



OFFICIAL NOTICE AND AGENDA

Notice is hereby given that the Common Council of the City of Wausau, Wisconsin will hold a regular or special meeting on the date, time and location shown below.

Meeting of the:	COMMON COUNCIL OF THE CITY OF WAUSAU
Date/Time:	Tuesday, April 13, 2021 at 6:30 p.m.
Location:	City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers
Members:	Patrick Peckham, Michael Martens, Tom Kilian, Tom Neal, Jim Wadinski, Becky McElhaney, Lisa Rasmussen, Sarah Watson, Dawn Herbst, Lou Larson, Deb Ryan

Call to Order			
Pledge of Allegiance / Roll Call / Proclamations			
Public Comment:	Pre-registered citizens for matters appearing on the agenda and other public comment.		
Presentation:	WOZ on Mall Redevelopment		
File #	CMT	Consent Agenda	ACT
21-0301	COUN	Minutes of previous meetings (3/09/21, 3/15/21, & 3/23/21)	Place on file
21-0404	CISM	Resolution Approving sanitary sewer easement with Emmerich & Associates, Inc. at 2105 Grand Avenue	Approved 5-0
21-0405	FIN	Resolution In opposition to the Office of Budget Management's Recommended Changes to Metropolitan and Micropolitan Statistical Area Standards	Approved 5-0
21-0406	PLAN	Resolution Approving final plat for Royal Vistas	Approved 7-0
21-0108	PH&S	Resolution Approving or Denying Various Licenses as Indicated	Approved 5-0
File #	CMT	Resolutions and Ordinances	ACT
21-0403		Mayor's Appointments	
06-0909	CISM	Resolution Approving lease with The Lamar Companies for billboard signs at Bridge Street and 3rd Street	Failed 2-3
21-0120	ED	Resolution Approving the sale of 138 E. Thomas Street to Tyler Knudson Construction LLC for the construction of a single-family home on a Thomas Street Phase II remnant parcel	Approved 4-1
19-1109	FIN	Resolution Approving the 2020 budget modification and reallocate project funds	Approved 5-0
21-0407	PLAN	Ordinance Rezoning 1300 Cleveland Ave from MI, Medium Industrial Zoning District to MRL-12, Multi-Family Residential-12 Zoning District.	Approved 5-2
Suspend the Rules - 12(A) Referral of Resolutions and Ordinances (2/3 vote required)			
11-0505	COUN	Resolution Designating May 15, 2021 as World Migratory Bird Day	Pending
15-0708	COUN	Resolution Approving infrastructure easement with Riverlife Wausau LLC – Phase I	Pending
02-0432	COUN	Ordinance Amending Chapter 2.16 Standing Rules of the Common Council Rule 2 – Quorum Required and Rule 4 – Absence of Members	Pending
Public Comment & Suggestions			

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.

CLOSED SESSION pursuant to Wis. Stat. s. 19.85(1)(g), for the purpose of conferring with legal counsel for the rendering of 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, specifically regarding the Memorandum of Understanding with the Wausau/Central Wisconsin Convention & Visitors Bureau

CLOSED SESSION pursuant to Section 19.85(1)(e) for deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session regarding the sale of city-owned property at 510 South 32nd Avenue

RECONVENE into Open Session to take action, if necessary, on Closed Session item(s).

Adjournment

Signed by Katie Rosenberg, Mayor

*Due to the COVID-19 pandemic, this meeting is being held in person and via teleconference. Members of the media and the public may attend in person, subject to the social distancing rules of maintaining at least 6 feet apart from other individuals, or by calling **1-408-418-9388. The Access Code is: 187 733 3916 Password: JeNMhcnV743**

Individuals appearing in person will either be seated in the Council Chambers or an overflow room, subject to the social distancing rules. Space available will be on a first come, first served basis. All public participants' phones will be muted during the meeting. Members of the public who do not wish to appear in person may view the meeting live on the City of Wausau's YouTube Channel <http://www.tinyurl.com/WAAMedia>, live by cable TV, Channel 981, and a video is available in its entirety and can be accessed at <https://tinyurl.com/WausauCityCouncil>. Any person wishing to offer public comment who does not appear in person to do so, may e-mail leslie.kremer@ci.wausau.wi.us with "Common Council public comment" in the subject line prior to the meeting start. All public comment, either by email or in person, will be limited to items on the agenda at this time. The messages related to agenda items received prior to the start of the meeting will be provided to the Mayor.

This Notice was posted at City Hall and transmitted to the Daily Herald newsroom on 4/08/21 @ 3:30 PM. Questions regarding this agenda may be directed to the City Clerk.



OFFICIAL NOTICE AND AGENDA

Notice is hereby given that the Common Council of the City of Wausau, Wisconsin will hold a regular or special meeting on the date, time and location shown below.

Meeting of the:	COMMON COUNCIL OF THE CITY OF WAUSAU
Date/Time:	Tuesday, April 13, 2021 at 6:30 PM
Location:	City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers
Members:	Patrick Peckham, Michael Martens, Tom Kilian, Tom Neal, Jim Wadinski, Becky McElhaney, Lisa Rasmussen, Sarah Watson, Dawn Herbst, Lou Larson, Deb Ryan

ADDENDUM

File #	CMT	Resolutions and Ordinances	ACT
20-1018	COUN	Resolution Approving settlement offer to settle claim filed with Zagster, Inc.	Pending

Adjournment

Signed by Katie Rosenberg, Mayor

*Due to the COVID-19 pandemic, this meeting is being held in person and via teleconference. Members of the media and the public may attend in person, subject to the social distancing rules of maintaining at least 6 feet apart from other individuals, or **by calling 1-408-418-9388. The Access Code is: 187 733 3916 Password: JeNMhcnV743**

This Notice was posted at City Hall and transmitted to the Daily Herald newsroom on 4/12/21 @ 12:30 PM Questions regarding this agenda may be directed to the City Clerk.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of Wausau will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the ADA Coordinator at (715) 261-6590 or ADAServices@ci.wausau.wi.us to discuss your accessibility needs. We ask your request be provided a minimum of 72 hours before the scheduled event or meeting. If a request is made less than 72 hours before the event the City of Wausau will make a good faith effort to accommodate your request.

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, March 9, 2021 at 6:30 pm in the Council Chambers at City Hall.
Mayor Katie Rosenberg presiding.

Roll Call

3/09/2021

Roll Call indicated 11 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Neal, Tom	YES (<i>WebEx</i>)
5	Wadinski, Jim	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES (<i>WebEx</i>)
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Ryan, Debra	YES (<i>WebEx</i>)

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

- 1) Bruce Grau, 1115 N 10th St, spoke on affordable housing and the Knudson project on Thomas Street and 1300 Cleveland Avenue.
- 2) Jaxon Seeger, 525 S 6th Ave, indicated he started the Wausau Transfam Alliance group, spoke in favor of passing the resolution banning conversion therapy.
- 3) Kristin Whitaker, 203 N Emerald Dr, family physician in Wausau, expressed concerns about the resolution banning conversion therapy because of the extreme complexity of these issues. She did not feel it would protect people and could possibly make things worse.

Consent Agenda

3/09/2021

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

21-0201 Minutes of the previous meeting (2/23/21)

20-0824 Ordinance of the Capital Improvements & Street Maintenance Committee Designating “church parking only” for 12 stalls on the west side of N. 2nd Street between Grant and McClellan Streets.

21-0304 Ordinance of the Capital Improvements & Street Maintenance Committee Amending Section 10.20.080(a) designating no parking here to corner on the north side of the 500 block of Franklin Street from a point 50 feet west of the crosswalk at N. 6th Street back to N. 6th Street, on the south side of the 500 block of Franklin Street from a point 42 feet east of the crosswalk at N. 5th Street back to N. 5th Street and on the south side of the 500 block of Franklin Street from a point 172 feet west of the crosswalk at N. 6th Street back to N. 6th Street

21-0306 Ordinance of the Capital Improvements & Street Maintenance Committee Amending Section 10.20.080(a) designating no parking on the south side of the 900 block of Scott Street

21-0307 Ordinance of the Capital Improvements & Street Maintenance Committee Amending Section 10.20.080(a) designating no parking on the north side of Washington Street between 1st Street and 3rd Street

21-0309 Ordinance of the Plan Commission Rezoning 201 Devoe Street from LI, Light Industrial Zoning District to UMU, Urban Mixed-Use Zoning District

01-0251 Resolution of the Public Health & Safety Committee Approving Amendment to the Current Emergency Management Services Agreement with Marathon County

21-0108 Resolution of the Public Health & Safety Committee Approving or Denying Various Licenses.

Yes Votes: 11 No Votes: 0 Result: PASS

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

Historic Preservation Commission – Patrick Bacher; Plan Commission – George Bornemann; Police & Fire Commission – William Harris; and Sustainability, Energy & Environment Committee – Ashley Lange

Yes Votes: 11 No Votes: 0 Result: PASS

21-0305

3/09/2021

Motion by Larson, second by Rasmussen to adopt the Resolution of the Capital Improvements & Street Maintenance Committee Authorizing a Driveway in Excess of Forty-Four Feet for 1000 South 17th Avenue (Happy Enterprises LLP).

Yes Votes: 11 No Votes: 0 Result: PASS

21-0311

3/09/2021

Motion by Martens, second by Rasmussen to adopt the Resolution of the Finance Committee Approving Small Government Enterprise Agreement with Environmental Systems Research Institute, Inc. (Esri).

Yes Votes: 11 No Votes: 0 Result: PASS

20-0317 Refer Back

3/09/2021

Motion by Rasmussen, second by Herbst to adopt the Resolution of the Human Resources Committee Authorizing Covid-19 Incentive Program.

Toni Vanderboom stated since this item has gone to the HR Committee she received a fiscal impact update from the Fire Chief. She explained because of the way their time off sick leave is done and the calendar is pretty full, it would be difficult for the employees to take time off without resulting in overtime. Originally the fiscal impact statement was zero because we were not anticipating an overtime. Chief Kujawa estimates a fiscal impact of just under \$40,000 for her department. She further stated that benefit would have to be bargained for non-represented employees and therefore the impact would depend upon the nature of the agreement.

Jim Wadinski pointed out even if the fiscal impact says none, we are still paying people for not working. Vanderboom explained the fiscal impact is none because if it doesn't result in overtime it is already budgeted as payroll. The payroll pays an employee the same amount whether they are here or not, it is a set amount of pay per day. As long as the absence doesn't result in someone else working more time it is neutral for the budget. Wadinski commented although he agreed we should support our employees giving them the opportunity and the time to get vaccinated if that is their choice, but he was concerned with giving them a bonus for getting vaccinated.

Lisa Rasmussen questioned if they were having trouble getting employees to accept and take the vaccine, because if they are not having that issue this is a moot point. Vanderboom stated anecdotally there are reports of approximately 60% participation in vaccination and we are looking at ways of increasing that number.

Tom Kilian stated given the unanticipated issues that Human Resources has covered tonight, he would be more confident if they were able to nail down some of those financial complexities so it isn't so vague and wide open.

Becky McElhaney had questions as to parity; there may be another department that has to work short staffed without overtime. She felt these questions need to be answered fully before the Council votes on it. Pat Peckham agreed and felt given more time perhaps more will get vaccinated and there won't be a need for it.

Motion by McElhaney, second by Larson to refer the resolution back to Human Resources Committee.

Vote to refer back:

Yes Votes: 11 No Votes: 0 Result: PASS

19-1107

3/09/2021

Motion by Peckham, second by Rasmussen to adopt the Resolution of the Plan Commission Amending the General Development Plan at 200 South 17th Avenue and 200 South 18th Avenue to allow for the expansion of indoor storage, in a PUD, Planned Unit Development Zoning District.

Yes Votes: 11 No Votes: 0 Result: PASS

Motion by Neal, second by Martens to adopt the Ordinance of the Plan Commission Rezoning 2101 and 2105 Grand Avenue from UMU, Urban Mixed-Use Zoning District to PUD, Planned Unit Development Zoning District and approve the General Development Plan to allow for two 16-unit apartment buildings.

Deb Ryan questioned if the new rules about housing requiring sprinkler systems in new apartments was going to apply. Deputy Chief Barteck stated it is typically based upon the number of units in the building.

Yes Votes: 11 No Votes: 0 Result: PASS

21-0308**3/09/2021**

Motion by Kilian, second by Martens to adopt the Resolution of the Public Health & Safety Committee Supporting statewide ban on conversion therapy practices.

Rasmussen commented she was struggling with this issue because these practices aren't regulated by municipalities. The American Psychiatric Association and mental health professionals already denounce the practices described. She indicated she was contacted by a mental health professional that stated the city has no standing; it not only can't enforce it, but therapists can't defend themselves because they can't release their records and legitimate therapists aren't engaging in these behaviors anyway.

Lou Larson indicated he has been approached by clergy and questioned as to whether this will violate their first amendment rights. Anne Jacobson reiterated this is not a regulation/ordinance, it is just a resolution stating Council supports a statewide ban on conversion therapy practices. She stated the lawfulness or unlawfulness of banning conversion therapy is not firmly settled and there are no cases from the Seventh Circuit or the State of Wisconsin that would curtail any action by the city this evening concerning this pending resolution. She read some case law on content based regulation of speech, which is subject to strict scrutiny.

Mayor Rosenberg pointed out the action item of this resolution is stated: "Therefore, Be it Resolved that the Common Council of the City of Wausau supports a statewide ban on conversion therapy practices and directs the City Clerk to send copies of this resolution to the local legislatures, Governor Evers, and our local U.S. representatives and senators." She noted it is only asking the state to regulate itself, its own practices. *Lengthy discussion followed.*

Yes Votes: 11 No Votes: 0 Result: PASS

Suspend the Rules**3/09/2021**

Motion by Kilian, second by Neal to Suspend Rules 6(B) Filing and 12(A) Referral of Resolutions and Ordinances.

Yes Votes: 11 No Votes: 0 Result: PASS

21-0120**3/09/2021**

Motion by Rasmussen, second by Neal to adopt the Resolution of the Common Council Rescinding the prior Resolution #21-0120, Resolution of the Economic Development Committee of the City of Wausau approving the sale of 118, 120, 126, 130, 134 and 138 E. Thomas St. to Tyler Knudson Construction LLC for the construction of the Thomas Street Phase II Remnant Parcels Housing project, adopted January 26, 2021; and refer the issue back to the ED Committee.

Anne Jacobson explained the city released a Request for Proposal (RFP) on November 6, 2020 for six remnant parcels along the Thomas Street corridor from the previous redevelopment and reconstruction. The deadline was December 11, 2020 and one proposal was received from Tyler Knudson Construction to purchase all six of the lots for \$7,500 per lot for a total of \$45,000 from the city and they did not request any city participation in terms of money. The sale was approved by the Council on January 26, 2021. She reviewed what the RFP required and the Knudson proposal. She pointed out there is no contract with them with any binding acceptance or any closing date at this time, just the resolution approving the sale of six lots.

Sean Fitzgerald stated his office received a request from the developer to purchase one property first and one property at a time rather than all six up front. In discussions with the attorney, it was felt that was materially different than the approved proposal and felt it appropriate to bring this back to the Council.

Tyler Knudson confirmed the lender would prefer they built the houses one at a time rather than financing them in a larger group. Knudson stated the material costs have continued to spike, which affects the overall sale price. The houses have to sell for a return on our investment and the cost of the house has to make sense. Right now the cost of materials and everything involved with Covid pricing has gone upwards rather than down. He wanted to make sure the house they are building and pricing is going to sell in that area of this community. He felt having all six lots did not allow much test ground and tied up all of their cash. He commented we are not a developer tycoon, they are just community members. *Discussion continued.*

Yes Votes: 11 No Votes: 0 Result: PASS

13-0913

3/09/2021

Motion by Rasmussen, second by Wadinski to adopt the Ordinance of the Common Council Repealing Section 1.08.040 Primary, Section 2.02.030 Offices or positions not specified by ordinance, Chapter 2.72 Residency Requirement Abolished, Chapter 5.78 Cable TV Franchise, Section 9.23.050 Time to comply; amending Section 1.01.050 Definitions, Section 1.01.080 Title, chapter and section headings; creating Section 1.01.180 Supplementation of Code, Section 1.01.190 Altering Code, Section 1.01.200 Rates, charges, or fees established, Section 2.18.020 Bond and oath, Section 2.18.080 Substitute and Interim Municipal Justice, Section 2.64.010 Joint action ordinance adopted, Section 3.25.010 Definitions, Section 5.08.010 Definitions, Section 5.64.010 State statutes adopted, Section 5.64.065 Sale of “Class B” packaged goods, Section 5.68.020 Parking permit fee, Section 8.08.002 Construction & application, Section 8.08.012 Keeping of chickens, Section 8.08.120 Number of dogs & cats limited, Section 8.08.125 Restriction on animals other than dogs & cats, Section 8.08.160 Rabies control, Section 9.04.034 Penalties for misuse of E9-1-1, Section 9.04.037 Possession of marijuana—Prohibited, Section 9.06.010 Power of the court to punish for contempt of court, Section 9.08.030 Firearms and weapons restricted where prohibited, Section 10.01.090 Enforcement, Section 10.38.010 State statutes adopted, Section 13.28.080 Rates—Public fire protection services, Section 19.30.030 Private well permit, Section 19.40.030 State provisions adopted; Adding footnote to Section 1.01.080 Title, chapter and section headings, footnote to Chapter 1.08; Renaming Chapter 2.64 Civil Defense to Chapter 2.65 Emergency Management, Renaming Section 5.64.065 Sale of Class “B” packaged goods to Sale of “Class B” packaged goods.

Anne Jacobson explained a year ago the Council approved Municode to conduct a full legal review of our Municipal Code, which is excess of 1,000 pages, to check for conflicts, outdated provisions, and any other issues. This ordinance reflects the changes they recommend to clean up our code.

Yes Votes: 11 No Votes: 0 Result: PASS

13-0913

3/09/2021

Motion by Rasmussen, second by Neal to adopt the Joint Resolution of the Economic Development Committee and the Finance Committee Approving First Amendment to Ground Lease with Resurrection Parish – Diocese of La Crosse.

Yes Votes: 11 No Votes: 0 Result: PASS

21-0312 Amendment

3/09/2021

Motion by Rasmussen, second by Wadinski to amend the Resolution of the Park & Recreation Committee Amending Sections 9.20.010 Vehicle regulation, 9.20.020 Regulation of persons, 9.21.050 Controlled areas, 9.22.020 Jumping and diving from bridges prohibited, 10.38.010 State statutes adopted, and creating Section 10.01.060 Vehicle prohibition on city trails – to prohibit “motorized” vehicles on trails except by authorized personnel for the purpose of maintenance and/or emergency response.

Jacobson reviewed the changes she added to the ordinance after the committee voted, which had to do with the references to trails being placed separately in Chapter 10 of the code, as trails are not part of the parks addressed in Chapter 9.

Rasmussen questioned if there was an exception for municipal vehicles on the trails for the purpose of maintenance. Jacobson responded that there was not an exception, but that it could be added. Wadinski stated it should also include police and fire for patrol or emergency response.

Discussion continued regarding bicycles and electric-assist bicycles (E-Bikes). Jamie Polley noted Class I and II E-Bikes are no longer considered motorized vehicles. Bicycles and E-Bikes would fit under the definition of a bicycle and not a motorized vehicle.

Yes Votes: 11 No Votes: 0 Result: PASS

21-0312

3/09/2021

Motion by Wadinski, second by Peckham to adopt the Resolution of the Park & Recreation Committee Amending Sections 9.20.010 Vehicle regulation, 9.20.020 Regulation of persons, 9.21.050 Controlled areas, 9.22.020 Jumping and diving from bridges prohibited, 10.38.010 State statutes adopted, and creating Section 10.01.060 Vehicle prohibition on city trails, as amended on Council floor.

Yes Votes: 11 No Votes: 0 Result: PASS

Public Comment and Suggestions

None

Closed Session

3/09/2021

Motion by Rasmussen, second by Wadinski to convene into 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 settlement offer received in Marathon County Case No. 20-CV-435 (Frances Howe).

Roll Call Vote

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

Reconvened into Open Session to take action on Closed Session item.**21-0314**

3/09/2021

Motion by Rasmussen, second by Larson to adopt the Resolution of the Common Council Approving agreement for settlement of lawsuit – Frances Howe et al vs. Benjamin W Price et al (City of Wausau), Marathon County Case No. 20CV435.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 0 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	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Ryan, Debra	<i>NV</i>

Adjourn

3/09/2021

Motion by Wadinski, second by Kilian to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:35 pm.

Katie Rosenberg, Mayor
Leslie M. Kremer, City Clerk

OFFICIAL PROCEEDINGS OF THE SPECIAL MEETING OF THE WAUSAU COMMON COUNCIL

held on Monday, March 15, 2021 at 6:20 pm in the Council Chambers at City Hall.

Mayor Katie Rosenberg presiding.

Roll Call

Roll Call indicated 11 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Peckham, Patrick	YES
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Neal, Tom	NV
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	YES

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

None

Suspend the Rules

Motion by Rasmussen, second by Peckham to suspend 6(B) Filing and Rule 12(A) Referral of Resolutions.

Yes Votes: 10 No Votes: 0 Result: PASS

20-1019 - Sale of city-owned property at 510 South 32nd Avenue

Sean Fitzgerald, Economic Development, stated last October the Council directed staff to put the former Fire Station #2 out for sale and it was listed with Realtor, Karen Hocking, with Hocking Realty, after a bid process with commercial realtors. It has been on the market since October and there has not been any other offers to this point. He indicated approximately 10 people have looked at it, but the facility is limited in its uses; it is very dirty in the truck bay and will need a roof in a few years, as well as boiler replacement. He noted it is currently zoned Institutional. The offer before them was received last week Thursday from a prospective buyer to purchase the property for \$200,000 cash; the only contingency is zoning approval for the property. The buyer is projecting to use the facility as a place to store a collection of vehicles in the truck bay and use the upper part with the offices/bunk house/cook house as a personal area to have friends gather for coffee.

Fitzgerald noted this buyer is represented by a different realtor and the understanding is there will not be any other people there to visit or tour the cars; it would not be a museum for cars or a car dealership or a place to sell and/or repair cars. He stated the Council is being asked to approve the sale and accept the offer to purchase. He reiterated there will be a zoning change that will need to occur at some point down the road and the sale of the property is contingent upon that zoning change.

Motion by Rasmussen, second by Watson to adopt the Resolution Authorizing sale of city-owned property at 510 South 32nd Avenue.

Deb Ryan was concerned the buyer did not put any earnest money down, which seemed unusual to her. She felt there should be an appraisal to ensure they know what the value is.

Maryanne Groat, Finance Director, commented it has been sitting on the market a while and there was even discussion about possibly reducing the price. There have been no other offers and this is a cash offer. She pointed out every day that passes we are investing taxpayer dollars into it through heating, maintenance, and insurance. It has age components, as mentioned, regarding the roof and heating system, so at any point it could be necessary to make upgrades. She encouraged Council to accept the offer and move on, as we are not in the sector of buying and selling property and our maintenance person is retiring.

Lisa Rasmussen reminded the Council that just over a year ago Chuck Robinson came forward proposing a non-profit senior center and we were ready to give that building away. She agreed they needed to get out from under the maintenance of the building as the longer we sit with vacant buildings the more of a drag they become on taxpayer resources.

Dawn Herbst, Alderperson for this district, supported the sale of the property but not the proposed use of a car showroom, office and meeting room as outlined. This is a residential area and according to the Institutional Zoning District it does not fit that criteria and would have to be rezoned. She believed her constituents would not be happy with a car showroom. She reiterated she supported the sale of the property but not of the project.

Sarah Watson questioned what it would need to be zoned to allow this use. Brad Lenz, City Planner, explained the Institutional Zoning was left over from when it was the fire station as a public facility. He stated they did not change the zoning first, because the direction was to put it up for sale and see what we would get. The idea was to keep it somewhat open and weigh in if it was acceptable or not at a later time, which we still have to do. The process for zoning is to go through the Plan Commission and neighbors are notified of a public hearing to weigh in on it. He anticipated the zoning would need to be changed to the same as what it is directly across the street, which is a Mixed Use Commercial District, which allows small scale commercial uses.

Lou Larson questioned if the building has been assessed and what the assessed value of it is. Groat stated because it is a government building today, the value that it would be taxed on is zero. That valuation occurs each year on January 1st. Once a sale to a private entity occurs, whether they are using it for personal use or commercial use, it will be taxable. The only way it would not be taxable is if they submitted a tax exempt request to the City Assessor and it met all of those guidelines. She stated it will be taxable because it is real estate regardless of its use. Larson clarified he wanted to know what the value or appraisal is. Groat stated work was done in advance to establish our sale price, but again, it has been on market a long time and this is the only offer, even though the market has been very busy.

Fitzgerald explained they had a Broker Opinion of Value conducted for \$250, which is different from an appraisal which generally costs in excess of \$1,000. The Broker Opinion of Value came in at \$330,000 in June of last year, when it was still being used as a fire station. Since it has been emptied out, some of the damage and concern to the facility is more apparent than when it was in use. He pointed out it is also a unique property and since there are not a lot of former fire stations around, there is not a lot of comparable properties in the city or central Wisconsin. There would be a significant investment for a buyer to reuse the site, which they felt made this price fair.

Discussion continued.

Rasmussen pointed out they need to answer the offer to purchase by Friday, March 19th and that is the reason for this special meeting.

Watson questioned if they could counter offer to extend the date so the buyer could come to the Council meeting next week. Jacobson stated they could move to counter offer in any number of ways.

Amendment

Motion by Watson, second by Rasmussen to amend the motion to extend the binding acceptance date to March 26, 2021.

Yes Votes: 5 No Votes: 5 Abstain: 1 Not Voting: 0 *Result: PASS
**Mayor Rosenberg voted YES to break the tie and extend the date so it can be discussed next week.*

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

Jacobson stated they still needed to vote on the original motion as amended, which approves the sale contingent on the zoning and contingent upon the buyer accepting our deferred binding acceptance date of March 26, 2021. Watson suggested that they table the issue instead then until next Tuesday. McElhaney explained she abstained from voting on the amendment because she understood Watson's motion was to just extend the acceptance date as a way of not making a decision on the sale until the next meeting.

Jacobson stated it was her understanding they were amending a motion that was on the floor to approve the sale and amend the offer to extend the binding acceptance date; whereby she would get it back out to the buyer before that first date was up and if he accepts it, they've agreed to sell the property. McElhaney reiterated that was not her understanding of what they were voting on and did not think

that was the Council's intention.

Vote to Table

Motion by Ryan, second by Watson to table the Resolution Authorizing sale of city-owned property at 510 South 32nd Avenue to the March 23rd Council meeting.

Yes Votes: 11 No Votes: 0 Result: PASS

Adjourn

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

Katie Rosenberg, Mayor
Leslie M. Kremer, City Clerk

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 Napgezsek 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

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

**RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE**

Approving sanitary sewer easement with Emmerich & Associates, Inc. at 2105 Grand Avenue

Committee Action: Approved 5-0

Fiscal Impact: None

File Number: 21-0404

Date Introduced: Aril 13, 2021

FISCAL IMPACT SUMMARY

COSTS	Budget Neutral	Yes	☒	No	☐	
	Included in Budget:	Yes	☐	No	☐	Budget Source
	One-time Costs:	Yes	☐	No	☐	Amount:
	Recurring Costs:	Yes	☐	No	☐	Amount:
SOURCE	Fee Financed:	Yes	☐	No	☐	Amount:
	Grant Financed:	Yes	☐	No	☐	Amount:
	Debt Financed:	Yes	☐	No	☐	Amount Annual Retirement
	TID Financed:	Yes	☐	No	☐	Amount:
	TID Source: Increment Revenue ☐ Debt ☐ Funds on Hand ☐ Interfund Loan ☐					

RESOLUTION

WHEREAS, Emmerich & Associates, Inc. recently purchased the property at 2105 Grand Avenue from a private party for development of an apartment complex; and

WHEREAS, there currently exists a storm sewer across the property and it was discovered the city does not have easement rights to repair or replace the sanitary sewer; and

WHEREAS, your Capital Improvements and Street Maintenance Committee, at their March 11, 2021 meeting, discussed and approved entering into a 30 foot sanitary sewer easement with Emmerich & Associates, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau that it hereby approves the execution of the attached 30 foot sanitary sewer easement and the proper City officials are hereby authorized and directed to execute said easement.

Approved:

Katie Rosenberg, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 11, 2021, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lisa Rasmussen, James Wadinski; *By WebEx*: Tom Neal, Debra Ryan, Lou Larson (Larson joined at 5:20 pm)

Also Present: Eric Lindman, Allen Wesolowski, TJ Niksich, Tara Alfonso, Lori Wunsch; *By WebEx*: Brad Lenz, Cord Buckner

Discussion and possible action on Sanitary Sewer Easement with Emmerich & Associates at 2105 Grand Avenue

Rasmussen noted the former Ponderosa site is finally being developed and an easement is needed for sanitary sewer.

Wadinski moved to approve the Sanitary Sewer Easement with Emmerich & Associates at 2105 Grand Avenue. Seconded by Neal and the motion carried unanimously 5-0.

AGENDA ITEM
Discussion and possible action on Sanitary Sewer Easement with Emmerich & Associates at 2105 Grand Avenue
BACKGROUND
Emmerich and Associates, Inc. is planning a new development at 2105/2101 Grand Avenue (former Ponderosa Motel/Eagles Nest Restaurant site). Emmerich currently owns 2105, and will be purchasing 2101 from the Wausau Community Development Authority. As part of this project, it was discovered that the City did not have a recorded easement for the existing sanitary sewer running across 2105. The City has asked Emmerich to grant a 30 foot wide easement for future maintenance of this sanitary sewer.
FISCAL IMPACT
None.
STAFF RECOMMENDATION
Staff recommends the City accept this easement.
Staff contact: Allen Wesolowski 715-261-6762

EASEMENT AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2021, by and between, EMMERICH & ASSOCIATES, INC., , Grantor, and the CITY OF WAUSAU, a municipal corporation of the State of Wisconsin, Grantee;

WITNESSETH:

That in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to Grantor by Grantee, receipt of which is hereby acknowledged, Grantor, has this day conveyed, transferred, and delivered unto Grantee a permanent easement and right-of-way and perpetual right to enter upon the real estate hereinafter described at any time to construct, reconstruct, maintain, inspect and/or repair a sanitary sewer which may be constructed through and under the lands hereinafter described.

The permanent easement and perpetual right of entry is described as follows:

Part of Lot 2 of Certified Survey Map No. 9629 recorded in the Office of Register of Deeds for Marathon County in Volume 39 of Certified Survey Maps on Page 52, Section 1, T28N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

A 30 foot wide strip of land centered on the following described centerline:

Commencing at the intersection of the Easterly right-of-way of Grand Avenue and the South right-of-way of E. Ross Avenue; thence S88°34'31"E, along said South right-of-way, 150 feet; thence S17°00'00"E, approximately 71.4 feet to the Northerly line of said Lot 2 and the point of beginning of said centerline;

Thence continuing S17°00'00"E, 33 feet; thence S13°00'00"E, approximately 67 feet to the South line of said Lot 2 and the end of said centerline.

In further consideration of this easement by Grantor, Grantee forever agrees to hold Grantor harmless from all damages, loss, or claims which may arise from the existence, use, and/or maintenance of said permanent easement. Grantee further agrees that it will attempt to return the disturbed lands subject to this easement to a similar condition which existed prior to the construction.

No buildings or structures except surface improvements such as, but not limited to, asphalt pavement, sidewalk, curb and gutter, etc. shall be constructed upon or across the permanent easement lands; nor shall large trees be planted upon the permanent easement lands, but small trees and shrubs not exceeding approximately eight feet in height at maturity are permitted.

Grantor covenants that it is lawfully seized and possessed of the real estate above described and that it will defend the title thereto against the lawful claims of all persons whomsoever.

This agreement shall run with the land, encumbering the property encompassed by the easement in perpetuity, and shall be binding upon and shall inure to the benefit of the parties hereto and to their respective successors and assigns.

Recording Area

Name and Return Address
City Attorney's Office
407 Grant Street
Wausau WI 54403

PIN: 291-2807-014-0098

IN WITNESS WHEREOF, this agreement has been duly executed the day and year first above written.

EMMERICH & ASSOCIATES, INC. BY:

CITY OF WAUSAU BY:

Arden J. Emmerich, President

Katie Rosenberg, Mayor

Leslie M. Kremer, City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2021, the above named Katie Rosenberg, Mayor, and Leslie M. Kremer, Clerk for the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission expires: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2021, the above named, Arden J. Emmerich, President of Emmerich & Associates, Inc., to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission expires: _____

This instrument was drafted by
Anne L. Jacobson, City Attorney
for the City of Wausau
407 Grant, Street
Wausau WI 54403-4783

EASEMENT AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2021, by and between, RIVERLIFE WAUSAU LLC, a Wisconsin limited liability company, Grantor, and the CITY OF WAUSAU, a municipal corporation of the State of Wisconsin, Grantee;

WITNESSETH:

That in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to Grantor by Grantee, receipt of which is hereby acknowledged, Grantor, has this day conveyed, transferred, and delivered unto Grantee a permanent easement and right-of-way and perpetual right to enter upon the real estate hereinafter described at any time to construct, reconstruct, maintain, inspect and/or repair irrigation and electrical infrastructure which may be constructed through and under the lands hereinafter described.

The permanent easement and perpetual right of entry is described as follows:

Part of Lot 2 of Certified Survey Map No. 9629 recorded in the Office of Register of Deeds for Marathon County in Volume 39 of Certified Survey Maps on Page 52, Section 1, T28N, R7E, City of Wausau, Marathon County, Wisconsin, described as follows:

A 30 foot wide strip of land centered on the following described centerline:

Commencing at the intersection of the Easterly right-of-way of Grand Avenue and the South right-of-way of E. Ross Avenue; thence S88°34'31"E, along said South right-of-way, 150 feet; thence S17°00'00"E, approximately 71.4 feet to the Northerly line of said Lot 2 and the point of beginning of said centerline;

Thence continuing S17°00'00"E, 33 feet; thence S13°00'00"E, approximately 67 feet to the South line of said Lot 2 and the end of said centerline.

In further consideration of this easement by Grantor, Grantee forever agrees to hold Grantor harmless from all damages, loss, or claims which may arise from the existence, use, and/or maintenance of said permanent easement. Grantee further agrees that it will attempt to return the disturbed lands subject to this easement to a similar condition which existed prior to the construction.

No buildings or structures except surface improvements such as, but not limited to, asphalt pavement, sidewalk, curb and gutter, etc. shall be constructed upon or across the permanent easement lands; nor shall large trees be planted upon the permanent easement lands, but small trees and shrubs not exceeding approximately eight feet in height at maturity are permitted.

Grantor covenants that it is lawfully seized and possessed of the real estate above described and that it will defend the title thereto against the lawful claims of all persons whomsoever.

This agreement shall run with the land, encumbering the property encompassed by the easement in perpetuity, and shall be binding upon and shall inure to the benefit of the parties hereto and to their respective successors and assigns.

Recording Area

Name and Return Address

City Attorney's Office
407 Grant Street
Wausau WI 54403

PIN: 291-2807-014-0098

IN WITNESS WHEREOF, this agreement has been duly executed the day and year first above written.

EMMERICH & ASSOCIATES, INC. BY:

CITY OF WAUSAU BY:

Arden J. Emmerich, President

Katie Rosenberg, Mayor

Leslie M. Kremer, City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2021, the above named Katie Rosenberg, Mayor, and Leslie M. Kremer, Clerk for the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin

My commission expires: _____

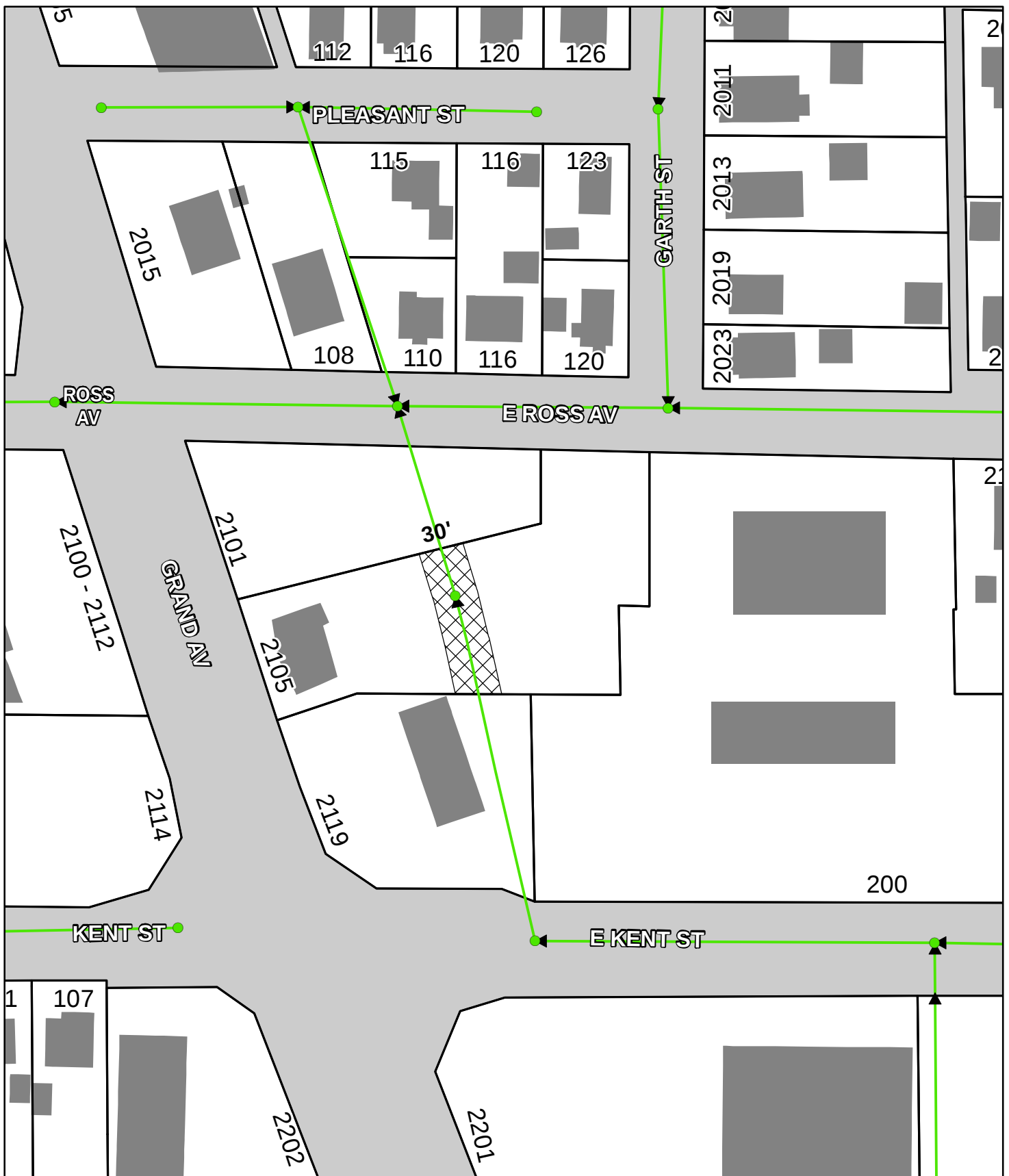
STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2021, the above named, Arden J. Emmerich, President of Emmerich & Associates, Inc., to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin

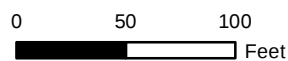
My commission expires: _____

This instrument was drafted by
Anne L. Jacobson, City Attorney
for the City of Wausau
407 Grant, Street
Wausau WI 54403-4783



Map Date: March 3, 2021

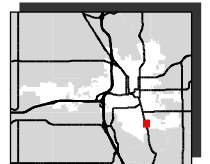
City of Wausau
Marathon County Wisconsin



Legend

- Parcels
- Building Footprints
- Right - of - Way
- Proposed Sanitary Sewer Easement
- San MH
- Collector

Map Location



CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE FINANCE COMMITTEE

In opposition to the Office of Budget Management's Recommended Changes to Metropolitan and Micropolitan Statistical Area Standards

Committee Action: Approved 5-0

Fiscal Impact:

File Number: 21-0405

Date Introduced: April 13, 2021

WHEREAS, on January 19, 2021, the Office of Management and Budget posted a recommendation, received from the Metropolitan and Micropolitan Statistical Area Standards Review Committee to increase the minimum population threshold from 50,000 to 100,000; and

WHEREAS, the Wausau region currently is considered a metropolitan area under existing federal population thresholds; and

WHEREAS, the proposed population threshold change would result in 144 areas across the country losing their metropolitan statistical area (MSA) status, including the Wausau area; and

WHEREAS, the city has been a Community Development Block Grant direct recipient since the early 1970's when it received its CDBG designation through the standards of the Metropolitan Statistical Areas; and

WHEREAS, Wausau leaders have used CDBG funds for improving housing, affordable housing accessibility, public facility improvements in low income areas, assistance to non-profits who work with very-low income clientele, and job creation and the change could have significant implications for those federal programs and the specificity of data gathering efforts; and

WHEREAS, this semantic change could have unintended consequences – such as disqualifying current entitlement grantees, like Wausau and several other Wisconsin communities, under the CDBG program. This would result in our vulnerable populations losing access to federal funding and programs that lift our community up; and

WHEREAS, despite the Committee's statement that "OMB establishes and maintains these areas solely for statistical purposes" and "these areas are not designated to serve as a general-purpose geographic framework applicable for nonstatistical activities or for use in program funding formulas" many federal agencies, including the CDBG program, do in fact use OMB's area definition for their program funding. If the Committee's recommendation takes effect, small cities that have recently received their designation may, in turn, have their designation taken away. It could also create a serious trickle-down effect with those smaller communities losing their designations; and

WHEREAS, without greater clarification and explanation of the potential impacts of this administrative change, the City of Wausau does not support the proposal.

NOW THEREFORE BE IT RESOLVED that the City of Wausau Common Council urges Senator Tammy Baldwin, Senator Ron Johnson, and Congressional Representative Tom Tiffany to reject the proposed changes from the Metropolitan and Micropolitan Statistical Area Standards Review Committee to increase the minimum population threshold from 50,000 to 100,000.

BE IT FURTHER RESOLVED, that the City of Wausau Common Council authorizes the appropriate officers and officials to disseminate this resolution to our Congressional Representatives.

Approved:

Katie Rosenberg, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, March 23, 2021 @ 5:15 pm., Council Chambers

Members Present: *In Person*: Lisa Rasmussen, Michael Martens, and Dawn Herbst; *By WebEx*: Sarah Watson, and Deb Ryan

Others Present: Maryanne Groat, Anne Jacobson, Eric Lindman, Katie Rosenberg, Emily Ley, Sean Fitzgerald, Leslie Kremer, Tom Neal

Discussion and possible action regarding Resolution in Opposition to the Office of Budget Management's Recommended Changes to Metropolitan and Micropolitan Statistical Area Standards

Rasmussen explained at the Federal level the Office of Budget Management has requested a change to verbiage they use to describe cities our size. This could unintentionally have some ramifications on how we qualify for things like block grant and other funding. She indicated the Mayor has written a letter offering feedback to our representatives and asking them to stand against this.

Mayor Rosenberg indicated it first came to her attention from Tammy Stratz in Community Development with concerns regarding CDBG funding. She stated Wausau is an entitlement city and has been since the 1970's. The concern is the semantic change may inadvertently change the funding formula. She stated she submitted a letter in opposition, as did Tammy Baldwin's office, and the Marathon County Board voted unanimously to oppose it.

Ryan stated from the recent census she thought the population of Wausau was approximately 37,000. She noted at times staff and/or alderpersons make comparisons with Madison or Eau Claire and we are not comparable with them in size. She commented she had mixed feelings about it and felt that Wausau should be in the right category. She believed the OB should look at smaller cities for having Community Development grants. She pointed out there is a lot of low income in poverty in our area and it something needed. She stated they need to really start looking at Wausau realistically as to where we fit with other cities.

Motion by Ryan, second by Watson to approve the resolution opposing the changes. Motion carried 4-1 (*Ryan was the dissenting vote.*)



131 W. Wilson St., Suite 505
Madison, Wisconsin 53703
phone (608) 267-2380; (800) 991-5502
fax: (608) 267-0645
league@lwm-info.org; www.lwm-info.org

March 17, 2021

Robert S. Fairweather
Acting Director
Office of Management and Budget
1650 Pennsylvania Avenue NW
Washington, DC 20504

Dominic Mancini
Deputy Administrator
Office of Information and Regulatory Affairs
757 17th Street NW
Washington, DC 20504

RE: Unintended Consequences of the Proposed Changes to the 2010 Standards for Delineating Metropolitan and Micropolitan Statistical Areas [Docket ID No. OMB-2021-0001]

Dear Acting Director Fairweather and Deputy Administrator Mancini:

The League of Wisconsin Municipalities, representing over 600 cities and villages and their elected leaders, urges you to reconsider the recommendations from the Metropolitan and Micropolitan Statistical Area Standards Review Committee which modify the 2010 Standards for Delineating Metropolitan and Micropolitan Statistical Areas. While it is reasonable that “*OMB does not take into account or attempt to anticipate any public or private sector nonstatistical uses that may be made of the delineations and that these areas are not designed to serve as a general-purpose geographic framework applicable for nonstatistical activities or for use in program funding formulas,*” it is extremely important to a number of Wisconsin cities that the Office of Management and Budget fully understands the unintended consequences that this recommendation would have on local communities, most of which are determining how to rebound and rebuild their economies after a lengthy national pandemic.

When deliberating the costs and benefits of implementing the recommendations from the Metropolitan Standards Review Committee, please consider the following elements impacting Wisconsin cities:

1. First, the reclassification from Metropolitan to Micropolitan could impact cities in the investment arena. Companies looking at desirable places to locate often look to MSAs. Therefore, the loss of this status, could have impacts on attracting new businesses to a city. This impact will be intensified as communities recover and rebuild their local economies. How can Congress and President Biden move to provide needed relief directly to municipalities and then allow the removal of a critical economic development tool used to attract new business right on the heels of a pandemic and subsequent recovery? As a ‘nonstatistical use’ this unintended consequence seems to heavily outweigh any benefit derived from the redesignation.
2. In addition, we have heard that there is a strong possibility that municipal hospitals might receive lower reimbursement rates from Health and Human Services (HHS) if they are no longer in an

YOUR VOICE. YOUR WISCONSIN.

MSA. Again, our health care industry, especially hospitals caring for our most fragile citizens, will be dealt another blow immediately following the vaccine distribution gaining momentum and the industry beginning to recover. Not to mention, reduced reimbursement rates would be a long-term impact of the statistical designation that our health care industry in impacted communities has not had time to financially plan and prepare to accommodate.

3. Finally, several cities, including Fond Du Lac, Janesville, Oshkosh, Sheboygan, and Wausau in Wisconsin, have concerns that they might lose their eligibility for Community Development Block Grant (CDBG) funds. According to the National Community Development Organization, this recommended redesignation would result in communities becoming ineligible for CDBG funding.

Several of our local elected leaders have used CDBG funds for improving housing, affordable housing accessibility, public facility improvements in low-income areas, assistance to non-profits working with very low-income clientele, and job creation just to name a few. The work that communities can accomplish using CDBG funding should be supported as it elevates neighborhoods. The ability for these communities to compete for critical funding should not end as the result of an ill-advised statistical determination.

It is noteworthy that the American Rescue Plan just required direct payments to municipalities above 50,000 in population to be calculated using the CDBG formula which links to the Metropolitan Statistical Area determinations. Whether the Office of Management and Budget condones the practice, the MSA designations have a much greater impact on municipalities than mere statistical information generation. The MSA is used as a general-purpose geographic framework applied for nonstatistical activities and utilized in program funding formulas. Please keep that in mind as you deliberate.

Thank you for considering our thoughts and recommendations as you review the recommended modification to the Metropolitan Statistical Area. We strongly urge you to continue to utilize the current population parameters for determining MSA's. If you have questions or need more information about Wisconsin cities and villages, please contact Curt Witynski, League Deputy Executive Director, at 608-354-3003 or witynski@lwm-info.org or Toni Herkert, Director of Government Affairs, at therkert@lwm-info.org

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerry Deschane", with a long, sweeping horizontal line extending to the right.

Jerry Deschane,
Executive Director
League of Wisconsin Municipalities

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE PLAN COMMISSION

Approving final plat for Royal Vistas.

Committee Action: Approved 7-0

Fiscal Impact: None.

File Number: 21-0406

Date Introduced: April 13, 2021

WHEREAS, on March 16, 2021, the Plan Commission considered a request to approve the final plat for Royal Vistas; and

WHEREAS, Title 21 of the Wausau Municipal Code gives the City the ability to review plats in unincorporated areas of Marathon County within three miles of the city; and

WHEREAS, the subdivision will lie outside of the corporate boundaries of the city of Wausau; and

WHEREAS, the lots confirm to the minimum standards of the zoning code; and

WHEREAS, the subdivision will not have dramatic impacts to City infrastructure or facilities; now therefore

BE IT RESOLVED that the Common Council of the City of Wausau hereby approves the final plat for Royal Vistas, as presented.

Approved:

Katie Rosenberg, Mayor

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, March 16, 2021, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Katie Rosenberg, Eric Lindman, Patrick Peckham, Bruce Bohlken, George Bornemann; *By WebEx*: Tom Neal, Andrew Brueggeman

Others Present: Brad Lenz, Bruce Grau, Terry Kilian, Elgart Baumann, Gary Gisselman, Lou Larson, Dennis Smith, Tom Kilian, William Harris, Chris Norfleet, David Piehler, Mario Diaz, Mike Tomsyck; *By WebEx*: William Hebert, Andrew Halverson, Mike Howley, Becky McElhaney, Debra Ryan

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Mayor Rosenberg called the meeting to order at approximately 5:00 p.m. noting that a quorum was present. Mayor Rosenberg introduced the new member, George Bornemann, to the commission.

Discussion and possible action on approving the Final Plat Review for Royal Vistas.

Lenz said that this item is for the final plat approval. This is outside of the city, but within the three mile boundary. It is the same plat as the preliminary.

Lindman motioned to approve the final plat for Royal Vistas. Peckham seconded.

Bornemann asked if extraterritorial reviews are always done if it is within three miles. Lenz answered that if it is an unincorporated municipality it is reviewed.

The motion carried unanimously 7-0 by roll call vote.



MEMO

TO: Members of City Plan Commission

FROM: Brad Lenz, City Planner

DATE: January 13, 2021

SUBJECT: Extraterritorial Review of Royal Vistas

Included in the packet is a plat for a proposed subdivision located in the town of Rib Mountain. Title 21 of the Wausau Municipal Code gives the City the ability to review subdivisions in unincorporated areas of Marathon County within three miles of the city. The proposed subdivisions sits at the corner of South Mountain Road and Bittersweet Road, which is approximately 2.5 miles from the city limits and on the other side of Rib Mountain. There are no expected impacts to the city of Wausau in terms of stormwater management, streets, utilities, or other public facilities.

PLAT OF
ROYAL VISTAS

A SUBDIVISION PLAT BEING ALL OF LOT 39 OF CERTIFIED SURVEY MAP NUMBER 18660, RECORDED AT THE MARATHON COUNTY REGISTER OF DEEDS OFFICE AS DOCUMENT NUMBER 1809981, BEING PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 16, TOWNSHIP 28 NORTH, RANGE 7 EAST, ALL IN THE TOWN OF RIB MOUNTAIN, MARATHON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, JOSHUA W. PRENTICE, WISCONSIN PROFESSIONAL LAND SURVEYOR S-2852, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT I HAVE SURVEYED, MAPPED AND DIVIDED A PARCEL OF LAND BEING ALL OF LOT 39 OF CERTIFIED SURVEY MAP NUMBER 18660, RECORDED AT THE MARATHON COUNTY REGISTER OF DEEDS OFFICE AS DOCUMENT NUMBER 1809981, BEING PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 16, TOWNSHIP 28 NORTH, RANGE 7 EAST, ALL IN THE TOWN OF RIB MOUNTAIN, MARATHON COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 162,338 SQUARE FEET, 3.727 ACRES, MORE OR LESS.

THAT I HAVE MADE THIS SURVEY, DIVISION AND MAP THEREOF AT THE DIRECTION OF THE BPW DEVELOPMENT, LLC, OWNER OF SAID PARCEL.

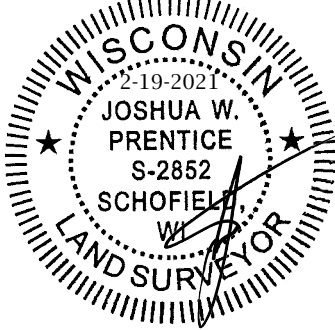
THAT SAID PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHT-OF-WAYS OF RECORD.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES, WISCONSIN ADMINISTRATIVE CODE A-E7 AND THE SUBDIVISION REGULATIONS OF THE TOWN OF RIB MOUNTAIN, CITY OF WAUSAU, MARATHON COUNTY AND THE WISCONSIN DEPARTMENT OF ADMINISTRATION.

THAT THIS MAP IS A CORRECT AND ACCURATE REPRESENTATION OF THE EXTERIOR BOUNDARIES OF SAID PARCEL, AND OF THE DIVISION THEREOF MADE.

DATED THIS 19th DAY OF February, 2021

REI ENGINEERING, INC.
JOSHUA W. PRENTICE
WI P.L.S. S-2852



MARATHON COUNTY LAND CONSERVATION AND ZONING COMMITTEE APPROVAL CERTIFICATE
RESOLVED, THAT THE PLAT OF ROYAL VISTAS IN THE TOWN OF RIB MOUNTAIN, BPW DEVELOPMENT LLC, OWNERS, IS HEREBY APPROVED BY THE LAND CONSERVATION & ZONING COMMITTEE.

DATE APPROVED

LAND CONSERVATION AND ZONING COMMITTEE, CHAIRPERSON

DATE SIGNED

LAND CONSERVATION AND ZONING COMMITTEE, CHAIRPERSON

COUNTY TREASURER'S CERTIFICATE

STATE OF WISCONSIN
SS
MARATHON COUNTY

I, AUDREY JENSEN, COUNTY TREASURER, BEING THE DULY ELECTED, QUALIFIED, AND ACTING TREASURER OF THE COUNTY OF MARATHON, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNREDEEMED TAX SALES AND NO UNPAID TAXES OR SPECIAL ASSESSMENTS AS OF

2021
AFFECTING THE LANDS INCLUDED IN THE PLAT OF ROYAL VISTAS.

DATED THIS DAY OF 2021

AUDREY JENSEN, TREASURER, MARATHON COUNTY

TOWN OF RIB MOUNTAIN APPROVAL CERTIFICATE

RESOLVED, THAT THE PLAT OF ROYAL VISTAS IN THE TOWN OF RIB MOUNTAIN, BPW DEVELOPMENT, LLC, OWNER, IS HEREBY APPROVED BY THE TOWN BOARD.

DATE APPROVED TOWN CHAIRMAN

DATE SIGNED TOWN CHAIRMAN

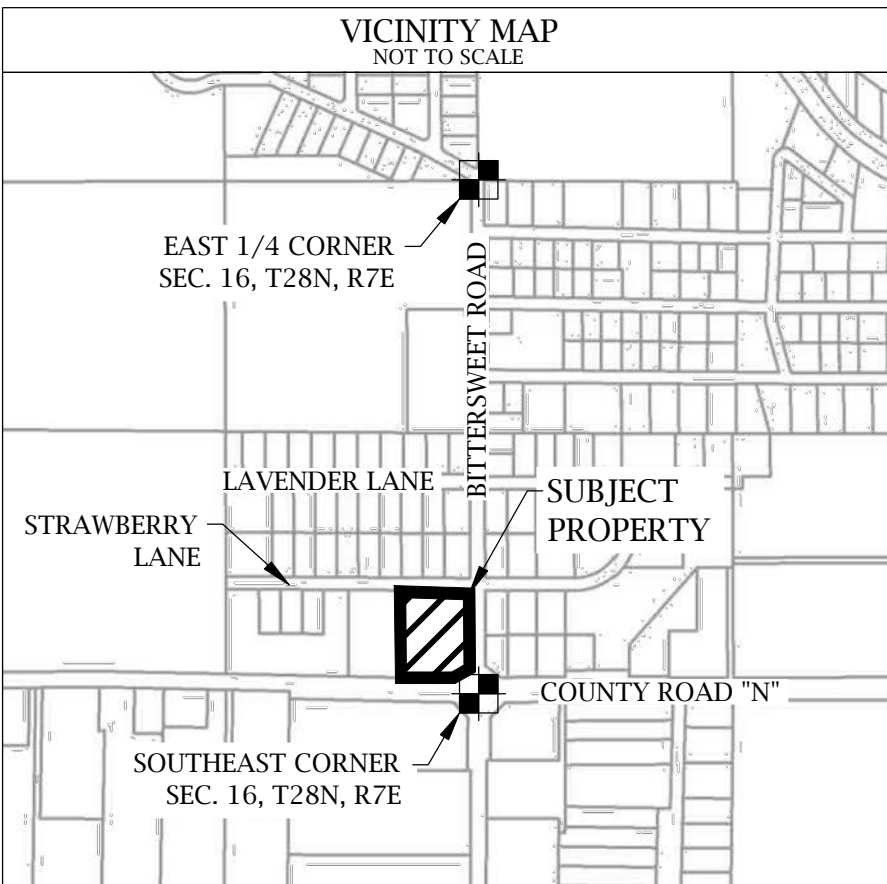
CERTIFICATE OF TOWN OF RIB MOUNTAIN TREASURER

STATE OF WISCONSIN
SS
MARATHON COUNTY

I, CATHY SCHNEIDER, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE TOWN OF RIB MOUNTAIN, WISCONSIN, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF 2021 AFFECTING THE LANDS INCLUDED IN THE PLAT OF ROYAL VISTAS.

DATED THIS DAY OF 2021

CATHY SCHNEIDER, CLERK/TREASURER



DATE	REVISION	BY	CHK'D
REI Engineering, Inc. 1000 W. 20TH AVENUE WAUSAU, WISCONSIN 54401 PHONE: 715.875.9700 FAX: 715.875.9400 EMAIL: MAIL@REIENGINEERING.COM			
 CIVIL & ENVIRONMENTAL ENGINEERING, SURVEYING			

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

BPW DEVELOPMENT LLC, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THIS PLAT. BPW DEVELOPMENT LLC, DOES FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: TOWN OF RIB MOUNTAIN, CITY OF WAUSAU, MARATHON COUNTY, AND THE WISCONSIN DEPARTMENT OF ADMINISTRATION.

IN WITNESS WHEREOF, THE SAID BPW DEVELOPMENT LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY

ITS PRESIDENT, AND COUNTERSIGNED BY

ITS SECRETARY,

AT WISCONSIN, AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED ON THIS

2021.

IN THE PRESENCE OF:

CORPORATE NAME

BILL SHNOWSKE, PRESIDENT

COUNTERSIGNED:

KAY SHNOWSKE, SECRETARY

STATE OF WISCONSIN

SS

(COUNTY)

PERSONALLY CAME BEFORE ME THIS DAY OF 2021, BILL SHNOWSKE, PRESIDENT, AND KAY SHNOWSKE, SECRETARY OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH PRESIDENT AND SECRETARY OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

NOTARY PUBLIC, WISCONSIN

MY COMMISSION EXPIRES

CONSENT OF MORTGAGEE

I, NICOLET NATIONAL BANK, MORTGAGEE OF THE ABOVE DESCRIBED LAND, DO HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND I DO HEREBY CONSENT TO THE ABOVE CERTIFICATE OF BPW DEVELOPMENT LLC, OWNER.

WITNESS THE HAND AND SEAL

OF MORTGAGEE,

THIS DAY OF 2021.

IN THE PRESENCE OF:

MORTGAGEE

STATE OF WISCONSIN

SS

(COUNTY)

PERSONALLY CAME BEFORE ME THIS DAY OF 2021,

THE ABOVE NAMED BPW DEVELOPMENT, LLC, TRUSTEE,

OF THE ABOVE NAMED REPRESENTATIVE TO ME KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND TO ME KNOWN TO BE SUCH TRUSTEE OF SAID BPW DEVELOPMENT, LLC, AND ACKNOWLEDGE THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH REPRESENTATIVE AS THE DEED OF SAID BPW DEVELOPMENT, LLC, BY ITS AUTHORITY.

NOTARY PUBLIC STATE OF

MY COMMISSION EXPIRES

CITY OF WAUSAU EXTRATERRITORIAL APPROVAL CERTIFICATE

RESOLVED, THAT THIS PLAT OF ROYAL VISTAS IS WITHIN THE EXTRATERRITORIAL AREA OF THE CITY OF WAUSAU AND IS HEREBY APPROVED BY THE COMMON COUNCIL.

DATE APPROVED

DATE SIGNED

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified 20

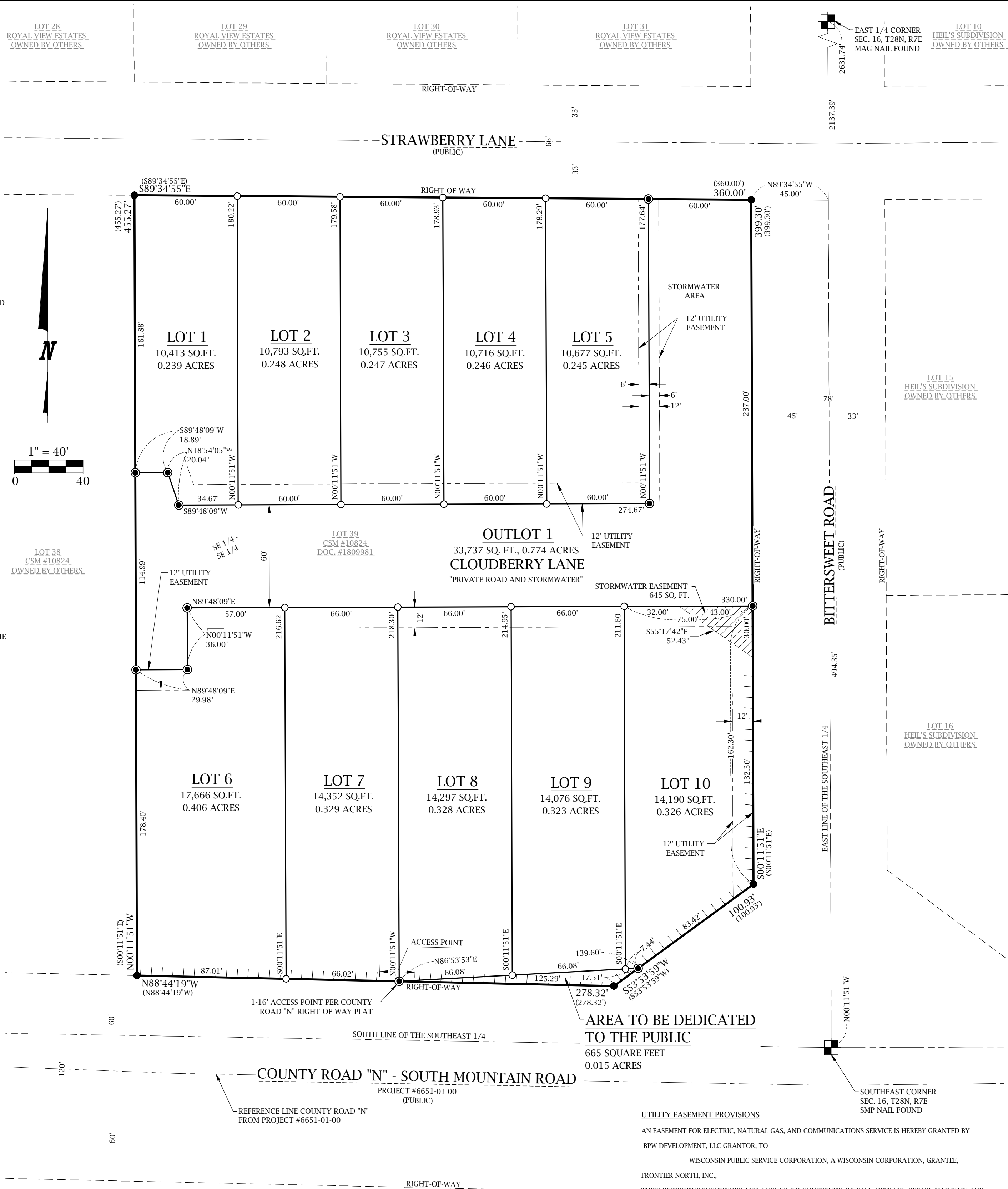
Department of Administration



LEGEND
 1 1/4 IN. O.D. X 18 IN. IRON PIPE WEIGHING 1.68 LBS./LIN. FT. SET #10X18" REBAR WEIGHING 4.303 LBS./LIN. FT. SET (UNLESS NOTED)
 1-1/4 IN. O.D. IRON PIPE FOUND
 RECORDED BEARING/LENGTH MEASURED BEARING/LENGTH RESTRICTED ACCESS

SHEET 1 OF 1

REI PROJECT #7071A



Register of Deeds
Marathon County, Wis.

Received for Record this
day of A.D. 2021
at o'clock M. in Plat
Cabinet No. on page

REGISTRAR

GENERAL NOTES:

- BEARINGS AND COORDINATES ARE BASED ON THE MARATHON COUNTY COORDINATE SYSTEM, NAD83 (2011) DATUM, AND ARE REFERENCED TO THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 28 NORTH, RANGE 7 EAST, MEASURED TO BEAR NORTH 00°11'51" WEST.
- THERE DOES NOT APPEAR TO BE ANY STRUCTURES ON THE SUBJECT PROPERTY AT THE TIME OF SURVEY.
- OUTLOT 1 TO BE USED FOR PRIVATE ROAD AND STORMWATER PURPOSES.

UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY

BPW DEVELOPMENT, LLC GRANTOR, TO

WISCONSIN PUBLIC SERVICE CORPORATION, A WISCONSIN CORPORATION, GRANTEE.

FRONTIER NORTH, INC.,

THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO CONSTRUCT, INSTALL, OPERATE, REPAIR, MAINTAIN AND REPLACE FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND ELECTRIC ENERGY, NATURAL GAS, TELEPHONE AND CABLE TV FACILITIES FOR SUCH PURPOSES AS THE SAME IS NOW OR MAY HEREINAFTER BE USED, ALL IN, OVER, UNDER, ACROSS, ALONG AND UPON THE PROPERTY SHOWN WITHIN THOSE AREAS ON THE PLAT DESIGNATED AS "UTILITY EASEMENT" AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHT TO INSTALL SERVICE CONNECTIONS UPON, ACROSS, WITHIN AND BENEATH THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS, THEREON, OR ON ADJACENT LOTS, ALSO THE RIGHT TO TRIM OR CUT DOWN TREES, BRUSH AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENTAL TO THE RIGHTS HEREIN GRANTED. STRUCTURES SHALL NOT BE PLACED OVER GRANTEES FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "UTILITY EASEMENT" WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED BY MORE THAN SIX INCHES WITHOUT WRITTEN CONSENT OF GRANTEES. THIS UTILITY EASEMENT PROVISION DOES NOT PREVENT OR PROHIBIT OTHERS FROM UTILIZING OR CROSSING THE UTILITY EASEMENT AS THE UTILITY EASEMENT(S) ARE NON-EXCLUSIVE.

THE GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE PUBLIC HEALTH & SAFETY COMMITTEE

Approving or Denying Various Licenses as Indicated

Committee Action: Approved 5-0

Fiscal Impact: None

File Number: 21-0108

Date Introduced: April 13, 2021

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes ☒	No ☐	
	<i>Included in Budget:</i>	Yes ☐	No ☐	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes ☐	No ☐	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes ☐	No ☐	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes ☐	No ☐	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes ☐	No ☐	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes ☐	No ☐	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes ☐	No ☐	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> ☐ <i>Debt</i> ☐ <i>Funds on Hand</i> ☐ <i>Interfund Loan</i> ☐			

RESOLUTION

WHEREAS, your Public Health and Safety Committee considered certain license applications at its March 15, 2021 meeting and has made recommendations that are attached hereto in the meeting minutes and recommends these actions to the Council for its approval, now therefore

BE IT RESOLVED by the Common Council of the City of Wausau that the City Clerk be hereby authorized to issue the licenses on the attached list, incorporated as part of this resolution, according to recommendations made by the Public Health & Safety Committee and upon successful completion and acceptable proof that all applicable state and municipal regulations and requirements have been met by the applicants.

Approved:

Katie Rosenberg, Mayor

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, March 15, 2021, at 5:15 pm, (Council Chambers)

Members Present: Lisa Rasmussen (C), Dawn Herbst, Pat Peckham, Jim Wadinski; *By WebEx*: Becky McElhaney

Others Present: Tara Alfonso, Ben Bliven, Leslie Kremer, Bob Barteck, Katie Rosenberg

Consider approval or denial of various license applications.

Lisa Rasmussen indicated there were no denials recommended this month. She stated there is an application for a Class B Beer & Liquor license from Brewer Entertainment, LLC, Matt Brewer, to take over the bar 101 Pub, 101 N 3rd Ave, Cheryl Fehl, the current owner. The Plan of Operation was reviewed and the license recommended for approval by the Liquor License Review Subcommittee right before this meeting.

Rasmussen noted the ½ Year Class B Beer & Liquor License for Wisconsin College Baseball, dba the Woodchucks, at Athletic Park is renewing for the baseball season. Other miscellaneous licenses were noted.

Motion by Herbst, second by Peckham to approve the licenses as recommended by staff. Motion carried 5-0.

CLERK'S REPORT TO PUBLIC HEALTH & SAFETY COMMITTEE

March 15, 2021 Meeting

AGENDA ITEM # 2

Approve or deny various licenses as indicated on the attached summary report of all applications received.

ADDITIONAL INFORMATION

Applications as listed have or will have a background check run by staff and reviewed by the Police Chief or his designee. Applications marked pending will have a status update at the meeting. In accordance with city ordinance, **all permits approved are held for debts owed to the city until the debt is paid in full.**

1. **Denial Recommendations** – None
2. **Class B Beer & Liquor License** application from Brewer Entertainment LLC, owner Matt Brewer, intends to purchase the business 101 Pub, 101 N 3rd Avenue from Cheryl Fehl, Thomas Fehl LLC. A recommendation on the application will be coming from the Liquor License Review Committee.
3. **Renewal of Class B Beer & Liquor License** for Wisconsin College Baseball LLC, dba as Wisconsin Woodchucks, Athletic Park, 324 E Wausau Ave. They have a 6 month license running from April 15 – October 15 for the baseball season.
4. Application for a **Public Transport Business License** from April Lobdell, 706 Fulton St, Apt 7, dba Riding Your Way LLC. One vehicle – 2011 Eldorado Bus
5. **Special Event Class II:** 2021 Dining on the Street, Wednesdays and Saturdays, Organizers: River District and Compass Properties.

STAFF RECOMMENDATION

Approve or deny as indicated on the summary report including those that may be introduced at the meeting. Please let me know if you have any question regarding any license applications listed.

Mary Goede, Deputy Clerk

Date of Report: March 11, 2021

(715) 261-6621



PHS Date 03/15/2021

License ID	License Typ	Name	Address	Details	Business	Begin Dt	End Dt	Police	PHS	Council
107401	9022 - Public Transport Business	LOBDELL, APRIL	706 FULTON ST, APT 7 WAUSAU WI 54403		RIDING YOUR WAY	11/15/2018	06/30/2021	Yes	Yes	
148502	9027 - Class II	OPAL-WAHOSKE, BLAKE	316 SCOTT ST WAUSAU WI 54403	2021 DINING ON THE STREET on WED & SAT Organized by WAUSAU RIVER DISTRICT & COMPASS PROPERTIES					Yes	
148870	9034 - Mobile Food Vendor	,	225780 RIB MOUNTAIN DR # 253 WAUSAU WI 54401		U-BAKE	03/01/2021	03/31/2022			Yes
149488	9064 - Class B Beer & Liquor	BREWER, MATT	226020 DEERTAIL LN WAUSAU WI 54401		101 PUB			Yes	Yes	
149486	9078 - Amusement Device	,	226020 DEERTRAIL LN WAUSAU WI 54401		101 PUB				Yes	
149269	9018 - Renewal Sidewalk Cafe without Alcohol	,	529 N 3RD ST WAUSAU WI 54403		LA PRIMA DELI	03/09/2021	06/30/2022			Yes
149581	9079 - Class B Beer & Liquor (1/2 Year)	MACDONALD, MARK	226041 BAYVIEW DR WAUSAU WI 54401		WISCONSIN WOODCHUCKS			Yes	Yes	
148435	9080 - Public Transport Driver New	ROIS, MELVIN	306 W ARNOLD ST MARSHFIELD WI 54449		NORTHWOODS CAB LLC	02/15/2021	06/30/2021	Yes	Yes	

Total Licenses

CONFIRMATION OF MAYOR'S APPOINTMENTS

to Boards, Commissions and Committees: *Wausau Arts Commission; and Wausau Water Works Commission, Board of Zoning Appeals*

File Number: 21-0403 **Date Introduced:** April 13, 2021

Wausau Arts Commission

David Hummer (2) *Reappointment	309 McClellan St	Term Exp 4/30/24	715-571-6551
Linda Prehn (2) *Reappointment	1105 Highland Park Blvd	Term Exp 4/30/24	715-573-9413

Wausau Water Works Commission

Jim Force (1) *Reappointment	515 Franklin St	Term Exp 4/30/26	715-845-9571
---------------------------------	-----------------	------------------	--------------

Board of Zoning Appeals

Nicholas Smith *Citizen Alternate	714 DeKalb St	Term Exp 4/30/24	217-306-5271
--------------------------------------	---------------	------------------	--------------

- (N) Individual is filling the unexpired term of a former member
(1) Individual is in their own 1st full term
(#) Designates the term number appointed to

Approved:

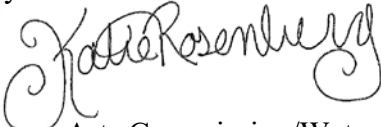
Katie Rosenberg, Mayor



MEMORANDUM

DATE: March 23, 2021

TO: Leslie Kremer, City Clerk
Mary Goede, Deputy City Clerk

FROM: Mayor Katie Rosenberg 

RE: Re-Appointments to Wausau Arts Commission/Water Works Commission

Please place the following Re-appointment to the Wausau Arts Commission on the 4/13/21 Council Agenda. Thank you.

WAUSAU ARTS COMMISSION

Re-Appointments:

David Hummer (Term expires 4/30/24)
309 McClellan Street
Wausau, WI 54403
715-571-6551
david@wmoca.org

Linda Prehn (Term expires 4/30/24)
1105 Highland Park Blvd
Wausau, WI 54403
715-573-9413
linad@prehn.co

WAUSAU WATER WORKS COMMISSION

Re-Appointment:

Jim Force (Term expires 4/30/26)
515 Franklin Street
Wausau, WI 54403
715-845-9571
forcex2@aol.com

Cc: Brad Lenz
Michelle Wiesler



MEMORANDUM

DATE: April 8, 2021
TO: Leslie Kremer, Mary Goede
FROM: Mayor Katie Rosenberg
RE: Appointment to Board of Zoning Appeals

Please prepare the necessary paperwork to have the following appointment made at the Council Meeting on **Tuesday, 4/13/21**. If you have any questions, please call my office. Thank you.

BOARD OF ZONING APPEALS

Nicholas Smith (Filling the "Citizen Alternate" vacancy – Term expires 4/30/24)
714 DeKalb Street
Wausau, WI 54403
217-306-5271
nicksmith@gmail.com

Interest Statement:

My interest in the Board of Zoning Appeals stems from a desire to ensure the City's equitable administration of zoning regulations, while understanding the importance of zoning on property value and commercial development.

Resume attached.

cc: Bill Hebert

EXPERIENCE

Wisconsin State Public Defender, Merrill, Wisconsin

Assistant State Public Defender, November 2018 – Present

Represent individuals and juveniles in criminal, mental health commitment, and guardianship/protective placement actions. Serve as state public defender representative to Taylor County, Wisconsin, which includes representation on the County's Criminal Justice Coordinating Committee. Serve on Taylor County's Drug Treatment Court.

United States Coast Guard Sector San Juan, San Juan, Puerto Rico

Deputy Chief of Waterways Management, September 2017 – November 2018

After Hurricanes Maria & Irma, detailed to an operational assignment as the Deputy Chief of Waterways Management for Puerto Rico and the United States Virgin Islands. Liaised with local and federal officials on the prioritization of humanitarian cargo operations. Drafted administrative rules and guidance facilitating the fair use of federal waterways. Served in a senior leadership role within the command at United States Coast Guard Sector San Juan, Puerto Rico.

Department of Justice – United States Attorney's Office, San Juan, Puerto Rico

Special Assistant United States Attorney, June 2016 – September 2017

United States Coast Guard detailed Special Assistant United States Attorney. Prosecute cases in Federal District Court from investigations initiated by the Caribbean Corridor Strike Force. Drive prosecution efforts for violations of immigration, narcotics, and firearm statutes. Coordination of DOJ/Department of Homeland Security (DHS) efforts. Draft Mutual Legal Assistant Treaty (MLAT) requests and extradition documents for defendants apprehended abroad. Counsel for the United States in thirty-five (35) cases; including four (4) contested jury trials.

United States Navy Defense Service Office Southeast, Norfolk, Virginia

Defense Counsel, May 2014 – June 2016

Defense Counsel for courts-martial. Represented military members at criminal proceedings and administrative hearings. Provided legal advice on a myriad of issues to individual military members of the Coast Guard, Navy, and Marine Corps. Maintained oversight and provided defense for members in pretrial confinement. Served as lead counsel at all stages of felony and misdemeanor level court-martial litigation. Represented members in over seventy-five (75) cases; including eight (8) contested jury trials.

United States Coast Guard Legal Service Command, Norfolk, Virginia

Trial Counsel (Prosecutor), July 2012 - May 2014

Trial Counsel for courts-martial. Provided advice on military justice issues, including the Administrative Investigation process, conducting non-judicial punishment (NJP), and search authorizations. Assisted commands in evaluating Uniform Code of Military Justice (UCMJ) allegations and determining an appropriate forum for their disposition. Maintained oversight and administration of the NJP appeal process, pretrial confinement, and administrative separations. Served as lead counsel at all stages of felony and misdemeanor level court-martial litigation. Detailed as counsel for the United States in twelve (12) cases; including four (4) contested jury trials.

Cramer, Multhauf & Hammes, S.C., Waukesha, Wisconsin

Law Clerk, November 2009 – May 2010

Conducted research and drafted memoranda on substantive and procedural issues with a focus on municipal law and transactional law.

EDUCATION

Marquette University Law School, Milwaukee, Wisconsin

Juris Doctor, December 2011

G.P.A: 3.342/4.000 Class Rank: Top 25%

Marquette Intellectual Property Law Review, Comments Editor & Staff Member

Dean's List, 4 semesters

Business Law Society

Environmental Law Society

Northern Illinois University, DeKalb, Illinois

Bachelor of Science in Computer Science (engineering emphasis) and Political Science, magna cum laude, May 2007

G.P.A: 3.600/4.00

Upper-Division University Honors

Dean's List, 4 semesters

Member, Pi Sigma Alpha, Political Science Honors Society

PUBLICATIONS

Smith, Nicholas, Student Comment, *Medimmune v. Genentech: A Game Theoretic Analysis of the Supreme Court's Continued Assault on the Patentee*, 15 MARQ. INTELL. PROP. L. REV. 504 (2011).

TRAINING AND ACADEMIC CONFERENCES

- Advanced Courtroom Communications (2015), Mayport, FL
- Litigating Complex Cases (2015), Newport, RI
- Defending Alcohol Facilitated Sexual Assaults (2014), Plano, TX
- Basic Trial Advocacy (2014), Newport, RI
- Federal Income Tax Course (2013), Charlottesville, VA
- Special Victim's Unit Investigator Course (2012), Fort Leonardwood, MO
- Port Security A-School (2004), Yorktown, VA
- Seaport Security/Anti-Terrorism (2006), Yorktown, VA
- Federal Law Enforcement Academy, Boarding Officer Practical Course (2007), Charleston, SC
- United States Coast Guard Leadership and Management School (2008), Milwaukee, WI
- Summer Workshop on Teaching About Terrorism (2008), University of Oklahoma, Norman, OK
- Radiation Detection Level II Operator Course (2011), Charleston, SC

PROFESSIONAL MEMBERSHIPS/LICENSES

- Illinois State Bar, Law License, ARDC Number 6308160
- Wisconsin State Bar, Law License, Member Number 1089586
- Wisconsin Non-Resident Lawyers Division
- Chicago Bar Association

RESOLUTION OF THE CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Approving lease with The Lamar Companies for billboard signs at Bridge Street and 3rd Street

Committee Action: Failed 2-3

Fiscal Impact: Proposed \$9,000 per year revenue from new lease, versus potentially much higher tax revenue when parcels are redeveloped

File Number: 06-0909

Date Introduced: April 13, 2021

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes ☐ No ☒	
	<i>Included in Budget:</i>	Yes ☐ No ☐	<i>Budget Source</i>
	<i>One-time Costs:</i>	Yes ☐ No ☐	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes ☐ No ☐	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes ☐ No ☐	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes ☐ No ☐	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes ☐ No ☐	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes ☐ No ☐	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> ☐ <i>Debt</i> ☐ <i>Funds on Hand</i> ☐ <i>Interfund Loan</i> ☐		

RESOLUTION

WHEREAS, a lease between the City of Wausau and The Lamar Companies (Lamar) regarding signs located at the southwest corner of Bridge Street and 3rd Street terminated on December 31, 2020; and

WHEREAS, the City notified Lamar by letter to advise them the lease expired and requested the billboards be removed by February 7, 2021 and that payment of holdover rent would be required; and

WHEREAS, Lamar notified the City that they were interested in a new lease beginning January 1, 2021 for five years with an increase in rent from \$8,000 to \$9,000 annually; and

WHEREAS, your Capital Improvements and Street Maintenance Committee, at their March 11, 2021 meeting, discussed the request which was denied.

NOW, THEREFORE, BE IT RESOLVED the Common Council of the City of Wausau does hereby approve entering into a five year lease with The Lamar Companies for billboard signs at the southwest corner of Bridge Street and 3rd Street, in substantial compliance with the recently expired lease except for the increased annual rent of \$9,000.

Approved:

Katie Rosenberg, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: March 11, 2021, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lisa Rasmussen, James Wadinski; *By WebEx*: Tom Neal, Debra Ryan, Lou Larson (Larson joined at 5:20 pm)

Also Present: Eric Lindman, Allen Wesolowski, TJ Niksich, Tara Alfonso, Lori Wunsch; *By WebEx*: Brad Lenz, Cord Buckner

Discussion and possible action on lease with Lamar Advertising for billboard signs at Bridge Street and 3rd Street

Rasmussen was here when this lease was extended for five years. In 2015 the staff recommendation was to not renew the lease based on planning and zoning concerns. There was some consternation with businesses owners who were advertising on the billboards. At that time there was no firm development plans for the area and the lease was extended for five years. Since then projects are happening in the area.

Lenz stated information in the packet summarized the history. The issue is if we want to sign a new lease for the billboards as the previous lease has expired. Staff feels it is short sighted to enter into a new lease for the small amount of money we would be getting. Taking a longer term view, we could more than offset the payment if the area is redeveloped. There is some concern the billboards may be slowing down or inhibiting redevelopment potential. Last time we waited to see what the development would be before deciding not to renew the lease. It seems this approach may not be working because it is hard for a developer to know the billboards are potentially removable and what that timeline is.

At this time, Larson entered the meeting.

The signs may not be appropriate for this area, which is a small scale residential and commercial area. One billboard is next to a house and would not be allowed by today's standards. Regarding the impact to businesses, Lenz would agree if they were advertising all local businesses or nonprofit. We cannot control the content of the signs. It could display images that we do not necessarily want in that location as it is visible from a grade school. There are other billboards in the city, with some owned by the same company. This gives other options in the city to advertise. It seems we should do what is in the long term interest of the city. We honored the agreement we had in the past, but Lenz feels it is time to move on. Rasmussen added that all parties were aware of the five-year window as it was an extension that was somewhat unexpected.

Dave Curtin, real estate manager for Lamar Advertising, said the facts in the packet remain the same as 2015 when the lease was renewed. The sign has been there for 25 years. New billboards are not allowed under the current ordinance. The packet says the billboards are not built on a human scale; billboards in general are made to be seen by vehicles. The packet touched on downward lighting. The lights on this sign are upward but there is the ability to change them to downward facing LED. Lamar is in the process of going to LED's nationwide. They could have downward facing LED lights on the sign in 30 days. As far as future development of the area, he is not aware of any in the works. The lease has a 60 day out for the city. If the property is developed or sold, the city can get out of the lease within 60 days.

If the 60 day provision is exercised, Rasmussen asked how long it would take to remove the signs. Curtin said they agreed on 60 days as it is a reasonable timeframe for them to remove the signs. In 2015 the lease was approved with collection of \$8,000 revenue for the city. Lamar is now offering \$9,000, which is \$45,000 over 5 years. The past 20 years Lamar has paid \$100,000 for these signs. This is a money maker for a smaller piece of land and they are looking to increase the payment to the city. He provided a list of local businesses that currently use the signs to advertise or have in the past. Local businesses have been hit hard with COVID and he thinks the signs are valuable to their customers and local businesses. He provided a picture of a billboard the city is using with Lamar and he thanked the city for using them. This shows someone sees the value in using billboards for advertising.

Ryan noted there are two signs, one facing east-west and one facing north-south. She questioned if this was regarding both signs. Curtin confirmed it is regarding both. She asked if the lease offered \$9,000 per billboard. Curtin stated it is \$9,000 annually for both billboards. Ryan can see a lot of that block being prime for redevelopment. She feels it is right for development but also feels having the 60 day notice could meet the needs of developers.

Wadinski asked if there are terms for the 60 days' notice or if it can be for any reason. Curtin said there are two main reasons; the city sells the lot or they develop it. Wadinski questioned if anyone is looking at the site for development. Lenz explained the whole area has been looked at for redevelopment. There was a housing developer proposing multi-family units, there has been ownership changes in the area, and the bakery is for sale. The last time the thought was to keep getting revenue while we try to redevelop it, but there is also a thought the signs are hindering development. A developer sees the billboards and immediately thinks that area is out of the picture. If the signs were not there, it is one obstacle out of the way. A development would more than offset what the city is getting for the billboards. The two signs are two sided, so the city is not getting much out of it.

Rasmussen asked how much income Lamar receives from the signs. Curtin indicated they receive \$27,000 per year.

Neal thinks the time has come to say goodbye to the signs and that Lenz's comments bear heeding. We could always tell an interested developer the signs can be removed, but what about a developer that does not show interest because of the signs. We can remove that obstacle. Larson echoed Neal's comments and feels it is time to move forward.

Larson moved to enter into a lease with Lamar to continue to allow the two signs to exist. Seconded by Wadinski.

Wadinski feels developers know anything is possible and would just ask about the signs. He is all for development and redevelopment. He will vote to approve because developers are smart enough to ask the right questions. This will also allow the city to get income.

There being a motion and a second, motion to enter into a lease with Lamar to continue to allow the two signs to exist failed 2-3 with Neal, Larson and Rasmussen the dissenting votes.

AGENDA ITEM

Discussion and possible action on lease with Lamar Advertising for billboard signs at Bridge Street and 3rd Street

BACKGROUND

Lamar is seeking a new lease with the City for the billboards at the southwest corner of 3rd and Bridge Streets. The billboards have a rather lengthy history which is summarized on the attached page from City Attorney's office. Essentially, the original agreement with Lamar stated that the billboards were to be removed at the end of 2015; the lease was extended at that time for five years, and is currently expired as of 12/31/20.

The billboards would not be permitted from a zoning perspective as they are considered off-premise advertising signs. (They are able to be maintained as nonconforming signs, but would not be permitted as a new use.)

The billboards are located in a small-scale residential and commercial area, and are not appropriate for this environment. By their nature, the billboards are not built at a human scale. These particular signs have upward-shining lights, which do not follow the city standard of using full cutoff light fixtures. Please see the attached Google Street View image.

The area immediately adjacent to the billboards is in the process of redeveloping. Some properties have been recently sold, while others are currently for sale. The land on which the billboards sit could be assembled with adjoining properties. Even without doing so, the billboards themselves do not enhance the redevelopment potential of the area.

FISCAL IMPACT

\$9,000 per year to the City for five years.

STAFF RECOMMENDATION

Staff recommends denying the lease with Lamar and requiring removal of the structures, as per the original court order. The billboards are not compatible with current zoning regulations or development patterns. The signs also inhibit future redevelopment of the area, which could more than offset, through future taxes, the proposed lease payments.

Staff contact: Brad Lenz 715-261-6753

HISTORY OF BRIDGE STREET LAMAR BILLBOARDS

Original lease between Corliz, LLC and The Lamar Companies dated 12/16/2004, effective 1/1/04, ending 12/31/15 for the property at 1514 N. 3rd Street.

City purchased 209 E. Bridge Street and 1415 N. 3rd Street on 12/22/06 for future road purposes.

On 3/27/07, Council approved a resolution authorizing a public hearing to place the subject lands on the Official City Map.

On 4/24/07, Council approved a resolution placing the subject lands on the Official City Map.

On 0/17/05 Lamar filed suit against the city over the value of billboards that were removed in 2005 by the City in order to construct the Thomas Street viaduct over the Canadian National Railroad line. The lawsuit was settled on Thomas Street and to avoid another lawsuit regarding the removal of the billboard at Bridge and North 3rd Street, a Stipulation was entered into allowing Lamar to move, at no cost to the City, the billboard that stood in the way of the City constructing a right-turn lane from Bridge Street onto 3rd Street; allow Lamar to add two additional sign faces to each of the Bridge Street billboards; rent of the billboard structures increased from \$3,300 per year to \$6,600 per year; and both sign structures to be removed by Lamar by the end of 2015.

On 9/11/07, Council approved the Stipulation Agreements for the Thomas Street and Bridge Street billboards.

On 8/21/13, a letter from Lamar was received by the City requesting a new agreement for leasing of the billboards. After review of the file, it was determined the original lease with Corliz, LLC expired on 12/31/13, not 12/31/15.

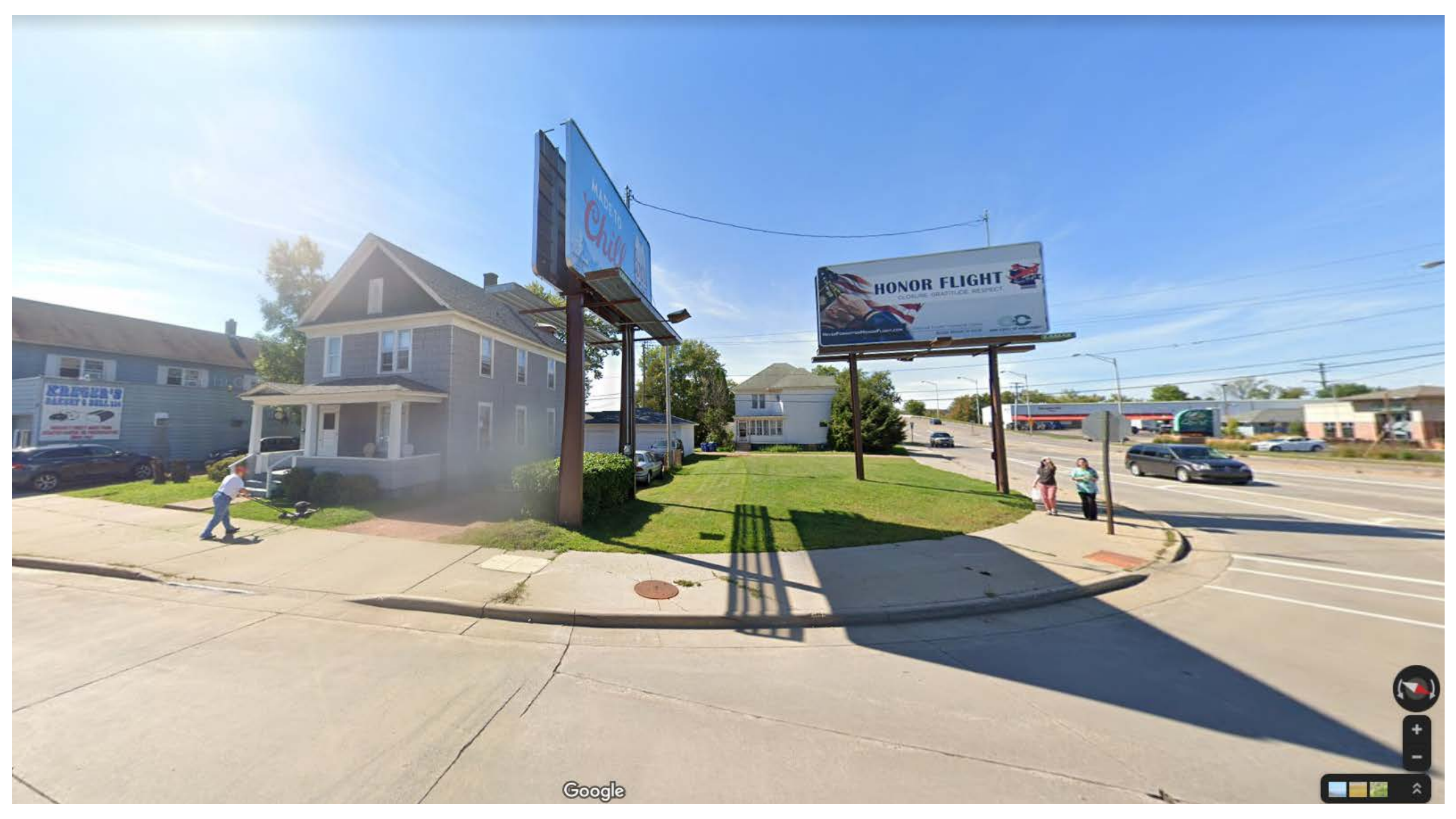
On 8/4/15, a letter from Lamar was received by the City requesting a new agreement for leasing of the billboards.

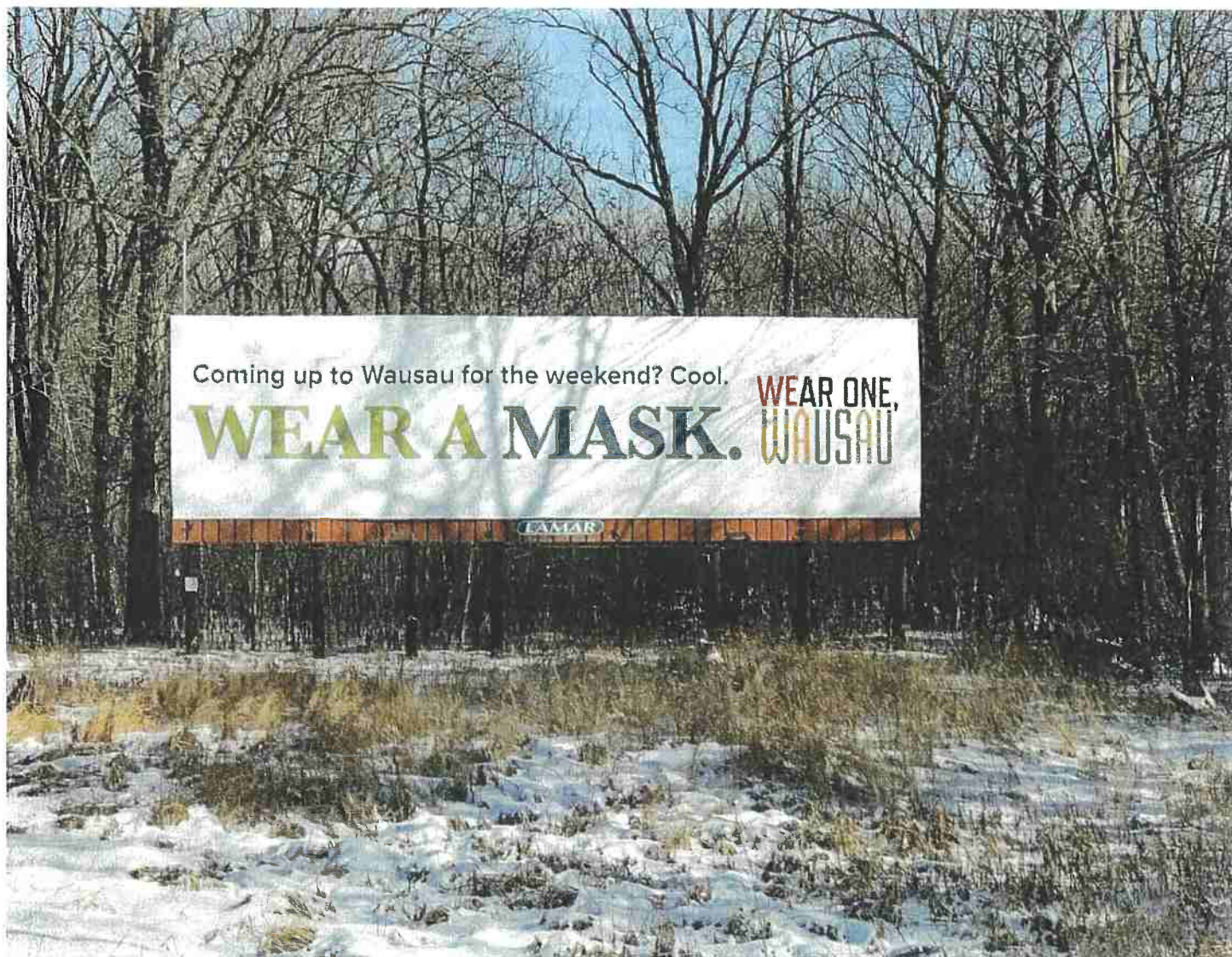
On 8/20/15, CISM reviewed the request and approved a lease extension with Lamar.

On 9/22/15, Council approved a five year lease extension with Lamar effective 1/1/16 through 12/31/20 and increasing the rent from \$6,600 per year to \$8,000 per year.

On 1/11/21, the City forwarded a letter to Lamar to advise them the lease expired 12/31/20 and requested the billboards be removed by 2/7/21 and that payment of holdover rent would be required.

On 1/25/21, Anne received an email from Lamar requesting a new lease beginning 1/1/21 for five years and an increase in rent from \$8,000 to \$9,000 annually.





Wausau Customer List

Cloverbelt Credit Union

Intercity State Bank

Eye Clinic of Wisconsin

Rasmussen College

Biggby Coffee

Stine Eye Center

Kwik Trip

Marcho Technologies

Bone and Joint Clinic

Northcentral Technical College

Marshfield Clinic

Aspirus

Wausau YMCA

United Way

Batteries Plus

Builer's Cycle and Fitness

Menards

Red Wing Shoes

Culvers

Subway

Panera Bread

Dominos Pizza

McDonalds

Veritas Steel

Wausau Area Events

ABATE

John Muir Middle School

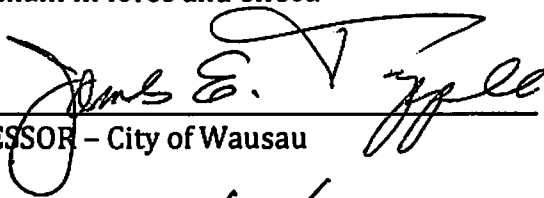
Central WI State Fair

**AMENDMENT OF LEASE #1435
BETWEEN CITY OF WAUSAU AND THE LAMAR COMPANIES**

Extension of Lease dated December 16, 2004, by and between the City of Wausau as successor to Corliz, LLC, as **LESSOR** and The Lamar Companies, as **LESSEE**. The following paragraphs in the original lease are amended as follows:

1. This lease extension shall be for a term of five (5) years from January 1, 2016 through December 31, 2020.
2. **LESSEE** shall pay to **LESSOR** an annual rental of \$8,000.00 total for four sign faces, payable monthly in advance.
4. **LESSOR** may terminate this lease upon sixty (60) days written notice under either of the following circumstances, at the conclusion of which **LESSEE** shall remove its signs, structures and equipment:
 - (a) Intention by the **LESSOR**, as evidenced by a copy of the building permit, to construct upon the premises a structure requiring a building permit, or
 - (b) A bona fide sale of the premises by the **LESSOR**. In the event of sale of the premises without termination, **LESSOR** will promptly notify **LESSEE** of the name and address of the subsequent owner, and **LESSOR** shall give the subsequent owner notification of this lease and provide him with a copy of same.
6. **LESSOR** represents that he is the owner or lessee under written lease of the premises and has the right to make this agreement and to grant **LESSEE** free access to the premises to perform all acts necessary to carry on **LESSEE'S** business activities related to the sign. **LESSOR** is not aware of any unrecorded rights, servitudes, easements, subdivision or building restrictions, or agreements affecting the premises that prohibit the creation, posting, painting, illumination or maintenance of the sign. ~~**LESSOR** acknowledges that the terms and conditions of this agreement are confidential and proprietary and shall not be disclosed to any third party without the written consent of **LESSEE**.~~

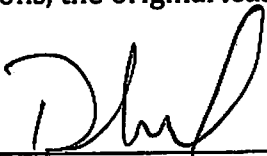
To the extent not modified or amended by these provisions, the original lease provisions remain in force and effect.



LESSOR - City of Wausau

10/9/15

Date



LESSEE - The Lamar Companies

10/5/15

Date

Amended copy

This Instrument Prepared by:

James R. McIlwain

5551 Corporate Boulevard
Baton Rouge, Louisiana 70808

Renewal

Lease # ~~1405~~ / 435

James R. McIlwain

James R. McIlwain

SIGN LOCATION LEASE

THIS LEASE AGREEMENT, made this 16th day of December, 2004, by and between:

CORLIZ, LLC

(hereinafter referred to as "Lessor") and **THE LAMAR COMPANIES** (hereinafter referred to as "Lessee"), provides

WITNESSETH

"LESSOR hereby leases to LESSEE, its successors or assigns, as much of the hereinafter described lease premises as may be necessary for the construction, repair and relocation of an outdoor advertising structure ("sign"), including necessary structures, advertising devices, utility service, power poles, communications devices and connections, with the right of access to and egress from the sign by LESSEE'S employees, contractors, agents and vehicles and the right to survey, post, illuminate and maintain advertisements on the sign, and to modify the sign to have as many advertising faces, including changeable copy faces or electronic faces, as are allowed by local and state law, and to maintain telecommunications devices or other activities necessary or useful in LESSEE'S use of the sign. Any discrepancies or errors in the location and orientation of the sign are deemed waived by LESSOR upon LESSOR'S acceptance of the first rental payment due after the construction of the sign.

The premises are a portion of the property located in the County of Marathon, State of Wisconsin, more particularly described as:

Bridge Street at 3rd Street
City of Wausau, Wisconsin

1. This Lease shall be for a term of **ten (10) years commencing on January 1, 2004 and ending on December 31, 2015.**

2. LESSEE shall pay to LESSOR an annual rental of \$3300.00 for the years 1-5 and years 6-10 will be increased each year by two (2) percent, payable monthly in advance. Rent shall be considered tendered upon due mailing or attempted hand delivery during reasonable business hours at the address designated by LESSOR, whether or not actually received by LESSOR. Should LESSEE fail to pay rent or perform any other obligation under this lease within thirty (30) days after such performance is due, LESSEE will be in default under the lease. In the event of such default, LESSOR must give LESSEE written notice by certified mail and allow LESSEE thirty (30) days thereafter to cure any default.

3. LESSOR agrees not to erect or allow any other off-premise advertising structure(s), other than LESSEE'S, on property owned or controlled by LESSOR within two thousand (2000) feet of LESSEE'S sign. LESSOR further agrees not to erect or allow any other obstruction of highway view or any vegetation that may obstruct the highway view of its sign. LESSEE is hereby authorized to remove any such other advertising structure, obstruction or vegetation at its option.

4. LESSEE may terminate this lease upon giving thirty (30) days written notice in the event that the sign becomes entirely or partially obstructed in any way or in LESSEE'S opinion the location becomes economically or otherwise undesirable. If LESSEE is prevented from constructing or maintaining a sign at the premises by reason of any final governmental law, regulation, subdivision or building restriction, order or other action, LESSEE may elect to terminate this lease. In the event of termination of this Lease prior to expiration, LESSOR will return to LESSEE any unearned rentals on a pro rata basis.

5. All structures, equipment and materials placed upon the premises by the LESSEE or its predecessor shall remain the property of LESSEE and may be removed by LESSEE at any time prior to or within a reasonable time after expiration of the term hereof or any renewal. At the termination of this lease, LESSEE agrees to restore the surface of the premises to its original condition. The LESSEE shall have the right to make any necessary applications with, and obtain permits from, governmental bodies for the construction and maintenance of LESSEE'S sign, at the sole discretion of LESSEE. All such permits shall be the property of LESSEE.

6. LESSOR represents that he is the owner or lessee under written lease of the premises and has the right to make this agreement and to grant LESSEE free access to the premises to perform all acts necessary to carry on LESSEE'S business activities related to the sign. LESSOR is not aware of any unrecorded rights, servitudes, easements, subdivision or building restrictions, or agreements affecting the premises that prohibit the erection, posting, painting, illumination or maintenance of

the sign. LESSOR acknowledges that the terms and conditions of this agreement are confidential and proprietary and shall not be disclosed to any third-party without the written consent of LESSEE.

7. In the event of any change of ownership of the property herein leased, LESSOR agrees to notify LESSEE promptly of the name, address, and phone number of the new owner, and LESSOR further agrees to give the new owner formal written notice of the existence of this lease and to deliver a copy thereof to such new owner at or before closing. In the event that LESSEE assigns this lease, assignee will be fully obligated under this Lease and LESSEE will no longer be bound by the lease. This lease is binding upon the personal representatives, heirs, executors, successors, and assigns of both LESSEE and LESSOR.

8. In the event of condemnation of the subject premises or any part thereof by proper authorities, or relocation of the highway, the LESSOR grants to the LESSEE the right to relocate its sign on LESSOR'S remaining property adjoining the condemned property or the relocated highway. Any condemnation award for LESSEE'S property shall accrue to LESSEE.

9. LESSEE agrees to indemnify LESSOR from all claims of injury and damages to LESSOR or third parties caused by the installation, operation, maintenance, or dismantling of LESSEE'S sign during the term of this lease. LESSEE further agrees to repair any damage to the premises or property at the premises resulting from the installation, operation, maintenance, or dismantling of the sign, less ordinary wear and tear.

10. LESSOR agrees to indemnify LESSEE from any and all damages, liability, costs and expenses, including attorney's fees, resulting from any inaccuracy in or non-fulfillment of any representation, warranty or obligation of LESSOR herein.

11. If required by LESSEE, LESSOR will execute and acknowledge a memorandum of Lease suitable for recordation.

12. This Lease is NOT BINDING UNTIL ACCEPTED by the General Manager of a Lamar Advertising Company.

THE LAMAR COMPANIES, LESSEE:

LESSOR: CORLIZ, LLC

BY: [Signature]

VICE-PRESIDENT/GENERAL MANAGER

DATE: 12 / 22 / 04

BY: [Signature]

ITS: _____

DATE: 12 / 21 / 04

715-843-9705

LESSOR'S TELEPHONE NUMBER

396-76-8694

LESSOR'S SOCIAL SECURITY NUMBER

Tax ID Parcel # (for land on which sign is located)

Address of LESSEE:

9237 U.S. Hwy. 10 East
Marshfield, Wisconsin 54449

Ph. 715-387-3449

Address of LESSOR:

2707 Schroeder Dr.
Wausau, Wisconsin 54403

Witnesses (LESSEE)

Witnesses (LESSOR)

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE ECONOMIC DEVELOPMENT COMMITTEE

Approving the sale of 138 E. Thomas Street to Tyler Knudson Construction LLC for the construction of a single-family home on a Thomas Street Phase II remnant parcel.

Committee Action: Approved 4-1

Fiscal Impact: + \$7,500

File Number: 21-0120

Date Introduced: April 13, 2021

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes ☒	No ☐	
	<i>Included in Budget:</i>	Yes ☐	No ☐	
	<i>One-time Costs:</i>	Yes ☐	No ☐	
	<i>Recurring Costs:</i>	Yes ☐	No ☐	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes ☐	No ☐	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes ☐	No ☐	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes ☐	No ☐	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes ☐	No ☐	
	<i>TID Source: Increment Revenue</i> ☐ <i>Debt</i> ☐ <i>Funds on Hand</i> ☐ <i>Interfund Loan</i> ☐			

WHEREAS, the City of Wausau owns several remnant parcels along Thomas Street from a previous redevelopment and reconstruction and released a Request for Proposal (RFP) on November 6, 2020, with proposals due December 11, 2020;

WHEREAS, the City received a singular proposal from Tyler Knudson Construction LLC to purchase the lots for \$45,000 to build six single-family homes and the Committee began review of the proposal on December 14, 2020, and;

WHEREAS, the City strongly encourages infill residential development, the proposer has coordinated with staff and received Common Council approval of its proposal on January 26, 2021, and;

WHEREAS, the developer indicated a desire to acquire just one of the six parcels and requested this modification to its proposal at the March 9, 2021 Common Council meeting, and the council approved sending the matter back to the city's Economic Development Committee, and;

WHEREAS, the city's Economic Development Committee discussed the proposal modifications with the developer and approved the sale of only the parcel at 138 East Thomas Street for a single-family, owner-occupied home in conformance with the design plans submitted in the developer's proposal.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wausau approves the sale of 138 E. Thomas Street for a total of \$7,500 to Tyler Knudson Construction LLC and instructs the appropriate City staff to execute the necessary real estate documents for the sale of the property.

Approved:

Katie Rosenberg, Mayor



Planning, Community and Economic Development

To: City of Wausau Common Council

From: Sean Fitzgerald, Economic Development Manager

RE: Staff memo on proposal received for Thomas Street Phase 2 Remnant Parcel Housing RFP

On January 26, 2021, the city council approved a proposal from Tyler Knudson Construction LLC to purchase six residential parcels at 118, 120, 126, 130, 134 and 138 E. Thomas Street for \$7,500 each for the construction of single-family, owner-occupied residences.

The developer subsequently asked to purchase each of the parcels one at a time beginning with 138 E. Thomas St., a materially different transaction from the council's authorization to sell all six parcels simultaneously. This request was brought before the full city council on March 9, 2021, and the council elected to move the matter back to the economic development committee.

The following on the remainder of this page and the subsequent two pages is the staff memo provided by the City of Wausau Community Development Department prior to the January 26, 2021 city council meeting. The proposal submitted by the developer follows in this packet as well.

In September 2020, the City of Wausau Economic Development committee rejected a proposal from a previous developer of multi-family housing and asked the City of Wausau Community Development Department staff to develop options for single-family, owner-occupied homes on remnant parcels owned by City of Wausau on the 100 block of East Thomas Street.

Community Development Department staff Ann Werth, Tammy Stratz, Brad Lenz and Sean Fitzgerald held several conversations during September and October with various city departments to determine a number of development considerations for the properties, including snow and refuse removal, water and sewer access, environmental history, vehicle traffic through the area, neighborhood residential property assessments, and historical composition of homes in the neighborhood.

Gathering this collective information, Community Development staff presented a plan to the Economic Development committee at its October 6, 2020 meeting recommending the issuance of a request for proposal soliciting developers and builders for the construction of six single-family homes with architecture that fits positively with the neighborhood's current home designs. Staff suggested a land sale price of \$6,500 for each parcel, and a timeline in which proposals would be due December 11, 2020, allowing the proposals to be rated and a recommendation made for the January 5, 2021 meeting of the Economic Development committee. The committee adopted the plan with no additional recommendations and ordered staff to proceed with drafting and issuing an RFP for six houses to be built by the private sector and sold to owner occupants.

The resulting RFP asked for “attainable housing” but did not further specify any requirements for home size in square feet, number of bedrooms or number of bathrooms. There was a requirement for homes to be slab on grade – at the direction of the Economic Development committee – and there was a requirement for a 2-car garage, which was a unanimous suggestion from internal staff conversations. No neighborhood wants cars, trailers, boats, bicycles and other materials scattered about the yard, and there is no basement in these homes for additional storage beyond that available in the garage.

The final RFP was shared for approval and eventual release with former Community Development Director Ann Werth, City Planner Lenz, Assistant City Planner Brad Sippel, Community Development Administrator Stratz and District 3 Ald. Tom Kilian. All parties provided their endorsement and the RFP was released on November 5, 2020. The final RFP was delivered by personal direct email to five local homebuilders, and was also provided to staff for Wausau Area Builders Association with a request from the organization’s board leadership that the RFP be shared with all of its nearly 30 members.

One proposal was received from Wausau-based Tyler Knudson Construction LLC. The homebuilder proposes purchasing each of the six lots from the city for \$7,500 – a total of \$45,000 – and constructing six single-family homes that will be sold to resident owners. The proposal includes two different styles of homes consisting of approximately 1,400 square feet in total space over two stories. Each home design proposes three bedrooms, 2.5 bathrooms and an attached two-car garage.

The proposal from Tyler Knudson Construction meets the requirements of the RFP issued by the city. The proposal indicates the homes would be constructed in three separate phases – each phase consisting of two homes at a time – beginning this May and wrapping up in May 2022. The sales price target range for each home is expected to be \$200,000 to \$240,000. The company estimates the completed construction value of the entire project at about \$1,320,000 which would generate tax revenue of roughly \$12,800 annually based on the 2020 city tax rate of \$9.70 for every \$1,000 of assessed property value.

A copy of the proposal from Tyler Knudson Construction LLC is included within the packet, as well as a brief list of deed restrictions that Community Development staff is recommending be included with the sale of the properties.

While the following item is the lone proposal received by the city, at least three other builders had identified potential interest in submitting a development proposal back in September and October. All three received personal invitations to respond to the RFP, but ultimately didn’t respond because they believed it was improbable to develop single-family homes on those parcels profitably and felt the inherent financial risk was too high.

Additionally, Community Development department staff has been asked to address the following questions about the RFP and the proposal:

Why was one-story housing not allowed?

During the RFP development process, the city planning department made several recommendations aimed at encouraging design proposals positively contributing to the architectural cohesiveness of the neighborhood. Those included:

- 1.5 or 2-story construction
- Front porches and/or prominent front entries.
- Small front setbacks (TF-10 zoning allows 10-foot front setbacks for porches and 17-foot setbacks for the main structure).

These suggestions were specifically intended to discourage a developer from proposing a garage-fronted ranch house plan and reversing it so the rear faces Thomas Street.

What is the lot size?

The lot sizes for all six parcels were identified in the RFP as 60 feet wide by 107 feet deep. Sixty feet is the standard width for a residential lot in the City of Wausau, while 120 feet is the standard depth. These lots are 13 feet short of standard as a result of the recent Thomas Street reconstruction project and the accommodation for the alley separating the parcels from those homes on River Street.

Can smaller, less expensive homes be built instead of those proposed?

During the January 5, 2021 Economic Development committee meeting, the proposer responded to a question from a council member about reducing the house size by a couple hundred square feet, indicating it would bring bedroom sizes down by two to three feet in each dimension, ultimately reducing the area of each bedroom to a point where it would be difficult to place a queen-size bed in the room. Additionally, since there's no basement, there's little storage within these proposed designs.

The proposed builder indicated reducing the home size would not proportionately reduce the cost of construction, and indicated a concern that a minimized home design would have far less substantial market appeal.

Generally, the city does not dictate detail of room sizes or other specific components, leaving those decisions to the developer so long as they fit within the basic building codes and zoning guidelines.

Homes priced that high don't fit within the neighborhood.

The home designs themselves match well within the existing architecture of the neighborhood.

In discussions with City Assessor Rick Rubio, Chief Inspector Bill Hebert and City Planner Brad Lenz in the days following the January 5, 2021 Economic Development committee meeting, they expressed nearly all of the homes in that neighborhood are more than 50 years old. Those homes were built with weaker building codes, are arguably less safe and less energy efficient. They were also built in an era where master bedrooms didn't have attached bathrooms or walk-in closets, which are expected amenities in contemporary new residential construction; and mechanical infrastructure and washer/dryer units were typically located in the basement, which they will not be in this circumstance. All of these factors contribute to higher costs in the new construction of contemporary, attainable single-family home when juxtaposed with comparable older homes.

Additionally, the current market environment for building material commodities is at an all-time high, and some industry analysts believe this pricing environment may be the normative trend going forward.

Why not build so-called "tiny homes" on these parcels?

The "tiny home" concept would not blend in with the neighborhood. There's additional concern of little interest from any builder to embark on such an initiative given the low response to this recent RFP. Lastly, so-called tiny homes could potentially face building and zoning code issues.

Was the city considering a lottery to determine fairly eligible buyers for these lots?

All homes will be sold on the private market by the developer.



100 BLOCK EAST THOMAS STREET PHASE 2 REDEVELOPEMENT PROPOSAL

Tyler Knudson Construction LLC





TKC

Tyler Knudson Construction LLC

1005 N. 3rd Street

Wausau, WI 54403

(715) 212 - 5914

Keith@tkcwausau.com

www.tkcwausau.com

100 BLOCK EAST THOMAS STREET- PHASE 2 REDEVELOPEMENT PROPOSAL

There is a growing need for attractive and affordable housing as the Wausau community has expanded and reshaped over the last decade. The continuous efforts to bring down old infrastructure and build up new and modern communities have been vital to the area's prosperity and development. With this commitment, people have been encouraged to become part of a desirable community that will continue to flourish for generations. This redevelopment proposal has provided Tyler Knudson Construction LLC the opportunity to join in these efforts and make a difference in the community we live and work in.

Since 2013 Tyler Knudson Construction LLC has been a general contractor servicing the Wausau and greater central Wisconsin area. Through the years our company has grown from a simple handyman service, to a residential and commercial remodeler and then into a residential developer. We have a strong team consisting of local subcontractors and employees that are eager to carry out the vision defined within this proposal.

After hearing the community's desire for single family housing, we consulted with our architect to create two styles of affordable and modern single-family houses that we believe will fit the Thomas street community. The discussions at public meetings were taken into consideration while creating a redevelopment plan that would be affordable, increase property values, and appease to families that will invest into the Wausau community. Our proposal consists of two different styles of 1,400 square foot, 3-bedroom, 2.5-bathroom, 2-story houses that not only complement each other but also fit within the Thomas Street community that surrounds them.

We appreciate the opportunity to submit a proposal for this project. Please reach out with any questions.

Sincerely,

Tyler Knudson and Keith Sampica

PROPOSAL PLAN

1. Interested Proposer/Name and Address, Telephone and Email

Tyler Knudson Construction LLC
1005 N. 3rd Street
Wausau, WI 54403
(715) 212 - 5914
Keith@tkcwausau.com

2. Proposed Purchase Price Offered

Our proposed purchase price is \$7,500 per lot, totaling \$45,000.

3. Estimated Construction Value

The estimated completed value of the entire project will be \$1,320,000 if the properties hit our target of averaging \$220,000. Variations from this number include market fluctuations, material price increases, and additional amenities being added to pre-sale properties.

4. Estimated Range of Selling Prices for the Homes

Our target property selling price range is \$200,000 - \$240,000. We plan to sell both home styles for \$220,000. Our price range stems from our understanding that the housing market and material prices may fluctuate. In addition, the properties would be marketed by our local real estate partner prior to construction allowing for additional amenities to be added to the properties and increasing the proposed price.

5. Architectural renderings of the home design with associated floor plans

Please see sheets A-A101 through B-A201 attached.

6. Site plan for the entire six-parcel area

Please see sheet A001 attached.

7. Estimated Construction Timeline or Phasing Plan

Construction will be carried out in three phases commencing in May of 2021 and finishing in May of 2022. Each phase will last four months and consist of the construction of two properties simultaneously. Each two-property phase will be completed in the following order. Concrete slab on grade foundations will be poured, the houses will be framed and roofed, then the interiors and exteriors will be finished out.



PROJECT:
100 BLOCK OF
EAST THOMAS
STREET

[illegible]

DATE: 12.09.2020

A001



A-A101



PROJECT:
**100 BLOCK OF
EAST THOMAS
STREET**

SITE ADDRESS:
118, 120, 126, 130, 134,
138 E THOMAS ST.
WAUSAU, WI 54401

[illegible]

ELEVATIONS

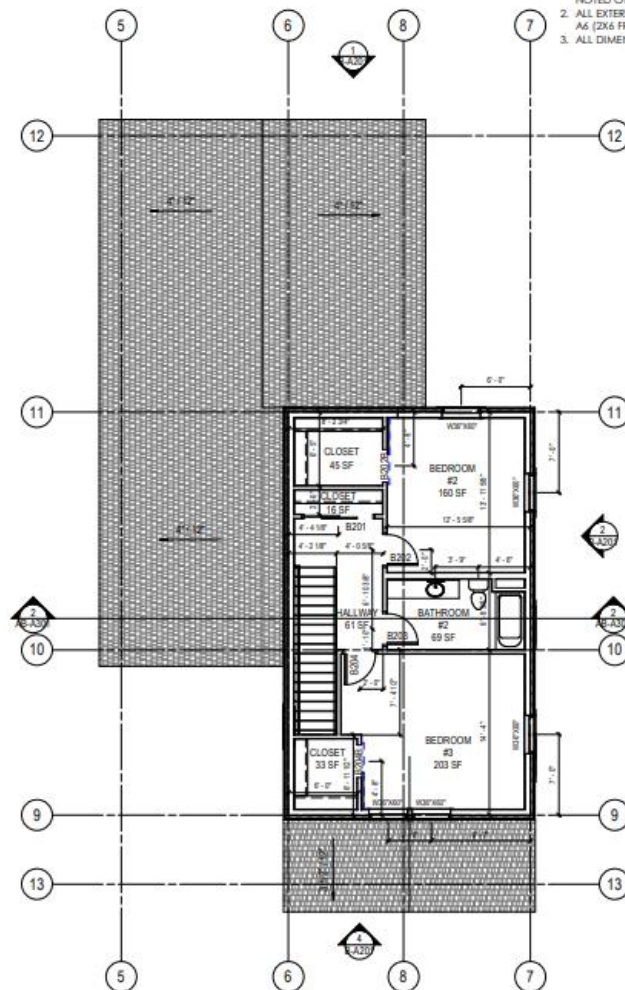
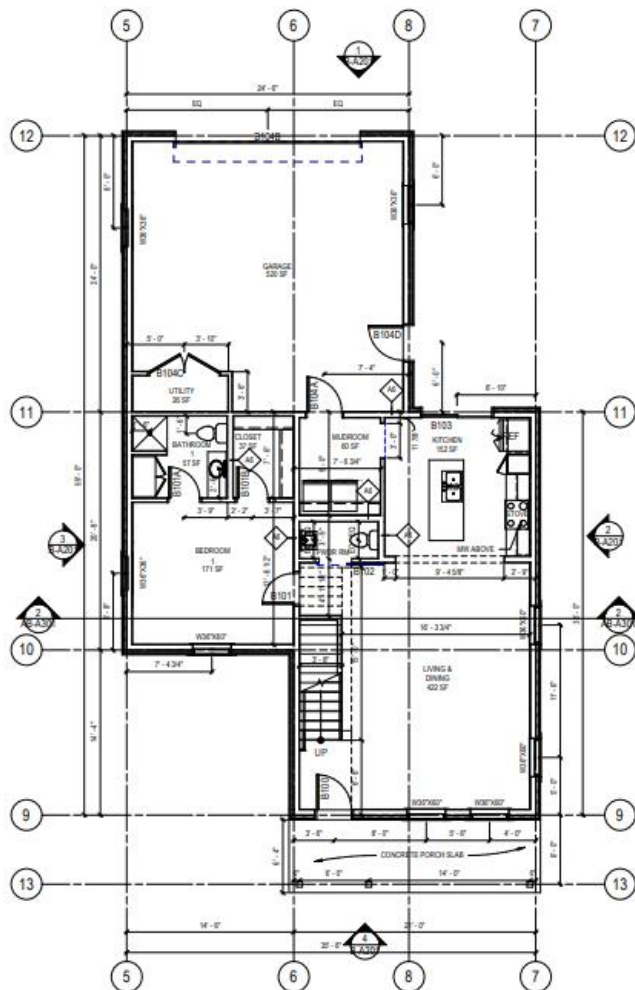
DATE: 12.09.2020

PROPOSAL



A-A201





FLOOR PLANS: GENERAL NOTES

1. ALL INTERIOR WALLS TO BE TYPE A3 (2X4 FRAMING) UNLESS NOTED OTHERWISE (UNO).
2. ALL EXTERIOR WALLS AND INTERIOR BEARING WALLS TO BE TYPE A6 (2X6 FRAMING), UNO.
3. ALL DIMENSIONS GIVEN TO FACE OF FRAMING, UNO.



TYLER KNUDSON
CONSTRUCTION, LLC

1005 N. 3rd Street
Wausau, WI 54403
(715)-212-5914

PROJECT:
**100 BLOCK OF
EAST THOMAS
STREET**

SITE ADDRESS:
118, 120, 126, 130, 134,
138 E THOMAS ST.
WAUSAU, WI 54401

[illegible]

HOUSE B
FLOOR PLANS

DATE: 12.09.2020

PROPOSAL

B-A101



TYLER KNUDSON
CONSTRUCTION, LLC
1035 N. 3rd Street
Wausau, WI 54403
(715) 212-5914

PROJECT:
**100 BLOCK OF
EAST THOMAS
STREET**
SITE ADDRESS:
118, 120, 126, 130, 134,
138 E THOMAS ST.
WAUSAU, WI 54401

NO.	DESCRIPTION	DATE

ELEVATIONS

DATE: 12.09.2020

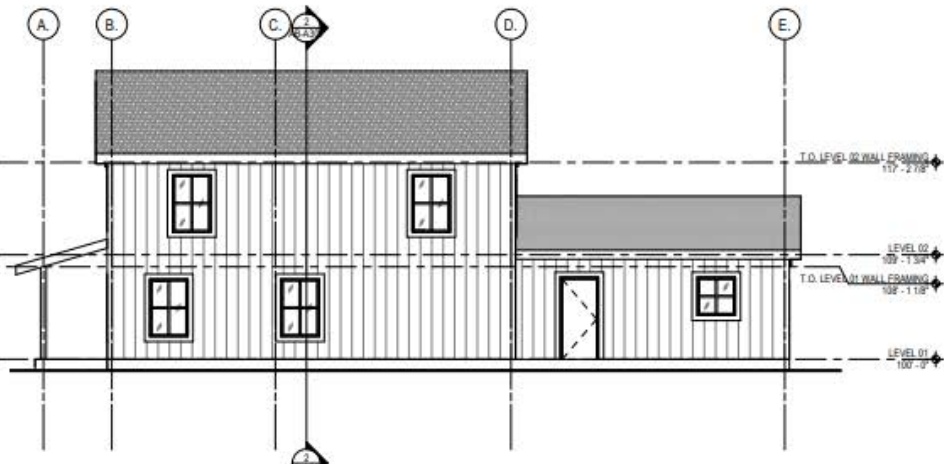
PROPOSAL



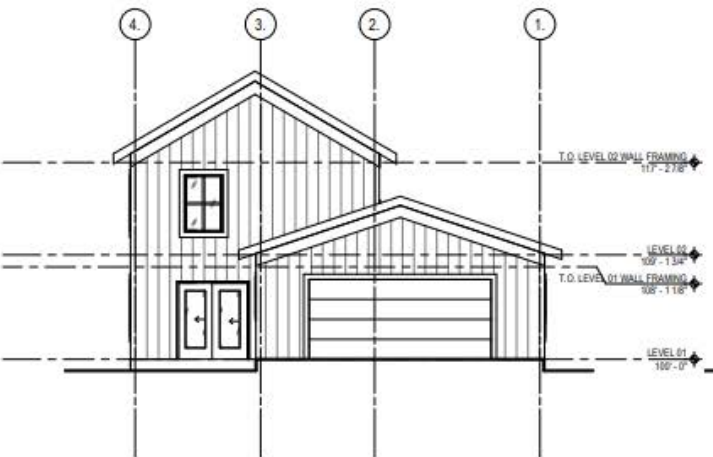
B-A201



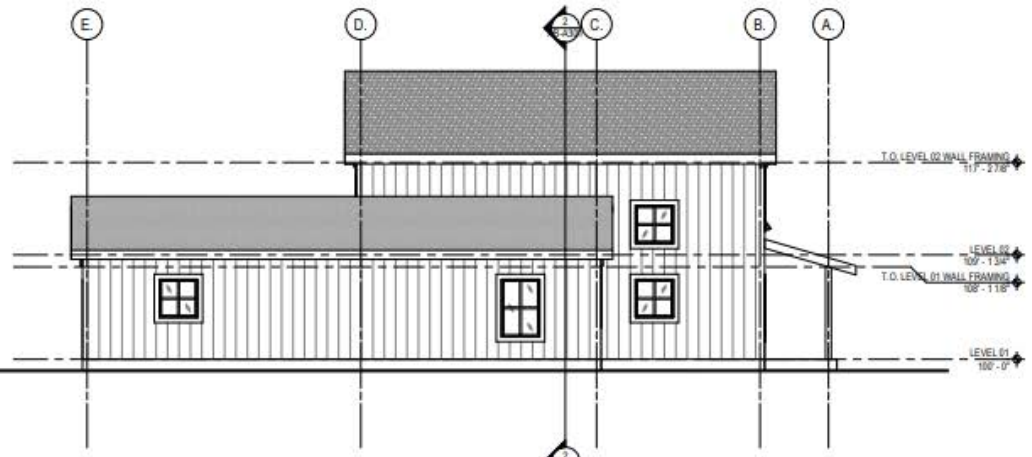
1 B NORTH ELEVATION
3/16" = 1'-0"



2 B EAST ELEVATION
3/16" = 1'-0"



3 B SOUTH ELEVATION
3/16" = 1'-0"



4 B WEST ELEVATION
3/16" = 1'-0"

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE FINANCE COMMITTEE

Approving the 2020 budget modification and reallocate project funds

Committee Action: Approved 5-0

Fiscal Impact: No additional funding required

File Number: 19-1109

Date Introduced: April 13, 2021

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes ☒ No ☐	
	<i>Included in Budget:</i>	Yes ☒ No ☐	<i>Budget Source: TID 8 2019A proceeds</i>
	<i>One-time Costs:</i>	Yes ☒ No ☐	<i>Amount: \$385,000</i>
	<i>Recurring Costs:</i>	Yes ☐ No ☒	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes ☐ No ☒	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes ☐ No ☒	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes ☐ No ☒	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes ☐ No ☒	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> ☐ <i>Debt</i> ☐ <i>Funds on Hand</i> ☐ <i>Interfund Loan</i> ☐		

WHEREAS, the City entered into contracts with the State of Wisconsin for the reconstruction of Townline Road and 1st Avenue; and

WHEREAS, the city also partnered with the State on the development of Detention Pond D whereby the state provided funding for the project that the city administered; and

WHEREAS, these project budgets require realignment to reflect project costs; and

WHEREAS, the DOT 1st Avenue project was funded through Tax Increment District Number 8, and

WHEREAS, the 2019A debt issue funded both Townline Road, 1st Avenue, street and stormwater projects; and

WHEREAS, your Finance Committee has reviewed and recommends a budget modification to realign the budget.

INCREASE

150-236198250	Stormsewer	Pond D Expenses	100,000.00
150-231598748	Street Improvements	Townline	285,000.00

DECREASE

146-348398230	Street Improvements	1st Avenue	(385,000.00)
---------------	---------------------	------------	--------------

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials modify the budget as presented above

BE IT FURTHER RESOLVED, \$385,000 of the 2019A debt retirement will be reallocated from TID #8 to the Capital Projects Fund and the debt retirement related to this reallocation will be financed by the Debt Service Fund.

Approved:

Katie Rosenberg, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, March 23, 2021 @ 5:15 pm., Council Chambers

Members Present: *In Person*: Lisa Rasmussen, Michael Martens, and Dawn Herbst; *By WebEx*: Sarah Watson, and Deb Ryan

Others Present: Maryanne Groat, Anne Jacobson, Eric Lindman, Katie Rosenberg, Emily Ley, Sean Fitzgerald, Leslie Kremer, Tom Neal

2020 Budget Modification for Street Projects and fund realignment

Rasmussen noted this trues up our actual costs with our budget alignment, which we do every year. Groat stated the only difference is explained in her memo in the packet.

Motion by Ryan, second by Martens to approve the modification. Motion carried 5-0.



TO: FINANCE COMMITTEE
FROM: MARYANNE GROAT
DATE: March 18, 2021
RE: Project Fund Reallocation

Townline Road and 1st Avenue were two large street projects constructed under State Municipal Agreements with the DOT. While these projects were constructed in 2019 billing DOT billing is slow and bills continue to trickle in. The Townline project is over budget while the 1st Avenue Project is under budget. The City's 1st Avenue project had a contingency component which is contributing to the surplus. One cause for the Townline shortfall is that our budget did not contain a provision for the railroad crossing. Both of these projects were funded with the proceeds from the 2019A notes. The 1st Avenue project was funded by TID 6 and TID 8. Funds were spent out of TID 6 first since its expenditure period was ending.

Pond D is another project done in partnership with the State of Wisconsin. When the I-39 exchange was constructed the City committed to reconstructing a stormwater pond. The State paid the city \$304,491 in 2016 to offset the construction costs. The city bid the project and constructed the pond in 2020. The project experienced some complications due to the high water table which is creating problems with the liner. A change order to address the liner issues was approved by the Board of Public Works. This will result in project overages.

The proposed funding realignment will move debt proceeds from 1st Avenue within TID #8 to the Capital Projects Fund to finance the project deficits for Townline and Pond D. With the shift of funding the debt service fund would retire these proceeds rather than TID 8. The proposed change provides a small contingency in each project for any final DOT billing or other issues experienced with the storm pond project.

			Townline Road Project	1st Avenue Project	Pond D
Budget			\$ 2,449,977.00	\$ 4,286,000.00	304,941.00
<i>Proposed Reallocation</i>			<i>285,000.00</i>	<i>(385,000.00)</i>	<i>100,000.00</i>
Revised Budget			2,734,977.00	3,901,000.00	404,941.00
Expenses:					
Streets/Storm/Lighting			2,569,970.82	3,730,566.99	378,496.00
Railroad Crossing			113,738.08	107,184.36	
Total			2,683,708.90	3,837,751.35	378,496.00
Balance			51,268.10	63,248.65	26,445.00

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF THE PLAN COMMISSION

Rezoning 1300 Cleveland Ave from MI, Medium Industrial Zoning District to MRL-12, Multi-Family Residential-12 Zoning District.

Committee Action: Approved 5-2

Fiscal Impact: None.

File Number: 21-0407

Date Introduced: April 13, 2021

The Common Council of the City of Wausau do ordain as follows:

Section 1. That the site of lands described as follows:

SEC 35-29-7 PT OF SW1/4 SE1/4 DESD AS PCL (2) OF CSM VOL 29-114(7651) AND PCL (3) OF CSM VOL 21-134(5816) EX ROW @ DOC #1779786, MORE COMMONLY KNOWN AS 1300 CLEVELAND AVENUE

now comprising a part of MI, Medium Industrial Zoning District according to the Zoning Ordinance of the City of Wausau is hereby rezoned to MRL-12, Multi-Family Residential-12 Zoning District.

Section 2. This change in zoning shall be designated on the official city zoning map.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

Katie Rosenberg, Mayor

Attest:

Leslie M. Kremer, City Clerk

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, March 16, 2021, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Katie Rosenberg, Eric Lindman, Patrick Peckham, Bruce Bohlken, George Bornemann; *By WebEx*: Tom Neal, Andrew Brueggeman

Others Present: Brad Lenz, Bruce Grau, Terry Kilian, Elgart Baumann, Gary Gisselman, Lou Larson, Dennis Smith, Tom Kilian, William Harris, Chris Norfleet, David Piehler, Mario Diaz, Mike Tomsyck; *By WebEx*: William Hebert, Andrew Halverson, Mike Howley, Becky McElhaney, Debra Ryan

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Mayor Rosenberg called the meeting to order at approximately 5:00 p.m. noting that a quorum was present. Mayor Rosenberg introduced the new member, George Bornemann, to the commission.

PUBLIC HEARING: Discussion and possible action on rezoning 1300 Cleveland Avenue from MI, Medium Industrial Zoning District to MRL-12, Multi-Family Residential-12 Zoning District.

Bruce Grau, 1115 North 10th Street, said that there has been a lot of citizen input for this and so far only one has been received that is opposed. The citizen that is opposed is 3M. The older tanks were known to have contamination and were always reported and were forced to clean up. This should have been required. Grau asked why the DNR and City of Wausau did not require the remediation. The high toxic levels put the residents at risk and this needs to be fully remedied. Grau said that this is not a fiscal issue.

Terry Kilian, 133 East Thomas Street, she lives in this area along with family and friends. This need to be corrected and there is overwhelming support for residential zoning. Kilian thanked the committee for taking the step forward.

Elgart Baumann, 105 Edwards Street, said that he drove by the property the other day and there were logs and sewer pipes on the property. Baumann asked why the contamination was not taken care of already. Baumann said that he does not have a problem with industrial uses and asked who is behind the residential zoning request.

Gary Gisselman, 319 Park Avenue, thanked the commission for revisiting this item. In 2018, this was unanimously approved by the Plan Commission and Common Council for residential zoning. Gisselman said that there have been a lot of comments from neighbors and residents to rezone to residential again. The mistake needs to be corrected.

Lou Larson, 904 South 21st Place and Alderperson District 10, said that he urges the Plan Commission to rezone this property to residential, which was done in 2018. The residential clean up needs to be done and there are cleanup funds that can be used.

Dennis Smith, 3516 Polzer Drive, asked how the property is zoned industrial when Common Council had approved the residential zoning in 2018. Lenz said that in 2018, the residential zoning was approved for a specific project. When the zoning code and map was changed, the map that was used was a version prior to the specific rezoning. During the time the zoning code was being rewritten, the city did accept rezoning requests. Lenz said that Common Council did approve the map that shows the industrial zoning. Smith said that the zoning should be changed back to residential and suggested a dog park for the parcel.

Tom Kilian, 133 East Thomas Street and Alderperson District 3, said that this is essentially a housekeeping error and applauded the interim director for going through the process to correct the error. This is a reasonably firm expectation and a valid process. Correcting this oversight is good governance. Kilian said that he observed a high volume of feedback and is supportive of rezoning this to residential. All views are valuable, but a large amount of the feedback is in support of residential zoning.

Becky McElhaney, 4050 Ashland Avenue and Alderperson for District 6, said that this property was zoned to residential in 2018 by the Common Council. There was a lot of discussion about this and hopes that the voices have been heard.

William Harris, 316 ½ North 3rd Street and Marathon County Board Supervisor District 3, said that he supports this rezoning moving forward and echoes a lot of comments. The change should be made.

Debra Ryan, 702 Elm Street and Alderperson for District 11, said that this is a nice quiet neighborhood. Ryan said that the information is necessary to clean up the site. It may take a long time to clean up. It will be a great new neighborhood for the area.

Chris Norfleet, 221 Scott Street, said that this could be a possible win for everyone if this would stay residential and get cleaned up. It is good to keep the positive communication and create a model for communities in the area.

David Piehler, 1025 Weston Avenue, spoke for 3M. Piehler said that the commission needs to look at the big picture. The remediation issue needs to be reviewed and there is no rush to rezone the property. The discussions for the remediation are in the early stages. This was originally zoned to residential as a request from a developer. The city owns the parcel and has complete control. A rezone would be an endorsement for a specific remediation. The plan should be addressed for the area and asked respectfully to postpone the rezoning.

Mario Diaz, 1701 Maple Hill Road, said that he represents 3M and is a plant manager. Diaz said that in April 2020, a proposal was presented and said that they are still interested with collaborating with Kolbe & Koble. Diaz said that 3M and Kolbe & Kolbe are the only interested parties. The proposal is the most cost effective and will work with the city for the proposal. Diaz asked the commission to hold off on the zoning.

Mike Tomsyck, 1323 South 11th Avenue and Vice President of Kolbe & Kolbe, said that there is not an urgent need to rezone this property right now. The proposal from 2018 did not materialize. This commission should not influence on the type of remediation that is completed. Tomsyck asked what the up-side of the residential zoning would be. Tomsyck said that the property may have to be changed again in the future. These local business employ many city residents.

Terry Kilian said that the residential zoning would give the residents a peace of mind. The residents do not want more industry. Kilian said that the property should be cleaned and remediated to residential standards.

Mayor Rosenberg closed the public hearing.

Peckham motioned to rezone 1300 Cleveland Avenue from MI, Medium Industrial Zoning District to MRL-12, Multi-Family Residential-12 Zoning District. Bohlken seconded.

Peckham said that he wanted to answer Mr. Baumanns questions. There is not a proposal for a residential development. There was an error in the zoning map and this would revert the zoning to the residential request from 2018.

Bornemann said the proposed MRL-12 zoning would replace the R4 zoning and asked if they are similar districts. Lenz confirmed this and said that every zoning district changed. There are three multi-family districts, but this one is the most restrictive. Bornemann said that there seems to be a desire for residential to have a more substantial clean up. Bornemann said that he is not sure if this is the proper use of the

zoning code and is reluctant to do so. There is no proposal. This would fix an error. The clean-up of the property is in the infant steps. Bornemann said that he is torn between the two options.

Neal said that he echoes the comments. This would fix an error and a lot of this is about the clean-up. Neal said that there is support of the neighborhood. Neal said that he supports the rezoning.

Lindman said that there is currently no land use and once a land use is determined, it may have to come back here for a rezoning. This is a very specific zoning district. Lindman said that he doesn't want any residents to feel that it won't be looked at again.

Tom Kilian agreed with Neal and said that they do not know the ultimate land use. If a future use would change, it would trigger the process and the neighbors will be notified.

Peckham said that it is good to make it clear. The clean-up should be straight forward and it is a good move to rezone this to residential.

Mayor Rosenberg said that there is a lot of support for this rezone. There is a lot of work to do and it will take time.

Bornemann asked about the rezoning process if the council does not approve it. Would it not be able to come back for a rezoning for one year? Lenz said that if the exact zoning district was requested, perhaps not, but there may be different options for zoning.

The motion carried 5-2 by roll call vote. Brueggeman and Lindman voted against this item. This item will go to Common Council on April 13, 2021.



Planning, Community and Economic Development

TO: Plan Commission
FROM: Brad Lenz
DATE: March 11, 2021
SUBJECT: Public Hearing for Zoning of 1300 Cleveland Avenue

The current public hearing for a zoning map amendment was authorized by Plan Commission last month. Please see the attached meeting minutes. The amendment was brought forward concerning a previous zoning map amendment from 2018. That amendment, under the old zoning map, changed the zoning from M2 (General Industrial) to R4 (General Residence); it was brought forward following potential interest in the property for a residential development.

The current zoning map amendment is not in response to a particular project nor is it necessarily intended to facilitate a specific redevelopment. Since the City owns the property, future land use will be determined (in much greater detail than through zoning) by engaging in future discussions through committee(s) and Council. A development agreement will also likely be executed with a potential developer or landowner detailing allowable uses and possibly even performance of those uses.

Owning the property gives the City much greater control over the future use of the property than does a zoning classification, which is general and allows a variety of uses. For example, the proposed zoning district, MRL-12 (Multi-Family Residence – 12), allows 8-unit apartment buildings, but it also allows by right a number of other uses (14 in total) including single family living arrangements, community living arrangements, and essential services. Additional uses could be allowed through conditional use. Zoning does not specify, in the case of residential development, home ownership, sales/rent prices, construction value, or a host of other aspects that could be detailed through a binding agreement with a developer or property owner.

The current zoning of the property, MI (Medium Industrial), is intended to be compatible with adjacent residential and commercial development, and is geared toward indoor industrial activities; this district is not typically a nuisance for adjoining properties (from Wausau Municipal Code 23.02.61(1)). Uses permitted by right besides (light) industrial include office and personal/professional services. These uses could be viewed as compatible with surrounding properties, but again, a particular use for the site has not yet been determined.

When the City owns a parcel it may be looking to redevelop, a zoning map amendment typically follows (at least the initial) discussions on a redevelopment project, since: (a) there may be multiple proposals under consideration; (b) there could be different zoning options for a particular project (including Planned Unit Development (PUD) which is a flexible zoning district); (c) a prospective developer/landowner may not want to invest in the rezoning process until there is more certainty that the project will come to fruition; and (d) the City is able to exert more control over the specific use of the property through the disposition process (including development agreements) than through zoning. The reason for this zoning map amendment is so that the map reflects a previous zoning map amendment that was approved prior to the adoption of the new zoning code and map.

Comment Field

Dear Wausau City Council and Mayor Rosenberg,

“Because of its popularity as a murder weapon Thallium has gained notoriety as the ‘poisoner’s poison’ and ‘inheritance powder’ (alongside arsenic)” Wikipedia. It was banned in the US in 1972.

At 1300 Cleveland Street in the most diverse and working class area in the the city of Wausau it is all in the soil, along with some arsenic too.

I am asking the Planning Commission to acknowledge and rectify its mistake to rezone the 1300 Cleveland Avenue site as industrial. Return it to residential as intended, as part of the initiative to address the dire housing needs of working people in Wausau. Stop the threat of continued thallium and arsenic poisoning of the soil and vegetable garden of the surrounding residential area at this site.

Respectfully, Bruce Grau, Wausau

Having worked for seven years in the petroleum equipment (fuel tanks/dispensing) industry during the 1990’s, I oversaw many mandated fuel tank removals all around WI. Many of these older tanks had leaking or serious overfill contamination problems. Contamination ALWAYS had to be reported to the WisDNR and an DNR Agent was assigned and owners large and small were FORCED TO REMEDIATE THEIR PROPERTY IMMEDIATELY. The WisDNR didn’t go away. Clean closures were relentlessly pursued.

Connor Forest Industries SHOULD HAVE been required to remediate their pollution decades ago! Remediation should have been required prior to the City assuming ownership. Why has the WisDNR AND the City of Wausau not required the pollution remediation according to the letter of the law in WISCONSIN? Require Connor to clean up THEIR MESS, once and for all.

It wouldn’t hurt to kick Sentry into serious gear, also. This entire industrial conclave has been an environmental nightmare for over 100 years... it’s past time.

I will attend the Committee of the Whole meeting on 2/23/21 on behalf of 3M to provide brief comments related to its proposal to purchase a portion of the 1300 Cleveland Ave. property.

3m must not be allowed to expand to Cleveland Ave. their past actions polluting the land in the area are enough

I am against this proposal for the following reasons. The zoning needs to corrected for the errors made. This needs to be fixed. To. B. returned to residential zone. The. Hazardous materials problem needs to be addressed to highest quality. That has not been addressed as to how and when. Also responsible party costs are a very open question yet. Also any industrial use of this property is not appropriate for this residential neighborhood. Regards: Sidney Elford.

I oppose 3M's expansion into the Cleveland Avenue. They have shown a clear pattern of indifference to local populations and care for the environment.

I oppose any 3M Company expansion and any industrial expansion whatsoever at 1300 Cleveland Avenue

I feel much more research needs to be done before 3M is allowed to do any expansion. We need to keep our environment and safety top of mind before allowing anything on Cleveland to happen. hello, i am writing in connection to the 3M proposal and the purpose of me writing it to show support for 3M. 1 no 3M projects in Wausau, 2 Wausau should put a hold on city funded projects until an acceptable process for cleaning up the land and maintaining the health of the greater community. 3 no projects such as the one proposed should move forward without the community's finding it agreeable. this is a direct example of the much needed environmental justice policy would help relieve the miscommunication and the inequitable power in decision making. No doubt the proper disposition of the property located at 1300 Cleveland is a difficult task. Give its long history of environmental contamination. I can sympathize with the city as it tries to do what is best for the citizens who live in the properties that surround this property all the while trying to control the costs that will be involved in remediating the property.

Members of the Wausau City Council:

For over 40 years, residents, public officials, attorneys, the DNR, executives and employees of the manufacturing facilities in the Thomas Street and Cleveland Avenue area have known about the widespread contaminants in the soil, air, and groundwater.

They have known about the health risks to the employees and the residents. Nothing was done about the contamination issues and they were swept under the rug with the hopes they would never be revealed.

I strongly oppose 3M expanding its operations on the Cleveland Avenue site. The responsible party must be held accountable for gross contamination and remediate the land to the industries highest standards, at their expense. Wausau residents deserve safe living environments, not poisonous soil.

Hello Wausau City Council members,

I have been keeping track of "the Thomas St" issue now for the past few years and was recently surprised to learn that zoning of 1300 Cleveland Ave. was incorrect.

As representatives of the citizens of Wausau, please correct the zoning to residential.

Possible comment to the council, after the presentation in Agenda item #1, regarding the interest of Kolbe & Kolbe Millwork Co., Inc for a portion of the site.

I have two requests of the committee. Please fix the zoning error and then use the expertise of the DNR to clean up the pollution on the Cleveland St. property. The surrounding neighborhood of citizens deserve a decent place to live.

Planning Commission needs to correct the 'error' of not zoning 1300 Cleveland Av to Residential as voted unanimously by City Council on 11/13/2018. Thank you

I would advise the City to go cautiously about building on this site till it can be proven that it is environmentally safe to do so. A playground or park might be safe, but building any structure might release the thallium.

Prior errors need to be corrected. Do not use this error to do a less than complete clean up. This is a residential neighborhood we do not want more industrial construction or coverup of this contamination. Regards Sid. Elford.

Fix the zoning mistake in the Thomas Street area please.

Regardless of zoning or proposed future use, the property at 1300 Cleveland Avenue is still a hazard to the surrounding residential area, and needs to be remediated to the standards of what surrounds it, as much as what's on it.

This section of our city has been home to industrial activity since the 1800's when coal fired boilers were a primary source of both heat, and steam to operate industrial machinery. In 1901, long before Connor Forrest Industry, this parcel was home to several different industries, Wausau Quartz Co, Underwood Veneer, and CM Green Planing Co are but a few. With Thallium being discovered as a byproduct of coal burning, and improper waste disposal from burned coal, this is a more probable source for the high levels present over any natural occurrence. Growing up here I recall several industries that used coal as late as the 1960's and early 70's. Thallium is also currently being detected at elevated levels in fly ash from coal fired power plants. Thallium, while found deep within the earth is normally detected naturally occurring at much lower levels than here.

Thallium is the deadliest metal element known to man, has been used in rodent poisons, as a murder weapon, it's tasteless and odorless, giving no indication you're being exposed, and probably won't seek treatment until it's too late. We're still learning a lot about this element and it's sources, little research has been done until recently as it is being detected at more and more locations like this. A single gram ingested is enough to cause permanent damage or death to an otherwise healthy adult, and this is a residential area, full of children, much more susceptible, at much lower levels. It does not break down or dissolve naturally, but can be absorbed by plants, fish, and other wildlife, affecting our food chain for those with gardens, or fish anywhere runoff may occur.

This is not something we want in our city, to just bury it deeper under another industry that could eventually add even more contamination to the already toxic mixture of that area would be an injustice

I would like to give comment for the hearing.

Contrary to the condescending analysis of corporate lawyers, but in line with the testimony of the Alderpersons involved with the decision at the time, the intent to rezone 1300 Cleveland Ave was undeniably an attempt to mitigate some of the harm of dispossession of homes and Community resulting from the Phase 1 Thomas Street Project, even before RFP's were requested.

Since this issue has surfaced, a flurry of public response ensued via email, letters to the editor, and through public comment at City Council meetings.

With the exception of the statement by the 3M plant manager, all favored rezoning for residential purposes. A resounding and simple "No" to ANY expansion of industrial activity, including production and waste removal activities.

Heightening their concern about the safety of neighbors' homes, gardens, and drinking water was the finding of high levels of a toxic metal historically known as the "poisoner's poison".

In the context of a century-old track record of mounting examples of industrial contamination in this area exposed, this concern has been amplified, and is also illuminating.

The 1300 Cleveland Ave issue has once again revealed to us the simple realities of the forces in play that determine our safety and quality of life.

The force of residents of the most diverse and working class area in the city is generated by their desire for a clean and comfortable neighborhood, to successfully raise a family and age in place. They appreciate the economic advantages industry can provide. They assume the companies and the City are able to provide this without harming workers and the surrounding communities.

Industry has failed to provide this safety. In fact they have been found to hide the toxic, life-altering affects of its toxic waste products into the air, ground, and water. 3M, for example, had concealed the effects of its forever chemicals for decades. Higher rates of cancer, low birth weight and birth defects have been found in higher numbers in areas surrounding their plants from Tartan Senior High School in Oakdale, MN to Williamtown, Australia.

This kind of force, whose forever-chemicals can be found in 95% of the world's human population, even in nesting white eagle chicks and polar bears, carries the gargantuan weight of a 119 year old behemoth that operates in 70 countries, with close to 100,000 workers and an estimated wealth of \$113 billion. This force has allowed the company to settle several wrongful harm lawsuits with hundreds of millions of dollars, without having to admit any guilt.

In the middle rests the force of the City of Wausau's City Council, whose mandate is to advocate for and support the livelihoods of all Wausonians, to level the playing field, and not allow the rich and powerful to write the narrative of what regular working people undeniably want.

We ask that you use your force tonight in favor of the people most directly impacted by your decision.

Thank you.

Bruce Grau

Citizens for Clean Wausau Wausau Poor People's Campaign

Members of the Wausau City Council:

I grew up on a dairy farm in Douglas County. One of the first lessons we learned was to clean up after ourselves. Not only were we taught to clean up after ourselves, we were taught how to clean the barn, the chicken coop, and the heifer barn. We were taught the importance of keeping up with the chores as a way to assure the farm animals stayed healthy—and this included the extended family who worked on the farm. We knew this was our livelihood!

Imagine if we neglected to clean the barn, the chicken coop, and the heifer barn even for a few days! Imagine if we said—nope that's not my job. Or if we wouldn't do it for many days in a row. We would be left with a huge mess. And we would hear about it in no uncertain terms!

This is exactly what Mayor Rosenberg and the members of the Wausau City Council are dealing with—contamination issues that now must be dealt with.

For over 40 years, residents, public officials, attorneys, the DNR, executives and employees of the manufacturing facilities in the Thomas Street and Cleveland Avenue area have known about the widespread contaminants in the soil, air, and groundwater. They have known about the health risks to the employees and the residents. Nothing was done about the contamination issues and they were swept under the rug with the hopes they would never be revealed.

For the past five or 10 years, Tom Kilian and others have done extensive research regarding the toxicity of the contamination in that area. Members of Citizens for a Clean Wausau have repeatedly spoken to the City Council requesting that the contamination be taken seriously due to the health risks to the residents who live in that area. We have pleaded for more soil testing and remediation of the soil in the Riverside Park and along Thomas Street.

As you consider the usage of the Connor Forest Industry site in the Cleveland Avenue area, please do what is right! Be honest about the contamination and the need to remediate the soil before any redevelopment is done on that site. It is time for honesty. It is time to take the necessary precautions to assure that area is safe for redevelopment. Yes, money is involved. But in the end, it will assure the constituents and the community as a whole that the members of the Wausau City



Agenda Item Comment Form

This form is for comments about specific agenda items to be considered at the next scheduled City Council Meeting. These comments will be distributed to the City Council Members and placed in their Agenda packets prior to the meeting. For all other correspondence, please contact City Council members via email addresses available here: <https://www.ci.wausau.wi.us/Departments/CityCouncil/Alderspersons.aspx>

Personal Information *

Lon Groth

First Name, Last Name

Address: *

1038 S 7th Ave

Email Address

lgrothdesigns@gmail.com

Optional

Phone Number:

Optional

Will you be physically present at the meeting?

☐ Yes

☒ No

Meeting Date

3/16/2021

Agenda Item Number

5

Comments



Agenda Item Comment Form

This form is for comments about specific agenda items to be considered at the next scheduled City Council Meeting. These comments will be distributed to the City Council Members and placed in their Agenda packets prior to the meeting. For all other correspondence, please contact City Council members via email addresses available here: <https://www.ci.wausau.wi.us/Departments/CityCouncil/Alderpersons.aspx>

Personal Information *

Dennis Smith

First Name, Last Name

Address: *

3516 Polzer Dr.
Wausau, WI 54401

Email Address

dsmith2150@charter.net

Optional

Phone Number:

Optional

Will you be physically present at the meeting?

☒ Yes

☐ No

Meeting Date

3/16/2021

Agenda Item Number

5

Comments



Agenda Item Comment Form

This form is for comments about specific agenda items to be considered at the next scheduled City Council Meeting. These comments will be distributed to the City Council Members and placed in their Agenda packets prior to the meeting. For all other correspondence, please contact City Council members via email addresses available here: <https://www.ci.wausau.wi.us/Departments/CityCouncil/Alderpersons.aspx>

Personal Information *

Barbara Stachowiak

First Name, Last Name

Address: *

923 S 4th Ave Wausau WI

Email Address

Optional

Phone Number:

Optional

Will you be physically present at the meeting?

☐ Yes

☒ No

Meeting Date

Agenda Item Number

Comments

Fix the zoning mistake in the Thomas Street area please.



Agenda Item Comment Form

This form is for comments about specific agenda items to be considered at the next scheduled City Council Meeting. These comments will be distributed to the City Council Members and placed in their Agenda packets prior to the meeting. For all other correspondence, please contact City Council members via email addresses available here: <https://www.ci.wausau.wi.us/Departments/CityCouncil/Alderpersons.aspx>

Personal Information *

Sidney Elford

First Name, Last Name

Address: *

302 bopf street

Email Address

Sielford@charter.net

Optional

Phone Number:

7158425890

Optional

Will you be physically present at the meeting?

☒ Yes

☐ No

Meeting Date

3/16/2021

Agenda Item Number

5

Comments

Prior errors need to be corrected. Do not use this error to do a less than complete clean up. This is a residential neighborhood we do not want more industrial construction or coverup of this contamination. Regards Sid. Elford.

Melissa Engen

From: Joyce Schoepke <jsschoepke@outlook.com>
Sent: Monday, March 15, 2021 6:41 PM
To: Leslie Kremer
Subject: [EXTERNAL] Plan Commission_1300 Cleveland Ave

I don't believe that this property should be used for manufacturing businesses. The streets in its area have all the traffic they can handle also the streets are used for heavy equipment and large trucking movement by Wausau Public Works. Harlan Schoepke. 1423 Cleveland Avenue. Wausau, Wi. 54401

Melissa Engen

From: Don Lewandowski <lewandowski_don@yahoo.com>
Sent: Saturday, March 13, 2021 3:47 PM
To: Leslie Kremer
Subject: Re: [EXTERNAL] Input for Plan Commision meeting "City Screw-up" at 1300 Cleveland Avenue

Follow Up Flag: Follow up
Flag Status: Completed

Ms. Kremer. . .

I do not live in the City of Wausau but own multiple properties in the City. Also I have family that lives near the Cleveland Avenue property. The City needs to correct its zoning mistake and rezone the property back to residential as it was suppose to be. The City must not allow further expansion of industry in this residential neighborhood.

Please provide this email to the Plan Commission prior to its meeting on Tuesday.

Sincerely,
Donald J. Lewandowski

On Wednesday, February 17, 2021, 10:59:06 AM CST, Leslie Kremer <leslie.kremer@ci.wausau.wi.us> wrote:

Thank you for your comments. This has been shared with the Council, Mayor and Plan Commission.

Have a great day!

Leslie M. Kremer

City Clerk

407 Grant Street

Wausau WI 54403

715-261-6622, fax 715-261-6626

2013 Estimated Population 39,180

Voter registration is easy to complete at www.myvote.wi.gov. Complete ahead of election day to avoid waiting in line! If you would like to request an Absentee Ballot to be mailed to you, easily request at www.myvote.wi.gov today!

=====

Statement of Confidentiality

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.
If you are not the intended recipient of this email, any use, dissemination, forwarding, printing, or copying of this email is prohibited. Please notify the sender of this email of the error and delete the email.

=====



Agenda Item Comment Form

This form is for comments about specific agenda items to be considered at the next scheduled City Council Meeting. These comments will be distributed to the City Council Members and placed in their Agenda packets prior to the meeting. For all other correspondence, please contact City Council members via email addresses available here: <https://www.ci.wausau.wi.us/Departments/CityCouncil/Alderpersons.aspx>

Personal Information *

Scott, Grams

First Name, Last Name

Address: *

201 Wyatt re

Email Address

Optional

Phone Number:

Optional

Will you be physically present at the meeting?

☐ Yes

☒ No

Meeting Date

3/16/2021

Agenda Item Number

5

Comments

I'm submitting this to express my desire to get the city's zoning error corrected at 1300 Cleveland Avenue which was mistakenly zoned back to industrial.

Melissa Engen

From: Don Lewandowski <lewandowski_don@yahoo.com>
Sent: Saturday, March 13, 2021 3:47 PM
To: Leslie Kremer
Subject: Re: [EXTERNAL] Input for Plan Commision meeting "City Screw-up" at 1300 Cleveland Avenue

Follow Up Flag: Follow up
Flag Status: Completed

Ms. Kremer. . .

I do not live in the City of Wausau but own multiple properties in the City. Also I have family that lives near the Cleveland Avenue property. The City needs to correct its zoning mistake and rezone the property back to residential as it was suppose to be. The City must not allow further expansion of industry in this residential neighborhood.

Please provide this email to the Plan Commission prior to its meeting on Tuesday.

Sincerely,
Donald J. Lewandowski

On Wednesday, February 17, 2021, 10:59:06 AM CST, Leslie Kremer <leslie.kremer@ci.wausau.wi.us> wrote:

Thank you for your comments. This has been shared with the Council, Mayor and Plan Commission.

Have a great day!

Leslie M. Kremer

City Clerk

407 Grant Street

Wausau WI 54403

715-261-6622, fax 715-261-6626

2013 Estimated Population 39,180

Voter registration is easy to complete at www.myvote.wi.gov. Complete ahead of election day to avoid waiting in line! If you would like to request an Absentee Ballot to be mailed to you, easily request at www.myvote.wi.gov today!

=====

Statement of Confidentiality

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.
If you are not the intended recipient of this email, any use, dissemination, forwarding, printing, or copying of this email is prohibited. Please notify the sender of this email of the error and delete the email.

=====



Agenda Item Comment Form

This form is for comments about specific agenda items to be considered at the next scheduled City Council Meeting. These comments will be distributed to the City Council Members and placed in their Agenda packets prior to the meeting. For all other correspondence, please contact City Council members via email addresses available here: <https://www.ci.wausau.wi.us/Departments/CityCouncil/Alderpersons.aspx>

Personal Information *

Scott, Grams

First Name, Last Name

Address: *

201 Wyatt re

Email Address

Optional

Phone Number:

Optional

Will you be physically present at the meeting?

☐ Yes

☒ No

Meeting Date

3/16/2021

Agenda Item Number

5

Comments

I'm submitting this to express my desire to get the city's zoning error corrected at 1300 Cleveland Avenue which was mistakenly zoned back to industrial.

Melissa Engen

From: jennifersprague2014@gmail.com
Sent: Monday, March 15, 2021 4:33 PM
To: Leslie Kremer
Subject: [EXTERNAL] Plan Commision 1300 Cleveland Ave

To Whom It Concerns:

I am voicing my concern. Please rezone 1300 Cleveland back to a Multi- family residential zoning district.

Thank You,

Jennifer Sprague
111 Edwards Street

Sent from my iPhone



Agenda Item Comment Form

This form is for comments about specific agenda items to be considered at the next scheduled City Council Meeting. These comments will be distributed to the City Council Members and placed in their Agenda packets prior to the meeting. For all other correspondence, please contact City Council members via email addresses available here: <https://www.ci.wausau.wi.us/Departments/CityCouncil/Alderpersons.aspx>

Personal Information *

Sidney Elford

First Name, Last Name

Address: *

302 bopf st. Wausau Wi.

Email Address

sielford@charter.net

Optional

Phone Number:

7158425890

Optional

Will you be physically present at the meeting?

☐ Yes

☒ No

Meeting Date

3/16/2021

Agenda Item Number

Comments

Regarding zoning of 1300 Cleveland ave property.. As an adjacent property owner I feel that any zoning other than residential is inappropriate. This property has a history of pollution . A clean up to highest standards is the only appropriate remedy for the neighborhood. Industrial use of this property is inappropriate for a residential area.

Melissa Engen

From: Clare Ostwald <apple62@charter.net>
Sent: Sunday, March 14, 2021 3:41 PM
To: Leslie Kremer
Subject: [EXTERNAL] Fwd: Soil contamination

Please pass this on to the plan committee by Tuesday.
Thank-you.

----- Original Message -----

Subject: Soil contamination
From: Clare Ostwald <apple62@charter.net>
Sent: Wednesday, February 10, 2021, 9:36 PM
To: katie.rosenberg@ci.wausau.wi.us
CC: tom.kilian@ci.wausau.wi.us

Mayor Rosenberg

It has come to my attention/an article in the Wausau Pilot and Review re: soil contamination on a property in the Cleveland Ave. neighborhood in Wausau.

The seriousness of a finding of the contaminants mentioned is especially concerning to me. As a retired nurse, I know that these are dangerous carcinogens which puts citizens in that area at risk for cancers by ingestion and skin absorption. This type of risk can be reduced by properly decontaminating that soil.

I strongly urge that the soil in that site be remediated to the the fullest extent and that non-industrial standards be followed for any further development on the site.

Thank-you for your consideration in this very serious health related concern as it pertains to our local citizens.

Clare Ostwald

Melissa Engen

From: Terry Kilian <takl@charter.net>
Sent: Sunday, March 14, 2021 5:48 PM
To: Leslie Kremer
Subject: [EXTERNAL] rezoning/ industrial expansion

Dear Ms. Kremer:

I am writing as a resident who resides close by the Cleveland Avenue property & in the neighborhood of 3M. The City made a mistake with rezoning and should correct the error by rezoning 1300 Cleveland Avenue back to residential. As far as the City's allowing further industrial expansion in this area, it would appear to conflict with the City's strategic plans of lessening industry in residential neighborhoods and it would magnify the current residents' feelings and stated feelings about industry and contamination already existent in this neighborhood.

Please provide this to the Plan Commission prior to its meeting on Tuesday.

Terry Kilian
133 E. Thomas Street
Wausau WI 54401

Melissa Engen

From: bruce <moondance54401@yahoo.com>
Sent: Saturday, March 13, 2021 10:39 AM
To: Leslie Kremer
Subject: [EXTERNAL] 1300 Cleveland Ave

I am requesting that:

That the Plan Commission should correct the city's zoning mistake at 1300 Cleveland Avenue and rezone the property back from industrial to residential.

Thank-you
Bruce Kainz
118 River St.



Agenda Item Comment Form

This form is for comments about specific agenda items to be considered at the next scheduled City Council Meeting. These comments will be distributed to the City Council Members and placed in their Agenda packets prior to the meeting. For all other correspondence, please contact City Council members via email addresses available here: <https://www.ci.wausau.wi.us/Departments/CityCouncil/Alderspersons.aspx>

Personal Information *

Terry Kilian

First Name, Last Name

Address: *

133 E Thomas Street
Wausau, WI 54401

Email Address

Optional

Phone Number:

Optional

Will you be physically present at the meeting?

☒ Yes

☐ No

Meeting Date

3/16/2021

Agenda Item Number

#5, Cleveland Ave. Public Hearing

Comments

I would like to give comment for the hearing.

Melissa Engen

From: Terry VanOrder <tlvanorder@yahoo.com>
Sent: Tuesday, March 16, 2021 3:16 PM
To: Leslie Kremer
Cc: Katie Rosenberg; Katie Rosenberg
Subject: [EXTERNAL] 3/16/2021 PLAN COMMISSION MEETING, ITEM 5 - Public Hearing re: 1300 Cleveland Avenue Zoning

Dear Clerk Kremer: please pass along this message to the Plan Commission members for their meeting, as listed above.

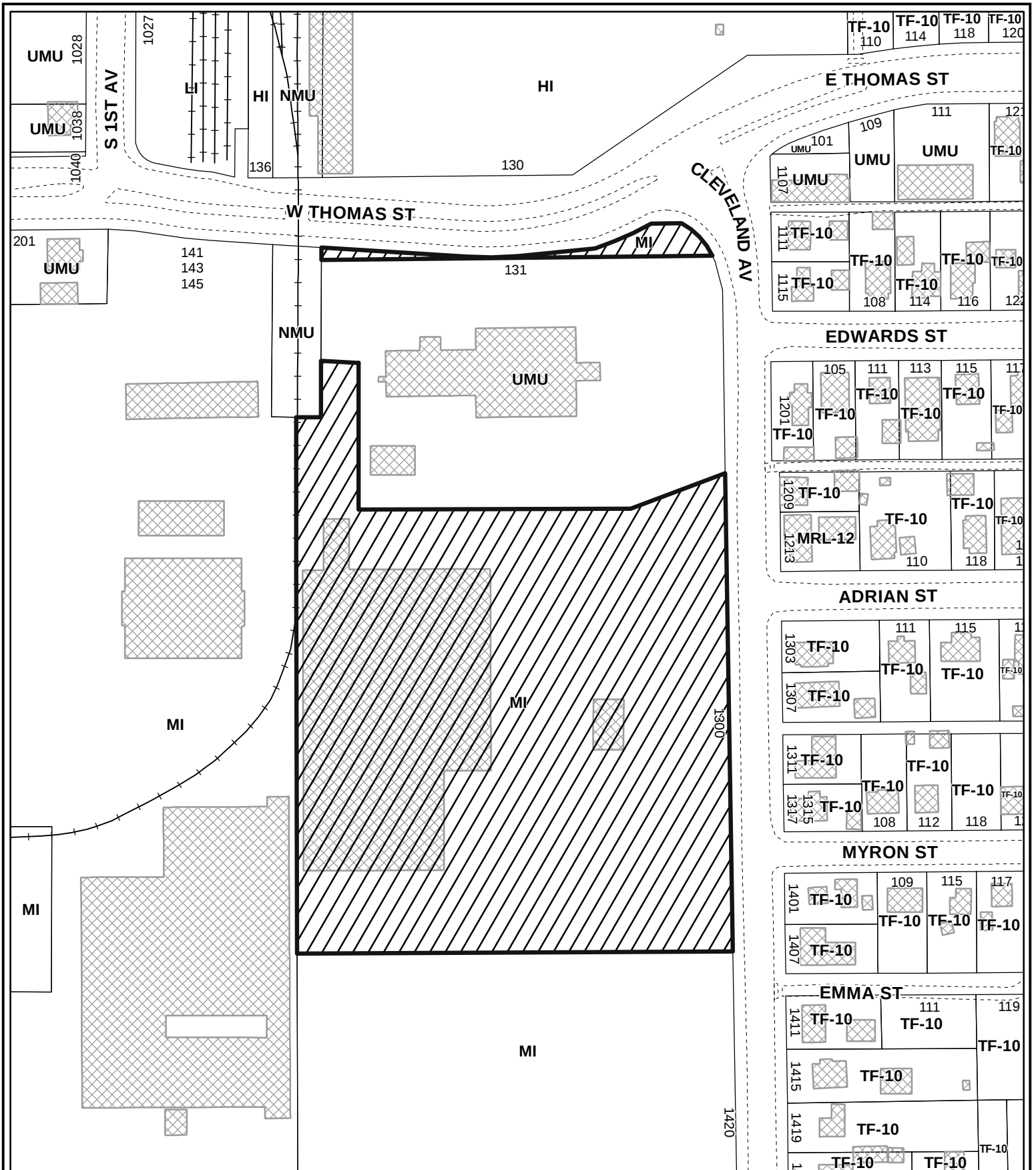
Dear Members of the City of Wausau Plan Commission: Please consider correcting the error that occurred regarding the zoning of the 1300 Cleveland Avenue property, as noted on your 3/16/21 meeting agenda.

The Wausau City Council, by unanimous vote on November 13, 2018, clearly ordered the 1300 Cleveland Avenue property to be zoned as an R4, General Residence District; that vote having followed all rules & regulations required to set property zoning in the City of Wausau municipality.

However, we are now informed that an error was made and that the zoning directive by the 11/13/18 Wausau City Council was not followed. You, now, as the Plan Commission, have the important task to correct that error, however it may have occurred, to set the original intended zoning of that property to the R4, General Residence District. I write this message asking you to do that, both to uphold the integrity of the Council voting process, and the best interest of the Cleveland Avenue neighborhood and the residents who live there.

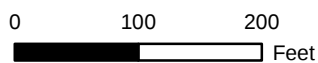
Thank you to your attention & concern in this very important matter.

Sincerely,
Terry VanOrder
611 Chellis Street
Wausau WI 54401



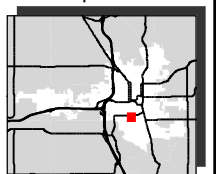
Map Date: February 26, 2021

City of Wausau
Marathon County Wisconsin



- Area of Interest
- Building

Map Location



RESOLUTION OF THE COMMON COUNCIL

Designating May 15, 2021 as World Migratory Bird Day

Committee Action: Pending

Fiscal Impact: None

File Number: 11-0505

Date Introduced: April 13, 2021

WHEREAS, let it be recognized that migratory birds are one of the most easily observed wildlife species. Their beauty causes many to rejoice that spring has finally arrived; and

WHEREAS, we also need to focus on the important economic role that migratory birds play. Birds control both rodent and insect pests. Birds are seed dispersers which help with reforestation and spreading native plants. And bird watching activates generate millions in recreational dollars. Wausau reaps the benefit by hosting bird watching related conventions; and

WHEREAS, migratory birds face numerous threats to their survival both here and on their wintering grounds. By celebrating International Migratory Bird Day the public is made aware of these threats and can become involved in bird conservation efforts locally and globally; and

WHEREAS, since 1993 World Migratory Bird Day (WMBD) has been celebrated by thousands of people throughout the Americans. Recognizing that birds migrate through different areas at different times the whole month of May has been named WMBD; and

WHEREAS, at these celebrations the public is involved and educated on ways to not only appreciate the birds for their beauty but to take on the cause of conservation. WMBD is a call to action for everyone to support migratory bird conservation efforts both locally and globally; and

NOW THEREFORE, BE IT RESOLVED, the Common Council of the City of Wausau, Wisconsin, does hereby designate Saturday, May 15, 2021 as **WORLD MIGRATORY BIRD DAY** in the City of Wausau, and urges all citizens to celebrate this observance being held at the Monk Botanical Gardens and to support efforts to protect and conserve migratory birds and their habitats in our community and the world at large.

Approved:

Katie Rosenberg, Mayor



World Migratory Bird Day Proclamation

- Whereas,** Since 1993 World Migratory Bird Day has become a voice for drawing the public's attention to the nearly 350 species that migrate between North America and their wintering grounds in South and Central America, Mexico, the Caribbean and the southern United States. The current Marathon County Bird checklist numbers over 300 species. Many of these birds fall into the migrant category; and
- Whereas,** By celebrating World Migratory Bird Day in Wausau, the community can learn about the perils faced by the local bird population at both their summer and winter homes. Habitat loss here and abroad, feral cats, window collisions and the long migratory journey are just a few of the hazards; and
- Whereas,** Knowing these perils allows the community to fight against these hazards. "Thinking globally by acting locally" with simple fixes such as placing window tape on your windows, keeping your cat indoors, planting native plant species and speaking out when habitat is threatened all can help; and
- Whereas,** These migrant bird species play an important economic role in our community. Birds control insect pests and rodents. Birds help with seed dispersal, as well. Bird watching generates recreational dollars; and
- Whereas,** As World Migratory Bird Day is proclaimed in Wausau the hope is many citizens will recognize and enjoy these migrant songbirds as the harbingers of spring.

NOW THEREFORE, be it proclaimed that I, Katie Rosenberg, Mayor of the City of Wausau do hereby proclaim

Saturday, May 15, 2021

as

World Migratory Bird Day

in the city of Wausau, and I urge all citizens to celebrate this observance and to support efforts to protect and conserve migratory birds and their habitats in our community and the world at large.

Katie Rosenberg
Mayor, City of Wausau
May 15, 2021

RESOLUTION OF THE COMMON COUNCIL

Approving infrastructure easement with Riverlife Wausau LLC – Phase I

Committee Action: Pending

Fiscal Impact: None

File Number: 15-0708

Date Introduced: April 13, 2021

FISCAL IMPACT SUMMARY

COSTS	Budget Neutral	Yes ☒ No ☐	
	Included in Budget:	Yes ☐ No ☐	Budget Source
	One-time Costs:	Yes ☐ No ☐	Amount:
	Recurring Costs:	Yes ☐ No ☐	Amount:
SOURCE	Fee Financed:	Yes ☐ No ☐	Amount:
	Grant Financed:	Yes ☐ No ☐	Amount:
	Debt Financed:	Yes ☐ No ☐	Amount Annual Retirement
	TID Financed:	Yes ☐ No ☐	Amount:
	TID Source: Increment Revenue ☐ Debt ☐ Funds on Hand ☐ Interfund Loan ☐		

RESOLUTION

WHEREAS, the City and the Developer entered into that certain Development Agreement with Riverlife Wausau LLC (“Developer”), with an effective date of June 28, 2019; and

WHEREAS, on March 23, 2021, Council approved conveying additional land to Riverlife Wausau LLC which included a ten foot easement for city infrastructure; and

WHEREAS, it was determined the city infrastructure extended further than the original ten feet and it is the city’s recommendation to request an easement on the entire additional land to be acquired by Riverlife Wausau LLC

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau that it hereby approves the execution of the attached infrastructure easement which includes the entire additional land to be acquired by Riverlife Wausau LLC and the proper City officials are hereby authorized and directed to execute said easement.

Approved:

Katie Rosenberg, Mayor

EASEMENT AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2021, by and between, RIVERLIFE WAUSAU LLC, a Wisconsin limited liability company, Grantor, and the CITY OF WAUSAU, a municipal corporation of the State of Wisconsin, Grantee;

WITNESSETH:

That in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to Grantor by Grantee, receipt of which is hereby acknowledged, Grantor, has this day conveyed, transferred, and delivered unto Grantee a permanent easement and right-of-way and perpetual right to enter upon the real estate hereinafter described at any time to construct, reconstruct, maintain, inspect and/or repair irrigation and electrical infrastructure which may be constructed through and under the lands hereinafter described.

The permanent easement and perpetual right of entry is described as follows:

Parcel 1:

Part of Lot 2 of Certified Survey Map No. 18353 recorded in the Office of Register of Deeds for Marathon County in Volume 90 of Certified Survey Maps on Page 93, being part of Government Lot 6, Section 26, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, described as follows:

Commencing at the Southeast corner of Lot 1, said Certified Survey Map No. 18353; thence North 4°53'30" E, along the Easterly line of said Lot 1, 30.00 feet to the point of beginning;

Thence continuing N 4°53'30" E, along said Easterly line, 116.52 feet; thence N 49°53'22" E, along said Easterly line, 22.06 feet; thence S 85°03'58" E, along said Easterly line, 60.49 feet; thence continuing along said Easterly line and along the arc of a curve to the left, having a chord bearing of N 84°35'10" E and a chord distance of 12.46 feet and a radius of 34.68 feet; thence N 74°14'18" E, along said Easterly line, 32.90 feet to the East line of said Lot 1; thence S 4°56'02" W, 9.66 feet; thence S 80°00'0" W, 31.45 feet; thence along the arc of a curve to the right, having a chord bearing of S 87°28'01" W and a chord distance of 10.40 feet and a radius of 40.00 feet; thence N 85°03'58" W, 62.41 feet; thence S 49°53'22" W, 15.92 feet; thence S 4°53'30" W, 115.61 feet to the Northerly right-of-way of Fulton Street; thence N 85°06'30" W, along said Northerly right-of-way, 4.75 feet to said Easterly line of Lot 1, the point of beginning, containing 0.029 acres.

Parcel 2:

Part of Lot 2 of Certified Survey Map No. 18353 recorded in the Office of Register of Deeds for Marathon County in Volume 90 of Certified Survey Maps on Page 93, being part of Government Lot 6, Section 26, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, described as follows:

Commencing at the Southwest corner of Lot 1, said Certified Survey Map No. 18353, the point of beginning;

Recording Area

Name and Return Address

City Attorney's Office
407 Grant Street
Wausau WI 54403

PIN: Part of 291-2907-253-0634 and part of
291-2907-253-0635

Thence N 85°06'38" W, 9.27 feet to the Westerly line of said Lot 2; thence N 14°50'00" W, along said Westerly line, 27.95 feet; thence along said Westerly line and along the arc of a curve to the right having a chord bearing of N 0°25'00" E and a chord distance of 52.61 feet and a radius of 100.00 feet; thence N 15°40'00" E, along said Westerly line, 11.22 feet; thence along said Westerly line and along the arc of a curve to the right having a chord bearing of N 19°54'00" E and a chord distance of 88.58 feet and a radius of 600.00 feet; thence N 24°08'00" E, along said Westerly line, 41.24 feet to the Westerly line of said Lot 1; thence S 4°53'22" W, along said Westerly line, 18.24 feet; thence S 14°00'00" W, along said Westerly line, 100.00 feet; thence S 4°53'22" W, along said Westerly line, 97.31 feet to said Southwest corner of Lot 1, the point of beginning, containing 0.079 acres.

In further consideration of this easement by Grantor, Grantee forever agrees to hold Grantor harmless from all damages, loss, or claims which may arise from the existence, use, and/or maintenance of said permanent easement.

No buildings, structures or surface improvements such as, but not limited to, asphalt pavement or sidewalk shall be constructed upon or across the permanent easement lands; nor shall large trees be planted upon the permanent easement lands, but small trees and shrubs not exceeding approximately eight feet in height at maturity are permitted.

Grantor covenants that it is lawfully seized and possessed of the real estate above described and that it will defend the title thereto against the lawful claims of all persons whomsoever.

This agreement shall run with the land, encumbering the property encompassed by the easement in perpetuity, and shall be binding upon and shall inure to the benefit of the parties hereto and to their respective successors and assigns.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, this agreement has been duly executed the day and year first above written.

RIVERLIFE WAUSAU LLC BY:

CITY OF WAUSAU BY:

Mitch Viegut, Manager

Katie Rosenberg, Mayor

Leslie M. Kremer, City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2021, the above named Katie Rosenberg, Mayor, and Leslie M. Kremer, Clerk for the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission expires: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2021, the above named, Mitch Viegut, Manager of Riverlife Wausau LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission expires: _____

This instrument was drafted by
Anne L. Jacobson, City Attorney
for the City of Wausau
407 Grant, Street
Wausau WI 54403-4783

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF COMMON COUNCIL

Amending Chapter 2.16 Standing Rules of the Common Council Rule 2 – Quorum Required and Rule 4 – Absence of Members

Committee Action: Pending

Ordinance Number:

Fiscal Impact: None

File Number: 02-0432

Date Introduced: April 13, 2021

The Common Council of the City of Wausau do ordain as follows:

Add ()

Section 1. That Rule 2, Quorum Required, is hereby amended to read as follow:

RULE 2 – QUORUM REQUIRED

A quorum is necessary for the transaction of any council business. Two-thirds (2/3) of all members of the council, excluding the mayor, shall constitute a quorum. Vacant seats shall be counted to determine whether or not a quorum is present. Members may appear in person or by any method of remote technology, including by telephone or videoconference, for any agenda item for which the discussion and/or action will occur in open session. A quorum may be established through participation by any method of remote technology and members shall be allowed to vote by telephone by roll call vote, on any matter for which the discussion and/or action will occur in open session. Members shall not be counted for purposes of establishing a quorum, or be allowed to vote, on any matter which is held in closed session, unless such member is present in person for the discussion in closed session.

Section 2. That Rule 4, Absence of Members, is hereby amended to read as follows:

RULE 4 – ABSENCE OF MEMBERS

If an alderman for any reason cannot attend either in person or by telephonic or videoconference means, a regularly scheduled meeting, he or she shall notify the city clerk, before the meeting in question, of his or her anticipated absence. The alderman's absence shall be entered into the council's record.

Section 3. These amendments shall be in force and effect through July 31, 2021.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall be in full force and effect on the day after its publication.

Adopted:
Approved:
Published:
Attest:

Approved:

Katie Rosenberg, Mayor

Attest:

Leslie M. Kremer, Clerk

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE FINANCE COMMITTEE

Approving settlement offer to settle claim filed with Zagster, Inc.

Committee Action: Pending

Fiscal Impact: None

File Number: 20-1018

Date Introduced: April 13, 2021

FISCAL IMPACT SUMMARY

COSTS	Budget Neutral	Yes ☒ No ☐	
	Included in Budget:	Yes ☐ No ☐	Budget Source:
	One-time Costs:	Yes ☐ No ☐	Amount:
	Recurring Costs:	Yes ☐ No ☐	Amount:
SOURCE	Fee Financed:	Yes ☐ No ☐	Amount:
	Grant Financed:	Yes ☐ No ☐	Amount:
	Debt Financed:	Yes ☐ No ☐	Amount Annual Retirement
	TID Financed:	Yes ☐ No ☐	Amount:
	TID Source: Increment Revenue ☐ Debt ☐ Funds on Hand ☐ Interfund Loan ☐		

RESOLUTION

WHEREAS, on July 11, 2019 the City and Zagster, Inc. entered into an agreement for a bike share program which included two stations, ten bikes and the use of the Zagster technology and application; and

WHEREAS, the stations and bikes were placed within the Riverlife Park; and

WHEREAS, on June 16, 2020, the City was notified that Zagster, Inc. had dissolved and the majority of the corporation's operating assets had been liquidated; and

WHEREAS, on August 13, 2020, the City filed a claim in the amount of \$18,000 which represented the first half of the \$36,000 agreement;

WHEREAS, on October 9, 2020, the City received a call from an administrator from the Zagster Trust with an offer of settlement for \$900, or 5% of the claim with the offer being good through October 31, 2020; and

WHEREAS, your Finance Committee, at their October 27, 2020 meeting, recommended accepting \$900 in settlement of the city's claim filed against Zagster, Inc. which failed; and

WHEREAS, Council considered this matter at their October 27, 2020 meeting; however the matter failed; and

WHEREAS, the City was contacted with a new offer of settlement at 20-25%, or \$3,600-\$4,500; and

WHEREAS, your Finance Committee, at their April 13, 2021 meeting, recommended accepting \$3,600-\$4,500 in settlement of the city's claim filed against Zagster, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wausau does hereby approve accepting \$3,600-\$4,500 in settlement of the City's claim filed against Zagster, Inc.

Approved:

Katie Rosenberg, Mayor



Office of the City Attorney

TEL: (715) 261-6590
FAX: (715) 261-6808

Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

Nathan Miller
Assistant City Attorney

Memorandum

From: Anne Jacobson
To: Finance Committee and Common Council
Date: October 21, 2020 – April 12, 2021 UPDATE
Re: Settlement Offer to Settle Claim Filed with Zagster, Inc.

UPDATE: Mike Hart of Schneider Downs, the administrator of the Zagster Trust, called very recently to indicate he has an investor that is willing to settle the City's claim now at 20-25%, but could not wait until the April 27 Finance and Council meetings. This means that rather than 5% or \$900, an offer to settle the claim is now presented in the range of 20-25%, or \$3,600 - \$4,500.

Purpose: To obtain your approval on a settlement offer to settle a claim filed with Zagster, Inc.

Facts: On July 11, 2019, the City and Zagster, Inc. entered into an agreement for a bike share program which included two stations, ten bikes and the use of the Zagster technology and application.

On June 16, 2020, the City was notified that Zagster, Inc. had dissolved and the majority of the corporation's operating assets had been liquidated.

On August 13, 2020, a claim was filed in the amount of \$18,000 which represented the first half of the \$36,000 agreement.

On October 9, 2020, the city received a call from an administrator from the Zagster Trust stating they were offering the City \$900, or 5% of the claim, to settle. The settlement offer is good through October 31, 2020.

Mike Hart of Schneider Downs, made an offer to settle the City's claim on Oct. 9. He indicated that he was the administrator of the Zagster Trust. He is reaching out to claimants to inform them there are no assets in the Trust. "Super Pedestrians" purchased all the assets of Zagster (of unknown type, but would include bicycles), plus their stock, for \$26 M.

To date, \$50 M in claims have been filed against Zagster. He is advised that the stock cannot be liquidated. It could be 7 years before the stock could be liquidated – he was uncertain. Since we can't know what value the stock will hold in seven years, he recommended accepting the offer.

Recommendation: The Attorney's Office is looking for direction from the Finance Committee, and ultimately the council, as to whether they wish to accept the offer or not.

FINANCE COMMITTEE

Date and Time: Tuesday, October 27, 2020 @ 5:15 pm., Council Chambers

Members Present in Person: Rasmussen (C), Martens, Herbst; by WebEx: Watson, and Ryan

Others Present: Groat, Goede, Barteck, Bliven, Fitzgerald, Jacobson, Kujawa, Lenz, Lindman, Rubow, Rosenberg, Van Krey, Kaiser, Sippel, Vanderboom, Peckham

In accordance with Chapter 19, Wisc. Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. The meeting was called to order by Chair, Lisa Rasmussen.

Discussion and possible action on settlement offer to settle claim filed with Zagster, Inc.

Rasmussen stated this Zagster provided bikes for a bike share program along the riverfront. The company dissolved and the city filed a claim. The settlement offer from Zagster is a lot smaller than the claim.

City Attorney Anne Jacobson felt she was at a loss to make a recommendation because she had no way of verifying if what the administrator of the Zagster Trust says is true. She indicated it appears to be mired in a mess that will take years to straighten out. The city paid \$18,000 (which was the first half of the \$36,000 agreement) and that is what the claim was filed for. Zagster is offering a \$900 settlement which is 5% of the claim. She noted they have \$26 million of assets, but nothing that can be liquidated and have \$50 million in claims and are in bankruptcy.

Rasmussen pointed out the city is still in possession of the bikes. Jacobson stated Jamie Polley, Parks Director, indicated the bikes are secured in storage. It was noted the bikes are now owned by a leasing company which we are in discussion to purchase. Martens questioned if the bikes had value because they need the app to unlock them. There are other companies that can provide a compatible bike share program. Discussion on the pros and cons of settlement followed.

Motion by Watson, second by Martens to approve the settlement offer. Motion failed 0-5.

RESOLUTION OF THE FINANCE COMMITTEE

Approving settlement offer to settle claim filed with Zagster, Inc.

Committee Action: Failed 0-5

Fiscal Impact: None

File Number: 20-1018

Date Introduced: October 27, 2020

FISCAL IMPACT SUMMARY

COSTS	Budget Neutral	Yes ☐	No ☒	
	Included in Budget:	Yes ☐	No ☒	Budget Source:
	One-time Costs:	Yes ☐	No ☒	Amount:
	Recurring Costs:	Yes ☒	No ☐	Amount:
SOURCE	Fee Financed:	Yes ☒	No ☐	Amount:
	Grant Financed:	Yes ☐	No ☒	Amount:
	Debt Financed:	Yes ☐	No ☒	Amount: Annual Retirement
	TID Financed:	Yes ☐	No ☒	Amount:
	TID Source: Incremental Revenue ☐ Debt ☒ Funds on Hand ☐ Interfund Loan ☐			

RESOLUTION

WHEREAS, on July 11, 2019 the City and Zagster, Inc. entered into an agreement for a bike share program which included two stations, ten bikes and the use of the Zagster technology and application; and

WHEREAS, the stations and bikes were placed within the Riverlife Park; and

WHEREAS, on June 16, 2020, the City was notified that Zagster, Inc. had dissolved and the majority of the corporation's operating assets had been liquidated; and

WHEREAS, on August 13, 2020, the City filed a claim in the amount of \$18,000 which represented the first half of the \$36,000 agreement;

WHEREAS, on October 9, 2020, the City received a call from an administrator from the Zagster Trust with an offer of settlement for \$900, or 5% of the claim with the offer being good through October 31, 2020; and

WHEREAS, your Finance Committee, at their October 27, 2020 meeting, recommended accepting \$900 in settlement of the city's claim filed against Zagster, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wausau does hereby approve accepting \$900 in settlement of the City's claim filed against Zagster, Inc.

Approved:

Katie Rosenberg, Mayor

FAILED