



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, February 15, 2017

7:00 PM

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
[17-172](#) Common Council Meeting Minutes of February 1, 2017
Attachments: [CC Minutes 2-1-17.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
[17-179](#) Amended and Restated Final Resolution 1-P-17 for Sanitary Laterals
Attachments: [1-P-17 Sanitary Laterals Amended- FINAL Resolution.pdf](#)
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE
- 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

3. MINUTES OF THE CITY PLAN COMMISSION

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[17-137](#)

Request to approve the following 2017 Budget adjustments:

Public Works Capital Projects Fund

Mobility Study Improvements-Oneida Bridge Design Proj	+\$200,000
Proceeds of Long-Term Debt	+\$200,000

Community & Economic Development Capital Projects Fund

Comprehensive Plan/Downtown Update Project	- \$100,000
Proceeds of Long-Term Debt	- \$100,000

Facilities & Construction Management Capital Projects Fund

Downtown Development Project	- \$100,000
Proceeds of Long-Term Debt	- \$100,000

to provide additional funding for the design of the northbound section of the Oneida Street bridge over Jones Park.

Attachments: [Oneida Bridge Design Contract.pdf](#)

Legislative History

2/7/17	Finance Committee	recommended for approval
--------	-------------------	--------------------------

[17-140](#)

Request approval of Bid Packages and project related expenses into the Guaranteed Maximum Price Amendment to Miron Construction for the Fox Cities Exhibition Center for a contract not to exceed \$2,170,248.

Attachments: [2017 Expo Center Bid Package #4 .pdf](#)

Legislative History

2/7/17	Finance Committee	recommended for approval
--------	-------------------	--------------------------

[17-155](#)

Request to award Unit T-17 Oneida Street Sewer & Water Reconstruction #1 to Kruczek Construction, Inc. in the amount of \$3,092,000 with a 5% contingency of \$154,600 for a project total not to exceed \$3,246,600.

Attachments: [Award of Contract Unit T-17.pdf](#)

Legislative History

2/7/17	Finance Committee	recommended for approval
--------	-------------------	--------------------------

- [17-156](#) Request to award Unit A-17 Concrete Paving to Vinton Construction in the amount of \$4,989,020.21 with a 5% contingency of \$249,450 for a project total not to exceed \$5,238,470.21.

Legislative History

2/7/17 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

- [17-142](#) Preliminary Resolution 1-P-17 for Sanitary Sewer Laterals be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [1-P-17 Sanitary Laterals.pdf](#)

Legislative History

2/7/17 Utilities Committee recommended for approval

- [17-143](#) Approve the Mini-Sewer / Backyard Drainage Policy.

Attachments: [Mini Sewer Backyard Drainage Policy.pdf](#)

Legislative History

2/7/17 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

- [17-181](#) Ordinances 18-17 to 23-17

Attachments: [Ordinances going to Council 2-15-17.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. CLOSED SESSION

[17-128](#)

The Common Council will go into closed session according to State Statute §19.85(e) for the purpose of discussions regarding deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session concerning funding for the construction of the Exhibition Center and 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 Village/Town of Harrison pursuant to the exceptions contained in §19.85(1)(g) of the Wisconsin Statutes. The Common Council will reconvene into open session.

T. ADJOURN

Kami Lynch, City Clerk

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



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, February 1, 2017

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:00 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Williams.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 16 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt and Mayor Timothy Hanna

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Clerk Lynch, City Attorney Walsh, Deputy City Attorney Behrens, Fire Chief Vander Wyst, Director of Finance Saucerman, Health Officer Eggebrecht, Director of Information Technology Fox, Library Director Rortvedt, Director of Parks, Recreation & Facilities Gazza, Director of Public Works Vandehey, Police Chief Thomas, Valley Transit General Manager Mc Donald

The following were excused:

Director of Community & Economic Development Harkness, Director of Human Resources Matz, and Director of Utilities Shaw

F. PUBLIC PARTICIPATION

The following individuals spoke during public participation:

*Celeste Flynn, 3520 Destination Drive; Item 17-028 Right-of Way Ordinance
Lauron Clark, Representing the East Central WI Planning Commission; Item 17-029 Sidewalk Painting Policy
John O'Connell, 219 N Fair St; Item 16-1585 Fair Street Special Assessments
Chris Burns, W6068 Nolan Drive; Item 17-102 Taxi-cab License for Megacycle*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[17-122](#)

Common Council meeting minutes of January 18, 2017

Attachments: [CC Minutes 1-18-17.pdf](#)**Alderson Croatt moved, seconded by Alderson Martin, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

Aye: 15 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[17-102](#)

Taxi Cab Company License (MegaCycle) application of The Social Station, Chris Burns & Tina Seashore, W6068 Nolan Drive, contingent upon approvals from all departments.

Attachments: [The Social Station Taxi Cab Company application.pdf](#)**Alderson Baranowski moved, seconded by Alderson Martin, that the License be approved. Roll Call. Motion carried by the following vote:**

Aye: 15 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[17-088](#)

Action: Request Approval of the Updated Aquatic Programs Fees and Charges Policy

Attachments: [Memo - Updated Aquatic Programs Fees and Charges Policy.docx](#)
[Aquatic Programs Fees and Charges Policy 2016 - Redline.pdf](#)
[Aquatic Programs Fees and Charges - CLEAN.pdf](#)

Alderson Lobner moved, seconded by Alderson Coenen, that the Fees be amended to have staff look at a differentiated system for fees based on time of day and day of the week. Roll Call. Motion failed by the following vote:

Aye: 3 - Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Vered Meltzer

Nay: 12 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

Alderson Spears moved, seconded by Alderson Lobner, that the Fees be amended to reflect what was originally proposed in Committee, that the fees for Erb Pool be \$.50 more than the other pools. Roll Call. Motion failed by the following vote:

Aye: 2 - Alderson Kyle Lobner and Alderson Cathy Spears

Nay: 13 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams and Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

Alderson Baranowski moved, seconded by Alderson Martin, that the Fees be approved. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams and Alderson Chris Croatt

Nay: 2 - Alderson Kyle Lobner and Alderson Cathy Spears

Abstained: 1 - Mayor Timothy Hanna

[17-082](#)

Operator's Licenses

Attachments: [Operator's Licenses for 1-25-17 S & L.pdf](#)

Alderson Baranowski moved, seconded by Alderson Lobner, that the Licenses be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

Abstained: 2 - Alderson Patti Coenen and Mayor Timothy Hanna

[15-1138](#)

Request approval of ordinance - Aldersons appearing electronically.

Attachments: [Sec 2-29 Alderson Appearances \(created\) 01-04-2017.pdf](#)

Alderson Baranowski moved, seconded by Alderson Martin, that the Ordinance Request be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears and Alderson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[16-1585](#)

Request to approve request from Alderson Siebers that special assessments for sanitary laterals, storm sewer and storm sewer laterals for properties on Fair Street that are zoned Commercial and R3 with single family residential use be assessed as Single Family.

Attachments: [Fair St Spec Assessment.pdf](#)
 [Petition.pdf](#)
 [Fair St Memo.pdf](#)

Alderson Baranowski moved, seconded by Alderson Dannecker, that the Special Assessment adjustment be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Nay: 1 - Alderperson Jeffrey Jirschele

Abstained: 1 - Mayor Timothy Hanna

[17-028](#)

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

Attachments: [Article IV. Right-of-Way Management.pdf](#)
 [Right-of-Way Management Time Line.pdf](#)

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

Aye: 15 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

[17-029](#)

Approve City of Appleton Sidewalk Painting Policy for Safe Routes to School.

Attachments: [Sidewalk Painting Policy.pdf](#)
 [Edison lights the way to School.pdf](#)

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

Aye: 15 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 15 - Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[17-030](#)

Approve updated Snow Removal Policy to reflect agreement with Outagamie County.

Attachments: [Updated Snow Removal Policy.pdf](#)

This Report Action Item was approved

[17-031](#)

Approve Crosswalk Marking/Enhancement Policy for Uncontrolled Crossings at Intersections.

Attachments: [Crosswalk Marking Enhancement.pdf](#)

This Report Action Item was approved.

[17-038](#)

Delete Snow Emergency Ramp Parking Policy.

Attachments: [Snow Emergency Ramp Parking Policy.pdf](#)

This Report Action Item was approved.

[17-103](#)

Approve removal of traffic signals at the intersections of Franklin/Superior and Franklin/Oneida.

Attachments: [Traffic Signal Removal Franklin-Superior & Franklin-Oneida.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[16-1520](#)

Revised Special Event Policy

Attachments:[Special Event Policy 9-23-16.pdf](#)[Special Event Policy - Jan. 2010.pdf](#)[Special Events Expense 2015.pdf](#)[Special Event Policy Update Memo to S&L.pdf](#)[Special Event Policy 9-23-16 Redlined.pdf](#)[Special Event Policy \(edited 1-3-17\) \(3\).pdf](#)[Memo to S&L 1-24-2017 Special Event Policy.pdf](#)[Most Recent Version- Special Events Policy 1-24-2017.pdf](#)[Most Recent Version \(redlined\)- Special Events Policy 1-24-2017.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**[17-084](#)

Action: Request Approval of the Updated Pool Rental Reservation and General Use Policy

Attachments:[Memo - Updated Pool Rental Reservation and General Use Policy.docx](#)[Pool Rental Reservation and General Use Policy 2016 - Redline.pdf](#)[Pool Rental Reservation and General Use Policy 2016 - CLEAN.pdf](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE[17-097](#)

Award Unit H-17 Northland Avenue Stormwater Pond Construction to Kruczek Construction, Inc. in the amount of \$2,594,224.20 with a 5% contingency of \$130,000 for a project total not to exceed \$2,724,224.20.

Attachments:[H-17 Contract Award.pdf](#)

This Report Action Item was approved.

[17-100](#)

Request to approve the following 2017 Budget adjustment:

HAZMAT Fund

Vehicles	+\$46,106
Fund Balance	- \$46,106

to provide funding for the replacement of pickup truck through the HAZMAT grant fund.

Attachments: [HAZMAT Purchase of 2017 Ford F350.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[17-093](#)

Award contract to Patrick Engineering for design and engineering services for the Wastewater Plant Electrical Distribution Feasibility Study and Master Plan project for a contract of \$84,970 and a 10% contingency for a contract not to exceed \$93,467.

Attachments: [2017 Wastewater Electrical Distribution Feasibility Analysis and Master Plan.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[17-106](#)

Approve the Intermunicipal Agreement with Outagamie County for Specialized Transportation Services for 2017 Contingent on Outagamie County Approval

Attachments: [OUTAGAMIE CONTRACT - 2017.pdf](#)

This Report Action Item was approved.

[17-107](#)

Approve the Intermunicipal Agreement with Winnebago County for Specialized Transportation Services for 2017 Contingent on Winnebago County Approval

Attachments: [WINNEBAGO CONTRACT - 2017.pdf](#)

This Report Action Item was approved.

[17-108](#)

Approval of Intermunicipal Agreement with Calumet County for Specialized Transportation Services for 2017 Contingent on Calumet County Approval

Attachments: [CALUMET CONTRACT - 2017.pdf](#)

This Report Action Item was approved.

[17-109](#)

Approval of Intermunicipal Agreement with the City of Neenah and the Village of Fox Crossing for the Northern Winnebago Dial-A-Ride Service for 2017 Contingent on the City of Neenah and the Village of Fox Crossing Approval

Attachments: [NW Dial-A-Ride - 2017.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

Resolution 1-R-17

*Submitted By: Alderperson Siebers
February 1, 2017*

*Changes to Special Assessment Policy
Whereas, the Common Council deems it in the best interest of the City of Appleton to adopt policies relating to special assessments,
Whereas, the Common Council intends that these policies provide general and fair guidelines for addressing assessments in Appleton,
Now therefore be it resolved by the Common Council of the City of Appleton, WI that the following language be added under the "All other zoning" column to the special assessment policies; "All other zone classifications (1 and 2 Family Use Apply Residential Zones Rate)" Adding this language would allow R1 and R2 zoned properties in any other zoned area to be assessed the rate of single family and two family residents.*

**Referred to the Finance Committee*

R. OTHER COUNCIL BUSINESS

S. CLOSED SESSION

T. ADJOURN

Alderson Baranowski moved, seconded by Alderson Croatt, that the meeting be adjourned at 7:55 p.m. Roll Call. Motion carried by the following vote:

Aye: 16 - Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt and Mayor Timothy Hanna

Kami Lynch, City Clerk

RESOLUTION 1-P-17

AMENDED AND RESTATED FINAL RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703 (7) (a), WISCONSIN STATUTES OF 2015-2016.

RESOLVED, by the Common Council of the City of Appleton, Wisconsin:

1. The Common Council on April 20, 2016 adopted Resolution 1-P-16, indicating the levy of assessments on the below described property for Sanitary Sewer, Storm Sewer and Laterals improvements and construction pursuant to Section 66.0703 Wisconsin Statutes.
2. The Common Council now reconsiders and reopens, pursuant to Section 66.0703(10) Wisconsin Statutes, the assessment levied pursuant to Resolution 1-P-16, adopted April 20, 2016, on the below described property. The Common Council amends the assessment as herein described.
3. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following area.

SANITARY SEWER LATERALS

Fair Street from Franklin Street to South End

4. The total amount assessed against such property shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power and the amount assessed against each parcel shall be on a cost per front foot, area or unit cost basis.
5. The assessments against any parcel may be paid to the Finance Department on receipt of Special Assessment Notice by one of the following:
 - a. In cash, or if entered on the Tax Roll;
 - b. One installment, if the assessment is \$1000 or less;
 - c. In five equal annual installments, if the assessment is greater than \$1000;

Deferred payments shall bear an interest at the rate of 6.25% per annum on the unpaid balance.

6. The Finance Committee is directed to prepare a report consisting of:
 - a. Preliminary plans and specifications for said improvements.
 - b. An estimate of the entire cost of the proposed street improvements.
 - c. A schedule of proposed assessments showing the properties that are benefited by the work or improvements.

Upon completing such report, the Finance Committee is directed to file a copy thereof in the office of the City Clerk for public inspection.

7. Upon receiving the report of the Finance Committee, the City Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703 (7) (a), Wisconsin Statutes. The hearing shall be held at the Council Chambers in the City Hall at a time set by the City Clerk in accordance with Section 66.0703 (7) (a), Wisconsin Statutes.

Adopted: February 15, 2017

S/ TIMOTHY M. HANNA (Mayor)

Attest: KAMI L. LYNCH, (City Clerk)



MEMO

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

TO: Finance Committee

FROM: Paula Vandehey, Director of Public Works
Tony Saucerman, Director of Finance

DATE: January 26, 2017

RE: The following 2017 Budget adjustment be approved for the Northbound Oneida Street Bridge Reconstruction Project Design Contract with Patrick Engineering:

Community & Economic Development Capital Projects Fund	-\$100,000
Facilities Management Capital Projects Fund	-\$100,000
Public Works Capital Projects Fund	+\$200,000

In 2016, The Common Council approved the Downtown Mobility Study. One of the key recommendations of the study was the conversion of Appleton Street to two-way. This change to the transportation network requires the reconstruction of the northbound section of the Oneida Street Bridge over Jones Park.

City staff recognized that there would be projects that could potentially be needed to be fast-tracked due to the anticipated development of the bluff site, so some broad placeholders were included in the Downtown Development CIP (page 601 attached) of the 2017 Budget to allow some flexibility in funding as projects advanced. With the approval of the bridge design contract, budget adjustments are now needed to reallocate funds to this project.

Therefore, we request approval to reallocate \$100,000 from Community & Economic Development Capital Projects and \$100,000 from Facilities Management Capital Projects to the Public Works Capital Projects fund.

Thank you for your consideration of this budget adjustment. We will be in attendance at the Finance Committee meeting to answer any questions you may have.

Attachment

C: Bev Matheys, Managerial Accounting Coordinator
Dean Gazza, Director of Parks, Recreation and Facilities Management
Karen Harkness, Director of Community and Economic Development

CITY OF APPLETON 2017 BUDGET CAPITAL IMPROVEMENTS PROGRAM PROJECT REQUEST

IDENTIFICATION
Project Title: Downtown Development

PROJECT DESCRIPTION

Justification:

Ongoing comprehensive planning efforts have identified opportunities to increase the vitality of our central business district by working cooperatively and systematically to promote growing downtown populations, diversity in art, lifestyle and activities, and address vacancies. Broadly, these opportunities revolve around the library, parking, traffic, green space, commercial development, redevelopment opportunities, due diligence and demolition. This CIP supports the update and implementation of several past planning initiatives and identifies and prioritizes a series of strategies that continue to move the downtown towards creativity, inclusion and innovation.

Planning and implementing successful projects includes proper sequencing and understanding the impacts decisions have on each other. When considered holistically, the benefits of planning projects together versus performing them independently ensures the most economical and effective outcome of service delivery for current and future generations.

2017 - Determine the future location of the library. Costs incurred could be for property appraisals of potential sites, or architectural fees for design; appraisals, relocation plan, engineering services for Blue Ramp demolition; design costs and land acquisition for new parking ramp; and implement recommendations from both the Comprehensive Plan- Downtown Update and downtown mobility studies.

2018 - Design costs and/or land acquisition for a new library; purchase land and relocate businesses for Blue parking ramp demolition; design costs and land acquisition for new parking ramp; complete implementation of recommendations from the Comprehensive Plan-Downtown Update; continue implementing recommendations from the downtown mobility study.

2019 - Construction of a new library; deconstruct the Blue ramp; complete construction of a new parking ramp; engineering, drawings, planning for deconstruction of the Soldiers Square ramp; convert Appleton Street to two-way traffic from Lawrence to Washington Street and reconstruct north end of Skyline bridge.

2020 - Complete construction of a new library; deconstruct the Soldiers Square ramp.

2021 - Determine the future of the City Hall building; reconstruct Lawrence Street.

This CIP is to remain flexible to increase the City's ability to adapt to future needs and available resources as determined through continued planning which continues to identify opportunities, minimize risk and leverage resources in the community.

Discussion of operating cost impact:

Constructing larger facilities may increase maintenance and utility expenses, but those will be at least partially offset by more efficient mechanical systems, lighting, and general building design. The net impact on operating expenses is, therefore, not presently quantifiable.

DEPARTMENT COST SUMMARY

DEPARTMENT PHASE	2017	2018	2019	2020	2021	Total
PRFM	400,000					
- 100,000 Library	500,000	5,000,000	15,000,000	10,000,000	-	\$ 30,500,000
City Hall	-	-	-	-	500,000	\$ 500,000
Blue Ramp Demolition	250,000	1,100,000	2,400,000	-	-	\$ 3,750,000
New Parking Ramp	1,325,000	2,400,000	7,850,000	-	-	\$ 11,575,000
Soldiers Square Ramp Demolition	-	-	100,000	750,000	-	\$ 850,000
Facilities Capital Projects Fund	2,075,000	8,500,000	25,350,000	10,750,000	500,000	47,175,000
Comm Dev	400,000					
- 100,000 Comprehensive Plan/ Downtown Update	500,000	500,000	-	-	-	\$ 1,000,000
Implementation	500,000	500,000	-	-	-	\$ 1,000,000
Community Devel Cap Projects	500,000	500,000	-	-	-	\$ 1,000,000
Public Works	300,000					
+ 200,000 Mobility Study	100,000	500,000	4,000,000	-	1,000,000	\$ 5,600,000
Implementation	100,000	500,000	4,000,000	-	1,000,000	\$ 5,600,000
Public Works Cap Projects Fund	100,000	500,000	4,000,000	-	1,000,000	\$ 5,600,000
Total - Downtown Development Project	\$ 2,675,000	\$ 9,500,000	\$ 29,350,000	\$ 10,750,000	\$ 1,500,000	\$ 53,775,000

COST ANALYSIS

Estimated Cash Flows						
Components	2017	2018	2019	2020	2021	Total
Planning	750,000	-	100,000	-	500,000	\$ 1,350,000
Construction	-	-	29,250,000	10,750,000	1,000,000	\$ 41,000,000
Other	1,925,000	9,500,000	-	-	-	\$ 11,425,000
Total	\$ 2,675,000	\$ 9,500,000	\$ 29,350,000	\$ 10,750,000	\$ 1,500,000	\$ 53,775,000
Operating Cost Impact	NQ *	NQ *	NQ *	NQ *	NQ *	NQ *

* N/Q = Not Quantifiable



"...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: 2/7/2017

RE: Action Item: Approval of Bid Packages and project related expenses into the Guaranteed Maximum Price Amendment to Miron Construction for the Fox Cities Exhibition Center for a contract not to exceed \$2,170,248.

The delivery method utilized for this project is Construction Manager at risk (CM) and varies from the traditional design-bid-build delivery method traditionally used when time is not a project constraint. In this method, the CM is hired as the Owner's agent and contracts directly with sub-contractor(s) in an "at-risk" position. All work is publicly bid to comply with state bidding laws. Once the lowest qualified bidder is determined, the sub-contractor(s) contracts with the CM to complete the work. The CM provides a guaranteed maximum price in which any costs above this are the risk of the CM. The City only pays for the actual costs of the work completed (up to the maximum guarantee) and any change orders if there is a scope change.

It is currently anticipated that the project will include six (6) bid packages. Future bid packages will be incorporated via a change order to the initial contract with the CM.

On January 17, 2017, bids were opened for Bid Package #4 which conveyance (elevators/escalators) and Pier Foundation System. We received multiple bids as provided below and recommend proceeding with the lowest responsible bidder:

Pier Foundation System: Michels Foundations

Contractor	Bid
Michels Foundations	\$443,970
Foundation Service Corporation	\$484,000

Conveyance: Otis Elevator Company

Contractor	Bid
Otis Elevator Company	\$1,697,793
Schindler Elevator Corporation	\$2,355,000

In addition, insurance and performance/payment bonds currently total \$28,485. While we have had some variation with some of the bids received to date, overall bid package #4 has come in as anticipated and the project remains on budget.

Note that the next bid package will be called bid package #3. Because the conveyance bids had to be rejected in bid package #2 another bid package was developed and released immediately to ensure conveyance did not get behind schedule. I note this because you may wonder by bid package #4 was bid prior to bid package #3.

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

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: ☒ Finance Committee
☐ Municipal Services Committee
☐ Utilities Committee

SUBJECT: Award of Contract

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

T-17 Oneida Street Sewer & Water Main Reconstruction No. 1

Be awarded to:

Name: Kruczek Construction, Inc.
Address: 3636 Kewaunee Road
Green Bay, WI 54311

In the amount of : 3,092,000.00

With a 5 % contingency of : \$154,600.00

For a project total not to exceed : \$3,246,600.00

**** OR ****

In an amount Not To Exceed : _____

Budget: \$3,611,005.00
Estimate: \$3,370,620.00
Committee Date: 02/07/17
Council Date: 02/15/17

ONEIDA STREET SEWER & WATERMAIN RECONSTRUCTION NO. 1

Bid Tabulation - Unit T-17

January 30, 2017

ITEM	DESCRIPTION	Quantity	Units	Kruczek Const.		PTS Contractor, Inc.	
				Unit Price	Total	Unit Price	Total
1.	Furnish & Install 12" Water Main	4,300	lin.ft.	\$68.00	\$292,400.00	\$79.00	\$339,700.00
2.	Furnish & Install 8" Water Main	490	lin.ft.	\$118.00	\$57,820.00	\$93.50	\$45,815.00
3.	Furnish & Install 6" Water Main	60	lin.ft.	\$128.00	\$7,680.00	\$108.00	\$6,480.00
4.	Furnish & Install 6" Hydrant Lead	205	lin.ft.	\$92.00	\$18,860.00	\$124.00	\$25,420.00
5.	Furnish & Install Hydrant	14	ea.	\$3,650.00	\$51,100.00	\$3,661.00	\$51,254.00
6.	Furnish & Install 12" Gate Valve with Box	26	ea.	\$2,475.00	\$64,350.00	\$2,303.00	\$59,878.00
7.	Furnish & Install 8" Gate Valve with Box	8	ea.	\$1,465.00	\$11,720.00	\$1,341.00	\$10,728.00
8.	Furnish & Install 6" Gate Valve with Box	12	ea.	\$1,065.00	\$12,780.00	\$964.00	\$11,568.00
9.	Furnish & Install 12" Bend	40	ea.	\$600.00	\$24,000.00	\$417.00	\$16,680.00
10.	Furnish & Install 8" Bend	30	ea.	\$210.00	\$6,300.00	\$232.00	\$6,960.00
11.	Furnish & Install 6" Bend	10	ea.	\$158.00	\$1,580.00	\$179.00	\$1,790.00
12.	Furnish & Install 1" Service	1,280	lin.ft.	\$65.00	\$83,200.00	\$73.50	\$94,080.00
13.	Furnish & Install 2" Service	25	lin.ft.	\$94.00	\$2,350.00	\$135.00	\$3,375.00
14.	Furnish & Install 1 1/2" Service	75	lin.ft.	\$88.00	\$6,600.00	\$86.00	\$6,450.00
15.	Service Connection	85	ea.	\$140.00	\$11,900.00	\$269.00	\$22,865.00
16.	Curb Box (Complete)	75	ea.	\$200.00	\$15,000.00	\$624.00	\$46,800.00
17.	Abandon Hydrant	1	ea.	\$900.00	\$900.00	\$405.00	\$405.00
18.	Furnish & Install 12" Sanitary Sewer	250	lin.ft.	\$100.00	\$25,000.00	\$135.00	\$33,750.00
19.	Furnish & Install 10" Sanitary Sewer	540	lin.ft.	\$69.00	\$37,260.00	\$75.00	\$40,500.00
20.	Furnish & Install 8" Sanitary Sewer	710	lin.ft.	\$62.00	\$44,020.00	\$63.00	\$44,730.00
21.	Reconnect Sanitary Lateral	104	ea.	\$560.00	\$58,240.00	\$226.00	\$23,504.00
22.	Furnish & Install 4" - 8" Sanitary Lateral	2,380	lin.ft.	\$71.00	\$168,980.00	\$82.00	\$195,160.00
23.	Furnish & Install Sanitary Manhole	55	vert.ft.	\$233.00	\$12,815.00	\$210.00	\$11,550.00
24.	Furnish & Install Sanitary Manhole Casting	7	ea.	\$365.00	\$2,555.00	\$494.00	\$3,458.00
25.	Abandon Sanitary Lateral	25	ea.	\$1,500.00	\$37,500.00	\$1,349.00	\$33,725.00
26.	Furnish & Install Flowable Fill	55	Cu. Yds.	\$115.00	\$6,325.00	\$95.00	\$5,225.00
27.	Furnish & Install 60" Storm Sewer	3,420	lin.ft.	\$310.00	\$1,060,200.00	\$335.00	\$1,145,700.00
28.	Furnish & Install 48" Storm Sewer	140	lin.ft.	\$190.00	\$26,600.00	\$194.00	\$27,160.00
29.	Furnish & Install 30" Storm Sewer	760	lin.ft.	\$93.00	\$70,680.00	\$85.00	\$64,600.00
30.	Furnish & Install 24" Storm Sewer	120	lin.ft.	\$123.00	\$14,760.00	\$151.00	\$18,120.00
31.	Furnish & Install 18" Storm Sewer	40	lin.ft.	\$85.00	\$3,400.00	\$111.00	\$4,440.00
32.	Furnish & Install 15" Storm Sewer	640	lin.ft.	\$64.00	\$40,960.00	\$66.00	\$42,240.00
33.	Furnish & Install 12" Storm Sewer	550	lin.ft.	\$60.00	\$33,000.00	\$53.00	\$29,150.00

CITY OF APPLETON

U-17

ONEIDA STREET SEWER & WATERMAIN RECONSTRUCTION NO. 1

Bid Tabulation - Unit T-17

January 30, 2017

ITEM	DESCRIPTION	Quantity	Units	Kruczek Const.		PTS Contractor, Inc.	
				Unit Price	Total	Unit Price	Total
34.	Furnish & Install 12" Storm Lateral	210	lin.ft.	\$69.00	\$14,490.00	\$64.00	\$13,440.00
35.	Furnish & Install 10" Storm Lateral	20	lin.ft.	\$56.00	\$1,120.00	\$54.00	\$1,080.00
36.	Furnish & Install 8" Storm Lateral	200	lin.ft.	\$62.00	\$12,400.00	\$46.00	\$9,200.00
37.	Furnish & Install 6" Storm Lateral	1,970	lin.ft.	\$50.00	\$98,500.00	\$40.00	\$78,800.00
38.	Furnish & Install 15" Inlet Lead	40	lin.ft.	\$65.00	\$2,600.00	\$79.00	\$3,160.00
39.	Furnish & Install 12" Inlet Lead	200	lin.ft.	\$62.00	\$12,400.00	\$63.00	\$12,600.00
40.	Furnish & Install 10" Inlet Lead	20	lin.ft.	\$59.00	\$1,180.00	\$56.00	\$1,120.00
41.	Reconnect Storm Lateral	12	ea.	\$300.00	\$3,600.00	\$204.00	\$2,448.00
42.	Furnish & Install Storm Manhole	250	vert.ft.	\$150.00	\$37,500.00	\$195.00	\$48,750.00
43.	Furnish & Install 5' Dia. Precast Storm Manhole	65	vert.ft.	\$260.00	\$16,900.00	\$344.00	\$22,360.00
44.	Furnish & Install 6' Dia. Precast Storm Manhole	10	vert.ft.	\$330.00	\$3,300.00	\$466.00	\$4,660.00
45.	Furnish & Install 8' Dia. Precast Storm Manhole	105	vert.ft.	\$875.00	\$91,875.00	\$700.00	\$73,500.00
46.	Furnish & Install Storm Box Manhole	4	ea.	\$15,000.00	\$60,000.00	\$10,194.00	\$40,776.00
47.	Furnish & Install Storm Manhole Casting	36	ea.	\$355.00	\$12,780.00	\$482.00	\$17,352.00
48.	Furnish & Install "E" Inlet w/Frame & Grate	2	ea.	\$1,850.00	\$3,700.00	\$1,397.00	\$2,794.00
49.	Furnish & Install "C" Inlet w/Frame & Grate	4	ea.	\$1,850.00	\$7,400.00	\$1,365.00	\$5,460.00
50.	Abandon Inlet and Lead	1	ea.	\$700.00	\$700.00	\$398.00	\$398.00
51.	Abandon Manhole	1	ea.	\$750.00	\$750.00	\$433.00	\$433.00
52.	Furnish & Paint Pavement Marking (Yellow Paint) (4")	11500	lin.ft.	\$0.45	\$5,175.00	\$0.40	\$4,600.00
53.	Furnish & Paint Pavement Marking (White Paint) (4")	9200	lin.ft.	\$0.45	\$4,140.00	\$0.40	\$3,680.00
54.	Furnish & Paint Pavement Marking Channelizing (8")	1600	lin.ft.	\$0.70	\$1,120.00	\$0.70	\$1,120.00
55.	Furnish & Paint Pavement Marking Crosswalk (6")	2100	lin.ft.	\$0.65	\$1,365.00	\$0.60	\$1,260.00
56.	Furnish & Paint Pavement Marking Stop Line (18"/24")	440	lin.ft.	\$1.90	\$836.00	\$2.40	\$1,056.00
57.	Furnish & Paint Pavement Marking Arrow/Symbols	35	ea.	\$45.00	\$1,575.00	\$45.00	\$1,575.00
58.	Remove Existing Pavement Marking	1,000	lin.ft.	\$2.00	\$2,000.00	\$2.00	\$2,000.00
59.	Furnish & Install Type "D-M" Inlet Protection	80	ea.	\$100.00	\$8,000.00	\$81.00	\$6,480.00
60.	Temporary Traffic Control	1	LS	\$60,000.00	\$60,000.00	\$62,118.00	\$62,118.00
61.	Temporary Driveway (Hospital)	1	LS	\$4,759.00	\$4,759.00	\$2,581.00	\$2,581.00
62.	Contaminated Soil Removal	200	cu.yds.	\$40.00	\$8,000.00	\$17.00	\$3,400.00
63.	Furnish & Install Extra Stone Bedding	250	tons	\$12.00	\$3,000.00	\$16.00	\$4,000.00
64.	Furnish & Install Temporary Asphalt and Concrete	1	LS	\$300,000.00	\$300,000.00	\$278,260.00	\$278,260.00
TOTAL ITEMS 1 THROUGH 64:				\$3,092,000.00		\$3,183,721.00	

ONEIDA STREET SEWER & WATERMAIN RECONSTRUCTION NO. 1

Bid Tabulation - Unit T-17

January 30, 2017

ITEM	DESCRIPTION	Quantity	Units	Advance Construction, Inc.		Dorner Inc.	
				Unit Price	Total	Unit Price	Total
1.	Furnish & Install 12" Water Main	4,300	lin.ft.	\$85.00	\$365,500.00	\$85.00	\$365,500.00
2.	Furnish & Install 8" Water Main	490	lin.ft.	\$88.00	\$43,120.00	\$100.00	\$49,000.00
3.	Furnish & Install 6" Water Main	60	lin.ft.	\$162.50	\$9,750.00	\$100.00	\$6,000.00
4.	Furnish & Install 6" Hydrant Lead	205	lin.ft.	\$75.00	\$15,375.00	\$100.00	\$20,500.00
5.	Furnish & Install Hydrant	14	ea.	\$3,500.00	\$49,000.00	\$3,533.00	\$49,462.00
6.	Furnish & Install 12" Gate Valve with Box	26	ea.	\$2,298.00	\$59,748.00	\$2,485.00	\$64,610.00
7.	Furnish & Install 8" Gate Valve with Box	8	ea.	\$1,315.00	\$10,520.00	\$1,445.00	\$11,560.00
8.	Furnish & Install 6" Gate Valve with Box	12	ea.	\$952.00	\$11,424.00	\$1,051.00	\$12,612.00
9.	Furnish & Install 12" Bend	40	ea.	\$436.00	\$17,440.00	\$494.00	\$19,760.00
10.	Furnish & Install 8" Bend	30	ea.	\$235.00	\$7,050.00	\$286.00	\$8,580.00
11.	Furnish & Install 6" Bend	10	ea.	\$172.00	\$1,720.00	\$218.00	\$2,180.00
12.	Furnish & Install 1" Service	1,280	lin.ft.	\$56.00	\$71,680.00	\$65.00	\$83,200.00
13.	Furnish & Install 2" Service	25	lin.ft.	\$59.00	\$1,475.00	\$79.00	\$1,975.00
14.	Furnish & Install 1 1/2" Service	75	lin.ft.	\$56.00	\$4,200.00	\$75.00	\$5,625.00
15.	Service Connection	85	ea.	\$345.00	\$29,325.00	\$500.00	\$42,500.00
16.	Curb Box (Complete)	75	ea.	\$900.00	\$67,500.00	\$500.00	\$37,500.00
17.	Abandon Hydrant	1	ea.	\$600.00	\$600.00	\$857.00	\$857.00
18.	Furnish & Install 12" Sanitary Sewer	250	lin.ft.	\$173.00	\$43,250.00	\$110.00	\$27,500.00
19.	Furnish & Install 10" Sanitary Sewer	540	lin.ft.	\$104.00	\$56,160.00	\$90.00	\$48,600.00
20.	Furnish & Install 8" Sanitary Sewer	710	lin.ft.	\$93.00	\$66,030.00	\$80.00	\$56,800.00
21.	Reconnect Sanitary Lateral	104	ea.	\$225.00	\$23,400.00	\$454.00	\$47,216.00
22.	Furnish & Install 4" - 8" Sanitary Lateral	2,380	lin.ft.	\$104.00	\$247,520.00	\$70.00	\$166,600.00
23.	Furnish & Install Sanitary Manhole	55	vert.ft.	\$224.00	\$12,320.00	\$280.00	\$15,400.00
24.	Furnish & Install Sanitary Manhole Casting	7	ea.	\$400.00	\$2,800.00	\$461.00	\$3,227.00
25.	Abandon Sanitary Lateral	25	ea.	\$700.00	\$17,500.00	\$904.00	\$22,600.00
26.	Furnish & Install Flowable Fill	55	Cu. Yds.	\$70.00	\$3,850.00	\$100.00	\$5,500.00
27.	Furnish & Install 60" Storm Sewer	3,420	lin.ft.	\$293.00	\$1,002,060.00	\$297.00	\$1,015,740.00
28.	Furnish & Install 48" Storm Sewer	140	lin.ft.	\$205.00	\$28,700.00	\$297.00	\$41,580.00
29.	Furnish & Install 30" Storm Sewer	760	lin.ft.	\$103.00	\$78,280.00	\$132.00	\$100,320.00
30.	Furnish & Install 24" Storm Sewer	120	lin.ft.	\$135.00	\$16,200.00	\$223.00	\$26,760.00
31.	Furnish & Install 18" Storm Sewer	40	lin.ft.	\$134.00	\$5,360.00	\$158.00	\$6,320.00
32.	Furnish & Install 15" Storm Sewer	640	lin.ft.	\$77.00	\$49,280.00	\$65.00	\$41,600.00
33.	Furnish & Install 12" Storm Sewer	550	lin.ft.	\$77.00	\$42,350.00	\$65.00	\$35,750.00

CITY OF APPLETON

U-17

ONEIDA STREET SEWER & WATERMAIN RECONSTRUCTION NO. 1

Bid Tabulation - Unit T-17

January 30, 2017

ITEM	DESCRIPTION	Quantity	Units	Advance Construction, Inc.		Dorner Inc.	
				Unit Price	Total	Unit Price	Total
34.	Furnish & Install 12" Storm Lateral	210	lin.ft.	\$70.00	\$14,700.00	\$65.00	\$13,650.00
35.	Furnish & Install 10" Storm Lateral	20	lin.ft.	\$74.00	\$1,480.00	\$55.00	\$1,100.00
36.	Furnish & Install 8" Storm Lateral	200	lin.ft.	\$60.00	\$12,000.00	\$55.00	\$11,000.00
37.	Furnish & Install 6" Storm Lateral	1,970	lin.ft.	\$49.00	\$96,530.00	\$50.00	\$98,500.00
38.	Furnish & Install 15" Inlet Lead	40	lin.ft.	\$80.00	\$3,200.00	\$75.00	\$3,000.00
39.	Furnish & Install 12" Inlet Lead	200	lin.ft.	\$77.00	\$15,400.00	\$65.00	\$13,000.00
40.	Furnish & Install 10" Inlet Lead	20	lin.ft.	\$75.00	\$1,500.00	\$57.00	\$1,140.00
41.	Reconnect Storm Lateral	12	ea.	\$80.00	\$960.00	\$461.00	\$5,532.00
42.	Furnish & Install Storm Manhole	250	vert.ft.	\$250.00	\$62,500.00	\$247.00	\$61,750.00
43.	Furnish & Install 5' Dia. Precast Storm Manhole	65	vert.ft.	\$390.00	\$25,350.00	\$482.00	\$31,330.00
44.	Furnish & Install 6' Dia. Precast Storm Manhole	10	vert.ft.	\$420.00	\$4,200.00	\$462.00	\$4,620.00
45.	Furnish & Install 8' Dia. Precast Storm Manhole	105	vert.ft.	\$889.00	\$93,345.00	\$697.00	\$73,185.00
46.	Furnish & Install Storm Box Manhole	4	ea.	\$10,500.00	\$42,000.00	\$8,648.00	\$34,592.00
47.	Furnish & Install Storm Manhole Casting	36	ea.	\$400.00	\$14,400.00	\$461.00	\$16,596.00
48.	Furnish & Install "E" Inlet w/Frame & Grate	2	ea.	\$1,800.00	\$3,600.00	\$1,756.00	\$3,512.00
49.	Furnish & Install "C" Inlet w/Frame & Grate	4	ea.	\$1,800.00	\$7,200.00	\$1,722.00	\$6,888.00
50.	Abandon Inlet and Lead	1	ea.	\$300.00	\$300.00	\$500.00	\$500.00
51.	Abandon Manhole	1	ea.	\$500.00	\$500.00	\$1,000.00	\$1,000.00
52.	Furnish & Paint Pavement Marking (Yellow Paint) (4")	11500	lin.ft.	\$0.39	\$4,485.00	\$0.48	\$5,520.00
53.	Furnish & Paint Pavement Marking (White Paint) (4")	9200	lin.ft.	\$0.39	\$3,588.00	\$0.48	\$4,416.00
54.	Furnish & Paint Pavement Marking Channelizing (8")	1600	lin.ft.	\$0.68	\$1,088.00	\$0.74	\$1,184.00
55.	Furnish & Paint Pavement Marking Crosswalk (6")	2100	lin.ft.	\$0.59	\$1,239.00	\$0.69	\$1,449.00
56.	Furnish & Paint Pavement Marking Stop Line (18"/24")	440	lin.ft.	\$2.40	\$1,056.00	\$2.01	\$884.40
57.	Furnish & Paint Pavement Marking Arrow/Symbols	35	ea.	\$45.00	\$1,575.00	\$47.51	\$1,662.85
58.	Remove Existing Pavement Marking	1,000	lin.ft.	\$2.00	\$2,000.00	\$2.11	\$2,110.00
59.	Furnish & Install Type "D-M" Inlet Protection	80	ea.	\$100.00	\$8,000.00	\$125.00	\$10,000.00
60.	Temporary Traffic Control	1	LS	\$100,000.00	\$100,000.00	\$80,270.00	\$80,270.00
61.	Temporary Driveway (Hospital)	1	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
62.	Contaminated Soil Removal	200	cu.yds.	\$10.00	\$2,000.00	\$15.00	\$3,000.00
63.	Furnish & Install Extra Stone Bedding	250	tons	\$15.00	\$3,750.00	\$16.00	\$4,000.00
64.	Furnish & Install Temporary Asphalt and Concrete	1	LS	\$240,000.00	\$240,000.00	\$345,794.00	\$345,794.00

TOTAL ITEMS 1 THROUGH 64:

\$3,233,433.00

\$3,289,119.25

ONEIDA STREET SEWER & WATERMAIN RECONSTRUCTION NO. 1

Bid Tabulation - Unit T-17

January 30, 2017

ITEM	DESCRIPTION	Quantity	Units	Van Straten Const.		Jossart Brothers Inc.	
				Unit Price	Total	Unit Price	Total
1.	Furnish & Install 12" Water Main	4,300	lin.ft.	\$91.00	\$391,300.00	\$82.00	\$352,600.00
2.	Furnish & Install 8" Water Main	490	lin.ft.	\$75.00	\$36,750.00	\$86.00	\$42,140.00
3.	Furnish & Install 6" Water Main	60	lin.ft.	\$100.00	\$6,000.00	\$80.00	\$4,800.00
4.	Furnish & Install 6" Hydrant Lead	205	lin.ft.	\$75.00	\$15,375.00	\$80.00	\$16,400.00
5.	Furnish & Install Hydrant	14	ea.	\$4,000.00	\$56,000.00	\$3,500.00	\$49,000.00
6.	Furnish & Install 12" Gate Valve with Box	26	ea.	\$3,500.00	\$91,000.00	\$2,600.00	\$67,600.00
7.	Furnish & Install 8" Gate Valve with Box	8	ea.	\$2,000.00	\$16,000.00	\$1,500.00	\$12,000.00
8.	Furnish & Install 6" Gate Valve with Box	12	ea.	\$1,500.00	\$18,000.00	\$1,100.00	\$13,200.00
9.	Furnish & Install 12" Bend	40	ea.	\$600.00	\$24,000.00	\$450.00	\$18,000.00
10.	Furnish & Install 8" Bend	30	ea.	\$400.00	\$12,000.00	\$250.00	\$7,500.00
11.	Furnish & Install 6" Bend	10	ea.	\$250.00	\$2,500.00	\$200.00	\$2,000.00
12.	Furnish & Install 1" Service	1,280	lin.ft.	\$50.00	\$64,000.00	\$65.00	\$83,200.00
13.	Furnish & Install 2" Service	25	lin.ft.	\$75.00	\$1,875.00	\$75.00	\$1,875.00
14.	Furnish & Install 1 1/2" Service	75	lin.ft.	\$75.00	\$5,625.00	\$70.00	\$5,250.00
15.	Service Connection	85	ea.	\$500.00	\$42,500.00	\$100.00	\$8,500.00
16.	Curb Box (Complete)	75	ea.	\$500.00	\$37,500.00	\$1,200.00	\$90,000.00
17.	Abandon Hydrant	1	ea.	\$800.00	\$800.00	\$750.00	\$750.00
18.	Furnish & Install 12" Sanitary Sewer	250	lin.ft.	\$150.00	\$37,500.00	\$125.00	\$31,250.00
19.	Furnish & Install 10" Sanitary Sewer	540	lin.ft.	\$100.00	\$54,000.00	\$123.00	\$66,420.00
20.	Furnish & Install 8" Sanitary Sewer	710	lin.ft.	\$95.00	\$67,450.00	\$120.00	\$85,200.00
21.	Reconnect Sanitary Lateral	104	ea.	\$400.00	\$41,600.00	\$350.00	\$36,400.00
22.	Furnish & Install 4" - 8" Sanitary Lateral	2,380	lin.ft.	\$45.00	\$107,100.00	\$83.00	\$197,540.00
23.	Furnish & Install Sanitary Manhole	55	vert.ft.	\$400.00	\$22,000.00	\$250.00	\$13,750.00
24.	Furnish & Install Sanitary Manhole Casting	7	ea.	\$800.00	\$5,600.00	\$350.00	\$2,450.00
25.	Abandon Sanitary Lateral	25	ea.	\$900.00	\$22,500.00	\$1,500.00	\$37,500.00
26.	Furnish & Install Flowable Fill	55	Cu. Yds.	\$100.00	\$5,500.00	\$90.00	\$4,950.00
27.	Furnish & Install 60" Storm Sewer	3,420	lin.ft.	\$280.00	\$957,600.00	\$323.00	\$1,104,660.00
28.	Furnish & Install 48" Storm Sewer	140	lin.ft.	\$185.00	\$25,900.00	\$246.00	\$34,440.00
29.	Furnish & Install 30" Storm Sewer	760	lin.ft.	\$155.00	\$117,800.00	\$118.00	\$89,680.00
30.	Furnish & Install 24" Storm Sewer	120	lin.ft.	\$105.00	\$12,600.00	\$116.00	\$13,920.00
31.	Furnish & Install 18" Storm Sewer	40	lin.ft.	\$90.00	\$3,600.00	\$90.00	\$3,600.00
32.	Furnish & Install 15" Storm Sewer	640	lin.ft.	\$85.00	\$54,400.00	\$80.00	\$51,200.00
33.	Furnish & Install 12" Storm Sewer	550	lin.ft.	\$75.00	\$41,250.00	\$77.00	\$42,350.00

CITY OF APPLETON

U-17

ONEIDA STREET SEWER & WATERMAIN RECONSTRUCTION NO. 1

Bid Tabulation - Unit T-17

January 30, 2017

ITEM	DESCRIPTION	Quantity	Units	Van Straten Const.		Jossart Brothers Inc.	
				Unit Price	Total	Unit Price	Total
34.	Furnish & Install 12" Storm Lateral	210	lin.ft.	\$75.00	\$15,750.00	\$77.00	\$16,170.00
35.	Furnish & Install 10" Storm Lateral	20	lin.ft.	\$75.00	\$1,500.00	\$75.00	\$1,500.00
36.	Furnish & Install 8" Storm Lateral	200	lin.ft.	\$75.00	\$15,000.00	\$75.00	\$15,000.00
37.	Furnish & Install 6" Storm Lateral	1,970	lin.ft.	\$75.00	\$147,750.00	\$52.00	\$102,440.00
38.	Furnish & Install 15" Inlet Lead	40	lin.ft.	\$75.00	\$3,000.00	\$80.00	\$3,200.00
39.	Furnish & Install 12" Inlet Lead	200	lin.ft.	\$70.00	\$14,000.00	\$77.00	\$15,400.00
40.	Furnish & Install 10" Inlet Lead	20	lin.ft.	\$70.00	\$1,400.00	\$77.00	\$1,540.00
41.	Reconnect Storm Lateral	12	ea.	\$700.00	\$8,400.00	\$250.00	\$3,000.00
42.	Furnish & Install Storm Manhole	250	vert.ft.	\$300.00	\$75,000.00	\$205.00	\$51,250.00
43.	Furnish & Install 5' Dia. Precast Storm Manhole	65	vert.ft.	\$500.00	\$32,500.00	\$315.00	\$20,475.00
44.	Furnish & Install 6' Dia. Precast Storm Manhole	10	vert.ft.	\$600.00	\$6,000.00	\$350.00	\$3,500.00
45.	Furnish & Install 8' Dia. Precast Storm Manhole	105	vert.ft.	\$900.00	\$94,500.00	\$750.00	\$78,750.00
46.	Furnish & Install Storm Box Manhole	4	ea.	\$13,500.00	\$54,000.00	\$16,200.00	\$64,800.00
47.	Furnish & Install Storm Manhole Casting	36	ea.	\$1,000.00	\$36,000.00	\$350.00	\$12,600.00
48.	Furnish & Install "E" Inlet w/Frame & Grate	2	ea.	\$2,200.00	\$4,400.00	\$1,750.00	\$3,500.00
49.	Furnish & Install "C" Inlet w/Frame & Grate	4	ea.	\$2,200.00	\$8,800.00	\$1,750.00	\$7,000.00
50.	Abandon Inlet and Lead	1	ea.	\$700.00	\$700.00	\$750.00	\$750.00
51.	Abandon Manhole	1	ea.	\$700.00	\$700.00	\$600.00	\$600.00
52.	Furnish & Paint Pavement Marking (Yellow Paint) (4")	11500	lin.ft.	\$0.39	\$4,485.00	\$0.41	\$4,715.00
53.	Furnish & Paint Pavement Marking (White Paint) (4")	9200	lin.ft.	\$0.39	\$3,588.00	\$0.41	\$3,772.00
54.	Furnish & Paint Pavement Marking Channelizing (8")	1600	lin.ft.	\$0.68	\$1,088.00	\$0.71	\$1,136.00
55.	Furnish & Paint Pavement Marking Crosswalk (6")	2100	lin.ft.	\$0.59	\$1,239.00	\$0.62	\$1,302.00
56.	Furnish & Paint Pavement Marking Stop Line (18"/24")	440	lin.ft.	\$2.40	\$1,056.00	\$2.52	\$1,108.80
57.	Furnish & Paint Pavement Marking Arrow/Symbols	35	ea.	\$45.00	\$1,575.00	\$47.25	\$1,653.75
58.	Remove Existing Pavement Marking	1,000	lin.ft.	\$2.00	\$2,000.00	\$2.10	\$2,100.00
59.	Furnish & Install Type "D-M" Inlet Protection	80	ea.	\$100.00	\$8,000.00	\$75.00	\$6,000.00
60.	Temporary Traffic Control	1	LS	\$100,000.00	\$100,000.00	\$60,000.00	\$60,000.00
61.	Temporary Driveway (Hospital)	1	LS	\$1,000.00	\$1,000.00	\$7,000.00	\$7,000.00
62.	Contaminated Soil Removal	200	cu.yds.	\$40.00	\$8,000.00	\$20.00	\$4,000.00
63.	Furnish & Install Extra Stone Bedding	250	tons	\$5.00	\$1,250.00	\$15.00	\$3,750.00
64.	Furnish & Install Temporary Asphalt and Concrete	1	LS	\$343,000.00	\$343,000.00	\$500,000.00	\$500,000.00
TOTAL ITEMS 1 THROUGH 64:				\$3,393,306.00		\$3,588,137.55	

ONEIDA STREET SEWER & WATERMAIN RECONSTRUCTION NO. 1

Bid Tabulation - Unit T-17

January 30, 2017

ITEM	DESCRIPTION	Quantity	Units	Carl Bowers & Sons	
				Unit Price	Total
1.	Furnish & Install 12" Water Main	4,300	lin.ft.	\$110.00	\$473,000.00
2.	Furnish & Install 8" Water Main	490	lin.ft.	\$105.00	\$51,450.00
3.	Furnish & Install 6" Water Main	60	lin.ft.	\$100.00	\$6,000.00
4.	Furnish & Install 6" Hydrant Lead	205	lin.ft.	\$90.00	\$18,450.00
5.	Furnish & Install Hydrant	14	ea.	\$3,400.00	\$47,600.00
6.	Furnish & Install 12" Gate Valve with Box	26	ea.	\$3,000.00	\$78,000.00
7.	Furnish & Install 8" Gate Valve with Box	8	ea.	\$1,750.00	\$14,000.00
8.	Furnish & Install 6" Gate Valve with Box	12	ea.	\$1,350.00	\$16,200.00
9.	Furnish & Install 12" Bend	40	ea.	\$650.00	\$26,000.00
10.	Furnish & Install 8" Bend	30	ea.	\$350.00	\$10,500.00
11.	Furnish & Install 6" Bend	10	ea.	\$300.00	\$3,000.00
12.	Furnish & Install 1" Service	1,280	lin.ft.	\$78.00	\$99,840.00
13.	Furnish & Install 2" Service	25	lin.ft.	\$100.00	\$2,500.00
14.	Furnish & Install 1 1/2" Service	75	lin.ft.	\$100.00	\$7,500.00
15.	Service Connection	85	ea.	\$400.00	\$34,000.00
16.	Curb Box (Complete)	75	ea.	\$350.00	\$26,250.00
17.	Abandon Hydrant	1	ea.	\$1,000.00	\$1,000.00
18.	Furnish & Install 12" Sanitary Sewer	250	lin.ft.	\$130.00	\$32,500.00
19.	Furnish & Install 10" Sanitary Sewer	540	lin.ft.	\$128.00	\$69,120.00
20.	Furnish & Install 8" Sanitary Sewer	710	lin.ft.	\$127.00	\$90,170.00
21.	Reconnect Sanitary Lateral	104	ea.	\$400.00	\$41,600.00
22.	Furnish & Install 4" - 8" Sanitary Lateral	2,380	lin.ft.	\$97.00	\$230,860.00
23.	Furnish & Install Sanitary Manhole	55	vert.ft.	\$300.00	\$16,500.00
24.	Furnish & Install Sanitary Manhole Casting	7	ea.	\$500.00	\$3,500.00
25.	Abandon Sanitary Lateral	25	ea.	\$600.00	\$15,000.00
26.	Furnish & Install Flowable Fill	55	Cu. Yds.	\$100.00	\$5,500.00
27.	Furnish & Install 60" Storm Sewer	3,420	lin.ft.	\$460.00	\$1,573,200.00
28.	Furnish & Install 48" Storm Sewer	140	lin.ft.	\$300.00	\$42,000.00
29.	Furnish & Install 30" Storm Sewer	760	lin.ft.	\$125.00	\$95,000.00
30.	Furnish & Install 24" Storm Sewer	120	lin.ft.	\$240.00	\$28,800.00
31.	Furnish & Install 18" Storm Sewer	40	lin.ft.	\$100.00	\$4,000.00
32.	Furnish & Install 15" Storm Sewer	640	lin.ft.	\$87.00	\$55,680.00
33.	Furnish & Install 12" Storm Sewer	550	lin.ft.	\$85.00	\$46,750.00

CITY OF APPLETON

U-17

ONEIDA STREET SEWER & WATERMAIN RECONSTRUCTION NO. 1

Bid Tabulation - Unit T-17

January 30, 2017

ITEM	DESCRIPTION	Quantity	Units	Carl Bowers & Sons	
				Unit Price	Total
34.	Furnish & Install 12" Storm Lateral	210	lin.ft.	\$86.00	\$18,060.00
35.	Furnish & Install 10" Storm Lateral	20	lin.ft.	\$85.00	\$1,700.00
36.	Furnish & Install 8" Storm Lateral	200	lin.ft.	\$82.00	\$16,400.00
37.	Furnish & Install 6" Storm Lateral	1,970	lin.ft.	\$61.00	\$120,170.00
38.	Furnish & Install 15" Inlet Lead	40	lin.ft.	\$100.00	\$4,000.00
39.	Furnish & Install 12" Inlet Lead	200	lin.ft.	\$96.00	\$19,200.00
40.	Furnish & Install 10" Inlet Lead	20	lin.ft.	\$95.00	\$1,900.00
41.	Reconnect Storm Lateral	12	ea.	\$250.00	\$3,000.00
42.	Furnish & Install Storm Manhole	250	vert.ft.	\$300.00	\$75,000.00
43.	Furnish & Install 5' Dia. Precast Storm Manhole	65	vert.ft.	\$400.00	\$26,000.00
44.	Furnish & Install 6' Dia. Precast Storm Manhole	10	vert.ft.	\$700.00	\$7,000.00
45.	Furnish & Install 8' Dia. Precast Storm Manhole	105	vert.ft.	\$1,400.00	\$147,000.00
46.	Furnish & Install Storm Box Manhole	4	ea.	\$17,000.00	\$68,000.00
47.	Furnish & Install Storm Manhole Casting	36	ea.	\$500.00	\$18,000.00
48.	Furnish & Install "E" Inlet w/Frame & Grate	2	ea.	\$1,700.00	\$3,400.00
49.	Furnish & Install "C" Inlet w/Frame & Grate	4	ea.	\$1,600.00	\$6,400.00
50.	Abandon Inlet and Lead	1	ea.	\$700.00	\$700.00
51.	Abandon Manhole	1	ea.	\$1,500.00	\$1,500.00
52.	Furnish & Paint Pavement Marking (Yellow Paint) (4")	11500	lin.ft.	\$0.45	\$5,175.00
53.	Furnish & Paint Pavement Marking (White Paint) (4")	9200	lin.ft.	\$0.45	\$4,140.00
54.	Furnish & Paint Pavement Marking Channelizing (8")	1600	lin.ft.	\$0.70	\$1,120.00
55.	Furnish & Paint Pavement Marking Crosswalk (6")	2100	lin.ft.	\$0.65	\$1,365.00
56.	Furnish & Paint Pavement Marking Stop Line (18"/24")	440	lin.ft.	\$1.90	\$836.00
57.	Furnish & Paint Pavement Marking Arrow/Symbols	35	ea.	\$45.00	\$1,575.00
58.	Remove Existing Pavement Marking	1,000	lin.ft.	\$2.00	\$2,000.00
59.	Furnish & Install Type "D-M" Inlet Protection	80	ea.	\$85.00	\$6,800.00
60.	Temporary Traffic Control	1	LS	\$100,000.00	\$100,000.00
61.	Temporary Driveway (Hospital)	1	LS	\$15,000.00	\$15,000.00
62.	Contaminated Soil Removal	200	cu.yds.	\$30.00	\$6,000.00
63.	Furnish & Install Extra Stone Bedding	250	tons	\$15.00	\$3,750.00
64.	Furnish & Install Temporary Asphalt and Concrete	1	LS	\$349,000.00	\$349,000.00

TOTAL ITEMS 1 THROUGH 64:

\$4,299,661.00

RESOLUTION 1-P-17

AMENDED AND RESTATED PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703 (7) (a), WISCONSIN STATUTES OF 2015-2016.

RESOLVED, by the Common Council of the City of Appleton, Wisconsin:

1. The Common Council on April 20, 2016 adopted Resolution 1-P-16, indicating the levy of assessments on the below described property for Sanitary Sewer, Storm Sewer and Laterals improvements and construction pursuant to Section 66.0703 Wisconsin Statutes.
2. The Common Council now reconsiders and reopens, pursuant to Section 66.0703(10) Wisconsin Statutes, the assessment levied pursuant to Resolution 1-P-16, adopted April 20, 2016, on the below described property. The Common Council amends the assessment as herein described.
3. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following area.

SANITARY SEWER LATERALS

Fair Street from Franklin Street to South End

4. The total amount assessed against such property shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power and the amount assessed against each parcel shall be on a cost per front foot, area or unit cost basis.
5. The assessments against any parcel may be paid to the Finance Department on receipt of Special Assessment Notice by one of the following:
 - a. In cash, or if entered on the Tax Roll;
 - b. One installment, if the assessment is \$1000 or less;
 - c. In five equal annual installments, if the assessment is greater than \$1000;

Deferred payments shall bear an interest at the rate of 6.25% per annum on the unpaid balance.

6. The Finance Committee is directed to prepare a report consisting of:
 - a. Preliminary plans and specifications for said improvements.
 - b. An estimate of the entire cost of the proposed street improvements.
 - c. A schedule of proposed assessments showing the properties that are benefited by the work or improvements.

Upon completing such report, the Finance Committee is directed to file a copy thereof in the office of the City Clerk for public inspection.

7. Upon receiving the report of the Finance Committee, the City Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703 (7) (a), Wisconsin Statutes. The hearing shall be held at the Council Chambers in the City Hall at a time set by the City Clerk in accordance with Section 66.0703 (7) (a), Wisconsin Statutes.

Adopted: February 15, 2017

S/ TIMOTHY M. HANNA (Mayor)

Attest: KAMI L. LYNCH, (City Clerk)



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

Effective Date:

CITY OF APPLETON MINI-SEWER/BACKYARD DRAINAGE POLICY

The objective of this policy is to establish the guidelines for mini-sewer/backyard drain installation.

GUIDELINES

1. City staff shall review requests for mini-sewers/backyard drains as they are received from property owners.
2. Mini-sewers/backyard drains shall only be considered when significant, long-lasting drainage issues create an environment where vegetation cannot be established and maintained, or where risk of basement flooding exists.
3. Mini-sewer/backyard drains will not be installed on streets where the pavement is less than 10 years old.
4. Mini-sewers/backyard drains shall not be installed in neighborhoods with approved drainage plans unless approved by City staff based on unique circumstances.
5. Piping for backyard drains shall be straight without any bends between the City main and the yard drain structure.
6. Property owner must provide necessary easement (minimum 10 foot width) for infrastructure installed on private property to address drainage issues.
7. Property owners will be responsible for all necessary additional piping/infrastructure beyond where the City installation ends based on individual site conditions and constraints.
8. Priority will be given for resolving drainage issues corresponding with street reconstruction projects unless approved by City staff.
9. Priority will be given to projects that address drainage issues effecting more than one property.
10. Priority will be given to property owners that do not have a storm lateral installed to their property line unless approved by City staff.
11. Property owner(s) are responsible for all final grading and seeding on private property upon completion of infrastructure project.
12. No unauthorized connections to a City-installed mini-sewer/backyard drain are allowed.
13. Due to the shallow installation of these facilities, they are susceptible to freezing. The City will attempt to thaw frozen facilities within the easement area in the spring upon notification from the property owner. Frozen storm laterals are the responsibility of the property owner. Property owners should be prepared to temporarily disconnect their sump pumps from city mini-sewers or back yard drains during the winter months and have alternate locations on their property for sump pump discharge.

18-17

AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(Municipal Services Committee 2-1-2017)

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

Section 1: That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created as follows:

REMOVE TRAFFIC SIGNAL AT:

Intersection of Franklin Street and Superior Street

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

19-17

AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(Municipal Services Committee 2-1-2017)

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

Section 1: That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created as follows:

REMOVE TRAFFIC SIGNAL AT:

Intersection of Franklin Street and Oneida Street

Section 2: This Ordinance shall be in full force and effect from and after its passage and

publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

20-17

AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(Municipal Services Committee 2-1-2017)

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

Section 1: That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created as follows:

INSTALL STOP SIGNS ON:

Superior Street at Franklin Street

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

21-17

AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(Municipal Services Committee 2-1-2017)

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

Section 1: That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created as follows:

INSTALL STOP SIGNS ON:

Oneida Street at Franklin Street

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

22-17

AN ORDINANCE CREATING SECTION 2-29 OF CHAPTER 2 ARTICLE II OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ADMINISTRATION - COMMON COUNCIL.

(Finance Committee – 2-1-2017)

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

Section 1: That Section 2-29 of Chapter 2, Article II, of the Municipal Code of the City of Appleton, relating to Administration, Common Council, is hereby created to read as follows:

Sec. 2-29. Alderperson absence; participation electronically.

(a) An alderperson, who is a qualified individual with a disability as defined in s. 35.104, Code of Federal Regulations, Title 28, Chapter 1, Section 3, unable to appear in person at a meeting of the Common Council may request in writing or by email at least twenty-four (24) hours in advance of the meeting the written or emailed permission from the President of the Common Council to participate in the meeting electronically. The participation by an alderperson electronically shall be permitted in cases where extreme temperatures would negatively impact adaptive equipment used by the person either on their person or as a mode of transportation. An alderperson's appearance electronically must be noted in the meeting minutes. Electronic participation must occur in the meeting room so that the physically absent member can hear and can be heard by all those who are present. An alderperson appearing electronically shall be entitled to participate and vote to the fullest extent possible.

(b) Notwithstanding paragraph (a) above, an alderperson participating electronically in a fact finding hearing shall not vote on any matter that may require observation of any part of the proceeding, including the demeanor of a witness or viewing exhibits not previously provided.

(c) An alderperson participating electronically shall not count towards a quorum.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

23-17

AN ORDINANCE CREATING ARTICLE IV. OF CHAPTER 16 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RIGHT-OF-WAY MANAGEMENT.

(Municipal Services Committee – 2-1-2017)

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

Section 1: That Article IV. of Chapter 16 of the Municipal Code of the City of Appleton, relating to right-of-way management, is hereby created to read as follows:

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.

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 and not conflict with regulations of those 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 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.

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 may be required to 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 may be required to 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 permit bond unless waived by the Department. 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 annually in an amount sufficient to recover the costs incurred by the City. This fee may 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.

(b) ***City exemption.*** The City shall not pay administrative 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) 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 repairs the right-of-way, it shall, unless

waived by the Department, 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, twenty-four (24) 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.

(c) ***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.

(d) ***Guarantees.*** The Permittee guarantees its work and shall maintain it for twenty-four (24) 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.

(e) ***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** 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) ***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. Facilities must be installed within eighteen inches (18") of the area shown on the approved 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.

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 availability of other locations in the right-of-way or in other rights-of-way for the facilities of the Permittee or applicant;
- (10) 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;
- (11) The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;
- (12) The condition and age of the right-of-way or whether and when it is scheduled for total or partial reconstruction; or
- (13) 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) ***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.

(b) ***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 relocate its facilities in the right-of-way whenever the Department requests such relocation, and shall restore the right-of-way to the same condition it was in prior to said 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) when the public health, safety and welfare require it, or (iv) 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 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 may be 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 unconstitutional 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.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.