

OFFICIAL PROCEEDINGS OF THE WAUSAU COMMON COUNCIL
held on Tuesday, September 12, 2023, in Council Chambers, beginning at 6:42 p.m.,
Mayor Katie Rosenberg presiding.

Roll Call

9/12/2023

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

Proclamations

9/12/2023

National Voter Registration Day, September 19, 2023
ARTrageous Weekend, September 8-10, 2023
Constitution Week, September 17-23, 2023
National Diaper Need Awareness Week, September 18-24, 2023

Mayor Rosenberg recognized City Attorney Ann Jacobson to introduce Tegan Trouter as a new assistant city attorney.

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

- 1) Shari Clifford, 201 Wyatt St – spoke in opposition to Wyatt St. rezoning (file 23-0906).
- 2) Bob Jehn, 1625 Cleveland Ave. - spoke in opposition to Wyatt St. rezoning.
- 3) Shirley Jehn, 1625 Cleveland Ave. - spoke in opposition to Wyatt St. rezoning.
- 4) Yvonne Prey, 928 Grand Ave., Schofield - spoke in opposition to Wyatt St. rezoning.
- 5) Dan Hannan, 1621 Cleveland Ave. - spoke in opposition to Wyatt St. rezoning.
- 6) Andy Grundman, 1302 S. Third Ave. - spoke in opposition to Wyatt St. rezoning.
- 7) Brianna Salkowski, 151030 Sage Lane, Rib Mountain - spoke in opposition to t Wyatt St. rezoning.
- 8) Preston Jehn, 1521 Lakeview Ave. - spoke in opposition to Wyatt St. rezoning.
- 9) Diane Sennholz, North Central CAP - in favor of Wyatt St. rezoning
- 10) Tony Francis, North Central CAP - in favor of Wyatt St. rezoning
- 11) Ben Lee, United Way of Marathon County & The Housing Task Force - in favor of Wyatt St. rezoning
- 12) Patrick Bacher, 505 S. 22nd Ave. – spoke regarding rezoning on South 22nd Ave.
- 13) Richard Louze, 505 S. 22nd Ave. – spoke regarding rezoning on South 22nd Ave.
- 14) Mark Blaubach, 307 Imm St. - spoke in opposition to Wyatt St. rezoning.

Consent Agenda

9/12/2023

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

23-0801 Minutes of previous meetings (8/08/23 & 8/28/23).

23-0906 Resolution of the Capital Improvements & Street Maintenance Committee 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).

12-1113 Ordinance of the 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.

23-0108 Resolution of the Public Health & Safety Committee approving or denying various licenses as indicated.

23-0904 Ordinance of the Public Health & Safety Committee Amending Section 9.04.010 State statutes adopted and Section 1.01.025 Issuance of citations. (Facsimile firearms).

Yes Votes: 11

No Votes: 0

Abstain: 0

Not Voting: 0

Result: PASSED

23-0604

9/12/2023

Motion by Henke, second by Diny, to adopt the 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.

Martens stated this gives the developer an opportunity to address deficiencies that have happened in other developments in this area and support the businesses. The developer has the ability to make right to the neighborhood promises made previously.

Larson indicated opposition to this motion and the next two motions. It was stated that the developer has not been a good neighbor in this area of the city. Larson stated concerns of encroachment of development into the neighborhoods.

Rasmussen expressed appreciation for the residents that spoke in public comment for bringing photographs of previous inadequate fencing erected by the developer in this area. She stated that proper fencing is needed and requested that the property owners work to build appropriate fencing.

Gisselman indicated opposition due to a lack of acknowledgement by the developer that the concerns of residents will be addressed. He felt encroachment into residential neighborhoods is a concern.

Lukens questioned if an amendment would be appropriate to enforce acknowledgment of the plan. Staff explained that this development will go through the rezoning process next which provides an opportunity to address this matter further.

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

Yes Votes: 7

No Votes: 4

Abstain: 0

Not Voting: 0

Result: PASSED

23-0605

9/12/2023

Motion by Henke, second by Diny, to adopt the 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.

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

Yes Votes: 7

No Votes: 4

Abstain: 0

Not Voting: 0

Result: PASSED

Motion by Henke, second by Rasmussen, to adopt the 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.

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

Yes Votes: 7 No Votes: 4 Abstain: 0 Not Voting: 0 Result: PASSED

Motion by Rasmussen, seconded by Herbst, to adopt the 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 (3/4 Majority Vote Required).

Rasmussen stated this was a part of an effort to use American Rescue Plan Act funding to address affordable housing concerns and that the site as it currently sits is not productive. The land use would be appropriate to echo the comments by North Central CAP and the United Way of Marathon County to support housing development and that there was a misconception of the impact of affordable housing projects within a neighborhood. She indicated support for the project and encouraged city staff to work on addressing the environmental and social impact concerns by the residents.

Larson indicated support for affordable housing projects but opposed the location of this project due to the neighborhood concerns and setting a precedence for spot zoning while nearby property owners were denied improvements due to the area being in a flood plain. He questioned if the city attorney could address conflicts with state law in regard to spot zoning.

Watson stated support due to the appropriateness of the neighborhood to welcome new residents as well as the need for affordable housing. She commented that a public project provides an opportunity to remediate environmental concerns. She addressed concerns brought forward by residents by citing studies that found that people who live in apartments drive less than people who live in single-family homes and impacts on property values surrounding affordable housing projects.

Martens agreed with Watson on the appropriateness of the project in this neighborhood. He noted a precedence has already been set as the Common Council has been challenging the recommendations of the Plan Commission which hinders development to address the needs of the city.

Rasmussen was concerned with the Common Council not following the recommendations of the Plan Commission and the impact of rendering the panel moot. Bill Hebert, Zoning Administrator, was invited by Rasmussen to address the concerns of spot zoning. Hebert stated that this area has low density which is similar to what is being proposed.

Mayor Rosenberg questioned further clarification of spot zoning and invited Brad Lenz, City Planner, to speak. Lenz explained the changes in zoning requested here does not constitute a major deviation in changes akin to spot zoning.

Gisselman stated that it was the Common Council’s job to make the final decision based on the recommendations of the Plan Commission in accordance with the zoning code and map, and stated opposition based on the project not aligning with the character of the neighborhood. He felt the discussion should not be aimed towards affordable housing but instead of zoning changes itself.

Herbst stated opposition as a member of the Plan Commission and believed there were enough vacant lots in the city to build other affordable housing units.

Diny agreed with the principals of aligning with the recommendation of the Plan Commission based on the zoning and strategic plan. He noted that this discussion is similar to an affordable housing project in the district he represents and similar concerns by the residents in terms of increased crime, traffic, and impact on property values did not ultimately materialize.

Watson stated that the official zoning map is not law and zoning amendments are meant to change the zoning map when appropriate.

Mayor Rosenberg recognized City Attorney Jacobson to speak on spot zoning as defined by the Wisconsin League of Municipalities. The definition reads as a zoning ordinance that is amended to zone a relatively small area for uses significantly differently from those allowed in the surrounding area that is used to favor the owner of a piece of property. Spot zoning is not illegal because such zoning is not inconsistent with the purpose for which zoning ordinances can be passed however rezoning should be consistent with long range planning and with consideration of the whole community. Tammy Stratz, Community Development Manager, stated that these are difficult lots to develop upon which makes the city the only entity likely to navigate those difficulties.

Roll Call Vote (3/4 majority required):

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

Yes Votes: 7 No Votes: 4 Abstain: 0 Not Voting: 0 Result: FAILED

23-0905 Amendment 9/12/2023

Motion by Diny, seconded by Kilian, to amend the ordinance of the Public Health & Safety Committee and the Parks & Recreation Committee Amending Section 9.20.020 Regulation of persons and Section 1.01.025 Issuance of citations (Alcohol in parks) to sunset the ordinance in one year on 12/31/2024.

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

Kilian questioned if monthly or quarterly reports can be made to the Common Council on the impact of this change to assess not only the effectiveness but also the mapping of the geographical impact and interactions. Barnes stated that this request could be rolled into similar quarterly reports provided to the Public Health & Safety Committee. Kilian requested that quarterly reports be provided.

23-0905 9/12/2023

Motion by Rasmussen, seconded by Lukens, to adopt the ordinance of the Public Health & Safety Committee and the Parks & Recreation Committee Amending Section 9.20.020 Regulation of persons and Section 1.01.025 Issuance of citations (Alcohol in parks) as amended.

Kilian stated that the initial proposal targeted specific neighborhoods that resulted in a discriminatory impact and that the change to apply to all parks was meant to mitigate that geographic discrimination. He opposed because he felt the intended purpose for this change was meant to impact a particular socio-economic group.

Rasmussen commented the concerns of Kilian were well taken, which was the reason the change was proposed to all parks in addition to making the ordinance easier for all residents to follow. She indicated the alcohol culture in the state, which occurs in all socio-economic statuses, is a driving concern for this change. She pointed out consumption of alcohol and the issues related to that activity in parks has driven patrons away from using some city parks.

Gisselman indicated opposition due to the community support for parks and the impact on sociability in parks that this could have on citizens enjoying the parks in the afternoon before the ordinance would go into effect.

Kilian clarified initial comments and requested that a video be put on the record from the initial committee discussion. He questioned which group was being referred to when it was stated that “these people” where the impetus for this change. He commented the city cannot arrest away addiction, including alcoholism, and it is not an issue the city can address on its own. He invited the county to join in on efforts of addressing mental health and addiction. YouTube link to the Joint Meeting of the Wausau Parks & Recreation and Public Health & Safety Committee on August 8, 2023: https://www.youtube.com/watch?v=qMEYF-D_Y7A.

Rasmussen pointed out there have been multiple changes in city ordinances meant to mitigate excessive alcohol use within the city since she has been a member of the Common Council and there were earlier discussions on alcohol abuse recommended restrictions on drinking in parks even before this issue arose.

Police Chief Matt Barnes stated that there is an issue of intoxicated individuals in city parks in the early morning hours which devalues parks and discourages park usage. He noted the idea of this change came from discussions from other municipal police departments.

Diny felt the issue of targeting certain geographic areas was resolved by applying the change to all parks, however the concern of the original intent persisted. He requested Chief Barnes espouse on the original intent of targeting geographic areas for which Barnes stated the problem of people becoming intoxicated in parks still occurs in all socio-economic statuses. The change was meant to address behaviors and not statuses, and intoxicated behaviors may be expected at bars but not in public parks.

Rasmussen requested the Public Health & Safety Committee conduct an analysis of the effectiveness of the change at the August 2024 meeting. Barnes stated that the November 2024 Public Health & Safety Committee would be more appropriate for an analysis for which Rasmussen agreed.

<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	YES
11	Henke, Chad	YES

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

Suspend the Rules 9/12/2023

Motion by Rasmussen, second by Herbst, to Suspend Rule 12(A) Referral of Resolutions. (2/3 majority required):

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

04-0805 9/12/2023

Motion by Watson, second by Herbst, to adopt the 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.

Attorney Jacobson and Randy Ffrrick, Economic Development Manager, provided content on the resolution.

Rasmussen explained the purpose of standardized deed restrictions is to set standards and a concern for providing easements without fees, and questioned if a motion to amend would be appropriate. It was stated that an amendment for grammatical and other changes that do not impact the substance of the resolution would not be needed. She requested approval and to afford the City Attorney the authority to make non-substantive change or corrections.

Diny questioned if this would slow down the closing of this property. It was stated that this would not impact the closing date.

<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	YES
6	McElhaney, Becky	YES
7	Rasmussen, Lisa	YES
8	Watson, Sarah	YES
9	Herbst, Dawn	YES
10	Larson, Lou	YES
11	Henke, Chad	YES

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

23-0907 9/12/2023

Motion by Watson, seconded by Lukens, to adopt the Resolution of the Common Council Supporting childcare efforts by the state.

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

Adjourn 9/12/2023

Motion by Herbst, second by Henke, to adjourn the meeting. Motion carried. Meeting adjourned at 9:02 pm.

Katie Rosenberg, Mayor
Kaitlyn Bernarde, City Clerk