

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, August 10, 2021, in Council Chambers, beginning at 6:30 p.m.
Mayor Katie Rosenberg presiding.

Roll Call

8/10/2021 6:35:53 PM

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
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

Proclamations

Mayor Rosenberg indicated the Proclamations for **July 31 – August 1, 2021** as **Hmong Wausau Festival Weekend**; and **August** as **Adrenal Cancer Awareness Month** can be accessed on the city's website.

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

- 1) Lori Gintner, 106 Maple St, Mosinee, spoke on behalf of individuals at risk to bring awareness to a scam that steals people's property. She asked the Council to look into the individual at risk statute, the foreclosure law, and the role that attorneys are playing in these foreclosures.
- 2) Bruce Grau, 1115 N 10th St, spoke about poverty and in favor of the Environmental Justice Resolution.
- 3) Terry Kilian, 133 E Thomas St, spoke on behalf of Citizens for a Clean Wausau in favor of the Environmental Justice and about false rumors/accusations that CCW is planning a class action lawsuit regarding this resolution.
- 4) Don Lewandowski, 174514 Mission Lk Rd, Hatley, was in favor of the Environmental Justice Resolution.
- 5) Rosario Lewis, 612 S 44th Ave, voiced her opinion on the We Are Wausau Resolution and expressed her pride in being an American citizen and love for Wausau. She indicated she opposed this type of legislation as misguided and harmful.
- 6) Mario Diaz, 144 Rosecrans St, plant manager representing 3M, spoke about the company and its commitment to the foundational principals of environmental justice and was concerned the EJ Resolution's broad sweeping approach opened the door to politically motivated regulations rather than science based solutions.
- 7) David Eckman, 200 Washington St, #120, President, CEO of the Greater Wausau Chamber of Commerce, spoke in opposition to the Environmental Justice Resolution and its ability to adversely impact business growth and jobs in Wausau.
- 8) Orlando Alfonso, 1015 Brown St, spoke in opposition to both the Environmental Justice and We Are Wausau Resolutions as being divisive and race-baiting.
- 9) David Stepanik, 150870 Nightingale Ln, Rib Mountain, expressed his profound disagreement and displeasure with the Environmental Justice Resolution. He felt it moved environmental standards and enforcement from the realm of science into the realm of local politics; and secondly, place undue pressure on local businesses and restrict industrial development.
- 10) Joanne Leonard, 923 Maple Hill Rd, spoke in opposition to the We Are Wausau Resolution as being divisive and believed Wausau was a welcoming and wonderful community.
- 11) Christine Salm, 3312 N 11th St, spoke in favor both the Environmental Justice and We Are Wausau Resolutions as a statement of commitment by local government to recognize that inclusion and equity are important and essential. She indicated she supported the Citizens for Clean Wausau.
- 12) Joel Lewis, 807 Turner St, spoke by phone in support of both the We Are Wausau and Environmental Justice Resolutions.
- 13) Kathleen Konle-Barth, 206540 Hrebik Ln, Mosinee, commented we gain a lot from listening to each other and felt the We Are Wausau and Environmental Justice Resolutions lay the groundwork for obtaining our goals.
- 14) Dan Barth, 206540 Hrebik Ln, Mosinee, spoke in favor both the Environmental Justice and We Are Wausau Resolutions. He encouraged striving for a clean, life-nurturing environment and the health of our families, and to vote yes.
- 15) Gary Gisselman, 319 Park Ave, former Aldersperson for District 5, spoke in favor of the Environmental Justice Resolution and pointed out anything the Council endeavors to move of behalf of it will come back before the full Council for a vote.
- 16) Ka Lo, 620 ½ Lincoln Ave, Marathon County Board Supervisor District 5 and School Board member spoke in favor both the Environmental Justice and We Are Wausau Resolutions. She believed the word "equity" should stay in the resolution.

- 17) Patrick Bacher, 505 S 22nd Ave, addressed the Council in support both the Environmental Justice and We Are Wausau Resolutions. He believed there were strong parallels between the two.
- 18) Jaxon Seeger, 1200 S 50th Ave, Apt 8, spoke in favor both the We Are Wausau and Environmental Resolutions as an openly transgender male and marginalized constituent and asked for fair treatment and acceptance.
- 19) Doug Diny, 708 Fulton St, commented he wanted to see an equity mindset from the Council and an economic development team that learns from its equity blunders.
- 20) Mike Tomsych, on behalf of Kolbe & Kolbe Millwork Co, 1323 S 11th Ave, stated the Environmental Justice Resolution was really short on very specific identifiable problems, specific things that need to be changed or tactics or steps. He indicated they believed more work needed to be done to flesh out the resolution and should not be passed tonight in its current form.
- 21) William Harris, 316 ½ N 3rd St, Apt C, Marathon County Board Supervisor District 3, expressed unwavering zealous support of both the We are Wausau and Environmental Justice resolutions.

Presentations: Environmental Justice by Tony Wilkin Gibart, Executive Director, Midwest Environmental Advocates

This presentation can be viewed: https://www.youtube.com/watch?v=q4l_kvfmIfA

Committee Reports

Board of Public Works – Insurance Claims April 2021 – June 2021 (*Placed on file*)

Consent Agenda

8/10/2021 7:59:44 PM

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

21-0701 Minutes of the previous meeting (7/13/21).

21-0804 Resolution of the Capital Improvements & Street Maintenance Committee Approving Agreement for the Management and Maintenance of a Stormwater Facility (Emmerich & Associates, Inc. 2101 and 2105 Grand Avenue).

21-0805 Resolution of the Capital Improvements & Street Maintenance Committee Approving Agreement for the Management and Maintenance of a Stormwater Facility (WSC Properties, LLC; CAW Properties, LLC; and WSCIOAW Campus Condominium Association, Inc. 3701, 3805, 3815 and 3901 Stewart Avenue).

21-0523 Resolution of the Capital Improvements & Street Maintenance Committee Approving Revision to Memorandum of Agreement with Wisconsin Department of Transportation for Establishing a Multi-Use Path on State-owned Right-of-Way Along 72nd Avenue through the STH 29 Interchange.

21-0806 Ordinance of the Capital Improvements & Street Maintenance Committee Amending Section 10.20.080(a) designating no parking west side of 10th Street between Kickbusch Street and Forest Street, Washington Street and Jefferson Street, McClellan Street and McIndoe Street; designating no parking east side of 10th Street between Forest Street and Washington Street, Jefferson Street and McClellan Street, Stark Street and Bridge Street; designating no parking both sides of 10th Street between McIndoe Street and Stark Street.

21-0511 Final Resolution of the Capital Improvements & Street Maintenance Committee and Plan Commission Vacating and discontinuing an unpaved alley abutting 205 and 209-211 Shod Street, 1202, 1210 and 1212 North 3rd Street.

99-0626 Resolution of the Economic Development Committee Approving City's Waiver of First Right of Refusal to Repurchase property at 400 S. 86th Avenue from Cannistra Properties LLC to Quality Time Custom Fit Linens LLC.

21-0108 Resolution of the Public Health & Safety Committee Approving of Denying Various License as Indicated.

Yes Votes: 11 No Votes: 0 Result: PASS

21-0808 Referral

8/10/2021 8:21:27 PM

Motion by Neal, second by Rasmussen to refer back the Resolution of the Public Health & Safety Committee Supporting Environmental Justice to the Committee of the Whole.

City Attorney, Anne Jacobson, pointed out the resolution in the packet did not contain the amended version that passed the committee which included a word change proposed by Alderperson Pat Peckham. SECTION 2 should read: "This resolution establishes the City of Wausau's definition termed environmental justice and it also serves as the foundation for the future development of *practices that* ensure active consideration of environmental justice....."

Tom Neal indicated he supported the resolution as it applies to Wausau, however, he found it needlessly wordy and lengthy, peppered with redundancies that contains ambiguous language or statements that can be easily misinterpreted. He felt the numerous references to public engagement unfairly imply that city has been negligent in that area. He stated he would like this document to be edited down to a clearer concise statement that is Wausau centric and put forth a motion to send it back to committee to address these concerns from staff and the business community.

Tom Kilian commented on the resolution purpose and felt it should not be referred back to committee, rather move forward with it and do business.

Lou Larson indicated he would not support the referral back to committee because he felt the citizens as a whole were exhausted over this matter. He stated Council should move forward with it and tweak the resolution later if needed.

Pat Peckham felt there was a legitimate justification to send it back and there was no real urgency to it. He suggested it go to a Committee of the Whole rather than back to a single city committee. He asked for a friendly amendment to the motion on the floor and Neal and Rasmussen agreed.

Vote to refer to Committee of the Whole:

Yes Votes: 9 No Votes: 2 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	NO
4	Neal, Tom	YES
5	Wadinski, Jim	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	NO
11	Ryan, Debra	YES

5 Minute Recess

21-0605 Discussion

8/10/2021 8:34:44 PM

Motion by Larson, second by Kilian to not entertain any other motions to stop discussion regarding the Resolution Adopting We Are Wausau.

Attorney Jacobson, as parliamentarian, stated she did not believe the motion was appropriate. The proper motions are to refer back or to call the question, which are sometimes used strategically and can result in terminating discussion sooner than some would like; however, it was up to the body and if none objected they could vote on this.

Yes Votes: 7 No Votes: 3 Abstain: 1 Not Voting: 0 Result: PASS

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

21-0605

8/10/2021 9:17:22 PM

Motion by Neal, second by Watson to adopt the Resolution of the Economic Development Committee Adopting We Are Wausau.

Lengthy Council discussion: <https://www.youtube.com/watch?v=udODSldwzMg>

Point of Order

Jim Wadinski called for Order of the Day. Attorney Jacobson, Parliamentarian, stated it did not apply to stop discussion and explained the Order of the Day is to request an item that is agendaized be taken up in its proper order on the agenda. This item has been taken up in its proper order. Discussion was allowed to continue.

Yes Votes: 9 No Votes: 2 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	NO
8	Watson, Sarah	YES
9	Herbst, Dawn	NO
10	Larson, Lou	YES
11	Ryan, Debra	YES

Presentation: Workday enterprise resource planning (ERP) software evaluation and implementation

Maryanne Groat provided a PowerPoint: <https://www.youtube.com/watch?v=udODSldwzMg>

It was noted this was designed to be informational and are not asking for a vote today. It will be coming back to a future Council meeting for consideration and action.

19-1012

8/10/2021 9:50:52 PM

Motion by Neal, second by Peckham to adopt the Resolution of the Economic Development Committee Approving assignment and assumption of Purchase and Development Agreement of Thomas Street Phase I remnant parcels from VestedNest Property Group LLC to Thomas Street Duplex, LLC, transfer of Property, and First Amendment to Purchase and Development Agreement.

Anne Jacobson explained this is the third transfer after the original owner Blenker Construction. It acknowledges the loan has been paid, the project is complete, and the right to first refusal was previously waived. Now we are additionally waiving our ability to approve assignments and transfer of the property. Basically, the resolution approves the transfer to another LLC and the first amendment which then ends any further approvals by the city in future transfers. She noted the city still has a restrictive covenant on the property that if it is ever transferred to a non-profit or tax exempt entity that they will pay a PILOT.

Yes Votes: 10 No Votes: 1 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	NO

21-0809

8/10/2021 9:54:01 PM

Motion by Neal, second by Watson to adopt the Resolution of the Economic Development Committee Approving contracting with Aplomb PR to manage the Wausome Facebook page.

Deb Ryan questioned if the city had staff that could do this or if there were vendors that were minorities or women.

Tom Neal explained this is an interim contract to remain in effect until our new director comes on board and can look at possible staffing or other solutions. He noted Aplomb PR is a woman-owned business. Jacobson added the new director comes tomorrow. This contract is for \$1,000 through September 6, 2021.

Yes Votes: 9 No Votes: 2 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	NO
4	Neal, Tom	YES
5	Wadinski, Jim	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Ryan, Debra	NO

20-1109

8/10/2021 9:54:34 PM

Motion by Rasmussen, second by Watson to adopt the Resolution of the Finance Committee Approving the 2021 budget modification for the purchase of Election Badger Book Electronic Poll Books.

Yes Votes: 11 No Votes: 0 Result: PASS

Point of Order for 20-1109

8/10/2021 9:59:13 PM

Motion by Kilian to determine whether or not the title on the agenda of the "Resolution of the Finance Committee Approving the 2021 funding for additional engineering services related to the Fleet Maintenance Shop" sufficiently notified the public.

Tom Kilian called a point of order that this may be an Open Meetings problem in the manner that this item was agendized. He did not believe the public really knows what this item is about and questioned if it is a high interest or controversial topic. He stated there should have been more specificity and did not believe it satisfied the open meetings law and should be re-agendized.

Attorney Jacobson opined it is sufficient to meet the open meeting requirements. She stated while it does not contain an address for the Maintenance Shop, it does talk about funding for engineering services related to the Fleet Maintenance Shop. She stated all the detail does not have to be included. She reiterated she believed it was sufficient, however, if the body so chooses they can vote on its sufficiency.

Mayor Rosenberg agreed it was sufficient, but if there was an objection she will put it to a vote. Kilian objected. He stated 1300 Cleveland Avenue is a very controversial property that is contaminated and surrounded by vulnerable segments. He noted unless they read to page 207 in the document they would not know to be here or be involved. He asserted this agenda listing does not describe much of anything. Jacobson stated Kilian appealed her ruling and this did not require a second to be put to a vote.

Mayor Rosenberg clarified if they agree the agenda item is sufficient, vote yes; or if they do not agree it is sufficient, vote no.

Yes Votes: 5 No Votes: 6 Abstain: 0 Not Voting: 0 Result: FAIL

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

Jacobson stated the item is therefore removed from the agenda and will not be discussed tonight.

20-1109

8/10/2021 10:00:15 PM

Motion by Watson, second by Wadinski to adopt the Resolution of the Finance Committee Approving the 2021 budget modification for the purchase of Hot Mix.

Yes Votes: 11 No Votes: 0 Result: PASS

21-0810

8/10/2021 10:00:52 PM

Motion by Neal, second by Rasmussen to adopt the Resolution of the Plan Commission Amending General Development Plan at 920 North 1st Street to allow for a three story 32-unit multi-family residential building, in a PUD, Planned Unit Development Zoning District.

Yes Votes: 9 No Votes: 2 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	NO
11	Ryan, Debra	NO

21-0807

8/10/2021 10:01:31 PM

Motion by Herbst, second by Wadinski to adopt the Ordinance of the Plan Commission Rezoning 1111 Westwood Drive from PUD, Planned Unit Development Zoning District to SMU, Suburban Mixed-Use Zoning District.

Yes Votes: 11 No Votes: 0 Result: PASS

Suspend the Rules

8/10/2021 10:02:00 PM

Motion by Neal, second by Watson to Suspend the Rules - 6(B) Filing and 12(A) Referral of Resolutions

Yes Votes: 11 No Votes: 0 Result: PASS

20-0314

8/10/2021 10:02:34 PM

Motion by Wadinski, second by Herbst to adopt the Resolution of the Common Council Approving Fire Department/DNR Memorandum of Understanding for Mutual Aid and Fire Suppression Services.

Yes Votes: 11 No Votes: 0 Result: PASS

18-0914

8/10/2021 10:03:06 PM

Motion by Watson, second by Rasmussen to adopt the Resolution of the Finance Committee Approving Shared Services Agreement By and Between Wausau School District and City of Wausau for School Resource Officers.

Yes Votes: 11 No Votes: 0 Result: PASS

21-0811

8/10/2021 10:04:34 PM

Motion by Herbst, second by Rasmussen to adopt the Resolution of the Finance Committee Approving Advance Ordering of 2022 Vehicles and Equipment.

Yes Votes: 11 No Votes: 0 Result: PASS

Public Comment or Suggestions

- 1) Deb Ryan stated the Westies Neighborhood group will be meeting tomorrow evening at the Reservoir Park Shelter from 6:00 – 7:00 pm. (If rain, it will be moved to the Labor Temple.

- 2) Anne Jacobson stated it will be necessary to convene a Special Council meeting on Thursday, August 12th at 4:30 pm., before the CISM meeting for a closed session regarding a mediated settlement in case with Bhagavati, LLC.

Adjourn

8/10/2021

Motion by Wadinski, second by Watson to adjourn the meeting. Mayor Rosenberg declared the meeting adjourned at 10:08 pm.

Katie Rosenberg, Mayor
Mary Goede, Deputy Clerk