

Appleton Southpoint Commerce Park Expansion Final Engineering and Stormwater Management

In accordance with paragraph 1.01 of the **Master Agreement for Professional Services between the City of Appleton, WI ("City") and R.A. Smith, Inc., ("Consultant")**, dated **January 5, 2015 ("Agreement")** and as amended effective **January 2, 2018, Consultant and City** agree as follows:

I. Specific Project Information

- A. **Task Order Title:** Appleton Southpoint Commerce Park Expansion Final Engineering and Stormwater Management
- B. **Description of Services to be Performed:** Consultant will provide Stormwater Management and Drainage Plans for the Southpoint Commerce Park Expansion site (Southpoint), 60% Engineering Plans and Final Engineering Plans for the Trailhead site located within Southpoint, and DNR wetland and NOI permitting for Southpoint Commerce Park Expansion. Southpoint is a 115-acre subdivision east of Eisenhower Drive, north of Midway Road, and west of Coop Road. Services conducted under this contract will be provided on a time and materials basis with a maximum total budget of \$53,000.00.

II. Scope of Services

- A. **Develop Stormwater Management Plan:** Consultant will develop a Stormwater Management Plan (SWM Plan) for Southpoint, which includes the previously constructed Coop Road Pond. The City will prepare 60% and Final Engineering plans for storm sewer, watermain, sanitary sewer, and roadway plan and profile. The SWM Plan will be developed in conjunction and consultation with the City during their design of the 60% and Final Engineering for Southpoint. The SWM Plan will be developed using the 30% analysis previously prepared for Coop Road Pond which defined the maximum development parameters allowed for Southpoint.

The SWM Plan will be developed to show the project will conform to the requirements of the Construction Site Stormwater Runoff General Permit No. WI-S067831-6 of the Wisconsin Department of Natural Resources (DNR) and the City peak flow reduction and water quality requirements. All related hydrologic and hydraulic modeling is included in this task.

- B. **Develop Subdivision Drainage Plan:** Consultant will develop building pad elevations and lot grading for anticipated development within Southpoint to support a Site Drainage Plan which will supplement 60% and Final design of roadway plan and profiles developed by the City. Key lot line and internal lot grades will also be determined to delineate drainage areas and identify flow paths to the proposed storm sewers, which will be designed by the City.

Consultant will coordinate with the City to develop the storm sewer and overland flow paths to convey stormwater runoff to Coop Road Pond. Consultant will provide modeling of the storm sewer and overland flow paths developed by the City to make sure the design meets the requirements of the City Stormwater Management Ordinance. Multiple iterations of the storm sewer and overland flow path design may be required.

- C. **Develop 60% Trailhead Improvement Plans:** Consultant will develop 60% Engineering Plans for the Trailhead Improvements, located within Southpoint. The Trailhead Improvements are at the northeast corner of Eisenhower Drive and Vantage Drive, north of the wooded wetlands on the Southpoint site. The 60% Engineering plans will be developed in coordination with the City's development of 60% Engineering Plans for storm sewer, watermain, sanitary sewer, and roadway plan and profile. Consultant will coordinate with the City to provide amenities the City requires at this location.

- D. **Develop Final Trailhead Improvement Plans:** Consultant will develop Final Engineering Plans for the Trailhead Improvements, located within Southpoint. The Final Engineering plans will be developed from the 60% Plans designed in coordination with the City.
- E. **DNR Wetland and Stormwater Management Permitting:** The project will result in more than one acre of land disturbance; therefore, Consultant will apply for permit coverage with a Notice of Intent (NOI) or Water Resources Application for Project Permits (WRAPP) to show the project will conform to the requirements of the Construction Site Stormwater Runoff General Permit No. WI-S067831-6. The stormwater requirements of NR 151 for a site that consists of land disturbing construction activity of more than one acre will be met.

The wetland and stormwater management permitting tasks will be included as follows:

Preliminary Stormwater Management

The 60% Engineering Plans developed by the City will be used to provide preliminary stormwater management calculations to verify Coop Road Pond can be used to provide stormwater management to meet the requirements of NR 151.

Final Stormwater Management Plan

The Final Engineering Plans developed by the City will be used to provide a Final Stormwater Management Plan to verify Coop Road Pond can be used to provide stormwater management to meet the requirements of NR 151. Requirements may include peak flow reduction, water quality improvements, and Infiltration practices.

Wisconsin Department of Natural Resources NOI/WRAPP

Consultant will apply for permit coverage with a Notice of Intent (NOI) or Water Resources Application for Project Permits (WRAPP) to show the project will conform to the requirements of the Construction Site Stormwater Runoff General Permit No. WI-S067831-6.

Wetland Permitting

- Non-Federal Wetland Exemption Request for wetland that have been determined to be non-jurisdictional by the US Army Corps of Engineers (USACE). The exemption would be submitted for six non-federal farmed wetlands west of Coop Road. The submittal requires a narrative explaining how each wetland qualifies for the non-federal wetland exemption. Included in the submittal will be the USACE Approved Jurisdictional determination letter, supporting information such as maps and previous wetland delineation reports, site photographs, a botanical survey (if needed), a mitigation summary worksheet (if needed) and proof of ownership.
- DNR Artificial Wetland Exemption Request for any potentially artificial wetlands within the Study Area. The exemption would be submitted for the long roadside wetland ditch along Coop Road. The submittal requires a narrative explaining how each wetland meets the artificial wetland exemption criteria as well as historical map review. Included in the map review and submittal will be historical aerial photos, historical USGS maps, a Bordner survey map, and a WI Land Survey map. Other information such as previous wetland delineation reports, site photographs, and proof of ownership will also be submitted to the DNR. Any additional documentation provided by the client

(i.e., previous construction plans, previous agency submittals, previous wetland delineations, soils borings) may also be included in the electronic submittal as further evidence that wetlands may be artificial.

- Endangered Resources Review (ERR) Request - Preliminary Assessment through the NHI Public Portal to determine if a formal ERR is required. An ERR is a screening of a proposed project area for potential impacts to endangered resources including rare plants, animals, and plant communities. If the Preliminary Assessment returns a result of “no actions required/recommend,” then a formal ERR will not be required. If an ERR is required due to the potential for rare species, we will prepare and submit the Wisconsin Department of Natural Resources (WDNR) ERR Form 1700-47.
- Wetland/Waterway Permitting Assistance - Some wetland features within the project site are expected to be under the jurisdictions of both the WDNR and USACAE and will require a permit if impacted. Smith wetland ecologists will assist in the preparation of a Joint Section 404/401 Wetland General Permit (GP) which is required for impacts less than 10,000 square feet. This task will include agency coordination, attendance at meetings (assumes one client meeting), assistance with the wetland alternatives analysis, completion of the Water Resources Application for Project Permits (WRAPP) form, and production of required maps and photos. This task does not include the WDNR’s permitting fees.

- F. **Develop Digital Terrain Model/Grading Quantities:** Task will include the development of a Digital Terrain Model (DTM) and determination of estimated pay quantities for proposed roadway construction and lot grading plans based on plans prepared by the City.

III. Deliverables

All deliverables shall be provided to the City and shall be the sole and exclusive property of the City and shall not be used, distributed, shared, sold, exchanged, or published by Consultant without the City’s consent. Consultant will return to the City, at no cost to the City, any plans, files, maps, or other documents that City provides to Consultant during the term of this project. Deliverables shall further include any drawing files, computer models, electronic or printed documents, data, and work products developed for this project. All drawings will be in Outagamie County Coordinate System. All electronic files will be provided in the following formats or a compatible version: pdf, ArcGIS, AutoCAD 2020, and Microsoft Office programs.

Deliverables will include 60% Engineering and Final Engineering plans for the Trailhead, Stormwater Management Plan and Subdivision Drainage Plan, Digital Terrain Model and earthwork pay quantities. DNR permit applications will be provided for review prior to submittal. The engineering plans will be provided as one set of large plans and one set of small hard copies, as well as PDF document format.

IV. Additional Services

This project specifically authorizes Consultant to provide additional services in response to specific requests from the City as defined above.

V. City’s Responsibilities

City shall have the responsibilities set forth in the Agreement and shall provide access to proposed project sites as needed to complete the required services and any other existing data pertinent to the proposed project. City staff will also be available for coordination as stated in the scope of services.

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VI. Times for Rendering Services

Consultant will work with City staff to refine the Draft Critical Path Schedule, dated 07-20-2021, to meet project schedule requirements as necessary, and will also submit project status and invoicing reports to the City monthly.

VII. Payments to Consultant

A. Consultant will provide the above-described services on a time and expense basis with time charged in no less than fifteen (15) minute increments. Fees will be invoiced monthly.

B. **Key Project Personnel Fee Schedule:** The following hourly rates will be applied to services provided under this task order through completion of the services authorized herein:

1. Brad Hartjes, P.E., CFM (Project Manager)	\$	149.59
2. Gary Raasch, P.E., CFM (Senior Project Manager)	\$	171.84
3. Riley Stone, P.E. (Project Engineer)	\$	109.27
4. Ryan Mann (Staff Engineer)	\$	84.00
5. Tina Myers, PWS (Ecologist)	\$	115.00

Hourly billing rates for other Consultant personnel providing support for additional services will be offered in accordance with the Consultant Standard Hourly Rate Schedule in effect at the time the services are authorized.

C. **Direct Expenses:** Direct expenses related to the services provided under this task order will be applied in accordance with the following rates. Other items or supplies provided with these services will be charged at cost, without any markup.

1. Travel – mileage: \$ 0.56/ mile (will adjust to match the IRS mileage rate at the time of travel)
2. Copies: 8.5 x 11 @ \$0.15/ black-white copy; \$0.75/ color copy
11 x 17 @ \$0.20/ black-white copy; \$1.00/ color copy

D. **Additional Service Authorization:** As the project progresses, the scope of this task order may be amended by written authorization(s).

VIII. Consultants

No other consultants have been identified or are contemplated to assist with the professional services authorized by this task order.

IX. **Other Modifications to Agreement** - None.

X. **Attachments/Exhibits** - None.

XI. **Documents Incorporated by Reference** - None.

XII. Terms and Conditions

Execution of this task order by Consultant and City shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Consultant is authorized to begin performance upon the earlier of its receipt of a copy of this task order signed by City or the authorized Effective Date. The Effective Date of this task order is **October 4, 2018**.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

R.A. Smith, Inc. (Consultant):

By: _____
Gary Raasch, P.E., CFM
Senior Project Manager

Brad Hartjes, P.E., DFM
Project Manager

City of Appleton (City)

By: _____
Jake Woodford, Mayor

Attest: _____
Kami Lynch, City Clerk

Approved as to form:

Countersigned pursuant to §62.09(10), Wis. Stats.:

Christopher Behrens, City Attorney

Anthony D. Saucerman, Finance Director