

RESOLUTION NO.: 32—2024-25

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 E (Ballard Road) has been identified as one of those to be reconstructed within
4 the project limits. The existing interchange will be reconstructed as a diverging diamond
5 interchange. County E will be reconstructed within the project limits and bicycle lanes
6 will be added. Additional work will entail removal and replacement of existing pavement
7 and storm sewers, replacement of the existing overpass structure with two new bridge
8 structures, and construction of new sign structures, retaining walls, traffic signals,
9 signing, pavement markings, and incidentals. Non-participating work that is being
10 incorporated into the project includes reconstruction of the County E & Capitol Drive
11 intersection, landscaping and aesthetic treatments. Current WisDOT policy prevents the
12 use of state funds on local intersection improvements that occur outside the interchange
13 touchdown points and aesthetic elements adjacent to, or part of, a state highway
14 improvement project and require local participation. Construction is currently scheduled
15 for 2025. Outagamie County's share is currently estimated to be \$411,000 for non-
16 participating items. The county share of the project cost is to be funded within future
17 budgets.

18
19 As shown in the State/Municipal Financial Agreement (SMFA), Outagamie County will
20 share the total cost of non-participating items with the City of Appleton in a 50%-50%
21 split. This resolution authorizes the Outagamie County Highway Commissioner to enter
22 into a SMFA for this state-let improvement project and to support future funding for the
23 County E interchange reconstruction project.

24
25 NOW THEREFORE, the undersigned members of the Highway, Recycling and Solid Waste
26 Committee recommend adoption of the following resolution.

27 BE IT RESOLVED, that the Outagamie County Board of Supervisors does authorize the
28 Highway Commissioner to enter into a State/Municipal Financial Agreement for the County E
29 interchange reconstruction project, as noted on the attached State/Municipal Financial Agreement for a
30 State-Let Highway Project document, which by reference is 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
5 of this resolution to the Outagamie County Highway Commissioner and the Outagamie County Finance
6 Director.

7 Dated this ____ day of July 2024

8 Respectfully Submitted,

9
10 HIGHWAY, RECYCLING AND SOLID
11 WASTE COMMITTEE

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15 _____
16 Joy Hagen

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20 _____
21 Jason Wegand

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25 _____
26 Steve Thiede

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


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32 Signed: _____
33 Board Chairperson

County Clerk

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36 Approved: _____

Vetoed: _____

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39 Signed: _____
County Executive

	<p align="center">STATE/MUNICIPAL FINANCIAL AGREEMENT FOR A STATE- LET HIGHWAY PROJECT</p>	<p>Date: March 12, 2024 I.D.: 1130-65-76 (Design 1130-63-01) Road Name: IH 41 Title: Appleton – De Pere Limits: Ballard Rd (CTH E) Intchg County: Outagamie Roadway Length: 0.51 Miles</p>
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The signatories Outagamie County and City of Appleton, 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.

The I 41 and County E (Ballard Road) interchange will be reconstructed to address safety and capacity concerns.

Proposed Improvement - Nature of work: WisDOT identified the diverging diamond interchange as the preferred alternative for the County E interchange. At the County E interchange, the diverging diamond interchange (DDI) 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.

County E will be reconstructed, and bike lanes will be added from Capitol Drive to Evergreen Drive. Sidewalk and shared use paths impacted by reconstruction will be replaced. New storm sewer will be installed within the project limits. The existing structures carrying County E over I 41 will be replaced with structures B-44-0324 and B-44-0325. Retaining walls R-44-0040 and R-44-0041 will be constructed. Sign structures S-44-0367, S-44-0369, S-44-0370, S-44-0371, S-44-0372, and S-44-0373. New traffic signals will be installed at the I 41/ County E ramp terminals. MUTCD compliant signing and pavement markings will be installed with the project.

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 core and west approach to the County E/ Capitol Drive intersection will be reconstructed to allow for the addition of an eastbound left turn lane (two total eastbound left turn lanes after reconstruction). Bike lanes will be constructed on both sides of the roadway. Sidewalk will be replaced on the north side of the roadway. The limits of the reconstruction of Capitol Drive extend from the core of the County E/ Capitol Drive intersection to 250 ft west of Commerce Court.

Work along Capitol Drive and Ballard and Capitol Drive intersection core will also include storm sewer installation, erosion control, fertilizer/seed/ mulch, permanent signing, traffic signals, pavement marking and temporary traffic control.

Landscaping elements such as trees, bushes, and grass will be added to the medians and islands of the IH 41 and Ballard Road diverging diamond interchange (DDI).

City of Appleton Intelligent Transportation Systems (ITS) infrastructure will be added to the IH 41 and Ballard Road DDI.

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.

1Phase	SUMMARY OF COSTS						
	Total Est. Cost	Federal/State Funds	%	Outagamie County	%	City of Appleton	%
Preliminary Engineering							
Ballard Rd Interchange	\$2,000,000	\$2,000,000	100%	\$0	0%	\$0	0%
Ballard and Capitol Intersection	\$56,700	\$56,700	100%	\$0	0%	\$0	0%
Preliminary Engineering Subtotal	\$2,056,700	\$2,056,700		\$0		\$0	
Real Estate Acquisition							
Ballard Rd Interchange	\$3,507,000	\$3,507,000	100%	\$0	0%	\$0	0%
Ballard and Capitol Intersection	\$93,500	\$93,500	100%	\$0	0%	\$0	0%
Real Estate Acquisition Subtotal	\$3,600,500	\$3,600,500		\$0		\$0	
Municipal Utility Coordination:							
Ballard Rd Interchange	\$30,000	\$27,000	90%	\$0	0%	\$3,000	10%
Ballard and Capitol Intersection	\$20,000	\$0	0%	\$0	0%	\$20,000	100%
Municipal Utility Subtotal	\$50,000	\$27,000		\$0		\$23,000	
2Construction:							
Ballard Rd Interchange	\$23,000,000	\$23,000,000	100%	\$0	0%	\$0	0%
Ballard and Capitol Intersection	\$652,100	\$0	0%	\$309,000	50%	\$309,000	50%
Ballard Rd Interchange Landscaping (CSS)	\$200,000	\$0	0%	\$100,000	50%	\$100,000	50%
Ballard Road Tree Replacement (18 Trees)	\$20,000	\$16,000	80%	\$2,000	10%	\$2,000	10%
City of Appleton ITS	TBD	\$0	0%	\$0	0%	TBD	100%
Construction Subtotal	\$23,872,100	\$23,016,000		\$411,000		\$411,000	
Total Est. Cost Distribution	\$29,579,300	\$28,700,200		\$411,000		\$434,000	

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

² Estimates include construction engineering.

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 City of Appleton (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

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 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.
 - (k) WisDOT will replace the existing trees located in the median of the Ballard Road interchange.
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) Ballard and Capitol Intersection costs.
 - Compensable utility adjustment and railroad force work necessitated for the project.
 - The grading, base, pavement, curb and gutter, and structure costs to State standards
 - 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.
 - Signing and pavement marking necessitated for the safe and efficient flow of traffic.
 - 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.
 - Replacement of existing driveways, in kind, necessitated by the project.
 - New installations or alteration resulting from roadway construction of standard street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.

- (i) Ballard Road Interchange Landscaping (CSS)
 - (j) City of Appleton Intelligent Transportation System (ITS)
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:

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

Construction ID 1130-65-76

Ballard Rd Interchange

The State will pay 100% of the construction costs under Ballard Rd Interchange unless otherwise noted.

Ballard and Capitol Intersection

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.

Ballard Rd Interchange Landscaping (CSS)

In accordance with the Local Participation Policy Section 3-25-5 of the State’s Program Management Manual Wis. Stat. 85.0205 (1m) prevents the use of improvement funds on elements of a highway improvement project that are determined to be primarily related to the aesthetic preferences of communities adjacent to the improvement. These aesthetic preferences are commonly called community sensitive solutions (CSS) or community sensitive design (CSD).

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.

Ballard Rd Tree Replacement

In accordance with the Local Participation Policy Section 3-25-15 of the State’s Program Management Manual landscaping replacement in the median or terrace area that is approved by WisDOT is eligible for WisDOT participation.

Landscaping is 80 percent eligible for WisDOT participation when placement is in the right-of-way or when the municipality or WisDOT legally arranges for placement on private property in cases where there is insufficient space in the right-of-way.

Landscaping will be consistent with the adopted WisDOT standards (limited to trees and shrubs as appropriate), provided the municipality or property owner accepts responsibility for the maintenance of the landscaping items.

City of Appleton Intelligent Transportation System (ITS)

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.

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 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 enter into a State Municipal Financial Agreement for the County Highway E (Ballard Road) interchange project.

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 is reconstructing the interchange at I-41 & CTH E (Ballard Road). The Highway Department has asked to enter into an agreement to fund non-participating items as part of the reconstruction. There will be a 50/50 cost share with the City of Appleton. The County's estimated cost is \$411,000 to be covered in future budgets.

The request is to allow the Highway Department to enter into the State Municipal Financial Agreement and support future funding for the reconstruction project.

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 (x) no () n/a ()

5. Is the proposal to accept additional revenues only? yes () no (x)

6. Does this request modify/adjust the current year budget? yes () no (x)
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
Future budgets			N/A

Annual and Long-Term Impact

8. Is the above Increase/Decrease a nonrecurring one-time expense or revenue? yes (x) no () n/a ()

9. What is the anticipated annual and/or long-term cost or revenue impact? Annual Cost 0
Annual Revenue 0

Fiscal Note Prepared by: Dean Steingraber

For Financial Services purposes only	
Reviewed By: <i>Michelle Vitenbrock 3/14/2024</i>	If expenditures are recorded in the financial system at a level of detail lower than the level 6 as shown above, indicate the specific account numbers and amounts below: <u>Detail Expenditure Account Number</u> <u>Amount</u>