

Minutes of the Public Safety Committee Meeting – September 26, 2016

Members Present: Phil Wedekind, Tom Kolb, and Mike Plautz. **Others Present:** Administrator Geick, Mayor Palm, Attorney Bolin, Chief Stieve, Engineer Pinion, Wade Peterson, Bev Shook, Bill Bray, Chief Schauf (arrived at 1:23 p.m.), Ben Bromley, and Kris Jackson.

Call to Order - Committee Chairman Phil Wedekind called the meeting to order at 1:00 P.M. at the City Services Center, 450 Roundhouse Court, Baraboo, Wisconsin. Compliance with the Open Meeting Law was noted. It was moved by Kolb, seconded by Plautz to approve the agenda as posted and by voice vote, the motion carried. It was moved by Plautz, seconded by Kolb to approve the minutes of the August 31, 2016 minutes. By voice vote the motion carried.

New Business

- a. Consideration of Request for 2nd Driveway at 208 Washington Avenue by Bev Shook – Pinion said that the property owners of 208 Washington have made landscaping improvements and added a new shed, and with the street being reconstructed on Washington has created a challenge for them to access their driveway with the vehicle that they have, especially when towing trailers. He said that it is a relatively steep driveway and they are requesting to install a second driveway on College Avenue at grade. Wedekind said that it has always been policy that if the property is a corner lot a driveway can be installed on each street. It was moved by Kolb, seconded by Plautz to approve the 2nd driveway request as presented. Motion carried unanimously.

- b. Consideration of request for a new sidewalk connecting the Pleasant View and Rolling Meadows developments on the northeast side of Baraboo to the existing sidewalk network on 8th Street & CTH T or 12th Street & Lincoln Avenue by Bill Bray – Pinion said that Mr. Bray has indicated a concern about the safety of pedestrians in the vicinity of those newer subdivisions, Pleasant View and Rolling Meadows. He said that he has many exchanges of emails with the City Administrator, Mayor and himself and they suggested that he contact his neighbors and provide some support for it and it would be taken to the Public Safety Committee. A map was provided in the packet that indicated existing sidewalks. He said sidewalks are one of the improvements that are required to be installed in all new subdivisions. He said that Bray is looking for connectivity to other existing sidewalks. He said that the closest location is at 12th and Lincoln or four blocks south at 8th Street and County Highway T; therefore it would be a long stretch of sidewalk, and if the Committee decides that is a new sidewalk project that the Committee would like to undertake it would have to be coordinated with the Sauk County Highway Department, since it is along County Trunk Highway T. He said that he did speak with Steve Muchow and he said that without curb and gutter the County is not interested in sidewalks on County Trunk highways; however, they would consider a jurisdictional transfer if the City wanted to take that over and convert it to an urban section. Pinion said that doing so would require a lot of storm sewer, curb and gutter and sidewalk, alternatively the Committee could look at some shared use path, which would typically require an easement outside of the right-of-way to accomplish that. Mr. Bray doesn't understand Pinion saying that it is a County road, but it is within the City limits on both sides of the street. Pinion said that it is within the City's corporate boundaries, but the City takes care of local roadways. Bray felt that it is a local roadway. Pinion said that it is County Trunk Highway and the entire 66-foot wide right-of-way is the County's jurisdiction. He said within the corporate limits of the City of Baraboo, like County Trunk Highway A. He said that Highway 33 and Highway 113 are connecting highways where the DOT has ultimate jurisdiction. Pinion said that the County pays to upgrade and maintain their roads. Mr. Bray said that he still doesn't understand. He asked who property is on either side of the road. Pinion said that beyond the right-of-way is held by private property owners. Bray then asked why they property owner wouldn't have to install sidewalk. Pinion said that they would likely bare the cost as it benefits their property, but it is located in the right-of-way, and we don't have an exclusive authority to place any improvements in someone else's right-of-way, and in this case the County's. Bray said that there are a lot of "our" citizens on that road, that need some protection and he thinks that is the City's job to do so. He said he doesn't care who is responsible, he think that the City is responsible for the citizens of the City and he is asking what can be done to make it happen. He said that the City is putting sidewalks in the rest of the City and County T is very dangerous and more than some of the others that are in the City and don't have as much traffic. He said he doesn't see how the City can ignore it and say that it is the County's and can't do anything. He said that he does have signatures, but he didn't know if he had enough and asked if there was a magic number and if so he will get them. Bray asked how the path got on Highway 123 and it was stated that it was put in about 40 years ago as part of the STH project. Attorney Bolin said the City doesn't have right in the County right-of-way, but we could put a sidewalk; however, the County would not maintain it, and there would have to be an agreement between the City and County. Bray said that he feels that there is just negative coming from the Committee. Wedekind said that within the City limits there are a long of areas that do not have sidewalk and won't have until the streets are reconstructed and then the property owners have to pay for them. He said that would be a tremendous cost and doesn't feel that the City should pick that up. Kolb said that the other issue is that the City has a list of priority sidewalks and maybe the City needs to take another look at that, and at this time, that road is not high on the list. Bray asked what it wouldn't be high on the list; he feels that this is one of the more dangerous streets. Kolb felt it was because it is the County right-of-way. Kolb then asked Pinion what he was referring to about a path. Pinion said for pedestrian connection it is either sidewalk, or some type of shared path, the Riverwalk is a shared path. Bray felt that would be great. Pinion said that it could be an off corridor on private property, like the Riverwalk is; however, it is right-of-way acquisition or easement acquisition and the cost of making that improvement. He said as far as the sidewalk study was completed in 1999, prior to this being part of the City limits; it may be time to look at it and update it; however, typically it looks at pedestrian generators, business areas, schools, and churches. Pinion then said that he used a word that Bray didn't like that stated that it is a remote subdivision; it is remote to the core of the City. Kolb said that the City is doing an Eastside Corridor Study, and perhaps something like this should be part of it, and he feels that it is something that could be addressed during the course of the study. Bray asked how long that would take and Kolb said that it is supposed to be done this year or early in 2017; although nothing could be promised. Bray said that nothing had to be promised, he put it on the table and the City is responsible for the safety of their citizens. Kolb stated that they are responsible for the safety of citizens that walk down Washington Avenue also; however, it has been impossible terrain-wise to install sidewalks at a reasonable cost. Geick said to follow-up with Kolb's comment, a recommendation from the Committee to forward to the Council because that study is nearly done and something would probably have some additional expense added to it if the City is going to have that studied. Pinion said that the local Eastside Corridor Study was really geared toward Economic Developments efforts, rather than the need for the lack of public improvements, so if the Committee wanted that included, that is an expansion of the scope and it would need approval from the Council. Plautz said that it isn't that the City is not being responsible, it hasn't been looked about because it has only been in the last year to year and one-half that there have been a lot more walkers, and bicycles. Bray felt that in that amount of time the City should have looked at it and someone should have brought it up. Plautz said it is outside of the City's jurisdiction so it wasn't being looked at. Kolb said that Bray has now deemed it an issue. Bray asked why it took him to say something and why does it take a citizen to bring it up when the City is responsible for their citizens. Plautz answered that the citizens help the City. Plautz said that a lot of times citizens see things that they don't see and they bring it to the City's attention, which gives them the opportunity to looks at things, and like Geick said put it in the study, look at the path; however, money is another concern. Bray said he understood and the City has to make a lot of choices; however, haven't made one on this

situation yet. Bray said that he doesn't know the whole City, but he does know that this is very dangerous; it is 45 mph and also a lot people walking on it. Plautz said if one would come in with a non-accusing attitude it would help the City better. Bray felt that Plautz was condescending.

- c. Consideration of creating an ordinance to regulate the use of the City's public right-of-ways by utilities. – Attorney Bolin said that given the expansion of alternative forms of utilities, not the normal ones thought of, such as power, etc., especially internet to run data there may be a need for the City to start to regulate use of right-of-ways. She said that currently that isn't anything in the ordinance that regulates the use, they ask and we let them in. She said that if someone is licensed by the PSC as a public utility they do have the right to use a right-of-way; however, the City can place reasonable restrictions on that through an ordinance. She said that there was a sample ordinance put out by the Wisconsin League of Municipalities which has been looked at and would be something that would allow the City to regulate utilities in the right-of-way. Pinion said that as technology advances, and certainly in the wireless technology realm there are a lot of advances taking place. He said that the City would be behind the eight ball if there isn't something in the ordinances that reasonable regulates the use of right-of-ways. He said that the City can tell them where they can and can't go, the City can charge fees for locating, etc.; however, it is not just targeted at the wireless industries or particular company, it applies to all of them. He said that if this is something the Committee wants to pursue he will work with Alene to come up with an ordinance. He said that if someone were to apply today there is a 60 day window to establish an ordinance. Kolb felt it is a good idea and agrees with Pinion, the City needs to be proactive. Pinion explained the difference between cell tower Statue and utility Statue. It was moved by Kolb that staff begin working on an ordinance to regulate the use of the City's public right-of-ways. Plautz seconded the motion. Motion carried unanimously.
- d. Consideration of Proposed Resolution Urging State Legislature to Improve Transportation Funding in the upcoming State Budget – After a short explanation by Pinion and Mayor Palm, Kolb moved to approve the proposed resolution. Plautz seconded the motion. Motion carried unanimously.

Reports

- a. Utility Superintendent's Report – Peterson said he is busy working on budget and will be presenting the utility budgets next week.
- b. Street Superintendent's Report – Pinion said the department is gearing up for fall; therefore, making sure the sweepers and leaf vacs are ready to go. With the wet weather the guys have been around maintaining catch basins, cleanup from storms and rainfall events, patching streets when they are dry enough. He said the capital projects that remain for this year are 3rd Street and two blocks of Washington Street should be finished by the end of next week. He said that tomorrow the improvements on 8th Street will begin from Ash to Lincoln. Pinion then explained the procedure being done and timeline for 8th Street. Kolb asked about the patches left by Intercon. Pinion said that the asphalt crew will be in the City soon to asphalt those patches. Pinion said that a coup of alleys are being worked on between rains and will be finished yet this year.
- c. Police Chief's Report – Schauf said people will be seeing toilet paper around and they are working closely with the school for homecoming week.
- d. Fire Chief's Report – Stieve said that on September 2 there was a house fire at 516 6th Avenue and it is being deemed suspicious. Kolb asked how the fundraiser went. Stieve said that it went well, approximately \$7,000 ± should clear. Kolb asked if everything ran smoothly and if it was something that the Committee should consider extending hours. Schauf said that in his personal opinion the hours should not be extended due to how the noise channels. He said that there were very few problems and does not see a problem with the event. He said that he expected a little higher turnout and that those who went had a good time. Stieve said that the Department has their open house on October 8th from 10:00 a.m. until 2:00 p.m.

Jackson asked if the Committee had to make a motion on the sidewalk issue. Pinion said that they did not have to. Kolb said that he thinks that the Committee needs to look at it as a placement on the sidewalk list.

ADJOURNMENT – Plautz moved, Kolb seconded to adjourn the meeting at 1:40 p.m. Motion carried.

Respectfully submitted,

Phil Wedekind, Chairman