

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

MEETING: **PUBLIC WORKS & HIGHWAY COMMITTEE**

DATE AND TIME: **TUESDAY, July 1, 2014 ***5:00 P.M.*****

LOCATION: **Germantown Village Hall Board Room**

- I. **CALL TO ORDER:** This meeting has been given public notice in accordance with Wisconsin Statutes, Section 19.83 and 19.84 in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.
- II. **ROLL CALL:** Chairman Kaminski, Trustees Zabel, Vanderheiden and Warren
- III. **APPROVAL OF MINUTES:** June 3, 2014
- IV. **PUBLIC COMMENT:** Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this municipality that there be a three minute time period, per person, with time extensions per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, NO ACTION will be taken under public comments.
- V. **NEW BUSINESS:**
 - A. Acceptance of Improvements – CIPP Lining
 - B. Consideration of Invoice – D.F. Tomasini – P.D. Water Lateral Repair
 - C. Adoption of Donges Bay Road into Years 2015 and 2016 Local Road Improvement Projects
 - D. Donges Bay Road vs. Willow Creek Road Comparisons and Contrasts
 - E. Selection of Donges Bay Road Pavement and Drainage Template Elements
 - F. Selection of Donges Bay Road/Pilgrim Road Intersection Elements
 - G. Donges Bay Road Design Schedule
 - H. Award of Contract – R.A. Smith National to Convert Donges Bay Road Drawings from Facilities Development Manual to Local Standards

VI. **ANNOUNCEMENTS:**

The Next Public Works Committee Meeting will be held **Tuesday, August 5, 2014 @ 5:00 p.m.**

VII. **ADJOURNMENT:**

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

*** Notice is given that a majority of the Village Board and Donges Bay Road Project Advisory Committee may attend this meeting to gather information about an agenda item over which they have decision making responsibility. This may constitute a meeting of the Village Board per State ex rel. Badke v. Greendale Village Board, even though the Village Board will not take formal action at this meeting.

PUBLIC WORKS & HIGHWAY COMMITTEE MEETING MINUTES

June 3, 2014
Village Hall Board Room

CALL: Secretary Wick called the meeting to order at 5:05 p.m.

ROLL CALL: Chm. Kaminski (absent & excused), Trustee Members Zabel, Vanderheiden, and Warren. Also present were Dir. Ludwig, Engr. Bischke, and Secretary Wick.

MOTION made by Zabel, seconded by Warren to appoint Trustee Vanderheiden as Chairperson Pro-Tem.

Motion carried unanimously.

PREVIOUS MINUTES:

MOTION made by Zabel, seconded by Warren to approve the Minutes of May 6, 2014.

Motion carried unanimously.

PUBLIC COMMENT: None

RESOLUTION TO ADOPT THE 2013 COMPLIANCE MAINTENANCE ANNUAL REPORT (CMAR): Supt. Zimmerman presented for review the 2013 Compliance Maintenance Annual Report.

MOTION made by Zabel, seconded by Warren to forward to the Village Board with a positive recommendation to approve the 2013 Compliance Maintenance Annual Report (CMAR) and adopt its results by Resolution.

Motion carried unanimously.

AWARD OF CONTRACT – 2014 SEALCOAT PROJECTS: Supt. Olszewski presented the results for the 2014 seal coating project. It was further explained approvals should be based on the unit amount and not the lump sum. Two bids were received ranging \$112,855.20 to \$130,838.40.

MOTION made by Zabel, seconded by Warren to forward to the Village Board with a positive recommendation to contract Scott Construction for the 2014 Seal Coating projects at a cost of \$1.594/sq. yd. and a total amount not to exceed \$130,000.00. Funds to be allocated from account #10-542-530-3505.

Dir. Ludwig reported the City of Mequon will be sealing there jurisdictional portion of Wasaukee Road and wanted to know if the Village would like for them to include the Village of Germantown's jurisdictional portion of Wasaukee Road. Approximate cost to the Village would be \$15,000.

MOTION made by Zabel, seconded by Vanderheiden to *amend* the original Motion to allow staff to negotiate with the City of Mequon to sealcoat the Village's jurisdiction of Wasaukee Road. Funds to be allocated from account #10-542-530-3505.

**Motion as amended carried unanimously.
Original Motion as amended carried unanimously.**

CONSIDERATION OF INVOICES – D.F. TOMASINI: Supt. Driver submitted the final invoices for the emergency water main breaks on Blackstone Circle and Emerald Lane. Further details were given on the cause of the water main breaks.

MOTION made by Warren, seconded by Zabel to forward to the Village Board with a positive recommendation to approve four D.F. Tomasini invoices totaling \$27,779.50 for the emergency repairs of water line failures on Emerald Ln/Elmwood Dr. and Blackstone Circle. Funds to be allocated from Acct. #50-742-530-6730.

Motion carried unanimously.

APPROVAL OF WATER METER PURCHASE: Supt. Driver requested consideration to generate a blanket purchase order up to the 2014 budgeted amount of \$100,000 for the purchase of water meters. Purchases would be based on a need, and time availability.

Trustee Zabel presented a handout by the Journal AWWA on the testing of meters and apparent losses caused by water meter inaccuracies. The study stated the lower the volume of flow going through the meter, the greater the loss. The Village is using single jet meters. The study recommended a different type of meter noting the single jet does better on bigger meters but the nutating-disk and fluidic oscillator meter seemed to be better on smaller meters as far as losses. Supt. Driver disagreed and gave examples of different types of meter functions and noted small meters are mandated to be tested every ten years. Supt. Driver offered to demonstrate the mechanics of the water meters and read system and invite a firm to provide the data and facts.

Trustee Zabel voiced concern with the meter reader being a different brand vs. the actual meter in many cases. Supt. Driver explained there was only one company (Metron-Farnier) whose read system could adapt to the Village's multiple type meters. Chm. Pro-tem Vanderheiden stated it made the most sense to stick with one manufacturer for both the read system and current meter purchases and suggested Supt. Driver provide the Committee with a monthly report on those purchases.

MOTION made by Warren, seconded by Zabel to forward to the Village Board with a positive recommendation to allow staff to allocate \$100,000 from the 2014 Capital Budget Acct. #50-180-183-3460 for the continuing purchase of water meters on a time and need basis and provide the Committee with monthly reports on the purchases.

Motion carried unanimously.

BUDGET AMENDMENT – MEQUON ROAD/EISENHOWER DRIVE TRAFFIC

SIGNALS: Engr. Bischke explained additional WDOT requirements for the Mequon/Eisenhower traffic signals would increase the signal project by an additional \$113,900 and therefore requested a budget amendment.

MOTION made by Zabel, seconded by Warren to forward to the Village Board with a positive recommendation to approve the Budget Amendment for the Mequon Road/Eisenhower Drive traffic signals and execute by Resolution.

Trustee Warren questioned WDOT's role in requiring the use of their equipment. Engr. Bischke stated Mequon Road was a State Highway in which the DOT would maintain their signal equipment. The Village's contractor would install the equipment, and materials would need to be purchased from and inspected by the DOT. Some of the required materials included mandated flashing yellow lamps, and special order poles.

Motion carried 2 – 1 (Warren)

AWARD OF CONTRACT – MEQUON ROAD/EISENHOWER DRIVE TRAFFIC

SIGNALS: Engr. Bischke reported the Sept., 2009 WDOT Memorandum of Understanding required the construction of the Mequon Road/Eisenhower Drive traffic signals by year 2014. Two proposals were received ranging from \$189,900 to \$272,900.

MOTION made by Zabel, seconded by Vanderheiden to forward to the Village Board with a positive recommendation to award the contract to Pieper Electric for the Mequon Road/Eisenhower Drive traffic signals at a cost not to exceed \$189,000. Funds to be allocated from Acct. #44-574-530-4500.

Motion carried unanimously.

MOTION made by Zabel, seconded by Warren to move to Item "J" under New Business of the June 3, 2014 Public Works Agenda.

Motion carried unanimously.

NORTHERN MANAGEMENT WATER MAIN EXTENSION:

Dir. Ludwig reported Germantown Apartments located at W162 N11811 Park Ave were experiencing clean water problems with their well water. The Northern Management Co. felt a solution would be to connect to Village water at Williams Drive and extend the main to Park Avenue where a lateral would service the apartment parcel. Easements would be drafted by the developer for the entire length and then provided to the Village for maintenance purposes.

Ben Tadych of Northern Management, gave a brief history and stated water samples taken found ecoli bacteria present. The Management Company had worked with the WDNR to rectify but, well samples proved the well was no longer viable. Mr. Romanshek, Partner, did note that having to extend the lateral to his property lines would be a hardship due to underground bedrock and blasting that would be necessary.

They would consider paying an assessment but noted if others connected, they wanted to recoup some of the costs.

Committee discussion included;

- The 8 inch water main will be large enough for others to connect;
- Has the well water which services the Fire Co., Senior Center, Fireman's Park been tested along Park Ave.? "Yes"
- Does the existing well that services the Village properties have enough capacity to become a municipal well and service others? "No"
- Dir. Ludwig felt the whole aquifer was suspect due to other past well problems in the area. The well in question can be tested and the integrity of the water checked.

Mr. Romanshek, stated they suspected the area may have problems and was unsure how deep they would need to go to get clean water. The potential blasting to take the lateral to the property line with no one else using it would become a hardship. They requested consideration to be allowed to hook up to municipal water and, granted a variance/understanding that they would need to take the water main to the furthest point of the property lines in the event the water main was extended beyond their property. Mr. Romanshek was hoping there was a provision to recapture some of the costs of laying the water main and those funds could be used at the time the water main needed to be extended. In closing, Mr. Romanshek was on a timeline with the WDNR and connection to municipal water was the best option.

Trustee Zabel stated under the rate rules with the PSC, if the owner installed the main and others connected within 20 years, the Village should pay the owner back with funds from the assessment that would be created for the properties that would potentially connect.

Engr. Bischke noted the plan presented with the backup was for consultation purposes only. A Developer's Agreement would be required and need to be approved by the Village Board.

MOTION made by Zabel, seconded by Warren allowing Northern Management to extend the water main to W162 N11811 Park Ave. with the following requirements; obtain the necessary easements for installation, sign an agreement with the Village waiving their rights to a special assessment for future water main extension in Park Avenue and FDL Avenue; enter into a Developer's Agreement with the Village; The Village would agree to create a special assessment if anyone would connect to the water main within 20 years in order to pay back the developer; The water main design must meet staff approval.

Motion carried unanimously.

Trustee Warren announced he would abstain from Item G under "New Business" of the June 3, 2014 Public Works Committee Agenda.

PROSPECTIVE IMPROVEMENT OF FREISTADT-MAPLE INTERSECTION: Engr. Bischke requested Committee direction for Graef consultants to finish its report of analyses and recommendations for the prospective improvement to the Freistadt-Maple intersection. The two recommendations by the consultant included a signalized intersection or a roundabout. A two-way or all-way stop was not recommended. Engr. Bischke noted there was the potential for expansion of area businesses and suggested the traffic signal alternative.

In closing, Engr. Bischke noted the Public Safety Committee wanted the topic to be forwarded the Village Board for a decision. Discussion included:

- Traffic patterns with a TWLTL design;
- You could not have a TWLTL within the intersection.
- Warrants were needed now if an island was to be installed with an exclusive left turn and a through lane of traffic;

MOTION made by Zabel, seconded by Vanderheiden to forward to the Village Board with a positive recommendation to direct Graef to proceed with the traffic signal alternative for the Freistadt-Maple intersection.

Motion carried 2-0 Abstain – 1 (Warren)

RELEASE RETAINER – WIRTH SERVICES FOR LAKE PARK HOMES WATER MAIN RELAY:

MOTION made by Zabel, seconded by Warren authorizing staff to release the retainer in the amount of \$382.80 to Wirth Services for the Lake Park Homes Water Main Relay.

Motion carried unanimously.

PILGRIM ROAD OVERHEAD EXTENSION ALIGNMENT ALTERNATIVES – WE ENERGIES: Engr. Bischke reported WE Energies proposed an electric overhead extension upgrade along the abandoned Fond du Lac right-of-way between Mequon Road and the Wisconsin and Southern railroad rights-of-way. WE Energies requested the Committee's advice regarding two proposed route alternatives. Ownership of the right of way remains unresolved as there was no instrument documenting a jurisdictional transfer from WI DOT to the Village. The Village Engineer with concurrence of the Village Attorney advised WE Energies to either produce an existing jurisdictional transfer document or have WI DOT generate one before staff would approve the permit. Discussion followed.

MOTION made by Zabel, seconded by Warren allowing WE Energies to use their preferred proposed route (1) or (2) for the Pilgrim Road overhead extension with the condition that WE Energies provides proof of the jurisdictional transfer from WI DOT to the Village.

Motion carried unanimously.

ANNOUNCEMENTS: The regular Public Works Committee Meeting will be held Tuesday, July 1, 2014 at 5:00 p.m.

ADJOURNMENT: There being no further business, the meeting was adjourned at 6:47 p.m.

Janice Wick, Recording Secretary

**BUSINESS OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE
GERMANTOWN, WI**

MEETING DATE: July 1, 2014

AGENDA ITEM: New Business

ITEM TITLE: Acceptance of Improvements – CIPP – Visu-Sewer

SUBMITTED BY: Timothy Zimmerman – Wastewater Superintendent

SUMMARY EXPLANATION:

Visu-Sewer is requesting acceptance of the 3354' of 48" liner installed this past winter on the interceptor sewer. All deliverables have been received and post video has been reviewed and accepted. The only outstanding issue is restoration of the turf areas disturbed by the project. Wendland Nursery is under contract with Visu-Sewer to perform the restoration when weather permits. Currently it is scheduled to begin the week following the Fourth of July.

ATTACHMENT: ORDINANCE_____ RESOLUTION_____ OTHER_____

RECOMMENDATION:

It is the recommendation of staff to accept the improvements made by Visu-Sewer and begin the one year warranty period for retainage release effective 7/2/2014.

COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

**BUSINESS OF THE PUBLIC WORKS & HIGHWAYS COMMITTEE
GERMANTOWN, WI**

MEETING DATE: Tuesday July 1, 2014

AGENDA ITEM: New Business

ITEM TITLE: Consideration of Invoice-D.F. Tomasini: Police Dept.
water lateral repair

SUBMITTED BY: Jay Olszewski, Highway Superintendent

SUMMARY EXPLANATION:

Staff is requesting authorization to pay D.F. Tomasini for the emergency repair of the Police Department water lateral. The invoice total is \$9,611.50

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER x

RECOMMENDATION:

Staff recommends paying Tomasini \$9,611.50 for the work they performed. Funds may be allocated from Capital Outlay Major Building Improvement account 40-521-570-8210.

COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

OMASINI, INC.
CONTRACTORS
262/820-8300

N70 W25176 INDIAN GRASS LANE, SUSSEX, WI 53039
FAX 262/820-8400
dft@dftomasini.com

June 4, 2014

Village of Germantown
N112 W17001 Mequon Road
Germantown, WI 53022

Attn: Jim Driver

Re: Repair Water Main
Police Dept. Parking Lot
Mequon Rd. & Western
DFT # 1905-68

The following is our billing to repair the water service, install a water main stub with tee and two water services for a total of 350', per your direction, at the above referenced location. The services were under a phone line and fiber optic, which needed to be located.

LABOR & EQUIPMENT:

29.0 Hrs	Labor (4/15/14)	\$79.00	\$2,291.00
5.0 Hrs	Premium Time	27.00	135.00
24.0 Hrs	Labor (4/16/14)	79.00	1,896.00
17.5 Hrs	Backhoe w/Compactor	135.00	2,362.50
17.5 Hrs	OSHA Repair Shield	25.00	437.50
17.5 Hrs	2" Electric Pump & Generator	15.00	262.50
17.5 Hrs	Pick Up W/Misc. Tools	30.00	525.00
2 EA	Equipment Moves	350.00	700.00
	Total Labor & Equipment		\$8,609.50

MATERIALS

1 LS	Stone	\$585.00	\$585.00
1 LS	Concrete Bags	50.00	50.00
1 LS	Fuel	200.00	200.00
	Subtotal		\$835.00
	Markup		167.00
	Total		\$1,002.00

TOTAL AMOUNT DUE

\$9,611.50

Let me know if you have any questions regarding the information provided above.

Sincerely,

D.F. TOMASINI CONTRACTORS INC.

James Schulte

**BUSINESS OF THE PUBLIC WORKS & HIGHWAY COMMITTEE
GERMANTOWN, WI**

MEETING DATE: July 1, 2014

AGENDA ITEM: New Business

ITEM TITLE: Adoption of Donges Bay Road into Years 2015 and 2016 Local Road Improvement Projects

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Purpose:

1. Adopt Donges Bay Road into Years 2015 and 2016 Local Road Improvement Projects.
2. This agenda item is NOT intended to establish design criteria for the Donges Bay Road project.

Reasons:

1. Southeast Wisconsin Regional Planning Commission (SEWRPC) Transportation Improvement Program (TIP) Committee Surface Transportation Program – Milwaukee Urbanized Area (STP-M) reallocated funding from construction of the Donges Bay Road project to the City of Milwaukee's Humboldt Road project.
2. The project now relies on Village funding mechanisms.

Project Limits:

1. The segment between Pilgrim Road and Magnolia Drive should be done in Year 2016:
 - a. Allows WE Energies to install their improvements in Year 2015
 - b. Correlates with Wisconsin DOT's round-about project in Year 2016
2. The segment between Division Road and Pilgrim Road could be done in Year 2015

ATTACHMENTS: None

RECOMMENDATION:

Adopt Donges Bay Road into the Years 2015 and 2016 Local Road Improvement Projects:

- Year 2015: Segment between Division Road and Pilgrim Road
- Year 2016: Segment between Pilgrim Road and Magnolia Drive

COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

**BUSINESS OF THE PUBLIC WORKS & HIGHWAY COMMITTEE
GERMANTOWN, WI**

MEETING DATE: July 1, 2014

AGENDA ITEM: New Business

ITEM TITLE: Donges Bay Road vs. Willow Creek Road Comparisons and Contrasts

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Purpose:

1. Understand that project costs are developed in a CONTEXT.
2. Understand reasons why the unit cost for the Donges Bay Road project is greater than the unit cost for the Willow Creek Road project.
3. This agenda item is NOT intended to establish design criteria for the Donges Bay Road project.

Comparison and Contrast:

As individual persons possess unique characteristics that distinguish each person from another, so do roads possess unique characteristics that distinguish them from each other. Therefore, comparison and contrast of unit project costs must be done so in a CONTEXT (i.e., decontextualization is an inappropriate analysis for road construction projects).

Characteristic	Donges Bay Road	Willow Creek Road
Unit Cost	\$5,470 / s.f. ^{1,2}	\$4,821 / s.f. ²
Land Use	Low Density Residential	Rural Residential and Agricultural/Conservation Residential
Traffic Signals	1	0
Stream Crossing	1	0
Pavement Width	24	22
Side Road Legs (2-lane)	10	4
Side Road Legs (Boulevard)	4	0
Driveways	32	25
Acceleration/Deceleration Lanes	15	0
Bypass Lanes	7	0
Date of Latest Reconstruction	½ 1976; ½ 1993	1985

¹ Existing Pavement Footprint, 2' Shoulders, Driveways & Side Roads, Ditches & Culverts

² Payne & Dolan's completed Bid Form for the Village's 2014 Road Improvement Projects was used as a source of costs.

ATTACHMENTS: None

RECOMMENDATION: For information only; therefore, no action requested.

COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

**BUSINESS OF THE PUBLIC WORKS & HIGHWAY COMMITTEE
GERMANTOWN, WI**

MEETING DATE: July 1, 2014

AGENDA ITEM: New Business

ITEM TITLE: Selection of Donges Bay Road Pavement and Drainage Template Elements

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Purpose:

1. Establish design criteria of pavement and drainage elements for the Donges Bay Road project.
2. This agenda item is NOT intended to establish design criteria for a pathway because that was addressed during the Park & Recreation Commission's June 11, 2014 meeting.
3. This agenda item is NOT intended to establish design criteria of the Pilgrim Road intersection elements for the Donges Bay Road project because that is a separate agenda item for this meeting.

Reasons:

1. Southeast Wisconsin Regional Planning Commission (SEWRPC) Transportation Improvement Program (TIP) Committee Surface Transportation Program – Milwaukee Urbanized Area (STP-M) reallocated funding from construction of the Donges Bay Road project to the City of Milwaukee's Humboldt Road project.
2. American Association of State Highway and Transportation Officials (AASHTO) and Village local standards are less stringent than Facilities Development Manual (FDM) standards.
3. Provide Village Engineering Dept. direction & ability to bid contract documents in January, 2015.

Pavement Thickness:

1. The Village Board's Contracted Professional Consultant R.A. Smith National's *Pavement Type Selection Report (PTSR)*¹ recommends the following along the Mainline:

Upper Layer Hard Surface: Place 1.75 inches of 12.5 mm HMA Pavement Type E-1 with Asphaltic Material PG 64-28, as an upper layer.
Lower Layer Hard Surface: Place 2.75 inches of 19.0 mm Hot Mix Asphalt (HMA) Pavement Type E-1 with Asphaltic Material PG 64-22, as a lower layer.
Base: Pulverize the existing pavement, full depth (5.5" average), atop existing base material (6" average)

¹ Elkin, P.E., John, and Andrew Axt, E.I.T. *Pavement Type Selection Report*. R.A. Smith National: Brookfield, December 21, 2012.

**BUSINESS OF THE PUBLIC WORKS & HIGHWAY COMMITTEE
GERMANTOWN, WI**

2. The Village Board's Contracted Professional Consultant R.A. Smith National's *PTSR*² recommends the following along 3,054 l.f. of the Mainline designated for Excavation Below Subgrade (EBS):

Upper Layer Hard Surface: Place 1.75 inches of 12.5 mm HMA Pavement Type E-1 with Asphaltic Material PG 64-28, as an upper layer.
Lower Layer Hard Surface: Place 2.75 inches of 19.0 mm Hot Mix Asphalt (HMA) Pavement Type E-1 with Asphaltic Material PG 64-22, as a lower layer.
Base: Remove existing pavement structure. Place 10 inches Base Aggregate Dense 1 ¼ inch.

² Elkin, P.E., John, and Andrew Axt, E.I.T. *Pavement Type Selection Report*. R.A. Smith National: Brookfield, December 21, 2012.

Drive Lane & Shoulder Widths:

Donges Bay Road					
Wisconsin Information System for Local Roads (WISLR), Latest Construction Condition, 1976 & 1993		AASHTO, <i>A Policy on Geometric Design of Highways and Streets</i> , 2011, Pg. 7-5		Transportation Research Board (TRB), <i>Special Report 214 Designing Safer Roads</i> , 1987, Pgs. 7 ³	
Drive Lanes	Shoulders	Drive Lanes ⁴	Shoulders ⁴	Drive Lanes ⁷	Shoulders ⁷
2 x 12'	2 x 6'	2 x 12' ⁵	2 x 8' ⁶	2 x 11'	2 x 6'

³ Document introduced by Trustee Art Zabel during Public Works & Highway Committee's January 7, 2014 meeting.

⁴ Posted speed of 40 mph therefore 45 mph design speed; [2013 ADT 2,100 and 2015 ADT 2,200-2,500] > 2,000.

⁵ 2 x 11' acceptable for reconstruction projects.

⁶ 2' of 8' recommended to be paved.

⁷ [2013 ADT 2,100 and 2015 ADT 2,200-2,500] > 2,000; 5.5% Truck Traffic.

Benefits of Wide Lanes & Shoulders^{8,9}:

1. Space is provided away from the traveled way for vehicles to stop because of mechanical difficulties, flat tires, or other emergencies.
2. Space is provided for motorists to stop occasionally to consult road maps or for other reasons.
3. Space is provided for evasive maneuvers to avoid potential crashes or reduce their severity.
4. The sense of openness created by shoulders of adequate width contributes to driving ease and reduced stress.
5. Sight distance is improved in cut sections, thereby potentially improving safety.
6. Space is provided for maintenance operations such as snow removal and storage.
7. Lateral clearance is provided for signs and guardrails.
8. Stormwater can be discharged farther from the traveled way, and seepage adjacent to the traveled way can be minimized. This may directly reduce pavement breakup.
9. Structural support is given to the pavement.
10. Space is provided for pedestrian and bicycle use, for occasional encroachment of vehicles, for mail delivery vehicles, and for the detouring of traffic during construction.

⁸ AASHTO, *A Policy on Geometric Design of Highways and Streets*, 2011, Pg. 4-9

⁹ TRB, *Special Report 214*, 1987, Pg. 80-81. Document introduced by Trustee Art Zabel during Public Works & Highway Committee's January 7, 2014 meeting.

BUSINESS OF THE PUBLIC WORKS & HIGHWAY COMMITTEE GERMANTOWN, WI

Roadside Drainage Ditches:

Donges Bay Road			
Village-Funded ¹³			Resident-Funded Alternative
Min. Depth ^{10,11}	Max. Foreslope ¹²	Max. Backslope ¹²	Enclosure
18"	4H:1V	3H:1V	12" @ \$50±/l.f. 15" @ \$53±/l.f. 18" @ \$56±/l.f. 24" @ \$59±/l.f. 30" @ \$63±/l.f. 36" @ \$67±/l.f.

¹⁰ Needs to be below bottom of pavement's bottom of base material, which from the PTSR is [(4.5" HMA + 5.5" Pulverized Asphalt + 6" Existing Base) = 16"] < 18"

¹¹ Brubaker, P.E., P.S., Alan. *Roadside Ditches in Summit County*. Summit County Engineer: Akron.

¹² AASHTO, *A Policy on Geometric Design of Highways and Streets*, 2011, Pg. 4-24 to 4-25

¹³ \$26±/l.f. Average Village cost to construct roadside ditches with culverts

Benefits of Roadside Ditches¹⁴:

1. **Extends road service life by 25%**¹⁵
2. Prevents unsafe accumulations of rain water on the roadway surface.
3. Drains water from the base under the roadway, maintaining pavement strength and eliminating freeze-thaw deterioration.
4. Reduces flooding resulting from heavy rainfall.
5. Provides valuable filtering of water.
6. Reduces flow rates and erosion.
7. Cheaper than storm sewers.
8. Preserves rural aesthetic character.

¹⁴ Brubaker, P.E., P.S., Alan. *Roadside Ditches in Summit County*. Summit County Engineer: Akron.

¹⁵ Wisconsin DOT *Facilities Development Manual*, Ch. 14, Sec. 15, Sub. 10, Pg. 3

ATTACHMENTS:

- Roadside Ditches in Summit County.

RECOMMENDATION:

1. **Pavement Thickness:** Adopt the mainline and EBS pavement thicknesses recommended in R.A. Smith National's PTSR.
2. **Drive Lane Width:** Adopt 2 x 12' drive lane widths along the mainline.
3. **Shoulder Width:** Adopt 2 x 6' shoulder widths, 4' paved and 2' gravel, along the mainline.
4. **Roadside Ditches:** Adopt 18" minimum depth, 4H:1V maximum foreslope, and 3H:1V maximum backslope. Allow alternative for ditch enclosures fronting resident parcels at resident expense, which shall require permits under Section 8.03 *Driveways and Culverts* of the Municipal Code.

**BUSINESS OF THE PUBLIC WORKS & HIGHWAY COMMITTEE
GERMANTOWN, WI**

COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

Roadside Ditches in Summit County



WHY ROADSIDE DITCHES?

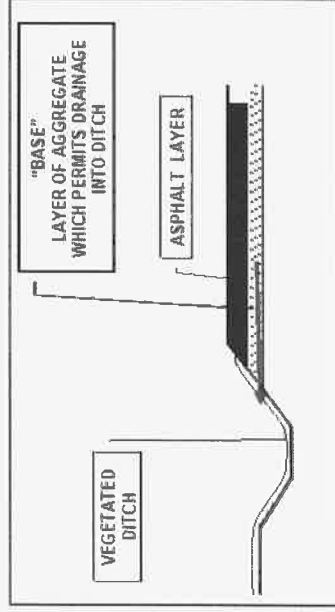
The question is often asked, "Why does Summit County prefer open roadside ditches along county roads instead of enclosed pipe drainage systems?" Below are some of the reasons:

Surface Drainage Improved

One of the purposes of a roadway drainage ditch is to prevent unsafe accumulations of rain water on the roadway surface. An open ditch allows water to move fully away from a road surface. In contrast, a piped storm sewer system uses the edge of the roadway surface if there is a curb, or a shallow swale over the former ditch to convey the water until it reaches a catch basin or other point of interception. An open ditch also continuously intercepts rain water flowing toward the roadway from adjacent land. For these reasons, a roadway drainage ditch is less likely to allow accumulation of water on or near a roadway surface than an a storm sewer system.

Roadway Base Drainage

Another purpose of a roadway drainage ditch is to drain water from under the roadway. The base is the foundation for supporting the load of traffic on the asphalt roadway. If water becomes trapped in the base, it weakens the structure of the roadway, leading to premature failure of the roadway. In addition, during cold weather, freezing and thawing of water trapped in the base under the pavement causes rapid deterioration of the pavement. An open ditch of sufficient depth provides continuous drainage of the base.



Flooding Reduced

An open ditch has more capability than a piped system to reduce flooding resulting from heavy rainfall. During an extreme rainfall event, flow in a roadway drainage ditch is usually limited by driveway culverts or water elevations at discharge points, such as intercepting streams. When that happens, each roadway ditch becomes a small detention basin, storing excess water until discharge capacity becomes available. A piped system does not have capability to store excess water. A piped system also accelerates water flow, making downstream flooding conditions worse.

Water Quality Issues Improved

An open ditch helps to maintain healthy water quality in receiving streams.

1. Vegetation in a roadway drainage ditch provides valuable **filtering of water**. Roadways gradually accumulate rubber tire wear, lubricants, metal particles, rust fragments and other substances from the wear and weathering of motor vehicles. These substances, as well as roadway materials loosened by wear and weathering, are washed from roadways by rain water. Ditch vegetation helps to trap these substances, and reduce flow rates, promoting settlement of solid particles and preventing them from entering the natural waterways. Mowing of roadside ditches should be kept to a minimum in order to maximize filtering.



2. Ditches **reduce flow rates** and increase storage of excess rainwater which helps reduce downstream erosion and the impact on stream habitat caused by high concentrations of suspended solids.

3. The **detection of illicit discharges** is easier in open ditches than in closed piped systems. EPA rules require that non-rainwater discharges be eliminated from urban drainage systems. Such discharges include failing septic system discharges and disposal of solvents, motor vehicle fluids, and cleaning products.

Infrastructure Costs Reduced

Piped drainage systems, including storm sewers, catch basins, manholes, headwalls and under drain piping are much more costly to construct than roadside ditches. If a piped drainage system is constructed without adding an adequate under drain system, additional costs are incurred for roadway repair and reconstruction due to roadway deterioration caused by the inadequate base drainage.

**BUSINESS OF THE PUBLIC WORKS & HIGHWAY COMMITTEE
GERMANTOWN, WI**

MEETING DATE: July 1, 2014

AGENDA ITEM: New Business

ITEM TITLE: Selection of Donges Bay Road/Pilgrim Road Intersection Elements

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Purpose:

1. Establish design criteria of the Pilgrim Road intersection elements for the Donges Bay Road project.
2. This agenda item is NOT intended to establish design criteria of pavement and drainage elements for the Donges Bay Road project because that is a separate agenda item for this meeting.
3. This agenda item is NOT intended to establish design criteria for a pathway because that was addressed during the Park & Recreation Commission's June 11, 2014 meeting.

Reasons:

1. Southeast Wisconsin Regional Planning Commission (SEWRPC) Transportation Improvement Program (TIP) Committee Surface Transportation Program – Milwaukee Urbanized Area (STP-M) reallocated funding from construction of the Donges Bay Road project to the City of Milwaukee's Humboldt Road project.
2. American Association of State Highway and Transportation Officials (AASHTO) and Village local standards are less stringent than Facilities Development Manual (FDM) standards.
3. Provide Village Engineering Dept. direction and ability to bid contract documents in January, 2015.

Recommended Improvements:

1. The Village Board's Contracted Professional Consultant R.A. Smith National's *Traffic Analysis Report*¹, recommends the following improvements:
 - a. Remove existing split phase signal operation and construction left-turn lanes on all approaches with zero or positive offset. Removing split phase operation will introduce new left-turn conflicts which can be mitigated by providing left-turn lanes with appropriate offset.
 - b. Construct a northbound left-turn lane with 200' of storage and proper taper.
 - c. Construct a westbound left-turn lane with 150' of storage and proper taper.
 - d. Construct a southbound left-turn lane with 150' of storage and proper taper.
 - e. Construct an eastbound left-turn lane with 100' of storage and proper taper.
 - f. Provide protected-permitted left-turn phasing northbound, southbound, and westbound utilizing flashing-yellow arrow signals. Sight distance requirements for the left-turn movements introduced along Pilgrim Road are expected to be met.

¹ Hawley, P.E., P.T.O.E., Pat. *Traffic Analysis Report*. R.A. Smith National: Brookfield, March 28, 2013

**BUSINESS OF THE PUBLIC WORKS & HIGHWAY COMMITTEE
GERMANTOWN, WI**

Reasons:^{2,3}

1. No improvements will result in poor future year operations.
2. Reduces chance of angle crashes involving left-turning vehicles.
3. New signal equipment with better visibility, updated signal timings, and additional signing may reduce the number of rear end crashes.

² Hawley, P.E., P.T.O.E., Pat. *Intersection Control Evaluation*. R.A. Smith National: Brookfield, August 5, 2013.

³ Hawley, P.E., P.T.O.E., Pat. *Traffic Analysis Report*. R.A. Smith National: Brookfield, March 28, 2013.

ATTACHMENTS:

- Recommended Improvements exhibit.

RECOMMENDATION:

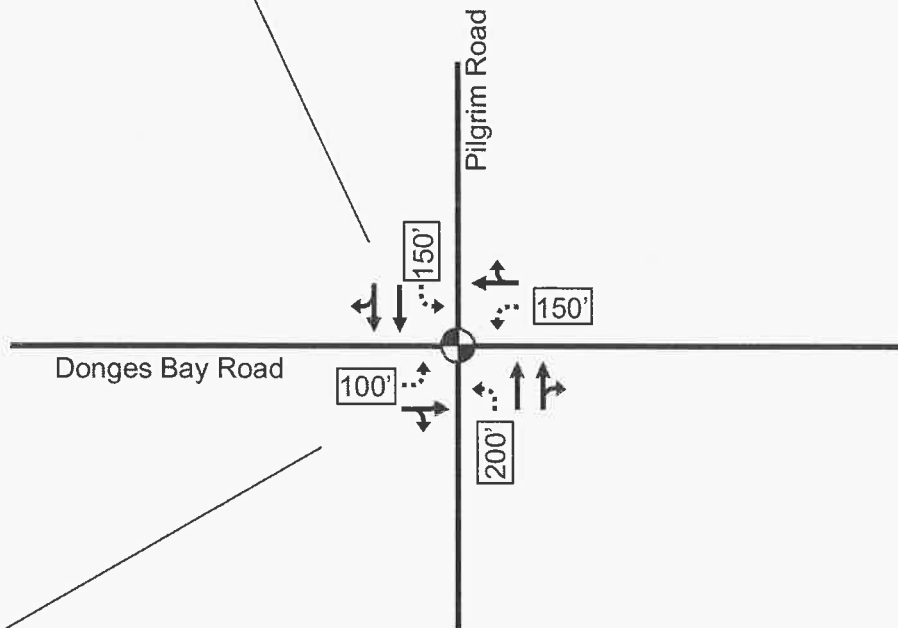
1. Adopt removing existing split phase signal operation and construction left-turn lanes on all approaches with zero or positive offset.
2. Adopt constructing a northbound left-turn lane with 200' of storage and proper taper.
3. Adopt constructing a westbound left-turn lane with 150' of storage and proper taper.
4. Adopt constructing a southbound left-turn lane with 150' of storage and proper taper.
5. Adopt constructing an eastbound left-turn lane with 100' of storage and proper taper.
6. Adopt providing protected-permitted left-turn phasing northbound, southbound, and westbound utilizing flashing-yellow arrow signals.

COMMITTEE ACTION:

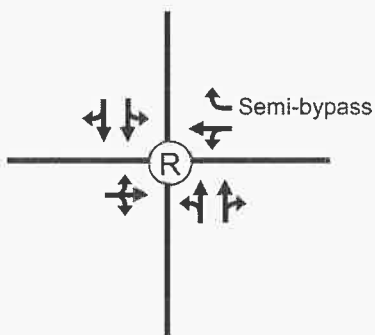
Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.



Implement protected-permitted left-turn phasing northbound, southbound, and westbound.



Roundabout Alternative



Legend

- | | |
|------------------|---------------------------------|
| = Traffic Signal | XX' = Turn Bay Length (ft) |
| = Stop Sign | = Proposed Turn Bay Length (ft) |
| = Roundabout | = Proposed Lane Addition |
| | = Raised Median |

Recommended Improvements

**BUSINESS OF THE PUBLIC WORKS & HIGHWAY COMMITTEE
GERMANTOWN, WI**

MEETING DATE: July 1, 2014

AGENDA ITEM: New Business

ITEM TITLE: Donges Bay Road Design Schedule

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Purpose:

1. Communicate the anticipated design schedule needed to accomplish construction of the Division Road to Pilgrim Road segment in Year 2015. (Year 2016 construction of the Pilgrim Road to Magnolia Drive segment would be inherent to the design schedule for the Year 2015 Division Road to Pilgrim Road segment.)
2. This agenda item is NOT intended to establish design criteria for the Donges Bay Road project.

Adoption of Design Criteria a Critical Task:

It will be critical that the Village Board decisively selects applicable and appropriate pavement and drainage elements, Pilgrim Road intersection elements, and pathway elements.

Real Estate Acquisition a Critical Task:

It will be critical that residents abutting the Division Road to Pilgrim Road segment cooperate with needed permanent and temporary real estate acquisitions in order to accomplish a Year 2015 construction schedule.

After the Village Board has adopted design criteria, then the design can proceed and thereafter identify permanent and temporary real estate acquisitions needed.

ATTACHMENTS:

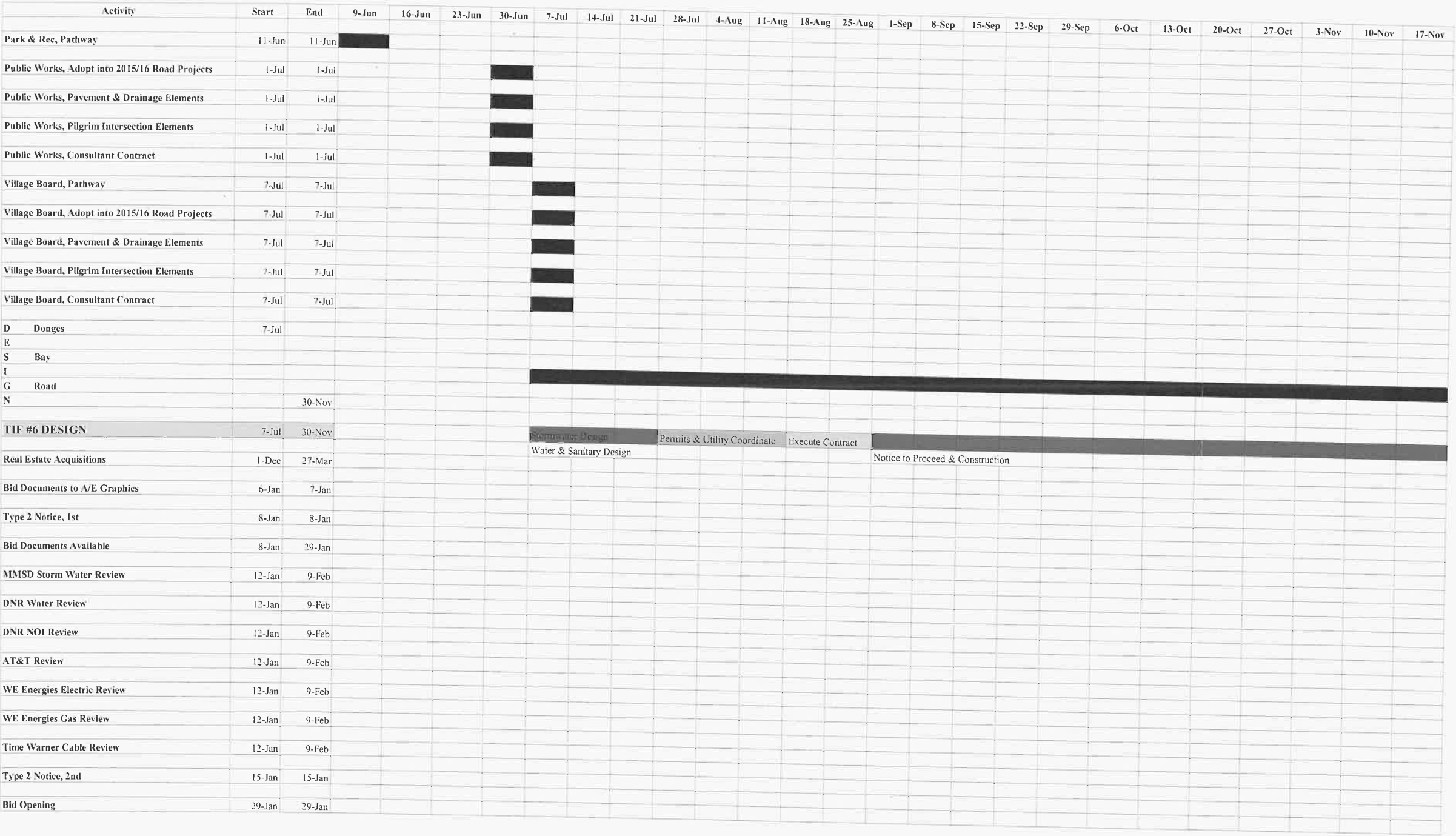
- DRAFT Gantt Chart schedule (Work in progress)

RECOMMENDATION: For information only; therefore, no action requested.

COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

Donges Bay Road Design Schedule Gantt Chart



**BUSINESS OF THE PUBLIC WORKS & HIGHWAY COMMITTEE
GERMANTOWN, WI**

MEETING DATE: July 1, 2014

AGENDA ITEM: New Business

ITEM TITLE: Award of Contract – R.A. Smith National to Convert Donges Bay Road Drawings from Facilities Development Manual to Local Standards

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Purpose:

1. Scope and award a contract with the Village Board's Professional Consultant R.A. Smith to convert Donges Bay Road drawings from Facilities Development Manual (FDM) to local standards
2. This agenda item is NOT intended to establish design criteria for the Donges Bay Road project.

Reasons:

1. Southeast Wisconsin Regional Planning Commission (SEWRPC) Transportation Improvement Program (TIP) Committee Surface Transportation Program – Milwaukee Urbanized Area (STP-M) reallocated funding from construction of the Donges Bay Road project to the City of Milwaukee's Humboldt Road project.
2. FDM uses a different coordinate system than the Village.
3. Village Engineering Department's workload capacity may be filled by prospective Tax Increment Financing (TIF) projects, Local Road Improvement projects, Utility projects, Wisconsin Pollutant Discharge Elimination System (WPDES) activities, Annual reports, Development Plan Reviews, etc.

ATTACHMENTS:

R.A. Smith National Proposal (June 24, 2014)

RECOMMENDATION:

Award contract to R.A. Smith National to convert Donges Bay Road drawings from Facilities Development Manual to local standards, with value to be determined during Committee meeting.

COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

June 24, 2014

Brionne R. Bischke, P.E.
Village Engineer
Village of Germantown
N112 W17001 Mequon Road, P.O. Box 337
Germantown, WI 53022-0337

Re: Proposal for Professional Services

Dear Brionne,

Thank you for this opportunity to provide a quotation for professional services. The contents of this proposal letter spell out the Scope of Services to be provided, the Services Not Included, the proposed Completion Schedule, the Professional Fees, and the Assumptions and Conditions under which this proposal is being made.

I. PROJECT NAME: Donges Bay Road Design and Construction Plans

II. DESCRIPTION OF SERVICES TO BE PERFORMED:

R.A. Smith National, Inc. (RASN) will provide roadway design and develop construction plans for the above referenced project between Division Road and Magnolia Drive. One set of plans will be prepared, but with quantities broken out by the following segments for separate lettings:

January 2015 Let: Division Road to approximately Fieldstone Pass

January 2016 Let: Fieldstone Pass to Magnolia Drive

Our **base project scope** is predicated upon the following:

- A. The project will be locally let and the Village will prepare the construction contract documents, including all administrative and technical specifications.
- B. RASN will convert survey files from the Wisconsin County Coordinate System to the Wisconsin State Plane Coordinate System, South Zone, North American Datum of 1927. Additional survey is required to locate section corners and control points in State Plane NAD27 (SEWRPC) for proper correlation.
- C. Similar rehabilitation (pulverize and overlay) and EBS reconstruction areas as currently shown on the WisDOT 30% plans (dated 9/6/2013), except that the proposed roadway width will be the same as existing. A design profile for the rehabilitation segments will not be required. Cross-sections will not be provided and ditch grading will not be necessary. Standard Village construction details will be incorporated into the plans. Special construction details are not anticipated. Existing bypass and turn lanes are included in their current configuration only. Pavement marking and permanent signing are included.
- D. The base typical roadway cross-section will be 2-12' lanes and no shoulders. One public involvement meeting, two Village board or committee meetings, and three Village staff meetings are planned. No additional project advisory committee meetings will be required.
- E. A detour plan is included. Construction staging plans are not required.

Deliver excellence, vision, and responsive service to our clients.

- F. No wetland impacts and related DNR coordination are anticipated.
- G. The Village will prepare MMSD and DNR permits as needed.
- H. Changes to the existing sidewalk or adding sidewalk are not required.
- I. Utility relocation coordination is included.

Potential scope additions are described as follows:

- A. 2-foot wide shoulders: 2-foot wide gravel shoulders will be included for the project length.
- B. Driveways and Side Roads: Driveway paving will be included within the right-of-way and side roads paved to the end of return/radius (including Pilgrim Road).
- C. Ditches and culverts: Ditch grading will be included where necessary and designed with 4:1 typical ditch front slopes and back slopes, 3:1 maximum. Existing cross and driveway culverts will be replaced with similar size concrete culverts. Upsizing and/or analysis of culvert hydraulics will not be required.
- D. Bypass and turn lanes: Additional bypass and turn lanes or extensions will be included at the following intersections:
 Division Road (westbound turn lane)
 Larkspur Lane (right turn and bypass lanes)
 Wagon Trail (right turn lanes)
 Ridgeview Lane (right turn and bypass lanes)
 Hollowbrook Drive (right turn lane)
 Mohawk Drive (right turn lane)
 Fieldstone Pass (right turn and bypass lanes)
 Roger Drive (right turn lane)
 Preserve Parkway/Windson Road (right turn lanes)
 Heritage Hills Parkway (right turn lanes)
 Raintree Drive (right turn lane and bypass lanes)
 Magnolia Drive (bypass lane)

Bypass and right turn lane lengths will be less than those shown on the WisDOT 30% plans.

- E. 4-foot wide paved shoulders: 6-foot total width shoulders with 2-foot gravel will be provided for the project length.
- F. Pilgrim Road intersection turn lanes, traffic signals, right-of-way plat, title searches, and appraisal staking: The Pilgrim Road intersection will be improved with geometrics similar to the WisDOT 30% plans, but the Pilgrim Road pavement will not be rehabilitated. Widening will be accomplished by "hanging on" additional pavement and curb & gutter. Temporary signals during construction and new signal plans will be provided. A construction staging plan for Pilgrim Road will be provided to maintain one traffic lane in each direction. A plat will be included for the Pilgrim Road intersection improvements and include up to 10 parcels, including appraisal staking. Temporary grading easements are not anticipated elsewhere. Monumentation of property

corners/piping, if needed, would be completed by the Village. An allowance of 10 title searches (10 at \$220 each for a total of \$2,200) is included.

- G. 8-foot wide multi-use path: An 8-foot wide asphalt path will be provided on the north side of Donges Bay Road for the project length. This work includes removal of the existing sidewalk on the south side of the road and the provision of 8-foot wide curb ramps at road crossings on the north side of the road.
- H. Jefferson Ditch Crossing: This work includes replacement of the Jefferson Ditch culverts. A hydraulic report will be prepared and submitted to the DNR for approval. A Letter of Mapped Revision (LOMR) submittal to FEMA is not included.
- I. MMSD Analysis and Coordination: increases of impervious area of 0.5 acres or more require coordination with MMSD and include a volumetric analysis, technical memorandum and the design of permanent ditch checks. This task will need to be included if potential scope additions D, E, F, or G above are included.

Alternate Scope for Village In-house Design is described as follows:

File Conversion for Village Use: Convert survey files from the Wisconsin County Coordinate System to the Wisconsin State Plane Coordinate System, South Zone, North American Datum of 1927, and to Autocad 2004 format files readable by IntelliCAD and Carlson software packages. Additional survey is required to locate section corners and control points in State Plane NAD27 (SEWRPC) for proper correlation.

III. COMPLETION SCHEDULE:

Construction plans, quantity computations and right-of-way plat (if necessary) will be submitted to the Village by December 1, 2014.

IV. PROFESSIONAL FEES:

The above-described **base project scope** will be provided for a lump sum fee of **\$16,700**. Fees will be invoiced monthly on a percent complete basis.

The lump sum fees **for potential scope additions** described above are as follows:

- A. 2-foot wide shoulders: \$1,800
- B. Driveways and Side Roads: \$2,100
- C. Ditches and culverts: \$2,700
- D. Bypass and turn lanes: \$3,300
- E. 4-foot wide paved shoulders: \$2,700
- F. Pilgrim Road intersection turn lanes, traffic signals, right-of-way plat, title searches, and appraisal staking (including an allowance of \$2,200 for 10 title searches): \$36,400

- G. 8-foot wide multi-use path: \$3,300
- H. Jefferson Ditch Crossing: \$4,700
- I. MMSD Analysis and Coordination: \$6,000
- Total: \$79,700

Alternate Scope for Village In-house Design (File Conversion for Village Use): \$2,900

Usual and customary expenses such as mileage, postage, delivery, printing, telephone charges and applicable taxes are not included in the above fee, and will be invoiced at cost.

- A. As your project progresses, additional work beyond the scope of this agreement may be required. Please initial below how you would like us to proceed with such work (note: construction staking, if applicable is addressed in Section B):
- _____ Time is critical. Proceed with any additional work and notify me with the details as soon as possible. I understand that this work will be performed on an hourly, time-and-material basis.
 - _____ Contact me to obtain my verbal authorization and to discuss fees prior to performing any additional work. I understand that this could delay the progress of my project.
 - _____ Contact me to obtain my written authorization and to discuss fees prior to performing any additional work. I understand that this could delay the progress of my project.

V. ASSUMPTIONS AND CONDITIONS:

Our estimated fees are based on the following set of assumptions and conditions. Deviations from these may result in additional fees:

- A. The terms and conditions set forth herein are valid for 30 days from the date of this proposal.
- B. The design of urban/curb and gutter sections is not required (exclusive of the Pilgrim Road Intersection option).
- C. Plans not provided include landscaping and storm sewer.
- D. Any wetland impacts and Section 401/404 permits will be prepared/coordinated by the Village.
- E. Historical coordination will not be necessary.
- F. Retaining wall design is not included.
- G. Fee right-of-way acquisition outside of the Pilgrim Road intersection and Jefferson Ditch improvements is not anticipated. Temporary grading easements/construction permits, if necessary, will be prepared and acquired by the Village.
- H. Additional geotechnical investigations are not required.

Brionne R. Bischke, P.E.
Page 5 / June 24, 2014

The attached Standard General Contract Terms for Professional Services are hereby made part of this Agreement. If there are any questions concerning those, or the terms as presented, please contact us. To authorize R.A. Smith National, Inc. to proceed please sign in duplicate and return one original to our office.

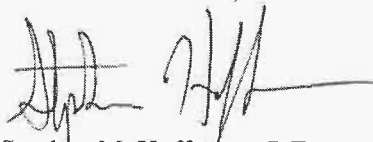
We look forward to a very successful project!

Sincerely,
R.A. Smith National, Inc.



John A. Elkin, P.E.
Senior Project Manager

R.A. Smith National, Inc.



Stephan M. Hoffmann, P.E.
Director of Transportation

Enclosures

**STANDARD GENERAL CONTRACT TERMS
FOR PROFESSIONAL SERVICES**

R.A. Smith National

1. All of the work described herein shall be completed in accordance with generally and currently accepted engineering and surveying principles and practices.

2. Unless otherwise specifically included in the proposal, PROFESSIONAL'S scope of work shall not include geotechnical or environmental audits for the identification of hazardous wastes, wetlands, floodplains or any other structural or environmental qualities of land or air. It is understood that the Scope and the Completion Schedule defined in the Proposal are based on the information provided by the CLIENT. Verification of the accuracy and completeness of any information provided by others is beyond the scope of this agreement. Therefore, PROFESSIONAL cannot be held responsible for any design or construction problems resulting from the use of this information.

3. PROFESSIONAL strongly recommends that a geotechnical ENGINEER be engaged in the preliminary phases of the work to conduct field investigations, and analysis and prepare a report on the soils conditions.

4. PROFESSIONAL shall not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor or CLIENT, or the safety precautions and programs incident to the work of the Contractor, nor shall he be responsible for the failure of the Contractor to perform the construction work in accordance with the Contract Documents.

5. All original papers, electronic files, and documents, and copies thereof, produced as a result of this contract shall remain the property of the PROFESSIONAL.

6. In the event all or any portion of the work prepared or partially prepared by the PROFESSIONAL is suspended, abandoned, or terminated, the CLIENT shall pay the PROFESSIONAL all fees, charges and expenses incurred to date. Professional may suspend or terminate this Agreement upon seven (7) days written notice if the CLIENT fails to substantially perform in accordance with this Agreement. Failure to make payments in accordance herewith shall constitute substantial nonperformance.

7. PROFESSIONAL cannot be held responsible for project schedule delays caused by weather, violence, acts of God, and public agencies or private businesses over which it has no control. PROFESSIONAL shall act only as an advisor in all governmental relations. Such delays as caused by said occurrences, if not solely the result of PROFESSIONAL'S failure to meet submittal deadlines, may result in adjustments to said schedules and estimates/fees.

8. All electronic files transferred to CLIENT or his DESIGNEE by PROFESSIONAL are provided solely for the convenience of the CLIENT and are warranted only to the extent that they conform to the original document(s) produced by PROFESSIONAL. All electronic file(s) are transmitted in trust for the sole use of the CLIENT and his DESIGNEE and acceptance constitutes assumption of responsibility for its use and safekeeping. Any use by third parties shall be at the sole risk of the CLIENT. Any alterations to or tampering with the files shall constitute the agreement of the CLIENT to release, defend and hold harmless PROFESSIONAL from all claims and causes of action by said CLIENT and third parties.

9. Payment for invoices is due upon receipt; amounts outstanding after 30 days from the date of invoice will be considered delinquent and subject to a service charge at the rate of 1% compounded monthly. Invoices will usually be sent monthly for work performed during the previous month. CLIENT understands, and agrees to pay for all services rendered regardless of CLIENT'S ability or inability to proceed with the project for any reason, gain governmental approvals or permits, or secure financing for the project. The CLIENT shall provide PROFESSIONAL with a clear, written statement within twenty (20) days of the date of the invoice of any objections to the invoice. Failure to provide such a written statement shall constitute acceptance of the invoice as submitted. PROFESSIONAL reserves the right to immediately suspend work and/or terminate this agreement due to lack of timely payment of uncontested invoices by CLIENT.

The CLIENT further agrees to pay PROFESSIONAL any and all expenses incurred in recovering any delinquent amounts due, including attorney's fees and court costs.

10. The CLIENT agrees to limit PROFESSIONAL, by its agents or employees, total liability to the CLIENT and to all Construction Contractors and Subcontractors on the Project, due to PROFESSIONAL'S professional negligent acts, errors, omissions, strict liability, breach of contract, or breach of warranty and for any and all injuries, claims, losses, expenses, damages, or claim expenses arising out of this Agreement from any cause or causes, such that the total aggregate liability of PROFESSIONAL to those named shall not exceed the percentage share that PROFESSIONAL'S negligence bears to the total negligence of all negligent entities and individuals, and shall not exceed Fifty

Thousand Dollars (\$50,000.00) or the total fee for services rendered under this Agreement, whichever is less.

11. Both parties agree that all disputes, including, but not limited to errors, liability, claims for services and fees, expenses, losses, etc., shall, at the sole and exclusive option of PROFESSIONAL, be submitted for non-binding mediation, a prerequisite to further legal proceedings. PROFESSIONAL shall have the sole and exclusive right to choose the mediator. Any fees and/or expenses charged by the mediator shall be shared equally between PROFESSIONAL and CLIENT.

12. Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the CLIENT or the PROFESSIONAL. The PROFESSIONAL'S services under this Agreement are being performed solely for the CLIENT'S benefit, and no other entity shall have any claim against the PROFESSIONAL because of this Agreement or the performance or nonperformance of services hereunder. The CLIENT agrees to include a provision in all contracts with contractors and other entities involved in this project to carry out the intent of this paragraph.

13. AS REQUIRED BY THE WISCONSIN LIEN LAW, PROFESSIONAL HEREBY NOTIFIES CLIENT THAT PERSONS OR COMPANIES FURNISHING LABOR FOR ENGINEERING OR SURVEYING FOR THE CONSTRUCTION ON OWNER'S LAND, MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDING IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED, ARE THOSE WHO GIVE THE CLIENT NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, CLIENT PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE SURVEYING OR ENGINEERING SERVICES, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO THE OWNER AND MORTGAGE LENDER, IF ANY. PROFESSIONAL AGREES TO COOPERATE WITH THE CLIENT AND THE CLIENT'S LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID, IF APPLICABLE.

R.A. Smith National, Inc.
16745 West Bluemound Road, Suite 200
Brookfield, WI 53005
John A. Elkin, P.E.
Senior Project Manager

PROFESSIONAL

By:  _____

Date: June 24, 2014 _____

PROJECT: Donges Bay Road Design and Construction Plans

The above and foregoing proposal is hereby accepted and PROFESSIONAL is authorized to proceed with the work.

Village of Germantown
N112 W17001 Mequon Road
P.O. Box 337
Germantown, WI 53022-0337

CLIENT

By: _____

CLIENT and R.A. Smith National, Inc. agree that digital and electronically reproduced signatures such as by facsimile transmission or email are valid for execution or amendment of this Agreement and that electronic transmission/facsimile is an authorized form of notice to proceed.

Printed Name: _____

Title: _____ Date: _____

©2013 R.A. SMITH NATIONAL, INC.

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