



City of Appleton

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

Meeting Agenda Finance Committee

Tuesday, May 12, 2015

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[15-711](#) April 29, 2015 Finance Committee minutes

Attachments: [MeetingMinutes29-Apr-2015-04-10-38.pdf](#)

4. **Public Hearings/Apearances**

5. **Action Items**

[15-713](#) Request to award contract for Municipal Services Building Trench Drain Reconstruction to Wood Sewer & Excavating, Inc. in the amount of \$199,660 with a contingency of \$20,000 for a contract total not to exceed \$219,660.

Attachments: [2015 MSB Trench Drain Bid Recommendation.pdf](#)

[15-729](#) Request to award contract for Highview Tennis Courts to MCC, Inc. in the amount of \$136,390 with a contingency of \$5,000 for a contract total not to exceed \$141,390 and to reallocate \$35,890 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Project to this project.

Attachments: [2015 Highview Park Tennis Courts.pdf](#)

[15-733](#) Request to award contract for Pierce Park Site Work to MCC, Inc. in the amount of \$110,191 with a contingency of \$5,000 for a contract total not to exceed \$115,191 and to reallocate \$33,355 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Capital Improvement Project to this project.

Attachments: [2015 Pierce Park Site Redevelopment.pdf](#)

[15-790](#) Request to approve acceptance of a grant from the Fox Cities Convention & Visitors Bureau for design services related to the proposed exhibition center.

Attachments: [FCCVB Expo Ctr Grant 2015.pdf](#)

[15-791](#) Approve Finance Committee Report 1-P-15 for Concrete Pavement, Sidewalk Construction and Driveway Aprons.

Attachments: [Report 1-P-15.pdf](#)

[15-792](#) Request to award the Glendale Water Tower Project to Caldwell Tanks in the amount of \$2,467,000 with a 10% contingency in the amount of \$246,700 for a project total not to exceed \$2,713,700.

Attachments: [Glendale Water tower memo - Contract Award Memo 05-06-15.pdf](#)

[15-734](#) The Committee will meet in closed session to confer with legal counsel concerning strategy to be adopted by the body with respect to litigation in which it is involved or likely to become involved regarding Wis. Stat. §74.37 Excessive Assessment claims made by Walgreen Co. and H & K Partners, LLC pursuant to the exceptions contained in §19.85(1)(g) of the Wisconsin Statutes. The Committee will then reconvene into an open session and conduct further business.

[15-735](#) ***CRITICAL TIMING ISSUE***

Request approval of the Settlement Agreement between Walgreen Co. and the City of Appleton and the refund of a portion of the 2011 - 2014 property taxes.

Attachments: [2014 claims Walgreens and KFC.pdf](#)

[15-736](#) ***CRITICAL TIMING ISSUE***

Request approval of the Settlement Agreement between H&K Partners, LLC and the City of Appleton and the refund of a portion of the 2014 property taxes.

Attachments: [KFC settlement memo 5-12-15.pdf](#)

6. Information Items

- [15-794](#) Change Order #5 to the Regulatory Upgrade and Process Improvement Project in the amount of \$43,891 resulting in \$38,776 decrease to the approved contingency of \$728,550 to \$689,774.

Attachments: [Change Order #5 05-07-15.pdf](#)

- [15-795](#) Change Order #6 to the Regulatory Upgrade and Process Improvement Project in the amount of \$25,021 resulting in decrease of the project contingency balance of \$689,774 to \$664,753.

Attachments: [Change Order #6 05-07-15.pdf](#)

- [15-793](#) Change Order #7 to the Regulatory Upgrade and Process Improvement Project in the amount of \$22,878 resulting in decrease of the project contingency balance of \$664,753 to \$641,875.

Attachments: [Change Order #7 05-07-15.pdf](#)

- [15-712](#) Director's Reports:

Finance
Information Technology
Legal Services

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.

For questions regarding this agenda, please contact Tony Saucerman at (920) 832-6440.



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Meeting Minutes Finance Committee

Wednesday, April 29, 2015

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting was called to order at 4:30pm.

2. Roll call of membership

Present: 5 - Alderperson Plank, Alderperson Coenen, Alderperson Konetzke, Alderperson Lobner and Alderperson Martin

3. Approval of minutes from previous meeting

[15-636](#)

April 8, 2015 Finance Committee Minutes

Attachments: [MeetingMinutes8-Apr-2015-10-57-32.pdf](#)

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

Aye: 4 - Alderperson Plank, Alderperson Coenen, Alderperson Konetzke and Alderperson Lobner

Abstained: 1 - Alderperson Martin

4. Public Hearings/Appealances

5. Action Items

[15-641](#)

Request to approve resolution to terminate Tax Incremental District #5.

Attachments: [TIF 5 Memo 4-22-15.pdf](#)
[TIF 5 - Termination Resolution \(April 2015\).pdf](#)

Alderperson Lobner moved, seconded by Alderperson Konetzke, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Alderperson Plank, Alderperson Coenen, Alderperson Konetzke, Alderperson Lobner and Alderperson Martin

[15-638](#)

Request to award contract for Wastewater Treatment Plant asphalt roadways to MCC, Inc. in the amount of \$84,613.85 with a contingency of \$8,461.85 for a contract total not to exceed \$93,075.70.

Attachments: [2015 Wastewater Parking Lot Repairs Bid Recommendation.pdf](#)

Aldersperson Martin moved, seconded by Aldersperson Coenen, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Aldersperson Plank, Aldersperson Coenen, Aldersperson Konetzke, Aldersperson Lobner and Aldersperson Martin

[15-675](#)

Request to award contract for Water Filtration Plant asphalt roadways to Northeast Asphalt, Inc. in the amount of \$49,270 with a contingency of \$9,854 for a contract total not to exceed \$59,124.

Attachments: [2015 Waster Filtration Asphalt Repairs Bid Recommendation.pdf](#)

Aldersperson Coenen moved, seconded by Aldersperson Lobner, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Aldersperson Plank, Aldersperson Coenen, Aldersperson Konetzke, Aldersperson Lobner and Aldersperson Martin

[15-643](#)

Request to award Unit D-15 Sidewalk Reconstruction to Fischer-Ulman Construction, Inc. in an amount not to exceed \$203,000

Attachments: [Award of Contract D-15.pdf](#)

Aldersperson Coenen moved, seconded by Aldersperson Lobner, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Aldersperson Plank, Aldersperson Coenen, Aldersperson Konetzke, Aldersperson Lobner and Aldersperson Martin

[15-644](#)

Request to award Unit W-15 Sewer and Water Reconstruction No. 1 to Van Straten Construction Company, Inc. in the amount of \$2,496,405 with a 4% contingency of \$100,000 for a project total not to exceed \$2,596,405.

Attachments: [Units W-15 and X-15.pdf](#)
 [Award of Contract W-15.pdf](#)

Aldersperson Konetzke moved, seconded by Aldersperson Coenen, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Alderperson Plank, Alderperson Coenen, Alderperson Konetzke, Alderperson Lobner and Alderperson Martin

[15-645](#)

Request to award Unit X-15 Sewer and Water Reconstruction No. 2 to Dorner, Inc. in the amount of \$1,841,938 with a 4% contingency of \$73,000 for a project total not to exceed \$1,914,938.

Attachments: [Units W-15 and X-15.pdf](#)
 [Award of Contract X-15.pdf](#)

Alderperson Lobner moved, seconded by Alderperson Konetzke, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Alderperson Plank, Alderperson Coenen, Alderperson Konetzke, Alderperson Lobner and Alderperson Martin

[15-673](#)

Request to award contract for Appleton Memorial Park Northwest Parking Lot renovation to Northeast Asphalt, Inc. in the amount of \$139,760 with a contingency of \$27,952 for a contract not to exceed \$167,712.

Attachments: [2015 AMP NW Parking Lot Bid Recommendation.pdf](#)

Alderperson Martin moved, seconded by Alderperson Coenen, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Alderperson Plank, Alderperson Coenen, Alderperson Konetzke, Alderperson Lobner and Alderperson Martin

[15-674](#)

Request to reallocate \$15,000 of the positive variance from the Library Movable Partition Wall project toward the replacement of the Library Entrance Door project.

Attachments: [2015 Library Entrance Door Replacement Budget Adjustment.pdf](#)

Alderperson Lobner moved, seconded by Alderperson Coenen, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Alderperson Plank, Alderperson Coenen, Alderperson Konetzke, Alderperson Lobner and Alderperson Martin

[15-646](#)

Request to award of Unit J-15 Mini Storm Sewer Construction to Vanco Construction, Inc. in an amount not to exceed \$200,000.

Attachments: [Award of Contract J-15.pdf](#)

Aldersperson Coenen moved, seconded by Aldersperson Konetzke, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Aldersperson Plank, Aldersperson Coenen, Aldersperson Konetzke, Aldersperson Lobner and Aldersperson Martin

[15-676](#)

The Committee will meet in closed session to confer with legal counsel concerning strategy to be adopted by the body with respect to litigation in which it is involved or likely to become involved regarding the Reid Golf Course construction project pursuant to the exceptions contained in §19.85(1)(g) of the Wisconsin Statutes. The Committee will then reconvene into an open session and conduct further business.

Aldersperson Konetzke moved, seconded by Aldersperson Martin, to convene in Closed Session. Roll Call. Motion carried by the following vote:

Aye: 5 - Aldersperson Plank, Aldersperson Coenen, Aldersperson Konetzke, Aldersperson Lobner and Aldersperson Martin

Aldersperson Lobner moved, seconded by Aldersperson Coenen, to rise and report, returning into open session. Upon vote, motion carried unanimously.

Aye: 5 - Aldersperson Plank, Aldersperson Coenen, Aldersperson Konetzke, Aldersperson Lobner and Aldersperson Martin

[15-677](#)

Request approval of the Mediation Settlement Agreement between Relyco and the City of Appleton in the amount of \$72,500.

Attachments: [Settlement Agrm - Relyco and City of Appleton.pdf](#)

Aldersperson Martin moved, seconded by Aldersperson Coenen, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Aldersperson Plank, Aldersperson Coenen, Aldersperson Konetzke, Aldersperson Lobner and Aldersperson Martin

6. Information Items

[15-630](#)

Elect Vice-Chair

*Aldersperson Coenen was appointed Vice Chair***This Presentation was received and filed**[15-632](#)

Designate Contact Person

*Finance Director Tony Saucerman was appointed Contact Person***This Presentation was received and filed**[15-633](#)

Set Meeting Date and Time

*Meetings will be held the second and fourth Tuesday of each month at 4:30pm***This Presentation was received and filed**[15-634](#)

Elect Tax Appeal Board Member

*Aldersperson Martin was appointed to the Tax Appeal Board***This Presentation was received and filed**[15-635](#)

Elect CEA Committee Member

*Aldersperson Lobner was appointed to CEA Committee***This Presentation was received and filed**

[15-642](#)

The following 2015 Budget adjustments were approved by the Mayor and Finance Director in accordance with Policy:

General Fund - Library

Other Reimbursements	+\$15,000
Salaries - Children's Services	+\$15,000

to record funds received from the Friends of the Library to support the Appleton Ready to Read Outreach Specialist salary

General Fund - Health Department

Other Reimbursements	+\$225
Salaries	+\$165
Fringe Benefits	+\$60

to record reimbursement for Partner Services activities

General Fund - Park & Recreation Department

Grants and Donations	+\$750
Equipment	+\$750

to record funds received from the Hill family for a memorial bench on Newberry Trail

DonationsCourse Fund

Grants and Donations	+\$705
Equipment	+\$705

to record funds received from the Tralongo family for a memorial bench at Reid Golf Course.

This Presentation was received and filed

[15-637](#)

Contract 26-14 was awarded to Dorner, Inc. for \$313,546.50 with a contingency of \$15,100.00 for Sewer & Water (Re)Construction Project No. 3. Change orders were approved totaling \$3,200.00. Final contract amount is \$316,746.50 with a contingency of \$11,900.00. Payments issued to date total \$278,185.18. Request final payment of \$6,203.75.

This Presentation was received and filed

7. Adjournment

A motion was made by Alderperson Konetzke, seconded by Alderperson Lobner, that this meeting be adjourned. The motion carried by the following vote:

Aye: 5 - Alderperson Plank, Alderperson Coenen, Alderperson Konetzke, Alderperson Lobner and Alderperson Martin



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

1819 East Witzke Boulevard

Appleton, Wisconsin 54911-8401

(920) 832-5572 FAX (920) 993-3103

Email - dean.gazza@appleton.org

To: Finance Committee

From: Dean R. Gazza, Director of Parks, Recreation and Facilities Management

Date: May 12, 2015

Re: Action: Award contract for Municipal Services Building Trench Drain Reconstruction to Wood Sewer & Excavating, Inc. in the amount of \$199,660 with a contingency of \$20,000 for a contract total not to exceed \$219,660.

The bids for the Municipal Services Building Trench Drain Reconstruction Project were opened on Thursday, April 22, 2015. The project includes the removal and installation of the current trench drain that is located throughout the garage areas of the Municipal Services Building. In addition, this project will bring the drains into code compliance by connecting them to the sanitary sewer system.

The Parks, Recreation and Facilities Management Department's Capital Projects Fund includes a budget of \$355,000 for this work to be completed in 2015. Two companies submitted qualified bids for the project. Below are the base bids:

Wood Sewer & Excavating	\$199,660.00
Vinton Construction	\$346,169.44

It is the recommendation of the Parks, Recreation and Facilities Management Department and McMahon Engineering/Architects to accept the bid provided by Wood Sewer & Excavating and to allocate a \$20,000 contingency. This project has the high potential to incur the use of some contingency because of some variables, including underground tunnels that were abandoned and the need to replace certain areas of concrete depending on their condition when excavated. Though every reasonable effort is taken to account for potential circumstances, it is nearly impossible to understand the true conditions until such conditions are exposed.

Please feel free to contact me at 832-5572 with any questions, or by email at dean.gazza@appleton.org.



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To: Finance Committee

From: Dean R. Gazza, Director of Parks, Recreation and Facilities Management

Date: May 12, 2015

Re: Action: Award contract for Highview Tennis Courts to MCC, Inc. in the amount of \$136,390 with a contingency of \$5,000 for a contract total not to exceed \$141,390.

Action: Reallocate \$35,890 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Project to the Highview Tennis Court project.

The bids for the Highview Tennis Court Project were opened on Thursday, May 5, 2015. The project includes the installation of new tennis courts. The amount budgeted was \$120,000. Of the \$120,000 budgeted, \$14,500 was utilized for engineering which leaves a balance of \$105,500 for construction. One company submitted a qualified bid for the project; MCC, Inc. for \$136,390. To cover the shortfall, we are requesting to reallocate \$35,890 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Project to this project.

Contingent on the approval of the reallocation of funds between projects, it is the recommendation of the Parks, Recreation and Facilities Management Department to accept the bid of \$136,390 and award the contract to MCC, Inc. The Department is also recommending a contingency of \$5,000 for a contract total not to exceed \$141,390.

Please feel free to contact me at 832-5572 with any questions, or by email at dean.gazza@appleton.org.



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Dean R. Gazza, Director

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Appleton, Wisconsin 54911-8401
(920) 832-5572 FAX (920) 993-3103
Email - dean.gazza@appleton.org

To: Finance Committee

From: Dean R. Gazza, Director of Parks, Recreation and Facilities Management

Date: May 12, 2015

Re: Action: Award contract for Pierce Park Site Work to MCC, Inc. in the amount of \$110,191 with a contingency of \$5,000 for a contract total not to exceed \$115,191.

Action: Reallocate \$33,355 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Capital Improvement Project to the Pierce Park Site Work Project.

The bids for the Pierce Park Site Work Project were opened on Thursday, May 5, 2015. The project includes the landscaping and hardscape improvements around the stage. The improvements will improve the viewing area and bring the seating area in compliance with the Americans with Disabilities Act. The amount budgeted was \$81,836. Two companies submitted qualified bids for the project. Below are the base bids:

MCC, Inc.	\$110,191
Tom Vanhandel Corp.	\$119,338

To cover the shortfall it will be necessary to reallocate \$33,355 of the positive variance from the Hardscape Infrastructure Improvement/Replacement Capital Project to this project. The award of this contract is contingent on the Finance Committee approving this reallocation.

Contingent on the approval of the reallocation of funds between projects, it is the recommendation of the Parks, Recreation and Facilities Management Department to accept the bid of \$110,191 and award the contract to MCC, Inc. The Department is also recommending a contingency of \$5,000 for a contract total not to exceed \$115,191.

Please feel free to contact me at 832-5572 with any questions, or by email at dean.gazza@appleton.org.



FOX CITIES
GREATER APPLETON WISCONSIN

April 20, 2015

Ms. Karen Harkness
Director of Community & Economic Development
City of Appleton
100 North Appleton St.
Appleton WI 54911

Dear Karen,

Thank you for your final submission for grant funds for the Fox Cities Expo Center Inc. design. We are pleased that all contingencies have been met for this project.

I appreciate your facilitating a discussion with a representative from Boldt regarding the invoicing on this project. The discussion clarified our understanding of the vendors involved in doing the work on this project, specifically that Boldt was asked to provide some services and handle the billing at the request of designel, llc, after those principals left Zeidler partnership.

Given that knowledge, the final grant payout will be \$246,959.93.

Per your request, the grant funds will be paid out electronically. Our contact at Thrivent Trust Company indicated the funds would be transferred by Thursday, April 23, 2015.

Please let me know of any questions,

Regards,
Pam

Pam Seidl
Executive Director

Fox Cities Convention & Visitors Bureau

3433 W. College Ave. • Appleton, WI 54914-3919 • Phone (920) 734-3358 • Fax (920) 734-1080

foxcities.org



The Boldt Company
2525 N Roemer Road
P.O. Box 419
Appleton, WI 54912-0419

920-739-6321 phone
www.boldt.com

April 11, 2015

Ms. Pam Seidl
Executive Director, Fox Cities Convention & Visitors Bureau
3433 West College Avenue
Appleton, WI 54914

Re: Fox Cities Exhibition Center Design Services Review Follow-up

Dear Pam,

Thank you for meeting with Dave Sachs of Boldt on Monday, April 6, 2015 to discuss the Fox Cities Convention & Visitors Bureau Grant for conceptual design services. Dave has asked me to respond to you via this letter to summarize the meeting discussion topics.

1. When the initial request for design services was made Boldt reviewed conceptual design proposals from three (3) firms. The outcome of this review process was that we felt the proposal of Zeidler best met the professional requirements of this effort. Zeidler's proposed project team was led by Gino Desantis. Gino was the lead Architect on the Fox Cities Performing Arts Center. Based upon this past connection with our community, and Zeidler's professional background with convention centers, we selected Zeidler as our partner for this effort. A contract was then executed with Zeidler. Under this agreement Zeidler would provide conceptual architectural space programming services with Boldt providing drawing design development and technical engineering support for electrical, mechanical and structural design.
2. After execution of the contract with Zeidler we were notified that Gino Desantis and key members of the project team were no longer with Zeidler. The project team was reinitiated as Designel with Gino as a majority partner. Gino Desantis and Designel requested that invoicing for the project team be through Boldt. This invoicing relationship was then maintained from project initiation through completion.
3. The professional services provided, and ultimately invoiced, under this contract were for professional conceptual design services only. The services we provided under this contract included:
 - Space programming and requirements analysis
 - Space programming final study report (88 pages)
 - Food service concept evaluations
 - Circulation analysis
 - User group meetings to obtain requirements and needs
 - Site survey and planning
 - Schematic site plans

- Site soil analysis to determine structural bearing capacity
- Floor plans of the link
- Floor plans of the hotel
- Floor plans of the convention center
- Contour plan
- Facility modeling and option analysis
- Hotel link circulation study
- Infrastructure requirements analysis
- Definition of requirements on a room by room basis
- Utility planning meetings with providers (i.e. WE Energies, etc.)
- Conceptual structural evaluation
- Conceptual electrical evaluation
- Conceptual mechanical/HVAC evaluation
- Exterior elevations
- Final rendering development and presentation

4. When we were given a verbal authorization to proceed we began conceptual design activities to meet project milestone requirements. There was a time delay of a few weeks from the time that the authorization to proceed was given and official contract signing took place. It is not uncommon for us to get started when working with people we trust in order to keep design deliverables on schedule.

Please let me know if there is additional information required. My direct dial office phone is 920-225-6137. We look forward to continuing our close relationship with both the Fox Cities Convention & Visitors Bureau and the City of Appleton on this important project for the Fox Cities area.

Sincerely,



Douglas Haas, AIA
Director, Design Services

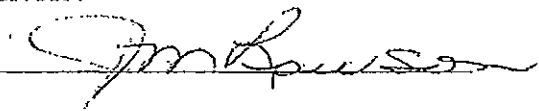
Cc: Karen Harkness, Tom Boldt, Walt Rugland, Dave Sachs, John Lawson

Bill of Sale and Assignment of Contract Rights

1. **Sale and Transfer of Assets and Contract Rights.** For good and valuable consideration, the receipt, adequacy and legal sufficiency of which are hereby acknowledged, and as contemplated by that certain Payment of grant funds from the City of Appleton and the Fox Cities Convention and Visitors Bureau to the Fox Cities Exhibition Center, Inc., to be transmitted to Community First Credit Union in satisfaction of the debt of Fox Cities Exhibition Center, Inc., which loan proceeds (the "Payment") were paid to The Boldt Company (the "Assignor"), to which the City of Appleton, a Wisconsin municipality (including the Appleton Redevelopment Authority) (the "Assignee"), is a beneficiary, Assignor hereby sells, transfers, assigns, conveys, grants and delivers to Assignee, all of Assignor's right, title and interest in and to all of the assets (the "Assets") and contract rights ("Rights") described on Schedule A attached hereto (collectively, the Assets and the Rights being referred to as the "Transferred Items").
2. **Further Actions.** Assignor covenants and agrees to warrant and defend the sale, transfer, assignment, conveyance, grant and delivery of the Transferred Items hereby made against all persons whomsoever, to take all steps reasonably necessary to establish the record of Assignee's title to the Transferred Items and, at the request of Assignee, to execute and deliver further instruments of transfer and assignment and take such other action as Assignee may reasonably request to more effectively transfer and assign to and vest in Assignee each of the Transferred Items, all at the sole cost and expense of Assignor.
3. **Assignee's Use.** The Assignee's use of the Transferred Items without Assignor's involvement is at Assignee's sole risk.
4. **Power of Attorney.** Without limiting Section 2 hereof, Assignor hereby constitutes and appoints Assignee the true and lawful agent and attorney in fact of Assignor, with full power of substitution and resubstitution, in whole or in part, in the name and stead of Assignor but on behalf and for the benefit of Assignee and its successors and assigns, from time to time:
 - (a) to demand, receive and collect any and all of the Transferred Items and to give receipts and releases for and with respect to the same, or any part thereof;

of _____, 2015.

ASSIGNOR :

By: 

SCHEDULE A

Description of Assets and Contract Rights

All rights, licenses and any work accomplished, directed, coordinated or provided to The Boldt Company by any third party who performed work related to the Fox Cities Exhibition Center in accordance with the terms, conditions and obligations set forth in the Preliminary Design-Build Agreement Between Owner and Design-Builder entered into on January 9, 2012 by and between Fox Cities Exhibition Center, Inc. and The Boldt Company, the terms, conditions and obligations of which are incorporated herein by reference.

WAIVER OF LIEN

Date: 5/4/15

For Value Received, THE BOLDT COMPANY and its subsidiary, Boldt Technical Services, hereby waive all rights and claims for lien on land and on buildings to be planned, developed, approved, programmed, designed, erected,

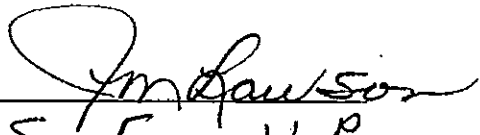
for: City of Appleton, Fox Cities Exhibition Center, Inc., Outagamie County, Appleton Redevelopment Authority and all other parties who have had or will have an interest in the subject property

by: The Boldt Company and its subsidiary, Boldt Technical Services

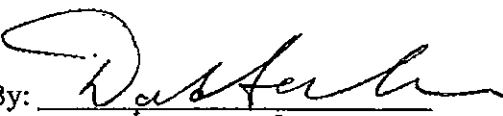
for: design and programming work related to the Fox Cities Exhibition Center, the same being situated in: Outagamie County, State of Wisconsin, and described as the corner of W. Lawrence St. and S. Elm St., Appleton, WI 54911, and shown on the attached tax parcel map, for all labor performed and for all material furnished for the programming, design estimating or any other work related to the property.

The Boldt Company and its subsidiary, Boldt Technical Services, acknowledge and agree that the payment of \$246,959.93 is in full and final satisfaction of all work related to the project known as the Fox Cities Exhibition Center.

THE BOLDT COMPANY

By: 
Title: Sr. Exec. V.P.

BOLDT TECHNICAL SERVICES

By: 
Title: Vice President

Tony Saucerman

From: Pam Seidl [<mailto:pseidl@foxcities.org>]
Sent: Wednesday, March 25, 2015 1:58 PM
To: Karen Harkness
Subject: Re: Grant Payment - Electronic Info Needed

Hi Karen,

I would be fine with the City of Appleton paying the funds directly to CFCU at the request of FCEC.

Pam

Pam Seidl
Executive Director
Fox Cities Convention & Visitors Bureau
(920) 734-3358



On Wed, Mar 25, 2015 at 12:52 PM, Karen Harkness <Karen.Harkness@appleton.org> wrote:

Thanks Pam. I have forwarded the needed information to transfer the funds to Tony Saucerman, Director of Finance.

This morning Walt Rugland asked if the City could send the funds directly to Community First Credit Union who is carrying the 0% \$250,000 loan taken out by the FCEC Board to complete the design work. I confirmed with Tony, from a financial perspective, that if Walt sent an email or letter stating that it was his desire, as chairman of the FCEC Board, that the City could then pay the loan directly to Community First Credit Union (CFCU).

I would also ask the CVB to send an email or letter stating they were fine with the City paying CFCU directly since the grant states a different process. Would you have any concerns with this action?

K*

PROJECT LIMITS:

1-P-15

CONCRETE PAVEMENT, SIDEWALK CONSTRUCTION AND DRIVEWAY APRONS

Ashbrook Street from Juniper Lane to Shasta Lane
Canvasback Circle from Ashbury Drive to Canvasback Circle
Gullwing Court from Stirling Parkway to Cul-de-Sac
Juniper Lane from Ashbrook Street to Vermillion Street
Palladium Court from Applehill Blvd to Cul-de-Sac
Primrose Lane from Oneida Street to Ashbrook Street
Purdy Parkway from Applehill Blvd to Cul-de-Sac
Shasta Lane from Ashbrook Street to Vermillion Street
Stirling Parkway from Smoketree Pass to Purdy Parkway
Vermillion Street from Juniper Lane to Shasta Lane

In accordance with the preliminary resolution of the Common Council dated May 20, 2015 we herewith submit our report on the assessment of benefits on the above named construction.

This report consists of the following:

Schedule A - Preliminary plans and specifications on file in the office of the Director of Public Works.

Schedule B - The total cost within the project limits in accordance with the plans and specifications in Schedule A is **\$5,816,103.68.**

Schedule C - Proposed Assessments. The properties included within the project limits are benefited and the work or improvements constitute an exercise of the police power. The total value of assessments is **\$730,134.32.**

Finance Committee



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

Department of Utilities
Water Treatment Facility
2281 Manitowoc Road
Menasha, WI 54952
920-997-4200 phone
920-997-3240 fax

TO: Chairperson Kathy Plank and Members of the Finance Committee

CC: Chairperson Greg Dannecker and Members of the Utilities Committee

FROM: Utilities Director Chris Shaw

DATE: May 6, 2015

RE: *Award the Glendale Water Tower Project to Caldwell Tanks in the amount of \$2,467,000 with a 10% contingency in the amount of \$246,700 for a project total not to exceed \$2,713,700*

BACKGROUND:

The 1 million gallon Glendale Water Tower Project is currently budgeted and planned for construction during 2015 and 2016. The proposed tower will provide increased fire protection capability and an additional 500,000 gallons of elevated water storage. As reported in a February 29, 2014 memo to Utilities Committee, the Public Works and Utilities Departments had selected the City owned site southwest of the Glendale and Sandra intersection. The site location was selected based on computer hydraulic modeling and a preliminary geotechnical survey of the property which confirmed appropriate subsoil conditions to support the 1 million gallon tower structure.

On July 18, 2014 the Utilities Committee approved an engineering services contract to Strand Associates. Strand Associates completed an initial evaluation of alternative tower styles and construction. From their analysis, the composite style (steel tank storage container atop a reinforced concrete pedestal) of water tower provides the greatest value at the least cost. Strand Associates is also under contract to provide construction management services over the course of the project.

BIDDING PROCESS AND RESULTS:

Bidding documents were finalized in April 2015. The construction costs were estimated to be above the budget of \$2,900,000. Project cost reductions included leaving moderately contaminated soils on site, reducing the coating system containment curtain and removing the City logo from the project. On May 5, 2015 four contractor bids were opened. The following table identifies the contractor bids.

COMPANY	BID
<i>Chicago Bridge and Iron</i>	\$2,673,000
<i>Landmark Structures</i>	\$2,575,000
<i>Phoenix Fabricators</i>	\$2,849,000
<i>Caldwell Tanks</i>	\$2,467,000

All of the submitted bids met project bidding requirements. The quote received from Caldwell Tanks was the least cost quote. Strand Associates completed their review and recommends that the project be awarded to Caldwell Tanks.

RECOMMENDATION:

Award the Glendale Water Tower Project to Caldwell Tanks in the amount of \$2,467,000 with a 10% contingency in the amount of \$246,700 for a project total not to exceed \$2,713,700. If you have questions regarding this project please feel free to contact Chris Shaw at ph: 832-5945.

MEMO: Walgreen Co. Settlement Agreement
DATE: 05/12/15
TO: Finance Committee
FROM: DeAnn Brosman, City Assessor

Walgreens parcels # 31-5-4253-00, 6-7601-00, 5-1173-00, and 4-6162-01

The City of Appleton is currently in litigation with Walgreens for tax years 2011-2014 regarding the assessed value on four Walgreens stores and an associated parking lot. The stores are located at 729 W. Northland Ave, 2803 N. Meade St., 700 W. College Ave, and 3330 E. Calumet St. Walgreens first filed this court complaint in 2012 following the city's denial of their Excessive Assessment claim under Wis. Stat. 74.37.

In 2013, our court case was "stayed" pending the outcome of Walgreen Co. v. City of Milwaukee and Walgreen Co. v. City of Oshkosh. During 2014, Milwaukee agreed to a settlement with Walgreens at an average assessed value of \$2,400,000. In December 2014, the Oshkosh Appellate Court ruled in favor of Walgreens and reduced the assessed value of two Oshkosh Walgreens to \$2,100,000 each. Also during 2013, the circuit court ruled in favor of Walgreens within the V. of Little Chute where the assessed value was reduced to \$2,000,000.

In their initial claims with the City of Appleton, Walgreens requested an assessed value of between \$1,900,000 to \$2,100,000 on each of the four stores and a total property tax refund of \$564,000. Due to the results of the recent court cases, we are recommending approval of the settlement agreement with Walgreens.

MEMO: H & K Partners LLC Settlement Agreement
DATE: 05/12/15
TO: Finance Committee
FROM: DeAnn Brosman, City Assessor

H & K Partners LLC d/b/a KFC located at 111 E. Wisconsin Ave.

A Claim for Excessive Assessment under Wis. Stat. 74.37 was filed with the City Clerk on January 23rd, 2015 for the KFC Restaurant property (parcel #31-6-0327-00). In their claim, H&K Partners LLC (tenant & franchisee) requested a reduction of the 2014 assessed value from \$553,900 to \$254,800 and a property tax refund of \$6,659.

The assessed value was sustained by the 2014 Board of Review and the claim was denied by the Finance Committee on April 8th, 2015. At this time, the Assessor's office is recommending approval of the 2014 settlement agreement with H & K Partners LLC. The recommended revision to the 2014 assessed value and resulting tax refund will provide for equity with other fast food assessed values in the city and other KFC assessed values in NE Wisconsin.



CONTRACT MODIFICATION
CITY OF APPLETON, WISCONSIN

☒ CHANGE ORDER

☐ WRITTEN AMENDMENT

MODIFICATION NO¹: 005

TO CONTRACTOR: Staab Construction Corporation

PROJECT: Regulatory Upgrade and Process Improvement PROJECT NO: 468399

OWNER: City of Appleton

ENGINEER: CH2MHILL

The following modification(s) to the Contract are hereby ordered (use additional pages if required):

See RFQ Log attached. Includes RFQs 43 through 56, excluding 47 and 55.

Reason for Modification(s):

Various. See RFQs 43 through 56, excluding 47 and 55, attached.

Attachments (List Supporting Documents):

RFQs 43 through 56, excluding 47 and 55, attached.

Contract Amount or Price		Contract Times (Calculate Days)	
Original	<u>\$4,857,000</u>	Original Duration	<u>365</u> Days
Previous Contract Modification(s) (Deduct)	<u>\$(5,115)</u>	Previous Contract Modification(s) (Add)	<u>180</u> Days
This Contract Modification (Add)	<u>\$43,891</u>	This Contract Modification (Add/Deduct)	<u>0</u> Days
Revised Contract Amount	<u>\$4,895,776</u>	Revised Contract Time	<u>545</u> Days

The Revised Contract Completion Date is:

July 27, 20 15

Owner	Contractor	Engineer Recommendation ²
By: <u>[Signature]</u>	By: <u>[Signature]</u>	By: <u>Tony Myers</u>
Date: <u>5/7/15</u>	Date: <u>5/6/15</u>	Date: <u>May 6, 2015</u>

¹ Number all Modifications consecutively.

² Recommendation necessary for Change Orders.

Copies: Owner



CONTRACT MODIFICATION
CITY OF APPLETON, WISCONSIN

☒ CHANGE ORDER

☐ WRITTEN AMENDMENT

MODIFICATION NO1: 006

TO CONTRACTOR: Staab Construction Corporation

PROJECT: Regulatory Upgrade and Process Improvement PROJECT NO: 468399

OWNER: City of Appleton

ENGINEER: CH2MHILL

The following modification(s) to the Contract are hereby ordered (use additional pages if required):

See RFQ Log attached. Includes RFQ 55.

Reason for Modification(s):

See RFQ 55, attached.

Attachments (List Supporting Documents):

RFQ 55, attached.

Contract Amount or Price		Contract Times (Calculate Days)	
Original	\$4,857,000	Original Duration	365 Days
Previous Contract		Previous Contract	
Modification(s)		Modification(s)	
(Add)	\$38,776	(Add)	180 Days
This Contract Modification		This Contract Modification	
(Add)	\$25,021	(Add/Deduct)	0 Days
Revised Contract Amount	\$4,920,797	Revised Contract Time	545 Days

The Revised Contract Completion Date is:

July 27, 2015

Owner	Contractor	Engineer Recommendation ²
By: <u>[Signature]</u>	By: <u>[Signature]</u>	By: <u>Tony Myers</u>
Date: <u>5/7/15</u>	Date: <u>5/6/15</u>	Date: <u>05/07/2015</u>

¹ Number all Modifications consecutively.

² Recommendation necessary for Change Orders.

Copies: Owner



CONTRACT MODIFICATION
CITY OF APPLETON, WISCONSIN

☒ CHANGE ORDER

☐ WRITTEN AMENDMENT

MODIFICATION NO1: 007

TO CONTRACTOR: Staab Construction Corporation

PROJECT: Regulatory Upgrade and Process Improvement PROJECT NO: 468399

OWNER: City of Appleton

ENGINEER: CH2MHILL

The following modification(s) to the Contract are hereby ordered (use additional pages if required):
See RFQ Log attached. Includes RFQ 47.

Reason for Modification(s):
See RFQ 47, attached.

Attachments (List Supporting Documents):
RFQ 47, attached.

Contract Amount or Price		Contract Times (Calculate Days)	
Original	<u>\$4,857,000</u>	Original Duration	<u>365</u> Days
Previous Contract		Previous Contract	
Modification(s)		Modification(s)	
(Add)	<u>\$63,797</u>	(Add)	<u>180</u> Days
This Contract Modification		This Contract Modification	
(Add)	<u>\$22,878</u>	(Add/Deduct)	<u>0</u> Days
Revised Contract Amount	<u>\$4,943,675</u>	Revised Contract Time	<u>545</u> Days

The Revised Contract Completion Date is:

July 27, 20 15

Owner	Contractor	Engineer Recommendation ²
By: <u>[Signature]</u>	By: <u>[Signature]</u>	By: <u>Tony Myers</u>
Date: <u>5/7/15</u>	Date: <u>5/6/15</u>	Date: <u>05/07/2015</u>

¹ Number all Modifications consecutively.

² Recommendation necessary for Change Orders.

Copies: Owner