



# City of Appleton

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

## Meeting Agenda - Final Finance Committee

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Monday, November 6, 2017

5:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[17-1663](#) October 9, 2017 Finance Committee minutes

**Attachments:** [MeetingMinutes09-Oct-2017-01-57-43.pdf](#)

4. **Public Hearings/Apearances**

5. **Action Items**

[17-1664](#) Request to enter into intergovernmental Agreement with Appleton Area School District to borrow short term cash in an amount not to exceed \$17,500,000 from time to time as needed. The note shall be dated as of date of issuance, shall bear interest at the rate of 2% above the average Federal Funds rate from its dated date until paid; and shall mature no later than June 30, 2018. Interest on the note shall be paid at maturity or redemption.

**Attachments:** [2017-2018 Mater Note Agreement.pdf](#)  
[AASD 2017-2018 Bond Council Letter.pdf](#)

[17-1724](#) Request for Proposal - Mixed Use Library Project

**Attachments:** [ApprovedLibraryRFP\(withdatechange11-3-2017\).pdf](#)

- [17-1725](#) Request to approve payment to von Briesen & Roper, S.C. for real estate services performed under the "Hourly Services" provision of the Phase III agreement related to the construction of the Fox Cities Exhibition Center and approve the following related 2017 Budget adjustment:

**Exhibition Center Capital Projects Fund**

Consulting Services	+\$384
Debt Proceeds/Room Tax	+\$384

to provide funding for real estate services related to the construction of the Fox Cities Exhibition Center (2/3 vote required)

**Attachments:** [von Briesen 10-10-17 Bill Phase III.pdf](#)

- [17-1775](#) Request the approval of Guaranteed Maximum Price Amendment to Miron Construction for the Fox Cities Exhibition Center for a total contract not to exceed \$29,287,381.

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

- [17-1777](#) Request to reject bid from Miron Construction, The Boldt Company, and Radtke Contractors, Inc for the Jones Park Renovation Phase I Project.

**Attachments:** [2017 Jones Park Renovation Phase I \(Reject Bids2\).pdf](#)

## 6. Information Items

- [17-1665](#) Change Order No. 1 to contract 6-17 for Unit A-17 Concrete Paving for the addition of tree grates and structural soil (Lawrence Street), field inlet and piping (Plank Road) and additional restoration quantities on Milis Drive/Vantage Drive in the amount of \$45,000.00 resulting in a decrease to contingency from \$249,450.00 to \$204,450.00. No change to overall contract amount.

**Attachments:** [Unit A-17 Change Order No.1.pdf](#)

[17-1666](#)Director's Reports

## Finance

- Health Care Claims

## Legal Services

- Pending Litigation

## Facilities

- Exhibition Center Update

[17-1723](#)

Contract 58-17 was awarded to Fischer-Ulman Construction Inc for \$86,608.60 for Northland Ave Frontage Road Sidewalk Construction. Payments issued to date total \$73,909.16. Request final payment of \$3,173.55.

[17-1726](#)

The following 2017 Budget adjustments were approved by the Mayor and Finance Director in accordance with Policy:

**General Fund - Police Department**

Donations	+\$1,698
Equipment	+\$1,698

to record donation received from the Kwik Trip to replace the McGruff costume

Donations	+\$2,500
Equipment	+\$2,500

to record donation received from Keller, Inc to support police operations

**General Fund - Library**

Donations	+\$21,692
Library Materials-Material Management	+\$20,692
Supplies-Children's Services	+\$1,000

to record donation received from Bob's Furniture to support the Ready to Read program

[17-1773](#)

Contract 8-17 was awarded to NuGen Johnson, LLC for \$192,925 for Bridge Maintenance. Change orders were approved totaling \$20,000. Final contract amount is \$212,925. Payments issued to date total \$198,159.69. Request final payment of \$11,627.29.

[17-1774](#)

Change Order No. 2 to contract 43-17 for Unit AA-17/X-17 Cotter Street Stormwater improvements/Sewer and Water Reconstruction No. 2 for an additional storm sewer main and manhole quantities in the amount of \$5,695 resulting in a decrease to contingency from \$69,078 to \$63,383. No change to overall contract amount

**Attachments:** [Unit AA-17 ~ X-17 Change Order No.2.pdf](#)

## 7. Adjournment

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

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

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



# City of Appleton

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

## Meeting Minutes Finance Committee

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Monday, October 9, 2017

5:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order

Meeting called to order at 5:30pm.

2. Roll call of membership

**Present:** 4 - Alderperson Plank, Alderperson Siebers, Alderperson Croatt and  
Alderperson Baranowski

**Excused:** 1 - Alderperson Lobner

3. Approval of minutes from previous meeting

[17-1520](#)

Finance Committee minutes from September 25, 2017 meeting

**Attachments:** [MeetingMinutes25-Sep-2017-03-58-11.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 Siebers, Alderperson Croatt and  
Alderperson Baranowski

**Excused:** 1 - Alderperson Lobner

4. Public Hearings/Appearances

5. Action Items

[17-1521](#)

Request to approve authorization request to sell water plant membrane cartridges and decommissioned ultrafiltration equipment through a consignment agreement(s) (item also appears as an informational item on the Utilities Committee agenda).

**Attachments:** [Membrane Consignment Request 08-04-17.pdf](#)

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

**Aye:** 4 - Alderperson Plank, Alderperson Siebers, Alderperson Croatt and  
Alderperson Baranowski

**Excused:** 1 - Alderperson Lobner

[17-1522](#)

Request to reject bid from Miron Construction, Inc for \$1,847,815 for the Jones Park Renovation Phase I project.

**Attachments:** [2017 Jones Park Renovation Phase I \(Reject Bids\).pdf](#)

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

**Aye:** 4 - Alderson Plank, Alderson Siebers, Alderson Croatt and Alderson Baranowski

**Excused:** 1 - Alderson Lobner

## 6. Information Items

[17-1523](#)

Contract 55-16 was awarded to Great Lakes TV & Seal, Inc for \$152,950 for Sewer Spot Repairs, Protruding Tap & Mineral Deposit Removal. Payments issued to date total \$122,710.04. Request final payment of \$23,806.60.

**This Presentation was received and filed**

[17-1541](#)

**Director's Report**

Legal Services  
- Trestle Update

Parks, Recreation & Facilities Management

- Project Updates
- 2018 Administration & Facilities Proposed Budget
- 2018 Facilities Proposed CIP Budget

**Attachments:** [2018 Facilities Management Budget.pdf](#)  
[2018 Facilities & Ex Ctr Capital Projects Funds.pdf](#)  
[Facilities 2018 CIP project pages.pdf](#)  
[Parks 2018 CIP project pages.pdf](#)

**This Presentation was received and filed**

[17-1542](#)

2018 Risk Management Budget

**Attachments:**     [2018 Risk Management.pdf](#)

**This Presentation was received and filed**

[17-1549](#)

Contract 48-16 was awarded to MCC, Inc for the 2016 Highview Park Tennis and Basketball Courts in the amount of \$131,351 with a contingency of \$13,135. One credit was issued in the amount of \$21,118 and one change order in the amount of \$14,725. Payments issued to date total \$112,462.38. Request to issue the final contract payment of \$12,495.81.

**Attachments:**     [Highview Park Finance Memo Final Pymt.pdf](#)

**This Presentation was received and filed**

[17-1543](#)

The following 2017 Budget adjustments were approved by the Mayor and Finance Director in accordance with Policy:

**Health Grant Funds**

MCH Grant Training	+\$ 1,635
MCH Grant Supplies	+\$ 2,448
MCH Grant Revenue	+\$ 4,083
Prevention Grant Training	+\$ 7,902
Prevention Grant Revenue	+\$ 7,902
Lead Grant Salaries & Fringes	+\$ 127
Lead Grant Revenue	+\$ 127
Immunization Grant Printing	+\$ 5,323
Immunization Grant Interpreter Services	+\$ 44
Immunization Grant Revenue	+\$ 5,367
Bioterrorism Grant Training	+\$ 9,135
Bioterrorism Grant Supplies	+\$ 3,681
Bioterrorism Grant Revenue	+\$12,816

to adjust various health grants budgets to actual awards from the State

**General Fund - Police Department**

Donations	+\$ 1,000
Equipment	+\$ 1,000

to record donation received from the Walmart to support the Neighborhood Watch Program

**General Fund - Library**

Reimbursements - Friends of the Library	+\$17,000
Supplies - Administration	+\$1,700
Purchased Services - Administration	+\$1,400
Supplies - Childrens Services	+\$3,000
Memberships - Childrens Services	+\$ 300
Purchased Services - Childrens Services	+\$2,800
Supplies - Community Partnerships	+\$3,000
Purchased Services - Community Partnerships	+\$2,800
Supplies - Network Services	+\$1,500
Purchased Services - Network Services	+\$500

to record funds received from the Friends of the Appleton Public Library

**General Fund - Park & Recreation**

Building Improvements - Scheig Center	+\$5,000
Donations	+\$5,000



to record donation from Walter Wieckert and the Illinois Tool Works Foundation for improvements to ADA entrance at the Scheig Center

Equipment - Kiwanis Park	+\$2,000
Donations	+\$2,000

to record donation from the Kiwanis Golden K Club for equipment at Kiwanis Park

Equipment - Lions Park	+\$770
Donations	+\$770

to record donation from the Noon Lions Club for an ADA grilling station at Lions Park

Equipment - Kiwanis Park	+\$2,200
Donations	+\$2,200

to record donation from the Kiwanis Club and the Community Foundation for a park bench at Kiwanis Park

**This Presentation was received and filed**

[17-1550](#)

The Finance Committee will meet in Closed Session pursuant to the exemption contained in Section 19.85(1)(e) for the purpose of deliberating or negotiating of real estate negotiations concerning the City Center (Blue) Ramp and the reconvene in open session to conduct such other business as may be pending.

*closed session was not held*

## 7. Adjournment

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

**Aye:** 4 - Alderperson Plank, Alderperson Siebers, Alderperson Croatt and Alderperson Baranowski

**Excused:** 1 - Alderperson Lobner

EXHIBIT A-1

UNITED STATES OF AMERICA  
STATE OF WISCONSIN  
CALUMET, OUTAGAMIE, WINNEBAGO COUNTIES  
SCHOOL DISTRICT OF APPLETON AREA

TAXABLE TAX AND REVENUE ANTICIPATION PROMISSORY NOTE

DATED October 9, 2017

MASTER NOTE

For value received, the School District of Appleton, Wisconsin (the "District") hereby acknowledges itself to owe and promises to pay in lawful money of the United States of America to the City of Appleton, Wisconsin, or registered assigns (the "Purchaser"), on or before June 30, 2018, the sum of not to exceed SEVENTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$17,500,000) (but only so much as shall have been advanced and outstanding) together with interest on the unpaid principle balance from the respective dates the outstanding principle amounts were advanced at the rate of 2% above the average federal funds rate from its dated date until paid; and shall mature no later than June 30, 2018. Disbursements of the proceeds of this Note shall be made by the Purchaser to the District within two (2) business days after the receipt of one or more Disbursement Notes in the form attached hereto as Exhibit B-1. The Purchaser shall record such format shown on the attached Exhibit C-1.

The principle and interest on this Note will be paid by the District Clerk or District Treasurer at the City office: 100 N. Appleton Street, Appleton, Wisconsin 54911. Interest shall be paid on a 30/360 day basis at maturity.

This Note is prepayable by the District at any time.

This Note is issued pursuant to Section 67.12(8)(a)1, Wisconsin Statutes, for the public purpose of paying the immediate expenses of operating and maintaining the public instruction in the District during the current school year; does not exceed one half of the estimate receipts for the operation and maintenance of the District for the current school year and shall not extend beyond June 30, 2018 of the next school year as authorized by a resolution of the governing body of the District duly adopted at a lawful open meeting held on October 23, 2017. Said resolution is recorded in the official minutes of said governing body for said date.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the District, including this Note and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that the District has irrevocably pledged taxes heretofore levied and other revenues, including state aids, sufficient to pay this Note, together with interest thereon, when and as payable.

IN WITNESS WHEREOF, the District, by its governing body, has caused this Note to be executed by its duly qualified officers and to be sealed with its official or corporate seal, if any, as of the day and year first above written.

By: Kay S. Eggert  
Kay S. Eggert  
District President

(SEAL)

And: James R. Bowman  
James R. Bowman  
District Clerk



## LEGAL SERVICES DEPARTMENT

### Office of the City Attorney

100 North Appleton Street

Appleton, WI 54911-4799

Phone: 920/832-6423

Fax: 920/832-5962

November 6, 2017

Re: Appleton Area School District  
Calumet, Outagamie and Winnebago Counties, Wisconsin ("Issuer")  
\$17,500,000 Taxable Tax and Revenue Anticipation Promissory Note,  
dated November 6, 2017 ("Note")

We have acted as bond counsel to the Issuer in connection with the issuance of the Note. In such capacity, we have examined such law and other certified proceedings, certifications, and other documents as we have deemed necessary to render this opinion.

Regarding questions of fact material to our opinion, we have relied on the certified proceedings and other certifications of public officials and others furnished to us without undertaking to certify the same by independent investigation.

We certify that we have examined a sample of the Note and find the same to be in proper form.

Based upon our examination, it is our opinion under existing law that:

1. The Note has been duly authorized by the Issuer and, when issued, would be a valid and binding special obligation of the Issuer.
2. The interest on the Note is included for federal income tax purposes in the gross income of the owners of the Note.

We express no opinion regarding the accuracy, adequacy, or completeness of any other offering material relating to the Note. Further, we express no opinion regarding tax consequences arising with respect to the Note other than as expressly set forth herein.

This opinion is not intended to be used, and cannot be used, to avoid federal tax penalties.

The rights of the owners of the Note and the enforceability thereof may be subject to bankruptcy, insolvency, reorganization, moratorium and similar laws affecting creditors' rights and may be subject to the exercise of judicial discretion in accordance with general principles of equity, whether considered at law or in equity.

This opinion is given as of the date hereof, and we assume no obligation to revise or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention, or any changes in law that may hereafter occur.

---

James P. Walsh  
*City Attorney*

Christopher R. Behrens  
*Deputy City Attorney*

Amanda Abshire  
*Assistant City Attorney*

Darrin M. Glad  
*Assistant City Attorney*

REQUEST FOR PROPOSAL – MIXED USE LIBRARY PROJECT



Appleton  
Public Library

**PROPOSALS SOUGHT BY:**  
**City of Appleton**  
**c/o Community and Economic Development Department**  
**Attn: Karen Harkness**  
**100 North Appleton Street**  
**Appleton, WI 54911**  
**(920) 832-6468**  
Karen.Harkness@appleton.org

**November 2, 2017**

**CITY OF APPLETON – REQUEST FOR PROPOSAL**  
*Mixed Use Library Project*

*This entire RFP and all Exhibits are available at the City of Appleton website [www.appleton.org](http://www.appleton.org), Follow the “Mixed Use Library RFP” link.*

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## **I. INTRODUCTION.**

The Appleton Public Library's (APL) long term planning indicates that the current facility at 225 N. Oneida Street no longer meets the needs of the library. Originally built in 1981, the library building has infrastructure challenges that limit options for modern library service. APL is one of the busiest buildings in the downtown, serving an average of 1500 people a day.

The City of Appleton (City) and Appleton Library Board are seeking a qualified developer for a mixed-use library development which may include residential, retail, office, medical or a mixture of uses in addition to the library. The design should create appropriate separation of uses, providing clear access and entrances for the library, and other uses as well as provide parking as appropriate for the entire mixed use development.

The City of Appleton is located in the Fox River Valley of northeastern Wisconsin and has a population of approximately 73,000. APL provides service to a population of 115,000. The City is serviced by Interstate 41, US Highway 10 and US Highway 441. It is 90 miles north of Milwaukee and 30 miles southwest of Green Bay. More information about the City is available on our website at [www.appleton.org](http://www.appleton.org).

Downtown Appleton is the heart of the Fox Valley. As an arts and entertainment district, Downtown has embraced the creative economic energy of business, tourism, education and love of the Fox River. Downtown's resurgence and increased vibrancy has drawn recent praise with College Avenue being named one of the "Great Places in America" by the American Planning Association in 2014.

Several major projects currently in progress will impact the City in general and Downtown specifically, as they will influence future mobility, connectivity to the riverfront, residential density, and attraction of conventions and visitors. Appleton continues to see demand for new housing units and has a solid commercial and industrial base. Strategic and ongoing investment in Downtown remains a top priority for the City, and the issuance of this RFP for a mixed-use Library Project is a critical step in this process.

## **II. PROJECT PRIORITIES & OBJECTIVES**

Developers are encouraged to propose a new site or to consider redevelopment of the existing library site/area for this mixed-use project. The site must create a premier project that will enhance the downtown, contribute to the arts and culture of the area, and foster economic development that will benefit the entire community.

Proposals should take into consideration the needs and current market condition. Building designs and material should complement the existing urban form of the area as well as the goals spelled out in Chapter 14: Downtown Plan (Comprehensive Plan 2010-2030). Utilization of the land should leverage public (federal, state and local

funds) and private funds in order to develop the site into a vibrant, sustainable mixed use development.

In 2017, the Appleton Common Council and Appleton Library Board approved and supported, respectively, the five-year update to the City Comprehensive Plan 2010-2030. In addition, both bodies unanimously agreed to issue this mixed-use RFP that should align with the Comprehensive Plan, Downtown Parking Study, Downtown Mobility Study, Tax Incremental Financing Districts #11 and #12, and the current APL building program and documents.

The City is seeking proposals for an approximately 120,000 square foot requirement for APL in a mixed use development. Proposals for City ownership or lease would be considered. General requirements for the physical space include:

1. Approximately 120,000 square feet of space.
2. The “public” portion of the library should not occupy more than 3 floors (Approx. 110,000 square feet).
3. “Non-public” portions of the library (Administration, Network Services, Technical Services, etc.) can be located on other floor(s) (Approx. 10,000 square feet).
4. The general physical needs identified in the “Library Needs Assessment Final Report 8-25-14” (Section IX. Reference Materials) for APL have not changed. However, the space for Parks and Recreation and OWLS are not part of this RFP and should not be included. APL’s building program will need to be refreshed prior to actual design.
5. APL should serve as a primary floor anchor with its own entrance and primary meeting room spaces allowing after-hours access. APL must be able to function independently from the rest of the development.
6. Demonstration of available parking as appropriate for the entire mixed use development should be included.
7. If proposing a redevelopment of the existing site, provide a temporary library location.

In addition to the physical space requirements, it will be crucial for the proposed development to support the City’s redevelopment goals as spelled out in Chapter 14: Downtown Plan (Comprehensive Plan 2010-2030). As such, a mixed use proposal is anticipated to ensure the highest and best use of the proposed development.

Section IX. Reference Materials provides historic detail of APL’s needs, site preferences and analysis completed to date. Due to the dynamic nature of ownership, development, and redevelopment, any site within the boundaries of Exhibit A –Mixed Use Library RFP Boundary Map will be considered and weighed as spelled out in the “Evaluation of Proposals” section of this RFP.



### III. POTENTIAL SITE OPTIONS

Respondents are invited to submit proposals for a mixed-use development, including a new or remodeled library, located within downtown Appleton. The geographic boundary is shown on Exhibit A – Mixed Use Library RFP Boundary Map. One potential scenario involves relocating the library to a different site. The other scenario involves utilizing the existing library site and/or other City-owned property in the nearby area (see Exhibit B – Current Library Site). Some details on the existing library site are provided below. Any land to be assembled as part of the project for either scenario is at the discretion and responsibility of the developer.

#### **Background Information on Existing Library Site**

**Location:** 225 North Oneida Street (Tax ID #31-2-0397-00)

**Legal Description:** APPLETON PLAT 2WD LOTS 1, 2, 3, 4, 5 & 6 BLK 38

**Common Description:** Area bound by North Appleton Street, West Franklin Street, North Oneida Street, and West Washington Street

**Area:** 94,782 square feet m/l (2.18 acres m/l)

**Registered Neighborhood:** Downtown Neighborhood

**Current Zoning:** CBD Central Business District (City of Appleton Zoning Ordinance available at [www.appleton.org](http://www.appleton.org)).

**Utilities:** Served by existing water, sanitary sewer, and storm sewer.

The existing library will be made available for inspection on November 14, 2017 at 1:00pm for those anticipating submitting a proposal.

### IV. PROPOSAL REQUIREMENTS

Proposals must be organized in the following order of sections:

#### 1. EXECUTIVE SUMMARY

- a. A succinct, high level description of the proposed project
- b. Identity and contact information for the developer(s)
- c. The Executive Summary should be signed by a Principal or authorized agent of the proposing developer

#### 2. DESCRIPTION OF FIRM & PERSONNEL: Detailed description of the

organizational structure/hierarchy for the development team, including relationship of the partners to each other (if appropriate) and responsibilities of key personnel to be involved in this project. Provide professional resumes for the key personnel to be assigned.

3. **EXPERIENCE AND ABILITY TO COMPLETE PROPOSED PROJECT:** Statement regarding experience and qualifications relative to this project, including references of individuals who can provide assessments of your previous work on similar projects. List relevant public sector clients for whom you have performed similar work. For each project listed, provide the name, address and a contact number of the client's representative who can be contacted regarding the project.
4. **PROJECT APPROACH:** Provide a narrative description of how your firm proposes to execute the project, including the location of proposed library and why it was chosen, how you will address the library's programming needs, and how the proposal meets the stated objectives and goals. Describe the intended relationship between the Library/City Staff and the public during the process. Submit a statement as to why you believe your firm is the best qualified to carry out the project.
5. **CONCEPTUAL DEVELOPMENT PLAN:** Provide a detailed description of the proposed project, including conceptual designs with enough details to evaluate the building and site relationship, parking, landscaping, floor plans, elevations and renderings. Providing 3-D modeling and project "fly-through" is suggested but not required.
6. **PROPOSED PROJECT COST, FINANCING AND SCHEDULE:** Proposed financing strategy, including sources and uses of funds. Demonstrate ability to secure sources of funds. Provide documentation to demonstrate project feasibility. Anticipated timetable for completion of the project and sequence of events.
7. **PROPOSED RENT SCHEDULE AND/OR PURCHASE PRICE:** Provide details on cost to City for proposed APL facility.

Any other information you deem relevant in helping us to evaluate your proposal is welcomed. The City reserves the right to negotiate a development agreement with the developer(s) of the selected proposal.

## **V. DIRECTIONS FOR SUBMITTAL**

To be deemed timely, Ten (10) hard copy proposals and one (1) electronic copy in a PDF format shall be received on or before DECEMBER 8, 2017 at 12:00 p.m. by:

City of Appleton  
c/o Community and Economic Development Department  
Attn: Karen Harkness  
100 North Appleton Street  
Appleton, WI 54911  
Karen.Harkness@appleton.org

Proposals may be mailed or hand-delivered, but in either case must be received and stamped by the specified date and time. The City reserves the right to reject any and all proposals or to negotiate any or all aspects of the proposal as permitted by law. Proposals received after the above listed due date and time may be rejected by the City and returned unopened to the developer.

## **VI. DISCLOSURES, TIMELINE, TERMS & CONDITIONS**

1. The Proposal of the selected developer will become the basis for any contract entered into and will become subject to the City's provision on public access to open records and information.
2. To the extent a developer includes any uniquely proprietary or confidential information in the Proposal, the developer must clearly and unequivocally mark such information. The City will not reveal any such information to any third party, unless required to do so by law.
3. Developers must agree to make no other distribution of their Proposal beyond that made to the City and once under contract, all information gained in the process and work product is the ownership of the City.

## PROJECT TIMELINE

Activity	Estimated Date
APL tour of facilities and site for RFP respondents	1:00pm November 14, 2017
Request for Proposal deadline	12:00 p.m. <del>December 8, 2017</del> <a href="#">January 12, 2018</a> CST
City & APL staff review and score request for proposals for conformity with RFP requirements and select consultant for interviews	<del>December 18, 2017</del> <a href="#">January 19, 2018</a>
In-person interviews and final development concept selection	<del>January 4, 2018</del> <a href="#">January 29, 2018</a>
Finalist notified	<del>January 5, 2018</del> <a href="#">January 30, 2018</a>
Public Presentation by the successful developer to Library Board and Common Council	TBD
Library Board and Common Council approval	TBD

NOTE: This timeline should be considered a draft. The City reserves the right to deviate from this schedule.

## TERMS AND CONDITIONS

1. Termination - If for any reason the firm selected shall fail to fulfill the obligations agreed to in a timely manner, the City shall have the right to terminate the contract by specifying the date of termination in a written notice to the firm at least seven (7) days before the termination date. In this event, the firm shall be entitled to just and equitable compensation for the work satisfactorily completed.
2. Insurance - The successful developer will be required to furnish, within five (5) days of award notification and before commencing work, the certificate of insurance specified in Exhibit C - Insurance Requirements for professional services work. The certificate shall name the City, its officers and employees, as additional insured.
3. Bid Procedure - City procurement policies and bid procedures will have to be followed.
4. Indemnification Clause - The agreement resulting from this RFP shall be required to contain the following:  
  
 "The developer agrees to indemnify, defend and hold harmless the City and its officers, officials, employees and agents from and against any and all liability, loss, damage expense, costs (including attorney fees) arising out of this

agreement, caused in whole or in part by developer or anyone for whose acts any of them may be liable, except where caused by the sole negligence or willful misconduct of the City.”

5. The Developer must comply with all applicable local, state and federal regulations.
6. Contract Term - The contract resulting from the award of this RFP shall commence as soon as administratively possible following award notification and shall continue until all agreed upon tasks have been satisfactorily completed.
7. Right to Reject - The City reserves the right to reject any or all proposals, to waive technicalities, or to accept the proposal deemed to serve the City’s best interest.
8. Proposal Costs - All costs associated with preparation, submittal and presentation of proposals shall be borne by the developer.

## **VII. EVALUATION OF PROPOSALS**

Proposals will be evaluated on the basis of the degree of compliance with, and adherence to, the preceding proposal requirements and the following principles and guideline items:

1. Compliance with, and satisfaction of the Priorities and Objectives section of this RFP.
2. Conformance to the requirements and objectives of the City of Appleton Comprehensive Plan 2010-2030 and Chapter 14 Downtown Plan.
3. Compatibility of the project with the adjacent land uses.
4. Determination regarding the ability of the developer to carry out the proposal.
5. Amount of total investment and contribution to the City’s tax base.
6. Cost to the City.
7. Quality and stability of proposed development.

The City reserves the right to reject any and all proposals or to negotiate on any or all aspects of the proposal as permitted by law. Developers may be asked to present their proposal and answer questions of the City. If such a request is made, developers will be given at least five (5) working days’ notice.

## **VIII. ATTACHMENT LISTING**

The following Exhibits are attached.

Exhibit A – Mixed Use Library RFP Boundary Map

Exhibit B – Current Library Site Map

Exhibit C – Insurance Requirements

## **IX. REFERENCE MATERIALS**

The following documents are listed for reference purposes.

### **Library Studies**

Library Needs Assessment Final Report 8-25-14

<http://www.apl150.org/sites/apl150.org/files/pagefiles/APL%20Final%20Report%2008-25-14.pdf>

2013 Strategic Plan updated 2016

[http://www.apl.org/system/files/FinalPlanWOStats\\_0.pdf](http://www.apl.org/system/files/FinalPlanWOStats_0.pdf)

Library Site Evaluation Criteria

<http://www.apl150.org/sites/apl150.org/files/pagefiles/SiteEvaluationCriteria.pdf>

### **Other Related Documents**

Comprehensive Plan 2010-2030

<http://www.appleton.org/government/planning/city-of-appleton-comprehensive-plan-2010-2030>

Downtown Parking Study

<http://www.appleton.org/home/showdocument?id=12044>

Mobility Study – Full Version

<http://www.appleton.org/home/showdocument?id=11020>

Mobility Study – Summary

<http://www.appleton.org/home/showdocument?id=11016>

Appleton Economic Development Strategic plan

<http://www.appleton.org/home/showdocument?id=12046>

BID Operational Plan

<http://www.appleton.org/home/showdocument?id=16869>

TIF 12

<http://www.appleton.org/home/showdocument?id=14737>

TIF 11

<http://www.appleton.org/home/showdocument?id=14731>

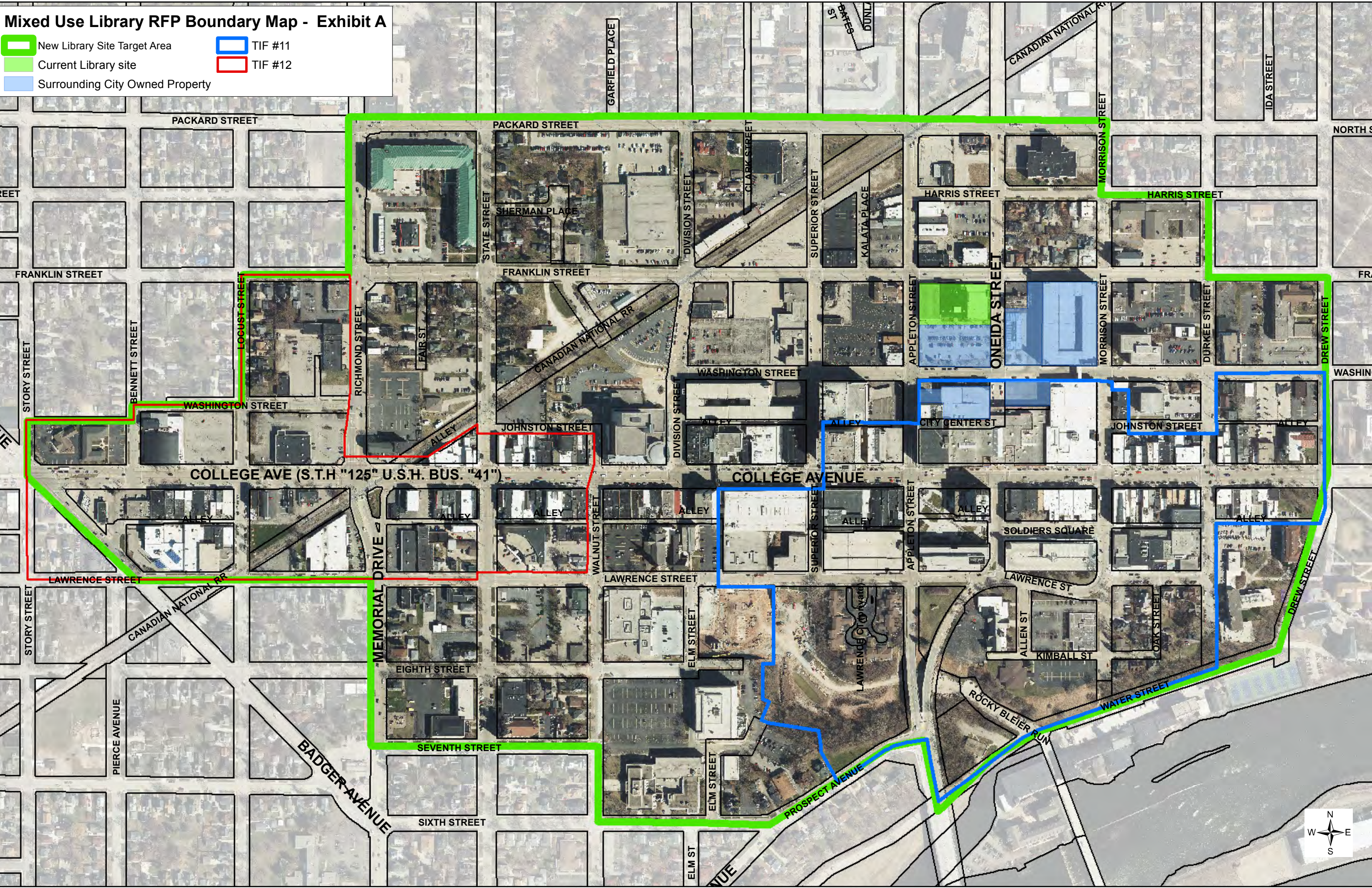
Trails Master Plan

<http://www.appleton.org/home/showdocument?id=16871>

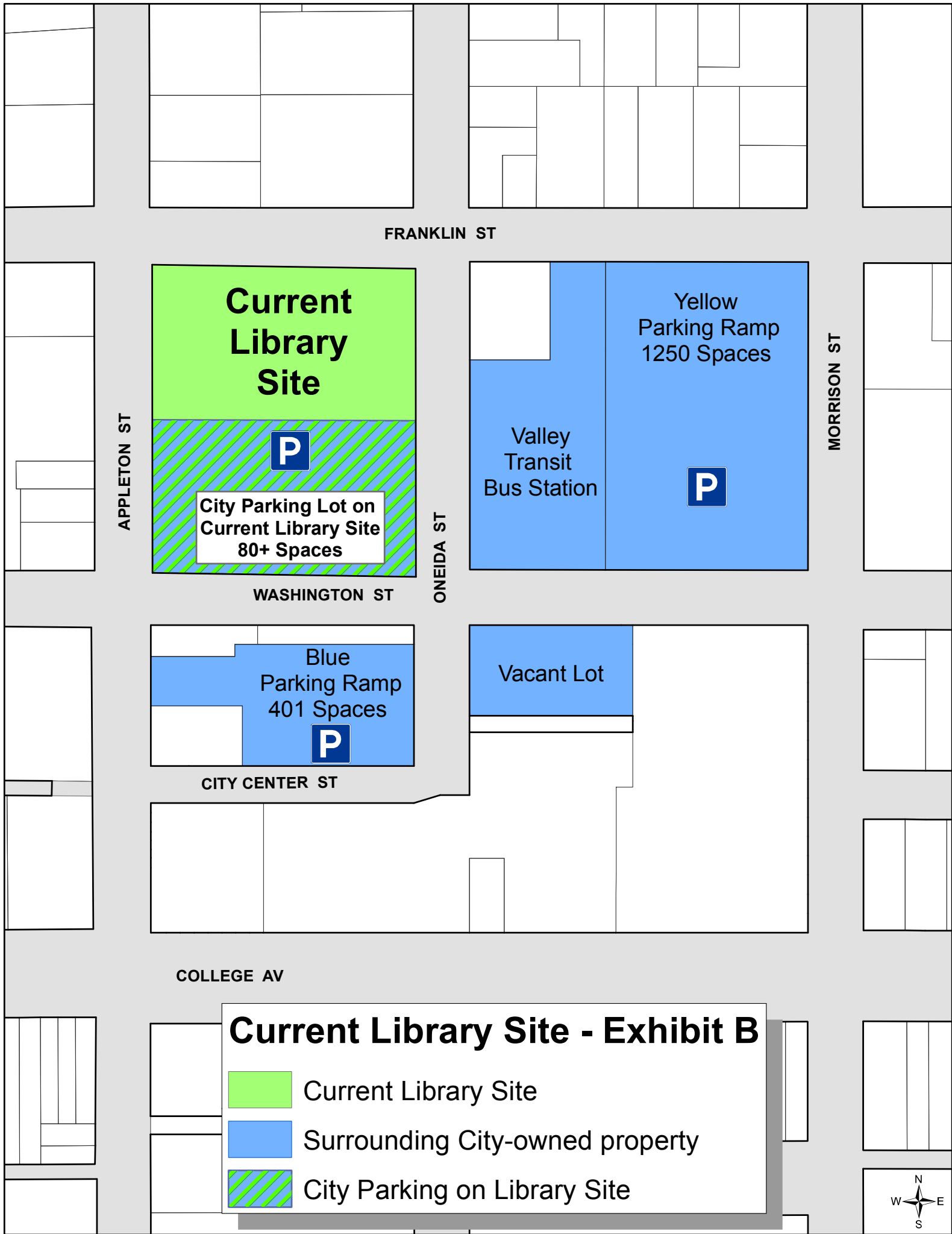


Mixed Use Library RFP Boundary Map - Exhibit A

- New Library Site Target Area
- Current Library site
- Surrounding City Owned Property
- TIF #11
- TIF #12







**EXHIBIT C**  
**CITY OF APPLETON**  
**PROFESSIONAL SERVICES INSURANCE REQUIREMENTS**

The Contractor shall not commence work on contract until proof of insurance required has been provided to the applicable department before the contract or purchase order is considered for approval by the City of Appleton.

It is hereby agreed and understood that the insurance required by the City of Appleton is primary coverage and that any insurance or self insurance maintained by the City of Appleton, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to commencing work and remain in force until the entire job is completed and the length of time that is specified, if any, in the contract or listed below whichever is longer.

**1. PROFESSIONAL LIABILITY**

- A. Limits
  - (1) \$1,000,000 each claim
  - (2) \$1,000,000 annual aggregate
- B. Must continue coverage for 2 years after final acceptance for service/job

**2. GENERAL LIABILITY COVERAGE**

- A. Commercial General Liability
  - (1) \$1,000,000 each occurrence limit
  - (2) \$1,000,000 personal liability and advertising injury
  - (3) \$2,000,000 general aggregate
  - (4) \$2,000,000 products – completed operations aggregate
- B. Claims made form of coverage is not acceptable.
- C. Insurance must include:
  - (1) Premises and Operations Liability
  - (2) Contractual Liability
  - (3) Personal Injury
  - (4) Explosion, collapse and underground coverage
  - (5) Products/Completed Operations must be carried for 2 years after acceptance of completed work
  - (6) The general aggregate must apply separately to this project/location

**3. BUSINESS AUTOMOBILE COVERAGE**

- A. \$1,000,000 combined single limit for Bodily Injury and Property Damage each accident
- B. Must cover liability for Symbol #1 - “Any Auto” – including Owned, Non-Owned and Hired Automobile Liability.

4. **WORKERS COMPENSATION AND EMPLOYERS LIABILITY** – “If” required by Wisconsin State Statute or any Workers Compensation Statutes of a different state.

- A. Must carry coverage for Statutory Workers Compensation and an Employers Liability limit of:
- (1) \$100,000 Each Accident
  - (2) \$500,000 Disease Policy Limit
  - (3) \$100,000 Disease – Each Employee

5. **UMBRELLA LIABILITY** - If exposure exists, provide coverage at least as broad as the underlying Commercial General Liability, Watercraft Liability (if required), Automobile Liability and Employers Liability, with a minimum limit of \$5,000,000 each occurrence and \$5,000,000 aggregate, and a maximum self-insured retention of \$10,000.

6. **ADDITIONAL PROVISIONS**

- A. **Primary and Non-Contributory requirement – all insurance must be primary and non-contributory to any insurance or self-insurance carried by City of Appleton.**
- B. Acceptability of Insurers - Insurance is to be placed with insurers who have an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI, and who are authorized as an admitted insurance company in the state of Wisconsin.
- C. Additional Insured Requirements – The following must be named as **additional insureds** on the General Liability and Business Automobile Liability Policies for liability arising out of project work - City of Appleton, **and its officers, council members, agents, employees and authorized volunteers. On the Commercial General Liability Policy, the additional insured coverage must be ISO form CG 20 10 07 04 and also include Products – Completed Operations equivalent to ISO form CG 20 37 07 04 or their equivalents for a minimum of 2 years after acceptance of work. This does not apply to Workers Compensation Policies.**
- D. Certificates of Insurance acceptable to the City of Appleton shall be submitted prior to commencement of the work to the applicable department. **In addition form CG 20 10 07 04 for ongoing work exposure and form CG 20 37 07 04 for products-completed operations exposure must also be provided or its equivalent.** These certificates shall contain a provision that coverage afforded under the policies will not be canceled or non renewed until at least 30 days’ prior written notice has been given to the City of Appleton.

\*\*\* CONFIDENTIAL INFORMATION \*\*\*  
\*\*\* ATTORNEY-CLIENT PRIVILEGE \*\*\*  
CITY OF APPLETON  
ATTN: KAREN HARKNESS  
100 N. APPLETON STREET  
APPLETON, WI 54911

INVOICE NO. 243170 **REVISED**  
INVOICE DATE OCTOBER 10, 2017  
TAX ID. 39-1576289  
ATTY. BENJAMIN D. LAFROMBOIS

FCEC PHASE III UPDATE

MATTER NO. 010953-00014

PROFESSIONAL SERVICES RENDERED THROUGH SEPTEMBER 30, 2017

09/19/17 CAH RECEIPT AND REVIEW OF COST MITIGATION DETAILS; FOLLOW-UP WITH KAREN HARKNESS REGARDING THE SAME.	.20	41.00
09/20/17 CAH REVIEW DETAIL EXPENSE INFORMATION PROVIDED BY KAREN HARKNESS.	.50	102.50

CURRENT FEES FOR THIS MATTER \$143.50

BILLING SUMMARY

CURRENT FEES	\$143.50
TOTAL CURRENT CHARGES THIS BILL	\$143.50
BALANCE FORWARD	\$240.00
TOTAL AMOUNT DUE	\$383.50

\*\*\* CONFIDENTIAL INFORMATION \*\*\*  
\*\*\* ATTORNEY-CLIENT PRIVILEGE \*\*\*  
CITY OF APPLETON  
ATTN: KAREN HARKNESS  
100 N. APPLETON STREET  
APPLETON, WI 54911

INVOICE NO. 241757 **REVISED**  
INVOICE DATE SEPTEMBER 13, 2017  
TAX ID. 39-1576289  
ATTY. BENJAMIN D. LAFROMBOIS

FCEC PHASE III UPDATE

MATTER NO. 010953-00014

PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2017

08/02/17 BDL DISCUSSION WITH CITY REGARDING NEXT STEPS OF ST. JOSEPH'S MATTER.	.10	40.00
08/07/17 BDL RECEIVE AND REVIEW LETTER FROM KRAUSE & METZ RE CONTAMINATION; PHONE CALL WITH KAREN HARKNESS RE SAME.	.30	120.00
08/08/17 BDL PHONE CALL WITH DIRECTOR HARKNESS TO DISCUSS COMMUNICATION WITH ST. JOSEPH'S AND TO SPECIFICALLY DISCUSS DAMAGES CALCULATION AND RESPONSE TO ST. JOSEPH'S LETTER.	.20	80.00

CURRENT FEES FOR THIS MATTER \$240.00

BILLING SUMMARY

CURRENT FEES	\$240.00
TOTAL CURRENT CHARGES THIS BILL	\$240.00
TOTAL AMOUNT DUE	\$240.00



*"...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](mailto:dean.gazza@appleton.org)

TO: Finance Committee

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

DATE: 10/6/2017

RE: Action Item: Approval of Guaranteed Maximum Price Amendment to Miron Construction for the Fox Cities Exhibition Center for a total contract not to exceed \$29,287,381.48.

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.

The Guaranteed Maximum Price includes all the previous contracts approved by the Common Council that totaled \$28,510,265.48. The additional funds covers contingency (2.7%), insurance and payment/performance bonds.

Please feel free to contact me at 832-5572 with any questions, or by email at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org).



*"...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](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 11/6/2017

RE: Action: Reject bid from Miron Construction, The Boldt Company and Radtke Contractors, Inc. for the Jones Park Renovation Phase I Project.

The 2017 Capital Improvement Plan includes \$1,550,000 to renovate Jones Park. Bids were opened on October 31, 2017 for the installation of utilities, excavation and the removal of trees, etc.

Three bids were received as follows:

Radtke Contractors, Inc. - \$141,000  
Miron Construction - \$555,887  
The Boldt Company - \$654,000

Radtke Contractors provided a bid lower than the other two, but it was determined that the low bidder did not interpret the bid form as intended. In addition, portions of the work were not included in their bid to the extent the bid documents indicated.

Our team was hopeful to begin this project late 2017, but after careful review of the bids, we have determined it is in the best interest of the City of Appleton to bid the park as one project versus phasing the project. In order to complete the Exhibition Center without interruption, it would be best to defer work in Jones Park until the work is completed at the Exhibition Center. We are hopeful we could obtain more competitive pricing by including the work as one project.

The Parks, Recreation and Facilities Management Department recommends rejecting this bid. Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.

**CONTRACT CHANGE ORDER**Change Order No. 1Date 10/16/17Contract No. 6-17 for the following public work : A-17, Concrete Pavingbetween Vinton Construction , 2705 N Rapids Road, Manitowoc, WI 54221  
(Contractor Name) (Contractor Address)and the City of Appleton dated: 2/15/2017 is hereby changed in the following particular wit:

Item No.	Account No.	Current Contract Amount	Current Contingency	C.O. Amount (+/-)	Contingency (+/-)	New Contract Total	New Contingency Total
1	<u>17014.6809.1</u>	<u>\$702,434.17</u>	<u>\$30,000.00</u>			<u>\$702,434.17</u>	<u>\$30,000.00</u>
2	<u>17015.6809.2</u>	<u>\$104,471.60</u>	<u>\$13,450.00</u>			<u>\$104,471.60</u>	<u>\$13,450.00</u>
3	<u>17016.6809.1</u>	<u>\$45,869.80</u>	<u>\$5,000.00</u>			<u>\$45,869.80</u>	<u>\$5,000.00</u>
4	<u>4240.6809.1</u>	<u>\$1,625,490.29</u>	<u>\$80,000.00</u>	<u>\$30,000.00</u>	<u>-\$30,000.00</u>	<u>\$1,655,490.29</u>	<u>\$50,000.00</u>
5	<u>4092.6809.1</u>	<u>\$1,666,847.20</u>	<u>\$80,000.00</u>	<u>\$15,000.00</u>	<u>-\$15,000.00</u>	<u>\$1,681,847.20</u>	<u>\$65,000.00</u>
6	<u>4281.6809.1</u>	<u>\$174,066.69</u>	<u>\$0.00</u>			<u>\$174,066.69</u>	<u>\$0.00</u>
7	<u>4010.6809.1</u>	<u>\$421,463.46</u>	<u>\$20,000.00</u>			<u>\$421,463.46</u>	<u>\$20,000.00</u>
8	<u>5230.6809.4</u>	<u>\$238,373.00</u>	<u>\$15,000.00</u>			<u>\$238,373.00</u>	<u>\$15,000.00</u>
9	<u>5431.6809.3</u>	<u>\$10,004.00</u>	<u>\$6,000.00</u>			<u>\$10,004.00</u>	<u>\$6,000.00</u>
10						<u>\$0.00</u>	<u>\$0.00</u>
	Total	<u>\$4,989,020.21</u>	<u>\$249,450.00</u>	<u>\$45,000.00</u>	<u>-\$45,000.00</u>	<u>\$5,034,020.21</u>	<u>\$204,450.00</u>

Reason for Change: Added structural soil and 4 tree grates along Lawrence Street.Added new field inlet and inlet pipe along Plank Road. (Includes sidewalk restoration)Increase in restoration quantities along Milis Drive and Vantage Drive.The Contract Time will be (increased / decreased / unchanged) by this Change Order: 0 DaysThe Date of Completion as of the date of this Change Order therefore is: 100 DaysFinance Committee Agenda Date: 10/23/17Date approved by Council: 11/01/17



**CONTRACT CHANGE ORDER**Change Order No. 2Date 11/01/17Contract No. 43-17 for the following public work : AA-17 Cotter Street Stormwater Improvements & X-17 Oneida Street Sewer & Water (Re)Construction Projectbetween Kruczek Construction, Inc. , 3636 Kewaunee Road, Green Bay, WI 54311  
(Contractor Name) (Contractor Address)and the City of Appleton dated: 6/21/2017 is hereby changed in the following particular wit:

Item No.	Account No.	Current Contract Amount	Current Contingency	C.O. Amount (+/-)	Contingency (+/-)	New Contract Total	New Contingency Total
1	5371.6809.5.3602	\$211,206.00	\$10,560.30	\$0.00	\$0.00	\$211,206.00	\$10,560.30
2	5431.6809.3.3606	\$277,108.00	\$13,855.40	\$0.00	\$0.00	\$277,108.00	\$13,855.40
3	5230.6809.4.3009 (AA-17)	\$273,320.10	\$22,740.81	\$0.00	\$0.00	\$273,320.10	\$22,740.81
4	5230.6809.4.3009 (X-17)	\$286,869.05	\$18,141.95	\$5,695.00	-\$5,695.00	\$292,564.05	\$12,446.95
5	4092.6809.4	\$75,592.00	\$3,779.60	\$0.00	\$0.00	\$75,592.00	\$3,779.60
6						\$0.00	\$0.00
7						\$0.00	\$0.00
8						\$0.00	\$0.00
9						\$0.00	\$0.00
10						\$0.00	\$0.00
Total		\$1,124,095.15	\$69,078.06	\$5,695.00	-\$5,695.00	\$1,129,790.15	\$63,383.06

Reason for Change: Added 60 lin. ft. of 12" storm sewer main @ \$66/ft., 6 V.F. of storm manhole @ \$230/ft. and 1 Storm Manhole Casting @ \$355.00.  
  
  
The Contract Time will be (increased / decreased / unchanged) by this Change Order: 1 DaysThe Date of Completion as of the date of this Change Order therefore is: 42 DaysFinance Committee Agenda Date: 11/06/17Date approved by Council: