



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 12, 2021 at 6:30 p.m.
Location:	City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers
Members:	Patrick Peckham, Michael Martens, Tom Kilian, Tom Neal, Jim Wadinski, Becky McElhaney, Lisa Rasmussen, Sarah Watson, Dawn Herbst, Lou Larson, Deb Ryan

Call to Order

Pledge of Allegiance / Roll Call / Proclamations

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

File #	CMT	Consent Agenda	ACT
20-1201	COUN	Minutes of previous meetings, (12/08/20)	Place on file
21-0104	CISM	Preliminary Resolution Levying Special Assessments for 2021 Street Construction Projects	Approved 3-0
21-0105	CISM	Preliminary Resolution Levying Special Assessments for 2021 Alley Paving Project	Approved 3-0
21-0106	CISM	Resolution Approving No-Build Area Easement Agreement with Polywood Properties, LLC over a Portion of City Owned Property Commonly Known as 200 N. 72nd Avenue	Approved 3-0
21-0109	CISM & PLAN	Joint Resolution Accepting dedication of right-of-way for Fulton Street extended	Approved 4-0 Approved 7-0
20-0108	PH&S	Resolution Approving or Denying Various Licenses	Approved 4-0
18-1104	PH&S	Ordinance Creating 5.64.036.05 Temporary exception to drive-up sales prohibition	Approved 5-0

File #	CMT	Resolutions and Ordinances	ACT
21-0103		Mayor's Appointments	
02-1216	HR	Resolution Approving bargaining agreement between the City of Wausau and Wausau Professional Police Association for January 1, 2021 through December 31, 2022	Approved 4-0
21-0110	PLAN	Ordinance Rezoning 200 South 17th Avenue and 200 South 18th Avenue from SMU, Suburban Mixed-Use Zoning District to PUD, Planned Unit Development Zoning District and approve a General Development Plan to allow for indoor storage and future retail and office space	Approved 7-0
21-0111	HIST & PLAN	Joint Ordinance Amending Section 2.82.055 of the Wausau Municipal Code to include the designation of the Grant School, 500 North 4th Avenue, as a Local Historic Landmark	Approved 5-2 Approved 5-0
Suspend the Rules - 6(B) Filing (2/3 vote required)			
20-0822	FIN	Resolution Approving Towing Services Agreement with Joe Rader Towing LLC	Pending
21-0107	HR & FIN	Joint Resolution Authorizing Reclassification of Building Maintenance Coordinator to Facilities Manager	Pending

Public Comment & Suggestions

Adjournment

Signed by Katie Rosenberg, Mayor

*Due to the COVID-19 pandemic, this meeting is being held in person and via teleconference. Members of the media and the public may attend in person, subject to the social distancing rules of maintaining at least 6 feet apart from other individuals, or by calling **1-408-418-9388**. The Access Code is: **146 535 8736** Password: **3QkgKJ7sJ4T**

Individuals appearing in person will either be seated in the Council Chambers or an overflow room, subject to the social distancing rules. Space available will be on a first come, first served basis. All public participants' phones will be muted during the meeting. Members of the public who do not wish to appear in person may view the meeting live over the internet on the City of Wausau's YouTube Channel <http://www.tinyurl.com/WAAMedia>, live 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 leslie.kremer@ci.wausau.wi.us with "Common Council public comment" in the subject line prior to the meeting start. All public comment, either by email or in person, will be limited to items on the agenda at this time. The messages related to agenda items received prior to the start of the meeting will be provided to the Mayor.

This Notice was posted at City Hall and transmitted to the Daily Herald newsroom on 1/08/21 @ 12:30 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.



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ADDENDUM

File #	CMT	Resolutions and Ordinances	ACT
19-0905	HR & FIN	Joint Resolution Authorizing Reclassification of Business Development Specialist to Economic Development Manager	Approved 4-0 Pending
Public Comment & Suggestions			
Adjournment			

Signed by Katie Rosenberg, Mayor

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OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL

Tuesday, December 8, 2020 at 6:30 pm in the Council Chambers at City Hall.

Mayor Katie Rosenberg presiding.

Roll Call

12/08/2020

Roll Call indicated 11 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Kilian, Tom	YES (<i>WebEx</i>)
4	Neal, Tom	YES (<i>WebEx</i>)
5	Wadinski, Jim	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES (<i>WebEx</i>)
9	Herbst, Dawn	YES
10	Larson, Lou	YES (<i>WebEx</i>)
11	Ryan, Debra	YES

Proclamations

Mayor Rosenberg proclaimed **December 3, 2020** as “**International Day of Persons with Disabilities**” in Wausau and called on residents to observe the day and the United States Congress to ratify the UN Convention on the Rights of Persons with Disabilities.

Mayor Rosenberg proclaimed **December 2020** as **Hmong New Year Virtual Celebration Month** in Wausau and encouraged residents to celebrate the season by learning about Hmong history, commit to cultivating improved cultural understanding and relationships, and support our Hmong neighbors in Wausau and beyond.

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

None.

Consent Agenda

12/08/2020

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

20-1101 Minutes of previous meetings. (11/24/20)

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, 2021 through December 31, 2021.

20-0108 Resolution of the Public Health & Safety Committee Approving or Denying Various Licenses.

20-1204 Ordinance of the Public Health & Safety Committee Creating Chapter 5.50 Practice of massage or bodywork therapy

82-1252 Ordinance of the Public Health & Safety Committee Amending Section 1.01.025(c)(1)(B) Schedule of cash deposits.

Yes Votes: 11 No Votes: 0 Result: PASS

20-1015

12/08/2020

Motion by Rasmussen, second by Herbst to adopt the Ordinance of the Capital Improvements & Street Maintenance Committee Amending Section 10.01.025 Establishment of certain traffic limitations and rules.

Rasmussen commented since CISM absorbed the duties of the previous Parking & Traffic Committee there has been some spirited discussion about placement of traffic controls and felt there must be a better way to accomplish it. She stated as a committee they are completely dependent upon the engineering staff who employ the MUTDC standards (Manual on Uniform Traffic Control Devices) in the placement of these items. She pointed out we can create liability for the city if they are placed incorrectly.

Rasmussen explained this ordinance assigns the placement of traffic controls to the City Engineer, who has the skill set to employ the proper standards. She noted at any time the City Engineer can have a conversation with an Aldersperson on what they and/or their

residents feel need to happen. The CISM Committee would still maintain parking regulations, but placement of controls would be delegated to the City Engineer who would report on an annual basis of modifications that were made.

Ryan commented there were times when Alderpersons disagreed with the analysis made from surveys taken because they felt they were limited or at the wrong time of the year. She believed they should still have the right to oversight or to overrule.

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

<u>District</u>	<u>Alderperson</u>	<u>Vote</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Kilian, Tom	NO
4	Neal, Tom	YES
5	Wadinski, Jim	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	NO
11	Ryan, Debra	NO

16-0311

12/08/2020

Motion by Rasmussen, second by Wadinski to adopt the Ordinance of the Capital Improvements & Street Maintenance Committee Amending Section 10.52.020 Police administration, Section 10.52.040 Police to investigate accidents and receive accident reports, Section 10.52.050 Traffic division to keep and use a driver file; and repealing Section 10.52.070 Official traffic control devices, Section 10.52.080 Designating crosswalks, safety zones and traffic lanes, Section 10.52.090 Designating no left turns and methods of turns, Section 10.52.100 Zones of quiet and play streets, Section 10.52.110 Loading zones, Section 10.52.120 Designating public carrier stands, Section 10.52.130 Determining certain parking limitations, Section 10.52.140 Erection of official traffic signs and signals.

Rasmussen explained when we make a delegation of responsibility, then we have to go through and clean up the Municipal Code everywhere there is a reference to such. This is basically a housekeeping ordinance following our previous decision.

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

<u>District</u>	<u>Alderperson</u>	<u>Vote</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Kilian, Tom	NO
4	Neal, Tom	YES
5	Wadinski, Jim	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Ryan, Debra	NO

20-1205

12/08/2020

Motion by Wadinski, second by Herbst to adopt the Ordinance of the Public Health & Safety Committee Creating Section 17.10.030 Third party inspections and reporting systems; amending Section 17.08.010 Codes adopted, Section 17.10.010 Fees designated, Section 17.12.020 Approved, Section 17.16.010 Authority to enter premises, Section 17.16.030 Investigation of fires, Section 17.16.050 Annual report, Section 17.16.060 Modifications, Section 17.16.080 New materials, processes or occupancies which may require permits, Section 17.16.090 Fire equipment on private property, Section 17.20.010 Permissions granted—Limitations, Section 17.20.020 Approval before issuance, Section 17.24.010 General prohibition on outdoor burning and refuse burning, Section 17.24.020 Open fire and burning allowed by permit, Section 17.40.010 Orders to eliminate, Section 17.48.010 Inspection of exits, Section 17.49.010 Tents, Section 17.49.030 Access boxes, Section 17.49.060 Fireworks/pyrotechnics

Yes Votes: 11 No Votes: 0 Result: PASS

Suspend the Rules

12/08/2020

Motion by Neal, second by Martens to Suspend Rule 12(A) Referral of Resolutions.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Neal, Tom	YES
5	Wadinski, Jim	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Ryan, Debra	NO

20-0315

12/08/2020

Motion by Rasmussen, second by Neal to adopt the Joint Resolution of the Economic Development and Finance Committees Authorizing the deferral of interest and principal payments on existing City-provided loans and ground lease payments due to the City of Wausau commercial properties and businesses for six (6) months to assist small businesses who request such during the COVID-19 pandemic emergency declaration.

Larson questioned what impact this has on the city's revenue and on payments the city needs to make. Maryanne Groat explained the majority of these loans are run through the Community Development Department Revolving Loan Funds. They only make new loans to the extent they have proceeds from either loan payments or a loan pay off. It will reduce their opportunity to give new loans, but it will not impact the city's operating budget.

Yes Votes: 11 No Votes: 0 Result: PASS

12-1214

12/08/2020

Motion by Neal, second by Wadinski to adopt the Resolution of the Finance Committee Approving Intergovernmental Humane Officer Services Agreement between the City of Wausau and Everest Metro Police Department from January 1, 2021 through December 31, 2021

Yes Votes: 11 No Votes: 0 Result: PASS

19-1109

12/08/2020

Motion by Herbst, second by Wadinski to adopt the Resolution of the Finance Committee Authorizing 2020 Budget Modification for the Wausau Police Department to purchase fire arm upgrades and additional radios

Mayor Rosenberg noted the resolution they will be voting on is a little different from what was presented in the packet. The Finance Committee considered it just prior to Council and amended it to approve only the firearms upgrades and additional radios, but not the non-lethal riot gear, such as pepper balls. Rasmussen noted the riot gear will be considered at Public Health & Safety Committee on December 21, 2020 and be brought back to Finance on the first meeting in January and to Council at the end of January. (NOTE: This was deferred to the January 18th PH&S Meeting by request of PD)

Lengthy discussion followed and can be accessed via the following link: [Wausau City Council Meeting 12/8/2020 - YouTube](#)

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Kilian, Tom	NO
4	Neal, Tom	YES
5	Wadinski, Jim	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES

8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	NO
11	Ryan, Debra	NO

20-1109

12/08/2020

Motion by Rasmussen, second by Peckham to adopt the Resolution of the Finance Committee Authorizing 2021 Budget Modification for the Wausau Fire Department to purchase an additional ventilator

Yes Votes: 11 No Votes: 0 Result: PASS

Adjourn

12/08/2020

Motion by Wadinski, second by Larson to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:21 pm.

Katie Rosenberg, Mayor
Leslie M. Kremer, City Clerk

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

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

Preliminary Resolution Levying Special Assessments for 2021 Street Construction Projects

Committee Action: Approved 3-0

Fiscal Impact: None at this time. Construction would take place in 2021 and the special assessments would be levied when the project is substantially completed.

File Number: 21-0104

Date Introduced: January 12, 2021

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

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

1. The Common Council hereby declares its intention to exercise its police power under Section 66.0703 of the Wisconsin Statutes and Section 3.24.020 of the Wausau Municipal Code to levy special assessments upon property for special benefits conferred upon such property by the improvement of the following streets under Street Construction projects to take place in 2021:

North 3rd Avenue from Randolph Street to Bos Creek Drive
South 5th Avenue from West Street to Garfield Avenue
Rosecrans Street from 17th Avenue to 22nd Avenue

2. The public improvement shall include the removal and replacement of bituminous concrete and/or Portland cement concrete pavement, curb and gutter, drive approaches; installation and/or replacement of sidewalk and sanitary sewer, water and storm sewer laterals where necessary.

3. The total amount assessed against the properties in the defined assessment district shall not exceed the total cost of the City's share of the improvements. The City Council determines that the improvements constitute an exercise of the police power and the assessment against each parcel shall be upon a reasonable basis. The final assessment bill will be sent to property owners upon substantial completion of the project.

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

Assessments under \$300: If payment is not made prior to November 1, 2021, the special assessment will be placed on the 2021 real estate tax bill and be due in full on or before January 31, 2022. There is no interest charged when paid in full. Assessments totaling less than \$300 must be paid in full and do not qualify for the five-year payment schedule.

Assessments totaling \$300 but less than \$20,000: If full payment is not made prior to November 1, 2021, assessments totaling \$300 but less than \$20,000 will automatically be placed on the five-year payment schedule on the 2021 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2021 real estate taxes **OR**
- B. Payment of the first one-fifth of the assessment with the 2021 real estate taxes without interest. The remaining balance is paid in equal installments on the next four real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% beginning February 1, 2022, on the unpaid balance. (The 2020 rate was 2.135%.) The remaining balance may be paid at any time with interest calculated through the month of payment.

Assessments over \$20,000: If payment is not made prior to November 1, 2021, assessments totaling \$20,000 or more will automatically be placed on the ten-year payment schedule on the 2021 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2021 real estate taxes **OR**
- B. Payment of the first one-tenth of the assessment with the 2021 real estate taxes without interest. The remaining balance is paid in equal installments on the next nine real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% beginning February 1, 2022, on the unpaid balance. (The 2020 rate was 2.135%.) The remaining balance may be paid at any time with interest calculated through the month of payment.

Real estate taxes may be paid in full or in three installments (January 31, April 30, July 31), however, the special assessments must be paid on or before January 31, 2022. No payments can be applied to real estate taxes if the special assessments are not paid. Section 74.12(11)(a), Wisconsin Statutes,

specifically states if a treasurer receives a payment from a taxpayer which is not sufficient to pay all general property taxes, special assessments and special taxes due, the treasurer shall apply the payment to the amounts due, including interest and penalties, in the following order: (1) personal property taxes; (2) delinquent utility charges; (3) special charges; (4) special assessments; (5) special taxes; (6) real property taxes.

5. The Engineering Department shall prepare a report which shall consist of the preliminary plans for the proposed work, an estimate of the cost of the work, a schedule of the proposed assessments for each parcel; a copy of the report shall be filed with the City Clerk for public inspection. In accordance with Section 66.0703(7)(a), Wisconsin Statutes, notice shall be given of a public hearing on the project; the hearing shall be held by the Board of Public Works in the Council Chambers of City Hall and will be scheduled early in 2021.

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

Approved:

Katie Rosenberg, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: December 10, 2020, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Larson, Wadinski, Ryan (Neal was absent)

Also Present: Mayor Rosenberg, Lindman, Wesolowski, Niksich, Alfonso; *By WebEx*: Buckner

CONSENT AGENDA

- A. Approve minutes of the November 12, 2020 meeting**
 - B. Action on Preliminary Resolution for 2021 Street Construction Projects**
 - C. Action on Preliminary Resolution for 2021 Alley Paving Project**
 - D. Action on No-Build Area Easement with Polywood Properties**
-

Larson moved to approve the consent agenda items. Wadinski seconded and the motion carried 3-0.

At this time, Ryan entered the meeting.

AGENDA ITEM
Action on Preliminary Resolution for 2021 Street Construction Projects
BACKGROUND
North 3 rd Avenue from Randolph Street to Bos Creek Drive, South 5 th Avenue from West Street to Garfield Avenue, and Rosecrans Street from 17 th Avenue to 22 nd Avenue have been included in the 2021 budget.
FISCAL IMPACT
None at this time.
STAFF RECOMMENDATION
Staff recommends the preliminary resolution for special assessments be adopted and public hearing scheduled. The public hearing would be held in late January or early February.
Staff contact: Allen Wesolowski 715-261-6762

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

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

Levying Special Assessments for 2021 Alley Paving Project

Committee Action: Approved 3-0

Fiscal Impact: None at this time. Construction would take place in 2021 and the special assessments would be levied when the project is substantially completed.

File Number: 21-0105

Date Introduced: January 12, 2021

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

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

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

Alley bounded by Cedar Street, Spruce Street, North 9th Avenue and North 10th Avenue

2. The public improvement shall include bituminous concrete paving.
3. The total amount assessed against the properties in the defined assessment district shall not exceed the total cost of the City's share of the improvements. The City Council determines that the improvements constitute an exercise of the police power and that the assessment against each parcel shall be upon a reasonable basis.

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

Assessments under \$300: If payment is not made prior to November 1, 2021, the special assessment will be placed on the 2021 real estate tax bill and be due in full on or before January 31, 2022. There is no interest charged when paid in full. Assessments totaling less than \$300 must be paid in full and do not qualify for the five-year payment schedule.

Assessments totaling \$300 but less than \$20,000: If full payment is not made prior to November 1, 2021, assessments totaling \$300 but less than \$20,000 will automatically be placed on the five-year payment schedule on the 2021 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2021 real estate taxes **OR**
- B. Payment of the first one-fifth of the assessment with the 2021 real estate taxes without interest. The remaining balance is paid in equal installments on the next four real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% beginning February 1, 2022, on the unpaid balance. (The 2020 rate was 2.135%.) The remaining balance may be paid at any time with interest calculated through the month of payment.

Assessments over \$20,000: If payment is not made prior to November 1, 2021, assessments totaling \$20,000 or more will automatically be placed on the ten-year payment schedule on the 2021 real estate tax bill. Property owners may then pay their special assessment under either of two options:

- A. Payment in full without interest with the 2021 real estate taxes **OR**
- B. Payment of the first one-tenth of the assessment with the 2021 real estate taxes without interest. The remaining balance is paid in equal installments on the next nine real estate tax bills and carries an interest charge of the borrowed fund rate plus 1% beginning February 1, 2022, on the unpaid balance. (The 2020 rate was 2.135%.) The remaining balance may be paid at any time with interest calculated through the month of payment.

Real estate taxes may be paid in full or in three installments (January 31, April 30, July 31), however, the special assessments must be paid on or before January 31, 2022. No payments can be applied to real estate taxes if the special assessments are not paid. Section 74.12(11)(a), Wisconsin Statutes, specifically states if a treasurer receives a payment from a taxpayer which is not sufficient to pay all general property taxes, special assessments and special taxes due, the treasurer shall apply the payment to the amounts due, including interest and penalties, in the following order: (1) personal property taxes; (2) delinquent utility charges; (3) special charges; (4) special assessments; (5) special taxes; (6) real property taxes.

5. The Engineering Department shall prepare a report which shall consist of the preliminary plans for the proposed work, an estimate of the cost of the work, a schedule of the proposed assessments for each parcel; a copy of the report shall be filed with the City Clerk for public inspection. In accordance with Section 66.0703(7)(a), Wisconsin Statutes, notice shall be given of a public hearing on the project; the hearing shall be held by the Board of Public Works in the Council Chambers of City Hall and will be scheduled early in 2021.
6. The installation of said improvements shall be accomplished according to the provisions of Title 12 and Chapter 3.24 of the Wausau Municipal Code, where applicable.

Approved:

Katie Rosenberg, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: December 10, 2020, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Larson, Wadinski, Ryan (Neal was absent)

Also Present: Mayor Rosenberg, Lindman, Wesolowski, Niksich, Alfonso; *By WebEx*: Buckner

CONSENT AGENDA

- A. Approve minutes of the November 12, 2020 meeting**
 - B. Action on Preliminary Resolution for 2021 Street Construction Projects**
 - C. Action on Preliminary Resolution for 2021 Alley Paving Project**
 - D. Action on No-Build Area Easement with Polywood Properties**
-

Larson moved to approve the consent agenda items. Wadinski seconded and the motion carried 3-0.

At this time, Ryan entered the meeting.

AGENDA ITEM
Action on Preliminary Resolution for 2021 Alley Paving Projects
BACKGROUND
The alley bounded by Cedar Street, Spruce Street, North 9 th Avenue and North 10 th Avenue is being considered for paving. Approval would allow a resolution to move ahead to set a public hearing for special assessments. Abutting property owners are assessed the actual cost of the asphalt for the project.
FISCAL IMPACT
None at this time.
STAFF RECOMMENDATION
Staff recommends the preliminary resolution for special assessments be adopted and public hearing scheduled. The public hearing would be held in late January or early February.
Staff contact: Allen Wesolowski 715-261-6762

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

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

Approving No-Build Area Easement Agreement with Polywood Properties, LLC over a Portion of City Owned Property Commonly Known as 200 N. 72nd Avenue.

Committee Action: Approved 3-0

Fiscal Impact: None

File Number: 21-0106

Date Introduced: January 12, 2021

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 is the owner of property commonly known as 200 N. 72nd Avenue, Wausau; and

WHEREAS, the adjacent property owner, Polywood Properties, LLC (“Polywood”) located at 400 N. 72nd Avenue desires to construct a building addition and other improvements to its currently existing building; and

WHEREAS, in order to facilitate its proposed building design and enable it to comply with fire separation requirements Polywood has requested the City grant it a 30 by 400 foot no-build easement over a portion of the City’s property located at 200 N. 72nd Avenue (“Easement Area”); and

WHEREAS, the Easement Area requested by Polywood is currently used for storm water purposes by the City and the City has no future development plans for the Easement Area other than its continued maintenance and operation for storm water management purposes.

WHEREAS, your Capital Improvements and Street Maintenance Committee, at their December 10, 2020, meeting, approved entering into a no-build easement with Polywood over the Easement Area requested.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wausau that it hereby approves the execution of the attached no-build easement agreement with Polywood Properties, LLC and the proper city officials are hereby authorized and directed to execute the easement.

Approved:

Katie Rosenberg, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: December 10, 2020, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Larson, Wadinski, Ryan (Neal was absent)

Also Present: Mayor Rosenberg, Lindman, Wesolowski, Niksich, Alfonso; *By WebEx*: Buckner

CONSENT AGENDA

- A. Approve minutes of the November 12, 2020 meeting**
 - B. Action on Preliminary Resolution for 2021 Street Construction Projects**
 - C. Action on Preliminary Resolution for 2021 Alley Paving Project**
 - D. Action on No-Build Area Easement with Polywood Properties**
-

Larson moved to approve the consent agenda items. Wadinski seconded and the motion carried 3-0.

At this time, Ryan entered the meeting.

AGENDA ITEM
Action on No-Build Area Easement with Polywood Properties
BACKGROUND
Polywood Properties, LLC intends to construct a building addition on its existing property at 400 North 72nd Avenue, but requires minimum fire separation with surrounding buildings per fire code. To achieve said minimum separation, Polywood is requesting a 30 ft. x 400 ft. no-build easement on City-owned property at 200 North 72nd Avenue. This easement would grant Polywood the needed building separation but does not grant Polywood any rights to the easement or allow them to make any improvements or alterations within the easement. The City-owned property at 200 North 72nd Avenue is currently used for stormwater management. This easement would not restrict current operability or maintenance requirements. At this time, the city has no plans for additional improvements to the area within the proposed easement.
FISCAL IMPACT
None
STAFF RECOMMENDATION
Staff recommends granting easement.
Staff contact: TJ Niksich 715-261-6748

**NO-BUILD AREA
EASEMENT AGREEMENT**

THIS AGREEMENT, made this ____ day of _____, 2020 by and between, the City of Wausau, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, 407 Grant Street, Wausau, Wisconsin 54403, Grantor, and Polywood Properties, LLC, a limited liability company, duly organized and existing under and by virtue of the laws of the State of Wisconsin, 400 N. 72nd Avenue, Wausau, Wisconsin 54401, Grantee.

WITNESSETH:

WHEREAS, Grantor is the owner of the property commonly known as 200 N. 72nd Avenue, Wausau and legally described as the NE ¼ of the SE ¼, Section 25, T29N, R6E, City of Wausau, Marathon County, Wisconsin, except those portions used for right-of-way, and except Lot 1 of Certified Survey Map No. 14116 recorded in the Office of Register of Deeds for Marathon County in Volume 62 of Certified Survey Maps on Page 123, and except Lot 1 of Certified Survey Map No. 15003 recorded in the Office of Register of Deeds for Marathon County in Volume 67 of Certified Survey Maps on Page 85; and

WHEREAS, Grantee is the owner of adjacent property commonly known as 400 N. 72nd Avenue, Wausau and legally described as Lot 1 of Certified Survey Map No. 15003 recorded in the Office of Register of Deeds for Marathon County in Volume 67 of Certified Survey Maps on Page 85, Section 25, Township 29 North, Range 6 East, City of Wausau, Marathon County, Wisconsin; and,

WHEREAS, Grantee desires to construct a building addition and other improvements to its currently existing building located on such property owned by it; and,

WHEREAS, in order to facilitate Grantee's proposed building design and enable it to comply with the fire separation requirements of ch. 5 of the International Building Code, Grantee has requested Grantor grant it a 30 foot by 400 foot no-build easement over a portion of Grantor's property, such easement area legally described on Exhibit A ("Easement") attached hereto, to maintain lawful code compliant fire separation between Grantee's proposed building addition and any future structural improvements that may be constructed upon the Grantor's property; and,

WHEREAS, the Easement area is currently used for storm water purposes by the Grantor and Grantor has no future development plans for the Easement area other than its continued maintenance and operation for storm water management purposes.

NOW THEREFORE, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to Grantor by Grantee, receipt of which is hereby acknowledged, Grantor grants, conveys, transfers, and delivers unto Grantee a permanent, non-exclusive no-build easement over the property legally described on Exhibit A and as further depicted on the map attached hereto and made a part hereof as Exhibit B through which Grantor and its successors and assigns shall not construct or install any permanent buildings or similar structures in the Easement unless consistent with the requirements of ch. 5 of the International Building Code.

Recording Area

Name and Return Address
City of Wausau
Office of the City Attorney
407 Grant Street
Wausau, WI 54403

PIN: 291-2906-254-0982

Grantor has the right to make any use of the Easement area, consistent with the Easement granted herein, and shall continue to have the right to maintain and operate the property for storm water management purposes.

Grantee shall have no rights to the Easement such as ingress, egress, or the like and shall not construct any structures, plant any trees or shrubs, place any improvements, or make any alterations within or to the Easement area.

In further consideration of this easement by Grantor, Grantee forever agrees to hold Grantor harmless from all damages, loss, or claims which may arise from the existence of said permanent easement.

Grantor covenants that it is lawfully seized and possessed of the real estate above described and that it will defend the title thereto against the lawful claims of all persons whomsoever.

This agreement shall run with the land, encumbering the property encompassed by the Easement in perpetuity, and shall be binding upon and shall inure to the benefit of the parties hereto and to their respective successors and assigns.

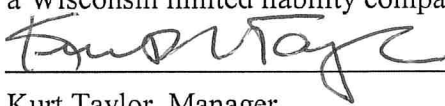
This agreement shall be construed according to the laws of the State of Wisconsin.

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

CITY OF WAUSAU BY:

Katie Rosenberg, Mayor

POLYWOOD PROPERTIES, LLC
a Wisconsin limited liability company



Kurt Taylor, Manager

Leslie Kremer, Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2020 the above named Katie Rosenberg, Mayor, and Leslie Kremer, Clerk for the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission expires: _____

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

Personally came before me this 2 day of DECEMBER, 2020, the above named KURT TAYLOR, of POLYWOOD PROPERTIES, LLC, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



Lisa D Milano Medina
Notary Public, Lisa D Milano-Medina
My commission expires: September 9, 2021

This instrument was drafted by
Tara G. Alfonso, Assistant City Attorney
for the City of Wausau
407 Grant Street
Wausau WI 54403-4783

Proposed "No Build" Easement

291-2906-254-0982

City of Wausau

Part of the NE¼ of the SE¼, Section 25, Township 29 North, Range 6 East, City of Wausau, Marathon County, Wisconsin, described as follows:

Commencing at the Southeast corner of said Section 25; thence N00°01'57"W, along the East line of said SE¼ of Section 25, 2633.24 feet to the Northeast corner of said SE¼; thence N89°33'14"W, along the North line of said SE¼, 33.00 feet to the Westerly right-of-way of 72nd Avenue; thence S00°01'57"E, along said Westerly right-of-way, 310.00 feet to the Southerly line of Lot 1 of Certified Survey Map No. 15003 recorded in the Office of Register of Deeds for Marathon County in Volume 67 of Certified Survey Maps on Page 85; thence N89°39'00"W, along said Southerly line, 325.00 feet; thence N00°01'57"W, along the boundary of said Lot 1, 85.00 feet to the point of beginning;

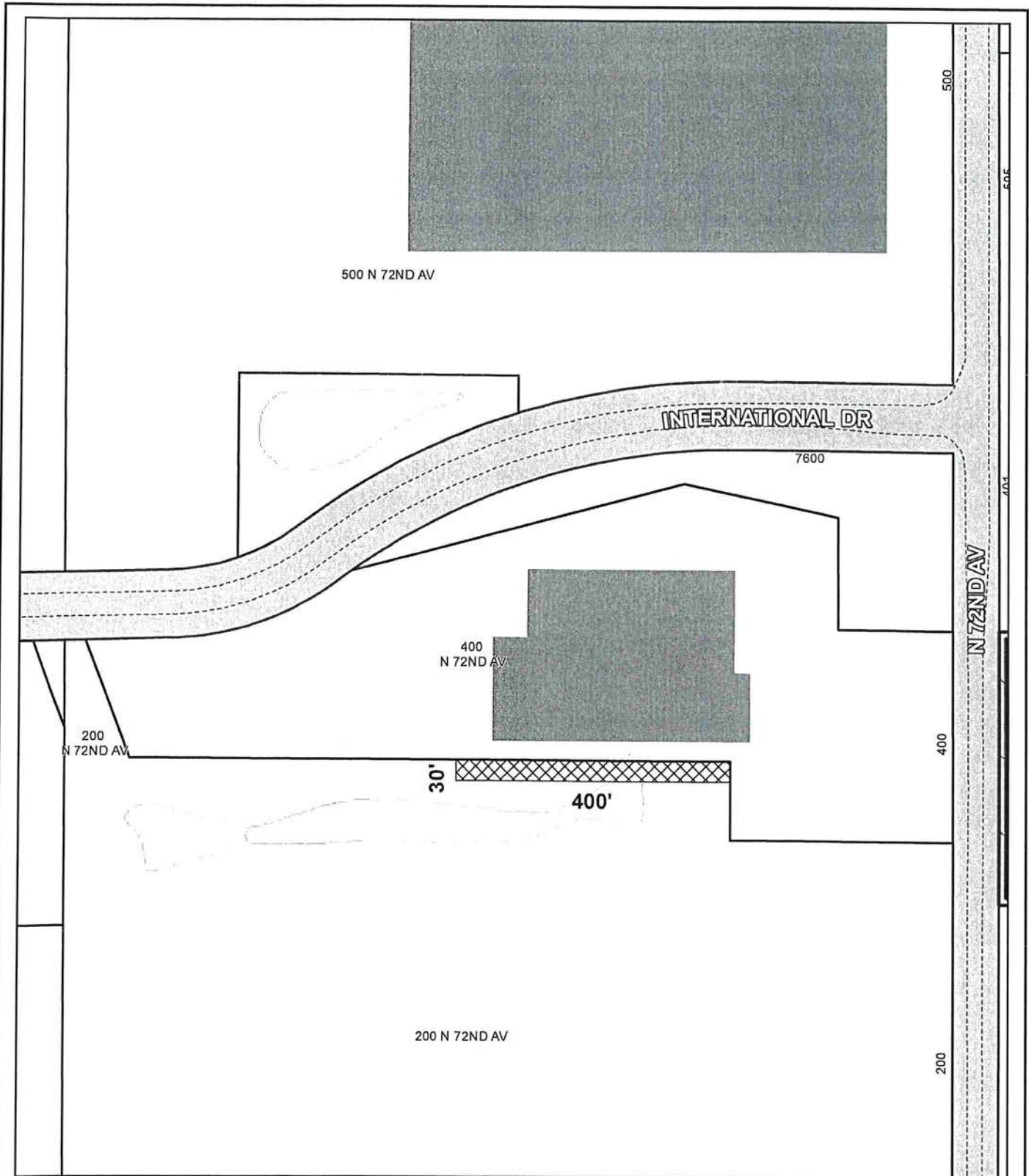
Thence N89°39'00"W, parallel to said Southerly line of Lot 1, 400.00 feet; thence N00°01'57"W, 30.00 feet to said Southerly line of Lot 1; thence S89°39'00"E, along said Southerly line, 400.00 feet; thence S00°01'57"E, along the boundary of said Lot 1, 30.00 feet to the point of beginning.

O:\Engineering\Documents\Polywood-ease-2020.docx

November 17, 2020

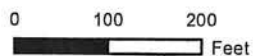
dfh

EXHIBIT A



Map Date: November 18, 2020

City of Wausau
Marathon County Wisconsin



Legend

- Parcels
- Building Footprints
- Road Edge
- Right-of-Way
- Surrounding Municipality
- Proposed Easement

Map Location



citybasalprojects\eng\mxds\Proposed_Easement_8x11P.mxd

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

Accepting dedication of right-of-way for Fulton Street extended

Committee Action: CISM: Approved 4-0
Plan: Approved 7-0

Fiscal Impact: Dedicating this right-of-way to make it an official street will allow the City to start collecting state aid for maintenance

File Number: 21-0109	Date Introduced: January 12, 2021
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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, in 2020 Fulton Street was extended west of 1st Street; and

WHEREAS, the City-owned property that the extended roadway lies upon needs to be dedicated as right-of-way to become an official street; and

WHEREAS, dedicating the right-of-way for the extension of Fulton Street and making it an official street allows the City to begin collecting state aid for maintenance; and

WHEREAS, your Capital Improvements and Street Maintenance Committee reviewed the proposed dedication on December 10, 2020; and your Plan Commission reviewed the proposed dedication on December 15, 2020; and recommended approval; now therefore

BE IT RESOLVED the Common Council of the City of Wausau does accept the dedication of right-of-way as shown on the accompanying Certified Survey Map, and the City Clerk is hereby instructed to have this resolution recorded in the office of the Marathon County Register of Deeds.

Approved:

Katie Rosenberg, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: December 10, 2020, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Larson, Wadinski, Ryan (Neal was absent)

Also Present: Mayor Rosenberg, Lindman, Wesolowski, Niksich, Alfonso; *By WebEx*: Buckner

Discussion and possible action on dedication of right-of-way for Fulton Street extended

The extension of Fulton Street was constructed this summer. Every year Engineering has to report roadway mileage to the State. Fulton Street was extended on City-owned property but was not dedicated as right-of-way. This is a formality to update the official map and designate the roadway as right-of-way. We can then collect money from the State for road mileage.

Wadinski moved to approve the dedication of right-of-way for the Fulton Street extension. Seconded by Ryan and the motion carried unanimously 4-0.

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, December 15, 2020, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Katie Rosenberg, Eric Lindman, Patrick Peckham, Tom Neal, Bruce Bohlken, Andrew Brueggeman, Mic'Kayla Ross

Others Present: Brad Lenz, William Hebert, Bill Scholfield, Richard Holster, Bob Tess, Christine Martens, Gary Gisselman

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

Discussion and possible action on dedication of right-of-way for Fulton Street extended.

Lindman said that with Fulton Street being extended to the river for RiverLife this item would be for the dedication of the right-of-way.

Bohlken motioned to approve the dedication of right-of-way for Fulton Street extended. Peckham seconded, and the motion carried unanimously 7-0 by roll call vote.

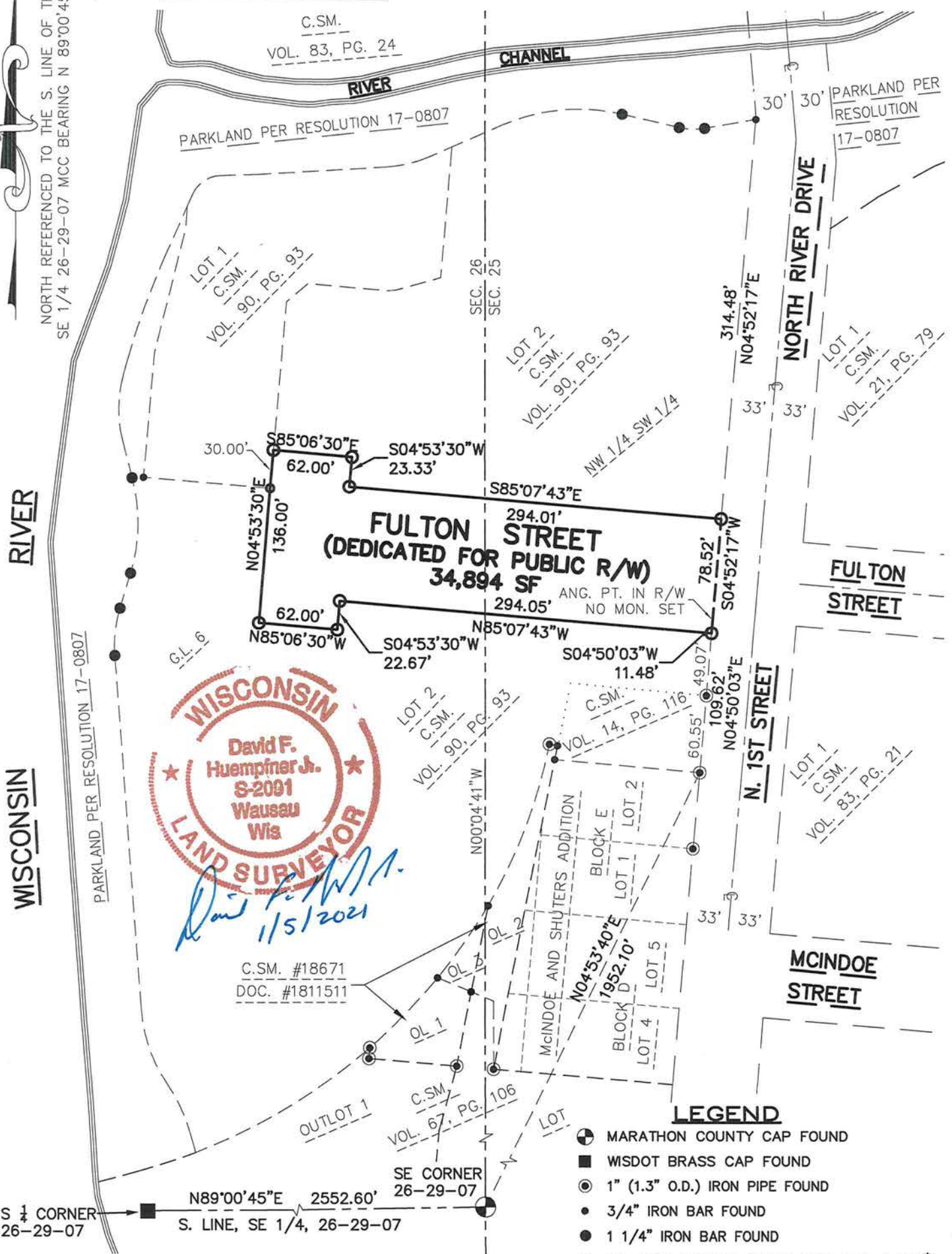
AGENDA ITEM
Discussion and possible action on dedication of right-of-way for Fulton Street extended
BACKGROUND
Fulton Street was extended west of 1 st Street this past summer. Fulton Street was extended on City property. The property that the roadway lies on upon needs to be dedicated as right-of-way to become an official street.
FISCAL IMPACT
Dedicating this right-of-way to make it an official street will allow the City to start collecting state aid for maintenance.
STAFF RECOMMENDATION
Staff recommends approving the dedication of right-of-way for the extension of Fulton Street.
Staff contact: Allen Wesolowski 715-261-6762

MAP No.

CERTIFIED SURVEY MAP

PART OF LOT 2 OF CERTIFIED SURVEY MAP No. 18353 RECORDED IN THE OFFICE OF REGISTER OF DEEDS FOR MARATHON COUNTY IN VOLUME 90 OF CERTIFIED SURVEY MAPS ON PAGE 93, BEING PART OF THE NW 1/4 OF THE SW 1/4 SECTION 25, AND PART OF GOVERNMENT LOT 6, SECTION 26, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN. FOR

CITY OF WAUSAU



SCALE IN FEET
0 25 50 100

O:\Engineering\DWG\PROJ\0833\2020\0833-CSM-Fulton-RW-dedication.dwg, 1/5/2021 2:59:50 PM, 1:1

Map No. _____

CERTIFIED SURVEY MAP FOR CITY OF WAUSAU

I hereby certify: That I have surveyed, divided and mapped, by order of the City of Wausau, part of Lot 2 of Certified Survey Map No. 18353 recorded in the Office of Register of Deeds for Marathon County in Volume 90 of Certified Survey Maps on Page 93, being part of NW 1/4 of the SW 1/4, Section 25, and part of Government Lot 6, Section 26, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, described as follows:

Commencing at the South 1/4 corner of said Section 26; thence N 89°00'45" E, along the South line of Southeast 1/4 of said Section 26, 2552.60 feet to the Southeast corner of said Section 26; thence North 4°53'40" E, 1952.10 feet to the intersection of the Westerly right-of-way of North 1st Street and the South line of Lot 3, said Block E; thence N 4°50'03" E, along said Westerly right-of-way, 109.62 feet to the point of beginning;

Thence N 85°07'43" W, 294.05 feet; thence S 4°53'30" W, 22.67 feet; thence N 85°06'30" W, 62.00 feet; thence N 4°53'30" E, along the Easterly line of Lot 1 of said Certified Survey Map No. 18353 extended Southerly, and along said Easterly line, 136.00 feet; thence S 85°06'30" E, 62.00 feet; thence S 4°53'30" W, 23.33 feet; thence S 85°07'43" E, 294.01 feet to said Westerly right-of-way of North 1st Street; thence S 4°52'17" W, along said Westerly right-of-way, 78.52 feet; thence S 4°50'03" W, along said Westerly right-of-way, 11.48 feet to the point of beginning, subject to easements, restrictions and roadways of record, said parcel containing 0.801 acres.

That this map is a correct representation of all of the exterior boundaries and division of said land.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, Chapter A-E7 of the Wisconsin Administrative Code, and Title 21 of the Wausau Municipal Code in surveying, dividing and mapping the same.



David F. Huempfer Jr. 11/5/2021
City of Wausau
Department of Public Works
Engineering Division
David F. Huempfer, Jr., S-2091
City Surveyor

[Signature]
ZONING ADMINISTRATOR
BEING DULY APPOINTED BY THE COMMON COUNCIL, DO HEREBY CERTIFY THE ATTACHED CERTIFIED SURVEY MAP HAS BEEN REVIEWED AND THERE ARE NO OBJECTIONS TO RECORDING THIS CERTIFIED SURVEY IN THE REGISTER OF DEEDS' OFFICE.

DATE 1-6-2021

Map No. _____

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

The City of Wausau, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

IN WITNESS WHEREOF, the said City of Wausau had caused the presents to be signed by Katie Rosenberg, its Mayor, and countersigned by Leslie Kremer, its Clerk, at Wausau, Wisconsin, and its corporate seal to be hereunto affixed on this _____ day of _____, 2021.

CITY OF WAUSAU

Katie Rosenberg, Mayor

Leslie Kremer, Clerk

STATE OF WISCONSIN) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2021, Katie Rosenberg, Mayor, and Leslie Kremer, City Clerk, of the above-named corporation, to me known to be such Mayor and City Clerk of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Notary Public, Wausau, Wisconsin
Commission expires _____

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: 20-0108

Date Introduced: January 12, 2021

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 21, 2020 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



PHS Date 12/21/2020

License ID	License Typ	Name	Address	Details	Business	Begin Dt	End Dt	Police	PHS	Council
139802	9010 - Bartender/Operator New	KREITZER, JILL	244019 CTY RD WW WAUSAU WI 54403		RSTORE #4476	11/23/2020	06/30/2021	No	No	
131087	9052 - Quadricycle Business	CARLSON, ROD	PO BOX 1723 WAUSAU WI 54402-1723		SPOKEEASY	12/07/2020	12/31/2021		Yes	
139756	9080 - Public Transport Driver New	KING, DENISE	2501 OAKWOOD BLVD WAUSAU WI 54403		NORTHWOODS CAB LLC	11/19/2020	06/30/2021	Yes	Yes	
139851	9080 - Public Transport Driver New	LANSER, MICHELLE	1139 S 14TH AVE WAUSAU WI 54401		NORTHWOODS CAB LLC	11/30/2020	06/30/2021	Yes	Yes	
146032	9080 - Public Transport Driver New	VASQUEZ, GABRIEL	311 N 3RD AVE WAUSAU WI 54401		ALL AMERICAN TAXI	12/03/2020	06/30/2021	Yes	Yes	

Total Licenses

5

CLERK'S REPORT TO PUBLIC HEALTH & SAFETY COMMITTEE

December 21, 2020 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 Recommendation** for Public Transport Driver License for **James Lake**: Felony convictions – sexual assault. He was previously denied 7/15/2019 and 3/19/2018.
2. **Denial Recommendation** for New Operator's License for **Jill Kreitzer**: Three OWI's, two within the last five years (October 2016, October 2020)
3. No special event applications.

STAFF RECOMMENDATION

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

Mary Goede, Deputy Clerk

Date of Report: December 18, 2020

(715) 261-6621

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, December 21, 2020, at 5:15 pm, (Council Chambers)

Members Present: Rasmussen, Herbst, Peckham, Wadinski, McElhaney

Others Present: Alfonso, Bliven, Kremer, Rosenberg

Consider approval or denial of various license applications.

Rasmussen indicated there was a denial recommendation for James Lake for Public Transport Driver License.

James Lake, 325 ½ N 1st Ave, addressed the committee stating he was being denied for a crime that was “read in” 27 years ago and for which he was not actually convicted. He noted he was approved for Public Transport License 10 years ago in the City of Wausau and has been approved for a license recently in Stevens Point. He stated he needs the job to pay his bills because jobs were hard to find due to Covid. He asked for a license until the expiration in June in order to prove himself.

Chief Bliven stated when Mr. Lake’s record was reviewed he was out of the office and a different person reviewed it and made the recommendation for denial. He noted they don’t typically recommend denial for read in charges, however, based on the 2018 and 2019 denials he felt it was likely he would agree with the recommendation. He suggested the committee hold off on taking action on this license and he would review the record. Rasmussen indicated they would defer action on the application to the January meeting.

Rasmussen stated there was a denial recommendation for Jill Kreitzer for an Operator’s License. It was noted Ms. Kreitzer was not present to appeal.

Motion by Wadinski, second by McElhaney to approve or deny licenses as recommended by staff, with the exception of James Lake to be brought back to the January meeting. Motion carried 5-0.

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

ORDINANCE OF THE PUBLIC HEALTH & SAFETY COMMITTEE

Creating 5.64.036.05 Temporary exception to drive-up sales prohibition.

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: None

File Number: 18-1104

Date Introduced: January 12, 2021

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

Section 1. That Section 5.64.036.05 Temporary exception to drive-up sales prohibition is hereby created to read as follows:

5.64.036.05 Temporary exception to drive-up sales prohibition. (a) Purpose and Intent. The Common Council recognizes the need to continue to slow the spread of the COVID-19 coronavirus as infection numbers continue to rise throughout the community during the winter of 2020 – 2021 by encouraging individuals to maximize social distancing and minimize contact during the COVID-19 pandemic. In that regard it further recognizes the health, safety, and convenience benefits available to its citizens through on-line ordering services including orders from restaurants and grocery stores. Accordingly, the Common Council wishes to provide temporary relief to restaurants and grocery stores that hold a valid alcohol beverage license by creating a temporary exception to the provisions of section 5.64.036 Drive-up sales upon compliance with all of the provisions of this section during the COVID-19 pandemic period to allow for the drive-up or curb-side sales of alcohol beverages in original, sealed containers in conjunction with the sale of drive-up or curb-side food or grocery orders.

(b) Definitions.

- (i) “Alcohol beverage” has the meaning set forth in Wis. Stat. s. 125.02(1).
- (ii) “Convenience store” means a store with extended opening hours, stocking a limited range of household goods, groceries or other food and beverage items.
- (iii) “Grocery store” means a store that sells a wide range of food and household goods. A grocery store does not include a gas station selling limited food, snack and beverage items or a convenience store.
- (iv) “Restaurant” has the meaning set forth in Wis. Stat. s. 125.02(18).

(c) Conditions for drive-up or curb-side alcohol sales. A restaurant or grocery store holding a valid, alcohol beverage license, may temporarily permit the sale of drive-up or curb-side alcohol beverages in original, sealed containers in conjunction with the sale of food or grocery orders upon compliance with all of the following conditions:

(i) Submission of an application to temporarily expand the area identified as the licensee's "licensed premises" to include the area in which it intends to conduct drive-up or curbside sales, together with approval of the application by city clerk. The premises proposed for temporary expansion must be contiguous to the licensed premises approved as part of the applicant's original, annual license. Any person aggrieved by the denial of an application may appeal to the Public Health & Safety Committee.

(ii) Submission of an operations plan with the application including the protocol for assuring underage and intoxicated persons are unable to secure alcohol through drive-up or curbside sales. Applications without the operations plan will not be considered.

(iii) The licensee or licensed establishment shall not have more than 50 (fifty) demerit points pursuant to section 5.64.078 on the date of application.

(c) Expiration of temporarily expanded licensed premises area. The temporarily expanded licensed premise area shall be effective only for a time period expiring June 30, 2021 at 11:59 pm. On 11:59 pm on June 30, 2021, the temporarily expanded licensed premise area shall automatically return to the area identified and approved as part of the licensee's annual license application without further action required upon the part of the licensee or Common Council. The application for a temporary amendment of licensed premises shall include an acknowledgement and consent of the applicant to the automatic reversion of the temporary expansion as set forth herein in the form supplied by the city clerk. Further, the licensee's application for and acceptance of the temporarily expanded licensed premises area shall further demonstrate the licensee's consent to the automatic reversion of the licensed premises as provided herein.

(d) Standards and requirements. Any licensee granted a temporary expansion of its licensed premises under this section shall comply with the following additional standards and requirements where the drive-up or curbside sale includes alcohol beverages:

(i) No drive-up or curbside alcohol sale shall occur unless also accompanied by a food order.

(ii) A licensed bartender/operator must perform the sale.

(iii) If the purchaser is not the driver of the vehicle, the licensed bartender/operator employee must ensure the driver is 21 or older.

(iv) Drive-up or curbside delivery of alcohol beverages to a vehicle cannot be consummated until the purchaser is at the licensed premises and identification and age has been verified. No alcohol sales shall be permitted in the absence of valid photo identification.

(v) The pick-up area must be clearly identified with markings, signs or barriers.

(vi) No tasting events are allowed in the designated pick-up area.

Section 2. All provisions of City ordinances not specifically altered by this temporary ordinance shall remain in effect.

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

Section 4. This ordinance shall automatically repeal on June 30, 2021 at 11:59 pm; no further action shall be required.

Adopted:
Approved:
Published:
Attest:

Approved:

Katie Rosenberg, Mayor

Attest:

Leslie Kremer, Clerk

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, December 21, 2020, at 5:15 pm, (Council Chambers)

Members Present: Rasmussen, Herbst, Peckham, Wadinski, McElhaney

Others Present: Alfonso, Bliven, Kremer, Rosenberg

Discussion and possible action concerning suspension of W.M.C. s.5.64.036 Drive-Up Sales relating to City liquor license holders

Rasmussen stated grocery store owners have requested a temporary provision to allow drive-up sales of alcohol along with grocery orders. She noted there were temporary provisions over the summer for restaurants allowing drive-up sales of closed containers with food orders.

Rasmussen indicated Tara Alfonso prepared a draft ordinance that has provisions that we can amend or approve as written. It allows for drive-up sales between 8AM – 8PM; orders after 2PM can't be picked up until the following day; the sale would have to be accompanied by a \$15 food purchase, making the alcohol transaction a secondary purpose; a license operator must perform the sale; and if the purchaser is not the driver of the vehicle, the driver must be at least age 21.

Alfonso explained some of these restrictions included in the ordinance were things she saw in other communities that have allowed click & collect sales. She noted Deputy Chief Matt Barnes didn't think we needed to be as strict from a law enforcement perspective. She questioned how long they would like this to be in effect so that it automatically sunsets, because the committee previously voted to prohibit these sales at the recommendation of the AODA Partnership. She pointed out this ordinance only applies to grocery stores and restaurants. *Discussion followed.*

Peckham suggested removing the provision that orders made after 2PM cannot be picked up until the next day and let the business decide how much time they want to require of a customer order. He also questioned the purpose of the four hour waiting period between the time of order and pickup. Rasmussen indicated Deputy Barnes had suggested enabling the provision to run the same hours as the retail business can legally sell alcohol, but the business can decide if they want earlier deadlines.

McElhaney agreed the 8AM - 8PM time period should be removed and that the four hour waiting period did not make sense. She understood the reasoning for the \$15 of food was to keep alcohol from being the primary sale, but it may be cumbersome for the establishments. Rasmussen stated they could eliminate the dollar total and just state it must be purchased in combination with a food order.

Rasmussen suggested removing the provision about "payment for the order cannot be consummated..." to state "the alcohol sale shall not be consummated and product delivered" until the seller has been able to verify the ID of the pick-up driver. She suggested having the ordinance sunset with the expiration of the liquor license on June 30, 2021 so that it is removed with the start of the 2021-2022 license year on July 1st.

Motion by Herbst, second by McElhaney to approve the ordinance with the following changes: remove (i) ~~Pick up hours are limited to 8:00 a.m. to 8:00 p.m. Orders placed after 2:00 p.m. may not be picked up until the following day;~~ and remove (ii) ~~There shall be a minimum 4 hour waiting period between the time of order and pick up time;~~ (iii) No drive-up or curb-side alcohol sale shall occur unless also accompanied by a food order ~~totaling at least \$15.00;~~ and change language to (vi) The alcohol sale cannot be consummated and product delivered until the purchaser or driver is at the licensed premises and identification and age has been verified; and to delegate the approval to staff once the criteria has been met with an automatic sunset of June 30, 2021. Motion carried 5-0.



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

From: Tara G. Alfonso, Asst. City Attorney

Date: December 22, 2020

Re: Comments on Creating W.M.C. §5.64.036.05 Temporary Exception to Drive-Up Sales
Prohibition of W.M.C. §5.64.036

- In November of 2018, the Common Council approved an ordinance, W.M.C. §5.64.036 Drive-up sales, that prohibited drive-up alcohol sales at any licensed premises in the City. Drive-up alcohol sales under this ordinance are “defined as the sale of intoxicating beverages to customers in a vehicle located outside a licensed premises.” Its purpose was to have the effect of requiring face to face sales of alcohol occur within the licensed premises where identification and age could be checked by proper employees of the business, and thereby avoid sales to individuals who might already be intoxicated or might be underage.
- In March, 2020, the Mayor of Wausau issued Executive Declaration No. 3 pursuant to City of Wausau Proclamation of State of Emergency, temporarily suspending application of the ordinance concerning drive-up alcohol sales to the extent it might interfere with the ability of bars and taverns to permit “carry-out sales” of alcohol beverages in original, sealed containers. This Executive Declaration was subsequently ratified by the Common Council. This occurred during the time of the State’s “Safer at Home Order,” and Governor Evers Emergency Order #8 which among other things banned mass gatherings but also provided that while breweries, brewpub, wineries, distilleries, and alcohol beverage retailers, including bars were to be closed to the public, these businesses would be permitted to allow “carry-out” sales of alcohol beverages and food if permitted by state law and municipal ordinance. These State and Municipal Orders are now expired and thus, the provisions of W.M.C. §5.64.036 prohibiting drive-up sales are once again in full force and effect.
- Given the on-going COVID-19 pandemic, the question has arisen as to whether the prohibition on drive-up sales of alcohol beverages should again be suspended. The proposed ordinance being considered at this time, would in effect once again temporarily suspend the prohibition by creating an exception to the ordinance’s prohibitions as applied to restaurants and grocery stores. Convenience stores and gas stations would be excluded.

- If approved, the ordinance provides for the drive-up or curbside sale of alcohol beverages at the licensed premises only; it does not permit the delivery of alcohol beverages with grocery or food orders to residences or places of business.
- There are a number of standards and requirements set forth in the proposed draft ordinance with the aim of preventing the sale of alcohol beverages to underage individuals.
- The draft ordinance provides that it will automatically sunset on June 30, 2021.
- Finally, permitting temporary drive-up sales of alcohol beverages by restaurants and grocery stores would require these businesses to apply for a temporary amendment to their licensed premises. The proposed ordinance authorizes approval of the temporary amendment to the premises to the city clerk to facilitate the ability of restaurants and grocery stores to offer this service quickly to its customers.

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

RESOLUTION OF THE HUMAN RESOURCES COMMITTEE

Approving bargaining agreement between the City of Wausau and Wausau Professional Police Association for January 1, 2021 through December 31, 2022.

Committee Action: Approved 4-0

Fiscal Impact: \$252,000 plus benefits over the life of the contract

File Number: 02-1216

Date Introduced: January 12, 2021

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 ☐ Debt ☐ Funds on Hand ☐ Interfund Loan ☐</i>			

RESOLUTION

WHEREAS, Representatives of the City of Wausau (hereby referred to as “City”) and the Wausau Professional Police Association (hereafter referred to as the “Association”) have agreed to the provisions of a collective bargaining agreement encompassing the calendar years of 2021 and 2022, the summary of the agreement being attached; and

WHEREAS, your Human Resources Committee recommends the adoption of this agreement; and

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Wausau that provisions as summarized on the attachments are approved for incorporation into the labor agreement between the City and the Association, and that all of the remaining unchanged provisions in the latest current agreement shall continue to be in effect, and that the labor agreement shall be a two-year agreement, encompassing the periods of January 1, 2021 through December 31, 2022 inclusive and retroactive, and

BE IT FURTHER RESOLVED that the Mayor and other proper City officials and designees are hereby authorized and directed to execute the relevant labor agreement encompassing the attached provisions and all other unchanged provision in the latest current agreement.

Approved:

Katie Rosenberg, Mayor

**Wausau Professional Police Association
Summary of Tentative Agreement, December 14, 2020**

Article	Agreement
Entire Agreement	Updating outdated information. EX; if the CBA stated Effective January 1, 2015 delete dates reference and replace with current dates
Article 21 – Uniform Allowance	Increase by \$50 each year of the two year contract
Article 22 – Holidays	Language clarification (no benefit change)
Article 24 – Sick Leave	PEHP language clarification (no benefit change) PAL language clarification (no benefit change) “SickPrevent” benefit for employees on a 5-2 schedule
Article 29 – Separation Benefit	Language clarification (no benefit change)
Article 32 – Residency	Change residency requirement from 20 miles to 30 miles from the jurisdictional boundary.
Article 35 – Duration	2 year contract
Appendix A	Year 1: 1.5%/1.5% split midyear Year 2: 1.5%/1.5% split midyear
Appendix B – Hierarchy of Time Off	Phase 1 first, followed by Phase 2, followed by all other types of vacation

DRAFT

**CITY OF WAUSAU HUMAN RESOURCES COMMITTEE
MINUTES OF OPEN SESSION**

DATE/TIME: December 14, 2020 at 4:30 p.m.
LOCATION: City Hall (407 Grant Street) – Council Chambers
MEMBERS PRESENT: Michael Martens, Lou Larson, Becky McElhaney, James Wadinski
MEMBERS ABSENT: Dawn Herbst,
Also Present: Mayor Rosenberg, T. Vanderboom

Closed Session pursuant 19.85(1)(e) Deliberating or negotiating the purchasing of public properties the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, for the purpose of considering Wausau Professional Police Association Collective Bargaining.

McElhaney said that the committee can go into Closed Session if they wish. Vanderboom said that if the committee wishes to discuss the City's strategy in negotiating that they should go into Closed Session, but if they just have questions about the content of the tentative agreement, those questions can be answered in Open Session. The committee decided not to go into Closes Session.

Discussion and Possible Action Approving the Tentative Bargaining Agreement between the City of Wausau and the Wausau Professional Police Association.

Vanderboom explained that a staff memo was included in the packet that provided an overview of the changes to the tentative agreement and then walked through the changes with the committee.

Motion by Wadinski to accept the tentative bargaining agreement between the City of Wausau and the Wausau Professional Police Association. Second by Larson. All ayes. Motion passes 4-0.

Human Resource Committee Packet

December 14, 2020

Agenda Item	
Discussion and possible action approving the tentative collective bargaining agreement between the City of Wausau and the Wausau Professional Police Association.	
Background	
The City of Wausau and the Wausau Professional Police Association have reached a tentative agreement. The following changes to the existing contract have been reached:	
Article	Agreement
Entire Agreement	Updating outdated information. EX; if the CBA stated Effective January 1, 2015 delete dates reference and replace with current dates
Article 21 – Uniform Allowance	Increase by \$50 each year of the two year contract
Article 22 – Holidays	Language clarification (no benefit change)
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Article 32 – Residency	Change residency requirement from 20 miles to 30 miles from the jurisdictional boundary.
Article 35 – Duration	2 year contract
Appendix A	Year 1: 1.5%/1.5% split midyear Year 2: 1.5%/1.5% split midyear
Appendix B – Hierarchy of Time Off	Phase 1 first, followed by Phase 2, followed by all other types of vacation
Fiscal Impact	
Approximately \$252,000 plus benefits (FLSA, payroll tax, etc.)	
Staff Recommendation	
Approve the tentative collective bargaining agreement as negotiated.	
Staff contact: Toni Vanderboom (715-261-6634) and Ben Bliven (715-261-7802)	

DRAFT

**CITY OF WAUSAU HUMAN RESOURCES COMMITTEE
MINUTES OF OPEN SESSION**

DATE/TIME: December 14, 2020 at 4:30 p.m.
LOCATION: City Hall (407 Grant Street) – Council Chambers
MEMBERS PRESENT: Michael Martens, Lou Larson, Becky McElhaney, James Wadinski
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Discussion and Possible Action Approving the Tentative Bargaining Agreement between the City of Wausau and the Wausau Professional Police Association.

Vanderboom explained that a staff memo was included in the packet that provided an overview of the changes to the tentative agreement and then walked through the changes with the committee.

Motion by Wadinski to accept the tentative bargaining agreement between the City of Wausau and the Wausau Professional Police Association. Second by Larson. All ayes. Motion passes 4-0.

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

ORDINANCE OF THE PLAN COMMISSION

Rezoning 200 South 17th Avenue and 200 South 18th Avenue from SMU, Suburban Mixed-Use Zoning District to PUD, Planned Unit Development Zoning District and approve a General Development Plan to allow for indoor storage and future retail and office space.

Committee Action: Approved 7-0

Fiscal Impact: None.

File Number: 21-0110

Date Introduced: January 12, 2021

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

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

SEC 27-29-07 PT OF SW SE – COM AT S1/4 COR OF SD SEC E 1337.28' TO SE COR N 764.02' NE 70.69' N 180.95' E 44' TO POB N 400.06' NE 42.39' E 327.27' S 414.74' SW 32.21' W 328.95' TO BEG A/D/A LOT 2 CSM VOL 26 PG 171 (#6978) DOC #976192 TOG/WI N ½ OF VAC 18TH AVE LYG BET W ROW LINE OF S 17TH AVE & E ROW LINE OF S 18TH AVE EXT'D N AS DESC & SHOWN IN RESOLUTION DOC #1812397, MORE COMMONLY KNOWN AS 200 SOUTH 17TH AVENUE

PT OF SW SE SEC 27-29-7 COM AT S1/4 E 1337.28' TO SE COR NW 764.02' NE 70.69' N 180.95' TO BEG N 67.55' W 259.48' N 126' W 2.75' N 95' NE 16.93' NW 116.78' N 139.79' E 771.67' S 40' W 327.27' ALG ARC OF CURVE TO LEFT 42.39' S 400.06' W 44' TO POB LOT (3) OF VOL M499 PGS 1010/1017 DESC AS PCL (2) OF CSM VOL 32-123(8 355), MORE COMMONLY KNOWN 200 SOUTH 18TH AVENUE

now comprising a part of SMU, Suburban Mixed-Use Zoning District according to the Zoning Ordinance of the City of Wausau is hereby rezoned to PUD, Planned Unit Development Zoning District and approve a General Development Plan to allow for indoor storage and future retail and office space.

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:

Leslie M. Kremer, City Clerk

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, December 15, 2020, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Katie Rosenberg, Eric Lindman, Patrick Peckham, Tom Neal, Bruce Bohlken, Andrew Brueggeman, Mic'Kayla Ross

Others Present: Brad Lenz, William Hebert, Bill Scholfield, Richard Holster, Bob Tess, Christine Martens, Gary Gisselman

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 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 200 South 17th Avenue and 200 South 18th Avenue from SMU, Suburban Mixed-Use Zoning District to PUD, Planned Unit Development Zoning District and approve the General Development Plan to allow for indoor storage and future retail and office space.

Bill Scholfield said that he has had several meetings with city staff. He said that the property has been owned by the Lindell family for over 40 years. They are the owners of the building and were already marketing the building when the Shopko bankruptcy issues happened. They would like to utilize the existing building. It was built for a large retail user, but it is not desirable for some retailers, like Costco or Target. This is a very high exposure building. The building is too big or deep for most retailers. It has been determined that indoor storage is in high demand. Most of the plan can be done with the existing SMU zoning, except for the storage. It will be highly secured.

Ross joined the meeting at approximately 5:08 p.m.

Schofield said there are potential leads and retailers have said what they want and what they do not want. He said that he hopes to keep the project advancing with this zoning change.

Mayor Rosenberg closed the public hearing.

Lenz said that PUD zoning is requested and the site plan and other information is included in the packet. This is specifically for the Shopko building and its parking lot. Lenz said that staff has looked at the different uses and overall density for this area. The staff report goes over the criteria for the PUD zoning. The requested storage is not specifically addressed in the underlying district and would therefore need a zoning change.

Peckham motioned to rezone 200 South 17th Avenue and 200 South 18th Avenue from SMU, Suburban Mixed-Use Zoning District to PUD, Planned Unit Development Zoning District and approve the general development plan to allow for indoor storage and future retail and office space. Bohlken seconded.

Peckham said that he likes that there will be something other than the asphalt and appreciates that the storage facility will not dominate the property. Peckham asked Scholfield about how the users will access it and if it would be through the north side or the front. Scholfield said that the storage will not be for boats or that type of equipment. It will be highly secured and will be for professionals. The area is growing and there is a large increase in apartments. The primary access will be the front doors. There is another plan for larger trucks along the north wall. Peckham asked if the building is two stories. Scholfield confirmed this and said that there are two stories, but the illustration does not show it very well.

The motion carried unanimously 7-0 by roll call vote.



Memorandum

From: Brad Lenz
 To: Plan Commission
 Date: December 9, 2020
 Subject: Planned Unit Development at 200 S. 17th and 18th Aves (former Shopko)

Background

The attached application and related materials describe a plan for the former Shopko property located along 17th and 18th Avenues in the city of Wausau. As described, the plan would break up the large single-use building and its associated parking into smaller commercial uses. The new commercial uses – two within the existing building, and two new outlot buildings – would help form a new commercial center around the recently reconstructed 17th and 18th Avenues.

The petitioners are seeking approval of the general development plan of the planned unit development (PUD) zoning. Specific implementation plans will follow at a subsequent plan commission meeting. PUD zoning could allow the proposed indoor storage use that is not spelled out as permitted in the existing zoning district (SMU - Suburban Mixed Use). The PUD also allows sharing of parking between different uses, rather than each needing to provide its own, as well as a more coordinated site design overall.

Criteria for Approval

Section 23.10.45(f) of the zoning code outlines the criteria for approval of a Planned Unit Development (PUD). It states that in its review of an application for a PUD the plan commission shall make findings with respect to the ten criteria (below). Staff comments follow each of the criteria listed below. In some cases, the criteria may pertain more to the specific implementation plans than to the current general development plans – this is noted in some of the comments.

1. The proposed Planned Unit Development project is consistent with the overall purpose and intent of this title.

The purpose of the PUD zoning is to provide for the possible relaxation of certain development standards in exchange for advantages in the overall site design. These advantages could include functionality, architectural quality, environmental benefits and others.

In this case, PUD zoning is being sought in part to flex the permitted uses of the underlying zoning district, while allowing coordinated site planning for a multi-phased development. This would generally fit the intent of the district, with

specific advantages yet to be determined through the specific implementation plans.

2. The proposed Planned Unit Development project is consistent with the City's Comprehensive Plan and other area plans. (It is the responsibility of the City to determine such consistency.)

An economic development objective in the city's comprehensive plan is to stimulate community and economic growth and development, supporting business expansion and retention in competitive sectors. An action item under that objective is to continue to use [Planned Unit Development] zoning in commercial areas to encourage and facilitate high quality, mixed use development that is acceptable to neighboring property owners. This project could be seen as fitting this objective, while not being inconsistent with other aspects of the comprehensive plan.

3. The proposed Planned Unit Development project would maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.

The area around the intersection of 17th and 18th Avenue is entirely commercial, with the specific uses being predominantly retail and single-story. The proposed project would continue this pattern, with the two smaller outlot buildings only slightly increasing the density of the area.

Arguably, the parking demand and impact to surrounding parcels will be less even with two new buildings, due to different uses on the site. Parking standards from the underlying zoning district would be determined based on specific uses of the future spaces, but as a general rule, one parking space would be required for every 400 square feet in excess of 2,000 square feet. The storage use would require one parking stall per 2,000 square feet of building. The *maximum* parking allowed would be 150% of the minimum.

In this case, based on the estimated square footage of the buildings, the minimum and maximum parking standards from our zoning code would be 121 and 182, respectively. This is estimated, and does not take into account a small mezzanine in the former Shopko building that could be utilized and would increase parking demand. The 201 parking stalls shown on the site plan would meet the minimum parking standards from our zoning code and would be only slightly greater than the maximum, again using preliminary estimates that may understate the parking demand.

4. Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the Planned Unit Development project, including but not limited to public sewer and water and public roads.

The new project will use existing public utilities and facilities that are available in the area. The intensity of the uses is not expected to overload any public facilities.

5. **The proposed Planned Unit Development project will incorporate appropriate and adequate buffers and transitions between areas of different land uses and development densities/intensities.**

No buffering between uses is required since this is a common commercial development.

6. **The proposed Planned Unit Development project design does not detract from areas of natural beauty surrounding the site.**

The proposed project is a redevelopment of a former commercial site that sits amongst other commercial sites. The current plans show improved green areas around and within the site. A detailed landscaping plan will be part of the subsequent specific implementation plan review.

7. **The proposed architecture and character of the proposed Planned Unit Development project is compatible with adjacent/nearby development.**

Architectural plans of the buildings will be submitted as part of the specific implementation plans. Staff will use as the basis for review the exterior building design standards in the new zoning code. These standards will speak to the design and materials used for the exterior of the buildings in order to maintain and enhance the attractiveness and values of property in the area.

8. **The proposed Planned Unit Development project will positively contribute to and not detract from the physical appearance and functional arrangement of development in the area.**

Redeveloping the site will enhance other properties in the area. Placing buildings in the outlots along 17th Avenue will reduce the expanse of the existing parking lot and create a more human-scaled commercial center. Landscape improvements will be made to the lot.

9. **The proposed Planned Unit Development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exceptions/base standard modifications variation of any standard or regulation of this title.**

In this case, a benefit of a unified site plan includes distributing parking spaces across the site rather than concentrating them around individual uses. Similarly, coordinated planning of landscaping and stormwater management is likely to result in more efficient use of the property overall. Future landscaping and building plans will need to be reviewed to determine specific environmental design and performance benefits.

10. **For Planned Unit Development projects that are proposed to be developed in**

phases, the applicant can provide a timeline for development and can demonstrate that the project would be successful even if all phases were not or could not be completed.

The petitioners are seeking approval of the general development plan in order to undertake the more detailed specific implementation plans. Not all parts of the plan will take place immediately upon zoning approval. The specific plans for the different parts of the plan are expected to be brought back for approval as determined by future market demand.

To:

Mr. Brad Lenz
City Planner
Brad Lenz <Brad.Lenz@ci.wausau.wi.us>

Mr. Bill Hebert

Zoning
William Hebert <william.hebert@ci.wausau.wi.us>

City of Wausau
407 Grant Street
Wausau, WI 54403

From:

Bill Scholfield
Owners Representative
500 N 3rd Street, Suite # 208-10
Wausau, WI 54403
(715) 574-7007
bill@scholfieldgroup.com

RE: GDP – PUD **200 S 18th Ave & 200 S 17th Ave.** Wausau, WI
Project Planning for the Former Shopko Property
City of Wausau Plan Commission

Brad & Bill,

Attached please find a copy of this email in letter form as well as several illustrations and an item summary for our requested GDP and a Use need we believe requires a PUD zoning.

Please note that I will have the Architects rendering of the Storage Business element in the redevelopment of the North end of the former Shopko building by the end of next week as several versions are still in the process of the Owners Review.

I appreciated the input from our Pre-Application Conferences and I have had our team on this project take our concept planning to the attached GDP

The Location of the project includes 200 S 18th Avenue and 200 S 17th Ave best known as the former Shopko Site.

The former Shopko building and the connected building (County Market Grocery Store) and surrounding parking lots and current two (2) Outlot Buildings made up of the Holiday C-Store and a 16K Strip Center with Cost Cutters, H&R Block and Shopko Optical is part of the branded Wausau Crossroads Market Place and has been owned by the Lindell family since 1984 (Shopko was a tenant) I successful Grocer and Wausau Resident for many years the Lindells have sent a great deal of time researching, marketing, and determining the next steps for this prime locations redevelopment.

Challenges are considerable including the current state of the economy and retail in general, as well as the current building dimensions and configuration.

The redevelopment plan being present in the GDP is totally within the shopping center original footprint and consistent with uses in the surrounding area. Our goal is to adapt to today's and the future marketplace by turning the former Shopko building into several suites for a to be determined retail mix and personal service business allowing us to fully utilize the building without the expense of raising it or a portion of it and to develop outlots, required drainage and green space for a different feel and to meet a known demand for smaller in-line space (strip center and professional services). The Shopko building will carry a similar retail look along the south face and the east face of the building and the outbuildings are also illustrated in this package.

The goal is a pleasant "Center" bring businesses and customers together in a setting with good and safe access, circulation, parking and a mix of retail, food options and personal services and moving away from the big open parking lot.

The newer zoning adopted by the City this year for this area is SMU and allows for nearly everything we have been considering except for a new to this market and in-demand and growing nation-wide business of Indoor climate controlled storage. This safe, clean and modern alternative from what most people think of mini self-storage business isn't really recognized in the code except for a general description.

Our GDP submittal boundaries are well illustrated and known, they include the planned redevelopment of the former Shopko building with no building footprint change but new elevations at new to be determined entrances and the addition of some accents and a complimentary color change. 3 new outlot opportunities are created by allowing the Indoor storage business which has a much reduced parking need. Outlots include 2 buildings in the former parking lot and one outlot not in the GDP but owned by the Center and recently enlarged by the Street change.

See Specific Data attached.

Thank you for your consideration and the opportunity to advance this planned redevelopment.

Bill Scholfield
Owner Representative and Marketing Broker

Attachments:

- 1... Site CSM (REI)
 - 2... GDP Illustration incl. Building(s) approx. locations and coverage (REI)
 - 3... Site Parking, Landscaping (General), Storm-water and Green Space (REI)
 - 4... Building elevations (General)
 - 5... Signage (see attached)
 - 6... Traffic: Assumption that traffic may return to previous levels but not have more impact.
- Please note that any drive thru, curbside and deliveries will be within the development and not on the city streets.

RECORDED

October 08, 2020 8:24 AM

DEAN J. STRATZ, REGISTER OF DEEDS



CIVIL & ENVIRONMENTAL ENGINEERING, SURVEYING
4080 N. 20TH AVENUE, WAUSAU, WI 54401
(715) 675-9784

MARATHON COUNTY CERTIFIED SURVEY MAP

MAP NO. 18728

DOC# 1816734 PAGES: 4

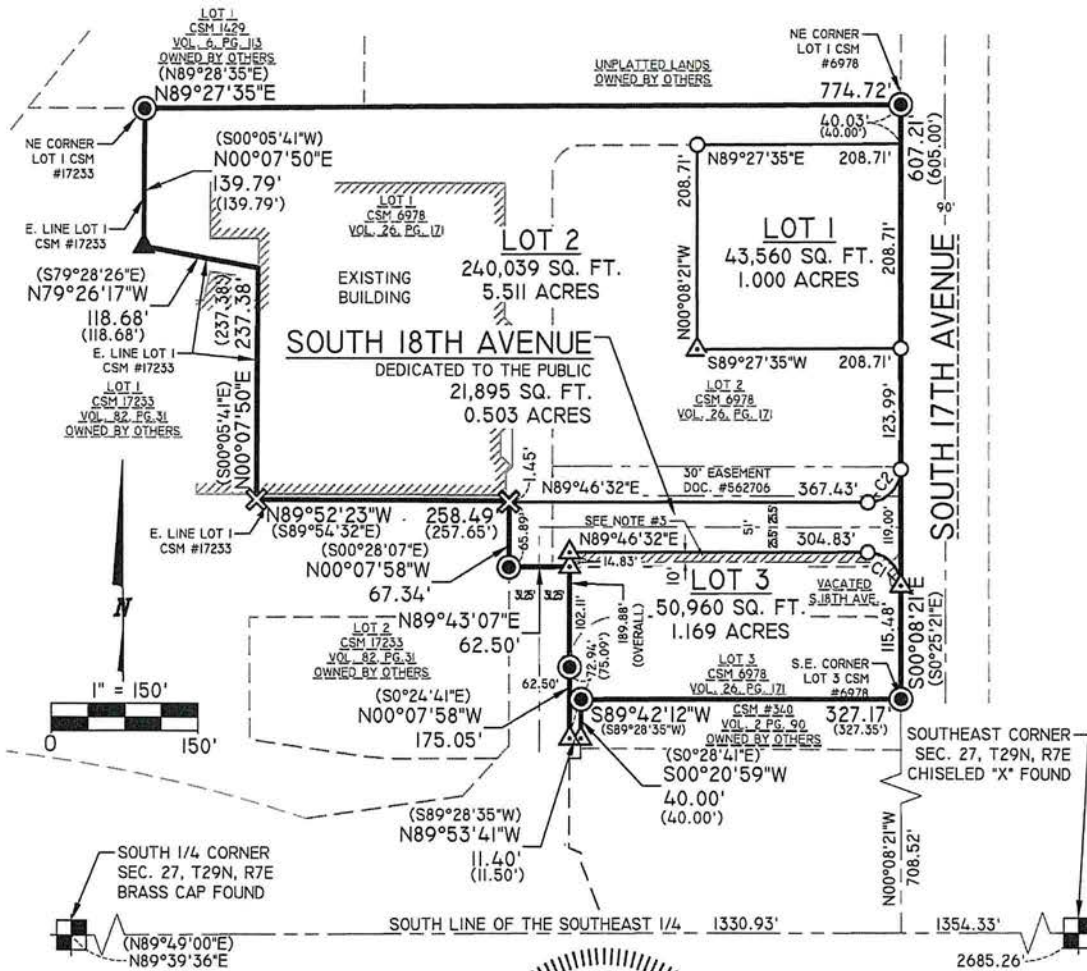


1816734

PREPARED FOR: PJ INVESTMENTS, INC.

LANDOWNER: PJ INVESTMENTS, INC. & PJ INVESTMENTS II, LLC

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, PART OF LOT 1, AND ALL OF LOTS 2 AND 3 OF CERTIFIED SURVEY MAP NUMBER 6978, RECORDED IN VOLUME 26, PAGE 171 AS DOCUMENT NUMBER 0976192 IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.



NOTES:

1. FIELD SURVEY WAS COMPLETED ON 08-20-2019.
2. BEARINGS ARE BASED ON THE MARATHON COUNTY COORDINATE SYSTEM, NAD 83(2011) DATUM AND REFERENCED TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 29 NORTH, RANGE 7 EAST MEASURED TO BEAR NORTH 89°39'36" EAST.
3. 10-FOOT PUBLIC UTILITY EASEMENT BY THIS CERTIFIED SURVEY MAP.

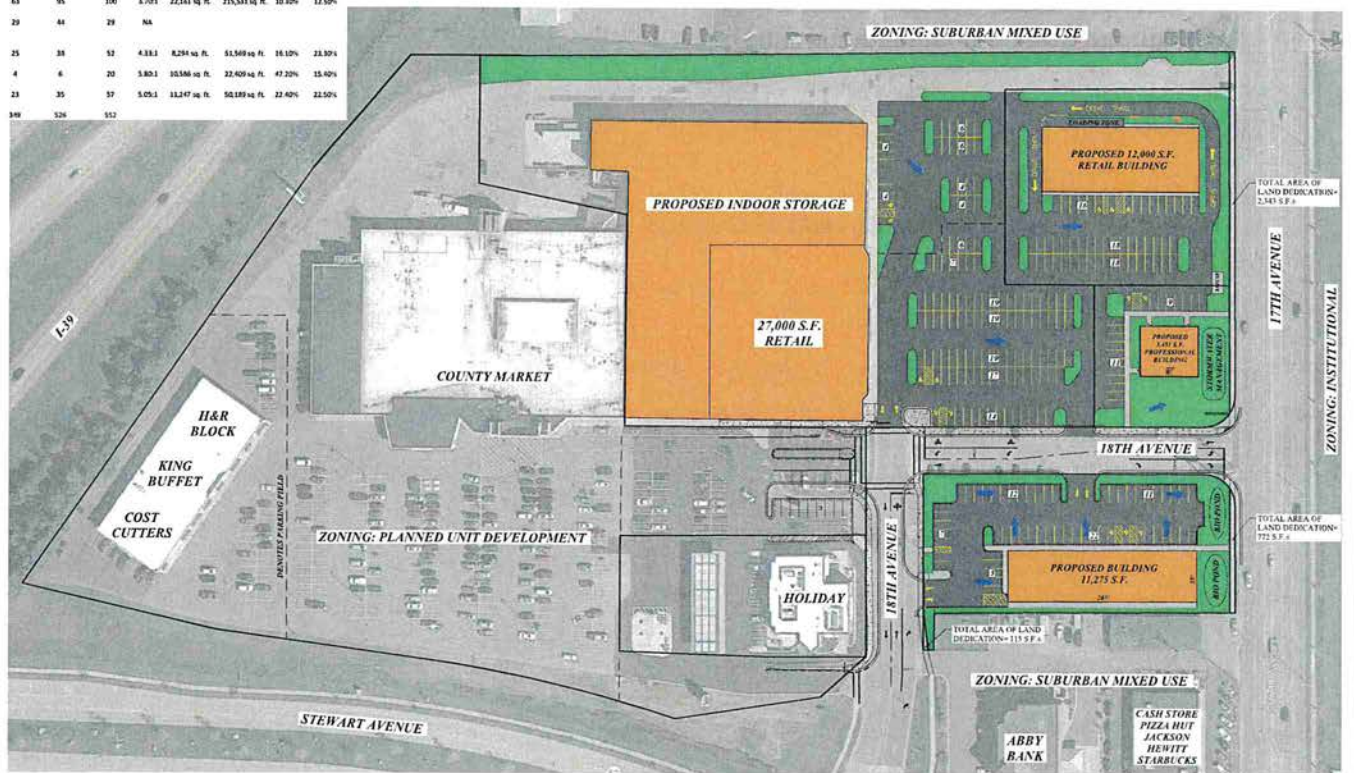


LEGEND

- - 1 1/4 IN. O.D. IRON PIPE FOUND
- - 1 1/4 IN. O.D. X 18 IN. IRON PIPE WEIGHING 1.68 LBS/LIN. FT. SET
- △ - MAG NAIL SET IN ASPHALT
- ✕ - CHISELED "X" SET IN CONCRETE
- - 3/4" IRON REBAR FOUND
- 126.00' - MEASURED BEARING/LENGTH
- (126.00') - RECORDED BEARING/LENGTH

CURVE TABLE					
CURVE	RADIUS LENGTH	CHORD BEARING	CHORD LENGTH	CENTRAL ANGLE	ARC LENGTH
C1	34.00'	S45°10'55"E	48.12'	90°05'07"	53.46'
C2	34.00'	N44°49'05"E	48.05'	89°54'53"	53.36'

Parking Count									
Facility	Required by Code	150% of Code	Stall/Privet/Bed Ratio	Green Space	Lot Size	Green Space %	% BUILDING		
15,000 sq. ft. Retail	35	53	54	3,383					
County Market 30,000 sq. ft.	170	255	240	3,433					
27,000 sq. ft. Retail	63	95	100	3,701	22,343 sq. ft.	215,531 sq. ft.	10.32%		
Indoor Storage 15,000 sq. ft.	29	44	29	N/A					
12,000 sq. ft. Retail	25	38	52	4,383	8,294 sq. ft.	51,569 sq. ft.	16.12%		
3,451 sq. ft. Office	4	6	20	5,803	10,586 sq. ft.	22,409 sq. ft.	47.20%		
11,275 sq. ft. Retail	23	35	37	5,053	11,247 sq. ft.	50,189 sq. ft.	22.40%		
Totals	349	526	512						



REI Engineering, Inc.
1231 N. 10TH STREET
WAUSAU, WISCONSIN 54981
PHONE: 715.875.7141 FAX: 715.875.1061
EMAIL: INFO@REI-ENGINEERING.COM



REI

CIVIL & ENVIRONMENTAL
ENGINEERING, SURVEYING



DATE	REVISION	BY	CHK'D	DESIGNED BY: TAE	CHECKED BY: JLB
				SURVEYED BY: JLB/TJM	APPROVED BY: JLB
				DRAWN BY: NAB	DATE: 10/06/2020

WAUSAU CROSSROADS MARKETPLACE MASTERPLAN
18TH AVENUE
WAUSAU, WI
REI NO. 86006A
SHEET EXHIBIT

LANDSCAPE REQUIREMENT COMPARISON & NOTES

LANDSCAPE NOTES

- THIS LANDSCAPE PLAN IS FOR CONCEPTUAL PURPOSES ONLY, NOT FOR CONSTRUCTION.
- THE PLAN INTENT IS TO INDICATE APPROXIMATE LOCATIONS & MAINTENANCE OF PROPOSED LANDSCAPE MATERIAL BASED ON THE CITY OF WAUSAU ZONING CODE, ARTICLE VII.
- LOCATIONS ARE APPROXIMATE, THEREFORE FINAL LOCATIONS, MASSING & ORIENTATIONS MAY VARY DEPENDING ON POINTS REQUIRED & CITY OF WAUSAU RECOMMENDATIONS.
- THE GOAL IS TO NOT ONLY ACCOMMODATE ALL APPLICABLE REQUIREMENTS OBTAINED BY THE CITY, BUT ALSO CREATE A VISUALLY APPEALING, LOW MAINTENANCE & SUSTAINABLE LANDSCAPE ENVIRONMENT.

AREAS TO ACCOMMODATE LANDSCAPE REQUIREMENTS

A BUILDING FOUNDATION

- DECORATIVE STONE MURCH BEDS, BOUND WITH ALUMINUM LANDSCAPE COATING
- DIVERSE VARIETY OF LOW MAINTENANCE HARDY AND PREFERRED NATIVE SPECIES
- DECIDUOUS SHRUBS
- EVERGREEN SHRUBS
- PERENNIALS & ORNAMENTAL GRASSES

B PAVED AREAS

- DECORATIVE STONE MURCH ISLANDS
- DIVERSE VARIETY OF LOW MAINTENANCE HARDY AND PREFERRED NATIVE SPECIES
- SHADE TREES (1 OR 2 PER ISLAND)
- DECIDUOUS SHRUBS
- EVERGREEN SHRUBS
- PERENNIALS & ORNAMENTAL GRASSES

C STREET FRONTAGES

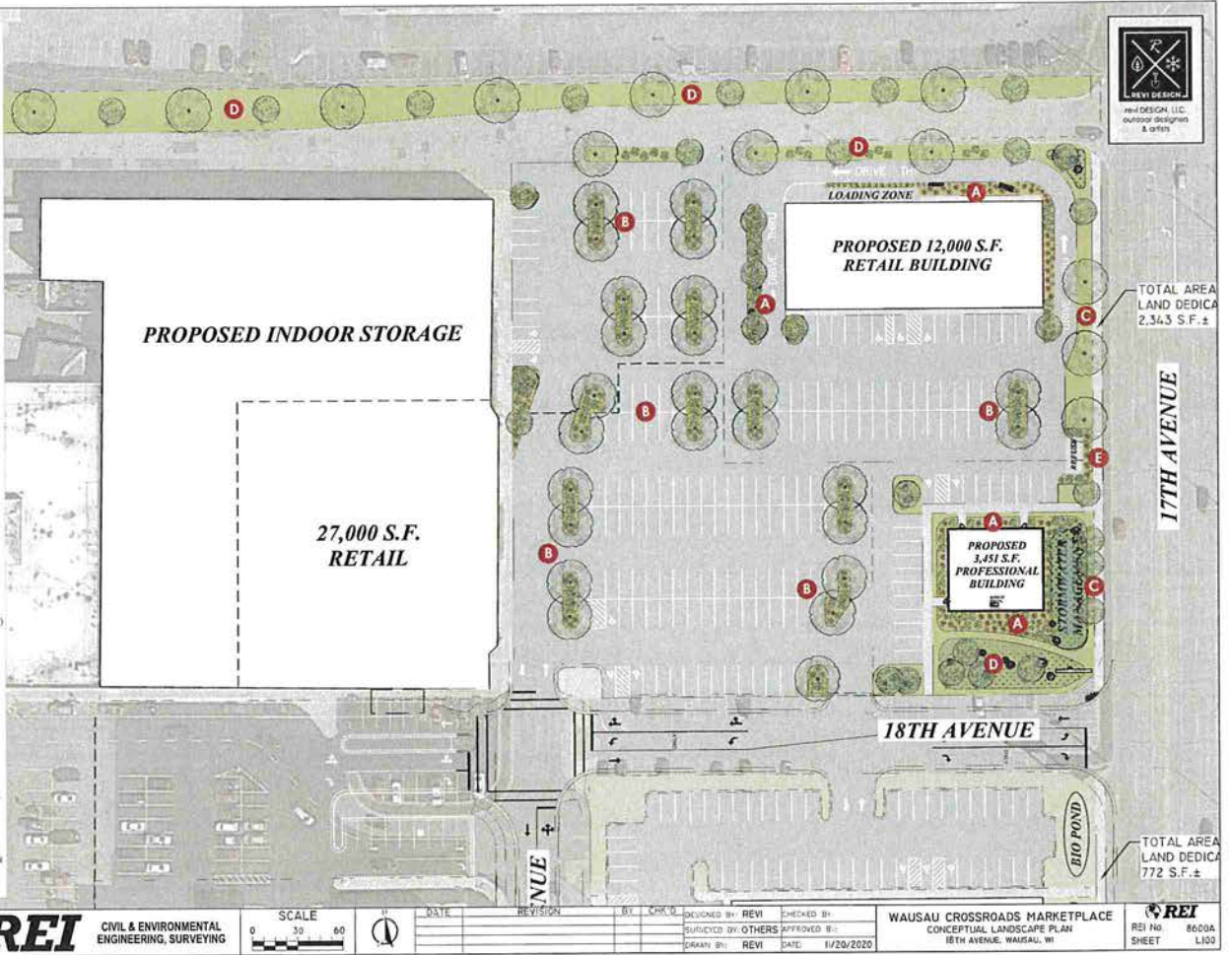
- DIVERSE VARIETY OF LARGE DECIDUOUS SHADE TREES
- 1 TREE EVERY 50-60 FT OF ROW

D YARDS

- DIVERSE VARIETY OF LOW MAINTENANCE HARDY AND PREFERRED NATIVE SPECIES
- LOW MEDIUM DECIDUOUS TREES
- DECIDUOUS SHRUBS
- EVERGREEN SHRUBS

E REFUSE SCREENING

- DENSE DECIDUOUS & EVERGREEN SHRUBS TO VISUALLY SCREEN REFUSE BIN AREA FROM STREET



TOTAL AREA
LAND DEDICATED
2,343 S.F. ±

17TH AVENUE

18TH AVENUE

TOTAL AREA
LAND DEDICATED
772 S.F. ±

REI Engineering, Inc.
1500 N. 20th Avenue
Wausau, WI 54980
PHONE: 715/251-1515
FAX: 715/251-1516
EMAIL: INFO@REIENGINEERING.COM



CIVIL & ENVIRONMENTAL
ENGINEERING, SURVEYING

SCALE
0 30 60



DATE
REVISION
BY
CHK

DESIGNED BY: REVI
CHECKED BY:
SURVEYED BY: OTHERS
APPROVED BY:
DRAWN BY: REVI
DATE: 1/20/2020

WAUSAU CROSSROADS MARKETPLACE
CONCEPTUAL LANDSCAPE PLAN
18TH AVENUE, WAUSAU, WI

REI
REI NO. 8600A
SHEET L102



PJ INVESTMENTS

WAUSAU,

WISCONSIN





PJ INVESTMENTS

WAUSAU,

WISCONSIN



Small Free Standing Professional Building near storm-water green space



1 3D Perspective - Northeast Corner



② View at Northeast Corner
12" = 1'-0"

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[illegible]

Shopko Storage Wausau

Inside Self Storage Facility

Concept Perspective and Elevations

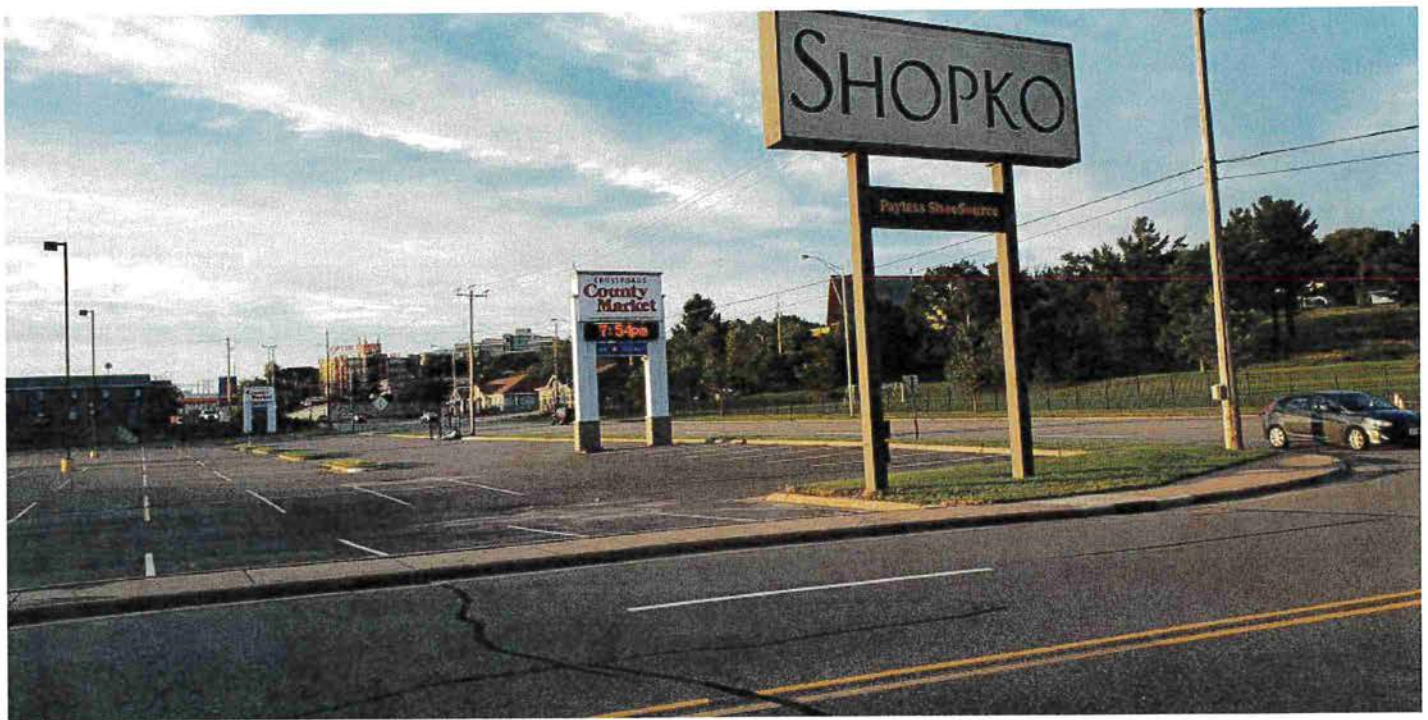
Project number	20-02
Date	06-08-2021
Drawn by	JF
Checked by	
Scale	1/2" = 1'-0"
Sheet Number	000

G00

PRELIMINARY NOT FOR CONSTRUCTION

12/7/2020 6:22:40 PM

Original Property Marketing - Street Signage



Signage planning is not complete.

The original signage for the existing building (Shopko) was removed for the Street relocation. Its replacement was once considered. One new option being considered is upgrade The County Market sign as it is constructed in a way that it could have additional signage boxes and / or panels added but it is privately owned (Paid for by County Market) and we are just starting negotiations. The Shopko building has 250 feet of frontage on the Expressway (South exposure) and nearly 350' on the 17th Ave (East Exposure)

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

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

Amending Section 2.82.055 of the *Wausau Municipal Code* to include the designation of the Grant School, 500 North 4th Avenue, as a Local Historic Landmark.

Committee Action: Historic: Approved 5-0
 Plan: Approved 5-2

Ordinance Number:

Fiscal Impact: None

File Number: 21-0111

Date Introduced: January 12, 2021

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

Section 1. That Section 2.82.055 of the *Wausau Municipal Code* is hereby amended to read as follows:

Add (Red Text)

2.82.055 Local Historic Landmarks. The following structure is hereby designated as a local historic landmark:

(32) Grant School, 500 North 4th Avenue, PIN: 29129072620980

THAT PART OF SE NW LYG S OF BRIDGE E ST W OF 4TH AVE N OF OAK
ST & E OF 6TH AVE SEC 26 29 7 CSM VOL 16 PG 205

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

Section 3. Severability. In the event any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

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:

Leslie M. Kremer, Clerk

January 10, 2021

Council Members and Mayor,

The Historic Preservation Commission would like to thank the Common Council for their past support of historic preservation efforts in our community. Your unanimous vote supporting the resolution condemning the possible razing of Grant School showed your understanding of the important role preservation of our past plays in the future of our community.

We ask for your support once again in the final stage of the landmarking process for Grant School. It has been passed by the Historic preservation Committee and the Planning Commission. Tonight it comes before the Council for approval. Your approval will provide this architectural treasure the protection it needs, and deserves, as the Wausau School Board decides its fate. Although it survived the recent plan put forward, its future is not yet secured from future similar attacks.

It is imperative that this landmark process be completed this evening. The future of this architectural gem is still in question as the Wausau School Board considers future plans.. We ask that you vote yes and grant Grant School landmark status.

Thank you once again for your support.

Linda Tryczak
Chair, Wausau Historic Preservation Commission

Christine Martens
Vice Chair, Wausau Historic Preservation Commission

HISTORIC PRESERVATION COMMISSION

Time and Date: Thursday, November 19, 2020 at 6:00 p.m. in the Common Council Chambers of Wausau City Hall
Members Present: Linda Tryczak, Debra Ryan, Christine Martens, Steve Miller, Brian Mason
Others Present: Brad Lenz, Gary Gisselman, Melissa Engen, Ka Lo, Keith Hilts, Lois Wagner

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

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

PUBLIC HEARING: Discussion and possible action on a landmarking of 500 North 4th Avenue.

Keith Hilts, 222993 Woodsmoke Road, said that he is present to listen and learn about the process. Hilts said that he agrees with the research and that there is historical value. There is a common interest and the school district needs to do its best to educate.

Gary Gisselman, 319 Park Avenue, said that he supports the designation as a landmark. The building does meet the criteria that is outlined in the city ordinance. The school has been a cultural and community resource for 110 years. Gisselman said that the architecture of the building also meets the criteria for landmarking. There is a unique sunroom on the northeast side that was built specifically for the kindergarten rooms. Gisselman urged the commission to landmark the school and said that the consultant's report speaks to the federal qualifications.

Debra Ryan, 702 Elm Street, said that she owns a house that is 100 years old and is impressed with older homes. Ryan said that the school board administrative building and John Marshall are both over 100 years old and said that if the school board wants to cut down on the number of buildings, it would be appropriate to keep the multi-level buildings. Ryan added that she requested additional financial information from the school district, but did not receive that. This building is worth saving. There is a lot of history and it is one of the most beautiful buildings. Ryan said that the voters soundly said their thoughts by voting no. This building is a gem.

Lois Wagner, 517 North 4th Avenue, said that when she moved here 38 years ago, she was told that if it wasn't a school, it would go to an estate. Wagner said that this beautiful building is worth saving.

Tryczak closed the public hearing.

Lenz gave a brief presentation on the process for landmarking a building. The criteria for landmarking the building are listed in Chapter 2 of the City of Wausau Municipal Code. If the building is landmarked, a certificate of appropriateness would be required for any alteration, addition or demolition. Lenz said that if this is approved by this committee, it would also need to be approved by Plan Commission and then by Common Council.

Miller said that a lot of people may not know about a lot of the work that has been done to the building. There would be a benefit to be in touch with those people.

Martens said that aside from the emotional aspect, it does meet the criteria for landmarking and the commission needs to move forward. Martens said that if anyone wants to see more stories, there are many posted on the Friends of Wausau Historic Landmarks Facebook page. Martens added that there could be possible tax breaks if the school would be added to the national register.

Ryan motioned to landmark the building at 500 North 4th Avenue. Miller seconded, and the motion carried unanimously 5-0 by roll-call vote. This will go to Plan Commission on December 15th.

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, December 15, 2020, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Katie Rosenberg, Eric Lindman, Patrick Peckham, Tom Neal, Bruce Bohlken, Andrew Brueggeman, Mic'Kayla Ross

Others Present: Brad Lenz, William Hebert, Bill Scholfield, Richard Holster, Bob Tess, Christine Martens, Gary Gisselman

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

Discussion and possible action on landmarking of 500 North 4th Avenue.

Lenz said that this is for landmarking Grant School. The process of landmarking starts with the Historic Preservation Commission. A public hearing was held by that commission. The Plan Commission and Common Council also need to approve the landmarking. The Plan Commission looks at a different set of criteria than the Historic Preservation Commission does. Lenz went over the criteria that need to be met. Staff recommends approval. He noted that the public interest includes preservation of historic buildings.

Bob Tess, Wausau School District, said that he did participate in the public hearing and is interested in learning about the process and is not standing in the way. Tess said that the school district has learned a lot about the community with the referendum. Tess said at this time he is not seeing an appetite for razing the school from the school board members.

Christine Martens, 1228 Arthur Street, said that she is absolutely positive that this marks all of the boxes for landmarking.

Neal motioned to approve the landmarking of 500 North 4th Avenue. Ross seconded.

Bohlken said that he feels that landmarking is premature since there are no plans and this could cause restrictions to the school district. Bohlken said that he suggests waiting until something is in place.

Brueggeman stated that he agreed with Bohlken.

Neal asked what the process would be if it passes. Lenz said that a recommendation would be given to the Common Council. Neal asked if it could be tabled. Mayor Rosenberg said that it could be tabled if more information is needed.

Gary Gisselman, 319 Park Avenue, said that the school is historically significant and the historic consultant's report does list Grant School as such. When the Wausau School District took the referendum, the school came to the front of the public. Gisselman said he is not sure what tabling it will change, but the landmarking will safeguard the building. The school is 110 years and needs to be landmarked. Lenz said that the ordinance identifies a timeline and it does not address tabling or delaying the vote at this point – he recommended sending it to Council one way or another.

Ross said that she is in favor of moving forward. There have been lots of meetings already. There are potential tax breaks for the school if landmarked. Tess said that the tax benefits do not matter. Tess said that he feels that the school board members have enough data points to not raze the school.

The motion carried 5-2 by roll call vote. Bohlken and Brueggeman voted against the motion. This item will go to Common Council on January 12, 2021.



Memorandum

From: Brad Lenz
To: Plan Commission
Date: December 9, 2020
Subject: Grant School Historic Landmark Designation

The Historic Preservation Commission held a public hearing last month for the designation of Grant School as a local historic landmark. The minutes and packet of information from the meeting are attached to this memo. The commission found the building to be historically significant and recommended moving forward with the landmark designation.

The next step in the process is for Plan Commission to review the recommendation from the Historic Preservation Commission, and forward its own recommendation to the Common Council for consideration. Per 2.82.050(b)(3), the Plan Commission shall consider the following factors in formulating a recommendation:

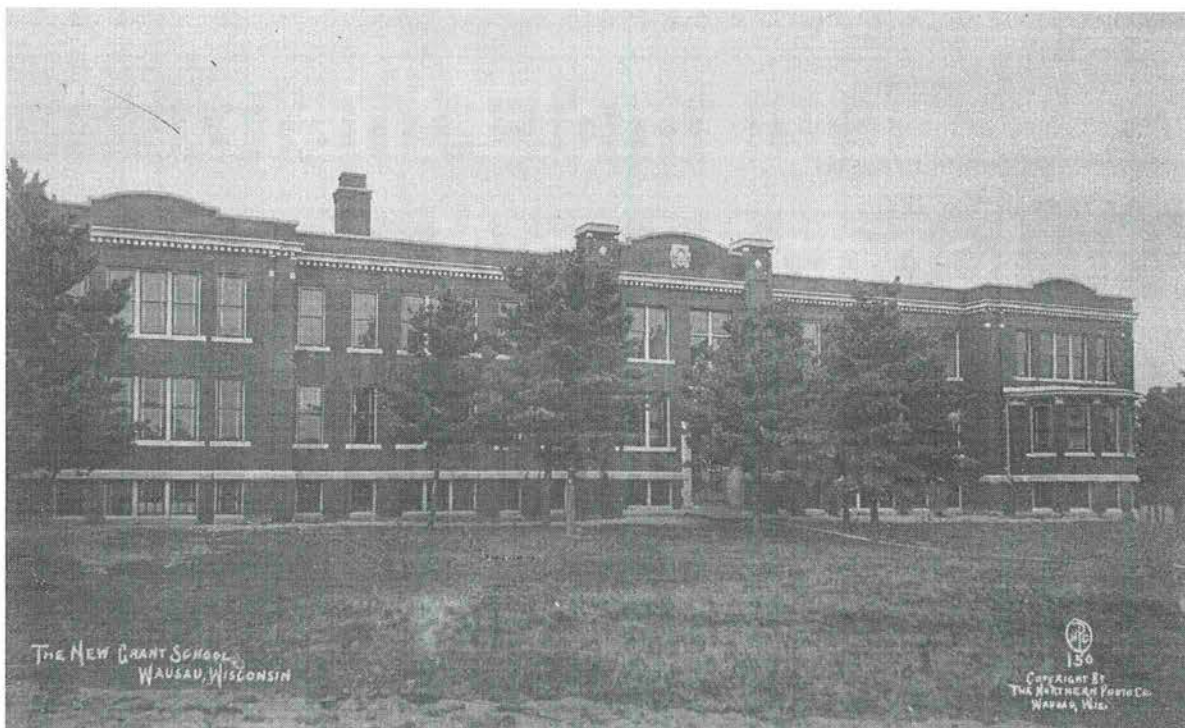
- (A) Will the designation of the property as a landmark or historic site interfere with the orderly, coordinated, and harmonious development of the city;
- (B) Will the designation of the property as a landmark or historic site conflict with parts of the master plan, official map or redevelopment plans;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

Based on these criteria, staff recommends approval of the landmark designation from the Plan Commission. The area around Grant School has been developed for many years, mainly with small-scale residential properties and related uses. There is not a specific redevelopment plan for the immediate area, and the comprehensive plan acknowledges the value of preserving the city's history. Similarly, our municipal code (2.82.010) states that it is a matter of public policy that the protection, enhancement, perpetuation and use of buildings of special architectural character or special historical interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people.

**The Architectural and Historical
Significance of**

Grant Elementary/ Sixth Ward School

**500 North 4th Avenue
Wausau, Wisconsin**



Grant Elementary At A Glance

Timeline

1908/9	Land purchased from Mrs. Samuel Quaw
October 1909	Excavation started
September 11, 1910	Welcomed first students
February 1912	Name changed: to honor Ulysses S. Grant
1921	Parent Teacher Association (PTA) formed
1925	Classrooms completed:
1933	First Stunt Night held
1934	New stage completed
1940	Sounds motion projector added; new steam heating plant
1947	Program clocks
1949	Three bus garage
1951	ADT fire alarm system
1964	Program for visually impaired moved to Grant
1965	Title I Preschool Program started
1970	Program for hearing impaired moved to Grant
1985	New roof and energy efficient
1987	Hands Around Grant School protest
1988	\$900,000 remodel
2001	Gymnasium added; designed by SDS Architects (Eau Claire)

Architectural Information

Architects: Van Ryn & DeGelleke, Milwaukee, Wisconsin

Contractors: Miller and Krause

Estimated budget: \$56,000

Actual cost: \$63,000

Includes about 1,000,000 red bricks, \$5,000 in white Bedford stone, and 80-90 tons of structural steel

Architectural Highlights

Classical Revival in style

Two stories and raised basement

Stone water table above the basement level that wraps around full building

Stone trim cornice wrapping around full building

Shaped parapets- three of which identify the original entrances

Entrances feature stone surrounds

A bay projection at the southeast side

The Grant Elementary building has been an important part of the community since the ground was broken for construction in 1909. The leaders had built into their vision for a great community the absolute need for outstanding educational opportunities. Even though the land was on the very edges of the city, they knew that the neighborhood needed a neighborhood school in order to thrive. Through the years the building itself has become a part of the identity of the westside neighborhood.

Architectural/Historical Significance

As explained on pages 58 and 59 of The Historical & Architectural Resources Survey 2017-2018 (see excerpt below), Grant School is a good candidate for the National Register of Historic Places. It is also a contender for local historic landmark status. Its Neo Classic details are still intact and it is a fine example of the style.

The architectural firm hired to design Grant School, Van Ryn & DeGelleke of Milwaukee, are noted for designing many treasured buildings across Wisconsin, including a long list in central Wisconsin. Included in this list are Wausau's Longfellow School, Irving School and the Cyrus Yawkey House.

When one looks at Grant School the fine details and beauty become obvious. The stone cornice and water table which wrap around the whole structure are the perfect accents to the red brick. The parapets add a bit of elegance to the original entrances, including the main entrance still used today.

The trees on the grounds have also been of great importance through the years. The tall pines have been a part of the neighborhood as far back as memory allows. In fact, as the plans for Grant Elementary were being laid the community demanded that the trees be undisturbed, and a rule was enacted protecting the pines.

Community/Social Importance

Grant School is a centerpiece of the neighborhood, providing more than just a place to send the kid's in the morning. The pride in the building can be seen throughout the years as improvements were not only done through the school district but through the efforts of those that call the neighborhood home. An early example is when the need for a stage became evident, students and parents raised the funds.

The building has been a hub of neighborhood activities. Dramas and operettas performed annually, academic and art events, sports, holiday fun, and more. The PTA has been an active part of creating programming since its inception in 1921.

In recent history the neighborhood has continued to rally to make sure that Grant school is a viable school for their children. In 1986, a protest was held and parents held hands, forming a circle around the building to demand updates be made. It was called Hands Around Grant and

relayed the importance of this place in a powerful way. The next year the improvements were made, ensuring the neighborhood's school remained.

Grant School provides a sense of place for this neighborhood. It is an anchor of the area, letting people know that they are on the westside. Its prominence in the community cannot be overstated, and its importance cannot be easily dismissed.

Resources

Historical & Architectural Resources Survey 2017-2018: City of Wausau, Marathon County;
Prepared by Heritage Research LTD. (August 2018); pages 58-59

Wausau Daily Herald, March 6, 1947, Site of Grant School, Largest of Public Grades, Once
Remote

Wausau Daily Herald, June 10, 1986, Grant School: Parents pressure for renovation

Grant School History 1910-1987, Mary Stremlau, January 21, 1988

Excerpt from Historical & Architectural Resources Survey 2017-2018

Address
500 N. 4th Avenue

AHI#
49711

NRHP Evaluation
Potentially Eligible

Description and Statement of Significance



Sixth Ward School/Grant Elementary School (1910), 500 N. 4th Avenue.

Reflecting a modest Classical Revival influence, this two-story plus raised basement school building features a stone water table above the basement level that wraps around the entire structure. Likewise, the cornice includes continuous stone trim around the structure, beneath which is dentil-like stonework. Shaped parapets are located somewhat regularly around the building, three of which identify the building's three original entrances that feature stone surrounds. A one-story bay projection (this space reportedly

⁵⁵ Jim Lee, "Irving School Served Wausau for 86 Years," *Wausau Daily Record-Herald*, 21 May 1969, 3/1-3; "After 87 Years, Irving School to Close Doors," *Wausau Daily Record-Herald*, 29 May 1970, 2/1-2; "Use Irving School for Offices, Shops," *Wausau Daily Record-Herald*, 15 October 1970, 3/5-6; Malaguti & Norton, "Final Report: Intensive Historic Survey," 121; Aucutt, Hettinga & Jansen, *Wausau Beautiful*, 170.

⁵⁶ Maryanne C. Norton, "Preservation Alive, Well in Wausau," *Wausau Daily Herald*, 6 December 1987, 8C/4.

Historical & Architectural Resources Survey City of Wausau, Marathon County, Wisconsin

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contained the original kindergarten classroom) extends from the northeast end of the primary elevation.

Designed by the Milwaukee firm of Van Ryn & DeGelleke and originally known as the Sixth Ward School, excavation of this building began in October 1909 and officially opened for classes on 11 September 1910. At the time the school was built, it was considered the edge of the city and the community was doubtful that the city would expand much, if at all, further north. A reported 1,000,000 red bricks and between 80 and 90 tons of structural steel was used for its construction. Although estimated to cost \$56,000, numbers came in at \$63,000. Because the school was not immediately filled with students, not all of the second-floor classrooms were completed, which thereby reduced the overall initial cost. It was not until 1925 that all classrooms were complete. The school officially changed its name to Grant School in February 1912, named after Ulysses S. Grant. The school included only K-2 the first year and K-5 the next. Ultimately the school would expand to include up to the 8th grade. In 1988, by which time the school was used only for elementary grades, a significant \$900,000 remodeling program was completed and, in 2001, a new gymnasium, designed by SDS Architects of Eau Claire, was built at the rear of the school.⁵⁷

Retaining a good degree of integrity, the former Sixth Ward School/later Grant School, is recommended as potentially eligible for the National Register under Criterion A: History (Education) and under Criterion C: Architecture (Property type, Twentieth Century School Building).



October 5, 2020

Wausau School District
415 Seymour Street
Wausau, WI 54403

Dear Property Owner(s):

Please find enclosed a copy of a *Notice of Public Hearing* regarding designation of the Grant Elementary School / Sixth Ward School, 500 North 4th Avenue, as a Local Wausau Historic Landmark.

This public hearing is one of the initial steps in considering the designation of your property as a landmark. Following the public hearing, it is anticipated that the Historic Preservation Commission will formulate a recommendation which will then be forwarded to the City Plan Commission for further review. Following action by the City Plan Commission, the issue will then be considered by the Common Council. The Common Council is the ultimate authority in determining whether or not property recommended for landmark designation is, in fact, so designated.

If your structure is ultimately designated as a Wausau Historic Landmark, most exterior changes to the building or proposed demolition of the structure must be brought before the Wausau Historic Preservation Commission for review and approval. The Historic Preservation Commission, however, does not have any authority over interior changes to designated landmarks. The Commission reviews plans for modifying the exterior of landmarks to determine if the planned improvements are in harmony with the general architectural character of the building(s). To date, there are 31 designated local landmarks in Wausau, 99 properties within the Downtown Historic District, 60 properties within the Andrew Warren Historic District, 163 properties within the Easthill Residential Historic District, 48 properties within the Highland Park Historic District and 169 properties in the Eau Claire Heights Historic District.

The public hearing will be your opportunity, as well as that of the general public, to ask questions regarding the designation of your structure as Local Historic Landmark and to provide comments and express any concerns. It is anticipated that the Common Council will consider the Historic Preservation Commission's recommendation at one of its meetings in either December or January. **PLEASE CONTACT THE CITY CLERK'S OFFICE (715-261-6620) TO DETERMINE THE EXACT DATE OF COMMON COUNCIL ACTION.**

If you cannot attend the public hearing and have questions regarding landmark designation, please feel free to call me at 715-848-5160. If you would like to submit written comments regarding the proposal, please do so by writing to me at Wausau City Hall, 407 Grant Street, Wausau, WI 54403 BEFORE November 12, 2020.

Sincerely,

Linda Tryczak, Chairperson – Wausau Historic Preservation Commission

cc: Mayor Katie Rosenberg
Brad Lenz
Members of Historic Preservation Commission

Dear Editor,

Wisconsin native Frank Lloyd Wright stated that "The mother art is architecture. Without an architecture of our own we have no soul of our own civilization." The razing of Grant Elementary School on Wausau's west side is not only the destruction of art and an important piece of Wausau's history, but the destruction of an important piece of the neighborhood's identity.

Built 110 years ago, on what was then the edge of town, Grant Elementary (then known as the Sixth Ward School) was a grand undertaking with an eye to the future. It became a mainstay of the neighborhood through the years. In 1921, the Parent Teacher Association was created and became the leader of many programs through the years. The neighborhood has shown its support through the years by attending programs, raising funds for improvements, and demanding the school district make updates so the school remains an important part of the neighborhood.

The importance of Grant Elementary School's architecture can be seen still today. The most recent architectural survey completed for the City of Wausau comments that the building is a good candidate for possible inclusion on the National Register of Historic Places. The Classical Revival style used in 1910 by architects VanRyn and DeGelleke has been well preserved, even with the recent additions. The more than 1,000,000 red bricks and white Bedford Stone is plainly visible. Details such as the parapets at the entrances, stone trim around the whole building, and bay projection add to the beauty of this historic gem.

The work of architects VanRyn and DeGellecke can be seen throughout Wausau and central Wisconsin. Many of their buildings have been recognized for their beauty and significance to the community. In Wausau, you will find the Cyrus Yawkey Home (currently the Yawkey House Museum) and the Longfellow School (currently Wausau School District offices).

We, the Wausau Historic Preservation Commission, believe that the importance of Grant School, both historically and architecturally, makes it an excellent candidate for local historic landmark status. We believe it is of utmost importance that this building not be razed as proposed by the Wausau School District's referendum on the November 3 ballot. We ask that the public consider voting no on the referendum to show their support for this local piece of history.

The Wausau Historic Preservation Commission would like to invite the citizens of Wausau, and others who may have an interest in architecture and history, to the first meeting in the landmarking process to be held on Thursday, November 19th at 6 pm in the Council Chambers at Wausau City Hall.

Linda Tryczak, Chair, Wausau Historic Preservation Commission
Christine Martens, Vice-Chair, Wausau Historic Preservation Commission

RESOLUTION OF THE FINANCE COMMITTEE

Approving the Towing Services Agreement with Joe Rader Towing LLC

Committee Action: Approved 5-0

Fiscal Impact: No additional financial impact to the City

File Number: 20-0822

Date Introduced: January 12, 2021

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes ☒ No ☐	Unknown
	<i>Included in Budget:</i>	Yes ☒ No ☐	Unknown
	<i>One-time Costs:</i>	Yes ☐ No ☒	Unknown
	<i>Recurring Costs:</i>	Yes ☒ No ☐	Unknown
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 Common Council approved on August 25, 2020 to issue a Towing Service Request for Proposals, to seek responses from towing companies to assist the City with non-consensual/no-preference tows, evidence tows, and City owned vehicles; and

WHEREAS, responses were received from Brickner's of Wausau, Inc. and Joe Rader Towing, LLC and analyzed by the City Attorney's Office and the Wausau Police Department to determine if all of the requirements of the Request for Proposals were met; and

WHEREAS, the proposal submitted by Joe Rader Towing, LLC met all of the requirements outlined in the Request for Proposals; and

WHEREAS, your Finance Committee, on January 12, 2021, discussed and recommended entering into the attached Towing Services Agreement with Joe Rader Towing, LLC, which is attached to this Resolution as Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wausau does hereby approve the Towing Services Agreement with Joe Rader Towing LLC, substantially in the form of that which is attached hereto, and authorizes and directs the proper City officials to execute the Towing Services Agreement.

Approved:

Katie Rosenberg, Mayor

TO: Finance Committee Members

FROM: Nathan Miller, Assistant City Attorney

DATE: January 5, 2021

RE: Towing Services Agreement

SUMMARY

The Wausau Police Department, in consultation with the City Attorney's Office, is submitting a recommendation to the City of Wausau Finance Committee for a towing services provider: Joe Rader Towing, LLC as well as the contract to be entered into between the City and Joe Rader Towing for said services. The towing services provider will be contracted with the City of Wausau to provide three categories of towing services: non-consensual/no-preference tows, evidence tows, and city-owned vehicle tows (Wausau Police Department fleet vehicles).

BACKGROUND

The Wausau Police Department sought support from the City to partner with a towing services provider who could assist the department in improving our efficiency and customer service in responding to situations requiring towing services.

The City of Wausau initiated a Request for Proposal of Towing Services (RFP) in October 2020. The RFP notice was published on the City's website and sent directly to known towing service providers within six (6) miles of the City's corporate limits.

The RFP invited response related to three categories of towing services: non-consensual/no-preference tows; evidence tows; city-owned vehicle tows (Wausau Police Department fleet vehicles). Proposals were submitted by interested parties in November 2020. In total, five (5) towing service providers requested RFP materials and two (2) of those providers submitted proposals: Brickner's of Wausau, Inc. (Brickner's), and Joe Rader Towing, LLC (JRT).

Brickner's proposal was responsive to the category of 'city-owned vehicle tows'. JRT's proposal was responsive to all three categories of towing services. The submitted proposals have since been reviewed, according to criteria outlined in the RFP, by staff members of the Wausau Police Department and the City Attorney's Office.

CONCLUSION

The proposal submitted by Joe Rader Towing, LLC met requirements related to insurance coverage, capacity to provide listed services (e.g. availability, response, clean-up, storage, etc.), and service pricing. The Wausau Police Department is recommending Joe Rader Towing, LLC for the towing services contract as specified in the City of Wausau Request for Proposal of Towing Services published on October 19, 2020.

NM

Towing Services Agreement

THIS AGREEMENT is made on the date this Agreement is executed by and between Joe Rader Towing LLC (“Tow Company”), a Wisconsin limited liability company with a principal place of business at 4701 North 32nd Avenue, Wausau, WI 54401, and City of Wausau (“City”) a Wisconsin municipal corporation, 407 Grant Street, Wausau, WI 54403, collectively referred to as the “Parties”.

RECITALS

The City wishes to be provided with the towing services outlined below by Tow Company and Tow Company agrees to provide the towing services outlined below to the City on the terms and conditions of this agreement.

1. TERM

This Agreement shall become effective upon the date of the last party to sign the Agreement and, unless sooner terminated as provided, shall remain in full force and effect for a term of one (1) year from such date. Two (2) months prior to the expiration of the term, the City will issue another Request for Proposal of Towing Services. At that time, Tow Company may submit another response for the City’s consideration.

2. DEFINITIONS - TYPES OF TOWING SERVICES

- Non-consensual/no-preference tows (abandoned vehicles)– When the owner of the vehicle cannot be located and/or does not choose which tow company to use to tow the vehicle
- Evidence tows – When a vehicle that needs to be towed is considered evidence
- City owned vehicle tows – When a vehicle, owned by the City, needs to be towed

3. PERFORMANCE REQUIREMENTS

1. Rules of Conduct

The Tow Company shall conduct business in an ethical, orderly manner, endeavoring to obtain and keep the confidence of the community.

2. Regulation

The Tow Company shall comply with all applicable laws, regulations and ordinances including those that regulate tow units, impoundment, towing, storage, selling or junking of vehicles.

4. OBLIGATIONS OF TOW COMPANY

a. DISPOSITION REQUIREMENTS AND OBLIGATIONS FOR ABANDONED VEHICLES

In the event that the Tow Company tows an abandoned vehicle, as defined in Wausau City Ordinance 10.08.040 and Wis. Stat. § 342.40, the City would not be responsible to the Tow

Company for any costs related to towing or impoundment of a non-stolen abandoned vehicle. Tow Company will fulfill all obligations of the City, as required by Wis. Stat. 342.40, in terms of notice of sale by certified mail to owner/lienholders, auctioning of the abandoned vehicle, notifying WIDOT/DMV, and providing a certificate of transfer to the purchaser of the abandoned vehicle. The Tow Company shall use these proceeds to cover the costs of towing and storage of the abandoned vehicle. Any remaining amount shall be returned to the City to be placed into a general fund. Tow Company is required to keep detailed records of all costs associated with each abandoned vehicle and sale price of said vehicle. Tow Company shall provide these records to the City monthly. Tow Company shall allow the City to inspect these records when requested. Failure to provide these records or failure to properly account for each abandoned vehicle, will be considered a default and grounds to terminate the Towing Services Contract. Failure to abide by the requirements of Wis. Stat. § 342.40 will also be considered a default and grounds to terminate the Towing Services Contract.

b. AREA OF SERVICE

Vehicles shall be towed from their stalled or parked location to another location within the City or not more than five miles outside of the City's corporate limits as directed by a City agency.

c. VEHICLE STORAGE

1. Standard storage and secure storage must be provided when required by the City. Secure storage shall mean that the towed vehicle shall not be accessible to anyone without the express verbal or written permission of the Wausau Police Department. Standard storage shall consist of at a minimum a fenced lot or yard with security style fencing and locked gate sufficient to keep trespassers out and vehicles in; or a lot with an attendant on duty at all time; or with the prior approval of the City, some combination of fencing and on duty attendant. Vehicle owners shall not be denied access to vehicles held in standard storage. Tow Company shall follow all applicable laws, including Wis. Stat. §779.415(1)(b) and 349.13(5)(b)2 regarding access to and release of personal property in vehicles being stored at the direction of the Wausau Police Department.
2. Tow Company shall not charge a "lot fee" or access fee for citizens to access their vehicles stored at Tow Company's storage facility.
3. All vehicles shall be protected from vandals and pilferage.
4. The Tow Company shall keep a computerized log of towed vehicles, name and contact information of any individual granted access to a vehicle, date and time of access by any individual, documentation of any item removed by any individual from any vehicle, and the date of actual release of any vehicle and the name and contact information of the individual to whom a vehicle is released.
5. Tow Company shall provide immediate response to a request for the release of a vehicle twenty four (24) hours a day, seven (7) days a week. In the event no one is

available to release a stored vehicle upon request, Tow Company agrees to waive any storage charges that are assessed for the day the request for release was made.

6. No vehicle entrusted to the Tow Company shall be operated by any Tow Company personnel except to relocate the vehicle within the storage area.
7. Tow Company shall be responsible for the reasonable care of the vehicle and shall be responsible for damage or loss to the vehicle and its contents caused by the Tow Company's negligence or failure to exercise reasonable care of the vehicle. Tow Company shall be responsible and liable for the replacement or payment of any loss of contents listed on the inventory of contents.

5. PRICE

Non-Consensual/No-Preference Tows

Accident Vehicles- (These costs are based on a typical accident in the City of Wausau)

- Base accident rate hook-up - \$150.00
- Mileage rate from pick up location to destination - \$3.00/mile
- Labor rates vary depending on severity of accident
 - o Typical labor rate \$20 - \$40/per hour
 - o Labor rate is based on how much clean-up is needed at the scene and necessary winching and/or retrieval
 - o Any excessive winching could increase the labor rate an additional \$40-\$80/per hour
- After hour rate (6:00 PM – 6:00 AM) - \$40.00
- Daily storage rate - \$35.00

Disabled Vehicles- (Vehicles that breakdown on the roadway)

- Base rate hook-up - \$75.00
- Mileage rate from pick up location to destination - \$3.00/mile
- If any winching and/or labor is needed, the labor rate may range from \$20-\$40/per hour
- Daily storage rate - \$35.00

Evidence Tows

Evidence Tows

- Base rate hook-up - \$75.00
- Mileage rate from pick up location to destination - \$3.00/mile
- If any winching and/or labor is needed, the labor rate may range from \$40-\$80/per hour
- Daily storage rate - \$35.00

City-Owned Vehicle Tows

City-Owned Vehicle Tows

- WPD squad vehicles - \$0
- City of Wausau Light/Medium Duty Vehicles
 - o Base rate hook-up - \$75.00
 - o No mileage charge

6. BILLING

1. Invoices for services provided by Tow Company shall be sent the first of every month to:

City of Wausau Police Department
515 Grand Avenue
Wausau WI 54403

2. The City is responsible for all charges for towing and storage of City owned vehicles only and the Tow Company shall bill the City for all such services. Charges for vehicles that are towed and stored by order of the City, but which are not owned by the City, are the responsibility of the owner of such vehicles. Storage rates charged to privately owned vehicles shall be no greater than those charged to the City under this contract. The City of Wausau shall not be responsible for payment of towing charges for non-City owned vehicles which are in violation of a prohibition, limitation or restriction on stopping, standing or parking imposed under Chapter 342, 346 and 349 of the Wisconsin Statutes or for the towing of non-City owned vehicles being held by the police department for evidentiary or other purposes.

3. Monthly billing statements shall contain a breakdown of the type of tow (illegally parked vehicles, city owned vehicles and the like), the date and location of tow, the license number or VIN of the vehicle towed, the make of the vehicle, the cost of the tow, the storage start and end dates and the total number of days stored.

7. INSURANCE REQUIREMENTS

a. GENERAL LIABILITY, AUTOMOBILE LIABILITY, AND EXCESS LIABILITY

Tow Company shall secure and maintain in force throughout the duration of this contract such General Liability and Property Damage Insurance as shall protect it and any subcontractor performing work covered by this contract from claims for damages for personal injuries including accidental death, as well as from claims for property damage, which may arise from operations under this contract, whether such operations be by the Tow Company, or by any subcontractor or by anyone directly or indirectly employed by either of them; and the amount of such insurance shall be as follows:

1. Comprehensive General Liability, \$1,000,000 per occurrence and in aggregate for bodily injury and property damage.
2. Automobile Liability, \$1,000,000 per occurrence and in aggregate for bodily injury and property damage.
3. Excess Liability Coverage, \$1,000,000 over the General Liability and Automobile Liability Coverages.

b. WORKERS COMPENSATION INSURANCE

Tow Company shall obtain and maintain throughout the duration of this contract statutory Worker's Compensation Insurance for all of its employees employed during the duration of this contract. In case any work is sublet, the Tow Company shall require the subcontractor similarly

to provide statutory Worker's Compensation Insurance for all of the latter's employees, unless such employees are covered by protection afforded by the Tow Company.

c. PROOF OF INSURANCE

1. The Tow Company shall furnish the City Attorney with a Certificate of Insurance, naming the City as an additional insured, countersigned by a Wisconsin Resident Agent or Authorized Representative of the insurer indicating that the Tow Company meets the insurance requirements identified above.
2. The Certificates of Insurance shall include a provision prohibiting cancellation of said policies except upon (30) days prior written notice to the City Attorney and specify the name of the contract or project covered.
3. The Certificate of Insurance shall be delivered to the Tow Company, with a copy of the Certificate of Insurance to be delivered to the City Attorney for approval prior to the execution of this contract.
4. The Certificates shall describe the contract by name in the "Description of Operations" section of the form.

8. INDEMNIFICATION

Tow Company hereby agrees to indemnify, defend and hold harmless the City of Wausau, its elected and appointed officials, officers, employees, agents, representatives and volunteers, and each of them, from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interest, attorneys' fees, costs, and expenses of whatsoever kind or nature in any manner directly or indirectly caused, occasioned, or contributed to in whole or in part or claimed to be caused, occasioned, or contributed to in whole or in part, by reason of any act, omission, fault, or negligence, whether active or passive, of Tow Company or of anyone acting under its direction or control or on its behalf, even if liability is also sought to be imposed on City of Wausau, its elected and appointed officials, officers, employees, agents, representatives and volunteers. The obligation to indemnify, defend and hold harmless the City of Wausau, its elected and appointed officials, officers, employees, agents, representatives and volunteers, and each of them, shall be applicable unless liability results from the sole negligence of the City of Wausau, its elected and appointed officials, officers, employees, agents, representatives and volunteers.

Tow Company shall reimburse the City of Wausau, its elected and appointed officials, officers, employees, agent or authorized representatives or volunteers for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided.

In the event that Tow Company employs other persons, firms, corporations or entities (sub-contractor) as part of the work covered by this Agreement, it shall be Tow Company's responsibility to require and confirm that each sub-contractor enters into an Indemnity Agreement in favor of the City of Wausau, its elected and appointed officials, officers, employees, agents, representatives and volunteers, which is identical to this Indemnity Agreement.

This indemnity provision shall survive the termination or expiration of this Agreement.

Notwithstanding anything herein to the contrary, no provision in this Agreement shall be construed as a waiver of the City's governmental immunities or right to receive a notice of a claim as set forth in Wis. Stat. § 893.80.

9. TERMINATION OF CONTRACT

1. Default

This contract may be terminated by either party for failure by the other party to perform under the terms of this contract, through any cause not beyond the control of such party, by the giving of written notice to such party. In this event, termination shall be effective 30 days after receipt of such notice, if such named default remains uncured. In the event of default by Tow Company, Tow Company shall be not be entitled to compensation for work or services unsatisfactorily or improperly performed.

2. Insolvency and Bankruptcy

This contract may be terminated by City if Tow Company becomes insolvent or bankrupt and cannot pay its debts or obligations when they become due, files a petition in bankruptcy or has such a petition filed against it, has a receiver appointed with respect to all or substantially all of its assets; makes an assignment for the benefit of creditors; or ceases to do business in the ordinary course. Termination shall be effective immediately upon receipt of notice.

3. For Convenience

The City may terminate this contract at any time by giving written notice to the Tow Company. Such termination shall be effective upon receipt of notice and the Tow Company shall be entitled to just and equitable compensation for any satisfactory work completed.

4. Rights are Cumulative

The rights and remedies under this section shall be in addition to those otherwise allowed by law or in equity. Any and all rights and remedies which either party may have under this contract, at law or in equity, shall be cumulative and shall not be deemed inconsistent with each other, and any two or more of all such rights and remedies may be exercised at the same time insofar as permitted by law.

10. WAIVER

One or more waivers by any party of any term of the contract will not be construed as a waiver of a subsequent breach of the same of any other term. The consent or approval given by any party with respect to any act by the other party requiring such consent or approval shall not be deemed to waive the need for further consent or approval of any subsequent similar act by such party.

11. DELINQUENT TAXES OR CHARGES

The City may terminate this contract for default if the Tow Company uses any property in connection with its towing or other operations, whether for administrative or office purposes, or for other functions, upon which any tax, fee, assessment or charge, imposed by the City of Wausau, is, or during the term of the contract, becomes delinquent or overdue.

12. FORCE MAJEURE

The term "Force Majeure" shall include, with limitation by the following enumeration: acts of God or Nature; acts of civil or military authority; terrorism; fire; accidents; pandemic outbreaks; power shortage; telecommunication or data communications; shutdowns for purpose of emergency repairs; strikes and any other industrial, civil or public disturbances that are not reasonably within the control of a party, causing the inability to perform the requirements of this Contract. If any Party is rendered unable, wholly or in part, by a Force Majeure, to perform or comply with any obligation or condition of this Contract then, upon giving notice and reasonably full particulars to the other Party, such obligation or condition shall be suspended only for the time and to the extent reasonably necessary to allow for performance, compliance and restoration of normal operations. If only the Tow Company is impacted by Force Majeure and more than 60 days has elapsed then the City shall be entitled to exercise any remedies otherwise provided for in this Contract, including termination for default.

13. DISPUTE RESOLUTION

If a dispute related to this agreement arises, all parties shall attempt to resolve the dispute through direct discussions and negotiations. If the parties cannot resolve the dispute and if all parties agree, it may be submitted to mediation. If the parties cannot agree to mediation, any party may commence an action in the Circuit Court of Marathon County. If a lawsuit is commenced, the parties agree that the dispute shall be submitted to alternate dispute resolution pursuant to §802.12, Wis. Stats., or any successor statute.

Unless otherwise provided in this contract, the parties shall continue to perform according to the terms and conditions of the contract during the pendency of any litigation or other dispute resolution proceeding.

The parties further agree that all parties necessary to the resolution of a dispute (as the concept of necessary parties is contained in Chapter 803, Wisconsin Statutes, or its successor chapter) shall be joined in the same litigation or other dispute resolution proceeding. This language relating to dispute resolution shall be included in all contracts pertaining to this project so as to provide for expedient dispute resolution.

14. INDEPENDENT CONTRACTOR STATUS

The Tow Company agrees that it is an independent contractor with respect to the services provided pursuant to this agreement. Nothing in this agreement shall be considered to create the relationship of employer and employee between the parties.

15. NON-DEBARMENT CLAUSE

The Tow Company hereby certifies that neither it nor any of its principal officers or officials has ever been suspended or debarred, for any reason whatsoever, from doing business or entering into contractual relationships with any governmental entity. The Tow Company further agrees and certifies that this clause shall be included in any subcontract of this contract.

16. GRATUITIES AND KICKBACKS

It shall be unethical for any person to offer, give, or agree to give any elected official, employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer for employment in connection with any decision, approval, disapproval, recommendation, preparation or any part of a program requirement or a purchase request, influencing the contents of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceedings or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or contract, subcontract, or any solicitation or proposal therefore. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or a higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract, or order.

17. APPLICABLE LAW

This Agreement shall be governed under the laws of the State of Wisconsin. Tow Company shall at all times comply with and observe all federal and state laws, local laws, ordinances, and regulations which are in effect during the period of this Agreement and which in any manner affect the work, storage yard, or its conduct.

18. NOTICES

Any notice which may be given by a Party under this Agreement shall be deemed to have been duly delivered if delivered by hand and/or first-class post to the address of the other Party as specified in this Agreement or any other address notified in writing to the other Party. Subject to any applicable local law provisions to the contrary, any such communication shall be deemed to have been made to the other Party:

1. If delivered by First class post, 5 days from the date of posting; and
2. If delivered by hand, on the date of such delivery

Notices will be sent to:

Joe Rader Towing LLC
4701 North 32nd Avenue
Wausau, WI 54401

Wausau Police Department
ATTN: Cord Buckner
515 Grand Avenue
Wausau, WI 54403

City Clerk
City Hall
407 Grant Street
Wausau, WI 54403

19. ENTIRE UNDERSTANDING

This Agreement constitutes the entire understanding between the Parties relating to the subject matter hereof unless any representation made about this Agreement was made fraudulently and, save as may be expressly referred to or referenced herein, supersedes all prior representation, writings, negotiations or understandings with respect hereto.

20. ASSIGNMENT OR SUBCONTRACT

This contract may not be assigned or subcontracted by the Tow Company without the written consent of the City.

21. AMENDMENTS

This Agreement may not be amended for any other reason without the prior written agreement of both Parties.

22. SEVERABILITY

If any part, term, or provision of this Agreement is held to be illegal or unenforceable neither the validity nor enforceability of the remainder of this Agreement shall be affected.

23. AUTHORITY TO EXECUTE

By signing below, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement.

AS WITNESS the hands of the Parties hereto or their duly authorized representatives as of the last date set forth below:

Signed:

CITY OF WAUSAU BY:

Katie Rosenberg, Mayor (Date)

Leslie M. Kremer, Clerk (Date)

JOE RADER TOWING LLC

(Date)

**JOINT RESOLUTION OF THE HUMAN RESOURCES
AND FINANCE COMMITTEES**

Committee Action: HR: *Pending*
 FIN: *Pending*

File Number: 21-0107

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 ☐					

WHEREAS, your Human Resources and Finance Committees reviewed the position and supports the reclassification request;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau to reclassify the Building Maintenance Coordinator (\$43,741 - \$61,237) to Facilities Manager (\$55,514 - \$83,270) effective upon the filling (or overfilling) of the anticipated vacancy.

Approved:

Katie Rosenberg, Mayor

**JOINT RESOLUTION OF THE HUMAN RESOURCES
AND FINANCE COMMITTEE**

Committee Action: HR: Approved 4-0
Fin: *Pending*

File Number: 19-0905

FISCAL IMPACT SUMMARY

RESOLUTION

WHEREAS, your Human Resources and Finance Committees reviewed the position and supports the reclassification request;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau to reclassify the Business Development Specialist position (\$21.02-\$29.44) to Economic Development Manager (\$25.39-\$38.08) effective at the start of the current pay period.

Approved:

Katie Rosenberg, Mayor