OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, January 28, 2025, in Council Chambers, beginning at 6:30 p.m.,
Mayor Doug Diny presiding.

Roll Call **01/28/2025**

Roll Call indicated 10 members present.

District	Alderperson	Vote
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Terry	EXCUSED
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Tierney, Vicki	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

Proclamations **01/28/2025**

The Wausau Transit Commission Proclaims:
Transit Equity Day (February 4, 2025)

Statement from the Mayor on Strategic Plan and Workplace Culture **01/28/2025**

Mayor Doug Diny made a statement on workplace culture.

Point of order raised by Larson on decorum. *The point of order was not ruled on by the Chair.*

Point of order raised by Neal on decorum. *The point of order was not ruled on by the Chair.*

Public Comment: Pre-registered citizens for matters appearing on the agenda and other public comment **01/28/2025**

Lukens requested that the rules of decorum for public comment be read out loud. The Chair read the rules of decorum for public comment.

Neal requested the Chair enforce the rule of decorum for public comment on speaking only on matters appearing on the agenda.

1. Louis Smith, 3929 Henry Street – Spoke in opposition of 25-0112
2. Joanne Leonard, 923 Maple Hill Road – Spoke in opposition of 25-0112
3. Jack Hoogendyk, 2508 Hilltop Road – Spoke in opposition of 25-0112
4. Anne Leskys, 1010 Everest Boulevard – Spoke in opposition of 25-0112
5. Chris Weems, 1320 Grand Avenue – Spoke in opposition of 25-0112
6. Steven Schmidt, 1205 Parcher Street – Spoke in opposition of 25-0112

Consent Agenda **01/28/2025**

Without objection, item 24-1108 was pulled from consideration by the request of Neal.

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

25-0101 from the Common Council Approve Minutes of a previous meeting(s) (12/26/2024, 12/30/2024, 01/14/2025).

25-0113 Resolution from the Finance Committee Approving Contract for Janitorial Supplies with Cintas Corporation.

25-0107 Joint Resolution from the Human Resources Committee and Finance Committee Creating the position of Community Service Officer II and pay scale corresponding with the position.

25-0109 Joint Resolution from the Human Resources Committee and Finance Committee Authorizing Reclassification of Fire Marshal to Division Chief – Fire Prevention/Community Risk Reduction.

25-0110 Joint Resolution from the Human Resources Committee and Finance Committee Approving amendment to the Employee Handbook Section 5.15.5 – Clothing and Equipment – Cold Weather Gear Reimbursement.

25-0111 Resolution from the Human Resources Committee Approving amendment to the Employee Handbook Section 5.10 – Mechanic Incentive Pay (Water Utilities).

25-0112 Resolution from the Human Resources Committee Approving amendment to the Employee Handbook Section 5.15.7 – Clothing and Equipment – Safety Eyeglasses Reimbursement.

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

24-1108 **01/28/2025**

Motion by Watson, seconded by Larson, to adopt the Joint Resolution of the Public Health & Safety Committee and Finance Committee Approving Sale of Wausau Fire Department Ladder 2.

Neal questioned if Ladder 2 was solely owned by the city of Wausau Fire Department and not currently being paid off and the timeline of the sale and purchase of a replacement. It was stated the city does own the current equipment and that the timeline would allow for the sale and purchase of a replacement to occur within a time frame that does not require more funds.

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

24-1109A **01/28/2025**

Motion by Henke, seconded by Watson, to adopt the Joint Resolution from the Infrastructure and Facilities Committee Adopting a 2025 Budget Modification for the Repair and Reopening of 28th Avenue from Madonna Drive to West Wausau Avenue from June 2025 through April 2026.

Henke stated this came from residents as a petition and this was meant to go through the process so residents could be heard. Henke stated support.

Neal stated the issues with the road would not be known until the ground is unearthed and the full cost of reconstruction may be unknown. Neal stated opposition for the short-term fix and difficulty of reconstruction due to weather challenges.

Tierney stated this short-term fix could last an unknown period of time and stated the cost of reconstruction was not worth the fix. Tierney stated opposition.

Martens stated this is not a fiscally responsible move as it is not a money saving activity.

District	Alderperson	Vote
1	Lukens, Carol	NO
2	Martens, Michael	NO
3	Kilian, Terry	EXCUSED
4	Neal, Tom	NO
5	Gisselman, Gary	NO
6	McElhaney, Becky	NO
7	Rasmussen, Lisa	NO
8	Watson, Sarah	NO
9	Tierney, Vicki	NO
10	Larson, Lou	NO
11	Henke, Chad	YES

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

Suspend the Rules **01/28/2025**

Motion by Neal, seconded by Tierney, to Suspend Rule 6(B) Filing and/or 12(A) Referral of Resolutions.

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

23-1215 **01/28/2025**

Motion by Lukens, seconded by Rasmussen, to adopt the Resolution from the Finance Committee Approving First Amendment to the Master Partnership Agreement between Community Infrastructure Partners, LLC ("CIP"), City of Wausau ("CITY") and Wausau Water Works ("WWW").

Martens stated this is a change of verbiage to comply with a Wisconsin Department of Natural Resources to align with their contractor agreement requirements and that the cost of the project does not change.

Gisselman stated opposition due to the large amount of debt to be incurred but stated support for the lead line replacement program.

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1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Terry	EXCUSED
4	Neal, Tom	YES
5	Gisselman, Gary	NO
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Tierney, Vicki	YES
10	Larson, Lou	NO
11	Henke, Chad	YES

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

25-0112 **01/28/2025**

Motion by Watson, seconded by Rasmussen, to adopt the Resolution from the Common Council Approving the hiring of special counsel and authorizing the City Attorney to hire and manage outside legal counsel engaged to advise the Ethics Board in the matter of the Complaint of Jay Coldwell, Gerard C. Phelan, Kurt Hase and Scott L. Bryan against Mayor Doug Diny.

Rasmussen stated there has been a volume of miscommunication on this item. It was stated this was not a matter brought forward by the Common Council but by citizens of the city who filed an ethics complaint, and that complaint will be handled by the Ethics Board made up of citizens. It was stated the Board has the right to counsel.

Neal stated a complaint was duly filed by citizens and the Board is doing its duty to hear the complaint. It was stated this is necessary to ensure a fair and balanced review of the complaint itself.

Tierney questioned why the city attorney required recusal. It was stated the subject of the complaint is a member of the organizational client for which the city attorney cannot provide legal representation against, and the city attorney may be a material witness for the ethics complaint investigation as a counsel to the Board and a witness to the ethics complaint.

Watson questioned if the assistant city attorney listed on the city website could serve as counsel to the Board. It was stated this assistant city attorney is a contracted attorney to handle matters specifically related to municipal court citations. Watson stated it was important to hear the voices of citizens and this was the stated purpose of the Board.

Larson questioned if all city boards, committees, or commissions received legal assistance from the city attorney. It was stated those bodies do have legal assistance from the city attorney and the Board specifically receives legal assistance from the city attorney by ordinance. Larson stated legal counsel is needed for the Board as not doing so would be the Common Council not doing its job.

The Mayor responded to the statements of Larson that there was a false choice by the Common Council to provide counsel to the Board or be in dereliction of duty.

Point of order raised by Larson for the Mayor offering an opinion that was not requested. *Point of order was not well taken by the Chair* and the Mayor continued to respond to the statement.

Henke questioned if the Board would meet or not regardless of it there would be counsel. It was stated the Board would meet to take up the complaint regardless. Henke stated that counsel would prevent a body from getting into trouble and stated people would not want to serve on a body with no legal counsel.

Tierney stated the Board could meet to take up the complaint and then decide if it wanted legal counsel.

Martens stated the Board should have legal counsel so it does not waste time on properly working through the complaint and stated support because of that reason.

Watson stated the reason counsel is present for governmental bodies is to prevent the bodies from getting into legal trouble.

Lukens questioned if there was a time requirement for the Board to act on the complaint that would make it difficult to make a request for the hiring of counsel after the complaint was initially taken up. It was stated there is no time requirement for the Board outside of the complaint being transmitted to the Board three days after it's acceptance.

Rasmussen stated that the Board and Chairperson may have legal questions on this complaint and delaying the hiring of counsel would delay the business of the Board. It was stated this allows the Board to do what is needed to properly handle the complaint.

McElhaney stated this process is flawed in that this was placed before the Common Council by the city attorney while the city attorney was involved in the matter as a potential witness. It was stated the Board should be the entity responsible for requesting counsel as that is a cleaner process.

Tierney stated agreement that the Board should be the entity responsible for requesting counsel. Tierney stated opposition.

Point of order raised by Larson for alders speaking more than twice for more than ten minutes on a single item. *Point of order not well taken by the Chair* as the alders were asking questions and the alders were permitted to continue speaking.

Rasmussen questioned if the approval to secure counsel could be granted conditionally in the event the Board makes a request for counsel. It was stated that would be a suggested course of action as provided by the Board by the recommendation of counsel.

Watson questioned the process of the last ethics complaint. It was stated that the previous ethics complaint followed this same process.

Neal stated there is a need for expediency as logically the Board will request counsel. It was stated this amounts to preauthorizing the hiring of counsel and if that counsel was not needed the Board would make that known. Neal stated this was not a necessary amendment required.

Gisselman stated the Board had the opportunity to have counsel and stated that counsel would be granted. Gisselman stated support as this ensures due process of law.

District	Alderperson	Vote
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Terry	EXCUSED
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	NO
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Tierney, Vicki	NO
10	Larson, Lou	YES
11	Henke, Chad	YES

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

25-0114 **01/28/2025**

Motion by Henke, seconded by Tierney, to adopt the Resolution from the Finance Committee Authorizing The Issuance And Sale Of Up To $922,476 Sewer System Revenue Bonds, Series 2025, And Providing For Other Details And Covenants With Respect Thereto.

Yes Votes: 10 | No Votes: 0 | Abstain: 0 | Not Voting: 1 | Result: PASSED

Public Comment & Suggestions **01/28/2025**

Without objection, public comment was taken up at this time.

1. Deb Hadley, 3603 Hidden Links Drive – Spoke on the membership of the Ethics Board and in opposition of 25-0112
2. Paul Henning, 1906 E. Hamilton Street – Spoke in opposition of 25-0112
3. Ken Becker, 1703 Patriot Drive – Spoke in opposition of 25-0112

Closed Session **01/28/2025**

Henke stated recusal from this item.

Motion by Martens, seconded by Lukens, to go into closed session pursuant to 19.85(1)(g) of the Wisconsin Statutes for conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, relating to legal actions regarding PFAS contamination and associated claims.

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

CONVENED into Closed Session.

Adjourn **01/28/2025**

Motion by Larson, second by Lukens, to adjourn the meeting. Motion carried. Meeting adjourned at 9:00 p.m.

Doug Diny, Mayor
Kaitlyn Bernarde, City Clerk