

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL

held on Tuesday, July 11, 2023 in Council Chambers, beginning at 6:32 p.m.,
Mayor Katie Rosenberg presiding.

Roll Call

7/11/2023

Roll Call indicated 11 members present.

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

Presentation: Update on mall redevelopment/Foundry on 3rd LLC – Chuck Ghidorzi, Dave Eckmann, Nick Patterson

Question of Privilege raised by Diny to ask the Common Council to set expectations and clarify the timeline for the mall redevelopment. *Question of Privilege* was ruled out of order by the chair on the recommendation of counsel that action and discussion on this redevelopment was not agendized and that the motion was not a question of privilege.

Motion by Diny, seconded by Herbst, to appeal of the point of privilege denial.

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

Yes Votes: 1

No Votes: 10

Abstain: 0

Not Voting: 0

Result: FAILED

Presentation was given by Chuck Ghidorzi on the mall redevelopment. Nick Patterson gave an update on The Foundry on 3rd project. Dave Eckman presented on the downtownrefresh.com website which promotes the downtown area.

McElhaney questioned if the lenders for the redevelopment are in place and if they expect any further delay on this project beyond the Spring of 2024. It was stated that the developers are working with lenders for the projects, and that they are taking the steps to finalize and secure the financing. Construction is expected to begin in the spring but there are changing dynamics in the construction and financing industries which could cause delays.

Larson questioned equity on the project and Ghidorzi specifically on building trust among constituents. It was stated that they continue to raise equity for this project. Ghidorzi maintained that the company is cognizant of the appearance of properties owned.

Diny cited the strategic plan for the city to “deliberately encourage and incentivize the mall redevelopment so that a vibrant downtown is created,” and continued comments on holding the developers accountable to the plan for this redevelopment. *Point of Order* raised by McElhaney against making comments when the item was agendized for education only in which questions could be asked. *Point of Order* was well taken by the chair and Diny was asked to make ready questions for the presenters. Diny questioned as to what precludes the developers from taking possession of the project site this year. It was stated that they are taking the necessary steps to move forward. *Point of Order* raised by Rasmussen against openly discussing the terms from the development agreement when the

item was agendaized for education only in which questions could be asked. *Point of Order* was well taken by the chair who restated the discussion into a question of how the community can be sure the redevelopment will not encounter further delays. It was stated that the amount of investment by the developers into the project shows earnest interest in moving forward.

Kilian stated disagreement with the notion that open meeting laws prevents discussion on the items before the Common Council. Kilian questioned as to if the developers were seeking investors from within the community. It was stated that investors are drawn from a common investor pool and then local investors are invited. Killian questioned as to if private investment was included in the discussion from the development when public funding was first agreed to be provided. It was stated that private investment is expected to be utilized in redevelopment projects. Kilian clarified the question to state that private money had not been previously discussed in public discussions.

Terrence Wall, President and CEO of a developer for the project, was recognized to summarize the effort to move the project forward.

Kilian questioned the removal of concrete on the project site, if soil was removed, and if there would be action taken to remove potentially contaminated soil and replace a soil cap on existing contaminated soil. The site of concern will be recapped if the construction timeline is extended.

Diny questioned if the developers anticipate future request of public funding from the city for this redevelopment. It was stated that future public investment would not be requested.

Rosenberg questioned next steps in the process. It was stated there would be an amendment to the development agreement previously approved regarding the timeline commencement date to be before the Economic Development Committee and Common Council in August of this year.

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

None.

Consent Agenda

7/11/2023

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

23-0501 Minutes of a previous meeting (5/23/2023)

23-0601 Minutes of a previous meeting (6/13/2023)

23-0705 Resolution from the Capital Improvements & Street Maintenance Committee Ordinance Amending Section 10.20.080(a) designating no parking on both sides of South 8th Avenue between Stewart Avenue and Callon Street

23-0704 Joint Resolution from the Capital Improvements & Street Maintenance Committee and the Plan Commission Approving conveyance of existing two-foot driveway encroachment on 214 Wyatt Street to owner at 220 Wyatt St. (Luke Stenberg)

23-0707 Resolution from the Finance Committee Authorizing the submittal of a Wisconsin Elections Commission subgrant application to help offset costs to purchase redesigned absentee ballot envelopes

08-09917 Resolution from the Finance Committee Approving Parking Lot Lease with JSAF I, LLC - 610 and 614 N. 1st Street

12-0219 Resolution from the Human Resources Committee Approving Amendment to the Employee Handbook Section 8.06 - Use of Sick Leave

23-0108 Resolution from the Public Health & Safety Committee Approving or Denying Various Licenses as Indicated

Yes Votes: 11

No Votes: 0

Abstain: 0

Not Voting: 0

Result: PASSED

23-0703

7/11/2023

Motion by Lukens, seconded by Watson, to confirm the Mayor's Appointments to the City/County Information Technology Commission and the Sustainability, Energy, and Environment Commission.

Chet Strebe - City/County Information Technology Commission - (Reappointment – Term expires 5/31/2025)

Jean Abreau - Sustainability, Energy, and Environment Commission (New Appointment - Term expires 4/30/2026)

Yes Votes: 11

No Votes: 0

Abstain: 0

Not Voting: 0

Result: PASSED

23-0711

7/11/2023

Motion by Rasmussen, seconded by Lukens, to approve the Resolution from the Finance Committee Authorizing the Issuance and Establishing Parameters for the Sale of not to Exceed \$11,170,000 General Obligation Promissory Notes, Series 2023B.

Philip Cosson, Senior Municipal Advisor at a contracted financial consulting firm, was recognized for the purpose of explaining the particulars and purposes of issuing the promissory notes.

Diny questioned if the portion of TID #12 was impacted by the delay of the development on the mall redevelopment/Foundry on 3rd. Maryanne Groat, Finance Director, stated that the city reduced the amount of borrowing at the previous Finance Committee meeting to reflect the delay. It also reflects delays on elevator work on a parking ramp that was paused to allow demolition work to be done yet. Diny stated that the city is already taking action based on the stated delay of this redevelopment.

Rasmussen stated that the city is taking on less municipal debt this year due to the delay while the city is still building the infrastructure grid.

Diny stated that the city was making decisions based on unclear information and urged the Common Council to procrastinate on other expectations related to the redevelopment agreement.

Kilian stated that there is a risk to borrowing for infrastructure based on a plan that is delayed and shared concerns with building out that infrastructure for a particular development.

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

Yes Votes: 8

No Votes: 3

Abstain: 0

Not Voting: 0

Result: PASSED

23-0712

7/11/2023

Motion by Rasmussen, seconded by Watson, to approve the Resolution from the Finance Committee Authorizing the Issuance and Establishing Parameters for the Sale of not to Exceed \$1,280,000 Taxable General Obligation Promissory Notes, Series 2023C.

Cosson was recognized for the purpose of explaining the particulars and purposes of issuing the promissory notes.

Groat stated the parameters of the promissory note and outlined the offsets of the increase in borrowing.

Diny stated previous dissent due to a loss of focus on redevelopment projects.

Kilian stated previous dissent due to the need to focus on other non-elective priorities within the city.

Groat stated that the city has already purchased the property and failure to approve the resolution would result in drawing on reserves to fund the purchase.

Rasmussen stated that the project funded by this resolution goes beyond a walking path and would result in job creation with a collaboration with the city and an operating business on the site.

McElhaney stated constituent support for this project for the walking path and development of the site by the business collaboration.

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

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

23-0405 7/11/2023
 Motion by Henke, seconded by Diny, to approve the Resolution from the Committee Capital Improvements & Street Maintenance Committee Approving 2023 Alley Pavement Project and Authorization to Let Bids.

Larson stated that this item came before the Capital Improvements & Street Maintenance Committee when previously supported by the residents but upon investigation of the paving project was opposed by the residents impacted.

Rasmussen stated that the original petitioner in support of the paving project had thought better of the project after the fact when issues of wet basements and surface flooding were brought forward upon additional investigation.

Hanke stated making a motion to move forward but would not support the resolution.

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

22-0709 7/11/2023
 Motion by Watson, seconded by Henke, to approve Resolution from the Economic Development Committee Approving the request of Asch Properties, LLC (Infused) at 180 E. Wausau Ave., to extend one-year occupancy deadline and modify project plan.

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

23-0708 7/11/2023
 Motion by Watson, seconded by Henke, to approve a Resolution from the Economic Development Committee Approving Authorization to transfer 703 Fulton Street to Wausau Community Development Authority.

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

23-0709 7/11/2023
 Motion by Lukens, seconded by Watson, to approve a Resolution from the Economic Development Committee Approving Authorization to subordinate the City's loan with Nidus Holding Company, LLC to Abby Bank and SBA.

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

98-0412 7/11/2023
 Motion by Watson, seconded by Herbst, to approve a Joint Resolution from the Economic Development & Finance Committees Approving First Amendment to Development Agreement and Second Amendment to Master Ground Lease between City of Wausau and Federal Building Redevelopment Limited Partnership for Federal Building Lofts at 317 North First Street, to allow for an additional loan from City and related TID #3 budget modification.

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

22-1109

7/11/2023

Motion by Watson, seconded by Rasmussen, to approve a Resolution from Finance Committee Approving 2023 Budget Modification - Washington Street Sewer Siphon Project.

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

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

22-1109A

7/11/2023

Motion by Watson, second by Diny to adopt the Resolution from the Finance Committee Approving the 2023 Budget Modifications - Ambulance purchase.

Yes Votes: 11 No Votes: 0 Not Voting: 0 Result: PASS

23-0706

7/11/2023

Motion by Herbst, second by Lukens, to approve a Resolution from the Plan Commission Approving the General Development Plan at 315, 319 & 325 North 1st Avenue to allow for transitional housing for at least 39 men and 20 women and commercial kitchen and facility to feed up to 120 people in a PUD, Planned Unit Development Zoning District.

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

Suspend the Rule

7/11/2023

Motion by Watson, seconded by Henke, 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

23-0710

7/11/2023

Motion by Lukens, seconded by Rasmussen, to approve a Resolution from Common Council Authorizing the acquisition of two used buses from the City of Waukesha for \$5,000.

Matthew Rosenbloom-Jones, Wausau Transit Director, was recognized to provide background information on this resolution. It was stated that a number of city buses are at the end of their useful life and one bus was involved in an accident and needed to be replaced. The resolution is before the Common Council because the federal transit administration requires a resolution to be passed by a municipal transit system's governing body before vehicles can be transferred from one system to another.

Larson questioned the current condition and expected life usage of the buses to be purchased. It was stated these busses will get several years of service due to them being used for the limited school tripper service and proper maintenance. It was stated the senior mechanic for Wausau Transit was sent to inspect the condition of the vehicles and reported that they are well maintained.

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

23-0713

7/11/2023

Motion by Herbst, seconded by Rasmussen to approve a Resolution from Common Council Authorizing the acquisition of three used buses from the Duluth Transit Authority for \$0.

Rosenbloom-Jones was recognized to state gratitude towards the Duluth Transit Authority.

Diny expressed gratitude towards Rosenbloom-Jones for securing this transfer.

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

22-1109B

7/11/2023

Motion by Diny, seconded by Kilian, to amend the resolution to strike the word minivan.

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

Motion by Herbst, seconded by Lukens, to approve a Resolution from Finance Committee as amended Approving 2023 Budget Modification - for the purchase of a transit snowplow, as amended.

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

22-1109C

7/11/2023

Motion by Watson, seconded by Lukens, to approve a Resolution from Finance Committee Approving Transit Facility Study Local Funding Commitment.

Rosenbloom-Jones was recognized to state the purpose of seeking the study. It was stated that the transit system has historically used a federal grant for vehicle replacement but was unsuccessful in the last round of grant applications because the federal transit administration is requesting vehicle replacements to be hybrid or better. To be successful at seeking federal funding for vehicle replacement in the future, the transit facility may need to be updated to accommodate alternative energy vehicles.

Larson questioned the location of the current transit facility and if a future transit facility could be combined with a proposed public works maintenance facility. It was stated that the federal transit administration has strict rules on keeping transit funds separate from other municipal funding sources which complicates the feasibility of a joint facility and highlighted the benefits of the current transit facility location. The idea of a joint facility could be explored but would need more consideration at this time.

Gisselman stated that moving forward the city should consider alternative energy vehicles for the entire fleet. It was stated that city staff are discussing this as well.

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

23-0714

7/11/2023

Motion by Watson, seconded by Herbst, to approve a Resolution from the Finance Committee Authorizing application to the Wisconsin Department of Natural Resources ("DNR") Wisconsin Assessment Monies (WAM) program for the property at 110-118-120-126-130-134-138-140-146-206-212-226-230-237-241-249 E. Thomas Street ("Property") by the City of Wausau.

Randy Fifrick, Economic Development Manager, stated that this was a grant for site assessment at a higher level to examine potential environmental hazards.

Kilian questioned if the Department of Natural Resources or the city would contract the work of assessing these sites. It was stated that the DNR would contract directly for assessment needs. Kilian questioned if certain types of contaminants would be tested. It was stated that the DNR process for assessment was unknown but the types of contaminants in question would be passed along to the DNR to request testing of those contaminants.

Diny asked if Kilian would yield to a question. Without objection, the question was asked to expound on the meaning of community based environmental research. Kilian stated that community based environmental research means involving the community in the research and primary observations of the impacted environmental study at all stages of the environmental assessment.

Gisselman questioned as to why this resolution came from the Finance Committee and not through the Capital Improvements & Street Maintenance Committee or Economic Development Committee. It was stated that due to the timing requirements of this grant and the policy of a grant application moving through the Finance Committee. Gisselman requested that further discussion of this item go to other committees to maintain community engagement.

Rasmussen stated that the many aspects of this item involve the Finance Committee appropriately and the sooner this moves forward the sooner the city can expect results from the environmental assessment.

Yes Votes: 11

No Votes: 0

Abstain: 0

Not Voting: 0

Result: PASSED

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

None.

Adjourn

7/11/2023

Motion by Watson, second by Henke, to adjourn the meeting. Motion carried.

Meeting adjourned at 8:04 pm.

Katie Rosenberg, Mayor

Kaitlyn Bernarde, City Clerk