



## OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department Committee, Agency, Corporation, Quasi-Municipal Corporation or Sub-unit thereof.

Notice is hereby given that the CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE of the City of Wausau, Wisconsin will hold a regular or special meeting on the date, time and location shown below.

Meeting of the:

**CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE OF THE CITY OF WAUSAU**

Date/Time:

**Thursday, January 11, 2024 at 5:15 p.m.**

Location:

**City Hall (407 Grant Street, Wausau WI 54403) - COUNCIL CHAMBERS**

Members:

Lou Larson (C), Doug Diny, Gary Gisselman, Chad Henke, Lisa Rasmussen

### AGENDA ITEMS FOR CONSIDERATION

1. CONSENT AGENDA (Any item can be removed from the Consent Agenda at the request of a Committee member.)
  - A. Approval of minutes of the December 14, 2023 meeting.
  - B. Action on Stormwater Maintenance Agreement with Wausau School District at 3101 North 13th Street.
  - C. Action on Easement with Wisconsin Public Service for utility facilities at 1211 and 1213 North 3rd Street.
2. Discussion and possible action on parking restrictions on North 2nd Street between Washington Street and Forest Street.
3. Discussion and possible action on sale of City-owned property at 902 and 904 West Thomas Street.
4. Discussion and possible action on railroad quiet zones and crossings.
5. Discussion and possible action on CISM Committee duties and responsibilities.

Adjournment

LOU LARSON - Committee Chair

Members of the public who do not wish to appear in person may view the meeting live over the internet, live by cable TV, Channel 981, and a video is available in its entirety and can be accessed at <https://tinyurl.com/WausauCityCouncil>. Any person wishing to offer public comment who does not appear in person to do so, may e-mail [lori.wunsch@ci.wausau.wi.us](mailto:lori.wunsch@ci.wausau.wi.us) with "CISM public comment" in the subject line prior to the meeting start. All public comment, either by email or in person, if agendaized, will be limited to items on the agenda at this time. The messages related to agenda items received prior to the start of the meeting will be provided to the Chair.

This Notice was posted at City Hall and transmitted to the Daily Herald newsroom on 01/05/24 @ 2:00 p.m. Questions regarding this agenda may be directed to the Engineering Department at (715) 261-6740.

It is possible that members of and possibly a quorum of the Common Council and/or members of and possibly a quorum of other committees of the Common Council of the City of Wausau may be in attendance at this meeting to gather information. No action will be taken by any such groups at this meeting other than the committee specifically referred to in this notice.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of Wausau will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the ADA Coordinator at (715) 261-6622 or [ADAServices@ci.wausau.wi.us](mailto:ADAServices@ci.wausau.wi.us) to discuss your accessibility needs. We ask your request be provided a minimum of 72 hours before the scheduled event or meeting. If a request is made less than 72 hours before the event the City of Wausau will make a good faith effort to accommodate your request.

Distribution List: City Website, Media, Committee Members, Mayor, Council Members, Assessor, Attorney, City Clerk, Community Development, Engineering, Finance, Inspections, Park Dept., Planning, Public Works, County Planning, Police Department, Wausau School District, Becher Hoppe Associates, REI, Judy Bayba, Scholfield Group, Clark Dietz, Inc., Brown and Caldwell.

## CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

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Date of Meeting: December 14, 2023, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lou Larson, Lisa Rasmussen, Gary Gisselman, Doug Diny, Chad Henke

Also Present: Eric Lindman, Allen Wesolowski, TJ Nicksich, Anne Jacobson, Tara Alfonso, Jill Kurtzhals, Andrew Lynch, Dustin Kraege, Solomon King, Lori Wunsch

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 5:15 p.m. Chair Larson called the meeting to order.

### **Presentation by Barrientos on Fleet Maintenance Facility**

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Neil Bierwirth, Project Architect, and Patrick Wesley, Project Manager, presented the 100% preliminary design package on the proposed DPW Fleet Maintenance Facility. The entire presentation can be viewed at <https://www.youtube.com/watch?v=GLABq4fLOUs>.

Gisselman asked what kind of payback could be expected with solar panels. He would encourage the City to include solar panels but would need to know the payback. He feels the City would take a good step forward with solar panels on that facility. Bierwirth said if solar panels are included everywhere, when that power is generated it needs to be used right away. It might generate too much power which would go back to the grid and the City would receive a credit. If 65% to 70% of the facility's usage is generated, it would be used in the facility right away. The number provided is the all-in number but he sees the number going down if we shoot for 65% to 70% generation.

Gisselman asked why a chair lift is proposed as he thought there was talk about an elevator. An elevator would provide a better customer experience opposed to a chair lift. Larson asked what the cost difference is between a chair lift and an elevator. Bierwirth stated a chair lift is estimated at \$39,000 while an elevator is estimated between \$300,000 and \$400,000. Diny questioned the elevation. Bierwirth said there would be 3 stops. It would go 4' down to the crew section and 4' up to the admin section.

Rasmussen is inspired by the addition of solar to the building. If we would be able to generate enough current through solar to reduce the cost of powering the building and be able to sell the rest back, it is a win. Public feedback was received that people wanted solar on Fire Station 2. We were so late in the design that we were not able to add them. If we add them here on the front end we would be miles ahead. Even with the overall cost, the forward-looking nature of adding green power would be palatable in the community. If we are going to spend upwards of \$26 million on a facility, we should put in forward thinking features. Electric vehicle charging and solar panels are key. It makes sense to invest in something that would reduce the ongoing cost of running the place. Larson agrees and feels we should do it right from the start.

Diny agrees with Gisselman and would like to see the potential payback. It appears the panel could be south facing and close to optimal. If we were in a cost cutting mode, he asked if we could provide the structure for those to be added and plan for retrofit. Bierwirth confirmed.

Henke is on the Solar Array Task Force and would love to give numbers but we are not quite there yet. This would be roughly a fifth of the size that we are looking at for the Water Plant.

Lindman said this finalizes the preliminary design. The project is on hold until we confirm the site. Hopefully we will have more information on the property over the next month or two.

**CONSENT AGENDA**

- A. Approve minutes of the October 12, 2023 meeting**
- B. Action on Stormwater Maintenance Agreement with Wausau School District at 1200 West Wausau Avenue**
- C. Action on Stormwater Maintenance Agreement with Green Bay Packaging Inc. at 6845 Packer Drive**

Henke moved to approve the consent agenda items. Rasmussen seconded and the motion passed 5-0.

**2024 Street Reconstruction Projects: Discuss public hearing results and make recommendation**

Larson stated an email was received from Alder Lukens and asked what comments were received at the public hearing.

Wesolowski explained that Eau Claire Boulevard from Grand Avenue to the west termini is proposed for reconstruction in 2024. There is existing sidewalk on both sides of Eau Claire Boulevard from Grand Avenue to Zimmerman Street. The last block from Zimmerman to the cul-de-sac only has sidewalk around the cul-de-sac. There is a missing link where one cannot get from the cul-de-sac to Zimmerman Street. Staff proposed to install sidewalk to connect the walk around the end of the cul-de-sac to Zimmerman Street. The other option would be to remove the sidewalk around the cul-de-sac and not have any sidewalk on the last block. Staff feels it would not pay to replace sidewalk in the cul-de-sac and not connect it to Zimmerman. Larson asked what the input was from the public and asked if they would have to pay for the sidewalk. Wesolowski stated new sidewalk is assessed, which is estimated at \$17 per lineal foot. Two comments against the sidewalk were received at the public hearing. Nicksich received one letter and three emails from residents who like it the way it is. They do not feel there is a need for the sidewalk and do not want the extra pedestrian traffic in the cul-de-sac.

Rasmussen said the goal always has been to make neighborhoods as safe and walkable as possible. There is a grade school in the vicinity that people walk to. The position of this committee has historically been to reconstruct sidewalk where it exists. We have received mixed results in putting in new sidewalk; most neighborhoods get new sidewalk when proposed. It has been a terrible struggle to get new sidewalk added in Riverview. Politically it has been a non-starter even though the neighborhood is walkable. This neighborhood is walkable too and densely populated. She could see not putting in this new section because it dead ends, but she does not want to remove the existing sidewalk in the cul-de-sac. She struggles with taking sidewalk out where it exists as the goal is to maintain walkability. Sidewalk creates a barrier between homes, driveways, and the street. She feels what is already in place should be rebuilt the same way.

Wesolowski stated Short Street from 1<sup>st</sup> Street to 3<sup>rd</sup> Street has sidewalk on the north side, but not on the south side. The south side has been developed by Blenker. Staff is proposing to install sidewalk on the south side so there is walk along both sides of the street. No objections have been received. Blenker does know that sidewalk is proposed.

Gisselman agrees with staff. He is in favor of sidewalks and does not see a reason not to connect the sidewalk in the cul-de-sac with the rest of Eau Claire Boulevard. Without sidewalk it forces people to walk in the street to get to Zimmerman Street. He feels this is a safety issue. We always have issues with people walking in the streets, the postman has to walk in the street, and there is over sanding to provide safety for people walking in the street. Sidewalks provide a means of getting people where they want to go safely. He is a strong supporter of connecting the cul-de-sac sidewalk to Zimmerman Street.

Gisselman has talked Rasmussen into this. She also has been a proponent of sidewalks. She has heard concerns when pedestrians are forced to be out in the street. There are complaints about lack of sanding, and they want the road sanded from curb to curb. Where we have connecting sidewalk, it makes sense to connect point A to point B. While she could live without the sidewalk, she would not oppose if the majority is leaning towards completing the sidewalk.

Diny stated Gisselman brought up good points. At the last CISM meeting we discussed putting more sand on streets that do not have sidewalks. This adds to our expense, plus the added inconvenience of forcing people into

the street. He read the public input that people do not want it, but asked if there was any logical justification. Nicksich said if the sidewalk was not installed, it would save three mature trees. On the entire project, over 100 trees will be removed due to utility installation and grade changes. One resident had stated he has lived there for 55 years and has gotten along without the sidewalk. They do not want the additional pedestrian traffic in the cul-de-sac.

Diny asked if the removal of trees is evaluated based upon the type of tree. Nicksich has worked with the City Forester on tree removal. He noted that if the sidewalk is not added, we would be able to save three trees. Gisselman wants careful consideration of the trees.

Larson agrees with Gisselman. He lives on a street without sidewalk and has watched the postman struggle on icy streets. He hates to see trees removed but we remove trees every year during construction projects and we can always plant new trees in their place.

Rasmussen stated the key is to replace old trees with new trees. She knows it can take a long time for a neighborhood to develop a mature tree canopy. Sometimes light increase in the neighborhood because the shine from the streetlights goes further when there is not a full heavy tree canopy, which then can enhance the perception of safety when walking at night. Staff tries to save trees when they can. She used the example of Burek Avenue north of Marathon Electric where the sidewalk takes an odd jog. It was done this way to save a large tree. A year and a half later, the tree was cut down and now there is a weird sidewalk and no tree. Planting healthy new trees is also less invasive to sidewalks in terms of the root system. We are removing 100 trees on this project and saving 3 is not enough gain for what we would sacrifice if we did not do the project properly.

Rasmussen moved to approve the 2024 Street Reconstruction Projects as proposed by staff. Gisselman seconded and the motion carried 5-0.

Wesolowski mentioned that the City Forester received a call from a Tech Ed teacher at Wausau West. They have a portable mill and will take some of the logs from Eau Claire Boulevard to mill at Wausau West and offer the lumber back to the residents.

**Discussion and possible action on approving the WisDOT Transportation Alternatives Program (TAP) grant application to create a section of the Business Campus Trail system between 84<sup>th</sup> Avenue and Innovation Way**

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This item and the next are resolutions in support of the application to WisDOT for two sections of the Business Campus Trail system we have been working to get implemented for a while. The section from 84<sup>th</sup> Avenue to Innovation Way would connect 84<sup>th</sup> to Innovation Way to get to County Highway O. A resolution in support is required by the application.

Gisselman moved to approve. Rasmussen seconded.

Diny asked if there was a potential economic impact. Lynch stated the TAP grant is 80/20 split; 80% federal, 20% local. The staff report indicates what the local cost would be for each section. Diny questioned if that includes future maintenance and Lynch replied no. Diny does not oppose applying for this but would like to consider maintenance costs as we move forward so we know how much debt will be added.

Henke asked if we received a grant for the section built this year. Lynch confirmed and explained that every section in the Business Campus has been funded or will be funded by a TAP grant. The new section along 72<sup>nd</sup> Avenue was funded by a TAP grant. The next agenda item regarding the section south from Stewart Avenue to Sunnyvale Park was originally part of that project but had to be removed due to cost. The section from Innovation Way to 84<sup>th</sup> was also originally a part of the previous application. The section that will be built from 72<sup>nd</sup> to 84<sup>th</sup> will be built in 2026.

Larson added that this is needed as there are no sidewalks and people have to walk in the street or on the grass. Rasmussen feels the trail is essential in the Business Campus because it reduces the conflict between pedestrians,



bicycles, and trucks. This is one way to make the area safe and enhance walkability. It is important to note the City's match portion for a lot of the trail sections in the Business Campus have been secured with tax increment financing without taking on additional debt.

Diny feels 80/20 generally isn't a bad deal but we still have to fund it. He asked if we had some foundation support on other trails rather than using bonds or TIDs. Lynch stated the foundation support was for the River Edge Trail extensions. TAP money was not a good fit for the River Edge Trail. Lynch does not know if this would be a good application for the foundations because there are alternative grants we can apply for. The section of the River Edge Trail south of Thomas Street is not in a TID or within a ½ mile of one. Its funding options are very limited so it was a good case for foundation support. Lynch explained the timing of this funding; applications are in now, it is decided in 2024, and then it is about 2 years before we can touch the money due to approval and design that needs to be done. We are still a couple years away from needing to budget for this.

Diny assumes there is support from the businesses in the area. Lynch stated a Business Campus Trail Plan was done in 2018-2019, which was in response to the business's desire to have safe walking places for their employees. Additionally, as the residential area increases, this will provide access to Sunnyvale Park. Eventually when Stewart Avenue is redone, one will be able to go from 48<sup>th</sup> Avenue to County Highway O on the trail.

Diny asked if the trail would be plowed in the winter. Lynch indicated it is a requirement of TAP funding to have the trail open year-round. The boardwalk on 72<sup>nd</sup> Avenue is being maintained by the Park Department.

There being a motion and a second, motion to approve carried 5-0.

**Discussion and possible action on approving the WisDOT Transportation Alternatives Program (TAP) grant application to create a section of the Business Campus Trail system on 72<sup>nd</sup> Avenue between Stewart Avenue and Packer Drive**

Rasmussen moved to approve. Henke seconded and the motion carried 5-0.

**Discussion and possible action on revised Winter Street Maintenance Policy**

Kraege had reached out to see about updating the Winter Street Maintenance Policy as it has been a long time since it was looked at and the current policy is outdated. The proposed policy is what the department currently does for winter street maintenance. If changes are wanted, we would have to deal with what that means for the department and budgeting. His goal is to get a current policy in place so everyone understands what services are currently provided. He recommends approving the proposed policy as is because that is what they are currently doing and what they are budgeted for. If we want to change the policy in the future, staff can look at how to make adjustments.

Larson said the policy looks good and DPW does a fantastic job. He does hope for better street maintenance on side streets, especially those without sidewalks. He knows his street is not always plowed within 24 hours and would like to see that tackled more aggressively.

Rasmussen feels the policy we are currently budgeted for is the way we should go. There can be hiccups depending on the timing of the storm and whether it comes with ice. She thanked Kraege for chasing down proposed cost and time impacts for the concept of curb-to-curb sanding. In a perfect world, that would be great, but when you look at the time to run a route and the cost of extra material it does not seem sustainable. If we were to have a heavy ice event, she asked if it would be possible to sand more robustly and increase the salt mix for that particular application so we get a better eat through with the sun comes out. Once we have one of those events, we are pretty much doomed the rest of the winter as it keeps snowing on top of ice. The environmental impact with the application of too much sand or salt would be mitigated because we are not doing it every time.

DPW can adjust for specific events, but Kraege cautioned against adding too much salt to the sand as it defeats the purpose of the sand. Sand is meant to add traction. When we add more salt, it liquefies everything and starts to melt it. If it is not scraped off before it refreezes, the sand is at the bottom leaving no traction on top. The best

option for sand is not to add any salt so there is no melting and the sand stays on top for traction. Mechanical removal is the best option. We try to get out early and get ahead of it so there is not as much ice pack. In the future he may bring forward a piece of equipment called ice breaker. Minnesota has been having some success with it. It is a roller on the front of a machine. In areas with ice pack, you run over it with the roller, it breaks it up and you can scrape the snow down to bare pavement without using any material. Rasmussen is interested in this and said if the opportunity comes to acquire one, it should be brought to committee.

Diny moved to approve the Winter Street Maintenance Policy. Henke seconded and the motion carried 5-0.

### **Discussion and possible action on why the CISM committee has been excluded from its civic duties**

Over the last few months, Larson can think of three occasions where CISM was bypassed; the closing of the McClellan Ramp, the proposed sale of Marathon Box, and the purchase of land for the Fire Department. This committee has gone step by step with the Fleet Maintenance facility, but when it comes to the Fire Department, the committee was brushed off. That land was purchased for \$805,000 when it was assessed at \$378,000. He realizes the assessed value and what you pay is different, but why would one pay double. He read the duties of the committee as listed on the website, which includes the recommendation of the purchase, sale, or leasing of real estate by the city and recommend the use or disposition of vacant or city-owned real estate. He noted that the CISM agenda comes from Lindman's office and asked why CISM is being excluded from the process and what can be done so it does not happen again.

Lindman said Council needs to set a specific policy. There is a policy in ordinance to sell city property; it goes through committees and eventually on to Council. If there is something that Council wants to change, they should direct us on the policy and steps, and staff will follow. Larson said the duties are specific on the website. Lindman explained it is not in ordinance and not an established policy by City Council.

Rasmussen believes there is a gap in understanding the function of CIP. CISM has been working on the DPW Facility and site selection because there was a question on where to put it and the needs of the department. CISM manages the function of DPW as part of its core work. This committee is more familiar with the work, function and needs of those departments than any other committee. When it comes to street maintenance, motorpool, and fleet maintenance, it happens here. It made sense that this committee is involved in picking out the design and size of the facility based on its needs. Historically CISM has not been involved with all land acquisition. CISM is involved in all land sales. When you have city-owned land, most of the time they are remnants. They come to CISM to try to figure out how to get rid of them so DPW is not tasked with maintaining them. On pieces that are developable for taxable purpose, Economic Development will RFP or put up for sale. For remnants and pieces that are not developable, CISM sets a price to offer for sale. Other committees are managing land acquisition for things like the River Edge Trail and the former County Materials site, especially when it involves borrowing and expense. The CIP Committee comes into play because the process includes a rating and scoring matrix. Part of the rating and scoring matrix includes a score for the taxpayer's awareness of need, and the perceived support for whatever the solution is. The committee includes citizen members and is intentional by design. The current CIP committee includes Martens from HR, Gisselman from CISM, Rasmussen as Finance chair, and two citizen members. When a department has a need that exceeds \$25,000, they are forced through CIP so it can be scored and prioritized. That happens before anything goes to Finance. That piece of land for the Fire Department was vetted in CIP in 2022 and in 2023. It did not get funded based on other priorities for 2022. When that did not happen, the department made an ARPA request. We did not feel that was an effective use of ARPA and it was not funded with ARPA. After two funding cycles, the land was still for sale. The department still wanted it and brought it back to CIP for 2023. It happens all the time when projects do not get funded, they show up the following year until eventually they work their way to the top. This project did score high enough for funding this year and was recommended for placement in the 2024 budget. There were two closed session meetings in Finance. In closed session the City Assessor indicated the offering price was a fair market price based on his analysis of arm's length transactions in the area. There were three members of CISM present in the closed sessions. When the Assessor said it was a fair price, the Finance Committee authorized the money because of the fair price. At no point did anyone say this should be pushed back to CISM to decide if we even want land for a Fire Department. Historically CISM does not manage the activities of public health and safety. If Police or Fire felt like they wanted to talk about their individual needs, other than staffing and equipment, they would take those

needs to Public Health and Safety. Departments go to the committee that most closely manages the department in question. DPW is here as we work closer with them than anybody. Land acquisition for Fire Station 2 went through Finance. It is not that CISM had been excluded, it is just that historically the process has flowed differently depending upon which department it is coming from. She does not feel it was anyone's intention to bypass CISM. Even though the website focus is capital improvements, the only part of the capital process at this committee is to select the street and road projects. This committee has never exercised any authority to review or approve all land purchases. All purchases that use public money flow through Finance as Finance manages the city's money and debt. If we want a different process, we need to articulate what that process is. She is confused as to why people feel this committee is not doing their job.

Larson feels CISM is being excluded. The description of the Finance Committee on the website has nothing to do with land acquisitions. A recommendation was made at Council that the land purchase be brought back to CISM. The duties of the committee are clear and cannot be disputed. When you look at the Finance Committee description, it does not say the acquisition of land. We need to make a policy that committees adhere to their duties and not overstep. Diny believes there is a disconnect with what is on the website, what is in ordinance, and Council rules. It is a fair statement that there is a cross section of Council members on committees; however, Engineering staff not involved in some of the analysis. It should have an engineering pass through. The Finance Committee is not necessarily thinking of the same things as the Engineering Department would be. Maybe there is an opportunity to have the Committee of the Whole review. There are others not just CISM that have been affected. There are cases to streamline things, but when we get into that habit something may be missed.

Regarding the purchase of land for the Fire Department, Larson said this committee did not get to discuss the impact of the neighborhood or look at other pieces of property. We are looking to spend \$24 million for a DPW facility and he asked if it was necessary to spend \$805,000 on a piece of land that has been for sale forever. He agrees with Diny's point of going through engineering before passing on to Finance.

Henke questioned the ordinance for selling land. Lindman said it lays out a very specific process. Henke knows land has been bought through Economic Development that never came to CISM. We have heard how HR feels they are not getting their fair share. City staff is always changing, and Council is always changing. He feels April would be a good time with a new board to add some ordinances and suggested creating a flow chart.

Rasmussen said there is some level of anxiety created when staff does not know what committee they need to go to and in what order. There needs to be a set process. Historically when staff knows they need to go to two or three committees to get things done, it tends to start in the committee that meets first. Finance does not just manage money. The Finance Committee's description online is generic for a reason because we manage all of the financial affairs of the City. When this committee decides it wants to buy land, it is not spending a nickel unless it gets to Finance. All committees have to work together. We have to figure out who wants a piece of the process and when.

Jacobson feels there have been great suggestions and added that Council rules are fluid and can be changed at any time on a majority vote. If changed now, it is not binding the next Council. The next Council can make their own changes. Diny suggested placing a reminder on the calendar so this is not forgotten about. Henke asked if it could be given to the chairs of the committees and have a draft ordinance ready for the next Council in April. Jacobson indicated it could be done by ordinance or resolution; however, it would be clearer if in ordinance. Discussion followed.

Jacobson will look at how other communities authorize the purchase and sale of real estate, and propose a draft. Rasmussen said this should start with the pinch points of acquisition of land and hiring of staff. We need a process staff can follow to do the work. As far as articulating what the duties of the committees are, we can refine the wording. This committee's wording was refined when it took on the work of Parking and Traffic. She believes this may be a good job for the Executive Committee. All chairs would be at the table to read the description of their committee and compare it to the work that actually gets done there. The individual committees can vote to ratify the descriptions. It would be helpful to staff to know what process to follow. Rasmussen feels it should start at CISM with land acquisition. A recommendation should be passed on to the HR chair to take on a parallel item about hiring. Discussion followed.

At this time, Gisselman left the meeting.

Larson feels the best way is to go through the Executive Committee. Rasmussen suggested letting Jacobson do the research and bring it back. CISM can then make a recommendation to the Executive Committee.

### **Update regarding Frontier installation of fiber throughout the City in 2024**

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Wesolowski and Lindman met with Frontier who is upgrading all their fiber to every resident in the City. Their contractor, Mastec, has started with hanging ariel and some limited boring as excavations in the street are generally limited in the winter. Next summer Frontier will have a massive project in the City. What TDS did in three years, Frontier wants to do in one. This will put a huge strain on the Utility for marking utility locations. Staff is trying to figure out ways to limit them from overburdening the Utility. When TDS was in town, there were times the entire Water Utility was out marking locations and getting nothing else done. Frontier has indicated they are willing to work with us, but when push comes to shove they will want as many permits as they can get. Lindman added that in addition to Frontier, Charter and Bug Tussel will be working in town. When an initial locate is called in, there is a three-day window by state law for the water and sewer utility to mark their facilities. When we get 400 locates a day, they determine where we have to locate and where they don't over the three-day time frame. If the contractor does not get there within the time frame when things were marked, they call in a relocate. Then staff only has 24 hours to relocate. Through the permit process, we will try to limit the number of approved permits given at a time. There will be a push when warmer weather comes and they will want a lot more permits opened up. We are trying to balance that and figure out what authority we have to do that.

This situation sounds horrible to Rasmussen. If we have the authority to manage this by ordinance, it will behoove us to create an ordinance that limits the number of road miles or block miles that they can have at a time. They would have to show substantial completion of the first one before another is issued. TDS was nothing but complaints in her neighborhood.

Wesolowski explained that when TDS came to town, we did rewrite the ordinance so they have to be done in 30 days. TDS would make the sections small enough to complete within 30 days, but they were drawing 10 permits at a time. Staff was delaying permits to try to let the Utility catch up. We are not the only community dealing with this. Other communities have called to see how we have handled this. Charter is now also trying to catch up with upgrading. Bug Tussel wants to install fiber in the Industrial Park. We will look at other communities and learn from them.

### **Adjourn**

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Diny moved to adjourn the meeting. Rasmussen seconded and the motion carried 4-0. Meeting adjourned at approximately 6:45 p.m.

Agenda Item No.

1B

**STAFF REPORT TO CISM COMMITTEE – January 11, 2024**

**AGENDA ITEM**

Action on Stormwater Maintenance Agreement with Wausau School District at 3101 North 13<sup>th</sup> Street

**BACKGROUND**

The Wausau School District is proposing improvements to the Horace Mann Middle School at 3101 N. 13<sup>th</sup> Street. This redevelopment project will include a building addition, new and reconfigured parking, driveways, sidewalks, paving a playground area, and a new asphalt trail. The stormwater will be managed by additional storm sewer and the addition of an underground detention system.

To ensure properly functioning post-stormwater facilities year after year, the City requires the owner to sign a maintenance agreement, making the owner inspect and maintain the facilities on a biennial basis. The maintenance agreement is attached for your review.

**FISCAL IMPACT**

None

**STAFF RECOMMENDATION**

Staff recommends approval of the stormwater maintenance agreement.

Staff contact: TJ Niksich 715-261-6748

AGREEMENT FOR THE MANAGEMENT AND MAINTENANCE OF A STORMWATER FACILITY

THIS AGREEMENT made this 14<sup>th</sup> day of December, 2023, by and between the City of Wausau, a municipal corporation of the State of Wisconsin, hereinafter referred to as "CITY", and Wausau School District, a corporation organized under the laws of the State of Wisconsin, hereinafter referred to as "OWNER";

WITNESSETH:

WHEREAS, CITY has an interest in and an obligation for the development, management, and maintenance of stormwater facilities within the corporate limits of the City of Wausau, which interest and obligation is evidenced in CITY's stormwater management ordinance and in this agreement which is being entered into pursuant to that ordinance; and

WHEREAS, OWNER wishes to construct certain buildings on land in the City of Wausau, and as an inducement for CITY to grant to OWNER a permit to construct these improvements, OWNER wishes to enter into this agreement for the management and maintenance of a stormwater facility; and

WHEREAS, the specific provision of the Wausau Municipal Code which provides for stormwater management is Chapter 15.56 of the Wausau Municipal Code, which code provides for the routine and extraordinary post construction maintenance of a stormwater management facility, and such a facility is being herein installed for the use and benefit of the development of OWNER's property, and this agreement will specifically provide for the management and maintenance of that stormwater facility.

NOW, THEREFORE, the parties hereto agree as follows:

- 1. That attached hereto, and incorporated herein by reference, is "Exhibit A," a map upon which there is located certain improvements and storm water facilities, which are the subject of this agreement.
2. OWNER specifically agrees to maintain the storm water facilities in accordance with the schedules and procedures set forth in "Exhibit B" attached hereto and incorporated herein by reference.
3. OWNER specifically grants CITY access to, from and across the property encompassed in "Exhibit A" in order to evaluate and inspect the pond and, in addition to the detention pond, any other stormwater facilities, which evaluation and inspection will, from time to time, be necessary in order to ascertain that the practices concerning management and maintenance are being followed pursuant to CITY's stormwater management ordinances; CITY shall maintain, as a public record, the results of all site inspections, and shall recommend any corrective actions required to bring the stormwater management practices into proper operating condition.
4. Upon notification to OWNER that maintenance deficiencies exist on property, any corrective actions shall be undertaken by OWNER within a time frame as set forth by CITY, which time frame will be reasonable; should OWNER not satisfactorily complete any directives of CITY, as identified in any inspection report or directive, within the time frame provided by CITY, then the parties agree that CITY shall complete any corrective actions and the cost of those actions, including any administrative charges, shall be paid in full by OWNER or, in lieu thereof, shall be placed as a special assessment on the tax rolls of all of the property described on "Exhibit A" pursuant to Wisconsin Statutes.

Recording Area

Name and Return Address
City of Wausau Engineering Dept.
407 Grant Street
Wausau, WI 54403

PIN:



- 5. This agreement is being entered into pursuant to the provisions of Chapter 15.56 of the city ordinances of the City of Wausau, and the parties agree that OWNER will be bound by these provisions or any future amendments to these provisions or any separate provisions relating to stormwater management.
- 6. These covenants, agreements, and obligations provided for in this agreement shall travel with the land and be binding upon OWNER, its successors and assigns in perpetuity.

OWNER:  
By: Ryan Urmanski

By: \_\_\_\_\_

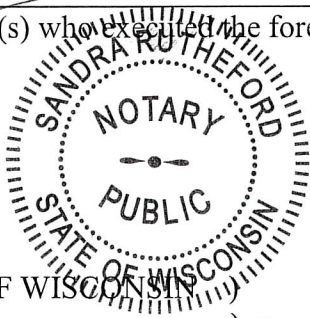
CITY OF WAUSAU:

By: \_\_\_\_\_  
Katie Rosenberg, Mayor

By: \_\_\_\_\_  
Leslie Kremer, Clerk

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF MARATHON)

Personally came before me this 14<sup>th</sup> day of December, 2023, the above-named Ryan Urmanski and \_\_\_\_\_ of Wausau School District, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

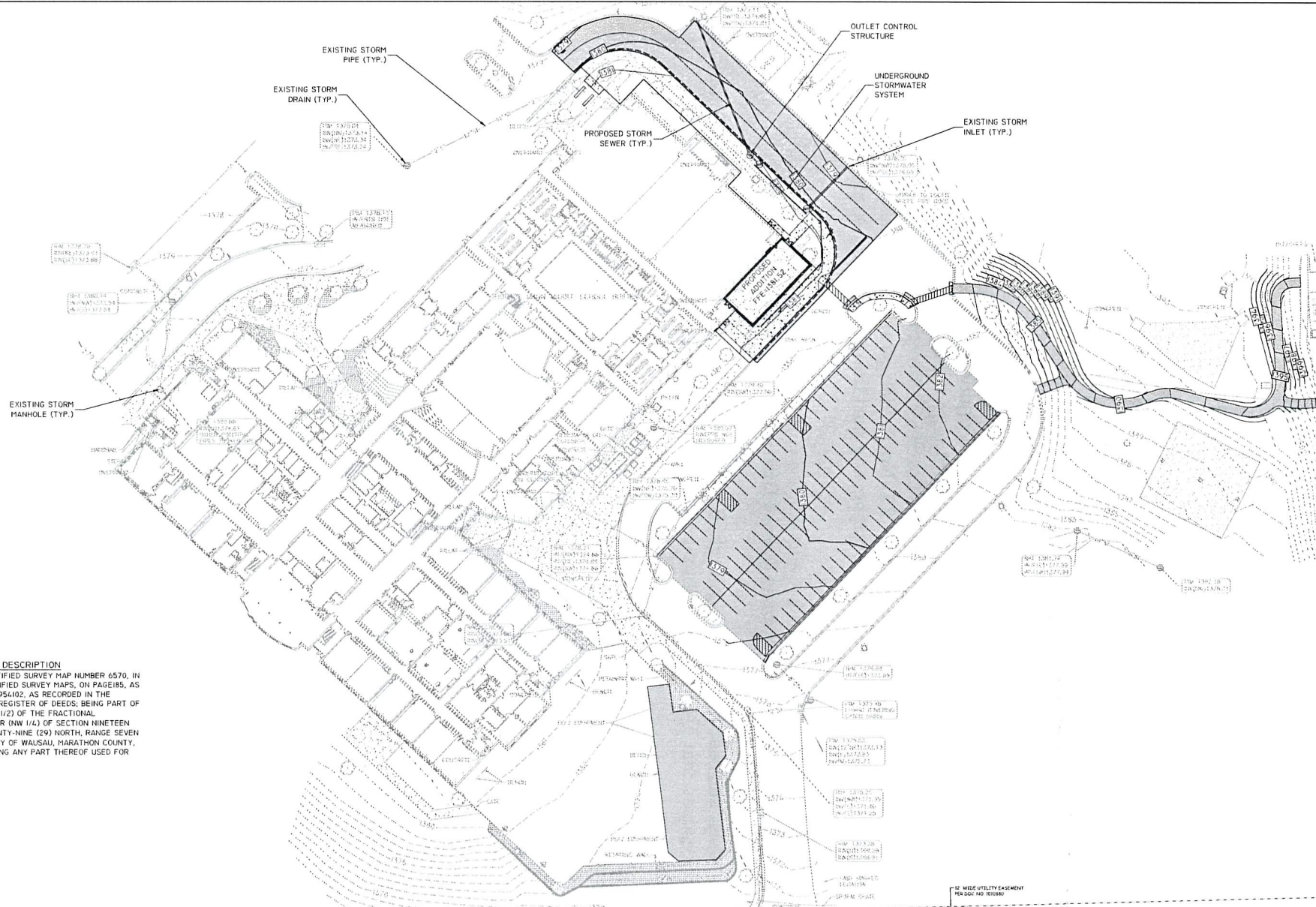


Sandra Ruthford  
Notary Public, Wisconsin  
My commission: Aug 28, 2021

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF MARATHON)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the above-named Katie Rosenberg, Mayor, and Leslie Kremer, Clerk of the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Wisconsin  
My commission: \_\_\_\_\_



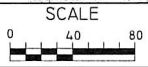
PROPERTY LEGAL DESCRIPTION  
 LOT ONE (1) OF CERTIFIED SURVEY MAP NUMBER 6570, IN VOLUME 24 OF CERTIFIED SURVEY MAPS, ON PAGE185, AS DOCUMENT NUMBER 95402, AS RECORDED IN THE MARATHON COUNTY REGISTER OF DEEDS, BEING PART OF THE SOUTH HALF (S 1/2) OF THE FRACTIONAL NORTHWEST QUARTER (NW 1/4) OF SECTION NINETEEN (19), TOWNSHIP TWENTY-NINE (29) NORTH, RANGE SEVEN (8) EAST, IN THE CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN, EXCEPTING ANY PART THEREOF USED FOR HIGHWAY PURPOSES.

1" = 10' UTILITY EXAMINATION PER DGC 142 10/20/80

REI Engineering, Inc.  
 4080 N. 20TH AVENUE  
 WAUSAU, WISCONSIN 54485  
 PHONE 715.837.8141 FAX 715.837.6560  
 EMAIL: MAIL@REIENGINEERING.COM



CIVIL & ENVIRONMENTAL  
 ENGINEERING, SURVEYING



DATE	REVISION	BY	CHKD

SURVEYED BY:	DESIGNED BY: MEM	SURVEY DATE:
SURVEY CHKD BY:	CIVIL CHKD BY:	CIVIL DATE: 10/02/23
SURVEY APVD BY:	CIVIL APVD BY:	DRAWN BY: GSW

EXHIBIT A: GRADING & DRAINAGE  
 HORACE MANN MIDDLE SCHOOL  
 3101 N 15TH ST  
 WAUSAU, WI 54403

REI  
 REI No. 5575A  
 SHEET EXH A



**EXHIBIT B**  
**Stormwater Management Facilities Maintenance Schedule & Procedures**  
**For**  
**Horace Mann Middle School Renovations**  
**3101 North 13th Street**  
**City of Wausau**  
**Marathon County, WI**

**Property Legal Description:**

Lot One (1) of Certified Survey Map Number 6570, in Volume 24 of Certified Survey Maps, on Page 185, as Document Number 954102, as recorded in the Marathon County Register of Deeds; being part of the South Half (S 1/2) of the Fractional Northwest Quarter (NW 1/4) of Section Nineteen (19), Township twenty-nine (29) North, Range seven (8) East, in the City of Wausau, Marathon County, Wisconsin; excepting any part thereof used for highway purposes.

**Responsible Party:** Wausau School District

The Owner, their successors, and assigns, shall inspect and maintain the structural and non-structural measures that function to facilitate compliance with stormwater management regulations.

**Maintenance Schedule and Procedures:**

Maintenance inspections by the Owner shall take place at a minimum of twice per year, following Owner's acceptance of the Project from the Site Contractor. Owner shall maintain a written inspection and maintenance log.

Maintenance and inspection shall be performed as follows:

- 1) **DEBRIS:** Removal of trash, debris, and noxious weeds should be done on a regular basis to maintain aesthetics and functionality of the underground stormwater system, outlet structure, and storm sewer on the site.
- 2) **STORM AND OUTLET STRUCTURES:** Remove accumulated sediment and/or debris from the outlet structure of the underground system and storm sewer pipe.
- 3) **UNDERGROUND STORMWATER SYSTEM:** Remove accumulated sediment and/or debris from the sumped portion of the underground stormwater system a minimum of every other year.
- 4) **MOWING:** Conduct regular mowing of greenspace areas to promote aesthetics. Keep clippings from entering storm sewer systems.

Agenda Item No.

1C

***STAFF REPORT TO CISM COMMITTEE – January 11, 2024***

**AGENDA ITEM**

Action on Easement with Wisconsin Public Service for utility facilities at 1211 and 1213 North 3<sup>rd</sup> Street

**BACKGROUND**

WPS contacted the City and would like to upgrade the electrical service for 1207 N. 3<sup>rd</sup> Street, see the attached letter and easement document.

**FISCAL IMPACT**

None

**STAFF RECOMMENDATION**

Approval

Staff contact: Allen Wesolowski 715-261-6762



12/18/2023

Wisconsin Public Service Corporation  
P.O. Box 19001  
Green Bay, WI 54307-9001  
www.wisconsinpublicservice.com

**CITY OF WAUSAU  
407 GRANT ST  
WAUSAU, WI 54403**

Dear Customer:

Wisconsin Public Service Corporation recently received a request to upgrade or provide new *electric service* at **1207 N 3RD ST in the City of Wausau County of Marathon, State of Wisconsin**. This request will require new or upgraded facilities to be installed on property that you own at **1211 & 1213 N 3RD ST in the City of Wausau County of Marathon, State of Wisconsin** in locations shown on the attached easement which, when executed, would grant us the right to install and maintain the necessary facilities.

I have enclosed two copies of the easement for your review. The exhibit is only temporary until the final one can be completed. When the final exhibit is complete we will send it along with a copy of the easement for your review. After you review the exhibit, the document will be recorded with the Office of the Register of Deeds. Signing this document will allow Wisconsin Public Service Corporation to install facilities on your property in the location described in the easement.

Please note that the Public Service Commission entitles you to a minimum of five days to examine the materials provided. However, you have the option to waive the five-day review period and sign and return the easement at any time.

*You will note that the documents **require** you to sign them in the presence of a **Notary Public**. Please make the necessary arrangements to meet with a Notary Public in your vicinity and have the Notary sign the documents where indicated. All signatures and blanks filled in must be completed in **BLACK INK** to be accepted by the Register of Deeds for recording.*

Please return one of the documents to me in the pre-paid envelope provided at your earliest convenience. The second document is for your records. Installation cannot be scheduled until the completed document has been received.

Please contact me if you have any questions regarding the easement. Please refer to Work Request **3386422**.

Lydia Janssen- Right of Way Agent  
Wisconsin Public Service Corporation  
(920) 433-5578  
Lydia.Janssen@wecenergygroup.com

Enclosed

3314727

Easement

THIS INDENTURE is made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between **CITY OF WAUSAU** ("Grantor") and **WISCONSIN PUBLIC SERVICE CORPORATION**, a Wisconsin Corporation, along with its successors and assigns (collectively, "Grantee") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor, owner of land, hereby grants and warrants to, Grantee, a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area" more particularly described as follows:

Part of Lot 1 of Block 11 of the recorded plat of A Warren Jrs Second Addition being part of The Southwest Quarter of the Northwest Quarter (SW 1/4 – NW 1/4) of Section 25 Township 29N, Range 7E in the **City of Wausau, County of Marathon, State of Wisconsin**, as shown on the *attached Exhibit "A"*.

Return to:  
Wisconsin Public Service Corp.  
Real Estate Dept.  
P.O. Box 19001  
Green Bay, WI 54307-9001

Tax Parcel Identification Number  
(PIN)

**29129072520349**  
**29129072520350**

- 1. Purpose: ELECTRIC UNDERGROUND** - The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, manhole, electric pad-mounted switch-fuse units, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
- 2. Access:** Grantee shall have the right to enter on and across any of the Grantor's property outside of the easement area as may be reasonably necessary to gain access to the easement area and as may be reasonably necessary for the construction, installation, operation, maintenance, inspection, removal or replacement of the Grantee's facilities.
- 3. Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of all applicable State of Wisconsin electric and gas codes or any amendments thereto.
- 4. Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.

5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until sometime in the future, and that none of the rights herein granted shall be lost by non-use.
7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
8. **Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document *or* voluntarily waives the five day review period.

[REMAINDER OF PAGE LEFT BLANK]

WITNESS the hand and seal of the Grantor the day and year first above written

**CITY OF WAUSAU**

Organization name

Sign Name

Print name & title

Sign Name

Print name & title

STATE )  
OF )  
 )SS  
COUNTY )  
OF )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the above-named \_\_\_\_\_ CITY OF WAUSAU, to me known to be the Grantor(s) who executed the foregoing instrument on behalf of said Grantor(s) and acknowledged the same

Sign Name

Print Name

Notary Public, State of

My Commission expires:

This instrument drafted by: Lydia Janssen  
Wisconsin Public Service Corporation

REMS Entity ID	WR Number	Document ID	REMS Formatted Number
1473154	WMIS-3386422	3314727	INT11-473-154

# TEMPORARY EXHIBIT "A"

NOT TO SCALE  
FOR REFERENCE ONLY



**\*\*Temporary Exhibit\*\***

**\*\*Final Exhibit will be sent for approval at a later date\*\***

**\*\* NOT FOR RECORDING\*\***

Agenda Item No.

2

***STAFF REPORT TO CISM COMMITTEE – January 11, 2024***

**AGENDA ITEM**

Discussion and possible action on parking restrictions on North 2<sup>nd</sup> Street between Washington Street and Forest Street

**BACKGROUND**

The City constructed 2<sup>nd</sup> Street between Washington and Forest Street in the Summer of 2023. As part of this project, a ‘No Parking, Loading Zone’ was posted on the east side of 2<sup>nd</sup> Street. See attached pictures. This parking restriction would need to be put into the municipal code.

**FISCAL IMPACT**

None, signs are installed.

**STAFF RECOMMENDATION**

Approval

Staff contact: Allen Wesolowski 715-261-6762











**AGENDA ITEM**

Discussion and possible action on sale of City-owned property at 902 and 904 West Thomas Street

**BACKGROUND**

The property at 902 and 904 West Thomas Street is currently owned by the City. It is an unimproved property that is located on the north side of Thomas Street between S. 9<sup>th</sup> Avenue and S. 10<sup>th</sup> Avenue. The owners of the adjacent property have expressed interest in purchasing this property. The size of the parcels is approximately 0.04 acres each.

City ordinances show the following criteria for selling City owned property:

*Chapter 3.12, Sale of City-Owned Real Property (not applicable to sale or lease of city-owned land in the business campus or land acquired for redevelopment purposes).*

*3.12.010 – Any request for the sale of city-owned real property shall be directed to the common council . . . and referred to [CISM] for its recommendations.*

*3.12.020 – [CISM] shall notify various departments, and request a statement whether those departments object to such sale.*

*3.12.30 – If no objection is raised,*

*(a) [CISM] shall then advertise for bids . . . and require any bids to indicate the price and the intended or proposed use of the real estate (with sketch, picture or diagram to accompany bid)*

*(b) The bids shall be considered by [CISM] and the recommendation of the Plan Commission shall be obtained as to the proposed use and disposition of the property.*

*(c) [CISM] shall make a recommendation to the Council.*

To begin the process to sell this property CISM will need to provide approval to start the sale process and to set a minimum price for the property. Any interested parties will need to bid the minimum to be considered.

**FISCAL IMPACT**

Amount of sale of property and future taxes.

**STAFF RECOMMENDATION**

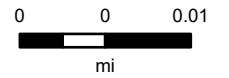
Staff recommends this property be offered to other city departments and if there are no objections have this property advertised for bids.

Staff contact: Allen Wesolowski 715-261-6762

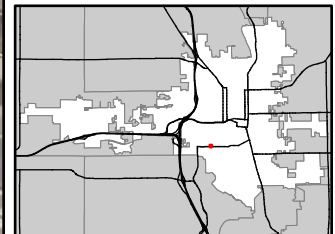
# ArcGIS Web Map

City of Wausau / DPW

Date: 1/5/2024

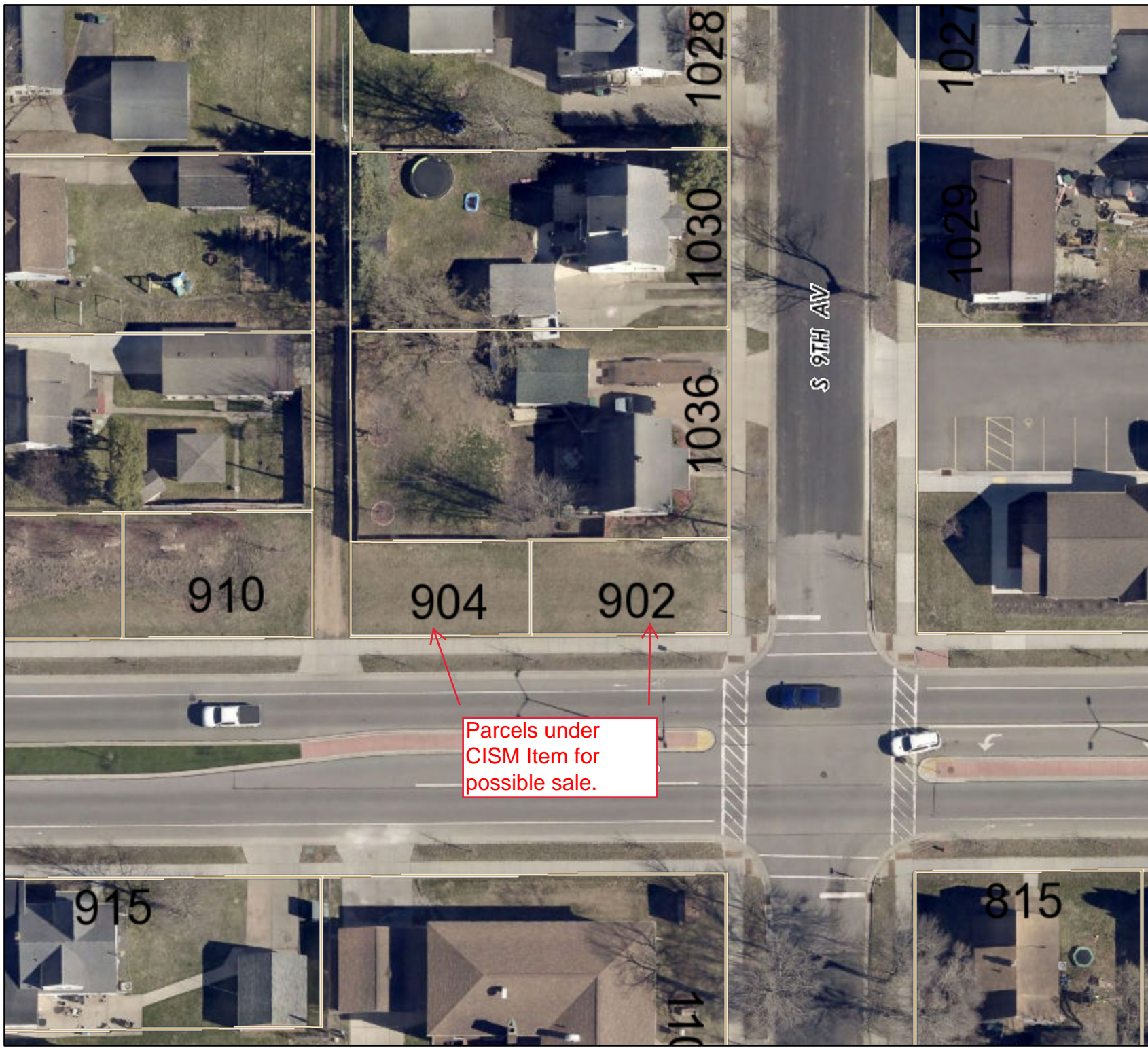


 Parcel



#### NOTES:

1. Duplication of this map is prohibited without the written consent of the City of Wausau DPW / GIS Dept.
2. This map was compiled and developed by the City of Wausau and Marathon County GIS. The City and County assume no responsibility for the accuracy of the information contained herein.
3. City of Wausau  
Public Works / GIS Division  
407 Grant St  
Wausau, WI 54403  
[www.ci.wausau.wi.us](http://www.ci.wausau.wi.us)



Parcels under  
CISM Item for  
possible sale.

Agenda Item No.

4

***STAFF REPORT TO CISM COMMITTEE – January 11, 2024***

**AGENDA ITEM**

Discussion and possible action on railroad quiet zones and crossings

**BACKGROUND**

A summary of the current regulations related to quiet zones is attached. Questions related to individual crossings and controls such as gates or signals will be addressed by staff at the meeting.

**FISCAL IMPACT**

The installation of signals/gates at crossing can cost in the range of \$200k to \$300k. Typically, the cost to install these signals/gates have been at 100% City responsibility. Staff will provide further details at the meeting.

**STAFF RECOMMENDATION**

None

Staff contact: Allen Wesolowski 715-261-6762

## **WHO REGULATES THE SOUNDING OF TRAIN HORNS?**

### **MUNICIPALITIES AND FEDERAL LAW**

While municipalities had some measure of influence over the sounding of train horns within its boundaries many years ago, this is not the case today. Upon implementation of the "Train Horn Rule" on June 24, 2005, by the U.S. Department of Transportation, Federal Railroad Administration ("FRA"), the sounding of train horns became governed completely by Federal law which pre-empts or takes precedence over local or state regulations. Federal regulations require locomotive horns to be sounded in advance of all public highway rail crossings for motorist and pedestrian safety reasons. The FRA regulations have very specific requirements as to when, where, how long, and how loud a train must sound its horn. Engineers must begin to sound train horns at least 15 seconds, and no more than 20 seconds in advance of all public grade crossings. (42 C.F.R. s. 222.21(a)). The horns must be sounded in a pattern of 2 long, 1 short, and 1 long blast, repeated until the lead locomotive or lead cab car occupies the crossing. (42 C.F.R. s. 222.21(a)). The pattern may be varied as necessary where crossings are spaced closely together. (42 C.F.R. s. 222.21(a)). Federal law sets forth a minimum volume level of 96 decibels and a maximum volume level of 110 decibels for the train horn.

Federal law permits, however, certain communities that had train "whistle" or horn limitations in ordinances that existed prior to 2005, to retain those local limitations by following certain Federal regulations and procedures (the limitation is "grandfathered-in" in a manner of speaking). The City of Wausau does have an ordinance that has existed since 1989, and it did follow those procedures to retain the city's limitations under the ordinance. Thus, the City does have what the FRA calls a "pre-rule, partial quiet zone."

Under this "pre-rule, partial quiet zone" the FRA maintains the City's pre-existing prohibition against a railroad locomotive sounding its horn between the hours of 7:00 p.m. to 7:00 a.m. at a number of railroad crossings within the City. The list is rather extensive and includes not only various streets and roadways, but also some unnamed alleyways and driveways, particularly on the railroad lines west of the Wisconsin River. Notwithstanding the quiet hours, however, a train locomotive, by Federal law, may and in fact must, still use its train horn in an emergency situation (such as the presence of a vehicle, person, or animal on the track).

Because of the FRA "Train Horn Rule," however, enforcement of the "pre-rule, partial quiet zone" lies exclusively within the FRA for violations of the quiet zone, and no longer resides within City officials.

### **WHAT ABOUT THE CITY'S "ORDINANCE?"**

Regarding its ordinance in the Municipal Code, the City has retained this ordinance (passed in 1989) in its Municipal Code in order to document and ensure its ability to maintain a "pre-rule, partial quiet zone" under the FRA's current "Train Horn Rule." The City's ordinance contains a note to this general effect as follows:

9.04.032 Unnecessary blowing of railroad whistles and horns—Penalty.  
No railroad company or any of its agents, servants or employees shall blow or cause to be blown, between the hours of 7:00 p.m. and 7:00 a.m., any whistle or horn within the limits of

the City, except in those cases prescribed and designated by the laws of the state, but nothing in this section shall be construed as forbidding or prohibiting the blowing of any whistle or horn as a signal or warning in case of peril, fire, collision or other imminent danger to life and/or property. Any person violating any of the provisions of this section shall be punished by a forfeiture of not more than \$200.00.  
(Ord. 61-4693 (1, 1989.)

Note(s)—Pre-empted by 49 U.S.C. 20106 and regulations issued thereunder in 49 C.F.R. Part 222. Federal Railroad Administration has approved and enforces a "pre-rule, partial quiet zone" for the same hours. Ordinance remains for purposes of "grandfather" rights.

### **WHY DOES A TRAIN HORN STILL SOUND DURING THE QUIET HOURS?**

Despite the "pre-rule, partial quiet zone" that the FRA has authorized at many crossings within the City, it is possible that a passing train may sound its horn outside of the established quiet times where it is experiencing emergency situations including automobiles on or proceeding over the tracks as trains approach, as well as individuals walking, standing or crossing the tracks under the same circumstances. According to local train officials, this happens more than one might think.

If you are interested in more information, a link to a Federal Railroad Administration brochure on the "Train Horn Rule" is here: <https://railroads.dot.gov/sites/fra.dot.gov/files/2020-05/QuietZoneBrochure.pdf>



## Agenda Item 5



Office of the City Attorney

TEL: (715) 261-6590  
FAX: (715) 261-6808


Anne L. Jacobson  
City Attorney

Tara G. Alfonso  
Assistant City Attorney

Tegan Troutner  
Assistant City Attorney

STAFF MEMO

TO: Capital Improvements Street Maintenance Committee

FROM: Anne Jacobson, City Attorney 

RE: Committee Duties and Responsibilities

DATE: January 8, 2024

Purpose: To provide background and a review of the duties and responsibilities of this Standing Committee of the Common Council (Ch. 2.16, Rule 13), for purposes of making recommendations for amendments, or revisions, if warranted.

Background:

I have searched the Municipal Code for instances of the appearance of this committee name, and attached a general description of the duties of this committee, along with code references. In some instances, Council approval and or public hearings are required, and in some instances, CISM is one of several committees (usually Plan Commission or Parks and Recreation) to make recommendations to the Council.

It is helpful to the understanding of this committee's work to understand the full breadth of its duties, as referenced in the code. At some point in the past, this committee assumed the duties of another standing committee, Parking and Traffic.

Included in the packet is:

- a brief description of the duties of the CISM committee, which can be amended by ordinance or resolution, or a combination of both from the City website
- the Property Disposition Program for Redevelopment Purposes and adopting Resolution
- ordinance references

The item that brought this matter to the attention of the committee, was WMC Ch. 3.12 and the *sale* of City-owned property. Nowhere do I find a specific provision discussing the *acquisition* of real property. The Procurement Policy (2/23/21), however, requires that real estate purchases – contracts for the sale or purchase of real estate where the City of Wausau is the proposed seller or purchaser; contracts for the lease of real estate where the City is either a proposed landlord or proposed tenant exclusive of an airport hangar, parking stall rentals and short term park facilities rentals; and contracts for easements, restrictive covenants or other limitations which may be placed upon the use of any City-owned property – require Council approval (regardless of the source of committee(s) recommendation(s)).



References to duties of the **CAPITAL IMPROVEMENTS STREET MAINTENANCE COMMITTEE**, found in the ordinances:

Chair to act as member of the Administrative Review Appeals Board ("Appeals Board") (2.21.030)

Sale of City-owned Real Property (Ch. 3.12 - .010, .020, .030)

Determine lot depth in block for application of adjusted front footage formula, establish annually a flat fee per foot to be levied for new street construction, determine assessment cost for new street construction (3.24.030, .050, .060)

Designate through streets (10.01.020)

Modify speed restrictions (10.01.040)

Recommends to Council those intersections to be controlled by Traffic Control Signals (10.01.050)

Establish Parking Restrictions (10.20.010)

Recommend to Council rules restricting bicycle operation and posting of signs (10.40.050)

Records and reports of all violations of traffic ordinances for 5-year period available to CISM for study and use (10.52.030)

Records and reports of all traffic accidents kept by traffic division available to CISM for study and use (10.52.040)

Grant exceptions to required concrete drive approaches where street is improved with curb and gutter (12.20.030)

Determine number and location of public telephones and booths (12.44.040)

Preliminary Consideration of Preliminary Plat of Subdivision (21.08.200)

Preliminary Plat Review (21.12.030, .040) and Final Plat Review (21.12.080) (21.32.020) with a recommendation to Council for approval, denial or approval with conditions; recommend approval of a plat with specific variations and exceptions (21.32.030)

Approval of streets constructed without curb and gutter (21.12.060)

Determine the need for acquisition for public use any land included in a preliminary plat for public purposes (21.16.080) and recommend whether to require a dedication of land within a subdivision or payment of a fee in lieu thereof, or a combination of both (21.16.085)

Recommend vacation of parkland dedicated on a plat, CSM or other instrument of description (21.16.120)

Receive every proposed subdivision for tentative or conditional approval in the form of a preliminary plat (21.24.010)

Recommend to Council those areas to be surveyed and report on assessor's plat survey to Council (21.30.040)

ORDINANCE OF CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE	
Amending Section 3.12.010 Requests and proposals to be directed to Council	
Committee Action:	<b>Ordinance Number:</b>
Fiscal Impact:       None	
<b>File Number:</b>	<b>Date Introduced:</b>

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

Add (  )  
Delete (  )

Section 1. That Section 3.12.010 Requests and proposals to be directed to Council is hereby amended to read as follows:

3.12.10 – Requests and proposals to be directed to Council **Capital Improvements and Street Maintenance Committee.**

(a) Any request or proposal for the sale of **all** City-owned real property shall be directed to the Common Council and such request or proposal shall be referred to the Capital Improvements and Street Maintenance Committee for its recommendations. The Capital Improvements and Street Maintenance Committee may also from time to time report to the Common Council and recommend that certain tracts of land under its jurisdiction be offered for sale.

(b) **The Economic Development Committee shall report to the Capital Improvements and Street Maintenance Committee monthly, the status of any proposed sale of any City-owned real property, pursuant to its Property Disposition Program for redevelopment purposes.**

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect on the day after its publication.

Adopted:  
Approved:  
Published:  
Attest:

Approved:

\_\_\_\_\_  
Katie Rosenberg, Mayor

Attest:

\_\_\_\_\_  
Kaitlyn A. Bernarde, Clerk


## STANDING COMMITTEES OF THE COMMON COUNCIL

**Standing Committees** are comprised of five council members for the purpose of investigating various topics or public concerns related to their specific committee in order to make recommendations to the full council for appropriate action. A description of the committee structure precedes each committee membership roster.

### CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

## Capital Improvements and Street Maintenance Committee

([View Minutes & Agendas](#)).

It will be the duties of this committee to recommend the purchase, sale or leasing of real estate by the city and to recommend the use or disposition of vacant or unutilized city-owned real estate; to review certain plats; to locate and recommend the acquisition of areas for municipal purposes, such purposes to include the requirements for expansion of the city street system and improvements therefor, to conduct hearings on official map proceedings and street and alley vacations; to investigate, determine and recommend to the Common Council capital outlay improvements program for Public Works, such program to include the construction of new streets, sewers, watermains in conjunction with the Sewer and Water Commissions, and such other improvements to streets as the construction of curb and gutter, paving and sidewalks, and to determine priorities on locations therefor; and to handle street light and maintenance policies.

Regular Meeting Schedule: 2nd Thursday of every month @ 5:15 pm. Meetings are only held upon issuance of the official agenda notice. Please check the [calendar](#) to confirm whether the meeting will be held.

Representing	Name	Address	Term	Phone #
Aldersperson	Doug Diny	407 Grant St	2022-2024	715-803-5040
VC - Aldersperson	Gary Gisselman	407 Grant St	2022-2024	715-848-5160
Aldersperson	Lisa Rasmussen	407 Grant St	2022-2024	715-675-4872
Chair - Aldersperson	Lou Larson	407 Grant St	2022-2024	715-574-7099
Aldersperson	Chad Henke	407 Grant St	2022-2024	715-261-6841

To send an email to a Member, please click [here](#)

Mail can be sent to any Committee Member, by addressing it to:



## PROPERTY DISPOSITION PROGRAM for REDEVELOPMENT PURPOSES

### Properties

- \* City offers up individual lots to the general public
  - listed on website and advertising in paper AND/OR
  - listing with a realtor
- \* City offers larger commercial developable properties through RFP process

### Individual Application

- \* The prospective buyer must detail what they are planning on doing with the property (owner occupied vs. rental)
- \* Income eligibility requirement may be required based on the source of income the property was acquired with
- \* Establish a time line for project to be approved
- \* Owner would have 90 days to arrange financing and one year to complete project

### Notes

- \* Properties will be posted on line and/or listed for a 30 day time period before applications will be reviewed and decisions made. After 30 day time period has expired with no applications, any applications will be reviewed on a first-come, first-serve basis.
- \* Not all properties will be sold to the highest bidder but to the best fit for the area the property is located in – owner occupied proposals will be given a higher priority
- \* In the case of the adjoining property owner wishing to join the vacant lot to their existing property, the lot will be sold outright. The property value will be determined by the Assessor's Department.
- \* The Economic Development Committee would accept/deny proposals and make recommendations to the Common Council for their final approval before sale can occur.

### Financing

- \* The approved applicant would obtain financing on their own. Once the house/project is complete and agreement satisfied, the city will forgive the price of the lot OR if income qualifications are required, a percentage of the lot will be forgiven over a number of years to meet the affordability requirement of federal funds. (A mortgage will be recorded – in second position after first mortgage holder.)
- \* If project is geared towards income-eligible clientele, additional financing MAY be available through Community Development IF the project qualifies under federal funding guidelines. Recommendations to Economic Development Committee will be part of the proposed packet when project is presented to committee.
- \* Completion of project would be defined in the finance agreement and based according to each individual project
- \* Appraisals pre- and post-project would be required
- \* Owner must have a contribution to project (minimum requirements)
  - \* If under 80% County Median Income (CMI) = \$2,500 own funds
  - \* If over income limits = 5% (of total project) own funds

### 3.12.010 - Requests and proposals to be directed to Council.

Any request or proposal for the sale of City-owned real property shall be directed to the Common Council and such request or proposal shall be referred to the Capital Improvements and Street Maintenance Committee for its recommendations. The Capital Improvements and Street Maintenance Committee may also from time to time report to the Common Council and recommend that certain tracts of land under its jurisdiction be offered for sale.

(Ord. 61-4045 §1(part), 1966; prior code §4.09(1).)

### 3.12.030 - Procedure for disposition of land.

If no objection is raised by any department listed above, the Capital Improvements and Street Maintenance Committee shall then arrange for the disposition of the land involved in the following manner:

- (a) The committee shall advertise for bids for the sale of the property and require any bids to indicate the price and the intended or proposed use of the real estate sold. This use shall be demonstrated by a plot plan, sketch, picture or diagram of any building to be erected on the premises and a statement of the intended use of the premises and any building erected thereon;
- (b) The bids shall be considered by the Capital Improvements and Street Maintenance Committee and the recommendation of the Plan Commission shall be obtained as to the proposed use and disposition of the property;
- (c) The Capital Improvements and Street Maintenance Committee shall recommend to the Common Council, after its consideration of the report of the Plan Commission, the ultimate sale or disposition of the property. The Capital Improvements and Street Maintenance Committee's recommendation shall be based upon its opinion that the sale or disposition would be in the best interests of the City based on the price to be obtained, the type of building to be erected on the land and the proposed use to be made of the premises.

(Ord. 61-5150 §1(part), 2002, File No. 02-0117; Ord. 61-4045 §1(part), 1966; prior code §4.09(3).)

### 10.01.050 - Traffic control signals.

Traffic control signals which conform to the uniform traffic control device manual may be installed at intersections designated by the Capital Improvements and Street Maintenance Committee for such installations, pursuant to Wis. Stats. § 349.07. The Capital Improvements and Street Maintenance Committee shall recommend to the Common Council those intersections to be controlled by traffic

### 3.12.020 - Various departments to be notified—Recommendations.

The Capital Improvements and Street Maintenance Committee shall notify the following departments of the proposed sale or disposition of any City-owned land and obtain from these departments a statement indicating whether or not such departments have objection to the sale or disposition of the property involved:

- (a) Police Department;
- (b) Fire Department;
- (c) Water Utility;
- (d) Electrical Department;
- (e) Park Department;
- (f) Board of Public Works;
- (g) Community Development Department.

(Ord. 61-5465 §1, 2011, File No. 11-0109, Ord. 61-5150 §1(part), 2002, File No. 02-0117; Ord. 61-4045 §1(part), 1966; prior code §4.09(2).)

### 10.01.020 - Through streets.

The Capital Improvements and Street Maintenance Committee may designate through streets, pursuant to Wis. Stats. § 349.07. This designation shall be based on engineering and traffic investigations, then reported to the Common Council. Such through streets shall be established by the Common Council upon adoption of the report by ordinance or resolution.

(Ord. 61-5705 §2(part), 2016; Ord. 61-4215 §1(part), 1972.)

### 10.01.040 - Speed limits.

Speed limits within the City shall be as provided by Wis. Stats. §§ 346.57, 346.58 and 346.59. The Capital Improvements and Street Maintenance Committee may upon the basis of an engineering and traffic investigation and pursuant to Wis. Stats. § 349.11, modify speed restrictions, with the consent of the Department of Transportation. Recommended changes in speed limits shall be reported to the Common Council. Such speed limits shall be established by the Common Council upon adoption of the report by ordinance or resolution.

(Ord. 61-5705 §4(part), 2016; Ord. 61-4215 §1(part), 1972.)

### 10.40.050 - Rules of the road.

**CITY OF WAUSAU, 407 Grant Street, Wausau, WI 54403**

<b>RESOLUTION OF THE ECONOMIC DEVELOPMENT COMMITTEE</b>	
Approving a City of Wausau Property Disposition Program	
Committee Action:	Approved 5-0
Fiscal Impact:	None
File Number:	15-0510
Date Introduced:	May 26, 2015

<b>FISCAL IMPACT SUMMARY</b>			
<b>COSTS</b>	<i>Budget Neutral</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
	<i>Included in Budget:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Budget Source:</i>
	<i>One-time Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Recurring Costs:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
<b>SOURCE</b>	<i>Fee Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Grant Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>Debt Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount</i> <span style="float: right;"><i>Annual Retirement</i></span>
	<i>TID Financed:</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<i>Amount:</i>
	<i>TID Source: Increment Revenue</i> <input type="checkbox"/> <i>Debt</i> <input type="checkbox"/> <i>Funds on Hand</i> <input type="checkbox"/> <i>Interfund Loan</i> <input type="checkbox"/>		

**RESOLUTION**

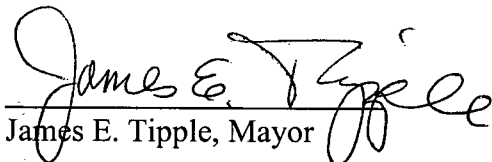
**WHEREAS**, City of Wausau has purchased blighted properties throughout the years for demolition and redevelopment purposes; and

**WHEREAS**, the City of Wausau wishes to offer these vacant lots for sale to the general public for redevelopment; and

**WHEREAS**, the City of Wausau has developed a Property Disposition Program which provides guidelines which offers these properties for sale; now therefore

**BE IT RESOLVED** that the City of Wausau Common Council approves the Property Disposition Program and directs staff to begin the process to offer these properties for sale accordingly.

Approved:

  
 James E. Tipple, Mayor