



Meeting Date: 4/25/2010
Agenda Item: #7c

Mission Statement
 Delivering quality services in a courteous, cost-effective and efficient manner

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: President Burt McIntyre and Village Board of Trustees

REPORT FROM: Dave Wiese, Director of Community Development

AGENDA ITEM: Review and take action on options proposed by the Department of Transportation (DOT) regarding proposed mitigation requests from the Village of Howard for anticipated impacts related to Alternatives D and E in the Gordon Nauman Conservation Area, Wietor Wharf Park and Deerfield Docks (4(f) and/or 6(f) properties).

ACTION REQUESTED: ___Ordinance ___Resolution √ Motion ___Receive/File

POLICY ISSUE

Does the Village Board want to take action on Option 1 or Option 2 for the proposed mitigation for the impacts to the Gordon Nauman Conservation Area, Wietor Wharf Park and Deerfield Docks?

RECOMMENDED ACTION BY VILLAGE BOARD

Village staff recommends the Village Board review the proposed alternatives to the US 41 Memorial to County M project and mitigation requests and approve a written correspondence to the DOT. If the Village Board is in favor of this policy action, the following motion may be made:

“Motion to approve an updated letter to the Department of Transportation for approval of proposed mitigation alternative (Option 1 or Option 2) or anticipated impacts related to Alternatives D and E in the Gordon Nauman Conservation Area, Wietor Wharf Park and Deerfield Docks (4(f) and/or 6(f) properties).”

POLICY ALTERNATIVE(S)

The Village Board could take the following action:

- Amend the mitigation requests and/or amend the letter
- Choose not to support the proposed alternatives
- Table the item and request additional information

STRATEGIC PLAN RELEVANCE:

Economic Vitality:	<u>Yes</u>
Accountable/Efficient Gov't:	<u>Yes</u>
Enhance Gov't Partnerships:	<u>Yes</u>
Environmentally Friendly:	<u>Yes</u>

STRATEGIC PLAN SYNOPSIS:

Working with the DOT to make improvements to Village property and infrastructure improves quality for residents.

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|------------|
| 1. Is There A Fiscal Impact? | <u>Yes</u> |
| 2. Is it Currently Budgeted? | <u>No</u> |
| 3. If Budgeted, Which Line? | <u>N/A</u> |

FISCAL SYNOPSIS:

If the Village were to consider construction of all the proposed improvements shown in Attachment I (Alternatives D & E) the Village would need to budget a share of \$132,000.

BACKGROUND INFORMATION

On March 30, 2011, staff met with the Department of Transportation to review proposed alternatives D and E of the US 41 Memorial to County M Project. Both alternatives have some impact to public lands (Gordon Nauman, Wieter Wharf and Deerfield Docks) and/or the Boardwalk (see Attachment I) maintained by the Village of Howard.

Mitigation refers to DOT taking reasonable steps to reduce the damage, injury or cost to the Village for the acquisition/use of our land. Village staff has discussed potential mitigation requests with the DOT and the Village Board in the past. Currently there are two options the Village staff would recommend.

OPTION 1 (cost approximately \$132,000)

Proposed bike/pedestrian path crossing at Duck Creek and path connections to the Wieter Wharf and Deerfield Docks areas. Since this proposed mitigation option is above the equal value of the impacts, the Village is willing to participate in the associated costs for the proposed mitigation. The Village concurs with a local cost share of 20% of the cost of the bike/pedestrian path, with the exception of that portion of the path attached to the bridge over Duck Creek, which will be funded with 100% federal/state funds. Inclusion of path/access under US 41 along the north side of Duck Creek, connecting the Deerfield Docks area (west of US 41) to the East Deerfield Avenue area (east side of US 41). The Village concurs with a local cost share of 20% for this work. No local cost share would be required for the additional bridge length required to accommodate this path/access.

OPTION 2 (no cost to the Village)

Same as above except the path connecting West Deerfield to East Deerfield would not be constructed by WisDOT and could be completed 100% by the Village at a later time. The right of way and structure clearance along Duck Creek and US 41 would be completed with the DOT project – just the construction of the actual path would not be completed. This option would result in no cost to the Village as part of the DOT project, but would require the Village to pay for the path at a later date, which is estimated at approximately \$264,000.

The DOT is only looking at the items above as mitigation options. They have indicated that the paving of Wieter Drive from west of US 41 to the cul-de-sac is no longer applicable. Due to the realignment required for Wieter Drive to accommodate the proposed bridge construction in this area, Wieter Drive will be completely reconstructed west of US 41 and no existing pavement will remain that would require resurfacing.

In addition, the Village concurs DOT will be responsible for replacing any boardwalk that is disturbed in Wieter Wharf Park and/or Deerfield Docks due to the US 41 project. Based on the current design concepts, this would involve approximately 50 feet at Wieter Wharf Park and 325 feet at Deerfield Docks and would only apply for Alternative D.

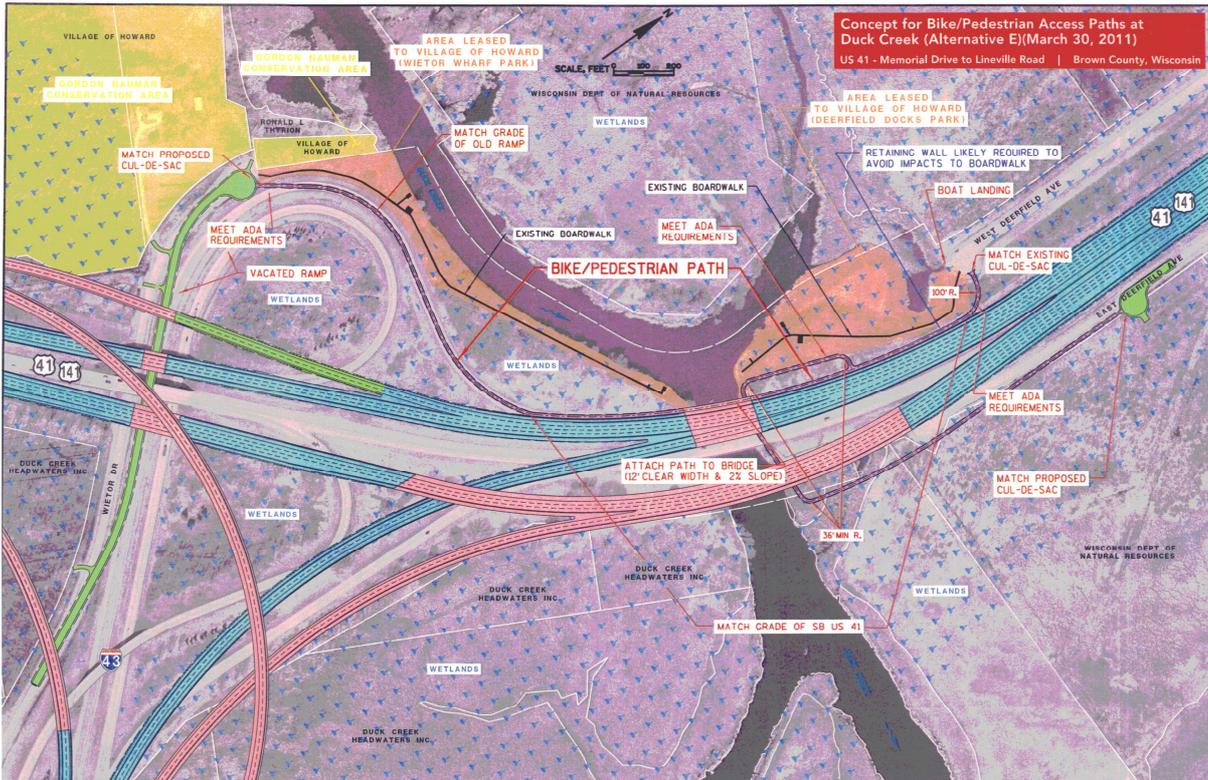
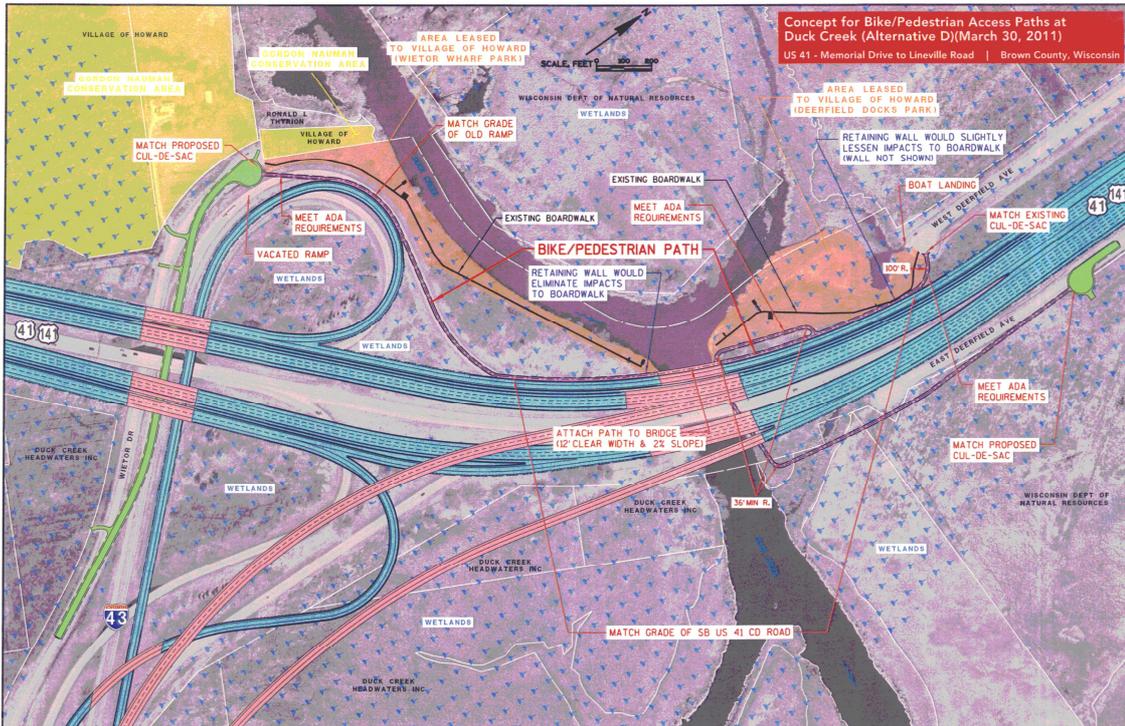
The Board should choose an option and respond in writing to DOT.

ATTACHED INFORMATION

- I. Alternative D& E – US 41 Memorial to County M Project
- II. Proposed Letter to the Department of Transportation
- III. Prior Letter approved by Village Board in 2010

COPY E-MAILED TO DOT

ATTACHMENT I



ATTACHMENT II

EXAMPLE OF SAMPLE LETTER WITH OPTION 1

March 30, 2011

Natasha Gwidt
Corridor Design Supervisor
Wisconsin Department of Transportation
US 41 Brown County Project Office
1940 West Mason Street
Green Bay, WI 54303

RE: US 41 Memorial to County M (#1133-10-01)
Village of Howard approval of Section 4(f) mitigation

Dear Ms. Gwidt:

As outlined in your letter dated December 16, 2010, and discussed at the meeting on March 30, 2011, the Village of Howard is willing to work with WisDOT on the Section 4(f) mitigation options for Alternatives D and E. We understand that the proposed Section 4(f) impacts to the Gordon Nauman Conservation Area are estimated at 0.55 acres for Alternative D and 1.12 acres for Alternative E. The Village concurs with the following Section 4(f) mitigation options shown on the displays at the March 30, 2011 meeting:

1. Proposed bike/pedestrian path crossing at Duck Creek and path connections to the Wietor Wharf and Deerfield Docks areas. Since this proposed mitigation option is above the equal value of the impacts, the Village is willing to participate in the associated costs for the proposed mitigation. The Village concurs with a local cost share of 20% of the cost of the bike/pedestrian path, with the exception of that portion of the path attached to the bridge over Duck Creek, which will be funded with 100% federal/state funds.
2. Inclusion of path/access under US 41 along the north side of Duck Creek, connecting the Deerfield Docks area (west of US 41) to the East Deerfield Avenue area (east side of US 41). The Village concurs with a local cost share of 20% for this work. No local cost share would be required for the additional bridge length required to accommodate this path/access.

We understand that mitigation request #2 identified in the December 16, 2010 letter for the paving of Wietor Drive from west of US 41 to the cul-de-sac is no longer applicable. Due to the realignment required for Wietor Drive to accommodate the proposed bridge construction in this area, Wietor Drive will be completely reconstructed west of US 41 and no existing pavement will remain that would require resurfacing.

In addition, the Village concurs with WisDOT replacing any boardwalk that is disturbed in Wietor Wharf Park and/or Deerfield Docks due to the US 41 project. Based on the current design concepts, this would involve approximately 50 feet at Wietor Wharf Park and 325 feet at Deerfield Docks and would only apply for Alternative D.

We understand the impacts summarized above are based on preliminary design concepts and are subject to revision once an alternative is chosen and further design refinements are completed.

Respectfully,

Robert Bartelt
Village Administrator
Village of Howard, Wisconsin

ATTACHMENT III (LETTER FROM November 2010)

Mr. Mike Berg
WisDOT Northeast Regional Director
944 Vanderperren Way
Green Bay, WI 54304

Re: US 41 Memorial to County M Project (#1133-10-01) - Village of Howard approval of Alternatives D and E, and Mitigation Requests

Dear Mr. Berg:

Please accept this letter on behalf of the Village of Howard indicating our approval of the current proposed Alternatives D and E (see attached displays) for the US 41 Memorial to County M Project (#1133-10-01) as provided to our staff on Friday, November 5, 2010.

WisDOT has informed us that after the November 5, 2010 meeting, FHWA made a determination that the Wietor Wharf and Deerfield Docks areas being leased to the Village of Howard (owned by WisDOT) are NOT considered to be 4(f) properties. Therefore, the impact summaries at the bottom right-hand corner of the displays mentioned will need to be updated to reflect this. All 4(f) impact acreages to the Wietor Wharf and Deerfield Docks areas would be omitted/subtracted for both Alternatives D and E.

The Village is excited to endorse the proposed improvements in alternatives D and E, particularly in the areas of the following 4(f) and/or 6(f) properties:

- The Gordon Nauman Conservation Area (owned by the Village of Howard) – (4(f) impacts under Alts D and E)
- Wietor Wharf Park (owned by WisDOT-currently leased to the Village of Howard) – 6(f)/boardwalk impacts under Alt D only
- Deerfield Docks (owned by WisDot-currently leased to the Village of Howard) – 6(f)/boardwalk impacts under Alt D only

However, after reviewing the current proposed Alternatives D and E for the US 41 Memorial to County M Project, the Village has several mitigation requests for anticipated impacts related to Alternatives D and E in the Gordon Nauman Conservation Area, Wietor Wharf Park and Deerfield Docks (4(f) and/or 6(f) properties). The Village of Howard would sincerely appreciate your consideration of the following requests in the final design of the project:

1. The inclusion of the proposed bike/pedestrian path/bridge crossing Duck Creek. This path would likely be attached to the proposed US 41 structure. Draft displays dated November 3, 2010 showed this Duck Creek crossing along with potential concepts and connection(s) of this bike/pedestrian path to Wietor Wharf Park and Deerfield Docks areas under Alternative D and E. The Village is willing to work out design details with WisDOT and FHWA.
2. Paving of Wietor Drive from west of 41 to the cul-de-sac.
3. The purchase of the Ronald Thyron property by WisDot, with an intent to allow the Village to use this property.

4. The inclusion of a path (access) under US 41 along the north side of Duck Creek, connecting Deerfield Docks area (west of US 41) to East Deerfield Ave cul-de-sac (east side of US 41)

On behalf of the Village and the Howard community, we would sincerely appreciate your careful consideration of the aforementioned requests when planning for the US 41 Memorial to County M Project.

Respectfully,

Robert Bartelt
Village Administrator
Village of Howard, Wisconsin

Cc: Brett Wallace, WisDOT Operations Chief
Mindy Gardner, Project Manager/Engineer
Village Board of Trustees