



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, October 11, 2022 at 6:30 p.m.
Location:	City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers
Members:	Carol Lukens, Michael Martens, Tom Kilian, Doug Diny, Gary Gisselman, Becky McElhaney, Lisa Rasmussen, Sarah Watson, Dawn Herbst, Lou Larson, Chad Henke

*ADDENDUM ITEM

Call to Order

Pledge of Allegiance / Roll Call / Proclamations

Presentation: Community Foundation, Community Marketing Specialist

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

File #	CMT	Consent Agenda	ACT
22-0901	COUN	Minutes of previous meetings (9/13/22 & 9/27/22)	Placed on file
04-1006	FIN	Resolution Approving the 2023 Operating Plan for Business Improvement District (BID) No. 1	Approved 4-0
22-1007	PLAN	Resolution Approving Royal View Estates 1st Addition Plat	Approved 6-0
22-0108	PH&S	Resolution Approving or Denying Various Licenses as Indicated	Approved 5-0
22-1008	WWW	Resolution Approving Agreement for Management of Pretreatment Requirements for Town of Stettin Users Discharging to the City of Wausau Wastewater Treatment Facility	Approved 5-0

File #	CMT	Resolutions and Ordinances	ACT
22-1003		Mayor's Appointments	
22-1004	CISM	Ordinance Repealing all existing parking ordinances on N. 3rd Street between E. Bridge Street and E. Wausau Avenue and amending Section 10.20.080(a) designating no parking on the west side of N. 3rd Street between E. Wausau Avenue and Chicago Avenue, no parking both sides of N. 3rd Street between Chicago Avenue and E. Bridge Street, and designating no parking here to corner on the east side of N. 3rd Street from a point 60 feet south of the crosswalk at E. Wausau Avenue back to E. Wausau Avenue	Approved 5-0
22-1005	CISM	Ordinance Amending Section 10.20.080(a) designating no parking on the north side of Grant Street beginning at the intersection of N. 7th Street extending east 210 feet	Approved 5-0
22-1006	HIST & PLAN	Joint Ordinance Amending Section 2.82.055 of the Wausau Municipal Code to include the designation of the John Marshall School, 1918 Lamont Street, as a Local Historic Landmark	Approved 5-1 Approved 6-0
12-1012	HR & FIN	Joint Resolution Authorizing health, dental, vision and supplemental insurance plan design for 2023	Approved 3-0 Approved 5-0
		Suspend Rules 6(B) Filing and 12(A) Referral of Resolutions (2/3 vote required)	
21-1109	COUN	Resolution Approving leaf baling equipment contract with Baumann Dairy Farm LLC	Pending
21-1109A	FIN	Resolution Approving Modification of the 2022 to Move Funds from Seal Coat Budget to Hot Mix Budget – Street Maintenance (2/3 Vote Required)	Pending

Public Comment & Suggestions

Adjournment

Signed by Mayor Katie Rosenberg

Members of the public who do not wish to appear in person may view the meeting live on live on the Internet, 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 kaitlyn.bernarde@ci.wausau.wi.us with "Common Council public comment" in the subject line prior to the meeting start.

This Notice was posted at City Hall and transmitted to the Daily Herald newsroom on 10/07/22 @ 3:00 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, September 13, 2022, in Council Chambers, beginning at 6:30 p.m.,
Mayor Rosenberg presiding.

Roll Call

9/13/2022

Roll Call indicated 11 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Present</u>
1	Lukens, Carol	YES
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

Proclamations:

Mayor Rosenberg proclaimed **September 17 - 23, 2022**, as **Constitution Week**, in the City of Wausau and commended this observance to all citizens and encouraged them to demonstrate our commitment to the United States of America and appreciation for our liberty of our constitutional framers that they have secured for us. The proclamation was accepted by, Jane Johnson and Donna Zippert, of the Daughters of the American Revolution.

Presentation: Suicide Awareness and Prevention (Marathon County Health Department):

Aaron Ruff, Public Health Educator and Jessa Bokhoven with Marathon County Health Department, and Debi Traeder, Prevent Suicide Marathon County, presented a PowerPoint with data and a video on suicide, which can be viewed on YouTube at:
<https://www.youtube.com/watch?v=W4i8FylaxuE>

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

Carol Wesley, 520 N. 28th Ave, thanked the city on behalf of the Board of Directors and staff at the Achieve Center, for the CDBG grant that will fund their treatment focused childcare. A program designed for children ages 20 months through 4 years, that provides intensive early intervention treatment.

Committee Reports: Board of Public Works: Insurance Claims – April 2022 – June 2022 (placed on file)

Consent Agenda

9/13/2022

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

22-0801 Minutes of previous meetings (8/10/22 & 8/29/22)

12-1106 Resolution of the Capital Improvements & Street Maintenance Committee Authorizing Downtown Snow/Ice Removal 2022-2023

22-0904 Resolution of the Capital Improvements & Street Maintenance Committee Vacating and discontinuing a portion of South 12th Street between Single Avenue and Sumner Street, just adjacent to 1117 Single Avenue.

22-0905 Resolution of the Capital Improvements & Street Maintenance Committee Accepting Easement with Wisconsin Public Service to bury electrical facilities at 500 Washington Street / 555 Jefferson Street

21-1210 Resolution of the Capital Improvements & Street Maintenance Committee Levying Special Assessments for the 2022 Alley Paving Project

21-1211 Resolution of the Capital Improvements & Street Maintenance Committee Levying Special Assessments for the 2022 Street Construction Projects

13-1106 Ordinance Amending Section 10.20.020 Boulevard parking

22-0108 Resolution of the Public Health & Safety Committee Approving or Denying Various Licenses as Indicated

22-0906 Ordinance of the Wausau Water Works Commission Amending Section 13.62.020 Definitions

Yes Votes: 11 No Votes: 0 Result: PASS

07-0304

9/13/2022

Motion by Henke, second by Rasmussen to adopt the Joint Resolution of the Capital Improvements & Street Maintenance Committee and Plan Commission Approving Final Plat – Alexander Davis.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Tom	NO
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	NO
11	Henke, Chad	YES

15-0708

9/13/2022

Motion by Watson, second by Henke to adopt the Resolution of the Economic Development Committee Approving Third Amendment to Development Agreement between City of Wausau and Riverlife Condos, LLC (Mitch Viegut).

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109A

9/13/2022

Motion by Watson, second by Henke to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects -- Infill New Construction.

Tom Kilian felt it is important how the locations of these infill sites will be chosen and reiterated his request that the Thomas Street properties be given due consideration. There are multiple city-owned parcels sitting empty on Thomas Street for several years where residents would like affordable single-family homes. He questioned if there was some type of scoring criteria on how the city-owned parcels would be evaluated.

Tammy Stratz stated there are currently scattered sites all around the city, including several on Thomas Street. There are a couple of sites that are required for income qualified households because of the source of funds we utilize, such as 6th Avenue. She indicated they look at what will fit into a particular neighborhood, as well as how difficult the site is. She noted the city is going to lose money because of the high construction costs which is also a consideration, and we cannot sell for more than \$220,000 and typically try to sell for around \$150,000. She noted a house we built four years ago on Stark Street that cost \$180,000 to build, would cost over \$300,000 now.

Kilian felt historically this is a very important issue and they need to make it right on Thomas Street. He asked for assurance that one of these homes will go there because this issue has been left unresolved for way too long.

Doug Diny pointed out there should be some sort of claw back clause, where if a person sells the home within 10 years the city gets 10% back for every year short of 10 years, because someone could flip the house in a year or two and pocket \$150,000.

Rasmussen indicated she supported the idea of putting some of them on Thomas Street just west of the bridge and agreed there should be a no flip clause as well. Houses built on a slab with no basement would be a solution to the environmental question. She thought at least as many as three homes could be put on Thomas.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109B

9/13/2022

Motion by Rasmussen, second by Herbst to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects – Affordable Rental Units.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109C

9/13/2022

Motion by Herbst, second by Watson to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects – Homebuyer Education Counseling and Closing Assistance.

Lou Larson commented he would not support it because he did not feel it was necessary and preferred the funds go towards the infill housing or the affordable rental units. Becky McElhaney also indicated she would not support it because of the \$25,000 for closing costs used as a “carrot” to get people to come to the counseling. She felt we have more need for it to go back into affordable low-income housing. *Discussion followed.*

Yes Votes: 8 No Votes: 3 Abstain: 0 Not Voting: 0 Result: PASS

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

21-1109D

9/13/2022

Motion by Watson, second by Lukens to adopt the Resolution of the Finance Committee Approving Modification of the 2022 Budget Fuel Expense Motor Pool Fund.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109E Table

9/13/2022

Motion by Gisselman, second by Diny to table the Resolution of the Finance Committee Approving Modification of the 2022 Budget for Fencing Project until the September 27, 2022 Council meeting so it can be properly agendized.

Tom Kilian stated the packet references the Scott Street Bridge and requested clarification on the reason for this fencing project and what it entails. Eric Lindman explained the project is to secure the underside of the bridge and that WPS is also going to secure a fence around the area by the dam and the entrance to the dam. Kilian questioned if this relates to the homeless and if to secure it means to keep them out. Lindman confirmed it will keep people out of that area. Kilian felt the agenda item was not clear and people would not have known this was the intent. He believed there would have been citizens participation or input if they had been aware of what we were voting on. He felt this should be re-agendized for the next meeting in a more explicit fashion than tonight’s agenda. Lindman noted this is merely a budget modification because the bids came in over budget, and that the project was already in the budget for the year.

Doug Diny questioned if there was a safety component to it or just a nuisance abatement. Lindman explained it has been discussed with PD and Parks and it was one of the solutions to prevent people from camping in that area.

Rasmussen pointed out following this meeting Finance Committee is voting on an ARPA request for year-round day and night shelter for the homeless to go for heat, air conditioning, facilities, and services. She commented the bridge situation is a continuous situation of desperate despair. Kilian felt they should at least wait until this shelter exists before displacing people who have nowhere else to go. Carol Lukens concern about people under the bridge was the safety issue.

Attorney Anne Jacobson pointed out this resolution as written is not seeking approval of the Bridge Project or the reason or purposes behind it but is merely to modify the published budget for 2022. She clarified it is only seeking the Council's 2/3 majority vote to increase the capital improvement line item in the budget by \$18,034.

Rasmussen questioned when the project was to be completed. Lindman indicated they expected the project to begin in the spring of 2023.

Vote to table to next meeting:

Yes Votes: 7 No Votes: 4 Abstain: 0 Not Voting: 0 Result: PASS

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

21-1109F

9/13/2022

Motion by Rasmussen, second by Watson to adopt the Resolution of the Finance Committee Approving Modification of the 2022 Budget Legal Services.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1213

9/13/2022

Motion by Herbst, second by Rasmussen to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Approving a One-Time, Lump Sum Non-Base Building Market Adjustment for Designated Employees.

Lou Larson questioned again why this is just for the non-represented employees and not everyone. Anne Keena, Interim HR Director, explained the non-represented employees have not had regular increases as the represented employees have and this is to balance that out. She noted this is the second half of what was passed last March where people below midpoint were getting increases every six months, so we needed to do something for the people above midpoint to equalize what was going on with the markets.

Lisa Rasmussen noted it was stated in Finance Committee discussion that we are in current negotiations with the unions and are expecting market wage increases on all those contracts, which puts the non-represented group further behind because they don't have the ability to bargain. This is an attempt to keep everyone of a level playing field.

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

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	YES
2	Martens, Michael	YES
3	Kilian, Tom	NO
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	NO
11	Henke, Chad	YES

03-1111

9/13/2022

Motion by Kilian, second by McElhaney to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Authorizing a 3% general wage adjustment for non-represented employees effective January 8, 2023.

Tom Kilian indicated he was the one at committee that voted against this because we have a market study coming in and he was hoping that the timing would be such that we could have some revised compensation. Based on what he has heard that doesn't seem to be the case, therefore given that information on the timeframe he will be supporting the increase..

Yes Votes: 11 No Votes: 0 Result: PASS

22-0908

9/13/2022

Motion by Lukens, second by Larson to adopt the Resolution of the Parks & Recreation Committee Approving the proposal from Spohn Ranch, Inc. for the design of the Wausau Skate Park and execution of a contract.

Yes Votes: 11 No Votes: 0 Result: PASS

22-0907

9/13/2022

Motion by Henke, second by Rasmussen to adopt the Resolution of the Public Health & Safety Committee Approving agreement for Urban Search and Rescue Emergency Response Services with the State of Wisconsin.

Yes Votes: 11 No Votes: 0 Result: PASS

Suspend the Rules

9/13/2022

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

Yes Votes: 11 No Votes: 0 Result: PASS

19-0304

9/13/2022

Motion by Watson, second by Henke to adopt the Resolution of the Common Council Approving Second Amendment to Lease Agreement Between City of Wausau and Briq's Soft Serve LLC.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109G

9/13/2022

Motion by Gisselman, second by Lukens to adopt the Resolution of the Finance Committee Approving Modification of the 2022 Budget Real Estate Service.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109H

9/13/2022

Motion by Watson, second by Rasmussen to adopt the Resolution of the Finance Committee Approving Modification of the 2022 Budget for Parking Ramp Capital Repairs and Improvements.

Tom Kilian questioned what type of maintenance was being done and if there were going to be any non-routine surprises. Eric Lindman explained routine maintenance is sweeping, cleaning, striping, and painting. These are potentially structural repairs in the ramps where we have to cut out concrete and re-do the steel tendons, refill and re-caulk some of the joints.

Kilian questioned if the reinforcement or refinement of these elements would be done in preparation for building something on top of a parking ramp or is that completely unrelated. Lindman responded that was unrelated and that this was just to maintain the ramps and get their design life out of them.

Yes Votes: 11 No Votes: 0 Result: PASS

Public Comment or Suggestions

None

Adjournment

9/13/2022

Motion by Henke second by Herbst to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:17 pm.

Katie Rosenberg, Mayor
Kaitlyn Bernarde, City Clerk

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, September 27, 2022, in Council Chambers, beginning at 6:30 p.m.,
Mayor Rosenberg presiding.

Roll Call

9/27/2022

Roll Call indicated 9 members present.

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

Proclamations:

September 15 - October 15, 2022 as Hispanic Heritage Month; October 15, 2022 as White Cane Safety Day; October, 2022 as Breast Cancer Awareness Month; October, 2022 as Dwarfism Awareness and Acceptance Month; September, 2022 as International; Wisconsin American Ginseng Month; October 2-8, 2022 as Mental Health Awareness Week; October 9-15, 2022 as Fire Prevention Week; October 9-15, 2022 as Healthcare Security and Safety Week

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

Meeting Video for full comments: <https://www.youtube.com/watch?v=maG3j8P7uVI>

1. Bruce Grau, 1115 N 10th St, representing Poor People's Campaign, spoke in support of remediation of 1300 Cleveland Avenue site to residential level and affordable housing rather than high end development.
2. Darrin Wasniewski, 222 W. Washington Ave, Madison, representing ARP Wisconsin, spoke in support of the mall redevelopment project and its age-friendly lens.
3. Mario Diaz, 1701 Maple Hill Rd, Plant Director representing 3M in Wausau, spoke in support of the Foundry on 3rd project and its ability to attract new employees to the city.
4. Susan Lang, 226331 Kingbird Ave, President of Emmerich Properties, rental housing, primarily for middle, lower income and special needs, commented on the importance of development agreements and business support of the project.
5. William Bertram, 2207 Mount View Blvd, Retired Business Executive of Marathon Electric, spoke full support of Foundry on 3rd for attracting young professionals and recruiting employees to Wausau.
6. Dr. Jeannie Word, 1000 W. Campus Dr, President of Northcentral Technical College, in support of the Foundry on 3rd project to attract and retain people to the community.
7. Owen R. Jones, 723 Country Club Rd, Schofield, serves on the CDA Board for Schofield, spoke in favor of Foundry on 3rd, providing a scenario of affordable housing in that space.
8. Chad Kane, 500 First St, President of WoodTrust Bank with locations in the Dudley Tower and the corner of 3rd & Bridge/ Volunteer Board President for the Woodson YMCA Foundation; and member of GWPP, supports the downtown revitalization plan and the proposed Foundry on 3rd development.
9. Timothy Parker, 6 N Hill Rd, President and CEO of the Community Foundation of North Central Wisconsin, supports the project as it provides housing for employees and attracts businesses.
10. Jeff Sargent, 920 Winton St, Executive Director and CEO of United Way of Marathon County, spoke in support of the Foundry on 3rd development.
11. Rich Totzke, 22404 Bluebell Ln, Chief Operating Officer for the Greenheck Group, spoke in support of the Foundry on 3rd development.
12. Bob Tess, 3201 Oak Ave, Stevens Point, Chief Finance and Business Services Officer for the Wausau School District, and serves on the Joint Review Board, supports the project, and pointed out tax incremental financing has no adverse effect on the Wausau School District budget
13. Dan Sosnowski, 724 S 9th Ave, part owner of Poito's Pizza, felt the downtown needs help and the development project will attract people that can help solve the problems.
14. Sandi Kelch, 802 Augusta Ave, spoke against the budget modification for the fencing project under the Scott Street Bridge that would keep the homeless out, and about the need for alternative housing.

15. Amanda Ladecki, 616 Sumner St, spoke against fencing under the Scott Street Bridge until more options are found for the homeless to shelter.
16. Tom Neal, 916 Hamilton St, former Alderperson for District #4, indicated he continues to support the downtown redevelopment with Foundry on 3rd.
17. Paul PePree, 4207 Augustine Ave, Schofield, Chairman of the Greater Wausau Chamber of Commerce and on the Board of Directors of GWPP, urged approval of the Foundry on 3rd project.
18. Jeff Wicklander, 333 Pine Ridge Blvd, President of Aspirus Wausau Hospital, and Senior Vice President for Aspirus, Inc., encouraged support of the mall redevelopment and the Foundry on 3rd project from an employer's perspective.
19. Ryan Neville, 239687 Cty Rd O, Regional President of the Marshfield Clinic Health System spoke in support of the mall redevelopment and the Foundry on 3rd project also from an employer's perspective.
20. Jeff Stubbe, 500 N 1st St, Executive Director of the Dwight & Linda Davis Foundation, commented this is a very popular project in the community and urged support.
21. Tyler Vogt, 145824 Impatiens Dr, owner of Malarkey's Pub, encouraged citizens to engage by coming to public planning meetings on these developments.
22. Lada Xiong Vang, 1105 Monroe St, indicated she strongly supported the redevelopment downtown as an active community member residing here by choice.
23. Chuck Ghidorzi, 1 Corporate Dr, Managing Director of the revitalization of downtown, spoke of moving forward with the Foundry on 3rd, the Children's Imaginarium, and our streets.
24. Lukas Lindner, 917 Single Ave, concerned citizens and representing the next generation urged moving forward with the Foundry on 3rd project, giving the youth a reason to stay here.
25. Keith Hiltz, 415 Seymour St, Superintendent of the Wausau School District, talked about the importance of a dynamic downtown and asked the Council to approve the project to help the youth build a future here.
26. James Tipple, 314 Gerald's Ct, former Mayor, talked about the many great projects that the city has benefited from over the years and encouraged the Council to vote in favor of the mall redevelopment project.
27. Thomas Gibson, Chancellor of UWSP, expressed strong support of the Foundry on 3rd to grow our community and revitalize the downtown and attract young professionals.
28. Mary Ellen Schill, 151381 Jonquil Ln, Director and Shareholder of the Law Firm of Ruder Ware, expressed the firm's support for the Foundry on 3rd project which will attract and retain professionals.
29. David Eckman, 16 Fulton St, #300, President & CEO of the Chamber of Commerce and President of GWPP, talked of the importance of downtown vibrancy.
30. Tim White, 227521 Swan Ave, Executive Director of Wausau Central Wisconsin Convention and Visitors Bureau, spoke in support of the mall revitalization project making Wausau an attractive destination.

Consent Agenda

9/27/2022

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

Mayor Rosenberg stated there was request to remove 22-0910 from the Consent Agenda for discussion.

~~22-0901 Minutes of the previous meeting. (9/13/22) Minutes not completed - Withdrawn~~

22-0909 Resolution of the Capital Improvements & Street Maintenance Committee Establishing Assessment Rates for 2023 New Street Construction Projects

18-1011 Resolution of the Capital Improvements & Street Maintenance Committee Approving Revised State/Municipal Agreement for the Business Campus Trail – 72nd Avenue, Stewart Avenue to International Drive

75-1138 Ordinance of the Public Health & Safety Committee Amending Section 2.18.050 Procedure. Adopted 9-0.

Yes Votes: 9 No Votes: 0 Not Voting: 2 Result: PASS

22-0910 Refer

9/27/2022

Motion by Larson, second by Gisselman to refer the Resolution of the Capital Improvements & Street Maintenance Committee Approving easement agreement with Mathew Aschbrenner and Kristen Aschbrenner adjacent to 1100 Highland Park Boulevard back to CISM Committee.

City Attorney Anne Jacobson explained that she in consultation with Assistant Attorney Tara Alfonso, who staffs the CISM Committee, felt it was prudent to pull this item from the Consent Agenda in the spirit of transparency in the event any of the committee member's votes were based on a mistaken assumption. She stated the property owners adjacent to city right-of-way (ROW) inquired about a building permit and were told they could not build there because it was dedicated public ROW for Adams Street. The improvement of the ROW was then reported after the fact by a neighbor to the Zoning & Inspections Department. If this

previously dedicated ROW were vacated our preliminary research shows it would go to the owners who have occupied the ROW entirely. The neighbor whose consent would be required for the vacation is the one who reported them and has indicated objection. The CISM minutes imply that it is acceptable because it was thought to occupy only a tiny part of the ROW, however, the improvements occupy nearly the entire ROW shown on a new map in the packet. She questioned with this clarification if their recommendation would be the same; if they would charge them for the easement; or if they change their mind about granting the easement. She indicated Alfonso also made some recommended changes in the best interests of the city to the easement document itself by limiting the improvements to what has already been built there; requiring its removal if the city should terminate the easement for any reason; and requiring insurance for their activities in the ROW.

Lisa Rasmussen stated CISM Committee discussed in granting the easement the intent was to allow for the structure that had already been built, but then be clear with the homeowner that they were not to be building additional things there. The easement was for what placed in the ROW, understanding also that there was no intention by the city when putting this property on the official map to extend any street or road through. The easement we need is for utility access with the caveat the homeowner will have to remove the structure at their own expense if the city needs to work on utilities there.

Lou Larson felt this appears to be neighbor against neighbor and felt this should be referred back to CISM Committee. Gisselman agreed there was enough new information presented here that the committee should review it again.

Vote to refer back:

Yes Votes: 7 No Votes: 2 Abstain: 0 Not Voting: 2 Result: PASS

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

22-0108

9/27/2022

Motion by Diny, second by Kilian to postpone action on the Resolution of the Public Health & Safety Committee Approving Operator's License for Kim Waits, until after the next PH&S Committee meeting.

Lisa Rasmussen stated the PH&S Committee has published criteria that is used for a recommendation of denial and Ms. Waits has an extensive background that led to the denial recommendation. She stated they were advised by legal to exercise caution as a committee and to follow the criteria because if they make an emotional decision based on the story told by the applicant, they could be treading in liability territory. There were legitimate reasons for the Police Department recommendation and after Ms. Wait's appeal the recommendation to deny stands.

Lou Larson indicated he voted to approve the license at committee because she is a single mom supporting three children and perhaps, they should re-examine how things are done at PH&S. He felt it was better to give her a second chance than to deny and possibly put her on the street as homeless.

Chad Henke indicated he wholeheartedly believed in giving second chances, but the ramifications were too great. He stated at the next PH&S meeting they are going to review the procedures for denial.

Doug Diny stated he was the other vote in favor of granting the license and wondered why we allow people to appeal if we are not going to listen to what they have to say. Rasmussen stated statutorily we are obligated to allow them to show proof of rehabilitation. They can bring in the appropriate documentation and/or offer references of support, as well as point out any inaccuracies in the record. She noted Assistant Attorney Nate Miller will be providing some training on how the decisions are made and what the statutes require at the next meeting of PH&S.

Larson indicated he reached out to her place on employment at the Tobacco Outlet and since they are willing to reinvest in her, we ought to be, too. Diny felt since training is upcoming at PH&S this should be tabled to the next Council meeting. *Discussion continued.*

Vote to Table to next meeting:

Yes Votes: 4

No Votes: 5

Abstain: 0

Not Voting: 2

Result: FAIL

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

Motion by Herbst, second by Larson to adopt the Resolution of the Public Health & Safety Committee Approving Operator's License for Kim Waits.

Tom Kilian commented the job requires a license and without it this person would lose their job. He felt some of these legal terms such as liability have been invoked in past at Council and turned out to not be accurate, but they influenced decisions. He requested a legal opinion before we take an action that is going to result in someone losing their job.

Attorney Jacobson stated she longer staffs PH&S which is now staffed by Nathan Miller. She indicated she did review this case just before this meeting regarding the policy. She indicated it became a concern for Attorney Miller when he noticed it didn't appear they were following it and could raise some liability for the city. She noted his legal memo was included in the Council packet explaining the statutes and the policy. She pointed out we can't be more lenient but can be stricter than the state statutes. She stated while we want to give second chances, it was important to treat every applicant consistently and fairly to avoid discrimination.

Yes Votes: 3

No Votes: 6

Abstain: 0

Not Voting: 2

Result: FAIL

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

22-0911

9/27/2022

Motion by Rasmussen, second by Watson to adopt the Resolution of the Finance Committee Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$3,795,000 General Obligation Promissory Notes, Series 2022A.

Phil Cossan, Ehler's, reviewed the pre-sale report and the parameters resolution. He stated this is a 10-year note which gives maximum flexibility to move the money around between projects. Most of this is DPW related projects and the proposal is to do a competitive bond sale on October 20, 2022. The city's current bond rating is AA3 by Moody's and there will be a revised rating as part of this process and an Official Statement will also be prepared.

Cossan stated the city's practice has been to have a debt service levy of not to exceed \$4,123,000 and the goal is always to make sure it stays at that number or lower, and because of that the city's tax rate for debt is dropping on annual basis. This is a parameters resolution which gives Ehler's permission to proceed with this financing and if certain parameters are met when the final bids are received, then the award is made by staff authorization as opposed to full Council approval.

Phil Cossan stated there are five parameters in the resolution prepared by the city's bond attorney Quarles & Brady centering around the bidding parameters that are established when issuing debt. One parameter is not to exceed \$3,795,000; the second is a maximum and a minimum bid to provide flexibility and garner as many bids from different banks and underwriters. The fourth, and most important, is that we cannot exceed a maximum true interest cost of 4.5%.

Cossan indicated they put together an analysis of the city's outstanding obligations. At one point there was a period of time when the city was over 50% of the allowed borrowing capacity but are well under than now. It is approximately 43 – 44%, even including this issue, so the city has pared back on debt over the last couple years and the trend will continue because of paying off so much debt annually. Final results of the sale will be shared with the Council through staff and the closing would happen on November 9, 2022.

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

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

21-1109

9/27/2022

Motion by Herbst, second by Watson to adopt the Resolution of the Finance Committee Approving and Adopting the Budget for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund Funded Projects -- Catholic Charities Year-Round Warming Center.

Yes Votes: 9 No Votes: 0 Not Voting: 2 Result: PASS

21-1109E

9/27/2022

Motion by Rasmussen, second by Herbst to adopt the Resolution of the Finance Committee Approving and Modification of the 2022 Budget for Fencing Project.

Tom Kilian stated the function of a fence is to either keep something in or keep someone or something out and just because the project may have approved does not mean it has to be given more money and the quickest way to kill something is to defund it.

Lisa Rasmussen stated regarding the timing of this project Eric Lindman indicated before this project would proceed the 24-hour services for the homeless as well as the night shelter year-round should be in place. She felt as a community we need to stop being okay with the bridge as a shelter option.

Carol Lukens stated she was concerned about the safety of people under the bridge and questioned if the funds could be used towards something else relative to the homeless if the fence project is not going to move forward right now.

Gary Gisselman indicated he was voting against the resolution because he did not feel it was a solution to the homelessness issue. There are going to be homeless individuals in this city and this fencing is detrimental to any kind of solution that we are trying to put a human face to.

Eric Lindman explained the lead time for the fencing is about 16 -18 weeks out, so it needs to be ordered to have it ready for next spring.

Police Chief Ben Bliven agreed it is not a solution to homelessness and was never conceived to be that. It is an option to keep our homeless individuals safe. He indicated he has personally been down on the dam when pulling dead bodies out of the river because they are falling into it. He did not want that to happen again and that is the purpose of the fence. He stated the living conditions are deplorable under that bridge and this fence needs to be put up. He reiterated it not about resolving homelessness and his department has been at the front of trying to resolve the issue. We have more ARPA funds and foundations to help with solutions.

Yes Votes: 5 No Votes: 4 Abstain: 0 Not Voting: 2 Result: FAIL (2/3 Vote required)

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

21-1109F

9/27/2022

Motion by Watson, second by Herbst to adopt the Resolution of the Finance Committee Authorizing the Wausau Police Department to accept the award of the Wisconsin Department of Administration Grant and execute a memorandum of an agreement and incorporate the grant into the 2022 budget.

Tom Kilian questioned if there is a license plate reader will it be used surgically when there is a need or is the anticipated use to be ready plates at will. Chief Bliven stated the license plate readers collect every license plate that passes the camera. That data is stored for 30 days, and our role in using that data will be both proactive and reactive. Proactively if there is a stolen car that is listed in NCIC as stolen or is another wanted vehicle for amber alerts. It would also be reactive when there is a crime committed with a description of a vehicle such as, a red van with a roof rack. We can enter "red van, roof rack" and find all vehicles that have passed the cameras in the last 30 days with that description.

Kilian indicated he had concerns with the dragnet surveillance aspect of this and questioned if the police would entertain using it in a more reactive target way, rather than running every resident's plate through a reader. Bliven stated they will look at the data, if necessary, for legitimate investigations; they won't be tracking people and don't have the time or personnel to do so.

Yes Votes: 7 No Votes: 2 Abstain: 0 Not Voting: 2 Result: PASS

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

12-0217

9/27/2022

Motion by Herbst, second by Gisselman to adopt the Resolution of the Human Resources Committee Approving Selection of Gallagher & Co., for Market Salary Survey and Master Agreement for Professional Services.

Yes Votes: 9 No Votes: 0 Not Voting: 2 Result: PASS

22-0912

9/27/2022

Motion by Larson, second by Rasmussen to adopt the Joint Resolution of the Capital Improvement & Street Maintenance Committee and the Plan Commission Approving Transportation Project Plat for the reconstruction of Stewart Avenue from 72nd Avenue to 48th Avenue.

Yes Votes: 9 No Votes: 0 Not Voting: 2 Result: PASS

Suspend the Rules

9/27/2022

Motion by Watson, second by Henke to Suspend Rule 6(B) Filing.

Yes Votes: 9 No Votes: 0 Not Voting: 2 Result: PASS

21-1109B Table

9/27/2022

Motion by Gisselman, second by Kilian to table the Resolution of the Finance Committee Approving and Adopting the Budget for professional services related to supplemental site investigation and remedial action options report from GEI (Tasks 1-4) to the next Council meeting.

Maryanne Groat stated at the Finance Committee meeting they approved Tasks 1 -4 in the resolution and delayed Tasks 5 – 8. Lisa Rasmussen explained Tasks 1-4 will get the testing for PFAS screening done, but a hold is put on the rest until grant dollars can be investigated.

Tom Kilian pointed out if you compare the agenda item on the Finance Agenda with the same on the Council Agenda, you can see the address (1300 Cleveland Avenue) was inadvertently left off the Council Agenda. He indicated although he supported the action taken in Finance, because it is a controversial and important location that the absence of the address on the agenda posed challenge for the public to clearly understand what was being voted on. He felt it should be held over to the next meeting where it can be properly agendized with the address. Attorney Jacobson agreed the agenda would have been clearer if the address had been listed. *Discussion continued.*

Vote to postpone:

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

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

21-1109C

9/27/2022

Motion by Watson, second by Diny to adopt the Resolution from the Finance Committees Approving and Adopting the Budget for professional services related to ARPA subrecipient contract and procurement advisory services.

Anne Jacobson noted in the second to the last Whereas or the last Whereas before the Be it Resolved; it states Finance recommended executing a contract with Booth Management. She asked they agree by consensus to add Booth Management Contract to the Be it Resolved paragraph, as well as to authorize the appropriate city officials to execute it.

Yes Votes: 9 No Votes: 0 Not Voting: 2 Result: PASS

21-1109D

9/27/2022

Motion by Rasmussen, second by Watson to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Authorizing the Wausau Fire Department to accept the award of the Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant, to add nine additional FTE firefighters to the Fire Department Roster for a three-year period beginning 1/1/2023.

Fire Chief Robert Barteck commented this was historic for the Wausau Fire Department founded in 1869 and reviewed the process that led to this moment of being awarded this grant.

Yes Votes: 9 No Votes: 0 Not Voting: 2 Result: PASS

Closed Session

9/27/2022

Motion by Lukens, second by Henke to convene in Closed Session pursuant to 19.85(1)(e) of the Wisconsin Statutes 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: relating to approval of the Development Agreement between City of Wausau and Foundry on 3rd Ph 1, LLC (Reg. Agent T. Wall 301 Wash Mgr, LLC).

Lou Larson questioned the need for Closed Session. Lisa Rasmussen questioned if there was new or additional information pertaining to the agreement that needed closed session discussion, otherwise she also felt they should stay in open session discussion. Liz Brodek stated there was not anything new.

Yes Votes: 2 No Votes: 7 Abstain: 0 Not Voting: 2 Result: FAIL

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

19-0921

9/27/2022

Motion by Rasmussen, second by Watson to adopt Joint Resolution of the Finance Committee and Economic Development Committee Approving Development Agreement between City of Wausau and Foundry on 3rd PH 1, LLC (Reg. Agent T. Wall 301 Wash Mgr, LLC) and approving tax increment financing incentives.

Liz Brodek provided opening comments on the mall redevelopment timeline to this point. She stated a key point of the development agreement is that it is a Reverse TID, which means the city does not put any upfront money into this development. The developer is paid after the building is up with funds and increment that the project creates, and the city retains 20% of that increment for other projects in the TIF District. We have the option to pre-pay in whole or in part, which means there is flexibility in the payment structure to allow for a faster payoff of city debt. Provisions about litigation have been built in that ensure the developer has dropped all Riverlife litigation and that no TIF payments occur the duration of an assessment dispute. She noted there is no need for city approval other than zoning and public funding assistance.

Link to meeting video on YouTube for full Council discussion and comments: <https://www.youtube.com/watch?v=maG3j8P7uVI>

Yes Votes: 6 No Votes: 3 Abstain: 0 Not Voting: 2 Result: PASS

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

19-0921

9/27/2022

Motion by Henke, second by Watson to adopt the Resolution of the Plan Commission Amending the General Development Plan at 301 & 411 Washington Street to allow for a mixed-use development with underground parking, commercial on the first floor and apartments above, in a PUD, Planned Unit Development Zoning District.

Yes Votes: 7

No Votes: 2

Abstain: 0

Not Voting: 2

Result: PASS

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

Adjournment

9/27/2022

Motion by Watson, second by Henke to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 10:05 pm.

Katie Rosenberg, Mayor
Kaitlyn Bernarde, City Clerk

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

RESOLUTION OF THE FINANCE COMMITTEE	
Approving the 2023 Operating Plan for Business Improvement District (BID) No. 1	
Committee Action:	Approved 4-0
Fiscal Impact: \$0	The Bid plan allows businesses within the district to establish assessments to fund activities that develop, manage, and promote the district
File Number:	04-1006
Date Introduced:	October 11, 2022

WHEREAS, the Business Improvement District Board met in September 2022 and approved the 2023 operating plan which provides for special assessments of \$74,160 to fund Main Street activities; and

WHEREAS, state statutes require approval by the local legislative body; now therefore

BE IT RESOLVED, by the Common Council of the City of Wausau that the 2023 operating plan for Business Improvement District No 1 is hereby adopted; and

BE IT FURTHER RESOLVED, that the proper City officials are hereby authorized and directed to meet the city's obligation under the plan including, but not limited do the levy of special assessments.

Approved:

Katie Rosenberg, Mayor

FINANCE COMMITTEE

Date and Time: Tuesday, September 13, 2022 @ 5:30 pm., Council Chambers

Finance Members Present: Lisa Rasmussen, Sarah Watson, Carol Lukens, Doug Diny

Members Excused: Michael Martens

Others Present: Maryanne Groat, Ben Bliven, Bob Barteck, Eric Lindman, Matt Barnes, Anne Jacobson, Jeremy Kopp, Katie Rosenberg, Chad Henke, Mary Goede

Discussion and possible action 2023 Business Improvement District operating plan

Lisa Rasmussen stated every year the BID Board drafts a plan whereby they agree to charge themselves for certain things. The plan is in the packet with a map that delineates the district and those participating members set a budget for themselves.

Motion by Diny, second by Watson to approve the 2023 BID Operating Plan. Motion carried 4-0.

**OPERATING PLAN
FOR
CALENDAR YEAR 2023
BUSINESS IMPROVEMENT DISTRICT NO. 1
OF THE CITY OF
WAUSAU, WISCONSIN**

**OPERATING PLAN FOR CALENDAR YEAR 2019
BUSINESS IMPROVEMENT DISTRICT NO. 1
OF THE CITY OF WAUSAU, WISCONSIN**

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**OPERATING PLAN FOR CALENDAR YEAR 2019
BUSINESS IMPROVEMENT DISTRICT NO. 1
OF THE CITY OF WAUSAU, WISCONSIN**

I. INTRODUCTION

Under Wisconsin Statute section 66.1109, (the “BID Law”) cities are authorized to create Business Improvement Districts (“BIDs”) upon the petition of at least one owner of property used for commercial purposes within the District. The purpose of the BID Law is “. . .to allow businesses within those districts to develop, to manage and promote the districts and to establish an assessment method to fund these activities.” 1983 Wis. Act 184, Section 1, legislative declaration.

BID assessments are similar to traditional special assessments wherein property owners are assessed for improvements or services that benefit them. Unlike the traditional special assessments, however, BID assessments can be used to finance a wider range of activities, services and improvements such as The River District activities, special events, business retention, expansion and recruitment, promotions and marketing, and seasonal street decorations.

Pursuant to BID Law, an operating plan (“Operating Plan”) must be presented to all property owners of the proposed City of Wausau, Wisconsin Business Improvement District No. 1 (the “District”). The Operating Plan must show the services to be offered by the District, expenditures by the District, the special assessment method applicable to properties within the District for the second year of the BID, and other requirements of the BID Law.

II. DISTRICT BOUNDARIES

The Business Improvement District area shown in the map located in Appendix A, which is attached hereto and incorporated herein by this reference. This entire area represents the heart of Wausau’s central business district. The area also encompasses the area designated as the River District Wausau.

III. OPERATING PLAN

A. Plan Objectives

The objective of the Wausau River District, Inc. is to further promote the development, redevelopment, operation, and promotion of the River District for the physical and economic benefit of all business and property owners within the BID as well as the entire Wausau community through the partial financing of the operating budget of Wausau River District, Inc. This is to occur in conjunction with the continued funding of these efforts by the City of Wausau.

Wausau River District, Inc. was accepted into the Wisconsin Main Street Program in 2002. Each year the program is provided three architectural drawings, available to any business or commercial property owner in the River District, by the Wisconsin Main Street Program. The Program also provides a maximum of two on-site business assistance visits and a one-day technical assistance visit, available to any business or commercial property owner in the River District. In addition, Wausau River District, Inc. holds regular committee meetings and listening sessions.

The Main Street Program assists the organization of many beneficial and enjoyable events, such as Dining on the Street, Sidewalk Sales, and Small Business Saturday. These events have attracted locals and visitors alike to the River District.

Wausau River District, Inc. continues to adopt and undertake work plans to develop and promote the River District as an exciting place to live, learn, work and play, through collaborative efforts that involve area businesses, public and private institutions and property owners.

B. Proposed Activities

With the funding from the BID, the Main Street Program is planning for 2023 the following programs, either directly, or through cooperative efforts area businesses and the City of Wausau:

I. Business Development

- a. Administer Sign Grant Program.
- b. Administer the direction sign program.
- c. Advocate for a change in focus on parking as an economic incentive
- d. Provide support for organizations that are actively recruiting businesses to the River District.
- e. Develop Business Resource Guide.
- f. Maintain website, database and inventory of properties, businesses, and District stakeholders.
- g. Renew and expand the Friends of the River District program
- h. Maintain River District vacant property listings on website.
- i. Develop and coordinate Dining on the Street event series.
- j. Develop and coordinate Downtown Employee Appreciation Week.
- k. Develop and coordinate Exhibitour, Sidewalk Sales, Holiday Open House Weekend and Small Business Saturday
- l. Coordinate promotions and advertising campaigns through the development and placement of print, online, television and/or radio advertisements for Dining on the Street, Sidewalk Sales, Holiday Open House, and Small Business Saturday.
- m. Support special events that occur within the district
- n. Participate in the Small Business Expo
- o. Partner with Festival of the Arts to bring foot traffic into storefronts
- p. Enter in at least 3 categories annually for State Main Street Awards.
- q. Advocate for more pedestrian-friendly streets.
- r. Coordinate general promotional efforts for River District businesses and events, including purchasing ads with various hotels, amenities, and digital platforms.
- s. Promote the Main Street program via the website, press releases, presentations with community groups, informational brochures, e-newsletters, etc.
- t. Develop partnerships with and among Wausau River District stakeholders.
- u. Develop and distribute State of the Wausau River District Report/Market Profile to stakeholders.
- v. Update, reprint and redistribute River District Market Profile annually.
- w. Communicate regularly with Wausau River District stakeholders in person (when safely allowed) and via e-mail, phone, in-person, and other correspondence.

II. Placemaking

- a. Enable creative patterns of use of public spaces in the River District.
- b. Develop and coordinate the downtown history walk.
- c. Development of a walking trail map
- d. Advocate for the restoration of the remnants of Memorial Bridge
- e. Continued work with Wausau Pride to implement another year of programming and assist in their establishment as a separate organization.
- f. Planning and implementing a winter dance event and 715 Day events
- g. Publish weekly promotional emails (Hot Happenings in the River District).
- h. Coordinate seasonal displays including the umbrellas over third street and holiday lights
- i. Work with local entities to identify and design street pole banners to showcase Wausau's diversity
- j. Continued selling of Wausau/Wausau River District merchandise.
- k. Maintenance and upkeep of Walk You Bike seals
- l. Coordinate spring cleanup event.
- m. Coordinate content for the 400 Block sign.

III. Residential Development

- a. Develop an inventory of River District residential offerings.
- b. Promote residential listings that are available.
- c. Advocate for residential development and increased density with ½ mile radius of our district.
- d. Engage in community outreach to learn from current property owners and investor and educate them about our work.
- e. Promote redevelopment resources to area landlords, highlight and showcase example of beneficial redevelopment.
- f. Advocate for a housing study
- g. Implement a live downtown image campaign
- h. Gather and distribute data on economic impact of housing redevelopment.
- i. Ensure quality design standards in future redevelopment.

IV. Organizational Administration

- a. Maintain National Main Street Accreditation.
- b. Monitor Room Tax and BID legislation.
- c. Identify and engage Friend of the River District partners.
- d. Continue to diversify funding sources.
- e. Research and apply for various revenue streams through which to additionally support organizational operations.
- f. Recruit, train, and orient new board and committee members.
- g. Coordinate neighborhood meetings with Wausau Police Department.
- h. Engage in meetings with community groups.
- i. Develop and Coordinate our Youth Board member program.
- j. Distribute News You Need to River District stakeholders.

Based on resources, time and BID Board discretion, some of these programs may not be fully implemented. The BID Board acknowledges that the Main Street Program may conduct other activities similar to those above, to carry out the objectives identified above. The BID Board

further acknowledges that the Main Street Program may not achieve full completion of all of the activities outlined above. In addition, the BID shall have all powers granted under the BID Law, including to collect the assessments provided herein, and to carry out the purposes of this Operating Plan.

C. Expenditures and Financing Method

The operating budget for the District is \$74,160.00 which will be collected through the BID assessment. The BID expenditure represents the partial funding of the 2023 Main Street Program, Wausau River District, Inc. This funding will be made upon written request from Wausau River District, Inc. to the extent of funds collected by the City of Wausau pursuant to the assessment levied hereby. The projected revenue and expenditures for year 2023 of Wausau River District are identified on Appendix B, which is attached hereto and incorporated herein. The actual budget will be adjusted if the actual revenue received is less than projected. The adjustments could include revising or eliminating individual budget line items as determined by the BID Board of Directors. Expenditures are intended to be made in a fair and equitable basis throughout and for the benefit of the entire District. In the event that a surplus exists at the end of any fiscal year, the monies may be carried over for expenditures in subsequent years.

The Operating Budget for any BID year will be subject to the approval of the City of Wausau, as set forth in Wisconsin Statutes section 66.1109. While this budget does not, the BID Board acknowledges that if any year's annual operating budget exceeds the prior year's annual operating budget by 4% or more, such budget must be approved by a 2/3 majority of the entire District Board. No capital improvements are currently planned by the District. For the purpose of this Operating Plan, "capital improvement" means any physical item that is permanently affixed to real estate including, without limitation, street lighting and sidewalk improvements. The term "capital improvement" shall not include, among other things, any maintenance equipment or supply, any communications equipment, any vehicles, any seasonal improvement or any holiday lighting or decoration. After the District Board has approved the annual operating plan and budget, they will be sent to the City for approval, adoption and inclusion in the City's annual budget for the following year.

The District may not borrow funds.

The District will continue to support Wausau River District's efforts to solicit gifts, grants and other voluntary contributions from parties outside the Main Street Program boundaries.

D. Organization of the District Board

The Mayor shall appoint members, who will culturally represent Wausau's diverse communities, to the District Board (the "Board"), and the Wausau City Council will act on the confirmation of such appointments. The Board shall be responsible for implementation of this Operating Plan. This requires the Board to negotiate with providers of services and materials to carry out the Operating Plan; to enter into various contracts; to monitor the effectiveness of the District's activities, to aid compliance with the provisions of applicable statutes and regulations; and to make reimbursements for any overpayments of District assessments.

Wisconsin Statutes section 66.1109(3)(a) requires that the Board be composed of at least five members and that a majority of the Board members shall either own or occupy real property in

the District. If the actual property or business owner is an entity, that entity shall designate a representative to act on its behalf.

The Board shall be structured and operate as follows:

1. Board Size – 11 members.

2. Composition –

Business Owners – four members, representing owners of commercial business in the area;

Property Owners – five members, representing owners of commercial property in the area;

Government – one member, representing the City of Wausau; and

Wausau River District, Inc. – one member, representing Wausau River District, Inc., Inc.

In addition, the following representatives shall be appointed by the Mayor who shall not be formal members of the Board and therefore cannot vote, but who will represent the following constituency, and advise the Board, and shall be notified of all Board meetings, shall be able to attend such Board meetings and give input to the Board:

Board of Main Street Wausau, Inc. – all members (without votes) of the Board of Directors of Main Street Wausau, Inc.

3. Term – Appointments to the Board shall be two classes (of five and six members per class respectively) for staggered periods of two years.
4. Compensation – None.
5. Open Meetings Law – All meetings of the Board shall be governed by the Wisconsin Open Meetings Law if and as legally required.
6. Record Keeping – Files and records of the Board's affairs shall be kept pursuant to the Wisconsin Public Records Law.
7. Staffing and Office – To be determined as necessary.
8. Meetings – The Board shall meet regularly, at least once every three months. An annual meeting will be planned for all property/business owners.
9. Executive Committee – The Board shall elect from its members a chair, a vice-chair, a secretary, and a treasurer who shall comprise an Executive Committee of the Board. The Executive Committee of the Board shall be authorized to oversee the day-to-day operations of the District, including the execution of minor contracts, and the signing of checks, subject to the controls adopted by the Board.

10. Committees – To be determined as necessary.
11. Non-Voting Advisors – The Board will have non-voting advisors, as identified above.
12. Powers – The Board shall have all powers necessary and convenient to implement the Operating Plan, including the power to contract.
13. Annual Report – The Board shall prepare and make available to the public annual reports, including an independent certified audit conducted by the City of Wausau, as required by the BID Law.

IV. METHOD OF ASSESSMENT

A. Annual Assessment Rate and Method

The annual assessment for District operating expenses will be in direct proportion to the equalized assessed value of that property within the District.

The total assessment for each assessed parcel is formulated as follows:

1. Divide the proposed annual District budget by the total assessed valuation (as reflected on the City's tax rolls) of all property within the District that is subject to assessment as provided by law.

(Note - this quotient shall expressed to the nearest 1/10,000 and be referred to so the "BID Mil Rate")
2. Multiplying the BID Mil Rate by the assessed valuation of each Assessable Property (as defined herein), the product of which shall be the District's initial assessment of that Assessable Property, but shall be subject to the adjustments set forth in Section IV.A.3 below.
3. Notwithstanding the foregoing, the total of the District's assessment for each Assessable Property shall not exceed \$3,090.00 nor be less than \$309.00, which is computed using the following steps:
 - a. first, all Assessable Properties whose initial assessment is less than \$309.00 shall have their assessment adjusted to \$309.00;
 - b. second, any excess assessment created by the adjustment made in subsection a. shall be applied to reduce the initial assessment of all other Assessable Properties within the District;
 - c. third, all Assessable Properties whose initial assessment is greater than \$3,090.00 shall have their initial assessment adjusted to \$3,090.00;
 - d. fourth, any deficit of assessment created by the adjustments made in subsection c. shall be allocated among all other Assessable Properties on a proportionate basis, this basis being equivalent to what the total assessed value of Assessable Property bears to the total assessed value of all Assessable Properties in the District.

4. Use of each Assessable Property as of January 1 in the year of assessment, as reflected in the records of the Assessor for the City of Wausau, shall control for purpose of the District's assessment.

For purposes of this Operating Plan, an "Assessable Property" shall be defined as a parcel of land subject to assessment hereunder and under the BID Law, with a separate Tax Key Number, as identified in the City of Wausau's Assessor's Office.

The BID assessment is hereby levied by the City of Wausau, which shall be a lien against each of the tax parcels of real property contained in the District, unless exempted as identified herein, under the power of Wisconsin Statutes Chapter 66. Such special assessments are hereby levied by the City of Wausau by adoption of this BID Plan. The city comptroller is authorized to include the BID assessment on bills for properties subject to the assessment within the designated Improvement District for calendar year 2019.

The City of Wausau shall collect such BID assessments and shall provide to the BID Board an accounting of the amounts received and the tax key numbers for which they are collected. All assessments shall be placed in a segregated account in the City's treasury. The City shall disburse the funds when the BID Board requisitions payments for its expenses that are authorized by the BID Operating Plan. All interest earned by virtue of temporary investment of funds in the BID account shall remain in the account for activities delineated in the BID Operating Plan.

All assessments hereby levied shall be due and payable on or before the due date of the first installment of real estate taxes on the properties assessed hereby. No assessments levied hereby may be paid in installments.

B. Excluded and Exempt Property

The BID statute requires explicit consideration of certain classes of property. In compliance with the law, the following statements are provided.

1. Wisconsin Statutes section 66.1109(1)(f) 1m: The District will not contain property used exclusively for manufacturing purposes.
2. Wisconsin Statutes section 66.1109(5)(a): Property used exclusively for residential purposes will not be assessed.

Property exempt from general real estate taxes, for the calendar year in which the BID Operating Plan is adopted, are hereby excluded from the District by definition, even though the boundaries of the District would otherwise include them. Owners of tax exempt property adjoining the District and expected to benefit from District activities will be asked to make a financial contribution to the District on a voluntary basis. In addition, those tax exempt properties adjoining the District which are later determined no longer to be exempt from general property taxes, and tax exempt properties whose owners consent in writing to be assessed, shall automatically become included within the District and subject to assessment under any current operating plan without necessity to undertake any other act.

V. PROMOTION OF ORDERLY DEVELOPMENT OF THE CITY

Under Wisconsin Statutes section 66.1109(1)(f) 4, this Operating Plan is required to specify how the creation of the District promotes the orderly development of the City. The District will increase the vitality of the Main Street Program Area and central business district and, consequently, encourage commerce in the City. Increased business activity in the City will increase sales tax revenues and property tax base.

City Role in District Operation

The City has committed to assisting owners and occupants in the District to promote its objectives. To this end, the City has played a significant role in creation of the District and in the implementation of the Operating Plan. In furtherance of its commitment, the City shall:

1. Maintain services to Wausau River District at their current levels;
2. Maintain the City's current financial commitment to Wausau River District, Inc. for \$26,591.00 per year in funding;
3. Handle the billing and collection of the BID assessment as provided herein;
4. Have the City Attorney make a legal opinion that the BID Operating Plan complies with the requirements of the BID Law; and
5. Annually perform an independent certified audit of the implementation and operating plan pursuant to section 66.1109(3)(c) of the BID Law.

VII. FUTURE YEAR OPERATING PLANS

A. Changes

This Operating Plan is designed to authorize and control the BID for only its 2023 activities.

Wisconsin Statutes Section 66.1109(3)(b) requires the Board and the City to annually review, approve, and make changes as appropriate in the Operating Plan. Therefore, while this document outlines in general terms proposed activities, information on specific properties, budget amounts and expenditures are based solely upon current conditions. Subsequent years' activities, budget, and assessments will be provided in the required annual plan updates, and approval by the Common Council of such plan updates shall be conclusive evidence of compliance with this Operating Plan and the BID Law.

B. Amendment, Severability and Expansion

The District has been created under authority of Wisconsin Statutes section 66.1109. Should any court find any portion of this Operating Plan, or the BID Law invalid or unconstitutional its decision will not invalidate or terminate the District and this Operating Plan shall be amended to conform to the law without need of re-establishment.

C. Automatic Termination Unless Affirmatively Extended

The District Board shall not incur obligations extending beyond 2023.

VI. GENERAL

All exhibits referenced herein are incorporated herein by reference.

RIVER DISTRICT MAP



APPENDIX B

WAUSAU RIVER DISTRICT, INC.						
	General Fund	Placemaking	Residential	Business	Admin	TOTAL
REVENUES						
Grants	\$ 26,591					26,591
BID Funds	\$ 74,160					74,160
Other (Sponsorships, advertising)	\$ 130,765					130,765
Total Revenues	\$ 231,516	\$ -	\$ -	\$ -	\$ -	231,516
EXPENDITURES						
Administration:					106,966	106,966
Projects:		58,900	2,100	63,550		124,550
TOTAL EXPENDITURES		58,900	2,100	63,550	106,966	231,516
Excess (Deficiency) of Revenues over Expenses						

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

RESOLUTION OF THE PLAN COMMISSION

Approving Royal View Estates 1st Addition Plat.

Committee Action: Approved 6-0

Fiscal Impact: None.

File Number: 22-1007

Date Introduced: October 11, 2022

WHEREAS, on September 20, 2022, the Plan Commission considered a request to approve the 1st Addition Plat for Royal View Estates; 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, as divided, conform to the minimum standards of the zoning code; and

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

BE IT RESOLVED that the Common Council of the City of Wausau hereby approves the 1st addition plat for Royal View Estates;

BE IT FURTHER RESOLVED that the Town of Rib Mountain is advised to consider a trail easement through the property to conform with future trail plans for the area.

Approved:

Katie Rosenberg, Mayor

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, September 20, 2022, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Sarah Watson, Dawn Herbst, Bruce Bohlken, Andrew Brueggeman, George Bornemann. Eric Lindman (arrived at 5:01 p.m.)

Others Present: Brad Lenz, William Hebert, Andrew Lynch, Melissa Engen, Steven Severson, Brandan Benzing, Ruth Macak, Derek Nelson, Diane Nutter, Brittany Haugen, Steve Miller

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

Bruce Bohlken called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

Discussion and possible action on the Royal View Estates 1st Addition Plat.

Lenz said that this item is for a plat in the Town of Rib Mountain. The city has extraterritorial review when a plat is within 3 miles of the city. There are no expected impacts to the city. There are comments for the Town from the Parks Department for a trail to connect to the Rib Mountain State Park and County Road N through this development. Staff recommends approval.

Herbst motioned to approve the Royal View Estates 1st Addition Plat. Watson seconded, and the motion carried unanimously 6-0.



MEMO

TO: Members of City Plan Commission

FROM: Brad Lenz, City Planner

DATE: September 12, 2022

SUBJECT: Extraterritorial Review of Royal View Estates

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 subdivision lies north of South Mountain Road (County Highway N) and west of Bittersweet Road. It is located 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. The Parks Department advises the Town of Rib Mountain to collect parkland dedication fees from this development to enhance the park system in the area. The Town is also advised to consider requiring a trail easement through this property from the State property to County Rd N. A connection of Rib Mountain State Park to Nine Mile was identified as part of the Rib Mountain State Park Master Plan Update and this development offers an opportunity for a connection to Cty Hwy N. The connection would also be utilized by the residents of the town to access the state park.

CITY OF WAUSAU FORMAL APPLICATION FOR APPROVAL OF A PRELIMINARY PLAT

Note: Section 21.12.020 of the *Wausau Municipal Code* requires subdividers to provide the City Engineer with a letter of intent and sketch of the proposed subdivision at least 30 days before a preliminary plat is submitted. Additional information on the letter of intent and sketch plan can be obtained from the City Engineering Department.

Instruction: This application should be completed and returned to the City Engineer with six (6) copies of a preliminary plat (at least one copy should be 11"X17" or smaller). The preliminary plat should be prepared in accordance with the requirements of Chapter 21.24 of the *Wausau Municipal Code*. A copy of Chapter 21.24 is available in the City Engineering Department and on the City's Website at: www.ci.wausau.wi.us (under the sub-heading *Government: Municipal Code*).

SECTION I. Applicant Information

1) Are you the Owner of the subdivision or the Owner's Agent? ☒ Owner ☒ Agent

2) Your Name: Tom Rasenz REI Engineering

3) Your Mailing Address: 4000 N. 20th Ave
Wausau WI 54401

4) Your Contact Information: 715-675-9784
(Phone Number) (Fax Number)

TRASNZ @ REIENGINEERING.COM
(E-mail address and/or alternate phone number, if available)

5) If you are the Owner's Agent, list any OTHER owners of land within the subdivision:

CURRENT
OWNER

HAROLD/MARIAN HALL (SUCCEESSES)
(Name)

223071 BURBONNET RD.
(Street Address)

Wausau WI 54401
(City, State, Zip Code)

YVONNE HALL
715-212-9370
(Phone Number)

PARTIAL
OWNER

BPW DEVELOPMENT, LLC
(Name)

150435 STANBERRY LANE.
(Street Address)

Wausau WI 54401
(City, State, Zip Code)

715-571-8022
(Phone Number)

7) Name of Surveyor & Business Name (if different from above):

JOSH PRINTICE
(Surveyor's Name)

REI ENGINEERING
(Surveyor's Business Name)

8) Address of Surveyor: 4000 N. 20th Ave.
(Surveyor's Street Address)

Wausau WI 54401
(City, State, Zip Code)

9) Surveyor Contact Information: 715-675-9784
(Phone Number) (Fax Number)

JPRINTICE @ REIENGINEERING.COM
(E-mail address and/or alternate phone number, if available)

10) Name of Engineer & Business Firm that will be doing the stormwater management plan and other engineering work (sanitary sewers, water mains, streets, etc.) related to the plat:

Jim Borysenko / Mike Mour
(Name)
715-675-9784
(Phone Number)
REI
(Business Name)
4000 N. 20th Ave
(Street Address)
Wausau WI 54401
(City, State, Zip Code)
(FAX Number)
mmour@REIENGINEERING.COM
(E-mail Address)

NOTE: Name, Address, and Telephone Number of technician responsible for subdivision design and of the surveyor responsible for surveys should also be shown on the preliminary plat as submitted.

SECTION II. Subdivision Information — Plat and Street Names

11) Proposed Name of Subdivision: Royal View Estates 1st Addition

(Please call the Marathon County Register of Deeds Office at 715-261-1470 to select a unique plat name.)

12) Street Names: *To ensure proper emergency response, all new street names must follow standard guidelines established by the City of Wausau and Marathon County. Please call the Marathon County Department of Conservation, Planning, and Zoning (at 715-261-6040) to select unique road names. Attach a written response from that office with a listing of approved street names.*

Proposed Street Names: LAVENDER Lane
STRAWBERRY Lane

☒ Check this box if you have no preferred street names and agree to allow the City of Wausau to determine appropriate names.

SECTION III. Subdivision Information — Basic Facts and Proposals

13) Location and Description of Property (government lot, section, township, range and town or city):

PART OF THE NW 1/4 - SE 1/4 & SW 1/4 - SE 1/4, SEC. 16, T. 28 N,
R. 7 E, TOWN OF RIB MOUNTAIN

14) Size of tract in acres and/or of existing lots, if any, in square feet: 0 ACRES

15) Existing zoning classification of property: RA-1

16) Will any rezoning be proposed? If so, please describe: yes SR-2 & MR4

17) Number of lots proposed in subdivision: 49

18) Area of lots proposed: Minimum 20,000 sq ft Average 25,000 sq ft Maximum 20.1 ACRES

19) Briefly describe proposed sanitary facilities:

Water: Rio Mt. Metro

Sewage Disposal: Rio Mt. Metro

20) How do you propose to handle stormwater runoff from the subdivision in order to comply with Chapter 15.56 of the *Wausau Municipal Code*?

- Stormwater Pond within Outlet 2

- Grassed Swale Between Lots 46/47

21) Have you contacted the U.S. Army Corps of Engineers and/or Wisconsin Department of Natural Resources about wetland and navigable water issues? ☒ Yes ☐ No

22) How do you propose to handle parkland dedication/fee requirements? Please describe:

Town of Rio Mt.

23) List existing covenants on the property, if any: N/A

24) List covenants proposed for the property, if any: Similar to Royal View

Estates

Completed by: Tom Rasner

Today's Date: 7/28/22

Tom Rasner
(Your Signature)

NOTE 1: If you wish to submit additional information, attach extra pages to this form.

NOTE 2: Please keep a copy of this form for your records.

NOTE 3: Please inform the City Engineering Department, in writing, of any changes in surveyor, engineering firm, etc. that occur after submittal of this application.

PRELIMINARY PLAT OF
ROYAL VIEW ESTATES 1ST ADDITION
A SUBDIVISION PLAT OF ALL OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE
SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 28 NORTH, RANGE 7 EAST, 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 THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 28 NORTH, RANGE 7 EAST, TOWN OF RIB MOUNTAIN, MARATHON COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 16; THENCE NORTH 00°12'27" WEST, COINCIDENT WITH THE WEST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, 24.75 FEET TO THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD "N" AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°12'27" WEST, COINCIDENT WITH SAID WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4, 2554.12 FEET TO THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4, THENCE NORTH 89°44'43" EAST, COINCIDENT WITH THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4, 1319.76 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4, THENCE SOUTH 00°11'22" EAST, COINCIDENT WITH THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4, 2568.25 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD "N"; THENCE NORTH 88°51'18" WEST, COINCIDENT WITH SAID NORTH RIGHT-OF-WAY LINE, 728.09 FEET; THENCE SOUTH 89°23'30" WEST, COINCIDENT WITH SAID NORTH RIGHT-OF-WAY LINE, 591.09 FEET TO SAID WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE POINT OF BEGINNING.

THAT THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 3,372,544 SQUARE FEET, 77.423 ACRES, MORE OR LESS.

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

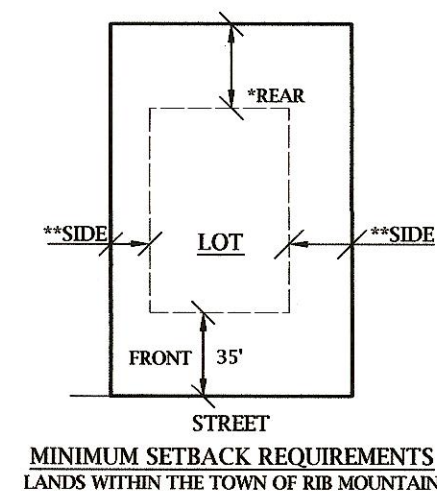
THAT SAID PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHT-OF-WAYS OF RECORD.

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 20TH DAY OF JULY 2022

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



FROM SECTION 17.093 OF THE RIB MOUNTAIN ZONING CODE

*REAR YARD SETBACK = 25 FEET FROM BUILDING (HOME) TO REAR PROPERTY LINE & 10 FEET FROM BUILDING (ACCESSORY) TO SIDE PROPERTY LINES.

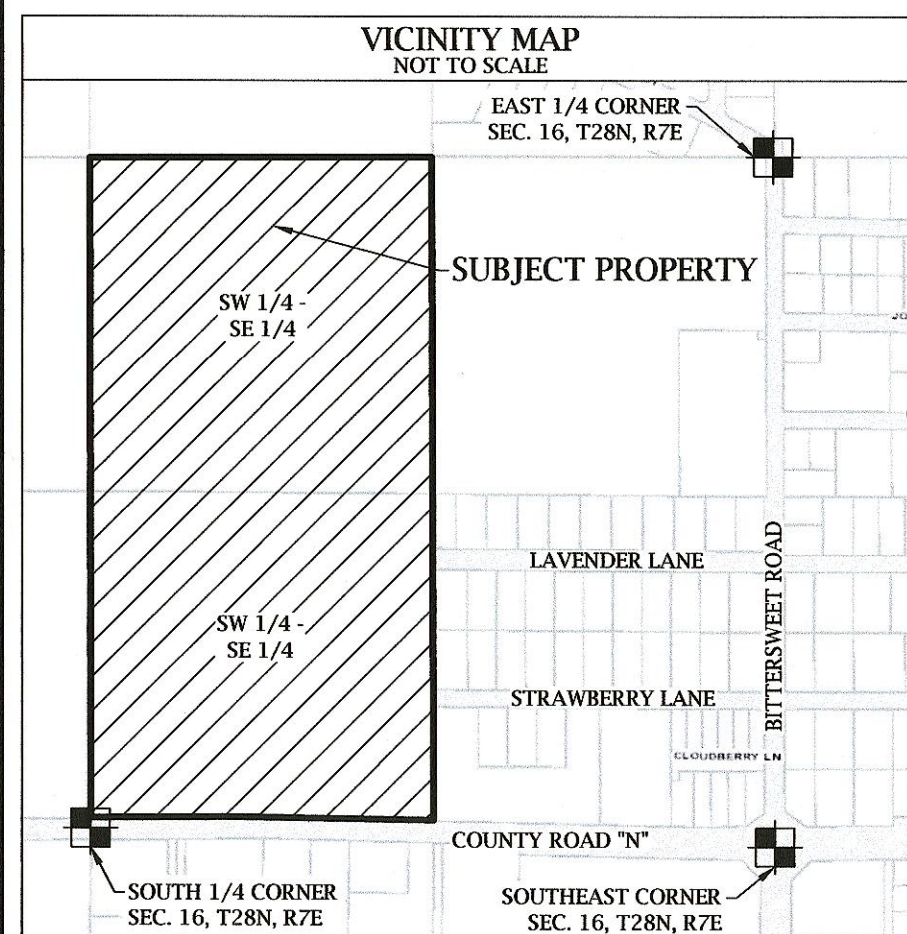
*SIDE YARD SETBACK = 10 OR 12 FEET FROM BUILDING (HOME) TO SIDE PROPERTY LINES & 10 FEET FROM BUILDING (ACCESSORY) TO SIDE PROPERTY LINES

OWNER:
HAROLD & MARIAN HALL
223071 BLUEBONNET ROAD
WAUSAU, WI 54401

DEVELOPER:
RPW DEVELOPMENT, LLC
901 STATE HIGHWAY 52
WAUSAU, WI 54403
715-571-8022

ENGINEER:
REI ENGINEERING
JIM BORYSENKO P.E.
4080 N. 20TH AVENUE
WAUSAU, WI 54401
715-678-9784

SURVEYOR:
REI ENGINEERING
JOSHUA W. PRENTICE WI PLS S-2852
4080 N. 20TH AVENUE
WAUSAU, WI 54401
715-675-9784



DATE	REVISION	BY	CHK'D
REI Engineering, INC.			
4080 N. 20TH AVENUE			
WAUSAU, WISCONSIN 54401			
PHONE: 715.675.9784 FAX: 715.675.6860			
EMAIL: JIM@REIENGINEERING.COM			

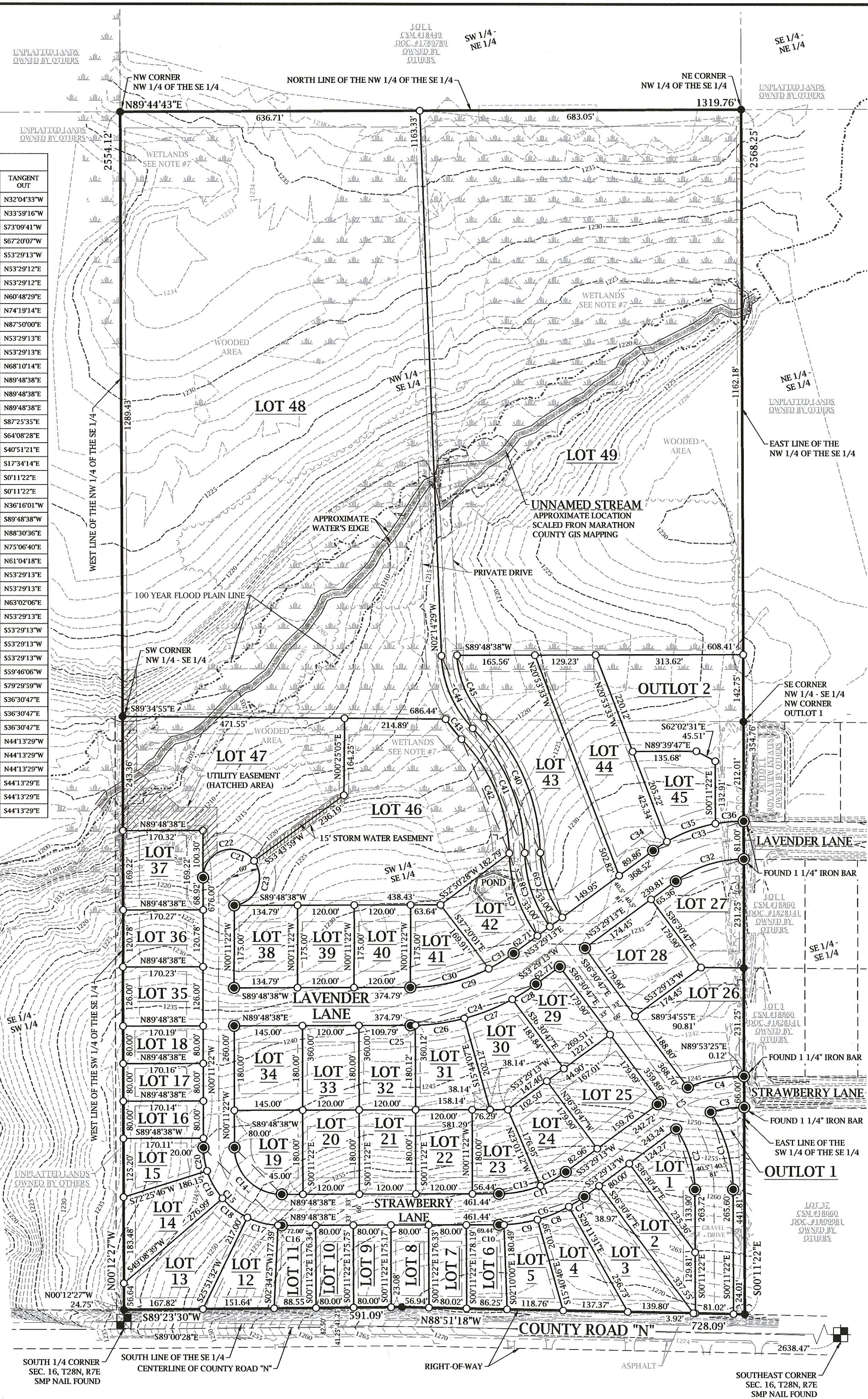
LEGEND
○ 1 1/4 IN. O.D. X 18 IN. IRON PIPE
● 1 1/4 IN. O.D. IRON PIPE FOUND
● (126.00') 126.00'
— EXISTING WATER MAIN
— EXISTING SANITARY SEWER
— EXISTING STORM WATER
— EXISTING UNDERGROUND FIBER OPTIC LINE
— EXISTING MINOR CONTOUR
— EXISTING MAJOR CONTOUR
— EXISTING PROPERTY LINE
— EXISTING TREE LINE
— BUILDING SETBACK LINE

GENERAL NOTES:

- BEARINGS AND COORDINATES ARE BASED ON THE MARATHON COUNTY COORDINATE SYSTEM, NAD83 (2011) DATUM, AND ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 28 NORTH, RANGE 7 EAST, MEASURED TO BEAR SOUTH 89°00'28" EAST.
- ELEVATIONS ARE REFERENCED TO THE NAVD 88 DATUM AND ESTABLISHED BY USING THE WISCONSIN NETWORK.
- THERE DOES NOT APPEAR TO BE ANY STRUCTURES ON THE SUBJECT PROPERTY AT THE TIME OF SURVEY.
- BUILDING SETBACKS ARE SHOWN IN THE ABOVE DETAILS.
- PUBLIC UTILITIES - THE SOURCE INFORMATION FROM PLANS AND MARKINGS PROVIDED BY OTHERS WAS COMBINED WITH OBSERVED SURFACE EVIDENCE OF UTILITIES TO DEVELOP THE APPROXIMATED LOCATION OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF ALL UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY OR RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR PARTIALLY RESPONDED TO WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED. THE CLIENT IS ADVISED THAT EXCAVATION AND/OR A PRIVATE UTILITY LOCATE REQUEST MAY BE NECESSARY. DIGGER'S HOTLINE TICKET #20221915983.
- FIELD WORK WAS COMPLETED ON 5-18-2022.
- WETLANDS SHOWN WERE DELINEATED BY STAR ENVIRONMENTAL IN JUNE 2021.
- EXISTING PARCEL IS CURRENTLY ZONED RA-1. THE PROPOSED ZONING FOR LOTS 1-18 IS MR-4 AND THE PROPOSED ZONING FOR LOTS 19-49 IS SR-2.
- ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION. THE WATER'S EDGE IS AS SHOWN ON THE MAP. THE APPROXIMATE ORDINARY HIGH WATER MARK IS THE SAME AS THE WATER'S EDGE LINE AS SHOWN ON THIS PLAT AND IS FOR REFERENCE ONLY.

CURVE	LOT NO.	RADIUS LENGTH	CHORD LENGTH	CHORD ANGLE	ARC LENGTH	TANGENT IN	TANGENT OUT
C1	OUTLOT 1	313.59'	N106°07'57"W	172.23'	31°53'11"	174.47'	N00°11'22"W
C2	LOT 1	232.50'	N17°05'19"W	135.17'	33°47'54"	137.15'	N00°11'22"W
C3	OUTLOT 1	240.00'	S81°47'23"W	72.01'	17°15'25"	72.29'	N89°34'55"W
C4	LOT 26	306.00'	S78°48'00"W	121.64'	22°55'47"	122.46'	N89°44'07"W
C5	LOT 25	306.00'	S54°09'54"W	7.24'	1°21'22"	7.24'	S54°50'35"W
C6	LOTS 3-6	306.00'	N71°38'55"E	190.76'	36°19'26"	194.00'	N89°48'38"E
C7	LOT 3	306.00'	N57°08'51"E	39.07'	7°19'16"	39.10'	N60°48'29"E
C8	LOT 4	306.00'	N67°33'52"E	72.00'	13°30'46"	72.17'	N74°19'14"E
C9	LOT 5	306.00'	N81°04'37"E	72.00'	13°30'46"	72.17'	N87°50'00"E
C10	LOT 6	306.00'	N88°49'19"E	10.56'	1°58'38"	10.56'	N89°48'38"E
C11	LOTS 23-24	240.00'	N71°38'55"E	149.82'	36°19'25"	152.15'	N89°48'38"E
C12	LOT 24	240.00'	N69°49'43"E	61.34'	14°41'01"	61.51'	N68°10'14"E
C13	LOT 23	240.00'	N78°59'26"E	90.11'	21°38'25"	90.65'	N89°48'38"E
C14	LOT 19	100.00'	S45°11'22"E	141.42'	90°00'00"	157.08'	S00°11'22"E
C15	LOTS 11-15	166.00'	S45°11'22"E	234.76'	90°00'00"	260.75'	S00°11'22"E
C16	LOT 11	166.00'	S88°48'29"E	8.00'	2°45'47"	8.01'	S87°25'35"E
C17	LOT 12	166.00'	S75°47'02"E	67.00'	23°17'07"	67.46'	S64°08'28"E
C18	LOT 13	166.00'	S52°29'54"E	67.00'	23°17'07"	67.46'	S40°51'21"E
C19	LOT 14	166.00'	S29°12'47"E	67.00'	23°17'07"	67.46'	S17°34'14"E
C20	LOT 15	166.00'	S08°52'48"E	50.16'	17°22'52"	50.36'	S00°11'22"E
C21	LOTS 46-47	60.00'	N48°03'32"W	88.89'	26°41'59"	276.73'	N84°04'17"E
C22	LOT 47	60.00'	S71°46'18"W	114.10'	14°55'20"	150.72'	N36°16'01"W
C23	LOT 46	60.00'	N23°54'08"E	104.10'	120°20'19"	126.02'	N84°04'17"E
C24	LOTS 29-32	450.00'	S71°38'55"W	280.53'	36°19'25"	285.29'	S53°29'13"W
C25	LOT 32	450.00'	N89°09'37"E	10.21'	1°18'02"	10.21'	N89°48'38"E
C26	LOT 31	450.00'	N81°48'38"E	105.00'	13°23'56"	105.23'	N88°30'36"E
C27	LOT 30	450.00'	N68°05'29"E	109.99'	14°02'23"	110.27'	N75°06'40"E
C28	LOT 29	450.00'	N57°16'45"E	59.53'	7°35'05"	59.57'	N61°04'18"E
C29	LOTS 41-42	360.00'	N71°38'55"E	230.04'	36°19'25"	233.93'	N89°48'38"E
C30	LOT 41	360.00'	N76°25'22"E	170.88'	26°46'33"	172.44'	N89°48'38"E
C31	LOT 42	360.00'	N58°15'39"E	61.42'	9°32'53"	61.49'	N63°02'06"E
C32	LOT 27	240.00'	S71°57'09"W	152.03'	36°55'52"	154.70'	N89°34'55"W
C33	OUT 44-45 & OUTLOT 2	321.00'	S71°52'33"W	202.53'	36°46'41"	206.05'	N89°44'07"W
C34	LOT 44	321.00'	S56°37'39"W	35.17'	6°16'53"	35.19'	S59°46'06"W
C35	LOTS 45	321.00'	S69°38'13"W	110.00'	19°43'53"	110.55'	S79°29'59"W
C36	OUTLOT 2	321.00'	S84°52'56"W	60.22'	10°45'54"	60.31'	N89°44'07"W
C37	LOTS 42 & 48	306.00'	S18°50'10"E	185.83'	35°21'15"	188.82'	S01°09'32"E
C38	LOTS 48 & 49	273.00'	S18°50'10"E	165.79'	35°21'15"	168.45'	S01°09'32"E
C39	LOTS 43 & 49	240.00'	S18°50'10"E	145.75'	35°21'15"	148.09'	S01°09'32"E
C40	LOTS 43 & 49	425.00'	N22°41'31"W	311.98'	43°03'57"	319.45'	N01°09'32"W
C41	LOTS 48 & 49	382.00'	N22°41'31"W	287.76'	43°03'57"	294.64'	N01°09'32"W
C42	LOTS 48 & 49	359.00'	N22°41'31"W	263.53'	43°03'57"	269.84'	N01°09'32"W
C43	LOTS 48 & 49	267.50'	S38°23'47"E	54.33'	11°39'25"	54.42'	S32°34'05"E
C44	LOTS 48 & 49	234.50'	S23°13'59"E	168.01'	41°59'00"	171.83'	S02°14'29"E
C45	LOTS 43 & 49	201.50'	S23°13'59"E	144.37'	41°59'00"	147.65'	S02°14'29"E

LOT	SQ. FT.	ACRES
1	18,163	0.417
2	23,171	0.532
3	28,581	0.656
4	22,316	0.512
5	17,797	0.409
6	14,891	0.342
7	14,181	0.326
8	14,040	0.322
9	14,037	0.322
10	14,084	0.323
11	14,888	0.342
12	20,395	0.468
13	32,689	0.750
14	25,235	0.579
15	16,901	0.388
16	13,610	0.312
17	13,612	0.312
18	13,614	0.313
19	23,954	0.550
20	21,600	0.496
21	21,600	0.496
22	21,600	0.496
23	20,000	0.459
24	22,158	0.509
25	30,045	0.690
26	41,402	0.950
27	32,183	0.739
28	31,383	0.720
29	22,044	0.460
30	28,844	0.662
31	24,546	0.563
32	21,600	0.496
33	21,600	0.496
34	26,100	0.599
35	21,446	0.492
36	20,562	0.472
37	28,818	0.662
38	23,588	0.542
39	21,000	0.482
40	21,000	0.482
41	20,000	0.459
42	25,057	0.576
43	76,236	1.750
44	56,004	1.286
45	24,085	0.553
46	149,428	3.430
47	117,922	2.707
48	871,679	20.011
49	790,042	18.137
OUTLOT 1	13,372	0.307
OUTLOT 2	65,986	1.515



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: 22-0108

Date Introduced: October 11, 2022

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 September 19, 2022 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, September 19, 2022, at 5:15 pm, (Council Chambers)

Members Present: Lisa Rasmussen, Chad Henke, Doug Diny, Lou Larson, Becky McElhaney

Others Present: Nathan Miller, Jeremy Kopp, Matt Barnes, Kaitlyn Bernarde, Mary Goede, Katie Rosenberg

Consider approval or denial of various license applications

Lisa Rasmussen stated there were denial recommendations for Public Transport Diver Licenses for Joshua Newburry and Caleb Kluwe. It was noted Joshua Newburry was not present.

Caleb Kluwe addressed the committee stating he was recently released from incarceration and has been doing his best to turn his life around. He indicated since his release in April he has been denied three jobs and two others that he was not even given an interview because of his background. He stated he is actively and passionately trying to better his life but has hit nothing but roadblocks. He asked to be given a chance to succeed in the community.

Rasmussen was concerned that the information on the record was fairly recent and questioned if the record was accurate. Kluwe stated it was accurate and that he was charged in 2018 but he sat three years before he was sentenced, so the charges are not as recent as the 2021 sentencing date. Rasmussen stated the things on the record are drug violations, sale of drugs, disorderly conduct, theft, and criminal damage and she felt more time needs to pass without new charges. Deputy Chief Barnes stated these violations met the criteria for us to recommend the denial, which is the Chief's position and he supported it.

Lou Larson requested Caleb Kluwe be voted on separately.

Motion by Henke, second by McElhaney to approve or deny all licenses as recommended by staff, except for Caleb Kluwe. Motion carried 5-0.

Motion by Larson, second by Diny to override the denial recommendation and approve the Public Transport Driver license of Caleb Kluwe. Motion failed 2-3.

CLERK'S REPORT TO PUBLIC HEALTH & SAFETY COMMITTEE

September 19, 2022 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 – Operators License:** 1) **Kim Waits** - Felony OWI conviction in 2015, misd THC conviction in 2016, and battery conviction (exempt offense) in 2012. Also, numerous pending felony drug charges.
Public Transport Driver Licenses: 1) **Caleb Kluwe** - Felony Amphetamine Manufacture/Deliver conviction in 2021. Felony 1st Degree Recklessly Endangering Safety conviction in 2021. Felony Maintain Drug Trafficking Place conviction in 2021. Numerous additional convictions for DC, CDTF, THC possession, and Theft;
2) **Joshua Newbury** - Convictions for 4th degree sexual assault - exempt offense - and contributing to the delinquency of a child (2017).

2. No Special Event applications this month.

Note: Links to the Special Events applications will be emailed to the committee.

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: September 16, 2022

(715) 261-6621



PHS Date 09/19/2022

License ID	License Typ	Name	Address	Details	Business	Begin Dt	End Dt	Police	PHS	Council
170166	9010 - Bartender/Operator New	WAITS, KIM	823 1/2 S 3RD AVE WAUSAU WI 54401		TOBACCO OUTLET PLUS #501	08/08/2022	06/30/2023	No	No	No
170851	9069 - Temporary Class B Retailer (Picnic)	,	427 N 4TH ST WAUSAU WI 54403		CENTER FOR THE VISUAL ARTS				Yes	
170734	9069 - Temporary Class B Retailer (Picnic)	GUMTZ, NICK	PO BOX 176 WAUSAU WI 54402-0176		MARATHON COUNTY YOUTH HOCKEY				Yes	
170483	9069 - Temporary Class B Retailer (Picnic)	REISSMANN, JOSH	PO BOX 1611 WAUSAU WI 54402		WAUSAU NOON OPTIMIST				Yes	
170302	9080 - Public Transport Driver New	AKIN, JENNA	418 PROSPECT AVE WAUSAU WI 54403		NORTHWOODS CAB	08/15/2022	06/30/2023	Yes	Yes	
170755	9080 - Public Transport Driver New	FREDERICK, JESSE	709 WILDWOOD LN MERRILL WI 54452		NORTHWOODS CAB	09/09/2022	06/30/2023	Yes	Yes	
170508	9080 - Public Transport Driver New	KLUWE, CALEB	632 SCOTT ST WAUSAU WI 54403		NORTHWOODS CAB	08/25/2022	06/30/2023	No	No	
170308	9080 - Public Transport Driver New	NEWBURRY, JOSHUA	215 S 3RD AVE EDGAR WI 54426		NORTHWOODS CAB	08/15/2022	06/30/2023	No	No	
170735	9080 - Public Transport Driver New	STEVENS, JACOB	1210 MCINTOSH ST WAUSAU WI 54403		NORTHWOODS CAB	09/08/2022	06/30/2023	Yes	Yes	
170605	9080 - Public Transport Driver New	WAUPEKENAY, HANK	621 HUMBOLDT AVE WAUSAU WI 54403		NORTHWOODS CAB	08/30/2022	06/30/2023	Yes	Yes	

Total Licenses

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

RESOLUTION OF THE WAUSAU WATER WORKS COMMISSION

Approving Agreement for Management of Pretreatment Requirements for Town of Stettin Users
Discharging to the City of Wausau Wastewater Treatment Facility

Committee Action: Approved 5-0

Fiscal Impact:

File Number: 22-1008

Date Introduced: October 11, 2022

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, the City of Wausau, is the owner of a Wastewater Treatment Facility (“WWTF”) operated for the express purpose of providing treatment of the City’s sewage; and

WHEREAS, Stettin is located west and adjacent to the west corporate limits of the City of Wausau and the city owns and operates a system of sewers and a lift station within Stettin; and

WHEREAS, Stettin has no sewage treatment and Wausau has heretofore treated Stettin’s raw sewage under a contract both parties, voluntarily entered into on January 15, 1968, for a period of one year, from January 1, 1968 to December 31, 1968, with the privilege of renewal from year to year thereafter; and

WHEREAS, the Federal Clean Water Act of 1977 established a national policy for the creation and enforcement of pretreatment standards and requirements for Industrial wastewater. Specific regulations to accomplish provisions of the Clean Water Act of 1977 were published in the Federal Register under 40 CFR Part 403 and parallel state regulations were adopted per Wisconsin Administrative Code NR 211. The City is required by WDNR to maintain a local pretreatment program as part of the Wisconsin Pollutant Discharge Elimination System Permit No. WI-0025739-09-2 (hereinafter “Permit”); and

WHEREAS, Wausau maintains a local pretreatment program and has codified Chapter 13.62 Sewage Users – Standards and Control of the Wausau Municipal Code in order to regulate the program; and

WHEREAS, Wausau has the responsibility to insure that all industries which eventually receive treatment of their wastewater at Wausau’s wastewater treatment facilities, including industries within the boundaries of Stettin, are in compliance with national categorical pretreatment standards; and

WHEREAS, your Wausau Water Works Commission, at their September 6 and October 4, 2022 meetings, discussed and recommends approval of the Agreement for Management of Pretreatment Requirements for Town of Stettin Users Discharging to the City of Wausau Wastewater Treatment Facility.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wausau does hereby approve the Agreement for Management of Pretreatment Requirements for Town of Stettin Users Discharging to the City of Wausau Wastewater Treatment Facility and authorizes the proper city officials to execute the Agreement.

Approved:

Katie Rosenberg, Mayor



Minutes of September 6th, 2022

A meeting of the Wausau Water Works Commission was called to order at 1:30 p.m. in City Hall on Tuesday, September 6th, 2022. In compliance with Wisconsin Statutes, this meeting was posted and receipted for by the Wausau Daily Herald on September 1, 2022.

Members Present: President Rosenberg, Commissioners Herbst, Force, Gehin, Robinson Others Present: Eric Lindman, Scott Boers, Ben Brooks, Stephen Opatik/ Becher-Hoppe, Susan Wojtkiewicz/Donohue

Via WebEx: Mike Gerbitz/Donohue, Andrew Dow/Donohue, Tonia Westphal/Clark-Dietz

6) Discussion and Possible Action on a 5-Year Sanitary Sewer Agreement with the Town of Stettin.

Lindman began that we redrafted the Sewer agreement with the Town of Stettin since we own, operate and maintain the main lines, this is to ensure that we still have authority with our pretreatment program if an industrial user, nonresidential user were to go into that area. Gehin brought to my attention a couple of items like paragraph 4 that still referenced Stettin's ability to expand the collection system and that isn't the intent of the agreement so will talk to Legal about that before it goes to Council.

Gehin reiterated that he had a couple more items and recommends that we proceed with Staff working on this and will assist where clarification is needed.

Robinson questioned if we have perimeters for what we want for modifications and suggested a preliminary approval subject to final approval.

Lindman stated if the intent was to bring it back to the body in October after speaking with Legal and working on some final edits?

Rosenberg recapped the motion to table this item, instead to bring it back after seeking expertise.

Item Tabled.



Minutes of October 4th, 2022

A meeting of the Wausau Water Works Commission was called to order at 1:30 p.m. in City Hall on Tuesday, October 4th, 2022. In compliance with Wisconsin Statutes, this meeting was posted and receipted for by the Wausau Daily Herald on September 30, 2022.

Members Present: President Rosenberg, Commissioners Herbst, Gehin, Robinson, Force
Others Present: Eric Lindman, Scott Boers, Anne Jacobson, Anne Keenan, Valerie Swanborg, Ryan Dwelly, Stephen Opatik/ Becher-Hoppe, Tonia Westphal/ Clark- Dietz
Via WebEx: Brian Roemer/Ehler, Susan Wojtkiewicz/Donohue

5) Discussion and Possible Action on a Sanitary Sewer Agreement with the Town of Stettin.

Jacobson apologized for the delay and implied all amendments have been made. We serve a few residential users in Sanitary District 72. Our WDPES permit requires us to evaluate industrial users' raw sewage through our pretreatment program and maintain the collection system. This agreement allows the city do this within this sanitary district. Three appendices attached were the current list of residential users, map of the district, and the set of ordinances applicable to the user of our collection system.

Gehin recapped it meets the task and motioned to proceed with ratifying the agreement.
Seconded by Herbst.

Force questioned if there were some industries listed.

Lindman stated Fabel manages the environmental pretreatment program and none of these users were considered industrial sized users because of the amount of waste produced. Motion carried 5-0.

AGREEMENT FOR MANAGEMENT OF
PRETREATMENT REQUIREMENTS FOR TOWN OF STETTIN USERS DISCHARGING
TO THE CITY OF WAUSAU WASTEWATER TREATMENT FACILITY

This Agreement made this ____ day of _____, 2022, by and between the TOWN OF STETTIN, a municipality of the State of Wisconsin, hereinafter called "Stettin," and the CITY OF WAUSAU, a municipal corporation, hereinafter called "Wausau"

WITNESSETH:

WHEREAS, the City of Wausau, is the owner of a Wastewater Treatment Facility ("WWTF") operated for the express purpose of providing treatment of the City's sewage; and

WHEREAS, Stettin is located west and adjacent to the west corporate limits of the City of Wausau and the city owns and operates a system of sewers and a lift station within Stettin; and

WHEREAS, Stettin has no sewage treatment and Wausau has heretofore treated Stettin's raw sewage under a contract both parties, voluntarily entered into on January 15, 1968, for a period of one year, from January 1, 1968 to December 31, 1968, with the privilege of renewal from year to year thereafter; and

WHEREAS, the Federal Clean Water Act of 1977 established a national policy for the creation and enforcement of pretreatment standards and requirements for Industrial wastewater. Specific regulations to accomplish provisions of the Clean Water Act of 1977 were published in the Federal Register under 40 CFR Part 403 and parallel state regulations were adopted per Wisconsin Administrative Code NR 211. The City is required by WDNR to maintain a local pretreatment program as part of the Wisconsin Pollutant Discharge Elimination System Permit No. WI-0025739-09-2 (hereinafter "Permit"); and

WHEREAS, Wausau maintains a local pretreatment program and has codified Chapter 13.62 Sewage Users – Standards and Control of the Wausau Municipal Code in order to regulate the program; and

WHEREAS, Wausau has the responsibility to insure that all industries which eventually receive treatment of their wastewater at Wausau's wastewater treatment facilities, including industries within the boundaries of Stettin, are in compliance with national categorical pretreatment standards.

NOW, THEREFORE, Wausau and Stettin do hereby agree as follows:

1. This Agreement is entered into pursuant to the provisions of Section 66.0301 of the Wisconsin Statutes. This Agreement supersedes that Agreement between the Town of Stettin, and the City of Wausau, dated January 15, 1968.

2. By virtue of execution of this contract, the provisions of Chapter 13.62 Sewage Users – Standards and Control and Chapter 19.20 – Sewers – of the Wausau Municipal Code, and any amendments thereto, are made applicable to any users of the City’s wastewater treatment system, are incorporated herein and made a part hereof. The current list of users outside the City limits is attached as Exhibit A, along with a map showing the area served as Sanitary District 72. A copy of both Chapters of the Wausau Municipal Code is attached as Exhibit B.
3. Stettin authorizes Wausau to perform all administrative tasks required by the pretreatment ordinance, WDNR, and/or by Federal regulations. These administrative tasks include but are not limited to permit review, permit issuance, review of baseline reports, compliance, monitoring, demand monitoring, receipt and review of all industrial compliance reports. A copy of all documents required by Wausau or filed by the affected discharger shall be sent to the City of Wausau Pretreatment Coordinator. Within reason, Wausau shall keep Stettin informed of the activities concerning industries within their corporate limits.
4. All domestic sewage Stettin delivers to Wausau shall be reasonably free of clear waters, defined as including but not limited to storm water, diffused surface water, air conditioning discharge water and groundwater. All sewage is to be free from materials which may tend to foul or clog mains or laterals, or might reasonably be expected to damage the building or equipment constituting the Wausau WWTF. The provisions of Sec. 13.62.030 Wausau Municipal Code and any subsequent amendments to that section, are incorporated herein and made a part hereof. Discharges prohibited thereunder shall not be delivered to the Wausau system by Stettin. Any violation of Sec. 13.62.030 and any amendments thereto shall immediately cease and be reported to the Director of Public Works and Utilities. Section 13.62.040 and any amendments thereto shall apply, and Stettin agrees to be governed by its provisions.
5. Wausau reserves the right to order pretreatment of industrial waste. If, upon monitoring the discharge of such industry, it is determined that the standards of Sec. 13.62.030, and any amendments thereto, or the Permit, are not being met, the user shall cause such pretreatment to be made to industrial waste, as required by Sec. 13.62.040 and any amendments thereto.

All costs of such monitoring, including but not limited to analysis of the sewage, shall be charged to such user in accordance with Sec. 13.62.050, and any amendments thereto.

The user shall have reasonable time, not to exceed sixty days after written notice, to cause all wastes to be pretreated to meet the waste standards and requirements prescribe in said Permit or order, except for prohibited wastes which are toxic, or which may cause public health concerns, or property damage, or may impair treatability, and in these cases, the discharge shall cease immediately. If the user provides proof that compliance with waste standards requires machinery, equipment, supplies, chemicals, construction or other related items which cannot be completed or installed within such sixty day period, Wausau and user

shall meet to consider what course of action is proper under all of the circumstances. However, Wausau shall have final decision-making authority regarding these actions.

If the user does not comply with the requirements of pretreatment within the time frame above described, and/or continued to violate Sec. 13.62.030 and any amendments thereto, the user is subject to enforcement provisions as identified under Sewer Use Ordinance.

If Wausau is required by the WDNR to perform special studies or an industrial survey to comply either with Federal Pretreatment regulations or toxic reduction assessments to meet new discharge requirements, user may be assessed directly for such activity over and above the charges for sewer service. This special assessment will generally relate to the number of users in each community. User will be advised in writing in advance of these special studies and possible cost allocation.

6. Wausau shall enforce the pretreatment ordinance against the affected Stettin dischargers in the same manner it enforces the pretreatment ordinance against affected Wausau dischargers and shall not discriminate in its enforcement against affected Stettin dischargers.
7. All permit fees shall be paid to Wausau and shall be for the purpose of covering expenses and costs associated with administering the pretreatment ordinance requirements.
8. Stettin shall support the enforcement of all provisions of the pretreatment ordinance, especially those areas that are pertaining to the national categorical pretreatment standards, and at the request of Wausau, WDNR, and/or the Environmental Protection Agency, Stettin shall assist Wausau recovering all money received as a penalty and/or a forfeiture which may be levied and/or ordered as a result of a violation or violations of the ordinance.
9. This Agreement may be terminated upon thirty (30) days' written notice to the other, addressed to the Director of Public Works and Utilities of the City of Wausau, or the Clerk of the Town of Stettin, should Stettin no longer require the wastewater collection and treatment of sewage collected from those residences located in Sanitary District 72 or any users or the City of Wausau would no longer be required by law or otherwise to maintain its sewage collection system for users outside of the City of Wausau.

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

Witness:

TOWN OF STETTIN

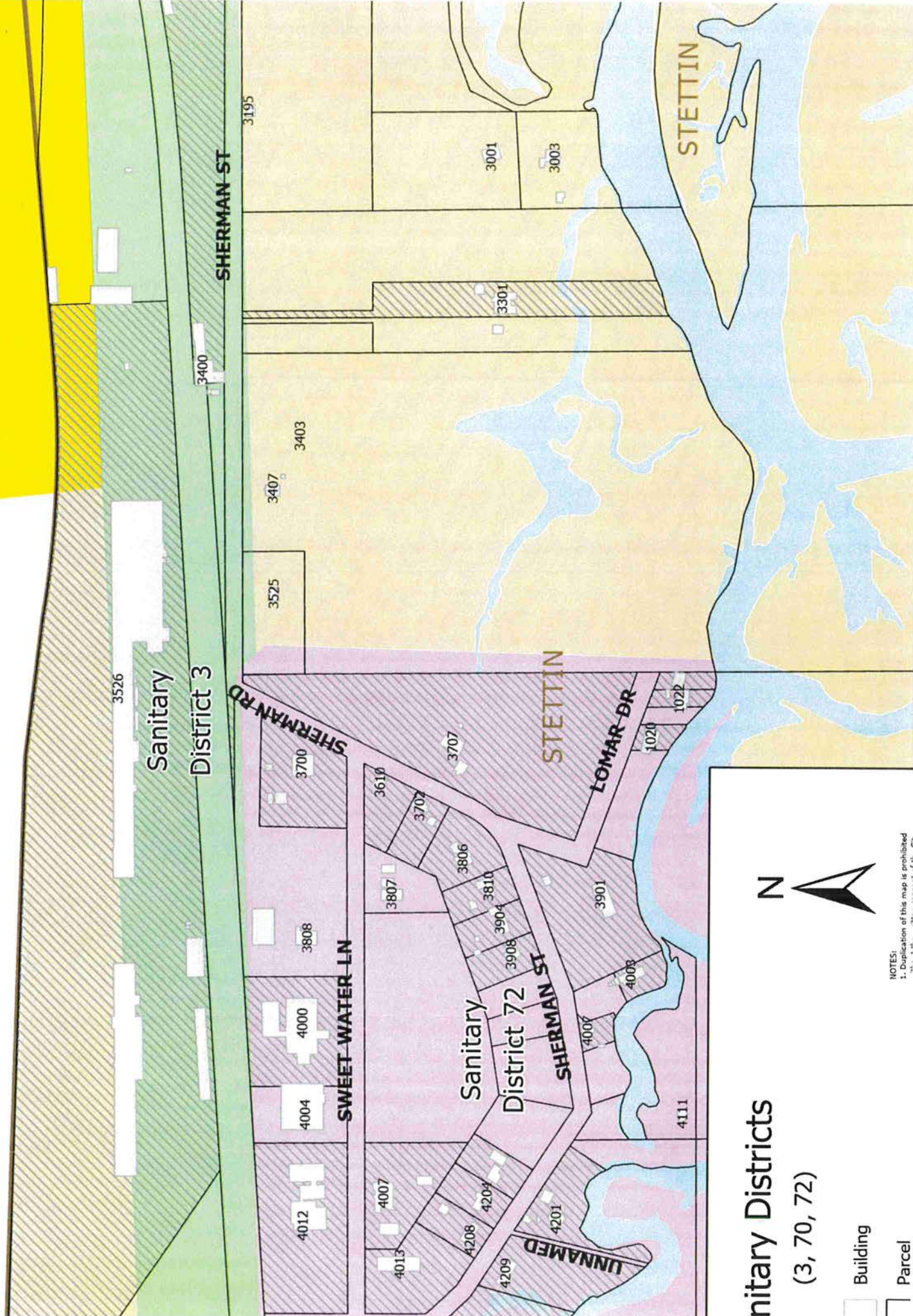
BY: _____

CITY OF WAUSAU

Katie Rosenberg, Mayor

Kaitlyn A. Bernarde, Clerk

ADDRESS	ACCOUNT NAME
3700 SWEET WATER LN	JEFFREY HEISLER
4000 SWEET WATER LN	S&H ENTERPRISES INC
4007 SWEET WATER LN	AIR QUALITY CONTROL
4012 SWEET WATER LN	SETH GRAYKOWSKI
4013 SWEET WATER LN	DAVID FRAMKE
1020 LOMAR DR	ROBERT FITZKE
1022 LOMAR DR	TERRY REIN
1024 LOMAR DR	RICHARD SKRUKRUD
3702 SHERMAN RD	DAVID SILLARS
3610 SHERMAN RD	JULIANNA ZUNKER
3707 SHERMAN RD	NATHAN VAN BERKEL
3904 SHERMAN RD	RANDY GEIER
3806 SHERMAN RD	AUSTIN JONES
3908 SHERMAN RD	RYAN SCHMELLING
3810 SHERMAN RD	JEFFREY HEISLER
3901 SHERMAN RD	DAPHINE BRUMMOND
4200 SHERMAN RD	JAMES SERTICH
4208 SHERMAN RD	ROY FITZKE
4204 SHERMAN RD	TRENT MEYERS
4201 SHERMAN RD	AARON MEYERS
4301 SHERMAN RD	BRIAN BORNHEIMER
4209 SHERMAN RD	BRADLEY HAACK
4217 SHERMAN RD	ADAM GOETSCH
4407 SHERMAN RD	ROBERT KLEIN JR
2900 SHERMAN ST	ALTER METAL RECYCLING
2901 SHERMAN ST #A	O'BRIEN STEEL SERVICE
2901 SHERMAN RD #B	O'BRIEN STEEL SERVICE
4003 SHERMAN RD	MARK FITZKE
4007 SHERMAN RD	KELLY HOFSTAD
3526 SHERMAN ST #A	VERITAS STEEL LLC
3526 SHERMAN ST	VERITAS STEEL LLC
3301 SHERMAN ST	SHANE RADER



Sanitary Districts
(3, 70, 72)



- ☐ Building
- ☐ Parcel

NOTES:
1. Duplication of this map is prohibited.

13.62.001 - Purpose and policy.

This chapter sets forth uniform requirements for wastewater discharges into the utility wastewater collection and treatment system and tributaries thereto, and enables the utility to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the utility wastewater system which will interfere with the normal operation of the system and cause violation of the City's WPDES permit or contaminate the resulting municipal bio-solids;
- (b) To prevent the introduction of pollutants into the utility wastewater system which do not receive adequate treatment in the publicly owned treatment works (POTW), and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To protect both POTW personnel who may be affected by wastewater and bio-solids in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and bio-solids from the Wausau treatment system;
- (e) To prevent physical damage to the utility wastewater collection and treatment system;
- (f) To enable Wausau to comply with its National Pollutant Discharge Elimination System permit conditions, bio-solids use and disposal requirements, and any other federal or state laws to which the utility collection and treatment system is subject.

This chapter provides for the regulation of discharges into the utility wastewater system through the issuance of permits to certain users and through enforcement of the applicable requirements in this chapter for other persons. This chapter provides for the utility to implement and exercise a POTW pretreatment program according to 40 CFR 403.8(f)(1) and (2). This chapter does not provide for the recovery of operations, maintenance or replacement cost of the POTW or the costs associated with the construction of collection and treatment systems required by the users, in proportion to their use of the POTW, which are the subject of separate enactments.

This chapter shall apply to all persons in the City, and to persons outside the City who are, by contract or agreement with the City, users of the wastewater treatment system. Except as otherwise provided in this chapter, the commissioners and its employees of the utility as appointed by the Common Council of the City of Wausau shall administer, implement and enforce the provisions of this chapter.

(Ord. 61-5822 §41 (part), 2019; Ord. 61-4859 §1(part), 1994.)

13.62.010 - Scope of control.

All persons now receiving sewer service from the utility or who may hereafter make application therefore, are deemed to be bound by rules and regulations of the utility as may be filed with the Public Service Commission of Wisconsin, and such state and federal statutes and administrative rules as are applicable.

(Ord. 61-4859 §1(part), 1994.)

13.62.020 - Definitions.

Unless the provision explicitly indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act (33 U.S.C.; 1251, et seq.) as amended.

Approving authority means Wausau Waterworks Commission.

Authorized representative of the user means:

(a) If the user is a corporation:

- (1) The president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (2) The Director of Public Works and Utilities of one or more manufacturing facilities provided the Director of Public Works and Utilities is authorized to make decisions which govern the operation of the facility, make major capital investment recommendations, initiate and direct comprehensive measures to assure long-term compliance with environmental laws, can ensure the necessary systems are established to gather complete and accurate information for the report and where authority to sign documents has been delegated to the Director of Public Works and Utilities according to the corporation's procedures; or

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the user is a federal, state or local government facility: A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) An authorized representative of the individual designated above if:

- (1) Such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates;
- (2) The authorization is in writing; and
- (3) The written authorization is submitted to the Director of Public Works and Utilities.

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibition listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l), as prescribed in 40 CFR Part 136, or such other methods as the EPA administrator may approve.

Bypass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

Categorical pretreatment standard means National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific industrial discharges.

City means the City of Wausau or the Common Council of the City of Wausau.

Cooling water means the water discharged from any use such as air-conditioning, cooling or refrigeration, whose character undergoes no chemical change during such use.

Compatible pollutant means BOD, suspended solids, Ph and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in the WPDES permit issued to the Wausau sewerage utility.

Discharger. See user definition.

D.N.R. means the Wisconsin Department of Natural Resources.

Domestic wastes means liquid wastes from the noncommercial preparation, cooking or handling of food, or containing human excrement and similar matter discharged from the sanitary facilities in dwellings, commercial buildings, industrial facilities and institutions, and other places where humans congregate.

Environmental Protection Agency or E.P.A. means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

Garbage means solid wastes from the handling, preparation, cooking, dispensing or storage of food.

Ground garbage means the residue from the preparation, cooking or dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

Incompatible pollutant means any pollutant which is not a compatible pollutant as defined in this section.

Industrial user means any source of industrial wastewater.

Industrial wastewater means the liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments, as distinct from domestic wastes.

Interference means the inhibition or disruption of a POTW's sewer system, treatment processes or operations by an indirect discharge which, alone or in conjunction with the discharge or discharges from other sources, causes a violation or increases the magnitude or duration of a violation of any requirement of the POTW's WPDES permit. The term includes the impairment of the use or disposal of POTW sludge in accordance with Wis. Stats. ch. 283, Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to the Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

May is permissible.

New source means:

- (a) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (b) Construction on a site at which an existing source is located results in a modification rather than a new source if

the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (a)(2) or (3) of this section but otherwise alters, replaces or adds to the existing process or production equipment.

- (c) Construction of a new source, as defined under this paragraph, has commenced if the owner or operator has:
 - (1) Begun, or caused to begin, as part of a continuous on-site construction program:
 - (A) Any placement, assembly or installation of facilities or equipment, or
 - (B) Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment;
 - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

Normal wastewater concentrations means the daily weighted average concentration of five-day BOD is 250 milligrams per liter, and the daily weighted average concentration of suspended solids is 250 milligrams per liter, for each consecutive 30-day period.

Parts per million shall be a weight ratio as the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

Pass through means a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's WPDES permit (including an increase in the magnitude or duration of a violation).

Person means any human, firm, company, partnership, corporation, association, group or society, and includes the state, and agencies, districts, commissions and political subdivisions created by or pursuant to state law.

Ph means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

POTW means any sewage treatment works and the sewers and conveyance appurtenance discharging thereto, owned and operated by the Wausau waterworks.

POTW superintendent means Wastewater Superintendent.

Pretreatment means application of physical, chemical or biological processes to reduce the amount of pollutants in or to alter the nature of the pollutant properties in a wastewater prior to discharging such wastewater into the POTW.

Pretreatment coordinator means Environmental Engineer.

Pretreatment standards means all applicable federal, state and local statutes, laws, ordinances, rules and regulations. In cases of conflicting standards or regulations, the more stringent thereof shall control.

Residential customer means a user who occupies a dwelling unit, as defined in section 23.02.140 of this Code, where the water meter that serves such dwelling unit serves not more than one additional dwelling.

Sanitary sewage means a combination of water-carried wastes from residences, business buildings, institutions and industrial plants, (other than industrial wastes from such plants), together with such groundwaters, surface waters or stormwaters as may be present.

Sanitary sewer means a sewer which carries wastewater and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Significant industrial user.

- (a) Except as provided in subdivision (b) of this subsection, the term significant industrial user means any industrial user of the City's wastewater disposal system who:
 - (1) Is subject to categorical pretreatment standards; or
 - (2) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow-down wastewater); or
 - (3) Has a discharge which contains greater than normal wastewater concentrations, or contributes a process wastestream which constitutes five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (4) Is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (b) Upon finding that an industrial user meeting the criteria in subdivision (a)(2) and (3) of this subsection has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the POTW may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such an industrial user is not a significant industrial user.

Shall is mandatory.

Slug means any discharge of wastewater which exceeds for any period of duration longer than 15 minutes at a flow rate more than five times the average 24-hour flows during normal operation and/or which concentration of any given constituent exceeds more than five times the average 24-hour concentration during normal operation or any nonroutine episodic discharge, such as a discharge resulting from a spill of a noncustomary batch discharge.

State means the State of Wisconsin.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids (TSS) means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, a high percentage of which is removable by laboratory filtering.

System means any publicly owned devices, facilities, structures, equipment or works used for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for the ultimate disposal of residues resulting from such treatment.

Toxic pollutants means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the U.S. Environmental Protection Agency under the provision of Section 307(a) of the Act.

Unpolluted water means water free from pollutants in excess of the quantities limited or prohibited by the federal, state or local effluent standards in effect, or water whose discharge will not cause any violation of federal, state or local receiving water quality standards.

Upset means an exceptional incident in which a discharger is unintentionally and temporarily in a state of noncompliance with pretreatment standards because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance, or careless or improper operation.

User means any person who discharges, causes or permits the discharge of wastewater into the wastewater treatment system.

User classification means a classification of user based on the Standard Industrial Classification (SIC) Manual prepared by the U.S. Office of Management and Budget.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the POTW.

Wausau area monitoring team means those persons assigned the task of collecting samples of discharges from the premises of users. The team may also perform on-site inspection of premises.

WDNR means for Wisconsin Department of Natural Resources.

Wisconsin Pollutant Discharge Elimination System (WPDES) means the program established by Wis. Stats. ch. 283, for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the waters of the state.

(Ord. 61-5822 §42 (part), 2019; Ord. 61-5636 §1(part), 2014; Ord. 61-4859 §1(part), 1994.)

13.62.030 - Prohibitions and limitations on wastewater discharge.

- (a) *General discharge prohibitions.* No user may contribute or cause to be contributed, directly or indirectly, to the wastewater system any pollutant or wastewater which will cause pass through or cause interference with the operation or performance of the wastewater system or POTW. No user shall contribute any of the following described substances into the wastewater system:
- (1) *Oils and grease.* Any wastewater or materials containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between zero and 65 degrees Celsius (32 degrees Fahrenheit and 150 degrees Fahrenheit) at the point of discharge into the system.
 - (2) *Explosive mixtures.* Any substances which, by reason of their nature or quantity, may create a fire or explosion hazard or be injurious to the POTW or to the operation of the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade using test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
 - (3) *Noxious material.* Noxious or malodorous solids, liquids or gases, which either singly, or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry by humans into the system for its maintenance and repair.
 - (4) *Improperly shredded garbage.* Garbage that has not been ground or comminuted to such a degree that all

particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch in any dimension.

- (5) *Radioactive wastes.* Radioactive wastes or isotopes of such half life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the system or personnel operating the system.
- (6) *Solid or viscous wastes.* Solid or viscous wastes which will or may cause obstruction to the flow in a sewer, require excessive cleaning or maintenance of the sewer or otherwise cause interference with the proper operation of the wastewater treatment system. Prohibited materials include, but are not limited to: grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil and similar substances, including petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (7) *Excessive discharge rate.* Wastewater at a flow rate or containing such concentrations or quantities of pollutant that exceeds for any time period longer than 15 minutes more than five times the average 24 hour concentration, quantities or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency.
- (8) *Toxic substances.* Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other substances, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act. Also included are those pollutants which will result in the presence of toxic gases, vapors or fumes within the POTW or the wastewater system in a quantity that may cause acute worker health and safety problems.
- (9) *Unpolluted waters.* Any unpolluted water including, but not limited to, water from cooling systems or of stormwater origin, including roof, surface or subsurface drainage, which will increase the hydraulic load on the system.
- (10) *Discolored Material.* Any substance with objectionable color not removed by the treatment system, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (11) *Corrosive wastes.* Wastewater having a pH less than 5.5 or more than 12.0, or any waste which will cause corrosion or deterioration of the system.
- (12) *Heated wastewater.* Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the wastewater temperature at the introduction into the POTW which exceeds 40 degrees Centigrade (100 degrees Fahrenheit).
- (13) *Adverse affect to effluent or sludge.* Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.
- (14) *Violate discharge permit.* Any substance which will cause the POTW to violate its WPDES permit.
- (15) *Human life hazard.* Any wastewater which causes a hazard to human life or creates a public nuisance.

- (16) *Hauled materials.* The Wausau Waterworks Commission ("commission") may allow wastewater which is hauled via other conveyance to be discharged to the POTW. Prior to such discharge, the POTW superintendent may require a report from the hauler describing the quantity, source of wastewater, laboratory analysis of the pollutant constituent other information as deemed necessary.

The utility shall require that written permission and discharge conditions be issued by the POTW superintendent to the hauler prior to the discharge of any hauled wastewater. The approving authority will not allow any wastewater or pollutant that is hauled or trucked to be discharged to the wastewater system, except at points designated by the POTW superintendent.

- (17) *Bypass.* An industrial user may allow any bypass to occur which does not violate pretreatment standards or requirements, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to subdivisions (A) and (B) of this subsection.

(A) *Notice.*

- (i) *Anticipated bypass.* If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, if possible at least ten days before the date of the bypass.

The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subdivision (B) of this subsection.

- (ii) *Unanticipated bypass.* Must comply with section 13.62.040(b)(7).

- (B) *Prohibition of bypass.* Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

- (i) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage; or
(ii) There were no feasible alternatives to bypass, such as use of auxiliary treatment during normal periods of equipment downtime.

This condition is not satisfied if adequate back-up equipment should have been installed to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; or

- (iii) The industrial user submitted notices as required by subdivision (A) of this subsection.

- (18) *Accidental or slug discharges.* Each industrial user shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at that person's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the pretreatment coordinator for review, and shall be approved by him before construction of the facility.

Each industrial user with existing facilities affected by this section shall submit plans to the superintendent within six months after the ordinance codified in this chapter is adopted. No industrial user who discharges to the POTW after that time shall be permitted to introduce industrial wastewaters into the system until the accidental discharge protection plans and procedures have been approved by the pretreatment coordinator. Review and approval of such plans and operating procedures by the pretreatment coordinator shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

A plan to control accidental or slug discharges shall contain the following information:

- (A) A description of discharge practices, including nonroutine batch discharges;
(B) A description of stored chemicals;
(C) Procedures for immediately notifying the utility of any accidental or slug discharge, as required in subdivision

(A) of this subsection;

(D) Procedures to prevent adverse impact from any accidental or slug discharge.

Such procedures may include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response.

Signs shall be permanently posted in conspicuous places on the industrial users premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a dangerous discharge to occur with respect to the emergency notification procedure.

(b) *Limitation on wastewater strength.*

(1) *Specific pollutant limitations.* No person shall discharge within a 24-hour period, wastes or wastewater into the system containing the following materials in amounts exceeding for such 24-hour period both the concentration and quantity limits stated.

Pollutant	Maximum Concentration mg/l*	Mass Loading lbs./24 hrs.
Arsenic	0.22	0.06
Cadmium	0.27	0.08
Chromium (Total)	3.76	0.89
Copper	4.20	0.94
Cyanide	2.85	1.60
Lead	0.90	0.32
Mercury	0.0016	0.00048
Molybdenum	0.14	0.04
Nickel	1.87	0.33
Pentachlorophenol	0.74	0.22
Selenium	0.21	0.06
Silver	0.40	0.13
Zinc	6.06	<u>1.08</u>

* Based on a 24 hour composite sample

The control authority may develop Best Management Practices (BMPs), to implement the requirements of 13.62.030 and apply them in industrial wastewater discharge permits.

The approving authority reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in section 13.62.001 of this chapter.

- (2) *National Categorical Pretreatment Standards.* National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all persons of the regulated industrial categories.

The categorical pretreatment standards, if more stringent than other limitations imposed in this chapter, shall immediately supersede the limitations of this chapter. The pretreatment coordinator shall notify all affected persons of the applicable reporting requirements of the Act, particularly 40 CFR Part 403.12.

- (3) *Deadline for compliance with categorical standards.* Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is otherwise specified. Existing sources which become industrial users subsequent to promulgation of an applicable categorical standard shall be considered existing industrial users.

New sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time not to exceed 90 days) new sources must meet all applicable pretreatment standards.

- (4) *Equivalent limits.*

- (A) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the POTW may convert the limits to equivalent limits expressed either as mass of pollutant discharged per day or effluent concentration.
- (B) A POTW shall calculate equivalent mass-per-day limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production shall be based upon a reasonable measure of the industrial user's actual long-term daily production, such as the average daily production during a representative year. New sources shall use projected production in place of actual production.
- (C) A POTW shall calculate equivalent concentration limits by dividing the mass limitations derived under subdivision (B) by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during the representative year.
- (D) The same production of flow figure shall be used in calculating maximum daily discharge limitations and maximum monthly average, or four-day average, limitations.
- (E) Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits shall notify the POTW within two business days after the user has a reasonable basis to know that the production level will significantly change.

- (5) *Removal credits.* The Act 40 CFR, Part 403.7, allows removal credit for certain pollutants limited by the categorical pretreatment standards. The pretreatment coordinator may consider a written request from a person impacted by the categorical pretreatment standards. If the wastewater treatment system achieves consistent removal of

such pollutants limited by the categorical pretreatment standards, the pretreatment coordinator may apply to the state and federal authorities in accordance with the Act. Removal credits will not be taken into consideration until authorization is received from the state or federal agencies, and the specific pollutant discharge limits are amended by this chapter.

- (6) *Dilution.* No discharger shall increase the use of potable or process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The pretreatment coordinator may impose mass limitations on industrial users which are suspected of using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. 61-5822 §44 (part), 2019; Ord. 61-5636 §2(part), 2014; File No. 11-0507; Ord. 61-5124 §1, 2001, File No. 01-0730; Ord. 61-5008 §1, 1998; Ord. 61-4878 §1, 1994; Ord. 61-4859 §1(part), 1994.)

13.62.040 - Control of prohibited wastes.

(a) *Wastewater discharge permits.*

- (1) *Required permits.* All significant users, new or existing, proposing to connect to or contribute wastewater to the POTW shall obtain a wastewater discharge permit before connecting to or discharging to the POTW. If the significant use has multiple regulated outfalls, a separate permit is required for each regulated outfall.
- (2) *Permit application.* Persons required to obtain a wastewater discharge permit or maintain an existing permit shall complete and file an application, in the form prescribed by the commission, with the pretreatment coordinator.

All new significant industrial users shall submit a permit application at least 90 days prior to connecting to the system or contributing wastewater to the POTW. Copies of the wastewater permit application may be obtained from the office of the:

Director of Public Works and Utilities
407 Grant Street
Wausau, WI 54403

In support of the application, the applying person shall submit the following information:

- (A) Name, address and location (if different from the address);
- (B) SIC number according to the Standard Industrial Classification Manual;
- (C) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
- (D) Description of activities, facilities and plant processes on the premises including all materials stored or used which are, or could be, discharged to include, but not be limited to, raw materials, intermediate materials, catalysts, products and byproducts, and other materials as required. Furthermore, the description shall include solvents, chemicals and cleaning agents that may be introduced into the treatment system via accidental spill or mishap;
- (E) Each product produced by type, amount and rate of production;
- (F) A baseline report shall be submitted with the permit application by industrial users subject to categorical standards to provide data required for the application. The industrial user shall identify the pretreatment

standards applicable to each regulated process, and shall:

- (i) Submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.
- (ii) A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The pretreatment coordinator may waive flow-proportional composite sampling for any industrial discharger that demonstrates that flow-proportional sampling is infeasible. In such cases samples may be obtained through time-proportional composite sample techniques or through a minimum of one grab samples where the discharger demonstrates that this will provide a representative sample of the effluent being discharged.

The discharger shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

- (iii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists.

If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the discharger should measure the flows and concentrations necessary to allow the use of the combined wastestream formula according to 40 CFR 403.6(e).

- (iv) Sampling and analysis shall be performed in accordance with the techniques described in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the sampling and analytical techniques described in 40 CFR Part 136 are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the WDNR.

(G) Time and duration of wastewater contribution;

(H) Average, daily and 15-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(I) The nature and concentration of any pollutants in the discharge which are limited by any City, state or national categorical pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(J) Number of employees and hours worked;

(K) Any other information as may be necessary to evaluate the permit application;

(L) All permit applications shall be signed by an authorized representative of the user.

(3) *Permit processing.*

(A) The pretreatment coordinator will evaluate the data furnished with the permit application. Further requests for additional information may be made until the application is complete. Within 90 days after all information is complete, a written response to the application will be prepared to address any concerns, terms or

conditions that may be appropriate for meeting the requirements of this chapter, and may require the industrial user to obtain a wastewater discharge permit. A permit shall be obtained by the industrial user if any one of the following conditions prevail:

- (i) The user discharges wastewater which, or will, contain one or more pollutants with conditions as defined in section 13.62.030(a) of this chapter;
 - (ii) The user discharges wastewater which, or will, contain one or more pollutants as listed in section 13.62.030(b)(1) of this chapter;
 - (iii) The user is, or will be, subject to National Categorical Pretreatment Standards;
 - (iv) The user is or will be discharging wastewaters with concentrations of BOD and/or TSS higher than normal wastewater concentrations;
- (B) The approving authority will notify the user, by certified mail, of one of the following:
- (i) A wastewater discharge permit shall be issued to the user and become effective within five days of the date of issuance; or
 - (ii) A wastewater discharge permit shall be denied to the user for reasons as specified; or
 - (iii) A wastewater discharge permit shall not be required of the user unless a change in operations occurs which may affect wastewater constituents and characteristics or more stringent limitations are required.
- (4) *Permit fees and charges.* The commission will adopt fees and charges for the recovery of costs from the users of the City's POTW for the implementation of the requirements of this chapter.

The utility bills the permit fees and charges directly to the significant industrial users both in the City and also those in contracted municipalities that discharge to the Wausau POTW via sewer system connections. Permit fees will be evaluated and amended as necessary to reflect current costs. The fees for regulated customers are defined in chapter 13.64.020.

The charges for laboratory analysis of the sample will be charged to each user on a case-by-case basis reflecting the actual charges for commercial laboratory costs. Other charges that may be billed to specific users include costs for processing requests for removal credits for categorical pretreatment standards. The above fees and charges relate only to matters in this chapter.

- (5) *Permit modifications.* Within nine months of the promulgation of national categorical pretreatment standards the wastewater discharge permit of industrial users subject to such standards or requirements shall be revised to require compliance with such standards within the time frame prescribed by such standards.

Where an industrial user subject to national categorical pretreatment standards has not previously submitted an application for a wastewater discharge permit as required by this chapter, the industrial user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standards or pretreatment requirements.

In addition, the industrial user with an existing wastewater discharge permit shall submit to the pretreatment coordinator within 180 days after the promulgation of applicable national categorical pretreatment standards the information required by this chapter.

The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements identified in this chapter are modified or as other just causes exist. The industrial user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(6) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all applicable regulations, user charges and fees established by the City. The permit shall contain the following conditions:

- (A) Statement of duration (in no case more than five years);
- (B) Statement that the permit is nontransferable without, at a minimum, prior notification to and approval from the utility, and provision of a copy of the existing wastewater discharge permit to the new owner or operator;
- (C) Effluent limits, including Best Management Practices, based on applicable pretreatment standards and local limits as established by this ordinance, and state and local law;
- (D) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on federal, state and local law;
- (E) Statement of applicable civil and criminal penalties for the violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond federal, state or local deadlines;
- (F) Compliance schedules;
- (G) Requirements for submission of technical reports or discharge reports;
- (H) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;
- (I) Requirements for notification to the pretreatment coordinator in advance of any new introduction of wastewater pollutants or any substantial change in the volume or character of the pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p);
- (J) Requirements for notification of slug discharges as per this chapter;
- (K) Requirements to control Slug Discharge, if determined by the control authority to be necessary;
- (L) Other conditions as deemed appropriate by the City to ensure compliance with this chapter.

(7) *Permit duration.* Wastewater discharge permits shall be issued for a period of five years. The users shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. A general review process will be conducted prior to renewal.

The review process will evaluate any violations of compliance schedules, report completeness and accuracy, and other pertinent information germane to the reissuance of the permit.

(8) *Permit transfer.* Wastewater discharge permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the commission. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(9) *Appeals procedure.* A user desiring to appeal to the commission regarding the pretreatment limitations, pretreatment requirements or conditions of an issued wastewater discharge permit shall file petition for appeal with the approving authority within 20 days of the issuance date of the permit or modification thereof. If the user does not file a petition for appeal within that time, the issued permit is final.

(b) *Reporting requirements for permittee.*

(1) *Compliance date report.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW any user subject to categorical pretreatment standards and pretreatment

requirements shall submit to the pretreatment coordinator a report which shall include the following information:

- (A) Indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical pretreatment standards and pretreatment requirements;
- (B) The average and maximum daily flow for these process units in the user's facility which are limited by such categorical pretreatment standards and pretreatment requirements;
- (C) The report shall state whether the applicable categorical pretreatment standards and pretreatment requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable categorical pretreatment standards and pretreatment requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a registered professional qualified to certify the report.

(2) *Periodic compliance reports.*

- (A) Are required to be submitted to the pretreatment coordinator by: (i) any user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard; (ii) in the case of a new source, after commencement of the discharge of wastewater to the POTW; (iii) any significant noncategorical user shall submit to the POTW semiannual compliance reports. The reports are to be submitted according to the dates specified in each users permit.
- (B) The reports required in this subsection (b) shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period.

The POTW shall require that frequency of monitoring which is necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

- (C) The sampling and analysis for the periodic compliance reports that are required from the significant industrial user may be performed by the approving authority in lieu of the significant industrial user. Where the POTW itself collects all the information required for the report, the significant industrial user will not be required to submit the report.
- (D) If any industrial user subject to the reporting requirement in this subsection (b)(2) monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in this section, the results of this monitoring shall be included in the report.

In cases where a local limit requires compliance with Best Management Practices or pollution prevention alternative, the user shall submit documentation required by the utility to determine the compliance status of the user.

- (E) The periodic compliance reports shall include the following information:
 - (i) A record of all daily flows which, during the reporting period, exceeded the average daily flow allowed by the permit;
 - (ii) Concentration and daily quantity of pollutants in the wastewater discharge which are controlled by this chapter, by the categorical pretreatment standards and/or others as required by the permit;
 - (iii) When flows and/or pollutant concentration or quantities exceed the requirements of this chapter and permit limitations, a discussion as to the reason for the result and how the situation is to be corrected shall be given;

- (iv) Any projected changes in production quantity and schedule which could change discharge characteristics in
- (v) For industrial users subject to equivalent mass or concentration limits established by the POTW in accordance with the procedures in 40 CFR 403.6(c), the report required shall contain a reasonable measure of the users long-term production rate.
- (vi) Documentation associated with Best Management Practices required by the facility's permit.

For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required shall include the user's actual average production rate during the reporting period.

- (3) *Signatory requirements.* All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user. "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- (4) *Sampling and analysis violation requirements.* If sampling performed by an industrial user indicates a violation, the user shall notify the POTW within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis within 30 days after becoming aware of the violation and submit the results of the repeat analysis to the POTW within 30 days. The industrial user is not required to resample if:
 - (A) The POTW performs sampling at the industrial users at a frequency of at least once per month; or
 - (B) The POTW performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling or if the utility has performed the sampling and analysis in lieu of the Industrial User.
- (5) *Accidental or slug discharges.* Users shall notify the POTW superintendents immediately (at any hour of the day or night by the fastest and most effective means possible) upon having a slug or accidental discharge or violation of this chapter that could cause problems to the POTW, in order to enable countermeasures to be taken by the City to minimize damage to the POTW and the receiving waters. The notification shall include the location of discharge, type of waste, concentration and volume and corrective actions taken by the user.

Within five days of the date of occurrence, the user shall submit to the pretreatment coordinator a detailed written statement describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences.
- (6) *Notification of changed discharge.* All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under section 13.62.030(a)(18).

For the purposes of this requirement, substantial changes include, but are not limited to, flow increases or decreases of 25 percent or greater, and the discharge of any previously unreported pollutants. Industrial Users are required to notify the POTW immediately of any changes at its facility affecting the potential for a Slug Discharge.

- (7) *Bypass.* An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable

pretreatment standards to the POTW within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps to be taken or planned to reduce, eliminate and prevent recurrence of the bypass.

(8) *Hazardous waste notification.*

- (A) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Region V Waste Management Division Director, and the DNR Bureau of Solid and Hazardous Waste Management in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences.
- (B) Dischargers are exempt from the hazardous waste notification requirement during a calendar month in which they discharge 15 kilograms or less of nonacute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification.
- (C) In the case of any new regulations under Section 3001 of Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the pretreatment coordinator, the EPA Regional Waste Management Division Director and the state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (D) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (E) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

(9) *Effect of an upset.*

- (A) An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of subdivision (9)(B) of this subsection are met.
- (B) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and the user can identify the cause(s) of the upset;
 - (ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
 - (iii) The user has submitted the following information to the pretreatment coordinator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

- a. A description of the discharge and cause of noncompliance,
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue,
 - c. Steps being taken and/or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.
- (C) In any enforcement proceeding the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (D) The user shall control production or all discharges to the extent necessary to maintain compliance with the pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(c) *Pretreatment.*

Required facilities. Users shall provide the necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all national categorical pretreatment standards and pretreatment requirements within the time limitations as specified by the federal pretreatment regulations or pretreatment requirements. Any facilities required to pretreat wastewater to a level acceptable to the utility shall be provided, operated and maintained at the industrial user's expense.

Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the pretreatment coordinator and to the Wisconsin DNR for review, and shall be acceptable to the utility and the Wisconsin DNR before construction of the facility.

The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable as required by the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the utility prior to the industrial user's initiation of the changes. All records relating to compliance with any applicable pretreatment standards or pretreatment requirements shall be made available to officials of EPA, Wisconsin DNR or pretreatment coordinator upon request.

If additional pretreatment and/or operation and maintenance will be required to meet the applicable pretreatment standards, the user shall include in the permit application the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and completing construction). No increment shall exceed nine months.
- (2) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the pretreatment coordinator.

This progress report shall include, at a minimum, whether or not the user complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established.

In no event shall more than nine months elapse between such progress reports to the pretreatment coordinator.

(d) *Grease, oil and sand interceptors.* Grease, oil and sand interceptors shall be provided as required by chapter ILHR 82, Wis. Admin. Code, for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the utility, and shall be located so as to be readily and easily accessible for cleaning and inspection.

(e) *Admission to property.*

(1) The Director of Public Works and Utilities, POTW superintendent, pretreatment coordinator, their designated representatives, the Wisconsin DNR and the EPA, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and records examination and copying, in accordance with the provisions of this chapter. The personnel shall not inquire into any industrial processes, including metallurgical, chemical, oil refining, ceramic, paper or other processes, except as they affect the kind and source of discharge to the system.

(2) While performing the necessary work on private properties referred to in subsection (e)(1) of this section, all personnel shall observe all safety rules applicable to the premises established by the user, not inconsistent with the inspection process.

(3) Specific easements for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sanitary sewer lying within the easement may be required. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(f) *Confidential information.* Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public and governmental agencies without restrictions unless the user specifically requests, and is able to demonstrate to the satisfaction of the approving authority, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user under Wis. Stats. § 134.90(1)(c).

When confidentiality is requested and demonstrated by the industrial user furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available, upon written request, to governmental agencies for uses related to this chapter, the WPDES permit, State Disposal System permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the industrial user furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the authority as confidential, shall not be transmitted to any governmental agency or to the general public by the authority until and unless a ten-day notification is given to the user.

(Ord. 61-5822 §44 (part), 2019; Ord. 61-5655 §1, 2015, File No. 11-0507; Ord. 61-5636 §3(part), 2014; Ord. 61-5476 §1, 2011, File No. 11-0507; Ord. 61-5054 §1, 1999; Ord. 61-5001 §1(part), 1998; Ord. 61-4859 §1(part), 1994.)

13.62.050 - User wastewater monitoring and analysis.

(a) *Monitoring of user wastewater.* Monitoring shall conform to the following standards:

(1) All user wastes discharged into the system shall be subject to periodic inspection to include but not be limited to, inspection of records related to monitoring, sampling and analysis of such wastewater kept by the user and a determination of the volume, character and concentration, by the pretreatment coordinator as often as deemed

necessary by utility.

Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all times to all parts of the premises for purposes of inspection, sampling, records examination or in the performance of any of their duties.

The volume of flow shall be determined from the metered water consumption of the user or from a wastewater metering survey. Sampling may consist of either instantaneous grab samples or composite samples of wastewater. The costs of such testing and flow determination shall be charged to the user.

- (2) The user discharging wastes into the system shall install and pay for a suitable control manhole or access facilities to facilitate the accurate observation, sampling and measurement of wastes.

Such equipment shall be maintained in proper working order and kept safe and accessible at all times by the user.

- (3) The control manhole or access facilities shall be located and maintained on the user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the Director of Public Works may allow such access to be constructed in the public street or sidewalk area, with the approval of the local governing body, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles.
- (4) When more than one user can discharge into a common lateral, the local or Director of Public Works and Utilities may require installation of separate control manholes or access facilities for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Director of Public Works and Utilities may require that separate control manholes or access facilities be installed for each separate discharge.
- (5) Whether constructed on public or private property, the control manhole or access facilities shall be constructed in accordance with the Director of Public Works and Utilities requirements and all applicable standards and specifications.

A location plan and construction details of the control manhole or access facilities shall be submitted to the Director of Public Works and Utilities for review and approval prior to construction.

- (6) Except as designated in subsection (a)(7) of this section, the volume of flow used for computing user charges shall be the metered water consumption of the industrial user as shown in the records of meter reading maintained by the utility.
- (7) Devices for measuring the volume of waste discharged may be required by the pretreatment coordinator or POTW superintendent, if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the user.

Following approval and installation, such meters may not be removed without the consent of the utility.

- (b) *Analysis of user wastewaters.* All laboratory analysis for all required monitoring shall be performed by laboratories certified by the Wisconsin DNR and in accordance with NR 219 Wis. Admin. Code and procedures established pursuant to Section 304(h) of the Act and contained in 40 CFR, Part 136 and amendments thereto. Any alternate sampling or analytical procedures must have Wisconsin Department of Natural Resources approval.

- (a) *Emergency suspension of service and discharge permits.* The utility may, for good cause shown, suspend the wastewater treatment service and the wastewater discharge permit of a person when it appears to the utility that an actual or threatened discharge presents or threatens:
- (1) An imminent or substantial danger to the health or welfare of persons; or
 - (2) Substantial danger to the environment; or
 - (3) Interference with the operation of the POTW; or
 - (4) Violation of any pretreatment limits imposed by this chapter, or any wastewater discharge permit issued pursuant to this chapter.

Any user notified of the suspension of the City's wastewater treatment service and/or the user wastewater discharge permit shall immediately cease all discharges. In the event of failure of the user to comply voluntarily with the suspension order, the City shall commence judicial proceedings or take such other measures deemed necessary, including immediate severance of the sewer connection.

The City shall reinstate the wastewater discharge permit and/or the wastewater treatment service and terminate judicial proceedings pending proof by the user of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

- (b) *Accidental or slug discharges.* If the discharge did cause pass through, interference with the operation of the wastewater system or POTW and/or damage in the wastewater system or if it is documented that the industry has repeatedly caused pass through, interference with the operation of the wastewater system or POTW at the POTW, the utility may serve the industry with a written notice of violation, order the industry to show cause why enforcement action should not be taken, or, depending on the severity and extent of the violation, commence legal action against the user for legal and/or equitable relief in a court of competent jurisdiction.
- (c) *Notice of noncompliance.* Any user that violates any condition or limitation of this chapter or the waste-water discharge permit may be issued a notice of noncompliance by the utility, except where significant noncompliance defined in subsection (i) of this section justifies immediate issuance of a notice of violation. The notice of noncompliance will explain the nature of the noncompliance and require that the user, within 30 days of the date of the notice, file a plan for correcting the noncompliance.

If the pretreatment coordinator approves the submitted plan and the user complies with the submitted plan to correct the violation, no further action may be taken against the user. If the user does not submit a plan acceptable to the utility, fails to submit a plan or does not comply with the submitted plan, the utility may take action in accordance with subsection (d) of this section.

- (d) *Notice of violation.* Any user that violates any condition or limitation of this chapter, the wastewater discharge permit, or has failed to provide an acceptable plan for expeditious corrective action as required under the notice of noncompliance, may be served by the utility with a written notice of violation via registered mail (return receipt requested). Within 30 days of the receipt date of the issuance of the violation notice, the user must submit to the pretreatment coordinator an explanation of the violation and a plan for the satisfactory correction and prevention thereof. Included in this plan must be a schedule for a pollution prevention audit to be conducted at the users facility (if none has been conducted within the past three years).

If the pretreatment coordinator approves the submitted plan and the user complies with the submitted plan to correct the violation, no further action may be taken against the user.

If, however, the user does not comply with the plan or if the plan does not correct the violation, the commission has the option to do any of the following: take legal action against the industry for the imposition of forfeitures and recovery costs for damage incurred as a result of the user's discharge, revoke the user's wastewater discharge permit, and/or discontinue sewer service to the user.

(e) *Show cause hearing.* A show cause hearing shall be conducted as follows:

- (1) If the violation is not corrected by timely compliance, the utility may order any alleged violator to show cause before the commission why sewer service should not be terminated. A notice shall be served on the alleged violator specifying the charges and the time and place of the hearing thereon.

The notice shall be served personally or by certified mail, return receipt requested, at least eight days before the hearing. Service shall be made as indicated in Wis. Stats. § 801.11.

- (2) The approving authority may itself conduct the hearing and take the evidence, or may designate some person, excluding a member, to be the hearing examiner to:

- (A) Issue subpoenas requiring the attendance of witnesses and the production of evidence relevant to any matter involved in any such hearing;

- (B) Take testimony and rule on the introduction of evidence;

- (C) File findings of fact and conclusions of law with the approving authority.

- (3) At any public hearing, testimony taken before the commission shall be under oath and recorded stenographically or electronically. The transcript shall be made available to any person upon payment of the charges therefor.

- (4) After the commission has reviewed the evidence, it may issue an order to the violator directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed, or existing treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

(f) *Legal action.* Any discharge in violation of this chapter shall be considered a public nuisance. The commission shall bring an action for appropriate legal and/or equitable relief to abate the nuisance and enforce this chapter.

(g) *Pretreatment coordinator jurisdiction limited.* The orders issued to a user in another municipality by the pretreatment coordinator shall be countersigned by the Director of Public Works and Utilities if such orders are to be grounds for any enforcement action under this chapter except for enforcement action taken pursuant to subsection (e)(2)(B) of this section. Where plans, etc., are to be submitted to the pretreatment coordinator for approval, the pretreatment coordinator shall act thereon within ten working days after receipt thereof.

This subsection is not a waiver by the utility of any right it may have to commence any action, legal or equitable, to enforce any right, duty or obligation, it, another utility, municipality, or a user, may possess or be subject to.

(h) *Right of appeal.* Any user or any interested party shall have the right to request in writing an interpretation or ruling by the commission on any matter covered by this chapter and shall be entitled to a prompt written reply.

In the event that such inquiry is by a user and deals with matter of performance or compliance with this chapter or deals with a wastewater discharge permit issued pursuant to this chapter for which enforcement activity relating to the alleged violation is the subject, receipt of a user request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local and state law.

(i) *Annual publication.* The commission shall publish, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the utility by March 31 of each year, a list of the industrial users which, during the previous year, were in significant noncompliance with applicable pretreatment standards or

requirements.

For the purpose of this provision, a significant industrial user is in significant noncompliance if its violation meets one or more of the following criteria, while a non-significant industrial user has been in significant noncompliance if criteria in subsections (3), (4), or (8) apply:

- (1) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements of the industrial user's wastewater for the same pollutant taken during a six-month period exceeded by any magnitude, any numeric pretreatment standard or requirement including an instantaneous limit;
 - (2) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all the measurements of the industrial user's wastewater for the same pollutant taken during a six-month period equaled or exceeded the product of the numeric pretreatment standard or requirement including an instantaneous limit multiplied by either 1.4 for BOD, TSS, and fats, -oil and grease; 1.2 for all other pollutants except pH; or exceeded a pH limit by .4 standard units);
 - (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the pretreatment coordinator determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
 - (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under this section to halt or prevent such a discharge;
 - (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
 - (6) Failure to provide, within 45 days after the due date, required reports containing all required monitoring results and other information such as baseline monitoring reports, periodic self-monitoring reports, and reports on compliance schedules;
 - (7) Failure to accurately report noncompliance; or
 - (8) Any other violation or group of violations which may include a violation of Best Management Practices, which the pretreatment coordinator determines will adversely affect the operation or implementation of the local pretreatment program.
- (j) *Recordkeeping and records retention.* All discharges subject to this chapter shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a user in connection with its discharge and documentation associated with Best Management Practices established.

All records which pertain to matters which are the subject of any enforcement or litigation activities brought by the City pursuant to this chapter shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitations with respect to any and all appeals have expired. The utility will retain all records for the same length of time.

(Ord. 61-5822 §46 (part), 2019; Ord. 61-5636 §4(part), 2014; Ord. 61-4859 §1(part), 1994.)

13.62.070 - Penalties—Costs.

- (a) *Civil penalty.* Any user who is found to have violated any order or provision of this chapter, and the orders, rules and

regulations issued under this chapter, may be fined up to \$1,000.00 (40 CFR 403.8(f)(1)(vi)(a)), per day for each violation. Each day of violation may be deemed a separate offense and subject to a separate forfeiture.

In addition to the civil penalty provided in this chapter, the commission may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit of law against the person found to have violated this chapter, or the orders, rules and regulations issued under this chapter.

- (b) *Costs of damage.* Any person found to be responsible for a deleterious discharge into the system, which discharge causes damage to the system, upsets the POTW process and/or seriously impairs the quality of the receiving stream, shall become liable to the utility and/or City for any expense, loss or damage caused by the violation or discharge.

The City may add to the user's charges and fees the costs assessed for any cleaning, repair or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this chapter.

- (c) *Falsifying information.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other documents filed or required to be maintained pursuant to this chapter, or who falsified, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction be punished by the imposition of a civil penalty not to exceed limits as stated in this chapter.
- (d) *Injunctive relief.* The utility may petition for injunctive relief to compel compliance with the National Categorical Pretreatment Standards and the orders, rules and regulations issued under this chapter. This section shall not be construed as to waive the City's abilities to refer criminal violations to the appropriate prosecuting agencies.

(Ord. 61-5822 §47 (part), 2019; Ord. 61-4859 §1(part), 1994.)

13.62.075 - Special Provision—Amalgam reduction—Dental professionals.

- (a) This section applies to any dental office that places or removes amalgam. If work in a dental office is limited to work that does not involve placing or removing amalgam, such as orthodontics, periodontics, oral and maxillo-facial surgery, endodontics, prosthodontics, or which are identified by the utility or Marathon County Health Department as being de-minimum contributors, then the section does not apply.
- (b) By no later than October 1, 2008, all dental offices that place or remove amalgam shall implement BMPs (best management practices) for amalgam as established by the Wisconsin Dental Association.
- (c) By no later than October 31, 2008, every vacuum system where amalgam is placed or removed shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). Dental offices shall install, operate, and maintain the amalgam separator according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.
- (d) On or before October 31, 2008, each dental office shall provide a report to utility and Marathon County Health Department that provides the following information:
 - (1) Certify that the dental office is implementing the management practices required by subsection (b) and identifies the contractors used to remove amalgam waste within the last 12 months.
 - (2) If installation of the amalgam separator is complete, then the report shall identify the installation date, the manufacturer, and the model name.
 - (3) If the installation of the amalgam separator is incomplete, then the report shall explain the delay, provide an installation schedule, and identify the manufacturer and the model name of the amalgam separator that will be installed.
- (e) If a dental office has provided a report according to subsection (d)(3), then the dental office shall notify the utility and

Marathon County Health Department within five days after the completion of the installation.

- (f) The utility or Marathon County Health Department shall provide forms for reporting the information required by subsection (d).
- (g) From the contractors used to remove amalgam waste, dental offices shall obtain records for each shipment showing: the volume or mass of amalgam waste shipped; the name and address of the destination; and the name and address of the contractor. Dental offices shall maintain these records for a minimum of three years. Dental offices shall make these records available to the utility and Marathon County Health Department, or their agent, for inspection upon request.
- (h) Dental offices shall allow the utility and Marathon County Health Department to inspect the vacuum system, amalgam separator, and amalgam waste storage areas. Inspections shall occur by appointment during normal operating hours of the dental office as long as this does not impede enforcement of this section.
- (i) If a dental office is implementing the management practices required by subsection (b) and is operating and maintaining the amalgam separator as required by subsection (c), then any numerical discharge limit for mercury established in any other section of this chapter does not apply.
- (j) Definitions.

Amalgam separator means a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

Amalgam waste means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam devices; used amalgam capsules; and leaking or unusable amalgam capsules.

Dental office means any dental clinic, dental office or dental practice, but not including those limited to orthodontics, periodontics, oral and maxillo-facial surgery, endodontics, or prosthodontics.

ISO 11143 means the International Organization for Standardization's standard for amalgam separators.

Wausau Water Works staff includes employees from both the Drinking Water and Wastewater Divisions.

(Ord. 61-5822 §48 (part), 2019; Ord. 61-5636 §5(part), 2014; Ord. 61-5372 §1, 2008, File No. 08-0806.)

Editor's note— Effective date—September 1, 2008.

19.20.010 - Separate drains for each building.

Every building shall have a separate and independent connection with a public main sanitary sewer, private sewage disposal system, or private main sanitary sewer. A private main sanitary sewer shall conform to standard specifications of the City for public sewers and shall be approved by the Plumbing Inspector and City engineer. Manholes shall be located not less than 25 feet from any building.

(Ord. 61-4380 §1(part), 1978.)

19.20.020 - Material, joints and connections.

All building sanitary and storm sewer piping extending from a public sewer or other disposal terminal to the foundation walls shall be of material, joints and connections approved in the Wisconsin Administrative Code (WAC). The disposal terminal shall be described as the end of the sewer service lateral or private sewage disposal system; in the event no lateral has been installed, it shall be the City sewer main. A building sanitary or storm sewer connection to a private or public main sanitary or storm sewer shall conform to sections 19.20.050 and 19.20.070 of this chapter.

(Ord. 61-5472 §5 (part), 2011, File No. 78-0745; Ord. 61-4380 §1(part), 1978.)

19.20.030 - Size.

The size of building sewers shall be determined by the provisions of WAC.

(Ord. 61-4380 §1(part), 1978.)

19.20.040 - Draining of waters into sanitary sewers.

The downspout or roof drain of any building, any air conditioner, or other clearwater cooling device, any cistern overflow, or any groundwater drain shall not be connected to any sanitary sewer, nor shall rain or surface water be drained directly or indirectly into any sanitary sewer:

- (a) *Disconnection.* The owner of any building or land wherein there is a violation of the provisions of this section shall cause the violation to be corrected within six months after being notified in writing by the Plumbing Inspector, whose duty it shall be to enforce this section.
- (b) *Drainage.* All drainage of waters enumerated in this section shall be made either directly into a storm sewer or into a public street or alley beyond the curb line, subject to the approval of the Plumbing Inspector. No person shall permit the drainage of water across any sidewalk or

public area so as to cause or tend to cause any hazard or danger to pedestrians or users thereof.

(Ord. 61-4380 §1(part), 1978.)

19.20.050 - Connection to sewer mains.

No person shall make a connection of any kind to a public sanitary or storm sewer, or replace or reconstruct any sanitary or storm sewer lateral without a permit from the Plumbing Inspector. Connections to any sanitary or storm sewer main pipe shall be done by City employees or their designees. Connections to manholes shall be performed privately with inspection by City employees.

(Ord. 61-4778 §1(part), 1992; Ord. 61-4428 §1, 1979; Ord. 61-4380 §1(part), 1978.)

19.20.060 - Location.

The Plumbing Inspector, with the cooperation of the water and sewerage utilities, shall keep a proper sewer connection record in a book, card index, or plat provided for that purpose showing the location of the lot, the master plumber proposing to lay the sewer or drain, and of the exact location of the public sewer to each drain or sewer so laid. Information concerning the sizes, location and depth of public and private sewers or drains and the position of the branch, junction and appurtenances will be furnished by the water and sewerage utilities. All reasonable care will be taken to ensure the correctness of such information, but such correctness will not be guaranteed under any circumstances. When in accordance with the measurements furnished, the junction is not found within three feet of the point designated, an approved Y or T fitting shall be used and such connection shall be made under the direction of the Plumbing Inspector or designee in accordance with 19.20.050 of this chapter. (When sewer laterals are not in the same trench as the water lateral, the installer of the lateral shall report to the utility the location of the lateral referenced from permanent points, i.e., property corners, manholes, hydrants, etc. In all cases, when the lateral is installed for future use a two-inch by four-inch board shall be placed at the end of the lateral to reach the ground surface, clearly marking the location of the pipe.)

(Ord. 61-4778 §1(part), 1992; Ord. 61-4380 §1(part), 1978.)

19.20.070 - Connection requirements.

- (a) *Size.* The connection shall be of the saddle type. The fitting used in the connection shall be made in such a manner as to ensure that no protrusion of the fitting into the main sewer pipe will result. The connector shall fit perfectly the contour of the inside of the sewer and shall be sufficiently designed to fit the particular size main sewer pipe into which the connection is made. The hole shall be of such size to provide one-eighth inch clearance between the outside of the fitting and the hole. The space so provided shall be completely filled with cement grout. The

space between the shoulder of the fitting and the face of the main sewer pipe shall be one-eighth inch thick and this space shall be completely filled with cement grout. The connection shall be encased in concrete.

(b) *Fitting*. The fitting shall be of cast iron, concrete, vitrified clay, plastic, or other approved materials, and shall be capable of receiving the type of pipe used for the building sewer lateral.

(c) *Fees*. All taps will be billed on time and material basis.

(Ord. 61-5472 §6 (part), 2011, File No. 78-0745; Ord. 61-4778 §1(part), 1992; Ord. 61-4428 §§2, 3, 4, 1979; Ord. 61-4380 §1(part), 1978.)

19.20.080 - Drain ends protected.

The ends of all sanitary sewer pipes not immediately connected shall be securely closed with a plug so as to prevent the introduction of sand, earth or drainage from an excavation. The ends of all sewer laterals installed for future use shall be sealed with a plug or cap of the same material as the lateral.

(Ord. 61-4380 §1(part), 1978.)

19.20.090 - Prohibited location.

No water or sewer lateral, water service, or building sewer shall extend over or through any property description except the property served. Access shall be through a public right-of-way.

(Ord. 61-4380 §1(part), 1978.)

19.20.100 - Defective or inferior pipe prohibited.

No person shall connect with any public sewer any pipe that is cracked, damaged, or of any inferior make or quality. Should any person furnish pipe of an inferior make or quality to connect with a public sewer, the master plumber shall refuse to install the same and shall immediately notify the Plumbing Inspector, who shall require that necessary change be made so as to conform with this chapter.

(Ord. 61-4380 §1(part), 1978.)

19.20.110 - Old pipe or drain.

Whenever necessary to disturb a drain or sewer in actual use, the same shall not be obstructed nor discontinued without special permission of the Plumbing Inspector; and it is unlawful to make any new connections with or extensions to any old drain without permission of the Plumbing Inspector.

(Ord. 61-4380 §1 (part), 1978.)

19.20.120 - Use of sewers.

No person shall deposit in any sewer or drain, garbage, gasoline, tar, grease, waste oil, rags, or other substances likely to cause obstruction, nuisance, or explosion therein, or to do any act which may cause injury thereto. Any person who violates any provisions of this section shall, in addition to the penalty prescribed in this chapter, be liable to the City for the cost of removing such obstruction and of repairing injury resulting therefrom. This section is in addition to and shall be read with chapter 13.62 of this Code.

(Ord. 61-4380 §1(part), 1978.)

19.20.125 - External Grease Interceptors.

External grease interceptors shall be installed and maintained for all new restaurants, large kitchen operations, fast food establishments, etc. Existing businesses under extensive remodeling and where grease problems have been documented, the Plumbing Inspector may require installation of exterior grease interceptors as a condition of a plumbing permit.

(Ord. 61-5121 §1, 2001, File No. 01-0615.)

19.20.130 - Shoring of trenches.

Whenever there is danger of caving, the sides of all trenches shall be supported with adequate sheeting and braces to comply with current State Department of Safety and Professional Services regulations and OSHA requirements.

(Ord. 61-5503 §2 (part), 2012, File No. 77-0941; Ord. 61-4380 §1(part), 1978.)

19.20.140 - Backfilling.

- (a) The backfilling of all trenches to a depth of twelve inches over the pipe shall comply with WAC, and shall be the direct responsibility of the Plumbing Inspector.
- (b) The remainder of the backfilling of that portion of trenches within the public right-of-way, to the property side of the sidewalk line, shall be the responsibility of the excavating contractor and shall be as follows:
 - (1) The remainder of the backfilling, after foundations are prepared, with proper procedures as detailed in WAC, may consist of clay type soils with proper moisture content for maximum compaction, drying or wetting soils as needed and with mechanical compaction at time of back-filling. Backfilling shall be mechanically compacted in layers not to exceed eight inches in depth. The contractor shall have a vibratory-type compactor on the job site, in operating condition, before starting to backfill with clay type soils. Other backfill materials shall be limited to granular soil materials or rocky substances not exceeding one cubic foot in volume.

Rocks shall be entirely enveloped by fine material. Compaction shall be to a minimum of 95 percent Proctor Density. Sandy soil shall have optimum moisture when mechanically compacted.

- (2) Backfilling for pipe sewers may be done immediately after the placing by hand of fine backfill. Such backfilling may be carried on from the top of the trench by mechanical means, or by dumping directly from trucks, or by hand. The backfill in no case shall be dropped from such height or in such volume that its impact upon the sewer structure will cause damage.
- (3) Trenches, where excavated material is sandy or granular, or where, at the option of the Inspector, sandy or granular material is specially imported for backfill purposes, compaction may be obtained by jetting. Sandy or granular material shall pass a four-inch square sieve and shall not contain more than five percent of material which will pass a #200 sieve. It shall be of such character as to readily compact with water and shall permit excess water to pass through it quickly. Soils jetted shall be compacted to a minimum of 95 percent Proctor Density;
 - (A) The hose shall have a minimum diameter of two inches, and the pipe nozzle a minimum diameter of one and one-half inches and a minimum length of four feet. A hydrant regulating valve shall be provided by the contractor so that the hydrant, if one is used, can be fully opened while jetting is proceeding.
 - (B) During the jetting operations, the nozzles shall be inserted as deeply into the backfill as is possible without damaging the sewer structure or its foundation. The insertions shall be made at intervals of five feet or less and maintained unless the backfilling is saturated. Depressions caused by flooding shall be backfilled until there is no further settlement. Where City water is not available, mechanical compaction shall be used.

(Ord. 61-4380 §1(part), 1978.)

19.20.150 - Maintenance.

No person shall file any claim against the City for costs or damages for any repairs, replacements, or interrupted service of any sewer lateral. It shall be the responsibility of the owner of the property being served by any sewer lateral to maintain the entire lateral from a point including the connection to the sewer main and extending through the entire public right-of-way to the property line.

(Ord. 61-4380 §1 (part), 1978.)

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

**ORDINANCE OF CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE**

Repealing all existing parking ordinances on N. 3rd Street between E. Bridge Street and E. Wausau Avenue and amending Section 10.20.080(a) designating no parking on the west side of N. 3rd Street between E. Wausau Avenue and Chicago Avenue, no parking both sides of N. 3rd Street between Chicago Avenue and E. Bridge Street, and designating no parking here to corner on the east side of N. 3rd Street from a point 60 feet south of the crosswalk at E. Wausau Avenue back to E. Wausau Avenue

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: None

File Number: 22-1004

Date Introduced: October 11, 2022

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

Add ()

Section 1. That all existing parking ordinances on N. 3rd Street between E. Wausau Avenue and E. Bridge Street are hereby repealed.

Section 2. That Section 10.20.080(a) is hereby amended to read as follows:

(a) There shall be no parking in the following location:

....

N. 3rd Street

- West side of the street between E. Wausau Avenue and Chicago Avenue
- Both sides of the street between Chicago Avenue and E. Bridge Street
- No parking here to corner east side from a point 60 feet south of the crosswalk at E. Wausau Avenue back to E. Wausau Avenue

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 on the day after its publication.

Adopted:

Approved:

Approved:

Published:

Attest:

Katie Rosenberg, Mayor

Attest:

Kaitlyn A. Bernarde, Clerk

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: September 8, 2022, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lou Larson, Gary Gisselman, Chad Henke, Lisa Rasmussen, Doug Diny

Also Present: Mayor Katie Rosenberg, Eric Lindman, Allen Wesolowski, TJ Niksich, Cord Buckner, Andrew Lynch, Tom Kilian, Lori Wunsch

Discussion and possible action on parking restrictions on 3rd Street between East Wausau Avenue and Bridge Street

Liz Hauser, 2106 North 3rd Street, said parking is a problem every year when the Woodchucks play. People park on both sides of the street. It is a truck route and trucks come straight down the middle. People park over her driveway. She calls to complain but nothing gets taken care of. She would like no parking on her side of the street. She has difficulty getting out when there is a game going on and it is dangerous.

Per Wesolowski, there is no parking posted on odd days on the west side and even days on the east side. There are no signs between Lincoln and Humboldt on the west side of the street. There is no parking posted between Chicago and Bridge Street on the west side and a limited amount of parking on the east side. He recommends posting no parking on both sides between Chicago and Bridge Street due to turning movements off and onto Bridge Street. Letters were sent to the owners along the street. Only one other call was received, which was from Carly Schwanz of 2108 North 3rd Street. She does not feel there are any issues with the existing parking and would like it left as is. Hauser stated Schwanz works at night and is not there when there are issues. Wesolowski also indicated that the posted parking restrictions are not in the code. Hauser added that on the other side of the road there is no parking here to corner; people always park there. She suggested adding yellow markings on the curb.

Rasmussen noted the east side of the street has driveways off the alley. She feels the odd/even parking is confusing. Since one side of the street is different than the other, it does not make sense to mess with odd/even. She suggested restricting the side with the problem, which is the west side. She would think there are issues with snow removal and trash pickup as well. Wesolowski does not think there is a parking issue other than during the Woodchuck games. Hauser said during the games people park on both sides. If a truck comes down the middle, vehicles coming from the other direction must stop. Since there are no access issues on the east side and no sight lines issues getting in and out of their driveways, Rasmussen suggested restricting parking on the west side. Wesolowski clarified that there are some driveways further south on the east side. Rasmussen believes the parking problem is worse the closer one gets to Athletic Park. Lindman feels it makes sense to understand what residents want and get their feedback, but it should be as simple as possible.

Rasmussen moved to amend the signage to show no parking this side of street on the west side of 3rd Street, and no parking on both sides of the street from Chicago to Bridge Street. Seconded by Gisselman.

Per Gisselman, this issue came up a while ago. He agrees with this but in conjunction suggested adding yellow markings to help with issues.

Wesolowski would like to keep the no parking here to corner on the east side by East Wausau Avenue. Rasmussen added that to her motion. Hauser asked about yellow markings. Rasmussen said that could be looked at as part of the Pavement Marking Project.

There being a motion and a second, motion to amend the signage to show no parking this side of street on the west side of 3rd Street, no parking on both sides of the street from Chicago to Bridge Street, and no parking here to corner on the east side by East Wausau Avenue carried unanimously 5-0.

AGENDA ITEM

Discussion and possible action on parking restrictions on 3rd Street between East Wausau Avenue and Bridge Street

BACKGROUND

The Engineering Department received a complaint regarding the posted parking restrictions on 3rd Street between East Wausau Avenue and Bridge Street. In general, the posted parking restrictions are no parking on even days on the east side of the street and no parking on odd days on the west side of the street. Also, several 'No Parking back to corner' exist. One block is not marked, the west side of 3rd Street between Lincoln Ave and Humboldt Ave has no marking. A map of existing parking signs is attached. In reviewing the current signs, staff has discovered that the current posted parking restrictions are not in the Wausau Municipal Code.

FISCAL IMPACT

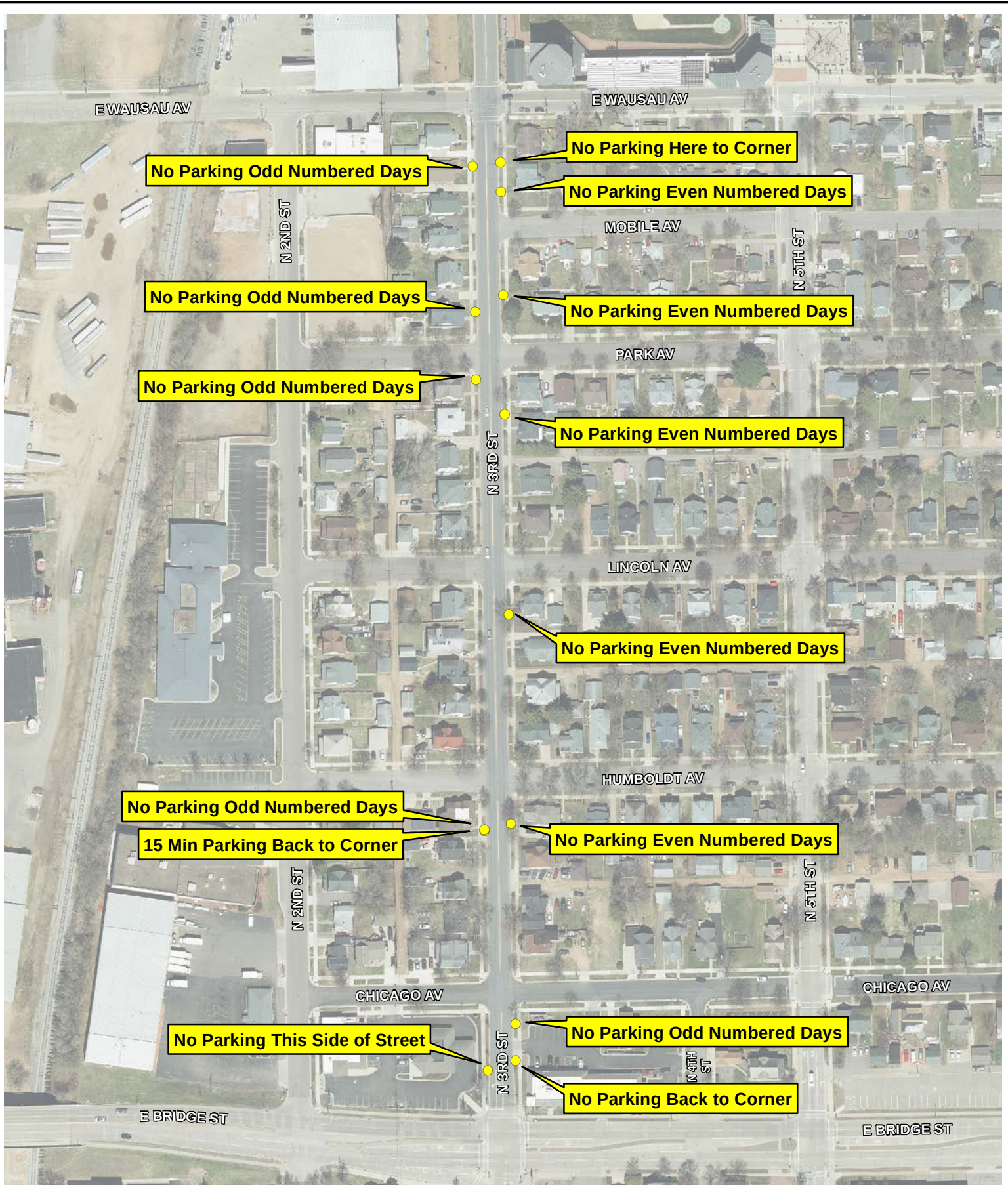
Minimal, the majority of the signs currently exist. Modification of some of the existing signs would be required if approved.

STAFF RECOMMENDATION

Staff recommends approving the parking as currently posted with the following exceptions:

- Post the west side of 3rd Street from Lincoln to Humboldt as 'No Parking Odd Numbered days'
- Post the east side of 3rd Street from Chicago to Bridge as 'No Parking this side of Street'

Staff contact: Allen Wesolowski 715-261-6762

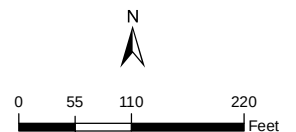


NOTES:
 1. DUPLICATION OF THIS MAP IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE CITY OF WAUSAU ENGINEERING DEPT.
 2. THIS MAP WAS COMPILED AND DEVELOPED BY THE CITY OF WAUSAU AND MARATHON COUNTY GIS. THE CITY AND COUNTY ASSUME NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
 3. MAP FEATURES DEVELOPED FROM APRIL 2010 AERIAL PHOTOGRAPHY.

N 3rd St

Existing Parking Signs

City of Wausau



Map Date: August 26, 2022



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

**ORDINANCE OF CAPITAL IMPROVEMENTS AND STREET MAINTENANCE
COMMITTEE**

Amending Section 10.20.080(a) designating no parking on the north side of Grant Street beginning at the intersection of N. 7th Street extending east 210 feet

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: None

File Number: 22-1005

Date Introduced: September 27, 2022

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

Add ()

Section 1. That Section 10.20.080(a) is hereby amended to read as follows:

(a) There shall be no parking in the following location:

....

Grant Street

- North side of the street beginning at the intersection of N. 7th Street extending east 210 feet

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect on the day after its publication.

Adopted:

Approved:

Published:

Attest:

Approved:

Katie Rosenberg, Mayor

Attest:

Kaitlyn A. Bernarde, Clerk

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: September 8, 2022, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lou Larson, Gary Gisselman, Chad Henke, Lisa Rasmussen, Doug Diny

Also Present: Mayor Katie Rosenberg, Eric Lindman, Allen Wesolowski, TJ Niksich, Cord Buckner, Andrew Lynch, Tom Kilian, Lori Wunsch

Discussion and possible action on parking restrictions in the 700 block of Grant Street

A request was received from the owner of the distillery at 720 Grant Street for no parking on the north side of the street. The resident at 708 Grant is also in favor of no parking in front of her property. Parking has been this way for a long time. This would take away parking for the Hiawatha. Larson said with the businesses there, there are always cars lined up the street. Rasmussen mentioned a similar situation by Bull Falls Brewery. With parking on both sides, it is difficult for emergency vehicles, snowplows, and garbage trucks. If the business owner is requesting restricting parking on one side leaving parking on the other, it makes sense.

Rasmussen moved to approve no parking on the north side of the 700 block of Grant Street. Seconded by Gisselman.

Diny asked who owns the area north of 720. Wesolowski responded the street right-of-way ends and 720 Grant owns the area.

Dan Weber, 720 Grant Street and 3824 North 14th Street, explained there is a lot of aggressive traffic that comes through what used to be St. Paul Street. People still continue to use the area as a road. There are issues with excessive speed, no stopping and traffic backing up. Ultimately, he is leaning towards closing McClellan Street access to the property, making Grant Street the only access. He has a standing lease with Hiawatha for the next 5 to 6 years. The lot to the south is owned by Sun Printing. He has secured an agreement to use this for auxiliary parking at no cost to him or the Hiawatha. He feels this is a public safety issue. It will cost about \$100,000 to repave his lot in the next few years and to have the municipality use it as a throughway would be detrimental to his investment. He knows it could create some confusion but ultimately, he believes it is in the best interest of the businesses and the residents.

Henke noted that one has to be very polite to get through this area at times and is in favor. Larson feels that not having no parking on one side of the street would allow two east/west cars down the street. Gisselman thought St. Paul Street from Scott Street north was a thoroughfare. Wesolowski said it was treated as a street but is there is no right-of-way there. The right-of-way ends at the end of Grant Street.

Weber said information provided to him was that there was a discrepancy between the previous owner and Hiawatha. There was misunderstanding because the area was paved by the City and labeled by the City. It is shown as a road on advisory maps. The City has been firm that it is his property and responsibility. St. Paul Street runs from Scott Street to McClellan Street. His lot starts at McClellan Street.

There being a motion and a second, motion to approve no parking on the north side of the 700 block of Grant Street carried unanimously 5-0.

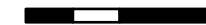
AGENDA ITEM
Discussion and possible action on parking restrictions in the 700 block of Grant Street
BACKGROUND
The Engineering Department received a request from the owner of 720 Grant Street and 708 Grant Street to post the north side of the 700 block of Grant Street as ‘No Parking’ Grant Street in this block is roughly 28 feet from face of curb to face of curb. If vehicles are parked on both sides of the roadway, it only allows for one lane of traffic. This block serves a restaurant and also a distillery. Parking on this block is very often used.
FISCAL IMPACT
Minimal, sign placement.
STAFF RECOMMENDATION
Parking has not been restricted on this block in the past. Staff is not aware of an accident history. Staff is neutral and would defer to comments made by residents and businesses.
Staff contact: Allen Wesolowski 715-261-6762

ArcGIS Web Map

City of Wausau / DPW

Date: 9/1/2022

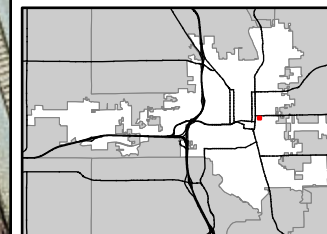
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mi

Municipal Boundaries

Parcel



N



NOTES:

1. Duplication of this map is prohibited without the written consent of the City of Wausau DPW / GIS Dept.
2. This map was compiled and developed by the City of Wausau and Marathon County GIS. The City and County assume no responsibility for the accuracy of the information contained herein.
3. City of Wausau
Public Works / GIS Division
407 Grant St
Wausau, WI 54403
www.ci.wausau.wi.us



Ayres Associates Inc
Geospatial Division
5201 E Terrace Dr, Suite 200
Madison, WI 53713
(608) 443-1200
www.ayresassociates.com, City of Wausau
407 Grant St
Wausau, WI 54403
(715) 261-6740
www.ci.wausau.wi.us

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

**JOINT ORDINANCE OF THE HISTORIC PRESERVATION COMMISSION
AND THE PLAN COMMISSION**

Amending Section 2.82.055 of the *Wausau Municipal Code* to include the designation of the John Marshall School, 1918 Lamont Street, as a Local Historic Landmark.

Committee Action: Hist: Approved 5-1
Plan: Approved 6-0

Ordinance Number:

Fiscal Impact: None

File Number: 22-1006

Date Introduced: October 11, 2022

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

Section 1. That Section 2.82.055 of the *Wausau Municipal Code* is hereby amended to read as follows:

Add (Red Text)

2.82.055 Local Historic Landmarks. The following structure is hereby designated as a local historic landmark:

(33) John Marshall School, 1918 Lamont Street, PIN: 291298070130041

KLINE BROS ACRE LOTS LOTS 9 THRU 12 & 29 THRU 32

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability. In the event any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

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

Adopted:
Approved:

Approved:

Published:

Attest:

Katie Rosenberg, Mayor

Attest:

Kaitlyn Bernarde, City Clerk

HISTORIC PRESERVATION COMMISSION

Time and Date: Wednesday, January 26, 2022 at 5:30 p.m. in the Council Chambers of Wausau City Hall
Members Present: Linda Tryczak, Kevin Crooks; *By WebEx*: Debra Ryan, Christine Martens, Steve Miller, Brian Mason
Members Not Present: Mary Forer, David Oberbeck, Patrick Bacher
Others Present: Brad Lenz, Melissa Engen; *By WebEx*: Bob Tess

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

Tryczak called the meeting to order at approximately 5:30 p.m. stating that a quorum was present.

PUBLIC HEARING: Designating John Marshall School (1918 Lamont Street) as an historic landmark.

Bob Tess, Wausau School District, said that he is present to listen and learn the direction that the commission would like to go.

Ryan said that she lives on the west side and has never been in the school. Ryan said that she reached out to Diana White who stated that a tour could be arranged in the future.

Miller said that he went over the background of the school at the October 27th meeting. The school was built in 1922 and there have been numerous additions. The school will be turning 100 years in 2022 and celebrations will be occurring. This will preserve the integrity.

Tryczak states that this item will go to Plan Commission and Common Council for review it is approved.

Mason asked for information about the referendum and how it will affect John Marshall School. Tess stated that they are still working on the plans and details. A website is being launched that will have some information. The updates to the school will only be to update the safety and security. Tess also said that a tour can be arranged. The changes to the building will not include the exterior of the building.

Tryczak said that additions were completed in 1947 and 2000. Miller stated that there were more additions that are not listed. Tess stated that Larry Cihlar would have more information on additions. The commission discussed the architectural design.

Miller motioned to designate 1918 Lamont Street as an historic landmark. Crooks seconded, and the motion carried 5-1. Ryan voted against the motion due to not having enough information.

PLAN COMMISSION

Time and Date: The Plan Commission met on Wednesday, February 17, 2022, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

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

Others Present: Brad Lenz, Sam Wessel, William Hebert, Brian Stahl, Melissa Engen, Thomas Brown, Gary Gisselman, Jonathan Creisher, Christine Martens, Larry Nigbur, Brian Davies

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.

Discussion and possible action on designating John Marshall School (1918 Lamont Street) as an historic landmark.

Mayor Rosenberg stated that public comments would be allowed on this item.

Lenz stated that this item comes from the Historic Preservation Commission to designate John Marshall School as a local landmark. The Historic Preservation Commission felt the school should be landmarked. A public hearing was held. The Wausau School District is not in favor of the designating the school as an historic landmark.

Thomas Brown, 715 North 5th Avenue, said that it is too early to designate the school as an historic landmark. Brown urged the committee to vote against this item and work with the Wausau School Board.

Gary Gisselman, 319 Park Avenue, said he is present to urge the commission to landmark the school and the criteria has been met. The school has been a key part to the neighborhood for the last 100 years. This has been a community center. When the school was built in 1922, the area was full of vacant lots. Gisselman said that Grant School is now landmarked and was also a key part of that neighborhood.

Jonathan Creisher, 151008 Juniper Lane, said that he is on the Wausau School Board and stated that this designation will handcuff the school district to what can be done with this building. There are higher costs to renovate a building than to tear down and build a new one. The demographics in the area are shifting. There is a lot of change ahead and this will limit the school district's options.

Christine Martens, 1228 Arthur Street and member of the Historic Preservation Commission, said that this year will be the 100th anniversary for the school. Martens said that the commission wanted to get in front of this instead of behind, which is what happened with Grant School. The time to landmark it is now.

Neal motioned to designate John Marshall School as an historic landmark. The motion died due to a lack of a second.

Peckham moved to table the designation six months so that Wausau School Board has time to evaluate the buildings. Bornemann seconded.

Neal said that there has been a lot of loss of historic structures in this small town. When building is gone, it is gone and there needs to be a proactive stance. Now is the time, otherwise we are going down the road and going loose the heritage.

Mayor Rosenberg thanked Alderperson Peckham for the motion and is it is always best to work collaboratively with the school. Mayor Rosenberg said that she grew up in this neighborhood and the school is a big part of it. There is a lot of passion but working with the school district is the right thing to do.

Bornemann said that he is reluctant to force this onto another elected body. Bornemann said that he supports the motion to table the item for six months.

Brueggeman said that looks back fondly at the school but it is difficult to force the landmarking on the school district. The City needs to be more collaborative with the school district. It is preemptive and not neighborly.

Peckham stated that this is a sound idea and this would give the school district a fair shot.

The motion carried 4-3 by roll-call vote. Brueggeman, Neal and Lindman voted against the motion.

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, September 20, 2022, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Sarah Watson, Dawn Herbst, Bruce Bohlken, Andrew Brueggeman, George Bornemann. Eric Lindman (arrived at 5:01 p.m.)

Others Present: Brad Lenz, William Hebert, Andrew Lynch, Melissa Engen, Steven Severson, Brandan Benzing, Ruth Macak, Derek Nelson, Diane Nutter, Brittany Haugen, Steve Miller

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

Bruce Bohlken called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

Discussion and possible action on designating John Marshall School (1918 Lamont Street) as an historic landmark.

Lenz said that this item was from February. Staff recommends approval based on the criteria listed in the staff report. The Historic Preservation Commission reached out to the Wausau School District. A tour of the school was held earlier in the summer.

Watson motioned to designate John Marshall school as an historic landmark. Herbst seconded.

Steve Miller, 4006 Briarwood Avenue, said that he was hired through the school district in 1982 and was a teacher and principal for 16 years. This is a multi-generational neighborhood. Miller said that he has had numerous conversations with alderpersons, mayors, teachers and others who offered support. This will honor the school's longevity.

Lenz added that an email response was received from the school district stating that the landmarking would reduce options available to the school district.

Brueggeman said that he hoped that there would have been a collaboration. Bohlken added that this would only effect the changes in the façade.

The motion carried unanimously 6-0.



Memorandum

From: Brad Lenz
To: Plan Commission
Date: February 9, 2022
Subject: John Marshall School - Historic Landmark Designation

The Historic Preservation Commission held a public hearing last month for the designation of John Marshall School as a local historic landmark. The minutes from the meeting are attached to this memo, along with some information about the building. The commission found the building to be historically significant and recommended moving forward with the landmark designation.

The next step in the landmarking process is for Plan Commission to review the recommendation from the Historic Preservation Commission, and forward its own recommendation to the Common Council for consideration. Per 2.82.050(b)(3), the Plan Commission shall consider the following factors in formulating a recommendation:

- (A) Will the designation of the property as a landmark or historic site interfere with the orderly, coordinated, and harmonious development of the city;
- (B) Will the designation of the property as a landmark or historic site conflict with parts of the master plan, official map or redevelopment plans;
- (C) Will the designation of property as a landmark or historic site promote the general public health, safety and general welfare.

Based on these criteria, staff recommends Plan Commission approval of the landmark designation. The area around John Marshall school has been built out for many years, largely with single-family homes. That is not expected to change in the near future, i.e., there is not a redevelopment plan for the immediate area. The comprehensive plan acknowledges the value of preserving the city's history. Also, Wausau's municipal code (2.82.010) states that it is a matter of public policy that the protection, enhancement, perpetuation and use of buildings of special architectural character or special historical interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people.

John Marshall School History

John Marshall School's rich history spans a period of seventy years. It began when a large tract of land, which includes the present site of John Marshall School, was annexed from the town of Weston to the city of Wausau in 1920. With an eye to the future, the Wausau School District had already purchased a portion of this land in 1919 for a school site.

A school was built on this site in 1922 at a cost of \$107,950. The new school had four classrooms, a gym and a ground floor maintenance plant. The new John Marshall School boasted a student body of 23 and had one full-time teacher and a teacher-principal. A year later the student population had grown to 97.

The school was named for perhaps the United States greatest jurist, John Marshall, who in 1801 became Chief Justice of the Supreme Court. He established the Supreme Court's power to interpret the constitution.

In 1923 the John Marshall Community Club was founded. This group was an organization similar to a Parent Teacher Organization but also included other interested people from the community. Club meetings usually began with a community sing, followed by a speaker. The evening would often end with dancing. The records from the first year of the John Marshall Community Club show they held a February Masked Ball, bought a basketball, set up a health room, bought curtains for the stage (which had spaces local business firms could rent for display of advertisements), had a fair, played cards and had talks on community health concerns. In 1926 the Community Club bought a bust of John Marshall for the school. That year they also discussed an issue that has been brought up many times since then, should the School Board or the Community Club be responsible for purchasing playground equipment? No resolution was noted in the records.

Leo Crooks, an early Community Club president, was the originator of "Stunt Night." Each room in the school was responsible for a "stunt" and the performance raised money for club activities. Stunt Night grew into a city-wide production with all city schools participating. It was a special annual community event until the early 1970's.

In 1930 John Marshall School needed its first addition. A south wing added four classrooms and a kitchen.

During the Great Depression in 1934 the Community Club requested a crossing guard for Grand Avenue and bought basketballs and sweatshirts for the basketball team. Since these were hard times, the Community Club also answered the need to help pay for milk for lower grade students who couldn't afford it. That year, in addition to Stunt Night, a musical pageant was performed by the children. At the end of 1935, the treasury had a balance of \$34.87.

The School was enlarged again in 1947. The north wing was added at a cost

of \$97,000. Four classrooms, a shop and a boiler room were added. Student enrollment was now at 260 and the school staff totaled 11 teachers.

By 1954 the K-6 elementary school was again bursting at the seams, with 500 students and a staff of 16 teachers. This growth prompted the addition of six classrooms and office space on the south of the building at a cost of \$240,000.

In 1956 the PTO- Community Club budget included money for playground improvement, girl and boy scouts, safety patrol, an opaque projector, and phonograph records for the skating rink.

In 1971 two classrooms in the school were remodeled and became the new library or instructional materials center (IMC). The school then had a student body of 300 and a staff of 14.5 teachers. Ten volunteer instructional aides helped in the classroom and 23 mother volunteers helped in the IMC.

Currently in January 1991 John Marshall School has 450 students enrolled in kindergarten through grade six. These students are taught by 18.5 regular classroom teachers. They also receive instruction from specialists in art, physical education, library, and music. Other support services are provided on a part time basis by a school social worker, a school psychologist, and a speech/language clinician. John Marshall also provides services for students with learning disabilities, houses the district program for K-6 students with emotional disabilities, and has a district program for phonologically impaired early childhood students.

In early 1991 we are nearing completion of the most recent addition to John Marshall School. A wing added to the west of the school has provided four classroom spaces, four small group instructional spaces, a kitchen facility, a gymnasium, locker rooms, storage space, receiving/custodial space and a storage warming facility for outdoor recreational use. During the past year a renovation plan for the existing building was developed and the first phase was implemented. This included the complete removal and replacement of the heating and air handling systems throughout the existing building. The entire electrical system with the exception of classroom lighting was removed and replaced. The plumbing system was removed and replaced in the 1922, 1930, and 1947 sections of the building and restrooms in these areas were completely renovated. Asbestos was removed throughout the building. The building was brought up to current code standards with the installation of fire rated stairwell enclosures, smoke alarms, and a new fire alarm system. A hallway was opened up on the ground floor level and outside doors installed in the multipurpose room to provide needed exit routes from this level. Improvements were also begun on the clock and communications system throughout the building.

With it's expanded and renovated facility, John Marshall School can now better meet the diverse needs of its large student body into the 21st century.

COVID-19 Updates: For the most up-to-date information on accessing our services [learn more here](#).

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PROPERTY RECORD

1918 LAMONT ST

Architecture and History Inventory

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NAMES

Historic Name: **John Marshall School**

Other Name: _____

Contributing: _____

Reference Number: **51037**

PROPERTY LOCATION

Location (Address): **1918 LAMONT ST**

County: **Marathon**

City: **Wausau**

Township/Village: _____

Unincorporated Community: _____

Town: _____

Range:

Direction:

Section:

Quarter Section:

Quarter/Quarter Section:

PROPERTY FEATURES

Year Built: **1922**

Additions: **1947 2000**

Survey Date: **19832017**

Historic Use: **elementary, middle, jr.high, or high**

Architectural Style: **Collegiate Gothic**

Structural System:

Wall Material: **Brick**

Architect: **Parkinson and Dockendorff**

Other Buildings On Site:

Demolished?: **No**

Demolished Date:

DESIGNATIONS

NOTES

Additional Information: Herman Duern was contractor.

1947 addition by Oppenhamer & Obel. 2000 addition by SDS Architects, Eau Claire.

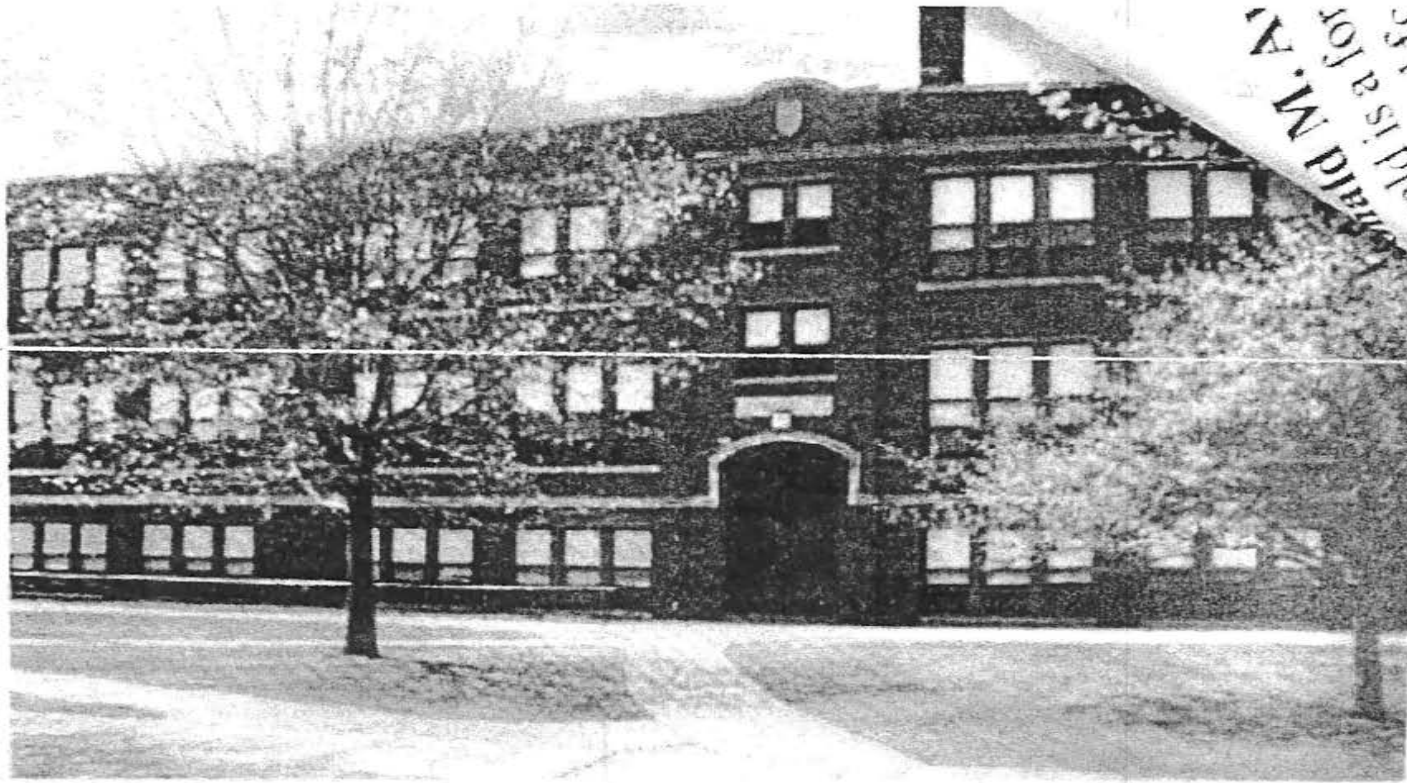
Bibliographic References: (A) City Directory, 1922. In Aucutt, Hettinga and Jansen, "Wausau Beautiful" (2nd ed., 2010), 203.

RECORD LOCATION

Wisconsin Architecture and History Inventory, State Historic Preservation Office, Wisconsin Historical Society, Madison, Wisconsin

Have Questions?

If you didn't find the record you were looking for, or have other questions about historic preservation, please email us and we can help:



John Marshall Elementary School. DMA.

24. John Marshall Elementary School, 1918 Lamont Street, 1922, additions in 1947, 2000. La Crosse architects **Bernard Dockendorff** and **A.E. Parkinson** designed this school. Dockendorff, a La Crosse native who studied at the Technicum in Darmstadt, Germany, at the end of the 19th century and Parkinson, a native of England trained by his father, did more than 150 schools and 800 public buildings altogether. John Marshall school is in the collegiate style favored for schools around Wisconsin and the country early in the 20th century. The school is named for a the U.S. Supreme Court justice. Additions were by **Oppenhamer and Obel** in 1947 and **SDS Architects**, Eau Claire, in 2000.



WAUSAU SCHOOL DISTRICT

Board of Education

415 Seymour Street • P.O. Box 359 • Wausau, WI 54402-0359 • 715-261-0505 • Fax 715-261-2503 • www.wausauschools.org

To: Wausau City Council and Mayor Rosenberg
Re: Wausau School Board Position Statement Re: John Marshall Historic Status
Date: October 3, 2022

Dear Mayor Rosenberg and City Council Members:

The Wausau School Board has been aware of an ongoing interest by the Historic Preservation Commission and the City of Wausau Plan Commission to designate John Marshall Elementary School as a local historic landmark. Please accept this letter reaffirming our continued request to not designate John Marshall Elementary School as a historic landmark.

John Marshall has an outstanding staff providing an excellent education to its students. However, the facility is not equal to many others in our district. As part of our district-wide study of our elementary buildings, we identified over \$7.4 million of maintenance, improvements, and upgrades needed at John Marshall. This figure would likely be higher today if updated for inflation.

We are also in the middle of our discussions about the long-term facility plan for the entire district. Specifically, the District is engaging in conversations with staff and community members about whether some schools should be closed or merged in order for the District to improve service to students, families, and staff while, at the same time, becoming more efficient. These conversations have not been resolved and so the reason for the request to table the topic still exists.

The District has not been idle during these past six months. We first had a need to engage with the community in a dialogue that led to the recent passing of a \$120 million referendum. Once that work was complete, the Board created two subcommittees of staff and community members to explore the feasibility of a district restructuring. Those two committees met for three months over the summer; a total of eight times, to explore options and determine the viability of such an extensive change. Seeing potential in a possible change, the District has now actively engaged our staff in a conversation about this topic. No decisions have been made with regard to the elementary schools, including John Marshall. However, three options have often emerged:

- 1) Invest over \$7.4 million (higher now) to improve the facility;
- 2) Close the school and consolidate the students into other schools; or
- 3) Replace the building with a new modern building.

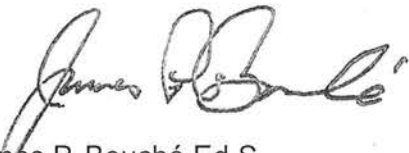
Our understanding is that if the City designates John Marshall as a historic landmark, the City removes the option of a new building. Thus, we continue to request it not be designated as such and to instead allow the Wausau School District to determine its district-wide plan, including the future of John Marshall.

We appreciate the City Council's recognition of the time required to explore a tremendously important topic such as restructuring an entire school district serving over 8,000 students and employing 1,200 people. The Wausau School Board respectfully requests that the City Council deny the request to designate John Marshall as an historic landmark.

During the September 20, 2022 Plan Commission meeting, the Wausau City Planner, Mr. Brad Lenz, made an important comment. He pointed out the criteria for a decision to designate an historic landmark "boils down to the public interest" and not necessarily the historic interest. It is not in the public's best interest to limit the District's options for John Marshall Elementary School to its current appearance as outlined in the City's municipal code, chapter 2.82 HISTORIC PRESERVATION COMMISSION. The public would be better served by exploring all district options to improve service to students, families, and staff while becoming more efficient in its delivery of services. The educational value of the school to its students, staff and families must take precedence over the historic value to passersby.

We look forward to an in person conversation about this topic with whomever you deem appropriate.

On behalf of the Wausau School District School Board,

A handwritten signature in dark ink, appearing to read "James P. Bouché". The signature is fluid and cursive, with the first name "James" and last name "Bouché" clearly distinguishable.

James P. Bouché Ed.S.
Board President

JOINT RESOLUTION OF THE HUMAN RESOURCES COMMITTEE AND FINANCE COMMITTEE

Authorizing health, dental, vision and supplemental insurance plan design for 2023.

Committee Action: HR: Approved 3-0
 Finance: Approved 5-0

Fiscal Impact:

File Number: 12-1012

Date Introduced: October 11, 2022

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 ☐ Debt ☐ Funds on Hand ☐ Interfund Loan ☐</i>		

RESOLUTION

WHEREAS, your Human Resources and Finance Committees have reviewed the recommended changes to the City's employee benefit program to include health plan, dental, vision and supplemental insurance to be offered to employees in 2023, and;

WHEREAS, the benefit programs with plan design will not change for 2023 with the City continuing with current vendors, and;

WHEREAS, the proposed benefit program for dental, vision and supplemental insurances do not have an increase;

WHEREAS, the proposed benefit program for health insurance contains a 9.5% increase in premium costs, and;

WHEREAS, the proposed health, dental, vision and supplemental insurance plan design does not change, and;

WHEREAS, your Human Resources and Finance Committees approve the authorization and recommendation to continue to offer Health Savings Account eligible plans, which further promote health plan consumerism and cost savings by further engaging and informing individuals on the issues of health care costs, and;

WHEREAS, both your Human Resources Committee and your Finance Committee recommend keeping the dental premiums flat, and;

WHEREAS, both your Human Resources Committee and your Finance Committee recommend 9.5% increase in the health insurance premiums, and;

WHEREAS, both your Human Resources and Finance Committees approve the adjustment of the HSA and FSA contribution limits as necessary to remain compliant with IRS and other federal regulations, and;

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Wausau that the City of Wausau provide the dental, vision, supplemental, health and prescription drug plans summarized above and specified in attached documentation for the 2023 plan year, and;

BE IT FURTHER RESOLVED by the Common Council of the City of Wausau that the proper City officials and designees are hereby authorized and directed to execute and administer the plan as approved by this resolution.

Approved:

Kate Rosenberg, Mayor

JOINT FINANCE & HUMAN RESOURCES COMMITTEES

Date and Time: Tuesday, September 13, 2022 @ 5:30 pm., Council Chambers

Finance Members Present: Lisa Rasmussen, Sarah Watson, Carol Lukens, Doug Diny

HR Members Present: Tom, Kilian, Gary Gisselman, Dawn Herbst

Members Excused: Becky McElhaney (HR), Michael Martens (Finance & HR)

Others Present: Maryanne Groat, Ben Bliven, Bob Barteck, Eric Lindman, Matt Barnes, Anne Jacobson, Jeremy Kopp, Katie Rosenberg, Chad Henke, Mary Goede

Discussion and Possible Action Approving 2023 Health, Dental, Vision and Supplemental Insurance Plan

Anne Keenan, Interim HR Director, explained there are currently two plans: 1) Premier Plan which encompasses Aspirus, Marshfield Clinic, Ascension, UW Health, and Mayor Clinic; and 2) Simply One which is Marshfield Clinic only. She indicated everything has stayed the same including deductibles and out-of-pockets. The difference is the employer and employee rate increase of 9.5%, which was negotiated as maximum last year when signing the two-year contract. She noted if we had gone to market and had not had the protection of the 9.5%, we would be looking at a 12 to 15% increase. The difference for employees this year versus last year for the Premier Plan, a single is an additional \$8.02 a month and family cost will be \$24.72 per month. For the Simply One, a single will be an additional \$6.40 a month and family cost will be \$19.70 per month. There are no additional increases for Dental, Vision, and Supplement.

HR Vote:

Motion by Kilian, second by Gisselman to approve the 2023 Health, Dental, Vision and Supplemental Insurance benefit plans as presented. Motion carried 3-0.

Finance Vote:

Motion by Diny, second by Lukens to approve the 2023 Health, Dental, Vision and Supplemental Insurance benefit plans as presented. Motion carried 4-0.

Human Resource Committee Packet

September 27, 2022

Agenda Item
Discussion and Possible Action Approving 2023 Health, Dental, Vision and Supplemental Insurance Plan.
Background
The Human Resources Department and USI Insurance Services has worked together to renew the City's insurance plans for 2023. When the City changed to Security Health Plan medical insurance last year, Security Health Plan guaranteed a 2023 renewal rate cap of no greater than 9.5%. the City is happy with the renewal rates. Due to usage of the plan, and our ratings, if the City went to market the City would have seen an increase anywhere from a 12-15% increase. <u>Health Insurance</u> Security Health Plan renewal rate of 9.5% increase with plan or coverage changes. <u>Dental Insurance</u> Delta Dental Insurance renewal rate of 0% increase with no plan or coverage changes. <u>Vision Insurance</u> Delta Vision Insurance renewal rate of 0% increase with no plan or coverage changes. <u>Supplemental Insurances</u> No changes. <u>FSA and HSA</u> Approve adjustment of the HSA and FSA contribution limits as necessary to remain compliant with IRS and other federal regulations.
Fiscal Impact
9.5% increase for health insurance
Staff Recommendation
Approve insurance renewals as presented.
Staff contact: Anne Keenan (715-261-6632)

City of Wausau

HEALTH COVERAGE PLANS

Carrier	SecurityHealth Plan SM		SecurityHealth Plan SM	
	2023 Premier HMO (Broad Network)		2023 Simply One HMO (Marshfield Only)	
Provider Network/Plan Type	In-Network	Out-of-Network	In-Network	Out-of-Network
Deductible				
Single	\$1,650		\$1,650	
Family	\$3,300		\$3,300	
	If Employee contributes to the HSA, City will match the contribution annually up to \$600 Employee /\$1,200 Family. The City's payments will be made semi-monthly to the HSA account.		If Employee contributes to the HSA, City will match the contribution annually up to \$600 Employee /\$1,200 Family. The City's payments will be made semi-monthly to the HSA account.	
Coinsurance	80%		80%	
Out-of-Pocket Max	<i>Includes Deductible</i>		<i>Includes Deductible</i>	
Single	\$2,650		\$2,650	
Family	\$5,300		\$5,300	
Lifetime Maximum	Unlimited		Unlimited	
Office Visits				
Primary Care	Deductible then \$30 copay then 80%		Deductible then \$30 copay then 80%	
Specialist	Deductible then \$60 copay then 80%		Deductible then \$60 copay then 80%	
Routine/Preventive Care	100% Coverage		100% Coverage	
Inpatient Hospital Services	Ded, 80% Coins		Ded, 80% Coins	
Outpatient Hospital Services	Ded, 80% Coins		Ded, 80% Coins	
Urgent Care	Deductible then \$100 copay then 80%		Deductible then \$100 copay then 80%	
Emergency Room	Deductible then \$200 copay then 80%		Deductible then \$200 copay then 80%	
Prescription Drugs	<i>After Deductible is Met</i>		<i>After Deductible is Met</i>	
Preventive therapeutic drugs from list covered at 100%	\$10/ \$30/\$60 /25% No Max		\$10/ \$30/\$60 /25% No Max	
Generic/Preferred Brand/Brand Name/Specialty				
Mail Order Drugs				
Vision				
Rates per month	Premier HMO		Simply One HMO	
Employee Cost	\$92.52		\$73.70	
Family Cost	\$284.96		\$227.00	
Rates per month Employer	Premier HMO		Simply One HMO	
Single Cost	\$678.46		\$540.44	
Family Cost	\$2,089.67		\$1,664.56	
Total Cost for Single	\$770.98		\$614.14	
Total Cost for Family	\$2,374.63		\$1,891.56	

RESOLUTION OF THE COMMON COUNCIL

Approving leaf baling equipment contract with Baumann Dairy Farm LLC

Committee Action: Pending

Fiscal Impact: \$237,500 for five years

File Number: 21-1109

Date Introduced: October 11, 2022

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, the City entered into a five-year contract with Baumann Lawn Care & Landscaping LLC (Baumann) on October 9, 2017 for annual rental for a total of \$138,080 for a leaf baler to be utilized by the city for annual leaf pick up operations which expired on November 17, 2021; and

WHEREAS, your Finance Committee, at their February 8, 2022 meeting, discussed and recommends entering into another five-year contract with Baumann Lawn Care & Landscaping LLC as a sole source purchase of service in part, because Baumann provided the equipment and allowed the city staff to operate the baler; and

WHEREAS, Common Council approved the leaf baling equipment contract with Baumann Lawn Care & Landscaping LLC on March 22, 2022; and

WHEREAS, the City has been notified that the equipment is now owned by Baumann Dairy Farm LLC; and

WHEREAS, since the entity that owns the equipment has changed, it is necessary to approve a new contract with Baumann Dairy Farm LLC.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau that it hereby approves the five-year leaf baling equipment contract with Baumann Dairy Farm LLC and authorizes the proper city officials to execute the leaf baling equipment contract.

Approved:

Katie Rosenberg, Mayor

EQUIPMENT RENTAL AGREEMENT

THIS EQUIPMENT RENTAL AGREEMENT (this "Agreement") dated this _____ day of _____, 2022, by and between Baumann Dairy Farm LLC., 2708 Eau Claire Avenue, Weston, Wisconsin, 54476 ("Lessor), and the City of Wausau, 407 Grant Street, Wausau, WI 54403, ("Lessee").

IN CONSIDERATION OF the mutual covenants and promises in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the Lessor leases the Equipment to the Lessee, and the Lessee leases the Equipment from the Lessor on the following terms:

Definitions

The following definitions are used but not otherwise defined in this Agreement:

1. "Casualty Value" means the market value of the Equipment at the end of the term or when in relation to a Total Loss, the market value the Equipment would have had at the end of the Term but for the Total Loss. The Casualty Value may be less than but will not be more than the original purchase price of the Equipment.
2. "Equipment" means: Large tractor with minimum 180 horsepower and Leaf baler that bales 3x3x7 bales with a baling head to bale leaves, capable of collecting branches and sticks less than 1 inch in diameter, which has an approximate value of \$250,000.
3. "Total Loss" means any loss or damage that is not repairable or that would cost more to repair than the market value of the Equipment.

Lease

The Lessor agrees to lease the Equipment to the Lessee, and the Lessee agrees to lease the Equipment from the Lessor in accordance with the terms set out in this Agreement.

Term

The Agreement commences on October 12, 2022 and will continue to December 1, 2026, and shall be for a like period for each successive year, through 2026, for a total of five (5) annual fall seasons. The Equipment will not be used by Lessee in excess of 160 hours per year.

Rent

The Lessee shall pay to Lessor, contract rent as for rental of Tractor and Baler as follows:

2022 \$43,500 (Forty-three thousand, five hundred dollars and 00/100)

2023 \$45,500 (Forty-five thousand, five hundred dollars and 00/100)

2024 \$47,500 (Forty-seven thousand, five hundred dollars and 00/100)

2025 \$49,500 (Forty-nine thousand, five hundred dollars and 00/100)

2026 \$51,500 (Fifty-one thousand, five hundred and 00/100)

Payment shall be due to Lessor within five (5 days) following Lessor's pickup of the equipment.

The parties will review the rent amount for a possible reduction after the end of each term and Lessor shall notice Lessee in writing of any reduction.

Delivery of Equipment

The Lessor will, at the Lessor's own expense and risk, deliver the Equipment to the Lessee at 400 Myron Street, Wausau, Wisconsin, 54401.

Warranties

The Equipment will be in good working order and good condition upon delivery.

The Equipment is of merchantable quality and is fit for the following purpose: for use only by the City of Wausau during fall seasons for baling of leaf collection.

Maintenance and Repair

The Lessor shall maintain, at Lessee's cost, the equipment in a good repair and operating condition, allowing for reasonable wear and tear. Lessor shall furnish a cell phone number for a responsible party that may be contacted by the City for needed repairs or technical questions from Monday through Friday, between 7 A.M. to 3 P.M. during the rental period. Lessor shall furnish a 2 hour training to Lessee staff at the beginning of the rental period, without cost to Lessee.

Loss and Damage

To the extent permitted by law, the Lessee will be responsible for risk of loss, theft, damage or destruction to the Equipment from any and every cause, while in Lessee's possession.

If the Equipment is lost or damaged, the Lessee will provide the Lessor with prompt written notice of such loss or damage and will, if the Equipment is repairable, put or cause the Equipment to be put in a state of good repair, appearance and condition. At the Lessor's election, the Lessor may elect to provide the needed repairs.

In the event of Total Loss of the Equipment, the Lessee will provide the Lessor with prompt written notice of such loss and will pay to the Lessor unpaid rent for that year from the beginning of such annual term to the date of such notice, plus the Casualty Value of the Equipment, at which point ownership of the Equipment passes to the Lessee.

Ownership, Right to Lease and Quiet Enjoyment

The Equipment is the property of the Lessor and will remain the property of the Lessor.

The Lessee will not encumber the Equipment or allow the Equipment to be encumbered or pledge the Equipment as security in any manner.

The Lessor warrants that the Lessor has the right to lease the Equipment according to the terms in this Agreement.

The Lessor warrants that as long as no Event of Default has occurred, the Lessor will not disturb the Lessee's quiet and peaceful possession of the Equipment or the Lessee's unrestricted use of the Equipment for the purpose for which the Equipment was designed.

Surrender

At the end of the Term or upon earlier termination of this Agreement, the Lessee will make the Equipment available for pick up at 400 Myron Street, Wausau, Wisconsin 54401.

Insurance

No insurance coverage for the Equipment is required under this Agreement.

Default

The occurrence of any one or more of the following events will constitute an event of default ("Event of Default") under this Agreement:

1. The Lessee fails to pay any amount provided for in this Agreement when such amount is due or otherwise breaches the Lessee's obligations under this Agreement.

Remedies

On the occurrence of an Event of Default, the Lessor will be entitled to pursue any one or more of the following remedies (the "Remedies"):

1. Declare the entire amount of the Rent for the Term immediately due and payable without notice or demand to the Lessee.
2. Commence legal proceedings to recover the Rent and other obligations accrued before and after the Event of Default.
3. Take possession of the Equipment, without demand or notice, wherever same may be located, without any court order or other process of law.
4. Terminate this Agreement immediately upon written notice to the Lessee.
5. Pursue any other remedy available in law or equity.

Assignment

The Lessee will not assign this agreement, the Lessee's interest in this Agreement, or the Lessee's interest in the Equipment without the prior written consent of the Lessor.

The Lessor will not assign this Equipment, the Lessor's interest in this Agreement or the Lessor's interest in the Equipment without the prior written consent of the Lessee. The Lessor will not assign or transfer the Lessor's right to collect rent or any other financial obligation of the Lessee. If the Lessor assigns this Agreement, its interest in this Agreement or its interest in the Equipment without prior written consent of the Lessee, the Lessee will be entitled to terminate this Agreement without penalty.

Notice

Service of all notices under this Agreement will be delivered personally or sent by registered mail or courier to the following addresses:

Lessor: Baumann Dairy Farm LLC, 2708 Eau Claire Avenue, Weston, Wisconsin, 54476

Lessee: City of Wausau, 407 Grant Street, Wausau, Wisconsin, 54403

Governing Law

It is the intention of the Parties to this Agreement that this Agreement and the performance under this Agreement, be construed in accordance with the laws of the State of Wisconsin.

General Terms

This Agreement may be executed in counterparts. Facsimile signatures are binding and are considered to be original signatures.

Time is of the essence in this agreement.

This Agreement will extend to and be binding upon and inure to the benefit of the respective heirs, executors, administrators, successors and assigns, as the case may be, of each Party to this Agreement.

Neither party will be liable for damages or have the right to terminate this Agreement for any delay or default in performance if such delay or default is caused by conditions beyond its control including, but not limited to Acts of God, government restrictions, wars, insurrections, natural disasters, such as earthquakes, hurricanes or floods and/or any other cause beyond the reasonable control of the Party whose performance is affected.

IN WITNESS WHEREOF the parties to this Agreement have executed this Equipment Rental Agreement on this _____ day of _____, 2022.

Baumann Dairy Farm LLC

City of Wausau

By: _____

By: Katie Rosenberg, Mayor

Witness

Witness

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

RESOLUTION OF THE FINANCE COMMITTEE

Approving Modification of the 2022 to Move Funds from Seal Coat Budget to Hot Mix Budget – Street Maintenance

Committee Action: *Pending*

Fiscal Impact: \$50,000

File Number: 21-1109A

Date Introduced: October 11, 2022

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes ☒ No ☐	
	<i>Included in Budget:</i>	Yes ☒ No ☐	<i>Budget Source: Seal Coat Budget</i>
	<i>One-time Costs:</i>	Yes ☒ No ☐	<i>Amount: \$50,000</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: Annual Retirement</i>
	<i>TID Financed:</i>	Yes ☐ No ☒	<i>Amount:</i>
	<i>TID Source: Increment Revenue ☐ Debt ☐ Funds on Hand ☐ Interfund Loan ☐</i>		

RESOLUTION

WHEREAS, the City of Wausau is committed to maintain infrastructure and other capital assets in a timely fashion; and

WHEREAS, the 2022 seal coat projects are complete and public works staff would like to use the remaining \$50,000 budget to purchase hot mix to make additional repairs to the streets; and

WHEREAS, the city had a backlog of over \$100 million of street reconstruction needs and the deferrals grow each year; and

WHEREAS, inhouse paving is an efficient and cost-effective way to extend pavement life; and

WHEREAS, your Finance Committee has reviewed and recommends the following transfer of funds necessary to complete the work:

GL Code	Description	Period	Amount
110 101592490	SEAL COAT TO HOT MIX TRFR	10	-\$50,000.00
110 101594830	SEAL COAT TO HOT MIX TRFR	10	\$50,000.00

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Wausau that the proper City Officials be and are hereby authorized and directed to modify the 2022 budget as noted above.

Approved:

Katie Rosenberg, Mayor

TRANSFER OF FUNDS/CHANGE OF PURPOSE REQUEST FORM

Requested: Eric Lindman

Dept: Public Works & Utilities

Date: _____

Reviewed by Finance: _____

Date: _____

Reviewed by Mayor: _____

Date: _____

Transfer Explanation and Justification:

Transfer funds from seal coat budget to hot mix budget. Seal coating project is complete for the year 2022 and utilizing the remaining budgeted amount for hot mix and paving will allow crews to make more permanent repairs of streets.

Completing in-house pavement repairs has been a priority focus. The city has a backlog of over \$100 million of street reconstruction needs and it is growing each year because we cannot keep up with the deteriorating infrastructure. Completing as much work in house as we can is the most efficient and cost-effective way to try and extend the pavement life of streets until there is funding available for reconstruction.

FROM / TO	ACCOUNT NUMBER	ACCOUNT NAME	\$ AMOUNT
	TRANSFER OF FUNDS		
From:	110 101592490	Sundry – Crack Sealing & Seal Coating	\$50,000
To:	110 101594830	Hot Mix	\$50,000

COMMENTS:

Fin. Committee Approval ☐ Denial ☐ Date: _____ Council Approval ☐ Denial ☐ Date: _____

Submit three copies of form to Finance Department - Upon Council Action:

1 - Council File

2 - Department

3 - Finance Department