OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL

held on Tuesday, September 9, 2025, in Council Chambers, beginning at 6:35 p.m.,
Mayor Doug Diny presiding.

Roll Call **09/09/2025**

Roll Call indicated 10 members present.

District	Alderperson	Vote
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Terry	YES
4	Neal, Tom	YES
5	VACANT	-
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Tierney, Vicki	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

Proclamation **09/09/2025**

The Mayor of the City of Wausau Proclaims:
Constitution Week (September 17-23, 2025)

Public Comment: Pre-registered citizens for matters appearing on the agenda and other public comment. **09/09/2025**

1. Linda Michalski, 922 S. 16th Avenue – spoke in opposition to 25-0112
2. Jonathan Smith, 1114 Prospect Avenue – spoke in opposition to 25-0910
3. Jon Radtke, 703 Franklin Street – spoke on 25-0112

Consent Agenda **09/09/2025**

Without objection, item 25-0801 was pulled from the consent agenda by the request of Lukens.

Motion by Watson, seconded by Henke, to adopt all items on the Consent Agenda as follows:

25-0903 Ordinance from the Plan Commission Rezoning 405 South 8th Avenue from Institutional (I) Zoning District to Multi-Family Residential - 20 (MRM-20) Zoning District.

25-0904 Resolution from the Finance Committee Approving Development Agreement with Aspirus Wausau Hospital, Inc. for Campus Improvements - Pine Ridge Blvd.

03-0716 Resolution from the Infrastructure & Facilities Committee Setting a Public Hearing to Amend the Official City Map by Removing Lands - 28th Avenue Corridor Right-of-Way.

25-0905 Ordinance from the Public Health & Safety Committee Amending Section 17.08.010 Codes Adopted Regarding NFPA 1 – Fire Prevention Code.

25-0908 Resolution from the Human Resources Committee Approving the Amendment to the Employee Handbook Section 7.01 – General Provisions and Section 8.01 – General Provisions.

25-0909 Joint Resolution from the Infrastructure & Facilities Committee and Plan Commission Accepting Dedication of a Portion of Right-of-Way of Westhill Drive between North 28th Avenue and Pine Ridge Boulevard and Accepting Dedication of a Portion of Right-of-Way of Pine Ridge Boulevard East of the Intersection with Westhill Drive

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

25-0801 **09/09/2025**

Motion by Henke, seconded by Lukens, to Approve Minutes of a previous meeting(s) (06/10/2025) (06/24/2025) (07/08/2025) (08/26/2025).

Rasmussen stated concerns as the minutes from the 06/10/2025 meeting are material in an active employee grievance that remains unresolved and further stated the minutes of that meeting should not be augmented by any party that is a part of that grievance. Rasmussen stated opposition to altering minutes produced outside from the Clerk who is the only recordkeeper of the minutes.

Lukens stated opposition to adding anything to minutes other than what was added from the Clerk to follow precedent.

Motion by Neal, seconded by Larson, to amend 25-0801 to divide the question for consideration of the minutes of a previous meeting(s) (06/24/2025) (07/08/2025) (08/26/2025) separate from consideration of the minutes of a previous meeting(s) (06/10/2025).

Yes Votes: 10	No Votes: 0	Abstain: 0	Not Voting: 0	Result: PASSED

Motion by Henke, seconded by Lukens, to approve minutes of a previous meeting(s) (06/24/2025) (07/08/2025) (08/26/2025).

Yes Votes: 10	No Votes: 0	Abstain: 0	Not Voting: 0	Result: PASSED

Motion by Neal, seconded by Henke, to approve minutes of a previous meeting(s) (06/10/2025) as amended.

Rasmussen explained the previous process for augmenting minutes which brought the discussion before the Common Council with direction provided to the Clerk to revise minutes to include additional details or statements which occurred. It was stated the conduct of attaching someone else's account of the meeting should not be normalized.

Kilian questioned the legality of augmenting minutes by someone other than the Clerk after the minutes had been drafted. It was stated the circumstance was unusual as the proposed augmentation of the minutes was provided as an appendage of the minutes as opposed to being brought up for discussion for the body to decide upon.

The Chair stated the attachment was a way to communicate the suggested augmentation for discussion.

Point of Order raised by Larson that the Chair was offering voluntary commentary without vacating the chair. *Point of Order was not well taken by the Chair.*

Kilian stated acceptance of the legal opinion provided by the City Attorney on the legality of augmenting minutes by someone other than the Clerk after the minutes had been drafted. It was stated this was provided by an email to the Common Council prior to the meeting.

The Chair stated the legal opinion provided by the City Attorney in an email was an inappropriate commentary on motive.

Point of Order raised by Lukens that the comments from the Chair on the email was not germane to the discussion. *Point of Order was not well taken by the Chair.*

Point of Order raised by Neal that the meeting was out of order. *Point of Order was not ruled on by the Chair.*

> Motion by Neal, seconded by Rasmussen, to amend 25-0801 to remove the augmentation memorandum and approve the original 06/10/2025 minutes as presented.

Yes Votes: 10	No Votes: 0	Abstain: 0	Not Voting: 0	Result: PASSED

Henke recommended future minutes include a link to the YouTube channel to view the meeting video on that platform.

Yes Votes: 10	No Votes: 0	Abstain: 0	Not Voting: 0	Result: PASSED

25-0902 **09/09/2025**

Motion by Neal, seconded by Lukens, to confirm the Mayor's Appointments to the Historic Preservation Commission, the Police & Fire Commission, and the Ethics Board.

> Motion by Neal, seconded by Rasmussen, to amend 25-0902 to divide the question for consideration of each of the appointments to the Historic Preservation Commission, Police & Fire Commission, and the Ethics Board separately.

Yes Votes: 10	No Votes: 0	Abstain: 0	Not Voting: 0	Result: PASSED

Motion by Neal, seconded by Lukens, to confirm the Mayor's Appointment to the Historic Preservation Commission.

Kilian stated support for the appointment of Alder Martens to the Historic Preservation Commission as an active member of city historic preservation efforts.

Larson stated support for the appointment of Alder Martens to the Historic Preservation Commission.

Lukens stated support for the appointment of Alder Martens to the Historic Preservation Commission.

Yes Votes: 10	No Votes: 0	Abstain: 0	Not Voting: 0	Result: PASSED

Motion by Neal, seconded by Rasmussen, to confirm the Mayor's Appointment to the Police & Fire Commission.

Yes Votes: 10	No Votes: 0	Abstain: 0	Not Voting: 0	Result: PASSED

Motion by Tierney, seconded by Martens, to confirm the Mayor's Appointment to the Ethics Board.

Larson stated opposition to appointing members to the Ethics Board due to the ongoing ethics investigation.

Rasmussen stated the circumstances of the previous prospective appointments had not changed and that the ongoing ethics investigation must come to a close before confirming future appointments.

Neal stated there is a working quorum of the Ethics Board and there is no need to fill a vacancy during the ongoing ethics investigation.

Motion by Larson, seconded by Rasmussen, to table the Mayor's Appointment to the Ethics Board.

District	Alderperson	Vote
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Terry	YES
4	Neal, Tom	YES
5	VACANT	-
6	McElhaney, Becky	NO
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Tierney, Vicki	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

Yes Votes: 9	No Votes: 1	Abstain: 0	Not Voting: 0	Result: PASSED

25-0910 **09/09/2025**

Motion by Neal, seconded by Henke, to adopt the Resolution from the Infrastructure & Facilities Committee Approving Design Recommendation for State Highway 52 (East Wausau Avenue) from North 6th Street to North 18th Street.

Neal stated opposition due to a slew of comments from residents living on the street of not feeling included in the development of the design plans. It was further stated that more rigorous thought and ideas should be brought into the development of this plan. Neal stated that none of the input provided by citizens and from the Bicycle & Pedestrian Advisory Committee were included as well.

Larson stated the Infrastructure & Facilities Committee approved a cut and paste design for this project that lacked consistency.

Rasmussen noted various suggested mistakes with the current design plan and suggested changes for a better compromise on the design.

Motion by Rasmussen, seconded by Larson, to amend 25-0910 to adjust the design to adopt option A2 from 6th to 18th with sidewalk on the both sides, and no multi-use path.

Kilian stated a preference for bringing the plan back to the standing committees for consideration of the proposed amendment as the proposed amendment was not briefed by the full Common Council.

Without objection, Rasmussen clarified the amendment was meant not to remove the sidewalk on the north side of the design plan.

Henke stated the proposed plan was a compromise worked out with consideration of the Infrastructure & Facilities Committee's original recommendations and the Bicycle & Pedestrian Advisory Committee's subsequent recommendations and stated support of the amendment to support further compromise.

Martens stated the reasons for the design plan as recommended by the Infrastructure & Facilities Committee is to satisfy the recommendations from the Wisconsin Department of Transportation and the Bicycle & Pedestrian Advisory Committee and stated opposition to amending that plan.

McElhaney stated opposition to the amendment as the consideration of the different design proposals should be worked out among the standing committees and to provide the public with an opportunity to digest the proposed changes.

Larson stated support for the amendment because it was the best option for the neighborhood and residents.

Motion by Larson to call the question. Without objection, the question was called.

District	Alderperson	Vote
1	Lukens, Carol	YES
2	Martens, Michael	NO
3	Kilian, Terry	NO
4	Neal, Tom	NO
5	VACANT	-
6	McElhaney, Becky	NO
7	Rasmussen, Lisa	YES
8	Watson, Sarah	NO
9	Tierney, Vicki	NO
10	Larson, Lou	YES
11	Henke, Chad	YES

Yes Votes: 4 No Votes: 6 Abstain: 0 Not Voting: 0 Result: FAILED

Neal discussed the various design plan options within the context of how it would fit within the neighborhood of this project and if those options would be feasible.

Point of Order raised by Larson that the discussion of other design plans should be brought back at another time. *Point of Order was not ruled on by the Chair.*

Call the question raised by Larson, seconded by Watson.

District	Alderperson	Vote
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Terry	NO
4	Neal, Tom	NO
5	VACANT	-
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Tierney, Vicki	YES
10	Larson, Lou	NO
11	Henke, Chad	YES

Yes Votes: 7 No Votes: 3 Abstain: 0 Not Voting: 0 Result: PASSED

District	Alderperson	Vote
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Terry	NO
4	Neal, Tom	NO
5	VACANT	-
6	McElhaney, Becky	NO
7	Rasmussen, Lisa	NO
8	Watson, Sarah	YES
9	Tierney, Vicki	YES
10	Larson, Lou	NO
11	Henke, Chad	YES

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

The Chair voted NO to break the tie

25-0906 **09/09/2025**

Motion by Watson, seconded by Henke, to adopt the Resolution from the Committee of the Whole Adopting the City of Wausau Public Comment Statement.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

25-0907 **09/09/2025**

Motion by Watson, seconded by Lukens, to adopt the Ordinance from the Committee of the Whole Amending Chapter 2.16 – Standing Rules of the Common Council, Rule 5 Order of Business, Rule 6 Introduction of Business, Rule 13 Committees, Rule 16 Citizens' Right to Address Council and Rule 17 Manner of Deliberation.

Kilian stated opposition to the change in council rules for order of business as a state statute allows the Mayor to provide communications to the Common Council and this change is being based on who currently holds the office of Mayor.

Rasmussen stated the Common Council conducts the business of the public and changing the order of business will not prevent the Mayor from providing the communication but instead moves it to the end of the meeting to prevent meetings from starting off with procedural debates on the rules. It was stated the opportunity was still available to provide communication.

The Chair stated the public cared about product and not the process.

Point of Order raised by Lukens that the Chair was offering voluntary comment without vacating the Chair. *Point of Order was well taken by the Chair.*

The Mayor Relinquished the Chair to the Common Council President.

Larson stated the Mayor had used the order of business to provide communication to ambush the Common Council at the beginning of meetings without providing a chance to respond which prompted the rule change proposal.

Lukens stated the rules exist for a reason to maintain order in a meeting to get the business of the people done and the rule change for order of business is meant to preserve order with the communication being provided at the end of the meeting.

District	Alderperson	Vote
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Terry	NO
4	Neal, Tom	YES
5	VACANT	-
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Tierney, Vicki	NO
10	Larson, Lou	YES
11	Henke, Chad	YES

Yes Votes: 8	No Votes: 2	Abstain: 0	Not Voting: 0	Result: PASSED

The Mayor retained the Chair from the Common Council President.

Suspend the Rules **09/09/2025**

Motion by Watson, seconded by Lukens, to Suspend Rule 6(B) Filing and/or 12(A) Referral of Resolutions.

District	Alderperson	Vote
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Terry	YES
4	Neal, Tom	YES
5	VACANT	-
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Tierney, Vicki	NO
10	Larson, Lou	YES
11	Henke, Chad	YES

Yes Votes: 9	No Votes: 1	Abstain: 0	Not Voting: 0	Result: PASSED

25-0108 **09/09/2025**

Motion by Lukens, seconded by Watson, to adopt the Resolution from the Public Health & Safety Committee Approving or Denying Various Licenses as Indicated.

Yes Votes: 10	No Votes: 0	Abstain: 0	Not Voting: 0	Result: PASSED

02-0430 **09/09/2025**

Motion by Watson, seconded by Rasmussen, to adopt the Resolution from the Common Council Approving the Selection Process to Fill District 5 Aldermanic Vacancy.

Kilian stated opposition to the resolution as it provided one option for addressing an aldermanic vacancy among three other options.

Motion by Kilian to postpone consideration of 02-0430 to a future special meeting or regular meeting. Motion was not seconded.

Rasmussen stated that the people of that aldermanic district currently have no representation on the Common Council, and this process allows the district to bring applicants forward to have representation. It was further stated the process of selecting a person to appoint someone to represent the district follows precedence.

Larson stated support for following precedence for appointing someone to represent the district.

Tierney stated precedence may not always be best practice and that each situation should be viewed differently. Tierney further stated opposition due to the limited notification of the vacancy.

Kilian stated opposition as precedence may not always be best practice. It was further stated that selecting someone to represent the district would take away representation as the people of the district did not elect their representative.

Neal stated leaving the district without representation leaves many people without the ability to address city matters.

McElhaney stated that the need to have representation for the district should be balanced with the concerns of district residents of having someone appointed that was not elected.

Rasmussen stated leaving the district without representation leaves many people without the ability to address city matters on larger issues coming down the pipeline that requires representation.

Lukens stated leaving the district without representation leaves many people without the ability to address city matters.

District	Alderperson	Vote
1	Lukens, Carol	YES

2	Martens, Michael	YES
3	Kilian, Terry	NO
4	Neal, Tom	YES
5	VACANT	-
6	McElhaney, Becky	NO
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Tierney, Vicki	NO
10	Larson, Lou	YES
11	Henke, Chad	YES

Yes Votes: 7 No Votes: 3 Abstain: 0 Not Voting: 0 Result: PASSED

25-0911 **09/09/2025**

Motion by Watson, seconded by Lukens, to adopt the Resolution from the Common Council Supporting the Wisconsin Department of Natural Resources Safe Drinking Water Loan Program for Lead Service Line Replacements to Allow the Professional Services Costs to Be up to 25% of the Amount Awarded to the City of Wausau.

Rasmussen stated support as the professional services of community outreach was valuable to the success for the project and to replace as many lead service lines as possible with awareness.

Kilian stated support of the funding for public engagement.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

99-0916 **09/09/2025**

Motion by Lukens, seconded by Rasmussen, to adopt the Resolution from the Finance Committee Authorizing Continued Membership in CVMIC for Policy Years 2026 as amended.

Motion by Martens, second by Lukens, to amend 99-0916 to remove 2027 and 2028 from the resolution.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

95-0912 **09/09/2025**

Motion by Lukens, seconded by Watson, to adopt the Resolution from the Common Council Approving Waiver of Right of First Refusal, Termination of Deed Restrictions and Approval of New Deed Restrictions for 400 S. 86th Avenue.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

Public Comment & Suggestion **09/09/2025**

Without objection, this item was taken up at this time.

1. Tom Kilian, 133 E. Thomas Street – spoke on 25-0910 and 25-0911.

Closed Session **09/09/2025**

Motion by Rasmussen, seconded by Lukens, to go into closed session pursuant to § 19.85(1)(g) of the Wisconsin Statutes for 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, to receive information and review privileged communications of legal counsel initially appointed by CVMIC in the absentee ballot drop box matter, before approving continued engagement to represent the City and unelected city staff in the matter currently pending before the City's Ethics Board pertaining to the citizen complaint filed against Mayor Diny and related actions.

Motion by Lukens, seconded by Henke, to go into closed session pursuant to 19.85(1)(e) of the Wisconsin Statutes for 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, in regards to purposes of purchasing property at 201 N 1st Avenue and 901 & 1021 Cherry Street in the City of Wausau.

District	Alderperson	Vote
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Terry	YES
4	Neal, Tom	YES
5	VACANT	-
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Tierney, Vicki	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

CONVENED into Closed Session.

RECONVENED into Open Session to take action, if necessary, on Closed Session items.

25-0112 **09/09/2025**

Motion by Rasmussen, seconded by Neal, to adopt the Resolution from the Common Council Approving Continued Engagement of CVMIC Appointed Legal Counsel to Represent the City and Unelected City Staff in the Matter Currently Pending before the City's Ethics Board Pertaining to the Citizen Complaint Filed against Mayor Diny and Related Actions.

Neal stated support as employees of the city of Wausau are owed due process and legal protection when going into a legal matter.

Kilian stated support to provide legal representation for employees of the city of Wausau but stated reservations to matters discussed in closed session without provided details.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

Adjourn **09/09/2025**

Motion by Tierney, second by Watson, to adjourn the meeting. Motion carried. Meeting adjourned at 11:27 p.m.

Doug Diny, Mayor
Kaitlyn Bernarde, City Clerk