



City of Appleton

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

Meeting Agenda - Final Finance Committee

Monday, July 11, 2022

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[22-0833](#) May 23, 2022 Finance Committee minutes

Attachments: [MeetingMinutes May 23-2022-11-42-58.pdf](#)

4. **Public Hearings/Apearances**

[22-0832](#) Leah Lasecki, CPA with CliftonLarsonAllen, LLP presentation of the 2021 Audit and Executive Summary

Attachments: [Finance Committee Presentation - CLA.pdf](#)

5. **Action Items**

[22-0834](#) Request to award contract to Commercial Appliance for Reid Golf Course Clubhouse walk-in freezer and cooler replacement in the amount of \$31,733.35

Attachments: [2022 Reid Golf Course Appliance Memo.pdf](#)

[22-0835](#) Request to award the AWWTP V-3 Sludge Storage Building Addition Construction Project Base Bid to Miron Construction in the amount of \$5,330,989 with a 15% contingency of \$799,648 for a project total not to exceed \$6,130,637

Attachments: [SSB Construction Project Bid Award_Miron.pdf](#)

[22-0840](#) Request to approve the Relocation Order for construction of officially mapped Lightning Drive, future Providence Avenue, future Baldeagle Drive and the associated stormwater pond

Attachments: [Lightning Drive - 2022 - Relocation Order.pdf](#)

[22-0851](#) Request to approve the following 2022 Budget amendment:

Water Utility

Corrosion Control Treatment Project	+\$ 190,000
Matthias Tower Pump Station Project	- \$ 190,000

to reallocate excess budget funds from the Matthias Tower Pump Station Project to the Corrosion Control Treatment Project (2/3 vote of Council required)

Attachments: [Budget Adjustment for OCCT Engineering in 2022.pdf](#)

[22-0854](#) Request to approve Contract Amendment / Change Order No. 1 to contract 58-22, Unit D-22 Sidewalk Construction for added sidewalk and driveway replacement at Appleton Memorial Park and Fire Station No. 3 in the amount of \$50,000 resulting in no change to contract contingency. Overall contract increases from \$368,000 to \$418,000

Attachments: [Unit D-22 Change Order No. 1.pdf](#)

[22-0855](#) Request to approve the following Budget amendment:

Water Utility

2022 Watermain Program	+ \$2,900,000
Second Raw Water Line Improvements	- \$2,900,000

to reallocate funds from the Second Raw Water Line Improvements project to the 2022 Watermain replacement program (2/3 vote of Council required)

Attachments: [Second Raw Water Line Budget Transfer.pdf](#)

6. Information Items

[22-0836](#) Contract 17-20 was awarded to PTS Contractors, Inc for \$865,737 with a contingency of \$40,000 for North Edgewood Sanitary Lift Station. Change orders were approved totaling \$18,460. Final contract amount is \$884,197 with a contingency of \$21,540. Payments issued to date total \$867,607.73. Request final payment of \$10,894.96

[22-0837](#) Contract 140-21 was awarded to Staab Construction Corporation for \$247,000 with a contingency of \$24,700 for WWTP DAF Conversion. Change orders were approved totaling \$22,080. Final contract amount is \$269,080 with a contingency of \$2,620. Payments issued to date total \$249,720.37. Request final payment of \$19,359.63

[22-0838](#) Contract 134-21 was awarded to IEI General Contractors, Inc for the 2021 Police Department Security Fence project in the amount of \$169,000 with a contingency of \$20,280 for a total of \$189,280. Two change orders were issued for a total of \$12,538. One was for additional concrete for \$3,613. The other was for a long range vehicle scanner for \$8,925. Payments to date total \$163,384.20. Request to issue the final contract payment of \$18,153.80

[22-0839](#) Contract 30-21 was awarded to EGI Mechanical, Inc for the AWWTP S-Building HVAC Upgrades project in the amount of \$736,577 with a contingency of \$13,000. One change order was issued in the amount of \$5,847 to modify the ductwork to match existing conditions. Payments to date total \$674,162.57. Request to issue the final contract payment of \$68,261.03

[22-0856](#) 2022 Fuel Costs - Budget vs Actual

Attachments: [2022 Fuel Budget vs Actual.pdf](#)

[22-0876](#) The following 2022 Budget adjustments were approved by the Mayor and Finance Director in accordance with Policy:

General Fund - Library

Reimbursements - United Way	+\$	256
Childrens Services Expenses	+\$	256

to record funds received from United Way

General Fund - Fire

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

to record donation from Appleton Scheel's

General Fund - Recreation

Donations	+\$	9,789
Supplies	+\$	9,789

to record donation from the Community Foundation for benches on Ellen Kort Trail

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 Jeri Ohman at (920) 832-5742.



City of Appleton

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

Meeting Minutes Finance Committee

Monday, May 23, 2022

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 5:46pm

2. Roll call of membership

Present: 5 - Meltzer, Siebers, Firkus, Van Zeeland and Fenton

3. Approval of minutes from previous meeting

[22-0710](#)

May 9, 2022 and May 18, 2022 Finance Committee meetings minutes

Attachments: [MeetingMinutes May 9-2022-12-59-24.pdf](#)

[MeetingMinutes May 18-2022-01-02-51.pdf](#)

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

Aye: 5 - Meltzer, Siebers, Firkus, Van Zeeland and Fenton

4. Public Hearings/Appearances

5. Action Items

[22-0711](#)

Request to approve the 2023 Special Assessment Policy

Attachments: [2023 Assessment Policy.pdf](#)

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

Aye: 5 - Meltzer, Siebers, Firkus, Van Zeeland and Fenton

[22-0712](#)

Request to award Unit H-21 Redundant Raw Water Line to PTS Contractors, Inc in the amount of \$4,875,000 with a 10.3% contingency of \$500,000 for a project total not to exceed \$5,375,000

Attachments: [Award of Contract Unit H-21.pdf](#)

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

Aye: 5 - Meltzer, Siebers, Firkus, Van Zeeland and Fenton

[22-0713](#)

Request to approve Contract Amendment/Change Order No. 3 to contract 133-21, Unit U-21 Apple Creek Ct & Plamann Park S&W Construction for additional quantities of tree removal and gravel backfill to facilitate sewer construction in the amount of \$64,293 resulting in no change to contract contingency. Overall contract increases from \$3,999,181 to \$4,063,474

Attachments: [Unit U-21 Change Order No. 3.pdf](#)

Van Zeeland moved, seconded by Fenton, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 5 - Meltzer, Siebers, Firkus, Van Zeeland and Fenton

6. Information Items

[22-0714](#)

Contract 124-21 was awarded to Merit Construction Services, Inc for \$136,650 with a contingency of \$6,833 for Structural Repairs of the Green Ramp Northwest Stair Tower. Payments issued to date total \$129,817.49. Request final payment of \$6,832.50

This final contract payment was presented

[22-0715](#)

Change Order No. 3 to Staab Construction for the DAF Conversion to Receiving Tank Project in the amount of \$10,495 for the replacement of tank carbon steel header to stainless steel resulting in a decrease of contingency from \$13,115 to \$2,620

Attachments: [Change Order 3 DAF to Receiving Station 05-10-22.pdf](#)

This change order was presented

[22-0716](#)

Contract 6-21 was awarded to Great Lakes Mechanical, Inc for the MSB Garage HVAC Upgrades project in the amount of \$819,780 with a contingency of \$81,979. Three change orders were issued totaling \$53,696 to modify the roof framing structural steel, add data drops to all control panels, and install two additional IR heaters. Payments to date total \$860,233.47. Request to issue the final contact payment of \$13,242.41

This final contract payment was presented

[22-0717](#)

Request to Over Hire Payroll Coordinator (appears on the Human Resources/Information Technology Committee agenda as an action item)

Attachments: [Payroll Coordinator - Over-Hire Request.pdf](#)

This request was presented

[22-0718](#)

Request to Over Hire Purchasing Manager (appears on the Human Resources/Information Technology Committee agenda as an action item)

Attachments: [Purchasing Manager - Over-Hire Request.pdf](#)

This request was presented

7. Adjournment

Siebers moved, seconded by Fenton, that the meeting be adjourned. Roll Call.

Motion carried by the following vote:

Aye: 5 - Meltzer, Siebers, Firkus, Van Zeeland and Fenton

City of Appleton, WI

2021 Audit Results and Report –
Finance Committee

WEALTH ADVISORY | OUTSOURCING | AUDIT, TAX, AND CONSULTING

Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor



Create Opportunities

Agenda

- Introduction of the Service Team
 - Executive Summary
 - Services Provided to the City
 - Financial Statement Audit Results
 - Required Communications
 - MD&A, Statistical Data, and Financial Trends
- Current Environment
- COVID-19
 - New GASB Pronouncements



Service Team

CLA

- Over 100 office locations nationally
- 18 office locations in Wisconsin
- Serve over 2,100 governmental clients nationally
- Serve over 400 governmental clients in Wisconsin
- Serve over half of all of the counties in Wisconsin



Service Team

Leah Lasecki, Principal, CPA



Over 15 years serving governmental and not-for-profit clients

Bryan Grunewald, Principal, CPA



Over 20 years serving governmental and not-for-profit clients

Combined service experience includes:

- Auditing and Other Assurance Services
- Outsourced accounting
- Operational and Financial Systems Consulting
- Budgeting
- IT Security
- Search and Placement



Executive Summary

Results of Professional Services

WEALTH ADVISORY | OUTSOURCING | AUDIT, TAX, AND CONSULTING

Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor

Services Provided to the City

- City of Appleton – Audit of Financial Statements
- Valley Transit – Audit of Financial Statements (Enterprise Fund of the City)
- Business Improvement District – Audit of Financial Statements (Component Unit of the City)
- Federal/State Compliance Audit in Accordance with Federal Uniform Guidance and the State Single Audit Guidelines (“Single Audit”)
- Compilation of the Public Service Commission Annual Financial Report
- Independent Auditor’s Report on the City’s Administrative Rule – Tax 16 Report



Financial Statement Audit Results

Opinion

- Unmodified (“Clean”)

Internal Control Deficiencies

- There were no deficiencies in internal control over financial reporting reported.
- There were no deficiencies in internal control over compliance reported.

Compliance Findings

- There were no compliance findings reported.



Financial Statement Audit Results (continued)

Federal and State Programs Audited as Major Programs

CFDA Number	Name of Federal Programs/Clusters
14.231	Emergency Solutions Grant Program
21.027	COVID-19 Coronavirus State and Local Fiscal Recovery Funds
93.323	Epidemiology and Laboratory Capacity for Infectious Diseases (ELC)
State ID Number	Name of State Programs
VW-BUS-APPL-01	2018 State VW Capital Grant

Federal and State programs are selected for audit based on risk and any requirements as imposed by the grantors. As an overall low risk auditee, Federal and State programs audited must be at least 20% of total expenditures.

All 3 federal programs were being audited for the first time due to additional funding (largely COVID related). \$5.9M total federal programs with \$1.3M being audited within these three programs.

State program was previously audited in 2020. Audited again in order to achieve testing coverage. State funded programs of the City are not overly significant (\$5.6M total state programs with \$2.45M being the State VW Capital grant audited).

As noted, we noted no compliance findings related to these programs based on our audit.



Required Communications

Topic	Communication
<p>Our responsibility under Generally Accepted Auditing Standards, Uniform Guidance, and State Single Audit Guidelines</p>	<ul style="list-style-type: none"> • Express an opinion on the fair presentation of the financial statements in conformity with GAAP • Plan and perform the audit to obtain reasonable, not absolute assurance that the financial statements are free of material misstatement • Evaluate internal control over financial reporting and compliance and overall compliance with Federal and State Major Programs • Utilize a risk based audit approach • Communicate significant matters to appropriate parties
<p>Planned Scope and Timing of the Audit</p>	<ul style="list-style-type: none"> • Performed the audit according to the planned scope and timing previously communicated.
<p>Other Information in Documents Containing the Audited Financial Statements</p>	<ul style="list-style-type: none"> • Financial statements may only be used in their entirety • Our approval is required to use our audit report in a client prepared document • We have no responsibility to perform procedures beyond those related to the financial statements



Required Communications (continued)

Topic	Communication
Significant Accounting Policies	<ul style="list-style-type: none"> • Management is responsible for the accounting policies of the organization • Accounting policies are outlined in Note 1 to the financial statements • No new accounting policies were adopted and the application of existing policies was not changed during 2021. • Accounting policies deemed appropriate • No unusual transactions occurred
Significant Accounting Estimates	<ul style="list-style-type: none"> • An area of focus under a risk based audit approach • Significant estimates include: <ul style="list-style-type: none"> a. Pension liability and related deferred outflows\inflows of resources and expense b. Retiree health OPEB liability and related deferred outflows\inflows of resources and expense c. Accumulated sick leave d. Fair Value of investments e. IBNR for the Self-Funded Plans f. Amortization of intangible assets and deferred costs g. Useful lives of capital assets • Estimates determined by management based on their knowledge and experience • No management bias indicated • Estimates were deemed reasonable • Estimate uncertainty is disclosed in the financial statements



Required Communications (continued)

Topic	Communication
Sensitive Financial Statement Disclosures	<ul style="list-style-type: none"> • None that are particularly sensitive.
Management Representation Letter	<ul style="list-style-type: none"> • Management provided signed representation letters prior to finalization of the audit reports
Other	<ul style="list-style-type: none"> • No uncorrected misstatements, other than those that are clearly trivial, were identified. • No material misstatements were identified as part of audit procedures. • No difficulties encountered in performing the audit • No issues discussed prior to retention as independent auditors • No disagreements with management regarding accounting, reporting, or other matters • No consultations with other independent auditors • No other findings or issues were discussed with, or communicated to, management

MD&A, Statistical Data and Financial Trends

- City Finance has prepared the Management's Discussion and Analysis and partial ACFR statistical data included in the audit report.
- Financial Trends are in appendix A in the Executive Summary as prepared by CLA.





Current Environment

COVID-19

New GASB Pronouncements

WEALTH ADVISORY | OUTSOURCING | AUDIT, TAX, AND CONSULTING

Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor

COVID-19

- Challenges
 - Additional Costs
 - Staffing considerations
 - Technology considerations
 - Planning
- Grant funding – ARPA – will continue to have a significant impact on future audits and the City's compliance with its requirements.



New Accounting Standards

Effective for 2022

GASB Statement No. 87 *“Leases”*

GASB Statement No. 91 *“Conduit Debt Obligations”*

*Additional information on both standards is provided in Appendix B
in the Executive Audit Summary.*



Questions

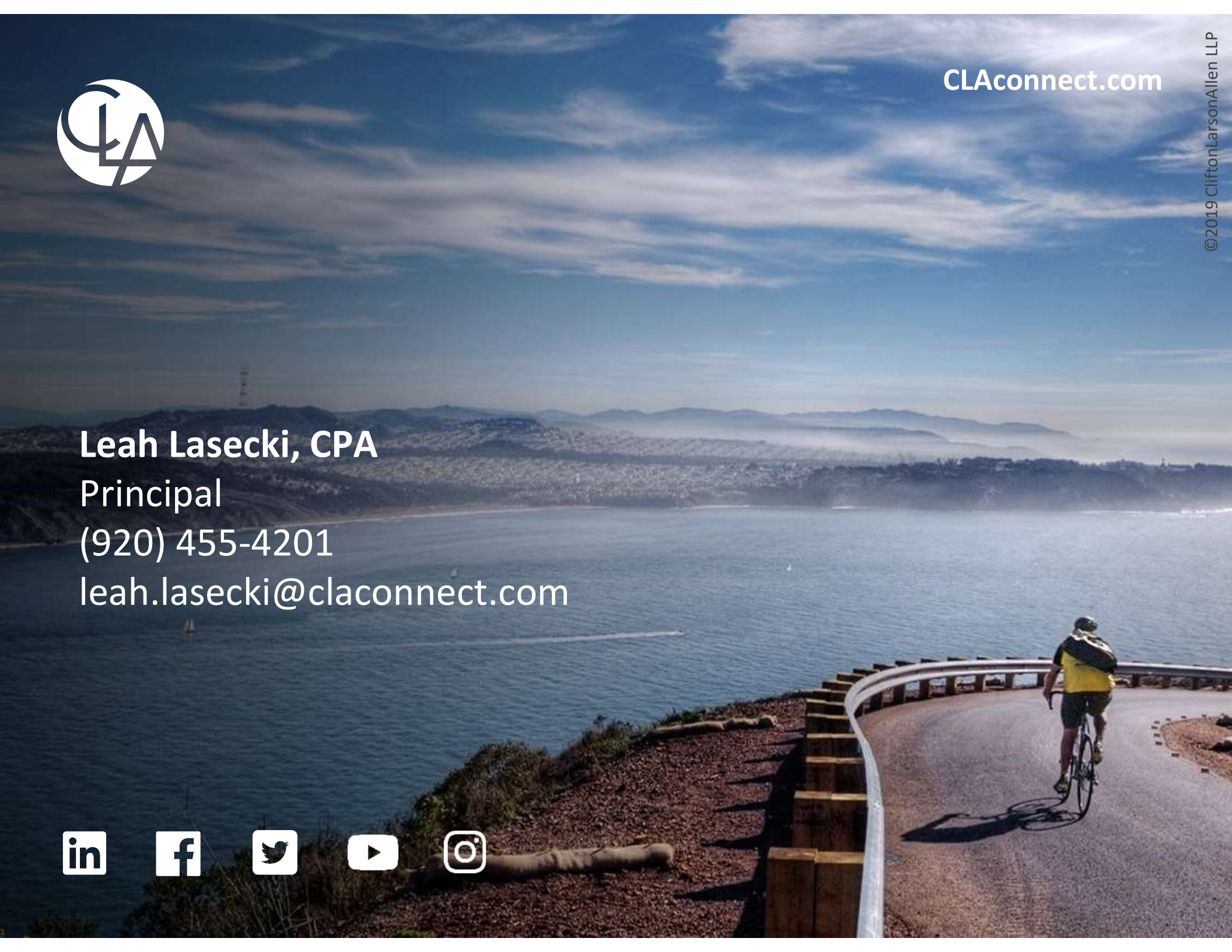




CLAconnect.com

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Leah Lasecki, CPA
Principal
(920) 455-4201
leah.lasecki@claconnect.com





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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

1819 East Witzke Boulevard
Appleton, Wisconsin 54911-8401
(920) 832-5572 FAX (920) 993-3103
Email - dean.gazza@appleton.org

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 6/20/2022

RE: Action: Award contract to Commercial Appliance for Reid Golf Course Clubhouse walk-in freezer and cooler replacement in the amount of \$31,733.35.

Reid Golf Course has an existing walk-in cooler and freezer which have served Clubhouse operations and have reached their useful life. The average life for this equipment is 20 years, the equipment at Reid has been in place for over 20 years. In recent years, both pieces of equipment have experienced repairs. The replacements will create extra storage space for operations.

Quotes for replacing the existing walk-in freezer and cooler were received from multiple suppliers. Pricing includes removing existing equipment, supplying and installing new equipment.

Commercial Appliance	\$31,733.35
Hiawatha Chef Supply, Inc.	\$33,600.00
Engels Commercial Appliance	No Response

Reid Golf Course has budgeted to replace the existing walk-in freezer and walk-in cooler by carrying over revenue from the 2021 golf season approved during the March 7, 2022 Finance Committee meeting.

The new equipment will be installed in 2022 after Reid Golf Course closes for the year.

To assure reliability of equipment and maintain Clubhouse operations, the Parks, Recreation & Facilities Management Department recommends awarding a contract to Commercial Appliance to replace the walk-in freezer and walk-in cooler in the amount of \$31,733.35.

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



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

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

TO: Chairperson Brad Firkus and Members of the Finance Committee

FROM: Utilities Deputy Director, Chris Stempa

DATE: June 15, 2022

RE: *Finance Committee Action: Award "AWWTP V-3 Sludge Storage Building Addition Construction Project" Base Bid to Miron Construction in the amount of \$5,330,989 with 15% contingency of 799,648 for a project total not to exceed \$6,130,637*

BACKGROUND:

The total biosolids storage capacity at the Appleton Wastewater Treatment Plant (AWWTP) is equivalent to approximately 9,000 wet tons. Since 2010, the annual biosolids production rates have exceeded the 180-day storage requirement specified within Wisconsin Administrative Code NR 204. This deficiency has triggered the need for Appleton City Council resolutions to investigate options to address the deficiency and comply with the requirement. In 2021, Applied Technologies, Inc. (ATI) provided three project alternatives analysis from which the Utilities Department staff selected one that expanded the existing sludge storage building east by 8,260 ft². The addition will add enough additional storage to comply with NR 204 based on sewer service area growth projections through 2040.

BIDS:

On Tuesday June 14th, 2022 the City opened and reviewed the bids from three contractors which are summarized in the Table 1 below. Each bid met the submittal requirements. Miron Construction was the least cost responsible bidder and have successfully completed project work for the Department of Utilities in the recent past. A Bid Evaluation letter completed by ATI is attached to this memorandum for reference.

Table 1: Bid Tab Summary

Company	Miron Construction	Staab Construction Corporation	Frank O. Zeise Construction Co.
Base Bid	\$5,330,989	\$5,703,000	\$6,020,000

RECOMMENDATION:

I am requesting award of the AWWTP V-3 Sludge Storage Building Addition Construction Project Base Bid to Miron Construction in the amount of \$5,330,989 with 15% contingency of \$799,648 for a project total not to exceed \$6,130,637.

If you have any questions or require additional information regarding this project please contact Chris Stempa at 920-832-5945.

Attachment:

Applied Technologies Inc, June 14, 2022 Bid Evaluation Letter

RELOCATION ORDER

The City of Appleton, Outagamie/Calumet/Winnebago Counties, Wisconsin, by its Common Council and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with subsection 32.05(1), Wisconsin Statutes, for the purpose of the within-described public improvement project and it is also a determination of necessity for that project in accordance with subsection 32.07(2), Wisconsin Statutes;

2. That the City of Appleton hereby determines that it is necessary and of public purpose to construct the streets officially mapped as Lightning Drive, future Providence Avenue and future Baldeagle Drive, construct the associated stormwater pond, and acquire the corresponding storm sewer easements, bridge easements, and temporary limited grading easements to serve the area at or near the city of Appleton, Wisconsin.

3. That said roadways and associated stormwater pond will be built within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "A" and incorporated herein;

4. That the legal descriptions for the acquisition of property necessary for this project are contained in Exhibits "B", "C", and "D" under the heading "Legal Description for Acquisition", which are also incorporated herein;

5. That the City of Appleton will also acquire Storm Sewer Easements for the areas described in the "Legal Description for Storm Sewer Easement" in Exhibits "E", "F", "G", "H", "I", and "J", which are also incorporated herein.

6. That the City of Appleton will also acquire Bridge Easements for the areas described in the "Legal Description for Bridge Easement" in Exhibits "K" and "L", which are also incorporated herein.

7. That the City of Appleton will also acquire Grading Temporary Limited Easements for the areas described in the "Legal Description for Grading Temporary Limited Easement" in Exhibits "M", "N", "O", "P", "Q", "R" and "S", which are also incorporated herein.

Passed and approved this _____ day of _____, 2022.

I hereby certify that on this _____ day of _____, 2022, that the within Relocation Order was adopted by a vote of _____ ayes and _____ nays by the Common Council for the City of Appleton, Wisconsin.

Record and return to:

City of Appleton – City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key Nos. 101 158 200, 101 157 800, 101 157 000,
31-1-8301-10

SIGNATURES APPEAR ON THE FOLLOWING PAGE

APPROVED:

ATTEST:

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

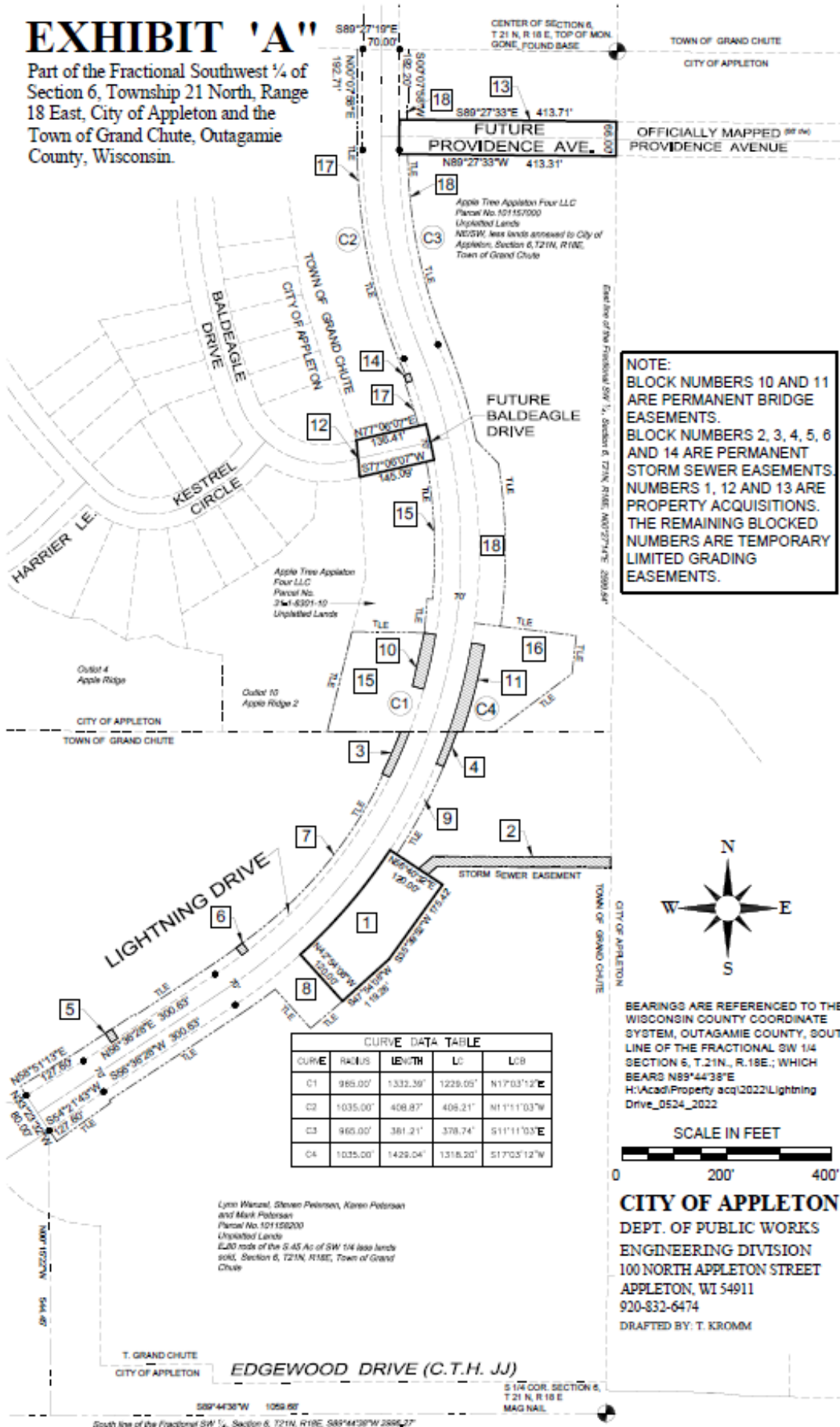
Subscribed and sworn to before me
this ____ day of _____, 2022.

Jamie L. Griesbach
Notary Public, State of Wisconsin
My commission expires: 11/11/2025

This instrument was drafted by:
Christopher R. Behrens, City Attorney
City Law: A22-0

EXHIBIT 'A'

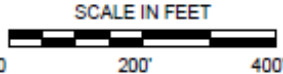
Part of the Fractional Southwest ¼ of Section 6, Township 21 North, Range 18 East, City of Appleton and the Town of Grand Chute, Outagamie County, Wisconsin.



NOTE:
 BLOCK NUMBERS 10 AND 11 ARE PERMANENT BRIDGE EASEMENTS.
 BLOCK NUMBERS 2, 3, 4, 5, 6 AND 14 ARE PERMANENT STORM SEWER EASEMENTS.
 NUMBERS 1, 12 AND 13 ARE PROPERTY ACQUISITIONS.
 THE REMAINING BLOCKED NUMBERS ARE TEMPORARY LIMITED GRADING EASEMENTS.

CURVE DATA TABLE				
CURVE	RADIUS	LEN TH	L ¹	L ²
C1	985.00'	1332.39'	1228.05'	N17°03'12"E
C2	1035.00'	408.87'	408.21'	N11°11'03"W
C3	965.00'	381.21'	378.74'	S11°11'03"E
C4	1035.00'	1428.04'	1318.20'	S17°03'12"W

BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, SOUTH LINE OF THE FRACTIONAL SW ¼ SECTION 6, T.21N., R.18E.; WHICH BEARS N89°44'38"E H:\Acad\Property acq\2022\Lightning Drive_0524_2022



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474
 DRAFTED BY: T. KROMM

Lynn Harmsel, Steven Peterson, Karen Peterson and Mark Peterson
 Parcel No. 101150200
 Unplatted Lands
 E20 rods of the S 45 Ac of SW ¼ less lands sold, Section 6, T21N, R18E, Town of Grand Chute

EDGEWOOD DRIVE (C.T.H. JJ)

509°44'30"W 1059.60'
 South line of the Fractional SW ¼, Section 6, T21N, R18E, S89°44'30"W 2895.27'

EXHIBIT B

Legal Description for Acquisition (Pond) Petersen Children's Farm LLC

Exhibit A, Corresponding 1

PARCEL: 101 158 200

Fee Simple Interest:

A part of the East 80 Rods of the South 45 Acres of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 33,825 Square Feet (0.7765 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $54^{\circ}21'43''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.625 feet;

Thence Northeasterly 157.26 feet along the arc of curve to the left having a radius of 1,035.00 feet and the chord of which bears North $52^{\circ}15'18''$ East 157.10 feet to the point of beginning;

Thence continue Northeasterly 263.34 feet along the arc of a curve to the left having a radius of 1035.00 feet and the chord of which bears North $40^{\circ}36'48''$ East 262.63 feet;

Thence South $56^{\circ}40'32''$ East 120.00 feet;

Thence South $35^{\circ}39'52''$ West 175.42 feet;

Thence South $47^{\circ}54'08''$ West 119.28 feet;

Thence North $42^{\circ}05'52''$ West 120.00 feet to the point of beginning.

EXHIBIT C

Legal Description for Acquisition (Baldeagle right-of-way) Apple Tree Appleton Four LLC

Exhibit A, Corresponding 12

PARCEL: 101 157 000

Fee Simple Interest:

A part of the Northeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 9,882 Square Feet (0.2269 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $33^{\circ}23'32''$ West 80.00 feet;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.63 feet;

Thence Northeasterly 1130.48 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North $23^{\circ}02'50''$ East 1066.94 feet to the point of beginning;

Thence South $77^{\circ}06'07''$ West 145.09 feet to the Southeast end of Baldeagle Drive according to Apple Ridge 2;

Thence North $03^{\circ}30'35''$ West 0.06 feet coincident with the East line of Apple Ridge 2;

Thence North $05^{\circ}31'46''$ West 70.52 feet coincident with the East line of Apple Ridge 2 to the Northeast end of Baldeagle Drive;

Thence North $77^{\circ}06'07''$ East 136.41 feet;

Thence Southerly 70.02 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears South $12^{\circ}35'31''$ East 70.00 feet to the point of beginning.

EXHIBIT D

Legal Description for Acquisition (Providence Avenue right-of-way) Apple Tree Appleton Four LLC

Exhibit A, Corresponding 13

PARCEL: 101 157 000

Fee Simple Interest:

A part of the Northeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 27,293 Square Feet (0.6266 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.63 feet;

Thence Northerly 1429.04 feet along the arc of a curve to the left having a radius of 1,035.00 feet and the chord of which bears North $17^{\circ}03'12''$ East 1318.20 feet;

Thence Northerly 373.38 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears North $11^{\circ}25'01''$ West 371.05 feet to the point of beginning;

Thence continue Northerly 7.83 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears North $00^{\circ}05'59''$ West 7.83 feet;

Thence North $00^{\circ}07'58''$ East 58.17 feet;

Thence South $89^{\circ}27'33''$ East 413.71 feet to the East line of the Fractional Southwest $\frac{1}{4}$ of said Section 6;

Thence South $00^{\circ}27'14''$ West 66.00 feet coincident with the East line of the Fractional Southwest $\frac{1}{4}$ of said Section 6;

Thence North $89^{\circ}27'33''$ West 413.31 feet to the point of beginning.

EXHIBIT E

Legal Description for Storm Sewer Easement Petersen Children's Farm LLC

Exhibit A, Corresponding 2

PARCEL: 101 158 200

Easement Interest:

A part of the East 80 Rods of the South 45 Acres of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 7,296 Square Feet (0.1675 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence North $00^{\circ}27'14''$ East 1041.85 feet along the East line of the Fractional SW $\frac{1}{4}$ of said Section 6 to the point of beginning;

Thence North $89^{\circ}47'39''$ West 331.43 feet;

Thence South $49^{\circ}00'13''$ West 23.01 feet;

Thence North $56^{\circ}40'32''$ West 20.77 feet;

Thence North $49^{\circ}00'13''$ East 36.14 feet;

Thence South $89^{\circ}47'39''$ East 339.03 feet;

Thence South $00^{\circ}27'14''$ West 20.00 feet to the point of beginning.

EXHIBIT F

Legal Description for Storm Sewer Easement Petersen Children's Farm LLC

Exhibit A, Corresponding 3

PARCEL: 101 158 200

Easement Interest:

A part of the East 80 Rods of the South 45 Acres of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 1,453 Square Feet (0.0334 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $33^{\circ}23'32''$ West 80.00 feet;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.63 feet;

Thence Northeasterly 508.25 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North $41^{\circ}31'09''$ East 502.40 feet to the point of beginning;

Thence North $63^{\circ}34'09''$ West 16.00 feet;

Thence Northeasterly 86.99 feet along the arc of a curve to the left having a radius of 949.00 feet and the chord of which bears North $23^{\circ}48'17''$ East 86.96 feet to the North line of lands described in Document No.1975547;

Thence South $89^{\circ}51'14''$ East 17.12 feet coincident with the North line of lands described in Document No.1975547;

Thence Southwesterly 94.60 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears South $23^{\circ}37'20''$ West 94.57 feet to the point of beginning.

EXHIBIT G

Legal Description for Storm Sewer Easement Petersen Children's Farm LLC

Exhibit A, Corresponding 4

PARCEL: 101 158 200

Easement Interest:

A part of the East 80 Rods of the South 45 Acres of the Fractional Southwest ¼ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 1,013 Square Feet (0.0233 Acres) of land and being further described as follows:

Commencing at the South ¼ corner of said Section 6;

Thence South 89°44'38" West 1059.68 feet along the South line of the Fractional SW ¼ of said Section 6;

Thence North 00°15'22" West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North 54°21'43" East 127.60 feet;

Thence North 56°36'28" East 300.63 feet;

Thence Northeasterly 608.17 feet along the arc of curve to the left having a radius of 1,035.00 feet and the chord of which bears North 39°46'27" East 599.45 feet to the point of beginning;

Thence continue Northerly 64.71 feet along the arc of a curve to the left having a radius of 1,035.00 feet and the chord of which bears North 21°08'59" East 64.70 feet to the North line of lands described in Document No.1975547;

Thence South 89°51'14" East 16.02 feet coincident with the North line of lands described in Document No.1975547;

Thence South 20°14'55" West 34.79 feet;

Thence South 21°57'31" West 36.26 feet;

Thence North 66°33'50" West 15.00 feet to the point of beginning.

EXHIBIT H

Legal Description for Storm Sewer Easement Petersen Children's Farm LLC

Exhibit A, Corresponding 5

PARCEL: 101 158 200

Easement Interest:

A part of the East 80 Rods of the South 45 Acres of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 315 Square Feet (0.0072 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $33^{\circ}23'32''$ West 80.00 feet;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 63.70 feet to the point of beginning;

Thence North $33^{\circ}23'32''$ West 21.00 feet;

Thence North $56^{\circ}36'28''$ East 15.00 feet;

Thence South $33^{\circ}23'32''$ East 21.00 feet;

Thence South $56^{\circ}36'28''$ West 15.00 feet to the point of beginning.

EXHIBIT I

Legal Description for Storm Sewer Easement Petersen Children's Farm LLC

Exhibit A, Corresponding 6

PARCEL: 101 158 200

Easement Interest:

A part of the East 80 Rods of the South 45 Acres of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 270 Square Feet (0.0062 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $33^{\circ}23'32''$ West 80.00 feet;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.63 feet;

Thence Northeasterly 62.75 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North $54^{\circ}44'42''$ East 62.74 feet to the point of beginning;

Thence North $37^{\circ}38'05''$ West 18.00 feet;

Thence North $52^{\circ}26'18''$ East 15.00 feet;

Thence South $37^{\circ}38'05''$ East 18.00 feet;

Thence Southwesterly 15.00 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears South $52^{\circ}26'13''$ West 15.00 feet to the point of beginning.

EXHIBIT J

Legal Description for Storm Sewer Easement Apple Tree Appleton Four LLC

Exhibit A, Corresponding 14

PARCEL: 101 157 000

Easement Interest:

A part of the Northeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 179 Square Feet (0.0041 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $33^{\circ}23'32''$ West 80.00 feet;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.63 feet;

Thence Northeasterly 1287.53 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears North $18^{\circ}23'06''$ East 1194.13 feet to the point of beginning;

Thence South $68^{\circ}41'35''$ West 11.91 feet;

Thence North $20^{\circ}16'41''$ West 15.00 feet;

Thence North $68^{\circ}41'35''$ East 11.91 feet;

Thence Southerly 15.00 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears South $20^{\circ}16'59''$ East 15.00 feet to the point of beginning.

EXHIBIT K

Legal Description for Bridge Easement Apple Tree Appleton Four LLC

Exhibit A, Corresponding 10

PARCEL: 31-1-8301-10

[Bridge] Easement Interest:

A part of the Northeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 2,435 Square Feet (0.0559 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-OG-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $33^{\circ}23'32''$ West 80.00 feet coincident with a Northeast line of said Transportation Project Plat No: 0000-OG-17-4.02;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.625 feet;

Thence Northeasterly 688.56 feet along the arc of a curve to the left having a radius of 965.00 feet and the chord of which bears North $36^{\circ}09'59''$ East 674.05 feet to the point of beginning;

Thence North $74^{\circ}16'30''$ West 22.15 feet;

Thence North $12^{\circ}33'15''$ East 104.14 feet;

Thence South $80^{\circ}36'23''$ East 22.16 feet;

Thence Southerly 106.64 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears South $12^{\circ}33'33''$ West 106.59 feet to the point of beginning.

EXHIBIT L

Legal Description for Bridge Easement Apple Tree Appleton Four LLC

Exhibit A, Corresponding 11

PARCEL: 101 157 000

[Bridge] Easement Interest:

A part of the Northeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 4,334 Square Feet (0.0995 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.625 feet;

Thence Northeasterly 672.87 feet along the arc of a curve to the left having a radius of 1,035.00 feet and the chord of which bears North $37^{\circ}59'00''$ East 661.09 feet to the North line of lands described in Document No.1975547 and being the point of beginning;

Thence continue Northerly 175.59 feet along the arc of a curve to the left having a radius of 1,035.00 feet and the chord of which bears North $14^{\circ}29'55''$ East 175.38 feet;

Thence South $80^{\circ}21'42''$ East 25.00 feet;

Thence Southerly 171.13 feet along the arc of a curve to the right having a radius of 1,060.00 feet and the chord of which bears South $14^{\circ}15'48''$ West 170.94 feet;

Thence North $89^{\circ}51'21''$ West 26.44 feet to the point of beginning.

EXHIBIT M

Legal Description for Grading Temporary Limited Easement Petersen Children's Farm LLC

Exhibit A, Corresponding 7

PARCEL: 101 158 200

Temporary Limited Easement Interest:

A part of the East 80 Rods of the South 45 Acres of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 15,013 Square Feet (0.3446 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South 89°44'38" West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North 00°15'22" West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North 33°23'32" West 80.00 feet to the point of beginning;

Thence North 31°08'47" West 21.00 feet;

Thence North 58°51'13" East 127.19 feet;

Thence North 56°36'28" East 130.61 feet;

Thence South 33°23'32" East 3.00 feet;

Thence North 56°36'28" East 169.60 feet;

Thence Northeasterly 61.42 feet along the arc of curve to the left having a radius of 947.00 feet and the chord of which bears North 54°44'59" East 61.40 feet;

Thence North 52°26'18" East 15.00 feet;

Thence Northeasterly 396.33 feet along the arc of a curve to the left having a radius of 840.00 feet and the chord of which bears North 40°50'26" East 392.66 feet;

Thence North 23°50'08" East 28.21 feet;

Thence South 63°34'09" East 14.19 feet;

Thence Southwesterly 508.25 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears South 41°31'09" West 502.40 feet;

Thence South 56°36'28" West 300.63 feet;

Thence South 58°51'13" West 127.60 feet to the point of beginning. Less and excepting all that area included within Storm Sewer Easement Areas 5 and 6.

EXHIBIT N

Legal Description for Grading Temporary Limited Easement Petersen Children's Farm LLC

Exhibit A, Corresponding 8

PARCEL: 101 158 200

Temporary Limited Easement Interest:

A part of the East 80 Rods of the South 45 Acres of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 20,351 Square Feet (0.4672 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office to the point of beginning;

Thence North $54^{\circ}21'43''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.63 feet;

Thence Northeasterly 157.26 feet along the arc of curve to the left having a radius of 1,035.00 feet and the chord of which bears North $52^{\circ}15'18''$ East 157.10 feet;

Thence South $42^{\circ}05'52''$ East 120.00 feet;

Thence South $49^{\circ}33'48''$ West 80.01 feet;

Thence North $42^{\circ}05'52''$ West 100.72 feet;

Thence Southwesterly 80.24 feet along the arc of a curve to the right having a radius of 1,055.00 feet and the chord of which bears South $54^{\circ}25'44''$ West 80.22 feet;

Thence South $56^{\circ}36'28''$ West 300.63 feet;

Thence South $35^{\circ}38'17''$ East 5.02 feet;

Thence South $54^{\circ}21'43''$ West 126.81 feet;

Thence North $35^{\circ}38'17''$ West 25.00 feet to the point of beginning.

EXHIBIT O

Legal Description for Grading Temporary Limited Easement Petersen Children's Farm LLC

Exhibit A, Corresponding 9

PARCEL: 101 158 200

Temporary Limited Easement Interest:

A part of the East 80 Rods of the South 45 Acres of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 2,833 Square Feet (0.0650 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $54^{\circ}21'43''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.63 feet;

Thence Northeasterly 420.59 feet along the arc of curve to the left having a radius of 1,035.00 feet and the chord of which bears North $44^{\circ}57'58''$ East 417.71 feet to the point of beginning;

Thence continue Northeasterly 187.57 feet along the arc of curve to the left having a radius of 1,035.00 feet and the chord of which bears North $28^{\circ}07'57''$ East 187.32 feet;

Thence South $66^{\circ}33'50''$ East 15.00 feet;

Thence Southwesterly 190.16 feet along the arc of a curve to the right having a radius of 1,050.00 feet and the chord of which bears South $28^{\circ}08'10''$ West 189.90 feet;

Thence North $56^{\circ}40'32''$ West 15.00 feet to the point of beginning.

EXHIBIT P

Legal Description for Grading Temporary Limited Easement Apple Tree Appleton Four LLC

Exhibit A, Corresponding 15

PARCEL: 31-1-8301-10

Temporary Limited Easement Interest:

A part of the Northeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 33,894 Square Feet (0.7781 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-OG-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $33^{\circ}23'32''$ West 80.00 feet coincident with a Northeast line of said Transportation Project Plat No: 0000-OG-17-4.02;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.625 feet;

Thence Northeasterly 602.86 feet along the arc of a curve to the left having a radius of 965.00 feet and the chord of

which bears North $38^{\circ}42'39''$ East 593.10 feet to the North line of lands described in Document No.1975547 and being the point of beginning;

Thence North $89^{\circ}51'14''$ West 156.83 feet;

Thence North $13^{\circ}52'54''$ East 196.55 feet;

Thence South $89^{\circ}05'10''$ East 137.87 feet;

Thence North $04^{\circ}54'43''$ East 65.13 feet;

Thence South $84^{\circ}34'04''$ East 10.00 feet;

Thence Northerly 263.77 feet along the arc of a curve to the left having a radius of 950.00 feet and the chord of which bears North $02^{\circ}31'18''$ West 262.92 feet;

Thence North $77^{\circ}06'07''$ East 15.01 feet;

Thence Southerly 527.63 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears South $05^{\circ}09'01''$ West 521.08 feet to the point of beginning.

Less and excepting all that area included within Bridge Easement Area 10.

EXHIBIT Q

Legal Description for Grading Temporary Limited Easement Apple Tree Appleton Four LLC

Exhibit A, Corresponding 16

PARCEL: 101 157 000

Temporary Limited Easement Interest:

A part of the Northeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 28,592 Square Feet (0.6564 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.625 feet;

Thence Northeasterly 848.16 feet along the arc of a curve to the left having a radius of 1,035.00 feet and the chord of which bears North $33^{\circ}07'23''$ East 824.90 feet to the point of beginning;

Thence continue Northerly 38.33 feet along the arc of a curve to the left having a radius of 1,035.00 feet and the chord of which bears North $08^{\circ}34'39''$ East 38.33 feet;

Thence South $82^{\circ}58'03''$ East 195.54 feet;

Thence South $06^{\circ}29'18''$ West 72.97 feet;

Thence South $53^{\circ}00'58''$ West 185.30 feet;

Thence North $89^{\circ}51'21''$ West 60.99 feet;

Thence Northerly 171.13 feet along the arc of a curve to the left having a radius of 1,060.00 feet and the chord of which bears North $14^{\circ}15'48''$ East 170.94 feet;

Thence North $80^{\circ}21'42''$ West 25.00 feet to the point of beginning.

EXHIBIT R

Legal Description for Grading Temporary Limited Easement Apple Tree Appleton Four LLC

Exhibit A, Corresponding 17

PARCEL: 101 157 000

Temporary Limited Easement Interest:

A part of the Northeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 7,655 Square Feet (0.1757 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-OG-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $33^{\circ}23'32''$ West 80.00 feet coincident with a Northeast line of said Transportation Project Plat No: 0000-OG-17-4.02;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.625 feet;

Thence Northeasterly 1200.50 feet along the arc of a curve to the left having a radius of 965.00 feet and the chord of which bears North $20^{\circ}58'07''$ East 1124.57 feet to the point of beginning;

Thence South $77^{\circ}06'07''$ West 15.01 feet;

Thence Northerly 84.83 feet along the arc of a curve to the left having a radius of 950.00 feet and the chord of which bears North $17^{\circ}15'24''$ West 84.80 feet;

Thence North $68^{\circ}41'35''$ East 3.09 feet;

Thence North $20^{\circ}16'41''$ West 15.00 feet;

Thence North $68^{\circ}41'35''$ East 2.76 feet;

Thence North $16^{\circ}23'39''$ West 7.93 feet;

Thence North $25^{\circ}43'42''$ West 21.81 feet;

Thence Northerly 414.10 feet along the arc of a curve to the right having a radius of 1,050.62 feet and the chord of which bears North $11^{\circ}10'46''$ West 411.43 feet;

Thence North $00^{\circ}07'58''$ East 191.50 feet;

Thence South $89^{\circ}27'19''$ East 10.22 feet;

Thence South $00^{\circ}07'58''$ West 192.71 feet;

Thence Southerly 408.87 feet along the arc of curve to the left having a radius of 1,035.00 feet and the chord of which bears South $11^{\circ}11'03''$ East 406.21 feet;

Thence Southerly 131.89 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears South $18^{\circ}35'09''$ East 131.79 feet to the point of beginning.

Less and excepting all that area included within Storm Sewer Easement Area 15.

EXHIBIT S

Legal Description for Grading Temporary Limited Easement Apple Tree Appleton Four LLC

Exhibit A, Corresponding 18

PARCEL: 101 157 000

Temporary Limited Easement Interest:

A part of the Northeast $\frac{1}{4}$ of the Fractional Southwest $\frac{1}{4}$ of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 28,090 Square Feet (0.6448 Acres) of land and being further described as follows:

Commencing at the South $\frac{1}{4}$ corner of said Section 6;

Thence South $89^{\circ}44'38''$ West 1059.68 feet along the South line of the Fractional SW $\frac{1}{4}$ of said Section 6;

Thence North $00^{\circ}15'22''$ West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office;

Thence North $58^{\circ}51'13''$ East 127.60 feet;

Thence North $56^{\circ}36'28''$ East 300.625 feet;

Thence Northeasterly 886.79 feet along the arc of a curve to the left having a radius of 1,035.00 feet and the chord of which bears North $32^{\circ}03'44''$ East 859.91 feet to the point of beginning;

Thence continue Northerly 542.25 feet along the arc of a curve to the left having a radius of 1,035.00 feet and the chord of which bears North $07^{\circ}29'32''$ West 536.07 feet;

Thence Northerly 381.21 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears North $11^{\circ}11'03''$ West 378.74 feet;

Thence North $00^{\circ}07'58''$ East 192.20 feet;

Thence South $89^{\circ}27'19''$ East 16.00 feet;

Thence South $00^{\circ}07'58''$ West 192.09 feet;

Thence Southerly 374.89 feet along the arc of curve to the left having a radius of 949.00 feet and the chord of which bears South $11^{\circ}11'03''$ East 372.46 feet;

Thence Southerly 198.14 feet along the arc of a curve to the right having a radius of 1,051.00 feet and the chord of which bears South $17^{\circ}06'02''$ East 197.85 feet;

Thence South $44^{\circ}06'05''$ East 61.16 feet;

Thence Southerly 311.82 feet along the arc of a curve to the right having a radius of 1,085.00 feet and the chord of which bears South $00^{\circ}44'20''$ East 310.75 feet;

Thence North $82^{\circ}58'03''$ West 50.00 feet to the point of beginning.

Less and excepting all that area included within Providence Avenue right of way (Area 13).



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Department of Utilities
Water Treatment Facility
2281 Manitowoc Road
Menasha, WI 54952
920-832-5945 tel.
920-832-5949 fax

TO: Chairperson Brad Firkus and Members of the Finance Committee

FROM: Utilities Director Chris Shaw

DATE: June 24, 2022

RE: *Request to approve: Budget transfer \$190,000 from the Matthias Tower Pump Station Project to new 2022 Corrosion Control Treatment Project.*

BACKGROUND:

In December of 2021 the Appleton Water Treatment Facility (AWTF) completed a regulatory required research project on corrosivity within the city's water distribution system. The results of that project are the basis of this budget adjustment. The project research concluded that the AWTF will need to transition from the current addition of the orthophosphate/phosphate blend to phosphoric acid (orthophosphate). Additionally, the delivery rate will also change. As a result of these changes the existing 22-year-old system will not be retrofitted.

The Wisconsin Department of Natural Resources requires that the new chemical delivery project be completed, and the system be operational by May 24, 2024. Due to unknowns with equipment delays and manufacturing schedules the staff would like to begin this project as soon as possible.

In order to advance the project an engineering agreement will need to be executed. The engineering will provide a design, bidding documents, construction management, and contract administration for the construction project. The current engineering estimate is \$190,000.

Construction costs will be included in the 2023 budget. The current construction estimate is \$960,000.

RECOMMENDATION:

Authorize the transfer of \$190,000 from the Matthias Tower Pump Station Project to the new 2022 Corrosion Control Treatment Project. If you have any questions or require additional information regarding this project please contact Chris Shaw at 920-832-5945.

CONTRACT AMENDMENT AND CHANGE ORDER

Change Order No. 1

Date 07/11/22

Contract No. 58-22 for the following public work: Unit D-22 Sidewalk Construction

between Al Dix Concrete Inc. , 401 Gertrude Street Kaukauna, WI 54130
 (Contractor Name) (Contractor Address)

and the City of Appleton dated: 5/6/2020 is hereby changed in the following particular wit:

Item No.	Account No.	Current Contract Amount	Current Contingency	C.O. Amount (+/-)	Contingency (+/-)	New Contract Total	New Contingency Total
1	<u>4010.680902</u>	<u>\$10,000.00</u>	<u>\$0.00</u>	<u>\$0.00</u>		<u>\$10,000.00</u>	<u>\$0.00</u>
2	<u>17015.680902</u>	<u>\$358,000.00</u>	<u>\$0.00</u>	<u>\$0.00</u>		<u>\$358,000.00</u>	<u>\$0.00</u>
3	<u>Facilities, ParkADA, Infrastruc (AMP)</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$25,000.00</u>		<u>\$25,000.00</u>	<u>\$0.00</u>
4	<u>Hardscape, Infrastruc (Fire</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$25,000.00</u>		<u>\$25,000.00</u>	<u>\$0.00</u>
5							
6							
7							
8							
	Total	<u>\$368,000.00</u>	<u>\$0.00</u>	<u>\$50,000.00</u>	<u>\$0.00</u>	<u>\$418,000.00</u>	<u>\$0.00</u>

Reason for Change: Addition of \$25,000 of Facilities/Construction Management Funds for sidewalk replacement at Memorial Park.

Addition of \$25,000 of Facilities/Construction Management Funds for sidewalk and driveway panel replacement at Fire Station No. 3.

The Contract Time will be (increased / decreased/ unchanged) by this Change Order: 15 Days

The Date of Completion as of the date of this Change Order therefore is: 08/05/22

Finance Committee Agenda Date: 07/11/22

Date approved by Council: 07/20/22



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DEPARTMENT OF PUBLIC WORKS

Engineering Division
100 North Appleton Street
Appleton, WI 54911
TEL (920) 832-6474
FAX (920) 832-6489

MEMO

TO: Finance Committee

FROM: Ross Buetow, Deputy Director/City Engineer

SUBJECT: Request to approve budget transfer of \$2,900,000 from Second Raw Water Line Improvements to 2022 Watermain Program

DATE: July 11, 2022

Included in the 2022 Water Utility budget (funds carried over from 2021) is \$8,280,000 for the construction of a second/redundant raw water line between the Lake Winnebago pumping station and the City's water filtration plant. Bids for this construction project were opened in May of 2022 and a construction contract with PTS Contractors in the total amount of \$5,375,000 was approved by the Common Council on June 1, 2022. As a result of the favorable bids, there is approximately \$2.9 million of available budget within the Water CIP Second Raw Water Line Improvements project.

Department of Public Works staff sees this as an excellent opportunity to utilize the excess budget amount to supplement our current 2022 water main replacement program. The 2019 Water System Master Plan prepared by AECOM provided a lengthy list of recommended system improvements, some of which could be addressed through the utilization of these funds. These recommended improvements include replacement of mains due to inadequate size/pressure/flow, poor condition, high break history or lack of redundancy/looping.

If the use of these funds is approved by Committee and Council, DPW staff will immediately begin to review and prioritize potential water main relay projects. Many factors beyond just pipe size and condition will need to be considered throughout the prioritization process. Our goal would be to prepare a final project list by fall of 2022 and develop a bid package to be awarded in late 2022 for construction in 2023.

Therefore, the Department of Public Works requests the following budget amendment and subsequent spending authority for additions to our 2022 water main replacement program:

Second Raw Water Line Improvements	-\$2,900,000
Watermain Program	+\$2,900,000

Please feel free to contact me if you have any questions regarding this request. Thank you for your consideration.

c: Jeri Ohman, Finance Director
Danielle Block, Director of Public Works



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TO: Finance Committee
FROM: Jeri Ohman, Finance Director
DATE: July 11, 2022
RE: Fuel Costs - Budget vs Actual

Due to increasing fuel prices, actual costs are being monitored by staff. CEA fuel purchases for the first six months of 2022 account for 65% of the budgeted amount, this supplies all City departments except for Valley Transit.

The City purchases fuel at wholesale rates. Staff request quotes each time a purchase is made, typically every couple of weeks. There are amounts in the Reserves and Contingencies budget that are available to offset unexpected increases. Normally, Finance staff will review actual costs compared to budget for the business unit as a whole to determine if reserve amounts need to be allocated. With the current trends, staff will monitor costs throughout the year and determine if action is needed sooner.

Valley Transit temporarily reduced service levels earlier this year due to driver recruitment challenges. Consequently, the temporary service reductions mitigated the escalating fuel costs. The actual costs through June have accounted for 48% of the amount budgeted. Due to the continued bus operator vacancies, it is not anticipated that the suspended services will be restored prior to 2023.