



*** All present are expected to conduct themselves in accordance with our City's Core Values ***

OFFICIAL NOTICE AND AGENDA - AMENDED

Notice is hereby given that the Common Council of the City of Wausau, Wisconsin will hold a regular or special meeting on the date, time and location shown below.

Meeting of the: **COMMON COUNCIL OF THE CITY OF WAUSAU**
 Date/Time: **October 8, 2024 at 6:30 P.M.**
 Location: **City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers**
 Members: Carol Lukens, Michael Martens, Terry Kilian, Tom Neal, Gary Gisselman, Becky McElhaney, Lisa Rasmussen, Sarah Watson, Vicki Tierney, Lou Larson, Chad Henke

Call to Order

Pledge of Allegiance / Roll Call / Proclamations

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

File #	CMT	Consent Agenda	ACT
24-1001	COUN	Approve Minutes of a previous meeting(s) (09/24/2024 and 09/26/2024).	Placed on file
24-1003	PH&S	Ordinance Creating Wausau Municipal Code § 1.08.045 - Disorderly Conduct and/or Battery Against Election Officials, Election Registration Officials, or Clerks.	Approved 5-0
24-1004	PH&S	Ordinance Amending Wausau Municipal Code § 9.04.010 – State statutes adopted.	Approved 5-0
24-1005	I&F	Resolution Approving Agreement for the Management and Maintenance of a Stormwater Facility (ABC Supply Co. Inc. – 102 Fulton Street).	Approved 5-0
24-1006	PARK	Resolution Accepting donation of 508 E. Wausau Avenue.	Approved 5-0
24-1010	ED	Resolution Approving the sale of City-owned Property to Habitat for Humanity at 722 Jefferson St.	Approved 4-0
24-1011	PLAN & HPC	Ordinance Amending Section 2.82.055 of the Wausau Municipal Code to include the designation of the Deutscher Arbeiter Untersteutzungs Verein - German Workmen's Aid Society (DAUV Hall), 540 S 3rd Ave, as a Local Historic Landmark.	Failed 2-3 Approved 7-0
24-1012	PLAN	Ordinance to Rezone 406 Winton St from part of a Heavy Industrial (HI) Zoning District to an Urban Mixed-Use (UMU) Zoning District.	Approved 5-0
05-0406	FIN	Resolution Terminating Tax Increment District Number Six.	Approved 5-0
24-0108	PH&S	Resolution Approving Various Licenses as Indicated.	Approved 5-0

File #	CMT	Resolutions and Ordinances	ACT
24-1002	MAYOR	Mayor's Appointments	Placed on file
24-0809	I&F & FIN	Joint Resolution Approving Developer's Agreement with STS Investments LLC, west of Birchwood Drive and west of Old Coach Road.	Approved 3-2 Approved 3-2
24-0812	ED	Resolution Approving a Planning Option Agreement between City of Wausau and Wangard Partners Inc. for 15 Fulton Street/920 N. 1st Street.	Approved 3-1

Suspend Rule 6(B) Filing and/or 12(A) Referral of Resolutions (2/3 vote required)

24-1007	FIN	Resolution Approving Settlement Agreement in Marathon County Case No. 19CV162 Kenneth J. Stankowski, et al vs. City of Wausau and related budget modification.	Pending
24-1008	COUN	Resolution Approving Funding for the City Hall Drop Box Security for November 2024 Election.	Pending

Public Comment & Suggestions

Adjournment

Signed by Mayor Doug Diny

Members of the public who do not wish to appear in person may view the meeting live on the Internet, by cable TV, Channel 981, and a video is available in its entirety and can be accessed at <https://tinyurl.com/WausauCityCouncil>. Any person wishing to offer public comment who does not appear in person to do so, may e-mail kaitlyn.bernarde@ci.wausau.wi.us with "Common Council public comment" in the subject line prior to the meeting start.

This Notice was posted at City Hall and transmitted to the Daily Herald newsroom on 10/02/2024 @ 4:00 PM. Questions regarding this agenda may be directed to the City Clerk.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of Wausau will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the ADA Coordinator at (715) 261-6622 or ADAServices@ci.wausau.wi.us to discuss your accessibility needs. We ask your request be provided a minimum of 72 hours before the scheduled event or meeting. If a request is made less than 72 hours before the event the City of Wausau will make a good faith effort to accommodate your request.

Proclamation

WHEREAS, Curling has been a popular winter sport in Wausau since the early 1900's when locals threw rocks on the frozen Wisconsin River; and

WHEREAS, the Wausau Curling Club was founded in 1920 and has continued to operate every year since; and

WHEREAS, Wausau opened one of the finest curling facilities in the United States in 2012, made possible by generous community and foundation support; and

WHEREAS, USA Curling, the governing body of the sport, has honored Wausau by selecting our city as the site of the 2024 Curling Arena National Championships, a championship of grassroots curling clubs around the United States that currently play in a hockey/ice rink setting; and

WHEREAS, each club has earned the right to compete in Wausau by winning their regional playdown; and

WHEREAS, 24 teams will compete at the championships that run October 24-27; and

WHEREAS, our Wausau curlers, as well as our community, have worked tirelessly to make this championship a successful and memorable event.

NOW, THEREFORE, BE IT PROCLAIMED THAT I, Doug Diny,
Mayor of the City of Wausau, do hereby proclaim

October 24-27, 2024

as

Curling Days in Wausau

in the City of Wausau, State of Wisconsin, and wish "Good Curling" to all participants, spectators, sponsors, and volunteers.



Doug Diny

Doug Diny
Mayor, City of Wausau
October 8th, 2024

Proclamation

WHEREAS, the State of Wisconsin is comprised of the twelve Tribal Nations, including: Bad River Band of Lake Superior Tribe of Chippewa Indians, Forest County Potawatomi, Ho-Chunk Nation, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Lac Du Flambeau Band of Lake Superior Chippewa Indians, Menominee Nation, Oneida Nation of Wisconsin, Red Cliff Band of Lake Superior Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, Sokaogon Chippewa Community, and Stockbridge-Munsee Community, Band of Mohican Indians, and the Brothertown Indian Nation, and

WHEREAS, the City of Wausau citizens include members, descendants, and allies of these tribes and other Tribal Nations; and

WHEREAS, the important history of the First Nations in Wisconsin is affirmed; and

WHEREAS, in recognition that each tribe possesses a distinct culture, customs, traditions, government and sovereignty; and

WHEREAS, in recognition that this history; diversity and contemporary influence strengthens the Wausau community

WHEREAS, the City of Wausau is committed to ensuring indigenous Peoples can live and thrive in our community;

THEREFORE, I, Doug Diny, Mayor of the City of Wausau, do hereby proclaim
October 14, 2024 as

Indigenous Peoples' Day

in the City of Wausau, State of Wisconsin, and I commend this observance to all citizens.



Doug Diny

Doug Diny
Mayor, City of Wausau
October 8, 2024

Proclamation

- WHEREAS,** on October 6, 1964, the United States Congress designated October 15 of each year as White Cane Safety Day; and
- WHEREAS,** blindness and severe visual impairment affect approximately 109,000 Wisconsin residents; and
- WHEREAS,** the majority of these persons use travel aids, such as a white cane or a service animal to get around public streets and sidewalks and places of public accommodation; and
- WHEREAS,** these travel aids are universally recognized as symbols representing vision loss; now
- WHEREAS,** Wisconsin's White Cane Law requires that motorists come to a full stop before approaching closer than 10 feet to a pedestrian who is using a white cane or service animal; and
- WHEREAS,** greater awareness of the White Cane Law leads to safer, more attentive driving in general, enhancing the safety of all pedestrians, including children, elders, and people with disabilities; and
- WHEREAS,** communities have the opportunity to implement many proven features to enhance the safety of all pedestrians, including sidewalks, accessible pedestrian signals and curb ramps.

THEREFORE, be it resolved that I, Mayor Doug Diny, on behalf of the residents of Wausau do hereby proclaim Tuesday, October 15, 2024, as

White Cane Safety Day

In the City of Wausau, State of Wisconsin, and also acknowledge the importance of pedestrian safety year-round.




Doug Diny
Mayor, City of Wausau
October 08, 2024

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, September 24 2024, in Council Chambers, beginning at 6:35 p.m.,
Mayor Doug Diny presiding.

Roll Call

09/24/2024

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

Consent Agenda

09/24/2024

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

24-0901 from the Common Council Approve Minutes of a previous meeting(s) (09/10/2024).

24-0910 from the Human Resources Committee Ordinance Amending Section 2.06.050 -- Annual Review of goals and objectives, Section 2.10.050 - Annual review of goals and objectives and Section 2.12.040 - Annual review of goals and objectives.

24-0911 Resolution from the Infrastructure & Facilities Committee Approving Temporary Lease Agreement with Woodson YMCA Foundation Inc. (Yawkey Park).

12-0107 Resolution from the Finance Committee Approving contract for crossing guard services with All City Management Services, Inc.

24-0913 Resolution from the Infrastructure & Facilities Committee Accepting Easement with Frontier Communications for the placement of utilities at 725 Woods Place.

24-0914 Resolution from the Infrastructure & Facilities Committee Approving State/Municipal Agreement for North 3rd Avenue, West Union Avenue to West Bridge Street.

24-0905 Resolution from the Finance Committee Authorizing the creation of the Senior Collection System Technician position in Wausau Water Works.

24-0918 Resolution from the Finance Committee Approving Reprogramming of 2020 Community Development Block Grant CARES III funds and the 2022 Homme Homes Elevator Project into the Acquisition/Housing Development Activity.

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

24-0902

09/24/2024

Without objection, item 24-0902 was pulled from consideration by the request of the Mayor.

Point of Inquiry raised by Gisselman on the impact of pulling the appointments for the Joint City of Wausau and Marathon County Homelessness Task Force for consideration as the task force was to convene and complete its work within 100 days. Gisselman stated the Marathon County Board of Supervisors has already voted to approve the task force. It was stated the appointments were being reconsidered and two weeks would not impact the timeline of the task force.

Rasmussen questioned what was being waited on if both proposed city alder appointees of the Joint City of Wausau and Marathon County Homelessness Task Force are willing to serve.

24-0912

09/24/2024

Motion by Neal, seconded by Larson, to adopt the Resolution from the Parks Committee Approving Intergovernmental Agreement to Provide Park Services for City of Wausau parks.

Neal stated this matter has gone through a variety of discussions. It was stated this is a workable relationship for which a departure would raise many questions.

Larson stated the city should stick with this agreement.

Gisselman questioned how new policies regarding operations would be handled. It was stated policies would not change from previous practice of going to the Common Council and Park and Recreation standing committee and the agreement codifies the ongoing operation of the last 50-year partnership between the city and county.

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

Suspend the Rules

09/24/2024

Motion by Watson, seconded by Neal, 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

16-1110

09/24/2024

Motion by Henke, seconded by McElhane, to adopt the Resolution from Finance Committee Authorizing the Wausau Police Department to accept a Victims of Crime Act (VOCA) grant of \$100,347 per year for 3 years to continue the ongoing work of the Victim Resource Unit (VRU) and related budget modification.

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

23-1109X

09/24/2024

Motion by Lukens, seconded by Henke, to adopt the Resolution from the Finance Committee Approving University of Wisconsin-Madison Service Agreement.

Henke stated the resolution was changed in committee to include new funding amounts.

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

23-0915

09/24/2024

Motion by Larson, seconded by Henke, to adopt the Resolution from the Finance Committee Proceeding with airport terminal renovations construction project as temporarily City only funded project administered by Wisconsin Bureau of Aeronautics (BOA) with approximately 95% of project costs to be ultimately reimbursed with FAA funding, contingent on assurance from BOA that FAA reimbursement will occur: cost of \$1.4 million.

Martens reiterated the resolution in that the funds are coming but the FAA funding schedule does not match the remodeling schedule and the city would be reimbursed for the cost of the construction. It was stated that generally the funding does come through before bills for the construction are due.

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

24-0916

09/24/2024

Motion by Lukens, seconded by Neal, to adopt the Resolution from the Human Resources Committee Approving Amendment to Leave Donation Policy.

Yes Votes: 11

No Votes: 0

Abstain: 0

Not Voting: 0

Result: PASSED

Public Comment & Suggestions

09/24/2024

Without objection Public Comment & Suggestions was taken out of order from the agenda.

1. Sarah Marie Brock, 126 Kent Street – Spoke on the official drop box
2. Christine Martens, 1228 Arthur Street – Spoke on the official drop box
3. Nancy Stencil, 223281 Azalea Road, Wausau – Spoke on the official drop box
4. Pamela Bannister, 506 Eau Claire Blvd - Spoke on the official drop box

The Chair began to respond to public comment to address mischaracterizations.

Point of order raised by Rasmussen on responding to public comment. *Point of order was well taken by the Chair* and the Chair ceased comments.

CLOSED SESSION

09/24/2024

Motion by Martens, seconded by Watson, to go into closed session pursuant to Section 19.85(1)(g) 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 regarding Marathon County Case No. 24CV40 Green Acres at Greenwood Hills, LLC vs. City of Wausau and Marathon County Case No. 23CV756 The Portage County Bank vs. Bull Falls Properties, LLC, et al regarding a Stipulation.

Yes Votes: 11

No Votes: 0

Abstain: 0

Not Voting: 0

Result: PASSED

RECONVENED INTO OPEN SESSION to take action on closed session item, if necessary.

Motion by Watson, seconded by Larson, to authorize the City Attorney to sign the stipulation of the judgement on the Foreclosure which may be executed upon as soon as practicable and proceed to sheriff sale of the mortgaged property pursuant to law.

Yes Votes: 11

No Votes: 0

Abstain: 0

Not Voting: 0

Result: PASSED

Adjourn

09/24/2024

Motion by Neal, second by Tierney, to adjourn the meeting. Motion carried. Meeting adjourned at 8:00 p.m.

Doug Diny, Mayor
Kaitlyn Bernarde, City Clerk

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Thursday, September 26 2024, in Council Chambers, beginning at 5:30 p.m.,
Mayor Doug Diny presiding.

Roll Call

09/24/2024

Roll Call indicated 8 members present.

<u>District</u>	<u>Aldersperson</u>	<u>Vote</u>
1	Lukens, Carol	YES
2	Martens, Michael	EXCUSED
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	EXCUSED
11	Henke, Chad	EXCUSED

CLOSED SESSION

09/24/2024

Motion by Rasmussen, seconded by Watson, to go into closed session pursuant to Section 19.85(1)(g) 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 regarding a settlement offer from plaintiff in Marathon County Case No. 19CV162 Kenneth J. Stankowski, et al vs. City of Wausau.

Yes Votes: 8

No Votes: 0

Abstain: 0

Not Voting: 3

Result: PASSED

Adjourn

09/24/2024

Motion by Neal, second by Lukens, to adjourn the meeting in closed session. Motion carried. Meeting adjourned at 6:00 p.m.

Doug Diny, Mayor
Kody Hart, Deputy City Clerk

1. "Election official" has the same definition provided in Wis. Stat. § 5.02, as amended, meaning an individual who is charged with any duties related to the conduct of an election.
 2. "Telecommunication device" means any instrument, equipment, machine or other device that facilitates telecommunication, including but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, radio, transponder, receiver, modem or device which enables the use of a modem.
 3. "Telecommunication message" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature.
- (c) Whoever violates this ordinance shall be subject to a forfeiture as outlined in WMC § 1.01.110.
- (d) If any provision, paragraph, word, section, or subsection of this chapter is invalidated or deemed unconstitutional by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and subsections shall not be affected and shall continue in full force and effect.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect on the day after its publication.

Section 4. This ordinance shall sunset on June 30, 2025 when Wis. Stat. § 940.19(4m) becomes effective.

Adopted:
Approved:
Published:
Attest:

Approved:

Doug Diny, Mayor

Attest:

Kaitlyn A. Bernarde, Clerk

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF THE PUBLIC HEALTH AND SAFETY COMMITTEE	
Amending Wausau Municipal Code § 9.04.010 – State statutes adopted.	
Committee Action: Approved 5-0	Ordinance Number: 61-5971
Fiscal Impact: None	
File Number: 24-1004	Date Introduced: October 8, 2024

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	<i>Included in Budget:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/> <i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

The Common Council of the City of Wausau do ordain as follows:

Add **(XXXX)**
Delete (~~XXXX~~)

Section 1. That Wausau Municipal Code § 9.04.010 – *State statutes adopted*, is hereby amended as follows:

9.04.010 – State statutes adopted.

The following state statutes, **as amended**, are adopted by reference and incorporated herein, except for the penalty provision therein which shall be governed by section 1.01.110:

...

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect on the day after its publication.

Adopted:
Approved:
Published:
Attest:

Approved:

Doug Diny, Mayor

Attest:

Kaitlyn A. Bernarde, Clerk



Office of the City Attorney

TEL: (715) 261-6590
FAX: (715) 261-6808

Anne L. Jacobson
City Attorney

Tegan M. Troutner
Assistant City Attorney

**COMMENTS REGARDING
ORDINANCE AMENDING WMC § 9.04.010
AND
ORDINANCE CREATING WMC § 1.08.045**

- On July 1, 2025, Wis. Stat. § 940.19(4m) Battery to Election Officials, Election Registration Officials, or Clerks, a Class I felony will become effective which means that there will not be a statute in place protecting Election Officials, Election Registration Officials, or Clerks from this type of behavior until after the November election.
- The City has incorporated by reference Wis. Stat. § 940.19, along with many other offenses, in WMC § 9.04.010. However, that incorporation does not clarify that new amendments to the statutes will be incorporated also.
- The amendment to WMC § 9.04.010 adds language that clarifies any new amendments to the listed state statutes will also be incorporated.
- Given that WMC § 9.04.010 incorporates by reference the state crimes of disorderly conduct and battery, a sunset date of June 30, 2025 was applied. It should be noted that there is no specific crime of disorderly conduct towards an election official. So, this provision creates a civil forfeiture that is specific to election workers.
- The forfeiture provision included is consistent with how we currently apply civil forfeitures.

Document No.

AGREEMENT

Document Title

AGREEMENT FOR THE MANAGEMENT AND MAINTENANCE OF A STORMWATER FACILITY

THIS AGREEMENT made this 22nd day of July, 2024, by and between the City of Wausau, a municipal corporation of the State of Wisconsin, hereinafter referred to as "CITY", and ABC Supply Co Inc.

_____ ,
a corporation organized under the laws of the State of Wisconsin, hereinafter referred to as "OWNER";

WITNESSETH:

WHEREAS, CITY has an interest in and an obligation for the development, management, and maintenance of stormwater facilities within the corporate limits of the City of Wausau, which interest and obligation is evidenced in CITY's stormwater management ordinance and in this agreement which is being entered into pursuant to that ordinance; and

WHEREAS, OWNER wishes to construct certain buildings on land in the City of Wausau, and as an inducement for CITY to grant to OWNER a permit to construct these improvements, OWNER wishes to enter into this agreement for the management and maintenance of a stormwater facility; and

WHEREAS, the specific provision of the Wausau Municipal Code which provides for stormwater management is Chapter 15.56 of the Wausau Municipal Code, which code provides for the routine and extraordinary post construction maintenance of a stormwater management facility, and such a facility is being herein installed for the use and benefit of the development of OWNER's property, and this agreement will specifically provide for the management and maintenance of that stormwater facility.

NOW, THEREFORE, the parties hereto agree as follows:

1. That attached hereto, and incorporated herein by reference, is "Exhibit A," a map upon which there is located certain improvements and also "catch basins and storm filter" which are the subject of this agreement.
2. OWNER specifically agrees to maintain the catch basins and storm filter in accordance with the schedules and procedures set forth in "Exhibit B" attached hereto and incorporated herein by reference.
3. OWNER specifically grants CITY access to, from and across the property encompassed in "Exhibit A" in order to evaluate and inspect the devices and any other stormwater facilities, which evaluation and inspection will, from time to time, be necessary in order to ascertain that the practices concerning management and maintenance are being followed pursuant to CITY's stormwater management ordinances; CITY shall maintain, as a public record, the results of all site inspections, and shall recommend any corrective actions required to bring the stormwater management practices into proper operating condition.
4. Upon notification to OWNER that maintenance deficiencies exist on property, any corrective actions shall be undertaken by OWNER within a time frame as set forth by CITY, which time frame will be reasonable; should OWNER not satisfactorily complete any directives of CITY, as identified in any inspection report or directive, within the time frame provided by CITY, then the parties agree that CITY shall complete any corrective actions and the cost of those actions, including any administrative charges, shall be paid in full by OWNER or, in lieu thereof, shall be placed as a special assessment on the tax rolls of all of the property described on "Exhibit A" pursuant to Wisconsin Statutes.

Recording Area

Name and Return Address
City of Wausau Engineering Dept.
407 Grant Street
Wausau, WI 54403

PIN:

5. This agreement is being entered into pursuant to the provisions of Chapter 15.56 of the city ordinances of the City of Wausau, and the parties agree that OWNER will be bound by these provisions or any future amendments to these provisions or any separate provisions relating to stormwater management.
6. These covenants, agreements, and obligations provided for in this agreement shall travel with the land and be binding upon OWNER, its successors and assigns in perpetuity.

OWNER:

By: ABC Supply Co Inc.

By: Andy Hunter

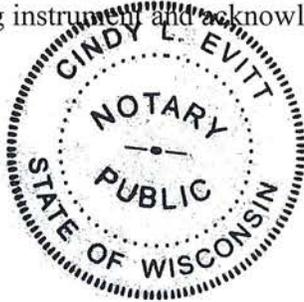
CITY OF WAUSAU:

By: _____
Doug Diny, Mayor

By: _____
Kaitlyn Bernarde, Clerk

STATE OF WISCONSIN)
 ROCK) ss.
COUNTY OF ~~MARATHON~~

Personally came before me this 22 day of JULY, 2024, the above-named ANDY HUNTER and _____ of _____, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



Cindy L. Evitt

Notary Public, Wisconsin
My commission: 9/11/24

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 20____, the above-named Doug Diny, Mayor, and Kaitlyn Bernarde, Clerk of the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission: _____



EX A SHEET NO.	SCALE 1" = 50'	EXHIBIT A - GRADING AND DRAINAGE EXHIBIT ABC SUPPLY CITY OF WAUSAU, MARATHON CO.	SURVEYED: RIVERSIDE DESIGNED: MTS DRAWN BY: NSB APPROVED:	REVISION DATE	MARATHON TECHNICAL SERVICES LLC CONSULTING ENGINEERS 1699 SCHOFIELD AVE, SUITE 115 SCHOFIELD, WI 54476 PHONE - (715)843-7292

EXHIBIT A

See Grading & Drainage Exhibit

EXHIBIT B

STORMWATER FACILITIES MAINTENANCE SCHEDULE AND PROCEDURES FOR ABC Supply

Lot 1 of Certified Survey Map Volume 21 Page 79, located in part of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 25, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin.

The Owner, ABC Supply, their successors, and assigns, shall inspect and maintain the following structural and/or non-structural measures. Maintenance inspections by the Owner shall take place at a minimum of twice per year, following Owner's acceptance of the Project from the Site Contractor. Owner shall maintain a written inspection and maintenance log.

Maintenance and inspection shall be performed within the catch basins and storm filter on the site.

Maintenance at this location shall consist of the following tasks:

1. DEBRIS: Removal of trash, debris, and sediment should be done on a regular basis to maintain aesthetics and functionality of the catch basins and storm filter.
2. STORM FILTERS: Filter cartridges shall be replaced every two years, or as needed to maintain sediment removal.

INFRASTRUCTURE AND FACILITIES COMMITTEE

Date of Meeting: September 12, 2024, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Chad Henke, Lou Larson, Michael Martens, Sarah Watson, Tom Neal

Also Present: Mayor Diny, Eric Lindman, Anne Jacobson, Allen Wesolowski, TJ Niksich, Jillian Kurtzhals, Dustin Kraege, Lori Wunsch, Mark Thuot – City of Schofield, Dan Borchardt – MSA, Eric Jones – CIP

CONSENT AGENDA

A. Approve minutes of the August 8, 2024 meeting

B. Action on authorizing Downtown Snow/Ice removal

C. Action on Stormwater Maintenance Agreement with ABC Supply Co. Inc. at 102 Fulton Street

D. Action on Easement with Frontier Communications at 725 Woods Place

There was a request to remove Item B from the consent agenda.

Watson moved to approve consent agenda Items A, C, and D. Neal seconded and the motion passed 5-0.

Item B – Neal questioned if the sidewalk on 2nd Street between Washington Street and Forest Street and the sidewalk in front of the Imaginarium and HOM Furniture should be added. Lindman explained this is contracted work and the businesses pay for it at the end of the year. Staff can reach out to those businesses to see if they will pay for it or if they want to take care of it themselves.

Neal moved to approve as presented and instructed staff to look at adding, if necessary, sections on 2nd Street and 3rd Street. Larson seconded and the motion passed 5-0.

Agenda Item No.

1C

**STAFF REPORT TO INFRASTRUCTURE & FACILITIES
COMMITTEE – September 12, 2024**

AGENDA ITEM

Action on Stormwater Maintenance Agreement with ABC Supply Co. Inc. at 102 Fulton Street

BACKGROUND

ABC Supply is proposing renovations to their existing site at 102 Fulton Street. The proposed project consists of removing the existing concrete, asphalt, and gravel parking lot and the installation of a concrete parking lot. Stormwater Management requirements will be achieved utilizing catch basin sumps and a filter structure in the northwest corner of the parking lot to remove the solids from the site.

To ensure properly functioning post-stormwater facilities year after year, the City requires the owner to sign a maintenance agreement, making the owner inspect and maintain the facilities on a biennial basis. The maintenance agreement is attached for your review.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of the stormwater maintenance agreement.

Staff contact: Thomas Niksich 715-261-6748

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE PARKS AND RECREATION COMMITTEE	
Accepting donation of 508 E. Wausau Avenue.	
Committee Action:	Approved 4-0
Fiscal Impact:	Park Department will apply for Community Development Block Grant funds for the demolition of the garage and construction of a parking lot to include ADA parking. Taxes will be prorated at closing.
File Number:	24-1006
Date Introduced:	October 8, 2024

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, the residence at 508 E. Wausau Avenue was recently destroyed by fire; and

WHEREAS, the owner of said property, Yangyoufu Properties LLC, wishes to donate 508 E. Wausau Avenue to the City of Wausau under certain restrictions; and

WHEREAS, said property is adjacent to the Athletic Park neighborhood park; and

WHEREAS, the existing garage will be demolished following the donation of the property, and the property will be developed into a parking lot which will include ADA parking; and

WHEREAS, on September 3, 2024, your Parks and Recreation Committee discussed and recommended accepting the donation of 508 E. Wausau Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wausau accept the donation of 508 E. Wausau Avenue under the following restrictions:

- The property will remain for public use in perpetuity. If the property, at any time, does not remain for public use, it will revert back to Yangyoufu Properties LLC

- Ya Yang will be recognized for his community service on a plaque placed at the property, at the time the parcel is improved

BE IT FURTHER RESOLVED that the proper city officials are hereby authorized to prepare and execute the documents necessary to accept the donation and transfer the property to the City of Wausau.

Approved:

Doug Diny, Mayor

CITY OF WAUSAU – PARKS AND RECREATION COMMITTEE MEETING MINUTES

Date/Time: September 3, 2024, at 4:16 p.m. Location: Council Chambers, City Hall

Parks and Recreation Committee Members Present: Lou Larson (c), Carol Lukens, Tom Neal, Lisa Rasmussen, Excused: Sarah Watson

Others Present: Jamie Polley-Parks Director, Doug Diny-Mayor, Anne Jacobson, City Attorney

In accordance with Chapter 19, Wisc. Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. A quorum was present, and the meeting was called to order at 5:15pm.

2. Discussion and Possible Action Accepting a Donation of Land Located at 508 E Wausau Ave – 508 E Wausau Ave is adjacent to the Athletic Park neighborhood park. The house in this lot recently burned down and the property owner, Ya Yang, would like to donate the property to the City. The house has been removed and only a garage remains. Staff believes this lot could be additional accessible parking for the Woodchucks/Athletic Park and move our ADA parking to this parcel. In exchange for the donation Mr. Yang is only asking for recognition of the donation when the lot is developed and that the lot continue as public use. Mr. Yang served on both the City Council and County Board in the past. Staff would like the Committee to recommend acceptance of this donation of land to then be brought forward to the full City Council. Questions were answered. **Motion** by Rasmussen, second by Lukens to accept Ya Yang donation of 508 E Wausau Avenue property. Motion **carried** by voice vote; vote reflected as 4-0.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wausau hereby approves the sale of 722 Jefferson Street to Habitat for Humanity of Wausau and agrees to the City's creation of a Certified Survey Map and the removal of two trees prior to closing which is scheduled to occur on or before March 1, 2025;

BE IT FURTHER RESOLVED that the appropriate City officials are hereby authorized and directed to execute the necessary real estate documents for the conveyance of 722 Jefferson Street to Habitat for Humanity of Wausau, with their assurances to sell to an income qualified homebuyer.

Approved:

Doug Diny, Mayor

HISTORIC PRESERVATION COMMISSION

Time and Date: The Historic Preservation Commission met on Wednesday, August 28, 2024, at 6:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Gary Gisselman, Blake Opal-Wahoske, Kevin Crooks, Christine Martens, Brian Mason, Steve Miller, and Patrick Bacher (arrived at 6:10 pm)

Members Not Present: Linda Tryczak, and David Oberbeck

Staff Present: Brad Lenz, Samantha Kulig

Others Present: Lance Leonhard

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Chairperson Gary Gisselman called the meeting to order at approximately 4:00 p.m. noting that a quorum was present.

PUBLIC HEARING: Discussion on landmarking the former DAUV Hall (540 S 3rd Avenue)

Chairperson Gisselman opened the public hearing.

Chairperson Gisselman closed the public hearing.

Discussion and possible action on landmarking the former DAUV Hall (540 S 3rd Avenue)

Chairperson Gisselman stated a letter was received today by Susan Lang, president of Emmerich & Associates, stating that they strongly oppose, because this designation will inappropriately encumber their ability to get a return on investment for the property as it is currently up for sale. Chairperson Gisselman stated that from previous designations of property, the commission tend to not get in the way of a sale.

Bacher stated that his concern of holding the action on landmarking this site is that the new prospect owners may potentially want to renovate and lose the characteristics or even worse raze the building. Chairperson Gisselman stated that there is no ordinance that would prohibit the possibility of razing it. Crooks stated that real estate can take a while to complete a sale and that there is no tell of when that will happen. Crooks continued that in the meantime, the building can be razed. Bacher also stated that in this current state, the building is not in good condition.

Bacher also stated that Emmerich & Associates didn't attend in person to discuss more on why they strongly oppose landmarking. Chairperson Gisselman responded the owner has additional opportunities during the Plan Commission meeting and during the City Council meeting since those are the next steps on landmarking this building.

Miller read the letter and stated that he agrees with Crooks on the length of real estate and with Bacher's concern on the current state of the building. However, Miller understands Susan Lang's letter and her concern as well. Miller would like to see if we can find a compromise for both the Commission and Emmerich & Associates.

Blake Opal-Wahoske stated that based on this meeting and past meetings, it seemed that most owners do not know the advantages of landmarking a historical building. Opal-Wahoske suggested that the commission should have a list of advantages and disadvantages which can make owners more acumen in landmarking their property. Crooks responded that there are some tax credits/benefits for local designation landmarking.

Martens asked if anyone else from Emmerich & Associates reached out to the Commission members with questions regarding this. Chairperson Gisselman stated he received voicemail from Susan Lang, called back, left a voicemail but have not heard back. Lenz stated he had not heard from them either. Martens also stated that she agreed with Bacher's on his concerns.

Crooks stated Wausau has a rich, German heritage, and this building is very significant to the German workers. Many buildings in Wausau show buildings with the German name instead of the English name. Crooks felt preserving that German heritage is worthwhile.

Mason appreciated the suggestion from Opal-Wahoske of having a list of advantages and disadvantages of landmarking a historical building. He also stated that in the letter “inappropriately encumber” did not specify what kind of encumbrance, which Mason believed can be dispelled by a series of questions and discussion between the owner(s) and this commission. Mason also stated that there are two additional meetings – Plan Commission and City Council - after this meeting that Emmerich & Associates can still attend.

Martens appreciated this historical building would be preserving the history of workers versus the common preservation of history of rich individuals that we see up on East hill.

Motion by Bacher and seconded by Marten to approve the landmarking on the former DAUV Hall (540 S 3rd Avenue) and to move this onto Plan Commission. Motion approved unanimously, 7-0.

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, September 17, 2024, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Doug Diny, Eric Lindman, Sarah Watson, Andrew Brueggeman, Lou Larson.

Staff Present: Brad Lenz, Andrew Lynch, Brooke Mueller.

Others Present: Nick Brenner, Chuck Ghidorzi, Scott Denzin, Mike Tomsyck, Jeff Delonay, Gabriel Lemke

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Mayor Doug Diny called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

Discussion and possible action on landmarking the former DAUV (540 S. 3rd Avenue)

Brad Lenz spoke about this property stating that it's the former German Workman's Hall and the Historical Committee recommends landmarking. Brad also stated that preserving historical assets is in the public interest and is also written in the ordinance. It is recommended to landmark this property. It also stated that Emmerich & Associates is opposed to landmarking this property due to the fact that they are currently in negotiations to sell the property and they believe that this may interfere with the sale.

Motion by Andrew Brueggeman and seconded by Lou Larson. *Motion opposed 3 -2*

HISTORIC PRESERVATION COMMISSION

Time and Date: The Historic Preservation Commission met on Wednesday, September 25, 2024, at 4:00 p.m. in the Maple Room of Wausau City Hall.

Members Present: Gary Gisselman, Blake Opal-Wahoske, Kevin Crooks, David Oberbeck, Brian Mason, and Patrick Bacher

Members Not Present: Linda Tryczak, Christine Martens, Steve Miller

Staff Present: Brad Lenz, Brooke Mueller, Samantha Kulig

Others Present: Mary (SeKara LLC)

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Chairperson Gary Gisselman called the meeting to order at approximately 4:00 p.m. noting that a quorum was present.

Approve the meeting minutes for August 28, 2024.

Motion by Patrick Bacher and seconded by Kevin Crooks. Motion approved unanimously, 5-0.

Report on Plan Commission action for landmarking DAUV building

Gary gave a brief update to Mary from SeKara LLC, the new owners of the DAUV in regards to what happened at the previous meetings. Mary then updated the group and stated that they were unaware that this designation was occurring until they went to the closing and Emmerich gave them the letter stating that it was a possibility. She then did some research and read all of the minutes and stated that they have no plans to raze the building. Her business, SeKara LLC, has been in business since 2003 and have assisted living facilities for disabled adults. They intend to use this building for their administrative services and as a home base for their managers. They also plan on having a gathering space for their current 38 residents to have lunch together, do crafts, watch movies, etc, They were renting the building for a month before the purchase went through. They have been removing carpeting and repainting, cleaning and putting in new laminate flooring. They have also replaced one of the furnaces.

Mary asked the group what it would mean to have the building designated as a historic landmark. Gary gave her a brief history of the building and the reasoning for the possible designation. It was also pointed out that the only changes that would have to be approved by the group would be any exterior changes to the building that require a building permit. This would not include tuck-pointing the bricks, painting the exterior, etc. The designation also would not require that the current owners repair any past changes that would have needed approval retroactively. The designation would also prevent future owners from razing the building.

Kevin stated that if SeKara, as the new owners, wrote a letter to the council prior to the October 8 meeting or showed up at the meeting to state their acceptance of the designation that would help the council in their final decision. Mary agreed that the property needs some love, but ultimately stated that the property is in really good shape.



July 16, 2024

Emmerich & Associates
1105 Grand Ave Ste 5
Schofield, WI 54476

Dear Property Owner(s):

Please find enclosed a copy of a *Notice of Public Hearing* regarding designation of the DAUV Hall, 504 S 3rd Ave, as a Local Wausau Historic Landmark.

This public hearing is one of the initial steps in considering the designation of your property as a landmark. Following the public hearing, it is anticipated that the Historic Preservation Commission will formulate a recommendation which will then be forwarded to the City Plan Commission for further review and will be discussed at their meeting in September or October. Following the action by the City Plan Commission, the issue will then be considered by the Common Council at their meeting in October or November. The Common Council is the ultimate authority in determining whether a property recommended for landmark designation is, in fact, so designated.

If your structure is ultimately designated as a Wausau Historic Landmark, most exterior changes to the building or proposed demolition of the structure must be brought before the Wausau Historic Preservation Commission for review and approval. The Historic Preservation Commission, however, does not have any authority over interior changes to designated landmarks. The Commission reviews any plans for modifying the exterior of landmarks to determine if the planned improvements are in harmony with the general architectural character of the building(s). To date, there are 33 designated local landmarks in Wausau, 99 properties within the Downtown Historic District, 60 properties within the Andrew Warren Historic District, 163 properties within the Easthill Residential Historic District, 48 properties within the Highland Park Historic District and 169 properties in the Eau Claire Heights Historic District.

PLEASE CONTACT THE CITY CLERK'S OFFICE (715-261-6620) TO DETERMINE THE EXACT DATES/TIMES OF THE CITY PLAN COMMISSION AND COMMON COUNCIL.

If you cannot attend the public hearing and have questions regarding landmark designation, please feel free to call me at 715-848-5160. If you would like to submit written comments regarding the proposal, please mail to Wausau City Hall, Attn: Gary Gisselman, 407 Grant Street, Wausau, WI 54403 **BEFORE August 16, 2024.**

Sincerely,

Gary Gisselman, Chairperson – Wausau Historic Preservation Commission

cc: Mayor Doug Diny
Brad Lenz
Members of Historic Preservation Commission



STAFF REPORT

To: Plan Commission
Prepared By: Brad Lenz, City Planner
Date: September 10, 2024

Landmarking the former DAUV building at 540 S. 3rd Avenue

The City's Historic Preservation Commission held a public hearing last month for the designation of the former Deutscher Arbeiter Untersteutzunga Verein (DAUV) as a local historic landmark. The minutes from the meeting are attached to this memo, along with some information about the building and a letter from the property owners opposing the landmarking. The commission found the building to be historically significant and recommended moving forward with the landmark designation.

The next step in the landmarking process is for Plan Commission to review the recommendation from the Historic Preservation Commission, and forward its own recommendation to the Common Council for consideration. The Plan Commission, per Wausau Municipal Code 2.82.050(b)(3), shall consider the following factors in formulating a recommendation:

- (A) Will the designation of the property as a landmark or historic site interfere with the orderly, coordinated, and harmonious development of the city;
- (B) Will the designation of the property as a landmark or historic site conflict with parts of the master plan, official map or redevelopment plans;
- (C) Will the designation of property as a landmark or historic site promote the general public health, safety and general welfare.

Based on these criteria, staff recommends Plan Commission approval of the landmark designation. The building sits in an older part of the city that has been built out for many years with a mix of commercial, institutional and residential properties. The small-scale mix of properties is not expected to change in the near future. The comprehensive plan acknowledges the value of preserving the city's history. Also, Wausau's municipal code (2.82.010) states that it is a matter of public policy that the protection, enhancement, perpetuation and use of buildings of special architectural character or special historical interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people.

August 27,2024

Gary Gesselman – Chair, Historic Preservation Commission
407 Grant St
Wausau,WI 54403

Dear Gary,

Emmerich and Associates is the owner of the Property located at 504 3rd Ave., Wausau historically referred to as DAUV Hall. I am not able to attend the public hearing on August 28 and ask that this letter be submitted to the committee.

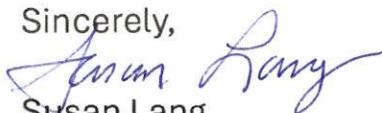
Emmerich & Associates strongly oppose the proposed designation of the building as a Historic Landmark.

As owners, we appreciate the deep history of the building, however it is a commercial rental property in a challenging location and designating it a Historic Landmark we feel will inappropriately encumber our ability to get a return on investment for the property and to meet the requirements of tenants. We are also in the process of negotiation with a potential buyer of the Building and the Landmark designation will distract that process.

With the above in mind we respectfully request that the committee remove DAUV Hall from the consideration list.

If you have further questions I will be happy to make myself available

Sincerely,



Susan Lang

President

Emmerich & Associates

1105 Grand Ave Ste 5

Schofield,WI. 54476

Susan@helbrent.com

715- 571 -7717

Cell: 715 571 7717

cc: Cheryl Paulson



September 23, 2024

Gary Gesselman – Chair, Historic Preservation Commission
407 Grant St
Wausau, WI 54403

Dear Gary,

This letter is to inform you that Emmerich and Associates sold the Property located at 540 S. 3rd Ave., Wausau, historically referred to as DAUV Hall. As of September 20, 2024 the new owner is SeKara LLC, phone (715) 355-3751.

If DAUV Hall is still on the Historical Society consideration list, please notify the new owners regarding meeting dates so they are given the opportunity to object at the City Council meeting if they want to do so.

Sincerely,


Cheryl Paulson
Managing Director
Emmerich & Associates, Inc

cc: Susan Lang
cc: Mayor Doug Diny



 - FYI 

1982 - WNK
HISTORIC LANDMARK NOMINATION FORM
Historic Landmarks Commission
Wausau, Wisconsin

DAUV Hall

I. Name of Building or Site

(1) Common

Workmen's Hall

(2) Historic (if applicable)

DAUV Hall

II. Location

(1) Street Address

540 South 3rd Avenue

(2) Ward (available @ City Clerk)

10

III. Classification

(1) Type of Property (building, monument, park, etc.)

building

(2) Zoning District

R-3

(3) Present Use

store

IV. Current Owner of Property (available at City Assessor's office)

(1) Name(s)

Lou Close

(2) Street Address

540 South 3rd Avenue

(3) Telephone Number

845-9259

V. Legal Description (available at City Assessor's office)

(1) Parcel Number

351-057

(2) Legal Description

Stewart & Alexander's Addition,
Block 1, Lot 10

VI. Condition of Property

(1) Physical Condition (excellent, good, fair, deteriorated, ruins)

excellent

(2) Altered or Unaltered?

altered

(3) Moved or Original Site?

original

(4) Wall Construction

brick over wood

(5) On a separate sheet of paper, describe the present and original physical construction and appearance (limit 500 words).

HISTORIC LANDMARK NOMINATION FORM
Historic Landmarks Commission
Wausau, Wisconsin

VII. Significance

(1) Original Owner Deutscher Arbeiter Unterstuetzungs Verein	(2) Original Use Meeting hall
(3) Architect or Builder	(4) Architectural Style Renaissance Revival (originally Italianate Commercial)
(5) Date of Construction XXXXXX 1887	(6) Indigenous Materials Used
(7) On a separate sheet of paper, describe the significance of the nominated property and its conformance to the designation criteria of the Landmarks Commission Ordinance (33.01), limit of 500 words.	

VIII. List of Bibliographical References Used

1. Wausau Tax Rolls, 1888, 1889
2. Wausau City Directories, 1888-1972
3. Louis Marchetti, History of Marathon County. Chicago: Richmond-Arnold, 1913, p.443
- 4.
- 5.
- 6.
- 7.
- 8.

IX. Form Prepared By:

(1) Name and Title

Maryanne Norton, Librarian

(2) Organization Represented (if any)

Marathon County Historical Society

(3) Address

403 McIndoe Street
Wausau,

(4) Telephone Number

848-6143

(5) Date Nomination Form Was Prepared

March 2, 1982

HISTORIC LANDMARK NOMINATION FORM
Historic Landmarks Commission
Wausau, Wisconsin

VII.(7) Significance of Nominated Property and Conformance to Designation Criteria:

The significance of the Deutscher Arbeiter Unterstuetzungs Verein (German Workmen's Aid Society) rests on its importance as a meeting place for German workers in early Wausau.

The Society was organized in January, 1883 as an insurance firm which paid sick benefits and funeral expenses. From its beginning, the Aid Society was able to help immigrants adjust to life in Wausau and to maintain a German heritage through its social activities, male choir, German library and meetings which were conducted in German. During the Second World War the Society dropped its German name and became the Wausau Benevolent Society, and in 1972 it ceased operation.

After meeting for five years in various buildings on the west side, the Society was able in 1887 to construct its own building at 540 South Third Avenue. The architecture is Renaissance Revival with its pedimented doors and windows set against the brick exterior which is now painted blue. The interior had an auditorium and stage, kitchen, library and office.

Commercial. Italicized with round headed windows, (now covered with pedimented window heads.

HISTORIC LANDMARK NOMINATION FORM
Historic Landmarks Commission
Wausau, Wisconsin

VI.(5) Describe Present and Original Physical Construction and Appearance:

This ~~Renaissance Revival~~ *Commercial Italianate* building has pedimented window heads on the many first and second story windows. The front entry is framed with pilasters supporting a classical pediment.

The corners of the brick structure are decorated with pilasters which also vertically divide the facade. A belt course separates the two stories which are topped with an architrave cornice on a flat roof.

The original red brick walls are now painted blue.

'Dutch Hall' has deep roots

p32

New Historic buildings May 1 '88

Third Avenue building once housed German support society

By Ed Wodalski
Wausau Daily Herald

The Deutscher Arbeiter Unterstuetzungs Verein was not much different from the many other German aid societies of its time. But while others came and went, the German Workman's Support Society endured. In 1983, it celebrated its 100th anniversary.

Today, the building constructed in 1887, is home to the Community Support Services — a drop-in center for North Central Health Care Facilities members, formerly located at Scott and First streets.

The DAUV, also remains. Renamed the Wausau Benevolent Society, the group meets twice a month at Carl's Third Avenue Bar, 101 N. Third Ave.

The DAUV or German Workman's Support Society was formed as a health and life insurance group, but never became affiliated with any insurance or other business.

A.F. Frudden, only 15, was the club founder. He invited 27 young men, most in their 20s and some with small families, to organize a support society on Jan. 11, 1883.

Meeting at the fire station, Frudden, was chosen the club's first president.

The reason for the club, Frudden explained, was to "aid and assist all sick and distressed members, to care for their spiritual and intellectual welfare, to provide congenial and sociable entertainment and to foster and perpetuate the German language."

Club members contributed 50 cents a week.

An inaugural ball, and Christmas fair, which netted \$52, helped boost the club's total treasury to \$159.

As the club grew, meetings were held at the East Side Music Hall, Turner Hall, skating rink, stores, offices, private homes and wherever it could find space.

In 1887, a committee bought a building lot on the corner of Third and Garfield avenues for \$300. Unable to come up with the \$150 down payment, nine members offered to take 30 notes at \$5 each.

Building materials for the 16- by 24- by 12-foot structure were purchased for \$124. Members supplied the labor.

There were carpenters, stone masons, plasterers and plenty of laborers.

By Nov. 19, the society held its first meeting in the new hall — dancing, music and entertainment soon followed.

The building was enlarged in 1890, with Henry Juers drawing up plans for the \$1,853 addition. Promissory notes and a loan by Hugo Peters supplied the financing.

The new hall contained a stage. A

Benevolent Society still enjoys sharing a brew

The Wausau Benevolent Society still meets twice a month — every first and third Wednesday — at Carl's Third Avenue Bar, 101 N. Third Ave. Carl is a former vice president of the club which still numbers about 70 members.

Schaskopf, the card game also known as sheepshead, and a draw of beer are staples at the meetings, which start at 8 p.m., but may last only 10 to 15 minutes. The remainder of the evening is devoted to playing cards, drinking beer and sharing good times.

Most club members are retired. Dues are 50 cents a month — you pay no dues after 50 years of membership. The club has about five non-paying members.

The club still pays a \$150 death benefit to survivors of club members and \$4 a week to club members who are ill or incapacitated.

The second meeting of the month includes a lunch, prepared by the vice president. Past menus have featured chicken, casserole, sauerkraut, pork sausage, brats, cold meats and cheese.

"It's always a very, very good lunch," says Frank Zastrow, Wausau, a club member for about 25 years.

piano was purchased, a male singing group was formed and many home talent shows were performed.

In 1911, the building again was enlarged with space provided for a kitchen, cloak room and serving room, along with a library and offices.

Professional groups also rented the hall to put on German plays.

And through the years the building became known as "Dutch Hall."

In later years, it also was the site of weekly wedding parties and

served as an election polling place.

The Second World War marked the formal end of the DAUV, with the group changing its name to the Wausau Benevolent Society. By now, membership was open to all ethnic groups.

The "Dutch Hall" was sold in 1972, but the Benevolent Society continues.

True to its tradition, the Wausau Benevolent Society still pays \$150 to survivors of members and \$4 a week to members who became ill or incapacitated.

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

ORDINANCE OF THE PLAN COMMISSION			
Rezone 406 Winton St from part of a Heavy Industrial (HI) Zoning District to an Urban Mixed-Use (UMU) Zoning District.			
Committee Action: Approved 5-0		Ordinance:	61-4057-736
Fiscal Impact: None			
File Number:	24-1012	Date Introduced:	October 8, 2024

The Common Council of the City of Wausau do ordain as follows:

Section 1. That the site of lands described as follows:

LOT 1 AND PART OF LOT 2 OF BLOCK 2 OF BROWN, GILBERT AND WINTON'S MAPLE-HILL ADDITION, LOCATED IN GOVERNMENT LOT 2 AND THAT PART OF GOVERNMENT LOT 1 OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN

Now comprising a part of a Heavy Industrial (HI) Zoning District, according to the Zoning Ordinance of the City of Wausau, be changed to an Urban Mixed-Use (UMU) Zoning District to allow for indoor sales and service.

Section 2. This change in zoning shall be designated on the official city zoning map.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after its date of publication.

Adopted:
Approved:
Published:
Attest:

Approved:

Doug Diny, Mayor

Attest:

Kaitlyn Bernarde, City Clerk

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, September 17, 2024, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Doug Diny, Eric Lindman, Sarah Watson, Andrew Brueggeman, Lou Larson.

Staff Present: Brad Lenz, Andrew Lynch, Brooke Mueller.

Others Present: Nick Brenner, Chuck Ghidorzi, Scott Denzin, Mike Tomsyck, Jeff Delonay, Gabriel Lemke

In compliance with Chapter 19, Wisconsin Statutes, notice of this meeting was posted and transmitted to the *Wausau Daily Herald* in the proper manner.

Mayor Doug Diny called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

PUBLIC HEARING: Discussion for rezoning 406 Winton St from part of a Heavy Industrial (HI) Zoning District to an Urban Mixed-Use (UMU) Zoning District to allow for indoor sales and service. (MCP 2023)

Mayor Diny opened the public hearing.

Scott Denzin, owner of MCP 2023 spoke stating that he owns this property and it has an office building which has been a resale shop for many years but must not be rezoned to include a store front. He mentioned that they would also work on improving the look of the building.

Mayor Diny closed the public hearing.

Discussion and possible action for rezoning 406 Winton St from part of a Heavy Industrial (HI) Zoning District to an Urban Mixed-Use (UMU) Zoning District to allow for indoor sales and service. (MCP 2023)

Motion by Andrew Brueggeman and seconded by Sarah Watson. *Motion approved unanimously.*



STAFF REPORT

TO: City of Wausau Plan Commission
FROM: William D. Hebert, Zoning Administrator
DATE: September 4, 2024

GENERAL INFORMATION

APPLICANT: Scott Denzin, owner of Mid-City Precision
LOCATION: 406 Winton St. (Office Building)
EXISTING ZONING: Heavy Industrial
REQUESTED ZONING: Urban Mixed Use
PURPOSE: Change zone for existing office building to allow for indoor sales
SIZE OF PARCEL: .23 acres

BACKGROUND

This property is part of the old County Materials site. Mid-City Precision purchased this site in 2023. The office building on the corner of Winton Street and North 5th Street is no longer needed by the new business. The owner has a tenant proposed for the building, River District Antiques.

The building was set up as offices to support the County Materials operation. In order to accommodate the indoor sales tenant, the office building is proposed to be partitioned off as a separate lot and change the zoning to UMU.

STAFF COMMENTS

Section 23.10.31(4)(b) of the Zoning Code outlines criteria for zoning map amendments that staff and the Plan Commission are to review and make recommendation to the Common Council.

Under this section, a proposed amendment is to be evaluated as to whether it:

1. Advances the purposes of this Chapter as outlined in Section 23.01.03 and the applicable

rules of Wisconsin Department of Administration and the Federal Emergency Management Agency.

2. Is in harmony with the Comprehensive Plan.
3. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
4. Addresses any of the following factors that are not properly addressed on the current Official Zoning Map:
 - a. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.
 - b. A mapping mistake was made, including the omission on the Official Zoning Map of an approved zoning map amendment.
 - c. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
 - d. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.

Staff comments to the above criteria are as follows:

1. Section 23.01.03 of the code pertains to protecting the health, safety, morals, comfort, convenience, and general welfare of the public. The proposed amendment is not anticipated to negatively impact the public as the proposed zoning district is a preferred zoning district to buffer between industrial and residential land uses.
2. From a land use perspective, the comprehensive plan encourages a mix of land uses – ones that are not incompatible with each other. The near area has a mix of single family, duplex, and legacy industrial in the neighborhood.
3. The intensity of uses would not change significantly. There already appears to be adequate off-street parking. The lot area, width and depth meet the minimum requirements of UMU zoning.
4. The office building is no longer needed to support the business of the main building. Winton is a collector street so commercial mixed use zoning is an appropriate transitional zoning from heavy industrial to the north and one or two family zoning to the south.

RECOMMENDATION

Approve the zone change request.

Note: If approved, the office building will be assigned a separate address.

CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____

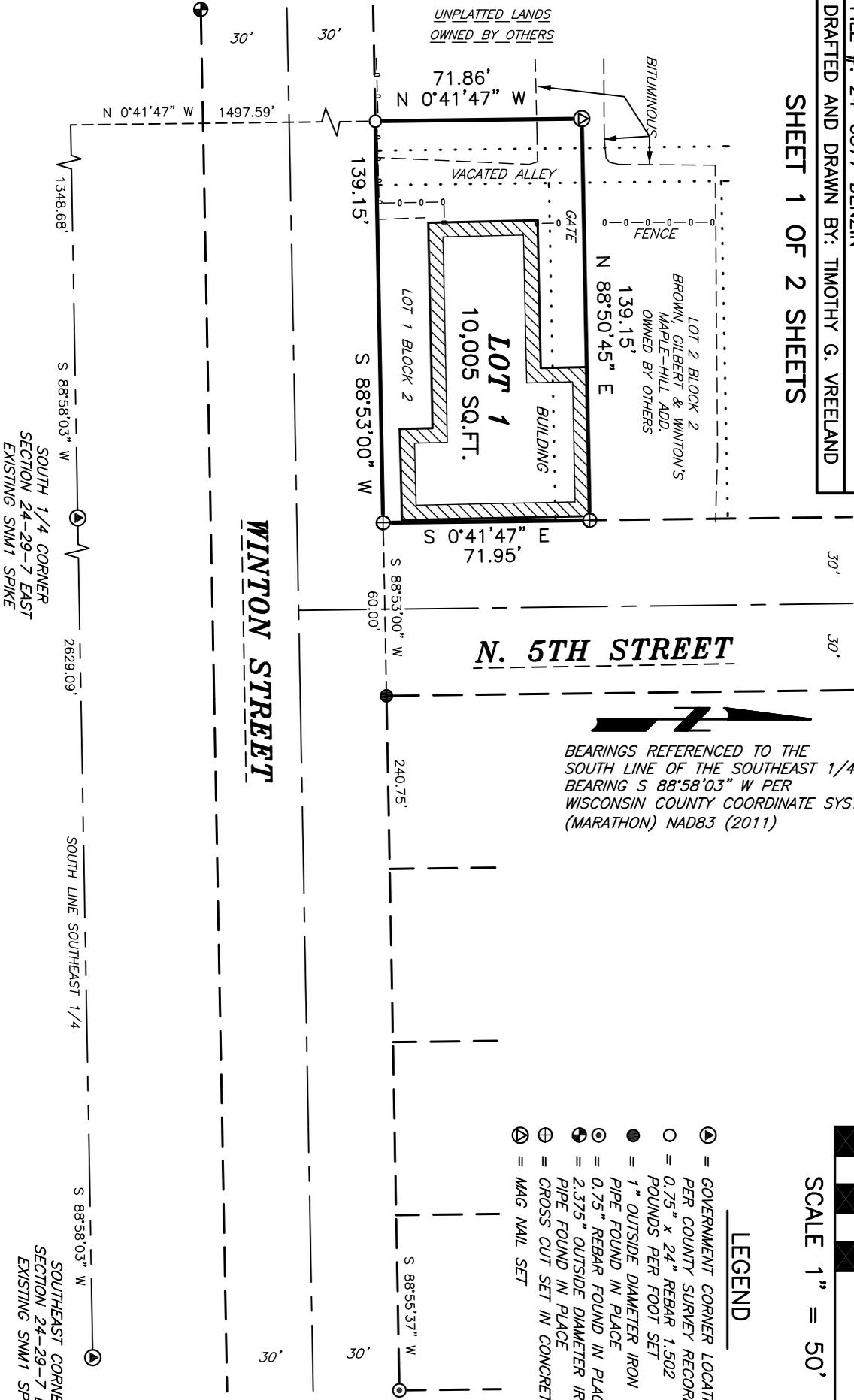
LOT 1 AND PART OF LOT 2 OF BLOCK 2 OF BROWN, GILBERT AND WINTON'S MAPLE-HILL ADDITION, LOCATED IN GOVERNMENT LOT 2 AND THAT PART OF GOVERNMENT LOT 1 OF SECTION 24, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.

VREELAND ASSOCIATES, INC.
LAND SURVEYORS & ENGINEERS
 6103 DAWN STREET WESTON, WI, 54476
 PH (715) 241-0947 tim@vreilandassociates.us

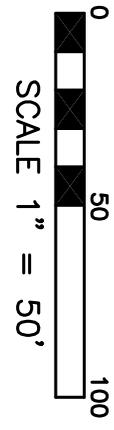
PREPARED FOR: **STEVE DENZIN**

FILE #: 24-0377 DENZIN
 DRAFTED AND DRAWN BY: TIMOTHY G. VREELAND

SHEET 1 OF 2 SHEETS



BEARINGS REFERENCED TO THE SOUTH LINE OF THE SOUTHEAST 1/4 BEARING S 88°58'03" W PER WISCONSIN COUNTY COORDINATE SYSTEM (MARATHON) NAD83 (2011)



LEGEND

- ⊙ = GOVERNMENT CORNER LOCATION PER COUNTY SURVEY RECORDS
- = 0.75" x 24" REBAR 1.502 POUNDS PER FOOT SET
- = 1" OUTSIDE DIAMETER IRON PIPE FOUND IN PLACE
- ⊕ = 0.75" REBAR FOUND IN PLACE
- ⊕ = 2.375" OUTSIDE DIAMETER IRON PIPE FOUND IN PLACE
- ⊕ = CROSS CUT SET IN CONCRETE
- ⊕ = MAG NAIL SET

SOUTH 1/4 CORNER SECTION 24-29-7 EAST EXISTING SMM1 SPIKE

SOUTHEAST CORNER SECTION 24-29-7 EAST EXISTING SMM1 SPIKE

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE FINANCE COMMITTEE

Terminating Tax Increment District Number Six.

Committee Action: Approved 5-0

Fiscal Impact: None

File Number: 05-0406

Date Introduced: October 8, 2024

RESOLUTION

WHEREAS, the City of Wausau passed a creation resolution creating Tax Incremental District Number Six on May 10, 2005, and adopted a project plan that year; and

WHEREAS, the objectives of the district were to increase employment opportunities, property tax base and per capita income within the community; increase the availability of properly located business and industrial sites and accommodate and encourage new industries and the expansion of existing industry and business.

WHEREAS, Tax Incremental District Number Six projects were completed within the prescribed allowed time; and

WHEREAS, the Districts obligations have been satisfied and sufficient increment has been collected

NOW THEREFORE BE IT RESOLVED that the City of Wausau Common Council does terminate Tax Increment District Number Six; and

BE IT FURTHER RESOLVED that the City of Wausau City Clerk shall notify the Wisconsin Department of Revenue, within 60 days of this resolution that the district has been terminated; and

BE IT FURTHER RESOLVED that pursuant to Section 66.1105(8) of the Wisconsin Statutes the City of Wausau proper city officials shall execute the prescribed termination forms, complete the final accounting and send final audited information to the Wisconsin Department of Revenue.

Adopted the October 8, 2024

Approved:

Doug Diny, Mayor



State of Wisconsin • DEPARTMENT OF REVENUE

DIVISION OF STATE AND LOCAL FINANCE • OFFICE OF TECHNICAL & ASSESSMENT SERVICES • MADISON, WI

Mailing Address
2135 Rimrock Road
PO Box 8971 • MS 6-97
Madison, WI 53708-8971
Phone: (608) 266-7750
tif@wisconsin.gov

July 30, 2024

37-291

Kaitlyn Ann Bernarde
Municipal Clerk
407 Grant St
Wausau, WI 54403-4737

RE: Maximum Life — City of Wausau Tax Incremental District (TID) 006

Dear Kaitlyn Ann Bernarde:

The Wisconsin Department of Revenue (DOR) records show your municipality created TID 006 on May 10, 2005 and must terminate this TID by December 19, 2024.

To terminate a TID, your municipality must:

1. Adopt a termination resolution by December 19, 2024.
2. Notify DOR within 60 days of the resolution or by April 15, whichever comes first
3. Email the following to tif@wisconsin.gov:
 - Adopted termination resolution
 - Completed Terminated TID Final Accounting Submission Date Agreement (Form PE-223)

If you have questions, contact us at tif@wisconsin.gov.

Sincerely,

Kristin Filipiak
Community Services Specialist
Office of Technical and Assessment Services



PHS Date 09/16/2024

License ID	License Typ	Name	Address	Details	Business	Begin Dt	End Dt	Police	PHS	Council
199177	9010 - Bartender/Operator New	BETTS-ROJAS, JOHNATHAN	168355 COUNTY RD G WAUSAU WI 54403		KRIST FOOD MART #61	06/28/2024	06/30/2025	No	No	
200528	9022 - Public Transport Business	SCHLOEMER, ROCHELLE	5207 SCOTT ST WESTON WI 54476		WAUSAU COMMUNITY TRANSPORTATION LLC	08/19/2024	06/30/2025			
200757	9026 - Class I	ADERHOLDT, ALISSANDRA	316 SCOTT ST WAUSAU WI 54403	2025 HARVEST FEST on 10/04/2025 Organized by WAUSAU EVENTS						
200759	9026 - Class I	ADERHOLDT, ALISSANDRA	316 SCOTT ST WAUSAU WI 54403	2025 BEER AND BACON FEST on 09/13/2025 Organized by WAUSAU EVENTS						
200760	9026 - Class I	ADERHOLDT, ALISSANDRA	316 SCOTT ST WAUSAU WI 54403	2025 HOLIDAY PARADE on 12/05/2025 Organized by WAUSAU EVENTS						
200761	9026 - Class I	ADERHOLDT, ALISSANDRA	316 SCOTT ST WAUSAU WI 54403	2025 BIG BULL FALLS BLUES FEST on 08/15/2025, 8/16/2025 Organized by WAUSAU EVENTS						
200763	9026 - Class I	ADERHOLDT, ALISSANDRA	316 SCOTT ST WAUSAU WI 54403	2025 4TH OF JULY on 07/04/2025 Organized by WAUSAU EVENTS						



PHS Date 09/16/2024

License ID	License Typ	Name	Address	Details	Business	Begin Dt	End Dt	Police	PHS	Council
200764	9026 - Class I	ADERHOLDT, ALISSANDRA	316 SCOTT ST WAUSAU WI 54403	2025 WINGS OVER WAUSAU on 06/27/2025, 06/28/2025 Organized by WAUSAU EVENTS						
200765	9026 - Class I	ADERHOLDT, ALISSANDRA	316 SCOTT ST WAUSAU WI 54403	2025 CONCERTS ON THE SQUARE on 6/4, 6/11, 6/18, 6/25, 7/2, 7/16, 7/23, 7/30, 8/6, 8/13, 8/27 2025 Organized by WAUSAU EVENTS						
200767	9026 - Class I	ADERHOLDT, ALISSANDRA	316 SCOTT ST WAUSAU WI 54403	2025 CHALKFEST on 06/28/2025, 06/29/2025 Organized by WAUSAU EVENTS						
200615	9027 - Class II	LARSON, ANDREA	PO BOX 957 WAUSAU WI 54402	IRONBULL RED GRANITE GRINDER BIKE RACE on 10/12/2024 Organized by IRONBULL, INC.						
201022	9027 - Class II	WULK, CALLIE	316 SCOTT ST WAUSAU WI 54403	2024 ExhibiTour on 10/05/2024 Organized by Wausau River District						
200032	9064 - "Class B" Beer & Liquor	LOR, JASON	406 N 8TH AVE WAUSAU WI 54401		CW FLY BAGS					



PHS Date 09/16/2024

License ID	License Typ	Name	Address	Details	Business	Begin Dt	End Dt	Police	PHS	Council
201024	9069 - Temporary "Class B" (Picnic)	,	518 S 7TH AVE WAUSAU WI 54401		MONK BOTANICAL GARDENS					
200779	9069 - Temporary "Class B" (Picnic)	,	PO BOX 1611 WAUSAU WI 54402		WAUSAU NOON OPTIMIST					
201025	9069 - Temporary "Class B" (Picnic)	,	4716 W. VILET STREET MILWAUKEE WI 53208		CITIZEN ACTION OF WISCONSIN					
201098	9069 - Temporary "Class B" (Picnic)	BOLLMAN, JULIE	PO BOX 1548 WAUSAU WI 54402		CHILDREN'S IMAGINARIUM					
200800	9069 - Temporary "Class B" (Picnic)	GUMTZ, NICK	PO BOX 176 WAUSAU WI 54402-0176		WAUSAU YOUTH HOCKEY					
200787	9069 - Temporary "Class B" (Picnic)	WULK, CALLIE	316 SCOTT ST WAUSAU WI 54403		WAUSAU RIVER DISTRICT					

Total Licenses



Kody Hart, Deputy City Clerk

TEL: (715) 261-6616
FAX: (715) 261-6626

TO: Public Health & Safety Committee

FROM: Kody Hart, Deputy City Clerk

RE: Approve or deny various licenses as indicated on the attached summary report of all applications received.

DATE: September 12, 2024 **UPDATED OCTOBER 3, 2024**

Applications as listed have or will have a background check run by staff and reviewed by the Police Chief or a designee. In accordance with city ordinance, all permits approved are held for debts owed to the city until the debt is paid in full.

STAFF RECOMMENDATIONS

Approve or deny as indicated on the summary report attached, including those that may be introduced at the meeting. Further summaries on staff recommendations are outlined below.

1. **Denial Recommendations – Bartender/Operator License: Johnathan Betts-Rojas** – This application is recommended for denial due to being currently charged with Strangulation/suffocation and 3rd Degree Sexual Assault.
2. **Approval Recommendation – Special Event Class I Permit: Harvest Fest** at the 400 Block on October 4th, 2025 from 11:00 AM to 1:00 PM, license applicant Wausau Events, Alissandra Aderholdt; **Beer and Bacon Fest** at Fern Island Park on September 13th, 2025 from 1:00 PM to 4:00 PM, license applicant Wausau Events, Alissandra Aderholdt; **Holiday Parade** from Marathon Park to the 400 Block on December 5th, 2025 from 6:30 PM to 8:00 PM, license applicant Wausau Events, Alissandra Aderholdt; **Big Bull Falls Blues Fest** at Fern Island on August 15th to 16th, 2025 from 4:00 PM to 11:00 PM and 12:00 PM to 11:00 PM, license applicant Wausau Events, Alissandra Aderholdt; **4th of July** at the Wausau Airport on July 4th, 2025 from 7:30 PM to 10:00 PM, license applicant Wausau Events, Alissandra Aderholdt; **Wings Over Wausau** at the Wausau Airport on June 27th to 28th, 2025 from 4:00 PM to 10:00 PM and 11:00 AM to 10:00 PM, license applicant Wausau Events, Alissandra Aderholdt; **Concerts on the Square** at the 400 Block on every Wednesday from June 4th to July 2nd and July 16th to August 13th and August 27th, 2025 from 6:00 PM to 8:00 PM, license applicant Wausau Events, Alissandra Aderholdt; **Chalkfest** at the 400 Block on June 28th and 29th, 2025 from 8:00 AM to 10:00 PM, license applicant Wausau Events, Alissandra Aderholdt.
3. **Approval Recommendation – Special Event Class II Permits: Ironbull Red Granite Grinder Bike Race** at the 400 Block on October 12th, 2024 from 4:30 AM to 8:00 PM, license applicant Ironbull, Inc., Andrea Larson; **ExhibiTour** at various businesses on the

Kody Hart, Deputy City Clerk

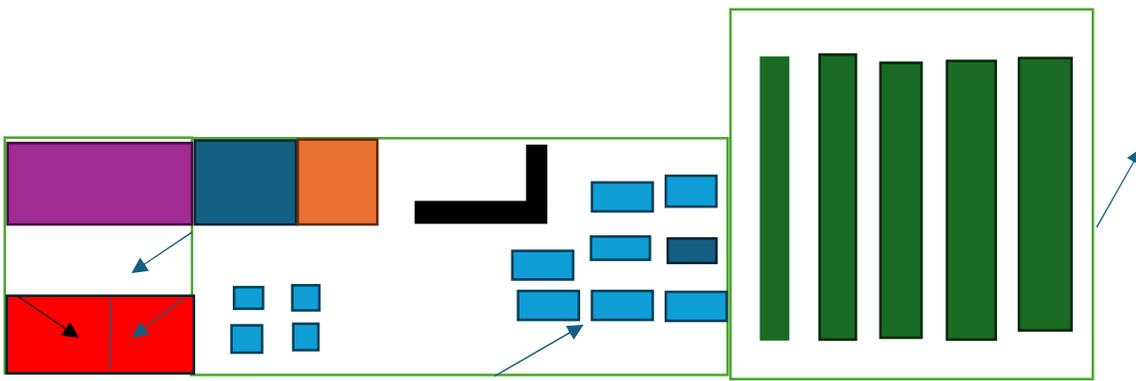


TEL: (715) 261-6616
FAX: (715) 261-6626

300, 400, 500 and 600 blocks of 3rd, Scott, and Washington Street from 4:00 PM to 7:00 PM, license applicant Wausau River District, Callie Walk.

4. **Approval Recommendation – Public Transport Business: Wausau Community Transportation LLC**, located at 2101 Nehring Street, Wausau, WI 54401, license applicant Rochelle Schloemer
5. **Approval Recommendations – Temporary “Class B” Picnic Licenses: HOPE: Get Out the Vote** at 1329 Sylvan Street on September 27th, 2024 from 6:00 PM to 8:00 PM, license applicant Citizens Action of Wisconsin Education Fund, Joel Lewis; **Blossom of Lights Sip & Stroll** at 1800 N. 1st Avenue on September 21st, 2024 from 6:30 PM to 8:30 PM, license applicant Monk Botanical Gardens, Elise Schuler; **Wausau Noon Optimists at the Ironbull Red Granite Grinder Bike Race** at the 400 Block on October 12th, 2024 from 10:00 AM to 7:00 PM, license applicant Wausau Noon Optimists, Robert Stasney; **BOOzeum** at 195 N. 2nd Street on October 17th, 2024 from 7:00 PM to 10:00 PM, license applicant Children’s Imaginarium, Julie Bollmann; **Hometown Draft Classic** at 801 Garfield Avenue on October 4th, 2024 from 10:00 AM to 10:00 PM, license applicant Wausau Youth Hockey, Nick Gimtz; **ExhibiTour** at Evolutions in Design - 626 N. 3rd Street #4, The Local, 420 N. 3rd Street, Design Theory 19, 632 N. 3rd Street, Forward Beverage Co., 303 N. 3rd Street, The Chocolate Cafe, 300 N. 3rd Street Ste 102, Object Homewares, 314 Scott Street, Magnolia Soap & Bath Co., 320 N. 3rd Street, Mulligal, 316 Washington Street, Nicole's Boutique, 620 N. 3rd Street, Sweets on Third, 615 N. 3rd Street, Tanya's Bridal, 300 N. 3rd Street, Norwegian Wood, 525 N. 3rd Street on October 5th, 2024 from 4:00 PM to 7:00 PM, license applicant Wausau River District, Callie Wulk.
6. **Pending Recommendation – “Class B” Beer & Liquor: CW Fly Bags** located at 2601 Stewart Avenue, license applicant CW Sports Entertainment LLC, Jason Lor. The Liquor License Review Subcommittee will bring the recommendation to the committee meeting.

This license is recommended for approval. The applicants submitted a new layout of the establishment which was received after the approval recommendation was made. The operation is not changing otherwise, and this license is still recommended for approval. Please see attached the updated floorplan.



- | | | | |
|---|---------------------------|---|----------------|
|  | 6X8 Beer Storage Room |  | Bathrooms |
|  | 4x6 Sink and Cooking Area |  | Utility Room |
|  | 12 x 6 bar Counter |  | Doors and exit |
|  | Corn hole Lanes | | |
|  | Tables | | |

From: [Doug Diny](#)
To: [Kaitlyn Bernarde](#); [Kody Hart](#)
Cc: [Megan Waller](#); [Sarah Watson](#); [Terry Kilian](#); [Becky McElhaney](#)
Subject: Appointments City County Homeless TF
Date: Wednesday, October 2, 2024 12:12:00 PM
Attachments: [image001.png](#)

Kaitlyn,

My appointments to the Marathon County/Wausau Homelessness joint task force are:

District 3 Alder Terry Kilian
District 6 Alder Becky McElhaney
Alternate: District 8 Alder Sarah Watson

We do not yet know the time and date of the proposed meeting schedule, and city council members often have conflicts with county schedules, so I am designating an alternate in the event of scheduling conflicts.



Doug Diny

Mayor
City of Wausau
715-261-6800
doug.diny@wausauwi.gov

407 Grant St
Wausau WI 54403

From: [Kaitlyn Bernarde](#)
To: [Kody Hart](#)
Subject: Fw: PFC Appointment
Date: Wednesday, October 2, 2024 6:19:29 PM
Attachments: [image001.png](#)

Please include in the packet.

From: Doug Diny <Doug.Diny@wausauwi.gov>
Sent: Wednesday, September 25, 2024 4:00:47 PM
To: Kaitlyn Bernarde <Kaitlyn.Bernarde@wausauwi.gov>
Cc: Mayor's Office <mayor@wausauwi.gov>
Subject: PFC Appointment

Kaitlyn,

Will Harris resigned from Police and Fire Commission due to taking a new job. His last meeting was Monday, September 23. He will be around through the end of the month if needed.

Please update the committee tracking sheet and put the new appointment nomination on the October 8th council meeting agenda. I'm copying the new AE who starts up here on Monday...

The new appointment for council approval is:

Vylius Leskys
1010 Everest Blvd.
Wausau, WI 54403

He interviewed the last time we filled a position on PFC, so his information should be on file with his citizen application sheet.



Doug Diny

Mayor
City of Wausau

715-261-6800
doug.diny@wausauwi.gov

407 Grant St
Wausau WI 54403



Citizen Participation Form

Thank you for your interest in becoming involved with a City of Wausau Boards Committees or Commissions. The Mayor's Office will make recommendations to the City Council for placement based, in part, on your responses to the following questions; please provide us with some information to use when considering your appointment by completing the questions below. You are welcome to attach additional information such as your resume or vitae that may further support your appointment. For additional information, visit the City's Web Site at www.ci.wausau.wi.us, or call the Mayor's Office at 715-261-6800. This form will remain on file for three years. A list of existing Boards, Commissions and Committees (including general information) can be found on our website. <https://www.ci.wausau.wi.us/Departments/CityCouncil/BoardsCommitteesCommissions.aspx> Please consider becoming a part of this important community resource group.

Contact Information

First Name *

Vylius

Last Name *

Leskys

Address *

Street Address

1010 Everest Blvd

Address Line 2

City

Wausau

Postal / Zip Code

54403

State / Province / Region

Wi

Country

United States

Phone *

(715)501-7113

Email *

v@leskys.us

Years as a Wausau Resident, if applicable *

1

Occupation/Employer, if applicable

Retired US Army

Self Employed Attorney

Business Information

Business Name

Address

Street Address

Address Line 2

City

Postal / Zip Code

State / Province / Region

Country

United States

Boards, Commission and/or Committee Information

Which Boards, Commissions and/or Committees interest you?

Board, Commission and/or Committee

Police and Fire Commission

You may choose more than one from the list provided. Order in preference.

Why are you interested in serving on these particular Committees? *

Military Law background

What qualifications can you bring to these Committees? *

Requesting interview with mayor

On what other City Committee(s) are you currently serving, if any?

Other Community Involvement

References(Please Include 3)

First Name *

D

Last Name *

Diny

Address *

Street Address

407 Grant

Address Line 2

City

Wausau

Postal / Zip Code

54403

State / Province / Region

Wi

Country

United States

Phone *

(715)261-6800

Relationship to You *

Mayor

First Name *

Vylius

Last Name *

Leskys

Address *

Street Address

1010 Everest

Address Line 2

City

Wausau

Postal / Zip Code

54403

State / Province / Region

Wi

Country

United States

Phone *

(715)261-6800

Relationship to You *

self

First Name *

Vylius

Last Name *

Leskys

Address *

Street Address

1010 Highland

Address Line 2

City

Wausau

Postal / Zip Code

54403

State / Province / Region

Wi

Country

United States

Phone *

(715)261-6800

Relationship to You *

self

Additional Information

You are welcome to attach additional information such as your resume or vitae that may further support your appointment.

Attachment(s)

Limit to 3 upload files

**JOINT RESOLUTION OF THE INFRASTRUCTURE AND FACILITIES
AND FINANCE COMMITTEES**

Approving Developer’s Agreement with STS Investments LLC, west of Birchwood Drive and west of Old Coach Road.

Committee Action: I&F Approved 3-0 (7/11/24)
I&F Approved 3-2 (9/24/24)
Finance Approved 3-2

Fiscal Impact: \$4,400 in booster station, lift station fees to be paid to City when parcels are sold or when a building permit is issued. Parkland dedication fees are due in full prior to the recording of a final plat or certified survey map.

File Number:	24-0809	Date Introduced:	August 19, 2024
		Date Reintroduced:	October 8, 2024

FISCAL IMPACT SUMMARY

COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, on July 9, 2024, Common Council approved the dedication of right-of-way for the creation of four lots west of Birchwood Drive and Old Coach Road developed by STS Investments LLC; and

WHEREAS, WMC 21.12.060 requires a developer agreement to be executed between the developer and City; and

WHEREAS, on July 11, 2024, your Infrastructure and Facilities Committee discussed and recommended approval of the Developer’s Agreement; and

WHEREAS, on August 19, 2024, your Common Council referred the matter back to the Infrastructure & Facilities Committee; and

WHEREAS, your Infrastructure & Facilities Committee on September 12, 2024, discussed and recommended delaying payment of the utility fees until the parcels are sold and referred the item to the Finance Committee; and

WHEREAS, on September 24, 2024, your Finance Committee discussed and also recommended delaying payment of the utility fees until the parcels are sold.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Wausau that it hereby approves the attached Developer's Agreement with STS Investments LLC and authorizes the proper City officials to execute the Developer's Agreement.

Approved:

Doug Diny, Mayor

AGREEMENT

Document No.

Document Title

AGREEMENT BETWEEN THE CITY OF WAUSAU, THE WAUSAU WATER WORKS, AND STS Investment LLC

THIS AGREEMENT made this _____ day of _____, 2024, by and between the City of Wausau, hereinafter referred to as "CITY," the Wausau Water Works, hereinafter referred to as "UTILITY," and STS Investments LLC, hereinafter referred to as "OWNER";

WITNESSETH:

WHEREAS, OWNER owns land within the city limits of the City of Wausau, which land OWNER wishes to develop into a real estate subdivision; and

WHEREAS, the development will necessitate the installation of water main, sanitary sewer main, storm sewer, storm water facilities, and streets; and

WHEREAS, CITY is in agreement with the development provided that OWNER agrees to certain provisions with regard to construction of and/or payment for some of the aforementioned facilities; and

WHEREAS, the purpose of this document is to codify into a development agreement exactly what OWNER agrees to do and what CITY/UTILITY agrees to do.

NOW, THEREFORE, the parties hereto agree as follows:

1. Attached hereto and incorporated herein by reference and made a part of this agreement is a copy of the certified survey map which shows the addition of 4 lots.
2. Inspection Services. CITY shall provide inspection/testing services for sanitary sewer main, water main, curb, gutter and pavement, sidewalk and storm sewer construction. The CITY will not bill the OWNER for these services. OWNER shall be responsible for design and field survey layout of all infrastructure including but not limited to sanitary sewer, watermain, storm sewer, stormwater management facilities, curb, gutter and pavement. The OWNER shall not start any construction until final plans have been approved by the CITY and all permits have been obtained from the WDNR for sanitary sewer and water main extensions.
3. Sanitary Sewer. All lots will be provided with sewer lift station service, and each lot shall be charged a one-time \$200 lift station fee. The lift station fees shall be payable when the ownership of the lot is transferred or a building permit is issued.
4. Water Main. All water main will be serviced by a booster station, and each lot shall be charged a one time \$500 water booster station fee. The booster station fees shall be payable when the ownership of the lot is transferred or a building permit is issued.
5. Stormwater Facilities. OWNER shall supply and install storm sewer pipe, inlets, ditches and detention facilities and appurtenances as shown on the engineering plans and as approved by the CITY.
6. Easements. OWNER shall dedicate or cause to be dedicated all easements required to construct all utilities needed to serve the development prior to the signing of the CSM.

Recording Area

Name and Return Address

City of Wausau Engineering Dept.
407 Grant Street
Wausau, WI 54403

7. Permits. OWNER shall obtain all permits required by CITY, Department of Natural Resources, Army Corp of Engineers, or any other governmental agency to perform any work.
8. Parkland Fees. OWNER agrees to pay \$1,600.00 (One Thousand Six Hundred Dollars and 00/100), as and for a parkland dedication fee for the 4 lots on the Certified Survey Map. The parkland dedication fee shall be made in a lump sum prior to the recording of a final plat or certified survey map. As an alternative, the developer may pay 50 percent of the total amount and file an agreement and performance bond, with a two-year limit for the unpaid balance, with the City Clerk. See WMC 21.16.085(b)(7).
9. Street Improvements. OWNER shall install base course, curb and gutter, permanent asphalt street surface, and temporary cul-de-sac in accordance with the plans and specifications as approved by the CITY. OWNER shall install 6-inch thick concrete drive approaches to lots with established driveways at time of curb and gutter installation. In the future, sidewalk may be installed in accordance with the CITY'S normal assessment procedures. The streets shall be constructed with the surface layer of asphalt in place by November 1, 2025.
10. Waiver of Notice. OWNER, for itself, its successors and assigns, waives any notice and statutory procedures required under Chapter 66 of the Wisconsin Statutes and/or any successor statute, and under CITY ordinances, and any other requirements under the law regarding special assessments and/or impact fees, and OWNER, for itself, its successors and assigns, agrees that the fees established by CITY and as outlined in this agreement shall be placed as a lien on each individual lot, without notice and without further action.

SIGNATURES FOLLOW ON NEXT PAGE



CIVIL & ENVIRONMENTAL ENGINEERING, SURVEYING
 4080 N. 20TH AVENUE, WAUSAU, WI 54401
 (715) 675-9784

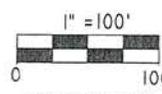
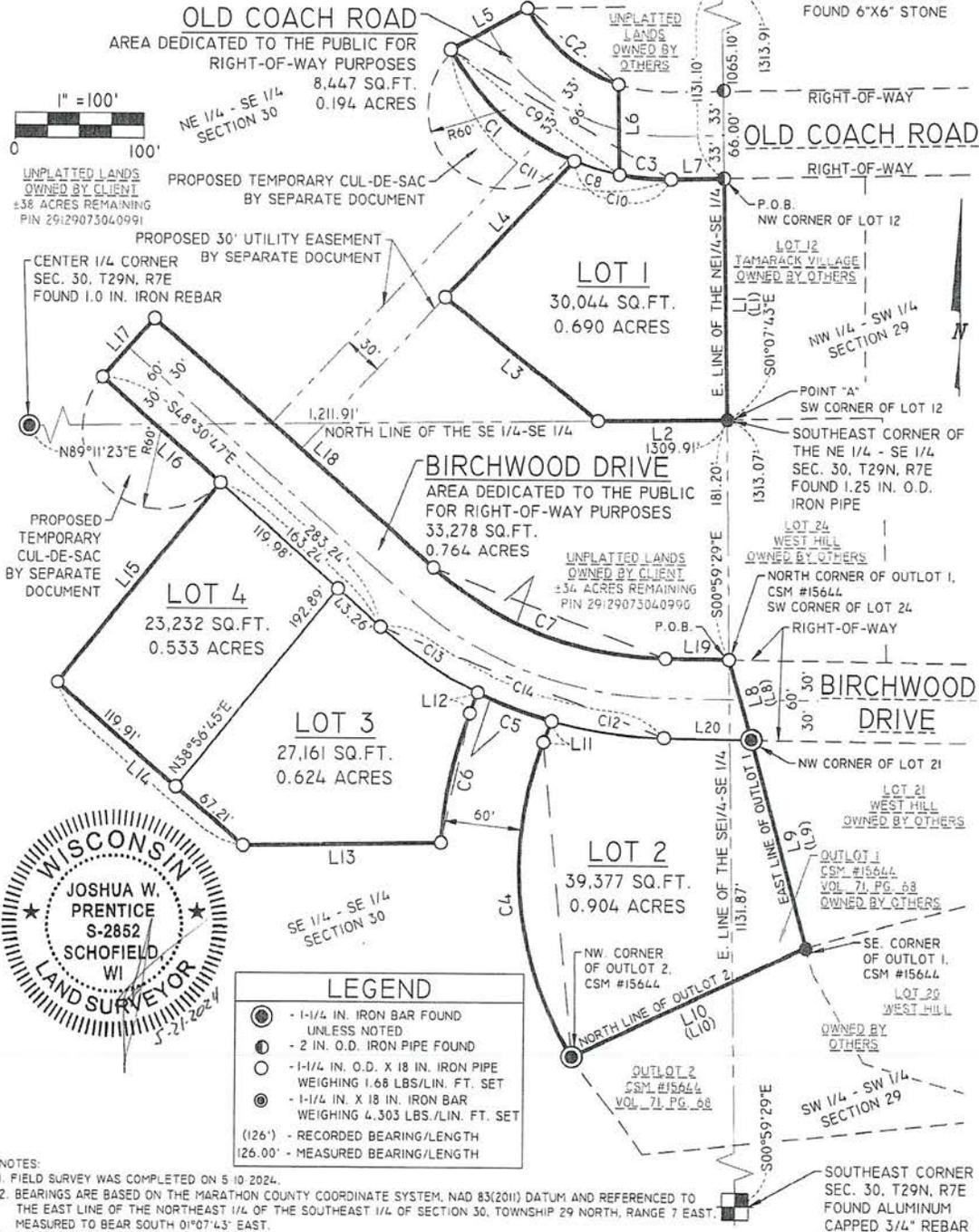
MARATHON COUNTY CERTIFIED SURVEY MAP

MAP NO. _____

PREPARED FOR: STS INVESTMENTS LLC.

LANDOWNER: STS INVESTMENTS LLC.

OF PART THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, AND PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 15644, RECORDED IN VOLUME 71, ON PAGE 68, AS DOCUMENT NUMBER 1556359, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL IN SECTION 30, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.



UNPLATTED LANDS OWNED BY CLIENT
 ±38 ACRES REMAINING
 PIN 29129073040991

PROPOSED 30' UTILITY EASEMENT BY SEPARATE DOCUMENT

CENTER 1/4 CORNER SEC. 30, T29N, R7E FOUND 1.0 IN. IRON REBAR

PROPOSED TEMPORARY CUL-DE-SAC BY SEPARATE DOCUMENT

PROPOSED TEMPORARY CUL-DE-SAC BY SEPARATE DOCUMENT

UNPLATTED LANDS OWNED BY CLIENT
 ±34 ACRES REMAINING
 PIN 29129073040990

UNPLATTED LANDS OWNED BY OTHERS

NE 1/4 - SE 1/4 SECTION 30

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UNPLATTED LANDS OWNED BY OTHERS



**REI**CIVIL & ENVIRONMENTAL ENGINEERING, SURVEYING
4080 N. 20TH AVENUE, WAUSAU, WI 54401
(715) 675-9784**MARATHON COUNTY CERTIFIED SURVEY MAP**

MAP NO. _____

PREPARED FOR: STS INVESTMENTS LLC.LANDOWNER: STS INVESTMENTS LLC.

OF PART THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, AND PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 15644, RECORDED IN VOLUME 71, ON PAGE 68, AS DOCUMENT NUMBER 1556359, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL IN SECTION 30, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.

CURVE TABLE

CURVE	ARC LENGTH	RADIUS LENGTH	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH
C1	128.40'	186.00'	39°33'04"	N48°18'15"W	125.86'
C2	91.59'	120.00'	43°43'48"	S50°23'38"E	89.38'
C3	39.31'	186.00'	12°06'36"	S85°11'36"E	39.24'
C4	246.72'	270.00'	52°21'18"	N05°25'53"W	238.22'
C5	60.08'	330.00'	10°25'55"	N69°15'14"W	60.00'
C6	99.70'	330.00'	17°18'38"	S12°05'27"W	99.32'
C7	192.68'	270.00'	40°53'18"	S68°57'26"E	188.62'
C8	35.90'	186.00'	11°03'31"	N73°36'33"W	35.84'
C9	164.29'	186.00'	50°36'35"	S53°50'00"E	159.01'
C10	75.21'	186.00'	23°10'07"	S79°39'51"E	74.70'
C11	203.61'	186.00'	62°43'11"	S59°53'19"E	193.59'
C12	86.00'	330.00'	14°55'54"	S81°56'08"E	85.76'
C13	89.42'	330.00'	15°31'29"	S56°16'32"E	89.14'
C14	235.50'	330.00'	40°53'18"	S68°57'26"E	230.53'

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S01°07'43"E	182.81'
L2	S89°11'23"W	98.00'
L3	N51°12'29"W	148.84'
L4	N43°00'43"E	141.46'
L5	N61°28'17"E	66.00'
L6	S01°16'14"E	68.39'
L7	N88°45'06"E	40.42'
L8	S15°53'39"E	62.57'
L9	S15°04'04"E	161.83'
L10	S64°33'49"W	195.56'
L11	N20°44'46"E	16.92'
L12	S20°44'46"W	16.92'
L13	S88°59'07"W	149.98'
L14	N49°24'21"W	187.12'
L15	N38°56'45"E	194.76'
L16	N48°30'47"W	120.00'
L17	N41°29'13"E	60.00'
L18	S48°30'47"E	283.24'
L19	S89°24'06"E	48.42'
L20	S89°24'06"E	66.19'
(L1)	(N0°20'43"W)	(183.0')
(L8)	(S17°05'38"E)	(63.01')
(L9)	(S15°02'13"E)	(182.38')
(L10)	(N64°35'41"E)	(195.32')



CITY OF WAUSAU COMMON COUNCIL APPROVAL CERTIFICATE:
RESOLVED, THAT THE CERTIFIED SURVEY MAP, IN THE CITY OF WAUSAU, STS INVESTMENTS LLC., OWNERS, IS HEREBY APPROVED BY THE CITY OF WAUSAU COMMON COUNCIL.

DATE _____ APPROVED _____
MAYOR

DATE _____ SIGNED _____
MAYOR

I HEREBY CERTIFY THAT THE AFOREMENTIONED CERTIFIED SURVEY MAP HAS BEEN APPROVED BY THE CITY OF WAUSAU COMMON COUNCIL.

CITY OF WAUSAU CLERK



REI

CIVIL & ENVIRONMENTAL ENGINEERING, SURVEYING
4080 N. 20TH AVENUE, WAUSAU, WI 54401
(715) 675-9784

MARATHON COUNTY CERTIFIED SURVEY MAP

MAP NO. _____

PREPARED FOR: STS INVESTMENTS LLC.

LANDOWNER: STS INVESTMENTS LLC.

OF PART THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, AND PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 15644, RECORDED IN VOLUME 71, ON PAGE 68, AS DOCUMENT NUMBER 1556359, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL IN SECTION 30, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.

LIMITED LIABILITY COMPANY OWNER'S CERTIFICATE

STS INVESTMENTS, LLC, A WISCONSIN LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY CERTIFY THAT SAID COMPANY CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP.

IN WITNESS WHEREOF, THE SAID STS INVESTMENTS, LLC., HAS CAUSED THESE PRESENTS

TO BE SIGNED BY _____, MEMBER

AND COUNTERSIGNED BY _____, MEMBER

AT _____, WISCONSIN, AND ITS CORPORATE SEAL HEREUNTO AFFIXED ON

THIS _____ DAY OF _____, 2024

IN THE PRESENCE OF: STS INVESTMENTS, LLC.

_____, MEMBER

_____, MEMBER

STATE OF WISCONSIN)
SS
MARATHON COUNTY)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2024

THE ABOVE NAMED _____, MEMBER

AND _____, MEMBER

OF THE ABOVE NAMED CORPORATION TO ME KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND TO ME KNOWN TO BE SUCH MEMBERS OF SAID CORPORATION, AND ACKNOWLEDGE THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH MEMBERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

NOTARY PUBLIC STATE OF WISCONSIN

MY COMMISSION EXPIRES _____





REI

CIVIL & ENVIRONMENTAL ENGINEERING, SURVEYING
4060 N. 20TH AVENUE, WAUSAU, WI 54401
(715) 675-9784

MARATHON COUNTY CERTIFIED SURVEY MAP

MAP NO. _____

PREPARED FOR: STS INVESTMENTS LLC.

LANDOWNER: STS INVESTMENTS LLC.

OF PART THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, AND PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 15644, RECORDED IN VOLUME 71, ON PAGE 68, AS DOCUMENT NUMBER 1556359, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL IN SECTION 30, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, JOSHUA W. PRENTICE, WISCONSIN PROFESSIONAL LAND SURVEYOR S-2852, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF: THAT I HAVE SURVEYED, MAPPED, AND DIVIDED OF PART THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 AND, PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 15644, RECORDED IN VOLUME 71, ON PAGE 68, AS DOCUMENT NUMBER 1556359, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL IN SECTION 30, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 30; THENCE SOUTH 01°07'43" EAST, COINCIDENT WITH THE EAST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 30, 1,131.10 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF OLD COACH ROAD, THE NORTHWEST CORNER OF LOT 12 OF TAMARACK VILLAGE SUBDIVISION, RECORDED IN CABINET 1, ON PAGE 179, AS DOCUMENT NUMBER 867297, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE, AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°07'43" EAST, COINCIDENT WITH SAID EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, 182.81 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, THE SOUTHWEST CORNER OF SAID LOT 12 OF TAMARACK VILLAGE SUBDIVISION AND A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE SOUTH 89°11'24" WEST, COINCIDENT WITH THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, 98.00 FEET; THENCE NORTH 51°12'29" WEST, 148.84 FEET; THENCE NORTH 43°00'43" EAST, 141.46 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST; THENCE 128.40 FEET COINCIDENT WITH THE ARC OF SAID CURVE, SAID CURVE HAVING A RADIUS LENGTH OF 186.00 FEET, A CENTRAL ANGLE OF 39°33'04", AND A CHORD THAT BEARS NORTH 48°18'15" WEST, FOR A DISTANCE OF 125.86 FEET; THENCE NORTH 61°28'17" EAST, 66.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST; THENCE 91.59 FEET COINCIDENT WITH THE ARC OF SAID CURVE, SAID CURVE HAVING A RADIUS LENGTH OF 120.00 FEET, A CENTRAL ANGLE OF 43°43'48", AND A CHORD THAT BEARS SOUTH 50°23'38" EAST, FOR A DISTANCE OF 89.38 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID OLD COACH ROAD, THENCE SOUTH 01°16'14" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF SAID OLD COACH ROAD, 68.39 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF OLD COACH ROAD AND THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST; THENCE 39.31 FEET COINCIDENT WITH THE ARC OF SAID CURVE AND SAID SOUTH RIGHT-OF-WAY LINE OF OLD COACH ROAD, SAID CURVE HAVING A RADIUS LENGTH OF 186.00 FEET, A CENTRAL ANGLE OF 12°06'36", AND A CHORD THAT BEARS SOUTH 85°11'36" EAST, FOR A DISTANCE OF 39.24 FEET; THENCE NORTH 88°45'06" EAST, COINCIDENT WITH SAID SOUTH RIGHT-OF-WAY LINE OF OLD COACH ROAD, 40.42 FEET TO THE POINT OF BEGINNING;

AND:

BEGINNING AT AFOREMENTIONED POINT "A"; THENCE SOUTH 00°59'29" EAST, COINCIDENT WITH THE EAST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, 181.20 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE, THE NORTH CORNER OF SAID OUTLOT 1, THE SOUTHWEST CORNER OF LOT 24 OF THE WEST HILL SUBDIVISION, RECORDED IN CABINET 3, ON PAGE 345, AS DOCUMENT NUMBER 1399224, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE, ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 15°53'39" EAST, COINCIDENT WITH THE EAST LINE OF SAID OUTLOT 1, 62.57 FEET TO THE NORTHWEST CORNER OF SAID LOT 21 OF WEST HILL SUBDIVISION AND THE SOUTH RIGHT-OF-WAY LINE OF SAID BIRCHWOOD DRIVE; THENCE SOUTH 15°04'04" EAST, COINCIDENT WITH SAID EAST LINE OF OUTLOT 1, 161.83 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT 1; THENCE SOUTH 64°33'49" WEST, COINCIDENT WITH THE NORTH LINE OF OUTLOT 2 OF SAID CERTIFIED SURVEY MAP NUMBER 15644, 195.56 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT 2 AND THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST; THENCE 246.72 FEET COINCIDENT WITH THE ARC OF SAID CURVE, SAID CURVE HAVING A RADIUS LENGTH OF 270.00 FEET, A CENTRAL ANGLE OF 52°21'18", AND A CHORD THAT BEARS NORTH 05°25'53" WEST, FOR A DISTANCE OF 238.22 FEET; THENCE NORTH 20°44'46" EAST, 16.92 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST; THENCE 60.08 FEET COINCIDENT WITH THE ARC OF SAID CURVE, SAID CURVE HAVING A RADIUS LENGTH OF 330.00 FEET, A CENTRAL ANGLE OF 10°25'55", AND A CHORD THAT BEARS NORTH 69°15'14" WEST, FOR A DISTANCE OF 60.00 FEET; THENCE SOUTH 20°44'46" WEST, 16.92 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST; THENCE 99.70 FEET COINCIDENT WITH THE ARC OF SAID CURVE, SAID CURVE HAVING A RADIUS LENGTH OF 330.00 FEET, A CENTRAL ANGLE OF 17°18'38", AND A CHORD THAT BEARS SOUTH 12°05'27" WEST, FOR A DISTANCE OF 99.32 FEET; THENCE SOUTH 88°59'07" WEST, 149.98 FEET; THENCE NORTH 49°24'21" WEST, 187.12 FEET; THENCE NORTH 38°56'45" EAST, 194.76 FEET; THENCE NORTH 48°30'47" WEST, 120.00 FEET; THENCE NORTH 41°29'13" EAST, 60.00 FEET; THENCE SOUTH 48°30'47" EAST, 283.24 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST; THENCE 192.68 FEET COINCIDENT WITH THE ARC OF SAID CURVE, SAID CURVE HAVING A RADIUS LENGTH OF 270.00 FEET, A CENTRAL ANGLE OF 40°53'18", AND A CHORD THAT BEARS SOUTH 68°57'26" EAST, FOR A DISTANCE OF 188.62 FEET; THENCE SOUTH 89°24'06" EAST, 48.42 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE, SAID SOUTHWEST CORNER OF LOT 24 OF WEST HILL SUBDIVISION, SAID NORTH CORNER OF OUTLOT 2, AND THE POINT OF BEGINNING.

THAT THE ABOVE DESCRIBED PARCELS OF LAND CONTAINS 161,539 SQUARE FEET, 3.709 ACRES, MORE OR LESS.

THAT I HAVE MADE THIS SURVEY, DIVISION AND MAP THEREOF AT THE DIRECTION OF STS INVESTMENTS LLC., AGENT OF SAID PARCELS.

THAT SAID PARCELS ARE SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATUTES, WISCONSIN ADMINISTRATIVE CODE A-E7, AND THE SUBDIVISION REGULATIONS OF THE CITY OF WAUSAU.

THAT THIS MAP IS A CORRECT AND ACCURATE REPRESENTATION OF THE EXTERIOR BOUNDARIES OF SAID PARCELS, AND OF THE DIVISION THEREOF MADE.

DATED THIS 21st DAY OF MAY 2024

REI
JOSHUA W. PRENTICE
WI P.L.S. S-2852



INFRASTRUCTURE AND FACILITIES COMMITTEE

Date of Meeting: July 11, 2024, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Chad Henke, Tom Neal, Sarah Watson (Lou Larson and Michael Martens were excused.)

Also Present: Eric Lindman, TJ Niksich, Tara Alfonso, Jillian Kurtzhals, Dustin Kraege, Lori Wunsch

Discussion and possible action on Development Agreement with STS Investments LLC, west of Birchwood Drive and west of Old Coach Road

This is a Development Agreement to extend utilities and services west of Old Coach Road and Birchwood Drive. The developer will be responsible for 100% of the cost for utilities; water, sewer, and storm sewer. The City will provide inspection services. Once the utilities are installed, they will become property of the City. This agreement includes a total of four lots.

Watson moved to approve. Seconded by Neal and the motion passed 3-0.

Date of Meeting: September 12, 2024, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Chad Henke, Lou Larson, Michael Martens, Sarah Watson, Tom Neal

Also Present: Mayor Diny, Eric Lindman, Anne Jacobson, Allen Wesolowski, TJ Niksich, Jillian Kurtzhals, Dustin Kraege, Lori Wunsch, Mark Thuot – City of Schofield, Dan Borchardt – MSA, Eric Jones – CIP

Discussion and possible action on Development Agreement with STS Investments LLC, west of Birchwood Drive and west of Old Coach Road

This item was taken out of agenda order.

This item comes back to committee from Council to give the developer a chance to speak. Sid Sorensen explained that in past agreements the lift station and park fees were paid when the property was sold. The problem he has with paying upfront is he will have a lot of expense into the property. There is no expense to the city other than originally collecting about \$50 per parcel versus \$1,000 a year in property tax after he puts \$30,000 to \$40,000 into the parcel for sewer, water, gas, electric, etc. By putting off the fees it is not such a burden to him or any other developer.

Wesolowski stated we have not had a lot of developer agreements with subdivisions lately. It is true that in the past some of the fees were collected later. This did change with the latest agreement at Greenwood Hills and the fees were paid ahead of time. The reason behind this change is bookkeeping and tracking. If the lots do not sell for 3, 5, 10 years, etc. we do not have a great way to track. It is a bookkeeping thing to try and catch the properties when they sell. For this development, the park land dedication fee is \$1,600, and the lift and booster station fees are \$2,800 for the four lots. A precedent was set with the Greenwood Hills agreement, which was followed with this agreement.

Neal asked if this is a unique situation or setting a new precedent. Wesolowski explained that in the past when a subdivision came in fees were due when the lot sold or developed. Every time a lot sold, the outstanding fees would have to be noted on the checking letter/property questionnaire. The fee would then be paid at the time the lot sold. It becomes a tracking nightmare. When the developer agreement came through for Green Vistas, it was changed to have the fees paid upfront. Wesolowski has seen some past agreements where fees were due in five years if the lots have not sold. That is less of a tracking issue but is still something that needs to be caught when a lot is sold.

Since there are dollars attached to this, Neal asked if it should go through Finance. Lindman explained that the developer agreement came before this committee because it is a subdivision. It is up to the committee to recommend having the fees paid upfront or as lots are sold. These fees are not like special assessments where they can be tracked automatically.

Neal asked if others have paid up front fees. Lindman said the only one has been Green Vistas, which came through recently. There is another subdivision in process. It would be up to the committee whether they want to change this agreement.

Neal moved to approve delaying payment until the lots are sold and to send to Finance for their consideration. Seconded by Larson.

Martens said there is already a monetary amount attached to the agreement and that is not changing. He is unsure if there is a need for it to go to Finance. However, if this committee would like Finance to bless delaying the fees, we can take it there.

Watson is hesitant to venture away from a process that staff wants to implement to help streamline a process. If we haven't had subdivisions in a number of years, having a new process go into effect is not a bad thing and would make it more efficient. She is not sure delaying collection is great unless there is undue financial hardship.

There being a motion and a second, motion to approve delaying payment until the lots are sold and to send to Finance for their consideration passed 3-2 with Watson and Henke the dissenting votes.

Agenda Item No.

4

**STAFF REPORT TO INFRASTRUCTURE AND FACILITIES
COMMITTEE – July 11, 2024**

AGENDA ITEM

Discussion and possible action on Development Agreement with STS Investments LLC, west of Birchwood Drive and west of Old Coach Road

BACKGROUND

This Developers Agreement outlines the responsibilities of the Developer and the City of Wausau for the installation of sewer and water in the attached CSM.

FISCAL IMPACT

The Developer will be responsible for 100% of the costs to install the utilities.

The City Engineering department will provide inspection services.

The sewer and water lines will become property of the Sewer and Water Utility once installed, tested, and accepted by the City.

STAFF RECOMMENDATION

Staff recommends approving the Development Agreement.

Staff contact: Allen Wesolowski 715-261-6762

Agenda Item No.

6

**STAFF REPORT TO INFRASTRUCTURE & FACILITIES
COMMITTEE – September 12, 2024**

AGENDA ITEM

Discussion and possible action on Development Agreement with STS Investments LLC, west of Birchwood Drive and west of Old Coach Road

BACKGROUND

The development agreement was brought back from Council to discuss the payment of the booster station and lift station fees.

FISCAL IMPACT

The fees due for the lift station and booster station are \$700 per lot or \$2,800 for the 4 lots.

STAFF RECOMMENDATION

Staff recommends keeping the fees due at signing to eliminate the need to track these costs in the future and to keep consistent with recent developer's agreements.

Staff contact: Allen Wesolowski 715-261-6762



REI

CIVIL & ENVIRONMENTAL ENGINEERING, SURVEYING
4080 N. 20TH AVENUE, WAUSAU, WI 54401
(715) 675-9784

MARATHON COUNTY CERTIFIED SURVEY MAP

MAP NO. _____

PREPARED FOR: STS INVESTMENTS LLC.

LANDOWNER: STS INVESTMENTS LLC.

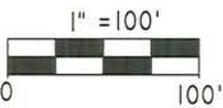
OF PART THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, AND PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 15644, RECORDED IN VOLUME 71, ON PAGE 68, AS DOCUMENT NUMBER 1556359, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL IN SECTION 30, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.

OLD COACH ROAD

AREA DEDICATED TO THE PUBLIC FOR RIGHT-OF-WAY PURPOSES
8,447 SQ.FT.
0.194 ACRES

UNPLATTED LANDS OWNED BY OTHERS

EAST 1/4 CORNER SEC. 30, T29N, R7E FOUND 6"X6" STONE



UNPLATTED LANDS OWNED BY CLIENT
±38 ACRES REMAINING
PIN 29129073040991

PROPOSED TEMPORARY CUL-DE-SAC BY SEPARATE DOCUMENT

PROPOSED 30' UTILITY EASEMENT BY SEPARATE DOCUMENT

CENTER 1/4 CORNER SEC. 30, T29N, R7E FOUND 1.0 IN. IRON REBAR

LOT 1
30,044 SQ.FT.
0.690 ACRES

OLD COACH ROAD

RIGHT-OF-WAY

RIGHT-OF-WAY

P.O.B. NW CORNER OF LOT 12

LOT 12 TAMARACK VILLAGE OWNED BY OTHERS

NW 1/4 - SW 1/4 SECTION 29

POINT "A" SW CORNER OF LOT 12

SOUTHEAST CORNER OF THE NE 1/4 - SE 1/4 SEC. 30, T29N, R7E FOUND 1.25 IN. O.D. IRON PIPE

LOT 24 WEST HILL OWNED BY OTHERS

NORTH CORNER OF OUTLOT 1, CSM #15644 SW CORNER OF LOT 24

RIGHT-OF-WAY

BIRCHWOOD DRIVE

RIGHT-OF-WAY

NW CORNER OF LOT 21

LOT 21 WEST HILL OWNED BY OTHERS

OUTLOT 1 CSM #15644 VOL. 71, PG. 68 OWNED BY OTHERS

SE. CORNER OF OUTLOT 1, CSM #15644

LOT 20 WEST HILL OWNED BY OTHERS

SW 1/4 - SW 1/4 SECTION 29

SOUTHEAST CORNER SEC. 30, T29N, R7E FOUND ALUMINUM CAPPED 3/4" REBAR

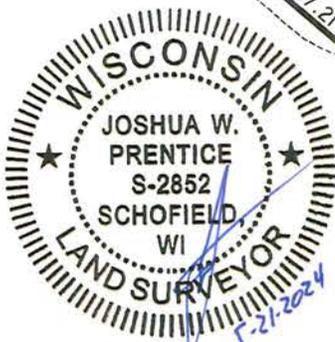
BIRCHWOOD DRIVE
AREA DEDICATED TO THE PUBLIC FOR RIGHT-OF-WAY PURPOSES
33,278 SQ.FT.
0.764 ACRES

UNPLATTED LANDS OWNED BY CLIENT
±34 ACRES REMAINING
PIN 29129073040990

LOT 4
23,232 SQ.FT.
0.533 ACRES

LOT 3
27,161 SQ.FT.
0.624 ACRES

LOT 2
39,377 SQ.FT.
0.904 ACRES



LEGEND

- - 1-1/4 IN. IRON BAR FOUND UNLESS NOTED
- - 2 IN. O.D. IRON PIPE FOUND
- - 1-1/4 IN. O.D. X 18 IN. IRON PIPE WEIGHING 1.68 LBS./LIN. FT. SET
- - 1-1/4 IN. X 18 IN. IRON BAR WEIGHING 4.303 LBS./LIN. FT. SET
- (126°) - RECORDED BEARING/LENGTH
- 126.00' - MEASURED BEARING/LENGTH

NOTES:

1. FIELD SURVEY WAS COMPLETED ON 5-10-2024.
2. BEARINGS ARE BASED ON THE MARATHON COUNTY COORDINATE SYSTEM, NAD 83(2011) DATUM AND REFERENCED TO THE EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 29 NORTH, RANGE 7 EAST, MEASURED TO BEAR SOUTH 01°07'43" EAST.
3. THIS CERTIFIED SURVEY MAP DOES NOT TRANSFER PROPERTY OWNERSHIP, AND THE SALE OR TRANSFER OF PROPERTY REQUIRES A RECORDED DEED EXCEPT FOR PUBLIC DEDICATIONS.

**REI**CIVIL & ENVIRONMENTAL ENGINEERING, SURVEYING
4080 N. 20TH AVENUE, WAUSAU, WI 54401
(715) 675-9784**MARATHON COUNTY CERTIFIED SURVEY MAP**

MAP NO. _____

PREPARED FOR: STS INVESTMENTS LLC.LANDOWNER: STS INVESTMENTS LLC.

OF PART THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, AND PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 15644, RECORDED IN VOLUME 71, ON PAGE 68, AS DOCUMENT NUMBER 1556359, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL IN SECTION 30, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.

CURVE TABLE					
CURVE	ARC LENGTH	RADIUS LENGTH	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH
C1	128.40'	186.00'	39°33'04"	N48°18'15"W	125.86'
C2	91.59'	120.00'	43°43'48"	S50°23'38"E	89.38'
C3	39.31'	186.00'	12°06'36"	S85°11'36"E	39.24'
C4	246.72'	270.00'	52°21'18"	N05°25'53"W	238.22'
C5	60.08'	330.00'	10°25'55"	N69°15'14"W	60.00'
C6	99.70'	330.00'	17°18'38"	S12°05'27"W	99.32'
C7	192.68'	270.00'	40°53'18"	S68°57'26"E	188.62'
C8	35.90'	186.00'	11°03'31"	N73°36'33"W	35.84'
C9	164.29'	186.00'	50°36'35"	S53°50'00"E	159.01'
C10	75.21'	186.00'	23°10'07"	S79°39'51"E	74.70'
C11	203.61'	186.00'	62°43'11"	S59°53'19"E	193.59'
C12	86.00'	330.00'	14°55'54"	S81°56'08"E	85.76'
C13	89.42'	330.00'	15°31'29"	S56°16'32"E	89.14'
C14	235.50'	330.00'	40°53'18"	S68°57'26"E	230.53'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S01°07'43"E	182.81'
L2	S89°11'23"W	98.00'
L3	N51°12'29"W	148.84'
L4	N43°00'43"E	141.46'
L5	N61°28'17"E	66.00'
L6	S01°16'14"E	68.39'
L7	N88°45'06"E	40.42'
L8	S15°53'39"E	62.57'
L9	S15°04'04"E	161.83'
L10	S64°33'49"W	195.56'
L11	N20°44'46"E	16.92'
L12	S20°44'46"W	16.92'
L13	S88°59'07"W	149.98'
L14	N49°24'21"W	187.12'
L15	N38°56'45"E	194.76'
L16	N48°30'47"W	120.00'
L17	N41°29'13"E	60.00'
L18	S48°30'47"E	283.24'
L19	S89°24'06"E	48.42'
L20	S89°24'06"E	66.19'
(L1)	(N0°20'43"W)	(183.0')
(L8)	(S17°05'38"E)	(63.01')
(L9)	(S15°02'13"E)	(182.38')
(L10)	(N64°35'41"E)	(195.32')

CITY OF WAUSAU COMMON COUNCIL APPROVAL CERTIFICATE:
RESOLVED, THAT THE CERTIFIED SURVEY MAP, IN THE CITY OF WAUSAU, STS INVESTMENTS LLC., OWNERS, IS HEREBY APPROVED BY THE CITY OF WAUSAU COMMON COUNCIL.DATE _____ APPROVED _____
MAYORDATE _____ SIGNED _____
MAYOR

I HEREBY CERTIFY THAT THE AFOREMENTIONED CERTIFIED SURVEY MAP HAS BEEN APPROVED BY THE CITY OF WAUSAU COMMON COUNCIL.

CITY OF WAUSAU CLERK



REI

CIVIL & ENVIRONMENTAL ENGINEERING, SURVEYING
4080 N. 20TH AVENUE, WAUSAU, WI 54401
(715) 675-9784

MARATHON COUNTY CERTIFIED SURVEY MAP

MAP NO. _____

PREPARED FOR: STS INVESTMENTS LLC.

LANDOWNER: STS INVESTMENTS LLC.

OF PART THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, AND PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 15644, RECORDED IN VOLUME 71, ON PAGE 68, AS DOCUMENT NUMBER 1556359, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL IN SECTION 30, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, JOSHUA W. PRENTICE, WISCONSIN PROFESSIONAL LAND SURVEYOR S-2852, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF: THAT I HAVE SURVEYED, MAPPED, AND DIVIDED OF PART THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 AND, PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 15644, RECORDED IN VOLUME 71, ON PAGE 68, AS DOCUMENT NUMBER 1556359, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL IN SECTION 30, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 30; THENCE SOUTH 01°07'43" EAST, COINCIDENT WITH THE EAST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 30, 1,131.10 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF OLD COACH ROAD, THE NORTHWEST CORNER OF LOT 12 OF TAMARACK VILLAGE SUBDIVISION, RECORDED IN CABINET 1, ON PAGE 179, AS DOCUMENT NUMBER 867297, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE, AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01°07'43" EAST, COINCIDENT WITH SAID EAST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, 182.81 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, THE SOUTHWEST CORNER OF SAID LOT 12 OF TAMARACK VILLAGE SUBDIVISION AND A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE SOUTH 89°11'24" WEST, COINCIDENT WITH THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, 98.00 FEET; THENCE NORTH 51°12'29" WEST, 148.84 FEET; THENCE NORTH 43°00'43" EAST, 141.46 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST; THENCE 128.40 FEET COINCIDENT WITH THE ARC OF SAID CURVE, SAID CURVE HAVING A RADIUS LENGTH OF 186.00 FEET, A CENTRAL ANGLE OF 39°33'04", AND A CHORD THAT BEARS NORTH 48°18'15" WEST, FOR A DISTANCE OF 125.86 FEET; THENCE NORTH 61°28'17" EAST, 66.00 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST; THENCE 91.59 FEET COINCIDENT WITH THE ARC OF SAID CURVE, SAID CURVE HAVING A RADIUS LENGTH OF 120.00 FEET, A CENTRAL ANGLE OF 43°43'48", AND A CHORD THAT BEARS SOUTH 50°23'38" EAST, FOR A DISTANCE OF 89.38 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID OLD COACH ROAD; THENCE SOUTH 01°16'14" EAST, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF SAID OLD COACH ROAD, 68.39 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF OLD COACH ROAD AND THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST; THENCE 39.31 FEET COINCIDENT WITH THE ARC OF SAID CURVE AND SAID SOUTH RIGHT-OF-WAY LINE OF OLD COACH ROAD, SAID CURVE HAVING A RADIUS LENGTH OF 186.00 FEET, A CENTRAL ANGLE OF 12°06'36", AND A CHORD THAT BEARS SOUTH 85°11'36" EAST, FOR A DISTANCE OF 39.24 FEET; THENCE NORTH 88°45'06" EAST, COINCIDENT WITH SAID SOUTH RIGHT-OF-WAY LINE OF OLD COACH ROAD, 40.42 FEET TO THE POINT OF BEGINNING;

AND;
BEGINNING AT AFOREMENTIONED POINT "A"; THENCE SOUTH 00°59'29" EAST, COINCIDENT WITH THE EAST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, 181.20 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE, THE NORTH CORNER OF SAID OUTLOT 1, THE SOUTHWEST CORNER OF LOT 24 OF THE WEST HILL SUBDIVISION, RECORDED IN CABINET 3, ON PAGE 345, AS DOCUMENT NUMBER 1399224, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE, ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 15°53'39" EAST, COINCIDENT WITH THE EAST LINE OF SAID OUTLOT 1, 62.57 FEET TO THE NORTHWEST CORNER OF SAID LOT 21 OF WEST HILL SUBDIVISION AND THE SOUTH RIGHT-OF-WAY LINE OF SAID BIRCHWOOD DRIVE; THENCE SOUTH 15°04'04" EAST, COINCIDENT WITH SAID EAST LINE OF OUTLOT 1, 161.83 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT 1; THENCE SOUTH 64°33'49" WEST, COINCIDENT WITH THE NORTH LINE OF OUTLOT 2 OF SAID CERTIFIED SURVEY MAP NUMBER 15644, 195.56 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT 2 AND THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST; THENCE 246.72 FEET COINCIDENT WITH THE ARC OF SAID CURVE, SAID CURVE HAVING A RADIUS LENGTH OF 270.00 FEET, A CENTRAL ANGLE OF 52°21'18", AND A CHORD THAT BEARS NORTH 05°25'53" WEST, FOR A DISTANCE OF 238.22 FEET; THENCE NORTH 20°44'46" EAST, 16.92 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST; THENCE 60.08 FEET COINCIDENT WITH THE ARC OF SAID CURVE, SAID CURVE HAVING A RADIUS LENGTH OF 330.00 FEET, A CENTRAL ANGLE OF 10°25'55", AND A CHORD THAT BEARS NORTH 69°15'14" WEST, FOR A DISTANCE OF 60.00 FEET; THENCE SOUTH 20°44'46" WEST, 16.92 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST; THENCE 99.70 FEET COINCIDENT WITH THE ARC OF SAID CURVE, SAID CURVE HAVING A RADIUS LENGTH OF 330.00 FEET, A CENTRAL ANGLE OF 17°18'38", AND A CHORD THAT BEARS SOUTH 12°05'27" WEST, FOR A DISTANCE OF 99.32 FEET; THENCE SOUTH 88°59'07" WEST, 149.98 FEET; THENCE NORTH 49°24'21" WEST, 187.12 FEET; THENCE NORTH 38°56'45" EAST, 194.76 FEET; THENCE NORTH 48°30'47" WEST, 120.00 FEET; THENCE NORTH 41°29'13" EAST, 60.00 FEET; THENCE SOUTH 48°30'47" EAST, 283.24 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST; THENCE 192.68 FEET COINCIDENT WITH THE ARC OF SAID CURVE, SAID CURVE HAVING A RADIUS LENGTH OF 270.00 FEET, A CENTRAL ANGLE OF 40°53'18", AND A CHORD THAT BEARS SOUTH 68°57'26" EAST, FOR A DISTANCE OF 188.62 FEET; THENCE SOUTH 89°24'06" EAST, 48.42 FEET TO SAID NORTH RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE, SAID SOUTHWEST CORNER OF LOT 24 OF WEST HILL SUBDIVISION, SAID NORTH CORNER OF OUTLOT 2, AND THE POINT OF BEGINNING.

THAT THE ABOVE DESCRIBED PARCELS OF LAND CONTAINS 161,539 SQUARE FEET, 3.709 ACRES, MORE OR LESS.

THAT I HAVE MADE THIS SURVEY, DIVISION AND MAP THEREOF AT THE DIRECTION OF STS INVESTMENTS LLC., AGENT OF SAID PARCELS.

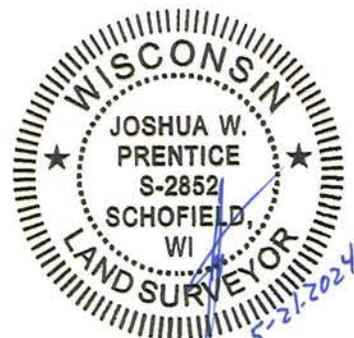
THAT SAID PARCELS ARE SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATUTES, WISCONSIN ADMINISTRATIVE CODE A-E7, AND THE SUBDIVISION REGULATIONS OF THE CITY OF WAUSAU.

THAT THIS MAP IS A CORRECT AND ACCURATE REPRESENTATION OF THE EXTERIOR BOUNDARIES OF SAID PARCELS, AND OF THE DIVISION THEREOF MADE.

DATED THIS 21ST DAY OF MAY 2024

REI
JOSHUA W. PRENTICE
WI P.L.S. S-2852



CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE ECONOMIC DEVELOPMENT COMMITTEE	
Approving a Planning Option Agreement between City of Wausau and Wangard Partners Inc. for 15 Fulton Street/920 N. 1 st Street.	
Committee Action:	Approved 3-1
Fiscal Impact:	None
File Number:	24-0812
Date Introduced:	October 8, 2024

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, on August 19, 2024, the Common Council approved a proposal submitted by Wangard Partners Inc. (“Developer”) for a residential development in the Riverlife District at 15 Fulton Street and 920 N. 1st Street; and

WHEREAS, Developer has requested to secure the site for access to conduct due diligence activities over a 12-month planning period, by the conclusion of which Developer shall notice City of its intent to proceed to negotiate the terms of a development agreement; and

WHEREAS, on October 1, 2024, your Economic Development Committee reviewed and recommended entering into a Planning Option Agreement with Developer.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wausau hereby approves the attached Planning Option Agreement with Wangard Partners Inc. and authorizes the proper City officials to execute the Agreement.

Approved:

Doug Ding, Mayor

Economic Development Committee Meeting

Date/Time: Tuesday, October 1, 2024, at 5:30 P.M. | Meeting called to order by Lukens at 5:30 P.M.

In Attendance

Members Present: Carol Lukens, Gary Gisselman, Terry Kilian, Victoria Tierney

Member Absent: Chad Henke

Others Present: Randy Fifrick, Shannon Graff, Tammy Stratz, MaryAnne Groat, Mayor Diny, David Riedel (Wangard Partners via WebEx), Mike Heckendorf (Habitat for Humanity)

In accordance with Chapter 19, Wisc. Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner.

Agenda Item 3 – Planning Option Agreement between City of Wausau and Wangard Partners, Inc for 15 Fulton St. / 920 N. 1st St. (Fifrick)

Fifrick explained a Planning Option Agreement has been prepared which allows the developer to access the property to complete due diligence testing. He noted the planning option runs through December 31, 2025, with built in options if they need an extension. Fifrick stated beyond that, they have the ability to notify staff if they'd like to move forward with development agreement negotiations which he is hopeful to have next year.

Kilian asked for clarification on what public agency is referenced in the agreement in the planning section, part e. Fifrick noted agencies such as the DNR or any other agency related to environmental work on the property. Kilian then asked if the parcel has already been cleaned up to relevant DNR standards. Fifrick referred back to the Request for Interest that noted information on the parcels current status but also said there may be additional work that developers will need to complete. Fifrick stated the city is working with Stantec and progress has been made in cleaning up the parcel and as the developer complete their due diligence, would follow up with staff as part of the planning option to ensure their plan would be able to follow any DNR or EPA requirements for the parcel.

Gisselman asked what the timeline of the development would be if the planning option is through 2025. Fifrick stated based on their proposal, they were hoping to start construction next fall but based on experience that there are unknowns that occur, and the planning option is providing them enough time to fulfill any obligations. Gisselman then asked considering interest from other developers, if there is already a phase 1 and phase 2 completed for this parcel. Fifrick noted the city has done lot of work done on the parcel and environmental work should be relatively completed on the site. He noted the city is still responsible for submitting the post closure modification report, the Fulton Street extension, city owned parking lot and submitting documentation on the removal of five monitoring wells.

Dave Riedel from Wangard explained that they're hopeful that they can begin construction in the fall of 2025. He agreed many things need to occur before that can happen, but he said success for them would be the September to October time range with a 16–18-month construction phase.

Gisselman commented he would like updates presented to the committee as the project is moving along so if there are any issues that arise, they don't come up unexpectedly.

Gisselman motioned to approve, seconded by Tierny. Motion Carried 3-1 with Kilian being the dissenting vote.

PLANNING OPTION AGREEMENT
CITY OF WAUSAU AND WANGARD PARTNERS INC.

THIS PLANNING OPTION AGREEMENT (this “Agreement”) is made and entered into as of the _____ day of _____, 2024, by and between the **CITY OF WAUSAU**, a Wisconsin municipal corporation established pursuant to Chapter 66, Wis. Stats., having its office at 407 Grant Street, City Hall, Wausau, Wisconsin 54401 (hereinafter “CITY”) AND **WANGARD PARTNERS INC.**, a Wisconsin corporation, with its principal address of 1200 Mayfair Road, Suite 410, Milwaukee, Wisconsin 53226 (hereinafter “DEVELOPER”).

WITNESSETH:

WHEREAS, CITY owns certain real property and improvements located at 15 Fulton Street/920 N. 1st Street, Wausau, Wisconsin and with PIN No. 291-2907-253-0643 (the “Property”); and

WHEREAS, DEVELOPER has requested a period of time to complete all desired due diligence necessary to determine the physical and financial feasibility of certain redevelopment activities at the Property (the “Project”); and

WHEREAS, CITY desires to see the Property redeveloped in order to generate economic activity and tax base for the community; and

WHEREAS, depending on a determination by both parties of the economic and land use compatibility of the proposed Project, CITY is willing to negotiate an agreement relating to the sale of the Property to DEVELOPER and development of the Project.

NOW, THEREFORE, for good and valuable consideration, the parties mutually agree and state as follows:

1. Planning Option.

- (a) Subject to the terms and conditions herein, CITY hereby grants to DEVELOPER (and any entity that is approved by the City of Wausau as a successor or assign, for this purpose, City approval is delegated to City’s Development Director) an exclusive period from the date hereof through December 31, 2025, to complete, at DEVELOPER’s sole cost, any desired due diligence and feasibility studies relating to the Property and the Project (the “Planning Option”). The price of the Planning Option shall be Ten Dollars (\$10.00). The Planning Option may be extended for an additional period of six (6) months upon written notice to CITY prior to expiration for an additional fee of Ten Dollars (\$10.00) (such fee is non-refundable except as set forth below).
- (b) CITY, during the period of the Planning Option or any extension thereof, agrees not to sell the Property and agrees that DEVELOPER has exclusive rights to the purchase and development of the Property during such period.
- (c) During the Planning Option, CITY will provide DEVELOPER with reasonable access to the Property for purposes of completing customary due diligence; provided

however, that: (i) any destructive or invasive testing shall require CITY's advance written consent (for this purpose, City approval is delegated to Department of Public Works Director or City Engineer) (ii) prior to conducting any activities on the Property, DEVELOPER agrees to provide CITY with proof of liability insurance reasonably acceptable to CITY; and (iii) DEVELOPER agrees to promptly repair any damage DEVELOPER or its agents causes (such obligation shall survive the expiration or termination of this Agreement); and (iv) DEVELOPER and its agents shall comply with all applicable laws. CITY shall make available all known environmental reports in CITY'S possession.

- (d) DEVELOPER shall provide CITY with copies of any and all testing results completed on the Property.
- (e) During the Planning Option, CITY shall make good faith efforts to coordinate the public agency participation in planning, obtaining data from public records as may be available, reviewing and commenting on aspects of the proposed development in a timely manner.

2. **Development Agreement Negotiations.** Upon a determination by DEVELOPER that the Project is feasible, DEVELOPER shall have the option to provide CITY with written notice of DEVELOPER's intent to proceed prior to the expiration of the Planning Option. Upon the delivery of such notice, the parties agree to negotiate in good faith for a period of not more than ninety (90) days to arrive at a binding development agreement between the parties relating to the sale of the Property and the development of the Project (the "Development Agreement") during which time this Planning Option will remain in effect to allow continued access to the site, and site control. The terms and conditions of the binding Development Agreement are subject in all respects to negotiation and mutual agreement, and neither party shall be obligated to enter into such agreement. Before it can be finalized, any Development Agreement shall be subject to the approval by the City Council. If after such negotiation period no binding Development Agreement has been completed, this Agreement shall self-terminate. The following is the current, non-binding understanding as to the potential structure of the Project:

- (a) The Project will be consistent with DEVELOPER's previous written response to CITY's Request for Interest process.
- (b) CITY will transfer the Property to DEVELOPER in its 'AS-IS' condition for a purchase price to be determined in negotiations and pursuant to the terms of an executed Development Agreement.
- (c) CITY's obligations under the Development Agreement will be conditioned upon, among other items, evidence of Project financing, review and approval of DEVELOPER's construction plans, and approval by the City of Wausau Common Council in all respects.
- (d) Without limiting the generality of the foregoing, DEVELOPER acknowledges and agrees that (i) CITY has no obligation to enter into a Development Agreement, to provide development incentives, or to sell the Property to DEVELOPER, whether or not DEVELOPER proposes a project and/or incentives similar to prior discussions, (ii) DEVELOPER shall not be entitled to any payments from CITY including, without

limitation, payment of DEVELOPER's costs (whether incurred to date or in the future) relating to the Property, the Project or Development Agreement negotiations, except as set forth in a binding Development Agreement, such costs being at DEVELOPER's sole expense; and (iii) if a binding Development Agreement is not entered into within the timeline above, CITY may pursue different development options for the Property, including, without limitation, selling to another party.

3. **Termination.** In the event DEVELOPER determines that the proposed Project is not feasible, or otherwise does not desire to move forward, DEVELOPER shall terminate this Agreement by providing CITY with written notice thereof. In the event DEVELOPER provides no notice to proceed prior to the expiration of the Planning Option, this Agreement shall automatically terminate. CITY shall have the option to terminate this Agreement, with or without cause, upon at least thirty (30) days' written notice and, if without cause, CITY shall refund any payments made to CITY for the Planning Option. Upon termination or expiration of this Agreement, neither party shall have any further obligations except those which expressly survive.

4. **Miscellaneous.** DEVELOPER shall not have the right to assign this Agreement to any other party without the prior written consent of CITY (as identified in Item 1(a) above), which consent shall not be unreasonably withheld. All notices hereunder must be in writing and must be sent either by (i) United States registered or certified mail (postage prepaid), or (ii) by an independent overnight courier service, to the address listed in the intro paragraph above. Under no circumstances shall any council member, officer, official, director, attorney, employee, or agent of CITY have any personal liability arising out of this Agreement. No waiver, amendment, or variation in the terms of this Agreement shall be valid unless in writing and signed by both parties. Any approval, consent or waiver by CITY shall not be binding unless/until approved or ratified by the City Council. This Agreement contains the entire understanding of the parties with respect to the subject matter hereof and supersedes all prior negotiations, agreements, and undertakings between the parties. This Agreement is intended solely for the benefit of DEVELOPER and CITY, and no third party (other than successors and permitted assigns) shall have any rights or interest in any provision of this Agreement. If any provision of this Agreement is held invalid or unenforceable, the remaining portion thereof and all other provisions of this Agreement will remain valid and in force to the fullest extent by law. This Agreement is governed by Wisconsin law, and any suit arising or relating to this Agreement must be brought in Marathon County, Wisconsin. Time is of the essence with respect to this performance of every provision of this Agreement in which time of performance is a factor. This Agreement does not create the relationship of principal and agent, or of partnership, joint venture, or of any association or relationship between CITY and DEVELOPER. This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which counterparts collectively shall constitute one instrument representing the agreement among the parties. Facsimile signatures and PDF email signatures shall constitute originals for all purposes.

IN WITNESS WHEREOF, this Agreement has been duly executed as of the date first above written.

CITY:

CITY OF WAUSAU

a Wisconsin municipal corporation

By: _____
Doug Diny, Mayor

By: _____
Kaitlyn A. Bernarde, City Clerk

DEVELOPER:

WANGARD PARTNERS INC.

a Wisconsin corporation

By: _____

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE FINANCE COMMITTEE	
Approving Settlement Agreement in Marathon County Case No. 19CV162 Kenneth J. Stankowski, et al vs. City of Wausau and related budget modification.	
Committee Action: Pending	
Fiscal Impact:	
File Number: 24-1007	Date Introduced: October 8, 2024

FISCAL IMPACT SUMMARY			
COSTS	<i>Budget Neutral</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Budget Source TID 6</i>
	<i>One-time Costs:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<i>Amount</i> <i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input checked="" type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

RESOLUTION

WHEREAS, as part of the Thomas Street Phase II Project, the City of Wausau acquired through condemnation the property owned by Kenneth J. and Doreen M. Stankowski, located at 242 E. Thomas Street; and

WHEREAS, Kenneth J. and Doreen M. Stankowski filed two appeals (19CV162 and 19CV167) challenging the amount of just compensation paid by the City of Wausau for the building and property at 242 E. Thomas Street; and

WHEREAS, on August 12, 2019, the court granted a Motion to Consolidate the cases; and

WHEREAS, the case was set for a three day jury trial; and

WHEREAS, a Final Pretrial was held on October 1, 2024, whereby the parties did agree to a settlement; and

WHEREAS, on October 8, 2024, your Finance Committee discussed and recommended approving the Settlement Agreement in Marathon County Case No. 19CV162 Kenneth J. Stankowski et al vs. City of Wausau.

WHEREAS, the initial property transaction was funded by Tax Increment District Six; and the Finance Committee has recommended that the settlement payment shall be allocated to Tax Increment District Six and the budget modified accordingly;

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Wausau does hereby approve the attached Settlement Agreement and authorizes the payment for such settlement.

BE IT FURTHER RESOLVED that the costs will be allocated to Tax Increment District Six and the budget modified accordingly.

BE IT FURTHER RESOLVED that the proper City officials are hereby authorized and directed to execute the Settlement Agreement.

Approved:

Doug Diny, Mayor

CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403

RESOLUTION OF THE COMMON COUNCIL	
Approving Funding for the City Hall Drop Box Security for November 2024 Election.	
Committee Action:	None
Fiscal Impact:	\$3,000.00
File Number:	10-1008
Date Introduced:	October 8, 2024

FISCAL IMPACT SUMMARY				
COSTS	<i>Budget Neutral</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	\$3,000.00	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source:</i>	
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>	
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>	
SOURCE	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>	
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>	
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount</i>	<i>Annual Retirement</i>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>	
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>			

RESOLUTION

WHEREAS, the Wisconsin Supreme Court recently ruled that city clerks may utilize secure absentee ballot drop boxes for elections, and

WHEREAS, the previously identified installation concerns have been remedied, and

WHEREAS, the Wisconsin Election Commission has determined that, to be secure, a drop box must be in a well-lit area, with a camera affixed to it, and

WHEREAS, the Mayor, consistent with duties under W. S§62.09(8)(a)&(b), reviewed video surveillance capabilities and determined inadequate nighttime lighting. Photos attached as Exhibit A (Front Door Cam), B (Quad NE View Night) and C (Quad NE view Day) show inadequate lighting and resolution and,

WHEREAS, the Front Door Camera is at the end of its service life with inadequate coverage day or night,

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wausau, that it hereby approves the clerk’s security, lighting, and monitoring plan for the outdoor absentee ballot drop box at City Hall for the November 2024 Election and,

BE IT FURTHER RESOLVED, the Common Council authorizes up to \$3,000 for installation of temporary or permanent spot lighting on the drop box, and installation for redundancy of high-resolution

camera and video storage capacity on the front door which the clerk shall be the custodian under election best practices. The City Clerk has discretion to institute the use of any other security controls within the budget for the November 2024 election, and

Attachments:

Ballot Drop Box 2024\City Hall N Entrance - Front Door View (10_1_2024 07_24_46 PM CDT).png

Ballot Drop Box 2024\City Hall N Entrance Quad - NE View (10_7_2024 12_03_12 PM CDT).png

Ballot Drop Box 2024\City Hall N Entrance Quad - NE View Night (10_1_2024 07_24_34 PM CDT).png

Adopted:

Approved:

Doug Diny, Mayor

DRAFT





2024-10-07 04:02:08 PM





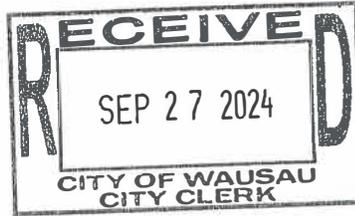


Office of the City Attorney

TEL: (715) 261-6590
FAX: (715) 261-6808

Anne L. Jacobson
City Attorney

Tegan M. Troutner
Assistant City Attorney



Legal Opinion - #24 -5

TO: Kaitlyn Bernarde, City Clerk

FROM: Anne Jacobson, City Attorney 

RE: Administration of Elections

DATE: September 26, 2024

Considering recent events that have occurred since Monday, September 23, 2024, I am providing you a formal written opinion, affirming the consistent advice I have previously provided to both you and the Mayor.

In response to the Mayor's September 25, 2024, e-mail to you requesting you provide him "your rationale for disregarding [his] directive to seek advice and consent from the council in the matter of placing, securing, monitoring, and taking the pulse of the residents regarding the drop box," I provide the following legal advice.

Priorities USA v. WEC, 2024 WI 32, 412 Wis.2d 594 concluded:

Our decision today does not force or require that any municipal clerks use drop boxes. It merely acknowledges what Wis. Stat. § 6.87(4)(b)1. has always meant: that clerks may lawfully utilize secure drop boxes in an exercise of their statutorily-conferred discretion. See Wis. Stat. § 7.15(1); *State ex. Rel. Zignego v. WEC*, 2021 WI 32, 396 Wis.2d 391, 957 N.W.2d 208."

Consequently, pursuant to Wis. Stat. § 7.15(1), it is within the statutory authority of the municipal clerk, not the mayor, to utilize secure drop boxes.

Priorities USA v. WEC explains:

¶ 25 By mandating that an absentee ballot be returned not to the “municipal clerk’s office,” but “to the municipal clerk,” the legislature disclaimed the idea that the ballot must be delivered to a specific location and instead embraced delivery of an absentee ballot to a person – the “municipal clerk.” Given this, the question then becomes whether delivery to a drop box constitutes delivery “to the municipal clerk” within the meaning of Wis. Stat. §6.87(4)b)1.

¶ 26 We conclude that it does. A drop box is set up, maintained, secured, and emptied by the municipal clerk. This is the case even if the drop box is in a location other than the municipal clerk’s office. As analyzed, the statute does not specify a location to which a ballot must be returned and requires only that the ballot be delivered to a location the municipal clerk, within his or her discretion, designates. See Wis. Stat. §7.15(1).

¶ 27 Such an interpretation of Wis. Stat. §6.87(4)(b)1. is consistent with the discretion afforded to municipal clerks in running Wisconsin’s elections at the local level. Election administration in this state is “highly decentralized.” *Zignego*, 396 Wis. 2d 391, ¶ 15, 957 N.W.2d 208.

¶ 28 Reading “to the municipal clerk” to reference a person rather than a location entrusts some discretion to municipal clerks in how best to conduct elections in their respective jurisdictions. Such discretion is consistent with the statutory scheme as a whole, under which Wisconsin’s 1,850 municipal clerks serve the “primary role” in running elections via our “decentralized” system. *Id.*, ¶¶ 13, 15. By endorsing a one-size-fits-all approach, the *Teigen* court arrived at a conclusion that runs counter to the statutory scheme as a whole. See *Sw. Airlines*, 397 Wis. 2d 431, ¶ 23, 960 N. W.2d 384 (indicating that statutory language must be interpreted “in the context in which it is used” and “not in isolation but as part of a whole”).

Moreover, Wis. Stat. §7.15(1)(g) states: “The clerk **shall** perform the following duties and any others which may be necessary to properly conduct elections or registration: (g) In the manner prescribed by the commission, report suspected election frauds, **irregularities, or violations** of which the clerk has knowledge to the district attorney for the county where the suspected activity occurs and to the commission.” [Emphasis added.]

The Wisconsin Elections Commission (“WEC”) is charged with administering transparent, fair, and efficient elections for the citizens of Wisconsin, and they provide both training and guidance to municipal clerks throughout the state.

WEC held a public meeting to review and issue guidance following the Wisconsin Supreme Court’s decision in *Priorities*, and unanimously approved and issued the Clerk Communication and FAQ Attachment A, attached to this memorandum.

Considering the current case law, and WEC guidance, you are permitted to employ the use of absentee ballot drop boxes for the safe and secure collection of absentee ballots, without Council approval. Different rules in this regard do not exist for elected clerks as opposed to appointed clerks under existing law.

Policy on the Drop Box

From Doug Diny <Doug.Diny@wausauwi.gov>
Date Wed 9/25/2024 4:18 PM
To Kaitlyn Bernarde <Kaitlyn.Bernarde@wausauwi.gov>

Kaitlyn,

My belief is that all policy is set by Wausau Common Council.

There is a difference between an elected municipal clerk and a non-elected municipal clerk; one is accountable to the electorate, the other is accountable to the supervisory staff and the mayor.

Please provide your rationale for disregarding my directive to seek advice and consent from the council in the matter of placing, securing, monitoring, and taking the pulse of the residents regarding the drop box.



Doug Diny

Mayor
City of Wausau

715-261-6800
doug.diny@wausauwi.gov

407 Grant St
Wausau WI 54403

WISCONSIN ELECTIONS
COMMISSION

Litigation Update: Priorities USA v. WEC

Thursday, July 11, 2024

To: City of Milwaukee Election Commission
Milwaukee County Election Commission Wisconsin County Clerks
Wisconsin Municipal Clerks

Priority: High Priority

File Downloads

-  [Litigation Update FAQ - Priorities USA v. WEC - Drop Boxes - FINAL \(003\).pdf](#)
-  [Attachment A - Drop Box Resources from the United States Election Assistance Commission - Pages Labeled.pdf](#)

SUBJECT: Litigation Update: Priorities USA v. WEC¹
RE: Unstaffed drop boxes; municipal clerk discretion; Teigen v. WEC²

ATTACHMENTS: Attachment A - Drop Box Resources from the United States Election Assistance Commission

On July 11, 2024, the Wisconsin Elections Commission ("the Commission") held a public meeting to review and issue guidance following the Wisconsin Supreme Court's decision in *Priorities USA v. WEC*. The Commission passed the following motion unanimously:

The Wisconsin Elections Commission approves and issues the Clerk Communication and FAQ in Attachment A, including questions 1-16, as amended by discussion. The Commission directs staff to make edits to the Election Administration and Election Day manuals consistent with its discussion, and to bring revised pages back for Commission approval at a future meeting.

The Commission is issuing this guidance in the interest of answering common questions it has received from clerks, voters, and the media since the decision was published by the Wisconsin Supreme Court. The Commission may issue additional guidance in the future to address new questions or aspects of drop box administration and policy ahead of the November 2024 General Election.

6. Are the Commission's previous memos related to drop boxes prior to the Teigen decision back in effect?

No. The Commission withdrew memoranda dated March 31 and August 19, 2020 relating to drop boxes as part of the Teigen litigation on February 16, 2022. The Priorities USA decision does not mean either of those memoranda are back in effect.

This memorandum, dated July 11, 2024, is the Commission's sole issued guidance document related to drop boxes as of this date.

7. Did the decision discuss where drop boxes may be located and who can set them up?

Yes. The decision stated that drop boxes are set up, maintained, secured, and emptied by the municipal clerk, which includes their authorized representatives. A single person need not set up, maintain, secure, and empty all drop boxes in a municipality. The drop boxes may be placed in a location other than the municipal clerk's office, and may be placed in any location that the municipal clerk, within his or her statutory discretion, designates.

8. Do drop boxes need to be secure? What should clerks consider when examining drop box security?

Yes. The decision held that state law permits clerks to lawfully utilize secure drop boxes in an exercise of their statutorily conferred discretion. The decision did not provide guidance on what it means for a drop box to be "secure." The Commission recommends that clerks keep the following non-exhaustive security considerations in mind when planning to utilize drop boxes, which are consistent with guidance from the U.S. Election Assistance Commission (EAC) and the U.S. Cybersecurity and Infrastructure Security Agency (CISA). These considerations are merely a starting point—the Commission recommends that clerks thoroughly complete a security assessment for each intended drop box location prior to deployment. The Commission recommends the following best practices:

Best Practices: Physical Security of the Drop Box Itself

- The drop box be securely affixed to the ground or the side of the building, or secured such that the drop box cannot be removed or tampered with.
- If located outside, the drop box be sturdy enough to withstand the elements so the ballots inside will remain unspoiled.
- The drop box be secured against unlawful access or emptying.
- The slot of the drop box be appropriately sized so that only an absentee ballot can be deposited and not other objects or liquids.
- Any damage to or tampering with the drop box be documented and the drop box be inspected to ensure that it remains secure for the purpose of depositing absentee ballot envelopes.
- The drop box be clearly marked or labeled that the drop box is for the purpose of collecting absentee ballots in return envelopes.
- The time of final retrieval of ballot return envelopes be clearly marked on or near the drop box. After the time of final retrieval, the drop box be secured to prevent the submission of absentee ballot return envelopes.

The decision does not say that drop boxes need to be staffed, nor does the decision require a clerk to ask any questions of a voter who is attempting to return a ballot to a drop box.

11. What steps should clerks take if they want to display their drop box locations on MyVote ahead of the August 13, 2024 election?

Once implemented, clerks will be able to add drop box locations and information to WisVote under Election Specific Absentee Options, which will make the drop box locations viewable to voters in their municipality on MyVote. Registered voters in these municipalities will be able to see the information under "Find My Local Absentee Options" button from the Vote Absentee section (<https://myvote.wi.gov/en-us/VoteAbsentee>). Clerks will receive detailed instructions when this functionality becomes available again.

Clerks are encouraged to communicate to voters as to the dates, times, and locations of drop boxes, as well as final retrieval dates and times.

12. Does the decision require clerks to track which ballots are received by drop box?

No. Nothing in the decision requires clerks to track, mark, or otherwise separate or indicate which returned absentee ballots were received via secure drop box.

13. May a clerk place an insert informing voters of the availability of drop boxes?

Yes. Clerks may place an insert informing voters of the availability of drop boxes for the return of absentee ballot envelopes. Those inserts are recommended to include the locations of the drop boxes, dates and times of availability, and date and time of final retrieval of absentee ballot envelopes. Such an insert would be considered additional administrative or logistical instructions pursuant to administrative rule EL § 6.05(2).

14. Will there be additional training on drop boxes?

Yes. Commission staff intend to provide training to clerks in ElectEd that will be consistent with the Commission's guidance.

15. Are private citizens permitted to watch drop boxes if they are located in public?

Yes, but not if the watching interferes with voting. Whoever "interrupt[s] or disturb[s] the voting... proceedings" may be fined not more than \$1,000, or imprisoned not more than 6 months or both.⁵ Additionally, anyone who "by abduction, duress, or any fraudulent device or contrivance, impede[s] or prevent[s] the free exercise of the franchise at an election" is guilty of a Class I felony.⁶

Clerks immediately contact law enforcement if anyone tampers with, defaces, destroys, unlawfully empties, or interrupts, impedes, or prevents the use of a drop box.

16. What should I do if I still have questions?



Wisconsin Elections Commission

201 West Washington Avenue | Second Floor | P.O. Box 7984 | Madison, WI 53707-7984
(608) 266-8005 | elections@wi.gov | elections.wi.gov

DATE: July 11, 2024

TO: Wisconsin Municipal Clerks
Wisconsin County Clerks
City of Milwaukee Election Commission
Milwaukee County Election Commission

FROM: The Wisconsin Elections Commission

SUBJECT: **Litigation Update: *Priorities USA v. WEC*¹**
RE: Unstaffed drop boxes; municipal clerk discretion; *Teigen v. WEC*²

ATTACHMENTS: **Attachment A** - Drop Box Resources from the United States Election Assistance Commission

On July 11, 2024, the Wisconsin Elections Commission (“the Commission”) held a public meeting to review and issue guidance following the Wisconsin Supreme Court’s decision in *Priorities USA v. WEC*. The Commission passed the following motion unanimously:

The Wisconsin Elections Commission approves and issues the Clerk Communication and FAQ in Attachment A, including questions 1-16, as amended by discussion. The Commission directs staff to make edits to the *Election Administration* and *Election Day* manuals consistent with its discussion, and to bring revised pages back for Commission approval at a future meeting.

The Commission is issuing this guidance in the interest of answering common questions it has received from clerks, voters, and the media since the decision was published by the Wisconsin Supreme Court. The Commission may issue additional guidance in the future to address new questions or aspects of drop box administration and policy ahead of the November 2024 General Election.

Priorities USA v. WEC
Frequently Asked Questions
July 11, 2024

Decision Issued: On July 5, 2024, the Wisconsin Supreme Court overruled its prior decision, in part, in *Teigen v. WEC*, and held that secure drop boxes were permitted under state law as a valid method of absentee ballot return. The decision is binding on all lower Wisconsin courts. The use of drop boxes is not mandatory and is at the discretion of the municipal clerk.

¹ 2024 WI 32. Wisconsin Supreme Court Number: 2024AP000164; Dane County Circuit Court Number: 2023CV1900

² 2022 WI 64, 403 Wis. 2d 607; 976 N.W.2d 519.

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

8. Do drop boxes need to be secure? What should clerks consider when examining drop box security?

Yes. The decision held that state law permits clerks to lawfully utilize secure drop boxes in an exercise of their statutorily conferred discretion. The decision did not provide guidance on what it means for a drop box to be “secure.” The Commission recommends that clerks keep the following non-exhaustive security considerations in mind when planning to utilize drop boxes, which are consistent with guidance from the U.S. Election Assistance Commission (EAC) and the U.S. Cybersecurity and Infrastructure Security Agency (CISA). These considerations are merely a starting point—the Commission recommends that clerks thoroughly complete a security assessment for each intended drop box location prior to deployment. The Commission recommends the following best practices:

Best Practices: Physical Security of the Drop Box Itself

- The drop box be securely affixed to the ground or the side of the building, or secured such that the drop box cannot be removed or tampered with.
- If located outside, the drop box be sturdy enough to withstand the elements so the ballots inside will remain unspoiled.
- The drop box be secured against unlawful access or emptying.
- The slot of the drop box be appropriately sized so that only an absentee ballot can be deposited and not other objects or liquids.
- Any damage to or tampering with the drop box be documented and the drop box be inspected to ensure that it remains secure for the purpose of depositing absentee ballot envelopes.
- The drop box be clearly marked or labeled that the drop box is for the purpose of collecting absentee ballots in return envelopes.
- The time of final retrieval of ballot return envelopes be clearly marked on or near the drop box. After the time of final retrieval, the drop box be secured to prevent the submission of absentee ballot return envelopes.

Best Practices: Security of the Drop Box Surroundings

- The drop box be located in a safe location with adequate parking and safe access for pedestrians.
- The drop box be located in a well-lit area.
- The drop box be clearly visible, and the path to the drop box be accessible with clear and level ground space in front.

Best Practices: Security of Ballot Retrieval/Emptying

- The drop box be emptied often enough to avoid the box from being filled with ballots, and a record of the times and dates of retrieval, number of ballots retrieved and the person or persons participating in the retrieval be maintained.
- Ballots retrieved from a drop box be securely transported to the office of the clerk.
- The drop box be equipped with unique locks or seals to secure ballots.

12. Does the decision require clerks to track which ballots are received by drop box?

No. Nothing in the decision requires clerks to track, mark, or otherwise separate or indicate which returned absentee ballots were received via secure drop box.

13. May a clerk place an insert informing voters of the availability of drop boxes?

Yes. Clerks may place an insert informing voters of the availability of drop boxes for the return of absentee ballot envelopes. Those inserts are recommended to include the locations of the drop boxes, dates and times of availability, and date and time of final retrieval of absentee ballot envelopes. Such an insert would be considered additional administrative or logistical instructions pursuant to administrative rule EL § 6.05(2).

14. Will there be additional training on drop boxes?

Yes. Commission staff intend to provide training to clerks in ElectEd that will be consistent with the Commission's guidance.

15. Are private citizens permitted to watch drop boxes if they are located in public?

Yes, but not if the watching interferes with voting. Whoever "interrupt[s] or disturb[s] the voting...proceedings" may be fined not more than \$1,000, or imprisoned not more than 6 months or both.⁵ Additionally, anyone who "by abduction, duress, or any fraudulent device or contrivance, impede[s] or prevent[s] the free exercise of the franchise at an election" is guilty of a Class I felony.⁶

Clerks immediately contact law enforcement if anyone tampers with, defaces, destroys, unlawfully empties, or interrupts, impedes, or prevents the use of a drop box.

16. What should I do if I still have questions?

If you have additional questions, please email elections@wi.gov.

⁵ See Wis. Stat. §§ 12.13(3)(x), 12.60(1)(b).

⁶ See Wis. Stat. §§ 12.09(2), 12.60(1)(a).



ELECTION MANAGEMENT GUIDELINES

WWW.EAC.GOV

ELECTION MANAGEMENT GUIDELINES

There are a significant number of states that authorize the return of mail or electronically transmitted ballots by email, fax, or other electronic means such as an upload to a portal. Security procedures, chain of custody, and ballot duplication procedures in offices are determined by state law and guidance.

Drop Boxes

Election officials should review state law and regulations before using ballot drop boxes. When locating drop boxes, election officials consider population, geographic areas, security, and available funding. Election officials should consider using city and county facilities, public assistance offices, senior and community centers, locations in areas with significant minority or traditionally disenfranchised communities as drop box locations when applicable.

When determining locations and drop box placement, consider the following factors:

- Access for voters with disabilities
- Security
- Voter convenience
- Parking

Election officials should be sure to inform voters of the location and hours of operation for all drop boxes in their jurisdiction. The EAC's **Ballot Drop Boxes Quick Start Guide** provides additional information on locating and securing drop boxes.² The Quick Start Guide and the EAC's **Best Practices: Chain of Custody** include guidelines for developing robust chain of custody procedures applicable to emptying drop boxes.³ Additionally, the **Making Voting Accessible Quick Start Guide** outlines general accessibility considerations for ballot drop boxes.⁴

Ballot drop boxes must be locked and secure at all times. They should be placed in monitored areas or under video surveillance, whether indoor or outdoor. The drop boxes should be accessible only by a unique key, and two staff members (preferably bipartisan) should access the box to collect ballots.

Election officials should establish a predetermined collection schedule. A team of two election workers (preferably bipartisan) should transfer the voted ballots to a locked or sealed ballot box, bag, or pouch and deliver it to the elections office. On Election Day, election workers should monitor the drop box locations until the close of the polls or the deadline for ballot receipt. Two election workers (preferably bipartisan) should be assigned to lock each drop box location, collect all remaining ballots, and ensure the drop box is removed or cannot accept any additional ballots after the deadline.

In-Person Voting Locations

If state law allows the voter to drop off voted absentee ballots at in-person voting locations, election officials must include instructions and procedures for poll workers to use in returning these voted ballots to the central elections office. Depending on the jurisdiction, mail ballots returned to a voting location may either be scanned at the location or centrally scanned at the elections office. Poll workers must understand how to document receipt of mail ballots and track tabulation, if applicable, and return to the elections office.

Returned Ballot Audit Trail

Elections office staff must create an audit trail throughout the ballot reception process. Election officials should maintain logs for processing the ballots through each step. All statistical information must be maintained for each batch of ballots processed, including:

- Number of ballots received
- Number of ballots counted
- Name, team number, or persons involved
- Date and time processed
- Number of challenged ballots
- Number of write-ins and duplicated ballots
- Number of envelopes that do not contain a ballot
- Number of envelopes containing more than one ballot

² https://www.eac.gov/sites/default/files/electionofficials/QuickStartGuides/Ballot_Drop_Boxes_EAC_Quick_Start_Guide_508.pdf

³ https://www.eac.gov/sites/default/files/bestpractices/Chain_of_Custody_Best_Practices.pdf

⁴ https://www.eac.gov/sites/default/files/electionofficials/QuickStartGuides/Making_Voting_Accessible_EAC_Quick_Start_Guide_508.pdf



About the Quick Start Guides: The EAC's Quick Start Guides are intended to familiarize local election officials with various topics they will likely encounter in election administration. The guides are a starting point to identify areas of concern and give officials a broad idea of factors they should consider in approaching a given topic.

Utilizing Drop Boxes

In jurisdictions that permit ballot drop boxes, election officials must address several considerations before deploying drop boxes. First, they must familiarize themselves with state law and regulatory requirements. Some states only permit drop boxes in certain locations or with specific security measures. Drop boxes also come with additional costs, including staff to empty the boxes daily, hardware, security seals and locks, ballot containers, and other security equipment.



Locations



- Follow state statutes on required or permissible locations for the installation of drop boxes.
- Use demographic data to determine whether there should be a different formula for placing drop boxes in rural or urban locations (i.e., 1 for every 15,000 residents might be every mile in an urban area, but every 50 miles in a rural area).
- Choose a location that is accessible by public transportation (where available).
- Avoid locations that can be obstructed by high traffic events.
- Ensure the drop box is clearly visible and the path to it is accessible with a 30 inch by 48 inch minimum clear and level ground space in front.
- Publish Public Service Announcements on radio and in local newspapers, and share drop box locations on social media.
- Provide a list or map of drop box locations on your website and with mail ballot voting instructions.

Ballot Return Deadline
Election officials must ensure teams are present at each drop box as the ballot return deadline passes. Teams must allow any voters in line by the deadline to deposit their ballots, then collect all ballots, and lock the box so no additional ballots can be deposited.

Security



- Teams of two (preferably bipartisan) should empty each drop box at least once a day.
- Utilize unique locks and security seals to secure ballots within the drop box.
- Provide local law enforcement a map of drop box locations and request extra patrols.
- Ensure the area is well lit and any unsupervised drop boxes have video surveillance.
- Implement rigorous chain of custody procedures. For each drop box, teams should record the time and date emptied, verify the box's seal number, document the number of ballots retrieved, reseal the drop box, and seal the ballot container.
- Track the return of drop boxes after the ballot return deadline passes to ensure all drop boxes are emptied and ballots collected are included in election night unofficial results.

Sample Drop Box Chain of Custody Log

Date & Time	Removed Seal #	# Ballots	New Seal #	Signatures
10/31/22 3:25pm	00987654	174	00123456	Team Member One Team Member Two
11/01/22 3:15pm	00123456	88	00456789	Team Member One Team Member Two

Many of these last-minute voters drop their ballot off at a voting location (which may not be allowed by state law). Setting up ballot drop boxes and educating voters to use them mitigates a number of COVID-19-related risks associated with in-person voting. It also minimizes the number of people that will need to access voting locations, thereby providing more space for those who are engaged in in-person voting.

How many ballot drop boxes will you need?

At a minimum, you should have a drop box at your main county or city office building. Voters generally know the locations of these buildings and are already accustomed to voting or doing business there. Some other best practices include:

- Have one drop box for every 15,000–20,000 registered voters.
- Consider adding more drop boxes to areas where there may be communities with historically low vote by mail usage.
- Use demographic data and analysis to determine whether there should be a different formula for rural and urban locations (i.e., 1 for every 15,000 residents may be every mile in an urban area, but every 50 miles in a rural area).

To get a better idea of how many voters use ballot drop boxes when voting by mail is the primary method of voting, look at the [Ballot Drop Box Usage](#) chart put together by the Washington Secretary of State. It shows ballot drop box use as a percentage of total ballots returned for Washington state, where voting by mail has been the primary method of voting for over a decade.

Timeline: The number of drop boxes and their locations should be finalized in time to be included in the instructions with your mail ballot packet—typically 80 days before the election.

Where should ballot drop boxes be located?

Ballot drop boxes should be placed in convenient, accessible locations, including places close to public transportation routes, near or on college campuses, and public buildings, such as libraries and community centers familiar to voters and easy to find. If there is time, getting input from citizens and community groups is recommended.

All drop box locations should be evaluated for:

- Security
- Lighting (well-lit 24 hours a day)
- High visibility
- Security cameras (more on cameras in the *Security Considerations* section below)
- Accessibility
- Voter convenience
- Parking or drive-through options

What equipment and supplies are needed for ballot drop boxes?

Whether you are collecting ballots just from a USPS facility, ballot drop boxes, or both, you will need ballot drop box collection teams. Ideally, these are bipartisan teams (poll workers or temporary workers) hired to drive a collection route and pick up ballots on a regular basis. Each of these teams will need:

- Vehicle such as a van or SUV where the seats can be laid flat (county owned or rented)
- Radio or cell phone
- Secure ballot collection bag/box
- Security seals
- Chain of custody procedures/forms
- Personal protective equipment (e.g. disposable, sterile gloves), as appropriate and in accordance to current CDC guidance

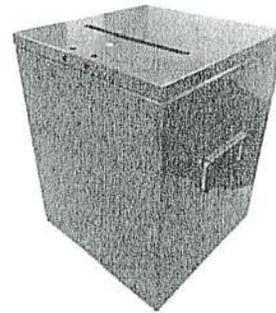
Timeline: Reservations should be made as soon as possible if you plan to rent vehicles, radios, or cell phones—no later than 35 days before the election.

Outlined below is a list of the typical items you will need to rent or buy, depending on the type of drop box or drop-off location you are installing.

STAFFED – INDOOR TEMPORARY BALLOT DROP BOX

When demand for a ballot drop box is low, a temporary ballot box located inside is a good solution. These boxes should be constructed of durable material and include a key or combination lock as well as a way to securely fasten the box to prevent it from being moved or tampered with. This type of box looks similar to the example pictured here. In addition to purchasing or renting the **ballot box**, you will need:

- Padlock and keys (if not included)
- Bike chain or some other way to fasten the box to prevent it from being removed (if not staffed)
- Security seals



Timeline: Depending on the lead time required by the manufacturer, boxes may need to be ordered 3 months in advance—90 days before the election.

OUTDOOR, TEMPORARY DRIVE-THROUGH DROP OFF

A drive-through drop-off location is an easy way to keep traffic flowing when demand for a ballot drop box is at its peak, especially on Election Day. This drive-through is typically set up in a parking lot or a street depending on the location.

The team staffing the site accepts ballots from voters as they pull through, depositing them directly into a ballot box. For voters who prefer placing the ballot directly into the box

- Identifying the voter or car in line at the time polls close and ensuring they have the opportunity to deposit their ballots.
- Retrieving the temporary indoor boxes and returning them to the counting facility.
- Locking the drop slot on the 24-hour boxes and transferring ballots to a ballot transfer bag or box and returning them to the counting facility.
- Completing chain of custody forms.

Security Considerations

Ballot drop boxes must be secured and locked at all times. Only an election official or a designated ballot drop box collection team should have access to the keys and/or combination of the lock. In addition to locks, all drop boxes should be sealed with one or more tamper evident seals.

Ideally, unstaffed 24-hour drop boxes should be located in areas with good lighting and be monitored by video surveillance cameras. When this is not feasible, positioning the box close to a nearby camera is a good option. Also consider placing it in a high traffic area and inviting local law enforcement to make regular observations.

Try to place indoor drop boxes in locations where they can be monitored by a live person. When ballot boxes are unstaffed and not being monitored, the box should be securely fastened to a stationary surface or immovable object in a way that prevents moving or tampering.

Chain of Custody

- Chain of custody logs must be completed every time ballots are collected.
- All ballot collection boxes/bags should be numbered to ensure all boxes are returned at the end of the shift, day, and on election night.
- Team members should sign the log and record the date and time, security seal number at opening, and security seal number when the box is locked and sealed again.



Office of the City Clerk
Kaitlyn Bernarde

TEL: (715) 261-6620
FAX: (715) 261-4106
Kaitlyn.bernarde@wausauwi.gov

TO: Common Council

FROM: Kaitlyn Bernarde, City Clerk

DATE: October 3, 2024

RE: Resolution 24-1008 Regarding City's Use of Absentee Drop Boxes for November 2024 Election

BACKGROUND: The previous Wausau City Clerk procured, installed, and secured an absentee ballot drop box in 2020. It was in use for 5 elections without incident until the Wisconsin Supreme Court ruled in the 2022 *Tiegen v. WEC* decision. Working with the Finance Director and maintenance staff, we decided to turn the absentee ballot drop box into a universal payment drop box for the city. The box stayed secured and locked in front of City Hall awaiting repurpose without incident until April 2024 when Mayor Diny demanded it be removed.

On July 5, 2024, the Wisconsin Supreme Court overruled its prior decision, in part, in the *Priorities USA v. WEC* decision allowing municipalities to use drop boxes again. Their decision and the following Wisconsin Elections Commission (WEC) guidance permit all municipal clerks to choose to use secure absentee ballot drop boxes in their jurisdiction.

I firmly believe that drop boxes can be a secure and convenient customer service tool to help our department work towards our goal of helping every eligible voter be able to cast their ballot. It can be a great option for voters who:

- are disabled or homebound,
- work the exact same time the Clerks Office is open, or
- are college students away at school

This drop box option is especially useful since the United States Postal Service does not recommend mailing your ballot back the last week before an election. Even though we start mailing absentee ballots out 47 days before an election, eligible voters can still request our office mail them a ballot up through the Thursday before an election.

My office took steps to ensure the security and transparency of the box and ballots once it is open. These steps already implemented include:

- A security camera focused on the box 24/7,
- The box is bolted to the sidewalk instead of a concrete slab,
- The box has a small but wide opening to only be able to accept paper and envelopes,

- Requiring 2 staff members to collect from the box together and record returned ballots on a chain of custody log
- Securing returned ballots following our already established process for absentee ballots that are mailed or dropped off at a Clerk's Office window

I respect and value the Common Council's opinion. I did not make this decision in a vacuum, but spoke with several City officials and staff, and Wisconsin clerks. I also discussed this issue with staff in my office who are the front-line customer service, whose job this drop box option also affects. I also spoke with neighboring clerks who successfully used drop boxes without incident during 2020, 2021, 2022 and in the Partisan Primary election in August. Based on these discussions, legal advice, and election administration guidance, I already made the decision to use an absentee ballot drop box in the City of Wausau.

Resolution #24-1008 is not my resolution. The mayor asked me to draft a resolution based on the City of Brookfield resolution. I feel it would be improper for the governing body to vote on this matter.

RECOMMENDATION: Do not move to take up this resolution.

Sincerely,



Kaitlyn A. Bernarde
City Clerk



TEL: (715) 261-6800
FAX: (715) 261-6808

Office of the Mayor
Doug Diny

DATE: October 1, 2024
TO: Anne Jacobson, City Attorney
Kaitlyn Bernarde, City Clerk
FROM: Doug Ding, Mayor *DJD*
SUBJECT: Council Resolution on Having a Ballot Drop Box

The issue of whether Wausau should have a ballot drop box has become highly controversial. Therefore, it is incumbent upon the Common Council to take up the question and make policy. With this memo, I am directing that a resolution on whether to have a ballot drop box be drafted and placed on the Common Council agenda for a vote on October 8, 2024. This memo should be included in the council packets with the resolution.

The correct procedure for considering a resolution that does not originate in council committee is outlined in Chapter 2.16 of the municipal code, Standing Rules of the Common Council. Rule 12 states that prior to consideration of such a measure, one of the alders must make a motion for immediate consideration. The presiding officer then asks for objections. If none are offered, the council proceeds to consider the main resolution. If an alder objects, a roll call vote is taken on the motion for immediate consideration. If a simple majority of the council members agree, the motion for immediate consideration passes, and the council proceeds to consider the main motion. There is no suspension of the rules, rather we should follow Rule 12-B.

For reference, the text of Rule 12 follows:

RULE 12 RESOLUTIONS

A. *Referral of resolutions.* All resolutions under consideration shall have been first considered by the appropriate committee who shall make an action recommendation on the matter to Council, unless an Alder moves for immediate consideration of the resolution.

B. *Immediate consideration of the resolution.* Upon a motion for immediate consideration, the presiding officer shall put the question, "Is there any objection to an immediate consideration of the resolution?" If an objection is voiced by an Alder, a roll call vote on the motion for immediate consideration is required. If no objection is voiced, then the Clerk shall record unanimous consent to the motion for immediate consideration. The presiding officer shall then state the principal question.

My hope is that providing this memo ahead of time will help everyone come to the meeting with an understanding of the procedure that needs to be followed.

Should you have any questions or concerns about this directive, please contact me in a timely manner.

Thank you, in advance, for your help in resolving this policy matter.