

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: January 11, 2024, 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: Mayor Katie Rosenberg, Eric Lindman, Allen Wesolowski, TJ Nicksich, Anne Jacobson, Tara Alfonso, Jill Kurtzhals, Liz Brodek, Tammy Stratz

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.

CONSENT AGENDA

A. Approve 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

Item C was removed from the consent agenda. Henke moved to approve consent agenda Items A and B. Diny seconded and the motion passed 5-0.

Regarding Item C, Gisselman noted the upgrade is for 1207 North 3rd Street and questioned what is proposed to be done. Wesolowski explained there is an existing pole and transformer. The resident at 1207 North 3rd Street would like to upgrade their electrical service. WPS would bury from the pole along the back side of 1211 and 1213 over to the house at 1207. 1207 is a very narrow lot that does not have room to bury the line. WPS is asking for an easement on the City's lots in order to get a line to the house at 1207.

Gisselman asked if this would still be a public space with access once the work is done. Wesolowski said once the conduit is buried the area would be restored to grass. The easement is along the lot lines. If the City lots would be developed someday, buildings would not be that close to the lot lines. Wesolowski does not feel this would have an impact on the parcels.

Gisselman moved to approve Item C. Diny seconded and the motion passed 5-0.

Discussion and possible action on parking restrictions on North 2nd Street between Washington Street and Forest Street

This street was constructed and signs were installed but were not placed in ordinance. This area is intended for picking someone up from the Imaginarium or buses.

As this is in compliance with the plan adopted, Rasmussen moved to approve. Henke seconded and the motion passed 5-0.

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

The process for selling remnant parcels was laid out on the staff report. If we want to put these parcels for sale, this committee would come up with the minimum bid price. Per ordinance, staff would check with other departments to see if they have interest in the properties. If not, the parcels would go out for bid with a minimum price.

Rasmussen asked if it was known what the parcels are worth. We have had trouble pricing them before. If we price them too high we get no offers. Wesolowski feels they are of minimal value as they are not developable.

Lindman stated in the past minimum prices for remnant parcels have been set at \$200 or \$500. Rasmussen said there is value in the City not having to take care of the sidewalk anymore. She believes a minimum price of \$250 was set on others in the past.

Rasmussen moved to offer the parcels with a minimum price of \$250 each. Henke seconded and the motion passed 5-0.

Discussion and possible action on railroad quiet zones and crossings

Larson asked for this to be on the agenda as he has been getting complaints of the train horn going off and on all hours of the day and night on the 17th Avenue crossing. We've had this discussion before on how federal regulations trump ordinances. It has been brought to his attention that this is the only intersection in the City that does not have gates. He wonders if it is worth the investment to install gates. He feels this is not only a capital improvement item, but also a public health and safety issue as cars race across the tracks trying to beat the train. He has discussed this with Rasmussen and it was decided to come to CISM first but then also go to Public Health and Safety. Gates can become costly, but what kind of price tag can you put on public health and safety.

Rasmussen spoke of when gates were installed on either South 3rd Ave or South 1st Ave years ago. The City was told by the railroad that to maintain the grandfathered quiet zone we had to install gates. There was less controversy about the enforceability and the nature of the quiet zone back then. At that point, we opted to install gates. Her concern is the local municipality's ability to regulate this as it is a safety feature for the railroad and they are required to sound the horn at certain crossings. We are hamstrung by federal law and are not able to create anything substantial that reduces the noise in the neighborhood. Even with the gate, they still have the right and the option to use the horn if they perceive there is some type of emergency or traffic near the tracks. We could make a substantial investment in gates, but we may not have the silence the neighbors are looking for.

Mayor Rosenberg has been getting some complaints and noted there are many more trains coming through now. She has asked why there has been excessive horn blowing. They confirmed they are blowing their horns more. They keep a log as to why they are doing this. Sometimes it is an animal on the tracks, sometimes it is a person. There was an incident at one crossing where someone was so mad at the railroad that they would show up every day. They are regulated federally and they do not have to adhere to our quiet zone. She is willing to take back information or questions, or possibly bring a representative here to answer questions. It was eye opening when they showed her the log of reasons why they are blowing their horns.

Larson asked if it would be appropriate to bring in a railroad official with their log. Mayor Rosenberg can extend an invitation. They are not interested in doing anything that puts safety at risk. If they deem it a safety issue, they will continue to do it no matter what time of day it is.

Larson asked if Rasmussen would agree to have the railroad present to a joint CISM and Public Health and Safety meeting. Rasmussen said it would be possible but questioned if there was any action capable of taking. Larson asked if it would reduce some of the noise in the neighborhood if we installed gates on 17th Avenue. There are gates on all the other busy intersections in the City. If there is no safety violation, there is no need for them to blow their horn. Rasmussen feels we need to know if that will stop or continue if we put in the gates. The 17th Ave crossing near Marathon Park seems to be a really active crossing at all times of the day. She would hate to put in the investment and they do not stop. It is a defined neighborhood that is complaining. She suggested informing the neighbors of the emergency log. We may be better off having a conversation at a neighborhood group than at committee. We have no enforcement power. We may not get anywhere if we drag them in before committee and they are not willing to change.

Diny does not think we know enough yet. If they are blowing the horn at animals and people on the tracks, gates are not going to fix it. Having them here would maybe help us understand our decision point. If most of them are hazards, we are not going to eliminate it and then it becomes an information piece for the neighborhood.

Gisselman rarely hears horns in the areas of 7th Street, 6th Street, 5th Street and 3rd Street and asked if we can somehow gauge that gates reduce the sounding of horns. With the school buses on 17th Avenue and the traffic, he

feels a gate is necessary. If we can ease the horn sounds in this area by installing a gate, he thinks it should be done. It is the safety of the street and feels there should have been one there years ago.

Alfonso clarified that there is a quiet zone in effect and exists for certain crossings. If there is any kind of emergency on the track, they will blow the horn regardless. The quiet zone does exist and they do not blow the horn between the hours of 7:00 pm and 7:00 am unless there is some kind of emergency. Alfonso did talk with the federal railroad administration. The cost of gates has gone up since the last time we installed one. The cost for this crossing could be between \$350,000 and \$450,000. At this crossing there is a railroad yard to the east and the west, which makes it a heavy traffic area. The City does not get to say we want gates or we do not want gates. This committee could start a petition with the Office of the Commissioner of the Railroad (OCR) and ask if gates could be installed. They have to do research and investigations and it may involve a hearing. Then they decide whether they want gates at the crossing or not. We would then have to do what they say; they make the order. They are also involved with who pays for it. There may or may not be federal money to pay for, they may decide to order the railroad to pay for it, or they may order the City pays for it. In order to start that process, we need to recommend to Council and Council would have to approve a resolution directing staff to initiate the petition. Per the federal railroad administration, one thing that would be in favor of potentially putting in gates is that the signals that are currently there are antiquated. We've tried to get complaints directed to Lieutenant Lopes-Serrao so we have a record of how many complaints we are getting. Lieutenant Lopes-Serrao believes he has had 3 or 4 complaints in a year or so and two of them have been about 17th Avenue. We should keep a good record and have all our Alders and staff direct complaints to someone who will keep track of it. If we are going to do a petition we should have that data.

Wesolowski has talked with the OCR. A petition would start with a resolution from Council in support of putting up gates. They would look at the adequacy of the existing signals and whether they meet standards, accidents, train speed, train frequency, and the amount of traffic. Foxy would also have a recommendation. The Commissioner would then make a recommendation. One thing that would be a part of the resolution is what the City would want to do for cost sharing, but ultimately the Commissioner would decide on cost sharing. Wesolowski reiterated that the Commissioner determines whether they are needed and who pays for it.

Hands down, this is the most phone calls Henke has received on one item. It is nice to know to direct them to the Lieutenant. Between Christmas and now, he has gotten 12 phone calls. He noticed the 1st Avenue crossing is exempt and asked if that meant buses do not have to stop at the crossing. Alfonso said it could also mean it is exempt from a quiet zone.

Rasmussen feels it makes sense to begin the petition process and see where it takes us. She does not think we need a joint committee meeting as this committee also encompasses 4 members of Public Health and Safety.

Rasmussen moved to make a petition to the OCR to study the necessity of gates on 17th Ave. Henke seconded.

Lindman clarified that if the City initiates this investigation and the OCR comes back that gates are needed, the City does not have an option. Once they investigate, the City is committed. Wesolowski confirmed and indicated that is why a resolution is needed. He added that they would install the gates on their schedule.

Diny asked if Foxy is under any obligation to let us know if they are seeing increased issues. Wesolowski said those questions would be raised during the OCR hearing. They will get input as to how many accidents or close calls they have had and whether they would support gates.

Rasmussen believes the railroad would support a safety feature as it is their goal, quiet zone or not, to have less stuff in their way. If a gate keeps stuff away from the track, she would be hard-pressed to believe they would oppose added safety. She does not believe there will be a lot of resistance if the City asks for it. Alfonso feels it depends upon how much they have to pay. She added that the person she spoke with at the federal railroad administration was very favorable about Foxy. They are concerned about safety and are very careful about following all the FRA regulations. The FRA is coming here in a few weeks to meet with Foxy. Alfonso has asked him to let her know when he comes so they could possibly sit down with staff. Discussion followed.

There being a motion and a second, motion passed 5-0.

Discussion and possible action on CISM Committee duties and responsibilities

Jacobson searched the entire online code for CISM and created a summary of the general duties of the committee. The duties that appear on the website are not necessarily law but typically come from resolution language. It would be up to committee and Council to change that. If we look primarily at WMC 3.12.010, we recently noted we have not actually been following it. The ordinance requires sales to start with Council who would then refer it to CISM and eventually back to Council. She does not typically draft amended ordinances at the request of the chair; she typically waits until she gets direction from the majority of the committee. At the request of the chair, she included a draft in the packet. It is completely open for discussion. Larson wanted to short circuit the process and make it less burdensome by having it start at CISM instead of at Council. She also included a copy of the property disposition program which was adopted in 2015. Jacobson reached out to our municipal attorney listserv to ask what other communities do when they have action items that must go to multiple committees. Eau Claire responded everything goes to Council anyway so the fewer committees the better. Madison acts a lot like Oshkosh where things start at Council and if the majority wants an item looked at, they will designate which committees it goes to. If there is more than one, they will designate the order in which it goes and designate a lead committee. The final report would come from the lead committee. The resolution would go back to Council on the recommendation of the lead committee. There are multiple ways and it would be up to the body on how to operate. Jacobson sees advantages to both.

Under the property disposition program, the Economic Development Committee (ED) will accept or deny proposals and make recommendations to Council for final approval before a sale can occur. As members of Council, committee members would see that anyway, but if it is necessary we can put into the ordinance that ED reports to CISM monthly or some other periodic basis about any properties they are dealing with the sale of that have not gone through the process under 3.12.010.

Under 3.12.010, Larson requested adding the purchase of property. Jacobson indicated purchases typically go through ED as they are usually purchased for redevelopment purposes. Adding it to section 3.12.010 is a point of discussion. Larson suggested ED report to CISM on a monthly basis because of the Wyatt Street project. He did not find out about it until his constituents called him. He feels it would be nice to have a heads up from ED on what's going on so they have answers when constituents call.

Rasmussen sees the value in delineating a process for sale because historically this committee has been tasked with figuring out if the parcel is large enough for redevelopment. If it is, it is offered to Community Development. If not, then CISM puts a price on it for bid. We have a CIP committee, which is the Capital Improvements Projects committee. It was confusing to the public and the people sitting on it so there was discussion of changing the name of this committee to the Infrastructure Committee. If we are looking to buy or sell a property for a taxable purpose, that has always happened in ED. Getting a report in our packet on a monthly basis is one thing, but she does not think we should insert ourselves as a committee. Property development is not our specialty or focus. ED should continue to handle that. We need to focus on what we know best, which is infrastructure. It is different when you are installing streets. It was different when we went from ED to here to Council with the street grid for the mall project, as we looked at it through the street lens and they looked at it from the economic lens. When it is outside of our purview and it does not need infrastructure modification, she feels like it is adding extra steps to the process which will hamstring staff. She feels our purpose needs to be infrastructure.

Jacobson stated the description of the committee on the website says that CISM recommends the purchase, sale, or leasing of city-owned real estate but the ordinance only deals with the sale, as does the property disposition program. Both the policy that the Council adopted and the ordinance deal with the sale only of City-owned real property. Even though the website says CISM has control over purchases, it is not in any ordinance or adopted Council policy that she could find.

Diny said if it is a purchase of property for a City capital improvement, like the Fire Department or DPW, that would seem to fall into our bucket. This is what Larson wants to protect as the citizens want us to curb

unnecessary spending. It is a thorn in his side that \$800,000 got released for the Fire Department that should have come through CISM. This committee as a whole meticulously went through the DPW facility from the start. The Fire Department property went right by CISM, which is a double standard. CISM should be in control of land that is for municipal use and it should not have gone to the Finance Committee first.

Henke would argue that the Fire Station probably should have gone to Public Health and Safety as that is where they report to. He feels like staff just wants someone to give them direction. He likes what Madison and Oshkosh are doing where it is presented to Council and then Council decides what committee.

Rasmussen sees that but we also have to recognize if the Council is going to assign what committees, they have to follow a consistent process. If anything involves the spending of dollars, it will always go through Finance. Regardless of how many committees it is sent to, at the end of the day the money is coming from Finance. If we are going to designate committees, it makes the process difficult. Each department is reporting to different committees based on their specialty area. The Council cannot make a referral to the CIP committee. The CIP committee is a process that kicks off the budget. When a project goes to CIP there is a defined order; departments have to submit a request, requests are vetted by the Finance Department, then projects are ranked and scored by a separate panel that includes 3 Alders and citizens. The Council cannot just say this project will go to CIP but this one won't. The CIP process is a gathering of all of the needs of the departments, whether it is people, buildings, equipment, vehicles. In the case of the Fire Department property, it was at CIP 2 years in a row and an ARPA request. She feels the logistics would be difficult depending on what the use is. Allowing the Council to assign committees would be counterproductive. We would be better off holding joint meetings of the committees. As chairs we should be able to figure it out and if we cannot, there is an Executive Committee the encompasses all the chairs.

Stratz explained that Community Development is even more difficult because they are dealing with low-income people. When they purchase, rehab, and resell, they have never brought the sale to Council. They do not want to shame the low-income individuals and have the world know they are buying a low-income house. When there is a cut and dry process, sometimes you end up hurting things that are not so cut and dry. Gisselman trusts that Council gave this direction at one time. Stratz stated that the property disposition policy was adopted some time ago as well but now that is being questioned.

Gisselman thinks capital projects should come through this committee for a pass through to CIP. CISM would have then had some sense of what is being proposed as a part of the budget. Larson questioned if the CIP should go through a standing committee. Rasmussen explained that CIP is a process and a precursor to the budget. Any project that costs more than \$25,000 requires a CIP request. The only role CISM has had in the CIP process is picking the street and road projects. The CIP committee does not touch those because this committee has the expertise to vet that. They also do not rank and score motorpool and rolling stock from the Park Department. They get a report of it but do not mess with it. If there are streets to be added, cut, or changed, that is either done at CISM or in the budget process; it is not done in CIP. The reason CIP is not a standing committee is because they rank and score the priorities of the requests. The CIP list and booklet are published on the website. CIP has 3 or 4 open public meetings. It is a transparent process. The capital improvement naming of this committee has been wrong all along. We have never had that role and never fulfilled that mission other than picking road projects. CIP starts in July and the budget starts in October. Departments start 2 months prior to that figuring out their requests and budgets. If we insert ourselves into that process, we are adding another step that will slow the process down. There is no point of having the process set like this if a committee will knock down the list. The makeup of the committee is intentional; it has a CISM member, a Finance member and HR member. It is deliberate on how the committee is set up so those perspectives are represented. She does not see a need for another step for CIP. If someone wants to buy a piece of land for public use, it is different. She does not think we should be upending a process that has been working for 2 decades.

Larson disagrees as this committee is not just streets if we are going through the process for a DPW facility. Henke agrees that the CIP is needed and should not be changed. When recommendations go to Council, it can be discussed then and can be voted on to send back to committee, which is exactly what happened. He sees the process working.

Brodek mentioned the properties on Thomas Street. In the property disposition program, there is a bullet point regarding the case of adjoining property owners where the property can be sold outright with the property value determined by the Assessors Department. Jacobson added that the policy abrogates CISM's power under 3.12. The previous motion for Thomas Street could be retracted to follow the property disposition program. Henke suggested amending that at Council.

Larson asked where this goes from here. Henke suggested sending a recommendation to the rules and review committee. Larson noted that because of an incident, the question of due process was brought up. HR is going through the same process with putting positions in the budget before going through committee. Brodek, the Police Chief and Fire Chief were at a Council meeting asking for due process, which is why we are here today. Rasmussen does not believe due process was the ask. If we want a process, we need to create one and tell them what it is because at that point they did not know. What we have playing out is the structure of 5 committees. Through interaction with those chairs, committees should be able to work together. If they need a joint session about who does what, we should be able to have that offline without having a public fight about it. She feels we are upsetting the whole appletart because we did not like the way something got done in the budget process. The budget process was to approve the money. Everyone involved knew they had to go through the committee process, they just went to the committee that met first. She believes staff is asking for clarity on the order. She does not know that CISM is the committee to set that for the whole Council. We are handling the DPW facility here because DPW reports to this committee and we understand the needs of DPW and staff better than any other committee. If we want to set the order going forward, she feels it should be a Council function. We have a property disposition program that we are not even following based on our action tonight. We need to follow it. She does not feel this discussion is bringing any clarity to staff. We are in a fight amongst committees which needs to stop. We have to work together as committees. Offline the committees chairs need to find common ground and work together.

Larson said all a person has to do is look at the committee responsibilities. That is why Larson called Rasmussen; in good faith of working together. He asked why people cannot follow what is in front of them. That is the reason why we are here. Rasmussen used the train horn item as an example. It started here because it met first. If we needed another meeting, we would have one but it turns out we solved it here. That is the type of collaboration that needs to be happening. Even if one does not sit on a committee, we can attend it, we can talk at the meeting, we can collaborate, and we can call the chair ahead of time. If we have good communication amongst ourselves as we are managing our committees, she does not feel we have to change anything. We just have to talk to one another.

Diny stated a few inconsistencies have been uncovered that will have to be cleaned up. To him the big issue is the purchase of property. Larson's biggest concern is following CISM's duties. Each committee has their duties. When he met with Jacobson, they found a discrepancy where the duties say one thing but the ordinance says another. Jacobson said the ordinance will take control over the website description of the duties. The duties say purchase, sale, or leasing, which she could not find in any ordinance. Ordinance 3.12 and the property disposition program deal with the sale of city-owned property. Any proposed amendments or clarifications can be made to 3.12 or the property disposition program. Jacobson thinks Rasmussen was spot on when she said staff wants direction on order.

Wesolowski asked where the duties on the website came from. Jacobson said typically they come from a resolution, but she did not get that far into research to determine that. The municipal code is what governs the responsibilities of the committee, not a description on the internet, unless it is in resolution. Gisselman said the description had to come from somewhere and questioned what else on the website is challengeable in regard to ordinance. Rasmussen suggested finetuning the description to match the list Jacobson discovered while searching the ordinance. The descriptions are old and were primarily used to give the public an idea of what the committee does and used for Alders to decide what committees they wanted to serve on. Other committees may also be well served to review their descriptions. She knows there are items in the Public Health and Safety description that they do not do either. The web descriptions are far from perfect. Jacobson agrees that the descriptions should be rewritten to reflect current ordinances and resolutions.

Larson agrees that the descriptions should be adjusted and we should work together more. Henke suggested reviewing a draft at the next meeting. Larson asked if that would give department heads direction on the due process. From Brodek's perspective, staff still does not know what order to go in and which committees. Redrafting the description is a good start as it will clear up some things at a glance. For staff taking things through committees, they still need further direction when things overlap.

Larson asked for a draft of a new description at the next meeting and for the committee to think about different ways to move forward.

Adjourn

Rasmussen moved to adjourn the meeting. Diny seconded and the motion carried 5-0. Meeting adjourned at approximately 6:40 p.m.