
DATE: December 14, 2022

GENERAL INFORMATION

APPLICANT: Ringo Properties, Seth Sierk
LOCATION: 1723 / 1725 Bopf St.
EXISTING ZONING: TF-10, Two Flat
REQUESTED ZONING: SR-7, single family
PURPOSE: Change zone to allow survey split for 2 existing homes
SIZE OF PARCEL: .84 acres

BACKGROUND

The existing parcel has 2 homes and 1 garage on the large lot. This land use is an existing non-conforming situation. The new owner would like to split the parcel into two lots. Each lot would meet the SR-7 lot standards. Also, each lot would have water frontage.

STAFF COMMENTS

Section 23.10.31(4)(b) of the Zoning Code outlines criteria for zoning map amendments that staff and the Plan Commission are to review and make recommendation to the Common Council.

Under this section, a proposed amendment is to be evaluated as to whether it:

1. Advances the purposes of this Chapter as outlined in Section 23.01.03 and the applicable rules of Wisconsin Department of Administration and the Federal Emergency Management Agency.
2. Is in harmony with the Comprehensive Plan.
3. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.

4. Addresses any of the following factors that are not properly addressed on the current Official Zoning Map:
 - a. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.
 - b. A mapping mistake was made, including the omission on the Official Zoning Map of an approved zoning map amendment.
 - c. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
 - d. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.

Staff comments to the above criteria are as follows:

1. Section 23.01.03 of the code pertains to protecting the health, safety, morals, comfort, convenience, and general welfare of the public. The proposed amendment is not anticipated to negatively impact the public as the proposed zoning district is generally compatible with neighboring zoning districts.
2. From a land use perspective, the comprehensive plan encourages a mix of land uses – ones that are not incompatible with each other. The near area has a mix of single family, duplex, and some multiple family in the neighborhood.
3. The intensity of uses would not change significantly.
4. The zoning map amendment is being proposed by the property owner to correct an existing non-conforming land use (2 homes on 1 property). Splitting the lot would create 2 legal conforming lots.

RECOMMENDATION

Approve the zone change request.

CERTIFIED SURVEY MAP
MARATHON COUNTY NO. _____

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4
OF SECTION 34, TOWNSHIP 29 NORTH, RANGE 7 EAST,
CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.

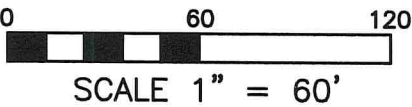
VREELAND ASSOCIATES, INC.
LAND SURVEYORS & ENGINEERS
6103 DAWN STREET WESTON, WI. 54476
PH (715) 241-0947 tim@vreelandassociates.us

PREPARED FOR: **MALLORY SIERK**

FILE #: 22-0434 SIERK

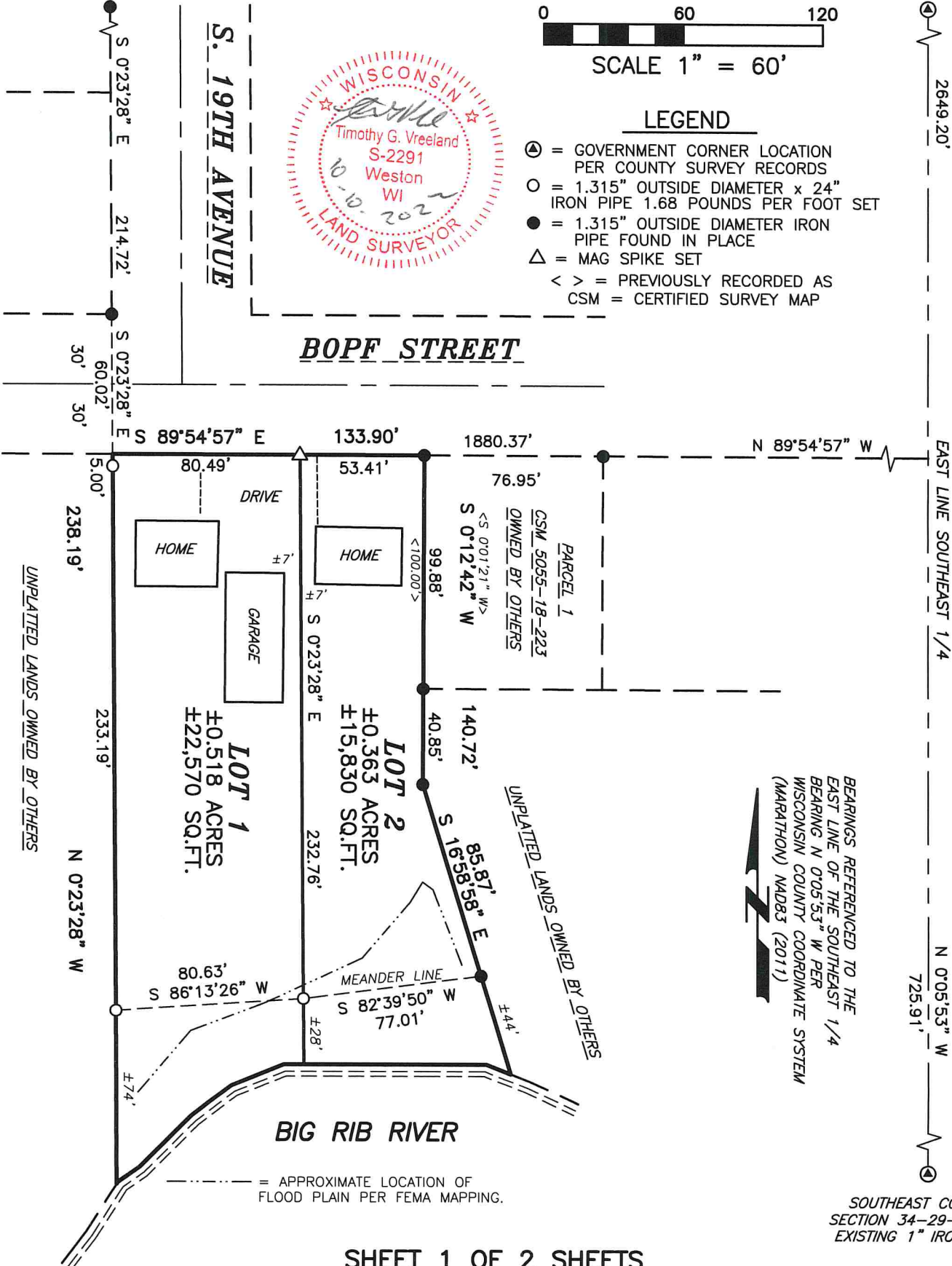
DRAFTED AND DRAWN BY: TIMOTHY G. VREELAND

EAST 1/4 CORNER
SECTION 34-29-7 EAST
EXISTING SMP SPIKE



LEGEND

- ⊙ = GOVERNMENT CORNER LOCATION PER COUNTY SURVEY RECORDS
- = 1.315" OUTSIDE DIAMETER x 24" IRON PIPE 1.68 POUNDS PER FOOT SET
- = 1.315" OUTSIDE DIAMETER IRON PIPE FOUND IN PLACE
- △ = MAG SPIKE SET
- < > = PREVIOUSLY RECORDED AS CSM = CERTIFIED SURVEY MAP



BEARINGS REFERENCED TO THE
EAST LINE OF THE SOUTHEAST 1/4
BEARING N 0°05'53" W PER
WISCONSIN COUNTY COORDINATE SYSTEM
(MARATHON) NAD83 (2011)

SOUTHEAST CORNER
SECTION 34-29-7 EAST
EXISTING 1" IRON ROD

CERTIFIED SURVEY MAP
MARATHON COUNTY NO. _____

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP
29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.

SHEET 2 OF 2 SHEETS

SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIRECTION OF MALLORY SIERK, I SURVEYED, MAPPED AND DIVIDED THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34; THENCE N 0°05'53" W ALONG THE EAST LINE OF THE SOUTHEAST 1/4 725.91 FEET; THENCE N 89°54'57" W 1880.37 FEET TO THE POINT OF BEGINNING; THENCE S 0°12'42" E ALONG THE WEST LINE OF PARCEL 1 OF CERTIFIED SURVEY MAP NUMBER 5055 140.72 FEET; THENCE S 16°58'58" E 85.87 FEET TO A POINT LYING 48 FEET MORE OR LESS FROM THE ORDINARY HIGH WATER OF BIG RIB RIVER AND THE BEGINNING OF A MEANDER LINE; THENCE S 82°39'50" W ALONG THE MEANDER LINE 77.01 FEET; THENCE S 86°13'26" W ALONG THE MEANDER LINE 80.63 FEET; THENCE N 0°23'28" W 238.19 FEET TO THE SOUTH LINE OF BOPF STREET; THENCE S 89°54'57" E ALONG THE SOUTH LINE OF BOPF STREET 133.90 FEET TO THE POINT OF BEGINNING. INCLUDING ALL LANDS LYING BETWEEN THE MEANDER LINE AND THE ORDINARY HIGH WATER OF BIG RIB RIVER. SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD AND USE.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION AND THE CERTIFIED SURVEY MAP THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES IN SURVEYING, MAPPING AND DIVIDING THE LANDS, CHAPTER A-E 7 OF THE WISCONSIN ADMINISTRATIVE CODE AND THE LAND DIVISION ORDINANCE OF CITY OF WAUSAU, ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING, DIVIDING AND MAPPING THE SAME.



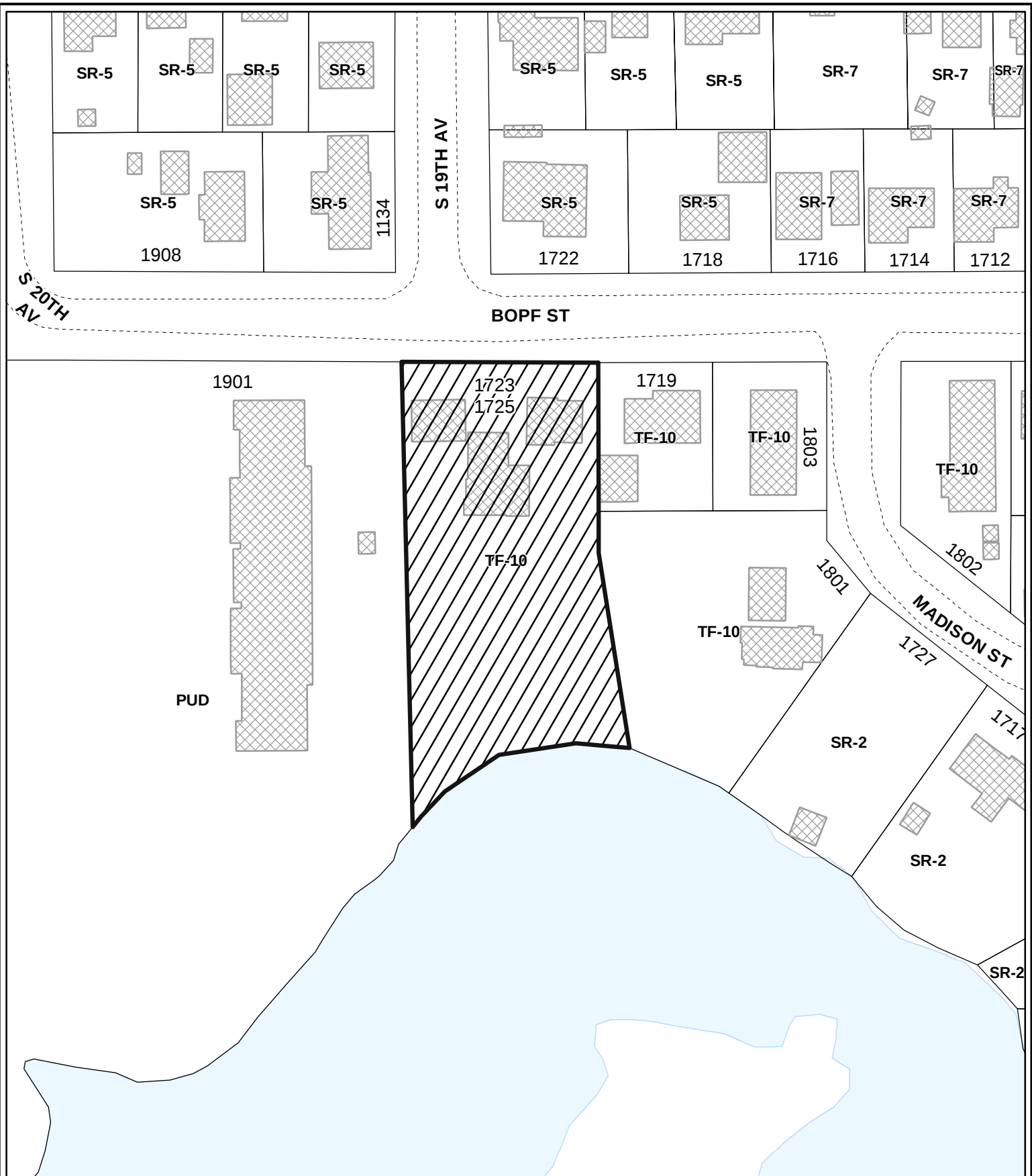
DATED THIS 10TH DAY OF OCTOBER, 2022
SURVEY PERFORMED SEPTEMBER 23RD, 2022

TIMOTHY G. VREELAND

P.L.S. 2291

I, _____
CITY OF WAUSAU, ZONING ADMINISTRATOR
BEING DULY APPOINTED BY THE COMMON
COUNCIL, DO HEREBY CERTIFY THAT THE
ATTACHED CERTIFIED SURVEY MAP HAS BEEN
REVIEWED AND THERE ARE NO OBJECTIONS
TO RECORDING THIS CERTIFIED SURVEY MAP
IN THE REGISTER OF DEEDS OFFICE.

DATE _____



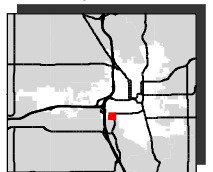
Map Date: December 2, 2022

City of Wausau Marathon County Wisconsin

0 50 100
Feet

- Area of Interest
- Building

Map Location



RESOLUTION OF THE PUBLIC HEALTH & SAFETY COMMITTEE

Supporting Membership in the Wisconsin Local Government Climate Coalition

Committee Action: Approved 3-2

Fiscal Impact: None

File Number: 23-0113

Date Introduced: January 10, 2023

WHEREAS, the City of Wausau has cause for concern regarding the negative impacts of climate change on greater society and within our own community. Climate change increases the risk of certain natural disasters, adverse health impacts, public infrastructure damage, economic loss, and impact on municipal finances; and

WHEREAS, addressing and mitigating the major contributing factors such as the burning of fossil fuels is imperative to slow climate change and protect the public welfare; and

WHEREAS, the State of Wisconsin has a goal of 100 percent carbon-free electricity by 2050 and local governments are important actors to help implement the State's goal and Clean Energy Plan; and

WHEREAS, the City of Wausau has:

- A Mission Statement that includes promoting and enhancing our living environment.
- A draft Strategic Plan that addresses sustainability and resilience.
- In 2008, passed an energy independence resolution
- In 2020, joined the Green Tier Legacy Community through the Wisconsin Department of Natural Resources, and

WHEREAS, the Wisconsin Local Government Climate Coalition (WLGCC) is a group of local governments who work together to seek low-carbon and clean energy solutions. Members recognize that climate change poses severe risks to our communities and that we cannot avoid the worst effects of climate change without effective State policy; and

WHEREAS, the WLGCC supports:

1. Increased state and federal funding for energy efficiency, renewable energy, electrification of transportation and buildings, and advanced technology and research development solutions

2. State policies and laws that enable local governments and others to implement such actions to grow the clean energy workforce
3. State plan to retire coal plants no later than 2045
4. Choices and universal access to clean energy to reduce cost and participation barriers
5. Smart growth development policies and funding to reduce vehicle miles traveled, preserve natural resources, including agricultural, forestry, and recreational lands; and

WHEREAS, there is no cost to becoming a WLGCC member and the technical assistance provided to the City can result in additional savings and grant opportunities; and

WHEREAS, the City of Wausau shares the goals of the WLGCC.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Wausau that the City of Wausau officially joins the WLGCC in their efforts.

BE IT FURTHER RESOLVED, that the Mayor is authorized to comment or intervene on behalf of the City of Wausau in contested rate cases, dockets, investigations, and other proceedings before the Wisconsin Public Service Commission that relate to the City of Wausau's carbon reduction goals.

Approved:

Katie Rosenberg, Mayor

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, December 19, 2022, at 5:15 pm, (Council Chambers)

Members Present: Lisa Rasmussen, Chad Henke, Doug Diny, Lou Larson, Becky McElhaney

Others Present: Nathan Miller, Ben Bliven, Matt Barnes, Jeremy Kopp, Tara Alfonso, Andrew Lynch, Kaitlyn Bernarde, Mary Goede, Katie Rosenberg

Discussion and possible action on a Resolution Supporting Membership in the Wisconsin Local Government Climate Coalition

Rasmussen commented this follows a few movements that the city has made in past years to try to find collaborative resources for information and policy formation surrounding climate issues. She noted the Sustainability, Energy and Environment Committee is recommending the city join.

Doug Diny questioned who specifically invited the city to join the organization and Andrew Lynch responded the invitation came from the WLGCC. Diny questioned if this was a lobby group for these issues with the state. Lynch confirmed they advocate on behalf of local governments regarding legislation and give opportunity to comment on state or federal legislation. Diny stated he read through their mission statement, and it doesn't appear that it is offering any direct support to the city, other than the city helping them to lobby on their mission and pointed out we may not necessarily agree on all of these mission points.

Lynch commented it is optional whether we sign on, but the WLGCC is working on local assistance programs. He stated he welcomed help from any group the is willing to help drink from the firehose that is the Infrastructure Act and the Inflation Reduction Act and all the different programs and grants available. There are so many different things that we may or may not qualify for which is a difficult task to figure out. He stated the City Planner Brad Lenz and himself are looking to develop a baseline of the city's greenhouse gas emissions in the near future and find out which strategies will easily and quickly reduce those emissions through grant opportunities. The WLGCC can help us with that mission by making available some tools to help with that process as well as connect us with other city leaders and executives to see what has worked for their communities.

Rasmussen felt the call to action that a city or member would get from something like this similar to items we see coming from the League of Wisconsin Municipalities or the Wisconsin Counties Association where they want us to contact legislators to be either yea or nay of a proposal that is coming to the floor, but whether we do it or not is the city's choice.

Mayor Rosenberg described it as thought leadership and that WLGCC has offered great programming, such as the one Andy Lynch attended in Milwaukee where the former Deputy Director of the Department of Energy spoke on some of these issues. She agreed it was along the lines of signing onto things like the League would suggest, although this is through an environmentalist lens.

Diny commented he was not opposed to signing onto something similar to the League that will help guide the city, but it would seem there are dozens of these types of organizations, and it may set a precedent by signing on to one. He felt it was a fairly new organization, and he was reluctant to join that kind of group because he did not see it as a help to us.

Motion by McElhaney, second by Henke to approve the resolution supporting membership with WLGCC. Motion carried 3-2. (*Diny and Larson were the dissenting votes.*)



Memorandum

From: Andrew Lynch
To: Public Health and Safety Committee
Date: December 15, 2022
Subject: Resolution to join the Wisconsin Local Government Climate Coalition

Introduction

The City has been asked to join the <https://wlgcc.org/> Wisconsin Local Government Climate Coalition (WLGCC). This organization represents local governments at the state level to pursue clean energy and climate change solutions. This facilitates data-sharing and communication between communities, technical support for local staff, and access to grant opportunities.



Staff Comments:

The mission of the WLGCC is in line with previous City of Wausau resolutions, actions, the comprehensive plan, and draft strategic plan. The Sustainability, Energy and Environment Committee endorsed becoming a member after meeting with representatives of WLGCC and were encouraged by the technical support and collaboration opportunities available. This also included help and direction applying for future grants from the Bipartisan Infrastructure Law and the Inflation Reduction Act. There is no cost to join and any actions seeking endorsement of the City are optional. The Mayor is the appointed person to review the requests for endorsement and can do so in consultation with staff.

CITY OF WAUSAU SUSTAINABILITY, ENERGY AND ENVIRONMENT COMMITTEE

Time and Date: The Sustainability, Energy and Environment Committee met on Thursday, December 1, 2022 at 5:30 p.m. in the Board Room of Wausau City Hall

Members Present: John Kroll (C), Jay Coldwell, Carol Lukens, Mary Kluz, Ashley Lange, Jesse Kearns

Others Present: Andrew Lynch, Brad Lenz

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

7. Discussion and Possible Action: Resolution to join the Wisconsin Local Government Climate Coalition

Lynch discussed the purpose of joining the WLGCC and all that was required was a resolution from the City. Joining the WLGCC would provide the City input on state legislative and regulatory actions, provide technical assistance, and assist with finding grants. Regarding the draft resolution, the committee suggested inserting the history of sustainability actions the city has already taken and insert a mention of the BIL and IRA legislation, but otherwise it was fine.

Motion: Recommend to City Council to adopt resolution, with discussed edits, to join the WLGCC.

Kluz/Kearns. Motion and Second. Motion passes unanimously.

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

**JOINT RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE AND FINANCE COMMITTEE**

Approving Urban Nonpoint Source Construction Grant Agreement to Convert the Strawberry Fields Dry Detention Pond to a Wet Pond

Committee Action: CISM: Approved 5-0
Fin: *Pending*

Fiscal Impact:

File Number: 23-0104

Date Introduced: January 24, 2023

FISCAL IMPACT SUMMARY

COSTS	Budget Neutral	Yes ☐ No ☒	
	Included in Budget:	Yes ☒ No ☐	Budget Source:
	One-time Costs:	Yes ☐ No ☐	Amount:
	Recurring Costs:	Yes ☐ No ☐	Amount:
SOURCE	Fee Financed:	Yes ☐ No ☐	Amount:
	Grant Financed:	Yes ☐ No ☐	Amount:
	Debt Financed:	Yes ☐ No ☐	Amount: Annual Retirement
	TID Financed:	Yes ☐ No ☐	Amount:
	TID Source: Increment Revenue ☐ Debt ☐ Funds on Hand ☐ Interfund Loan ☐		

RESOLUTION

WHEREAS, the City of Wausau has been awarded partial project funding for the Strawberry Fields Dry to Wet Pond Conversion Project; and

WHEREAS, this project will convert an existing dry detention basin located near the cul-de-sac at South 50th Avenue to a wet retention basin, which will allow greater pollutant capture and assist the City of Wausau in meeting the TMDL requirements of lowering total phosphorous discharge; and

WHEREAS, your Capital Improvements and Street Maintenance Committee discussed the grant agreement at its meeting on December 8, 2022 and recommends approval; and

WHEREAS, your Finance Committee discussed the grant agreement at its meeting on January 10, 2023 and recommends approval;

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wausau that the proper City officials are hereby authorized and directed to execute the necessary documents related to the Urban Nonpoint Source Construction Grant Agreement to convert the Strawberry Fields dry detention pond to a wet pond.

BE IT FURTHER RESOLVED that the City of Wausau shall comply with all state and federal laws, regulations and permit requirements pertaining to implementation of this project and to fulfillment of the grant document provisions.

Approved:

Katie Rosenberg, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: December 8, 2022, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lou Larson, Doug Diny, Chad Henke, Lisa Rasmussen, Gary Gisselman

Also Present: Eric Lindman, Allen Wesolowski, TJ Niksich, Tara Alfonso, Cord Buckner, Lori Wunsch

Discussion and possible action on Urban Non-Point Source Construction Grant Agreement to convert the Strawberry Fields dry detention pond to a wet pond

Niksich brought this project forward before. We have applied for a grant of up to \$149,000 to reconstruct the pond to help us meet our TMDL requirements. Once the grant is approved, we would go out for RFP for design services in spring of 2023. Design would take place in 2023 with construction in 2024. The total project cost including design is estimated at \$470,000. We have budgeted for design services in 2023.

Henke asked how much this would help with suspended solids. Niksich said it would help with suspended solids as well as phosphorous reduction; about 5% towards our five-year goal.

Gisselman asked for an explanation and background for the public. Niksich explained this pond is a dry pond. It collects storm water runoff along 50th Avenue. Right now, the pond acts strictly as a volume control / flood control. The water comes into the pond and there is a restrictor plate in the outfall of the pond that stops the flow from freely discharging into the river and possibly flooding downstream. The plan is to make this a wet pond. There will be a consistent body of water, about 5 feet deep, that will act as both flood control and phosphorous removal. Once the stormwater comes into the pond, it will dissipate into the existing body of water and allow the phosphorous and suspended solids to sink to the bottom and remain in the pond rather than discharged into the river. Periodically we will have to drain the pond and dig out the sediments.

Diny asked what construction is required to make this happen. Niksich said the pond will be made deeper to create the body of water and change the outfall. The pond would be lined with either 2' of clay or a rubber liner.

Henke moved to approve the grant agreement. Diny seconded and the motion carried unanimously 5-0.

AGENDA ITEM
Discussion and possible action on Urban Non-Point Source Construction Grant Agreement to convert the Strawberry Fields dry detention pond to a wet pond
BACKGROUND
The City has applied for, and has been awarded, partial project funding for the Strawberry Fields Dry to Wet Pond Conversion project. The project will convert an existing dry detention basin located near the cul-de-sac at S. 50 th Avenue to a wet retention basin. This project will allow greater pollutant capture and assist the city in meeting the TMDL requirements of lowering Total Phosphorous discharge.
FISCAL IMPACT
The total grant award is for \$149,000, of which \$103,099 is obligated to construction and \$45,901 is obligated to design services. Total project costs are estimated to be \$470,739.
STAFF RECOMMENDATION
Staff recommends approval of the grant agreement.
Staff contact: TJ Niksich 715-261-6748

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



November 15, 2022

► **REQUIRES IMMEDIATE ACTION** ◀
Urban NPS & Stormwater Mgmt. Program
Grant# USC37291Y23
Grant Amount: \$149,000.00

Thomas J. Niksich, Project Engineer
City of Wausau
407 Grant St.
Wausau, WI 54403

Dear Mr. Niksich:

Congratulations! On behalf of the Governor, we are pleased to forward to you a grant agreement for financial assistance for the following project: *Strawberry Fields Dry to Wet Pond Conversion*.

This grant, and any reimbursements made under it, is governed by very specific statute and administrative code provisions. Accordingly, please read the grant documents thoroughly, paying particular attention to the Scope and Conditions sections for eligibility, grantee requirements and reimbursement provisions. There are also a number of activities where you must obtain prior departmental review and authorization before proceeding.

You are obligated to submit a final report, using the Department's BMP Implementation Tracking System (BITS), prior to submitting your final reimbursement request for the projects completed under this grant; before and after photographs are a required component for construction projects.

On January 26, 2023, DNR and UW-Madison Division of Extension will hold a grant administration webinar from 1:30 to 3:30 p.m. to provide information about seeking reimbursement from DNR, amending your grant, submitting the final report, etc. All grantees receiving CY 2023 grant awards must attend the webinar or view the webinar recording prior to submitting the first reimbursement request for their grant. Webinar registration information is included in the email from DNR with your grant agreement.

To accept this grant, please review the agreement and email a scanned copy signed by the authorized government official, along with the completed *Grantee Contact Page*, and evidence that your community has committed the necessary funding for the local share, to DNRCFANONPOINTGRANTS@wisconsin.gov by March 1, 2023.

Please review this grant thoroughly and if you have any questions, contact your Regional Nonpoint Source Coordinator, Terry Kafka, at (715) 498-0432. Thank you for your continued cooperation with Wisconsin's Runoff Management Grant Programs.

Sincerely,


for Jim Ritchie, Director
Bureau of Community Financial Assistance

Enclosure(s)

C (e-copy): Terry Kafka, Regional Nonpoint Source Coordinator, DNR West Central Region
Corinne Johnson, Nonpoint Source Program Grant Manager, CF/2

PROJECT CONTACT PAGE

INSTRUCTIONS: In the spaces below, insert contact information for the person **most directly involved** with this particular project. The Department will contact the person named for all matters related to this project.

Grant No.	USC37291Y23	
Governmental Unit	City of Wausau	
Project Contact Name		
Project Contact Title		
Project Contact Mailing Address		
Project Contact Phone Number (direct):	()	Extension:
Project Contact Email Address:		

Address to which reimbursement checks should be sent if different than contact information above:

Name		
Title		
Mailing Address		
Phone Number (direct):	()	Extension:
Email Address:		

If information provided on this page -- or any information in Part 1 of the grant agreement changes during the grant period, please provide the updated information to DNR Nonpoint Source Program Grant Manager and the DNR Regional Nonpoint Source Coordinator.

Please complete this contact page and email it with the signed grant agreement to:

DNRCFANONPOINTGRANTS@wisconsin.gov.

State of Wisconsin
Department of Natural Resources
Bureau of Community Financial Assistance (CF/2)
PO Box 7921
Madison, Wisconsin 53707-7921

WISCONSIN URBAN NONPOINT SOURCE WATER POLLUTION ABATEMENT
& STORMWATER MANAGEMENT GRANT PROGRAM
CONSTRUCTION GRANT AGREEMENT

Form 8700-328 (rev. 07/2021)

Notice: By signing and dating this grant agreement, grantees indicate concurrence with terms of this agreement, authorized under ss. 281.65 and 283, Wis. Stats., and chs. NR 151, 153, 154, and 243, Wis. Adm. Code. Signed agreement must be returned to the address above within 30 days so that funds will be reserved for this project. Failure to return a signed agreement will result in denial of grant funds. Personally identifiable information collected will be used for program administration and may be made available to requesters as required under Wisconsin's Open Records Law [ss. 19.31 - 19.39, Wis. Stats.].

PART 1. GRANT ADMINISTRATION INFORMATION

Grant Number USC37291Y23	Grant Award Date November 15, 2022		
Grantee (Unit of Government) City of Wausau			Total Grant Amount \$149,000
Project Name Strawberry Fields Dry to Wet Pond Conversion		Grant Period From January 1, 2023 Through December 31, 2024	
Authorized Government Official Eric Lindman, Director of Public Works		Grantee Contact Thomas J. Niksich, Project Engineer	
Government Official Address 407 Grant St.		Contact's E-mail Address thomas.niksich@ci.wausau.wi.us	
City, ZIP Code, County Wausau, 54403, Marathon County		Contact's Telephone Number (715) 261-6748	
Name of Department Regional Nonpoint Source Coordinator, Phone Number and Email Address Terry Kafka, (715) 498-0432, Terence.Kafka@wisconsin.gov			DNR Region West Central Region

PART 2. ELIGIBLE COST-SHARE BUDGET DATA

Note: Line items cannot be exceeded without grant agreement amendment.

Budget Line Item Description	State Cost-Share Amount	Cost-Share Percentage
1. CONSTRUCTION	\$103,099.00	31.7%
2. ENGINEERING/DESIGN	\$45,901.00	31.7%
Total Maximum Grant Amount	\$149,000.00	

PART 3. PURPOSE AND SCOPE

This grant provides cost-share funding and authorizes reimbursement by the DEPARTMENT for the above-named project as described in the grant application submitted for the grant period in Part 1 above. Reimbursements may be made for eligible work performed and expenses incurred for the following Best Management Practices consistent with the project budget identified in Part 2 above.

[U6] Urban Practice Design
[U14] Wet Detention Pond

PART 4. CONDITIONS

A. General Conditions

- A.1. The Wisconsin Department of Natural Resources (DEPARTMENT) and the GRANTEE identified in Part 1 above mutually agree to perform this agreement in accordance with the Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Grant Program and ss. 281.66 and 283, Wis. Stats., and chs. NR 151, 154, 155, and 216, Wis. Adm. Code, and with the project proposal, application, terms, promises, conditions, plans, specifications, estimates, procedures, maps and also any assurances attached and made a part of this agreement.
- A.2. This agreement, together with any referenced parts and attachments, shall constitute the entire agreement and previous communications or covenants pertaining to this agreement are superseded. Any revisions to this agreement must be made by written amendment, signed by both parties, prior to the termination date of this agreement, whether

for changes in scope, grant period, or cost. Requests to extend the grant period must be made 45 days or more before the end of the grant period in Part 1.

A.3. Failure by the GRANTEE to comply with the terms of this agreement shall not cause the suspension of all obligations of the State if, in the judgment of the Secretary of the DEPARTMENT, such failure was due to no fault of the GRANTEE. In such case, any amount required to settle at minimum costs any irrevocable obligations properly incurred shall be eligible for reimbursement under this agreement, at the DEPARTMENT's discretion.

A.4. Eligibility for cost-sharing reimbursement is governed by the provisions of s. NR 154.04 and ch. NR 155, Wis. Adm. Code. Cost-share rates and applicability may be further limited by departmental contract approval(s), which may restrict the cost-share amount due to the eligibility requirements of the statute and codes.

A.5. The amount listed in Part 2 above is the maximum amount the DEPARTMENT may reimburse under this agreement.

A.6. Neither the GRANTEE nor any landowner may adopt any land use or practice that reduces the effectiveness or defeats the purposes of any BMP installed under this agreement.

A.7. The GRANTEE:

1. Agrees to comply with all applicable Federal, Wisconsin, and local laws in fulfilling the terms of this agreement. In particular, GRANTEE agrees to comply with all applicable local and state contract and bidding requirements. GRANTEE should consult its legal counsel with questions concerning contracts and bidding. For assistance, GRANTEE may consult Procurement Guide for Local Governments Receiving DNR Grants.
2. Agrees to obtain all necessary and appropriate permits prior to commencement of construction.
3. Shall ensure that DEPARTMENT representatives have access to land on which grant-funded activities are being planned or installed, before, during and after BMP installation.
4. Promises, in consideration of the promises made by the DEPARTMENT, to execute the project described in accordance with this agreement.
5. May decline the offer of financial assistance provided through this agreement, in writing, at any time prior to the start of the project and before expending any funds. After the project has been started or funds expended, this agreement may be rescinded, modified, or amended only by mutual agreement in writing.
6. Agrees that its employees or agents are not employees or agents of the DEPARTMENT for any purpose, including Worker's Compensation.
7. Agrees, to save, keep harmless, defend and indemnify the DEPARTMENT and all its officers, employees and agents, against any and all liability claims, costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (state or other) occurring in connection with or in any way incident to or arising out of the occupancy, use, service, operation or performance of work in connection with this agreement or omissions of GRANTEE's employees, agents or representatives.
8. Agrees to reimburse the DEPARTMENT of any and all funds the DEPARTMENT deems appropriate in the event the GRANTEE fails to comply with the conditions of this agreement or project proposal as described, or fails to provide public benefits as indicated in the project application, proposal description or this agreement. In addition, should the GRANTEE fail to comply with the conditions of this agreement, fail to progress due to non-appropriation of funds, or fail to progress with or complete the project to the satisfaction of the DEPARTMENT, all obligations of the DEPARTMENT under this agreement may be terminated, including further project cost payment.
9. Agrees, in connection with the performance of work under this agreement, not to discriminate against any employee or applicant for employment because of age, race, religion, color, disability, handicap, sex, physical condition, developmental disability as defined in s. 51.01(5), Wis. Stats., sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the GRANTEE further agrees to take affirmative action to ensure equal employment opportunities, as required by law. The GRANTEE

agrees to post in conspicuous places available, for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

10. Agrees that accounting for project funds shall conform to generally accepted accounting principles and practices, and that GRANTEE shall maintain a financial management system in compliance with s. NR 155.29, Wis. Adm. Code, and separate from all other GRANTEE activities, for this agreement.
11. Agrees that all consultant and construction contracts must be approved by the DEPARTMENT in order to determine reimbursement eligibility and conformity with practice technical standards and storm water permitting requirements.
12. Agrees that project design must be approved by the DEPARTMENT before construction begins.
13. Shall comply with the cost containment and procurement procedures in the applicable administrative codes governing this agreement.
14. Agrees to obtain prior DEPARTMENT approval before entering into a cost-share agreement with landowners and land operators if the best management practice will be constructed on land not owned by the GRANTEE. The cost-share rate offered to the landowner may not exceed the cost-share percentage specified in Part 2 of this agreement. Such agreements and any agreement amendments shall be recorded with the County Register of Deeds and promptly submitted to the DEPARTMENT's Regional Nonpoint Source Coordinator listed in Part 1 above.
15. Shall not issue funds under this agreement to individuals whose names appear on the statewide support lien docket under s. 49.854(2)(b), Wis. Stats. unless the individuals submit to the provider a payment agreement that has been approved by the county child support agency under s. 59.53(5), Wis. Stats., and that is consistent with rules promulgated under s. 49.858(2)(a), Wis. Stats.
16. Agrees to retain and make available to the DEPARTMENT for inspection all fiscal records, including invoices and canceled checks, that support all project costs claimed by the GRANTEE, for three years from the date of final payment by the DEPARTMENT or three years after the end of the Grant period, whichever is later, or for a longer period if required by the DEPARTMENT for audit purposes.
17. Agrees to comply with annual Single Audit requirement, at its own expense, if combined total state and federal grant awards received by the GRANTEE from all sources is \$750,000 or more during the calendar year. Annual Single Audit requirements are specified in 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, & Audit Requirements for Federal Awards (referred to as Uniform Guidance) and the Wisconsin State Single Audit Guidelines found at: <http://www.doa.state.wi.us/Divisions/budget-and-finance/financial-reporting/state-controllers-office/state-single-audit-guidelines> issued by the Wisconsin Department of Administration (DOA), State Controller's Office.
18. Agrees to request reimbursement of grant-eligible activities only, as listed in Part 3, for expenses incurred during the grant period specified in Part 1.
19. Agrees to complete and submit project progress reports to the DEPARTMENT Regional Nonpoint Source Coordinator, identified in Part 1 of this agreement, with each request for partial grant reimbursement.
20. Agrees, within 60 days of grant expiration date, to complete and submit a final report, using the DEPARTMENT's "BMP Implementation Tracking System" (BITS), and complete and submit a final request for grant reimbursement to the DEPARTMENT's Regional Nonpoint Source Coordinator for review and approval.
21. Should consider following methods for controlling, transporting and disposing of aquatic invasive plants and animals and water in which they may be contained, as described in the DEPARTMENT's Manual Code 9183.1 *Boat, Gear, and Equipment Decontamination and Disinfection* and available on the DEPARTMENT's website at: <http://dnr.wi.gov/topic/invasives/disinfection.html>.

A.8. The DEPARTMENT:

1. Promises, in consideration of the covenants and agreements made by the GRANTEE, to obligate for the GRANTEE the amount identified in Part 2 above and to tender to the GRANTEE that portion of the obligation that

is required to pay the DEPARTMENT's share of the costs based on the cost-share percentage listed in Part 2 above for eligible project work performed and expenses incurred during the grant period noted in Part 1 above.

2. Agrees that the GRANTEE shall have sole control of the method, hours worked, and time and manner of any performance under this agreement other than as specifically provided in this document. The DEPARTMENT reserves the right only to inspect the job site or premises for the sole purpose of ensuring that the project is progressing or has been completed in compliance with the agreement. The DEPARTMENT takes no responsibility of supervision or direction of the performance of the agreement to be performed by the GRANTEE or the GRANTEE's employees or agents. The DEPARTMENT further agrees that it will exercise no control over the selection and dismissal of the GRANTEE's employees or agents.
3. Shall not reimburse GRANTEE for engineering design costs until installations of associated BMPs have been completed and certified by the GRANTEE as installed in accordance with the grant program standards and specifications of ch. 154, Wis. Admin. Code.
4. Shall not issue final reimbursement to the GRANTEE unless GRANTEE has submitted the Final Report and the Final Report has been approved by the DEPARTMENT Regional Nonpoint Source Coordinator.

B. Special Conditions

- B.1. **Environmental Protection**. The GRANTEE is responsible for following all federal and state regulations for detecting and managing contaminated soils or solid waste encountered during installation of the best management practices funded under this grant. If such materials are encountered, the grantee shall immediately contact the DNR Regional Nonpoint Source Coordinator. The DEPARTMENT may terminate this grant if it determines that installation and operation of the BMP may facilitate movement of hazardous substances to waters of the state.
- B.2. **Natural Heritage Concerns**. If historical/cultural artifacts are unearthed or environmental hazards are discovered during any earth disturbance under this agreement activity, GRANTEE must immediately stop construction activities and notify the DEPARTMENT's Regional Nonpoint Source Coordinator to determine the appropriate response.
- B.3. **Enforcement**. As stipulated in the application for this project noted in Part 1 above, the GRANTEE is responsible for enforcing all local ordinance obligations for construction erosion and post-construction runoff and implementing the storm water local program indicated under the Multiplier section of the application.
- B.4. **Land Acquisition**. This grant authorizes cost-sharing reimbursement, not to exceed the amount in the Land Acquisition budget line and the cost-share percentage set forth in Part 2 above, on the actual eligible purchase price of land required for construction of the best management practice. Value of land for grant purposes is determined by appraisal. Appraisals must be approved by the DEPARTMENT prior to any acquisition, and maximum eligible costs are limited to the amount authorized by the DEPARTMENT's appraisal approval letter. See s. NR 155.25, Wis. Adm. Code, for grant-specific land acquisition requirements and "Land Acquisition Guidelines for Local Governments" for uniform land acquisition requirements for all DEPARTMENT grant programs.

PART 5. INELIGIBLE COSTS

1. Costs incurred, or work performed, either prior to or after the grant period (page 1, Part 1), unless specifically authorized in the grant *Purpose and Scope* (Part 3).
 2. Costs which are inconsistent with the grant application or this grant agreement,
 3. Costs related to operation and maintenance of BMPs.
 4. Costs specified in s. NR. 155.15(2), Wis. Adm. Code.
-

FOR THE GRANTEE

By: _____

Authorized Government Official_____
Title_____
Date Signed

FOR THE STATE OF WISCONSIN

By: _____


for Jim Ritchie, Director
Bureau of Community Financial Assistance

Date Signed_____
(Printed Name, If Different Than Authorized Government Official on P.1)

When returning the signed grant, you must also include evidence of your community's local share of the grant project costs – such as a copy showing its inclusion in the municipal budget, or other evidence that the community has, in fact, committed the necessary funding to complete the project. Alternatively, you may certify that commitment below.

Certification provided as an alternative to evidence of local share:

I, the undersigned, hereby certify and attest that the GRANTEE has incorporated the "local share" of funding for the project covered by this grant within the municipal budget or has otherwise made provisions to provide the local share.

Authorized Government Official_____
Resolution Number Authorizing Expenditure

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

RESOLUTION OF THE FINANCE COMMITTEE

Approving contract for residential and commercial electrical inspection services between the City of Wausau and Village of Weston

Committee Action: *Pending*

Fiscal Impact: Potential revenue of \$1,900 based on actual number of inspections and required time

File Number: 15-1208

Date Introduced: January 10, 2023

FISCAL IMPACT SUMMARY

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

RESOLUTION

WHEREAS, the Village of Weston would like to contract with the City of Wausau for performing residential and commercial electrical inspection services for Weston for the period January 1, 2023 through April 1, 2023; and

WHEREAS, your Finance Committee, at their January 10, 2023 meeting, discussed and recommended entering into a contract with the Village of Weston for residential and commercial electrical inspection services for the period January 1, 2023 through April 1, 2023.

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 contract for inspection services between the City of Wausau and Village of Weston in substantially the same form as that attached hereto.

Approved:

Katie Rosenberg, Mayor



Memorandum

From: William D. Hebert

To: Finance Committee

Date: 01/05/2023

Re: Village of Weston – Temporary Commercial Electrical Inspections Contract

Purpose: To obtain your approval for a contract with the village of Weston to provide commercial electrical inspection services for a period to not exceed 90 days.

Facts / Considerations:

The village of Weston has a vacancy for commercial electrical inspector. The village contacted our office and requested that we provide inspection services for commercial electrical inspections.

Our rate of charge is proposed at \$95 per hour, one hour minimum per inspection. This rate is consistent with our contract for services to Schofield.

Recommendation: Your approval is requested for:

1. Contract with the village of Weston to provide commercial electrical inspections services for a period not to exceed 90 days.

Impact:

The estimated inspections for the next 12 weeks is 20 inspections.

Coordination:

Inspections staff has worked closely Weston Community Development Director Jennifer Higgins.

Cc: Katie Rosenberg, Mayor
Eric Lindman, DPW & Utilities Director

CONTRACT FOR INSPECTION SERVICES

THIS AGREEMENT entered into this ____ day of January, 2023, by and between the CITY OF WAUSAU, a municipal corporation of the State of Wisconsin, hereinafter referred to as "WAUSAU" and the VILLAGE OF WESTON, a municipal corporation of the State of Wisconsin, hereinafter referred to as "WESTON":

WITNESSETH:

WHEREAS, WAUSAU presently operates a Zoning and Inspection Division of the Department of Public Works and Utilities and employs properly credentialed inspectors; and

WHEREAS, WAUSAU acknowledges that pursuant to Sections 62.17 of the Wisconsin Statutes that it has enacted and currently enforces a building code ordinance, which requires it to provide or to contract for the provision of inspection services during all phases of residential and commercial construction; and

WHEREAS, WESTON acknowledges that pursuant to Sections 61.34, 61.35 and 62.23 of the Wisconsin Statutes that it has enacted and currently enforces a building code ordinance, which requires it to provide or to contract for the provision of inspection services during all phases of residential and commercial construction; and

WHEREAS, WESTON desires to utilize, for its village, WAUSAU's residential and commercial electrical inspection services, and WAUSAU agrees to provide residential and commercial construction inspection services to WESTON all upon certain terms and conditions as hereinafter enumerated.

NOW, THEREFORE, the parties hereto agree as follows:

1. TERM. WAUSAU shall provide the following residential and commercial electrical inspection services within the corporate boundaries of WESTON from January 1, 2023 to April 1, 2023. This contract shall not automatically renew.
2. SCOPE. Subject to the provisions hereinafter contained in this contract, WAUSAU shall provide, upon request, inspection services during all phases of residential and commercial electrical construction to WESTON, and the service shall be provided to any person or entity within WESTON needing such inspection service.
3. FEES. WAUSAU shall be paid at \$95 per hour with a one-hour minimum by the following means:
 - A) A contractor and/or individual engaging in residential or commercial electrical construction within the Village of Weston shall obtain a zoning certificate and building permit from the Village of Weston;
 - B) WESTON will schedule inspection times in cooperation with WAUSAU;

- C) WAUSAU shall then perform and issue a final inspection, and forward the report of such inspection to WESTON.
4. TERMINATION. WAUSAU or WESTON shall each have the option at any time during the term of this contract to terminate this contract upon sixty (60) days' written notice to the other party.
5. HOLD HARMLESS. WAUSAU agrees to defend, hold harmless, indemnify, release and forever discharge WESTON from and against any and all judgments, damages, losses, costs, claims, expenses, suits, demands, actions and/or causes of action of any kind or of any nature, which may be sustained by reason of damage to any property or damages or injury to any person or persons or death to any person or persons, or by reason of any other liability imposed by law or by anything or by anyone else upon WESTON, as the result of and/or due to WAUSAU's inspection operations which are the subject of this contract and/or as a result of and/or due to the existence of this contract, except such of the foregoing as are due, and to the extent due, to the sole negligence or intentional act of WESTON or its employees; and specifically included within this hold harmless are attorneys fees and other costs of defense which may be sustained by and/or occasioned to WESTON and/or any of WESTON's employees, agents, officers and designees, whether appointed, hired or elected.
6. NOTICE. Notice pursuant to this contract shall be given in the case of WAUSAU to the City Clerk of the City of Wausau, 407 Grant Street, Wausau, Wisconsin 54403-4783, and in the case of WESTON, to the Clerk of the Village of Weston, 5500 Schofield Avenue, Weston, Wisconsin, 54476.

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

CITY OF WAUSAU BY:

Katie Rosenberg, Mayor

Kaitlyn A. Bernarde, Clerk

VILLAGE OF WESTON BY:

Keith Donner, Administrator

Pamela Brehn, Clerk