



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, April 19, 2023

7:00 PM

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
[23-0401](#) Common Council Meeting Minutes of April 5, 2023

Attachments: [CC Minutes 4-5-23.pdf](#)
- G. BUSINESS PRESENTED BY THE MAYOR
[23-0402](#) Appleton Housing Authority Appointment

Attachments: [AHA Appt Memo.pdf](#)
- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 1. **MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[23-0276](#) Resolution #2-R-23 Resolution to Eliminate No Mow May

Attachments: [#2-R-23 Resolution to Eliminate No Mow May \(1\).pdf](#)
[DPW No Mow May Memo \(4-12-23\).pdf](#)

Legislative History

3/20/23	Municipal Services Committee	held
4/10/23	Municipal Services Committee	recommended for approval
4/10/23	Municipal Services Committee	recommended for denial

[23-0336](#) Request from Legendairy Cookies 'N Creamery for a street occupancy permit to place tables and chairs in the College Avenue beautification strip at 101 E. College Avenue.

Attachments: [Legendairy Occupancy Permit.pdf](#)

Legislative History

4/10/23	Municipal Services Committee	recommended for approval
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[23-0337](#) Award Complete Streets/Pedestrian Study Contract to ALTA Planning + Design in an amount not to exceed \$75,000.00.

Attachments: [Complete Street Ped Crossing Study Contract Award.pdf](#)

Legislative History

4/10/23	Municipal Services Committee	recommended for approval
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[23-0338](#) Award of contract for 2023 Parking Ramp Professional Engineering and Construction Administration Services to Desman Design Management in the amount not to exceed \$50,480.00.

Attachments: [Award of Contract - Desman 2023 Parking Ramp Maintenance Design Services](#)

Legislative History

4/10/23	Municipal Services Committee	recommended for approval
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2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[23-0225](#) Class "B" Beer and Reserve "Class B" Liquor Permanent Premise Amendment application for Jackson Investment Group LLC d/b/a Mr Frogs, April Anderson, Agent, located at 409 W College Ave, contingent upon approval from the Community Development and Inspections departments.

Attachments: [Mr Frogs S&L.pdf](#)

Legislative History

4/12/23 Safety and Licensing recommended for approval
Committee

3. MINUTES OF THE CITY PLAN COMMISSION

[23-0332](#) Request to approve Special Use Permit #2-23 to expand an existing outdoor patio with alcohol sales and service associated with a tavern (Mr. Frogs) located at 409 West College Avenue (Tax Id #31-3-1032-00), as shown on the attached maps, development plans, and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_Mr.Frogs_409WCollegeAve_SUP_For4-12-23.pdf](#)

Legislative History

4/12/23 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[23-0349](#) Action Item: Irish Fest of the Fox Cities requests permission to hold a ticketed private Special Event in Jones Park on September 15-16, 2023 for Irish Fest

Attachments: [Irish Fest Jones Park Special Event.docx](#)

Legislative History

4/10/23 Parks and Recreation recommended for approval
Committee

[23-0350](#) Action Item: Adopt the Proposed Revised Athletic Facilities Rental and Fee Schedule Policy

Attachments: [Athletic Field Policy Memo.docx](#)

[2023 Athletic Facilities Policy - REDLINE.pdf](#)

[2023 Athletic Facilities Policy - FINAL.docx](#)

Legislative History

4/10/23 Parks and Recreation recommended for approval
Committee

5. MINUTES OF THE FINANCE COMMITTEE

[23-0354](#)

Request to approve the following 2023 Budget Amendment

Water Utility

Water Lake Station Gate Upgrade	+ \$188,139
Fund Balance	+ \$188,139

to record 2022-23 Budget Carryover that should have been included in request as Under Contract of \$13,814 and Not Under Contract of \$174,325, for the replacement and upgrade of the gate at the Water Lake Station

Legislative History

4/10/23 Finance Committee recommended for approval

[23-0355](#)

Request to approve the AWWTP A&S Buildings Roof Repairs Project Engineering Services Amendment #1, increasing Specialty Engineering Group, LLC's total contract amount by \$39,600 from \$18,500 to \$58,100.

Attachments: [2023 AWWTP Roofing Design Contract Ammendment.pdf](#)

Legislative History

4/10/23 Finance Committee recommended for approval

[23-0356](#)

Request to award the 2023 AWWTP A-Building Renovation Project contract to RJM Construction, LLC. in the amount of \$262,328 with a contingency of \$36,000 for a project total not to exceed \$298,328.

Attachments: [2023 AWWTP A-Building Ceiling Renovation Project.pdf](#)

Legislative History

4/10/23 Finance Committee recommended for approval

[23-0357](#)

Request to award Unit J-23 Mini Storm Sewer Construction to M & E Construction, LLC. in an amount not to exceed \$200,000.

Attachments: [Contract Unit J-23.pdf](#)

Legislative History

4/10/23 Finance Committee recommended for approval

[23-0358](#)

Request to award Unit X-23 Water Main Reconstruction (Rebid) to Kruczek Construction Inc. in the amount of \$1,044,444 with a 5% contingency of \$52,222 for a project total not to exceed \$1,096,666.

Attachments: [Contract Unit X-23 \(Rebid\).pdf](#)

Legislative History

4/10/23 Finance Committee recommended for approval

[23-0362](#) CEA Review Committee Report

Attachments: [CEA Review Committee Mtg Minutes 3-20-2023.pdf](#)

Legislative History

4/10/23 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[23-0341](#) Award Unit F-23 Sanitary & Storm Sewer Cleaning and Televising to Green Bay Pipe & TV, LLC in an amount not to exceed \$266,500.

Attachments: [Utilities Committee - 04-11-23 - Award of Contract Unit F-23.pdf](#)

Legislative History

4/11/23 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[23-0334](#) Request to Approve Community and Economic Development / Public Works Re-organization.

Attachments: [CED Re-org.pdf](#)

[Community & Economic Development DRAFT 3.2023.pdf](#)

[Public Works DRAFT 3.27.23 \(1\).pdf](#)

Legislative History

4/12/23 Human Resources & Information Technology Committee recommended for approval

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

- Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION
- R. OTHER COUNCIL BUSINESS
- S. ADJOURN

Kami Lynch, City Clerk

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

Remote meeting attendance may be permitted pursuant to Section 2-29 of the Appleton Municipal Code and Rules of Council.

**We are currently experiencing intermittent issues/outages with our audio/video equipment. Meeting live streams and recordings are operational but unreliable at times. This is due to delays in receiving necessary system hardware components. We continue to look for solutions in the interim and we hope to have these issues resolved soon.*



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, April 5, 2023

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Woodford at 7:02 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Del Toro.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Alderperson Hartzheim appeared virtually.

Present: 16 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt, Alderperson Chad Doran and Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[23-0313](#)

Common Council Meeting Minutes of March 15, 2023

Attachments: [CC Minutes 3-15-23.pdf](#)

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

Aye: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[23-0323](#) Recognition of poems selected for the 2023 Sidewalk Poetry Program

[23-0325](#) Proclamations:
- Golden Rule Day
- Hemophilia Awareness Day
- Earth Day
- Arbor Day
- Public Health Week
- Library Week
- Autism Acceptance Month

Attachments: [Golden Rule Day Proclamation.pdf](#)
[Hemophilia Awareness Day Proclamation.pdf](#)
[Earth Day Proclamation.pdf](#)
[Arbor Day Proclamation.pdf](#)
[Public Health Week Proclamation.pdf](#)
[Library Week Proclamation.pdf](#)
[Autism Acceptance Month Proclamation.pdf](#)

[23-0324](#) Alder send-off

Aldersperson Thao was recognized for her service on the Council.

[23-0326](#) Committee Appointments & Reappointments

Attachments: [Committee Appointments ' Reappointments 4'5'2023.pdf](#)

Aldersperson Croatt moved, seconded by Aldersperson Fenton, that the Appointments be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

H. PUBLIC PARTICIPATION

The following spoke regarding Item 23-0286 College Avenue Lane Reconfiguration Pilot Project:

Deb Matz, 500 W Franklin St.

Anders Hanhan, 401 E College Ave.

Deb Blank, 2623 E Sundance Dr.

Jason Brozek, 1402 N Division St.

Matthew Pavlik, 712 E Boldt Way

Jennifer Stephany, 533 W College Ave. Ste. 100

David Oliver, 833 E Franklin St.

Oliver Zornow, 1009 N Oneida St.

Ron Kahler, 825 N Kensington Dr.

The following spoke regarding Item 23-0215 CDBG Fund Distribution:

Lisa Strandberg, 605 E Hancock St.

Colleen Bies, 1191 N Casaloma Dr

I. PUBLIC HEARINGS

[23-0249](#)

Public Hearing for Planned Development #1-01 Major Amendment - Meade Pond, LLC

Attachments: [Public Hearing Notice PD 1-01 Amendment.pdf](#)

The public hearing was held, no one spoke during the hearing.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[23-0215](#)

Request to approve the REVISED 2023-2024PY Community Development Block Grant (CDBG) funding as specified in the attached community partner allocation recommendations

Attachments: [Alloc Recs 2023 Final Award Memo to CEDC 3-22-23.pdf](#)

[2023 CDBG Community Partner Award Recommendations Updated.pdf](#)

[2023 CDBG Simple Summary Award Recommendations Updated.pdf](#)

[Alloc Recs Memo to CEDC 11-9-22.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Alfheim, that the CDBG Funding Allocations be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[23-0286](#)

Approve College Avenue Lane Reconfiguration Pilot Project

Attachments: [College Avenue Lane Reconfiguration Consideration.pdf](#)

Alderperson Firkus moved, seconded by Alderperson Fenton, that the College Avenue Reconfiguration Pilot Project be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Chad Doran

Nay: 1 - Alderperson Christopher Croatt

Abstained: 1 - Mayor Jake Woodford

[23-0285](#)

Approve Memorandum of Understanding with Bird Rides, Inc. to initiate a Dockless, Stand-up Electric Scooter Program for 2023.

Attachments: [Bird Rides MOU.pdf](#)

Alderperson Croatt moved, seconded by Alderperson Fenton, that the MOU be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson William Siebers, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Nay: 3 - Alderperson Vered Meltzer, Alderperson Israel Del Toro and Alderperson Maiyoua Thao

Abstained: 1 - Mayor Jake Woodford

[23-0206](#)

Request to approve Major Amendment to Planned Development (PD) Overlay District #1-01 for Meade Pond LLC for 28 parcels located on E. Pondview Court amending the recorded Implementation Plan Document #1417611 as specified in the attached staff report and Amended Implementation Plan Document and subject to the condition listed (Associated with Action Item #23-0207)

Attachments: [StaffReport_MeadePondLLC_PD#1-01_MajorAmend_For3-8-23.pdf](#)

The Council took a short recess at 9:04 p.m. reconvening at 9:11 p.m.

Alderson Croatt moved, seconded by Alderson Jones, that the PD Amendment be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Israel Del Toro, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Joss Thyssen, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[23-0207](#)

Request to approve The Villas at Meade Pond Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report (Associated with Action Item #23-0206)

Attachments: [StaffReport_VillasatMeadePond_PreliminaryPlat_For3-8-23.pdf](#)

Alderson Fenton moved, seconded by Alderson Croatt, that the Plat be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Israel Del Toro, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Joss Thyssen, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[23-0296](#)

Request to reject all bids for Unit X-23 Water Main Reconstruction.

Attachments: [Bid Rejection - Unit X-23.pdf](#)

Alderson Fenton moved, seconded by Alderson Firkus, that the bid rejection be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Israel Del Toro, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Joss Thyssen, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim and Alderson Christopher Croatt

Nay: 1 - Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Croatt moved, Alderperson Firkus seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[23-0274](#)

Approve Contract Amendment / Change Order No. 1 to contract Unit T-21 Movable Bridge Inspections with AECOM, to perform bridge inspections and prepare a rehabilitation report for the Lawe Street Bascule Bridge, per WisDOT Trans 213 Local Bridge Program requirements, in the amount of \$11,400.00 resulting in no change to contract contingency. Overall contract increases from \$95,061.00 to \$106,461.00.

Attachments: [Contract Amendment-Change Order No.1 Unit T-21.pdf](#)

This Report Action Item was approved.

[23-0292](#)

Request from Hilton Appleton Paper Valley Hotel for a Street Occupancy Permit to place tables and chairs in the College Avenue beautification strip at 333 W. College Avenue.

Attachments: [Hilton Street Occupancy Permit.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[23-0289](#)

Request to Apply for Capital Credit Union's Elevate Communities Grant

Attachments: [Capital Credit Union Elevate Communities Program Grant Tracking Form.pdf](#)

This Report Action Item was approved.

[23-0251](#)

Class "A" Beer and "Class A" Liquor License application for Tiffani's Bridal & Consignment d/b/a Tiffani's Bridal, Tiffani Ebben, Agent, located at 210 W College Ave 2nd Floor, contingent upon approval from the Community Development, Health and Inspections departments.

Attachments: [Tiffani's Bridal.pdf](#)

This Report Action Item was approved.

[23-0247](#)

Class "B" Beer and "Class B" Liquor License Permanent Premise Amendment application for Stone Arch Brewpub Inc, Steven Lonsway, Agent, located at 1004 S Olde Oneida St, contingent upon approval from the Community Development and Inspections departments.

Attachments: [Stone Arch Brewpub.pdf](#)

This Report Action Item was approved.

[23-0214](#)

Class "B" Beer and "Class B" Liquor Temporary Premise Amendment application for Sangria's Mexican Grill, Sarah Gregory, Agent, located at 215 S Memorial Dr, on May 5, 2023, contingent upon approval from the Finance department.

Attachments: [Sangrias Mexican Grill S&L.pdf](#)

This Report Action Item was approved.

[23-0327](#)

Class "B" Beer and "Class B" Liquor License Change of Premise application for Calaveras Fine Fusion LLC d/b/a Calaveras Fine Fusion, Rebekka Garcia, Agent, New location at 511 W College Ave, contingent upon approval from all departments.

Attachments: [Calaveras Fine Fusion.pdf](#)

This Report Action Item was approved.

[23-0284](#)

Secondhand Mall/Flea License renewal application for Ye Old Goat, Meghan Keller, applicant, located at 1919 E Calumet St.

Attachments: [Ye Old Goat S&L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[23-0262](#)

Request to approve Special Use Permit #1-23 for an automobile sales and display lot use located at 520 East Northland Avenue (Tax Id #31-6-3150-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_MidValleyMotors_SUP_For03-22-23.pdf](#)

This Report Action Item was approved.

[23-0263](#)

Request to approve the Seville Properties Ballard & Werner Road Annexation consisting of approximately 39.913 acres located at N2751 County Road EE, currently in the Town of Center, as shown on the attached maps, subject to the stipulation in the attached staff report

Attachments: [StaffReport_SevilleProperties_Ballard-WernerRd_Annexation_For3-22-23.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[23-0295](#)

Request to award Unit E-23 Miscellaneous Concrete & Street Excavation Repairs to Al Dix Concrete, Inc. in an amount not to exceed \$473,850.

Attachments: [Unit E-23.pdf](#)

This Report Action Item was approved.

[23-0298](#)

Request to approve the 2022-2023 Budget carryover appropriations:

1. Items not under contract \$39,533,841
2. Items requesting Special Consideration \$293,616

(2/3 vote of Council required)

Attachments: [Not Under Contract 2022-2023 Carryover.pdf](#)
[Special Consideration 2022-2023 Carryover.pdf](#)

This Report Action Item was approved.

[23-0303](#)

Request to approve the following 2022 Budget amendments:

Community Development Block Grant Fund

Federal Grant	+\$97,393
Grant Payments	+\$97,393

to record additional federal funds received in Community Development Block Grant program (2/3 vote of Council required)

Emergency Shelter Grand Fund

Federal Grant	+\$302,687
Grant Payment	+\$302,687

to record additional funds received in the Emergency Shelter Grant program (2/3 vote of Council required)

Room Tax Administration Fund

Room Taxes	+\$78,405
Other Contracts/Obligation	+\$78,405

to record additional room taxes received (2/3 vote of Council required)

Wheel Tax Fund

Wheel Tax	+\$80,469
Transfer Out - General Fund	+\$80,469

to record additional wheel taxes received (2/3 vote of Council required)

Bioterrorism Grant Fund

Health Grants	+\$18,246
Salaries/Fringes	+\$18,246

to record additional Bioterrorism Grant funds received (2/3 vote of Council required)

Debt Service Fund

Premium on Debt Issue	+\$222,356
Consulting Services	+\$ 9,002
Interest Expense	+\$213,354

to record additional expense related to the 2022 debt issue (2/3 vote of Council required)

TIF #11 Fund

Fund Balance Applied	+\$116,265
Tax Refunds	+\$ 41,460
Salaries/Fringe	+\$ 74,805

to record additional expense for tax refunds issued and increased salary and fringe costs (2/3 vote of Council required)

General Fund

Salaries/Fringe Benefits - Human Resources	+\$23,096
Salaries/Fringe Benefits - Community & Economic Dev.	+\$17,512
Wage Reserve	-\$40,608

to allocate wage reserve funds (2/3 vote of Council required)

Attachments: [2022 Final Budget Adjustments.pdf](#)

This Report Action Item was approved.

23-0306

Request to award Unit D-23 Sidewalk Construction to BMD Concrete Innovations in an amount not to exceed \$293,000.

Attachments: [Unit D-23.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**7. MINUTES OF THE UTILITIES COMMITTEE****23-0291**

Award Unit R-23 Chemical Root Foaming of Sanitary Sewers to Duke's Root Control, Inc. in an amount not to exceed \$25,000.

Attachments: [Attachment - Utilities Committee - 03-21-23 - Award of Contract Unit R-23.pdf](#)

This Report Action Item was approved.

23-0300

Award the Sole Source Purchase of Secondary Clarifier Algae Sweep System from Ford Hall Company, Inc., in the amount of \$131,040 with a 15% contingency of \$19,656 for a project total not to exceed \$150,696.

Attachments: [Secondary Clarifier Algae Sweep System Sole Source Ford Hall.pdf](#)

This Report Action Item was approved.

[23-0301](#)

Sole Source Engineering Services Contract to McMahon as part of Phase II Belt Filter Press Equipment Upgrades Project in the amount of \$162,000 with a 15% contingency of \$24,300 for a Project Total not to exceed \$186,300.

Attachments: [Engineering Services Contract Phase II Belt Filter Press Equipment Upgrades Sole Source McMahon.pdf](#)

This Report Action Item was approved.

[23-0302](#)

Sole Source Engineering Services Contract to McMahon as part of the 2023 Digester Piping and Heat Exchanger Replacement Project in the amount of \$85,300 with a 15% contingency of \$12,795 for a Project Total not to exceed \$98,095.

Attachments: [2023 Digester Piping and Heat Exchanger Replacement Project Sole Source McMahon.pdf](#)

This Report Action Item was approved.

[23-0304](#)

Award purchase of Primary Digester Circulation Pump from Crane Engineering in the amount of \$27,774.

Attachments: [230317_CraneEngineering_DigCirPumpPurchase.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[23-0280](#)

Authorization to Award Tire Leasing contract to Bridgestone Americas Tire Operations, LLC

Attachments: [Award Recommendation Bridgestone.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[23-0314](#)

Ordinance #14-23 (Seville Properties Ballard & Werner Road Annexation)

Attachments: [Ordinances to Council 4-5-23.pdf](#)

Alderson Meltzer moved, seconded by Alderson Jones, that the Annexation Ordinance be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Israel Del Toro, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Joss Thyssen, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Del Toro moved, seconded by Alderson Croatt, that the meeting be adjourned at 9:21 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Israel Del Toro, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Joss Thyssen, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk



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

OFFICE OF THE MAYOR

Jacob A. Woodford
100 North Appleton Street
Appleton, Wisconsin 54911-4799
Phone: (920) 832-6400
Email: Mayor@Appleton.org

TO: Members of the Common Council
FROM: Mayor Jacob A. Woodford 
DATE: April 13, 2023
RE: Confirmation of Appointment

It is with pleasure that I present the following recommendations for your confirmation at the April 19, 2023, Common Council meeting.

APPLETON HOUSING AUTHORITY – New Appointment

Cathy Spears

Remainder of Current Ending December 2027

Cathy is a retired healthcare professional who represented City of Appleton District 12 as Alderperson from 2004 until 2020. During her tenure, she served on multiple City committees and attended various committee meetings when topics affected the residents of District 12. She participated in all Budget Saturday meetings and various other budget meetings. Cathy has served as a member of the City's Board of Health since August 2020 and as Chairperson since May 2021. Additionally, Cathy has been Outagamie County Board Supervisor since 2014.

#2-R-23
Resolution to eliminate No Mow May

Date: March 15, 2023

Submitted By: Chad Doran District 15

Referred To: Municipal Services Committee

Whereas the No Mow May initiative was made a permanent part of the city's ordinances in 2022, largely based on the data provided in a study looking at the quantity of bees and other pollinators found in mowed vs. unmowed lawns, and;

Whereas the study was presented to the Common Council as proof that unmowed lawns in fact did show higher levels of bee richness and abundance, leading to the program being permanently adopted by Appleton and later by numerous other municipalities around Wisconsin, and;

Whereas in November of 2022 the study was retracted by the authors of the paper as well as the publisher of the journal in which it appeared, and;

Whereas the editor of the journal noted the findings of the study are "unreliable and could impact the results", and;

Whereas the retraction guidelines for the journal note that a paper should be retracted if the findings are unreliable, or the result of fabrication or falsification, and;

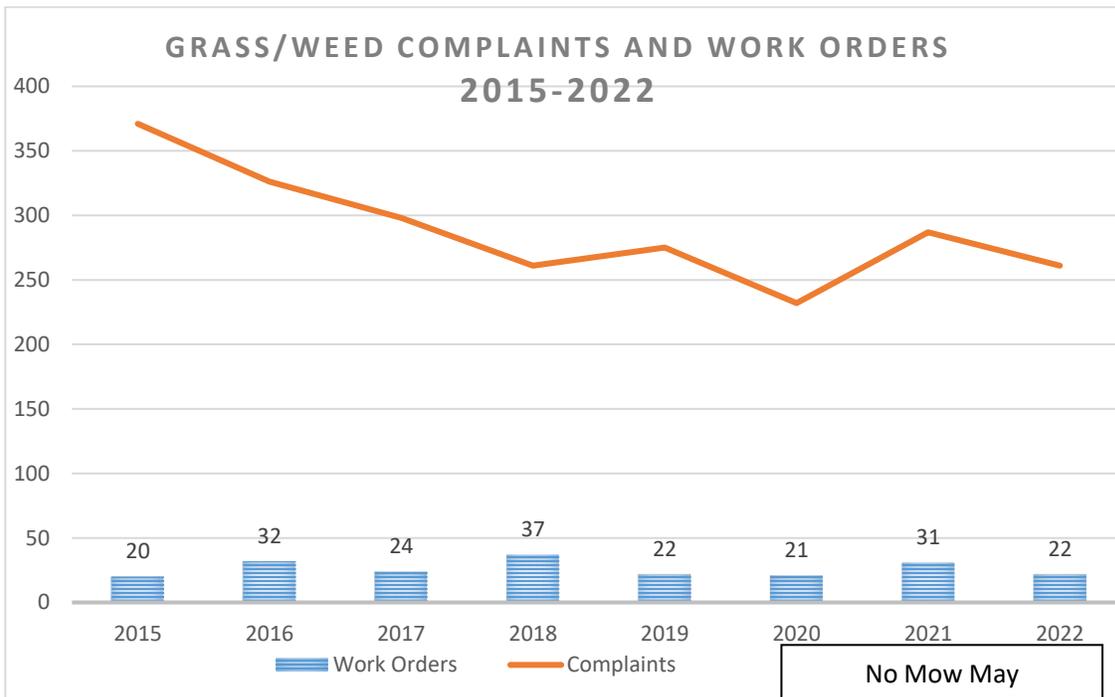
Whereas as the basis for adoption of No Mow May, the science behind the study has been proven to not be reliable and other apiologists who study bees have said that long grass provides no discernible benefit for bees and other pollinators, now;

Therefore be it resolved that on the basis of a lack of scientific evidence to support the No Mow May program, the City of Appleton Common Council hereby votes to eliminate the No Mow May program and delete references to it from the city code on the basis of a lack of scientific evidence to support the program, and repeal Ordinance 26-22 adopted on April 6, 2022 and restore Section 12-58 to its form prior to that date in order to enforce the city's long grass ordinance during the entire growing season, including the month of May.

DEPARTMENT OF PUBLIC WORKS
100 North Appleton Street
Appleton, WI 54911
Phone (920) 832-6474

TO: Danielle Block, Director of Public Works
FROM: Kurt W. Craanen, Inspections Supervisor
SUBJECT: Requested Information - No Mow May
DATE: April 12, 2023

No Mow May has not significantly increased the number of complaints the Inspections Division received, nor the number of work orders issued. These work orders include the notice to cut tall grass/weeds on private lots and the future follow up inspection. The chart below shows the number of complaints received and work orders issued from 2015 to 2022.



Staff time spent on grass and weed complaints did not increase in 2020, 2021 and 2022. The number of complaints and subsequent works orders trended in a comparable manner to previous years.



PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Permit #: - -
 Effective Date: _____
 Expiration Date: _____
 Fee: _____
 Paid (yes or no): _____

Rev. 04-10-15

Applicant Information

Name (print): Jeremy Mattso Company: Legendairy Cookies 'N Creamery
 Address: 101 E College Ave. Telephone: (920)619-3285 FAX: _____
Appleton WI 54911 e-mail: Contact@LegendairyCnC.com
 Applicant Signature: J Mattson Date: 3/29/2023

Occupancy Information

General Description: Tables & Chairs for customers
 Street Address: 101 E. College Ave. Appleton WI, 54911 Tax Key No.: _____
 - or -
 Street: _____ From: _____ To: _____
 Multiple Streets: _____

(Department use only)

Occupancy Type	Sub-Type	Location
<input type="checkbox"/> Permanent (\$40)	<input checked="" type="checkbox"/> Sandwich Board	<input type="checkbox"/> Sidewalk
<input type="checkbox"/> Temporary - max. 35 days (\$40)	<input checked="" type="checkbox"/> Tables / Chairs	<input checked="" type="checkbox"/> Terrace
<input checked="" type="checkbox"/> Amenity/Annual (\$40)	<input type="checkbox"/> Dumpster	<input type="checkbox"/> Roadway
<input type="checkbox"/> Blanket/Annual (\$250)	<input type="checkbox"/> POD / Container	
<input type="checkbox"/> Block Party (\$15)	<input type="checkbox"/> Obstruction / Other	

Additional Requirements

Plan/Sketch Certificate of Insurance Bond
 Other:

Traffic Control Requirements

N/A Contact Traffic Division (832-2379) 1 business day prior to any lane closure, or 2 business days prior to a full road closure.
Type of Street: Proposed Traffic Control:
 Arterial/CBD City Manual Page(s)
 Collector State Manual Page(s)
 Local Other (attach plan)
 Approved by: _____ Date: _____
 Additional Requirements: _____

This permit approval is subject to the following conditions:

1. Permittee is responsible to obtain any further permits that may be required as part of this occupancy.
2. Permittee shall adhere to any plan(s) that were submitted to the City of Appleton as part of this application.
3. This permit is subject to IMMEDIATE REVOCATION and/or issuance of a MUNICIPAL CITATION if conditions of the permit are not met.
4. This permit is subject to IMMEDIATE REVOCATION if unfavorable traffic conditions develop during the period the occupancy is permitted.
- 5.
- 6.

This permit is issued to the applicant upon payment of the permit fee and is expressly limited to the location and type described herein. The applicant, in exchange for receiving this permit, warrants that all street occupancies will be performed in conformity to City ordinances, standards and policies, be properly barricaded and lighted, and be performed in a safe manner. By applying for and accepting this permit, the applicant assumes full liability and/or any costs incurred by the City for corrective work required to bring the subject area into compliance with said ordinances, standards, policies and permit conditions. No occupancy shall occur prior to approval of this permit by the Department of Public Works.

The Grantee shall guarantee at their expense, the repair or replacement of pavement, sidewalk and any other facilities within the public right-of-way damaged or destroyed by the Grantee or any sub-contractor working for them. The Grantee shall assume complete and full liability and responsibility, in accordance with existing ordinances and policies, in the event of injury or damage to persons or property resulting from their facilities within the public right-of-way.

APPROVED BY: _____ DATE: _____
 (Department of Public Works)



Holt & Co

Come SOO SUMMER 2
COOKIES 'N
Legendairy
CREAMERY
FOLLOW US
APPLY FOR



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/29/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 715-526-6390 HOMETOWN Ins.AgcyOfShawano,Inc 1207 E. GREEN BAY STREET P. O. BOX 473 SHAWANO, WI 54166-0473 MARY BETH CLARK	CONTACT NAME: MARY BETH CLARK PHONE (A/C, No, Ext): 715-526-6390 FAX (A/C, No): 715-524-3846 E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE INSURER A : West Bend Mutual Ins. Co. NAIC # 15350 INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :	
INSURED The Golden Cone LLC dba: Legendairy Cookies 'n Creamery Legendairy CnC LLC 101 E College Ave Appleton, WI 54911		

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		A151060-06	05/12/2022	05/12/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			A151060-06	05/12/2022	05/12/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0			A151060-06	05/12/2022	05/12/2023	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N <input checked="" type="checkbox"/> Y N/A If yes, describe under DESCRIPTION OF OPERATIONS below			A151108-06	05/12/2022	05/12/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER City of Appleton 100 N Appleton St Appleton, WI 54911	CITYOFA	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
		AUTHORIZED REPRESENTATIVE MARY BETH CLARK 



DEPARTMENT OF PUBLIC WORKS
Engineering Division – Traffic Section
2625 E. Glendale Avenue
Appleton, WI 54911
TEL (920) 832-5580
FAX (920) 832-5570

To: Municipal Services Committee
From: Eric Lom, P.E., City Traffic Engineer
Date: March 29, 2023
Re: Complete Streets / Ped Study: Contract Award

At its 3/16/22 meeting, the Common Council approved the allocation of \$75,000 to hire a consultant to evaluate the city's Enhanced Crosswalk Program (Agenda Item #22-0054). Subsequently, at its 3/1/23 meeting, the Common Council approved the contract scope for this project, an approved amendment to solicit aldermanic feedback during the study. This addition to the scope of services has been made.

As has been noted in recent meetings, staff is recommending the City contract with our preferred bike & pedestrian consultant (ALTA Planning + Design) based on their exceptional performance record with the City and their familiarity with our situation.

As such, we recommend award of the contract to ALTA Planning + Design based on the Council-approved scope of services in an amount not to exceed \$75,000.



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

DEPARTMENT OF PUBLIC WORKS

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

MEMO

TO: Municipal Services Committee

FROM: Ross Buetow, Deputy Director of Public Works

SUBJECT: Professional Engineering and Construction Administration Services - 2023 Repair and Maintenance Program for the Red, Yellow, and Green Parking Ramps

DATE: April 10, 2023

In February of 2021, the Common Council authorized a sole source professional services agreement with Desman Design Management ("Desman") for planning, design and administrative services related to the structural maintenance of the City's public parking ramps. This agreement was authorized for a five-year period, subject to continued satisfactory performance by Desman.

In 2022, Desman completed a comprehensive update to their original 2019 structural condition analysis of all three of the City's parking ramps. The update included detailed descriptions of the structural condition of each ramp as well as general recommendations for short and long-term maintenance and repair needs.

In response to a 2023 request from the Department of Public Works, Desman has provided a proposal for professional engineering & construction administration services for repair and maintenance activities in the Red, Yellow, and Green Parking Ramps. A copy of the proposal accompanies this memo. Their proposed 2023 maintenance activities have been selected and prioritized based on their 2022 structural condition analysis. Desman's proposed fee for these services is \$50,480.00.

There is currently \$40,000.00 allocated in the 2023 Parking budget for consulting services, plus an additional \$6,940.00 of 2022 consulting service funds carried over to 2023. An additional \$3,540.00 of Parking Repairs and Maintenance funds would be used to fully fund the proposed scope of services.

In summary, we recommend award of contract for 2023 Parking Ramp Professional Engineering and Construction Administration Services to Desman Design Management in an amount not to exceed \$50,480.00.

Thank you for your consideration.

March 22nd, 2023

Mr. Ross Buetow
Deputy Director of Public Works | City Engineer
City of Appleton
Appleton, WI 54911

Sent via email to: Ross.Buetow@appleton.org

Re: Proposal for Professional Engineering & Construction Administration Services 2023 Repair and Maintenance Program for the Red, Yellow, and Green Parking Garages in Appleton, WI

Dear Mr. Buetow:

In response to our 2/23/23 discussion, DESMAN is pleased to submit the following proposal to the City of Appleton (Appleton) to provide professional services for the Red, Yellow, and Green Parking garages in the City of Appleton, WI per the recommendations provided in our previous condition assessment report.

UNDERSTANDING OF CAPEX WORK SCOPE

As discussed during our 2/23/23 meeting Appleton expects an estimate repair budget of roughly \$700,000 for 2023. That budget is currently intended to be used to address the 2023 priority repair items in the Red and Green Garages identified in DESMAN's current condition assessment report as well as the 2024 scope recommended for the Yellow Parking Garage.

SCOPE OF SERVICES

DESMAN proposes the following SCOPE OF SERVICES for the Red, Yellow, and Green Parking Garages in 2023:

PHASE II TASKS - Construction Documents (CD's)

- A. Review existing documents within our files, including existing drawings, photos, notes and our most recent condition assessment report, etc.
- B. Discuss with Appleton staff the construction budget, user requirements, and scope of repair work and verify and quantify the types, locations and other details of the repairs in order to prepare a Contractor bid package for 2023 repair and maintenance project at each garage.
- C. Prepare a single bid package for 2023 Repair and Maintenance work. The 2023 Repair and Maintenance program will be competitively bid with the intent to award all properties to one contractor (although individual awards are possible). The bid package will describe the work and generally consist of the following components:
 1. Construction drawings/sketches and details, as required, illustrating repairs, removal and replacement and installation of new products, as applicable, for budgeted work categories listed and described in the current DESMAN Condition Assessment Report and confirmed by discussions with Appleton.
 2. Technical specifications, as required, for each work category shown under item *D.1.*, including outline of performance criteria, repair procedures, material testing requirements during construction, warranties, etc.

3. Front-end requirements, as required, provided by Appleton and incorporated into the Project Manual such as; General and Special Conditions, Insurance Requirements, Bonding Requirements, Incentives and/or Liquidated Damages, as applicable.
 4. Proposal Form describing the work with estimated quantities formatted for payment based on a lump sum or unit price basis, as applicable.
 5. Work phasing plan, if applicable, that meets Appleton's requirements for keeping the parking facilities open (or portion thereof) at all times during construction will be included. Details related to phasing of the work will be reviewed and approved by Appleton.
- D. Furnish up to two reproducible sets of the drawings and technical specifications or pdf electronic format files to Appleton at the 90% completion level for review and comment. If necessary, DESMAN will schedule a meeting or conference call with Appleton to discuss comments on the documents and bidding and construction schedules.
- E. DESMAN will incorporate comments from Appleton and issue finalized drawings and technical specifications.

PHASE III TASKS - Contractor Proposal & Contract Negotiations

- A. Issue the bid package to the Contractor(s), in electronic PDF file format, transmitted via email.
- B. Attend a Pre-bid Conference at one or several properties (to be determined with Appleton), conduct a walk-through site visit at that property with the Contractor(s), and Appleton personnel. Based on Contractor(s) Requests for Information (RFI), DESMAN will prepare an Addenda and issue to the Contractor(s), if necessary, incorporating any changes or clarifications, which arise from the Conference.
- C. Review Contractor(s) bid(s) and provide an acceptance recommendation to Appleton.

PHASE IV TASKS - Construction Observation & Contract Administration

- A. Conduct a Pre-Construction conference between DESMAN, the Contractor, Appleton, and other parties if appropriate and necessary for effective construction of the project. Clarify lines of communication, policies, routing of shop drawings, correspondence, etc. DESMAN will prepare an agenda and distribute meeting minutes.
- B. Maintain the following documents, as applicable, during construction and deliver to Appleton upon project completion:
 1. Reports of job conferences, meetings, and discussions among DESMAN, Appleton and the Contractor via meeting notes, emails, etc.;
 2. Shop drawings and samples submissions as provided by the Contractor;
 3. One set of approved construction Contract Documents;
 4. Addenda, Change Orders or Construction Change Directives if issued;
 5. Additional drawings issued subsequent to execution of the construction Contract Documents;
 6. DESMAN clarifications and interpretations of the construction Contract Documents if required;
 7. Progress Reports from periodic on-site observations;
 8. Names, addresses and telephone numbers of the Contractor, subcontractors, and major suppliers of materials and equipment as supplied by the Contractor;

9. "As Built" set of record construction documents prepared and submitted by the Contractor and reviewed by DESMAN, and Appleton;
- C. Conduct periodic on-site observations of the repair work at intervals appropriate to the stage of construction to become familiar with the progress and quality of the work completed. The number of anticipated site visits per project (including a pre-construction conference and a substantial completion visit) are listed in the appropriate section of the included bid form. DESMAN will make critical observations at the beginning of each repair phase to observe methods of material removal, surface preparation, and installation procedures. On the basis of the on-site observations, DESMAN shall keep Appleton informed of the progress and quality of the work, and shall endeavor to guard against defects and deficiencies in the work. A Site Observation Report will be completed with each site visit and submitted to Appleton and others as appropriate.
- D. Review and respond to requests for information ("RFI's").
- E. Review and certify Contractor's Applications for Payment. DESMAN will verify the quantities of work, which are the basis of the payment request.
- F. Review, provide recommendations or take other appropriate action upon Contractor's submittals such as Shop Drawings or Product Data and Samples; but only for the limited purpose of reviewing for conformance with information given and the design concept expressed in the Contract Documents.
- G. Review Contractor prepared Change Orders, including applications for extensions of construction time, and Construction Change Directives, with supporting documentation and data, if deemed necessary by DESMAN, and Appleton. DESMAN shall evaluate the cost and scheduling aspects of all change orders and, where necessary, negotiate with the Contractor to obtain a fair price for the work. DESMAN may authorize minor changes in the work not involving an adjustment in the Contract Sum or an extension of the Contract Time and which are consistent with the intent of the Contract Documents.
- H. Upon substantial completion of the work, when notified by the contractor, attend a site visit to prepare a list of observed items (Site Observation Report) to be completed or corrected before final completion of the contract for each phase of the project. Contractor shall be responsible to prepare a punch list of work they believe needs to be completed or corrected prior to DESMAN's substantial completion site visit for review.
- I. Upon completion of all work within the Contractors work scope, as accepted by Appleton, DESMAN will review and forward all waivers and warranties and execute the project closeout.
- J. Review a set of "As-Built" drawings prepared by the Contractor regarding the work completed. One set of copies of these documents will be reproduced and issued to Appleton along with a file version of the documents in electronic format.

FEE SCHEDULE

DESMAN will provide the above SCOPE OF SERVICES as outlined for *PHASES II, III and IV* for the Red, Yellow, and Green Parking Garages Repair and Maintenance work following lump sum fee schedule:

PHASE II TASKS - Construction Documents	\$21,600.00
PHASE III TASKS - Contract Negotiations	\$2,880.00
PHASE IV TASKS - Construction Observation & Contract Administration	\$25,200.00*
Total DESMAN Professional Fees for the TASKS II, III & IV	\$49,680.00

Itemized reimbursable expenses for printing costs of project deliverables and travel are expected to add about \$800.00 to this sub-total.

* The PHASE IV TASKS fee shown is a lump sum amount based upon the hourly basis per the hourly rates listed under ADDITIONAL SERVICES. PHASE IV fees are based on a 2023 repair and maintenance program and is based upon a construction phase schedule, to complete the scheduled repair/preventative maintenance work, of twenty weeks which includes services associated with punch-list and project close-out. This fee also includes an average of 4 hours per week for administrative services along with eight visits to the projects (a pre-construction visit, six progress visits, and a substantial completion visit during Phase IV work. Should the actual construction period exceed twenty weeks in duration, or an average of more than 4 hours per week are expended, then an appropriate fee increase to DESMAN’s PHASE IV TASKS fee amount may be necessary.

Invoices will be submitted each month and are due and payable within 30 days.

QUALIFICATIONS TO THE SCOPE OF SERVICES

The following qualifications to the SCOPE OF SERVICES apply:

1. Observation, assessment, reporting and any responsibility regarding the discovery, presence, handling, removal and disposal of, or exposure of persons to, hazardous materials in any form at the project site, including but not limited to, asbestos, asbestos products, lead, polychlorinated biphenyl (PCB) or other toxic substance.
2. Material testing during the construction phase is not included. This service is typically the responsibility of the selected contractor.
3. Charges for reproduction and printing of construction documents for bidding and permitting;
4. Permit Fees of any kind;
5. Preparation of Public Filings or Permits;

CLOSURE

On behalf of DESMAN's team of professionals, we appreciate this opportunity to submit the enclosed proposal. If you are in agreement with the information contained herein, please sign on the space provided below and return a copy of this signed page to DESMAN.

Sincerely,

DESMAN



Jeffrey S. Henriksen, R.A.
Senior Vice President



Kyle Klepitch, PE (IL)
Senior Associate

Proposal Accepted by:
City of Appleton

Signature

Name:

Title:

Date

STANDARD TERMS AND CONDITIONS OF AGREEMENT

The engagement of DESMAN, Inc. ("DESMAN") by the City of Appleton ("Client") is under the following terms and conditions, as applicable, and is an integral part of the Agreement between Client and DESMAN.

1. Unless noted or otherwise requested, the fee estimate for the proposed Scope of Services is valid for 60 days from the date of Proposal.
2. All schedules set forth in the attached Scope of Services commence upon receipt of a signed Agreement unless noted otherwise, and if requested, a retainer. All retainer amounts will be applied to the last invoice. A RETAINER OF \$ 0 IS REQUIRED BEFORE WORK CAN COMMENCE UNDER THE AGREEMENT.
3. Before DESMAN shall be called upon to provide its services there under, the Client shall provide DESMAN, in writing, with all necessary information to permit its proper performance of the services to be provided. DESMAN shall be under no duty or obligation to verify the completeness or accuracy of the information provided by the Client and shall be entitled to fully rely thereon.
4. Client shall provide the necessary access and right-of-entry for DESMAN to enter the Project site, and to all shops and yards where materials are prepared or stored in order to allow DESMAN to perform their services.
5. The Client shall provide DESMAN with sufficient advance notice of required service so as to allow DESMAN a reasonable period of time to coordinate the assignment of its personnel. If DESMAN is required to delay commencement of its work, or is required to stop or interrupt the progress of its work due to action/inaction of Client, additional charges will be applicable and payable by the Client, which must be documented.
6. DESMAN will not act to enforce the provisions of the contract drawings or specifications. Should DESMAN, in the proposal, accept responsibility for site observations or monitoring, it remains the responsibility of the Client to enforce the contract provisions and to effect corrections of any contractual deficiencies, which are discovered by DESMAN. Desman shall not be liable for the contractor's failure to perform the work in accordance with the contract documents.
7. Testing results apply only to the material samples actually tested. Test specimens or samples will be disposed immediately upon completion of the test, unless otherwise agreed.
8. Payment is due upon receipt of DESMAN's invoices. Payment to DESMAN is the sole responsibility of signatory of this Agreement and is not subject to third party agreements. If payment is not received within thirty (30) days of receipt by Client, Client agrees to pay a finance charge on the principal amount of the past due account to one and one half (1 1/2%) percent per month. The Client agrees to pay DESMAN's cost of collection of all amounts due and unpaid after sixty (60) days, including court costs and reasonable attorney's fees.
9. Invoice payments must be kept current for work to continue. If the Client fails to pay any invoice due to DESMAN within 45 days of the date of the invoice, DESMAN may, without waiving any other claim or right against Client, suspend services under this Agreement until DESMAN has been paid in full all amounts due DESMAN and/or any of its Consultants and Subcontractors.

10. DESMAN agrees to carry the following insurance during the term of this Agreement: Workmen's compensation, General Liability, Professional Liability and Comprehensive Automobile Liability. Certificates of insurance will be furnished upon request. If the Client requires insurance coverage or coverage limits in excess of DESMAN's normal policy coverage, and if such coverage is available, Client agrees to reimburse DESMAN for cost premiums to carry such additional coverage.
11. DESMAN's liability for any damage on account of any error, omission, or other professional negligence will be limited to a sum not-to-exceed the fee received under this Agreement. DESMAN, its agents and employees shall not be liable for any lost profits or any claim or demand against Client by any other party unless caused by negligence or wanton act or omission of DESMAN. In no event shall DESMAN be liable for special, consequential or exemplary damages. This provision shall supersede any other provision in this Agreement that may be deemed inconsistent with it. No action, regardless of form, arising out of the service under this Agreement, may be brought by the Client more than one (1) year after the act or omission-giving rise to a cause of action has occurred.
12. The Client shall indemnify, defend, and hold DESMAN, its officers, employees, and agents harmless from any and all claims, suits, losses, costs, and expenses, including but not limited to, court costs and reasonable attorney's fees arising or alleged to have arisen out of or to have resulted from the performance of DESMAN's work on or about the subject Project, and caused in whole or in part by any negligent, willful, or wanton act or omission of the Client.
13. In the event that either party brings any claim, suit, cause of action, of counterclaim against the other, to the extent that such party prevails upon such action, the non-prevailing party shall pay to the prevailing party the costs expended by the prevailing party to defend against such action including reasonable attorney's fees, witness fees, and other related expenses.
14. DESMAN shall not be responsible for failure to perform or for delays in the performance of work, which arise out of causes beyond the control and without the fault or negligence of DESMAN.
15. In entering into this Agreement, Client has relied only upon the warranties or representations (a) set forth in this Agreement; or (b) implied in law. No oral warranties, representations or statements shall be considered a part of this Agreement or a basis upon which the Client relied in entering into this Agreement. No statements, representations, warranties or understandings, unless contained herein, exist between Client and DESMAN.
16. Either party upon seven (7) days prior written notice may terminate this Agreement. In the event of termination without cause, DESMAN shall be compensated by the Client for (a) all services performed up to and including the termination date, (b) reimbursable expenses and; (c) termination expenses.
17. DESMAN's review associated with the Report shall be limited to the examination of the condition of the structure/s as defined by the scope of work, for the sole purpose of determining work required. This report shall be limited to an unaided visual examination and does not include destructive or non-destructive testing, non-invasive investigation techniques.
18. DESMAN's reports and/or documents defined by the scope of work shall not be construed to warrant or guarantee the structure/s and/or any of its components under any circumstances. DESMAN shall not be responsible for latent or hidden defects that may exist, nor shall it be inferred that all defects will have been either observed or recorded. The review and/or report(s) is intended solely to identify the general condition of the structure/s and the necessity for repairs. DESMAN's review and/or report(s) shall not constitute a detailed specification for repairs.



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

REQUEST for Alcohol License Premise Amendment

FEEES ARE NON-REFUNDABLE	Date Recv'd <u>3/2/23</u>
License Fee \$10.00/event	Acct: CLCAGP
Receipt <u>4693-5</u>	

SECTION 1 – LICENSE INFORMATION

Name of Establishment <u>Mr. frogs</u>	
Address of Establishment <u>409 w college Appleton WI 54911</u>	
Name of Agent <u>April Anderson</u>	Phone Number

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:
 A drawing/diagram of the proposed area must also be submitted with this application
1300 sq ft patio. See attached plan.

Is this change Permanent?	If this is temporary please specify the reason for the amendment:
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:

SECTION 3 – PENALTY NOTICE

I certify that I am familiar with Section 9-52 of the Municipal Code of the City of Appleton and agree that any license granted under this application may be suspended for cause at any time by the Common Council.
 Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature of Applicant:

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L <u>3-22-23</u>	Council <u>4-5-23</u>	Date Issued	Exp. Date	License Number



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: April 12, 2023

Common Council Meeting Date: April 19, 2023

Item: Special Use Permit #2-23 to expand an existing outdoor patio with alcohol sales and service associated with a tavern (Mr. Frogs) located at 409 West College Avenue

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Julia Morales c/o James Jackson, Mr. Frogs

Address/Parcel #: 409 West College Avenue (Tax Id # 31-3-1032-00)

Petitioner's Request: The applicant is requesting a new Special Use Permit to expand an existing outdoor patio (southside of the existing tavern building) with alcohol sales and service.

BACKGROUND

The subject site is currently occupied by Mr. Frogs Tavern.

On January 24, 2022, Special Use Permits #17-02 and #15-05 were transferred to the applicant to allow a tavern to resume operations on the 1st floor of the building and the 24' x 32' (768 square foot) outdoor patio area on the south side of the building. In addition, Special Use Permits #17-02 and #15-05 allowed the tavern to expand operations on the 2nd floor of the building.

- Section 23-66(f)(4) of the Zoning Ordinance states, "Continuation of a special use permit. Once approved, a special use permit shall be allowed to continue and may be transferred to any entity, unless specified otherwise as a condition of approval, as long as all conditions placed on the special use are followed."

STAFF ANALYSIS

Project Summary: As shown on the attached development plan, the applicant proposes to expand the existing outdoor patio area by 456 square feet for a total area of 1,224 square feet. The applicant proposes to continue with alcohol sales and service within the expanded outdoor patio area.

Existing Site Conditions: The existing tavern building (1st and 2nd floor) on the subject parcel totals approximately 3,120 square feet, including a 768 square foot outdoor patio.

Zoning Ordinance Requirements: The subject property has a zoning designation of CBD Central Business District. The proposed outdoor patio expansion is defined as a major change to Special Use Permits #17-02 and #15-05; therefore, a new Special Use Permit is required.

Special Use Permit #2-23

April 12, 2023

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The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

Special Use Permit Consolidation: If approved, Special Use Permit #2-23 will replace Special Use Permits #17-02 and #15-05. The following on-going conditions will continue to be in effect and will be included in the staff recommendation.

1. The serving and consumption of alcohol is limited to the interior ground floor, second story and the enclosed outdoor seating area (south side of building) as identified by the submitted floor plan/development plan pursuant to Special Use Permit #15-05 on file in the Community and Economic Development Department. Any future expansions into additional building space not identified by the submitted development plan, for the serving and/or consumption of alcohol, will require a new Special Use Permit application to be applied for and approved.
2. Any expansion of a tavern with alcohol sales use requires approval of a premise description amendment of the existing liquor license from the Safety and Licensing Committee and Common Council.
3. Deliveries must continue to use the rear entrance so College Avenue traffic flow is not interrupted.
4. All dumpsters and/or waste containers shall be kept out of the alley way (public right-of-way).
5. All Noise Ordinances shall be adhered to at all times.
6. All City of Appleton and State of Wisconsin Building Codes must be met.
7. The use shall conform to the standards established on Chapter 9, Article III, Alcoholic beverages, of the Appleton Municipal Code.

Operational Information: The plan of operation is attached to the Staff Report.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and public institutional in nature.

North: CBD Central Business District. The adjacent land uses to the north are currently a mix of commercial uses, including the Performing Arts Center.

South: CBD Central Business District. The adjacent land use to the south is currently St. Joseph's Church.

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of commercial uses, including D2 Sports Pub.

West: CBD Central Business District. The adjacent land uses to the west are currently a mix of commercial uses, including Sal's Pizza.

Special Use Permit #2-23

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Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Central Business District designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 8 – Economic Development

Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

Chapter 14 Downtown Plan, Initiative 4 Downtown Development and Business Retention:

Strategy 4.8 – Support private sector efforts to redevelop and invest in downtown.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: 1. *proper zoning district:* CBD zoning allows taverns as a special use permit; 2. *zoning district regulations:* the district regulations were reviewed pursuant to the attached development; 3. *special regulations:* stipulations 2, 3 and 4 (below) address the special regulations for taverns; 4. *consistent with comprehensive plan and other plans:* yes, see above analysis; 5. *traffic:* the proposed use is not expected to create undue traffic congestion, it is anticipated customers will utilize on-street and ramp parking spaces to park their cars and other multi-modal transportation options are available too; 6. *landscaping and screening:* not applicable to this use, the CBD District allows 100% lot coverage; 7. *neighborhood compatibility:* the proposed use is located near similar commercial uses in this area of the City; 8. *impact on services:* the City has existing utilities, services and equipment in place to serve this proposed use. These standards were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group (TRG) Report: This item was discussed at the March 21, 2023 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #2-23 to expand an existing outdoor patio with alcohol sales and service associated with a tavern (Mr. Frogs) located at 409 West College Avenue (Tax Id #31-3-1032-00), as shown on the attached maps, development plans and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License and/or an Alcohol License Premise Amendment from the City Clerk prior to serving alcohol on the premise.

Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use and current Special Use Permits #17-02 and #15-05.

3. The site shall be kept free of litter and debris.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use and current Special Use Permits #17-02 and #15-05.

5. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

Special Use Permit #2-23

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6. Deliveries must continue to use the rear entrance so College Avenue traffic flow is not interrupted.

Substantial Evidence: This condition applied pursuant to Special Use Permits #17-02 and #15-05.

7. All dumpsters and/or waste containers shall be kept out of the alley (public right-of-way).

Substantial Evidence: This condition applied pursuant to Special Use Permits #17-02 and #15-05.

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #2-23
TAVERN WITH OUTDOOR PATIO WITH ALCOHOL
409 WEST COLLEGE AVENUE**

WHEREAS, James Jackson, of Mr. Frogs, has applied for a Special Use Permit to expand an existing outdoor patio with alcohol sales and service associated with a tavern located at 409 West College Avenue, also identified as Parcel Number 31-3-1032-00; and

WHEREAS, the proposed outdoor patio expansion with alcohol sales and service is defined as a major change to Special Use Permits #17-02 and #15-05, a new Special Use Permit for a tavern with an outdoor patio with alcohol sales and service is required pursuant to Chapter 23 of the Municipal Code and if approved, Special Use Permit #2-23 will replace Special Use Permits #17-02 and #15-05; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on April 12, 2023 on Special Use Permit #2-23, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #2-23 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on April 19, 2023.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #2-23 for a tavern with an outdoor patio with alcohol sales and service located at 409 West College Avenue, also identified as Parcel Number 31-3-1032-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #2-23 for a tavern with an outdoor patio with alcohol sales and service located at 409 West College Avenue, also identified as Parcel Number 31-3-1032-00, subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #2-23:

- A. The applicant shall receive approval of a Liquor License and/or an Alcohol License Premise Amendment from the City Clerk prior to serving alcohol on the premise.
 - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - C. The site shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - E. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
 - F. Deliveries must continue to use the rear entrance so College Avenue traffic flow is not interrupted.
 - G. All dumpsters and/or waste containers shall be kept out of the alley (public right-of-way).
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

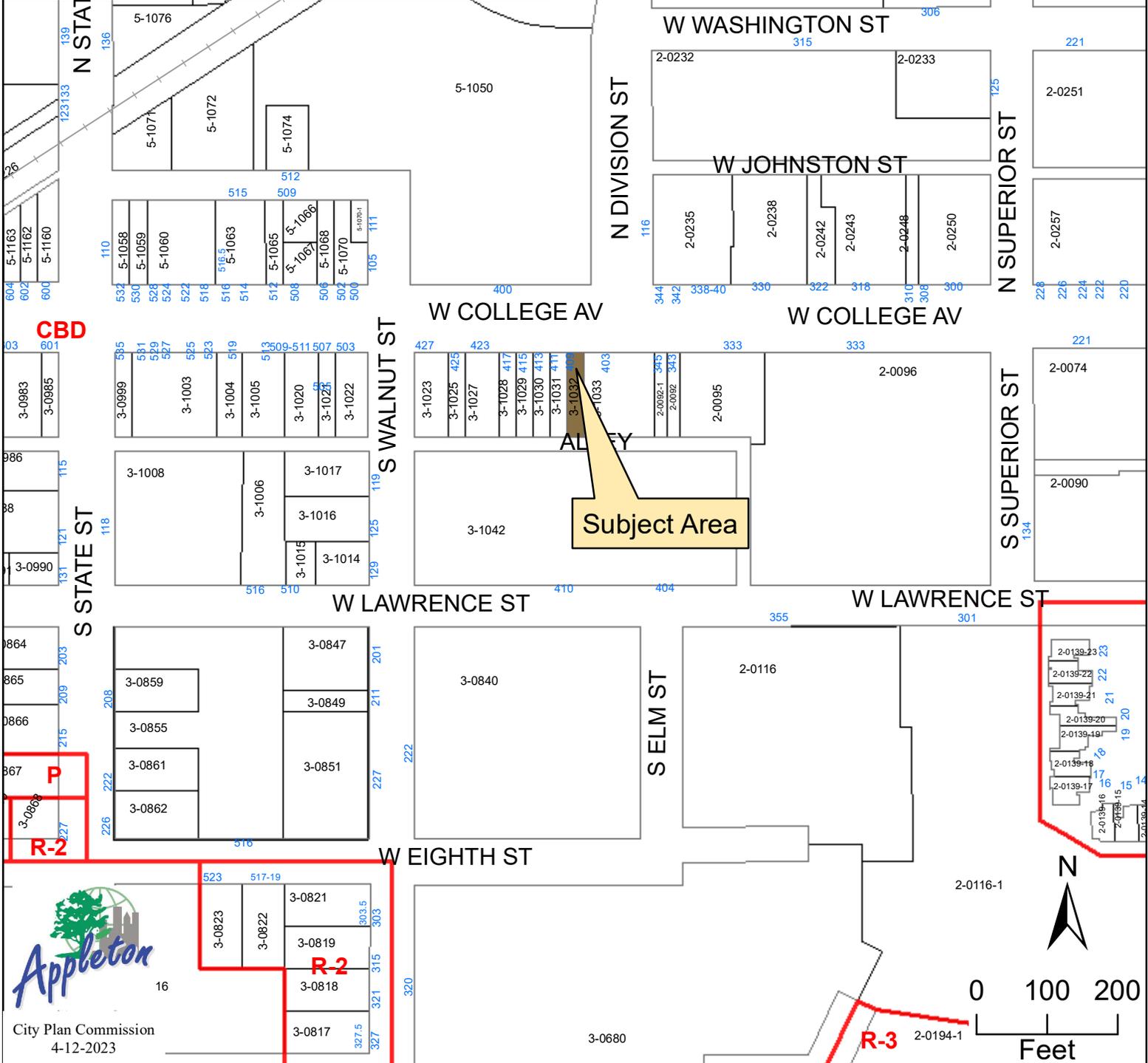
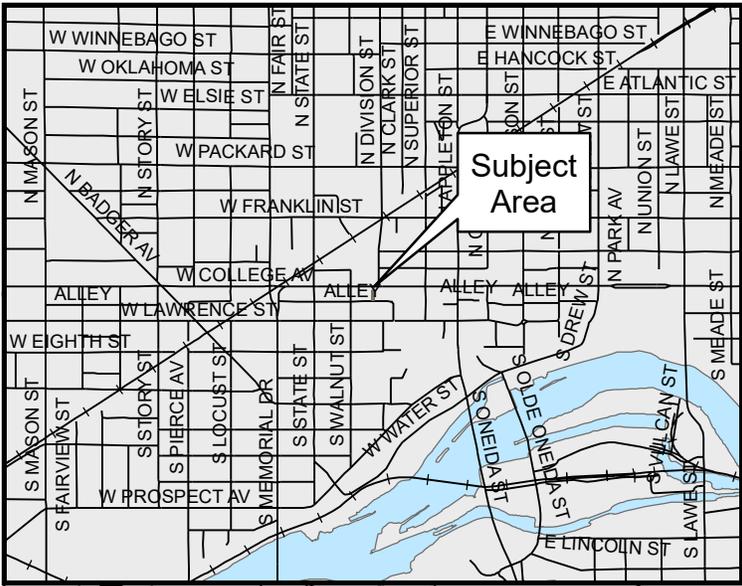
Adopted this _____ day of _____, 2023.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

409 West College Ave
 Mr. Frogs (Tavern)
 Special Use Permit
 Expand Outdoor Patio
 with Alcohol Sales and Service
 Zoning Map



409 West College Ave
Mr. Frogs (Tavern)
Special Use Permit
Expand Outdoor Patio with Alcohol Sales and Service
Aerial Map



Subject Area



COLLEGE AVE

EXISTING BLDG.

STAGE
• SEATING
AREA
• LIVE
MUSIC

ROOM FOR GAMES
OR SEATING

CIRCULAR
BAR

CLOSET

EXISTING
R.R.
(ROUGH)

EXISTING
R.R.
(ROUGH)

EXIT STAIR

FIRE
ESCAPE

SECOND FLOOR PLAN (1562 G.S.F.)
SCALE: 1/4" = 1'-0"

NORTH



PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Mr. Frogs

Years in operation: 9 months

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other _____

Detailed explanation of proposed business activities:

Tavern

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) 1st Floor: 1560 2nd Floor: 1562

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) 1224

Occupancy Limits:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 80 persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	7 pm	2 Am
Friday	7 pm	2 Am
Saturday	7 pm	2 Am
Sunday	7 pm	2 Am

Production/Storage Information:

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: _____ U.S. gallons per year
- Proposed production of fermented malt beverages: _____ U.S. gallons per year
- Current production of wine: _____ U.S. gallons per year
- Proposed production of wine: _____ U.S. gallons per year
- Current production of intoxicating liquor: _____ proof gallons per year
- Proposed production of intoxicating liquor: _____ proof gallons per year

None. If none, leave the following two storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

Outdoor Space Uses:

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other _____
- None. If none, leave the following questions in this section blank.

Size: 1224 square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

Fencing Landscaping Other _____ Height 10 FT 8 feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes No

If yes, please describe:
Outdoor Patio: South side of property

Are there plans for outdoor music/entertainment? Yes No

If yes, describe how the noise will be controlled:
Staff controlled. Code Standard.

Is there any food service incorporated in this outdoor facility proposal? Yes No

Proposed Hours of Operation for Outdoor Space:

Day	From	To
Monday thru Thursday	7 pm	2 Am
Friday	7 pm	2 Am
Saturday	7 pm	2 Am
Sunday	7 pm	2 Am

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources:

N/A

Describe how the crowd noise will be controlled inside and outside the building:

Staff controlled.

Off-Street Parking:

Number of spaces existing on-site: 0

Number of spaces proposed on-site: 0

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

N/A

Other Licensed Premises:

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

D2, Chadwicks

Number of Employees:

Number of existing employees: 10

Number of proposed employees: 10

Number of employees scheduled to work on the largest shift: 6



"...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: Parks & Recreation Committee

FROM: Dean R. Gazza

DATE: 04-10-23

RE: Action Item: Irish Fest of the Fox Cities requests permission to hold a ticketed private Special Event in Jones Park on September 15-16, 2023 for Irish Fest

Last year the Parks & Recreation Committee approved the updated Jones Park Rental Policy which requires permission from the Parks & Recreation Committee for any private Special Events in Jones Park.

Irish Fest of the Fox Cities is requesting to host a Special Event in Jones Park for the third year. It is an Irish Musical, Dancing and Cultural Festival with an anticipated turnout of 3,000 people. Because they are charging attendees a fee to attend the event, the Committee will need to give approval.

They are aware of the rules and regulations of the park and agree to abide by them. We are also allowing them to extend their music until 10:00 p.m. The Parks, Recreation & Facilities Management Department supports their request as their event had no problems or issues the last two years.

Irish Fest of the Fox Cities requests permission to allow Irish Fest to be held at Jones Park on September 15-16, 2023.



"...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: Parks and Recreation Committee

FROM: Dean R. Gazza

DATE: April 10, 2023

RE: Action: Adopt the Proposed Revised Athletic Facilities Rental and Fee Schedule Policy

The Parks, Recreation, and Facilities Management Department has reviewed the Athletic Facilities Rental and Fee Schedule Policy. Reviews are completed to ensure the policy remains current and reflects the current needs of the users. The following changes are being proposed upon review.

1. Green Meadows Park, adding one basketball court and removing one tennis court
2. Pickleball Courts, adding eight courts to Telulah Park and removing one court at Green Meadows Park
3. New pickleball court rental fees for tournaments at Telulah Park
4. Increase ball diamond tournament field and concession stand rental fees. Costs for labor, utilities, refuse removal, and cleaning have all increased.
5. Erb Park, adding multi-use field

Our department requests approval of the updates which will go into effect May 1, 2023.

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

CITY OF APPLETON POLICY		TITLE: ATHLETIC FACILITIES - RENTAL AND FEE SCHEDULE POLICY	
ISSUE DATE: June 18, 2008	LAST UPDATE: June 18, 2008 October 22, 2014, January 3, 2018, January 7, 2019	SECTION: Parks, Recreation and Facilities Management	
POLICY SOURCE: Parks, Recreation and Facilities Management Department		TOTAL PAGES: 7 8	
Reviewed by Attorney's Office Date: December 27, 2018 <u>April 4, 2023</u>	Parks and Recreation Committee Approval Date: January 7, 2019	Council Approval Date: January 16, 2019	

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I. Purpose:

The purpose of this policy is to establish uniform standards for the Parks, Recreation and Facilities Management Department to equitably administer the scheduling and use of City of Appleton athletic facilities by the Parks, Recreation and Facilities Management Department and other community groups, organizations, and individuals. This document also establishes a policy for administering rules and regulations, policies, fees and charges for tournaments, community events, and/or personal use.

II. Policy:

This policy authorizes the Parks, Recreation and Facilities Management Department to effectively schedule and manage City of Appleton outdoor athletic facilities, including ball diamonds, courts, and multi-purpose fields in City parks. This policy also authorizes the Parks, Recreation and Facilities Management Department to charge fees for the use of athletic facilities within the rate schedule established by the Parks and Recreation Committee and City Council. To effectively schedule, manage, protect facilities, and promote the wise use of the athletic facilities, this policy authorizes the Parks, Recreation and Facilities Management Director and/or designee to:

- Designate those athletic facilities available for use by the community.
- Designate the types of activities allowed on the athletic facilities, including leagues ~~practices~~, games, matches, tournaments, special events, etc.
- Schedule the athletic facilities to allow for the effective use and maintenance of all athletic facilities without compromising the integrity of the facilities.
- Limit and/or close athletic facilities for renovations, upgrades, other events/activities that may impact the facilities.
- ~~Determine "normal and ordinary use guidelines" for athletic facilities consistent with established standards to manage the facilities for continued and consistent community use. "Normal and ordinary use guidelines" may impact scheduling and availability of athletic facilities.~~
- Cancel and/or relocate any reservation that has the potential to threaten the integrity of the park and/or facility due to: misrepresentation of information on the Facility Reservation Agreement, conditions of the facility or grounds that would potentially create an unsafe

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situation, and/or if use of the facility by the group/organization may result in damage to the facility that is beyond the normal wear and tear of facility.

- Limit the number of weekday and weekend reservations for facilities for ~~anyone or~~ any group, organization or individuals that would dominate the use of a facility and/or restrict equal opportunities to reserve facilities by members of the public at large.
- Deny any facility reservation application if the expected attendance would exceed the safe capacity of the facility so as to endanger public health and safety or compromise the condition of facilities and/or natural resources.
- Enforce park rules, regulations, and policies.
- Require insurance coverage with limits established by the City Risk Manager for activities or events that are determined to be a risk to the City. ~~are beyond the scope of the “normal and ordinary use guidelines” established by the Parks, Recreation and Facilities Management Department.~~
- Require a security deposit and/or ~~performance bond~~ liability insurance for activities or events that may impact the integrity of the facilities and require significant repairs to the facilities that would limit the future use of the facilities.

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III. Definitions:

- **Athletic Facilities** – Ball diamonds, multi-purpose fields, tennis courts, pickleball courts, basketball courts, and other open space identified by the City of Appleton that are available for reservation.
- **Athletic Facility Preparation** – Necessary maintenance of athletic facilities for games and organized play. Maintenance may include, but is not limited to dragging and lining of ball diamonds, lining of soccer fields, watering infields, etc.
- **Category A** – Local non-profit organizations that provide recreational services to the Appleton and Fox Cities community.
- **Category B** – For-profit or private individuals, groups, and organizations.
- **Concession/Sales/Exchange of Money** - The sale of food, beverage and other associated products or the exchange of money at an event or program that is held in a city park and/or special area specifically reserved for that event or program.
- **Late Reservation** - Request for a reservation of city park facility and/or special area that is received less than five (5) business days before the reservation date.
- ~~**Normal and Ordinary Use Guidelines of City of Appleton Parks** – Is defined by guidelines established and published by the Parks, Recreation and Facilities Management Department.~~
- **Processing Fee** - Fee charged to process a refund and/or cancellation request that is received before the reservation date.
- **Special Event** - An event or activity that meets the City of Appleton’s requirements for a special event activity, is held in a city park and/or special area, and exceeds the normal and ordinary use of the park and/or special area.
- **Tournament** – Athletic event such as baseball, softball, kickball, pickleball, etc. that involves the rental of 2 or more ball diamonds or courts ~~at Appleton Memorial Park that~~ and includes multiple teams and games.

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IV. Use of Athletic Facilities:

The use of athletic facilities managed/maintained by the Parks, Recreation and Facilities Management Department ~~is~~ are available to individuals, groups and organizations for exclusive use for ~~practice,~~ league play, and tournaments. The following shall direct the use of athletic facilities:

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- All park ordinances shall apply to use of athletic facilities.
- Any additions or modifications to the athletic facilities shall be approved in writing by the Parks, Recreation and Facilities Management Director or designee.
- Individuals, groups and organizations must obtain a permit from the Parks, Recreation and Facilities Management Director or designee for exclusive use of any athletic facility.
- The display of any advertising, signs, etc. during exclusive use must be approved by the Parks, Recreation and Facilities Management Director or designee.
- Access to the athletic facilities will be limited to the times listed on the Facility Reservation Agreement form.
- The overnight storage of equipment, supplies, vehicles, etc. is prohibited unless approved by the Parks, Recreation and Facilities Management Director or designee.
- No games shall begin before 7:00 A.M. or end after 11:00 P.M. ~~unless approved by the Parks and Recreation Committee.~~
- The use of diamond dry or drying agent materials is prohibited on any athletic facility.
- The use of motorized vehicles (including Utility Task Vehicles [UTVs] and All-Terrain Vehicles [ATVs]) shall be subject to the following regulations:
 - Operation of a motorized vehicle in an area other than a park road or designated parking area, including trails, is prohibited unless written permission is granted by the Department Director or ~~his/her~~ designee.
 - The speed of a motorized vehicle shall be limited to ten (10) miles per hour.
 - No motorized vehicle shall be used to perform any field maintenance.
 - Anyone driving a motorized vehicle must possess a valid driver's license and be at least 18 years of age or older.
 - If it is anticipated that a motorized vehicle will be used, the tournament organizer shall provide a certificate of insurance for the vehicle with the City named as an additional insured.

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V. Scheduling Priorities

The Parks, Recreation and Facilities Management Department will schedule athletic facilities according to the following priorities:

- All Parks, Recreation and Facilities Management Department programs (games, scheduled practices, matches, camps, instructional programs, etc.) will be the first programs scheduled at athletic facilities. (i.e., youth ball diamonds in city parks will be scheduled for Parks, Recreation and Facilities Management Department programs before any other programs are scheduled).
- Any other requests for use of athletic facilities will be reserved according to this policy.
- The Parks, Recreation and Facilities Management Department will not schedule practice times for any private and/or not-for-profit organizations.

VI. Reservations:

The reservation of athletic facilities for use by the Parks, Recreation and Facilities Management Department, Appleton Area School District, and other groups and/or organizations shall follow this policy.

- Reservations for weekday play made by the general public or private organizations will include preparation of infields for play as long as an approved facility reservation form has been submitted along with required fees. Infield preparations for reservations on the

weekends for the general public or private organizations will be charged the established rate for weekend pay for Appleton Parks, Recreation & Facilities Management employees.

- All groups, individuals, and organizations reserving athletic facilities will be charged in accordance with the established rate schedule on file with the Parks, Recreation and Facilities Management Department and/or City Clerk. Reservations that meet certain criteria will be required to obtain a Special Events License.
- Full payment of the reservation fee shall be included with all other athletic facilities reservation requests. Reservations are not valid until a "Facility Reservation Agreement" form has been signed by all parties and the required payments have been made.
- Organizations/groups that have reserved athletic facilities ~~at Appleton Memorial Park~~ for tournaments shall have thirty (30) days after the date of the tournament to reserve the athletic facilities for the same weekend and/or date for the following year. After thirty (30) days, the Parks, Recreation and Facilities Management Department will make the athletic facilities available to other interested parties. The reservation may be cancelled if the appropriate facility rental fees are not paid when submitting the athletic field reservation agreement.
- ~~The athletic facilities at Appleton Memorial Park will be held open for tournaments only for a period of 6 months to one year prior to the proposed date. The athletic facilities at Appleton Memorial Park will be available for all events, including non-tournament events on a first come, first served basis beginning 6 months prior to the proposed date.~~
- All other ~~R~~Reservations for athletic facilities are on a first-come, first-served basis and may be made no more than one (1) year in advance. Reservations for state, regional and/or national tournaments and/or events that must be scheduled more than one (1) year in advance may submit a written request to the Parks and Recreation Committee for approval.
- All applications for facility reservations must be made at least five (5) business days in advance of the reservation date. Applications not made before this time period will be charged an additional \$20.00 for each reservation.
- Groups and/or organizations may be required to reserve pavilions and/or special areas if the Parks, Recreation and Facilities Management Department determines the event or activity warrants the additional reservations to minimize impact on other facility users or enhance the event.
- Tournament play at Appleton Memorial Park must be completed no later than 4:00 p.m. on Sundays.
- Additional fees may be charged for additional cleaning to facility and grounds, repair of facility / grounds, additional chalk and/ or excessive damage to equipment and/or City of Appleton property.
- This policy shall become effective ~~January 16, 2019~~ May 1, 2023 and shall remain in effect until it is modified, changed, and/or repealed.

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VII. Cancellation/Refunds:

A full refund of the rental fee will be made if the reservation for the athletic facility is cancelled more than 90 days in advance of the event. A full refund of the rental fee for the cancellation of an athletic facility less than 90 days in advance of the event will be made only if the facility can be rented to another party for the date canceled. Refunds are subject to a \$10.00 processing fee.

A full refund of the rental fee will be made if the reservation is cancelled by the Parks, Recreation and Facilities Management Department due to park closings, construction activities, etc. These refunds are not subject to the \$10.00 processing fee.

A full refund of the rental fee for reservation of the Appleton Memorial Park Ball Diamond Complex for tournaments will be issued if the entire tournament is cancelled due to weather. In the event the tournament user is not able to play one full day of their tournament due to weather related cancellations, a daily refund per field and concession stand (s) ~~will~~ may be issued. If any amount of games are played on a day, no refunds will be issued.

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Refunds will not be issued for any individual athletic facility reserved on an hourly basis that is not used – regardless of the reason (to include: weather, cancellation of game, etc.).

VIII. Athletic Facilities:

The following athletic facilities are available for reservation:

- Ball Diamonds
 - Appleton Memorial Park (AMP) – 7 diamonds. (The Miracle League Field is covered by a separate policy.)
 - Einstein Park – 1 youth ball diamond
 - Hoover Park – 1 youth ball diamond and 1 pony league baseball diamond
 - Jaycee Park – 1 youth ball diamond
 - Kiwanis Park – 1 youth ball diamond
 - Linwood Park – 1 youth ball diamond
 - Lions Park – 1 youth ball diamond
 - Telulah Park – 1 youth ball diamond
 - Woodland Park – 1 youth ball diamond

- Basketball Courts
 - Colony Oaks Park – 1 court
 - ~~Erb Park – 1 court~~
 - Green Meadows Park – 1 court
 - Highview Park – 1 court
 - Jaycee Park – 1 court
 - Kiwanis Park – 1 court
 - Linwood Park – 1 court
 - Peabody Park – 1 court
 - Pierce Park – 1 court
 - Schaefer Park – 1 court
 - Summit Park – 1 court

- Multi-Purpose Fields
 - Telulah Park – 1 field
 - ~~Hoover Park – 1 field~~
 - Erb Park – 1 field

- Tennis Courts
 - Einstein Park – 2 courts
 - Erb Park – 4 courts

- ❑ Pierce Park – 3 courts
- ❑ Linwood Park – 1 court
- ❑ Summit Park – 2 courts
- ❑ Green Meadows Park – ~~2~~ 1 courts
- ❑ Colony Oaks Park – 1 court
- ❑ Highview Park – 1 court

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- Pickleball Courts
 - ❑ Einstein Park – 2 courts
 - ❑ Summit Park – 2 courts
 - ❑ Green Meadows Park – ~~2~~ 1 courts
 - ❑ Linwood Park – 1 court
 - ❑ Highview Park – 1 court
 - ❑ Telulah Park – 8 courts

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IX. Fees and Charges

The Appleton Parks, Recreation and Facilities Management Department will maintain the athletic facilities on a regular basis. These maintenance activities are provided ~~by the Parks, Recreation and Facilities Management Department Operations Division,~~ Monday through Friday from 6:30 A.M. to 2:30 P.M. and include the following:

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- Ball Diamonds – Turf management, routine infield care, providing bases, general cleaning of the site, and maintenance of fencing, bleachers, benches, etc.
- Soccer Fields – Turf management and maintenance of any fencing, bleachers, goals, and benches.
- Tennis / Pickleball Courts – Maintenance of fencing, nets, lights, surfacing, lines, signage, etc.
- Basketball Courts – Maintenance of fencing, nets, surfacing, lines, backboards and rims, signage, etc.

Athletic Facilities - Fees & Charges

(Effective ~~January 16, 2019~~ May 1, 2023)

Ball Diamond and Pickleball Court Tournament Rental Fees ~~at Appleton Memorial Park (AMP)~~ Only

A tournament shall be defined as a single event that requires 2 or more ball diamonds or courts ~~at Appleton Memorial Park~~ that includes multiple teams and games.

Tournament fees include: Diamond or court rental, lights, field preparation at the beginning of the day, scoreboards with remotes, P.A. system, 1 bag of chalk per diamond / per day, manual field drags, rakes, batter box form, and field chalk.

Category A (non-profit)

Daily Fee - ~~\$100~~ \$115 per diamond per day

Category B (for-profit/private)

Daily Fee - ~~\$150~~ \$165 per diamond per day

~~Daily Fee - \$60 per pickleball court per day~~

Daily Fee \$110 per pickleball court per day

Pickleball courts at Telulah Park can only be rented for tournaments.

Full payment for athletic fields and courts are required at the same time the athletic field reservation form is submitted.

Concession Stand Rental – Rental of concession stand(s) at Appleton Memorial Park includes the following services: Garbage bags and minor cleaning supplies, toilet paper, paper towel, and one cleaning per day of restroom facilities. Concession stand #1 also includes the use of a chest freezer, soda cooler, and refrigerator. Full payment for the concession stand(s) are required at the same time the athletic field reservation form is submitted.

Concession Stand #1 (Northeast concession stand in main building) ~~\$100.00~~ \$115.00 per day.

Concession Stand #2 (West restroom concession stand) ~~\$50.00~~ \$65.00 per day.

Ball Diamond Rental Fees (non-tournament)

Category A (non-profit)

Category B (for-profit/private)

Ball Diamond Rental Fee \$20.00 per hour

\$25.00 per hour

AMP - Ball Diamond Lights \$15.00 per hour

\$20.00 per hour

Ball Diamond Preparation Fees (other than tournament rental)

Weekday preparation without overtime.....No fee with paid reservation

Preparation beyond regular hours, Saturdays, Sundays,

and Holidays for general public and private organizations.....Actual cost

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Multi-Purpose Fields, Tennis Courts, Basketball Courts, Pickleball Courts—(non-tournament)

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	<u>Category A (non-profit)</u>	<u>Category B (for-profit/private)</u>
Multi- Purpose Fields	\$25.00 per hour / \$250.00 per day	\$35.00 per hour \$300.00 per day
Courts	\$5.00 per hour, per court \$50.00 per day, per court	\$10.00 per hour, per court \$75.00 per day, per court

Pickleball courts at Telulah Park can only be rented for tournaments

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Other permits that must be obtained at the Parks and Recreation Customer Service Area on the first floor of City Hall at least 5 working days prior to the event:

Tents over 200 square feet	\$15.00 per tent, per day
Fire Department inspection of the tent	\$25.00 per tent event
Selling or serving concessions <u>Exchange of money permit</u>	\$25.00
per day	
Utility locates.....	\$50.00 per event

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CITY OF APPLETON POLICY		TITLE: ATHLETIC FACILITIES - RENTAL AND FEE SCHEDULE POLICY	
ISSUE DATE: June 18, 2008	LAST UPDATE: June 18, 2008 October 22, 2014, January 3, 2018, January 7, 2019	SECTION: Parks, Recreation and Facilities Management	
POLICY SOURCE: Parks, Recreation and Facilities Management Department		TOTAL PAGES: 7	
Reviewed by Attorney's Office Date: April 4, 2023	Parks and Recreation Committee Approval Date:	Council Approval Date:	

I. Purpose:

The purpose of this policy is to establish uniform standards for the Parks, Recreation and Facilities Management Department to equitably administer the scheduling and use of City of Appleton athletic facilities by the Parks, Recreation and Facilities Management Department and other community groups, organizations, and individuals. This document also establishes a policy for administering rules and regulations, policies, fees and charges for tournaments, community events, and/or personal use.

II. Policy:

This policy authorizes the Parks, Recreation and Facilities Management Department to effectively schedule and manage City of Appleton outdoor athletic facilities, including ball diamonds, courts, and multi-purpose fields in City parks. This policy also authorizes the Parks, Recreation and Facilities Management Department to charge fees for the use of athletic facilities within the rate schedule established by the Parks and Recreation Committee and City Council. To effectively schedule, manage, protect facilities, and promote the wise use of the athletic facilities, this policy authorizes the Parks, Recreation and Facilities Management Director and/or designee to:

- Designate those athletic facilities available for use by the community.
- Designate the types of activities allowed on the athletic facilities, including leagues, games, matches, tournaments, special events, etc.
- Schedule the athletic facilities to allow for the effective use and maintenance of all athletic facilities without compromising the integrity of the facilities.
- Limit and/or close athletic facilities for renovations, upgrades, other events/activities that may impact the facilities.
- Cancel and/or relocate any reservation that has the potential to threaten the integrity of the park and/or facility due to: misrepresentation of information on the Facility Reservation Agreement, conditions of the facility or grounds that would potentially create an unsafe situation, and/or if use of the facility by the group/organization may result in damage to the facility that is beyond the normal wear and tear of facility.
- Limit the number of weekday and weekend reservations for facilities for any group, organization or individuals that would dominate the use of a facility and/or restrict equal opportunities to reserve facilities by members of the public at large.

- Deny any facility reservation application if the expected attendance would exceed the safe capacity of the facility so as to endanger public health and safety or compromise the condition of facilities and/or natural resources.
- Enforce park rules, regulations, and policies.
- Require insurance coverage with limits established by the City Risk Manager for activities or events that are determined to be a risk to the City.
- Require a security deposit and/or liability insurance for activities or events that may impact the integrity of the facilities and require significant repairs to the facilities that would limit the future use of the facilities.

III. Definitions:

- **Athletic Facilities** – Ball diamonds, multi-purpose fields, tennis courts, pickleball courts, basketball courts, and other open space identified by the City of Appleton that are available for reservation.
- **Athletic Facility Preparation** – Necessary maintenance of athletic facilities for games and organized play. Maintenance may include, but is not limited to dragging and lining of ball diamonds, lining of soccer fields, watering infields, etc.
- **Category A** – Local non-profit organizations that provide recreational services to the Appleton and Fox Cities community.
- **Category B** – For-profit or private individuals, groups, and organizations.
- **Exchange of Money** - The sale of food, beverage and other associated products or the exchange of money at an event or program that is held in a city park and/or special area specifically reserved for that event or program.
- **Late Reservation** - Request for a reservation of city park facility and/or special area that is received less than five (5) business days before the reservation date.
- **Processing Fee** - Fee charged to process a refund and/or cancellation request that is received before the reservation date.
- **Special Event** - An event or activity that meets the City of Appleton’s requirements for a special event activity, is held in a city park and/or special area, and exceeds the normal and ordinary use of the park and/or special area.
- **Tournament** – Athletic event such as baseball, softball, kickball, pickleball, etc. that involves the rental of 2 or more ball diamonds or courts and includes multiple teams and games.

IV. Use of Athletic Facilities:

The use of athletic facilities managed/maintained by the Parks, Recreation and Facilities Management Department are available to individuals, groups, and organizations for exclusive use for league play and tournaments. The following shall direct the use of athletic facilities:

- All park ordinances shall apply to use of athletic facilities.
- Any additions or modifications to the athletic facilities shall be approved in writing by the Parks, Recreation and Facilities Management Director or designee.
- Individuals, groups, and organizations must obtain a permit from the Parks, Recreation and Facilities Management Director or designee for exclusive use of any athletic facility.
- The display of any advertising, signs, etc. during exclusive use must be approved by the Parks, Recreation and Facilities Management Director or designee.
- Access to the athletic facilities will be limited to the times listed on the Facility Reservation Agreement form.

- The overnight storage of equipment, supplies, vehicles, etc. is prohibited unless approved by the Parks, Recreation and Facilities Management Director or designee.
- No games shall begin before 7:00 A.M. or end after 11:00 P.M.
- The use of diamond dry or drying agent materials is prohibited on any athletic facility.
- The use of motorized vehicles (including Utility Task Vehicles [UTVs] and All-Terrain Vehicles [ATVs]) shall be subject to the following regulations:
 - Operation of a motorized vehicle in an area other than a park road or designated parking area, including trails, is prohibited unless written permission is granted by the Department Director or designee.
 - The speed of a motorized vehicle shall be limited to ten (10) miles per hour.
 - No motorized vehicle shall be used to perform any field maintenance.
 - Anyone driving a motorized vehicle must possess a valid driver's license and be at least 18 years of age or older.
 - If it is anticipated that a motorized vehicle will be used, the tournament organizer shall provide a certificate of insurance for the vehicle with the City named as an additional insured.

V. Scheduling Priorities

The Parks, Recreation and Facilities Management Department will schedule athletic facilities according to the following priorities:

- All Parks, Recreation and Facilities Management Department programs (games, scheduled practices, matches, camps, instructional programs, etc.) will be the first programs scheduled at athletic facilities. (i.e., youth ball diamonds in city parks will be scheduled for Parks, Recreation and Facilities Management Department programs before any other programs are scheduled).
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- The Parks, Recreation and Facilities Management Department will not schedule practice times for any private and/or not-for-profit organizations.

VI. Reservations:

The reservation of athletic facilities for use by the Parks, Recreation and Facilities Management Department, Appleton Area School District, and other groups and/or organizations shall follow this policy.

- Reservations for weekday play made by the general public or private organizations will include preparation of infields for play as long as an approved facility reservation form has been submitted along with required fees. Infield preparations for reservations on the weekends for the general public or private organizations will be charged the established rate for weekend pay for Appleton Parks, Recreation & Facilities Management employees.
- All groups, individuals, and organizations reserving athletic facilities will be charged in accordance with the established rate schedule on file with the Parks, Recreation and Facilities Management Department and/or City Clerk. Reservations that meet certain criteria will be required to obtain a Special Events License.
- Full payment of the reservation fee shall be included with all other athletic facilities reservation requests. Reservations are not valid until a "Facility Reservation Agreement" form has been signed by all parties and the required payments have been made.
- Organizations/groups that have reserved athletic facilities for tournaments shall have thirty (30) days after the date of the tournament to reserve the athletic facilities for the same

weekend and/or date for the following year. After thirty (30) days, the Parks, Recreation and Facilities Management Department will make the athletic facilities available to other interested parties. The reservation may be cancelled if the appropriate facility rental fees are not paid when submitting the athletic field reservation agreement.

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- Additional fees may be charged for additional cleaning to facility and grounds, repair of facility / grounds, additional chalk and/ or excessive damage to equipment and/or City of Appleton property.
- This policy shall become effective May 1, 2023 and shall remain in effect until it is modified, changed, and/or repealed.

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A full refund of the rental fee will be made if the reservation for the athletic facility is cancelled more than 90 days in advance of the event. A full refund of the rental fee for the cancellation of an athletic facility less than 90 days in advance of the event will be made only if the facility can be rented to another party for the date canceled. Refunds are subject to a \$10.00 processing fee.

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 - Summit Park – 2 courts
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IX. Fees and Charges

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- Soccer Fields – Turf management and maintenance of any fencing, bleachers, goals, and benches.
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Athletic Facilities - Fees & Charges

(Effective May 1, 2023)

Ball Diamond and Pickleball Court Tournament Rental Fees

A tournament shall be defined as a single event that requires 2 or more ball diamonds or courts that includes multiple teams and games.

Tournament fees include: Diamond or court rental, lights, field preparation at the beginning of the day, scoreboards with remotes, P.A. system, 1 bag of chalk per diamond / per day, manual field drags, rakes, batter box form, and field chalker.

Category A (non-profit)

Daily Fee - \$115 per diamond per day

Category B (for-profit/private)

Daily Fee - \$165 per diamond per day

Daily Fee - \$60 per pickleball court per day

Daily Fee \$110 per pickleball court per day

Pickleball courts at Telulah Park can only be rented for tournaments

Full payment for athletic fields and courts are required at the same time the athletic field reservation form is submitted.

Concession Stand Rental – Rental of concession stand(s) at Appleton Memorial Park includes the following services: Garbage bags and minor cleaning supplies, toilet paper, paper towel, and one cleaning per day of restroom facilities. Concession stand #1 also includes the use of a chest freezer, soda cooler, and refrigerator. *Full payment for the concession stand(s) are required at the same time the athletic field reservation form is submitted.*

Concession Stand #1 (Northeast concession stand in main building) \$115.00 per day.

Concession Stand #2 (West restroom concession stand) \$65.00 per day.

Ball Diamond Rental Fees (non-tournament)

	<u>Category A (non-profit)</u>	<u>Category B (for-profit/private)</u>
Ball Diamond Rental Fee	\$20.00 per hour	\$25.00 per hour
AMP - Ball Diamond Lights	\$15.00 per hour	\$20.00 per hour

Ball Diamond Preparation Fees (other than tournament rental)

Weekday preparation without overtime.....No fee with paid reservation
Preparation beyond regular hours, Saturdays, Sundays,
and Holidays for general public and private organizations.....Actual cost

Multi-Purpose Fields, Tennis Courts, Basketball Courts, Pickleball Courts(non-tournament)

	<u>Category A (non-profit)</u>	<u>Category B (for-profit/private)</u>
Multi- Purpose Fields	\$25.00 per hour / \$250.00 per day	\$35.00 per hour \$300.00 per day
Courts	\$5.00 per hour, per court \$50.00 per day, per court	\$10.00 per hour, per court \$75.00 per day, per court

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Tents over 200 square feet	\$15.00 per tent, per day
Fire Department inspection	\$25.00 per event
Exchange of money permit.....	\$25.00 per day
Utility locates.....	\$50.00 per event



"...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: 4/10/2023

RE: Action: Approve the Wastewater Treatment Plant's A&S Buildings Roof Repairs Project Engineering Services Amendment #1, increasing Specialty Engineering Group, LLC's total contract amount by \$39,600 from \$18,500 to \$58,100

BACKGROUND:

The Appleton Wastewater Treatment Plant's A-Building and S-Building were both constructed in the mid-1970's and were upgraded in the mid-1990's. Both buildings have similar construction and the same roof design. The current metal roofs on both buildings are 30 years old, leaking in several spots, and repairs are needed.

The 2023 Capital Improvement Plan includes \$375,000 for the 2023 AWWTP Roofing Project. At the beginning of the project, design contract 13-23 was executed with Specialty Engineering Group LLC to complete the engineering services needed for the A&S Buildings Roof Repairs Project. During the design process, we removed some test sections of the roof to inspect the extent of water damage and have the engineer make a determination if there was any damage to the building's structural members. After the engineer's inspection, it was determined that the entire roof needs replacement, the structural framing for the overhang/soffit needs replacement, and the building envelope between the soffit overhang and the walls needs to be repaired and sealed with a thermal/vapor barrier. After reviewing the report, it was determined that the needed repairs were not feasible with the current allocated budget and the project will have to be re-allocated in the 2024 Capital Improvement Program.

This request is to increase Specialty Engineering Group, LLC's contract amount to accommodate the design modifications that are needed after the engineer's investigation. The cost for the added engineering work is necessary to engineer the remediation for the current building deficiencies. The additional efforts needed are reflected in the additional \$39,600 that is being requested. We will work on completing design, specifications, and creating bidding documents during 2023 and bid out the construction in 2024.

The cost of additional engineering services outlined as part of the Specialty Engineering Group, LLC's Contract Amendment #1 totals \$39,600. This amendment would result in the contract amount increasing from \$18,500 to \$58,100.

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



"...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: 4/10/2023

RE: Action: Award the City of Appleton's "2023 AWWTP A-Building Renovation Project" contract to RJM Construction, LLC. in the amount of \$262,328 with a contingency of \$36,000 for a project total not to exceed \$298,328.

The 2023 Capital Improvement Plan includes \$275,000 to renovate A-Building office area and \$100,000 to remediate the asbestos in the A-Building. Of that amount, \$18,315 has been utilized for design, leaving a construction balance of \$356,685. The project will include replacing the ceiling, lighting, and painting in A-Building. The project will also include insulating known areas of infiltration and asbestos remediation. The asbestos remediation work was added to the A-Building renovation project because the work flowed and fit in seamlessly with the renovation work. By combining the projects, we also achieved economy of scale in bidding and design to save on the overall cost.

The bids were received as follows:

RJM Construction, LLC. (low bid) \$262,328

Although only one bid was received, the bid was below the engineer's cost estimate.

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to RJM Construction, LLC. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to RJM Construction, LLC. in the amount of \$262,328 plus a contingency of \$36,000 only to be utilized as needed.

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

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: **Finance Committee**
 Municipal Services Committee
 Utilities Committee

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:
Unit J-23 Mini Storm Sewer Construction

Be awarded to:

Name: M & E Construction, LLC
Address: N3748 Uni Drive
Freedom, WI 54130

In the amount of : _____

With a _____ % contingency of : _____

For a project total not to exceed : _____

**** OR ****

In an amount Not To Exceed : _____ \$200,000.00

Budget: _____ \$200,000.00
Estimate: _____ \$200,000.00
Committee Date: _____ 04/10/23
Council Date: _____ 04/19/23

Bid Tabulation

J-23 Mini Storm Sewer Construction

04/03/2023 01:45 PM CDT

Bid Item	Item Description	Quantity	Unit	M & E Construction LLC		Alfson Excavating LLC		Scott Lamers Costuction LLC	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	Furnish & Install 6" Storm Sewer	3,250	lin.ft.	\$35.00	\$113,750.00	\$45.00	\$146,250.00	\$46.00	\$149,500.00
2	Furnish & Install 6" Storm Lateral	100	lin.ft.	\$75.00	\$7,500.00	\$40.00	\$4,000.00	\$50.00	\$5,000.00
3	Furnish & Install 4" Storm Riser	560	lin.ft.	\$40.00	\$22,400.00	\$35.00	\$19,600.00	\$75.00	\$42,000.00
4	Furnish & Install 6" Storm Riser	310	lin.ft.	\$45.00	\$13,950.00	\$40.00	\$12,400.00	\$80.00	\$24,800.00
5	Connect Sump Pump	10	each	\$500.00	\$5,000.00	\$100.00	\$1,000.00	\$100.00	\$1,000.00
6	Furnish & Install Auger Section	900	lin.ft.	\$35.00	\$31,500.00	\$45.00	\$40,500.00	\$0.01	\$9.00
7	Furnish & Construct PVC Yard Drain (Special Provisions 5.04.2)	3	each	\$1,000.00	\$3,000.00	\$750.00	\$2,250.00	\$1,100.00	\$3,300.00
8	Furnish & Construct Concrete Yard Drain (Special Provisions 5.04.1)	1	each	\$2,000.00	\$2,000.00	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00

Total Bid: \$199,100.00 \$227,000.00 \$228,109.00

Bid Item	Item Description	Quantity	Unit	Essential Sewer and Water		Wood Sewer & Excavating		Highway Landscapers, Inc.	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	Furnish & Install 6" Storm Sewer	3,250	lin.ft.	\$44.00	\$143,000.00	\$52.00	\$169,000.00	\$62.95	\$204,587.50
2	Furnish & Install 6" Storm Lateral	100	lin.ft.	\$40.00	\$4,000.00	\$54.50	\$5,450.00	\$65.60	\$6,560.00
3	Furnish & Install 4" Storm Riser	560	lin.ft.	\$40.00	\$22,400.00	\$63.50	\$35,560.00	\$66.65	\$37,324.00
4	Furnish & Install 6" Storm Riser	310	lin.ft.	\$40.00	\$12,400.00	\$61.50	\$19,065.00	\$64.50	\$19,995.00
5	Connect Sump Pump	10	each	\$125.00	\$1,250.00	\$263.00	\$2,630.00	\$500.00	\$5,000.00
6	Furnish & Install Auger Section	900	lin.ft.	\$52.00	\$46,800.00	\$58.50	\$52,650.00	\$114.65	\$103,185.00
7	Furnish & Construct PVC Yard Drain (Special Provisions 5.04.2)	3	each	\$1,500.00	\$4,500.00	\$1,991.00	\$5,973.00	\$1,650.00	\$4,950.00
8	Furnish & Construct Concrete Yard Drain (Special Provisions 5.04.1)	1	each	\$1,950.00	\$1,950.00	\$2,469.00	\$2,469.00	\$1,950.00	\$1,950.00

Total Bid: \$236,300.00 \$292,797.00 \$383,551.50

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: **Finance Committee**
 Municipal Services Committee
 Utilities Committee

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:
Unit X-23 Watermain Reconstruction

Be awarded to:

Name: Kruczek Construction Inc.
Address: 3636 Kewaunee Road
Green Bay, WI 54311

In the amount of : \$1,044,444.44
With a 5.0 % contingency of : \$52,222.22
For a project total not to exceed : \$1,096,666.66

**** OR ****

In an amount Not To Exceed : _____

Budget: \$1,146,300.00
Estimate: \$1,100,000.00
Committee Date: 04/11/23
Council Date: 04/19/23

Bid Tabulation

X-23 Water Main Reconstruction (Rebid)

04/03/2023 01:45 PM CDT

Bid Item	Item Description	Quantity	Unit	Kruczek Construction Inc.		Dorner Inc.		David Tenor Corporation	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	12" Water Main	900	lin. ft.	\$146.00	\$131,400.00	\$188.00	\$169,200.00	\$235.00	\$211,500.00
2	8" Water Main	3,050	lin. ft.	\$114.50	\$349,225.00	\$164.00	\$500,200.00	\$185.00	\$564,250.00
3	6" Hydrant Lead	35	lin. ft.	\$138.00	\$4,830.00	\$113.00	\$3,955.00	\$100.00	\$3,500.00
4	Hydrant	5	each	\$6,300.00	\$31,500.00	\$6,400.00	\$32,000.00	\$5,775.00	\$28,875.00
5	12" Gate Valve	6	each	\$5,400.00	\$32,400.00	\$5,265.00	\$31,590.00	\$4,800.00	\$28,800.00
6	8" Gate Valve	12	each	\$3,000.00	\$36,000.00	\$2,980.00	\$35,760.00	\$2,750.00	\$33,000.00
7	6" Gate Valve	7	each	\$2,100.00	\$14,700.00	\$2,105.00	\$14,735.00	\$1,975.00	\$13,825.00
8	4" Gate Valve	1	each	\$1,750.00	\$1,750.00	\$1,760.00	\$1,760.00	\$1,625.00	\$1,625.00
9	12" Bend	2	each	\$911.00	\$1,822.00	\$1,080.00	\$2,160.00	\$900.00	\$1,800.00
10	8" Bend	21	each	\$460.00	\$9,660.00	\$595.00	\$12,495.00	\$490.00	\$10,290.00
11	6" Bend	4	each	\$335.00	\$1,340.00	\$430.00	\$1,720.00	\$370.00	\$1,480.00
12	4" Bend	2	each	\$230.00	\$460.00	\$335.00	\$670.00	\$290.00	\$580.00
13	12"x8" Reducer	3	each	\$600.00	\$1,800.00	\$680.00	\$2,040.00	\$615.00	\$1,845.00
14	8"x6" Reducer	1	each	\$365.00	\$365.00	\$460.00	\$460.00	\$415.00	\$415.00
15	16"x12" Cross	1	each	\$2,888.00	\$2,888.00	\$2,915.00	\$2,915.00	\$2,850.00	\$2,850.00
16	8"x8" Cross	1	each	\$888.00	\$888.00	\$1,060.00	\$1,060.00	\$995.00	\$995.00
17	12"x12" Tee	2	each	\$1,460.00	\$2,920.00	\$1,475.00	\$2,950.00	\$1,475.00	\$2,950.00
18	12"x8" Tee	1	each	\$1,180.00	\$1,180.00	\$1,215.00	\$1,215.00	\$1,215.00	\$1,215.00
19	12"x6" Tee	2	each	\$1,032.00	\$2,064.00	\$1,050.00	\$2,100.00	\$1,035.00	\$2,070.00
20	8"x6" Tee	5	each	\$650.00	\$3,250.00	\$700.00	\$3,500.00	\$725.00	\$3,625.00
21	8"x4" Tee	1	each	\$600.00	\$600.00	\$650.00	\$650.00	\$620.00	\$620.00
22	6" Service	19	lin. ft.	\$230.00	\$4,370.00	\$204.00	\$3,876.00	\$310.00	\$5,890.00
23	4" Service	8	lin. ft.	\$250.00	\$2,000.00	\$341.00	\$2,728.00	\$385.00	\$3,080.00
24	1.5" Service	20	lin. ft.	\$95.00	\$1,900.00	\$188.00	\$3,760.00	\$215.00	\$4,300.00
25	1" Service	550	lin. ft.	\$111.00	\$61,050.00	\$126.00	\$69,300.00	\$180.00	\$99,000.00
26	Service Connection	64	each	\$438.00	\$28,032.00	\$450.00	\$28,800.00	\$500.00	\$32,000.00
27	Curb Stop	45	each	\$225.00	\$10,125.00	\$325.00	\$14,625.00	\$275.00	\$12,375.00
28	Curb Box	75	each	\$450.00	\$33,750.00	\$330.00	\$24,750.00	\$700.00	\$52,500.00
29	MJ Cap/Plug	6	each	\$210.00	\$1,260.00	\$350.00	\$2,100.00	\$550.00	\$3,300.00
30	Cut/Cap Watermain	20	each	\$900.00	\$18,000.00	\$350.00	\$7,000.00	\$1,000.00	\$20,000.00
31	Type "D-M" Inlet Protection	36	each	\$117.00	\$4,212.00	\$125.00	\$4,500.00	\$105.00	\$3,780.00
32	Type "C" Inlet	4	each	\$2,800.00	\$11,200.00	\$3,710.00	\$14,840.00	\$3,650.00	\$14,600.00
33	10" Inlet Lead	20	lin. ft.	\$124.00	\$2,480.00	\$118.00	\$2,360.00	\$190.00	\$3,800.00
34	7" Concrete Ped. Ramp	450	sq. ft.	\$11.00	\$4,950.00	\$10.90	\$4,905.00	\$10.00	\$4,500.00
35	7" Concrete Apron	300	sq. ft.	\$11.00	\$3,300.00	\$10.90	\$3,270.00	\$10.00	\$3,000.00
36	5" Concrete Apron	4,650	sq. ft.	\$9.70	\$45,105.00	\$9.90	\$46,035.00	\$9.00	\$41,850.00
37	4" Concrete Sidewalk	775	sq. ft.	\$9.20	\$7,130.00	\$9.30	\$7,207.50	\$8.50	\$6,587.50
38	8" Plain Concrete Pavement	925	sq. yd.	\$105.00	\$97,125.00	\$101.40	\$93,795.00	\$96.00	\$88,800.00
39	7" Plain Concrete Pavement	250	sq. yd.	\$100.00	\$25,000.00	\$96.10	\$24,025.00	\$91.00	\$22,750.00
40	Truncated Dome	64	sq. ft.	\$42.00	\$2,688.00	\$47.50	\$3,040.00	\$47.00	\$3,008.00
41	Temp. Traffic Control	1	l.s.	\$47,223.94	\$47,223.94	\$15,000.00	\$15,000.00	\$47,000.00	\$47,000.00
42	Flowable Fill	25	cu. yd.	\$100.00	\$2,500.00	\$95.00	\$2,375.00	\$125.00	\$3,125.00
43	Extra Stone Bedding	150	cu. yd.	\$0.01	\$1.50	\$30.00	\$4,500.00	\$30.00	\$4,500.00
Total Bid:				\$1,044,444.44		\$1,205,926.50		\$1,395,855.50	



City of Appleton

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

Meeting Minutes - Final CEA Review Committee

Monday, March 20, 2023

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Present: 4 - Ohman, Fenton, Doran and Public Works Director Block

2. Roll call of membership

Alder Doran was excused from the meeting. Deputy Finance Director Katie Demeny acted as a substitute for Finance Director Ohman.

Present: 3 - Ohman, Fenton and Public Works Director Block

Excused: 1 - Doran

3. Approval of minutes from previous meeting

[23-0272](#)

Minutes from July 11, 2022

Attachments: [Minutes from July 11, 2022.pdf](#)

Public Works Director Block moved, seconded by Demeny, that the Minutes be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 3 - Fenton, Public Works Director Block and Demeny

Absent: 1 - Doran

4. Public Hearings/Appearances

5. Action Items

[23-0264](#)

Request to upgrade Facilities truck #503 to a crew cab pickup truck with four-wheel drive when it's replaced in 2024

Attachments: [Facilities Upgrade request to unit #503.pdf](#)

Public Works Director Block moved, seconded by Demeny, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 3 - Fenton, Public Works Director Block and Demeny

Absent: 1 - Doran

[23-0265](#)

Request to keep Dodge Durango #803 until the replacement for van #807 arrives in 2024

Attachments: [Hold unit 803 in AFD.pdf](#)

Public Works Director Block moved, seconded by Demeny, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 3 - Fenton, Public Works Director Block and Demeny

Absent: 1 - Doran

[23-0266](#)

Request to add Salsco HP Roller to Reid Golf Course CEA Equipment fleet in 2024

Attachments: [Addition to CEA Fleet Salsco Roller.pdf](#)

Public Works Director Block moved, seconded by Demeny, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 3 - Fenton, Public Works Director Block and Demeny

Absent: 1 - Doran

[23-0267](#)

Request to add second use sedan to Health Department fleet in 2023

Attachments: [Health addition to the Fleet 2023.pdf](#)

Public Works Director Block moved, seconded by Demeny, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 3 - Fenton, Public Works Director Block and Demeny

Nay: 1 - Doran

[23-0268](#)

Request to keep tractor #593 as a spare in the Stormwater fleet when it's replaced in 2024

Attachments: [Tractor #593 to REP Fleet.pdf](#)

Public Works Director Block moved, seconded by Demeny, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 3 - Fenton, Public Works Director Block and Demeny

Absent: 1 - Doran

[23-0269](#)

Approve 2023 CEA seasonal vehicle requests

Attachments: [2023 Seasonal Use Vehicle Request.pdf](#)

Public Works Director Block moved, seconded by Demeny, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 3 - Fenton, Public Works Director Block and Demeny

Absent: 1 - Doran

6. Information Items

[23-0270](#)

2023 Equipment Purchase Log

Attachments: [2023 Purchase Log.pdf](#)

[23-0271](#)

Proposed 2024 Equipment Replacements

Attachments: [2024 Equipment Replacement.pdf](#)

7. Adjournment

Public Works Director Block moved, seconded by Demeny, that the be adjourned. Roll Call. Motion carried by the following vote:

Aye: 3 - Fenton, Public Works Director Block and Demeny

Absent: 1 - Doran

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: Finance Committee
 Municipal Services Committee
 Utilities Committee

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:
Unit F-23 Sanitary & Storm Sewer Cleaning and Televising

Be awarded to:

Name: Green Bay Pipe & TV, LLC
Address: 1100 Columbia Avenue
Green Bay, WI 54303

In the amount of : _____

With a _____ % contingency of : _____

For a project total not to exceed : _____

**** OR ****

In an amount Not To Exceed : _____ \$266,500.00

Budget: _____ \$266,500.00
Estimate: _____ \$266,500.00
Committee Date: _____ 04/11/23
Council Date: _____ 04/19/23

Bid Tabulation**F-23 Sanitary & Storm Sewer Cleaning and Televising**

04/03/2023 01:45 PM CDT

Bid Item	Item Description	Quantity	Unit	Green Bay Pipe & TV, LLC		Northern Pipe, Inc.		Great Lakes TV Seal, Inc.	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	Sanitary Sewer Cleaning	190,000	lin.ft.	\$0.40	\$76,000.00	\$0.48	\$91,200.00	\$0.75	\$142,500.00
2	Sanitary Sewer Televising	190,000	lin.ft.	\$0.39	\$74,100.00	\$0.44	\$83,600.00	\$0.65	\$123,500.00
3	Storm Sewer Cleaning	120,000	lin.ft.	\$0.40	\$48,000.00	\$0.48	\$57,600.00	\$0.75	\$90,000.00
4	Storm Sewer Televising	120,000	lin.ft.	\$0.40	\$48,000.00	\$0.44	\$52,800.00	\$0.65	\$78,000.00
5	6" Sanitary or Storm Sewer Cleaning	1,000	lin.ft.	\$0.40	\$400.00	\$0.48	\$480.00	\$0.55	\$550.00
6	6" Sanitary or Storm Sewer Televising	1,000	lin.ft.	\$0.40	\$400.00	\$0.44	\$440.00	\$0.55	\$550.00
7	Lateral Televising (Sanitary or Storm)	150	each	\$135.00	\$20,250.00	\$115.00	\$17,250.00	\$145.00	\$21,750.00
8	Stormceptor Cleaning & Inspection	1	each	\$1,900.00	\$1,900.00	\$1,600.00	\$1,600.00	\$2,000.00	\$2,000.00

Total Bid:**\$269,050.00****\$304,970.00****\$458,850.00**



MEMORANDUM

TO: Human Resources/IT Committee

FROM: Kara Homan, AICP, Director of Community & Economic Development
Danielle Block, PE, Director of Public Works

DATE: March 31, 2023

RE: Proposed Table of Organization Changes – DPW and CED

Background & Overview:

The Department of Public Works (DPW) and the Community & Economic Development (CED) Department have undergone significant leadership transitions, most recently in CED with the promotion of David Kress to Deputy Director; and in DPW with the promotion of Pete Neuberger, PE to Deputy Director/City Engineer, pending the retirement of Ross Buetow, PE in early April. DPW and CED leadership felt it prudent to evaluate organizational structures within and between our departments with the following goals: alignment of related functional areas; enhanced customer experience; balancing of workload and supervisory oversight; and improved collaboration and coordination within and between departments. With this in mind, the following is being proposed (see attached proposed Tables of Organization):

Realignment of Principal Planners within CED. The three principal planners reporting structure will shift from the Director of CED to the Deputy Director. This will create a division focused on planning and development, and allow for better integration of policy and programming between the functional areas of long-range planning, GIS, community development, and economic development.

Inspections Division moves from DPW to CED. The Inspections Division reporting structure will be realigned from the Deputy Director of Public Works/City Engineer table of organization, to reporting directly to the Director of Community & Economic Development. This will allow for close integration with the short-range planning function and enhanced coordination and workflows through the life-cycle of development projects – from concept; planning; approval, permitting, inspection, and enforcement. This will still require significant coordination with DPW/Engineering, Health, and Fire, but will centralize one department (CED) as the coordinating/facilitating entity for all things related to private development / real property.

This organizational structure (aligning inspections/permitting with planning/development) is one that is used by mid-sized communities throughout the Fox Valley (e.g. Neenah,

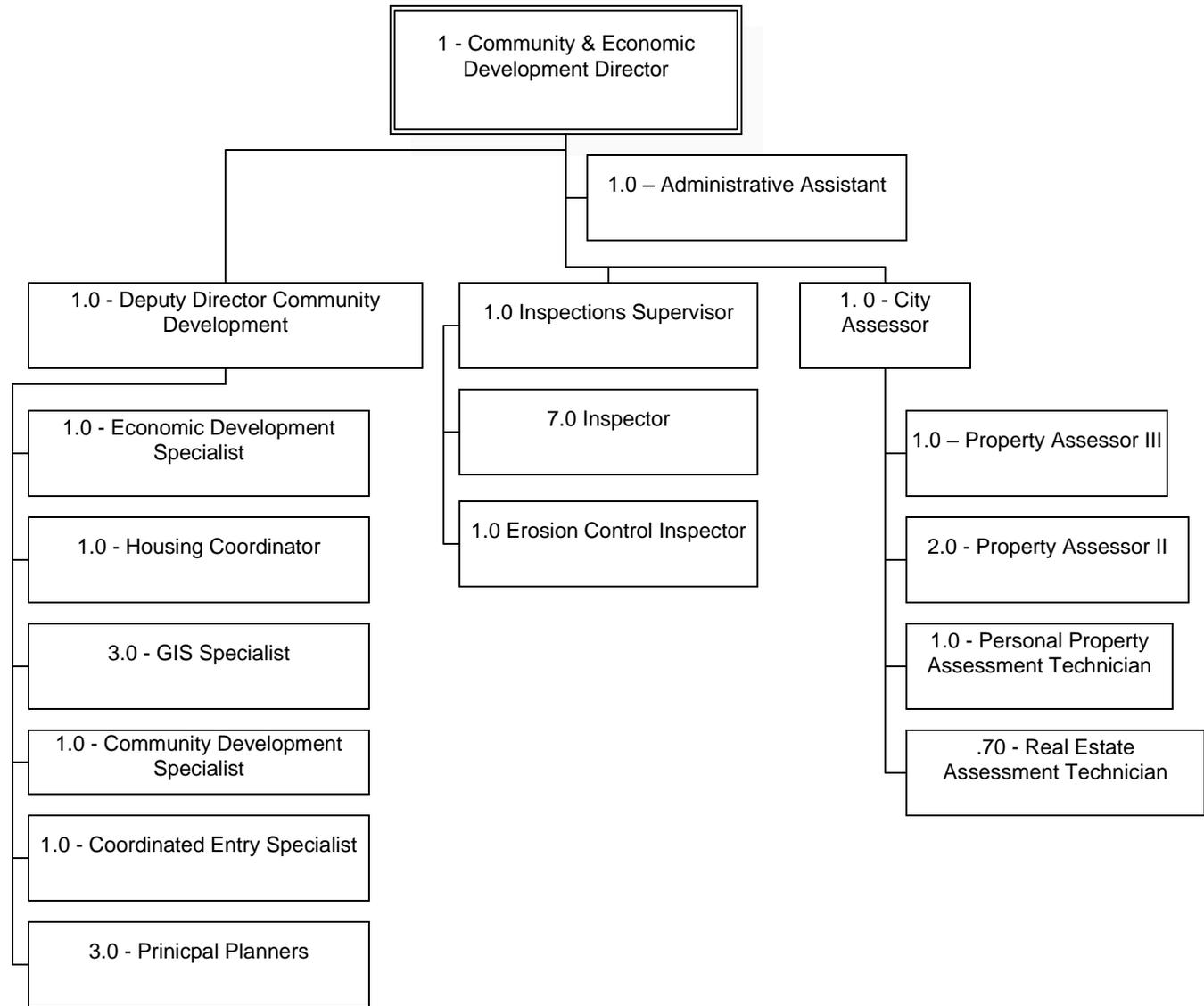
Menasha, Kaukauna, DePere, Green Bay, Oshkosh, Fond du Lac) and throughout the State (e.g. Eau Claire, Waukesha, Stevens Point, Marshfield, Sun Prairie, among others).

Fiscal Impact: This proposal is budget NEUTRAL.

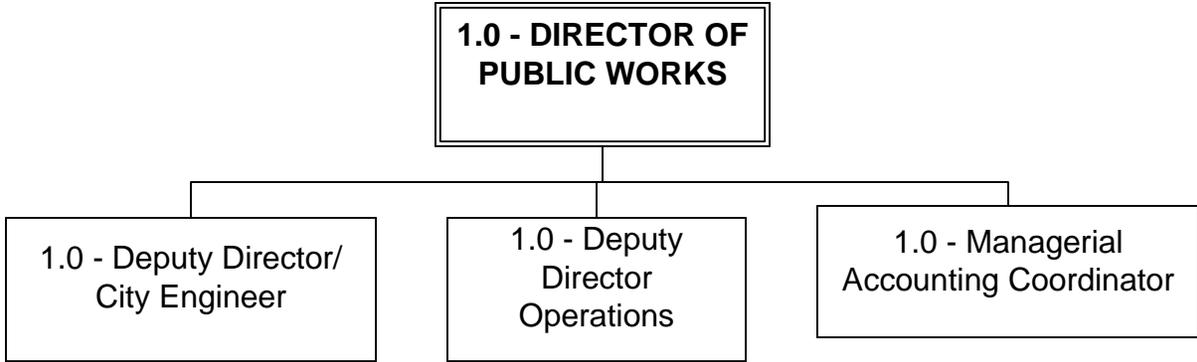
Staff Recommendation:

DPW and CED Directors recommend approval of the proposed reorganization of our respective tables of organization.

Attachments: DPW & CED Proposed Organizational Charts



DRAFT 3/27/2023



Approved 8-2-17

