



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, November 11, 2021 at 5:15 p.m.
Location:	City Hall (407 Grant Street, Wausau WI 54403) - COUNCIL CHAMBERS
Members:	Lisa Rasmussen (C), Lou Larson, Tom Neal, Debra Ryan, Jim Wadinski

AGENDA ITEMS FOR CONSIDERATION

1. Presentation and discussion of Director's Report.
 - Ongoing Environmental Work
 - Construction Projects
 - General Operations
2. CONSENT AGENDA (Any item can be removed from the Consent Agenda at the request of a Committee member.)
 - A. Approval of minutes of the October 14, 2021 meeting.
 - B. Action on Easement with Aspirus Buildings, Inc., for bike/pedestrian path at 905 North 2nd Street.
 - C. Action on Easement with Third Street Holdings, LLC for bike/pedestrian path at 151 McIndoe Street.
 - D. Action on Preliminary Resolution to vacate and discontinue the unpaved alley bounded by Bertha Street, Lake View Drive, Mount View Drive, and Elmwood Boulevard.
3. Discussion and possible action on petition for annexation - Grube (076-2907-284-0004, Town of Stettin).
4. Discussion and possible action on creating an Assessor's Plat for 901 Townline Road, 1309 Torney Avenue, 1315 Torney Avenue, and 1321 Torney Avenue.
5. Discussion/review of parklets.
6. Discussion and possible action on 28th Avenue corridor, Pine Ridge Boulevard to West Wausau Avenue.

Adjournment

LISA RASMUSSEN - Committee Chair

This meeting is being held in person and/or via teleconference (all public participants' phones will be muted during the meeting) by **calling**

1-408-418-9388. The Access Code is: 2481 406 8905 The Password is: 111121

Members of the public who do not wish to appear in person may view the meeting live over the internet on the City of Wausau's YouTube Channel <http://tinyurl.com/WAAMedia>, 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 with "CISM public comment" in the subject line prior to the meeting start. All public comment, either by email or in person, 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 faxed to the Daily Herald newsroom on 11/04/21 @ 8:30 a.m. Questions regarding this agenda may be directed to the Engineering Department at (715) 261-6740.

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) 261-6590 or 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, Wausau River District, Compass Properties, Tyler Vogt, Mint Cafe, Town of Stettin.



TO: Capital Improvement Street Maintenance Committee

FROM: Eric Lindman, P.E.
Director of Public Works & Utilities

DATE: November 11, 2021

SUBJECT: Director Report

Environmental Work

1. Riverside Park testing – Waiting on a response from WDNR, expected late November.
2. 1300 Cleveland Ave testing – GEI, City's Environmental Consultant, is currently preparing a summary of the results for the WDNR to review. Once the report is in draft form city staff will review and comment prior to submission to WDNR.
3. Mall Site - REI is working toward closure of this site with the WDNR, expected closure before year end.

Construction Projects

4. All 2021 projects are complete.

General Operations

5. Leaf pick up is nearing completion. The last week of official pick up is the week of Nov 8. We will have trucks out as long as we can, but we encourage residents to use the yard waste site as we will not be able to return to every area in the city. We do understand there are quite a few leaves on the trees which will likely come down after leaf pick up is complete. The leaf pickup schedule is on the city website [LeafPickUp](#) for easy access.
6. Paving for 2021 is completed and the hot mix plants have or are closing down. Any patch work from this point forward will be using cold mix until the plants open again in the spring.
7. We continue to have staffing vacancies. The recruitment and retention initiatives brought forward are very positive and if fully approved will allow us to help send a positive message to both current staff and new employees. I feel these are significant positive measures that will help stabilize our workforce. Current staffing:
 - o Mechanics - Two new mechanics hired and two vacancies remain with staff interviewing for potential offers.
 - o Operators – 5 vacancies and staff interviewing for potential offers.
 - o Sewer – one vacancy.
 - o Water – one vacancy.

CAPITAL IMPROVEMENTS AND STREET MAINTENANCE COMMITTEE

Date of Meeting: October 14, 2021, at 5:15 p.m. in the Council Chambers of City Hall.

Members Present: Lisa Rasmussen, James Wadinski, Lou Larson, Debra Ryan, Tom Neal

Also Present: Mayor Katie Rosenberg, Eric Lindman, Allen Wesolowski, TJ Niksich, Cord Buckner, Dustin Kraege, Tom Kilian, 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 Rasmussen called the meeting to order.

Presentation and discussion of Director's Report

Lindman had a conversation with the City Attorney regarding this agenda item. Because the Director's Report has prompted discussion in the past, the City Attorney felt it would be better if we agenzized this versus just having an item. Rasmussen agrees as it gives an opportunity to talk about the report without running afoul of open meetings, as long as the discussion is confined to items listed.

Larson asked for an update on Thomas Street from Prospect to Grand. Lindman is not sure if the storm sewer has been televised yet but staff is working on it. Larson wondered why this has not been prioritized. Lindman will get an update and contact Larson.

Ongoing Environmental Work:

There are ongoing environmental locations; Riverside Park, 1300 Cleveland and the mall site. All are still in progress and final reports have not been received.

Construction Projects:

Additional parking on Washington Street is expected to be done the end of next week. Asphalt was placed on 3rd Avenue this week. The Concrete Pavement Repair Project has been completed. Excavation has started for the 12th Avenue Sidewalk Project with concrete scheduled for next week. McIntosh Street is ongoing with concrete being placed this week.

General Operations:

The first phase of leaf pickup is underway; we may be a little behind. Rasmussen has received positive feedback on how completely the stuff was picked up even though it had rained. Neal stated the crew went through his neighborhood last week. The leaves in his gutter were vacuumed. Others had leaves out or partially out but the truck drove by without picking up. He thought this was odd since a storm sewer is located at the corner. Rasmussen asked if this is the phase where leaves were to be on the boulevard and then on the street for the next phase. Lindman confirmed and indicated we do not like to use the vac trucks for leaves in the street as it can pick up other debris and damage equipment. Kraege added that when the truck is full it needs to be emptied and there were a couple of breakdowns but he will check with the supervisors regarding the issue in Neal's neighborhood. Lindman noted that in Phase 2, leaves on the street will be pushed together and bailed. Larson asked why leaf pickup is started early every year. The vac truck came through and 50% to 75% of leaves were still on the trees. Lindman explained in the past there was only one pickup that started around the 17th to 20th of October. A lot of people were calling and asking to have leaves picked up earlier. Staff tries to predict when leaves will fall and set a schedule so people are aware when we will be out.

Winter Kick Off went well. This year it was handled differently with a day of training for staff.

Weed notices have been steady at over 700 and most likely will be over 800 this year. Staff is working with the Attorney's Office to figure out a different method as it currently involves a lot of staff and administrative time.

CONSENT AGENDA

- A. Approve minutes of the September 9, 2021 meeting**
 - B. Action on WPS Easement on Airport Property at Radtke Point Park for electric service**
 - C. Action on WPS Easement on City property at 1803 Burek Avenue for installing a new pole and burying electrical conductors**
-

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

Discussion and possible action on final resolution to levy special assessments for 2021 Street Construction Project of 3rd Avenue from Randolph Street to Bos Creek Drive

Wesolowski explained that 3rd Avenue was removed from the resolution approving assessments for 2021 Street Projects. This is to bring a resolution forward levying 3rd Avenue special assessments in 2022. Rasmussen asked if property owners would receive the same bill, just delayed until spring. Wesolowski confirmed. Rasmussen said a number of 3rd Avenue residents were happy about this as the project has been beyond a nightmare for them.

Wadinski moved to approve. Neal seconded and the motion carried unanimously 5-0.

Presentation on snow plowing process

Rasmussen feels it is good to have this presentation every couple of years to understand how streets are prioritized and the order of plowing as every year we get calls. It is helpful when Alders are able to explain the method.

Kraege indicated there are a total of 7 vacancies at DPW; 5 on the street side and 2 on the fleet maintenance side. All affect plowing. An interview was held today for a street maintainer. An offer will be extended to a qualified candidate. A mechanic started Tuesday and is in the process of training. There will be some more upcoming vacancies as an operator is retiring December 3rd and the fleet manager will be retiring in February. One operator is currently on FMLA with no return date. This week an operator turned in his resignation to go to a neighboring municipality. We have 5 plow routes currently open with 2 having priority routes. There are 2 sidewalk routes with no one assigned to and also Route 26, which is a miscellaneous route that picks up odd streets and parking lots. This week's resignation will open another route.

With the number of vacancies, Rasmussen asked if some neighborhoods would wait a full day or more before seeing their road plowed. Kraege believes it would be rare for a neighborhood to go a whole day without being plowed, but it is a possibility. With a 2" to 3" snow fall, staff should be able to keep up. There will be delays if there is a large snow fall. Rasmussen noted the need for Alders to manage people's expectations and understand on the front end why this is happening. People are used to seeing roads plowed quickly. If people cannot get out to get to work there will be anxiety. Information up front will be key. Kraege stated they will try to post updates on Facebook and he has been going to neighborhood meetings.

Kraege noted the priority is streets as there are businesses that need to function, people have to get to work, PD and Fire need to get around the City. Staff will focus on getting the streets opened up and then move onto sidewalks. We will get everywhere but some things may take longer. Kraege provided a map showing routes and explained the priority routes. Priority routes are all the main thoroughfares and in every residential neighborhood there are certain priority roads. The goal is that anyone who lives in Wausau only has to drive a few blocks to find a main route that is plowed. Rasmussen asked if streets surrounding schools are priority and Kraege confirmed. Kraege noted one may see a secondary road plowed before a priority. This is because the plow truck has to get from one priority road to another.

Larson noted his forgotten neighborhood of 21st Place off of Sherman Street. They have gone 1½ to 2 days in the past before being plowed while 17th Avenue to the east is clear. Where he lives, two lanes of snow gets pushed onto his street. They need to get out onto a 4 lane road and yet they have to wait to get plowed out. He feels this should be a priority as it is hazardous to get in and out. 22nd Avenue to Corporate Cove and Rosecrans Street gets plowed but 5 side streets are left. Kraege will review this with his supervisors. Lindman noted that one challenge is there are 4 to 5 similar blocks in many other areas. We try to make sure everyone has no more than 2 blocks to

drive to get to a main road. Larson reiterated that this is a safety issue as one has to bust through snow to get onto a 4 lane road.

Kraege explained that this year during Winter Kick Off the morning was used for several classes. They went over things such as pre-trip inspections, winter driving, route priorities and operational classes on loader and salt trucks. Staff had a chance to drive equipment around cones to practice the feel of getting close to a curb without hitting it. Operators went through the equipment to get familiar with it and looked for any possible problems needing maintenance. In the afternoon the crew went over their routes. Anyone with a new route or new to the City worked with someone who has ran the route before. This gave a chance to go through the route and look for possible hazards, such as a high manhole. These items are put on a street repair list to get corrected so we do not wreck equipment when plowing. The biggest strategic plan this year has been trying to figure out how to cover the priority routes. They are working on splitting unassigned routes and adding streets to surrounding drivers to get areas covered more efficiently. Rasmussen feels it is important to note that this is highly dependent on no one being on vacation, no one sick or in quarantine. She admires the efforts, but will be realistic with people on what to expect. Kraege added it is also a learning experience. As we get new people it will take a bit to get them up to speed. With a light snow fall it should not be as big of an issue. He asked for patience with larger snow falls. Rasmussen added that to make sure more streets are passible, sometimes operators only clear the middle. This draws calls because roads are not plowed to the curb. The driver will come back to get to the edges. Kraege stated that will be the case with a drawn out snowfall.

Discussion of potential locations for new DPW facility or DPW Fleet Maintenance Shop

A couple Council meetings ago, it was decided to take 1300 Cleveland off the list. At that point, an initial presentation on other locations was requested. The County also developed a list of potential sites as they are trying to figure out what to do with their Highway Department. Lindman stated there are 9 sites that vary in size. Most are privately owned and some are outside the City limits. Barrientos used a matrix to score the locations.

Larson asked if the 16.7 acres on West Street included the entire block and Lindman confirmed. Larson suggested this site some time ago as he knows how certain people are about blight. This is probably the most blighted area in the City. He feels it would be good to move our department there and get rid of the blight. Ryan noted that Historic Preservation recently tried to get into one of the buildings in this area but wasn't allowed.

Rasmussen asked if the Westwood Drive location is currently undeveloped land along the 4 lane and if it was owned by the City. Lindman explained it is privately owned land wedged between Westwood Drive and Highway 51. The site on International Drive in the Business Campus is City-owned. Rasmussen noted Business Campus land is in short supply and has high tax potential for development.

Ryan asked if the Stewart Ave site is the former Menards property. Lindman stated that site was looked at but is quite small. The Stewart Ave site is by 80th Avenue near the Business Campus. Larson noted that would also take away possible taxable land by the Business Campus. The County Road N site is located by Primrose, which is primarily residential. The County Road Z site is west of Olson's top soil site.

Rasmussen mentioned the County Material site on Winton Street. She thought there was interest on the site for riverfront housing. This site poses the same concerns as the Business Campus sites; she does not want to sacrifice growth for our own use.

Larson asked why the Myron Street site is still being considered when the report indicated it is too small. We would have to tear down 4 properties; 3 residential and 1 commercial. With the passing of the Environmental Justice resolution, he questioned why we are even considering tearing down people's houses when there are other options. He feels this space should be left for future expansion of the Wastewater plant. He also questioned why we would want to continue having industrial trucks in a neighborhood when there are alternative sites. Larson would lean towards the West Street location not only because we could use some of the existing buildings, but it is also centrally located and already a truck route. Rasmussen would be interested to know if there is a possibility for acquisition if the owner did not want to work with Historic Preservation.

Larson inquired about site G and why it was blocked out on the list. Lindman indicated that site was 1300 Cleveland. With these additional sites to look at, Larson asked if the feasibility study on the Myron Street site was going to be completed. He does not want to waste \$15,000 on the study when there are other locations to consider. Lindman explained the feasibility study is to look at all of the sites and narrow it down. Discussion followed on the next steps of this process.

Ryan spoke of the West Street properties and the existing buildings. Other properties could potentially cost \$20 to \$30 million because we would have to build a new campus. She would like to see what options there are with the Myron Street site. Acquiring a few properties to extend the present facility may cost \$3 million versus \$20 million on a new site. She added that West Street is older concrete with major cracking. If this location is considered we may have to plan on redoing the street. She noted the amount of residential traffic to Kwik Trip. Rasmussen added we would need to know the County's timeline for their new facility. They would have to be willing to sell it to us, complete their project and move off site.

Regarding 1300 Cleveland, Kilian asked if it was precisely 1300 Cleveland or if it included any combination of other properties. Lindman explained that Barrientos was looking at the larger piece with the Kolbe property; a total of 16 or 18 acres. Based on the direction of Council, this has been taken off of the list for consideration. Kilian noted the scoring criteria and matrix, which includes fitting with neighboring properties and the City master plan. He does not see a matrix on how it would impact surrounding neighborhoods. Environmental factors are relevant and he feels it would be appropriate to add such a scoring factor. There is federal level guidance on how to select alternative sites by incorporating environmental justice principles so that areas that have been already disproportionately impacted do not take on an additional burden. He asked that the committee consider adding this to the scoring factors. Rasmussen added that a positive in all of this is any new facility would be built to current environmental standards including discharge and spill containments.

Mayor Katie stated it does not sound that the County is any closer to identifying their site. However, there may be an opportunity to work together as we do some of the same things and have some of the same needs, such as salt storage and a vehicle wash facility. Though it may pose challenges, it may be worth investigating while this study is going on. Lindman has inquired with the County on their timeline, but has not received one. He also asked about potentially walking through their facility to see what is feasible for us to use. He does feel this is well worth looking into, especially if we can share facilities.

Wadinski asked if the study will include information on extra costs each year for each piece of equipment to drive the extra mileage, the time for the operator to drive to sites in the Business Campus, and possible loss of tax base. Lindman said the amount of money we have for the study will not include these options; it will include capital costs and estimates. Rasmussen said Economic Development can look at the feasibility of stepping into sites that may be marketable for other things.

Adjourn

Neal moved to adjourn the meeting. Ryan seconded and the motion carried unanimously 5-0. Meeting adjourned at approximately 6:15 p.m.

Agenda Item No.

2B

STAFF REPORT TO CISM COMMITTEE – November 11, 2021

AGENDA ITEM
Action on Easement with Aspirus Buildings, Inc., for bike/pedestrian path at 905 North 2 nd Street
BACKGROUND
The proposed easement is between the City of Wausau and Aspirus Buildings, Inc., which extends across the vacated portion of McIndoe Street from 3rd Street to 2nd Street. The easement is approximately 283 ft long and 13 feet wide. This easement would be used for the city to construct and maintain bicycle and pedestrian facilities from 3rd Street to 2nd Street.
FISCAL IMPACT
NA
STAFF RECOMMENDATION
Staff recommends approval of the easement.
Staff contact: TJ Niksich 715-261-6748

Document No.

EASEMENT AGREEMENT

Document Title

THIS AGREEMENT, made this _____ day of _____, 2021 by and between ASPIRUS BUILDINGS, INC., Grantor, and CITY OF WAUSAU, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, Grantee;

WITNESSETH:

That in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to Grantor by Grantee, receipt of which is hereby acknowledged, Grantor, has this day conveyed, transferred, and delivered unto Grantee a non-exclusive, permanent easement and perpetual right to enter upon the real estate hereinafter described to construct, reconstruct, maintain, inspect and/or repair a bike/pedestrian path which may be constructed on the lands hereinafter described and also for ingress and egress to, from, upon and over the lands hereinafter described for the use as a public bike/pedestrian path.

The permanent easement and perpetual right of entry is described as follows:

A 13 foot wide easement being 6.50 feet on both sides of the following described centerline, being part of Lot 1 of Certified Survey Map Number 18949, recorded as Document Number 1836691, filed in the Marathon County Register of Deeds Office; located in the Northwest 1/4 of the Southwest 1/4 of Section 25, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 25; thence South 00°04'34" East, coincident with the west line of said Southwest 1/4, 891.16 feet; thence North 89°55'26" East, 460.79 feet to a point being 6.50 feet Northerly of the south right-of-way line of said vacated Mcindoe Street at the Southerly extension of the west right-of-way line of vacated North 2nd Street; thence South 85°07'25" East, coincident with a line 6.50 feet northerly of and parallel to said south right-of-way line of vacated Mcindoe Street, 29.99 feet to the centerline of vacated North 2nd Street and the point of beginning of said centerline of the 13 foot wide easement; thence continuing South 85°07'25" East, coincident with said line 6.50 feet northerly of and parallel to said south line of vacated Mcindoe Street, 29.99 feet; thence South 85°10'45" East, coincident with a line 6.50 feet northerly of and parallel to said south line of vacated Mcindoe Street, 32.96 feet; thence North 74°45'45" East, 22.46 feet; thence South 85°07'19" East, 89.40 feet to the beginning of a curve concave to the Northeast; thence 46.23 feet, coincident with the arc of said curve, said curve having a radius length of 51.79 feet, a central angle of 51°08'45", and a chord that bears South 56°43'26" East, for a distance of 44.71 feet; thence North 75°20'22" East, 33.36 feet; thence South 85°07'19" East, 28.48 feet to the west right-of-way line of North 3rd Street and the point of termination of said centerline.

The intent of said easement is to have the side lines on both sides of said centerline shortened or elongated to said centerline of vacated North 2nd Street and said west right-of-way line of North 3rd Street.

Said easement contains 3,678 square feet, or 0.084 acres, more or less.

Said easement is subject to easements, restrictions, and rights-of-way of record.

In further consideration of this easement by Grantor, Grantee forever agrees to hold Grantor harmless from all damages, loss, or claims which may arise from the existence, use, and/or maintenance of said permanent easement.

Recording Area

Name and Return Address
City of Wausau Planning
407 Grant Street
Wausau, WI 54403

PIN: 291-2907-253-0640

Grantee further agrees that it shall return the disturbed lands subject to this easement to a materially similar condition which existed prior to the construction.

No buildings or structures except surface improvements such as, but not limited to, asphalt pavement, sidewalk, curb and gutter, etc. shall be constructed upon or across the permanent easement lands; nor shall large trees be planted upon the permanent easement lands, but small trees and shrubs not exceeding approximately eight feet in height at maturity are permitted.

Grantor covenants that it is lawfully seized and possessed of the real estate above described and that it will defend the title thereto against the lawful claims of all persons whomsoever.

This agreement shall run with the land, encumbering the property encompassed by the easement in perpetuity, and shall be binding upon and shall inure to the benefit of the parties hereto and to their respective successors and assigns.

IN WITNESS WHEREOF, this agreement has been duly executed the day and year first above written.

CITY OF WAUSAU BY:

ASPIRUS BUILDINGS, INC. BY:

Katie Rosenberg, Mayor

Mary A. Goede, Deputy Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this ____ day of _____, 2021 the above named Katie Rosenberg, Mayor, and Mary A. Goede, Deputy Clerk for 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 expires: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this ____ day of _____, 2021, the above named _____, of _____, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission expires: _____

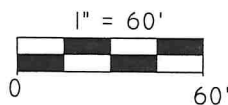


EXHIBIT MAP

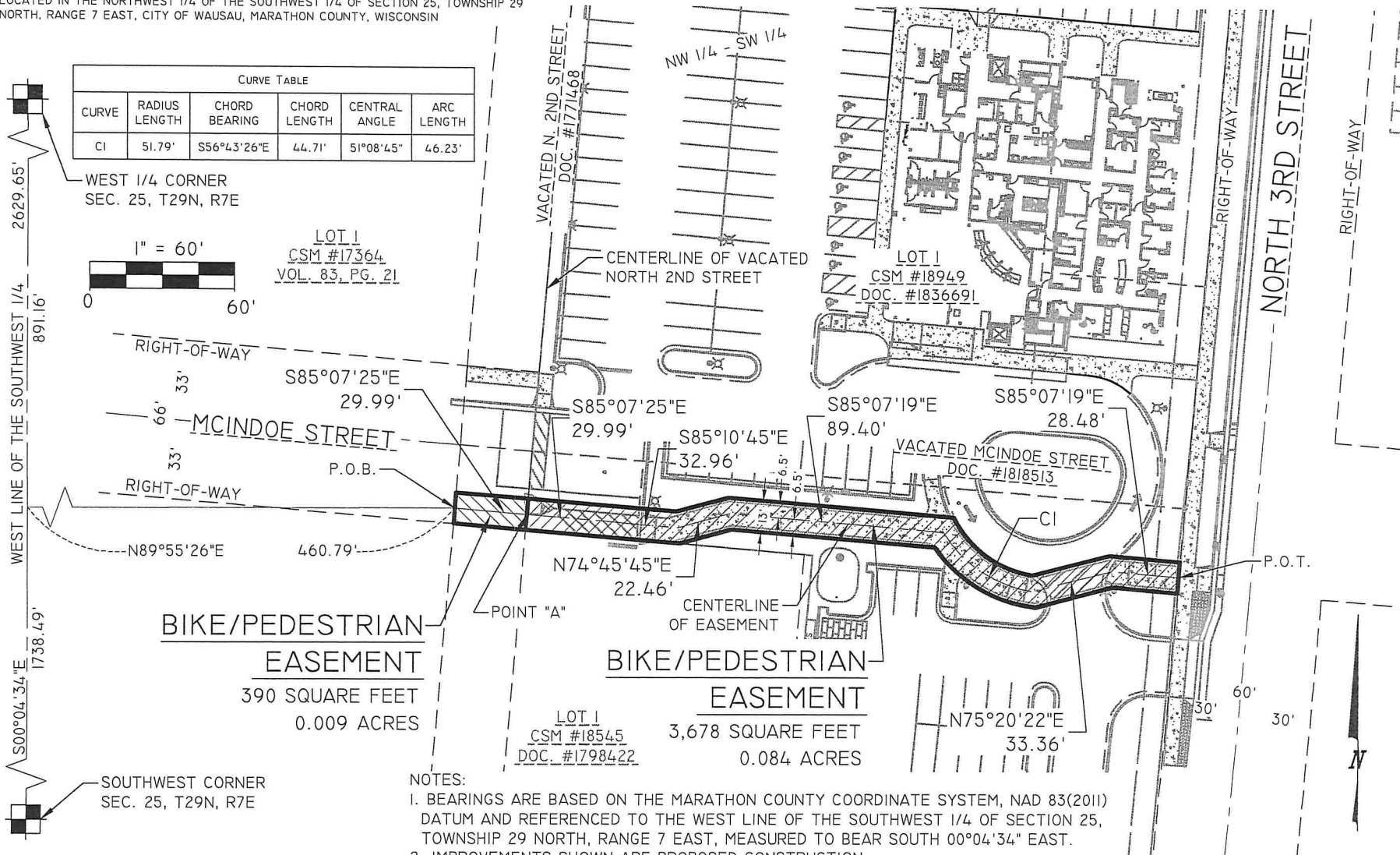
OF PART OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 18949, RECORDED AS DOCUMENT NUMBER 1836691, AND PART OF VACATED MCINDOE STREET, RECORDED AS DOCUMENT NUMBER 1818513, BOTH FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN

CURVE TABLE					
CURVE	RADIUS LENGTH	CHORD BEARING	CHORD LENGTH	CENTRAL ANGLE	ARC LENGTH
CI	51.79'	S56°43'26"E	44.71'	51°08'45"	46.23'

WEST 1/4 CORNER
SEC. 25, T29N, R7E



LOT 1
CSM #17364
VOL. 83, PG. 21



**BIKE/PEDESTRIAN
EASEMENT**
390 SQUARE FEET
0.009 ACRES

**BIKE/PEDESTRIAN
EASEMENT**
3,678 SQUARE FEET
0.084 ACRES

NOTES:

1. BEARINGS ARE BASED ON THE MARATHON COUNTY COORDINATE SYSTEM, NAD 83(2011) DATUM AND REFERENCED TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 7 EAST, MEASURED TO BEAR SOUTH 00°04'34" EAST.
2. IMPROVEMENTS SHOWN ARE PROPOSED CONSTRUCTION.

REI Engineering, INC.

BIKE/PEDESTRIAN EASEMENT
MCINDOE STREET
WAUSAU, WISCONSIN

EXHIBIT MAP

PROJECT NO.

8176D

DRAWN BY:

JLR

DATE:

3/23/2021

Agenda Item No.

2C

STAFF REPORT TO CISM COMMITTEE – November 11, 2021

AGENDA ITEM
Action on Easement with Third Street Holdings, LLC for bike/pedestrian path at 151 McIndoe Street
BACKGROUND
The proposed easement is between the City of Wausau and Third Street Holdings, LLC., which extends across the vacated portion of the McIndoe Street and 2nd Street intersection. The easement is approximately 30 ft long and 13 feet wide. This easement would be used for the city to construct and maintain bicycle and pedestrian facilities from 3rd Street to 2nd Street.
FISCAL IMPACT
NA
STAFF RECOMMENDATION
Staff recommends approval of the easement.
Staff contact: TJ Niksich 715-261-6748

Document No.

EASEMENT AGREEMENT

Document Title

THIS AGREEMENT, made this _____ day of _____, 2021 by and between THIRD STREET HOLDINGS, LLC, Grantor, and CITY OF WAUSAU, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, Grantee;

WITNESSETH:

That in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to Grantor by Grantee, receipt of which is hereby acknowledged, Grantor, has this day conveyed, transferred, and delivered unto Grantee a non-exclusive, permanent easement and perpetual right to enter upon the real estate hereinafter described to construct, reconstruct, maintain, inspect and/or repair a bike/pedestrian path which may be constructed on the lands hereinafter described and also for ingress and egress to, from, upon and over the lands hereinafter described for the use as a public bike/pedestrian path.

The permanent easement and perpetual right of entry is described as follows:

A 13 foot wide easement being 6.50 feet on both sides of the following described centerline, being part of vacated of Mcindoe Street, recorded as Document Number 1818513, filed in the Marathon County Register of Deeds Office; located in the Northwest 1/4 of the Southwest 1/4 of Section 25, Township 29 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 25; thence South 00°04'34" East, coincident with the west line of said Southwest 1/4, 891.16 feet; thence North 89°55'26" East, 460.79 feet to a point being 6.50 feet Northerly of the south right-of-way line of said vacated Mcindoe Street at the Southerly extension of the west right-of-way line of vacated North 2nd Street, and the point of beginning of said centerline of the 13 foot wide easement; thence South 85°07'25" East, coincident with a line 6.50 feet northerly of and parallel to said south right-of-way line of vacated Mcindoe Street, 29.99 feet to the centerline of vacated North 2nd Street and the point of termination of said centerline;

The intent of said easement is to have the side lines on both sides of said centerline shortened or elongated to said southerly extension of the west right-of-way line of vacated North 2nd Street and said centerline of vacated North 2nd Street.

Said easement contains 390 square feet, or 0.009 acres, more or less.

Said easement is subject to easements, restrictions, and rights-of-way of record.

In further consideration of this easement by Grantor, Grantee forever agrees to hold Grantor harmless from all damages, loss, or claims which may arise from the existence, use, and/or maintenance of said permanent easement.

Grantee further agrees that it shall return the disturbed lands subject to this easement to a materially similar condition which existed prior to the construction.

Recording Area

Name and Return Address
City of Wausau Planning
407 Grant Street
Wausau, WI 54403

PIN: 291-2907-253-0621

No buildings or structures except surface improvements such as, but not limited to, asphalt pavement, sidewalk, curb and gutter, etc. shall be constructed upon or across the permanent easement lands; nor shall large trees be planted upon the permanent easement lands, but small trees and shrubs not exceeding approximately eight feet in height at maturity are permitted.

Grantor covenants that it is lawfully seized and possessed of the real estate above described and that it will defend the title thereto against the lawful claims of all persons whomsoever.

This agreement shall run with the land, encumbering the property encompassed by the easement in perpetuity, and shall be binding upon and shall inure to the benefit of the parties hereto and to their respective successors and assigns.

IN WITNESS WHEREOF, this agreement has been duly executed the day and year first above written.

CITY OF WAUSAU BY:

THIRD STREET HOLDINGS, LLC BY:

Katie Rosenberg, Mayor

Mary A. Goede, Deputy Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this____day of_____, 2021 the above named Katie Rosenberg, Mayor, and Mary A. Goede, Deputy Clerk for 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 expires:_____

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this____day of_____, 2021, the above named _____, of_____, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

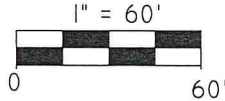
Notary Public, Wisconsin
My commission expires:_____



EXHIBIT MAP
OF PART OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 18949, RECORDED AS DOCUMENT
NUMBER 1836691, AND PART OF VACATED MCINDOE STREET, RECORDED AS DOCUMENT
NUMBER 1818513, BOTH FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE;
LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 29
NORTH, RANGE 7 EAST, CITY OF WAUSAU, MARATHON COUNTY, WISCONSIN

CURVE TABLE					
CURVE	RADIUS	CHORD	CHORD	CENTRAL	ARC
LENGTH	BEARING	LENGTH	ANGLE	LENGTH	
CI	51.79'	S56°43'26"E	44.71'	51°08'45"	46.23'

WEST 1/4 CORNER
SEC. 25, T29N, R7E



LOT 1
CSM #17364
VOL. 83, PG. 21

RIGHT-OF-WAY
33'
S85°07'25"E
29.99'
66'
MCINDOE STREET
33'
RIGHT-OF-WAY
P.O.B.

BIKE/PEDESTRIAN
EASEMENT
390 SQUARE FEET
0.009 ACRES

SOUTHWEST CORNER
SEC. 25, T29N, R7E

VACATED N. 2ND STREET
DOC. #171468
NW 1/4 - SW 1/4
CENTERLINE OF VACATED
NORTH 2ND STREET

LOT 1
CSM #18949
DOC. #1836691

S85°07'19"E
89.40'
S85°07'19"E
28.48'
VACATED MCINDOE STREET
DOC. #1818513
CI

N74°45'45"E
22.46'
CENTERLINE
OF EASEMENT

BIKE/PEDESTRIAN
EASEMENT
3,678 SQUARE FEET
0.084 ACRES

LOT 1
CSM #18545
DOC. #1798422

NOTES:

1. BEARINGS ARE BASED ON THE MARATHON COUNTY COORDINATE SYSTEM, NAD 83(2011) DATUM AND REFERENCED TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 29 NORTH, RANGE 7 EAST, MEASURED TO BEAR SOUTH 00°04'34" EAST.
2. IMPROVEMENTS SHOWN ARE PROPOSED CONSTRUCTION.

REI Engineering, INC.

BIKE/PEDESTRIAN EASEMENT
MCINDOE STREET
WAUSAU, WISCONSIN

EXHIBIT MAP

PROJECT NO.

8176D

DRAWN BY:

JLR

DATE:

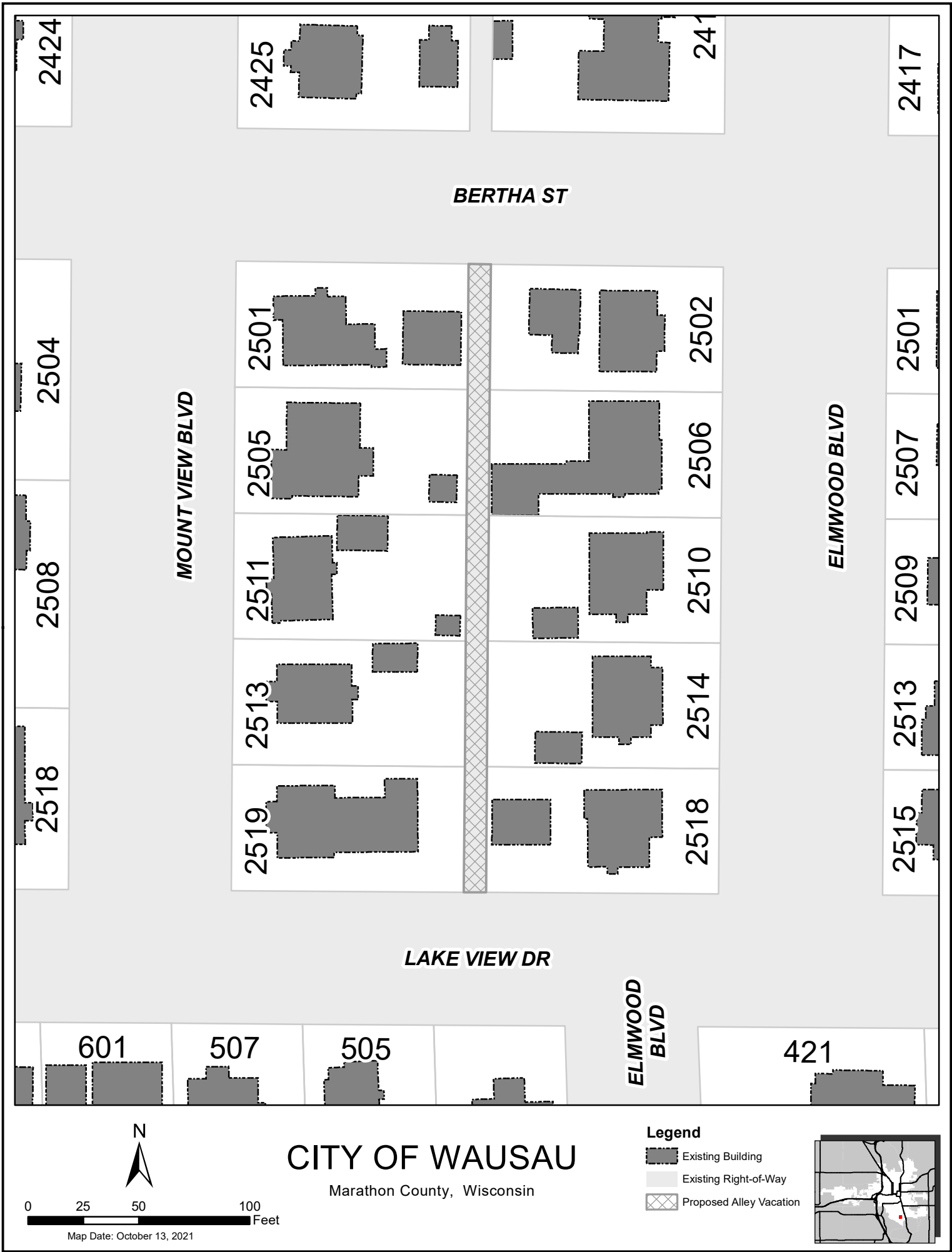
3/23/2021

Agenda Item No.

2D

STAFF REPORT TO CISM COMMITTEE – November 11, 2021

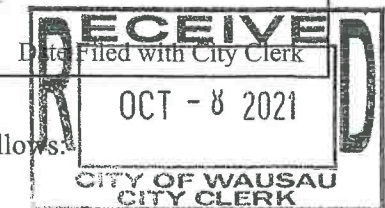
AGENDA ITEM
Action on Preliminary Resolution to vacate and discontinue the unpaved alley bounded by Bertha Street, Lake View Drive, Mount View Drive, and Elmwood Boulevard
BACKGROUND
The Engineering Department received a petition to vacate the alley as described above and as shown on the attached map.
FISCAL IMPACT
None, this would just set up the public hearing.
STAFF RECOMMENDATION
Staff recommends approving setting up a public hearing to vacate the alley.
Staff contact: Allen Wesolowski 715-261-6762



PETITION

TO THE MAYOR AND COMMON COUNCIL
OF THE CITY OF WAUSAU, WISCONSIN

For Office Use



A Petition For:

- ☒ Alley Vacation
 ☐ Sanitary Sewer
 ☐ Storm Sewer
 ☐ Other as Follows: _____
☐ Blacktop Paving
☐ Street Light
☐ Watermain
☐ Curb and Gutter
☐ Street Vacation
☐ Zoning Change

The undersigned petitioners respectfully request that your honorable body take such action as will cause the:

Signature of Electors	Print Name Clearly	Print Home Address	Date of Signing
<i>Ken Przybylski</i>	Ken Przybylski	2510 Elmwood Blvd	9-24-2021
<i>Susan Engbrecht</i>	Susan Engbrecht	2518 Elmwood Blvd	9-24-2021
<i>Keith Engbrecht</i>	KEITH ENGEBRECHT	2518 Elmwood Blvd	9-24-2021
<i>Mark Tomaszewski</i>	MARK TOMASZEWSKI	2514 Elmwood Blvd	9-24-2021
<i>Deborah Olson</i>	Deborah Olson	2513 Mt View Blvd	9-25-2021
<i>Jonathan Richard</i>	Jonathan Richard	2511 Mount View Blvd	27 Sept 2021
<i>William Hultberg</i>	William Hultberg	2519 Mount View Blvd	27 Sept. 2021
<i>Chris Schneck</i>	CHRIS SCHNECK	2505 Mount View Blvd	9/27/21
<i>Deb Buttke</i>	Deb Buttke	2502 Elmwood Blvd	9/27/21
<i>Jean Kohn</i>	Jean Kohn	2506 Elmwood Blvd	10-8-21
11.			
12.			
13.			
14.			
15.			

AFFIDAVIT OF CIRCULATOR

STATE OF WISCONSIN
CITY OF WAUSAU JEAN Kohn being duly sworn disposes and says that he is a resident of the affected area, residing at 2506 Elmwood Blvd in the City of Wausau; that he is personally acquainted with the persons who have signed the foregoing petition; that he knows them to be residents of the affected area; that they signed the same with full knowledge of the contents thereof; that their respective residences are stated therein; that each signer signed the same on the date stated opposite his name; and that he intends to support the petition.

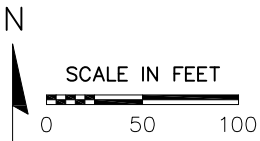
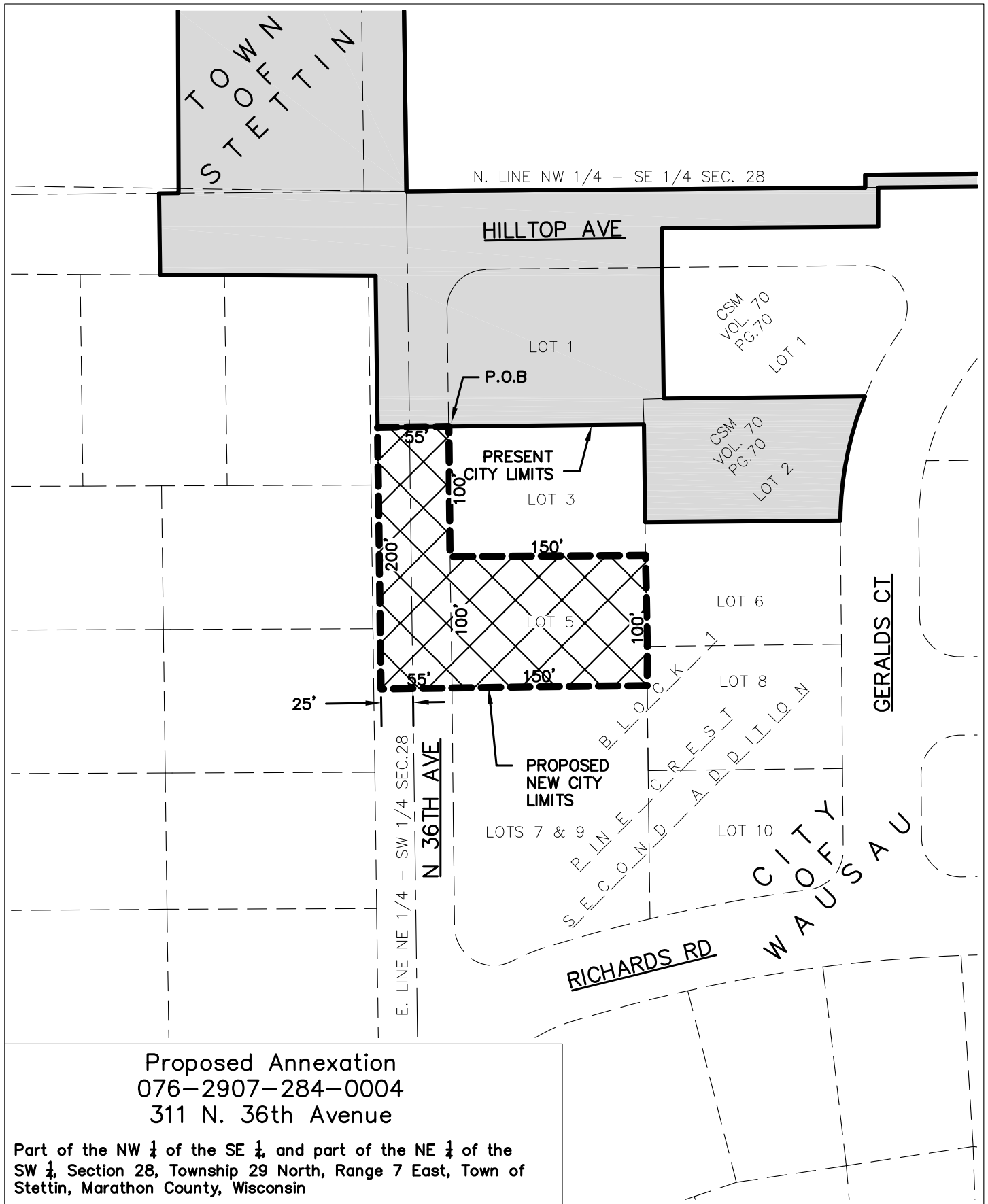
Filed in the Office of the City Clerk and sworn to before me this 8th day of OCTOBER, 2021

Mary G. Gochle
Signature of City Clerk or designee
Deputy

Jean Kohn 715-212-096
(Signature of Circulator)
2506 Elmwood Blvd
(Address of Circulator)

AGENDA ITEM
Discussion and possible action on petition for annexation – Grube (076-2907-284-0004, Town of Stettin)
BACKGROUND
The City of Wausau has received a petition from Dean Grube to annex 311 N. 36 th Avenue to the City of Wausau from the Town of Stettin. A map and legal description are included. Sewer and water is available at the property.
FISCAL IMPACT
The City would add this property to the tax role. The City will pay the Town of Stettin for a period of 5 years an amount equal to the value of the town taxes received from the annexation at the time the annexation becomes final. The petitioner will be assessed a per foot assessment for the sewer and water.
STAFF RECOMMENDATION
Staff recommends approving the annexation.
Staff contact: Allen Wesolowski 715-261-6762

O:\Engineering\DWG\PROJ\1136\DWG\311_N36thAve Annexation.dwg, 11/9/2021 11:19:38 AM, 1:1



PROPOSED ANNEXATION MAP

ANNEXING TERRITORY
FROM THE TOWN OF STETTIN

TOTAL AREA OF
PROPOSED ANNEXATION
25,900± S.F.
0.59± AC.

Legal Description for Proposed Annexation
Dean Grube
076-2907-284-0004

Part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 28, Township 29 North, Range 7 East, Town of Stettin, Marathon County, Wisconsin, described as follows:

Commencing at the Northwest corner of Lot 3, Block 1, Pine Crest Second Addition, said Section 28, the point of beginning;

Thence S 0°04' E, along the West line of said Lot 3, 100 feet to the North line of Lot 5, said Block 1; thence S 89°51' E, along said North line, 150 feet to the East line of said Lot 5; thence S 0°04' E, along said East line, 100 feet to the South line of said Lot 5; thence N 89°51' W, along said South line, 150 feet to the West line of said Lot 5; thence continuing N 89°51' W, along said South line extended Westerly, 55 feet to a line 25 feet Westerly of and parallel with the East line of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence N 0°04' W, along said parallel line, 200 feet to the North line of said Lot 3 extended Westerly; thence S 89°51' E, along said North line extended Westerly, 55 feet to said Northwest corner of Lot 3, the point of beginning.

AGENDA ITEM

Discussion and possible action on creating an Assessor's Plat for 901 Townline Road, 1309 Torney Avenue, 1315 Torney Avenue, and 1321 Torney Avenue

BACKGROUND

The properties in question are 901 Townline Road, and 1309, 1315, and 1321 Torney Avenue. These 4 parcels were created as one parcel by land contract in 1896, then divided into two parcels in 1908, and finally those two parcels were split in 1924 and 1929. The occupation of 1309, 1315, and 1321 Torney Avenue appears to fall approximately 30 feet further south than described in the deeds of record. Excess lands North of those lots would potentially be absorbed into 904 Townline Road (as occupied).

See the attached map for the parcels off Torney Avenue that are in question. The yellow lines on the map are the parcel lines per the recorded deeds. The red lines are lines of occupation, and potential location of property lines if an Assessor's Plat would be completed.

An Assessor's Plat is a cooperative process between the surveyor and the residents to basically produce an "as-built" survey of the parcels, that is mutually agreed upon by all parties. Once completed, the parcels are forever referenced by their lot number on the Plat. A few key points in the Assessor's Plat process (also see attached flow chart):

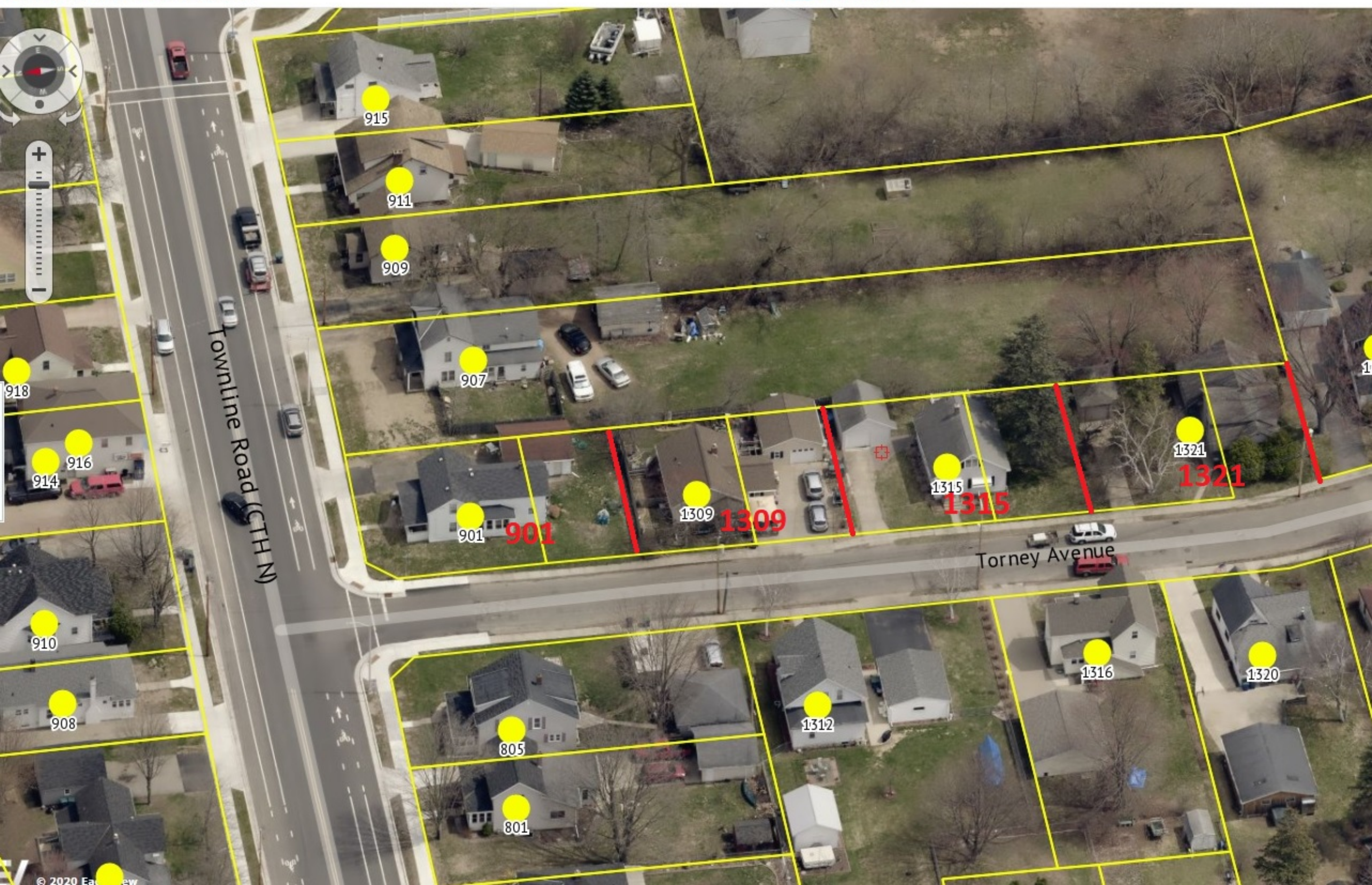
- Assessor's Plat ordered by Common Council.
- Field survey of the area is performed, property lines staked with temporary monuments, and map drafted.
- Residents are notified by certified letter of opportunity to examine map and view temporary monuments.
- Any discrepancies in boundary lines are reconciled by surveyor.
- Once boundary lines are agreed upon by residents, boundary agreements are recorded.
- Plat filed with the City Clerk, then transmitted to Wisconsin DOA Plat Review.
- Once the plat is certified by DOA, City Clerk to publish Class 3 notice and plat shall remain on file for 30 days to allow residents to bring suit to have the plat corrected.
- Once suits, if any, are decided, plat is corrected, approved by common council, and recorded.

WMC Chapter 21.30 and Wisconsin Statute 70.27 allow for the Common Council to order an Assessor's Plat when:

"in the judgment of the governing body having jurisdiction, the description of one or more of the different parcels thereof cannot be made sufficiently certain and accurate for the purposes of assessment, taxation or tax title procedures without noting the correct metes and bounds of the same, or when such gross errors exist in lot measurements or locations that difficulty is encountered in locating new structures, public utilities or streets, such governing body may cause a plat to be made for such purposes."

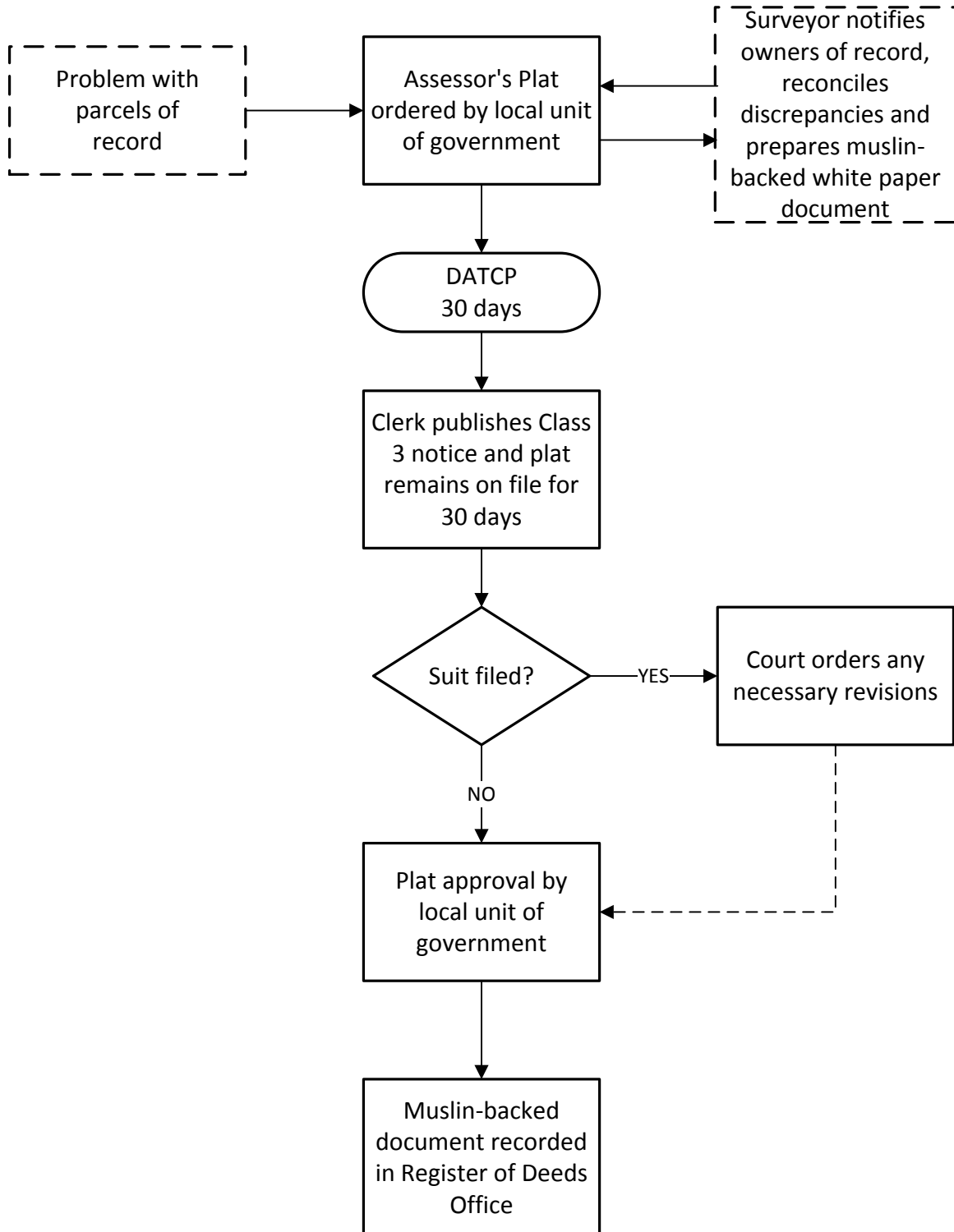
Statue also does allow for the municipality to charge for the Assessor's plat. Engineering is not recommending we charge, rather do the work in house and not charge.

FISCAL IMPACT
Engineering staff time would be used to do field work and prepare Assessor's Plat.
STAFF RECOMMENDATION
Staff recommends approving ordering an Assessor's plat.
Staff contact: Allen Wesolowski 715-261-6762



ASSESSOR'S PLATS

Assessor's Plat Process s. 70.27 Wis. Stats.



AGENDA ITEM

Discussion/review of parklets

BACKGROUND

CISM temporarily approved the use of Parklets downtown in April 2021. I have attached the information previously prepared by legal related to the temporary approval of the parklets. The Parklets were allowed to be in place from May 1 through October 31. One Parklet Permit was issued for 2021. The parklet permit was issued for Malarkey's and to minimize the taking of parking stalls and keep the parklet in front of the business requesting the permit, a handicap stall was moved two spaces. CISM requested at the end of the season the parklet permit be discussed and reviewed with the potential to be approved and adopted into the Wausau Municipal Code permanently through council resolution.

Over the Parklet season there was one written comment with concerns about allowing parklets (attached). There was also one direct contact from a citizen to City staff related to the handicap parking stall in front of Malarkey's being moved and concerns about access to the ramp. Questions of alders were also brought forward related to accessibility and making sure handicap stalls were not removed from on street parking.

No handicap stalls were eliminated, one handicap stall was moved to accommodate the parklet. The parklet left significant area outside of the drive lane to access the sidewalk ramp so accessibility was maintained and the handicap stall remains.

FISCAL IMPACT

\$40 revenue for each parklet permit.

STAFF RECOMMENDATION

Staff is looking for direction from CISM if there should be any changes to the ordinance or fees should this be made permanent, and any other feedback moving forward.

Staff contact: Eric Lindman 715-261-6745



Office of the City Attorney

TEL: (715) 261-6590

FAX: (715) 261-6808

Anne L. Jacobson
City Attorney

Tara G. Alfonso
Assistant City Attorney

Nathan Miller
Assistant City Attorney

To: Common Council

From: Tara G. Alfonso, Asst. City Attorney

Date: April 15, 2021

Re: Comments Regarding Creating Temporary Ordinance W.M.C. §12.44.070 Installation of Parklets and Temporary Parklet Policy

- The City has been requested to consider additional means of expanding outdoor dining areas through the installation of "Parklets." A Parklet is a platform that is constructed and located in the parking lane of a street, is at the same level as the abutting sidewalk, and is intended to provide additional outdoor dining areas. Other communities have found these are especially useful and helpful during this time of recovery from the COVID-19 pandemic because of the opportunity to maximize social distancing.
- Other cities that have permitted the installation of Parklets include, but are by no means limited to: Madison, Milwaukee, South Milwaukee, Los Angeles and Santa Monica, California, and Oklahoma City, Oklahoma.
- Because Parklets are installed within public parking spaces within the City right-of way, implementation of a Parklet program requires a balancing of the interests among of businesses that desire expanded outdoor areas for the purpose of maximizing social distancing and the need to provide public parking spaces for patrons of other retail businesses. As is well known within this Committee, street parking is a limited and valued commodity, especially within the City's downtown area.
- Because of the need to balance these competing interests, the proposed ordinance and Temporary Parklet Policy ("Policy") drafted for consideration would permit the installation of "Parklets:"
 - By full-service restaurants only. Bars, taverns, and fast food or limited-service restaurants would not be eligible for a Parklet permit. A detailed expression of this purpose and intent is set forth in the draft ordinance.
 - Installation would be permitted according to the terms of the Policy on a City-wide basis.
 - Parklets would be required to be adjacent to the full-service restaurant premises.
 - Full-service restaurants would have the opportunity to partner to obtain a Parklet permit. The Parklet would, however, be required to be adjacent to the premises of one of the full-service restaurant partners.
 - Other businesses would be able to use a Parklet upon permission and the terms of the permit holder.
 - The proposed Policy does allow the use of tents or umbrellas within the Parklet upon staff approval.

- Parklets are not permitted on state trunk highways or connecting highways absent WisDOT approval which must be obtained by the interested applicant.
 - Parklets are not permitted on streets with a speed limit above 25 mph.
 - Parklets must be ADA compliant.
 - Parklet applicants must provide the City with a detailed Site Plan of its proposed Parklet.
 - The City must be provided a Certificate of Insurance and be named as an additional insured on the permit holders Commercial General Liability insurance. The City must also be provided an Indemnification and Hold Harmless on a form provided by the City.
 - A fee for a Parklet permit is proposed as a minimum amount of \$40.00. There currently is no fee required for an establishment seeking a temporary outdoor sidewalk café or a temporary expansion of its premises for purposes of alcohol beverage service.
 - Limits on size of the Parklets: the Policy proposes a length of the sidewalk frontage of the applicant's property/establishment or 30 feet whichever is less. The width is proposed at the maximum width of the parking space to be utilized or 9 feet, whichever is less.
 - Only two (2) Parklets to be permitted per City block.
 - Approval of the Parklet permit is delegated to the Director of Public Works & Utilities.
 - The proposed ordinance and policy would permit installation of a Parklet in parking spaces which were otherwise reserved for the physically disabled provided the City is able to reasonably accommodate or re-locate those spaces to another convenient and accessible location on the same block.
- Parklets must be removed by the permit holder on or before October 31, 2021 at 11:59 p.m.
 - The proposed ordinance and Policy **are temporary** and if adopted would expire without further action by the Common Council on October 31, 2021 at 11:59 p.m. The City would be able to evaluate the impact of Parklets based upon this temporary program and determine whether it would want to make this type of program permanent at a future time.

**RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE**

Authorizing the approval of City of Wausau Temporary Parklet Policy.

Committee Action: Approved 5-0

Fiscal Impact:

File Number: 21-0411

Date Introduced: April 27, 2021

RESOLUTION

WHEREAS, the Common Council of the City of Wausau has adopted W.M.C. §12.44.070, Installation of parklets that temporarily allows the expansion of restaurant service into a certain, limited amount of public parking spaces through the installation of Parklets during the period of May 1, 2021 through 11:59 p.m., October 31, 2021; and

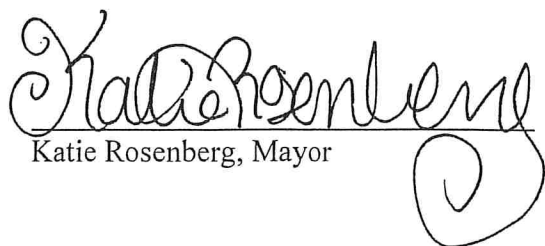
WHEREAS, effective implementation of the temporary ordinance requires the adoption of a City of Wausau Temporary Parklet Policy setting forth the application and approval process, applicant and site eligibility, site plan requirements, and other terms and conditions; and

WHEREAS, your Capital Improvements and Street Maintenance Committee, at its April 8, 2021 meeting, recommends that the City adopt a City of Wausau Temporary Parklet Policy substantially in the form of that attached hereto as Exhibit A.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wausau, that the City adopt a City of Wausau Temporary Parklet Policy substantially in the form of that attached hereto as Exhibit A to effectively implement the provisions of newly adopted W.M.C. §12.44.070 Installation of parklets which authorizes Parklets within a certain, limited amount of public parking spaces.

BE IT FURTHER RESOLVED, that the Temporary Parklet Policy shall expire on October 31, 2021, at 11:59 p.m. without further action of this Common Council.

Approved:


Katie Rosenberg, Mayor

City of Wausau Temporary Parklet Policy

Issue Date:

Pages: 4

INTRODUCTION

The City of Wausau has created this temporary program to permit full-service restaurants, pursuant to the terms and conditions of this Temporary Parklet Policy ("Policy") and W.M.C. §12.44.070, to apply for municipal approval to use certain public parking spaces in the public right-of-way (streets) for flexible outdoor dining areas. A "Parklet" means a platform that is located in the parking lane of a street, is at the same level as the abutting sidewalk, and is intended to provide additional space and amenities for the adjacent full-service restaurant and its patrons. The installation of Parklets is intended to allow full-service restaurants to expand their business footprint to maximize social distancing during the COVID-19 pandemic and recovery.

All outdoor dining areas permitted under this program must comply with state and local health requirements or guidance intended to slow or prevent the transmission of COVID-19.

All approvals are strictly temporary and expire on October 31, 2021 at 11:59 p.m. All Parklets shall be removed from the street immediately prior to the expiration of the permit.

APPLICATION PROCESS & APPROVAL

Applicants should be familiar with the guidelines in this Policy prior to submitting an application for a Parklet. Permissions for granting the installation of a Parklet will be conditioned on compliance with this Policy and failure to adhere to the guidelines and requirements may slow the review process and potentially result in denial of the application.

1. Permits	Approval and issuance of a Parklet permit under W.M.C. §12.44.070
	Appropriate alcohol beverage license if alcohol is to be served.
	Approval of a temporary amendment of licensed premises under W.M.C. §5.90.040 if alcohol is to be served.
	Approval of a temporary sidewalk café permit under W.M.C. §5.90.020 or a café permit under W.M.C. § 5.63.030 if City sidewalk area is to be used for seating.
2. Site Plans	Site Plans shall be submitted with the application for a Parklet permit to the Director of Public Works and Utilities. The applicant shall certify that the site plan, design and actual construction of the Parklet are/will be compliant with the provisions of the Americans with Disabilities Act.

3. Submit Application	To the Director of Public Works and Utilities along with a \$40.00 application fee for processing. No fee is required for a temporary amendment of licensed premises or temporary sidewalk café permit.
4. Approval/Denial	Approval by the Director of Public Works & Utilities. Any application recommended for denial shall be submitted to the Public Health & Safety Committee which shall consider the application and make a recommendation to the Common Council.

APPLICANT & SITE ELIGIBILITY

Eligible applicants for a Parklet permit must, at a minimum:

- Be a full-service restaurant. Limited-service and take-out restaurants, and bars and taverns are not eligible.¹
- Hold appropriate license for restaurant and alcohol service adjacent to proposed outdoor dining area.
- Complete the City's application.
- Attach a site plan to the application in accordance with "Site Plan Requirements."
- Agree to the City's terms and conditions, including insurance and indemnification and hold harmless.

Full-service restaurants may enter into partnership with other full-service restaurants to obtain a Parklet permit. Each co-applicant is jointly and separately responsible for the design, construction, maintenance, and removal of the Parklet, as well as compliance with all City ordinances and this Policy. Each full-service restaurant must hold all necessary permits and licenses and comply with all applicable laws, regulations, and ordinances. Parklets may be used by one or more businesses upon permission of the Parklet permit holder.

Certain sites/locations may not be eligible for use as outdoor street dining due to safety, public health, or transportation reasons. Additionally, because of the need to balance the availability of public parking spaces for patrons of other retail businesses with the provision of additional, flexible, outdoor dining areas, Parklets will be limited to not more than two (2) per block. Public streets or block faces without public parking spaces are not eligible for Parklets.

The following factors will be evaluated in determining eligibility:

¹ A full-service restaurant is defined in W.M.C. §12.44.070(b)(2) as a "restaurant that as of March 31, 2021, is engaged in the business of providing food and beverage services to patrons who order and are served while seated and pay after eating." Under W.M.C. §12.44.070(b)(3), a limited-service or take-out restaurant means "an establishment where food and beverages may be consumed on the premises, taken out, or delivered. This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, ice cream and frozen yogurt shops, and snack bars or bakeries with indoor or outdoor seating for customers."

- The proposed Parklet must be adjacent to the applicant's full-service restaurant establishment. In the case of a partnership application, the proposed Parklet must be adjacent to one of the co-applicants' full-service restaurant establishment.
- Parklets will not be considered on state trunk highways or connecting highways absent WisDOT approval (which is required to be obtained by applicant).
- Location unsafe due to traffic speed (sites adjacent to streets with speed limits above 25 mph are not eligible), poor visibility, narrow street (lack of buffer), or other safety issue related to proximity of motor vehicle traffic.
- Location required for traffic circulation reasons.
- Adverse impacts on fire lanes, hydrant access, or other emergency vehicle response.
- Adverse impacts to, or blocking of storm drains, gutters and other utilities.
- Setup requires bolting or mechanical fastening that damages the roadway or sidewalk.
- Interference with access to private property (driveways, delivery/loading zones).
- Inability to maintain a required minimum clear path of travel for sidewalk users.
- Inability to ensure adequate spacing of customers within proposed area.
- Impacts to transit service.
- Inability to provide ADA compliant access.
- Requires the removal or blocking of vehicle spaces for the physically disabled if same cannot be reasonably accommodated or re-located to another convenient and accessible location on the same block.
- Whether the use would facilitate a public or private nuisance or create undesirable neighborhood problems such as disorderly patrons, unreasonably loud noise, litter, or any other factor which reasonably relates to the public health, safety, and welfare.

SITE PLAN REQUIREMENTS

The site plan shall include the following:

- Dimensions for the length and width of the space to be occupied by Parklet. The length of the proposed area may not exceed the length of sidewalk frontage of the applicant's property/establishment or 30 feet whichever is less. Width of public parking spaces vary: the width may not exceed the maximum width of the parking space(s) to be utilized or 9 feet whichever is less.
- Show barriers/barricades around seating area and other safety conditions for patrons. Vertical elements shall be utilized to make Parklet visible to traffic. The Parklet must have a flush transition at sidewalk and curb to avoid tripping hazards and to allow easy access. Safety requirements may be different for streets with very low volumes or high volumes of traffic.
- Street names and north arrow.

- Show all existing facilities in the sidewalk area and street adjacent to the proposed area, such as light poles, fire hydrants, storm water inlets, catch basins, street signs, bicycle racks, street trees and curb ramps.
- Show the proposed layout of tables and chairs with dimensions for the size of the tables and for the distance between seating groups.
- Show any sidewalk café seating that will also be present along with spacing between sidewalk café seating groups and seating groups within proposed area. Tents and umbrellas may be allowed if they fit completely within the Parklet perimeter, weighted, and conform to all Fire Marshall rules, and approved by staff prior to use.
- Demonstrate ADA compliance and contain applicant's certification that the site plan, design and actual construction of the Parklet are/will be compliant with the provisions of the Americans with Disabilities Act.

TERMS & CONDITIONS

All costs of design, construction, maintenance and removal shall be borne by the Parklet permit holder and co-applicants where applicable.

Approved applicant(s) will be required to provide an appropriate certificate of insurance and agree to indemnify, defend, and hold harmless the municipality as requested. Insurance will be required as follows:

General liability insurance with respect to the right-of-way in an amount not less than One Million Dollars per occurrence, combined single limit. Such insurance policy(ies) shall be issued by an insurer licensed to issue policies in the State of Wisconsin and shall name the City of Wausau, its employees, agents, officers, volunteers, elected and appointed officials, or authorized representatives or volunteers as additional insureds. Proof of insurance coverage must contain the additional insured endorsement; a statement alone on the certificate is not sufficient. All insurance must be primary and non-contributory to any insurance or self-insurance carried by the City. A certificate of insurance evidencing such insurance shall be furnished to the City prior to commencing construction of the Parklet.

Parklets must comply with all City ordinances and the sidewalk café standards of W.M.C. §5.63.060(b), (d) – (p).

Parklet permits shall be granted for the time period of May 1, 2021 – October 31, 2021 only.

In the event the parking spaces utilized for a Parklet are needed to accommodate an approved Special Event, Parklet permit holder agrees to cooperate with City to remove the Parklet temporarily for the duration of the Special Event at its own expense.

Additional terms and conditions concerning design and construction of the Parklet may be required as necessary and prudent for the public health and safety of traffic, pedestrians and patrons and the unique features of the proposed Parklet area.

**ORDINANCE OF CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE**

Creating temporary ordinance Section 12.44.070 Installation of Parklets.

Committee Action: Approved 5-0

Ordinance Number: 61-5882

Fiscal Impact:

File Number: 21-0411

Date Introduced: April 27, 2021

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

Add ()

Delete (——)

Section 1. That Section 12.44.070 Installation of parklets is hereby created to read as follows:

12.44.070 Installation of parklets. (a) Purpose and intent. The Common Council recognizes that the COVID-19 coronavirus pandemic continues to negatively impact its citizens and local businesses and the need to maximize social distancing between individuals during the COVID-19 pandemic and recovery period remains significant. It further recognizes that restaurants within the City may have particular difficulty providing recommended social distancing while still being able to operate profitably especially given the large amounts of space typically reserved within restaurant establishments for food preparation areas, the need to maintain diner waiting areas, and to permit the operation of serving stations. The Common Council seeks to support the safe operation of its local restaurants by increasing options for outdoor dining that enable them to adhere to physical distancing requirements and recommendations. To that end, recognizing, the need to balance the availability of public parking spaces for patrons of other retail businesses with the provision of addition, flexible, outdoor dining areas, the City has determined to temporarily allow the expansion of restaurant service areas through the installation of Parklets into a certain, limited amount of public parking spaces during the relatively short window of mild Central Wisconsin weather in accordance with the provisions of this ordinance and the City's Temporary Parklet Policy. The City recognizes that because of the need to balance these competing needs, approval of Parklets will necessarily need to be limited to not more than two (2) per block.

(b) Definitions.

(1) "Block" means the distance along a street lying between center lines of two consecutive intersections and includes both sides of the street. "Block face" means one side of the street on a block.

(2) “Full-service restaurant” means a restaurant that as of March 31, 2021, is engaged in the business of providing food and beverage services to patrons who order and are served while seated and pay after eating.

(3) “Limited-service restaurant” means an establishment where food and beverages may be consumed on the premises, taken out, or delivered. Limited service restaurants include cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, ice cream and frozen yogurt shops, and snack bars or bakeries with indoor or outdoor seating for customers.

(4) “Parklet” means a platform that is located in the parking lane of a street, is at the same level as the abutting sidewalk, and is intended to provide additional space and amenities for the adjacent full-service restaurant and its patrons.

(5) “Restaurant” means an establishment requiring a State of Wisconsin restaurant license and whose food sales are greater than 50 percent of its gross receipts. Upon request of the City, owners of establishments shall substantiate the percentage of their gross receipts devoted to food.

(c) Permit requirements. No person shall install or maintain a Parklet in the public right-of-way without obtaining or complying with all of the following:

(1) Submission of an application on a form supplied by the city clerk that includes the information set forth in section 5.63.040(a) of this Code, together with a copy of the applicant’s valid restaurant license, the fee provided in section 3.04.010(a), and a site plan meeting the requirements of the Temporary Parklet Policy .

(2) A Parklet permit issued by the city clerk, approved by the director of public works and utilities. The director of public works and utilities may approve a Parklet permit with reasonable additional conditions appropriate for purposes of public health and safety and the unique features of the proposed Parklet area. The issuance of an approved Parklet permit will stand in place, and in lieu of, a street privilege permit otherwise required under section 12.44.050. No permit will be issued without submission of the required certificate of insurance and execution of an indemnification and hold harmless to the city clerk as required in the Temporary Parklet Policy.

(3) Issuance of any applicable alcohol beverage license as required by ch.5.64, including but not limited to a permanent or temporary extension of the premises, where the service of alcohol beverages to patrons is desired by the establishment.

(4) Issuance of a sidewalk café or temporary sidewalk café permit as required by ch. 5.63 or temporary ordinance section 5.90.020.

(d) Appeal. Any application the director of public works and utilities deems should be denied, or any conditions imposed upon the permit deemed appropriate for purposes of public health and safety and the unique features of the proposed Parklet area by the director of public works and utilities, may be submitted for appeal to the public health and safety committee with the director of public works and utilities’

recommendations, which shall then consider the application and make a recommendation to the Common Council.

(e) Additional requirements.

(1) An approved Parklet may be installed in the public right-of-way only between May 1, 2021 and October 31, 2021. Any Parklet not removed by 11:59 p.m. on October 31, 2021, will be removed by the City and the reasonable cost of removal, storage or other disposal will be charged against the permit holder or each co-applicant for the permit.

(2) Parklets shall comply with all provisions of the City's Temporary Parklet Policy.

(3) Parklets shall comply with the sidewalk café standards set forth in section 5.63.060 (b), (d) – (p).

(4) No building permit shall be required for installation of a Parklet.

(5) Permits issued under this section may not be transferred to another individual, business, corporation, or other entity.

(f) Revocation. A Parklet permit may be suspended or revoked as set forth in section 5.63.100 of this Code.

(g) Application to Section 9.040.026. The provisions of subsections (a) and (b) of 9.04.026 Consumption or possession of intoxicants on streets shall not apply to the service and consumption of alcohol beverages within the area of an approved Parklet.

Section 2. All provisions of City ordinances not specifically altered by this temporary ordinance shall remain in effect.

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

Section 4. This ordinance shall automatically repeal on October 31, 2021, at 11:59 pm; no further action shall be required.

Adopted: 4/27/21

Approved: 4/28/21

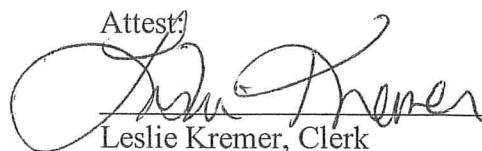
Published: 4/30/21

Attest: 4/28/21

Approved:


Katie Rosenberg, Mayor

Attest:


Leslie Kremer, Clerk

**RESOLUTION OF THE CAPITAL IMPROVEMENTS & STREET
MAINTENANCE COMMITTEE**

Authorizing the addition of fees to the City of Wausau Fees and Licenses Schedule adopted pursuant to Wausau Municipal Code §3.40.010(a). (Parklets)

Committee Action: Approved 5-0

Fiscal Impact:

File Number: 13-0309

Date Introduced: April 27, 2021

RESOLUTION

WHEREAS, the Common Council of the City of Wausau has adopted W.M.C. §12.44.070, Installation of parklets, and the related, companion Temporary Parklet Policy that temporarily allow the expansion of restaurant service into a certain, limited amount of public parking spaces through the installation of Parklets during the period of May 1, 2021 through 11:59 p.m., October 31, 2021; and

WHEREAS, effective implementation of the temporary ordinance and policy requires the adoption of certain fees for the issuance of a permit; and

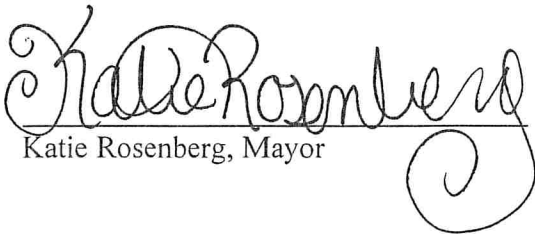
WHEREAS, the City of Wausau has adopted a comprehensive Fees and License Schedule at W.M.C. §3.40.010; and

WHEREAS, your Capital Improvements and Street Maintenance Committee, at its April 8, 2021, meeting, recommends that the City adopt a permit fee of \$40.00 under the newly adopted temporary ordinance and policy and incorporate this as part of the City of Wausau Fees and Licenses Schedule.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Wausau, that a permit fee of \$40.00 is hereby adopted and incorporated into the City of Wausau Fees and Licenses Schedule adopted pursuant to W.M.C. §3.40.010 for permits issued under W.M.C. §12.44.070 authorizing the installation of Parklets into a certain, limited amount of public parking spaces.

BE IT FURTHER RESOLVED, that the permit fee shall expire upon the automatic repeal of W.M.C. §12.44.070, Installation of parklets without further action of this Common Council.

Approved:


Katie Rosenberg, Mayor

Lori Wunsch

From: Eric Lindman
Sent: Monday, May 17, 2021 3:04 PM
To: Lori Wunsch
Subject: Parklets - For Fall CISM Eval

Lori, please keep this for the fall CISM evaluation of the parklets, thanks.

I received a call from Julie at the Mint Café today stating she was not in favor of the parklets as they will be taking up parking spots. She was not notified of the extent of what the impact would be for the parking. She thought that if something like this was to take place there should have been an in person visit from with her River District or City or somebody to explain. She was not aware of the meetings at CISM when these were approved. She felt as though they were not adequately informed and so I let her know I would make sure these comments were included in the record for when the committee evaluates the parklets for future years.

Eric Lindman, P.E.

Director of Public Works & Utilities
City of Wausau
407 Grant St.
Wausau, WI 54403-4783
P: 715-261-6745
C: 715-292-2606



422 NORTH THIRD STREET
WAUSAU, WI 54403

RESTAURANT
715.845.5879

CATERING
715.846.8805

WWW.MINTCAFEWAUSAU.COM

11/10/21

To: Capital Improvements and Street Maintenance Committee of The City of Wausau

Re: Agenda Item #5 Thursday 11/11/21 Meeting – Discussion / Review of Parklets

Hello,

From the interests of The Mint Cafe, thank you for the opportunity to share our perspective on the addition of the parklet on the 400 Block of 3rd. Street, and the prospect of future parklets at different locations.

As we work so hard here to continue to foster the growth and success of our downtown and community as a whole, we felt it imperative to share with you why we feel the addition of Parklets to the downtown area are not in alignment with our visions of the continued growth and success of our award winning downtown.

We are beyond blessed to have great business neighbors and believe wholeheartedly that it takes the diversity of all of us (and more) to continue to make our downtown thrive. Generally, we embrace the changes and new ideas even when they have the potential to have a short-term negative impact on us, knowing the goal is the benefit of a greater good for those around us. As downtown businesses, we all sacrifice at certain times knowing the success of others is of greater value than our own.

We have seen a lot of changes in the 31 years we have operated The Mint, but one thing that hasn't changed, is that the number one complaint we hear from our customers is the lack of convenient parking downtown. The parklet on 3rd street increased those customer complaints exponentially! It's exceptionally disheartening to hear long term regular customers tell us they are going to businesses outside the downtown area solely because they can't find parking within easy walking distance. We know there are literally thousands of parking spots downtown, but ramp and outlying area spots are unequivocally less appealing to the majority of the daily downtown business's clientele, and for all the businesses to sacrifice 2 prime parking spots (and potentially more in the future) for the benefit of a single business, and or a single industry (restaurants) doesn't in our opinion fit the goal of success of the greater good, even as a business in that industry, if we were granted the opportunity to participate in a parklet, we in good conscience to our other neighbors would have to decline.



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From our perspective, the 400 block parklet this summer was basically utilized as a storage facility for the majority of the time. By the time it was opened up for public use we typically had about 10 of our 13.5 hours of daily weekday business over, and the days the using business is closed we had the entire day, where customers could have been using those parking spots, but instead the area was storing tables and chairs. Add to that the number of retail business and other restaurants hours, and that is a lot of sacrifice.

We understand and acknowledge that the bigger cities have been utilizing parklets and have found them to be successful for them. We don't operate a business in Downtown Milwaukee and have no desire for Downtown Wausau to become Downtown Milwaukee. Our award-winning downtown continues to thrive in part because it is Not a big city downtown, but you can still find the amenities of those cities; restaurants, theater, retail, museums etc. within the small town community atmosphere we've been blessed to retain. The large events that bring the crowds that fill the ramps and outlying area parking are great for some of the downtown businesses (not so great for others), but this is not solely what makes our businesses and our downtown successful. As the Main Street America Program noted in their award statement in the 2019 awards, "'Wausau River District has set an example' 'They have shown what's possible if you invest in public spaces, expand partnerships and collaborations, diversify funding sources, and launch programs that respond to the needs of your community.'"

Our community and our businesses need our elderly, our special needs residents, and families with small children to be able to park within comfortable walking distance of our downtown businesses on a daily basis. Ramp and outlying area parking is not conducive to all clientele, the clients are as diverse as the business and we firmly believe it is in the best interest of the whole to do all we can to not decrease, but increase the ease of access to businesses that already struggle with parking constraints. We hope as committee members this helps you to see this vision from our perspective and that you weigh it in along with other perspectives on your final decisions / recommendations.

Thank you for your time, open mindedness, and your support of the continued improvement of our great community!

The Mint Café,

Joe Pepowski – Owner

Lori Wunsch

From: Mark Brushert <jrbrushert@yahoo.com>
Sent: Wednesday, November 10, 2021 1:46 PM
To: Lori Wunsch
Subject: [EXTERNAL] Thursday nights meeting.

As for JR Brushert Jewelers we agree 100% with what The MInt Cafe has written. This was a Summer long burden on all businesses on Third Street. As per Julie Luedkes words, we could not have said it any better.

Respectfully,

Mark and Deb Brushert
JR Brushert Jewelers Inc.
430 Third Street
Wausau, Wi 54403



11-10-2021

To: Capital Improvements and Street Maintenance Committee of The City of Wausau

Re: Agenda Item #5 Thursday 11/11/21 Meeting – Discussion / Review of Parklets

As the owner of La Prima I would like to express my strong opinion of not placing a parklet in the River District Third Street areas.

The number one complaint we hear from our customers is the lack of convenient parking downtown. The parklet on 3rd street, especially in our 300 block would only fuel this fire.

Even thou there are thousands of parking spots downtown, including ramp and outlying area spots this is not conducive to the clientele that visit from outlying communities. The perspective is that the River District is convenient and offers a “unique shopping experience”. We are concerned that taking away “convenient parking locations” will force that demographic to shop outside our Downtown. We also have a large percentage of elderly, special needs residents, and families with small children that frequent our downtown businesses daily. They also require convenience to and from our brick & mortar.

We firmly believe it is in the best interest of the whole to do all we can to not decrease but increase the ease of access to businesses that already struggle with parking constraints.

Thank you for your time,

Rollinda R. Thomas

Lori Wunsch

Subject: FW: [EXTERNAL] CISM Tonight - Public Comment

From: Blake Opal-Wahoske <blake@wausauriverdistrict.org>

Sent: Thursday, November 11, 2021 8:54 AM

To: Mary Goede <Mary.Goede@ci.wausau.wi.us>

Subject: [EXTERNAL] CISM Tonight - Public Comment

Good morning, Mary,

When you have a moment, can you add the comment below to tonight's CISM meeting packet?

Comment from Janke Janke, owner of Janke Book Store:

The 400 Block parklet has not impacted us. However, if Prima Deli were to request taking away 3rd Street parking for a 500 Block parklet, I would be greatly opposed.

Therefore it is important for the committee to look at what potentially could happen to critical high turnover parking on Third Street.

Jane

Best,

--

Blake Opal - Wahoske

Executive Director

Preferred Pronoun: He/Him/His

Wausau River District, Inc.

316 Scott St. Wausau, WI 54403

p: 715.297.1829

e: blake@wausauriverdistrict.org

w: wausauriverdistrict.org

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AGENDA ITEM

Discussion and possible action on 28th Avenue corridor, Pine Ridge Boulevard to West Wausau Avenue

BACKGROUND

The City and the County identified N. 28th Avenue as an important corridor to facilitate traffic movement on the west side of the city. The 'Local Arterial Circulation Plan' which was adopted by the Metropolitan Planning Organization in June 2000, recognized the need for local arterials to take local traffic off STH 29/51 and also provide for alternative routes for vehicles in emergency situations. In response to this need, the County hired Becher Hoppe to develop 30% plans for the future expansion of 28th Avenue. Those plans were used to develop a corridor for the future 28th Avenue. The corridor is based upon a 4-lane roadway. In 2005 both the County and the City Official Mapped the corridor to preserve it for the future construction of 28th Avenue. The official map within the City is attached for reference.

Since the Official City Mapping, the county has been acquiring properties in the City in anticipation of the future build. The City has not made significant improvements to this segment of 28th Avenue in anticipation the County would eventually build the corridor.

On September 9, 2021 the County Infrastructure Committee met to discuss the 28th Avenue corridor, those minutes are attached. From the minutes, no official motion was made or voted on. However, the minutes reflect the committee's wishes not to build 28th Avenue.

City staff and staff from the Village of Maine met with County Highway Commissioner James Griesbach and other County staff to discuss the September 9 County Infrastructure Committee meeting. Commissioner Griesbach reiterated the County's position of not intending to move ahead and build the 28th Avenue corridor. Discussions on what a 2-lane alternative would look like were discussed. Given the amount of traffic on 28th Avenue, City staff does feel the proposed 4-lane section may not be warranted. City staff requested looking at a 2-lane alternative to reduce construction costs and right-of-way impacts. The County did get a proposal from Becher Hoppe to look at a 2-lane corridor. The County requested the City, Village of Maine, and County split the cost 3 ways. That proposal is also attached.

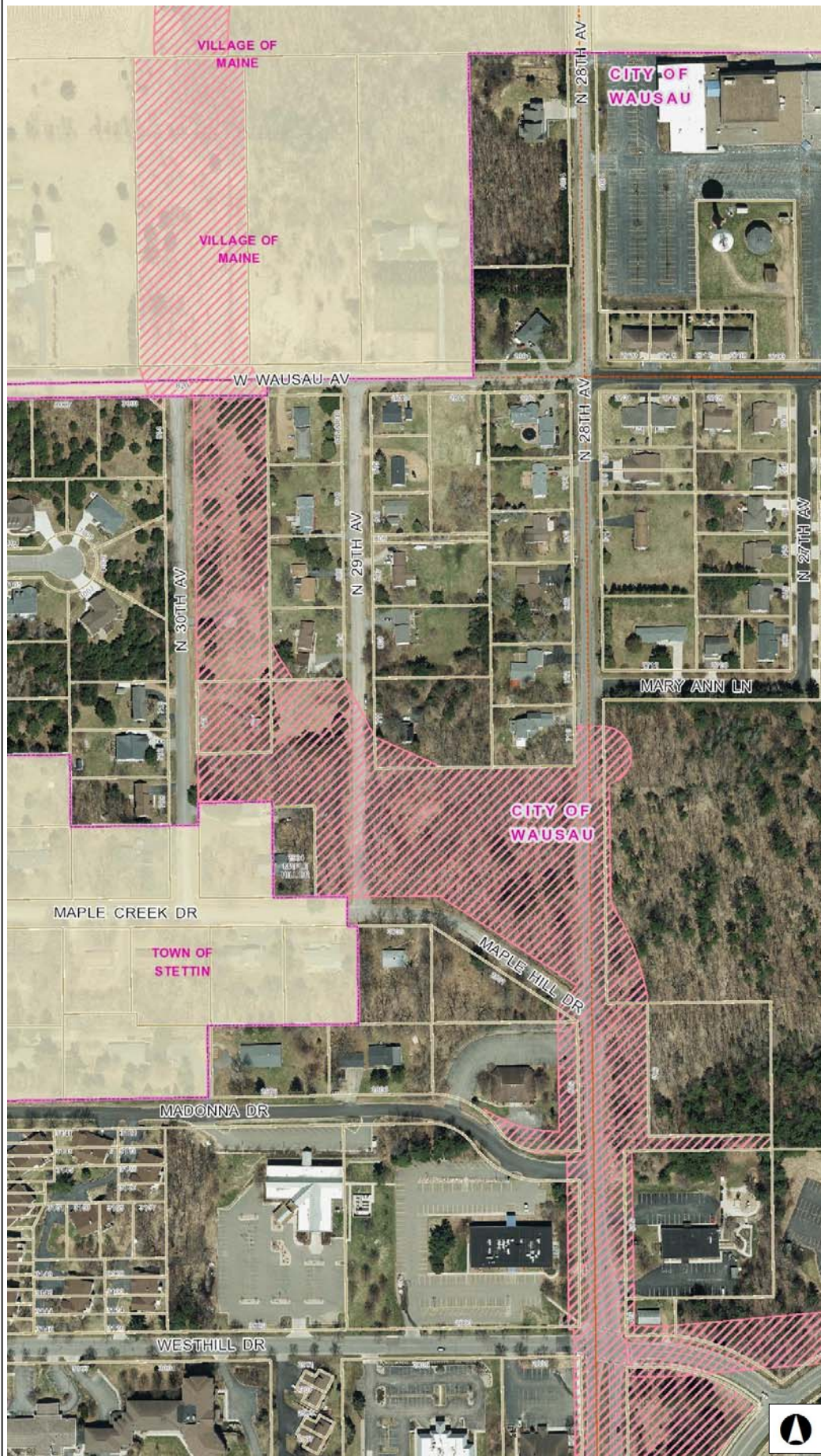
There are two businesses along 28th Ave that are looking at expanding. The proposed 4-lane design alternative, which is Officially mapped, shows the right-of-way needed and it requires purchasing some of the private business properties. Because the expansion of the business is proposed to encroach in the area on the City Official City Map, the businesses are not allowed to get approved permits. Since the traffic counts now, and in the future, do not warrant a 4-lane road it would be beneficial to design the new corridor with a 2-lane road to determine if the area on the Official City map may be reduced and allow the businesses to move forward with their plans.

The project was also discussed at the MPO and both the Village of Maine and City of Wausau would like this project to move forward and be a possibility for the future.

FISCAL IMPACT
While cost estimates have not been developed at this time, the impact of the County not building the 28th Avenue corridor will have a significant financial impact on the City of Wausau. The fiscal impact to the City contributing one third of the cost of the 2-lane alternative design study is \$5,670.
STAFF RECOMMENDATION
Staff is concerned with the County changing course and not supporting the 28th Avenue corridor. DPW staff have been putting temporary fixes on 28th Avenue since 2005 in anticipation of the County rebuilding. Engineering staff has also taken numerous complaints and questions over the years and have always deferred to the County's plan to build the corridor.
Staff contact: Allen Wesolowski 715-261-6762



- Legend**
- Parcel
 - Section Line/Number
 - Official City Feature
 - Municipality



Map Created: 10/29/2021

100.00 0 100.00 Feet

NAD_1983_HARN_WISCRS_Marathon_County_Feet

DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



MARATHON COUNTY INFRASTRUCTURE COMMITTEE MEETING MINUTES

Thursday, September 9, 2021, 9:00 a.m.
Marathon County Courthouse, Wausau, WI

Attendance:	Present	Excused	Absent
Sandi Cihlar, Chair	x		
John Robinson	x		
Jeff Johnson	x		
Alan Christensen	x		
Richard Gumz	x		
Chris Dickinson	x		

Also Present: James Griesbach, Kendra Pergolski, Kevin Lang, Judy Pagryzinski, Jean Maszk, Michael Puerner, Carol Wesley, Randy Fifrick, Eric Lindman, Betty Hoenisch, Jamie Polley, Dale Schimacher, Keith Rausch, Dave Mack, Steve Schneider

1. **Call Meeting to Order:** The meeting was called to order by Chair Cihlar at 9:00 a.m.
2. **Public Comment:** Judy Pagryzinski of Ringle, representing Rural Riders, addressed the committee requesting that more roads be open to ATV/UTV use in the county as well as extended hours of operation.

Kevin Clint of Stratford expressed support of opening county roads to ATV/UTV use.

Carol Wesley of the Achieve Center, Wausau, approached the committee regarding the 28th Avenue corridor. Wesley stated that she believed that traffic does not justify a new corridor and that the existing roadway needs improvement: sidewalks, crosswalks, bikes lanes.

Jeanne Maszk stated she also received calls of support regarding the ATV/UTV request.

3. **Approval of the Minutes of the August 5, 2021, Infrastructure Committee Meetings**
MOTION BY CHRISTENSEN, SECOND BY DICKINSON, TO APPROVE THE MINUTES OF THE AUGUST 5, 2021, INFRASTRUCTURE COMMITTEE MEETING. MOTION CARRIED.
4. **Policy Issues Discussion and Potential Committee Determination:**
 - A. Review of Right of Way Corridor Along 28th Avenue Potential Sale/Acquisition
Discussion: Dave Mack addressed the committee with details on the implementation of the Local Circulation Plan which included the realignment of the 28th corridor developed in 2002. Mack educated the committee on the “loop” concept in which the plan was designed around. Mack cited that with the traffic changes, said loop never materialized. Committee discussion ensued and it was determined that without the expected development, the corridor/bypass is no longer necessary.
Action: MOTION BY ROBINSON TO DIRECT STAFF TO DEVELOP AND STUDY OFFICIAL MAPPING OF AREA AND REPORT BACK TO COMMITTEE WITHIN SIX MONTHS. NO SECOND. MOTION DOES NOT CARRY.
COMMITTEE MEMBERS WISH TO MAKE A STATEMENT OF INTENT TO ABANDON PREVIOUS PLAN AND MOVE FORWARD WITH DISCUSSIONS WITH THE CITY OF WAUSAU TO DETERMINE NEXT ACTION.
Follow through: N/A
 - B. Use of ATV/UTV on County Highway System
Discussion: Griesbach provided the committee with a potential new way to open roads in the county which consists of a yearly application and new considerations. Committee members discussed if this new process would be beneficial to riders or more hindering.
Action: MOTION BY CHRISTENSEN, SECOND BY DICKINSON, TO OPEN ROADS WITH LESS THAN ONE THOUSAND FIVE-HUNDRED (1500) TRAFFIC COUNT PER DAY. – MOTION WITHDRAWN.

MOTION BY DICKINSON, SECOND BY CHRISTENSEN, TO OPEN ALL ROADS FROM 5AM-12AM WITH A RESTRICTION ON COUNTY ROAD N, X, K & LISTING ON R.—MOTION WITHDRAWN.

MOTION BY DICKINSON, SECOND BY CHRISTENSEN, TO GENERATE A MAP OF COUNTY HIGHWAYS (OUTSIDE OF MPO BOUNDARY) BASED ON THE EXHIBIT ILLUSTRATING ROADS OF 1500 CARS OR LESS A DAY AND INCREASING THE HOURS OF OPERATION TO 5AM-12AM . MOTION CARRIED.
Follow through: Map to be brought before committee at October meeting for final review in order to move to county board.

C. Broadband Project

Discussion: Steve Schneider of Bugtussle updated the committee with their objectives of installing fiber rings to critical, underserved locations within the county. He touched on the speed of service expected as well as expected grants and funding sources.

Action: MOTION BY ROBINSON, SECOND BY JOHNSON, TO RECOMMEND ENTERING INTO RESOLUTION SUBJECT TO ADVICE FROM BOND COUNSEL AND FINANCIAL ADVISOR. MOTION CARRIED.

5. **Operational Functions required by Statute, Ordinance, or Resolution:**

A. 2021 Marathon County Bridge Aid Resolution

Discussion: Lang provided the committee with the proposed projects.

Action: MOTION BY ROBINSON, SECOND BY DICKINSON, TO APPROVE PROPOSED 2021 CULVERT/BRIDGE AID. MOTION CARRIED.

6. **Educational Presentations and Committee Discussion:**

A. Cyber Security Update

Discussion: Dale Schimacher provided the committee with a presentation regarding cyber security including: Optiv and related framework, data security, risk evaluation, asset management, ransomware, ability to rectify if hacked.

B. CCIT Update

Discussion: Report provided.

C. Commissioner's Report

Discussion: Report provided.

D. Camp Phillips/Ross Avenue Intersection Improvement

Discussion: Griesbach updated the committee with the plans to add a round-about to the intersection of Highway X and Ross Avenue in Weston.

7. **Announcements:**

A. Future meetings and location, agenda topics
October 7, 9:00 AM, Marathon County Courthouse

8. **Adjourn**

MOTION TO ADJOURN BY CHRISTENSEN, SECOND BY JOHNSON. MOTION CARRIED.
MEETING ADJOURNED AT 11:17 AM.

Minutes prepared

By Kendra Pergolski on September 9, 2021.



330 N. 4th Street, Wausau, WI 54403-5417
715-845-8000 | becherhoppe.com

SERVICES AGREEMENT

October 7th, 2021

Marathon County Highway Department
Kevin Lang P.E., Project Superintendent
1430 West St
Wausau, WI 54401

This is an Agreement for services between Becher-Hoppe Associates, Inc., Wausau, Wisconsin (Consultant) and Marathon County Highway Department (Client) for professional engineering and related technical services.

General

Marathon County desires to evaluate the planned 28th Avenue corridor from Westhill Drive to CTH K. The corridor plan includes a previously preliminary designed segment of 4-lane roadway that Marathon County wants to evaluate changing to 2-lanes to reduce real estate impacts and construction costs.

Scope of Services

The Scope includes engineering services to revise the 28th Avenue corridor layout plan drawings to a 2-lane roadway. Deliverables include:

1. Exhibit with two typical roadway cross sections, in printed hard copy and digital formats
2. Roll plot of the full-length revised corridor plan and real estate needs, printed hard copy and digital formats
3. Opinion of Probable Construction Cost
4. Submit plans for client review
5. Coordination and project management

The Scope of Services includes the following tasks:

Task 1 Revise existing corridor layout exhibit drawings to illustrate 2-lane roadway configuration

The layout exhibit will be revised to show a 2-lane roadway the full corridor length. A 2-lane urban section with curb and gutter and sidewalks will be used from Westhill Drive to West Wausau Avenue. Then from West Wausau Avenue to CTH K the roadway will be a rural 2-lane section matching county highway arterial design standards.

Task 2 Determine Real Estate Impacts

Right of way widths will be determined by running cross sections along the alignment and identifying slope intercept points. The existing ground surface model used for the original corridor design will be used to determine slope intercept points. No field survey work is included. Right of way needs will be plotted on the revised corridor plan layout.

Task 3 Prepare Opinion of Probable Cost

Consultant will prepare an opinion of probable construction cost for the revised 2-lane corridor layout.

Task 4 Client Review

Consultant will provide with Client with the revised corridor layout plan and identify edits needed.

Task 5 Coordination and Project Management

Consultant Project Manager will coordinate with Client on cross section and corridor layout elements to resolve questions and issues during this assignment.

Completion Dates

Notice to Proceed	October 15, 2021
Review deliverables	November 19 th , 2021
Provide final deliverables	December 9 th , 2021
Consultant services completed	December 31 st , 2021

Basis for Compensation

Compensation for services will be at Consultant's standard billing rates and expenses estimated to be up to \$17,000.

The consultant anticipates the following work hour breakdown.

80 hours - CAD Technician
16 hours - Civil 3D Designer
56 hours - Project Engineer

Project Personnel

The Consultant Project Manager will be Matt Graun who may be reached at telephone 715-316-2241 or email at mgraun@becherhoppe.com. If the Project Manager is unavailable, the secondary contact will be Dan Gerling, 715-845-0406, dgerling@becherhoppe.com.

Standard Consultant Provisions

Included as part of this Agreement are our Standard Agreement Provisions, which are, hereby, made a part of this Agreement.

Acceptance

Return a scanned image of executed Agreement via email to the Project Manager. This Agreement is valid for thirty (30) days.

Signature

Becher-Hoppe Associates, Inc. (Consultant)

President

Title

10/08/2021

Date

Marathon County Highway Department (Authorized agent of Client)

Title Date



Becher-Hoppe Associates, Inc. Standard Agreement Provisions

1. Billings and Payments

Becher-Hoppe Associates, Inc. (Consultant) will provide Client with monthly invoices. Payment is due upon receipt. Amounts unpaid after 30 days will bear interest of 1.5% per month (18% annually) until paid.

2. Construction Phase Services

If this Agreement provides for any construction phase services by Consultant, it is understood that the Contractor, not Consultant, is responsible for the construction of the project, and that Consultant is not responsible for the acts or omissions of any contractor, subcontractor or material supplier; for safety precautions, programs or enforcement; or for construction means, methods, techniques, sequences and procedures employed by the Contractor.

3. Dispute Resolution

Client and Consultant agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this Agreement to mediation in accordance with the Construction Industry Mediation Rules of the American Arbitration Association in effect at the date of this agreement.

4. Force Majeure

Neither party shall be deemed in default of this Agreement to the extent that any delay or failure in the performance of its obligations results from any cause beyond its reasonable control and without its negligence.

5. Hazardous Environmental Conditions

It is acknowledged by both parties that Consultant's scope of services does not include any services related to the presence at the site of asbestos, PCB's, petroleum, hazardous waste or radioactive materials. Client acknowledges that Consultant is performing professional services for Client and Consultant is not and shall not be required to become an "arranger," "operator," "generator" or "transporter" of hazardous substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1990 (CERCLA).

6. Indemnification

Client and Consultant each agree to indemnify and hold the other harmless, and their respective officers, employees, agents and representatives from and against liability for all claims, losses, damages and expenses, including reasonable attorney's fees, to the extent such claims, losses, damages, or expenses are caused by the indemnifying party's negligent acts, errors or omissions. In the event claims, losses, damages or expenses are caused by the joint or concurrent negligence of Client and Consultant, they shall be borne by each party in proportion to its negligence.

7. Opinion of Cost

When included in Consultant's scope of services, opinions or estimates of probable construction cost are prepared on the basis of Consultant's experience and qualifications and represent Consultant's judgment as a professional generally familiar with the industry. However, since Consultant has no control over the cost of labor, materials, equipment or services furnished by others, over contractor's methods of determining prices, or over competitive bidding or market conditions, Consultant cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from Consultant's opinions or estimates of probable construction cost.

8. Standard of Care

The standard of care for all professional services performed or furnished by Consultant under this Agreement will be the skill and care used by members of Consultant's profession practicing under similar circumstances at the same time and in the same locality. Consultant makes no warranties, express or implied, under this Agreement or otherwise, in connection with Consultant's services.

9. Termination of Contract

Client may terminate this Agreement with seven days' prior written notice to Consultant. Failure of Client to make payments when due shall be cause for suspension of services or, ultimately, termination, unless and until Consultant has been paid in full all amounts due for services, expenses and other related charges.

10. Ownership of Documents

All documents prepared or furnished by Consultant pursuant to this Agreement are instruments of Consultant's professional service, and Consultant shall retain an ownership and property interest therein. Consultant grants Client a license to use instruments of Consultant's professional service for the purpose of constructing, occupying and maintaining the Project. Reuse or modification of any such documents by Client, without Consultant's written permission, shall be at Client's sole risk, and Client agrees to indemnify and hold Consultant harmless from all claims, damages and expenses, including attorney's fees, arising out of such reuse by Client or by others acting through Client.

11. Use of Electronic Media

Copies of documents that may be relied upon by Client are limited to the printed copies, (also known as hard copies) which are signed or sealed by Consultant. Files in electronic media format or text, data, graphic or other types that are furnished by Consultant to Client are only for convenience of Client. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk. When transferring documents in electronic media format, Consultant makes no representations as to long-term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems or computer hardware differing from those in use by Consultant at the beginning of this assignment.