

## Memorandum

To	Allen Wesolowski, City Engineer	Page	1
C	Brad Lenz, City Planner File		
Subject	Thomas Street 3-Lane Community Sensitivity Design Summary AECOM Project No. 99979		
From	Bruce Gerland, AECOM		
Date	July 22, 2014		

As requested on July 18, 2014, we reviewed the 3-lane roadway section alternative for Thomas Street. This alternative was brought back to the Committee of the Whole at their July 8, 2014 meeting by Kevin Korpela, Architect. This memo provides the following:

- Brief summary of when the 3-lane section was first evaluated/eliminated from further consideration and why
- The impacts of Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) on the project requirements
- A drawing of the existing typical section for Thomas Street and an example 3-lane section
- Comments on typical section criteria for each portion of the section (sidewalk, terrace, bike lane, lane width, and curb and gutter)

### **Preliminary alternative analysis:**

The Wisconsin Department of Transportation (WisDOT) completed a Corridor Study of Thomas Street in June 2003. A full range of alternatives was initially developed during the preliminary study and each of these alternatives was evaluated for its ability to meet the purpose and need for the project. The following is the summary from the corridor study and environmental assessment prepared for the Thomas Street project regarding the 3-lane alternative:

#### *Alternative 5: 3-Lane Community Sensitive Design (CSD)*

Reconstruct Thomas Street to a 3-lane urban street with a center turn lane from 17<sup>th</sup> Avenue to the west bank of the Wisconsin River using minimum lane widths of 11 feet for travel lanes, and a 10-foot two way left turn lane (TWLTL). Improvements at intersections are included. This alternative was considered the Community Sensitive Design (CSD) alternative because its goal was to reduce impacts to the community by minimizing the number of residential and business relocations required. This alternative was dropped from further consideration because the design did not decrease traffic congestion to acceptable levels, created problems with snow removal, did not improve access control, and was not favored by the public. Alternative 5 did not fully satisfy the purpose and need of the project.

Benefits of this alternative include:

- Improves short-term intersection operations by separating through, right, and left turning traffic movements
- Minimizes right of way acquisition as compared to the 4-lane alternative
- Improves access to side streets with TWLTL

- Has shorter pedestrian crossings

Impacts from this alternative include:

- No additional capacity to accommodate anticipated future growth
- Lane widths are too narrow to accommodate bike traffic
- No improvement for travel delay
- Potential acquisition of 5 residences, 2 businesses, and 11 off-street parking spaces (Note that the non CSD 3-lane alternative evaluated impacted 26 residences, 14 businesses, and 3 religious buildings)
- Does not provide adequate width for snow storage

In 2006, the City Council approved the 5-lane preliminary alternative based on the corridor study, and in 2008 the Council approved the alignment of the proposed street, confirming this alternative was dropped.

#### **MAP-21:**

MAP-21 was signed into law by President Obama on July 6, 2012. As part of MAP-21, all roads that were functionally classified as principal arterials became part of the National Highway System (NHS). This action includes the stretch of Thomas Street between 17<sup>th</sup> Avenue and the Wisconsin River. All highways on the NHS, including segments added by MAP-21, must comply with applicable Federal Regulations, including design standards.

Therefore, the design requirements of 23 CFR Part 625 will apply to the Thomas Street project. In part, these Federal design standards require a facility that will adequately serve the existing and planned future traffic of the highway in a manner that is conducive to safety, durability and economy of maintenance. Accordingly, Thomas Street needs to be designed to meet the requirements of the AASHTO, "A Policy on Geometric Design of Highways and Streets, 2004 Edition." WisDOT has confirmed these requirements must be met, regardless of funding type, including providing pedestrian and bicycle accommodations. Detailed design requirements need to be confirmed as the project moves forward.

#### **3-lane typical section and typical section criteria:**

Thomas Street design information:

- Functional classification is principal arterial
- Low speed urban street
- Designated truck route
- Designated bus route
- AADT:
  - 17<sup>th</sup> Avenue to 3<sup>rd</sup> Avenue – 10,400 (2012); 13,300 (2037)
  - 3<sup>rd</sup> Avenue to Wisconsin River Bridge – 13,800 (2012); 21,500 (2037)
  - 6% trucks

Attached to this memorandum is an exhibit depicting the typical existing roadway section for Thomas Street, with an example 3-lane roadway section that meets AASHTO design requirements. The existing typical section is within a 60-foot right of way. The sample 3-lane roadway requires a 70-foot right of way. It should be noted that the forecasted AADT east of 3<sup>rd</sup> Avenue is 21,500 vehicles per day (vpd). This is the range where TWLTLs often break down. Additional capacity analysis is recommended before a 3-lane section can be recommended. In addition, intersection improvements are most likely necessary, including raised medians at signalized intersections.

We offer the following comments regarding the cross section elements:

#### Sidewalk

- Provide a minimum 5-foot-wide sidewalk with a terrace 3 feet or greater
- Provide a 6-foot sidewalk with a terrace 3 feet or less
- Wider sidewalks and terraces for higher pedestrian areas, areas with signs, utility poles, light poles, hydrants, trees, etc.

#### Terrace width (including curb head)

- 6 foot or greater is desirable for snow storage, signing, utilities, and plantings
- Ideally provide 3 feet from the face of curb to the tree, utility pole, or sign edge; and 3 feet from the tree, utility pole, or sign edge to the sidewalk (> 6 feet)
- Reduce in areas of constraints for short distances

#### Curb and gutter

- 6-inch vertical curb height on low speed urban streets
- 1 foot gutter minimum, 2-foot curb gutter desirable

#### Lateral clearance

- Offset from edge of driving lane to face of curb plus 4 feet (desirable)
- Offset from edge of driving lane to face of curb plus 1.5 feet (minimum)

#### Bike lane width (with asphalt pavement)

- 4-foot minimum from curb flange with 11-foot minimum travel lane
- 5-foot width is desirable

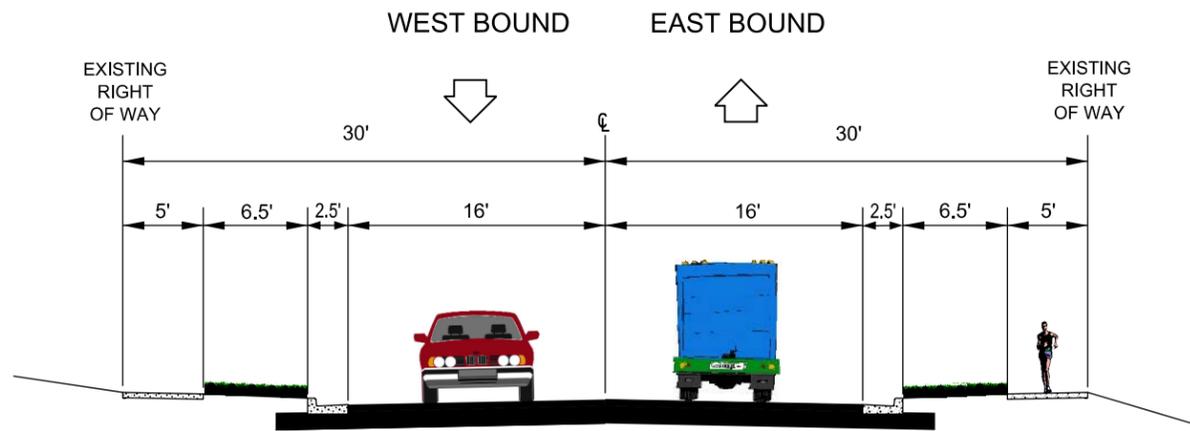
#### Travel lanes (NHS routes)

- 12-foot desirable
- 11-foot minimum for truck and bus volumes greater than 5%

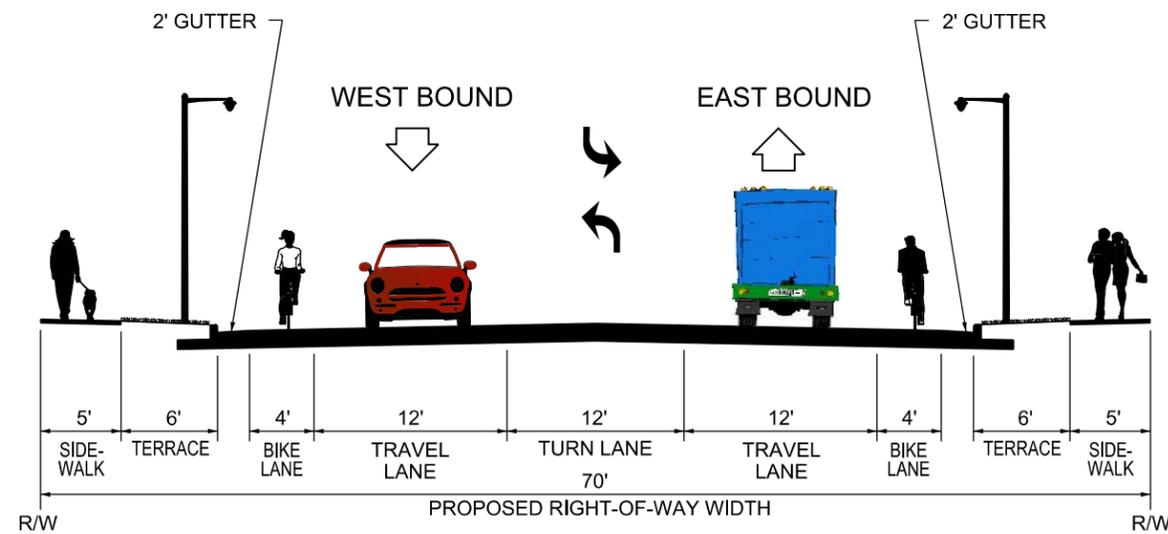
#### Two way left turn lane

- Posted speed less than 45 mph
- 14 feet desirable, 16 feet maximum, 10 feet minimum
- Raised median at railroad crossing
- Raised median at signalized intersections and non-signalized intersections with left turning volumes greater than 100 vph, and to provide pedestrian and bicycle refuge

As the project moves forward, the cross section criteria should be balanced with the environmental constraints, and the purpose and need of the project.



## EXISTING TYPICAL SECTION



## TWO-LANE WITH TWO WAY LEFT TURN LANE

### EXAMPLE SECTION

## THOMAS STREET RECONSTRUCTION

It is my understanding that Thomas Street will be discussed this week. I offer the following concerns and comments.

Please remember the following:

- Thomas Street is a major road in this community as it is connected to one of only three river crossings. All three corridors which connect to the bridges are essential for emergency services and daily traffic movements.
- Thomas Street corridor reconstruction has been listed as one of the highest priority projects in Marathon County.
- Traffic counts on Thomas Street fully support a major upgrade of this street to meet today's traffic needs as well as future traffic projections.
- Thomas Street's existing right of way (ROW) width is currently only 60 feet. There are buildings that are built up to the ROW and/or are very close to it. There is no room to widen the ROW without acquiring property.
- No less than 80 feet of ROW will be needed to construct a two lane road to comply with current standards. Obviously, four traffic lanes require additional ROW.
- The contamination at Thomas Street and Cleveland Avenue will not hinder the reconstruction of the street.
- Time is of the essence for home owners' likely to lose their property for additional ROW.

In summary, Thomas Street reconstruction does need to move forward now, and be built to meet future growth. Please do not attempt to reduce cost at the expense of safety concerns. The existing 60 foot ROW cannot accommodate safety, emergency vehicles, and snow storage.

Your decision will not only impact us today, but for the next 50 years.

Notes prepared by Joe L. Gehin  
July 29, 2014

**ORDINANCE OF COMMITTEE OF THE WHOLE**

Amending Chapter 2.16 Standing Rules of the Common Council Rule 17E, Termination of Debate and Rule 9F, Absentee Voting

Committee Action:

**Ordinance Number:**

Fiscal Impact:       None

**File Number:**               02-0432       F.   **Date Introduced:**

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

Add ( )

Section 1.       That Rule 17E, Termination of Debate, is hereby amended to read as follow:

**RULE 17 – MANNER OF DELIBERATION**

....

E.       Termination of Debate. Any member wishing to terminate the debate may move the previous question (call for the question). No such motion shall be entertained until each member wishing to address an issue under consideration is recognized to speak once. The presiding officer shall then announce the question as, “Shall the question before the council not be put?” If no objection is voiced, the clerk shall record unanimous consent to terminate debate. If an objection is voiced by an alderman, a roll call vote on the motion for termination of debate is required. If two-thirds (2/3) of the members present vote in the affirmative, the question before the council shall be taken without further debate. The presiding officer shall then state the principal question. The council then votes, first on any pending amendments and then on the main question.

Section 2.       That Rule 9F, Absentee Voting, is hereby amended to read as follows:

**RULE 9 – VOTING**

....

F.       Absentee Voting. No member may cast an absentee vote on any proposed ordinance, order, resolution or proposition before the council regardless of whether the absence is planned or unplanned.

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 on the day after its publication.

Adopted:

Approved:

Approved:

Published:

Attest:

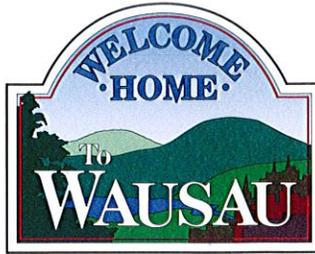
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James E. Tipple, Mayor

Attest:

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Toni Rayala, Clerk



Office of the City Attorney

Anne L. Jacobson  
City Attorney

Tara G. Alfonso  
Assistant City Attorney

### **COMMENTS REGARDING LENGTH AND NUMBER OF SPEECHES BEFORE DEBATE IS TERMINATED**

If the Council wishes to deviate from its present rules which adopt RONR 11<sup>th</sup> Ed., in order to allow every member of the governing body to be heard before a motion is made which would effectively terminate debate, Robert's Rules contains several suggestions:

- When a body has adopted a parliamentary manual as its authority, the rules contained in that manual are binding in all cases where they are not inconsistent with other rules (ordinances).
- A rule relating to the length and number of speeches permitted each member in debate is often found necessary.
- In debate, each member may be given an opportunity to speak at least once or twice on the same question, provided that before being recognized a second time, any member wishing to address the question for the first time is recognized.
- A limit can be placed upon the length of each speech. When that time has expired, permission may be given by unanimous consent to speak longer, or a Motion to Extend the Limits of Debate, which requires a two-thirds vote, without debate, may be made.



Office of the City Attorney

Anne L. Jacobson  
City Attorney

Tara G. Alfonso  
Assistant City Attorney

## COMMENTS REGARDING CHANGE TO 2.16, 9.F. – VOTING

Recently, concerns have been raised regarding members of the governing body appearing, participating and voting by telephone at the committee level.

From the League of Wisconsin Municipalities website, Governing Bodies: General FAQ 5:  
**May a member of a city council, village board or other municipal governmental body “attend” a meeting by telephone?**

*Yes, authorized by the governing body.* Although state law does not prohibit a member of a city council from attending a meeting by telephone, there are at least two concerns that indicate a need for careful consideration of this practice and authorization by the governing body.

First, telephone attendance by one or more members of a body must comply with the public’s right to a reasonably accessible public meeting established by the open meetings law. Inadequate equipment or any other problem created by telephone attendance of one or more members of a governmental body that impairs the public’s right of reasonable access may rise to the level of an open meetings law violation. If so, any action taken by the body at such a meeting is subject to being void.

Second, there is some non-Wisconsin legal authority that indicates only the members of a governmental body that are physically present in the same place may be counted for quorum purposes. This issue has not yet been decided by a Wisconsin court. Therefore, it is an open question whether Wisconsin law allows a member of a city council appearing by phone to be counted for purpose of establishing a quorum.

Additionally, I have a third concern when the nature of the item is in closed session, in that the closed session nature of the discussion is subject to being compromised when there is an open telephone line to a person appearing by phone.

League legal staff has concluded in a previous opinion, Governing Bodies 320, that nothing in state statutory or case law prevents a municipal governing body from allowing a member who is not physically present at a meeting to participate in the meeting by speaker phone. While there may be some arguments supporting a conclusion that bodies may

adopt a rule of procedure allowing a member who is not physically present at a meeting to vote by proxy, by mail or e-mail, the better view is that deliberative bodies like common councils cannot or should not adopt rules allowing members to *vote* who are not present. RONR 11<sup>th</sup> Edition, Rules of Order in Brief, confirms that a quorum must actually be present to conduct business, if no different number is set in the by-laws. Further, if the bylaws authorize a board to do so, it may also meet by videoconference or teleconference so long as all persons participating can hear each other at the same time.

The Handbook for Wisconsin Municipal Officials states on p. 136, "There are no statutes or case law addressing whether members of a governmental body can vote by telephone if they cannot be physically present in the room. Such situations should probably be addressed by the body's procedural rule. However, the League has consistently opined that members of a governmental body should not be allowed to vote by absentee ballot or proxy."

The best practice is for all members of the body to be present to participate. Allowing a member to listen by phone is certainly less than "participation," should the member decide to engage in debate or discussion by telephone. Then, it would be my recommendation that it not be allowed during a closed session, and that telephone participation be limited to listening. However, if the common council wishes to amend their rules to allow for debate by telephone, or even voting, it may do so, if enough safeguards are put in place to comply with the open meetings law. All persons participating and those of the public attending must be able to hear one another. Additionally, if material is distributed at the meeting, upon which debate and discussion, and possibly voting, will occur, then the member appearing by telephone would be well advised to abstain from discussion and voting on that matter, if it is not possible for that person to receive the materials before debate occurs.