



MEETING	DATE	TIME	LOCATION
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Town Board	Tuesday, February 4, 2020	Immediately following Sanitary District Meeting	Grand Chute Town Hall 1900 Grand Chute Blvd Board Room
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A. CALL TO ORDER/ROLL CALL

B. APPROVAL OF AGENDA/ORDER OF THE DAY

C. PUBLIC INPUT

Members of the public are welcome to address the Commission and Town Board. **Individuals are allowed to speak only about agenda items and must fill out a "Request to Speak" form and submit to the Town Clerk prior to the start of the meeting in order to speak during the Public Input segment of the meeting.** This segment is placed early in the agenda so that the public may make their comments prior to any discussion or action by the Commission or Town Board. Individual comments are limited to no more than three minutes each. The Public Input section is limited to a total of 15 minutes. The Commission/Town Board may suspend this rule if deemed necessary. Once the public input segment ends there will be no additional discussion from the audience.

D. CONSENT AGENDA

(Items on the Consent Agenda are routine in nature and require one motion to approve all items listed. Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any Supervisor and addressed immediately following the motion to approve the other items on the Consent Agenda.)

1. Approval of regular meeting minutes from January 21, 2020.
2. Licensing: *(applications on file in the clerk's office)(License Committee recommends approval)*
 - a. Approval of operator licenses applications to expire: 2021 dated 1/9/20 and 1/23/20
 - b. Change of Agent for Machine Shed, LLC dba Machine Shed appoints Robert D. Wenzel
3. Special Event Permit:
 - a. Appleton Baseball Club, 2400 N. Casaloma Drive, for wedding fireworks on April 18, 2020, May 2, 2020, May 15, 2020, and October 23, 2020. CONDITIONS: 1) No fireworks may begin after 10:00 p.m., 2) Display must comply with NFPA 1123 standards

E. FINANCIAL REPORTS

1. Approval of Voucher List – February 4, 2020

F. NEW BUSINESS

1. Plan Commission Recommendations:
 - a. SE-01-20 Special Exception Permit requested by the Fox Cities Amateur Sports Authority, 2400 N. Casaloma Drive, for operation of an electronic message center sign. PC recommends approval.
 - b. SE-02-20 Special Exception Permit requested by Missouri Real Estate & Insurance, dba Moto Mart, 3225 W. Glenpark Drive, to allow an attached sign that extends above the parapet/roof line of the convenience store. PC recommends approval.
 - c. SEA1-00-20 Special Exception Amendment requested by Spencer GT, LLC, on behalf of Community Blood Center, Inc., 4330 W. Spencer Street, to allow operation of a donor center at a property zoned CP Planned Commercial District. PC recommends approval.
 - d. SE-04-20 Special Exception Permit requested by JRK Investment Enterprises LLC, 2311 and 2345 W. Spencer Street, to allow an attached sign that extends above the parapet/roofline of the building. Director Buckingham to report results from 02/04/20 PC meeting.

- e. CSM-03-20 Certified Survey Map requested by JRK Investment Enterprises, LLC, 2311 and 2345 W. Spencer Street, for approval of a lot consolidation CSM with roadway dedication. Director Buckingham to report results from 02/04/20 PC meeting.
2. Approve the special assessment methodology for the 2020 Prospect Avenue, Seminole Road to Bartell Drive, street reconstruction project.
3. Approve the agreement for the Evergreen Drive railroad crossing with Wisconsin Central Ltd.
4. Approve the construction agreement for the N. McCarthy Road railroad crossing with Wisconsin Central Ltd.

G. ADJOURNMENT

Public Notice: Agendas are posted in the following locations: Town Hall bulletin boards & Town website www.grandchute.net 2015 Wisconsin Act 79 allows the publication of certain legal notices on an Internet site maintained by a municipality. This law allows these types of legal notices to be posted in one physical location in the jurisdiction (instead of three) if also placed on an Internet site maintained by the local government.

Special Accommodations: Requests from persons with disabilities who need assistance to participate in this meeting should be made to the Clerk's Office at (920-832-5644) with at least 24-hour notice.

Notice of Possible Quorum: A quorum of the Sanitary Districts, Plan Commission, Board of Review, Licensing Committee, Parks Commission, Community Development Authority, Joint Review Board, Zoning Board of Appeals and/or Police and Fire Commission may be present at this meeting for the purpose of gathering information and possible discussion on items listed on this agenda. However, unless otherwise noted in this agenda, no official action by the Sanitary Districts, Plan Commission, Board of Review, Licensing Committee, Parks Commission, Joint Review Board, Zoning Board of Appeals and/or Police and Fire Commission will be taken at this meeting.

TOWN BOARD MEETING – TOWN OF GRAND CHUTE – 1900 W. GRAND CHUTE BLVD., GRAND CHUTE, WI – JANUARY 21, 2020

CALL TO ORDER/ROLL CALL

Meeting called to order at 6:32 p.m. by Dave Schowalter, presiding officer.

PRESENT: Dave Schowalter, Eric Davidson, Jeff Nooyen, Travis Thyssen, Bruce Sherman, and Angie Cain, Town Clerk

STAFF: Jim March, Town Administrator; Tim Bantes, Fire Chief; Greg Peterson, Police Chief; Robert Buckingham, Community Development Director; Brent Braun; IT Director; Julie Wahlen, Finance Director; Katie Schwartz, Public Works Director; Karen Heyrman, Deputy Director of Public Works; Mike Patza, Town Planner; Mike Velie, Police Captain, Brian Schommer, Assistant Fire Chief; Kelly Hanink, Assistant Fire Chief; several firefighters; Mick Magalski, McMahon Associates; Attorney Rossmeissl, Herrling Clark Law Offices

OTHERS: 1 signed attendance

APPROVAL OF AGENDA/ORDER OF THE DAY

Motion (Thyssen/Sherman) to approve the agenda. Motion carried.

SPECIAL PRESENTATION – Citizen Lifesaving Awards

Chief Bantes presented Citizen Lifesaving Awards to Kyra Eckes, Dr. Susan Allen, Kathy Trebatoski, Joel Tesky, and Dr. Debbie Kerns (unable to attend) for their heroic efforts during a cardiac arrest at the Community First Champion Center.

Jordan P. Jones received a Citizen Lifesaving Award for performing the Heimlich maneuver at a restaurant.

PUBLIC INPUT – There was no public input.

CONSENT AGENDA

Approval of regular meeting minutes from January 7, 2020.

Licensing: (applications on file in the clerk's office)(License Committee recommends approval)
Operator's License Applications to expire: 2021 dated 12/12/19, 12/19/19, and 1/2/20

Liquor Licenses:

Original application for "Class B" Beer and Liquor, Tony Nguyen, LLC dba Tony Nguyen Vietnamese Cuisine, 555 N. Casaloma Drive

Special Event Permits:

Appleton Baseball Club, 2400 N. Casaloma Drive, for wedding fireworks on Saturday, March 21, 2020.

CONDITIONS: 1) No fireworks may begin after 10:00 p.m., 2) Display must comply with NFPA 1123 standards

Appleton Baseball Club, 2400 N. Casaloma Drive, for holiday party fireworks on Saturday, February 1, 2020.

CONDITIONS: 1) No fireworks may begin after 10:00 p.m., 2) Display must comply with NFPA 1123 standards

Accept Monthly Reports: Community Development, Fire Department, Police Department, Public Works, and Parks Commission

Motion (Nooyen/Davidson) to approve the consent agenda. Motion carried.

FINANCIAL REPORTS

Approval of Voucher List – January 21, 2020

\$13,915,307.98 (94939-94988); Payroll \$344,314.97; ACH \$8,225,796.36

Motion (Thyssen/Sherman) to approve the voucher list. Motion carried.

NEW BUSINESS

Plan Commission Recommendations:

Adoption of a new Town of Grand Chute Official Map. PC recommends approval. *Ordinance O-02-2020.*

Motion (Davidson/Sherman) to approve O-02-20. Motion carried.

Adoption of an amendment to the Grand Chute Sign Code pertaining to signs and billboards. PC recommends approval. *Ordinance O-01-2020.*

Motion (Davidson/Thyssen) to approve O-01-2020. Motion carried.

Approve the N. McCarthy Road Reconstruction Change Order #5, contract 2019-05C, increasing the amount by \$15,059.56.

Motion (Sherman/Davidson) to approve. Motion carried.

Recommendation from Licensing Committee regarding the Howard Johnson complaint for past due 3rd quarter room tax.

Chairman Schowalter stated this was a moot point since room tax has been paid and Licensing Committee dismissed the complaint.

Approval of Professional Services Agreement with McMahon Associates, Inc. for design services for 2020 roadway paving projects in the amount of \$17,300.

Motion (Sherman/Davidson) to approve. Motion carried.

Authorization to purchase three 2020 Ford Interceptor Utility AWD marked patrol vehicles, one 2020 Chevrolet Tahoe marked patrol/command vehicle, and one 2020 Dodge Grand Caravan used as a marked community service vehicle totaling \$160,929.28. (budgeted item)

Motion (Davidson/Nooyen) to approve. Motion carried.

ORDINANCE

Ordinance 03-2020 amending the Grand Chute Municipal Code Section 515-4 A pertaining to parking, stopping and standing.

Motion (Thyssen/Sherman) to approve O-03-2020. Motion carried.

Ordinance 04-2020 amending the Grand Chute Municipal Code Chapter 398 Section 18, pertaining to the licensure and regulation of massage or bodywork therapists.

Motion (Davidson/Thyssen) to approve O-04-2020. Motion carried.

RESOLUTION

TOWN BOARD MEETING – TOWN OF GRAND CHUTE – 1900 W. GRAND CHUTE BLVD., GRAND CHUTE, WI – JANUARY 21, 2020

Revised Preliminary Resolution TBR-03-2019, declaring intent to exercise special assessment powers under Chapter 66, Police Powers, Wis. Stats., 2017-18 as amended for W. Evergreen Drive urbanization – RR to N. Gillett Street.

Motion (Thyssen/Sherman) to approve revised TBR-03-2019. Motion carried.

CLOSED SESSION

Motion to convene in Closed Session via ROLL CALL VOTE pursuant to 19.85 (1)(g) - Conferring with legal counsel for the Town, legal counsel rendering oral or written advice concerning strategy to be adopted by the Town Board with respect to litigation in which the Town is now or is likely to become involved. (Younkers evaluation)

Motion (Nooyen/Sherman) to convene in Closed Session via Roll Call vote: Sherman – Aye; Thyssen – Aye; Davidson – Aye; Nooyen – Aye; Schowalter – Aye. Motion carried.

Roll call taken at 6:42 p.m.

Chairman Schowalter, Supervisors Thyssen, Sherman, Nooyen, and Davidson, Administrator March, Attorney Rossmeissl, and Clerk Cain attended the Closed Session. Closed Session commenced at 6:46 p.m.

Motion (Nooyen/Thyssen) to adjourn Closed Session and reconvene the regular meeting. Motion carried.

Meeting reconvened at 6:54 p.m.

NEW BUSINESS CONTINUED

Action/discussion on closed session items.

Motion (Nooyen/Thyssen) to accept the settlement agreement with Younkers. Motion carried.

ADJOURNMENT

Motion (Nooyen/Thyssen) to adjourn meeting. Motion carried.

Meeting adjourned at 6:55 p.m.

These minutes were taken at a regular meeting held on January 21, 2020 and entered in this record book, January 22, 2020 by:

Angie Cain

Angie Cain, Town Clerk
Town of Grand Chute
Initial Draft

Please Provide Operator's Licenses checks on the following applicants for New and Renewal Operator License, (the license will expire in 2021). Amended applications where background check already complete and now resubmitted

NEW

Approve Deny

Bosk, John K	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Charron, Jenna K	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gessay, James J	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gollnow, Kimberly K	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Paske, Jacob D	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vanden Heuvel, Hanna M	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Capt. Jaeger or Chief Peterson

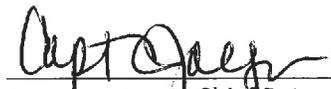
Date: 1/13/2020

Please Provide Operator's Licenses checks on the following applicants for New and Renewal Operator License, (the license will expire in 2021). Amended applications where background check already complete and now resubmitted

NEW

Approve Deny

Bresser, Hannah L	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chapman, Berry J	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jury, Andrea L	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Milner, Payton T	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schneider, Draken J	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Svoboda, Samantha J	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tamayo, Cesar N	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Volkman, Rachel A	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Capt. Jaeger or Chief Peterson

Date: 01/27/2020

Check Number	Check Issue Date	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
Total 95035:						30.00
95036	02/04/2020	VON BRIESEN & ROPER SC A	309914	FIRE NEGOTIATIONS	10-18-51300-210	275.00
Total 95036:						275.00
95037	02/04/2020	WCOA	WCOA-CN,\$4	WCOA MEMBERSHIP	10-11-52400-321	40.00
Total 95037:						40.00
95038	02/04/2020	WI MUNICIPAL COURT CLERK	011320	DUES FOR 2020	10-15-51200-321	90.00
Total 95038:						90.00
95039	02/04/2020	WINTER, MEGAN	011320-UOP	UTILITY OVERPAYMENT	99-00-11101	67.92
Total 95039:						67.92
95040	02/04/2020	WISCONSIN CENTRAL LIMITE	012420-RRE	HIGHWAY EASEMENT AT RR CROSSING DURING C	55-14-57331-000	2,000.00
Total 95040:						2,000.00
95041	02/04/2020	WISCONSIN DEPT OF JUSTIC	7741	1ST QTR TIME FEE	10-17-52110-221	570.00
Total 95041:						570.00
95043	02/04/2020	WITTHUHN PRINTING CO. INC	2013	#10 WINDOW ENVELOPES FOR DPW MAILINGS	10-10-51502-320	185.30
Total 95043:						185.30
95044	02/04/2020	WONDRA CONSTRUCTION, IN	2019-02-14	PAY REQ 14-ELSNER RD PROJECT	55-14-57331-000	35,403.78
Total 95044:						35,403.78
Grand Totals:						690,496.61

Dave Schowalter, Chairman: _____

Jeff Nooyen, Supervisor: _____

Travis Thyssen, Supervisor: _____

Bruce Sherman, Supervisor: _____

Eric Davidson, Supervisor: _____

Angie Cain, Clerk: _____

Julie M. Wahlen, Treasurer: _____

Check Number	Check Issue Date	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
10039	01/29/2020	KING, LON OR ANITA	101084704	2019 TAX REFUND	10-00-21101	160.73- V
Total 10039:						160.73-
10200	01/29/2020	BRENSIKE REVOCABLE TRUS	10220060	2019 TAX REFUND	10-00-21101	129.18- V
Total 10200:						129.18-
10326	01/27/2020	BRENSIKE, DAVID OR GLORIA	102 200600	2019 TAX REFUND	10-00-21101	129.18
Total 10326:						129.18
10327	01/27/2020	KING, LON OR ANITA	101-084704	2019 TAX REFUND	10-00-21101	160.73
Total 10327:						160.73
10328	01/28/2020	AHRENS, THOMAS OR ROSE	101003700	2019 TAX REFUND	10-00-21101	112.77
Total 10328:						112.77
10329	01/28/2020	ANTHONY, LISA	102494800	2019 TAX REFUND	10-00-21101	95.97
Total 10329:						95.97
10330	01/28/2020	BARKER, SALLY	102104900	2019 TAX REFUND	10-00-21101	84.14
Total 10330:						84.14
10331	01/28/2020	COUA THAO/ASSENAL NUMA	102207100	2019 TAX REFUND	10-00-21101	126.04
Total 10331:						126.04
10332	01/28/2020	ELIAS, MARCELO	102030647	2019 TAX REFUND	10-00-21101	30.05
Total 10332:						30.05
10333	01/28/2020	FELDKAMP, JOSEPH OR GAIL	102452200	2019 TAX REFUND	10-00-21101	168.63
Total 10333:						168.63
10334	01/28/2020	FORREST LADWIG OR EMILY	102187700	2019 TAX REFUND	10-00-21101	117.22
Total 10334:						117.22
10335	01/28/2020	GAUERKE, DAVID	102237100	2019 TAX REFUND	10-00-21101	119.64
Total 10335:						119.64
10336	01/28/2020	GAUVIN, DAVID OR MANDY	102145700	2019 TAX REFUND	10-00-21101	145.93
Total 10336:						145.93
10337	01/28/2020	HANSON, AARON OR SARINA	102410900	2019 TAX REFUND	10-00-21101	182.23
Total 10337:						182.23

Check Number	Check Issue Date	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
10338	01/28/2020	HATCH, NICHOLAS	102102100	2019 TAX REFUND	10-00-21101	189.52
Total 10338:						189.52
10339	01/28/2020	JOHNSON, CATHERINE	102226800	2019 TAX REFUND	10-00-21101	131.57
Total 10339:						131.57
10340	01/28/2020	KELLY, JERRY OR KAREN	102211200	2019 TAX REFUND	10-00-21101	99.68
Total 10340:						99.68
10341	01/28/2020	KISSINGER, BARBARA	103004500	2019 TAX REFUND	10-00-21101	223.37
Total 10341:						223.37
10342	01/28/2020	LORNSON, THOMAS OR SARA	101015203	2019 TAX REFUND	10-00-21101	326.69
Total 10342:						326.69
10343	01/28/2020	MATHYS, MATTHEW	102030666	2019 TAX REFUND	10-00-21101	205.71
Total 10343:						205.71
10344	01/28/2020	NANNEMANN, ASHLEY	101095100	2019 TAX REFUND	10-00-21101	88.52
Total 10344:						88.52
10345	01/28/2020	NICOLE A JOHNSON NKA HUT	102457600	2019 TAX REFUND	10-00-21101	131.55
Total 10345:						131.55
10346	01/28/2020	OCONNOR, THOMAS	101063500	2019 TAX REFUND	10-00-21101	98.76
Total 10346:						98.76
10347	01/28/2020	OLSON, CHAD OR STACY	102458800	2019 TAX REFUND	10-00-21101	41.38
Total 10347:						41.38
10348	01/28/2020	PATEL, NILESH OR JALPA	102444600	2019 TAX REFUND	10-00-21101	6,806.83
Total 10348:						6,806.83
10349	01/28/2020	PLOTE, MACKENZIE	103386802	2019 TAX REFUND	10-00-21101	163.91
Total 10349:						163.91
10350	01/28/2020	RATHSACK, TYLEN OR STACY	102447600	2019 TAX REFUND	10-00-21101	132.16
Total 10350:						132.16
10351	01/28/2020	SCOTT, NATHAN OR ABIGAIL	102030617	2019 TAX REFUND	10-00-21101	194.07
Total 10351:						194.07

Check Number	Check Issue Date	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
10352	01/28/2020	SEIDL, CAMERON OR MIRIAH	102399900	2019 TAX REFUND	10-00-21101	10.84
Total 10352:						10.84
10353	01/28/2020	SELL, RONALD OR RUTH	102134400	2019 TAX REFUND	10-00-21101	169.96
Total 10353:						169.96
10354	01/28/2020	STEFFEN, BRAD OR PATRICIA	101128000	2019 TAX REFUND	10-00-21101	99.40
Total 10354:						99.40
10355	01/28/2020	STONE, WILLIAM OR ROCHEL	102013400	2019 TAX REFUND	10-00-21101	25.42
Total 10355:						25.42
10356	01/28/2020	SWEDBERG, KURT OR HEATH	102217500	2019 TAX REFUND	10-00-21101	129.59
Total 10356:						129.59
10357	01/28/2020	THRASHER, TROY OR KRISTA	102369800	2019 TAX REFUND	10-00-21101	161.74
Total 10357:						161.74
10358	01/28/2020	VANDERGEETEN, JOEL	102500500	2019 TAX REFUND	10-00-21101	2,263.58
Total 10358:						2,263.58
10359	01/28/2020	VANGRINSVEN, CARL OR WA	101127603	2019 TAX REFUND	10-00-21101	149.84
Total 10359:						149.84
10360	01/28/2020	WONG, CHIU OR MANG	102392300	2019 TAX REFUND	10-00-21101	178.45
Total 10360:						178.45
10361	01/28/2020	ZIRBEL, JEFF OR SANDRA	101077513	2019 TAX REFUND	10-00-21101	375.28
Total 10361:						375.28
94948	01/22/2020	FEMALS AUTO BODY	17208	SQUAD REPAIRS	10-17-52100-350	2,852.90- V
Total 94948:						2,852.90-
94995	01/23/2020	CITY OF APPLETON	3843	EVERGREEN DRIVE REIMBURSEMENT AGREEME	55-14-57331-000	553,091.63
Total 94995:						553,091.63
94996	01/23/2020	FEMALS AUTO BODY	17208-1	SQUAD REPAIRS	10-17-52100-350	1,849.90
Total 94996:						1,849.90
94998	02/04/2020	BESCH PLUMBING	8845	ST.1 URINAL SERVICE	10-13-52200-360	254.57
Total 94998:						254.57

Check Number	Check Issue Date	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
94999	02/04/2020	BIANEW	BIANEW-CN-E	CONTINUING ED REGISTRATION	10-11-52400-330	200.00
Total 94999:						200.00
95000	02/04/2020	BOARDWALK BUILDERS	012020	OVERPAYMENT OF FINAL BILL	64-00-23201	76.65
95000	02/04/2020	BOARDWALK BUILDERS	012020	OVERPAYMENT OF FINAL BILL	64-00-23201	82.65
95000	02/04/2020	BOARDWALK BUILDERS	012020	OVERPAYMENT OF FINAL BILL	64-00-23201	90.80
Total 95000:						250.10
95001	02/04/2020	CITY OF APPLETON	3869	EVERGREEN DR STREET LIGHTING COSTS	10-14-53420-220	54.39
Total 95001:						54.39
95004	02/04/2020	DSPS	DSPS Oct-Dec	STATE REVIEW FEE	10-11-52400-390	669.00
Total 95004:						669.00
95005	02/04/2020	ECWAEI	ECWAEI-CN-E	CONTINUING ED REGISTRATION	10-11-52400-330	285.00
Total 95005:						285.00
95006	02/04/2020	ECWPIA	ECWPIA-CN,\$	CONTINUING ED REGISTRATION	10-11-52400-330	90.00
95006	02/04/2020	ECWPIA	ECWPIA-CN-E	ASSOCIATION DUES	10-11-52400-321	75.00
Total 95006:						165.00
95007	02/04/2020	EVANS TITLE	012720	OVERPAYMENT OF FINAL BILL	64-00-23201	69.76
Total 95007:						69.76
95008	02/04/2020	FEMALS AUTO BODY	17226	SQUAD REPAIRS	10-17-52100-350	1,465.75
Total 95008:						1,465.75
95009	02/04/2020	FIRE APPARATUS & EQUIPME	20586	E2621 WINDOW SWITCH	10-13-52200-350	43.29
95009	02/04/2020	FIRE APPARATUS & EQUIPME	20587	L2641 BATTERY SWITCH	10-13-52200-350	171.10
95009	02/04/2020	FIRE APPARATUS & EQUIPME	20588	E2622 LIGHT	10-13-52200-350	267.67
95009	02/04/2020	FIRE APPARATUS & EQUIPME	20593	E2621 GAS STRUT	10-13-52200-350	32.51
95009	02/04/2020	FIRE APPARATUS & EQUIPME	20604	E2621 AIR SHIFT KIT	10-13-52200-350	66.13
Total 95009:						580.70
95010	02/04/2020	FIRST AMERICAN TITLE CO	925-65025151	REPORT OF TITLE-600 N WETHILL BLVD	55-14-57331-000	250.00
95010	02/04/2020	FIRST AMERICAN TITLE CO	925-65025151	LETTER REPORT-500 N WESTHILL BLVD	55-14-57331-000	75.00
95010	02/04/2020	FIRST AMERICAN TITLE CO	925-65025154	REPORT OF TITLE-20 BLUEMOUND CT	55-14-57331-000	250.00
95010	02/04/2020	FIRST AMERICAN TITLE CO	925-65025154	REPORT OF TITLE-3600 WOODMAN DRIVE	55-14-57331-000	250.00
95010	02/04/2020	FIRST AMERICAN TITLE CO	925-65025156	LETTER REPORT-W WOODMAN DRIVE	55-14-57331-000	75.00
95010	02/04/2020	FIRST AMERICAN TITLE CO	925-65025156	LETTER REPORT-3311 W WOODMAN DRIVE	55-14-57331-000	75.00
95010	02/04/2020	FIRST AMERICAN TITLE CO	925-65025181	REPORT OF TITLE-551/555 N BLUEMOUND DR	55-14-57331-000	250.00
Total 95010:						1,225.00
95011	02/04/2020	GIS INC	GIS-10372	GIS SUPPORT	10-09-56900-290	2,000.00

Check Number	Check Issue Date	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
Total 95011:						2,000.00
95012	02/04/2020	JIMENEZ, NANCY	011320	TRANSLATOR	10-15-51200-210	50.00
Total 95012:						50.00
95013	02/04/2020	JUST CALL ME LLC	GC01122020	LAWN CUTTING SVCS-WEED COMPLAINTS	10-14-53640-290	9,165.00
Total 95013:						9,165.00
95014	02/04/2020	KEIL ENTERPRISES	01222020	7705/7738 TRAINING	10-17-52100-330	498.00
Total 95014:						498.00
95015	02/04/2020	LAFORCE	1122395	REPLACE HARDWARE ON DOOR IN TH HALLWAY	10-18-51600-290	872.35
Total 95015:						872.35
95016	02/04/2020	MARCO INC NW7128	INV7226362	MONTHLY PLOTTER BILL	10-09-56900-295	30.41
95016	02/04/2020	MARCO INC NW7128	INV7226362	MONTHLY PLOTTER BILL	10-13-52200-295	10.13
95016	02/04/2020	MARCO INC NW7128	INV7226362	MONTHLY PLOTTER BILL	10-14-53311-295	10.13
95016	02/04/2020	MARCO INC NW7128	INV7226362	MONTHLY PLOTTER BILL	10-16-55200-295	10.13
Total 95016:						60.80
95017	02/04/2020	MARCO, INC	26301570	MONTHLY COPIER BILL	10-20-51460-295	3,173.30
Total 95017:						3,173.30
95018	02/04/2020	MCMAHON	0601470	BUILDING PLAN REVIEW	10-11-52400-210	710.00
95018	02/04/2020	MCMAHON	0917022	DRAINAGE FACILITIES CHECK	10-11-52400-210	920.67
95018	02/04/2020	MCMAHON	0917023	DRAINAGE PLAN REVIEW	10-11-52400-210	351.28
95018	02/04/2020	MCMAHON	0917024	SURVEY-WISC AVE SIDEWALK-WESTHILL TO BLUE	47-09-57331-000	441.92
95018	02/04/2020	MCMAHON	0917025	DRAINAGE FACILITIES CHECK	10-11-52400-210	678.00
95018	02/04/2020	MCMAHON	0917026	DRAINAGE FACILITIES CHECK	10-11-52400-210	1,241.05
95018	02/04/2020	MCMAHON	0917027	DRAINAGE PLAN REVIEW	10-00-23008	100.72
95018	02/04/2020	MCMAHON	0917028	DRAINAGE PLAN REVIEW	10-11-52400-210	435.14
95018	02/04/2020	MCMAHON	0917029	DRAINAGE PLAN REVIEW	46-09-57300-290	16.70
95018	02/04/2020	MCMAHON	0917030	DRAINAGE PLAN REVIEW	46-09-57300-290	1,505.00
95018	02/04/2020	MCMAHON	0917032	EROSION CONTROL CHECK	10-11-52400-210	493.44
95018	02/04/2020	MCMAHON	0917033	EROSION CONTROL CHECK	10-11-52400-210	971.46
Total 95018:						7,865.38
95019	02/04/2020	MEACHAM DEVELOPMENT IN	011520	OVERPAYMENT OF FINAL WATER BILL	64-00-23201	63.79
Total 95019:						63.79
95020	02/04/2020	MORTON SALT	5402001243	306.84 TONS OF SALT DELIVERED	10-14-53312-340	19,254.21
Total 95020:						19,254.21
95022	02/04/2020	NOVY, MICHAEL	100	PT LIFTING STRAPS	10-13-52200-340	500.00

Check Number	Check Issue Date	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
Total 95022:						500.00
95023	02/04/2020	OAK CREEK POLICE DEPART	01222020	7718/7736 HONOR GUARD TRAINING	10-17-52100-330	550.00
Total 95023:						550.00
95024	02/04/2020	OTIS ELEVATOR	CVA65261220	SVC CONTRACT ELEVATORS @ TOWN HALL 2/1/20	10-18-51600-290	1,116.74
Total 95024:						1,116.74
95025	02/04/2020	OUTAGAMIE COUNTY TREAS	1017919-	WINTER MAINTENANCE	10-14-53312-340	859.05
95025	02/04/2020	OUTAGAMIE COUNTY TREAS	11620	DECEMBER COURT FINES	10-15-45100	3,819.27
Total 95025:						4,678.32
95026	02/04/2020	PHCC & MP/HC - WISCONSIN	PHCC-WI-ET,\$	CONTINUING ED REGISTRATION	10-11-52400-330	99.00
Total 95026:						99.00
95027	02/04/2020	RANGER SERVICES INC	01TGC20	TREE TRIMMING EVERGREEN BUSINESS PARK	46-09-57731-000	4,800.00
Total 95027:						4,800.00
95028	02/04/2020	SAURIOL, MARLENE	011620	4TH QTR INTEREST 2019	83-00-22104	1.37
Total 95028:						1.37
95029	02/04/2020	STATE OF WISCONSIN COURT	011620	DECEMBER COURT FINES	10-15-45100	11,405.22
Total 95029:						11,405.22
95030	02/04/2020	STOREY KENWORTH MATT P	PINV766096	CHECKS	10-12-51420-390	100.00
95030	02/04/2020	STOREY KENWORTH MATT P	PINV766096	CHECKS	10-12-51420-310	339.70
Total 95030:						439.70
95031	02/04/2020	SWWBIA	SWWBIA-JK,\$	CONTINUING ED REGISTRATION	10-11-52400-330	395.00
Total 95031:						395.00
95032	02/04/2020	SWWEIA	SWWEIA-JK,\$	CONTINUING ED REGISTRATION	10-11-52400-330	45.00
Total 95032:						45.00
95033	02/04/2020	TYLER TECHNOLOGIES INC	060-10847	ANNUAL ASSMT SVCS 2019	10-10-51502-290	11,290.00
95033	02/04/2020	TYLER TECHNOLOGIES INC	060-10851	ANNUAL ASSMT SVCS 2020	10-10-51502-290	1,990.00
Total 95033:						13,280.00
95034	02/04/2020	VALLEY SCREENPRINT INC	220016	UNIFORM EMBROIDERY	24-13-52200-391	205.00
95034	02/04/2020	VALLEY SCREENPRINT INC	220064	UNIFORM EMBROIDERY	24-13-52200-391	428.09
Total 95034:						633.09
95035	02/04/2020	VERHASSELT, ADAM	011520	REFUND - OVERPAYMENT 5G808VN00K	10-15-45100	30.00

Check Issue Date	Payee	Invoice Number	Description	Invoice GL Acct	Check Amount
01/15/2020	DELTA DENTAL	333081	DENTAL CLAIMS	11-18-59200-513	1,513.50
Total 200115001:					1,513.50
01/15/2020	SERVICE CHARGE	011520	SERVICE CHARGE DEC 2019	10-19-48110	692.90
Total 200115005:					692.90
01/17/2020	PITNEY BOWES GLOBAL FINA	011720	POSTAGE	10-18-51400-311	500.00
Total 200117001:					500.00
01/21/2020	GROUP INSURANCE ETFPAY	083900020002	FEB 2020 HEALTH INS	10-00-21531	155,856.56
Total 200121003:					155,856.56
01/22/2020	DELTA DENTAL	336991	GROUP 1 DENTAL CLAIMS	11-18-59200-513	2,598.11
Total 200122001:					2,598.11
01/23/2020	BENEFIT ADVANTAGE	418195	GCMW MED	10-00-13001	464.00
Total 200123001:					464.00
01/24/2020	GC POLICE BENEVOLENT AS	012420	GCPBA DEPOSIT	10-00-21590	35.00
Total 200124001:					35.00
01/24/2020	PITNEY BOWES GLOBAL FINA	012420	POSTAGE	10-18-51400-311	500.00
Total 200124002:					500.00
01/24/2020	WISCONSIN UI TAX UI PAYME	012420	UNEMPLOYMENT	11-18-59200-521	82.25
Total 200124003:					82.25
Grand Totals:					162,242.32

Angie Cain, Clerk:

Angie Cain

Dated:

1/30/2020

Check Issue Date	Check Number	Payee ID	Payee	Amount
01/24/2020	94993	3	GRAND CHUTE PROFESSIONA	1,007.00-
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01/24/2020	200124002	1005	PRAHL, TODD W	2,154.96-
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01/24/2020	200124005	1011	URBAN, JOHN J	1,907.01-
01/24/2020	200124006	1015	HARTFIEL, BRIAN M	412.55-
01/24/2020	200124007	1024	ARFT, MICHAEL J	2,775.53-
01/24/2020	200124008	1025	STINGLE, GREGORY A	2,161.46-
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01/24/2020	200124011	1043	BUCKINGHAM, ROBERT L	2,023.42-
01/24/2020	200124012	1049	BUTTERIS, JERROD B.	1,585.73-
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01/24/2020	200124015	1055	VELIE, ADAM P	1,606.03-
01/24/2020	200124016	1056	MALSYCKI, TYLER L	1,256.26-
01/24/2020	200124017	1057	HEYRMAN, KAREN M	1,688.40-
01/24/2020	200124018	1061	EASTMAN, BRIAN J	704.89-
01/24/2020	200124019	1063	SCHWARTZ, KATHRYN A	2,703.50-
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01/24/2020	200124027	3003	MAUTHE, ANGELA M	1,225.17-
01/24/2020	200124028	3007	MARCH, JAMES V	4,364.22-
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01/24/2020	200124032	3014	OLEJNICZAK, TRACY L	1,282.54-
01/24/2020	200124033	3017	TIMM, BARBARA M	750.72-
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01/24/2020	200124035	3022	PEETERS, CARRIE L	868.65-
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01/24/2020	200124041	3048	BERKERS, SANDRA J	254.46-
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01/24/2020	200124053	4023	HAGEN, JOY A	32.32-
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Check Issue Date	Check Number	Payee ID	Payee	Amount
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01/24/2020	200124061	5025	DREIER, THOMAS J	249.34-
01/24/2020	200124062	5031	BURICH, DON	110.82-
01/24/2020	200124063	5032	BONGERS, CHARLES J	110.82-
01/24/2020	200124064	5033	DAVIDSON, ERIC E	381.21-
01/24/2020	200124065	5034	BERLICK, DAVID R	110.82-
01/24/2020	200124066	6001	KASRIEL, MATTHEW E	1,688.49-
01/24/2020	200124067	6006	WOODFORD, ALEXANDER J	1,340.20-
01/24/2020	200124068	6020	DANIELS, MICHAEL S	246.29-
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01/24/2020	200124071	6027	BERGLUND, ERIC S	1,661.80-
01/24/2020	200124072	6028	THORSON, WADE J	1,903.25-
01/24/2020	200124073	6031	CZECHANSKI, ANDREW P	2,512.99-
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01/24/2020	200124075	6040	SIEGMANN, CHAD E	1,520.35-
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01/24/2020	200124094	6137	TEWS, ISAAC E	420.58-
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01/24/2020	200124101	6146	KAMM, CASEY W	175.09-
01/24/2020	200124102	6147	JOAS, HAILY S	440.84-
01/24/2020	200124103	6149	KILLEEN, CHRISTOPHER T	243.59-
01/24/2020	200124104	7001	PETERSON, GREG I	2,996.09-
01/24/2020	200124105	7003	STEINKE, SCOTT M	1,687.55-
01/24/2020	200124106	7008	REIFSTECK, RANDY W	1,707.06-
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01/24/2020	200124108	7024	GOLLNER, AMANDA M	1,529.35-
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Check Issue Date	Check Number	Payee ID	Payee	Amount
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01/24/2020	200124122	7073	TEIGEN, JOSEPH D	1,879.50-
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01/24/2020	200124135	7118	MENKE, CALEB D	1,802.20-
01/24/2020	200124136	7119	SHEPHERD, JAMES M	1,555.28-
01/24/2020	200124137	7125	NOTHEM II, STEVEN R	1,842.27-
01/24/2020	200124138	7127	FREVILLE, ERIC M	2,325.56-
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01/24/2020	200124144	7140	MILLER, ADAM R	2,020.83-
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01/24/2020	200124167	7	DEFERRED COMP	9,143.26-
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Check Issue Date	Check Number	Payee ID	Payee	Amount
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Grand Totals:				
	179			308,815.99-

**Town of Grand Chute
Special Exception Request
Fox Cities Amateur Sports Authority
Electronic Message Center Sign**

To: Plan Commission

From: Michael Patza, Town Planner

Date: January 15, 2020

Address: 2400 N. Casaloma Drive

App. #: SE-01-20

REQUEST

- 1. Proposed Use(s):** Continued stadium and banquet facility use.
- 2. Project Description:** Operation of an electronic message center sign.
- 3. Plat/CSM Accurate parcel lines/lot recorded:** Yes.

ANALYSIS

Applicant seeks approval to operate an electronic message center sign (EMU) as part of a new sign cabinet for the I-41 pylon sign at Fox Cities Stadium. The sign will be 50'-0" in height with a total size of 196 sq. ft., including a 147 sq. ft. EMU. At its January 16, 2020 meeting, the Zoning Board of Appeals granted a variance to allow modification of an existing pylon sign that exceeds 25' in height and 144 sq. ft. in size. The EMU will be equipped with automatic light sensors that adjust sign brightness according to the intensity of ambient light levels. The Sign Code enumerates a series of standards and technical requirements that must be met in the operation of this electronic message center sign.

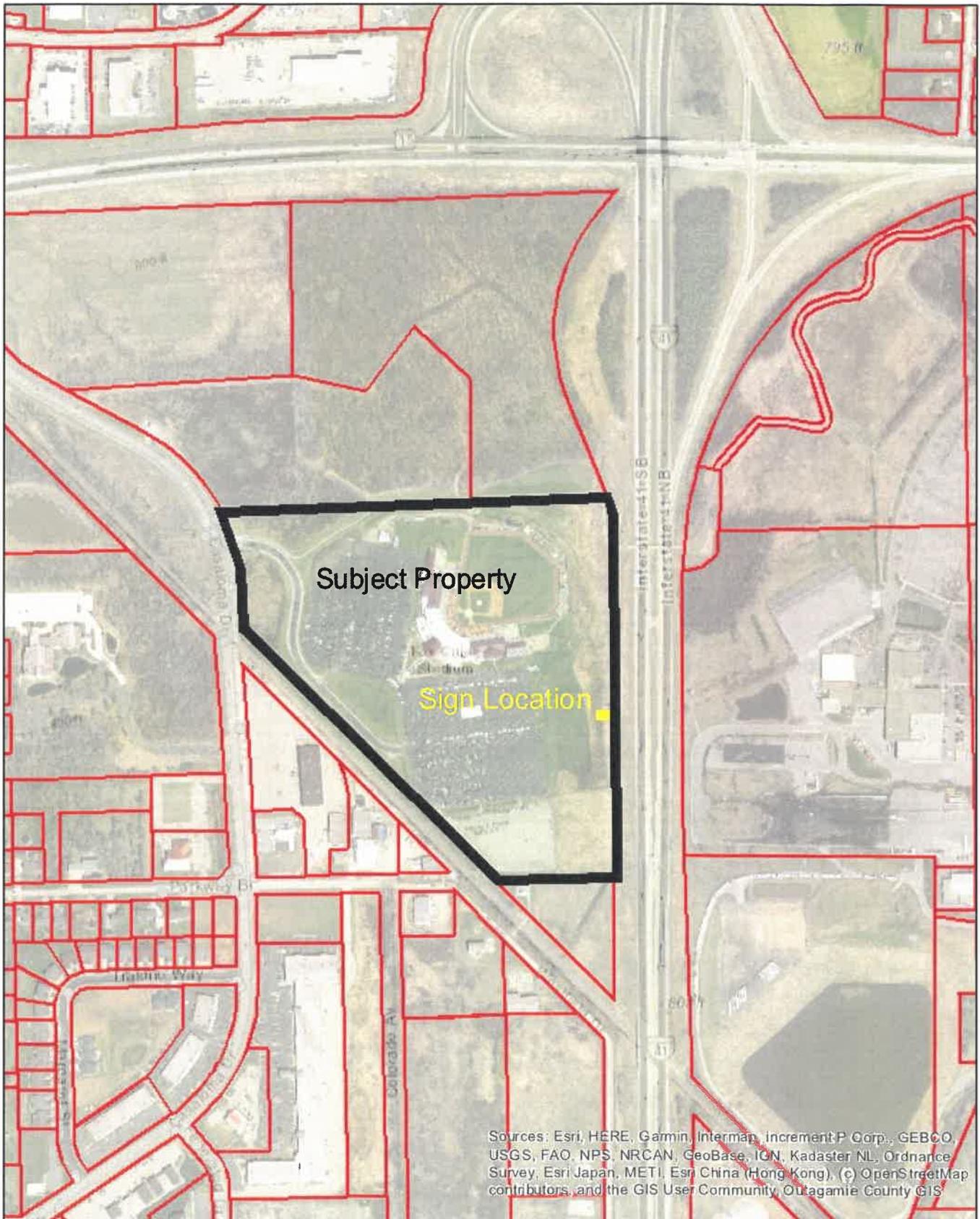
FINDINGS OF FACT IN GRANTING OF A SPECIAL EXCEPTION

- a. The establishment, maintenance or operation of the proposed Special Exception use or structure at the proposed location will not be detrimental or injurious to the use and enjoyment of existing uses on adjacent properties or properties in the vicinity. *Found.***
- b. The establishment, maintenance or operation of the proposed Special Exception use or structure, alone or in combination with other existing Special Exception uses and structures in the vicinity will not cause traffic hazards. *Found.***
- c. Adequate provision is made for surface water drainage, ingress and egress to the property, and off-street parking. *NA.***
- d. Adequate public facilities and services are available for the proposed Special Exception use of structure. *NA.***

RECOMMENDATION

Staff has reviewed and supports a Plan Commission recommendation for approval of the Special Exception Permit (SE-01-20) requested by Fox Cities Amateur Sports Authority, to allow operation of an electronic message center sign at Fox Cities Stadium, 2400 N. Casaloma Drive.

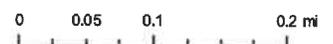
SE-01-20 -- 2400 N. Casaloma Drive



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Author:

Copyright:





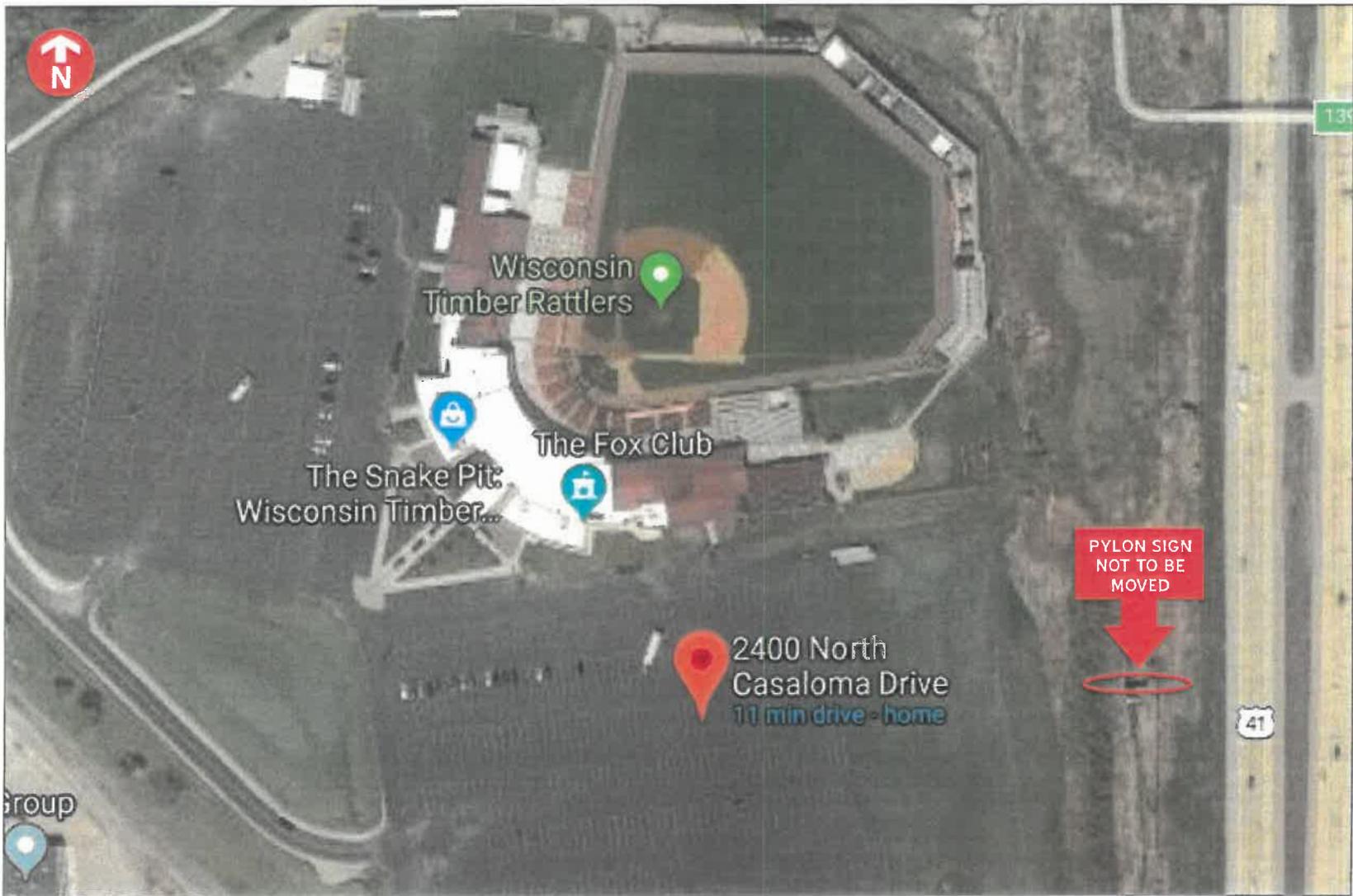
EXISTING PYLON SIGN NTS



NIGHT VIEW NTS

DOUBLE-SIDED ILLUMINATED PYLON SIGN QTY: 1
 REMOVE EXISTING SIGN CABINETS
 INSTALL DAKTRONICS G6 15.85 MM FULL COLOR DISPLAY
 CABINET SIZE 7'-10" H x 18'-9" W / VIEWING AREA 7'-4" H x 18'-3" W
 LED MATRIX 140 x 350 / MOUNT TBD
 EXISTING PYLON SIGN SQ. FT. 218
 NEW PYLON SIGN SQ. FT. 192.7

 TRUSTED. LOYAL. CREATIVE. A DIVISION OF TIM'S LIGHTING COMPANY, INC. TLC SIGN .COM	KIMBERLY OSHKOSH WEYAUWEGA 920-731-4852 (4TLC) 558 EISENHOWER DR. SUITES A & B KIMBERLY, WI 54136	CLIENT: WISCONSIN TIMBER RATTLERS PG: 1 OF 2 ADDRESS: 2400 N CASALOMA DR, APPLETON, WI 54913 DATE: 11.12.19 SALESPERSON: TIM CULLEN FILE NAME: 111511 REV 3 DESIGNER: MN REV DATE: 1.7.20 SCALE: 1:80	CUSTOMER SIGNATURE FOR DESIGN APPROVAL THIS IS AN ORIGINAL DRAWING CREATED BY TIM'S LIGHTING COMPANY, INC. NO PART OF THIS DOCUMENT MAY BE USED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION FROM TIM'S LIGHTING COMPANY, INC. COLORS SHOWN ON ART MAY VARY DUE TO VARYING SURFACE MATERIALS AND PAINT.
	(Signature line)		



SITE PLAN NTS

**Town of Grand Chute
Special Exception Request
Missouri Real Estate & Insurance, dba Moto Mart**

To: Plan Commission

From: Michael Patza, Town Planner

Date: January 15, 2020

Address: 3225 W. Glenpark Drive

App. #: SE-02-20

REQUEST

1. **Proposed Use:** Continued use for fueling station and convenience store.
2. **Project Description:** To allow an attached sign that extends above the parapet/roof line of the convenience store.
3. **Plat/CSM Accurate parcel lines/lot recorded:** Yes

ANALYSIS

Applicant seeks approval to install a building sign that will extend 41" above the parapet/roofline of the building. The Sign Code requires granting of a Special Exception Permit to allow a projection above this point. This signage will also require approval of a Site Plan Amendment.

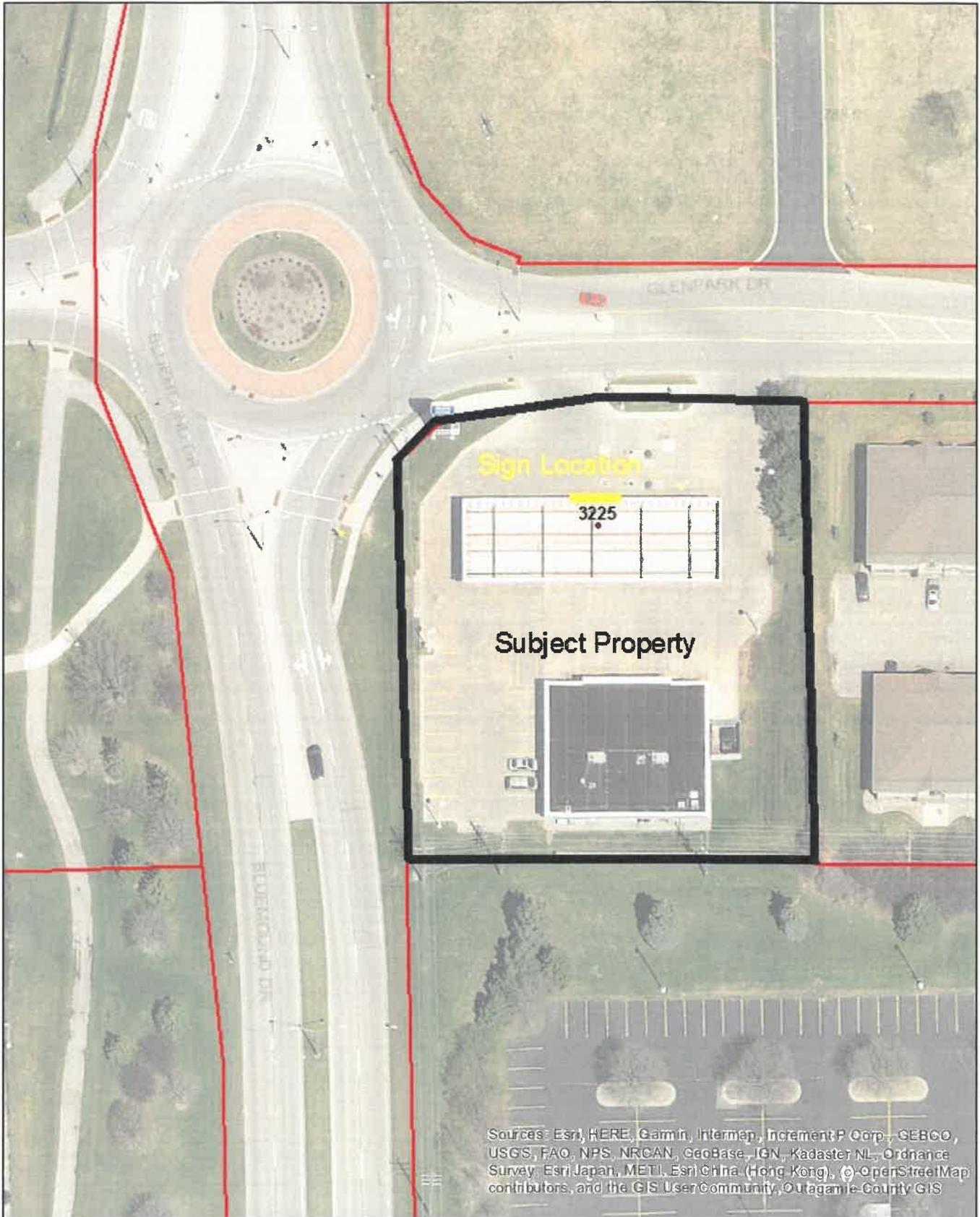
FINDINGS OF FACT IN GRANTING OF A SPECIAL EXCEPTION

- a. The establishment, maintenance or operation of the proposed Special Exception use or structure at the proposed location will not be detrimental or injurious to the use and enjoyment of existing uses on adjacent properties or properties in the vicinity. *Found.*
- b. The establishment, maintenance or operation of the proposed Special Exception use or structure, alone or in combination with other existing Special Exception uses and structures in the vicinity will not cause traffic hazards. *Found.*
- c. Adequate provision is made for surface water drainage, ingress and egress to the property, and off-street parking. *NA.*
- d. Adequate public facilities and services are available for the proposed Special Exception use of structure. *NA.*

RECOMMENDATION

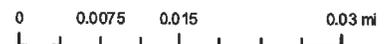
Staff has reviewed and supports a Plan Commission recommendation for approval of the Special Exception Permit (SE-02-20) requested by Missouri Real Estate & Insurance, dba Moto Mart, 3225 W. Glenpark Drive, to allow an attached sign that extends above the parapet/roofline of the convenience store.

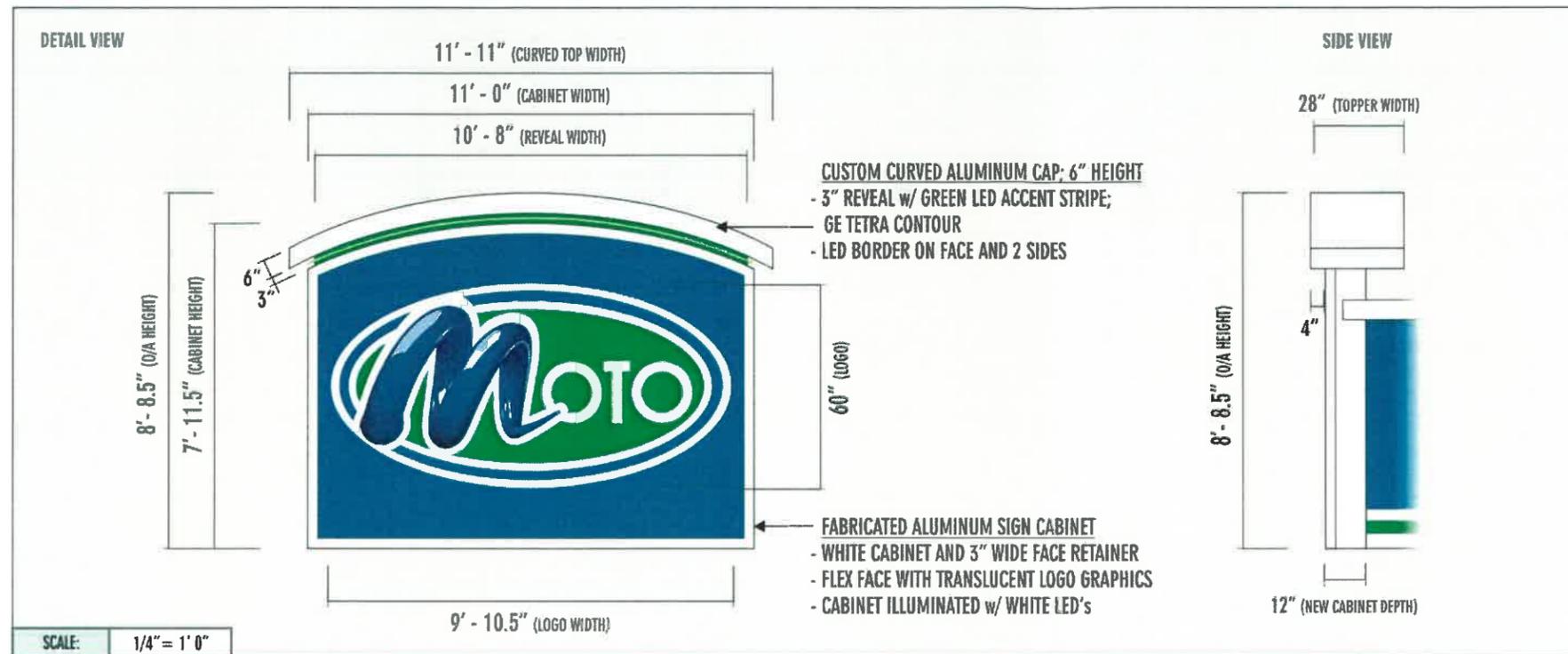
SE-02-20 -- 3225 W. Glenpark Drive



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Author:
Copyright:





CLIENT:	MOTOMART
STREET ADDRESS:	5225 W GLENPARK DR
CITY / STATE:	APPLETON, WI
SCOPE:	EXTERIOR SIGNAGE
DATE:	11/19/19
SALES:	JASON MENGERT
DESIGNER:	MIKE FRASSETTO

GENERAL SPECIFICATIONS	
VOLTAGE:	
POWER DRAW:	
SQUARE FOOTAGE:	

COLOR SCHEDULE	
1	PAINT: MAP WHITE
2	PRINT/PAINT: TO MATCH PMS 347c GREEN
3	PRINT/PAINT: TO MATCH PMS 2945c BLUE

REQUIRED ITEMS	
CLEAN ART?	
FIELD SURVEY?	
COLORS?	
MISC. ITEMS ?	

REVISION SCHEDULE	

PLEASE SIGN BELOW STATING THAT THIS DESIGN IS APPROVED

X

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FABRICATE AND INSTALL QTY: ONE(1) LIT WALL SIGN TO EXISTING STORE FRONT

OPT. #1 12996-2 1

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DETAILED DESIGN!
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**Town of Grand Chute
Special Exception Amendment Request
Spencer GT, LLC, on behalf of Community Blood Center, Inc.**

To: Plan Commission

From: Robert Buckingham, Community Development Director

Date: January 15, 2020

Address: 4330 W. Spencer Street

App. #: SEA1-00-20

REQUEST

1. **Proposed Use:** Donor Center for Community Blood Center
2. **Project Description:** Interior remodel of vacant building for Donor Center and offices.
3. **Plat/CSM Accurate parcel lines/lot recorded:** Yes.

ANALYSIS

This property is immediately east of the Community Blood Center (CBC) headquarters at 4406 W. Spencer Street. The CBC intends to purchase the property at 4330 W. Spencer Street and expand its operation by relocating the Donor Center and some general offices to this new address. The most recent use of this building was for business and professional office, which is a permitted use in the CP Planned Commercial District. The change to use for donor center requires special exception approval. This will be accomplished by approving a Special Exception Amendment to the Community Blood Center's existing Special Exception Use at the adjoining property.

The method of approval is to grant the Special Exception Amendment to the current owner, on behalf of Community Blood Center, Inc. (future owner). If the sale of the property to the CBC is completed, the Special Exception Amendment approval passes to the benefit of CBC for the intended use of the property as a donor center. If the property is not sold to CBC, the Special Exception Amendment approval expires and any future use requiring Town consideration would have to be resubmitted for approvals.

FINDINGS OF FACT IN GRANTING OF A SPECIAL EXCEPTION

- a. **The establishment, maintenance or operation of the proposed Special Exception use or structure at the proposed location will not be detrimental or injurious to the use and enjoyment of existing uses on adjacent properties or properties in the vicinity. *Found.***
- b. **The establishment, maintenance or operation of the proposed Special Exception use or structure, alone or in combination with other existing Special Exception uses and structures in the vicinity will not cause traffic hazards. *Found.***
- c. **Adequate provision is made for surface water drainage, ingress and egress to the property, and off-street parking. *Found.***
- d. **Adequate public facilities and services are available for the proposed Special Exception use of structure. *Found.***

RECOMMENDATION

Staff has reviewed and supports a Plan Commission recommendation for approval of the Special Exception Amendment (SEA1-00-20) requested by Spencer G, LLC, on behalf of Community Blood Center, Inc., 4330 W. Spencer Street, to allow operation of a donor center at a property zoned CP Planned Commercial District.

Narrative:

The Community Blood Center is requesting approval for a Special Exception Amendment for the property located at 4330 W. Spencer Street in the Town of Grand Chute. The building has been vacant as of 10/31/2019 and the current use is Business and Professional Offices.

The proposed use will be a new Donor Center location and general offices for The Community Blood Center. The Community Blood Center is located at 4406 West Spencer, which is the neighboring property to the West. The project will require an interior remodel of the existing building which is approximately 6,000 sq.ft.

**Town of Grand Chute
Special Exception Request
JRK Investment Enterprises LLC**

To: Plan Commission
From: Michael Patza, Town Planner
Date: January 27, 2020
Address: 2311 and 2345 W. Spencer Street

App. #: SE-04-20

REQUEST

- 1. Proposed Use:** Self-storage use.
- 2. Project Description:** To allow an attached sign that extends above the parapet/roof line of a building.
- 3. Plat/CSM Accurate parcel lines/lot recorded:** Yes

ANALYSIS

Applicant seeks approval to install a building sign that will extend 37" above the parapet/roofline of a building. The Sign Code requires granting of a Special Exception Permit to allow a projection above this point. The sign will be located on one of three new self-storage buildings on the site. Self-storage is a permitted use in the IND Industrial District. Separate Site Plan approval is required for the project and this signage is included in the Site Plan submittal.

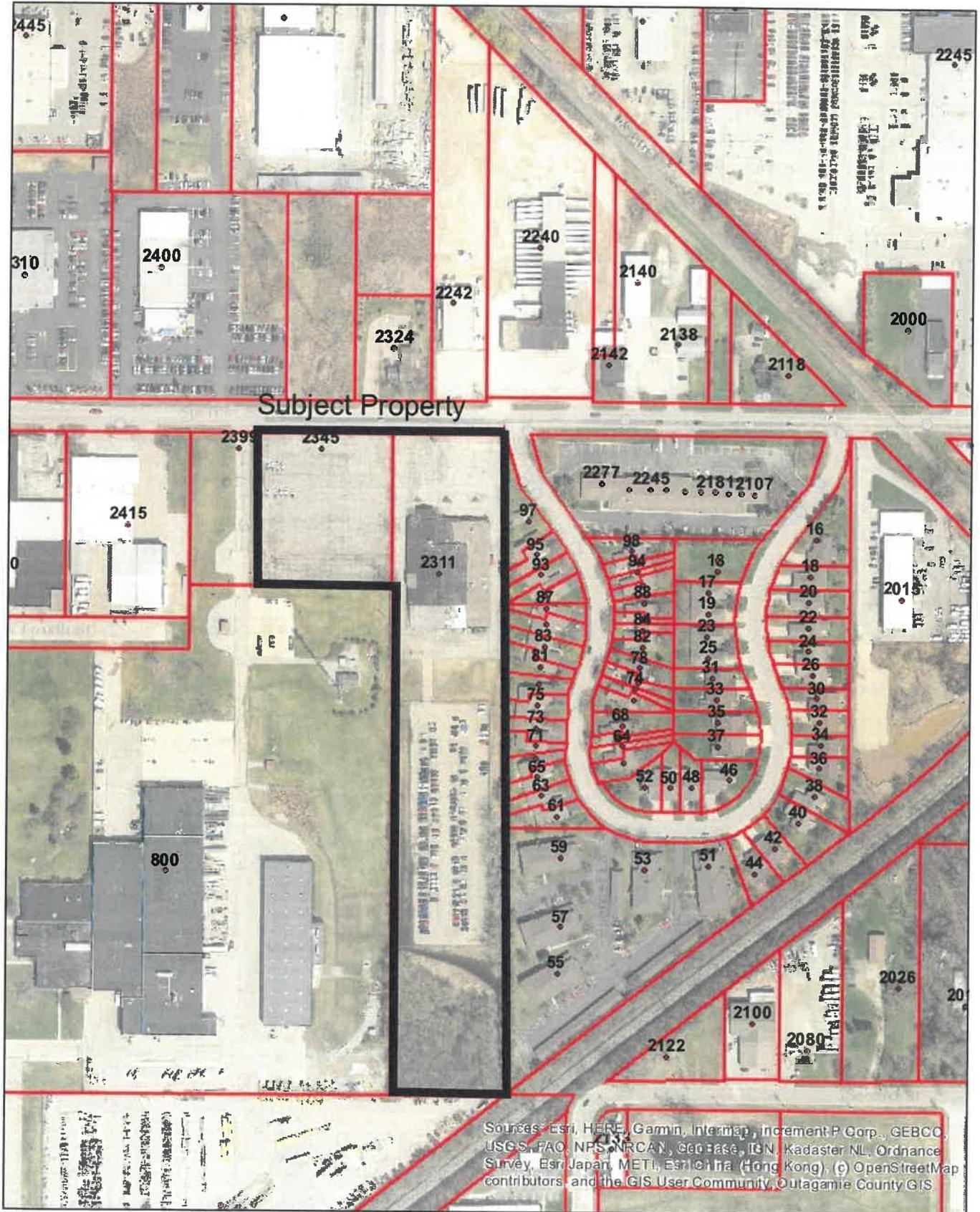
FINDINGS OF FACT IN GRANTING OF A SPECIAL EXCEPTION

- a. The establishment, maintenance or operation of the proposed Special Exception use or structure at the proposed location will not be detrimental or injurious to the use and enjoyment of existing uses on adjacent properties or properties in the vicinity. *Found.***
- b. The establishment, maintenance or operation of the proposed Special Exception use or structure, alone or in combination with other existing Special Exception uses and structures in the vicinity will not cause traffic hazards. *Found.***
- c. Adequate provision is made for surface water drainage, ingress and egress to the property, and off-street parking. *NA.***
- d. Adequate public facilities and services are available for the proposed Special Exception use of structure. *NA.***

RECOMMENDATION

Staff has reviewed and supports a Plan Commission recommendation for approval of the Special Exception Permit (SE-04-20) requested by JRK Investment Enterprises LLC, 2311 and 2345 W. Spencer Street, to allow an attached sign that extends above the parapet/roofline of a building.

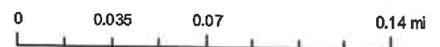
SE-04-20 -- 2311 and 2345 W. Spencer Street

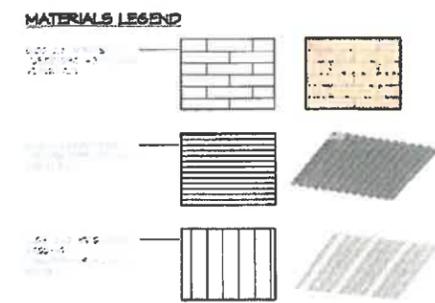
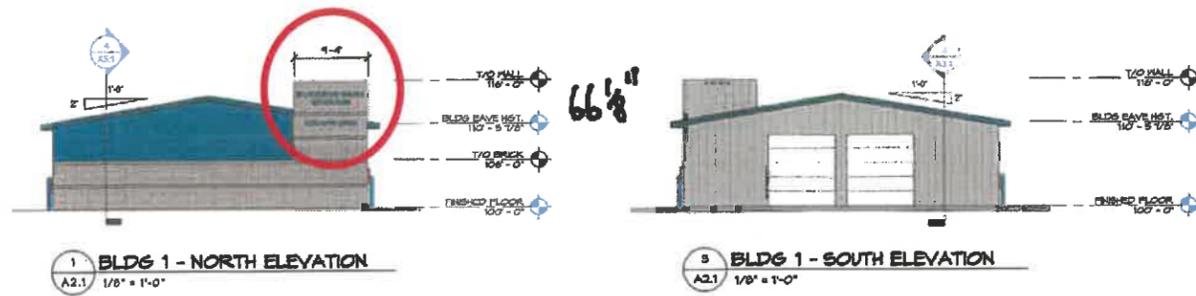


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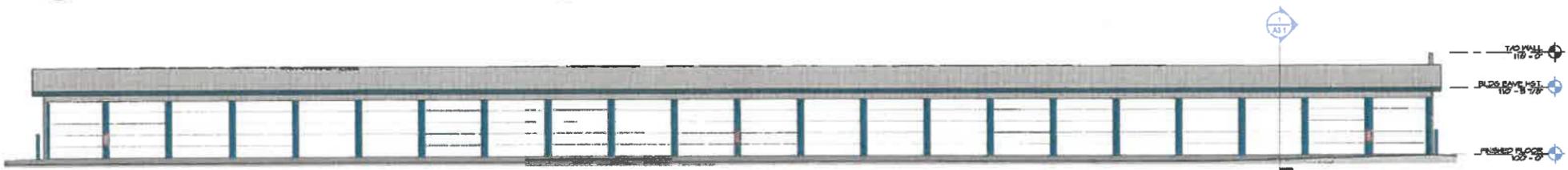
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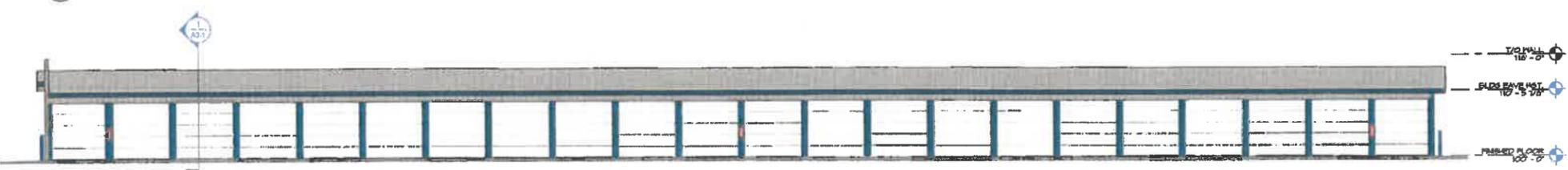




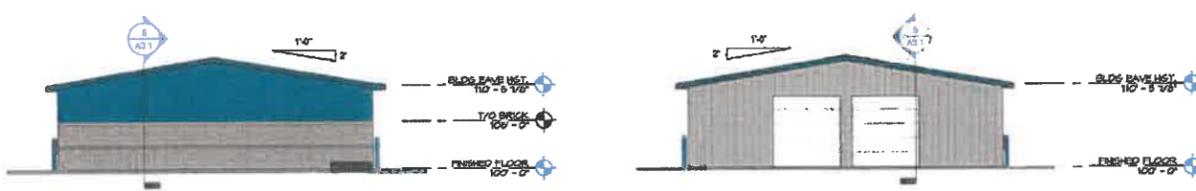
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 11040 CRAFTSMAN DRIVE
 GREENVILLE, MI 48142
 PHONE: 426.751.0777
 FAX: 426.751.0775



2 BLDG 1 - EAST ELEVATION
 A2.1 1/8" = 1'-0"



4 BLDG 1 - WEST ELEVATION
 A2.1 1/8" = 1'-0"

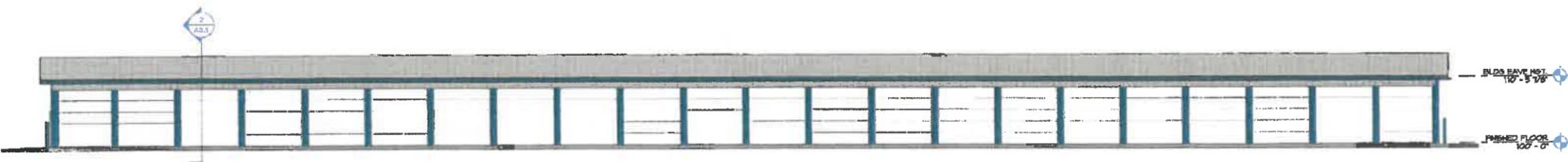


5 BLDG 2 - NORTH ELEVATION
 A2.1 1/8" = 1'-0"

7 BLDG 2 - SOUTH ELEVATION
 A2.1 1/8" = 1'-0"



6 BLDG 2 - EAST ELEVATION
 A2.1 1/8" = 1'-0"



8 BLDG 2 - WEST ELEVATION
 A2.1 1/8" = 1'-0"

PROPOSED PROJECT FOR:
JRK INVESTMENT ENTERPRISES LLC
 2814 EPPER STREET, APPLON, MI 48404
BLDG 1 & 2 - ELEVATIONS

No.	Date	Description

SHEET INFORMATION

BID SET 12/16/19	Drawn By LJH	Approved By
	Project No. 19-2114	Date 11/04/19
	Sheet No. A2.1	

12/27/2019 1:58:11 PM

**Town of Grand Chute
Certified Survey Map Review
JRK Investment Enterprises LLC**

To: Plan Commission

From: Michael Patza, Town Planner

Date: January 28, 2020

Address: 2311 and 2345 W. Spencer Street

App. #: CSM-03-20

REQUEST

The CSM combines two existing lots into a single parcel. The CSM provides dedication of 33' of road right-of-way along W. Spencer Street. Because of the R/W dedication, this CSM needs Plan Commission and Town Board approval.

ANALYSIS

Both properties are zoned IND Industrial District. The lot consolidation will allow construction of three self-storage buildings, a permitted use in the IND Industrial District. The CSM meets all Town requirements.

RECOMMENDATION

Staff has reviewed and supports a Plan Commission recommendation for approval of the Certified Survey Map (CSM-03-20) requested by JRK Investment Enterprises LLC, 2311 and 2345 W. Spencer Street.

Certified Survey Map No. _____

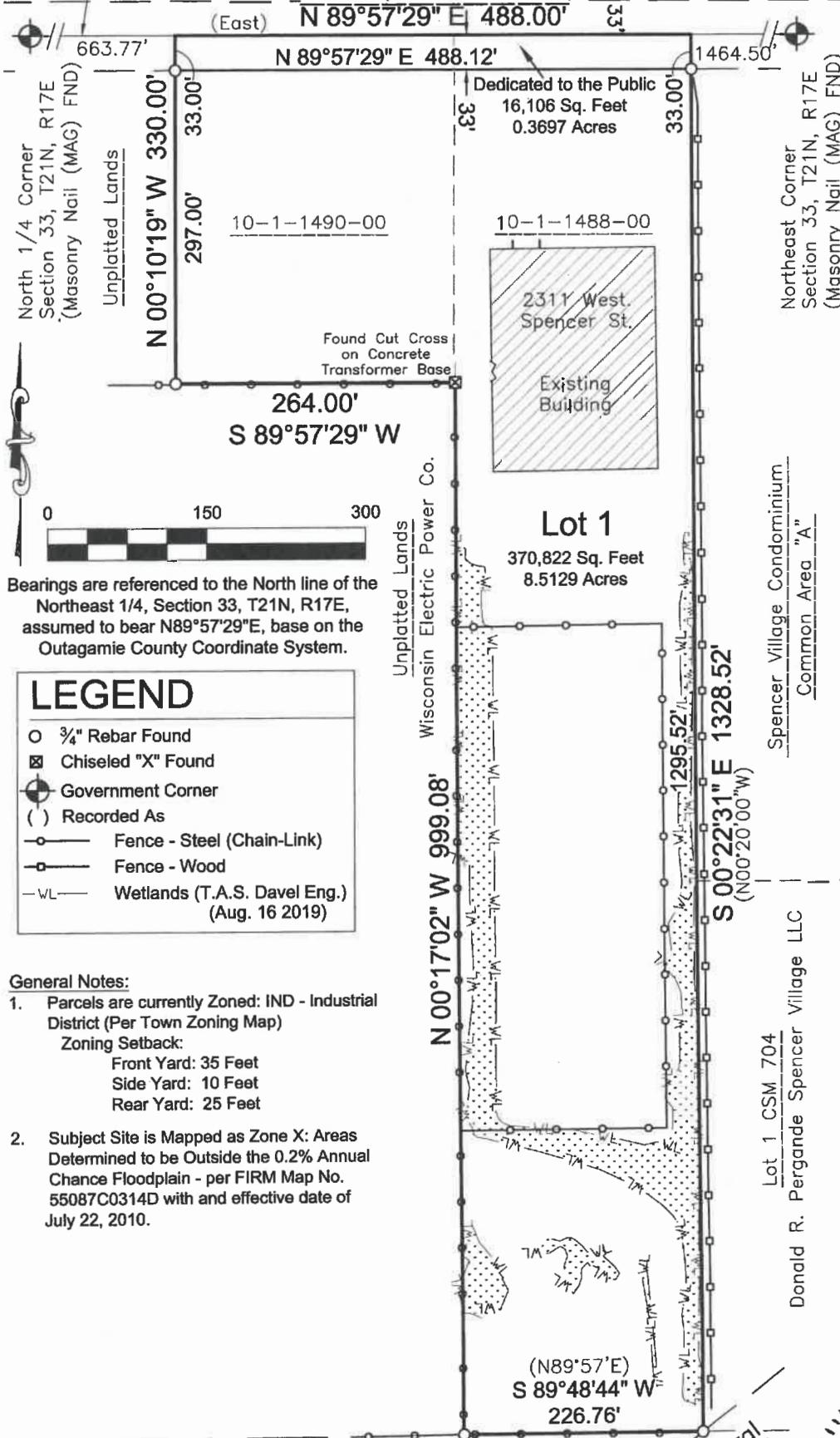
Part of the Northwest 1/4 of the Northeast 1/4 of Section 33, Township 21 North,
Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin

N/L of the NE 1/4 of Section 33

N 89°57'29" E 2616.27'

W. Spencer St.

(East) N 89°57'29" E 488.00'



Bearings are referenced to the North line of the Northeast 1/4, Section 33, T21N, R17E, assumed to bear N89°57'29"E, base on the Outagamie County Coordinate System.

LEGEND

- 3/4" Rebar Found
- ⊠ Chiseled "X" Found
- Government Corner
- () Recorded As
- Fence - Steel (Chain-Link)
- Fence - Wood
- WL- Wetlands (T.A.S. Davel Eng.) (Aug. 16 2019)

General Notes:

1. Parcels are currently Zoned: IND - Industrial District (Per Town Zoning Map)
Zoning Setback:
Front Yard: 35 Feet
Side Yard: 10 Feet
Rear Yard: 25 Feet
2. Subject Site is Mapped as Zone X: Areas Determined to be Outside the 0.2% Annual Chance Floodplain - per FIRM Map No. 55087C0314D with and effective date of July 22, 2010.



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors

1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro

Wisconsin Central
LTD. Railroad

WISCONSIN
SCOTT R. ANDERSEN
S-3169
QMRD
Professional Land Surveyor
No. S-3169
scott@davel.pro

Owner:
JRK Investment
Enterprises LLC
W6461 Firelane #8
Menasha, WI 54952

Drafted by: scott
Sheet : 1 of 3



AGENDA REQUEST
2/4/2020

TOPIC: Special assessment methodology for the 2020 Prospect Avenue, Seminole Road to Bartell Drive, street reconstruction project.

<input checked="" type="checkbox"/> New Business <input type="checkbox"/> Unfinished Business <input type="checkbox"/> Reports <input type="checkbox"/> Closed Session <input type="checkbox"/> Ordinance/Resolution	Meeting: Town Board
Department Reporting: Public Works	Submitted By: Katie Schwartz, P.E., Director P.W.

ISSUE: Shall the Town Board approve a methodology for special assessments for the reconstruction of Prospect Avenue from Seminole Road

BACKGROUND/ANALYSIS: On 8/20/2019, the Town Board approved the Intergovernmental Agreement with the City of Appleton and Outagamie County for the reconstruction of Prospect Avenue/CTH BB from Seminole Road to Bartell Drive in 2020. As you may recall, the road was last paved by the County with an asphalt overlay on concrete in 1994 and it is currently an urban section. The new concrete pavement will be constructed at 37-feet wide from back-of-curb to back-of-curb and is 3-feet narrower than the existing street. There will be new bike lanes along both sides of Prospect Avenue while on-street parking will be eliminated. A Public Information Session was held by the City for all adjoining properties, including Grand Chute residents, on May 15, 2018 while the preliminary resolution to special assess (TBR-13-2019) for street construction was approved on 10/1/2019. Storm sewer relay was awarded and took place in 2019. Since this was a utility relay project, there will not be storm sewer special assessments. The adjoining Town property is zoned residential and includes a cemetery. Construction will take place from April 1, 2020 to August 21, 2020, weather permitting.

The street special assessment is recommended to be assessed at 66.7% for RSF (Residential Single Family) zoned properties. All Town properties along the corridor are zoned RSF. Over-build costs for the wider roadway have been backed out of the assessment per the current Special Assessment Policy. Note that the 8-inch concrete pavement is considered over-build as our Policy allows for up to a 7-inch concrete pavement for residential properties.

Attachment No. 3 is the Prospect schedule of special assessments based on 100% front footage per the Town Policy. Parcels with no frontage have been assigned a 75-foot minimum frontage based on section II.B.2.e.ii of the Policy.

It should be noted that the Town parcels along Prospect Avenue are fairly irregular in both shape and size; as a result, Attachment No. 4 has been included. Attachment No. 4 is the Prospect schedule of special assessments based on 50% area and 50% trip generation while still keeping the overall 66.7% RSF rate. The Town has used the

Institute of Traffic Engineers (ITE) Traffic Generation Manual to allocate trips because it is a nationally recognized document that is based on thousands of studies and provides over 150 property uses. It is not used as a traffic predictor but is used to allocate the ratio of trips generated for each parcel as compared to all parcels. The single-family parcel trip generation is 9.52 trips per day while the cemetery parcel trip generation is 4.73 trips per acre per day. Attachment No. 4 is the method being recommended by staff. Parcels with only a garage or where the address for the residence is assigned to the adjoining parcel were assigned a zero value trip generation.

For discussion purposes, Attachment No. 5 and 6 have been included to calculate the special assessments for both the 'front-footage' and 'area/trip' methods at a 50% RSF rate vs. 66.7%.

Costs are based on estimates from the City of Appleton. Per the approved Intergovernmental Agreement, the Town is responsible for 17% of the roadway cost. This has been accounted for in the special assessment spreadsheets. The City of Appleton award date is February 19, 2020, and at that time, costs will be updated with actual bid prices so that the Public Hearing mailing can be prepared.

RECOMMENDATION: Staff recommends that the special assessment methodology for this project be based on 50% area and 50% trips with a 2/3 - 1/3 ratio for residential properties for the street assessment. This methodology correlates to Attachment No. 4 - Prospect schedule of special assessments (50% area/50% trips method - 67% residential).

FISCAL IMPACT: CIP

This project has been included in the 2020 CIP for street reconstruction. All properties are able to finance the assessments with the Town for up to 10 years at the current bond rate plus 2%.

ATTACHMENTS:

Attachment No. 1 - Prospect Avenue special assessment legal description and map

Attachment No. 2 - Prospect Avenue map with ortho photo and parcel numbers

Attachment No. 3 - Prospect schedule of special assessments (100% front footage method - 67% residential)

Attachment No. 4 - Prospect schedule of special assessments (50% area/50% trips method - 67% residential)

Attachment No. 5 - Prospect schedule of special assessments (100% front footage method - 50% residential)

Attachment No. 6 - Prospect schedule of special assessments (50% area/50% trips method - 50% residential)

2019 PROSPECT AVE. ASSESSMENT

ASSESSMENT AREA DESCRIPTION

Part of Lots 1, 2, 3, 4, 5, 6, 7 and 10 of Sunny Slope Plat, all of Lots 1, 2 and 3 of Certified Survey Map No. (CSM) 6683 as recorded in Volume 39 of CSMs on Page 6683 as Document No. 1994049 and a part of Government Lots 1 and 2 in Section 33, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 18.54 acres of land more or less and described as follows:

Commencing at the South 1/4 corner of said Section 33;
 thence Easterly, 568.01 feet along the South line of said Government Lot 2 to the Point of Beginning;
 thence Northeasterly, 2,172.55 feet along the Southerly Right-of-Way line of Prospect Avenue (CTH "BB") to the East line of said Lot 7 of Sunny Slope Plat;
 thence Southerly, 726 feet more or less along said East line to the Northerly ordinary high water mark of the Fox River;
 thence Southwesterly, 1,185 more or less along the Northerly ordinary high water mark of the Fox River to the South line of said Government Lot 2;
 thence Westerly, 712 feet more or less along said South line of Government Lot 2 to the Point of Beginning.

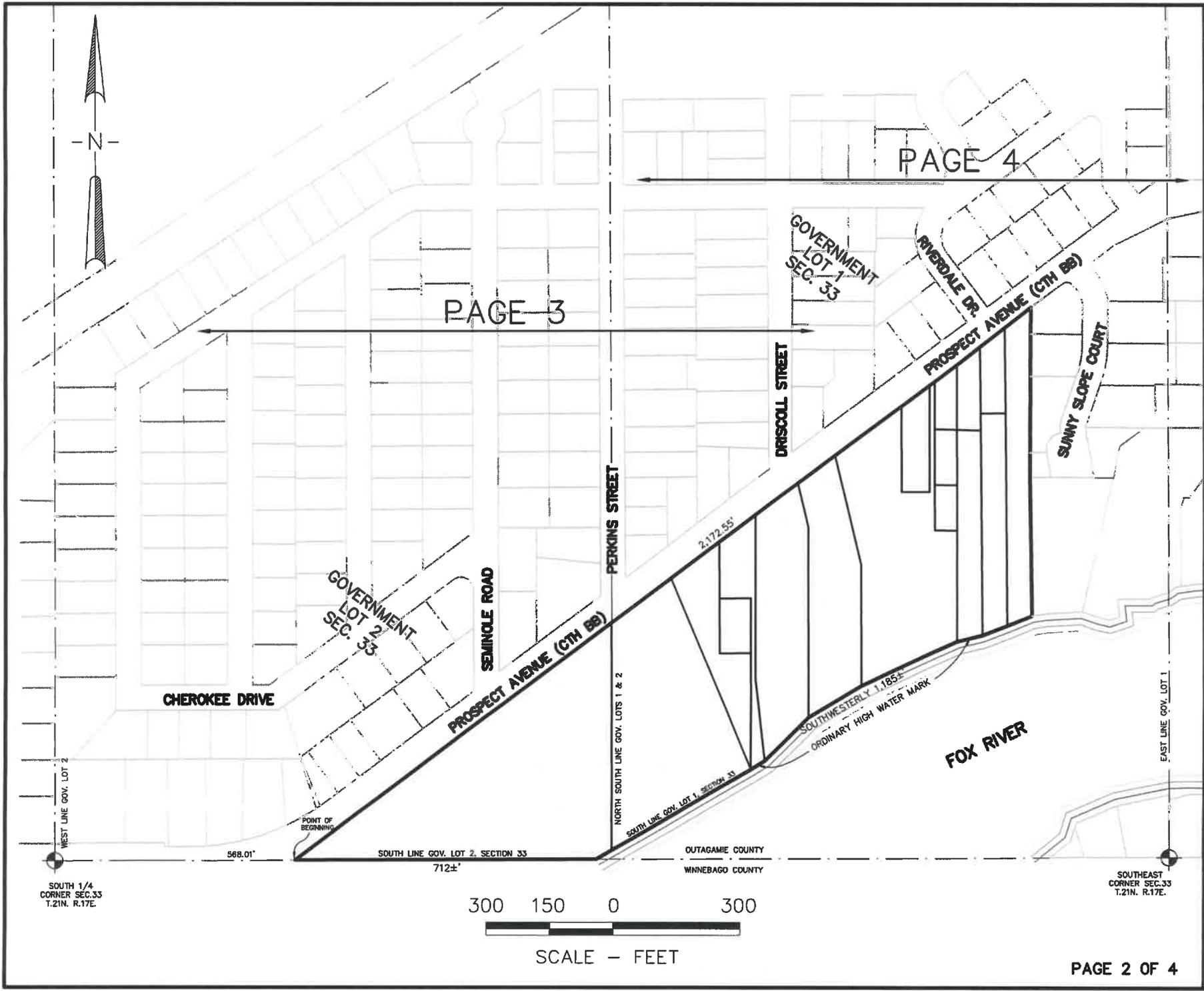
The above description shall be used for assessment purposes only.

Project No. G0006 91900622.00 Date SEPT., 2019 Scale 1"=300'

Drawn By DWJ Field Book Page

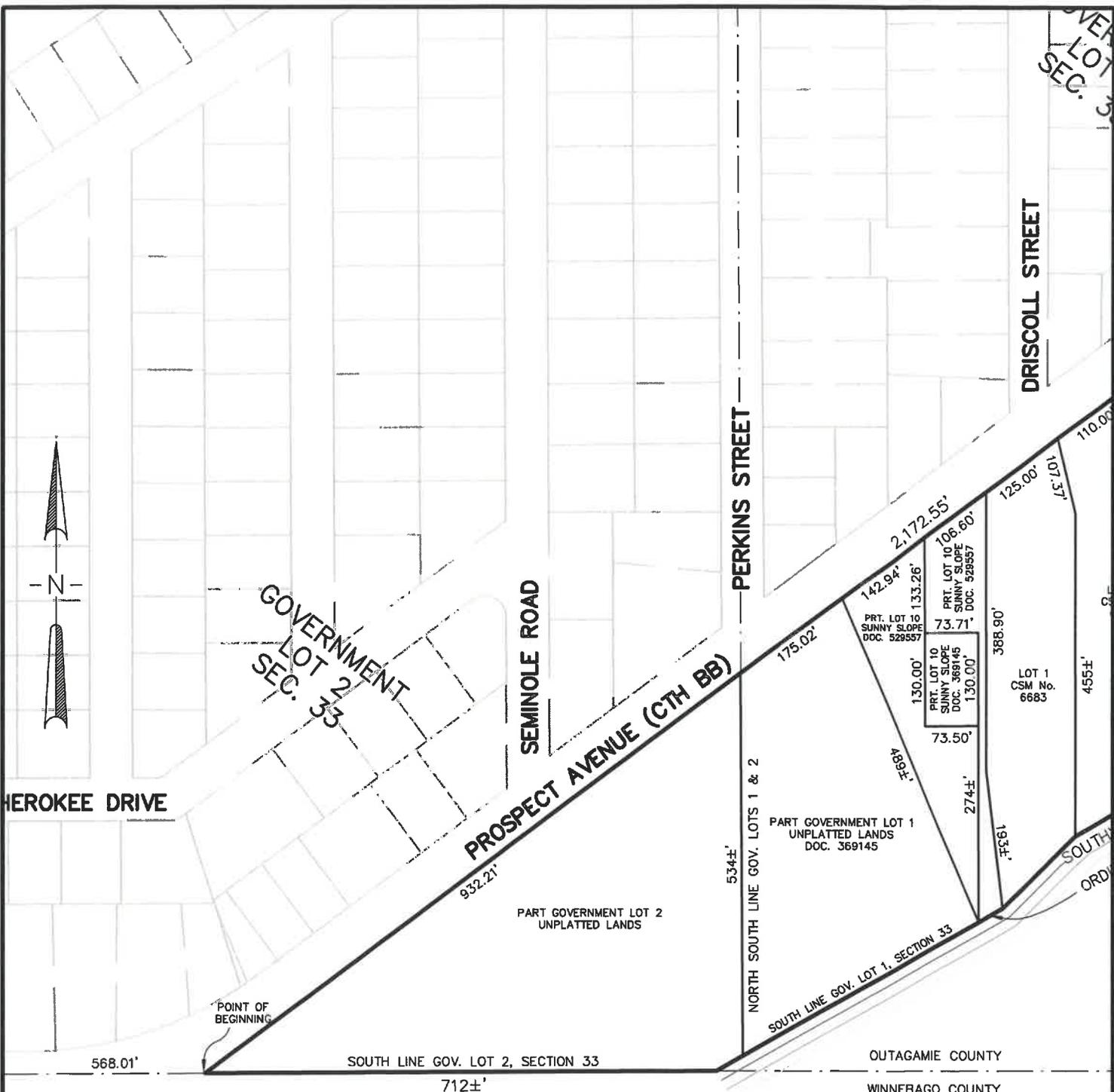
1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
Tel: (920) 751-4200 Fax: (920) 751-4284

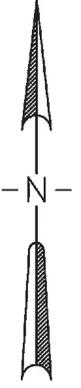
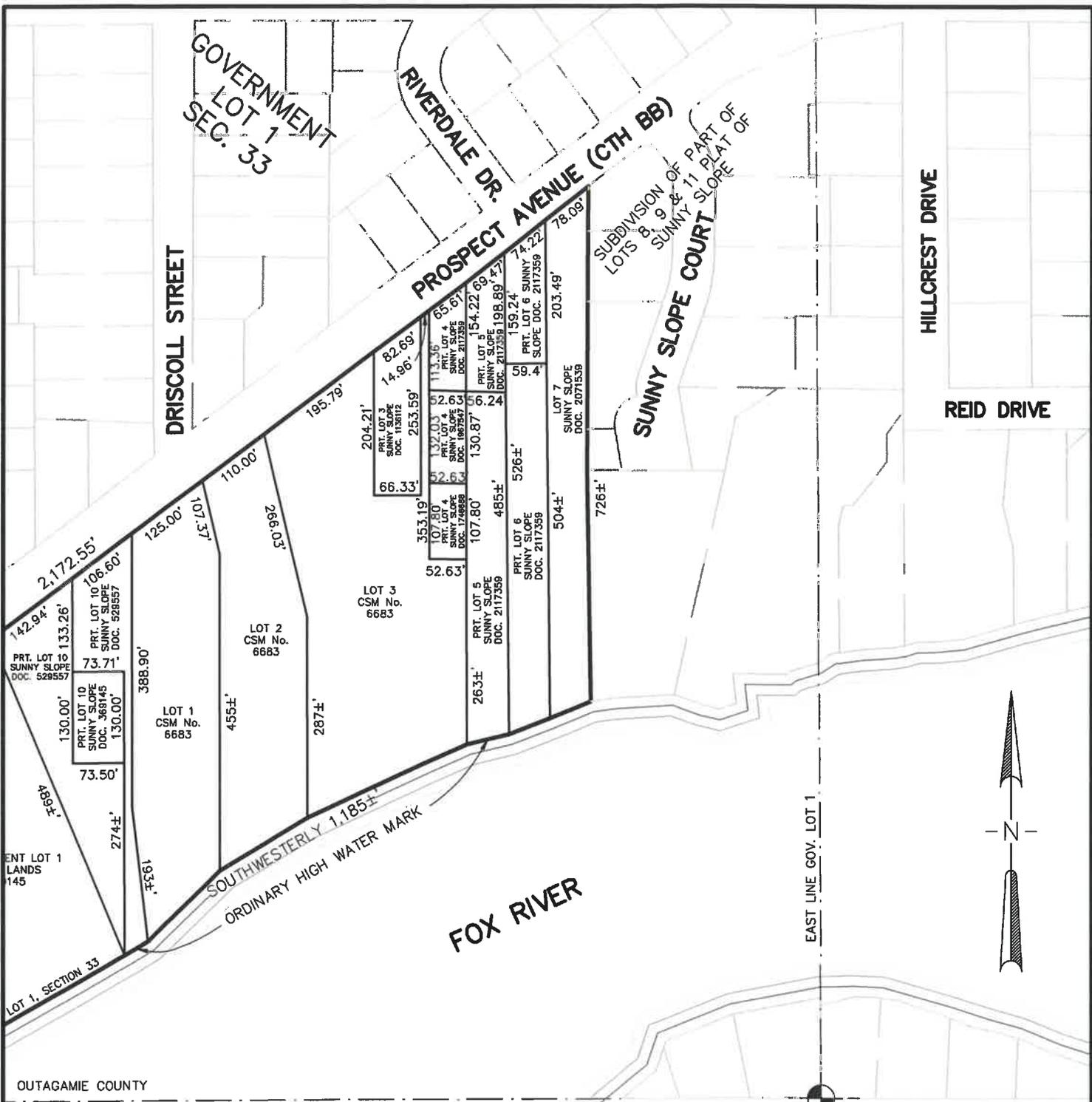
McMAHON
ENGINEERS ARCHITECTS



SOUTH 1/4 CORNER SEC.33 T.21N. R.17E

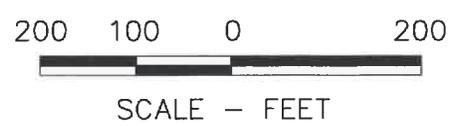
SOUTHEAST CORNER SEC.33 T.21N. R.17E.





OUTAGAMIE COUNTY
 WINNEBAGO COUNTY

SOUTHEAST CORNER SEC.33
 T.21N. R.17E.

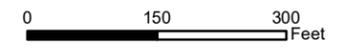
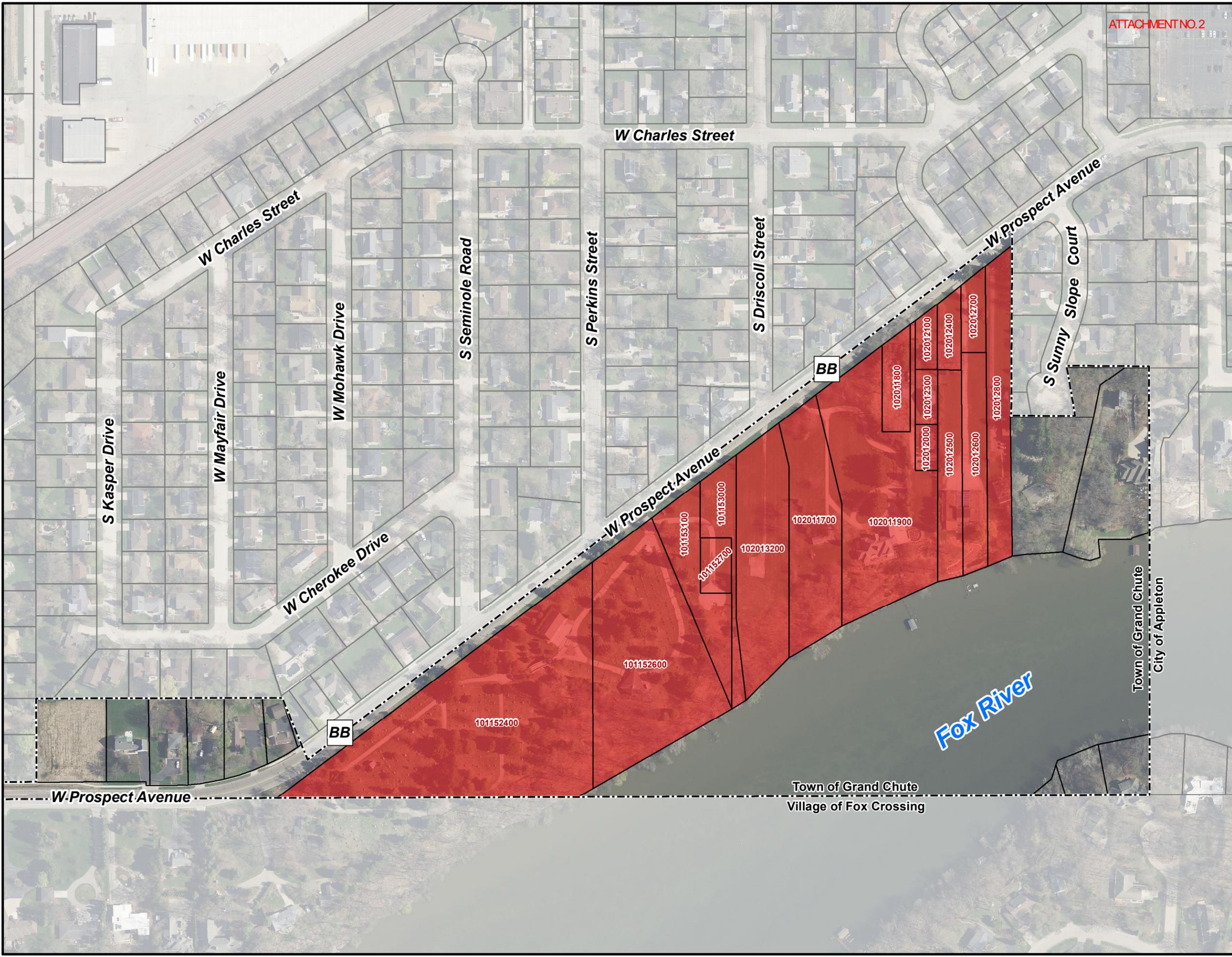


Town of Grand Chute 2019 Prospect Ave Assessment Map

ATTACHMENT NO. 2

Legend

- Assessed Parcels (Parcel #)
- Township Boundary



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Source: Town of Grand Chute (2020)
Outagamie County (2020)

Prepared: January 2020

Town of Grand Chute
Prospect Avenue Reconstruction
South Seminole Road to South Bartell Drive
McM No.: G0006-9-19-00622
Schedule of Assessments
Preliminary (Not for Distribution)

Project Cost (based on estimates)**Storm Sewer:**

Description	Unit	Estimated Quantity	Unit Price	Amount	Assessable Amount
Type D Inlet Protection	Each	16	\$95.40	\$1,526.40	\$610.56
Adjust Storm Manhole Casting	Each	11	\$265.00	\$2,915.00	\$1,166.00
Adjust Sanitary Manhole Casting	Each	7	\$265.00	\$1,855.00	\$0.00
Adjust Inlet Casting	Each	5	\$265.00	\$1,325.00	\$530.00
Remove Inlet/Manhole & Main/Lead	Each	9	\$410.22	\$3,691.98	\$1,476.79
Abandon Inlet/Lead	Each	0	\$410.22	\$0.00	\$0.00
4' Storm Manhole	VF	2	\$265.00	\$530.00	\$212.00
C Inlet Casting	Each	1	\$583.00	\$583.00	\$233.20
Type C Inlet W/Casting	Each	6	\$2,482.52	\$14,895.12	\$5,958.05
Type E Inlet W/Casting	Each	5	\$2,497.36	\$12,486.80	\$4,994.72
12" Storm Inlet Main/Lead	LF	16	\$104.62	\$1,673.92	\$669.57
24" Storm Main w/Endwall	LF	0	\$169.60	\$0.00	\$0.00
Medium Riprap	CY	0	\$100.00	\$0.00	\$0.00
Sanitary Manhole Seal (0"-12")	Each	2	\$450.50	\$901.00	\$0.00
Sanitary Manhole Seal (12"-18")	Each	4	\$540.60	\$2,162.40	\$0.00
Sanitary Manhole Seal (18"+)	Each	1	\$609.50	\$609.50	\$0.00
		Subtotal:		\$45,155.12	\$15,850.89
		Contingencies (15%):		\$6,773.27	\$2,377.63
		Engineering:		\$2,129.16	\$747.40
		Subtotal:		\$54,057.55	\$18,975.92
		Administration (5%):		\$2,702.88	\$948.80
		Total:		\$56,760.42	\$19,924.72

Street:

Description	Unit	Estimated Quantity	Unit Price	Amount	Assessable Amount
8" Concrete Pavement	SY	9295	\$42.20	\$392,249.00	\$200,210.43
3" Asphalt Pavement	SY	320	\$44.44	\$14,220.80	\$8,295.47
12" Stone Base	SY	10080	\$7.92	\$79,833.60	\$45,034.34
Excavation	CY	5637	\$15.76	\$88,839.12	\$50,114.38
Geogrid	SY	10080	\$2.12	\$21,369.60	\$12,054.65
Clearing & Grubbing	LS	0	\$2,000.00	\$0.00	\$0.00
18" Curb & Gutter	LF	0	\$29.84	\$0.00	\$0.00
30" Curb & Gutter	LF	225	\$30.69	\$6,905.25	\$4,603.50
7" Concrete Driveway Apron	SF	0	\$6.31	\$0.00	\$0.00
5" Concrete Driveway Apron	SF	2145	\$5.14	\$11,025.30	\$7,350.20
7" Concrete Sidewalk	SF	0	\$6.31	\$0.00	\$0.00
5" Concrete Sidewalk	SF	400	\$5.18	\$2,072.00	\$0.00
4" Concrete Sidewalk	SF	7360	\$5.23	\$38,492.80	\$0.00
7" Concrete Handicap Ramp	SF	887	\$6.41	\$5,685.67	\$0.00
Truncated Dome	SF	160	\$31.80	\$5,088.00	\$0.00
5" Private Concrete Driveway	SF	0	\$5.14	\$0.00	\$0.00
3" Private Asphalt Driveway	SF	2060	\$8.22	\$16,933.20	\$11,288.80
Concrete Pavement Removal	SY	9790	\$3.18	\$31,132.20	\$20,754.80
Asphalt Pavement Removal	SY	365	\$1.59	\$580.35	\$386.90
Concrete Curb & Gutter Removal	LF	230	\$3.18	\$731.40	\$487.60
Driveway Apron Removal	SF	1457	\$0.53	\$772.21	\$514.81
Handicap Ramp Removal	SF	566	\$1.59	\$899.94	\$0.00
Sidewalk Removal	SF	6632	\$0.74	\$4,907.68	\$0.00
Private Concrete Driveway Removal	SF	0	\$0.53	\$0.00	\$0.00
Private Asphalt Driveway Removal	SF	2040	\$0.53	\$1,081.20	\$720.80
Full Depth Sawcut	LF	431	\$2.65	\$1,142.15	\$761.43
Drill Tie Bars	Each	46	\$8.48	\$390.08	\$260.05
Terrace Restoration	SY	4590	\$6.68	\$30,661.20	\$20,440.80
Seed & Fertilizer	SY	4590	\$0.80	\$3,672.00	\$2,448.00
Seed, Fertilizer, & Class I, Type A Erosion Mat	SY	4590	\$5.30	\$24,327.00	\$16,218.00
Seed, Fertilizer, & Class I, Type B Erosion Mat	SY	0	\$5.30	\$0.00	\$0.00
Remove & Replace Guardrail	LF	0	\$250.00	\$0.00	\$0.00
Remove Existing Pavement Marking	LF	0	\$2.15	\$0.00	\$0.00
Remove Existing Pavement Marking Arrows	Each	0	\$82.50	\$0.00	\$0.00
Pavement Marking Epoxy 4"	LF	5112	\$0.82	\$4,191.84	\$2,794.56
Pavement Marking Epoxy 6" (Bike Lanes)	LF	3593	\$1.00	\$3,593.00	\$2,395.33
Pavement Marking Epoxy 6" (Crosswalks)	LF	0	\$7.53	\$0.00	\$0.00
Pavement Marking Epoxy 8"	LF	0	\$1.11	\$0.00	\$0.00
Pavement Marking Epoxy 12"	LF	0	\$11.93	\$0.00	\$0.00
Pavement Marking Epoxy 16"	LF	0	\$15.90	\$0.00	\$0.00
Pavement Marking Epoxy 18"	LF	72	\$17.81	\$1,282.32	\$854.88
Pavement Marking Epoxy 24"	LF	0	\$21.20	\$0.00	\$0.00
Pavement Marking Epoxy (Arrows/Symbols/Words)	Each	18	\$238.50	\$4,293.00	\$2,862.00
Conduit Nonmetal, Sch 80, 2"	LF	0	\$6.41	\$0.00	\$0.00
Notify Property Owners	LS	0.1	\$3,180.00	\$318.00	\$212.00
Traffic Control	LS	0.1	\$52,735.00	\$5,273.50	\$3,515.67
Canadian National Insurance, Permitting, & Training	LS	0	\$4,240.00	\$0.00	\$0.00
Street Lighting	LS	1	\$1,200.00	\$1,200.00	\$800.00
		Subtotal:		\$803,163.41	\$415,379.39
		Contingencies (15%):		\$120,474.51	\$62,306.91
		Engineering:		\$37,870.84	\$19,586.01
		Subtotal:		\$961,508.76	\$497,272.31
		Administration (5%):		\$48,075.44	\$24,863.62
		Total:		\$1,009,584.20	\$522,135.92

Setting Assessment Rates:

Storm Sewer:

Assessable Amount:	\$19,924.72
Town Allocated Assessable Amount (17%):	\$3,387.20
Total Frontage:	1629.79 feet
Assessment Rate:	\$2.08 per foot
Maximum Assessment Rate:	\$20.00 per foot

Street:

Assessable Amount:	\$522,135.92
Town Allocated Assessable Amount (17%):	\$88,763.11
Assessable Frontage:	2004.79 feet
Assessment Rate:	\$44.28 per foot

Schedule of Assessments:

Property Owner	Property Address	Parcel Number	Zoning	Total Prospect Avenue Street Frontage	Storm Sewer Assessable Frontage	Storm Sewer Assessment	Street Assessable Frontage	Street Assessment	Total Assessment
ST MARYS CEMETERY	2121 W PROSPECT AV	101152400	RSF	400.40	0.00	\$0.00	400.40	\$17,727.92	\$17,727.92
ST MARYS CEMETERY	2121 W PROSPECT AV	101152600	RSF	177.80	0.00	\$0.00	177.80	\$7,872.19	\$7,872.19
ST MARYS CONGREGATION	W PROSPECT AV	101152700	RSF	0.00	0.00	\$0.00	75.00	\$3,320.66	\$3,320.66
ST MARYS CONGREGATION	W PROSPECT AV	101153000	RSF	106.30	0.00	\$0.00	106.30	\$4,706.49	\$4,706.49
ST MARYS CEMETERY	W PROSPECT AV	101153100	RSF	143.00	0.00	\$0.00	143.00	\$6,331.40	\$6,331.40
EVANS, STEPHEN M	2049 W PROSPECT AV	102011700	RSF	110.00	0.00	\$0.00	110.00	\$4,870.31	\$4,870.31
WILLIAMS, DAVID E	2015 W PROSPECT AV	102011800	RSF	82.69	0.00	\$0.00	82.69	\$3,661.14	\$3,661.14
EVANS, MARY J	2017 W PROSPECT AV	102011900	RSF	195.79	0.00	\$0.00	195.79	\$8,668.70	\$8,668.70
WELCH, JEFFERSON L	3 STAMES DR	102012000	RSF	0.00	0.00	\$0.00	75.00	\$3,320.66	\$3,320.66
ERB REV TRST, STEPHEN C	W PROSPECT AV	102012100	RSF	65.07	0.00	\$0.00	65.07	\$2,881.01	\$2,881.01
XIONG, EMILY	2 STAMES DR	102012300	RSF	0.00	0.00	\$0.00	75.00	\$3,320.66	\$3,320.66
ERB REV TRST, STEPHEN C	1949 W PROSPECT AV	102012400	RSF	77.88	0.00	\$0.00	77.88	\$3,448.18	\$3,448.18
ERB REV TRST, STEPHEN C	1945 W PROSPECT AV	102012500	RSF	0.00	0.00	\$0.00	75.00	\$3,320.66	\$3,320.66
ERB REV TRST, STEPHEN C	W PROSPECT AV	102012600	RSF	0.00	0.00	\$0.00	75.00	\$3,320.66	\$3,320.66
ERB REV TRST, STEPHEN C	W PROSPECT AV	102012700	RSF	73.26	0.00	\$0.00	73.26	\$3,243.62	\$3,243.62
KIMBROUGH, ELIZABETH L	1939 W PROSPECT AV	102012800	RSF	72.60	0.00	\$0.00	72.60	\$3,214.40	\$3,214.40
VOISSEM JT REV TRST, DANIEL C	2115 W PROSPECT AV	102013200	RSF	125.00	0.00	\$0.00	125.00	\$5,534.44	\$5,534.44
				1629.79	0.00	\$0.00	2004.79	\$88,763.11	\$88,763.11

Workbook: Prospect Avenue

Worksheet: Schedule of Assessments

Location: w:\PROJECTS\G0006\91900622\Dept\Muni\MSEExcel

Date: January 27, 2020

Town of Grand Chute
Prospect Avenue Reconstruction
South Seminole Road to South Bartell Drive
McM No.: G0006-9-19-00622
Schedule of Assessments
Based on Parcel Area and Traffic Generated
Preliminary (Not for Distribution)

Project Cost (based on estimates)**Storm Sewer:**

Description	Unit	Estimated Quantity	Unit Price	Amount	Assessable Amount
Type D Inlet Protection	Each	16	\$95.40	\$1,526.40	\$610.56
Adjust Storm Manhole Casting	Each	11	\$265.00	\$2,915.00	\$1,166.00
Adjust Sanitary Manhole Casting	Each	7	\$265.00	\$1,855.00	\$0.00
Adjust Inlet Casting	Each	5	\$265.00	\$1,325.00	\$530.00
Remove Inlet/Manhole & Main/Lead	Each	9	\$410.22	\$3,691.98	\$1,476.79
Abandon Inlet/Lead	Each	0	\$410.22	\$0.00	\$0.00
4' Storm Manhole	VF	2	\$265.00	\$530.00	\$212.00
C Inlet Casting	Each	1	\$583.00	\$583.00	\$233.20
Type C Inlet W/Casting	Each	6	\$2,482.52	\$14,895.12	\$5,958.05
Type E Inlet W/Casting	Each	5	\$2,497.36	\$12,486.80	\$4,994.72
12" Storm Inlet Main/Lead	LF	16	\$104.62	\$1,673.92	\$669.57
24" Storm Main w/Endwall	LF	0	\$169.60	\$0.00	\$0.00
Medium Riprap	CY	0	\$100.00	\$0.00	\$0.00
Sanitary Manhole Seal (0"-12")	Each	2	\$450.50	\$901.00	\$0.00
Sanitary Manhole Seal (12"-18")	Each	4	\$540.60	\$2,162.40	\$0.00
Sanitary Manhole Seal (18"+)	Each	1	\$609.50	\$609.50	\$0.00
			Subtotal:	\$45,155.12	\$15,850.89
			Contingencies (15%):	\$6,773.27	\$2,377.63
			Engineering:	\$2,129.16	\$747.40
			Subtotal:	\$54,057.55	\$18,975.92
			Administration (5%):	\$2,702.88	\$948.80
			Total:	\$56,760.42	\$19,924.72

Street:

Description	Unit	Estimated Quantity	Unit Price	Amount	Assessable Amount
8" Concrete Pavement	SY	9295	\$42.20	\$392,249.00	\$200,210.43
3" Asphalt Pavement	SY	320	\$44.44	\$14,220.80	\$8,295.47
12" Stone Base	SY	10080	\$7.92	\$79,833.60	\$45,034.34
Excavation	CY	5637	\$15.76	\$88,839.12	\$50,114.38
Geogrid	SY	10080	\$2.12	\$21,369.60	\$12,054.65
Clearing & Grubbing	LS	0	\$2,000.00	\$0.00	\$0.00
18" Curb & Gutter	LF	0	\$29.84	\$0.00	\$0.00
30" Curb & Gutter	LF	225	\$30.69	\$6,905.25	\$4,603.50
7" Concrete Driveway Apron	SF	0	\$6.31	\$0.00	\$0.00
5" Concrete Driveway Apron	SF	2145	\$5.14	\$11,025.30	\$7,350.20
7" Concrete Sidewalk	SF	0	\$6.31	\$0.00	\$0.00
5" Concrete Sidewalk	SF	400	\$5.18	\$2,072.00	\$0.00
4" Concrete Sidewalk	SF	7360	\$5.23	\$38,492.80	\$0.00
7" Concrete Handicap Ramp	SF	887	\$6.41	\$5,685.67	\$0.00
Truncated Dome	SF	160	\$31.80	\$5,088.00	\$0.00
5" Private Concrete Driveway	SF	0	\$5.14	\$0.00	\$0.00
3" Private Asphalt Driveway	SF	2060	\$8.22	\$16,933.20	\$11,288.80
Concrete Pavement Removal	SY	9790	\$3.18	\$31,132.20	\$20,754.80
Asphalt Pavement Removal	SY	365	\$1.59	\$580.35	\$386.90
Concrete Curb & Gutter Removal	LF	230	\$3.18	\$731.40	\$487.60
Driveway Apron Removal	SF	1457	\$0.53	\$772.21	\$514.81
Handicap Ramp Removal	SF	566	\$1.59	\$899.94	\$0.00
Sidewalk Removal	SF	6632	\$0.74	\$4,907.68	\$0.00
Private Concrete Driveway Removal	SF	0	\$0.53	\$0.00	\$0.00
Private Asphalt Driveway Removal	SF	2040	\$0.53	\$1,081.20	\$720.80
Full Depth Sawcut	LF	431	\$2.65	\$1,142.15	\$761.43
Drill Tie Bars	Each	46	\$8.48	\$390.08	\$260.05
Terrace Restoration	SY	4590	\$6.68	\$30,661.20	\$20,440.80
Seed & Fertilizer	SY	4590	\$0.80	\$3,672.00	\$2,448.00
Seed, Fertilizer, & Class I, Type A Erosion Mat	SY	4590	\$5.30	\$24,327.00	\$16,218.00
Seed, Fertilizer, & Class I, Type B Erosion Mat	SY	0	\$5.30	\$0.00	\$0.00
Remove & Replace Guardrail	LF	0	\$250.00	\$0.00	\$0.00
Remove Existing Pavement Marking	LF	0	\$2.15	\$0.00	\$0.00
Remove Existing Pavement Marking Arrows	Each	0	\$82.50	\$0.00	\$0.00
Pavement Marking Epoxy 4"	LF	5112	\$0.82	\$4,191.84	\$2,794.56
Pavement Marking Epoxy 6" (Bike Lanes)	LF	3593	\$1.00	\$3,593.00	\$2,395.33
Pavement Marking Epoxy 6" (Crosswalks)	LF	0	\$7.53	\$0.00	\$0.00
Pavement Marking Epoxy 8"	LF	0	\$1.11	\$0.00	\$0.00
Pavement Marking Epoxy 12"	LF	0	\$11.93	\$0.00	\$0.00
Pavement Marking Epoxy 16"	LF	0	\$15.90	\$0.00	\$0.00
Pavement Marking Epoxy 18"	LF	72	\$17.81	\$1,282.32	\$854.88
Pavement Marking Epoxy 24"	LF	0	\$21.20	\$0.00	\$0.00
Pavement Marking Epoxy (Arrows/Symbols/Words)	Each	18	\$238.50	\$4,293.00	\$2,862.00
Conduit Nonmetal, Sch 80, 2"	LF	0	\$6.41	\$0.00	\$0.00
Notify Property Owners	LS	0.1	\$3,180.00	\$318.00	\$212.00
Traffic Control	LS	0.1	\$52,735.00	\$5,273.50	\$3,515.67
Canadian National Insurance, Permitting, & Training	LS	0	\$4,240.00	\$0.00	\$0.00
Street Lighting	LS	1	\$1,200.00	\$1,200.00	\$800.00
			Subtotal:	\$803,163.41	\$415,379.39
			Contingencies (15%):	\$120,474.51	\$62,306.91
			Engineering:	\$37,870.84	\$19,586.01
			Subtotal:	\$961,508.76	\$497,272.31
			Administration (5%):	\$48,075.44	\$24,863.62
			Total:	\$1,009,584.20	\$522,135.92

Setting Assessment Rates:

Storm Sewer:

Assessable Amount:	\$19,924.72
Town Allocated Assessable Amount (17%):	\$3,387.20
Total Area:	19.74 acres
Assessment Rate:	\$171.59 per acre

Street:

Area Assessment (50%):	
Assessable Amount:	\$261,067.96
Town Allocated Assessable Amount (17%):	\$44,381.55
Assessable Area:	19.74 acres
Assessment Rate:	\$2,248.31 per acre

Traffic Generation Assessment (50%):	
Assessable Amount:	\$261,067.96
Town Allocated Assessable Amount (17%):	\$44,381.55
Assessable Trips:	119.10 trips
Assessment Rate:	\$372.64 per trip

Schedule of Assessments:

Property Owner	Property Address	Parcel Number	Total Area (Acres)	Storm Sewer Assessable Acreage	Storm Sewer Assessment	Street Assessable Acreage	Street Trips Generated	Street Assessment	Total Assessment
ST MARYS CEMETERY	2121 W PROSPECT AV	101152400	4.76	0.00	\$0.00	4.76	22.51	\$19,090.09	\$19,090.09
ST MARYS CEMETERY	2121 W PROSPECT AV	101152600	2.96	0.00	\$0.00	2.96	14.00	\$11,871.96	\$11,871.96
ST MARYS CONGREGATION	W PROSPECT AV	101152700	0.22	0.00	\$0.00	0.22	1.04	\$882.17	\$882.17
ST MARYS CONGREGATION	W PROSPECT AV	101153000	0.36	0.00	\$0.00	0.36	1.70	\$1,442.88	\$1,442.88
ST MARYS CEMETERY	W PROSPECT AV	101153100	0.78	0.00	\$0.00	0.78	3.69	\$3,128.72	\$3,128.72
EVANS, STEPHEN M	2049 W PROSPECT AV	102011700	2.16	0.00	\$0.00	2.16	9.52	\$8,403.88	\$8,403.88
WILLIAMS, DAVID E	2015 W PROSPECT AV	102011800	0.35	0.00	\$0.00	0.35	9.52	\$4,334.45	\$4,334.45
EVANS, MARY J	2017 W PROSPECT AV	102011900	3.01	0.00	\$0.00	3.01	9.52	\$10,314.94	\$10,314.94
WELCH, JEFFERSON L	3 STAMES DR	102012000	0.14	0.00	\$0.00	0.14	9.52	\$3,862.31	\$3,862.31
ERB REV TRST, STEPHEN C	W PROSPECT AV	102012100	0.17	0.00	\$0.00	0.17	0.00	\$382.21	\$382.21
XIONG, EMILY	2 STAMES DR	102012300	0.21	0.00	\$0.00	0.21	9.52	\$4,019.69	\$4,019.69
ERB REV TRST, STEPHEN C	1949 W PROSPECT AV	102012400	0.25	0.00	\$0.00	0.25	0.00	\$562.08	\$562.08
ERB REV TRST, STEPHEN C	1945 W PROSPECT AV	102012500	0.81	0.00	\$0.00	0.81	9.52	\$5,368.67	\$5,368.67
ERB REV TRST, STEPHEN C	W PROSPECT AV	102012600	0.73	0.00	\$0.00	0.73	0.00	\$1,641.26	\$1,641.26
ERB REV TRST, STEPHEN C	W PROSPECT AV	102012700	0.24	0.00	\$0.00	0.24	0.00	\$539.59	\$539.59
KIMBROUGH, ELIZABETH L	1939 W PROSPECT AV	102012800	1.09	0.00	\$0.00	1.09	9.52	\$5,998.20	\$5,998.20
VOISSEM JT REV TRST, DANIEL C	2115 W PROSPECT AV	102013200	1.50	0.00	\$0.00	1.50	9.52	\$6,920.00	\$6,920.00
			19.74	0.00	\$0.00	19.74	119.10	\$88,763.11	\$88,763.11

Workbook: Prospect Avenue

Worksheet: Sched. of Assess. Area & trips

Location: w:\PROJECTS\G0006\91900622\Dept\Muni\MSEExcel

Date: January 28, 2020

Note: All parcels are zoned RSF.

Note: Cemetery parcels trip generation is 4.73 trips per acre per day

Note: Single family parcels trip generation is 9.52 trips per day

**Town of Grand Chute
Prospect Avenue Reconstruction
South Seminole Road to South Bartell Drive
McM No.: G0006-9-19-00622
Schedule of Assessments
Based on 50% Street Assessments
Preliminary (Not for Distribution)**

Project Cost (based on estimates)

Storm Sewer:

Description	Unit	Estimated Quantity	Unit Price	Amount	Assessable Amount
Type D Inlet Protection	Each	16	\$95.40	\$1,526.40	\$610.56
Adjust Storm Manhole Casting	Each	11	\$265.00	\$2,915.00	\$1,166.00
Adjust Sanitary Manhole Casting	Each	7	\$265.00	\$1,855.00	\$0.00
Adjust Inlet Casting	Each	5	\$265.00	\$1,325.00	\$530.00
Remove Inlet/Manhole & Main/Lead	Each	9	\$410.22	\$3,691.98	\$1,476.79
Abandon Inlet/Lead	Each	0	\$410.22	\$0.00	\$0.00
4' Storm Manhole	VF	2	\$265.00	\$530.00	\$212.00
C Inlet Casting	Each	1	\$583.00	\$583.00	\$233.20
Type C Inlet W/Casting	Each	6	\$2,482.52	\$14,895.12	\$5,958.05
Type E Inlet W/Casting	Each	5	\$2,497.36	\$12,486.80	\$4,994.72
12" Storm Inlet Main/Lead	LF	16	\$104.62	\$1,673.92	\$669.57
24" Storm Main w/Endwall	LF	0	\$169.60	\$0.00	\$0.00
Medium Riprap	CY	0	\$100.00	\$0.00	\$0.00
Sanitary Manhole Seal (0"-12")	Each	2	\$450.50	\$901.00	\$0.00
Sanitary Manhole Seal (12"-18")	Each	4	\$540.60	\$2,162.40	\$0.00
Sanitary Manhole Seal (18"+)	Each	1	\$609.50	\$609.50	\$0.00
Subtotal:				\$45,155.12	\$15,850.89
Contingencies (15%):				\$6,773.27	\$2,377.63
Engineering:				\$2,129.16	\$747.40
Subtotal:				\$54,057.55	\$18,975.92
Administration (5%):				\$2,702.88	\$948.80
Total:				\$56,760.42	\$19,924.72

Street:

Description	Unit	Estimated Quantity	Unit Price	Amount	Assessable Amount
8" Concrete Pavement	SY	9295	\$42.20	\$392,249.00	\$150,157.82
3" Asphalt Pavement	SY	320	\$44.44	\$14,220.80	\$6,221.60
12" Stone Base	SY	10080	\$7.92	\$79,833.60	\$33,775.75
Excavation	CY	5637	\$15.76	\$88,839.12	\$37,585.78
Geogrid	SY	10080	\$2.12	\$21,369.60	\$9,040.98
Clearing & Grubbing	LS	0	\$2,000.00	\$0.00	\$0.00
18" Curb & Gutter	LF	0	\$29.84	\$0.00	\$0.00
30" Curb & Gutter	LF	225	\$30.69	\$6,905.25	\$3,452.63
7" Concrete Driveway Apron	SF	0	\$6.31	\$0.00	\$0.00
5" Concrete Driveway Apron	SF	2145	\$5.14	\$11,025.30	\$5,512.65
7" Concrete Sidewalk	SF	0	\$6.31	\$0.00	\$0.00
5" Concrete Sidewalk	SF	400	\$5.18	\$2,072.00	\$0.00
4" Concrete Sidewalk	SF	7360	\$5.23	\$38,492.80	\$0.00
7" Concrete Handicap Ramp	SF	887	\$6.41	\$5,685.67	\$0.00
Truncated Dome	SF	160	\$31.80	\$5,088.00	\$0.00
5" Private Concrete Driveway	SF	0	\$5.14	\$0.00	\$0.00
3" Private Asphalt Driveway	SF	2060	\$8.22	\$16,933.20	\$8,466.60
Concrete Pavement Removal	SY	9790	\$3.18	\$31,132.20	\$15,566.10
Asphalt Pavement Removal	SY	365	\$1.59	\$580.35	\$290.18
Concrete Curb & Gutter Removal	LF	230	\$3.18	\$731.40	\$365.70
Driveway Apron Removal	SF	1457	\$0.53	\$772.21	\$386.11
Handicap Ramp Removal	SF	566	\$1.59	\$899.94	\$0.00
Sidewalk Removal	SF	6632	\$0.74	\$4,907.68	\$0.00
Private Concrete Driveway Removal	SF	0	\$0.53	\$0.00	\$0.00
Private Asphalt Driveway Removal	SF	2040	\$0.53	\$1,081.20	\$540.60
Full Depth Sawcut	LF	431	\$2.65	\$1,142.15	\$571.08
Drill Tie Bars	Each	46	\$8.48	\$390.08	\$195.04
Terrace Restoration	SY	4590	\$6.68	\$30,661.20	\$15,330.60
Seed & Fertilizer	SY	4590	\$0.80	\$3,672.00	\$1,836.00
Seed, Fertilizer, & Class I, Type A Erosion Mat	SY	4590	\$5.30	\$24,327.00	\$12,163.50
Seed, Fertilizer, & Class I, Type B Erosion Mat	SY	0	\$5.30	\$0.00	\$0.00
Remove & Replace Guardrail	LF	0	\$250.00	\$0.00	\$0.00
Remove Existing Pavement Marking	LF	0	\$2.15	\$0.00	\$0.00
Remove Existing Pavement Marking Arrows	Each	0	\$82.50	\$0.00	\$0.00
Pavement Marking Epoxy 4"	LF	5112	\$0.82	\$4,191.84	\$2,095.92
Pavement Marking Epoxy 6" (Bike Lanes)	LF	3593	\$1.00	\$3,593.00	\$1,796.50
Pavement Marking Epoxy 6" (Crosswalks)	LF	0	\$7.53	\$0.00	\$0.00
Pavement Marking Epoxy 8"	LF	0	\$1.11	\$0.00	\$0.00
Pavement Marking Epoxy 12"	LF	0	\$11.93	\$0.00	\$0.00
Pavement Marking Epoxy 16"	LF	0	\$15.90	\$0.00	\$0.00
Pavement Marking Epoxy 18"	LF	72	\$17.81	\$1,282.32	\$641.16
Pavement Marking Epoxy 24"	LF	0	\$21.20	\$0.00	\$0.00
Pavement Marking Epoxy (Arrows/Symbols/Words)	Each	18	\$238.50	\$4,293.00	\$2,146.50
Conduit Nonmetal, Sch 80, 2"	LF	0	\$6.41	\$0.00	\$0.00
Notify Property Owners	LS	0.1	\$3,180.00	\$318.00	\$159.00
Traffic Control	LS	0.1	\$52,735.00	\$5,273.50	\$2,636.75
Canadian National Insurance, Permitting, & Training	LS	0	\$4,240.00	\$0.00	\$0.00
Street Lighting	LS	1	\$1,200.00	\$1,200.00	\$600.00
Subtotal:				\$803,163.41	\$311,534.54
Contingencies (15%):				\$120,474.51	\$46,730.18
Engineering:				\$37,870.84	\$14,689.51
Subtotal:				\$961,508.76	\$372,954.23
Administration (5%):				\$48,075.44	\$18,647.71
Total:				\$1,009,584.20	\$391,601.94

Setting Assessment Rates:

Storm Sewer:

Assessable Amount:	\$19,924.72
Town Allocated Assessable Amount (17%):	\$3,387.20
Total Frontage:	1629.79 feet
Assessment Rate:	\$2.08 per foot
Maximum Assessment Rate:	\$20.00 per foot

Street:

Assessable Amount:	\$391,601.94
Town Allocated Assessable Amount (17%):	\$66,572.33
Assessable Frontage:	2004.79 feet
Assessment Rate:	\$33.21 per foot

Schedule of Assessments:

Property Owner	Property Address	Parcel Number	Zoning	Total Prospect Avenue Street Frontage	Storm Sewer Assessable Frontage	Storm Sewer Assessment	Street Assessable Frontage	Street Assessment	Total Assessment
ST MARYS CEMETERY	2121 W PROSPECT AV	101152400	RSF	400.40	0.00	\$0.00	400.40	\$13,295.94	\$13,295.94
ST MARYS CEMETERY	2121 W PROSPECT AV	101152600	RSF	177.80	0.00	\$0.00	177.80	\$5,904.14	\$5,904.14
ST MARYS CONGREGATION	W PROSPECT AV	101152700	RSF	0.00	0.00	\$0.00	75.00	\$2,490.50	\$2,490.50
ST MARYS CONGREGATION	W PROSPECT AV	101153000	RSF	106.30	0.00	\$0.00	106.30	\$3,529.87	\$3,529.87
ST MARYS CEMETERY	W PROSPECT AV	101153100	RSF	143.00	0.00	\$0.00	143.00	\$4,748.55	\$4,748.55
EVANS, STEPHEN M	2049 W PROSPECT AV	102011700	RSF	110.00	0.00	\$0.00	110.00	\$3,652.73	\$3,652.73
WILLIAMS, DAVID E	2015 W PROSPECT AV	102011800	RSF	82.69	0.00	\$0.00	82.69	\$2,745.86	\$2,745.86
EVANS, MARY J	2017 W PROSPECT AV	102011900	RSF	195.79	0.00	\$0.00	195.79	\$6,501.53	\$6,501.53
WELCH, JEFFERSON L	3 STAMES DR	102012000	RSF	0.00	0.00	\$0.00	75.00	\$2,490.50	\$2,490.50
ERB REV TRST, STEPHEN C	W PROSPECT AV	102012100	RSF	65.07	0.00	\$0.00	65.07	\$2,160.76	\$2,160.76
XIONG, EMILY	2 STAMES DR	102012300	RSF	0.00	0.00	\$0.00	75.00	\$2,490.50	\$2,490.50
ERB REV TRST, STEPHEN C	1949 W PROSPECT AV	102012400	RSF	77.88	0.00	\$0.00	77.88	\$2,586.13	\$2,586.13
ERB REV TRST, STEPHEN C	1945 W PROSPECT AV	102012500	RSF	0.00	0.00	\$0.00	75.00	\$2,490.50	\$2,490.50
ERB REV TRST, STEPHEN C	W PROSPECT AV	102012600	RSF	0.00	0.00	\$0.00	75.00	\$2,490.50	\$2,490.50
ERB REV TRST, STEPHEN C	W PROSPECT AV	102012700	RSF	73.26	0.00	\$0.00	73.26	\$2,432.72	\$2,432.72
KIMBROUGH, ELIZABETH L	1939 W PROSPECT AV	102012800	RSF	72.60	0.00	\$0.00	72.60	\$2,410.80	\$2,410.80
VOISSEM JT REV TRST, DANIEL C	2115 W PROSPECT AV	102013200	RSF	125.00	0.00	\$0.00	125.00	\$4,150.83	\$4,150.83
				1629.79	0.00	\$0.00	2004.79	\$66,572.33	\$66,572.33

Workbook: Prospect Avenue
 Worksheet: Schedule of Assessments 50%
 Location: w:\PROJECTS\G0006\91900622\Dept\Muni\MSEExcel
 Date: January 28, 2020

Town of Grand Chute
Prospect Avenue Reconstruction
South Seminole Road to South Bartell Drive
McM No.: G0006-9-19-00622
Schedule of Assessments
Based on Parcel Area and Traffic Generated
Based on 50% Street Assessments
Preliminary (Not for Distribution)

Project Cost (based on estimates)**Storm Sewer:**

Description	Unit	Estimated Quantity	Unit Price	Amount	Assessable Amount
Type D Inlet Protection	Each	16	\$95.40	\$1,526.40	\$610.56
Adjust Storm Manhole Casting	Each	11	\$265.00	\$2,915.00	\$1,166.00
Adjust Sanitary Manhole Casting	Each	7	\$265.00	\$1,855.00	\$0.00
Adjust Inlet Casting	Each	5	\$265.00	\$1,325.00	\$530.00
Remove Inlet/Manhole & Main/Lead	Each	9	\$410.22	\$3,691.98	\$1,476.79
Abandon Inlet/Lead	Each	0	\$410.22	\$0.00	\$0.00
4' Storm Manhole	VF	2	\$265.00	\$530.00	\$212.00
C Inlet Casting	Each	1	\$583.00	\$583.00	\$233.20
Type C Inlet W/Casting	Each	6	\$2,482.52	\$14,895.12	\$5,958.05
Type E Inlet W/Casting	Each	5	\$2,497.36	\$12,486.80	\$4,994.72
12" Storm Inlet Main/Lead	LF	16	\$104.62	\$1,673.92	\$669.57
24" Storm Main w/Endwall	LF	0	\$169.60	\$0.00	\$0.00
Medium Riprap	CY	0	\$100.00	\$0.00	\$0.00
Sanitary Manhole Seal (0"-12")	Each	2	\$450.50	\$901.00	\$0.00
Sanitary Manhole Seal (12"-18")	Each	4	\$540.60	\$2,162.40	\$0.00
Sanitary Manhole Seal (18"+)	Each	1	\$609.50	\$609.50	\$0.00
			Subtotal:	\$45,155.12	\$15,850.89
			Contingencies (15%):	\$6,773.27	\$2,377.63
			Engineering:	\$2,129.16	\$747.40
			Subtotal:	\$54,057.55	\$18,975.92
			Administration (5%):	\$2,702.88	\$948.80
			Total:	\$56,760.42	\$19,924.72

Street:

Description	Unit	Estimated Quantity	Unit Price	Amount	Assessable Amount
8" Concrete Pavement	SY	9295	\$42.20	\$392,249.00	\$150,157.82
3" Asphalt Pavement	SY	320	\$44.44	\$14,220.80	\$7,110.40
12" Stone Base	SY	10080	\$7.92	\$79,833.60	\$33,775.75
Excavation	CY	5637	\$15.76	\$88,839.12	\$42,955.18
Geogrid	SY	10080	\$2.12	\$21,369.60	\$9,040.98
Clearing & Grubbing	LS	0	\$2,000.00	\$0.00	\$0.00
18" Curb & Gutter	LF	0	\$29.84	\$0.00	\$0.00
30" Curb & Gutter	LF	225	\$30.69	\$6,905.25	\$3,452.63
7" Concrete Driveway Apron	SF	0	\$6.31	\$0.00	\$0.00
5" Concrete Driveway Apron	SF	2145	\$5.14	\$11,025.30	\$5,512.65
7" Concrete Sidewalk	SF	0	\$6.31	\$0.00	\$0.00
5" Concrete Sidewalk	SF	400	\$5.18	\$2,072.00	\$0.00
4" Concrete Sidewalk	SF	7360	\$5.23	\$38,492.80	\$0.00
7" Concrete Handicap Ramp	SF	887	\$6.41	\$5,685.67	\$0.00
Truncated Dome	SF	160	\$31.80	\$5,088.00	\$0.00
5" Private Concrete Driveway	SF	0	\$5.14	\$0.00	\$0.00
3" Private Asphalt Driveway	SF	2060	\$8.22	\$16,933.20	\$8,466.60
Concrete Pavement Removal	SY	9790	\$3.18	\$31,132.20	\$15,566.10
Asphalt Pavement Removal	SY	365	\$1.59	\$580.35	\$290.18
Concrete Curb & Gutter Removal	LF	230	\$3.18	\$731.40	\$365.70
Driveway Apron Removal	SF	1457	\$0.53	\$772.21	\$386.11
Handicap Ramp Removal	SF	566	\$1.59	\$899.94	\$0.00
Sidewalk Removal	SF	6632	\$0.74	\$4,907.68	\$0.00
Private Concrete Driveway Removal	SF	0	\$0.53	\$0.00	\$0.00
Private Asphalt Driveway Removal	SF	2040	\$0.53	\$1,081.20	\$540.60
Full Depth Sawcut	LF	431	\$2.65	\$1,142.15	\$571.08
Drill Tie Bars	Each	46	\$8.48	\$390.08	\$195.04
Terrace Restoration	SY	4590	\$6.68	\$30,661.20	\$15,330.60
Seed & Fertilizer	SY	4590	\$0.80	\$3,672.00	\$1,836.00
Seed, Fertilizer, & Class I, Type A Erosion Mat	SY	4590	\$5.30	\$24,327.00	\$12,163.50
Seed, Fertilizer, & Class I, Type B Erosion Mat	SY	0	\$5.30	\$0.00	\$0.00
Remove & Replace Guardrail	LF	0	\$250.00	\$0.00	\$0.00
Remove Existing Pavement Marking	LF	0	\$2.15	\$0.00	\$0.00
Remove Existing Pavement Marking Arrows	Each	0	\$82.50	\$0.00	\$0.00
Pavement Marking Epoxy 4"	LF	5112	\$0.82	\$4,191.84	\$2,095.92
Pavement Marking Epoxy 6" (Bike Lanes)	LF	3593	\$1.00	\$3,593.00	\$1,796.50
Pavement Marking Epoxy 6" (Crosswalks)	LF	0	\$7.53	\$0.00	\$0.00
Pavement Marking Epoxy 8"	LF	0	\$1.11	\$0.00	\$0.00
Pavement Marking Epoxy 12"	LF	0	\$11.93	\$0.00	\$0.00
Pavement Marking Epoxy 16"	LF	0	\$15.90	\$0.00	\$0.00
Pavement Marking Epoxy 18"	LF	72	\$17.81	\$1,282.32	\$641.16
Pavement Marking Epoxy 24"	LF	0	\$21.20	\$0.00	\$0.00
Pavement Marking Epoxy (Arrows/Symbols/Words)	Each	18	\$238.50	\$4,293.00	\$2,146.50
Conduit Nonmetal, Sch 80, 2"	LF	0	\$6.41	\$0.00	\$0.00
Notify Property Owners	LS	0.1	\$3,180.00	\$318.00	\$159.00
Traffic Control	LS	0.1	\$52,735.00	\$5,273.50	\$2,636.75
Canadian National Insurance, Permitting, & Training	LS	0	\$4,240.00	\$0.00	\$0.00
Street Lighting	LS	1	\$1,200.00	\$1,200.00	\$600.00
			Subtotal:	\$803,163.41	\$317,792.74
			Contingencies (15%):	\$120,474.51	\$47,668.91
			Engineering:	\$37,870.84	\$14,984.59
			Subtotal:	\$961,508.76	\$380,446.24
			Administration (5%):	\$48,075.44	\$19,022.31
			Total:	\$1,009,584.20	\$399,468.56

Setting Assessment Rates:

Storm Sewer:

Assessable Amount:	\$19,924.72
Town Allocated Assessable Amount (17%):	\$3,387.20
Total Area:	19.74 acres
Assessment Rate:	\$171.59 per acre

Street:

Area Assessment (50%):

Assessable Amount:	\$199,734.28
Town Allocated Assessable Amount (17%):	\$33,954.83
Assessable Area:	19.74 acres
Assessment Rate:	\$1,720.10 per acre

Traffic Generation Assessment (50%):

Assessable Amount:	\$199,734.28
Town Allocated Assessable Amount (17%):	\$33,954.83
Assessable Trips:	119.10 trips
Assessment Rate:	\$285.10 per trip

Schedule of Assessments:

Property Owner	Property Address	Parcel Number	Total Area (Acres)	Storm Sewer Assessable Acreage	Storm Sewer Assessment	Street Assessable Acreage	Street Trips Generated	Street Assessment	Total Assessment
ST MARYS CEMETERY	2121 W PROSPECT AV	101152400	4.76	0.00	\$0.00	4.76	22.51	\$14,605.18	\$14,605.18
ST MARYS CEMETERY	2121 W PROSPECT AV	101152600	2.96	0.00	\$0.00	2.96	14.00	\$9,082.84	\$9,082.84
ST MARYS CONGREGATION	W PROSPECT AV	101152700	0.22	0.00	\$0.00	0.22	1.04	\$674.92	\$674.92
ST MARYS CONGREGATION	W PROSPECT AV	101153000	0.36	0.00	\$0.00	0.36	1.70	\$1,103.90	\$1,103.90
ST MARYS CEMETERY	W PROSPECT AV	101153100	0.78	0.00	\$0.00	0.78	3.69	\$2,393.68	\$2,393.68
EVANS, STEPHEN M	2049 W PROSPECT AV	102011700	2.16	0.00	\$0.00	2.16	9.52	\$6,429.53	\$6,429.53
WILLIAMS, DAVID E	2015 W PROSPECT AV	102011800	0.35	0.00	\$0.00	0.35	9.52	\$3,316.14	\$3,316.14
EVANS, MARY J	2017 W PROSPECT AV	102011900	3.01	0.00	\$0.00	3.01	9.52	\$7,891.61	\$7,891.61
WELCH, JEFFERSON L	3 STAMES DR	102012000	0.14	0.00	\$0.00	0.14	9.52	\$2,954.92	\$2,954.92
ERB REV TRST, STEPHEN C	W PROSPECT AV	102012100	0.17	0.00	\$0.00	0.17	0.00	\$292.42	\$292.42
XIONG, EMILY	2 STAMES DR	102012300	0.21	0.00	\$0.00	0.21	9.52	\$3,075.33	\$3,075.33
ERB REV TRST, STEPHEN C	1949 W PROSPECT AV	102012400	0.25	0.00	\$0.00	0.25	0.00	\$430.03	\$430.03
ERB REV TRST, STEPHEN C	1945 W PROSPECT AV	102012500	0.81	0.00	\$0.00	0.81	9.52	\$4,107.39	\$4,107.39
ERB REV TRST, STEPHEN C	W PROSPECT AV	102012600	0.73	0.00	\$0.00	0.73	0.00	\$1,255.67	\$1,255.67
ERB REV TRST, STEPHEN C	W PROSPECT AV	102012700	0.24	0.00	\$0.00	0.24	0.00	\$412.82	\$412.82
KIMBROUGH, ELIZABETH L	1939 W PROSPECT AV	102012800	1.09	0.00	\$0.00	1.09	9.52	\$4,589.02	\$4,589.02
VOISSEM JT REV TRST, DANIEL C	2115 W PROSPECT AV	102013200	1.50	0.00	\$0.00	1.50	9.52	\$5,294.26	\$5,294.26
			19.74	0.00	\$0.00	19.74	119.10	\$67,909.65	\$67,909.65

Workbook: Prospect Avenue

Worksheet: Sched. of Assess. Area & tr 50%

Location: w:\PROJECTS\G0006\91900622\Dept\Muni\MSEExcel

Date: January 28, 2020

Note: All parcels are zoned RSF.

Note: Cemetery parcels trip generation is 4.73 trips per acre per day

Note: Single family parcels trip generation is 9.52 trips per day



AGENDA REQUEST
2/4/2020

TOPIC: Agreement for the Evergreen Drive railroad crossing with Wisconsin Central Ltd.

<input checked="" type="checkbox"/> New Business <input type="checkbox"/> Unfinished Business <input type="checkbox"/> Reports <input type="checkbox"/> Closed Session <input type="checkbox"/> Ordinance/Resolution	Meeting: Town Board
Department Reporting: Public Works	Submitted By: Katie Schwartz, P.E., Director P.W.

ISSUE: In order to order the materials for the new railroad crossing for the extension of Evergreen Drive, the railroad requires an approved construction agreement with the Town.

BACKGROUND/ANALYSIS: On May 20, 2019, the Commissioner of Railroads approved the petition by the Town of Grand Chute to establish a new public crossing of the Wisconsin Central Ltd tracks with an extension of Evergreen Drive. The Town is required to pay for the entire cost of the new railroad crossing. Work will be performed by the railroad. The railroad provided a standard construction agreement with corresponding attachments for Town approval. The railroad will not order materials until the Town approves the agreement.

Referenced Exhibits in the Agreement are as follows:

- Exhibit A - Special Provisions: The Special Provisions will be incorporated into the contract documents.
- Exhibit B - Plan Overview
- Exhibit C - Crossing Project Estimate (\$175,867)
- Exhibit D - Signal/Gate Estimate (\$286,915)
- Exhibit E - Office of the Commissioner of Railroads Final Order dated May 20, 2019 under docket 9164-RX-902

The WisDOT Railroad Coordinator has reviewed and stated that the cost estimates are reasonable. This is an actual cost contract.

RECOMMENDATION: Staff recommends approval of the Agreement for the Evergreen Drive railroad crossing with Wisconsin Central Ltd.

FISCAL IMPACT: CIP, TID #2
 The estimated cost for the new crossing, signals, and gates is \$462,782. This will be 100% Town cost. Expenses will be recorded in TID #2/CIP and funded with future debt; \$500,000 was included in the 2020 CIP. MLS grant awards are anticipated to be announced in late February. As a result, the approved agreement will not be

forwarded to the railroad until after the award announcements are made as this could otherwise prohibit reimbursement through the potential grant.

ATTACHMENTS:

Attachment No. 1 - Agreement with Town of Grand Chute, Wisconsin for the Evergreen Drive Crossing (with Exhibits A-E)

**AGREEMENT WITH TOWN OF GRAND CHUTE, WISCONSIN
FOR THE EVERGREEN DRIVE CROSSING**

This Agreement, by and between **Town of Grand Chute, Wisconsin**, hereinafter designated as the "**Town**", and the Wisconsin Central Ltd., hereinafter designated as the "**Company**", provides for the performance of certain work described below by the Company on the above named project.

WITNESSETH

WHEREAS, the Town is establishing new at-grade public highway-rail crossing at Evergreen Drive;

NOW THEREFORE, in consideration of the premises and of their mutual and dependent agreements hereinafter set forth, the parties hereto hereby agree as follows:

1. STANDARD PROVISIONS. The work to be performed as described below shall be done in accordance with the provisions contained herein and the Company's special provisions attached hereto as Exhibit A.

2. WORK TO BE PERFORMED BY THE COMPANY. The Company will provide all labor, material and equipment to install the crossing proper with a rubber crossing surface, and installation of new crossing signals, per OCR Final Order dated May 20, 2019, in docket 9164-RX-902. The new crossing will be assigned crossing number DOT# 973011Y, on Company's Shawano Sub, Milepost 353.24, Grand Chute, Wisconsin.

3. WORK TO BE PERFORMED BY THE TOWN. The Town will provide the Company with a full road closure, barricades and detour for up to 15 business days, and furnish and install the asphalt paving a minimum distance of 25' on each approach to the crossings (including sidewalks) at no cost to the Company. It will be necessary for the Town personnel and/or Town's contractor to have a railroad flagman on site when any work is performed within 25' of the centerline of any track in accordance with the special provisions attached hereto as Exhibit A.

4. CONSTRUCTION. Construction of the roadway and sidewalk(s) will be in conformance with the project plans approved by the Company and in accordance with the Company's specifications, a general overview of the plan is attached as Exhibit B. All such work will be performed in accordance with the Company's special provisions attached hereto when the Town and/or its contractor is working on the Company's property.

5. MAINTENANCE. Maintenance responsibilities will remain as per state statutes.

6. APPORTIONMENT OF COSTS. The actual cost of the installation of the crossing proper and automatic warning devices at Evergreen Drive will be paid 100% by the Town. The estimated cost for the crossing surface work is attached as Exhibit C to this agreement and the signal estimate is attached as Exhibit D. The estimates show the estimated amounts to be paid for by the Town and the Company per OCR Final Order dated May 20, 2019, under docket 9164-RX-902 attached hereto as Exhibit E.

7. INVOICE AND BILLS. Invoice(s) for the crossing work required by the Company will be submitted to the Town and payment will be due within 20 days of receipt of said invoice. Flagging protection and cable locates are to be prepaid to the Company by the Town and/or its contractor in advance in accordance to the special provisions attached hereto.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed the year and the day below written by their proper officers and representatives.

WISCONSIN CENTRAL LTD.

By _____

Title _____

Date _____, 20____

TOWN OF GRAND CHUTE

By _____

Title _____

Date _____, 20____

SPECIAL PROVISIONS

RELATIVE TO FLAGGING AND OTHER PROTECTION OF RAILROAD COMPANY TRAFFIC AND FACILITIES DURING CONSTRUCTION ADJACENT AND ABOVE, ON OR ACROSS, THE PROPERTY OF, OR ON, ABOVE AND BENEATH THE TRACKS OF WISCONSIN CENTRAL LTD.

The Licensee shall, before entering upon the property of Railroad Company for performance of any work, secure a fully executed right of entry license from Railroad Company's Engineering Manager or their authorized representative for the occupancy and use of Railroad Company's property. Licensee shall confer with Railroad Company relative to requirements for railroad clearances, operation and general safety regulations.

To obtain a Right-of-Entry permit in the states of Wisconsin and Minnesota contact Manager of Public Works at least three (3) weeks prior to project start:

Jackie Macewicz
CN-Manager Public Works
3192 S. Pokegama Rd
Superior, WI 54880
Office: 715-345-2503
Email: Jackie.Macewicz@cn.ca

There is a \$1000 fee for the permit.

All employees and/or contractor(s) of Licensee NOT hired by Railroad Company, who are not employed by CN or doing work for CN, are required to register with www.contractororientation.com and complete the basic safety and security tests. Contractor Orientation provides the basic safety, security and PPE requirements for CN. You may find more information on registering with contractor orientation on the contractor orientation website. Once you register, follow the CN links and you will be required to take the course labeled [CN Contractor Security / Safety Course/US Contractors](#).

All employees and/or subcontractors of Grantee, Licensee, Permittee and/or its Contractor NOT hired by Railroad Company, whose duties include and who are engaged in the inspection, construction, maintenance, or repair of railroad track, bridges, roadway, signal and communication systems, roadway facilities, or roadway machinery that will work foul of or have the potential to foul a live track are considered Roadway Workers under FRA regulations and CN Policy. They must complete the On-Track Safety Training course approved by Railroad Company and provided by Anna Rivera, R.R. Safety – AMR, P.O. Box 489, Mercer, WI 54547, telephone (920) 517-1677, email rrsafetytraining@yahoo.com. This training must be repeated at least once each calendar year.

- a. EXCEPTION: Railroad Company has exempted those it classifies as “Delivery Persons” from this training. This will include contractors such as UPS, FedEx, trucking companies, etc. who merely access the property to supply materials or equipment.
- b. All the employees and/or subcontractors of Grantee, Licensee, Permittee and/or its Contractor who will operate on-track machinery or those who will provide protection for other employees and/or subcontractors of Grantee, Licensee, Permittee and/or its Contractor must also be trained on CN US Operating Rules pertaining to their duties. They must take and pass the required examination. This training is good for a period of two years.
- c. “Potential to foul a live track” is considered, at a minimum, to be working within twenty-five feet of the track; or as otherwise to be determined by CN Design & Construction Department.

Licensee and/or any contractor engaged on their behalf, shall at all times conduct work in a manner satisfactory to the Engineering Manager of Railroad Company, or their authorized representative, and shall exercise care so as to not damage the property of Railroad Company, or that belonging to any other grantees, licensees, permittees or tenants of Railroad Company, or to interfere with railroad operations.

Engineering Manager of Railroad Company, or their authorized representative, will at all times have jurisdiction over the safety of railroad operations., The decision of the Engineering Manager or their authorized representative as to procedures which may affect the safety of railroad operations shall be final, and Licensee and/or their contractor shall be governed by such decision.

All work shall be conducted in such a manner as will assure the safety of Railroad Company. Railroad Company's authorized representative shall have the right, but not the duty, to require certain procedures to be used or to supervise the work on Railroad Company's property. Any accidents / incidents occurring on Railroad Company property, that result in or had the potential of causing serious injury, lost work days, vehicle or property damage must be reported to the Railroad Company representative within 24 hours. All such incidents will be fully investigated by the Licensee and/or their contractor. The Licensee shall subsequently provide a written report to Engineering Manager of Railroad Company, or their authorized representative, within seven (7) days detailing the nature of the incident, the cause(s), regulatory authorities notified, and a specific action plan to prevent recurrence.

Should any damage occur to Railroad Company property as a result of the authorized or unauthorized operations of Licensee and/or their contractor and Railroad Company deems it necessary to repair such damage or perform any work for the protection of its property or operations, the Licensee and/or their contractor, as the case may be, shall promptly reimburse Railroad Company for the actual cost of such repairs or work. For the purpose of these Special Provisions, actual cost shall be deemed to include the direct cost of any labor, materials,

equipment, or contract expense plus Railroad Company's current standard additives in each instance.

Licensee shall promptly notify Railroad Company of any releases of fuel or other equipment fluids from Licensee's activities hereunder that exceed five (5) gallons in volume. Releases of fuel or fluids amounting to five (5) gallons or less shall be documented by Licensee and reported to Railroad Company on a monthly basis. Licensee shall be solely responsible for reporting a) releases of hazardous substances, materials and wastes from Licensee's activities hereunder in excess of the reportable quantity, and b) releases of petroleum products from Licensee's activities hereunder causing a sheen on any water of the United States, to the appropriate governmental authorities and the Railroad Company.

If the work requires the construction of a temporary grade crossing across the track(s) of Railroad Company, Licensee and/or their contractor shall make the necessary arrangements and execute Railroad Company's temporary grade crossing agreement for the construction, protection, maintenance, and later removal of such temporary grade crossing. The cost of such temporary grade crossing construction and later removal shall be prepaid to Railroad Company. Additional costs for repairs, maintenance or protection will be paid within thirty (30) days upon receipt of bill(s) therefor.

Licensee and/or their contractor shall at no time cross Railroad Company's property or tracks with vehicles or equipment of any kind or character, except at such temporary grade crossing as may be constructed as outlined herein, or at any existing and open public grade crossing. Operation over such crossing shall be at the direction and method of Railroad Company's Engineering Manager or their authorized representative.

Railroad Company may, at Licensee's and/or their contractor's sole cost, risk and expense, furnish whatever protective services it considers necessary, including, but not limited to, flagger(s), inspector(s), and stand-by personnel. Flagging protection, inspection services, or standby personnel required by Railroad Company for the safety of railroad operations because of work being conducted by Licensee and/or their contractor, or in connection therewith, will be provided by Railroad Company and the cost of Licensee and shall be prepaid to Railroad Company by Licensee and/or their contractor. Flagging protection, inspection services, or standby personnel, necessary or provided in excess of prepayment amounts will be billed at the proper rates and will be promptly paid by overnight delivery.

In the event Railroad Company is unable to furnish flagging protection, inspection services, or standby personnel at the desired time or on the desired date(s), or if Licensee's prepayment for such services is exhausted and not replenished by Licensee and/or their contractor, Licensee and/or their contractor shall not perform any work on Railroad Company's property until such time and date(s) that appropriate Railroad Company services can be made available and/or appropriate prepayment is received. It is understood that Railroad Company shall not be liable for any delay or increased costs incurred by Licensee and/or their contractor owing to Railroad Company's inability or failure to have appropriate flagging protection, inspection services, or standby personnel available at the time or on the date requested.

Licensee and/or their contractor shall request and secure flagging protection by written notice to Railroad Company using CN's "Request for Flagging Services" form. This form must be submitted at least ten (10) working days in advance of proposed performance of any work or access to Railroad Company's property.

Flagging protection will be required during any operation involving direct and potential interference with Railroad Company's tracks or traffic. This may include but is not limited to fouling of railroad operating clearances, reasonable proximity of accidental hazard to railroad traffic, work within twenty-five (25) feet horizontally of the nearest centerline of any railroad track, any work over any railroad track, or in any other condition that Railroad Company deems protective services necessary, which may include work on or off Railroad Company's property more than twenty-five (25) feet from the nearest centerline of any railroad track, such as any equipment extension (including but not limited to a crane boom) that will reach or has the potential to reach within twenty-five (25) feet of any track.

Rates: \$1300.00 for each basic day (up to 8 hours)
 \$150.00 for each overtime hour
 Weekend/Holiday work is \$150.00 per hour with 8 hour minimum or
 \$1500.00 plus any overtime.

Licensee and/or their contractor shall request, prepay, and secure Railroad Company signal facility locates by written notice to Railroad Company along with submission of CN's "Request for Flagging Services" form at least ten (10) working days in advance of proposed performance of any work or access to Railroad Company property. Notice to Railroad Company does not fulfill or satisfy any other notification requirements for utility locates for non-railroad facilities.

Flagging-US
17641 South Ashland Ave.
Homewood, IL 60430
Email: Flagging_US@CN.CA

Railroad Company may require that prior to digging, trenching, or boring activities on or near Railroad Company property, or beneath any railroad track, an on-site meeting be conducted with Railroad Company's Signal Department representative. No digging, trenching or boring activities shall be conducted in the proximity of any known buried Railroad Company signal cables without Railroad Company's Signal Department representative being present. Railroad Company utilities are not part of Digger's Hotline. Please request a cable locate by using the Flagging - Cable Locate Form. There is a **\$350** fee for the cable locate that must be prepaid to Railroad Company.

Before commencing work and until any License shall be terminated, Licensee shall provide and maintain the following insurance in form and amount with companies satisfactory to and as approved by Railroad Company.

- a. Statutory Workers Compensation and Employer's Liability insurance.
- b. Automobile Liability in an amount not less than \$1,000,000 dollars combined single limit.
- c. Commercial General Liability (occurrence form) in an amount not less than \$5,000,000 dollars per occurrence, with an aggregate limit of not less than \$10,000,000 dollars. The Policy must name Railroad Company and its Parents as additional insureds in the following form:

Wisconsin Central Ltd. and its Parents
Attn: Jackie Macewicz
3192 S. Pokegama Rd
Superior, WI 54880
715-345-2503 (office)
Jackie.Macewicz@cn.ca

If the commercial general liability policy required herein contains any exclusions related to doing business or undertaking construction or demolition on, near, or adjacent to railroad facilities; such exclusion must be removed through issuance of endorsement CG 24 17, or a similar endorsement approved by Railroad Company in its sole discretion prior to the commencement of work hereunder.

- d. Pollution Liability Insurance shall be provided on a project/site specific basis when Railroad Company determines such is necessary for the purposes granted by this License.

Whenever required, pollution liability coverage shall be written on ISO form Pollution Liability Coverage Form Designated Sites CG 00 39 12 04 (or a substitute form providing equivalent liability coverage), with limits of at least \$1,000,000 per occurrence and an aggregate limit of \$2,000,000.

If the scope of work as defined in this contract includes the disposal of any hazardous or non-hazardous materials from the job site, Licensee shall furnish to Railroad Company evidence of pollution legal liability insurance maintained by the disposal site operator for losses arising from the insured facility accepting the materials, with coverage in minimum amounts of \$1,000,000 per loss, and an annual aggregate of \$2,000,000.

Before commencing work, Licensee shall deliver to Railroad Company a certificate of insurance evidencing the foregoing coverage, and upon request, Licensee shall deliver a certified, true and complete copy of the policy or policies at its sole cost and expense. The policies shall provide for not less than thirty (30) days prior written notice to Railroad Company of cancellation of or any material change in, the policies, and shall contain the waiver of right of subrogation.

All persons on Railroad Company's property shall be suitably dressed to perform his/her duties safely and in a manner that will not interfere with his/her vision, hearing or free use of his/her hands or feet. Only waist-length shirts with sleeves and trousers that cover the entire leg are to be worn. If flare-legged trousers are worn, the trouser bottoms must be tied to prevent catching. All persons shall wear sturdy and protective footwear. All persons shall not wear boots (other than work boots), sandals, canvas-type shoes or other shoes that have thin soles or heels that are higher than normal. All persons shall wear personal protective equipment as specified by Federal and/or State rules, regulations or Railroad Company's requirements. Specifically, the following protective equipment to be worn shall be:

1. Protective head gear (hardhats) that meets ANSI Z89.1, latest revision. It is suggested that all hard hats be affixed with Contractor's company name or logo.
2. Eye protection (safety glasses with side shields) that meet ANSI Z87.1, latest revision. Additional eye protection must be provided to meet specific job situations such as welding, grinding, etc.
3. Hearing protection appropriate for noise levels that will be occurring on the job site.
4. Safety/reflective vests.

The rate of pay for Railroad Company employees will be the prevailing hourly rate for not less than eight (8) hours for the class of labor at regular rates during regularly assigned work hours, and at overtime rates outside of regular hours and in accordance with Labor Agreements or Schedules plus Railroad Company's current standard additives in each instance.

Wage rates are subject to change, at any time, by law or agreement between Railroad Company and employees, and may be retroactive because of negotiations or a ruling by an authorized Governmental Agent. If the wage rates are changed, Licensee and/or their contractor shall pay on the basis of the new rates and/or additives.

No digging, trenching, or boring on Railroad Company property shall be conducted without Railroad Company's written approval of the plans that were furnished to Railroad Company's Engineering Manager at least thirty (30) in advance of the excavation.

The following temporary clearances are the minimum that must be maintained at all times during any operation on or adjacent to Railroad Company property:

- Vertical: 22'-0" (7.00 m) above top of highest rail within 12'-0" (3.81 m) of the centerline of any track
- Horizontal: 12'-0" (3.81 m) from centerline of the nearest track, measured at right angles thereto

If lesser clearances than the above are required for any part of the work, Licensee and/or their contractor shall secure written authorization from Railroad Company's Engineering Manager for such lesser clearances in advance of the start of that portion of the work.

No materials, supplies, or equipment will be stored within twenty-five (25) feet from the centerline of any railroad track, measured at right angles thereto.

Licensee and/or their contractor will be required upon the completion of the work to remove from within the limits of Railroad Company's property all machinery, equipment, surplus materials, false work, rubbish or temporary buildings, and to leave said property in a condition satisfactory to the Engineering Manager of Railroad Company or their authorized representative.

Nothing in these Special Provisions shall be construed to place any responsibility on Railroad Company for the quality or conduct of the work performed by Licensee and/or their contractor hereunder. Any approval given or supervision exercised by Railroad Company hereunder, or failure of Railroad Company to object to any work done, material used, or method of operation shall not be construed to relieve Licensee and/or their contractor of any obligations pursuant hereto or under the License these Special Provisions are appended to.

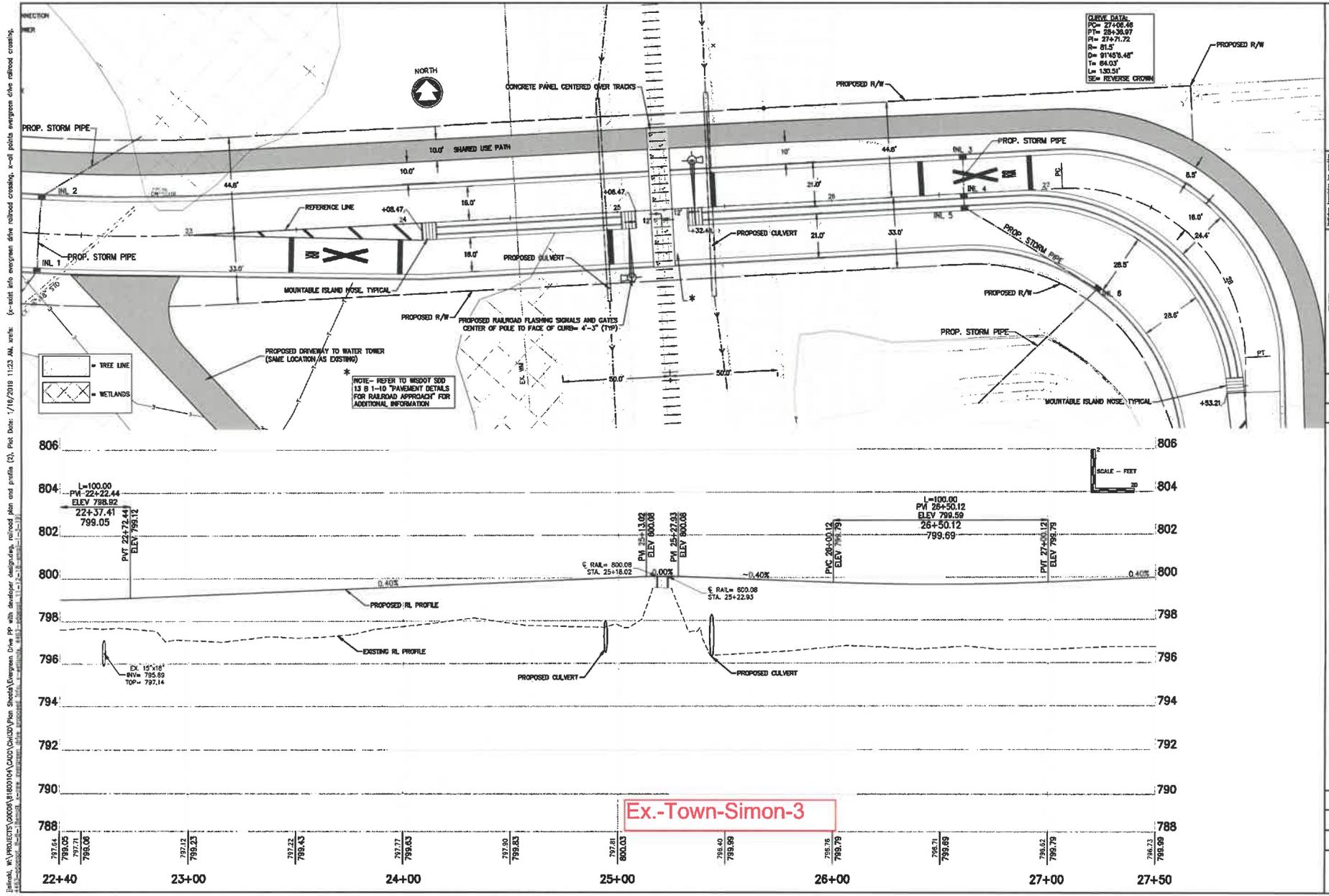
Docket 9164-RX-902

Ex.-Town-Simon-3

March 12, 2019

Ex.-Town-Simon-3

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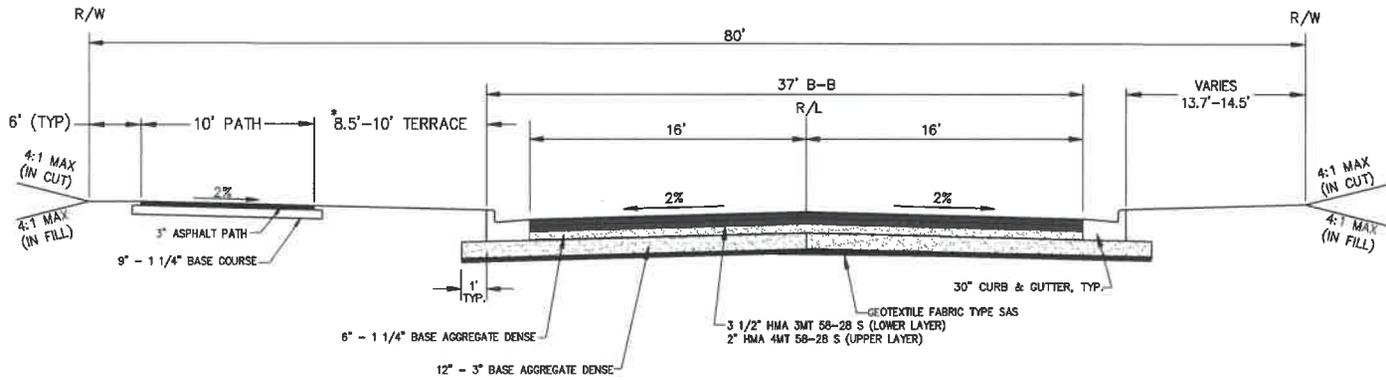


McMAHON
 ENGINEERS & ARCHITECTS, INC.
 1448 MADISON AVENUE, SUITE 100
 MADISON, WISCONSIN 53706
 PHONE: 608.261.1234 FAX: 608.261.1235
 WWW.MCMACON.COM

NO.	DATE	REVISION

EVERGREEN DRIVE PLAN AND PROFILE
TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WI

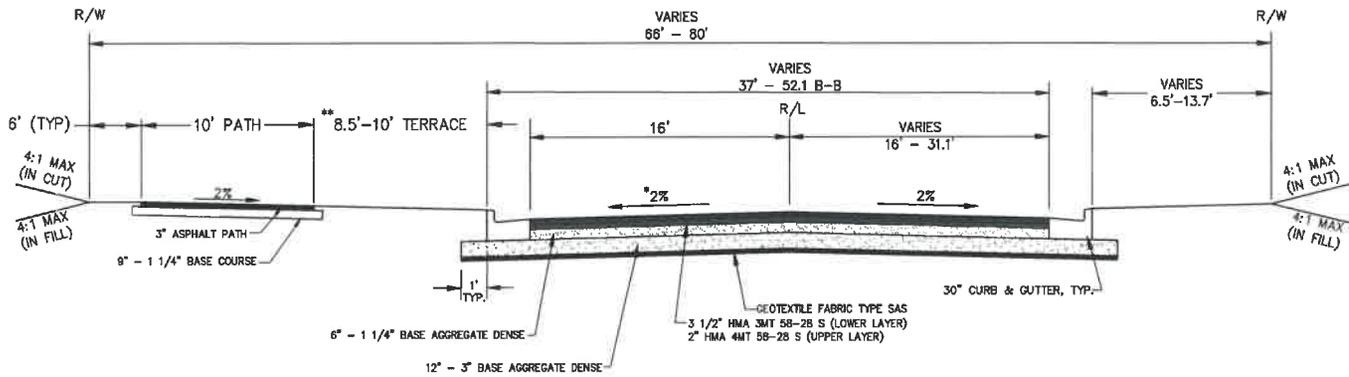
DESIGNED	DRWN
MRS	JJJ
PROJECT NO.	
COORD	8-18-09/04
DATE	DECEMBER 2018
SHEET NO.	



EVERGREEN DRIVE

STA. 18+00 - 23+00
STA. 29+74.17 - 47+00

* = STA. 18+00 - 23+00 = 10' TERRACE
STA. 29+74.17 - 47+00 = 8.5' TERRACE



EVERGREEN DRIVE

STA. 23+00 - 24+08.47
STA. 28+53.21 - 29+74.17

* = STA. 28+53.21 - 29+74.17
LEFT SIDE TRANSITIONS FROM
REVERSE CROWN TO NORMAL CROWN
** = STA. 23+00 - 24+08.47 = 10' TERRACE
STA. 28+53.21 - 29+74.17 = 8.5' TERRACE

Ex.-Town-Simon-3



McMAHON ASSOCIATES, INC.
1400 W. MAIN STREET, SUITE 100
MILWAUKEE, WI 53233-1400
PHONE: 414.224.1400 FAX: 414.224.1401
WWW.MCMANON.COM

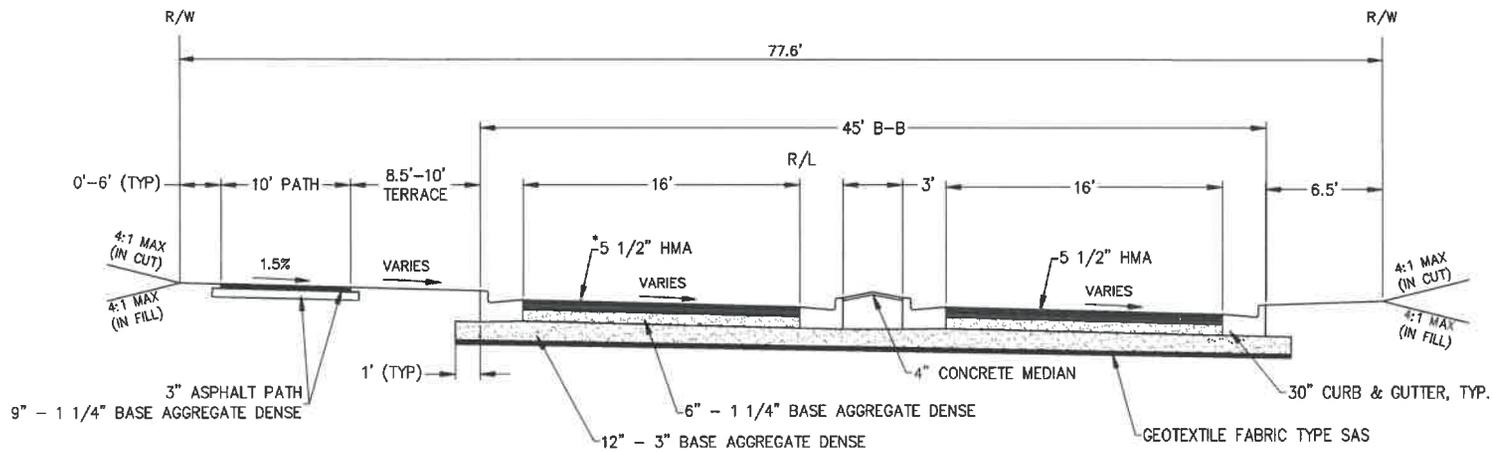
NO.	DATE	DESCRIPTION

EVERGREEN DRIVE TYPICAL SECTIONS

DESIGNED	DRAWN
MPC	ALJ
PROJECT NO.	0006 B-18-00104
DATE	DECEMBER 2010
SHEET NO.	

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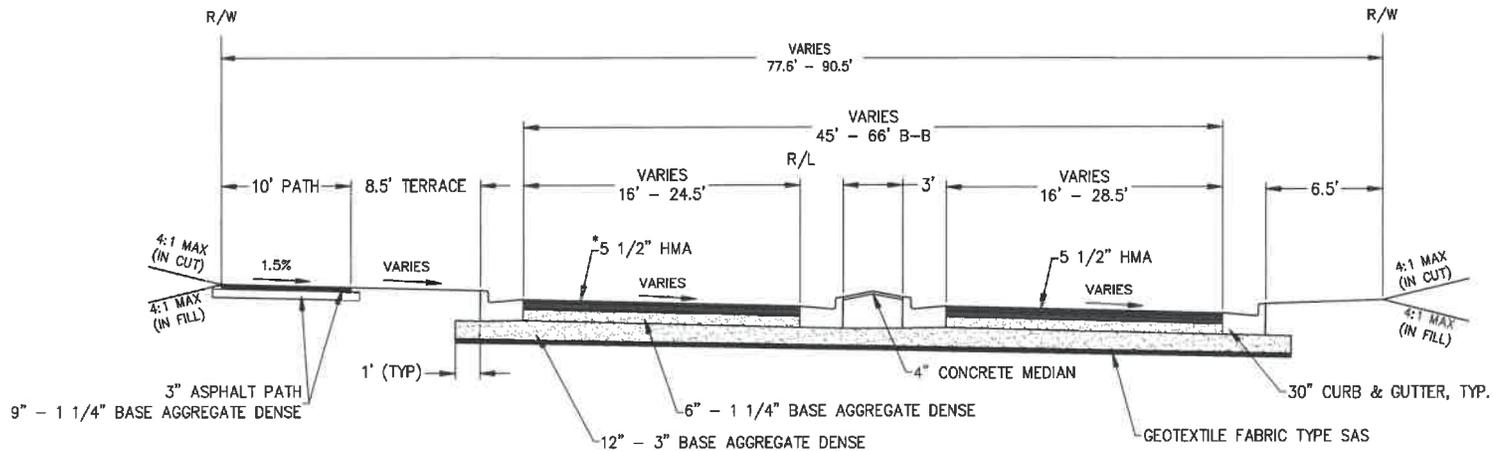
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EVERGREEN DRIVE

STA. 24+08.47 - 26+58.60

* 3 1/2" HMA 3MT 58-28 S (LOWER LAYER)
 2" HMA 4MT 58-28 S (UPPER LAYER)



EVERGREEN DRIVE

STA. 26+58.60 - 28+53.21

* 3 1/2" HMA 3MT 58-28 S (LOWER LAYER)
 2" HMA 4MT 58-28 S (UPPER LAYER)

Ex.-Town-Simon-3

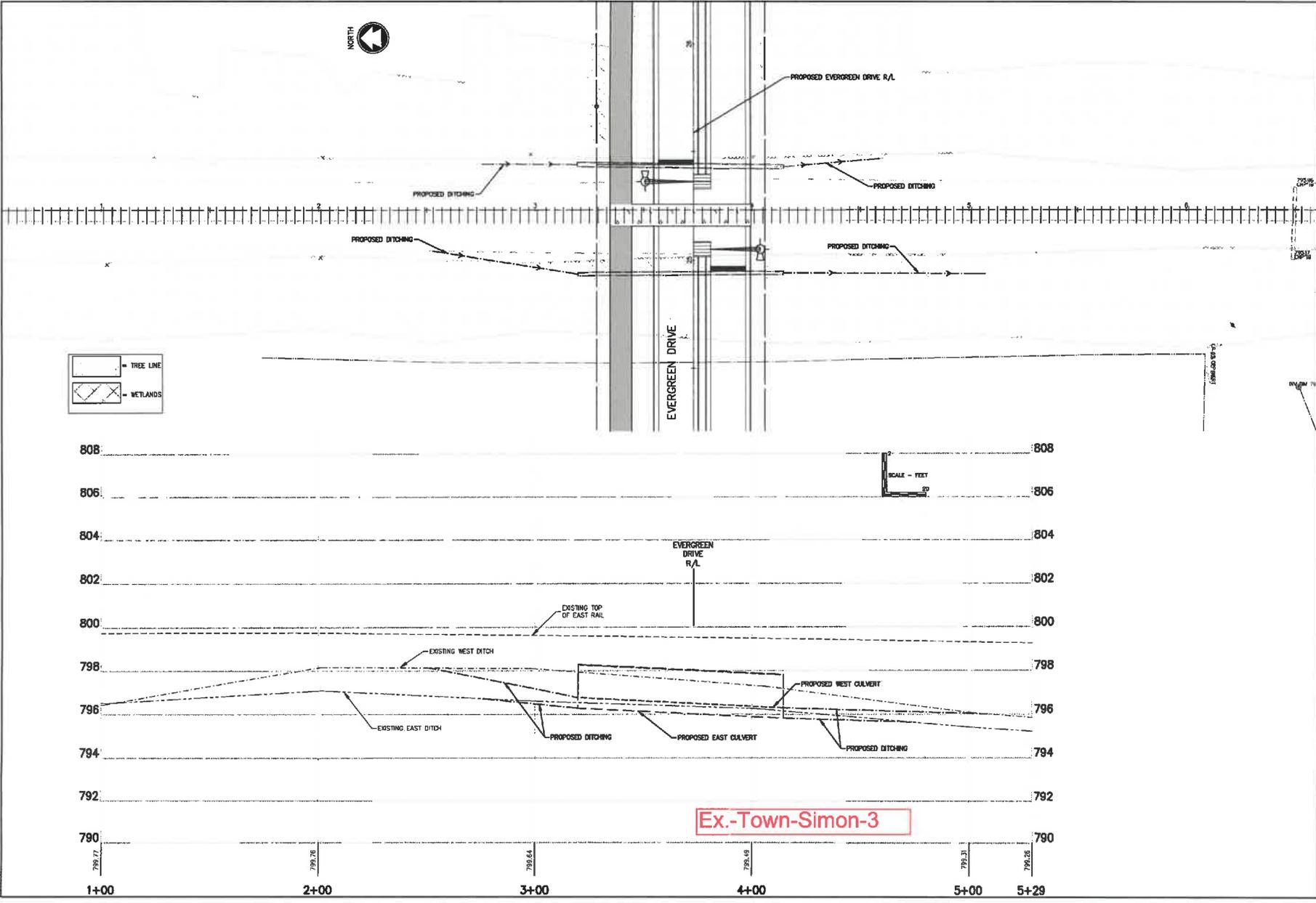


DESIGNED BY: J.JAINNATH
 CHECKED BY: J.JAINNATH
 DATE: 11/6/2019
 PROJECT NO: 1600104
 SHEET NO: 2/2

NO.	DATE

EVERGREEN DRIVE TYPICAL SECTIONS

DESIGNED	DATE
MRS	JJJ
PROJECT NO.	
0006 5-18-00104	
DATE	
DECEMBER 2018	
SHEET NO.	



McMAHON
 ENGINEERING ASSOCIATES, INC.
 1428 NORTH WISCONSIN STREET
 WAUKESHA, WI 53186-1005
 PHONE: 262.791.4300 FAX: 262.791.4299 WWW.MCMACORP.COM

NO.	DATE	REVISION

**TOP OF RAIL PROFILE AT EVERGREEN DRIVE
 TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WI**

DESIGNED	CULLIN
DRAWN	JAM
PROJECT NO.	0-15-00704
DATE	DECEMBER 2018
SHEET NO.	---

Project Estimate

New Evergreen Drive Crossing

Eastern Region
Engineering
Superior, WI

Estimate: New Evergreen Drive Crossing
 Location: Town of Grand Chute
 Company Name: Wisconsin Central Ltd.
 Subdivision Name: Shawano
 Mile Post: 353.24
 State: WI
 DOT Crossing #: 973011Y

Date created: December 18, 2019

Description		UM	QTY	PRICE	TOTAL
LABOR	GANG SIZE	Days	MD		
Unload/Distribute Material	5	2	10	\$365	\$3,650
Construct Track	5	3	15	\$365	\$5,475
Install Turnouts	5	0	0	\$365	\$0
Destress Track	5	0	0	\$365	\$0
Surfacing	3	2	6	\$365	\$2,190
Welding	2	3	6	\$365	\$2,190
Install Crossings	5	5	25	\$365	\$9,125
B&S Labor	0	0	0	\$365	\$0
S&C Labor	1	0	0	\$408	\$0
Open Line	0	0	0	\$0	\$0
Open Line	0	0	0	\$0	\$0
Open Line	0	0	0	\$0	\$0
Open Line	0	0	0	\$0	\$0
Open Line	0	0	0	\$0	\$0
TOTAL DIRECT LABOR					\$22,630

Description	UM	QTY	PRICE	TOTAL
MATERIAL				
Rail New				\$8,190
Rail PW				\$0
Field Welding				\$473
Spikes				\$587
Anchors				\$577
Tie Plates				\$0
Minor OTM				\$5,040
Major OTM				\$0
Turnouts				\$0
Track Ties				\$10,500
Switch Ties				\$0
Ballast				\$2,100
Crossing Materials				\$4,905
Structures Material				\$0
S&C Material				\$0
Open Line				\$0
Open Line				\$0
Open Line				\$0
Open Line				\$0
Open Line				\$0
TOTAL DIRECT MATERIAL				\$32,372

Description	UM	QTY	PRICE	TOTAL
OTHER				
Per Diem (Mandays)	SUM	62	\$72.00	\$4,464
Permitting	SUM	0	\$0	\$0
Engineering Consulting/Design	SUM	0	\$0	\$0
Grading	SUM	0	\$0	\$0
Flagging - Contractor (Mandays)	SUM	0	\$840	\$0
Land Purchase/Real Estate Fees	SUM	0	\$0	\$0
Other Track Contractor Costs	SUM	3	\$10,000	\$30,000
Welding - Contractor	SUM	3	\$5,000	\$15,000
ROW Clearing	SUM	2	\$5,000	\$10,000
Paving Contractor	SUM	0	\$10,000	\$0
Detour	SUM	0	\$5,000	\$0
Sheet Piling	SUM	0	\$0	\$0

Project Estimate

New Evergreen Drive Crossing

**Eastern Region
Engineering
Superior, WI**



S&C Contracts Other	SUM	0	\$0	\$0
Directional Boring	SUM	0	\$0	\$0
Fiber Optic	SUM	0	\$0	\$0
Utilities - Electrical/Gas	SUM	0	\$0	\$0
Shipping/Trucking Charges	SUM	1	\$5,000	\$5,000
Open Line	SUM	0	\$0	\$0
Open Line	SUM	0	\$0	\$0
Open Line	SUM	0	\$0	\$0
Contingency	SUM			\$0

TOTAL OTHER				\$64,464
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ADDITIVES	UM	QTY	PRICE	TOTAL
Labor Surcharges		\$22,630	235.17%	\$53,219
Material Surcharges		\$32,372	9.83%	\$3,182
TOTAL ADDITIVES				\$56,401

DONATION	Amount	TOTAL
Recoverable Donation to CN	0.00	0.00
TOTAL DONATION		0.00

TOTAL PROJECT COST	\$175,867
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MATERIAL	FORECAST	FOR New Evergreen Drive Crossing	Shawano	353.24		
Material Description		State Tax	UM	QTY	Unit Price	Total
NEW 115#		5.00%	LF	312	25.00	\$8,190
THERMITE KIT 115 #		5.00%	EA	6	75.00	\$473
SPIKE TRACK 5/8' X 6", 50 lb Keg		5.00%	CN	20	27.97	\$587
RAIL ANCHOR 115		5.00%	EA	384	1.43	\$577
RAIL-FORGED COMP LH 115-100#		5.00%	EA	2	1,200.00	\$2,520
RAIL-FORGED COMP RH 115-100#		5.00%	EA	2	1,200.00	\$2,520
TRACK 7" X 9" X 8' 6" HWD #1 Preplated		5.00%	EA	100	100.00	\$10,500
BALLAST ROAD		5.00%	TON	200	10.00	\$2,100
Rubber Crossing Material		5.00%	SET	27	173.00	\$4,905



Project Estimate

New Evergreen Drive Crossing

**Eastern Region
Engineering
Superior, WI**

STATE COST SUMMARY

Estimate:	New Evergreen Drive Crossing
Location:	Town of Grand Chute
Company Name:	Wisconsin Central Ltd.
Subdivision Name:	Shawano
Mile Post:	353.24

December 18, 2019

LABOR	\$75,849
MATERIAL	\$35,554
OTHER	<u>\$64,464</u>
PROJECT TOTAL	\$175,867

Town Share (100%): \$175,867
CN Share (0%): \$0

WISCONSIN CENTRAL, LTD.
A WHOLLY OWNED SUBSIDIARY OF
CANADIAN NATIONAL RAILWAY COMPANY
HIGHWAY-RAIL GRADE CROSSING SIGNAL ESTIMATE

Est: 20-E001
Date: January 8, 2020

Roadway Name: Evergreen Drive
Location: Grand Chute, WI
Railroad Region: Southern
Railroad Subdivision: Shawano
Railroad Milepost: 353.24
DOT Crossing No.: 973011Y

Description of Work: Install automatic flashing light signals with gates and bell controlled by constant warning time circuitry in a new pre-wired bungalow.

Evergreen Drive
Grand Chute, WI

Page 2
20-E001

MATERIAL

MISCELLANEOUS MATERIAL

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Cost</u>
Backfill	100	TON	\$ 85.00	\$ 8,500.00
Signal Material	1	LOT	\$ 1,000.00	\$ 1,000.00
17kw Generator Assembly	1	EACH	\$ 7,200.00	\$ 7,200.00
				=====
SUBTOTAL MISCELLANEOUS MATERIAL				\$ 16,700.00

CROSSING PACKAGE MATERIAL

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Cost</u>
Pre-wired Aluminum Bungalow, 6'x6'	1	EACH	\$ 18,000.00	\$ 18,000.00
ElectrologIXS XP4, 1 Track (redundant)	1	EACH	\$ 17,000.00	\$ 17,000.00
XIP-20B Interface Panel, wall mount & cable	2	EACH	\$ 500.00	\$ 1,000.00
DAU crossing monitor	1	EACH	\$ 2,070.00	\$ 2,070.00
WSDMM module	1	EACH	\$ 4,500.00	\$ 4,500.00
Modem, Cellular	1	EACH	\$ 3,375.00	\$ 3,375.00
Converter, 12VDC/12VDC	1	EACH	\$ 1,431.00	\$ 1,431.00
Antenna with 36" Pole Kit	1	EACH	\$ 1,500.00	\$ 1,500.00
Hard-wire shunt	3	EACH	\$ 200.00	\$ 600.00
Rectifier, NRS HF-MAX	2	EACH	\$ 1,480.00	\$ 2,960.00
Battery, Ni-Cad, SPL 250 AH	11	EACH	\$ 200.00	\$ 2,200.00
Battery, Ni-Cad, SPL 340 AH	10	EACH	\$ 275.00	\$ 2,750.00
LED Flasher & Gate Assembly, 2-Way	2	EACH	\$ 8,900.00	\$ 17,800.00
Foundation, S-2	2	EACH	\$ 1,100.00	\$ 2,200.00
Gate Arm	2	EACH	\$ 700.00	\$ 1,400.00
Gatekeeper	2	EACH	\$ 1,410.00	\$ 2,820.00
Bell, Electronic	1	EACH	\$ 385.00	\$ 385.00
Track Wire, 2c#6	400	FEET	\$ 1.60	\$ 640.00
Power Cable,3c#2	50	FEET	\$ 3.20	\$ 160.00
Signal Cable, 16c(7c#6,9c#14)	400	FEET	\$ 5.30	\$ 2,120.00
				=====
SUBTOTAL CROSSING PACKAGE MATERIAL				\$ 84,911.00

TOTAL MATERIAL \$ 101,611.00

LABOR

SIGNAL LABOR

<u>Item</u>	<u>Gang Days</u>	<u>Cost/Day</u>	<u>Cost</u>
6-man Gang	12	\$ 2,500.00	\$ 30,000.00
			=====
SUBTOTAL SIGNAL LABOR			\$ 30,000.00

MISCELLANEOUS LABOR

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Cost</u>
Preliminary Engineering	1	L.S.	\$ 2,500.00	\$ 2,500.00
Construction Engineering	1	L.S.	\$ 300.00	\$ 300.00
Accounting	1	L.S.	\$ 200.00	\$ 200.00
				=====
SUBTOTAL MISCELLANEOUS LABOR				\$ 3,000.00

TOTAL LABOR				\$ 33,000.00
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OTHER

<u>Item</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Cost</u>
Contractor/Rented Equipment	1	L.S.	\$ 7,500.00	\$ 7,500.00
Directional Boring (By Others)	125	FT	\$ 41.00	\$ 5,125.00
Power Service, AC	1	L.S.	\$ 15,000.00	\$ 15,000.00
Freight on Crossing Package	1	L.S.	\$ 5,000.00	\$ 5,000.00
Construction Engineering (Contracted)	1	L.S.	\$ 7,500.00	\$ 7,500.00
Per Diem/Business Expense	1	L.S.	\$ 18,000.00	\$ 18,000.00
Sales Tax on Material	1	L.S.	\$ 5,944.00	\$ 5,944.00
				=====
TOTAL OTHER				\$ 64,069.00

TOTAL DIRECT COSTS				\$ 198,680.00
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FHWA ADDITIVES

Material		\$ 101,611.00	
Material Additive	9.83%		\$ 9,988.00
Signal Labor		\$ 30,000.00	
Signal Labor Additive	235.17%		\$ 70,551.00
Engineering Labor		\$ 2,800.00	
Engineering Labor Additive	235.17%		\$ 6,585.00
Accounting Labor		\$ 200.00	
Accounting Labor Additive	235.17%		\$ 470.00
Other		\$ 64,069.00	
Other Additive	1.00%		\$ 641.00
		=====	=====
TOTAL DIRECT COSTS		\$ 198,680.00	
TOTAL FHWA ADDITIVES			\$ 88,235.00
			=====
GRAND TOTAL FHWA BASIS			\$ 286,915.00

OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Petition of the Town of Grand Chute for the Establishment of a Public Crossing at the Wisconsin Central Ltd. Tracks with Evergreen Drive in the Town of Grand Chute, Outagamie County

9164-RX-902

FINAL DECISION

This is the Final Decision in the Class 1 proceeding by the Office of the Commissioner of Railroads (Office) on the November 13, 2018, petition¹ by the Town of Grand Chute (Grand Chute) to establish a new public crossing of the Wisconsin Central Ltd (WCL) tracks with an extension of Evergreen Drive in Grand Chute, Outagamie County.

The Grand Chute petition, under [Wis. Stat. §§ 195.28](#) and [195.29](#) (2017-18), is GRANTED subject to conditions.²

Introduction

Grand Chute is proposing to extend Evergreen Drive to the west with a proposed crossing of the WCL tracks just south of the Town Hall and Police Station.³ Grand Chute states that the Evergreen Drive extension will complete an east-west frontage road system along the north side of USH-41. The extension will also improve fire emergency response times to the east, while making key development areas in the town more accessible. Construction is planned for 2020.

Pursuant to due notice,⁴ the Office held a public hearing on this matter on March 12, 2019, in Madison and Grand Chute, with Administrative Law Judge (ALJ) David Albino presiding. A contact list for service appears at Appendix A.

¹ Petition, [PSC REF#: 353160](#).

² All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

³ [PSC REF#: 357735](#).

⁴ Notice of Hearing, [PSC REF#: 358276](#).

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The ALJ issued a Proposed Final Decision for comments on April 19, 2019.⁵ The WCL and Grand Chute filed comments, incorporated herein, by the due date of May 9, 2019.^{6,7}

Statutory Authority

Wisconsin Stat. § 195.29(1) grants the Office authority to determine the type of highway-railway crossing that public safety demands. *Kurz v. Chicago, M., St. P. & P. R. Co.*, 53 Wis. 2d 12, 21, 192 N.W.2d 97, 102 (1971). The statute extends to all crossings that the Office is considering for construction so as to promote public safety. *Green Bay & W. R. Co. v. Pub. Serv. Comm'n*, 269 Wis. 178, 183, 68 N.W.2d 828, 830–31 (1955).

In enacting Wis. Stat. § 195.29(1), the Legislature did not establish any standard to apply in determining when a new crossing at-grade is to be permitted, or if advisable, whether the new crossing must be by overhead structure or underpass. *Id.* The statute purposely grants the Office wide discretion to determine the methods that should be required at the crossing to promote the public safety. *Id.* It may be conceded that a crossing by means of an overhead structure or underpass is safer than a crossing at grade protected by automatic signals. *Id.* at 187, N.W.2d at 832. The statute, however, reasonably construed to accomplish its objective, does not require the Office to order the type of crossing protection that is safest, but only such as is reasonably necessary to promote public safety. *Id.*

Findings of Fact

1. The WCL operates six freight trains per week over the relevant section of main tracks of the Shawano subdivision at a maximum timetable speed of 40 mph.

⁵ [PSC REF#: 364452](#).

⁶ [PSC REF#: 366068](#).

⁷ [PSC REF#: 366351](#).

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2. The East Central Wisconsin Regional Planning Commission (ECWRPC) travel demand model indicates that the initial Average Daily Traffic (ADT) using the crossing will be approximately 3,600 vehicles per day, increasing to 5,200 by the design year 2045.
3. The posted speed limit for Evergreen Drive will be 25 mph with an advisory speed of 20 mph at the curve east of the crossing.
4. Establishing the crossing at-grade of the WCL tracks with Evergreen Drive in accordance with the Grand Chute's design plans will promote public safety.
5. Establishing the crossing is advisable under all the circumstances.
6. Installing reflectorized crossbucks, automatic flashing 12-inch LED lights with gates, appropriate appurtenances, and pavement markings is adequate to promote public safety.
7. It is reasonable to use the Wisconsin Department of Transportation (WisDOT) criteria for reviewing exemptions under Wis. Stat. § 346.45.
8. It is reasonable that the WCL bear no part of the cost of the crossing surface or signals materials and installation, nor any other crossing related costs including, but not limited to traffic re-routing.

Conclusions of Law

1. The WCL is a railroad as defined in Wis. Stat. § 195.02(1).
2. The Office has authority under Wis. Stat. § 189.02; Wis. Stat. §§ 195.03, 195.04, 195.06, 195.28, 195.285, 195.29, 195.30; Wis. Stat. § 227.47(1); and, Wis. Admin. Code § RR 1.15, to issue this final decision authorizing the proposed project.

Opinion

Grand Chute proposes to extend Evergreen Drive to the east and west to complete its east-west frontage road system north of USH-41 -- a total of 0.95 miles. Evergreen Drive is proposed to be constructed to the town's standards for a collector roadway. The proposed facility will be a two-lane mainly undivided urban roadway with a predominate width of 36-feet measured from face of curb to face of curb. Medians will be constructed at both approaches to the proposed railroad crossing and mast-mounted flashing lights with gates and electronic bells are proposed for both approaches. The crossing surface length is proposed to be 67-feet long.

Grand Chute also proposes to construct a 10-foot wide shared use path along the north and east sides of Evergreen Drive. There will be a 10-foot wide grass terrace area between the back of curb and the front edge of the shared use path. The town will also be constructing a continuous street lighting system throughout the limits of the project including illumination of the proposed crossing.

Alternatives

The town states that it discussed two alternatives--overpass and underpass structures—but did not consider the alternatives to be prudent. The embankment for an overpass with a minimum 23-foot clearance would require not only an extensive retaining wall, but its footprint would eliminate a large portion of the developable land on the east side of the tracks. To the west side of the tracks, the town maintains storm water storage areas and manages wetland areas that would be negatively impacted by an overpass.

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Construction of an underpass structure with minimum clearance of 15-feet, 3-inches could result in significant blasting near existing buildings and a water tower, and has the potential to be continuously flooded and require continuous pumping.

The WCL responds that the town did not earnestly consider alternatives but rather provided conclusory statements not supported by any data, analytics or actual evidence, and was driven mainly by an effort to save money. The WCL alleges that its statements on the town's lack of alternatives is buttressed by the lack of discussion on closing one of the existing railroad at-grade crossings.

Grade Separation is Not Justified

A grade separated crossing, however, is not justified based on cost and the exposure factor criteria found in the WisDOT Facilities Development Manual (FDM).⁹ The exposure factor is the potential conflicts each day at a crossing considering the number of trains per day and the roadway volumes and is an indication of the expected frequency of grade crossing accidents.

The WisDOT FDM criteria to consider a grade separated crossing is an exposure factor greater than 75,000 for rural roadways with speeds greater than 50 mph and 100,000 for urban roadways.¹⁰ The town projects an ADT of 5,200 by the design year 2045 (assuming no other at-grade crossings are closed). At 5,200 ADT, the crossing would need to see 14 daily trains just to begin considering a grade separation.

Moreover, given the Office's experience with grade separations, any grade separation would have high costs that far outweigh any potential benefits of accident avoidance. As stated

⁹ The WisDOT FDM (2017) is available at <http://wisconsin.gov/rdwy/fdm/fd-17-00toc.pdf>.

¹⁰ Id. at § 17-40-5.2.2.

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above, the Office is not required to order the type of crossing protection that is safest, but only such as is reasonably necessary to promote public safety. An illuminated at-grade crossing with lights and gates and raised medians will adequately protect public safety on Evergreen Drive given the low train and vehicle volumes.

There are two at-grade crossings north and south of the proposed crossing. The CTH JJ crossing is 0.95 miles north; the Capitol Drive crossing is 0.55 miles south, measured along the tracks. The town fire department uses both crossings to respond to incidents east of their station no. 1. Another grade separated crossing (USH 41) lies 0.3 miles south of the proposed crossing. However, the north-south streets west (CTH A) and east (Gillette Street) of the proposed crossing run under USH 41. Thus, there is no proximate entrance to access eastbound USH 41.

The CTH JJ crossing is equipped with flashing lights installed in 2002¹¹ and gates added in 2007.¹² Between 1973 and 1998, the crossing experienced eleven train-vehicle accidents but there have been no accidents since 1998. The Capitol Drive crossing is also equipped with flashing lights and gates installed in 2004.¹³ Two accidents are reported at the Capitol Drive crossing since 1973 – one in 1977 (one fatality) and one in 1998.

Closing the CTH JJ or the Capitol Drive crossing would not only cut off vehicle travel, but also pedestrian and bicyclist access. ADT is not insignificant at these crossings. The ADT at

¹¹ *Final Decision, Petition on the Commissioner's Own Motion for a Determination of the Adequacy of Protective Devices at the Public Crossing of the Wisconsin Central Ltd. Tracks with CTH JJ in the Town of Grand Chute, Outagamie County*, docket 9164-RX-346 (Wis. O.C.R., July 30, 1998).
<http://ocr.wi.gov/ArchiveDocuments/9164F346.pdf>

¹² *Final Decision, On the Commissioner's Own Motion for a Determination of the Adequacy of Warning Devices at the Grade Crossing of the Wisconsin Central Ltd. Tracks with CTH 'JJ' in the Town of Grand Chute, Outagamie County*, docket 9164-RX-582 (Wis. O.C.R., August 4, 2005) ([PSC REF#: 176148](#)).

¹³ *Final Decision, Petition of the Wisconsin Department of Transportation for the Alteration and Improvement of a Public Crossing of the Wisconsin Central Ltd. Tracks with Capitol Drive in the Town of Grand Chute, Outagamie County*, docket 9164-RX-523 (Wis. O.C.R., October 14, 2003) ([PSC REF#: 178999](#)).

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the CTH JJ crossing is 4,400 and could be reduced to 3,500 with the new crossing.¹⁴ Likewise, the Capitol Drive crossing, with an ADT of 3,500, could see its ADT drop to 2,000. The decreases are projected in part as traffic will move to the new crossing.

Closing the CTH JJ or the Capitol Drive crossing has the potential to increase the fire department's response times. The town has already demonstrated that the Evergreen Drive extension project will cut response times to three identified zones 12, 13 and 21¹⁵ by an average 51 percent.¹⁶

Sight Distances¹⁷

A driver approaching a railroad crossing at a given speed must have a clear line of sight at a predetermined distance from the crossing ahead to be able to stop safely. This is known as the approach or safe stopping distance. From this distance, a driver needs a clear line of sight of the tracks to the left and right in advance of an approaching train. This is known as the corner sight distance.

To stop safely, a driver approaching the Evergreen Drive crossing at 25 mph needs to see the crossing warning devices from a distance of 175 feet. At 20 mph, a driver needs to see the

¹⁴ [PSC REF#: 357745](#).

¹⁵ Zones 12, 13 and 21 are depicted in the map found at [PSC REF#: 357751](#).

¹⁶ [PSC REF#: 357747](#) at 6.

¹⁷"Clearing sight distance" means the distance required along each direction of track for the road user stopped 15 feet short of the near rail at a highway-rail grade crossing to be able to see far enough down the track, in both directions, to determine if sufficient time exists for moving safely across the tracks to a point 15 feet past the far rail, prior to the arrival of a train.

"Corner sight distance" means the length of highway on the approach to a highway-rail grade crossing that would be required by a road user to detect an approaching train from either direction of track in sufficient time to safely stop a vehicle traveling at the posted speed limit at least 15 feet before the near rail.

"Stopping sight distance" means the length of highway on the approach to a highway-rail grade crossing required to safely stop a vehicle traveling at the posted speed limit at least 15 feet before the near rail.

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warning devices from 135 feet. The crossing warning devices will be visible from over 175 feet on the eastbound approach and over 135 on the westbound approach.

From the safe stopping distance, a driver needs to see an approaching train traveling at 40 mph when the train is 403 feet from the crossing in order to stop safely. The distance increases to 424 feet for a driver traveling at the reduced 20 mph. The corner sight distance will be restricted in the southwest quadrant by building structures; and, in the other quadrants by trees and brush.

For adequate clearing sight distance, a northbound driver stopped 15 feet short of the near rail needs 991 feet of clear sight lines along both directions of the tracks in order to accelerate and clear the tracks before a train traveling at 40 mph arrives at the crossing.¹⁸ The clearing sight distance may be adequate after construction with tree and brush clearing.

For adequate clearing sight distance, a pedestrian stopped 10 feet short of the near rail needs 528 feet of clear sight lines along both directions of the tracks, and while walking at three feet/second, clear the tracks before a train traveling at 40 mph arrives at the crossing. The clearing sight distance *appears* to be adequate but may require brush clearing and actual measurements after constructing the multi-use path crossings.

Warning Devices (Active)

A railroad crossing sign is required at each approach to a railroad-highway grade crossing. The placement and maintenance of the railroad crossing sign, the crossbuck, is normally the responsibility of the railroad. [Wis. Stat. § 192.29\(5\)](#).

¹⁸ Clearing sight distance is dependent upon the maximum train speed and the acceleration characteristics of the “design” vehicle (65-foot double truck). Perception-reaction time increases clearing sight distance as the angle between the roadway and the tracks decreases.

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A railroad advance warning sign is also required on each approach to a grade crossing, with some exceptions.¹⁹ When used, these signs (and any needed replacements) are furnished, upon request, by the railroad for at-grade crossings of county or township maintained roadways, and by the maintaining authority for at-grade crossings of state, city, or village maintained roadways. [Wis. Stat. § 195.286\(1\)](#). The signs are installed and maintained by the roadway authority.

The posted speed on Evergreen Drive will be 25 mph eastbound and 20 mph westbound. Grand Chute proposes to install lights and gates at the crossing. Advance warning signs and pavement markings are required in each approach lane on all paved approaches to a grade crossing with automatic gates. The advance warning (W10-1) signs for a 25-mph roadway are placed 150 feet from the stop bar.²⁰

In terms of warning devices for the at-grade multi-use pathway, the pathway may share those warning devices at the roadway because it is located within 25 feet of the traveled way.²¹

Exemption

[Wisconsin Stat. § 346.45](#) requires certain specified vehicles to stop at highway-rail crossings unless posted with EXEMPT signs erected pursuant to an Office order under [Wis. Stat. § 195.285](#). These vehicles include buses transporting passengers; school buses conforming to

¹⁹ See WISCONSIN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (WMUTCD) (Rev. 2017), § 8B.06, available at <http://wisconsin.gov/dtsdManuals/traffic-ops/manuals-and-standards/wmutcd/wismutcd.pdf>.

²⁰ The advance warning sign W10-1 is normally placed in line with the bottom edge of the first RXR transverse band. See WISCONSIN DEPARTMENT OF TRANSPORTATION STANDARD DETAIL DRAWINGS, Signing and Pavement Marking Details for Railroad - Highway Grade Crossings, SDD 15c9-a. Available at <https://wisconsin.gov/rdwy/sdd/sd-15c09.pdf#sd15c9>.

²¹ See MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2009 Ed. (FHWA, Rev. 2012), § 8D.05, providing that the Crossbuck Assembly may be omitted on the approaches to a pathway grade crossing that is located within 25 feet of the traveled way at a highway-rail or highway-LRT grade crossing. Available at <http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/mutcd2009r1r2edition.pdf>.

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[Wis. Stat. § 347.44\(1\)](#); vehicles marked as carriers of chlorine, explosives, poisons, flammable products, oxidizers, corrosives, compressed gas, and radioactive materials; and transporters of products with flash points below 200 degrees Fahrenheit or of products having a temperature above their flash point when being loaded.²²

The WisDOT criteria²³ for reviewing exemptions under Wis. Stat. § 346.45 is as follows:

Crash Record. The crash records as well as crash potential at and in the vicinity of highway railway crossing are to be considered. Because this is a new crossing, there is no train-vehicle accident data. Similar situated crossings with lights and gates to the north and south of the proposed crossing have experienced no accidents since 1998. However, the proposed one lane in each direction means that when a truck or bus must stop for the crossing, other vehicles will have to stop, backing up traffic and increasing the chance of a rear-end collision.

Frequency of Train Traffic: There should be infrequent train operations at exempt crossings over a single track, i.e., an average of six trains per week would be considered infrequent. The WCL's train operations are infrequent.

Volume of Vehicular Traffic: There should be a large volume of vehicular traffic using the crossing, particularly when trains are not normally present. An ADT in excess of 3,000 would be desirable, but a lower ADT with greater than 20 percent trucks and buses could be considered. The number of school buses and trucks required to stop at a crossing are a possible hazard to through traffic.

²² WisDOT FDM, supra note 5, at § 17-45-25.1.

²³ Id, § 17-45-25.2.

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Evergreen Drive is projected to have an ADT of 3,600 vehicles in 2019 and 5,200 vehicles in the design year 2045. The number of school bus trips per day during the school year is unavailable.

Classification of Rail Line: The Federal Railroad Administration has set nine classes of track (Class 1 to Class 9) plus a category known as Excepted Track designated by the track owner, which carries a 10 mph speed limit for freight but cannot be used by revenue passenger trains. The difference between each Class is based on progressively more exacting standards for track structure, geometry, and inspection frequency. Each Class has a maximum allowable train speed. 49 C.F.R. § 213.9. Track classes 4 through 6 should never be considered for exempt status except as permitted under Wis. Stat. § 346.45.

The crossing at issue is Class 3 with a maximum allowable operating speed for freight trains of 40 mph.

Motorists View of Trains: A good view of approaching trains and of rail cars occupying the crossing is essential unless train activated flashing light signals or highway traffic lights are installed. The crossing will be equipped with flashing lights and gates but visibility at the crossing may be adequate with brush and tree clearing.

Vehicle Speed: The speed of vehicles is not a primary consideration.

Auxiliary or Vehicle Stopping Lanes: Crossings with stopping lanes already in place on the approaches may lessen the need for exempt status. There are no proposed stopping lanes for the crossing.

Based on all the above factors, it is reasonable that the Evergreen Drive crossing be declared exempt under Wis. Stat. § 195.285.

Order

1. The **WCL** shall install and maintain a crossing at-grade of Evergreen Drive and the multi-use path with its tracks in accordance with current WisDOT standards and approved design plans in the town of Grand Chute, Outagamie County, by **December 31, 2020**.

2. The **WCL** shall install and maintain 12-inch LED automatic flashing lights with gates, constant warning time circuitry, and other appropriate appurtenances at the at-grade crossing of its tracks with Evergreen Drive by **December 31, 2020**, in accordance with signal and circuit plans as are filed with and approved by the Office.

3. The **WCL** shall clear brush and trees from its right-of-way for 330 feet down the tracks in each direction from the crossing by **December 31, 2020**.

4. The proposed crossing shall not be open for public travel until the active warning devices, signage, and pavement markings ordered herein are placed in service.

5. The **town of Grand Chute** shall install and maintain yellow-background advance warning (W10-1) and EXEMPT (W10-1a) signs and pavement markings at a distance from the crossing on each approach as set forth in the Wisconsin Manual on Uniform Traffic Control Devices (WMUTCD) by **December 31, 2020**.

6. The **town of Grand Chute** shall install, and the **WCL** shall maintain EXEMPT (R15-3) signs on the signal masts on the approaches to the Evergreen Drive crossing in accordance with the WMUTCD, by **December 31, 2020**.

7. The **town of Grand Chute** shall clear brush and trees from its highway right-of-way for 330 feet down the highway in each direction from the crossing by **December 31, 2020**.

Docket 9164-RX-902

8. The **town of Grand Chute** shall bear 100 percent of the cost of the crossing surface and signals materials and labor, and any other costs related to the installation, including but not limited to traffic re-routing.

9. Notwithstanding any other cost apportionment in this order, the **WCL** shall bear any cost assessed pursuant to Wis. Stat. § 195.60 for the investigation of this matter by the Office and shall not pass on those assessment costs either directly or indirectly.

10. Jurisdiction is retained.



Yash P. Wadhwa, P.E.
Commissioner of Railroads

da:DL: 01678517

See attached Notice of Rights

OFFICE OF THE COMMISSIONER OF RAILROADS
4822 Madison Yards Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE TIMES
ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE PARTY TO BE
NAMED AS RESPONDENT**

The following notice is served on you as part of the Commissioner's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Office of the Commissioner of Railroads (Office) for rehearing within 20 days of the date of service of this decision. Wis. Stat. § 227.49. The date of service is shown on the first page. The petition for rehearing must be filed with the Office and served on the parties. The filing of a petition for rehearing does not suspend or delay the order's effective date. Wis. Stat. § 227.49(2). An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. The petition must be filed in circuit court and served upon the Commissioner by personal service or certified mail within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Office serves its original decision.¹ The Office must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2018

¹ See *Currier v. Wisconsin Dept. of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

CONTACT LIST FOR SERVICE BY PARTIES

TOWN OF GRAND CHUTE

ANDREW J. ROSSMEISSL
HERRLING CLARK LAW FIRM LTD.,
800 N. LYNNDALE DRIVE
APPLETON, WISCONSIN 54914
ARossmeissl@herrlingclark.com

WISCONSIN CENTRAL LTD.

AUDREY L. BRODRICK
FLETCHER & SIPPEL, LLC
29 N. WACKER DR., SUITE 920
CHICAGO, ILLINOIS 60606
ABrodrick@fletcher-sippel.com

JACKIE MACEWICZ
PUBLIC WORKS MANAGER
1625 DEPOT STREET
STEVENS POINT, WISCONSIN 54481
Jackie.Macewicz@cn.ca

Not a party but must be served:

OFFICE OF THE COMMISSIONER OF RAILROADS

HEATHER GRAVES
LEGISLATIVE/PUBLIC POLICY ANALYST-SUPERVISOR
4822 MADISON YARDS WAY, SUITE S633
MADISON, WI 53705-2729
Heather.Graves@wisconsin.gov



AGENDA REQUEST
2/4/2020

TOPIC: Approve the Construction Agreement for the N McCarthy railroad crossing with Wisconsin Central Ltd.

<input checked="" type="checkbox"/> New Business <input type="checkbox"/> Unfinished Business <input type="checkbox"/> Reports <input type="checkbox"/> Closed Session <input type="checkbox"/> Ordinance/Resolution	Meeting: Town Board
Department Reporting: Public Works	Submitted By: Karen Heyrman, P.E., <i>Kmh</i> Deputy Director of Public Works

ISSUE: N McCarthy Road between STH 15 and Capitol Drive will be reconstructed in 2020. Wisconsin Central Ltd. (WCL) will provide the labor, material and equipment to improve the existing railroad crossing with a rubber crossing surface per the Office of Commissioner of Railroad Order dated May 1, 2019. The remaining work will be performed under project 2019-05C.

BACKGROUND/ANALYSIS: The attached agreement and project estimate defines the work to be performed by Wisconsin Central Ltd. and the Town. WCL is the legal operating name of the railroad, a wholly owned indirect subsidiary of Canadian National Railway Co. Upon Town's signature, CN corporate office will execute the agreement and order all the materials.

The Town Contract for Project 2019-05C has a completion date of September 1, 2020. We are estimating that the crossing would likely need to be complete by mid-summer in order to have signage, etc. ready for opening in late summer.

RECOMMENDATION: The staff's recommendation is to approve the construction agreement for N McCarthy railroad crossing with Wisconsin Central Ltd.

FISCAL IMPACT: CIP

The Town's cost is estimated at \$69,397 (55%).

ATTACHMENTS:

Attachment No. 1 – Agreement with Town of Grand Chute, Wisconsin for the McCarthy Road Railroad Crossing
 Attachment No. 2 – Project Estimate
 Attachment No. 3 – Special Provisions
 Attachment No. 4 – Office of Commissioner of Railroads Final Decision

**AGREEMENT WITH TOWN OF GRAND CHUTE, WISCONSIN
FOR THE McCARTHY ROAD CROSSING**

This Agreement, by and between **Town of Grand Chute, Wisconsin**, hereinafter designated as the "**Town**", and the Wisconsin Central Ltd., hereinafter designated as the "**Company**", provides for the performance of certain work described below by the Company on the above named project.

WITNESSETH

WHEREAS, the Town is reconstructing and widening the at-grade highway-rail crossing at McCarthy Road;

NOW THEREFORE, in consideration of the premises and of their mutual and dependent agreements hereinafter set forth, the parties hereto hereby agree as follows:

1. STANDARD PROVISIONS. The work to be performed as described below shall be done in accordance with the provisions contained herein and the Company's special provisions attached hereto as Exhibit A.

2. WORK TO BE PERFORMED BY THE COMPANY. The Company will provide all labor, material and equipment to install the crossing proper with a rubber crossing surface per OCR Final Order dated May 01, 2019, in docket 9164-RX-904. The crossing is identified as DOT# 181831H, on Company's Fox River Sub/New London Spur, Milepost 125.38, Town of Grand Chute, Wisconsin.

3. WORK TO BE PERFORMED BY THE TOWN. The Town will provide the Company with a full road closure, barricades and detour for up to 5 business days, and furnish and install the asphalt paving a minimum distance of 25' on each approach to the crossings (including sidewalks) at no cost to the Company. It will be necessary for the Town personnel and/or Town's contractor to have a railroad flagman on site when any work is performed within 25' of the centerline of any track in accordance with the special provisions attached hereto as Exhibit A.

4. CONSTRUCTION. Construction of the roadway and sidewalk(s) will be in conformance with the project plans approved by the Company and in accordance with the Company's specifications, a general overview of the plan is attached as Exhibit B. All such work will be performed in accordance with the Company's special provisions attached hereto when the Town and/or its contractor is working on the Company's property.

5. MAINTENANCE. Maintenance responsibilities will remain as per state statutes.

6. APPORTIONMENT OF COSTS. The actual cost of the installation of the crossing proper at McCarthy Road will be paid 55% by the Town and 45% by Company. The estimated cost for the crossing surface work is attached as Exhibit C. The estimate shows the estimated amounts to be paid for by the Town and the Company per OCR Final Order dated May 01, 2019, under docket 9164-RX-904 attached hereto as Exhibit D.

7. INVOICE AND BILLS. Invoice(s) for the crossing work required by the Company will be submitted to the Town and payment will be due within 20 days of receipt of said invoice. Flagging protection and cable locates are to be prepaid to the Company by the Town and/or its contractor in advance in accordance to the special provisions attached hereto.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed the year and the day below written by their proper officers and representatives.

WISCONSIN CENTRAL LTD.

By _____

Title _____

Date _____, 20____

TOWN OF GRAND CHUTE

By _____

Title _____

Date _____, 20____

Project Estimate
McCarthy Road Crossing

Eastern Region
Engineering
Superior, WI



Estimate: McCarthy Road Crossing
Location: Town of Grand Chute
Company Name: Wisconsin Central Ltd.
Subdivision Name: New London
Mile Post: 125.38
State: WI
DOT Crossing # 181831H

Date created: December 18, 2019

Description		UM	QTY	PRICE	TOTAL
LABOR	GANG SIZE	Days	MD		
Unload/Distribute Material	5	2	10	\$365	\$3,650
Construct Track	5	2	10	\$365	\$3,650
Install Turnouts	5	0	0	\$365	\$0
Destress Track	5	0	0	\$365	\$0
Surfacing	3	2	6	\$365	\$2,190
Welding	2	2	4	\$365	\$1,460
Install Crossings	5	5	25	\$365	\$9,125
B&S Labor	0	0	0	\$365	\$0
S&C Labor	1	0	0	\$408	\$0
Open Line	0	0	0	\$0	\$0
Open Line	0	0	0	\$0	\$0
Open Line	0	0	0	\$0	\$0
Open Line	0	0	0	\$0	\$0
Open Line	0	0	0	\$0	\$0
TOTAL DIRECT LABOR					\$20,075

Description	UM	QTY	PRICE	TOTAL
MATERIAL				
Rail New				\$5,250
Rail PW				\$0
Field Welding				\$473
Spikes				\$587
Anchors				\$577
Tie Plates				\$0
Minor OTM				\$5,040
Major OTM				\$0
Turnouts				\$0
Track Ties				\$10,500
Switch Ties				\$0
Ballast				\$2,100
Crossing Materials				\$2,725
Structures Material				\$0
S&C Material				\$0
Open Line				\$0
Open Line				\$0
Open Line				\$0
Open Line				\$0
Open Line				\$0
TOTAL DIRECT MATERIAL				\$27,252

Description	UM	QTY	PRICE	TOTAL
OTHER				
Per Diem (Mandays)	SUM	55	\$72.00	\$3,960
Permitting	SUM	0	\$0	\$0
Engineering Consulting/Design	SUM	0	\$0	\$0
Grading	SUM	0	\$0	\$0
Flagging - Contractor (Mandays)	SUM	0	\$840	\$0
Land Purchase/Real Estate Fees	SUM	0	\$0	\$0
Other Track Contractor Costs	SUM	2	\$10,000	\$20,000
Welding - Contractor	SUM	0	\$5,000	\$0
ROW Clearing	SUM	1	\$5,000	\$5,000
Paving Contractor	SUM	0	\$10,000	\$0
Detour	SUM	0	\$5,000	\$0
Sheet Piling	SUM	0	\$0	\$0

Project Estimate
McCarthy Road Crossing

Eastern Region
Engineering
Superior, WI



S&C Contracts Other	SUM	0	\$0	\$0
Directional Boring	SUM	0	\$0	\$0
Fiber Optic	SUM	0	\$0	\$0
Utilities - Electrical/Gas	SUM	0	\$0	\$0
Shipping/Trucking Charges	SUM	0	\$2,000	\$0
Open Line	SUM	0	\$0	\$0
Open Line	SUM	0	\$0	\$0
Open Line	SUM	0	\$0	\$0
Contingency	SUM			\$0
TOTAL OTHER				\$28,960

ADDITIVES	UM	QTY	PRICE	TOTAL
Labor Surcharges		\$20,075	235.17%	\$47,210
Material Surcharges		\$27,252	9.83%	\$2,679
TOTAL ADDITIVES				\$49,889

DONATION	Amount	TOTAL
Recoverable Donation to CN	0.00	0.00
TOTAL DONATION		0.00

TOTAL PROJECT COST	\$126,176
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MATERIAL	FORECAST	FOF McCarthy Road Crossing	New London		125.38	
Material Description		State Tax	UM	QTY	Unit Price	Total
NEW 115#		5.00%	LF	200	25.00	\$5,250
THERMITE KIT 115 #		5.00%	EA	6	75.00	\$473
SPIKE TRACK 5/8" X 6", 50 lb Keg		5.00%	CN	20	27.97	\$587
RAIL ANCHOR 115		5.00%	EA	384	1.43	\$577
RAIL-FORGED COMP LH 115-90#		5.00%	EA	2	1,200.00	\$2,520
RAIL-FORGED COMP RH 115-90#		5.00%	EA	2	1,200.00	\$2,520
TRACK 7" X 9" X 8' 6" HWD #1 Preplated		5.00%	EA	100	100.00	\$10,500
BALLAST ROAD		5.00%	TON	200	10.00	\$2,100
Rubber Crossing Material		5.00%	SET	15	173.00	\$2,725



Project Estimate
McCarthy Road Crossing

Eastern Region
Engineering
Superior, WI

STATE COST SUMMARY

Estimate:	McCarthy Road Crossing
Location:	Town of Grand Chute
Company Name:	Wisconsin Central Ltd.
Subdivision Name:	New London
Mile Post:	125.38

December 18, 2019

LABOR	\$67,285
MATERIAL	\$29,931
OTHER	<u>\$28,960</u>
PROJECT TOTAL	\$126,176

Town Share (55%): \$69,397
CN Share (45%): \$56,779

SPECIAL PROVISIONS

RELATIVE TO FLAGGING AND OTHER PROTECTION OF RAILROAD COMPANY TRAFFIC AND FACILITIES DURING CONSTRUCTION ADJACENT AND ABOVE, ON OR ACROSS, THE PROPERTY OF, OR ON, ABOVE AND BENEATH THE TRACKS OF WISCONSIN CENTRAL LTD.

The Licensee shall, before entering upon the property of Railroad Company for performance of any work, secure a fully executed right of entry license from Railroad Company's Engineering Manager or their authorized representative for the occupancy and use of Railroad Company's property. Licensee shall confer with Railroad Company relative to requirements for railroad clearances, operation and general safety regulations.

To obtain a Right-of-Entry permit in the states of Wisconsin and Minnesota contact Manager of Public Works at least three (3) weeks prior to project start:

Jackie Macewicz
CN-Manager Public Works
3192 S. Pokegama Rd
Superior, WI 54880
Office: 715-345-2503
Email: Jackie.Macewicz@cn.ca

There is a \$1000 fee for the permit.

All employees and/or contractor(s) of Licensee NOT hired by Railroad Company, who are not employed by CN or doing work for CN, are required to register with www.contractororientation.com and complete the basic safety and security tests. Contractor Orientation provides the basic safety, security and PPE requirements for CN. You may find more information on registering with contractor orientation on the contractor orientation website. Once you register, follow the CN links and you will be required to take the course labeled [CN Contractor Security / Safety Course/US Contractors](#).

All employees and/or subcontractors of Grantee, Licensee, Permittee and/or its Contractor NOT hired by Railroad Company, whose duties include and who are engaged in the inspection, construction, maintenance, or repair of railroad track, bridges, roadway, signal and communication systems, roadway facilities, or roadway machinery that will work foul of or have the potential to foul a live track are considered Roadway Workers under FRA regulations and CN Policy. They must complete the On-Track Safety Training course approved by Railroad Company and provided by Anna Rivera, R.R. Safety – AMR, P.O. Box 489, Mercer, WI 54547, telephone (920) 517-1677, email rrsafetytraining@yahoo.com. This training must be repeated at least once each calendar year.

- a. EXCEPTION: Railroad Company has exempted those it classifies as “Delivery Persons” from this training. This will include contractors such as UPS, FedEx, trucking companies, etc. who merely access the property to supply materials or equipment.
- b. All the employees and/or subcontractors of Grantee, Licensee, Permittee and/or its Contractor who will operate on-track machinery or those who will provide protection for other employees and/or subcontractors of Grantee, Licensee, Permittee and/or its Contractor must also be trained on CN US Operating Rules pertaining to their duties. They must take and pass the required examination. This training is good for a period of two years.
- c. “Potential to foul a live track” is considered, at a minimum, to be working within twenty-five feet of the track; or as otherwise to be determined by CN Design & Construction Department.

Licensee and/or any contractor engaged on their behalf, shall at all times conduct work in a manner satisfactory to the Engineering Manager of Railroad Company, or their authorized representative, and shall exercise care so as to not damage the property of Railroad Company, or that belonging to any other grantees, licensees, permittees or tenants of Railroad Company, or to interfere with railroad operations.

Engineering Manager of Railroad Company, or their authorized representative, will at all times have jurisdiction over the safety of railroad operations., The decision of the Engineering Manager or their authorized representative as to procedures which may affect the safety of railroad operations shall be final, and Licensee and/or their contractor shall be governed by such decision.

All work shall be conducted in such a manner as will assure the safety of Railroad Company. Railroad Company's authorized representative shall have the right, but not the duty, to require certain procedures to be used or to supervise the work on Railroad Company's property. Any accidents / incidents occurring on Railroad Company property, that result in or had the potential of causing serious injury, lost work days, vehicle or property damage must be reported to the Railroad Company representative within 24 hours. All such incidents will be fully investigated by the Licensee and/or their contractor. The Licensee shall subsequently provide a written report to Engineering Manager of Railroad Company, or their authorized representative, within seven (7) days detailing the nature of the incident, the cause(s), regulatory authorities notified, and a specific action plan to prevent recurrence.

Should any damage occur to Railroad Company property as a result of the authorized or unauthorized operations of Licensee and/or their contractor and Railroad Company deems it necessary to repair such damage or perform any work for the protection of its property or operations, the Licensee and/or their contractor, as the case may be, shall promptly reimburse Railroad Company for the actual cost of such repairs or work. For the purpose of these Special Provisions, actual cost shall be deemed to include the direct cost of any labor, materials,

equipment, or contract expense plus Railroad Company's current standard additives in each instance.

Licensee shall promptly notify Railroad Company of any releases of fuel or other equipment fluids from Licensee's activities hereunder that exceed five (5) gallons in volume. Releases of fuel or fluids amounting to five (5) gallons or less shall be documented by Licensee and reported to Railroad Company on a monthly basis. Licensee shall be solely responsible for reporting a) releases of hazardous substances, materials and wastes from Licensee's activities hereunder in excess of the reportable quantity, and b) releases of petroleum products from Licensee's activities hereunder causing a sheen on any water of the United States, to the appropriate governmental authorities and the Railroad Company.

If the work requires the construction of a temporary grade crossing across the track(s) of Railroad Company, Licensee and/or their contractor shall make the necessary arrangements and execute Railroad Company's temporary grade crossing agreement for the construction, protection, maintenance, and later removal of such temporary grade crossing. The cost of such temporary grade crossing construction and later removal shall be prepaid to Railroad Company. Additional costs for repairs, maintenance or protection will be paid within thirty (30) days upon receipt of bill(s) therefor.

Licensee and/or their contractor shall at no time cross Railroad Company's property or tracks with vehicles or equipment of any kind or character, except at such temporary grade crossing as may be constructed as outlined herein, or at any existing and open public grade crossing. Operation over such crossing shall be at the direction and method of Railroad Company's Engineering Manager or their authorized representative.

Railroad Company may, at Licensee's and/or their contractor's sole cost, risk and expense, furnish whatever protective services it considers necessary, including, but not limited to, flagger(s), inspector(s), and stand-by personnel. Flagging protection, inspection services, or standby personnel required by Railroad Company for the safety of railroad operations because of work being conducted by Licensee and/or their contractor, or in connection therewith, will be provided by Railroad Company and the cost of Licensee and shall be prepaid to Railroad Company by Licensee and/or their contractor. Flagging protection, inspection services, or standby personnel, necessary or provided in excess of prepayment amounts will be billed at the proper rates and will be promptly paid by overnight delivery.

In the event Railroad Company is unable to furnish flagging protection, inspection services, or standby personnel at the desired time or on the desired date(s), or if Licensee's prepayment for such services is exhausted and not replenished by Licensee and/or their contractor, Licensee and/or their contractor shall not perform any work on Railroad Company's property until such time and date(s) that appropriate Railroad Company services can be made available and/or appropriate prepayment is received. It is understood that Railroad Company shall not be liable for any delay or increased costs incurred by Licensee and/or their contractor owing to Railroad Company's inability or failure to have appropriate flagging protection, inspection services, or standby personnel available at the time or on the date requested.

Licensee and/or their contractor shall request and secure flagging protection by written notice to Railroad Company using CN's "Request for Flagging Services" form. This form must be submitted at least ten (10) working days in advance of proposed performance of any work or access to Railroad Company's property.

Flagging protection will be required during any operation involving direct and potential interference with Railroad Company's tracks or traffic. This may include but is not limited to fouling of railroad operating clearances, reasonable proximity of accidental hazard to railroad traffic, work within twenty-five (25) feet horizontally of the nearest centerline of any railroad track, any work over any railroad track, or in any other condition that Railroad Company deems protective services necessary, which may include work on or off Railroad Company's property more than twenty-five (25) feet from the nearest centerline of any railroad track, such as any equipment extension (including but not limited to a crane boom) that will reach or has the potential to reach within twenty-five (25) feet of any track.

Rates: \$1300.00 for each basic day (up to 8 hours)
 \$150.00 for each overtime hour
 Weekend/Holiday work is \$150.00 per hour with 8 hour minimum or
 \$1500.00 plus any overtime.

Licensee and/or their contractor shall request, prepay, and secure Railroad Company signal facility locates by written notice to Railroad Company along with submission of CN's "Request for Flagging Services" form at least ten (10) working days in advance of proposed performance of any work or access to Railroad Company property. Notice to Railroad Company does not fulfill or satisfy any other notification requirements for utility locates for non-railroad facilities.

Flagging-US
17641 South Ashland Ave.
Homewood, IL 60430
Email: Flagging_US@CN.CA

Railroad Company may require that prior to digging, trenching, or boring activities on or near Railroad Company property, or beneath any railroad track, an on-site meeting be conducted with Railroad Company's Signal Department representative. No digging, trenching or boring activities shall be conducted in the proximity of any known buried Railroad Company signal cables without Railroad Company's Signal Department representative being present. Railroad Company utilities are not part of Digger's Hotline. Please request a cable locate by using the Flagging - Cable Locate Form. There is a **\$350** fee for the cable locate that must be prepaid to Railroad Company.

Before commencing work and until any License shall be terminated, Licensee shall provide and maintain the following insurance in form and amount with companies satisfactory to and as approved by Railroad Company.

- a. Statutory Workers Compensation and Employer's Liability insurance.
- b. Automobile Liability in an amount not less than \$1,000,000 dollars combined single limit.
- c. Commercial General Liability (occurrence form) in an amount not less than \$5,000,000 dollars per occurrence, with an aggregate limit of not less than \$10,000,000 dollars. The Policy must name Railroad Company and its Parents as additional insureds in the following form:

Wisconsin Central Ltd. and its Parents
Attn: Jackie Macewicz
3192 S. Pokegama Rd
Superior, WI 54880
715-345-2503 (office)
Jackie.Macewicz@cn.ca

If the commercial general liability policy required herein contains any exclusions related to doing business or undertaking construction or demolition on, near, or adjacent to railroad facilities; such exclusion must be removed through issuance of endorsement CG 24 17, or a similar endorsement approved by Railroad Company in its sole discretion prior to the commencement of work hereunder.

- d. Pollution Liability Insurance shall be provided on a project/site specific basis when Railroad Company determines such is necessary for the purposes granted by this License.

Whenever required, pollution liability coverage shall be written on ISO form Pollution Liability Coverage Form Designated Sites CG 00 39 12 04 (or a substitute form providing equivalent liability coverage), with limits of at least \$1,000,000 per occurrence and an aggregate limit of \$2,000,000.

If the scope of work as defined in this contract includes the disposal of any hazardous or non-hazardous materials from the job site, Licensee shall furnish to Railroad Company evidence of pollution legal liability insurance maintained by the disposal site operator for losses arising from the insured facility accepting the materials, with coverage in minimum amounts of \$1,000,000 per loss, and an annual aggregate of \$2,000,000.

Before commencing work, Licensee shall deliver to Railroad Company a certificate of insurance evidencing the foregoing coverage, and upon request, Licensee shall deliver a certified, true and complete copy of the policy or policies at its sole cost and expense. The policies shall provide for not less than thirty (30) days prior written notice to Railroad Company of cancellation of or any material change in, the policies, and shall contain the waiver of right of subrogation.

All persons on Railroad Company's property shall be suitably dressed to perform his/her duties safely and in a manner that will not interfere with his/her vision, hearing or free use of his/her hands or feet. Only waist-length shirts with sleeves and trousers that cover the entire leg are to be worn. If flare-legged trousers are worn, the trouser bottoms must be tied to prevent catching. All persons shall wear sturdy and protective footwear. All persons shall not wear boots (other than work boots), sandals, canvas-type shoes or other shoes that have thin soles or heels that are higher than normal. All persons shall wear personal protective equipment as specified by Federal and/or State rules, regulations or Railroad Company's requirements. Specifically, the following protective equipment to be worn shall be:

1. Protective head gear (hardhats) that meets ANSI Z89.1, latest revision. It is suggested that all hard hats be affixed with Contractor's company name or logo.
2. Eye protection (safety glasses with side shields) that meet ANSI Z87.1, latest revision. Additional eye protection must be provided to meet specific job situations such as welding, grinding, etc.
3. Hearing protection appropriate for noise levels that will be occurring on the job site.
4. Safety/reflective vests.

The rate of pay for Railroad Company employees will be the prevailing hourly rate for not less than eight (8) hours for the class of labor at regular rates during regularly assigned work hours, and at overtime rates outside of regular hours and in accordance with Labor Agreements or Schedules plus Railroad Company's current standard additives in each instance.

Wage rates are subject to change, at any time, by law or agreement between Railroad Company and employees, and may be retroactive because of negotiations or a ruling by an authorized Governmental Agent. If the wage rates are changed, Licensee and/or their contractor shall pay on the basis of the new rates and/or additives.

No digging, trenching, or boring on Railroad Company property shall be conducted without Railroad Company's written approval of the plans that were furnished to Railroad Company's Engineering Manager at least thirty (30) in advance of the excavation.

The following temporary clearances are the minimum that must be maintained at all times during any operation on or adjacent to Railroad Company property:

- | | |
|-------------|---|
| Vertical: | 22'-0" (7.00 m) above top of highest rail within 12'-0" (3.81 m) of the centerline of any track |
| Horizontal: | 12'-0" (3.81 m) from centerline of the nearest track, measured at right angles thereto |

If lesser clearances than the above are required for any part of the work, Licensee and/or their contractor shall secure written authorization from Railroad Company's Engineering Manager for such lesser clearances in advance of the start of that portion of the work.

No materials, supplies, or equipment will be stored within twenty-five (25) feet from the centerline of any railroad track, measured at right angles thereto.

Licensee and/or their contractor will be required upon the completion of the work to remove from within the limits of Railroad Company's property all machinery, equipment, surplus materials, false work, rubbish or temporary buildings, and to leave said property in a condition satisfactory to the Engineering Manager of Railroad Company or their authorized representative.

Nothing in these Special Provisions shall be construed to place any responsibility on Railroad Company for the quality or conduct of the work performed by Licensee and/or their contractor hereunder. Any approval given or supervision exercised by Railroad Company hereunder, or failure of Railroad Company to object to any work done, material used, or method of operation shall not be construed to relieve Licensee and/or their contractor of any obligations pursuant hereto or under the License these Special Provisions are appended to.

OFFICE OF THE COMMISSIONER OF RAILROADS**STATE OF WISCONSIN**

Petition of the Town of Grand Chute for a Determination of the Adequacy of Warning Devices and the Alteration of the Grade Crossing of the Wisconsin Central Ltd. tracks with North McCarthy Road in the Town of Grand Chute, Outagamie County

9164-RX-904

FINAL DECISION

This is the Final Decision in the Class 1 proceeding by the Office of the Commissioner of Railroads (Office) on the December 19, 2018, petition by the town of Grand Chute (Grand Chute).¹ The petition seeks a determination of the adequacy of warning devices and approval for the alteration of the public crossing of the Wisconsin Central Ltd. (WCL) tracks with McCarthy Road in Grand Chute, Outagamie County. (Crossing no. 181831H / MP 125.38).

The WisDOT petition, under [Wis. Stat. §§ 195.28](#) and [195.29](#) (2017-18), is GRANTED subject to conditions.²

Introduction

Grand Chute is reconstructing N. McCarthy Road from Brookview Drive 1.22 miles north to W. Capitol Drive to improve the roadway, increase bicyclist and pedestrian safety, and provide better access to the future Fox Cities Champion Center. The project is anticipated to be bid during March 2019, with construction taking place between May and October 2019.

Pursuant to due notice,³ the Office held a public hearing on this matter on March 12, 2019, in Madison and Grand Chute, with Administrative Law Judge David Albino presiding.⁴ A contact list for service appears at Appendix A.

¹ [PSC REF#: 355814](#).

² All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

³ Notice of Hearing, [PSC REF#: 358302](#).

⁴ This matter is uncontested; a proposed decision is not required.

Findings of Fact

1. The crossing is on the WCL's New London Spur (Fox River Subdivision) running between Appleton and New London, Wisconsin.⁵ The WCL operates two freight trains per day, about three times per week, at a maximum timetable speed of 20 mph through the crossing.⁶

2. The existing timber and asphalt crossing is 32 feet in length and protected by crossbucks and a YIELD sign. The crossing surface is in poor condition.

3. N. McCarthy Road is a two-lane rural facility and crosses the tracks at an angle of 45-degrees with left-hand forward skew.

4. The Annual Average Daily Traffic (ADT) on N. McCarthy Road in 2018 was 2,250 vehicles at a posted speed limit of 45 mph. The ADT is projected to be 6,470 by 2039.

5. Trucks and buses are less than five percent of the traffic on N. McCarthy Road.

6. There have been two recorded crashes in the Federal Railroad Administration's crossing inventory database for 2000 and 2001.

7. It is reasonable for the WCL to fund 45 percent of a 43.5 foot crossing and Grand Chute to fund the other 55 percent.

8. It is reasonable for Grand Chute to fund 100 percent of the crossing extension to the required new length, including paving the approaches for the entire crossing.

⁵ The WCL filed a Verified Notice of Exemption with the Surface Transportation Board on August 31, 2017, to discontinue service on the New London Spur between New London and Waupaca. Wisconsin Central Ltd.--Discontinuance Of Service Exemption--In Waupaca County, Wis., Docket No. AB-303 (Sub-No. 48X).

⁶ The crossing is located at milepost (MP) 125.38. The WCL's April 1, 2017, Timetable No. 1, indicates that the section of track from MP 125 (south of the crossing) north to MP 140.8 is Federal Railroad Administration Excepted Track under 49 C.F.R. § 213.4 limiting speeds to 10 mph. However, the WCL witness testified that the train speed at the crossing was 20 mph.

Conclusions of Law

1. The WCL railroad is a railroad as defined in Wis. Stat. § 195.02(1).
2. The Office has authority under Wis. Stat. § 189.02; Wis. Stat. §§ 195.03, 195.04, 195.06, 195.28, 195.285, 195.29, 195.30; Wis. Stat. § 227.47(1); and Wis. Admin. Code § RR 1.15 to issue this final decision authorizing the proposed project.

Opinion

Grand Chute proposes to reconstruct N. McCarthy Road with a two-lane urban facility (12-foot wide lanes) with 30-inch curb and gutter and 4-foot wide bike lanes in each direction. A 10-foot wide multi-use asphalt path will be added on the east side of the roadway. The bike lanes and multi-use trail will cross the tracks at a 60-degree angle. The multi-use trail encroaches into the railroad right-of-way and will need a permanent easement.

To accommodate the bike lanes and multi-use path, the existing crossing width will need to be increased to 97.5 feet. The crossing was originally constructed short of the required 43.5 feet in length. The parties agree that the WCL will fund 45 percent of the cost of renewing the crossing surface between the tracks, and Grand Chute will fund the remaining 55 percent, including the approaches. Because the crossing should have been 43.5 feet long, it is reasonable for the WCL to pay 45 percent of renewing what should have been a 43.5 foot crossing. Grand Chute will fund the necessary extension of the crossing surface at 100 percent.

Sight Distances

A driver approaching a railroad crossing at a given speed must have a clear line of sight at a predetermined distance from the crossing ahead to be able to stop safely. This is known as the approach or safe stopping distance. From this distance, a driver needs a clear line of sight of

Docket 9164-RX-904

the tracks to the left and right in advance of an approaching train. This is known as the corner sight distance.

To stop safely, a northbound driver approaching the N. McCarthy Road crossing at 35 mph⁷ needs to see the crossing warning devices from a distance of 327 feet because of the skewed tracks. The crossing warning devices are visible from over 327 feet.

From the safe stopping distance, a driver needs to see an approaching train traveling at 20 mph when the train is 234 feet from the crossing in order to stop safely. The corner sight distance is restricted in all quadrants but could be improved with brush clearing in the southwest and southeast quadrants, and removing the trailer on the Pierce Manufacturing property.

For adequate clearing sight distance, a northbound driver stopped 21 feet short of the near rail needs 567 feet of clear sight lines along both directions of the tracks in order to accelerate and clear the tracks before a train traveling at 20 mph arrives at the crossing.⁸ Grand Chute indicates that the clearing sight distance is greater than 480 feet in all quadrants.⁹ While still 87 feet short of the requirement, all quadrants, however, could still be improved with brush clearing.

Warning Devices (Passive)

Crossbucks (R15-1) and YIELD (R1-2) signs are required at each approach to a passive railroad-highway grade crossing. The placement and maintenance of the signs is normally the responsibility of the railroad. [Wis. Stat. § 192.29\(5\)](#).

⁷ Grand Chute is proposing to reduce the posted speed on N. McCarthy Road from 45 to 35 mph to improve the sight triangles from the stopping sight distance.

⁸ Clearing sight distance is dependent upon the maximum train speed and the acceleration characteristics of the “design” vehicle (65-foot double truck). Perception-reaction time increases clearing sight distance as the angle between the roadway and the tracks decreases.

⁹ [PSC REF#: 359977](#).

Docket 9164-RX-904

A railroad advance warning sign (W10-1) is required on each approach to a grade crossing, with some exceptions. Standards for the signs are found in the Manual of Uniform Traffic Control Devices (MUTCD).¹⁰ Normally, the railroad furnishes the signs for crossings on local roads outside of the corporate limits of a city or village. [Wis. Stat. § 195.286\(1\)](#).

The crossing is currently protected with advance warning signs, crossbucks, and YIELD signs on each approach. There are no pavement markings. Given the low traffic volumes, Grand Chute proposes to retain the crossing as passive but add pavement markings and stop bars.

A benefit-cost analysis of upgrading the warning devices returns very low benefit-cost ratios of 0.25 and 0.27 for automatic flashing lights and lights with gates, respectively. This means that the public sees \$0.25 and \$0.27 in benefits for every dollar expended for upgrades. Thus, upgrading the warning devices at the crossing at this time is not cost-effective.

The multi-use pathway will be within 25 feet of the traveled roadway, so the pathway crossing would share the crossbucks and YIELD signs of the roadway.

Order

1. The WCL shall install and maintain a reconstructed composite crossing at-grade of McCarthy Road and the adjacent multi-use path with its tracks in accordance with Grand Chute's design plans and WCL standards, in the town of Grand Chute, Outagamie County, by **December 31, 2019**.
2. To the extent feasible, the WCL shall reuse existing signage still in good repair.

¹⁰ See MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2009 Ed. (FHWA, Rev. 2012), § 8B.06, available at <http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/mutcd2009r1r2edition.pdf>. See also, 2009 WISCONSIN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (WMUTCD) (Rev. 2017), § 8B.06, available at <http://wisconsin.gov/dtsdManuals/traffic-ops/manuals-and-standards/wmutcd/wismutcd.pdf>.

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3. The **WCL** shall install and maintain reflective crossbucks (R15-1) and YIELD (R1-2) signs on each approach to the crossing of its tracks with McCarthy Road in the town of Grand Chute, Outagamie County, by **December 31, 2019**.

4. The **WCL** shall clear brush and trees from its right-of-way for 330 feet down the tracks in each direction from the crossing by **December 31, 2019**.

5. **Grand Chute** shall install and maintain stop bars and pavement markings at the approaches to the crossing as set forth in the Wisconsin MUTCD by **December 31, 2019**.

6. **Grand Chute** shall clear brush and trees from its highway right-of-way for 330 feet down the highway in each direction from the crossing by **December 31, 2019** and shall work with private landowners to accomplish the same clearing on private land.

7. The **WCL** will fund 45 percent of the cost of renewing a 43.5 foot long crossing surface and **Grand Chute** will fund the remaining 55 percent, including the approaches.

8. Notwithstanding any other cost apportionment in this Order, the **WCL** is responsible for costs assessed pursuant to Wis. Stat. § 195.60 for this investigation and shall not pass on those assessment costs directly or indirectly.

9. This Final Decision is effective one day after service.

10. Jurisdiction is retained.



Yash P. Wadhwa, P.E.
Commissioner of Railroads

da:DL: 01678150

See attached Notice of Rights

OFFICE OF THE COMMISSIONER OF RAILROADS
4822 Madison Yards Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE TIMES
ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE PARTY TO BE
NAMED AS RESPONDENT**

The following notice is served on you as part of the Commissioner's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Office of the Commissioner of Railroads (Office) for rehearing within 20 days of the date of service of this decision. Wis. Stat. § 227.49. The date of service is shown on the first page. The petition for rehearing must be filed with the Office and served on the parties. The filing of a petition for rehearing does not suspend or delay the order's effective date. Wis. Stat. § 227.49(2). An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. The petition must be filed in circuit court and served upon the Commissioner by personal service or certified mail within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Office serves its original decision.¹ The Office must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2018

¹ See *Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

CONTACT LIST FOR SERVICE BY PARTIES

TOWN OF GRAND CHUTE
ANDREW J. ROSSMEISSL
HERRLING CLARK LAW FIRM LTD.
800 N. LYNNDALE DRIVE
APPLETON, WISCONSIN 54914
ARossmeissl@herrlingclark.com

WISCONSIN CENTRAL LTD.
AUDREY L. BRODRICK
FLETCHER & SIPPEN, LLC
29 N. WACKER DR., SUITE 920
CHICAGO, ILLINOIS 60606
ABrodrick@fletcher-sippel.com

JACKIE MACEWICZ
PUBLIC WORKS MANAGER
1625 DEPOT STREET
STEVENS POINT, WISCONSIN 54481
Jackie.Macewicz@cn.ca

Not a party but must be served:

OFFICE OF THE COMMISSIONER OF RAILROADS
HEATHER GRAVES
LEGISLATIVE/PUBLIC POLICY ANALYST-SUPERVISOR
4822 MADISON YARDS WAY, SUITE S633
MADISON, WI 53705-2729
Heather.Graves@wisconsin.gov