



AGENDA
COMMITTEE OF THE WHOLE

Tuesday, August 4, 2020

6:30 p.m.

Common Council Chambers, 224 East Jefferson Street

Webinar Link: <https://us02web.zoom.us/j/83742370640?pwd=MVVaZHGwNXVWaHdldDBnTEIxUFlyQT09>

Webinar ID: **837-4237-0640**

Password: **441655**

Telephone Dial: US: (312) 626-6799

- To attend a meeting, click on the link provided or dial in with the phone number provided on the meeting agenda. You may need to create a Zoom account if you access the meeting online.
- You will participate as an attendee, not a panelist. You will be muted by the meeting moderator.
- To participate/speak during a meeting when allowable, you will need to “raise your hand”. Online you will find a ‘raise hand’ option in the menu bar. Via phone, you can press *9.
- All meetings are recorded and subject to the Wisconsin Open Meetings Law.

Mayor Jeannie Hefty

Susan Kott, Alderman, 1st District

Theresa Meyer, Alderman, 1st District

Bob Grandi, Alderman, 2nd District

Ryan Heft, Alderman, 2nd District

Steve Rauch, Alderman, 3rd District

Jon Schultz, Council President, Alderman, 3rd District

Thomas Preusker, Alderman, 4th District

Todd Bauman, Alderman, 4th District

1. **Call to Order - Roll Call**
2. **Citizen Comments:** Telephone Dial: US: (312) 626-6799, Webinar ID: 837-4237-0640
3. **Approval of Minutes** (*S. Rauch*)
 - A. To approve the July 21, 2020 Committee of the Whole Meeting Minutes.
4. **RESOLUTIONS:**
 - A. **Resolution 5023(19)** - To Petition the Secretary of Transportation for Airport Improvement Aid by the Common Council of the City of Burlington, Racine and Walworth Counties, Wisconsin.

- B. **Resolution 5024(20)** - To authorize an agreement with the Wisconsin Department of Transportation to share the cost of replacing the Jefferson Street Bridge.

- 5. **ORDINANCES:** None

- 6. **MOTIONS:**
 - A. **Motion 20-980** - To authorize staff to draft a Professional Services Agreement with GrahamSpencer for the City of Burlington's Re-Branding effort.

- 7. **ADJOURNMENT** (*J. Schultz*)

Note: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.



COMMITTEE OF THE WHOLE

ITEM NUMBER 3A

DATE: August 4, 2020

SUBJECT: MEETING MINUTES - To approve the July 21, 2020 Committee of the Whole Meeting Minutes.

SUBMITTED BY: Diahnn Halbach, City Clerk

BACKGROUND/HISTORY:

The attached minutes are from the July 21, 2020 Committee of the Whole meeting.

BUDGET/FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of the attached minutes from the July 21, 2020 Committee of the Whole meeting.

TIMING/IMPLEMENTATION:

This item is scheduled for final consideration at the August 4, 2020 Common Council meeting.

Attachments

COW Minutes



City Clerk
300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 - (262) 763-3474 fax
www.burlington-wi.gov

CITY OF BURLINGTON
Committee of the Whole Minutes
Jeannie Hefty, Mayor
Diahnn Halbach, City Clerk
Tuesday, July 21, 2020

1. **Call to Order - Roll Call**

Mayor Hefty called the Committee of the Whole meeting to order via Zoom at 6:30 p.m. Roll Call - Present: Mayor Hefty, Alderman Susan Kott, Alderman Theresa Meyer, Alderman Bob Grandi, Alderman Ryan Heft, Alderman Steve Rauch, Alderman Jon Schultz, Alderman Todd Bauman. Excused: Alderman Tom Preusker.

Staff present: Administrator Carina Walters, City Attorney John Bjelajac, Finance Director Steve DeQuaker, Assistant City Administrator/Zoning Administrator Megan Watkins, Public Works Director Peter Riggs, Fire Chief Alan Babe, Police Chief Mark Anderson, and Human Resource Manager Jason Corbin.

2. **Citizen Comments:** Telephone Dial: US: (312) 626-6799, Webinar ID: 837-4237-0640

3. **Approval of Minutes** - To approve the July 7, 2020 Committee of the Whole Meeting Minutes.

Motion: Alderman Grandi. Second: Alderman Bauman. With all in favor, the motion carried.

4. **DISCUSSION:** To direct City staff to draft a joint Municipal Resolution petitioning Racine County for a 1/2-cent Sales Tax increase.

Administrator Walters began the discussion and presented a PowerPoint. Walters stated as part of the annual budget process, the Common Council requests staff to identify alternative sources of revenue, and implementing a 1/2-cent sales tax would be an opportunity to generate revenue. Walters stated that of the 72 Counties in the State of Wisconsin, 68 have enacted the 1/2-cent sales tax and are receiving proceeds through monthly distributions provided by the State Department of Revenue. Only 4 Counties (Manitowoc, Racine, Waukesha, & Winnebago) have yet to adopt this 1/2-cent Sales Tax. Of the 17 municipalities within Racine County, 3 are not in favor of raising any taxes, 2 have expressed an interest in pursuing a resolution, and the remaining will present to their Boards. Walters further stated that because individual municipalities are not able to implement their own sales tax, they must rely on an Agreement with the County. Participating municipalities would then share in the revenue generated, which could result up to \$504,000 for the City of Burlington based on a 50% (.5) per capita factor. Walters stated that staff is seeking direction to move forward with a joint municipal resolution. After some discussion, the "tea leaf" reading from the Council was to move forward with drafting a Joint Municipal Resolution to petition Racine County for a 1/2-cent Sales Tax increase.

5. **RESOLUTIONS:**

- A. **Resolution 5019(15)** - To approve the Water System SCADA (Supervisory Control and Data Acquisition) Improvement Services with Redford Data Services in the amount of \$13,594.00.

Director Riggs provided an overview of the SCADA system and stated that it is used to monitor and control mechanical systems integral to all steps in the water pumping, treatment, and distribution process and that water utility staff identified critical need to upgrade SCADA equipment immediately to ensure system security and to correct some observed performance concerns, which includes replacement of the computer that hosts the SCADA system, installation and setup of the latest versions of SCADA and dialer software.

- B. **Resolution 5020(16)** - To approve Task Order 111 with Kapur & Associates for the Design of Maryland Avenue Road Improvements.

Director Riggs provided an overview of this project stating that Maryland Avenue has been included in the 2021 Street Improvement Plan due to deterioration of road conditions and needed water main and storm sewer repairs. Riggs stated that the estimated cost of this project is \$1,843,371, which includes a 20% construction contingency, design engineering costs, and construction management costs, and that Task Order 111 represents the portion of the project related to design engineering which costs \$148,192. Riggs further stated that The City submitted the project for a LRIP-MSID grant through WISDOT in December was successfully awarded the grant in the amount of \$450,000, which is the maximum award possible for this funding cycle of the program.

Alderman Rauch asked if the project included plans to resurface the baseball parking lots or make improvements to the compos and reconfigured for a new bike path and although no plans have been made to resurface the baseball parking lots, it would be make sense timing wise and could research the possibilities.

Alderman Schultz inquired about the timing of the project and when it would start. Riggs responded that the project would be scheduled to begin after ChocolateFest. Schultz then asked if the proposed bike paths are dedicated bike paths or shared with the road, which also includes a path on Grove Street. Riggs responded that the bike paths on the map are conceptually proposed and the section on Grove, presents more of a challenge to connect; however a path could be included further down Milwaukee Avenue, which would allow pedestrians to cross at a synchronized light, and then connect to Midwood.

Alderman Grandi commended Riggs on the successful grant.

- C. **Resolution 5021(17)** - To approve a change of Polling Location from United Methodist Church to the Veteran's Terrace, located at 589 Milwaukee Avenue.

City Clerk, Diahnn Halbach, presented the resolution, stating that the Burlington United Methodist Church has been the designated polling location for Wards 5-10, however, due to reasons related to COVID, they will no longer allow the City of Burlington to use their facility. In an effort to locate a new polling location, Beth Reetz, Manager of the Veteran's Terrace, offered the use of their facility. Halbach stated that if approved, this change would be effective immediately so that the August 11, 2020 election can be held at the new location. A Postcard Notification will be mailed to all registered voters within these two districts. Information will also be posted on the City's website, social media, and the local newspapers.

- D. **Resolution 5022(18)** - To approve an Agreement with Axon Enterprises, Inc. for seven in-squad camera systems and cloud storage for the City of Burlington Police Department in the amount of \$67,743.00.

Chief Anderson provided a brief overview of the topic. Sergeant Krusemark then reviewed in further detail, stating that this is a 5-year agreement with insurance that will allow for upgrades when they become available. Krusemark stated the current in-squad cams are either out of warranty or will be out of warranty in the next 2 1/2 to 3 years. The cameras are also low res and can produce a grainy video, as well as requires space on the police department's server. Krusemark stated that the Axon Fleet 2 squad camera system offers resolutions up to 1080p, allows users to tag videos and write notes on the video file in the squad car, can be triggered by light bar activation, crash detection, speed threshold detection, and rifle mount activation; and additionally, if another officer arrives to assist, the camera automatically activates the other officer's body worn camera. When video from an incident is viewed, all in-squad video and all body cam video, as well as map locations, are displayed time-stamped simultaneously, even if multiple officers are on-scene. The camera system also uses a cloud system for video storage, which eliminates the need for the City's server.

Alderman Schultz asked if the body cameras are separate from the squad camera quote and if the agreement is more of an annual subscription and wanted to know what happens after year 5. Krusemark replied that the quote only includes the squad cameras and confirmed that the agreement is a subscription and stated that the initial cost is for the equipment and when renewed in year 6, it would look just like year 5. Schultz then asked if the equipment can be manually turned off, if it's happened, and if so, is there an option for it not to be turned off. Chief Anderson responded that an incident took place about 5 years ago where an officer turned off the camera and the officer was reprimanded. Chief Anderson further stated that the cameras actually protect the officers and is a great training tool.

Alderman Kott commented that this is a great program and likes the updated technology.

6. **ORDINANCES:** None

7. **MOTIONS:**

- A. **Motion 20-975** - To approve the City of Burlington Fire Chief and/or Service Director to apply for the Wisconsin EMS Funding Assistance Program (FAP).

Chief Babe presented this motion stating that the Funding Assistance Program (FAP) is open to ambulance service providers that provide primary, first-in 911 ambulance services and that this will be the fire department's first opportunity to apply for the FAP as a transport ambulance provider. Chief Babe stated that the funding will allow for the department to use the monies towards support and improvement of the ambulance and equipment, as well as training and examination aid for the ambulance service.

- B. **Motion 20-976** - To approve an Airport Hangar Lease with John Pelland for property located at 916 Alpha Taxiway, Burlington Municipal Airport, Burlington, Wisconsin.

Motions 20-976 and 20-977 were presented together. Alderman Rauch asked if there are six hangars on Delta and Gulf Taxiway. Watkins responded there are six hangars but all located under one large building.

- C. **Motion 20-977** - To approve an Airport Hangar Lease with BBS Investments, LLC for property located at 900, 908, 916 Delta Taxiway and 901, 909, 917 Gulf Taxiway, Burlington Municipal Airport, Burlington, Wisconsin.

This item was discussed along with Motion 20-976.

- D. **Motion 20-978** - To approve pavement repairs near the Milwaukee Avenue Rail Crossing.

Director Riggs presented the motion and explained the project stating that the City would like to take advantage of the closing to perform road work on Milwaukee Avenue while railroad repairs are being done, which would eliminate the need for a second detour and railroad coordination in the future. Riggs stated that initially they had hoped to use the same paving contractor as CN, however, due to Wisconsin Public Bid Laws, there was not enough time to complete. As a solution, they are seeking an approval of a change order with Kapur to include in the 2020 Street Projects, as there is funding available to complete the pavement repairs.

8. **ADJOURNMENT**

Motion: Alderman Heft. Second: Alderman Rauch. With all in favor, the motion carried and the meeting was adjourned at 7:52 p.m.

Minutes respectfully submitted by:

Diahnn C. Halbach
City Clerk
City of Burlington



DATE: August 4, 2020

SUBJECT: **RESOLUTION 5023(19)** - To Petition the Secretary of Transportation for Airport Improvement Aid by the Common Council of the City of Burlington, Racine and Walworth Counties, Wisconsin.

SUBMITTED BY: Carina Walters, City Administrator

BACKGROUND/HISTORY:

The attached petition to the Secretary of Transportation for Federal and/or State aid is the next step towards applying for State funding for qualifying airport improvements. Funding for these improvements come from entitlement funds for general aviation airports, with minimum local and State contributions. The last time the City petitioned for aid with the Secretary of Transportation was in 2016.

The proposed improvement for the Burlington Airport per this petition is as follows:

- Upgrade fuel system credit card reader (2021)
- Construct hangar taxiway (2024)
- Replace airfield lighting
- Update Master Plan and Airport Layout Plan
- Install security equipment/cameras
- Any necessary related work

A Public Hearing has been scheduled during tonight's Common Council meeting to hear comments and concerns from the public regarding a petition to the Secretary of Transportation for Federal and/or State aid for qualifying airport improvements at the Burlington Municipal Airport.

This evening, Gary Meisner is here to provide an overview of this project and capital projects over the several years.

BUDGET/FISCAL IMPACT:

The City would be responsible for between 2.5% to 5% of the project costs, with the remaining costs to be funded by the State aid.

RECOMMENDATION:

Staff recommends approval of this petition to the Secretary of Transportation.

TIMING/IMPLEMENTATION:

This item is for discussion at the August 4, 2020 Committee of the Whole meeting, and is scheduled for final consideration at the August 18, 2020 Common Council meeting.

Attachments

Res 5023(19) Petition for Airport Improvement Aid
Seven Year (Possible) Project Funding Report

**RESOLUTION PETITIONING THE SECRETARY OF TRANSPORTATION FOR AIRPORT
IMPROVEMENT AID BY THE COMMON COUNCIL OF THE CITY OF BURLINGTON,
RACINE COUNTY AND WALWORTH COUNTY, WISCONSIN**

WHEREAS, the City of Burlington, Racine County, Wisconsin hereinafter referred to as the sponsor, being a municipal body corporate of the State of Wisconsin, is authorized by Wis. Stat. §114.11, to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate an airport, and;

WHEREAS, the sponsor desires to develop or improve the Burlington Municipal Airport, Racine County, Wisconsin.

"PETITION FOR AIRPORT PROJECT"

WHEREAS, the foregoing proposal for airport improvements has been referred to the city plan commission for its consideration and report prior to council action as required by Wis. Stat. §62.23(5), and;

WHEREAS, airport users have been consulted in formulation of the improvements included in this resolution, and;

WHEREAS, a public hearing was held prior to the adoption of this petition in accordance with Wis. Stat. §114.33(2) as amended, and a transcript of the hearing is transmitted with this petition, and;

THEREFORE, BE IT RESOLVED, by the sponsor that a petition for federal and (or) state aid in the following form is hereby approved:

The petitioner, desiring to sponsor an airport development project with federal and state aid or state aid only, in accordance with the applicable state and federal laws, respectfully represents and states:

1. That the airport, which it is desired to develop, should generally conform to the requirements for a Basic General Aviation type airport as defined by the Federal Aviation Administration.
2. The character, extent, and kind of improvements desired under the project are as follows: Upgrade fuel system credit card reader; Construct hangar taxiway; Replace airfield lighting; Update Master Plan and Airport Layout Plan; Install security equipment/cameras, and any necessary related work.
3. That the airport project, which your petitioner desires to sponsor, is necessary for the following reasons: to meet the existing and future needs of the airport.

WHEREAS, it is recognized that the improvements petitioned for as listed will be funded individually or collectively as funds are available, with specific project costs to be approved as work is authorized, the proportionate cost of the airport development projects described above which are to be paid by the sponsor to the Secretary of the Wisconsin Department of Transportation (hereinafter referred to as the Secretary) to be held in trust for the purposes of the project; any unneeded and unspent balance after the project is completed is to be returned to the sponsor by the Secretary; the sponsor will make available any additional monies that may be found necessary, upon request of the Secretary, to complete the project as described above; the Secretary shall have the right to suspend or discontinue the project at any time additional monies are found to be necessary by the Secretary, and the sponsor does not provide the same; in the event the sponsor unilaterally terminates the project, all reasonable federal and state expenditures related to the project shall be paid by the sponsor; and;

WHEREAS, the sponsor is required by Wis. Stat. §114.32(5) to designate the Secretary as its agent to accept, receive, receipt for and disburse any funds granted by the United States under the Federal Airport and Airway Improvement Act, and is authorized by law to designate the Secretary as its agent for other purposes.

"DESIGNATION OF SECRETARY OF TRANSPORTATION AS SPONSOR'S AGENT"

THEREFORE, BE IT RESOLVED, by the sponsor that the Secretary is hereby designated as its agent and is requested to agree to act as such, in matters relating to the airport development project described above, and is hereby authorized as its agent to make all arrangements for the development and final acceptance of the completed project whether by contract, agreement, force account or otherwise; and particularly, to accept, receive, receipt for and disburse federal monies or other monies, either public or private, for the acquisition, construction, improvement, maintenance and operation of the airport; and, to acquire property or interests in property by purchase, gift, lease, or eminent domain under Wis. Stat. §32 .02; and, to supervise the work of any engineer, appraiser, negotiator, contractor or other person employed by the Secretary; and, to execute any assurances or other documents required or requested by any agency of the federal government and to comply with all federal and state laws, rules, and regulations relating to airport development projects.

FURTHER, the sponsor requests that the Secretary provide, per Wis. Stat. §114.33(8)(a), that the sponsor may acquire certain parts of the required land or interests in land that the Secretary shall find necessary to complete the aforesaid project.

"AIRPORT OWNER ASSURANCES"

AND BE IT FURTHER RESOLVED that the Sponsor agrees to maintain and operate the airport in accordance with certain conditions established in Chapter Trans 55, Wisconsin Administrative Code, or in accordance with Sponsor assurances enumerated in a Federal Grant Agreement.

AND BE IT FURTHER RESOLVED THAT THE Mayor and City Clerk be authorized to sign and execute the Agency Agreement and Federal Block Grant Owner Assurances authorized by this Resolution.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Gary Meisner, Burlington Municipal Airport and the Department of Transportation, Wisconsin Bureau of Aeronautics, P.O. Box 7914, Madison, WI 53707-7914.

Introduced: August 4, 2020
Adopted:

Jeannie Hefty, Mayor

Attest:

Diahnn Halbach, City Clerk

CERTIFICATION

I, Diahnn Halbach, City Clerk of Burlington Wisconsin, hereby certify that the foregoing is a correct copy of a resolution introduced at the Common Council meeting on the _____ day of _____, 2020, adopted by majority vote, and recorded in the minutes of said meeting.

Total Ayes: _____

Total Nays: _____

Diahnn Halbach, City Clerk
City of Burlington
Racine and Walworth County

AGENCY AGREEMENT AND FEDERAL BLOCK GRANT OWNER ASSURANCES

**Department of Transportation
Bureau of Aeronautics
Madison, Wisconsin**

WHEREAS, the City of Burlington, Racine County, Wisconsin, hereinafter referred to as the "Sponsor", desires to sponsor an airport development project to be constructed with federal aid and/or state aid, specifically, the Burlington Municipal Airport project to:

To conduct a comprehensive zoning study of airport property, any necessary related work.

WHEREAS, the Sponsor adopted a resolution on August 18, 2020, a copy of which is attached and the prescribed terms and conditions of which are fully incorporated into this agreement, designating the Secretary as its agent and requesting the Secretary to act as such as set forth in the resolution, and agreeing to maintain and operate the airport in accordance with certain conditions; and

AGENCY AGREEMENT.....

WHEREAS, upon such request, the Secretary is authorized by law to act as agent for the Sponsor until financial closing of this project.

NOW THEREFORE, the Sponsor and the Secretary do mutually agree that the Secretary shall act as the Sponsor's agent in the manner of the airport development as provided by law and as set forth in the reference resolution; provided, however, that the Secretary is not required to provide legal services to the Sponsor.

SECRETARY OF TRANSPORTATION

David M. Greene, Director (Date)
Bureau of Aeronautics

FEDERAL BLOCK GRANT OWNER ASSURANCES.....

WHEREAS, the Sponsor does agree to the conditions established in Trans 55, Wisconsin Administrative Code, and, for projects receiving federal aid, to the attached Federal Sponsor Assurances, which are in a condition of a Federal Grant of Funds.

The Federal Block Grant Owner Assurances shall remain in full force and effect throughout the useful life of the facilities developed under this project, but in any event not to exceed twenty (20) years from the date of the finding.

Acceptance: The Sponsor does hereby accept the Agency Agreement and the Federal Block Grant Owner Assurances.

Sponsor: The City of Burlington, Racine County, Wisconsin

Jeannie Hefty, Mayor

Diahnn Halbach, City Clerk

Date

Date

Wisconsin Bureau of Aeronautics
Project Funding Report



Years: 2026,2025,2024,2023,2022,2021,2020

Project Categories:

Project Type:

Project Statuses:

	Entitlement	GA Apportionment	Discretionary	State	Sponsor	Total
Program Year: 2020						
Burlington Municipal Airport						
Project Title:	BUU1001 - AIP 07					
Proj Number:	BUU1001					
* Design and resident engineering for rehabilitation of taxiway and apron	\$228,457.00	\$0.00	\$0.00	\$12,692.05	\$12,692.05	\$253,841.10
* Rehabilitate taxiways and aprons (hangar taxiways, east and west aprons)	\$731,459.67	\$218,157.00	\$0.00	\$93,497.23	\$93,497.24	\$1,136,611.14
Total for Project	\$959,916.67	\$218,157.00	\$0.00	\$106,189.28	\$106,189.29	\$1,390,452.24
Burlington Municipal Airport	\$959,916.67	\$218,157.00	\$0.00	\$106,189.28	\$106,189.29	\$1,390,452.24
Total Construction Year	\$959,916.67	\$218,157.00	\$0.00	\$106,189.28	\$106,189.29	\$1,390,452.24
Total Fund Year	\$166,666.67	\$0.00	\$0.00	\$50,000.00	\$50,000.00	\$266,666.67
Program Year: 2021						
Burlington Municipal Airport						
Project Title:	State Aid 2021					
Proj Number:	0751-40-2021					
Upgrade fuel systemcard reader	\$0.00	\$0.00	\$0.00	\$16,000.00	\$4,000.00	\$20,000.00
Total for Project	\$0.00	\$0.00	\$0.00	\$16,000.00	\$4,000.00	\$20,000.00
Project Title:	State Aid 57					
Proj Number:	0751-40-57					
* Adopt Land Use Zoning Ordinance	\$0.00	\$0.00	\$0.00	\$50,000.00	\$12,500.00	\$62,500.00
Total for Project	\$0.00	\$0.00	\$0.00	\$50,000.00	\$12,500.00	\$62,500.00
Burlington Municipal Airport	\$0.00	\$0.00	\$0.00	\$66,000.00	\$16,500.00	\$82,500.00
Total Construction Year	\$0.00	\$0.00	\$0.00	\$66,000.00	\$16,500.00	\$82,500.00
Total Fund Year	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Wisconsin Bureau of Aeronautics
Project Funding Report



Years: 2026,2025,2024,2023,2022,2021,2020

Project Categories:

Project Type:

Project Statuses:

	Entitlement	GA Apportionment	Discretionary	State	Sponsor	Total
Program Year: 2023						
Burlington Municipal Airport						
Project Title:	AIP 09					
Proj Number:	0751-40-09					
Conduct wildlife site visit	\$0.00	\$5,400.00	\$0.00	\$300.00	\$300.00	\$6,000.00
Total for Project	\$0.00	\$5,400.00	\$0.00	\$300.00	\$300.00	\$6,000.00
Burlington Municipal Airport	\$0.00	\$5,400.00	\$0.00	\$300.00	\$300.00	\$6,000.00
Total Construction Year	\$0.00	\$5,400.00	\$0.00	\$300.00	\$300.00	\$6,000.00
Total Fund Year	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Program Year: 2024						
Burlington Municipal Airport						
Project Title:	AIP 10 - Block Grant					
Proj Number:	0751-40-10					
* Construct Terminal Area Hangar Twys	\$180,000.00	\$0.00	\$0.00	\$10,000.00	\$10,000.00	\$200,000.00
* Const./Exp. Terminal Area Auto Parking Lot	\$180,000.00	\$0.00	\$0.00	\$10,000.00	\$10,000.00	\$200,000.00
Construct Twy B & Prepare Corporate Hangar Sites	\$0.00	\$324,000.00	\$0.00	\$18,000.00	\$18,000.00	\$360,000.00
Construct Corporate Hangar Area Access Road and Auto Parking	\$0.00	\$72,000.00	\$0.00	\$4,000.00	\$4,000.00	\$80,000.00
Construct Apron with Tie-downs (dup!?)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total for Project	\$360,000.00	\$396,000.00	\$0.00	\$42,000.00	\$42,000.00	\$840,000.00
Burlington Municipal Airport	\$360,000.00	\$396,000.00	\$0.00	\$42,000.00	\$42,000.00	\$840,000.00
Total Construction Year	\$360,000.00	\$396,000.00	\$0.00	\$42,000.00	\$42,000.00	\$840,000.00
Total Fund Year	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Program Year: 2025						
Burlington Municipal Airport						
Project Title:	AIP 11					

Wisconsin Bureau of Aeronautics
Project Funding Report



Years: 2026,2025,2024,2023,2022,2021,2020

Project Categories:

Project Type:

Project Statuses:

	Entitlement	GA Apportionment	Discretionary	State	Sponsor	Total
Proj Number: 0751-40-11						
Rehabilitate Runway 11/29 (primary), including lighting	\$0.00	\$0.00	\$1,530,000.00	\$85,000.00	\$85,000.00	\$1,700,000.00
Total for Project	\$0.00	\$0.00	\$1,530,000.00	\$85,000.00	\$85,000.00	\$1,700,000.00
Project Title: AIP 12 - Block Grant						
Proj Number: 0751-40-12						
* Construct perimeter fencing	\$150,000.00	\$300,000.00	\$0.00	\$25,000.00	\$25,000.00	\$500,000.00
Total for Project	\$150,000.00	\$300,000.00	\$0.00	\$25,000.00	\$25,000.00	\$500,000.00
Burlington Municipal Airport	\$150,000.00	\$300,000.00	\$1,530,000.00	\$110,000.00	\$110,000.00	\$2,200,000.00
Total Construction Year	\$150,000.00	\$300,000.00	\$1,530,000.00	\$110,000.00	\$110,000.00	\$2,200,000.00
Total Fund Year	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Program Year: 2026						
Burlington Municipal Airport						
Project Title: AIP 13 - Block Grant (probably AIP only for reimbursement)						
Proj Number: 0751-40-13						
Justification and Feasibility study for Runway 11/29 extension	\$45,000.00	\$0.00	\$0.00	\$2,500.00	\$2,500.00	\$50,000.00
Land acquisition in Runway 11 and 29 approaches (potential for future PAPI & for potential extension)	\$450,000.00	\$0.00	\$0.00	\$25,000.00	\$25,000.00	\$500,000.00
Total for Project	\$495,000.00	\$0.00	\$0.00	\$27,500.00	\$27,500.00	\$550,000.00
Burlington Municipal Airport	\$495,000.00	\$0.00	\$0.00	\$27,500.00	\$27,500.00	\$550,000.00
Total Construction Year	\$495,000.00	\$0.00	\$0.00	\$27,500.00	\$27,500.00	\$550,000.00
Total Fund Year	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Report Total	\$1,964,916.67	\$919,557.00	\$1,530,000.00	\$351,989.28	\$302,489.29	\$5,068,952.24



DATE: August 4, 2020

SUBJECT: **RESOLUTION 5024(20)** - To authorize an agreement with the Wisconsin Department of Transportation to share the cost of replacing the Jefferson Street Bridge.

SUBMITTED BY: Peter Riggs, Director of Public Works

BACKGROUND/HISTORY:

The Jefferson Street Bridge has steadily deteriorated overtime. In 2013 a study was performed that determined replacement to be the most effective repair option. In 2014, and then again in 2016 the City of Burlington entered into an agreement with WISDOT to share the costs of planning and designing the replacement of the Jefferson St Bridge. 80% of the design costs are covered by State/Federal funds, up to \$148,956. The City will pay 20% of the costs or anything over the State/Federal maximum. The City and WISDOT then entered into a three party agreement with CORRE to be our consultant engineers to complete the design. Before CORRE can complete the design the City must secure funding for construction of the improvements.

The City applied for funding through WISDOT's Local Bridge Program in 2019. We were notified in the Spring of 2020 that our application was successful. This competitive State/Federal program will cover 80% of the construction costs up to \$2,179,356. The City will be responsible for 20% of the costs or anything over the state/federal maximum, or non-qualifying expenses. The project's total construction cost is estimated at \$2,725,195. To secure this funding we must enter into an agreement with WISDOT. This resolution approves the agreement with WISDOT.

Design is expected to be completed in 2021. The bridge would be reconstructed in 2023.

BUDGET/FISCAL IMPACT:

The estimated total cost to reconstruct the Jefferson Street Bridge is \$2,725,195. State/federal funding will cover 80% of project costs, up to \$2,179,356. The remaining 20% of project costs, \$545,839, will be the City's funding obligation. In addition, the City will be responsible for any costs in excess of the state/federal maximum and non-qualifying expenses.

The project is expected to occur in State Fiscal Year 2023. Funds will need to be secured in the capital plan for 2023.

RECOMMENDATION:

Staff recommends approval of the State Municipal Agreement with WISDOT for the reconstruction of the Jefferson Street Bridge.

TIMING/IMPLEMENTATION:

This item is for discussion at the August 4, 2020 Committee of the Whole meeting, and is scheduled for final consideration at the August 18, 2020 Common Council meeting.

Attachments

Res 5024(20) SMA_Jefferson St Bridge
State-Municipal Agreement For Jefferson St Bridge Reconstruction

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE WISCONSIN DEPARTMENT OF TRANSPORTATION TO SHARE THE COST OF REPLACEMENT OF THE JEFFERSON STREET BRIDGE

WHEREAS, on April 14, 2014, and later revised on March 10, 2016, the Wisconsin Department of Transportation and the City of Burlington entered into an Agreement to jointly pay for design of the replacement of the Jefferson Street Bridge; and,

WHEREAS, the Wisconsin Department of Transportation and the City of Burlington desire to enter into an Intergovernmental Agreement to jointly pay for the construction costs to replace the Jefferson Street Bridge; and,

WHEREAS, the Wisconsin Department of Transportation has approved a total estimated construction cost of \$2,725,195, which is funded with eighty percent federal state funding up to a maximum of \$2,179,356; and,

WHEREAS, the City of Burlington agrees to provide the remaining twenty percent and any funds in excess of the \$2,179,356 federal/state funding maximum according to the Local Bridge Program guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington, Racine County, State of Wisconsin, that the City of Burlington approves the attached Local Bridge Project Agreement as provided by Sections 86.25 (1), (2), and (3) and Section 66.0301 of the Wisconsin State Statutes with the Wisconsin Department of Transportation to perform construction improvements to replace the Jefferson Street Bridge.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute this agreement on behalf of the City.

Introduced: August 4, 2020
Adopted:

Jeannie Hefty, Mayor

Attest:

Diahnn Halbach, City Clerk

 <p style="text-align: center;">2nd Revision STATE/MUNICIPAL AGREEMENT FOR A STATE- LET LOCAL BRIDGE PROJECT</p> <p><i>This agreement supersedes the agreement signed by the Municipality on June 19, 2014 & March 16, 2016 and signed by State on June 24, 2014 & March 22, 2016.</i></p> <p>Program Name: Local Bridge Sub-program #: 205 Cycle: 2020-2025</p>	<p>Revised Date: June 26,2020</p> <p>Date: April, 14, 2014, & March 10, 2016</p> <p>I.D.: 3834-00-02/72</p> <p>Road Name: Jefferson Street</p> <p>Bridge ID: B51-0001</p> <p>Location: Over Fox River</p> <p>Limits: Fox River Bridge B51-0001</p> <p>County: Racine</p> <p>Project Length: 177 FT</p> <p>Facility Owner: City of Burlington</p> <p>Project Sponsor: City of Burlington</p> <p>Construction scheduled for State Fiscal Year: 2023</p>
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The signatory, City of Burlington, 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, street or local bridge improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301 of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

All components of the project must be defined in the environmental document if any portion of the project is federally funded. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Funding is limited to the minimum eligible project scope necessary for a safe and effective facility per WisDOT Performance-Based Practical Design policy. The funding for the project for both structure and approach is limited to:

- replacement or rehabilitation of the existing facility,
- or, meeting minimum bridge standards as outlined in the WisDOT Facilities Development Manual (FDM) or applicable TRANS code,
- or, an approved justification based on engineering principles that exceed either Performance-Based Practical Design or the FDM.

The Municipality may elect to construct alternative designs but approved Local Bridge Improvement Assistance Program (s84.18(2)(e)) funding will be limited to a maximum of 80 percent of the cost of the minimum eligible scope of the project.

Complete Table A for existing and proposed improvement.

TABLE A

	Existing Facility – Current structure and condition	Proposed Improvement – Approved scope	Notes:
Type of facility	Bridge		
Bridge ID	B51-0001		
Structure passes over	Fox River		
Clear bridge width	34 FT	34 FT	
Bridge length	177 FT	177 FT	
Total length of approach work		75FT each east and west (total 150 FT)	
Number of spans	3	3	
Special safety issues	N/A		
Sidewalk	Yes	Yes, 6 ft	
Sidewalk along approach	Yes?	Yes, 6ft	
Bicycle / pedestrian improvements required		No	Has Existing bike accommodations
Improvement type as indicated on project application		Bridge Replacement Existing Alignment	
Acquisition of right-of-way		Yes	Real Estate to be funded 100% Municipality
Approach width and type	35 FT	35 FT wide, Asphalt	
Approach shoulder width and type		0 FT wide	Curb & Gutter
Bridge rail		Yes	
Beam guard		No	

Non-participating work, additional notes:

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable federal requirements: maintenance of haul roads.

A municipality may elect to design a bridge or elements that exceed the current Performance-Based Practical Design policy, or that exceed minimum bridge standards as outlined in the WisDOT Facilities Development Manual (FDM) or applicable TRANS code, or are not justified as necessary based on current engineering principles. All costs for these features will be paid for 100% by the Municipality.

The Municipality agrees to the following 2020-2025 Local Bridge Program project funding conditions:

Project Design costs from 2013-2018 Cycle are funded with up to **80%** state/federal funding up to a funding limit of \$148,956. The Municipality agrees to provide the remaining **20%** and any funds in excess of the \$148,956 state/federal funding limit. **Any real estate, railroad, or utility costs are 100% locally funded.**

Project Construction costs are funded with up to **80%** state/federal funding up to a funding limit of \$2,030,400. The Municipality agrees to provide the remaining **20%** and any funds in excess of the \$2,030,040 state/federal funding limit. **Any real estate, railroad, or utility costs are 100% locally funded.**

Non-participating costs are 100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

This project is currently scheduled in State Fiscal Year **2023**. **In accordance with the State’s sunset policy for Local Bridge Program projects, the subject 2020-2025 Local Bridge Program improvement construction phase must be constructed and in final acceptance within six years from the start of State Fiscal Year 2020, or by June 30, 2026. The design phase received an extension and must be completed by 2/30/2023.** Extensions may be available upon approval of a written request by or on behalf of the Municipality to State per WisDOT Change Management policy. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

The dollar amounts shown in the Summary of Costs Table below are estimates. The final Municipal share is dependent on the final federal/state participation, and actual costs will be used in the final division of cost for billing and reimbursement.

In no event shall federal or State funding exceed the estimate in the Summary of Costs table, unless such increase is approved in writing by the State through the State’s Change Management policy prior to the Municipality incurring the increased costs.

Additional funds will not be approved for projects where increased costs are due to changes outside of the project scope that were identified in the original application or the most recent State Municipal Agreement (SMA) (whichever is most current). Exceptions to this policy will be allowed when the change is necessary based on safety, conformance with applicable minimum federal and state standards, projected traffic needs, or other factors as determined by WisDOT.

**TABLE B
SUMMARY OF COSTS**

PHASE	Total Est. Project Cost	Federal / State Funds	%	Municipal Funds	%
ID 3834-00-02					
Design	\$ 150,000	\$ 120,000	80%	\$ 30,000	20% + BAL
State Review	\$ 36,195	\$ 28,956	80%	\$ 7,239	20% + BAL
<i>Project total</i>	\$ 186,195	\$ 148,956		\$ 37,239	
ID 3834-00-72					
Participating Construction	\$ 2,098,000	\$ 1,678,400	80%	\$ 419,600	20% + BAL
Construction Engineering	\$ 419,600	\$ 335,680	80%	\$ 83,920	20% + BAL
Non-Participating Construction	\$ 1,000		0%	\$ 1,000	100%
State Review	\$ 20,400	\$ 16,320	80%	\$ 4,080	20% + BAL
<i>Project total</i>	\$ 2,539,000	\$ 2,030,400		\$ 508,600	
Total Est. Cost Distribution	\$ 2,725,195	\$ 2,179,356		\$ 545,839	

*Design ID **3834-00-02** federal/state funding is limited to \$ 148,956.

*Construction ID **3834-00-72** federal/state funding is limited to \$ 2,030,400.

This request is subject to the terms and conditions that follow (pages 4 – 9) 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: City of Burlington (please sign in blue ink.)	
Name (print)	Title
Signature	Date
Signed for and in behalf of the State (please sign in blue ink.)	
Name (print): Tony Barth	Title: SE Region Planning Chief
Signature	Date

GENERAL TERMS AND CONDITIONS:

1. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
2. Work prior to federal authorization is ineligible for federal or state funding.
3. The Municipality, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
 - a. Environmental requirements, including but not limited to those set forth in the 23 U.S.C. 139 and National Environmental Policy Act (42 U.S.C. 4321 et seq.)
 - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The municipality agrees to comply with and promote applicable federal and state laws, executive orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition, the Municipality agrees not to engage in any illegal discrimination in violation of applicable federal or state laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” The Municipality agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
 - c. Prevailing wage requirements, including but not limited to 23 U.S.C 113.
 - d. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
 - e. Competitive bidding and confidentiality requirements set forth in 23 U.S.C 112 and Wis. Stat. 84.06. This includes the sharing of financial data prior to the conclusion of the competitive bid period.
 - f. All applicable Disadvantaged Business Enterprise (DBE) requirements that the State specifies.
 - g. Federal statutes that govern the Highway Bridge Replacement and Rehabilitation Program, including but not limited to 23 U.S.C. 144.

- h. State statutes that govern the Local Bridge Program, including but not limited to Wis. Stat. 84.18.
- i. Bridge approaches funding policy. The Federal Highway Administration (FHWA) and Wis. Stat. 84.18(2)(e) limit bridge approach costs to only those approach costs that are necessary to render the bridge serviceable (to reach the attainable touchdown points using current standards). On a program level, FHWA has determined that, on average, bridge approach costs should amount to no more than 10% of the cost for constructing the bridge, and the municipality should be prepared to offer a justification of costs for any bridge project where the approach costs exceed that percentage.
- j. State administrative rule that implements Local Bridge Program: Ch. Trans 213.

STATE RESPONSIBILITIES AND REQUIREMENTS:

- 4. Funding of each project phase is subject to inclusion in Wisconsin's approved 2018-2022 Local Bridge Program. Federal/state financing will be limited to participation in the costs of the following items, as applicable to the project:
 - a. The grading, base, pavement, and curb and gutter, sidewalk, and replacement of disturbed driveways in kind.
 - b. The substructure, superstructure, grading, base, pavement, and other related bridge and approach items.
 - c. Storm sewer mains necessary for the surface water drainage.
 - d. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
 - e. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).
 - f. Signing and pavement marking.
 - g. New installations or alteration of street lighting and traffic signals or devices.
 - h. Landscaping.
 - i. Preliminary engineering and design.
 - j. State review services.
- 5. State is authorized by Wis. Stat. 84.18(6) to exercise whole supervision and control over the construction of the project. The work will be administered by the State and may include items not eligible for federal/state participation.
- 6. As the work progresses, the State will bill the Municipality 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 subject to project funding limits in the Summary of Costs Table. If reviews or audits show any of the work to be ineligible for federal/state funding, the Municipality will be responsible for any withdrawn costs associated with the ineligible work.

MUNICIPAL RESPONSIBILITIES AND REQUIREMENTS:

- 7. Work necessary to complete the 2020–2025 Local Bridge Program improvement project to be financed entirely by the Municipality or other utility or facility owner includes the items listed below.

- 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. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
 - c. Detour routes and haul roads. The municipality is responsible for determining the detour route.
 - d. Conditioning, if required and maintenance of detour routes.
 - e. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.
 - f. All work related to underground storage tanks and contaminated soils.
 - g. Street and bridge width in excess of standards.
 - h. Real estate for the improvement.
8. This line intentionally left blank.
9. FHWA limits bridge approach costs to only those approach costs that are necessary to render the bridge serviceable (to reach the attainable touchdown points using current standards). On a program level, FHWA has determined that, on average, bridge approach costs should amount to no more than 10% of the cost for constructing the bridge, and the Municipality should be prepared to offer a justification of costs for any bridge project where the approach costs exceed that percentage.
10. The construction of the subject improvement will be in accordance with the appropriate standards unless an exception to standards is granted by State prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Municipality unless such exception is granted.
11. Work to be performed by the Municipality without federal/state funding participation, necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Municipality but must be coordinated with all other work undertaken during construction.
12. The Municipality is responsible for financing administrative expenses related to Municipal project responsibilities.
13. The Municipality will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in Wis. Stat. 51.01 (5), sexual orientation as defined in Wis. Stat. 111.32 (13m), or national origin.
14. The Municipality will pay to the State all costs incurred by the State in connection with the improvement that exceed federal/state financing limits or are ineligible for federal/state financing. 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.
- 15. In accordance with the State's sunset policy for Local Bridge Program projects, the subject 2020-2025 Local Bridge Program improvement construction phase must be constructed and in final acceptance within six years from the start of State Fiscal Year 2020, or by June 30, 2026. The design phase received an extension and must be completed by 2/30/2023.** Extensions may be available upon approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

16. If the Municipality should withdraw the project, it will reimburse the State for any costs incurred by the State on behalf of the project.
17. The Municipality will at its own cost and expense:
 - a. Maintain all portions of the project that lie within its jurisdiction (to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, sidewalks and parking lanes [including snow and ice removal]) for such maintenance in a manner consistent with reasonable industry standards, and will make ample provision for such maintenance each year.
 - b. Regulate [or prohibit] parking at all times in the vicinity of the proposed improvements during their construction.
 - 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. Assume general responsibility for all public information and public relations for the project and to make fitting announcement 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 projects.
 - e. Provide complete plans, specifications, and estimates to State upon request.
 - f. Provide relocation orders and real estate plats to State upon request.
 - g. Use the *WisDOT Utility Accommodation Policy*, unless it adopts a policy that has equal or more restrictive controls.
 - h. Provide maintenance and energy for lighting.
 - i. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.
18. It is further agreed by the Municipality that:
 - a. The Municipality assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the state and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this agreement.
 - b. The Municipality assumes full responsibility for the plans and special provisions provided by their designer or anyone hired, contracted or otherwise engaged by the Municipality. The Municipality is responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Municipality will reimburse State if State incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.
 - c. The Municipality will be 100% responsible for all costs associated with utility issues involving the contractor, including costs related to utility delays.
 - d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Municipality or by others, will be in conformity with such *Manual of Uniform Traffic Control Devices* as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred with by the FHWA.
 - e. The right-of-way available or provided for the project will be held and maintained inviolate for public highway or street purposes. Those signs prohibited under federal highway regulations, posters, billboards, roadside stands, or other private installations prohibited by federal or State highway regulations will not be permitted within the right-of-way limits of the project. The Municipality, within

its jurisdictional limits, will remove or cause to be removed from the right-of-way of the project all private installations of whatever nature which may be or cause an obstruction or interfere with the free flow of traffic, or which may be or cause a hazard to traffic, or which impair the usefulness of the project and all other encroachments which may be required to be removed by the State at its own election or at the request of the FHWA, and that now such installations will be permitted to be erected or maintained in the future.

- f. The Municipality is responsible for any damage caused by legally hauled loads, including permitted Oversize and Overweight loads. The contractor is responsible for any damage caused to haul roads if they do not obey size and weight laws, use properly equipped and maintained vehicles, and do not prevent spilling of materials onto the haul road (*WisDOT Standard Specifications* 618.1, 108.7, 107.8). The local maintaining authority can impose special or seasonal weight limitations as defined in Wis. Stat. 349.16, but this should not be used for the sole purpose of preventing hauling on the road.

The bid item 618.0100 Maintenance and Repair of Haul Roads (project) is ineligible for federal funding on local program projects as per the State/Municipal Agreement. The repair of damages as a result of hauling materials for the project is the responsibility of the Municipality as specified in the State/Municipal Agreement Terms and Conditions under "Municipal Responsibilities and Requirements."

LEGAL RELATIONSHIPS:

19. The State shall not be liable to the Municipality for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Municipality for damages or delays resulting from injunctions or other restraining orders obtained by third parties.
20. The State will not be liable to any third party for injuries or damages resulting from work under or for the Project. The Municipality and the Municipality's surety shall indemnify and save harmless the State, its officers and employees, from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property on account of the operations of the Municipality and its sureties; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Municipality or its sureties; or because of any claims or amounts recovered for any infringement by the Municipality and its sureties of patent, trademark or copyright; or from any claims or amounts arising or recovered under the Worker's Compensation Act, relating to the employees of the Municipality and its sureties; or any other law, ordinance, order or decree relating to the Municipality's operations.
21. Contract modification: This State/Municipal Agreement can only be modified by written instruments duly executed by both parties. No term or provision of neither this State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally.
22. Binding effects: All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third-party enforcement rights.
23. Choice of law and forum: This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The parties hereby expressly agree that the terms contained herein and in any deed executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.

PROJECT FUNDING CONDITIONS

24. Non-appropriation of funds: With respect to any payment required to be made by the State under this State/Municipal Agreement, the parties acknowledge the State's authority to make such payment is contingent upon appropriation of funds and required legislative approval sufficient for such purpose by the Legislature. If such funds are not so appropriated, either the Municipality or the State may terminate this State/Municipal Agreement after providing written notice not less than thirty (30) days before termination.

25. Maintenance of records: During the term of performance of this State/Municipal Agreement, and for a period not less than three years from the date of final payment to the Municipality, records and accounts pertaining to the performance of this State/Municipal Agreement are to be kept available for inspection and audit by representatives of the State. The State reserves the right to audit and inspect such records and accounts at any time. The Municipality shall provide appropriate accommodations for such audit and inspection.

In the event that any litigation, claim or audit is initiated prior to the expiration of said records maintenance period, the records shall be retained until such litigation, claim or audit involving the records is complete.

26. The Municipality agrees to the following 2020-2025 Local Bridge Program project funding conditions:
- a. ID **3834-00-02**: Design is funded with 80% state/federal funding up to a funding limit of \$148,956, where applicable when the Municipality agrees to provide the remaining 20% and any funds in excess of the \$148,956 state/federal funding limit. This phase includes plan development and state review. The work includes project review, approval of required reports and documents and processing the final Plan, Specification & Estimate (PS&E) document for award of the contract. Costs for this phase include an estimated amount for state review activities, to be funded 80% with state/federal funding and 20% by the Municipality.
 - b. ID **3834-00-72**: Construction
 - i. Costs for construction, engineering, and state review are funded with 80% state/federal funding up to a funding limit of \$2,030,400, when the Municipality agrees to provide the remaining 20%, and any funds in excess of the \$2,030,400 state/federal funding limit.
 - ii. Non-participating costs for are funded 100% by the Municipality. Costs include construction delivery.



COMMITTEE OF THE WHOLE**ITEM NUMBER 6A**

DATE: August 4, 2020**SUBJECT:** **MOTION 20-980** - To authorize staff to draft a Professional Services Agreement with GrahamSpencer for the City of Burlington's Re-Branding effort.**SUBMITTED BY:** Carina Walters, City Administrator

BACKGROUND/HISTORY:

The City of Burlington applied for the Joint Effort Marketing Grant (JEM) through the Department of Tourism in April 2020. Unfortunately, we were not a recipient; however, the Common Council did approve in its 2020 budget \$35,000 towards a rebranding effort. At your August 18, 2020 Committee of the Whole and Council Meeting staff will seek the approval to re-apply for the Destination Marketing grant offered through the Department of Tourism.

An area we fell short in the JEM Grant application was not having a consultant on board; therefore, staff is recommending the Common Council authorize staff and GrahamSpencer to draft a Professional Services Contract. It is anticipated the mutually agreed upon contract will be at an August and/or September 2020 meeting for approval.

As a reminder, staff received news of the JEM grant in May 2020; however, staff released the Request for Qualifications in April 2020 seeking a qualified consultant based on the JEM Grant process. The City received 15 proposals and interviewed four firms. The interviewing committee comprised of RCEDC, Council President, two residents, a representative of the Branding Committee, Chamber of Commerce President, Real Racine and the City Administrator.

Through the process of two interviews, the committee is recommending GrahamSpencer based on their expertise and overall understanding of the scope of work. This evening President Schultz will make the presentation to the Committee and Jay Graham will be present via Zoom to answer any questions.

BUDGET/FISCAL IMPACT:

Pursuant to the scope of services, the pricing for GrahamSpencer could range from \$39,500 to \$46,400. The final price of the project will be identified through the professional services agreement.

As a reminder if the City is a recipient of the JEM Grant the City would receive up to \$39,000 from the Department of Tourism.

RECOMMENDATION:

Staff recommends the Common Council directs staff to draft the agreement for professional services.

TIMING/IMPLEMENTATION:

This item is for discussion at the August 4, 2020 Committee of the Whole meeting, and is scheduled for final consideration at the August 18, 2020 Common Council meeting.
