



City of Appleton

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

Meeting Agenda - Final Finance Committee

Monday, May 20, 2019

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[19-0725](#)

Finance Committee minutes for April 22, 2019 meeting

Attachments: [MeetingMinutes22-Apr-2019-05-18-56.pdf](#)

4. **Public Hearings/Apearances**

5. **Action Items**

[19-0720](#)

Request to approve agreement with Clearwater Creek Development for Spartan Drive and Stormwater Management Facilities

Attachments: [Clearwater Creek Development - Spartan Drive Stormwater Mgmt Facilities - Fir](#)

[19-0721](#)

Request to approve agreement with ARBB Farm, LLC for Spartan Drive and Stormwater Management Facilities

Attachments: [Agreement - ARBB Farm - Spartan Drive Stormwater - Final.pdf](#)

[19-0722](#)

Request to approve the following 2019 Budget adjustment:

Parking Utility Fund Balance	- \$120,000
Parking Utility Operations & Maintenance	+\$120,000

to provide funding for unanticipated parking ramp maintenance and construction projects in 2019 (2/3 of Common Council required for approval)

Attachments: [Budget Adjustment - Parking Division Projects.pdf](#)

[19-0723](#)

Request to approve Finance Committee Report 3-P-19 for Sanitary Laterals, Storm Laterals and Storm Main

Attachments: [Report 3-P-19.pdf](#)

6. Information Items

[19-0724](#)

Approve Change Order No. 1 to contract 29-19 for Unit X-19 Prospect Avenue Sewer & Water Reconstruction No. 2 for additional material costs due to contaminated soils encountered during construction in the amount of \$15,935 resulting in a decrease to contingency from \$72,057 to \$56,122. No change to overall contract amount

Attachments: [Unit X-19 Change Order No.1.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

Meeting Minutes Finance Committee

Monday, April 22, 2019

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 6:04pm

2. Roll call of membership

Present: 4 - Alderperson Siebers, Alderperson Croatt, Alderperson Martin and
Alderperson Meltzer

Excused: 1 - Alderperson Lobner

3. Approval of minutes from previous meeting

[19-0548](#)

Finance Committee minutes for March 25, 2019

Attachments: [MeetingMinutes25-Mar-2019-01-17-08.pdf](#)

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

Aye: 4 - Alderperson Siebers, Alderperson Croatt, Alderperson Martin and
Alderperson Meltzer

Excused: 1 - Alderperson Lobner

4. Public Hearings/Appearances

5. Action Items

[19-0549](#)

Request to award the 2019 AWWTP Hardscape Repairs Project/Clarifier Assess Roads contract to Highway Landscapers, Inc in the amount of \$49,993 with a contingency of \$10,000 for a project total not to exceed \$59,993

Attachments: [2019 AWWTP Hardscapes \(Clarifier Road\).pdf](#)

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

Aye: 4 - Alderperson Siebers, Alderperson Croatt, Alderperson Martin and
Alderperson Meltzer

Excused: 1 - Alderperson Lobner

[19-0550](#)

Request to award the 2019 Parks Hardscape Repairs Project - Kiwanis Park contract to RJM Construction, LLC in the amount of \$29,801 with a contingency of \$8,000 for a project total not to exceed \$37,801

Attachments: [2019 Parks Hardscape Repairs \(Kiwanis Park\).pdf](#)

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

Aye: 4 - Alderperson Siebers, Alderperson Croatt, Alderperson Martin and Alderperson Meltzer

Excused: 1 - Alderperson Lobner

[19-0557](#)

CEA Review Committee Report

Attachments: [CEA Review MeetingMinutes9-Apr-2019-01-51-03.pdf](#)

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

Aye: 4 - Alderperson Siebers, Alderperson Croatt, Alderperson Martin and Alderperson Meltzer

Excused: 1 - Alderperson Lobner

[19-0558](#)

Request to award the 2019 Green Parking Ramp Office Remodeling Project to Cardinal Construction Co, Inc in the amount of \$203,942 with a contingency of \$12,658 for a project total not to exceed \$216,600

Attachments: [2019 Green Parking Ramp Office Remodeling Project .pdf](#)

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

Aye: 4 - Alderperson Siebers, Alderperson Croatt, Alderperson Martin and Alderperson Meltzer

Excused: 1 - Alderperson Lobner

[19-0559](#)

Request to award the 2019 City Hall First Floor Finance Area Remodeling Project contract to Miron Construction Co, Inc in the amount of \$194,238 with a contingency of \$6,962 for a project total not to exceed \$201,200

Attachments: [2019 City Hall First Floor Finance Remodel_.pdf](#)

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

Aye: 4 - Alderson Siebers, Alderson Croatt, Alderson Martin and Alderson Meltzer

Excused: 1 - Alderson Lobner

[19-0605](#)

Request to award Unit D-19 Sidewalk Construction to Fischer Ulman Construction, Inc in an amount not to exceed \$310,000

Attachments: [Award of Contract Unit D-19.pdf](#)

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

Aye: 4 - Alderson Siebers, Alderson Croatt, Alderson Martin and Alderson Meltzer

Excused: 1 - Alderson Lobner

[19-0606](#)

Request to approve Finance Committee Report 1-P-19 for Concrete Pavement, Sidewalk Construction and Driveway Aprons

Attachments: [Report 1-P-19.pdf](#)

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

Aye: 4 - Alderson Siebers, Alderson Croatt, Alderson Martin and Alderson Meltzer

Excused: 1 - Alderson Lobner

[19-0607](#)

Approve Finance Committee Report 2-P-19 for Sidewalk Construction

Attachments: [Report 2-P-19.pdf](#)

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

Aye: 4 - Alderperson Siebers, Alderperson Croatt, Alderperson Martin and Alderperson Meltzer

Excused: 1 - Alderperson Lobner

6. Information Items

[19-0551](#)

Election of Vice-Chair

Alderperson Lobner was appointed Vice-Chair

This Report Action Item was presented

[19-0552](#)

Election of Central Equipment Agency Board Member

Alderperson Meltzer was appointed to the Central Equipment Agency Board

This Report Action Item was presented

[19-0553](#)

Election of Tax Appeals Board Member

Alderperson Martin was appointed to the Tax Appeals Board

This Report Action Item was presented

[19-0554](#)

Appoint Contact Person

Finance Director Tony Saucerman was appointed Contact Person

This Report Action Item was presented

[19-0555](#)

Set Meeting Day and Time

Meetings will be held the second and fourth Monday of each month at 5:30pm

This Report Action Item was presented

[19-0561](#)

Change Order #1 to Vinton Construction Company contract as part of the Briarcliff and Midway Lift Station Improvement Projects totaling \$1,625 resulting in a decrease in contingency from \$14,615 to \$12,990. No change to overall contract amount

Attachments: [Briarcliff and Midway Improvements Change Order #1.pdf](#)

This Presentation was presented

[19-0562](#)

Contract 39-18 was awarded to Miron Construction Co. Inc for the 2018 MSB Locker Room Remodeling project in the amount of \$314,713 with a contingency of \$12,702. Two change orders were issued in the amount of \$6,668.24. Payments to date total \$313,346.71. Request to issue the final contract payment of \$8,034.53

Attachments: [2018 MSB Locker Room Remodeling Final Payment .pdf](#)

This Presentation was presented

[19-0563](#)

Contract 49-18 was awarded to Miron Construction Co., Inc for the 2018 Fire Station #5 Remodeling project in the amount of \$40,669 with a contingency of 7%. One change order was issued in the amount of \$251. Payments to date total \$38,874. Request to issue the final contract payment of \$2,046

Attachments: [2018 Fire Station #5 Remodeling Project Final Payment .pdf](#)

This Presentation was presented

7. Adjournment

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

Aye: 4 - Alderson Siebers, Alderson Croatt, Alderson Martin and
 Alderson Meltzer

Excused: 1 - Alderson Lobner

AGREEMENT

This Agreement is being made by and between the City of Appleton, Wisconsin, a Wisconsin municipal corporation (hereinafter “the City”) and Clearwater Creek Development, LLC, (hereinafter “Clearwater Creek”).

WHEREAS, Clearwater Creek is the owner of certain property located in the city of Appleton, and

WHEREAS, Clearwater Creek desires to develop certain property they own near the area of Spartan Drive, and

WHEREAS, the City of Appleton will construct Spartan Drive and stormwater management facilities, and Clearwater Creek wishes the City of Appleton to so construct Spartan Drive and stormwater management facilities, and

NOW, THEREFORE, the parties agree as follows:

1. The recitals are incorporated herein by reference as if fully set forth.
2. Clearwater Creek agrees to dedicate to the City of Appleton for roadway and stormwater management facilities purposes, property within the city of Appleton, as described in Exhibit A.
3. The City wishes to accept Clearwater Creek’s dedication of the above parcels.
4. The City agrees that the City will be responsible for the construction and installation of storm sewer, sanitary sewer, and water main, within the right-of-way of Spartan Drive and Haymeadow Avenue in the area shown on Exhibit “A”.
5. That the City shall be responsible for the costs associated with grading, graveling and paving and including concrete paving of Spartan Drive and Haymeadow Avenue in the area shown on Exhibit “A” and these costs shall not be assessed by the City of Appleton.
6. That the properties adjacent to Spartan Drive and Haymeadow Avenue shall not be assessed by the City of Appleton for any costs for the installation of sanitary sewer, storm sewer, or water main infrastructure within the right-of-way of Spartan Drive and Haymeadow Avenue in the area shown on Exhibit “A”.

7. That Clearwater shall:

- a. convey Parcel C for the purpose of construction of a stormwater pond and inlet pipe, at no cost to the City, as shown as Parcel C on Exhibit "A" attached hereto;
- b. dedicate Parcel D, as right-of-way for Spartan Drive at no cost to the City, shown as Parcel D on Exhibit "A" attached hereto;
- c. shall provide a Permanent Easement for a yard drain and stormwater pipe at no cost to the City as shown as PLE A on Exhibit "A" attached hereto;
- d. shall provide a Permanent Easement for a yard drain and stormwater pipe at no cost to the City as shown as PLE B on Exhibit "A" attached hereto;
- e. shall provide a Temporary Limited Easement for the long-term stockpiling of soil at no cost to the City as shown as PLE C on Exhibit "A" attached hereto, with said TLE to expire December 31, 2025;
- f. shall provide a Temporary Limited Easement for the purpose of grading Haymeadow Avenue and Spartan Drive, including the stockpiling of soil on TLE F, on the properties identified as TLE E, TLE F, and TLE G on shown on Exhibit "A" attached hereto.

8. City of Appleton shall;

- a. Construct a street and associated utilities in 2020 in Parcel C (Street C) to the east lot line of Parcel C that is a minimum of 320 feet south of Spartan Drive. Any land north of Street C will be deeded back to Clearwater Creek.
- b. Provide stormwater drainage such that any lot that is 50 feet to the north of Spartan Drive will not impose additional stormwater requirements on Clearwater Creek other than yard drains and stormwater pipe. All land east of Haymeadow Avenue and north of 50 feet of Spartan Drive will require additional stormwater management by the Developer.

Dated this ____ day of _____, 2019.

SIGNATURES BEGIN ON THE FOLLOWING PAGE

Clearwater Creek Development, LLC

By: _____
Printed Name: _____
Title: _____

By: _____
Printed Name: _____
Title: _____

STATE OF WISCONSIN)
 : ss.
_____ COUNTY)

Personally came before me on this _____ day of _____, 2019,
the above-named _____ and _____, to
me known to be the persons who executed the foregoing instrument and acknowledge the
same.

Printed Name: _____
Notary Public, State of Wisconsin
My commission is/expires: _____

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

City of Appleton

By: _____
Timothy M. Hanna, Mayor

By: _____
Kami Lynch, City Clerk

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

Personally came before me on this ____ day of _____, 2019, the above-named Timothy M. Hanna and Kami Lynch, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Printed Name: _____
Notary Public, State of Wisconsin
My commission is/expires: _____

Provision has been made to pay the liability that will accrue under this contract.

Approved as to Form:

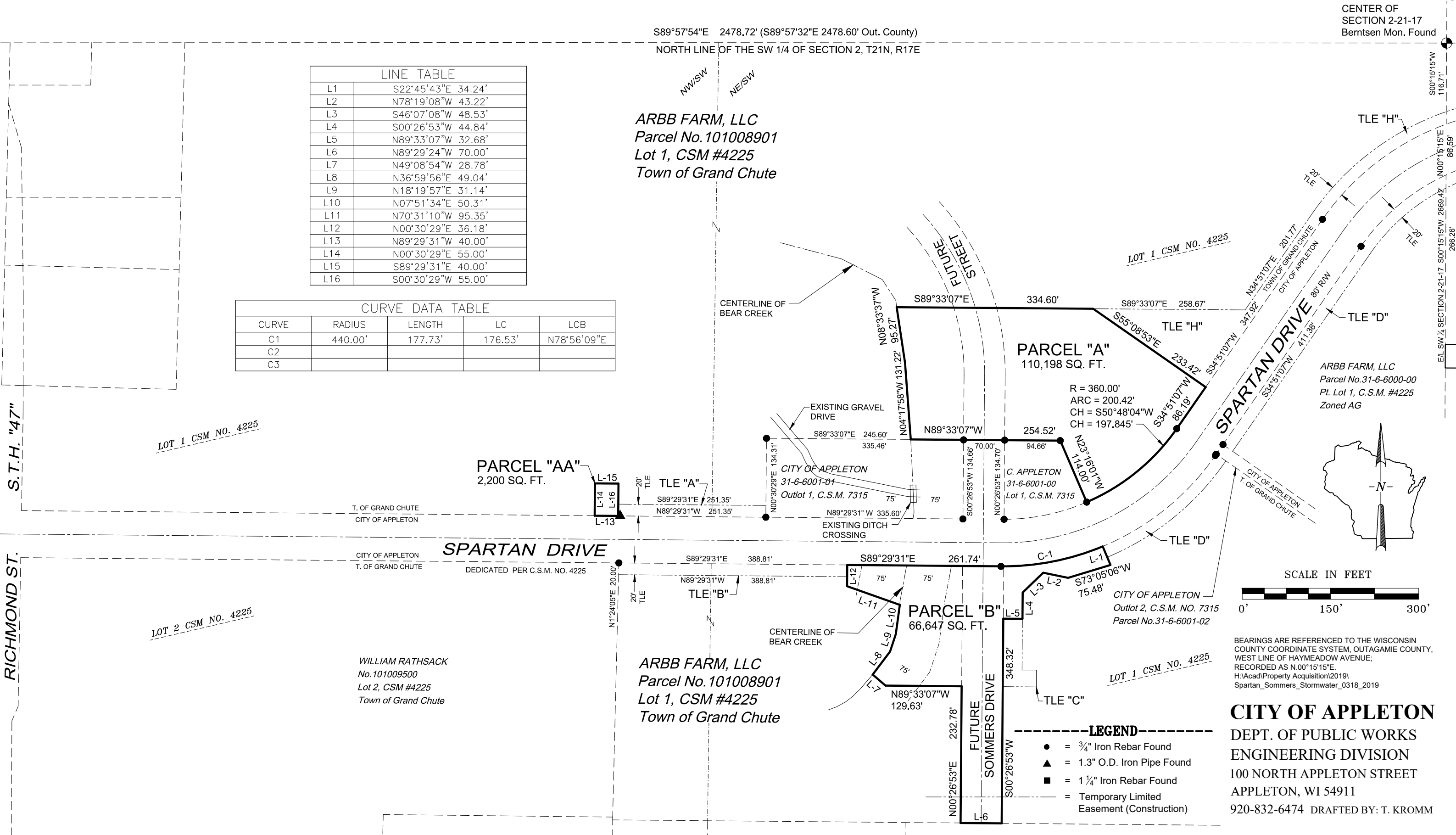
Anthony D. Saucerman, Director of Finance

James P. Walsh, City Attorney

This instrument was drafted by:
James P. Walsh, Appleton City Attorney
City Law A19-0189

EXHIBIT "A"

Part of Lot 1 of Certified Survey Map No.4225 recorded in Volume 23 of Certified Survey Maps on Page 4225 as Document No. 1447327, being located in the North One-Half (N ½) of the Southwest Quarter (SW ¼) of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin.



AARB FARM, LLC

Tax Key #101008901

PARCEL "AA"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.0505 Acres (2,200 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W $\frac{1}{4}$ corner of said Section 2;
Thence South 89°57'54" East 1029.19 feet along the North line of the SW $\frac{1}{4}$ of said Section 2;
Thence South 00°02'06" West 750.31 feet to the Point of Beginning;
Thence South 89°29'31" East 40.00 feet;
Thence South 00°30'29" West 55.00 feet to the North line of Spartan Drive;
Thence North 89°29'31" West 40.00 feet coincident with the North line of Spartan Drive;
Thence North 00°30'29" East 55.00 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901

PARCEL "A"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 2.5298 Acres (110,198 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W $\frac{1}{4}$ corner of said Section 2;
Thence South 89°57'54" East 1542.63 feet along the North line of the SW $\frac{1}{4}$ of said Section 2;
Thence South 00°02'06" West 450.14 feet to the Point of Beginning;
Thence South 89°33'07" East 334.60 feet;
Thence South 55°08'53" East 233.42 feet to the Northwesterly line of Spartan Drive;
Thence South 34°51'07" West 86.19 feet coincident with the Northwesterly line of Spartan Drive;
Thence Southwesterly 200.42 feet along the arc of curve to the right having a radius of 360.00 feet and the chord of which bears South 50°48'04" West 197.85 feet coincident with the Northwesterly line of Spartan Drive;
Thence North 23°16'01" West 114.00 feet;
Thence North 89°33'07" West 254.52 feet;
Thence North 04°17'58" West 131.22 feet;
Thence North 08°33'37" West 95.27 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901

PARCEL "B"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 1.5300 Acres (66,647 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W $\frac{1}{4}$ corner of said Section 2;
Thence South 89°57'54" East 1458.72 feet along the North line of the SW $\frac{1}{4}$ of said Section 2;
Thence South 00°02'06" West 888.86 feet to the South line of Spartan Drive and being the Point of Beginning;

Thence South 89°29'31" East 261.74 feet coincident with the South line of Spartan Drive;
Thence Easterly 177.73 feet coincident with the South line of Spartan Drive, along the arc of curve to the left having a radius of 440.00 feet and the chord of which bears North 78°56'09" East 176.53 feet;
Thence South 22°45'43" East 34.24 feet; Thence South 73°05'06" West 75.48 feet;
Thence North 78°19'08" West 43.22 feet; Thence South 46°07'08" West 48.53 feet;
Thence South 00°26'53" West 44.84 feet; Thence North 89°33'07" West 32.68 feet;
Thence South 00°26'53" West 348.32 feet; Thence North 89°29'24" West 70.00 feet;
Thence North 00°26'53" East 232.78 feet; Thence North 89°33'07" West 129.63 feet;
Thence North 49°08'54" West 28.78 feet; Thence North 36°59'56" East 49.04 feet;
Thence North 18°19'57" East 31.14 feet; Thence North 07°51'34" East 50.31 feet;
Thence North 70°31'10" West 95.35 feet; Thence North 00°30'29" East 36.18 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901

TLE "A"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northwest ¼ of the Southwest ¼ and the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.1154 Acres (5,027 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 1068.90 feet along the North line of the SW ¼ of said Section 2;
Thence South 00°02'06" West 785.64 feet to the Point of Beginning;
Thence South 89°29'31" East 251.35 feet;
Thence South 00°30'29" West 20.00 feet to the North line of Spartan Drive;
Thence North 89°29'31" West 251.35 feet coincident with the North line of Spartan Drive;
Thence North 00°30'29" East 20.00 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901

TLE "B"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northwest ¼ of the Southwest ¼ and the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.1785 Acres (7,775 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 1069.92 feet along the North line of the SW ¼ of said Section 2;
Thence South 00°02'06" West 885.65 feet to the South line of Spartan Drive and being the Point of Beginning;
Thence South 89°29'31" East 388.81 feet coincident with the South line of Spartan Drive;
Thence South 00°30'29" West 20.00 feet;
Thence North 89°29'31" West 388.81 feet;
Thence North 00°30'29" East 20.00 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901

TLE "C"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.1028 Acres (4,478 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W $\frac{1}{4}$ corner of said Section 2;
Thence South 89°57'54" East 1724.45 feet along the North line of the SW $\frac{1}{4}$ of said Section 2;
Thence South 00°02'06" West 980.16 feet to the Point of Beginning;
Thence South 89°33'07" East 32.68 feet;
Thence South 00°26'53" West 87.13 feet;
Thence East 24.35 feet;
Thence South 28.72 feet;
Thence North 89°28'03" West 57.26 feet;
Thence North 00°26'53" East 115.57 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901 and 31-6-6000-00

TLE "D"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, City of Appleton and the Town of Grand Chute, Outagamie County, Wisconsin, containing 0.3905 Acres (17,010 sq. ft.) of land and being **all those lands of the owner within the following described traverse:**

Commencing at the W $\frac{1}{4}$ corner of said Section 2;
Thence South 89°57'54" East 2478.72 feet along the North line of the SW $\frac{1}{4}$ to the Center of said Section 2;
Thence South 89°40'21" East 152.11 feet along the North line of the SE $\frac{1}{4}$ of said Section 2;
Thence South 00°15'15" West 190.63 feet to the Southwest corner of Spartan Drive and Haymeadow Avenue and being the point of beginning;
Thence South 00°15'15" West 897.17 feet coincident with the West line of Haymeadow Avenue;
Thence South 89°43'49" West 20.00 feet;
Thence North 00°15'15" East 876.76 feet;
Thence Southwesterly 308.75 feet along the arc of a curve to the left having a radius of 340.00 feet and the chord of which bears South 60°52'00" West 298.25 feet;
Thence South 34°51'07" West 434.11 feet;
Thence Southwesterly 260.98 feet along the arc of curve to the right having a radius of 460.00 feet and the chord of which bears South 51°06'19" West 257.49 feet;
Thence North 22°45'43" West 20.00 feet;
Thence Northeasterly 249.67 feet coincident with the Southeasterly line of Spartan Drive along the arc of a curve to the left having a radius of 440.00 feet and the chord of which bears North 51°06'28" East 246.34 feet;
Thence North 34°51'07" East 434.11 feet coincident with the Southeasterly line of Spartan Drive;
Thence Northeasterly 348.10 feet coincident with the Southeasterly line of Spartan Drive along the arc of curve to the right having a radius of 360.00 feet and the chord of which bears North 62°33'10" East 334.69 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901

TLE "H"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.6463 Acres (28,153 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;

Thence South 89°57'54" East 2478.72 feet along the North line of the SW ¼ to the Center of said Section 2;

Thence South 00°15'15" West 116.71 feet coincident with the East line of the SW ¼ of said Section 2 to the Point of Beginning;

Thence continue South 00°15'16" West 21.25 feet to the Northerly line of Spartan Drive;

Thence Southwesterly 270.14 feet coincident with the Northwesterly line of Spartan Drive along the arc of a curve to the left having a radius of 440.00 feet and the chord of which bears South 52°26'25" West 265.91 feet;

Thence South 34°51'07" West 347.92 feet coincident with the Northwesterly line of Spartan Drive;

Thence North 55°08'53" West 233.42 feet;

Thence South 89°33'07" East 258.67 feet;

Thence North 34°51'07" East 201.77 feet;

Thence Northeasterly 289.76 feet along the arc of curve to the right having a radius of 460.00 feet and the chord of which bears North 52°53'52" East 285.00 feet to the point of beginning.

See also attached Exhibit "A".

AGREEMENT

This Agreement is being made by and between the City of Appleton, Wisconsin, a Wisconsin municipal corporation (hereinafter “the City”) and ARBB Farm, LLC, (hereinafter “ARBB”).

WHEREAS, ARBB is the owner of certain property located in the town of Grand Chute, and

WHEREAS, ARBB desires to develop certain property they own near the area of Spartan Drive, and

WHEREAS, the City of Appleton will construct Spartan Drive and stormwater management facilities, and ARBB wishes the City of Appleton to so construct Spartan Drive and stormwater management facilities, and

NOW, THEREFORE, the parties agree as follows:

1. The recitals are incorporated herein by reference as if fully set forth.
2. ARBB agrees to dedicate to the City of Appleton for roadway and stormwater management purposes, property within the town of Grand Chute, as described in Exhibit “A”.
3. The City wishes to accept ARBB’s dedication of the above parcels.
4. The City agrees that the City will be responsible for the construction and installation of storm sewer, sanitary sewer, and water main, within the right-of-way of Spartan Drive and Sommers Drive.
5. That the City shall be responsible for the costs associated with grading, graveling and paving of Sommers Drive as depicted on the attached Exhibit “A” and these costs shall not be assessed to ARBB by the City of Appleton.
6. That the properties adjacent to Sommers Drive shall not be assessed by the City of Appleton for any costs for the installation of sanitary sewer, storm sewer, or water main infrastructure within the right-of-way of Sommers Drive.
7. That ARBB shall:
 - a. convey Parcel A, at no cost to the City, for stormwater pond, Sommers Drive right-of-way, and pond outlet construction as indicated on Exhibit “A” attached hereto;

b. shall convey Parcel AA, for a stormwater sewer and yard drain at no cost to the City;

c. shall dedicate the right-of-way for Sommers Drive and land necessary for a retaining wall, box culvert and a flood storage area, at no cost to the City, identified as Parcel B on Exhibit "A" attached hereto;

d. provide a Temporary Limited Easement to the City of Appleton for the grading of Spartan Drive, identified as TLE A, B, C, and D, at no cost to the City, as indicated on attached Exhibit "A";

e. provide a Temporary Limited Easement for stockpiling of soil in the area identified as TLE H, on Exhibit "A", at no cost to the City.

Dated this ____ day of _____, 2019.

ARBB Farm, LLC

By: _____
Printed Name: _____
Title: _____

By: _____
Printed Name: _____
Title: _____

STATE OF WISCONSIN)
 : ss.
_____ COUNTY)

Personally came before me on this _____ day of _____, 2019, the above-named _____ and _____, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Printed Name: _____
Notary Public, State of Wisconsin
My commission is/expires: _____

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

City of Appleton

By: _____
Timothy M. Hanna, Mayor

By: _____
Kami Lynch, City Clerk

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

Personally came before me on this ____ day of _____, 2019, the above-named Timothy M. Hanna and Kami Lynch, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Printed Name: _____
Notary Public, State of Wisconsin
My commission is/expires: _____

Provision has been made to pay the liability that will accrue under this contract.

Approved as to Form:

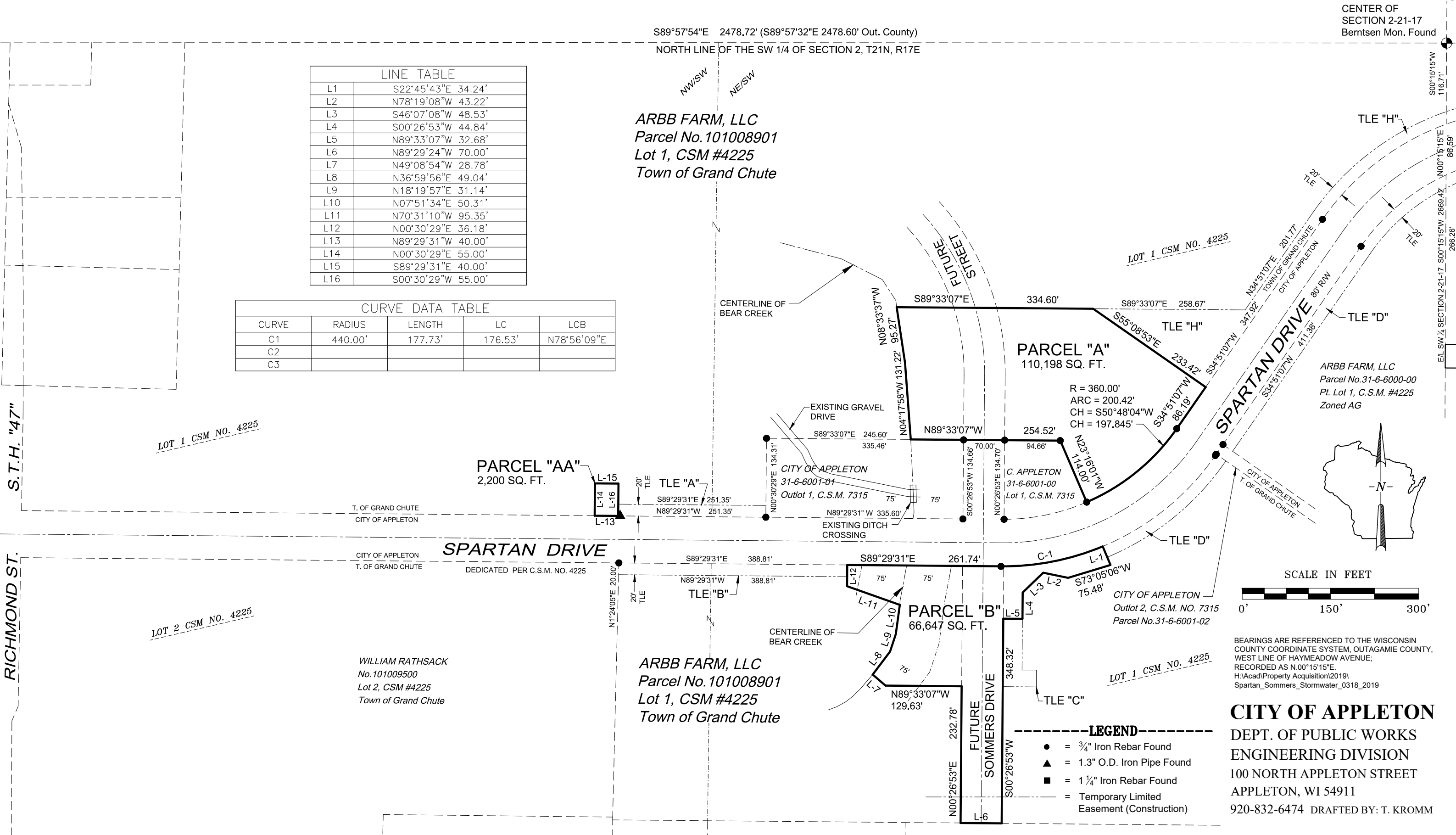
Anthony D. Saucerman, Director of Finance

James P. Walsh, City Attorney

This instrument was drafted by:
James P. Walsh, Appleton City Attorney
City Law A19-0188

EXHIBIT "A"

Part of Lot 1 of Certified Survey Map No.4225 recorded in Volume 23 of Certified Survey Maps on Page 4225 as Document No. 1447327, being located in the North One-Half (N ½) of the Southwest Quarter (SW ¼) of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin.



AARB FARM, LLC

Tax Key #101008901

PARCEL "AA"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northwest ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.0505 Acres (2,200 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 1029.19 feet along the North line of the SW ¼ of said Section 2;
Thence South 00°02'06" West 750.31 feet to the Point of Beginning;
Thence South 89°29'31" East 40.00 feet;
Thence South 00°30'29" West 55.00 feet to the North line of Spartan Drive;
Thence North 89°29'31" West 40.00 feet coincident with the North line of Spartan Drive;
Thence North 00°30'29" East 55.00 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901

PARCEL "A"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 2.5298 Acres (110,198 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 1542.63 feet along the North line of the SW ¼ of said Section 2;
Thence South 00°02'06" West 450.14 feet to the Point of Beginning;
Thence South 89°33'07" East 334.60 feet;
Thence South 55°08'53" East 233.42 feet to the Northwesterly line of Spartan Drive;
Thence South 34°51'07" West 86.19 feet coincident with the Northwesterly line of Spartan Drive;
Thence Southwesterly 200.42 feet along the arc of curve to the right having a radius of 360.00 feet and the chord of which bears South 50°48'04" West 197.85 feet coincident with the Northwesterly line of Spartan Drive;
Thence North 23°16'01" West 114.00 feet;
Thence North 89°33'07" West 254.52 feet;
Thence North 04°17'58" West 131.22 feet;
Thence North 08°33'37" West 95.27 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901

PARCEL "B"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 1.5300 Acres (66,647 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 1458.72 feet along the North line of the SW ¼ of said Section 2;
Thence South 00°02'06" West 888.86 feet to the South line of Spartan Drive and being the Point of Beginning;

Thence South 89°29'31" East 261.74 feet coincident with the South line of Spartan Drive;
Thence Easterly 177.73 feet coincident with the South line of Spartan Drive, along the arc of curve to the left having a radius of 440.00 feet and the chord of which bears North 78°56'09" East 176.53 feet;
Thence South 22°45'43" East 34.24 feet; Thence South 73°05'06" West 75.48 feet;
Thence North 78°19'08" West 43.22 feet; Thence South 46°07'08" West 48.53 feet;
Thence South 00°26'53" West 44.84 feet; Thence North 89°33'07" West 32.68 feet;
Thence South 00°26'53" West 348.32 feet; Thence North 89°29'24" West 70.00 feet;
Thence North 00°26'53" East 232.78 feet; Thence North 89°33'07" West 129.63 feet;
Thence North 49°08'54" West 28.78 feet; Thence North 36°59'56" East 49.04 feet;
Thence North 18°19'57" East 31.14 feet; Thence North 07°51'34" East 50.31 feet;
Thence North 70°31'10" West 95.35 feet; Thence North 00°30'29" East 36.18 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901

TLE "A"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northwest ¼ of the Southwest ¼ and the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.1154 Acres (5,027 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 1068.90 feet along the North line of the SW ¼ of said Section 2;
Thence South 00°02'06" West 785.64 feet to the Point of Beginning;
Thence South 89°29'31" East 251.35 feet;
Thence South 00°30'29" West 20.00 feet to the North line of Spartan Drive;
Thence North 89°29'31" West 251.35 feet coincident with the North line of Spartan Drive;
Thence North 00°30'29" East 20.00 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901

TLE "B"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northwest ¼ of the Southwest ¼ and the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.1785 Acres (7,775 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 1069.92 feet along the North line of the SW ¼ of said Section 2;
Thence South 00°02'06" West 885.65 feet to the South line of Spartan Drive and being the Point of Beginning;
Thence South 89°29'31" East 388.81 feet coincident with the South line of Spartan Drive;
Thence South 00°30'29" West 20.00 feet;
Thence North 89°29'31" West 388.81 feet;
Thence North 00°30'29" East 20.00 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901

TLE "C"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.1028 Acres (4,478 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W $\frac{1}{4}$ corner of said Section 2;
Thence South 89°57'54" East 1724.45 feet along the North line of the SW $\frac{1}{4}$ of said Section 2;
Thence South 00°02'06" West 980.16 feet to the Point of Beginning;
Thence South 89°33'07" East 32.68 feet;
Thence South 00°26'53" West 87.13 feet;
Thence East 24.35 feet;
Thence South 28.72 feet;
Thence North 89°28'03" West 57.26 feet;
Thence North 00°26'53" East 115.57 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901 and 31-6-6000-00

TLE "D"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, City of Appleton and the Town of Grand Chute, Outagamie County, Wisconsin, containing 0.3905 Acres (17,010 sq. ft.) of land and being **all those lands of the owner within the following described traverse:**

Commencing at the W $\frac{1}{4}$ corner of said Section 2;
Thence South 89°57'54" East 2478.72 feet along the North line of the SW $\frac{1}{4}$ to the Center of said Section 2;
Thence South 89°40'21" East 152.11 feet along the North line of the SE $\frac{1}{4}$ of said Section 2;
Thence South 00°15'15" West 190.63 feet to the Southwest corner of Spartan Drive and Haymeadow Avenue and being the point of beginning;
Thence South 00°15'15" West 897.17 feet coincident with the West line of Haymeadow Avenue;
Thence South 89°43'49" West 20.00 feet;
Thence North 00°15'15" East 876.76 feet;
Thence Southwesterly 308.75 feet along the arc of a curve to the left having a radius of 340.00 feet and the chord of which bears South 60°52'00" West 298.25 feet;
Thence South 34°51'07" West 434.11 feet;
Thence Southwesterly 260.98 feet along the arc of curve to the right having a radius of 460.00 feet and the chord of which bears South 51°06'19" West 257.49 feet;
Thence North 22°45'43" West 20.00 feet;
Thence Northeasterly 249.67 feet coincident with the Southeasterly line of Spartan Drive along the arc of a curve to the left having a radius of 440.00 feet and the chord of which bears North 51°06'28" East 246.34 feet;
Thence North 34°51'07" East 434.11 feet coincident with the Southeasterly line of Spartan Drive;
Thence Northeasterly 348.10 feet coincident with the Southeasterly line of Spartan Drive along the arc of curve to the right having a radius of 360.00 feet and the chord of which bears North 62°33'10" East 334.69 feet to the point of beginning.
See also attached Exhibit "A".

AARB FARM, LLC

Tax Key #101008901

TLE "H"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.6463 Acres (28,153 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;

Thence South 89°57'54" East 2478.72 feet along the North line of the SW ¼ to the Center of said Section 2;

Thence South 00°15'15" West 116.71 feet coincident with the East line of the SW ¼ of said Section 2 to the Point of Beginning;

Thence continue South 00°15'16" West 21.25 feet to the Northerly line of Spartan Drive;

Thence Southwesterly 270.14 feet coincident with the Northwesterly line of Spartan Drive along the arc of a curve to the left having a radius of 440.00 feet and the chord of which bears South 52°26'25" West 265.91 feet;

Thence South 34°51'07" West 347.92 feet coincident with the Northwesterly line of Spartan Drive;

Thence North 55°08'53" West 233.42 feet;

Thence South 89°33'07" East 258.67 feet;

Thence North 34°51'07" East 201.77 feet;

Thence Northeasterly 289.76 feet along the arc of curve to the right having a radius of 460.00 feet and the chord of which bears North 52°53'52" East 285.00 feet to the point of beginning.

See also attached Exhibit "A".



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

MEMO

TO: Finance Committee
FROM: Ross Buetow, Deputy Director of Public Works
DATE: May 13, 2019
SUBJECT: The following 2019 budget adjustment be approved to provide funding for unanticipated/high priority parking ramp maintenance and construction projects:

Parking Utility Fund Balance	- \$120,000
Parking Utility Operations & Maintenance	+\$120,000

In the first quarter of 2019, several unanticipated parking ramp construction and maintenance projects have been identified that were not included in our 2019 budget request. Due to the important nature of these projects, we feel that it would be an appropriate use of available Parking Division fund balance to facilitate completion in 2019. A summary and description for each of the projects is included below:

Yellow Ramp elevator fire - Insurance deductible payment (\$9,000)

The repair costs for the elevators and lobbies will be covered by insurance; however, the Parking Utility is still responsible for the unforeseen expense of this insurance deductible.

Yellow Ramp Glass Atrium Replacement - Level 7 (\$26,000 – estimated cost)

Despite ongoing repair efforts, the glass elevator atrium on the exposed upper level of the Yellow Ramp has developed water leaks that have steadily worsened over the past few years. Water from this upper atrium has started to infiltrate lower level elevator lobbies. Because of the elevator fire, all of the lower level lobbies must be refurbished in 2019, so it is imperative that we also complete the replacement of this atrium (not covered by insurance) in 2019, rather than waiting until 2020.

Green Ramp Elevator - Replacement Drive Unit (\$35,000)

In late April, the drive unit for the Superior Street Elevator of the Green Parking Ramp failed, rendering the elevator inoperable. A similar situation occurred at the Division Street elevator of the Green Ramp approximately five years ago. OTIS Elevator can no longer get replacement parts for these obsolete drive units, so full replacement is necessary to bring the elevator back into operation.

Red Ramp Fire Service Line - Emergency Repair (\$15,000 – estimated cost)

During routine maintenance of the fire protection system, a water leak was discovered in a pipe under the concrete slab of the Red ramp, near the Superior Street entrance. The repair of this line will require concrete slab excavation and isolated pipe replacement. The fire line will remain out of service until this repair is completed.

Green Ramp Secure Bicycle/Motorcycle Parking Area (\$35,000 – estimated cost)

These are estimated costs to construct secure parking areas for motorcycles and bicycles within the Green Parking Ramp. These facilities will replace those that were lost when the Blue Ramp was demolished. These costs include concrete removal/replacement, fencing, signage, pavement markings, access control, lighting and security cameras.

Thank you for considering our request to fund all of these high priority projects in 2019.

REPORT OF THE FINANCE COMMITTEE

PROJECT LIMITS:

3-P-19

SANITARY LATERALS, STORM LATERALS AND STORM MAIN

Morrison Street - Hancock Street to Wisconsin Avenue
Winnebago Street - Oneida Street to Drew Street
Carpenter Street - Taft Avenue to Fremont Street
Prospect Avenue - Seminole Road to Haskell Street
Opechee Street at Leminwah
Henry St - Warner Street to Telulah Avenue
Warner St - Henry Street to College Avenue
Harriet Street - Walter Avenue to Telulah Avenue
Erb St - Michigan Street to 100' N/O Michigan Street
Randall St - Oneida Street to Meade Street

In accordance with the preliminary resolution of the Common Council dated June 5, 2019, 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 **\$6,789,051.86.**

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 **\$459,933.92.**

Finance Committee

CONTRACT CHANGE ORDER

Change Order No.

One

Date

04/30/19

Contract No. 29-19 for the following public work : X-19 Prospect Avenue Sewer & Water Reconstruction No. 2

between Dornier Inc. and the City of Appleton dated 05/15/19 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	\$1,088,547.00	\$32,656.41	\$15,935.00	-\$15,935.00	\$1,104,482.00	\$16,721.41
2	5431.6809.3.3606	\$708,783.50	\$21,263.50	\$0.00	\$0.00	\$708,783.50	\$21,263.50
3	5230.6809.4.3009	\$604,555.00	\$18,136.65	\$0.00	\$0.00	\$604,555.00	\$18,136.65
4	Tn of Clayton-Sani Force Mn	\$84,002.50				\$84,002.50	\$0.00
5	Tn of Clayton-Water Main	\$60,296.00				\$60,296.00	\$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	\$2,546,184.00	\$72,056.56	\$15,935.00	-\$15,935.00	\$2,562,119.00	\$56,121.56

Reason for Change:

Additional materials cost to install water main through contaminated soil on Prospect Avenue just north of the railroad tracks. These materials are now required by the Wisconsin DNR when installing water main within contaminated soil areas. All water main work is within the Prospect Avenue right-of-way. Additional costs for wrapped class 52 D.I. pipe is 190' of 12" D.I. @ \$25/ft. = \$4,570 & 10' of 6" D.I. @ \$40/ft. = \$400 & 2 Bentonite Dams = \$2,000 & 13 Each 12" MJ flourocarbon gaskets @ \$200/ea = \$2600 & 10 Each Bell flourocarbon gaskets @ \$550/ea. = \$5,500 & 6 Each 6" MJ flourocarbon gaskets @ \$115/ea = \$690 & 1 Each 6" Bell flourocarbon gasket \$175/each = \$175. The total change order is \$15,935.

The Contract Time will be (unchanged) by this Change Order:

0 Days

The Date of Completion as of the date of this Change Order therefore is:

105

Finance Committee Agenda Date: 05/20/19

Date approved by Council: