

RESOLUTION NO.: 42—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 J has been identified as one of those to be reconstructed within the project limits.
4 Work will entail removal and replacement of existing pavement and base material and
5 operational improvements on the interchange ramps and along County J. The typical
6 cross section will remain as an urbanized two-lane typical cross section between the ramp
7 terminals and a rural cross section at the project limits. The existing bridge structure will
8 be replaced. Construction is currently scheduled for 2025. Outagamie County's share is
9 currently estimated to be \$15 for non-participating items. The county share of the project
10 costs is to be funded within future budgets.

11
12 This resolution authorizes the Outagamie County Highway Commissioner to enter into a
13 State/Municipal Financial Agreement (SMFA) for this state-let improvement project and
14 to support future funding for the County J interchange improvement project.

15
16 NOW THEREFORE, the undersigned members of the Highway, Recycling and Solid Waste
17 Committee recommend adoption of the following resolution.

18 BE IT RESOLVED, that the Outagamie County Board of Supervisors does authorize the
19 Highway Commissioner to enter into a State/Municipal Financial Agreement for the County J
20 interchange improvement project, as noted on the attached State/Municipal Financial Agreement for a
21 State-Let Highway Project, which by reference is made a part hereof, and

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

25

BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of this resolution to the Outagamie County Highway Commissioner and the Outagamie County Finance Director.

Dated this ____ day of August 2024

Respectfully Submitted,

HIGHWAY, RECYCLING AND SOLID
WASTE COMMITTEE

Joy Hagen

Daniel Nejedlo

Jason Wegand

Dennis Clegg

Steve Thiede

Duly and officially adopted by the County Board on: _____

Signed: _____
Board Chairperson County Clerk

Approved: _____ Vetoed: _____

Signed: _____
County Executive

	ORIGINAL STATE/MUNICIPAL FINANCIAL AGREEMENT FOR A STATE – LET HIGHWAY PROJECT	Date: 7/12/2024 ID: 1130-66-78 (Design: 1130-63-01) Road Name: IH-41 Title: Appleton – De Pere Limits: CTH J Interchange County: Outagamie County Roadway Length: 0.277 miles
The signatories Town of Kaukauna and County of Outagamie, hereinafter called the Municipalities, through their 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 Municipalities 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 IH 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 standard, 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. CTH J serves multiple land uses including businesses that require larger vehicles (Oversize and Overweight - OSOW) that have difficulty navigating the existing roundabouts on CTH J at the IH 41 ramp terminals. Proposed Improvement – Nature of work: The proposed project will remove the existing CTH J bridge (B-44-0044) over IH 41 and replace it with a new bridge (B-44-0338). The CTH J roadway approaches will be constructed to match into the new bridge including reconstructing the roundabout intersections and approaching interchange ramps. The existing CTH J asphalt pavement will be replaced with a concrete pavement per the approved project pavement design. The limits of the pavement replacement work extend from approximately 700 feet south of IH 41 to 700 feet north of IH 41. 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: Non-participating work is not necessary to finish the project, but the Municipality has requested a 100% non-participating category be included to be able to address any unanticipated non-participating needs during construction.		

SUMMARY OF COSTS							
Phase ¹	Total Est. Cost	Federal/State Funds	%	Town of Kaukauna	%	County of Outagamie	%
Design Engineering	N/A	N/A	100%	\$0	0%	\$0	0%
Real Estate Acquisition	N/A	N/A	100%	\$0	0%	\$0	0%
Utility Coordination:	N/A	N/A	100%	\$0	0%	\$0	0%
Construction ² :							
Category 1000 - Roadway	\$2,665,932.00	\$2,665,932.00	100%	\$0	0%	\$0	0%
Category 1100 - Lighting	\$324,180.00	\$324,180.00	100%	\$0	0%	\$0	0%
Category 1200 - FTMS / ITS	\$202,407.00	\$202,407.00	100%	\$0	0%	\$0	0%
Category 1600 - 100% Outagamie County Funded	\$15.00	\$0	0%	\$0	0%	\$15.00	100%
Category 1610 - 100% Town of Kaukauna Funded	\$15.00	\$0	0%	\$15.00	100%	\$0	0%
Category 1800 - 100% State Funded	\$1,000.00	\$1,000.00	100%	\$0	0%	\$0	0%
Category 2000 - B-44-0338	\$1,910,108.00	\$1,910,108.00	100%	\$0	0%	\$0	0%
Category 4000 - R-44-0050	\$155,965.00	\$155,965.00	100%	\$0	0%	\$0	0%
Category 4010 - R-44-0051	\$207,545.00	\$207,545.00	100%	\$0	0%	\$0	0%
Subtotal	\$5,467,167.00	\$5,467,137.00		\$15.00		\$15.00	
Total Est. Cost Distribution	\$5,467,167.00	\$5,467,137.00		\$15.00		\$15.00	
¹ Costs shown are estimates only and may be updated as design progresses							
² Estimates include construction engineering, estimated at 15%.							

This request shall constitute agreement between the Municipalities and the State; is subject to the terms and conditions that follow (pages [3] – [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 Municipalities. 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 on behalf of the Town of Kaukauna	
Name (print)	Title
Signature	Date

Signed for and on behalf of the County of Outagamie	
Name (print)	Title
Signature	Date
Signed for and on behalf of the State	
Name (print)	Title
Signature (please sign in blue ink)	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 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 with state and federal regulations.
 - (h) Conditioning, if required, and maintenance of detour routes.
- 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 on 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:

Design Engineering, Real Estate Acquisition, Utility Coordination:

The State will pay 100% of the cost for design engineering, real estate acquisition, and utility coordination.

Costs for design engineering, real estate acquisition, and utility coordination are shown as not applicable (N/A) in the summary of costs table due to the complexities of isolating individual Let Project costs from the Appleton-Green Bay corridor wide design ID (1130-63-01) and this information is not relevant to the municipal construction cost share.

Construction ID: 1130-66-78

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 items

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 for standard lighting required by the FDM for roundabouts per PMM 3-25-05.

Category 1200 – FTMS / ITS

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

Category 1600 – 100% 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
305.0120	Base Aggregate Dense 1 1/4-Inch	TON	1	\$13	\$13.00

1130-66-78 Construction Total	\$13.00
15% Construction Engineering	\$2.00
1130-66-78 Project Total	\$15.00

Category 1610 – 100% Town of Kaukauna

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
305.0120	Base Aggregate Dense 1 1/4-Inch	TON	1	\$13	\$13.00

1130-66-78 Construction Total	\$13.00
15% Construction Engineering	\$2.00
1130-66-78 Project Total	\$15.00

Category 1800 – 100% State Funded

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

Category 2000 – B-44-0338

The State will pay 100% of the construction costs under Category 2000 – B-44-0338 unless otherwise noted.

Category 4000 – R-44-50

The State will pay 100% of the construction costs under Category 4000 – R-44-0050 unless otherwise

noted.

Category 4010 – R-44-51

The State will pay 100% of the construction costs under Category 4010 – R-44-0051 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.

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:** This resolution authorizes the Outagamie County Highway Commissioner to enter into a State/Municipal Financial Agreement (SMFA) for this state-let improvement project and to support future funding for the County J interchange improvement 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 (WisDOT) is planning for reconstruction of the I-41 corridor which includes interchanges with local highways. The interchange of County J has been identified as one of those to be reconstructed within the project limits. Work will entail removal and replacement of existing pavement and base material and operational improvements on the interchange ramps and along County J. The typical cross section will remain as an urbanized two-lane typical cross section between the ramp terminals and a rural cross section at the project limits. The existing bridge structure will be replaced. Construction is currently scheduled for 2025. Outagamie County's share is currently estimated to be \$15 for non-participating items. The county share of the project costs is to be funded within future budgets.

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 () n/a ()
4. If the proposal requests additional spending, can the additional cost be absorbed within the current year's line item? yes () no () n/a (x)
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
Future Budget			

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: Richard Hammen

For Financial Services purposes only

Reviewed By:
Michelle Wittenbrook
7/18/2024

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:

Detail Expenditure Account Number

Amount