

92-24

AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.

(City Plan Commission 6-19-2024)

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

Section 1: That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone lands located at 841 West Lawrence Street (Tax Id #31-3-0899-01), including to the centerline of the adjacent railroad line and including to the centerline of the adjacent right-of-way of West Lawrence Street, South Badger Avenue and South Pierce Avenue, from C-2 General Commercial District to R-2 Two-Family District. (Rezoning #4-24 – 841 West Lawrence Street, Timothy Hales of Timber Investments LLC, owner and applicant)

LEGAL DESCRIPTION:

GRAND CHUTE PLAT 3WD AS 484D121 OF LOT 1 BLK 47, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN. INCLUDING TO THE CENTERLINE OF THE ADJACENT RAILROAD LINE AND INCLUDING THE ADJACENT ONE-HALF (1/2) RIGHT-OF-WAY OF WEST LAWRENCE STREET, SOUTH BADGER AVENUE AND SOUTH PIERCE AVENUE.

COMMON DESCRIPTION:

841 West Lawrence Street (Tax Id #31-3-0899-01), including to the centerline of the adjacent railroad line and including to the centerline of the adjacent street right-of-way

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

93-24

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 6-5-2024)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited from 7:00 a.m. to 5:00 p.m., except Saturdays, Sundays, and holidays, on the north side of Second Street from Lynndale Drive to a point 175 feet west of Lynndale Drive.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

94-24

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 6-5-2024)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited from 7:00 a.m. to 5:00 p.m., except Saturdays, Sundays, and

holidays, on the west side of Lynndale Drive from Second Street to a point 35 feet north of Second Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

95-24

AN ORDINANCE CREATING ARTICLE VII OF CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RESPONSIBLE BIDDER.

(Finance Committee – 6-5-2024)

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

Section 1: That Article VII of Chapter 2 of the Municipal Code of the City of Appleton, relating to responsible bidder, is hereby created to read as follows:

ARTICLE VII. RESPONSIBLE BIDDER.

Sec. 2-575. Responsible bidder.

(a) ***Purpose.*** Pursuant to Wis. Stat. § 66.0901, whenever the City contracts for public works, the contract must be awarded to the lowest responsible bidder. Whether a bidder is “responsible” is a determination requiring the exercise of City discretion. This ordinance is intended to ensure that submitted bids are reviewed by the City and its departments, officials or employees under reasonably consistent responsible bidder criteria when exercising its discretion.

(b) ***Definitions.***

(1) ***Contractor*** means a person, corporation, partnership, or any other business entity that performs work on a public works contract as a general contractor, prime contractor, or subcontractor at any tier.

(2) ***Public Works Contract*** means any contract subject to Wis. Stat. § 62.15 for the construction, execution, repair, remodeling, or improvement of any public work or building, or for the furnishing of supplies or material of any kind, where the estimated cost of such work will exceed the threshold amount set forth in Wis. Stat. § 62.15(1) for contracts that shall be let to the lowest

responsible bidder.

- (3) **Registered Apprenticeship Program** means an apprenticeship program that is currently registered with either a State or federal government entity and that has a graduated apprentices to journey person job classification system process as well as a bona fide training program.

(c) **Responsible Bidder Criteria.** To be considered a responsible bidder by the City for purposes of being awarded a public works contract, all the following criteria must be met:

- (1) The contractor must maintain a permanent place of business.
- (2) The contractor must be authorized to do business in the State of Wisconsin.
- (3) The contractor and any agent, partner, employee, and/or officer of the contractor must not be debarred, suspended, proposed for debarment, or declared ineligible from contracting with any unit of federal, state, or local government.
- (4) The contractor, must follow the provisions of Section 2000e of Chapter 21, Title 42 of the United States Code, and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity provisions).
- (5) The contractor must have adequate and appropriate:
 - a. General liability insurance;
 - b. Automobile insurance, except when a licensed motor vehicle is not used in the performance of the contract; and
 - c. Worker's compensation and unemployment insurance, except when the contractor does not have employees.
- (6) For all projects undertaken within the past five (5) years in any jurisdiction in which state or federal prevailing wage laws apply, the contractor must have complied with all provisions of such laws. This provision is intended to include projects that are federally funded or otherwise subject to federal Davis-Bacon-related laws.
- (7) If determined to be appropriate in the discretion of the Director of the Department of Public Works at the time a Request for Bids or Request for Quotes is issued where the public works contract exceeds one million dollars, the contractor must participate in a Class A Registered Apprenticeship Program.

- (8) The contractor must have a written substance abuse prevention program that meets the requirements of Wis. Stat. § 103.503.
- (9) The contractor must have, and diligently maintain, a written safety program.
- (10) The employees who will perform work on the project for the contractor must be properly classified as employees or independent contractors under all applicable laws.
- (11) If the contractor has been the subject of any order or judgment from any state or federal agency or court concerning an employment practice, the contractor must provide copies of the investigation, order, or judgement for the City to consider as a factor in determining whether the contractor is a responsible bidder. The contractor may be disqualified for failing to provide the required documentation.
- (12) The contractor's employees who will perform work on the project must be covered under a current worker's compensation policy and must be properly classified under such policy.
- (13) The contractor must be in compliance with all laws regarding health insurance coverage for employees.
- (14) The contractor must possess all applicable professional and trade licenses required for performing the public works contract.
- (15) The contractor must have adequate financial resources to complete the public works contract, and to complete all other work the bidder is presently under contract to complete.
- (16) The contractor must be bondable for the terms of the proposed public works contract.

(d) ***Exemptions.***

- (1) This ordinance does not apply to public construction if the materials for the project are donated or if the labor for the project is provided by volunteers, pursuant to Wis. Stats. § 62.15(1).
- (2) This ordinance does not apply for public emergencies, when damage or threatened damage creates a public emergency as determined by the governing body pursuant to Wis. Stats. § 62.15(1b).
- (3) *No Restriction on Discretion.* If information is discovered or comes into the possession of the City or a City department, official, and/or employee responsible for awarding the public works contract, and if such information

calls into question the contractor's abilities or competence to faithfully and responsibly comply with the terms of a public works contract, and such information is considered to be both credible and verifiable, then that information shall be considered in determining whether the contractor is a responsible bidder.

Section 2: All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

Section 3: Effective date. This ordinance shall take effect on and after its passage and publication.