



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda - Final Municipal Services Committee

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Tuesday, December 13, 2016

6:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting  
[16-1929](#) Minutes from November 15, 2016.

**Attachments:** [Minutes from November 15, 2016.pdf](#)

### 4. Public Hearings/Apearances

### 5. Action Items

- [16-1930](#) Approve City of Appleton Sidewalk Painting Policy.

**Attachments:** [Sidewalk Painting Policy.pdf](#)

- [16-1931](#) Award 2017 Materials Testing Contract (M-17) to OMNNI Associates, Inc. in an amount not to exceed \$100,000.

**Attachments:** [2017 Materials Testing Contract.pdf](#)

- [16-1932](#) Award 2017 Contract for Operation, Maintenance and Monitoring at the Closed City of Appleton Landfill to SCS Engineers, in an amount not to exceed \$70,140.

**Attachments:** [2017 Contract for Operation, Maintenance and Monitoring.pdf](#)

- [16-1933](#) Approved proposed Truck Route changes as recommended in the Downtown Mobility Study.

**Attachments:** [Truck Route changes-Downtown Mobility Study.pdf](#)

- [16-1934](#) Approve proposed parking change on Kamps Avenue between Locust Street and Bennett Street.

**Attachments:** [Kamps Ave between Locust St and Bennett St..pdf](#)

- [16-1935](#) Approve proposed parking changes on Eighth Street/Walnut Street/Sixth Street/Elm Street related to the Fox Cities Exhibition Center.

**Attachments:** [Parking changes-Fox Cities Exhibition Center.pdf](#)

- [16-1936](#) Approve proposed parking changes on Hancock Street between Lawe Street and Meade Street.

**Attachments:** [Hancock St between Lawe St and Meade St.pdf](#)

- [16-1937](#) Request from the Far East Restaurant for a permanent street occupancy permit for their existing sign and canopy at 1330 S Oneida Street.

**Attachments:** [Far East Restaurant.pdf](#)

- [16-1948](#) Award of Contract for the design and construction related services for the northbound Oneida Street Bridge Reconstruction Project over Jones Park to Patrick Engineering, in an amount not to exceed \$222,861.

**Attachments:** [Oneida Street Bridge Reconstruction Project.pdf](#)

- [16-1950](#) Amendment to the scope of services & contract amount for the Railroad Quiet Zone Feasibility & Implementation Plan consulting services contract.

**Attachments:** [Railroad Quiet Zone Feasibility & Implementation Plan.pdf](#)

## 6. Information Items

- [16-1938](#) Inspection Division Permit Summary Report for November, 2016.

**Attachments:** [Inspection Division Permit Summary Report-November 2016.pdf](#)

- [16-1777](#) Approve proposed expansion of Article IV. Right-of-Way Management, Section 16 Municipal Code.

**Attachments:** [Proposed expansion of Right-of-Way Management Ord.pdf](#)

**Legislative History**

11/15/16	Municipal Services Committee	recommended for approval
11/16/16	Common Council	referred to the Municipal Services Committee

*Referred back to Committee by Alderperson Jirschele*

[16-1939](#) Parking Utility Condensed Income Statement for November, 2016.

**Attachments:** [Parking Utility Statement November 30, 2016.pdf](#)

[16-1940](#) DPW Great Ideas Implemented in 2016 List.

**Attachments:** [Great Ideas Implemented 2016.pdf](#)

[16-1941](#) Proposed Modification to the Department of Public Works Table of Organization-Parking Utility.

**Attachments:** [Parking Utility Table of Organization.pdf](#)

[16-1943](#) Update on Street light energy efficiency upgrade project.

[16-1951](#) Change Order No. 2 to Baycom, Inc. contract for 2 additional portable radios, 2 speaker microphones, subscriber licenses and desktop licenses resulting in a decrease of contingency from \$10,670.21 to \$7,919.01. No change to the overall not to exceed contract amount of \$137,265.32.

**Attachments:** [Baycom Inc. contract.pdf](#)

## 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. Please call Paula Vandehey at 920-832-6474 if you have any questions.*



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
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## Meeting Minutes - Final Municipal Services Committee

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Tuesday, November 15, 2016

4:30 PM

Council Chambers, 6th Floor

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### Special

1. Call meeting to order

2. Roll call of membership

**Present:** 3 - Croatt, Martin and Mann

**Excused:** 2 - Coenen and Konetzke

3. Approval of minutes from previous meeting

[16-1776](#)

Minutes from October 25, 2016.

**Attachments:** [Minutes from October 25, 2016.pdf](#)

Martin moved, seconded by Mann, that the Minutes be approved. Roll Call.  
Motion carried by the following vote:

**Aye:** 3 - Croatt, Martin and Mann

**Excused:** 2 - Coenen and Konetzke

4. Public Hearings/Appearances

5. Action Items

[16-1777](#)

Approve proposed expansion of Article IV. Right-of-Way Management, Section 16 Municipal Code.

**Attachments:** [Proposed expansion of Right-of-Way Management Ord.pdf](#)

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

**Aye:** 3 - Croatt, Martin and Mann

**Excused:** 2 - Coenen and Konetzke

[16-1778](#)

Request from REI Environmental for a permanent street occupancy permit to install one (1) monitoring well in Prospect Avenue right-of-way

and one (1) monitoring well in Outagamie Street right-of-way to monitor ground water at the Kwik Trip at 1342 W. Prospect Avenue.

**Attachments:**     [Kwik Trip Express #556 monitoring well.pdf](#)

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

**Aye:** 3 - Croatt, Martin and Mann

**Excused:** 2 - Coenen and Konetzke

[16-1779](#)

Approve proposed changes to Sections 4-188, 4-207, 4-265, 4-272 and 9-33 of the Municipal Code related to bond requirements.

**Attachments:**     [Proposed changes to Municipal Codes related to bond requirements.pdf](#)

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

**Aye:** 3 - Croatt, Martin and Mann

**Excused:** 2 - Coenen and Konetzke

[16-1780](#)

Approve Inter Municipal Agreement with Outagamie County and Calumet County for CTH KK (Calumet Street)-John Street to CTH N Traffic Operational Study.

**Attachments:**     [Calumet Street-John Street to CTH N traffic study.pdf](#)

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

**Aye:** 3 - Croatt, Martin and Mann

**Excused:** 2 - Coenen and Konetzke

[16-1802](#)

Approve Inter Municipal Agreement with the Town of Grand Chute for the Broadway Drive Asphalt Overlay Project between Meade Street and Ballard Road.

**Attachments:**     [Broadway Drive Asphalt Overlay Project.pdf](#)

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

**Aye:** 3 - Croatt, Martin and Mann

**Excused:** 2 - Coenen and Konetzke

[16-1813](#)

Amend 2016 Materials Testing Contract (M-16) with OMNNI Associates,

Inc. from an amount not to exceed \$75,000 to an amount not to exceed \$100,000.

**Attachments:**     [2016 Materials Testing Contract M-16.pdf](#)

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

**Aye:** 3 - Croatt, Martin and Mann

**Excused:** 2 - Coenen and Konetzke

[16-1814](#)

Approve Amendment #4-Oneida Street Contract with RA Smith National, Inc in an amount not to exceed \$7300.

**Attachments:**     [Amendment #4 Oneida Street Contract.pdf](#)

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

**Aye:** 3 - Croatt, Martin and Mann

**Excused:** 2 - Coenen and Konetzke

## 6. Information Items

[16-1789](#)

Inspection Division Permit Summary Comparison Report for October, 2016.

**Attachments:**     [Inspection Division Permit Summary-October, 2016.pdf](#)

[16-1790](#)

2016 Snow Plow Painting Program.

## 7. Adjournment

Mann moved, seconded by Martin, that the meeting be adjourned. Roll Call. Motion carried by the following vote:

**Aye:** 3 - Croatt, Martin and Mann

**Excused:** 2 - Coenen and Konetzke



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Effective Date:

## **CITY OF APPLETON SIDEWALK PAINTING POLICY**

The objective of this policy is to establish the guidelines in which sidewalks may be painted in Appleton. This policy does not apply to sidewalk painting for utility locates or for temporary sidewalk chalk. Requests for painting sidewalks and trails within City Parks and other City-owned property shall be directed to the Parks, Recreation & Facilities Management Director.

### **GUIDELINES**

1. Sidewalk painting requires a Street Occupancy Permit through the Department of Public Works and associated fee as established by Council.
2. The responsible party for the requesting organization must sign the Street Occupancy Permit Application Form.
3. Applicant is responsible for notifying all affected property owners along proposed route.
4. The Department of Public Works shall be provided a map of the proposed sidewalk to be painted, name and type of painting material, symbol and maintenance plan as part of the application process.
5. Symbol shall not exceed a size of 8" x 8".
6. No advertising may be part of the symbol painted on the sidewalk.
7. Any symbols not maintained must be removed by Applicant in a method approved by the Department of Public Works.

### **APPEAL PROCESS**

Anyone denied a Street Occupancy Permit for painting sidewalks may appeal the decision to the Common Council through the Municipal Services Committee.

### **ENFORCEMENT**

This Policy will be enforced by City staff. Any organization or individual not following the guidelines established above may lose the right for said sidewalk painting within the street right-of-way.



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## Department of Public Works – Engineering Division

### MEMO

**TO:** Municipal Services Committee

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

**DATE:** December 5, 2016

**RE:** Award of 2017 Materials Testing Contract (M-17) to OMNNI Associates, Inc. in an amount not to exceed \$100,000.

---

The Department of Public Works recommends award of the 2017 Materials Testing Contract to OMNNI Associates, Inc. in an amount not to exceed \$100,000. Funding for this contract is from individual project budgets.

In January 2015 a Request for Proposals (RFP) was sent to three (3) consulting firms and three (3) proposals were received. A Quality Based Selection process was used. As indicated in the memo recommending award of the 2015 Materials Testing contract, staff indicated that with satisfactory performance by the consultant, it was anticipated that the 2016 and 2017 Materials Testing Contracts would be awarded to OMNNI without an RFP process.

Several projects are on-going and changing consultants at this time could cause delays. These projects include the Exposition Center soil disposal at the Mackville quarry site, Northland Pond, the Cotter Street Pond, the Oneida Street bridge and the Spartan Drive area.

In addition to the projects listed above, this contract includes:

- Material testing for concrete, asphalt and soils,
- Contaminated material response, analysis, permitting and disposal,
- Performing Phase I and Phase II environmental assessments, and
- Performing geotechnical investigations for other DPW projects and for other departments, if needed.

No specific Phase I or Phase II assessments are known at this time and, should the need arise, separate contracts will be negotiated for these services. Geotechnical investigations anticipated for 2017 include Leona Pond and Spartan Drive stormwater practices. The details of these investigations are still being developed and detailed costs are not available at this time.

Based on an estimated number of concrete and asphalt tests, and an estimate of the testing protocols needed for the projects listed above, staff recommends a not to exceed budget of \$100,000 for this contract. Expenditures will be for services actually used and may be less than the awarded amount. A contract amendment would be brought to committee in the event that additional funding is necessary.



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TO: Municipal Services Committee

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

SUBJECT: Award 2017 Contract for Operation, Maintenance, and Monitoring at the Closed City of Appleton Landfill to SCS Engineers, in an amount not to exceed \$70,140.

DATE: December 5, 2016

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The Department of Public Works requests award of the 2017 Contract for Operation, Maintenance, and Monitoring at the Closed City of Appleton Landfill to SCS Engineers in an amount not to exceed \$70,140. This is the second year of a ten (10) year contract as approved in December 2015.

In addition to the operation and monitoring of the landfill, maintenance will include routine scheduled replacement of one monitoring well or leachate well. They will also assist with review of any changes proposed by the Valley Aero Modelers, who currently lease the site, and any proposals or concerns related to the Mackville quarry site.

In 2016 the City was notified by the Wisconsin Department of Natural Resources that Stormwater Pollution Prevention Plans, per the NR 216 Phase 2 Stormwater Permit, are required for both the landfill site and the Mackville quarry site. These stormwater plans must be integrated with the Operation and Maintenance activities of the landfill and therefore have been included in this contract.

Per the memo dated December 1, 2015 for the award of the 2016 contract requesting contract extensions through 2025, the 2015 RFP process associated with that award, and satisfactory performance by the consultant, the Department of Public Works recommends awarding the 2017 Contract for Operation, Maintenance, and Monitoring at the Closed City of Appleton landfill to SCS Engineers in an amount not to exceed \$70,140.



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**DEPARTMENT OF PUBLIC WORKS**  
**Engineering Division – Traffic Section**  
**2625 E. Glendale Avenue**  
**Appleton, WI 54911**  
**TEL (920) 832-5580**  
**FAX (920) 832-5570**

**To:** Municipal Services Committee  
**From:** Eric S. Lom, City Traffic Engineer  
**Date:** December 5, 2016  
**Re:** Truck Route Updates as recommended in the Downtown Mobility Study

In an attempt to simplify truck routing in the central business district area, the recently-approved Downton Mobility Study included recommendations to make a number of changes. While some of the recommended changes cannot be implemented until certain roadways are converted to allow for two-way traffic, we are recommending the following changes be implemented now. These changes are outlined below and depicted on the attached map.

In order to update Chapter 19 (section 19-137) of the Appleton Municipal Code regarding enumeration of truck routes, I recommend the following changes to the City's Municipal Code:

**Amend Chapter 19 of the Municipal Code (Section 19-137) to REMOVE the following:**

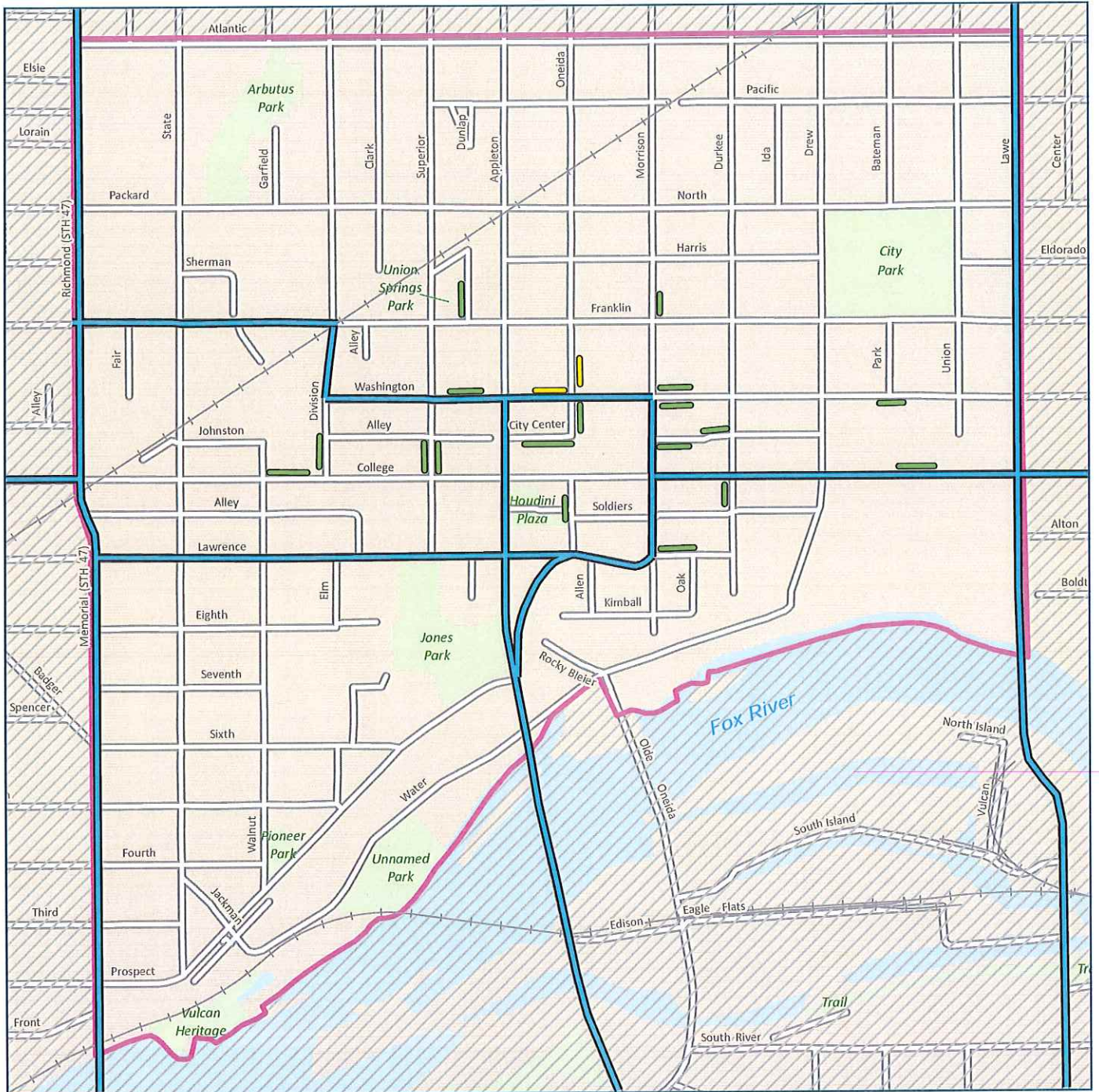
1. "College Avenue from Morrison Street to the east City limits."
2. "College Avenue from Richmond Street to the west City limits."
3. "Washington Street from Morrison Street to Division Street."
4. "Division Street from Washington Street to Franklin Street."

**Amend Chapter 19 of the Municipal Code (Section 19-137) to ADD the following:**

5. "College Avenue from the west City limits to the east City limits."
6. "Franklin Street from Richmond Street (STH 47) to Appleton Street."
7. "Washington Street from Appleton Street to Morrison Street."



# Downtown Appleton Mobility Study



## Truck Routing

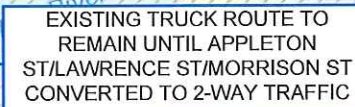
Jan. 2016

### Legend

- Study Limits
- Loading Zone
- Existing Truck Route
- Bus Loading Zones

0 500 1,000 Feet





July 2016

 Study Limits

 Proposed Truck Routes





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DEPARTMENT OF PUBLIC WORKS  
Engineering Division – Traffic Section  
2625 E. Glendale Avenue  
Appleton, WI 54911  
TEL (920) 832-5580  
FAX (920) 832-5570

**To:** Municipal Services Committee  
**From:** Eric Lom, City Traffic Engineer  
**Date:** November 30, 2016  
**Re:** Proposed parking restriction removal on Kamps Avenue (Locust Street to Bennett Street)  
*Follow-Up to Six-Month Trial Period*

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In response to a request from a property owner, the City's Traffic Section assessed the possibility of removing the existing parking restriction on the north side of Kamps Avenue between Bennett Street and Locust Street. The restriction in question (*No Parking from 4 p.m. to 5 a.m.*) was enacted in 2006 as a result of concerns that had been expressed regarding the former Azteca's complex which is no longer in operation.

We have received no feedback from the neighborhood regarding this change. As such we recommend making the change permanent.

**To accomplish this, the following ordinance action is required:**

1. ***Repeal Ord. 131-06:*** "Parking be prohibited from 4.p.m. to 5 a.m. on the north side of Kamps Avenue from Bennett Street to Locust Street."



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**Engineering Division – Traffic Section**  
**2625 E. Glendale Avenue**  
**Appleton, WI 54911**  
**TEL (920) 832-5580**  
**FAX (920) 832-5570**

**To:** Municipal Services Committee  
**From:** Eric Lom, City Traffic Engineer  
**Date:** November 30, 2016  
**Re:** Parking changes in the area of the Fox Cities Exposition Center

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Included in the agreement between the City and County to purchase the land for the Fox Cities Exposition Center the City was required to modify parking restrictions on a number of streets surrounding the site. These restrictions were implemented administratively in early August of this year and we have received no complaints. Outlined below are the ordinance changes that are necessary to make these changes permanent.

1. Parking be restricted to Outagamie County visitors only, from 5 a.m. to 5 p.m. Monday through Friday, on the east side of Walnut Street from Seventh Street to a point 45 feet north of Sixth Street.
2. Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, on the east side of Walnut Street from Seventh Street to a point 45 feet south of Eighth Street.
3. Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, compact vehicles only (No Trucks/Vans/SUVs; maximum wheelbase 105", maximum height 61"), on the east side of Walnut Street from Eighth Street to a point 45 feet south of Eighth Street.
4. Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, on Eighth Street from Walnut Street to Elm Street.
5. Parking be prohibited on the north side of Sixth Street from Walnut Street to a point 40 feet east of Walnut Street.
6. Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, compact vehicles only (No Trucks/Vans/SUVs; maximum wheelbase 105", maximum height 61"), on the north side of Sixth Street from a point 35 feet east of Walnut Street to a point 100 feet east of Walnut Street.
7. Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, on the north side of Sixth Street from Elm Street to a point 100 feet east of Walnut Street.
8. Parking be restricted to Outagamie County visitors only, from 5 a.m. to 5 p.m. Monday through Friday, on the west side of Elm Street from Seventh Street to a point 30 feet north of Sixth Street.
9. Parking be prohibited on the west side of Elm Street from Sixth Street to a point 30 feet north of Sixth Street.
10. Parking be prohibited on the east side of Elm Street from Sixth Street to a point 130 feet north of Sixth Street.
11. Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, on the east side of Elm Street from Seventh Street to a point 130 feet north of Sixth Street.
12. Parking be prohibited on Eighth Street from Elm Street to a point 200 feet east of Elm Street.



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**DEPARTMENT OF PUBLIC WORKS**  
**Engineering Division – Traffic Section**  
**2625 E. Glendale Avenue**  
**Appleton, WI 54911**  
**TEL (920) 832-5580**  
**FAX (920) 832-5570**

**To:** Municipal Services Committee  
**From:** Eric S. Lom, City Traffic Engineer  
**Date:** October 25, 2016  
**Re:** Traffic-related ordinance changes for the Hancock Street Reconstruction Project  
(Lawe Street to Meade Street)

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The Hancock Street reconstruction project (Lawe Street to Meade Street) was completed during the 2016 construction season. This memo addresses the parking and traffic restrictions that are necessary to implement the Council-approved roadway plans (Agenda Item 14-1560).

**The following ordinance action is required:**

1. **Create:** "Parking be prohibited on Hancock Street from Lawe Street to Meade Street."



## MEMO

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**TO:** Municipal Services Committee

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

**DATE:** December 8, 2016

**SUBJECT:** **Request from the Far East Restaurant for a Permanent Street Occupancy Permit (non-revocable) for the existing overhead sign and canopy at 1330 S. Oneida Street**

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One of the standard steps of a reconstruction project involving State and Federal Funding is to review all encroachments and recommend either removal of the encroachments or issuance of Revocable Permits. Revocable Permits allow the encroachment to remain unless one of the following circumstances arises:

- Encroachment is damaged to the extent that repair costs would be equal to or greater than 50% of the assessed or estimated value
- City deems it necessary to revoke permit because of a need to expand capacity or improve safety
- City determines encroachment increases the difficulty of highway maintenance, creates conditions adverse to the best interest of the general public or presents a threat to highway safety

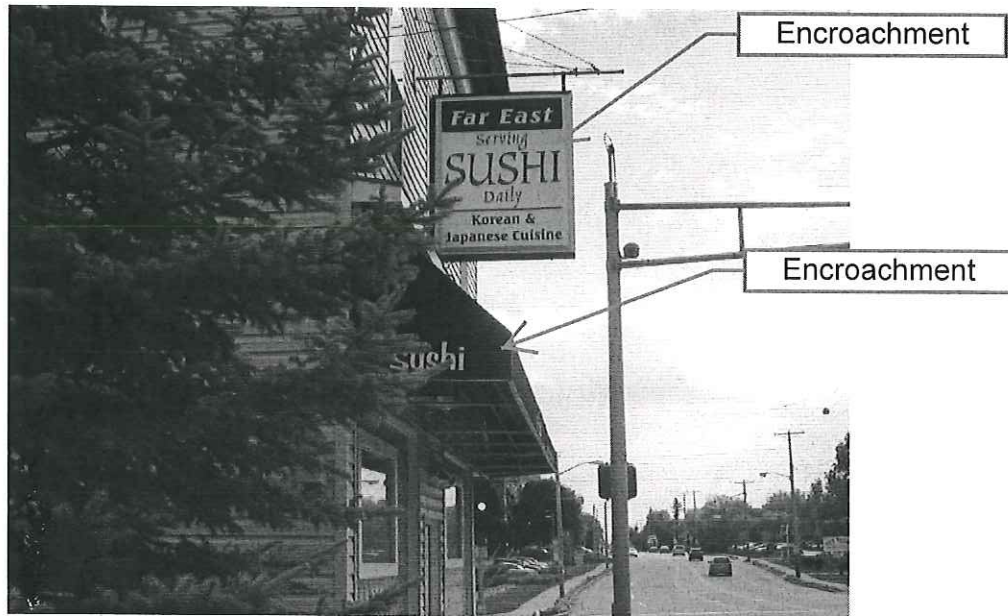
The Far East Restaurant was issued permits in 1980 and 1981 for the existing signs and awnings with the understanding they were 8" into the street right-of-way. The street reconstruction project is expanding the right-of-way so these items will now encroach even further into the right-of-way.

As a compromise, and in acknowledgement of the existing permits, City staff offered the option of the Revocable Permit in-lieu of removal. The property owner is requesting a Non-revocable permit so that they have assurance that the sign can stay no matter what the future may bring to this segment of roadway.

For the S. Oneida Street Project, there are 15 encroachments identified of which a majority of them have plans to remove the items in question or have signed the Revocable Permits.

Attachments

## ENCROACHMENT PHOTO LOG



Overhead sign and canopy, looking south



Overhead sign and canopy, looking north

Encroachment Number 14  
I.D. 4984-01-73

### ENCROACHMENT REPORTING FORM

COUNTY: OUTAGAMIE	DATE: 11/30/2015
PROJECT ID: 4984-01-73	ENCRO NO: 14
TAX KEY NUMBER: 314052800	PARCEL NO: 80
LETTING DATE: 12/11/17	HIGHWAY: S ONEIDA ST & E FREMONT ST
REPORTER: NATHAN VAUGHN	PHONE: 262-317-3280
DOT PROJ ENGINEER: RA SMITH NATIONAL	
LEGAL DESCRIPTION OF ENCROACHMENT and WHAT ENCROACHMENT IS: OVERHEAD SIGN AND CANOPY	

SKETCH OF ENCROACHMENT ATTACHED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO WIDTH OF HIGHWAY ROW FROM R/L AT ENCROACHMENT: 63.0' WIDTH ON FREMONT ST 34.2-34.4' ON ONEIDA ST NO. OF FEET FROM R/L TO ENCROACHMENT: 32.6' CANOPY ON ONEIDA ST 31.2' OVERHEAD SIGN ON ONEIDA ST STATION: 116+42 RT - 116+66 RT CANOPY 116+65 RT SIGN Encroachment is within existing Right of Way by 2.3' CANOPY ON FREMONT ST, 1.7' CANOPY ON ONEIDA ST 3.0' SIGN ON ONEIDA ST	PHOTOS ATTACHED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO NAME & ADDRESS OF OWNER OR RESPONSIBLE PARTY YONG SUK LARSON 812 GREEN ST MENASHA, WI 54952
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RECOMMENDED ACTION: ☐ Revocable Permit ☒ Removal

FOR OFFICE USE ONLY	
RECOMMENDED ACTION	ACTION TAKEN
REMOVAL ORDER DATE: COMMENTS:	REMOVAL ORDER COMPLIANCE FIELD VERIFIED DATE: BY:
ISSUE REVOCABLE OCCUPANCY PERMIT DATE: COMMENTS:	OCCUPANCY PERMIT ISSUED DATE: BY:
POSSIBLE SALE OR LEASE ENCROACHED LANDS COMMENTS:	SALE OR LEASE OF LAND COMPLETED DATE: BY:

SEE PHOTO REVERSE SIDE

S:\5166283\Encroachments\Reports



## MEMO

**TO:** Municipal Services Committee

**FROM:** Chad M. Weyenberg, Project Engineer *CW*

**DATE:** December 8, 2016

**RE:** **Award of Contract for the design and construction related services for the northbound Oneida Street Bridge Reconstruction Project over Jones Park to Patrick Engineering, in an amount not to exceed \$228,861.**

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The Department of Public Works is recommending to contract with Patrick Engineering, in an amount not to exceed \$228,861 to provide design and construction related services for the northbound Oneida Street Bridge over Jones Park Reconstruction Project. This project is one of the first steps of the Downtown Mobility Study's plan to convert Appleton Street from a one-way to a two-way street. This contract will authorize Patrick Engineering to provide the following services:

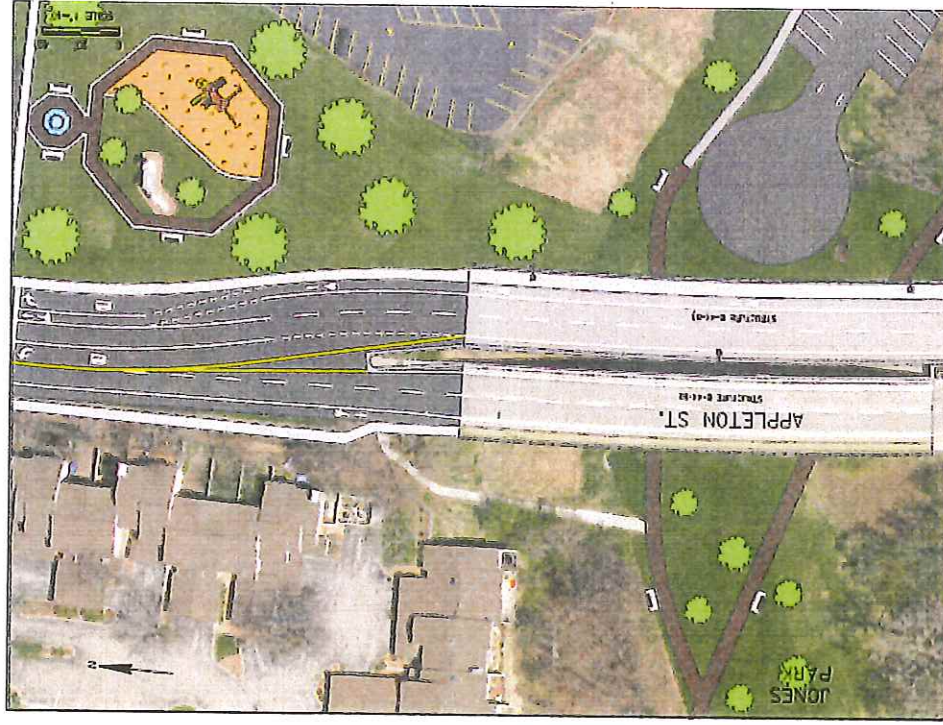
- Construction Plans, specifications and estimates
- Traffic Control Plan
- Coordination with Utilities, Oneida Street Pavement Project, Fox Cities Exhibition Center Project and future development projects
- Permitting
- Assistance with bid letting
- Construction related services including inspection, surveying, materials testing and geotechnical testing
- Final inspection and as-built drawings
- Meetings and miscellaneous coordination

The Department of Public Works received three qualified proposals from Patrick Engineering, OMNNI Associates and AECOM. Patrick Engineering demonstrated the related experience and personnel necessary to complete the required tasks. In addition, they also demonstrated a good project understanding and approach. Quotes received from the three firms were as follows: (these quotes include a lump sum design cost and assume a time and material construction related services cost for a 24 week construction project.)

Patrick Engineering = \$228,861  
OMNNI Associates = \$241,300  
AECOM = \$347,615

Attachment

# Oneida Street Bridge over Jones Park Improvements Technical Proposal





**DEPARTMENT OF PUBLIC WORKS**  
**Engineering Division – Traffic Section**  
2625 E. Glendale Avenue  
Appleton, WI 54911  
TEL (920) 832-5580  
FAX (920) 832-5570

**To:** Municipal Services Committee  
**From:** Eric Lom, City Traffic Engineer  
**Date:** December 8, 2016  
**Re:** Amendment to the scope of services & contract amount for the Railroad Quiet Zone Feasibility & Implementation Plan consulting services contract

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The Department of Public Works is proposing to amend the scope of services & contract amount for the Railroad Quiet Zone Feasibility & Implementation Plan consulting services contract with SRF Consulting Group, Inc.

The scope additions would include the following:

- Prepare and submit the “Request for Determination on Constant Warning Time Detection” letter to the Federal Railroad Administration (FRA) for the Perkins Street crossing. Work with FRA representatives as necessary through this process.
- Prepare and submit the “Request for Determination on Constant Warning Time Detection” letter to the Federal Railroad Administration (FRA) for the Meade Street crossing. Work with FRA representatives as necessary through this process.

The purpose of these letters is to request that the FRA exempt the City from the need to install constant warning time circuitry on the infrequently used side rails at these crossings. If approved, this will avoid the need to spend approximately \$150,000 to make the CWT upgrades.

In February of 2016, a contract with SRF Consulting Group, Inc., was approved in the amount not to exceed \$27,356. In order to allow for completion of the additional services outlined above, we request that the contract be amended to an amount not to exceed \$28,856 (an addition of \$1500).

# Department of Public Works Inspections Division

## Permit Summary Count YTD Comparison

01/01/16 Thru 11/30/16

Report Date: 12/1/2016



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Permit Type	Year Issued	Permit Count	Total Estimated Cost	Total Receipt Amount
BUILDING	2015	965	129,974,685	330,031.55
	2016	933	68,165,738	310,905.33
		-3.32 %	-47.55 %	-5.80 %
DISPLAY SIGN	2015	134	1,099,267	4,090.00
	2016	163	1,184,537	4,900.00
		21.64 %	7.76 %	19.80 %
ELECTRICAL	2015	876	9,416,530	117,730.85
	2016	907	13,454,904	136,271.61
		3.54 %	42.89 %	15.75 %
EROSION CNTL	2015	42		5,550.01
	2016	48		5,860.00
		14.29 %	%	5.59 %
HEATING	2015	694	14,555,399	60,449.74
	2016	699	14,356,992	58,476.63
		0.72 %	-1.36 %	-3.26 %
PLAN REVIEW	2015	99		43,245.00
	2016	109		38,465.00
		10.10 %	%	-11.05 %
PLUMBING	2015	477	6,284,270	53,641.00
	2016	467	5,757,269	43,965.00
		-2.10 %	-8.39 %	-18.04 %
SEWER	2015	189	1,823,794	16,986.00
	2016	204	1,780,770	17,141.00
		7.94 %	-2.36 %	0.91 %
WELL	2015	3		90.00
	2016	4		120.00
		33.33 %	%	33.33 %

# Department of Public Works Inspections Division

## Permit Summary Count YTD Comparison

01/01/16 Thru 11/30/16

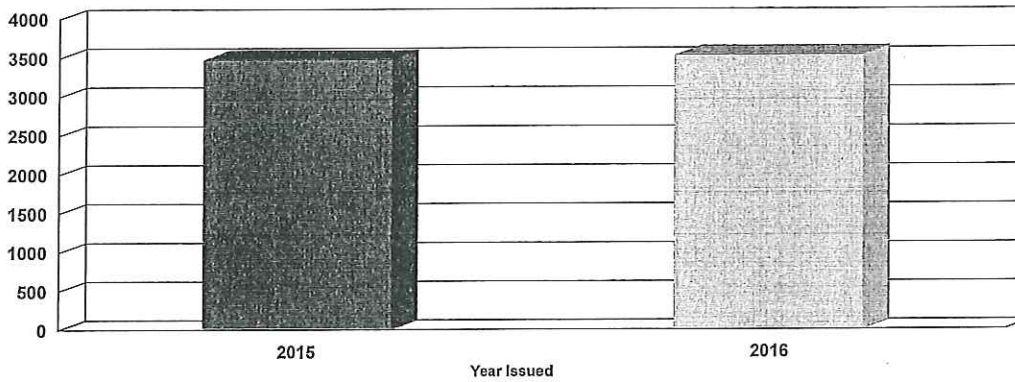
Report Date: 12/1/2016



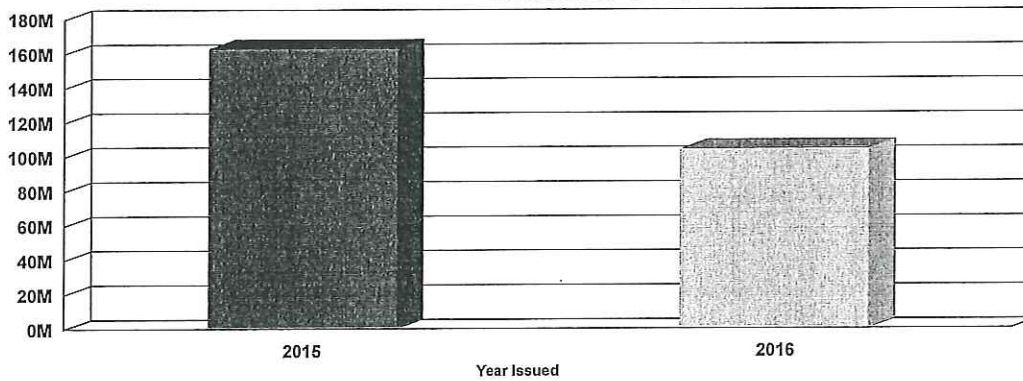
"...meeting community needs...enhancing quality of life."

	2015	2016
Permits	3479	3534
Estimated Cost	163,153,945.00	104,700,210.00
Receipt Amount	631,814.15	616,104.57

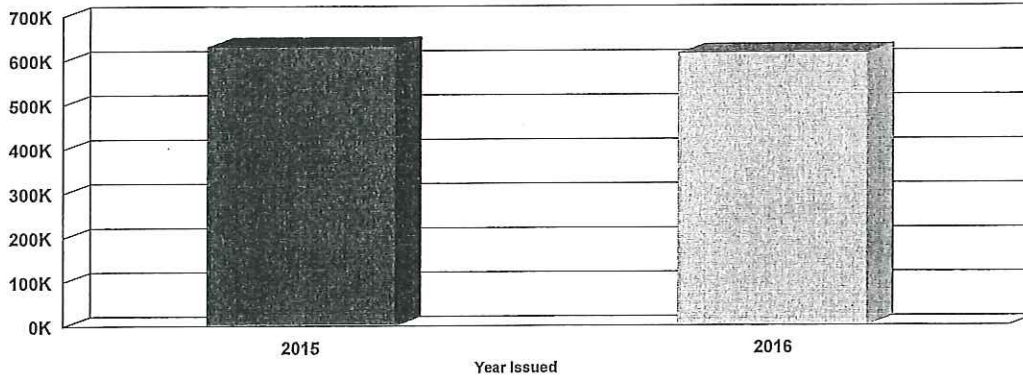
Number of Permits



Estimated Cost



Receipt Amount





## LEGAL SERVICES DEPARTMENT

### Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

**TO:** Municipal Services Committee

**FROM:** Christopher R. Behrens, Deputy City Attorney

**DATE:** October 31, 2016 

**RE:** Proposed Expansion of Right-of-Way Management Ordinance

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On behalf of our office and the Public Works Department we are seeking your approval of the creation of Article IV. Right-of-Way Management, Secs. 16-100 through 16-150 and the repeal of Sec. 16-12 which will be replaced by the new article.

The former Sec. 16-12 addressed permitting requirements within the public right-of-way, but in a very limited fashion. This proposed replacement provides a more comprehensive regulatory framework for staff to process permit applications in a fair, uniform and defensible manner. It will also afford staff greater control over right-of-way use including the number of obstructions, locations, and excavations that take place within the right-of-way.

Updating this ordinance was prompted in part by increasing requests to use the City's right-of-way. Many municipalities around the state are experiencing a similar increase in requests and are similarly updating their ROW management ordinances. Many of these requests often seek to place new facilities in random locations in an uncontrolled and poorly planned manner. One of the negative results could be an inefficient use of the right-of way's very limited space. As new facilities are added to the right-of-way, this creates the potential for additional hazards to right-of-way users. In these cases, the City's Public Works Department has done its best to encourage the location of such facilities in the least intrusive location possible. The new ordinance will give the Department greater discretion and authority to manage existing right-of-way uses and the placement of future facilities within the right-of-way making sure the rights-of-way remain available for public services and safe for public use.

Staff recommends as follows:

Approval of the adoption of Article IV. Right-of-Way Management, Secs. 16-100 through 16-150 and the repeal of Sec. 16-12.

## ARTICLE IV. RIGHT-OF-WAY MANAGEMENT

### SECTION \_\_\_\_\_. RIGHT-OF-WAY MANAGEMENT

#### Sec. 16-100. Findings and purpose.

(a) In the exercise of its police powers, the City has priority over all other uses of the public rights-of-way. The City desires to anticipate and minimize the number of obstructions and excavations taking place in the public rights-of-way to ensure that the rights-of-way remain available for public services and safe for public use. The taxpayers of the City bear the financial burden for the upkeep of the rights-of-way and a primary cause for the early and excess deterioration of the public rights-of-way is the frequent excavation by Person who place facilities therein.

The City finds that there has been an increase in the use of the public rights-of-way and, as a result, increased costs to the taxpayers of the City and that these costs are likely to continue into the foreseeable future.

The City finds that excavation and occupancy of the public rights-of-way causes direct and indirect costs to be borne by the City and its taxpayers, including but not limited to:

- (1) Administrative costs associated with public rights-of-way projects, such as registration, permitting, inspection and supervision, supplies and materials.
- (2) Management costs associated with ongoing management activities necessitated by public right-of-way users.
- (3) Repair costs to the roadway associated with the actual excavation into the public right-of-way.
- (4) Degradation costs defined as depreciation caused to the roadway in terms of decreased useful life, due to excavations into the public rights-of-way.

In response to the foregoing facts, the City hereby enacts this ordinance relating to the administration and permitting of excavation, obstruction and/or occupancy of the public rights-of-way, together with an ordinance making necessary revisions to other Code provisions. This ordinance imposes reasonable regulations on the placement and maintenance of facilities currently within in rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies.

The purpose of this ordinance is to provide the City a legal framework within which to regulate and manage the public rights-of-way, and to provide for recovery of costs. This ordinance provides for the health, safety and welfare of the residents of the City as they use the rights-of-way of the City, as well as to ensure the structural integrity of the public rights-of-way.

Under this chapter, all Persons who excavate, obstruct and/or occupy the public rights-of-way will reimburse the City's administrative, ongoing management and degradation costs. Right-of-way users will bear a fair share of the financial responsibility for the integrity of the public rights-of-way.

#### Sec. 16-101. Definitions.

The following definitions apply in this ordinance. References hereafter to "sections" are, unless otherwise specified, references to sections in this ordinance. Defined terms remain defined terms whether or not capitalized.

*Applicant* means any person requesting permission to excavate, obstruct and/or occupy a right-of-way.

*City* means the City of Appleton.

**Degradation** means the accelerated depreciation of the right-of-way, caused by an excavation of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

**Department** means the City's Director of Public Works.

**Department inspector** means any person authorized by the Department to carry out inspections relating to the provisions of this chapter.

**Emergency** means a condition that (1) poses a clear and immediate danger to life or health, or of a significant loss of property or (2) requires immediate repair or replacement in order to restore service to a customer.

**Excavate** means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

**Facilities** means all equipment owned, operated, leased or subleased in connection with the operation of a service or utility service, and shall include but is not limited to poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances.

**In**, when used in conjunction with "right-of-way", means over, above, in, within, on or under a right-of-way.

**Local representative** means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.

**Obstruct** means to place any object in a right-of-way as to hinder free and open passage over/under on or in that or any part of the right-of-way.

**Occupy** means to dwell or reside above, on, in, or below the boundaries of the public rights-of-way.

**Permittee** means any person to whom a permit to excavate or occupy a right-of-way has been granted by the City under this chapter.

**Person** means, municipality, corporation, company, including a "Company" defined as Wis. Stat. § 182.017(1g)(b), association, firm, partnership, limited liability company, limited liability partnership and individuals and their lessors, transferees and receivers.

**PSCW** means the Public Service Commission of Wisconsin.

**Public Utility** has the meaning provided in Wis. Stat. § 196.01(5).

**Registrant** means any person who has registered with the City (1) to have its facilities located in any right-of-way or (2) to use or seek to occupy or use the right-of-way or any facilities in the right-of-way.

**Repair** means to perform construction work necessary to make the right-of-way useable for travel, according to department specifications, or to return facilities to an operable condition that is in as good or a better condition as the facilities were before the work commenced.

**Repair Bond** means a license or permit bond, a letter of credit, or cash deposit posted to ensure the ability of sufficient funds to assure that right-of-way excavation repair work is completed in both a timely and quality manner, per Department specifications.

**Right-of-way** means the surface and space above and below a public roadway, highway, street, bicycle lane, landscape terrace, shoulders, side slopes, and public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes.

***Rights-of-way User*** means a person owning or controlling a facility in the public right-of-way, or seeking to own or control a facility in the public right-of-way.

***Service or utility service*** includes services such as municipal sewer and water services and services provided by a Public Utility or a Company subject to Wis. Stat. § 182.017 and other similar services.

***Supplementary application*** means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that has already been issued.

***Unusable facilities*** means facilities in the right-of-way which have remained unused for one year and for which the registrant is unable to provide proof that it has either a plan to begin using them within the next twenty-four (24) months or a potential purchaser or user of the facilities.

#### **Sec. 16-102. Administration.**

The Department is responsible for the administration of the rights-of-way, and the permits and ordinances related thereto.

#### **Sec. 16-103. Registration for right-of-way occupancy.**

(a) ***Registration.*** Each service, utility service or right-of-way user who occupies, uses, or seeks to occupy or use, the right-of-way or any facilities in the right-of-way, including by lease, sublease or assignment, or who has, or seeks to have, facilities located in any right-of-way shall register with the Department and pay the fee on file with the Department. Registration will consist of providing application information and paying a registration fee. This section shall not apply to those persons exclusively utilizing facilities provided by another right-of-way user.

(b) ***Registration prior to work.*** No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof in any right-of-way without first being registered with the Department.

(c) ***Exceptions.*** Nothing herein shall be construed to repeal or amend the provisions of a City ordinance requiring persons to plant or maintain the tree lawn in the area of the right-of-way between their property and the street curb, construct sidewalks, install street signs or perform other similar activities. Persons performing such activities shall not be required to obtain any permits under this chapter.

#### **Sec. 16-104. Registration information.**

(a) ***Information required.*** The information provided to the Department at the time of registration shall include, but not be limited to:

- (1) Each registrant's name, Diggers Hotline registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers.
- (2) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
- (3) All right-of-way users shall demonstrate to the satisfaction of the City the financial capability to cover any liability that might arise out of their presence in the right-of-way. If the person is a corporation, a LLC or LLP, a copy of any certificate required to be filed under Wisconsin Statutes as recorded and certified to the Secretary of State and shall be included with the registration.

- (4) A copy of the person's certificate of authority from PSCW or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.
- (5) Execution of an indemnification agreement in a form prescribed by the Department, which is consistent with, and shall not exceed the obligations provided in, Sec. 16-126 herein.

(b) **Notice of changes.** The registrant shall keep all of the information listed above current at all times by providing to the Department information as to changes within fifteen (15) working days following the date on which the registrant has knowledge of any change.

**Sec. 16-105. Registration fee.**

(a) **Annual registration fee.** Each registrant shall annually renew its registration or discontinue and properly abandon its facilities. The Department shall establish the registration fee in an amount sufficient to recover the costs incurred by the City for processing registrants. This fee shall be computed as the average of labor costs, indirect costs, and other costs associated with registration.

(b) **Fee computation.** The Department may recalculate and establish a new registration fee each year and said fee shall be on file with the Department.

**Sec. 16-106 to 16-109. Reserved.**

**Sec. 16-110. Excavation permit requirement.**

(a) **Excavation permit required.** Except as otherwise provide in this chapter or other chapters of the Municipal Code, no person shall excavate any right-of-way or place facilities in a right-of-way without first having obtained an excavation permit from the department.

No person shall excavate right-of-way or maintain an excavation in the right-of-way beyond the date or are specified in the permit unless such person makes a supplementary application for another excavation permit before the expiration of the initial permit, pursuant to Sec. 16-118, and a new permit or permit extension is granted.

(b) **Permit display.** A copy of any permit issued under this chapter shall be made available at all times by the Permittee at the indicated work site and shall be available for inspection by the department upon request.

**Sec. 16-111. Excavation permit application.**

(a) Application for a permit shall be made to the Department. Permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

- (1) Registration with the Department as required by this Chapter;
- (2) Submission of a completed permit application form, including the following:
  - a. If the proposed project involves the installation of a pole or tower in the right-of-way, the applicant must submit scaled drawings of the proposed pole or tower and all proposed attachments.
  - b. the applicant shall identify in detail the location of the proposed project and any affected right-of-way, public utility easements, and the location of all existing and proposed facilities within the project area in addition to installation details, traffic control plans and other details requested by the Department;

- c. If the proposed project involves the installation of a pole or tower in the right-of-way, the applicant must submit evidence sufficient to demonstrate that the applicant is prohibited from using an existing pole or tower (either owned by the applicant or a third party) because such use is technically infeasible, economically prohibitive, or prohibited by law.
  - d. If the proposed project involves the installation of a pole or tower in the right-of-way that is greater than 10 feet taller than existing poles or towers in nearby right-of-way, the applicant must submit evidence sufficient to demonstrate that:
    - 1. the greater height is required to accomplish the applicant's purposes;
    - 2. the applicant is prohibited from using existing poles or towers (either owned by applicant or a third party) to accomplish its purposes because such use is technically infeasible, economically prohibitive, or prohibited by law; and
    - 3. the pole or tower, due to its height and size, poses no greater danger to the health, safety, and welfare of the public than existing poles in nearby right-of-way.
- (3) Payment of all money due to the City for:
    - a. applicable permit fees and costs as set forth below;
    - b. unpaid fees or costs due for prior excavations; or
    - c. any loss, damage, or expense suffered by the City because of applicant's prior excavations of the rights-of-way or any emergency actions taken by the City.
  - (4) A statement on forms provided by the Department that the registrant will comply with all local, state, and federal codes including, but not limited to, safety, building, traffic control codes, and the Manual of Uniform Traffic Control Devices (MUTCD).
  - (5) Furnish a certificate of liability insurance compliant with standards of the Department.
  - (6) Post a repair bond. When an excavation permit is requested for purposes of installing additional facilities, and the posting of a repair bond for the additional facilities is insufficient, the posting of an additional or larger repair bond for the additional facilities may be required.
  - (7) The Department shall not deny a registrant an excavation permit because of a dispute between the City and the registrant, related to Sec. 16-111(a)(3)(b) and/or Sec. 16-111(a)(3)(c) if:
    - a. the dispute has been adjudicated in favor of the registrant;
    - b. the dispute is the subject of an appeal filed by the registrant and no decision in the matter has at yet been rendered.

**Sec. 16-112. Excavation permit fee.**

(a) **Fee calculation.** The excavation permit fee shall be established by the Department in an amount sufficient to recover the costs incurred by the City. This fee shall recover costs incurred by the City for each of the following categories as provided herein:

- (1) **Administrative:** The general formula for computing the administrative fee shall be the average per-permit costs for labor plus indirect and other costs.
- (2) **Repair:** No repair fee shall be collected by the City. However, the permittee shall be required to repair the public right-of-way to Department specifications, subject to inspection and acceptance by the Department, as per Sec. 16-113, and to pay a degradation fee.
- (3) **Degradation:** The general formula for computing the degradation fee shall be the cost per square yard for street, overlay and seal coat multiplied by the appropriate depreciation rate for that street multiplied by the area of the patch.

The area of the patch shall generally be square and calculated by adding two feet to each side of the anticipated street cut and then, at the option of the Department, extending to the full pavement lane width. Depreciation schedules shall be provided by type of street.

The total excavation permit fee shall be calculated as follows: Total Excavation Permit Fee = Administrative Cost + Degradation Fee.

(b) **City exemption.** The City shall not pay administrative and degradation fees nor shall any person performing work in the right of way pursuant to a contract with the City.

(c) **Payment of permit fees.** No excavation permit shall be issued without payment of applicable fees, unless the applicant shall agree to pay such fees within thirty (30) days of billing therefor.

(d) **Fee computation.** The Department may recalculate and establish a new fee structure each year.

(e) **Non-refundable.** Permit fees paid for a permit that the Department has revoked for a breach as stated in Sec. 16-120 are not refundable.

#### **Sec. 16-113. Right-of-way repair.**

(a) The work to be done under the excavation permit, and the repair of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the Permittee or when work was prohibited as unseasonable or unreasonable under Sec. 16-120.

(b) In addition to repairing its own work, the Permittee must repair the general area of the work, and the surrounding areas, including the paving and its foundations, to the specifications of the Department. The Department shall inspect the area of the work and accept the work when it determines that proper repair has been made, per specifications of the Department.

(c) A Permittee may request to have the City repair the right-of-way.

- (1) **City repair.** If the Permittee requests to have the City repair the right-of-way, the City may accept or reject the request at its sole option. If the City accepts, the Permittee shall be billed for the City's costs, and shall pay the amount thereof within thirty (30) days of billing.
- (2) **Permittee repair.** If the Permittee chooses to repair the right-of-way, it shall, at the time of application for an excavation permit, post a repair bond in an amount determined by the Department to be sufficient to cover the cost of repairing the right-of-way to Department specifications. If, thirty-six (36) months after completion of the repair of the right-of-way, the Department determines that the right-of-way has been properly repaired, the surety on the repair bond shall be released.

(d) **Standards.** The Permittee shall perform repairs according to the specifications of the Department and/or in accordance with the conditions specified in the permit. The Department shall have the authority to prescribe the manner and extent of the repair and may do so in written procedures of general application or on a case-by-case basis.

(e) **Guarantees.** The Permittee guarantees its work and shall maintain it for thirty-six (36) months following its completion, except for organic material, which shall be maintained for twelve (12) months. During either period, the Permittee shall, upon notification from the Department, correct all repair work to the extent necessary, using the method required by the Department. Said work shall be completed within ten (10) calendar days of the receipt of the notice from the Department, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Sec. 16-119.

(f) **Failure to repair.** If the Permittee fails to repair the right-of-way in the manner and to the condition required by the Department, or fails to satisfactorily and timely complete all repair required by the Department, the Department at its option may do such work. In that event the Permittee shall pay to the City, within thirty (30) days of billing, the cost of repairing the right-of-way. If the Permittee fails to pay as required, the City may exercise its rights under the repair bond.

**Sec. 16-114. Reserved.**

**Sec. 16-115. Inspection.**

(a) **Notice of completion.** When the work under any permit issued hereunder is completed, the Permittee shall notify the Department.

(b) **Site inspection.** The Permittee shall make the work site available to the Department and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

(c) **Authority of department.** At the time of inspection, the City may order the immediate cessation of any work that poses a threat to the life, health, safety, or well-being of the public. The City may issue an order to the registrant for any work that does not conform to the applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the registrant shall present proof to the Department that the violation has been corrected. If such proof has not been presented within the required time, the Department may revoke the permit pursuant to Sec. 16-120.

**Sec. 16-116. Fall radius/breakaway requirements.**

(a) Poles and other utility structures over 60 feet in height shall be located so that all residential, commercial, retail or other occupied buildings are outside the fall radius of the structure.

(b) Rigid non-breakaway poles and other utility structures shall be located a minimum of 10' from roadway curbs or shoulders and behind existing or future sidewalks.

**Sec. 16-117. Joint applications.**

(a) **Joint application.** Registrants may jointly apply for permits to excavate the right-of-way at the same place and time.

(b) **With City projects.** Registrants who join in a scheduled excavation performed by the City, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the degradation portion of the excavation permit fee.

(c) **Shared fees.** Registrants who apply for permits for the same excavation, which the Department does not perform, may share in the payment of the excavation permit fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

**Sec. 16-118. Supplementary applications.**

(a) **Limitations on area.** An excavation permit is valid only for the area of the right-of-way specified in the permit. No Permittee may perform any work or excavate outside the area specified in the permit, except as provided herein. Any Permittee which determines that an area greater than that specified in the permit must be excavated shall, before working in that greater area (1) make application for a permit extension and pay any additional fees required thereby and (2) be granted a new permit or permit extension.

(b) **Limitation on dates.** An excavation permit is valid only for the dates specified in the permit. No Permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a Permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs and receive the new permit or an extension of the old permit before working after the end date of the previous permit.

(c) **Fees for supplementary applications.** A Permittee shall pay administration costs for any additional permits. A Permittee is not required to pay an additional degradation fee for the same excavation, if such fee has already been paid on the original permit.

**Sec. 16-119. Other obligations.**

(a) **Compliance with other laws.** Obtaining a permit to excavate and/or occupy the right-of-way does not relieve a Permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other City, county, State, or Federal rules, laws or regulations. A Permittee shall comply with all requirements of local, state, and federal laws. A Permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

(b) **Prohibited work.** Except in an emergency, or with the approval of the Department, no right-of-way excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

**Sec. 16-120. Revocations, suspensions, refusals to issue or extend permits.**

(a) **Grounds.** The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:

- (1) The applicant or Permittee is required by Sec. 16-103 to be registered and has not done so or the permit application is otherwise incomplete;
- (2) The applicant or Permittee is seeking to perform work not included in its construction and major maintenance plan; which work was reasonably foreseeable by the applicant or Permittee at the time said plan was filed;
- (3) Issuance of a permit for the requested date would or interfere with an exhibition, celebration, festival, or other event;
- (4) Misrepresentation of any fact by the applicant or Permittee;
- (5) Failure of the applicant or Permittee to maintain required bonds and/or insurance;
- (6) Failure of the applicant or Permittee to complete work in a timely manner;
- (7) The proposed activity is contrary to the public health, safety or welfare;

- (8) The extent to which space is available in the right-of-way for which the permit is sought;
- (9) The competing demands for the particular space in the right-of-way;
- (10) The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the Permittee or applicant;
- (11) If the Permittee or applicant proposes to install a new pole or tower in the right-of-way, the availability of other existing poles or towers owned by the Permittee or applicant or by a third party;
- (12) The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;
- (13) The condition and age of the right-of-way, and whether and when it is scheduled for total or partial reconstruction; or
- (14) The applicant or Permittee is otherwise not in full compliance with the requirements of this chapter or state or federal law.

(b) **Discretionary issuance.** Notwithstanding Sub. (a)(2), the Department may issue a permit where issuance is necessary (a) to prevent substantial economic hardship to a customer of the Permittee or applicant, or (b) to allow such customer to materially improve its Public Utility service, or (c) to allow the Permittee or applicant to comply with state or federal law or City ordinance or an order of a court or administrative agency.

(c) **Appeals.** Any person aggrieved by a decision of the Department revoking, suspending, refusing to issue or refusing to extend a permit may, within ten (10) days of the Department's decision being issued, file a written request with the Department seeking a review of the decision by the Municipal Services Committee. Following a hearing the Municipal Services Committee may affirm, reverse or modify the decision of the Department. The decision of the Municipal Services Committee is final.

(d) **Time limit to act and written denial.** The City shall approve or deny a permit application no later than sixty (60) days after receipt of the application. If the City fails to act on the application within that sixty (60) day period, the application shall be deemed granted and the City shall issue the permit to Applicant. If the City denies a permit application, the City shall provide Applicant with a written explanation of the reason for the denial at the time the City denies the application. *See Wis. Stat. § 182.017(9).*

#### **Sec. 16-121. Work done without a permit.**

(a) **Emergency situations.** Each registrant shall immediately notify the City, by verbal notice, of any event regarding its facilities that it considers an emergency. The registrant may take whatever actions are necessary to respond to the emergency. Within two business days after the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and otherwise fully comply with the requirements of this Chapter. If the City becomes aware of an emergency regarding a registrant's facilities, the Department may attempt to contact the local representative of each registrant affected. The City may take whatever action it deems necessary to protect the public safety as a result of the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

(b) **Non-emergency situations.** Except in an emergency, any person who, without first having obtained the necessary permit, excavates a right-of-way must subsequently register and apply for an excavation permit, and shall in addition to any penalties prescribed by ordinance, pay four times the normal fee for said permit, pay double all other fees required by this chapter or other chapters of the City Code, deposit with the Department the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this chapter. If a subsequent permit is denied or is not approved, the registrant shall discontinue and abandon its facilities and the

Department may cause any offending conditions to be removed or corrected and the expense thereof charged to the person responsible.

**Sec. 16-122. Supplementary notification.**

If the excavation of the right-of-way begins later or ends sooner than the date given on the permit, the Permittee shall notify the Department of the accurate information as soon as this information is known.

**Sec. 16-123. Location of facilities.**

(a) ***Undergrounding.*** Unless in conflict with state or federal law, except when existing aboveground facilities are used, the installation of new facilities and replacement of old existing facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes and at registrant's own expense.

(b) ***Corridors.*** The Department may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facility that is or, pursuant to current technology, the City expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the City involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue consistent with the Department's assignment.

Any registrant who has facilities in the right-of-way in a position at variance with the corridors established by the City shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the City for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the registrant.

(c) ***Limitation of space.*** To protect health, safety, and welfare, or when necessary to protect the right-of-way and its current use, the Department may prohibit or limit the placement of new, replacement or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of Persons to occupy and use the right-of-way. In making such decisions, the Department/City shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

**Sec. 16-124. Relocation of facilities.**

Except as prohibited by State or Federal law, a registrant must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the right-of-way whenever the Department requests such removal and relocation, and shall restore the right-of-way to the same condition it was in prior to said removal or relocation. The Department may make such request to prevent interference by the Company's facilities with (i) a present or future City use of the right-of-way, (ii) a public improvement undertaken by the City, (iii) an economic development project in which the City has an interest or investment, (iv) when the public health, safety and welfare require it, or (v) when necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way.

Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefor.

**Sec. 16-125. Interference with other facilities during municipal construction.**

When the City performs work in the right-of-way and finds it necessary to maintain, support, shore, or move a registrant's facilities, the City shall notify the local representative. The registrant shall meet with the City's representative within 24-hours and coordinate the protection, maintenance, supporting, and/or shoring of the

registrant's facilities. The registrant shall accomplish the needed work within 72 hours, unless the City agrees to a longer period. In the event that the registrant does not proceed to maintain, support, shore, or move its facilities, the City may arrange to do the work and bill the registrant for costs it incurs as well as damages of \$100 per day beyond the registrant's 72 hour deadline to accomplish the needed work, said bill to be paid within thirty (30) days.

**Sec. 16-126. Indemnification.**

By registering with the City, or by accepting a permit under this chapter, a registrant or Permittee, as the case may be, agrees to indemnify, defend, and hold harmless the City, its officers, boards, committees, commissions, elected officials, employees and agents (collective, "Indemnified Parties"), from and against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon an Indemnified Party for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the permittee's acts or omissions in the exercise of its rights under this permit, whether caused by or contributed to by the City or its agents or employees except in such cases where caused by the sole negligence or willful misconduct of the City.

**Sec. 16-127. Abandoned facilities.**

- (a) ***Discontinued operations.*** A registrant who discontinues its operations in the City must either:
- (1) Provide information satisfactory to the Department that the registrant's obligations for its facilities under this chapter have been lawfully assumed by another registrant; or
  - (2) Submit to the Department a proposal and instruments for dedication of its facilities to the City. If a registrant proceeds under this clause, the City may, at its option:
    - a. accept the dedication for all or a portion of the facilities; or
    - b. require the registrant, at its own expense, to remove the facilities in the right-of-way at ground or aboveground; or
    - c. require the registrant to post a bond or provide payment sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.

However, any registrant who has unusable and abandoned facilities in any right-of-way shall remove it from the right-of-way within two years, unless the Department waives this requirement.

(b) ***Abandoned facilities.*** Facilities of a registrant who fails to comply with Sec. 16-127 subd (a), and which, for two (2) years, remains unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the City may, at its option (i) abate the nuisance, (ii) take possession of the facilities, and/or (iii) require removal of the facilities by the registrant, or the registrant's successor in interest.

(c) ***Public utilities.*** This section shall not apply to a Public Utility that is required to follow the provisions of Wis. Stat. § 196.81.

**Sec. 16-128. Reservation of regulatory and police powers.**

The City, by granting of a permit to excavate, obstruct and/or occupy the right-of-way, or by registering a person under this chapter does not surrender or to any extent lose, waive, impair, or the lawful powers and rights, which it has now or maybe hereafter granted to the City under the Constitution and statutes of the State of Wisconsin to regulate the use of the right-of-way by the Permittee; and the Permittee by its acceptance of a permit to excavate, obstruct and/or occupy the right-of-way or of registration under this chapter agrees that all lawful powers an rights, regulatory power, or police power, or otherwise as are or the same may be from time to time vested in or

reserved to the City, shall be in full force and effect and subject to the exercise thereof by the City at any time. A Permittee or registrant is deemed to acknowledge that its rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general law, and ordinances enacted by the City pursuant to such powers.

**Sec. 16-129. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or constitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Secs. 16-130. to 16-150. Reserved.**

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November Current Year	November Prior Year	Change From Prior Year	Description	Prior Year YTD Actual	Current Year YTD Actual	Full Year Amended Budget	(Over) Under Budget
			Revenues				
33,894	40,270	6,376-	Fines & Forfeitures	450,051	382,037	490,000	107,963
40,328	39,982	346	Street Meters	510,021	455,836	498,000	42,164
58,790	37,522	21,268	Short-Term Parking	493,024	511,013	680,950	169,937
14,432	15,005	573-	Permit Parking	853,914	862,527	845,000	17,527-
411	889	478-	Meter Hoods	14,689	13,996	10,000	3,996-
0	0	0	Other Charges for Service	0	0	0	0
0	229	229-	Other Revenues	12,260	2,872	601	2,271-
147,855	133,897	13,958	Total Revenues	2,333,959	2,228,281	2,524,551	296,270
			Expenditures				
71,509	52,434	19,075	Labor & Benefits	603,365	614,856	696,821	81,965
7,997	779	7,218	Supplies & Expenses	84,251	44,916	94,650	49,734
28,831	34,166	5,335-	Purchased Services	387,239	363,496	764,912	401,416
4,642	4,504	138	Fixed Charges	57,220	58,727	67,190	8,463
40,465	39,728	737	Miscellaneous Expense	437,008	445,115	500,000	54,885
153,444	131,611	21,833	Total Operating Expense	1,569,083	1,527,110	2,123,573	596,463
5,589-	2,286	7,875-	Operating Income (Loss)	764,876	701,171	400,978	300,193-
			Other Revenues				
4,062-	79-	3,983-	Interest Income	9,162	9,881	25,000	15,119
4,062-	79-	3,983-	Total Other Revenues	9,162	9,881	25,000	15,119
			Other Expenses				
326,511	5,214	321,297	Capital Expenditures	124,720	673,335	529,959	143,376-
775	775	0	Other Financing Uses	1,208,525	1,408,525	1,409,300	775
327,286	5,989	321,297	Total Other Expense	1,333,245	2,081,860	1,939,259	142,601-
336,937-	3,782-	333,155-	Change in Fund Equity	559,207-	1,370,808-	1,513,281-	142,473-

# Great Ideas Implemented in 2016

- Implemented an emergency dispatch app to utilize when calling in a crew for after-hours work to help streamline the dispatch process.
- Began using Amazon Smile for purchases from Amazon.com which automatically donates a portion of the purchase price to charity (we chose United Way Fox Cities).
- Restructured the plow maps to correspond with the forecasted snowfall amounts, which provides a more consistent level of service across the City.
- Created a water distribution maintenance app to accurately document and easily view all maintenance performed on the water system.
- Installed a fall protection system in the CEA mechanics shop to provide a safer environment when working on top of large equipment.
- Created a "Front End Loader Academy" to properly train the numerous employees that operate a loader to load trucks (including school district maintenance staff).
- Modified the announcement related to spring yard waste collection to not include the specific dates which allows for better planning and scheduling in the spring.
- Worked with the police department to provide them with 4x4 trucks during heavy snow events to help improve their mobility.
- Added the bike lane routes to our priority spring street sweeping list to provide a clean path in a timely manner.
- Streamlined the DNR water supply cross connection reporting process to make this process more accurate and efficient.
- Installed leaf pushers on single axle dump trucks to help make the leaf pushing process more efficient.
- Added a Polylevel program to our budget which will allow for the repair of more concrete panels for less money, less waste and less disruption to our customers.

- Installed quieter backup alarms on the street sweepers, bringing the sound below 85 decibels (from 107 decibels). This has resulted in fewer complaints from residents that are getting woken up by the alarms at night.
- Worked with TS to create a report for new buildings and remodels that were issued the previous 90 days on the Departments webpage that customers can run whenever they wish.
- Started using a hose connected to a meter in the hydrant flushing process to more accurately account for water used in the flushing process, to reduce damage to terraces and landscaping, and to eliminate hazard of flushing directly into the street.
- This year, Forestry has started a monthly specialized safety meeting that are specific to Forestry topics. We are very close to rolling out something similar with other interested divisions. The idea is for the ownership of the meetings to belong within the group and to have it facilitated by the representative of the safety committee. Anyone from within division can volunteer to lead or research a monthly topic.
- Forestry hand dug 13 trees that were going to be cut down as part of the John Street Reconstruction Project and replanted them at Pioneer Park.
- Installed backup cameras on equipment to increase visibility and overall safety.
- Installed snow tires on all Police squad cars to improve traction and mobility in winter months.
- Purchased iPads for updating our tree inventory to make this process more efficient.
- Began purchasing rebar that is already cut to length and bent to eliminate the need to cut and bend rebar ourselves.
- Offered additional recycling collection options for our downtown commercial recycling customers during Mile of Music.
- Built a plow blade mounting jig to make this process safer and more efficient.
- Assisted Valley Transit with fuel and parts ordering.

- Created a Spring Sweeping Map that identifies all islands and sidewalks to help make this process more efficient.
- Worked with Lowe's to provide fire extinguishers and smoke alarms to City employees at a reduced cost.
- Began disassembling old fire hydrants at the construction site to make this process more efficient for the contractor and City crews.
- Created a plow straightener tool to make this process more efficient
- Added remote grease lines on the automated garbage trucks to eliminate the need to crawl under the truck for the weekly greasing.
- Purchased a traffic speed display board to help calm traffic in work zones.
- Added daytime sweepers to our leaf collection crew to reduce the amount of debris on the streets, in the storm sewers and in our waterways.
- Reduced the fee charged for a 2<sup>nd</sup> recycling cart to encourage additional recycling, which should help reduce tipping fees and extend the life of the landfill.
- Installed the first Pave Drain system in a city street, near the intersection of Glendale/Sandra.
- Added "hands-on" training for our annual snow and ice training day.
- Established a ladder inventory and inspection program.
- Restructured the street sweeping schedule to allow for increased sweeping frequencies in areas that are directly contributory to the Fox River.



## MEMO

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**TO:** Municipal Services Committee  
Human Resources Committee

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

**DATE:** December 6, 2016

**SUBJECT:** **Proposed Modification to the Department of Public Works Table of Organization – Parking Utility.**

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As part of the 2017 Budget process, the Department of Public Works modified the Parking Utility Table of Organization by eliminating 2 part-time cashier positions and creating a full-time Parking Lead Position. Since developing that Table of Organization change in the summer of 2016, we have fully implemented the new pay-on-exit parking system and believe we need one more modification to the Table of Organization in order to provide a high level of customer service.

The new pay-on-exit system functions as a 24-hour system since now any malfunction traps customers inside the ramp where before customers would not be able to enter the ramp if there was a malfunction. The system takes in significant cash so the cash boxes at each exit lane and pay-on-foot station need to be emptied on a frequent basis. In addition, major events at the hotels and Performing Arts Center require staff to help answer customer questions and empty the ramp as quickly as possible.

In order to best meet the needs of our customers, we are requesting to convert an existing Ramp Attendant Position to a Operator I – Parking Position. (See attached Table of Organization). The Ramp Attendant's main duties are cleaning and helping customers, while the Operator I's main duties are parking equipment maintenance, snow & ice control and money collection from meters and ramps.

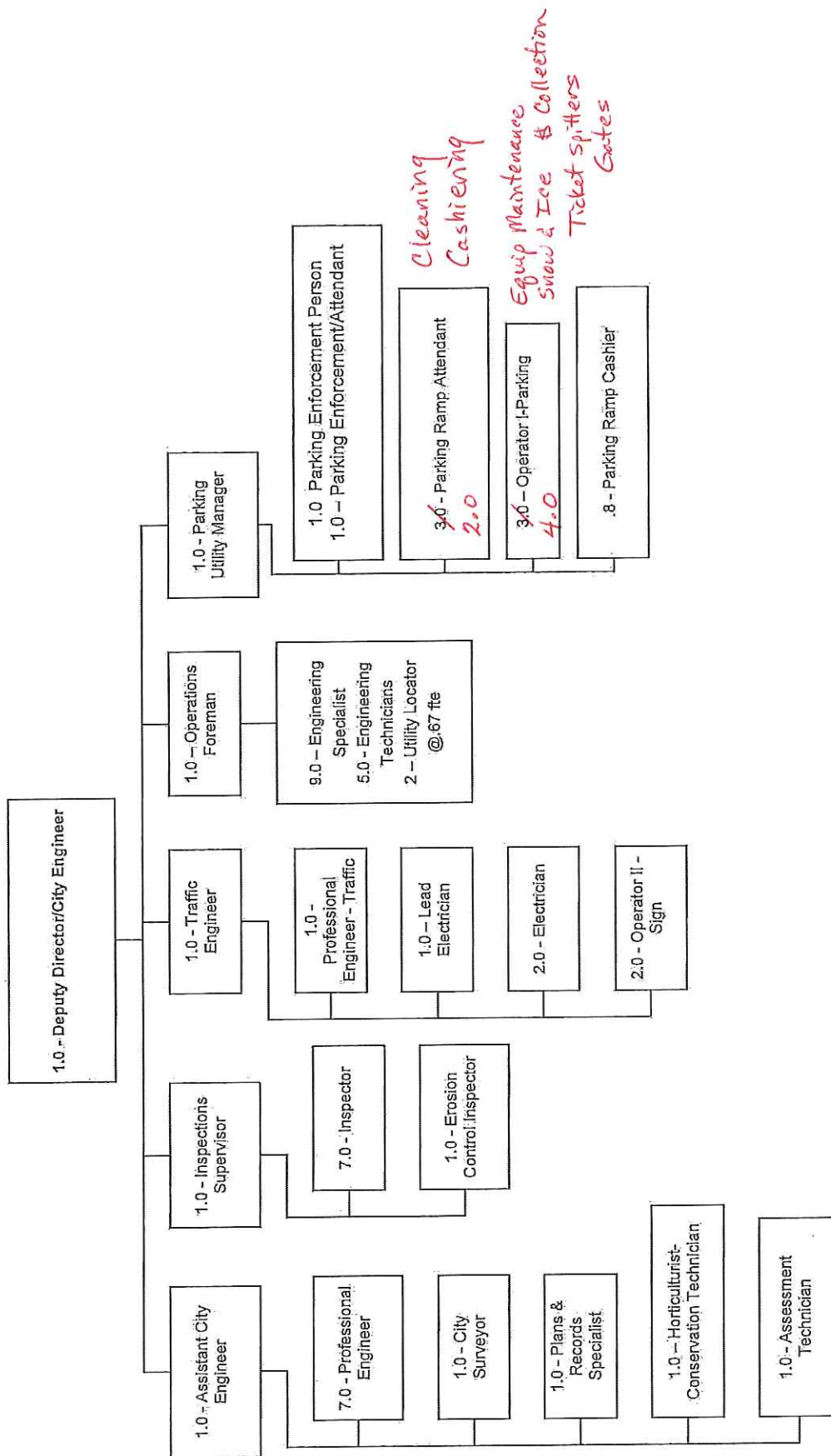
One of the three current Ramp Attendant Positions is vacant due to a recent resignation. This provides the ideal opportunity to consider changing this position prior to advertising to fill the position. If the proposed Table of Organization is approved, we will be able to provide full-service coverage Monday through Friday from 5:00 am to 11:00 pm and Saturdays from 9:00 am to 11:00 pm.

This modification to the Parking Utility Table of Organization is an increase in salary expense of \$10,046 (comparing control point to control point) and would be absorbed within the existing Parking Utility Budget.

**Therefore, I request approval of the proposed modification to the Department of Public Works Table of Organization – Parking Utility to convert one Ramp Attendant Position to a Ramp Operator I - Parking Position.**

Attachment

C: Tony Saucerman, Finance Director  
Sandy Behnke, Human Resources Director  
Bev Matheys, Managerial Accountant Coordinator





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**SUBJECT: CHANGE ORDER 2 QUOTE FOR APPLETON DPW**  
**PRICING AND FINANCIAL OPTIONS SPECIFIC TO THIS OFFERING:**  
**EQUIPMENT DETAILS AND PRICING**

**Date: 12/8/2016**

QTY	MODEL	DESCRIPTION	UNIT PRICE	TOTAL PRICE
<b>DPW DMR PORTABLE RADIOS</b>				
2	AAH56RDN9WA1 N	XPR 7550E 403-512 4W FKP Portable Radios	\$532.63	\$1,065.26
2	QA00505	PMMN4025 Speaker Microphone	\$61.63	\$123.26
2	Trbonet SubLicense	Additional Subscriber Licenses For Trbonet Dispatch Software	\$88.32	\$176.64
3	Trbonet Client License	Additional Desktop Client Licenses For Trbonet Dispatch Software	\$951.13	\$2,853.39
			<b>Sub Total:</b>	<b>\$4,218.55</b>
<b>RETURNS FOR CREDIT</b>				
20	QW450	Antenna 450-470 1/4 wave	-\$6.28	-\$125.60
3	RFN-1006-3E	N Male Crimp for RG8	-\$4.57	-\$13.71
4	RFN-1005-3C	N Male Crimp for R558/RG141	-\$4.99	-\$19.96
50	88463	Waterproof Fuse Holder	-\$10.08	-\$504.00
76	HK95557A	UHF F/Mini U Male Adaptor	-\$10.58	-\$804.08
			<b>Sub Total:</b>	<b>-\$1,467.35</b>
			<b>Change Order</b>	<b>Total Price:</b>
				<b>\$2,751.20</b>

Terms: Payment due upon invoice  
Quotation Good until Dec 20, 2016

Approved By:

Your Signature Is An Agreement To Purchase And An Acceptance Of The Above Terms  
All of the information listed on this proposal is confidential and proprietary information.  
**If You Have Any Questions Please Contact AI Koivisto At BAYCOM INC. (920) 544-4203**