



City of Appleton

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

Meeting Agenda - Final Utilities Committee

Tuesday, August 27, 2024

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Pledge of Allegiance

3. Roll call of membership

4. Approval of minutes from previous meeting

[24-1048](#) Approval of the July 23, 2024 Utilities Committee Meeting minutes.

Attachments: [July 23, 2024 Utilities Committee Meeting Minutes.pdf](#)

5. **Public Hearing/Appealances**

6. **Action Items**

[24-1049](#) Recommend for approval that City Staff and the Mayor be authorized, on behalf of the City of Appleton, to immediately execute and file a Request for Exclusion with the appropriate courts and parties in the Tyco and BASF class action lawsuits so that the City is opted-out of these respective lawsuits.

Attachments: [21-0078 - Utilities Memo \(BASF Tyco Opt Out\) - 08-01-2024.pdf.pdf](#)

[24-1060](#) Engineering Services Contract to Donohue and Associates, Inc. as part of Utilities Department Network System Upgrades Project in the amount of \$222,890 with a 15% contingency of \$33,443 for a project total not to exceed \$256,324.

Attachments: [240808_UCMemo_UtilitiesNetworkUpgrades_Donohue.pdf](#)

[24-1131](#) Approve an ordinance updating Municipal Code Chapter 20, Article V Stormwater Management Services

Attachments: [Memo A Stormwater Late Fee Ordinance Update 2024 .pdf](#)
[Stormwater Rates.pdf](#)

[24-1061](#) Final Update on December 26, 2022 AWWTP Polymer Incident.

7. Information Items

8. Adjournment

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

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

For questions on the agenda, contact Chris Stempa at 920-832-5945 or Peter Neuberger or Nathan Loper at 920-832-6474.



City of Appleton

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Meeting Minutes - Final Utilities Committee

Tuesday, July 23, 2024

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Chairperson Meltzer called the Utilities Committee meeting to order at 4:30 p.m.

2. Pledge of Allegiance

3. Roll call of membership

Present: 3 - Meltzer, Firkus and Hayden

Excused: 2 - Doran and Heffernan

4. Approval of minutes from previous meeting

[24-0952](#)

Approval of the June 11, 2024 Utilities Committee Meeting minutes.

Attachments: [June 11, 2024 Utilities Committee Meeting Minutes.pdf](#)

Hayden moved, seconded by Firkus, that the June 11, 2024 Utilities Committee Meeting Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 3 - Meltzer, Firkus and Hayden

Excused: 2 - Doran and Heffernan

5. Public Hearing/Appearances

6. Action Items

[24-0953](#)

Award Apple Hill Farms Pond 4 Outlet Pipe Repair Contract to Advance Construction, Inc. in an amount not to exceed \$28,000.

Attachments: [AHF Pond 4 Outlet Repairs - UC Memo Final 07-23-2024.pdf](#)
[Contract Award Form - AHF Pond 4 Outlet Repair - Final.pdf](#)

Hayden moved, seconded by Firkus, that the award of the Apple Hill Farms Pond 4 Outlet Pipe Repair contract to Advance Construction, Inc. in an amount not to exceed \$28,000 be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 3 - Meltzer, Firkus and Hayden

Excused: 2 - Doran and Heffernan

7. Information Items

[24-0954](#)

Monthly Reports for May and June 2024:

- Water Distribution and Meter Team Monthly Report - May
- Water Distribution and Meter Team Monthly Report - June

Attachments: [5 - May 2024 Water Main Breaks.pdf](#)
 [6 - June 2024 Water Main Breaks.pdf](#)

The reports were reviewed.

8. Adjournment

Hayden moved, seconded by Firkus, that the Utilities Committee meeting be adjourned at 4:32 p.m.. Roll Call. Motion carried by the following vote:

Aye: 3 - Meltzer, Firkus and Hayden

Excused: 2 - Doran and Heffernan



DEPARTMENT OF
**LEGAL AND
ADMINISTRATIVE
SERVICES**

CITY ATTORNEY'S OFFICE
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TO: Chairperson Vered Meltzer
Members of the Utilities Committee

FROM: Christopher R. Behrens, City Attorney
Chris Stempa, Director of Utilities

DATE: August 1, 2024

RE: PFAS Opt Out – BASF and Tyco
Our File No. A21-0078

In 2023 the Common Council authorized the City Attorney's Office to file the necessary documents to opt out of class action settlements with 3M and DuPont related to PFAS. Recently we were made aware of similar opt-out opportunities with Tyco and BASF class action lawsuits. I'm providing the following that was included in the 2023 memo as it still provides relevant context:

City staff including the Utilities Director, City Attorney and Risk Manager along with their staff, have reviewed this matter in several respects. From the Utilities perspective, the known impact of PFAS on the water utility is minimal at this time due to the City's primary water source being surface water. Tests for PFAS have fallen well below current regulatory limits. Appleton is fortunate in that it hasn't been negatively impacted as some other communities around the country who have been forced to take extreme measures including trucking in water. What is unknown is how the regulatory requirements regarding acceptable PFAS levels might change in future years or decades and, in that scenario, the extent of additional infrastructure that would be required to meet those new requirements. These considerations (even though still relatively unknown) and preservation of potential future rights have to be balanced against what rights would be given up should Appleton stay in the settlement class and accept a (projected) settlement from each company.

The City belongs to Municipal Environmental Group (MEG)-Water Division and their attorneys have more closely analyzed the Tyco and BASF class action settlement terms. The following summary they provide is instructive, "The Tyco and BASF releases are similar to the release included in the 3M settlement. These releases are broader than what was included in the DuPont settlement." Given that these releases are similar to, if not broader than, the 3M/DuPont releases that the City previously has opted out of, staff recommends doing the same with regard to the Tyco/BASF lawsuits. **Accordingly, we are respectfully recommending that it be:**

APPROVED that City Staff and the Mayor be authorized, on behalf of the City of Appleton, to immediately execute and file a Request for Exclusion with the appropriate courts and parties in the Tyco and BASF class action lawsuits so that the City is opted-out of these respective lawsuits.



DEPARTMENT OF
UTILITIES

Department of Utilities
Wastewater Treatment Plant 2006 East Newberry
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www.appleton.org/government/utilities

MEMORANDUM

Date: August 8, 2024
To: Chairperson Vered Meltzer
From: Corey Popp, Director of Information Technology
CC: Chris Stempa, Director of Utilities
Subject: **Utilities Committee Action: Engineering Services Contract to Donohue and Associates, Inc. as part of Utilities Department Network System Upgrades Project in the amount of \$222,890 with a 15% contingency of \$33,443 for a project total not to exceed \$256,324**

BACKGROUND:

The City of Appleton's Wastewater Treatment Plant (AWWTP) campus consists of 19 buildings totaling approximately 280,000 square feet that are located on the north half of a 38-acre parcel adjacent to the Lower Fox River. One-foot-thick concrete tunnels descending to a maximum depth of 20 feet below grade interconnect 16 of the 19 buildings. The maximum building height is 100 feet above ground. The City of Appleton's Water Treatment Facility (AWTF) is comprised by a single 173,232 total square foot building constructed in 2001 residing on 26 acres in the City of Menasha. The basement level galleries and equipment rooms within the treatment complex are configured based on the treatment system tankage descending to a maximum 25 feet below ground. An aerial site plan is found on Attachment 2. The maximum building height is 20 feet above ground.

The AWWTP and AWTF are each supported by two independent Ethernet networks, the City's Enterprise Resource Planning (ERP) network and the Utility Department's Supervisory Control and Data Acquisition (SCADA) network. The existing networks are outdated, complex to maintain, and at times unreliable. The City of Appleton and Utilities Department wishes to modernize.

The SCADA network is independent and currently air gapped from the city's ERP network and must remain independent and air gapped. The city ERP network at both facilities connects to the Internet and the City's Mitel telephone system. The AWWTP connects by way of the Appleton Area Metropolitan Fiber Optic Network (AAMFON). The AWTF connects by way of a site-to-site IPsec VPN across a third-party Internet connection.

There is an antiquated public address system at the AWWTP that is accessed by way of Spectralink wireless telephones. At both facilities, Viking Access System gate operators are opened and closed remotely by way of touch tones sent through the Spectralink wireless phones (while on plant grounds and within range of Motorola access points).

The AWWTP wireless voice communication is facilitated by 28 wireless IP Spectralink phones running on approximately 180 Motorola access points located throughout the campus. Similarly, the AWTF wireless voice communication is facilitated by 12 wireless IP Spectralink phones running on approximately 31 Motorola access points.

The City of Appleton's cellular coverage is adequate, until within the tunnel systems at both facilities, but in areas point coverage significantly degrades and eventually becomes unusable. As a result of poor below grade cellular coverage, the WI-FI networks are configured to enable WI-FI calling on the guest VLAN. The guest VLAN is the wireless network staff members connect to when within campus buildings and tunnels or on facility grounds within WI-FI coverage.

REQUEST FOR PROPOSAL

A Request for Proposal (RFP) was formulated with a scope of work that will deliver the City a campus wide network system Conditions Assessment and Project Alternatives Technical Memorandum (TM). The information and costs identified will be utilized to shape decisions as part of a 2026 or 2027 construction project. The Conditions Assessment shall document the existing network system condition and associated infrastructure. This will likely require the use of diagnostic tools, wireless surveys, and/or testing to aid in revealing existing system deficiencies.

Based on the findings of the Conditions Assessment, a minimum of two projects will be developed that staff would evaluate for potential inclusion as part of a future construction project. Each alternative will consider short-term or immediate needs (within 1 to 2 years) including, but not limited to, improvements to address reliability or functionality issues (i.e. poor cabling), equipment obsolescence, compliance, and/or security concerns. Each alternative should also account for advancements in technology, expandability, integration, compatibility, and redundancy. This includes future upgrades that would address industry accepted practices for network architecture and equipment standards. This document will be provided to staff to select a concept for further development as part of Phase II

Each alternative will provide sufficient supporting details within the Project Alternatives TM. The contracted engineer or consultant will revise the final document, if or as necessary, to incorporate new information following the initial Conditions Assessment. At the conclusion of this process, staff will submit to the committee of jurisdiction the recommended Project Alternative to be carried forward for a public bid construction project.

RFP PROCESS

A Request for Proposals (RFPs) process was initiated in May 2024. Only one firm, Donohue and Associates, Inc. (Donohue), was present at the mandatory Pre-Proposal meeting and produced a complete proposal. Internal capacity coupled with the uniqueness and complexity of the scope of work outlined in the RFP was the rationale provided as to why other firms did not respond. Donohue has successfully completed a number of complex construction projects for the Utilities Department in the past. Within the last year, they have completed SCADA network evaluations at the AWWTP and AWTF. They are familiar with the facilities and the level of effort necessary to supply the deliverables outlined in the RFP. Donohue recognizes the complexity of the scope of work and has devised a project team made up of engineers and industry professionals experienced in network and communication system upgrades.

PROPOSAL

The Information Technologies Department and Utilities Department organized an evaluation team to critically review each the written proposal based on established criteria described in the RFP. Sealed fees were revealed following the proposal evaluation process. Donohue’s proposal satisfied the review criteria, and their service fee was within the available CIP budget. The appropriation of cost associated with this engineering service contract will be shared between the AWWTP and AWTF at 80% and 20% respectively. That allocation is based on the anticipated network system infrastructure that will be installed and/or upgraded at each treatment facility.

The Scope of Services described within their proposal includes the following compensation on a Time and Expense basis.

Service Description	Fee
Phase 1 - AWWTP Network Assessment	\$68,635
Phase 2 - Network Upgrade Planning	\$39,710
Phase 3 - Network Upgrade Design and Bidding	\$114,545
TOTAL	\$222,890

RECOMMENDATION:

I am recommending the approval of an engineering contract to Donohue and Associates, Inc. as part of the Utilities Department Network System Upgrades Project in the amount of \$222,890 with a 15% contingency of \$33,443 for a project total not to exceed \$256,324.

If you have any questions regarding this project, please contact Corey Popp at 920-832-5892.



CITY OF APPLETON

Finance Department
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MEMORANDUM

Date: August 21, 2024
To: Chairperson Vered Meltzer and Members of the Utilities Committee
From: Kelli Rindt, Enterprise Fund Accounting Manager
Subject: Approve an ordinance updating Municipal Code Chapter 20, Article V Stormwater Management Services

The Finance Department requests approval of an ordinance correcting Municipal Code Chapter 20, Article V Stormwater Management Services. Strike and bold language of the proposed updates are shown on the attached document. The change will correct the late fee percentage that is assessed for unpaid balances.

Currently a 1% late fee is being assessed for unpaid balances for all services that are billed as part of the quarterly City service invoice. The 1% late fee will be consistent with the approved late fee by City ordinance for unpaid sewer balances and the approved late fee by the Public Service Commission of Wisconsin per (PSC 185.33 (10) (a)) for unpaid water balances.

The ordinance with this update will become effective immediately upon approval and publication.

If you have any questions or require additional information regarding this project, please contact me at 920-832-6316.

Sec. 20-236. Rate charges.

(f) Stormwater Utility charges shall not be payable in installments. If Stormwater Utility charges remain unpaid after a period of twenty (20) days from the date of utility bill, such bill shall become a delinquent special charge and shall become a lien as provided in W.S.A. §66.66(15). Said charges shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charges. Unpaid charges shall be assessed a one ~~and one-half~~ percent ($1\frac{1}{2}\%$) per month late payment charge to bills not paid within twenty (20) days of issuance.

Sec. 20-236. Rate charges.

(f) Stormwater Utility charges shall not be payable in installments. If Stormwater Utility charges remain unpaid after a period of twenty (20) days from the date of utility bill, such bill shall become a delinquent special charge and shall become a lien as provided in W.S.A. §66.66(15). Said charges shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charges. Unpaid charges shall be assessed a one percent (1%) per month late payment charge to bills not paid within twenty (20) days of issuance.