

**CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE
BAY-LAKE REGIONAL PLANNING COMMISSION AND THE
CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN
(Sheboygan Urbanized Area Sewer Service Plan Update)**

This Agreement entered this 24 day of July 2023, by and between the City of Sheboygan, (herein called the "City") and the Bay-Lake Regional Planning Commission (herein called the "Commission").

WITNESSETH: The City of Sheboygan is a participating member of the Commission; and

WHEREAS, the City has requested the Commission to provide services for the update of the Sheboygan Urbanized Area Sewer Service Plan (with a new horizon year of 2050); and

WHEREAS, The Commission has a professional staff qualified to undertake such work; and

WHEREAS, the project and the character of the services to be performed by the Commission hereunder are consonant with the powers it possesses and the duties and functions it is created to perform under *Wisconsin Statutes* Section 66.0309;

NOW, THEREFORE, in consideration of these premises and of their mutual and dependent promises and agreements, the parties hereto contract and agree as follows:

- I. Engagement of Commission. The City hereby agrees to engage the Commission and the Commission hereby agrees to perform the services hereinafter set forth.
- II. Scope of Work to be Undertaken by the Commission.
 - A. The Commission will provide consultant services as detailed in the *2050 Sheboygan Urbanized Area Sewer Service Plan Update: Scope of Services and Cost Proposal*, dated February 6, 2023.
 - B. The Commission shall coordinate all of its work with the Technical Advisory Committee for the *Sheboygan Urbanized Area Sewer Service Plan*, or other assigned personnel, to guide the process of preparing the *2050 Sheboygan Urbanized Area Sewer Service Plan Update*.
- III. Assistance from the City.
 - A. The City agrees to supply all such data and assistance reasonably available to the City upon the request of the Commission.
 - B. The City agrees to notice all public meetings associated with this project in accordance with state law and provide a site for all meetings.
- IV. Personnel
 - A. The Commission represents that it has, or will secure at its own expense, all personnel and equipment required to perform the services under this agreement. It is understood that its personnel shall in no manner be considered employees of the City nor shall they have any contractual relationships with the City.
 - B. All of the services required hereunder will be performed by the Commission or under supervision of its personnel.
 - C. None of the work or services covered by this agreement shall be subcontracted without the expressed formal concurrence of the City.

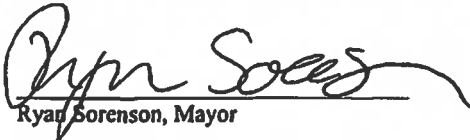
- V. Time of Performance. This contract will be in effect as of the date first above written through May 31, 2024, and may be extended upon the mutual agreement of the Commission and the City. The project will officially start in May 2023.
- VI. Total Fee for Services. Total fee for services will be up to **\$30,000** as detailed in the *2050 Sheboygan Urbanized Area Sewer Service Plan Update: Scope of Services and Cost Proposal*, dated February 6, 2023.
- VII. Reimbursement and Method of Payment. Subject to the limits set forth in Section VI, the City will reimburse the Commission monthly, after receiving an invoice from the Commission.
- VIII. Termination for Convenience of the City. If through any cause, barring an act of God, the Commission fails to fulfill the obligations under this contract, or if the Commission violates any of the covenants, agreements, or stipulations of this contract, the City has the right to terminate this contract giving 30-day written notice to the Commission. If the agreement is terminated by the City as provided herein, the Commission will be paid for the actual costs of the services performed under this agreement. In such an event, all finished or unfinished documents, data, studies, surveys, drawings, maps, and reports pertaining to the project prepared by the Commission will, at the option of the City, be made available to it.
- IX. Changes. The City or the Commission may, from time to time, request changes in the scope of work of the Commission to be performed hereunder. Such changes, including any increase or decrease in the amount of the Commission's compensation, which are mutually agreed upon by and between the City and the Commission; or the development of additional materials as requested by the City, will be incorporated in written amendments to this agreement.
- X. Equal Opportunity Compliance.
- A. In accordance with s. 16.765, *Wis. Stats.*, the Commission agrees to the provisions below:
- In connection with the performance of work under this Contract, the Commission agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01(5), *Wis. Stats.*, sexual orientation, or national origin.
- This provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the Commission further agrees to take affirmative action to ensure equal employment opportunities. The Commission agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Commission setting forth the provisions of the nondiscrimination clause.
- B. The Commission shall provide a copy of its Affirmative Action Plan to the City, if requested.
- C. Section 109 of the Housing and Community Development Act of 1974, Title 1, as amended, prohibits discrimination on the basis of race, color, national origin, handicap, age, religion, and sex, within Community Development Block Grant programs or activities.
- D. Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified individual, shall, solely, by reason of his or her handicap, be excluded from participation (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving federal funds.
- E. Age Discrimination Act of 1975, as amended, which provides that no person shall be excluded from participation, denied program benefits, or subjected to discrimination, on the basis of age, under any program or activity receiving federal funds.

- F. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which provides that no person shall be excluded from participation, denied benefits, or subjected to discrimination on the basis of race, color, or national origin under any program or activity receiving federal financial assistance.
- XI. Interest of Municipal Officials and Others. No officer, member or employee of the City or public official who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this agreement shall participate in any decision relating to this agreement which affects his/her personal interest or the interest of any corporation, partnership or association in which he is directly or indirectly interested; nor shall any such officer, member or employee of the City or other public official of the governmental unit within the City have any interest, direct or indirect, in this agreement or the proceeds thereof.
- XII. Assignability. The Commission will not assign or transfer any interest in this agreement without the prior written consent of the City thereto; provided that claims for money due the Commission from the City under this agreement may be assigned to a bank, trust company or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the City.
- XIII. Interest of the Commission. No employee of the Commission presently has any interest or shall acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of any services he/she may be required to perform herein.
- XIV. Liability. Each party to this agreement shall hold and save every other party to this agreement, their respective officers, directors, agents, and employees, harmless from liability of any nature or kind, including costs and expenses, for or on account of any or all damages of any character whatsoever resulting directly or indirectly from the performance or non-conformance by the indemnifying party of services under this agreement, excluding damages resulting from the negligent or intentional acts by, or acts in excess of the scope of authority of the indemnified party.

IN WITNESS WHEREOF, the City and the Commission has executed this Agreement as of the date first above written.

Attesting Witness:

City of Sheboygan, Sheboygan County, Wisconsin


Ryan Sorenson, Mayor


Meredith DeBruin, City Clerk

Bay-Lake Regional Planning Commission


Brandon G. Robinson, Executive Director

2050 SHEBOYGAN URBANIZED AREA SEWER SERVICE PLAN UPDATE: SCOPE OF SERVICES AND COST PROPOSAL

Sheboygan Urbanized Area

**(Cities of Sheboygan and
Sheboygan Falls, Village of
Kohler, and Towns of Mosel,
Sheboygan, Sheboygan
Falls and Wilson)**

Sheboygan County, Wisconsin

February 6, 2023



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PROJECT UNDERSTANDING

The Bay-Lake Regional Planning Commission (“Commission”) prepared this Scope of Services for the Sheboygan Urbanized Area. This Scope of Services outlines the proposed work program, timeline, and costs to update the *Sheboygan Urbanized Area Sewer Service Plan*.

The *Sheboygan Urbanized Area Sewer Service Plan* (“SSA Plan”) identifies existing sewer areas and adjacent land most suitable for new development. With a planning horizon of at least 20 years, the Sheboygan Urbanized Area may use the SSA Plan to review and approve sewer service extension requests for new development. However, to grant service extension requests, the Sheboygan Urbanized Area must receive a permit from the Wisconsin Department of Natural Resources (WDNR). The WDNR requires an SSA Plan to meet the requirements of the federal Clean Water Act and Chapter NR 121 of the *Wisconsin Administrative Code* before approving permit requests.

The Sheboygan Urbanized Area developed its existing SSA Plan in 2009, 2010 and 2011 with a technical advisory committee (TAC) made up of 11 voting members: four from the City of Sheboygan, and one each from the City of Sheboygan Falls, Village of Kohler, Towns of Mosel, Sheboygan, Sheboygan Falls and Wilson, and Sheboygan County, with Commission staff and WDNR staff serving as ex-officio (non-voting) members. The Commission facilitated the planning process. The existing plan was developed to accommodate growth to 2030, meaning it is due for an update.

Bay-Lake Regional Planning Commission

The Bay-Lake Regional Planning Commission (Commission) is a multi-service planning agency within Wisconsin that delivers a variety of federal, state, and local programs. It provides planning and technical assistance to member local units of government in northeast Wisconsin and is accountable to its members. The Commission also serves as an effective partner for state and federal governments.

Commission Contact:

Izzy Fuller, Environmental Planner

Email: ifuller@baylakerpc.org

Phone: 920-448-2820, ext. 106

Website: www.baylakerpc.org

Address: 1861 Nimitz Drive
De Pere, WI 54115

OBJECTIVES

The Commission has identified the following objectives in preparing the *2050 Sheboygan Urbanized Area Sewer Service Plan*:

- Work cooperatively with the Cities of Sheboygan and Sheboygan Falls, the Village of Kohler, the Towns of Mosel, Sheboygan, Sheboygan Falls and Wilson, Sheboygan County, and the WDNR Water Quality Program representatives to prepare an update to the Sheboygan Urbanized Area SSA Plan.
- Prepare an SSA Plan that meets the requirements of Chapter NR 121 of the *Wisconsin Administrative Code* and the WDNR Water Quality Program.

- Prepare a plan that can be updated, cost-effectively, on a five- to 10-year cycle.
- Encourage public involvement in the preparation of the SSA Plan, which will, at a minimum, involve a public informational meeting/public hearing/open house, as well as public meetings of the plan TAC.
- Coordinate planning efforts with the development of the long-range transportation plan for the metropolitan planning area (including shared data).
- Consider existing planning studies in the Sheboygan Urbanized Area, as well as planning efforts approved by area communities and Sheboygan County.
- Prepare maps in a GIS format tied to Sheboygan County’s existing parcel-based mapping.

SCOPE OF SERVICES

Through a contract agreement between the Commission, the communities of the Sheboygan Urbanized Area, and the WDNR, the Commission will update the *Sheboygan Urbanized Area Sewer Service Plan* by leading content development and by assisting with meeting facilitation. The completed plan will address the requirements of Chapter NR 121 of the *Wisconsin Administrative Code* and the WDNR Water Quality Program.

The following scope of services is intended to describe the high-level process to update the plan. The Commission is flexible in refining the details to best suit the Sheboygan Urbanized Area’s desired outcomes.

Task 1: Project Kickoff

The Commission proposes to facilitate one (1) kickoff meeting at the beginning of the project to provide an opportunity to discuss the project, clarify objectives and schedule, and begin discussing key technical issues with the plan TAC

Prior to this meeting, the Commission will review relevant and existing plans and studies to better understand recent planning efforts and existing conditions.

TASK 1: COMMISSION’S PROPOSED DELIVERABLES

- Agenda for project kickoff meeting

Task 2: Update Required Sewer Service Area Plan Elements

The Commission will prepare an update to the *Sheboygan Urbanized Area Sewer Service Plan*. The updated SSA Plan will meet the requirements of Chapter NR 121 of the *Wisconsin Administrative Code* and will serve as a formal amendment to the state’s *Areawide Water Quality Management Plan*. Commission staff will use model SSA Plans and research best

practices to reorganize, simplify or add new topics/chapters to the SSA Plan (as needed). The Commission will update the following components:

- **Introduction:** To orient the reader, the Commission will update the plan’s introduction chapter. This chapter will provide an overview of Chapter NR 121 of the *Wisconsin Administrative Code*, the history of sewer service area planning, the purpose of the plan, and the location and delineation of the planning area. The Commission will include location maps of the existing sewer service area (as amended) and of the planning area in this chapter.
- **Goals, Objectives, and Policies:** This chapter will present the goals, objectives and policies related to sewered development and sewer service in the planning area, as established by the TAC developing the SSA Plan.
- **Land Characteristics:** This chapter will highlight the natural features of the planning area. It will provide a detailed definition and mapping of environmentally sensitive areas and how they impact water quality management planning. This chapter will include a land use inventory of the planning area and of the existing sewer service area (as amended). The Commission will include maps of environmentally sensitive areas and of the most recent land use inventory (2021) in this chapter.
- **Wastewater and Stormwater Management:** This chapter will inventory wastewater treatment and collection facilities within the planning area. It will also include a discussion of stormwater management programs. The Commission will include a map of wastewater treatment service areas in this chapter.
- **Demographic Trends and Projections:** The Commission will document and describe population and housing data and projections through 2050 in this chapter. The data will help to inform wastewater treatment and collection system needs for the next 20+ years.
- **Sewer Service Area Analysis:** This chapter will document land use projections and allocations based on this plan’s demographic analysis. This chapter will include a determination of the available acreage for future growth. Then, based on the land use projections and allocations, the Commission will prepare a sewer service area boundary determination (including a description of that boundary). The Commission will include a map of the official sewer service area boundary in this chapter.
- **Plan Implementation and Institutional Structure:** This chapter will provide an overview of this plan’s implementation procedures. It will include a description of the TAC for the plan, as well as an overview of the procedures for: sewer extension reviews, wastewater treatment facility reviews, sewer service area boundary amendments (including standards and procedures), and other amendments and plan updates.

- **Additional Content:** The Commission will incorporate supplemental content as plan appendices. This content may include: a legal description of the sewer service area boundary, the affidavit of publication for the public hearing, documentation of TAC plan approval, and documentation of WDNR plan approval.

TASK 2: COMMISSION’S PROPOSED DELIVERABLES

- TAC Meeting Agendas
- Presentations for up to five (5) meetings
- Draft SSA Plan elements

Task 3: Final Products

Upon review of the draft plan update by the plan TAC, the Commission will refine and prepare a hearing ready SSA Plan. Commission staff will format the plan document into a digital file to facilitate future revisions and amendments. The Commission will attend one (1) public hearing of the TAC to present the plan update in anticipation of approval.

TASK 3: COMMISSION’S PROPOSED DELIVERABLES

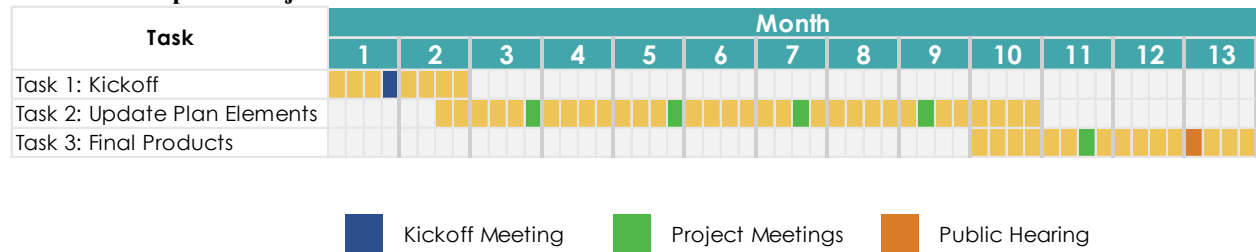
- Presentation for one (1) public hearing.
- One (1) printed and one (1) digital copy of the *2050 Sheboygan Urbanized Area Sewer Service Plan* for each community participating on the TAC, with one additional copy sent to the WDNR Water Quality Program (nine copies total – the Commission will submit this deliverable after the SSA Plan update has been approved by the TAC and by the WDNR).
- Digital copies of the maps contained in the plan.
- GIS data created during the completion of the plan.
- Final plan and maps will be maintained at the Commission and will be available at the Commission’s website.

PLANNING PROCESS AND TIMELINE

The Commission anticipates a 13-month planning horizon to update the *2050 Sheboygan Urbanized Area Sewer Service Plan* (see Exhibit 1). This timeline is based on the scope of services outlined earlier in this proposal, which includes a project kickoff meeting and up to five (5) meetings to review plan elements. Upon TAC and WDNR approval of this scope of services and over the course of this project, this timeline may be amended if there are unforeseen issues or delays in the planning process.

For the Commission to complete a quality plan in a timely manner, the plan TAC will be required to review and make comments on the SSA Plan update as it is written. The Commission will revise the materials as directed by the plan TAC.

Exhibit 1: Proposed Project Timeline



DIVISION OF WORK

Commission staff will be responsible for:

- Attending one (1) project kickoff meeting, up to five (5) TAC meetings to review plan elements, and one (1) public hearing with the plan TAC.
- Sending out meeting notices and agendas to the plan TAC, area news media, citizens, stakeholders, and other interested and required parties.
- Arranging for a virtual participation option for all meetings.
- Updating relevant data, maps, and content.
- Formatting the SSA Plan document (including text, maps, and other exhibits), following TAC review of the updated SSA Plan.
- Assisting the plan TAC with preparation of public hearing materials.

The plan TAC will be responsible for:

- Posting/noticing meeting agendas for plan TAC meetings and the public hearing locally.
- Providing a meeting space for all in-person meetings with the capability to connect with the Commission’s virtual meeting platform.
- Providing a secretary for minute/note taking.
- Reviewing and providing comments and feedback on updated SSA Plan elements.
- Participating in meetings and providing input.
- Supplying relevant data and assistance as reasonably available.

PROJECT COST

The Commission’s fee for service is based on time and expenses. The estimated fee for completing the *2050 Sheboygan Urbanized Area Sewer Service Plan* is **\$30,000**. Some of the tasks that normally would be part of this process have been completed by other Commission

activities (such as the land use inventory completed under the Sheboygan MPO program, saving considerable resources for this effort).

As part of the project cost, the Cities of Sheboygan and Sheboygan Falls, the Village of Kohler, the Towns of Mosel, Sheboygan, Sheboygan Falls and Wilson, Sheboygan County and the WDNR will each receive one printed copy and one PDF copy of the plan. The Commission can provide additional printed copies of the plan for an additional cost.

Additional meetings, document copies, and other work activities requested by TAC members or the communities they represent (beyond those listed in this scope of services) will be at an additional cost to the participating local units of government. That cost would be based on a mutually agreed upon fee.

It is possible that the WDNR may be able to subsidize up to half of the cost of plan completion; however, the Commission and the participating local units of government represented on the TAC will need to contact WDNR staff to determine if this funding is available.

Exhibit 2: Proposed Budget for the SSA Plan Update

Budget Summary	Cost Estimate
Task 1: Kickoff	\$797
Task 2: Plan Updates	\$20,405
Task 3: Final Products	\$8,798
Total Cost	\$30,000

PROJECT TEAM AND QUALIFICATIONS

The Commission’s core team for the *2045 Sheboygan Urbanized Area Sewer Service Plan* is:

- **Ms. Izzy Fuller** Ms. Fuller is the Commission’s Environmental Planner. Her primary duties involve environmental reviews, resiliency planning for rural and urban landscapes, and coordinating with many diverse environmental organizations on projects and plans within the region. Izzy has a bachelor’s degree in Environmental and Sustainability Studies and Urban Ecology from the University of Utah. In the past several years, she has worked as an intern and researcher, planning and managing several environmental projects and facilitating community engagement related to sustainability and social justice.
- **Mr. Jeffrey Agee-Aguayo** Mr. Agee-Aguayo will assist Ms. Fuller on the project, including meeting facilitation, record keeping, and providing data from the MPO planning process that can be used in the sewer service area planning process. Mr. Agee-Aguayo’s primary duties are with the Sheboygan MPO program, although he occasionally handles other transportation planning duties outside the MPO program, including sewer service plan administration, hazard mitigation planning, transit planning and comprehensive planning. Jeff has a bachelor’s degree (Spanish major, Geography

minor) and a master's degree in Urban and Regional Planning, both from the University of Iowa.

- **Ms. Nicole Barbiaux** Ms. Barbiaux will provide mapping and GIS data for this project under the direction of the project manager. As a GIS Specialist, Ms. Barbiaux's primary roles involve supporting member communities with GIS services as well as supporting internal planning processes with related data analysis, maps, graphics, and other visualization tools. Nicole brings a GIS experience from a variety of different environments and particularly specializes in utility asset management, interactive online maps and applications and cartographic display. Nicole earned her bachelor's degree in Geography with an emphasis in Cartography and GIS from the University of Wisconsin - Stevens Point.

Work Experience

The Commission has experience in SSA planning and has worked with the Sheboygan Urbanized Area on SSA planning and administration since the late 1980s. The Commission also maintains and administers the SSA plans for the Manitowoc-Two Rivers-Mishicot sewer service area, the City of Marinette, and the Village of Luxemburg.

In addition, the Commission has been assisting the Sheboygan Urbanized Area and various jurisdictions in Sheboygan County (including the county itself) with various planning issues since its inception in 1972, including the Sheboygan MPO transportation planning program and updating of the *Sheboygan County Hazard Mitigation Plan*.

The Commission uses a team approach for its planning projects under the guidance of an experienced and qualified team leader who acts as the project coordinator.

Capability Statement

The Commission, a public and official areawide planning agency for northeastern Wisconsin, has provided professional experience in community planning since 1972. Commission staff have a total of over 100 years of planning experience.



Providing cooperative planning and funding solutions to foster healthy and thriving communities within the region.

- **Community Assistance**
- **Economic Development**
- **Geographic Information Systems**
- **Environmental**
- **Transportation**

Bay-Lake Regional Planning Commission
1861 Nimitz Drive
De Pere, WI 54115
920 448 2820

www.baylakerpc.org