

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, January 23, 2024, in Council Chambers, beginning at 6:31 P.M.,
Mayor Katie Rosenberg presiding.

Roll Call

01/23/2024

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	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

Proclamations

01/23/2024

The Mayor of the City of Wausau Proclaims:

- Black History Month (February 2024)
- Lunar New Year Day (February 10, 2024)
- Four Chaplains Sunday (February 4, 2024)
- National Children's Dental Health Month (February 2024)
- Wisconsin Salt Awareness Week (January 22-26, 2024)

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

01/23/2024

- 1) Bill Panzigrau, 2708 W. Wausau Avenue – spoke on Open Door continuing services to the unhoused population.
- 2) Christopher Seel, Open Door – spoke on Open Door continuing services to the unhoused population.
- 3) Christine Salm, 3312 N. 11th Street – spoke in favor of current lead lateral replacement program.
- 4) Corina Norrbom, Medical College of Wisconsin – spoke in favor of current lead lateral replacement program.
- 5) Debra Ryan, 702 Elm Street – spoke in opposition of current lead lateral replacement program.

Presentation: Utility Commission Structure

01/23/2024

A policy discussion to determine how best to govern a utility business was held.

Larson stated that the Executive Committee or the Committee of the Whole should discuss how to better regulate the water utility.

Rasmussen stated support of further discussion to make incremental changes to how the utility is overseen.

Gisselman stated support of a joint meeting with the Wausau Water Commission to get their input on how to build a better commission.

Henke stated support of having any discussion prior to April of 2024 so it could be in place for the new term of the Common Council.

Herbst stated support of having more discussions to understand what is expected of the Wausau Water Commission by the Common Council.

Diny stated that there is a need to address the problems at hand with either a joint meeting of the Common Council or a Committee of the Whole and the Wausau Water Commission.

Without objection, a joint meeting of a Committee of the Whole of the Common Council and the Wausau Water Commission will be scheduled to further discuss this matter.

Consent Agenda

01/23/2024

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

24-0101 from the Common Council to Approve Minutes of a previous meeting (12/19/2023).

24-0104 Resolution from the Public Health & Safety Committee Approving Automatic Aid Agreement with South Area Fire and Emergency Response District.

24-0105 Resolution from the Human Resources Committee to Approve Notice of Election to Self-Insure Worker's Compensation Program with CVMIC.

21-1109 Resolution from the Finance Committee Approving First Amendment American Rescue Plan Act Subrecipient Agreement – Catholic Charities.

20-0822 Resolution from the Finance Committee Approving the Towing Services Agreement with Joe Rader Towing LLC for primary towing services and with Lightning Towing for secondary towing services.

24-0106 Resolution from the Finance Committee Approving Nominal Payment Parcel for New Highway Right of Way Fee, Permanent Limited Easement, and Temporary Limited Easement at 7000 Stewart Avenue, Parcel 7, Transportation Project Plat 6999-09-02.

24-0107 Resolution from the Finance Committee Approving Nominal Payment Parcel for New Highway Right of Way Fee, and Temporary Limited Easement at 6631 Stewart Avenue, Parcel 16, Transportation Project Plat 6999-09-02.

24-0109 Resolution from the Finance Committee Approving Nominal Payment Parcel for a Temporary Limited Easement and Landscaping at 7500 Stewart Avenue, Parcel 2, Transportation Project Plat 6999-09-02.

22-0912 Resolution from the Finance Committee Accepting dedication of a portion of 7110 Stewart Avenue and a portion of 6601 Stewart Avenue for public right-of-way.

24-0111 Resolution from the Capital Improvements and Street Maintenance Committee Approving Agreement for the Management and Maintenance of a Stormwater Facility (Wausau School District – 1200 West Wausau Avenue).

24-0112 Resolution from the Capital Improvements and Street Maintenance Committee Approving Agreement for the Management and Maintenance of a Stormwater Facility (Green Bay Packaging Inc. – 6845 Packer Drive).

24-0113 Resolution from the Capital Improvements and Street Maintenance Committee Approving Revised Winter Street Maintenance Policy.

24-0114 Resolution from the Finance Committee Approving a Lease Agreement with City County Information Technology Commission.

24-0115 Ordinance from the Plan Commission to Rezone 406 N 28th Avenue from SR-1, Single Residential-1 Zoning District to PUD, Planned Unit Development Zoning District and approve the GDP, General Development Plan.

24-0116 Ordinance from the Plan Commission to Amend Wausau Municipal Code § 23.02.51 – (NMU) Neighborhood Mixed Use Zoning District; Wausau Municipal Code § 23.02.52 – (SO) Suburban Office Zoning District; Wausau Municipal Code § 23.02.53 – (SMU) Suburban Mixed-Use Zoning District; Wausau Municipal Code § 23.02.54 – (UMU) Urban Mixed-Use Zoning District; Wausau Municipal Code § 23.02.55 – (DPMU) Downtown Periphery Mixed-Use Zoning District; Wausau Municipal Code § 23.02.56 – (DHMU) Downtown Historic Mixed-Use Zoning District; Wausau Municipal Code § 23.02.57 – (DRMU) Downtown High-Rise Mixed-Use Zoning District; Wausau Municipal Code § 23.02.60 – (LI) Light Industrial Zoning District; Wausau Municipal Code § 23.02.61 – (MI) Medium Industrial Zoning District; Wausau Municipal Code § 23.02.62 – (HI) Heavy Industrial Zoning District; Wausau Municipal Code § 23.03.05 – Table of land uses; Wausau Municipal Code § 23.03.10 – Commercial land uses; Wausau Municipal Code § 23.03.28 - Accessory land uses and structures; Wausau Municipal Code § 23.06.20 – Exterior lighting standards; Wausau Municipal Code § 23.09.05 – Definitions and rules related to sign groups, sign categories, and sign types; Wausau Municipal Code § 23.09.11 – permitted sign uses.

23-1109 Resolution from 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) (2024 Comprehensive Fee Schedule).

Yes Votes: 11

No Votes: 0

Abstain: 0

Not Voting: 0

Result: PASSED

Motion by Henke, seconded by Watson, to confirm the Mayor’s Appointments to the Building Advisory Board.

- Frank Opatik to Building Advisory Board (Reappointment - Term expires 10/31/2025)
- Buckley (Buck) Birkholz to Building Advisory Board (Reappointment - Term expires 10/31/2025)
- Dave Brandenburg to the Building Advisory Board (Reappointment - Term expires 10/31/2025)
- Mark Dillman to the Building Advisory Board (Reappointment - Term expires 10/31/2025)

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

24-0108

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

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

23-1215

Motion by Watson, seconded by Martens, to call the question to end debate.

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

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

Motion by Kilian, seconded by Diny, to Reconsider the Resolution from the Common Council Approving Master Partnership Agreement between the City of Wausau, Wausau Water Works and Community Infrastructure Partners LLC for lead service line replacement and related infrastructure work.

Kilian questioned if the Common Council received the documentation, specifically the statement of qualifications, necessary to decide on the merits of this program. Kilian stated that further vetting should take place with new information coming forward on the previous employer of the current contractor for this program.

Rasmussen stated that the city is in direct competition with other municipalities to secure federal funding to replace lead laterals. There were concerns that the narrative of the former employer of this contractor was being used to slow down the process for political purposes. *Point of order* raised by Kilian against questioning motives. *Point of order was well taken by the chair* and Rasmussen redirected statements to speak about the results a reconsideration would have which would waste the rest of the year’s construction season.

Larson agreed with Rasmussen that the agreement was good for the residents of the city because this is a performance-based contract and stated opposition to the reconsideration.

Diny stated that information on the past activities of the contractor’s former employer was not brought forward until after passage of the resolution. Diny stated that it was unusual for this contractor to have the ability to leave their former employer to start a new company and not be subjected to a noncompete clause of an employment contract. *Diny asked the chair to yield to a question, for which the chair agreed.* Diny asked the chair if there was prior knowledge of the connection between the contractor and their previous employer. The chair stated that the connection was not known until after this information had been made public. Diny further stated that this is a problem with improper vetting.

Kilian outlined the situation of the contractor’s previous employer in previous housing construction programs which prompted the motion for this reconsideration. It was also stated that little information was provided during the public roll-out of this program and asked that alders allow those who supported this program originally to change their vote upon new information.

Lukens stated concerns a reconsideration would have on delaying a program to remove lead laterals which could impact the health of children and families.

Martens took issue with the reconsideration as there were ample opportunities to discuss and modify the contract and the details that result in its execution. It was stated that the performance-based contract ensured that verification of the work is being done correctly to code before moving forward for another year.

Diny stated skepticism of the ability for this program to be correctly conducted at the volume of replacement. It was also stated that the business practices of the contractor in the start-up of their business are unusual which cause concern to prompt this reconsideration.

Lukens stated that printing things in the media before the Common Council had a chance to discuss that matter was not comparable to watching the meetings of the Common Council because the full picture of the matter was not being covered. *Point of order* raised by Kilian against making accusations against a particular member of the body. *Point of order was not acted upon by the chair* as Lukens clarified that the comments were not made against a particular member of the body.

Larson shared concerns for reconsideration when the city could utilize funding now when there is not a mandate as opposed to in the future when an unfunded mandate may be imposed upon by the state or federal government.

Watson stated that questions of the contractor are valid, but it is common for principals of a company to leave to start their own company. There were also concerns stated of losing the funding that makes replacing lead laterals in a shorter time period possible.

Point of order raised by Larson against Diny speaking for a third time. *Point of order was not well taken by the chair* as Diny’s comments were a procedural question.

Rasmussen stated that reconsideration would not only allow alders to revote on a matter decided upon at the previous meeting, it will also hold up the contract over a variety of other matters further delaying the program to replace lead laterals.

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

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

Kilian questioned if various committees outlined in the original statement of qualification of the contractor would be subject to open meetings laws and directed staff to mitigate that concern when negotiating the contract. If a contract cannot be agreed upon it will be placed back on the Common Council agenda.

Suspend the Rules **01/23/2024**

Motion by Watson, second by Rasmussen, to suspend Rule 6(B) Filing and 12(A) Referral of Resolutions.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

24-0103 **01/23/2024**

Motion by Lukens, seconded by Herbst, to approve the Ordinance from the Common Council and Ethics Board Amending Section 2.03.020 Definitions, Section 2.03.030 Standards of conduct, Section 2.03.040 Organization and composition of the board, Section

2.03.090 Findings of fact and conclusions--Orders and recommendation, Section 2.03.100 Removal, suspension and censure, Section 2.03.110 Costs; Repealing and recreating Section 2.03.050 Duties of the board, Section 2.03.060 Investigations of complaints, Section 2.03.070 Probable cause of violation, Section 2.03.080 Hearing procedure; and creating Section 2.03.075 Investigative powers.

<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

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

24-0105 **01/23/2024**

Motion by Rasmussen, seconded by Lukens, to adopt the Resolution from the Common Council and Airport Committee Recommending that the Common Council authorize staff to send a letter to the City of Schofield regarding the installation of an unauthorized improvement to Radtke Point Park.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

22-0406 **01/23/2024**

Motion by Rasmussen, seconded by Watson, to adopt the Resolution from the Finance Committee Approving Memorandum of Understanding between Marathon County, North Central Health Care and Metro Ride for specialized transportation assistance.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

24-0110 **01/23/2024**

Motion by Lukens, seconded by Rasmussen, to adopt the Resolution from the Finance Committee Approving the alleged claim for recovery of unlawful tax – 901 S. 22nd Avenue (Drake).

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

23-1109 **01/23/2024**

Motion by Lukens, seconded by Watson, to adopt the Resolution from the Finance Committee Approving 2024 Budget Modification – Outreach Coordinator Funding.

Yes Votes: 11 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASSED

Public Comment and Suggestions **01/23/2024**

- 1) Debra Ryan, 702 Elm Street – spoke on transitional housing for women.

Adjourn **01/23/2024**

Motion by Lukens, second by Diny, to adjourn the meeting. Motion carried. Meeting adjourned at 9:25 P.M.

Katie Rosenberg, Mayor
Kody Hart, Deputy City Clerk