

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

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Date of Meeting: May 7, 2015, at 5:30 p.m. in the Council Chambers of City Hall.

Members Present: Rasmussen, Gisselman, Kellbach, Mielke, Abitz

Also Present: Lindman, Jacobson, Lenz, Wesolowski, Gehin

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

Noting the presence of a quorum, at approximately 5:30 p.m. Chairperson Rasmussen called the meeting to order.

### **Approve minutes of the April 9, 2015 meeting**

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Mielke moved to approve the minutes of the previous meeting. Kellbach seconded and the motion carried unanimously 5-0.

### **Update on current status of development of Talon Lane and possible action thereon (Agreement for Dedication of Right-of-Way)**

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This item was taken out of agenda order.

Almost two years ago, CISM approved the dedication of Talon Lane with the intention at some point it would become a street. City Attorney Anne Jacobson provided a memo outlining the background of this matter. The extension of Talon Lane began with an idea for a future subdivision. The dedication of the south portion of the right-of-way has been significantly delayed. This item is on the agenda to determine the current status between the parties and if the right-of-way dedication needs to be amended or if another method needs to be pursued to bring the project to fruition.

Dave Eckert stated he owns 80 acres on the northeast side that abuts the City by Talon Lane. In the last several years he has brought 7½ acres into the City. The two parcels are now generating \$41,000 in tax revenue for the City. He has beautiful acreage that topographically would accept sewer and water at the correct grades. He views the property as a 30 to 35 year parcel when looked at as a whole. He is ready to move forward on it and petitioned for the road approximately 1¾ years ago. Once approved, he immediately dedicated his north half of the road. The developer of the south half of the road, Schlindwein, was required to install sewer and water because of a pending deal that resulted in the sale of 2.06 acres for \$200,000. The sewer and water was installed per an agreement with the City where the City reserved the right to allow the developer to dedicate his side of the road when the Eckert's dedicated their side. He received the privilege of installing the sewer and water in the roadway so he could complete his deal. It is now eleven months since the Eckert's have dedicated their portion and there has been no success in moving this forward. He believes the City has sent letters and left messages for Schlindwein. In early March he sent emails requesting meeting dates but has had no response. It has been eleven months and nothing has happened. He has suggested to City administration that legal action should be taken to enforce the obligations of the agreement that Schlindwein has with the City. He feels it would be efficient to take it by eminent domain. He does not believe there would be eminent domain damages as Schlindwein agreed to deliver the roadway at no cost by warranty deed. Eckert added that he has been extensively involved in economic development activities in the community over the years. He has been president of the incubator, on the Community Development Authority, involved with McDEVCO, and has completed deals for the City to help economic development. Last summer after he dedicated he received an offer of \$45,000 an acre for the eight acres immediately north of the extended

roadway. He turned it down because he felt it would be impossible to develop the land for the City's benefit long term. He feels strongly the land over the long term should be in the City. In a sense it is their gift to the community.

Attorney Mella appeared on behalf of Schlindwein. He appreciates Eckert's patience with the process and apologized to City staff on his inability to arrange a meeting to this point. He has offered to meet tomorrow morning to discuss and hopefully resolve this situation. He understands the facts of this matter to be that the Eckert's initiated the process a couple of years ago to move forward with the dedication of a roadway along the southern portion of property he owns that adjoins additional property he owns where his homestead is located outside of the City of Wausau. He believes there are a couple of different options to redevelop the property into multiple lots. In 2007 Schlindwein signed an agreement with the City by which he agreed to convey a strip of land to the City. Following that agreement, he installed sewer and water in that strip of land to reach a lot that Schlindwein owns with the intention of providing sewer and water to a house that he wants to build for himself. It appears that Eckert would like this property dedicated at no cost to him with that sewer line installed at no cost to him so that he can tie into the sewer line and begin to utilize it for the development he would like to undertake on his property. Schlindwein presumed that Eckert would offer some compensation to tie into the line that Schlindwein paid for. This is where the sticking point lies. Additionally, he is not clear on the City policy in the event that this additional strip of land is conveyed by Schlindwein to the City as it goes to the point where Schlindwein's property would be adjoining the City of Wausau. Eckert has provided drawings showing a roadway constructed that does not go to the end of the sewer line. They all seem to cut across and create a subdivision. Schlindwein has no intention or desire to build a road back to his property at this time. His preference would be that if a street is ever constructed that it would go all the way back to his property and tie into an extension of 25<sup>th</sup> Street. Mella hopes something can be resolved with respect to the sewer and water line that was installed barring legal action. He will continue to try to get the parties together.

Rasmussen stated the goal is to move everyone forward. If continued negotiations among the parties can bring a conclusion to the matter there is no further action that this committee needs to take.

Joan Eckert indicated that when Dave Eckert sent an email in March the discussion was regarding options for compensation of the water and sewer line. At that time, the Eckerts asked for a list of costs and did not hear back. Rasmussen explained that the committee needs to know that the parties are committed to working this out. Joan Eckert is concerned that this will hit another impasse. Rasmussen indicated that Mella seems to be committed to bringing this matter to closure. The committee is in no position to try and stop parties from working out issues. The only option the committee would have is to amend the original agreement or legal action.

Dave Eckert feels they have been very patient with what he feels is a clear and unambiguous agreement. He believes the cost of the road needs to be shared fairly. He added that if Schlindwein does not want the entire road he is willing to discuss that. Eckert noted that because of the topography of the land, it makes better sense to bring the roadway up through their valley and not due east. This was confirmed by Joe Gehin at a meeting about a month ago. This would open up lots and would result in hooking up to 25<sup>th</sup> Street sooner.

Rasmussen again stated the goal is to get active discussion between all parties so it is not left as an unfinished item. Eckert asked that this remain on the agenda next month. Rasmussen is hopeful this will come to a conclusion, but will place it on the June agenda for an update. Gisselman questioned what the City's legal obligation is if this does not progress. Jacobson stated that the remedy has not been fully researched and would be something shared in closed session.

**Discussion and possible action regarding an easement for utility relocation and extension in the East Hangar Development Area**

This item was taken out of agenda order.

Rasmussen stated the relocation of utilities is proposed on the airport property to make hosting the Balloon Rally easier, develop the East Hangar Area, and easier for Koucereck to build a private hangar. A utility easement is necessary for the relocation.

Mielke moved to approve the easement for utility relocation and extension in the East Hangar Development Area contingent upon legal review and upon staff defining the exact coordinates and path of the line. Abitz seconded and the motion carried unanimously 5-0.

**Discussion and possible action on studying 1<sup>st</sup> and 3<sup>rd</sup> Avenues for conversion to two-way traffic**

Wesolowski explained that CISM previously authorized a study up to \$50,000. However, after consultation with the DOT and some stakeholders, the committee felt that the City may not need to go ahead with that study.

Mielke moved to not go forward with the study of 1<sup>st</sup> and 3<sup>rd</sup> Avenue for the conversion to two-way traffic.

Rasmussen indicated there was some discussion of this issue at Economic Development (ED). In terms of economic development, ED is less interested in traffic flow and vehicular issues than traffic calming and design. However, upon receipt of her feedback outlining stakeholder concerns, DOT concerns, and that the streets are connecting highways, the ED committee concluded that this could be reconsidered when the roads are scheduled for reconstruction. Lenz clarified that 1<sup>st</sup> Avenue is scheduled for reconstruction between Stewart Avenue and Thomas Street and STP Urban funds have been obtained. Lenz had the impression from the DOT that it is not off the table completely and there are certain advantages and disadvantages that need to be considered. Rasmussen thought that the area in question in terms of development in TID 8 and traffic calming was 1<sup>st</sup> and 3<sup>rd</sup> Avenues from Stewart Avenue to Bridge Street, which are not planned for reconstruction. She did know that funding was received for 1<sup>st</sup> Avenue from Stewart to Thomas in lieu of funding for the Thomas Street Project. Lenz explained that the part of 1<sup>st</sup> and 3<sup>rd</sup> Avenues that are connecting highways is north of Stewart Avenue. If Business Highway 51 is shifted off of one street and onto the other, it will no longer be a connecting highway and funding would be lost. There is an overall calculation where the DOT takes into consideration all the miles that we have on connecting highways and the City receives a percentage based on those miles.

Rasmussen asked if the committee agreed that at this point that \$50,000 should not be spent in the study but to consider it in the future if plans warrant it. Abitz added that the City would be responsible for railroad realignment and signage if there is any change in the roadways, which would be a large expense.

Mielke amended his motion to table the study indefinitely and address it again if plans come forward in the future. Gisselman seconded and the motion carried unanimously 5-0.

**Discussion and possible action regarding on-street parking in front of 1910 North 6<sup>th</sup> Street (Zillman's)**

Wesolowski stated 6<sup>th</sup> Street is STH 52, which is controlled by the DOT. If on-street parking is approved, the City would be required to pay for the reconstruction. The remainder of 6<sup>th</sup> Street does not have on-

street parking, so if approved, there would be only one block with parking. On-street parking is not something the DOT would like to see, but he can formally contact the DOT regarding feasibility and cost. Rasmussen is concerned it would set a precedent and any business along a connecting highway would want on-street parking. Rasmussen cannot see paying for the remaining life of the pavement and shifting traffic in an area where it currently flows. She added that more traffic will be using 6<sup>th</sup> Street heading for Athletic Park. Abitz noted that Parking & Traffic had the same concerns.

Kellbach moved to not pursue parking in front of 1910 North 6<sup>th</sup> Street. Abitz seconded and the motion carried 4-0 with Mielke abstaining.

### **Discussion and possible action on dedication of right-of-way and proposed easement for 3385 Horseshoe Spring Road**

Wesolowski explained that Horseshoe Spring Road is a unique situation where property owners on the opposite side of the road own property behind the wall for access to the backwaters of the river. Travis Dzwonkowski of 3385 Horseshoe Spring Road is requesting an easement to construct a gate in the wall, similar to what his neighbors have. Staff researched records and could not find easements for the existing gates in the wall. Also, staff found out that the right-of-way of Horseshoe Spring Road is not dedicated for this property. Therefore, the owner would first have to dedicate right-of-way to the City and then the City could grant him an easement for the gate.

Rasmussen questioned if the wall could structurally take the gate. Wesolowski stated a licensed and bonded contractor would have to complete the work and added that the wall is in need of repair in other places. Rasmussen questioned if there is any risk to the public in terms of entry into the water. Wesolowski indicated a hold harmless agreement would be included in the easement. Gisselman questioned when the wall was built. Wesolowski is unsure but would work with the property owner to have a better gate than the existing gates.

Gisselman moved to direct staff to continue to work with the property owner and bring back any necessary agreements. Mielke seconded and the motion carried unanimously 5-0.

### **Discussion and possible action on an initial resolution to hold a public hearing to vacate the alley abutting 215 East Thomas Street west to Emter Street**

Wesolowski stated the petition came from Lamont Thao, who is with the Elder Sanctuary. The Elder Sanctuary owns all the parcels except one along this portion of the alley. Jacobson stated there are two methods under State Statute 66.1003 that allow for discontinuance of a public way. One is by petition, which requires signatures of owners of all the lots that abut the public way and the owners of more than 1/3 of the frontage of the lots abutting the portion of the remainder of the public way. Therefore she feels this is not a sufficient petition as it does not contain enough signatures of effected owners. Additionally, unpaved alleys are treated differently than paved alleys. The alley abutting one parcel is gravel, but the majority of the alley is paved. Because there are not enough signatures and because we would like to keep it moving forward, the other method to discontinue a public way is initiation by the Council. A resolution can be introduced by declaring the public interest requires the vacation. This does not change the length of the process as a public hearing is still required. Rasmussen is not convinced it would serve the greater good for the public purpose as it is unknown if the petitioner has spoken to the other property owners. Abitz stated Hill's Service is on the other end of the alley. The house next to Hill's has a back garage, along with the property across the alley. She is concerned that they use the alley to get out during the winter. She questioned Mr. Kilian, a resident in the area, if he has noticed traffic using the alley. To which he responded he has seen some traffic. She is also concerned with the electrical poles. Rasmussen

noted a utility easement would have to be granted. Rasmussen asked for all abutting property owners to be noticed of the public hearing rather than a radius of the property. Wesolowski replied that all owners that abut the alley would be noticed.

Mielke moved to schedule a public hearing, notify abutting property owners of the hearing, and direct staff to work with the property owner to be sure he obtains a sufficient number of signatures. Abitz seconded.

Gisselman is hesitant since there was only one signature and he does not know why the petitioner wants to vacate the alley. Abitz assumes it is due to the amount of activity during events. Gehin stated Thao owns four lots on the south side of the alley. He started to improve the lots in 2013 by demoing two homes and placing gravel. Thao was proposing a parking lot on the four lots. The City requested that he pave and make drainage improvements by 2014. In 2014 he informed the City that he did not have the funds to make the improvements and he would move forward with the work in 2015.

Jacobson indicated staff can contact the petitioner, provide him with maps and inform him what he needs to do to bring a sufficient petition forward.

There being a motion and a second to schedule a public hearing, notify abutting property owners of the hearing, and direct staff to work with the property owner to be sure he obtains a sufficient number of signatures carried unanimously 5-0.

**Discussion and possible action on an initial resolution to hold a public hearing to vacate Clark Street between South 3<sup>rd</sup> Avenue and South 4<sup>th</sup> Avenue**

Rasmussen stated a proposal was submitted a few years ago for renovation of The Store and to change the layout of the site. However, the project fell through. The project is back in a different form and has been considered by ED and Finance. Part of the project is to vacate Clark Street between 3<sup>rd</sup> and 4<sup>th</sup> Avenues.

Jacobson indicated in fairness to Mr. Halverson who represents Ellis Stone, the City did accept a letter from him to serve as a petition. Once again the question arose if that was sufficient. A sufficient petition would include the signature of the Labor Temple and the appropriate number of signatures from affected property owners. It could also be determined that the public interest requires the vacation. Rasmussen explained a proposal has been approved by one committee and received a mixed result in the other. The proposal shows a substantial private and public investment into a redevelopment effort.

Randy Olmsted, 828 North 2<sup>nd</sup> Avenue, stated he is the agent for the Wausau Labor Temple. He is here to request that this does not go forward to public hearing. The Labor Temple has not had time to understand how the vacation would affect their business. They have a ballroom upstairs, a tavern downstairs and 13 office spaces. There is not an elevator and a lot of older people park on 4<sup>th</sup> Avenue. Part of Callon Street is closed for public parking. They need to understand how the vacation would affect the banquet as it is a vital part of their business. Additionally, they have not had a chance to speak with the other parties involved with this and have concerns with emergency access. The initial proposal from 2012 is different than today. They are proposing an apartment complex with only 16 parking spots, which could be an issue. Rasmussen stated approval of the public hearing does not approve the project. The public hearing is the key forum for all property owners and stakeholders to be heard. Additionally, if scheduling of a public hearing is approved, there is time before the hearing to get some questions answered.

Mielke questioned the timeline for the project. Halverson indicated a meeting was scheduled with the Labor Temple yesterday but unfortunately was canceled because of Olmsted's illness. They have always intended to go under the public purpose element primarily from a blight elimination perspective, adherence to the TIF 8 plan and level of investment. To obtain 1/3 petitioners from 2,650 feet from the termini of either end of the intersections is hundreds of households, which would be challenging. Their commitment to the Labor Temple is one where he feels they can address any of their concerns. Also, Henning has brought a misleading element of the site plan to their attention. The site plan shows the sidewalk nearly against the south wall of the Labor Temple, which is not their intent. The \$30,000 agreement that was in place to purchase the northern 33 feet of Clark Street would be on the table for discussion, making sure the emergency exit is not obstructed and that the Labor Temple would still have full egress from their property to the south through an easement. Emergency access and overflow parking concerns would be on the table for consideration. They intend to do anything within their power within the 40 days post Council approval to move forward. He feels that is plenty of time to work through the Labor Temple's concerns and with every good faith effort to not only accommodate them financially but operationally in terms of parking movement and access to their facility. They are ready to work with them to insure that they potentially come out of this in an even better situation than they were at starting.

Rasmussen stated if a public hearing is approved by Council, the hearing can be held no sooner than 40 days. This gives time for all to have conversations. Jacobson stated it is a five step process. If a public hearing is authorized tonight, on May 26 Council would set the public hearing with the public hearing occurring on July 9. The item would then be considered at Plan Commission on July 21 and final approval before Council on August 11.

Deb Ryan, 702 Elm Street, is representing the Westies Neighborhood Group. She feels part of what is being discussed are plans that assume they own all the land, which is not true. The assumptions are based on Schierl owning the land or the Labor Temple giving them the land. We do not know if that is going to happen. She has not seen anything that indicates why the street should be closed. She knows of neighbors in the affected area that think this is a poor reason to close the road. Schierl Tire should reduce the footprint so that Clark Street can remain open. If the housing development moves forward, 4<sup>th</sup> Avenue would be jammed with resident parking. The intersection of 4<sup>th</sup> Avenue and Callon Street is a blind intersection that would have increased traffic. She questioned what would happen if the Labor Temple does not agree and Schierl cannot obtain the property. Rasmussen stated there are many moving parts to this and there are no assumptions made but the proposal does indicate that Schierl would be acquiring that land. The public hearing process is the public vetting process for all of the concerns.

Paul Henning, 1906 East Hamilton Street, stated he is not agent for the Labor Temple but has pertinent information and knowledge as he has been in consultation with the Board of Directors. He fully supports Schierl Sales Corporation redevelopment on Stewart Avenue as it is a great location but it needs updating to bring it up to the high quality standards displayed by the other modern facilities doing business as The Store. However, he is disturbed by some of the components of the redevelopment plan and the City processes that are required during approvals, and the procedure for the project. He feels it would be extremely premature to go to public hearing regarding the vacation. He stated going to a hearing often gives the citizens and the public the impression that both sides of the equation are fully on board. Often he sees a decision is made immediately upon the public hearing. The developer's plan assumes the entire vacated right-of-way is needed for the project and required for the small amount of parking delineated for the project. He feels Unified Development Districts require control of the land and a signature minimum blessing the project. Evidentially it was not required for this project as the Plan Commission not only entertained the general plan but also the precise implementation plan at the same meeting. He does not see how they could have looked at both the general and precise plans without the blessing of the land owner. It is his understanding that Finance has rejected the TIF access proposal. He believes with TIF's

this project would have to meet the “but for” component. As it stands now, Council would have to flip the Finance Committee decision to recommend rejecting the proposal. Rasmussen explained that the item will come forward to Council on a negative recommendation from the Finance Committee and the full Council does not flip the recommendation but rather look at the proposal and vote. The plan did pass in ED so it will go to Council with a mixed review. Henning stated transparency can be achieved by looking at the Economic Development minutes. To this date the Finance Committee minutes are not available. He requested the minutes one week ago today and was assured they would be out. He indicated how important it is to know what happened at the meetings as important decisions are being made. Henning stated if the “but for” component is valid, no TIF proposal acceptance by the City equals no project. If there is no project then the developer would need to reconfigure the plan and the TIF proposal. If that is required there is no need to continue with the vacation process as it gives the wrong impression. Another important item is that there is no agreement between the developer and the Labor Temple as of this moment. There are very serious fiscal consequences to the Labor Temple, which requires a serious evaluation by their Board. The Labor Temple could conceivably lose a lot of their on-street parking and it could negatively impact their banquet facility. If the Labor Temple does not decide to part with the land in the development plan, the plan would require modification. This is all incumbent upon securing the land, which has not been done to date. If they don’t part with the land then one-half of the right-of-way that they are entitled to becomes an asset. At that point that asset comes with serious modification in the form of design for parking modifications, excavating, curb and gutter, paving, and landscaping. They would be forced to spend money on modifications they may not want or need right now, especially if the TIF component is not met. Rasmussen explained that the conclusion at the ED Committee was the “but for” test was met and that was the reason the plan was approved. To which Henning stated that is all dependent upon acquisition of the north half of the right-of-way. Rasmussen indicated if that does not take place the plan would then be subject to modification or it is possible the plan could fall through, but without this process they cannot begin. She added with 40 days following Council approval, the public hearing would be in July. If it is held off another month or two it will be into the fall season. Henning stated vacation before all the factors are clear puts the Labor Temple at a disadvantage in negotiations with the developer. The control of the land required for the development should have been locked down before the general development and precise implementation plans were presented to the City. He feels vacation is merely a formality that does not affect the timeline of the project. He noted that since it is obviously recommended by Wesolowski, Lenz and Mayor Tipple, it can be resurrected quickly when all the other hurdles are overcome. Rasmussen indicated the statutory requirement for the 40 day timeline is not going to be reset. That process has to be followed whether everyone is on board or not. Henning stated it creates an aura of distrust when a general development plan and a precise implementation plan are considered at the same meeting. He feels there are many unanswered parts and a public hearing would be inappropriate and cause additional hardships for the Labor Temple. He believes there is little downside to postponing the public hearing.

Lenz stated in addition to the plan being considered by ED and Finance, it was considered by Plan Commission. Plan Commission is composed of citizen representation, staff and Council members. The general plan was approved for the project. During precise plan consideration, there was discussion regarding the street vacation and it was decided that it should be brought back when some of the issues are worked out. Therefore, the precise plan at this point is on hold. He added that it is not uncommon to see both the general and precise plans on the same agenda. It is allowed for the petitioner to bring forward both plans separately or together. Henning indicated that at Plan Commission it was stated the items on the precise implementation plan will be taken care of by staff. That erases the clear transparency the citizens of Wausau deserve. He feels it is inappropriate to say nothing about signatures and control of the land, which should have been a prerequisite.

Mielke stated in the interest of full disclosure, openness, and transparency, his father is on the Labor Council Board. He questioned if he should abstain from the vote. Jacobson does not have all the facts and would have to review the matter. He noted that he has not been lobbied for a vote.

At this time Abitz had to leave the meeting.

Ardin Mielke, 901 South 10<sup>th</sup> Street, stated he is the next in command behind Olmsted on the Executive Council for the Labor Temple. Rasmussen questioned if he felt issues could be worked out between now and July. He is not certain a decision can be obtained by then. Rasmussen believes a good faith effort should be made on both sides to address the issues. Rasmussen asked Halverson if he felt if a meeting could be convened between now and July to address the stakeholders concerns. Halverson replied yes as they were prepared to meet with the Labor Temple yesterday. Discussion followed on tabling the item or scheduling a special CISM meeting.

Ryan stated the Labor Temple may say no and the entire plan is based upon an assumption. She feels that is a poor assumption. Rasmussen takes offense to the fact that Ryan is judging the decision of this committee as a foregone conclusion. They plan to make a fair decision and follow the process.

Olmsted respects that the developer is under a timeline. The Labor Temple received a letter in the mail and the developer had to know this was going to begin prior to them receiving that letter. It is important to the Labor Temple to evaluate how the project will affect their business. He feels they are being forced into making a quick decision. He does not want to set back a good project and the Stahmer Clinic property is an eyesore; however, they need to understand how it will affect them.

Halverson stands ready to discuss concerns immediately. The concern that they had embarking on the project in the first place is the way in which the project unfolded the first time. There were concerns and procedural steps that needed to be undertaken at that point which they wanted to make sure there was a chance to take care of initially by listening to the concerns that were expressed previously, applying those changes to the plan, and moving forward as systematically as they could with Planning, Engineering, ED and Finance. There will probably be 13 to 14 different action items that this development proposal will require. The first time, Schierl had arrangements made with the Labor Temple. It was his intension to get through several of the other steps first to be able to know there was momentum building for the development. They are concerned with the asphalt plants closing on November 15 for this timeline let alone any delay. It will be late August or early September before they will be able to pull a permit for any portion of the project. Which means construction could not begin until mid-September. They need a minimum of 90 days to construct only the convenience store, which would be at a very accelerated pace. They are not trying to engage in anything but invest \$3.7 million in the City of Wausau while taking care of the concerns of the Labor Temple.

Gisselman moved to table this item to a special CISM meeting on May 21 at 3:30 p.m. Kellbach seconded and the motion carried 3-0 with Mielke abstaining.

Jacobson questioned if Halverson needs to obtain signatures for a petition or if this would be initiated by the governing body because of public interest. The committee does see the public merit and Halverson does not need to obtain signatures but rather devote his time to working with the stakeholders. Gisselman requested the Fire Department be present at the next meeting to address emergency concerns.

### **Update on the Thomas Street Project**

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Wesolowski stated that Bruce Gerland from AECOM was unable to attend tonight as the meeting was moved up a week and he had a previous commitment. At the last CISM meeting, Gerland was requested to contact the property owners at 15<sup>th</sup> Avenue. Gerland did contact the owner of the northwest corner property and AECOM will move forward with alternate one based upon staff's review and discussion with the property owner. Alternate one aligns the intersection but minimizes the impact to the Webko property. Gerland will provide an update next month.

### **2015 Street Construction Project of 2<sup>nd</sup> Avenue and Clark Street: Discuss public hearing results and make recommendation**

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Arden Emmerich, 453 Grand Avenue, Schofield, stated he is a real estate investor. He is on the Economic Development Committee for Main Street Wausau, with his specific assignment being the near west side development. He inquired on how proceeding with reconstruction of 2<sup>nd</sup> Avenue fits into the Near West Side Master Plan and the purpose of the TID 8 plan. The purpose and creation of TID 8 is to offer capacity in order to implement the recommendations outlined in the Near West Side Master Plan and to leverage that with Wausau's Main Street Program. The Near West Side Master Plan focuses on full block solutions. He has been waiting for a larger plan for the area. The larger area, the commercial center of the City's Near West Side, covers roughly 10 City blocks. Local stakeholders view Clark Street and the Main Street Neighborhood as a commercial street. The development of the street needs to fit that commercial need. He questioned whether the plan as presented fits the commercial street requirements. The planned improvements are expected to create a unique identity for the Near West Side and bring economic revitalization for the area. He believes the Near West Side Master Plan should focus on the plan for the entire area, which he has not seen. He attended the Board of Public Works hearing on Monday regarding special assessments for the street project. That was the first time he heard the plan was that far along. He has been waiting for the comprehensive plan. He has tried to move economic development forward for the west side for the last couple of years. He has been put off and told it was in the hands of the DNR due to environmental concerns. He did not know there was clearance by the DNR to proceed. He is a stakeholder in the west side and in the TIF presentation it was said that Clark Street east of 2<sup>nd</sup> Avenue is a highly visible front door to the community. The triangular area adjacent to Stewart Avenue should be developed into an attractive public space with parking to support business and special events. The area is a blighted and underutilized. He owns the piece of land this is referring to and no one has ever talked to him about the TIF proposal. If the street project goes forward, the potential of the TIF 8 plan is limited.

Rasmussen stated there has been some stagnation in TID 8 in terms of private sector investment. A number of the stakeholders have indicated the City should move forward with improvements first before private investments are made. It was then decided to look at streetscaping and rebuilding of 2<sup>nd</sup> Avenue and Clark Street, relighting the area, reducing the hardscape, adding green elements, and increase walkability of the area. The City was stalled while waiting for DNR reports, but that situation is now resolving itself. Additionally, the private sector did not want to invest money on improvements and then have the street under construction for several months. She feels the streetscaping plan does fit within the master plan.

Lenz indicated the Near West Side Master Plan has a variety of recommendations, some of which are streetscaping improvements and transportation improvements. The larger plan is just an area wide streetscaping plan and does not delve into private development. The Near West Side Master Plan is being used as a guiding master plan. One of the recommendations of the plan was to look at streetscaping improvements for not only 2<sup>nd</sup> and Clark Street, but the area around those streets and how to connect it to

the river, and make the area a more walkable Main Street area. We do not have control of the private parcels. There have been ideas for the triangular area from both the City and stakeholders, but ultimately it is not the City's property. The City can see how it fits into the area and have recommendations but it is not the City's plan to develop that parcel or any other private property. The City can set the stage with street improvements and connections to the riverfront. Rasmussen sees the project as a combination of three years of work. It started out a number of years ago by walking the area with stakeholders and residents. Stakeholder opinions were gathered regarding what they wanted to see more and less of. From that feedback the streetscaping plan was created by GRAEF. There was not wide spread opposition to the project at the public hearing, but rather questions raised that can be addressed by staff.

Gisselman moved to approve the project and move forward for the 2015 construction season. Kellbach seconded and the motion carried 3-1 with Mielke opposing.

### **Update on the status of the McClellan Street project continued from the 2014 season and discussion of 2015 street project expectations**

Rasmussen indicated that last year there were a number of projects that extended into late October and one into November. With the closing of the asphalt plant and unexpected early snow, the City was left with unfinished leaf pickup and unfinished streets.

Gehin was pleased to announce that McClellan Street and Scott Street were completed today. The final layer of pavement was placed on Monday and a small amount of pavement was placed today on LaSalle. Rasmussen questioned if liquidated damages would be considered by the Board of Public Works due to the project extending to this year. Gehin replied that a retainage will be held for landscaping but he does not see a need to go beyond that. He feels the contractor did an outstanding job getting the work done this spring in a timely fashion. Before work started this spring, he had a meeting with the contractor and noted items that were defective. The contractor made all the repairs at no cost to the City. The work on Curling Way and Kent Street is on schedule to be completed next week. The final layer of asphalt will be placed on Kent Street next week. Last year the pavement was intentionally left off the south half of Curling Way because of poor soils and the want to watch the settlement. The road held up fine and the first layer of asphalt was placed on Wednesday. The final layer should be placed in the middle to end of next week on both Kent Street and Curling Way. Some landscaping work needs to be completed on Curling Way and then the project will be completed. Preconstruction meetings have been held for a couple of 2015 projects. It was made clear that the contractor needs to stick to the working days and completion date of the contract or possibly face liquidated damages if weather is not a factor. Rasmussen was looking for clear communication from the beginning so the contractor does not ask for extensions. If the contractor is overbooked it is their business practice and not the fault of the City. She feels poor or late work should not earn the same pay as on-time, quality work. Once it does and continues to, contractors take deadlines less seriously. She feels staff restored some credibility last year by going forward with liquidated damages. She questioned how staff felt about contract extensions past October 31. She feels after that the only thing that should be dug up is an unforeseen emergency. Staff agrees and on this year's projects there is not a completion date that extends beyond October 30; however, there will be a late start on 2<sup>nd</sup> Avenue. Rasmussen understands that the delay of 2<sup>nd</sup> Avenue is the City's fault. She feels the project managers should not have to be in the field listening to angry residents on a daily basis because a project is late. Wesolowski added that staff has kept the projects smaller this year. Originally 7<sup>th</sup> Street, Crocker Street, Grant Street and 11<sup>th</sup> Street were to be one project. However, it has been split into two.

**Approve petition for annexation – Luczaj, 1707 East Hamilton Street (080-2908-304-0996, Town of Wausau)**

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Rasmussen stated that staff recommends approval of the annexation. Mielke moved to approve the annexation for Luczaj at 1707 East Hamilton Street. Kellbach seconded and the motion carried unanimously 4-0.

**Future agenda items for consideration**

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Gisselman asked about unfinished 2014 projects in relation to carryovers of funds. Rasmussen indicated there was discussion on dollar value of unfinished work and how much of that was infrastructure. There were a lot of capital projects that were being carried over, but not all projects were street projects. One of the projects that was mentioned was the U/K project as there was concern that cost of the project has gone up. She would like to take a look at the road projects that are in progress and see where they are at in terms of cost and completion. Gisselman questioned which projects from 2014 have been held over for payment in 2015. Gehin indicated that a final invoice has not been received for Kent, Scott, McClellan and Curling Way. Wesolowski indicated that the extension of 80<sup>th</sup> Avenue was carried over from 2014. Rasmussen asked staff to compile a spreadsheet for next month showing the original project cost, what has been spent to date, and what is yet to be billed. The concern on the Council floor was due to the total carryover resolution being approximately \$8 million for all capital projects. She would like to why any 2014 projects are over and by how much. Lindman indicated that moving forward in 2015 the projects will be tracked throughout the year based upon budget and actual costs.

Mielke thanked Lindman and Wesolowski for working on a couple of issues and noted that the residents are happy.

**Adjourn**

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Gisselman moved to adjourn the meeting. Mielke seconded and the motion carried unanimously 4-0. Meeting adjourned at approximately 7:45 p.m.