

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, October 10, 2023, in Council Chambers, beginning at 6:32 p.m.,
Mayor Katie Rosenberg presiding.

Roll Call

10/10/2023

Roll Call indicated 11 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Vote</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	ABSENT
10	Larson, Lou	YES
11	Henke, Chad	YES

Proclamations:

The Mayor of the City of Wausau Proclaims:
Children’s Environmental Health Day (October 12, 2023)

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

- 1) Bruce Grau, 1115 N. 10th Street – spoke in opposition of Foundry on 3rd/WOZ agreement.
- 2) Jeff Stubbe, Dwight and Linda Davis Foundation – spoke in favor of Foundry on 3rd/WOZ agreement.

Committee Reports:

Board of Public Works Re: Insurance Claims - April 2023 - September 2023 will be placed on file.

Consent Agenda

10/10/2023

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

23-0901 Minutes of a previous meeting: (9/26/2023).

23-1004 Resolution Approving easement with Graphic Packaging Corp. for the construction of a multi-use trail at 200 Central Bridge Street.

23-1005 Ordinance Amending Section 10.20.080(a) designating no parking on the west side of the 500 block of S. 5th Avenue from a point 125 feet north of the crosswalk at Werle Avenue north to Stewart Avenue.

23-0108 Resolution Approving or Denying Various Licenses as Indicated.

23-0608 Ordinance Creating Section 12.44.055 Block Parties.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASSED

15-0708

10/10/2023

Motion by Lukens, seconded by Watson, to adopt the Resolution from the Plan Commission Amending the General Development Plan at 1200 North River Drive to allow for 200 residential units and 5,500 square feet of commercial space, in a PUD, Planned Unit Development Zoning District.

Rasmussen stated this plan, as approved, would support the development of needed housing within the city.

Gisselman stated opposition to this plan as it overwhelms the riverfront and is not what citizens want on the riverfront as green space is eroded for development. It was stated that high-end housing is in conflict with the needs of the city.

Kilian shared public input on concerns that the plan would impact the green space on the riverfront and concerns on the public assistance provided to the developers of the project.

Lukens stated support for the plan because of the need of housing to be developed for all income levels due to limited space available and current lack of housing. It was stated that there must be housing development on all income levels to ensure that affordable housing remains available to those in need and to support workforce development.

Larson stated concerns with the overabundance of market rate housing in regard to the unbalance of high-end housing and affordable housing. It was stated that while a number of high-end housing projects have moved forward and are complete, many proposed affordable housing projects have not.

Watson stated support of the plan as it helps moved the city towards the 525 units needed to meet housing needs by 2025.

Diny stated that this plan is part of a larger historical direction that was set by previous councils and stated support to keep that direction as changing course now would be unwise.

Martens stated concerns that the Common Council is not interested in creating housing as opposition has arose to many housing projects. It was stated that projects such as this plan should be supported to build population, tax base, and grow the city.

<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	NO
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	ABSENT
10	Larson, Lou	NO
11	Henke, Chad	YES

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

23-0609 **10/10/2023**

Motion by Henke, seconded by Watson, to adopt the Ordinance from the Plan Commission Rezoning 519 Stark Street from TF-10, Two Flat Residential-10 Zoning District to UMU, Urban Mixed Use Zoning District.

Larson stated opposition due to the lack of perceived compromise between the homeowners adjacent to the lots.

Diny provided direction to city staff to approve a plan for parking lot permits in consultation with the homeowners adjacent to the lots.

Rasmussen stated support for the ordinance change to enable better options for parking to resolve the issue at hand.

<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	NO
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	ABSENT
10	Larson, Lou	NO
11	Henke, Chad	YES

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

20-0410**10/10/2023**

Motion by Henke, seconded by McElhaney, to adopt the Resolution from the Economic Development Committee Approving the Second Amendment to the Development Agreement for Bantr at 1520 Elm Street (formerly 201 N 17th Ave) with RJ Elm Properties, LLC.

Larson stated support as this doesn't impact that tax plan in place for the property and fulfills the need for short-term housing to support workforce development.

Henke stated support for short-term housing and stated that there were no concerns expressed by residents within the area shared at a neighborhood meeting that happened earlier in the week.

Martens stated support to diversify the housing stock to meet the housing needs of the city.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASSED

02-1216**10/10/2023**

Motion by McElhaney, seconded by Lukens, to adopt the Joint Resolution from the Human Resources and Finance Committees Approving Police Compression Adjustment and Permanent Correction for City of Wausau Police Supervisors.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASSED

23-1007**10/10/2023**

Motion by McElhaney, seconded by Larson, to adopt the Joint Resolution from the Human Resources and Finance Committees Approving Reclassing the position of Accounting Assistant to Utility Revenue Analyst.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASSED

23-1006**10/10/2023**

Motion by Lukens, seconded by Henke, to adopt the Joint Resolution from the Human Resources and Finance Committees Approving the recommendation of the compensation study to move the City Attorney from grade 5 to grade 4, Assistant City Attorney from grade 12 to grade 10, and the City Clerk from grade 15 to grade 12.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASSED

Suspend the Rules**10/10/2023**

Motion by Watson, second by Henke, to suspend Rule 6(B) Filing and 12(A) Referral of Resolutions. *(2/3 majority required)*

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASSED

03-1111**10/10/2023**

Motion by McElhaney, second by Lukens, to adopt the Joint Resolution from the Human Resources and Finance Committees Authorizing a 3% general wage adjustment for non-represented employees effective December 24, 2023.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASSED

12-1012**10/10/2023**

Motion by Rasmussen, seconded by McElhaney, to adopt the Joint Resolution from the Human Resources and Finance Committees Authorizing health, dental, vision and supplemental insurance plan design for 2024.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASSED

12-1012A**10/10/2023**

Motion by Watson, seconded by Lukens, to adopt the Joint Resolution from the Human Resources and Finance Committees Authorizing CCIT Inclusion on the City's health, dental, vision and supplemental insurance plan design for 2024 and 2025.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASSED

22-1109

10/10/2023

Motion by Rasmussen, seconded by Watson, to adopt the Resolution from the Finance Committee Approving 2023 Budget Modification – West Wausau Avenue Booster Station Generator.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASSED

22-1109A

10/10/2023

Motion by Watson, seconded by Rasmussen, to adopt the Resolution from the Finance Committee Approving 2023 Budget Modification – Facility Capital Projects.

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASSED

19-0921

10/10/2023

Rasmussen stated that the agreement addressed each concern raised at previous meetings and thus should be supported.

Kilian asked questions of the developer and expressed concerns and opposition because of the termination of an agreement with Melvin Companies.

Rasmussen stated that there was not a need to go into closed session on this particular agreement as there was nothing to hide with the agreement hashed out by both parties.

Kilian stated a need to go into closed session as it was stated that there were legal and financial matters that needed to be discussed. Kilian did state that the legal and financial matters could be discussed in open session if it was the will of the Common Council.

Point of order raised by Larson that Rasmussen was speaking for a third time on this question. *Point of order was not well taken by the Chair. Objection by Larson.* Motion by Rasmussen, seconded by Martens, to overrule the objection.

<u>District</u>	<u>Aldersperson</u>	<u>Vote</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	ABSENT
10	Larson, Lou	NO
11	Henke, Chad	YES

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

Rasmussen stated that there are exhibits in the Common Council packet that provides information on the agreement with Melvin Companies further negating the need to go into closed session.

23-0815

10/10/2023

Larson questioned if the developers of this project are having financial difficulties which could impact support of the agreement.

Diny stated support for moving forward as to not further delay the start date of the development and questioned if a notice to proceed would be appropriate.

Kilian stated concerns working with the developer in the context of the developer’s failed venture in another city and questioned if a land clawback similar to that other venture would be appropriate in this agreement.

Rasmussen stated disagreements with adding clawback language further stating that protections are in place in the current agreement as presented.

Kilian expressed an interest to have access to details of the debt and equity of the capital stack to better assess the agreement.

CLOSED SESSION

10/10/2023

Motion by Lukens, seconded by Watson, to convene into CLOSED SESSION pursuant to 18.95(1)(e) of the Wisconsin Statutes for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: relating to the proposed First Amendment to the Development Agreement with Foundry on 3rd Ph 1, LLC, and the Purchase and Development Agreement and related amendments with Wausau Opportunity Zone, Inc. (Wausau Center Mall).

<u>District</u>	<u>Aldersperson</u>	<u>Vote</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	ABSENT
10	Larson, Lou	YES
11	Henke, Chad	YES

Yes Votes: 10 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASSED

RECONVENED into Open Session to take action on Closed Session items.

Motion by Rasmussen, seconded by Watson, to adopt the Resolution from the Finance Committee Approving Cooperation Agreement between Wausau Opportunity Zone, Inc. (“WOZ”) and City of Wausau related to redevelopment of former mall site.

Kilian requested a roll call vote on this motion to adopt.

Diny requested that staff provide a monthly impact update to the Common Council on the equity stack in relation to these agreements.

<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	ABSENT
10	Larson, Lou	NO
11	Henke, Chad	YES

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

Motion by Rasmussen, seconded by Watson, to adopt the Resolution from the Common Council Approving First Amendment to Development Agreement between Foundry on 3rd Ph 1, LLC and City of Wausau.

Kilian requested a roll call vote on this motion to adopt.

Motion to amend by Diny to require the developers to provide a written notice to proceed at 60 days prior to the start date. *Motion failed due to lack of a second.*

Gisselman stated opposition to the construction of high-end housing developments due to a consensus from constituents and concerns about spending public money on such developments.

Kilian stated concerns about the agreement in that it puts the city and taxpayers at an unacceptable risk.

Rasmussen stated this is the best deal that the city can move forward with and that the passage of this agreement would not be an invitation to accept additional amendments. It was stated that constituents have expressed concerns of a delay and allowing the former mall site to remain vacant.

Larson stated concerns with working with the developer in context of the history of this project itself and stated opposition in order to find the right fit for the needs of the city.

Lukens stated support because of the need for housing in the city and the public support for development in the former mall site.

McElhaney stated concerns with working with the developer similar to those expressed by Larson. It was stated that there was a need to protect the taxpayers in executing the development agreement and supporting development in the downtown area thus supported the agreement as presented.

Diny expressed an interest in convening a Committee of the Whole to discuss the larger issue of housing affordability and availability. It was stated that the city bares the responsibility of this piece of downtown and should take the responsibility to do something at this site. Diny requested a notice to proceed on March 1 of 2024 before the city spends more money on the project.

Kilian stated that a responsible policy decision would be to not approve the extension of the project and hold the developer accountable to the agreement as it was originally written and agreed upon. It was stated that if additional protections are needed, it should be included in the agreement.

Larson stated clarification on the statements made that this amendment agreement took 20 weeks to complete in that it wasn't till those 20 weeks that it was brought to the Common Council and requested that in the future matters are addressed in a timelier manner.

<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	NO
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	ABSENT
10	Larson, Lou	NO
11	Henke, Chad	YES

Yes Votes: 7

No Votes: 3

Abstain: 0

Not Voting: 1

Result: PASSED

Adjourn

10/10/2023

Motion by Watson, second by Lukens, to adjourn the meeting. Motion carried. Meeting adjourned at 9:42 p.m.

Katie Rosenberg, Mayor
Kody Hart, Deputy City Clerk