

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, January 28, 2020 at 6:30 pm in the Council Chambers at City Hall.
Mayor Robert Mielke presiding.

Roll Call

1/28/2020 6:30:45 PM

Roll Call indicated 10 members present.

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

Proclamations:

Mayor Mielke proclaimed **February 2020** as **Black History Month** and encouraged all citizens to celebrate our diverse heritage and culture, and continue our efforts to create a world that is more just, peaceful, and prosperous for all.

Mayor Mielke proclaimed **January 26 – February 1, 2020** as **Wausau School Choice Week**, to raise awareness of the need for effective educational options and called this observance to the attention of all citizens.

Reports: 06-1215 Insurance Claims - October 2019 - December 2019

Presentations: Act of Valor (Mayor Mielke)

Mayor Mielke stated the Valor Award is given to those individuals who perform above and beyond the call of duty at great personal risk to save another's life. On October 3, 2019 these individuals responded to an incident involving an active shooter. With the shooter still at large, they entered the scene to render care to a patient who had been shot multiple times and was critically injured. The medical care rendered was exceptional and resulted in saving the patient's life despite the severity of his injuries.

For their courageous actions Austin Kramer, Matthew Brockman, Ashley Eggers, and Lt. Quinn Ambrosius were presented with the Wausau Fire Department's Medal of Honor. The presentation and comments were made by Chief Tracey Kujawa, Battalion Chief Kraig Kruzan and Deputy Chief Robert Barteck.

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

None

Consent Agenda

1/28/2020 6:45:22 PM

Motion by Gisselman, second by Nutting to adopt the items on the Consent Agenda as follows:

20-0101 Minutes of previous regular meeting. (1/14/20)

20-0114 Resolution of the Capital Improvements & Street Maintenance Committee Approving Easement for storm sewer at 1735 Merrill Avenue (T Bird Enterprises, LLP)

20-0111 Ordinance of the Capital Improvements & Street Maintenance Committee Amending Section 10.20.080(a) Designating no parking on the south side of the 300 block of Jefferson Street from a point approximately 94 feet east of its intersection with N. 3rd Street, on the south side of the 300 block of Sherman Street from a point approximately 65 feet west of its intersection with S. 3rd Avenue and on the east and west sides of N. 5th Street between E. Wausau Avenue and Scott Street

13-0309 Resolution of the Finance Committee Authorizing the amendment of fees to the City of Wausau Fees and Licenses Schedule adopted pursuant to Wausau Municipal Code Section 3.40.010(a) relating to open record copies

12-0219 Resolution of the Human Resources Committee Amending Employee Handbook Section 5.02 - Compensation Plan

12-0219 Resolution of the Human Resources Committee Amending Employee Handbook Section 8.05 - Perfect Attendance Leave

03-1111 Resolution of the Human Resources Committee Authorizing Compensation Plan Adjustment - Internal Alignment for Police Department Lieutenants

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

19-0409 1/28/2020 6:46:00 PM

Resolution of the Mayor's Welcoming & Inclusivity Committee approving a name change

Mayor Mielke indicated this item is withdrawn by request for more discussion and will be brought back to a future meeting.

20-0103 1/28/2020 6:46:23 PM

Motion by Gisselman, second by Neal to confirm the Mayor's Appointment to the Historic Preservation Commission.

**Martens indicated he would abstain from voting due to his relationship with the appointee.*

Yes Votes: 9 No Votes: 0 Abstain: 1 Not Voting: 1 Result: PASS

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

20-0116 1/28/2020 6:47:08 PM

Motion by Herbst, second by Gisselman to adopt the Ordinance of the Capital Improvements & Street Maintenance Committee Amending Section 10.20.080(a) Designating no parking on the west side of Pied Piper Lane between Lake View Drive and Woods Place

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

20-0118 1/28/2020 6:47:55 PM

Motion by Rasmussen, second by Gisselman to adopt the Ordinance of the Capital Improvements & Street Maintenance Committee Amending Section 10.20.080(a) Designating no parking on the east side of South 1st Avenue from West Thomas Street to Stewart Avenue and on the west side of South 1st Avenue beginning at the northwest curblin of West Thomas Street extending north 210 feet

Yes Votes: 9 No Votes: 0 Abstain: 1 Not Voting: 1 Result: PASS

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

Motion by Rasmussen, second by Lawrence to adopt the Ordinance of the Capital Improvements & Street Maintenance Committee Amending Section 10.20.080(a) Designating no parking on the north and south sides of West Thomas Street from 17th Avenue to Cleveland Avenue and on the north and south sides of East Thomas Street from Cleveland Avenue to Grand Avenue

Yes Votes: 9 No Votes: 0 Abstain: 1 Not Voting: 1 Result: PASS

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

20-0115

1/28/2020 6:49:28 PM

Motion by Nutting, second by Herbst to adopt the Joint Ordinance of the Capital Improvement & Street Maintenance Committee and the Plan Commission Annexing territory from the Town of Stettin to the City of Wausau (Kern - 4605 Stettin Drive)

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

19-0705

1/28/2020 6:50:10 PM

Motion by Neal, second by Lawrence to adopt the Resolution of the Economic Development Committee Granting a planning option agreement to Merge, LLC for an additional one hundred twenty (120) days to complete planning and due diligence of redevelopment options on City-owned parcels at 120 Scott Street and 530 N. 2nd Street

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

20-0122

1/28/2020 6:51:15 PM

Motion by Nutting, second by Neal to adopt the Resolution of the Economic Development Committee Approving the proposal by The Dam Place, their affiliates or assignees, for the sale and redevelopment of the former Westside Battery and L&S Printing properties at 401 and 415 South First Ave

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

15-0708

1/28/2020 7:08:42 PM

Motion by Neal, second by Nutting to adopt the Joint Resolution of the Economic Development Committee and the Finance Committee Selecting Riverlife Wausau LLC (dba Ohde/Riveron/Viegut) and/or their affiliates or assignees, for the Riverlife Villages Phase 2 residential project and approving to sign development agreements and transfer real estate for a proposed condominium project

Thao requested clarification regarding the performance amphitheater facility, as to whether it is to be a collaboration and expense between the city and the developer. Schock explained the term sheet contemplates a collaborative process between the developer and the Parks & Rec Committee to come up with the strategy for how to program and manage the space.

Thao commented the picture of the amphitheater in the packet looks huge and she was concerned it could compete with The 400 Block events and/or take away foot traffic from the downtown businesses. Schock explained the vision is to inspire a variety of different environments where performance art is possible. An example would be the stage down by the river below the library used by the Jazz Society which serves a different segment of people. He stated this stage is nowhere near the size or magnitude of The 400 Block. The developer's vision shared at ED was to diversify and allow a space smaller than The 400 Block that could be used by musicians and for local smaller events.

Mitch Viegut, developer, explained they were thinking of things like a juggler or a solo artist performance, not to compete with big events. He indicated the seating in the amphitheater would be for approximately 200 people, whereas The 400 Block can hold 2,000.

Thao indicated she would be more comfortable if the development agreement did not have the amphitheater included because she didn't know if it would actually happen. Schock stated the term sheet notes there would be an ongoing discussion between the developer and Parks & Rec Committee and it would come back to Council through Parks & Rec as a project. He felt the developer was adding to the public benefits of the riverfront and energizing it with any kind of performance spaces that engages different types of artists is a goal of the city. He pointed out they are not making any commitment on it today in approving the project.

Smith questioned if these were the same developers for the original portion of the riverfront project and Schock confirmed they were. He questioned why they should approve another development with them if they haven't delivered on the first development. He was concerned because they don't have a track record yet.

Schock stated the original building (or Phase 1) is under construction on the riverfront right now and the developer was held to submit a proposal before the end of the year to continue the project; this is Phase 2 to continue the momentum.

Neal commented in regard to our visions along the river, we have always talked to potential developers about our interests in promoting a sense of community that goes beyond just the people who reside there. He pointed out the amphitheater was not at the behest of the city, the developers brought it forward as part of their proposal. He indicated, as part of the Parks & Rec Committee, he was excited to work with them to flesh it out. It has a lot of potential and adds another element of interest to that stretch of river.

Discussion continued.

Schock explained this project is a Reverse TIF incentive; no money is paid to the developer until the project is completed and paying its taxes. He reiterated the term sheet is solid except for the final discussion about the amphitheater, which is an ongoing discussion to flesh it out and will likely require fundraising before its scope is determined. The goal tonight is the condominium tower.

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

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

20-0121

1/28/2020 7:09:46 PM

Motion by Nutting, second by Lawrence to adopt the Resolution of the Finance Committee Opposing legislation that limits municipal Tax increment District powers

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

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

20-0112

1/28/2020 7:10:21 PM

Motion by Herbst, second by Nutting to adopt the Resolution of the Human Resources Committee Reclassifying the Police Department Administrative Assistant II position to Administrative Assistant III

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

20-0119

1/28/2020 7:10:50 PM

Motion by Thao, second by Lawrence to adopt the Resolution of the Human Resources Committee Approving increase of staffing levels of the Wastewater Plant Maintenance Mechanic and Sewer Maintainer by one

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

19-1109

1/28/2020 7:09:12 PM

Motion by Rasmussen, second by Neal to adopt the Resolution of the Finance Committee Approving the 2020 budget modification for North Riverfront Planning

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

20-0113

1/28/2020 7:11:24 PM

Motion by Neal, second by Martens to adopt the Resolution of the Human Resources Committee Designating New Year's Eve as a Paid Holiday

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

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

Suspend the Rules

1/28/2020 7:11:50 PM

Motion by Neal, second by Rasmussen to Suspend the Rules.

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

17-0408 Amendment

1/28/2020 7:34:26 PM

Motion by Lawrence, second by Rasmussen to amend the Resolution of the Finance Committee Approving termination of contract between Devnet, Inc. and City for assessment software - to add to the BE IT RESOLVED paragraph, to the last sentence "with a 30 day notice without cause."

Thao was concerned it has been four years and two failed attempts and now are going back to the third bidder that we did not select four years ago. She questioned if they were still running the current assessment tool from four years ago that needed to be replaced.

Gerald Klein, CCIT Director, stated in 2013 the vendor or our current software informed us they would no longer support it, which is what initiated the look for replacement. It runs on a server that stored out in the Cloud; it doesn't support Windows 10, but fortunately it has been continuing to operate.

Thao questioned why this same cycle happened with these two vendors over this period of time. Klein stated the Assessor involved with both of those selections and himself disagreed on them, but both vendors kept getting just a little bit done to keep us hanging on. Discussion followed on payments that were made to this point and milestones that have not been met and conversations with the company. He indicated to date the city has paid \$32,659 to Devnet.

Rick Rubow, City Assessor stated every step of the way his department has worked with Devnet and IT to try and complete this project. He explained all the issues they had with how the system operated and how the data was input into wrong places.

Rasmussen stated Finance Committee learned from IT and from the Assessor that there are essentially three vendors that do this work. Finance recommended that if the exit from the contract is approved tonight, they are to release an RFP that articulates Wausau's needs and a timetable for those needs. It was also recommended that they have on-site demos of the products. She stated the recommendation from IT is to exit the contract with the 30 day notice. The city would not pay the remaining invoices that it has not been billed for yet because they did not deliver the product. This would eliminate going through the expense of trying to recover the \$32,000 we have already paid and any sort of damages that may exist in legal fees. She stated this will make a clean break so we get an RFP out while there is \$112,000 to work with.

Jacobson clarified the two termination provisions: 1) To notice specific breaches with a 15 day notice of a right to cure those defaults; if not cured, send a notice of intent to terminate, giving them another 30 days in which to cure defaults; after those 45 days have elapsed, a notice of termination is sent giving a future date; no further payments are owed by the City of Wausau and Devnet will refund the portion of any payment the city made which are attributable to the items which serve as the basis for the default. She noted this is a much lengthier process and there is no guarantee we would get any money back and there would be legal costs; or 2) Termination of 30 days written notice without cause.

Lawrence stated the resolution should be amended to add the 30 days written notice without cause as was voted on by Finance.

Vote on Amendment:

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

17-0408

1/28/2020 7:34:44 PM

Motion by Lawrence, second by Martens to adopt the Resolution of the Finance Committee Approving termination of contract between Devnet, Inc. and City for assessment software, as amended on Council floor.

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

07-0210

1/28/2020 7:35:25 PM

Motion by Lawrence, second by Nutting to adopt the Resolution of the Finance Committee Approving City's Waiver of First Right of Refusal to Repurchase property at 8101 International Drive from Packaging Tape, Inc. n/k/a Rocket Industrial, Inc. to Rocket Properties, LLC

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

08-0608

1/28/2020 7:35:59 PM

Motion by Herbst, second by Rasmussen to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Amending the Salary Rates for the Temporary Positions of Election Chief Inspector and Election Inspector

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

Public Comment and Suggestions

Nutting thanked DPW staff for their great work on snow removal, as well as the ongoing effort for abatement of the snow.

Mayor Mielke introduced the new City Clerk, Leslie Kremer, who will be starting on Monday, February 24, 2020. Ms. Kremer stated she grew up in Auburndale, where she currently resides. She worked for a City Attorney for five years and then for the Marshfield Clinic Health System legal department for five years. She commented she was excited to begin working for the City Of Wausau.

Adjournment

1/28/2020 7:38:15 PM

Motion by Neal, second by Herbst to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:38 pm.

Robert B. Mielke, Mayor

Mary A. Goede, Deputy Clerk