



City of Appleton

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

Meeting Agenda - Final-revised Finance Committee

Monday, July 10, 2017

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[17-1018](#) Finance Committee minutes from June 26, 2017

Attachments: [MeetingMinutes26-Jun-2017-07-31-24.pdf](#)

4. **Public Hearings/Apearances**

5. **Action Items**

[17-1019](#) Request to approve Finance Committee Report 4-P-17 for Sanitary
Laterals, Storm Laterals and Storm Main.

Attachments: [Report 4-P-17.pdf](#)

[17-1020](#) Request to award the City of Appleton Parks, Recreation, and Facilities
Management Building 2107 HVAC replacement project contract to B &
P Mechanical, Inc. in the amount of \$401,000 with a contingency of
\$20,500 for a contract total not to exceed \$421,500; and approval of the
following 2018 budget adjustment:

Facilities & Construction Management Capital Projects Fund

Erb Park and Pool Project	- \$206,000
PRFMD HVAC Replacement Project	+\$206,000

to reflect transfer of positive balance from the Erb Park and Pool project
to the PRFMD HVAC Replacement project (2/3 vote required).

Attachments: [2017 PRFMD HVAC replacement award and budget adjustemnt.pdf](#)

[17-1021](#)

Request to award the Exhibition Center design and development of Exhibition Center artwork contract to Rob Neilson in the amount of \$85,000.

Attachments: [2017 Expo Center Artwork .pdf](#)

[17-1030](#)

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 \$646,415.

Attachments: [2017 Expo Center Bid Package #6 .pdf](#)

[17-1044](#)

Request to approve the following 2017 Budget adjustment for additional services related to the Oneida Street Bridge over Jones Park for roadway, parking lot, pedestrian ramp and shared use path design:

Facilities Management Capital Projects Fund	- \$54,000
Public Works Capital Projects Funds	+ \$54,000

to transfer funds from the Facilities Management Capital Projects fund to the Public Works Capital Projects fund for phase 2 design work at the north end of Oneida Street bridge (2/3 vote required).

Attachments: [Oneida St Bridge.pdf](#)

[17-1066](#)

The Finance Committee will go into closed session according to State Statute sec. 19.85(1)(e) for the purpose of discussions of real estate negotiations regarding the railroad trestles and conferring with legal counsel regarding pending litigation concerning the Village of Fox Crossing, Workers Compensation matters being handled by special counsel and Apple Pub, all pursuant to sec 19.85(1)(g) and reconvene in open session.

6. Information Items

[17-1023](#)

Contract 13-17 was awarded to Weinert Roofing, Inc. for the 2017 MSB Roof Repairs project in the amount of \$178,245 with a contingency of \$17,755. One change order was issued in the amount of \$6,053. Payments issued to date total \$168,857.75. Request to issue the final contract payment of \$15,440.25.

Attachments: [2017 MSB Roof Repairs Final Payment.pdf](#)

[17-1028](#)

Contract 12-17 was awarded to Kaschak Roofing, Inc. for the 2017 Fire Station #3 Roof Replacement project in the amount of \$121,900 with a contingency of \$12,100. One change order was issued in the amount of \$440. Payments issued to date total \$110,106. Request to issue the final contract payment of \$12,234.

Attachments: [2017 Fire Station #3 Roof Repairs Final Payment.pdf](#)

[17-960](#)

Resolution introduced by Alderperson Baranowski regarding social media during City meetings:

Resolution #7-R-17 / Baranowski

WHEREAS, social media plays an important role in the ability to communicate with the public, it can infringe on open meeting laws,

THEREFORE, the City Attorney review and draft a policy that governs the proper use of social media during posted City meetings.

Attachments: [Social Media resolution.pdf](#)

[17-792](#)

Resolution introduced by Alderpersons Martin, Croatt and Plank at the May 17, 2017 Common Council meeting related to the City Attorney responsibilities:

Resolution #12-R-17 Martin/Croatt/Plank

Whereas, the City Attorney is elected by the voters of Appleton,

And whereas, it is the responsibility of the City Attorney to uphold the constitution of the State of Wisconsin when performing duties of the job he/she is elected to,

And whereas, it is the duty of the Council and Mayor, also elected by the voters, to ensure that the citizens have the legal representation of the Attorney's office in all matters concerning the city,

And whereas, it is critical that the City Attorney be in a work environment that enables and prioritizes that responsibility,

And whereas, State Statute 62.09 (12) states that, "The attorney shall conduct all the law business in which the city is interested",

Therefore be it resolved, the Finance Committee, of which has jurisdiction over the Attorney's office, be charged with creating a policy that reaffirms the City Attorney conducts all legal work when discussing, negotiating, and drafting all agreements and law business the city is a party to, unless special counsel has been retained in circumstances that comply with city policy or State Statute.

Attachments: [Agreement Development Policy - Revised 06-06-2017.pdf](#)

Legislative History

5/22/17	Finance Committee	referred
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7. Adjournment

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

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

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



City of Appleton

100 North Appleton Street
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Meeting Minutes Finance Committee

Monday, June 26, 2017

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 5:30pm.

2. Roll call of membership

Present: 4 - Alderperson Plank, Alderperson Lobner, Alderperson Siebers and
Alderperson Baranowski

Excused: 1 - Alderperson Croatt

3. Approval of minutes from previous meeting

[17-952](#)

Finance Committee minutes from June 12, 2017 and June 21, 2017

Attachments: [MeetingMinutes12-Jun-2017-10-16-18.pdf](#)

[MeetingMinutes21-Jun-2017-04-03-44.pdf](#)

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

Aye: 4 - Alderperson Plank, Alderperson Lobner, Alderperson Siebers and
Alderperson Baranowski

Excused: 1 - Alderperson Croatt

4. Public Hearings/Appealances

[17-968](#)

Dave Maccoux, CPA from Schenck, SC presentation of the 2016 Comprehensive Annual Financial Report

Attachments: [2016 City of Appleton - Management Communications.pdf](#)

This Appearance was presented

5. Action Items

[17-954](#)

CEA Review Committee Report

Attachments: [CEA MeetingMinutes12-Jun-2017-04-12-43.pdf](#)

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

Aye: 4 - Alderson Plank, Alderson Lobner, Alderson Siebers and Alderson Baranowski

Excused: 1 - Alderson Croatt

[17-955](#)

Request to award the City of Appleton 2017 Parks Hardscape repairs project contract to MCC, Inc. in the amount of \$99,539 with a contingency of 10% for a project total not to exceed \$109,493.

Attachments: [2017 Parks Hardscape Repairs.pdf](#)

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

Aye: 4 - Alderson Plank, Alderson Lobner, Alderson Siebers and Alderson Baranowski

Excused: 1 - Alderson Croatt

[17-956](#)

Request to award the City of Appleton 2017 Fire Stations #3 and #5 Hardscape repairs project contract to MCC, Inc. in the amount of \$78,088 with a contingency of \$3,500 for a project total not to exceed \$81,588.

Attachments: [2017 Fire Stations #3 and #5 Hardscape Repairs.pdf](#)

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

Aye: 4 - Alderson Plank, Alderson Lobner, Alderson Siebers and Alderson Baranowski

Excused: 1 - Alderson Croatt

[17-957](#)

Request to award the 2017 Wastewater Water Lateral replacement project to Degroot, Inc. in the amount of \$93,816 with a contingency of \$10,000 for a project total not to exceed \$103,816.

Attachments: [2017 Wastewater Water Lateral Replacement.pdf](#)

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

Aye: 4 - Aldersperson Plank, Aldersperson Lobner, Aldersperson Siebers and Aldersperson Baranowski

Excused: 1 - Aldersperson Croatt

[17-967](#)

Request to approve retaining outside counsel for personnel issues.

Attachments: [WC Matters with Retained Counsel.pdf](#)

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

Aye: 4 - Aldersperson Plank, Aldersperson Lobner, Aldersperson Siebers and Aldersperson Baranowski

Excused: 1 - Aldersperson Croatt

6. Information Items

[17-953](#)

Change Order #3 to Howard Grote and Sons in the amount of (\$500) for the Water Treatment Clarifier Project resulting in the construction contract being reduced from \$494,067 to \$493,567 (this item also appears on the Utilities Committee agenda as an Informational item).

Attachments: [Change Order 3 Softener Project 06-06-17.pdf](#)
 [Change Order 3.pdf](#)

This Presentation was received and filed

[17-958](#)

Change Order #2 to contract 50-16 for Erb Park and Pool renovation project for the addition of site underdrains in the amount of \$41,056 resulting in a decrease of the contingency from \$613,048 to \$441,401. No change to the overall contract amount.

Attachments: [2017 Erb Pool Construction Change Order .pdf](#)

This Presentation was received and filed

[17-959](#)

Contract 60-16 was awarded to MCC, Inc. for the 2016 Hardscapes Repairs project in the amount of \$118,724 with a contingency of \$3,800. No change orders were issued. Payments issued to date total \$47,530.08. Request to issue the final contract payment of \$71,193.64.

Attachments: [2016 Parks Hardscape Repairs Final Payment.pdf](#)

This Presentation was received and filed

[17-960](#)

Status of social media usage at meetings

This Presentation was received and filed

[17-792](#)

Resolution introduced by Alderpersons Martin, Croatt and Plank at the May 17, 2017 Common Council meeting related to the City Attorney responsibilities:

Resolution #12-R-17 Martin/Croatt/Plank

Whereas, the City Attorney is elected by the voters of Appleton,

And whereas, it is the responsibility of the City Attorney to uphold the constitution of the State of Wisconsin when performing duties of the job he/she is elected to,

And whereas, it is the duty of the Council and Mayor, also elected by the voters, to ensure that the citizens have the legal representation of the Attorney's office in all matters concerning the city,

And whereas, it is critical that the City Attorney be in a work environment that enables and prioritizes that responsibility,

And whereas, State Statute 62.09 (12) states that, "The attorney shall conduct all the law business in which the city is interested",

Therefore be it resolved, the Finance Committee, of which has jurisdiction over the Attorney's office, be charged with creating a policy that reaffirms the City Attorney conducts all legal work when discussing, negotiating, and drafting all agreements and law business the city is a party to, unless special counsel has been retained in circumstances that comply with city policy or State Statute.

7. Adjournment

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

Aye: 4 - Alderperson Plank, Alderperson Lobner, Alderperson Siebers and Alderperson Baranowski

Excused: 1 - Alderperson Croatt

REPORT OF THE FINANCE COMMITTEE

PROJECT LIMITS:

4-P-17

SANITARY LATERALS, STORM LATERALS AND STORM MAIN

Catherine Street from Washington Street to North Street

Mary Street from North Street to Pacific Street

In accordance with the preliminary resolution of the Common Council dated July 19, 2017, we herewith submit our report on the assessment of benefits on the above named construction.

This report consists of the following:

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

Schedule B - The total cost within the project limits in accordance with the plans and specifications in Schedule A is **\$850,775.00.**

Schedule C - Proposed Assessments. The properties included within the project limits are benefited and the work or improvements constitute an exercise of the police power. The total value of assessments is **\$39,123.00.**

Finance Committee



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**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

DATE: 07/10/2017

RE: Action: Award the City of Appleton Parks, Recreation, and Facilities Management Building "2017 HVAC Replacement Project" contract to B & P Mechanical, Inc. in the amount of \$401,000 with a contingency of \$20,500 for a contract total not to exceed \$421,500

Action: Approve positive balance transfer of \$206,000 from the "Erb Park and Pool Project" to "PRFMD HVAC Replacement Project."

The 2016 Capital Improvement Plan includes \$240,000 to replace the HVAC system at the Parks Recreation, and Facilities Management Building (Facilities and Grounds Operations Center). Of that amount, \$24,500 has been utilized for professional services, leaving a balance of \$215,500 for construction. The project includes installing a new variable air volume distribution system and new air handling units to the offices. The existing HVAC system is at the end of its life cycle, and is not energy efficient. This project will also include the replacement of existing ceiling tiles and office lighting.

The bids were received as follows:

B & P Mechanical, Inc. (low bid)	\$401,000
August Winter and Sons, Inc.	\$470,465

During design phase it was determined that we should incorporate a variable air volume distribution system, as opposed to the current system that was not designed for a commercial office setting, thus raising the anticipated cost of this project. We are requesting to utilize the positive variance from the Erb Park and Pool Project as that project was bid below the estimated project cost.

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to B & P Mechanical, Inc. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to B & P Mechanical, Inc. in the amount of \$401,000 plus a contingency of \$20,500 only to be utilized as needed.

Please contact me at 832-5572 or at dean.gazza@appleton.org with any questions.



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Email - dean.gazza@appleton.org

TO: Finance Committee

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

DATE: 7/10/2017

RE: Action Item: Award the Exhibition Center "Design and Development of Exhibition Center Artwork" contract to Rob Neilson in the amount of \$85,000.

The Exhibition Center budget includes \$85,000 in funding for artwork. The artwork to be included in this contract includes two pieces of interior art. Any other artwork for the facility will be planned and funded for in the future and not be included in the initial project budget.

Mayor Hanna selected a five panel Fox Cities Exhibition Center Artwork Committee. Members of this Committee include Jan Mirenda-Smith, Maria Van Laanen, Morgan Hogerty, Beth Flaherty and Renee Ulman. This Committee working directly with Zimmerman Architects issued a Request for Qualifications in which several artists responded. The RFQ's were reviewed and narrowed down to four artists who presented their ideas to the Artwork Committee on June 22, 2017. The four artists were Tom Grade, Linda Muldoon, Rob Neilson and Michael Meilahn. The Committee unanimously selected Rob Neilson for both pieces of art.

Based on the committee's recommendation, I am requesting you approve the contract with Robert Neilson for \$85,000.

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



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(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: 6/30/2017

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 \$646,415.48.

The delivery method utilized for this project is Construction Manager at risk (CM) and varies from the traditional design-bid-build delivery method 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.

On June 6, 2017, bids were opened for Bid Package #6. We received multiple bids as provided below and recommend proceeding with the lowest responsible bidder:

Fireproofing: Frantl Industries:

Contractor	Bid
Frantl Industries	\$19,860
Insulators Inc.	\$113,061

Flooring: HJ Martin & Son, Inc

Contractor	Bid
H.J. Martin & Son, Inc.	\$157,818
Schleis Floor Covering, Inc	\$158,046
Gegare Tile, Inc	\$208,382

Site Concrete: Martell Construction

Contractor	Bid
Martell Construction	\$549,500

Change Order: Miron Construction

The design team worked with the Construction Manager, Design Team and Owner to identify required changes in the previous contracts issued. Adjustments were made resulting in a net reduction.

Contractor	Bid
Miron Construction	(\$80,762.52)

In addition, insurance and performance/payment bonds currently total \$8,484.48. While we have had some variation with some of the bids received to date, overall bid package #6 has come in as anticipated and the project remains on budget.

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



MEMO

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TO: Finance Committee

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

DATE: July 5, 2017

RE: The following 2017 Budget adjustment be approved for additional services related to the Oneida Street Bridge over Jones Park for roadway, parking lot, pedestrian ramp and shared use path design:

Facilities Management Capital Projects Fund	- \$54,000
Public Works Capital Projects Fund	+\$54,000

In December, 2016 the Council awarded the contract to design the northbound Oneida Street Bridge over Jones Park to Patrick Engineering, in an amount not to exceed \$228,861. The design is now at 90% completion and waiting on Phase 2 elements to be designed before the bridge design can be completed to the 100% level. The Phase 2 elements include designing Rocky Bleier Run, the parking lot beneath the bridge, the pedestrian ramp and the shared use path.

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 anticipated approval of the contract amendment with Patrick Engineering, budget adjustments are needed to reallocate funds to this project.

Therefore, we request approval to reallocate \$54,000 from Facilities Management Capital Projects fund to the Public Works Capital Projects fund.

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

Attachment

C: Tony Saucerman, Finance Director
Dean Gazza, Director of Parks, Recreation & Facilities Management
Bev Matheys, Managerial Accounting Coordinator

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
- 54,000 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	1,271,000	-	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 Comprehensive Plan/ Downtown Update	400,000					
- 100,000 Implementation	500,000	500,000	-	-	-	\$ 1,000,000
Community Devel Cap Projects	500,000	500,000	-	-	-	\$ 1,000,000
Public Works Mobility Study	300,000					
+ 200,000 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



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To: Finance Committee

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

Date: July 10, 2017

Re: Informational: Contract 13-17 was awarded to Weinert Roofing, Inc. for the 2017 MSB Roof Repairs Project in the amount of \$178,245 with a contingency of \$17,755. One change order was issued in the amount of \$6,053. Payments issued to date total \$168,857.75. Request to issue the final contract payment of \$15,440.25.

The 2017 Capital Improvement Plan includes \$250,000 for the final partial replacement of the Municipal Services Building's garage roof. Construction contract 13-17 was issued to Weinert Roofing, Inc. in the amount of \$178,245 with contingency of \$17,755. One change order was issued in the amount \$6,053 to install a new roof hatch and access stairs. The final contract total for this project is \$184,298, leaving a contingency balance of \$11,702. This contract is now complete as all punchlist items have been completed.

The Parks, Recreation and Facilities Management Department recommends issuing the final contract payment to Weinert Roofing, Inc. in the amount of \$15,440.25.

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



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Email - dean.gazza@appleton.org

To: Finance Committee

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

Date: July 10, 2017

Re: Informational: Contract 12-17 was awarded to Kaschak Roofing, Inc. for the 2017 Fire Station #3 Roof Replacement Project in the amount of \$121,900 with a contingency of \$12,100. One change order was issued in the amount of \$440. Payments issued to date total \$110,106. Request to issue the final contract payment of \$12,234.

The 2017 Capital Improvement Plan includes \$150,000 to replace the roof at Fire Station #3. Construction contract 12-17 was issued to Kaschak Roofing, Inc. in the amount of \$121,900 with contingency of \$12,100. One change order was issued in the amount \$440 to replace water damaged roof decking. The final contract total for this project is \$122,340, leaving a contingency balance of \$11,660. This contract is now complete as all punchlist items have been completed.

The Parks, Recreation and Facilities Management Department recommends issuing the final contract payment to Kaschak Roofing, Inc. in the amount of \$12,234.

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



LEGAL SERVICES DEPARTMENT

Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Alderperson Kathleen Plank, Chair
Members of the Finance Committee

FROM: James P. Walsh, City Attorney 

DATE: July 6, 2017

RE: Resolution # 7-R-17/Baranowski

Alderperson Baranowski introduced Resolution #7-R-17 stating:

WHEREAS, social media plays an important role in the ability to communicate with the public, it can infringe on open meeting laws,

THEREFORE, the City Attorney review and draft a policy that governs the proper use of social media during posted City meetings.

As always, the starting point for compliance with the State Open Meetings Law is with the Wisconsin Statutes. Section 19.83(1) provides,

“Every meeting of a governmental body shall be preceded by public notice as provided in s.19.84, and shall be held in open session. At any meeting of a governmental body, all discussion shall be held and all action of any kind, formal or informal, shall be initiated, deliberated upon and acted upon only in open session except as provided in s. 19.85.”

While the Wisconsin Supreme Court has not ruled on this specific section, the Attorney General has opined on aspects of the Statute which does provide some guidance.

The Attorney General has indicted that, as provided by statute, every meeting of a governmental body shall be held in places reasonably accessible to the public and open to all citizens at all times. See Wisconsin Open Meetings Law Compliance Guide, 2015, issued by the Wisconsin Department of Justice.

An important aspect of the Open Meetings Law is the right of citizens to record, film or photograph the meeting. Wisconsin Statutes §19.90. The use of social media during a meeting would appear to be contrary to the provisions of §19.90. Indeed, while the term “social media” is not specifically defined by statute, it is generically understood to mean forms of electronic communication in which users create online communities to share information, ideas, and other content. A conversation on social media, with its almost instant exchange of information, is similar to conversation, and is generally accessible to only those participating in that “conversation.” It prevents the public’s ability to record, film or photograph the discussion.

James P. Walsh
City Attorney

Christopher R. Behrens
Deputy City Attorney

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

Alderson Kathleen Plank, Chair
Members of the Finance Committee
July 6, 2017
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A second aspect of the use of social media is the concept of public participation. As the Council is aware, citizens have the ability to attend meetings of governmental bodies but do not have the right to speak. Additionally, the Appleton Common Council as adopted Council Rule 5 which states in part, "A non-member of the Common Council shall not be permitted to address the same, except by a majority consent of this Common Council."

In summary, while social media has become a widely used mechanism for communication, its use during committee meetings would be at best, problematic. This office would recommend the non-use of social media by alderpersons during meetings.

As always, if you have questions, feel free to contact me.

JPW;jlg

CITY OF APPLETON POLICY		TITLE: LEGAL BUSINESS OF THE CITY	
ISSUE DATE:	LAST UPDATE:	SECTION: Finance	FILE NAME:
POLICY SOURCE: Legal Services Department – City Attorney’s Office			TOTAL PAGES:
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I. PURPOSE

This policy is designed to outline the responsibilities of the City Attorney in conducting the legal business of the City of Appleton.

II. POLICY

The City Attorney shall be involved at all stages of any process which could result in a legal relationship between the City of Appleton and any other entity or entities.

III. DISCUSSION

Wisconsin Statutes Section 62.09(12)(a) provides, “The attorney shall conduct all the law business in which the city is interested.” Legal matters in which the City of Appleton engages shall be guided by the requirements of §62.09(12), Wis. Stats.

The City of Appleton is a municipal corporation which routinely engages in legally binding transactions with other municipalities, corporations and individuals. It is critical that the legal interests of the City of Appleton are foremost in discussions and negotiations with outside parties. Inclusion of the City Attorney at the outset is an essential component of keeping the legal interests of the City at the forefront of such discussions and negotiations.

This policy is intended to outline the areas of responsibility for the City Attorney regarding the legal business of the City. Whenever in this policy there is a reference to City Attorney, that term shall be defined as the City Attorney’s Office including any Assistant City Attorneys.

The City Attorney shall be responsible for, inter alia,

- Drafting ordinances as approved by the Common Council
- Drafting bonds and other instruments as may be requested by City officers
- Drafting legal opinions when requested by City officers
- Drafting construction contracts on behalf of the City for City projects

- Coordination with and monitoring of all efforts by, special counsel including hired or appointed outside counsel
- Preparation of all real estate documents necessary for all real estate transactions
- Representation of the City in all traffic, ordinance civil matters and appear in court on behalf of the City when required
- Preparation of labor contracts between the City and its employees
- Negotiation and drafting of terms for development agreements
- Providing legal advice, guidance and representation in other matters, issues and the like considered law business in which the City has an interest

This policy shall be liberally construed to achieve its purpose of involving the City Attorney, to the fullest extent practical, in all legal matters of the City to ensure the City has proper legal representation in all law matters while also allowing for City business to be conducted in an efficient manner. This policy shall supersede any previous action of the Common Council to the extent the previous actions are inconsistent with this policy.

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City Law: A17-0392