

CITY OF WISCONSIN DELLS MEETING AGENDA

Meeting Description PUBLIC WORKS COMMITTEE

Date: MONDAY, NOVEMBER 14, 2016 Time: 5:45 PM

Location: MUNICIPAL BUILDING 300 LA CROSSE STREET, WISCONSIN DELLS, WI

		Committee Members	
		Ald. Dar Mor-Chair	Ald. Ed Wojnicz
		Mayor Brian Landers	Ald. Brian Holzem
AGENDA ITEMS:			
1	CALL MEETING TO ORDER AND ATTENDANCE		
2	APPROVAL OF THE MINUTES FROM THE OCTOBER 10, 2016 PUBLIC WORKS MEETING		
3	DISCUSSION/DECISION ON PROPOSED 2017 SCHEDULE OF FEES		
4	DISCUSSION/DECISION ON MSA TASK ORDERS: a) BAUER STREET RECONSTRUCTION (PROJECT NO: 00085071) b) MICHIGAN AVENUE AND PLUM STREET SURVEYING AND FIELDWORK (PROJECT NO: 00085072)		
5	DISCUSSION/DECISION ON WISCONSIN RIVER BRIDGE PROJECT (WIDOT PROJECT START DATE)		
6	DISCUSSION ON PROJECT UPDATES 1) RIVERWALK 2) DOWNTOWN CAFÉ ZONES 3) ANY OTHER PROJECTS		
7	DISCUSSION/DECISION ON REU (RESIDENTIAL EQUIVALENT UNIT) FEES AS IT RELATES TO A CHANGE IN USE		
8	DISCUSSION/DECISION ON SAN ANTONIO RESTAURANT ALLEY, EXIT, AND EXHAUST		
9	DISCUSSION/DECISION ON REGULATING/PERMITTING THE USE OF PUBLIC RIGHT OF WAYS		
10	DISCUSSION/DECISION ON RIVERWOOD PDD (PLANNED DEVELOPMENT DISTRICT)		
11	ANY OTHER ITEMS FOR REFERRAL TO A FUTURE MEETING • UTILITY PERMIT APPLICATION FEES		
12	FUTURE PUBLIC WORKS MEETING (Monday, December 12, 2016 @ 5:45pm)		
13	ADJOURNMENT		
ALDERPERSON DAR MOR, CHAIRPERSON		DISTRIBUTED NOVEMBER 10, 2016	

ITEM 4a

Task Order --



PROFESSIONAL SERVICES

More ideas. Better solutions.

To: City of Wisconsin Dells
David Holzem
300 La Crosse Street
Wisconsin Dells, WI 53965

Date of Issuance: 10-28-2016

MSA Project No.: 00085071

This task order will acknowledge that MSA Professional Services (MSA) is authorized to begin work on the following project:

Project Name: Bauer Street Reconstruction

The scope of the work authorized is: See attached scope of Engineering Services

The schedule to perform the work is: approximate start: 10-17-2016
approximate completion: 07-31-2017

The estimated fee for the work is: Estimated – Hourly, See attached Summary of Engineering Services

This authorization for the work described above shall serve as the Agreement between MSA and OWNER. All services shall be performed in accordance with the Master Professional Services Agreement currently in force. Any attachments or exhibits referenced in this Agreement are made part of this Agreement. Payment for these services will be on a time and materials basis. A list of reimbursable expenses is included on the attached rate schedule.

Approval: MSA shall commence work on this project in accordance with your written authorization. This authorization is acknowledged by signature of the authorized representatives of the parties to this Agreement. A copy of this Agreement signed by the authorized representatives shall be returned for our files.

CITY OF WISCONSIN DELLS

MSA PROFESSIONAL SERVICES

David Holzem
Director of Public Works


Tim Mikonowicz, P.E.
Senior Project Engineer

Date: _____

Date: 10-28-2016

300 La Crosse Street
Wisconsin Dells, WI 53965

1230 South Blvd
Baraboo, WI 53913

Phone: 608-253-2542

Phone: 608-355-8905
Fax: 608-356-2770

**ATTACHMENT A:
RATE SCHEDULE
MARCH 2016/2017***

<u>CLASSIFICATION</u>	<u>LABOR RATE</u>
Architects.....	\$127-\$159/hr.
Clerical	\$60-\$82/hr.
CAD Technician.....	\$59-\$110/hr.
Geographic Information Systems (GIS).....	\$76-\$131/hr.
Housing Administration.....	\$60-\$107/hr.
Hydrogeologists.....	\$102-\$152/hr.
Planners	\$80-\$145/hr.
Principals.....	\$155-\$190/hr.
Professional Engineers.....	\$85-\$190/hr.
Project Manager.....	\$65-\$180/hr.
Registered Land Surveyors.....	\$88-\$150/hr.
Staff Engineers.....	\$82-\$120/hr.
Technicians	\$62-\$112/hr.
Wastewater Treatment Plant Operator.....	\$65-\$85/hr.

REIMBURSABLE EXPENSES

Copies/Prints	Rate based on volume
Fax	\$1.00/page
GPS Equipment.....	\$40/hour
Mailing/UPS.....	At cost
Automobile Mileage – (currently \$0.54/mile).....	Rate set by Fed. Gov.
MSA Truck Mileage	\$0.70/mile
Nuclear Density Testing	\$25.00/day + \$10/test
Organic Vapor Field Meter.....	\$100/day
PC/CADD Machine.....	Included in labor rates
Robotics Geodimeter.....	\$30/hour
Stakes/Lath/Rods	At cost
Total Station	Included in labor rates
Travel Expenses, Lodging, & Meals	At cost
Traffic Counting Equipment & Data Processing.....	At cost

* Labor rates represent an average or range for a particular job classification. These rates are in effect until March 1, 2017. After March 1, 2017, these rates may increase by not more than 5% per year.

SCOPE OF SERVICES-ENGINEERING

Bauer Street Reconstruction Project
City of Wisconsin Dells

Project Description

The project includes complete street and utility reconstruction on Bauer Street from the intersection of Capital Street to the west end terminus of Bauer Street.

Design Phase Services

- Complete topographic survey of the roadway and utility project areas on County coordinate system.
- Coordinate geotechnical investigation (soil borings) to determine soil characteristics, presence of groundwater and depth to bedrock, including providing location and depth requirements. This information will also be used to design the pavement cross-section and identify groundwater and soil conditions for utility installation. ***The cost for geotechnical investigation is not included in this proposal and will be invoiced directly to the City, if required.***
- Prepare 30% preliminary plan and profile drawings, including preliminary utility locations, storm sewer routing and general roadway configuration, and review with City staff.
- Review televising for sanitary and storm sewer systems and prepare plans for sanitary sewer and storm piping.
- Attend one meeting with City to review 30% preliminary design and cost estimates.
- Attend project walk-thru on site to review preliminary plans, conflicts with trees, public and private utility conflicts, and sidewalk and driveway requirements.
- Revise preliminary plans based on comments from meetings and correspondence with City.
- Provide preliminary plans to utility companies (gas, telephone, electric and cable TV) for comments related to conflicts or required relocations.
- Prepare project cost estimate with department allocation of costs based on preliminary design.
- Attend one meeting with City Staff to review 90% design and cost estimates, gather staff input and make recommendations.
- Prepare final plans based on comments.
- Attend and conduct one Public Information Meeting to review project and solicit comments/concerns. ***(Optional, upon request from City staff as required)***
- Prepare WDNR submittals for water main and sanitary sewer construction permits.
- Prepare a Storm Water Management and Erosion Control Plan and Construction Site Notice of Intent (including \$140 submittal fee) and submit to WDNR.
- Preparation of Project Manual including specifications and bidding documents.
- Prepare updated cost estimate based on final design.
- Forward final plans, specifications and cost estimate to City and Utilities for review and comment.
- Prepare Advertisement for Bids and forward to City for publishing in official news

paper (*advertising costs to be paid by the City*).

- Perform an internal Quality Assurance/Quality Control (QA/QC) plan and specification review.
- Project administration and correspondence.
- Reimbursables: Reproduction, Postage, Fax, UPS, GPS, Mileage.

Bidding Phase Services

- Reproduce project plans and specifications (20 assumed).
- Distribute electronic plans/specifications to statewide "plan rooms".
- Solicit prospective bidders utilizing the Quest electronic bidding network.
- Correspondence with prospective bidders and material supplier questions during project advertising period.
- Prepare and distribute addenda to plan holders (two assumed)
- Attend and conduct the bid opening at City Hall.
- Review bids and prepare bid tabulation.
- Prepare letter of recommendation and Notice of Award.
- Attend one Council meeting to present bid results and recommend award
- Prepare and administer construction contracts.
- Reimbursables: Reproduction, Postage, Fax, UPS, Mileage.

Construction Phase Services

Construction Administration

- Attend and conduct one pre-construction meeting, and prepare minutes from that meeting and distribute to attendees.
- Review shop drawings and construction materials proposed by the contractor.
- Attend bi-weekly meetings with Contractor, staff and/or City officials to review construction progress (5 assumed).
- Review and recommend contractor's pay requests (4 assumed).
- Review change order requests and make recommendation to Owner (2 assumed).
- Attend one "walk-through" inspection with Owner's representative(s).
- Prepare "punch list" of items required for final completion of project.
- Issue and administer project closeout documents.
- Review contractor's notes and 'as-built' records and prepare reproducible record drawings. Three copies of record drawings to be provided to the Owner.
- Prepare project cost estimate with department allocation of costs based on preliminary design.
- Coordinate and attend an 11-month project review prior to expiration of one-year warranty period.
- Update City water, sanitary, and storm sewer maps/GIS database.
- Project administration and correspondence.
- Reimbursables: Reproduction, Postage, Fax, UPS, and Mileage.

Construction Staking

- Provide construction staking for:
 - Storm Sewer, sanitary sewer, water main and appurtenances.
 - Curb and gutter
 - Red-top gravel grades

Construction Observation (assumes 6 weeks of construction)

- Construction observation and documentation of major project components and critical operations consisting of:
 - An estimated 40 hours of construction observation and documentation by a Professional Engineer.
 - An estimated 160 hours of construction observation and documentation by an Engineering Technician, or Staff Engineer. *(Assumes on-site observation at the 50% level)*
 - Reimbursables: Reproduction, Postage, Fax, UPS, GPS, Mileage

Additional Services (available but not included in the above Scope of Services)

- Publishing costs for public notices (including Advertisement for Bids).
- Geotechnical investigation cost
- Sanitary sewer televising cost
- Surveys including CSMs and Plats for properties
- Additional Meetings
- Additional Construction Observation Hours

SUMMARY OF FEES
 Bauer Street Reconstruction Project
 City of Wisconsin Dells

Service	Estimated Fee
Engineering	
<i>Design</i>	\$29,000
<i>Bidding</i>	\$4,100
<i>Construction Administration</i>	\$14,400
<i>Construction Staking</i>	\$5,200
<i>Construction Observation</i>	\$25,500
Total	\$78,200

Other Estimated Costs (invoiced directly to the City)

Item	Estimated Cost
Geotechnical Investigation	\$3,500
Sanitary Sewer and Storm SewerTelevising	\$2,500

Task Order



PROFESSIONAL SERVICES

More ideas. Better solutions.

**To: City of Wisconsin Dells
David Holzem
300 La Crosse Street
Wisconsin Dells, WI 53965**

Date of Issuance: 10-28-2016

MSA Project No.: 00085072

This task order will acknowledge that MSA Professional Services (MSA) is authorized to begin work on the following project:

Project Name: Michigan Avenue and Plum Street Surveying and Fieldwork

The scope of the work authorized is: Conduct topographic survey, inventory existing underground utilities, and prepare model and base drawings for future project work.

The schedule to perform the work is: approximate start: 10-17-2016
approximate completion: 07-31-2017

The estimated fee for the work is: \$4,500 Estimated – Hourly

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CITY OF WISCONSIN DELLS

MSA PROFESSIONAL SERVICES

David Holzem
Director of Public Works



Tim Mikonowicz, P.E.
Senior Project Engineer

Date: _____

Date: 10-28-2016

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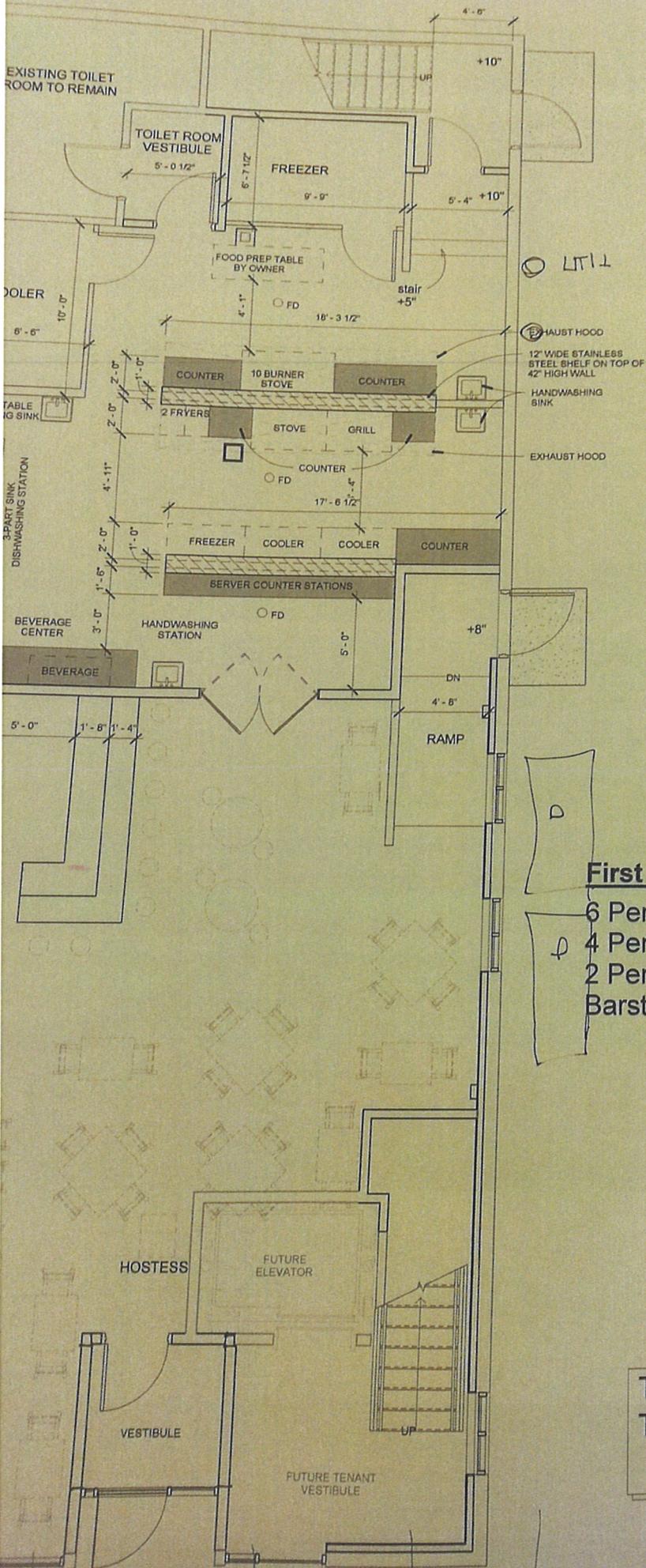
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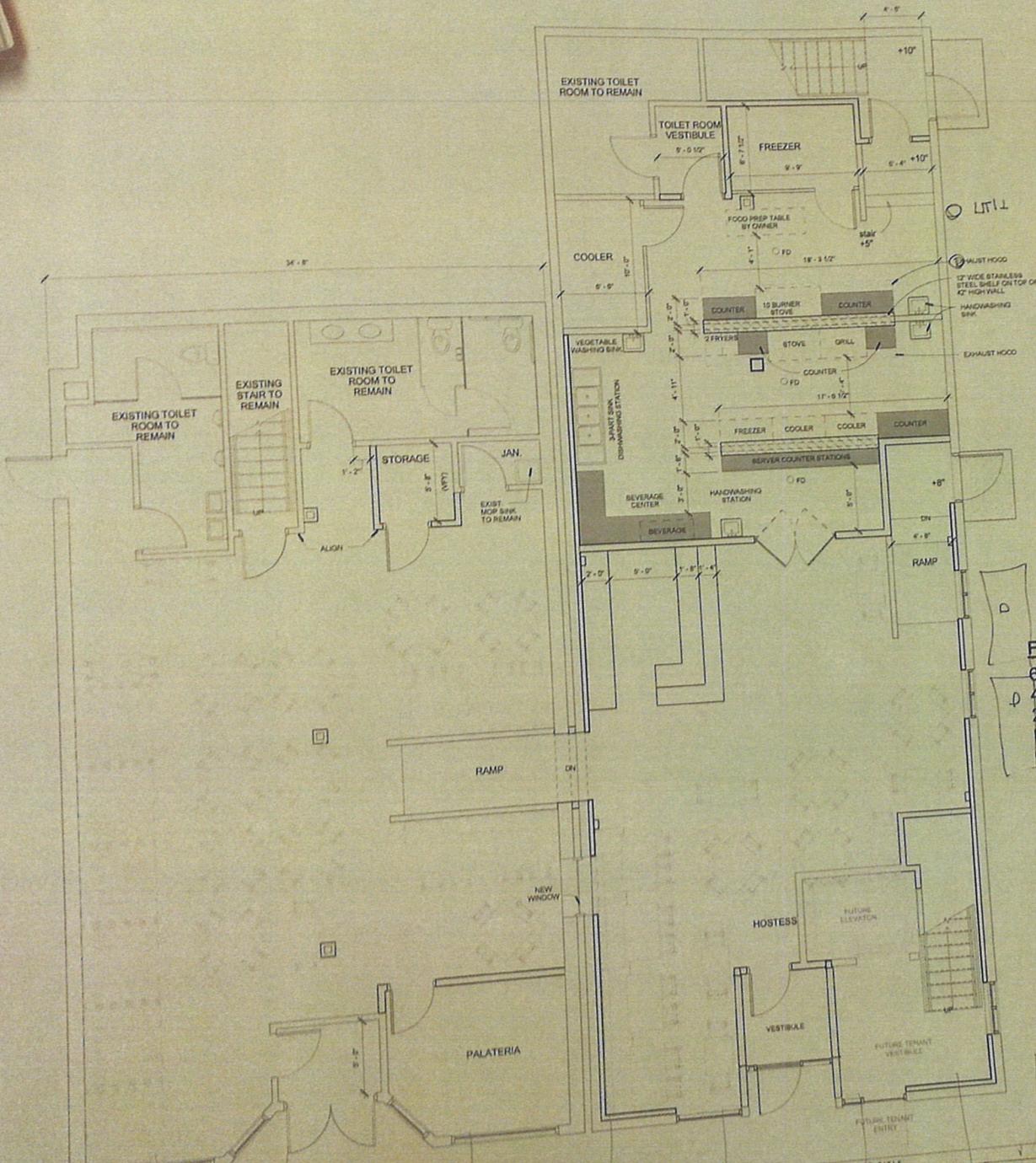
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First Floor Seating Count

6 Person Booth -	6	- 36 persons
4 Person Tables -	22	- 88 persons
2 Person Tables -	10	- 20 persons
Barstools -	8	- 8 persons
		152 persons

Total First Floor:	152 persons
Total Second Floor:	178 persons
Grand Total:	330 persons



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Total First Floor:	152 persons
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City of Wisconsin Dells

ORDINANCE NO. _____

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

See Sections (1) and (2) below for finding and purpose.

SECTION II: PROVISIONS AFFECTED

A. Wisconsin Dells Code sec. 6.15 is created.

SECTION III: PROVISIONS AS AFFECTED:

A. 6.15 USE/OCCUPANCY OF RIGHTS-OF-WAY

(1) Findings.

- (a) In the exercise of governmental functions the City has priority over all other uses of the public rights-of-way. The City desires to anticipate and minimize the number of obstructions and excavations taking place to regulate the placement of facilities in the rights-of-way to ensure that the rights-of-way remain available for public services and are safe for public use, and to ensure that facilities are timely maintained, supported, protected or relocated to accommodate reconstruction or repairs. The taxpayers of the City bear the financial burden for the upkeep, maintenance and reconstruction of the rights-of-way and a primary cause for the early and excessive deterioration of its rights-of-way is the frequent use and excavation by persons who locate facilities therein.
- (b) The City finds increased use of the public rights-of-way and increased costs to the taxpayers of the City and that these costs are likely to continue into the foreseeable future.
- (c) The City finds that delays by occupants of the rights-of-way in maintaining, supporting, protecting or relocating facilities, if they effect public construction projects, have the potential to significantly increase public works projects costs borne by the taxpayers.

- (d) The City finds that occupancy and excavation of its rights-of-way causes costs to be borne by the City and its taxpayers, including but not limited to:
 - 1. Administrative costs associated with public right-of-way projects, such as registration, permitting, inspection and supervision, supplies and materials.
 - 2. Management costs associated with ongoing management activities necessitated by public rights-of-way users.
 - 3. Repair or restoration costs to the roadway associated with the actual excavation into the public right-of-way.
 - 4. Degradation costs defined as depreciation caused to the roadway in terms of decreased useful life, due to excavations into the public rights-of-way.

(2) Purpose.

- (a) Based on the foregoing facts, the City enacts this ordinance relating to administration of and permits to excavate, obstruct and/or occupy the public rights-of-way. This ordinance imposes reasonable regulations on the placement and maintenance of equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies.
- (b) The purpose of this ordinance is to provide the City a legal framework within which to regulate and manage the public rights-of-way, and to provide for the recovery of the costs incurred in doing so. This ordinance provides for the health, safety and welfare of the residents of the City as they use the right-of-way of the City, as well as to ensure the structural integrity of the public rights-of-way.

(3) Definitions. The following definitions apply in this ordinance.

- (a) "Applicant." Any person requesting permission to excavate, obstruct and/or occupy a right-of-way.

- (b) "City." The City of Wisconsin Dells, Wisconsin, a Wisconsin municipal corporation.
- (c) "Degredation." The decrease in the useful life of the paved portion of the right-of-way, excluding the sidewalk right-of-way, caused by an excavation of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.
- (d) "Department." The Department of Public Works of the City.
- (e) "Emergency." A condition that: 1. poses a clear and immediate danger to life or health, or of a significant loss of property; or 2. requires immediate repair or replacement in order to restore service to a customer.
- (f) "Excavate." To dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.
- (g) "Facilities." All equipment owned, operated, leased or subleased in connection with the operation of a service or utility service, and shall include but is not limited to poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances.
- (h) "In", when used in conjunction with "right-of-way". Over, above, within, on or under a right-of-way.
- (i) "Local Representative." A local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this Section.
- (j) "Occupy." To dwell or reside above, on, in, or below the boundaries of the public rights-of-way.
- (k) "Obstruct." To place any object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.
- (l) "Permittee." Any Person to whom a permit to use, occupy, excavate or obstruct a Right-of-Way.

- (m) "Person." Corporation, company, association, firm, partnership, limited liability company, limited liability partnership and individuals and their lessors, transferees and receivers.
 - (n) "Public Utility." As defined in Wis Stats 196.01(5). (14)
 - (o) "Registrant." Any person who has registered with the City to have its facilities located in any right-of-way.
 - (p) "Repair." To perform construction work necessary to make the right-of-way useable for travel according to Department specifications, or to restore equipment to an operable condition.
 - (q) "Restore or Restoration." The process by which an excavated right-of-way and surrounding area, including pavement and foundation is reconstructed, per Department specifications.
 - (r) "Right-of-Way." The surface and space above and below an improved or unimproved public roadway, highway, street, bicycle lane and public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes.
- (4) Administration. The Director of Public Works or designee is responsible for the administration of the rights-of-way, and the related permits and ordinances.
- (5) Registration for Right-of-Way Occupancy.
- (a) Each person who has, or seeks to have, facilities located in any right-of-way shall register with the Department and pay the fee set forth in City fee schedule. Registration will consist of providing application information and paying a registration fee.
 - (b) No person may construct, install, maintain, repair, remove, relocate or perform any other work on, or use any equipment or any part thereof in any right-of-way unless that person is registered with the Department.
 - (c) Nothing herein shall be construed to repeal or amend the provisions of a City ordinance regulating constructing sidewalks or driveways or other similar activities. Persons performing such activities shall not be required to obtain any permits under this Chapter.

- (6) Registration Information. The information provided to the Department at the time of application shall include, without limitation:
- (a) Each registrant's name, Diggers Hotline registration certificate number, address and email address, if applicable, and telephone and facsimile numbers.
 - (b) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
 - (c) Reason for and a clear description of the proposed work, use, structure, or obstruction, and the exact location of said work, use, structure or obstruction.
 - (d) The requested dates and hours of work or placement of obstruction;
 - (e) Other local, state or federal approvals, if necessary;
 - (f) A Certificate of insurance.
 - (g) If the registrant is a corporation, a LLC or LLP, a copy of any certificate required to be filed under Wisconsin Statutes as recorded and certified by the Department of Financial Institutions.
 - (h) A copy of the registrant's certificate of authority from the Wisconsin Public Service Commission or other applicable state or federal agency, if the person is lawfully required to have such certificate from said commission or other state or federal agency.
 - (i) Sufficient evidence of the following health, welfare, and safety concerns:
 - 1. City infrastructure shall remain fully operational and it shall not be disturbed or altered unless permitted by the City;
 - 2. Drainage shall not be affected in the location; and

3. The placement of any structure or obstruction shall not present a safety concern, with the construction site being sufficiently lit (if applicable) or fenced and guarded (if applicable).
 - (j) Execution of an indemnification agreement in a form prescribed by the Department.
 - (k) The registrant shall keep all of the information listed above current at all times by providing to the Department information as to changes within fifteen (15) working days following the date on which the registrant has knowledge of any change.
- (7) Registration Fee. The Department shall charge an annual Registration Fee, as specified in the city fee schedule to recover the costs incurred by the City for processing and updating registration information.
- (8) Review of an Application for Right-of-Way User Registration:
 - (a) Applicant shall have a non-exclusive use of the premise.
 - (b) Granting the request shall not contribute to public expense.
 - (c) Applicant's use of the premise shall be in compliance with all local, state, or federal laws, and, applicant shall obtain all permits required by local, state, or federal authorities required for the use of the premises.
 - (d) Applicant shall not install any utility lines, equipment and/or facilities on private property without written consent of the owner, and shall verify parcel boundaries. Easement/access agreements shall be obtained for any City parcels not part of public rights-of way.
 - (e) A Right-of-Way User Registration shall not be construed as a waiver of the applicant's obligation to comply with other or more restrictive City ordinances.
 - (f) City infrastructure shall not be disturbed or altered unless otherwise permitted, and shall remain visible, accessible and operational. Any City infrastructure damaged shall be immediately reported to the Department of Public Works, be repaired to City standards, and inspected and approved by the Public Works Department at the expense of the applicant.
 - (g) Any construction, reconstruction, improvements or restoration of the public right-of-way after disturbance shall be consistent with City standards and all public rights-of-way shall be restored to their original condition upon completion of the work, activities, or installation, unless otherwise permitted.

- (h) Drainage shall not be adversely affected due to the installation of any utility lines, structures, equipment or facilities.
 - (i) Placement of obstructions during installation and all work and activities shall:
 - 1. Not present a public safety concern;
 - 2. Be sufficiently lit at night (if required by permit) so as to be in full view of the public from all directions;
 - 3. Be fenced or guarded (if required by permit) in a manner which insures public safety; and
 - 4. Be consistent with any limitations and conditions set forth in the approval.
 - (j) The applicant shall indemnify and hold the City harmless for any loss/liability, claims, or damage to any person or property arising from:
 - 1. Applicant's installation, maintenance and/or operation under the approved registration;
 - 2. Vandalism;
 - 3. Interruption in any service from any cause; and
 - 4. Fire, water, rain, snow, steam, sewerage, gas or odors, from any source.
- (9) Permit to Occupy/Excavate in Right-of-Way Required.
- (a) Occupancy/Excavation Permit Required. Except as otherwise provided in this Section or other provisions of the Ordinances of Wisconsin Dells, no person shall occupy or excavate any right-of-way without first having obtained a permit from the Department. A copy of any permit issued under this Section shall be made available at all times by the Permittee at the indicated work site and shall be available for inspection by the Department upon request.
 - (b) Occupancy/Excavation Permit Application. Application for a permit shall be made to the Department. Permit applications shall contain, and will be

considered complete only upon compliance with the requirements of the following provisions:

1. Registration with the Department as required by this Section.
2. Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed facilities that are part of applicant's proposed project.
3. Payment of all money due to the City for:
 - a. Applicable permit fees and costs as set forth below;
 - b. unpaid fees or costs due for prior excavations; or
 - c. any loss, damage, or expense suffered by the City because of applicant's prior excavations of the rights-of-way or any emergency actions taken by the City.

(10) Occupy/Excavation Permit Fee.

- (a) Occupy/Excavation Permit Fee shall be established by the Department in an amount sufficient to recover the costs incurred by the City. This fee shall recover administrative and inspection costs, as well as degradation costs should the permittee choose to repair rather than restore the right-of-way. Payment of said fees shall be collected prior to issuance of the permit. However, the Director of Public Works may, with the advice and consent of the Common Council, establish a fee collection process from governmental agencies and private utilities in order to expedite the permitting system and recognize that certain excavations are deemed emergencies.
- (b) Waiving of Fees. Fees shall not be waived unless the work involved is a direct result of the Director of Public Works's demand that a structure owned by a utility be removed or relocated or unless waived by the Common Council on appeal.
- (c) Fee Schedule. The minimum fee for each excavation permit shall be thirty dollars (\$30); plus an additional ten dollars (\$10) per 100 square feet for excavation and thirty cents (\$.30) per lineal foot for boring. Excavation

permits for utility work in new subdivisions and within the limits of public works projects, where the work is undertaken prior to the installation of pavement, shall only be charged the minimum fee. The fee for a permit issued after commencing work, except in cases of emergency as determined by the Engineer, shall be double the fees set forth herein, This permit fee shall be in addition to any forfeiture provided elsewhere in this ordinance.

- (d) For those permit applications which provide for a substantial undertaking of excavation within the public right-of-way attended by disruption of the general public and traffic, the Director of Public Works is authorized to assess the actual cost of the City employee's time engaged in the review and inspection of the anticipated work multiplied by a factor determined by the respective department to represent the City's cost for statutory expense, benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, said factor not to exceed 2.0, plus the cost of mileage reimbursed to City employees which is attributed to the work, plus all consultant fees associated with the work at the invoiced amount plus ten percent (10%) for administration.
 - (e) City Exemption. The City and its contractors shall not pay degradation fees for excavations due to general government functions.
 - (f) Permit fees paid for a permit that the Department has revoked are not refundable.
- (11) Right-of-Way Repair/Restoration.
- (a) The Permittee shall be required to repair the public right-of-way to Department specifications, subject to inspection and acceptance by the Department, and to pay a degradation fee unless the Permittee elects to restore the right-of-way. In addition to repairing its own work, the Permittee must repair the general area of the work, and the surrounding areas, including the paving and its foundations, to the specifications of the Department. The Department shall inspect the, area of the work and accept the work when it determines that proper repair has been made, per specifications of the Department.
 - (b) Guarantees. The Permittee guarantees its work and shall maintain it for thirty-six (36) months following its completion. During this period it shall, upon notification from the. Department, correct all work to the extent

necessary, using the method required by the Department. Said work shall be completed within ten (10) calendar days of the receipt of the notice from the Department, not including days during which work cannot be done because of circumstances constituting force majeure.

- (c) Failure to Repair/Restore. If the Permittee fails to repair/restore the right-of-way in the manner and to the condition required by the Department, or fails to satisfactorily and timely complete all work required by the Department, the Department at Its option may do such work. In that event the Perinittee shall pay to the City, within thirty (30) days of billing, the cost of repairing/restoring the right-of-way.
 - (d) Degradation. The general formula for computing the degradation fee shall be the cost per square yard for street overlay and seal coat multiplied by the appropriate depreciation rate for that street multiplied by the area of the patch. The area or the patch shall be calculated by adding one foot to each side of the actual street cut. Degradation fee schedule is available upon request from the Director of Public Works.
 - (e) Restoration in Lieu of Repair and Degradation. The Permittee may elect to restore the excavation and surrounding pavement in lieu of repair and a degradation fee. The restoration shall be in accordance with the Standard Specifications for Public Works Construction and the plans and specifications of the Department.
- (12) Inspection.
- (a) Notice of Completion. When the work under any permit hereunder is begun and completed, the Permittee shall notify the Department.
 - (b) Site Inspection. Permittee shall make the work site available to the Department and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of work.
 - (c) Authority of Department. At the time of inspection, the City may order the immediate cessation of any work which poses a threat to the life, health safety or well being of the public. The City may issue an order to the registrant or Permittee for any work that does not conform to the applicable City standards, conditions or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the registrant or Permittee

shall present proof to the Department that the violation has been corrected. If such proof has not been presented within the required time, the Department may revoke the permit.

- (13) Ongoing Management Fees. The cost of trimming trees around facilities is an ongoing cost to the City. The specific cost will be determined and a fee to offset those costs may be assessed in the future.
- (14) Compliance with Other Laws. Obtaining a permit to excavate and/or occupy the right-of-way does not relieve Permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other City, County, State, or Federal rules, laws or regulations. A permittee shall comply with all requirements of local, state and federal laws. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.
- (15) Revocations, Suspensions, Refusals to Issue or Extend Permits.
 - (a) The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:
 - 1. The applicant or Permittee is required to be registered and has not done so;
 - 2. Issuance of a permit for the requested date would interfere with an exhibition, celebration, festival or other event;
 - 3. Misrepresentation of any fact by the applicant or Permittee;
 - 4. Failure of the applicant or Permittee to maintain required bonds and/or insurance;
 - 5. Failure of the applicant or Permittee to complete work in a timely manner;
 - 6. The proposed activity is contrary to the public health, safety or welfare;

7. The extent to which right-of-way space where the permit is sought is available;
 8. The competing demands for the particular space in the right-of-way;
 9. The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the Permittee or applicant;
 10. The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;
- (b) Discretionary Issuance. The Department may issue a permit where issuance is necessary (a) to prevent substantial economic hardship to a customer of the Permittee or applicant, or (b) to allow such customer to materially improve its utility service, or (c) to allow the Permittee or applicant to comply with state or federal law or City ordinance or an order of a court or administrative agency.
- (c) Appeals. Any person aggrieved by a decision of the Department revoking, suspending, refusing to issue or refusing to extend a permit may file a request for review with the City Board. A request for review shall be filed within ten (10) days of the decision being appealed. Following a hearing, the City Board may affirm, reverse or modify the decision of the Department.
- (16) Work Done Without a Permit.
- (a) Emergency Situations. Each registrant shall immediately notify the City by verbal notice on an emergency phone number provided by the City of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the registrant shall apply for the necessary permits, pay the fees associated therewith and otherwise fully comply with the requirements of this Chapter.
 - (b) If the City becomes aware of any emergency regarding a registrant's facilities, the Department may attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. The City may take whatever action it deems necessary to protect the public

safety as a result of the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

- (c) Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, excavates a right-of-way must subsequently obtain a permit, and shall in addition to any penalties prescribed by ordinance, pay double the normal fee for said permit, pay double all the other fees required by this Chapter or other Chapters of the General Ordinances of the City of Random Lake, deposit with the Department the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this Chapter.

(17) Location of Facilities.

- (a) Undergrounding. Unless in conflict with state or federal law, except when existing aboveground facilities are used, the installation of new facilities and replacement of old facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes.
- (b) Limitation of Space. The Department may prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of persons to occupy and use the right-of-way. In making such decisions, the Department shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but may prohibit or limit the placement of new or additional facilities when required to protect the public, health, safety or welfare.

(18) Relocation of Facilities.

- (a) A registrant must, promptly and at its own expense, permanently remove and relocate its facilities in the right-of-way whenever the City, acting in its governmental capacity, requests such removal and relocation. If requested, the registrant shall restore the right-of-way.
- (b) Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefore.

(19) Interference with Other Facilities during Municipal Construction.

- (a) When the City performs work in the right-of-way and finds it necessary to maintain, support, shore or move the registrant's facilities, the City shall notify the local representative. The registrant shall meet with the City's representative within twenty-four (24) hours and coordinate the protection, maintenance, supporting and/or shoring of the registrant's facilities. The registrant shall accomplish the needed work within seventy-two (72) hours unless the City agrees to a longer period.
 - (b) In the event that the registrant does not proceed to maintain, support, shore, or move its facilities, the City may arrange to do the work and bill the registrant, said bill to be paid within thirty (30) days.
- (19) Abandoned Facilities.
- (a) Discontinued Operations. A registrant who has determined to discontinue its operations in the City must either:
 - 1. Provide information satisfactory to the Department that the registrant's obligations for its facilities under this Section have been lawfully assumed by another registrant; or
 - 2. Submit to the Department a proposal and instruments for dedication of its facilities to the City. If a registrant proceeds under this clause, the Village may, at its option:
 - a. accept the dedication for all or a portion of the facilities; or
 - b. require the registrant, at its own expense, to remove the facilities in the right-of-way at ground or above ground level; or
 - c. require the registrant to post a bond or provide payment sufficient to reimburse the City for reasonable anticipated costs to be incurred in removing the facilities.

However, the registrant who has unusable and abandoned facilities in ant right-of-way shall remove it from that right-of-way withing two years, unless the Department waives this requirement.

- (b) Abandoned Facilities. Facilities of a registrant who fails to comply with this section, and which for two (2) years, remains unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. In addition, to any remedies or rights it has at law or in equity the City may are its option:
 - 1. Abate the nuisance,
 - 2. Take possession of the facilities, or
 - 3. Require removal of the facilities by the registrant, or the registrant's successor in interest.
- (c) Public Utilities. This section shall not apply to a public utility, as defined by Section 196.01(5) Wis. Stats, that is required to follow the provision of Section 196.81, Wis. Stats. **Note: Check This**
- (20) Reservation of Regulatory and Police Powers. The City, by the granting of a permit to excavate, obstruct and/or occupy the right-of-way, or by registering a person under this Chapter does not surrender or in any extent lose, waive, impair, or lessen the lawful powers and rights, which it has now or maybe hereafter granted to the City under the Constitution and statutes of the State of Wisconsin to regulate the use of the right-of-way by the permittee; and the permittee by its acceptance of a permit to excavate, obstruct and/or occupy the right-of-way or of registration under this Chapter agrees that all lawful powers and rights, regulatory powers, or police power, or otherwise as are or the same may be from time to time vested in or reserved to the City, shall be in full force and effect and subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general law, and ordinances enacted by the City pursuant to such powers.
- (21) Severability. If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

- (22) Penalty. Any person who violates this ordinance or fails to comply with the provisions of this ordinance shall be subject to a forfeiture of not less than one hundred twenty dollars (\$120) nor more than six hundred dollars (\$600). Each day such violation or failure to comply continues shall be considered a separate offense.

SECTION IV: VALIDITY:

Should any section, clause or provision of the Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISION REPEALED:

All ordinances in conflict with any provision of this Ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE:

This Ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VII: PART OF CODE:

This Ordinance becomes part of the City of Wisconsin Dells Code, Chapter 6.

Brian R. Landers, Mayor

Nancy L. Holzem, Clerk

INTRODUCED: _____
PUBLISHED: _____
PASSED: _____



Memo

To: Chris Tollaksen, Zoning Administrator, Dave Holzem DPW
From: Chuck Bongard, P.E.
Subject: Riverwood Eagles Nest LLC
Date: November 8, 2016

I have reviewed the drawings submitted for the Riverwood Development proposed along Bowman Road. I have the following comments:

Land Use: I would characterize the proposal as an "over 50" mixed use residential, moderate to high density with a continuum of care or aging in place component. Included in the housing types are single family residences, duplex units, single and multifamily condominiums, moderate income apartments and assisted care apartments and community based residential facilities. There is also a retreat center shown in Phase 3 that would provide opportunity for activities for the residents and guests.

The layout of these uses seems to be compatible with and transition well from the condominium use that presently exists to the south of the proposed development.

Zoning: The mixture of residential uses along with some exceptions from setback and design standards would require a Planned Development District zoning designation for this project and that is what is being applied for.

The applicant should provide a complete list of the exceptions from standards that are being requested as part of this project. Exceptions that are evident to me from the initial submittal include:

Setbacks. Customized building setbacks are commonly requested as a part of a PDD to allow for creativity and optimization of available lands.

Road widths and dedicated rights-of-way. It was shown on the initial submittal that some of the streets would be dedicated to the City. The City code calls for 36 foot wide streets in a 66 foot wide right-of-way. The plan presented shows 24 foot wide streets in a 46 foot right-of-way. Discussion at the staff review meeting may result in the applicant choosing to keep these streets private. The stated reasons for the narrow streets was the preservation of trees and allowing some of the buildings a reduced setback.

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MEMO

November 8, 2016

In my opinion, if the narrower streets are approved, they should remain private. 24 foot pavement width is marginal given the density of the development and there may be areas where wider pavements could be accommodated without sacrificing trees. This issue can be further reviewed when final site plans are submitted for the project.

Local streets adjacent to and parallel to the railroad right-of-way shall be avoided per Chapter 21.07 (2) (C). The drawings show a loop road along the railroad tracks

Sidewalks. The code requires sidewalks along streets in newly platted subdivisions. I feel that the trail system proposed for this development could be considered as an alternative to meet this requirement.

Curb and Gutter. The ordinance requires curb and gutter along all newly developed streets. If the streets remain private, this may not be an issue.

200 foot setback. The drawings provided show encroachments into the 200 foot river and bluff setback area in Phase 3 of the Retreat Center and 2 single family residences.

There may be additional exceptions from the code required but these are the ones that I noted.

Layout: The property being developed is essentially an island bounded by Bowman Road on the east, the existing condominiums on the south, the bluffs and river on the west and the railroad on the north. There is one additional access proposed from Bowman Road. That intersection and road are shown to be located in a power easement that houses a transmission line. I have a concern with the proximity of the proposed intersection to the railroad crossing and the angle with Bowman Road. Even though it would provide only one entry point to the development, I would prefer to see this road turn to the south and connect to the existing entrance road.

The majority of the proposed roads are looped which is good. The road shown in the Phase 1 duplex units dead ends at units 3 & 4. Looping this road and/or providing an additional connection to the main entrance road would enhance circulation and snow removal.

A secondary emergency access across the railroad tracks to the subdivision was a stated concern of the emergency services personnel at the review meeting. 4 options were identified that require additional research to determine viability. They are:

1. Tunnel under the railroad tracks near the ravine by Sneaky Street for a pedestrian trail crossing that would be large enough to accommodate an ambulance.
2. Construct a pedestrian trail bridge over the tracks near Bauer Street that would accommodate and support an ambulance.
3. Construct a bridge overpass of the railroad tracks on Bowman Road. (In my limited preliminary review of this alternate, I think that this is unlikely due to the length required to get up to the required clearance)

MEMO

November 8, 2016

4. Research an alternate route to Bowman Road from the southeast utilizing the Cambrian rail crossing.

Utilities:

Watermain: A secondary feed to the property will be necessary to supplement the existing main serving the property in order to provide adequate fire protection to the site. This has been discussed as an extension off of Bauer Street crossing the tracks and into the site. Specific location and sizing needs to be completed.

Sanitary Sewer: This area is intended to be served by the lift station along Bowman Road in Phase 1 of the Riverwood Condominiums. Additional engineering review needs to be done to verify that sufficient depth is available to serve all portions of the property as proposed to be developed. Also the capacity of the pumps should be verified to confirm that they are adequate to serve the ultimate buildout of the project.

Electric: It is likely that an additional electric feed and looping will be required to serve the development as proposed.

Site plans approval: A secondary approval in the PDD Zoning process will be the Site Plan Approval. This may occur in phases but will require more detailed plans including parking, trash enclosure locations, landscaping, lighting etc.

I feel that approval of the Planned District Development zoning should be conditioned on the receipt and approval of Site Plans for the various phases along with the execution of a Developers Agreement for the project.

ESTIMATED FLOW FOR SANITARY SEWER

Riverwood Eagles Nest

	Number of Units	Number of people/unit	Number of People
Phase 1			
Moderate Income Apartments	2		
Bedroom	18	2.7	48.6
Moderate Income Apartments	1		
Bedroom	20	2.7	54
Duplex Apartments	13	5.4	70.2
Memory Care	12	1	12
Assisted Living Units	30	1	30
Phase 2			
Memory Care	12	1	12
Assisted Living Units	60	1	60
Phase 3			
Wellness Retreat	20	2	40
Retreat Meeting Space	125	1	125
Private Residence	2	2.7	5.4
Employees		38	38
Total			495.2

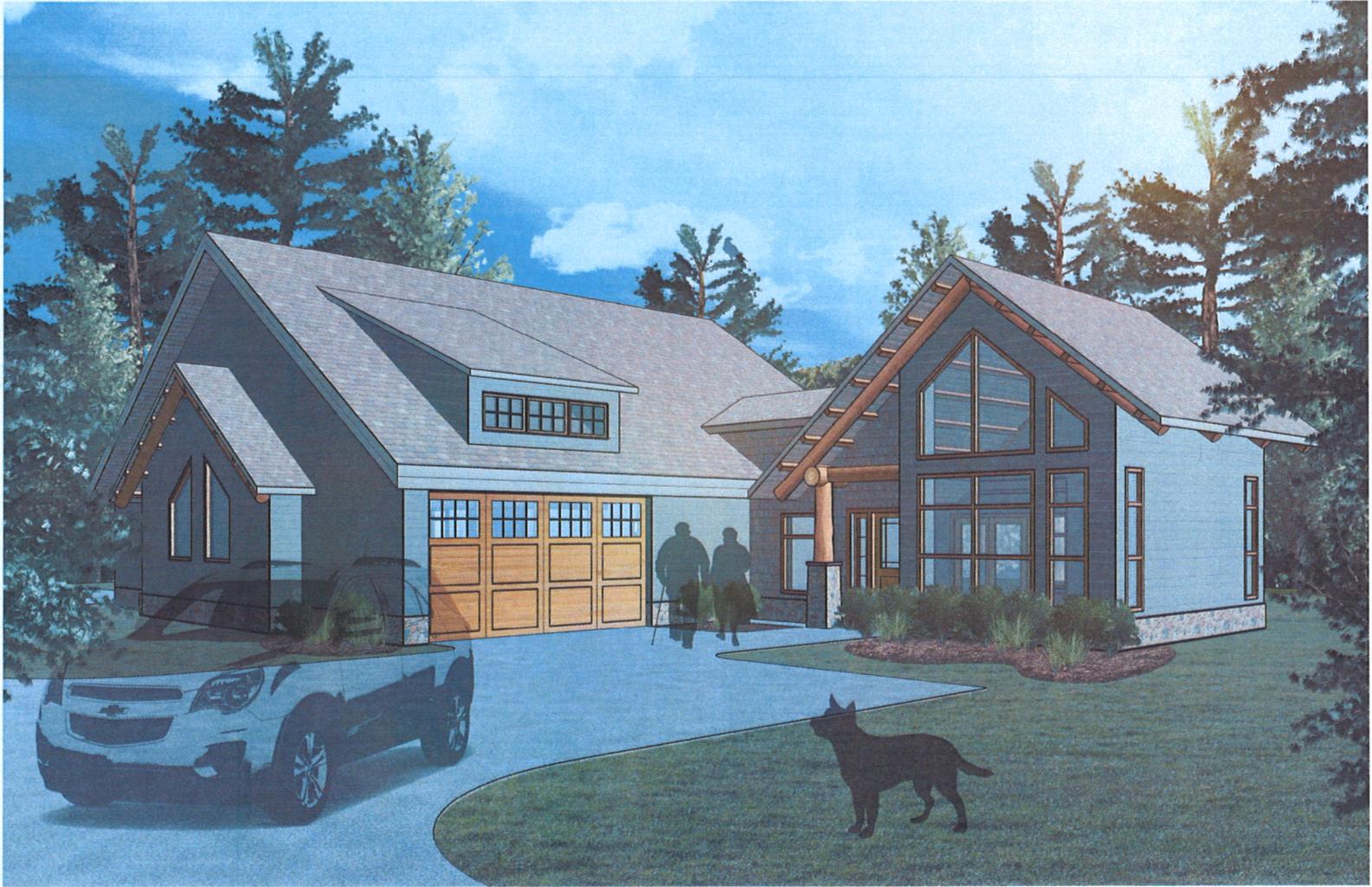
	Number of People	Water Design Capacity (gpcd)	Potential Waste Flow (GPD)	Potential Waste Flow (cfs)	BOD (0.01248 lb/cf) (lbs/day)
Ultimate Average	495	25	12380	0.0192	20.7033
Ultimate Peak	495	100	49520	0.0768	82.8133

PHASING

- PHASE I
- PHASE II
- PHASE III



PHASING DIAGRAM
 RIVERWOOD EAGLES NEST LLC
 WISCONSIN DELLS
 SCHEMATIC SITE PLAN



RIVERWOOD
— LISTENS —

TWP
ARCHITECTURE

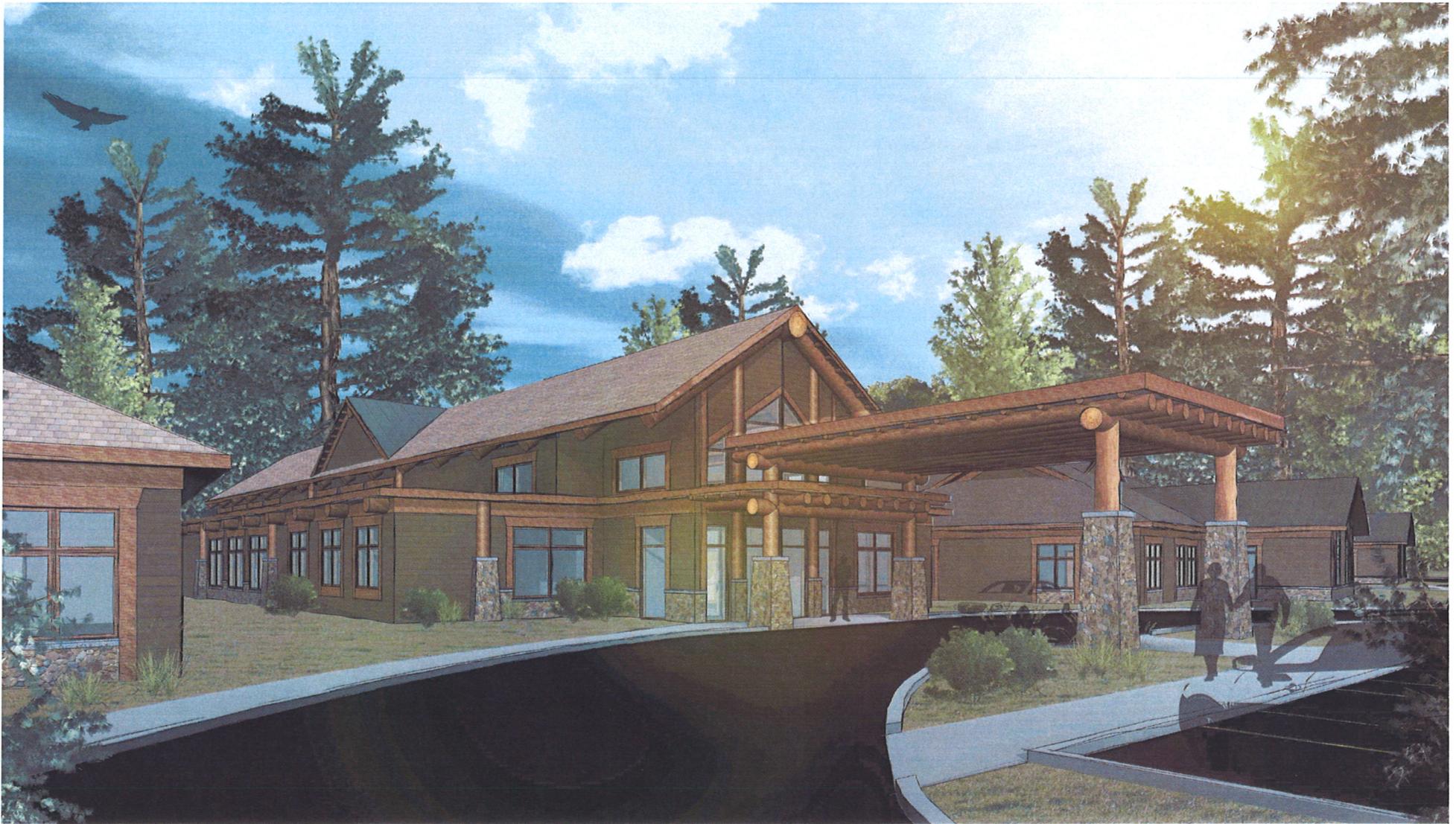
DUPLEX
RENDERING



RIVERWOOD
—LISTENS—

MODERATE INCOME HOUSING
RENDERING





ENTRANCE VIEW

NTS

10/21/2016 4:28:40 PM

<p>RIVERWOOD EAGLE'S NEST</p>	<p>WISCONSIN DELLS, WI</p>	<p>10/20/16</p>
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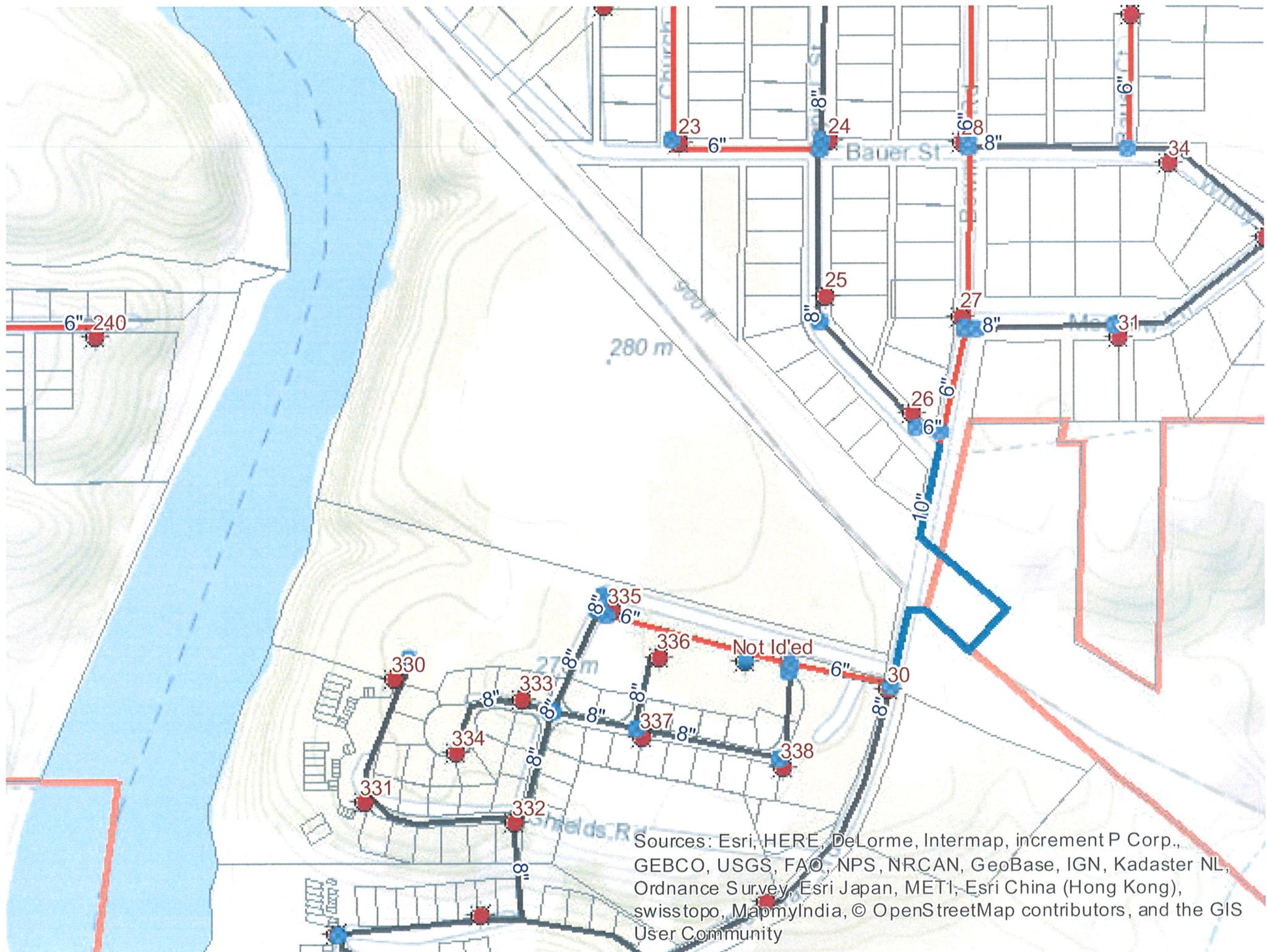


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