OFFICIAL PROCEEDINGS OF THE OF THE WAUSAU COMMON COUNCIL
held on Tuesday, February 8, 2022, in Council Chambers, beginning at 6:30 p.m.
Mayor Katie Rosenberg presiding.

Roll Call 2/08/2022

Roll Call indicated 10 members present.

District	Alderperson	Present
1	Peckham, Patrick	YES (*by WebEx*)
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	*NV*

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

1) Thomas Brown, 715 N 5th Ave, spoke in opposition to the Discretionary Performance Increase for employees. He felt any extra funds found in the budget through savings ought to be returned to the public.
2) Doug Diny, 708 Fulton St, #113, spoke regarding the importance of public speakers at meetings.

Committee Reports

Board of Public Works – Insurance Claims – July 2021 – December 2021 (*Placed on file*)

Consent Agenda 2/08/2022

Motion by Watson, second by Wadinski to approve the items on the Consent Agenda as follows:

22-0101 Minutes of the previous meeting (1/25/22)

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

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

22-0204 2/08/2022

Motion by Neal, second by Rasmussen to adopt the Resolution of the Economic Development Committee Approving Economic Development Policies and Procedures for Community Development Block Grant Lending between City of Wausau and MCDEVCO, Inc.

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

District	Alderperson	Vote
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	*NV*

12-0219 2/08/2022

Motion by McElhaney, second by Herbst to adopt the Joint Resolution of the Human Resources Committee and the Finance

Committee Approving Budget for Discretionary Performance Incentive Budget.

Toni Vanderboom, HR Director, explained the Discretionary Performance Incentive is language that has been in the Employee Handbook for over five years, to identify exemplary employee performance. Until now there has never been an established budget for the program. This means they can only recognize performance of those employees where the department has a vacancy in order to be budget neutral. There are a lot of departments with really good workers that has no avenue in which to recognize them. This resolution would establish a budget that each department would have available. The budget would not be equally distributed but would be used to identify individuals deserving of recognition. She explained if a director wanted to recognize an employee, they would have to write up a memo explaining why and send it to HR to ensure it complies with the program. She noted they are also going to be reporting discretionary performance incentives in the Human Resources Report so that Council is aware of which ones are issued at what reasons were used for the issuance. Departments would get a pro-rated amount based on the number of employees so that those departments with very few employees would still have a way to recognize people in a substantive manner. The expectation is that if there are department vacancies those funds would be used first, and the budget being established would carry over from year to year. Departments limits will serve as a cap so if there is a vacancy, they cannot go over the pro-rated department amount. It will be divided by department, not by division.

Kilian questioned if there was any concern or anything that will apply to whether they are represented or non-represented employees. Vanderboom explained the Employee Handbook governs non-represented employees and union contracts govern represented employees. The union contracts explicitly prohibit the city from giving economic recognition to their employees. We enter into a contract that states what will be paid and do not include any provisions for other payments. This program applies to non-represented employees only.

Vanderboom stated some typical reasons for recognition would be if an individual takes on additional projects above the call of their job description; implement some behaviors that result in significant cost savings for the city; and/or vacancies within the department result in an extreme increase in workload.

Lou Larson questioned if it was possible to negotiate this program into the union contracts in the future. Vanderboom confirmed that it could be.

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

District	Alderperson	Vote
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	*NV*

Suspend the Rules 2/08/2022

Motion by Watson, second by Neal to Suspend Rule 6(B) Filing and 12(A) Referral of Resolutions.

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

12-0204 Amendment 2/08/2022

Motion by Larson, second by Rasmussen to Amend the Resolution of the Finance Committee Approving acquisition of 106 E. Wausau Avenue (Divepoint) – to strike "both of which may be ready for development as early as 2023" from the first Whereas.

Lisa Rasmussen explained this item was approved at Finance Committee 4-0 and is time sensitive as it has a real estate offer pending that expires on 2/20/22. She noted it is the last piece of the puzzle for the north Riverfront plan and also will give the city some flexibility for how infrastructure is designed in those areas.

Larson stated he did not feel the verbiage that states "both of which may be ready for development as early as 2023" because it could give a false pretense. He stated we don't know what kind of contaminants or cleanup may be required and how long it would take regarding Wausau Chemicals.

Vote on Amendment:

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

12-0204 2/08/2022

Motion by Rasmussen, second by Herbst to adopt the Resolution of the Finance Committee Approving acquisition of 106 E. Wausau Avenue (Divepoint), as amended on Council floor.

Tom Kilian questioned if an Environmental Assessment Report exists and if not, the 45-day time frame as referenced in the resolution, is very rapid. He felt this was an unrealistic timeframe to expect this report.

Randy Fifrick, Economic Development, stated a Phase I Environmental was completed as part of the contingency on this purchase and what they found dealt with a storage tank on site. He noted as part of the resolution they are looking for some additional research on it. He stated the 45 days is contingent on this purchase and as we've learned with other sites along the riverfront we are going to run into issues, but as a municipality we are like going to be the one solving those problems.

Kilian commented one thing that has been left out is the off-site condition which is within stone's throw of an active superfund site. He recommended they do a Phase II Environmental prior to the purchase given it is adjacent to this superfund site.

Lisa Rasmussen felt given the timing of the offer and the necessity of the timing of the response, as well as the fact a Phase I has been completed, it is reasonable to move forward on the purchase. She noted with every site down there that has been an issue the city has been either been called upon to fix it or collaborate with the private sector, and often there is grant funding available to governments. The city owns the rest of the property and this is the last piece.

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

District	Alderperson	Vote
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	*NV*

90-0317 Amendment 2/08/2022

Motion by Peckham, second by Neal to Amend the Ordinance of the Common Council Amending Section 2.03.040(a) Organization and composition of the board relating to appointment of alternates - to add the word "ethics" before the word "board" in the first sentence.

Anne Jacobson explained this to allow for the appointment of a permanent or an alternate, or possibly two alternates. It is an amendment to the composition of the board. In the current ordinance the board is comprised of five members which is currently looking at a claim. One member resigned and another member recused himself from this particular case due to a conflict. A quorum is three members, however, if there is an eventual hearing there must be four members. The board has decided to stop at this point and has asked that either a permanent member be appointed to replace the one that resigned and/or amend the ordinance to permit alternate members designated 1 and 2 so that there are always two people in the wings should someone recuse themselves on a matter or resigns.

Pat Peckham felt the board should be specified as the "ethics" board because it was not clear in the ordinance presented.

Vote on the Amendment

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

District	Alderperson	Vote
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	NO
11	Ryan, Debra	*NV*

90-0317 Amendment #2 2/08/2022

Motion by Wadinski, second by Neal to Amend the Ordinance Section 2.03.040(a) Organization and composition of the board relating to appointment of alternates – to stagger the terms of the alternates: On the first appointment the first alternate shall be appointed for a term of five years, and the second alternate shall be appointed for a term of two years.

Jim Wadinski felt the alternates terms should be staggered terms as the original members terms were so everyone's term is not expiring at the same time.

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

90-0317 2/08/2022

Motion by McElhaney, second by Neal to adopt the Ordinance of the Common Council Amending Section 2.03.040(a) Organization and composition of the board relating to appointment of alternates, as amended on the Council floor.

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

22-0203 2/08/2022

Motion by Herbst, second by Wadinski to confirm the Mayor's Appointment of Kay Palmer as Alternate #1 to the Ethics Board.

Mayor Rosenberg explained she was only filling the alternate position tonight because there was a circumstance where Charles Peters could not be appointed as the permanent member.

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

Public Comment or Suggestions:

Bernie DeLonay, Frazer Family Foundation, stated a lot of the shows on Public Access were not aired this weekend, which is against FCC regulations. She commented it is part of the package we pay cable for and when they are not aired we are not getting our money's worth.

Closed Session 2/08/2022

Motion by Rasmussen, second by Wadinski to convene in Closed Session pursuant to Wis. Stat. Section 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, for the purpose of conferring with legal counsel regarding a proposed resolution of Marathon County Case No. 20CV600 (JLB); *And to convene in*

Closed Session pursuant to Wis. Stat. Section 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, for the purpose of conferring with legal counsel regarding a tax suit in Marathon County Case No. 21CV417 (North Shore Health Care, LLC).

Roll Call Vote:

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

District	Alderperson	Vote
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	*NV*

Reconvened into Open Session to act on Closed Session Items.

22-0209 2/08/2022

Motion by Rasmussen, second by Neal to Adopt a Resolution of the Common Council Approving proposed resolution of Marathon County Case No. 20CV600 (JLB) – in the amount of $25,000 and direct the relevant staff to provide information to the claimant as to preventive measures that are in place.

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

22-0205 2/08/2022

Motion by Herbst, second by Larson to Adopt a Resolution of the Common Council Approving proposed agreement for settlement of lawsuit between City of Wausau and North Shore Health Care, Inc. for property tax challenges for tax years 2020-2021 (Case No. 20CV570)

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

Adjourn 2/08/2022

Motion by Watson, second by Wadinski to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:55 pm.

Katie Rosenberg, Mayor
Kaitlyn Bernarde, City Clerk