



# Memorandum

DATE: November 12, 2014

TO: Menasha Common Council

FROM: Mark Radtke, Director of Public Works *MR*

RE: Authorization to Execute Revised WisDOT Agreement for STH 441/Appleton Road Interchange

## Project Description

The Wisconsin Department of Transportation (WisDOT) is finalizing plans for the proposed 2015 STH 441/Appleton Road interchange. This project involves the construction of a four lane divided urban section along Appleton Road from Midway Road north to Valley Road. Included in the scope of work is the construction of roundabouts at the STH 441 ramp terminals, and new traffic signals at the intersections of Appleton Road with Midway Road and Valley Road. Bicycle and pedestrian accommodations are incorporated into the design, and lighting will be installed along Appleton Road and at the roundabouts. This work is scheduled to commence in the spring of 2015.

## Request for Revision to Agreement

This is the second agreement revision requested by WisDOT for this project. The proposed revised State/Municipal Agreement (SMA) for this project is enclosed for your reference. Also enclosed is an email from WisDOT explaining the need for this revision, which increases the amount of Community Sensitive Solutions (CSS) funding for the project, and increases the cap amount for which WisDOT will entirely fund these types of improvements. CSS items include landscaping, bus shelters, decorative trash receptacles, and other amenities meant to exhibit or add to the character of our community. CSS funding will increase from \$190,000 to \$195,000 and the cap for 100% State/Federal cost share increases to \$300,000.

## Recommendation

WisDOT is seeking signed agreements prior to November 30, 2014. It is my recommendation the City executes the revised State/Municipal Agreement for STH 441/Appleton Road interchange as this revision adds to the funding level for project enhancements..

Enclosure

M:\word\CC memo re WisDOT Revised SMA 441-Appleton Road\_11-12-14.docx

## Mark Radtke

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**Subject:** FW: WIS 441 Appleton Road SMA Update- Lighting

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**From:** Mark Radtke  
**Sent:** Wednesday, November 05, 2014 11:32 AM  
**To:** 'Degrave, Chad - DOT'  
**Subject:** RE: WIS 441 Appleton Road SMA Update- Lighting

Thanks for the explanation. I will get this approved asap.

Mark

*Mark Radtke, P.E.*  
Director of Public Works  
City of Menasha  
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**From:** Degrave, Chad - DOT [<mailto:Chad.Degrave@dot.wi.gov>]  
**Sent:** Wednesday, November 05, 2014 11:25 AM  
**To:** Mark Radtke  
**Cc:** Vraney, Paul - DOT; Slezak, Kimberly A - DOT; Williams, Geoffrey - DOT; Calliari, Carol - DOT; DOT DTSD NE Region WIS 441 File  
**Subject:** RE: WIS 441 Appleton Road SMA Update- Lighting

1517-07-04 SMA

Hey Mark,

As discussed on the phone attached is revision #2 for the Appleton Road SMA. Again I apologize for the additional update.

This revision modifies the cost share table for category 1400, Community Sensitive Solutions – Landscaping.

A few points to explain the update:

1. Total estimated cost of category 1400 went up by \$5,000 for a total of \$195,000
2. Category was broken down into two priorities. Priority 1 is funded 100% state/Fed and has a cap of \$300,000.
3. Priority 2 would be funded 50% city of Menasha and 50% town of Menasha. Priority 2 kicks in when cap of \$300,000 is met.
4. Overall what the change means is the actual bid cost for category 1400 could go as high as \$300,000 and the city/town would still not be required to participate in the cost. For the 441 major project we have an adequate amount of CSS money to be allocated to each interchange areas for landscaping, bus shelters, trash receptacles.... If for some reason the bids came in over \$300,000 we can always update the cap to avoid municipal cost share. The once exception to that is if the city decides to include higher cost CSS items such as a silver plated statue of Mark Radtke. That would be outside the guidelines of CSS funding and would require local cost share.

Contact me with any questions on this update.

Ideally we would like to get the revised SMA approved within the next month. Please keep me posted on the status of the approval. You can send the 3 signed copies to me at 1940 West Mason Street, Green Bay, 54303.

Thank you Mark.

*Chad DeGrave, P.E.*

US 41 & WIS 441 Design Supervisor  
WISDOT NE REGION  
920-492-2235 - Office  
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**From:** Degrave, Chad - DOT  
**Sent:** Tuesday, October 28, 2014 4:32 PM  
**To:** 'Mark Radtke'  
**Subject:** RE: WIS 441 Appleton Road SMA Update- Lighting

Hey Mark,

Thank you for catching that error. Attached is an updated version with the Midway Road correction.

Regarding the estimate increase. The increase does not affect the municipalities since the categories that increased were all 100% state/fed. The estimate went up between 90% and final design due to multiple items including additional work on the ramps, larger cross over to accommodate the mainline staging, additional breaker run, and increased mobilization costs based on current bids.

I hope that answers your question.

Call with any questions or concerns.

Thanks Mark,

<< File: 2014-10-28\_1517-75-78 SMA City Menasha.pdf >>

*Chad DeGrave, P.E.*

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**From:** Degrave, Chad - DOT  
**Sent:** Tuesday, October 28, 2014 3:33 PM  
**To:** 'Mark Radtke'  
**Cc:** DOT DTSD NE Region WIS 441 File; Vraney, Paul - DOT; Ebel, Scott - DOT; Slezak, Kimberly A - DOT; Schuurmans, Robert - DOT  
**Subject:** WIS 441 Appleton Road SMA Update- Lighting

1517-07-04 SMA

Hello Mark,

As we discussed on the phone today attached is an updated WIS 441 Appleton Road SMA for your review and approval. Ideally we would like to get the revised SMA signed by the end of November.



**[#2] REVISION**  
**STATE/MUNICIPAL AGREEMENT**  
**FOR A STATE- LET HIGHWAY**  
**PROJECT**

*[This agreement supersedes the agreement signed by the Municipality on . 20 and signed by DOT on 20 .]*

Revised Date: 11-5-14

Date: November 5, 2014

ID: 1517-75-78

Road Name: WIS 47/Appleton Rd. Interchange

Limits: Midway Road to Valley Road

County: Winnebago

Roadway Length: 0.62 Miles

The signatory city, village, town or county, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

**NEEDS AND ESTIMATE SUMMARY:**

**Existing Facility - Describe and give reason for request:** WIS 47/Appleton Road is a four lane, variable width median, Urban Principal Collector with 12' lanes, concrete pavement, and curb and gutter. The existing interchange ramp terminals are controlled by traffic signals. There are also traffic signals at the Midway Road and Valley Road intersections. The 441 corridor expansion project influences the major side roads and interchanges. Appleton Road and the adjacent intersections will be reconstructed to accommodate the corridor improvements.

**Proposed Improvement - Nature of work:** Construct a four lane urban section from Midway Road north to Valley Road. The proposed roadway is divided and, in each direction, consists of two 12' lanes with integral curb and gutter. Work includes construction of roundabouts at the WIS 441 ramp terminals, and new traffic signals at intersections of Midway Road and Valley Road. Sign structure supports will be constructed for lane designation. Bicycle and pedestrian accommodations are incorporated into the design. Lighting will be installed along WIS 47 and at the roundabouts.

**Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality:** The Municipality is responsible for costs and labor associated with the adjustment of sanitary manholes and water valves. If any of this work is completed by the State, the Municipality will be responsible for 10% of the costs of these items. Municipality is responsible for 25% of the costs for lighting between Midway Road up to but not including the southern ramp terminal roundabout (category 1110). Category to be split 50% state/fed, 25% town of Menasha, 25% city of Menasha.

PHASE Construction (Participating):	Total Estimated Cost	ESTIMATED COST			
		Federal / State Funds	%	Municipal Funds	%
<b>Project ID 1517-75-78</b>					
Category 1000 – Roadway Items	\$6,760,000	\$6,760,000	100	\$0	0
Category 1100 – Lighting	\$224,000	\$224,000	100	\$0	0
Category 1110 – Municipal Lighting	\$64,000	\$32,000	50	\$32,000	50
25% city of Menasha				\$16,000	25
25% town of Menasha				\$16,000	25
Category 1200 – ITS	\$105,000	\$105,000	100	\$0	0
Category 1300 – Traffic Signals	\$220,000	\$220,000	100	\$0	0
Category 1400 - Community Sensitive Solutions – Landscaping Priority 1 capped at \$300,000	\$195,000	\$195,000	100	\$0	0
Priority 2	\$0	\$0	0	\$0	100
50% city of Menasha					50%
50% town of Menasha					50%
Category 2000 B-70-113	\$825,000	\$825,000	100	\$0	0
Category 2010 B-70-114	\$825,000	\$825,000	100	\$0	0
Category 6000 – S-70-228	\$12,000	\$12,000	100	\$0	0
Category 6010 – S-70-229	\$12,000	\$12,000	100	\$0	0
Category 6020 – S-70-230	\$12,000	\$12,000	100	\$0	0
Category 6030 – S-70-231	\$12,000	\$12,000	100	\$0	0
Category 6040 – S-70-232	\$93,000	\$93,000	100	\$0	0
Category 6050 – S-70-233	\$76,000	\$76,000	100	\$0	0
<b>TOTAL COST DISTRIBUTION (without Delivery)</b>	<b>\$9,435,000</b>	<b>\$9,403,000</b>		<b>\$32,000</b>	
<b>Construction Delivery (15% of Total)</b>	<b>\$1,415,250</b>	<b>\$1,410,450</b>		<b>\$4,800</b>	
<b>TOTAL COST DISTRIBUTION (includes Delivery)</b>	<b>\$10,850,250</b>	<b>\$10,813,450</b>		<b>\$36,800*</b>	

\*Total municipal lighting costs to be split 50/50 between the city of Menasha and Town of Menasha. Total estimated cost for each municipality being \$18,400 including 15% for delivery.

This request is subject to the terms and conditions that follow (pages 3– 7) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of the <b>City of Menasha</b> (please sign in blue ink)		
Name	Title	Date
Signed for and in behalf of the State (please sign in blue ink)		
Name	Title	Date

**TERMS AND CONDITIONS:**

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement that exceed Federal/State financing commitments or are ineligible for Federal/State financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality’s foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
3. Funding of each project Phase is subject to inclusion in an approved program and per the State’s Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
  - (a) Design engineering and state review services.
  - (b) Real Estate necessitated for the improvement.
  - (c) Compensable utility adjustment and railroad force work necessitated for the project.
  - (d) The grading, base, pavement, curb and gutter, and bridge costs to State standards, excluding the cost of parking areas.
  - (e) Storm sewer mains (not including additional upsizing of storm sewer main requested by Municipality or needed to carry additional municipal storm water), culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
  - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.
  - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
  - (h) Conditioning, if required, and maintenance of detour routes.
  - (i) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk within the project limits at the time of construction. Sidewalk is considered to be new if it’s constructed in a location where it has not existed before.

- (j) Replacement of existing driveways, in kind, necessitated by the project.
  - (k) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
4. Work necessary to complete improvements required by freeway reconstruction to be financed by 90% Federal/State, 10% Municipality cost share per State Statute 84.295 include the following items:
- (a) New installations of, or alteration of, municipal facilities including sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
5. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or Facility Owner includes the following items:
- (a) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
  - (b) Roadway and bridge width in excess of standards.
  - (c) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.
  - (d) Parking lane costs.
  - (e) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
  - (f) Coordinate, clean up, and fund any hazardous materials encountered outside of State right of way.
6. As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
7. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
8. The work will be administered by the State and may include items not eligible for federal/state participation.
9. The Municipality shall at its own cost and expense:
- (a) Prohibit angle parking.
  - (b) Regulate parking along the highway. The Municipality will file a parking declaration with the State.
  - (c) Regulate or prohibit all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
  - (d) Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy which has equal or more restrictive controls.
  - (e) Coordinate with the responsible party regarding remediation, including locating a suitable local site for storage of contaminated soils from the sanitary sewer and water main excavation which cannot be replaced in the project trenches or roadway excavations and coordinate with the responsible party regarding the disposal of such soils.
  - (f) Coordinate with the Wisconsin Department of Natural Resources regarding the discharge into sanitary sewers of contaminated groundwater originating from dewatering of trench excavations for sanitary sewer and water main.
  - (g) Coordinate with the State on changes to highway access within the project limits.

- (h) In cooperation with the State, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
- 10. The Municipality agrees to waive any noise ordinances/restrictions pertaining to the construction of the WIS 441 Project, for the duration of the WIS 441 Project.
- 11. All costs contained in this agreement are estimated costs and include 15% for delivery. Actual construction costs will be based upon as-let bid prices and the final contract quantities required to complete the work.
- 12. Once the maintenance responsibility of the project has been transferred to the Municipality, the State is released from any and all costs associated with the future maintenance and/or removals of improvements included in the project on right-of-way under local jurisdiction.

**Project Specific Terms and Conditions**

The Municipality shall at its own cost and expense:

1. General

- a) Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory requirements, in a manner satisfactory to the State and shall make ample provision for such maintenance each year. This agreement does not remove the current municipal maintenance responsibility.
- b) Maintain all features outside or under the traveled way within the project limits, to include but not limited to parking lanes, curb and gutter, drainage facilities (including all storm sewers, inlets, related manholes and structures, local lighting, sidewalks, multi-use paths, retaining walls, pedestrian refuge islands, medians, and landscaping features and amenities funded by Community Sensitive Solutions (CSS).
- c) Maintain all sidewalks and multi-use paths constructed with the project. Maintenance includes, but is not limited to, sidewalk repair, snow removal, ice control, repainting/staining of the colored portions and future replacement (other than future highway projects) of the sidewalk, mowing of the grass in the terrace between any roadway and the sidewalk, and between the sidewalk and right-of-way. Maintenance will include all sidewalks around the intersections and on the approaches. Snow removal and ice control will be completed based on municipal policies.

2. Signing and Pavement Marking

- a) Maintain the pavement markings associated with the crosswalks within the project limits, which includes, but is not limited to, any necessary repainting or replacement except those caused by future highway projects. If the crosswalks are to be delineated, the Municipality is responsible for obtaining any required pedestrian crosswalk marking permits for each crosswalk.
- b) Maintain signs and pavement markings not necessary for the safe and efficient movement of traffic (no parking signs, crosswalk pavement markings not at signalized intersections, etc).
- c) Maintain all local road designation (local road name) signs.
- d) Overhead sign structures at ramp terminals will be maintained by the Department.

3. Roundabouts:

- a) Maintain landscaping features and amenities within the center of the southernmost (northbound ramp terminal) roundabout after 2-year maintenance period specified within the construction contract. No additional landscaping or structures will be allowed in the roundabout without prior approval from the Department. City of Appleton will be responsible for landscaping maintenance within the center of the northernmost (southbound ramp terminal) roundabout.

- b) Maintain all landscaping around the perimeter of the southern roundabout and in the vision corners. Landscaping in the vision corners shall not obstruct the vision of drivers and shall be maintained at a height that will ensure a clear line of sight for motorists and pedestrians. No landscaping or structures will be allowed in the vision corners without prior approval from the State.
- c) Provide and maintain any electrical service to southernmost roundabout center island.

4. Lighting

- a) Maintain and accept responsibility for the energy, operation, maintenance, repair, and replacement of the municipal lighting system.
  - i. Department will fund, install, and maintain lighting from the southern ramp terminal roundabout north to Valley Road.
  - ii. Department will install and the municipality will maintain the lighting from just south of the southern roundabout to Midway Road. The municipality is responsible for obtaining a separate agreement with Menasha Utilities and/or other municipalities that share the municipal lighting system. Lighting for this section will be funded 50% State/Fed, 25% city of Menasha, and 25% town of Menasha.

5. Municipal Utilities

- a) Provide complete plans, specifications, and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.
  - i. Municipality has no sanitary or water facilities within the project limits.

6. Community Sensitive Solutions

- a) Maintain all Community Sensitive Solutions and/or enhancement funded items including but not limited to:
  - i. Landscaping within the project limits, including trees along the sidewalk, as well as median plantings.
- b) City of Appleton to maintain the following:
  - i. Bus Shelters, supporting concrete pads, and other locally-owned facilities such as lighting for the bus shelters.
  - ii. Trash receptacles at bus shelters
  - iii. Bike racks at bus shelters
- c) The Municipality will be responsible for all non-structural repairs resulting from graffiti, surface deformation, and/or other cosmetic imperfections. The Department will be responsible for all structural repairs. The Department will provide five (5) gallons of each color of stain and two (2) formliner panels for each architectural pattern to the Municipality to facilitate participation in maintaining aesthetic treatments for any repairs on decorative facades within project limits. Decorative facades include bridge abutments, piers, retaining walls, noisewalls, and other structures with aesthetic treatments.

7. Work outside project limits

- a) None requested

**Public Convenience and Safety**

While performing any maintenance activities associated with this agreement, the Municipality shall comply with the following conditions.

- (a) Maintain the safety of the traveling public and control traffic using warnings signs, cones, drums and flaggers consistent with the Manual on Uniform Traffic Control Devices.
- (b) Materials and equipment cannot be stored on the right-of-way.
- (c) The Department shall be notified 7 days prior to erecting any lane closures or lane restrictions.
- (d) Avoid maintenance or lane closures during the peak hours of 6:00-9:00am or 3:00-600pm.

**Basis for local participation:**

Lighting: Municipality responsible for lighting costs from southern roundabout south to Midway Road.

25% of category 1110 plus 15% delivery.  $\$16,000+2400=\$18,400$

[END]

