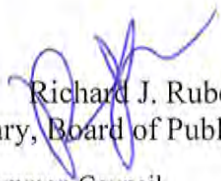


**CITY OF CHIPPEWA FALLS  
BOARD OF PUBLIC WORKS  
MEETING MINUTES  
MONDAY, SEPTEMBER 9, 2013 – 5:30 PM**

The Board of Public Works met in City Hall on Monday, September 9, 2013 at 5:30 PM. Present were Mayor Greg Hoffman, Director of Public Works Rick Rubenzer, Finance Manager Lynne Bauer and Darrin Senn. Absent was Alderperson George Adrian. Also, present at the meeting: Assistant City Engineer Matt Decur and Paul Canfield representing Two Rivers Real Estate LLC.

1. **Motion** by Bauer, seconded by Rubenzer to approve the minutes of the August 26, 2013 Board of Public Works meeting. **All present voting aye. MOTION CARRIED.**
  
2. Paul Canfield appeared on behalf of Two Rivers Real Estate LLC to request a Street Privilege Permit, (draft attached), to use part of unopened Northway Drive right-of-way for a commercial driveway. Rubenzer noted that access from STH #178 to Parcel #4050.119 would not be allowed. In addition, an access to CTH "S" would probably require a traffic impact study and would not be allowed West of Northway Drive. Mr. Canfield stated that Two Rivers would also require an easement across the 50' wide strip of Xcel Energy owned land between CTH "S" and the North end of unopened Northway Drive. Senn noted that the 50' wide parcel could be included on the Street Privilege Permit. Rubenzer stated that Street Privilege Permits are granted according to State Statute 66.0425, which is attached for reference.  
**Motion** by Senn, seconded by Hoffman to recommend the Common Council approve a resolution granting a Street Privilege Permit to Two Rivers Real Estate LLC to construct a commercial driveway over part of unopened Northway Drive right-of-way. In addition, that reference to a 50' strip of Xcel Energy owned land be included in the resolution. **All present voting aye. MOTION CARRIED.**
  
3. The Board discussed the attached tentative five year Street Improvement Program. Mayor Hoffman noted that the Bridge Street, (Court St. to River St.), project should be included for 2014. Rubenzer stated that the criterion for inclusion in the program were:
  - 1) poor surface rating
  - 2) aged utility in poor shape
  - 3) inclusion of all wards of the city in the programSenn asked about infrastructure useful life. Rubenzer stated 75 years for both sanitary and water infrastructure. The Board discussed yearly street project bonding targets and Finance Manager Bauer stated \$2 million a year was a reasonable goal. Rubenzer noted that each project has varying amounts of storm, sanitary and water utilities along with curb and gutter, bituminous pavement and sidewalks. After continued discussion,  
**Motion** by Hoffman, seconded by Rubenzer to recommend the Common Council approve the attached tentative five year Street Improvement plan after inclusion of the Highway Safety Improvement Program Project on Bridge Street from Court St. to River St. **All present voting aye. MOTION CARRIED.**
  
4. **Motion** by Senn, seconded by Bauer to adjourn. **All present voting aye. MOTION CARRIED.** The Board of Public Works meeting adjourned at 6:08 P.M.

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

**CITY OF CHIPPEWA FALLS  
BOARD OF PUBLIC WORKS  
MEETING MINUTES  
MONDAY, AUGUST 26, 2013 – 5:30 PM**

The Board of Public Works met in City Hall on Monday, August 26, 2013 at 5:30 PM. Present were Mayor Greg Hoffman, Director of Public Works Rick Rubenzer, Finance Manager Lynne Bauer and Alderperson George Adrian. Absent was Darrin Senn. Also, present at the meeting: Assistant City Engineer Matt Decur, Alderperson Jane Lardahl, Terry Durch of Tschopp-Durch-Camastral Inc., Rod Stetzer of the Chippewa Herald, Steve Frazer of Frazer Construction, and Lorraine, Doug, Kay, Ben and Sara Bjork.

1. **Motion** by Bauer, seconded by Adrian to approve the minutes of the August 12, 2013 Board of Public Works meeting. **All present voting aye. MOTION CARRIED.**
  
2. The Board considered the attached Highway Safety Improvement Project on Bridge Street between the Chippewa River and River Street. Director of Public Works Rubenzer stated that the original H.S.I.P. application only included median adjustments to correct the safety concerns and accidents at the Court St./Bridge St. intersection and did not include defective concrete replacement. The defective concrete is hatched on the attached drawing and the City is 100% responsible for the estimated \$600,500 cost. Rubenzer continued that the project will be included in the 2014 budget request and is scheduled for 2014 construction.  
The Board discussed the “additional” design and construction engineering costs of \$120,000. Rubenzer will discuss with Short Elliot Hendrickson Inc. Rubenzer stated he had discussed funding the project using TIF #11 with City Planner Smith.  
**Motion** by Adrian, seconded by Hoffman to recommend the Common Council approve additional construction costs of \$600,500 and a negotiated design and construction engineering amount for the 2014 Highway Safety improvement Project on Bridge Street between the Chippewa River and River Street, (attached). Also, that the additional costs be referred to Committee #1 for funding and be included in the 2014 budget request. **All present voting aye. MOTION CARRIED.**
  
3. The Board discussed naming a street, naming a bench and other ways to honor former Street Superintendants James and Oscar Bjork. Oscar and James Bjork were City of Chippewa Falls Street Superintendants for a combined 75 years. The only building with an address on Riverside Drive is the Street Department Shop. Rubenzer thought that possibly a “dual” street name could be done. Memorial benches in Irvine Park and near the Veterans walk path at the STH #124 and Business Hwy #29 roundabout were discussed. A memorial plaque on or in the Street Department building was considered. Lorraine Bjork inquired about renaming Badger Street as Bjork Boulevard.  
**Motion** by Hoffman, seconded by Adrian that Director of Public Works Rubenzer investigate renaming Badger Street or Riverside Drive as Bjork Boulevard and also look into the costs for plaques and then report back to the September 23,2013 Board of Public Works meeting. **All present voting aye. MOTION CARRIED.**
  
4. Terry Durch appeared to request to excavate in and place scaffolding on the City owned parking lot north of Central Street and west of the Northwestern Bank drive-up to

Please note, these are draft minutes and may be amended until approved by the Common Council.

facilitate an addition to the drive-up. Rubenzer named the necessary items of proof of insurance, a three-thousand dollar bond and replacement and painting of any removed hot mix. He continued that the use of nine parking stalls would not be available during the two to three week construction period. See attached documents.

**Motion** by Hoffman, seconded by Bauer to recommend the Common council allow Tschopp-Durch-Camastral Inc. to place scaffolding on and excavate in the city owned parking lot north of Central Street between Bridge Street and Rushman Drive. The approval is contingent upon:

- 1) Proof of insurance
- 2) Submission of a \$3000 bond
- 3) Restoration of parking lot hot mix and markings.

The Northwestern Bank Drive-up addition is anticipated to take two to three weeks to complete. **All present voting aye. MOTION CARRIED.**

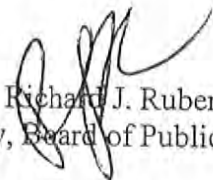
5. The Board considered the attached transport permit for Chippewa Valley Grain and Processing Inc. to transport 50 to 75 loaded containers of grain per week from USH #53 to the transload facility on Business Hwy #29/River Street. The State of Wisconsin Department of Transportation revised statutes to allow an axle or axle group to exceed up to 15% of state statute 348.15 when used for agricultural purposes. President Ken Custer stated that he had a state permit and an agreement with Chippewa County for segments of the transport route outside the city. Rubenzer was concerned with equivalent single axle loads on Business Hwy #29 and designing the final segment from Regent Street to USH #53 to properly handle the structural load. He continued that 50 to 75 trucks weekly would not pose a problem.

**Motion** by Hoffman, seconded by Adrian that the Common Council approve the attached permit for Chippewa Valley Grain and Processing Inc. to transport 50 to 75 loaded containers of grain per week on Business Hwy #29/River Street between USH #53 and the transload facility. **All present voting aye. MOTION CARRIED.**

6. Steve Frazer appeared to present an agreement to develop Marilyn Court. Rubenzer handed out a revised Developers Agreement that included the change recommended by City Attorney Ferg. He stated the agreement was in the standard form that had been developed and used since 2005.

**Motion** by Adrian, seconded by Rubenzer to recommend the Common Council approve the attached Developers Agreement with Steve Frazer for the development of Marilyn Court contingent on City Attorney Fergs review and approval. **All present voting aye. MOTION CARRIED.**

7. **Motion** by Adrian, seconded by Bauer to adjourn. **All present voting aye. MOTION CARRIED.** The Board of Public Works meeting adjourned at 6:04 P.M.

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

**RESOLUTION GRANTING A STREET PRIVILEGE PERMIT FOR PARCEL NO. 4050.119 ON NORTHWAY DRIVE IN THE TWO RIVERS DEVELOPMENT IN WISSOTA GREEN**

**WHEREAS**, on September 9, 2013, Two Rivers Real Estate LLC applied for a Street Privilege Permit to construct and maintain a commercial driveway upon the dedicated but yet unopened and unimproved public right-of-way of Northway Drive lying South of County Trunk Highway "S" and a fifty foot wide strip of Xcel Energy owned land in the City of Chippewa Falls, Wisconsin; and

**WHEREAS**, Two Rivers Real Estate LLC owns an approximate 6 acre parcel (# 4050.119) being Lot No. 119 of the Wissota Green Plat; and

**WHEREAS**, Two Rivers Real Estate LLC requires access across said unopened and unimproved Northway Drive right-of-way in order to develop said parcel # 4050.119 as a mini storage building site.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF CHIPPEWA FALLS, WISCONSIN** that a Street Privilege Permit be and is hereby granted under Chapter 66.0425 Wisconsin Statutes to the owner of parcel # 4050.119 to construct and maintain a private commercial driveway upon the dedicated but yet unopened and unimproved public right-of-way of Northway Drive lying South of County Trunk Highway "S" and a fifty foot wide strip of Xcel Energy owned land under the following conditions:

1. That the permit is granted for the public right-of-way of Northway Drive in the plat of Wissota Green, lying South of County Trunk Highway "S" and shown on the attached map.
2. That pursuant to Municipal Code 8.04, the owner of parcel # 4050.119 or his qualified contractor shall obtain a driveway permit from the Engineering Department for the driveway approach at Northway Drive.
3. That the commercial driveway shall be centered on the Northway Drive right-of-way.
4. That the commercial driveway shall be blacktopped before usage.
5. That access and egress to and from parcel # 4050.119 shall be only across the said dedicated but yet unopened public right-of-way of Northway Drive.
6. That the public retains ownership of the effected Northway Drive right-of-way.
7. That Two Rivers Real Estate LLC or any future owner of parcel # 4050.119 shall be primarily liable for damages to person or property by reason of the granting of this privilege as provided in Wisconsin Statutes and shall maintain liability insurance on the facilities covered by this permit as approved by the City Attorney.
8. That the permittee shall be responsible for restoring any part of these facilities in the event that the City must disturb or remove said improvements for construction, replacement or maintenance of City-owned facilities within the effected right-of-way.

9. That the term of the permit is 10 years, which term may be extended as the City Council sees fit. However, the City retains all its rights in Section 66.0425 Wisconsin Statutes regarding removal of improvements upon 10 days notice.

10. That to the extent reasonably possible, the City will endeavor to give the permittee one year notice in the event that the City will not renew or extend the terms of the permit beyond the initial 10 year term. However, the City will retain all its rights as provided in Section 66.0425 Wisconsin Statutes regarding removal of improvements upon a 10 day notice.

11. That this permit is issued to the owner of parcel # 4050.119.

12. That the permittee by accepting this permit, waives the right to contest in any manner of the validity of the Section 66.0425 Wisconsin Statutes on the conditions of this permit.

13. That the permittee is responsible for removal of any and all improvements made in the street right-of-way and will restore the area upon due notice as required by Wisconsin Statutes.

14. That Two Rives Real Estate LLC or any future owner of parcel # 4050.119 shall be responsible for replacement, maintenance and snow removal of said commercial driveway until such time as Northway Drive is opened to the public for travel.

15. That any subdivision of parcel # 4050.119 will void this permit.

16. That no parking is permitted along this commercial driveway.

17. That there will be no compensation to the permittee in the event that the City opens this section of Northway Drive to public travel and authorizes the construction of street improvements and paving.

18. That no structures, gates or other encumbrance be placed on said unopened public right-of-way of Northway Drive.

Dated this 1<sup>st</sup> day of October, 2013

ADOPTED: \_\_\_\_\_

\_\_\_\_\_

Council President

APPROVED: \_\_\_\_\_

Mayor

ATTEST: \_\_\_\_\_

City Clerk

BPW Sept-9, 2013  
Reference

## State Statute 66.0425 September 6, 2013

### 66.0425 Privileges in streets.

(1) In this section, "privilege" means the authority to place an obstruction or excavation beyond a lot line, or within a highway in a town, village, or city, other than by general ordinance affecting the whole public.

(2) A person may apply to a town or village board or the common council of a city for a privilege. A privilege may be granted if the applicant assumes primary liability for damages to person or property by reason of the granting of the privilege, is obligated to remove an obstruction or excavation upon 10 days' notice by the state or the municipality and waives the right to contest in any manner the validity of this section or the amount of compensation charged. The grantor of the privilege may require the applicant to file a bond that does not exceed \$10,000; that runs to the town, village, or city and to 3rd parties that may be injured; and that secures the performance of the conditions specified in this subsection. If there is no established lot line and the application is accompanied by a blue print, the town or village board or the common council of the city may impose any conditions on the privilege that it considers advisable.

(3) Compensation for a privilege shall be paid into the general fund and shall be fixed by the governing body of a city, village or town or by the designee of the governing body.

(4) The holder of a privilege is not entitled to damages for removal of an obstruction or excavation, and if the holder does not remove the obstruction or excavation upon due notice, it shall be removed at the holder's expense.

(5) Third parties whose rights are interfered with by the granting of a privilege have a right of action against the holder of the privilege only.

(6) Subsections (1) to (5) do not apply to telecommunications carriers, as defined in s. [196.01 \(8m\)](#), telecommunications utilities, as defined in s. [196.01 \(10\)](#), alternative telecommunications utilities, as defined in s. [196.01 \(1d\)](#), public service corporations, or cooperatives organized under ch. [185](#) to render or furnish gas, light, heat, or power, or to cooperatives organized under ch. [185](#) or [193](#) to render or furnish telecommunications service, but the carriers, utilities, corporations and associations shall secure a permit from the proper official for temporary obstructions or excavations in a highway and are liable for all injuries to person or property caused by the obstructions or excavations.

(7) This section does not apply to an obstruction or excavation that is in place for less than 90 days, and for which a permit has been granted by the proper official.

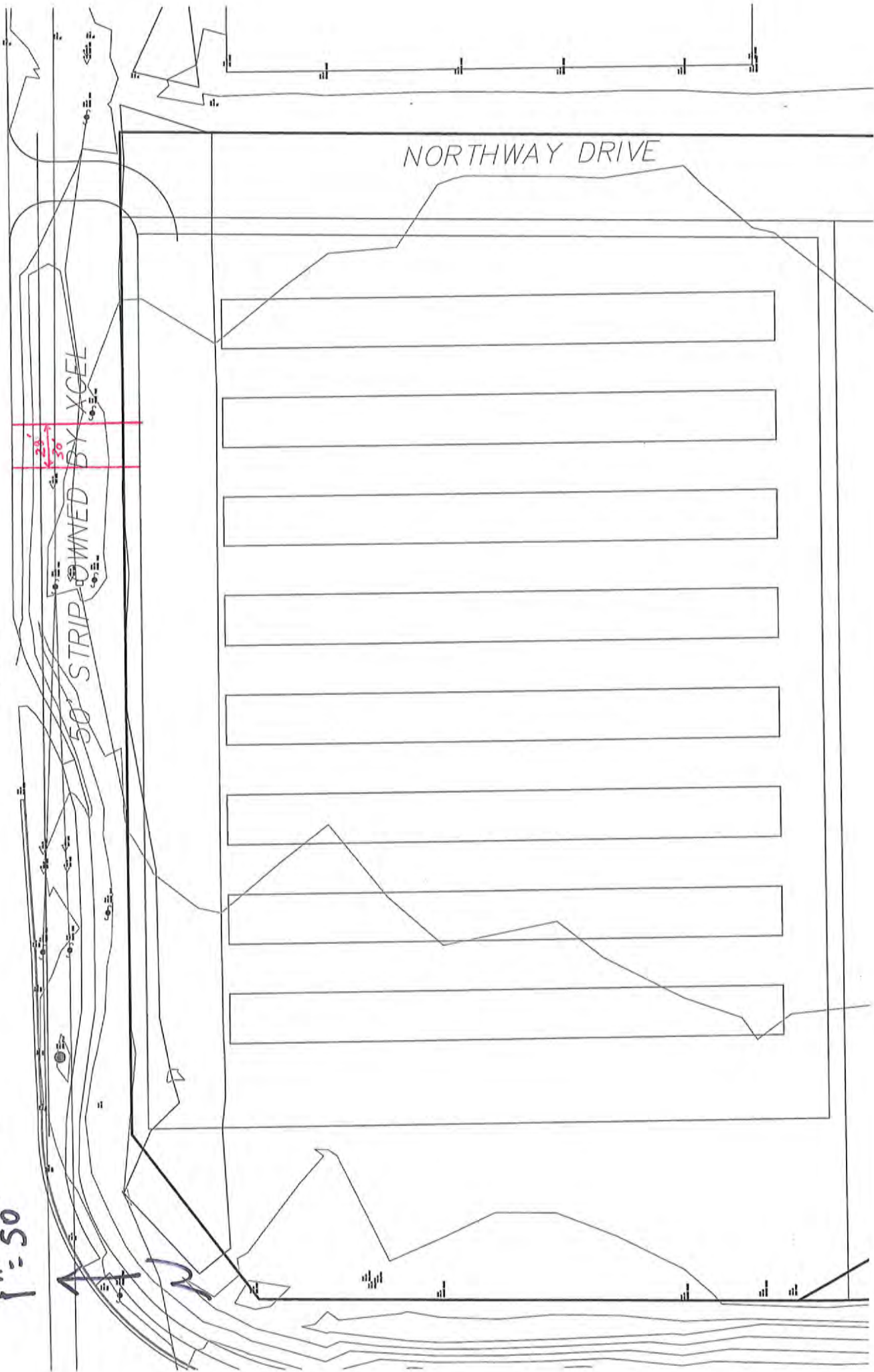
(8) This section applies to an obstruction or excavation by a city, village or town in any street, alley, or public place belonging to any other municipality.

(9) Any person who violates this section may be fined not less than \$25 nor more than \$500 or imprisoned for not less than 10 days nor more than 6 months or both.

(10) A privilege may be granted only as provided in this section.

**History:** [1985 a. 297](#); [1991 a. 316](#); [1993 a. 184, 246](#); [1997 a. 27](#); [1999 a. 150 ss. 111, 114](#); Stats. 1999 s. 66.0425; [2005 a. 441](#).  
When the plaintiff fell due to a depression in a street enclosed as a temporary sidewalk, the city, not the indemnitor contractor, was primarily liable since the contractor did no excavation in the street and its enclosing of the street did not cause the defect.  
[Webster v. Klug & Smith, 81 Wis. 2d 334, 260 N.W.2d 686 \(1978\)](#).

1" = 50'



NORTHWAY DRIVE

50' STRIP OWNED BY XCEL

**TENTATIVE FIVE YEAR STREET IMPROVEMENT PROGRAM - 2014 THRU 2018**

BPW-September 9, 2013

\*\*Program subject to annual review and change due to budget restrictions and other factors.\*\*

Year	Street Name	From	To	Proposed Work	Project Length	Estimated Cost	Special Assessments Required	Sanitary Sewer Age	Water-main Age	Paser Surface Rating from 1-10, 1=poor, 10 = new
2014	<b>Business #29</b>	Fleet St.	W. City Limits	Resurface	0.760	\$ 1,464,467	Surface, Concrete	N/A	N/A	3, 4
	<b>Central Street</b>	Pine St.	Governor St.	Reconstruction	0.340	\$ 892,370	Sewer, Water, Concrete, Surface	1895, 1911	1895	3
	<b>Main Street</b>	Greenville St.	Wisconsin St.	Reconstruction	0.260	\$ 512,563	Sewer, Water, Concrete, Surface	1923	1921	3 & 5
	<b>Rural Street</b>	Bluff St.	Central	Reconstruction	0.370	\$ 725,866	Sewer, Water, Concrete, Surface	1910, 1921	1885, 1956	3
2015	<b>Columbia Street</b>	Mansir St.	Carson St.	Reconstruction	0.176	\$ 358,938	Sewer, Services, Surface, Concrete	1911, 1915	1960	3
	<b>Daisy St.</b>	Prairie View	Grant St.	Resurface	0.113	\$ 99,300	Services, Surface	1968		
	<b>Governor Street</b>	Columbia St	Wheaton St.	Reconstruction	0.326	\$ 259,000	Surface, Concrete			
	<b>State Street*</b>	Grand Ave.	Water St.	Reconstruction	0.350	\$ 442,898	Sewer, Water, Concrete, Surface	1919	1920's	3 & 4
	<b>Superior Street</b>	Coleman Street	Cedar St.	Reconstruction	0.251	\$ 539,200	Sewer, Water, Concrete, Surface	1911	1885	2 & 3
2016	<b>Cliff Street</b>	Eva St.	Howard St.	Reconstruction	0.190	\$ 392,058	Sewer, Water, Concrete, Surface	1900	1895	3,4
	<b>Grand Avenue</b>	Island St.	Albert St.	Reconstruction	0.240	\$ 449,000	Sewer, Water, Concrete, Surface	1916 & 1924	1885	3 & 4
	<b>Prairie View Road</b>	Roland St.	Wisconsin St.	Resurface	0.210	\$ 308,600	Sewer, Concrete, Surface	1960's	1960's	3
	<b>Spruce Street</b>	Wheaton St.	Pearl St.	Reconstruction	0.250	\$ 454,000	Sewer, Water, Concrete, Surface	1923	1888	3 & 4
	<b>State Street</b>	Court St.	Grand Ave.	Reconstruction	0.380	\$ 800,300	Sewer, Water, Concrete, Surface	1911, 1931	1911	3 & 5
	<b>Willow St./Loffler Ct</b>	Loffler Ct.	Terrill St.	Resurface	0.350	\$ 295,000	Services, Surface, Concrete	1957	1957	3
	<b>Woodward Avenue</b>	Greenville St.	Summit Ave	Reconstruction	0.152	\$ 245,000	Services, Concrete, Surface	1948	1929	3
2017	<b>Dover</b>	Wheaton St.	Terrill	Reconstruction	0.250	\$ 349,000	Sewer, Services, Concrete, Surface	1958		
	<b>Dwight Street</b>	Superior St.	Wheaton St.	Reconstruction	0.340	\$ 640,000	Sewer, Water, Concrete, Surface	1922		
	<b>Miles Street</b>	Wheaton St.	Terrill St.	Reconstruction	0.256	\$ 288,000	Services, Surface, Concrete	1962	1962	3 & 5
	<b>Woodward Avenue</b>	STH 124	Colome St.	Resurface	0.190	\$ 243,108	Surface	1978		
2018	<b>Bridgewater Avenue</b>	STH 124	Duncan Creek	Reconstruction	0.246	\$ 393,000	Sewer, Concrete, Surface, Services	1930	1960	3
	<b>Bridgewater Avenue</b>	Wheaton St.	Huron	Reconstruction	0.190	\$ 341,677	Sewer, Concrete, Surface, Services	1940		
	<b>Elm Street</b>	Bay St.	Wheaton St.	Reconstruction	0.430	\$ 909,700	Sewer, Water, Concrete, Surface	1916	1895	3 & 4 & 5
	<b>Elm Street</b>	Wheaton St.	Perry St.	Reconstruction	0.330	\$ 653,200	Sewer, Water, Concrete, Surface	1916	1885	4
	<b>Irvine Street</b>	Chapman Road	Wisconsin St.	Resurface	0.190	\$ 243,108	Surface	1964		
	<b>STH #124 /High St.*</b>	Bridge St.	North of Elm St.	Reconstruction	0.568	\$ 1,798,301	Sewer, Water, Concrete, Surface	1916		
	<b>Wisconsin</b>	A St.	Chapman Road	Resurface	0.106	\$ 135,629	Services, Surface, Concrete	1965		

\* Project includes outside funding