

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: July 9, 2015, at 5:30 p.m. in the Council Chambers of City Hall.

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

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

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 June 11, 2015 meeting

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

Discussion and possible action on the safety of the intersection of 4th Avenue and Callon Street

Rasmussen stated this issue was brought forward as a result of dialogue with the neighborhood group. The intersection has an odd offset. Signs have been installed to warn traffic to slow down due to the dangerous intersection and stop signs have also been installed. If everyone obeyed the signs, the intersection would be safe. At some point if 4th Avenue or Callon Street are reconstructed, the neighborhood has asked that improvements be made. Lindman met with Brown and Ryan on site regarding Brown's retaining wall and discussion was held on the intersection. The City did make the intersection a four-way stop to help improve the blind intersection. Research could be done to see if accidents have increased or decreased over time. From that information a determination could be made if it should be a CIP project to realign the intersection. Abitz believes a home would have to be acquired to correct the corner but asked if there were other options. Lindman stated additional right-of-way would have to be acquired but without knowing the radius needs he does not know if homes would have to be acquired.

Deb Ryan, 702 Elm Street, stated one perspective is given when driving and another when walking. Brown's retaining wall is 5' to 6' and is coming down on the 4th Avenue side. She relates the area to a cupcake stating all the land is going downhill towards 4th Avenue. This was a City HUD rehabilitation project in 2001 that failed due to a major rain last August. When looking at it from the street it is very deceptive. She questioned if there was a way the City could purchase footage with eminent domain that would cut the cupcake to eliminate this blind intersection. She believes the roads were built around the house, which is 117 years old. The owner would like to stay in her house, but would also like a safer intersection. Traffic from 4th Avenue has to be in the middle of the intersection in order to see traffic coming down the hill. Until you actually look from her yard and see it from the top of the cupcake, you do not get the idea of how important it is and where it should be cut off. Ryan was told this should go to Werth if it is eminent domain and a developer should present the plans. Ryan does not believe it is that complicated. She believes the intersection would have been worse if Clark Street would have been vacated. The intersection was talked about in the neighborhood group because of a serious bicycle and pedestrian accident. Nine months of the year busses use Callon Street to get to 3rd Avenue. She asked if there has to be a fatal accident before fixing the bad intersection.

Mielke stated what Ryan has said is true. He feels going through Planning and Community Development is overboard. Mielke feels there is merit in shaving the corner to make the intersection safer when Callon Street is reconstructed. Rasmussen questioned the pavement ratings for this section of Callon Street and

if it is proposed for reconstruction in the near future. Callon Street from 12th Avenue to 6th Avenue is proposed for improvements in 2016. Staff will look to see if there is cost effectiveness in making the intersection improvements with the 2016 project.

Mielke moved to direct staff to work with the abutting property owner to see if measures can be taken to mitigate the intersection. Kellbach seconded.

Abitz stated there is a four way stop at the intersection. It is difficult for her to comprehend that drivers have a hard time going through the intersection. She feels it is the drivers and not the intersection. She will agree to move forward with staff looking into this matter; however, she feels it is bowing down to drivers that do not want to follow the rules of the road.

Nutting stated anyone can have an accident anywhere in the City by not following the posted signs. He feels we should investigate if there are ways to mitigate the intersection as well as help with the repairs of the wall. However, action has been taken by installing a four way stop and that should take care of the majority of the safety issues. He would be interested in seeing traffic reports of people running the stop sign and being ticketed.

There being a motion and a second, motion to direct staff to work with the abutting property owner to see if measures can be taken to mitigate the intersection carried unanimously 5-0.

Discussion and possible action on the preliminary plans and cross section approval for the Thomas Street Project

Bruce Gerland, AECOM, completed a plan in hand field review with staff to look at anticipated impacts. During the field review seven more impacted parcels were identified. Due to the desirable terrace width to fit in the sidewalk, the sidewalk moved back and impacted these additional seven parcels. Therefore there are a total of 15 residential properties and 3 commercial properties that are impacted. Staff is looking for approval of the preliminary plans and cross sections so AECOM can move forward with the right-of-way plat.

Abitz had the opportunity to walk the area with Lindman and Wesolowski. She has issues with moving the sidewalk five feet back between 15th Avenue and 12th Avenue. This will affect homes that were never originally told they would be affected. Some properties will have shorter driveways. Recently she drove the area at night and almost every existing driveway was filled with vehicles to the sidewalk. If five feet is taken from their property, they will not be able to park their cars in their driveway. Or if they have an overnight visitor, the visitor will have to park someplace else. This would be even more difficult in the winter if there is a snow emergency. There is a homeowner on the corner of 12th Avenue and Thomas Street where if they lose five feet there will not be a yard for their child. There are also properties that would have to change their entrance. If the five feet would be taken from the other side of the street it would affect Treu's. However, the Bargender's have been fighting for years for this project to move forward so their property would be acquired. They would be stuck with traffic issues. Abitz does not have any issues with the plans from 11th Avenue to 4th Avenue.

Rasmussen stated that years ago when the street was originally designed, it was identified that even though there are homes not directly in the path there may also be homes that for economic development reasons or for strategic planning reasons we may wish to make offers to. She has talked with Hable of 1110 West Thomas Street. His driveway is twelve feet. If he loses five feet his car will be to the sidewalk. When we first started to plan this project we were concerned with leaving people with short driveways. There is no place for the residents to add a turn around on their driveways and they have to

back into the street. Gerland stated if the five feet is adjusted to the south side it will impact Treu's and parcel 71. Abitz added that the step of parcel 71 would have to be turned and his door frame modified. If the five feet is moved further south, the corner house would have to be purchased. Rasmussen questioned if any of the properties can bear the five feet more so than others. Abitz replied no as they would not have the needed space in their driveway. Rasmussen asked Abitz if her goal was to prevent the purchase of the homes between 12th and 11th Avenues or to cause them to be required to be purchased. Abitz stated if the present design is approved, more homes would have to be looked at for acquisition because they will be losing their driveway. At this time, those property owners are not aware that their driveways would be affected and a public informational meeting would have to be held. The properties on the south side are under the impression their properties will be acquired. Rasmussen noted that the residents between 11th and 12th Avenue, the majority of which have expressed a desire to go, would be in a totally different situation if the road is shifted to the south causing their property to be unaffected.

Gerland stated if the road is moved five feet to the south, the road would be very close to Treu's main entrance. There may be the need for some strip taking from the properties on the north between 12th and 11th Avenues due to the 10th Avenue south right-of-way line having to be held because of a historic property. Rasmussen feels that with whatever direction moves forward, a public informational meeting should be held. She added that the original intent of the GRAEF design was to mitigate the number of acquisitions.

Robert Baumann, 1040½ South 5th Avenue, stated there is a lady who is concerned about running her business, Wausau Oriental Market, on Thomas Street. He added that he has a place to relocate to in Illinois when the house he is living in is torn down. He questioned if the City is obligated to reimburse him for the move. Rasmussen responded that is unknown at this time. There is a specific legal process that needs to be followed once a plat is developed.

Jessica Bargender, 1118 West Thomas Street, stated the original GRAEF called for acquisitions on the south side from 17th Avenue to 12th Avenue. At the corner by Treu's it went to the north with her property being acquired. Hearing that the plan may change upsets her. She has a three year old who likes to play. There is no backyard. She would like the committee to come and sit at her house to see how busy it is and how scary it is as people drive by. Yesterday there was another accident, but the Police Department was not called because there was no damage. There have been cars on her lawn and the area is not safe. If five feet is taken the sidewalk will be at the front of her house and she will lose the yard that she has. She would like a decision made so she can move forward and she would prefer to be bought. It takes ten minutes to get out of her driveway in the morning due to the traffic from Kolbe and Kolbe. She again recommended that the committee sit at her house to understand how busy it is. She is afraid to let her pets and child outside.

Rasmussen stated that Bargender's testimony is well received and she has received similar emotional pleas from others residents. The goal of the design was to minimize the amount of acquisitions. Acquisitions should not be minimized to the point where people are left in or put in harm's way.

Abitz stated from the beginning Thomas Street was supposed to be designed to make it a safer area. The homeowners between 15th and 11th Avenues have issues with entering and exiting their driveways. She comes home after 11:00 p.m. and there is always traffic. It does not matter what time of day. Krist will be opening at the corner of 3rd Avenue and Thomas Street, which will generate more traffic. She stated the need of thinking more of not only the road design but the safety of the homeowners. She said if all are not thinking of the safety of the residents and the City of Wausau then they are in the wrong career field. Rasmussen believed that early on in the design the owner of Treu's would be retiring and the property could be redeveloped. However, since then his children have taken over the business and want to stay.

She asked if a northward shift could be done on that side of the street from 12th or 13th to the east, which should solve some of the safety concerns.

Gisselman asked if all the properties on the north side from the east to 15th Avenue would be acquired if the plan is not changed. Abitz explained if the design is moved five feet to the north, the property owners need to be informed that they will be losing five feet. Rasmussen asked if the shift could happen further east, between 13th Avenue or 12th Avenue. Discussion followed.

Rasmussen stated the goal was to reduce acquisition but not eliminate it and this needs to be done right the first time. Mielke feels for the residents and also wants it done right the first time. He proposed deferring action to next month to take time to do it correctly.

Gerland stated the current layout was based upon the direction given by Council in January. He noted that not everyone will be happy. The plat will show what needs to be purchased to build the roadway. Anything above and beyond that is a different decision. Even with shifting the road there is no guarantee the homes will be touched and require full acquisition. Gisselman stated the shift will make some properties on the south side vulnerable. Those property owners will need to be notified. Rasmussen stated once the design is finalized a public informational meeting should be held.

The committee agreed by consensus to defer action until next month.

Abitz hopes this delay does not cause issues with other property acquisitions from 11th Avenue to the east. Those property owners are under time constraints regarding moving and cannot continually be delayed.

Discussion and possible action on the Request for Proposals for Real Estate Acquisition regarding the Thomas Street Project

Rasmussen stated a defined skill set and knowledge is needed for the acquisition process. Staff does not have a honed enough skill set to take this task on alone. Lindman stated a RFP will give costs but because there is not a fully defined scope and plan in place, he proposes to go out for Statement of Qualifications (SOQ). With a SOQ firms will provide the City with their experience regarding acquisitions. The cost would be determined once the plat is finalized. Staff hopes to have a firm involved by the end of August to initiate the process. This does not mean homeowners will be approached in September as there is a lengthy process to follow before acquisitions happen. Acquisitions are not likely to begin until 2016.

Gisselman moved to approve and move forward with the Statement of Qualifications for real estate acquisitions regarding the Thomas Street Project. Mielke seconded.

Abitz stated originally the purchasing of homes was going to begin in September. There is now another delay. She has never had such a lengthy delay in her constituent's lives. We have constantly put their lives on hold and will again. She does not know how to apologize to her constituents anymore. Rasmussen stated that part of the problem with Thomas Street is that not everything that was done in the past was done by the book or at least there is a perception that it wasn't. We need to make sure it is done right and have the appropriate skill set onboard. She knows the residents are upset with the delay but while the delay is not a positive, having an acquisition expert involved is.

There being a motion and a second, motion to approve and move forward with the Statement of Qualifications for real estate acquisitions regarding the Thomas Street Project carried unanimously 5-0.

Discussion and possible action on County Highway U driveway access

This item was taken out of agenda order.

Wesolowski explained that the owner of 2025 Highway U, Witter Land Properties, has requested that the City consider a driveway access for a possible development. The driveway would exit onto right-of-way that was purchased for the Highway U project and onto the driveway for the adjacent parcel. Wesolowski spoke with the DOT access coordinator regarding this unique situation. The DOT would be likely to permit this with the understanding that there would be an agreement between the two parcels as to maintaining the driveway.

Attorney Robert Reid, Terwilliger Law Firm, represents Mid State Enterprises, Inc. Reid provided a prepared written objection. He noted that the intent for the Witter Property with the reconfiguration of Highway U was for access to be further to the west near the break in the median. Mid State Enterprises, Inc., is the owner of the back end of the property and the owner of the access easement. The easement goes to Highway U. When the City acquired a portion adjacent to Highway U, the access easement was not extinguished. The proposal is to allow another property owner to travel over the access easement owned by Mid State Enterprises. When Highway U was reconstructed, Mid State Enterprises paid for the approach onto Highway U and now the Witter Property would like to use it. The staff recommendation states an agreement should be in place between the property owners. There has been no contact and there is no agreement. He feels it is inappropriate to go forward on the assumption that an agreement can be reached. In the process of reconstructing Highway U there was considerable discussion about the traffic in this easement area and the proximity of the driveway with Arthur Avenue. There is a substantial amount of semi-truck traffic onto the easement area. If this proposal is adopted, the semis would have to turn on top of the access point. The Witter property is in the process of being developed with zoning changes proposed and will create a substantial amount of traffic in an area where there is already a concern of traffic congestion. The property with the large retaining wall is being offered for development. When the property is developed, the traffic will be exiting using Arthur Avenue as well. It is inappropriate to have more traffic exiting at that point. Reid stated again that Mid State is the owner of the easement and objects to the proposal.

Mielke asked if Mid State is willing to negotiate with Witter. Reid stated at this point he is seeking a complete denial. He stated that when the driveway was put in many years ago the suggestion was made to Witter to dedicate a portion for a roadway and Mid State would dedicate a portion for a road, but the suggestion was declined.

Dave Johnson represents Witter Land Properties. They have an opportunity to sell 2.5 acres on the east side of the property. They are asking for access to a piece of land that the City owns. The City purchased the land for \$24,000. A quality business, Marathon Feeds, wishes to relocate to the site. Johnson stated there is another access point to the property, but that was not intended as the only option. They would like the ability to use the property that the City owns. Without that the development may be in question. There would be a minimum amount of traffic. Mielke asked why Johnson has not talked with the adjacent property owners. Johnson has been talking with Roy Mumper for about a month. He had offered to trade a small piece of land for the driveway, but Witter Land Properties rejected that. Johnson stated they want to be a good neighbor and gave them first chance at a piece of land that they are storing product on; however that was declined.

The committee agreed by consensus to defer action to allow the stakeholders time to negotiate.

Roy Mumper, President of Mid State Contracting and investor in the related entity that owns the property, stated he will appear next month to voice opinions.

Jim Borysenko, REI Engineer, was asked to attend to discuss what is appropriate and what is needed to be further looked at from a development perspective and long-term planning approach.

Rasmussen asked for alternatives to be considered if an impasse is determined between the stakeholders so action does not have to be deferred again in August.

Discussion and possible action on proposed street for 2016 Community Development Block Grant Funding

Wesolowski stated the streets proposed for 2016 construction did not include a street that could be considered for Community Development Block Grant Funding. He has looked at the street ratings, the LMI boundary, and conferred with the Sewer and Water Departments. He is proposing adding Chicago Avenue from 2nd Street to 8th Street to the 2016 budget. Gisselman questioned why not continuing to 10th Street. Wesolowski indicated there is new pavement on the block between 8th and 9th Street, but from 9th to 10th is in terrible condition. Gisselman believes if the block between 9th and 10th is in terrible condition that the entire stretch should be proposed for improvements.

Gisselman moved to approve the streets as proposed and allow staff to delineate the length of the project. Abitz seconded and the motion carried unanimously 5-0.

Discussion and possible action on a Second Amendment to the Transportation Project Plat for STH 52, Project ID 6999-03-28

Wesolowski stated that the DOT's consultant is proposing a temporary limited easement that would allow for replacing asphalt at the driveway entrance for the former railroad depot building.

Abitz moved to approve the Second Amendment to the Transportation Project Plat for STH 52, Project ID 6999-03-28. Kellbach seconded and the motion carried unanimously 5-0.

Update on street lighting costs for the 2016 budget

Wesolowski indicated that street lighting costs for Washington Street and 2nd Street have been included in the proposed 2016 budget. It will be the decision of Finance and Council if street lighting will be approved in the budget.

Update on 2015 Street Construction Projects

Gehin indicated that 22nd Avenue (Project A) has not started. The delay is due to the need to acquire right-of-way from ProBuild. Project E consists of 7th Street and East Crocker Street. The contractor has set up temporary water and utility work will start on Monday. Project B consists of 11th Street and Grant Street. 11th Street has started with the installation of underground utilities. Grant Street has not been started but is anticipated to start at the end of July. Project D consists of Flieth Street and the extension of the watermain on 84th Avenue. Work will begin on Flieth Street on Monday. The installation of the 84th Avenue watermain has been completed. The Concrete Pavement Repair Project has been completed. The majority of the base work of the Sidewalk Project has been completed. Sidewalk replacement on McClellan Street between 2nd and 3rd Street will be completed prior to the Chalk Fest. The Asphalt Paving Project will be advertised beginning Monday with completion the middle of August and September. Staff is waiting on a response from the contractor for the STH 52 Irrigation Project with hopes of construction to begin next week. Project C consists of 2nd Avenue and Clark Street. Staff

continues to work through the design. This project may have to be deferred based upon costs and timelines from the utility companies.

Ryan indicated her neighbor, Rick Petzke, is furious about the 2nd Avenue Project and if work does not begin he intends to remove the stakes within two weeks. She does not want a trend to start with neighbors removing stakes. She feels the neighborhood should be provided with an update.

Presentation on street ratings

This item was deferred to the next meeting.

Future agenda items for consideration

No items were offered for future consideration.

Adjourn

Mielke moved to adjourn the meeting. Kellbach seconded and the motion carried unanimously 5-0. Meeting adjourned at approximately 7:00 p.m.