

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, March 23, 2021 at 6:30 pm in the Council Chambers at City Hall.
Mayor Katie Rosenberg presiding.

Roll Call

3/23/2021

Roll Call indicated 10 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
5	Wadinski, Jim	YES
6	McElhaney, Becky	NV
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

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

- 1) Sherry Abitz, 1201 S 7th Ave, former Aldersperson for District 10, congratulated Fire Chief Tracey Kujawa on her retirement and thanked her for her service and all she has done for the community.

Communications: Fire Chief Tracey Kujawa Retirement (Mayor Rosenberg)

Mayor Rosenberg stated Chief Kujawa's last day with the city is April 1st and she read what the Fire Department staff had to say about her accomplishments with high praise and much appreciation. Lisa Rasmussen, as Chair of Public Health & Safety Committee, also commented on how much of a game-changer the Chief has been to the City of Wausau. Chief Kujawa thanked the Council, Mayor, and staff for their support, as well as her firefighting team of people in the department.

Consent Agenda

3/23/2021

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

Pat Peckham requested pulling file #21-0301 - minutes of the previous meeting, from the Consent Agenda for separate consideration.

21-0317 Preliminary Resolution of the Capital Improvements & Street Maintenance Committee Levying Special Assessments for 2021 North 12th Avenue Sidewalk Project

20-0509 Ordinance of the Public Health & Safety Committee Creating temporary ordinance Chapter 5.90 Relaxing Certain Code Requirements during COVID-19 Pandemic and Recovery for a period expiring on December 31, 2021, 11:59 pm to provide for COVID-19 temporary outdoor seating areas for restaurants, bars and taverns, authorize City staff review and approval of temporary outdoor seating areas and temporary expansion of licensed premises; temporarily amending Section 9.04.025 Consumption or possession of intoxicants on streets; temporarily amending Special Events Policies and Procedures.

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

21-0301 Table

3/23/2021

Motion by Peckham, second by Kilian to table the minutes of the previous meeting on 3/09/21 to the next meeting.

Peckham requested more time to review the minutes and put them on the next agenda for approval.

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

21-0303

3/23/2021

Motion by Neal, second by Herbst to confirm the Mayor's Appointments.

BID Board: Mary Gallagher, Mark McKinley, Adam Jamgochian, and Carla Baker; *Citizens Advisory Committee – CDBG:* reappointing Bruce Bohlken; *Community Development Authority:* Reappointing Sarah Napgezok and Rachel Hass; *Liberation & Freedom Committee:* Angela Spranger.

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

20-0509 Amendment

3/23/2021

Motion by Rasmussen, second by Larson to amend the Resolution of the Finance Committee Waiving W.M.C. §3.06.010(a) for “Class B” regular and reserve combination beer and liquor license applicants for 2021 license year due to extraordinary financial hardship resulting from COVID-19 pandemic – to include all license types.

Maryanne Groat stated when this was discussed internally with staff we found that it wasn’t just the Class B establishments that had delinquencies with the city; there were other entities that also did and rely on licenses to work, such as taxicab companies, etc. She noted while the committee conversation was focused on Class B establishments for which they are recommending a reduction in the license fees, we would like the waiver of 3.06.010 to apply to all the license applicants for 2021.

Lisa Rasmussen explained WMC 3.06.010 allows for licenses to be withheld from the applicant, even after they have been approved by Council, if the applicant owes the city money. She commented under the circumstances with the pandemic, we recognize that people need to be allowed to work or they will not be able to pay the debt.

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

20-0509

3/23/2021

Motion by Rasmussen, second by Neal to adopt the Resolution of the Finance Committee Waiving W.M.C. §3.06.010(a) for license applicants for 2021 license year due to extraordinary financial hardship resulting from COVID-19 pandemic, as amended on Council floor.

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

20-1109

3/23/2021

Motion by Rasmussen, second by Herbst to adopt the Resolution of the Finance Committee Authorizing the modification to the City of Wausau Fees and Licenses Schedule adopted pursuant to Wausau Municipal Code §3.40.010(a) (2021 Comprehensive Fee Schedule).

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

21-0315

3/23/2021

Motion by Herbst, second by Peckham to adopt the Resolution of the Finance Committee Approving alleged claim on excessive assessment – 2305 Sherman Street, LLC (2305 Sherman St.)

Rasmussen explained with excessive assessment claims there is a statutory process that needs to be followed. An important step in that process is that those claims that are disallowed by the Finance Committee should also be disallowed by Council so the disputes can move forward to the next step. She noted this and the following claims were all disallowed by Board of Review.

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

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

21-0316

3/23/2021

Motion by Herbst, second by Rasmussen to adopt the Resolution of the Finance Committee Approving alleged claim on excessive assessment – Boston, Inc. (Tenant) - 1817 Stewart Avenue.

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

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

21-0316

3/23/2021

Motion by Neal, second by Martens to adopt the Resolution of the Finance Committee Approving alleged claim on excessive assessment – Boston, Inc. (Tenant) - 1818 Stewart Avenue.

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

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

21-0316

3/23/2021

Motion by Peckham, second by Herbst to adopt the Resolution of the Finance Committee Approving alleged claim on excessive assessment – Boston, Inc. (Tenant) - 1820 Stewart Avenue. Failed 0-10.

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

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

03-1007

3/23/2021

Motion by Rasmussen, second by Ryan to adopt the Resolution of the Finance Committee Approving the 2021 Community Development Block Grant Program Allocation.

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

Motion by Rasmussen, second by Neal to adopt the Resolution of the Finance Committee Approving the purchase of a Fire Ladder Truck and related budget modification and debt issuance.

Groat explained our Procurement Policy would requires that before an order is placed it should be a budgeted item. The truck won't be actually paid for until delivered in approximately 12 months, but the order is an obligation so it should be budgeted, which is a component of this resolution. She indicated they are looking to borrow the funds. The Motor Pool Fund which is relied upon to fund all of our rolling stock has been pretty much depleted because of the purchase of two engines last year which were over \$1 million, as well as all of the other obligations. She noted they are in the midst of a Motor Pool Study to review operations and provide guidance on fee structures. Groat estimated the interest on the debt to be approximately \$10,000 per year. She stated the current truck is way past its obsolescence point and now has some safety issues as well. If you look at ongoing maintenance on that piece of equipment versus the interest on the debt, we will most likely save more than we spend.

Rasmussen pointed out the 1984 truck is currently unable to respond emergently based on safety concerns and is about to need \$9,000 of tires. A truck like this has a 25 year life span and we tend to issue shorter term debt so that we could safely borrow the money and retire the debt well in advance of the life span of the vehicle. It was her understanding the purchase will be worked into our 2021 debt issuance, so we wouldn't be borrowing for just the one item, it would be for everything needed in 2021 in one borrowing.

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

20-0317

3/23/2021

Motion by Neal, second by Larson to adopt the Resolution of the Public Health & Safety Committee Approving COVID-19 Related Mask Requirement City Wide.

Lisa Rasmussen stated this came out of committee on a mixed recommendation. The discussion touched on the fact that the vaccines have ramped up in our area; case counts are going down; the Governor's order is expiring soon and we don't know if that will be extended; and there was some communication that the Marathon County Health Officer may issue an advisory for people to continue to mask either way. The question was whether to continue with our local resolution, which is not an enforceable ordinance with a penalty, or let it go and hope that people will still engage in the proper safe behaviors.

Lou Larson indicated he spoke to a lot of people on this subject, including business owners, and found that 98% were not in favor of the mask extension and want citizens and businesses to make their own decisions.

Tom Neal stated this does not preclude individuals or businesses from making their own decisions. He believed the city should make a definitive statement of position that this is the best thing to do and that is all we are doing.

Deb Ryan had mixed feelings because she had friends on both sides of the issue. She commented we are over a year now and have made sound decisions to this point. She stated vaccinations are available and people can be responsible and she no longer agreed with keeping the mask requirement.

Michael Martens felt extending it 60 days was still a prudent decision and with 25% of Wisconsin's population having the first vaccination, there was still a long way to go. He did not feel they were at the point to let up yet.

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	YES
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Neal, Tom	YES
5	Wadinski, Jim	NO
6	McElhaney, Becky	NV
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	NO
11	Ryan, Debra	NO

Motion by Neal, second by Herbst to suspend rule 6(B) Filing.

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

15-0708

3/23/2021

Motion by Rasmussen, second by Watson to adopt the Resolution of the Finance Committee Approving conveyance of additional land to Riverlife Wausau LLC – Phase I.

Rasmussen noted this passed unanimously in Finance, but it was amended to reserve a 10 foot easement on the water side for city utilities and irrigation equipment that is in the right-of-way. This Attorney's Office will make the change to the legal description to reflect this.

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

15-0708

3/23/2021

Motion by Rasmussen, second by Neal to adopt the Resolution of the Finance Committee Authorizing express written consent to subordinate City's mortgage to Riverlife Wausau LLC to third-party lender exceeding \$8,500,000. Adopted 9-1.

Tom Kilian questioned if this would put the city in a secondary or tertiary position on potential collection in the future if necessary; what impacts or exposure could this have; and what benefit would it be to the city to approve this.

Sean Fitzgerald stated the city does not have a mortgage position, there is no city lending for that facility. This particular clause within the development agreement was intended to protect the city in the event the developer had a project that was partially finished but was underwater with their financing. In that kind of scenario the bank would have had first access to the structure. He explained the building is completed at this point and is fully occupied, but the developer is in the process of transferring his construction loan to a regular mortgage loan, so US Bank would like to see the developer agreement changed because this is a hindrance to that process.

Yes Votes: 9 No Votes: 1 Abstain: 0 Not Voting: 1 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	NV
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Ryan, Debra	YES

20-0826

3/23/2021

Motion by Neal, second by Watson Neal to adopt the Resolution of the Finance Committee Amending Declaration of Covenants, Conditions, Restrictions and Easements for Wausau East Riverfront.

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

03-0306

3/23/2021

Motion by Rasmussen, second by Herbst to adopt the Resolution of the Finance Committee Authorizing the write off of certain uncollectible delinquent personal property tax accounts from the City's accounting records.

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

02-0435

3/23/2021

Motion by Herbst, second by Martens to adopt the Resolution of the Finance Committee Designating Public Depositories and Authorizing Withdrawal of County, City, Village, Town or School District Monies.

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

Public Comment or Suggestions

Maryanne Groat introduced Emily Ley, the new Assistant Finance Director, formerly of the Village of Plover and Kronenwetter.

CLOSED SESSION pursuant to 19.85(1)(f) Considering financial, medical, social or personal histories of specific persons which, if discussed in public, would likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data and 19.85(1)(g) 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 be become involved for the purpose of considering a worker's compensation settlement between the City of Wausau and an employee.

Motion by Rasmussen, second by Neal to convene in Closed Session.

It was determined that Council members cannot participate in Closed Session remotely which left them without a quorum (8 needed) for the discussion. Rasmussen and Neal withdrew their motions. The item will be deferred to the next Council meeting.

Adjourn

3/23/2021

Mayor Rosenberg adjourned the meeting at 7:38 pm.

Katie Rosenberg, Mayor
Leslie M. Kremer, City Clerk