

**CITY OF CHIPPEWA FALLS
BOARD OF PUBLIC WORKS
MEETING MINUTES
MONDAY, MARCH 21, 2016 – 5:30 PM**

The Board of Public Works met in City Hall on Monday, March 21, 2016 at 5:30 PM. Present were Mayor Greg Hoffman, Director of Public Works Rick Rubenzer, Finance Manager Lynne Bauer and Alderperson Paul Olson. Absent was Darrin Senn. Jayson Smith, City Planner, was also present at the meeting.

1. **Motion** by Bauer, seconded by Olson to approve the minutes of the March 7, 2016 Board of Public Works meeting. **All present voting aye. MOTION CARRIED.**

2. City Planner Jayson Smith presented the attached minutes of the March 17, 2016 Groundwater Technical Review Committee meeting including a draft of the revised City of Chippewa Falls Municipal Code Chapter 29: Wellhead Protection. He stated that revised Wellhead Protection Flow Maps for the East and West Wellfields had been previously adopted. He discussed changes that the Groundwater Technical Review Committee had made at the March 17, 2016 meeting and also contrasted existing Chapter 29 with the attached revised Chapter 29.
Motion by Rubenzer, seconded by Olson that the Common Council approve the attached revised City of Chippewa Falls Municipal Code Chapter 29 Wellfield Protection with the changes recommended by the Groundwater Technical Review Committee at its March 17, 2016 meeting. **All present voting aye. MOTION CARRIED.**

3. Director of Public Works Rubenzer presented the attached fourth revision of the State/Municipal Agreement for the Spring Street Bridge Project. He stated that this was the official document for the project award made at the January 5, 2016 Common Council meeting. The Board again discussed the history of the Spring Street Bridge.
Motion by Rubenzer, seconded by Bauer to recommend the Common Council approve the attached State/Municipal Agreement revision #4 for a State-let local bridge project at the Spring Street Bridge. Also to authorize Mayor Hoffman to execute the said agreement confirming the January 5, 2016 Common Council action awarding the Project to Zenith Tech, Inc. **All present voting aye. MOTION CARRIED.**

4. **Motion** by Olson, seconded by Bauer to adjourn. **All present voting aye. MOTION CARRIED.** The Board of Public Works meeting adjourned at 5:48P.M.


Richard J. Rubenzer, PE
Secretary, Board of Public Works

**CITY OF CHIPPEWA FALLS
BOARD OF PUBLIC WORKS
MEETING MINUTES
MONDAY, MARCH 7, 2016 – 5:30 PM**


The Board of Public Works met in City Hall on Monday, March 7, 2016 at 5:30 PM. Present were Mayor Greg Hoffman, Director of Public Works Rick Rubenzer, Finance Manager Lynne Bauer, Alderperson Paul Olson and Darrin Senn. Also attending were Tim Marko, PE, S.E.H. Principal and Project Manager for the Downtown Riverfront Gateway Phase I Improvements and Dick Hebert, Director of Chippewa Falls Parks, Recreation and Forestry Departments.

1. **Motion** by Bauer, seconded by Olson to approve the minutes of the February 22, 2016 Board of Public Works meeting. **All present voting aye. MOTION CARRIED.**

2. The Board of Public Works considered the attached lease with Family Dollar for public parking on Lot #2 and part of Lot #3, Block #21, City of Chippewa Falls Plat. Director of Public Works Rubenzer stated that most of the lease was not what the City had requested in the February 9, 2015 Board of Public Works minutes and proposed lease extension. Director of Public Works Rubenzer continued that at most the City would perform snow and ice removal at the lot but suggested the February 2015 proposed lease be used or the City is not interested in leasing. Finance Manager Bauer recommended reviewing the liability insurance amounts suggested in the February 2015 proposed lease. **Motion** by Rubenzer, seconded by Bauer to send the attached February 9, 2015 Board of Public Works proposed parking lot lease back to the present owner of Lot #2 and part of Lot #3, Block #21, City of Chippewa Falls Plat after Finance Manager Bauer confirms City of Chippewa Falls liability insurance limits. **All present voting aye. MOTION CARRIED.**

3. Tim Marko, PE, S.E.H. Principal and Project Manager for the Downtown Riverfront Gateway Park appeared and presented the attached bid summary for Phase I improvements. Mr. Marko noted that a few corrections had been made to the bids that had been received and opened at 10:00 A.M. on March 7, 2016. Mr. Marko noted that Phase I improvements included the roundabout upgrade, infrastructure completion on the southwest corner of Bridge and River Streets, Amphitheatre stone seating, swinging bench installation, parking lot construction near the Bay Street Lift Station, and fountain, light and decorative vegetation along the welcome path. Director of Public Works Rubenzer stated that the bids were all very reasonable. **Motion** by Rubenzer, seconded by Hoffman to recommend the Common Council accept the low bid of \$2,065,563.58 and award the Downtown Riverfront Gateway Park Phase I project to Heartland Contractors of WI, Inc. upon a favorable review of the bid and bid security from City Attorney Ferg. **Voting Aye were Rubenzer, Hoffman, Bauer and Olson. Recusing himself and abstaining from the vote was Senn. MOTION CARRIED.**

4. **Motion** by Senn, seconded by Olson to adjourn. **All present voting aye. MOTION CARRIED.** The Board of Public Works meeting adjourned at 5:46 P.M.


Richard J. Rubenzer, PE
Secretary, Board of Public Works

Please note, these are draft minutes and may be amended until approved by the Common Council.

City of Chippewa Falls
MINUTES OF THE GROUNDWATER TECHNICAL REVIEW COMMITTEE
Thursday, March 17, 2016 2:00 PM
Chippewa Falls City Hall

The Groundwater Technical review Committee met in the Council Chambers in City Hall on March 17, 2016 at 2:00 PM. Present: Rick Rubenzer, Paul Lasiewicz, Rory Olson, Jayson Smith (voting members); Dan Masterpole and Lori Rosemore (advisory members). Also attending were Bruce Olson and Tim Marko.

1. Motion by Rubenzer, seconded by Lasiewicz to approve the minutes of the August 11, 2011 Groundwater technical Review Committee. All present voting aye. Motion carried.

2. The committee reviewed the draft Wellhead Protection Ordinance that will replace the current ordinance. Bruce Olson commented that the Ordinance was prepared to make it more user friendly for both businesses as well as City staff during its administration. Lori Rosemore commented that 29.08 (2) and (3) could provide better definition for the storm water infiltration basins with and without pretreatment. The committee concurred and this will be addressed. This will also carry over to the draft application form as well. The committee also discussed adding an alternate plan to 29.12 to include a Spill Prevention, Control, and Countermeasure Plan (SPCC).
Motion by Rubenzer, seconded by Lasiewicz to recommend to the Board of Public Works that the amended Wellhead Protection Ordinance be approved with the noted changes to 29.08 (2) and (3) and to 29.12 and be forwarded to the City Council for approval. All present voting aye. Motion carried.

3. The meeting adjourned at 2:50 p.m.

Submitted by:
Jayson Smith, Committee Chairperson

29.01 - PURPOSE AND AUTHORITY.

(1)

PURPOSE. The residents of the City of Chippewa Falls (City) depend exclusively on groundwater for a safe Municipal drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions protecting the municipal water supply of the City and to promote the public health, safety and general welfare of the City's residents.

(2)

AUTHORITY. Statutory authority of the City to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (enacted May 4, 1984), which specifically added groundwater protection in §59.97(1) and §62.23(7)(c), to the statutory authorization for county and municipal planning and zoning to protect the public health, safety and welfare. In addition, under §62.23(7)(c), the City has the authority to enact this chapter, effective in the incorporated areas of the City, to encourage the protection of groundwater resources.

29.02 - WELLHEAD PROTECTION OVERLAY DISTRICT.

A Wellhead Protection Overlay District (Overlay District) may be created to institute land use regulations and restrictions within a defined area which contributes water directly to a municipal water supply and thus promotes public health, safety, and welfare. The district is intended to protect the groundwater recharge area for the existing or future municipal water supply from contamination.

(1)

SUPREMACY OF THIS DISTRICT. The regulations of an Overlay District will apply in addition to all other regulations which occupy the same geographic area. The provisions of any zoning regulations that apply to the same geographic area as the Overlay District will apply except when regulations of the Overlay District are more stringent, whereby the regulations of the Overlay District shall apply.

29.03 - APPLICATION OF REGULATIONS.

The regulations specified in this Wellhead Protection Ordinance shall apply to the incorporated areas of Chippewa Falls that lie within the recharge areas for municipal water supply wells as defined in §29.04, and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this chapter and the zoning ordinance, the more restrictive provision shall apply.

29.04 - DEFINITIONS.

- (1) APPLICANT. An individual, partnership, association, corporation, or other legal entity that is requesting in writing a land use within the delineated Wellhead Protection Overlay District.
- (2) AQUIFER. A saturated, permeable geologic formation that contains and will yield significant quantities of water.
- (3) CONE OF DEPRESSION. The area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well.
- (4) DESIGN STANDARDS. Regulations that apply to the development of structures and infrastructures within a designated wellhead protection district.
- (5) MUNICIPAL WATER SUPPLY. The municipal water supply of the City of Chippewa Falls.
- (6) OPERATING STANDARDS. Regulations that apply to land use activities/business practices within a designated wellhead protection district.
- (7) PERMITTED USE. Land use or development that by design or operation is allowed without further technical or regulatory review within defined areas of a wellhead protection district.
- (8) PROHIBITED USE. Land use or development that is not allowed within the defined areas of the wellhead protection district.
- (9) PROVISIONAL USE. Land use or development that either by design or operation requires additional technical or regulatory review and permitting in order to exist within defined areas of a wellhead protection district.
- (10) PERSON. Person means an individual, partnership, association, corporation, municipality or state agency, or other legal entity.
- (11) RECHARGE AREA. The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.

(12)

REGULATED SUBSTANCES.

- a) Chemicals and chemical mixtures that are health hazards. Health hazards for chemicals and chemical mixtures are typically identified on Safety Data Sheets (SDS) under the Global Harmonization System (formerly Material Safety Data Sheets (MSDS) as established by the U.S. Occupational Safety and Health Administration (OSHA)). A MSDS is typically available from the substance manufacturer or supplier. Substances packaged for consumption for humans or animals are not considered Regulated Substances.
- b) Contaminants including but not limited to hazardous substances and hazardous waste as defined under the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA), the federal Resource Conservation and Recovery Act (RCRA), and all applicable rules and regulations.

(13)

TIME OF TRAVEL CAPTURE ZONES. Time of travel is the determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a pumping well. The time of travel is located in the recharge area upgradient of a well, or its cone of depression.

(14)

WELL FIELD. A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

(15)

WELLHEAD PROTECTION OVERLAY DISTRICT. The surface and subsurface areas as designated in Zone 1, Zone 2, and Zone 3 on the maps specified in Section 29.07 and made a part of this ordinance.

(16)

ZONE OF SATURATION. The saturated zone is the area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.

29.05 - GROUNDWATER TECHNICAL REVIEW COMMITTEE.

(1)

The Chippewa Falls Groundwater Technical Review Committee shall consist of:

(a)

Voting Members:

- 1. The City Planner, acting as committee chair.
- 2. The City Engineer/Director of Public Works.

3.
The Water Superintendent.

4.
The City Inspector.

(b)

Advisory Committee:

1.
The Chippewa County Liaison as appointed by the County Board Chairperson.

2.
One member as appointed by the Board of Public Works, who has at least one of the following qualifications:

a.
Is a hydrogeologist, hydrologist or a professional engineer with a background in groundwater; or

b.
Is a certified groundwater professional.

3.
A local representative from the Department of Natural Resources with expertise in groundwater or groundwater contamination issues may be consulted.

(2)

The purpose of the Chippewa Falls Groundwater Technical Review Committee is to provide objective and scientific technical review of requests for provisional use permits and to make recommendations to the Board of Public Works to grant or deny provisional use permits based upon the facts discovered during review, to make recommendations on any and all provisions placed on a provisional use permit, and to give advice on matters concerning groundwater.

(3)

The Chippewa Falls Groundwater Technical Review Committee may retain a consultant to assist in the review of requests for provisional use permits. Any costs incurred as part of the provisional use permit application review shall be reimbursed by the applicant.

29.06 - ZONES.

The Wellhead Protection Overlay District is divided into Zone 1, Zone 2, and Zone 3 as follows. For each zone, time of travel delineations must be based on accepted hydrogeological research as outlined in the State Wellhead Protection Program Plan for Public Water Utilities, Appendix 2 with zone boundaries normalized to road centerlines,

railways, surface water features, and the public land survey section lines, 1/2, 1/4, 1/8, or 1/16 section lines, or based on a boundary line engineered to acceptable standards or agreed to by the Groundwater Technical Review Committee.

- (1) ZONE 1 OF WELLHEAD PROTECTION OVERLAY DISTRICT. Zone 1 is the area of land which contributes water to the well in question, out to a 60-day time of travel to the well.
- (2) ZONE 2 OF THE WELLHEAD PROTECTION OVERLAY DISTRICT. Zone 2 encompasses the area of land which contributes water to the well starting at the line which delineates the 60-day time of travel and ends at the line delineating the 2-year time of travel to the well.
- (3) ZONE 3 OF THE WELLHEAD PROTECTION OVERLAY DISTRICT. Zone 3 encompasses the area of land which contributes water to the well starting at the line which delineates the 2-year time of travel and ends at the line delineating the 5-year time of travel to the well.

29.07 -WELLHEAD PROTECTION OVERLAY DISTRICTS BOUNDARIES.

- (1) The locations and boundaries of the Wellhead Protection overlay district boundaries established by this chapter are set forth on the following figures incorporated herein and hereby made a part of Ordinance No. 29.
Figure 1a, "Zone 1 East Wellfield 60 Day Capture Zone"
Figure 2a, "Zone 1 West Wellfield 60 Day Capture Zone"
Figure 3a, "Zone 2 East Wellfield 2 Year Capture Zone"
Figure 4a, "Zone 2 West Wellfield 2 Year Capture Zone"
Figure 5a, "Zone 3 East Wellfield 5 Year Capture Zone"
Figure 6a, "Zone 3 West Wellfield 5 Year Capture Zone"

Said figures, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein. The current Wellhead Protection Area maps can be obtained from the office of the Department of Public Works.
- (2) The wellhead protection zones for the East Well Field are delineated on Figures 1a, 3a, and 5a and described as follows:
 - (a)

Zone 1:

To be inserted.

(b)

Zone 2:

To be inserted.

(c)

Zone 3:

To be inserted.

(3)

The wellhead protection zones for the West Well Field are delineated on Figures 2a, 4a, and 6a and described as follows:

(a)

Zone 1:

To be inserted.

(b)

Zone 2:

To be inserted.

(c)

Zone 3:

To be inserted.

29.08 - PERMITTED USES.

(1)

The following permitted uses in Zone 1 are subject to the separation distance requirements (§29.09), and applicable design and operational standards (§29.13). Uses not listed shall be considered prohibited uses.

(a)

Public and private parks, playgrounds and beaches, provided there are no on-site wastewater disposal systems or holding tanks.

(b)

Wildlife and natural and woodland areas.

(c)

Non-motorized trails such as biking, hiking, skiing, nature, equestrian and fitness trails.

(d)

Municipally sewered residential or commercial development.

(e)

Routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.

(2)

The following permitted uses in Zone 2 are subject to the separation distance requirements (§29.09) and applicable design and operational standards (§29.13):

(a)

All of the uses permitted in Zone 1.

(b)

Storm water infiltration basins with pretreatment in accordance with City and Wisconsin Department of Natural Resources (WDNR) technical standard requirements.

(c)

Public or private parks, playgrounds and beaches, provided onsite wastewater shall be discharged to a holding tank receiving less than 8,000 gallons per day or municipal sewer.

(d)

Single-family residences with a private on-site sewage treatment system receiving less than 8,000 gallons per day.

(e)

Residential use of aboveground LP gas tanks for heating, not to exceed 1,000 gallons. All new or replaced tanks shall be installed in compliance with ch. SPS 310, Wis. Admin. Code.

(f)

Commercial and industrial establishments that are municipally sewered and whose use, storage, handling and/or production of Regulated Substances does not exceed 20 gallons or 160 pounds at any time except for the following exclusions:

(i) A limited exclusion from the provision of §29.08(2)(e) is authorized for non-routine maintenance or repair of property or equipment. The aggregate of Regulated Substances in use, storage, handling, and/or production may not exceed 50 gallons or 400 pounds at any time.

(ii) A limited exclusion from the provisions of §29.08(2)(e) is authorized for each medical and research laboratory use, provided however, Regulated

Substances shall be stored, handled or used in containers not to exceed 5 gallons or 40 pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed 250 gallons or 2,000 pounds.

- (iii) A limited exclusion from the provisions of §29.08(2)(e) is authorized for Regulated Substances which are cleaning agents, provided such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of such cleaning agents shall not exceed 100 gallons or 800 pounds at any time. Citrus-based, biodegradable cleaners are not considered a Regulated Substance. In no case shall Regulated Substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.

(3)

The following permitted uses in Zone 3 are subject to the separation distance requirements (§29.09), and applicable design and operational standards (§29.13):

(a)

All of the uses permitted in Zone 1 and Zone 2.

(b)

Motor vehicle services, including filling and service stations, repair, renovation and body work.

(c)

Applicants may make a request for a Provisional Use Permit pursuant to §29.12 to the Groundwater Technical Review Committee to permit additional uses in Zone 3.

(4)

In a case of business operations change, property transfer or change of tenant, the owner is responsible for notifying the City of the change. Details regarding a change in existing operation must also be submitted including: increase in the amount of Regulated Substances above and beyond what was previously disclosed, any material change in the types of Regulated Substances located at the facility and any other information that the City Inspector and/or the Groundwater Technical Review Committee may request in order to evaluate the change as it relates to a potential risk to the protection of the groundwater supply.

29.09 - SEPARATION DISTANCE REQUIREMENTS.

(1)

The following separation distances as specified in NR 811.16, Wis. Adm. Code, shall be maintained:

- (a) Fifty feet between a public water supply well and a storm water sewer main or any sanitary sewer main constructed of water main materials and joints which is pressure tested in place to meet current AWWA 600 specifications.
- (b) Two hundred feet between a public water supply well and any sanitary sewer main not meeting the above specifications, any sanitary sewer lift station or single-family residential fuel oil tank.
- (c) Four hundred feet between a public water supply well and a septic system receiving less than 8,000 gallons per day, or a storm water detention, retention, infiltration or drainage basin.

29.10 - PROHIBITED USES.

(1)

The following uses are prohibited in Zones 1, 2 and 3:

- (a) Buried hydrocarbon, petroleum or hazardous chemical storage tanks.
(Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.)
- (b) Cemeteries.
- (c) Chemical manufacturers (Standard Industrial Classification Major Group 28).
- (d) Coal storage.
- (e) Dry cleaners.
- (f) Industrial lagoons and pits.
- (g) Landfills and any other solid waste facility, except post-consumer recycling.
- (h) Manure and animal waste storage except animal waste storage facilities regulated by the County.
- (i) All mining including sand and gravel pits.
- (j) Pesticide and fertilizer dealer, transfer or storage facilities.

- (k) All railroad operational areas including yards and maintenance stations, except railroad right-of-way allowed in provisional use permits and §29.12.
- (l) Rendering plants and slaughterhouses.
- (m) Salt or deicing material storage.
- (n) Salvage or junk yards.
- (o) Septage or sludge spreading, storage or treatment.
- (p) Septage, wastewater, or sewage lagoons.
- (q) Private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more.
- (r) Stockyards and feedlots.
- (s) Wood preserving operations.

(2) In Zone 1, the provisional uses of §29.12(2) are prohibited.

29.11 - CLASSIFICATION OF USE.

- (1) Classification of a facility use as being permitted, prohibited or provisional shall be determined by an application submitted to the City Inspector. The application shall be in writing on an application form supplied by the City. In case of question as to the classification of a proposed use, the application shall be forwarded to the Groundwater Technical Review Committee for determination in accordance with the following procedure:
 - (a) Application: The above-described application shall be submitted to the Chippewa Falls City Inspector.
 - (b) Review: The City Inspector shall review such documentation required by and submitted with the application in order to compare the nature and characteristics of the proposed use with those that are permitted, prohibited or provisional.

(c)

Determination: If the City Inspector determines that the use is not a permitted or prohibited use, the Groundwater Technical Review Committee shall determine the use as being prohibited or provisional after review of the supporting documentation. The determination of the Groundwater Technical Review Committee shall be rendered in writing within 60 days from receiving all requested information and shall include findings supporting the conclusion.

29.12 - PROVISIONAL USE PERMITS.

(1)

Any person may request a Provisional Use Permit for certain uses, activities and structures within Zone 2 or Zone 3 of the Wellhead Protection Overlay District not prohibited in §29.10.

(2)

Use, storage, handling or production processing of Regulated Substances in excess of quantities outlined in §29.08(2)(c) through (e) may be provisionally allowed in Zone 2 or Zone 3 of the Wellhead Protection Overlay District.

(3)

All requests for a provisional use permit shall be submitted in writing to the Chippewa Falls City Inspector for a review of permit application materials. The request will then, if properly prepared, be forwarded to the City Planner, as the Chairperson of the Groundwater Technical Review Committee, for inclusion on the agenda of the next Groundwater Technical Review Committee. A decision will be rendered by the Groundwater Technical Review Committee. The Board of Public Works will then make a recommendation consistent with the Committee's decision to the City Council. The Provisional Use Permit Application shall include the following, at a minimum. If Applicant believes that a report properly prepared to comply with alternate regulations (such as a Spill Prevention, Control and Countermeasure (SPCC) Plan prepared in accordance with 40 Code of Federal Regulations (CFR) 112) satisfies one or more of the requirements below, then Applicant may submit that report with the application so stating.

(a)

A site plan map set showing all building and structure footprints, driveways, sidewalks, parking lots, storm water management structures, including pre-treatment devices for particulates and contaminants, groundwater monitoring wells, and 2-foot ground elevation contours. The plan set should also include: building plans (must include floor plans of typical floors and denote all entrances, exits, loading docks, building service areas, etc.), storage areas

for Regulated Substances, grading plans showing existing and proposed grades and contours, proposed surface water drainage patterns, catch basin and storm sewer locations, connections to existing utilities and a construction site erosion control plan. The site plan set shall be developed in accordance with the design standards established for the Wellhead Protection Overlay District as defined in §29.13.

(b)

An operational plan and/or other documentation which describes in detail the use, activities, and structures proposed. The operational plan shall be developed in accordance with the operational standards established for the Wellhead Protection Overlay District as defined in §29.13.

(c)

An environmental risk assessment report prepared by a licensed environmental professional which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.

(d)

An operational safety plan, which details the operational procedures for material processes and containment, best management practices, storm water runoff management, and groundwater monitoring as required.

(e)

A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.

(4)

The person making the request shall reimburse the City for consultant fees and technical review committee expenses associated with this review at the invoiced amount, plus administrative costs.

(5)

All provisional use permits granted shall be subject to provisions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply. These provisions shall include, but not be limited to:

- (a) Provide current copies of all Federal, State and local facility operation approval or certificates and on-going environmental monitoring results to the City.
 - (b) Establish environmental or safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, storm water runoff management in accordance with NR 216, and groundwater monitoring.
 - (c) Replace equipment or expand in a manner that improves the environmental and safety technologies being utilized.
 - (d) Prepare, file and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to the City.
- (6) The Chippewa Falls Board of Public Works shall decide upon a request for a provisional use permit only after full consideration of the recommendations made by the Chippewa Falls Groundwater Technical Review Committee. Any provisions above and beyond those specified in Provisional Uses, subsection (5) herein, that are recommended by the Chippewa Falls Groundwater Technical Review Committee may be applied to the granting of the provisional use permit by the Board of Public Works.
- (7) The provisional use permit will become effective only after any costs incurred during the provisional use permit application review are satisfied by the applicant.
- (8) Provisional use permits are nontransferable. In a case of business or property transfer or change of tenant, the new owner is responsible for applying for a new provisional use permit supplying details regarding ownership, change in an existing operation, increase in the amount of Regulated Substances above and beyond what was previously disclosed, or any material change in the types of Regulated Substances located at the facility and any other information that the City Inspector and/or the Groundwater Technical Review Committee may request in order to evaluate the change as it relates to a potential risk to the protection of the groundwater supply.

29.13 - DESIGN AND OPERATIONAL STANDARDS

(1)

Permitted facilities will comply with all applicable Federal, State, County, and City standards governing the protection of groundwater, such as: building and zoning ordinances, Storm Water regulations, and others as identified by the applicant.

(2)

The following design standards apply to provisional use activities within Zone 2 or Zone 3 of the Wellhead Protection District:

(a)

All design standards listed in §29.13(1).

(b)

Facilities that handle Regulated Substances shall have a minimum of one loading/unloading area designated for the handling of Regulated Substances. The designated loading/unloading area shall be designed with spill and/or runoff containment that is connected to a municipal sanitary sewer lateral. The loading/unloading area shall be designed to minimize precipitation or storm water from entering the sanitary sewer. Regulated Substances may be loaded/unloaded only in a designated handling area.

(c)

Storage areas for Regulated Substances shall be designed with secondary containment capable of controlling 125 percent of the maximum design capacity of the liquid storage area.

(d)

Facilities involved in the handling of Regulated Substances will, when determined necessary by the Committee, prepare a groundwater monitoring plan.

(e)

All rail spurs used to transport Regulated Substances shall be designed to minimize infiltration and convey runoff to a storm water conveyance system. Rail car loading/unloading areas used to handle Regulated Substances shall be designed with spill and/or runoff containment that is connected to a municipal sewer lateral. The loading/unloading area shall be designed to minimize precipitation or storm water from entering the sanitary sewer.

(3)

The following operational standards apply to provisional use activities within Zone 2 or Zone 3 of the Wellhead Protection District:

(a)

All operational standards listed in §29.13(2).

- (b) Except in the case of seasonal discontinuation of operation, the owner or operator of any non-residential property that becomes unoccupied or has discontinued operation for a period of 30 consecutive days shall remove all Regulated Substances from the property, except those approved to be exclusively used for heating, cooling, and providing electrical lighting for the premises, within 30 days after the date upon which the property initially became unoccupied or the operation discontinued. The owner or operator shall secure the Regulated Substances on the property until they have been removed. The owner or operator shall notify the City of Chippewa Falls Building Inspector in writing of the date of the cessation of operation or the property becoming unoccupied no later than the day upon which the operation actually ceases or the property becomes unoccupied, and such notification shall include the owner's name, phone number, and address and the operator's name, phone number, and forwarding address.
- (c) Truck, truck trailer, rail car, or tank truck loading and unloading procedures for Regulated Substances shall meet the minimum requirements of the U.S. Department of Transportation (DOT) and Wisconsin DOT.
- (d) No truck, trailer, rail car, or tank truck shall be used for on-site storage of Regulated Substances. Regulated Substances shall be transferred from the delivery vehicle to the regulated substance storage area as soon as feasibly possible.
- (e) Loading and unloading procedures for Regulated Substances shall occur in designated loading/unloading areas. Warning signs and chock blocks shall be provided in the loading and unloading area to prevent premature vehicular departure.
- (f) Daily visual inspections of Regulated Substances shall be conducted to check for container damage or leakage, stained or discolored storage surfaces in all storage areas, excessive accumulation of water in outdoor curbed areas, and to ensure that dike drain valves are securely closed in outdoor curbed areas.
- (g) Storage areas for Regulated Substances shall have access restricted to properly authorized and trained personnel.

(h) Companies shall provide adequate training to ensure that established operational safety plans and contingency plans are understood by all authorized personnel.

(i) Companies using or producing Regulated Substances shall have an adequate quantity of spill response equipment and supplies on-site to contain and clean up spills of Regulated Substances.

(j) Annual spill prevention briefings shall be provided to authorized personnel by company management to ensure adequate understanding of the operational safety and contingency plans. These briefings shall highlight any past spill events or failures and recently developed precautionary measures. Records of these briefings shall be kept for documentation purposes.

(k) Instructions and phone numbers for reporting spills to the City of Chippewa Falls Fire Department and other local, State, and Federal agencies shall be posted in all areas where Regulated Substances are handled.

(4)

The following operational standards apply to permitted land use activities within the Wellhead Protection District:

(a) No outdoor storage of Regulated Substances product, material, or equipment that may contain Regulated Substances other than that approved through the provisional use permitting process shall be allowed. Any designated outdoor storage area shall be an impervious surface paved with concrete or asphalt and have secondary containment when applicable.

(b) Regulated Substances associated with paving, the pouring of concrete, or construction for which all necessary permits have been obtained may be handled in the Wellhead Protection Overlay District, provided such Regulated Substances are present at the construction site for which the permits have been issued and do not pose a real and present danger of contaminating surface and/or groundwater. For the onsite storage of fuel for vehicles or other equipment, which may be associated with such construction activity, the fuel storage containers shall be secondarily contained. Regulated Substances not used in the construction process and all wastes generated during construction shall be removed from the construction site not later than at the time of the completion of the construction. If construction activity has

ceased for 30 days, all Regulated Substances shall be removed from the site until such time as the construction activity is to resume.

(c)

The use of deicing salt or other chemical deicing materials shall be minimized.

29.14 - REQUIREMENTS FOR EXISTING FACILITIES.

(1)

Existing facilities within the Wellhead Protection Overlay District at the time of enactment of such district which use, store, handle, or produce regulated substance in excess of quantities outlined in §29.08(2)(c) through (f), and all other facilities which are considered a prohibited use in Prohibited Uses, §29.10, or a provisional use in Provisional Use Permits, §29.12, all of which are incorporated herein as if fully set forth, shall be subject to the following requirements:

(a)

Such facilities as defined in §29.14(1) which exist within the district at the time of enactment of a district shall provide copies of all current, revised or new Federal, State and local facility operation approvals, permits or certificates; operational safety plans; and on-going environmental monitoring results to the City.

(b)

Such facilities as defined in §29.14(1) which exist within the district at the time of enactment of a district shall have the responsibility of devising, filing and maintaining, with the City, a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notifying Municipal, County and State officials.

(c)

Such facilities as defined in §29.14(1) cannot engage in or employ a use, activity, or structure listed in Prohibited Uses, §29.10, or in Provisional Uses, §29.12, which they did not engage in or employ at the time of enactment of a district, and can only expand, replace in kind or rebuild those present uses, activities, equipment, or structures on the site or property of record associated with the facility at the time of enactment of a district, and in a manner that improves the environmental and safety technologies already being utilized. No existing use, activity, or structure listed as a prohibited use or provisional use shall be expanded, replaced in kind, or rebuilt unless a provisional use permit is granted for such expansion, replacement, or rebuilding. This section does not apply to normal maintenance or minor repairs.

(d)

Such facilities as defined in §29.14(1) cannot change the quantity or type of Regulated Substances handled, used or stored by the facility at the time of enactment of a district unless a provisional use permit is granted for such change in quantity or type.

(e)

Such facilities as defined in §29.14(1) must prepare and submit a storm water pollution prevention plan (SWPPP), or equivalent as approved by the City, for the facility.

29.15 - CHANGING TECHNOLOGY.

(1)

As the technology of prohibited uses changes to low or non-risk materials or methods, the user may petition the Groundwater Technical Review Committee to remove the use from the prohibited list or change the classification to provisional, if it has been sufficiently demonstrated that they no longer pose a groundwater pollution hazard.

(2)

It is not the intention to accept alternate or reduced hazards as the basis for making a use permissible. It is the intention to continue prohibition on a use until the technology of the materials or methods has been demonstrated to not pose a groundwater hazard.

29.16 - ENFORCEMENT AND PENALTY.

(1)

PENALTY. Any person who violates, neglects or refuses to comply with any of the provisions of this chapter shall be subject to a penalty as provided in Chapter 25 of this Municipal Code.

(2)

INJUNCTION. The City of Chippewa Falls may, in addition to any other remedy, seek injunction or restraining order against the party alleged to have violated the provisions herein, the cost of which shall be charged to the defendant in such action.

(3)

NOTICE OF VIOLATION.

(a)

Any person found in violation of any provision of this chapter will be served with a written notice stating the nature of the violation and providing reasonable time for compliance.

(b)

The notice shall be served in the manner provided by the law for the service of civil processes. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the tax-mailing address of the owner as shown on the County tax record.

(4)

INSPECTIONS. Subject to applicable provisions of law, the City of Chippewa Falls Inspector or authorized representative thereof shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this chapter to ensure that activities are in accordance with the provisions of §§29.08 through 29.14. Upon request of the entity which is the subject of the inspection, and if permitted by the State Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the appointed individual for the above-stated purposes, the Board of Public Works may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.

(5)

VANDALISM. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, property, or equipment which is a part of or used in conjunction with water facilities of the City and/or any other protected public water supply, or which results in the violation of §§29.08 through 29.14.

(6)

SUBJECT AREA. The area subject to the provisions of this chapter is the Wellhead Protection Overlay District as shown on the official City of Chippewa Falls Wellhead Protection Area figures incorporated as a part of and legally described in §29.07.

(7)

DETERMINATION OF APPLICABILITY. It shall be the responsibility of any person owning real property and/or owning or operating a business within the Wellhead Protection District to make a determination of the applicability of §§29.08 through 29.14 as they pertain to the property and/or business, and failure to do so shall not excuse any violation of said sections.

(8)

MANAGEMENT.

(a)

No persons shall place, deposit, or permit to be deposited, store, process, use, produce, dispose of, transport, or discharge, hereinafter referred to as "handle," any regulated substance on public or private property within the

Wellhead Protection District or in any area under the jurisdiction of said Wellhead Protection District, except as provided by law, statute, ordinance, rule or regulation.

(9)

SPILLS, LEAKS OR DISCHARGES.

(a)

Any person with direct knowledge of a spill, leak or discharge of a regulated substance within the Wellhead Protection District shall, if such spill, leak or discharge escapes containment or contacts a nonimpervious ground surface and is not immediately and completely remediated, give notice to the City of Chippewa Falls Fire Department utilizing the County-wide 911 service and the Superintendent/Manager of Public Utilities of the City of Chippewa Falls, or the operator on duty at the affected or potentially affected water treatment facility by telephone within 30 minutes. The notification shall include, at a minimum, the location of the incident, name and telephone number of the contacting party, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, State, and Federal reporting obligations.

(b)

Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by the City of Chippewa Falls in response to such an incident, in addition to the amount of any fines imposed on account thereof under State and Federal law; said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of recurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than 180 days after the incident.

(10)

CLEANUP COSTS. As a substitute for, and in addition to any other action, the City of Chippewa Falls may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of prosecution. Any person who causes the release of any contaminants which may endanger or contaminate the municipal water supply system associated with a Ground Water Protection Overlay District shall immediately cease such discharge and immediately initiate cleanup satisfactory to the City of Chippewa Falls and the other state and federal regulatory agencies. The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees,

including all administrative costs for oversight, review and documentation, including the City employees, equipment, and mileage.

29.17 – Ordinance Amendment.

(1)

A proposal to amend the Ordinance may be initiated by a member of the Groundwater Technical Review Committee or the City Council (Requestor). All petitions for a change, amendment or supplement of the Ordinance shall be filed by the Requestor with the Groundwater Technical Review Committee on forms or otherwise in a manner acceptable to the Groundwater Technical Review Committee. The Groundwater Technical Review Committee will make recommendations to the Board of Public Works. The Board of Public Works will consider the recommendation and review the request and make a recommendation to the City Council for final disposition.

**CITY OF CHIPPEWA FALLS, WISCONSIN
WELLHEAD PROTECTION ORDINANCE
PROTECTION OF GROUNDWATER USE APPLICATION
APPLICATION DATE _____**

PLEASE READ THE INSTRUCTIONS PRIOR TO FILLING OUT THIS FORM.

Notice: Pursuant to City of Chippewa Falls, Wisconsin Ordinance No. 93.12.29, this form is required to be completed for a request for land use in the Groundwater Protection Overlay District. Submittal of a completed form to the City is mandatory for any applicant. Pertinent sections of the form must be completed unless otherwise directed by the instructions or the City. Incomplete forms will be considered "administratively incomplete" and processing of the request may be stopped until required information is provided. The City will consider your request administratively complete when the form and all pertinent sections are completed, all attachments are included, and sent to the proper destination.

Fill in or clearly print your answers to all applicable questions.

Section I: Owner/Operator Contact Information

Name of Person or Organization: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax (including area code): _____

e-mail address and/or Website (if applicable): _____

Parent Company Name (if applicable): _____

Parent Company Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax (including area code): _____

e-mail address and/or Website (if applicable): _____

Local Contact Person (if different from owner above): _____
Title _____

Mailing Address (if different from above): _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax (including area code): _____

e-mail address and/or Website (if applicable): _____

Section II Facility/Site Information

Facility/Site Name (Appears on Permit): _____

Site Location Address: (Attach legal description, especially if no address yet assigned):

_____ Chippewa Falls, WI 54729

Provide a brief description of the existing industrial activity or land use:

Provide a brief description of the proposed use of the property:

Provide a brief description of all activities and processes proposed to be conducted on the property:

Provide a brief description of all proposed structures and their use on the property:

Provide a description of all quantities, use of, storage and handling of all regulated substances (as defined in s. 29.04 (12) Definitions, and S29.08 (2)).

Attach additional pages as needed.

Please refer to Zone 1, Zone 2 and Zone 3 on the following figures attached to this application:

- Figure 1a, "Zone 1 East Wellfield 60 Day Capture Zone"
- Figure 2a, "Zone 1 West Wellfield 60 Day Capture Zone"
- Figure 3a, "Zone 2 East Wellfield 2 Year Capture Zone"
- Figure 4a, "Zone 2 West Wellfield 2 Year Capture Zone"
- Figure 5a, "Zone 3 East Wellfield 5 Year Capture Zone"
- Figure 6a, "Zone 3 West Wellfield 5 Year Capture Zone"

If the facility is seeking a Permitted Use per S29.08, please fill out Section III.

If the facility has one or more Prohibited Uses per S29.10, please indicate so in Section IV.

If applying for a Provisional Use Permit per S29.12, please complete Section V.

Section III Permitted Uses

The following are permitted uses in Zone 1, Zone 2, or Zone 3.

Please check if the facility use is one of the following:

- Public/Private park, playground, beach – no on-site wastewater disposal system or holding tank
- Wildlife, natural, woodland area
- Biking, hiking, skiing, nature, equestrian and fitness trail (non-motorized)
- Residential or commercial development with municipal sewer and no flammable/combustible underground storage tank.
- Crop production where nutrients applied do not exceed University of Wisconsin soil test recommendations.

If none of the above apply, please continue to the next section below.



The following are permitted uses in Zone 2 or Zone 3.

Please check if the facility use is one of the following:

- Storm water infiltration basins with pretreatment in accordance with City and WDNR technical standard requirements
- Public/Private park, playground, beach –with wastewater holding tank of less than 8,000 gallons per day
- Single-family residence –with wastewater holding tank of less than 8,000 gallons per day
- Residential use of aboveground LP gas for heating of less than 1,000 gallons and installed in compliance with ch. SPS 310, Wis. Admin. Code.
- Commercial and industrial, municipally sewerred establishments whose use, storage handling, and/or production of regulated substances does not 20 gallons or 160 pounds at any time with the exclusions listed in S29.08 (2)(e)(i)(ii) and (iii).

If none of the above apply, please continue to the next section below.



The following are permitted uses in Zone 3.

Please check if the facility is one of the following:

- Motor vehicle services, including filling and service stations, repair, renovation, and body work.

Section IV Prohibited Uses

Does your proposed Project include any of the following Prohibited Uses per S29.10 in Zone1, Zone 2, and Zone 3:

Please check if the facility is one or more of the following:

- Buried hydrocarbon, petroleum or hazardous chemical storage tanks
- Cemeteries
- Chemical Manufacturer
- Coal Storage
- Dry Cleaners
- Industrial lagoons and pits
- Landfills and any other solid waste facility, except post-consumer recycling
- Manure and animal waste storage, except animal waste storage facilities regulated by the County
- All mining including sand and gravel pits
- Pesticide and fertilizer dealers, transfer or storage facilities
- All railroad operational areas including yards and maintenance stations, except railroad right-of-way allowed by a Provisional Permit
- Rendering plants and slaughterhouses
- Salt or deicing material storage
- Salvage or junk yards
- Septage or sludge spreading, storage, or treatment
- Septage, wastewater, or sewage lagoons
- Private on-site wastewater treatment systems of holding tanks receiving 8,000 gallons per day or more
- Stockyards and feedlots
- Wood preserving operations.

For Municipal Use Only

This facility qualifies as a Permitted Use:

____ Zone 1 ____ Zone 2 ____ Zone 3

Additional Information Required

Comments:

If requesting additional uses to be permitted in Zone 3, please provide a description of the proposed project and then complete the Provisional Use process in Section IV:

Attach additional pages as needed.



Section IV Provisional Uses

Provisional Uses are only allowed within Zone 2 or Zone 3.

Is the facility located in _____ Zone 2 _____ Zone 3

1. Are the following used or produced at the facility? If so, please list the quantity.

- LP gas for heating _____ tank size (gallons)
- Chemical or chemical mixtures _____ gallons or pounds at any
Considered health hazards on the Safety one time
- Data Sheets (SDS, formerly MSDS)
- Hazardous substances or Hazardous _____ gallons or pounds at any
Waste as defined by RCRA or CERCLA one time

2. The following is submitted with this application (if Applicant submits a report properly prepared to comply with an alternate regulation to satisfy one or more of the requirements below, please clearly state so with the Application) :

- Site plan showing all structure footprints, loading docks, and parking lots, storage areas for substances listed in Section IV, 1., groundwater wells, and all requirements listed in S29.12 (3) (A).
- Storm water Management Structure Plans, including pre-treatment devices
- Grading Plans – existing and proposed grades, contours, and drainage patterns.
- Catch basin and Storm Sewer Location Plan
- Construction Site Erosion Plan
- Operational Safety Plan – detailing procedures for material processes and containment, and best management practices
- Storm water Runoff Management Plan
- Contingency Plan – addresses actions to be taken should a contamination event occur

3. Describe the general use of the site:

4. List the activities that will take place at the site:

5. Describe the structures:

Attach additional pages as needed.



For Municipal Use Only

This facility qualifies for a **Provisional Use Permit:**

_____ Zone 2 _____ Zone 3

Additional Information Required

Comments:



Section VI Permission, Certification, and Signature

A signature is required for a valid permit application.

1. For a corporation, by a principal executive officer of at least the level of Vice President, or a duly authorized representative having overall responsibility for the operation covered by this permit.
2. For a unit of government, a principal executive officer, a ranking elected official or other duly authorized representative.
3. For a partnership, by a general partner; for sole proprietorship, by the proprietor.
4. For a limited liability company, by a member or manager.

Permission: I hereby give the City permission to enter and inspect the site at reasonable times, to evaluate this application and to monitor compliance with any resulting coverage and permit.

Certification: I hereby certify that I am responsible for the property which is the subject of this application. I certify that the information contained in this application and attachments is true and accurate. I understand that failure to comply with any or all of the provisions of the permit may result in a fine.

Signature of Authorized Representative	Telephone number (include area code)		
Type or Print Name	Company Name		
Position Title	Mailing Address		
Date Signed	City	State	ZIP Code

4. The Board considered and discussed the attached site plan for the Cobblestone Hotel and Suites which will be located on the Northwest corner of Spring and Bridge Streets. Details of the permit are closure of parking spaces and sidewalk on Spring Street and Bridge Street during construction of the hotel. In addition, the segment of alley bordering the lot parcel will be closed during construction. The Board added a condition to place a sidewalk barricade with flashing beacon in addition to the sidewalk closed ahead signs to ensure that pedestrians are only encouraged to cross at a legal crosswalk. Also that emergency services comment on the proposed closure.

Motion by Senn, seconded by Hoffman to recommend the Common Council approve the attached site map for parking, sidewalk and alley closures during construction of the new Cobblestone Hotel and Suites at the Northwest corner of Spring and Bridge Streets contingent on:

- 1) Review and approval by Emergency Services
- 2) Contractor Brimark Builders LLC to provide a flashing beacon sidewalk barricade in addition to sidewalk closed ahead signs to encourage pedestrians to cross Bridge Street at Central Street or the South side of Spring Street in legal pedestrian crossings.

All present voting aye. MOTION CARRIED.

5. The Board discussed the December 8, 2015 re-bids for the Spring Street Bridge rehabilitation project. As per the attached document from the revised State Municipal Agreement, the federal funding for construction of the bridge was capped at \$334,240. The lowest of the two December 8, 2015 bids came in at \$574,384.63 (Zenith Tech). The low bid of Zenith Tech was \$152,812.06 lower than the May 2015 low bid of \$727,196.69, (Lunda). Rubenzer reminded the Board that the City was responsible for the entire engineering study and design costs, (\$209,000), federal share of \$167,200 should the City decide not to complete the project. With review fees of \$25,500.00 and construction inspection of \$32,000, the total construction estimate was \$631,978.83. After discussion with WDOT representatives, WDOT proposed to remove the federal cap and federally fund 80% of the \$631,978.83, (\$565,583.06), leaving a 20% City share of \$126,395.77. Under the existing agreement, the cities share would have been about \$381,298.

Motion by Rubenzer, seconded by Hoffman to recommend the Common Council approve the low bid for the Spring Street Marsh Arch Rainbow Bridge project and for WDOT to award the project to low bidder, Zenith Tech. contingent upon the City of Chippewa Falls and Wisconsin Department of Transportation execute another revised agreement that removed the federal cap of \$334,240 and allowed for an 80%/20% Federal/City of Chippewa Falls share split of the entire \$631,978.83 project estimated cost. **All present voting aye. MOTION CARRIED.**

6. **Motion** by Bauer, seconded by Senn to adjourn. **All present voting aye. MOTION CARRIED.** The Board of Public Works meeting adjourned at 6:10 P.M.

Richard J. Rubenzer, PE
Secretary, Board of Public Works

The Municipality agrees to the following 2013-2018 Local Bridge program project funding conditions:

Project design and construction costs are funded with 80% federal funding when the Municipality agrees to provide the remaining 20% according to the Local Bridge Program guidelines. Non-participating costs are 100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

This project is currently scheduled in State Fiscal Year 2017. **In accordance with the State's sunset policy for Local Bridge Program projects, the subject 2013-2018 Local Bridge Program improvement must be constructed and in final acceptance within six years from the start of State Fiscal Year 2015, or by June 30, 2020.** Extensions may be available upon approval of a written request by or on behalf of the Municipality to WisDOT. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

The dollar amounts shown in the Summary Funding Table below are estimates unless explicitly identified as maximum amounts. The final Municipal share is dependent on the final Federal and State participation, and actual costs will be used in the final division of cost for billing and reimbursement.

PHASE	SUMMARY OF COSTS				
	Total Est. Cost	Federal/State Funds	%	Municipal Funds	%
ID 0996-00-79					
Design Phase I	\$89,000	\$71,200	80%	\$17,800	20%
State Review	\$21,000	\$16,800	80%	\$4,200	20%
ID 0996-00-80					
Design Phase II	\$72,000	\$57,600	80%	\$14,400	20%
State Review	\$27,000	\$21,600	80%	\$5,400	20%
ID 0996-00-98		167,700			
Participating Construction	\$388,800	\$295,040	80%*	\$73,760	20%+BAL
Non-Participating Construction	\$0	\$0	0%	\$0	100%
State Review	\$49,000	\$39,200	80%*	\$9,800	20%+BAL
Total Est. Cost Distribution	417,800 \$626,800	334,240 \$501,440	N/A	83,560 \$126,360	N/A

*Federal funding for this project is now capped at \$334,240. Project will be 80% federally funded up to a maximum of \$334,240 when the the Municipality agrees to pay the remaining 20% and any costs in excess of the federal funding maximum.

This request is subject to the terms and conditions that follow (pages 3 -- 7) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of: **City of Chippewa Falls** (please sign in blue ink.)

Name [Signature] Title Mayor Date 4/28/15

Signed for and in behalf of the State:

Name [Signature] Title Region Director Date 5/1/15

Rick Rubenzer

From: Johnson, Ross - DOT <Ross.Johnson@dot.wi.gov>
Sent: Wednesday, December 16, 2015 2:26 PM
To: Zimmer, William - DOT
Cc: Rick Rubenzer
Subject: RE: Justification for Proposal ID 20151208030, 12/08/2015 Letting, Project ID 8996-00-98

Bill,

Here are the total construction estimated costs for the cost change request:

As-LET \$ 574,384.63
MC work order 25,500.00 this amount will likely cover any I/E also
Consultant inspector 32,000.00 estimated contract value

Total construction cost: **\$ 631,978.83**

Rick- Madison has agreed to hold the award until your council meets in January.

Ross T. Johnson, P.E.
Local Program Project Manager
WisDOT Northwest Region
Eau Claire 715.836.2069



Division of Transportation
System Development
Northwest Region – Superior Office
1701 N 4th St.
Superior, WI 54880-1068

Scott Walker, Governor
Mark Gottlieb, P.E., Secretary
Internet: www.dot.wisconsin.gov

Telephone: 715-392-7925
Facsimile (FAX): 715-392-7863

Email: eauclore.dtd@dot.wi.gov

March 11, 2016

CITY OF CHIPPEWA FALLS
ATTN: RICHARD J. RUBENZER, P.E.
DIRECTOR OF PUBLIC WORKS
30 NORTH CENTRAL STREET
CHIPPEWA FALLS, WI 54729

Project ID: 8996-00-79/80/98 Rev #4
Spring Street
Duncan Creek Br, P-09-0711
C of Chippewa Falls, Chippewa County

Enclosed are three copies of the revised State Municipal Agreement (SMA) for the Local Bridge Program project listed above. Please review the SMA, and if you have any questions, please contact me at (715) 392-7962. If the agreement looks in order, please sign all three copies in blue ink and return them to my attention in our Superior office. Please do not scan and e-mail copies of the signed SMA as we require original signatures for our files.

Please contact Ross Johnson, Local Program Project Manager, with any questions about this project. Ross can be reached at via email at ross.johnson@dot.wi.gov or call him at (715) 836-2069.

Also, please note that this agreement is not considered fully executed until signed by WisDOT. An original will be returned to you at that time.

Sincerely,

Rebecca Vork

Rebecca Vork
Program & Policy Analyst

Enclosure

c: Local Program Project Manager
Management Consultant



REVISION #4

**STATE/MUNICIPAL AGREEMENT
FOR A STATE- LET LOCAL BRIDGE
PROJECT**

This agreement supersedes the agreement signed by the Municipality on April 28, 2015 and signed by DOT on May 1, 2015.

Program Name: Local Bridge

Sub-program #: 205

Revised Date: February 25, 2016

Date: March 3, 2014; April 17, 2012;
February 10, 2015

I.D.: 8996-00-79/80/98

Road Name: C of Chippewa Falls, Spring Street

Bridge ID: P-09-0711

Location: Duncan Creek

Limits: STH 124 (Rushman Drive) – High Street

County: Chippewa

Project Length: 145 feet

Facility Owner: City of Chippewa Falls

Project Sponsor: City of Chippewa Falls

The signatory, City of Chippewa Falls, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

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

NEEDS AND ESTIMATE SUMMARY:

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

Existing Facility - Describe and give reason for request: **The existing facility is a single-span historic bridge (P-09-0711) over Duncan Creek. It has 20 feet of clear roadway width and is 111 feet in length. It was built in 1916 and was last inspected on 12/01/2011. In 1996 the bridge deck was overlaid, concrete surface repairs were made, the railing was repaired and the concrete arch was stained white. The current sufficiency rating is 47.1 and the bridge is functionally obsolete. There is existing sidewalk on the north side of the structure. There are no existing bicycle facilities. The approach is 20 feet in width and is asphalt. There is decorative spot lighting.**

Proposed Improvement - Nature of work: **The proposed improvement will be a single-span historic bridge rehabilitation including concrete surface repair, reconstruction of 2-foot curb on non-sidewalk side, removal of existing overlay and 4 inches of additional concrete. The improvement will place a concrete overlay and will include staining the entire bridge white. The clear width will be 18 feet and the length will be 111 feet. The approach work will be minimal with a total approach length of 51 feet. Approaches will be 18 foot wide asphalt with curb and gutter shoulder of 2.5 feet. The existing sidewalk will remain. Spot decorative lighting will be included. New right-of-way is not required.**

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable Federal requirements: **None.**

The Municipality agrees to the following 2013-2018 Local Bridge program project funding conditions:

Project design and construction costs are funded with 80% federal funding when the Municipality agrees to provide the remaining 20% according to the Local Bridge Program guidelines. Non-participating costs are 100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

This project is currently scheduled in State Fiscal Year 2017. **In accordance with the State's sunset policy for Local Bridge Program projects, the subject 2013-2018 Local Bridge Program improvement must be constructed and in final acceptance within six years from the start of State Fiscal Year 2015, or by June 30, 2020.** Extensions may be available upon approval of a written request by or on behalf of the Municipality to WisDOT. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

The dollar amounts shown in the Summary Funding Table below are estimates unless explicitly identified as maximum amounts. The final Municipal share is dependent on the final Federal and State participation, and actual costs will be used in the final division of cost for billing and reimbursement.

PHASE	SUMMARY OF COSTS				
	Total Est. Cost	Federal/State Funds	%	Municipal Funds	%
ID 8996-00-79					
Design Phase I	\$89,000	\$71,200	80%	\$17,800	20%
State Review	\$21,000	\$16,800	80%	\$4,200	20%
ID 8996-00-80					
Design Phase II	\$72,000	\$57,600	80%	\$14,400	20%
State Review	\$27,000	\$21,600	80%	\$5,400	20%
ID 8996-00-98					
Participating Construction	\$583,000	\$466,400	80%*	\$116,600	20%+BAL
Non-Participating Construction	\$0	\$0	0%	\$0	100%
State Review	\$49,000	\$39,200	80%*	\$9,800	20%+BAL
Total Est. Cost Distribution	\$841,000	\$672,800	N/A	\$168,200	N/A

*Federal/state funding for project 8996-00-98 is capped at \$505,600. The project is 80% federally funded up to a maximum of \$505,600 when the the Municipality agrees to pay the remaining 20% and any costs in excess of the federal funding maximum.

This request is subject to the terms and conditions that follow (pages 3 – 7) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of: **City of Chippewa Falls** (please sign in blue ink.)

Name	Title	Date
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Signed for and in behalf of the State:

Name	Title	Date
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GENERAL TERMS AND CONDITIONS:

1. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
2. Work prior to federal authorization is ineligible for federal or state funding.
3. The Municipality, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
 - a. Environmental requirements, including but not limited to those set forth in the 23 U.S.C. 139 and National Environmental Policy Act (42 U.S.C. 4321 et seq.)
 - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The municipality agrees to comply with and promote applicable Federal and State laws, Executive Orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition the Municipality agrees not to engage in any illegal discrimination in violation of applicable Federal or State laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The Municipality agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
 - c. Prevailing wage requirements, including but not limited to 23 U.S.C 113 and Wis. Stat. 103.50.
 - d. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
 - e. Competitive bidding requirements set forth in 23 U.S.C 112 and Wis. Stat. 84.06.
 - f. All DBE requirements that the State specifies.
 - g. Federal statutes that govern the Highway Bridge Replacement and Rehabilitation Program, including but not limited to 23 U.S.C. 144.
 - h. State Statutes that govern the Local Bridge Program, including but not limited to Wis. Stat 84.18.
 - i. Bridge Approaches Funding Policy. FHWA limits bridge approach costs to only those approach costs that are necessary to render the bridge serviceable (to reach the attainable touchdown points using current standards). On a program level, FHWA has determined that, on average, bridge approach costs should amount to no more than 10% of the cost for constructing the bridge, and the municipality should be prepared to offer a justification of costs for any bridge project where the approach costs exceed that percentage.
 - j. State administrative rule that implements Local Bridge Program: Ch. Trans 213.

STATE RESPONSIBILITIES AND REQUIREMENTS:

4. Funding of each project phase is subject to inclusion in Wisconsin's approved 2013-2018 Local Bridge program. Federal /State financing will be limited to participation in the costs of the following items, as applicable to the project:
 - a. The grading, base, pavement, and curb and gutter, sidewalk, and replacement of disturbed driveways in kind.

- b. The substructure, superstructure, grading, base, pavement, and other related bridge and approach items.
 - c. Storm sewer mains necessary for the surface water drainage.
 - d. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
 - e. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).
 - f. Signing and pavement marking.
 - g. New installations or alteration of street lighting and traffic signals or devices.
 - h. Landscaping.
 - i. Preliminary engineering and design.
 - j. Management Consultant and State review services.
5. WisDOT is authorized by Wis. Stat. 84.18(6) to exercise whole supervision and control over the construction of the Project. The work will be administered by the State and may include items not eligible for Federal/State participation.
6. As the work progresses, the State will bill the Municipality for work completed which is not chargeable to Federal/State funds. Upon completion of the project, a final audit will be made to determine the final division of costs. If reviews or audits show any of the work to be ineligible for Federal funding, the Municipality will be responsible for any withdrawn costs associated with the ineligible work.

MUNICIPAL RESPONSIBILITIES AND REQUIREMENTS:

7. Work necessary to complete the 2013-2018 Local Bridge program improvement project to be financed entirely by the Municipality or other utility or facility owner includes the items listed below.
- a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - b. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
 - c. Detour routes and haul roads. The municipality is responsible for determining the detour route.
 - d. Conditioning, if required and maintenance of detour routes.
 - e. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.
 - f. All work related to underground storage tanks and contaminated soils.
 - g. Street and bridge width in excess of standards.
 - h. Real estate for the improvement.

8. For bridge rehabilitation projects, TRANS 213 (2)(b) calls for an independent engineering study at the Municipality's expense, which demonstrates the following conditions would be met:
 - a. The rehabilitation would be cost effective,
 - b. It would extend the life of the bridge by at least ten years, and
 - c. It would correct all deficiencies.

Per Department policy, the independent engineering study must also demonstrate that alternatives have been developed and reviewed to determine the appropriate scope of the proposed improvement.

9. FHWA limits bridge approach costs to only those approach costs that are necessary to render the bridge serviceable (to reach the attainable touchdown points using current standards). On a program level, FHWA has determined that, on average, bridge approach costs should amount to no more than 10% of the cost for constructing the bridge, and the Municipality should be prepared to offer a justification of costs for any bridge project where the approach costs exceed that percentage.
10. The construction of the subject improvement will be in accordance with the appropriate standards unless an exception to standards is granted by WisDOT prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Municipality unless such exception is granted.
11. Work to be performed by the Municipality without Federal/State funding participation necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Municipality but must be coordinated with all other work undertaken during construction.
12. The Municipality is responsible for financing administrative expenses related to Municipal project responsibilities.
13. The Municipality will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin.
14. The Municipality will pay to the State all costs incurred by the State in connection with the improvement that exceed Federal/State financing commitments or are ineligible for Federal/State financing. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
15. **In accordance with the State's sunset policy for Local Bridge Program projects, the subject 2013-2018 Local Bridge program improvement must be constructed and in final acceptance within six years from the start of State Fiscal Year 2015, or by June 30, 2020.** Extensions may be available upon approval of a written request by or on behalf of the Municipality to WisDOT. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.
16. If the Municipality should withdraw the project, it will reimburse the State for any costs incurred by the State on behalf of the project.
17. The Municipality will at its own cost and expense:
 - a. Maintain all portions of the project that lie within its jurisdiction (to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, sidewalks and parking lanes [including snow and ice removal]) for such maintenance through statutory requirements in a manner satisfactory to the State, and will make ample provision for such maintenance each year.
 - b. Regulate [or prohibit] parking at all times in the vicinity of the proposed improvements during their construction.

- c. Regulate [or prohibit] all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
- d. Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
- e. Provide complete plans, specifications, and estimates.
- f. Provide relocation orders and real estate plats.
- g. Use the *WisDOT Utility Accommodation Policy* unless it adopts a policy, which has equal or more restrictive controls.
- h. Provide maintenance and energy for lighting.
- i. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.

18. It is further agreed by the Municipality that:

- a. The Municipality assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the state and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this agreement.
- b. The Municipality assumes full responsibility for the plans and special provisions provided by their designer or anyone hired, contracted or otherwise engaged by the Municipality. The Municipality is responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Municipality will reimburse WisDOT if WisDOT incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.
- c. The Municipality will be 100% responsible for all costs associated with utility issues involving the contractor, including costs related to utility delays.
- d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Municipality or by others, will be in conformity with such "Manual of Uniform Traffic Control Devices" as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred in by the Federal Highway Administration.
- e. The right-of-way available or provided for the project will be held and maintained inviolate for public highway or street purposes. Those signs prohibited under Federal aid highway regulations, posters, billboards, roadside stands, or other private installations prohibited by Federal or State highway regulations will not be permitted within the right-of-way limits of the project. The Municipality, within its jurisdictional limits, will remove or cause to be removed from the right-of-way of the project all private installations of whatever nature which may be or cause an obstruction or interfere with the free flow of traffic, or which may be or cause a hazard to traffic, or which impair the usefulness of the project and all other encroachments which may be required to be removed by the State at its own election or at the request of the Federal Highway Administration, and that no such installations will be permitted to be erected or maintained in the future.

LEGAL RELATIONSHIPS:

- 19. The State shall not be liable to the Municipality for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Municipality for damages or delays resulting from injunctions or other restraining orders obtained by third parties.

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

PROJECT FUNDING CONDITIONS

24. The Municipality agrees to the following 2013-2018 Local Bridge Program project funding conditions:
 - a. ID 8996-00-79: Design Phase I is funded with 80% federal funding when the Municipality agrees to provide the remaining 20%. This phase includes evaluation of historic significance and replacement options, Design Study Report, Management Consultant review, and State review. The work includes project review, approval of required reports and documents needed to determine most desirable option for this historic structure. Costs for this phase include an estimated amount for state review activities, to be funded 80% with federal funding and 20% by the Municipality.
 - b. ID 8996-00-80: Design Phase II is funded with 80% federal funding when the Municipality agrees to provide the remaining 20%. This phase includes Plan Development, Management Consultant Review, and State Review. The work includes project review, approval of required reports and documents and processing the final PS&E document for award of the contract. Costs for this phase include an estimated amount for state review activities, to be funded 80% with federal funding and 20% by the Municipality.
 - c. ID 8996-00-98: Construction:
 - i. Costs for bridge and approach construction are funded with 80% federal funding up to a maximum of \$505,600 when the Municipality agrees to provide the remaining 20% and any costs in excess of the federal funding limit.
 - ii. Costs for this phase include an estimated amount for state review activities, to be funded 80% with federal funding and 20% by the Municipality, subject to the \$505,600 federal funding limit. Any costs above the federal funding limit for this project ID will be the responsibility of the Municipality.

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