

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, November 15, 2022, in Council Chambers, beginning at 6:30 p.m.,
Mayor Katie Rosenberg presiding.

Roll Call

11/15/2022

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

Presentation: Wausau CVB requesting support for Marathon County ARPA Grant

Tim White, Executive Director for the Wausau Central Wisconsin Visitors Bureau, addressed the Council requesting a letter of support from the City of Wausau to Marathon County regarding a \$600,000 ARPA Grant the CVB applied for. He stated they own a parcel of land in Rib Mountain off County Road NN, aka the former Shakey's building, which is currently uninhabitable. He explained they have prepared through Function Design a plan for a very basic visitor's center with space for displays to highlight the entire county, as well as offices and a conference room for public use. He indicated they would demolish the current building which has mold and asbestos and build a small space of approximately 2,200 square feet for the new visitor's center.

Public Comment: Pre-registered citizens for matters appearing on the agenda

- 1) Bob Tess, 3201 Oak Ave, Stevens Point, CFO of the Wausau School District, representing the School Board and the financial interest of the entire district, which owns the John Marshall Elementary School. He stated they would like the flexibility to determine the future of John Marshall School with help from the entire community through a process that is currently developing. He invited all to the Wausau West Auditorium, November 20th at 5:00 pm, a community event for discussion.
- 2) Scott Seefeldt, 2007 Garth St, addressed the Council to advocated for the preservation of John Marshall as a historic neighborhood school and asked them to approve local historic landmark designation. He noted this does not by itself prevent the district from doing what it wants with the property, including tearing it down.
- 3) Mary Aughenbaugh, 1803 Lillie St, spoke in favor of the local historic landmark designation of John Marshall School as an important sense of place in the neighborhood.

Consent Agenda

11/15/2022

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

22-1003 Minutes of previous meeting (10/25/22)

21-1109 Resolution of the Finance Committee Approving Modification of the 2022 Budget for Additional Street Asphalt patching and improvement

12-0219 Joint Resolution of the Human Resources Committee and the Finance Committee Amending Resolution Approving Creation of Retirement Notice Incentive

22-1107 Ordinance of the Plan Commission Rezoning 6801 Stettin Drive from SR-2, Single Family Residential-2 Zoning District to MI, Medium Industrial Zoning District.

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

86-0818 Ordinance of the Wausau Water Works Commission Amending Section 3.24.100 Connection fee for sanitary sewer and water main improvements

Yes Votes: 11 No Votes: 0 Result: PASS

Motion by Lukens, second by Watson to confirm the Mayor's Appointment of Jesse Kearns to the Sustainability, Energy & Environment Committee.

Yes Votes: 11 No Votes: 0 Result: PASS

PUBLIC HEARING: Proposed 2023 City of Wausau Budget

11/15/2022

PowerPoint Presentation by the Mayor on the budget. *Full Meeting video:* <https://www.youtube.com/watch?v=Jr1EPoXihtg>

The presentation touched on the City's Statement of Value and challenges, as well as explained the terms: Levy Limits, Expenditure Restraint, Shared Revenue, Net New Construction, Equalized Value, Mill Rate, and Tax Rate. The budget process, key 2023 investments and other funding considerations were reviewed. The estimated the overall 2023 budget cost of \$129,352,037 million, this includes upgrades to city facilities, employee raises and what it takes to cover inflation.

Mayor Rosenberg opened the Public Hearing for public comment. Being no testimony, the hearing was closed. There was no action taken; the budget will be voted at the Council meeting on November 22, 2022.

22-1006

11/15/2022

Motion by Gisselman, second by Diny to adopt the Joint Ordinance of the Historic Preservation Committee and 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.

Doug Diny commented it appeared there were two governing bodies pitted against each other and he believed if this had come to us with a 5-4 vote in favor, we would have approved it months ago; however, that wasn't the case as School Board voted unanimously to ask us not to landmark the school. He indicated he heard from both sides in his district and felt Council should take into consideration the historic significance of the school, but it was their decision to make.

Lisa Rasmussen was glad they took some extra time to engage with the community because she felt they did not have sufficient feedback the last time they considered this. She believed neighborhood schools matter to neighborhoods, however there is no guarantee that historic designation of the building will save it or the school; they can still close it, demolish it, or sell it. She did not feel that creating a half dozen mega elementary schools to save operational dollars is better than having 11 neighborhood schools that kids can walk and bike to. She requested hearing from the District 1 Alderperson Carol Lukens on what she was hearing in her area.

Carol Lukens indicated she has spoken with many people in the past month, and she has attended the Historic Preservation Commission presentation. She stated every single resident she spoke with, all ages, want John Marshall to remain in the neighborhood. The only reasons that anyone she talked with has been against designation is because of the fear the School Board will use it to close John Marshall and some families have said if that happens, they will move. A neighborhood school is resounding and many more than not want it landmarked because it has a history, and the children should be a focal point of this.

Gary Gisselman stated the Historic Preservation Commission has been discussing this for a good part of this year and did engage the community. The building is an important historic landmark and that is why the commission has presented this 100-year-old building to the Council.

Michael Martens pointed out that although the School District can do whatever they want with the building, landmarking does provide extra steps so that the School District will have to show the reason for what it decides. Landmarking gives this 100-year-old school that extra level of protection.

Tom Kilian commented we are hearing complaints about high density development on the residential front and high-density school development. He stated we need to preserve these facilities and our history. Speaking on behalf of District 3 he felt we have already destroyed enough of Wausau neighborhoods, architecture, and past structure.

Mayor Rosenberg asked Brad Lenz to clarify what happens if it is landmarked and what kind of roadblocks it puts up for a building owner if they want to do something. Brad Lenz explained there are ways for the property owner to make a case to

the Historic Preservation Commission to do what they would like to do. The commission can grant permission, but this puts another step in the review process that we don't have right now.

Becky McElhaney pointed out she is only looking at it as to whether the building is historic; she was not trying to get around the School Board. She stated the Council is tasked with doing things like this and the Historic Preservation Commission has done its work and made its recommendation. *Comments continued.*

Yes Votes: 10 No Votes: 1 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	YES
4	Diny, Doug	NO
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

22-1104

11/15/2022

Motion by Watson, second by Henke to adopt the Resolution of the Economic Development Committee Approving the proposal submitted by Commonwealth Development Corporation for the development of affordable housing at 700, 804, 810, 814 and 816 Grand Ave and a Planning Option Agreement with Commonwealth Development Corporation.

Randy Fifrick stated there were four proposals and the ED Committee selected Commonwealth Development Corp. He noted within the Planning Option the Attorney's Office provided some minor clarification points from what was submitted in the packet. He explained the goal of the Planning Option Agreement is to move things forward and keep the development process moving smoothly.

Michael Martens stated he had some concerns about the overall development itself. He indicated residents of the Longfellow Neighborhood Group are very concerned with the traffic at the intersection of Grand Avenue and Thomas Street. It appears there are two entrances in and out of the of the apartment building onto Grand and/or Thomas and that is seen as a bottle neck, especially during rush hour traffic. There was also discussion about the fruit trees on the property into which went a lot of effort, so he wanted a provision in the agreement to move those trees to a new location.

Fifrick stated they reached out to UW Extension, who indicated they were already considering moving away from this site after this year. The Extension is working on getting those trees transplanted next spring. He acknowledged the concern with the traffic and stated it will be given further consideration in the development process; perhaps a right-in/right out only, to help mitigate that.

Doug Diny stated there are 67 parking spaces and 7 of those are marked handicap leaving a potential of 60 spaces for 50 residents. The city ordinance is 1.5 spaces per unit, so that would be more like 75. He questioned if there was a concern that this will be an issue. He pointed out if someone drove in with no place to park, they can't turn around. Fifrick stated there was a sufficient amount of parking for this site based on other low-income buildings; however, these are all issues that they will continue to work on through the planning process.

Gary Gisselman added that safe pedestrian crossing could be an issue at that intersection as well. He questioned if they had an estimate of the expense for moving the infrastructure underneath that land.

Tyler Sheeran, Commonwealth Development, explained there is a 100-year-old storm sewer that goes through that property and \$300,000 was the estimate to move it, but he thought re-routing might make more sense. He stated the planning team is looking at the pedestrian issue and ways to improve that intersection. There is discussion for a bus stop in the area to limit pedestrian traffic. Mayor Rosenberg pointed out the DOT oversees that intersection.

Lisa Rasmussen stated the planning option needs to take flight to allow them to work through the details of the project. This gets us quality affordable units that look like their market rate counterparts. It has the underground parking and also includes an amenity for young families. There is not only underground parking, but enough surface parking to contemplate visitors, deliveries, and surface parking of vehicles.

Sarah Watson believed it was an awesome project and getting more affordable units is what the city needs. She pointed out it is close to a lot of services, such as Community Partners, bus lines, downtown, etc. It is a lot the city owns so we don't have to purchase something outside. She felt the contractor put together a great package and the renderings were amazing.

Yes Votes: 11 No Votes: 0 Result: PASS

22-1105

11/15/2022

Motion by Henke, second by Watson to adopt the Resolution of the Economic Development Committee Authorizing the sale of 205 N. 10th Street.

Yes Votes: 10 No Votes: 1 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	YES
11	Henke, Chad	YES

21-1204

11/15/2022

Motion by Watson, second by Rasmussen to adopt the Resolution of the Economic Development Committee Approving the First Amendment to the Planning Option with Gorman & Company, LLC for the redevelopment of the former Westside Battery and L&S Printing properties at 415 S. 1st Ave.

Yes Votes: 11 No Votes: 0 Result: PASS

22-1106 to Amend

11/15/2022

Motion by Rasmussen, second by Watson to Amend the Resolution of the Economic Development Committee Approving Waiver of the City's Right of Refusal to repurchase the property and Consent to Transfer the property located at 309 McClellan Street of Jim N. E. Cricket, LLC to MOCA – to direct staff to create appropriate documentation to remove transfer deed restrictions covenants for 20 years.

Lisa Rasmussen stated from the start of the renovation of the Wausau Club, the building that was turned over to create the Museum of Contemporary Art (MOCA) was in a terrible state when they received it. The Hummers took out a rehab loan which they continue to pay for to finish the work the previous owner started and bailed out on. She commented at the time we toured that building it was a stone's throw away from the wrecking ball, with holes cut in every floor, ceiling, and wall. It needed substantial work to be suitable for any purpose. The Hummers have done the work and still have a plan to renovate the upstairs into event space, which would be taxable.

Rasmussen pointed out the fact that MOCA has never been similarly situated to their counterparts at the Woodson Art Museum, which operates on an endowment and receives room tax dollars from two different vectors, both continuing appropriations that are allocated by the Finance Committee as well as receive on an annual basis a percentage of the city's retained room tax dollars. There is no requirement attached to those dollars to not use them for overhead, they can do that if they wish, but the Museum of Contemporary Art does not enjoy that luxury and have never requested room tax but does generate room nights. She added that the Woodson Art Museum also comes to the Room Tax Commission almost

annually for a second allocation for marketing various exhibits. She believed MOCA has enhanced our appreciation in this community just like every other arts organization continues to do. She felt it was fair to put them on somewhat of a level playing field by waiving off the pilot payment and allow the tax-exempt status in the lower museum portion.

Tom Kilian stated the Woodson example was brought up at ED Committee and it was explained it was not analogous to this situation because there was no such agreement with the city. He believed this matter in the terms of the tax dynamic was characterized as an error in City Pages, but to his understanding from the City Assessor there was no such error and that it simply followed a typical process. He felt the city was in fiscal trouble from doing things like selling \$15,000 properties for \$2,000 and waiving pilot agreements or potential pilot relationships. He appreciated and respected the contributions MOCA has made to the city, but on a purely financial level it is important we apply things uniformly and have consistent expectations and enforcement with agreements and finances.

Rasmussen indicated the Hummers were about at the end of their rope trying to grapple with how to get to a point where the non-profit that operates MOCA can own the building. She felt we were a short distance away from not having the museum anymore. The pilot payment after the reduction was estimated to be approximately \$6,000 and she did not see that as making or breaking the city. She did not want to lose the museum over this and reiterated when the upstairs is renovated for event space it will continue to yield tax payments.

Tom Kilian responded \$6,000 may not be a large amount but undercutting ourselves financially over and over again year after year, the sum of those parts to add up to something profound.

City Attorney, Anne Jacobson, stated following the ED Committee meeting, her concern was to draft a resolution that in some way granted tax exemption status to this particular entity. She referred to her memo in the packet that sorts out the actions that needed to be taken and the rights the city could exercise. The first was the city's right of first refusal to either repurchase the property or waive it so that Jim N. E. Cricket, LLC could sell the entity to MOCA, Inc. She explained to do that the option he provided is included in the packet, but she didn't know at the time whether the financing commitment was satisfied by Mr. Hummer's lender or not. She stated if the Council is seriously considering repurchasing or waiving that right they need to know if that was met or not. Secondly, they need to decide whether to consent to the transfer of the property. The pilot payment is a restrictive covenant that runs with the land. She noted the consideration for giving them the property was that if they transfer it, they can't transfer it to a non-taxable entity or if they do, the taxes have to continue to be paid. She clarified this resolution would have to be amended to amend the construction loan agreement and the currently recorded land restriction. She stated whether the entity is tax exempt or not that restriction will run with the land through August 31, 2037, or another 15 years. Jim N. E. Cricket, LLC has paid taxes of approximately \$15,000 per year, which is a partial assessment, so when the event space is finished, or any other improvements are made the assessor will reserve the right to modify that assessment.

Rasmussen stated the goal is to waive the pilot payment only through this amendment. Discussion continued.

Vote on Amendment to direct staff to create appropriate documentation to remove transfer deed restrictions covenants for 20 years.

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

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

21-1106 to Refer back

11/15/2022

Motion by Gisselman, second by Kilian to Refer the Resolution of the Economic Development Committee Approving Waiver of the City's Right of Refusal to repurchase the property and Consent to Transfer the property located at 309 McClellan Street of Jim N. E. Cricket, LLC to MOCA – back to the ED Committee.

Sarah Watson, Chair of ED, stated there was already a lot of discussion at committee and she did not feel they needed to rehash this item. She asked the Council to act on the resolution as originally presented and not refer it back. She indicated the committee can discuss Attorney's Jacobson's memo at the beginning of next month and bring it back anything that is necessary.

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

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

21-1106

11/15/2022

Motion by Lukens, second by Henke to adopt the Resolution of the Economic Development Committee Approving Waiver of the City's Right of Refusal to repurchase the property and Consent to Transfer the property located at 309 McClellan Street of Jim N. E. Cricket, LLC to MOCA.

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

19-0514

11/15/2022

Motion by Watson, second by Herbst to adopt the Resolution of the Economic Development Committee Approving the First Amendment to the Development Agreement for Mountain Lane Apartments with 1401 Elm Street, LLC and Roland Lokre.

Yes Votes: 11 No Votes: 0 Result: PASS

19-0514

11/15/2022

Motion by Watson, second by Herbst to adopt the Resolution of the Economic Development Committee Approving the sale of Mountain Lane Apartments of 1401 Elm Street, LLC and Roland Lokre to Mountain Lane Property, LLC and Assignment and Assumption of Development agreement by Mountain Lane Property, LLC.

Yes Votes: 11 No Votes: 0 Result: PASS

22-1108

11/15/2022

Motion by Rasmussen, second by Lukens to adopt the Joint Resolution of the Economic Development and Finance Committees Approving sale of 110 S. 84th Avenue in the Business Campus to Wausau Coated Enterprises II LLC.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109

11/15/2022

Motion by Lukens, second by Watson to adopt the Resolution of the Finance Committee Approving Modification of the 2022 Budget for the EMs Flex Grant Award.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109A

11/15/2022

Motion by Watson, 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 -- Corrosion Control Optimization Study.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109B

11/15/2022

Motion by Watson, second by Lukens 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 -- Lead Service Line Replacement Plan Consulting Services.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109C

11/15/2022

Motion by Lukens, 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 -- PFAS Treatment Process Design.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109D

11/15/2022

Motion by Martens, second by Lukens 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 -- 2023 Sewer Main Projects (related to the 2023 street reconstruction of 10th Avenue, Grant Street and Henrietta Street).

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109E

11/15/2022

Motion by Watson, second by Lukens 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 -- 2023 Water Main Projects (related to the 2023 street reconstruction of 10th Avenue, Grant Street and Henrietta Street).

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109F

11/15/2022

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 -- Sewer Lift Station Upgrade Design.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109

11/15/2022

Motion by Watson, second by Diny to adopt the Resolution of the Finance Committee Approving the Reclassification of Projects funded by the American Rescue Plan Act of 2021, Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Program to the Revenue Loss Classification.

Yes Votes: 11 No Votes: 0 Result: PASS

21-1109G

11/15/2022

Motion by Rasmussen, second by Herbst to adopt the Resolution of the Finance Committee Establishing the 2023 Property Tax Equivalent for Wausau Water Works Wausau Wisconsin.

Yes Votes: 11 No Votes: 0 Result: PASS

Suspend the Rule

11/15/2022

Motion by Rasmussen, second by Watson to Suspend Rule 12(A) Referral of Resolutions.

Yes Votes: 11 No Votes: 0 Result: PASS

85-0214

11/15/2022

Motion by Rasmussen, second by Herbst to adopt the Ordinance of the Common Council Amending Section 12.32.040 Insurance required.

Anne Jacobson explained she typically reviews the insurance certificates that come in for the Portland Cement and Bituminous Concrete License applications and this would be a change from 10 days to require 30 days' notice of cancellation. Lisa Rasmussen clarified a carrier cancellation of coverage, where they either intend not to renew or cut it off mid-stream, is where it would be 30 days' notice.

Yes Votes: 11 No Votes: 0 Result: PASS

Public Comment or Suggestions:

None

Adjournment

11/15/2022

Motion by Watson, second by Lukens to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:44 pm.

Katie Rosenberg, Mayor
Kaitlyn Bernarde, City Clerk