

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: September 10, 2015, at 5:30 p.m. in the Council Chambers of City Hall.

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

Also Present: Lindman, Jacobson, Groat, 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.

CONSENT AGENDA

- A. Approve minutes of the August 20, 2015 meeting**
- B. Action on an initial resolution to hold a public hearing to vacate a portion of the alley bounded by Prospect Avenue, Genrich Street, Dunbar Street and Single Avenue**
- C. Action on an initial resolution to hold a public hearing to vacate a portion of 80th Avenue**
- D. Action on a petition for annexation – Bruch, 4212 Hilltop Avenue (076-2907-282-0978, Town of Stettin)**
- E. Action on a Stormwater Maintenance Agreement for Kocourek Holdings on North 20th Avenue**

Mielke moved to approve the consent agenda items. Kellbach seconded and the motion carried unanimously 5-0.

Discussion and possible action on driveway access and center median access on County Highway U

Shane VanderWaal, appearing for Dave Johnson, stated at the last meeting there was discussion concerning access at the northeast corner of the parcel that was going to be created for Marathon Town and Country. Since that time they have met with staff to review ordinances and determine a way to move forward to keep this tax base in the City. One option is to create a cut in the median on Highway U, which is approximately 995' from the intersection of the interstate, which would require approval from CISM. In the meantime, Marathon Town and Country has had to sign a lease extending their stay at their current location and as a result are looking at other locations. Marathon Town and Country's initial goal was to be constructed and moved into the site by January 1, 2016. Because of the time delays that will not happen. VanderWaal is requesting the curb cut into Highway U be approved contingent upon use by Marathon Town and Country or a similar type of business. For example of a similar type of business, VanderWaal stated he does not mean a McDonald's but a similar type of traffic flow to Marathon Town and Country. Marijean Hoppe, Becher Hoppe, stated with approval of the full access cut they are looking to eliminate the corner access onto the existing driveway, which was a concern for a lot of parties. For Marathon Town and Country to relocate to this site they are looking for full access with an island cut not just a right in right out.

Rasmussen stated the last two months when talking about this matter the access issue started out conceptually with right-of-way access and what would have amounted to a shared driveway, which was not a popular concept. This would create a separate and distinct driveway for the Witter parcel with a 65' opening. She noted that the staff report indicates that while not ideal and not perfect, for a limited flow use this would work. She explained the median cut would also need to be approved by the Board of Appeals. VanderWaal explained that the City's ordinance does not allow cuts within 1,000 feet of an on ramp. Under the ordinance, the Zoning Board of Appeals would need to approve the access point. Hoppe stated that there are two additional curb cuts prior to this point. She has provided the City with traffic

counts and traffic flow of the area. The type of use and limited traffic flow should not present an issue. Rasmussen stated that if more of this property is sold for other uses, a separate access would be recommended off of Westwood Drive or a frontage road, and this access point would be strictly for Marathon Town and Country or a similar land use. Hoppe noted that the other possibility for accessing the land is an existing curb cut along Highway U. This would remain for the larger parcel. Lindman stated if a larger facility is developed there is room for construction of a left turn lane at the existing curb cut to accommodate additional traffic.

Abitz is concerned with the number and type of vehicles turning in and out and if there is enough room for vehicles to stage in the middle without blocking traffic. Hoppe stated it is designed like the one serving the user to the east, which originally is where they were looking for shared access. That user does have a lot of truck traffic. She believes a car can safely sit there. A large vehicle or a semi-trailer should not stage in that area, which goes for all of the driveway access points in that area, including the two existing that are closer to the interchange. Hoppe noted that Marathon Town and Country does have larger deliveries but does not believe they would have any more than one truck per day. Abitz questioned if the delivery trucks should come from Overlook Drive and travel east to make the entrance. Hoppe does not believe the entrance will be that severe and a second vehicle could bypass a truck. She noted that large semi-truck drivers typically know what their vehicle can and can't do. Rasmussen believes it is important to recognize that the way Highway U has been built there is potential for future development but with the present day traffic flow that portion of Highway U is overbuilt. The road is big but the traffic flow is not of a high volume that traffic has to wait in the middle. There is clear visibility in both directions with space to wait in the driveway and make the turning movement all at once. Hoppe believes that most trucks that would be exiting there would be heading back to the highway or back to the business area and not necessarily turning left out of the driveway.

Abitz moved to approve the 65' cut and access in the median based upon the following conditions:

- Ingress and egress would be accessed solely at this location.
- Ingress and egress at this point on CTH U would serve only the parcel identified to be sold to Marathon Town and County and used solely for their purpose or another low volume traffic land use.
- Any further requests to modify the median between Arthur Avenue and Westwood Drive would not be permitted. There would need to be alternate access arrangements for any other development.

Attorney Robert Reid, Terwilliger Law Firm, represents Mid State Enterprises, Inc. Mid State is not appearing for the purpose of objecting at this time. Reid pointed out that the applicant had previously taken the position that no approval by this committee was necessary to use the easement of Mid State Enterprises. The applicant has since cut down the slope and removed vegetation from the area. That action was done without permits and there was no attempt to prevent silt from leaving the site. With the heavy rain last weekend there was quite a bit of mud and dirt that came onto the easement area, driveway access and onto the road. With the caveat of ingress and egress accessed solely at this location, Mid State Enterprises Inc. is questioning if the applicant is making a commitment not to use the easement area. Rasmussen stated the stipulation is that the new access point would be their only access. VanderWaal confirmed that when the business is built the new access would be the only access but they still maintain that that the access on the northeast corner is a valid access. However, because there is a potential sale to Marathon Town and Country sometimes prudence is to look at other alternatives rather than go to court. This is why they came back to the City to see if there was a way to complete the sale and keep the tax base in the City. Rasmussen believes there could be an understanding between the parties regarding access to the parcel in the interim until the curb cut is made. While recognizing there are issues to be worked out, Rasmussen noted that this is not the time or place to intervene in the separate issue of land

grading and flow of water. Reid stated his clients are concerned that this recommendation will create a situation that permanently affects the flow of the water. Rasmussen replied that when plans are submitted for development of the site, stormwater management regulations will have to be complied with. Hoppe indicated that on the preliminary plans there are stormwater management areas noted and will be developed more as the design moves forward. Gehin requested that further grading of the site be halted as an application for a stormwater permit should have been submitted prior to grading.

Kellbach seconded Abitz's previous motion. There being a motion and a second, motion passed unanimously to approve the 65' cut and access in the median based upon the following conditions:

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Discussion and possible action on engineering options for increasing visibility at the intersection of 4th Avenue and Callon Street

Lindman explained that at the last meeting staff was directed to look at the failing retaining wall from an engineering standpoint and work with the homeowner and contractor. A survey crew completed elevation work. There would be a possibility to step the retaining wall back to increase visibility. It is unknown at this time if that would meet full design recommendations as far as line of sight. Staff did not go into design for a new retaining wall. The City Surveyor did make contact with the homeowner and contractor. A permit was supposed to be applied for this week, but that has not happened so staff has been unable to review the proposed wall. Rasmussen feels that the intersection could be revisited once Callon Street is back in the schedule for rebuild.

Abitz questioned when the portion of the wall that has collapsed would be repaired. Lindman explained that the owner was given until June 30th to make the repairs. That was extended to September 1st. At the end of August, the Inspections Department contacted the owner and indicated if a permit was obtained by September 1st she could have until September 30th to complete the job. The Inspections Department was notified that a contractor has been obtained and has now given the owner until November 1st. At that point if the wall is not completed a decision will be made to either abate it or issue a Summons. Abitz believes it is also the City's issue due to trying to fix the visibility of the corner. Lindman replied that the wall is on private property and the owner's responsibility. Rasmussen said it was the neighborhood group's assertion that the wall was not built right in the first place and a further assertion that the intersection is unsafe. However, in the interim it is as safe as it is going to get until the street is rebuilt, which has been determined through review of the accident statistics last month and the fact that it is a four-way stop. Much of the allegations have come more from the neighborhood group than the homeowner. She feels the City has done its due diligence and that increasing visibility can be looked at when the street is rebuilt. Abitz stated that she contacted the school bus service and there have been no accidents reported. Lindman stated that the Inspections Department has been lenient with the owner due to the expense. Mielke agreed but feels it is to a point where it should be fixed as it will be a year on September 14.

Establish assessment rates for 2016 construction projects

Wesolowski stated that rates for special assessments are reviewed every year. The policy has been to assess 60% of the actual costs for new streets and 60% of that charge for street reconstruction. This year the rate is set at \$38 per foot for street improvements and \$22.80 per foot for street reconstruction. This was a \$2 per foot increase from 2014. For 2016 it is recommend increasing the rate to \$42 per foot as staff is expecting an increase in costs and would like to recoup some costs for engineering testing services. This would still be around 60% of the actual costs. In the past street reconstruction projects were charged 60% of the street improvement rate. Staff would like to recommend having the same rate for both street improvement and street reconstruction projects. The Municipal Code does indicate a reduced rate be given if a street does not last the design life of 35 years. Wesolowski recommends holding the rates for streets receiving Community Development Block Grant funding at \$15 per foot and the sewer lateral replacement rate at \$500. Rasmussen asked if the rate would be \$42 per foot for all projects. Wesolowski confirmed unless the street has not reached its design life. He noted that communities throughout the state charge differently. Some communities charge 100% and some do not charge any. Also, some communities try to recoup a large percentage of their engineering costs. Rasmussen asked if staff foresees a massive amount of pushback from increasing the rate and asked if it would be more palatable to phase in an increase over multiple years. Groat stated that there is a wide variety of what communities are doing but the majority of communities that assess are recovering their internal engineering costs, not necessarily dollar for dollar but assuming an 8% to 11% cost for engineering. There are not only the engineering services of developing and designing the street but also the engineering techs inspecting the projects. Right now those costs are not being recovered by special assessment. The capital budget is under more and more pressure each year and an 8% increase could bring nearly \$40,000 in additional revenue, which would help in the long term and put us consistent with other communities. Rasmussen questioned if most residents choose the 5 year payment plan. Groat explained that a few years ago the City was charging a 9% interest rate, but now is charging 1% over the borrowing rate (approximately 3% to 4%). This is beneficial to the homeowner and more realistic to borrowing costs, but did reduce revenues. It was Rasmussen's thought that if there was too large of an increase it would force more people to take the payment plan. Groat believes a lot of people are taking the five year plan because the interest rate is affordable whereas when it was 9% people would go to a home equity or another loan. Wesolowski stated when it comes to public hearings there is always pushback. He noted that in the past separate public hearings needed to be held because of the two separate assessment rates. Rasmussen has also noticed that residents dispute where they are going to park, where garbage is going to get picked up, whether or not trees will be cut down, and sidewalk installation, but not necessarily the rate. She does not have a problem with increasing the rate as it does seem like we have been eating a lot of cost. The only time money is recovered for engineering services is if liquidated damages are assessed. Abitz believes it is fair but was contacted by a resident on Flieth Street since that street did not receive Community Development Block Grant funds. She has noticed that a lot of residents are getting their driveway fixed during construction projects so it is done at one time. The resident on Flieth was concerned how he was going to pay for it as he believed the cost was \$10,000. However, his costs are actually between \$2,000 and \$3,000.

Gisselman moved to approve setting the special assessment rate at \$42 per foot, street eligible for Community Development Block Grant funding at \$15 per foot and the sewer lateral replacement rate at \$500. Mielke seconded and the motion passed unanimously 5-0.

Discussion and possible action on the dedication of right-of-way for the extension of 1st Street

Wesolowski stated that 1st Street is under construction from Fulton Street to the Water Treatment Plant north of Bridge Street. The area proposed for dedication extends to East Wausau Avenue. This is all

City-owned land that should be dedicated as right-of-way. Wesolowski further explained that 1st Street will be reconstructed to the Water Treatment Plant and the existing road will serve as the street to East Wausau Avenue. Abitz mentioned that there was an issue with Lemke Cheese and their driveway. Wesolowski stated that dedicating the proposed area clarifies that the road will be on right-of-way rather than a City-owned parcel. Rasmussen feels it is good to delineate the area for future projects.

Mielke moved to approve the dedication of right-of-way for the extension of 1st Street. Kellbach seconded.

Gisselman does not feel the City can go too much further with two 1st Streets. Wesolowski has been talking with the Inspections and GIS Departments on the matter. It has been suggested to rename the area from Fulton Street to East Wausau Avenue to North River Drive. He noted that when traveling north on 1st Street at Fulton the street would change from 1st Street to North River Drive. Rasmussen feels this would be a natural transition point due to the proposed building. Abitz questioned if there was a business in that area that would have to change their address. Wesolowski stated there may be one parcel. Gisselman believes that building is currently vacant.

There being a motion and a second, motion to approve the dedication of right-of-way for the extension of 1st Street passed unanimously 5-0.

Update on 2015 Street Construction Projects

Gehin stated that construction of South 22nd Avenue from Nehring Street to the dead end started in the middle of August with completion anticipated by October 23rd. The contractor has completed the utility work from midblock of Helmke Street to Wegner Street and currently is working on the subgrade. Next week underground work will be on the south portion of the project. Staff is still working to acquire property from ProBuild as half the roadway south of Helmke Street is on ProBuild property. Negotiations began in January or February of this year but have been difficult as ProBuild's attorney is located outside of Wisconsin. The road is currently encroaching on their property and has been for 50 years. Based upon the City Attorney's opinion, staff may move ahead with the road construction or start the condemnation process. The project on North 7th Street and Crocker Street began in June and completion is anticipated by October 16. The underground utility work has been completed for the most part and base course has been placed on 7th Street and a portion of Crocker Street. The curb and gutter should be installed soon. The utility work has been completed and the road base placed on Grant Street from Bellis Street to 10th Street. The curb and gutter contractor will be onsite on Monday. The project is anticipated to be completed by October 2nd. 11th Street from McClellan to Franklin has been completed. The project along 2nd Avenue and Clark Street has been delayed until 2016. Flieth Street from Park Boulevard to 11th Avenue has been completed. The watermain extension along 84th Avenue has been completed. The Concrete Pavement Repair project has been completed. The sidewalk project consists of five parts; the base project, McClellan Street sidewalk repair, new sidewalk on Bridge Street, utility repairs and repairs to curb ramps at Metro Ride. For the most part the project has been completed. The irrigation system for the Highway 52 medians has been installed and is operational.

Wesolowski indicated that the Asphalt Paving Project does not consist of underground work. Sell Street has been completed. McClellan Street from 1st Street to 7th Street has been completed with the exception of the striping, which will be done when Grant Street is completed. Grant Street has been milled but ran into an issue. A transformer is being installed in the street and an underground storage tank was hit during that project. Testing and removal of the tank delayed the project. Grant Street will hopefully be completed next week. The contractor has moved to the west side streets of Christian Avenue, Richards Road, Tinkers Court, and 32nd Avenue with completion anticipated within the next two weeks. 10th

Avenue north of Campus Drive was added to the project. As far as the Riverfront, work began on the extension of 1st Street this week. The existing postal building has been demoed.

Abitz stated that she has asked for updated traffic counts to be completed on Thomas Street, which has not been done yet. She questioned the number of years the overlay of Thomas Street is expected to last. Wesolowski stated they are unsure of how long it would last and staff was rather surprised that it has held up as good as it did through last winter.

Presentation on street ratings

Rasmussen had asked staff to prepare a map to help the committee understand how streets and pavement are rated. Wesolowski explained that the GIS Department created the map which shows the 2013 ratings. Ratings are done every two years. The rating of 1 is the worst rating and a 10 is the best. The map shows streets that are rated 2, 3, 4 or 5. Staff anticipates that the ratings will go down when the ratings are done again. Staff recently went to a training seminar and there are capabilities that staff has not been utilizing as far as mapping and budgeting tools. After the streets are rated again in 2015, staff could bring a better report back to the committee with budget numbers. Rasmussen stated that money was restored in to the budget this year for sealcoating. She questioned if those streets were shown on the map. Wesolowski explained that the streets that are sealcoated are not on the map as they would rate an eight or nine. The City places sealcoating on streets within the first five years to preserve the pavement. Rasmussen stated an updated map will be useful as the CIP process begins for the 2017 budget as it will provide a mental image of the impact. If we get to a point where we are falling behind on streets, then the expense is even more costly. Abitz believes several streets (4th Avenue, 5th Avenue, 8th Avenue, and possibly 12th Avenue) south of Thomas Street have not been done and will touch base with Wesolowski on the status as she wants to make sure they do not get overlooked. Gisselman noted that Stark Street is starting to deteriorate. Wesolowski stated that Stark Street is on his radar and was looked at this year as a street for Community Development Block Grant funding.

Future agenda items for consideration

Abitz would like a traffic study done on Thomas Street. Gehin believes that Bruce Gerland with AECOM should weigh in on that request. Abitz stated all of the neighbors have noticed an increase in traffic volume. Rasmussen feels that before adding to AECOM's workload and since we know that we are going to rebuild, we would need to know what needs to be proved by the study as we already know that the traffic is worse than it was when the road was in poor shape. Abitz stated the section from Grand Avenue to 4th Avenue has been delayed. She feels the need to prove why a four lane road is needed in that area. Abitz was promised a study would be done this summer and would still like to have one completed. Rasmussen indicated at one point a study was to be done internally at a lesser cost than AECOM. If it is too late this year, a study can be put on the radar to do next summer.

Adjourn

Mielke moved to adjourn the meeting. Kellbach seconded and the motion carried unanimously 5-0. Meeting adjourned at approximately 6:35 p.m.