

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: August 11, 2022, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lou Larson, Gary Gisselman, Chad Henke, Lisa Rasmussen (Diny was excused)

Also Present: Eric Lindman, Allen Wesolowski, TJ Niksich, Tara Alfonso, Cord Buckner, Liz Brodek, Nathan Miller, 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.

CONSENT AGENDA

- A. Approve minutes of the July 14, 2022 meeting**
 - B. Action on final resolution to levy special assessments for 2022 Street Construction Projects**
 - C. Action on final resolution to levy special assessments for 2022 Alley Paving Projects**
 - D. Action on easement with WPS at 500 Washington Street and 555 Jefferson Street**
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Gisselman moved to approve the consent agenda items. Rasmussen seconded and the motion carried unanimously 4-0.

Discussion and possible action on easement with WPS at 1402 Burek Avenue

WPS has approached the City with a new transmission line that they are rerouting on Burek Avenue, Randolph, and Campus Drive. Wesolowski explained where lines would be removed and where the line would cross the parcel at the corner of Randolph and Burek. This proposal would have less of an impact on the parcel.

Rasmussen explained that WPS is moving lines that currently travel across residential properties. The lines come into the city from the Town of Maine, across Campus Drive and across back yards of most of the properties from Campus Drive to Marathon Electric. A little over a year ago, WPS came to us and floated a plan where they wanted to reroute the line out of Marathon Electric down Randolph to Burek to Decatur Drive in the Town of Maine. Somewhere along the line they met resistance from property owners in the Town of Maine. WPS abruptly shifted their plan and decided to run their line down Campus Drive. The reason for the 46KV line move is because one of their lines came down in a storm and burned down a house. That resident's insurance company is suing WPS. WPS has handled the process with the neighborhood reprehensively from day one. They went around the neighborhood and sold the neighbors on the original plan and everyone was receptive. When they abruptly shifted the line, they basically sent out a crew to tell the neighbors on Campus Drive that their opinions did not matter. They are now all getting 80-foot wooden power poles in their boulevard. Residents got a petition with over 100 signatures to follow the original route. WPS put the petition in File 13. Rasmussen met with WPS at City Hall to tell them the rerouted plan was a terrible idea. WPS continued to push their plan. One neighbor is ready to pursue legal action. She requested a neighborhood group meeting. Realizing there is strength in numbers, WPS did not want to meet with the neighbors as a group. Using COVID as an excuse, they met with them one on one where they basically strongarmed them and told them their opinion did not matter. They need this easement to run the project. The easement is probably fine, but with the way they have managed this, she will be voting against it. WPS continues to push their own agenda and are unwilling to listen to anybody. There are alternate routes they could pursue. They could take their original path and there are two or three other options they have not vetted. One excuse was there was too much rock on the original path they were going to take and it would be too expensive. They have infrastructure everywhere in the area. Anyone who knows anything about the northwest side of Wausau knows it is all rock. They have one excuse after another.

Henke asked if WPS would continue on Burek if they decide to go all the way to Decatur in the Town of Maine. Rasmussen explained the original plan included Burek. When they went door to door with that plan there were a few residents that did not love the idea, but they already have the lines in the area and were willing to accept it.

There was a lot less push back and the path was less invasive. WPS then changed the plan. WPS knows these people have nowhere else to get electric and gas from. As a public utility, she expects more from them.

Lindman sat in on the meeting at City Hall with Rasmussen and WPS. The original plan was to go north on Burek with an alternate plan to go down Campus. City staff told them there would be more conflicts down Campus and that going north on Burek would be the best option. A few months after that their plan changed.

Henke moved to approve the easement with WPS at 1402 Burek. Seconded by Larson.

Henke asked if WPS would still need this easement if they decide to go on Burek. Wesolowski said possibly. This is the easiest route across the parcel. If this is not approved they would probably have to put up more guy wires up and more poles. It would require them to go back to the drawing board. It would probably put more impacts on the east side of the road. Based on how this has gone, Rasmussen is not interested in making their lives any easier. Larson asked about having them at a neighborhood group meeting. Rasmussen tried that and they refused to come. They do not want to talk to a group of people because there is strength in numbers. They spoke to the residents individually. When one resident asked if they could have their Alder at their meeting, they were told no.

There being a motion and a second, motion to approve failed 1-3 with Gisselman, Larson and Rasmussen the dissenting votes.

Discussion and possible action on Alexander Davis Final Plat

Wesolowski indicated this is the plat for the former mall site. The plat was created by REI on behalf of the City and WOZ. The City is partial owner of some of the lots and outlots. He noted that Outlot 8 will be future streets. This creates land locked parcels. According to the Municipal Code, land locked parcels cannot be created. There is also a concern with TID boundaries crossing some of the lots. The Outlots are noted as streets and are anticipated to be dedicated as right-of-way per the Developers Agreement.

Alfonso stated the ordinance does say “shall not” create land locked parcels; however, the Developers Agreement does have them contractually obligated to dedicate those to the City. She believes the contractual obligation mitigates the “shall” in the ordinance.

Lindman said the Developers Agreement was written to where Outlot 8, which will be right-of-way, is going to be deeded to the City. Then the City will create the right-of-way. That way if any of that property gets vacated in the future, it will come back to the City.

Rasmussen questioned if the contractually obligated land dedication and our installation of right-of-way and infrastructure would solve the land lock issue. Wesolowski confirmed and said it will have to come back to this committee to accept the right-of-way. Regarding the TID boundaries, Rasmussen asked if it would be solved with a plan amendment to adjust the map. Brodek confirmed the TID boundaries will be amended. Staff looked at the timeline of amendments that are needed solely for the construction date not for right-of-way or for the plat dedication. Because the land will still be a slab as of January 1, 2023, we can wait until next year. Otherwise, we would be under pressure to amend the TID boundaries.

Given the fact that both concerns will be resolved, Rasmussen moved to approve the plat. Seconded by Henke and the motion carried 3-1 with Larson the dissenting vote.

Discussion and possible action on vacating and discontinuing a portion of South 12th Street between Single Avenue and Sumner Street just adjacent to 1117 Single Avenue

Miller explained this house was built in 1890. The subdivision was platted in 1911; however, this lot was excluded from the plat. The owner recently came in to get a building permit and that is when it was discovered that the house is located within the right-of-way. A permit was denied based on this. Given how long the house has been there, they have adversely possessed the right-of-way. Two sections of the house needed to be looked

at; the east wall and later the front overhang and enclosed porch were added. Based on GIS and the Assessor's Office, the enclosed porch was added sometime between 1968 and 1974. The Statute of Limitations ran, and it became theirs around 2012. This is a unique situation. This is being done by vacating and discontinuing just in case the City has any sort of property interest in this, but he does not believe they do. The resolution would be filed with the Register of Deeds and then the legal description for the property would be updated. One is not allowed to adversely possess land away from the government anymore. In 2016 they added a statute and made it retroactive, but he already had it by then.

Rasmussen believes this makes sense. She asked if this pushes the plat so the entire house is on his lot. Miller explained he would just be getting a small triangle as shown on Exhibit E, which is the only area he has adversely possessed. Rasmussen asked if approval would allow the owner to get a building permit. Miller confirmed.

Rasmussen moved to approve. Gisselman seconded.

Gisselman asked if a mistake was made when this was platted. Miller said the original plat was from 1911. A platted subdivision requires a 60' right-of-way for the road. The house was there before it was platted and should have been taken into consideration.

There being a motion and a second, motion to approve carried unanimously 4-0.

Discussion and possible action to consider site selection for a new Fleet Maintenance Facility

This item was tabled to next month. Lindman will be touring the West Street property and will have more information available.

Construction update for 2022 Projects

Niksich started with Project A, which includes watermain replacement on Burek and Campus for the new Water Treatment Plant. The watermain is in and tested. They have finished grading the road. Curb should go in next week with paving the following week. Phase 2 of this project is the reconstruction of Bugbee, which started this week. This project is on schedule for completion by the end of September.

Project B is 4th Avenue from Bridge Street to Knox Street. The project is on schedule and should be done early October. 4th Street from McClellan to Scott Street is starting this week and should be done by the end of September. Rasmussen noted that 4th Avenue is working south to north. She asked if they will be clear of Grant School before school starts. Niksich said by the time school starts most of the utilities should be in and base course down. He added that they did not want this project to start before school ended so it could not start until the middle of June.

Project C includes Torney Avenue, which is planned to start August 22nd and completion by the end of October.

Wesolowski said the Asphalt Paving Project at Kent and Grand is done, as well as the three blocks of 6th Street from the Courthouse to Scott. The Sidewalk Project should be done by the end of next week. The Concrete Paving Repair Project is scheduled to start mid-September. This project includes Grant Street in front of City Hall, one block of 4th Street adjacent to City Hall, and areas on Bridge Street, and on Grant Street. The project will be completed by the middle of October. Larson asked if Grant Street included the block that is in rough shape. Wesolowski said the work on Grant Street is around City Hall. The block of Grant Street that is in rough shape is slated for reconstruction next year.

Gisselman asked about River Drive south of Wausau Avenue. Wesolowski indicated that work is part of the new Water Treatment Plant. A new line had to be added because the distribution is changing. They are in the process of testing the line. They have to get a safe water test before shaping the road and paving.

Rasmussen brought up last year's project of 3rd Avenue from Randolph to Bos Creek. The project was a nightmare and finished late last year. The contractor was less than responsive and the restoration work on the

boulevard was terrible. The seeding process did not take; what did take is nothing but weeds. Nicksich gave the contractor time to rectify and when he did not, Nicksich found a lawn care service that will kill off the weeds, fertilize, and reseed. Larson asked if the contractor would get the bill for this work and Lindman confirmed.

Adjourn

Henke moved to adjourn the meeting. Gisselman seconded and the motion carried unanimously 4-0. Meeting adjourned at approximately 5:45 p.m.