

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, March 14, 2023 in Council Chambers, beginning at 6:30 p.m.,
Mayor Katie Rosenberg presiding.

Roll Call

3/14/2023

Roll Call indicated 11 members present.

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

Wisconsin DNR PFAS Remediation & Redevelopment Program Educational Presentation

Trevor Nobile, DNR Field Operations Director, Remediation & Redevelopment Program, and Steve Elmore, DNR Program Director, Drinking Water & Groundwater Program provided a PowerPoint presentation on PFAS Updates. This presentation can be viewed at: <https://www.youtube.com/watch?v=XWAZyLtYfas>

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

- 1) Jean Abreu, 1233 Jackson St, spoke in support of the Greenhouse Gas Resolution.
- 2) Bruce Grau, 1115 N 10th St, spoke in opposition to the Scott Street Bridge fencing project.
- 3) Joel Lewis, 807 Turner St, thanked the SEEC and PH&S and spoke in favor of the Greenhouse Gas Resolution and filed a petition in support of it.
- 4) Jay Coldwell, 3422 Horseshow Spring Rd, spoke in favor of Greenhouse Gas Resolution
- 5) William Harris, 316 ½ N 3rd St, Apt C, spoke in favor of Greenhouse Gas Resolution and urged the Council to adopt it.
- 6) Sandra Kelch, 802 Augusta Ave, spoke regarding homelessness and in opposition to the Scott St. Bridge Fencing Project.
- 7) Amanda Ladecki, 616 Sumner St, spoke regarding the Council touring the Scott St. Bridge area where the homeless have been sheltering and felt there needs to be a better solution than the fence.
- 8) Sarah Moua, DenMar, 4040 Troy St, manager of DenMar and part owner of Moua's Callon Street Pub spoke in support of granting Abedalrahman Sughayer's an Operator/Bartender license that was recommended for denial.
- 9) Abedalrahman Sughayer, 1757 County Rd X, Kronenwetter, stated he was denied by PH&S for an Operator's License but has completed all the steps to pay for his mistakes and asked for Council for reconsideration.

Consent Agenda

3/14/2023

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

Larson requested file #23-0108 regarding licenses from the Consent Agenda.

23-0201 Minutes of previous Council meeting (2/28/23)

23-0306 Ordinance of the Capital Improvements & Street Maintenance Committee Amending Section 10.20.080(a) designating no parking on south side of Summit Drive between Beechwood Drive and North 3rd Avenue

92-1135 Resolution of the Finance Committee Authorizing Joint Powers Agreement with Marathon County regarding E911/NG-911 system

18-0406 Resolution of the Public Health & Safety Committee Approving Updates to City of Wausau's Americans with Disabilities Act Title II Accommodation Request Form

10-0211 Ordinance of the Public Health & Safety Committee Amending Section 9.24.050 Safety and peace nuisances. Adopted 11-0.

Yes Votes: 11 No Votes: 0 Result: PASS

23-0108 Amendment

3/14/2023

Motion by Kilian, second by Larson to Amend the Resolution of the Public Health & Safety Committee Approving or Denying Various Licenses as Indicated – to remove Abedalrahman Sughayer’s Operator’s License from the list and refer it back to committee.

Lisa Rasmussen stated denial appeals are vetted at committee and they have had training on how to manage the process that needs to happen by state statute for approval or denial. Individuals that have been recommended for denial can submit evidence of rehabilitation for the Chief to review prior to the meeting. She stated the committee asked Mr. Sughayer if he had submitted evidence, but he had not and absent that process being completed, the Council should not approve the license. She suggested they refer this particular applicant back to the committee so that he can go through the process of submitting the evidence for review.

Gary Gisselman felt they needed some education on these procedures as these appeals come before the City Council. Rasmussen stated the training was conducted in the Public Health & Safety Committee by Nathan Miller of the Attorney’s Office. She indicated the link to that meeting video will be forwarded to the Council for review.

Yes Votes: 11 No Votes: 0 Result: PASS

23-0108

3/14/2023

Motion by Larson, second by Henke to adopt the Resolution of the Public Health & Safety Committee Approving or Denying Various Licenses as Indicated, as amended on Council Floor.

Yes Votes: 11 No Votes: 0 Result: PASS

06-0909

3/14/2023

Motion by Rasmussen, second by Henke to adopt the Resolution of the Capital Improvements & Street Maintenance Committee Approving lease with The Lamar Companies for billboard signs at Bridge Street and 3rd Street.

Lou Larson indicated he voted no at committee and stood by the staff recommendation because he felt the billboard was unsightly in the neighborhood and unnecessary with TV, radios, and the Internet for advertising.

Sarah Watson questioned if the property was noticed that it was for sale. Anne Jacobson explained it isn’t for sale, but there is a provision in the lease that the city can terminate the lease if it is needed for future development. She noted there is not any development on the table currently. Watson questioned if people were aware or how they would know that it was available for development. Liz Brodek stated there is no sign out there to that effect but could be placed if the Council wanted.

Lisa Rasmussen felt they should support the lease because there is not an immediate plan for the site. There is an overarching plan for that area that is incrementally step-by-step starting to come to fruition, but the lease is worded such that the city can make a quick exit if needed, but in the meantime, revenue can be made from the site through the lease. She noted the last time they tried to get rid of it there was robust response from businesses in the community that advertise on it and would like to see it continue.

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

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

23-0304

3/14/2023

Motion by Lukens, second by Watson to adopt the Ordinance of the Capital Improvements & Street Maintenance Committee Amending Ordinance Section 12.20.080 Access management on Grand Avenue.

Lou Larson explained this is the small strip mall on Grand Avenue where Firestone Tire and General Dollar are located. Someone recently purchased the property and is requesting a driveway be put on Grand Avenue. He indicated the request failed at CISM

because of safety issues. The committee felt if a driveway entrance is put there it will also be used as an exit to get across to Eau Claire Boulevard. There are two or three driveways accessible to the property from Kent Street which they felt was sufficient.

Michael Martens indicated he supported the ordinance because he believed the current access management plan that was put in place in 1996 needs to be revisited and revised. Traffic numbers have decreased along Grand Avenue since that date and the development of that area has changed since K-Mart and the grocery store were removed. He believed it could be designed so that traffic going north on Grand Avenue could use it as an entry point and it would be discouraging as an exit from that point. Doug Diny stated he was the only yes vote at committee for the same reasons expressed by Alder Martens.

Carol Lukens stated this was her district and an area she travels through a lot and was also concerned about safety with all the apartments there and people trying to take a quicker way out.

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

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

23-0305

3/14/2023

Motion by Henke, second by Rasmussen to adopt the Ordinance of the Capital Improvements & Street Maintenance Committee Amending Section 10.20.080(a) designating no parking on east side of North 2nd Avenue between Eldred Street and Strowbridge Street.

Lisa Rasmussen stated this parking restriction needs to happen, pointing out this weekend with the 10-inch snowfall there were still a half a dozen cars parked in this problematic configuration looked by CISM.

Yes Votes: 11 No Votes: 0 Result: PASS

20-0410

3/14/2023

Motion by Henke, second by Watson to adopt the Resolution of the Economic Development Committee Approving First Amendment to Development Agreement with RJ Elm Properties, LLC -- 1520 Elm Street.

Yes Votes: 11 No Votes: 0 Result: PASS

22-1109 Amendment

3/14/2023

Motion by Rasmussen, second by Kilian to Amend the Resolution of the Finance Committee Approving and Adopting the Budget for Public Works West Street Garage Design Services Amendment 5 – to remove 6(n) Economic development and land use compatibility.

Tom Kilian questioned why in the scope of work it lists incorporation of “economic development and land use compatibility.” He did not remember any economic development assessment component being done by Barrientos and felt it was not an appropriate inclusion. He stated it was his understanding Barrientos works for Marathon County government as well as the city and those lanes may start to converge, whether through appearance or reality, into a potential conflict of interest. He believed the conflicts would be relative to economic assessment because the county has a westside master plan by Marathon Park which includes West Street. He stated it needs to be clear that because this consultant is wearing two hats, one for the county and one for the city, that if in the unlikely event this work should ever even get close to the interests of the other client, we need to be notified of that as a Council to make sure the City of Wausau is being put first in this relationship.

Kilian stated regarding land use compatibility, historically when Barrientos had evaluated sites in that context it had looked at zoning, etc. He questioned what the current zoning of this property was. Eric Lindman indicated it was zoned industrial, which would allow for a fleet facility.

Lisa Rasmussen also did not recall any discussion of economic development compatibility at CISM; the discussion was on feasibility and due diligence surrounding the environmental of the site. CISM asked that they proceed to the 30% design level so this project can

move forward sooner rather than later. She indicated she was specific at committee that she really didn't care if the county had some vision for that property that may not dovetail with ours. The city's goal is to acquire that property to get what is needed for the employees if the environmental and feasibility turns out okay. She agreed with Kilian that we do not need any economic development analysis.

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

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

22-1109 3/14/2023

Motion by Watson, second by Herbst to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for Public Works West Street Garage Design Services Amendment 5, as amended on Council floor.

Yes Votes: 11 No Votes: 0 Result: PASS

22-1109A 3/14/2023

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

Lou Larson questioned where this project would start. Eric Lindman stated it would start with the replacement on the private side along with reconstruction projects set for this year, which are Henrietta St, 10th Ave, and a block of Grant St.

Yes Votes: 11 No Votes: 0 Result: PASS

22-1109B Amendment 3/14/2023

Motion by Watson, second by Rasmussen to Amend the Resolution of the Finance Committee Approving and Adopting the Budget Amendment for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects - Year-Round Warming Center -- Catholic Charities and Open Door -- to change the start date of the Period of Performance to January 1st.

Maryanne Groat explained there were two contracts attached, the subrecipient agreements. Catholic Charities had a period of performance January 1, 2023 through December 31, 2024 and Open Door was March 1, 2023 through December 31, 2024. She indicated Open Door has incurred a few costs in the month of February to initiate the program and would like those to be eligible for reimbursement. She noted they are not payroll related, just a few supplies, etc. They requested we move the agreement start date from March 1st to January 1st, to be the same as Catholic Charities.

Yes Votes: 11 No Votes: 0 Result: PASS

22-1109B 3/14/2023

Motion by Watson, second by Rasmussen to adopt the Resolution of the Finance Committee Approving and Adopting the Budget Amendment for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects - Year-Round Warming Center -- Catholic Charities and Open Door, as amended on Council floor.

Lisa Rasmussen stated this will allow the Day Center to take flight as a collaboration between Catholic Charities and Open Door. Open Door has a facility and a group of volunteers that can provide the services. She indicated Finance Committee approved extra funding to allow Catholic Charities to assist Open Door because as a subrecipient of federal dollars it will require robust accountability and reporting. Catholic Charities has an expertise in that kind of administration to help them with reporting and management.

Becky McElhaney requested regular updates or quarterly reports be added to the Public Health & Safety Committee agendas from Open Door and Catholic Charities on the day programming. She would like to know how many people are served and/or connected to

other services. She felt it was important that this is public facing so that members of the committee or Council who choose to attend can ask questions.

Roberto Partarrieu, Executive Director of Catholic Charities, indicated they keep track of their programs on a daily basis so those reports won't be a problem. Bob Grady, Program Director of Open Door, stated last year they served 578 unduplicated guests for a total of over 8,000 visits throughout that period. So far this year it has been closer to 10,000 – 11,000 visits with the expanded hours and anticipating 575 – 700 unduplicated guests.

Yes Votes: 11 No Votes: 0 Result: PASS

23-0308

3/14/2023

Motion by Henke, second by Watson to adopt the Resolution of the Public Health & Safety Committee Supporting Reduction of Greenhouse Gas Emissions and Energy Security

Lisa Rasmussen pointed out Public Health & Safety Committee recognized while we can control how the city runs its operations, we can't control the private sector, but felt it was important for the city to model the behaviors that we want to see and hope they endeavor to create similar initiatives and goals. She also felt it was important the city as a unit of government publicly challenge other units of government to do this with us.

Doug Diny commented he supported this at PH&S largely on the promise of payback through taxpayer savings and levy reduction. He felt it was a bit aspirational and may be hard to quantify, but if we can he'd like to see it. One of the first things that needs to be established is that baseline of where we are, so we know where we need to go and what we need to do to get there. He suggested that a date be put on the calendar to come back and report on the status of that process.

Kilian stated that now we know where the City of Wausau stands and that he looked forward to positive consistent positions with emissions and emissions challenges in the future.

Comments/Discussion continued. <https://www.youtube.com/watch?v=XWAZyLtYfas>

Yes Votes: 11 No Votes: 0 Result: PASS

Suspend the Rules

3/14/2023

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

Yes Votes: 11 No Votes: 0 Result: PASS

11-0505

3/14/2023

Motion by Watson, second by Herbst to adopt the Resolution of the Common Council Designating April 23, 2023, as World Migratory Bird Day.

Yes Votes: 11 No Votes: 0 Result: PASS

07-0919

3/14/2023

Motion by Watson, second by Henke to adopt the Resolution of the Common Council Approving City's Waiver of first Right of Refusal to Repurchase Property at 400 N. 72nd Avenue (Polywood Properties, LLC) and consent to lease property from Tempus Wausau, LLC to Polywood Fabrication, Inc.

Yes Votes: 11 No Votes: 0 Result: PASS

16-0214

3/14/2023

Motion by Watson, second by Rasmussen to adopt the Resolution of the Finance Committee Approving alleged claim for recovery of unlawful tax - Achieve, Center, Inc. (520 N. 28th Avenue).

Lisa Rasmussen stated this is part of a larger process so when Finance and Council disallow claims, it allows for the property owner to pursue added steps.

Yes Votes: 0 No Votes: 11 Result: FAIL

23-0307

3/14/2023

Motion by Watson, second by Rasmussen to adopt the Resolution of the Finance Committee Approving alleged claim for recovery of unlawful tax - Roaring Fork, LLC (2205 Stewart Avenue).

Yes Votes: 0 No Votes: 11 Result: FAIL

23-1109- WITHDRAWN

Resolution of the Finance Committee Approving carryover funding of \$40,000 for the 2022 Scott Street Bridge Fencing Project to 2023

23-0309

3/14/2023

Motion by Watson, second by Herbst to adopt the Resolution of the Finance Committee Approving Fourth Amendment to Advanced Physical Therapy and Sports Medicine, S.C. On-Site Health Services Agreement.

Yes Votes: 11 No Votes: 0 Result: PASS

Public Comments & Suggestions

None

Adjournment

3/14/2023

Motion by Watson, second by Henke to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:34 pm.

Katie Rosenberg, Mayor
Kaitlyn Bernarde, City Clerk