OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, June 13, 2023 in Council Chambers, beginning at 6:30 p.m.,
Mayor Katie Rosenberg presiding.

Roll Call 6/13/2023

Roll Call indicated 10 members present.

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

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

1) Richard LeClair, 513 Stark St, spoke in strong opposition to rezoning 519 Start Street (Item 23-0609) at the Funeral Home parking lot and spoke about the issues with the delivery vehicles using the alley.

Committee Reports:

Board of Public Works - Insurance Claims - January 2023 - March 2023. (*Placed on file.*)

Consent Agenda 6/13/2023

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

23-0501 Minutes of previous meeting (05/23/23)

23-0604 Initial Resolution of the Capital Improvements & Street Maintenance Committee Setting a public hearing regarding vacating and discontinuing an area of right-of-way abutting 505 South 21st Avenue, a portion of 509 South 21st Avenue, a portion of 514 South 21st Avenue, and a portion of 2111 Stewart Avenue.

23-0605 Initial Resolution of the Capital Improvements & Street Maintenance Committee Setting a public hearing regarding vacating and discontinuing a portion of the alley north of Wegner Street abutting 503 South 22nd Avenue and a portion of 514 South 21st Avenue.

23-0606 Initial Resolution of the Capital Improvements & Street Maintenance Committee Setting a public hearing regarding vacating and discontinuing an area of right-of-way abutting 503 South 22nd Avenue, a portion of 2111 Stewart Avenue, and a portion of 2205 Stewart Avenue

23-0627 Resolution of the Capital Improvements & Street Maintenance Committee Accepting Easement with Marathon County for the installation of watermain at 800 Garfield Avenue and 1201 Stewart Avenue.

23-0628 Resolution of the Capital Improvements & Street Maintenance Committee Accepting Easement with Wausau Opportunity Zone Inc. for the installation of sewer, water, and storm sewer utilities at 201 Washington Street.

23-0629 Resolution of the Capital Improvements & Street Maintenance Committee Approving Agreement for the Management and Maintenance of a Stormwater Facility (Aedifix Builds, Inc. - 101 Short Street, 1214 North 3rd Street, and 1201 North 2nd Street).

08-0710 Resolution of the Finance Committee Approving Amendment to Parking Lot Lease with Compass Block 15 LLC.

23-0625 Resolution of the Plan Commission Approving Preliminary Plat for the Stetting Acres (Town of Stettin, 145100-145900 Stettin Drive).

23-0108 Resolution of the Public Health & Safety Committee Approving or Denying Various Licenses as Indicated.

23-0607 Ordinance of the Public Health & Safety Committee Amending Section 15.04.020 Building Advisory Board membership, Section 15.12.010 State code adopted, Chapter 15.20 Building Permits, Section 15.52.030 Surfacing, Section 17.08.010 Codes adopted, Section 17.10.030 Third party inspections and reporting systems, Section 17.48.010 Inspection of exits, and Section 23.03.28 Accessory land uses and structures and repealing Section 15.04 Building Inspector, Section 15.04.110 Heating and ventilating inspection, Chapter 15.08 Definitions, Chapter 15.24 Fire Limits, Chapter 15.48 Signs, Section 15.52.040 Screening, Chapter 17.12 Definitions.

23-0608 Ordinance of the Public Health & Safety Committee Creating Section 12.44.055 Block parties.

13-0309 Resolution of the Public Health & Safety Committee Authorizing the addition of fees to the City of Wausau Fees and Licenses Schedule adopted pursuant to Wausau Municipal Code §3.40.010(a) (Block Parties)

23-0617 Resolution of the Wausau Water Works Commission Declaring Official Intent to Reimburse Expenditures from the Safe Drinking Water Revolving Loan Program for the BIL SFY24 LSL Program in Year 2024.

23-0618 Resolution of the Wausau Water Works Commission Declaring Official Intent to Reimburse Expenditures from the Safe Drinking Water Revolving Loan Program for the BIL SFY24 LSL Program in Year 2024.

23-0619 Resolution of the Wausau Water Works Commission Declaring Official Intent to Reimburse Expenditures from the Clean Water Fund Program for the Rehabilitation of the Cherry Street and Crocker Street Lift Stations in Year 2024.
23-0620 Resolution of the Wausau Water Works Commission Declaring Official Intent to Reimburse Expenditures from the Clean Water Fund Program to Replace the Sanitary Sewer on Eau Claire Blvd in Year 2024.

23-0621 Resolution of the Wausau Water Works Commission Declaring Official Intent to Reimburse Expenditures from the Safe Drinking Water Revolving Loan Program to Replace Watermains on Eau Claire Blvd in Year 2024.

23-0622 Resolution of the Wausau Water Works Commission Declaring Official Intent to Reimburse Expenditures from the Clean Water Fund Program to Reroute the Stewart Ave Force Main in Year2024.

23-0623 Resolution Declaring Official Intent to Reimburse Expenditures from the Safe Drinking Water Revolving Loan Program to Construct Watermain Looping on Westside in Year 2024.

23-0624 Resolution of the Wausau Water Works Commission Declaring Official Intent to Reimburse Expenditures from the Safe Drinking Water Revolving Loan Program to Construct Watermain on Stetting Dr. to Brockmeyer Park in Year 2024.

03-0311 Resolution of the Wausau Water Works Commission Reviewing the 2022 Compliance Maintenance Annual Report for the Wastewater Plant.

Yes Votes: 9 No Votes: 1 Not Voting: 1 Result: PASS (*Kilian was the dissenting vote*.)

23-0603 6/13/2023
Motion by Watson, second by Henke to confirm the Mayor's Appointments to the CIP Committee and the Community Development Authority.

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

22-1104 6/13/2023
Motion by Watson, second by Henke to adopt the Resolution of the Economic Development Committee Approving the Second Amendment to the Planning Option with Commonwealth Real Estate Acquisitions, LLC for the redevelopment of 700 Grand Ave.

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

23-0623 6/13/2023
Motion by Rasmussen, second by Watson Henke to adopt the Resolution of the Economic Development Committee Approving authorization to sell 1408 Bissel Street.

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

23-0610 6/13/2023

Motion by Watson, second by Herbst to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Eliminating the positions of Parking Operations Coordinator (1 FTE), Parking Cashier (1 FTE), and Parking Operations Worker (0 FTE), and the creation of the position of Building Maintenance Technician (1.5 FTE).

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

23-0611 6/13/2023

Motion by Diny, second by Herbst to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Approving the reclassification of Transit Operations Manager to Deputy Transit Director.

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

23-0612 6/13/2023

Motion by Herbst, second by Henke to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Approving the reclassification of Admin IV DPW to Office Manager.

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

23-0613 6/13/2023

Motion by Diny, second by Watson to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Approving the reclassification of Admin III in fire to Administrative Analyst.

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

23-0614 6/13/2023

Motion by Herbst, second by Watson to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Approving the reclassification of Occupancy Specialist CDA from Grade 20 to Grade 19.

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

23-0615 6/13/2023

Motion by Herbst, second by Henke to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Approving the reclassification of Admin I to Admin II in CDA.

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

26-0616 6/13/2023

Motion by Watson, second by Herbst to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Approving the reclassification of Admin I to Assessment Tech.

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

23-0609 Refer Back 6/13/2023

Motion by Gisselman, second by Martens to refer the Ordinance of the Plan Commission Rezoning 519 Stark Street from TF-10, Two Flat Residential-10 Zoning District to UMU, Urban Mixed Use Zoning District. – back to the Plan Commission.

Lisa Rasmussen stated she had some concerns about alley access from commercial vehicles, as well as commercial truck travel and heavy truck traffic through residential streets that are not built for that type of load. She did not think a business should funnel traffic down a residential alley which is made to be low traffic and low speed and typically unpaved.

Doug Diny stated this specific alley is paved, which lends to the appearance of being more of a thru-way. He agreed it is a legitimate concern that these types of vehicles should not be using the alley way. He believed it was a safety issue.

Randy Fifrick pointed out it is important when reviewing zoning changes that the review is based on what's being proposed. He felt two different issues were coming into play here in terms of the land use and the general use of alleys by commercial vehicles. He asked them to keep in mind there is specific criteria within the code for zoning changes. He indicated there was also discussion at Plan Commission that there may need to be some design considerations as part of this change.

Lou Larson questioned if this should go back to Plan Commission until there is an appropriate design.

Dustin Vreeland, petitioner, indicated this is a just a preliminary site plan and they were not in the final stages of the site plan yet. He indicated they have been in discussion with the Plan Commission and Bill Hebert about our ideas, but it is not complete yet. He clarified the commercial vehicles currently use 6th Street and there is no change to that, and we are not planning on ever using Stark Street for backing out trucks. He understood this was residential and there was a school, so commercial will stay on 6th Street.

Tom Kilian asked the neighboring property owner, Richard LeClair, if this satisfied his concerns. LeClair pointed out the parking lot they are proposing to build is on Stark Street, not 6th Street. He commented he has seen trucks using the alley going past his house.

Gary Gisselman suggested if this passes, the city vacate the alley and put up a barrier at the end of the alley similar to what was done with Kwik Trip on 6th Street and Union Ave.

Becky McElhaney stated she felt this was more than just a zoning issue and we do need to worry about what could happen on a property once the zoning is changed. There can be unexpected consequences and once we approve the change our control goes way down. She indicated she would not support this today and wanted more information. *Discussion continued.*

Rasmussen stated the goal of referring this back to Plan Commission to have them find a viable solution and a workable compromise between the impact to the neighborhood and the needs of the business. They could possibly include design elements that prevent access to the alley, but hopefully not send it back to the Council in the same form.

Vote to refer back to Plan Commission:

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

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

Suspend the Rules 6/13/2023

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

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

23-0510 6/13/2023

Motion by Rasmussen, second by Watson to adopt the Resolution of the Finance Committee Authorizing the Issuance of $17,550,000 General Obligation Promissory Notes and the Issuance and Sale of a $17,550,000 Note Anticipation Note, Series 2023A in Anticipation Thereof.

Phil Cossan, Ehlers, reviewed the resolution and sale document. He summarized that the financing mechanism for the GAC Project to deal with the PFAS issue is through the Safe Water Drinking Program operated by DOA. It is a permanent financing program, meaning they will take out the financing once the project is well underway or near completion; however, to get to that point interim financing is needed. A lot of expense has already been incurred and they will be drawing down funds as the project progresses.

Cossan stated there were two bids received from Huntington Bank and Peoples State Bank and the low bid of 4.56%.was from Peoples State Bank. This is temporary short-term financing until the Safe Drinking Water Loan Program is put in place in July 2024. He indicated it was approximately $104,000 less than was projected. He stated they will invest the funds as they are drawn down and expect to receive approximately $327,000 of investment income to help off that debt service.

Cossan stated if approved, it will be wired to the city on June 29th and can begin reimbursing for costs incurred and drawing down as needed over the six to nine months.

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

22-1109 6/13/2023

Motion by Watson, second by Herbst to adopt the Resolution of the Finance Committee Approving 2023 Budget Modification -- Purchase of Badger Book Electronic Poll Books for Elections.

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

23-0631 6/13/2023

Motion by Henke, second by Watson to adopt the Resolution of the Economic Development Committee Approving Termination of Recorded Deed Restrictions and Recording Set of Revised Deed Restrictions for 7130 Packer Drive.

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

23-0630 6/13/2023

Motion by McElhaney, second by Herbst to adopt the Resolution of the Common Council Supporting proposed legislation relating to creating a municipal PFAS grant program and related requirements to address perfluoroalkyl and polyfluoroalkyl substances ("PFAS").

Tom Kilian commented he thought this bill had the potential to end up in a good place and it was his understanding that it was likely to change or be amended at some point in the future. He had some concerns about the bill as is and if it is not changed, he didn't feel they should directly support it. He stated we don't know if it will really be a net benefit in the future, and although $125 million sounds like a lot, it could just be a drop in the bucket and could limit exposure of responsible parties in a way that results in them not reimbursing parties as fully in the future. There is also a potential match requirement up to 20% which he felt was problematic. He pointed out the resolution mentions the limiting of DNR authority. He didn't think there should ever be strings put on money that is limiting our regulators and didn't think something additional was needed to address PFAS from a regulatory perspective because the Wisconsin Spills Law covers it. Furthermore, he heard that theoretically this could interfere with DOJ activities and there were more reasons we shouldn't support it in its current form. He questioned if there would be any objection or if there would be any adverse impact to the city in waiting until the changes/amendments to the bill are made.

Mayor Rosenberg stated she had the same concerns and when she testified at the Senate Committee, she mentioned them. She indicated the Assembly Committee will be taking this up on Thursday and that our best opportunity would be to give them our message of what our expectations are with this bill. She stated there were a couple of those comments in the resolution, but they could amend it to include more. Kilian stated if we could include some of these concerns, he would then support it.

Doug Diny pointed out there were 15 Whereas paragraphs and four or five of them ask for something or request a reconsideration of a portion. He suggested those be consolidated and summarized in the Be It Resolved paragraph to be clear on what we specifically want to emphasize.

Gary Gisselman suggested in addition to the letter and the resolution that we also include the minutes of the discussion. Mayor Rosenberg indicated she would send a time-stamped video of the conversation.

Lisa Rasmussen stated she would support it trusting that between Mayor Rosenberg and Alder Kilian, who have articulated the same concerns the Council shares, could make the proper augmentations to the resolution and/or letter to spell them out.

Kilian summarized the key points to include were that it does not limit future financial obligations or exposure of responsible parties; that it does not limit DNR and DOJ authority in any manner, nor Wisconsin Spills Law; and that the match requirement and Joint Finance Committee process be revisited and reconsidered.

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

Public Comment and Suggestions:

None

Closed Session 6/13/2023

Motion by Watson, second by Herbst to convene in Closed Session pursuant to Wis. Stat. Section 19.85(1)(e), Wis. Stats., deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, regarding approval of the sale of tangible personal property and fixtures of Bull Falls Brewery, LLC, located at 836 and 900 East Thomas Street in TID #9 by auction.

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

District	Alderperson	Vote
1	Lukens, Carol	*NV*
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

Reconvened into Open Session

12-1115 Amendment 6/13/202

Motion by Rasmussen, second by Kilian to Amend the Resolution of the Economic Development Committee Approving Sale of Assets (tangible personal property and/or fixtures) of Bull Falls Brewery, LLC, located at 836 and 900 East Thomas Street in TID #9 - contingent on the proceeds of the said sale be allocated to satisfy the outstanding debt that is owed to the City of Wausau and its taxpayers.

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

12-1115 6/13/2023

Motion by Watson, second by Herbst to Adopt the Resolution of the Economic Development Committee Approving Sale of Assets (tangible personal property and/or fixtures) of Bull Falls Brewery, LLC, located at 836 and 900 East Thomas Street in TID #9, as amended on Council floor.

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

Adjourn 6/13/2023

Motion by Watson, second by Henke to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:02 pm.

Katie Rosenberg, Mayor
Kaitlyn Bernarde, City Clerk