



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final-revised Common Council

Wednesday, January 16, 2019

7:00 PM

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
[19-0060](#) Common Council Meeting Minutes of December 19, 2018

Attachments: [CC Minutes 12-19-18.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**
[19-0007](#) Approve Resolution #13-R-18 Interstate 41 Public Safety Resolution.

Attachments: [Resolution #13-R-18.pdf](#)

Legislative History

1/7/19	Municipal Services Committee	recommended for approval
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[19-0010](#) Approve Inter Governmental Agreement for French Road Traffic and Planning Study from STH 96 to CTH JJ.

Attachments: [French Road Traffic.pdf](#)

Legislative History

1/7/19 Municipal Services recommended for approval
Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[18-1859](#) Operator's License application of Mark S. Stein, 2509 N. Locust Street

Attachments: [Mark S. Stein.pdf](#)
[SL Denial- Stein, 1-9-19.pdf](#)
[Stein PD Letter 1-9-19.pdf](#)

Legislative History

1/9/19 Safety and Licensing recommended for denial
Committee
Mr. Stein was present and addressed the Committee.

[19-0016](#) Operator's License application of Benjamin Lasfalk, 516 Nicolet Blvd.

Attachments: [Benjamin D. Lasfalk.pdf](#)
[SL Denial-Lasfalk 1-9-19.pdf](#)
[B. Lasfalk Recommendation Letter.pdf](#)
[Lasfalk PD Denial Letter 1-9-19.pdf](#)

Legislative History

1/9/19 Safety and Licensing recommended for approval
Committee
*Mr. Lasfalk was present and addressed the Committee. Eric Anderson, owner of Stuc's Pizza also spoke on behalf of Mr. Lasfalk.
The Motion to approve failed, a second vote was taken on a Motion to deny the license. The Motion to deny passed 3/1.*

1/9/19 Safety and Licensing recommended for denial
Committee

[18-1863](#) Pawnbroker License Renewal application of JGB LLC d/b/a Mister Money, Gregory A. Baer, Applicant, 1933B N. Richmond St., contingent upon approval from all departments.

Legislative History

1/9/19 Safety and Licensing recommended for approval
Committee

[19-0017](#) Secondhand Article License Renewal application of Scott A. Gonnering, d/b/a Scooter G Sports, 129 E. College Ave., contingent upon approval from all departments.

Legislative History

1/9/19 Safety and Licensing Committee recommended for approval

[19-0018](#) Secondhand Article License Renewal application of James A. Boylan, d/b/a The Attique Resale, 415 N. Oneida St., contingent upon approval from all departments.

Legislative History

1/9/19 Safety and Licensing Committee recommended for approval

[19-0019](#) Secondhand Article License Renewal application of Dean M. Vandenhoy, d/b/a Richmond Resale, LLC, 204 N. Richmond St., contingent upon approval from all departments.

Legislative History

1/9/19 Safety and Licensing Committee recommended for approval

[19-0052](#) "Class A" Liquor and Class "A" Beer License Application from Pedro Juarez of Lindo Michoacan Mexican Restaurant, LLC, located at 211 N Richmond Street.

Attachments: [Lindo Michoacan Class A Application-S&L1-9-19.pdf](#)

Legislative History

1/9/19 Safety and Licensing Committee recommended for approval

[19-0057](#) Operator's Licenses

Attachments: [Operator's Licenses for 1-9-19 S & L.pdf](#)

Legislative History

1/9/19 Safety and Licensing Committee recommended for approval

[19-0058](#) Affidavit of Correction for Ward Designation of Leona Pond Annexation

Attachments: [Memo- Leona Pond Annex. Ward Correction.pdf](#)

[Leona Pond Annexation Ward Correction.pdf](#)

Legislative History

1/9/19 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[19-0023](#) Action Item: Request Approval of Updated Athletic Facilities - Rental and Fee Schedule Policy

Attachments: [Athletic Facilities - Rental and Fee Schedule Policy Memo.doc](#)
[2019 Athletic Facilities Policy - REDLINE.pdf](#)
[2019 Athletic Facilities Policy - CLEAN.pdf](#)

Legislative History

1/7/19 Parks and Recreation recommended for approval
 Committee

5. MINUTES OF THE FINANCE COMMITTEE

[19-0029](#) Request to award 2017 AWWTP Improvements Project Bid to August Winter and Sons Inc in the amount of \$1,721,500 plus a 10% contingency of \$172,150 for a total cost not to exceed \$1,893,650

Attachments: [AWWTP Improvements Bid Award August Winter Sons.pdf](#)

Legislative History

1/7/19 Finance Committee recommended for approval

[19-0030](#) Request to approve the following 2019 Budget adjustment:

Public Works Capital Projects Fund

Capital Outlay - Oneida Street Bridge Project	+\$850,000
Proceeds of General Obligation Debt	+\$850,000

to increase budget to fund the cost of soils management related to the Oneida Street Bridge Project (2/3 vote required)

Attachments: [Budget Adjustment for Oneida Bridge Soils Management.pdf](#)

Legislative History

1/7/19 Finance Committee recommended for approval

[19-0031](#) Request to award Unit I-18 Oneida Street Bridge over Jones Park to Pheifer Brothers Construction, Inc in the amount of \$5,460,841 with a 2.3% contingency of \$124,856 for a project total not to exceed \$5,585,697, including the waiver of any bid irregularities and acceptance of the bid from Pheifer Brothers as being in the best interests of the City. This contract award is contingent upon approval of the additional \$850,000 in borrowed funding (via separate approval process)

Attachments: [Award of Contract Unit I-18.pdf](#)

Legislative History

1/7/19 Finance Committee recommended for approval

[19-0059](#) Request to approve the following 2019 Budget adjustment:

Valley Transit

Capital Outlay - Bus Purchase	+\$3,500,000
Grant Proceeds	+\$2,800,000
Fund Balance - Depreciation Reserve	+ \$700,000

to record purchase of (7) buses funded by an FTA Grant and depreciation reserve (2/3 vote required)

Attachments: [Bus Purchase Memo.pdf](#)

Legislative History

1/7/19 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[19-0009](#) Award Sole Source Stormwater Consulting Services Contract 2019G for French Road Urbanization Stormwater Analysis with raSmith in an amount not to exceed \$28,000.

Attachments: [2019G raSmith Contract Util Memo 01-08-2019 final.pdf](#)

Legislative History

1/8/19 Utilities Committee recommended for approval

[19-0051](#) Award North Edgewood Sanitary Lift Station Design and Related Services to McMahon Associates, Inc. in the amount of \$105,031.00 with a 5% contingency of \$5,249.00 for a project total not to exceed \$110,280.00.

Attachments: [North Edgewood Sanitary Lift Station design.pdf](#)

Legislative History

1/8/19 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[18-1821](#) Approve the Intermunicipal Agreement with the City of Neenah and the Village of Fox Crossing for the Northern Winnebago Dial A Ride Service for 2019 Contingent on City of Neenah and the Village of Fox Crossing Approval

Attachments: [NW Dial-A-Ride - 2019 revised.pdf](#)

Legislative History

12/11/18	Fox Cities Transit Commission	held
1/8/19	Fox Cities Transit Commission	recommended for approval

[19-0043](#) Authorization to Purchase Buses and Approve Subsequent Budget Amendment

Attachments: [Bus Purchase Memo.pdf](#)
[Letter to FCTC 12.14.2018.pdf](#)
[Capital Assistance Grant DOA.pdf](#)

Legislative History

1/8/19	Fox Cities Transit Commission	recommended for approval
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10. MINUTES OF THE BOARD OF HEALTH

[19-0053](#) AT&T Noise Variance Request

Attachments: [AT&T Noise Variance Request.pdf](#)

Legislative History

1/9/19	Board of Health	recommended for approval
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M. CONSOLIDATED ACTION ITEMS

[19-0061](#) Consolidated Action Items Re: 2019 Budget Adjustment for Bus Purchase:
Item 19-0059 Finance Committee
Item 19-0043 Fox Cities Transit Commission

N. ITEMS HELD

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. CLOSED SESSION

[19-0070](#)

The Common Council may go into closed session according to State Statute §19.85(1)(e) for the purpose of discussing the investment of public funds concerning the Fox Cities Exhibition Center invoices and then will reconvene into open session.

T. ADJOURN

Kami Lynch, City Clerk

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, December 19, 2018

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:01 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Spears.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt, Alderperson Keir Dvorachek and Mayor Timothy Hanna

Excused: 3 - Alderperson Joe Martin, Alderperson Rachel Raasch and Alderperson Bob Baker

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Director of Community & Economic Development Harkness, Director of Finance Saucerman, Fire Chief Hansen, Health Officer Eggebrecht, Library Director Rortvedt, Director of Parks, Recreation & Facilities Gazza, Police Captain Olson, Director of Public Works Vandehey, Director of Utilities Shaw, Valley Transit General Manager Mc Donald

The following Departments were excused:
Human Resources
Information Technology

F. PUBLIC PARTICIPATION

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[18-1860](#)

Common Council Meeting Minutes of December 5, 2018

Attachments: [CC Minutes 12-5-18.pdf](#)

Alderperson Baranowski moved, seconded by Alderperson Croatt, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Ed Baranowski, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Keir Dvorachek

Excused: 3 - Alderperson Joe Martin, Alderperson Rachel Raasch and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[18-1834](#)

Request to approve payment of outstanding invoices from von Briesen & Roper, s.c. for services related to the construction of the Fox Cities Exhibition Center

A brief recess was taken from 7:24 p.m. to 7:30 p.m.

Alderperson Croatt moved, seconded by Alderperson Plank, that the payment amount be amended to \$48,705.50. Roll Call. Motion carried by the following vote:

Aye: 7 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Kyle Lobner and Alderperson Chris Croatt

Nay: 5 - Alderperson Ed Baranowski, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears and Alderperson Keir Dvorachek

Excused: 3 - Alderperson Joe Martin, Alderperson Rachel Raasch and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

Alderperson Plank moved, seconded by Alderperson Coenen, that the payment authorization be amended to remove the funding source of the Community Development Capital Project Fund from the Motion. Roll Call. Motion failed by the following vote:

Aye: 5 - Alderperson William Siebers, Alderperson Curt Konezke, Alderperson Kathleen Plank, Alderperson Matt Reed and Alderperson Patti Coenen

Nay: 7 - Alderperson Vered Meltzer, Alderperson Ed Baranowski, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Keir Dvorachek

Excused: 3 - Alderperson Joe Martin, Alderperson Rachel Raasch and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

Alderperson Croatt moved, seconded by Alderperson Reed, that the payment be approved as amended, in the amount of \$48,705.50. Roll Call. Motion failed by the following vote:

Aye: 6 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Kyle Lobner and Alderperson Chris Croatt

Nay: 6 - Alderperson Curt Konezke, Alderperson Ed Baranowski, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears and Alderperson Keir Dvorachek

Excused: 3 - Alderperson Joe Martin, Alderperson Rachel Raasch and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Baranowski moved, Alderperson Croatt seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 12 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Curt Konezke, Alderperson Ed Baranowski, Alderperson Kathleen Plank, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Keir Dvorachek

Excused: 3 - Alderperson Joe Martin, Alderperson Rachel Raasch and Alderperson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[18-1809](#)

Award 2019 Contract for Operations, Maintenance, and Monitoring at the Closed City of Appleton Landfill to SCS Engineers, in an amount not to exceed \$64,013. CRITICAL TIMING

Attachments: [2019 Contract for Operations, Maintenance, Monitoring-Landfill.pdf](#)

This Report Action Item was approved.

[18-1810](#) Approve single source and award of Oneida Street Bridge/Rocky Bleier Run Contaminated Materials Contract to OMNNI Associates, Inc. in an amount not to exceed \$105,200. CRITICAL TIMING

Attachments: [Oneida St Bridge-Rocky Bleier Run.pdf](#)

This Report Action Item was approved.

[18-1811](#) Approve 2019 Sole Source Purchase Request for various traffic equipment and technologies.

Attachments: [2019 Purchase Request -traffic equip & tech.pdf](#)

This Report Action Item was approved.

[18-1838](#) Approve Master Professional Services Agreement with OMNNI Associates, Inc. through December 31, 2022. Scope of services and compensation for professional services under this master agreement are subject to future committee and Council approval.

Attachments: [Master Professional Services Agreement-OMNNI.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[18-1843](#) Request to Purchase Fire Truck Utilizing Sole Source Agreement

Attachments: [11-29-18 2019 Sole Source Ordering.pdf](#)

This Report Action Item was approved.

[18-1842](#) Reserve "Class B" Liquor & Class "B" Beer License Application from Steven Van Fossen (Agent) for JJs Ventures, LLC located at 509 W College Avenue; contingent upon approval from all departments.

Attachments: [Van Fossen, 509 W College Class B Liquor app.pdf](#)

This Report Action Item was approved.

[18-1778](#) Class "A" Beer License Change of Agent of Kwik Trip Inc, Cheri L. Werner, Agent, 4085 E. Calumet St., contingent upon approval from the Police Department.

This Report Action Item was approved.

[18-1822](#) Operator's Licenses

Attachments: [Operator's Licenses for 12-12-18 S & L.pdf](#)

This Report Action Item was approved.

[18-1830](#) Secondhand Article License Renewal application of Attic on the Ave., 506 W. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[18-1831](#) Secondhand Article License Renewal application of Replay Toys, 127 E. Wisconsin Ave. , contingent upon approval from all departments.

This Report Action Item was approved.

[18-1832](#) Secondhand Article License Renewal application of The Exclusive Company, 770 W Northland Avenue, contingent upon approval from all departments.

This Report Action Item was approved.

[18-1835](#) Secondhand Article License Renewal application of Play It Again Sports, 611 W. Northland Ave., contingent upon approval from all departments.

This Report Action Item was approved.

[18-1856](#) Secondhand Article License Renewal application of Tiffani's Bridal, 1314 W. College Ave., contingent upon approval from all departments.

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[18-1790](#) Request to approve the dedication of land for public right-of-way for Appleton Street, located at the east end of Jones Park along the west line of existing Appleton Street right-of-way (part of Tax Id #31-2-0116-01), as shown on the attached maps

Attachments: [StaffReport_AppletonStJonesPark_StreetDedciation_For12-11-18.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[18-1806](#)

Action: Proposed 2019 Golf Course Rates Policy

- Attachments:** [2019 Golf Course Rates Policy Memo.doc](#)
 [2019 Reid Rate Policy Redline.docx](#)
 [Proposed 2019 Reid Rate Policy.docx](#)

This Report Action Item was approved.

[18-1813](#)

Action: Request Approval of Updated Recreation Program Fee Waiver Policy

- Attachments:** [Memo - Updated Recreation Fee Waiver Policy \(12.10.18\).doc](#)
 [2019 Proposed Fee Waiver Policy.Redline.2018.doc](#)
 [2019 Proposed Fee Waiver Policy.CLEAN.doc](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[18-1741](#)

Request to approve the following 2018 Budget adjustment:

<u>Facilities Capital Projects Fund</u>	
Equipment	+\$100,000
Donations	+\$100,000

to record donation from Principal Financial for playground equipment at Jones Park

This Report Action Item was approved.

[18-1792](#)

Request approval to award the Municipal Services Building Fuel Site Improvements contract to US Petroleum in the amount of \$141,692 with a 7% contingency of \$9,919 for a project total not to exceed \$151,611

- Attachments:** [MSB Fuel Site Improvements.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[18-1799](#)

Award of 2019C Stormwater Consulting Services Contract for Newberry Street reconstruction with Brown and Caldwell in an amount not to exceed \$28,690.

Attachments: [2019C Award to Brown and Caldwell.pdf](#)

This Report Action Item was approved.

[18-1800](#)

Award of 2019D Stormwater Consulting Services Contract for Lightning Drive Drainage Study Update and Preliminary Engineering to raSmith, Inc. in an amount not to exceed \$58,140.

Attachments: [2019D Lightning Drive Approval Memo raSmith.pdf](#)

This Report Action Item was approved.

[18-1801](#)

Award of 2019E Stormwater Consulting Services Contract for K2 Drainage Study to McMahon, Inc. in an amount not to exceed \$29,700.

Attachments: [2019E K2 Drainage Study Approval Memo McMahon FINAL.pdf](#)

This Report Action Item was approved.

[18-1802](#)

Approval to single source and award the 2019F Stormwater Consulting Services Contract for an UNPS Planning Grant application for the next City-wide stormwater management plan to Brown and Caldwell in an amount not to exceed \$6,850.

Attachments: [2019F Single Source Award to Brown and Caldwell.pdf](#)

This Report Action Item was approved.

[18-1837](#)

Approval of a Coating Services contract for the #2 Receiving Station to Mississippi Valley Coating in the amount of \$68,782 plus a contingency of \$8,250 for a total not to exceed cost of \$77,032.

Attachments: [utilities memo #2 RS Coating Contract Award 12-07-18.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[18-1818](#)

Approve the Intermunicipal Agreement with Outagamie County for Specialized Transportation Services for 2019 Contingent on Outagamie County Approval

Attachments: [2019 Outagamie County Contract.pdf](#)

This Report Action Item was approved.

[18-1819](#)

Approve the Intermunicipal Agreement with Winnebago County for Specialized Transportation Services for 2019 Contingent on Winnebago County Approval

Attachments: [2019 Winnebago County Contract.pdf](#)

This Report Action Item was approved.

[18-1820](#)

Approve the Intermunicipal Agreement with Calumet County for Specialized Transportation Services for 2019 Contingent on Calumet County Approval

Attachments: [2019 Calumet County Contract.pdf](#)

This Report Action Item was approved.

[18-1823](#)

Approve the Memorandum of Understanding between the City of Appleton, Valley Transit and Community Care Inc. for 2019 Specialized Transportation Services

Attachments: [2019 Community Care Memorandum of Understanding.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[18-1862](#)

Ordinances #111-18 to #123-18

Attachments: [Ordinances going to Council 12-19-18.pdf](#)

This Report Action Item was approved.

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO
COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

*Resolution # 13-R-18
Interstate 41 Public Safety Resolution*

*Submitted by:
Aldersperson Curt Konetzke – District 3, and Aldersperson Chris Croatt – District 14
December 19, 2018
Under Review – Comparing to a similar Resolution adopted in August*

Whereas, in the 1960's US-41 was constructed in its current location as a four-lane divided highway between Appleton and DePere and in the 1970's US-41 in the Appleton area attained freeway status with the removal of all intersecting crossroads.

And Whereas, in 1992 US-41 between Breezewood Lane and CTH OO/STH 15 was upgraded to six lanes and in 2015 US-41 attained official Interstate status in Wisconsin and the speed limit in the Fox Cities area was increased to 70mph. In 2015/2016 Interstate 41 from DePere to Howard was upgraded to six lanes.

And Whereas, the current four lane 23 mile segment between CTH OO/STH 15 and Scheuring Road creates a bottleneck between two six lane segments.

And Whereas, I-41 is outdated and doesn't meet current design standards for the volumes of traffic and a 70mph speed limit and average daily traffic in 2015 was 55,600 vehicles per day and 63,000 in 2016, which is a yearly increase of 11.7%

And Whereas, there are a high number of crashes that occur weekly and often times daily, which causes injuries, fatalities, delays, costly vehicle damage, infrastructure damage, costly and dangerous cleanup activities for emergency, state, county, and local agencies and staff.

And Whereas, I-41 is designated on the national Primary Freight Network due to the sheer number of trucks that transport products into and out of the region. I-41 is a crucial commuter route for the much-needed Northeast Wisconsin workforce, as well as promoting tourism to the area.

And Whereas, the Wisconsin Department of Transportation (WisDOT) has recognized that the existing facility is failing and have plans to spend \$1 million in 2018 to 2021 to design for improvements to five interchanges and \$3 million to design surface improvements. It is important to note that construction funding for these design projects has not yet been scheduled.

And Whereas, the East Central Regional Planning Commission (ECWRPC) is the federally designated Metropolitan Planning Organization (MPO) for the Fox Cities Urbanized Area and has had the expansion of I-41 recommendation in the required and adopted MPO Long Range Transportation Plan. ECWRPC Transportation Committee has adopted a resolution on July 27, 2018 with the same recommendation described below.

Now, Therefore, be it Resolved, the City of Appleton does formally request the Wisconsin Department of Transportation (WisDOT) plan, design, and expand Interstate 41 (I-41) to 6 lanes between WIS 15 in Outagamie County and Scheuring Road in Brown County as soon as possible., and

Be it Further Resolved, that the City of Appleton Clerk be directed to forward a copy of this resolution to Governor Tony Evers, WisDOT Secretary of Transportation, Outagamie County Highway Commissioner

*Resolution # 14-R-18
E-Cigarettes*

Submitted by:

Aldersperson Cathy Spears – District 12

Referred To: Board of Health

Whereas, e-cigarettes are known by many different names. They are sometimes called “e-cigs”, “e-hookahs”, “mods”, “vape pens”, “vapes”, “tank systems”, and “electronic nicotine delivery systems”; and

Whereas, some e-cigarettes are made to look like regular cigarettes, cigars, or pipes. Some resemble pens, USB sticks, and other everyday items; and

Whereas, e-cigarettes produce an aerosol by heating a liquid that usually contains nicotine – the addictive drug in regular cigarettes, cigars, and other tobacco products, - flavorings, and other chemicals that help to make the aerosol. Users inhale this aerosol into their lungs. Bystanders can also breathe in this aerosol when the user exhales into the air; and

Whereas, e-cigarettes can be used to deliver marijuana and other drugs; and

Whereas, the CDC Report on e-cigarettes and electronic nicotine delivery systems reports that vaping clouds contain high levels of two chemicals known to cause permanent and sometimes fatal lung disease: diacetyl and its chemical cousin, 2,3-pentanedione; and

Whereas, e-cigarettes aerosol ingredients include: nicotine, ultrafine particles, flavorings such as diacetyl; a chemical linked to lung disease, volatile organic compounds such as benzene; which is found in car exhaust and heavy metals such as nickel tin and lead; and

Whereas, diacetyl destroys the lungs’ tiniest airways, leading to scar tissue buildup which blocks airflow. Its damage is irreversible; and

Whereas, Appleton has a smoke free workplace ordinance that was enacted to protect workers and the public from secondhand smoke;

Now, Therefore Be it Resolved, that the definition of smoke free workplaces be modified to include the prohibition of electronic smoking devices.

Resolution # 15-R-18

Truancy

Submitted by:

Aldersperson Meltzer – District 2, Aldersperson Raasch – District 6, Aldersperson Baker – District 9

Referred To: Attorney’s Office

WHEREAS nearly 700 students have gone through truancy court in Outagamie County between 2013 and 2018, and criminalizing truancy is harmful to all children and their families;

And WHEREAS several appeals courts have overturned truancy court rulings;

And WHEREAS some district attorneys are already shifting cases to social workers and Health and Human Services;

THEREFORE BE IT RESOLVED that the City of Appleton end the practice of GPS monitoring and jail for truant students AND support removing truancy from the criminal code in the State of Wisconsin.

R.

OTHER COUNCIL BUSINESS

[18-1861](#)

Suspend the Council Rules to Consider Cancellation of the January 2, 2019 Common Council Meeting

Alderson Croatt moved, seconded by Alderson Coenen, that the cancellation of the January 2nd Council Meeting be approved. Roll Call.

Motion carried by the following vote:

Aye: 11 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner, Alderson Chris Croatt and Alderson Keir Dvorachek

Nay: 1 - Alderson Ed Baranowski

Excused: 3 - Alderson Joe Martin, Alderson Rachel Raasch and Alderson Bob Baker

Abstained: 1 - Mayor Timothy Hanna

S. ADJOURN

Alderson Baranowski moved, seconded by Alderson Coenen, that the meeting be adjourned at 7:50 p.m. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Curt Konezke, Alderson Ed Baranowski, Alderson Kathleen Plank, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner, Alderson Chris Croatt, Alderson Keir Dvorachek and Mayor Timothy Hanna

Excused: 3 - Alderson Joe Martin, Alderson Rachel Raasch and Alderson Bob Baker

Kami Lynch, City Clerk

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

*Resolution # 13-R-18
Interstate 41 Public Safety Resolution*

*Submitted by:
Aldersperson Curt Konezke – District 3, and Aldersperson Chris Croatt – District 14
December 19, 2018
Under Review – Comparing to a similar Resolution adopted in August*

Whereas, in the 1960's US-41 was constructed in its current location as a four-lane divided highway between Appleton and DePere and in the 1970's US-41 in the Appleton area attained freeway status with the removal of all intersecting crossroads.

And Whereas, in 1992 US-41 between Breezewood Lane and CTH OO/STH 15 was upgraded to six lanes and in 2015 US-41 attained official Interstate status in Wisconsin and the speed limit in the Fox Cities area was increased to 70mph. In 2015/2016 Interstate 41 from DePere to Howard was upgraded to six lanes.

And Whereas, the current four lane 23 mile segment between CTH OO/STH 15 and Scheuring Road creates a bottleneck between two six lane segments.

And Whereas, I-41 is outdated and doesn't meet current design standards for the volumes of traffic and a 70mph speed limit and average daily traffic in 2015 was 55,600 vehicles per day and 63,000 in 2016, which is a yearly increase of 11.7%

And Whereas, there are a high number of crashes that occur weekly and often times daily, which causes injuries, fatalities, delays, costly vehicle damage, infrastructure damage, costly and dangerous cleanup activities for emergency, state, county, and local agencies and staff.

And Whereas, I-41 is designated on the national Primary Freight Network due to the sheer number of trucks that transport products into and out of the region. I-41 is a crucial commuter route for the much-needed Northeast Wisconsin workforce, as well as promoting tourism to the area.

And Whereas, the Wisconsin Department of Transportation (WisDOT) has recognized that the existing facility is failing and have plans to spend \$1 million in 2018 to 2021 to design for improvements to five interchanges and \$3 million to design surface improvements. It is important to note that construction funding for these design projects has not yet been scheduled.

And Whereas, the East Central Regional Planning Commission (ECWRPC) is the federally designated Metropolitan Planning Organization (MPO) for the Fox Cities Urbanized Area and has had the expansion of I-41 recommendation in the required and adopted MPO Long Range Transportation Plan. ECWRPC Transportation Committee has adopted a resolution on July 27, 2018 with the same recommendation described below.

Now, Therefore, be it Resolved, the City of Appleton does formally request the Wisconsin Department of Transportation (WisDOT) plan, design, and expand Interstate 41 (I-41) to 6 lanes between WIS 15 in Outagamie County and Scheuring Road in Brown County as soon as possible., and

Be it Further Resolved, that the City of Appleton Clerk be directed to forward a copy of this resolution to Governor Tony Evers, WisDOT Secretary of Transportation, Outagamie County Highway Commissioner

*Resolution # 14-R-18
E-Cigarettes*

RESOLUTION

WHEREAS, Interstate 41 is a vital component of the City's transportation infrastructure; and

WHEREAS, a recommendation in the required and adopted Metropolitan Planning Organization Long Range Transportation Plan calls for the expansion of Interstate 41; and

WHEREAS, portions of Interstate 41 from WIS 26 in Winnebago County to WIS 15 in Outagamie County is already 6-Lane and portions of Interstate 41 in Brown County have been expanded to 6-lanes south to Scheuring Road; and

WHEREAS, the 6-lane to 4-lane transitions create dangerous bottlenecks with a high number of serious injury and fatal crashes; and

WHEREAS, almost daily crashes are causing significant delay, costly and dangerous clean-up activities for emergency services and City staff; and

WHEREAS, the I-41 corridor is an economic engine for the region's commuting workforce that requires travel time reliability; and

WHEREAS, I-41 is designated on the national Primary Freight Network due to the sheer number of trucks that transport products into and out of the region; and

WHEREAS, East Central Wisconsin Regional Planning Commission Transportation Committee has adopted a resolution on July 27, 2018 with the same recommendation below and many local municipalities are taking similar action; and

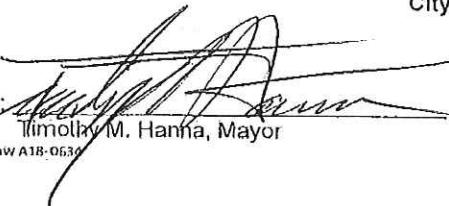
WHEREAS, the costs will likely be far higher to not expand the highway based on the safety and economic impacts of crashes and delays;

NOW THEREFORE, BE IT RESOLVED, that the Common Council of the City of Appleton do ordain as follows:

1. Request the Wisconsin Department of Transportation plan, design and expand Interstate 41 to 6-lanes between WIS 15 in Outagamie County and Scheuring Road in Brown County as soon as possible.
2. Authorize the City Clerk to certify and forward said certified copies of the Resolution to Governor Scott Walker and WisDOT Secretary of Transportation David Ross.

Adopted and approved this 15th day of August, 2018.

City of Appleton

By: 
Timothy M. Hanna, Mayor
City Law A18-0630

By: 
Kami Lynch, City Clerk

OUTAGAMIE COUNTY HIGHWAY DEPARTMENT

COUNTY / MUNICIPAL / STATE AGREEMENT

French Road Traffic and Planning Study
 STH 96 to CTH JJ

DATE: 12/10/2018
 PROJECT: See Below
 HIGHWAY: CTH "OO"
 LIMITS: French Rd, 96 to JJ
 MUNICIPALITY: Village of Little Chute
 MUNICIPALITY: Town of Grand Chute
 MUNICIPALITY: City of Appleton

The signatories **City of Appleton, Village of Little Chute and Town of Grand Chute**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the County of Outagamie, through its Highway Department, hereinafter called the County, to initiate and effect the highway or street improvement

PROJECT DESCRIPTION: Agreement is for a traffic and transportation planning study for French Road, pertaining to the intersection of CTH "OO" at French Road. The existing intersection is experiencing safety, capacity and delay issues. A planning study of French Road is required to understand improvements at CTH OO. The proximity and uncertainty of the future of STH 441 may impact the intersection and roadway long term. The first step is a comprehensive study of French Road between STH 96 to CTH JJ, to help determine the future purpose and need for this roadway in relation to the entire transportation network. The cost share estimate shown is for the planning study only. Intersection design and construction to be determined at a later date.

COST ESTIMATE AND PARTICIPATION

PHASE	***** ESTIMATED COST *****								
	Total Estimated Cost	Outagamie County	%	City of Appleton	%	Village of Little Chute	%	Town of Grand Chute	%
CTH OO & French Rd ENGINEERING:									
Traffic Planning Study	\$40,000	\$20,000	50%	\$6,666.66	16.67%	\$6,666.66	16.67%	\$6,666.66	16.67%
Intersection Design	TBD								
RIGHT OF WAY:	TBD								
CONSTRUCTION:	TBD								
TOTAL PROJECT COST	\$40,000	\$20,000		\$6,666.66	16.67%	\$6,666.66	16.67%	\$6,666.66	16.67%

This request for the programming, design and construction is subject to the terms and conditions that follow and is made by the undersigned under proper authority to make such request for the designated Municipality and upon acceptance by the Highway Commissioner shall constitute an agreement between the County and the Municipality unless specifically modified or amended by supplemental written agreement between the County and the Municipality.

Terms and Conditions

1. When Federal Funds are involved, the improvement will be subject to the applicable Federal Aid Highway Acts and Regulations of the Federal Highway Administration, U.S. Department of Transportation.

2. This is a joint agreement between the County and the Municipality. The Municipality will be kept informed on the project status and will have input regarding the project. This project will be administered under the County Administrative Rule 10-02.
3. If the Municipality should withdraw the project, it will pay to the County any cost that has been incurred by the county on behalf of the project.
4. The project cost in the agreement is an estimate. The Municipality will be invoiced periodically, and agrees to pay based on actual costs incurred. Such costs may be greater or less than the estimated amount, however, the Municipality acknowledges that costs between the time this agreement is executed and the actual time of construction can vary.
5. The County's obligation to perform under this contract shall be subject to County Board appropriation of funds sufficient to fund the County's obligations herein.
6. The County and Municipality agree and understand that the Municipality is reserving its rights to assess any and all costs incurred by the Municipality for this project. The Municipality and County hereby further agree that the Municipality have the right to assess any of its costs upon terms deemed acceptable by the Municipality subject to the following: In the event county property is assessed or subject to assessment the county reserves the right to object to the propriety and / or correctness of the assessment formula or methodology, however, such right to object does not extend to the municipality's ability to assess. The county's right to object includes the ability to challenge the assessment methodology or formula in circuit court and to pursue appeals of circuit court decisions.
7. Operations and Maintenance responsibilities of facilities built with this project will be determined during design

BY: _____ Date _____
 Dean E. Steingraber, P.E. Outagamie County Highway Commissioner

BY: _____ Date _____
 Signed for and on behalf of: City of Appleton

BY: _____ Date _____
 Signed for and on behalf of: Village of Little Chute

BY: _____ Date _____
 Signed for and on behalf of: Town of Grand Chute



"...meeting community needs
.....enhancing the quality of life"

FEES ARE NON-REFUNDABLE		Date Recv'd <u>11/30/18</u>
<input type="checkbox"/> Operator License	\$60.00	Acct. 11030.4307
<input checked="" type="checkbox"/> Operator License	\$75.00	Acct. 11030.4307
plus a provisional		
<input checked="" type="checkbox"/> Investigation fee	\$ 7.00	Acct. 100.2359
Total fee paid	\$ <u>82.</u>	Receipt <u>1098</u>

- Original Application
- Renewal - License # _____

**LICENSE APPLICATION for
OPERATOR'S (BARTENDER'S) LICENSE**

Return application to: City Clerk, 100 N. Appleton Street, Appleton, WI 54911-4799

SECTION 1 - APPLICANT INFORMATION					
Applicant Name (Last, First, MI) - FULL NAME - NOT NICK NAME OR SHORTENED VERSION OF NAME <u>STEIN MARK STEVEN</u>					Maiden
Street Address <u>2509 N. LOCUST ST.</u>		City <u>APPLETON</u>	State <u>WI</u>	Zip <u>54914</u>	
Driver's License Number/State Identification Number				State License Issued In: <u>WI</u>	
Date of Birth	Sex <u>M</u>	Home Phone Number		Cell phone Number	
Name and Address of Establishment you will be selling alcohol <u>Citgo Gas station</u>					
SECTION 2 - CONVICTION RECORD - NEW APPLICANT: You are required to list each and every violation and/or offense for which you have been convicted in or out of state. Failure to provide complete answers may result in a denial of your application.					
Have you EVER had an Operator's (Bartender's) License? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>					
If Yes; where? _____					
Have you EVER been convicted of a felony? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>					
If Yes; when, where and what type of violation? (Please be specific) <u>2003 sexual Assault 2005 Robbery use of force</u>					
<u>2015 Pass w/intent Deliver Heroin - Maintain Drug trafficking house</u>					
Have you EVER been convicted of a misdemeanor or ordinance violation? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>					
If Yes; when, where and what type of violation? (Example: speeding, OWI) <u>Bail jumping, disorderly conduct obstructing officer</u>					
SECTION 2 - CONVICTION RECORD - RENEWAL APPLICANT: List any pending charges, citations, tickets and all convictions since last license application in or out of state. Failure to provide complete answers may result in a denial of your application.					
Have you EVER had an Operator's (Bartender's) License? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>					
If Yes; where? _____					
Have you been convicted of a felony since last license application? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>					
If Yes; when, where and what type of violation? (Please be specific) _____					
Have you been convicted of a misdemeanor or ordinance violation since last license application? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>					
If Yes; when, where and what type of violation? (Example: speeding, OWI) _____					
SECTION 3 - PENALTY NOTICE					
Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.					
Signature: <u>[Signature]</u>					
FOR OFFICE USE ONLY					
Department	Approve	Deny	By	Reason	
POLICE		X	<u>Miller</u>		
Date sent to APD <u>12/3/18</u>	Scheduled FVTC Class	Class Completion Date <u>6-20-18</u>	Current other license: Muni _____ # _____		
Safety and Licensing	Common Council	Date Issued	Expiration Date	License Number	

Applicant	License Type	Offense	Type	Offense Date	Conviction Date
Mark S Stein 09/17/1985	Bartender	Robbery w/Use of Force	Felony		07/18/03
		Possession of Marijuana (ord. 10-32)	Oridinance	07/05/03	08/06/03
		Possess/Consume	Oridinance	07/05/03	08/06/03
		Bail Jumping	Misdemeanor	07/05/03	12/19/03
		Theft-Party to a Crime	Misdemeanor	09/24/03	10/05/04
		2nd Degree Sexual Assault of a Child	Felony	06/01/03	06/09/05
		Bail Jumping (2 Counts)	Felony	07/27/04	06/09/05
		Possess Drug Paraphernalia	Misdemeanor	02/27/04	06/09/05
		Bail Jumping	Felony	03/01/05	06/09/05
		Sex w/Child Age 16 or Older	Misdemeanor	01/01/05	06/09/05
		Bail Jumping (2 Counts)	Felony	05/03/05	06/09/05
		Resisting or Obstructing an Officer	Misdemeanor	06/06/07	12/18/07
		Disorderly Conduct	Misdemeanor	04/12/12	07/19/12
		Disorderly Conduct	Misdemeanor	04/16/13	06/24/13
		Operate While Suspended	Oridinance	07/20/13	09/25/13
		Possess w/Intent-Heroin	Felony	08/18/15	02/03/16
		Maintain Drug Trafficking Place	Felony	08/18/15	02/03/16
		Neglecting a Child	Misdemeanor	08/18/15	02/03/16



"...meeting community needs...enhancing quality of life."

TO: Safety and Licensing Committee
FROM: Lt. Jeff Miller
DATE: 01/09/2019
RE: Denial of Mark Stein

Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Mark Stein's application for a bartender's license. Mr. Stein has been convicted of an offense under Wisconsin statutes 111.335(4)(h)2. Specifically, the offense was 948.02(2) (2004 CF 488).

The current legislative guidance under S.S. 111.333(1m)(b)1 says that we do not need to "state reasons (for denial) in writing nor have any requirement for allowing the individual to show rehabilitation and fitness."

For consistencies sake, however, we have attached, for the committee's edification, Mr. Stein's very lengthy conviction record.

Mr. Stein is a habitual law offender and his criminal history is full of substantially related offenses that we feel should bar him from a bartender's license.

We would highlight these two specific convictions that are substantially related to the selling of alcohol. First, Mr. Stein's most recent conviction for Possession with intent to sell heroin/maintaining a drug trafficking place/neglecting a child is most concerning (2015 CF 676). For this offense he is on parole and has specific rules regarding absolute sobriety.

Additionally, Mr. Stein's arrest for disorderly conduct/resisting or obstructing an officer shows his continued disregard for authority and rules. In this case (2013 CM 517) he was on probation when he ran from police. Mr. Stein has made dubious decisions from 2003 (first conviction) until the present time. It seems the only break in convictions is when he is in jail.

In conclusion, we would note, once again, this committee's prior recognition that even though Mr. Stein is applying for this license for his job at a gas station, he may seek employment at any licensed premise if a license is granted. We feel this is not worth the potential risk to the community.

Very Respectfully Submitted:

Lt. Jeff Miller
Appleton Police Department



"...meeting community needs
.....enhancing the quality of life"

FEES ARE NON-REFUNDABLE Date Recv'd 12/6/18

<input type="checkbox"/> Operator License	\$60.00	Acct. 11030.4307
<input checked="" type="checkbox"/> Operator License	\$75.00	Acct. 11030.4307
plus a provisional		
<input checked="" type="checkbox"/> Investigation fee	\$ 7.00	Acct. 100.2359
Total fee paid \$	<u>82.00</u>	Receipt <u>1363</u>

Original Application
 Renewal - License # _____

**LICENSE APPLICATION for
OPERATOR'S (BARTENDER'S) LICENSE**

Return application to: City Clerk, 100 N. Appleton Street, Appleton, WI 54911-4799

SECTION 1 - APPLICANT INFORMATION				
Applicant Name (Last, First, MI) - FULL NAME - NOT NICK NAME OR SHORTENED VERSION OF NAME <u>LasFalk Benjamin D</u>				Maiden
Street Address <u>516 Nicolet Blvd</u>		City <u>Menasha</u>	State <u>W, I</u>	Zip <u>54952</u>
Driver's License Number/State Identification Number			State License Issued In: <u>W, I</u>	
Date of Birth	Sex <u>Male</u>	Home Phone Number	Cell phone Number	
Name and Address of Establishment you will be selling alcohol <u>Stucs pizza</u>				
SECTION 2 - CONVICTION RECORD - NEW APPLICANT: You are required to list each and every violation and/or offense for which you have been convicted in or out of state. Failure to provide complete answers may result in a denial of your application.				
Have you EVER had an Operator's (Bartender's) License? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>				
If Yes; where? _____				
Have you EVER been convicted of a felony? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>				
If Yes; when, where and what type of violation? (Please be specific) <u>2015 Burglary 2015 possession of arms</u> <u>2014 possession of a narcotic 2016 possession of a narcotic</u>				
Have you EVER been convicted of a misdemeanor or ordinance violation? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>				
If Yes; when, where and what type of violation? (Example: speeding, OWI) <u>Damage to property 2015</u>				
SECTION 2 - CONVICTION RECORD - RENEWAL APPLICANT: List any pending charges, citations, tickets and all convictions since last license application in or out of state. Failure to provide complete answers may result in a denial of your application.				
Have you EVER had an Operator's (Bartender's) License? YES <input type="checkbox"/> NO <input type="checkbox"/>				
If Yes; where? _____				
Have you been convicted of a felony since last license application? YES <input type="checkbox"/> NO <input type="checkbox"/>				
If Yes; when, where and what type of violation? (Please be specific) _____				
Have you been convicted of a misdemeanor or ordinance violation since last license application? YES <input type="checkbox"/> NO <input type="checkbox"/>				
If Yes; when, where and what type of violation? (Example: speeding, OWI) _____				
SECTION 3 - PENALTY NOTICE				
Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.				
Signature: <u>[Signature]</u>				
FOR OFFICE USE ONLY				
Department	Approve	Deny	By	Reason
POLICE		<input checked="" type="checkbox"/>	<u>Miller</u>	
Date sent to APD <u>12/17/18</u>	Scheduled FVTC Class	Class Completion Date <u>12/16/18</u>	Current other license: Muni _____ # _____	
Safety and Licensing	Common Council	Date Issued	Expiration Date	License Number

Appleton Police - Consideration for Denial
(electronic copy sent to LT Miller and Kami Lynch)

Applicant	License Type	Offense	Type	Offense Date	Conviction Date
Benjamin D Lasfalk 04/17/93	Bartender	Substantially Related Items			
		Possession of Narcotic Drugs	Felony	07/05/14	10/09/14
		Burglary (2 counts)	Felony	08/14/15	07/18/16
		Criminal Damage to Property (2 counts)	Misdemeanor	08/14/15	07/18/16
		Possession of Narcotic Drugs	Felony	06/11/16	08/01/16
		Items Not Reported by Applicant			
		Underage Drinking	Ordinance	06/26/10	07/22/10
		Speeding	Ordinance	03/12/12	04/10/12
		Operate While Suspended	Ordinance	03/12/12	04/10/12
		Operate While Suspended	Ordinance	03/10/12	04/17/12
		Inattentive Driving	Ordinance	10/16/13	11/19/13
		Operate w/o Insurance	Ordinance	10/16/13	11/19/13
		Operate w/o Valid License	Ordinance	10/16/13	11/19/13
		Criminal Damage to Property	Misdemeanor	07/07/14	10/09/14
		Fish w/o License	Ordinance	06/01/15	07/14/15
		Operate While Suspended	Ordinance	06/18/15	08/12/15
		Fail to Wear Seatbelt	Ordinance	06/29/17	08/16/17
		Possession of Narcotic Drugs	Felony	09/29/17	10/13/17

January 7th, 2019

To Whom It May Concern:

My name is Jennifer Delfosse and I am a Case Manager with the Winnebago County Safe Streets Program (Drug Court). I have been working extensively with Benjamin Lasfalk since he began our program on 8/4/16. Benjamin has been consistently following all of our program's rules and expectations. He successfully completed AODA treatment. Benjamin has been employed full-time throughout the duration of the program. He has not had any positive drug tests in over a year, and has not had any court ordered sanctions in quite some time. He now has over 15 months clean and has completed the Drug Court Program, with his graduation ceremony taking place on 1/31/19.

The Drug Court program requirements include recovery meetings, sessions with myself, frequent and random UA's, community service, and meetings with his Agent. Benjamin has always consistently attended his AA/NA recovery meetings and has found himself a very positive recovery sponsor. He has learned how to be a father and is doing an amazing job raising his son. In my opinion, Benjamin is exactly the type of person this program is designed for. He has been working very hard at this and has earned all of his successes. I am extremely proud of him for the person he is today. I truly believe that he would be appropriate to handle obtaining his bartending license for his position there, even with his prior criminal record. I truly believe that Benjamin's criminal history was a direct result of his addiction, not due to his character. I can't say enough good things about Benjamin and the work he has put into his recovery. I am extremely proud of him.

Thank you for taking the time to read this and please feel free to contact me with any questions you may have.



Winnebago County
Department of Human Services
Jennifer Delfosse, BS, MA, CSAC
Safe Streets Case Manager
E-mail: jdelfosse@co.winnebago.wi.us

220 Washington Avenue
P.O. Box 2187
Oshkosh, WI 54903-2187

Work Cell: (920) 410-7350
Oshkosh: (920) 236-4728
Fax: (920) 236-1269

A handwritten signature in black ink that reads "Jennifer Delfosse".



"...meeting community needs...enhancing quality of life."

TO: Safety and Licensing Committee
FROM: Lt. Jeff Miller
DATE: 01/09/2019
RE: Denial of Benjamin Lasfalk

Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Benjamin Lasfalk's application for a bartender's license. Mr. Lasfalk is a habitual law offender and his criminal history is littered with substantially related offenses that would be detrimental to the community if he were to be allowed to have a license.

As part of any denial of licensing, the police department must determine if crimes are substantially related to the sale of alcohol. Mr. Lasfalk was convicted of felony possession of narcotics for 4 years in a row, starting in 2014. He is on probation for the latest of these offenses which occurred in October of 2017. During this period of time he was also convicted of burglary (2015 CF 25). The relation between alcohol and narcotic drugs is clear. As a person who wants to be responsible to serve alcohol, Mr. Lasfalk has not shown the ability to make good decisions related to his own sobriety. Many of his issues with damage to property, burglary, and traffic offenses seem to stem from his narcotics issue. The police department is not sure he has spent the amount of time necessary to rehabilitate himself and make the necessary life changes to take on the responsibility for alcohol service.

Additionally, Mr. Lasfalk chose not to be fully honest and forthcoming on his license application. As you may note on the document that references his convictions, he was cited for numerous traffic offenses, all of them unreported. One of these convictions was a speeding violation that the form clearly asks for. He reported one damage to property but failed to report the other (2014 CM 947). Perhaps most importantly, he did not disclose the most recent felony possession of narcotics of which he is on probation (17 CF 623).

Finally, Mr. Lasfalk has a probation restriction that he not enter any establishment whose primary business is to sell alcohol. Mr. Lasfalk is currently employed at Stucs Pizza. However, this committee has time and again recognized that an Appleton bartender license can be used to gain employment at any licensed premise. Due to Mr. Lasfalk's history of criminal activity we feel it would be unwise to allow him this opportunity.

The service of alcohol includes coming into contact with individuals in a very vulnerable state and the Police Department feels Benjamin Lasfalk has not demonstrated the necessary maturity and decision making capacity to be allowed a bartender's license in the City of Appleton.

Very Respectfully:

Lt. Jeff Miller
Appleton Police Department

Original Alcohol Beverage Retail License Application

Submit to municipal clerk.

For the license period beginning January 20 19 ;
ending July 30 20 19 ;

TO THE GOVERNING BODY of the: Town of } Appleton
 Village of }
 City of }

County of _____ Aldermanic Dist. No. _____ (if required by ordinance)

1. The named Individual Partnership Limited Liability Company
 Corporation / Nonprofit Organization

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): ▶ _____

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

	Title	Name (Last, First, M.I.)	Home Address	Post Office & Zip Code
President/Member	<u>owner</u>	<u>Juarez, Pedro</u>	<u>1019 Grove St.</u>	<u>54952</u>
Vice President/Member				
Secretary/Member				
Treasurer/Member				
Agent ▶		<u>Pedro Juarez</u>		
Directors/Managers				

3. Trade Name ▶ Lindo Michoacan Business Phone Number _____
4. Address of Premises ▶ 2111 Richmond St. Appleton, WI Post Office & Zip Code ▶ 54911

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? Yes No
6. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? Yes No
8. (a) Corporate/limited liability company applicants only: Insert state _____ and date _____ of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? Yes No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? Yes No
- (NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) 2,900sq ft walk-in cooler and store

10. Legal description (omit if street address is given above): _____
11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
(b) If yes, under what name was license issued? _____

12. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277]. Yes No
13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776]. Yes No
14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Pedro Juarez
(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>1/21/2019</u>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by the officer(s) of the corporation/organization or members/managers of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village City of Appleton County of _____

The undersigned duly authorized officer(s)/members/managers of Linda Michoacan
(registered name of corporation/organization or limited liability company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Linda Michoacan
(trade name)

located at 211 N Richmond St.

appoints Pedro Juarez
(name of appointed agent)

1019 Grove St. Menasha WI 54952
(home address of appointed agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? _____

Place of residence last year 207 N Richmond St.

For: Linda Michoacan
(name of corporation/organization/limited liability company)

By: _____
(signature of Officer/Member/Manager)

And: _____
(signature of Officer/Member/Manager)

ACCEPTANCE BY AGENT

I, Pedro Juarez, hereby accept this appointment as agent for the
(print/type agent's name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Pedro Juarez 12/21/18 Agent's age 49
(signature of agent) (date)

1019 Grove St Menasha WI 54952 Date of birth _____
(home address of agent)

**APPROVAL OF AGENT BY MUNICIPAL AUTHORITY
(Clerk cannot sign on behalf of Municipal Official)**

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(date) (signature of proper local official) (town chair, village president, police chief)

Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name) Juarez		(first name) Pedro	(middle name) —	
Home Address (street/route) 1019 Grove st.	Post Office	City Menasha	State WI	Zip Code 54952
Home Phone Number (920) 257-3510	Age 49	Date of Birth 06/29/1969	Place of Birth MEXICO	

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- _____ of _____
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

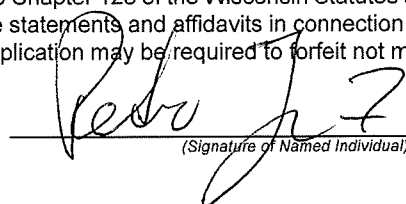
The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? _____
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? Yes No
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality? Yes No
If yes, describe status of charges pending. _____
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? Yes No
If yes, identify. Lindo Michoacan
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? Yes No
If yes, identify. _____
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name Lindo Michoacan	Employer's Address	Employed From 2002	To now
Employer's Name	Employer's Address	Employed From	To

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.



(Signature of Named Individual)

Operator's Licenses for 1/9/19 S & L

Approved

Kyle R. Alderton

808 N. Briarcliff Dr., Appleton

Ashley L. Buss

320 E. Fremont St., Appleton

Mary R. Fryda

N4271 Killarney Ln., Freedom

Andrew J. Gilicinski

2620 N. Mason St., #7, Appleton

Jessica R. Gumieny

810 W. Grove St., Appleton

Meet Patel

200 N. Perkins St., Appleton

HouaWa Vue

2511 N. Alexander St., Appleton

Loney J. Wheeler

540 Schindler Pl., Apt. C, Menasha

Samantha E. Wolski

3722 N. Bluemound Dr., Appleton



LEGAL SERVICES DEPARTMENT

Office of the City Clerk

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

Fax: 920/832-5823

MEMORANDUM

January 3, 2019

To: Alderperson Lobner, Chair of Safety & Licensing Committee; S&L Members
From: Kami Lynch, City Clerk

Re: Correction of Ward Designation on Ordinance 37-18; (Leona Pond Annexation)

In the summer of 2018 the Wisconsin Elections Commission reviewed the Leona Pond Annexation and made the determination that based upon the statutory guidelines for Ward determination, Leona Pond is not completely contiguous to Ward 5 and therefore a new City Ward should be created. Given the timing of this finding and the impact it would have on programming and layout of the 2018 fall elections, and the fact that the new territory does not and will not contain any voters, there was no immediate correction made to the Ward of the annexed territory. Now provides an adequate time to make the correction to the Leona Pond Annexation by creating a new City Ward, Ward 60.

The correction of Ordinance 37-18 will be coming forth as an ordinance at a future Council Meeting and once adopted and published, an Affidavit of Correction will be filed with the Register of Deeds and Wisconsin Elections Commission to make the new Ward designation official. Ward 60 will be in Aldermanic District 2.

If there are any questions regarding this matter, please do not hesitate to contact me.

Respectfully,

Kami Lynch

CERTIFICATE OF ANNEXATION
City of Appleton

I, KAMI LYNCH, the duly qualified City Clerk of the City of Appleton, County of Outagamie, State of Wisconsin, DO HEREBY CERTIFY, that the following described territory was detached from the Town of Grand Chute and was annexed to said City of Appleton pursuant to 66.0217 of the Wisconsin Statutes of 2013-2014, by an Ordinance adopted by the Common Council at a regular meeting held April 4, 2018.

37-18

**AN ORDINANCE ANNEXING TERRITORY
TO THE CITY OF APPLETON, WISCONSIN.**
(Leona Pond Annexation)

The Common Council of the City of Appleton does ordain as follows:

Section 1. Territory Annexed. In accordance with §66.0217 of the Wisconsin Statutes for 2015 – 2016 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on January 31, 2018, the following described territory in the Town of Grand Chute, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton, Wisconsin:

PART OF PARCEL: 102009900
Owner: City of Appleton
AOD Document #2124074

*Part of Lot Nine (9), Lot Ten (10) and Lot Eleven (11) of **ROWE'S SUBDIVISION**, and part of Lot One (1) of **CERTIFIED SURVEY MAP NUMBER 6101** filed in Volume 36 of Certified Survey Maps on Page 6101 as Document Number 1866751 in the Outagamie County Register of Deeds Office, located in the Fractional Southwest Quarter (SW ¼) of Section 19, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 11.3366 Acres of land m/l and being described by:*
Commencing at the Southwest corner of said Section 19;
Thence North 00° 22' 42" East 1353.51 feet along the West line of the SW ¼ of said Section 19;
Thence North 76° 51' 35" East 33.94 feet to the Northwest corner of Lot 1 of said Certified

2130693

Recorded

April 12, 2018 11:54 AM

OUTAGAMIE COUNTY
SARAH R VAN CAMP
REGISTER OF DEEDS

Fee Amount: \$30.00
Total Pages: 7

7

Record and return to:
City of Appleton
City Clerk's Office
100 N. Appleton Street
Appleton, WI 54911

ENVELOPE

*Survey Map No.6101 and being coincident with the Southerly line of the Wisconsin Central Ltd. Railroad right of way and being the Point of Beginning;
Thence continue North 76° 51' 35" East 1321.82 feet along the Southerly line of the Wisconsin Central Ltd. Railroad right of way and being coincident with the Northerly line of Lot 1 of said Certified Survey Map No.6101;
Thence South 00° 44' 00" West 503.74 feet;
Thence South 66° 58' 00" West 829.60 feet;
Thence South 00° 47' 05" West 550.34 feet to the Northwesterly line of Wisconsin Avenue (a.k.a. S.T.H. 96);
Thence South 65° 57' 11" West 27.55 feet and being coincident to the Northwesterly line of Wisconsin Avenue to the East line of Bell Air Subdivision;
Thence North 00° 47' 05" East 1154.90 feet and being coincident to the East line of said Bell Air Subdivision to the Northerly line of Richard Street;
Thence South 76° 51' 35" West 514.22 feet and being coincident with the Northerly line of Richard Street to the East line of Ballard Road;
Thence North 00° 22' 42" East 51.42 feet and being coincident with the East line of Ballard Road to the Point of Beginning.*

The current population of such territory is 0 people.

Section 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Appleton for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Appleton.

Section 3. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of the Fifth (5th) Ward, attached to the Second (2nd) Aldermanic District of the City of Appleton, Outagamie County, subject to the ordinances, rules and regulations of the City governing wards.

Section 4. Zoning Classification. The territory described in Section 1 is hereby zoned as follows, pursuant to §66.0217(7)(a), Stats., and §23-65(e), Appleton Municipal Code:

Temporary AG (Temporary Agricultural District)

Section 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such

invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance, which can be given without the invalid or unconstitutional provision or application.

Section 6. Effective Date. This ordinance shall take effect upon passage and publication.

April 5, 2018

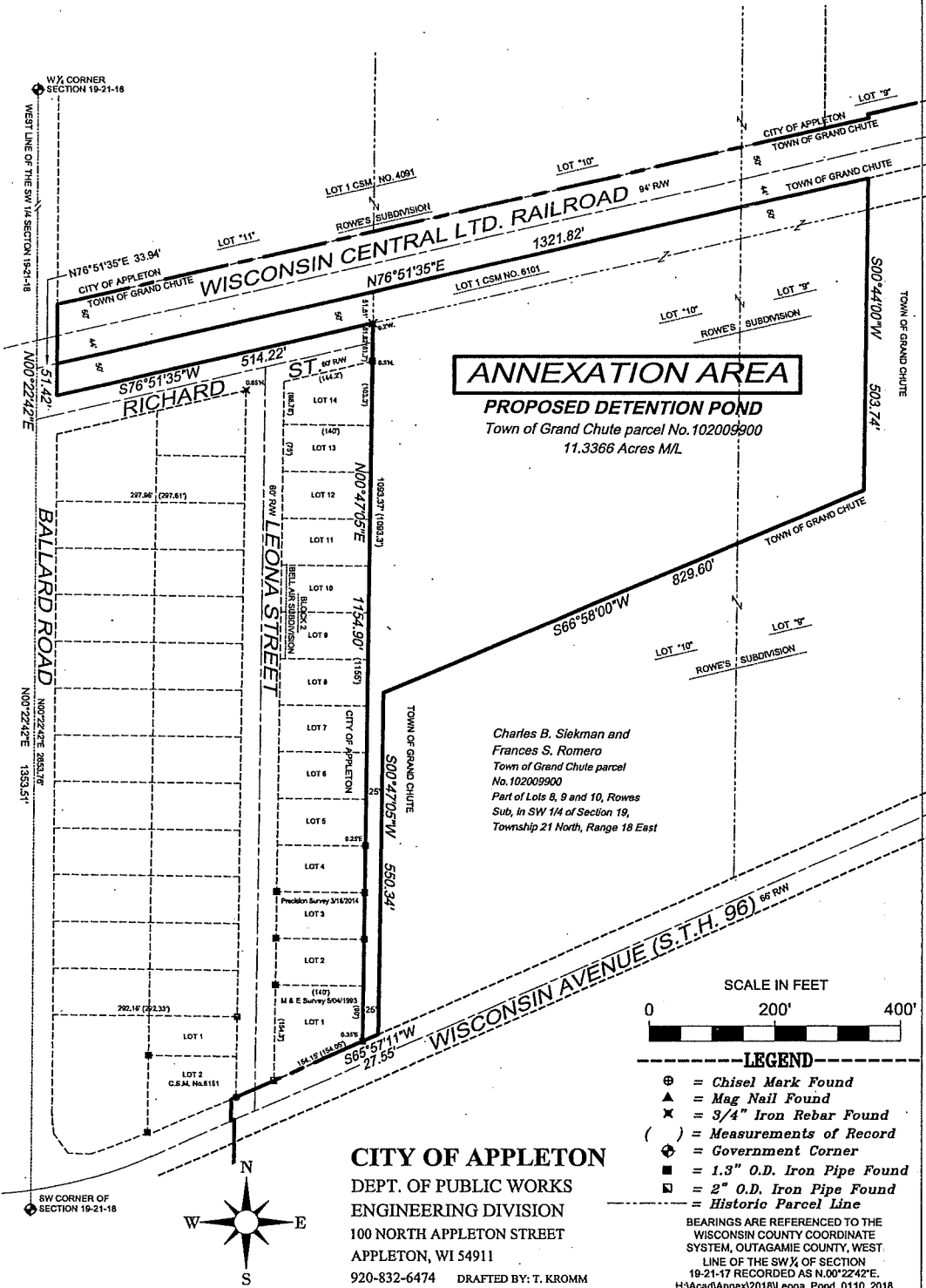


KAMI LYNCH
CITY CLERK



ANNEXATION EXHIBIT

Part of Lot 9, Lot 10 and Lot 11 of Rowe's Subdivision and Part of Lot 1 of Certified Survey Map No.6101, being located in the Southwest 1/4 of Section 19, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin.



CITY OF APPLETON

DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911
920-832-6474 DRAFTED BY: T. KROMM

SCALE IN FEET
0 200' 400'

LEGEND

- ⊕ = Chisel Mark Found
- ▲ = Mag Nail Found
- × = 3/4" Iron Rebar Found
- () = Measurements of Record
- ⊕ = Government Corner
- = 1.3" O.D. Iron Pipe Found
- = 2" O.D. Iron Pipe Found
- = Historic Parcel Line

BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, WEST LINE OF THE SW 1/4 OF SECTION 19-21-17 RECORDED AS N.00°22'42"E.

H:\Acad\Annex\2018\Leona_Pond_0110_2018

CERTIFICATION OF CLERK

I, KAMI LYNCH, the City Clerk of the City of Appleton, Wisconsin, do hereby certify that the attached Ordinance is a true and compared copy of an Ordinance adopted by the Mayor and Common Council of the City of Appleton, Outagamie/Calumet/Winnebago Counties, at a regular meeting held April 4, 2018.

Dated at Appleton, Wisconsin, this 5th day of April, 2018.



KAMI LYNCH
City Clerk



37-18

**AN ORDINANCE ANNEXING TERRITORY
TO THE CITY OF APPLETON, WISCONSIN.**
(Leona Pond Annexation)

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Thence North 00° 22' 42" East 1353.51 feet along the West line of the SW ¼ of said Section 19;
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Thence continue North 76° 51' 35" East 1321.82 feet along the Southerly line of the Wisconsin Central Ltd. Railroad right of way and being coincident with the Northerly line of Lot 1 of said Certified Survey Map No. 6101;
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Thence South 66° 58' 00" West 829.60 feet;
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Section 6. Effective Date. This ordinance shall take effect upon passage and publication.

Dated: April 4, 2018



Timothy M. Hanna, Mayor
City Law: A18-0098 / AMEND037



Kami Lynch, City Clerk



“...meeting community needs...enhancing quality of life.”

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Niki Wendt, Recreation Manager

1819 East Witzke Boulevard
Appleton, Wisconsin 54911-8401
(920) 832-3925 FAX (920) 993-3103
Email – niki.wendt@appleton.org

TO: Parks & Recreation Committee

FROM: Niki Wendt, Recreation Manager

DATE: January 7, 2019

RE: Action: Request Approval of Updated Athletic Facilities – Rental and Fee Schedule Policy

The Parks, Recreation & Facilities Management Department along with the City Attorney’s Office has updated the Athletic Facilities – Rental and Fee Schedule Policy.

Changes include the removal of the Appleton Area School District (AASD) under the “Scheduling Priorities” section. The recommended removal is based on recent history and the fact that AASD is no longer seeking use of City athletic fields. Staff is also recommending AASD be removed from the “Fees and Charges” section where it states AASD will not be charged for use of City athletic facilities. Charges for the use of athletic facilities by AASD will be administered in accordance with the fees listed in the policy.

Staff is also recommending changes be made to the payment of fees process. Tournament users are currently allowed to pay a deposit and then pay their final balance after their scheduled event. There have been numerous issues in the past two years with collection of these fees. Because of this, staff is recommending all fees for use of the athletic fields and concession stands be paid when submitting the athletic field reservation agreement. Due to the recommended change with collection of fees, deposits will no longer be required and will be removed from this policy update.

Please contact me at 832-3925 or niki.wendt@appleton.org with any questions.

CITY OF APPLETON POLICY		TITLE: ATHLETIC FACILITIES - RENTAL AND FEE SCHEDULE POLICY	
ISSUE DATE: June 18, 2008	LAST UPDATE: June 18, 2008 October 22, 2014, January 3, 2018, January 7, 2019	SECTION: Parks, Recreation and Facilities Management	
POLICY SOURCE: Parks, Recreation and Facilities Management Department		TOTAL PAGES: 7	
Reviewed by Attorney's Office Date: December 27, 2018	Parks and Recreation Committee Approval Date:	Council Approval Date:	

I. Purpose:

The purpose of this policy is to establish uniform standards for the Parks, Recreation and Facilities Management Department to equitably administer the scheduling and use of City of Appleton athletic facilities by the Parks, Recreation and Facilities Management Department and other community groups, organizations and individuals. This document also establishes a policy for administering rules and regulations, policies, fees and charges for tournaments, community events and/or personal use.

II. Policy:

This policy authorizes the Parks, Recreation and Facilities Management Department to effectively schedule and manage City of Appleton outdoor athletic facilities, including ball diamonds, courts and multi-purpose fields in City parks. This policy also authorizes the Parks, Recreation and Facilities Management Department to charge fees for the use of athletic facilities within the rate schedule established by the Parks and Recreation Committee and City Council. To effectively schedule, manage, protect facilities, and promote the wise use of the athletic facilities, this policy authorizes the Parks, Recreation and Facilities Management Director and/or designee to:

- Designate those athletic facilities available for use by the community.
- Designate the types of activities allowed on the athletic facilities, including practices, games, matches, special events, etc.
- Schedule the athletic facilities to allow for the effective use and maintenance of all athletic facilities without compromising the integrity of the facilities.
- Limit and/or close athletic facilities for renovations, upgrades, other events/activities that may impact the facilities.
- Determine “normal and ordinary use guidelines” for athletic facilities consistent with established standards to manage the facilities for continued and consistent community use. “Normal and ordinary use guidelines” may impact scheduling and availability of athletic facilities.
- Cancel and/or relocate any reservation that has the potential to threaten the integrity of the park and/or facility due to: misrepresentation of information on the Facility Reservation Agreement, conditions of the facility or grounds that would potentially create an unsafe situation, and/or if use of the facility by the group/organization may result in damage to the facility that is beyond the normal wear and tear of facility. Limit the number of weekend

reservations for facilities for anyone or any group, organization or individuals that would dominate the use of a facility and/or restrict equal opportunities to reserve facilities by members of the public at large.

- Deny any facility reservation application if the expected attendance would exceed the safe capacity of the facility so as to endanger public health and safety or compromise the condition of facilities and/or natural resources.
- Enforce park rules, regulations, and policies.
- Require insurance coverage with limits established by the City Risk Manager for activities or events that are beyond the scope of the “normal and ordinary use guidelines” established by the Parks, Recreation and Facilities Management Department.
- Require a security deposit and/or performance bond for activities or events that may impact the integrity of the facilities and require significant repairs to the facilities that would limit the future use of the facilities.

III. Definitions:

- **Athletic Facilities** – Ball diamonds, multi-purpose fields, tennis courts, pickleball courts, basketball courts and other open space identified by the City of Appleton that are available for reservation.
- **Athletic Facility Preparation** – Necessary maintenance of athletic facilities for games and organized play. Maintenance may include, but is not limited to dragging and lining of ball diamonds, lining of soccer fields, watering infields, etc.
- **Category A** – Local non-profit organizations that provide recreational services to the Appleton and Fox Cities community.
- **Category B** – For-profit or private groups and organizations.
- **Concession/Sales/Exchange of Money** - The sale of food, beverage and other associated products or the exchange of money at an event or program that is held in a city park and/or special area specifically reserved for that event or program.
- **Late Reservation** - Request for a reservation of city park facility and/or special area that is received less than five (5) business days before the reservation date.
- **Normal and Ordinary Use Guidelines of City of Appleton Parks** - Is defined by guidelines established and published by the Parks, Recreation and Facilities Management Department.
- **Processing Fee** - Fee charged to process a refund and/or cancellation request that is received before the reservation date.
- **Special Event** - An event or activity that meets the City of Appleton’s requirements for a special event activity, is held in a city park and/or special area, and exceeds the normal and ordinary use of the park and/or special area.
- **Tournament** – Athletic event such as baseball, softball, kickball, etc. that involves the rental of 2 or more ball diamonds at Appleton Memorial Park that includes multiple teams and games.

IV. Use of Athletic Facilities:

The use of athletic facilities managed/maintained by the Parks, Recreation and Facilities Management Department is available to individuals, groups and organizations for exclusive use for practice, league play, and tournaments. The following shall direct the use of athletic facilities:

- All park ordinances shall apply to use of athletic facilities.

- Any additions or modifications to the athletic facilities shall be approved in writing by the Parks, Recreation and Facilities Management Director or designee.
- Individuals, groups and organizations must obtain a permit from the Parks, Recreation and Facilities Management Director or designee for exclusive use of any athletic facility.
- The display of any advertising, signs, etc. during exclusive use must be approved by the Parks, Recreation and Facilities Management Director or designee.
- Access to the athletic facilities will be limited to the times listed on the Facility Reservation Agreement form.
- The overnight storage of equipment, supplies, vehicles, etc. is prohibited unless approved by the Parks, Recreation and Facilities Management Director or designee.
- No games shall begin before 7:00 A.M. or end after 11:00 P.M. unless approved by the Parks and Recreation Committee.
- The use of diamond dry or drying agent materials is prohibited on any athletic facility.
- The use of motorized vehicles (including Utility Task Vehicles [UTVs] and All-Terrain Vehicles [ATVs]) shall be subject to the following regulations:
 - Operation of a motorized vehicle in an area other than a park road or designated parking area, including trails, is prohibited unless written permission is granted by the Department Director or his/ her designee.
 - The speed of a motorized vehicle shall be limited to ten (10) miles per hour.
 - No motorized vehicle shall be used to perform any field maintenance.
 - Anyone driving a motorized vehicle must possess a valid driver's license and be at least 18 years of age or older.
 - If it is anticipated that a motorized vehicle will be used, the tournament organizer shall provide a certificate of insurance for the vehicle with the City named as an additional insured.

V. Scheduling Priorities

The Parks, Recreation and Facilities Management Department will schedule athletic facilities according to the following priorities:

- All Parks, Recreation and Facilities Management Department programs (games, scheduled practices, matches, camps, instructional programs, etc.) will be the first programs scheduled at athletic facilities. (i.e., youth ball diamonds in city parks will be scheduled for Parks, Recreation and Facilities Management Department programs before any other programs are scheduled).
- ~~Appleton Area School District (AASD) athletic events will be the second programs scheduled at athletic facilities after all Parks, Recreation and Facilities Management Department programs have been scheduled. The use of softball diamonds at Linwood Park for AASD high school girls' softball games will be scheduled after all Parks, Recreation and Facilities Management Department youth baseball/softball games have been scheduled. AASD athletic events shall include games, matches, etc. that are associated with the respective school's participation in a conference or league.~~
- ~~The scheduling of games/matches will take precedence over any practices scheduled.~~
- Any other requests for use of athletic facilities will be reserved according to this policy.
- The Parks, Recreation and Facilities Management Department will not schedule practice times for any private and/or not-for-profit organizations.

VI. Reservations:

The reservation of athletic facilities for use by the Parks, Recreation and Facilities Management Department, Appleton Area School District, and other groups and/or organizations shall follow this policy.

- ~~Reservations by the AASD or any other group priorities does not include preparation of infields for play.~~ Reservations for weekday play made by the general public or private organizations will include preparation of infields for play as long as an approved facility reservation form has been submitted along with required fees. Infield preparations for reservations on the weekends for the general public or private organizations will be charged the established rate for weekend pay for Appleton Parks, Recreation & Facilities Management employees.
- All groups, individuals, and organizations reserving athletic facilities will be charged in accordance with the established rate schedule on file with the Parks, Recreation and Facilities Management Department and/or City Clerk. Reservations that meet certain criteria will be required to obtain a Special Events License.
- ~~All reservations for the ball diamonds at Appleton Memorial Park that qualify as a "tournament" shall submit the necessary deposit with the reservation request.~~ Full payment of the reservation fee shall be included with all other athletic facilities reservation requests. Reservations are not valid until a "Facility Reservation Agreement" form has been signed by all parties and the required ~~deposits~~/payments have been made.
- Organizations/groups that have reserved athletic facilities at Appleton Memorial Park for tournaments shall have thirty (30) days after the date of the tournament to reserve the athletic facilities for the same weekend and/or date for the following year. After thirty (30) days, the Parks, Recreation and Facilities Management Department will make the athletic facilities available to other interested parties. The reservation may be cancelled if the appropriate facility rental fees are not paid when submitting the athletic field reservation agreement within 30 days of receipt of invoice.
- The athletic facilities at Appleton Memorial Park will be held open for tournaments only for a period of 6 months to one year prior to the proposed date. The athletic facilities at Appleton Memorial Park will be available for all events, including non-tournament events on a first-come, first-served basis beginning 6 months prior to the proposed date.
- All other reservations for athletic facilities are on a first-come, first-served basis and may be made no more than one (1) year in advance. Reservations for state, regional and/or national tournaments and/or events that must be scheduled more than one (1) year in advance may submit a written request to the Parks and Recreation Committee for approval.
- All applications for facility reservations must be made at least five (5) business days in advance of the reservation date. Applications not made before this time period will be charged an additional \$20.00 for each reservation.
- Groups and/or organizations may be required to reserve pavilions and/or special areas if the Parks, Recreation and Facilities Management Department determines the event or activity warrants the additional reservations to minimize impact on other facility users or enhance the event.
- Tournament play must be completed no later than 4:00 p.m. on Sundays
- ~~Tournaments scheduled at Appleton Memorial Park ball diamonds will require a deposit of \$50.00 per ball diamond, per day. The remainder of the fees will be invoiced after the event and will be based on actual use of the facility, concession operations, use of supplies, services, staff, and equipment usage not included in the fees listed within the Athletic Facilities Fees & Charges section of this policy~~

- Additional fees may be charged for additional cleaning to facility and grounds, repair of facility / grounds, [additional chalk](#) and/ or excessive damage to equipment and/or City of Appleton property.
- This policy shall become effective ~~January 1, 2018~~[January 16, 2019](#) and shall remain in effect until it is modified, changed, and/or repealed.

VII. Cancellation/Refunds:

A full refund of the ~~deposit~~/rental fee will be made if the reservation for the athletic facility is cancelled more than 90 days in advance of the event. A full refund of the ~~deposit~~/rental fee for the cancellation of an athletic facility less than 90 days in advance of the event will be made only if the facility can be rented to another party for the date canceled. Refunds are subject to a \$10.00 processing fee.

A full refund of the rental fee will be made if the reservation is cancelled by the Parks, Recreation and Facilities Management Department due to park closings, construction activities, etc. These refunds are not subject to the \$10.00 processing fee.

A [full](#) refund of ~~50% of the deposit-rental fee~~ for reservation of the Appleton Memorial Park Ball Diamond Complex for tournaments will be issued if the entire tournament is cancelled due to weather. [In the event the tournament user is not able to play one full day of their tournament due to weather related cancellations, a daily refund per field and concession stand \(s\) will be issued. If any amount of games are played on a day, no refunds will be issued.](#)

Refunds will not be issued for any individual athletic facility reserved on an hourly basis that is not used – regardless of the reason (to include: weather, cancellation of game, etc.).

VIII. Athletic Facilities:

The following athletic facilities are available for reservation:

- Ball Diamonds
 - Appleton Memorial Park (AMP) – 7 diamonds. (The Miracle League Field is covered by a separate policy.)
 - Einstein Park – 1 youth ball diamond
 - Hoover Park – 1 youth ball diamond and 1 pony league baseball diamond
 - Jaycee Park – 1 youth ball diamond
 - Kiwanis Park – 1 youth ball diamond
 - Linwood Park – 1 youth ball diamond
 - Lions Park – 1 youth ball diamond
 - Telulah Park – 1 youth ball diamond
 - Woodland Park – 1 youth ball diamond
- Basketball Courts
 - Colony Oaks Park – 1 court
 - Erb Park – 1 court
 - Highview Park – 1 court
 - Jaycee Park – 1 court

- Kiwanis Park – 1 court
- Linwood Park – 1 court
- Peabody Park – 1 court
- Pierce Park – 1 court
- Schaefer Park – 1 court
- Summit Park – 1 court

- Multi-Purpose Fields
 - Telulah Park – 1 field
 - Hoover Park – 1 field

- Tennis Courts
 - Einstein Park – 2 courts
 - Erb Park – 4 courts
 - Pierce Park – 3 courts
 - Linwood Park – ~~1~~2 courts
 - Summit Park – 2 courts
 - Green Meadows Park – 2 courts
 - Colony Oaks Park – 1 court
 - Highview Park – 1 court

- Pickleball Courts
 - Einstein Park – 2 courts
 - Summit Park – 2 courts
 - Green Meadows Park – 2 courts
 - Linwood Park – ~~1~~2 courts
 - Highview Park – 1 court

IX. Fees and Charges

The Appleton Parks, Recreation and Facilities Management Department will maintain the athletic facilities on a regular basis. These maintenance activities are provided by the Parks, Recreation and Facilities Management Department Operations Division, Monday through Friday from 6:30 A.M. to 2:30 P.M. and include the following:

- Ball Diamonds – Turf management, routine infield care, providing bases, general cleaning of the site, and maintenance of fencing, bleachers, benches, etc.
- Soccer Fields – Turf management and maintenance of any fencing, bleachers, goals, and benches.
- Tennis / Pickleball Courts – Maintenance of fencing, nets, surfacing, lines, signage, etc.
- Basketball Courts – Maintenance of fencing, nets, surfacing, lines, backboards and rims, signage, etc.

~~The Appleton Parks, Recreation and Facilities Management Department will administer the following fees and charges for the AASD, Appleton Little League, and all other users of athletic facilities:~~

- ~~• The AASD will not be charged a fee for use of the Parks, Recreation and Facilities Management Department athletic facilities for their regular season program. The AASD will be invoiced for costs incurred by the Parks, Recreation and Facilities Management Department to provide any additional services that are not noted above. These additional services may~~

~~include, but are not limited to, specific game preparation needs, weekend overtime, opening/closing of restroom facilities, etc.~~

Athletic Facilities - Fees & Charges

(Effective January ~~16~~, 201~~9~~8)

Ball Diamond Tournament Rental Fees - Appleton Memorial Park (AMP) Only

A tournament shall be defined as a single event that requires 2 or more ball diamonds at Appleton Memorial Park that includes multiple teams and games.

Tournament fees include: Diamond rental, lights, field preparation at the beginning of the day, scoreboards with remotes, P.A. system, 1 bag of chalk per diamond / per day, manual field drags, rakes, batter box form, field chalker.

Category A (non-profit)

Daily Fee - \$100 per diamond per day

Category B (for-profit)

Daily Fee - \$150 per diamond per day

~~*A \$50.00 per field, per day deposit is required to reserve the ball diamonds at Appleton Memorial Park for a tournament. Patrons must complete the "Athletic Field Reservation Form" and submit with their deposit for the agreement to be approved. Full payment for athletic fields are required at the same time the athletic field reservation form is submitted.*~~

Concession Stand Rental – Rental of concession stand(s) includes the following services: Garbage bags and minor cleaning supplies, toilet paper, paper towel, and one cleaning per day of restroom facilities. Concession stand #1 also includes the use of a chest freezer, soda cooler, and refrigerator. *Full payment for the concession stand(s) are required at the same time the athletic field reservation form is submitted.*

Concession Stand #1 (Northeast concession stand in main building) \$100.00 per day.
Concession Stand #2 (West restroom concession stand) \$50.00 per day.

Ball Diamond Rental Fees (non-tournament)

	<u>Category A (non-profit)</u>	<u>Category B (for-profit)</u>
Ball Diamond Rental Fee	\$20.00 per hour	\$25.00 per hour
AMP - Ball Diamond Lights	\$15.00 per hour	\$20.00 per hour

Ball Diamond Preparation Fees (other than tournament rental)

Weekday preparation without overtime.....No fee with paid reservation
Preparation beyond regular hours, Saturdays, Sundays
and Holidays for general public and private organizations.....Actual cost

Multi-Purpose Fields, Tennis Courts, Basketball Courts, Pickleball Courts

	<u>Category A (non-profit)</u>	<u>Category B (for-profit)</u>
Multi- Purpose Fields	\$25.00 per hour / \$250.00 per day	\$35.00 per hour \$300.00 per day
Courts	\$5.00 per hour, per court \$50.00 per day, per court	\$10.00 per hour, per court \$75.00 per day, per court

Other permits that must be obtained at the Parks and Recreation Customer Service Area on the first floor of City Hall at least 5 working days prior to the event:

Tents over 200 square feet	\$15.00 per tent, per day
Fire Department inspection of the tent	\$25.00 per tent
Selling or serving concessions	\$20.00 per day
Utility locates.....	\$50.00 per event

CITY OF APPLETON POLICY		TITLE: ATHLETIC FACILITIES - RENTAL AND FEE SCHEDULE POLICY	
ISSUE DATE: June 18, 2008	LAST UPDATE: June 18, 2008 October 22, 2014, January 3, 2018, January 7, 2019	SECTION: Parks, Recreation and Facilities Management	
POLICY SOURCE: Parks, Recreation and Facilities Management Department		TOTAL PAGES: 7	
Reviewed by Attorney's Office Date: December 27, 2018	Parks and Recreation Committee Approval Date:	Council Approval Date:	

I. Purpose:

The purpose of this policy is to establish uniform standards for the Parks, Recreation and Facilities Management Department to equitably administer the scheduling and use of City of Appleton athletic facilities by the Parks, Recreation and Facilities Management Department and other community groups, organizations and individuals. This document also establishes a policy for administering rules and regulations, policies, fees and charges for tournaments, community events and/or personal use.

II. Policy:

This policy authorizes the Parks, Recreation and Facilities Management Department to effectively schedule and manage City of Appleton outdoor athletic facilities, including ball diamonds, courts and multi-purpose fields in City parks. This policy also authorizes the Parks, Recreation and Facilities Management Department to charge fees for the use of athletic facilities within the rate schedule established by the Parks and Recreation Committee and City Council. To effectively schedule, manage, protect facilities, and promote the wise use of the athletic facilities, this policy authorizes the Parks, Recreation and Facilities Management Director and/or designee to:

- Designate those athletic facilities available for use by the community.
- Designate the types of activities allowed on the athletic facilities, including practices, games, matches, special events, etc.
- Schedule the athletic facilities to allow for the effective use and maintenance of all athletic facilities without compromising the integrity of the facilities.
- Limit and/or close athletic facilities for renovations, upgrades, other events/activities that may impact the facilities.
- Determine “normal and ordinary use guidelines” for athletic facilities consistent with established standards to manage the facilities for continued and consistent community use. “Normal and ordinary use guidelines” may impact scheduling and availability of athletic facilities.
- Cancel and/or relocate any reservation that has the potential to threaten the integrity of the park and/or facility due to: misrepresentation of information on the Facility Reservation Agreement, conditions of the facility or grounds that would potentially create an unsafe situation, and/or if use of the facility by the group/organization may result in damage to the facility that is beyond the normal wear and tear of facility. Limit the number of weekend

reservations for facilities for anyone or any group, organization or individuals that would dominate the use of a facility and/or restrict equal opportunities to reserve facilities by members of the public at large.

- Deny any facility reservation application if the expected attendance would exceed the safe capacity of the facility so as to endanger public health and safety or compromise the condition of facilities and/or natural resources.
- Enforce park rules, regulations, and policies.
- Require insurance coverage with limits established by the City Risk Manager for activities or events that are beyond the scope of the “normal and ordinary use guidelines” established by the Parks, Recreation and Facilities Management Department.
- Require a security deposit and/or performance bond for activities or events that may impact the integrity of the facilities and require significant repairs to the facilities that would limit the future use of the facilities.

III. Definitions:

- **Athletic Facilities** – Ball diamonds, multi-purpose fields, tennis courts, pickleball courts, basketball courts and other open space identified by the City of Appleton that are available for reservation.
- **Athletic Facility Preparation** – Necessary maintenance of athletic facilities for games and organized play. Maintenance may include, but is not limited to dragging and lining of ball diamonds, lining of soccer fields, watering infields, etc.
- **Category A** – Local non-profit organizations that provide recreational services to the Appleton and Fox Cities community.
- **Category B** – For-profit or private groups and organizations.
- **Concession/Sales/Exchange of Money** - The sale of food, beverage and other associated products or the exchange of money at an event or program that is held in a city park and/or special area specifically reserved for that event or program.
- **Late Reservation** - Request for a reservation of city park facility and/or special area that is received less than five (5) business days before the reservation date.
- **Normal and Ordinary Use Guidelines of City of Appleton Parks** - Is defined by guidelines established and published by the Parks, Recreation and Facilities Management Department.
- **Processing Fee** - Fee charged to process a refund and/or cancellation request that is received before the reservation date.
- **Special Event** - An event or activity that meets the City of Appleton’s requirements for a special event activity, is held in a city park and/or special area, and exceeds the normal and ordinary use of the park and/or special area.
- **Tournament** – Athletic event such as baseball, softball, kickball, etc. that involves the rental of 2 or more ball diamonds at Appleton Memorial Park that includes multiple teams and games.

IV. Use of Athletic Facilities:

The use of athletic facilities managed/maintained by the Parks, Recreation and Facilities Management Department is available to individuals, groups and organizations for exclusive use for practice, league play, and tournaments. The following shall direct the use of athletic facilities:

- All park ordinances shall apply to use of athletic facilities.

- Any additions or modifications to the athletic facilities shall be approved in writing by the Parks, Recreation and Facilities Management Director or designee.
- Individuals, groups and organizations must obtain a permit from the Parks, Recreation and Facilities Management Director or designee for exclusive use of any athletic facility.
- The display of any advertising, signs, etc. during exclusive use must be approved by the Parks, Recreation and Facilities Management Director or designee.
- Access to the athletic facilities will be limited to the times listed on the Facility Reservation Agreement form.
- The overnight storage of equipment, supplies, vehicles, etc. is prohibited unless approved by the Parks, Recreation and Facilities Management Director or designee.
- No games shall begin before 7:00 A.M. or end after 11:00 P.M. unless approved by the Parks and Recreation Committee.
- The use of diamond dry or drying agent materials is prohibited on any athletic facility.
- The use of motorized vehicles (including Utility Task Vehicles [UTVs] and All-Terrain Vehicles [ATVs]) shall be subject to the following regulations:
 - Operation of a motorized vehicle in an area other than a park road or designated parking area, including trails, is prohibited unless written permission is granted by the Department Director or his/ her designee.
 - The speed of a motorized vehicle shall be limited to ten (10) miles per hour.
 - No motorized vehicle shall be used to perform any field maintenance.
 - Anyone driving a motorized vehicle must possess a valid driver's license and be at least 18 years of age or older.
 - If it is anticipated that a motorized vehicle will be used, the tournament organizer shall provide a certificate of insurance for the vehicle with the City named as an additional insured.

V. Scheduling Priorities

The Parks, Recreation and Facilities Management Department will schedule athletic facilities according to the following priorities:

- All Parks, Recreation and Facilities Management Department programs (games, scheduled practices, matches, camps, instructional programs, etc.) will be the first programs scheduled at athletic facilities. (i.e., youth ball diamonds in city parks will be scheduled for Parks, Recreation and Facilities Management Department programs before any other programs are scheduled).
- Any other requests for use of athletic facilities will be reserved according to this policy.
- The Parks, Recreation and Facilities Management Department will not schedule practice times for any private and/or not-for-profit organizations.

VI. Reservations:

The reservation of athletic facilities for use by the Parks, Recreation and Facilities Management Department, Appleton Area School District, and other groups and/or organizations shall follow this policy.

- Reservations for weekday play made by the general public or private organizations will include preparation of infields for play as long as an approved facility reservation form has been submitted along with required fees. Infield preparations for reservations on the weekends for the general public or private organizations will be charged the established rate for weekend pay for Appleton Parks, Recreation & Facilities Management employees.

- All groups, individuals, and organizations reserving athletic facilities will be charged in accordance with the established rate schedule on file with the Parks, Recreation and Facilities Management Department and/or City Clerk. Reservations that meet certain criteria will be required to obtain a Special Events License.
- Full payment of the reservation fee shall be included with all other athletic facilities reservation requests. Reservations are not valid until a “Facility Reservation Agreement” form has been signed by all parties and the required payments have been made.
- Organizations/groups that have reserved athletic facilities at Appleton Memorial Park for tournaments shall have thirty (30) days after the date of the tournament to reserve the athletic facilities for the same weekend and/or date for the following year. After thirty (30) days, the Parks, Recreation and Facilities Management Department will make the athletic facilities available to other interested parties. The reservation may be cancelled if the appropriate facility rental fees are not paid when submitting the athletic field reservation agreement.
- The athletic facilities at Appleton Memorial Park will be held open for tournaments only for a period of 6 months to one year prior to the proposed date. The athletic facilities at Appleton Memorial Park will be available for all events, including non-tournament events on a first-come, first-served basis beginning 6 months prior to the proposed date.
- All other reservations for athletic facilities are on a first-come, first-served basis and may be made no more than one (1) year in advance. Reservations for state, regional and/or national tournaments and/or events that must be scheduled more than one (1) year in advance may submit a written request to the Parks and Recreation Committee for approval.
- All applications for facility reservations must be made at least five (5) business days in advance of the reservation date. Applications not made before this time period will be charged an additional \$20.00 for each reservation.
- Groups and/or organizations may be required to reserve pavilions and/or special areas if the Parks, Recreation and Facilities Management Department determines the event or activity warrants the additional reservations to minimize impact on other facility users or enhance the event.
- Tournament play must be completed no later than 4:00 p.m. on Sundays
- Additional fees may be charged for additional cleaning to facility and grounds, repair of facility / grounds, additional chalk and/ or excessive damage to equipment and/or City of Appleton property.
- This policy shall become effective January 16, 2019 and shall remain in effect until it is modified, changed, and/or repealed.

VII. Cancellation/Refunds:

A full refund of the rental fee will be made if the reservation for the athletic facility is cancelled more than 90 days in advance of the event. A full refund of the rental fee for the cancellation of an athletic facility less than 90 days in advance of the event will be made only if the facility can be rented to another party for the date canceled. Refunds are subject to a \$10.00 processing fee.

A full refund of the rental fee will be made if the reservation is cancelled by the Parks, Recreation and Facilities Management Department due to park closings, construction activities, etc. These refunds are not subject to the \$10.00 processing fee.

A full refund of the rental fee for reservation of the Appleton Memorial Park Ball Diamond Complex for tournaments will be issued if the entire tournament is cancelled due to weather. In the event the tournament user is not able to play one full day of their tournament due to weather related cancellations, a daily refund per field and concession stand (s) will be issued. If any amount of games are played on a day, no refunds will be issued.

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Athletic Facilities - Fees & Charges

(Effective January 16, 2019)

Ball Diamond Tournament Rental Fees - Appleton Memorial Park (AMP) Only

A tournament shall be defined as a single event that requires 2 or more ball diamonds at Appleton Memorial Park that includes multiple teams and games.

Tournament fees include: Diamond rental, lights, field preparation at the beginning of the day, scoreboards with remotes, P.A. system, 1 bag of chalk per diamond / per day, manual field drags, rakes, batter box form, field chalker.

Category A (non-profit)

Daily Fee - \$100 per diamond per day

Category B (for-profit)

Daily Fee - \$150 per diamond per day

Full payment for athletic fields are required at the same time the athletic field reservation form is submitted.

Concession Stand Rental – Rental of concession stand(s) includes the following services: Garbage bags and minor cleaning supplies, toilet paper, paper towel, and one cleaning per day of restroom facilities. Concession stand #1 also includes the use of a chest freezer, soda cooler, and refrigerator. *Full payment for the concession stand(s) are required at the same time the athletic field reservation form is submitted.*

Concession Stand #1 (Northeast concession stand in main building) \$100.00 per day.

Concession Stand #2 (West restroom concession stand) \$50.00 per day.

Ball Diamond Rental Fees (non-tournament)

	<u>Category A (non-profit)</u>	<u>Category B (for-profit)</u>
Ball Diamond Rental Fee	\$20.00 per hour	\$25.00 per hour
AMP - Ball Diamond Lights	\$15.00 per hour	\$20.00 per hour

Ball Diamond Preparation Fees (other than tournament rental)

Weekday preparation without overtime.....No fee with paid reservation
 Preparation beyond regular hours, Saturdays, Sundays
 and Holidays for general public and private organizations.....Actual cost

Multi-Purpose Fields, Tennis Courts, Basketball Courts, Pickleball Courts

	<u>Category A (non-profit)</u>	<u>Category B (for-profit)</u>
Multi- Purpose Fields	\$25.00 per hour /	\$35.00 per hour
	\$250.00 per day	\$300.00 per day
Courts	\$5.00 per hour, per court	\$10.00 per hour, per court
	\$50.00 per day, per court	\$75.00 per day, per court

Other permits that must be obtained at the Parks and Recreation Customer Service Area on the first floor of City Hall at least 5 working days prior to the event:

Tents over 200 square feet	\$15.00 per tent, per day
Fire Department inspection of the tent	\$25.00 per tent
Selling or serving concessions	\$20.00 per day
Utility locates.....	\$50.00 per event



"ting community needs...enhancing quality of life."

Department of Utilities
Wastewater Treatment Plant
2006 E Newberry Street
Appleton, WI 54915-3128
920-832-5945 tel.
920-832-5949 fax

To: Chairperson Kathy Plank and Members of the Finance Committee

From: Utilities Deputy Director, Chris Stempa

Date: January 2, 2019

Re: *Award 2017 AWWTP Improvements Project Bid to August Winter and Sons Inc. in the amount of \$1,721,500 plus a 10% contingency of \$172,150 for a total cost not to exceed \$1,893,650*

BACKGROUND:

The 2017 Appleton Wastewater Treatment Plant (AWWTP) Improvements Project is comprised of three independent maintenance projects that will address aged equipment replacement, reliability issues, and long-term treatment needs. The first project addresses the replacement of the 40 year old waste activated sludge pumps. The second project involves the addition of a glycol cooling system for the plant anaerobic digester gas mix compressors. The third and largest project phase is associated with the replacement of a nonfunctional positive displacement blower with an energy efficient turbine capable of serving current and future biological system oxygen demands.

BIDS:

Donohue and Associates created bidding documents for the construction project. Sealed bids were opened and read aloud on December 20, 2018 at 2:00 pm. Donohue reviewed the contractor bids and verified that each met submittal requirements. A total of four bids were received. August Winter and Sons Inc. was the lowest bid and within the available project \$2.8 M construction budget. August Winter and Sons has successfully completed project work for the City of Appleton in the past. A summary of bid results is found below.

Company	Base Bid
August Winter & Sons Inc.	\$1,721,500
Great Lakes Mechanical	\$1,798,500
J.F. Ahern Co.	\$1,785,000
Staab Construction Corporation	\$1,893,000

RECOMMENDATION:

I am requesting an award of the AWWTP Improvements Project Bid to August Winter and Sons Inc. in the amount of \$1,721,500 plus a 10% contingency of \$172,150 for a total cost not to exceed \$1,893,650. If you have any questions or require additional information regarding this project please contact Chris Stempa at 920-832-5945.



MEMO

TO: Finance Committee

FROM: Paula Vandehey, Director of Public Works *PAV*

DATE: January 3, 2019

SUBJECT: Request approval for the following 2019 Budget adjustment for soils management related to the Oneida Bridge/Rocky Bleier Run/Jones Park Parking Lot Project:

Capital Projects Fund (4240)	+ \$850,000
Proceeds of Debt	+ \$850,000

The Oneida Bridge/Rocky Bleier Run/Jones Park Parking Lot Project requires approximately 34,000 cubic yards of fill soil to be removed. Approximately 10,000 cubic yards of this soil has lead contaminate levels above which will be permitted by WisDNR to be placed at the Mackville Quarry. Their concern is the potential for groundwater contamination due to the leaching potential of lead and the dolomite rock aquifer that exists at the Mackville Quarry. The soil that is not permitted to be placed at the Mackville Quarry will need to be disposed of at the Outagamie County Landfill. The tipping fee for this disposal is estimated at \$850,000.

The attached map shows testing locations with red dots indicating those testing locations above the allowable levels and green dots indicating those testing locations within the allowable levels.

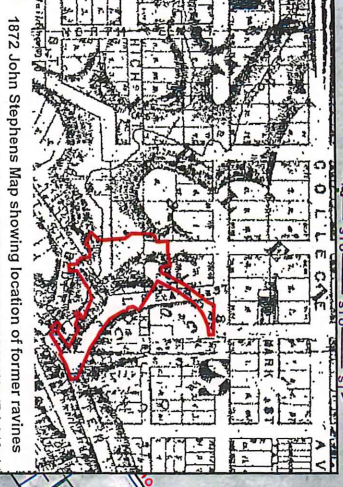
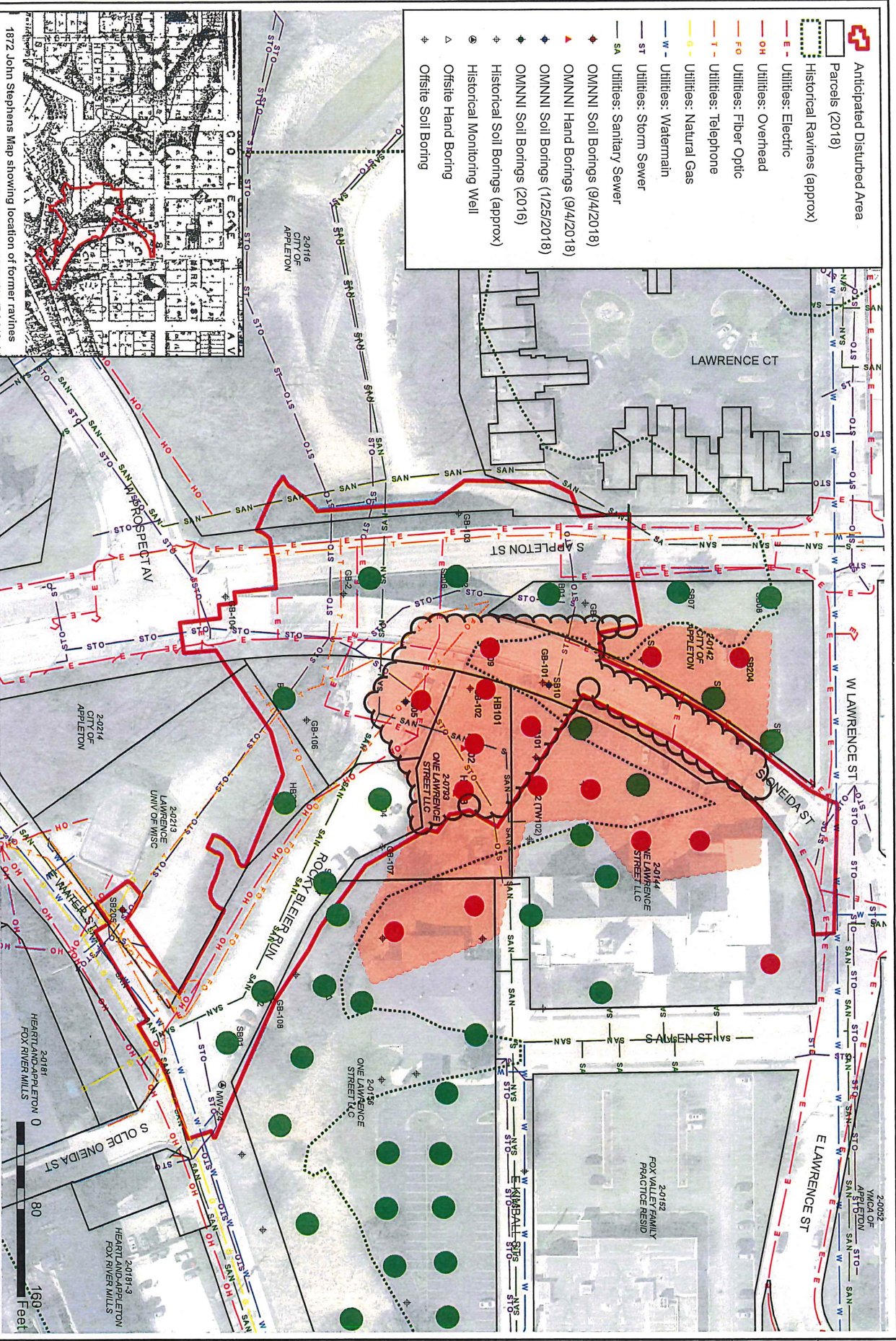
Funding for the soil management is expected to come from an increase in the general obligation debt issue which is anticipated to close in the fall of 2019. Any costs incurred prior to the closing of the debt issue will be reimbursed by the debt proceeds.

Please feel free to contact me with any questions you may have regarding this request.

Attachment

C: Tony Saucerman, Finance Director
Lisa Lau, Managerial Accounting Coordinator

- Anticipated Disturbed Area
- Parcels (2018)
- Historical Ravines (approx)
- Utilities: Electric
- Utilities: Overhead
- Utilities: Fiber Optic
- Utilities: Telephone
- Utilities: Natural Gas
- Utilities: Watermain
- Utilities: Storm Sewer
- Utilities: Sanitary Sewer
- OMNINI Soil Borings (9/4/2018)
- OMNINI Hand Borings (9/4/2018)
- OMNINI Soil Borings (1/25/2018)
- OMNINI Soil Borings (2016)
- Historical Soil Borings (approx)
- Historical Monitoring Well
- Offsite Hand Boring
- Offsite Soil Boring



**ONEIDA STREET BRIDGE / ROCKY BLEIER RUN
DETAILED SITE MAP**

CITY OF APPLETON, OUTAGAMIE COUNTY WISCONSIN

Omni
ASSOCIATES
ONE SYSTEMS DRIVE PHONE (920) 735-8800
APPLETON, WI 54914 FAX (920) 830-6100

SCALE: 1" = 80'
PROJECT NO. N2229C18
FIGURE NO. 2

Project Manager:
Project Engineer:
Drawn By: JCW
Checked By: BDW
Date: 9/20/2018

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: Finance Committee
 Municipal Services Committee
 Utilities Committee

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:

Unit I-18 Oneida Street Bridge over Jones Park

Be awarded to:

Name: Pheifer Brothers Construction, Inc.
Address: 599 Bondow Drive
Neenah, WI 54956

In the amount of : \$5,460,841.22

With a 2.3 % contingency of : \$124,855.78

For a project total not to exceed : \$5,585,697.00

**** OR ****

In an amount Not To Exceed : _____

Budget: \$5,585,697.00
Estimate: _____
Committee Date: 01/07/19
Council Date: 01/16/19

Oneida Street Bridge Over Jones Park
Unit I-18
December 4, 2018

BID TABULATION

ITEM NUMBER	DESCRIPTION	Quantity	Units	Pheifer Brothers, Const.		Lunda Const. Corp.		Kraemer North America, LLC		Zenith Tech, Inc	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
201.0105	Clearing	3	STA	\$300.00	\$900.00	\$1,800.00	\$5,400.00	\$1,850.00	\$5,550.00 *	\$1,000.00	\$3,000.00
201.0110	Clearing	1,300	SY	\$2.00	\$2,600.00	\$2.00	\$2,600.00	\$5.00	\$6,500.00	\$4.00	\$5,200.00
201.0205	Grubbing	3	STA	\$300.00	\$900.00	\$1,800.00	\$5,400.00	\$1,850.00	\$5,550.00	\$500.00	\$1,500.00
201.0210	Grubbing	1,300	SY	\$2.00	\$2,600.00	\$2.00	\$2,600.00	\$5.00	\$6,500.00	\$3.00	\$3,900.00
203.0200	Removing Old Structure STA 52+91.14 (B-44-83)	1	LS	\$521,850.00	\$521,850.00	\$200,000.00	\$200,000.00	\$210,000.00	\$210,000.00	\$185,000.00	\$185,000.00
203.0200	Removing Old Structure STA 51+55 Rt (for Storm Sewer)	1	LS	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
204.0100	Removing Pavement	2,140	SY	\$7.15	\$15,301.00	\$7.15	\$15,301.00	\$7.15	\$15,301.00	\$7.15	\$15,301.00
204.0110	Removing Asphaltic Surface	4,060	SY	\$1.75	\$7,105.00	\$1.75	\$7,105.00	\$1.75	\$7,105.00	\$1.75	\$7,105.00
204.0130	Removing Curb	290	LF	\$3.00	\$870.00	\$3.00	\$870.00	\$3.00	\$870.00	\$3.00	\$870.00
204.0150	Removing Curb & Gutter	1,600	LF	\$3.00	\$4,800.00	\$3.00	\$4,800.00	\$3.00	\$4,800.00	\$3.00	\$4,800.00
204.0155	Removing Concrete Sidewalk	530	SY	\$5.40	\$2,862.00	\$5.40	\$2,862.00	\$5.40	\$2,862.00	\$5.40	\$2,862.00
204.0165	Removing Guardrail	75	LF	\$1.00	\$75.00	\$1.00	\$75.00	\$1.00	\$75.00	\$1.00	\$75.00
204.0175	Removing Concrete Slope Paving	1,210	SY	\$9.80	\$11,858.00	\$5.00	\$6,050.00	\$6.00	\$7,260.00	\$4.00	\$4,840.00
204.0185	Removing Masonry	50	CY	\$29.20	\$1,460.00	\$29.20	\$1,460.00	\$29.20	\$1,460.00	\$29.20	\$1,460.00
204.0195	Removing Concrete Bases	4	EACH	\$100.00	\$400.00	\$185.00	\$740.00	\$100.00	\$400.00	\$100.00	\$400.00
204.0210	Removing Manholes	6	EACH	\$500.00	\$3,000.00	\$500.00	\$3,000.00	\$500.00	\$3,000.00	\$500.00	\$3,000.00
204.0220	Removing Inlets	9	EACH	\$266.00	\$2,394.00	\$266.00	\$2,394.00	\$266.00	\$2,394.00	\$266.00	\$2,394.00
204.0245.01	Removing Storm Sewer (12-18 Inch)	920	LF	\$92.50	\$85,100.00	\$92.50	\$85,100.00	\$92.50	\$85,100.00	\$92.50	\$85,100.00
City Spec	Abandoning Sewer	200	CY	\$82.00	\$16,400.00	\$82.00	\$16,400.00	\$82.00	\$16,400.00	\$82.00	\$16,400.00
204.9090.S.01	Removing Tubular Railing B-44-82	280	LF	\$10.00	\$2,800.00	\$10.00	\$2,800.00	\$10.00	\$2,800.00	\$10.00	\$2,800.00
204.9090.S.02	Removing Railing	85	LF	\$15.00	\$1,275.00	\$15.00	\$1,275.00	\$15.00	\$1,275.00	\$15.00	\$1,275.00
204.9165.S	Removing Concrete Steps and Walkway	870	SF	\$1.00	\$870.00	\$4.50	\$3,915.00	\$1.00	\$870.00	\$4.50	\$3,915.00
205.0100	Excavation Common **	21,000	CY	\$15.25	\$320,250.00	\$15.25	\$320,250.00	\$15.25	\$320,250.00	\$15.25	\$320,250.00
Special 1	Mackville Disposal Site, Erosion Control, Grading, and Restoration	1	LS	\$12,000.00	\$12,000.00	\$31,650.00	\$31,650.00	\$12,000.00	\$12,000.00	\$31,650.00	\$31,650.00
Special 2	Install Mackville Compost Pad	1	LS	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
Special 3	Stock Pile Materials (Mackville)	1,000	CY	\$13.40	\$13,400.00	\$13.40	\$13,400.00	\$13.40	\$13,400.00	\$13.40	\$13,400.00
Special 4	Mile of Music Coordination	1	LS	\$1.00	\$1.00	\$4,500.00	\$4,500.00	\$10,000.00	\$10,000.00	\$6,500.00	\$6,500.00
206.1000	Excavation for Structures Bridge (B-44-391)	1	LS	\$327,600.00	\$327,600.00	\$14,000.00	\$14,000.00	\$30,000.00	\$30,000.00	\$35,000.00	\$35,000.00
206.3000	Excavation for Structures Retaining Walls (RW33)	1	LS	\$75,000.00	\$75,000.00	\$62,500.00	\$62,500.00	\$100,000.00	\$100,000.00	\$62,500.00	\$62,500.00
208.0100	Borrow	2,500	CY	\$9.00	\$22,500.00	\$9.00	\$22,500.00	\$9.00	\$22,500.00	\$9.00	\$22,500.00
210.1100	Backfill Structure Type A	2,070	CY	\$37.50	\$77,625.00	\$37.50	\$77,625.00	\$37.50	\$77,625.00	\$37.50	\$77,625.00

Oneida Street Bridge Over Jones Park
Unit I-18
December 4, 2018

BID TABULATION

ITEM NUMBER	DESCRIPTION	Quantity	Units	Pheifer Brothers, Const.		Lunda Const. Corp.		Kraemer North America, LLC		Zenith Tech, Inc	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
305.0110	Base Aggregate Dense 3/4-Inch	300	TON	\$10.00	\$3,000.00	\$10.00	\$3,000.00	\$10.00	\$3,000.00	\$10.00	\$3,000.00
305.0120	Base Aggregate Dense 1 1/4-Inch	4,010	TON	\$10.00	\$40,100.00	\$10.00	\$40,100.00	\$10.00	\$40,100.00	\$10.00	\$40,100.00
405.0100	Coloring Concrete WisDOT Red	120	CY	\$76.00	\$9,120.00	\$76.00	\$9,120.00	\$76.00	\$9,120.00	\$76.00	\$9,120.00
415.0080	Concrete Pavement 8-Inch	460	SY	\$49.00	\$22,540.00	\$49.00	\$22,540.00	\$49.00	\$22,540.00	\$49.00	\$22,540.00
415.0090	Concrete Pavement 9-Inch	150	SY	\$50.16	\$7,524.00	\$50.16	\$7,524.00	\$50.16	\$7,524.00	\$50.16	\$7,524.00
415.0410	Concrete Pavement Approach Slab	150	SY	\$160.00	\$24,000.00	\$160.00	\$24,000.00	\$160.00	\$24,000.00	\$160.00	\$24,000.00
416.0610	Drilled Tie Bars	40	EACH	\$8.00	\$320.00	\$8.00	\$320.00	\$8.00	\$320.00	\$8.00	\$320.00
416.0620	Drilled Dowel Bars	35	EACH	\$14.00	\$490.00	\$14.00	\$490.00	\$14.00	\$490.00	\$14.00	\$490.00
460.6424	HMA Pavement 4MT58-28 H	450	TON	\$84.10	\$37,845.00	\$84.10	\$37,845.00	\$84.10	\$37,845.00	\$84.10	\$37,845.00
465.0105	Asphaltic Surface	10	TON	\$275.00	\$2,750.00	\$275.00	\$2,750.00	\$275.00	\$2,750.00	\$275.00	\$2,750.00
502.0100	Concrete Masonry Bridges	920	CY	\$102.41	\$94,217.20	\$480.00	\$441,600.00	\$500.00	\$460,000.00	\$655.00	\$602,600.00
502.3200	Protective Surface Treatment	2,570	SY	\$3.00	\$7,710.00	\$3.00	\$7,710.00	\$1.50	\$3,855.00	\$2.50	\$6,425.00
503.0137	Prestressed Girder Type I 36W-Inch	1,232	LF	\$170.00	\$209,440.00	\$185.00	\$227,920.00	\$250.00	\$308,000.00	\$176.00	\$216,832.00
504.0500	Concrete Masonry Retaining Walls	710	CY	\$102.41	\$72,711.10	\$430.00	\$305,300.00	\$450.00	\$319,500.00	\$730.00	\$518,300.00
505.0400	Bar Steel Reinforcement HS Structures	48,050	LB	\$1.00	\$48,050.00	\$0.87	\$41,803.50	\$0.95	\$45,647.50	\$0.87	\$41,803.50
505.0600	Bar Steel Reinforcement HS Coated Structures	236,810	LB	\$1.10	\$260,491.00	\$0.97	\$229,705.70	\$1.00	\$236,810.00	\$0.96	\$227,337.60
505.0800.S	Bar Steel Reinforcement HS Stainless Structures	1,320	LB	\$4.10	\$5,412.00	\$3.25	\$4,290.00	\$3.00	\$3,960.00	\$3.05	\$4,026.00
506.2605	Bearing Pads Elastomeric Non-Laminated	30	EACH	\$96.00	\$2,880.00	\$45.00	\$1,350.00	\$100.00	\$3,000.00	\$100.00	\$3,000.00
506.4000	Steel Diaphragms (B-44-391)	24	EACH	\$980.00	\$23,520.00	\$550.00	\$13,200.00	\$550.00	\$13,200.00	\$735.00	\$17,640.00
509.1500	Concrete Surface Repair	20	SF	\$92.00	\$1,840.00	\$110.00	\$2,200.00	\$100.00	\$2,000.00	\$225.00	\$4,500.00
512.1000	Piling Steel Sheet Temporary (RW33)	2,550	SF	\$29.80	\$75,990.00	\$18.35	\$46,792.50	\$15.00	\$38,250.00	\$15.00	\$38,250.00
513.2050.S	Railing Pipe	70	LF	\$165.00	\$11,550.00	\$165.00	\$11,550.00	\$100.00	\$7,000.00	\$169.00	\$11,830.00
513.7016	Railing Steel Type C3	560	LF	\$192.00	\$107,520.00	\$145.00	\$81,200.00	\$150.00	\$84,000.00	\$150.00	\$84,000.00
516.0500	Rubberized Membrane Waterproofing	30	SY	\$50.00	\$1,500.00	\$25.00	\$750.00	\$10.00	\$300.00	\$50.00	\$1,500.00
517.1010.S.01	Concrete Staining B-44-391	1	LS	\$500.00	\$500.00	\$500.00	\$500.00	\$1,008.24	\$1,008.24	\$500.00	\$500.00
517.1010.S.02	Concrete Staining Retaining Wall RW32	4,000	SF	\$0.95	\$3,800.00	\$0.90	\$3,600.00	\$1.92	\$7,680.00	\$0.95	\$3,800.00
517.1010.S.03	Concrete Staining Retaining Wall RW33	6,140	SF	\$0.95	\$5,833.00	\$0.90	\$5,526.00	\$1.92	\$11,788.80	\$0.95	\$5,833.00
550.1100	Piling Steel HP 10-Inch X 42 LB	490	LF	\$39.00	\$19,110.00	\$30.00	\$14,700.00	\$40.00	\$19,600.00	\$43.00	\$21,070.00
550.1120	Piling Steel HP 12-Inch X 53 LB	6,630	LF	\$47.00	\$311,610.00	\$35.00	\$232,050.00	\$40.00	\$265,200.00	\$48.00	\$318,240.00
601.0342	Concrete Curb & Gutter Integral 18-Inch	180	LF	\$17.50	\$3,150.00	\$17.50	\$3,150.00	\$17.50	\$3,150.00	\$17.50	\$3,150.00
601.0405	Concrete Curb & Gutter 18-Inch Type A	230	LF	\$17.50	\$4,025.00	\$17.50	\$4,025.00	\$17.50	\$4,025.00	\$17.50	\$4,025.00

Oneida Street Bridge Over Jones Park
Unit I-18
December 4, 2018

BID TABULATION

ITEM NUMBER	DESCRIPTION	Quantity	Units	Pheifer Brothers, Const.		Lunda Const. Corp.		Kraemer North America, LLC		Zenith Tech, Inc	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
601.0407	Concrete Curb & Gutter 18-Inch Type D	800	LF	\$17.89	\$14,312.00	\$17.89	\$14,312.00	\$17.89	\$14,312.00	\$17.89	\$14,312.00
601.0409	Concrete Curb & Gutter 30-Inch Type A	120	LF	\$35.00	\$4,200.00	\$35.00	\$4,200.00	\$35.00	\$4,200.00	\$35.00	\$4,200.00
601.0411	Concrete Curb & Gutter 30-Inch Type D	110	LF	\$35.00	\$3,850.00	\$35.00	\$3,850.00	\$35.00	\$3,850.00	\$35.00	\$3,850.00
602.0410	Concrete Sidewalk 5-Inch	15,160	SF	\$5.05	\$76,558.00	\$5.05	\$76,558.00	\$5.05	\$76,558.00	\$5.05	\$76,558.00
602.0420	Concrete Sidewalk 7-Inch	1,580	SF	\$5.70	\$9,006.00	\$5.70	\$9,006.00	\$5.70	\$9,006.00	\$5.70	\$9,006.00
602.0515	Curb Ramp Detectable Warning Field Natural Patina	140	SF	\$28.00	\$3,920.00	\$28.00	\$3,920.00	\$28.00	\$3,920.00	\$28.00	\$3,920.00
604.0500	Slope Paving Crushed Aggregate	1,420	SY	\$34.48	\$48,961.60	\$38.00	\$53,960.00	\$34.48	\$48,961.60	\$49.00	\$69,580.00
City Spec	Storm Sewer 8-Inch	20	LF	\$63.00	\$1,260.00	\$63.00	\$1,260.00	\$63.00	\$1,260.00	\$63.00	\$1,260.00
City Spec	Storm Sewer 12-Inch	470	LF	\$95.35	\$44,814.50	\$95.35	\$44,814.50	\$95.35	\$44,814.50	\$95.35	\$44,814.50
City Spec	Storm Sewer 15-Inch	200	LF	\$140.00	\$28,000.00	\$140.00	\$28,000.00	\$140.00	\$28,000.00	\$140.00	\$28,000.00
City Spec	Storm Sewer 18-Inch	290	LF	\$175.00	\$50,750.00	\$175.00	\$50,750.00	\$175.00	\$50,750.00	\$175.00	\$50,750.00
City Spec	Storm Sewer 42-Inch	630	LF	\$586.00	\$369,180.00	\$586.00	\$369,180.00	\$586.00	\$369,180.00	\$586.00	\$369,180.00
City Spec	Slurry Backfill (Upgrade from Granular Backfill)	600	CY	\$55.00	\$33,000.00	\$55.00	\$33,000.00	\$55.00	\$33,000.00	\$55.00	\$33,000.00
City Spec	F&I Manhole 7-FT Diameter	80	VF	\$480.00	\$38,400.00	\$480.00	\$38,400.00	\$480.00	\$38,400.00	\$480.00	\$38,400.00
City Spec	F&I Manhole 8-FT Diameter	21	VF	\$652.00	\$13,692.00	\$652.00	\$13,692.00	\$652.00	\$13,692.00	\$652.00	\$13,692.00
City Spec	F&I Standard Manhole	35	VF	\$333.00	\$11,655.00	\$333.00	\$11,655.00	\$333.00	\$11,655.00	\$333.00	\$11,655.00
City Spec	F&I Type E Inlet w/Casting	9	EACH	\$2,050.00	\$18,450.00	\$2,050.00	\$18,450.00	\$2,050.00	\$18,450.00	\$2,050.00	\$18,450.00
City Spec	F&I Yard Drain w/Casting	2	EACH	\$1,777.00	\$3,554.00	\$1,777.00	\$3,554.00	\$1,777.00	\$3,554.00	\$1,777.00	\$3,554.00
City Spec	F&I Yard Drain 4-FT Diameter w/Casting	2	EACH	\$4,040.00	\$8,080.00	\$4,040.00	\$8,080.00	\$4,040.00	\$8,080.00	\$4,040.00	\$8,080.00
City Spec	F&I Type B Casting	9	EACH	\$383.00	\$3,447.00	\$383.00	\$3,447.00	\$383.00	\$3,447.00	\$383.00	\$3,447.00
City Spec	Reconstruct Manhole	20	VF	\$395.00	\$7,900.00	\$395.00	\$7,900.00	\$395.00	\$7,900.00	\$395.00	\$7,900.00
City Spec	Reconstruct Inlet	1	EACH	\$750.00	\$750.00	\$750.00	\$750.00	\$750.00	\$750.00	\$750.00	\$750.00
612.0406	Pipe Underdrain Wrapped 6-Inch	480	LF	\$7.00	\$3,360.00	\$7.00	\$3,360.00	\$7.00	\$3,360.00	\$7.00	\$3,360.00
614.0150	Anchor Assemblies for Steel Plate Beam Guard	1	EACH	\$270.00	\$270.00	\$125.00	\$125.00	\$30.00	\$30.00	\$250.00	\$250.00
614.0200	Steel Thrie Beam Structure Approach	21	LF	\$200.00	\$4,200.00	\$200.00	\$4,200.00	\$200.00	\$4,200.00	\$200.00	\$4,200.00
614.0370	Steel Plate Beam Guard Energy Absorbing Terminal	1	EACH	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00
616.0700.S	Fence Safety	2,000	LF	\$4.50	\$9,000.00	\$4.50	\$9,000.00	\$4.50	\$9,000.00	\$4.50	\$9,000.00
619.1000	Mobilization	1	EACH	\$320,468.75	\$320,468.75	\$544,475.95	\$544,475.95	\$596,500.00	\$596,500.00	\$702,000.00	\$702,000.00
625.0100	Topsoil	7,720	SY	\$6.50	\$50,180.00	\$7.00	\$54,040.00	\$7.75	\$59,830.00	\$8.00	\$61,760.00
City Spec	Silt Fence	670	LF	\$6.00	\$4,020.00	\$6.00	\$4,020.00	\$6.00	\$4,020.00	\$6.00	\$4,020.00
628.2006	Erosion Mat Urban Class I Type A	3,920	SY	\$2.40	\$9,408.00	\$2.40	\$9,408.00	\$2.40	\$9,408.00	\$2.40	\$9,408.00

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ITEM NUMBER	DESCRIPTION	Quantity	Units	Pheifer Brothers, Const.		Lunda Const. Corp.		Kraemer North America, LLC		Zenith Tech, Inc	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
628.2008	Erosion Mat Urban Class I Type B	3,800	SY	\$2.40	\$9,120.00	\$2.40	\$9,120.00	\$2.40	\$9,120.00	\$2.40	\$9,120.00
628.7005	Inlet Protection Type A	7	EACH	\$125.00	\$875.00	\$125.00	\$875.00	\$125.00	\$875.00	\$125.00	\$875.00
628.7015	Inlet Protection Type C	21	EACH	\$70.00	\$1,470.00	\$70.00	\$1,470.00	\$70.00	\$1,470.00	\$70.00	\$1,470.00
City Spec	Tracking Pads	1	EACH	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
City Spec	Seeding and Fertilizer	7,720	SY	\$0.65	\$5,018.00	\$0.65	\$5,018.00	\$0.65	\$5,018.00	\$0.65	\$5,018.00
638.2602	Removing Signs Type II	12	EACH	\$70.00	\$840.00	\$70.00	\$840.00	\$70.00	\$840.00	\$70.00	\$840.00
641.8100	Overhead Sign Support (B-44-391)	1	LS	\$9,750.00	\$9,750.00	\$11,750.00	\$11,750.00	\$14,500.00	\$14,500.00	\$9,750.00	\$9,750.00
642.5401	Field Office Type D	1	EACH	\$5,900.00	\$5,900.00	\$7,500.00	\$7,500.00	\$14,000.00	\$14,000.00	\$10,000.00	\$10,000.00
643.0100	Traffic Control Project	1	EACH	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00
644.1616.S	Temporary Pedestrian Safety Fence	130	LF	\$20.00	\$2,600.00	\$20.00	\$2,600.00	\$20.00	\$2,600.00	\$20.00	\$2,600.00
646.1005	Marking Line Paint 4-Inch	1,180	LF	\$2.20	\$2,596.00	\$2.20	\$2,596.00	\$2.20	\$2,596.00	\$2.20	\$2,596.00
646.1020	Marking Line Epoxy 4-Inch	490	LF	\$2.20	\$1,078.00	\$2.20	\$1,078.00	\$2.20	\$1,078.00	\$2.20	\$1,078.00
646.3020	Marking Line Epoxy 8-Inch	150	LF	\$4.40	\$660.00	\$4.40	\$660.00	\$4.40	\$660.00	\$4.40	\$660.00
646.5005	Marking Arrow Paint	3	EACH	\$170.00	\$510.00	\$170.00	\$510.00	\$170.00	\$510.00	\$170.00	\$510.00
646.5020	Marking Arrow Epoxy	3	EACH	\$200.00	\$600.00	\$200.00	\$600.00	\$200.00	\$600.00	\$200.00	\$600.00
646.5220	Marking Symbol Epoxy	11	EACH	\$180.00	\$1,980.00 *	\$180.00	\$1,980.00	\$180.00	\$1,980.00	\$180.00	\$1,980.00
646.6105	Marking Stop Line Paint 18-Inch	40	LF	\$10.75	\$430.00	\$10.75	\$430.00	\$10.75	\$430.00	\$10.75	\$430.00
646.7005	Marking Epoxy 6-Inch	660	LF	\$3.55	\$2,343.00	\$3.55	\$2,343.00	\$3.55	\$2,343.00	\$3.55	\$2,343.00
646.7105	Marking Diagonal Paint 12-Inch	30	LF	\$5.00	\$150.00	\$5.00	\$150.00	\$5.00	\$150.00	\$5.00	\$150.00
646.7120	Marking Diagonal Epoxy 12-Inch	235	LF	\$5.00	\$1,175.00	\$5.00	\$1,175.00	\$5.00	\$1,175.00	\$5.00	\$1,175.00
646.7405	Marking Crosswalk Paint Transverse Line 6-Inch	190	LF	\$8.00	\$1,520.00	\$8.00	\$1,520.00	\$8.00	\$1,520.00	\$8.00	\$1,520.00
646.7420	Marking Crosswalk Epoxy Transverse Line 6-Inch	60	LF	\$8.00	\$480.00	\$8.00	\$480.00	\$8.00	\$480.00	\$8.00	\$480.00
646.7520	Marking Crosswalk Epoxy Ladder 24-Inch	290	LF	\$12.50	\$3,625.00	\$12.50	\$3,625.00	\$12.50	\$3,625.00	\$12.50	\$3,625.00
646.8220	Marking Island Nose Epoxy	1	EACH	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00
646.8320	Marking Parking Stall Epoxy (4-Inch)	910	LF	\$2.50	\$2,275.00	\$2.50	\$2,275.00	\$2.50	\$2,275.00	\$2.50	\$2,275.00
652.0125	Conduit Rigid Metallic Schedule 80 2-Inch	50	LF	\$50.00	\$2,500.00	\$50.00	\$2,500.00	\$50.00	\$2,500.00	\$50.00	\$2,500.00
652.0320	Conduit Rigid Non-Metallic Schedule 80 1 1/2-Inch	920	LF	\$5.00	\$4,600.00	\$5.00	\$4,600.00	\$5.00	\$4,600.00	\$5.00	\$4,600.00
652.0325	Conduit Rigid Non-Metallic Schedule 80 2-Inch	5,380	LF	\$5.50	\$29,590.00	\$5.50	\$29,590.00	\$5.50	\$29,590.00	\$5.50	\$29,590.00
652.0335	Conduit Rigid Non-Metallic Schedule 80 3-Inch	270	LF	\$6.00	\$1,620.00	\$6.00	\$1,620.00	\$6.00	\$1,620.00	\$6.00	\$1,620.00
653.0105	Pull Boxes Steel 12x24-Inch	1	EACH	\$450.00	\$450.00	\$450.00	\$450.00	\$450.00	\$450.00	\$450.00	\$450.00
653.0145	Pull Boxes Steel 24x48-Inch	8	EACH	\$675.00	\$5,400.00	\$675.00	\$5,400.00	\$675.00	\$5,400.00	\$675.00	\$5,400.00

Oneida Street Bridge Over Jones Park
Unit I-18
December 4, 2018

BID TABULATION

ITEM NUMBER	DESCRIPTION	Quantity	Units	Pheifer Brothers, Const.		Lunda Const. Corp.		Kraemer North America, LLC		Zenith Tech, Inc	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
653.0900	Adjusting Pull Boxes	1	EACH	\$250.00	\$250.00	\$250.00	\$250.00	\$250.00	\$250.00	\$250.00	\$250.00
653.0222	Junction Boxes 18x12x6-Inch	3	EACH	\$1,250.00	\$3,750.00	\$1,250.00	\$3,750.00	\$1,250.00	\$3,750.00	\$1,250.00	\$3,750.00
653.0905	Removing Pull Boxes	1	EACH	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00
655.0615	Electrical Wire Lighting 10 AWG	2,940	LF	\$0.60	\$1,764.00	\$0.60	\$1,764.00	\$0.60	\$1,764.00	\$0.60	\$1,764.00
655.0635	Electrical Wire Lighting 2 AWG	390	LF	\$2.00	\$780.00	\$2.00	\$780.00	\$2.00	\$780.00	\$2.00	\$780.00
655.0645	Electrical Wire Lighting 1/0 AWG	1,020	LF	\$2.50	\$2,550.00	\$2.50	\$2,550.00	\$2.50	\$2,550.00	\$2.50	\$2,550.00
657.6005	Anchor Assemblies Light Poles on Structures	3	EACH	\$450.00	\$1,350.00	\$450.00	\$1,350.00	\$450.00	\$1,350.00	\$450.00	\$1,350.00
690.0150	Sawing Asphalt	70	LF	\$2.25	\$157.50	\$2.25	\$157.50	\$2.25	\$157.50	\$2.25	\$157.50
690.0250	Sawing Concrete	270	LF	\$2.25	\$607.50	\$4.25	\$1,147.50	\$2.25	\$607.50	\$2.25	\$607.50
999.1000.S	Seismograph	1	LS	\$7,200.00	\$7,200.00	\$4,800.00	\$4,800.00	\$7,000.00	\$7,000.00	\$7,800.00	\$7,800.00
999.1500.S.01	Crack and Damage Survey (Items 1-15)	30	EACH	\$175.00	\$5,250.00	\$175.00	\$5,250.00	\$200.00	\$6,000.00	\$175.00	\$5,250.00
999.1500.S.02	Crack and Damage Survey (Items 16-17)	4	EACH	\$350.00	\$1,400.00	\$350.00	\$1,400.00	\$400.00	\$1,600.00	\$350.00	\$1,400.00
999.1500.S.03	Crack and Damage Survey (Items 18-19)	4	EACH	\$1,200.00	\$4,800.00	\$1,200.00	\$4,800.00	\$1,200.00	\$4,800.00	\$1,200.00	\$4,800.00
999.1500.S.04	Crack and Damage Survey (Items 20-21)	4	EACH	\$150.00	\$600.00	\$150.00	\$600.00	\$200.00	\$800.00	\$150.00	\$600.00
SPV.0060.01	Remove, Salvage, Reinstall Crash Cushion	1	EACH	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$5,000.00	\$5,000.00
SPV.0060.02	Gate Valve with Box 16-Inch	3	EACH	\$8,035.00	\$24,105.00	\$8,035.00	\$24,105.00	\$8,035.00	\$24,105.00	\$8,035.00	\$24,105.00
SPV.0060.03	Gate Valve with Box 8-Inch	2	EACH	\$1,718.00	\$3,436.00	\$1,718.00	\$3,436.00	\$1,718.00	\$3,436.00	\$1,718.00	\$3,436.00
SPV.0060.04	Gate Valve with Box 6-Inch	1	EACH	\$1,266.00	\$1,266.00	\$1,266.00	\$1,266.00	\$1,266.00	\$1,266.00	\$1,266.00	\$1,266.00
SPV.0060.05	Hydrant	1	EACH	\$4,040.00	\$4,040.00	\$4,040.00	\$4,040.00	\$4,040.00	\$4,040.00	\$4,040.00	\$4,040.00
SPV.0060.06	Bend 16-Inch	4	EACH	\$1,551.00	\$6,204.00	\$1,551.00	\$6,204.00	\$1,551.00	\$6,204.00	\$1,551.00	\$6,204.00
SPV.0060.07	Bend 8-Inch	3	EACH	\$789.00	\$2,367.00	\$789.00	\$2,367.00	\$789.00	\$2,367.00	\$789.00	\$2,367.00
SPV.0060.08	Tee 16-Inch by 16-Inch	3	EACH	\$2,910.00	\$8,730.00	\$2,910.00	\$8,730.00	\$2,910.00	\$8,730.00	\$2,910.00	\$8,730.00
SPV.0060.09	Tee 16-Inch by 8-Inch	1	EACH	\$2,125.00	\$2,125.00	\$2,125.00	\$2,125.00	\$2,125.00	\$2,125.00	\$2,125.00	\$2,125.00
SPV.0060.10	Tee 8-Inch by 6-Inch	1	EACH	\$707.00	\$707.00	\$707.00	\$707.00	\$707.00	\$707.00	\$707.00	\$707.00
SPV.0060.11	Municipal Poles Type 5 Short Aluminum, Black	4	EACH	\$1,520.00	\$6,080.00	\$1,520.00	\$6,080.00	\$1,520.00	\$6,080.00	\$1,520.00	\$6,080.00
SPV.0060.12	Municipal Luminaire Arms Single Member, Black 4 1/2-Inch Clamp 6-FT	4	EACH	\$350.00	\$1,400.00	\$350.00	\$1,400.00	\$350.00	\$1,400.00	\$350.00	\$1,400.00
SPV.0060.13	Municipal LED Luminaires, Black, Type 2	4	EACH	\$600.00	\$2,400.00	\$600.00	\$2,400.00	\$600.00	\$2,400.00	\$600.00	\$2,400.00
SPV.0060.14	Municipal Decorative Pathway Lighting Unit	14	EACH	\$3,145.00	\$44,030.00	\$3,145.00	\$44,030.00	\$3,145.00	\$44,030.00	\$3,145.00	\$44,030.00
SPV.0060.15	Bases, Cabinet Basement	1	EACH	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
SPV.0060.16	Concrete Bases, City Trail Type A	10	EACH	\$675.00	\$6,750.00	\$675.00	\$6,750.00	\$675.00	\$6,750.00	\$675.00	\$6,750.00
SPV.0060.17	Concrete Bases, City Parking Lot Type B	4	EACH	\$1,250.00	\$5,000.00	\$1,250.00	\$5,000.00	\$1,250.00	\$5,000.00	\$1,250.00	\$5,000.00

Oneida Street Bridge Over Jones Park
 Unit I-18
 December 4, 2018

BID TABULATION

ITEM NUMBER	DESCRIPTION	Quantity	Units	Pheifer Brothers, Const.		Lunda Const. Corp.		Kraemer North America, LLC		Zenith Tech, Inc	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
SPV.0060.18	Power Pedestal	5	EACH	\$1,750.00	\$8,750.00	\$1,750.00	\$8,750.00	\$1,750.00	\$8,750.00	\$1,750.00	\$8,750.00
SPV.0060.19	Bollard 6-Inch	2	EACH	\$1,000.00	\$2,000.00	\$1,700.00	\$3,400.00	\$1,700.00	\$3,400.00	\$1,000.00	\$2,000.00
SPV.0060.20	Purple Haze Decorative Grass	35	EACH	\$75.00	\$2,625.00	\$75.00	\$2,625.00	\$75.00	\$2,625.00	\$75.00	\$2,625.00
SPV.0060.21	Soil Nail Verification Tests RW32	2	EACH	\$1,400.00	\$2,800.00	\$1,400.00	\$2,800.00	\$1,400.00	\$2,800.00	\$1,400.00	\$2,800.00
SPV.0060.22	Soil Nail Proof Tests RW32	10	EACH	\$400.00	\$4,000.00	\$400.00	\$4,000.00	\$400.00	\$4,000.00	\$400.00	\$4,000.00
SPV.0090.01	Water Main 16-Inch	90	LF	\$364.00	\$32,760.00	\$364.00	\$32,760.00	\$364.00	\$32,760.00	\$364.00	\$32,760.00
SPV.0090.02	Water Main 8-Inch	400	LF	\$89.00	\$35,600.00	\$89.00	\$35,600.00	\$89.00	\$35,600.00	\$89.00	\$35,600.00
SPV.0090.03	Water Main 8-Inch Slurry Backfill	170	LF	\$142.50	\$24,225.00	\$142.50	\$24,225.00	\$142.50	\$24,225.00	\$142.50	\$24,225.00
SPV.0090.04	Hydrant Lead 6-Inch Slurry Backfill	40	LF	\$133.70	\$5,348.00	\$133.70	\$5,348.00	\$133.70	\$5,348.00	\$133.70	\$5,348.00
SPV.0090.05	Tray Cable for Street Lighting 3 Conductor 12 AWG	980	LF	\$1.00	\$980.00	\$1.00	\$980.00	\$1.00	\$980.00	\$1.00	\$980.00
SPV.0090.06	Tray Cable for Street Lighting 2 Conductor 10 AWG	2,220	LF	\$1.00	\$2,220.00	\$1.00	\$2,220.00	\$1.00	\$2,220.00	\$1.00	\$2,220.00
SPV.0090.07	Electrical Wire Lighting 2/0 AWG	1,180	LF	\$3.00	\$3,540.00	\$3.00	\$3,540.00	\$3.00	\$3,540.00	\$3.00	\$3,540.00
SPV.0090.08	Railing Steel Type C3 Galvanized 42-Inch	60	LF	\$245.00	\$14,700.00	\$245.00	\$14,700.00	\$250.00	\$15,000.00	\$251.00	\$15,060.00
SPV.0090.09	Remove, Salvage, and Reinstall Fence	30	LF	\$76.00	\$2,280.00	\$76.00	\$2,280.00	\$76.00	\$2,280.00	\$76.00	\$2,280.00
SPV.0090.10	Smooth Steel Casing Pipe (24-Inch)	20	LF	\$255.00	\$5,100.00	\$255.00	\$5,100.00	\$255.00	\$5,100.00	\$255.00	\$5,100.00
SPV.0090.11	Smooth Steel Casing Pipe (30-Inch)	40	LF	\$292.00	\$11,680.00	\$292.00	\$11,680.00	\$292.00	\$11,680.00	\$292.00	\$11,680.00
SPV.0105.01	Stair Structure S02	1	LS	\$155,000.00	\$155,000.00	\$175,000.00	\$175,000.00	\$250,000.00	\$250,000.00	\$190,000.00	\$190,000.00
SPV.0105.02	Railing Steel Type C3 Galvanized Retaining Wall RW32	1	LS	\$44,000.00	\$44,000.00	\$43,000.00	\$43,000.00	\$45,000.00	\$45,000.00	\$42,000.00	\$42,000.00
SPV.0105.03	Railing Steel Type C3 Galvanized Retaining Wall RW33	1	LS	\$101,000.00	\$101,000.00	\$83,000.00	\$83,000.00	\$90,000.00	\$90,000.00	\$85,000.00	\$85,000.00
SPV.0105.04	Survey Project	1	LS	\$20,409.07	\$20,409.07	\$20,409.07	\$20,409.07	\$28,794.57	\$28,794.57	\$20,409.07	\$20,409.07
SPV.0105.05	Temporary Shoring Retaining Wall RW33	1	LS	\$277,170.00	\$277,170.00	\$300,000.00	\$300,000.00	\$300,000.00	\$300,000.00	\$70,000.00	\$70,000.00
SPV.0165.01	Soil Nail Retaining Wall RW32	4,200	SF	\$55.45	\$232,890.00	\$81.00	\$340,200.00	\$80.00	\$336,000.00	\$110.00	\$462,000.00
SPV.0165.02	Reinforced Concrete Sidewalk 7-Inch	330	SF	\$6.80	\$2,244.00	\$6.80	\$2,244.00	\$6.80	\$2,244.00	\$6.80	\$2,244.00
SPV.0180.01	Raised Crosswalk	240	SY	\$75.00	\$18,000.00	\$75.00	\$18,000.00	\$75.00	\$18,000.00	\$75.00	\$18,000.00

\$5,460,841.22 *

\$5,619,681.22

\$5,987,274.21

\$6,173,179.67

Corrected Number *

Corrected Number *



Date: January 3, 2019

To: City of Appleton
Common Council
Finance Committee
Fox Cities Transit Commission

From: Ron McDonald, General Manager *REM*

Re: Request to Purchase Transit Buses

Valley Transit is hereby requesting authorization to purchase seven (7) 35' New Flyer Xcelsior transit buses not to exceed \$3,500,000 inclusive of miscellaneous tools and parts.

The Federal Transit Administration will invest 80% (\$2,800,000) and local investment will be used for the remaining 20% (\$700,000).

The new buses will replace existing outdated Orion transit buses. The Federal Transit Administration requires heavy duty transit buses to be operated a minimum of 12 years or 500,000 miles. The Valley Transit buses scheduled for replacement have exceeded the minimum requirements set forth by the Federal Transit Administration.

It is the desire of Valley Transit to issue a purchase order to New Flyer through a Piggyback Procurement previously solicited by Connect Transit in Normal, IL. This is the procurement previously used by Valley Transit for the past two bus purchases.

RECOMMENDATION:

Authorize Valley Transit to enter into a contract with New Flyer to purchase seven (7) 35' New Flyer Xcelsior transit buses not to exceed \$3,500,000 inclusive of miscellaneous tools and parts with a budget adjustment utilizing \$2,800,000 federal grant funding and \$700,000 restricted cash.



Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Pete Neuberger, Staff Engineer
Sue Olson, Staff Engineer

DATE: January 2, 2019

RE: Award Sole Source Stormwater Consulting Services Contract 2019G for French Road Urbanization Stormwater Analysis with raSmith in an amount not to exceed \$28,000.

The Department of Public Works requests approval to award the sole source Stormwater Consulting Services Contract 2019G for the French Road Urbanization Stormwater Analysis with raSmith in an amount not to exceed \$28,000. After this contract award, \$586,220 will remain in the 2019 stormwater consulting budget.

French Road from Evergreen Drive to Broadway Drive is a rural two-lane road located within the City's northeast growth area. As development continues to occur nearby, such as Emerald Valley to the west and North Edgewood Estates to the east, the need for urbanization of French Road increases to allow for efficient regional traffic flow.

Urbanization of a roadway is accompanied by the need to provide stormwater conveyance and management per City and DNR requirements. This contract is proposed to allow the City to begin planning and budgeting for the design and construction of an urbanized French Road. Project scope includes the following items:

1. Identify and analyze potential stormwater management practices to meet required peak flow and water quality, including potential use of the existing Emerald Valley stormwater pond.
2. Develop and analyze alternative conveyance of stormwater runoff.
3. Prepare 30% conceptual engineering plans with budget level cost estimates for the selected stormwater management facilities, stormwater conveyance system, and French Road urbanization

raSmith has already performed significant review and analysis within the tributary and downstream areas of French Road, including analysis of existing Emerald Valley Pond function and stormwater review of North Edgewood Estates Stormwater Management Plan. Based on raSmith's prior excellent work in these areas and a scope of services provided by raSmith, DPW staff determined the raSmith team are prepared to provide the most efficient, cost-effective process for providing these consulting services. Therefore DPW requests approval of the recommendation without a formal RFP process. If raSmith provides excellent consulting services under this proposed contract, DPW staff anticipate requesting at a future date to contract with raSmith for the final design of the stormwater facilities described above.



**DEPARTMENT OF PUBLIC WORKS - Engineering Division
MEMO**

TO: Members of the Utilities Committee

FROM: Ross Buetow, Deputy Director of Public Works

SUBJECT: Award of contract for North Edgewood Sanitary Lift Station Design and Related Services

DATE: January 2, 2019

In response to a request for proposals issued by our office, we received one response for Design and Related Services for our proposed North Edgewood Regional Sanitary Lift Station. The proposal was submitted by McMahon Associates, Inc. and was opened on Monday, December 10, 2018.

Although we only received one response, we are confident in recommending award of this contract to McMahon Associates. They have demonstrated a strong understanding of the scope of services for our project and have provided design services on numerous similar projects in our area. During the solicitation process, several other firms informed us that their current staff workloads did not allow them the opportunity to submit a proposal for this particular project.

Therefore, we recommend award of contract for North Edgewood Sanitary Lift Station Design and Related Services to McMahon Associates, Inc. in the amount of \$105,031.00 with a 5% contingency of \$5,249.00 for a project total not to exceed \$110,280.00. The approved budget for the project is \$100,000.00; however, we anticipate that sufficient 2019 fund balance will be available to cover the full contract award.

Thank you for your consideration.

**2019 INTERMUNICIPAL AGREEMENT PURSUANT TO SECTION 66.0301
OF THE WISCONSIN STATUTES BETWEEN THE CITIES OF
APPLETON AND NEENAH AND THE VILLAGE OF FOX CROSSING,
SAID AGREEMENT TO PROVIDE FOR COST-SHARING
OF TRANSIT SERVICES FOR THE ELDERLY**

WHEREAS, the City of Appleton, the owner of Valley Transit, assumes responsibility for and direction of its operations, and

WHEREAS, the City of Neenah and the Village of Fox Crossing operate Northern Winnebago Dial-A-Ride, a transportation program (hereinafter referred to as "DIAL-A-RIDE") for the benefit of the elderly of the Cities of Neenah and Menasha, and the Village of Fox Crossing, and

WHEREAS, the Cities of Appleton and Neenah and the Village of Fox Crossing wish to coordinate services to maximize outside revenue sources.

NOW, THEREFORE, the Cities of Appleton and Neenah and the Village of Fox Crossing by their respective representatives, do hereby agree as follows:

1. **COST-SHARING AGREEMENT.**

Expenses for the Dial-A-Ride program will be shared based on the following formula:

$$\begin{aligned}
 & \text{Dial-A-Ride x Contract Cost} \\
 & - \text{Federal Share} \\
 & - \text{State Share} \\
 & - \text{Farebox Revenues} \\
 & + \text{Administrative Charge} \\
 & = \text{City of Neenah and Village of Fox Crossing Estimated Contribution}
 \end{aligned}$$

Valley Transit, the City of Neenah and the Village of Fox Crossing estimate that there will be 10,000 rides in 2019. Cost estimates are as follows:

	<u>Total</u>	<u>Breakdown by Municipality of Total Cost</u>	
	<u>Program Cost</u>	<u>Neenah/Menasha</u>	<u>Village of Fox</u>
		<u>(8,000 rides)</u>	<u>Crossing (2000 rides)</u>
Cost for Dial-A-Ride (10,000 X \$14.00)	\$140,000	\$112,000	\$28,000
Federal Share	(26,785)	(21,428)	(5,357)
State Share	(39,200)	(31,360)	(7,840)
Fares (\$3.50)	(35,000)	(28,000)	(7,000)
Administrative Charge	<u>14,000</u>	<u>11,200</u>	<u>2,800</u>
City of Neenah and Village of Fox Crossing Estimated Contribution*	\$53,015	\$42,412	\$10,603

Actual costs will be based on actual ridership, federal share, state share, and fares in 2019.

*This cost figure is illustrative given that the amounts used in the formula are estimates.

2. **METHOD OF PAYMENT.** Payment by Valley Transit to the contractor will be made monthly based on ridership information provided by the City of Neenah and the Village of Fox Crossing to Valley Transit. Valley Transit will invoice the City of Neenah and the Village of Fox Crossing for its contribution on a monthly basis.

3. **LENGTH OF AGREEMENT.** This agreement shall be for the calendar year 2019. Renewal shall occur upon mutual agreement by the parties 30 days prior to the termination date of this contract.

4. **PROGRAM ADMINISTRATION AND REPORTING.** Valley Transit, the City of Neenah and the Village of Fox Crossing shall be responsible for administration of the Dial-A-Ride Program.

5. **INSPECTION.** Both parties agree to allow inspection of each other's records and books so far as permitted by law. Record inspection shall be allowed upon reasonable notice in order to confirm compliance with the terms and conditions of this agreement.

6. **AUDIT.** Any audits required for Dial-A-Ride services will be added to the total cost of those services, and the City of Neenah's and the Village of Fox Crossing's cost impact will be as described in Section 1 above. Valley Transit shall establish and maintain accounts for the specialized transportation services receiving funding under this agreement. The accounts shall distinguish the costs of this transportation service from any other service.

7. **INDEMNIFICATION.** Each party to this agreement agrees to indemnify, save harmless and defend the other party from and against all liability, loss, damage, costs or expenses which a signing party may sustain, incur or be required to pay by reason of the other party's acts, errors or omissions.

8. **INSURANCE.** The Cities of Appleton and Neenah and the Village of Fox Crossing agree at all times during the existence of this Agreement to keep in force the following insurance coverages:

<u>Coverage</u>	<u>Limit</u>
Worker's Compensation	Statutory Limit
Comprehensive General Liability	\$1,000,000 Each Occurrence
Auto Liability	\$1,000,000 CSL

9. **DISCRIMINATION.** In connection with the performance of work under this agreement, the Cities of Appleton and Neenah and the Village of Fox Crossing agree not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, sexual orientation, development disability as defined in §5101 (5), Wis. Stats., national origin, marital status, ancestry, arrest record, conviction record, or membership in the National Guard, State Defense Force or any reserve component of the military forces of the United States or this State. 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 form of compensation; and section for training, including apprenticeship. Valley Transit further agrees to take affirmative action to ensure equal employment opportunities.

10. **CONDITIONS.** This agreement is contingent upon authorization of Wisconsin and United States law and any material amendment or repeal of the same affecting relevant funding, or authority of the Cities of Appleton and Neenah and the Village of Fox Crossing shall serve to terminate this agreement.

11. **MODIFICATION/TERMINATION.** Failure to comply with any material part of this agreement may be considered cause for revision, suspension, or termination.

Revision or modification of this agreement must be agreed to by all parties involved by a written addendum signed by the authorized representatives of each party.

IN WITNESS WHEREOF the parties have executed this Agreement this ____ day of _____, ____.

CITY OF APPLETON:

Approved as to form:

By: _____
Timothy Hanna, Mayor

BY: _____
James P. Walsh, City Attorney

BY: _____
Kami Lynch, City Clerk

Provision has been made to pay the liability, Which will accrue under this contract.

BY: _____
Anthony Saucerman, Director of Finance

CITY OF NEENAH:

Approved as to form:

BY: _____
Dean Kaufert, Mayor

BY: _____
James G. Godlewski, City Attorney

BY: _____
Patricia A. Sturn, City Clerk

VILLAGE OF FOX CROSSING:

Approved as to form:

BY: _____
Dale Youngquist, Village President

BY: _____
Andy Rossmeissl, Village Attorney

BY: _____
Karen Backman, Village Clerk



Date: January 3, 2019

To: City of Appleton
Common Council
Finance Committee
Fox Cities Transit Commission

From: Ron McDonald, General Manager *REM*

Re: Request to Purchase Transit Buses

Valley Transit is hereby requesting authorization to purchase seven (7) 35' New Flyer Xcelsior transit buses not to exceed \$3,500,000 inclusive of miscellaneous tools and parts.

The Federal Transit Administration will invest 80% (\$2,800,000) and local investment will be used for the remaining 20% (\$700,000).

The new buses will replace existing outdated Orion transit buses. The Federal Transit Administration requires heavy duty transit buses to be operated a minimum of 12 years or 500,000 miles. The Valley Transit buses scheduled for replacement have exceeded the minimum requirements set forth by the Federal Transit Administration.

It is the desire of Valley Transit to issue a purchase order to New Flyer through a Piggyback Procurement previously solicited by Connect Transit in Normal, IL. This is the procurement previously used by Valley Transit for the past two bus purchases.

RECOMMENDATION:

Authorize Valley Transit to enter into a contract with New Flyer to purchase seven (7) 35' New Flyer Xcelsior transit buses not to exceed \$3,500,000 inclusive of miscellaneous tools and parts with a budget adjustment utilizing \$2,800,000 federal grant funding and \$700,000 restricted cash.





December 14, 2018

City of Appleton Common Council
Fox Cities Transit Commission

Re: Bus Capital Grant Awards and Purchase Schedule

Dear Commissioner,

As requested at the last Fox Cities Transit Commission meeting, I've included information about the recent grant awards and anticipated schedule for bus replacement. In forwarding this information to FCTC members in advance of the next meeting, I expect to discuss this as a group at the January 8, 2019 FCTC meeting.

Valley Transit, City of Appleton applied for and was awarded two competitive capital grants for the purchase of new buses. The USDOT, Federal Transit Administration awarded \$4,000,000 for 10 buses and the State of Wisconsin Department of Administration issued a letter of intent to award \$7,688,850 for the purchase of 15 buses through the Volkswagen Mitigation Grant.

The FTA \$4M grant awarded in September 2018 requires a 20% local match which will be deducted from Valley Transit's restricted capital depreciation account. The DOA grant awarded in November 2018 requires 20% reimbursement through 10 equal annual installments, also to be funded through Valley Transit's restricted capital depreciation account.

Valley Transit anticipates seeking authorization to issue purchase orders as scheduled below:

- 2019 – Seven (7) Heavy Duty, Clean Diesel, Transit Buses
- 2020 – Four (4) Heavy Duty, Clean Diesel, Transit Buses
- 2021 – Four (4) Heavy Duty, Clean Diesel, Transit Buses
- 2022 – Five (5) Heavy Duty, Heavy Duty, Clean Diesel, Transit Buses
- 2023 – Five (5) Heavy Duty, Heavy Duty, Clean Diesel, Transit Buses

Please feel free to contact me with individual questions or concerns. This document will be added to the next Fox Cities Transit Commission Agenda for discussion.

Have a wonderful Holiday Season.

Sincerely,

A handwritten signature in blue ink that reads 'Ron McDonald'.

Ron McDonald, General Manager
Valley Transit

Cc: City of Appleton Finance Department

Incl: FTA 5339B Bus and Bus Infrastructure Award
Resolution
WDOA Letter of Intent to Award VW Mitigation Grant





STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Scott Walker, Governor
Ellen Nowak, Secretary
James M. Langdon, Administrator

November 28, 2018

RE: Volkswagen Transit Capital Assistance Grant Program (Program) – NOTICE OF INTENT TO AWARD

Dear Applicants:

The Department of Administration (DOA), on behalf of the State of Wisconsin (State), intends to issue grant awards to the following recipients for the purchase of transit buses and other eligible expenses:

Applicant	Bus Replacements	Estimated Amount
City of Appleton	15	\$7,688,850.00
City of Eau Claire	3	\$1,970,700.00
City of Green Bay	4	\$1,846,000.00
City of Janesville	3	\$1,504,500.00
City of La Crosse	1	\$421,500.00
City of Madison	10	\$4,798,800.00
Milwaukee County	11	\$5,461,500.00
City of Racine	6	\$6,190,906.00
City of Sheboygan	2	\$903,000.00
City of Wausau	3	\$1,214,244.00
Total	58	\$32,000,000.00

This letter constitutes the intent to issue grant awards only and is not a contractual commitment. Following receipt of this notice, the recipients identified above will be contacted by the State to begin negotiations of contractual terms and conditions, including grant amounts. Grant awards are contingent upon successful negotiations and the State's determination of its best interests. The State remains the sole determinant of its best interests. All Program expenses and grant agreements must adhere to applicable State Statute, the VW Diesel Emissions Environmental Mitigation Trust for State Beneficiaries and VW Trustee requirements.

Questions can be directed to Ben Vondra, VW Mitigation Program Administrator, at (608) 261-6262 or by email at benjaminh.vondra@wisconsin.gov.

Melissa L. Suttner

From: Kurt Eggebrecht
Sent: Thursday, January 03, 2019 3:34 PM
To: KASSAB, JOSEPH; Chad Weyenberg
Cc: Chad Weyenberg; Melissa L. Suttner
Subject: RE: AT&T Noise Variance

Joe,

Thanks for your email. I will place this on the next Board of Health agenda to be held Wednesday January 9th at 7 am. We meet in room 6A of the City Center located at 100 N. Appleton Street. Although it is not a requirement to attend it is always helpful should the board members have questions regarding the project and source of noise. In addition to the generators do you anticipate that this work will include trucks backing up with safety noise alerts?

Thanks,
Kurt

Kurt Eggebrecht
Health Officer
Appleton Health Department
920-832-6429
www.appleton.org

From: KASSAB, JOSEPH [mailto:jk572k@att.com]
Sent: Thursday, January 03, 2019 3:08 PM
To: Chad Weyenberg <Chad.Weyenberg@Appleton.org>
Cc: Kurt Eggebrecht <kurt.eggebrecht@appleton.org>
Subject: RE: AT&T Noise Variance

Attached is AT&T's official request for a noise ordinance variance.

We are basically looking to run two portable generators for about three weeks at night to complete our work so that the Rocky Bleier project can begin on schedule.

Let me know if you have any questions.

Joe Kassab
Manager OSP Planning and Engineering Design
AT&T Technology Operations, C&E Legal Mandate - Wisconsin

AT&T
205 S Jefferson St Green Bay, WI 54301
o 920.433.4200 | m 920.202.4002 | jk572k@att.com

MOBILIZING YOUR WORLD

**AT&T Engineering
Joseph Kassab
205 South Jefferson Street
Green Bay, WI 54301
TEL (920) 433-4200**

January 3, 2019

Health Officer
City of Appleton Health Department
100 N. Appleton Street
Appleton, WI 54911

RE: Request for Noise Variance
AT&T Project A015ZEZ Rocky Bleier Run Relocation

Dear Mr. Eggebrecht:

This letter is to request a noise variance for an upcoming AT&T project in the City of Appleton. The project will consist of installing three manholes, underground conduit, and underground copper cables, and take place at three locations on the following streets:

Oneida St and Appleton St under the Oneida Bridge and in Appleton St

Construction for this project is underway. The placement contractor has been given a completion date of 1/18/19.

The work we are looking to perform will occur in the manholes at night. This will involve the running of two portable generators outside of the manholes. This needs to occur so that fresh air is pumped into the manholes and they don't fill with toxic gas. The generators are required for the safety of our workers.

The work that occurs in the manholes will be splicing work joining our new cables to existing and will create no noise. This work needs to be completed round the clock to not negatively impact the City of Appleton project upcoming on Rocky Bleier.

Let me know if you have any additional questions.

Thank you and please do not hesitate to call me at 920.832.5915 if you have any questions.

Sincerely,

Joseph Kassab
AT&T Engineer

c: Project File