

VILLAGE OF ALLOUEZ

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Department of Public Works

DRAFT AGREEMENT FOR JOINT BROWN COUNTY/MUNICIPAL URBAN STREET PROJECTS

The development of this agreement was precipitated by the recent county action to draft an ordinance regarding cost sharing on urban municipal/county joint road projects. This action appeared intended to significantly reduce the county share of road project costs. A recent legislative action in Wis Stats 89.03 is the basis for reducing the county cost share. This would be a significant cost increase to municipalities if this new county ordinance would have been enacted as initially conceived.

Attached is the draft agreement prepared by the DPW's from the metro communities.

This draft has been provided to the Brown County DPW for review and for discussion with the metro DPW's later in a meeting later in September.

If this agreement is acceptable to the Brown County DPW, or with minor changes, this is the agreement that will probably go back the Brown County projects and development committee.

This agreement closely follows the original county/municipal agreement from 2011 that had been used for many years, and in a slightly modified form is still used. The original agreement was based on a 50/50 cost share. This has been retained in this current draft.

This updated agreement addresses some more recent issues that needed resolution, including:

- Sharing in costs for storm sewer and inlets on streets including maintenance of the storm system by the county if the storm sewer is primarily for county stormwater. If mainly for the municipality then it is a municipal cost.
- Storm treatment costs (ponds) are handled in a similar way.
- Maintenance of sidewalks is addressed-municipal cost in most cases.
- Maintenance of the roadway is a county cost and the items are identified.
- Coordination of utility permits in a county ROW is addressed. The county is to provide copies of permits to municipalities.

Legal counsel for Green Bay, DePere, Pulaski and Allouez have reviewed the agreement. They have recommended proceeding with discussion with Brown County using this agreement.

CHANGES TO ORIGINAL 2011 JOINT AGREEMENT THAT HAVE BEEN INCORPORATED INTO THE 2016 DRAFT

The draft agreement prepared by the DPW's is based on the original joint agreement used up to 2011. This original agreement was workable, but now needs some changes due to changes in projects and regulatory requirements.

The basic approach in this draft agreement is to maintain the 50/50 split of construction costs between Brown County and a municipality as fair.

Some of the modifications to the agreement include:

- A method to define which party is responsible for construction of storm sewer and for maintenance of the installed storm sewer.
- Stormwater treatment facility construction cost allocation is defined if needed for a street project.
- Maintenance responsibilities for a joint street project, after construction is completed, is defined. For example, sidewalk maintenance would be a municipality responsibility in most cases.
- The new agreement requires Brown County to share all street permits information with the municipality. This will help with local utility projects.
- This agreement requires the county to share in sidewalk and bike lane construction costs.

These are the changes made/included in the new draft agreement.

Joint Projects with Brown County Municipalities

The following is a general policy for joint County/Municipal highway improvement projects on County trunk highways. Joint highway projects require prior County and Municipality approval, and funding budgeted by both units of government. Approval must be obtained for design and for construction. As part of the project development process, the County will follow the Brown County and MPO planning documents. The County requests a copy of the municipality's up-to-date land use and transportation plans, and is also interested in the municipality's plans (as available) that support bicycle, pedestrian, transit, and Traffic Demand Management (TDM) efforts to plan for future traffic volumes and reduce automobile trips and congestion.

Engineering

The County will share one-half (1/2) the engineering costs (design, inspection and administration) of all items in which the County participates. The maximum percentage for design and construction engineering costs including all administrative, legal and other fees as a percentage of actual total construction costs shall not exceed 20% for road projects, 25% for bridge projects, and 30% for intersection/signal projects. Plans shall be approved by the County prior to letting and to any agreement for construction being signed.

Right-of-way

The County shall obtain, gain ownership, and assume all costs associated with roadway right-of-way only for projects where multi-jurisdictional control of adjoining property exists. Any further right-of-way required for municipal amenities such as turn lanes into commercial areas or side roads, *on street parking*, additional lanes, or frontage roads, as requested by the municipality shall be acquired by the municipality at its cost. The municipality shall acquire the needed right-of-way for the project if the municipality intends, through agreement with the County, to assume maintenance control of the County trunk (*jurisdictional transfer*) after the improvement is completed.

Coordination of Projects, Permits and Right of Way

The County shall hold an annual meeting with municipalities to review proposed projects for the next year and review the 6-year Capital improvement plans of the County. The County and municipality shall coordinate driveway permits, right of way management and excavation permits as both entities have joint responsibilities such as storm sewer maintenance, sidewalk maintenance, and public utility operations.

Sidewalk and Bike Lanes

The County will share in one-half (1/2) of the costs of sidewalks and bike lanes

The Municipality shall be responsible for the future costs of the maintenance and repair of the sidewalk.

Driveway Aprons

The County will share in one-half (1/2) of the costs of driveway aprons.

Bicycle Paths

The County will share in one-half (1/2) of the costs of a widened roadway section that is available for bicycle use. "Off-road" bicycle paths may be funded by improvement project funds. Any cost sharing for "Off-road" bicycle paths, including overhead or tunnel road crossing within the right-of-way, will be determined on an individual basis. The Municipality shall be responsible for the future costs of maintenance and repair of the bicycle paths.

Storm Sewer

The County will share in one-half (1/2) of the costs of the installation of storm sewer infrastructure devices and treatment facilities to accommodate street surface water drainage collection and treatment.

Sanitary Sewers and Water Mains

The County will not share in the costs of adjusting, relocating, repairing, placing, or replacing any sanitary sewer or water main, or appurtenances within or adjacent to the improvement project.

Road Lighting

The County will not share in roadway lighting costs except where warranted or required by design standards.

Traffic Lights and Signing

The County will assume the costs of highway signing, with the exception of parking or restrictive parking signs, for which the County will not share costs.

The County will assume one-half (1/2) of all costs involved in traffic light installations. The County will maintain all signal facilities. The municipality will be responsible for electrical costs for the traffic signals.

Landscaping

The County will share in one-half (1/2) the costs of general landscaping (salvage topsoil, seeding, fertilizer and mulch) within the right of way. Sodding costs assumed by the County will be limited to areas where it is warranted to control erosion, or it is the only viable alternative for right-of-way restoration (areas where seed mulch won't suffice). Plantings as requested by the municipality shall be at their expense if approved by the County.

Project Negotiation

The County and municipality shall negotiate according to this policy.

For projects for special circumstances and requirements that are not outlined in the 6-year Capital Improvement Plans. An example of this might be the addition of a signalized intersection for an upcoming impending development (0- 2 years out) that both the County and Municipality share an interest. A development project of this type will generate new or additional tax base that benefit both governmental entities. The local municipality will have demonstrated a substantial investment allocated in the Development project (financial, actual land transactions and otherwise) including local plan approvals and plan development that is eminent.

ATTACHMENT 1: BROWN COUNTY PUBLIC WORKS DEPARTMENT COST SHARE POLICY

<u>PROJECT TYPE</u>	<u>BROWN COUNTY</u>	<u>MUNICIPALITY</u>
<p><u>Asphalt reconditioning:</u> Reconditioning means reclaiming existing pavements and base course, replacement of the pavement primarily in the same pavement alignment (vertical and horizontal) because the existing lanes and roadway structure do not require reconstruction.</p> <p>A. Reclaim of existing pavement & base course</p> <p>B. Paving of up to 4.5" asphaltic pavement</p> <p>C. Curb & gutter replacement</p>	<p>100%</p> <p>100%</p> <p>100%</p>	<p>0%</p> <p>0%</p> <p>0%</p>
<p><u>Roadway Reconstruction:</u> Reconstruction means complete pavement & base replacement, subsoil grading, EBS, drainage, other transportation related appurtenances, including pavement realignment (vertical and horizontal) and widening or additional lanes for example.</p> <p>A. <u>Urban Reconstruction:</u> New concrete curb & gutter, storm sewer, asphalt or concrete pavement, bicycle and pedestrian facilities (see eligible project costs).</p> <p>B. <u>Rural Reconstruction:</u> Reconstruction of existing or widening of existing 2-lane roadway, travel lane addition, including 3-lane with center-shared, left-turn, or 4-lane divided or undivided roadway.</p>	<p>50%</p> <p>100%</p>	<p>50%</p> <p>0%</p>
<p><u>New Roadway Construction:</u></p>	<p>50%</p>	<p>50%</p>

<u>Bridge Construction/Reconstruction:</u>		
A. Part of Roadway Reconstruction A & B above.	50%	50%
B. Town Bridge Replacement. <u>Note:</u> Funding utilizes the County Bridge fund which is a 50/50 matching fund with the Municipality.	50%	50%
C. County Bridge Replacement.	100%	0%

<u>Eligible Project Costs:</u>
County eligible construction project funding will be limited to participation in the costs of the following items as specified in the estimate summary:
A. Design engineering and all necessary environmental and wetland assessment investigations as required by the Wisconsin Department of Natural Resources and/or the U.S. Army Corps of Engineers.
B. Right-of-way acquisition cost for eligible construction items, including the cost of the right-of-way plat development, property appraisals, acquisition negotiations, legal costs and relocation expenses and fees for limited construction easements.
C. Wetland replacement
D. Construction engineering related to inspection, supervisions, and administration of the actual construction work.
E. Street grading, base, pavement, curb & gutter, drainage structures, bridges, intersection channelization & turning lanes, 15-foot wide concrete outside curb lanes and driveway aprons.
F. Installation of main line storm sewer trunk lines, storm sewer inlets, manholes, and catch basins necessary to accommodate street surface water drainage. Storm water devices (BMP ponds, swales, etc.) required for the project. the County shall pay a prorata share of the construction cost
G. Existing concrete sidewalk replacement or repair, new sidewalks and bike lanes construction, or multi-use bicycle/pedestrian asphaltic path where an off-street bicycle /pedestrian facility is the only bicycle accommodation for the project if appropriate according to design standards. The County will participate in the costs for 5' sidewalks and bike lanes or bicycle/pedestrian path up to 5' for the concrete sidewalk or up to 10' for an asphalt bicycle/pedestrian path. Sidewalks and bike lanes as recommended by the Brown County Comprehensive Plan.
H. Signing and pavement marking, including detour routes, installation of traffic signal infrastructure and traffic signals meeting signal warrants.
I. Erosion control devices required per Wisconsin DNR Standards.
J. Retaining walls required for the Project.
K. Roundabout intersections that meet traffic signal warrants including street lighting, standard WisDOT colored concrete, and signs.
L. Landscaping including salvaged topsoil, seeding, fertilizing, and mulch.
M. DOT pavement Design & Life Cycle cost analysis and selection-The number, width, material and thickness of travel lanes and base course shall be as appropriate for a minimum 20-year design life, no less than a LOS D in the design year, accounting for future projected truck/vehicle traffic volumes and subsoil conditions. All other transportation facilities shall also be appropriately designed for a 20-year design life and suitable level of service. Pavement designs shall utilize the DOT facilities development manual in designing and evaluating pavement sections and their equivalent life cycle costs to be constructed. Municipality requested pavement material or other

upgrades (the difference) shall be paid by the Municipality.
N. Compensable Utility relocation costs.

Non-eligible Project Costs:
Work necessary to complete the Project to be financed entirely by the Municipality or other utility or facility owner includes the following items:
A. New installation of, or alteration of, sanitary sewers and connections, water, gas, electric, telephone, fire or police alarm facilities, parking meters, street lighting and similar utilities.
B. Traffic signals or roundabouts not meeting warrants.
C. Any allowed parking stalls and any associated additional right of way costs.
D. The Municipality after construction will maintain the regional storm water devices,
E. Trees, shrubs, and other landscaping along the roadway or at roundabouts after location approval by Brown County.
F. Decorative features (lighting, signs, railing, etc.) above standard baseline costs.

Maintenance

Items to be maintained by the County

- Shouldering
- Pavement marking
- Signing
- Crack sealing
- Asphalt patching
- Concrete pavement repair
- Asphalt resurfacing
- Curb and gutter repair
- Storm sewer manhole and inlet casting/pavement (County-owned storm sewer only)
- Street sweeping
- Application of protective coatings (bridges)
- Guard rail
- Removal, treatment and sanding/salting of ice (between curbs, shoulders, travel lanes)
- Removal and control of snow (between curbs, shoulders, travel lanes)
- Interim repair of highway surfaces and adjacent structures
- Ditch and center median mowing (performed only for visibility purposes)
- Traffic signal operation
- Storm sewer piping, manholes, inlets and leads that strictly serve highway pavements only (Includes jetting, locating and repairs).
- Storm water BMP devices (ponds, swales, etc.), except the regional portion of a regional device

Items to be maintained by the Municipality

- Street lighting
- Interim repair of Sidewalks
- Pavement marking associated with sidewalks (crosswalks)
- Interim repair of off street bike paths
- Sanitary sewer
- Interim repair of Storm sewer piping, manholes, inlets and leads that serves more than highway pavements
- Watermain
- Other municipal utilities
- Mowing behind the curb line (terrace area)
- Center median mowing (performed for aesthetic purposes)
- Snow and ice removal on sidewalks and/or bike paths (unless sidewalk is adjacent to County-owned property.
- Roundabout center island landscaping Trees, shrubs, and other landscaping behind the curb line (in terrace area)