 <p style="text-align: center;">Revision #3 STATE/MUNICIPAL FINANCIAL AGREEMENT FOR A STATE- LET HIGHWAY PROJECT</p> <p><i>This agreement supersedes the agreement signed by the Municipality on 7/20/2021 and signed by the State on 8/2/2021.</i></p>	<p>Revised Date: June 13, 2022 Date: February 4, 2013 I.D.: 1641-02-02/22/70/72/80/82, 5991-07-46 Road Name: USH 14 Title: City of La Crosse, South Ave. Limits: Green Bay St. to Ward Rd. County: La Crosse Roadway Length: 1.06 Miles</p>
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The signatory **City of La Crosse**, 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 affect the highway or street improvement hereinafter described.

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

NEEDS AND ESTIMATE SUMMARY:

Existing Facility: USH 14 (South Ave.) is a four-lane undivided connecting highway that runs diagonal to the local street network resulting in five and six leg intersections. There are two signalized intersections within the project limits – West Ave. (STH 35) and Ward Avenue. The roadway has a crash rate above the statewide average. The roadway to the North of the project, is four-lane divided and to the South of the project, is five-lane with Two Way Left-Turn lanes (TWLTL).

Proposed Improvement: It is proposed to reconstruct the roadway to improve the overall safety and provide pedestrian accommodations.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: Any water and/or sanitary sewer work, which includes design, construction, and oversight/acceptance of work. Any overrun of capped Community Sensitive Solutions (CSS) funding.


TABLE 1: SUMMARY OF COSTS

Phase	Total Est. Cost	Federal/State Funds	%	Municipal Funds	%
Preliminary Engineering: Plan Development 1641-02-02	\$ 1,600,000	\$ 1,200,000	75%	\$ 400,000	25%
Real Estate Acquisition: Acquisition 1641-02-22	\$ 7,000,000	\$ 7,000,000	100%	\$ -	
Compensable Utilities	\$ -	\$ -	100%	\$ -	
subtotal 1641-02-22:	\$ 7,000,000	\$ 7,000,000		\$ -	
¹ Construction: 1641-02-70					
Roadway	\$ 1,045,000	\$ 1,045,000	100%	\$ -	
² CSS	\$ 4,000	\$ -	0%	\$ 4,000	100%
New Lighting	\$ 41,000	\$ 20,500	50%	\$ 20,500	50%
Pavement Marking	\$ 23,000	\$ 10,350	45%	\$ 12,650	55%
subtotal 1641-02-70:	\$ 1,113,000	\$ 1,075,850		\$ 37,150	
^{1,4} Construction: 1641-02-72					
Roadway	\$ 8,955,000	\$ 8,955,000	100%	\$ -	0%
² CSS	\$ 221,000	\$ 220,000	MAX	\$ 1,000	BAL
New Lighting	\$ 554,000	\$ 277,000	50%	\$ 277,000	50%
Add'l FO Conduit Install	\$ 66,000	\$ -	0%	\$ 66,000	100%
Pavement Marking	\$ 290,000	\$ 130,500	45%	\$ 159,500	55%
subtotal 1641-02-72:	\$ 10,086,000	\$ 9,582,500		\$ 503,500	
³ Construction: 5991-07-46					
Roadway	\$ 85,850	\$ 77,265	90%	\$ 8,585	10%
subtotal 5991-07-46:	\$ 85,850	\$ 77,265		\$ 8,585	
³ Non-Participating: 1641-02-80					
Water Utility	\$ 181,000	\$ -	0%	\$ 181,000	100%
Non-Participating Roadway	\$ 10,000	\$ -	0%	\$ 10,000	100%
subtotal 1641-02-80:	\$ 191,000	\$ -		\$ 191,000	
³ Non-Participating: 1641-02-82					
Sanitary Sewer	\$ 215,000	\$ -	0%	\$ 215,000	100%
Water Utility	\$ 1,175,000	\$ -	0%	\$ 1,175,000	100%
subtotal 1641-02-82:	\$ 1,390,000	\$ -		\$ 1,390,000	
Total Cost Distribution	\$ 21,465,850	\$ 18,935,615		\$ 2,530,235	

Note: The dollar amounts shown in the above table are estimates unless explicitly identified as maximum amount(s).

- 1 Construction delivery costs of approximately 10% included for Participating Items.
- 2 Community Sensitive Solutions (CSS) funding is optional Federal/State funding available to the Municipality for enhancing construction projects by integrating them into the community. CSS Items must be approved by the State and shall be attributable to LET bid items through the Stage project. Federal/State CSS funding is capped at \$220,000. All CSS costs (including delivery) exceeding \$220,000 are the responsibility of the Municipality. Federal/State funding for CSS is not available for 1641-02-70.
- 3 Construction delivery costs of approximately 1% included.
- 4 Work Credit – See number 8 of Terms and Conditions.

This request shall constitute agreement between the Municipality and the State; is subject to the terms and conditions that follow (pages 3 – 7); is made by the undersigned under proper authority to make such request for the designated Municipality, upon signature by the State and delivery to the Municipality. The initiation and accomplishment of the improvement will be subject to the applicable federal and state regulations. No term or provision of neither the State/Municipal Financial 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 Financial Agreement.

Signed for and in behalf of the City of La Crosse (please sign in blue ink) <small>Mayor</small>	
Name (print) Nikki Elsen	Title City Clerk Assistant
Signature 	Date 8/12/2022
Signed for and in behalf of the State (please sign in blue ink)	
Name Steve Flottmeyer	Title WisDOT Southwest Region Planning Chief
Signature	Date

TERMS AND CONDITIONS:

1. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceeds federal/state financing commitments or are ineligible for federal/state financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. 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 General Transportation Aids or any moneys otherwise due and payable by the State to the Municipality.
2. Funding of each project phase is subject to inclusion in an approved program and per the State’s Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.

- i) State will act as lead agency for all property acquisition and relocation assistance needed within the project limits. State will provide the necessary staff resources to carry out the acquisitions and relocations for the project.
 - ii) When State or Federal dollars are to be used to reimburse the Municipality for any real estate acquisitions related costs, all real estate activities are subject to reviews and approvals by the State. Required State reviews and approvals are identified in the Local Public Agency manual.
 - iii) All acquisitions within the connecting highway limits shall be acquired in the name of the Municipality.
 - iv) It shall be the responsibility of the municipality to provide all payments necessary for acquisition and relocation benefits. The Municipality will be given reimbursement for the approved real estate costs of the project. Reimbursement will be limited to quarterly payment requests in the amount of \$250,000 or greater, up to the final payment. Final payment may be less than \$250,000.
 - v) All municipal lands, owned by the Municipality being party to this agreement, required for this improvement project shall be dedicated/donated as right-of-way by specific resolution of the municipal governing body at no cost to the State. Exceptions to this dedication are those lands held by the Municipality under 4F and 6F Park lands, which will follow standard acquisition process.
 - vi) Real Estate Remnant Parcels: Any remnant properties created by partial acquisitions and acquired as part of this public improvement project, or any additional lands deemed unnecessary for the project, will be acquired by the Municipality.
 - vii) City will work with on premise sign owners to accommodate them to keep or move signs.
- (c) Compensable utility adjustment and railroad force work necessitated for the project.
- (d) The grading, base, pavement, curb and gutter, and structure costs to State standards, excluding the cost of parking areas.
- (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
- (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main.
- (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
- (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.
- (i) Replacement of existing driveways, in kind, necessitated by the project.
- (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
3. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner includes the following items:
- (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) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.

- (c) Roadway and bridge width in excess of standards.
 - (d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main.
 - (e) Provide complete plans, specifications, and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.
 - (f) Parking lane costs.
 - (g) Coordinate, clean up, and fund any hazardous materials encountered during construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
 - (h) Damages to abutting property due to change in street or sidewalk widths, grades, or drainage.
 - (i) Conditioning, if required, and maintenance of detour routes.
 - (j) Repair of damages to roads or streets caused by reason of their use in hauling materials incidental to the improvement.
4. As the work progresses, the Municipality will be billed 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.
5. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
6. The work will be administered by the State and may include items not eligible for federal/state participation.
7. The Municipality shall assume general responsibility for all public information and public relations for the project and to make a 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 projects.
8. Basis for local participation:
- (a) Design Engineering (1641-02-02):
 - i. The Municipality is responsible for 25% of the preliminary roadway engineering costs for improvements on a Connecting Highway. The Municipality may be responsible for the design of decorative street lighting and other enhancement items.
 - (b) Real Estate Acquisitions (1641-02-22)
 - i. All real estate acquisition costs necessitated by the roadway improvement project are 100% eligible for Federal/State funding. The State will reimburse the Municipality for real estate and all eligible acquisition costs necessitated by the roadway construction if the real estate is being acquired where roadway improvements are needed. Costs not eligible for State Reimbursement include real estate purchased for parking and excess remnants not associated with the roadway project.
 - (c) Construction (1641-02-70):
 - i. New Lighting: New continuous street lighting designed to accepted WisDOT standards and installed at time of construction is 50% eligible for Federal/State funding. The Municipality may request decorative lighting in place of standard lighting; however, the State will only participate in 50% of the standard lighting cost. The Municipality is responsible for costs above the standard lighting cost. All future maintenance and operation costs of the continuous lighting are the

responsibility of the Municipality.

- ii. Community Sensitive Solutions (CSS): The Municipality will be responsible for 100% of the costs of the aesthetic items. Federal/State funding is not available for 1641-02-70.
- iii. Pavement Marking: The Municipality may request grooved-in pavement marking in place of standard pavement marking; however, the State will only participate in the standard pavement marking cost. The cost of standard pavement marking is estimated to be 45% of grooved-in pavement marking and the Municipality is responsible for costs above the standard pavement marking cost.

(d) Construction (1641-02-72):

- i. New Lighting: New continuous street lighting designed to accepted WisDOT standards and installed at time of construction is 50% eligible for Federal/State funding. The Municipality may request decorative lighting in place of standard lighting; however, the State will only participate in 50% of the standard lighting cost. The Municipality is responsible for costs above the standard lighting cost. The decorative lighting items are eligible for CSS funding. All future maintenance and operation costs of the continuous lighting are the responsibility of the Municipality.

Maintenance and operation of standard round-about lighting is the responsibility of the Municipality. If decorative round-about lighting is installed at the request of the Municipality, maintenance and operation costs of the round-about lighting become the responsibility of the Municipality.

- ii. Community Sensitive Solutions (CSS): The CSS funding is 100% Federal/State with a maximum of \$220,000. The Municipality will be responsible for 100% of the costs of the aesthetic items over the Federal/State maximum. All CSS related aesthetics treatments must be finalized six (6) months prior to the PS&E date.
- iii. Add'l FO Conduit Install: The Municipality may request an additional fiber optic conduit be installed for their future use. The Municipality will be 100% responsible for the cost of the conduit and its installation.
- iv. Pavement Marking: The Municipality may request grooved-in pavement marking in place of standard pavement marking; however, the State will only participate in the standard pavement marking cost. The cost of standard pavement marking is estimated to be 45% of grooved-in pavement marking and the Municipality is responsible for costs above the standard pavement marking cost.

(e) Non-Participating (1641-02-80):

- i. The Municipality shall pay 100% of the cost of installing or adjusting water and sanitary sewer systems including manhole and valve adjustments. These costs are not eligible for Federal/State funding.

(f) Non-Participating (1641-02-82):

- i. The Municipality shall pay 100% of the cost of installing or adjusting water and sanitary sewer systems including manhole and valve adjustments. These costs are not eligible for Federal/State funding.

(g) Work Credits (1641-02-72)

- i. In accordance with the State's Local Cost Sharing Policy of the Program Management Manual, the Municipality may receive work credit towards its share of costs for services it provided to the extent that the value equals the cost WisDOT would have incurred in providing the service:

The Municipality plans to procure and furnish City Standard inlet castings (Type B) to be installed on the sideroads to South Avenue as part of construction ID 1641-02-72. The cost of the castings is estimated at \$22,000. The state agrees to credit the Municipality for the actual cost of the procured and furnished castings against the construction ID 1641-02-72.

In order to receive the work credit for the furnished items, the Municipality shall submit invoices and cancelled checks for the State's review and approval. In order to receive the work credit, the invoices and cancelled checks must be submitted to the State by December 31, 2023.

Comments and Clarification: This agreement is an active agreement that may need to be amended as the project is designed. It is understood that these amendments may be needed as some issues have not been fully evaluated or resolved. The purpose of this agreement is to specify the local and state involvement in funding the project. A signed agreement is required before the State will prepare or participate in the preparation of detailed designs, acquire right-of-way, or participate in construction of a project that merits local involvement.