

It is expected that a Quorum of the Personnel Committee, Administration Committee, and Common Council will be attending this meeting: (although it is not expected that any official action of any of those bodies will be taken)

CITY OF MENASHA
Board of Public Works
Third Floor Council Chambers
140 Main Street, Menasha
October 3, 2016
6:45 PM
or immediately following the Administration Committee

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
 - 1. [Board of Public Works, 9/19/16](#)
- D. COMMUNICATIONS
 - 1. [ES Montour, 9/29/16; Update on Racine Street/Road and Ninth Street Construction Project.](#)
- E. ACTION ITEMS
 - 1. [Payment No. 2 – Vinton Construction, Inc.; Contract Unit 2016-01; Downtown Street, Walkway and Electrical Improvements; Mill Street, Main Street, Pedestrian Link from Broad Street Parking Ramp to Main Street; \\$83,978.31.](#)
 - 2. [Payment No. 4 – Northeast Asphalt, Inc.; New Street Construction and Reconstruction, Concrete Curb and Gutter, Concrete Sidewalk, Asphalt Pavement within Parking Area, 8' Wide Asphalt Trail and Storm Sewer; Sixth Street, Ninth Street, Grandview Avenue, Manitowoc / Plank Road \(8' Wide Asphalt Trail\), Menasha Utilities Office \(Parking Area Paving\), and Community Way; Contract Unit No. 2016-02; \\$102,126.99.](#)
 - 3. [Recommendation to Award – Midway Underground Loop Project to J&R Underground in the amount of \\$154,756.25. \(Menasha Utilities\).](#)
 - 4. [Resolution R-28-16 – A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703, Wisconsin Statutes \(Introduced by Ald. Krautkramer\)](#)
 - 5. [Ordinance O-15-16 – An Ordinance Creating Private Lead Water Service Lateral Replacement Requirement \(Introduced by Ald. Krautkramer\).](#)
 - 6. [Amendments to Title 10 Chapter 1 Article C Parking Regulation \(Ald. Taylor\).](#)
 - 7. [Proposed Lease Agreement between Menasha Joint School District and City of Menasha -100 Main Street, Menasha.](#)
- F. ADJOURNMENT

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha City Clerk at 967-3603 24-hours in advance of the meeting for the City to arrange special accommodations."

CITY OF MENASHA
Board of Public Works
Third Floor Council Chambers
140 Main Street, Menasha
September 19, 2016
MINUTES

DRAFT

A. CALL TO ORDER

Meeting called to order by Chairman Krautkramer at 6:41 p.m.

B. ROLL CALL/EXCUSED ABSENCES

PRESENT: Aldermen Spencer, Nichols, Taylor, Krautkramer, Keehan, Zelinski.

EXCUSED: Aldermen Collier, Benner.

ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, FC Kloehn, ASD Steeno, CDD Buck, PHD McKenney, Clerk Galeazzi.

C. MINUTES TO APPROVE

1. [Board of Public Works, 9/6/16](#).

Moved by Ald. Keehan seconded by Ald. Nichols to approve minutes.

Motion carried on voice vote.

D. ACTION ITEMS

1. [Street Use Application – Hometown Halloween, October 27, 2016, 3:00-7:00 p.m.](#)

Mayor Merkes explained this is the annual Hometown Halloween event sponsored by Menasha Farm Fresh Market. He explained the street closure is for the safety of the participants.

Moved by Ald. Nichols seconded by Ald. Keehan to recommend to Common Council Street Use Application for Hometown Halloween on October 27, 2016 from 3:00-7:00p.m.

Motion carried on voice vote.

2. [Payment No. 3 – Northeast Asphalt, Inc.; New Street Construction and Reconstruction, Concrete Curb and Gutter, Concrete Sidewalk, Asphalt Pavement within Parking Area, 8' Wide Asphalt Trail and Storm Sewer; Sixth Street, Ninth Street, Grandview Avenue, Manitowoc / Plank Road \(8' Wide Asphalt Trail\), Menasha Utilities Office \(Parking Area Paving\), and Community Way; Contract Unit No. 2016-02; \\$92,038.75.](#)

Moved by Ald. Nichols seconded by Ald. Keehan to recommend to Common Council Payment No. 3 to Northeast Asphalt, Inc. for new street construction and reconstruction, concrete curb and gutter, concrete sidewalk, asphalt pavement within parking area, 8' wide asphalt trail and storm sewer on Sixth Street, Ninth Street, Grandview Avenue, Manitowoc/Plank Road (8' wide asphalt trail), Menasha Utilities Office (parking area paving), and Community Way, Contract Unit No. 2016-02 in the amount of \$92,038.75.

Motion carried on roll call 6-0.

E. ADJOURNMENT

Moved by Ald. Taylor seconded by Ald. Keehan to adjourn at 6:45 p.m.

Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk



September 29, 2016

Memorandum

To: Board of Public Works, Mayor Merkes

From: Tim J. Montour – Engineering Supervisor *egm*

RE: Update on Racine Street/Road and Ninth Street Construction Project

According to the most recent construction update we received from WisDOT, the Racine Street/Road Roundabout (WisDOT Project Number 1517-75-76) will be opening to traffic on Tuesday, October 4, 2016. The anticipated time of opening has not been confirmed but it is expected to be later in the day or into the evening on Tuesday.

Please contact our office with any questions related to this ongoing Project.

Certificate of Payment

Date: September 28, 2016

Payment Request: 2 (Two)

Contractor: Vinton Construction, Inc

Address: P.O. Box 1987, Manitowoc, WI 54221-1987

Contract Unit No.: 2016-01

Project Description: City of Menasha Downtown Street, Walkway & Electrical Improvements

Original Contract Amount \$ 265,487.33

Change Order No.: _____ Amount: \$ _____

Previous Change Order(s): \$ -\$25,170.58

Total Contract Amount (Including Change Orders) \$ 240,316.75

Total Earned to Date (Summary Attached) \$ 236,106.93

Less Retainage (2.5% of Contract) \$ 6,007.92

Amount Due \$ 230,099.01

Previous Payments \$ 146,120.70

Amount Due this Payment \$ 83,978.31

Estimate Period from April 27, 2016 to September 28, 2016

I certify that all bills for labor, equipment, materials and services are paid for which previous certificates for payment were issued.

Date: _____ By: _____

Lien Waivers from all subcontractors and suppliers shall accompany each Request for Payment. Affidavit of Compliance with Prevailing Wage Rates shall accompany Request for Final Payment.

Recommended for Payment

Corey Gordon, Public Works: _____ Date: _____

Don Merkes, Mayor: _____ Date: _____

Common Council Approval Date: _____

Finance Department

| <u>Account Number</u> | <u>Budget</u> | <u>Charge to Account</u> |
|-----------------------|---------------|--------------------------|
| | \$ | |
| | \$ | |
| | \$ | |
| | \$ | |

S:\PUBLICWORKS PUBLICWORKS\Contracts\Contracts 2016\2016-01 Sidewalk, Walkway and Electrical Improvements\Certificate of Payment 2.docx

Itemized Bid Tabulation
City of Menasha Contract Unit No. 2016-01

Downtown Street, Walkway and Electrical Improvements

Mill Street, Main Street, Pedestrian Link from Broad Street Parking Ramp to Main Street

PAYMENT #2

| ITEM | QUANTITY | DESCRIPTION | BASE BID | | YTD | |
|--|----------|---|--------------|--------------|----------|--------------|
| | | | UNIT PRICE | ITEM TOTAL | QUANTITY | TOTAL |
| Construction General | | | | | | |
| 10000 | 1 | Mobilization and Miscellaneous | \$ 32,500.00 | \$ 32,500.00 | 1.00 | \$ 32,500.00 |
| 90000 | 1 | Traffic Control | \$ 4,500.00 | \$ 4,500.00 | 1.00 | \$ 4,500.00 |
| Pavements and Surfaces | | | | | | |
| 90100 | 1 | Earthwork / Finish Grading | \$ 2,000.00 | \$ 2,000.00 | 1.00 | \$ 2,000.00 |
| 90101 | 3,296 | 5-inch Concrete Sidewalk | \$ 6.62 | \$ 21,819.52 | 3236.31 | \$ 21,424.37 |
| 90102 | 1,825 | 8-inch Concrete Sidewalk | \$ 8.00 | \$ 14,600.00 | 2851.22 | \$ 22,809.76 |
| 90103 | 1,534 | Bituminous Asphalt Pavement | \$ 5.56 | \$ 8,529.04 | | |
| 90104 | 252 | Poured in Place Rubber surfacing | \$ 30.00 | \$ 7,560.00 | 252.00 | \$ 7,560.00 |
| 90105 | 796 | Precast Concrete Unit Pavers | \$ 31.25 | \$ 24,875.00 | | |
| 90106 | 45 | Concrete Gutter Valley | \$ 35.00 | \$ 1,575.00 | 0.00 | \$ - |
| 90107 | 240 | Concrete Curb & Gutter 30-inch | \$ 35.00 | \$ 8,400.00 | 447.67 | \$ 15,668.45 |
| 90108 | 313 | Concrete Curb 8-inch | \$ 40.00 | \$ 12,520.00 | 285.83 | \$ 11,433.20 |
| 90109 | 1 | Concrete Table Top Crossing | \$ 6,200.00 | \$ 6,200.00 | | |
| 90110 | 221 | Concrete Curb Ramp | \$ 6.62 | \$ 1,463.02 | 0.00 | \$ - |
| 90111 | 1 | Concrete Driveway | \$ 1,500.00 | \$ 1,500.00 | 1.00 | \$ 1,500.00 |
| 90112 | 16 | Detectable Warning Plates - Install Only | \$ 20.00 | \$ 320.00 | 14.00 | \$ 280.00 |
| 90113 | 2 | Trench Grate & Concrete Channel | \$ 650.00 | \$ 1,300.00 | 2.00 | \$ 1,300.00 |
| 90114 | 870 | Pavement Marking, MMA | \$ 13.00 | \$ 11,310.00 | | |
| 90115 | 1 | Pavement Marking, Striping | \$ 5,000.00 | \$ 5,000.00 | 1.00 | \$ 5,000.00 |
| Landscape Plantings and Accessories | | | | | | |
| 90200 | 2.00 | Tree Grate, Type A - Install Only | \$ 562.50 | \$ 1,125.00 | 2.00 | \$ 1,125.00 |
| 90201 | 4 | Tree Grate, Type B - Install Only | \$ 562.50 | \$ 2,250.00 | | |
| 90202 | 8 | Tree, 'Cleveland Select Callery Pear', 1 1/2", B&B | \$ 550.00 | \$ 4,400.00 | | |
| 90203 | 3 | Tree, 'Princeton Sentry' Ginkgo, 2", B&B | \$ 1,018.75 | \$ 3,056.25 | | |
| 90204 | 1 | Shrub, Dwarf-bush Honeysuckle, 30" Ht., Cont. | \$ 65.00 | \$ 65.00 | 1.00 | \$ 65.00 |
| 90205 | 1 | Shrub, Tiger Eyes Cutleaf Staghorn Sumac, 10 Gal., Cont. | \$ 100.00 | \$ 100.00 | 1.00 | \$ 100.00 |
| 90206 | 16 | Shrub, Northern Charm Boxwood, 18" Ht., Cont. | \$ 100.00 | \$ 1,600.00 | | |
| 90207 | 10 | Perennial, 'Blue Fortune' Anise Hyssop, 1 Gal., Cont. | \$ 26.25 | \$ 262.50 | 10.00 | \$ 262.50 |
| 90208 | 6 | Perennial, 'Halfway to Arkansas' Narrow Left Blue Star, 1 Gal., Cont. | \$ 26.25 | \$ 157.50 | 6.00 | \$ 157.50 |
| 90209 | 113 | Perennial, 'Summer Beauty' Allum, 1 Gal., Cont. | \$ 26.25 | \$ 2,966.25 | 113.00 | \$ 2,966.25 |
| 90210 | 19 | Perennial, Dwarf Blue Indigo, 1 Gal., Cont. | \$ 26.25 | \$ 498.75 | 19.00 | \$ 498.75 |
| 90211 | 3 | Perennial, 'Karl Forester' Feather Reed Grass, 1 Gal., Cont. | \$ 26.25 | \$ 78.75 | 3.00 | \$ 78.75 |
| 90212 | 41 | Perennial, Lesser Calamintha, 1 Gal., Cont. | \$ 26.25 | \$ 1,076.25 | 41.00 | \$ 1,076.25 |
| 90213 | 41 | Perennial, 'Red Knee High' Coneflower, 1 Gal., Cont. | \$ 26.25 | \$ 1,076.25 | 41.00 | \$ 1,076.25 |
| 90214 | 3 | Perennial, 'Blue Angel' Hosta, 1 Gal., Cont. | \$ 52.50 | \$ 157.50 | 3.00 | \$ 157.50 |
| 90215 | 6 | Perennial, 'Morning Light' Miscanthus, 2 Gal., Cont. | \$ 26.25 | \$ 157.50 | 6.00 | \$ 157.50 |
| 90216 | 38 | Perennial, 'Shenandoah' Switchgrass, 1 Gal., Cont. | \$ 26.25 | \$ 997.50 | 38.00 | \$ 997.50 |
| 90217 | 10 | Perennial, 'Autumn Joy' Sedum, 1 Gal., Cont. | \$ 26.25 | \$ 262.50 | 10.00 | \$ 262.50 |
| 90218 | 152 | Perennial, 'Tara' Prairie Dropseed, 1 Gal., Cont. | \$ 26.25 | \$ 3,990.00 | 152.00 | \$ 3,990.00 |
| 90219 | 72 | Perennial, 'Blue Heaven' Little Bluestem, 1 Gal., Cont. | \$ 26.25 | \$ 1,890.00 | 72.00 | \$ 1,890.00 |
| 90220 | 48 | Bulb, 'Gander's Rhapsody' Triumph Tulip, 12 cm, Bulb | \$ 10.00 | \$ 480.00 | 0.00 | \$ - |
| 90221 | 136 | Planting Soil | \$ 93.75 | \$ 12,750.00 | 136.00 | \$ 12,750.00 |
| 90222 | 215 | Shredded Hardwood Bark Mulch | \$ 7.50 | \$ 1,612.50 | 180.00 | \$ 1,350.00 |
| Site Specialty Items | | | | | | |
| 90300 | 15 | Skate Deterrents | \$ 100.00 | \$ 1,500.00 | 15.00 | \$ 1,500.00 |
| 90301 | 1 | Community Table | \$ 17,875.00 | \$ 17,875.00 | 1.00 | \$ 17,875.00 |

| | | | | | | |
|--|--------|--|--------------|-----------------------|--------|----------------------|
| 90302 | 1 | Stone Couch, Small | \$ 3,125.00 | \$ 3,125.00 | 1.00 | \$ 3,125.00 |
| 90303 | 1 | Stone Couch, Large | \$ 10,625.00 | \$ 10,625.00 | 1.00 | \$ 10,625.00 |
| 90304 | 2 | Stone Pier | \$ 3,125.00 | \$ 6,250.00 | 2.00 | \$ 6,250.00 |
| 90305 | 2 | Outdoor Picture Frame, 5'-0" x 7'-0" | \$ 2,187.50 | \$ 4,375.00 | | |
| 90306 | 1 | Outdoor Picture Frame, 2'-6" x 4'-9" | \$ 1,687.50 | \$ 1,687.50 | | |
| 90307 | 1 | Outdoor Picture Frame, 2'-6" x 3'-6" | \$ 1,406.25 | \$ 1,406.25 | | |
| 90308 | 2 | Outdoor Picture Frame, 2'-4" x 3'-0" | \$ 1,343.75 | \$ 2,687.50 | | |
| 90309 | 2 | Outdoor Picture Frame, 2'-4" x 2'-4" | \$ 1,156.25 | \$ 2,312.50 | | |
| Lighting | | | | | | |
| 90400 | 50 | Electrical 3/4" Rigid Metal Conduit | \$ 8.00 | \$ 400.00 | 25.00 | \$ 200.00 |
| 90401 | 500 | Electrical 3/4" Rigid Non-Metallic Conduit | \$ 4.00 | \$ 2,000.00 | 250.00 | \$ 1,000.00 |
| 90402 | 20 | Electrical 1" Rigid Metal Conduit | \$ 10.00 | \$ 200.00 | 10.00 | \$ 100.00 |
| 90403 | 95 | Electrical 1" Rigid Non-Metallic Conduit | \$ 4.00 | \$ 380.00 | 47.00 | \$ 188.00 |
| 90404 | 600 | Electrical Wire, Cable Type UF 12 AWG | \$ 1.50 | \$ 900.00 | 200.00 | \$ 300.00 |
| 90405 | 60 | Electrical Wire, Cable Type UF 10 AWG | \$ 2.00 | \$ 120.00 | 0.00 | \$ - |
| 90406 | 1 | Wall Mounted Junction Box | \$ 375.00 | \$ 375.00 | 1.00 | \$ 375.00 |
| 90407 | 9 | Duplex Receptables | \$ 85.00 | \$ 765.00 | 0.00 | \$ - |
| 90408 | 8 | Receptacle Pedestal | \$ 375.00 | \$ 3,000.00 | 0.00 | \$ - |
| 90409 | 2 | Concrete Signal Base | \$ 675.00 | \$ 1,350.00 | 2.00 | \$ 1,350.00 |
| 90410 | 1 | LED Under Table Lighting | \$ 8,425.00 | \$ 8,425.00 | 1.00 | \$ 8,425.00 |
| 90411 | 6 | Ingrade Lighting, Flood, Type OF2 | \$ 1,075.00 | \$ 6,450.00 | 6.00 | \$ 6,450.00 |
| 90412 | 2 | Ingrade Lighting, Flood, Type OF2 | \$ 1,100.00 | \$ 2,200.00 | 2.00 | \$ 2,200.00 |
| 90413 | 1 | LED Festoon String Lighting | \$ 1,250.00 | \$ 1,250.00 | 1.00 | \$ 1,250.00 |
| TOTAL BASE BID | | | | \$ 286,640.33 | | \$ 216,150.03 |
| Alternate Bid #1 - Replace Precast Concrete Unit Pavers with Colored Concrete | | | | | | |
| 90500 | 796 | 5-inch Colored Concrete | \$ 7.00 | \$ 5,572.00 | 972.60 | \$ 6,808.20 |
| 0 | 4 | Tree Grate, Type A - Install Only | \$ 100.00 | \$ 400.00 | 3.00 | \$ 300.00 |
| 0 | 796 | <i>DEDUCT Precast Concrete Unit Pavers</i> | \$ (31.25) | \$ (24,875.00) | | \$ - |
| 0 | 4 | <i>DEDUCT Tree Grate, Type B - Install Only</i> | \$ (562.50) | \$ (2,250.00) | | \$ - |
| Total Alternate Bid #1 | | | | \$ (21,153.00) | | \$ 7,108.20 |
| TOTAL CONTRACT BASE BID PLUS ALTERNATE BID #1 | | | | \$ 265,487.33 | | \$ 223,258.23 |
| Change Order #1 | | | | | | |
| 90305 | -2 | Outdoor Picture Frame, 5'-0" x 7'-0" | \$ 2,187.50 | \$ (4,375.00) | 0.00 | \$ - |
| 90306 | -1 | Outdoor Picture Frame, 2'-6" x 4'-9" | \$ 1,687.50 | \$ (1,687.50) | 0.00 | \$ - |
| 90307 | -1 | Outdoor Picture Frame, 2'-6" x 3'-6" | \$ 1,406.25 | \$ (1,406.25) | 0.00 | \$ - |
| 90308 | -2 | Outdoor Picture Frame, 2'-4" x 3'-0" | \$ 1,343.75 | \$ (2,687.50) | 0.00 | \$ - |
| 90309 | -2 | Outdoor Picture Frame, 2'-4" x 2'-4" | \$ 1,156.25 | \$ (2,312.50) | 0.00 | \$ - |
| 90202 | -8 | Tree, 'Cleveland Select Gallery Pear', 1 1/2", B&B | \$ 550.00 | \$ (4,400.00) | 0.00 | \$ - |
| 90203 | -3 | Tree, 'Princeton Sentry' Ginkgo, 2", B&B | \$ 1,018.75 | \$ (3,056.25) | 0.00 | \$ - |
| 90206 | -16 | Shrub, Northern Charm Boxwood, 18" Ht., Cont. | \$ 100.00 | \$ (1,600.00) | 0.00 | \$ - |
| Total Change Order #1 | | | | \$ (21,525.00) | | \$ - |
| Change Order #2 | | | | | | |
| 90103 | -1,534 | Bituminous Asphalt Pavement | \$ 5.56 | \$ (8,529.04) | 0.00 | \$ - |
| 90109 | -1 | Concrete Table Top Crossing | \$ 6,200.00 | \$ (6,200.00) | 0.00 | \$ - |
| 90114 | -870 | Pavement Marking, MMA | \$ 13.00 | \$ (11,310.00) | 0.00 | \$ - |
| 90102 | 1075 | 8-inch Concrete Sidewalk | \$ 8.00 | \$ 8,600.00 | 0.00 | \$ - |
| 0 | 742 | 8-inch Color Concrete Crosswalk | \$ 11.33 | \$ 8,406.86 | 680.15 | \$ 7,706.10 |
| 0 | 128 | 13-inch Color Concrete Crosswalk | \$ 13.70 | \$ 1,753.60 | 110.19 | \$ 1,509.60 |
| 0 | 2 | Table Top Ramp | \$ 1,816.50 | \$ 3,633.00 | 2.00 | \$ 3,633.00 |
| Total Change Order #2 | | | | \$ (3,645.58) | | \$ 12,848.70 |
| TOTAL CONTRACT BASE BID, ALTERNATE BID #1, CO#1, & CO#2 | | | | \$ 240,316.75 | | \$ 236,106.93 |



September 29, 2016

Memorandum

To: Board of Public Works, Mayor Merkes

From: Tim J. Montour – Engineering Supervisor *egm*

RE: Update on Unit 2016-02

Excavation of the proposed eight (8) foot wide asphalt trail on Manitowoc Road/Plank Road from Oneida Street to Deer Haven Drive began on September 27, 2016 after all of the affected utilities were relocated to the new utility poles. The gravel base course is being placed immediately following the trail excavation and will be followed by the concrete handicap ramps and the asphalt trail. It is anticipated that this contract will be completed prior to the October 29, 2016 completion date.

Please contact our office with any questions related to Unit 2016-02.

S:\PUBLICWORKS PUBLICWORKS\timm\Memorandum Unit 2016-02 (9_29_2016).docx

Certificate of Payment

Date: September 29, 2016

Payment Request: 4 (Four)

Contractor: Northeast Asphalt, Inc.

Address: W6380 Design Drive, Greenville, WI 54952

Contract Unit No.: 2016-02

Project Description: New Street Construction and Reconstruction, Concrete Curb and Gutter, Concrete Sidewalk, Asphalt Pavement, Asphalt Pavement within Parking Area, 8' Wide Asphalt Trail and Storm Sewer

Original Contract Amount \$ 893,042.04

Change Order No.: _____ Amount: \$ _____

Previous Change Order(s): \$ _____

Total Contract Amount (Including Change Orders) \$ 893,042.04

Total Earned to Date (Summary Attached) \$ 737,412.44

Less Retainage (2.5% of Original Contract) \$ 22,326.05

Amount Due \$ 715,086.39

Previous Payments \$ 612,959.40

Amount Due this Payment \$ 102,126.99

Estimate Period from September 15, 2016 to September 29, 2016

I certify that all bills for labor, equipment, materials and services are paid for which previous certificates for payment were issued.

Date: _____ By: _____

Lien Waivers from all subcontractors and suppliers shall accompany each Request for Payment. Affidavit of Compliance with Prevailing Wage Rates shall accompany Request for Final Payment.

Recommended for Payment

Corey Gordon, Public Works: _____ Date: _____

Don Merkes, Mayor: _____ Date: _____

Common Council Approval Date: _____

Finance Department

| <u>Account Number</u> | <u>Budget</u> | <u>Charge to Account</u> |
|-----------------------|---------------|--------------------------|
| | \$ | |
| | \$ | |
| | \$ | |
| | \$ | |

Certificate of Payment

Date: September 29, 2016

Payment Request: 4 (Four)

Contractor: Northeast Asphalt, Inc.

Address: W6380 Design Drive, Greenville, WI 54952

Contract Unit No.: 2016-02

Project Description: New Street Construction and Reconstruction, Concrete Curb and Gutter, Concrete Sidewalk, Asphalt Pavement, Asphalt Pavement within Parking Area, 8' Wide Asphalt Trail and Storm Sewer

Original Contract Amount \$ 893,042.04

Change Order No.: _____ Amount: \$ _____

Previous Change Order(s): \$ _____

Total Contract Amount (Including Change Orders) \$ 893,042.04

Total Earned to Date (Summary Attached) \$ 737,412.44

Less Retainage (2.5% of Original Contract) \$ 22,326.05

Amount Due \$ 715,086.39

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Estimate Period from September 15, 2016 to September 29, 2016

I certify that all bills for labor, equipment, materials and services are paid for which previous certificates for payment were issued.

Date: _____ By: _____

Lien Waivers from all subcontractors and suppliers shall accompany each Request for Payment. Affidavit of Compliance with Prevailing Wage Rates shall accompany Request for Final Payment.

Recommended for Payment

Corey Gordon, Public Works: _____ Date: _____

Don Merkes, Mayor: _____ Date: _____

Common Council Approval Date: _____

Finance Department

| Account Number | Budget | Charge to Account |
|----------------|--------|-------------------|
| | \$ | |
| | \$ | |
| | \$ | |
| | \$ | |



MEMORANDUM

TO: Public Works Department

FROM: Melanie Krause, General Manager
Steve Grenell, Engineering Manager

DATE: September 28, 2016

SUBJECT: Recommendation for Award

At the Regular Meeting on September 28, the Menasha Utilities Commission passed a motion for the Board of Public Works to recommend to the Common Council authorization of award of the Midway Loop project to J&R Underground in the amount of \$154,756.25. This contract is for installation of the electrical plant materials as well as a 2" duct bore that can be used for future fiber installation.

Copies of supporting documents are enclosed.



September 22, 2016

sent via email: sgrenell@wppienergy.org

Steve Grenell
Menasha Utilities
321 Milwaukee St.
PO Box 340
Menasha, WI 54952

**Subject: Menasha Utilities – Midway Underground Loop Project
Construction Bid Results and Recommendation to Award**

Dear Steve:

This letter is to summarize the sealed bid process and results for construction labor regarding the Midway Underground Loop Project, along with a recommendation to award this Contract.

On September 13, 2016, invitations to bid on unit priced labor were sent to three pre-qualified electrical construction contractors. Class II advertisements were also run for this project. Subsequent to the initial invitation to bid and advertisement, Holtger Bros., Inc., Michels Corporation, and Elmstar Electric Corporation requested a copy of the bid documents, and these were provided on August 19, 2016, August 22, 2016, and August 24, 2016, respectively. Four sealed bid packages were received by 1:00pm on September 13, 2016 at the Menasha Utilities (Menasha) office at 321 Milwaukee Street, Menasha, WI. The sealed bids were opened by you and witnessed by Melanie Krause, Greg Shull, and myself. No bidders were present in person to witness the sealed bid opening.

The four contractors who submitted sealed bids were J&R Underground, Michels Corporation, RK Enterprises of Wisconsin, and Holtger Bros.

A detailed review of the four submitted bid packages resulted in the determination that the lowest estimated bid was received from J&R Underground with the second lowest received from Michels Corporation. A summary of the total estimated bid prices is outlined below:

| BIDDER | BID PRICE |
|----------------------|--------------|
| J&R Underground | \$154,756.25 |
| Michels Corporation | \$190,979.21 |
| RK Enterprises of WI | \$199,765.00 |
| Holtger Bros. | \$324,340.00 |

Upon review of the bids received, we recommend that Menasha Utilities award the Midway Underground Loop Project to J&R Underground in the estimated amount of \$154,756.25. This price includes installation of the electrical plant as well as an bore that can be used for future fiber installation.

Enclosed is the bid tabulation as well as an electronic copy of pertinent bid documents received from J&R Underground. Please review these documents at your convenience. PSE will submit draft contract documents to Menasha for approval prior to final award.

If no questions arise, please respond indicating approval to award the project to J&R Underground. Upon approval from Menasha, a Notice of Intent to Award will be issued to J&R Underground. The Menasha Board and Council approval process may also begin at this time. Assuming all approvals will be granted, a Notice to Proceed will be issued to J&R Underground directing them to secure the Performance Bond and the required Insurance Certificates. Upon receipt of these documents from J&R Underground, PSE will compile the final contracts and deliver them to you for the appropriate signatures.

Please feel free to contact me via phone or email if you have any questions or would like to discuss these items further.

Sincerely,

A handwritten signature in black ink, appearing to read "M. H. Mezera".

Michael H. Mezera
Manager of Line Design

enclosures

| | |
|----------------|--------------------------------|
| Bidder: | J&R Underground LLC |
|----------------|--------------------------------|

New Construction

| Unit | Bid Qty | Bid Price per Unit | Extended Price |
|------------------------------------|---------|--------------------|----------------|
| #1 - 6" Duct Bored Installation | 4025 | \$ 29.75 | \$ 119,743.75 |
| #2 - 750 MCM AL URD Installation | 4025 | \$ 2.90 | \$ 11,672.50 |
| #3 - 4/0 AWG AL URD Installation | 150 | \$ 2.90 | \$ 435.00 |
| #4 - Switchgear Base Installation | 1 | \$ 750.00 | \$ 750.00 |
| #5 - Switchgear Installation | 1 | \$ 750.00 | \$ 750.00 |
| #6 - Junction Cabinet Installation | 6 | \$ 550.00 | \$ 3,300.00 |
| #7 - Grounding Assembly UM48-2F | 6 | \$ 65.00 | \$ 390.00 |
| #8 - Grounding Assembly UM48-5 | 1 | \$ 65.00 | \$ 65.00 |
| #9 - Miscellaneous Excavation | 1 | \$ 250.00 | \$ 250.00 |
| #10 - Restoration | 1 | \$ 1,300.00 | \$ 1,300.00 |
| #11 - 2" Duct Bored Installation | 4025 | \$ 4.00 | \$ 16,100.00 |
| | | | \$ - |
| | | | \$ - |
| | | | \$ - |
| | | | \$ - |
| | | | \$ - |
| | | | \$ - |
| | | | \$ - |
| | | | \$ - |
| | | | \$ - |
| | | | \$ - |

| | |
|-----------------------------------|----------------------|
| Total for New Construction | \$ 154,756.25 |
|-----------------------------------|----------------------|

RESOLUTION R-28-16

A PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703, WISCONSIN STATUTES

Introduced by Alderman Krautkramer

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

1. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following:

- A. Improvements
 - 1. Relocation of Sanitary, Water and Storm Laterals Within Street Right of Way
 - 2. Final Street Paving
 - 3. Electric Service
 - 4. Associated Engineering Costs

- B. Location of Improvements
 - 1. Lake Cottage Estates

2. The total amount assessed against such improvements shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power, and the amount assessed against each parcel shall be on a cost per front foot, area, or unit cost basis.

3. That the assessment against any parcel shall be paid in accordance with Section 3-2-14 of the Menasha Municipal Code.

4. The Board of Public Works is directed to compile a report consisting of:

- A. Plans and Specifications of said improvements.
- B. A summary of the allotted cost of the said improvements.
- C. A schedule of proposed assessments showing the properties which are benefited by the improvement.

Upon completing such report, the Board of Public Works is directed to file a copy thereof in the City Clerk's Office for public inspection.

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

6. The notice and hearing requirements under paragraph 5 do not apply if they are waived, in writing, by all the owners of property affected by the special assessment, as specified in Section 66.0703(7)(b), Wisconsin Statutes.

Passed and approved this day of , 2016.

Donald Merkes, Mayor

Attest: _____
Deborah A. Galeazzi, City Clerk

ORDINANCE O -15 - 16

AN ORDINANCE CREATING PRIVATE LEAD WATER SERVICE LATERAL REPLACEMENT REQUIREMENT

Introduced by Alderman Krautkramer.

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

SECTION 1: Amend by Creating Title , Chapter , SEC. of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

Title –

CHAPTER

WHEREAS, the Utility Commission has requested and recommended the Common Council adopt the attached ordinance mandating the replacement of private water service laterals containing lead at the time city water mains are replaced in order to protect health and safety and to meet state and federal water quality requirements;

Sec. 1 **WATER SERVICE LATERALS.** Every water service lateral connected to the Utility shall be made of suitable material as determined by the Power and Light Commission.

Sec. 2 **LEAD WATER SERVICE REPLACEMENT PROGRAM.**

(1) Intent and Purpose. The Common Council of the City of Menasha finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead water service laterals in use within both the Menasha Utilities Water system (Utility) and in private systems and to that end declares the purposes of this ordinance to be as follows:

- (a) To ensure the water quality at every tap of Utility customers meets the water quality standards specified under the Federal Safe Drinking Water Act;
- (b) To reduce the lead in City drinking water to meet Environmental Protection Agency (EPA) standards and ideally to reduce lead contaminant level to zero in City drinking water for the health of City residents;
- (c) To eliminate the constriction of water flow caused by mineral rich surface water flowing through lead water service pipes and the consequent buildup of mineral deposits inside lead pipes; and
- (d) To meet the Wisconsin Department of Natural Resource (WDNR) requirements for local compliance with the Lead and Copper Rule (see 56FR6460; 40 CFR part 141.80-141.90 and Chapter NR 809.541-809.55 Wisconsin Administrative Code).

(2) Owner to Replace Lead Service. Existing lead water service laterals connected to the Utility shall be replaced with water service laterals made of suitable material and at the owner's expense. Replacement shall be completed either before or in conjunction with the next water main project in the area of the affected property.

(a) Affected property owners may contract with a licensed contractor to complete the replacement. If the property owner selects this option, the

lead water service lateral shall be replaced before the Utility replaces the main or during construction; or,

(b) If available, affected property owners may have the Utility contractors complete the replacement.

1. The Utility may, as part of any water main project, add an alternative to the Utility's contract requesting unit bid prices for the calculation of the cost for private lead water service lateral replacement. This will include removing the entire lateral from the main to the inside of the house and replacing all lead piping with suitable material.

2. If available and should the property owner select this option, the property owner will be charged the entire cost of the removal and replacement. In addition, all restoration will be the responsibility of the property owner (for example, top soil, concrete, steps, asphalt, bushes, and porches).

(3) WATER SYSTEM RECONSTRUCTION.

(a) Notification to Property Owners. Property owners in the project area will be notified, in writing, of capital improvement projects involving public water mains. The notification shall be at least 30 days prior to commencement of the water main construction.

(b) Inspection Required. The Water Utility Manager or his/her designee shall inspect all private connections to the public water mains for the presence of lead prior to, if possible, or at the time that the Utility system is to be reconstructed and if unable to gain access for inspection, may pursue an inspection warrant.

(c) In the event that a private water service lateral is found to contain lead the Water Utility Manager or his/her designee shall immediately notify the owner, in writing, by US Mail, of that fact along with information about the City's Lead Water Service Lateral Replacement Program.

1. The affected property owner shall provide proof of arrangements for replacement of the lead water service lateral to the Water Utility Manager or his/her designee within 30 days of the date of the notification letter.

Sec. 3 **AUTHORITY TO DISCONTINUE SERVICE.** As an alternative to any other methods for obtaining compliance with the requirements of this Municipal Code regarding replacement of illegal private water laterals, the Utility may, as provided in Water Utility Operating Rules approved by the Wisconsin Public Service Commission, discontinue water service to such property served by illegal private water service lateral after reasonable notice and an opportunity for hearing before the Menasha Utility Commission.

SECTION 2: EFFECTIVE DATE. The effective date of this ordinance shall be January 1, 2017

Passed and approved this day of , 2016.

ATTEST:

Donald Merkes, Mayor

Deborah A. Galeazzi, City Clerk



Date: September 28, 2016

To: Board of Public Works, City of Menasha

From: Tim Gosz, Water Utility Manager, Menasha Utilities

Re: Lead Ordinance

Menasha Utilities is requesting that a lead service ordinance be passed. The ordinance would require that Menasha Water Customers with lead service lines on their private property replace their portion of the service, at the same time Menasha Utilities replaces its section of the service line. The Utilities section is from the water main to the curb stop and Menasha Utilities replaces their portion of services when replacing water mains. PSC rules prohibit Utilities from replacing homeowners' portion of services.

Lead in drinking water can cause a variety of adverse health effects. Babies and children are especially vulnerable; exposure to lead in drinking water above the action level can result in delays in physical and mental development, along with slight deficits in attention span and learning abilities. In adults, it can cause increases in blood pressure. Adults who drink this water over many years could develop kidney problems or high blood pressure. The goal of this ordinance is to protect human health.

Lead is not found in our source water, but enters tap water through corrosion of plumbing materials. Lead services were installed until the late 1940s to early 1950s. Up until 1986 lead solder was used in homes and plumbing fixtures can contain lead. Menasha Water department uses DNR approved corrosion control and unidirectional flushing to maintain lead levels below action levels. We have also been replacing our portion of lead services when replacing water mains since 1990. We work diligently to provide safe quality water to Menasha's residents.

While the efforts to reduce lead in drinking water have helped and are necessary. The corrosion control, changes in flushing practices, replacing mains, and replacing our portion of lead services are only a bandage approach to correct the lead issue. Removing lead from the entire system is the only way to truly correct the problem. The lead service ordinance will start Menasha on the path to lead free drinking water for all its residence.

The cost of replacing the customer's portion of the lead service which is from the curb stop to the meter in the house can range from \$ 800.00 to \$ 2,500.00. We do realize that this is a lot of money for most families and homeowners to have to come up with. That is why we have applied for and received a grant for \$ 300,000.00 from the state for help funding private lead service replacement. Listed is the program Menasha Utilities will kick off in 2017 to provide help to residents replacing their lead service.

Program Details

There are two scenarios a residence qualifies for Menasha Utilities Private Lead Service Replacement rebate:

1. If during Water Main replacement at the location of the lead service the owner replaces their portion of the service.
2. If at a prior date MU had replaced the utility's portion of the lead service and the homeowners portion was not replaced but have their portion replaced during this program.

MU will develop a list of pre-approved contractors that qualify to replace services. They must meet federal standards (Davis Bacon, American Steel and Iron) or the service replacement will not be eligible for rebate. The WDNR and Federal Government are still working out the details. If the owner uses a pre-approved contractor they will be eligible for the following rebates.

Menasha Utilities will rebate property owners fifty percent (50%) of the cost to replace the owner's portion of the lead service up to \$ 1,000.00.

If the Homeowner qualifies for energy assistance based on family income Menasha Utilities will rebate seventy five percent (75%) of the cost to replace the owner's portion of the lead service up to \$ 1,500.00.

Definitions:

1. **Lead Service Line** means a service line made of lead that connects the water main to the building inlet.
2. **Partial lead service line replacement** is the practice of replacing only the portion of a lead service line on Menasha Utilities side of the service (from the shut off valve usually located in the terrace).
3. **Full lead service line replacement** involves replacing both the portion of the lead service line owned by the customer (from the shut off valve to the meter in the house) as well as that owned by Menasha Utilities

Services that both the private and utility portions are lead would only be eligible for the rebate when the water main is being replaced. The cost of road repairs prohibits total service replacements on a individual basis.

The \$ 300,000.00 funding must be used within two years; there will be funding available in 2018 from the state for lead service replacement. It has not been determined yet who will qualify for that funding. With the nationwide concern over lead in drinking water we are hopeful that more funding will become available in the coming years to continue this program.

Recommendation:

The Commission approved the program at the September 28, 2016 and recommends to City Council the approval of the Private Lead Water Service Lateral Replacement Requirement Ordinance that is attached.

Lead Service Line Replacement Ordinance

Commission recommendation 9/28/16

Tim Gosz
Water Utility Manager

How Much Lead is Too Much Lead?

- › There is no known level of lead exposure that is considered safe
- › Lead is measured in Parts Per Billion (PPB)
- › How small is a PPB?
 - In an Olympic size swimming pool (660,000 Gallons)
 - 1PPM (Parts per Million) = 1 ¼ Two Liter Bottle
 - 1 PPB = ½ Teaspoon

What Are The Sources Of Lead in Our Lives?

- › Lead Based Paints and Varnish.
- › Contaminated Soil and Dust.
- › Water Lines and Plumbing Fixtures.

How Does Lead get into Your Drinking Water

- › Old lead services lines from the street to the house.
 - Lead was installed until about 1950.
- › Lead solder in pipes in your home
 - Banned in Wisconsin in 1984.
- › Lead plumbing fixtures including faucets.

Health Effects of Lead

Children – Even low levels of lead in the blood of children can result in:

- Behavior and learning problems
- Lower IQ and hyperactivity
- Slowed growth
- Hearing problems
- Anemia
- In rare cases, ingestion of lead can cause seizures, coma and even death.

Health Effects Cont.

Pregnant Women

- Reduced growth of the fetus
- Premature birth

Adults

- Lead is also harmful to adults. Adults exposed to lead can suffer from:
- Cardiovascular effects, increased blood pressure and incidence of hypertension
- Decreased kidney function
- Reproductive problems (In both men and women)

How is Lead Regulated in Drinking Water

- ▶ Action level of 15 PPB at the 90th percentile
- ▶ The lead action level is exceeded if the concentration of lead in more than 10% of tap water samples collected during any monitoring period conducted is greater than 15 ppb, which means if the "90th percentile" lead level is greater than 15 ppb.

Lead And Copper Rule

- ▶ 1991 Lead and Copper Rule (LCR). The LCR established an action level for drinking water lead, above which water systems must install corrosion control treatment.
- ▶ If the action level is not met after installing corrosion control treatment, then lead service line replacement (LSLR) is required. Under the 2000 LCR revisions, water systems must replace only the portion of the lead service line that it owns. This is termed a partial LSLR (PLSLR).

Lead and Copper cont.

- ▶ The EPA Science Advisory Board concludes that PLSLRs have not been shown to reliably reduce drinking water lead levels in the short term, ranging from days to months, and potentially even longer. Additionally, PLSLR is frequently associated with short-term elevated drinking water lead levels for some period of time after replacement, suggesting the potential for harm, rather than benefit during that time period.

What is a Lead Service

- **Lead Service Line:** means a service line made of lead that connects the water main to the building inlet.
- **Partial lead service line replacement:** is the practice of replacing only the portion of a lead service line on Menasha Utilities side of the service (from the shut off valve usually located in the terrace).
- **Full lead service line replacement:** involves replacing both the portion of the lead service line owned by the customer (from the shut off valve to the meter in the house) as well as that owned by Menasha Utilities.

Lead Service Lines In Menasha

- ▶ We estimate that there are between 1,200 to 1,500 lead services in Menasha
 - Older data did not include type of services.
 - Planning to door to door survey older area of City to get a accurate number of lead services.

What are the Latest Results For Menasha Utilities?

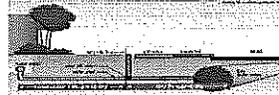
- ▶ Menasha Utilities is required to test 30 sites every 3 years.
- ▶ If the 90th percentile is less than 15 PPB our drinking water is in compliance with State regulations.
- ▶ Menasha latest test results are 11.0 PPB at the 90th percentile (6/18/2014)
- ▶ Next monitoring period June 2017.

How is Menasha Utilities Addressing Lead in our System

- › Corrosion Control
- › Unidirectional Flushing Program
- › Removal of Lead Services
 - Partial Lead Service Replacement
- › Community Education

Who is Responsible for the Cost of Replacing Lead Services

- › From the curb stop to the water main is owned by MU and the Utility is responsible for the cost of replacement.



- › From the curb stop to the house is owned by the homeowner and the homeowner is responsible for the cost of replacement.

Goal: Lead Free Water for all Menasha Residents

- › Menasha Utilities has worked diligently to provide its customers the highest quality water possible to protect public health. While the efforts to reduce lead in drinking water have helped and are necessary. The corrosion control, changes in flushing practices, replacing mains, and replacing our portion of lead services are only a bandage approach to correct the lead issue. Removing lead from the entire system is the only way to truly correct the problem.

Menasha Utilities

- › Have been replacing our portion of the lead services since the 1990s.
- › Over the past 5 years we have been encouraging the homeowner to replace their portion of the lead service line as well.
- › We have been evaluating methods to minimize the cost and burden on the homeowners who wish to replace their portion of a lead service.

Why a Lead Service Replacement Ordinance

- › Protect Public Health
- › Partial Lead Service Line Replacement
 - Does not reduce lead exposure from the water
 - Can significantly elevate lead levels for several months in the water
- › Full Lead Service Line Replacement
 - Reduces lead exposure for a child or adult who drinks water from the residence

Why Ordinance Cont.

- › Removes the source of lead in the Distribution system.
- › Starts Menasha on the path to a Lead Free Drinking Water Community.
- › There is no lead in our raw or finished water entering the Distribution system. All lead is coming from the Distribution system or household plumbing.

How will the Ordinance Work

- › Requires property owner to replace their lead service when Utility is replacing the water main on the street of the residence.
- › Utility will request a price from our contractor for replacing services when doing the main.
- › Owner can find their own contractor or use the Utility contractor replacing the main.

Where Do We Go From Here

- › WDNR
 - › State Revolving Loan Program has made money available for the replacement of customers portion of the lead service.
 - › The loan has 100% principal forgiveness so we do not have to pay back and it is dedicated to replacing private lead services.
 - › Cannot be used to replace any portion of the Utility's lead service.

Lead Service Replacement Program

Proposed Program Details: We are approved for \$300,000 by the State. There are two scenarios a residence qualifies for Menasha Utilities private lead service replacement rebate:

- If during water main replacement at the location of the lead service the owner replaces their portion of the service.
- If at a prior date MU had replaced the utility's portion of the lead service and the homeowners portion was not replaced can have their portion replaced with this program.

Program Details Cont.

- › Menasha Utilities will rebate property owners fifty percent (50%) of the cost to replace the owner's portion of the lead service up to \$1,000.00.
- › If the Homeowner qualifies for energy assistance based on family income Menasha Utilities will rebate seventy five percent (75%) of the cost to replace the owner's portion of the lead service up to \$1,500.00.

Qualifying Income

2015 DATA

| HOUSEHOLD SIZE | ONE MONTH | THREE MONTH | ANNUAL INCOME |
|----------------|-----------|-------------|---------------|
| • 1 | \$2,133 | \$6,400 | \$25,601 |
| • 2 | \$2,790 | \$8,370 | \$33,478 |
| • 3 | \$3,446 | \$10,339 | \$41,355 |
| • 4 | \$4,103 | \$12,308 | \$49,232 |
| • 5 | \$4,759 | \$14,277 | \$57,109 |
| • 6 | \$5,416 | \$16,247 | \$64,986 |
| • 7 | \$5,539 | \$16,616 | \$66,463 |
| • 8 | \$5,662 | \$16,985 | \$67,940 |

(Income amounts will change annually)

State Requirements

MU will develop a list of pre-approved contractors that qualify to replace services. They must meet federal standards (Davis Bacon, American Steel and Iron) or the service replacement will not be eligible for rebate. The WDNR and Federal Government are still working out the details. If the owner uses a pre-approved contractor they will be eligible for the rebates.

Recommendations

- ▶ The Menasha Utilities Commission recommends passing the Lead Service Line Replacement Ordinance.
- ▶ Along with Utilities implementing the Lead Service Replacement Program.

Additional Support

- ▶ "The Menasha Health Department supports the development of a program to replace lead service lines to protect the public health by attempting to eliminate lead in the public drinking water supply."

Todd Drew RS
Environmental Health Sanitarian
City of Menasha Health Department

CDC

- ▶ The most important step parents, doctors, and others can take is to prevent lead exposure before it occurs (CDC 2015).

??? Questions ???



MEMORANDUM

Date: September 29, 2016

To: Board of Public Works
From: Pamela A. Captain, City Attorney

Re: O-10-16, An Ordinance Regarding Restrictions of Parking

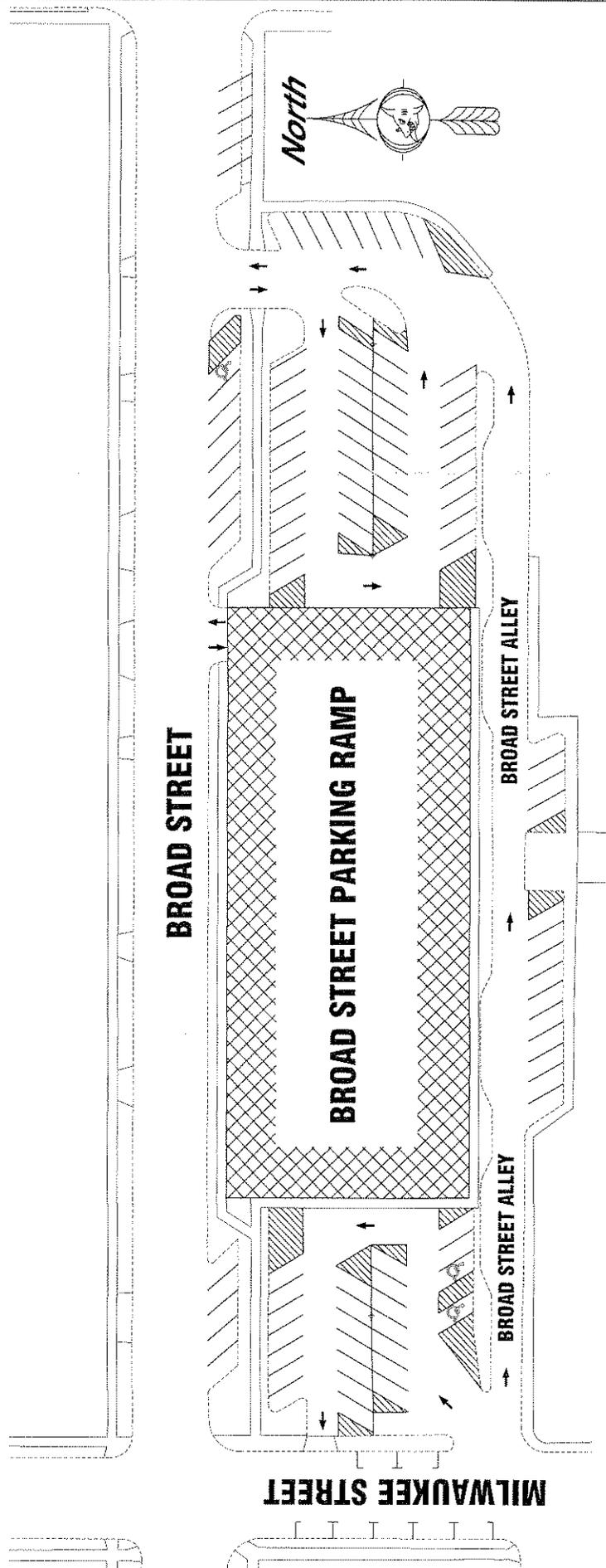
On September 19, 2016, the Common Council adopted O-10-16, An Ordinance Regarding Restrictions on Parking. I am informed that on September 26, Alderman Taylor requested to place the following item on the Common Council agenda: Reconsideration of O-10-16, An Ordinance Regarding Restrictions on Parking.

Section 2 of O-10-16 indicates that the "...ordinance shall become effective upon its passage and publication..." As is the usual practice when an ordinance is adopted, the City Clerk sent the ordinance for publication. It was in the Post Crescent on Monday morning, September 26. By Wisconsin state law, once published the ordinance is in effect. SEC. 2-2-18(c) of the Code of Ordinances indicates a motion to reconsider is invalid where it attempts to undo something that cannot be undone. A "Motion to Reconsider" cannot be used to change an ordinance that has been adopted and published.

Any ordinance can be rescinded or amended. If the purpose of a "Motion to Reconsider" is to amend something in the ordinance, an amendment accomplishes the same thing.

In an effort to accommodate the Alderman's request this item has been scheduled on the Board of Public Works agenda. There is no information included about what is being proposed for change because, although requested, the Alderman failed to provide any information about what part(s) he desires to be changed.

BROAD STREET PARKING LOT





MEMORANDUM

Date: September 29, 2016

To: Board of Public Works
From: Pamela A. Captain, City Attorney

Re: Proposed Lease Agreement between Menasha Joint School District and
City of Menasha – 100 Main Street, Menasha, WI

Attached for your review and consideration you will find a Summary of Basic Lease Information provided by the Menasha Joint School District to the City and floor plans. Below also find a summary of material terms.

MATERIAL TERMS AND CONDITIONS

1. Leased Premises:
 - a. Part of first floor (exclusive for health department use)
 - b. All of second floor (exclusive use)
 - c. Share part of first floor (Public meeting rooms; employee break room; IT server room)
 - d. Part of roof for cell phone equipment
 - e. Share parking lot
2. Rent:
 - a. \$70,088
 - i. Based on square footage: \$4 exclusive use/\$2 shared used
 - j. Same rent for five years
 - k. Includes utilities, maintenance, repairs, snow removal
 - l. Includes backup generator for IT servers and health department
 - b. Ability of school board to adjust rent annually after five year anniversary (based on CPI)
3. Term: 30 years with either party having the ability to terminate the lease after 10 years
4. Tenant responsible for tenant Initial Build-out
5. Tenant responsible for its own improvements; fixtures and furnishings
6. Tenant responsible for repairs/damages tenant causes

7. Insurance:
 - a. Tenant to carry insurance
 - b. Tenant to comply with Landlord's Fire and Casualty Insurance requirements or Tenant will be responsible for extra costs to Landlord
8. Indemnity: Each party to indemnify and hold the other harmless from breach, claims, negligence including attorney fees
9. City has a sixty day right of first refusal to purchase the property if the Landlord receives a third-party offer

If these terms are acceptable please forward to the Common Council for approval and a formal lease agreement can be drafted for execution with the approved material terms and conditions.

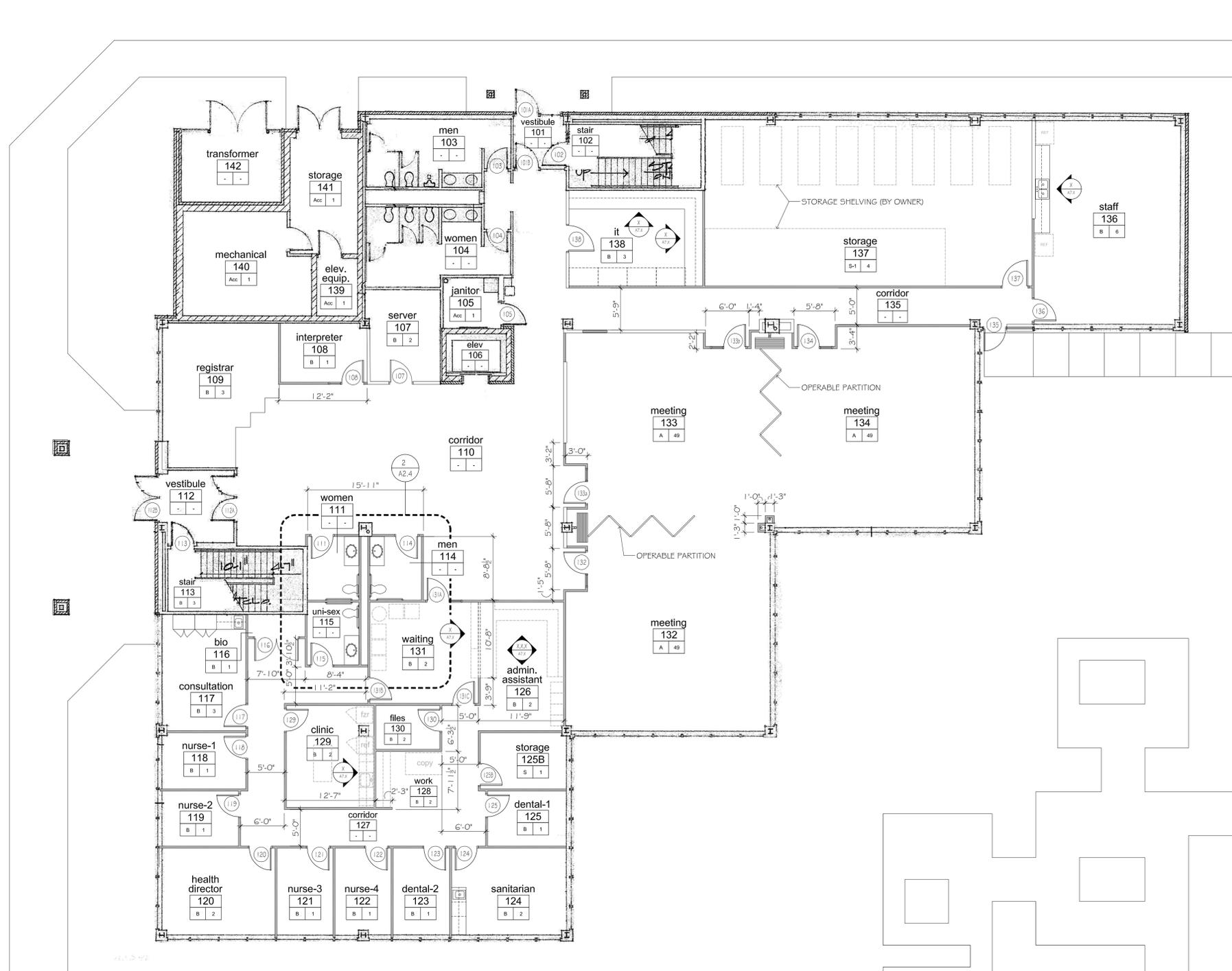
100 MAIN STREET

SUMMARY OF BASIC LEASE INFORMATION

This Summary of Basic Lease Information (the "Summary") is hereby incorporated by reference into and made a part of the attached Lease Agreement. Each reference in the Lease Agreement to any term of this Summary shall have the meaning as set forth in this Summary for such term. In the event of a conflict between the terms of this Summary and the Lease Agreement, the terms of the Lease Agreement shall prevail. Any initially capitalized terms used herein and not otherwise defined herein shall have the meaning as set forth in the Lease Agreement.

| <u>TERMS OF LEASE</u> (References are to the Lease Agreement) | | <u>DESCRIPTION</u> |
|--|------------------------------|---|
| 1. | Dated as of: | [TBD], 2017 |
| 2. | Landlord: | MENASHA JOINT SCHOOL DISTRICT |
| 3. | Address of Landlord: | Attention: Brian A. Adesso, CSRM Director of Business Services 328 Sixth Street P.O. Box 360 Menasha, WI 54952 |
| 4. | Tenant: | CITY OF MENASHA |
| 5. | Address of Tenant: | 140 Main Street Menasha, WI 54952-3151 |
| 6. | Leased Premises (Article 1): | |
| 6.1 | Leased Premises: | Approximately 14,242 square feet of Rentable Area located on the first (1 st) and second (2 nd) floor of the Building (as defined below), as depicted on <u>Exhibit B</u> attached hereto. Tenant shall be granted access to the server room to store and maintain servers, but the server room shall not be Leased Premises. |
| 6.2 | Shared Area | Approximately 6,560 square feet shall be shared office space. |
| 6.3 | Building: | The Leased Premises are located in the "Building", a three (3) story Class A office building containing approximately [] rentable square feet, whose address is 100 Main Street, Menasha, Wisconsin 54952. |
| 7. | Term (Article 2): | |
| 7.1 | Lease Term: | Thirty (30) years. |
| 7.2 | Commencement Date: | January 1, 2017. |
| 7.3 | Expiration Date: | December 31, 2046. |

| | | |
|---------------------------------|---|---|
| 8. Base Rent (Article 3): | | |
| <u>Period of Lease Term</u> | <u>Annual Base Rent</u> | <u>Monthly Installment of Base Rent</u> |
| [TBD]-[30 years] | \$70,088.00 | \$5,840.66 |
| 9. Parking Lot (Section 22.15): | Landlord and Tenant shall each have the right to park in the parking lots servicing the building, including the Building West lot and the Building North lot as defined in the lease. | |



1 first floor plan
 1/8" = 1'-0"
 NORTH

VISUAL DISPLAY UNIT LEGEND

| | |
|------|---|
| VDB1 | SMART BOARD (SUPPLIED & INSTALLED BY OWNER) |
| VDB2 | 4x10' WHITE MARKER BOARD |
| PS1 | PROJECTION SCREEN - 53" H X 69" W |
| PS2 | PROJECTION SCREEN - 73" H X 96" W |
| TV1 | WALL MOUNTED TV - (SUPPLIED & INSTALLED BY OWNER) |



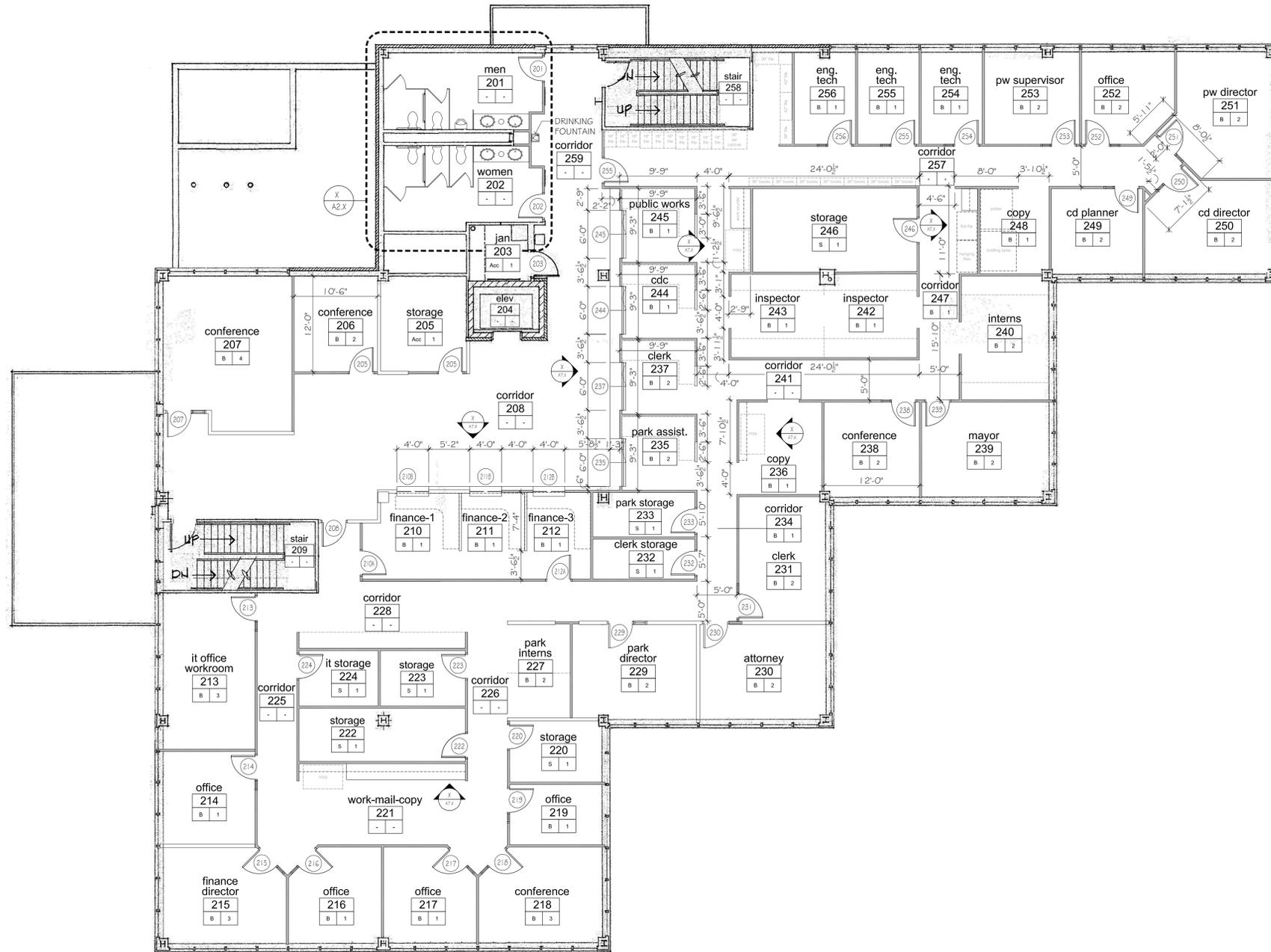
blue design group, llc.
 202 West Main, PO Box 357
 Horonville, WI 54944
 Phone: (920)779-0521
 Fax: (920)779-0521



Building Alteration for:
Menasha Joint School District Office Building
 100 Main Street
 Menasha, Wisconsin 54952

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 BLUE DESIGN GROUP, LLC.

| | |
|------------------|-------------|
| PROJECT # | 16-009 |
| DATE | 9-26-16 |
| REVISION | DATE |
| | |
| DRAWING # | A2.1 |



1 second floor plan
1/8" = 1'-0"



VISUAL DISPLAY UNIT LEGEND

| | |
|--------|---|
| (VDB) | SMART BOARD (SUPPLIED & INSTALLED BY OWNER) |
| (VDB2) | 4x10' WHITE MARKER BOARD |
| (PS1) | PROJECTION SCREEN - 53" H X 69" W |
| (PS2) | PROJECTION SCREEN - 73" H X 96" W |
| (TV1) | WALL MOUNTED TV - (SUPPLIED & INSTALLED BY OWNER) |



blue design group, llc.
202 West Main, PO Box 357
Hortonville, WI 54944
Phone: (920) 841-BLUE
Fax: (920) 779-0521



Building Alteration for:
Menasha School District Office Building
100 Main Street
Menasha, Wisconsin 54952

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| | |
|------------------|-------------|
| PROJECT # | 16-009B |
| DATE | 9-26-16 |
| REVISION | DATE |
| | |
| DRAWING # | A2.2 |