

RESOLUTION NO.: 86—2023-24

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 The Wisconsin Department of Transportation (WisDOT) is planning for reconstruction of
2 the I-41 corridor which includes interchanges with local highways. The interchange of
3 County OO/WIS 15 has been identified as one of those to be reconstructed with
4 landscaping and aesthetic treatments for construction scheduled for 2024 and 2025.
5 Current WisDOT policy prevents the use of state funds on aesthetic elements adjacent to,
6 or part of, a highway improvement project (*refer to § 85.0205 (Im)*) and require them to
7 be locally-funded. As shown in the State/Municipal Financial Agreement (SMFA) (page
8 5, Category 1600) non participating costs are estimated to be \$52,780 for planting mixture.
9

10 Outagamie County has entered into a local cost share agreement with the Town of Grand
11 Chute to share 50% the cost of non-participating items for the planting mixture. The
12 agreement also includes the cost share for landscaping and aesthetic treatments that will be
13 locally funded (County/Municipal Cost Agreement) and the maintenance responsibilities
14 for the County and the Town of Grand Chute.
15

16 This resolution authorizes the Outagamie County Highway Commissioner to enter into a
17 State/Municipal Financial Agreement (SMFA) with WisDOT and County/Municipal Cost
18 Agreement with the Town of Grand Chute for this state-let improvement project.
19

20 NOW THEREFORE, the undersigned members of the Highway, Recycling and Solid Waste
21 Committee and the Property, Airport, Recreation & Economic Development Committee recommend
22 adoption of the following resolution.

23 BE IT RESOLVED, that the Outagamie County Board of Supervisors does authorize the Highway
24 Commissioner to enter into a State/Municipal Financial Agreement and County/Municipal Cost
25 Agreement for the County OO & WIS 15 interchange reconstruction project, as noted on the attached
26 State/Municipal Financial Agreement for a State-Let Highway Project and Outagamie County Highway
27 Department County/Municipal Cost Agreement, which by reference are made a part hereof, and

1 BE IT FURTHER RESOLVED, that the Outagamie County Board of Supervisors does authorize
2 funding for the county share of the project costs to be included in future budgets as noted on the attached
3 fiscal note which by reference is made a part hereof, and

4 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of
5 this resolution to the Outagamie County Highway Commissioner, the Outagamie County Development &
6 Land Services Director, and the Outagamie County Finance Director.

7 Dated this ____ day of December 2023.

8 Respectfully Submitted,
9 HIGHWAY, RECYCLING AND SOLID
10 WASTE COMMITTEE
11 And
12 PROPERTY, AIRPORT, RECREATION &
13 ECONOMIC DEVELOPMENT COMMITTEE

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17 Joy Hagen

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17 Daniel Nejedlo

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21 Jason Wegand

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21 Dennis Clegg

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25 Jeremy Thyssen

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25 Dean Culbertson

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29 Lee W. Hammen

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29 Ronald Klemp

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32 _____
33 Yvonne Monfils

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32 _____
33 Jayson Winterfeldt


34 Duly and officially adopted by the County Board on: _____

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36 Signed: _____
37 Board Chairperson

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36 Signed: _____
37 County Clerk

38 Approved: _____ Vetoed: _____

39
40 Signed: _____
County Executive

	<p align="center">STATE/MUNICIPAL FINANCIAL AGREEMENT FOR A STATE- LET HIGHWAY PROJECT</p>	<p>Date: October 23, 2023 I.D.:1130-64-76 (Design 1130-63-01) Road Name: I-41/STH 15 (Northland Ave) Title: Appleton – De Pere Limits: Northland/STH 15 Intchg B440315/16 County: Outagamie Roadway Length: 0.509 miles</p>
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The signatory Outagamie 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 affect 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: The I-41 Project corridor, which has four travel lanes – two in each direction – is congested and sees a higher rate of crashes than similarly configured freeways in Wisconsin. By federal standards, the project area has multiple roadway design deficiencies, and much of its pavement and several bridges are nearing the end of their useful lives and must be replaced.

Much of the original pavement in the corridor was built in the 1960s and has reached the end of its useful life, meaning further rehabilitations are no longer cost-effective. The project corridor also has narrow road shoulders, outdated ramp designs, and interchanges spaced too closely to one another – deficiencies that can contribute to safety and operational problems.

Proposed Improvement - Nature of work: Project ID 1130-64-76 WisDOT identified the diverging diamond interchange as the preferred alternative for the WIS 15 interchange. At the WIS 15 interchange, the diverging diamond interchange is the safest interchange option, has the best traffic operations, and has the support of Outagamie County and the municipalities. Impacts between alternatives considered are not substantially different.

WIS 15 will be reconstructed, and bike lanes will be added within the project limits. Sidewalk will be constructed between the ramp terminals. New storm sewer will be installed within the project limits. The existing structures carrying WIS 15 over I 41 will be replaced with structures B-44-0315 and B-44-0316. Retaining walls R-44-003, R-44-0031, and R-44-0056 will be constructed. Sign structures S-44-0324, S-44-0325, S-44-0326, S-44-0327, S-44-0328 and S-44-0329 will be constructed. New traffic signals will be installed at the I 41/ WIS 15 ramp terminals. MUTCD compliant signing and pavement markings will be installed with the project.

Wet detention ponds will be constructed in the southeast and northwest quadrants of the I 41 and WIS 15 Interchange.

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: None to date.

¹ Phase	SUMMARY OF COSTS				
	Total Est. Cost	Federal/State Funds	%	Municipal Funds	%
² Construction:					
Category 1000 – Roadway	\$21,270,030	\$21,270,030	100%	\$0	0%
Category 1100 - Lighting	\$536,720	\$536,720	100%	\$0	0%
Category 1200 - FTMS	\$329,050	\$329,050	100%	\$0	0%
Category 1300 - Signals	\$603,330	\$603,330	100%	\$0	0%
Category 1600 – Outagamie County	\$52,780	\$0	0%	\$52,780	100%
Category 1800- 100% State Funded	\$21,850	\$21,850	100%	\$0	0%
Category 2000 - Structure B-44-3015	\$2,251,450	\$2,251,450	100%	\$0	0%
Category 2010 - Structure B-44-3016	\$2,166,050	\$2,166,050	100%	\$0	0%
Category 4000 - Structure R-44-0030	\$977,230	\$977,230	100%	\$0	0%
Category 4010 - Structure R-44-0031	\$948,520	\$948,520	100%	\$0	0%
Category 4020 – Structure R-44-0056	\$1,607,480	\$1,607,480	100%	\$0	0%
Category 6000 – Structure S-44-0324	\$150,370	\$150,370	100%	\$0	0%
Category 6010 – Structure S-44-0325	\$178,350	\$178,350	100%	\$0	0%
Category 6020 – Structure S-44-0326	\$104,650	\$104,650	100%	\$0	0%
Category 6030 – Structure S-44-0327	\$105,800	\$105,800	100%	\$0	0%
Category 6040 – Structure S-44-0328	\$163,820	\$163,820	100%	\$0	0%
Category 6050 – Structure S-44-0329	\$150,020	\$150,020	100%	\$0	0%
Construction Subtotal	\$31,617,500	\$31,564,720		\$52,780	
Total Est. Cost Distribution	\$31,617,500	\$31,564,720		\$52,780	

¹Costs shown are estimates only and may be updated as design progresses.

²Estimates include construction engineering.

This request shall constitute agreement between the Municipality and the State; is subject to the terms and conditions that follow (pages 1 – 6); is made by the undersigned under proper authority to make such request for the designated Municipality, upon signature by the State, upon fully executed signature of applicable State Municipal Maintenance Agreement and delivery to the Municipality. The initiation and accomplishment of the improvement will be subject to the applicable federal and state regulations. No term or provision of neither the State/Municipal Financial 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 Financial Agreement.

Signed for and in behalf of the Outagamie County (please sign in blue ink)	
Name (print)	Title
Signature	Date
Signed for and in behalf of the State (please sign in blue ink)	
Name	Title

Signature	Date
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TERMS AND CONDITIONS:

1. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceeds 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 General Transportation Aids or any moneys otherwise due and payable by the State to the Municipality.
2. 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 structure costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains, 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) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it’s constructed in a location where it has not existed before.
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) 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.
3. 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 installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Roadway and bridge width in excess of standards.
 - (d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.
 - (e) 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.

(f) Parking lane costs.

(g) 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.

(h) STH 15 Landscaping Costs:

1) Planting Mixture

- 4. 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.
- 5. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
- 6. The work will be administered by the State and may include items not eligible for federal/state participation.
- 7. The Municipality shall, 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.
- 8. Basis for local participation:

Construction ID 1130-64-76

The Project Agreement will be revised if necessary, as the project progresses. All costs shown are approximate and subject to final audit.

Category 1000 – Roadway

The State will pay 100% of the construction costs under Category 1000 Roadway Items unless otherwise noted.

Category 1100 – Lighting

The State will pay 100% of the construction costs under Category 1100 Lighting unless otherwise noted.

Category 1200 – FTMS

The State will pay 100% of the construction costs under Category 1200 FTMS unless otherwise noted.

Category 1300 – Signals

The State will pay 100% of the construction costs under Category 1300 Signals unless otherwise noted.

Category 1600 – Outagamie County

In accordance with Local Participation Policy Section 3-25-5 of the State’s Program Management Manual proposed improvements requested by the Municipality within the project limits, but outside the original project scope, are considered 100% the responsibility of the Municipality.

Item Number	Item Description	Units	Estimated Qty	Unit Price	Amount
SPV.0035	Planting Mixture	CY	510	\$90	\$45,900.00

1130-64-76 Construction Total	\$45,900.00
15% Construction Engineering	\$6,880
1130-64-76 Project Total	\$52,780

Estimated Outagamie County costs are \$52,780.

Category 1800 – 100% State Funded

The State will pay 100% of the construction cost under Category 1800 100% State Funded unless otherwise noted.

Category 2000 – Structure B-44-3015

The State will pay 100% of the construction costs under Category 2000 Structure B-44-3015 unless otherwise noted.

Category 2010 – Structure B-44-3016

The State will pay 100% of the construction costs under Category 2010 Structure B-44-3016 unless otherwise noted.

Category 4000 – Structure R-44-0030

The State will pay 100% of the construction costs under Category 4000 Structure R-44-0030 unless otherwise noted.

Category 4010 – Structure R-44-0031

The State will pay 100% of the construction costs under Category 4010 Structure R-44-0031 unless otherwise noted.

Category 4020 Structure R-44-056

The State will pay 100% of the construction costs under Category 4020 Structure R-44-0056 unless otherwise noted.

Category 6000 – Structure S-44-0324

The State will pay 100% of the construction costs under Category 6000 Structure R-44-0324 unless otherwise noted.

Category 6010 – Structure S-44-0325

The State will pay 100% of the construction costs under Category 6010 Structure R-44-0325 unless otherwise noted.

Category 6020 – Structure S-44-0326

The State will pay 100% of the construction costs under Category 6020 Structure R-44-0326 unless otherwise noted.

Category 6030 – Structure S-44-0327

The State will pay 100% of the construction costs under Category 6030 Structure R-44-0327 unless otherwise noted.

Category 6040 – Structure S-44-0328

The State will pay 100% of the construction costs under Category 6040 Structure R-44-0328 unless otherwise noted.

Category 6050 – Structure S-44-0329

The State will pay 100% of the construction costs under Category 6050 Structure R-44-0329 unless otherwise noted.

Comments and Clarification: This agreement is an active agreement that may need to be amended as the project is designed. It is understood that these amendments may be needed as some issues have not been fully evaluated or resolved. The purpose of this agreement is to specify the local and state involvement in funding the project. A signed agreement is required before the State will prepare or participate in the preparation of detailed designs, acquire right-of-way, or participate in construction of a project that merits local involvement.

OUTAGAMIE COUNTY HIGHWAY DEPARTMENT

COUNTY / MUNICIPAL COST AGREEMENT

DATE:	<u>10/31/2023</u>
PROJECT:	<u>I-41 Expansion</u>
HIGHWAY:	<u>County "OO"</u>
LIMITS:	<u>STH 15 Interchange</u>
MUNICIPALITY:	<u>Town of Grand Chute</u>

The signatory municipality **Town of Grand Chute**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the County of Outagamie, through its Highway Department, hereinafter called Outagamie County, to initiate and effect the highway or street improvement hereinafter described.

PROJECT DESCRIPTION: This agreement is for the engineering, design, and construction of aesthetic features and landscaping items being incorporated into the STH 15/CTH OO interchange as part of the I-41 corridor expansion project. The majority of project costs are being provided entirely by WisDOT but current policy requires any landscaping or aesthetic treatments be funded entirely by local government entities. Outagamie County and the Town of Grand Chute have agreed to share in the cost of designing and constructing aesthetic treatments and landscaping features within the footprint of the new interchange. This agreement is for the final design of landscaping features based on the initial concept plan and construction/installation of locally-funded aesthetic features. It is assumed that these features will be constructed under a locally-let construction contract, concurrent with WisDOT improvements at the interchange.

COST ESTIMATE AND PARTICIPATION					
PHASE	Total Estimated Cost	***** ESTIMATED COSTS *****			
		Outagamie County		Town of Grand Chute	
		Amount	%	Amount	%
<u>ENGINEERING</u>					
Final Design / Engineering	\$18,000	\$9,000	50%	\$9,000	50%
County Oversight	\$2,000	\$1,000	50%	\$1,000	50%
TOTAL ENGINEERING	\$20,000	\$10,000		\$10,000	
<u>RIGHT OF WAY:</u>	\$0	\$0	100%	\$0	0%
<u>CONSTRUCTION</u>					
State-Let Costs	\$30,000	\$15,000	50%	\$15,000	50%
Locally-Let Costs	\$170,000	\$85,000	50%	\$85,000	50%
County Oversight	\$2,000	\$1,000	50%	\$1,000	50%
TOTAL CONSTRUCTION	\$202,000	\$101,000		\$101,000	
TOTAL PROJECT COST	\$222,000	\$111,000		\$111,000	

This request for maintenance, programming, design and construction is subject to the terms and conditions that follow and is made by the undersigned under proper authority to make such request for the designated Municipality and upon acceptance by the Highway Commissioner shall constitute an agreement between the County and the Municipality named unless specifically modified or amended by supplemental written agreement between both parties.

OUTAGAMIE COUNTY FISCAL NOTE

INTRODUCTION: This form must be attached to any resolution or ordinance which contains a spending or revenue proposal. The form should be completed by an individual within the department initiating the resolution or ordinance with assistance from the Financial Services Department. Contact the Finance Director (1674), Controller (1675) or Staff Accountant (1681) for assistance. Once completed, forward a copy of the form to the Financial Services Department for their review. Financial Services will forward a reviewed copy of the fiscal note to Legislative Services.

1. **Subject:** The Highway Department is requesting approval to use funds for the I-41 and CTH OO/Wis 15 Interchange landscaping reconstruction.

2. **Description:** This section must be completed for all fiscal notes. Briefly and concisely describe the request. State assumptions used and discuss any current year and long-term fiscal impacts. (A separate attachment can be used)

The Wisconsin Department of Transportation (WisDOT) is planning for reconstruction of the I-41 corridor which includes interchanges with local highways. The interchange of County OO/WIS 15 has been identified as one of those to be reconstructed with landscaping and aesthetic treatments for construction scheduled for 2024 and 2025. Current WisDOT policy prevents the use of state funds on aesthetic elements adjacent to, or part of, a highway improvement project (*refer to § 85.0205 (1m)*) and require them to be locally-funded. As shown in the State/Municipal Financial Agreement - SMFA (page 5, Category 1600) non participating costs for are estimated to be \$52,780 for planting mixture.

Outagamie County has also entered into a local cost share agreement with the Town of Grand Chute to share 50% of the cost of non-participating items for the planting mixture. The agreement also includes the cost share for landscaping and aesthetic treatments that will be locally funded (County/Municipal Cost Agreement) and the maintenance responsibilities for the County and the Town of Grand Chute. The County's share of the funds will be from the 2024 Capital Project – Community Sensitive Solutions Partnership. Maintenance costs will be shared by the County General Maintenance cost center and the Town of Grand Chute.

Current Year Budget Impact (Check one or more of the following boxes)

Revenues Expenses (Cost) None

- 3. Is the specific cost or revenue included in the current year's budget? yes () no () partially ()
- 4. If the proposal requests additional spending, can the additional cost be absorbed within the current year's line item? yes () no () n/a ()
- 5. Is the proposal to accept additional revenues only? yes () no ()
- 6. Does this request modify/adjust the current year budget? yes () no ()
If no, skip to question 8 below.

7. Detail current year budget changes. Please list cost center name, line item, account number and either the increase or decrease amount. (Please note that all budget adjustments must balance. For example, an increase in an expenditure account must be offset by a decrease in another expenditure account or the contingency fund or an increase in a revenue account or other funding sources such as fund balance applied.)
The project on

COST CENTER NAME	LINE ITEM (i.e. Salaries, Supplies, Etc.)	ACCOUNT NUMBER INCLUDING COST CENTER (i.e. 1004100.5100, 1004100.5400, etc.)	INCREASE (DECREASE) AMOUNT

Annual and Long-Term Impact

- 8. Is the above Increase/Decrease a nonrecurring one-time expense or revenue? yes () no () n/a (x)
- 9. What is the anticipated annual and/or long-term cost or revenue impact? Annual Cost 0
Annual Revenue 0

Fiscal Note Prepared by: Michelle Uitenbroek

