

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, December 13, 2022, in Council Chambers, beginning at 6:30 p.m.,
Mayor Katie Rosenberg presiding.

Roll Call

12/13/2022

Roll Call indicated 9 members present.

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

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

- 1) Bruce Grau, 1115 N 10th St, commented on the homeless and lack of affordable housing and health care for them.
- 2) Sandra Kelch, 802 Augusta Ave, spoke on chronic homelessness in the city and the need for trauma informed care and long-term services.

Committee Reports:

Board of Public Works - Insurance Claims July 2022 - September 2022

(Placed on file)

Consent Agenda

12/13/2022

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

Tom Kilian requested 22-1101 Minutes of the 11/22/22 meeting be removed from the Consent Agenda.

03-0717 Resolution of the Finance Committee Approving Purchase of Animal Impoundment Services Agreement for the impoundment, care, treatment and/or humane disposal of non-dog strays taken into custody by law enforcement or humane officers, between the Humane Society of Marathon County, Inc. and the City of Wausau, from January 1, 2023 through December 31, 2023.

12-1214 Resolution of the Finance Committee Approving of Intergovernmental Humane Officer Services Agreement between the City of Wausau and Everest Metropolitan Police Department from January 1, 2023 through December 31, 2023.

22-1109 Resolution of the Finance Committee Authorizing the modification of fees to the City of Wausau Fees and Licenses Schedule adopted pursuant to Wausau Municipal Code 3.40.010(a) (2023 Comprehensive Fee Schedule)

22-1204 Ordinance of the Plan Commission Ordinance Rezoning 306 South 4th Avenue from SR-7, Single Family Residential-7 Zoning District to TF-10, Two Flat Residential-10 Zoning District

22-0108 Resolution of the Public Health & Safety Committee Approving or Denying Various Licenses as Indicated. Adopted 9-0.

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

22-1101

12/13/2022

Motion by Kilian, second by Larson to postpone approval of minutes of 11/22/22 to the January 10, 2023 meeting.

Tom Kilian requested the comments he made in the budget discussion be added to the minutes and defer action to the next meeting.

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

Motion by Herbst, second by Martens to adopt the Resolution of the Arts Commission Approving acceptance of a public sculpture to be installed along the River Edge Parkway at 146 W. Washington Street.

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

15-0708

12/13/2022

Motion by Rasmussen, second by Henke to adopt the Resolution of the Economic Development Committee Terminating Development Agreement with Riverlife Condos, LLC (Mitch Viegut)

Doug Diny questioned if there had been any discussion or commentary from the developer since the ED Committee meeting.

Liz Brodek stated there were a couple communications from both their attorney and Mitch Viegut answering some of the outstanding questions/conditions of the development agreement. Mayor Rosenberg stated it was the committee decision to terminate.

Lisa Rasmussen stated ED discussion was regarding the fact they had several months to bring the agreement to fruition where the land sale to take place and closing could happen, but until they were in noncompliance with the agreement they waited until the 30th day to communicate. There was no confidence that anything would get better and ED Committee had already given three extension and elements of the plan kept getting smaller with every extension request. She indicated the committee has given up on this plan and does not wish to grant anymore extensions.

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

19-0921 Amendment

12/13/2022

Motion by Gisselman, second by Kilian to Amend the Resolution of the Economic Development Committee Approving Wausau Opportunity Condominium Plat, Declaration of Condominium by Wausau Opportunity Zone Inc., Bylaws and Articles of Incorporation of Wausau Opportunity Zone, Inc., Bylaws and Articles of Incorporation of Wausau Opportunity Condominium Association, Inc., Deeds of the Condominium Units, and appointment of City Director on Condominium Association, Inc. - Amend to strike "It is contemplated and intended that the Pedestrian Bridge and Pedestrian Bridge Structure may be owned by the public and thereafter operated and maintained by the City," from Section 5.2(a) of the Declaration of Condominium.

Tom Kilian stated there is extensive reference to the pedestrian walkway and bridge in the agreement in the packet and asked for elaboration on the relationship and expectations that would either create or effectuate with the bridge. Liz Brodek explained we are basically reserving space in a no-build zone where the walkway is expected to be placed. She indicated currently there is no timeline or design and reiterated it is simply reserving space for the eventual development.

Kilian questioned what was expected of the city in relation to the bridge and walkway. Brodek stated the agreement is that if WOZ or the successive unit owners develop that walkway it would eventually be deeded over to the city for maintenance. The contemplation is that Units 1 and 2 owners would be constructing it at their cost. WOZ is currently the owner of Units 1 and 2, but the agreement is written to allow the any successors to assume ownership of Units 1 and 2 so that WOZ is not in perpetuity the owner.

Kilian questioned if he was correct that there would be no expectation of the city funding construction of the bridge or walkway. Attorney Joe Mella explained there was no expectation baked into the document as to construction of the bridge or the pedestrian walkway. The language of the documents is drafted in a way that essentially requires that whoever owns Unit 1 and 2 to build a walkway if a bridge gets constructed and connects to that side of the building. Whomever comes up with a way to construct a bridge and gets it done, those Unit owners are then required to cooperate and ensure they don't build something in the spot where the bridge can connect.

Gary Gisselman referred to page 11 in the Declaration of Condominium regarding the statement that structure may eventually be owned by the public and maintained by the city. He was not comfortable with this statement and felt this obligation should be stricken because we don't know what the bridge is about yet.

Rasmussen felt the amendment was unnecessary because the operative word is "may" and not "shall" which is of critical importance to us when we look at our contracts. The fact that we may build something or may own something certainly doesn't mean that we do now or are obligated to later. She pointed out the contract was drafted by our outside legal counsel and reviewed by both internal and external legal counsel who were satisfied with it as written. Any partnership that ever comes forward relevant to that walkway, be it for construction, funding, permits, or zoning will take future action of the Council. The Council has control of all of it.

Tom Kilian disagreed and felt if the city has language that it *may* do something, it is generally going to do it. He pointed out legal review is not policy review, and this is more a matter of policy, and it would be in our best interest to remove this language.

Doug Diny questioned if WOZ could object to this amendment. Anne Jacobson stated they could refuse to sign it if the language is removed, but it is the Council's choice whether to do so. She also agreed that the language is permissive and future-looking and does not commit us to do what it says.

Vote on the Amendment:

Yes Votes: 5 No Votes: 4 Abstain: 0 Not Voting: 2 Result: PASS

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

19-0921

12/13/2022

Motion by Rasmussen, second by Henke to adopt the resolution of the Economic Development Committee Approving Wausau Opportunity Condominium Plat, Declaration of Condominium by Wausau Opportunity Zone Inc., Bylaws and Articles of Incorporation of Wausau Opportunity Zone, Inc., Bylaws and Articles of Incorporation of Wausau Opportunity Condominium Association, Inc., Deeds of the Condominium Units, and appointment of City Director on Condominium Association, Inc. as amended.

Doug Diny questioned if the city has analyzed whether they want to execute the clause to get out of running the parking ramp. Anne Jacobson stated that has not been any discussion at committee level whether to cease operating the ramp. Diny stated the city does not make money on the ramps, but we are apparently staying invested in the ramp because we expect a return down the road. He questioned if we had any inkling what that could look like in 5 or 10 years, or should we get away from it now if they are willing to buy it.

Lisa Rasmussen stated her understanding was the need for this came about because we dissolved the prior air rights agreement. In order to clarify who owns what and who has the rights this document/arrangement is necessary. We have the option to get out of the parking ramp business and WOZ has first right of refusal if they want it. At this point we own and operate it and we need to have delineated control over it for now.

Tom Kilian stated at discussion in ED Committee outside counsel stated that the body had already essentially agreed to these things with prior agreements or amendments, and this was to effectuate those things. He believed we are bound by the agreements previously voted on.

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	NV
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	NV
9	Herbst, Dawn	YES
10	Larson, Lou	NO
11	Henke, Chad	YES

22-1106

12/13/2022

Motion by Martens, second by Henke to adopt the Resolution of the Economic Development Committee Authorizing the purchase of 722 Washington Street.

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

Motion by Henke, second by Herbst to adopt the Resolution of the Economic Development Committee Approving the sale of 206 N. 6th Avenue.

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

21-1109

12/13/2022

Motion by Rasmussen, second by Martens to adopt the Resolution of the Finance Committee Establishing the 2022 Property Tax Equivalent for Wausau Water Works Wausau Wisconsin.

Rasmussen stated this and the following items on the agenda from Finance Committee are a list of different things for the Water & Sewer Utility both to apply ARPA funds and to amend pilot payments. She explained all these things are designed to improve the financial health of the Water Utility. There was robust dissemination about the negative outlook issued by Moody's based on utility debt pending a rate change coming from the PSC. She pointed out we don't set the water rates, but we do control the sewer rate. The PSC over the next 4 to 5 months is going to be making their decision on the rate case submitted by the utility. The hope is to stop further borrowing and the incursion of further debt on the behalf of the utility and uses federal dollars in such a way that reducing that debt load benefits all water & sewer customers. It is a way to apply rescue plan funding to benefit a large cross section of the community because there are more water system users than there are property taxpayers in the city. This provides a wide public impact and staves off what would have been a larger rate increase.

Further comments and discussion on this subject can be accessed: <https://www.youtube.com/watch?v=YjGS6ZskN5s>

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

21-1109A

12/13/2022

Motion by Rasmussen, second by Diny 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 - 2022 Water and Sewer Replacement (related to the 2022 street reconstruction of 4th Street (McClellan St to Scott St) and 4th Avenue (Bridge St to Knox St).

Lou Larson questioned how much ARPA funds would be left if all these requests are passed. Maryanne Groat stated it would be just shy of \$3 million. Larson questioned how much of the \$15 million of ARPA funds have been put to use for the homeless issues. Groat stated \$777,000 with Catholic Charities; several allocations to improve affordable housing, including to the Landmark for \$350,000; infill new construction for \$600,000; and affordable rental units for \$500,000, for a total of just under \$2 million.

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	NV
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	NV
9	Herbst, Dawn	YES

10	Larson, Lou	NO
11	Henke, Chad	YES

21-1109B

12/13/2022

Motion by Rasmussen, second by Diny 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 - 2022 Water and Sewer Main Projects (related to the 2022 street reconstruction of Bugbee Ave (Burek Ave to Tierney Road); Burek Ave (Campus Dr to Bugbee Ave) and Campus Drive (Cherry St to Burek Ave).

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

21-1109C

12/13/2022

Motion by Martens, second by Diny 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 - Torney Avenue (McDonald St to Townline Rd).

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

21-1109D

12/13/2022

Motion by Rasmussen, 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 - Industrial Park Force Main.

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	NV
2	Martens, Michael	YES
3	Kilian, Tom	YES
4	Diny, Doug	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	NV
9	Herbst, Dawn	YES

10	Larson, Lou	NO
11	Henke, Chad	YES

22-1205

12/13/2022

Motion by Herbst, second by Henke to adopt the Resolution of the Parks & Recreation Committee Approving installation of infield synthetic turf at Athletic Park.

Larson questioned how the Council felt about the installation of synthetic turf which has a lot of pros and cons. He understood it would be good for tourism, but would it be good for the park and for injuries.

Rasmussen stated this adjustment to Athletic Park is necessary to gain the economic impact from the softball team coming. She indicated it appears, according to Mark MacDonald, that it is a newer version of turf, not the older stuff that had caused a volume of injuries to players. She stated this turf does reduce rainouts because it drains better making the field more useful on more days for additional activities and allows the field to made adjustable both for the two different sports and for different age ranges. She noted it seems to reduce maintenance time and maintenance days for Park Department employees as well.

Gisselman questioned how long they were projecting this softball league to stay. Mark MacDonald stated this opens the field up to the other 50% of your population because now youth softball can play on the same field, so Wausau West and Wausau East could play their softball games there. He indicated they anticipated a 10-year agreement with the softball league.

Gisselman commented his concern was if the toxicity of the turf proves to be a health hazard, we will want to be able to resolve that issue, because research in regard to that is coming out every day. MacDonald stated the manufacturer will certify to us that they do not introduce PFAS in the manufacturing process or the installation process. Gisselman stated there are other health hazards besides PFAS. He just wanted everyone to be alert to the fact that research on this is happening.

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

22-1209

12/13/2022

Motion by Herbst, second by Larson to adopt the Resolution of the Wausau Water Works Commission creating Special Committee - Wausau Drinking Water Treatment Facility Solar Array Project Task Force.

Larson commented he supported the task force but would also think about dissolving the Wausau Water Works Commission and perhaps have this task force report to a committee or standing committee so that anything that goes through it comes to Council.

Mayor Rosenberg explained the intention of the task force was to be much like the Policing Task Force in that we get recommendations which are passed on to the Wausau Water Works Commission and this body so that we can consider whether or not we like the concept of a solar array. No decisions will be made on their own.

Gisselman felt this was a good way of moving it off the mark and moving forward and looked forward to the research and discussion. He thought they could be looking forward to city wide solar arrays.

Dawn Herbst indicated she was a member of the Water Commission and there are very wonderful, educated individuals that sit on that commission. She disagreed with dissolving this commission that brings forward so much information.

Diny felt the task force should be looking at optimizing what this system can do for the plant so that we are running 100% of the energy load from this unit. He believed it should ultimately positively impact our rate payers. Mayor Rosenberg indicated she would add an extra bullet point that states consider return on investment.

Rasmussen commented this was definitely the way to gauge wide public opinion. She did not think they should assume the adjacent neighbors are all against the project because they are not. She indicated there were 4 or 5 who will never support it, but the rest are amenable to at least two of the three designs or are still on the fence.

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

Suspend the Rules

12/13/2022

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

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

21-1109

12/13/2022

Motion by Martens, second by Henke to adopt the Resolution of the Finance Committee (Correction to Original Resolution adopted 9/27/2022) 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

06-0406

12/13/2022

Motion by Diny, second by Martens to adopt the Resolution of the Finance Committee Approving City's Waiver of First Right of Refusal to Repurchase Property at 7555 Stewart Avenue (Arthur Rentals-Wisconsin, Inc.).

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

22-1210

12/13/2022

Motion by Diny, second by Martens to adopt the Resolution of the Finance Committee Supporting the Convention and Visitors Bureau grant application.

Rasmussen explained a few weeks ago Tim White of the CVB came to the Finance Committee about their desire to apply for a grant from Marathon County's ARPA funds to assist them in constructing a new visitor's center on the former Shakey's property in Rib Mountain. All they asked is that we draft a resolution that supports their grant application to the county. The City of Wausau is a key supporter of tourism and the generation of room tax and the CVB's ability to have a space that's effective and welcoming to visitors and to conduct their operations made sense.

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

02-1216

12/13/2022

Motion by Herbst, second by Rasmussen to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Approving bargaining agreement between the City of Wausau and Wausau Professional Police Association for January 1, 2023 through December 31, 2024.

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

02-1217

12/13/2022

Motion by Herbst, second by Diny to adopt the Joint Resolution of the Human Resources Committee and the Finance Committee Approving bargaining agreement between the City of Wausau and Wausau Firefighter Association for January 1, 2023 through December 31, 2024.

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

03-1111

12/13/2022

Motion by Herbst, second by Diny 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 December 25, 2022 (first pay period for 2023).

Becky McElhaney, HR Committee Chair, explained this wage adjustment passed earlier and this action is only moving it up to the first pay period from the end of December thru the 1st of January to make it easier to sync with the new Workday software.

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

Public Comment & Suggestions

None

Closed Session

12/13/2022

Motion by Rasmussen, second by Herbst to convene in Closed Session pursuant to Wis. Stat. Section 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, for the purpose of conferring with legal counsel regarding a settlement offer received in Marathon County Case No. 22-CV-284 (Lori J. Fish and James B. Fish). Roll call vote carried unanimously.

Roll Call Vote:

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

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

Reconvened into Open Session**22-1211**

12/13/2022

Motion by Herbst, second by Diny to adopt the Resolution of the Common Council Approving agreement for settlement of lawsuit – Lori J. Fish and James B. Fish, Marathon County Case No. 22-CV-284 for \$29,000.

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

Adjournment

12/13/2022

Motion by Henke, second by Larson to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:18 pm.

Katie Rosenberg, Mayor
Kaitlyn Bernarde, City Clerk