



# City of Appleton

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

## Meeting Agenda - Final-revised Finance Committee

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Monday, November 26, 2018

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

[18-1737](#)

Finance Committee minutes for October 22, 2018 and November 7, 2018

**Attachments:** [MeetingMinutes22-Oct-2018-02-28-03.pdf](#)

[MeetingMinutes07-Nov-2018-02-24-27.pdf](#)

4. Public Hearings/Appealances

5. Action Items

[18-1738](#)

Request to approve Finance Committee Report 5-P-18 for Storm Sewer Construction

**Attachments:** [Report 5-P-18.pdf](#)

[18-1739](#)

Request to approve Change Order No. 3 to contract 11-18 for Unit Z-18 Sewer and Water Reconstruction No. 2 for adjustment to final earned / measured quantities in the amount of \$3,114.99 resulting in a decrease to contingency from \$21,196.67 to \$18,081.68. No change to overall contract amount

**Attachments:** [Unit Z-18 Change Order No.3.pdf](#)

[18-1740](#)

Request to award contract for front-load solid waste trash disposal to Advanced Disposal Services

**Attachments:** [Trash Disposal Recomm.Memo to FC-2018.pdf](#)

[18-1748](#)

Request to award Briarcliff and Midway Road Lift Station Improvements project bid to Vinton Construction in the amount of \$194,870 plus a 7.5% contingency of \$14,615 for a total cost not to exceed \$209,485

**Attachments:** [Briarcliff and Midway Improvements Bid Award\\_Vinton.pdf](#)  
[Award Recommendation.pdf](#)

[18-1773](#)

The Finance Committee will go into closed session according to State Statute §19.85(1)(e) for the purpose of discussing the investment of public funds concerning the Fox Cities Exhibition Center invoices and reconvene into open session.

## 6. Information Items

[18-1742](#)

The following 2018 Budget adjustments were approved by the Mayor and Finance Director in accordance with Policy:

### **General Fund - Library**

Reimbursements - Friends of the Library	+\$17,000
Supplies - Administration	+\$2,000
Purchased Services - Administration	+\$1,100
Supplies - Childrens Services	+\$3,000
Purchased Services - Childrens Services	+\$2,800
Supplies - Public Services	+\$500
Purchased Services - Public Services	+\$500
Supplies - Community Partnerships	+\$3,000
Purchased Services - Community Partnerships	+\$2,800
Supplies - Materials Management	+\$800
Supplies - Network Services	+\$500

to record 3rd quarter distribution from the Friends of the Appleton Public Library

### **General Fund - Parks & Recreation**

Donations	+\$950
Equipment	+\$950

to record donation from the Foth family for a memorial bench in Telulah Park

### **General Fund - Fire Department**

Donations	+\$474
Equipment	+\$474

to record donation from Friends of the Appleton Fire Department for frieght costs of new gear washers

[18-1743](#)

Letter from von Briesen Roper, S.C. regarding past invoice

**Attachments:** [Finance Committee - von Briesen 11-9-18.pdf](#)

18-1744

Contract 35-18 was awarded to Gen Fredrickson Trucking & Excavating, Inc for the "1424 and 1434 Northland Avenue Structure Demolition Project" in the amount of \$41,526 with a contingency of 10%. Once change order was issued in the amount of \$3,615. Payments to date total \$42,884. Request to issue the final contract payment if \$2,275.05

**Attachments:** [2018 Northland House Demo Final Payment .pdf](#)

18-1745

Contract 20-18 was awarded to Fischer-Ulman Construction Inc for \$636,000 for Miscellaneous Concrete and Street Excavation Repair. Change orders were approved totaling \$125,000. Final contract amount is \$761,000. Payments issued to date total \$620,540.29. Request final payment of \$8,301.55

18-1746

Change Order #4 to August Winter and Sons in the amount of \$8,308 for the Iron salt Rehabilitation Project resulting in the construction contract being increased from \$413,333 to \$421,641 with a contingency being reduced from \$45,028 to \$36,720 and extend the final completion date from September 15, 2018 to November 15, 2018

**Attachments:** [Iron Salt Room Rehab Improvements Change Order 4.pdf](#)  
[CO#4\\_Aproved.pdf](#)

18-1747

Contract 60-17 was awarded to Vinton Construction Company for the 2017 Lutz Park Trail and Riverbank project in the amount of \$305,868 with a contingency of \$21,411. One credit in the amount of \$24,360 was issued. Payments issued to date total \$267,301.17. Request to issue the final contract payment of \$14,206.39

**Attachments:** [Lutz Park Trail and Riverbank Project Finance Memo Final Pymt.pdf](#)

18-1750

Change order No. 3 to contract 03-17 for Unit H-17 Northland Pond Construction for additional French drains in unstable slopes and additional excavation and disposal of contaminated soils in the amount of \$39,916 resulting in a decrease to contingency from \$97,381 to \$57,434. No change to overall contract amount.

**Attachments:** [H-17 Contract Change Order Form 3 11-19-2018.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 regarding 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 22, 2018

5:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order

Meeting called to order at 5:30 pm

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

[18-1512](#)

October 8, 2018 Finance Committee minutes

**Attachments:** [MeetingMinutes08-Oct-2018-08-28-38.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/Appearances

5. Action Items

[18-1520](#)

Request to approve the City's Worker's Compensation third party administrator to continue to be Minute Men HR for 2019 - 2021

**Attachments:** [WC Third Party.pdf](#)  
[Worker Comp RFP.pdf](#)

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

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

**Excused:** 1 - Alderperson Croatt

18-1530

Request to award 2017 B-Building Boiler Replacement project contract to Great Lakes Mechanical, Inc in the amount of \$790,587 with a contingency of 9% for a project total not to exceed \$860,000 and approve the following 2018 budget adjustment:

WWTP Improvement Project	- \$110,000
WWTP Hardscapes Project	- \$250,000
WWTP Electrical Distribution Project	- \$150,000
B-Building Boiler Replacement Project	+\$510,000

to reflect transfer of positive balances from WWTP projects to the B-Building Boiler Replacement project

**Attachments:**     [2018 WWTP Bio-Gas Boiler Project.pdf](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Plank, 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

18-1571

Request to accept a Federal Transit Administration Bus and Bus Facilities capital grant of \$4,000,000 and approve the following 2018 Budget adjustment:

**Valley Transit**

Capital Outlay	+\$5,000,000
Federal Grant	+\$4,000,000
Fund Balance (Depreciation Reserve)	+\$1,000,000

to accept a federal grant for bus and bus facility capital projects

**Attachments:**     [FCTC Grant acceptance memo 5539 - 2018 \(3\).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

[18-1574](#)

The Finance Committee will go into closed session according to State Statute §19.85(1)(e) for the purpose of discussing the investment of public funds concerning the Fox Cities Exhibition Center invoices and reconvene into open session.

**Aldersperson Lobner moved, seconded by Aldersperson Siebers, to convene in Closed Session be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 3 - Aldersperson Plank, Aldersperson Lobner and Aldersperson Siebers

**Nay:** 1 - Aldersperson Baranowski

**Excused:** 1 - Aldersperson Croatt

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

**Aye:** 3 - Aldersperson Plank, Aldersperson Lobner and Aldersperson Siebers

**Excused:** 1 - Aldersperson Croatt

**Recused:** 1 - Aldersperson Baranowski

## 6. Information Items

[18-1513](#)

2019 Facilities & Construction Management Budget

**Attachments:** [2019 Facilities Management Budget.pdf](#)

**The Facilities & Construction Management Budget was presented**

[18-1514](#)

2019 Facilities & Construction Management Capital Project Budget

**Attachments:** [2019 Facilities Exhibit Ctr Capital Projects Fund.pdf](#)

**The Facilities & Construction Management Capital Projects Budget was presented**

[18-1515](#)

2019 Risk Management Budget

**Attachments:** [2019 Risk Management Budget.pdf](#)

**The Risk Management Budget was presented**

[18-1516](#) 2019 Finance Budget

**Attachments:** [2019 Finance Budget.pdf](#)

**The Finance Budget was presented**

[18-1517](#) 2019 Legal Services Budget

**Attachments:** [2019 Legal Services Budget.pdf](#)  
[Legal Services Cap Proj Fund.pdf](#)  
[2019 Legal Services CIP E-Pollbooks.pdf](#)

**The Legal Services Budget was presented**

[18-1518](#) 2019 Mayor Budget

**Attachments:** [2019 Mayor Budget.pdf](#)

**The Mayor Budget was presented**

[18-1519](#) Contract 19-18 was awarded to Martell Construction for \$36,468 with a contingency of \$3,647 for WWTP Sidewalk Repair. Payments issued to date total \$35,556.54. Request final payment of \$911.71

**Contract 19-18 final payment request was presented**

[18-1573](#) The following 2018 Budget adjustment was approved by the Mayor and Finance Director in accordance with policy:

**General Fund - Fire Department**

Equipment	- \$10,000
State Grant	- \$ 8,000
Fund Balance	+\$ 2,000

to record the reduction of grant proceeds and related expense due to the withdrawal of Calumet County from the EPCRA grant program due to staffing changes in 2018

**A 2018 Budget adjustment was presented**

[18-1572](#) Discussion of the review of invoices from von Briesen and Roper for Phase V out-of-scope services related to the financing of the Fox Cities Exhibition Center

**The discussion of review of invoices from von Briesen was presented**



## 7. Adjournment

**Alderson Baranowski moved, seconded by Alderson Siebers, that the meeting be adjourned. Roll Call. Motion carried by the following vote:**

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

**Excused:** 1 - Alderson Croatt



# 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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Wednesday, November 7, 2018

5:30 PM

Council Chambers, 6th Floor

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### Special

1. Call meeting to order

Meeting called to order at 5:30pm

2. Roll call of membership

**Present:** 5 - Alderperson Plank, Alderperson Lobner, Alderperson Siebers, Alderperson Croatt and Alderperson Baranowski

4. Public Hearings/Apearances

5. Action Items

[18-1636](#)

**\*CRITICAL TIMING\*** 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, 2019. Interest on the note shall be paid at maturity or redemption.

**Attachments:**     [AASD Memo.pdf](#)  
                              [AASD Note.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

**Abstained:** 1 - Alderperson Lobner

6. Information Items

None

## 7. Adjournment

**Alderson Baranowski moved, seconded by Alderson Siebers, that the meeting be adjourned. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Alderson Plank, Alderson Lobner, Alderson Siebers, Alderson Croatt and Alderson Baranowski

REPORT OF THE FINANCE COMMITTEE

PROJECT LIMITS:

5-P-18

STORM SEWER CONSTRUCTION

Evergreen Drive from Haymeadow Avenue to Alvin Street

In accordance with the preliminary resolution of the Common Council dated December 5, 2018, 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 **\$880,170.00.**

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 **\$6,878.00.**


Finance Committee

**CONTRACT CHANGE ORDER**Change Order No. THREEDate 11/01/18Contract No. 11-18 for the following public work : Unit Z-18 Sewer & Water Reconstruction #2between Van Straten Construction Co., Inc. and the City of Appleton dated 03/21/18 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>5371.6809.5</u>	<u>\$1,145,850.33</u>	<u>\$16,867.52</u>	<u>\$3,114.99</u>	<u>(3,114.99)</u>	<u>\$1,148,965.32</u>	<u>\$13,752.53</u>
2	<u>4142.6809.5</u>	<u>\$99,883.98</u>	<u>\$4,329.15</u>	<u>\$0.00</u>	<u>0.00</u>	<u>\$99,883.98</u>	<u>\$4,329.15</u>
3	<u>5431.6809.3</u>	<u>\$9,500.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>0.00</u>	<u>\$9,500.00</u>	<u>\$0.00</u>
4	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
5	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
6	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
7	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
8	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
9	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
10	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
Total		<u>\$1,255,234.31</u>	<u>\$21,196.67</u>	<u>\$3,114.99</u>	<u>(3,114.99)</u>	<u>\$1,258,349.30</u>	<u>\$18,081.68</u>

Reason for Change: #5371 - Adjustment for final earned quantities on overall project.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: 140Finance Committee Agenda Date: 11/26/18Date approved by Council: 12/05/18



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

FINANCE DEPARTMENT  
100 N. APPLETON STREET  
APPLETON, WI 54911

## MEMO

**To:** Chairperson Kathy Plank and Members of the Finance Committee

**From:** Jeff Fait, Purchasing Manager

**Date:** November 26, 2018

**Re:** Recommendation to Award Contract for Front-Load Solid Waste Trash Disposal to Advanced Disposal Services

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### Background

The City requires front-load trash dumpster service at City facilities and parks. The current city-wide contract, awarded to Advanced Disposal in 2014, expires on December 31, 2018. The proposed new contract would be for a base term of five years, with one additional two year extension possible. The projected annual cost of these services is \$22,536.

### RFQ Process and Contract Details

A Request For Quotations (RFQ) was issued to the three known regional providers of this service. Quotes were received from Advanced Disposal (Chilton) and Van's Waste (Little Chute). Projected annual costs were \$22,536 (Advanced Disposal) and \$24,804 (Van's Waste). The Advanced Disposal quotation includes firm pricing for the first two years (2019-2020) and maximum price adjustments based on the Consumer Price Index for years 2021-2023. A possible two-year extension period is available at the option of the City.

### Conclusion

The service received from Advanced Disposal in recent years has been acceptable, reliable and free of any additional fees that are typical in the industry. Their quotation offers lowest cost, price stability for future years and best value for this important service. Therefore, I recommend and request approval of this contract award to Advanced Disposal Services.

If you have any questions regarding this recommendation, please contact Jeff Fait at 832-6311. Thank you for your consideration.



*...ting community needs...enhancing quality of life."*

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Department of Utilities  
Wastewater Treatment Plant  
2006 E Newberry Street  
Appleton, WI 54915-3128  
920-832-5945 tel.  
920-832-5949 fax

**To:** Chairperson Kathy Plank and Members of the Finance Committee

**From:** Utilities Deputy Director, Chris Stempa

**Date:** November 6, 2018

**Re:** *Award Briarcliff and Midway Road Lift Station Improvements Projects Bid to Vinton Construction in the amount of \$194,870 plus a 7.5% contingency of \$14,615 for a total cost not to exceed \$209,485*

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**BACKGROUND:**

The Briarcliff Drive Lift Station Improvements Project and Midway Road Lift Station Improvements Project (Phase I) will address reliability issues and long-term site specific needs with each sewage lift station site. For reasons of economy, these projects are being bundled for public bidding.

**BIDS:**

McMahon created bidding documents for the construction project. On November 5, 2018 the City reviewed the contractor bids and verified that each met submittal requirements. Vinton has successfully completed project work for the City of Appleton in the past. A summary of bid results is found below.

Company	Base Bid
Vinton Construction	\$194,870
Advance Construction	\$213,745
PTS	\$298,550

**RECOMMENDATION:**

I am requesting an award of the Briarcliff and Midway Road Lift Station Improvements Projects Bid to Vinton Construction in the amount of \$194,870 plus a 7.5% contingency of \$14,615 for a total cost not to exceed \$209,485. If you have any questions or require additional information regarding this project please contact Chris Stempa at 920-832-5945.



November 5, 2018

Chris Stempa  
City Of Appleton  
Wastewater Treatment Facility  
2006 Newberry Street  
Appleton, WI 54915-2758

Re: City Of Appleton | Department Of Utilities  
Briarcliff Drive & Midway Road Lift Station Modifications  
Letter Of Recommendation Of Award  
McM. No. A0005-9-18-00350.04

Dear Chris:

On November 5, 2018, Bids were received for the above referenced project. Three Bids were received, ranging in Base Bid price from \$194,870.00 to \$298,550.00. There were no irregularities noted (Bid Tabulation enclosure).

Based upon the Bids received, we recommend awarding Contract A0005-9-18-00350 to the low, responsive Bidder, Vinton Construction Company, in the amount of \$194,870.00.

If you agree with our recommendation, please date and sign the enclosed Notices of Award, and return all copies to our office for incorporation into the Contract Documents.

Respectfully,

McMAHON ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "A. Kappell".

Anthony S. Kappell, P.E.  
Associate / Project Engineer

ASK:smdt

cc: Vinton Construction Company

Enclosure: Notice Of Award (4 originals)





1445 McMahon Drive / P.O. Box 1025  
Neenah, WI 54956 / 54957-1025  
920-751-4200 / 920-751-4284 - Fax  
www.mcmgrp.com

## BID TABULATION

Owner: **CITY OF APPLETON, Wisconsin**  
**Department Of Utilities**

Project Name: **BRIARCLIFF DRIVE & MIDWAY ROAD**  
**LIFT STATION MODIFICATIONS**

Contract No. **A0005-9-18-00350**

Bid Date / Time: **November 5, 2018**  
**Bids Received Until 12:45 pm / Bids Opened at 1:00 pm**

Project Manager: **Anthony S. Kappell, P.E.**

<b>Contract A0005-9-18-00350</b>	(Bidder) VINTON CONSTRUCTION CO. 2705 North Rapids Road P.O. Box 1987 Two Rivers, WI 54221-1987	(Bidder) ADVANCE CONSTRUCTION, INC. 2141 Woodale Avenue Green Bay, WI 54313	(Bidder) PTS CONTRACTORS, INC. 4075 Eaton Road Green Bay, WI 54311
<b>BASE BID</b>	<b>\$194,870.00</b>	<b>\$213,745.00</b>	<b>\$298,550.00</b>
Addenda Ack.	Yes - #1, #2	Yes - #1, #2	Yes - #1, #2
Bid Security	5% Bid Bond	5% Bid Bond	5% Bid Bond

**SECTION 00 51 00.00**

**NOTICE OF AWARD**

Dated: \_\_\_\_\_

To: **VINTON CONSTRUCTION COMPANY**  
2705 North Rapids Road / P.O. Box 1987  
Two Rivers, WI 54221-1987

Contract No. **A0005-9-18-00350**

Project: **BRIARCLIFF DRIVE & MIDWAY ROAD**  
**LIFT STATION MODIFICATIONS**  
**CITY OF APPLETON**  
DEPARTMENT OF UTILITIES  
Calumet, Outagamie & Winnebago Counties, Wisconsin

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You are notified that your Bid, dated November 5, 2018, for the above Contract has been considered. You are the apparent successful Bidder and have been awarded a Contract for **BRIARCLIFF DRIVE & MIDWAY ROAD LIFT STATION MODIFICATIONS** For The City Of Appleton, Wisconsin.

The Contract Price of your Contract is **One Hundred Ninety-Four Thousand Eight Hundred Seventy & no/100 Dollars (\$194,870.00)**.

You must comply with the following conditions precedent within **15-days** of the date of this Notice of Award, that is by \_\_\_\_\_.

1. You must deliver to the OWNER four (4) fully executed counterparts of the Agreement including all the Contract Documents.
2. You must deliver with the executed Agreement the Contract Security (bonds), as specified in the Instructions to Bidders, General Conditions (Paragraph 5.1) and Supplementary Conditions.
3. You must deliver Insurance Certification complying with the General Conditions and Supplemental Conditions of the Contract Documents.

Failure to comply with these conditions within the time specified will entitle OWNER to consider your Bid abandoned, to annul this Notice of Award and to declare your Bid Security forfeited.

OWNER:  
**CITY OF APPLETON**  
**Department Of Utilities**  
Calumet, Outagamie & Winnebago Counties, Wisconsin

\_\_\_\_\_  
(authorized signature)

\_\_\_\_\_  
(title)

Witness: \_\_\_\_\_

November 9, 2018

James P. Walsh  
City Attorney  
City of Appleton  
100 N. Appleton Street  
Appleton, WI 54911

Re: von Briesen Invoice

Dear Attorney Walsh:

This letter is provided in follow-up to our recent phone conversation and supplements our August 2, 2018 letter. At the October 22, 2018 Finance Committee meeting there was a comment made that the services provided under our Phase V Engagement Letter, including the out of scope services, had not been authorized by the City, particularly the Common Council.

In response to this assertion, the Phase V Engagement Letter was approved by the Common Council on May 17, 2017. When approved, funds in an amount of up to \$462,500 were also approved. The Phase V Engagement Letter expressly authorized out of scope or additional services with the following language:

It is anticipated that the loan contemplated herein shall close in the draw phase in May 2017 and the term loan shall close January 2018. The flat fee services should be performed between the date of this letter and May 2017. **If the closing date is delayed past June, the flat fee shall be reasonably adjusted according to the extent of the delay.** The flat fee anticipates a set of documents based upon participating lenders joining in a syndicated loan and not a bond issuance. **In the event the transaction must be re-structured because of a change in circumstances, the flat fee shall be reasonably adjusted according to the work that will need to be performed under those new circumstances.** Phase V Engagement Letter Page 5, emphasis added.

While this letter is intended to deal with the specific legal services described above, these terms and conditions will also apply to any additional legal services that we may agree to provide that are **outside the initial scope** of our representation. Phase V Engagement Letter Page 6, emphasis added.

James P. Walsh  
November 9, 2018  
Page 2

There is an important comparison in interpreting the Phase V Engagement Letter. The Phase IV Engagement Letter contained different language respecting out of scope services. That letter stated "Out of scope services shall be approved in writing by the City prior to the services being performed." In fact, an early draft of that letter used the term "Common Council" instead of "City". The Phase V Engagement Letter contained no such requirement. The Phase V letter was less restrictive.

The Phase V letter, as approved and funded by the Common Council, authorized out of scope services and contemplated a change in fee based upon circumstances.

Please contact me with any questions you may have. Thank you.

Very truly yours,

von BRIESEN & ROPER, s.c.

A handwritten signature in black ink, appearing to read 'B. LaFrombois', with a long horizontal flourish extending to the right.

Benjamin LaFrombois, Esq.

BDL:sf

Enc.

cc: Mayor Timothy Hanna, hand delivered  
Tony Saucerman, Director of Finance, hand delivered  
Karen Harkness, Director of Community and Economic Development, hand delivered  
Finance Committee Members, hand delivered



*"...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:** November 7, 2018

**Re:** Informational: Contract 35-18 was awarded to Gene Fredrickson Trucking & Excavating, Inc. for the "1424 and 1434 Northland Avenue Structure Demolition Project" in the amount of \$41,526 with a contingency of 10%. One change order was issued in the amount of \$3,615.06. Payments to date total \$42,884.01. Request to issue the final contract payment of \$2,257.05.

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The parks open space fund allocated \$79,764 to the demolition of the houses at 1424 and 1434 Northland Avenue properties. Contract 35-18 was awarded to Gene Fredrickson Trucking & Excavating, Inc. for the "1424 and 1434 Northland Avenue Structure Demolition Project" in the amount of \$41,526 with a contingency of 10%. One change order was issued in the amount of \$3,615.06 to remove extra concrete from the basement foundations. The final contract total for this project is \$45,141.06. This contract is now complete as all punchlist items have been completed. Payments to date total \$42,884.01.

The Parks, Recreation and Facilities Management Department recommends issuing the final contract payment to Gene Fredrickson Trucking & Excavating, Inc. in the amount of \$2,257.05.

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).



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

Department of Utilities  
Wastewater Treatment Plant  
2006 E Newberry Street  
Appleton, WI 54915-3128  
920-832-5945 tel.  
920-832-5949 fax

**To:** Finance Committee Chairperson Kathy Plant and Members of the Finance Committee

**From:** Utilities Director, Chris Shaw

**cc:** Utilities Deputy Director Chris Stempa;  
Kelli Rindt, Enterprise Fund Accounting Manager

**Date:** November 2, 2018

**Subject:** *Change Order #4 to August Winter and Sons in the amount of \$8,308 for the Iron Salt Rehabilitation Project resulting in the construction contract being increased from \$413,333 to \$421,641 with contingency being reduced from \$45,028 to \$36,720 and extend the Final Completion Date from 9/15/18 to 11/15/18.*

On December 6, 2017 Common Council approved a contract for the Appleton Wastewater Treatment Plant (AWWTP) Iron Salt Chemical Room Rehabilitation and Improvements Project to August Winter and Sons Inc. for in the amount of \$398,575 with a 15% contingency of \$59,786 for a project total not to exceed \$458,361.

The project is designed to restore mechanical, electrical, and structural components within the existing chemical storage room which have reached their useful life after 25 years of service. The project also incorporates improvements to the chemical feed system that will allow for precision chemical dosing necessary to consistently achieve future low-level phosphorus limits.

August Winter & Sons Inc. initiated construction activities in January 2018 and is nearing completion of the project. Change order #4 repairs a chemical liner in a containment tank, repairs tank penetrations from pre-existing pipes and completes painting that was not under contract.

If you have any questions regarding the project or change orders please contact Chris Shaw at 832-5945.

**CHANGE ORDER**

(Contractor)

Kurt Van Grinsven  
AUGUST WINTER & SONS, INC.  
2323 North Roemer Road  
P.O. Box 1896  
Appleton, WI 54912-1896

Contract No.

A0005-9-17-00343

Project File No.

A0005-9-17-00343.06

Change Order No.

Four (4)

Issue Date:

October 16, 2018

Project:

City Of Appleton - Dept Of Utilities  
Iron Salt Chemical Feed Rehab**You Are Directed To Make The Changes Noted Below In The Subject Contract:**

	(Item Description)	(Price)
4.1	Re-Pipe Three (3) Chemical Feed Lines and One (1) Sump Pump Line Outside Containment Pipe and Patch Liner .....ADD	+ \$8,038.00
4.2	Paint Exterior Trim of Coiling Door .....ADD	+ \$270.00
4.3	Extend Date Of Final Completion By 61-Days from 09/15/2018 to <b>11/15/2018</b> at No Change to the Contract Price ..... No Change	\$0.00
	<b>TOTAL</b>	<b>+ \$8,308.00</b>

**The Changes Result In The Following Adjustments:**

	CONTRACT PRICE	TIME	
Prior To This Change Order	\$413,333.00	243	days
Adjustments Per This Change Order	+ \$8,308.00	+ 61	days
Current Contract Status	<b>\$421,641.00</b>	<b>304</b>	days 11/15/2018

Recommended:  
**McMAHON ASSOCIATES, INC.**  
Neenah, WisconsinAccepted:  
**AUGUST WINTER & SONS, INC.**  
Appleton, WisconsinAuthorized:  
**CITY OF APPLETON**  
**Dept. Of Utilities**  
Wisconsin

By:

Date: 10-17-18

By:

Date: 10/24/18

By:

Date: 10/31/18

- ☒ OWNER Original  
☐ CONTRACTOR Original  
☐ ENGINEER Original (Contract Copy)  
☐ FILE COPY

Four Copies Should Accompany This Change Order  
**Execute And Return To ENGINEER For Distribution**





# AUGUST WINTER & SONS, INC.

## MECHANICAL CONTRACTORS

2323 NORTH ROEMER ROAD \* APPLETON, WI 54911  
PO BOX 1896 \* APPLETON, WI 54912  
PHONE: 920-739-8881 \* FAX: 920-739-2230

September 20, 2018

McMhaon and Associates  
Chad Olsen

17

### CHANGE ORDER PRICE AND BREAKDOWN

Project/Job#: Appleton WWTP

Description: Repipe 3 chemical lines and 1 sump pump line

Our change order price and breakdown follows:

#### August Winter

Material.....	\$	645
Labor..... 40 hrs	\$	2,460
Direct Costs.....	\$	935
Equipment Rental.....	\$	-
Indirect Costs.....	\$	234
Subtotal.....	\$	4,273
Overhead.....	\$	641
Total.....	\$	4,914

#### Subcontracts

Total Subcontractor Costs.....	\$	2,900
Subcontractor Markup.....	\$	145
Total Subcontractor Costs w/overhead.....	\$	3,045
Total AWS/Subcontractor Costs.....	\$	7,959
Profit/Bond.....	\$	80

**Change Order Total..... \$ 8,038**

Time extension required is 3 days.

This quotation based upon acceptance within 30 days.

Exclusions:

0

August Winter & Sons, Inc.  
PH: 920-739-8881 FX: 920-739-2230

VISIT OUR WEB SITE AT [WWW.AUGUSTWINTER.COM](http://WWW.AUGUSTWINTER.COM)

Branch Office: 5613 Schofield Avenue \* Schofield, WI 54476 \* PH: 715/355-7555 \* FAX: 715/355-9048

HVAC \* PLUMBING \* TANK FABRICATION \* PROCESS PIPING \* IND. SHEETMETAL

SPECIALTY METAL FAB. \* ASME PRESSURE VESSELS \* ASME CODE WELDING \* 24 HR. SERVICE \* ENGINEERING

STATE OF WISCONSIN LICENSED MASTER PLUMBERS, LICENSE NUMBER 227170



**August Winter Sons, Inc.**  
Change Order/Small Projects Report

Page 1

**Project/Job#: Appleton WWTP**

**Date: 9/20/2018**

**Description: Repipe 3 chemical lines and 1 sump pump line**

**Change Order #: 17**

**MATERIAL**

Material Credit w/restocking	.....	0.00
Material ADD	.....	\$ 645.00
Sales Tax	0.0%	\$ -

Material Subtotal \$ 645

**LABOR**

General Foreman Hours	0.0	@	\$ -	\$ -
Foreman Hours	20.0	@	\$ 63.99	\$ 1,279.80
Field Plumber/Fitter Hours	20.0	@	\$ 58.99	\$ 1,179.80
Field Tinner Hours	0.0	@	\$ -	\$ -
Shop Hours	0.0	@	\$ -	\$ -
Operator Hours	0.0	@	\$ -	\$ -

Labor Subtotal \$ 2,460

**DIRECT COSTS**

Insurance & Taxes	27.0% of Labor	\$ 664.09
Trucking	5.0% of Labor	\$ 122.98
Testing & Cleaning	0.0% of Labor	\$ -
Balance Air/Water	0.0% of Labor	\$ -
Tools & Expendables	6.0% of Labor	\$ 147.58
Shop Equipment Charge	\$ 6.00 per shop hour	\$ -
Subsistence		\$ -

Subtotal \$ 935

**Equipment**

**Rental**

0.0 Hours @	\$ -	\$ -
0.0 Hours @	\$ -	\$ -
0.0 Hours @	\$ -	\$ -
0.0 Hours @	\$ -	\$ -
0.0 Hours @	\$ -	\$ -
0.0 Hours @	\$ -	\$ -

Subtotal \$ -

**Indirect Costs**

Indirect Costs Total	\$ 234
Total Contractor Costs	\$ 4,273
Overhead	15.0% \$ 641
Subtotal Contractor Costs	\$ 4,914

**SUBCONTRACTS**

All Star concrete coring	.....	\$ 850.00
Omni	.....	\$ 300.00
Everlast Rehab	.....	\$ 1,750.00
	.....	\$ -

Total Subcontractor Costs	\$ 2,900
Overhead	5.0% \$ 145
Subtotal Subcontractors Costs	\$ 3,045

Total Contractor/Subcontractor Costs	\$ 7,959
Profit	0.0% \$ -
Bond	1.0% \$ 80
Total Amount Of Change	\$ 8,038

NOTE: This change order does not address impact costs on base contract.

Time extension required is 3 days. This quotation based upon acceptance within 30 days.

Exclusions:

NOTE: This change order does not address impact costs on base contract.

2063 120<sup>th</sup> Street Milltown, WI 54858  
Phone (715)-553-0780  
cashhickethier@everlastrehab.com

DATE:  
SEPTEMBER, 27  
2018

To: **McMahon Engineers & Architects**

Attn: Chad Olsen  
Street Address 1445 McMahon Drive Neenah. WI  
Phone:920-751-4200  
Email: COLsen@mcmgrp.com

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
8	Patch and weld holes with T-LOK		\$1,250.00
1	Mob Fee		\$500.00
SUBTOTAL			\$1,750.00

Quotation prepared by: Cash Hickethier

This is a quotation based on the estimated amount of material and labor hours to be used. The quoted price may be subject to an increase or decrease in rate based upon the actual amount of material and labor used. EverLast Rehab provides a 3-year warranty after the date of completion.

To accept this quotation, email [cashhickethier@everlastrehab.com](mailto:cashhickethier@everlastrehab.com), or call to confirm at (715) 553-0780.



# AUGUST WINTER & SONS, INC.

## MECHANICAL CONTRACTORS

2323 NORTH ROEMER ROAD \* APPLETON, WI 54911  
PO BOX 1896 \* APPLETON, WI 54912  
PHONE: 920-739-8881 \* FAX: 920-739-2230

September 20, 2018

McMhaon and Associates  
Chad Olsen

18

### CHANGE ORDER PRICE AND BREAKDOWN

Project/Job#: Appleton WWTP

Description: prep and paint garage door steel opening

Our change order price and breakdown follows:

#### August Winter

Material.....	\$	-
Labor..... 0 hrs	\$	-
Direct Costs.....	\$	-
Equipment Rental.....	\$	-
Indirect Costs.....	\$	-
Subtotal.....	\$	-
Overhead.....	\$	-
Total.....	\$	-

#### Subcontracts

Total Subcontractor Costs.....	\$	255
Subcontractor Markup.....	\$	13
Total Subcontractor Costs w/overhead.....	\$	268
 Total AWS/Subcontractor Costs.....	\$	268
Profit/Bond.....	\$	3

**Change Order Total..... \$ 270**

Time extension required is 0 days.

This quotation based upon acceptance within 30 days.

Exclusions:

*Kurt Van Grinsven*

August Winter & Sons, Inc.  
PH: 920-739-8881 FX: 920-739-2230

VISIT OUR WEB SITE AT [WWW.AUGUSTWINTER.COM](http://WWW.AUGUSTWINTER.COM)

Branch Office: 5613 Schofield Avenue \* Schofield, WI 54476 \* PH: 715/355-7555 \* FAX: 715/355-9048  
HVAC \* PLUMBING \* TANK FABRICATION \* PROCESS PIPING \* IND. SHEETMETAL  
SPECIALTY METAL FAB. \* ASME PRESSURE VESSELS \* ASME CODE WELDING \* 24 HR. SERVICE \* ENGINEERING  
STATE OF WISCONSIN LICENSED MASTER PLUMBERS, LICENSE NUMBER 227170



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

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

**To:** Finance Committee

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

**Date:** November 12, 2018

**Re:** Informational: Contract 60-17 was awarded to Vinton Construction Company for the 2017 Lutz Park Trail and Riverbank Project in the amount of \$305,867.96 with a contingency of \$21,410.76. One credit in the amount of \$24,360.40 was issued. Payments issued to date total \$267,301.17. Request to issue the final contract payment of \$14,206.39.

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The 2018 Capital Improvement Plan included \$327,279.00 to complete construction of the trail, lighting, riverbank improvements, and landscaping at Lutz Park. Construction contract 60-17 was issued to Vinton Construction Company in the amount of \$305,867.96 with a contingency of \$21,410.76. One credit in the amount of \$24,360.40 was issued for not removing an existing seawall. The final contract total for this project is \$281,507.56. 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 Vinton Construction Company in the amount of \$14,206.39.

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).

**CONTRACT CHANGE ORDER**Change Order No. 3Date 11/19/18Contract No. 03-17 for the following public work : Unit H-17 Northland Pond Constructionbetween Kruczek Construction Inc. , 3636 Kewaunee Road, Green Bay, WI 54311  
(Contractor Name) (Contractor Address)and the City of Appleton dated: 2/14/2017 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	5230.6809	\$3,285,788.41	\$97,380.79	\$39,916.42	-\$39,916.42	\$3,325,704.83	\$57,464.37
2						\$0.00	\$0.00
3						\$0.00	\$0.00
4						\$0.00	\$0.00
5						\$0.00	\$0.00
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		\$3,285,788.41	\$97,380.79	\$39,916.42	-\$39,916.42	\$3,325,704.83	\$57,464.37

Reason for Change: Install additional french drains in unstable pond slopes; Additional excavation and disposal of Low Hazard Waste Grant of Exemption Contaminated Soils;  
final approved quantities with contractor  
  
The Contract Time will be (increased / decreased / unchanged) by this Change Order: unchanged DaysThe Date of Completion as of the date of this Change Order therefore is: unchangedFinance Committee Agenda Date: 11/26/18Date approved by Council: