

## NOTICE OF PUBLIC MEETING

### CITY OF CHIPPEWA FALLS, WISCONSIN

IN ACCORDANCE with the provisions of Chapter 19, Subchapter IV of the Statutes of the State of Wisconsin, notice is hereby given that a public meeting of the:

**Board of Public Works: XXX**

**Reasonable accommodations for participation by individuals with disabilities will be made upon request. Please call 715-726-2736.**

Will be held on **Monday, March 8, 2021 at 5:30 P.M. in the City Hall Council Chambers**, Chippewa Falls, Wisconsin. The Mayor and Board of Public Works members may not be physically present at the meeting but may attend remotely. The meeting may be viewed via livestream at the [www.chippewafalls-wi.gov](http://www.chippewafalls-wi.gov) live stream link. **The meeting will be conducted via Webex. The meeting number is 133 052 5685 and the Meeting Password is Chippewa1. To participate by phone, please call 1 415 655 0002.** Items of business to be discussed or acted upon at this meeting are shown on the attached Agenda or listed below:

**NOTE: If you are a board member and unable to attend this meeting, please contact the Engineering Dept. at 726-2736.**

1. Approve the minutes of the February 22, 2021 Board of Public Works meeting. *(Attachment)*
2. Consider attached Staging/Laydown Site Lease with Northern States Power Company. Make recommendation to the Common Council. *(Attachment)*
3. Consider the attached petition to discontinue and vacate the alley bounded by Central Street, Herschel Street, Grand Avenue and vacated Marshall Street in Block #2, C, L and B Company addition. Make recommendation to the Common Council. *(Attachment)*
4. Consider the attached petition to discontinue and vacate Marshall Street between Spring Street and Central Street. Make recommendation to the Common Council. *(Attachment)*
5. Consider the attached petition to discontinue and vacate Mansfield Street between Bluff View Circle West/Stelter Lane and USH #53. Make recommendation to the Common Council. *(Attachment)*
6. Adjournment

**NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THEY HAVE DECISION MAKING RESPONSIBILITY.**

Please note that attachments to this agenda may not be final and are subject to change.  
This agenda may be amended as it is reviewed.

### **CERTIFICATION**

I hereby certify that a copy of this Notice was placed in the Chippewa Herald mailbox, 1<sup>st</sup> floor, City Hall and posted on the City Hall Bulletin Board on Wednesday, March 3, 2021 at 9:00 AM by Mary Bowe.

**CITY OF CHIPPEWA FALLS  
BOARD OF PUBLIC WORKS  
MEETING MINUTES  
MONDAY, FEBRUARY 22, 2021 – 5:30 PM**

The Board of Public Works met in City Hall on Monday, February 22, 2021 at 5:30 PM. The meeting was live streamed from the council room in City Hall. Attending remotely were Mayor Greg Hoffman, Director of Public Works Rick Rubenzer P.E., Finance Manager Lynne Bauer, Alderperson Paul Olson and Darrin Senn.

1. **Motion** by Bauer, seconded by Senn to approve the minutes of the February 8, 2021 Board of Public Works meeting. **All present voting aye. MOTION CARRIED.**
  
2. The Board of Public Works considered the attached Amendment to Agreement with Ayres Associates, Inc. for Nelson Road Landfill Groundwater Sampling, Analysis and Reporting. Director of Public Works Rubenzer noted that \$7,900 was budgeted for 2021, \$8,061 was spent in 2020 and the proposed 2021 contract amount was \$9,300. He proposed using excess funds from the warning siren account if necessary. Alderperson Olson asked if other proposals were requested and how long monitoring would continue? Director of Public Works Rubenzer stated no other proposals were sought but other proposals could be requested for 2022. He continued that monitoring would continue indefinitely.  
**Motion** by Senn, seconded by Rubenzer to recommend the Common Council approve the attached Amendment to Agreement with Ayres Associates, Inc. for Nelson Road Landfill Groundwater Sampling, Analysis and Reporting. Mayor Hoffman requested a roll call vote. **Voting aye were Senn, Rubenzer, Hoffman, Olson and Bauer. No one opposed. MOTION PASSED ON A 5-0 VOTE.**
  
3. The Board of Public Works considered the attached street light agreement with Xcel Energy for a possible street light on the north side of Cashman Drive, east of STH #178. The December 21, 2020 Board of Public Works recommended attaching a support arm and street light to an existing pole. After consulting with Xcel Energy, a new transformer and street light pole would need to be installed at an approximate \$3,000 cost. Director of Public Works Rubenzer stated since this was significantly different than attaching a support arm and fixture to an existing pole, this item was brought back to the Board of Public Works for further discussion. Director of Public Works Rubenzer stated Advanced Laser had indicated a willingness to participate in costs for the street light and had been emailed an agenda but no Advanced Laser representatives were in attendance. After a short discussion about differences in individual bid items;  
**Motion** by Hoffman, seconded by Senn to table any action on the agreement until Director of Public Works Rubenzer had a chance to discuss with Advanced Laser. In discussion, Alderperson Olson suggested referring to Committee #3.  
**Mayor Hoffman withdrew his motion.**  
**Motion** by Olson, seconded by Hoffman to recommend the Common Council refer the attached street light agreement with Xcel Energy for a possible street light on the north side of Cashman Drive, east of STH #178 to Committee number three for action. **All present voting aye. MOTION CARRIED.**
  
4. **Motion** by Olson, seconded by Senn to adjourn. **All present voting aye. MOTION CARRIED.** The Board of Public Works meeting adjourned at 5:49 P.M.

Richard J. Rubenzer, PE  
Secretary, Board of Public Works

## STAGING/LAYDOWN SITE LEASE

THIS AGREEMENT (the “**Lease**”), made this \_\_\_\_ day of \_\_\_\_\_, 2021 between, The City of Chippewa Falls, Wisconsin, hereinafter called "**Lessor**", and NORTHERN STATES POWER COMPANY, a Wisconsin Corporation, hereinafter called "**NSP**";

### WITNESSETH:

That Lessor does hereby lease unto NSP, its employees, assigns and contractors, and NSP does hereby accept from Lessor that certain real estate within the County of Chippewa, State of Wisconsin, described as follows: that certain parcel of land with a Parcel I.D. Number known as 22808-0711-70586001 (the “**Lease Area**”) as depicted on the attached “**Exhibit A**”.

NSP desires permission to use the Lease Area for the temporary construction of storage and office space, refueling equipment, tree removal, temporary storage of chipped bedrock and site access as part of a cooperative effort by and between NSP and the Lower Chippewa River Settlement Implementation Team (IT) to reduce fish stranding below the spillway at the Chippewa Falls Hydroelectric Project. (collectively, the “**Permitted Use**”), and

Excess chipped bedrock may be made available for use by the Lessor.

This Lease also includes the right of NSP to have reasonable access to said Lease Area. Such access and use shall be generally followed as noted on Exhibit A.

The term of this Agreement shall begin February 1, 2021 and end December 31, 2021 (the “**Initial Term**”). In the incident that this property is transferred before the end of the term, NSP shall have authorization to use the property through the term as designated in this agreement. Lessor shall notify any buyer of the property regarding this agreement. NSP shall accept the leased premises in an “as is” condition.

NSP shall accommodate the Lessor’s scheduled events in respect to the use of the property. Scheduled events as described include Chippewa Falls’ Pure Water Days fireworks celebration.

NSP shall accommodate the Lessor’s use of the property as needed for snow storage.

NSP agrees to restore all damages to landscaping, roads and driveways and other Lessor personal property at the Lease Area caused by NSP’s exercise of the lease rights granted herein. Claims on account of such damages may be referred to NSP’s Siting and Land Rights Department.

NSP, at NSP’s expense, shall obtain and keep in full force during the term of this Lease a policy of combined single limit bodily injury and property damage insurance written on an occurrence basis insuring NSP (with Lessor as an additional insured) against any liability arising

out of NSP's use and occupancy of the Lease Area. The insurance shall be in an amount not less than Two Million Dollars (\$2,000,000) per occurrence. The policy shall provide blanket contractual liability coverage. The insurance to be maintained by NSP shall be primary and not contributory to any other insurance maintained by Lessor. NSP shall deliver to Lessor a certificate of insurance prior to commencement of the term of this Lease and a renewal certificate of insurance shall be delivered to Lessor not less than ten (10) days prior to the expiration of the then current policy.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed as of the day and year first above written.

**LESSOR:**

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

Name: \_\_\_\_\_

Its: \_\_\_\_\_

**NORTHERN STATES POWER COMPANY,  
a Wisconsin corporation**

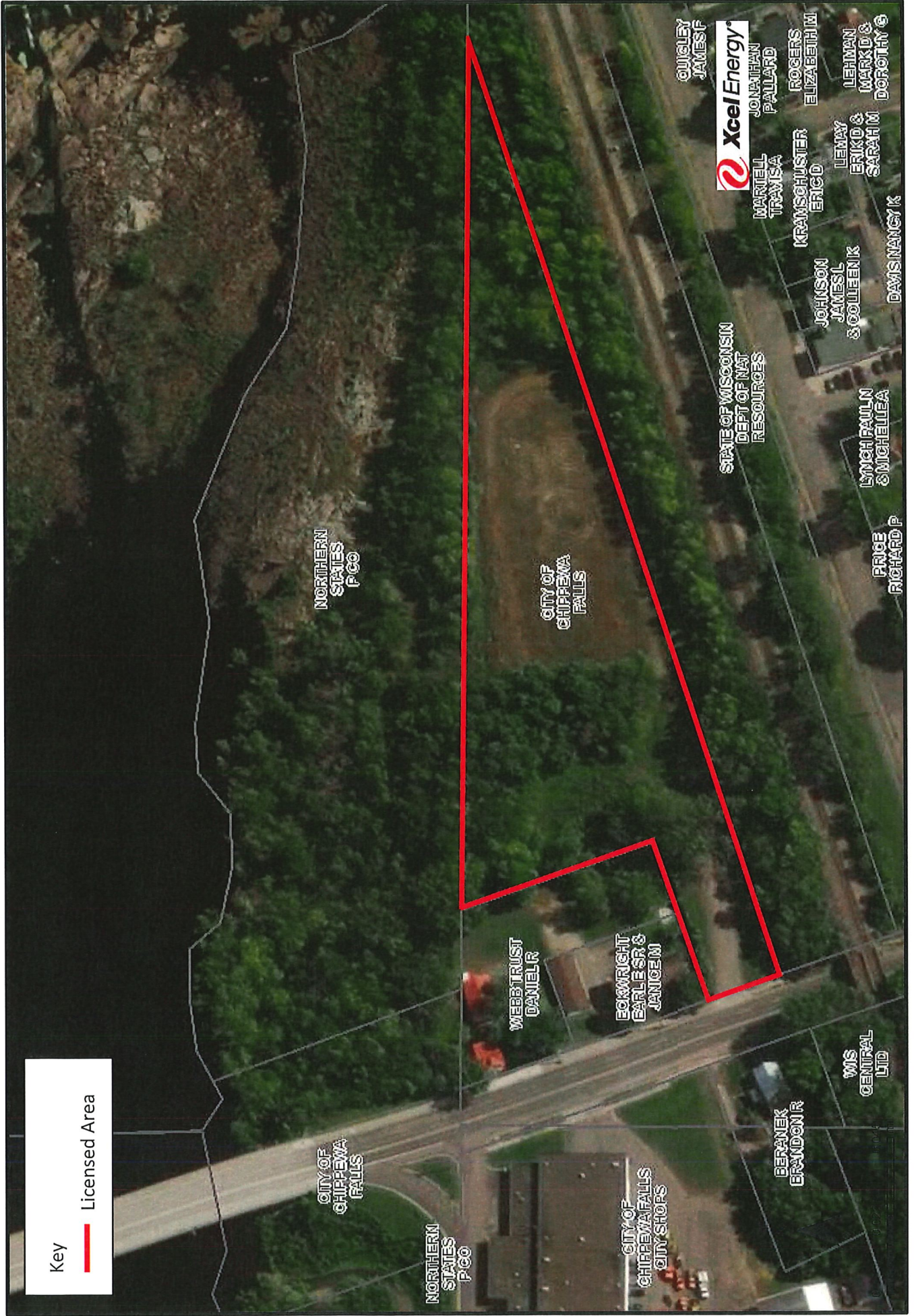
By: \_\_\_\_\_

Name: \_\_\_\_\_

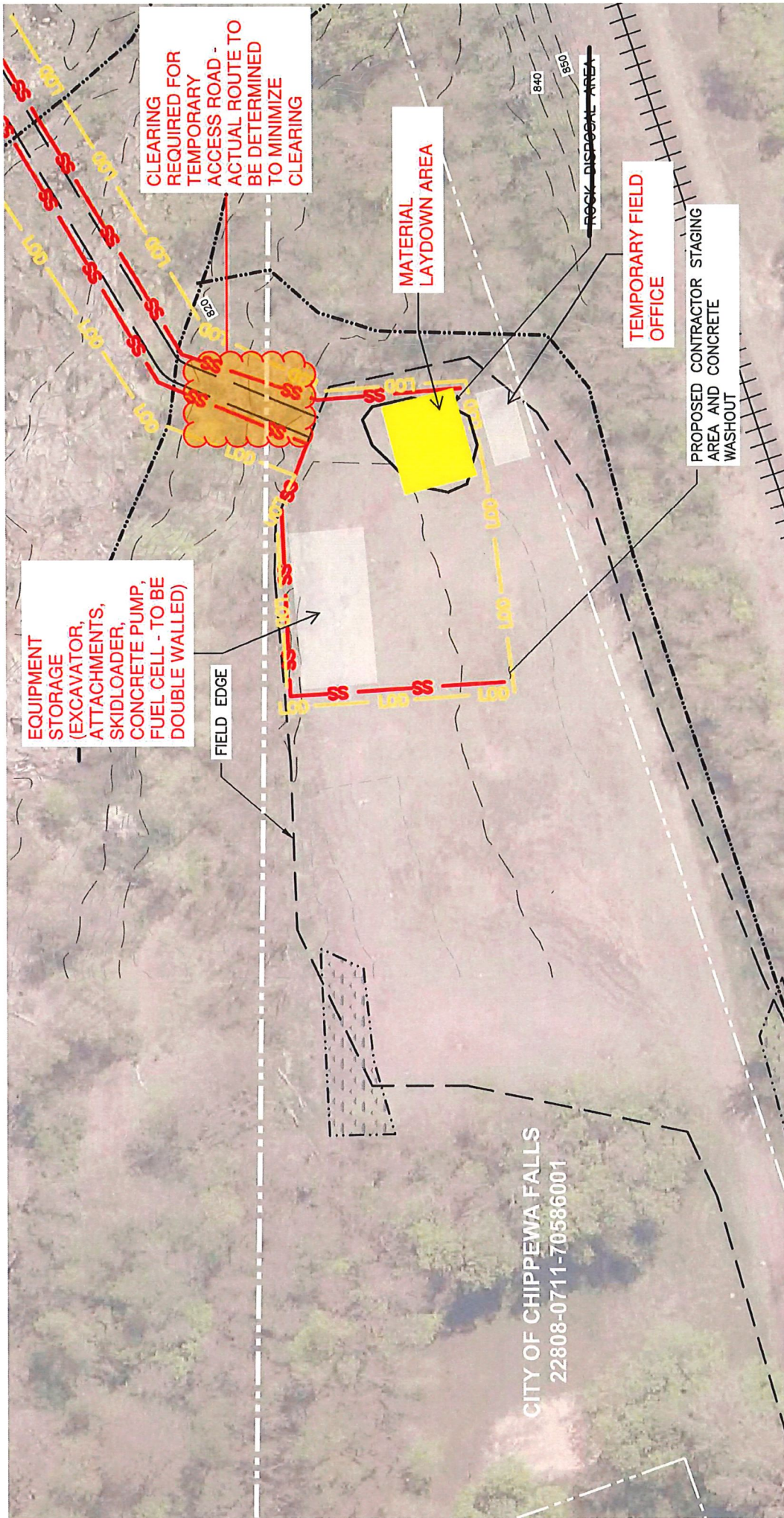
Its: \_\_\_\_\_

**Exhibit A**  
**Lease Area**

# Exhibit A - Staging/Laydown Site Lease



# EXHIBIT A







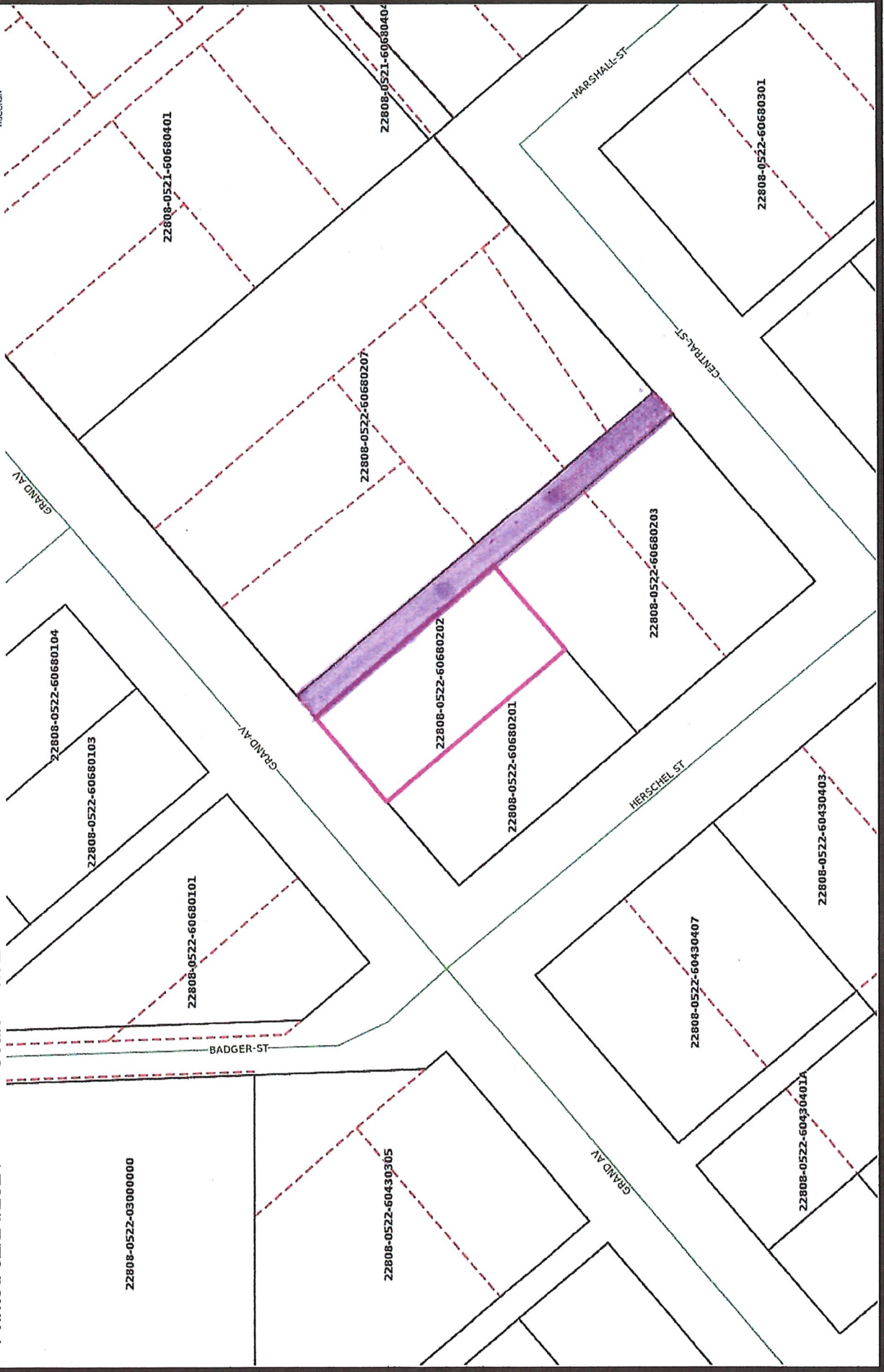
Circulated by: GEORGE ROAMEYER

*George Roameyer*

# Alley Vacating

Printed 02/24/2021

Scale = 1:72'



**Disclaimer:** This map is a compilation of records as they appear in the Chippewa County Offices affecting the area shown and is to be used only for reference purposes.

Mayor Gregory Hoffman and  
Members of the Chippewa Falls City Council  
30 W Central St  
Chippewa Falls, WI 54729

Dear Mayor Hoffman and Members of the Chippewa Falls City Council:

We are requesting the discontinuance of all City right-of-way located on Marshall Street, between Central Street and Spring Street. Discontinuance of this will address the following concerns:

- Loss of on-street parking at Four Sisters' facility upon reconstruction of Marshall Street
- Number of vehicles traveling at dangerous speeds thru Chippewa County employee parking lot
- Costly assessment to Chippewa County, who has very little access to the Marshall Street frontage along the western side of their property

We believe it would be in the public's best interest to cancel the substantial reconstruction project that is currently being considered and transfer ownership of this area to Four Sisters, Inc. Four Sisters, Inc. and Chippewa County are in agreement to grant each other any required easements for any access to either's property.

Sincerely,

 3-2-21

Rick Payton (date)

Owner – Four Sisters Inc.  
720 East Spring Street  
Chippewa Falls, WI 54729  
(512) 484-4501  
[rick@flatjack.com](mailto:rick@flatjack.com)

 3-2-21

Brian Kelley (date)

Chippewa County Highway Commissioner  
801 East Grand Avenue  
Chippewa Falls, WI 54729  
(715) 726-7914  
[bkelly@co.chippewa.wi.us](mailto:bkelly@co.chippewa.wi.us)









**66.1003 Discontinuance of a public way.**

- (1) In this section, "public way" means all or any part of a road, street, slip, pier, lane or paved alley.
- (2) The common council of any city, except a 1st class city, or a village or town board may discontinue all or part of a public way upon the written petition of the owners of all the frontage of the lots and lands abutting upon the public way sought to be discontinued, and of the owners of more than one-third of the frontage of the lots and lands abutting on that portion of the remainder of the public way which lies within 2,650 feet of the ends of the portion to be discontinued, or lies within so much of that 2,650 feet as is within the corporate limits of the city, village or town. The beginning and ending of an alley shall be considered to be within the block in which it is located. This subsection does not apply to a highway upon the line between 2 towns that is subject to s. 80.11.
- (3) The common council of any city, except a 1st class city, or a village or town board may discontinue all or part of an unpaved alley upon the written petition of the owners of more than 50% of the frontage of the lots and lands abutting upon the portion of the unpaved alley sought to be discontinued. The beginning and ending of an unpaved alley shall be considered to be within the block in which it is located. This subsection does not apply to a highway upon the line between 2 towns that is subject to s. 80.11.
- (4)
  - (a) Notwithstanding subs. (2) and (3), proceedings covered by this section may be initiated by the common council or village or town board by the introduction of a resolution declaring that since the public interest requires it, a public way or an unpaved alley is vacated and discontinued. No discontinuance of a public way under this subsection may result in a landlocked parcel of property.
  - (b) A hearing on the passage of a resolution under par. (a) shall be set by the common council or village or town board on a date which shall not be less than 40 days after the date on which the resolution is introduced. Notice of the hearing shall be given as provided in sub. (8), except that in addition notice of the hearing shall be served on the owners of all of the frontage of the lots and lands abutting upon the public way or unpaved alley sought to be discontinued in a manner provided for the service of summons in circuit court at least 30 days before the hearing. When service cannot be made within the city, village or town, a copy of the notice shall be mailed to the owner's last-known address at least 30 days before the hearing.
  - (c) Except as provided in this paragraph, no discontinuance of the whole or any part of a public way may be ordered under this subsection if a written objection to the proposed discontinuance is filed with the city, village or town clerk by any of the owners abutting on the public way sought to be discontinued or by the owners of more than one-third of the frontage of the lots and lands abutting on the remainder of the public way which lies within 2,650 feet from the ends of the public way proposed to be discontinued or which lies within that portion of the 2,650 feet that is within the corporate limits of the city, village or town. If a written objection is filed, the discontinuance may be ordered only by the favorable vote of two-thirds of the members of the common council or village or town board voting on the proposed discontinuance. An owner of property abutting on a discontinued public way whose property is damaged by the discontinuance may recover damages as provided in ch. 32. The beginning and ending of an alley shall be considered to be within the block in which it is located.
  - (d) No discontinuance of an unpaved alley shall be ordered if a written objection to a proposed discontinuance is filed with the city, village or town clerk by the owner of one parcel of land that abuts the portion of the alley to be discontinued and if the alley provides the only access to off-street parking for the parcel of land owned by the objector.
- (5) For the purpose of this section, the narrowing, widening, extending or other alteration of any road, street, lane or alley does not constitute a discontinuance of any part of the former road, street, lane or alley, including any right-of-way, which is included within the right-of-way for the new road, street, lane or alley.
- (6) Whenever any of the lots or lands subject to this section is owned by the state, county, city, village or town, or by a minor or incompetent person, or the title to the lots or lands is held in trust, petitions for discontinuance or objections to discontinuance may be signed by the governor, chairperson of the board of supervisors of the county, mayor of the city, president of the village, chairperson of the town board, guardian of the minor or incompetent person, or the trustee, respectively, and the signature of any private corporation may be made by its president, secretary or other principal officer or managing agent.
- (7) The city council or village or town board may by resolution discontinue any alley or any portion of an alley which has been abandoned, at any time after the expiration of 5 years from the date of the recording of the plat by which it was dedicated. Failure or neglect to work or use any alley or any portion of an alley for a period of 5 years next



preceding the date of notice provided for in sub. (8) shall be considered an abandonment for the purpose of this section.

- (8) Notice stating when and where the petition or resolution under this section will be acted upon and stating what public way or unpaved alley is proposed to be discontinued shall be published as a class 3 notice under ch. 985.
- (9) In proceedings under this section, s. 840.11 shall be considered as a part of the proceedings.

**History:** 1973 c. 189 s. 20; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1975 c. 46; 1993 a. 184, 246, 491; 1995 a. 239; 1999 a. 150 ss. 265, 337 to 343; Stats. 1999 s. 66.1003.

**Cross-reference:** See s. 236.43 for other provisions for vacating streets.

The enactment of sub. (2m) did not eliminate any vested rights of abutting property owners. *Miller v. City of Wauwatosa*, 87 Wis. 2d 676, 275 N.W.2d 876 (1979).

Who are a property owners with veto rights under sub. (2) (c) is discussed. *Voss v. City of Middleton*, 162 Wis. 2d 737, 470 N.W.2d 625 (1991).