

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL

held on Tuesday, July 9, 2024, in Council Chambers, beginning at 6:30 p.m.,
Mayor Doug Diny presiding.

Roll Call

07/09/2024

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, Terry	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Tierney, Vicki	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

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

07/09/2024

1. Tom Kilian, 133 E. Thomas Street – spoke in favor of reducing the PILOT payment.
2. Orlando Alfanso, 1015 Brown Street – spoke in opposition of the Lead Hazard Reduction Capacity Building grant and the ordinance on lead service lines and in favor of reducing the PILOT payment.
3. Jon Radtke, 703 Franklin Street - spoke in opposition of the ordinance on lead service lines.
4. Sid Ehfard, 302 Bopf Street – spoke in opposition of the ordinance on lead service lines.

Consent Agenda

07/09/2024

Without objection, item 24-0714 was pulled from the agenda for consideration by the Mayor

Motion by Larson, seconded by Lukens, to adopt all the items on the Consent Agenda as follows:

24-0701 from the Common Council Approve Minutes of a previous meeting(s) (06/11/2024).

24-0703 Ordinance from the Planning Commission Rezoning 1011 N 5th St from an MRL-12, Multi-Family Residential-12 to an NMU, Neighborhood Mixed Use.

01-1024 Joint Ordinance from the Infrastructure and Facilities Committee and Plan Commission Amending annexation ordinance no. 497-01L (annexing territory from the Town of Weston to the City of Wausau - Gilbertson - Poplar Lane).

93-0918 Joint Ordinance from the Infrastructure and Facilities Committee and Plan Commission Amending annexation ordinance no. 497-93E (annexing territory from the Town of Weston to the City of Wausau – Greenwood Hills).

24-0406 Final Resolution from the Infrastructure and Facilities Committee and Plan Commission Vacating and discontinuing a portion of right-of-way south of Adams Street abutting 1010 and 1012 Everest Boulevard and 1100 Highland Park Boulevard (that portion known as N. 11th Street on plat H.B. Huntington’s Addition to the City of Wausau, Document No. 167682.)

24-0711 Ordinance from the Infrastructure and Facilities Committee Designating no parking on the north side of Norton Street beginning 135 feet east of N. 1st Avenue extending to 150 east of N. 1st Avenue.

24-0712 Ordinance from the Infrastructure and Facilities Committee Designating no parking on the west side of Stettin Drive from Stewart Avenue to S. 44th Avenue and no parking on the east side of Stettin Drive beginning at the intersection of Stewart Avenue and extending 500 feet north.

24-0715 Resolution from the Infrastructure and Facilities Committee Approving Agreement for the Management and Maintenance of a Stormwater Facility (Aspirus Wausau Hospital – 333 Pine Ridge Boulevard).

24-0716 Resolution from the Infrastructure and Facilities Committee Approving State/Municipal Agreement for Transportation Alternatives Program (TAP) Project – 72nd Avenue Trail South Extension, Sunnyvale Park to Stewart Avenue.

24-0717 Resolution from the Infrastructure and Facilities Committee and Plan Commission Accepting dedication of right-of-way, accepting permanent utility easement, and accepting temporary easement for cul-de-sacs at the west end of Old Coach Road and at the west end of Birchwood Drive.

24-0108 Resolution from the Public Health & Safety Committee Approving Various Licenses as Indicated.

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

24-0714 **07/09/2024**

Motion by Henke, seconded by Watson, to adopt the Resolution from the Infrastructure and Facilities Committee Approving Agreement for the Management and Maintenance of a Stormwater Facility (Wausau School District – 1200 West Wausau Avenue).

Lukens stated concerns with microplastics and crumbed rubber used in the artificial turf at this particular site outlined in the agreement. It was stated the city maintained a strong relationship with the school district and this concern was raised to bring attention to this item of concern.

Rasmussen stated similar environmental concerns and player impacts of artificial turf. It was stated the facility is now in place and that the agreement must be approved to ensure those facilities are maintained for stormwater capacity.

Kilian stated more decisions made by the Common Council should consider environmental impact and thanked Lukens for bringing the concerns forward.

Lukens stated a desire to find a more sustainable and player friendly alternatives for the artificial turf.

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1	Lukens, Carol	NO
2	Martens, Michael	YES
3	Kilian, Terry	YES
4	Neal, Tom	YES
5	Gisselman, Gary	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Tierney, Vicki	NO
10	Larson, Lou	YES
11	Henke, Chad	YES

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

24-0704 **07/09/2024**

Motion by Henke, seconded by Lukens, to adopt the Resolution from the Finance Committee Authorization to Accept Lead Hazard Reduction Capacity Building grant through the Office of Lead Hazard Control and Health Homes through the U.S. Department of Housing and Urban Development.

Kilian stated the upfront amount of levy needed to support this program with an unknowing funding source and that the Economic Development Department did not have the staff capacity to support the program as well.

Martens stated the program was meant to identify lead in homes but did not provide funding for, or the ability to remediate, lead within homes.

Lukens stated opposition based on staff recommendations and statements provided by other alders.

Tierney stated opposition based on the capacity of the program to identify lead but not remediate it from homes.

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	NO
2	Martens, Michael	NO
3	Kilian, Terry	NO

4	Neal, Tom	YES
5	Gisselman, Gary	NO
6	McElhaney, Becky	NO
7	Rasmussen, Lisa	NO
8	Watson, Sarah	NO
9	Tierney, Vicki	NO
10	Larson, Lou	NO
11	Henke, Chad	NO

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

24-0710 **07/09/2024**

Motion by Lukens, seconded by Henke, to adopt the Resolution from the Economic Development Committee Approving Sale of 1210 N. 3rd Street by the City of Wausau to DNA Taverns, LLC.

Gisselman stated the anticipated use for the lot would be for additional parking and stated the neighborhood and a nearby park should be considered in approving the sale.

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

Suspend the Rules **07/09/2024**

Motion by Larson, second by Henke, to suspend Rule 6(B) Filing and 12(A) Referral of Resolutions for 24-0705, 24-0706, 24-0707, 24-0708, 24-0709, 92-0623.

Rasmussen made a parliamentary inquiry on if the rules are suspended, does that suspension mean automatic consideration of item 24-0718. It was stated if the motion to suspend the rules was passed, it would include the remainder of the agenda items for consideration.

Without objection, the Chair pulled item 24-0718 to be considered under the suspension of the rules separately and only items 24-0705, 24-0706, 24-0707, 24-0708, 24-0709, 92-0623 would be considered under the suspension of the rules at this time.

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

24-0705 **07/09/2024**

Motion by Watson, seconded by Larson, to adopt the Ordinance from the Wausau Water Works Commission Creating Chapter 13.66 Lead and galvanized water service line replacement, Section 13.66.010 Intent and purpose, Section 13.66.020 Authorization, Section 13.66.030 Rules of construction and definitions, Section 13.66.040 Survey and inspections, Section 13.66.050 Partial or full service line material replacement; public side or customer side, Section 13.66.060 Replacement priority, Section 13.66.070 Application and Scheduling, Section 13.66.080 Financing of replacement, Section 13.66.09 as amended.

Kilian stated constituents had reached out with concerns on public notice and lack of public input. It was stated the main concern with citizens is how the ordinance impacted them and if they would need to pay out of pocket for the cost of lead line replacements. Kilian stated a preference for tabling the ordinance until adequate notice can be given to the public and with more opportunity for public comment in multiple languages.

Rasmussen questioned if the scaling up of the line replacement program would come as funds are available through grants and that if grant funding was not available the cost would not be passed down to individual residents. It was stated the funding is determined upon on a year-by-year basis. Rasmussen stated concerns with not being able to leverage grant funding if there was no ordinance mandating lead line replacements on the public and private side and enforcement pieces for homeowners. It was further stated a goal to scale up the project as grant funding is made available and scale down as grant money is not accessible.

Motion by Rasmussen, seconded by Larson, to amend 24-0705 to add the clause, "Mandated lead service line replacement will only proceed as grant monies are available to fully fund the private side obligation for the full lead service line replacement and all related construction for the property owner."

McElhaney questioned if the grant funding would include driveway and landscaping work as part of the replacements. It was stated this was intended to include property restorations. *Without objection*, a friendly amendment was offered by McElhaney to specify all related construction.

Tierney stated an understanding of the amendment was to use the available grant money to ensure the private lead lines would be replaced without charging the residents. It was stated this was how this solution was presented to the public along with opportunities for public input.

Neal questioned if the amendment should make it clearer that the program would be fully funded for residents. It was questioned if there should be limits to what property restorations are covered. It was stated the disturbance to property is minimum and a limit to restoration costs would not be necessary. *Without objection*, a friendly amendment was offered by Neal to include fully funded.

Lukens stated support for the amendment and questioned if this amendment would be compatible with regulations of the Wisconsin Public Service Commission. It was stated that was only applicable if the utility funded private lead line replacement. Lukens stated this work would only cover lead lines and not the pipes inside homes.

Gisselman questioned the process of developing this ordinance without more public input and stated support for protecting citizens as much as possible while ensuring all citizens are made aware of the ordinance.

Kilian stated the amendment was a positive effort to protect the residents of the city. Kilian also stated the ordinance should not move forward until formal citizen input was provided.

McElhaney stated uncomfotableness with the ordinance without more clarification among the regulating agencies. It was stated that if grant money requires an ordinance it presents an unknown that can not be supported.

Rasmussen stated the goal is protecting residents against baring the burden of paying for lead line replacement and restoration.

Kilian stated there was a concern with this moving forward until there was public input sessions as they felt the city ordinance would leave citizens without a choice.

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

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

Watson questioned if a joint meeting with the Wausau Water Works Commission would be appropriate and asked to get a more layman's understanding of the ordinance and its impact ahead of future meetings out to the public.

Gisselman stated a preference of a Committee of the Whole to discuss this matter more thoroughly.

Watson requested the ordinance be sent to the regulating agencies for their input.

Lukens requested information be provided to the public on this ordinance in multiple languages.

Motion by Gisselman, seconded by Neal, to postpone consideration of the item 24-0705 to the August Common Council meeting.

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

24-0706

07/09/2024

Motion by Lukens, seconded by Rasmussen, to adopt the Resolution from the Finance Committee Approving Interlocal Agreement between the City of Wausau and Marathon County for the 2022 Byrne Justice Assistance Grant Program Award.

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

24-0707 **07/09/2024**

Motion by Lukens, seconded by Watson, to adopt the Resolution from the Finance Committee Approving Interlocal Agreement between the City of Wausau and Marathon County for the 2023 Byrne Justice Assistance Grant Program Award.

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

24-0708 **07/09/2024**

Motion by Lukens, seconded by Tierney, to adopt the Resolution from the Finance Committee Authorizing the City of Wausau to enter a 3-year (2024-2027) shared services agreement with the Wausau School District for School Resource Officers.

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

24-0709 **07/09/2024**

Motion by Rasmussen, seconded by Larson, to adopt the Resolution from the Finance Committee Approving United Way impact grant funding for assisting the unhoused with security deposits.

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

92-0623 **07/09/2024**

Motion by Larson, seconded by Tierney, to adopt the Resolution from the Finance Committee Approving First Amendment to Agreement for Lease to City of Parking Lot-Third and McClellan Streets (Curly Kale LLC).

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

Suspend the Rules **07/09/2024**

Motion to consider the motion to take up 24-0718 objected by Rasmussen.

Rasmussen stated opposition to this resolution for consideration as it was not brought forward to a standing committee for consideration. It was stated the city's financial planner is going to conduct a meeting with the Finance Committee on the PILOT payment and this resolution is premature. Rasmussen stated the Mayor can propose a budget to the Common Council without direction from the Common Council at the forefront as this resolution does. It was stated the process was not the process of the city.

Point of Order by Watson on debating the suspension of the rules. Point of Order not well taken by the Chair as this was on the objection to take up the resolution and not the vote on suspension of the rules. The Chair stated this resolution was meant to provide guidance to the Mayor and President of the Wausau Water Works Commission to move forward.

Point of Order by Neal on why the vote to suspend the rules was not taken up. Point of Order not well taken by the Chair as this was on the objection but it was recommended that the vote to suspend the rules should be taken up.

Motion by Larson, seconded by Tierney, to Suspend Rule 6(B) Filing and 12(A) Referral of Resolutions for 24-0718.

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	NO
2	Martens, Michael	NO
3	Kilian, Terry	YES
4	Neal, Tom	NO
5	Gisselman, Gary	NO
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	NO

8	Watson, Sarah	YES
9	Tierney, Vicki	YES
10	Larson, Lou	YES
11	Henke, Chad	NO

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

Public Comment & Suggestions **07/09/2024**

1. Jay Kronenwetter, 310 Sturgeon Eddy Road – spoke on the Wausau School District Citizens Task Force on Elementary School Redistricting
2. Tom Kilian, 133 E. Thomas Street – spoke on low/moderate income linguistic rates, Wyatt Street environmental testing impact on federal funding, the Hmong language meeting the safe harbor threshold for Metro Ride Title XI analysis, lack of translation services, and the Liberation and Freedom Committee.

Adjourn **07/09/2024**

Motion by Lukens, second by Henke, to adjourn the meeting. Motion carried. Meeting adjourned at 8:45 p.m.

Doug Diny, Mayor
Kaitlyn Bernarde, City Clerk