



# MARATHON COUNTY INFRASTRUCTURE COMMITTEE

## AGENDA

Date & Time of Meeting: **Thursday, July 11<sup>th</sup>, 2019 at 9:00 a.m.**

Meeting Location: **Marathon County Highway Department, 1430 West Street, Wausau WI 54401**

Members: **John Robinson, Chair; Richard Gumz, Vice-Chair; Allen Opall; Jeff Johnson, Thomas Seubert; Alan Christensen; Sandi Cihlar**

**Marathon County Mission Statement:** Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly, or in cooperation with other public and private partners, provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated: 12/20/05)

**Infrastructure Committee Mission/Purpose:** Provide leadership for the implementation of the Strategic Plan, monitoring outcomes, reviewing and recommending to the County Board policies related to technology and infrastructure initiatives of Marathon County, which includes, but is not limited to, highways, airways, waterways, etc.

1. Call to Order
2. Public Comment Period
3. Approval of the Minutes of the June 6<sup>th</sup> 2019, Infrastructure Committee Meeting.
4. Policy Issues Discussion and Potential Committee Determination
  - A. 2020 Capital Improvement Request
    1. Review Amended 2020 Highway Capital Improvement Request
  - B. Policy and Procedure Manual Update
    1. Culvert Bridge Aid
    2. Economic Criteria for Highway Upgrades to All Season Roads
5. Operational Functions required by Statute, Ordinance, or Resolution: None
6. Educational Presentations and Committee Discussion
  - A. County Regulation Authority on Wind Farms
  - B. Broadband Update, Melinda Osterberg
  - C. Dig Once Policy Update, Melinda Osterberg
  - D. County Road "K" Wausau to North County Line Public Official Meeting, upcoming
  - E. State of Wisconsin Infrastructure Budget Update
  - F. ATV/UTV Update of Request
  - G. Wisconsin County Highway Association Update
  - H. Highway Commissioner's Report
  - I. City County Information Technology Commission Report
7. Announcements:
  - A. Future meetings and agenda items:
    1. August 8<sup>th</sup>, 2019 Monthly Infrastructure Meeting
8. Adjourn

*Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 715 261-1500 or e-mail [inforamathon@mail.co.marathon.wi.us](mailto:inforamathon@mail.co.marathon.wi.us) one business day before the meeting.*

**SIGNED** /s/ John Robinson  
Presiding Officer or Designee

FAXED TO: Wausau Daily Herald, City Pages,  
FAXED TO: and Other Media Groups  
FAXED BY: M. Palmer  
FAXED DATE: \_\_\_\_\_  
FAXED TIME: \_\_\_\_\_

NOTICE POSTED AT COURTHOUSE  
BY: M. Palmer  
DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_



## MARATHON COUNTY INFRASTRUCTURE COMMITTEE MEETING MINUTES

Thursday, June 6, 2019, at 9:00 a.m.

Marathon County Employee Resources Conference Room, 500 Forest Street, Wausau, WI 54403

Attendance:	Present	Excused	Absent
John Robinson, Chair	X		
Richard Gumz, Vice-Chair	X		
Tom Seubert	X		
Alan Christensen	X		
Sandi Cihlar	X		
Jeff Johnson		X	
Allen Opall	X		

**Also Present:** Lance Leonhard, Gerard Klein, Melinda Osterberg, Dave Mack, James Griesbach, Kevin Lang, Dominique S., Ralph Illick, Beth Nemec, Rorik Peterson, Kathryn Erwin

**1. Call Meeting to Order**

The meeting was called to order by Chairman John Robinson at 9:00 a.m.

**2. Public Comment** – No public comment was offered.

**3. Approval of the Minutes of the May 2, 2019 Infrastructure Committee Meeting Minutes  
MOTION BY CHRISTENSEN, SECOND BY SEUBERT, TO APPROVE THE MINUTES OF THE  
APRIL 18, 2019, INFRASTRUCTURE COMMITTEE MEETING. MOTION CARRIED.**

**4. Policy Issues Discussion and Potential Committee Determination - None**

A. 2020 Capital Improvement Request

1. Review 2020 Highway Capital Improvement Request

**Discussion:**

Commissioner Griesbach explains the requests made by the Highway Department. Griesbach reviews past maintenance efforts made by the county on the bridge at issue on County Road G and the current state of the bridge. Griesbach explains that the bridge has been structurally deficient for several years. Griesbach answers questions from the committee on the proposed project.

**Action:**

**MOTION BY CHRISTENSEN, SECOND BY OPALL, TO APPROVE FORWARDING THE REQUEST TO CAPITAL IMPROVEMENT COMMITTEE. MOTION CARRIED.**

**Follow through:**

Request to be forwarded to the CIP committee.

2. City County Information Technology Commission Request

**Discussion:**

City County Information Technology Director Gerard Klein provides a written summary of the 2020 Capital requests from CCITC and summarizes each of the requests. Chair Robinson inquires if there is the opportunity to “better” allocate overhead relative to the cost of the technology equipment. Klein answers questions from the committee relative to the requests.

**Action:**

**MOTION BY CHRISTENSEN, SECOND BY SEUBERT, TO APPROVE FORWARDING THE REQUEST TO CAPITAL IMPROVEMENT COMMITTEE. MOTION CARRIED.**

**Follow through:**

Request to be forwarded to the CIP committee. County Administration to work with CCITC to assess the potential benefit of allocating the direct technology equipment costs to departments to better capture true costs and improve cost recovery.

**5. Operational Functions required by Statute, Ordinance, or Resolution: NONE**

**6. Educational Presentations and Committee Discussion**

**A. EDP Renewables Introduction and Presentation on Upcoming Wind Farm Project to Western Marathon County**

**Discussion:**

Kathryn Erwin and Rorik Peterson appear before the committee and explain the work of EDP Renewables and the company's efforts to implement a wind farm in western Marathon County. Each explains that wind farms are best suited for areas where agriculture is the predominant use. Kathryn explains that preliminary plans call for construction to begin in 2021 and would consist of between 17 and 27 turbines. Each explains that the turbines would be constructed on land procured by contract. Road use agreements will be put in place with Town of Eau Pleine, Town of Brighton, and Marathon County.

Kathryn and Rorik answer questions from committee members. Dominique Swansu indicates that the county will be reviewing the application submission.

**Follow through:**

Future presentations to the County Board will be pursued once additional details are confirmed.

**B. Dig Once Policy, Melinda Osterberg**

**Discussion:**

Ralph Illick explains that the Marathon County Library is working with the local library branches to expand access to wi-fi at those locations.

Melinda explains to the committee that pursuing the dig-once policy is a directive from the strategic plan.

Types of policies – (1) laying conduit of dark fiber for future expansion; (2) facilitating communication amongst providers and municipalities.

Chair Robinson references that the presentation of this model ordinance is for purposes of starting a conversation. Facilitating communication is a short-term goal, while the issue relative to the laying of conduit or dark fiber is more of a long-term focus. Gerard Klein explains that the county's ordinance could stimulate other local municipalities to adopt similar ordinances.

**Follow through:**

Gary Hetzer to attend the next committee meeting to discuss current mapping resources available relative to broadband and other utility providers. Chair Robinson indicates that this item will be on next month's agenda.

**C. Introduction to Broadband Basics**

**Discussion:**

Klein delivers an informational presentation to the committee relative to several topics, explaining the significant increase in the speed thresholds under federal broadband definitions since 2009 and some of the key federal and state laws relative to broadband. Klein also explains the various types of broadband, how they work, and the advantages and disadvantages of each: Cable, Phone (DSL), Satellite, Cellular, Fiber (Fiber to the home), Wifi.

Klein also utilizes aerial maps to explain the various types of county broadband infrastructure and services available across Marathon County.

**Follow through:**

None necessary.

D. Wisconsin County Highway Association Workzone Safety Video

**Discussion:**

Griesbach exhibits a draft of the safety video prepared by Wisconsin County Highway Association to the committee.

**Follow through:**

None necessary.

E. Highway Commissioner's Report

**Discussion:**

Griesbach reviews his written report contained in the packet, specifically discussing the importance of annual roadway improvement spending in the allocation of general transportation aids from the state.

**Follow through:**

None necessary.

F. City County Information Technology Commission Report

**Discussion:**

No additional information provided.

**Follow through:**

None necessary.

**7. Announcements:**

A. Future meetings and agenda items:

1. Bridge and Culvert Request Procedure
2. July 11<sup>th</sup>, 2019 Monthly Infrastructure Meeting

B. Announcements

1. Commissioner Griesbach references a potential review of speed limit on Highway M in Athens may be on the agenda for August.

**8. Adjourn**

**MOTION TO ADJOURN BY OPALL, SECOND BY GUMZ, MOTION CARRIED.**

Minutes prepared

By Lance Leonhard on June 6, 2019



# Capital Project Request Form

<b>Project</b>	County Road M, Fenwood Creek	<b>CIP Funds Requested</b>	<b>\$153,400.00</b>
<b>Project Number</b>	(Do NOT fill in – for use by F&CM Department)	<b>Request for Year</b>	<b>2020</b>

General Instructions for completing this form:

- Enter requested information after placing the cursor (point and click) in the corresponding gray-shaded blank.
- For all but the most obvious items, more detailed instructions are available by typing the F1 key while the cursor placed on the corresponding blank.
- Each box will expand as necessary to include your text. Limits on text length are noted in the F1 instructions.
- Use the tab key to advance the cursor to the next blank; use shift/tab to move the cursor to the previous blank.
- *If this Charter form is not completed in its entirety, your request may not be ranked.*

<b>1. REQUEST INFORMATION</b>			
<b>Project Title</b>	County Road M, Fenwood Creek		
<b>Location</b>	1.0 mile south of CTH "P"		
<b>Description</b>	Bridge Replacement		
<b>Date of Request</b>	06/21/2019	<b>Project Type</b>	Repair/Replacement
<b>Submitted By</b>	James Griesbach	<b>Phone</b>	715-261-1801
<b>Department</b>	Highway Department	<b>Email</b>	jmgriesbach@co.marathon.wi.us
<b>Has this request been approved by the appropriate standing committee or board.</b>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<i>Minutes of the meeting in which the funding request was approved must be submitted to F&amp;CM Dept. prior to July 1<sup>st</sup>.</i>	
<b>Has funding for this project been requested previously but not ranked high enough to be funded?</b>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	<b>If so, how many times has the request been submitted previously?</b>	
<b>Is this request a continuation of a previously funded CIP project?</b>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	<b>If so, in which year was that project funded?</b>	
<b>Will this project be closed out within three years of the fiscal year in which it was funded? If not, please explain why below.</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>State of Wisconsin has 5 years to close out projects, majority of it will be closed out in 2020</b>			
<b>Is this project necessary due to a federal, state, or local legal mandate? If yes, please identify the specific mandate below.</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>Will this project comply with recommendations or objectives addressed in an adopted plan (e.g. strategic plan), referendum, or study? If yes, please identify the specific plan, referendum, or study below.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Objective 10.12 of the Marathon county Strategic Plan 2018-2022, Maintain infrastructure to support economic growth</b>			



# Capital Project Request Form

2. PROJECT DEFINITION AND SCOPE																							
<b>Project Objective(s)</b>	<p>.The need of the project is to replace an existing structurally deficient &amp; functional obsolete bridge . Bridge components have deteriorated beyond permanent repair, and have caused partial failure of the existing deck. Abutments have spalling and also have section loss on both int. and ext. beams and to flange. Wing walls are tipping in. If the existing structure is not replaced, it will continue to rapidly deteriorate and eventually lead to closure of the roadway. Closure of the roadway would have an adverse impact to roadway safety, any potential failure or closure will impact the access and commerce of the area. Marathon County is requesting a 30' width structure to supprt a large farming operation that farms either side of the bridge. They currently own 346 acres south of this bridge and rent other land as it comes available. A 30' structure would be the minimum width that would allow safe passage of this bridge. Current Sufficiency number on this bridge is 18.2 out of a possible 100</p>																						
<b>Alignment to Departmental Mission Statement</b>	<p>Marathon County will strive to maintain all state and County highways in a safe and reasonable condition at all times. Marathon County's infrastructure committee's goal is to keep all bridge structures at a 50 or high suffucueny rating this bridge is at a rating of 44 and is classified by WisDot as structurally deficient and functionally obsolete. State recommendation is to replace this structure.</p>																						
<b>Departmental Priority</b> (check a different priority for each project)	(High)	<table border="0"> <tr> <td><b>1</b></td> <td><b>2</b></td> <td><b>3</b></td> <td><b>4</b></td> <td><b>5</b></td> <td><b>6</b></td> <td><b>7</b></td> <td><b>8</b></td> <td><b>9</b></td> <td><b>10</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(Low)
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>														
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
<b>Related Other Projects</b>																							
<b>Alternatives Considered</b>	<ol style="list-style-type: none"> <li>Do Nothing</li> <li>Wait for next federal program which is 2021-2024, frist year of construction would be 2023</li> <li>close bridge</li> </ol>																						
<b>Why Alternatives Listed Above Were Rejected</b>	<ol style="list-style-type: none"> <li>Closing or posting the bridge prevents free and efficient movement of products and goods in the part of Marathon County. This is a large agricultural area this bridge serves as a key link that serves the residents of this part of the county. Bridge closure would cause large detours to the residents of the county and major delays in fire and rescue efforts</li> <li>We have approved funding in this cycle, don't want to loose 80% funding</li> <li>Would not meet our county strategic plan</li> </ol>																						
<b>Target Start Date</b>	6/1/2020	<b>Anticipated Completion Date</b>	October 1, 2020																				
<p><b>Project Scope Statement</b> <i>List the major components of the project's scope of work below. Refer to documentation such as RFP's, proposals, functional specifications, etc. to set and limit the project scope.</i></p>																							



# Capital Project Request Form

<p><b>“In Scope”</b> = everything the project will include to meet the requirements of the project objectives.</p> <p><b>“Not in Scope”</b> = any responsibilities, activities, deliverables, or other areas that are NOT to be funded as part of this project, even though they may have some relation to it.</p>	<p><b>In Scope:</b></p> <ul style="list-style-type: none"> <li>• Bidding, Construction and inspection</li> <li>• Right of Way Purchase</li> <li>• Engineering</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>	<p><b>Not in Scope:</b></p> <ul style="list-style-type: none"> <li>• Environmental Issues</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>
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3. PROJECT RISK FACTORS	
<b>Assumptions</b>	If Delayed possible closing of the bridge
<b>Dependencies</b>	None anticipated
<b>Constraints</b>	Traffic

4. PROJECT COST				
Estimated Cost Components		Cost Allocation Per Fiscal Year		
Preliminary Design or Study	\$0.00	If project funds can be allocated over more than 1 year, please indicate the amount to be allocated for each year below:		
Final Design and Engineering	\$			
Land Acquisition	\$0.00	Fiscal Year	Amount	\$0.00
Construction	\$767,000.00	Fiscal Year	Amount	\$0.00
Equipment/Furnishings	\$0.00	Fiscal Year	Amount	\$0.00
Other:	\$0.00	Fiscal Year	Amount	\$0.00
Miscellaneous Costs	\$0.00	Fiscal Year	Amount	\$0.00
<b>Project Budget</b> (total of estimated cost components)	<b>\$767,000.00</b>	◀----- (sum of above should equal) -----▶		
<b>Is this project to be funded entirely with CIP funds?</b>			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>If not, list below any other (non-CIP) funding sources for this project</b>			<b>Funding Amount</b>	
• WisDot 2017-2022 Local Bridge Progr			\$613600.00	
•			\$	
•			\$	
<b>Total CIP Funding Requested</b>		<b>\$153,400</b>		



# Capital Project Request Form

5. ASSET LIFE, RECURRING COSTS, AND RETURN ON INVESTMENT		
If an existing asset (facility or equipment) is being renovated or replaced, what is the age of the existing asset in years?		61
Expected service life (in years) of the existing asset, based on applicable industry standards?		40
Estimated Service Life of Improvement (in years)		40
Future Estimated Recurring Costs	Annual Operating Costs	\$0.00
	Annual Maintenance Costs	\$2,000.00
	Other Non-Capital Costs	\$0.00
	<b>Total Recurring Costs</b>	<b>\$2,000.00</b>
Estimated Return on Investment (in years)		

6. OPERATING COST IMPACT	
Will this project lead to a reduction in personnel or maintenance costs? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Will this project lead to increased efficiency or productivity? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Will this project provide an additional revenue generating opportunity? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>





# Capital Project Request Form

7. ECONOMIC AND PUBLIC BENEFIT	
Does this project have the potential to promote economic development county-wide? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this project have the potential to promote economic development within a specific area of the county? If yes, please explain below.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<i>allow movement of products without a lengthy detour</i>	
Will this project result in an increase of long-term jobs within the county? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this project enhance or increase recreational opportunities and/or green space? If yes, please explain below.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does this project contribute toward improved transportation efficiency? If yes, please explain below.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<i>If bridge closes it would cause long detours</i>	
Does this project impact the quality of life of the general county population? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this project impact the quality of life of a specific demographic within the county? If yes, please explain below.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<i>faster EMS and fire service</i>	
Does this project enhance or increase cultural or educational opportunities? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this project contribute toward improving the wellness of Marathon County Citizens? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

8. RELATED DOCUMENTS
<i>List below any attached documentation including estimates, studies or plans, photographs, standing committee or board minutes, etc. that supports this project request.</i>
<ul style="list-style-type: none"> <li>• <a href="#">Location Map</a></li> <li>• <a href="#">Inspection Report</a></li> <li>• <a href="#">Photos</a></li> </ul>

County Road "M"

Fenwood Creek

P-37-050

















# Capital Project Request Form

<b>Project</b>	County Road Y, Plover River	<b>CIP Funds Requested</b>	<b>\$128,620.00</b>
<b>Project Number</b>	(Do NOT fill in – for use by F&CM Department)	<b>Request for Year</b>	<b>2020</b>

General Instructions for completing this form:

- Enter requested information after placing the cursor (point and click) in the corresponding gray-shaded blank.
- For all but the most obvious items, more detailed instructions are available by typing the F1 key while the cursor placed on the corresponding blank.
- Each box will expand as necessary to include your text. Limits on text length are noted in the F1 instructions.
- Use the tab key to advance the cursor to the next blank; use shift/tab to move the cursor to the previous blank.
- *If this Charter form is not completed in its entirety, your request may not be ranked.*

<b>1. REQUEST INFORMATION</b>			
<b>Project Title</b>	County Road Y, Plover River		
<b>Location</b>	1.0 mile N of STH 29		
<b>Description</b>	Bridge Replacement		
<b>Date of Request</b>	06/21/2019	<b>Project Type</b>	Repair/Replacement
<b>Submitted By</b>	James Griesbach	<b>Phone</b>	715-261-1801
<b>Department</b>	Highway Department	<b>Email</b>	jmgriesbach@co.marathon.wi.us
<b>Has this request been approved by the appropriate standing committee or board.</b>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<i>Minutes of the meeting in which the funding request was approved must be submitted to F&amp;CM Dept. prior to July 1<sup>st</sup>.</i>	
<b>Has funding for this project been requested previously but not ranked high enough to be funded?</b>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	<b>If so, how many times has the request been submitted previously?</b>	
<b>Is this request a continuation of a previously funded CIP project?</b>	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	<b>If so, in which year was that project funded?</b>	
<b>Will this project be closed out within three years of the fiscal year in which it was funded? If not, please explain why below.</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>State of Wisconsin has 5 years to close out projects, majority of it will be closed out in 2020</b>			
<b>Is this project necessary due to a federal, state, or local legal mandate? If yes, please identify the specific mandate below.</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>Will this project comply with recommendations or objectives addressed in an adopted plan (e.g. strategic plan), referendum, or study? If yes, please identify the specific plan, referendum, or study below.</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Objective 10.12 of the Marathon county Strategic Plan 2018-2022, Maintain infrastructure to support economic growth</b>			



# Capital Project Request Form

2. PROJECT DEFINITION AND SCOPE			
<b>Project Objective(s)</b>	The need of the project is to replace an existing structurally deficient bridge. Currently this structure has an unknown foundation giving it a HS18 operating level and a HS 11 inventory rating also, causing it to be a scour critical bridge. Section loss of 30% on all the steel beams. Bridge deck has delamination and exposed rebar's. If the existing structure is not replaced, it will continue to rapidly deteriorate and eventually lead to closure of the roadway. Closure of the roadway would have an adverse impact to roadway safety, any potential failure or closure will impact the access and commerce of the area .		
<b>Alignment to Departmental Mission Statement</b>	Marathon County will strive to maintain all state and County highways in a safe and reasonable condition at all times. Marathon County's infrastructure committee's goal is to keep all bridge structures at a 50 or high sufficiency rating this bridge is at a rating of 44 and is classified by WisDot as structurally deficient and functionally obsolete. State recommendation is to replace this structure.		
<b>Departmental Priority</b> (check a different priority for each project)	(High)	<b>1</b> <input type="checkbox"/> <b>2</b> <input type="checkbox"/> <b>3</b> <input checked="" type="checkbox"/> <b>4</b> <input type="checkbox"/> <b>5</b> <input type="checkbox"/> <b>6</b> <input type="checkbox"/> <b>7</b> <input type="checkbox"/> <b>8</b> <input type="checkbox"/> <b>9</b> <input type="checkbox"/> <b>10</b> <input type="checkbox"/>	(Low)
<b>Related Other Projects</b>			
<b>Alternatives Considered</b>	1. Do Nothing 2. Wait for summer of 2023, part of pilot project with WisDot on a streamline process 3. close bridge		
<b>Why Alternatives Listed Above Were Rejected</b>	1. Closing or posting the bridge prevents free and efficient movement of products and goods in the part of Marathon County. This is a large agricultural area this bridge serves as a key link that serves the residents of this part of the county. Bridge closure would cause large detours to the residents of the county and major delays in fire and rescue efforts 2. We have approved funding in this cycle, don't want to loose 80% funding, we have been slected in a WisDot accelerated pilot process, this process will save us design cost up to 30% 3. Would not meet our county strategic plan		
<b>Target Start Date</b>	6/1/2020	<b>Anticipated Completion Date</b>	October 1, 2020
<b>Project Scope Statement</b> List the major components of the project's scope of work below. Refer to documentation such as RFP's, proposals, functional specifications, etc. to set and limit the project scope.			



# Capital Project Request Form

<p><b>“In Scope”</b> = everything the project will include to meet the requirements of the project objectives.</p> <p><b>“Not in Scope”</b> = any responsibilities, activities, deliverables, or other areas that are NOT to be funded as part of this project, even though they may have some relation to it.</p>	<p><b>In Scope:</b></p> <ul style="list-style-type: none"> <li>• Bidding, Construction and inspection</li> <li>• Right of Way Purchase</li> <li>• Engineering</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>	<p><b>Not in Scope:</b></p> <ul style="list-style-type: none"> <li>• Environmental Issues</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>
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3. PROJECT RISK FACTORS	
<b>Assumptions</b>	If Delayed possible closing of the bridge
<b>Dependencies</b>	None anticipated
<b>Constraints</b>	Traffic

4. PROJECT COST				
Estimated Cost Components		Cost Allocation Per Fiscal Year		
Preliminary Design or Study	\$0.00	If project funds can be allocated over more than 1 year, please indicate the amount to be allocated for each year below:		
Final Design and Engineering	\$45,000.00			
Land Acquisition	\$0.00	Fiscal Year	Amount	\$0.00
Construction	\$643,100.00	Fiscal Year	Amount	\$0.00
Equipment/Furnishings	\$0.00	Fiscal Year	Amount	\$0.00
Other:	\$0.00	Fiscal Year	Amount	\$0.00
Miscellaneous Costs	\$0.00	Fiscal Year	Amount	\$0.00
<b>Project Budget</b> (total of estimated cost components)	<b>\$688,100,000.00</b>	◀----- (sum of above should equal) -----▶		
<b>Is this project to be funded entirely with CIP funds?</b>			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>If not, list below any other (non-CIP) funding sources for this project</b>			<b>Funding Amount</b>	
• WisDot 2017-2022 Local Bridge Progr			\$514,480.00	
•			\$	
•			\$	
<b>Total CIP Funding Requested</b>		<b>\$128,620.00</b>		





# Capital Project Request Form

5. ASSET LIFE, RECURRING COSTS, AND RETURN ON INVESTMENT		
If an existing asset (facility or equipment) is being renovated or replaced, what is the age of the existing asset in years?	61	
Expected service life (in years) of the existing asset, based on applicable industry standards?	40	
Estimated Service Life of Improvement (in years)	40	
Future Estimated Recurring Costs	Annual Operating Costs	\$0.00
	Annual Maintenance Costs	\$2,000.00
	Other Non-Capital Costs	\$0.00
	<b>Total Recurring Costs</b>	<b>\$2,000.00</b>
Estimated Return on Investment (in years)		

6. OPERATING COST IMPACT	
Will this project lead to a reduction in personnel or maintenance costs? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Will this project lead to increased efficiency or productivity? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Will this project provide an additional revenue generating opportunity? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>



# Capital Project Request Form

7. ECONOMIC AND PUBLIC BENEFIT	
Does this project have the potential to promote economic development county-wide? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this project have the potential to promote economic development within a specific area of the county? If yes, please explain below.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<i>allow movement of products without a lengthy detour</i>	
Will this project result in an increase of long-term jobs within the county? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this project enhance or increase recreational opportunities and/or green space? If yes, please explain below.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does this project contribute toward improved transportation efficiency? If yes, please explain below.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<i>If bridge closes it would cause long detours</i>	
Does this project impact the quality of life of the general county population? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this project impact the quality of life of a specific demographic within the county? If yes, please explain below.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<i>faster EMS and fire service</i>	
Does this project enhance or increase cultural or educational opportunities? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this project contribute toward improving the wellness of Marathon County Citizens? If yes, please explain below.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

8. RELATED DOCUMENTS
<i>List below any attached documentation including estimates, studies or plans, photographs, standing committee or board minutes, etc. that supports this project request.</i>
<ul style="list-style-type: none"> <li>• Location Map</li> <li>• Inspection Report</li> <li>• Photos</li> </ul>

County Road "Y"

Plover River

P-37-024











## MEMORANDUM

DATE: 06/25/2019

TO: Environmental Resources Committee (ERC)

FROM: Dominique Swangstu, Marathon County Zoning Administrator

SUBJECT: Wind & Energy Conversion Systems – Chapter 17 Revisions

In the past few months Marathon County Conservation, Planning and Zoning staff have received many calls about wind & energy systems and what processes and regulations apply. The intent of this memo is to inform the Environmental Resources Committee that revisions will be proposed to Chapter 17 regarding wind & energy systems and state statutes PSC Chapter 128, Chapter 196.378, and Chapter 66.0401 regulating solar and wind energy systems. There has been recent interest by renewable energy companies to host “large scale” systems within the county. These preliminary proposals prompted CPZ staff to revisit Chapter 17 Zoning Code of Ordinances to evaluate how this use and its standards compare to current state statute requirements. Upon review, it was evident some minor revisions would need to be made to update the code to state standards if the county is to appropriately regulate and process a proposed renewable energy (Wind and/or Solar) application. The proposed revisions would provide clarity, consistency, and would primarily apply to *Large Wind and Energy Systems* defined as “A non-residential system having a rated capacity of greater than 100kW (Individual system) or 300kW (Multiple systems) but no greater than a total capacity of 100MW.”

In 2009, new statewide standards for reviewing, processing, siting, and permitting wind & energy systems were put into place with Act 40 (Chapter 66.0401 and Chapter 196.378); this was followed with PSC Chapter 128, Wisconsin State Statutes, in 2010, which regulates the application requirements. These state statutes outline the specific processes, application requirements, and standards that may be regulated by the county or other political subdivision. Through Chapter 66.0401, a political subdivision has specific permit review, processing, and approval requirements set by “commission” standards per Chapter 196.378 which limit local control as it relates to these proposed accessory/utility uses. The Public Service Commission (PSC) regulates what is required to be submitted for an application for *Large Wind Energy Systems* with no provisions for a political subdivision to require information or standards more restrictive than those set by PSC Chapter 128 – Wind Energy Systems.

All Political Subdivisions (Cities, Villages, Towns, and Counties) that choose to adopt an ordinance to implement the standards of Chapter 66.0401, 196.378 and PSC 128 are required to administer the law consistently with few permitted provisions.

**Conservation, Planning & Zoning Department**



## MEMORANDUM

For reference, the process to obtain a permit for a wind energy system is found within the state statute Chapter 66.0401(4) and 196.378, with application requirements in Chapter 128 (Subchapter 3). Per statutes wind and solar energy systems would be permitted in areas **not** designated for residential or commercial development. Other state statutes also apply to these particular uses. For example, within the farmland preservation zoning district, a proposed large energy conversion system would be defined as a utility per Chapter 91.44 and 91.46 of Wisconsin State Statute administered by the Department of Agriculture, Trade, and Consumer protection and the county. These uses have **not** been identified as a permitted or accessory use within the farmland preservation zoning district, as the energy converted/generated would not be used on the parcel (in most cases). If the wind turbine is used for the farm residents or to power farm buildings it could be considered an accessory/private use.

Marathon County will utilize the information and requirements from the statutes in the proposed revisions to Marathon County Zoning Ordinance - Chapter 17. The proposed revisions will meet all state requirements and will identify processes, application requirements, and other standards by reference if possible to eliminate overlapping language and unnecessary repetition. The draft ordinance is not yet complete but a draft will be submitted to the Environmental Resources Committee and County Board for approval in the coming months. Please refer to Chapter 66.0401, 196, and PSC 128 of Wisconsin State Statute for additional information, requirements, and standards for wind and energy systems.

**Conservation, Planning & Zoning Department**



Melinda Osterberg  
Community Development  
Educator

Merrill: 715-539-1080 Wausau: 715-261-1204  
[Melinda.osterberg@wisc.edu](mailto:Melinda.osterberg@wisc.edu)

## Potential Development of a “Dig Once” Policy for Marathon County

### Background

Marathon County has established high speed internet accessibility as a primary goal within the County Strategic Plan 2018-2022. Recognizing that dig once ordinances can facilitate the installation of conduit and associated broadband infrastructure, Strategy D of Objective 8.7 of the Plan states that *Marathon County will establish a dig once policy for county roadway reconstruction and bridge projects that engages providers in a discussion about whether to include conduit for fiber.*

Fiber installation is a high cost endeavor. Dig once policies seek to lower the financial barriers to broadband expansion by coordinating the installation of conduit, fiber and other related infrastructure with planned road improvements. Studies estimate that fiber installed as part of a dig once project costs approximately one-quarter of the total cost if constructed as a standalone project.

There are a variety of options open to communities seeking to facilitate broadband deployment through the use of a dig once policy/ordinance. Depending on the financial means and how aggressive a community wants to encourage broadband development, the following policies can be pursued:

- Municipal installation of conduit and fiber with road reconstruction projects
- Coordination of utilities and internet service providers through mandatory communication, financial incentives, or prohibitions

Attached is a Dig Once Model Ordinance drafted by the Northeast Colorado Association of Governments and contained in the 2016 Minnesota Governor’s Task Force on Broadband Annual Report. Highlights of the Model Ordinance include the following:

- An annual meeting between Marathon County and area utility companies to encourage communication and inform utility purveyors about County road improvement plans
- Prior to authorization to work in the right-of-way, any utility would have to provide information about the location of their existing infrastructure in relation to the project and Marathon County would inform other utility companies of the work and facilitate collaboration
- Require joint excavation for projects planned to occur within a two year timeframe
- Conduit installation with new road construction



## Appendix E: Model “Dig Once” Local Ordinances and Examples

Draft Regional Broadband Strategic Plan,” Northeast Colorado Association of Local Governments (Jan 8, 2016) (found at [https://www.google.com/?gws\\_rd=ssl#q=Northeast+Colorado+broadband+plan](https://www.google.com/?gws_rd=ssl#q=Northeast+Colorado+broadband+plan))

### MODEL OPEN TRENCH/DIG ONCE ORDINANCE<sup>21</sup>

WHEREAS, obstructions and excavations in City/Town/County rights of way disrupt and interfere with public use of the Rights of Way; and

WHEREAS, obstructions and Excavations in City/Town/County Rights of Way result in loss of parking and loss of business to merchants and others whose places of business are in the vicinity of such obstructions and Excavations; and

WHEREAS, it is desirable to adopt policies and regulations which will enable the City/Town/County of \_\_\_\_\_ to gain greater control over the disruption and interference with the public use of public streets and Rights of Way, in order to provide for the health, safety and well-being of the City’s/Town’s/County’s residents and users of City/Town/County Rights of Way; and

WHEREAS, significant public funds have been invested to acquire, build, maintain and repair the streets within the City/Town/County, and Excavations in the Rights of Way reduce the useful life of the pavement infrastructure; and

WHEREAS, significant public funds have been invested to place and maintain Landscaping within Rights of Way in the City/Town/County and Excavations in the Rights of Way cause damage to, and increase the costs of maintaining that Landscaping; and

WHEREAS, at the present time, the City’s/Town’s/County’s Department of Public Works does not have [or desires to update, as appropriate] a detailed map or database indicating the location, nature, or extent of the system underground utility, communications and similar Facilities; and

WHEREAS, the various public and commercial utilities, broadband and communications providers and similar entities which install, maintain, and operate Facilities under the City’s/Town’s/County’s Rights of Way are constrained, from time to time, to make excavation cuts which degrade the surfaces of these Rights of Way, thereby reducing their useful life; and

WHEREAS, demand for access to broadband services is growing, and in order to fill such demand, more broadband network infrastructure is being installed in Rightsof Way; and

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<sup>21</sup> This Model Open Trench/Dig Once Ordinance is intended as a starting point to address issues that local governments might include in their own rights of way codes. It may be considered as a separate ordinance or for inclusion in a more comprehensive ordinance government rights of way management, permitting and construction. All provisions relate in some way to coordinating and attempting to minimize excavations, but all may not be appropriate in every jurisdiction. The provisions of this Model may also, where authorized, be modified and adopted as local policies or regulations.

WHEREAS, in other jurisdictions, the demand for access and the number of entities seeking to install Facilities has sometimes resulted in multiple, serial Excavations within the Rights of Way, which can and has resulted in traffic disruption, a weakening of pavement integrity, and a shortening of the useful life of paved surfaces; and

WHEREAS, while Colorado state statutes, particularly, C.R.S. 38-5.5-109, contains some procedures for addressing joint trenching in connection with broadband provider operations in the Rights of Way, at the present there is no comprehensive mechanism nor legal requirement that all public and commercial entities coordinate Excavation in the Rights of Way, and construct Facilities in newly developed areas to minimize future Excavations; and

WHEREAS, the [City/Town/County] of \_\_\_\_\_ intends to responsibly manage its Rights of Way by anticipating such demand and planning accordingly.

NOW, THEREFORE, be it enacted by the City/Town/County of \_\_\_\_\_ as follows:

I. PURPOSE AND OBJECTIVES

A. Purpose: to provide principles and procedures for the coordination of construction Excavation within any public Rights of Way, and to protect the integrity of the Rights of Way and road system.

B. Objectives. Public and private uses of Rights of Way for location of Facilities employed in the provision of public services should, in the interests of the general welfare, be accommodated; however, the City/Town/County must insure that the primary purpose of the Rights of Way, namely the safe and efficient passage of pedestrian and vehicular traffic, is maintained to the greatest extent possible. In addition, the value of other public and private installations, Facilities and properties should be protected, competing uses must be reconciled, and the public safety preserved. The use of the Rights of Way corridors for location of Facilities is secondary to these public objectives. This ordinance is intended to assist in striking a balance between the public need for efficient, safe transportation routes and the use of Rights of Way for location of Facilities by public and private entities. It thus has several objectives:

1. To insure that the public health, safety and welfare is maintained and that public inconvenience is minimized.
2. To facilitate work within the Rights of Way through the standardization of regulations.
3. To conserve and fairly apportion the limited physical capacity of the public Rights of Way held in public trust by the City/Town/County.



4. To promote cooperation among the Applicants and Permittees (as defined herein) and the City/Town/County in the occupation of the public Rights of Way, and work therein, in order to (i) eliminate duplication that is wasteful, unnecessary or unsightly, (ii) lower the Permittee's and the City's/Town's/County's costs of providing services to the public, and (iii) minimize Rights of Way Excavations.

## II. DEFINITIONS

For the purpose of this Chapter the following words shall have the following meanings:

- A. "Applicant" means an owner or duly authorized agent of such owner, who has submitted an application for a Permit to Excavate in the Rights of Way.
- B. "City"/"Town"/"County" means the City/Town/County of \_\_\_\_\_, Colorado.
- C. "Conduit" means a single enclosed raceway for cables, fiber optics or other wires, or a pipe or canal used to convey fluids or gases.
- D. "Department" means the Department of Public Works.
- E. "Developer" means the person, partnership, corporation, or other legal entity who is improving property within the City/Town/County and who is legally responsible to the City/Town/County for the construction of improvements within a subdivision or as a condition of a building permit or other land use or development authorization.
- F. "Director" means the Director of Public Works of the City/Town/County or his/her authorized representative.
- G. "Emergency" means any event which may threaten public health or safety, or that results in an interruption in the provision of services, including, but not limited to, damaged or leaking water or gas conduit systems, damaged, plugged, or leaking sewer or storm drain conduit systems, damaged electrical and communications facilities, and advanced notice of needed repairs is impracticable under the circumstances.
- H. "Excavate" or "Excavation" means any Work in the surface or subsurface of the Rights of Way, including, but not limited to opening the Rights of Way; installing, servicing, repairing or modifying any Facility(ies) in or under the surface or subsurface of the Rights of Way, and restoring the surface and subsurface of the Rights of Way.
- I. "Facilities" means, including, without limitation, any pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennae, poles, ducts, fixtures and appurtenances and other like equipment used in connection with transmitting, receiving, distributing, offering, and providing broadband, utility and other services.

J. "Landscaping" means materials, including without limitation, grass, ground cover, shrubs, vines, hedges, or trees and non living natural materials commonly used in landscape development, as well as attendant irrigation systems.

K. "Major Work" means any reasonably foreseeable Excavation that will affect the Rights of Way for more than five (5) consecutive calendar days.

L. "Owner" means any Person, including the City, who owns any Facilities that are or are proposed to be installed or maintained in the Rights of Way.

M. "Permit" means any authorization for use of the Rights of Way granted in accordance with the terms of this ordinance, and other applicable laws and policies of the City/Town/County.

N. "Permittee" means the holder of a valid Permit issued pursuant to this Chapter and other applicable provisions of applicable law for Excavation in the Rights of Way.

O. "Person" means any person, firm, partnership, special, metropolitan, or general district, association, corporation, company, or organization of any kind.

P. "Rights of Way" means any public street, road, way, place, alley, sidewalk or easement, that is owned, held or otherwise dedicated to the City/Town/County for public use.

Q. "Work" means any labor performed on, or any use or storage of equipment or materials, including but not limited to, construction of streets and all related appurtenances, fixtures, improvements, sidewalks, driveway openings, street lights, and traffic signal devices. It shall also mean construction, maintenance, and repair of all underground structures such as pipes, conduit, ducts, tunnels, manholes, vaults, buried cable, wire, or any other similar Facilities located below surface, and installation of overhead poles used for any purpose.

### III. POLICE POWERS

A Permittee's rights hereunder are subject to the police powers of the City/Town/County, which include the power to adopt and enforce ordinances, including amendments to this ordinance, and regulations necessary to the safety, health, and welfare of the public. A Permittee shall comply with all applicable ordinances and regulations enacted, or hereafter enacted, by the City/Town/County or any other legally constituted governmental unit having lawful jurisdiction over the subject matter hereof. The City/Town/County reserves the right to exercise its police powers, notwithstanding anything in this ordinance or any Permit to the contrary. Any conflict between the provisions of the ordinance or a Permit and any other present or future lawful exercise of the City's/Town's/County's police powers shall be resolved in favor of the latter.



#### IV. JOINT PLANNING AND CONSTRUCTION; COORDINATION OF PLANNED EXCAVATIONS

A. Excavations in City/Town/County Rights of Way disrupt and interfere with the public use of those Rights of Ways and can damage the pavement and Landscaping. The purpose of this section is to reduce this disruption, interference and damage by promoting better coordination among Applicants and Permittees making excavations in City/Town/County Rights of Way and between these Persons and the City/Town/County. Better coordination will assist in minimizing the number of Excavations being made wherever feasible, and will ensure the Excavations in City/Town/County Rights of Way are, to the maximum extent possible, performed before, rather than after, the resurfacing of the Rights of Way by the City/Town/County.

B. Any Permittee owning, operating or installing facilities in City/Town/County Rights of Way, providing water, sewer, gas, electric, broadband, communication, video or other utility or utility-like services, shall meet annually with the Director, at the Director's request to discuss Permittee's excavation master plan. At such meeting, to the extent not already in possession of the City/Town/County, Permittee shall submit documentation, in a form required by the Director, showing a location of the Permittee's existing Facilities in the City/Town/County Rights of Way. Permittee shall discuss with the Director, its excavation master plan, and identify planned Major Work in the City/Town/County. The Director may make his own record on a map, drawing or other documentation, of each Permittee's planned Major Work in the City/Town/County; provided, however, that no such document prepared by the Director shall identify a particular entity, or the planned Major Work of that particular entity. An excavation master plan shall be submitted in both hard copy and digital format. As used in this subsection, the requirement to identify planned Major Work refers to any Major Work planned to occur more in the ensuing three (3) years after the date that the Permittee's master plan or update is discussed. Between the annual meetings to discuss planned Major Work, a Permittee shall use its best efforts to inform the Director of any substantial changes in the planned Major Work discussed at the annual meeting.

C. The Director shall review the major excavation plan and identify conflicts and opportunities for coordination of Excavations. The Director shall notify affected Owners and Permittees of such conflicts and opportunities to the extent necessary to maximize coordination of Excavation. Each Applicant for a Permit shall coordinate, to the extent practicable, with each potentially affected Owner and Permittee to minimize disruption in the Rights of Way.

D. The City/Town/County may disclose information contained in a Permittee's master excavation plan to any public or private entity planning on conducting Excavation activities in the Rights of Way only on a need-to-know basis in order to facilitate coordination

among excavators and to avoid unnecessary Excavation in the Rights of Way. To the maximum extent permissible under the Colorado Open Records Act, as amended, the City/Town/County shall not otherwise disclose to the public any information contained in a master excavation plan submitted by a Permittee that is proprietary, trade secret or is otherwise protected from disclosure; provided, however that the City/Town/County shall have no duty to decline to disclose any information that the Permittee has not identified on its face as proprietary, trade secret or otherwise protected from disclosure. The City/Town/County shall notify a Permittee of any request for inspection of public records that calls for disclosure of any master excavation plan on which any information has been identified as proprietary, trade secret or otherwise protected from disclosure. The City/Town/County shall consult with its legal counsel regarding any such request and shall inform the affected Permittee either that the City/Town/County will refuse to disclose the protected information or, if there is no proper basis for such refusal, that the City/Town/County intends to disclose the requested information unless ordered otherwise by a court.

E. The Director shall prepare a Repaving Plan showing the Rights of Way resurfacing planned by the City/Town/County. For purposes of this section, the Repaving Plan shall include a Landscaping or other Rights of Way improvement plan. The Repaving Plan shall be revised and updated on an annual basis. The Director shall make the City's/Town's/County's Repaving Plan available for public inspection. In addition, after determining the City's/Town's/County's Rights of Way resurfacing Work that is proposed for each year, the Director shall send a notice of the proposed Work to all Permittees that have had an annual meeting with the Director, and those broadband providers that are identified on the list maintained by the Colorado Department of Transportation pursuant to C.R.S. 39-5.5-109 (1)(b).

F. Prior to applying for a Permit, any Person planning to Excavate in the City's/Town's/County's Rights of Way shall review the City's/Town's/County's Repaving Plan on file with the Director and shall coordinate, to the extent practicable, with the utility and street Work shown on such plans to minimize damage to, and avoid undue disruption and interference with the public use of the Rights of Way.

G. In performing location of Facilities in the Rights of Way in preparation for construction under a Permit, Permittee shall compile all information obtained regarding its or any other Facilities in the Rights of Way related to a particular Permit, and shall make that information available to the City/Town/County in a written and verified format acceptable to the Director. If the Permittee fails to provide the locate information requested by the City/Town/County, the City/Town/County may obtain this information and charge the Permittee the actual costs for obtaining the information.

V. JOINT EXCAVATION



A. **Public Entity Excavators.** Whenever two or more public entity excavators propose Major Work in the same block within a three-year period, such Work shall be performed by one public entity excavator. The participants to the excavation shall pay their pro rata share of the Work, or as otherwise agreed to by the affected public entities. For purposes of this subsection, the public entity excavators shall be treated as a single Permit Applicant and shall submit one application.

B. **Private Entity Excavators.** Whenever two or more private entity excavators propose Major Work in the same block within a three-year period, such Work shall be performed by one private entity excavator. For purposes of this subsection, the private entity excavators shall be treated as a single Permit applicant and shall submit one application.

C. **Public Entity Excavator and Private Entity Excavator.** Whenever a public entity excavator(s) and a private entity excavator(s) propose Major Work in the same block within a three-year period, the Department shall condition Permits for such Work in a manner that maximizes coordination and minimizes the total period of construction.

D. **Excavations Not Identified on Major Excavation Plans.** When an Applicant seeks a Permit for an Excavation, and such Excavation has not been identified on a major excavation plan so as to allow the City/Town/County to coordinate joint Excavation as set forth in subsections A through C of this section, an Applicant may, in the discretion of the Director, be required to circulate a description of its proposed Excavation to the Permittees and other parties described in Section IV.E above, to determine whether any Persons have requirements for installing Facilities along the proposed route.

1. The Persons notified should be provided with the Applicant's proposed route plan, the target commencement date and the estimated completion date.

2. Within ten (10) working days after the notification required by this subsection, any interested Person must notify the Applicant of their requirements so that the Applicant may incorporate these requirements, where reasonable, in its Permit application. The Applicant should summarize the responses it receives from other Persons in its Application.

3. If the Applicant believes that it is not reasonably feasible to entertain the requests made by another Person(s) for conditions of joint Excavation, it should notify City/Town/County and the other Person(s) within ten (10) working days from the date of receiving the requirements from the other Person(s) and provide reasons why it is considered not reasonable to do so. The parties are expected to endeavor to resolve any technical or commercial concerns among themselves, and the Applicant shall report the results of these efforts together with its application for a Permit.

E. Waiver of Joint Excavation Requirements. Permit Applicants may seek a waiver of the joint Excavation requirements with respect to a particular Excavation.

1. Except in cases of Emergencies, within thirty (30) calendar days of receipt of a written request for a waiver, the Director, in his or her discretion, may grant a waiver to the joint Excavation requirements for good cause. In making his or her decision on the request for waiver, the Director shall consider the impact of the proposed Excavation on the neighborhood, the applicant's need to provide services to a property or area, facilitating the deployment of new technology and improved services, and the public health, safety, welfare, and convenience. The Director shall indicate in written, electronic, or facsimile communication the basis for granting any waiver pursuant to this subsection.

2. The Director may waive the requirements for joint Excavation in cases where Emergency conditions exist.

3. The Director may place additional conditions on any Permit(s) subject to a waiver, including, without limitation, the charging of additional fees. The Director's decision regarding waivers of the joint Excavation requirements shall be final.

## VI. CONSTRUCTION OF NEW STREETS

A. Intent. The intent of this section is to provide for the construction of infrastructure sufficient to allow broadband communications entities desiring to deploy Facilities in the future to do so by pulling the same through the conduit and appurtenances installed pursuant to this section and without Excavating within the Rights of Way. This section is not intended to require Owners of broadband Facilities to install additional ducts or conduit in existing Rights of Way; rather, it is intended to require those constructing public streets, including the City/Town/County and Developers, to provide and install such conduit and appurtenances as may be necessary to accommodate future broadband needs within the Rights of Way without further Excavation.

B. Requirements—Adoption of Standards. Whenever any new public street is constructed, whether by the City/Town/County as a public works project or by a Developer or other private party in conjunction with development, the following shall be required:

1. In all new local streets serving or abutting residential development, a minimum of two 2" conduit with pull box every 1000' feet or less (and at every 90 degree turn) shall be installed by the party constructing the street.



2. In all new collector or arterial streets serving or abutting residential development, and in all new streets serving or abutting nonresidential development, a minimum of four 2" conduit with pull box every 1000' feet or less (and at every 90 degree turn) shall be installed by the party constructing the street; provided however that at the discretion of the Director, the number and size of the conduit and spacing of pull box may be modified to address the reasonably known plans and/or demand for broadband capacity in these locations.

3. In addition to installing conduit, the party constructing the street will be required to install such vaults and other appurtenances as may be necessary to accommodate installation and connection of broadband Facilities within the conduit.

4. All construction and installation shall be accomplished according to construction standards adopted by the City/Town/County. The construction standards shall be adopted with due consideration given to existing and anticipated technologies and consistent with industry standards.

5. All Facilities installed by Developers or other private parties pursuant to this section shall be conveyed and dedicated to the City/Town/County with the dedication and conveyance of the public street and/or Rights of Way.

6. All installation costs shall be the responsibility of the party constructing the public street.

C. Use by Broadband Service Providers and Network Owners. Whenever conduit installed or to be installed under this section is available or will become available within a newly constructed public streets or Rights of Way upon dedication, all broadband service providers or network owners thereafter locating Facilities within such street or Rights of Way shall be required to locate their communications lines within such conduit unless it can be demonstrated to the reasonable satisfaction of the City/Town/County that such location is not technologically feasible or reasonably practicable. Conduit capacity shall be allocated to broadband service providers or network owners on a first-come, first-served basis; provided, that the City/Town/County may reserve capacity within such conduits for its own use; and provided further, that the Director may adopt additional rules for conduit allocation in order to ensure that all broadband service providers and network owners have reasonable access to the Rights of Way and that no barriers to entry or competition result from the allocation of conduit space.

D. Fees. The City/Town/County reserves the right to charge reasonable fees for the use of conduit installed pursuant to this section, to the extent consistent with and as limited by federal and state laws. Any such fees shall be established by resolution or ordinance.



DATE: 06/25/2019

TO: Environmental Resources Committee (ERC)

FROM: Dominique Swangstu, Marathon County Zoning Administrator

SUBJECT: Wind & Energy Conversion Systems – Chapter 17 Revisions

In the past few months Marathon County Conservation, Planning and Zoning staff have received many calls about wind & energy systems and what processes and regulations apply. The intent of this memo is to inform the Environmental Resources Committee that revisions will be proposed to Chapter 17 regarding wind & energy systems and state statutes PSC Chapter 128, Chapter 196.378, and Chapter 66.0401 regulating solar and wind energy systems. There has been recent interest by renewable energy companies to host “large scale” systems within the county. These preliminary proposals prompted CPZ staff to revisit Chapter 17 Zoning Code of Ordinances to evaluate how this use and its standards compare to current state statute requirements. Upon review, it was evident some minor revisions would need to be made to update the code to state standards if the county is to appropriately regulate and process a proposed renewable energy (Wind and/or Solar) application. The proposed revisions would provide clarity, consistency, and would primarily apply to *Large Wind and Energy Systems* defined as “A non-residential system having a rated capacity of greater than 100kW (Individual system) or 300kW (Multiple systems) but no greater than a total capacity of 100MW.”

In 2009, new statewide standards for reviewing, processing, siting, and permitting wind & energy systems were put into place with Act 40 (Chapter 66.0401 and Chapter 196.378); this was followed with PSC Chapter 128, Wisconsin State Statutes, in 2010, which regulates the application requirements. These state statutes outline the specific processes, application requirements, and standards that may be regulated by the county or other political subdivision. Through Chapter 66.0401, a political subdivision has specific permit review, processing, and approval requirements set by “commission” standards per Chapter 196.378 which limit local control as it relates to these proposed accessory/utility uses. The Public Service Commission (PSC) regulates what is required to be submitted for an application for *Large Wind Energy Systems* with no provisions for a political subdivision to require information or standards more restrictive than those set by PSC Chapter 128 – Wind Energy Systems.

All Political Subdivisions (Cities, Villages, Towns, and Counties) that choose to adopt an ordinance to implement the standards of Chapter 66.0401, 196.378 and PSC 128 are required to administer the law consistently with few permitted provisions.

**Conservation, Planning & Zoning Department**



## MEMORANDUM

For reference, the process to obtain a permit for a wind energy system is found within the state statute Chapter 66.0401(4) and 196.378, with application requirements in Chapter 128 (Subchapter 3). Per statutes wind and solar energy systems would be permitted in areas **not** designated for residential or commercial development. Other state statutes also apply to these particular uses. For example, within the farmland preservation zoning district, a proposed large energy conversion system would be defined as a utility per Chapter 91.44 and 91.46 of Wisconsin State Statute administered by the Department of Agriculture, Trade, and Consumer protection and the county. These uses have **not** been identified as a permitted or accessory use within the farmland preservation zoning district, as the energy converted/generated would not be used on the parcel (in most cases). If the wind turbine is used for the farm residents or to power farm buildings it could be considered an accessory/private use.

Marathon County will utilize the information and requirements from the statutes in the proposed revisions to Marathon County Zoning Ordinance - Chapter 17. The proposed revisions will meet all state requirements and will identify processes, application requirements, and other standards by reference if possible to eliminate overlapping language and unnecessary repetition. The draft ordinance is not yet complete but a draft will be submitted to the Environmental Resources Committee and County Board for approval in the coming months. Please refer to Chapter 66.0401, 196, and PSC 128 of Wisconsin State Statute for additional information, requirements, and standards for wind and energy systems.

**Conservation, Planning & Zoning Department**