



Board of Public Works

335 South Broadway

Regular Meeting

De Pere, WI 54115
<http://www.de-pere.org>

Revised Agenda

Monday, July 7, 2014

7:30 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a Regular Meeting of the **Board of Public Works** of the City of De Pere will be held on **July 7, 2014** at **7:30 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115**.

This meeting can be viewed LIVE at www.depere.tv. This meeting is also rebroadcast on TW Cable Channel 4 and AT&T U-verse Channel 99 throughout the week and available on demand at www.depere.tv.

I. Call to Order

1. Roll Call

II. Public Comment

III. Items

1. Approval of the June 9, 2014 Meeting Minutes.
2. Consider Award for Project 404-14-01, Well Pump Improvements*
3. Consider Pedestrian Signal Donation from St. Norbert College for Third and Marsh*
4. Consider Project Approach and Timeline for Sidewalk Construction on Lawrence Drive*
5. Discussion of Engineering Technical Services Regarding Installation of T-Mobile's Wireless Antennae Facilities on 9th Street Water Tower*

IV. Future Agenda Items

V. Adjournment

***Items with an asterisk require City Council approval.**

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk-Treasurer's office at 339-4050 by Noon, Monday, July 7, 2014 so that arrangements can be made.

Agenda Sent To:

Mayor
Alderspersons
Department Heads
TV, Newspapers & Radio Stations
Kress Family Library
De Pere Chamber of Commerce
Nicholas R Hopf
St. Mark Evangelical Lutheran Church
Paul & Susan Bougie
David N Collins
Kurt & Michelle Cichy
George A & Sharon R Thorne

Robert J Terhar
Jerry J & Sheri A Gerondale
Scott G Sorenson
Douglas L Thompson & Marcia M La Luzerne
Robbie L. & Jennifer T Reinke
Construction Resources
Andrews Retirement LLC
Humana Insurance Company
James R & Donajane C Brasch
Richard & Wendy J Baeten
Lawrence Drive Properties
Gladys Stowe

James R & Donajane C Brasch
Richard & Wendy J Baeten
James J & Kathleen C Vandenboogard
Best Built Inc.
LD Properties III LLC
Ruthanne Dahlke & Joshua Peterson
Rathern & Kathranly Thao
VHC Inc.

Community First Credit Union
West De Pere Clinic LLC
Encompass Child Care Inc
Benjamin & Stacey Klemp
James Neuman
DDH LLC
Steve Jakups, St. Norbert College
Timothy Cummins, CTW Corporation

Notice is hereby given that a majority of the members of the Common Council of the City of De Pere may attend this meeting to gather information about a subject (s) over which they have decision-making responsibility.

City of De Pere, Wisconsin

**Request For Board of Public Works Action**

MEETING DATE: July 7, 2014
DEPARTMENT: Public Works
FROM: Pam Denis
SUBJECT: Approval of the June 9, 2014 Meeting Minutes.

ATTACHMENTS:

- Board of Public Works June 9, 2014 Meeting Draft Minutes (PDF)



Board of Public Works

335 South Broadway

De Pere, WI 54115

<http://www.de-pere.org>

Regular Meeting

Draft Minutes

Monday, June 9, 2014

7:30 PM

De Pere City Hall Council Chambers

I. Call to Order

The meeting was called to order at 7:30 PM by

Attendee Name	Title	Status	Arrived
Dean Raasch	Aldersperson	Present	
Kevin Bauer	Aldersperson	Present	
James Boyd	Aldersperson	Present	
Jim Kneiszel	Aldersperson	Present	
Michael J. Walsh	Mayor	Present	

Others present were: Scott Thoresen, Director of Public Works, Eric Rakers, City Engineer, and Pam Denis, Recording Secretary.

The Mayor introduced and welcomed Dean Raasch, the newest member to the Board of Public Works and Common Council.

II. Public Comment

None

III. Items

1. Approval of May 12, 2014 Board of Public Works Draft Minutes
Aldersperson Bauer moved to approve the May 12, 2014 Board of Public Works minutes, Aldersperson Kneiszel seconded the motion. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Bauer, Aldersperson
SECONDER:	Jim Kneiszel, Aldersperson
AYES:	Raasch, Bauer, Boyd, Kneiszel, Walsh

2. Consider Sidewalk Cafe Permit – Paintin' Pottery or Bead It*
Scott Thoresen, Director of Public Works presented the staff recommendation to approve the Sidewalk Cafe Permit Request from Paintin' Pottery or Bead It. He stated that the owner was made aware that the area needed to keep a path open for wheelchairs and be kept clean. Discussion followed. Mayor Walsh moved to approve the sidewalk café permit for Paintin' Pottery or Bead It at 520 George Street, Aldersperson Kneiszel seconded the motion. Upon vote the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Jim Kneiszel, Aldersperson
AYES:	Raasch, Bauer, Boyd, Kneiszel, Walsh

3. Consider Storm Sewer/Lateral Connection Fee*
Eric Rakers, City Engineer, presented an overview of the current and proposed options for storm sewer lateral connection fees. The storm sewer lateral connection fee is a onetime fee for providing storm sewer service. He stated that the purpose of the proposals was to provide the opportunity for people who want service to hook up to

storm sewers in a timely manner or for those who don't want service to postpone hook up until they would sell their properties. This would enhance the ability of the City to provide storm sewers and laterals throughout the City as needed. Engineer Rakers reviewed the various costs. Discussion followed concerning the financial impacts to the City and residents. The City would set the connection fee each year. It was suggested that a 3 year average be used to base the year to year fee increase. If a resident waited to connect until they sold their property, the connection fee would be that of the current year in which they hooked up.

Engineer Rakers stated that the City has areas with high I&I (Infusion and Infiltration). In some of the older parts of the City, it is believed that foundation drain tile is connected to the sanitary sewer. This is clear water that the City is billed for treating by the Green Bay Metropolitan Sewerage District. The City will need to address this in the future by requiring that foundation drains be disconnected from the sanitary sewer and a sump pump installed. With the sump pump discharges, there will be more complaints about storm water and residents will need storm laterals. Scott Thoresen, Director of Public Works, shared that at some point in the future the City expects the Green Bay Metropolitan Sewer District will be initiating policies for all municipalities to have storm sewers in all areas of the municipalities to help rid the sanitary sewer system of I & I. Should new policies arise, Director Thoresen stated that the I & I issues would be handled differently than those covered under the proposed connection fee changes. I & I issues would need to connect immediately.

If approved, this item would to Council as an update to the ordinance.

Mayor Walsh moved to approve Option 3 which was 80% of the storm main covered by the Storm Water Utility and 20% by the property owner, and 100% of the storm lateral covered by the property owner. This equates to \$560 for the storm sewer main and \$1000 for the storm sewer lateral, for a total connection fee of \$1,560.00, Alderperson Raasch seconded the motion. Upon vote, the motion carried with Alderpersons Bauer and Boyd voting nay.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Dean Raasch, Alderperson
AYES:	Dean Raasch, Jim Kneiszel, Michael J. Walsh
NAYS:	Kevin Bauer, James Boyd

4. Consider Dam Liner Repair*
City Engineer Rakers presented the staff recommendation to repair the upstream liner on the Dam. He explained that there are various owners of sections of the dam. He identified the City owned portion as the area that is leaking. A grant had been applied for to help with the dam liner repair, but the grant was denied due to the City not being the sole owner of the dam. Engineer Rakers stated that the Wisconsin Dept. of Natural Resources (WDNR) wants the City to move ahead on the repair of the liner on the upstream side, which consists of welding the membrane. City Engineer Rakers requested that \$30,000 be allocated for the repair, which was not included in the 2014 budget. Funding would come from TID #7. He also stated that there is a long term fix needed in regard to seepage, but this repair would come back next year as a separate project. Alderperson Bauer moved to allocate \$30,000 for the upstream liner repair in 2014, Alderperson Boyd seconded the motion. Upon vote the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Bauer, Alderperson
SECONDER:	James Boyd, Alderperson
AYES:	Raasch, Bauer, Boyd, Kneiszel, Walsh

5. Consider Hydrant Painting Contract*
- Scott Thoresen, Director of Public Works, presented the staff recommendation to award the Hydrant Painting project to Ferguson Waterworks Services in Appleton, Wisconsin. He stated that a lower bid was secured by jointly bidding the project with the Village of Ashwaubenon and the Village of Howard. Discussion followed concerning the range of bids. Director Thoresen stated that the 2014 water utility budget has \$40,000 allocated for hydrant painting. Mayor Walsh moved to approve the staff recommendation to award the hydrant painting project to Ferguson Waterworks Services in the amount of \$71.50 per hydrant, Alderperson Kneiszel seconded the motion. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	Jim Kneiszel, Alderperson
AYES:	Raasch, Bauer, Boyd, Kneiszel, Walsh

6. Consider Quotes for Sanitary Sewer Easement Descriptions*
- Mayor Walsh moved to approve the staff recommendation to accept the quote from Mau & Associates for Sanitary Sewer Easement Descriptions estimated at \$7,875.00, Alderperson Boyd seconded the motion. There was no discussion. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael J. Walsh, Mayor
SECONDER:	James Boyd, Alderperson
AYES:	Raasch, Bauer, Boyd, Kneiszel, Walsh

7. Consider Award for Project 14-07 Asphalt, Curb, and Sewer Repair*
- Alderperson Boyd moved to approve the staff recommendation to award the bid for Project 14-07 Asphalt, Curb, and Sewer Repair to MCC, Inc. in the amount of \$725,187.27, Alderperson Bauer seconded the motion. There was no discussion. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Alderperson
SECONDER:	Kevin Bauer, Alderperson
AYES:	Raasch, Bauer, Boyd, Kneiszel, Walsh

8. Consider Compliance Maintenance Annual Report for Wastewater Collection System*
- Alderperson Bauer moved to approve the Compliance Maintenance Annual Report for Wastewater Collection System (CMAR) for submittal to the Wisconsin Dept. of Natural Resources (WDNR), Alderperson Kneiszel seconded the motion. There was no discussion. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kevin Bauer, Alderperson
SECONDER:	Jim Kneiszel, Alderperson
AYES:	Raasch, Bauer, Boyd, Kneiszel, Walsh

IV. Future Agenda Items

There were no items suggested for future agendas.

V. Adjournment

Mayor Walsh moved to adjourn the Board of Public Works meeting at 8:56pm, Alderperson Bauer seconded the motion. Upon vote, the motion passed unanimously.

Respectfully submitted,
Pam Denis

City of De Pere, Wisconsin

**Request For Board of Public Works Action**

MEETING DATE: July 7, 2014

DEPARTMENT: Public Works

FROM: Eric Rakers

SUBJECT: Consider Award for Project 404-14-01, Well Pump Improvements*

The Water Department received bids for Project 404-14-01 Well Pump Improvements on June 27th, 2014. This project involves repair and maintenance to the Ninth Street well and Scheuring Road well. These wells are maintained by the City as a backup water supply. The pump at Ninth Street is not functioning due to the needed repairs. The bids received were as follows:

Bidder	Base Bid	Base Bid Plus Optional Bid Items
CTW Corporation	\$74,525	\$82,467
Water Well Solutions	\$68,915	\$82,715
Municipal Well & Pump	\$72,990	\$83,330

There were two issues that occurred with bidding this project. The first is the time that the bid for Water Well Solutions was received. The Water Well Solutions bid was sent overnight shipping via UPS. Due to a weather delay, the bid was received after the bid opening. Based on information received from UPS on the weather delay and that Water Well Solutions did not have access to the bid after the bid opening to modify their bid, the bid was opened. A detailed discussion on this is included in a memo from the City Attorney.

The second issue related to a discrepancy related to an error in the math between the unit price bid and the total bid for a bid item with the Water Well Solutions bid. The result was an \$800 increase in the bid from Water Well Solutions. The error impacts the low bidder. A detailed discussion has been included in a memorandum from Robert E. Lee & Associates, Inc.

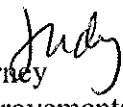
The budgeted amount from the capital improvement budget is \$147,000. Funding will be from the water utility fund. The staff recommendation is to award the bid to CTW Corporation in the amount of \$82,467 for the base bid plus option bid items.

ATTACHMENTS:

- Well Pump Bid Memo(PDF)
- MO070314a_memo to city of de pere (PDF)
- L062714a_letter of recommendation (PDF)

CITY OF DE PERE

MEMO

To: Michael J. Walsh, Mayor
 Board of Public Works Members
 From: Judith Schmidt-Lehman, City Attorney 
 RE: Project 404-14-01; Well Pump Improvements
 Date: July 2, 2014

This memo addresses issues that arose in the receipt of bids for the above project and provides legal guidelines to follow in evaluating which bids to consider in determining the lowest responsible bidder for this project.

Bids on this project were due for opening at 10:00 AM on Friday June 27, 2014. UPS delivery of the Water Well Solutions Service Group, Inc. (WWSS) bid was delayed by severe weather. UPS document tracking information confirms that the bid documents were delivered to a UPS collection site on June 26, 2014 at 2:51 PM to be shipped "UPS Next Day Air Early AM". UPS attempted delivery to the City at 10:45 AM on June 27, 2014. The City initially refused delivery; however delivery was eventually accepted at 3:00 PM that day, pending legal review of the authority, if any, of the City to accept a late bid.

The Wisconsin Court of Appeals has decided that municipalities have the discretion to decide whether or not to accept a late bid. That decision however, is subject to judicial review. *Power Systems Analysis, Inc. v. City of Bloomer*, 197 Wis. 2d 817, 824, 541 N.W.2d 214 (Ct. App. 1995). Judicial review of municipal discretionary decisions is generally limited to determining whether the City acted in an arbitrary or unreasonable manner. *Id.*, citing *Aqua-Tech, Inc. v. Como Lake Protect. & Rehab. Dist.*, 71 Wis. 2d 541, 550-51, 239 N.W.2d 25, 30 (1976).

Public bidding laws are designed to prevent fraud, collusion and favoritism in addition to ensuring that the public is provided the best work at the most reasonable price. Bid opening requirements are intended to further these goals by preventing a bidder from being able to undercut other bidders by obtaining information on the other bids before submitting their own.

Here, there is no indication that the WWSS bid has an unfair advantage over the other bids on the project. UPS logs show the WWSS bid documents were out of WWSS hands and in UPS sole custody from 2:51 PM on June 26, 2014 until the City took custody of the documents on June 27, 2014. As such, WWSS was not in a position to obtain information on the other bids before completing its bid. Further, accepting this bid will not result in giving WWSS an unfair advantage or foster fraud. It will however provide an additional bid on the project which does foster competitive pricing for the public.

Under these circumstances, I am of the opinion that the City could lawfully exercise its discretion to accept the late bid and evaluate it with the other bids received in determining the lowest responsible bidder on the project.

If you have any questions or concerns, please feel free to call me at 339-4042 to discuss.

JSL:jld

H:\jdupont\Memos\2014\Mayor & BPW-WWSS Bid-7-2-14-162-005-02.docx



ROBERT E. LEE & ASSOCIATES, INC.

ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES

Green Bay Office • 1250 Centennial Centre Boulevard • Hobart, WI 54155-8995
920-662-9641 • FAX 920-662-9141

MEMORANDUM

TO: SCOTT THORESEN, P.E.
CITY OF DE PERE

FROM: DALE MARSH, P.E.

SUBJECT: CONTRACT 404-14-01

DATE: 7/3/2014

This memorandum addresses issues associated with the discrepancies between the unit price and the indicated sum of the bid submitted by Water Well Solutions. It will address determination of the lowest responsible bidder.

In accordance with the General Conditions of the contract documents, Article 14.01C, discrepancies between the indicated sum of any column of figures and the correct sum therewith be resolved in favor of the correct sum. Per the contract documents, Bid Item No. 1 had a unit price of \$1,800. The total price amount submitted by Water Well Solutions was \$1,000, which is incorrect. The correct amount, based on the verbiage in Article 14.01C., should be \$1,800. This was corrected and the total bid amount for Water Well Solutions therefore is \$82,715.00.

If you have any questions, please contact us at (920) 662-9641.

Attachment: MO070314a_memo to city of de pere (2368 : Consider Award for Project 404-14-01, Well Pump Improvements*)



Robert E. Lee & Associates, Inc.

Engineering, Surveying, Environmental Services

Green Bay Office
1250 Centennial Centre Blv
Hobart, WI 54155
920-662-9641
FAX 920-662-9141

July 3, 2014

Mr. Scott Thoresen, Public Works Director
CITY OF DE PERE
925 South Sixth Street
De Pere, WI 54115

RE: Bid Recommendation for 2014 Well Pump Improvements
Contract 404-14-01

Dear Mr. Thoresen:

Bids for the 2014 Well Pump Improvements project were received and opened at 10:00 a.m., on June 27, 2014. Three bids were received. One bid was received after the 10:00 a.m. deadline, which was from Water Well Solutions and one bid had a mathematical discrepancy.

The bids are summarized on the enclosed itemized bid tabulation.

- | | | |
|----|---|-------------|
| 1. | CTW Corporation
Lannon, Wisconsin | \$82,467.00 |
| 2. | Water Well Solutions
Oconomowoc, Wisconsin | \$82,715.00 |
| 3. | Municipal Well & Pump
Waupun, Wisconsin | \$83,330.00 |

If the Water Well Solutions' bid is not accepted, the bids will be as follows:

- | | | |
|----|--|-------------|
| 1. | CTW Corporation
Lannon, Wisconsin | \$82,467.00 |
| 2. | Municipal Well & Pump
Waupun, Wisconsin | \$83,330.00 |

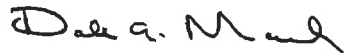
Attachment: L062714a_letter of recommendation (2368 : Consider Award for Project 404-14-01, Well Pump Improvements*)

July 3, 2014
Mr. Scott Thoresen, Public Works Director
CITY OF DE PERE
Page 2

Based on the correct bid amounts, we therefore recommend the award of Contract 404-14-01 be to CTW Corporation in the amount of \$82,467.00. Please contact us if you have any questions regarding this recommendation or other aspect of this project.

Sincerely,

ROBERT E. LEE & ASSOCIATES, INC.



Dale A. Marsh, P.E.
Civil Engineering Manager

DAM/LAR

ENC.

Attachment: L062714a_letter of recommendation (2368 : Consider Award for Project 404-14-01, Well Pump Improvements*)

UNIT PRICE BID SCHEDULE

OWNER: City of De Pere
 PROJECT: 2014 Well Pump Improvements
 CONTRACT: 404-14-01
 BID DATE: June 27, 2014 at 10 a.m.
 ENGINEERS: ROBERT E. LEE & ASSOCIATES, INC.

			CTW CORPORATION <i>Lannon, Wisconsin</i>		WATER WELL SOLUTIONS <i>Oconomowoc, Wisconsin</i>		MUNICIPAL WELL & PUMP <i>Waupun, Wisconsin</i>	
Item		Unit Qty.	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
9th Street Well Pump								
1	Mobilize well pump service equipment, for the unit price of:	EA 1	\$1,000.00	\$1,000.00	\$1,800.00	\$1,800.00	\$3,430.00	\$3,430.00
2	Remove well pump assembly and appurtenances, for the unit price of:	EA 1	\$6,250.00	\$6,250.00	\$3,750.00	\$3,750.00	\$4,950.00	\$4,950.00
3	Demobilize well pump service equipment, for the unit price of:	EA 1	\$500.00	\$500.00	\$500.00	\$500.00	\$270.00	\$270.00
4	Televis well, for the unit price of:	EA 1	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1,380.00	\$1,380.00
5	Disassembly and inspect existing well pump, for the unit price of:	EA 1	\$250.00	\$250.00	\$500.00	\$500.00	\$410.00	\$410.00
6	Furnish new column assembly, pipe, and airlines, for the unit price of:	LF 500	\$41.35	\$20,675.00	\$29.00	\$14,500.00	\$37.00	\$18,500.00
7	Construct/raise concrete well pump base and modify existing piping, for the unit price of:	EA 1	\$1,800.00	\$1,800.00	\$5,400.00	\$5,400.00	\$2,970.00	\$2,970.00
8	Mobilize well pump service equipment, for the unit price of:	EA 1	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$720.00	\$720.00
9	Provide stuffing box and packing, for the unit price of:	EA 1	\$250.00	\$250.00	\$100.00	\$100.00	\$340.00	\$340.00
10	Install well pump, aquastream intake pipe, discharge head and appurtenances, for the unit price of:	EA 1	\$6,375.00	\$6,375.00	\$4,745.00	\$4,745.00	\$5,940.00	\$5,940.00
11	Conduct well pump field test, for the unit price of:	EA 1	\$275.00	\$275.00	\$500.00	\$500.00	\$360.00	\$360.00
12	Demobilize well pump service equipment, for the unit price of	EA 1	\$500.00	\$500.00	\$500.00	\$500.00	\$270.00	\$270.00
9th Street Well Pump, Items 1-12				\$39,375.00		\$34,795.00		\$39,540.00
Scheuring Road Well Pump								
13	Mobilize well pump service equipment, for the unit price of:	EA 1	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$2,060.00	\$2,060.00
14	Remove well pump assembly and appurtenances, for the unit price of:	EA 1	\$5,200.00	\$5,200.00	\$3,750.00	\$3,750.00	\$3,220.00	\$3,220.00
15	Demobilize well pump service equipment, for the unit price of:	EA 1	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$270.00	\$270.00
16	Televis well, for the unit price of:	EA 1	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1,380.00	\$1,380.00
17	Disassembly and inspect existing well pump, for the unit price of:	EA 1	\$250.00	\$250.00	\$500.00	\$500.00	\$410.00	\$410.00
18	Furnish new column assembly, pipe, and airlines, for the unit price of:	LF 400	\$51.25	\$20,500.00	\$48.8125	\$19,525.00	\$53.00	\$21,200.00
19	Mobilize well pump service equipment, for the unit price of:	EA 1	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$720.00	\$720.00
20	Provide stuffing box and packing, for the unit price of:	EA 1	\$250.00	\$250.00	\$100.00	\$100.00	\$340.00	\$340.00
21	install well pump, intake pipe, discharge head and appurtenances, for the unit price of:	EA 1	\$5,200.00	\$5,200.00	\$4,745.00	\$4,745.00	\$3,220.00	\$3,220.00
22	Conduct well pump field test, for the unit price of:	EA 1	\$250.00	\$250.00	\$500.00	\$500.00	\$360.00	\$360.00
23	Demobilize well pump service equipment, for the unit price of	EA 1	\$500.00	\$500.00	\$500.00	\$500.00	\$270.00	\$270.00
TOTAL Scheuring Road Well Pump, Items 13-23				\$35,150.00		\$34,120.00		\$33,450.00
Optional Bid Items The owner may pick one or both of the following optional bid items.								
24	Furnish new well pump for 9th Street Well Station, for the unit price of	EA 1	\$3,831.00	\$3,831.00	\$5,200.00	\$5,200.00	\$5,170.00	\$5,170.00
25	Furnish new well pump for Scheuring Road Well Station, for the unit price of	EA 1	\$4,111.00	\$4,111.00	\$8,600.00	\$8,600.00	\$5,170.00	\$5,170.00
TOTAL Optional Bid Items, Items 24-25				\$7,942.00		\$13,800.00		\$10,340.00
TOTAL CONTRACT 404-14-01, Items 1-25				\$82,467.00		\$82,715.00		\$83,330.00

Attachment: L062714a_letter of recommendation (2368 : Consider Award for Project 404-14-01, Well

City of De Pere, Wisconsin

**Request For Board of Public Works Action**

MEETING DATE: July 7, 2014

DEPARTMENT: Public Works

FROM: Eric Rakers

SUBJECT: Consider Pedestrian Signal Donation from St. Norbert College for Third and Marsh*

St Norbert College has obtained a grant to install pedestrian actuated signals on Third Street at Marsh Street. The signals would be similar to the pedestrian actuated signs on Third Street at Baer Mall. St. Norbert is proposing to donate the signals to the City. Attached is a copy of the letter with the request. St Norbert has purchased the signs and will provide to the City. The City will install this year. The City will bill St Norbert for the cost of the installation. The lights will be the City's to maintain.

Staff recommends the BOPW approve the donation of the pedestrian actuated signals to the City per the attached letter from St Norbert College with the College reimbursing the City for the installation cost.

ATTACHMENTS:

- St. Norbert Request Letter (PDF)



100 Grant Street • De Pere, WI 54115-2099 • www.snc.edu/campusafety

May 27, 2014

City of De Pere
Board of Public Works
335 South Broadway
De Pere, WI 54115

Dear Board Chair and Board Members,

This correspondence is a formal request to the City of DePere, Board of Public Works to approve the installation of 2- flashing LED, solar operated, pedestrian crossing signs on Third Street at the of intersection Marsh Street.

The St. Norbert College American with Disabilities committee received funding totaling \$6,500.00 for this project. We have received a quote from TAPCO Traffic and Parking Control in the amount of \$5,650.00 for needed materials.

As the director of campus safety and having a background in law enforcement, I cannot express my concern for pedestrian safety at this intersection. This intersection is of particular concern because of high pedestrian numbers, street side parking on the east side of Third Street, and poor sight lines for pedestrians and vehicles traveling west from the eastside of the intersection of Marsh Street to Third Street.

With existing in-road pedestrian crossing signs and the addition of 2- flashing solar operated LED signs, this crossing will undoubtedly be a much safer for all pedestrian and vehicle traffic using St. Norbert College housing and sporting facilities.

It is my understanding, if approved; the College would purchase the signage and donate it to the City of DePere. The City would obtain bids for installation and install the signage, billing the college for the installation project. We also understand the City of DePere would own and maintain the signage. The college would like the option to add a motion detection device to the signage in the future to enable hands-free activation of the lighted signs for people using the crosswalk after athletic events and special occasions held in the sport center.

As a college, we look forward to working with our partners in the community to make the City of De Pere safer. Thank you in advance for your time and consideration and feel free to contact me if you have questions or concerns..

Sincerely,

Steve Jakups
Sr. Director of Campus Safety
St. Norbert College
(920) 403-1346

City of De Pere, Wisconsin

**Request For Board of Public Works Action**

MEETING DATE:	July 7, 2014
DEPARTMENT:	Public Works
FROM:	Eric Rakers
SUBJECT:	Consider Project Approach and Timeline for Sidewalk Construction on Lawrence Drive*

The City has been working on the design of sidewalk along Lawrence Drive from the Southwest Park to Scheuring Road. Many areas from the Southwest Park to N. Honeysuckle Circle have existing sidewalk. However, there are areas without sidewalk that decrease the effectiveness of the existing sidewalks. There are no sidewalks north of Honeysuckle Circle. The proposed design has sidewalk on both sides of Lawrence Drive from the Southwest Park to Fortune Avenue, and on the west side of Lawrence Drive from Fortune to Scheuring Road. A map with the proposed sidewalk has been included.

Background Information

This has been an ongoing project for several years. In 2008, the Board of Public Works approved the installation of sidewalk on Lawrence Drive from Scheuring Road to the south city limits. In 2009, a public information meeting was held to provide information to the property owners on the sidewalk. From this meeting, residents requested additional details on driveway matches and property impacts. The proposed sidewalk installation was not taken to the Council for action.

City staff has updated the design to evaluate impacts. A public information meeting was held on Wednesday, June 18th to provide an update on the design and evaluate impacts for individual property owners. Residents came to the meeting and spoke in favor and against the project.

As stated above, the current proposal is to install sidewalk on both sides of the Lawrence Drive from the Southwest Park to Fortune Avenue, and on the west side of Lawrence Drive from Fortune Avenue to Scheuring Road. At the time of this design, there were traffic signals with crosswalks at Lawrence Drive and Scheuring Road. Since that time, the intersection has been reconstructed as a roundabout. The roundabout has crosswalks. Several residents at the meeting stated that sidewalk should be constructed on the east side of Lawrence Drive. They stated that the majority of destinations for walking north of Scheuring Road are on the east side of Lawrence Drive. With the sidewalk on the west side, pedestrians would have to cross the roundabout intersection twice. If the sidewalk was on the east side, they would only have to cross once.

Survey of Property Owners

Staff has had discussions with property owners, as well as sending out a survey in the area to gather input on the sidewalk. While the majority of property owners facing new construction of sidewalk are opposed to the project, the majority of property owners responding to the survey in the residential area south of Southbridge Road are in favor of the sidewalk. As of the date of this memo, the summary of results to the survey is as follows:

In Favor	Opposed	Neutral
135	15	2

A summary of responses along with a map identifying the location of responses has been included.

Facility Need

Lawrence Drive is an arterial street from Fortune Avenue to Scheuring Road. Streets identified as arterial are those with higher traffic volumes in the City. For high volume streets, it is important to provide facilities for pedestrians. A map has been included identifying the arterials in the City, along with those that have sidewalk (green) and those that do not (red). As can be seen on the map, the majority of streets that have been urbanized (curb and gutter versus ditches), have sidewalk.

Connectivity

The City has been a proponent of sidewalk and pedestrian friendly facilities. One important component to sidewalk is connectivity. The proposed sidewalk along Lawrence Drive will provide future connectivity between the residential areas along Lawrence Drive on the south with the commercial development to the north.

A map has been included showing the existing sidewalk in the City. The majority of the City has sidewalk. As can be seen on the map, there is a significant gap in sidewalk between the residential development along Lawrence Drive and the areas to the north.

Municipal Code

In addition to the items discussed above, the City Municipal Code addresses the installation of sidewalk in the City. Sec. 22-5. *Construction and repair of streets and sidewalks*, of the Code states the following:

(d) Sidewalks required constructed. Sidewalks shall be constructed according to the specifications as set forth in subsection (b) of this section. The board of public works shall, at least annually, review those areas where sidewalks have not been constructed to determine the need for such construction for the safety of all citizens and recommend to the common council the installation of sidewalks in such areas. In reviewing the need for such construction of sidewalks, the board and common council shall consider the following factors: thoroughfares, connector streets, connection with public facilities such as schools and parks, pedestrian and vehicular safety and topographic consideration. Upon such recommendation the common council may require installation pursuant to Wis. Stats. § 66.0907.

Sidewalk along Lawrence Drive conforms to the requirements of the Code in that it provides pedestrian facilities on an arterial street, which would be considered a connector street, provides future connections with public facilities (Southwest Park) and between residential and commercial areas, and pedestrian and vehicular safety.

Project Approach and Timeline

In the past, property owners have been given the opportunity to install their own sidewalk with a licensed contractor. If the property owner does not install their own sidewalk once ordered, the City installs and bills the property owner. Staff is proposing to allow property owners the opportunity to construct their own sidewalk in 2014 and be omitted from the 2015 installation and assessment project.

Several property owners have large lots. The cost of sidewalk will be large for these property owners. Staff is proposing to special assess the sidewalk in 2015 so that the Board and Council can provide an extended time frame for paying the special assessments.

The proposed timeline for project construction is as follows:

- (1) Property owners are given the opportunity to construct sidewalk with a licensed contractor in 2014.
- (2) The City negotiates acquisition of required right-of-way in 2014.
- (3) Sidewalks not installed by property owners in 2014 will be included in a City bid project in 2015. The cost for sidewalk will be special assessed against benefitting properties.

Recommendation

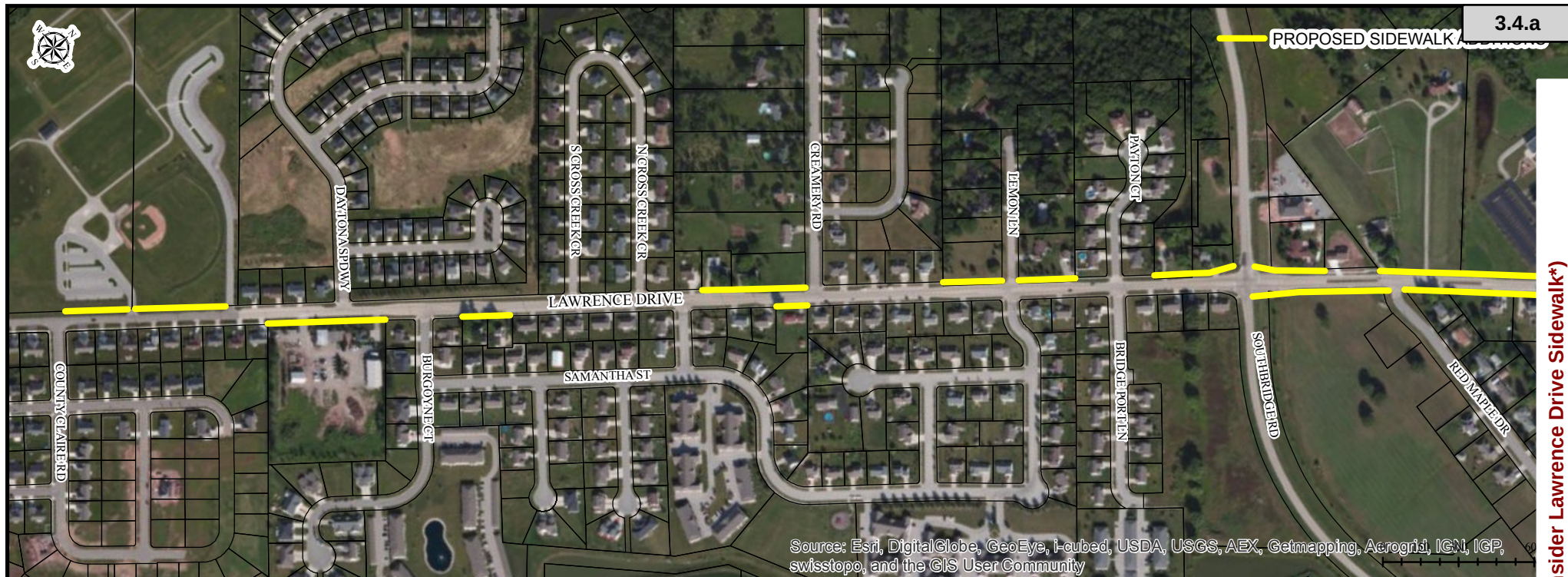
Staff recommends that the Board approve the project approach and timeline identified above, with property owners being given the option to hire a licensed contractor to complete the work in 2014. For sidewalk not constructed in 2014, the City will prepare a preliminary resolution for special assessments in 2015 to be presented to the Board and Council for approval.

Staff recommends approval to begin negotiations for right-of-way acquisition and if necessary use eminent domain to acquire the right-of-way for the sidewalk.

Finally, staff is requesting input on whether sidewalk should be installed on the east side of Lawrence Drive from Fortune Avenue to Scheuring Road. Several residents have expressed concerns with sidewalk only on the west side. They have provided valid concerns for the installation of sidewalk on the east side.

ATTACHMENTS:

- LawrenceWalk (PDF)
- LawrencePublicComment_7-2-2014 (PDF)
- Lawrence Sidewalk Comments (PDF)
- ArterialWithSidewalks (PDF)
- SidewalkLocations (PDF)



3.4.a

PROPOSED SIDEWALK

LAWRENCE DRIVE - PROPOSED SIDEWALK ADDITIONS



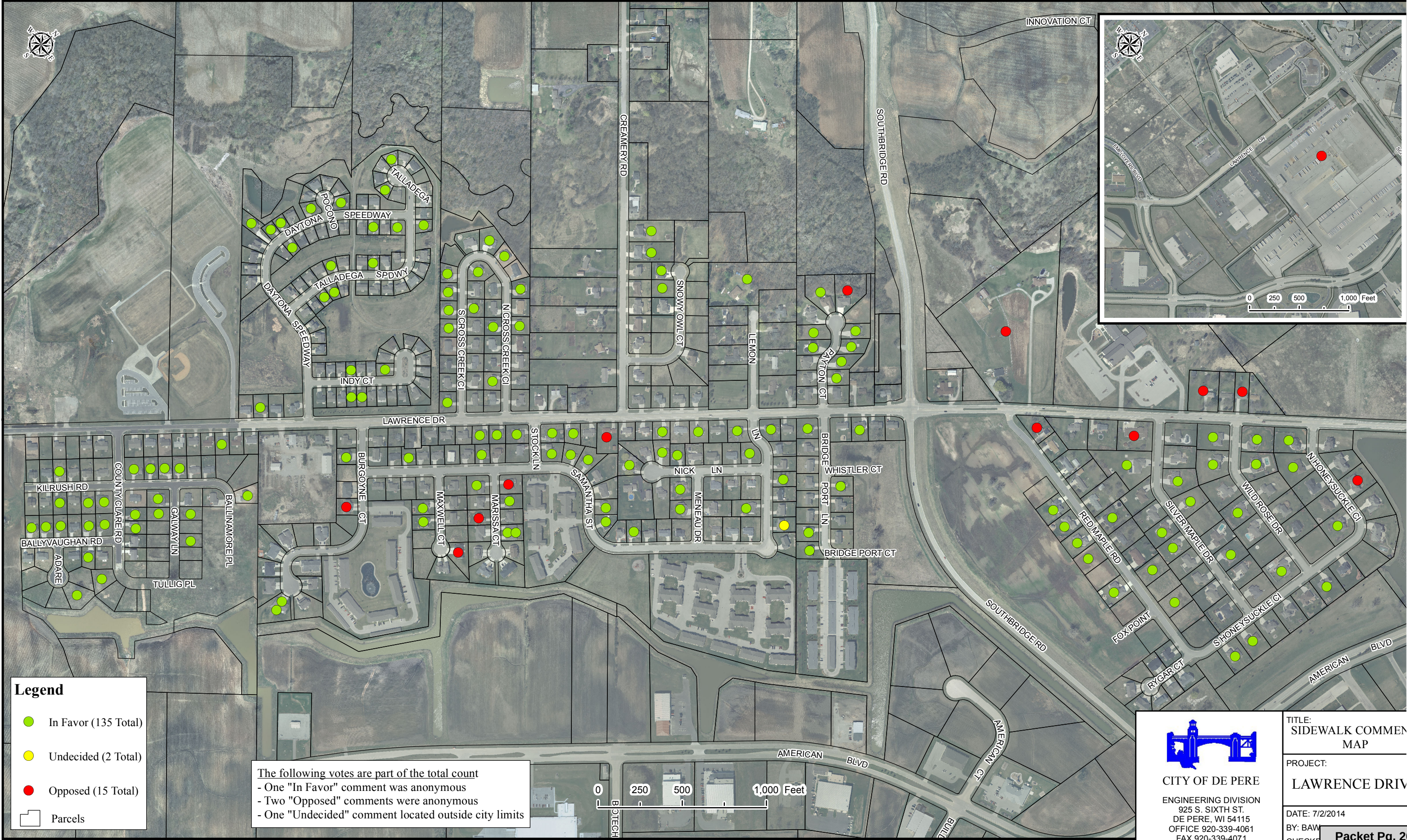
Attachment: LawrenceWalk (2354 : Consider Lawrence Drive Sidewalk*)


CITY OF DE PERE
 ENGINEERING DIVISION
 925 S. SIXTH ST.
 DE PERE, WI 54115
 OFFICE 920-339-4061
 FAX 920-339-4071

TITLE:
LAWRENCE DRIVE - PROP
SIDEWALK ADDITION
 PROJECT:
LAWRENCE DRI
 DATE: 6-4-2014
Packet Pg. 19

LAWRENCE DRIVE - PROPOSED SIDEWALK ADDITIONS

RESIDENT COMMENTS RECIEVED VIA SIDEWALK COMMENT FORM REGARDING SIDEWALK INSTALLATION ALONG LAWRENCE DRIVE



NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Todd & Michelle Mader	1526 N. Honeysuckle Cir		1		The map is outdated, it does not show the very first roundabout without walk-don't walk signs. I feel this plan is unnecessary without having the sidewalk on the east side of Lawrence. This is still no way to cross the roundabout from west Lawrence side to get to Scheuring R. sidewalks. The cars come off the highway onto Lawrence via the roundabout very fast with no crosswalk signs to stop them. It's near impossible to cross the sidewalks need to be from Fortune Ave. to Scheuring Rd. on the east side.
Mark & Jodi Kerscher	1844 Payton Ct.	1			
Denis & Cathy Vanden Heuvel	2254 Samantha St.	1			We are very active, we walk, run, and bike along Lawrence Dr. almost every day. This is a great decision as there are a few areas along here that are dangerous to be on the road.
Natzke	1971 Cross Creek Cir.	1			We were just talking about this the other day as we were out for a walk - great idea!
Andrea Longley	2291 Lawrence Drive	1			There are a lot of walkers and bikers who walk in the road around the curve near Humana. It's unsafe and dangerous. These sidewalks will improve safety! :) Yes!
Joe & Melissa Reinhold	2392 Lawrence Dr.	1			It would make taking a walk on Lawrence Dr. so much easier. Also, I believe if I have to up keep my sidewalk, others should have to do the same when I want to enjoy a walk.
Mary Meyer	2442 Kilrush Rd.	1			I commend the City officials to finally take the step to make our community a safer environment for all types of pedestrians. There are many sections of Lawrence Dr. where it is truly hazardous to cross back and forth in traffic to use the sidewalks. Only suggestion would be to move up construction date to Fall of 2014. (Afterall, sidewalk corrections were given 40 days.)
			1		Humana people are evil (: We do not want the increased traffic from Humana walking while complaining about snow during winter. Humana's walkers are evil. They are unwanted in our neighborhood. Improved sidewalks would increase the Humana transient walkers. In summer, OK, but winter, they are bad!

Attachment: Lawrence Sidewalk Comments (2354 : Consider Lawrence Drive Sidewalk*)

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Paula Bavinck	2171 Lawrence Dr.	1			If the project is divided into 2 phases. I feel the sidewalks from Southbridge to Scheuring is the most important. I have walked to Walmart from home and I feel it was quite dangerous.
Kevin Rohde	1554 Wild Rose Dr	1			
Joseph & Jennifer Smits	2473 Kilrush Rd.	1			It would be wonderful to have continuous sidewalks. There are also breaks/gaps in the sidewalk on Lawrence Dr. south of County Clare - it would be nice to have continuous sidewalks here too.
Mary Bratz/LouAnn Behnke	2459 Ballyvaughn Rd.	1			There also needs to be more playground equipment for kids at Southwest Park along with picnic tables for families. It should be mandatory that every house & businesses have to have sidewalks the rest of the homeowners do. The sidewalks should go all the way to Walmart on both sides.
Brett & Lyn Stanton	1761 Galway Ln	1			The sidewalk along Lawrence Dr. is absolutely necessary. This area is rapidly expanding and there are many individuals & families who utilize the existing sidewalks for various activities. It is dangerous to walk along the road where the sidewalks are not in place (especially for those with strollers and children on bikes, as well as individuals in wheel chairs). It does not make sense to only have sidewalks here and there - what good are they if they're not connected?
James Neuman	2056 Lawrence Dr.		1		I think that sidewalk on one side or the other would be more than enough to handle the traffic. Thank you. Please see my changes to the map. (NOTE: The changes included the elimination of sidewalk on the west side of Lawrence Drive from Southbridge Road to Fortune Avenue)

PUBLIC COMMENT
LAWRENCE DRIVE SIDEWALKS

3.4.c

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Martin Puckhaber	1502 N. Honeysuckle Cir.	1			For the areas where there exists sidewalks, on one side of the street, there is NO need for additional sidewalks on the opposite side of the street (i.e. Lawrence running from Honeysuckle to Silver Maple). Further, only need sidewalks on one side of the street anywhere. I walk all year round & would appreciate a sidewalk but don't need them on both sides of the street. This is our money you are proposing to spend. Let's be frugal but effective. Thanks for asking.

Attachment: Lawrence Sidewalk Comments (2354 : Consider Lawrence Drive Sidewalk*)

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
David Dudek	2476 Ballyvaughn Rd.	1			Thank you for considering this. There are many young families in the subdivision across from Southwest Park that like to walk with their children and strollers. Having a sidewalk that would extend to Southbridge would be fantastic and would make the area safer to walk. We wouldn't have to walk on the road with our strollers for some stretches.
Mark Dorn	2245 Lawrence Dr.	1			Safety reasons.
Marsha Kruchten	1764 Ballinamore Pl.	1			It will be nice to not have to walk in the street when I come to no sidewalk areas along Lawrence.
Jon & Heather Dretzka	1560 Silver Maple Dr.	1			Yes!!! We have lived in the neighborhood for 7 years and walk about everyday. We have been waiting for sidewalks for a very long time. We now have a 9 month old daughter and feel it is too dangerous to walk because the sidewalks do not connect. We cannot wait for the sidewalks to be installed. We are very much in favor and extremely excited!!!
Linda J. & David E. Olson	1553 Wild Rose Dr.	1			Long overdue. We will greatly appreciate a walkway.
Ann & Bruce Kondro	1932 Creamery Rd.	1			
Eric & Holly Heinkel	1761 Lemon Ln.	1			I am very much in favor of the sidewalk installation. I , along with many other families, attempt to walk in these locations with my small children and need to walk in the roads when it comes to those properties that do not have sidewalks. There is also a property on Samantha St. which does not have a sidewalk. It is located 6 properties north of Burgoyne Ct. and I think this needs a sidewalk also! I have been wanting this to happen since I moved to the neighborhood nearly 9 years ago. Thanks for considering this.
Bob & Jean Lincoln	1774 County Clare Rd.	1			
Dan Bassindale	1747 County Clare Rd.	1			

PUBLIC COMMENT
LAWRENCE DRIVE SIDEWALKS

3.4.c

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Michael Morgan	1790 Stock Ln.	1			I feel there should be sidewalks in the areas where a neighborhood has them and some properties along Lawrence Dr. are missing them. Right now, when you're walking on the sidewalk and come up to a property that's missing them, you have to walk out on the street and then back onto where the sidewalk continues at the next property. This doesn't seem very safe for children, especially since most of the properties already have sidewalks. I'm strongly in favor of the installation of sidewalks in the areas where homes already have them and neighbors don't seem to have them.

Attachment: Lawrence Sidewalk Comments (2354 : Consider Lawrence Drive Sidewalk*)

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Gerald Krull	1738 Galway Ln.	1			I think it is about time the sidewalk issue is taken care of. I walk this and am surprised no one has been hurt by vehicle traffic along the routes where no sidewalk is. Thank you!
Bill & Cheryl Veazie	1943 Snowy Owl Ct.	1			This is a residential area with a high volume of traffic on Lawrence - <u>needs a full sidewalk!</u> Question: What is the long range plan for Lawrence Dr.? The road is very narrow in areas, which does not allow for bicycle or pedestrian traffic. I would like to see the plan include better or wider traffic lanes, bike lanes, and a sidewalk for pedestrians. I realize all this may not be possible, therefore, I am still in favor of a sidewalk installation only.
Richard Swidergal	1780 Marissa Ct.		1		My wife and I agree that current access is sufficient within the subdivision and that walking traffic from the south area of Lawrence to Scheuring is not of consequence to warrant this burden on the landowners or taxpayers. Thank you.
Harold J. Wilsman	1561 Silver Maple Dr.	1			It would make it much safer for all people to walk & especially in the late afternoon & evening. Should have been done two to four years already.
Tim, Michelle & Ali Stevens	1561 Wild Rose Dr.	1			Good luck.
Mark & Mary Jackson	2200 Nick Lane	1			
Joshua & Jacqueline Oliver	2370 Talladega Speedway	1			This is long awaited! We are very thrilled about this as parents of a young child. It is difficult to walk along Lawrence with a stroller when the sidewalk keeps cutting off.
Bradley J. Fisher	2333 Daytona Speedway	1			
Randy & Lynn Modrow	2333 Talladega Speedway	1			About Time.
Andrew Novitski	1781 Marissa Ct.	1			I can understand that the property owners needing to pay for the sidewalk will be concerned with the additional cost. At the same time, as a family who regularly walks along Lawrence, the increased traffic and a lack of a safe walking area is a concern.
Wendell Hull	1791 Burgoyne Ct.	1			I feel that it would make walking safer along the street.

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Shane Macco & Jessica Macco	2334 Samantha St.	1			I think the sidewalk installation is a great idea and is long overdue. We have a six year old daughter and dislike the fact that she has to go on the road in various places while riding her bike when the sidewalk ends. The sooner the sidewalks go in, the better, in my opinion.
Jean Spodeck	2365 Indy Ct.	1			The sidewalks will have more people off the road. This is good for the automobiles as well since the people will be on the sidewalks.
Matthew & Kari Stewart	1518 Red Maple Rd.	1			Hard to take our dog on walks on busy road since part of Lawrence has no sidewalk.
Randy Hammer	1868 Payton Ct.	1			Only having half a sidewalk on one side is dangerous for children.
Scott & Beth Neuser	1530 Red Maple Rd	1			
Tom & Melanie Schmitt	1934 Creamery Rd.	1			My kids & I go for many walks & bike rides. When we get to Lawrence Dr. we have to go from sidewalk to street to sidewalk, etc. Since we also walk our dog, it is much safer for us to use a sidewalk. Additionally, we have 1 student driver with a second one on the way. It is safer for ALL drivers for pedestrians & runners to be on the sidewalk. Our daughters would have less distractions as a driver if there were sidewalks. Sidewalks would also improve the aesthetics of the area.
Jame J. VandenBoogard	1594 Red Maple Rd.		1		Sidewalks are not used enough to warrant having them. They are modes of transportation of years gone by. I did a study on usage two years ago and they were slightly used during the summer only. Then only during very nice days.
Robert Olejniczak	1799 Bridge Port Ln	1			What about on the East side of Lawrence Dr. from Fortune to Scheuring? We need sidewalks there too. But I am in favor of sidewalks all the way down to Walmart.
Cynthia Simon	2377 Talladega Speedway	1			I am very much in favor of the sidewalks being installed. I walk to Southwest Park and to the gas stations from my house on Talladega Speedway. Walking on Lawrence can be very intimidating in those areas without sidewalks, especially during the winter months. Thank you!

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Dan & Amanda Sliva	2352 Daytona Speedway	1			
Tom & Amanda Shefchik	1822 Payton Ct.	1			Without sidewalks that connect the current sidewalks are basically useless. My understanding is that all new construction is required to install sidewalks on Lawrence Dr. and that homes built prior to a certain date would be required to install sidewalks upon sale. Some of these properties have been bought and sold multiple times without sidewalk installation. In addition, many of these current sidewalk sections are not cleared during the winter months.
		1			We would love to have the sidewalk installed!!
Jim & Wendy Lentz	1795 Stock Ln	1			We think it would be a very good idea to put sidewalks in where needed as many people do walk on Lawrence Dr & some day someone is going to get hit by a car as very few go the speed limit on Lawrence Dr.
Jeremy LeMere	2648 Whitegate Tr/1767 & 1769 Burgoyne		1		Either the builders should be charged a fee for this upfront or they should be installing them at the time of construction. Purchasing a property and subsequently being forced into this without a 5+ year master plan for the spending goes against the budgeting that even the municipality needs to use when getting things done. The community should pay for this feature and those with it already installed should get a credit for feet already installed and capitalized.

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
					The areas of Lawrence Dr. which do not currently have sidewalks on either side of the street or even one side of the street pose a definite danger to pedestrians and bikers due to the following: 1. Consistent/Constant car and truck traffic due to the street's providing a major north/south route to and from an ever growing area 2) Heavy car and truck traffic exists at peak times of the day, e.g. weekdays 7-8:30am and 4-6:30pm 3) The need to get fairly close to vehicle traffic where no sidewalk exists on either side or even the act of crossing over to a side of the street with an existing sidewalk very often becomes a hazardous exercise 4) Even tho the posted speed limit is 25mph in some areas of Lawrence Dr., cars often cruise through at 35-40mph with many drivers talking on cell phones or texting while they're driving. Where the speed limit is 35mps many drivers cruise thru at 40-50mph, especially during peak traffic periods, even at the higher speed, many drivers can be seen using cell phones or texting while driving.
Steve & Susan Soderlund	1881 Payton Ct	1			
Joseph & Tamera VanBeek	1556 Red Maple Rd.	1			
Jamie & Michael Schmidt	2413 Lawrence Dr.	1			
Paul & Cheryl Merritt	2458 Ballyvaughn Rd.	1			We like to walk around the neighborhood so more sidewalks, especially continous ones, are a great things. Thanks!
Richard & Nancy Schneider	1943 S. Cross Creek Cir.	1			Lawrence Dr. is a highly traveled street. A sidewalk is absolutely necessary for safety reasons.
John McMorow	1545 Wild Rose Dr.	1			What would really be nice for me is a sidewalk from Fortune Ave. to Scheuring on the east side of Lawrence
Lydia Jones	1798 Lemon Ln	1			I think the sidewalks are a good idea and we have needed them for awhile. I had to pay for my sidewalk on Lawrence R. so I am glad that will be the same this time. The sidewalk proposal will mean I can walk with a stroller and my son on his bike without having to detour into the road. Thank you!! Does this include repair to the existing sidewalk on Lawrence?
Michael & Mary Butterfield	1951 Cross Creek Cir	1			It's about time! Lawrence Dr. Is a very busy street. It is only common sense to have sidewalks.
Kristin O'Grady	2482 Ballyvaughn Rd.	1			Will be nice to have complete sidewalks in this area.

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Doug & Lisa Bergan	1537 N. Honesuckle Cir.	1			BRAVO! We fully support and encourage the completion of this sidewalk installation plan. This plan will benefit public safety in the area. Too often I see individuals & children walking on roadway that are absent of sidewalks. We sincerely hope this sidewalk plan is supported by citizens in this area.
Harley & Sara Quarnstrom	1756 Adare Ct.	1			
Mark Olejniczak	2360 Daytona Speedway	1			
David & Shelly Soulis	2368 Daytona Speedway	1			As a neighboring homeowner, we have had to incur the installation of sidewalks and replacement of failed construction. It seems only fair and the fact that as an avid walker and improved children safety, the sidewalks would prove beneficial.
James & Dana Daggs	1972 N. Cross Creek Cir.	1			We would use it and love it! This is a great idea!:))
Matt & Jennifer Lambrecht	2356 Indy Ct.	1			
Sarah Delmore	1903 Cross Creek Cir.	1			Sidewalk is already in at our house but I think for the area, we need it. There are too many people walking, running, etc. & Lawrence Dr. is just too busy. We can't have people on the streets. It isn't safe.
Dominic & Stephanie Reinerio	1869 Payton Ct.	1			We feel that sidewalks are a necessity. With two young children & a dog, the current sidewalks are very cumbersome. The biggest drawback when we moved here 3 years ago was the lack of sidewalks relative to where we live. Our previous home in Neenah had superb sidewalks and access to trails. With young children & the busy traffic on Lawrence it is currently a deterrent to not walk outside of our cud-de-sac.
Len Socha	1553 Red Maple Rd.	1			I think this will be a great addition and fill in the missing gaps. I have seen several close calls between cars and pedestrians. Also I run on Lawrence and it can be dangerous.

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Marla Swiecichowski	1521 Wild Rose Dr.	1			Our neighborhood sidewalks go nowhere! We love to walk and the sidewalks all end after our subdivision. There is very heavy traffic on Lawrence Drive and very few sidewalks. It is dangerous for anyone walking. Our children can't even safely walk from our subdivision to their friend's house in the next subdivision because after Red Maple this is a very small area to walk because traffic comes real close because of a road divider on Lawrence Dr. I would often like to walk to the many businesses that are very close by but the sidewalk just ends after Honeysuckle. I feel it is unsafe to walk in the road past this point because of the heavy traffic especially when Humana shifts end. This is a <u>very</u> unfriendly pedestrian area. There are many neighborhoods around here with children and heavy traffic, this is not a good mix without sidewalks. If you are going to insist on residences having and maintaining sidewalks please make them usable to allow us to safely move about the community! Thank you!
Ben Brossard	1766 County Clare R.	1			Please install sidewalks!!:)
Angelene & Josh Wehrenberg	2452 Ballyvaughn Rd.	1			Would be great for safety reasons. It would cut down on the number of times we'd have to cross Lawrence with small children to stay on sidewalks.
Dennis M. Collins	1743 Bridge Port Lane	1			I don't think we need any sidewalks from Fortune Ave. south on Lawrence to Honesuckle Circle. Everyone can walk on west side of street from Scheuring Rd. down to County Clare Rd. Let's try and keep sidewalks as close to road as possible...

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Jeff Dorn	1531 Red Maple Road	1			I'd like to share a few observations I why I feel the proposed sidewalk design meets the needs of the community. I work at JX Peterbilt at 201 Lawrence Dr. and travel most of this route daily multiple times. I would just like to share that I often times see people throughout the day walking down Lawrence Dr. between Scheuring Rd. and Honeysuckle on the east side of Lawrence Drive. I think the sidewalk is much needed for folks along this path but wonder if people will cross and use the west side walk if no east side walk is offered. I would urge all parties to consider doing both sides of the road. My wife and I also walk our dog on the portion from our street to Southwest Park. Having a completed sideway the entire way would be a benefit for all and create a safer walking experience. In those areas where there is no walk we are on the street and have had a few instances where the cars have come by beyond the posted limit or closer to the curb than I'd prefer. Please make every effort to move this project from a proposal to a completed one. Objections from a few property owners who may not want to bear the expense would be very shortsighted and detrimental to our community.
Gladys M Stowe	2275 Lawrence Dr.		1		Because of the elevation of the road set during its construction and the exisiting elevation of the house and garage I believe with the sidewalk and approach codes, it would not be possible to drive in after completion of the road and the approach during construction the cars bottomed out and grading was redone to alleviate the problem. The driveway is so steep now that in winter we had to move the mailbox up to the house as you could not walk down the driveway as is. Also it would require total regrading of the yard and possibly a retaining waill to put in the sidewalk which would be too expensive. There are plenty of places between east and west De Pere with no sidewalks, ie St Francis Rd, Urbandale Ave, Nicolet Ave, White Pine Ave, Glenwood Ave Belle Ave Autumn Dr, Rainbow Ave, S. Clay and many more.
Melody Chambers	1964 Cross Creek Circle	1			
Dane Thorsen	1753 Galway Ln	1			
Kim Van Noce	2369 Indy Court	1			Taking dog for a walk down Lawrence is unsafe during busy times as we have to go on the road in some areas.

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Sarah Holm	2290 Samantha St	1			As a person who walks my dog everyday, I really would appreciate being able to stay on the sidewalk rather than having to walk in the street.
Kyle & Emily Trembl	1935 Cross Creek Cir.	1			This sidewalk is long overdue. It is currently too dangerous for people to walk along Lawrence Drive without proper sidewalk connections.
Maria Przybelski	1935 Snowy Owl Ct	1			
Patrick O'Connor	1765 Marissa Ct		1		Wait to put in sidewalks until the street is widened down to De Pere city limit.
Jesse & Lori Reckelberg	1517 N Honeysuckle Cir	1			
Paul Arkens	2430 Kilrush Rd	1			We need these sidewalks!
Ryan Scheelk	2317 Lawrence Dr	1			I frequently walk to work at Humana and take walks to Menards and Walmart.
Nick & Angie Moynihan	2314 Talladega Ct	1			
Daniel J Carter	2341 Daytona Speedway	1			
Ken & Terri Thiry	1553 Silver Maple Drive	1			Love to walk - Lawrence Drive is very unsafe walking along the side of the road.
Bruce Lundd	1772 Marissa Ct	1			I think completion of sidewalk on East side of Lawrence would suffice.
George A Thorne	2101 Lawrence Drive		1		There is very little pedestrian traffic on our part of Lawrence Dr. The sidewalk will greatly decrease the appearance and utility of our front yard. My wife and I are unable to remove snow so this will greatly increase our snow removal cost. It is ridiculous to spend all that money for so few people to use the sidewalk! Do Not Do IT!
Ben Savel	1909 Cross Creek Cir	1			As a frequent pedestrian and driver on Lawrence Dr., I find it dangerous when children and dogs are on the roadway, especially during busy times.

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Annette & Brian Kroll	1769 Maxwell Ct	1			It makes it difficult to walk in the neighborhood without sidewalks - especially in Spring/winter. Sidewalks all the way to Lawrence would make it easier to bike/walk to Walmart/Culvers/Dairy Queen. With more business going in this seems to be a necessity! Also - I see people walking/biking along Lawrence near Humana and it is unsafe!
Shawn & Heidi Mulhaney	2472 Kilrush Rd	1			It is so difficult to take a walk with our little ones. We have been hoping for this for years! Especially with Lawrence Drive so busy all the time!
Linda Brechter	1701 Burgoyne Ct	1			
VanDenteuvel	1585 Silver Maple Dr	1			
Amanda Brown	1796 Stock Ln	1			When walking our dog or going for a walk with our son, we always have to go around the places that don't have sidewalk to walk on the street. It would be nice to have a safe place to walk on.
Jenna Clebots	2470 Ballyvaughen Rd	1			
Lynn M. Sinclair	2314 Samantha St.	1			Sidewalk additions on busy Lawrence Drive is going to save someone's life. So many people walk this area everyday. This will only add value to homes, but be safer for everyone also.
Ralph G. & Bonnie A. Destiche	2311 Lawrence Dr	1			It will be much safer for all who walk, run, & bike this area.
Kevin & Sarah Anderson	1776 Lemon Lane	1			With so many families in the neighborhood, creating the safest option for healthy activities is absolutely imperative. These sidewalks are a must.
Max & Brittany Hanson	2368 Indy Ct.	1			This would make my walks (especially with a dog & a stroller) a lot easier.
Ron & Kathie VanPrice	2248 Nick Ln.	1			As a police officer and as a resident I have seen many people walking, running, biking, etc. Almost be hit by vehicles because of the lack of sidewalks. A trail along southbridge would be a safe thing too.
David & Jennifer Tilot	2236 Nick Lane	1			This needs to be done. So dangerous with people walking on the road. I think it is needed and would be greatly appreciated by the walkers/bikers/& drivers. Thank you :)
Wayne & Ellen Kaplan	2230 Nick Ln	1			It's good to know the kids of west De Pere will be safer by not having to ride bikes, tricycles & strollers in the street. Thank you!

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Paul & Sue Bougie	2108 Lawrence Drive		1		Sidewalks are not necessary. There are bike lanes on both sides of Lawrence Drive going south shortly after Fortune Ave & Employer's Blvd. Very seldom do we see a bike use them. Very few people walk on Lawrence Dr - they could use them. Employees of Humana walk on the Employers Blvd and Fortune Ave. They do not have sidewalks. For sidewalks south of Employer's Blvd & Fortune Ave, how many people are going to use them, would people cross Scheuring Road at the roundabout?
Lisa Van Gompel	1756 Lemon Lane			1	I agree there should be a continuous sidewalk on Lawrence Dr., however, I don't think it is necessary on both sides. Since the east side already has the most existing sidewalk in place, why not complete the missing pieces and forego the new sidewalk on the west side of the street? How much would the west side from Scheuring to Southbridge be used if there was sidewalk there? Personally, I don't see the need if the east side of the road had continuous sidewalk.
William Bos	1759 Meneau Dr	1			Strongly in favor of sidewalks, kids have to ride or walk along busy industrial streets. Also, what can be done about the U-turns at Community First Credit Union Driveway. Drive this every day and it is very hazardous.
Jeremy & Melissa Bock	1880 Payton Ct	1			It would be so much safer for pedestrians to walk on Lawrence Drive when this is completed. Thank you!
Sonja Jensen	1573 Red Maple Road	1			Currently, our neighborhood is an "island", where it is difficult/dangerous to go beyond as a pedestrian. We would love to be able to walk to the store, or just take a walk to the park, without feeling unsafe. Three top reasons for sidewalks: 1.) Safety - need a safe place to walk 2.)Health - approximately 30% of our residents are obese (public health concern) 3.)Sustainability - we need to look at alternatives to transportation via cars. Right now, it is not only unsafe to walk but also to bike (not even a shoulder between Honeysuckle Circle and Scheuring, much of the way) *Also - connectivity creates a sense of community
Michelle Ward	1703 Burgoyne Ct.	1			
Eric & Sue Peterson	2284 Samantha St.	1			We would favor this. We would use the added sidewalks to walk our dog. Thank you.

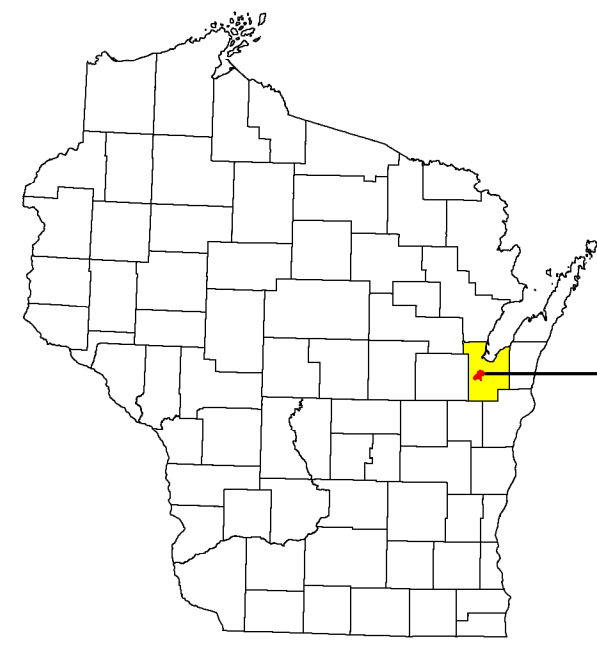
NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Jen Zurawski	1932 Cross Creek Cir	1			Yes, Yes, Yes!!! Please complete the sidewalks walking/running/biking is a HUGE pain and an even BIGGER safety issue!!! So happy this is being considered!!!
Brett Jansen	1774 Bridge Port Ln	1			
Kristin O'Connell	1565 Red Maple Rd.	1			
Joan Tawski	1756 Marissa Ct	1			
Beth Kwoespel	1758 Marissa Ct	1			
Jody & Jason Lindsey	1547 Red Maple Road	1			
Jesse & Laura Hock	1948 N. Cross Creek Cir.	1			We are in favor due to safety reasons. This will allow people to walk on a sidewalk instead of in the street/bike lane.
James DeFrance	1873 Lemon Lane	1			The city as a whole should pay for the sidewalk. There is no benefit to the property owner. The people using the sidewalk would be strangers that are, most likely, tax payers of the city of DePere. Even the maintenance of this special walkway should not be the responsibility of the private homeowner. They were "grandfathered" to have private property rights.
Gene Whittemore	1898 Payton Ct.		1		I don't feel I should have a "say" in someone else paying for sidewalks in front of their house.
Bonnie S Korczewski	1476 S. Honeysuckle Cir	1			The sidewalk installations would allow safe access out of my neighborhood to other local areas. Great idea -- sidewalks are an expected perk of living in De Pere.
Brandon & Dana Kucksdorf	2436 Kilrush Road	1			This is the greatest idea ever! We have been waiting a long time for this to happen. Please let us know if you are taking a vote or need us to come to a meeting. Thank you!!
Alissa & Kevin Cooluch	2327 Pocono Ct	1			
Steve & Michelle Vermeulen	1468 S. Honeysuckle Cir	1			Thank you for moving this forward. We walk on a regular basis but do not feel safe using the road towards Scheuring. This change supports the City's goal of making the community accessible for all. My only suggestion would be to continue sidewalks on the east side of Lawrence all the way to Scheuring.
Renee Wredow	2448 Kilrush Rd	1			

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Joshua Yuhasey	1942 S. Cross Creek Cir	1			The thought of having more sidewalks available for walkers/runners is a great idea. This would promote healthier lifestyles for community members. Also, would create more safe places for (resident didn't finish the sentence).
Chris & Jamie Johnson	2455 Kilrush Rd.	1			Excellent idea. We are completely in favor of this. We bike, run, and walk this route often and have found it to be frustrating and dangerous in the various areas without sidewalks.
Brian Schumacher	1959 Cross Creek	1			I feel that a sidewalk on Lawrence is a great idea that will be safer for all foot traffic.
Steve & Alice Kolb	1562 Wild Rose Dr.	1			Lawrence Drive is very busy. As a driver I am concerned for the people walking on the road. As a walker I don't feel safe on the edge of the road.
Lorne Hilke	2364 Daytona Speedway	1			Prefer a multi-use trail for biking, walking, and rollerblading.
Sean Irish	1761 Maxwell Ct.	1			
Scott Thill	2373 Talladega Speedway	1			Heavily traveled road, continuous sidewalks would be very nice for walking, children on bikes
Jesse Jonssen	2229 Lawrence Dr.	1			Would like to be able to safely walk or ride my bike to the store or gas station
Sarah Rusch & Ed Thao	2305 Talladega Ct.	1			Great idea!
Shopko Stores Operating Co., LLC	700 Pilgrim Way		1		It is Shopko's opinion that sidewalks are not necessary between Fortune Ave. & Scheuring Rd as this is primarily an industrial/commercial area.
Ben Giese	1933 Cross Creek Circle	1			
John & Sally Driscoll	1899 Payton Ct	1			One side - from Lawrence to South Park on the East Side should be sufficient for walkers and other purposes.
Dale Burmeister	2362 Talladega Speedway	1			
Stacy Schlemmer	1754 Galway Ln	1			This would be a great addition & help make walking/biking much easier for families & individuals in our neighborhood.
Ashley Anderson	2365 Daytona Speedway	1			

Attachment: Lawrence Sidewalk Comments (2354 : Consider Lawrence Drive Sidewalk*)

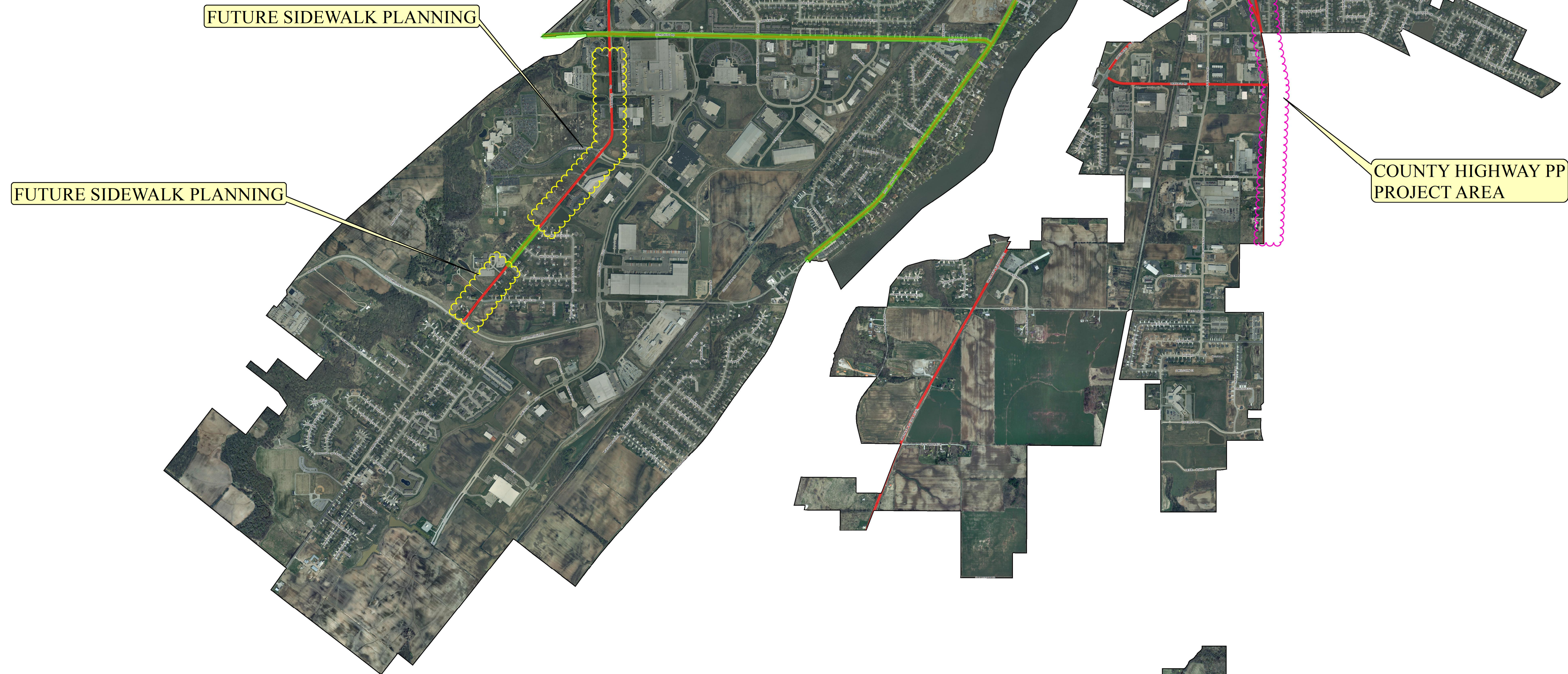
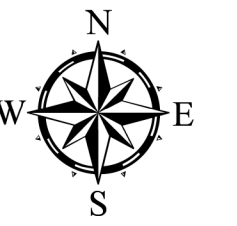
NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Chris Rossmiller	2238 Samantha St.	1			In favor of the proposed locations for the sidewalk. Would support a wider pathway (10-12 ft.) along Lawrence Drive where on-street bike accommodation does not exist (south of Fortune to Scheuring).
Michael Hoes	1797 Lemon Ln.	1			Although the proposed sidewalk may pose a financial hardship for some residents, the safety of pedestrians, especially children, is more important.
Steven Motiff	Maxwell Ct.		1		
Laura Seroogy	2231 Nick Ln	1			Yes Please! Can't wait to have a safe sidewalk all down Lawrence for little kids to ride bikes!
Ben and Stacy Hemp	2042 Lawrence Dr		1		We don't have a problem with the sidewalk project, but with the overall project scope. First, Lawrence Dr., does not have enough foot traffic to justify the entirety of the proposed sidewalk addition. While we understand and appreciate De Pere's vision of being a walking community, unfortunately this area is separated from the rest of the city by an industrial park; and is too far from local businesses to realistically consider walking. Our property is one of the closest to Scheuring Rd., and it would be a half hour walk to even get to Walmart. A walking city is great in theory, but is not realistic for this situation. see survey form for more comments.
Allisa & Adam Turriff	1536 Silver Maple Dr	1			Would also like to see the last sidewalk completed on Silver Maple. Will the sidewalks also be for biking?
Marvenko	1543 N. Honesuckle Circle	1			
Julie Phelps	1751 Bridge Port Ln	1			As someone who uses the sidewalks and streets on Lawrence Dr. quite often, I would really appreciate them being added to places where they are lacking right now. Especially in the winter so I can avoid running on the icy/snowy roads. :) It would also be great to extend them to Scheuring Rd. since a lot of employees along Lawrence Dr. tend to walk during their lunch hours. A lot of them have to use the road right now. Thank for the opportunity to give input!

NAME	ADDRESS	YES	NO	UNDECIDED	COMMENTS
Anonymous			1		
Julio deArteaga DDH, LLC	N982 Craftsman Dr. Greenville, WI 54942 Wd-1048 & 1051			1	I am a concrete contractor and would like the opportunity to bid on this project in its entirety. At the very least would like to pour the section I would be required to pay for. Please contact me for a quote. Thank you!
Dawn & Ben Risch	2461 Kilrush Rd.	1			
Kofi Asimah	1576 Silver Maple Dr.	1			
Andrew & Kimberly Smithson	2260 Samantha St.	1			I work at Humana and see lots of employees walking outside during lunch - will make this safer for those individuals. I also know many Humana employees live in the apartment complexes around Samantha St. and often walk to work, or to Wal-Mart - will make this safer for them. Traffic along Lawrence often is too fast in this area - hoping sidewalks will give more of a "residential" feel that will cause drivers to slow down!
Oxford Development					Property sold to City of De Pere 06/2014
TOTALS		135	15	2	
	Rev. 7/1/14				



Sidewalks Along Arterial Roads

City of De Pere, Wisconsin



Legend

- Arterial Roads with Sidewalks
- Arterial Roads
- City of De Pere Boundary

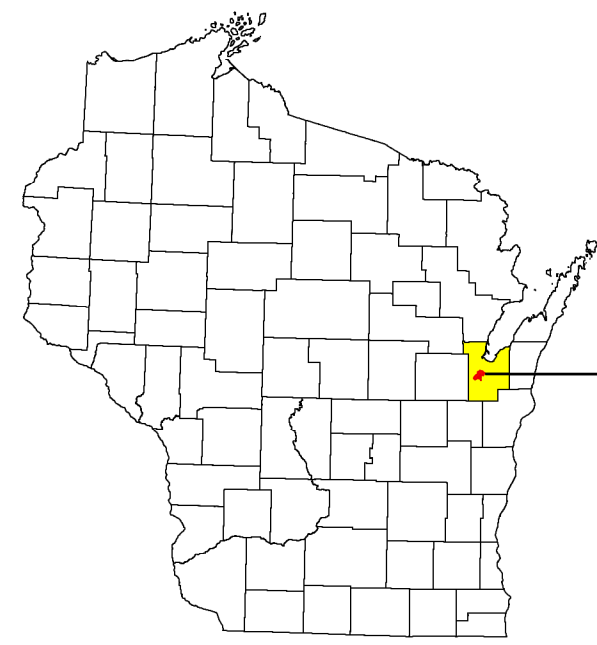
0 0.25 0.5 1 Miles

Attachment: ArterialWithSidewalks (2354 : Consider Lawrence Drive Sidewalk*)



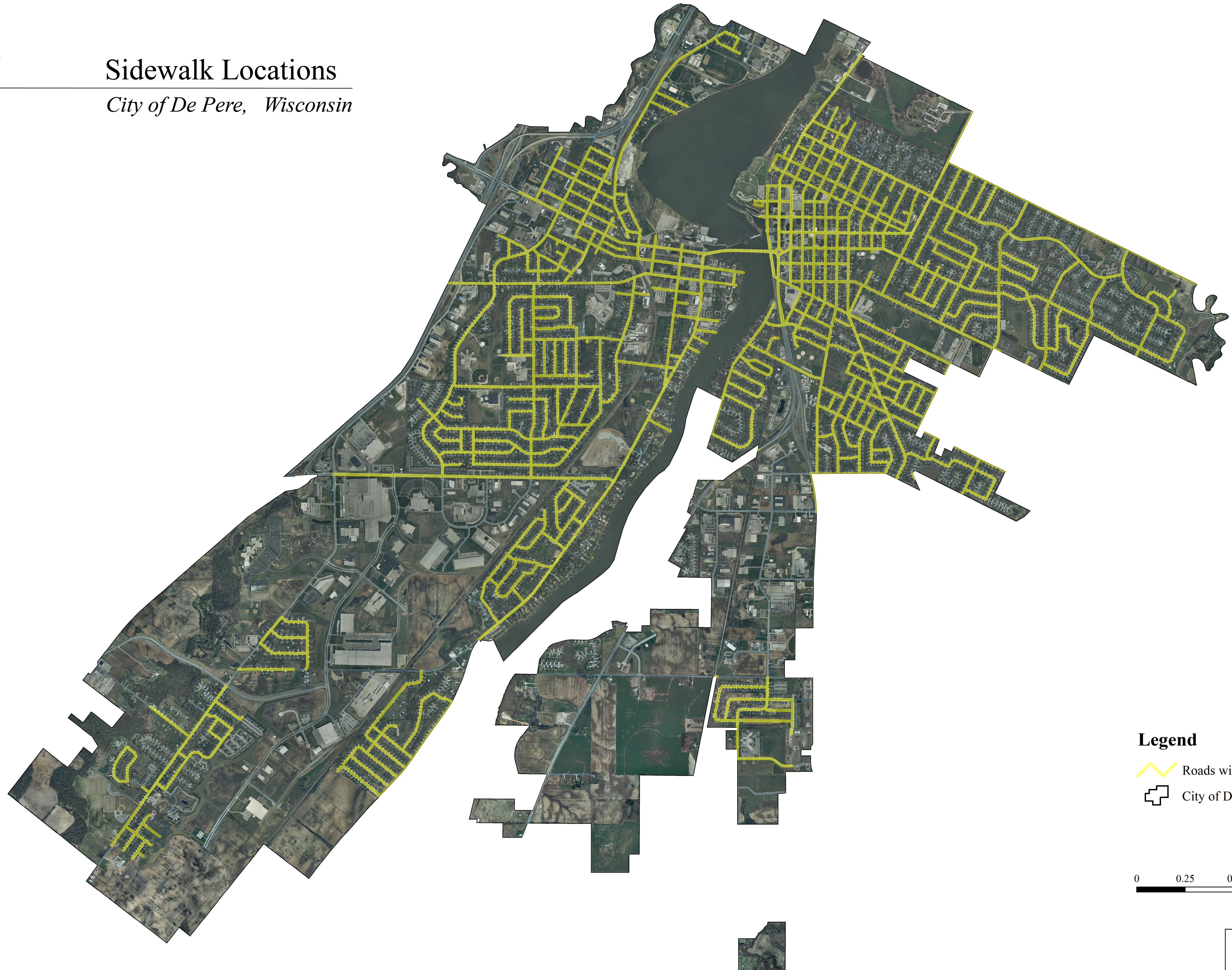
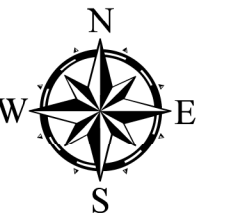
CITY OF DE PERE
ENGINEERING DIVISION
325 S. SIXTH ST.
DE PERE, WI 54115
OFFICE 920-339-4051
FAX 920-339-4071

TITLE:
Transportation Classification
PROJECT:
Sidewalk Exhibit
DATE: 4/21/2014
BY: BAW
CHECKED:



Sidewalk Locations

City of De Pere, Wisconsin



Legend

-  Roads with Sidewalks
-  City of De Pere Boundary

0 0.25 0.5 1 Miles



CITY OF DE PERE
ENGINEERING DIVISION
925 S. SIXTH ST.
DE PERE, WI 54115
OFFICE 920-339-4061
FAX 920-339-4071

TITLE: Exhibit A
PROJECT: Proposed Sidewalk
DATE: 4/21/2014
BY: BAW
CHECKED:

City of De Pere, Wisconsin

**Request For Board of Public Works Action**

MEETING DATE: July 7, 2014

DEPARTMENT: Public Works

FROM: Scott Thoresen

SUBJECT: Discussion of Engineering Technical Services Regarding Installation of T-Mobile's Wireless Antennae Facilities on 9th Street Water Tower*

The City received a request from T-Mobile regarding upgrades of wireless antennae facilities on the City's 9th Street water tower. As part of this request, the City will need to hire Dixon Engineering to perform engineering technical services for the City to make sure there is no impact to the City's water tower with the work being proposed by T-Mobile. Staff has received payment from T-Mobile for funding the engineering services to be performed by Dixon Engineering.

Staff recommends approving the engineering services agreement with Dixon Engineering for the 9th Street water tower.

ATTACHMENTS:

- Dixon - T-Mobile -9th Street Tower (PDF)

Proposal/Contract Agreement for Antennas

(DePere, Wisconsin 250,000 Double Ellipse 9th Street 49-05-11-02)

The agreement is between Dixon Engineering, Inc. (DIXON) and City of DePere, Wisconsin (OWNER) to contract with DIXON for technical services for T-Mobile (CONTRACTOR). This agreement inclusive together with any expressly incorporated appendix or Schedule, constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument. This agreement includes pages 1 through 4 and Schedules A, B, and C.

1.01 BASIC AGREEMENT

DIXON shall provide, or cause to be provided, services detailed in Scope of Services and OWNER agrees to pay DIXON as compensation for their services the (not to exceed/lump sum) fee of **Seven Thousand Four Hundred** dollars **\$7,400**. Terms of charges and payments per details in Schedule B. (Prices quoted are subject to change 90 days after proposal date, if not contracted.)

2.01 SCOPE OF SERVICES

Initial Site Walk Through, Design Review, Pre-Con, Installation Inspections

3.01 SIGNATURES

<u>Chris Kreiner</u>	<u>06/03/14</u>
PROPOSED by DIXON (Not a contract until approved by an officer)	PROPOSAL DATE

	POSITION	DATE
CONTRACT APPROVED by OWNER		

	POSITION	DATE
CO SIGNATURE (if required)		

	EFFECTIVE CONTRACT DATE
CONTRACT APPROVED by DIXON OFFICER	

4.01 ADDITIONAL SERVICES

- A. If additional services are **Requested and authorized** by the OWNER which are not within the proposed Scope of Services or because of changes in the Project, these additional services will be on a time and material basis per fee schedule of attached SCHEDULE C.
- B. **Delay by the Contractor** in completing the work, which is the responsibility of the Contractor and which extends the amount of time required for DIXON to complete their work, will be charged as an Additional Service.
- C. **Failure by the Contractor to notify** DIXON of the necessity to change inspection dates more than twenty-four (24) hours in advance and which results in unnecessary travel and/or expense to DIXON shall cause this travel and expense to be charged as Additional Service.
- D. **Failure by the Contractor to Meet Specifications** and/or to complete work prior to requesting an inspection is considered a failed inspection. Services provided by DIXON during or for a failed inspection include travel, inspector, and project manager time will be charged as an Additional Service.

5.01 Termination

- A. The obligation to provide further services under this Agreement may be terminated:
 - 1. For cause,
 - a. By either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party. Agreement will not terminate as a result of substantial failure under paragraph 5.01.A.1.a if the party receiving such notice begins, within seven (7) days of receipt of such notice, to correct its failure and proceeds diligently to cure such failure within no more than thirty (30) days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such thirty (30) day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, sixty (60) days after the date of receipt of the notice.
 - b. By DIXON upon seven days written notice:
 - 1) If Owner fails to pay invoices by 60 days.
 - 2) Upon seven(7) days written notice if the DIXON's services for the Project are delayed or suspended for more than ninety (90) days for reasons beyond DIXON's control.
 - 3) If DIXON believes that Engineer is being requested by Owner to furnish or perform services contrary to engineer's responsibilities as a licensed professional.
 - 4) DIXON shall have no liability to Owner on account of such termination.
 - 2. For Convenience,

a. By OWNER effective upon the receipt of notice by DIXON.

B. The terminating party may set the effective date of termination at a time up to thirty (30) days later to allow Engineer to demobilize personnel and equipment from the Project site, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

6.01 Controlling Law

A. This Agreement is to be governed by the law of the state in which the Project is located.

7.01 Successors, Assigns, and Beneficiaries

A. OWNER and DIXON and their successors are hereby bound to successors and legal representatives of the other to the extent permitted by law in respect of all covenants, agreements, and obligations of this Agreement.

B. Neither OWNER nor DIXON may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement.

8.01 General Considerations

A. The **Standard of Care** for all professional engineering and related services performed or furnished by DIXON under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. DIXON makes no warranties, expressed or implied, under this Agreement or otherwise, in connection with DIXON's services. DIXON and its consultants may use or rely upon the design services of others, including, but not limited to, contractors, manufacturers, and suppliers.

B. DIXON shall **Not** at any time **Supervise**, direct, or have control over any of the **Contractor's** work, nor shall DIXON have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, for safety precautions and programs incident to contractor's work progress, nor for any failure of any contractor to comply with laws and regulations applicable to contractor's work.

C. Engineer does not guarantee the performance of any contractor and does **Not Assume Responsibility** for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor.

- D. Engineer shall **Not be Responsible For the acts or Omissions of any Contractor**, subcontractor, or supplier, or of any contractor's agents or employees or any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any of the construction work; or for any decision made on interpretations or clarifications of the construction contract given by Owner without consultation and advice of Engineer.
- E. The **General Conditions** for any construction contract documents prepared hereunder are to be the "Standard General Conditions of the Construction Contract" as prepared by the Engineers Joint Contract Documents Committee (No. C-700, 2007 Edition) or equally protective document provided by Owner.
- F. All **Design Documents** prepared or furnished by DIXON are instruments of service, and DIXON retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed.
- G. DIXON agrees to defend, **Indemnify**, and hold harmless the Owner, its officers, agents, and employees, from and against legal liability for all claims, losses, damages, or expenses to the extent such claims, losses, damages, or expenses are directly caused by Engineer's negligent or intentional acts, errors, or omissions. Limits of liability for negligence is based on the comparative negligence principle.
- H. The parties acknowledge that DIXON's scope of services does not include any services related to a **Hazardous Environmental Condition** (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials). DIXON acknowledges that some hazardous metals may be encountered in coatings.

8.02 Severability

- A. If any clause or paragraph or sentence is found to be in opposition to any law in the state of the Project, that clause or paragraph or sentence may be severed from the Agreement with no effect on remaining clauses.

8.03 Headings

- A. Article and paragraph headings are inserted for convenience only and do not constitute parts of these General Conditions. Words in the first sentence are in bold to act as secondary headings and should not be interpreted any different than a numbered heading.

SCHEDULE A

(DePere, Wisconsin 250,000 Double Ellipse 9th Street 49-05-11-02)

- I. Initial Site Inspection – Site Walk:
 - A. Site visit by two Dixon employees to completely map current tank conditions. This includes as-built sketches, existing antenna equipment, site conditions, steel thicknesses, and photos.
- II. Design and Plan Review:
 - A. Staff Engineer to review designs created by others. No calculations or Professional Engineering seal included. Initial Site Inspection – Site Walk is a prerequisite to Design and Plan Review.
- III. Site Work for:
 - A. Preconstruction (preinstallation) and progress meetings-attend and participate.
 - B. Installation inspections-inspect installation as it progresses and a final post inspection to compare with design criteria. These inspections include letter report and photographs.

SCHEDULE B

(DePere, Wisconsin 250,000 Double Ellipse 9th Street 49-05-11-02)

I PAYMENT

- A. When service is rendered Owner shall pay DIXON the following line item prices:
 - 1. Schedule A, Item I, Initial Site Inspection-Site Walk, the lump sum of **\$1,300**.
 - 2. Schedule A, Item II, Design and Plan Review, the lump sum of **\$1,350**. (Site Walk prerequisite \$1,300)
- B. Owner shall pay DIXON the following line items times the number of units used:
 - 1. Schedule A, Item III
 - A. **(1)** Preconstruction Meetings **\$950** per meeting
 - B. **(4)** Installation and Post Inspections **\$950** per inspection

II INVOICES

- A. Invoices will be compiled monthly.
- B. All DIXON services that are outstanding more than thirty (30) days from date of issue shall be assessed (DIXON's favor) one and a half percent (1.5%) per month interest starting from 30 days after date of issue.

SCHEDULE C

Antenna Engineering Services Fees

<u>Labor Class</u>	<u>Per Hour</u>	<u>*Overtime Rate</u>
Principal.....	\$175.00	
Project Manager.....	\$100.00	
Registered Professional Engineer.....	\$125.00	
Assistant Project Manager.....	\$ 80.00	
Staff Engineer – Level I to III.....	\$ 85.00 to \$100.00	
CAD Supervisor.....	\$ 80.00	
CAWI or CWI Welding Inspector.....	\$ 80.00 to \$100.00	
Certified NACE Inspector.....	\$100.00	
Inspector – Level I to III.....	\$ 60.00 to \$80.00	
CAD Technician.....	\$ 60.00 to \$70.00	
Secretarial Services.....	\$ 50.00 & expenses	
Bookkeeping Services.....	\$ 50.00	

*All Saturday, Sunday, and holiday inspections are overtime rate. Overtime rate is 1 ½ time the hourly rate. Overtime rate does not apply to Principal.

Expenses:

	<u>Metropolitan</u>	<u>Out – state</u>
Mileage.....	\$0.70/mile (including tolls)	\$0.60/mile
Meals & Lodging,	\$110 per diem, per day	\$100 per diem, per day
	<i>(may be increased based on location)</i>	
Without Lodging.....	\$35/day	\$30/day
Air Travel.....	Business fare from Grand Rapids Chicago O’Hare or Milwaukee, plus full size car rental	
Material (gaskets, cathodic protection caps, etc.).....	Negotiated	

FEES EFFECTIVE THROUGH DECEMBER 31, 2014