



OFFICIAL NOTICE AND AGENDA

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: **Tuesday, September 12, 2023 at 6:30 p.m.**
 Location: **City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers**
 Members: Carol Lukens, Michael Martens, Tom Kilian, Doug Diny, Gary Gisselman, Becky McElhaney, Lisa Rasmussen, Sarah Watson, Dawn Herbst, 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
23-0801	COUN	Minutes of a previous meetings. (8/08/23 & 8/28/23)	Placed on file
23-0906	CISM	Resolution Approving Agreement for the Management and Maintenance of a Stormwater Facility (RJ Elm Properties – 1520 Elm Street and 1401 Elm Street LLC – 1601 Elm Street)	Approved 5-0
12-1113	CISM	Ordinance Repealing 15-minutes parking on the north side of Washington Street beginning at the intersection with 6th Street and extending east 50 feet	Approved 5-0
23-0108	PH&S	Resolution Approving or Denying Various Licenses as Indicated	Approved 4-0
23-0904	PH&S	Ordinance Amending Section 9.04.010 State statutes adopted and Section 1.01.025 Issuance of citations. (Facsimile firearms)	Approved 4-0

File #	CMT	Resolutions and Ordinances	ACT
23-0903		Mayor's Appointments	Placed on file
23-0604	CISM & PLAN	Final Resolution Vacating and discontinuing an area of right-of-way abutting 505 South 21st Avenue, a portion of 509 South 21st Avenue, a portion of 514 South 21st Avenue, and a portion of 2111 Stewart Avenue	Approved 3-2 Approved 7-0
23-0605	CISM & PLAN	Final Resolution Vacating and discontinuing an alley bounded by a portion of the alley north of Wegner Street abutting 503 South 22nd Avenue and a portion of 514 South 21st Avenue	Approved 3-2 Approved 7-0
23-0606	CISM & PLAN	Final Resolution Vacating and discontinuing an area of right-of-way abutting 503 South 22nd Avenue, a portion of 2111 Stewart Avenue, and a portion of 2205 Stewart Avenue	Approved 3-2 Approved 7-0
23-0906	PLAN	Ordinance Rezoning 208, 210 & 214 Wyatt Street from SR-5, Single Family Residence District-5, to MRL-12, Multi-Family Residential-12 (3/4 Vote Required)	Approved 6-1
23-0905	PH&S & P&Rec	Ordinance Amending Section 9.20.020 Regulation of persons and Section 1.01.025 Issuance of citations. (Alcohol in parks)	Approved 3-0 Approved 4-1
		Suspend Rule12(A) Referral of Resolutions (2/3 vote required)	
04-0805	COUN	Resolution Approving Waiver of Right of First Refusal, Termination of Deed Restrictions and approval of new deed restrictions for 7801 International Drive	Pending
23-0907	COUN	Resolution Supporting childcare efforts by the state	Pending

Public Comment & Suggestions

Adjournment

Signed by Mayor Katie Rosenberg

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 9/07/23 @ 2:30 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,** the City of Wausau is committed to the highest standards of election integrity and also to encouraging broad voter registration, access, and citizen participation in elections among voting-eligible citizens; and
- WHEREAS,** the City of Wausau recognizes that many Americans are not able to vote because they miss a registration deadline, do not update their registration information, or are unfamiliar with how to register; and
- WHEREAS,** the City of Wausau recognizes the need for diverse partners such as nonprofits, libraries, businesses, colleges and universities, and more to work in the communities they serve to register citizens to vote; and
- WHEREAS,** the need for reliable and trusted public information and education on voter registration is critical to Americans' active participation in elections and the integrity of electoral processes; now

THEREFORE, be it resolved that I, Katie Rosenberg, Mayor of the City of Wausau, do hereby proclaim September 19, 2023 as

National Voter Registration Day

in the City of Wausau, State of Wisconsin, and I commend this observance to all citizens, and commit to joining national efforts to support voter registration and citizen participation in elections.



Katie Rosenberg
Mayor, City of Wausau
September 18, 2023



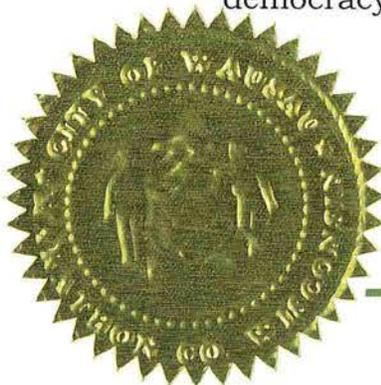
Proclamation

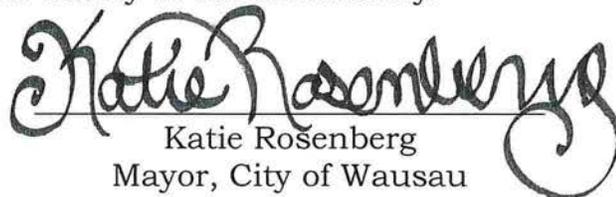
- WHEREAS,** the Wausau Festival of Arts has been sponsoring and organizing this annual outdoor art festival since 1965; and
- WHEREAS,** the Festival was originally conceived by Edward T. Schoenberger, and has seen many changes, locations, and significant growth over the past 58 years; and
- WHEREAS,** the Wausau Festival of Arts has never changed its mission to foster public interest in and appreciation of the arts; and
- WHEREAS,** the Wausau Festival of Arts is one of four events of Wausau's ARTrageous Weekend; and
- WHEREAS,** the Wausau Festival of Arts is recognized as the perennial community "favorite festival" and appeals to fall travelers from throughout Wisconsin and the upper Midwest; and
- WHEREAS,** the Wausau Festival of Arts showcases our vibrant community that embraces and nourishes the arts and creativity; and
- WHEREAS,** the visual arts embody much of the combined imagination, wisdom, and intellect of humankind, as well as enhance and enrich the lives of every American, including those of us living in the Central Wisconsin region; and
- WHEREAS,** the Wausau Festival of Arts and the ARTrageous Weekend strengthens our local economy by generating millions of dollars in economic activity during the festival weekend; and
- WHEREAS,** our national leaders have acknowledged the necessity of including art in our communities for the benefit of the economic, health, educational, and community enhancements; and
- WHEREAS,** people have turned to the arts as a way to heal and grow and the arts provide solace, understanding, and help us have the conversations to address the challenges that can be difficult to confront, as well as the arts help us express and process our hurt and outrage as well as our joy and wonder — to better understand the experiences of our neighbors; and
- WHEREAS,** George Washington wrote in 1781, "The arts and sciences [are] essential to the prosperity of the State and to the ornament and happiness of human life"; now

THEREFORE, be it resolved that I, Katie Rosenberg, Mayor of the City of Wausau, do hereby proclaim September 8-10, 2023 as

ARTrageous Weekend

in the City of Wausau, State of Wisconsin, and I commend this observance to all citizens, in recognition of the essential role the arts play in the economy, democracy, health, and vitality of our community.




Katie Rosenberg
Mayor, City of Wausau

September 7, 2023

Proclamation

WHEREAS, our Constitution is founded on fundamental trust in America's citizens; and

WHEREAS, on September 17, 1787, our constitutional framers signed the U.S. Constitution at Independence Hall in Philadelphia, forging a new government for the United States; and

WHEREAS, the story of the framing, signing, and adoption of that epochal document constitutes one of the most significant chapters in the history of our country; and

WHEREAS, the United States Constitution stand as a testament to the tenacity of Americans throughout history to maintain their liberties, freedoms and inalienable rights; and

WHEREAS, it is fitting that every American should reflect upon the vision and fortitude of our forbearers in creating a charter designed "to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty" for themselves and for the fortunate millions who were to follow them as citizens of this Nation; and

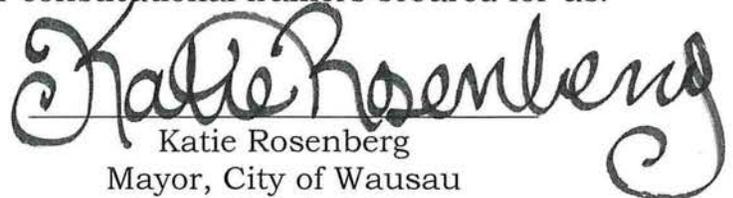
WHEREAS, the Congress, by a joint resolution approved August 2, 1956, has requested the President to set aside the week beginning September 17 of each year as Constitution Week, a time for the contemplation and commemoration of the historic acts which resulted in the formation of our Constitution; and

WHEREAS, September 17 marks the 236th anniversary of the Constitution of the United States and we celebrate this founding charter and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves; now,

THEREFORE, be it resolved that I, Katie Rosenberg, Mayor of the City of Wausau, do hereby proclaim September 17 - 23, 2023 as

Constitution Week

in the City of Wausau, State of Wisconsin, and I commend this observance to all citizens, and encourage them to demonstrate our commitment to the United States of America and appreciation for the liberty our constitutional framers secured for us.



Katie Rosenberg
Mayor, City of Wausau
September 1, 2023



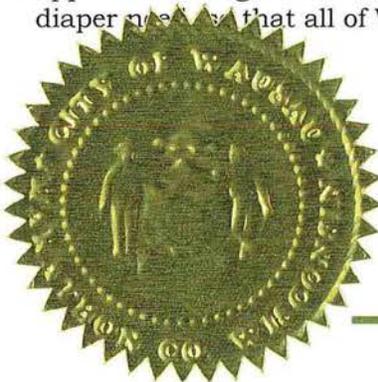
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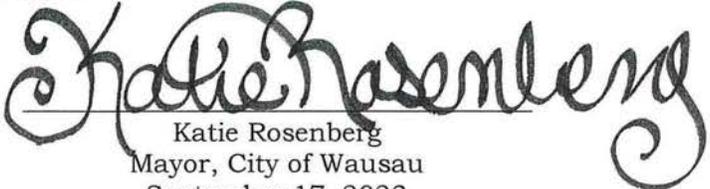
- WHEREAS,** diaper need, the condition of not being able to afford a sufficient supply of clean diapers to keep babies and toddlers clean, dry, and healthy, can adversely affect the health and well-being of children and their families; and
- WHEREAS,** national surveys and research studies report that nearly one in two families struggles with diaper need, and 48 percent of families delay changing a diaper to extend the available supply; and
- WHEREAS,** a daily or weekly supply of diapers is generally an eligibility requirement for babies and toddlers to participate in childcare programs and quality early-education programs that enable children to thrive and parents to work; and
- WHEREAS,** many parents struggling with diaper need report missing an average of five days of work each month due to an insufficient supply of diapers; and
- WHEREAS,** without enough diapers, babies and toddlers risk infections and health problems that may require medical attention resulting in medical costs, and parents may be prevented from accessing childcare needed to go to work or school, thereby destabilizing the family's economic prospects and well-being; and
- WHEREAS,** the people of Wausau recognize that diaper need is a public health issue, and addressing diaper need can lead to economic opportunity for the state's families and communities and improved health for children, thus ensuring all children and families have access to the basic necessities required to thrive and reach their full potential; and
- WHEREAS,** Wausau is proud to be home to trusted community-based organizations including The Babies' Place that recognize the importance of diapers in ensuring health and providing economic stability for families and thus distribute diapers to families through various channels; and
- WHEREAS,** through their important work of addressing diaper need, diaper banks play a critical role in supporting families, improving infant health and well-being, and advancing our local and state economic growth; now

THEREFORE, be it resolved that I, Katie Rosenberg, Mayor of the City of Wausau, do hereby proclaim September 18-24, 2023 as

National Diaper Need Awareness Week

in the City of Wausau, State of Wisconsin, and I commend this observance to all citizens, and I call upon all our citizens to commemorate this occasion by thank the aforementioned diaper banks, their staff, volunteers and donors, for their courageous service during the crisis, and encourage the citizens of Wausau to donate generously to diaper banks, diaper drives, and support those organizations that collect and distribute diapers to families struggling with diaper need, so that all of Wausau children and families can thrive and reach their full potential.




Katie Rosenberg
Mayor, City of Wausau
September 17, 2023

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, August 8, 2023 in Council Chambers, beginning at 6:30 p.m.,
Mayor Katie Rosenberg presiding.

Roll Call

8/08/2023

Roll Call indicated 10 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	NV

Mayor Rosenberg indicated if there was no objection, she was pulling file number 23-0815 Resolution of the Economic Development Committee Approving the First Amendment to the Development Agreement for Foundry on 3rd Ph I, LLC, and will set up a special meeting next week to discuss it.

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

- 1) Chuck Ghidorzi provided an update on the WOZ mall redevelopment project. He indicated it is moving along quickly relative to permits, plans completed, architectural reviews, the raising of equity and banking relationships.
- 2) Nick Patterson, T. Wall Enterprises, requested that Foundry on Third be placed back on the agenda to be voted on this evening. He stated the plans are done and into the city and e-plan review to which they have addressed their comments. He commented he would hate for this to be pulled from the agenda when they are so close to getting their final approvals on the development.

Consent Agenda

8/08/2023

Motion by Larson. second by Lukens to adopt all the items on the Consent Agenda as follows:

23-0701 Minutes of a previous meeting (07/11/2023)

23-0807 Resolution of the Capital Improvements & Street Maintenance Committee Approving State/Municipal Agreement for Grand Avenue from Lakeview Drive to Kent Street.

23-0809 Resolution of the Capital Improvements & Street Maintenance Committee Approving Revocable Occupancy Permit for encroachment located at 7255 Stewart Avenue.

23-0810 Resolution of the Capital Improvements & Street Maintenance Committee Approving Revocable Occupancy Permit for encroachment located at 7120 Stewart Avenue.

23-0811 Resolution of the Capital Improvements & Street Maintenance Committee Approving Revocable Occupancy Permit for encroachment located at 7019 Stewart Avenue.

23-0812 Resolution of the Capital Improvements & Street Maintenance Committee Approving Revocable Occupancy Permit for encroachment located at 5000 Stewart Avenue.

23-0813 Resolution of the Capital Improvements & Street Maintenance Committee Approving Revocable Occupancy Permit for encroachment located at 4901 Stewart Avenue.

23-0806 CISM Resolution Approving the installation of appropriate signage on Riverview Drive from 3736 Riverview Drive north to Evergreen Road concerning "No Dumping."

23-0805 Ordinance of the Capital Improvements & Street Maintenance Committee Amending Section 10.20.080(a) designating no parking on east side of Riverview Drive from 3736 Riverview Drive north to Evergreen Road.

23-0816 Resolution of the Economic Development Committee Approving termination of recorded Deed Restrictions and recording revised Deed Restrictions for 145 S. 84th Avenue.

20-1011 Resolution of the Economic Development Committee Approving Appointment of Tiffany Rodriguez-Lee as the next Poet Laureate of the City

23-0818 Resolution of the Finance Committee Approving State/Municipal Agreement for Wausau LED Streetlight Conversion.

23-0804 Resolution of the Plan Commission Approving Final Plat for the Stettin Acres (Town of Stettin,145100-145900 Stettin Drive)

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

Yes Votes: 10 No Votes: 0 Not Voting: 1 Result: PASS

23-0803 8/08/2023

Motion by Watson, second by Lukens to confirm the Mayor's Appointments of Alora Koval and Avia Lynch to the Citizens Advisory Committee – CDBG; Alora Koval to the Wausau Arts Commission; and Ben Lee, Kristin Slonski, and Tom Holster to the Affordable Housing Task Force.

Yes Votes: 10 No Votes: 0 Not Voting: 1 Result: PASS

23-0808 8/08/2023

Motion by Lukens, second by Herbst to adopt the Resolution of the Finance Committee Approving the overhire of one police officer within the Police Department.

Yes Votes: 10 No Votes: 0 Not Voting: 1 Result: PASS

22-1109 8/08/2023

Motion by Lukens, second by McElhane to adopt the Resolution of the Finance Committee Approving 2023 Budget Modifications – Seal Coat Project.

Yes Votes: 10 No Votes: 0 Not Voting: 1 Result: PASS

18-0911 8/08/2023

Motion by Rasmussen, second by Watson to adopt the Resolution of the Economic Development Committee Approving Termination of Lease Agreement with Marathon County UW-Extension – 700 Grand Avenue.

Yes Votes: 10 No Votes: 0 Not Voting: 1 Result: PASS

Point of Order regarding 23-0815

Doug Diny stated file number 23-0815 was properly noticed on the agenda and people traveled here to conduct that business so he felt the Council should consider it and at very minimum, provide some explanation to determine whether they should delay it to a future date.

Mayor Rosenberg referred to the Parliamentarian, City Attorney Anne Jacobson, as to the point of order question. Jacobson questioned if Diny was objecting to the mayor's removal of the resolution from the agenda. Diny confirmed he was objecting. Jacobson stated we do not approve the agendas at the beginning of the meeting, but because there is not full consensus to remove it the mayor can call the file number to see if there are any other motions.

23-0815 Resolution of the Economic Development Approving the First Amendment to the Development Agreement for Foundry on 3rd Ph I, LLC

Motion by Kilian, second by Diny to bring back the Resolution to the Agenda.

Gary Gisselman stated to his knowledge through the years an alderperson or the mayor could pull an item from the agenda, and it was never challenged. He questioned if they were establishing that precedent or rule tonight and whether there should be some kind of action

to have the body vote on this. Anne Jacobson provided an opinion. <https://www.youtube.com/watch?v=l8lAoPXh9L8> (16.30 / 56.20) He also pointed out the media was informed that it would be pulled and therefore action should not be taken .

Mayor Rosenberg clarified her decision to pull the item was because a couple of Council members requested more time and a closed session with outside counsel.

23-0815 Table

8/08/2023

Motion by Rasmussen, second by Larson to table the Resolution of the Economic Development Approving the First Amendment to the Development Agreement for Foundry on 3rd – to a special meeting of the Common Council.

Lisa Rasmussen commented that often holding off on an item to a future meeting usually yields better communication and a better result. She did not feel acting on it tonight was a prudent decision because a couple members have asked for additional time and closed session to ask questions of our outside legal counsel who writes our development agreements.

Becky McElhaney indicated she would vote no if she did not get the information shed needed through closed session. She stated she needed to be able to make an educated vote and her constituents were asking questions that she did not have answers for.

Tom Kilian stated at public comment tonight we heard from Mr. Ghidorzi and Mr. Patterson that things are moving along smoothly and swiftly, so perhaps an extension may not be needed anymore. He commented he was concerned because we are talking about a project the city has committed \$10.8 million of taxpayer money over 21 years and just hours before the meeting, we apparently as a body do not cohesively have the knowledge needed to take appropriate action with an item that has been agendized.

Doug Diny stated many people may be viewing the meeting tonight for this specific item on the agenda and we should keep this moving or at a minimum give people an explanation. *Discussion continued.* <https://www.youtube.com/watch?v=l8lAoPXh9L8>

Vote to table:

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

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

23-0820

8/08/2023

Motion by Rasmussen, second by Diny to adopt the Resolution of the Finance Committee Approving the proposed Axon contract for Public Safety Software Suite of Services including body worn and in-squad cameras, tasers, interview room recording and digital evidence management and storage and related budget impacts.

Yes Votes: 10 No Votes: 0 Not Voting: 1 Result: PASS

23-0821

8/08/2023

Motion by Lukens, second by Rasmussen to adopt the Resolution of the Finance Committee Approving acceptance of Public Health Vending Machine Program (PHVM) \$80,000 for the purchase of two outdoor health vending machines, setup, maintenance, and supplies.

Finance Director, Maryanne Groat, stated we will be bringing back a budget modification so that this grant is incorporated into the budget.

Lou Larson indicated a constituent called him in strong opposition to this and he questioned where these two machines were going to be placed. Captain Melinda Pauls, Wausau PD, explained they worked with some community partners for the two machines to be placed outdoors at the Community Campus on Grand Avenue and Health First on S 3rd Avenue. Larson stated he supported saving

lives but his concerns were for vandalism or abuse by Narcan availability encouraging drug use. He questioned if it was possible to have some kind of authority or supervision to prevent this. Pauls stated she understood the concern and one of things they looked at was where to place them. She noted there are currently many opportunities for people to receive Narcan, but it isn't 24-hour availability. These machines containing Fentanyl test strips and Narcan will make these life-saving measures available 24 hours a day. They wanted public areas where they would be easily accessible. These machines have been around for decades in other countries, and they are finding very little vandalism of the machines.

Tom Kilian fully supported implementation of these machines but would be concerned about putting them in a place that is highly scrutinized or surveilled because citizens need to feel comfortable to use them without feeling they are being watched by big brother.

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

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

Suspend the Rules

8/08/2023

Motion by Lukens, second by Watson to Suspend Rule 6(B) Filing.

Yes Votes: 10 No Votes: 0 Not Voting: 1 Result: PASS

23-0108A

8/08/2023

Motion by Watson, second by Rasmussen to adopt the Resolution of the Public Health & Safety Committee Approving or Denying Various Licenses as Indicated (from August 8th Special meeting).

Yes Votes: 10 No Votes: 0 Not Voting: 1 Result: PASS

22-1109A

8/08/2023

Motion by Rasmussen, second by Watson to adopt the Resolution of the Finance Committee Approving City's accepted Offer to Purchase for 1514 N. 2nd Street and related budget modification.

Gary Gisselman questioned if this was agreed upon by the seller and how did the city come into negotiation. Randy Fifrick explained he was contacted by the seller's agent, knowing that we have seven adjacent city-owned lots. He indicated they took a tour of it and put together an offer to purchase with the joint Finance and Economic Development Committees consideration in closed session. He indicated the price was the asking price of the seller and the house is currently vacant. There was discussion on putting out an RFP for development of all these properties in this area. He indicated they have really been focusing on that section of city-owned properties between Bridge and DeKalb Streets.

Lisa Rasmussen stated this property, which is between 2nd and 3rd Streets on Bridge Street, is strategically located.

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

<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	NV

23-0819

8/08/2023

Motion by Herbst, second by Lukens to adopt the Resolution of the Human Resources Committee Approving ATU Local 1168 Union Grievance Arbitration Settlement.

Yes Votes: 10 No Votes: 0 Not Voting: 1 Result: PASS

Public Comment & Suggestions

None

Adjourn

8/08/2023

Motion by Herbst, second by Watson to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:25 pm.

Katie Rosenberg, Mayor
Kaitlyn Bernarde, City Clerk

DRAFT

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, August 28, 2023 in Council Chambers, beginning at 6:02 p.m.,
Mayor Katie Rosenberg presiding.

Roll Call

08/28/2023

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: WOZ/T-Wall Presentation on Foundry on 3rd Ph1, LLC First Amendment Request and Project Progress – Liz Brodek, Nick Patterson, Jeff Stubbe, Chuck Ghidorzi

Presentation was given by Liz Brodek, Director of Community Development, to provide context on previous development agreements and amendments, and the need for the current development agreement and the terms of that agreement. *Point of Order* raised by Larson against the direction of the presentation. *Point of Order was not well taken by the chair* and it was clarified that the educational presentation only was currently before the Common Council. Patterson gave an update on the status of construction on The Foundry on 3rd project. Stubbe, Executive Director of the Dwight and Linda Davis Foundation who supports WOZ, provided background on the current financial market in relation to the development. Ghidorzi gave an update on the ongoing infrastructure projects surrounding the development.

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

- 1) Dave Eckman, President and CEO of the Wausau Chamber of Commerce and President of WOZ, spoke in favor of accepting the amendment to the Development Agreement for Foundry on 3rd.
- 2) Owen Jones, Owner of Jones Real Estate and Tommy Docks, spoke on the current real estate market and in favor of the Development Agreement for Foundry on 3rd.
- 3) Michael Loy, Board Member of the Greater Wausau Area Prosperity Partnership and Geared Equity, spoke on the current financial market and in favor of accepting the amendment to the Development Agreement for Foundry on 3rd.
- 4) Tyler Vogt, Owner of Malarkey’s Pub & Townies Grill and the Westsider Diner & Lounge, spoke on the housing market impact on local businesses and in favor of the Development Agreement for Foundry on 3rd.
- 5) Sam Wessel, North Central Wisconsin Regional Planning Commission, spoke on the current local housing market.
- 6) John Tubbs spoke on the current banking industry and in favor of accepting of the Development Agreement for Foundry on 3rd.
- 7) Susan Lang, President of Emmerich Properties, spoke on challenges in redevelopment and in favor of accepting the amendment to the Development Agreement for Foundry on 3rd.
- 8) Matt Rowe, President of RuderWare and Chair of the Board of the Greater Wausau Area Prosperity Partnership, spoke on the limited housing options for new residents and in favor of the Development Agreement for Foundry on 3rd.
- 9) Jeff Sargent, Executive Director of United Way Marathon County, spoke in favor of all housing projects and in favor of the Development Agreement for Foundry on 3rd.
- 10) James Tipple spoke in favor of accepting the amendment to the Development Agreement for Foundry on 3rd.
- 11) Maggie Gordon, Co-Founder of Imaginarium, Inc, spoke on the mall redevelopment and community support for the children’s museum, and in favor of the Development Agreement for Foundry on 3rd.
- 12) William (Bill) Panzigrau, Board of Directors of Open Door, spoke on the operations of The Open Door and in favor of terminating the ARPA Subrecipient Agreement between the City of Wausau and The Open Door.

23-0815

08/28/2023

Motion by Watson, seconded by Rasmussen, to approve the Resolution from the Economic Development Committee Approving the First Amendment to the Development Agreement for Foundry on 3rd Ph 1, LLC.

Rasmussen stated that the terms of the proposed amendment simply requested more time and questioned if there was a need to move into closed session. It was stated that the city must act as a good faith partner with developers.

Diny stated in response to Rasmussen that there is more lost than time, in reference to economic opportunities lost. It was stated that there was a need for the city to keep best practices in vetting agreements and amendments to agreements. Diny requested that a financial agreement be reached to give confidence to the Common Council that the terms of the agreement will be met.

Kilian stated it is appropriate to seek outside counsel to seek answers to questions by the Common Council and stated disagreements to comments given that indicated that there was ample notice given on the specifics and terms of this amendment to the agreement. It was stated that previous development agreement amendments do not compare to the current item and had their own challenges for the city. Kilian stated a position as the alderperson representing the district of the redevelopment that the city has kept up on the agreement and the developer should do the same.

Larson stated agreement with the remarks provided by Kilian and that the history with the developer over the past years prompts the need to go into closed session and ask critical questions with outside counsel.

Watson stated that interest rates have increased from historically low levels several times since the beginning of the discussion of the development agreement. It was stated that previous development agreements have occurred during the historically low interest rate periods. Watson stated that it was possible to set a new start date on the development and make it clear that another extension amendment would not be provided. It was stated that further delays will result in less funds provided to the developer due to the nature of the reverse TID agreement thus the developer did not have a vested interest in further delays and that due to the housing situation, further delays would not be in the interest of city taxpayers.

Lukens stated appreciation for Watson and public comment speakers for providing context of this item. It was stated that further delays were not in the interest of the city but starting over with the redevelopment was also not in the best interest of the city.

Closed Session

08/28/2023

Motion by Gisselman, seconded by Kilian, to convene into CLOSED SESSION pursuant to s. 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, and (1)(e), deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: relating to the proposed First Amendment to the Development Agreement with Foundry on 3rd Ph1, LLC, and the Purchase and Development Agreement and related amendments with Wausau Opportunity Zone, Inc. (Wausau Center Mall).

Roll Call Vote:

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

Yes Votes: 11

No Votes: 0

Abstain: 0

Not Voting: 0

Result: PASSED

Reconvened into Open Session

23-0815

08/28/2023

Motion by Rasmussen, seconded by McElhaney, to hold action on the amendment as written, and direct staff to not take action on default provisions on the existing agreement and meanwhile work on an amendment with WOZ and the developer to draft the amendment in accordance with statements made here tonight during comment to pay or cause to be paid the cost of the delay and other such commitments made as part of the record tonight. Our expectation is that this would be completed within 60 days.

Diny stated support for the motion to further examine the amendment to the agreement.

Rasmussen stated that the motion would allow a group of partners to get together and agree on an amendment.

Gisselman stated opposition to the motion due to a disagreement with the development being inadequate to the needs of the housing situation of the city for building high-end housing projects.

Kilian stated opposition to the motion for similar reasons to Gisselman and stated that it was encouraging to see the city hold developers accountable.

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

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

22-1109 08/28/2023

Motion by Watson, seconded by Lukens, to approve a Resolution from Finance Committee Approving 2023 Budget Modification – Public Health Vending Machine Program (PHVM).

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

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

23-0808 08/28/2023

Motion by Lukens, seconded by Watson, to approve the Resolution from Finance Committee Approving the over hire of two street operator positions within the Department of Public Works.

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

00-0808 08/28/2023

Motion by Lukens, seconded by Herbst, to approve the Resolution from the Finance Committee Approving withdrawal of funds from Wausau Cemetery Perpetual Trust Fund.

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

23-0817 08/28/2023

Motion by Rasmussen, seconded by Watson, Resolution from the Finance Committee Approving Termination of American Rescue Plan Act Subrecipient Agreement between the City of Wausau and The Open Door.

Rosenberg stated clarification on the item to provide context that after challenges in staffing the entity is returning to their mission.

Yes Votes: 11

No Votes: 0

Abstain: 0

Not Voting: 0

Result: PASSED

Adjourn

08/28/2023

Motion by Lukens, second by Herbst, to adjourn the meeting. Motion carried. Meeting adjourned at 8:39 p.m.,

Katie Rosenberg, Mayor
Kaitlyn Bernarde, City Clerk

DRAFT

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: August 10, 2023, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lou Larson, Chad Henke, Gary Gisselman, Doug Diny, Lisa Rasmussen

Also Present: Eric Lindman, TJ Nicksich, Jill Kurtzhals, Tara Alfonso, Dustin Kraege

Discussion and possible action on Stormwater Maintenance Agreement with RJ Elm Properties LLC at 1520 Elm Street and 1401 Elm Street LLC at 1601 Elm Street

Nicksich explained this is the standard maintenance agreement for any site requiring storm water facilities. Henke would love for this parking lot to get in ASAP as Elm Street is a disaster to drive right now. He believes it is fortunate the street reconstruction is happening right now. It would have been a bigger issue if the street went all the way through.

Henke moved to approve. Seconded by Rasmussen and the motion passed 5-0.

AGENDA ITEM

Discussion and possible action on Stormwater Maintenance Agreement with RJ Elm Properties LLC at 1520 Elm Street and 1401 Elm Street LLC at 1601 Elm Street

BACKGROUND

RJ Elm Properties is proposing to construct a new off-site parking lot associated with an adjacent apartment complex. The development will occur on a 1.2 acre property located at 1601 Elm Street within the City of Wausau. Stormwater runoff will be routed to designated stormwater management facilities consisting of catch basins, storm sewer and an underground detention facility.

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: TJ Niksich 715-261-6748

Document No.

AGREEMENT

Document Title

**AGREEMENT FOR THE MANAGEMENT AND
MAINTENANCE OF A STORMWATER FACILITY**

THIS AGREEMENT made this _____ day of _____, 20__, by and between the City of Wausau, a municipal corporation of the State of Wisconsin, hereinafter referred to as "CITY", and _____

_____ 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 storm water facilities, which are the subject of this agreement.
2. OWNER specifically agrees to maintain the storm water facilities 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 pond and, in addition to the detention pond, 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: _____

By: _____

CITY OF WAUSAU:

By: _____

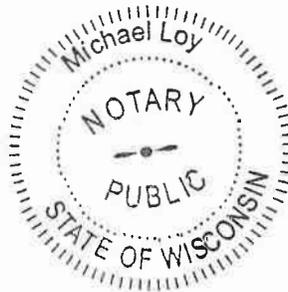
Katie Rosenberg, Mayor

By: _____

Kaitlyn Bernarde, Clerk

STATE OF WISCONSIN)
) ss.
 COUNTY OF MARATHON)

Personally came before me this 6th day of July, 2023, the above-named Roland Lokre and James A. Frings of 1701 Elm Street LLC, 1520 Elm Street, LLC, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



Notary Public, Wisconsin
 My commission: October 26, 2025

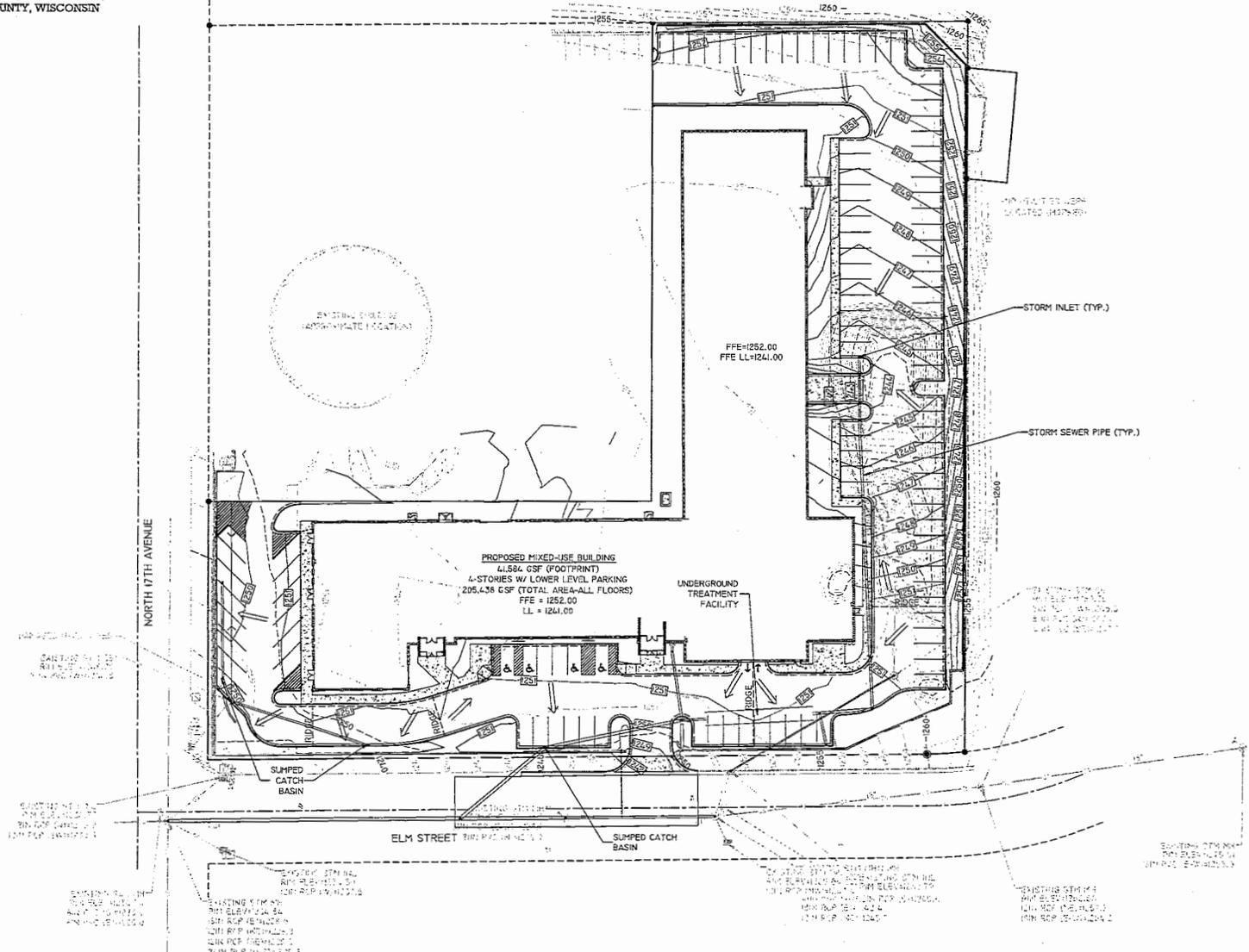
STATE OF WISCONSIN)
) ss.
 COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 20____, the above-named Katie Rosenberg, Mayor, and Leslie Kremer, 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: _____

This instrument was drafted by the Engineering Department, City of Wausau, 407 Grant Street, Wausau, WI 54403.

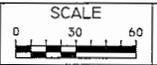
PROPERTY LEGAL DESCRIPTION:
 LOT 2 OF CERTIFIED SURVEY MAP NUMBER 18721
 LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4
 OF SECTION 27, TOWNSHIP 28 NORTH, RANGE 7 EAST,
 CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN



REI Engineering, Inc.
 1080 N. 20TH AVENUE
 WAUSAU, WISCONSIN 54981
 PHONE: 715.835.5744 FAX: 715.835.4880
 BY MAIL: MAIL@REIENGINEERING.COM



REI CIVIL & ENVIRONMENTAL
 ENGINEERING, SURVEYING



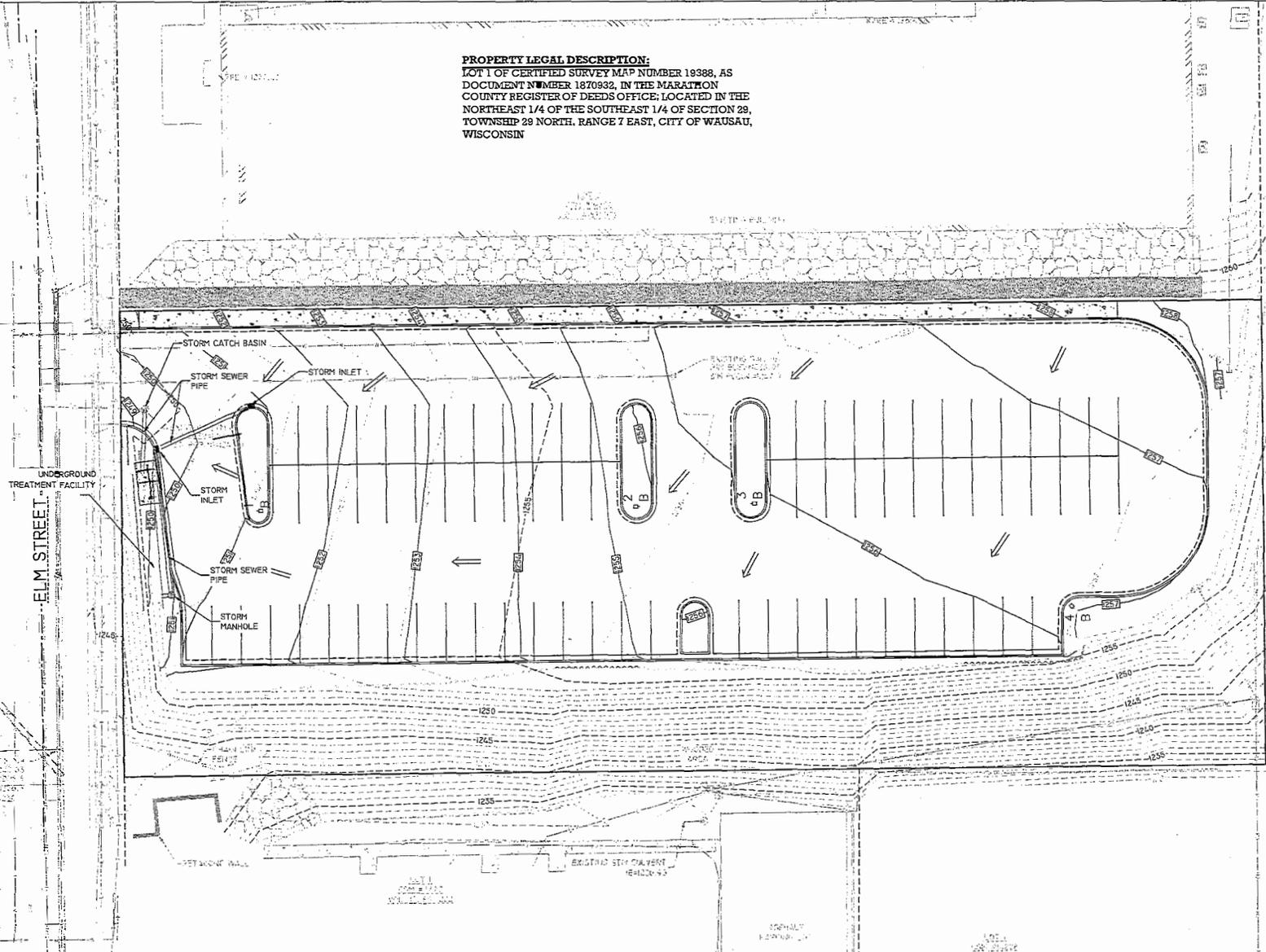
DATE	REVISION	BY	CHKD

SURVEYED BY: JIM, JAF	DESIGNED BY: MEM	SURVEY DATE: 05/24/21
SURVEY CHKD BY: JWP	CIVIL CHKD BY: MEM	CIVIL DATE: 09/27/21
SURVEY APVD BY: JWP	CIVIL APVD BY: JJB	DRAWN BY: CSW

GRADING AND DRAINAGE EXHIBIT
 JANKNETTER ARCHITECTS
 17TH AVENUE APARTMENT PROJECT
 WAUSAU, WISCONSIN

REI
 REI NO. 9818
 SHEET EXH A

PROPERTY LEGAL DESCRIPTION:
 LOT 1 OF CERTIFIED SURVEY MAP NUMBER 19388, AS
 DOCUMENT NUMBER 1870932, IN THE MARATHON
 COUNTY REGISTER OF DEEDS OFFICE; LOCATED IN THE
 NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 29,
 TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU,
 WISCONSIN

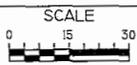


DRAWING FILE: P:\projects\2023\23-001\23-001.dwg
 DATE: 4/14/2023 10:58:20 AM
 USER: RJA

REI Engineering, Inc.
 1380 N. 20TH AVENUE
 WAUSAU, WISCONSIN 54401
 PHONE 765.675.8752 FAX 765.675.4990
 EMAIL: MAIL@REIENGINEERING.COM



CIVIL & ENVIRONMENTAL
 ENGINEERING, SURVEYING



DATE	REVISION	BY	CHKD

SURVEYED BY: AB	DESIGNED BY: MEM	SURVEY DATE: 4/14/2023
SURVEY CHECKED BY: BWP	PROJECT NO: 23-001	DATE: 4/28/2023
SU		

EXHIBIT A
 RJ ELM, LLC
 1601 ELM STREET
 WAUSAU, WISCONSIN 54401

REI
 No. 9818B
 SHEET EXH A

EXHIBIT B
STORM WATER FACILITIES MANAGEMENT MAINTENANCE SCHEDULE & PROCEDURES
FOR
17TH AVENUE APARTMENTS & OFF-SITE PARKING
1520 & 1601 ELM STREET
CITY OF WAUSAU, MARATHON COUNTY, WI

PROPERTY LEGAL DESCRIPTIONS:

Lot 2 of Certified Survey Map Number 18721 located in the Northeast 1/4 of the Southeast 1/4 of Section 27, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin.

AND

Lot 1 of Certified Survey Map number 19388, as Document number 1870932, in the Marathon County Register of Deeds office; located in the Northeast 1/4 of the Southeast 1/4 of Section 29, Township 29 North, Range 7 East, City of Wausau, Wisconsin.

RESPONSIBLE PARTY:

The Owner, RJ ELM Properties, LLC, their successors, and assigns, shall inspect and maintain the following structural and/or non-structural measures.

MAINTENANCE SCHEDULE AND PROCEDURES:

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 underground treatment facility, sumped catch basins, and on-site storm sewer.

1. DEBRIS: Removal of trash, debris, and noxious weeds should be done on a regular basis to maintain aesthetics and functionality of the storm sewer on the site.
2. STORM AND OUTLET STRUCTURES: Remove accumulated sediment and/or debris from the outlet structure of the underground treatment facility, storm sewer structures, and storm sewer piping on the site.
3. UNDERGROUND TREATMENT FACILITIES & CATCH BASINS: Remove accumulated sediment and/or debris from the sumped portion of the underground treatment facilities and sumped catch basins a minimum of every other year.
4. MOWING: Mow the greenspace areas to promote aesthetics and control weed growth.
5. RIPRAP: Inspect riprap and replace as may be needed to maintain integrity and a clean appearance of riprap.

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

RESOLUTION OF THE PUBLIC HEALTH & SAFETY COMMITTEE	
Approving or Denying Various Licenses as Indicated	
Committee Action: Approved 4-0	
Fiscal Impact: None	
File Number: 23-0108	Date Introduced: September 12, 2023

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, your Public Health and Safety Committee considered certain license applications at its August 21, 2023 meeting, and has made recommendations that are attached hereto in the meeting minutes and recommends these actions to the Council for its approval, now therefore

BE IT RESOLVED by the Common Council of the City of Wausau that the City Clerk be hereby authorized to issue the licenses on the attached list, incorporated as part of this resolution, according to recommendations made by the Public Health & Safety Committee and upon successful completion and acceptable proof that all applicable state and municipal regulations and requirements have been met by the applicants.

Approved:

Katie Rosenberg, Mayor



Council Date 09/12/2023

License ID	License Typ	Name	Address	Details	Business	Begin Dt	End Dt	Police	PHS	Council
181997	9020 - Public Transport Driver Renewal	HANKE, MICHAEL	1036 S 15TH AVE WAUSAU WI 54401		ALL AMERICAN TAXI	05/12/2023	06/30/2024	Yes	Yes	
181950	9020 - Public Transport Driver Renewal	STAMPER, TRACY	1424 N 16th Ave. Apt 1 WAUSAU WI 54403		NORTHWOODS CAB	08/17/2023	06/30/2024	Yes		
184272	850 - Obstruction	STEEGE, HANNAH	419 FRENZEL ST WAUSAU WI 54403			08/28/2023	06/30/2018			
184903	850 - Obstruction	Zaal, Kristin	532 S 3rd Ave Wausau WI 54401							
184815	9075 - Cigarette	,	1405 N 6TH ST SUITE A WAUSAU WI 54403		VIP TOBACCO & VAPE	08/11/2023	06/30/2024		Yes	
184663	9080 - Public Transport Driver New	ALSTEEN, DONALD	209732 CTY RD Y HATLEY WI 54440		NORTHWOODS CAB	08/03/2023	06/30/2024	No	No	
184170	9080 - Public Transport Driver New	RABBIE, BRADLEY	640 2ND ST N #5G STEVENS POINT WI 54481		NORTHWOODS CAB	07/14/2023	06/30/2024	Yes	Yes	
Total Licenses										6

CLERK'S REPORT TO PUBLIC HEATH & SAFETY COMMITTEE

August 21, 2023 Meeting

AGENDA ITEM # 2

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

ADDITIONAL INFORMATION

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

- Denial Recommendations: Public Transport Driver:** 1) **Re-application from Donald Alsteen - Previously denied for: Battery and DC convictions - with habitual criminality enhancer and weapons enhancer. Also misd conviction for sexual intercourse with a child age 16 or older – additional Evidence of Rehabilitation was provided to Chief Bliven prior to reapplying;** 2) **Peter Goetsch - Applicant has felony THC convictions in 2017, felony theft conviction in 2021 and felony burglary convictions in 2021;** 3) **Emmanuel Reyes - Applicant has 4 battery convictions, the most recent in 2017. In addition, the applicant has habitual truancy enhancers on more recent convictions. Applicant also has a conviction for reckless driving causing injury in 2006.**
- Class B Retailer (Picnic) Licenses – Monk Botanical Gardens for a series of “Blossom on Lights” in the month of October- for Beer only.**
- Cigarette & Tobacco License: A-F World, Inc., d/b/a VIP Tobacco & Vape, 1405 N 6th St, Suite A**
- No special events this month.

STAFF RECOMMENDATION

Approve or deny as indicated on the summary report including those that may be introduced at the meeting. Please let me know if you have any question regarding any license applications listed.

Mary Goede, Deputy Clerk
Date of Report: August 18, 2023
(715) 261-6621

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, August 21, 2023, at 5:15 p.m., (Council Chambers)

Members Present: Lisa Rasmussen, Chad Henke, Doug Diny, Lou Larson

Excused: Becky McElhaney

Others Present: Anne Jacobson, Matt Barnes, Jeremy Kopp, Tracy Rieger, Kaitlyn Bernarde, Katie Rosenberg, Kody Hart

Consider approval or denial of various license applications

Rasmussen provided an opportunity for applicants recommended for denial of licenses to address the committee to discuss their record. Donald Alsteen and Peter Goetsch were not in attendance. Emmanuel Reyes was present and stated disagreements with the recommendation in regard to the amount of time that has passed since the conviction involving a motor vehicle and spoke on rehabilitation since the other convictions. Rasmussen stated a recommendation to hold Reyes' approval or denial for Reyes to provide documents to show rehabilitation.

Larson questioned the meaning on "habitual truancy enhancers on more recent convictions" provided in the Clerk's Report to the Public Health & Safety Committee. It was stated that consultation with the city attorney's office may be needed to further understand Reyes' record.

Henke stated a recommendation to Reyes to provide further documentation on Reyes becoming a foster parent.

Motion by Larson, seconded by Diny, to approve or deny licenses as recommended by staff with the exception of Emmanuel Reyes. Motion carried 4-0.

**ORDINANCE OF CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE**

Repealing 15-minutes parking on the north side of Washington Street beginning at the intersection with 6th Street and extending east 50 feet

Committee Action: Approved 5-0

Ordinance Number:

Fiscal Impact: Minimal amount of time to remove signs

File Number: 12-1113

Date Introduced: September 12, 2023

WHEREAS, on November 13, 2012, the Common Council approved designating 15-minute parking on the north side of Washington Street beginning at the intersection with 6th Street and extending east 50 feet; and

WHEREAS, the City received a request from JN Creations LLC located at 608 Washington Street for the removal of the 15-minute parking restriction; and

WHEREAS, your Capital Improvements and Street Maintenance Committee, at their August 10, 2023 meeting, recommended repealing the 15-minute parking on the north side of Washington Street beginning at the intersection with 6th Street and extending east 50 feet.

NOW, THEREFORE, the Common Council of the City of Wausau do ordain as follows:

Section 1. That Section 10.20.080(b) of the Wausau Municipal Code is hereby amended as follows:

15-minute parking, north side of the street beginning at the intersection with 6th Street and extending east 50 feet is hereby repealed.

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:

Katie Rosenberg, Mayor

Attest:

Kaitlyn A. Bernarde, Clerk

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: August 10, 2023, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lou Larson, Chad Henke, Gary Gisselman, Doug Diny, Lisa Rasmussen

Also Present: Eric Lindman, TJ Niksich, Jill Kurtzhals, Tara Alfonso, Dustin Kraege

Discussion and possible action on parking restrictions in the 600 block of Washington Street

A request was received to remove the current 15-minute parking restrictions. Henke asked if this was a loading zone at one time. Lindman is unsure. Larson asked if the businesses are asking for this change and Lindman confirmed the request came from one of the businesses.

Henke moved to approve. Seconded by Rasmussen and the motion passed 5-0.

AGENDA ITEM
Discussion and possible action on parking restrictions in the 600 block of Washington Street
BACKGROUND
<p>The current parking restriction on this block of Washington Street is the following:</p> <ul style="list-style-type: none"> • 15-minute parking, north side of the street beginning at the intersection with 6th Street and extending east 50 feet <p>A request from the owner of JN Creations LLC at 608 Washington Street was received by the Engineering Department to remove the 15-minute parking restriction.</p>
FISCAL IMPACT
None
STAFF RECOMMENDATION
Staff does not have an issue removing the restriction. CISM should consider if other comments are received at the meeting.
Staff contact: Allen Wesolowski 715-261-6762



15
MIN
PARKING
MON-FRI
9:AM-6:PM

15
MIN
PARKING
MON-FRI
9:AM-6:PM

ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE

Amending Section 9.04.010 State statutes adopted and Section 1.01.025 Issuance of citations.

Committee Action: Approved 4-0

Ordinance Number:

Fiscal Impact: None

File Number: 23-0904

Date Introduced: September 12, 2023

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

Add ()
Delete (-----)

Section 1. That Section 9.04.010 State statutes adopted, is hereby amended to read as follows:

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

...

941.13(1), (2), (3), (4) [False alarms.]

941.20(1)(a), (b), (c), (d), (2)(a), (3) [Endangering safety by use of dangerous weapon.]

941.2965 [Restrictions on use of facsimile firearms.]

943.01(1) [Damage to property.]

943.01(2)(a), (b), (c) [Damage to property.]

...

Section 2. That Section 1.01.025 Issuance of citations, is hereby amended to read as follows:

1.01.025 Issuance of citations.

...

(c) Schedule of cash deposits.

(1) A schedule of cash deposits is established as follows:

...

(B) For violations of all ordinances other than those governed by the aforescribed Uniform State Deposit Schedule and except as provided in subsection (C), the cash deposit schedule shall be as follows:

Municipal Ordinance Schedule of Deposits

...

<u>Ord. No.</u>	<u>Offense</u>	<u>Deposit</u>
9.04.010	Possession of drug paraphernalia	150.00
9.04.010	Restrictions on use of facsimile firearms	150.00
9.04.010	Retail theft	200.00

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:

Katie Rosenberg, Mayor

Attest:

Kaitlyn Bernarde, Clerk

PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, August 21, 2023, at 5:15 p.m., (Council Chambers)

Members Present: Lisa Rasmussen, Chad Henke, Doug Diny, Lou Larson

Excused: Becky McElhaney

Others Present: Anne Jacobson, Matt Barnes, Jeremy Kopp, Tracy Rieger, Kaitlyn Bernarde, Katie Rosenberg, Kody Hart

Discussion and possible action regarding an ordinance amending Section 9.04.010 State statutes adopted and Section 1.01.025 Issuance of citations (Re: Restrictions on the Use of Facsimile Firearms)

Matt Barnes, Deputy Chief, stated the purpose of the ordinance change was to adopt a state statute as allowed so the forfeiture would provide revenue to the city through the municipal court.

Motion by Larson, seconded by Henke, to approve. Motion carried 4-0.

To: Public Health and Safety Committee
From: Ben Graham, Investigations Captain
Date: 8/8/2023
Re: Adopting Wis. Stat. 941.2965 to the Municipal Code



Synopsis

The Police Department is seeking approval to adopt Wis. Stat. 941.2965, Restrictions on Use of Facsimile Firearms, to 9.04.010 of the Wausau Municipal Code.

Background

The State of Wisconsin restricts the use of facsimile firearms.

A "facsimile firearm" means any replica, toy, starter pistol or other object that bears a reasonable resemblance to or that reasonably can be perceived to be an actual firearm. "Facsimile firearm" does not include an actual firearm.

According to Wis. Stat. 941.2965, "No person may carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person."

Whoever violates Wis. Stat. 941.2965 is subject to a Class C forfeiture.

Because the associated penalty does not rise to a misdemeanor offense, the City of Wausau must incorporate the statute in Municipal Code to enable enforcement through citation. Wis. Stat. 941.2965 is currently not in the list of adopted state statutes under 9.04.010 (WMC).

In a recent case, officers were dispatched to locate a stolen vehicle from the City of Marshfield. The suspect was reportedly in possession of a black handgun and informed others that he would shoot police if they attempted to stop him. The vehicle and suspect were located. The black handgun was found after arrest but was determined to be an airsoft pistol. The officer attempted to apply 941.2965, but later learned it was a forfeiture offense and the City had no adopting language.

Recommendation

To adopt Wis. Stat. 941.2965, Restrictions on Use of Facsimile Firearms, to 9.04.010 of the Wausau Municipal Code.

I recommend a bond amount equal to that of Disorderly Conduct.

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

**FINAL RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE AND PLAN COMMISSION**

Vacating and discontinuing an area of right-of-way abutting 505 South 21st Avenue, a portion of 509 South 21st Avenue, a portion of 514 South 21st Avenue, and a portion of 2111 Stewart Avenue

Committee Action: CISM: Approved 3-2
Plan: Approved 7-0

Fiscal Impact: None

File Number: 23-0604

Date Introduced: September 12, 2023

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, pursuant to Section 66.1003(4) of the Wisconsin Statutes, the Common Council has heretofore initiated proceedings on June 13, 2023 at a regular meeting of the Common Council to vacate and discontinue the following-described portion of street in the City of Wausau:

Part of South 21st Avenue described in Helke & Nehring Addition, located in the Northeast 1/4 of the Northwest 1/4 of Section 34, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, more particularly described as follows:

Commencing at the Northeast corner of Lot 4 of Block 1 of Koebke's Addition, recorded in Volume 10, on Page 6, as Document Number 430598, and the Southeast corner of Lot 1 of Certified Survey Map Number 14645, recorded in Volume 65, on Page 107, as Document Number 1465126, both filed in the Marathon County Register of Deeds Office, said point also being on the west right-of-way line of South 21st Avenue and the point of beginning; thence North 00°16'40" West, coincident with the east line of said Lot 1 and said west right-of-way line, 37.83 feet to the north right-of-way line of said South 21st Avenue; thence North 89°34'44" East, coincident with said north right-of-way line, said east line of Lot 1 and the easterly extension thereof, 60.00 feet to the east right-of-way line of said South 21st Avenue; thence South 00°16'40" East, coincident with said east right-of-way line, 46.94

feet; thence South 89°40'57" West, 60.00 feet to said west right-of-way line of South 21st Avenue; thence North 00°16'40" West, coincident with said west right-of-way line, 9.00 feet to said Northeast corner of Lot 4, said Southeast corner of Lot 1, and the point of beginning.

WHEREAS, the above legally described right-of-way is further depicted on Exhibit 1 attached hereto; and

WHEREAS, a public hearing on the passage of such resolution was set by the Common Council for 5:15 p.m. in the Council Chambers of City Hall, Wausau, Wisconsin, on the 10th day of August, 2023, written notice of such meeting was duly served on the owners of all of the frontage of the lots and lands abutting upon the portion of street sought to be discontinued as provided by law, and notice was published in the newspaper as provided by law; and

WHEREAS, a public hearing was duly held pursuant to said notice at the time and place therefor affixed and all persons so served and interested were then and there given an opportunity to be heard; and

WHEREAS, a proper notice of the pendency of said petition for vacation and discontinuance and map covering the proposed vacation was duly filed in the office of Register of Deeds for Marathon County, as required by the Wisconsin Statutes; and

WHEREAS, your Capital Improvements and Street Maintenance Committee and your Plan Commission, after considering the matter, have recommended that the aforescribed portion of street be vacated and discontinued; and

WHEREAS, Wisconsin Public Service Corporation may request that they be granted easement and ingress and egress rights over, across and under the portion of street for the purpose of installing, maintaining, inspecting, repairing, and/or replacing any of their utilities.

BE IT RESOLVED by the Common Council of the City of Wausau that it is hereby declared that since the public interest requires it, the herein described portion of street is hereby vacated and discontinued; provided, however, this resolution shall take effect and have validity only after the granting by the City to requesting utilities of any and all permanent easement and ingress and egress rights deemed necessary by them.

BE IT FURTHER RESOLVED the City of Wausau shall retain easement and ingress and egress rights over, across and under the portion of street being vacated for the purpose of installing, maintaining, inspecting, repairing and/or replacing any of their utilities, and systems such as watermain, sanitary and storm sewer and electrical.

BE IT FURTHER RESOLVED that the proper City officials are hereby authorized and directed to execute an easement to Wisconsin Public Service, if they wish, approved by the City Attorney, granting all necessary easement and ingress and egress rights, all within and/or over the portion of street to be vacated, and that this entity shall have until October 12, 2023, to get this easement recorded.

BE IT FURTHER RESOLVED, that the City Clerk, upon the recording of the above-referenced easements, but no earlier than October 12, 2023, shall record a certified copy of this

resolution accompanied with a map showing the location of said vacated portion of street in the office of the Register of Deeds for Marathon County, and that the City Clerk shall notify the Engineering Department as to when this resolution has been recorded.

Approved:

Katie Rosenberg, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: August 10, 2023, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lou Larson, Chad Henke, Gary Gisselman, Doug Diny, Lisa Rasmussen

Also Present: Eric Lindman, TJ Niksich, Jill Kurtzhals, Tara Alfonso, Dustin Kraege

Public Hearing: Vacating and discontinuing an area of right-of-way abutting 505 South 21st Avenue, a portion of 509 South 21st Avenue, a portion of 514 South 21st Avenue, and a portion of 2111 Stewart Avenue

and

Discussion and possible action on vacating and discontinuing an area of right-of-way abutting 505 South 21st Avenue, a portion of 509 South 21st Avenue, a portion of 514 South 21st Avenue, and a portion of 2111 Stewart Avenue

Tom Radenz, 4080 North 20th Avenue, appeared on behalf of REI and the Ghidorzi team and spoke in favor of the vacation. This project started back in 2006 when the buildings were originally constructed. This corridor has always been slated for commercial development. In 2006 they realized they would be challenged for parking, but that was the land available to make it work at the time. Since the time when the buildings were constructed, the Army, Navy, Marines and Air Force have moved in. They are great tenants and they want to support their effort. They have service vehicles they use in their recruiting efforts. When they each have 3 vehicles in the parking lot, as well as a trailer, it adds stress to the parking field. They are interested in creating more parking in the back. They are interested in removing the home located on 22nd Avenue, which is owned by the Ghidorzi team. It is in serious need of repairs and at the point of tear down. They would like to keep the home on 21st Avenue that is also owned by the Ghidorzi team. They look forward to working with the neighborhood on the site plan at the appropriate time. Pending tonight's approval, this would go before the Plan Commission in September for the UDD process.

Mike Watts, 515 South 21st Avenue, lives right behind the bank. He wanted to make sure no one would be coming after his house and wanted to know how far back the proposal was coming down 21st Avenue. After Radenz provided Watts a site plan, he was good with the proposal. Watts further explained that when the buildings were originally built, a fence was placed 2' from his house. That was eventually moved giving them 6' on the side of the house. He wanted to make sure that was not going to happen again and the site plan provided clearly shows that will not happen.

Henke noted a letter was received from one of the neighbors in the last house at the end of 22nd Avenue. The letter expresses concerns about past projects not fully coming to fruition. They do like the proposed green space. They would like the fence to be 8' high and asked that the parking stalls be sloped downhill so the lights do not shine into their windows. There is currently a slated fence that they would like to be a solid privacy fence. They wish for Ghidorzi to be a good neighbor and keep them involved in any plan changes.

No one further appeared to offer comments and the public hearing was closed.

Rasmussen noted the buffer and that the plan indicates solid fencing is proposed. She spoke of the privacy fence behind the Galleria that was 6' high slated wood sections. As it aged there were times when sections had fallen or were knocked down. New sections were put up, but the wood fencing was not ideal. If there is a better product that now exists, she feels the Plan Commission should ask about it. The plan does give a lot more parking in the back. The front spaces are often full.

Rasmussen moved to approve. Seconded by Diny.

Henke asked the set back for a fence and Lindman indicated it can be on the property line. Henke stated the letter received also mentioned trees that were removed. He would like to see trees, landscaping, shrubs, etc. in the green area to help with noise and light. These people do not like it but are reasonable. If Ghidorzi works with

them, Henke believes we can have a successful outcome. He asked that the neighbors are kept informed on what is changing.

Gisselman is confused on what Ghidorzi owns. Radenz said Ghidorzi owns 514 South 21st Avenue and 505 22nd Avenue. The home on 514 would remain. They intend to take some of the property from it but it would remain a conforming lot. Henke noted there is a house where the proposed green space buffer is. Radenz confirmed that would be demoed. Gisselman feels they have not been given enough and is concerned about the house that is not owned by Ghidorzi.

Gisselman feels the fence will be too far into the neighborhood and is concerned about water coming off the proposed parking lot. He feels the plan is too close to the house and will vote against.

There being a motion and a second, motion to approve passed 3-2 with Gisselman and Larson the dissenting votes.

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, August 15th, 2023, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Katie Rosenberg, Eric Lindman, Sarah Watson, Bruce Bohlken, Andrew Brueggeman, George Bornemann, Dawn Herbst.

Others Present: Andrew Lynch, William Hebert, Brian Stahl, Tara Alfonso, Lou Larson

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 Katie Rosenberg called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

Discussion and possible action on vacating and discontinuing an area of right-of-way abutting 505 South 21st Avenue, a portion of 509 South 21st Avenue, a portion of 514 South 21st Avenue and a portion of 2111 Stewart Avenue.

Hebert stated this is the initial vacation of right of way. They will come back with more precise plans of the expansion of the parking lot, screening, and landscaping. This came from CISM and it was approved.

Motion to approve by Brueggeman and seconded by Herbst. Approved unanimously 7-0

Agenda Item No.

2 & 3

STAFF REPORT TO CISM COMMITTEE – August 10, 2023

AGENDA ITEM

#2 – Public Hearing: Vacating and discontinuing an area of right-of-way abutting 505 South 21st Avenue, a portion of 509 South 21st Avenue, a portion of 514 South 21st Avenue, and a portion of 2111 Stewart Avenue

#3 – Discussion and possible action on vacating and discontinuing an area of right-of-way abutting 505 South 21st Avenue, a portion of 509 South 21st Avenue, a portion of 514 South 21st Avenue, and a portion of 2111 Stewart Avenue

BACKGROUND

514 S. 21st Ave LLC is proposing a CSM that would vacate a portion of South 21st Avenue. A copy of the proposed expansion to the development on Stewart Avenue is attached.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Staff does not have any major concerns over this right of way being vacated. Staff recommends approval depending upon comments received at the public hearing.

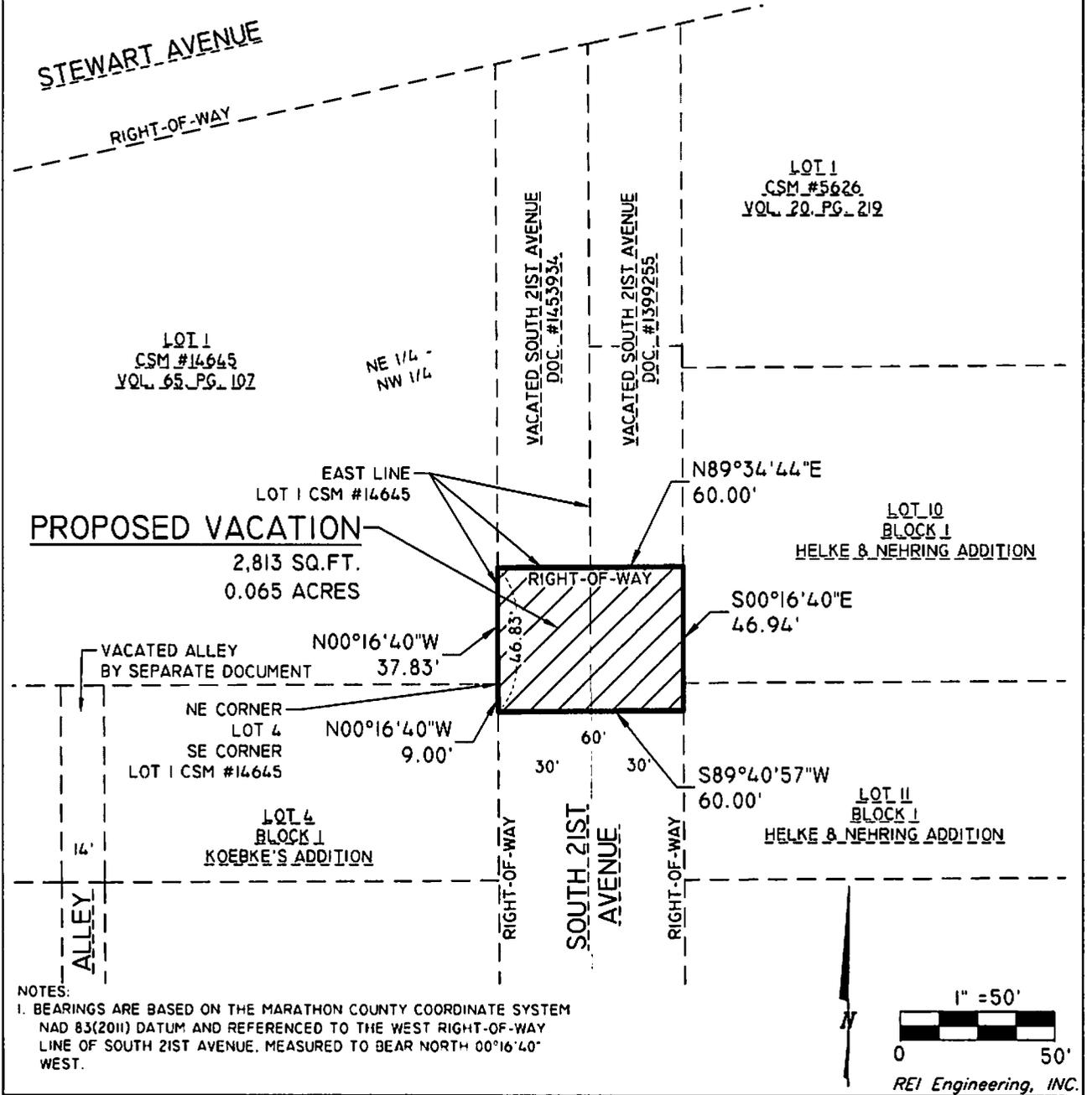
Staff contact: Allen Wesolowski 715-261-6762



EXHIBIT MAP

PART OF SOUTH 21ST AVENUE DESCRIBED IN HELKE & NEHRING ADDITION, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 4 OF BLOCK 1 OF KOEBKE'S ADDITION, RECORDED IN VOLUME 10, ON PAGE 6, AS DOCUMENT NUMBER 430598, AND THE SOUTHEAST CORNER OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 14645, RECORDED IN VOLUME 65, ON PAGE 107, AS DOCUMENT NUMBER 1465126, BOTH FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE. SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 21ST AVENUE AND THE POINT OF BEGINNING; THENCE NORTH 00°16'40" WEST, COINCIDENT WITH THE EAST LINE OF SAID LOT 1 AND SAID WEST RIGHT-OF-WAY LINE, 37.83 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID SOUTH 21ST AVENUE; THENCE NORTH 89°34'44" EAST, COINCIDENT WITH SAID NORTH RIGHT-OF-WAY LINE, SAID EAST LINE OF LOT 1 AND THE EASTERLY EXTENSION THEREOF, 60.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID SOUTH 21ST AVENUE; THENCE SOUTH 00°16'40" EAST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, 46.94 FEET; THENCE SOUTH 89°40'57" WEST, 60.00 FEET TO SAID WEST RIGHT-OF-WAY LINE OF SOUTH 21ST AVENUE; THENCE NORTH 00°16'40" WEST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, 9.00 FEET TO SAID NORTHEAST CORNER OF LOT 4, SAID SOUTHEAST CORNER OF LOT 1, AND THE POINT OF BEGINNING.
SAID VACATION CONTAINS 2,813 SQUARE FEET, OR 0.065 ACRES, MORE OR LESS

DRAWING FILE: F:\4100-4194\219 - BCB - 042021 - ROADWAY P&E EXPANSION\DRAWING\SPR\14.29.21 VACATION EXHIBIT.DWG



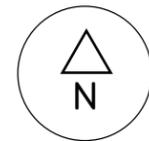
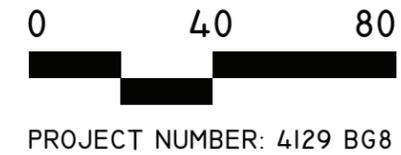
NOTES:
1. BEARINGS ARE BASED ON THE MARATHON COUNTY COORDINATE SYSTEM NAD 83(2011) DATUM AND REFERENCED TO THE WEST RIGHT-OF-WAY LINE OF SOUTH 21ST AVENUE, MEASURED TO BEAR NORTH 00°16'40" WEST.

PROPOSED STREET VACATION SOUTH 21ST AVENUE WAUSAU, WISCONSIN		FIGURE : EXHIBIT MAP	
PROJECT NO. 4129 BCB	DRAWN BY: JLR	DATE: 5/11/2023	

REI Engineering, INC.



BOARDWALK PARKING CONCEPT
 STEWART AVE - WAUSAU, WI (05/12/2023)



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

**FINAL RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE AND PLAN COMMISSION**

Vacating and discontinuing an alley bounded by a portion of the alley north of Wegner Street abutting 503 South 22nd Avenue and a portion of 514 South 21st Avenue

Committee Action: CISM: Approved 3-2
Plan: Approved 7-0

Fiscal Impact: None

File Number: 23-0605

Date Introduced: September 12, 2023

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, pursuant to Section 66.1003(4) of the Wisconsin Statutes, the Common Council has heretofore initiated proceedings on June 13, 2023 at a regular meeting of the Common Council to vacate and discontinue the following described alley in the City of Wausau:

Part of the Alley in Block 1 of Koebke's Addition, recorded in Volume 10, on Page 6, as Document Number 430598, filed in the Marathon County Register of Deeds Office; located in the Northeast 1/4 of the Northwest 1/4 of Section 34, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, more particularly describes as follows:

Commencing at the Southwest corner of Lot 4 of said Block 1, said point being on the east right-of-way line of said Alley in Block 1 and the point of beginning; thence South 89°41'05" West, 14.00 feet to the west right-of-way line of said Alley and the Southeast corner of Lot 11 of said Block 1; thence North 00°15'53" West, coincident with said west right-of-way line of said Alley, 63.96 feet to the north right-of-way line of said Alley, the Northeast corner of said Lot 11, and the south line of Lot 1 of Certified Survey Map Number 14645, recorded in Volume 65, on Page 107, as Document Number 1465126, filed in the Marathon County Register of Deeds Office; thence North 89°44'07" East, coincident with said north right-of-way line and said south line of Lot 1, 14.00 feet to the east right-of-way line of said Alley and the Northwest corner of said Lot 4; thence South 00°15'53" East, coincident with said east right-of-way line, 63.95 feet to said Southwest corner of Lot 4 and the point of beginning.

WHEREAS, the above legally described right-of-way is further depicted on Exhibit 1 attached hereto; and

WHEREAS, a public hearing on the passage of such resolution was set by the Common Council for 5:15 p.m. in the Council Chambers of City Hall, Wausau, Wisconsin, on the 10th day of August, 2023, written notice of such meeting was duly served on the owners of all of the frontage of the lots and lands abutting upon the alley sought to be discontinued as provided by law, and notice was published in the newspaper as provided by law; and

WHEREAS, a public hearing was duly held pursuant to said notice at the time and place therefor affixed and all persons so served and interested were then and there given an opportunity to be heard; and

WHEREAS, a proper notice of the pendency of said petition for vacation and discontinuance and map covering the proposed vacation was duly filed in the Office of Register of Deeds for Marathon County, as required by the Wisconsin Statutes; and

WHEREAS, your Capital Improvements and Street Maintenance Committee and your Plan Commission, after considering the matter, have recommended that the aforescribed alley be vacated and discontinued; and

WHEREAS, Wisconsin Public Service Corporation has requested that they be granted easement and ingress and egress rights over, across and under the alley prior to it being vacated.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wausau that it is hereby declared that since the public interest requires it, the herein described alley is hereby vacated and discontinued; provided, however, this resolution shall take effect and have validity only after the granting by the City to requesting utilities of any and all permanent easement and ingress and egress rights deemed necessary by them.

BE IT FURTHER RESOLVED, that the proper City officials are hereby authorized and directed to execute an easement to Wisconsin Public Service Corporation, if they wish, approved by the City Attorney, granting all necessary easement and ingress and egress rights, all within and/or over the alley to be vacated, and that these entities shall have until October 12, 2023, to get these easements recorded.

BE IT FURTHER RESOLVED, that the City Clerk, upon the recording of the above-referenced easements, but no earlier than October 12, 2023, shall record a certified copy of this resolution accompanied with a map showing the location of said vacated alley in the Office of the Register of Deeds for Marathon County, and that the City Clerk shall notify the City Engineer as to when this resolution has been recorded.

Approved:

Katie Rosenberg, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: August 10, 2023, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lou Larson, Chad Henke, Gary Gisselman, Doug Diny, Lisa Rasmussen

Also Present: Eric Lindman, TJ Nicksich, Jill Kurtzhals, Tara Alfonso, Dustin Kraege

Public Hearing: Vacating and discontinuing a portion of the alley north of Wegner Street abutting 503 South 22nd Avenue and a portion of 514 South 21st Avenue

No one came forward to offer comments and the public hearing was closed.

Discussion and possible action on vacating and discontinuing a portion of the alley north of Wegner Street abutting 503 South 22nd Avenue and a portion of 514 South 21st Avenue

It was noted that this is regarding the same project but vacating a portion of the alley. Rasmussen moved to approve. Seconded by Diny and the motion passed 3-2 with Larson and Gisselman the dissenting votes.

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, August 15th, 2023, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Katie Rosenberg, Eric Lindman, Sarah Watson, Bruce Bohlken, Andrew Brueggeman, George Bornemann, Dawn Herbst.

Others Present: Andrew Lynch, William Hebert, Brian Stahl, Tara Alfonso, Lou Larson

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 Katie Rosenberg called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

Discussion and possible action on vacating and discontinuing a portion of the alley north of Wegner Street abutting 503 South 22nd Avenue and a portion of 514 South 21st Avenue.

Motion to approve by Brueggeman and seconded by Herbst. Approved unanimously 7-0.

Agenda Item No.

4 & 5

STAFF REPORT TO CISM COMMITTEE – August 10, 2023

AGENDA ITEM

#4 – Public Hearing: Vacating and discontinuing a portion of the alley north of Wegner Street abutting 503 South 22nd Avenue and a portion of 514 South 21st Avenue

#5 – Discussion and possible action on vacating and discontinuing a portion of the alley north of Wegner Street abutting 503 South 22nd Avenue and a portion of 514 South 21st Avenue

BACKGROUND

514 S. 21st Ave LLC is proposing a CSM that would vacate a portion of an alley. A copy of the proposed expansion to the development on Stewart Avenue is attached.

FISCAL IMPACT

None

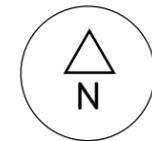
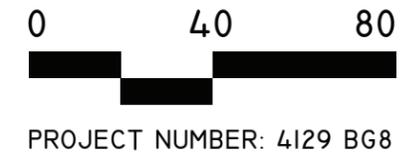
STAFF RECOMMENDATION

Staff does not have any major concerns over this right of way being vacated. Staff recommends approval depending upon comments received at the public hearing.

Staff contact: Allen Wesolowski 715-261-6762



BOARDWALK PARKING CONCEPT
 STEWART AVE - WAUSAU, WI (05/12/2023)



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

**FINAL RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE AND PLAN COMMISSION**

Vacating and discontinuing an area of right-of-way abutting 503 South 22nd Avenue, a portion of 2111 Stewart Avenue, and a portion of 2205 Stewart Avenue

Committee Action: CISM: Approved 3-2
Plan: Approved 7-0

Fiscal Impact: None

File Number: 23-0606

Date Introduced: September 12, 2023

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, pursuant to Section 66.1003(4) of the Wisconsin Statutes, the Common Council has heretofore initiated proceedings on June 13, 2023 at a regular meeting of the Common Council to vacate and discontinue the following-described portion of street in the City of Wausau:

Part of South 22nd Avenue described in Koebke's Addition, located in the Northeast 1/4 of the Northwest 1/4 of Section 34, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, more particularly described as follows:

Commencing at the Southwest corner of Lot 11 of Block 1 of Koebke's Addition recorded in Volume 10, on Page 6, as Document Number 430598, filed in the Marathon County Register of Deeds Office, said point being on the east right-of-way line of said South 22nd Avenue and the point of beginning; thence South 89°41'05" West, 60.00 feet to the west right-of-way line of said South 22nd Avenue; thence North 00°21'23" West, coincident with said west right-of-way line, 23.31 feet; thence North 36°05'54" East, coincident with said west right-of-way line, 50.49 feet to the north right-of-way line of said South 22nd Avenue and the Southwest corner of Lot 1 of Certified Survey Map Number 14645, recorded in Volume 65, on Page 107, as Document Number 1465126, filed in the Marathon County Register of Deeds Office; thence North 89°40'57" East, coincident

with said north right-of-way line and the south line of said Lot 1, 30.00 feet to the east right-of-way line of said South 22nd Avenue and the Northwest corner of Lot 11 of said Block 1; thence South 00°21'23" East, coincident with said east right-of-way line, 63.94 feet to said Southwest corner of Lot 11 and the point of beginning.

WHEREAS, the above legally described right-of-way is further depicted on Exhibit 1 attached hereto; and

WHEREAS, a public hearing on the passage of such resolution was set by the Common Council for 5:15 p.m. in the Council Chambers of City Hall, Wausau, Wisconsin, on the 10th day of August, 2023, written notice of such meeting was duly served on the owners of all of the frontage of the lots and lands abutting upon the portion of street sought to be discontinued as provided by law, and notice was published in the newspaper as provided by law; and

WHEREAS, a public hearing was duly held pursuant to said notice at the time and place therefor affixed and all persons so served and interested were then and there given an opportunity to be heard; and

WHEREAS, a proper notice of the pendency of said petition for vacation and discontinuance and map covering the proposed vacation was duly filed in the office of Register of Deeds for Marathon County, as required by the Wisconsin Statutes; and

WHEREAS, your Capital Improvements and Street Maintenance Committee and your Plan Commission, after considering the matter, have recommended that the aforescribed portion of street be vacated and discontinued; and

WHEREAS, Wisconsin Public Service Corporation may request that they be granted easement and ingress and egress rights over, across and under the portion of street for the purpose of installing, maintaining, inspecting, repairing, and/or replacing any of their utilities.

BE IT RESOLVED by the Common Council of the City of Wausau that it is hereby declared that since the public interest requires it, the herein described portion of street is hereby vacated and discontinued; provided, however, this resolution shall take effect and have validity only after the granting by the City to requesting utilities of any and all permanent easement and ingress and egress rights deemed necessary by them.

BE IT FURTHER RESOLVED the City of Wausau shall retain easement and ingress and egress rights over, across and under the portion of street being vacated for the purpose of installing, maintaining, inspecting, repairing and/or replacing any of their utilities, and systems such as watermain, sanitary and storm sewer and electrical.

BE IT FURTHER RESOLVED that the proper City officials are hereby authorized and directed to execute an easement to Wisconsin Public Service Corporation, if they wish, approved by the City Attorney, granting all necessary easement and ingress and egress rights, all within and/or over the portion of street to be vacated, and that this entity shall have until October 12, 2023, to get this easement recorded.

BE IT FURTHER RESOLVED, that the City Clerk, upon the recording of the above-referenced easements, but no earlier than October 12, 2023, shall record a certified copy of this resolution accompanied with a map showing the location of said vacated portion of street in the office of the Register of Deeds for Marathon County, and that the City Clerk shall notify the Engineering Department as to when this resolution has been recorded.

Approved:

Katie Rosenberg, Mayor

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: August 10, 2023, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lou Larson, Chad Henke, Gary Gisselman, Doug Diny, Lisa Rasmussen

Also Present: Eric Lindman, TJ Niksich, Jill Kurtzhals, Tara Alfonso, Dustin Kraege

Public Hearing: Vacating and discontinuing an area of right-of-way abutting 503 South 22nd Avenue, a portion of 2111 Stewart Avenue, and a portion of 2205 Stewart Avenue

No one came forward to offer comments and the public hearing was closed.

Discussion and possible action on vacating and discontinuing an area of right-of-way abutting 503 South 22nd Avenue, a portion of 2111 Stewart Avenue, and a portion of 2205 Stewart Avenue

Rasmussen noted this is regarding the same project but deals with a portion of the street. The maintenance of this area would revert to the owner. Rasmussen moved to approve. Seconded by Diny.

Henke struggles with this one as it is by the property that the letter was received from. He asked if there is anything that could be done to keep as much green space on their side of the fence. Radenz said at this point, the fence is shown 6' off the property line. They had talked about a solid fence and having plantings in between the fence and the property line. If the landowner is more comfortable, they can move the fence. He asked for a copy of the letter so they could reach out to the property owner.

Diny asked how the end of the street would be terminated. Larson indicated the road is already closed off. He does not believe it would cause any burden on the property owner with traffic turning around. Watts stated when the parking lot was put in for the bank, the fence was placed on the property line. They were gracious enough to move the fence so it is 6' away. They are happy with that, but they constantly have people coming through the neighborhood. They see a big metal gate at the end of the street and still come down and have to turn around and go back. There is a pedestrian gate that people on motorcycles go through. He feels there should be dead end signs installed. Henke stated he drove 22nd Avenue. One can make a Y turn to turn around without going into people's driveways.

There being a motion and a second, motion to approve passed 3-2 with Gisselman and Larson the dissenting votes.

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, August 15th, 2023, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Katie Rosenberg, Eric Lindman, Sarah Watson, Bruce Bohlken, Andrew Brueggeman, George Bornemann, Dawn Herbst.

Others Present: Andrew Lynch, William Hebert, Brian Stahl, Tara Alfonso, Lou Larson

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 Katie Rosenberg called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

Discussion and possible action on vacating and discontinuing an area of right of way abutting 503 South 22nd Avenue, a portion of 2111 Stewart Avenue, and a portion of 2205 Stewart Avenue.

Motion to approve and seconded by Herbst. Approved unanimously 7-0

Dear Department of Public Works Committee and Council members,

I am reaching out to express concerns about the vacation of 22nd Ave in front of 503 S. 22nd Ave for Ghidorzi Construction to expand their parking lot. We have been homeowners of 505 S. 22nd Ave since 2005. We have concerns about the proposal as we are surrounded on three sides by Ghidorzi property. When the Ghidorzi commercial buildings were first built on Stewart Ave, several homes were raised around us and our neighborhood lost character. Promises were made then of a solid fence and landscaping. The lighting was not as subdued as promised, it was later addressed and corrected. We have made multiple noise complaints because of the drive-through across our street. The young adults working at the restaurants never seem to leave the parking lot at 11pm when they close. The fence that was installed is open slat, not solid as was promised. Light spills through it, and trash frequently blows through it into our yard. The landscaping that was promised was a rock and a scrub shrub, that has never been maintained. The construction phase included an abandoned foundation that sat for months and was not fenced. Our street was an eyesore. When the open slat fence started going up, we were told that it was already purchased, and would not be changed. The boulevard across the street was not mowed and when I called the Ghidorzi property manager, he reported that it was not his to maintain. I called the city to encourage them to reach out to Ghidorzi Companies and met with someone in the property management office and it was finally addressed.

We are concerned because this new project as proposed includes a lot of promises. Our home is a mere 7 feet 6 inches from our property line. We do appreciate the proposed green space between our home and the proposed parking spaces. We want to be assured that any changes to this plan will be reviewed by us and include our input and approval. We have learned that last minute changes to Ghidorzi can and have happened without city approval. We have a history of being misled by Ghidorzi Company promises. We are concerned that the existing fence will just be recycled and moved over. We have concerns that the light and headlights of cars will be shining in our windows. We have concerns that our driveway will be the turnaround for the block as our street is dead-end. Our neighborhood is famous for frustrating drivers looking for a way to Stewart Avenue. We are concerned about losing trees. One of which was planted by the city to shield our view of the drive-thru for Jimmy Johns. The loss of trees greatly affects our privacy and the beauty of our street. We are hoping to save the maple that was planted at our request, as it is now well established. Another big concern is snow removal. Currently the city pushes snow to the end of our street. With the proposed ending of our street at our lot line, our house at the end of the block will barely have access when the snow is piled at the end of our street. We have invested a lot of money and energy making our little house a nice home. We have replaced the roof and windows and replaced the driveway. We have invested in our property and need our home's real value to reflect its recent reassessment and higher taxes. We would like the planning committees, the city of Wausau, and Ghidorzi Companies to guarantee that we as homeowners will not be slighted again.

We are concerned about the comfort and value of our home. We are asking that the proposed changes protect us from noise, traffic, and light pollution. We want our home to be as comfortable and valuable after these changes happen as it is now. We want to see every step of the proposed changes, and we would like an 8-foot solid fence (no slats) between us and our commercial neighbor the entire length of our property, and across the end of our street. This kind of planning has happened between The Peoples State Bank and the home behind their parking lot. That kind of fencing would provide privacy and security for our home. We are asking for actual landscaping in the proposed green space. A couple of trees would provide noise reduction and additional privacy. We are asking that Ghidorzi Companies be a

good neighbor and act with consideration to their neighbors. We will be asking Ghidorzi Companies to keep promises, and we are hopeful that you will too.

Sincerely,

Homeowners at 505 S. 22nd Avenue Wausau WI, 54401

Patrick Bacher and Richard Louze

- 8 foot fence
- as far north as possible
- solid vinyl
- slope spots ~~and~~ down to a curb
- trees in green space

Agenda Item No.

6 & 7

STAFF REPORT TO CISM COMMITTEE – August 10, 2023

AGENDA ITEM

#6 – Public Hearing: Vacating and discontinuing an area of right-of-way abutting 503 South 22nd Avenue, a portion of 2111 Stewart Avenue, and a portion of 2205 Stewart Avenue

#7 – Discussion and possible action on vacating and discontinuing an area of right-of-way abutting 503 South 22nd Avenue, a portion of 2111 Stewart Avenue, and a portion of 2205 Stewart Avenue

BACKGROUND

514 S. 21st Ave LLC is proposing a CSM that would vacate a portion of S. 22nd Ave. A copy of the proposed expansion to the development on Stewart Avenue is attached.

FISCAL IMPACT

None

STAFF RECOMMENDATION

Staff does not have any major concerns over this right of way being vacated. Staff recommends approval depending upon comments received at the public hearing.

Staff contact: Allen Wesolowski 715-261-6762



BOARDWALK PARKING CONCEPT
 STEWART AVE - WAUSAU, WI (05/12/2023)

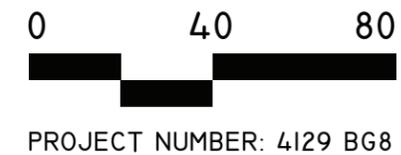
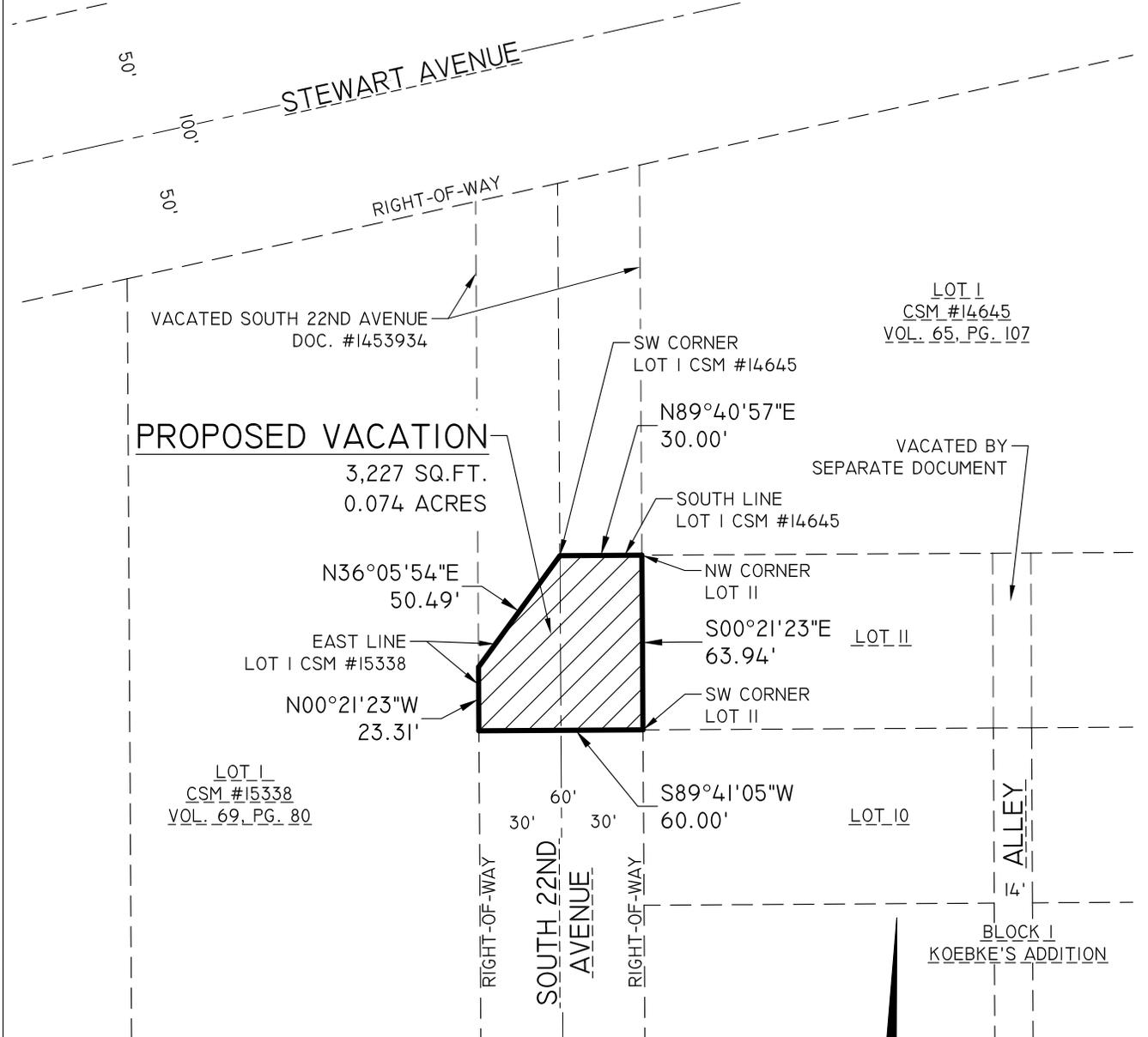


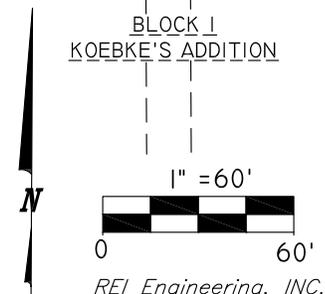
EXHIBIT MAP

PART OF SOUTH 22ND AVENUE DESCRIBED IN KOEBKE'S ADDITION, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT II OF BLOCK I OF KOEBKE'S ADDITION RECORDED IN VOLUME 10, ON PAGE 6, AS DOCUMENT NUMBER 430598, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SAID SOUTH 22ND AVENUE AND THE POINT OF BEGINNING; THENCE SOUTH 89°41'05" WEST, 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH 22ND AVENUE; THENCE NORTH 00°21'23" WEST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, 23.31 FEET; THENCE NORTH 36°05'54" EAST, COINCIDENT WITH SAID WEST RIGHT-OF-WAY LINE, 50.49 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID SOUTH 22ND AVENUE AND THE SOUTHWEST CORNER OF LOT I OF CERTIFIED SURVEY MAP NUMBER 14645, RECORDED IN VOLUME 65, ON PAGE 107, AS DOCUMENT NUMBER 1465126, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; THENCE NORTH 89°40'57" EAST, COINCIDENT WITH SAID NORTH RIGHT-OF-WAY LINE AND THE SOUTH LINE OF SAID LOT I, 30.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID SOUTH 22ND AVENUE AND THE NORTHWEST CORNER OF LOT II OF SAID BLOCK I; THENCE SOUTH 00°21'23" EAST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, 63.94 FEET TO SAID SOUTHWEST CORNER OF LOT II AND THE POINT OF BEGINNING. SAID VACATION CONTAINS 3,227 SQUARE FEET, OR 0.074 ACRES, MORE OR LESS.

DRAWING FILE: P:\4100-4199\4129 - BG 8 - GHIDORZI - BOARDWALK PARKING EXPANSION\DRAWING\SURVEY\4129 22ND VACATION EXHIBIT.DWG



NOTES:
 1. BEARINGS ARE BASED ON THE MARATHON COUNTY COORDINATE SYSTEM NAD 83(2011) DATUM AND REFERENCED TO THE EAST RIGHT-OF-WAY LINE OF SOUTH 22ND AVENUE, MEASURED TO BEAR SOUTH 00°21'23" EAST.



PROPOSED STREET VACATION SOUTH 22ND AVENUE WAUSAU, WISCONSIN		FIGURE : EXHIBIT MAP	
		PROJECT NO. 4129 BG8	DATE: 5/11/2023
		DRAWN BY: JLR	

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

ORDINANCE OF THE PLAN COMMISSION

Rezoning 208, 210 & 214 Wyatt Street from SR-5, Single Family Residence District-5, to MRL-12, Multi-Family Residential-12

Committee Action: Approved 6-1

Fiscal Impact: None

File Number: 23-0906

Date Introduced: September 12, 2023

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

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

ANDERSON TIMBER INVESTMENT CO ADD - LOTS 28 & 31 & PT OF LOT 27 BLK 3 DESC AS LOT 1 CSM #19539 DOC #1881377 INCL THAT PT OF S1/2 OF VAC ALLEY LYG N OF SD LOTS 27 & 28 W/IN LOT 1 OF SD CSM, MORE COMMONLY KNOWN AS 208, 210 & 214 WYATT STREET

208, 210 & 214 Wyatt St

now comprising a part of an SR-5, Single Residence District-5, according to the Zoning Ordinance of the City of Wausau, is hereby rezoned to an MRL-12, Multi-Family Residential-12 Zoning District for a 6-unit apartment building.

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:

Katie Rosenberg, Mayor

Attest:

Kaitlyn Bernarde, Clerk

PLAN COMMISSION

Time and Date: The Plan Commission met on Tuesday, August 15th, 2023, at 5:00 p.m. in the Common Council Chambers of Wausau City Hall.

Members Present: Mayor Katie Rosenberg, Eric Lindman, Sarah Watson, Bruce Bohlken, Andrew Brueggeman, George Bornemann, Dawn Herbst.

Others Present: Andrew Lynch, William Hebert, Brian Stahl, Tara Alfonso, Lou Larson

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 Katie Rosenberg called the meeting to order at approximately 5:00 p.m. noting that a quorum was present.

Approve the minutes from July 18, 2023, meeting.

Herbst motioned to approve the minutes from the July 18, 2023, meeting. Brueggeman seconded, and the motioned carried unanimously 7-0.

PUBLIC HEARING: Rezoning of 208, 210 & 214 Wyatt Street from SR-5, Single Family Residential-5 Zoning District to MRL-12, Multi-Family Residential-12 Zoning District. For a 6-Unit Apartment (Community Development Department).

Tammy Stratz Community Development Manager for the City of Wausau. This is the only parcel the City of Wausau owns that works for a smaller density project of 6 units. Previously this parcel was for 3 single family lots. When working with the housing organizations they mentioned that single family units are more in need. There is concern about traffic and with three 1 bedrooms, we are anticipating 1 car each unit. There are a total of fifteen parking stalls. With it being in the flood zone, they are going to raise the property up a bit and have the runoff go directly into the gutters and then into the storm sewer. They are making the effort for the building to fit into the neighborhood. They worked with the City planner and Zoning Administrator.

Shirley Jehn lives at 1625 Cleveland Ave and lives across the street from the proposed project. In the environmental assessment, on the 1st page it states that this site has been cleaned up. Visibly this site has not been cleaned up. There are still parts from the previous buildings and businesses. It was stated that no one in the neighborhood was really commenting on this lot until the City Surveyor was there. It was only discussed that it was going to be an apartment complex.

Tom & Kris Anne Martinez lives at 1531 Cleveland Ave. State that they are not urban; they are a neighborhood. They are not a multi-unit place; it brings property values down. Who is going to plow these driveways? There is a lot that goes into this before you consider what is going on. The homes down here should be sold to the younger people and make them available for first time home buyers.

Preston Jehn lives at 1521 Lake View Ave and just bought the lot next door at 1519 Lake View Ave. He opposes this project. Should build a 20–30-unit complex somewhere else. He picked this area because he was born and raised in Wausau. To change it pulls at the threads of the entire make up of the area. To risk peoples lives and put them in a potential flood area. There must be another place for this project. He is going to have to dodge 15-20 cars in this area now.

Bob Jehn lives at 1625 Cleveland Ave. Born and raised in Wausau. Lives across the street from the project and currently looking at beautiful trees and green space. Neighbors can't believe it; this is a flood plain, peaceful quiet neighborhood. Spot zoning on Chellis St, was turned down. Vote no on this proposal, property owners and developers will be asking for spot zoning as a result. Put apartment housing where it is permitted.

Mark Jehn, Brother of Bob Jehn and has lived here his whole life, currently lives in Appleton. The

hollow always had water in it. Not a matter of if its going to flood, it's a matter of when. With it being raised, there is concern of it running into the neighborhood. On top of it flood insurance needs to be purchased.

Amber Brezinski lives at 224 Wyatt St. In that area there is 5 kids under the age of 10 that play in the area. This area has traffic going through and there will be additional traffic that goes through as well. She bid \$20,000 over to have her property and is paying flood insurance. There is water in the basement, taxes have doubled, but this is where she wants to be. This will change the whole demographic of the area. It would be easier if it was put anywhere else.

Jake Sabatke lives at 224 Wyatt St. This is like a campground in the summertime. Putting it up will cause a lot of traffic and he doesn't think it would be a great idea. Most likely they would be disabled tenants and the bus stop is 2 blocks away on 3rd Avenue. If the 2-3 bedrooms are single moms or dads, the bus doesn't come there for the schools.

Luke Sternberg lives at 220 Wyatt St. Worries him that the City is going to be maintaining this property. The apartment building will be built 4-6 feet above the ground level. Interested to see how its being developed, to help stop his basement from being under water. What's going to stop all that water from going into his basement or his neighbors? What's stopping it from being temporary living quarters for the jail or putting a sex offender in there. To put a community garden there, he was told no, because of the contaminated soil there. But now the city is saying that it is clean.

Belvin Bolgren 205 Wyatt and has lived there since 1981. He watched that property dilapidate when Eddy Baranowski had it. They would jam a 12-foot pipe into the ground through the tank that they would put oil from the engines, and hydraulic fluid. He's concerned regarding all the contaminated soil, just like on Highway 29 east they moved the whole highway because it was on contaminated soil from the locomotives. When they removed the 3-4 car lifts, they had big rams that they just let the oil out into the ground. The high water in the lake, the water weeps into the lake along the water edge and you can see it coming out of the storm sewers along with the sand.

Brianna Salkowski who spends a lot of time in the area, because of her family living there. Spot zoning definition of is the process of singling out a small parcel of land for a use classification totally different of the surrounding area for the benefit of the owner of the property and to the detriment of the other owners. Regarding safety, there are no sidewalks, no area to take your kids and you are on the street. Allowing spot zoning is opening every residential neighborhood. Those that signed the petition before you who support the denial of this apartment complex. Build apartments in the proper zoning areas.

Lou Larson 904 S 21st Place, Alderman for District 10. In front of you is the petition that was signed by over 60 people in the neighborhood. You just listened to the neighborhood, give various reasons why this isn't appropriate for this neighborhood. He must stand with his constituents, He's not for this and urges your vote to keep the zoning as it is. He's sure the neighborhood wouldn't have a problem with single family homes.

Shane Ley owns property there. The friendlier we are as a neighborhood starts with us and ends with us. This is a good neighborhood don't mess with it. He tried to buy the property and the city didn't want to sell it because they wanted to protect the corner traffic. Trying to develop a lot like that will be expensive. Are they going to still do the clean up? What would you use that property for if this doesn't go through?

Mayor Rosenberg closed the public hearing.

Motion from Bohlken and Seconded from Brueggeman

Discussion and possible action on rezoning 208, 210 & 214 Wyatt Street from SR-5(Single Family Residential 5) to MRL-12(Multi-Family Residential 12). For a 6-unit Apartment.

Stratz stated there is a copy of the close out from the DNR to indicate they did everything they asked us to do regarding the cleanup. Now it is ready to be redeveloped, and the main stipulation is if the soil is disturbed, we would have to remove that soil and bring in clean soil. Bohlken stated that by putting a cap on it, wouldn't that prevent a disturbance and prevent run off from that site.

Hebert stated that the site is in the flood plain so it would have to be raised 2 feet out of the flood elevation and fifteen feet around it would have to be a foot out of the flood plain. Brueggeman asked regarding elevation, from where it's at now, how high does it have to come up? Hebert stated the elevation is 1167 feet of the flood elevation, so it is 2 feet above that. When looking at the parking lot there is 1167 feet of contouring there, so roughly 2.5 feet above the existing.

Bohlken states he understands that change is difficult. It's not going to stay vacant, its not bringing in any tax money that way. He thinks this is good on several reasons, it conforms to guidelines of the ARPA funds. He doesn't understand why people are opposed to a 6-unit complex when there are 3 lots. The density is not going to change at all. It doesn't increase traffic much.

Lynch stated that regarding traffic, it is a local road. Third avenue would be the next level up. There maybe peak times when there is more traffic as with any road. This development will have sidewalks, on the West side of Cleveland and North side of Wyatt. If there is a major safety concern, there is a process where the neighborhood could request a sidewalk. Lindman stated that there would be a petition that would come forward to put in sidewalks and then that decision would be made by Public Works.

Lynch went over the site plan and parking spots.

Larson questioned how high off the street level is this building going to be? What is the drainage going to be? Who is going to maintain sidewalk? Stratz stated there would be gutters and the downspouts will go directly into storm sewer. Northcentral Community Action would be maintaining and renting out the property.

Watson asked what the income threshold would be for these tenants. Stratz explained that with HUD we can go up to 80% for the median income, so for 1 person it would be \$41,000 and it would increase based on family size.

Watson stated that people who live in rental units typically have fewer vehicles. Stratz stated that when they talked with Northcentral Community Action, who was also a part of the whole design process, they stated that they will never fill up the parking spots. We wanted to have enough parking for guests, so they don't have to park on the street.

Herbst questioned will these residents be handicap or will it be accessible? Stratz stated it will be visitable and on the first level there would be a zero-threshold entrance. If someone is in a wheelchair they can visit. Visit ability doesn't mean that the cabinets will be lower or an accessible shower. If there is someone that is handicap, we can adjust for them.

Stratz stated that Northcentral Community Action will screen the tenants, run the credit reports, and do what they can just like any other landlord does.

Mayor Rosenberg states that we need places to live. There are great developments that have had a lot of push back. What she is not interested in is passing another rezone and then having it returned by council.

We need places for people to live, what do we need to get there?

Brueggemann states everyone has concerns about change in their neighborhood. We need housing especially low-income housing and there are not a lot of opportunities.

Bornemann states that this plan has been brought to us. We are supposed to judge it based on certain things like; whether it passes the rules of the Wisconsin Dept of Administration, and FEMA, and it does. Whether it is in harmony with the comprehensive plan, and it is. The impact on this regarding the number of beds is the same as if it were 3 houses. The density isn't going to change, and the consistency of the land use is still residential.

Once it's reviewed by City Council it would need 2/3 vote, since the city received a petition from the neighbors.

The motion carried 6-1 and will go to Common Council on September 12, 2023

Discussion and possible action on approving the conditional use at 1408 Cherry St to allow for a second detached garage in a single-family residential zoning district.

Lisa Riggle, property owner of 1408 Cherry St. They need a second garage on their property because the original one is deteriorating.

Hebert stated that when they did an analysis of the total impervious surface of the lot, it's a little bit over the maximum. Staff can work with the owners to come into compliance with impervious surface requirements. They recommend approving the garage as requested and pave the driveway with the approach to the alley.

Motion to approve from Watson second from Brueggeman, 7-0 motioned carried.

Discussion and possible action on approving a projecting sign at 501 North 3rd St.

Motion by Brueggeman and seconded by Watson.

Motion approved unanimously 7-0

Discussion and possible action on vacating and discontinuing an area of right-of-way abutting 505 South 21st Avenue, a portion of 509 South 21st Avenue, a portion of 514 South 21st Avenue and a portion of 2111 Stewart Avenue.

Hebert stated this is the initial vacation of right of way. They will come back with more precise plans of the expansion of the parking lot, screening, and landscaping. This came from CISM and it was approved.

Motion to approve by Brueggeman and seconded by Herbst. Approved unanimously 7-0

Discussion and possible action on vacating and discontinuing a portion of the alley north of Wegner Street abutting 503 South 22nd Avenue and a portion of 514 South 21st Avenue.

Motion to approve by Brueggeman and seconded by Herbst. Approved unanimously 7-0

Discussion and possible action on vacating and discontinuing an area of right of way abutting 503 South 22nd Avenue, a portion of 2111 Stewart Avenue, and a portion of 2205 Stewart Avenue.



Planning, Community and Economic Development

MEMO

TO: City Common Council members

FROM: Tammy Stratz, Community Development Manager

DATE: September 5, 2023

RE: Request for re-zoning at 208, 210 & 214 Wyatt Street

On Tuesday, August 15, 2023, the request for re-zoning on the above-mentioned parcels was on the agenda at Plan Commission. As a part of the re-zoning process, the surrounding neighbors were notified and a public hearing was held. During the public hearing, several neighbors came to object to the request and to express their concerns. We would like to address those issues to help address any concerns you may have.

1. One of the big comments was that the property had not been properly cleaned up and the neighborhood is contaminated. Please review the following link which shows all the activity the City has performed while working with the DNR to get the parcel to a condition where they could safely consider it closed out:

<https://apps.dnr.wi.gov/botw/GetActivityDetail.do?dsn=33105&siteId=4229800&crumb=1>

There are also additional DNR required actions we must take and follow when/if certain parts of soil on the parcel are disturbed. We are required to remove and properly dispose of any existing contaminated soil and bring in fresh clean soil to replace it during any excavation activities for the project. All of this will happen according to DNR rules and regulations and with their review and approval. This will be achieved by providing a Cap Modification Plan and a Materials Management Plan to the DNR for their review and approval prior to any site work. Also attached is a DNR map showing any and all contaminated sites in the neighborhood with the only parcel listed being the "former Edsomatic"(210 Wyatt Street) – which is the parcel we are discussing. No other properties as listed as being contaminated. This should ease the concern that widespread contamination exists throughout the neighborhood.

2. The concern of it being in a flood plain. Yes, the residents are correct that we have to raise the site up to bring it out of the flood plain. This is something which all other newer properties in that neighborhood did as well when they were built or will have to address with future potential construction. As a matter of fact, several of the owners who signed the petition are living in houses that had to be raised prior to their construction.



We have discussed this issue with our Architects/Engineers, have done the proper planning, and have incorporated all necessary preventative measures in our design because we do not want runoff that will cause issues with any of the neighbors. As mentioned, we will install gutters on the house with downspouts that will go directly into the city's storm sewer. We will also have the driveway sloped away from the neighbor's parcel to the north. We are planning a swale to divert away from the neighbors. These items will prevent any run-off issues with raising the property.

3. It was mentioned that we were deceiving the public and HUD by saying there are no issues with the flood plain or contaminations. When reviewing the Environmental Assessment that was prepared and advertised for public comment, we came to the conclusion that neither of those items would have any impact with the project as planned and designed. We also came to the conclusion that with the WDNR required rules, regulations and required procedures along with project planning and engineering, the parcel will be ready for development without issue and therefore indicated "no" on the HUD submittal. After discussing with our Regional Environmental Rep, he explained that we should mark those areas on the submittal as "yes" and then explain how we are going to address each issue. After these discussions, we have revised those areas on the assessment and forwarded it onto HUD. We will work with FEMA to provide whatever information they will need to allow the flood maps to be changed. This has to be accomplished in order to utilize any federal funding.
4. The comment about "lives are at stake" was also stated. This is a 6-unit apartment complex. Three one-bedroom, two two-bedroom, and one three-bedroom. They will charge affordable rates and will provide safe, clean, affordable housing for income qualified households. This project will improve lives for these people, not put lives at stake. The new residents and families are typically working people – or possibly elderly people on a fixed income. North Central Community Action will be vetting all the tenants. No registered sex-offenders will be allowed to be tenants as there is the opportunity to have children living there. This is a family-friendly neighborhood and we feel that a few more families moving in would only enhance the quality of the neighborhood.

North Central owns another apartment complex in Marshfield. Attached is a letter from one of their current tenants. As you will see, this type of housing DOES make an impact in people's lives.

5. Concerns about additional traffic were raised. During the planning process, we discussed how to alleviate any traffic issues. We have incorporated a "one-way" into the parking lot off of Cleveland Avenue and then exiting onto Wyatt Street. The exit is further down from the corner so visibility will not be an issue. There is also a bus stop a few blocks away for any resident who does not own a vehicle. In a "Joint Center for Housing Studies" through Harvard University, it states that "on an average, apartment residents own fewer cars than single-family homeowners" and "beyond that, single-family housing generates more automobile trips per household".

6. Concerns that the property will not be properly maintained. Currently the City's Department of Public Works provides the lawn mowing/upkeep to any City-owned property. Obviously, this activity isn't a high priority like their other daily duties are. As mentioned above, North Central Community Action will be maintaining the property. Their staff will be providing the lawn maintenance and the snow removal. They will be able to address those issues faster than the City can.
7. The new building would negatively impact the values of the single-family homes in the neighborhood. Since this building is planned as a six-unit apartment complex, this building will be considered a commercial building not a residential building. It will not be comparable to a single-family house and therefore would not be used as a comparable when assessments are re-examined.

Please remember this project came out of the Affordable Housing Task Force as a priority. The Metro Housing Study the City participated in documented that the City of Wausau will need 525 additional housing units by 2025. ARPA funds were allocated to this project because City Council prioritized not only the need for housing but the need for AFFORDABLE housing. This project, partnering with North Central Community Action, will address both of those priorities. Also, as a Community Development Block Grant recipient, the City of Wausau certifies annually that we will prioritize housing for low to moderate income households and will affirmatively further fair housing choices. If we go against those certifications, we could jeopardize receipt of future federal funds.

This project reminds me of when we requested re-zoning for 703 Fulton Street (corner of 7th and Fulton Streets) from a single-family zone to a PUD for a new six-unit apartment complex. The neighborhood was also very concerned and fearful that the development would cause their neighborhood to deteriorate and the tenants were unfavorable. Now, over 10 years later, the development continues to be a success. One neighbor actually approached us several years later to apologize and agrees that the complex and tenants are a positive for the neighborhood. Our director, Liz Brodek, lives in the neighborhood and was thrilled to learn that we own/maintain that property when she first started. She states that it is the best kept building and grounds in the neighborhood. We expect the same to happen here.

Thank you for taking the time to understand the issues and our commitment to affordable housing. If you have any questions prior to Common Council, please feel free to call me directly at 715-261-6682 or e-mail me at tammy.stratz@ci.wausau.wi.us.

Capistry Testimonial

Living in an apartment that is considered affordable has truly transformed my life as a single mom on disability.

The supportive community and peaceful environment have given my son and me the stability we needed to thrive.

This is more than just a place to live; it's a haven of unity, respect, and opportunity. From the day I moved in, my neighbors both in the building and the broader community, welcomed us with open arms, becoming like an extended family. It is incredible how these connections have gone beyond mere neighbors; we've formed genuine friendships rooted in care and concern for one another.

These apartments stand as a shining example of what a community should be. They offer affordable, safe, and supportive housing that goes beyond meeting basic needs. It's a place where we can belong, flourish, and create lasting memories. I am forever grateful for the positive changes it has brought to our lives.

The belief that low-income housing is associated with crime or unfavorable conditions couldn't be further from the truth. This community is a haven of peace, free from issues or safety concerns. It defies stereotypes and shows that economic circumstances don't define the quality of life. Affordable housing is a necessity that has given me a stable foundation to build a brighter future for my family. It's a positive environment that fosters hope, connections, and dreams. I stand as living proof that affordable housing is an essential and uplifting part of a thriving community. I proudly call this place home, and I wholeheartedly advocate for recognizing its significance in our society.

Warmly,

Shanna Emberson



Wisconsin Department of Natural Resources

RR sites Map

210 Wyatt Street

Sign in

Tool Labels



Information

Map and Data Tasks

Draw and Measure

Navigate



Show Map Layers



Pan



Zoom In



Zoom Out



Previous Extent



Next Extent



Zoom to Wisconsin

Basic Tools



Find Site



Search Municipality



Find PLSS



Search for Address

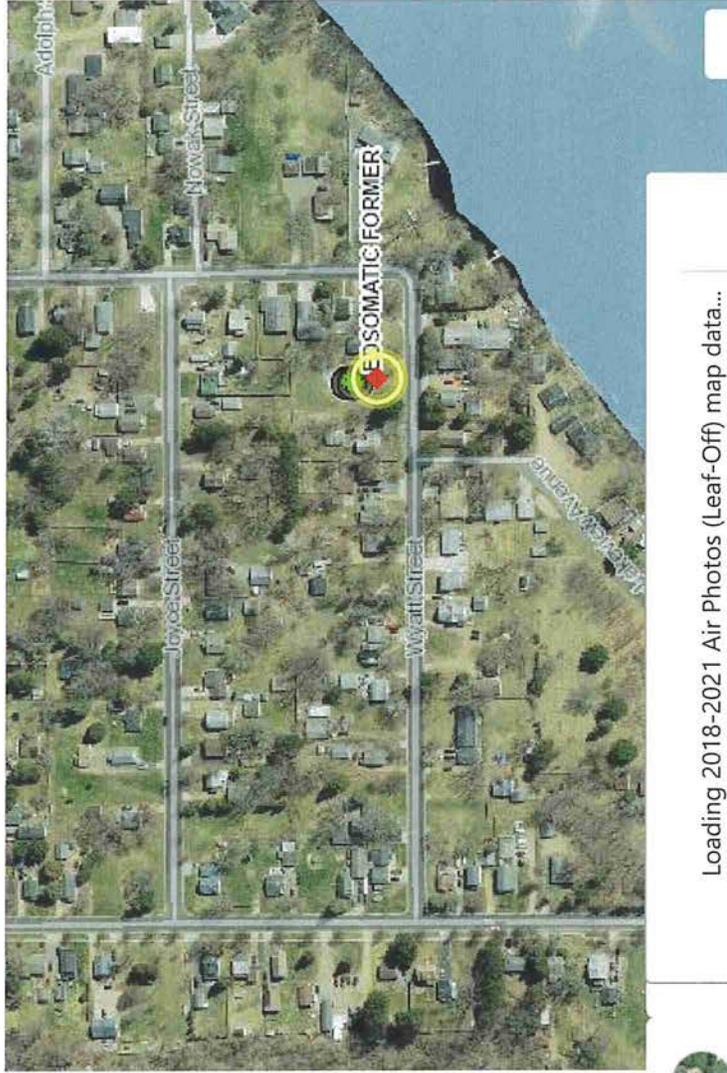


Identify



Bookmarks

Find Location



Loading 2018-2021 Air Photos (Leaf-Off) map data...

Displaying 1 - 1 (Total: 1)

Page 1 of 1



WTM X 548810.37132 Y 496561.81988 0 150 300ft

Scale 1: 3,960

Go

Terms of Use

About RR Sites Map About BOTW Search BOTW DNR Home

Affidavit of Robert Jehn

State of Wisconsin

County of Marathon

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I hereby swear or affirm that the information above is true accurate and complete to the best of my knowledge, and that no relevant information has been omitted.

Dated:

8-25-23

Signature of Individual:

Robert A Jehn

State of : Wisconsin
Marathon County

Notary Public

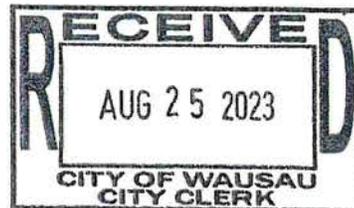
Tyler Sherfinski

Title And Rank

Tyler Sherfinski, Personal Banker

Date Of Commission Expiry

10/4/25





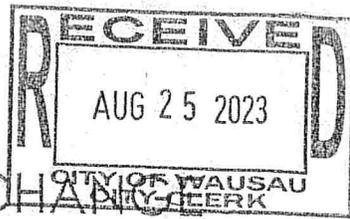
PETITION AGAINST ZONING CHANGE

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Those individuals signing below oppose the Zoning change proposed: from SR- 5 Single family to MRL-12 Multi-family -12 to allow for a 6 unit apartment building

DATE	NAME/ADDRESS	PHONE	YRS AT ADDRESS
8-9	MARION Kowalski KOWALSKI Marion 211 WYATT ST		14
9/10	Wale 21441 213 Chellis St	715 297-5080	62
8/22	Pao Lov 233 Chellis St	715-523- 2163	18
8/22	STACY L ROBERTS Stacy L Roberts 1500 S 3rd Ave Wausau WI 54401	715-803 0693	7
8-24	Jeff Durand Jeff Durand 320 Imm St	715 432-5478	56 years
8-24	Cheyl Dempsey CHERYL DEMPSEY 307 IMM ST Wausau WI 54401	715 591-1874	13
8-24	Fancy Blanchard 307 IMM ST Wausau WI 54401	928-920 0362	6
8-24	Ngeng Xiong Wausau WI 54401	928-920- 0362	6
8-24	Ngeng Xiong 202 Chellis St Wausau, WI 54401	715-301- 6840	5
8-24	Lorin Luedtke Lorin Luedtke 144 Adolph St Wausau, WI 54401	715-845-5911	13
8-25	David Salazar David Salazar 1616 Cleveland Ave Wausau, WI 54401	(715) 207 7504	4



PETITION AGAINST ZONING CHANGE

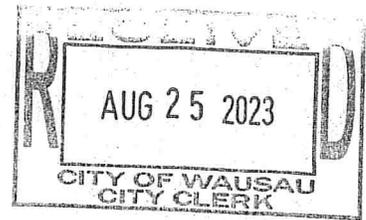
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DATE	NAME/ADDRESS	PHONE	YRS AT ADDRESS
8-18	Nery Moaa 248 Chellis St.	715-506-1121	7
8-17	Casey Krahn 265 chellis st	715-212-5690	3
8/17	Vj Romano 204 Edward St.	715 348 8643	9
8-20	Andy Gaudman 1302 S 3rd Ave Wausau 54401	715-8406 4153	20 years
8/21	John Pupa 1345 W 14th S 3rd Ave	715-581-3500	4 yrs
8/22	Shelly Fisher 315 Cottage St	715-581-3500	CHYS
8/22	Brian Schubert 1706 W. Thomas St.	715-581-7320	8
8/22	John Vang 1522 S. 3rd Ave	715-574-7696	8 yrs
8/22	Gene-o Bluhm 1509 S 3rd Ave	715-8455351	22 yrs
8/22	TIMOTHY LONSDORF, 1516 S Third Ave	715-845-5768	33 YRS
8/22	Cheri Kuff 1317 S 3rd Ave Cherakitty - Wausau WI	715-613-6447	3 yr

Affidavit of Robert Jehn



State of Wisconsin
County of Marathon

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Dated:

8-21-23

Signature of Individual:

Robert A Jehn

Notary Public

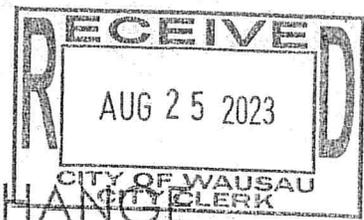
Title And Rank

Branch Manager

Date Of Commission Expiry

March 9, 2024





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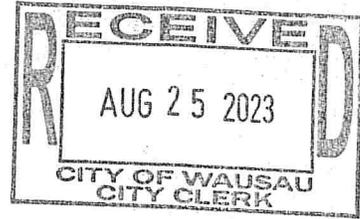
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DATE	NAME/ADDRESS	PHONE	YRS AT ADDRESS
8/4/23	Shirley Jehn 1625 Cleveland, Wausau, WI	715-432-5209	2 1/2 yrs.
8/4/23	Bob Jehn 1625 Cleveland Ave	715-581-2228	2 1/2 yrs
8/6/23	Vicki Kurth 1610 Cleveland Ave	715-432-3156	9+
8-6-23	Joe Kurth 1610 Cleveland Ave	715-803-8920	9+
8-6-23	Steve Jueser 1028 S. 9th Ave	715-348-5347	3
8-6-23	Cara Kuschick 1028 S. 9th Ave	715-574-3483	3
8-6-23	Scott Lyson 1622 Cleveland Ave	715-581-0934	7
8-6-23	Bradley Engman 1510 Lakeview Ave	715-302-5865	1.5 years
8-6-23	James + Denise Cherek 223 Wyatt St.	715-845-5593	40 years
8-6-23	Julia Gebhardt 233 Wyatt St	715-845-3350	60 years
8/6/23	Daniel Hannan 1621 Cleveland Ave	608-669-0908	1
8/6/23	Karen Hannan 1621 Cleveland Ave	608-279-4576	1

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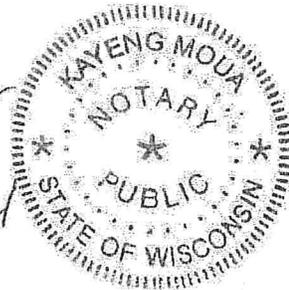
Kayeng Moua

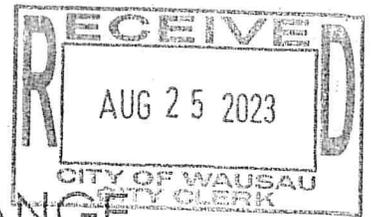
Title And Rank

Branch Manager

Date Of Commission Expiry

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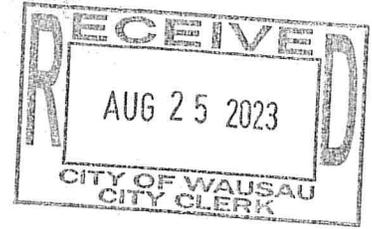
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8-6-23	Carol Bulgren 205 Wyatt St. Wausau	715-845-2985	45 yrs
8-6-23	Belvin Bulgren 205 Wyatt St. Wausau	715-581-4754	45 yrs
8-6-23	Travis Flees 209 Wyatt St Wausau	715-551-0411	23 yrs
8-6-23	Marie Bisgrove 215 Wyatt Street	715-348-9578	74 years
8-6-23	Nic Bisgrove 215 Wyatt Street	715-551-2070	2 years
8-6-23	William Beck 253 Wyatt	215-5132-2030	28 years
8-6-23	Richard Salzman 1403 S 3rd Ave Wausau	715-848-3002	30
8-6-23	Carol Salzman 1403 S 3rd Ave. Wausau, WI 54401	715-848-3002	30 yrs
8-6-23	Kimberle Dina 229 Joyce St, Wausau, WI 54401	515-200-0136	6 years
8/6/23	Dobbin Edler 211 Joyce St Wausau WI 54401	715-571-7415	6 years
8/6/23	Keenan M Foote 211 Joyce St. Wausau WI 54401	715-571-2524	6 years
8/13/23	Linda Rhode 211 Chellis St Wausau	715-551-7090	2 yrs

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State of Wisconsin
County of Marathon



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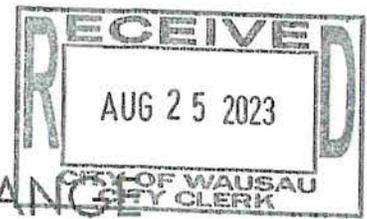
Title And Rank

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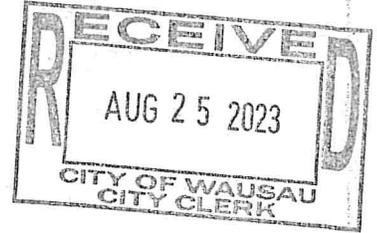
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DATE	NAME/ADDRESS	PHONE	YRS AT ADDRESS
8-8	Katherine E Saagu 237 Chellis St	219-1380 715	9 yrs
8-8	Don Heck (163 S. Chellis St)	(763) 250-4247	1 YR
8-8	LUKE STENBERG 220 wyatt St	715-212-3847	4 YR
8-9	Carolyn Kapsch 113 Nowak St.	715-409-0735	
8-9	MARY WITT 116 NOWAK ST	715-845	4897
8/9	Phillip Ingman 120 Nowak St.	715-501-9164	7 yrs.
8/9	Vignarson 1531 Cleveland Ave	715 249-7505	16 yrs
8/9	PATRICK HEISLER 148 Adolph, St	715 574 1132	15 YRS
8-9-23	Chris Anne Martinez 1531 Ave. Cleveland	715-571-7559	16 yrs
8-9-23	Jane Worden 262 Wyatt	715-842-2252	71-year
8/9/23	Daniel Clement 266 Wyatt St.	(978) 744-1499	1.5

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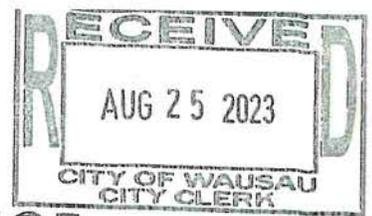
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8/11/23	SHANE LEY / 1622 CLEVELAND AVE WAUSAU, WI 54401	715-297-2767	30 yrs
8/11/23	Shari Clifford 201 Wyatt St Wausau WI 54401	651 332 0007	2 yrs
8/12/23	Robert Clifford 201 Wyatt St Wausau WI 54401	651 341 5598	2 yrs
8-12-23	Layla Janke 257 Wyatt St Wausau WI, 54401	715-679-6101	1 year
8-12-23	Boone Lorenz 257 Wyatt St Wausau WI 54401	920 647 6101	1 yr
8-12-23	Aidyn Brunsdail 237 Wyatt St. Wausau WI 54401	715-348-5144	1 yr
8-12-23	Chuck Wesenick 1424 S 3rd Ave Wausau WI 54401	715-581 7071	4 yr
8/12/23	Nora Nelson 121 Nowak St Wausau WI 54401		7
8/13/23	Cassandra Kafani 235 Joyce Street Wausau, WI 54401	715-247-6503	5
8/13/23	Amarda/Preston Hayes 241 Joyce St Wausau WI 54401	715-573 0985	8
8/13/23	Quinn M. Anderson 246 Chellis St., Wausau, WI 54401	715 432-8342	1 yrs.

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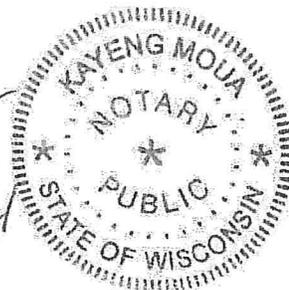
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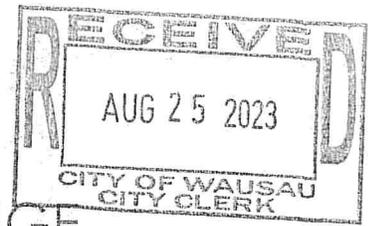
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8/6/23	James Jager 1602 Cleveland Ave	715 870 5491	2 1/2
8/6/23	Amber N. Brzezinski 1603 Cleveland Ave	715 842 7617	6 yrs
8/6	Chris Komatowski 1603 Cleveland	↓	2 yrs
8/6	Priscilla 1521 Lakeview Ave	215 436-3712	6 yrs
8/7	Amber Brzezinski 224 Wyatt Street	715-574-0890	2 yrs
8-7	Jacob Sabatke 224 Wyatt Street	715-201-6956	2 yrs
8-7	Abby Tesch Amy Tesch 1511 Lakeview Ave	715-297-4175	3 yrs
8-8	Rod McKay 216 Joyce St	715-203-7565	10
8-8	Murkin Lemanski 216 Joyce St	715-842-4195	50
8-8-23	Tracy Kropf 1516 Cleveland	715-302-4901	1
8-8-23	Neil Kuba 109 Adolph St	715-347-9123	6



STAFF REPORT

To: Plan Commission
Prepared By: Brad Lenz and Andy Lynch, Planning Division
Date: August 9, 2023

REQUESTED ACTION:

Zoning Map Amendment

208, 210, 214 Wyatt Street from SR-5 to MRL-12

LOCATION:	208, 210, 214 Wyatt Street
APPLICANT:	City of Wausau Community Development Department
EXISTING ZONING:	Single-family Residential SR-5
EXISTING LAND USE:	Vacant
SIZE OF PARCEL:	0.639 acres
REQUESTED ZONING:	Multi-Family Residential-12 (MRL-12) This district intended to create, preserve, and enhance areas for multi-family uses in small buildings such as multiplexes or apartments at low densities, up to 12 dwellings per acre.
PURPOSE:	Create six units of affordable housing with a total of 10 beds.
COMPREHENSIVE PLAN:	This area is mapped as Urban Residential.
OTHER PLANS:	Strategic Plan – Thriving Economy. Goal 5: Continue to collaborate with businesses to create a new and improved existing housing stock. Wausau Metropolitan Area Housing Assessment 2022

BACKGROUND INFORMATION:

City acquired the three lots in 2003 and 2007 after being approached by the owners over concern with environmental contamination. The lots have since been remediated and closed out by the DNR. In 2022, City Council approved the use of ARPA funds for building affordable multi-family residential. The western lot line of 214 was moved to accommodate a neighbor's garage. Staff worked with an architect to design a six unit building with 3 one-bedroom, 2 two-bedroom, and 1 three-bedroom units. Setback and flood plain requirements have been met.

Construction is expected in 2024 with occupancy in early 2025. This building will be managed by North Central Community Action who will have an assigned maintenance staff for the location.

AMENDMENTS TO ZONING MAP

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.

ADVANCES THE PURPOSES OF THIS CHAPTER (#1)

This action advances the purpose and intent of the zoning ordinance and applicable rules of Wisconsin DOA and FEMA.

COMPLIANCE WITH COMPREHENSIVE PLAN (#2)

Comprehensive Plan designates urban residential and MRL-12 complies with that category.

COMPATIBILITY WITH EXISTING NEIGHBORHOOD CHARACTER (#3)

Yes. The land use is residential and overall consistent with the neighborhood that is a mix of owner occupied, whole house rentals, and non-conforming duplexes. This development would be built at a similar intensity as three single family homes (assume 3 beds per house equals 9 beds). This development will have 15 parking spaces, the requirement is 10 per the zoning ordinance. The parking lot is designed so the only exit is on Wyatt Street which should provide good site lines and reduce turning conflicts. Additional car traffic generated by this development would have a nominal impact to the system. Wyatt and Cleveland Streets are classified by WisDOT at local roads. To be considered for the next level up, Collector, there would have to be more than 750 average annual daily trips (AADT). For example, 4th St in front of the Grand Theater has 690 AADT. Staff is willing to work proactively with the neighbors to avoid any street parking issues through the Capital Improvements Street Maintenance Committee.

ADDITIONAL FACTORS (#4 c & d)

The Wausau Metropolitan Area Housing Assessment has identified the need for all types of housing across all price points. Since 2022, the increase in construction cost has made this more challenging, even more so for the affordable housing end of the spectrum. The study notes that *“supporting new construction of all housing types, regardless of the municipality, benefits the entire region’s housing market, economy, and quality of life.”* (pg 9)

STAFF RECOMMENDATION

Staff recommends APPROVAL of the zoning map amendment.

COMMITTEE ACTION

Plan Commission may approve or deny. The request will then proceed to City Council for final consideration.

ArcGIS Web Map

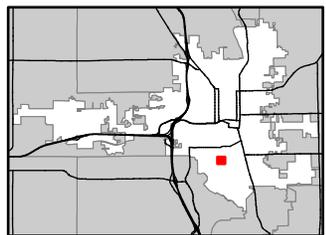
City of Wausau / DPW

Date: 8/10/2023

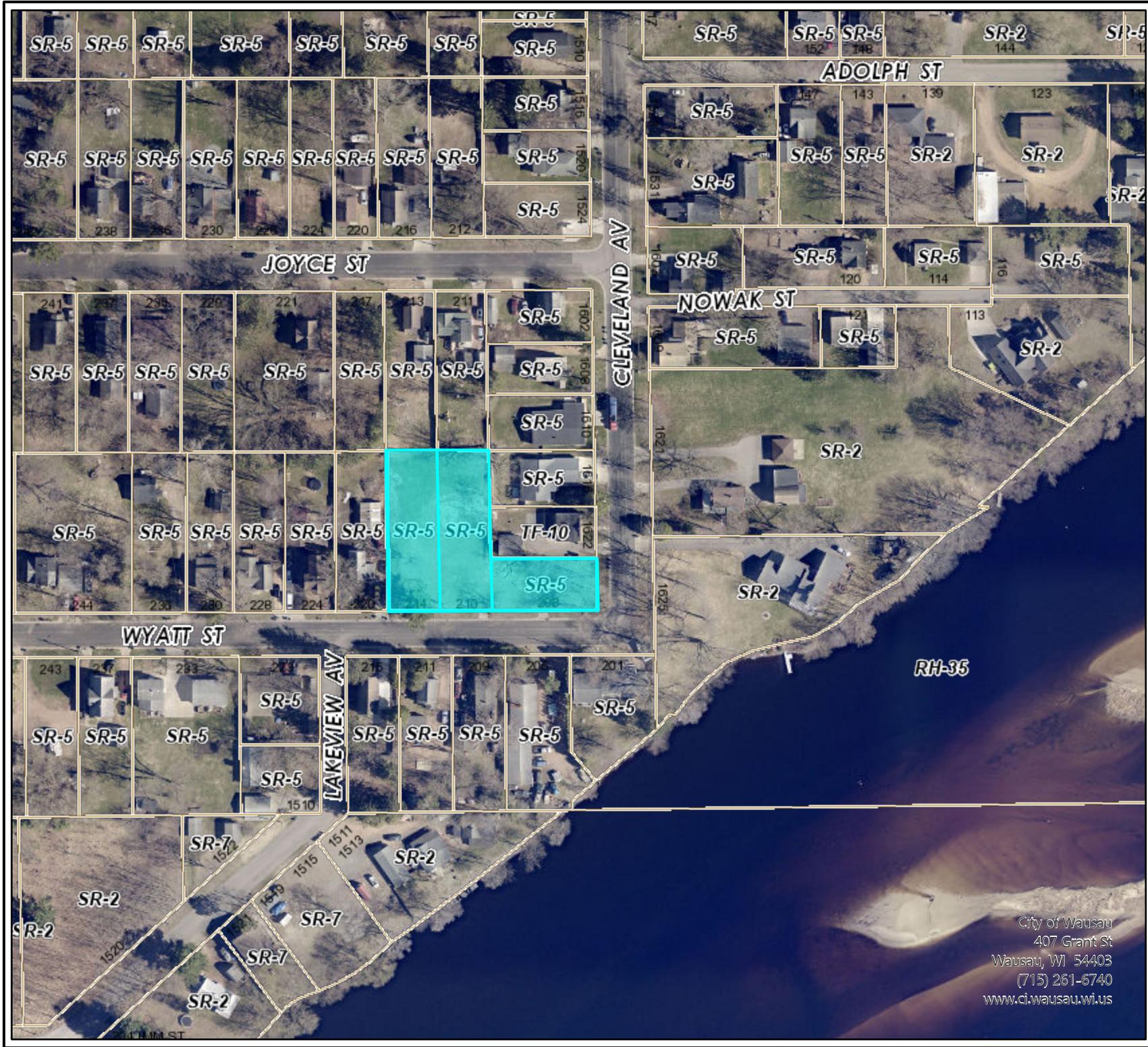
0 0.01 0.02



- Municipal Boundaries
- Parcel
- Zoning (Label Only)
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3



- NOTES:
1. Duplication of this map is prohibited without the written consent of the City of Wausau DPW / GIS Dept.
 2. This map was compiled and developed by the City of Wausau and Marathon County GIS. The City and County assume no responsibility for the accuracy of the information contained herein.
 3. City of Wausau
Public Works / GIS Division
407 Grant St
Wausau, WI 54403
www.ci.wausau.wi.us



City of Wausau
407 Grant St
Wausau, WI 54403
(715) 261-6740
www.ci.wausau.wi.us

208, 210, 214 Wyatt St



City of Wausau: Community Development Department



② East
1/8" = 1'-0"



③ South
1/8" = 1'-0"

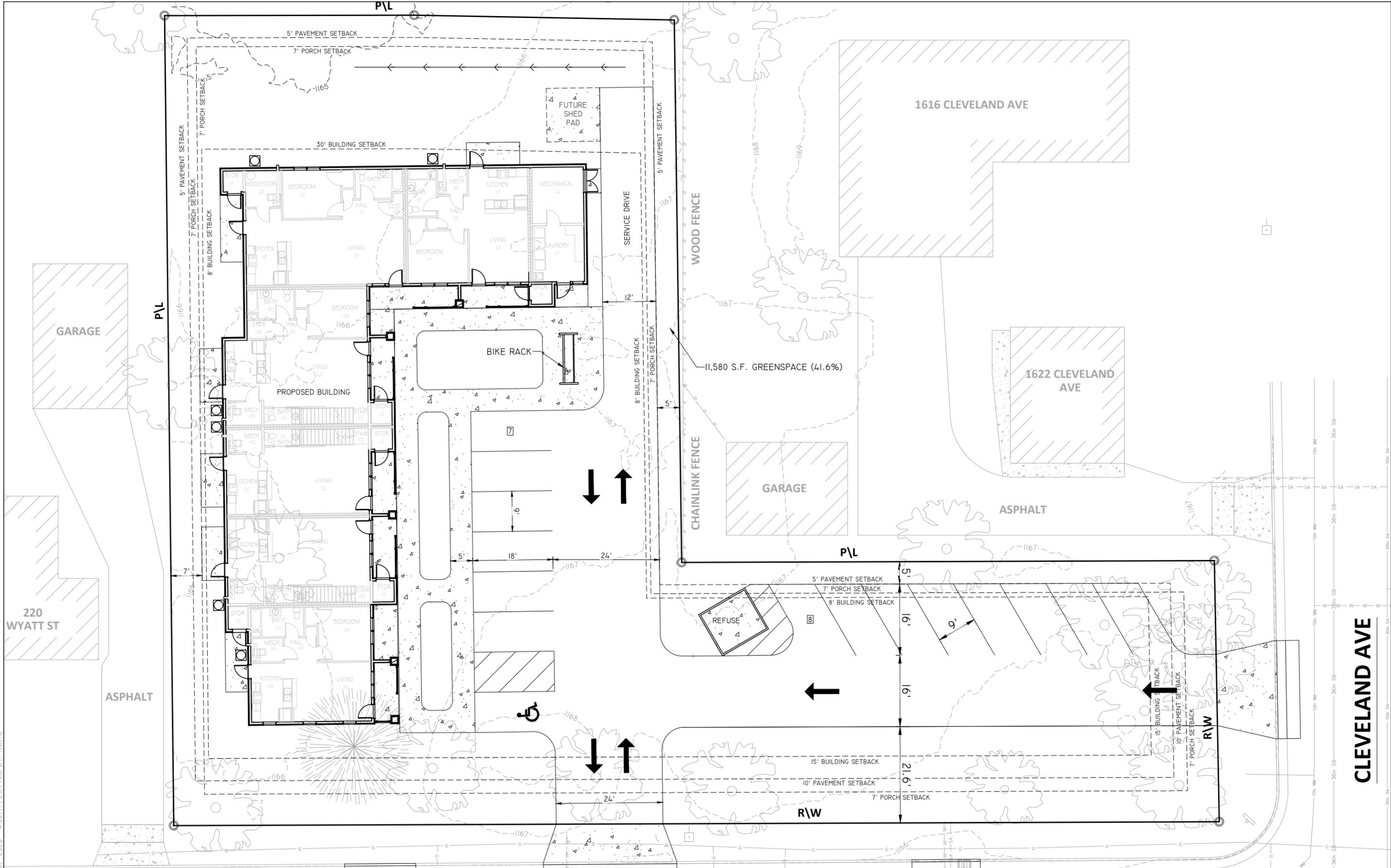
Multifamily Preliminary Review

July 14, 2023



④ West
1/8" = 1'-0"

DRAWING FILE: Q:\10900 - 10999\10939 - FUNKTION-WAUSAU MULTIFAM\DRAWING\DESIGN\10939-DESIGN.DWG LAYOUT: DESIGN
 PLOTTED: JUL 26, 2023 - 4:22PM PLOTTED BY: KURTS



REI Engineering, Inc.
 4080 N. 20TH AVENUE
 WAUSAU, WISCONSIN 54401
 PHONE: 715.675.9784, FAX: 715.675.4060
 EMAIL: MAIL@REIENGINEERING.COM



**CIVIL & ENVIRONMENTAL
 ENGINEERING, SURVEYING**

SCALE



DATE	REVISION	BY	CHKD	SURVEYED BY:	DESIGNED BY:	SURVEY DATE:
				SURVEY CHKD BY:	CIVIL CHKD BY:	CIVIL DATE: 07/26/23
				SURVEY APVD BY:	CIVIL APVD BY:	DRAWN BY: KJS

DESIGN CONCEPT
 PROJECT B - CDD MULTIFAMILY
 208, 210, & 214 WYATT STREET
 WAUSAU, WISCONSIN

REI
 REI No. 10939
 SHEET DESIGN

**JOINT ORDINANCE OF PUBLIC HEALTH & SAFETY COMMITTEE
AND PARKS & RECREATION COMMITTEE**

Amending Section 9.20.020 Regulation of persons and Section 1.01.025 Issuance of citations.

Committee Action: PH&S: Approved 3-0 **Ordinance Number:**
Pk & Rec: Approved 4-1

Fiscal Impact: None

File Number: 23-0905 **Date Introduced:** September 12, 2023

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

Add ()
Delete ()

Section 1. That Section 9.20.020 Regulation of persons is hereby amended to read as follows:

9.20.020 - Regulation of persons.

Persons using the public parks shall comply with the following:

....

(s) No person shall possess or consume intoxicating liquor or fermented malt beverages in or upon The 400 Block except between the hours of 4:00 p.m. and 11:00 p.m.; during a Class I, II, or III Special Event upon request of the event organizer and as approved under the City's Special Events Policy and Procedures for a period beginning two hours before the time for the Class I, II, or III Special Event and ending one hour after the event if the event closes prior to 4:00 p.m., or such hours beginning before and ending after the event as may otherwise be approved by the Public Health and Safety Committee; or, as otherwise approved by the Public Health and Safety Committee and Common Council as provided in section 9.04.025(d).

(t) No person shall possess or consume intoxicating liquor or fermented malt beverages in any City owned park, playground, athletic field or court, swimming or wading pool except as follows:

(i) Between the hours of 4:00 p.m. and 11:00 p.m.;

(ii) During a Class I, II, or III Special Event upon request of the event organizer and as approved under the City's Special Events Policy and Procedures and the period beginning two hours before the time for the event

and ending one hour after the event if the event closes prior to 4:00 p.m., or such hours beginning before and ending after the event as may otherwise be approved by the Public Health & Safety Committee;

(iii) At campsites, park shelters or facilities reserved through the Wausau and Marathon County Parks, Recreation and Forestry Department;

(iv) At Athletic Park.

Section 2. That Section 1.01.025 Issuance of citations, is hereby amended to read as follows:

1.01.025 Issuance of citations.

....

(c) Schedule of cash deposits.

(1) A schedule of cash deposits is established as follows:

....

(B) For violations of all ordinances other than those governed by the aforescribed Uniform State Deposit Schedule and except as provided in subsection (C), the cash deposit schedule shall be as follows:

Municipal Ordinance Schedule of Deposits

....

<u>Ord. No.</u>	<u>Offense</u>	<u>Deposit</u>
9.20.020(b)	Park—after hours	50.00
9.20.020(r)	Animals on cross-country ski trails	10.00
9.20.020(t)	Possess consume alcohol in park	50.00
9.22.020	Jumping and diving from bridges	25.00

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 beginning on January 1, 2024.

Adopted:
Approved:
Published:
Attest:

Approved:

Katie Rosenberg, Mayor

Attest:

Kaitlyn Bernarde, Clerk

DRAFT
CITY OF WAUSAU – JOINT PARKS AND RECREATION COMMITTEE & PUBLIC HEALTH AND SAFETY COMMITTEE MEETING MINUTES

Date/Time: August 7, 2023 at 4:30 p.m. Location: Council Chambers, City Hall
Parks and Recreation Committee Members Present: Dawn Herbst (c), Lou Larson, Tom Kilian, Carol Lukens, Sarah Watson
Public Health and Safety Committee Members Present: Lisa Rasmussen (c), Doug Diny, Lou Larson
Excused: Becky McElhaney, Chad Henke
Others Present: Jamie Polley-Parks Director, Matt Barnes-Deputy Police Chief, Tara Alfonso-Assistant 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 4:30pm.

1. Discussion and Possible Action Amending Section 9.20.020 Regulations of Persons and Section 1.01.025 Issuance of Citations – Rasmussen explained a couple months ago the Committee of the Whole analyzed a number of issues surrounding the unhoused population. Following a police department presentation, research occurred regarding restrictions on consumption of open intoxicants in City parks. Choices emerged which could include a complete ban at all City parks on open intoxicants all the time with the exception of facility rentals and organized events or because not every neighborhood park has that same issue to mirror the policy on the 400 Block which doesn't allow open intoxicants prior to 4:00pm. The question then is if it would apply to all City parks or just those parks that are mostly affected which is where the idea of a zone surrounding the downtown came in.

Deputy Police Chief Barnes spoke about the issues occurring mainly in the parks in and around the downtown area related to daily drunken behavior and how they would like to mitigate those issues. Herbst concern is for the people that would like to have alcohol in a park that do not display daily drunken behavior. Lukens would rather this apply at all parks on a temporary basis. Rasmussen originally thought about it from a city-wide perspective for consistency and ease of understanding but the logistics of managing it in neighborhood parks was a concern as not all of them had problems but all would receive the consequence.

Polley said one concern is that there are County parks within the City limits so the problem may just shift. She originally had been opposed, but the compromise of allowing consumption of alcohol after 4pm in general and exempting events and rentals is a possibility. She has a concern because this is putting a restriction on the entire community because of a very small percentage of people. However, people do not go to some of the parks because of these activities that are occurring. Having a boundary allows not as many park users to be affected. She said the public intoxication ordinance is vague and doesn't help in this situation. Barnes discussed the ordinance. Larson didn't want to penalize the whole City of Wausau but realizes something needs to be done. He didn't mind if the boundaries were set up as a trial period and questioned when it would go into effect. Barnes recommended January 1, 2024. Kilian would support something City wide but not just a certain area. He didn't believe they should have two sets of regulations for two different areas of town and discussed why he felt this could be viewed as discriminatory even if that wasn't the intent. Rasmussen felt that Kilian was right. They had wanted to impact the least amount of people and address the problem but if they do it in all City parks it may also be less confusing to the public. Larson mainly wanted people to feel safe in the parks. **Motion** by Larson, second by Kilian to move ahead with the ordinance as written except that it would apply to all City owned park facilities, try it for a year making it go into effect starting January 1st, 2024. Motion from the Park and Recreation Committee **carried** by voice vote, vote reflected as 4-1 with Herbst as the dissenting vote. Discussion occurred on the needed signage. **Motion** by Larson, second by Diny to allow consumption from 4p to 11pm in all City owned parks. Motion from the Public Health and Safety Committee **carried** by voice vote, vote reflected as 3-0.

Motion by Diny, second by Larson to adjourn the Public Health and Safety Committee at 5:20pm. Motion **carried** by voice vote, vote reflected as 3-0.

2. Public Comment or Suggestions – none brought forward.



Office of the City Attorney

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

Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

To: Common Council
From: Tara G. Alfonso, Asst. City Attorney *Tara Alfonso*
Date: August 28, 2023
Re: Comments on proposed amendment to W.M.C. §9.20.020 concerning alcohol in parks

- This office was requested to draft a proposed amendment to W.M.C. §9.20.020 prohibiting the possession and consumption of alcohol in City owned parks. The draft ordinance presented also clarifies that the prohibition applies to facilities and improvements within City parks such as playgrounds, athletic fields or courts and swimming and wading pools.
- As originally presented to the Public Health & Safety Committee and the Parks and Recreation Committee at the joint meeting of August 7, 2023, the proposed ordinance was requested to apply to parks within an area bounded by the south side of East Wausau Avenue on the north, the south side of Thomas Street on the south, the west side of 3rd Avenue on the west, and the east side of 6th Street to the east.
- After discussion at the joint meeting, the Committees recommended that the prohibition apply City wide and not simply to a limited area. The current draft of the ordinance reflects that recommendation from both Committees.
- The draft ordinance excepts from its prohibition: alcohol consumption between the hours of 4:00 p.m. and 11:00 p.m. (to accommodate picnics and other similar gatherings or activities); approved Class I, II, or III Special Events upon the request of the event organizer and as approved under the City's Special Events Policy and Procedures; campsites, park shelters or facilities reserved through the Wausau and Marathon County Parks, Recreation and Forestry Department; and Athletic Park.

- A random sampling of ordinances in other communities indicates the following:

Municipality	Restriction	Sample of Exceptions
Beloit - §15.06	General prohibition on possession, consumption and sale in any City park.	Many detailed exceptions including: licensed premises of golf course clubhouse; golf course grounds; beer at certain parks during City sponsored baseball or softball league games; wine or fermented malt beverages at certain parks under permit granted by Division of Parks or Parks Director; alcohol beverages at the Beloit Rotary River Center under various conditions; alcohol beverages at certain parks and during certain times of the day.
Green Bay - §28-4	General prohibition on possession or consumption in any park, playground, athletic field or court, swimming or wading pool, or parking lot.	Exemptions for fermented malt beverages and wine in picnic areas in 3 specific parks between 8:00 a.m. and 9:00 p.m. and in the baseball stadium. In any other park as approved by the Parks Committee or, in accordance with and under the terms of the written policy approved by the Council.
Kenosha - §6.02	Prohibition on sale, giving away, possession or consumption of any alcohol beverage.	Fermented malt beverages and wine permitted in City Parks and buildings pursuant to a permit issued for an approved date which shall expire at 10:00 p.m. each day; and, Simmons Island Beachhouse under an approved alcohol license issued under state and local law.
Madison - §8.24	Makes it unlawful to sell, give away, possess or consume alcohol on certain designated properties.	Many detailed prohibited locations which include: specifically named parks; other specifically named parks except in duly designated and cordoned off areas set aside for alcohol consumption; certain named parks except with prior approval of Parks Division or Parks Superintendent.
Neenah - §11-3	No fermented malt beverages or intoxicating liquor sold, given away, dispensed, consumed, stored in or brought onto any public property of the City.	Exceptions for grounds and buildings of Whiting boathouse and Bergstrom-Mahler Museum under an approved liquor issued by the City; any area temporarily licensed for consumption of liquor or fermented malt beverages under municipal liquor laws; and as carried by a properly licensed bartender working at a licensed

		establishment between a licensed establishment and a sidewalk café.
Wauwatosa - §7.65.080	General prohibition on any spiritous, vinous, malt or mixed liquors in any park or parkway.	Except areas designated by the park commission in writing and except at such places as beverages are sold by licensees of the commission.
Whitewater - §7.38.010	No alcoholic beverages allowed in any city park (except Starin Park) without a permit. No intoxicating liquors permitted on Indian Mounds Park.	Permits for parks, park buildings and other municipal buildings may be issued by the city clerk as deemed appropriate by the city manager.

- As can be seen from the random sample above, restrictions can be fashioned in multiple ways.
- The forfeiture deposit for violation is suggested in the draft ordinance at \$50 (which is the same amount as for a violation of possession and consumption prohibitions at the 400 Block). With court costs, the total forfeiture would be \$124.00.

RESOLUTION OF THE COMMON COUNCIL

Approving Waiver of Right of First Refusal, Termination of Deed Restrictions and approval of new deed restrictions for 7801 International Drive

Committee Action: *Pending*

Fiscal Impact: *None*

File Number: 04-0805

Date Introduced: September 12, 2023

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 <input type="checkbox"/> Debt <input type="checkbox"/> Funds on Hand <input type="checkbox"/> Interfund Loan <input type="checkbox"/></i>			

RESOLUTION

WHEREAS, Suthers Family Limited Partnership received an offer to purchase the property at 7801 International Drive from Joseph T. Ryerson & Son, Inc. which was accepted; and

WHEREAS, a request was received from the owner seeking the City’s waiver of its right to exercise its option to repurchase the property, release and terminate all existing deed restrictions and approve the proposed set of revised deed restrictions contained in the attached Termination and Deed Restrictions for Wausau West Business and Industrial Park.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Wausau does hereby waive its right to exercise its option to repurchase the property and authorizes the Mayor and Clerk to execute the Termination and Deed Restrictions for Wausau West Business and Industrial Park for the property at 7801 International Drive.

Approved:

Katie Rosenberg, Mayor

Document No.

**TERMINATION AND DEED
RESTRICTIONS FOR
WAUSAU WEST BUSINESS
AND INDUSTRIAL PARK**

Document Title

THIS TERMINATION AND DEED RESTRICTIONS FOR WAUSAU WEST BUSINESS AND INDUSTRIAL PARK (“Agreement”) is entered into this ___ day of September, 2023 by the CITY OF WAUSAU (“City”) and consented to by SUTHERS FAMILY LIMITED PARTNERSHIP, a Wisconsin limited partnership (“Owner”).

WHEREAS, City is the beneficiary of certain deed restrictions and a right of first refusal contained in that certain Warranty Deed dated August 27, 2004, recorded in the office of the Register of Deeds for Marathon County, Wisconsin as Document No. 1385408 (“Deed Restrictions”);

Recording Area

WHEREAS, Owner has received an offer to purchase the Property from Joseph T. Ryerson & Son, Inc. and Owner intends to transfer title to the Property to Joseph T. Ryerson & Son, Inc. or its assigns (“Transfer”);

Name and Return Address

Attorney Joseph Mella
Ruder Ware, L.L.S.C.
P O Box 8050
Wausau WI 54402-8050

WHEREAS, the City desires to waive any right of first refusal or any other option or right to purchase the Property with respect to or as a result of the Transfer, and to otherwise terminate forever the Deed Restrictions;

PIN: 291-2906-254-0990

WHEREAS, Owner is the owner of the real property legally described on Exhibit A (“Property”);

~~WHEREAS, Owner has received an offer to purchase the Property from Joseph T. Ryerson & Son, Inc., and Owner intends to transfer title to the Property to Joseph T. Ryerson & Son, Inc. or its assigns (“Transfer”);~~

~~—WHEREAS, the City desires to waive any right of first refusal or any other option or right to purchase the Property with respect to or as a result of the Transfer, and to otherwise terminate forever the Deed Restrictions;~~

—WHEREAS, Owner has requested the Deed Restrictions be revised; and

WHEREAS, the City recommends terminating forever the Deed Restrictions; and

WHEREAS, the City desires to institute, and the Owner desires to consent to, the terms and conditions of the New Deed Restrictions (as defined below) with respect to the Property;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Waiver of ROFR. The City hereby waives any right of first refusal or any other option to repurchase the Property with respect to or as a result of the Transfer.
2. Termination of Deed Restrictions. The Deed Restrictions, including, but not limited to, any City right of first refusal or option or right to purchase the Property, are hereby waived, released, and terminated forever.
3. New Deed Restrictions. The Property shall be subject to the following deed restrictions in favor of the City from and after the date hereof (collectively, the "New Deed Restrictions"):
 - a. CITY shall approve any sale or transfer of the property ~~or improvements on the property~~ to a tax-exempt entity, as evidenced by a resolution adopted by the CITY, authorizing such action. The CITY does not need to approve the sale or transfer to tax paying entities, so long as the use of the property complies with zoning ordinances.
 - b. Any use of the property or buildings on the property and all improvements placed on the premises and any alterations done thereto shall fully comply with the CITY's zoning ordinances, and any and all other laws, codes and regulations.
 - c. No premises, or any part thereof, shall be leased, assigned, transferred or sublet, in whole or in part, without fully complying with the CITY's zoning ordinances.
 - d. The entire area between the building(s) of each site and the front property line, except for driveways, shall be landscaped with a combination of street trees, trees, ground cover and shrubbery, and properly maintained. All unimproved areas not utilized for parking or outside storage shall be maintained in a weed-free condition. Grass shall be maintained in accordance with Municipal Code.
 - e. The construction of all buildings and improvements placed on the premises and any alterations or future additions done thereto shall fully comply with CITY's zoning ordinances, and any and all other laws, codes and regulations, and specifically, adequate provisions shall be made by the GRANTEE Property owner to comply with building setbacks, parking and off-street loading, roadway access, stormwater, lighting, fire protection, and hard surfacing provisions of CITY Code.
 - f. Before any outside area is used for storage, or storage or parking of trucks, trailers, tractors and other motor vehicles, prior approval or site plan approval for such storage or parking must be received, in writing, from the CITY.
 - g. No land shall be developed or altered that results in flooding, erosion, or sedimentation to adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area or other storm water management facility.
 - h. ~~CITY shall retain possession to any and all of the black dirt and topsoil on the premises. Excess land fill material, other than black dirt and topsoil not wanted by GRANTEE, shall not~~

~~be removed from the premises by the GRANTEE without first offering the same to CITY, free of charge.~~

- ~~i.~~ There shall be no on-site dumping of anything contrary to CITY health and sanitation and zoning ordinances.
 - ~~ij.~~ All railroad service to ~~GRANTEE's the P~~property shall be subject to any agreements in effect between the railroad company and CITY that affect the Property and which have been publicly recorded. Railroad lead tracks may not be used for loading or unloading purposes.
 - ~~jk.~~ The CITY may, unilaterally, in the future, by Resolution, exempt the land or any portion of the land from one or all of the above covenants, regulations, or restrictions, and/or encumbrances. ~~The CITY may, unilaterally, in the future, by Resolution, require Grantee to grant the City any easement needed for public purposes without cost to the City.~~
 - ~~kl.~~ These restrictions supersede any conflicting restrictions and/or regulations and/or covenants and/or encumbrances previously passed by the CITY, and/or recorded in the office of the Marathon County Register of Deeds, which affect the land which is subject to this deed, that have not been formally rescinded by the CITY. Any restrictions, regulations, covenants and/or encumbrances which affect the land which is subject to this deed, and which are not in conflict with these restrictions herein, are still specifically deemed to be in full force and effect.
 - ~~lm.~~ These restrictions shall be considered deed restrictions and the covenants, burdens and restrictions shall run with the land in perpetuity and shall forever bind grantee, its successors and assigns.
 - ~~mn.~~ These deed restrictions may be enforced by the CITY by either or both of the following methods:
 - i. Action. The enforcement of the restrictions contained in these deed restrictions may be by proceeding at law or in equity against any person or persons breaching or attempting to breach any restriction, to restrain such breach or to recover damages.
 - ii. Notice and City's Right to Rectify. If any parcel owner has failed in any of the duties or responsibilities created by these deed restrictions, then the City may give such owner written notice of such failure and such person shall within ~~ten (4~~thirty (30) days after receiving such notice, rectify the failure or breach. Should ~~any person fail to fulfill the duty or responsibility within such period~~such owner fail to acknowledge receipt of such written notice and discuss the same in good faith with the City, then the City shall have the right and power to enter onto the parcel and perform such duty or responsibility without any liability for damages for wrongful entry, trespass, or otherwise to any person. The owner for whom such work is performed shall promptly reimburse the City within thirty (30) days after receipt of a statement of such work.
4. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[Signatures on Next Page]

EXHIBIT A

PROPERTY LEGAL DESCRIPTION

Lot one (1) of Certified Survey Map No.13522 recorded in the office of the Register of Deeds for Marathon County, Wisconsin, in Volume 59 of Certified Survey Maps on page 79; being a part of the Northwest quarter (NW 1/4) of the Southeast quarter (SE 1/4) of Section twenty-five (25), Township twenty-nine (29) North, Range six (6) East, in the City of Wausau, Marathon County, Wisconsin.

DRAFT

Document No.

**TERMINATION AND DEED
RESTRICTIONS FOR
WAUSAU WEST BUSINESS
AND INDUSTRIAL PARK**

Document Title

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WHEREAS, City is the beneficiary of certain deed restrictions and a right of first refusal contained in that certain Warranty Deed dated August 27, 2004, recorded in the office of the Register of Deeds for Marathon County, Wisconsin as Document No. 1385408 (“Deed Restrictions”);

Recording Area

WHEREAS, Owner has received an offer to purchase the Property from Joseph T. Ryerson & Son, Inc. and Owner intends to transfer title to the Property to Joseph T. Ryerson & Son, Inc. or its assigns (“Transfer”);

Name and Return Address

Attorney Joseph Mella
Ruder Ware, L.L.S.C.
P O Box 8050
Wausau WI 54402-8050

WHEREAS, the City desires to waive any right of first refusal or any other option or right to purchase the Property with respect to or as a result of the Transfer, and to otherwise terminate forever the Deed Restrictions;

PIN: 291-2906-254-0990

WHEREAS, Owner is the owner of the real property legally described on Exhibit A (“Property”);

~~WHEREAS, Owner has received an offer to purchase the Property from Joseph T. Ryerson & Son, Inc., and Owner intends to transfer title to the Property to Joseph T. Ryerson & Son, Inc. or its assigns (“Transfer”);~~

~~—WHEREAS, the City desires to waive any right of first refusal or any other option or right to purchase the Property with respect to or as a result of the Transfer, and to otherwise terminate forever the Deed Restrictions;~~

~~—WHEREAS, Owner has requested the Deed Restrictions be revised; and~~

WHEREAS, the City recommends terminating forever the Deed Restrictions; and

WHEREAS, the City desires to institute, and the Owner desires to consent to, the terms and conditions of the New Deed Restrictions (as defined below) with respect to the Property;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Waiver of ROFR. The City hereby waives any right of first refusal or any other option to repurchase the Property with respect to or as a result of the Transfer.
2. Termination of Deed Restrictions. The Deed Restrictions, including, but not limited to, any City right of first refusal or option or right to purchase the Property, are hereby waived, released, and terminated forever.
3. New Deed Restrictions. The Property shall be subject to the following deed restrictions in favor of the City from and after the date hereof (collectively, the “New Deed Restrictions”):
 - a. CITY shall approve any sale or transfer of the property ~~or improvements on the property~~ to a tax-exempt entity, as evidenced by a resolution adopted by the CITY, authorizing such action. The CITY does not need to approve the sale or transfer to tax paying entities, so long as the use of the property complies with zoning ordinances.
 - b. Any use of the property or buildings on the property and all improvements placed on the premises and any alterations done thereto shall fully comply with the CITY’s zoning ordinances, and any and all other laws, codes and regulations.
 - c. No premises, or any part thereof, shall be leased, assigned, transferred or sublet, in whole or in part, without fully complying with the CITY’s zoning ordinances.
 - d. The entire area between the building(s) of each site and the front property line, except for driveways, shall be landscaped with a combination of street trees, trees, ground cover and shrubbery, and properly maintained. All unimproved areas not utilized for parking or outside storage shall be maintained in a weed-free condition. Grass shall be maintained in accordance with Municipal Code.
 - e. The construction of all buildings and improvements placed on the premises and any alterations or future additions done thereto shall fully comply with CITY's zoning ordinances, and any and all other laws, codes and regulations, and specifically, adequate provisions shall be made by the GRANTEE Property owner to comply with building setbacks, parking and off-street loading, roadway access, stormwater, lighting, fire protection, and hard surfacing provisions of CITY Code.
 - f. Before any outside area is used for storage, or storage or parking of trucks, trailers, tractors and other motor vehicles, prior approval or site plan approval for such storage or parking must be received, in writing, from the CITY.
 - g. No land shall be developed or altered that results in flooding, erosion, or sedimentation to adjacent properties. All runoff shall be properly channeled into a storm drain, watercourse, storage area or other storm water management facility.
 - h. ~~CITY shall retain possession to any and all of the black dirt and topsoil on the premises. Excess land fill material, other than black dirt and topsoil not wanted by GRANTEE, shall not~~

~~be removed from the premises by the GRANTEE without first offering the same to CITY, free of charge.~~

- ~~i.~~ There shall be no on-site dumping of anything contrary to CITY health and sanitation and zoning ordinances.
 - ~~ij.~~ All railroad service to ~~GRANTEE's the P~~property shall be subject to any agreements in effect between the railroad company and CITY that affect the Property and which have been publicly recorded. Railroad lead tracks may not be used for loading or unloading purposes.
 - ~~jk.~~ The CITY may, unilaterally, in the future, by Resolution, exempt the land or any portion of the land from one or all of the above covenants, regulations, or restrictions, and/or encumbrances. ~~The CITY may, unilaterally, in the future, by Resolution, require Grantee to grant the City any easement needed for public purposes without cost to the City.~~
 - ~~kl.~~ These restrictions supersede any conflicting restrictions and/or regulations and/or covenants and/or encumbrances previously passed by the CITY, and/or recorded in the office of the Marathon County Register of Deeds, which affect the land which is subject to this deed, that have not been formally rescinded by the CITY. Any restrictions, regulations, covenants and/or encumbrances which affect the land which is subject to this deed, and which are not in conflict with these restrictions herein, are still specifically deemed to be in full force and effect.
 - ~~lm.~~ These restrictions shall be considered deed restrictions and the covenants, burdens and restrictions shall run with the land in perpetuity and shall forever bind grantee, its successors and assigns.
 - ~~mn.~~ These deed restrictions may be enforced by the CITY by either or both of the following methods:
 - i. Action. The enforcement of the restrictions contained in these deed restrictions may be by proceeding at law or in equity against any person or persons breaching or attempting to breach any restriction, to restrain such breach or to recover damages.
 - ii. Notice and City's Right to Rectify. If any parcel owner has failed in any of the duties or responsibilities created by these deed restrictions, then the City may give such owner written notice of such failure and such person shall within ~~ten (4~~thirty (30) days after receiving such notice, rectify the failure or breach. Should ~~any person fail to fulfill the duty or responsibility within such period~~such owner fail to acknowledge receipt of such written notice and discuss the same in good faith with the City, then the City shall have the right and power to enter onto the parcel and perform such duty or responsibility without any liability for damages for wrongful entry, trespass, or otherwise to any person. The owner for whom such work is performed shall promptly reimburse the City within thirty (30) days after receipt of a statement of such work.
4. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[Signatures on Next Page]

City Hall, Wausau, WI 54403

EXHIBIT A

PROPERTY LEGAL DESCRIPTION

Lot one (1) of Certified Survey Map No.13522 recorded in the office of the Register of Deeds for Marathon County, Wisconsin, in Volume 59 of Certified Survey Maps on page 79; being a part of the Northwest quarter (NW 1/4) of the Southeast quarter (SE 1/4) of Section twenty-five (25), Township twenty-nine (29) North, Range six (6) East, in the City of Wausau, Marathon County, Wisconsin.

DRAFT

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

RESOLUTION OF THE COMMON COUNCIL	
Supporting childcare efforts by the state.	
Committee Action:	None
Fiscal Impact:	None
File Number:	23-0907
Date Introduced:	September 12, 2023

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 City of Wausau’s small businesses, manufacturers, health care sectors, schools, and other critical employers and industries continue to face significant challenges filling available jobs; and

WHEREAS, the state must invest in meaningful and comprehensive solutions to address Wisconsin’s workforce challenges, reduce barriers to employment, and prevent existing challenges from being a workforce crisis; and

WHEREAS, critical to addressing these challenges are efforts to ensure workers who are already participating in the City of Wausau’s workforce can remain in the workforce; and

WHEREAS, Marathon County, a child care desert, received a Dream Up! grant to convene community leaders to address the child care crisis affecting its residents and employers; and

WHEREAS, Dream Up! conversations resulted in an understanding that lack of access to accessible, reliable, quality child care is a barrier to employment in Marathon County; and

WHEREAS, Governor Tony Evers recently called a special session of the legislature to occur on September 20th to address child care as a barrier to employment;

NOW, THEREFORE BE IT RESOLVED, that the City of Wausau advocates for the Wisconsin State Legislature and Governor Tony Evers to collaborate on effective legislation to address child care and directs the Wausau City Clerk to send a copy of this resolution to the Governor and our state legislators

Approved:

Katie Rosenberg, Mayor