



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, December 21, 2016

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. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-1976](#) Common Council Meeting Minutes of December 7, 2016

Attachments: [CC Minutes 12-7-16.pdf](#)

[16-1977](#) Common Council Meeting Minutes of December 14, 2016

Attachments: [CC Minutes 12-14-16.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR

[16-1974](#) Reappointment of Jason Druxman, Gary Schmitz, and Nathan Weyenberg to the Business Improvement District Board.

Attachments: [BID BD Reappt Memo 121616.pdf](#)

[16-1975](#) Information Item:
Reappointment of Karen Harkness to the Fox Cities Convention & Visitors Bureau Board of Directors

Attachments: [FCCVB BD Reappt 121616.pdf](#)

- I. PUBLIC HEARINGS

[16-1954](#) Public Hearing for Rezoning #7-16

Attachments: [Public Hearing RZ #7-16 .pdf](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[16-1931](#) Award 2017 Materials Testing Contract (M-17) to OMNNI Associates, Inc. in an amount not to exceed \$100,000.

Attachments: [2017 Materials Testing Contract.pdf](#)

Legislative History

12/13/16	Municipal Services Committee	recommended for approval
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[16-1932](#) Award 2017 Contract for Operation, Maintenance and Monitoring at the Closed City of Appleton Landfill to SCS Engineers, in an amount not to exceed \$70,140.

Attachments: [2017 Contract for Operation, Maintenance and Monitoring.pdf](#)

Legislative History

12/13/16	Municipal Services Committee	recommended for approval
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[16-1933](#) Approved proposed Truck Route changes as recommended in the Downtown Mobility Study.

Attachments: [Truck Route changes-Downtown Mobility Study.pdf](#)

Legislative History

12/13/16	Municipal Services Committee	recommended for approval
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[16-1934](#) Approve proposed parking change on Kamps Avenue between Locust Street and Bennett Street.

Attachments: [Kamps Ave between Locust St and Bennett St..pdf](#)

Legislative History

12/13/16	Municipal Services Committee	recommended for approval
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[16-1935](#) Approve proposed parking changes on Eighth Street/Walnut Street/Sixth Street/Elm Street related to the Fox Cities Exhibition Center.

Attachments: [Parking changes-Fox Cities Exhibition Center.pdf](#)

Legislative History

12/13/16 Municipal Services recommended for approval
 Committee

[16-1936](#) Approve proposed parking changes on Hancock Street between Lawe Street and Meade Street.

Attachments: [Hancock St between Lawe St and Meade St.pdf](#)

Legislative History

12/13/16 Municipal Services recommended for approval
 Committee

[16-1948](#) Award of Contract for the design and construction related services for the northbound Oneida Street Bridge Reconstruction Project over Jones Park to Patrick Engineering, in an amount not to exceed \$228,861.

Attachments: [Oneida Street Bridge Reconstruction Project.pdf](#)

Legislative History

12/13/16 Municipal Services recommended for approval
 Committee

[16-1950](#) Amendment to the scope of services & contract amount for the Railroad Quiet Zone Feasibility & Implementation Plan consulting services contract.

Attachments: [Railroad Quiet Zone Feasibility & Implementation Plan.pdf](#)

Legislative History

12/13/16 Municipal Services recommended for approval
 Committee

2. **MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

[16-1733](#) Secondhand Jewelry License Renewal application of Avenue Jewelers, Jason Druxman, Applicant, 303 E. College Ave., contingent upon approval from all departments.

Legislative History

12/14/16 Safety and Licensing recommended for approval
 Committee

[16-1734](#) Secondhand Article License Renewal application of Warehouse Office Products, Jeff S. Lemery, Applicant, 1825 N. Richmond St., contingent upon approval from all departments.

Legislative History

12/14/16 Safety and Licensing recommended for approval
 Committee

- [16-1796](#) Secondhand Jewelry License Renewal application of Expert Jewelry Repair, Randy L. Kester, Applicant, 636 W. College Ave., contingent upon approval from all departments.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1797](#) Secondhand Article License Renewal application of Active Bike & Fitness LLC, Mark A. Fluette, Applicant, 1421 N. Richmond St., contingent upon approval from all departments.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1799](#) Secondhand Jewelry License Renewal application of Tennie's Jewelry, Brian D. Frisch, Applicant, 208 E. College Ave., contingent upon approval from all departments.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1817](#) Secondhand Article License Renewal application of The Exclusive Company, J.A. Giombetti, Applicant, 770 W. Northland Ave., contingent upon approval from all departments.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1831](#) Secondhand Article License Renewal application of Play It Again Sports, Shane A. Herron, Applicant, 611 W. Northland Ave., contingent upon approval from all departments.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1832](#) Secondhand Article License Renewal application of Tiffani's Bridal & Consignment, Tiffani Rose Ebben, Applicant, 1314 W. College Ave. #6, contingent upon approval from all departments.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1834](#) Secondhand Jewelry License Renewal application of Scanlan Jewelers, Judy A. Scanlan, Applicant, 2031 E. Calumet St., contingent upon approval from all departments.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1835](#) Secondhand Article License Renewal application of Replay Toys, Chris L. Freimuth, Applicant, 1131 N. Badger Ave., contingent upon approval from all departments.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1836](#) Secondhand Article License Renewal application of Tina Marie's Unique Boutique, LLC, Tina Marie Ahrens, Applicant, 206 E. College Ave., contingent upon approval from all departments.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1841](#) Operator's License application of Laurie A. Cooper, 743 W. Eighth Street.

Attachments: [Laurie A. Cooper.pdf](#)
[SL Denials L.Cooper.pdf](#)

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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Ms. Cooper was in attendance but did not wish to address the Committee.

Paul Vanderlinden, her supervisor at Muncieez spoke on Ms. Cooper's behalf stating that she is an excellent employee who has turned her life around and deserves to hold an operator license. Ms. Cooper answered questions from the Committee about Lt. Miller's reference to an outstanding warrant in Arkansas.

- [16-1844](#) Secondhand Article License Renewal application of ecoATM, LLC, Hunter E. Bjorkman, Applicant, 3701 E. Calumet St., contingent upon approval from all departments.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1855](#) Reserve "Class B" Beer/Liquor License Change of Agent of Red & White, Inc., David Herbeck, Agent, 2400 S. Kensington Dr., contingent upon approval from the Police Department.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1857](#) Operator's Licenses

Attachments: [Operator's Licenses for 12-14-16 S & L.pdf](#)

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1866](#) Operator's License application of Garret S. King, 3222 N. Lawe Street.

Attachments: [Garret S. King.pdf](#)
[SL Denials G.King.pdf](#)

Legislative History

12/14/16	Safety and Licensing Committee	recommended for denial
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Mr. King was in attendance but did not wish to speak to the Committee.

- [16-1871](#) Request to Sole Source the Purchase of the Emergency Vehicle Preemption Equipment.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1872](#) Secondhand Article License Renewal application of Beatnik Betty's Resale Butik, Monica L. Austin, Applicant, 214 E. College Ave., contingent upon approval from all departments.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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- [16-1873](#) Secondhand Jewelry License Renewal application of Krieger Jewelers, Jamie L. Boyce, Applicant, 934 W. Northland Ave., contingent upon approval from all departments.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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[16-1874](#)

Reserve "Class B" Beer/Liquor License Change of Agent, Timeless Tavern LLC, Jared M. Korn, Agent, 215 E. College Ave., contingent upon approval from the Police Department.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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[16-1875](#)

"Class B" Beer/Liquor License Change of Agent of Apple Hospitality Group LLC, d/b/a Applebee's, Kenneth J. Lemerond, Agent, 3040 E. College Ave., contingent upon approval from the Police Department.

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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[16-1887](#)

Recommendation to Purchase Class B Firefighting Foam from W. S. Darley

Attachments: [Memo Requesting Purchase of Solberg foam from Darley.pdf](#)

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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[16-1942](#)

Class "B" Beer/"Class C" Wine License application of Artful Expressions LLC d/b/a Pinot's Palette, Amy L. Duffey, agent, 226 E. College Ave., contingent upon approval from all departments.

Attachments: [Pinots Palette application.pdf](#)

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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[16-1952](#)

Request to Revise Chapter 9, Article XIII Division 3 of the Municipal Code, Rotating Call List Towing Services

Attachments: [S L Memo Towing Ordinance.pdf](#)

[Proposed Tow Ordinance \(edited 12-2-16\).pdf](#)

[tow companies rates 2016 \(2\).pdf](#)

[Tow Ordinance \(CURRENT 12-09-16\).pdf](#)

[Proposed Fee Schedule \(edited 12-12-16\).pdf](#)

[Proposed Tow Ordinance \(edited 12-14-16\).pdf](#)

Legislative History

12/14/16	Safety and Licensing Committee	recommended for approval
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The following citizens spoke regarding this item:

Scott from D&D Towing

Butch Vanderputen, retired from a towing company

3. MINUTES OF THE CITY PLAN COMMISSION

[16-1820](#) Request to approve Rezoning #7-16 to rezone 320 and 410 S. Walnut Street (Tax Id #31-3-0827-00, #31-3-0680-00, #31-2-0220-00), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from PD/CBD Planned Development Central Business District to CBD Central Business District

Attachments: [StaffReport_OutagamieCoCampus_Rezoning_For11-21-16.pdf](#)

Legislative History

11/21/16 City Plan Commission recommended for approval
Proceeds to Council on December 21, 2016.

[16-1882](#) Request to approve Special Use Permit #7-16 for a light manufacturing use in a C-2 General Commercial District, located at 1115 W. Tuckaway Lane (Tax Id #31-8-1569-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the condition in the attached staff report (2/3 vote required)

Attachments: [StaffReport_Press_Color_SpecialUsePermit#7-16.pdf](#)

Legislative History

12/12/16 City Plan Commission recommended for approval

[16-1884](#) Request to approve Special Use Permit #8-16 for a standalone parking lot in a CBD Central Business District, located at 227 S. Walnut Street (Tax Id #31-3-0851-00), 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 (2/3 vote required) (Attached letter received on 12-14-16, after the Plan Commission meeting)

Attachments: [StaffReport_227SWalnutSt_SUP_For12-12-16.pdf](#)

[Letter from Schaff & Rattray Opposing SUP#8-16 Request.pdf](#)

Legislative History

12/12/16 City Plan Commission recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[16-1922](#) Action: Award the City of Appleton "2016 Erb Playground Equipment Project" contract to Lee Recreation, LLC in an amount not to exceed \$145,000

Attachments: [2016 Erb Playground award.docx](#)

Legislative History

12/12/16 Parks and Recreation Committee recommended for approval

[16-1926](#)

Action: Request Approval of Reciprocity Agreement with the City of Neenah

Attachments: [City of Neenah Reciprocity Agreement.pdf](#)

Legislative History

12/12/16	Parks and Recreation Committee	recommended for approval
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[16-1927](#)

Action: Request Approval of Reciprocity Agreement with the City of Menasha

Attachments: [City of Menasha Reciprocity Agreement.pdf](#)

Legislative History

12/12/16	Parks and Recreation Committee	recommended for approval
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5. MINUTES OF THE FINANCE COMMITTEE

[16-1891](#)

Request to award contract to Unifirst Corporation for rental and cleaning of uniforms and related items.

Attachments: [Uniform Contract Recommendation.pdf](#)

Legislative History

12/13/16	Finance Committee	recommended for approval
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[16-1892](#)

Request to approve Change Order #1 to contract 50-16 for Erb Park and Pool renovation project for a separated recirculation system of slides in the amount of \$130,590.99 resulting in a decrease of the contingency from \$613,048 to \$482,457.01. No change to the overall contract amount.

Attachments: [2016 Erb Pool Construction Change Order #1.pdf](#)

Legislative History

12/13/16	Finance Committee	recommended for approval
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[16-1893](#)

Request to write off \$14,003.29 of accounts receivable invoices and \$19,481.52 of personal property taxes (outstanding over one year).

Attachments: [Written off accounts list.pdf](#)

Legislative History

12/13/16	Finance Committee	recommended for approval
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- [16-1915](#) Request to approve Bid Packages and project related expenses into the Guaranteed Maximum Price Amendment to Miron Construction for the Fox Cities Exhibition Center for a contract not to exceed \$5,585,083; and to reject bids from Applied Flooring Solutions, Braun Thyssen Krupp Elevator LLC and Schindler Elevator Corporation for not meeting and/or following bidding requirements.

Attachments: [2016 Expo Center Bid Package #2 - Guaranteed Maximum Price Amendment .j](#)

Legislative History

12/13/16 Finance Committee recommended for approval

- [16-1917](#) Request to award Unit Y-16 Arbutus Park Stormwater Lift Station (rebid) to August Winter and Sons, Inc in the amount of \$213,775 with a 10% contingency of \$21,377.50 for a project total not to exceed \$235,152.50.

Attachments: [Award of Contract Y-16.pdf](#)

Legislative History

12/13/16 Finance Committee recommended for approval

- [16-1918](#) Request to award Unit S-17 Spartan Drive Sanitary Lift Station to August Winter and Sons, Inc. in the amount of \$760,250 with a 10% contingency of \$76,025 for a project total not to exceed \$836,275.

Attachments: [Spartan Dr Lift Station.pdf](#)

Legislative History

12/13/16 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

- [16-1896](#) Request to approve a Variance to the Declaration of Covenants and Restrictions, Item 3.A for the Northeast Industrial Park Plat #4, allowing for a minimum building size of 5,000 square feet for Parcel #31-1-5362-00 on Goodland Drive

Attachments: [Onstage variance 12-6-16.pdf](#)

Legislative History

12/14/16 Community & Economic Development Committee recommended for approval

7. MINUTES OF THE UTILITIES COMMITTEE

- [16-1859](#) Intergovernmental Cooperation Agreement between the City of Appleton and the City of Neenah for Solicitation of Chemical Quotations.

Attachments: [Intermunicipal Agreement - Appleton and Neenah - Chemical Quote Solicitation](#)

Legislative History

12/13/16 Utilities Committee recommended for approval

[16-1912](#)

Award 2017C Northland Pond Construction Related Services Contract to Brown & Caldwell in an amount not to exceed \$77,110.

Attachments: [Brown Caldwell 2017C Northland CRS Contract Util Memo 12-07-2016.pdf](#)

Legislative History

12/13/16 Utilities Committee recommended for approval

[16-1914](#)

Amend the 2016C contract for Leona Pond Final Design and Permitting contract to Brown & Caldwell in an amount not to exceed \$27,410.

Attachments: [Leona Pond Final Design and Permitting.pdf](#)

Legislative History

12/13/16 Utilities Committee recommended for approval

[16-1947](#)

Approve contract for the Bar Screen #1 Channel Butterfly Valve Rebuild to August Winter and Sons, Inc. for \$111,250 with a contingency of \$13,750 and a project total not to exceed \$125,000.

Attachments: [Bar Screen #1 Gate Valve Rebuild Project Award Memo.pdf](#)

Legislative History

12/13/16 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[16-1843](#)

Request to award 3 year contract to Associated Benefits and Risk Consulting (ABRC) (formerly Associated Financial Group) to provide benefit consulting services for 2017, 2018 and 2019. With an option to renew for another 3 years.

Attachments: [ABRC consulting memo 11-16-16.pdf](#)

Legislative History

12/12/16 Human Resources & Information Technology Committee recommended for approval

[16-1865](#)

Request to approve a proposed modification to the Department of Public Works table of organization - Parking Utility to convert one Ramp Attendant position to a Ramp Operator I - Parking position.

Attachments: [DPW Parking Utility Reorg.pdf](#)

Legislative History

12/12/16 Human Resources & Information Technology Committee recommended for approval

16-1904

Request to approve Police Professional Association union contract for 2017-2019 with the following adjustments:

2017: 7/1-1.5% and 10/1 1.0%

2018: 1/1-1.5% and 7/1-1.0%

2019: 1/1-1% and 7/1-1.0%

Attachments: [APPA Tentative Agreements November 2 2016.pdf](#)

Legislative History

12/12/16

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.



City of Appleton

100 North Appleton Street
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www.appleton.org

Meeting Minutes - Final Common Council

Wednesday, December 7, 2016

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:00 p.m.

B. INVOCATION

The Invocation was given by Alderperson Martin.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 14 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt and Mayor Timothy Hanna

Excused: 2 - Alderperson Kathleen Plank and Alderperson Curt Konetzke

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Clerk Lynch, City Attorney Walsh,
Director of Community & Economic Development Harkness,
Fire Battalion Chief Baker, Health Officer Eggebrecht,
Director of Parks, Recreation & Facilities Gazza,
Director of Public Works Vandehey, Police Chief Thomas,
Director of Utilities Shaw, Valley Transit General Manager Mc Donald
The following were excused:
Director of Information Technology Fox, Library Director Rortvedt,
Deputy City Attorney Behrens, Director of Finance Saucerman,
Director of Human Resources Behnke*

F. PUBLIC PARTICIPATION

No one was signed up to speak during Public Participation.

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[16-1867](#)

Common Council Meeting Minutes of November 16, 2016

Attachments: [CC Minutes 11-16-16.pdf](#)**Aldersperson Baranowski moved, seconded by Aldersperson Croatt, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

Aye: 13 - Aldersperson William Siebers, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Excused: 2 - Aldersperson Kathleen Plank and Aldersperson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

[16-1870](#)

Presentation of League of Women Voters of Appleton Making Democracy Work Day Proclamation in honor of Kathy Groat

This Presentation was presented[16-1868](#)

Reappointment of Judith Lang to the Appleton Housing Authority Board of Commissioners

Attachments: [COMM REAPPOINTS AHA PARADE COMM 120216.pdf](#)**Aldersperson Spears moved, seconded by Aldersperson Croatt, that the Reappointment be approved. Roll Call. Motion carried by the following vote:**

Aye: 13 - Aldersperson William Siebers, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner, Aldersperson Jeffrey Jirschele, Aldersperson Matt Reed, Aldersperson Vered Meltzer, Aldersperson Joe Martin, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Cathy Spears and Aldersperson Chris Croatt

Excused: 2 - Aldersperson Kathleen Plank and Aldersperson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

[16-1869](#)

Reappointment of Greg Otis to the Parade Committee

Attachments: [COMM REAPPOINTS AHA PARADE COMM 120216.pdf](#)**Aldersperson Croatt moved, seconded by Aldersperson Reed, that the Reappointment be approved. Roll Call. Motion carried by the following vote:**

Aye: 13 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 2 - Alderperson Kathleen Plank and Alderperson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 13 - Alderperson William Siebers, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Excused: 2 - Alderperson Kathleen Plank and Alderperson Curt Konetzke

Abstained: 1 - Mayor Timothy Hanna

- 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE
- 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE
- 3. MINUTES OF THE CITY PLAN COMMISSION

[16-1821](#)

Request to approve the dedication of land for public right-of-way for E. Broadway Drive as shown on the attached maps

Attachments: [StaffReport_StreetDedication_BroadwayDriveNov2016.pdf](#)

This Report Action Item was approved.

- 4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[16-1826](#)

Request Approval of Updated Military Family Support Policy

Attachments: [Memo - Updated Military Family Support Policy.doc](#)
 [Military Family Support Policy Original and Redline.pdf](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE****7. MINUTES OF THE UTILITIES COMMITTEE****8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE****9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**[16-1848](#)

Recommendation to award Northern Winnebago Dial-A-Ride contract

Attachments: [NWDAR 2017 Auth to Award.pdf](#)

No action was taken on this item. This item does not require Council approval; it was approved at the Fox Cities Transit Commission meeting on November 30, 2016.

10. MINUTES OF THE BOARD OF HEALTH**M. CONSOLIDATED ACTION ITEMS****N. ITEMS HELD****O. ORDINANCES**[16-1864](#)

Ordinances 98-16 to 103-16

Attachments: [Ordinances going to Council 12-7-16.pdf](#)

This Report Action Item was approved.

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 Baranowski moved, seconded by Alderson Croatt, that the meeting be adjourned at 7:17 p.m.. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner, Alderson Jeffrey Jirschele, Alderson Matt Reed, Alderson Vered Meltzer, Alderson Joe Martin, Alderson Greg Dannecker, Alderson Christine Williams, Alderson Cathy Spears, Alderson Chris Croatt and Mayor Timothy Hanna

Excused: 2 - Alderson Kathleen Plank and Alderson Curt Konetzke

Kami Lynch, City Clerk



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, December 14, 2016

7:00 PM

Council Chambers

SPECIAL MEETING

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:04 p.m.

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 16 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt and Mayor Timothy Hanna

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

F. PUBLIC PARTICIPATION

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

H. BUSINESS PRESENTED BY THE MAYOR

[16-1968](#)

Approval of Settlement Agreement for Fox River Clean-up Litigation

Attorney Richard Yde provided information to the Council about the settlement agreement.

Alderperson Baranowski moved, seconded by Alderperson Croatt, that the settlement agreement be approved and to authorize the Mayor or City Attorney to sign the agreement upon approval of the City's insurance coverage counsel. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears and Alderperson Chris Croatt

Abstained: 1 - Mayor Timothy Hanna

- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS
- 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. CLOSED SESSION

[16-1969](#)

The Common Council may convene in closed session pursuant to State Statute §19.85(1)(g) for the purpose of conferring with legal counsel concerning strategy regarding the Fox River Clean-up litigation and then will reconvene in open session.

The Common Council did not convene in closed session

- T. ADJOURN

Alderperson Baranowski moved, seconded by Alderperson Martin, that the meeting be adjourned at 7:17 p.m. Roll Call. Motion carried by the following vote:

Aye: 16 - Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner, Alderperson Jeffrey Jirschele, Alderperson Matt Reed, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Greg Dannecker, Alderperson Christine Williams, Alderperson Cathy Spears, Alderperson Chris Croatt and Mayor Timothy Hanna


Kami Lynch, City Clerk



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

OFFICE OF THE MAYOR
Timothy M. Hanna
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
e-mail: mayor@appleton.org

TO: Members of the Common Council

FROM: Mayor Timothy Hanna 

DATE: December 16, 2016

RE: Committee Reappointments

It is with pleasure that I present the following reappointments for your confirmation at the December 21 Common Council meeting. Per Resolution #8-R-14, attendance has been included.

BUSINESS IMPROVEMENT DISTRICT BOARD

Jason Druxman	3-year term	100% attendance
Gary Schmitz	3-year term	100% attendance
Nathan Weyenberg	3-year term	100% attendance



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(920) 832-6400 FAX (920) 832-5962
e-mail: mayor@appleton.org

TO: Members of the Common Council

FROM: Mayor Timothy Hanna 

DATE: December 16, 2016

RE: Committee Reappointment

It is with pleasure that I present the following reappointment for your information at the December 21 Common Council meeting:

FOX CITIES CONVENTION & VISITORS BUREAU BOARD OF DIRECTORS

Karen Harkness 2-year term (2017-2019)

NOTICE OF PUBLIC HEARING

#7-16

RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on December 21, 2016, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

Rezoning #7-16 request has been initiated by the owner/applicant, Outagamie County, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the above-described real estate, which is currently zoned PD/CBD Planned Development Central Business District. The owner/applicant proposes to rezone the property to the base CBD Central Business District, without the PD Planned Development overlay designation (see attached map). Overlay districts are intended to provide supplemental regulations pertaining to specific areas, in addition to the “base” or underlying zoning district regulations.

Purpose of the Request: The owner/applicant proposes a building addition/renovation for Outagamie County’s downtown campus to enhance overall campus security, provide better customer/client service, improve wayfinding, and accommodate recent and projected growth in several departments (see attached description and draft concept plans submitted by the owner/applicant).

LEGAL DESCRIPTION:

Tax ID #31-3-0827-00--GRAND CHUTE PLAT 3WD ALL OF BLK 42 AND N1/2VAC SEVENTH ST AND W1/2 VAC ELM ST LYG ADJ THERETO 2.186AC M/L, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.

Tax ID #31-2-0220-00-- APPLETON PLAT 2WD LOTS 1, 2, 3, 4, 8, 9 AND W1/2 LOT 5 BLK 18 AND S1/2 PRT VAC W EIGHTH ST AND N1/2 PRT VAC SEVENTH ST AND E1/2 VAC ELM ST LYG ADJ THERETO 72,896.55 SQ FT M/L, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.

Tax ID # 31-3-0680-00-- GRAND CHUTE PLAT 3WD BLK 31 AND S1/2 VAC SEVENTH ST LYG NORTH AND ADJ THERETO 2.56AC M/L, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.

December 8, 2016

KAMI LYNCH
City Clerk

RUN: December 10, 2016
December 13, 2016



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

Department of Public Works – Engineering Division

MEMO

TO: Municipal Services Committee

FROM: Paula Vandehey, Director of Public Works

DATE: December 5, 2016

RE: Award of 2017 Materials Testing Contract (M-17) to OMNNI Associates, Inc. in an amount not to exceed \$100,000.

The Department of Public Works recommends award of the 2017 Materials Testing Contract to OMNNI Associates, Inc. in an amount not to exceed \$100,000. Funding for this contract is from individual project budgets.

In January 2015 a Request for Proposals (RFP) was sent to three (3) consulting firms and three (3) proposals were received. A Quality Based Selection process was used. As indicated in the memo recommending award of the 2015 Materials Testing contract, staff indicated that with satisfactory performance by the consultant, it was anticipated that the 2016 and 2017 Materials Testing Contracts would be awarded to OMNNI without an RFP process.

Several projects are on-going and changing consultants at this time could cause delays. These projects include the Exposition Center soil disposal at the Mackville quarry site, Northland Pond, the Cotter Street Pond, the Oneida Street bridge and the Spartan Drive area.

In addition to the projects listed above, this contract includes:

- Material testing for concrete, asphalt and soils,
- Contaminated material response, analysis, permitting and disposal,
- Performing Phase I and Phase II environmental assessments, and
- Performing geotechnical investigations for other DPW projects and for other departments, if needed.

No specific Phase I or Phase II assessments are known at this time and, should the need arise, separate contracts will be negotiated for these services. Geotechnical investigations anticipated for 2017 include Leona Pond and Spartan Drive stormwater practices. The details of these investigations are still being developed and detailed costs are not available at this time.

Based on an estimated number of concrete and asphalt tests, and an estimate of the testing protocols needed for the projects listed above, staff recommends a not to exceed budget of \$100,000 for this contract. Expenditures will be for services actually used and may be less than the awarded amount. A contract amendment would be brought to committee in the event that additional funding is necessary.



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TO: Municipal Services Committee

FROM: Paula Vandehey, Director of Public Works
Sue Olson, Staff Engineer

SUBJECT: Award 2017 Contract for Operation, Maintenance, and Monitoring at the Closed City of Appleton Landfill to SCS Engineers, in an amount not to exceed \$70,140.

DATE: December 5, 2016

The Department of Public Works requests award of the 2017 Contract for Operation, Maintenance, and Monitoring at the Closed City of Appleton Landfill to SCS Engineers in an amount not to exceed \$70,140. This is the second year of a ten (10) year contract as approved in December 2015.

In addition to the operation and monitoring of the landfill, maintenance will include routine scheduled replacement of one monitoring well or leachate well. They will also assist with review of any changes proposed by the Valley Aero Modelers, who currently lease the site, and any proposals or concerns related to the Mackville quarry site.

In 2016 the City was notified by the Wisconsin Department of Natural Resources that Stormwater Pollution Prevention Plans, per the NR 216 Phase 2 Stormwater Permit, are required for both the landfill site and the Mackville quarry site. These stormwater plans must be integrated with the Operation and Maintenance activities of the landfill and therefore have been included in this contract.

Per the memo dated December 1, 2015 for the award of the 2016 contract requesting contract extensions through 2025, the 2015 RFP process associated with that award, and satisfactory performance by the consultant, the Department of Public Works recommends awarding the 2017 Contract for Operation, Maintenance, and Monitoring at the Closed City of Appleton landfill to SCS Engineers in an amount not to exceed \$70,140.



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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 S. Lom, City Traffic Engineer
Date: December 5, 2016
Re: Truck Route Updates as recommended in the Downtown Mobility Study

In an attempt to simplify truck routing in the central business district area, the recently-approved Downton Mobility Study included recommendations to make a number of changes. While some of the recommended changes cannot be implemented until certain roadways are converted to allow for two-way traffic, we are recommending the following changes be implemented now. These changes are outlined below and depicted on the attached map.

In order to update Chapter 19 (section 19-137) of the Appleton Municipal Code regarding enumeration of truck routes, I recommend the following changes to the City's Municipal Code:

Amend Chapter 19 of the Municipal Code (Section 19-137) to REMOVE the following:

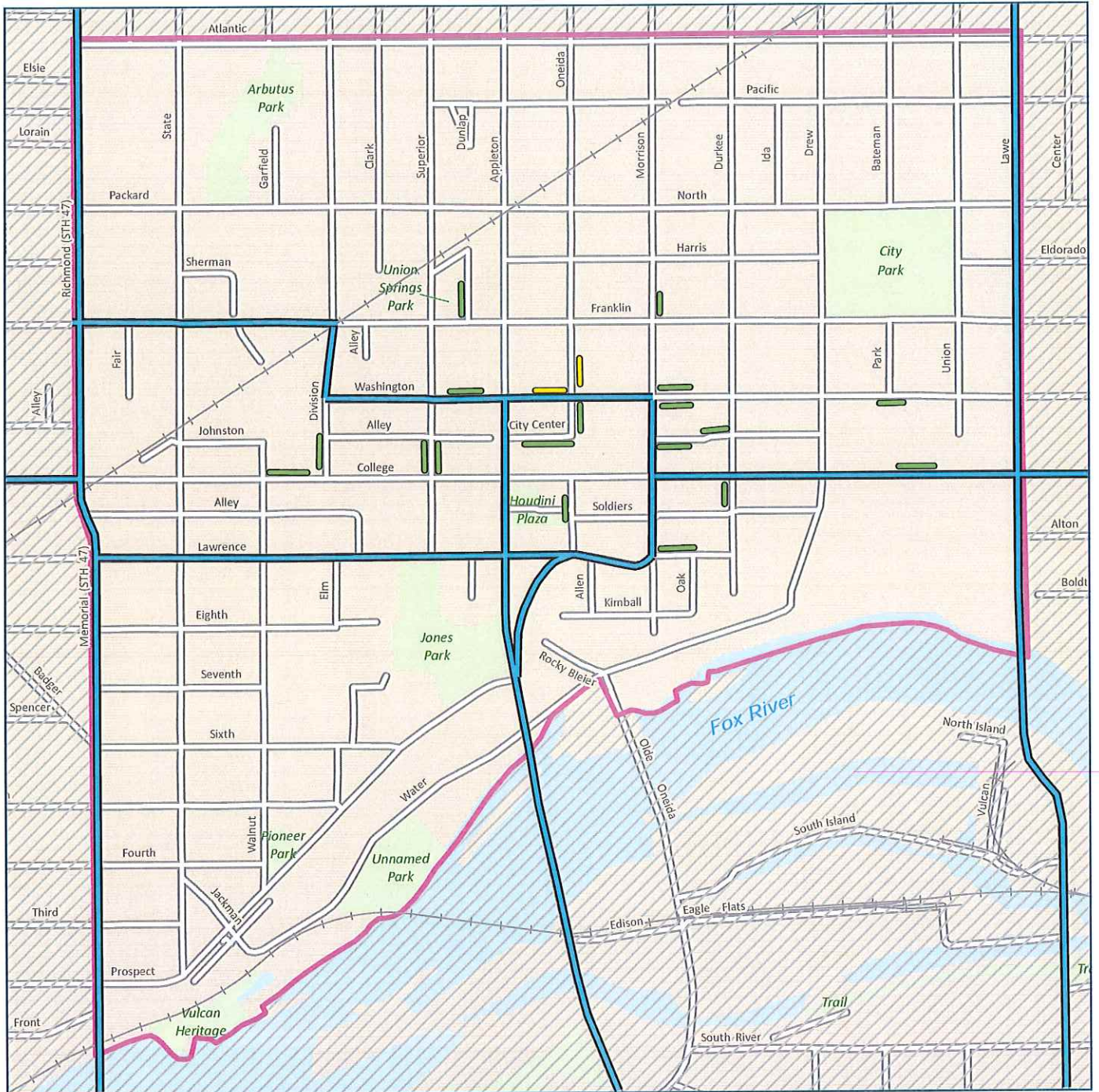
1. "College Avenue from Morrison Street to the east City limits."
2. "College Avenue from Richmond Street to the west City limits."
3. "Washington Street from Morrison Street to Division Street."
4. "Division Street from Washington Street to Franklin Street."

Amend Chapter 19 of the Municipal Code (Section 19-137) to ADD the following:

5. "College Avenue from the west City limits to the east City limits."
6. "Franklin Street from Richmond Street (STH 47) to Appleton Street."
7. "Washington Street from Appleton Street to Morrison Street."



Downtown Appleton Mobility Study



Truck Routing

Jan. 2016

Legend

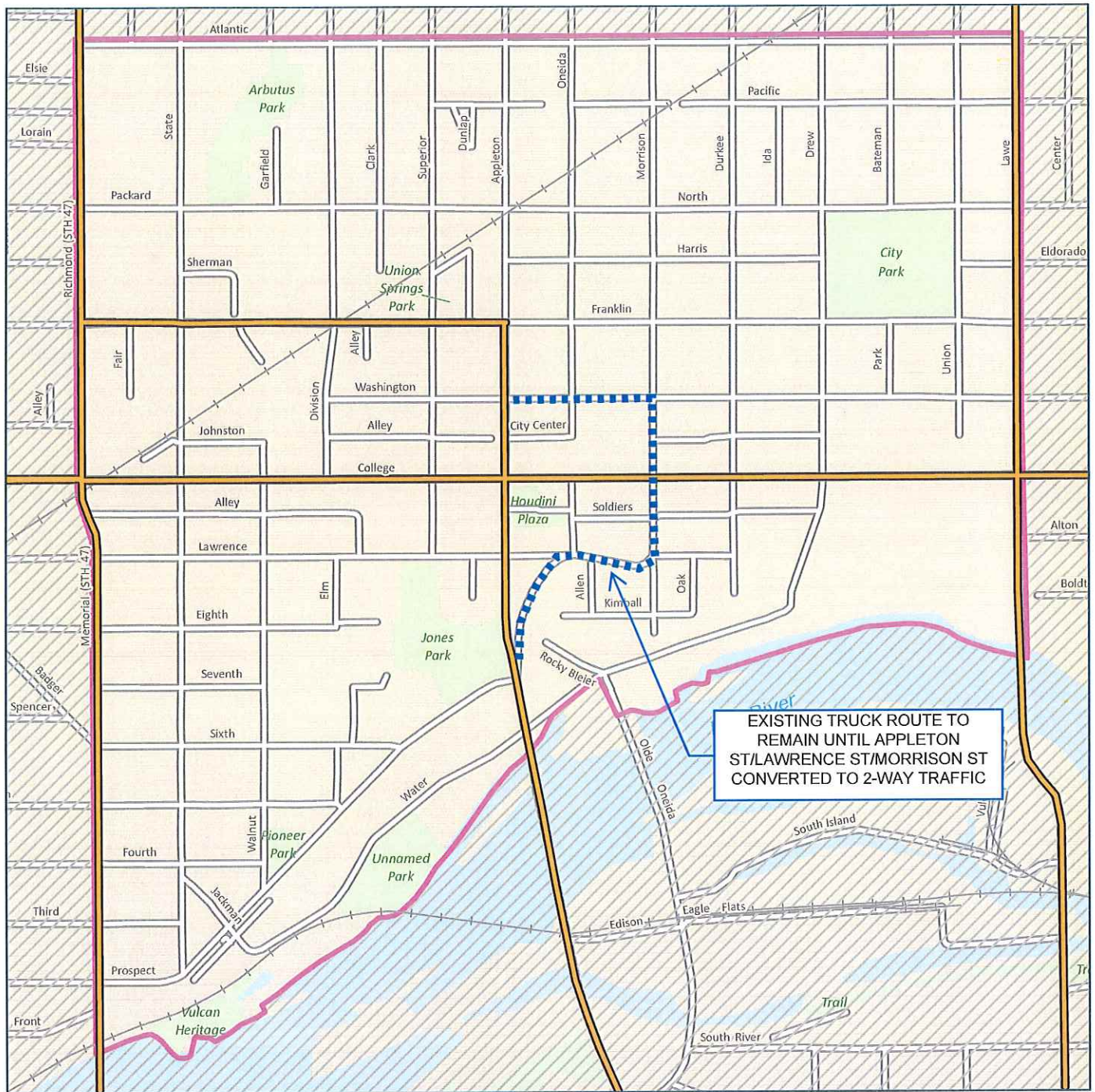
- Study Limits
- Loading Zone
- Existing Truck Route
- Bus Loading Zones

0 500 1,000 Feet







Downtown Appleton Mobility Study



Proposed Truck Routing

July 2016

Legend

-  Study Limits
-  Proposed Truck Routes

0 500 1,000 Feet





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

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, City Traffic Engineer
Date: November 30, 2016
Re: Proposed parking restriction removal on Kamps Avenue (Locust Street to Bennett Street)
Follow-Up to Six-Month Trial Period

In response to a request from a property owner, the City's Traffic Section assessed the possibility of removing the existing parking restriction on the north side of Kamps Avenue between Bennett Street and Locust Street. The restriction in question (*No Parking from 4 p.m. to 5 a.m.*) was enacted in 2006 as a result of concerns that had been expressed regarding the former Azteca's complex which is no longer in operation.

We have received no feedback from the neighborhood regarding this change. As such we recommend making the change permanent.

To accomplish this, the following ordinance action is required:

1. ***Repeal Ord. 131-06:*** "Parking be prohibited from 4.p.m. to 5 a.m. on the north side of Kamps Avenue from Bennett Street to Locust Street."



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, City Traffic Engineer
Date: November 30, 2016
Re: Parking changes in the area of the Fox Cities Exposition Center

Included in the agreement between the City and County to purchase the land for the Fox Cities Exposition Center the City was required to modify parking restrictions on a number of streets surrounding the site. These restrictions were implemented administratively in early August of this year and we have received no complaints. Outlined below are the ordinance changes that are necessary to make these changes permanent.

1. Parking be restricted to Outagamie County visitors only, from 5 a.m. to 5 p.m. Monday through Friday, on the east side of Walnut Street from Seventh Street to a point 45 feet north of Sixth Street.
2. Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, on the east side of Walnut Street from Seventh Street to a point 45 feet south of Eighth Street.
3. Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, compact vehicles only (No Trucks/Vans/SUVs; maximum wheelbase 105", maximum height 61"), on the east side of Walnut Street from Eighth Street to a point 45 feet south of Eighth Street.
4. Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, on Eighth Street from Walnut Street to Elm Street.
5. Parking be prohibited on the north side of Sixth Street from Walnut Street to a point 40 feet east of Walnut Street.
6. Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, compact vehicles only (No Trucks/Vans/SUVs; maximum wheelbase 105", maximum height 61"), on the north side of Sixth Street from a point 35 feet east of Walnut Street to a point 100 feet east of Walnut Street.
7. Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, on the north side of Sixth Street from Elm Street to a point 100 feet east of Walnut Street.
8. Parking be restricted to Outagamie County visitors only, from 5 a.m. to 5 p.m. Monday through Friday, on the west side of Elm Street from Seventh Street to a point 30 feet north of Sixth Street.
9. Parking be prohibited on the west side of Elm Street from Sixth Street to a point 30 feet north of Sixth Street.
10. Parking be prohibited on the east side of Elm Street from Sixth Street to a point 130 feet north of Sixth Street.
11. Parking be restricted to Outagamie County employees only (permit required), from 5 a.m. to 5 p.m. Monday through Friday, on the east side of Elm Street from Seventh Street to a point 130 feet north of Sixth Street.
12. Parking be prohibited on Eighth Street from Elm Street to a point 200 feet east of Elm Street.



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Engineering Division – Traffic Section
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Appleton, WI 54911
TEL (920) 832-5580
FAX (920) 832-5570

To: Municipal Services Committee
From: Eric S. Lom, City Traffic Engineer
Date: October 25, 2016
Re: Traffic-related ordinance changes for the Hancock Street Reconstruction Project
(Lawe Street to Meade Street)

The Hancock Street reconstruction project (Lawe Street to Meade Street) was completed during the 2016 construction season. This memo addresses the parking and traffic restrictions that are necessary to implement the Council-approved roadway plans (Agenda Item 14-1560).

The following ordinance action is required:

1. **Create:** “Parking be prohibited on Hancock Street from Lawe Street to Meade Street.”



MEMO

TO: Municipal Services Committee

FROM: Chad M. Weyenberg, Project Engineer *CW*

DATE: December 8, 2016

RE: **Award of Contract for the design and construction related services for the northbound Oneida Street Bridge Reconstruction Project over Jones Park to Patrick Engineering, in an amount not to exceed \$228,861.**

The Department of Public Works is recommending to contract with Patrick Engineering, in an amount not to exceed \$228,861 to provide design and construction related services for the northbound Oneida Street Bridge over Jones Park Reconstruction Project. This project is one of the first steps of the Downtown Mobility Study's plan to convert Appleton Street from a one-way to a two-way street. This contract will authorize Patrick Engineering to provide the following services:

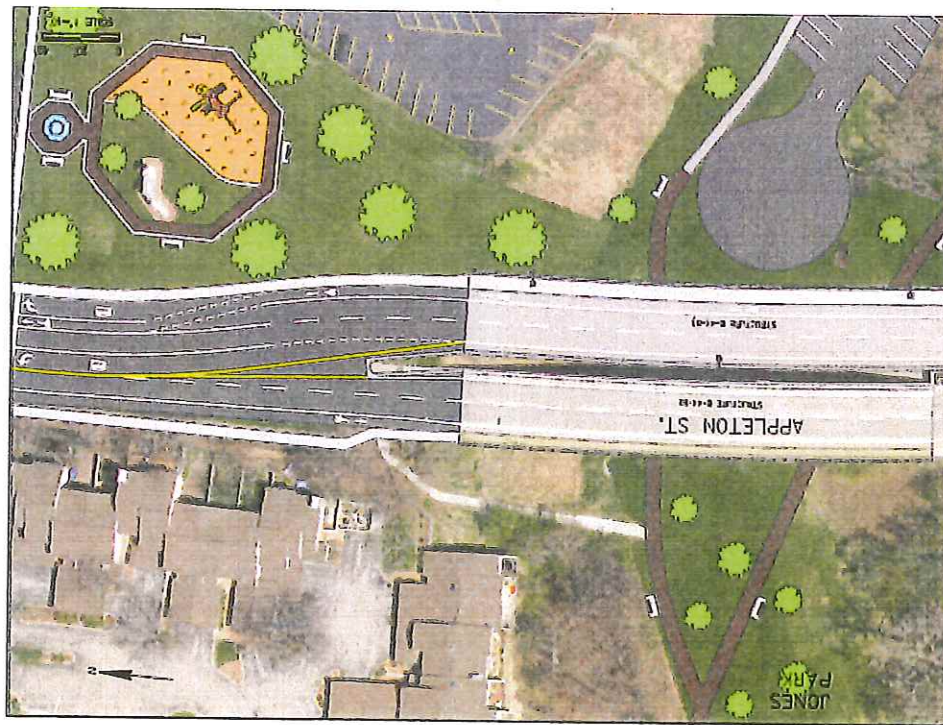
- Construction Plans, specifications and estimates
- Traffic Control Plan
- Coordination with Utilities, Oneida Street Pavement Project, Fox Cities Exhibition Center Project and future development projects
- Permitting
- Assistance with bid letting
- Construction related services including inspection, surveying, materials testing and geotechnical testing
- Final inspection and as-built drawings
- Meetings and miscellaneous coordination

The Department of Public Works received three qualified proposals from Patrick Engineering, OMNNI Associates and AECOM. Patrick Engineering demonstrated the related experience and personnel necessary to complete the required tasks. In addition, they also demonstrated a good project understanding and approach. Quotes received from the three firms were as follows: (these quotes include a lump sum design cost and assume a time and material construction related services cost for a 24 week construction project.)

Patrick Engineering = \$228,861
OMNNI Associates = \$241,300
AECOM = \$347,615

Attachment

Oneida Street Bridge over Jones Park Improvements Technical Proposal





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, City Traffic Engineer
Date: December 8, 2016
Re: Amendment to the scope of services & contract amount for the Railroad Quiet Zone Feasibility & Implementation Plan consulting services contract

The Department of Public Works is proposing to amend the scope of services & contract amount for the Railroad Quiet Zone Feasibility & Implementation Plan consulting services contract with SRF Consulting Group, Inc.

The scope additions would include the following:

- Prepare and submit the “Request for Determination on Constant Warning Time Detection” letter to the Federal Railroad Administration (FRA) for the Perkins Street crossing. Work with FRA representatives as necessary through this process.
- Prepare and submit the “Request for Determination on Constant Warning Time Detection” letter to the Federal Railroad Administration (FRA) for the Meade Street crossing. Work with FRA representatives as necessary through this process.

The purpose of these letters is to request that the FRA exempt the City from the need to install constant warning time circuitry on the infrequently used side rails at these crossings. If approved, this will avoid the need to spend approximately \$150,000 to make the CWT upgrades.

In February of 2016, a contract with SRF Consulting Group, Inc., was approved in the amount not to exceed \$27,356. In order to allow for completion of the additional services outlined above, we request that the contract be amended to an amount not to exceed \$28,856 (an addition of \$1500).



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.....enhancing the quality of life"

**LICENSE APPLICATION for
OPERATOR'S (BARTENDER'S) LICENSE**

FEES ARE NON-REFUNDABLE

Date Rec'd 10/18/16

☐ Operator License \$60.00 Acct. 11030.4307

☒ Operator License \$75.00 Acct. 11030.4307

plus a provisional

☒ Investigation fee \$ 7.00 Acct. 100.2359

Total fee paid \$ 82.00 Receipt 4592033

☒ Original Application

☐ Renewal - License # _____

SECTION 1 - APPLICANT INFORMATION

Applicant Name (Last, First, MI)

Cooper Laurie A

Maiden

Street Address

743 W. Eighth St.

City

Appleton

State

WI

Zip

54914

Driver's License Number/State Identification Number

State License Issued In:

WI

Date of Birth

Sex

F

Home Phone Number

Cell phone Number

Name and Address of Establishment you will be selling alcohol

Munchiez Pizzeria

SECTION 2 - CONVICTION RECORD - NEW APPLICANT: You are required to list each and every violation and/or offense for which you have been convicted. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? YES NO

If Yes; where? _____

Have you EVER been convicted of a felony? YES NO

If Yes; when, where and what type of violation? (Please be specific)

Outagamie County, 2010, Felony, Misappropriate ID Info

Have you EVER been convicted of a misdemeanor or ordinance violation? YES NO

If Yes; when, where and what type of violation? (Example: speeding, OWI)

See back ➔

SECTION 2 - CONVICTION RECORD - RENEWAL APPLICANT: List any pending charges, citations, tickets and all convictions since last license application. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? YES NO

If Yes; where? _____

Have you been convicted of a felony since last license application? YES NO

If Yes; when, where and what type of violation? (Please be specific) _____

Have you been convicted of a misdemeanor or ordinance violation since last license application? YES NO

If Yes; when, where and what type of violation? (Example: speeding, OWI) _____

SECTION 3 - PENALTY NOTICE

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:

Laurie Cooper

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
POLICE		<u>X</u>	<u>Miller</u>	
Date sent to APD	Scheduled FVTC Class	Class Completion Date	Current other license:	
<u>10-18-16</u>		<u>6-28-16</u>	Muni _____ # _____	
Safety and Licensing	Common Council	Date Issued	Expiration Date	License Number
<u>12-14-16</u>	<u>12-21-16</u>			

Last increase adopted 11-21-2012 Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

Return application to: City Clerk, 100 N. Appleton Street, Appleton, WI 54911-4799

2009, Misdemeanor Possession of THC, Outagamie City
2010, Theft > movable property, misdemeanor A, ^{Calumet} ~~Outagamie~~ City
2010, disorderly conduct, misdemeanor B, outagamie
2010, Theft > movable property, misdemeanor A, winnebago
2013, Disorderly Conduct, misdemeanor B, winnebago city

Appleton Police - Consideration for Denial

(electronic copy sent to LT Miller and Kami Lynch)

Applicant	License Type	Offense	Type	Offense Date	Conviction Date
Laurie A Cooper 08/15/90	Bartender	Possession of THC	Misdemeanor	11/07/08	7/1/09
		Theft	Ordinance	04/07/09	09/09/09
		Misappropriate ID Info- Obtain Money	Felony	01/05/10	05/10/10
		Operating While Suspended	Ordinance	05/19/10	06/22/10
		Disorderly Conduct	Misdemeanor	06/08/10	08/23/10
		Theft	Misdemeanor	01/04/10	09/20/10
		Theft	Misdemeanor	05/19/10	03/20/12
		Disorderly Conduct	Misdemeanor	11/17/13	01/27/14
		Entering Park in Vehicle w/o Sticker	Ordinance	06/14/15	09/28/15

****Non-Extraditable Warrant through Arkansas****

Operator's Licenses for 12/14/16 S & L

Approved

Melissa S. Saint Geours	W1468 Ortlepp Road, Chilton
Patrick J. Frawley	818 E. Pacific Street
Ryan M. Hauck	1955 Harrison Street, #5, Neenah
Marissa L. Manderfield	W6083 Golden Court
Walt J. Waterman	2520 Elmwood Court
Pamela Cuevas	1317 S. Oneida Street
Amanda M. Malkowski	725 N. State Street
James J. Fett	N5634 Lake Shore Drive, Hilbert
Richard P. Van Driel	1850 Bear Paw Trail, Kaukauna
Kristin R. Krueger	121 N. Douglas Street, Hortonville
Zerenn J. Aguayo	318 N. Rankin Street
Alan L. Phillips	1431 ½ S. Kernan Avenue
Kimberly A. Deschane	440 Bicentennial Court, #25, Kaukauna
Shambhu Lamichhane	157 W. Calumet Street
Brandi J. Wirth	2451 N. Main Street, #6, Oshkosh
Kyle J. Keehan	2217 Joyce Street, Kaukauna
Chao Xiong	1018 E. Taft Avenue
Charlotte Morse	4553 W. Parkway Blvd
Kyle J. Williams	331 1 st Street, #8, Neenah
Marissa Snowden	1208 E. Northland Avenue
Daymon J. Pancheri	1015 ½ W. Spencer Street
Rebecca A. Verkuilen	1701 E. Fremont Street
Savannah J. Buchberger	290 S. Kools Street, #10
Kandi D. Guinn	3214 E. Canary Street, #6
Daisy J. Gray	146 Cherry Court
Torri N. Johnson	819 W. Elsie Street, #308
Lewis C. Perry	415 S. Olde Oneida Street, #109
Andrea M. Gehrke	4601 N. White Hawk Drive
Traci L. Krutz	525 6 th Street, Menasha
Lorie A. Sanderfoot	520 E. Winnebago Street, #18
Morgan M. Lenz	55 Welcome Circle
Makayla A. Grundman	1634 E. Harding Drive, #3
Cristina Mora	W1419 Ray Road, DePere
Irene Tesch	114 W. Bell Street, #204, Neenah
Darrin J. Burton	322 E. McKinley Street, Little Chute



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.....enhancing the quality of life"

**LICENSE APPLICATION for
OPERATOR'S (BARTENDER'S) LICENSE**

FEES ARE NON-REFUNDABLE

Date Recv'd 10/27/16

☐ Operator License \$60.00 Acct. 11030.4307
☒ Operator License \$75.00 Acct. 11030.4307
plus a provisional
☒ Investigation fee \$ 7.00 Acct. 100.2359
Total fee paid \$ 82. Receipt 4594712

☒ Original Application
☐ Renewal - License # _____

SECTION 1 - APPLICANT INFORMATION

Applicant Name (Last, First, MI) <u>Garret, King, S</u>		Maiden	
Street Address <u>3222 N Lawe St</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54911</u>
Driver's License Number/State Identification Number		State License Issued In: <u>WI</u>	
Date of Birth	Sex <u>male</u>	Home Phone Number	Cell phone Number
Name and Address of Establishment you will be selling alcohol <u>Fox convenience</u>			

SECTION 2 - CONVICTION RECORD - NEW APPLICANT: You are required to list each and every violation and/or offense for which you have been convicted. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? YES (NO)
If Yes; where? _____
Have you EVER been convicted of a felony? YES (NO)
If Yes; when, where and what type of violation? (Please be specific) _____

Have you EVER been convicted of a misdemeanor or ordinance violation? (YES) (NO)
If Yes; when, where and what type of violation? (Example: speeding, OWI) OWI Kimberly was high and ran a Red Light

SECTION 2 - CONVICTION RECORD - RENEWAL APPLICANT: List any pending charges, citations, tickets and all convictions since last license application. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? YES (NO)
If Yes; where? _____
Have you been convicted of a felony since last license application? YES NO
If Yes; when, where and what type of violation? (Please be specific) _____

Have you been convicted of a misdemeanor or ordinance violation since last license application? YES NO
If Yes; when, where and what type of violation? (Example: speeding, OWI) _____

SECTION 3 - PENALTY NOTICE

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: Garret King

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
POLICE		<u>X</u>	<u>Miller</u>	
Date sent to APD <u>10-31-16</u>	Scheduled FVTC Class <u>11-1-16</u>	Class Completion Date	Current other license: Muni _____ # _____	
Safety and Licensing	Common Council	Date Issued	Expiration Date	License Number

Last increase adopted 11-21-2012 Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

Return application to: City Clerk, 100 N. Appleton Street, Appleton, WI 54911-4799

Applicant	License Type	Offense	Type	Offense Date	Conviction Date
Garret S King 04/24/93	Bartender	Operating While Registration Suspended	Ordinance	01/18/14	02/05/14
		Speeding	Ordinance	03/24/14	06/20/14
		Failure to Fasten Seatbelt	Ordinance	03/24/14	06/20/14
		Speeding	Ordinance	11/23/14	01/07/15
		OWI	Ordinance	03/30/15	10/16/15
		4th Degree Sexual Assault	Misdemeanor	11/22/14	11/24/15



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

**APPLETON FIRE DEPARTMENT
700 N. DREW STREET
APPLETON, WI 54911**

MEMORANDUM

To: Alderperson Kyle Loebner, Safety and Licensing Committee
Members of the Common Council

From: Len Vander Wyst, Fire Chief

Date: 12/6/2016

Re: Recommendation for the Purchase of Class B Firefighting Foam for the WEM Grant

The Appleton Fire Department received authorization for grant funding from Wisconsin Emergency Management to purchase and be a regional foam cache for Class B (flammable/combustible liquids) firefighting foam. After conducting research and requesting quotes on the best foam (environmental impact, shelf life, compatability, etc.) for our situation, the following is the department's recommendation:

Solberg 3x3 Freeze Protected Class B Foam

- Combination of 5-gallon pails and 55-gallon drums
- Forty 5-gallon pails
- Twenty 55-gallon drums
- Total: 1,500 gallons of foam
- Cost: \$128.15 per 5-gallon pail, \$1,203.53 per 55-gallon drum Total: \$34,322.60

A grant modification is being submitted to allow the remaining funds to be utilized to purchase two trailers and two master stream foam nozzles with eductors. The trailers will be utilized to transport the foam and the nozzles provide the capability to apply the foam at larger flow rates.

W.S. Darley & Co. is the designated regional sales vendor for Solberg foam. Darley and other vendors (Airgas, Fire Safety USA) quoted Ansul, Chemguard, and Ansulite foam. Five-gallon pails ranged from \$140.80 to \$260.00 per pail. The department is requesting the purchase of the Solberg foam from W.S. Darley for approximately \$35,000.

ORIGINAL ALCOHOL BEVERAGE RETAIL LICENSE APPLICATION

Submit to municipal clerk.

For the license period beginning Jan. 1 20 17
ending June 30 20 17

TO THE GOVERNING BODY of the: ☐ Town of ☐ Village of ☒ City of Appleton

County of Outagamie Aldermanic Dist. No. 1 (if required by ordinance)

1. The named ☐ INDIVIDUAL ☐ PARTNERSHIP ☒ LIMITED LIABILITY COMPANY
☐ CORPORATION/NONPROFIT ORGANIZATION

hereby makes application for the alcohol beverage license(s) checked above.

2. Name (individual/partners give last name, first, middle; corporations/limited liability companies give registered name): Artful Expressions, LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

Title Name Home Address Post Office & Zip Code
President/Member Owner Amy Duffey W6310 Rocky Mtn Dr, Greenville, WI 54942
Vice President/Member _____
Secretary/Member _____
Treasurer/Member _____
Agent Amy Duffey
Directors/Managers _____

3. Trade Name Pnot's Palette

Business Phone Number 920-358-7913

4. Address of Premises 226 E. College St, Appleton, WI

Post Office & Zip Code 54911

5. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? ☒ Yes ☐ No
6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
7. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? ☐ Yes ☒ No
8. (a) Corporate/limited liability company applicants only: Insert state WI and date 04/24/15 of registration.
(b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? ☐ Yes ☒ No
(c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? ☒ Yes ☐ No
(NOTE: All applicants explain fully on reverse side of this form every YES answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) 2 room art studio, approximately 2,500 square feet

10. Legal description (omit if street address is given above): _____

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☒ Yes ☐ No
(b) If yes, under what name was license issued? _____

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [phone 1-800-937-8864] ☒ Yes ☐ No

13. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officer(s), members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME

this 8 day of December 2016
Cathy Bolwerk
(Clerk/Notary Public) **NOTARY PUBLIC**

Amy Duffey
(Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

My commission expires _____ Notary Public, State of Wisconsin

My Commission Expires February 23, 2017

(Additional Partner(s)/Member/Manager of Limited Liability Company if Any)

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>12-8-16</u>	Date reported to council/board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

Applicant's WI Seller's Permit No.: FEIN Number: <u>456-1028999214-02</u> <u>47-4103238</u>	
LICENSE REQUESTED	
TYPE	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100.00</u> <u>48.</u>
<input checked="" type="checkbox"/> Class C wine	\$ <u>100.00</u> <u>48.</u>
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>60.</u>
TOTAL FEE	\$ <u>7-inv.</u> <u>163.00</u>

5. Please see attached for completed RBS

8c. Artful Expressions, LLC owns & operates the
Pinot's Palette in Green Bay, WI and has
a CLASS B Beer and CLASS C Wine license
from the Village of Ashwaubenon as of
01/01/2016



TO: Members of the Safety and Licensing Committee

FROM: Lt. Kelly Gady, Appleton Police Department Operations Coordinator

RE: Rotating Call List – Request to Revise Ordinance

DATE: October 31, 2016

For many years, the Appleton Police Department has relied upon a rotating call list of towing companies to provide towing services on behalf of the APD. The rotating call list is used, for example, to tow an illegally parked vehicle, to tow a vehicle subsequent to an arrest, and to tow a vehicle that is blocking traffic after an accident.

Background

Over the years the APD has received questions and complaints from citizens regarding the rotating call list. One reoccurring complaint has been the amount of money towing services charge vehicle owners. Right now, towing companies set their own rates, and any amount they charge is permitted as long as they are not over "the usual and customary fee rates."

The current basic tow fee charged by companies on the rotating call list ranges from \$130 to \$200 during regular hours and from \$150-\$275 after routine hours. This means a citizen could be charged anywhere from \$130 to \$275 for a tow depending on the time of day and which tow company is next up on the rotating call list.

In addition to receiving complaints about the variation in basic tow fees, there have also been complaints about towing companies charging additional fees, such as storage fees. A basic tow fee can easily increase 50% or 100% with these additional fees. There have also been complaints about how/where a person has to go to retrieve their towed vehicle.

Proposed Changes

In the new ordinance, towing companies will no longer set their own fees. Instead, the fee amounts, including add-on fees like storage fees, will be set by the Common Council. The APD will provide suggested fee amounts, but the Common Council will make the final decision.

In addition, other changes to the ordinance help clarify the eligibility requirement and will ensure safety guidelines are met. For example, the new ordinance has:

- Additional language regarding the minimum eligibility requirements to be on the rotating call list,
- Clearer explanations of the responsibilities and expectations of a company on the rotating call list,
- New insurance and indemnification language, and
- New suspension and revocation language, including how a towing company can appeal.

It is the recommendation of the APD that the Committee recommend the approval of the revised ordinance, and that the Common Council approve the revised ordinance.

Please contact me, Lt. Kelly Gady, at 920-832-5928 with any questions.

**Repeal and Recreate Chapter 9, Article XIII, Division
3. ROTATING CALL LIST TOWING SERVICES**

Sec. 9-746. Finding and purpose.

It is the finding of the Common Council that the existence of a rotating call list comprised of eligible towing companies is essential to public convenience and safety and for the efficiency of the police department. The purpose of a rotating call list is to provide the police department with a list of approved and eligible towing companies capable of towing a citizen's vehicle in times of need. Such times include, but are not limited to:

(a) Traffic accidents where the vehicle's owner/operator does not express a preference for a towing service or the towing service of their choice is not available;

(b) Disabled vehicles and vehicles posing a hazard, in the discretion of the police department, where the vehicle's owner/operator does not express a preference for a towing service or the towing service is not available;

(c) Illegally parked vehicles, including vehicles parked in violation of temporary parking restrictions due to a special event; and

(d) Vehicles towed subsequent to an arrest.

Sec. 9-747. Definitions.

When used in this Article, the following words, terms and phrases shall have the following meanings ascribed to them except where the context clearly indicates a different meaning:

Assignment means a call from the Outagamie County Public Safety Communications Center to a towing company on the rotating call list requesting towing services resulting in the towing company going to tow a vehicle.

Class "A" wrecker or **wrecker** means a wrecker unit with an accepted commercially manufactured wrecker apparatus, single- or twin-boom, equipped with a mechanical or hydraulic power supply and dual rear wheel units with a minimum gross vehicle weight (GVW) of 10,000 pounds and having a minimum unit rating of four-ton capacity as rated by the manufacturer. The wrecker apparatus shall be attached to a motor vehicle truck chassis in

conformance with wrecker apparatus recommendations for truck chassis gross vehicle weight not less than 10,000 pounds GVW. The wrecker unit shall be considered as a whole for compliance with this definition and no exception shall be allowed.

Fee schedule is the schedule approved by the Common Council and on file with the City Clerk that lists the maximum fees a towing company may charge a customer for providing services related to this Article.

Flatbed tow truck means a hydraulic fill rollback bed truck, commercially manufactured and rated by the manufacturer to have a minimum winch capacity of not less than four tons by direct pull with accepted manufacturer rating. The rollback flatbed shall be attached to a truck chassis in conformance with the manufacturer's recommendations with a chassis manufacturer rating of not less than 10,000 pounds GVW and a minimum bed length of 19 feet. The unit shall be capable of and rated for a bed payload minimum of 7,000 pounds as commercially manufactured and rated. The flatbed unit shall be considered as a whole for compliance with this definition and no exception shall be allowed except as otherwise provided herein.

Notice, from the police department to a towing company, shall be deemed delivered to the company upon the notice being hand delivered to the owner or registered agent of the company or, if mailed, within three (3) business days after the date the notice was mailed.

No tow means the vehicle's owner/operator moved the vehicle prior to the towing company partially towing or removing the vehicle.

Partial tow means a towing company placed a vehicle to be towed onto their flatbed tow truck or wrecker but the vehicle's owner/operator took possession of the vehicle prior to the vehicle being removed.

Place of business means a location in the corporate city limits of the city of Appleton that (1) the towing company has use of, by ownership or written lease, (2) has a storage facility, the company's primary telephone and telephone number, cellphones and/or two-way radios, a point of sale system, and all other equipment and personnel reasonably necessary for the company to perform its

obligations under this Article, (3) is open, accessible and staffed as required in this Article, (4) has a single dedicated phone number available to the Appleton Police Department, and (5) has a sufficient number of employees to operate all of the necessary equipment pursuant to this Article at any time.

Regular business hours are the minimum hours a place of business must be open to the public for the retrieval of their vehicle or personal belongings, being Monday through Friday, from 7:00 a.m. until 5:00 p.m., and Saturdays, from 7:00 a.m. until 12:00 noon. Regular business hours do not include legal holidays.

Rotating call list or list means the list of approved towing companies that take turns responding to an assignment.

Storage facility means a fenced-in, lighted, locked yard or secure indoor storage area in the corporate city limits of the city of Appleton with at minimum one (1) working bay and a minimum storage capacity of fifteen (15) vehicles. The storage facility must conform to all building and zoning requirements and must be owned or exclusively leased by the towing company for such purposes.

Towing company or company means any company, firm, partnership, corporation, association or entity engaged in the business of the recovery and towing of motor vehicles on a full-time basis.

Wheel lift means an accepted commercially manufactured apparatus designed for the towing and recovery of motor vehicles by the towed unit's wheels/suspension. The wheel lift apparatus shall have a minimum manufacturer lift rating of 3,000 pounds while fully extended. The wheel lift apparatus shall be attached in conformance with manufacturer's recommendations for chassis mounting on a truck chassis having a manufacturer's rating of at least 10,000 pounds GVW. The wheel lift shall be considered an integral part of the wrecker apparatus considered as a whole for compliance with this definition and no exception shall be allowed.

Sec. 9-748. Eligibility.

To be eligible for placement on the rotating call list, a towing company must meet the following requirements:

(a) A State of Wisconsin Licensed Carrier Permit and any other licenses required by the State.

(b) Ownership or the exclusive lease of, at minimum, one (1) flatbed tow truck and one (1) class "A" wrecker equipped with a wheel lift.

- (1) Each vehicle must be registered, licensed and maintained in a safe and serviceable condition at all times, with proof available upon request.
- (2) Each vehicle must be insured at rates determined by the City of Appleton's Risk Manager, with proof on file with the City of Appleton.
- (3) Each vehicle must be inspected annually by a qualified technician, with proof available upon request.
- (4) Each vehicle must contain, at minimum, a two-way radio communication device and/or cell phone, a dolly, a broom, a shovel, a motorcycle belt, a snatch block and a steering wheel holder.

(c) A place of business in the corporate city limits of Appleton.

(d) Provide proof upon request that the company conducted a background check of their employees providing a service under in this Article, including responding to an assignment or providing the owner of a towed vehicle access to his/her vehicle.

(d) Provide upon request a true copy of the driver's license for each employee who operates a vehicle for the towing company.

(e) Towing companies on the rotating call list must agree to the following:

- (1) Grant the Appleton Police Department the right to inspect the place of business, equipment and vehicles without notice during regular business hours and with reasonable notice during non-business hours, and
- (2) Indemnify, defend and hold harmless the City of Appleton and its employees, elected and appointed officials, agents and volunteers from and against all claims, suits, damages, costs, losses and expenses (including attorney's fees) in

any manner resulting from, arising out of, or connected to being on the rotating call list.

- (3) Attend an annual meeting held by the Appleton Police Department.
- (4) Ensure that employees with convictions substantially related to their ability to provide safe, reliable and trustworthy service pursuant to this Article are prohibited from providing a service pursuant to this Article.

Sec. 9-749, Application, investigation, term.

(a) A towing company must apply to be on the rotating call list by completing a rotating call list application. Applications are available at the Appleton Police Department and are accepted year round.

(b) The Chief of Police or designee shall, within thirty (30) business day's receipt of an application, conduct an investigation to determine whether the company meets all of the requirements of this Article. If the towing company does not meet all of the requirements or if the company has been previously removed from the list pursuant to Sec. 9-758, the Chief of Police or designee may deny the application.

- (1) If the application is approved, the towing company will be placed onto the rotating call list within seven (7) business days.
- (2) If the application is denied, the company will be informed by the Chief of Police or designee in writing within seven (7) business days after the conclusion of the investigation.
 - a. A towing company may reapply one (1) additional time in a calendar year.
 - b. A denial shall not prevent the towing company from re-applying in subsequent years.

(c) All approved applications expire on December 1 of each year. Towing companies must reapply annually.

Sec. 9-750. Responsibilities.

(a) A towing company's place of business must be open to the public during regular business hours.

(b) A towing company must provide rotating call list services 24 hours a day, seven (7) days a week, including on legal holidays.

(c) Assignments shall be given to towing companies on a rotating basis.

- (1) Upon receiving an assignment, the towing company must provide prompt and efficient service. Unless emergency conditions dictate otherwise, as determined solely by the Chief of Police or designee, "prompt service" means the arrival of a wrecker within 20 minutes and/or the arrival of a flatbed tow truck within 25 minutes after receiving the assignment. In the event the towing company informs the Outagamie County Public Safety Communications Center the company will be unable to provide prompt service, the Communications Center may choose a different towing company from the list and the originally assigned company will be placed at the end of the list.
- (2) Assignments shall be deemed waived by the non-response or non-acceptance of an assignment by a towing company and that company will be placed at the end of the list.
- (3) If an assignment results in a no tow, the towing company shall not charge for the no tow and the company will be placed at the top of the list.
- (4) If an assignment results in a partial tow, the towing company may, in the company's discretion, charge for the partial tow at the rate provided for in Sec. 9-751(a). If the company does not charge, the company will be placed at the top of the list. If the company does charge, the company will be placed at the bottom of the list.

(f) In the event a towing company on an assignment needs assistance from another towing company, the request for assistance shall be made

only after consulting with the police officer on the scene and a request for assistance must be made by the police officer.

(g) During regular business hours, a towing company must immediately provide the vehicle's owner or designee access to any personal property contained in the towed vehicle, with the exception of components of the vehicle itself, such as license plates, tires, wheels, batteries, and radios, even if payment has not been made. During non-regular business hours the release of personal property to the owner or designee is at the discretion of the towing company with the exception of the following items, which must be released to the owner or designee within 45 minutes of the request: luggage (upon verification that the owner/operator is from out-of-town), medical devices, prescription glasses, prescription medication, perishable items and unfilled medication prescriptions.

(h) Towing company employees who are engaged in any activity described in this Article must:

- (1) Have a valid driver's license, if their position involves vehicle operation,
- (2) Be attired in a reflective safety vest when involved in a tow operation,
- (3) Conduct themselves in a professional manner,
- (4) Be properly trained, and
- (5) Work in the most efficient manner possible.

(i) Towing companies on the rotating call list must, within seven (7) business days, provide the Chief of Police or designee with information about:

- (1) New employees, if the employee will be involved in any activity described herein, and
- (2) A replacement to or addition of a wrecker and/or flatbed tow truck. New and replacement wreckers and/or flatbed tow trucks must not be used for towing vehicles on the rotating call list until approval for use has been provided by the Chief of Police or designee.

Sec. 9-751. Fees, payment.

(a) Towing companies must provide their services under this Article at rates not exceeding those on the fee schedule.

(b) On an annual basis, the Chief of Police or designee may recommend amendments to the fee schedule to the Common Council by way of the Safety and Licensing Committee.

(c) Towing companies shall charge only for equipment and time reasonably necessary for the service provided. There shall be no extra charge if a towing company responds to an assignment with the incorrect equipment.

(d) Towing companies shall charge the owner or operator of a vehicle, not the City of Appleton, for the services provided under this Article. A bill for service must include an itemized accounting of the services performed by the towing company. A copy of the bill for service must be retained by the towing company for the calendar year of issuance plus the next calendar year. Towing companies must provide the copy to the Chief of Police or designee immediately upon request.

Sec. 9-758. Suspension and revocation.

(a) In the event a towing company is no longer in compliance with any portion of this Article, the towing company must immediately notify the Chief of Police or designee who shall immediately remove the company from the list. Once the towing company returns to full compliance with this Article, the towing company may inform the Chief of Police or designee, at which time the towing company will be reinstated to the list upon verification by the Chief of Police or designee that the towing company is in full compliance.

(b) The Chief of Police or designee shall promptly investigate a report of a towing company violating any provision of this Article or any other rule, regulation, ordinance, statute or code. At the conclusion of the investigation, the Chief of Police or designee shall use his/her discretion to take any of the following actions:

- (1) Remove the towing company from the list,
- (2) Require corrective action within a certain timeframe and, if not corrected

in that timeframe, remove the towing company from the list,

(3) Issue a written or verbal warning, or

(4) Take no action.

(c) A towing company receiving two (2) written warnings in a calendar year shall be immediately removed from the rotating call list, with the suspension beginning on the date the towing company receives notice of the removal.

(d) A towing company may request a reconsideration of a decision made pursuant to this Article by putting the reason for the request in writing and submitting it to the Chief of Police. The Chief of Police or designee shall review the request and issue a written decision on the request within seven (7) business days. A towing company may appeal the decision of the Chief of Police or designee within ten (10) business days by placing the reason for the appeal in writing and delivering the appeal to the City Clerk. The appeal will be heard and decided by the Common Council by way of the Safety and Licensing Committee.

Tow Fees 2016 vs 2015

Company	2016 Daytime & Nighttime Routine	2015 Daytime & Nighttime Routine
1. Bob's	\$160/\$160	\$175/\$175
2. Christy's	\$200/ \$275	\$200/\$270
3. D&D's	\$160/\$160	\$160/\$160
4. Extreme's	\$150/\$150	\$150/\$150
5. Femal's	\$160/\$170	\$160/\$170
6. John's	\$175/\$185	\$75/\$85
7. Nolte's	\$130/\$150	\$130/\$150
8. Recker's	\$150/\$150	\$120/\$150

Information

Bob's Towing reduced their prices. He went down **\$15.00** for both daytime and nighttime routine fees.

Christy's raised their nighttime routine fees by **\$5.00**.

John's had the largest increase. He raised his fees by **\$100.00** for daytime and nighttime routine tows. However, 2015 fees were much lower than the other companies.

Recker's raised their daytime routine fees by **\$30.00**.

The difference between the amounts of fees from lowest to highest is **\$70.00** for daytime routine tows, and **\$125.00** for nighttime routine tows.

The average with all 8 companies is **\$160.63** for daytime tows, and **\$175.00** for nighttime tows.

Christy's and John's are above average for both daytime and nighttime routine tows.

DIVISION 3. WRECKER SERVICES

Sec. 9-746. Services on police call list.

No person shall engage in or conduct or carry on the business of providing towing service for the City Police Department rotating call list without complying with the following requirements:

(a) The towing service place of business must be within the city limits.

(b) It shall be the responsibility of the towing services to have valid L.C. permits issued by the State Transportation Commission covering all towing services requested.

(c) Towing services shall provide twenty-four (24) hour emergency service with company owned and operated trucks. Towing services must accept all emergency calls seven (7) days a week. Towing services may not accept responsibility for another service's calls at anytime.

(d) Towing service vehicles must be properly licensed and operated by personnel at least eighteen (18) years of age who are properly licensed to operate tow trucks.

(e) Towing services shall accept responsibility for safekeeping of vehicles and belongings in a properly zoned area in the city limits.

(f) Should a towing service fail to arrive within twenty-five (25) minutes after being dispatched to a certain location, that service shall be considered canceled without any fee due and the next available wrecker on the list may be contacted. If the towing service should fail to respond to a call, a Police Department official shall notify the towing service owner of such no-response call. Two (2) such no-response calls in a twelve- (12-) month period may result in the towing service's name being removed from the rotating call list for a period of one hundred eighty (180) days.

(g) Towing services shall provide storage for vehicles and belongings in a secured area isolated from the general public in either a fenced-in area or building.

(h) Towing services who tow on the rotating list for the City shall not charge in excess of the usual and customary fee rates, submitted by the towing services to the City for that year, while towing for or at the request of the City. Citizen requests for a specific towing firm shall be at the rate determined by such firm. The usual and customary fee rate list shall be submitted to the City prior to December 31 for the following year. The usual and customary fee rate list submitted to the City shall apply to the submitting tow service for the entire

calendar year. The listed rates may be changed during the year only with prior approval by the City of Appleton Towing Services Review Committee.

(1) The usual and customary fee rate list requested by the City shall include, but is not limited to, routine tows (day, night, weekend, holiday), after-hours release of vehicles, recovery, storage rates, service calls (jump starts, lock-outs, gas fills), flat-bed trucks, dollies, mileage rates, extra time for wrecker and additional wreckers.

(i) Towing firms may be added to the rotating list upon application throughout the year provided they have met the requirements contained in this division. Approved firms shall be added to the rotating call list within sixty (60) days of the date of their application to the Police Department. The usual and customary fee rate list shall be submitted with the application.

(j) The City of Appleton Towing Services Review Committee shall consist of one (1) representative from the Appleton Police Department, one (1) representative from the City of Appleton City Attorney's Office, one (1) representative from the City of Appleton's Safety and Licensing Committee, and two (2) representatives from the tow services on the rotating call list. If a tow service representative or their company is the subject of Committee business, that representative shall be temporarily removed from the City of Appleton Towing Services Review Committee. The City of Appleton Towing Services Review Committee shall appoint an alternate representative from the tow service list to fill the temporary vacancy. The City of Appleton Towing Services Review Committee shall meet at the call of any of its committee members.

(k) Formal written citizen complaints relating to a service provided as a result of the rotating call list shall be investigated and forwarded to City of Appleton Towing Services Review Committee. If the City of Appleton Towing Services Review Committee determines that the complaint is valid, the City of Appleton Towing Services Review Committee may remove the tow service from the rotating call list for a period not to exceed three hundred sixty-five (365) days. If the owner of the tow service wishes to contest the findings of the City of Appleton Towing Services Review Committee, the owner may file a written objection with the City of Appleton City Clerk's Office within seventy-two (72) hours after receipt of the City of Appleton Towing Services Review Committee's decision. Upon receipt of the written objection, the matter shall be placed on the agenda for the Safety and Licensing Committee. The Safety and Licensing Committee will allow the owner an opportunity to present evidence as to why they should not be removed

from the rotating call list.

(Code 1965, §22.04(1) - (10); Ord 31-91, §1(1) - (10), 3-20-91, Ord 96-00, §1, 10-7-00, Ord 101-00, §1, 11-18-00, Ord 39-02, §1, 3-25-02, Ord 11-05, §1, 1-19-05)

Sec. 9-747. Notification of police required prior to towing of certain vehicles.

The Police Department shall be notified before towing of any abandoned vehicle or illegally parked vehicle.

(Code 1965, §22.04(11); Ord 31-91, §1(11), 3-20-91)

Sec. 9-748. Receipt for services.

The towing service shall provide an itemized receipt of services performed to persons provided the service. The receipt shall state the type of service performed. Receipts generated as a result of being on the rotating tow list shall identify and list all services performed and applicable charges.

A copy of the receipts generated by the rotating call list shall be retained by the towing service for the calendar year of issuance plus the previous calendar year. Towing firms on the rotating call list shall make the call list receipts available to the Police Department for inspection upon request.

(Code 1965, §22.04(12); Ord 31-91, §1(12), 3-20-91)

Sec. 9-749. Insurance.

Towing services must show proof of general and automobile liability insurance with a minimum of seven hundred fifty thousand dollars (\$750,000) for auto liability. Evidence of insurance coverage is to be in the form of a certificate of insurance issued by the insurer to the City and provided to the City Clerk's Office. Said certificate shall list the City of Appleton as an additional insured and provide a minimum of thirty (30) days notification in case of non-payment or cancellation of policy.

(Code 1965, §22.04(13); Ord 31-91, §1(13), 3-20-91, Ord 40-02, §1, 3-25-02)

Sec. 9-750. Equipment.

(a) Towing services shall have a minimum of two (2) tow trucks owned or leased and licensed and operated by the company by January 1, 1988.

(b) Standards for trucks and equipment shall be as follows:

(1) Tow truck with a manufacturer's rated gross vehicle weight rating of ten thousand (10,000) pounds or more, dual wheel chassis.

(2) Towing services on the Police Department's

rotating call list may have either two boom trucks or one boom truck and one flat bed truck; the wrecker boom truck shall have a wrecker boom and winch rated at 4 tons or more; the flat bed truck shall meet the requirements contained in §340.01(6n), Wisconsin Statutes;

(3) Equipment including two-way radio communication, dollies, broom, shovel, motorcycle belt, one (1) snatch block per vehicle, steering wheel holder and other necessary equipment. Citizens band radios are excluded.

(c) Tow trucks owned, leased and operated by towing services must be equipped with a wheel lift capacity.

(Code 1965, §22.04(14)--(16); Ord 31-91, §1(14)--(16), 3-20-91; Ord 97-97, §1, 12-5-97)

Sec. 9-751. Removal from the police call list.

A towing service may be removed from the police call list for any of the following reasons:

(a) Failure to comply with the requirements listed in this Division;

(b) Violations of any other local rules, policies, or ordinances related to police requested tows;

(c) Violations of state statutes related to towing or police requested tows;

(d) Any other reason the Council deems sufficient to warrant removal.

No period of removal shall exceed three hundred sixty-five (365) days. All removals under this section shall be subject to review as set forth in code Section 9-29(b).

(Ord 102-00, §1, 11-18-00)

Secs. 9-752 – 9-774. Reserved.

CITY OF APPPLETON
MAXIMUM ROTATING CALL LIST FEE SCHEDULE*

Effective Date: _____

<u>SERVICE PROVIDED</u>	<u>FEE - REGULAR HOURS</u>	<u>FEE - AFTER HOURS</u>
STANDARD TOW (wheel lift/flatbed)	\$150.00	\$160.00
PARTIAL TOW (at discretion of towing company)	\$50.00	\$60.00
<u>ADD ON/ADDITIONAL FEES</u>		
Administrative Fees, Mailing Fees, Etc. (if vehicle is not claimed after two days)	\$20.00 total	--
Cleanup (prorated <u>after</u> first 30 minutes)	\$40.00/hour	\$40.00/hour
Mileage for Out-of-City Trips	\$4.00/mile	\$4.00/mile
Motorcycles	\$25.00	\$25.00
Snow Shoveling (prorated)	\$10.00 minimum/ \$60.00/hour	\$10.00 minimum/ \$60.00/hour
Standby Time (prorated)	\$60.00/hour	\$60.00/hour
Winching (prorated)	\$60.00/hour	\$60.00/hour
<u>STORAGE FEES</u>		
After-Hours Release of Vehicle/Property (at discretion of towing company except pursuant to code)	--	\$50.00
Outside Storage (not prorated)	\$35.00/day	\$35.00/day
Inside Storage (not prorated and at owner request/as reasonably required)	\$45.00/day	\$45.00/day
Cover Vehicles (not prorated and at owner request/as reasonably required)	\$30.00	\$30.00

*For additional information see the Municipal Code of the City of Appleton, Sec. 9-746 *et. seq.*

**Repeal and Recreate Chapter 9, Article XIII, Division
3. ROTATING CALL LIST TOWING SERVICES**

Sec. 9-746. Finding and purpose.

It is the finding of the Common Council that the existence of a rotating call list comprised of eligible towing companies is essential to public convenience and safety and for the efficiency of the police department. The purpose of a rotating call list is to provide the police department with a list of approved and eligible towing companies capable of towing a citizen's vehicle in times of need. Such times include, but are not limited to:

(a) Traffic accidents where the vehicle's owner/operator does not express a preference for a towing service or the towing service of their choice is not available;

(b) Disabled vehicles and vehicles posing a hazard, in the discretion of the police department, where the vehicle's owner/operator does not express a preference for a towing service or the towing service is not available;

(c) Illegally parked vehicles, including vehicles parked in violation of temporary parking restrictions due to a special event; and

(d) Vehicles towed subsequent to an arrest.

Sec. 9-747. Definitions.

When used in this Article, the following words, terms and phrases shall have the following meanings ascribed to them except where the context clearly indicates a different meaning:

Assignment means a call from the Outagamie County Public Safety Communications Center to a towing company on the rotating call list requesting towing services resulting in the towing company going to tow a vehicle.

Class "A" wrecker or **wrecker** means a wrecker unit with an accepted commercially manufactured wrecker apparatus, single- or twin-boom, equipped with a mechanical or hydraulic power supply and dual rear wheel units with a minimum gross vehicle weight (GVW) of 10,000 pounds and having a minimum unit rating of four-ton capacity as rated by the manufacturer. The wrecker apparatus shall be attached to a motor vehicle truck chassis in

conformance with wrecker apparatus recommendations for truck chassis gross vehicle weight not less than 10,000 pounds GVW. The wrecker unit shall be considered as a whole for compliance with this definition and no exception shall be allowed.

Fee schedule is the schedule approved by the Common Council and on file with the City Clerk that lists the maximum fees a towing company may charge a customer for providing services related to this Article.

Flatbed tow truck means a hydraulic fill rollback bed truck, commercially manufactured and rated by the manufacturer to have a minimum winch capacity of not less than four tons by direct pull with accepted manufacturer rating. The rollback flatbed shall be attached to a truck chassis in conformance with the manufacturer's recommendations with a chassis manufacturer rating of not less than 10,000 pounds GVW and a minimum bed length of 19 feet. The unit shall be capable of and rated for a bed payload minimum of 7,000 pounds as commercially manufactured and rated. The flatbed unit shall be considered as a whole for compliance with this definition and no exception shall be allowed except as otherwise provided herein.

Notice, from the police department to a towing company, shall be deemed delivered to the company upon the notice being hand delivered to the owner or registered agent of the company or, if mailed, within three (3) business days after the date the notice was mailed.

No tow means the vehicle's owner/operator moved the vehicle prior to the towing company partially towing or removing the vehicle.

Partial tow means a towing company placed a vehicle to be towed onto their flatbed tow truck or wrecker but the vehicle's owner/operator took possession of the vehicle prior to the vehicle being removed.

Place of business means a location in the corporate city limits of the city of Appleton that (1) the towing company has use of, by ownership or written lease, (2) has a storage facility, the company's primary telephone and telephone number, cellphones and/or two-way radios, a point of sale system, and all other equipment and personnel reasonably necessary for the company to perform its

obligations under this Article, (3) is open, accessible and staffed as required in this Article, (4) has a single dedicated phone number available to the Appleton Police Department, and (5) has a sufficient number of employees to operate all of the necessary equipment pursuant to this Article at any time.

Regular business hours are the minimum hours a place of business must be open to the public for the retrieval of their vehicle or personal belongings, being Monday through Friday, from 8:00 a.m. until 5:00 p.m., and available to open on Saturdays, from 8:00 a.m. until 12:00 noon upon the request of an owner of a towed vehicle. Regular business hours do not include legal holidays.

Rotating call list or list means the list of approved towing companies that take turns responding to an assignment.

Storage facility means a fenced-in, lighted, locked yard or secure indoor storage area in the corporate city limits of the city of Appleton with at minimum one (1) working bay and a minimum storage capacity of fifteen (15) vehicles. The storage facility must conform to all building and zoning requirements and must be owned or exclusively leased by the towing company for such purposes.

Towing company or company means any company, firm, partnership, corporation, association or entity engaged in the business of the recovery and towing of motor vehicles on a full-time basis.

Wheel lift means an accepted commercially manufactured apparatus designed for the towing and recovery of motor vehicles by the towed unit's wheels/suspension. The wheel lift apparatus shall have a minimum manufacturer lift rating of 3,000 pounds while fully extended. The wheel lift apparatus shall be attached in conformance with manufacturer's recommendations for chassis mounting on a truck chassis having a manufacturer's rating of at least 10,000 pounds GVW. The wheel lift shall be considered an integral part of the wrecker apparatus considered as a whole for compliance with this definition and no exception shall be allowed.

Sec. 9-748. Eligibility.

To be eligible for placement on the rotating call list, a towing company must meet the following requirements:

(a) A State of Wisconsin Licensed Carrier Permit and any other licenses required by the State.

(b) Ownership or the exclusive lease of, at minimum, one (1) flatbed tow truck and one (1) class "A" wrecker equipped with a wheel lift.

(1) Each vehicle must be registered, licensed and maintained in a safe and serviceable condition at all times, with proof available upon request.

(2) Each vehicle must be insured at rates determined by the City of Appleton's Risk Manager, with proof on file with the City of Appleton.

(3) Each vehicle must be inspected annually by a qualified technician, with proof available upon request.

(4) Each vehicle must contain, at minimum, a two-way radio communication device and/or cell phone, a tow dolly (except for flatbed tow truck), a broom, a shovel, a motorcycle belt, a snatch block and a steering wheel holder.

(c) A place of business in the corporate city limits of Appleton.

(d) Provide proof upon request that the company conducted a background check of their employees providing a service under in this Article, including responding to an assignment or providing the owner of a towed vehicle access to his/her vehicle.

(d) Provide upon request a true copy of the driver's license for each employee who operates a vehicle for the towing company.

(e) Towing companies on the rotating call list must agree to the following:

(1) Grant the Appleton Police Department the right to inspect the place of business, equipment and vehicles without notice during regular business hours and with reasonable notice during non-business hours, and

(2) Indemnify, defend and hold harmless the City of Appleton and its employees, elected and appointed officials, agents

and volunteers from and against all claims, suits, damages, costs, losses and expenses (including attorney's fees) in any manner resulting from, arising out of, or connected to being on the rotating call list.

- (3) Attend an annual meeting held by the Appleton Police Department.
- (4) Ensure that employees with convictions substantially related to their ability to provide safe, reliable and trustworthy service pursuant to this Article are prohibited from providing a service pursuant to this Article.

Sec. 9-749, Application, investigation, term.

(a) A towing company must apply to be on the rotating call list by completing a rotating call list application. Applications are available at the Appleton Police Department and are accepted year round.

(b) The Chief of Police or designee shall, within thirty (30) business day's receipt of an application, conduct an investigation to determine whether the company meets all of the requirements of this Article. If the towing company does not meet all of the requirements or if the company has been previously removed from the list pursuant to Sec. 9-758, the Chief of Police or designee may deny the application.

- (1) If the application is approved, the towing company will be placed onto the rotating call list within seven (7) business days.
- (2) If the application is denied, the company will be informed by the Chief of Police or designee in writing within seven (7) business days after the conclusion of the investigation.
 - a. A towing company may reapply one (1) additional time in a calendar year.
 - b. A denial shall not prevent the towing company from re-applying in subsequent years.

(c) All approved applications expire on December 1 of each year. Towing companies must reapply annually.

Sec. 9-750. Responsibilities.

(a) A towing company's place of business must be open to the public during regular business hours.

(b) A towing company must provide rotating call list services 24 hours a day, seven (7) days a week, including on legal holidays.

(c) Assignments shall be given to towing companies on a rotating basis.

- (1) Upon receiving an assignment, the towing company must provide prompt and efficient service. Unless emergency conditions dictate otherwise, as determined solely by the Chief of Police or designee, "prompt service" means the arrival of a wrecker within 20 minutes and/or the arrival of a flatbed tow truck within 25 minutes after receiving the assignment. In the event the towing company informs the Outagamie County Public Safety Communications Center the company will be unable to provide prompt service, the Communications Center may choose a different towing company from the list and the originally assigned company will be placed at the end of the list.
- (2) Assignments shall be deemed waived by the non-response or non-acceptance of an assignment by a towing company and that company will be placed at the end of the list.
- (3) If an assignment results in a no tow, the towing company shall not charge for the no tow and the company will be placed at the top of the list.
- (4) If an assignment results in a partial tow, the towing company may, in the company's discretion, charge for the partial tow at the rate provided for in Sec. 9-751(a). If the company does not charge, the company will be placed at the top of the list. If the company does

charge, the company will be placed at the bottom of the list.

(f) In the event a towing company on an assignment needs assistance from another towing company, the request for assistance shall be made only after consulting with the police officer on the scene and a request for assistance must be made by the police officer.

(g) During regular business hours, a towing company must immediately provide the vehicle's owner or designee access to any personal property contained in the towed vehicle, with the exception of components of the vehicle itself, such as license plates, tires, wheels, batteries, and radios, even if payment has not been made. During non-regular business hours the release of personal property to the owner or designee is at the discretion of the towing company with the exception of the following items, which must be released to the owner or designee within ~~45 minutes of the request~~ a reasonable amount of time: luggage (upon verification that the owner/operator is from out-of-town), medical devices, prescription glasses, prescription medication, perishable items and unfilled medication prescriptions.

(h) Towing company employees who are engaged in any activity described in this Article must:

- (1) Have a valid driver's license, if their position involves vehicle operation,
- (2) Be attired in a reflective safety vest when involved in a tow operation,
- (3) Conduct themselves in a professional manner,
- (4) Be properly trained, and
- (5) Work in the most efficient manner possible.

(i) Towing companies on the rotating call list must, within seven (7) business days, provide the Chief of Police or designee with information about:

- (1) New employees, if the employee will be involved in any activity described herein, and
- (2) A replacement to or addition of a wrecker and/or flatbed tow truck. New

and replacement wreckers and/or flatbed tow trucks must not be used for towing vehicles on the rotating call list until approval for use has been provided by the Chief of Police or designee.

Sec. 9-751. Fees, payment.

(a) Towing companies must provide their services under this Article at rates not exceeding those on the fee schedule.

(b) On an annual basis, the Chief of Police or designee may recommend amendments to the fee schedule to the Common Council by way of the Safety and Licensing Committee.

(c) Towing companies shall charge only for equipment and time reasonably necessary for the service provided. There shall be no extra charge if a towing company responds to an assignment with the incorrect equipment.

(d) Towing companies shall charge the owner or operator of a vehicle, not the City of Appleton, for the services provided under this Article. A bill for service must include an itemized accounting of the services performed by the towing company. A copy of the bill for service must be retained by the towing company for the calendar year of issuance plus the next calendar year. Towing companies must provide the copy to the Chief of Police or designee immediately upon request.

Sec. 9-758. Suspension and revocation.

(a) In the event a towing company is no longer in compliance with any portion of this Article, the towing company must immediately notify the Chief of Police or designee who shall immediately remove the company from the list. Once the towing company returns to full compliance with this Article, the towing company may inform the Chief of Police or designee, at which time the towing company will be reinstated to the list upon verification by the Chief of Police or designee that the towing company is in full compliance.

(b) The Chief of Police or designee shall promptly investigate a report of a towing company violating any provision of this Article or any other rule, regulation, ordinance, statute or code. At the conclusion of the investigation, the Chief of Police or

designee shall use his/her discretion to take any of the following actions:

- (1) Remove the towing company from the list,
- (2) Require corrective action within a certain timeframe and, if not corrected in that timeframe, remove the towing company from the list,
- (3) Issue a written or verbal warning, or
- (4) Take no action.

(c) A towing company receiving two (2) written warnings in a calendar year shall be immediately removed from the rotating call list, with the suspension beginning on the date the towing company receives notice of the removal.

(d) A towing company may request a reconsideration of a decision made pursuant to this Article by putting the reason for the request in writing and submitting it to the Chief of Police. The Chief of Police or designee shall review the request and issue a written decision on the request within seven (7) business days. A towing company may appeal the decision of the Chief of Police or designee within ten (10) business days by placing the reason for the appeal in writing and delivering the appeal to the City Clerk. The appeal will be heard and decided by the Common Council by way of the Safety and Licensing Committee.



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Hearing Meeting Date: November 21, 2016

Common Council Public Hearing Meeting Date: December 21, 2016
(Public Hearing on Rezoning)

Item: Rezoning #7-16 – 320 & 410 South Walnut Street

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: Outagamie County c/o Kara Homan

Address/Parcel: 320 & 410 South Walnut Street (Tax Id #31-3-0827-00, #31-3-0680-00, and #31-2-0220-00)

Petitioner's Request: The applicant proposes to rezone the subject parcels from PD/CBD Planned Development Central Business District to CBD Central Business District. The request is being made to lift the PD (Planned Development) overlay designation and accommodate the proposed building addition for Outagamie County's downtown campus.

BACKGROUND

According to the City of Appleton Historic Sites Inventory (1989), the existing Outagamie County Courthouse (Administration Building) on parcel #31-3-0680-00 was originally built in 1939, with subsequent additions in later years. Portions of Seventh Street and Elm Street were vacated in the subject area in 1988 and 1989. Building permits were issued for the current Outagamie County Justice Center on parcel #31-2-0220-00 in 1989 and 1990.

On May 18, 1994, Ordinance 61-94 was adopted, which repealed and recreated the Zoning Ordinance. This Zoning Ordinance introduced the Planned Development (PD) Overlay District. A new Official Zoning Map was also adopted at this time, and through this process, the zoning classification for the subject parcels changed from R-2 Two-Family Residential District and R-3 Apartment Residential District to PD/CBD Planned Development Central Business District. However, no Implementation Plan was approved and recorded with the Register of Deeds Office. Therefore, no customized zoning requirements were ever formalized for the subject parcels.

On June 2, 2004, Ordinance 74-04 was adopted, which repealed and recreated the Zoning Ordinance that is currently in place. This Zoning Ordinance includes sections on transition rules and period of validity for overlay districts. Per Section 23-151(l) of the Municipal Code, a PD overlay district designation remains on PD parcels even if there is no approved Implementation Plan Document (IPD), or if the IPD has expired or been made invalid. Any future development requires approval of a Development Plan and IPD, or a request to rezone the property.

Other parcels not included in this rezoning request were also zoned PD/CBD Planned Development Central Business District with the adoption of the new Official Zoning Map in 1994, but without a

corresponding legal description on file, it is not possible to verify if these parcels are part of the same PD overlay district as the subject parcels. However, separate zoning approvals (Planned Development #A-94 and Planned Development #A-96) are on file for a maintenance building at 410 South Elm Street and a juvenile / shelter care / office facility at 500 West Fifth Street. These other parcels will remain zoned PD/CBD, and further zoning action would only be needed if future development were proposed.

STAFF ANALYSIS

Existing Site Conditions: The subject parcels total approximately 6.42 acres in size and are located south of West Eighth Street and east of South Walnut Street. Currently, parcel #31-3-0680-00 is developed with the Outagamie County Administration Building, parcel #31-2-0220-00 is developed with the Outagamie County Justice Center, and parcel #31-3-0827-00 is developed with an off-street parking lot. Together, the properties have frontage on West Eighth Street, South Walnut Street, West Sixth Street, South Elm Street, and West Seventh Street. Easements exist within the vacated area of Seventh Street and Elm Street.

Surrounding Zoning Classification and Land Uses:

North: CBD Central Business District. The adjacent land uses to the north are currently a mix of institutional uses, including the Appleton Police Department.

South: PD/CBD Planned Development Central Business District and R-1C Central City Residential District. The adjacent land uses to the south are currently a mix of institutional and single-family residential uses.

East: R-3 Multi-Family District and P-I Public Institutional District. The adjacent land uses to the east are currently a mix of single-family and multi-family residential and institutional uses, including Jones Park.

West: R-1C Central City Residential District, R-2 Two-Family District, and R-3 Multi-Family District. The adjacent land uses to the west are currently a mix of single-family and multi-family residential.

Proposed Zoning Classification: The purpose of the CBD Central Business District is to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment, and governmental uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural, and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

- 1) ***Minimum lot area:*** 2,400 square feet.
- 2) ***Maximum lot coverage:*** 100%.
- 3) ***Minimum lot width:*** 20 feet.
- 4) ***Minimum front yard:*** None.

- 5) ***Minimum rear yard:***
 - a. None.
 - b. 10 feet when abutting a residentially-zoned district.
- 6) ***Minimum side yard:***
 - a. None.
 - b. 10 feet when abutting a residentially-zoned district.
- 7) ***Maximum building height:*** 200 feet.

Zoning Ordinance Review Criteria: The request is being made to accommodate the proposed development of a three-story building addition to connect the Justice Center and Administration Building. Governmental facilities is a permitted uses in the CBD Central Business District. Future development would need to conform to the CBD District zoning regulations listed above and other sections of the Zoning Ordinance. Ultimately, Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.

The applicant included a concept plan with their submittal (see attached), which shows the proposed building addition crossing existing lot lines. If the final design includes building placement in this location, a lot combination via Certified Survey Map (CSM) would also be needed.

A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, because no Implementation Plan was approved and recorded for the PD Overlay District, some zoning action is needed in order for future development to occur, pursuant to Section 23-151(l) of the Municipal Code.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future public / institutional uses. The existing and proposed use of the site for governmental facilities is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

OBJECTIVE 7.1 Utilities and Community Facilities:
Provide a pattern of development that minimizes impacts to municipal services and utilities.

OBJECTIVE 8.3 Agricultural, Natural, Historic, and Cultural Resources:
Continue and expand efforts to preserve, restore, and interpret important features of Appleton's rich history.

OBJECTIVE 9.3 Economic Development:
Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

OBJECTIVE 10.2 Land Use:
Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

Chapter 14 Downtown Plan, Initiative 1 Urban Design:

Strategy 1.3 – Create a public use campus south of Lawrence Street between Walnut Street and Jones Park.

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

Strategy 4.7 – Maintain an environment favorable to large businesses in the downtown.

Maintain regular communication with the downtown's larger employers and respond to their needs to remain and expand in the downtown.

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and strategies stated above.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
 2. The effect of the proposed rezoning on surrounding uses. *Public / institutional uses are already present on the subject site and located to the north and east as well. The residential uses located to the south and west are separated from the subject area by street right-of-way. The rezoning request is being made to accommodate a building addition that would serve the needs of an existing neighborhood institution, Outagamie County. The applicant also references a conceptual parking management strategy in their submittal, which would utilize*

existing downtown parking ramps. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.

Review Criteria: Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Technical Review Group (TRG) Report: This item was discussed at the November 1, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

Written Public Comments: Staff has not received any questions, concerns, or comments from the surrounding neighborhood. A neighborhood meeting was held on November 3, 2016 by the owner/applicant.

RECOMMENDATION

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #7-16 to rezone the subject parcels located at 320 & 410 South Walnut Street (Tax Id #31-3-0827-00, #31-3-0680-00, and #31-2-0220-00) from PD/CBD Planned Development Central Business District to CBD Central Business District, including to the centerline of the adjacent right-of-way and as shown on the attached map, **BE APPROVED**.

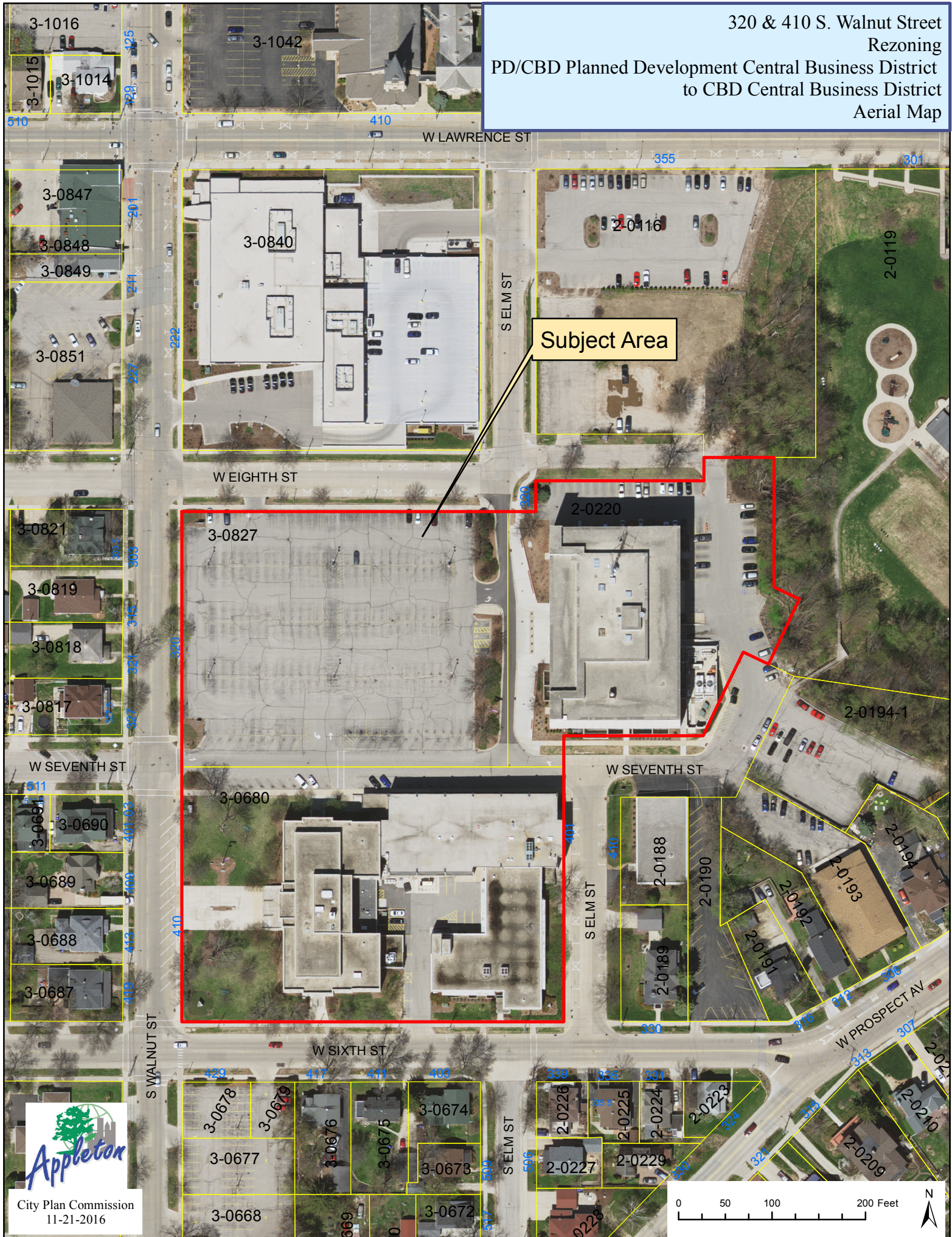
Subject Area

PD/CBD

P-I

PD/C-2

320 & 410 S. Walnut Street
Rezoning
PD/CBD Planned Development Central Business District
to CBD Central Business District
Aerial Map



Legal Description of Land Proposed for Rezoning

Tax ID #31-3-0827-00--GRAND CHUTE PLAT 3WD ALL OF BLK 42 AND N1/2VAC SEVENTH ST AND W1/2 VAC ELM ST LYG ADJ THERETO 2.186AC M/L, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.

Tax ID #31-2-0220-00-- APPLETON PLAT 2WD LOTS 1, 2, 3, 4, 8, 9 AND W1/2 LOT 5 BLK 18 AND S1/2 PRT VAC W EIGHTH ST AND N1/2 PRT VAC SEVENTH ST ANDE1/2 VAC ELM ST LYG ADJ THERETO 72,896.55 SQ FT M/L, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.

Tax ID # 31-3-0680-00-- GRAND CHUTE PLAT 3WD BLK 31 AND S1/2 VAC SEVENTH ST LYG NORTH AND ADJ THERETO 2.56AC M/L, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.



Planning and Zoning Administration

410 S. Walnut St. | Appleton, WI 54911
Administration Building, 3rd Floor
Phone: 920-832-5255 | Fax: 920-832-4770
www.outagamie.org

October 21, 2016

RE: Rezoning Request for Outagamie County-Owned Property

Need for Requested Rezoning:

Outagamie County is requesting this rezoning to allow our forthcoming Downtown Campus building addition/renovation to proceed and comply with city of Appleton zoning requirements. In reviewing the current zoning for the subject parcels (a "hollow" PD-CDB zone with no corresponding Implementation Plan), it was determined that our proposed project does not require the additional flexibility granted via a Planned Development Overlay/corresponding Implementation Plan. The PD overlay was applied in 1994 by the City as part of the comprehensive overhaul of the City Zoning Map, hence no corresponding Implementation Plan. The underlying zoning district of CBD will accommodate our building expansion's location/setbacks, parking layout, and proposed uses (e.g. government services), without requiring any special zoning accommodations that could be granted via a PD overlay. Government facilities immediately to the north of our campus (City of Appleton Police Department and future Appleton RDA Exhibition Center) are also zoned CBD, making our proposal consistent and compatible.

Project Overview:


Our project is designed to enhance overall campus security, provide better customer/client service, improve wayfinding, and accommodate recent and projected growth in our Health & Human Services and justice-related departments.

Highlights of our project include:

- A 3-story building addition connecting our Justice Center with our Administration Complex, to be situated on the southeast corner of our North Parking Lot. All improvements will occur on existing county-owned property – conceptual "Master Plan" map attached.
- Improved campus parking management that utilizes the City of Appleton's Green and Red ramps for select employees and visitors during and after our construction period – conceptual "Parking Strategy" map attached.
- Construction is anticipated to commence late spring/early summer of 2017.

We look forward to providing additional design details to the City and neighborhood as our design process proceeds, and to our continued presence and investment in Downtown Appleton!

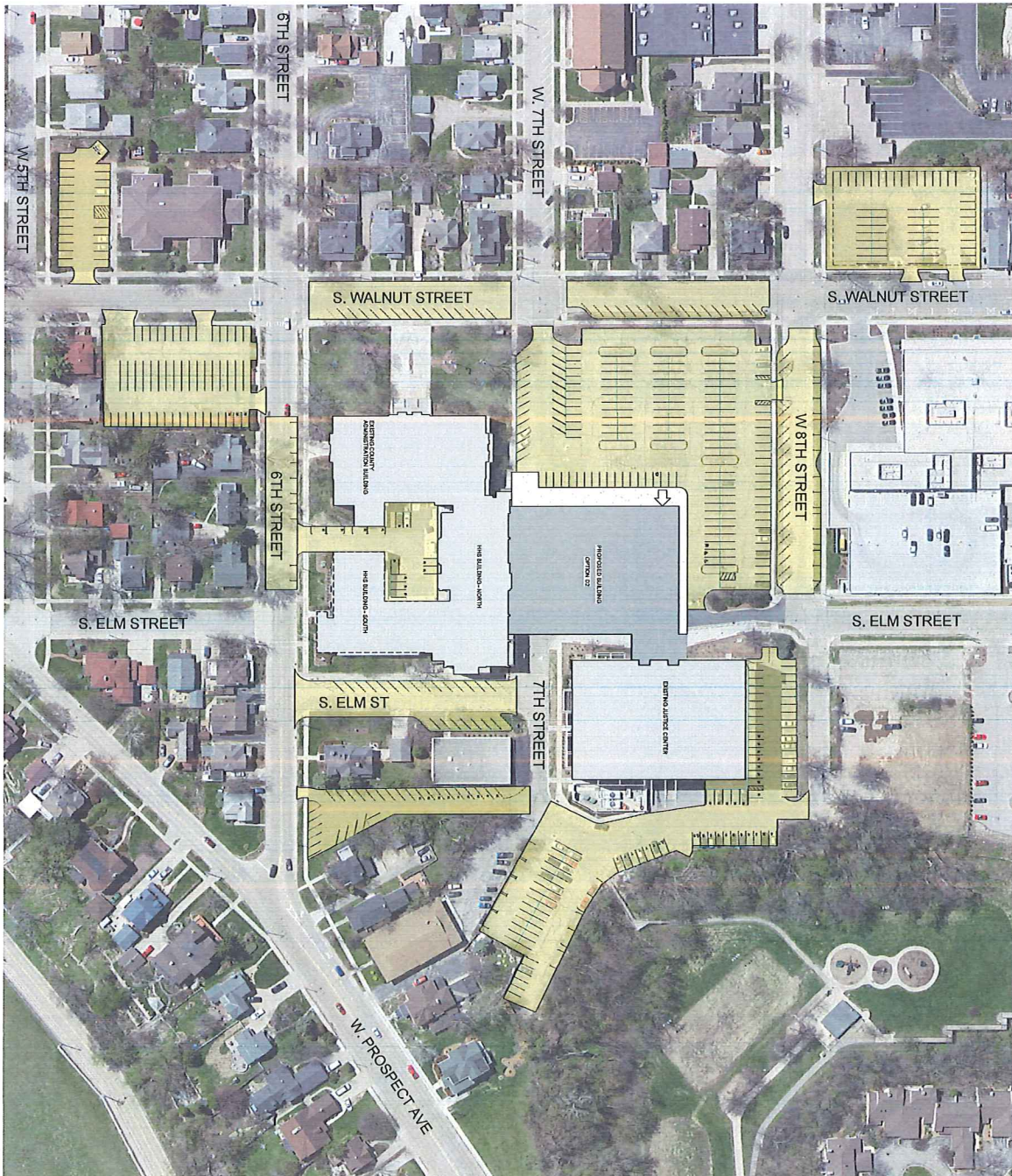
Sincerely,


Kara Homan, AICP
County Planning Director

RECEIVED

OCT 25 2016

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT



OUTAGAMIE COUNTY DOWNTOWN MASTER PLAN



DRAFT

PRELIMINARY NOT FOR CONSTRUCTION

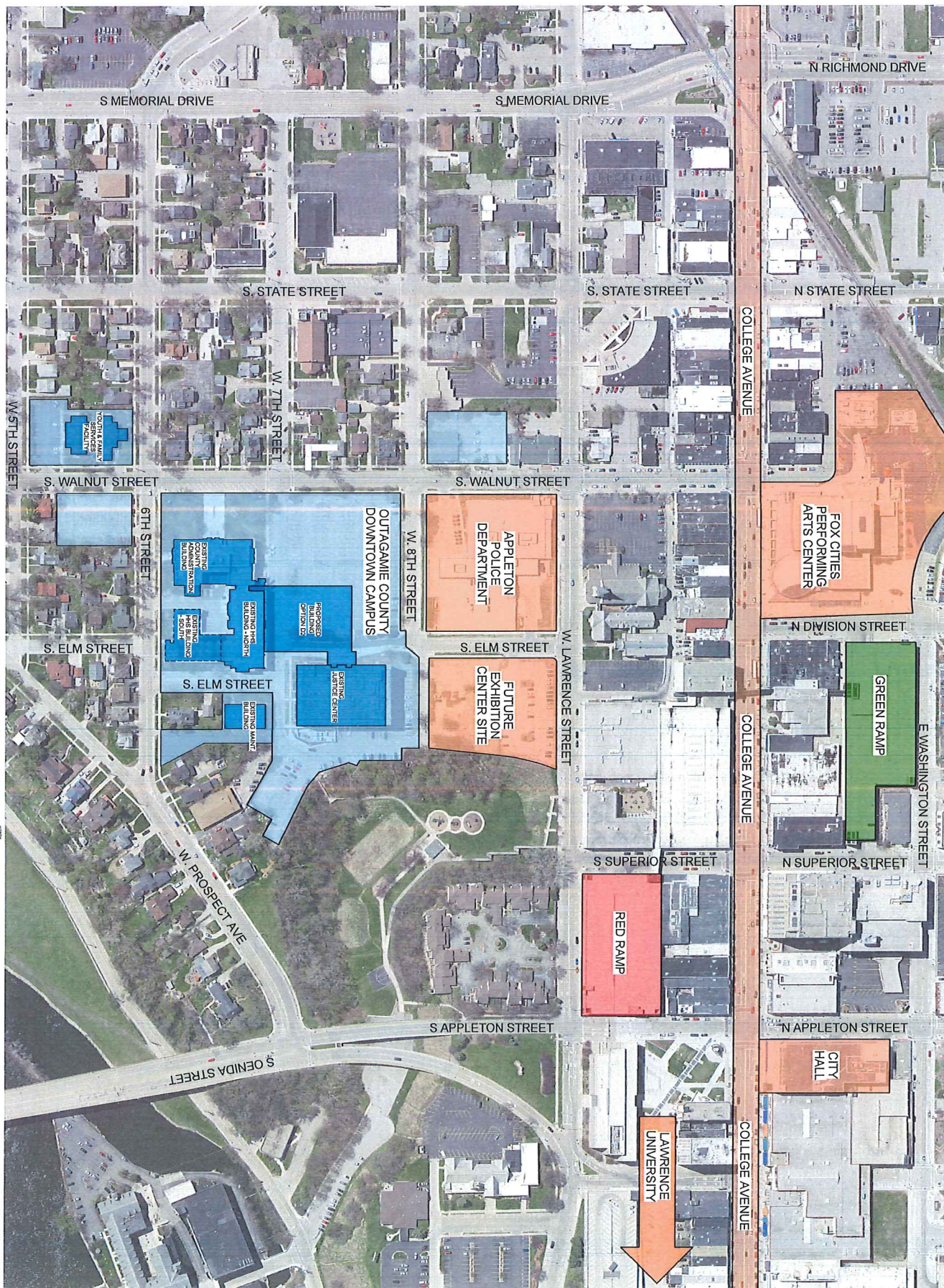
INTERIOR REMODELING FOR:
OUTAGAMIE COUNTY APPLETON WI
OUTAGAMIE COUNTY DOWNTOWN MASTER PLAN

REV	DATE	REVISION

McMahon provides the planning and design services for the development of the downtown master plan. The work is subject to the approval of the Outagamie County Board of Supervisors and the Appleton City Council. The work is subject to the approval of the Outagamie County Board of Supervisors and the Appleton City Council. The work is subject to the approval of the Outagamie County Board of Supervisors and the Appleton City Council.

McMAHON
ENGINEERS ARCHITECTS
1600 BROADWAY DRIVE, APPLETON, WI 54912
PHONE: 920.835.1234 FAX: 920.835.1234
www.mcmahon.com

AS-02



PRELIMINARY NOT FOR CONSTRUCTION

INTERIOR REMODELING FOR:
OUTAGAMIE COUNTY APPLETON WI
PARKING STRATEGY PLAN

NO.	DATE	REVISION

We warrant that the design and construction of the project shall conform to the requirements of the applicable laws, codes, and regulations. We warrant that the design and construction of the project shall conform to the requirements of the applicable laws, codes, and regulations. We warrant that the design and construction of the project shall conform to the requirements of the applicable laws, codes, and regulations.

McMAHON
ENGINEERS & ARCHITECTS
1400 MARQUARD DRIVE, SEENEA, WI 54986
TEL: (920) 714-2020 FAX: (920) 714-2024
www.mcmahon.com

PARKING STRATEGY PLAN



DRAFT

AS-09



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: December 12, 2016

Common Council Meeting Date: December 21, 2016

Item: Special Use Permit #7-16 for a Light Manufacturing Use

Case Manager: Jeff Towne

GENERAL INFORMATION

Owner: Richard Van de Weghe Trust

Applicant/Agent: Press Color – Steve Rosenbeck

Address/Parcel #: 1115 West Tuckaway Lane (Tax Id #31-8-1569-00)

Petitioner's Request: The owner/applicant is requesting a Special Use Permit with the intent of establishing a light manufacturing use in a C-2 General Commercial District.

BACKGROUND

The subject property contains a vacant industrial building with office space, loading docks and parking. The building was constructed in 1992, with additions in 2001.

STAFF ANALYSIS

The existing industrial building was most recently used for warehousing purposes and is currently vacant. The applicant is proposing to relocate an existing business from elsewhere in town to this location for the purpose of blending printing ink. Light manufacturing is a Special Use in the C-2 General Commercial District.

Surrounding Zoning and Land Uses:

North: C-2 General Commercial District – Office building

South: City of Menasha – Hwy. 10/441

West: C-2 General Commercial District – Industrial uses

East: PD/R-3 - Multi-family Residential – Apartments

2010-2030 Comprehensive Plan: The Community Development staff has reviewed the City's 2010-2030 Comprehensive Plan which indicates this area is appropriate for industrial uses. The proposed Special Use Permit for the subject site is consistent the following goals and objectives of the 2010-2030 Comprehensive Plan.

Overall Community Goals

- **Goal 1 – Community Growth** (Chapter 10 – Land Use)
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** (Chapter 9)
Appleton will pursue economic development that brings good jobs to the area and supports the vitality of its industrial areas, downtown and neighborhood business districts.

Chapter 9 Economic Development

- **9.4 OBJECTIVE:** Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.

Chapter 10 Land Use

- **10.2 OBJECTIVE:** Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6), which were found in the affirmative.

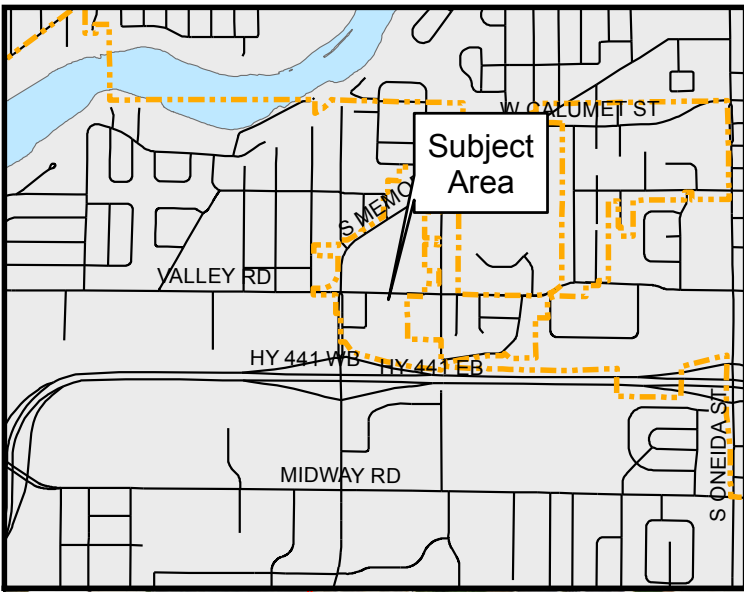
Technical Review Group Report (TRG): This item was discussed at the November 22, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #7-16 for a light manufacturing use in a C-2 General Commercial District, located at 1115 West Tuckaway Lane (Tax Id #31-8-1569-00), as shown on the attached maps and per attached plan of operation, **BE APPROVED** to run with the land, subject to the following condition:

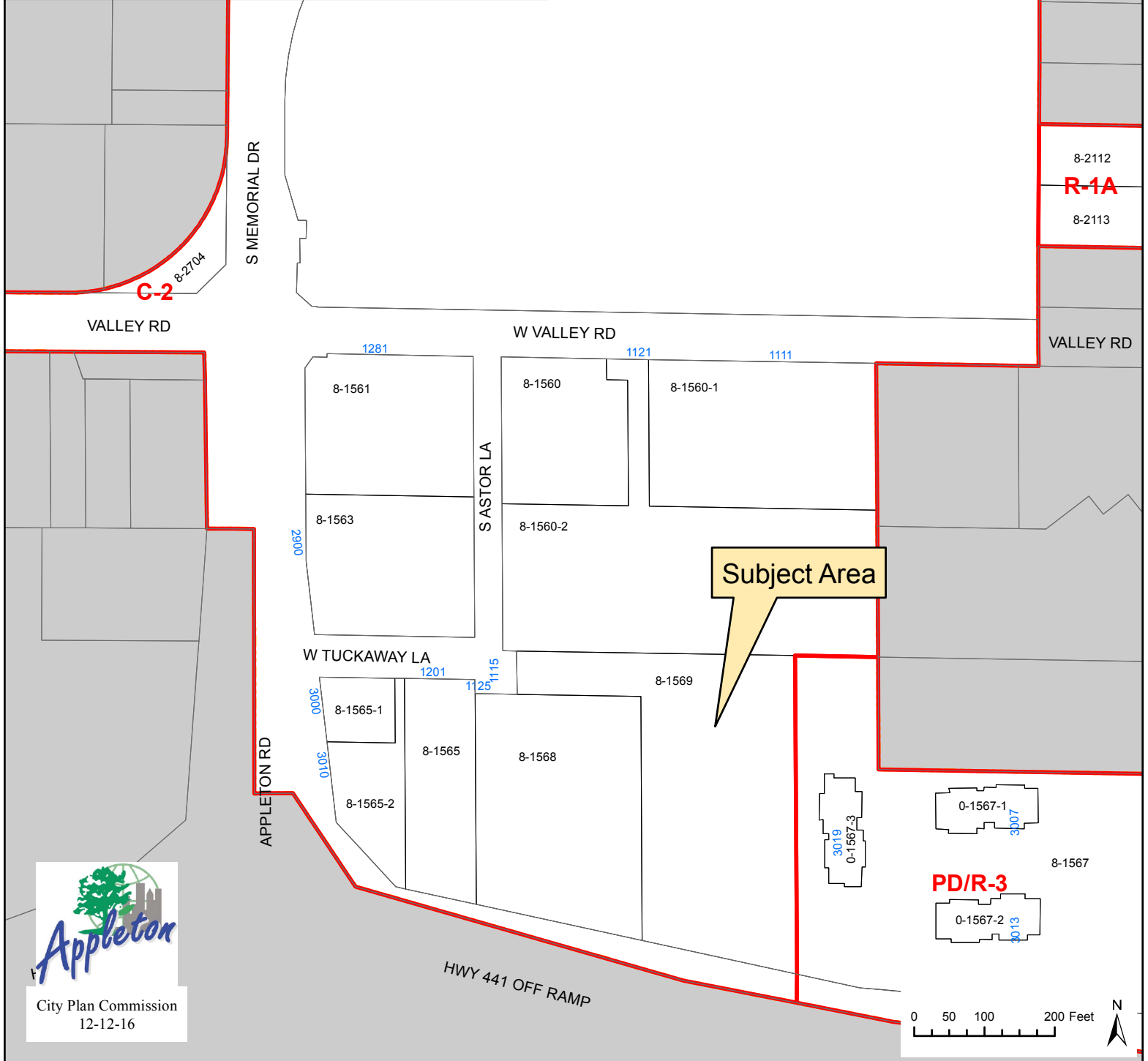
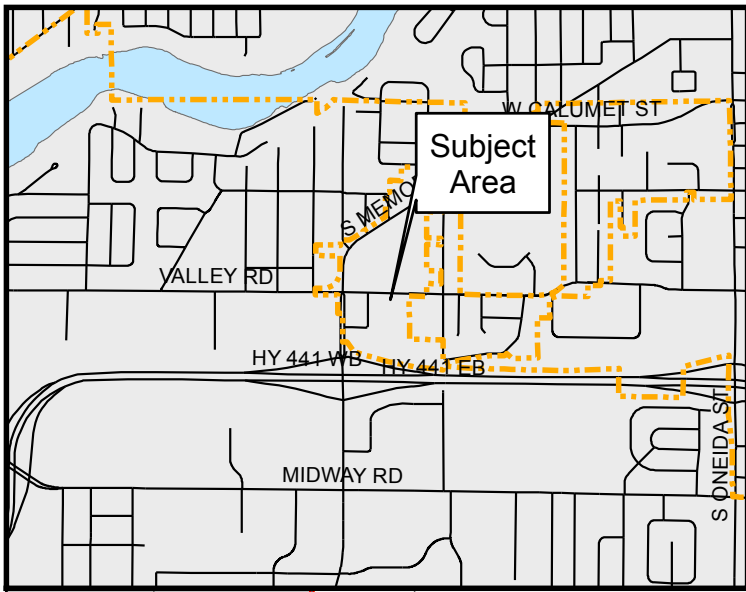
1. All applicable Codes, Ordinances and regulations, including but not limited to Fire and Building Codes, shall be complied with.

1115 W. Tuckaway Lane
Special User Permit
Light Manufacturing Use in C-2 District
Zoning Map



City Plan Commission
12-12-16

1115 W. Tuckaway Lane
Special User Permit
Light Manufacturing Use in C-2 District
Zoning Map



PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: PRESS COLOR

Years in operation: OVER 55 YEARS

Type of proposed establishment (detailed explanation of business):

APPROX. 2,250 S.F. OF OFFICE AND LABORATORY SPACE. APPROX. 7,750 SF OF
PRODUCT (WATER AND LITHOGRAPHIC) INK MANUFACTURING (BLENDING). APPROX 1,000
SF FOR PRINT BLANKET CONVERTING AND 13,000 SF FOR PRODUCT STORAGE
AND SHIPPING. RELIEVING. REFER TO PAGE 1 FOR ADDITIONAL INFO.

Proposed Hours of Operation:

Day	From	To
Week Day	7 AM	5 PM
Friday	7 AM	5 PM
Saturday	N/A	
Sunday	N/A	

Building Capacity and Area:

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: 240 persons

Gross floor area of the existing building(s):

24,000 SF

Gross floor area of the proposed building(s):

0 SF - NO ADDITIONAL BUILDING PROPOSED

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

VERY MINIMAL. LIMITED TO CLEANING SOLVENTS. UNKNOWN
WHERE THOSE WILL BE STORED AT THIS POINT.

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

THERE SHOULD BE NO SMOKE OR ODORS EMITTING OUTSIDE THE BUILDING

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all mechanical equipment:

NOISE IS GENERATED FROM MIXING EQUIPMENT, MILLS, AND FORKLIFTS. ALL
MANUFACTURING IS DONE WITHIN BUILDING. NOISE CANNOT BE HEARD
OUTSIDE EXISTING FACILITY OR IS FAINT.

How will the noise be controlled?

N/A

Outdoor Lighting:

Type: JUST CURRENT LIGHTING PLUS ADDITION OF SIGNS (IF APPROVED) ON SW AND NW CORNERS

Location: EXISTING LIGHTS ON BUILDING / POTENTIAL FOR SIGNS SW & NW CORNER

Off-Street Parking:

Number of spaces existing: 0

Number of spaces proposed: 0

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?

THERE ARE NO KNOWN IMPACTS ASSOCIATED WITH TRAFFIC FLOW

Outdoor Uses:

Type, location, size of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:

POTENTIAL FOR SEMI TRAILER PARKED IN NE LOADING DOCK.
TRAILER WOULD NOT BE PERMANENT. DROPPED OFF FULL, PULLED
UP WHEN EMPTY BUT WOULD CYCLE.

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

SEE ATTACHED PICTURES OF BUILDING. TO REMAIN AS-IS.

Type, location, size of outdoor display area(s) of merchandise for sale:

N/A.

Number of Employees:

Number of existing employees: 21

Number of proposed employees: 21

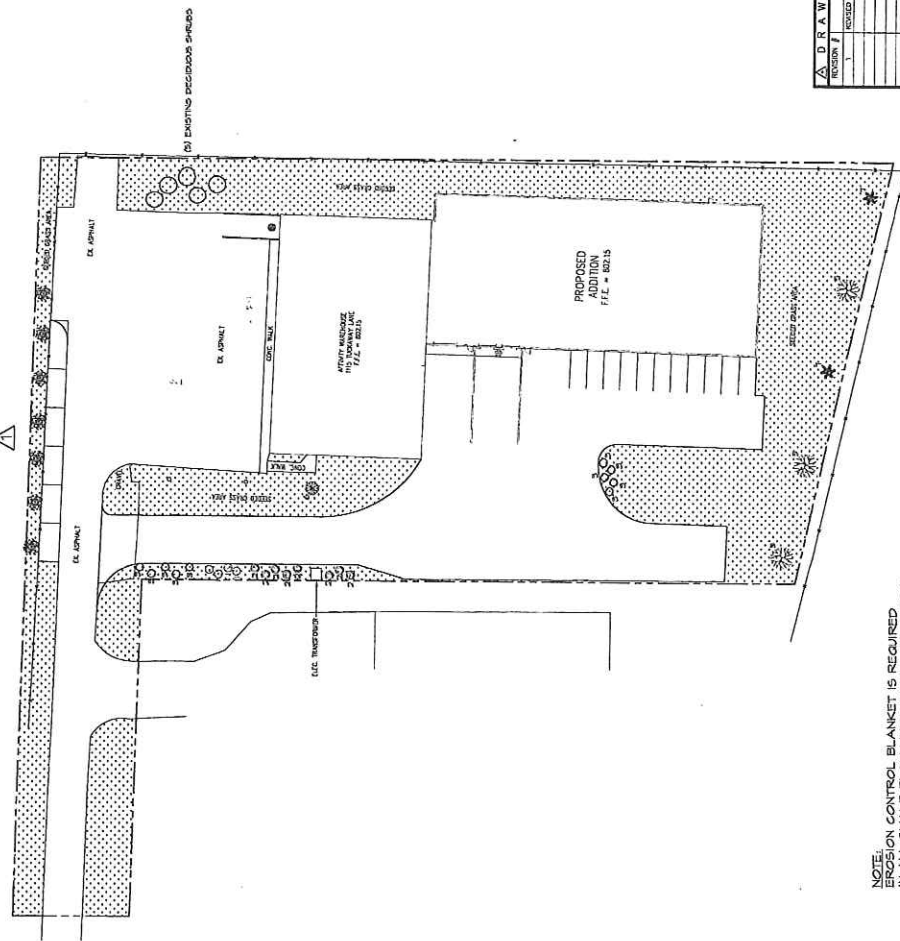
Number of employees scheduled to work on the largest shift: 15 ON-SITE (1 SHIFT)

PLANT LIST

- = 1 - SPIREA VAN HOUTTE
- = 2 - POTENTILLA—GOLD DROP
- = 3 - GLOBE ARBOR VITAE
- = 5 - NORWAY MAPLE
- = 6 - FLOWERING CRAB
- = 7 - SPRUCE AMORICA
- = 8 - JUNIPER VIRGINIANA
- = EXISTING DECIDUOUS SHRUBS TO REMAIN

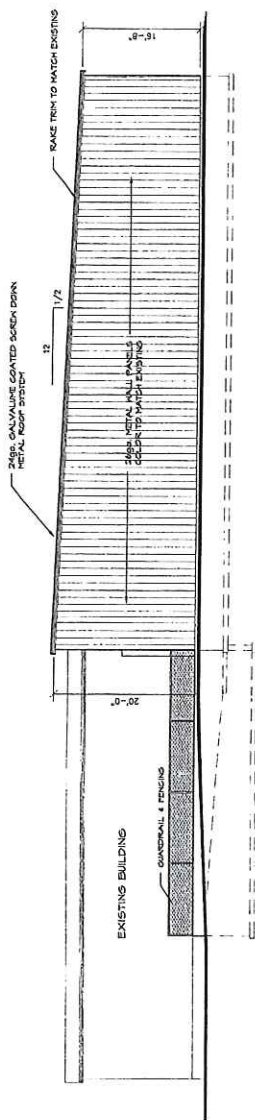
NOTE:
EROSION CONTROL BLANKET IS REQUIRED
IN ALL SWALE FLOW LINES AND IN THE ENTIRE
DETENTION POND DURING FINAL RESTORATION
OF THE SITE

LANDSCAPE PLAN SCALE: 1"=30'-0"



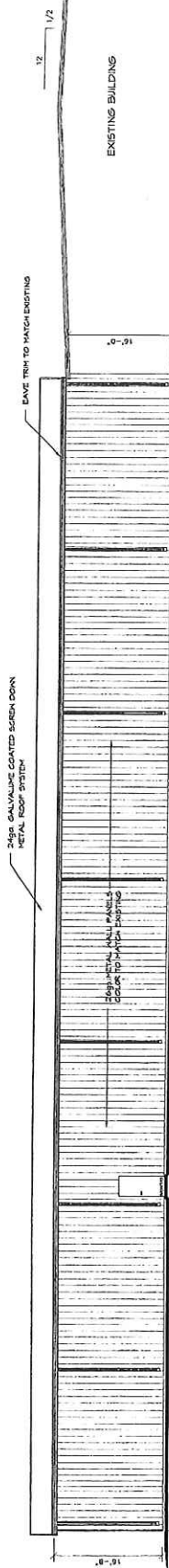
REVISION #	DATE	DESCRIPTION	BY	CHK
1	10-13-21	REVISED LANDSCAPE FOR CITY OF APPELTON		

SCALE: AS NOTED
DRAWING START DATE: 4-9-21
DRAWN BY: JAMILLER
FILE # 2155
2.1
LANDSCAPE PLAN



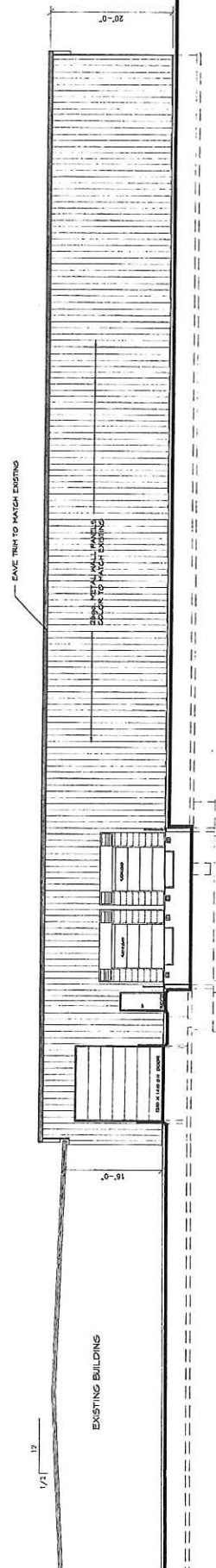
NON FELLEVATION SOUTH

SCALE: 1/8" = 1'-0"



NOTION LEVEL EAST

SCALE: 1/8" = 1'-0"



NOTES

SCALE : 1/8" = 1'-0"



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: December 12, 2016

Common Council Meeting Date: December 21, 2016

Item: Special Use Permit #8-16 for a parking lot in the CBD Central Business District

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: Outagamie County c/o Kara Homan

Address/Parcel #: 227 South Walnut Street (Tax Id #31-3-0851-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a parking lot in the CBD Central Business District.

BACKGROUND

The applicant's 0.5-acre site is located at the northwest corner of South Walnut Street and West Eighth Street. The existing office building was constructed in 1974 and was previously occupied by the Fox Cities Chamber of Commerce. In 2003, a house was razed and Site Plan #03-20 was approved for a parking lot expansion on the north end of the site (formerly parcel #31-3-0850-00). Outagamie County has owned and utilized the property since 2005. As part of a Zoning Map correction/adjustment for numerous properties throughout the City, Common Council approved Rezoning #17-08 on January 7, 2009, which rezoned the subject property from C-2 General Commercial District to CBD Central Business District.

STAFF ANALYSIS

Project Summary: The applicant proposes to raze the existing office building and establish a standalone parking lot on the subject site. It is anticipated that the existing off-street parking lot (currently an accessory structure incidental to the principal building) would remain and approximately 14 additional parking spaces would be created after the building is razed, as shown on the attached development plan. The proposed parking lot expansion is part of Outagamie County's downtown campus building addition/renovation project and is expected to replace some of the parking spaces to be lost through the broader project. The parking lot would be primarily used for County employee parking.

Existing Site Conditions: The site is currently developed with an office building, which is approximately 7,600 square feet in size (including lower level). The site also includes an off-street parking lot with approximately 34 existing parking spaces. Access is provided by curb cuts on South Walnut Street and West Eighth Street.

Zoning Ordinance Requirements: The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, a standalone parking lot requires a Special Use Permit in the CBD District. The definition of off-street parking lot, per the Zoning

Special Use Permit #8-16
December 12, 2016
Page 2

Ordinance, means a structure and use involving an open, hard surfaced area which contains off-street parking spaces, parking aisles and driveways for the maneuvering and parking of motor vehicles which is not located in a street or alley right-of-way. In order to permit a parking lot, 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.

Based on the attached development plan, the expanded portion of the proposed parking lot appears to provide a perimeter landscape buffer as required by Section 23-172(g) of the Municipal Code. Ultimately, Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a paving permit by the Inspections Division.

Operational Information: A 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 institutional in nature.

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

South: R-2 Two-Family District. The adjacent land uses to the south are currently a mix of single-family and two-family residential.

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of institutional uses, including the Appleton Police Department.

West: CBD Central Business District. The adjacent land uses to the west are currently a mix of commercial uses.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Central Business District use 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*.

OBJECTIVE 9.3 Economic Development:

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

OBJECTIVE 10.2 Land Use:

Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

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

Strategy 4.7 – Maintain an environment favorable to large businesses in the downtown.

Maintain regular communication with the downtown's larger employers and respond to their needs to remain and expand in the downtown.

Special Use Permit #8-16
December 12, 2016
Page 3

Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

Technical Review Group (TRG) Report: This item was discussed at the November 22, 2016 Technical Review Group meeting.

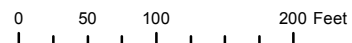
- Inspections Division Comments: A paving permit will be required.

Written Public Comments: Staff has not received any questions, concerns, or comments from the surrounding neighborhood. A neighborhood meeting was held on November 3, 2016 by the owner/applicant.

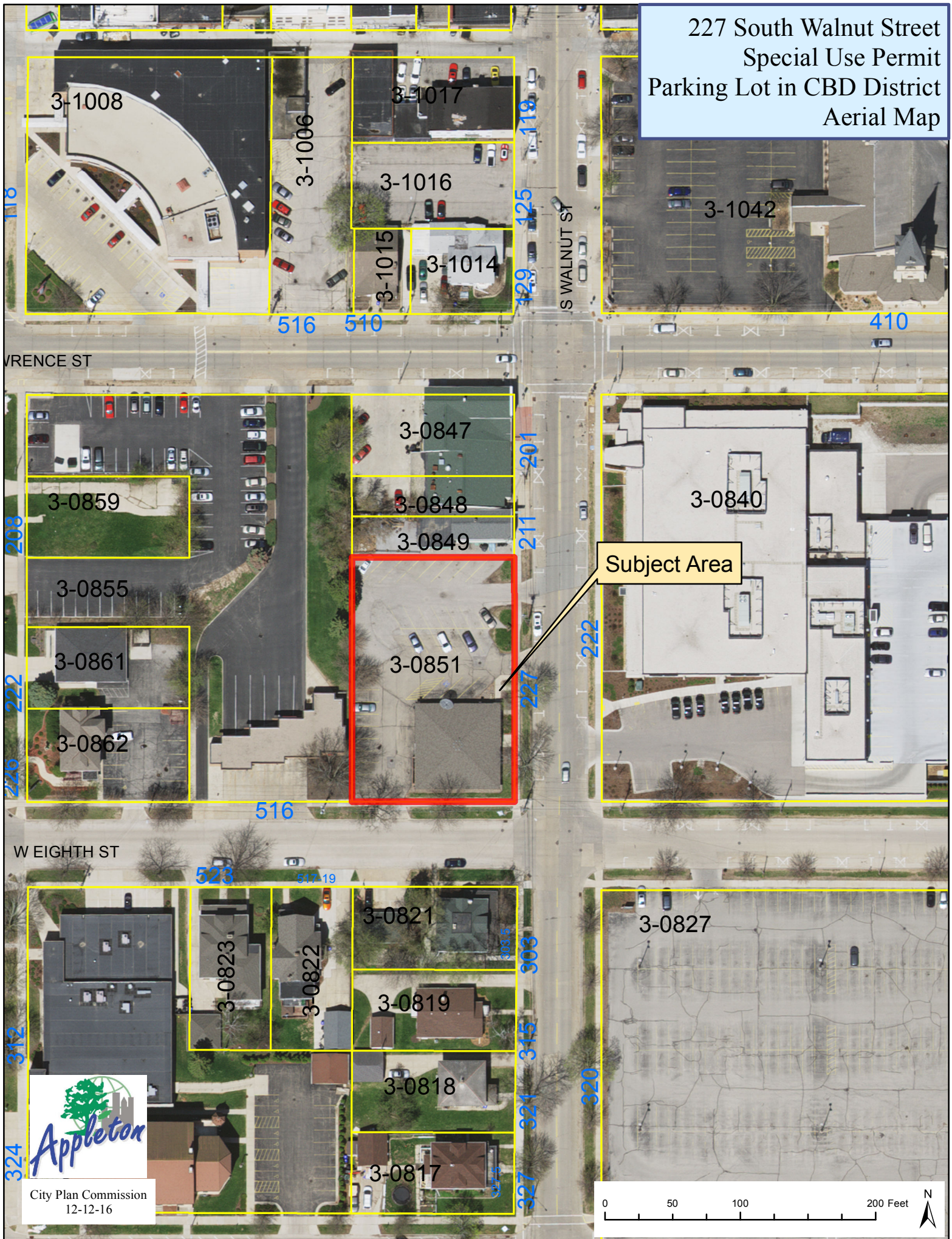
RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #8-16 for a parking lot at 227 South Walnut Street (Tax Id #31-3-0851-00), as shown on the attached maps and per attached plan of operation, **BE APPROVED** to run with the land, subject to the following conditions:

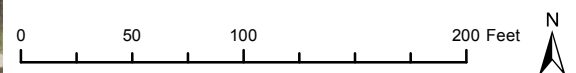
1. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, shall be complied with.
2. Any deviations from the approved development plan or plan of operation may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code. Exact configuration of striping for parking spaces may vary and will be reviewed as part of the Site Plan review process.
3. Site Plan review and approval is required for the parking lot expansion, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a paving permit by the Inspections Division.
4. The Special Use Permit shall be deemed null and void if a building permit has not been obtained or the use has not been established within twelve (12) months after Common Council approval, pursuant to Section 23-66(f)(3) of the Municipal Code.

Subject
Area

227 South Walnut Street
Special Use Permit
Parking Lot in CBD District
Aerial Map





City Plan Commission
12-12-16





Mapped Features

-  Parking Stall Lines
-  Parcels



0 30
Feet

Source: Outagamie County, 2014-16

Disclaimer: The property lines, right-of-way lines, and other property information on this drawing were developed or obtained as part of the County Geographic Information System or through the County property tax mapping function. McMAHON does not guarantee this information to be correct, current, or complete. The property and right-of-way information are only intended for use as a general reference and are not intended or suitable for site-specific uses. Any use to the contrary of the above stated uses is the responsibility of the user and such use is at the user's own risk.



McMAHON
ENGINEERS ARCHITECTS

FIGURE 1
227 WALNUT STREET
OUTAGAMIE COUNTY
SPECIAL USE PERMIT
CITY OF APPLETON
OUTAGAMIE COUNTY, WISCONSIN

REVISED

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Outagamie County

Years in operation: since 1851

Type of proposed establishment (detailed explanation of business):

Outagamie County proposes to use the 227 Walnut Street property for exclusive surface parking. Parking is proposed to be expanded into the area where the existing building will be razed, as part of our Downtown Campus Expansion/Renovation project
(See attached project overview which provides additional context for this project sub-component).

Proposed Hours of Operation:

Day	From	To
Week Day	24/7 (primarily from 6:30am	to 6pm)
Friday	24/7 (primarily from 6:30am	to 6pm)
Saturday	24/7 (limited usage	on the weekends)
Sunday	24/7 (limited usage	on the weekends)

Building Capacity and Area:

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: 0 persons

Gross floor area of the existing building(s):

appx 7600 sq ft (first floor and basement)

Gross floor area of the proposed building(s):

0 sq ft (no building to remain)

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

n/a

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

The site is proposed for general county parking (most likely parking for employee-owned vehicles). The only odors will be standard to a parking lot (exhaust from motor vehicles).

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all mechanical equipment:

Noise emanated will be typical noise generated from standard motor vehicles (cars, suvs, pickup trucks).

How will the noise be controlled?

The noise levels will be minimal, and only be created when vehicles are entering or leaving the parking lot. We don't anticipate any need to control the noise of parking.

Outdoor Lighting:

Type: Currently one pole lite and building mounted fixture illuminate parking; All new lighting will comply with City Site Plan Requirements

Location: All new lighting will be installed in accordance with city Site Plan Requirements

Off-Street Parking:

Number of spaces existing: 34

Number of spaces proposed: at least 48 depending on final layout

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?

No street improvements, such as turning lanes, will be required. We anticipate this will be primarily used for employee parking, which does not generate a lot of traffic beyond when employees park in the morning and leave in the evening.

Outdoor Uses:

Type, location, size of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:

No outdoor storage proposed.

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

n/a

Type, location, size of outdoor display area(s) of merchandise for sale:

n/a

Number of Employees:

Number of existing employees: 19 on-site

Number of proposed employees: 0 on-site

Number of employees scheduled to work on the largest shift: 0 on-site*

* we anticipate full utilization of this parking lot to accommodate county employee parking Monday through Friday during our dayshift (8am to 4:30 pm labor day through memorial day; 7am to 3:30 pm memorial day through labor day).



Planning and Zoning Administration

410 S. Walnut St. | Appleton, WI 54911

Administration Building, 3rd Floor

Phone: 920-832-5255 | Fax: 920-832-4770

www.outagamie.org

November 11, 2016

RE: Supplemental Info for Special Use Permit Request for 227 Walnut St

Special Use Permit Request Details in the Context of our overall Downtown Campus

Our Special Use Permit request to allow for exclusive parking on the 227 Walnut St parcel is part of a bigger master plan for our Downtown Addition/Renovation Project (see attached concept map). Although we anticipate netting at least 14 stalls on-site by creating additional parking where our current building on the site will be razed, we also anticipate losing a substantial number of stalls in our existing "North Lot" (between the Justice Center and our Administrative Complex), when our building addition is completed. In all, previous estimates have us reducing the number of surface parking stalls within our Downtown Campus parking lot portfolio by somewhere around +/- 70 (McMahon Associates pre-design study; June 2016). We are partnering with the City of Appleton to utilize nearby city ramps for provision of select employee parking during and after construction, as well as select visitors (such as during jury selection). Please note the proposed parking lot expansion on this site, if approved, will be designed and constructed in accordance with City of Appleton zoning/site plan regulations. More details of the overall project are below and attached.

Downtown Project Overview Project Overview:

Our Downtown Campus building addition/renovation project is designed to enhance overall campus security, provide better customer/client service, improve wayfinding, and accommodate recent and projected growth in our Health & Human Services and justice-related departments.

Highlights of our project include:

- A 3-story building addition connecting our Justice Center with our Administration Complex, to be situated on the southeast corner of our North Parking Lot. All improvements will occur on existing county-owned property – conceptual "Master Plan" map attached.
- Improved campus parking management that utilizes the City of Appleton's Green and Red ramps for select employees and visitors during and after our construction period – conceptual "Parking Strategy" map attached.
- Construction is anticipated to commence late spring/early summer of 2017.

We look forward to providing additional design details to the City and neighborhood as our design process proceeds, and to our continued presence and investment in Downtown Appleton!

Sincerely,

Kara Homan, AICP

County Planning Director

RECEIVED

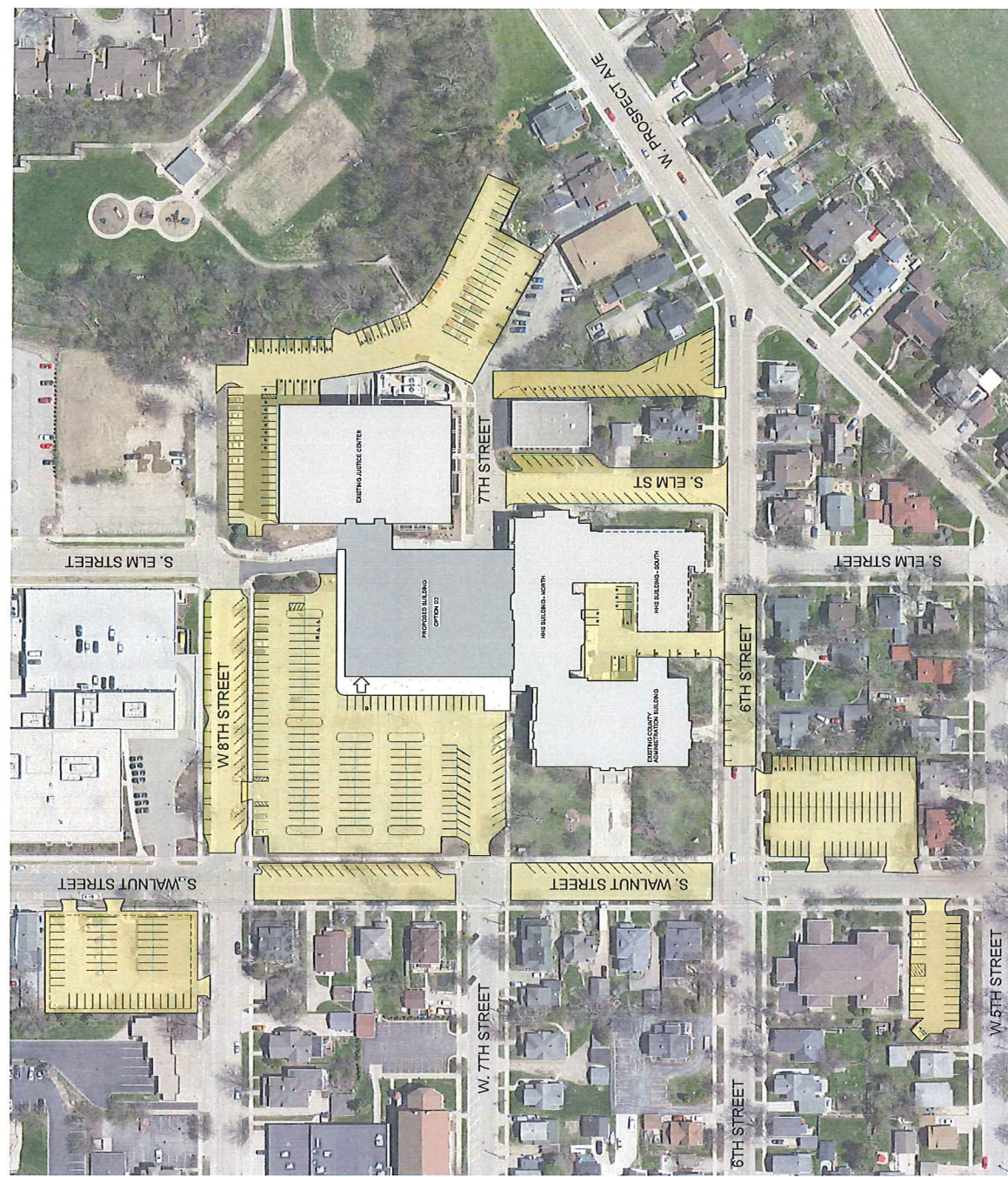
NOV 11 2016

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

DATE	10/15/18
BY	MM
CHECKED	MM
APPROVED	MM
SCALE	AS SHOWN
PROJECT	OUTAGAMIE COUNTY DOWNTOWN MASTER PLAN
SHEET NO.	AS-02

OUTAGAMIE COUNTY DOWNTOWN MASTER PLAN
OUTAGAMIE COUNTY APPLETON WI
INTERIOR REMODELING FOR:

PRELIMINARY NOT FOR CONSTRUCTION



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523 West Eighth Street
Appleton, WI 54911
December 11, 2016

RECEIVED

DEC 14 2016

City of Appleton Plan Commission
City Hall – 100 North Appleton Street
Appleton, Wisconsin 54911

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

RE: Request for Special Use Permit for a Parking Lot (Tax ID #31-3-0851)

Dear Plan Commission:

In response to the notice we recently received regarding Outagamie County's request to tear down an existing building (Tax ID #31-3-0851) and turn into a parking lot, we are writing to let the Plan Commission know we are strongly opposed to this request as a tax payer and resident in close proximity to the proposed site. We are opposed to this for the following reasons:

- 1) In looking at the document, the demolition of the building will only yield 14 parking spots. The recent reconfiguration of stalls on Walnut Street appears to have netted similar results without the cost. This seems like a very small number of parking spots gained considering the cost of tearing down the building, loss of office space, and relocation of services. What is the return on investment (ROI) for this request?
- 2) The current building serves somewhat as a buffer to the loud music from the Fox River House. During the summer, the noise from this bar can be an issue depending on the bands booked. Sometime we cannot even hear our TV even though all of our windows are closed. One of our neighbors has complained and advocated for us, but has gotten nowhere in this regard. We are extremely concerned that with the loss of this building the music will get even louder and the parking lot will turn into an extension of the bar on weekends. Which also raises some additional concerns for us as our Alderperson is the owner of this establishment and directly benefits from the addition of this parking lot. What is the City's Policy when it comes to an Alderperson with a Conflict of Interest (e.g., potential to financially benefit from a decision) and ensuring residents are being properly represented?
- 3) Parking lot may increase traffic on our street and we have young children.

Again, we strongly urge the Plan Commission to reject this request; however, if a decision is made to move forward, we would ask that natural sound barriers be added into the design and that the only entrance to the lot be on Walnut Street. We would appreciate a response to our above concerns and questions. Thank you for your time.

Sincerely,



Elizabeth Schaff



Kirk Rattray

cc: David Kress, Alderperson Patti Coenen



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**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: 12-12-2016

RE: Action: Award the City of Appleton "2016 Erb Playground Equipment Project"
contract to Lee Recreation, LLC in an amount not to exceed \$145,000.

The 2016 Capital Improvement Plan includes \$240,000 for installing a new playground at Erb Park. Because the Erb Park and Pool Renovation project was approved we incorporated the site work for the playground in that project thus the balance of \$95,000 will not be required.

The process for obtaining pricing for playground equipment varies from the traditional process because each company provides proposals only for equipment they represent which varies greatly amongst manufacturers. In the traditional process companies can bid apples-to-apples and if the specification can be met then price is the deciding factor to award the contract.

Companies were requested to provide designs based on the same amount of \$120,000. This allows for the ability to compare proposals for value. Our internal team then evaluated the design on several factors such as value, playability, accessibility, maintainability, warranty and service, etc. We received seven (7) proposals (Lee Recreation, MN WI Playground, Boland Recreation, Northland Recreation, Commercial Recreation Specialists, Gerber Leisure, and Miller and Associates). We reviewed all seven proposals with staff and narrowed the list down to two finalists who best met our requirements - Lee Recreation and MN WI Playground. We then conducted interviews with the two finalists and the PRFMD staff unanimously chose Lee Recreation.

In addition, we worked with Lee Recreation to identify some amenities that we felt were important to the final design, but missing from their original submittal. These included a parent/infant swing, additional equipment for those with disabilities and shade. To offset the price the City has agreed to provide some of the labor for one day during construction of the playground.

The Parks, Recreation, and Facilities Management Department recommends awarding the contract for the Erb Park Playground Equipment to Lee Recreation, LLC in an amount not to exceed \$145,000.

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



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**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Niki Wendt, Recreation Manager

1819 East Witzke Boulevard
Appleton, Wisconsin 54911-8401
(920) 832-3925 FAX (920) 993-3103
Email – niki.wendt@appleton.org

TO: Parks & Recreation Committee

FROM: Niki Wendt, Recreation Manager

DATE: December 12, 2016

RE: Action: Request approval of Reciprocity Agreements with City of Neenah

The attached documents are the updated reciprocity agreement between Appleton and the City of Neenah. This agreement has been an ongoing partnership for over fifteen years and provides the citizens of Appleton and Neenah the opportunity to utilize Parks and Recreation services at the resident fee. Services include fee payments for recreation program registration, pool passes, boat launch permits and pavilion reservations. Representatives from Appleton and Neenah have mutually agreed to present a 5-year reciprocity agreement to their respective Councils that reflect the continued cooperation of the communities.

The approval of a 2017 – 2021 reciprocity agreement with the City of Neenah will be included on the Parks and Recreation Committee agenda as an action item on Monday, December 12, 2016.

Please contact me at 832-3925 or niki.wendt@appleton.org with any questions.

**AGREEMENT FOR RECIPROCITY BETWEEN
APPLETON AND NEENAH
FOR PARKS AND RECREATION SERVICES
2017 – 2021**

The Parks and Recreation Departments of the City of Appleton, WI and the City of Neenah, WI, hereby agree to grant resident status, in regard to fees, to the citizens of the other community for the sole purpose of participating in each city's park and recreation services, for the term of this agreement listed below.

- 1) The scope of this agreement is limited to the granting of the privileges of residency in regard to fees only.
- 2) Each city retains complete control of policies, operation, administration and funding of the facilities and services it provides.
- 3) The home community will supply the reciprocating community with residency information for participant verification at the reciprocating community.
- 4) This agreement shall be in effect from January 1, 2017 through December 31, 2021. The agreement may be extended for another term by mutual agreement of both cities, or terminated, without penalty, by either city, with thirty days written notice of the other city.

Date: _____

Mayor of Appleton

Mayor of Neenah

Appleton City Clerk

Neenah City Clerk

Appleton City Attorney

Neenah City Attorney

2016 Parks and Recreation Community Reciprocity Participation Appleton/Neenah



Neenah Participants in Appleton

Program	2016 Participants	Revenue Waived
Adult: Dance/Fitness	14	\$ 490.00
Youth programs	27	\$ 675.00
Youth - no non-res fee	19	N/A
Adult - no non-res fee	4	N/A
Adult tennis league	1	\$ 35.00
Lutz launch permit	1	\$ 18.00
Park pavilion rentals	8	\$ 570.00
TOTAL	74	\$ 1,788.00

Appleton Participants in Neenah

Program	2016 Participants	Revenue Waived
Boat Stall Rental	1	\$ 25.00
Shelters	34	\$ 910.00
Pool Passes /Lessons	9	\$ 150.00
All other recreation programs	41	N/A
TOTAL	85	\$ 1,085.00

N/A Do not charge non-resident fee for these programs



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**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Niki Wendt, Recreation Manager

1819 East Witzke Boulevard
Appleton, Wisconsin 54911-8401
(920) 832-3925 FAX (920) 993-3103
Email – niki.wendt@appleton.org

TO: Parks & Recreation Committee

FROM: Niki Wendt, Recreation Manager

DATE: December 12, 2016

RE: Action: Request approval of Reciprocity Agreements with City of Menasha

The attached documents are the updated reciprocity agreement between Appleton and the City of Menasha. This agreement has been an ongoing partnership for over fifteen years and provides the citizens of Appleton and Menasha the opportunity to utilize Parks and Recreation services at the resident fee. Services include fee payments for recreation program registration, pool passes, boat launch permits and pavilion reservations. Representatives from Appleton and Menasha have mutually agreed to present a 5-year reciprocity agreement to their respective Councils that reflect the continued cooperation of the communities.

The approval of a 2017 – 2021 reciprocity agreement with the City of Menasha will be included on the Parks and Recreation Committee agenda as an action item on Monday, December 12, 2016.

Please contact me at 832-3925 or niki.wendt@appleton.org with any questions.

**AGREEMENT FOR RECIPROCITY BETWEEN
APPLETON AND MENASHA
FOR PARKS AND RECREATION SERVICES
2017-2021**

The Parks and Recreation Departments of the City of Appleton, WI and the City of Menasha, WI, hereby agree to grant resident status, in regard to fees, to the citizens of the other community for the sole purpose of participating in each city's park and recreation services, for the term of this agreement listed below.

- 1) The scope of this agreement is limited to the granting of the privileges of residency in regards to fees only.
- 2) Each city retains complete control of policies, operation, administration and funding of the facilities and services it provides.
- 3) The home community will supply the reciprocating community with residency information for participant verification at the reciprocating community.
- 4) This agreement shall be in effect from January 1, 2017 through December 31, 2021. The agreement may be extended for another term by mutual agreement of both cities, or terminated, without penalty, by either city, with thirty days written notice of the other city.

Date: _____

Mayor of Appleton

Mayor of Menasha

Appleton City Clerk

Menasha City Clerk

Appleton City Attorney

Menasha City Attorney

2016 Parks and Recreation Community Reciprocity Participation Appleton/Menasha



Menasha Participants in Appleton

Program	2016 Participants	Revenue Waived
Adult: Dance/Fitness	32	\$ 1,120.00
Youth: Friday Fun	4	\$ 20.00
Youth: Tennis/Preschool/Dance/Camps	143	\$ 3,575.00
Adult: Rec Rowing, Kickboxing, Mindfulness	3	N/A
Youth: Karate/KidStage/Bricks 4 Kidz	11	N/A
Swim passes - adult	1	\$ 55.00
Swim passes - family of 3	1	\$ 70.00
Park pavilion rentals	16	\$ 965.00
Lutz launch permit	0	\$ -
TOTAL	211	\$ 5,805.00

Appleton Participants in Menasha

Program	2016 Participants	Revenue Waived
Boat Launch Permits	42	\$ 840.00
Boat Slip Rentals - single	1	\$ 15.00
Boat Launch Permits - senior	82	\$ 1,640.00
Babysitter Course	2	\$ 14.00
Gametime	3	\$ 15.00
Intro to Soccer	6	\$ 30.00
Gymnastics	7	\$ 117.00
Pavilion Rentals	22	\$ 1,395.00
Pool Passes	2	\$ 45.00
Paddleboard Yoga	3	N/A
Tiny Tots	1	\$ 20.00
Youth Kickball	2	\$ 10.00
Youth Baseball	2	\$ 14.00
Youth Swimming Lessons	9	\$ 99.00
Playground Plus	6	\$ 42.00
Youth Tennis Lessons	6	\$ 42.00
TOTAL	196	\$ 4,338.00

N/A Do not charge non-resident fee for these programs



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FINANCE DEPARTMENT
100 N. APPLETON STREET
APPLETON, WI 54911

MEMO

To: Chairperson Kathy Plank and Members of the Finance Committee
From: Jeff Fait, Purchasing Manager
Date: December 13, 2016
Re: Recommendation to Award Contract for Rental and Cleaning of Uniforms and Related Items to UniFirst Corporation

Background

The current city-wide contract, awarded to UniFirst Corporation in 2012, expires on January 31, 2016. The proposed new contract would be for a base term of three years, with one additional two year extension possible. The projected annual cost of these services is approximately \$35,000.

RFP Process

The RFP (Request For Proposals) contained an extensive list of requirements, terms and conditions, and requests for information. Three responsive proposals were received and evaluated by a 4-member Uniform Team based upon pre-established criteria covering factors including qualifications, service policies and price. Proposals were scored individually and collectively, and ranked according to total score as follows (490 pts. possible):

- | | |
|-------------------------|------------|
| 1) UniFirst Corporation | 370 points |
| 2) Cintas | 315 points |
| 3) Aramark | 290 points |

Conclusion

Following the proposal evaluation, the Team arrived at the unanimous decision to recommend award to UniFirst Corporation. Over the past twelve years UniFirst has demonstrated their ability to service the City of Appleton and a commitment to addressing issues as they arise and maintaining the high quality standards we have set. Additionally, this contract will provide continuity and cost stability while eliminating the need for a costly and time consuming change in uniform vendors.

If you have any questions regarding this recommendation, please contact Jeff Fait at 832-6311. Thank you for your consideration.



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**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, Director of Parks, Recreation and Facilities Management

DATE: 12/13/2016

RE: Action Item: Approve Change Order #1 to contract 50-16 for Erb Park and Pool renovation project for a separated recirculation system of slides in the amount of \$130,590.99 resulting in a decrease of the contingency from \$613,048 to \$482,457.01. No change to the overall contract amount.

On July 21, 2016 bids were received and publicly opened to hire a General Contractor for the construction and renovation of Erb Park and Pool. Just a few days before, on July 15, 2016 the engineer received a letter from the Division of Industry Services indicating that during the review of the plans they identified an area of non-compliance to the applicable Wisconsin Administrative Codes. Specifically, the runout slides are required to be separated from the pool circulation system. The engineer noted that in their past designs they would combine the slides with the pool and it had always been acceptable to the state. Though this code has been in effect since 2009, the engineer has provided examples of installations whereas the state allowed slides and pools to share the same recirculation system. Regardless, I expect any work done in the City of Appleton be constructed to current code.

Because this letter was received just days before bid opening we requested this be a change order once the cost was known. There has been significant conversation with the engineer and they will be covering all mark-ups totaling \$6,915.57 and all engineering costs related to the change. Mark-ups are fees charged by the contractor to administer and manage the additional scope of work.

When the Finance Committee previously approved the contract I had mentioned that we were aware of this and I would be bringing it back to Committee/Council once we had it worked out. This is the change I noted at the meeting.

Please feel free to contact me at 832-5572 with any questions, or by email at dean.gazza@appleton.org.

City of Appleton 2016 Write-Off List

The following accounts have been posted on the City's web site and have been published in the Post Crescent. The addresses shown are the last known location of the individual or business.

Type	Invoice		Name	Address	Amount		Description
	Date	Inv or Parcel Number			Due		
A/R	1/10/14	217314	Melton, Keith J	1108 W Prospect Ave, Appleton, WI 54914	\$ 99.64		Stop Sign Knocked Down
A/R	1/17/14	217394	Hancock, Sheila A	128 Zander Trail, Hot Springs, AR 71901	\$ 161.28		Damaged Pedestrian Display
A/R	1/17/14	217402	Waters, Robyn L	1107 Harrison St, Kaukauna, WI 54130	\$ 4.25		APD Records
A/R	1/31/14	217524	Wren, Marjane L	980 Eighth St, Menasha, WI 54952	\$ 488.71		Traffic Standard Knocked Down
A/R	2/17/14	217798	Campbell, Charley D	1133 Melissa St, Menasha, WI 54952	\$ 202.48		Signs Knocked Down
A/R	2/21/14	217916	McConico, Cornelius J	4400 N Providence Ave #7, Appleton, WI 54913	\$ 602.05		Traffic Standard Knocked Down
A/R	3/18/14	218181	Konrad, Kerrie	1212 E Park Hills Dr, Appleton, WI 54914	\$ 743.00		Repair Costs for Squad
A/R	3/18/14	218185	Neuy, Joshua	N9198 Kernan Ave, Appleton, WI 54915	\$ 127.54		Sign Knocked Down
A/R	3/25/14	218329	Wyland, Russell R	3658 N Wayman Ct, Appleton, WI 54914	\$ 592.38		Traffic Standard Knocked Down
A/R	3/25/14	218381	Lopez, Fabricio	310 E Juniper Ln, Appleton, WI 54915	\$ 84.26		2013 Mobile Homes Taxes
A/R	3/25/14	218384	Bloomer, Martin	3309 S Friendly St, Appleton, WI 54915	\$ 10.56		2013 Mobile Homes Taxes
A/R	3/25/14	218385	Martinez, Melda	202 E Juniper Ln, Appleton, WI 54915	\$ 191.79		2013 Mobile Homes Taxes
A/R	3/25/14	218386	Santana, Gerardo & Sarah L	1629 S Nicolet Rd # 8, Appleton, WI 54914	\$ 20.23		2013 Mobile Homes Taxes
A/R	3/25/14	218387	Lopez, Felipe	3309 S Ivy St, Appleton, WI 54915	\$ 125.64		2013 Mobile Homes Taxes
A/R	4/1/14	218524	Delgadillo, Camilo	111 E Water St #304, Appleton, WI 54911	\$ 141.34		Damage to Stair Rail
A/R	4/18/14	218911	Haase (Butler), Erica	700 S Weimar St, Appleton, WI 54915	\$ 2.00		APD Records
A/R	4/28/14	218975	Kirnsse, Benjamin J	W6004 Cty Rd P, Black Creek, WI 54106	\$ 2,396.46		Traffic Standard Knocked Down
A/R	4/28/14	218981	Morrison, Timothy	110 E 2nd St, Kimberly, WI 54136	\$ 2.25		APD Records
A/R	4/28/14	219007	Hennrich, Jason Paul	3507 Springdale Ave, Wausau, WI 54401	\$ 38.43		Haz Mat Spill
A/R	5/2/14	219126	Wyrick, Shantina	331 Taylor St, Kaukauna, WI 54130	\$ 14.38		Haz Mat Spill
A/R	5/16/14	219218	Brendemuhl, Elizabeth	831 Martin St, Neenah, WI 54952	\$ 2.50		APD Records
A/R	5/16/14	219284	Erickson, Jade	708 Maple St, Neenah, WI 54956	\$ 89.97		Haz Mat Spill
A/R	5/23/14	219394	Tyrrell, Jamie L	2000 Progress Dr, New Lisbon, WI 53950-1530	\$ 72.97		Haz Mat Spill
A/R	6/3/14	219518	Harwood, Susan M	903 Depot St, Little Chute, WI 54140	\$ 1.75		APD Records
A/R	6/3/14	219559	Jones, Aaron J	1015 N Appleton St, Appleton, WI 54911	\$ 89.97		Haz Mat Spill
A/R	6/13/14	219710	Lee, Kong	907 W Lynch Ave, Appleton, WI 54915	\$ 404.80		Damaged Hydrant
A/R	6/13/14	219713	Vue, David	352 N Kensington Dr #3, Appleton, WI 54915	\$ 5.00		APD Records
A/R	6/13/14	219720	Jackson, James D	101 Arrowhead Dr, Green Bay, WI 54301	\$ 26.92		Haz Mat Spill
A/R	6/13/14	219721	Balthazor, Hope E	130 Fernando Dr, DePere, WI 54115	\$ 8.97		Haz Mat Spill
A/R	6/13/14	219735	2323 East Capitol LLC	PO Box 800, Oshkosh, WI 54903-800	\$ 40.00		NSF Check Fee
A/R	6/13/14	219737	Swann, Christina	2980 W Spencer St L3, Appleton, WI 54914-4389	\$ 52.70		NSF Check Fee/Library Fine
A/R	6/19/14	219807	Luecke, Erin J	1913 W Russet Ct #2, Appleton, WI 54914	\$ 142.97		Light pole/Signs Damaged
A/R	7/18/14	220360	Drumm, Jennifer	307 Monroe St, Neenah, WI 54956-2550	\$ 83.41		Vehicle Extrication Fee
A/R	7/18/14	220441	Baruch, Joseph M	353 1st St #12, Neenah, WI 54956-2764	\$ 40.00		NSF Check Fee
A/R	7/25/14	220509	Muthig, Lawrence	1715 N Ballard Rd, Appleton, WI 54914	\$ 72.97		Haz Mat Spill
A/R	7/25/14	220524	Boucher, Amanda L	991 7th St Apt D, Menasha, WI 54952-2870	\$ 148.78		Haz Mat Spill

A/R	7/25/14	220528 Robbins, Nicole	General Delivery, Santa Rosa, CA 95402-9999	\$	60.00	NSF Check Fee/Parking Ticket
A/R	8/7/14	220763 Williams, Brandon D	281 N Thompson Dr #8, Madison, WI 53714	\$	89.97	Haz Mat Spill
A/R	8/7/14	220792 Roberts, Debra J	321 Stanley Ct, Neenah, WI 54956	\$	89.97	Haz Mat Spill
A/R	8/22/14	220892 Ruwoldt, Tammy	W3652 Cty Rd J, Princeton, WI 54968	\$	4.00	APD Records
A/R	8/22/14	220936 Doemel, Hope M	W1535 Ranch Rd, Seymour, WI 54165	\$	165.78	Haz Mat Spill
A/R	9/5/14	221045 Sumner, Barbara J	1026 Jefferson St, Oshkosh, WI 54901	\$	123.97	Haz Mat Spill
A/R	9/12/14	221197 Brown, Tara A	4158 Cty Rd II, Larsen, WI 54947	\$	106.97	Haz Mat Spill
A/R	9/12/14	221216 Mueller, Lee	12705 Charity Hill Ct, Riverview, FL 33569	\$	1.25	APD Records
A/R	9/26/14	221388 Tricia Nell Law Office SC	1263 Main St Ste 213, Green Bay, WI 54302	\$	1.75	APD Records
A/R	9/26/14	221391 Olson, Jennifer L	1107 Melissa St, Menasha, WI 54952-2016	\$	89.97	Haz Mat Spill
A/R	10/7/14	221545 Moose Lodge	700 Lida Ln, Green Bay, WI 54304-4520	\$	46.20	Recyclables
A/R	10/10/14	221821 Berrios, Tammy L	215 Elm St, Kaukauna, WI 54130	\$	1.25	APD Records
A/R	10/17/14	221879 Polanco, Angela A	522 E Bronson Rd #2, Seymour, WI 54165-1000	\$	72.97	Haz Mat Spill
A/R	10/31/14	222017 Eger, Nicholas	2840 N Park Drive Ln #7, Appleton, WI 54911	\$	87.71	Barricading for Car Accident
A/R	10/31/14	222025 Aguirre, Benjamin J	N1446 Fairwinds Dr, Greenville, WI 54942	\$	3,373.71	Light Pole Damaged
A/R	10/31/14	222026 Marier Sr., Lyle T	45 Woodmere Ct #2, Appleton, WI 54911	\$	10.14	Traffic Standard Knocked Down
A/R	11/14/14	222227 Mahmoud, Liliana	1790 Chain Dr, Menasha, WI 54952	\$	3.75	APD Records
A/R	11/14/14	222275 Martinez, Manuel A	206 E Juniper Ln, Appleton, WI 54915	\$	343.75	Street Sign Knocked Down
A/R	11/14/14	222276 Polanco, Angela A	522 E Bronson Rd #2, Seymour, WI 54165-1000	\$	156.53	Sign Knocked Down
A/R	11/14/14	222287 Jouneyman Productions	38 Greenwood Ave, Dayton, OH 45410-1704	\$	40.00	NSF Check Fee
A/R	11/21/14	222348 Ratliff, Devan J	1304 W North Water St, New London, WI 54961	\$	89.97	Haz Mat Spill
A/R	11/21/14	222367 Lamers, Todd	W3018 Springfield Dr, Appleton, WI 54915	\$	2.25	APD Records
A/R	11/21/14	222392 Schierland, Paul J	617 N Appleton St, Appleton, WI 54911	\$	139.70	Sign Damaged
A/R	11/21/14	222427 Winkler, Eric	235 W Calumet St #3, Appleton, WI 54915	\$	1.25	APD Records
A/R	12/31/14	222808 Valerio, Samantha	1630 Holland Rd #101, Appleton, WI 54911	\$	1,568.13	Traffic Standard Knocked Down
Accounts Receivable Total				\$	14,003.29	

PP	2012	31-4-0872-00 Prime Design LLC	101 W Edison Ave, Appleton, WI 54915	\$	144.41	2012 Personal Property Tax
PP	2012	31-5-2621-00 Axxess Security System	923 W Harris St, Appleton, WI 54914	\$	89.80	2012 Personal Property Tax
PP	2014	31-0-2440-00 JB Lighting	1520 W Rogers Ave, Appleton, WI 54914	\$	307.25	2014 Personal Property Tax
PP	2014	31-1-1094-26 Atlas Taxi	1514 E Wisconsin Ave, Appleton, WI 54911	\$	71.25	2014 Personal Property Tax
PP	2014	31-1-1267-00 Chuck's Import Service	1239 E Wisconsin Ave, Appleton, WI 54911	\$	382.96	2014 Personal Property Tax
PP	2014	31-1-2035-00 Original Image Product	606 N Lawe St, Appleton, WI 54911	\$	64.56	2014 Personal Property Tax
PP	2014	31-1-2073-40 Picture This	4202 E Appleview Dr, Appleton, WI 54913	\$	463.12	2014 Personal Property Tax
PP	2014	31-1-2400-25 Soul Reflection Photography	1730 E Longview Dr, Appleton, WI 54911	\$	133.59	2014 Personal Property Tax
PP	2014	31-1-2530-10 Growing Together Child Care Center LLC	3425 Commerce Ct, Appleton, WI 54911	\$	247.14	2014 Personal Property Tax
PP	2014	31-1-2644-00 Vintage Barn Lights LLC	1422 N Kenilworth Ave, Appleton, WI 54911	\$	33.39	2014 Personal Property Tax
PP	2014	31-1-2736-30 Wisconsin Motors Sales	1109 E Wisconsin Ave, Appleton, WI 54911	\$	75.71	2014 Personal Property Tax
PP	2014	31-2-0772-10 Caged	111 S Appleton St, Appleton, WI 54911	\$	73.47	2014 Personal Property Tax
PP	2014	31-2-1043-20 Day Property Management	509 N Superior St, Appleton, WI 54911	\$	238.24	2014 Personal Property Tax
PP	2014	31-2-1917-40 HWA Rang do Appleton	10 College Ave #205, Appleton, WI 54911	\$	73.47	2014 Personal Property Tax
PP	2014	31-2-4037-30 Time On Our Hands Crafts	10 College Ave #400, Appleton, WI 54911	\$	75.71	2014 Personal Property Tax

PP	2014	31-2-4258-20	Valley Cleaning Solutions	508 N Morrison St, Appleton, WI 54911	\$	15.59	2014 Personal Property Tax
PP	2014	31-3-0870-20	Kings Barber Shop	745 W College Ave, Appleton, WI 54911	\$	111.33	2014 Personal Property Tax
PP	2014	31-3-1484-20	Technois Inc	400 S Linwood Ave, Appleton, WI 54914	\$	6.67	2014 Personal Property Tax
PP	2014	31-4-0619-00	It's a Small World Daycare	1606 S Memorial Dr, Appleton, WI 54915	\$	129.14	2014 Personal Property Tax
PP	2014	31-4-0728-00	Mobile Helpdesk LLC	206 S Fidelis St, Appleton, WI 54915	\$	15.59	2014 Personal Property Tax
PP	2014	31-4-0792-00	The Onlineworks LLC	407 W Foster St, Appleton, WI 54915	\$	126.90	2014 Personal Property Tax
PP	2014	31-4-0941-20	Rock Garden Studio	101 W Edison Ave, Appleton, WI 54915	\$	376.28	2014 Personal Property Tax
PP	2014	31-4-1132-20	Virtual Admin Xpress	1801 S Rebecca Ln, Appleton WI 54915	\$	22.27	2014 Personal Property Tax
PP	2014	31-5-0139-20	Badger Treats LLC	1025 N Badger Ave, Appleton, WI 54915	\$	222.66	2014 Personal Property Tax
PP	2014	31-5-0508-00	Conventry Glassworks	514 W College Ave, Appleton, WI 54911	\$	316.17	2014 Personal Property Tax
PP	2014	31-5-1650-00	Onyx Salon	1000 W Wisconsin Ave Ste 6, Appleton, WI 54914	\$	162.52	2014 Personal Property Tax
PP	2014	31-5-2797-40	Champions Martial Arts	956 W Northland Ave, Appleton, WI 54914	\$	236.01	2014 Personal Property Tax
PP	2014	31-5-2999-50	Farmers Insurance Group	1000 W College Ave #7, Appleton, WI 54914	\$	22.27	2014 Personal Property Tax
PP	2014	31-5-3424-00	The Julien Shade Shop	121 N Douglas St, Appleton, WI 54914	\$	42.30	2014 Personal Property Tax
PP	2014	31-5-3580-20	Moss Innovations LLC	1341 W Homestead Dr, Appleton, WI 54914	\$	91.29	2014 Personal Property Tax
PP	2014	31-5-3619-00	Music & Sports Collectors World	1037 W Wisconsin Ave, Appleton, WI 54911	\$	15.59	2014 Personal Property Tax
PP	2014	31-5-4042-00	Spin Fresh Coin Laundry	1310 N Linwood Ave, Appleton, WI 54914	\$	3,524.56	2014 Personal Property Tax
PP	2014	31-6-0094-25	Appleton Health Care	2915 N Meade St, Appleton, WI 54911	\$	2,021.96	2014 Personal Property Tax
PP	2014	31-6-0124-20	Battery Hub Inc	261 W Northland Ave, Appleton, WI 54911	\$	131.36	2014 Personal Property Tax
PP	2014	31-6-1896-25	Arcadia Home Care	516 E Wisconsin Ave, Appleton, WI 54911	\$	82.38	2014 Personal Property Tax
PP	2014	31-6-2109-20	Electronics ETC LLC	257 W Northland Ave, Appleton, WI	\$	66.79	2014 Personal Property Tax
PP	2014	31-6-2411-10	Hmong Wisconsin Radio	337 W Wisconsin Ave #6, Appleton, WI 54911	\$	207.06	2014 Personal Property Tax
PP	2014	31-6-2416-00	International Translators of Appleton	342 W Wisconsin Ave, Appleton, WI 54911	\$	42.30	2014 Personal Property Tax
PP	2014	31-6-2432-00	J&L Electronics of Appleton Inc	2518 N Richmond St, Appleton, WI 54911	\$	282.77	2014 Personal Property Tax
PP	2014	31-6-2483-20	Loppnow Adult Family Home	2426 N Appleton St, Appleton, WI 54911	\$	95.74	2014 Personal Property Tax
PP	2014	31-6-2484-20	M&M Bakery LLC	432 W Wisconsin Ave, Appleton, WI 54911	\$	182.57	2014 Personal Property Tax
PP	2014	31-6-2657-30	Elevate Hair Studio Glam LLC	3402 N Richmond St, Appleton, WI 54911	\$	155.86	2014 Personal Property Tax
PP	2014	31-9-0002-35	AE Jewelers Inc	3545 E Calumet St, Appleton, WI 54915	\$	3,312.92	2014 Personal Property Tax
PP	2014	31-9-0115-10	Chances Animal Rescue	2705 S Lake Park Dr, Appleton, WI 54915	\$	122.80	2014 Personal Property Tax
PP	2014	31-9-0257-20	Leti Y Davi Jewelry	2214 S Oneida St, Appleton, WI 54915	\$	22.33	2014 Personal Property Tax
PP	2014	31-9-0545-20	Stevi B's	3525 E Calumet St, Appleton, WI 54915	\$	4,558.56	2014 Personal Property Tax
PP	2014	31-9-0550-00	Regal Nails	3701 E Calumet St, Appleton, WI 54915	\$	284.91	2014 Personal Property Tax
Personal Property Taxes Total					\$	19,481.52	
GRAND TOTAL					\$	33,484.81	



"...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, Director of Parks, Recreation and Facilities Management

DATE: 12/13/2016

RE: Action Item: Approval of Bid Packages and project related expenses into the Guaranteed Maximum Price Amendment to Miron Construction for the Fox Cities Exhibition Center for a contract not to exceed \$5,585,083.

Action Item: Reject bids from Applied Flooring Solutions, Braun Thyssen Krupp Elevator, and LLC. and Schindler Elevator Corporation for not meeting and/or following bidding requirements.

The delivery method utilized for this project is Construction Manager at risk (CM) and varies from the traditional design-bid-build delivery method traditionally used when time is not a project constraint. In this method, the CM is hired as the Owner's agent and contracts directly with sub-contractor(s) in an "at-risk" position. All work is publicly bid to comply with state bidding laws. Once the lowest qualified bidder is determined, the sub-contractor(s) contracts with the CM to complete the work. The CM provides a guaranteed maximum price in which any costs above this are the risk of the CM. The City only pays for the actual costs of the work completed (up to the maximum guarantee) and any change orders if there is a scope change.

It is currently anticipated that the project will include five (5) bid packages. Future bid packages will be incorporated via a change order to the initial contract with the CM.

On December 6, 2016, bids were opened for Bid Package #2 which includes site utilities, concrete, structural steel for exhibition space, and conveyance (elevators/escalators). We received multiple bids as provided below and recommend proceeding with the lowest responsible bidder:

Site Utilities: Scott DeNoble & Sons Construction, Inc.

Contractor	Bid
Scott DeNoble & Sons Const., Inc.	\$310,628
Vinton Construction Company	\$373,154

Steel: Merrill Iron & Steel, Inc.

Contractor	Bid
Merrill Iron & Steel, Inc.	\$710,000
MATHFAB	\$907,598

Concrete: Miron Construction Co., Inc.

Contractor	Bid	Notes
Miron Construction Co, Inc.	\$3,673,098	
CG Schmidt, Inc.	\$5,281,000	
Applied Floor Solutions	\$30,250	Incomplete Bid

Conveyance: No bid accepted. Conveyance will be re-bid. Bidders did not attend the mandatory pre-bid meeting as required by the specifications.

Contractor	Bid	Notes
Braun Thyssen Krupp Elevator, LLC.	NA	Bid not opened – did not attend mandatory pre-bid meeting.
Schindler Elevator Corporation	NA	Bid not opened – did not attend mandatory pre-bid meeting.

This Change Order Amendment also includes accepting Alternate #2 and #3 that was bid in Bid Package #1 for \$45,320 and \$82,500 to Calnin & Goss. Alternate #2 was to provide a cost for 10,000 additional cubic yards of fill to be excavated and hauled off site. Final calculations indicate that we will require this. Alternate #3 was for increased sheet pile size versus increased concrete wall widths. It was determined during engineering of foundations and exterior walls that accepting this alternate was the most cost effective solution of the two solutions being considered.

In addition, insurance and performance/payment bonds currently total \$128,557. This includes insurance and bonds for both the Amendment and Change Order #1 to the contract based on a percentage cost.

Additionally, allowances for plan reproductions, permit fees, and general requirements (security fencing, temporary power, traffic control, project utilities, etc.) are allocated into the contract for the value of \$634,980. These have all been budgeted previously for the project and any unused allowances will be returned to the Owner at the completion of the project.

While we have had some variation with some of the bids received to date, overall bid package #2 has come in as anticipated and the project remains on budget.

Please feel free to contact me at 832-5572 with any questions, or by email at dean.gazza@appleton.org.

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 Y-16 Arbutus Park Stormwater Lift Station Rebid

Be awarded to:

Name: August Winter & Sons, Inc.
Address: 2323 N Roemer Road
Appleton, WI 54912-1896

In the amount of : \$213,775.00

With a 10 % contingency of : \$21,377.50

For a project total not to exceed : \$235,152.50

**** OR ****

In an amount Not To Exceed : _____

Budget: \$140,000.00
Estimate: \$215,000.00
Committee Date: 12/13/16
Council Date: 12/21/16

BID TABULATION

UNIT Y-16 (RE-BID)

ARBUTUS PARK STORMWATER LIFT STATION RECONSTRUCTION

#1 - August Winter & Sons, Inc.

<u>Item</u>	<u>Description</u>	<u>Qty./</u>	<u>Unit</u>	<u>Unit Price/\$</u>	<u>Totals/\$</u>
1	Station Reconstruction	1	lump sum	\$213,775.00	\$213,775.00
TOTAL BID ITEM 1:					\$213,775.00

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 S-17 Spartan Drive Sanitary Lift Station

Be awarded to:

Name: August Winter & Sons, Inc
Address: 2323 N. Roemer Road
 Appleton, WI 54911

In the amount of : \$760,250.00
With a 10% contingency of : \$76,025.00
For a project total not to exceed \$836,275.00

**** OR ****

In an amount Not To Exceed : _____

Budget: \$850,000.00
Estimate: \$850,000.00
Committee Date: 12/13/16
Council Date: 12/21/16

BID TABULATION

SPARTAN DRIVE LIFT STATION

UNIT S-17

<u>Item</u>	<u>Description</u>	<u>Qty./</u>	<u>Unit</u>	#1 - August Winter & Sons		#2 - Milbach Const. Services		#3 - Advance Construction	
				Unit Price/\$	Total/\$	Unit Price/\$	Total/\$	Unit Price/\$	Total/\$
1.	TOTAL BASE BID:	1	lump sum		\$760,250.00		\$811,175.00		\$877,777.00
	TOTAL BID:				<u>\$760,250.00</u>		<u>\$811,175.00</u>		<u>\$877,777.00</u>



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

MEMORANDUM

TO: Community and Economic Development Committee
FROM: Matt Rehbein, Economic Development Specialist
DATE: December 6, 2016
RE: Variance to the Declaration of Covenants and Restrictions for Parcel 31-1-5362-00 on Goodland Dr., Onstage Audio, LLC (D/B/A EPS)

The City has received a request from Onstage Audio, LLC for a variance to the Declaration of Covenants and Restrictions regarding the minimum building size as outlined in the attached letter of November 29, 2016. The subject parcel is located in the Northeast Industrial Park on Goodland Dr.

Regarding building size, the Deed Restrictions and Covenants state:

"Any building erected shall be at least 5,000 square feet in area and occupy at least 10 percent of the land area"

The subject parcel was purchased on October 14, 2016. The land area of this site is 1.44 acres or 62,726 square feet. 10% of the land area would require a minimum building size of 6,273 square feet. As outlined in the attached letter, limitations due to a retention pond, easements, parking and budget were identified as challenges in completing the site design.

Also attached to this memo is a copy of the Declaration of Covenants and Restrictions as applicable to this parcel, a map identifying the parcel location and easements, and a rendering of the proposed building.

Staff Recommendation:

A variance to the Declaration of Covenants and Restrictions, Item 3.A for Parcel 31-1-5362-00 Plat 4 in the Northeast Industrial Park, allowing for a minimum building size of 5,000 square feet. **BE APPROVED.**



1430 N. Ballard Road
Appleton, WI 54911

November 29, 2016

City of Appleton
Community & Economic Development
Attn: Matt Rehbein
100 N. Appleton St.
Appleton, WI 54911

RE: Parcel 1-5362 Goodland Drive
Appleton, WI 54911

Please accept our request for the City of Appleton to consider allowing us to construct a 5,000 square foot building on our 1.44 acre plot of land noted above. Due to a possible retention pond required on the property, the easement, and our budget, we are looking to decrease the original size of the building. Unfortunately, this lot is smaller than we had anticipated and feel is not adequate space for a 6,300-6,400 square foot building, adequate customer and truck parking, and the retention pond with easement.

We are keeping the same modern look of the building with a glass atrium front with stone, and beautiful landscaping and up-lighting. Our plans are to begin construction first thing in the Spring.

Thank you for your consideration. We look forward to hearing from you.

Kindest regards,

Two handwritten signatures in black ink. The first signature is for Melvin Kohl and the second is for Lisa Kohl. Both are written in a cursive, flowing style.

Melvin and Lisa Kohl
4702 N. Lighting Drive
Appleton, WI 54913

Available Sites Northeast Business Park Appleton, Wisconsin

Legend
 Available Site
 \$40,000/ac.





DECLARATION OF COVENANTS AND RESTRICTIONS

APPLICABLE TO ALL PROPERTIES SOLD IN NORTHEAST INDUSTRIAL PARK PLAT # 4

This conveyance is made subject to the following conditions, covenants, and understandings, which shall be binding upon the vendee and his/her heirs, successors, and assigns:

1. ***Setbacks:***

- A. *Front Yard:* No building shall be constructed on the site nearer than forty (40) feet of the right-of-way of any public street or highway. In the case of corner lots, both forty (40) foot setbacks will apply.
- B. *Side and Rear Yards:* Minimum side and rear yards shall be twenty-five (25) feet.
- C. *State Highways:* A fifty (50) foot building setback shall be observed along U.S.H. 41 and U.S.H 441.

2. ***Land Use:***

A. Permitted Uses

- 1. Manufacturing except for Block 14;
- 2. Research, development and testing laboratories except for Block 14;
- 3. Wholesaling, warehousing and distribution;
- 4. Office operations only if they are an integral part of and a necessary adjunct to a permitted use;

5. Retail sales of products manufactured on site and clearly an accessory use to the primary use of the site except for Block 14;
6. Other land uses may be considered for approval by the Community Development Committee if a determination is made that the project fits the development objectives of the City.

3. ***Building Standards***

- A. Any building erected shall be at least 5,000 square feet in area and occupy at least 10 percent of the land area.
- B. Buildings shall be designed by an Architect or Engineer. No side, elevation or facade of a building or structure shall be unexposed to public view; consequently, all sides, elevations, or facades of all buildings and structures shall be visually pleasing and architecturally and aesthetically comparable with the surrounding environment.
- C. The majority of exterior and externally visible opaque surfaces shall be constructed of not more than three of the following types of materials (provided, however, that such list shall not be deemed to exclude the use of other accent or exterior trim materials, glass and glazing, and earth berms):
 1. Brick;
 2. Architectural precast concrete panels (surface finish to be painted, stained or exposed aggregate);
 3. Decorative concrete block (for no more than 50% of the exterior building wall area);
 4. Cut stone;
 5. Exterior insulation and finish systems such as Drivit or Sunlar;
 6. Metal panels (permitted only for building expansion walls);
 7. Other building materials being developed and to be developed by the construction industry. The use of such materials will be reviewed by the Community Development Committee on a case-by-case basis. The Community Development Committee may assign this review of plans to the Economic Development Department.

- D. Building materials will be selected for their ability to present a visual statement of a building or structure's strength, attractiveness, and permanence. The building materials used shall be harmonious with the natural environment and with the general character of other buildings and structures in the Park.
- E. Metal trim materials may be used when in keeping with the architectural and aesthetic character of the building or structure.
- F. No loading dock shall face the street unless the site configuration is such that it is unavoidable. In that event, the Community Development Committee shall review and approve the location of the loading dock.
- G. Ancillary structures will be approved by the Community Development Committee. Approval may be granted only if such structures are necessary to the principal use of the building site, are in architectural and aesthetic conformance with other buildings or structures on the site, are properly screened, meet all requirements of these covenants and are otherwise satisfactory to the Community Development Committee at its sole discretion.

4. ***Landscaping:***

- A. ***Landscape Plan:*** The landscaping upon any building site or lot shall be carried out in accordance with a detailed landscaping plan, which has been reviewed and approved in writing by the City's site plan review committee. The landscape plan shall include, but not be limited to, plant location, common and botanical names of plant material, planting size, root condition, and quantity of all plant material. The plan shall show all ground cover and mulch areas, landscape and construction materials, and construction details.
- B. ***Landscaping Methods:*** Landscaping may include grading, earth berms, seeding, sodding, raised planters, architectural decorative walls or fencing, trees and shrubs, ground cover and other landscape materials including permanent sprinkler systems, fountains, storm run-off retention ponds, reflective ponds, and landscape lighting.
- C. ***Plant Material:*** Selected plant material should provide for a variety of shade trees, evergreen trees, and shrubs, ornamental trees and shrubs and ground covers. Plant material selection shall take into consideration the following:
 - 1. Disease and insect resistance;
 - 2. Hardiness to the area;
 - 3. The ability to provide seasonal interest;
 - 4. Future maintenance considerations;

5. Ability of plant material to accomplish its intended purpose in each placement.
- D. *Time for Completion:* All landscaping shall be completed within ninety (90) days following occupancy, or as soon thereafter as weather will allow if such period occurs within winter months.
- E. *Maintenance:* The owner shall be responsible for maintaining all landscaping as approved on the original plan for his site and adjacent unpaved street rights-of-way. Any variation or changes to the landscape plan must be reviewed and approved in writing by the Department of Planning. Landscaped areas, materials, fixtures, and improvements shall be maintained by the owner of the building site, or by such owner's long-term lessee(s) in good condition at all times. Such maintenance shall include watering, mowing, trimming, pruning, spraying, fertilizing, repairing, replacement of dead plantings, planting, transplanting, dusting, treating, and other common landscape maintenance activities necessary to keep the building site landscaping in a healthy state of growth and visually attractive in appearance.

If the owner or the owner's assigns fail to maintain the landscaping and site per the approved landscaping plan in this section, the City of Appleton or its Agent has the right to enter the site and conduct such maintenance and to seek full reimbursement.

5. ***Parking, Loading***

Off-street parking and loading areas shall be provided on each building site and shall be of sufficient size to accommodate all planned or anticipated parking and loading needs of all site occupants and visitors and comply with the City's Zoning Ordinance regarding parking standards. All parking and loading areas shall be paved. Parking shall be permitted within the minimum front yard setback area, however, it shall be located no closer than fifteen (15) feet to the public right-of-way line. An 80 percent screen with a minimum height of 2-½' shall be provided for all parking areas adjacent to the street right-of-way.

6. ***Outdoor Storage:***

No outside storage of any kind shall be permitted unless such stored materials are visually screened from all streets with a suitable fence, vegetation, berm, or combination thereof. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said storage shall be limited to behind the front line of the building on the property, and within the building setback lines. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings. Storage of fuel oil or other bulk fluids must be underground. All storage areas shall be paved.

7. ***Signs:***

Identification signs shall be permitted to promote only the name and/or trademark of the owner or tenant of the parcel on which the sign is placed. Signs, lighting, etc., are to be indicated on the final site plan submitted to the Community Development Committee for review. Ground signs must be set back 10 feet from the right-of-way line and must be of a low profile design subject to approval by the Committee. Building signs must comply with the City Sign Code.

8. ***Maintenance Responsibilities:***

A. Each owner shall keep its property, all contiguous street right-of-way to the edge of the pavement, and all drainage and easement areas in a well-maintained, safe, clean, and attractive condition at all times. Such maintenance includes, but is not limited to the following:

1. Removal of all litter, trash, refuse, and wastes;
2. Compliance with the City's noxious weed control ordinance, including the mowing of all grass areas;
3. Maintenance of exterior lighting, signs, and mechanical facilities;
4. Keeping of all exterior building surfaces in a cleaned, well-maintained condition;
5. Maintenance of all drainage ways including the removal of all debris, weeds, and silt.

B. The owner of any undeveloped lands shall maintain said lands free of rubbish, noxious weeds, and mosquito breeding pond conditions.

9. ***Site Plan Review:***

Prior to the construction or alteration of any buildings, additions, enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements on or to the real estate conveyed hereby, the plans for such building or improvements shall be submitted to the Site Plan Review Committee in accordance with Section 23-171 of the City Zoning Code. The plans shall be reviewed within thirty days (30) days after they have been submitted and approval or disapproval given in writing.

10. ***Approval of Plans:***

Before commencing the construction or alterations of any buildings, additions, enclosures, fences, loading docks, parking facilities, storage yards, or any other structures or permanent improvements on or to the real estate conveyed hereby, the owner shall first submit its building plans, specifications, site and landscape plans, and an elevation sketch of all improvements to be placed thereon to the Community Development Committee for its written approval. In the event the Committee or its designee shall fail to approve or disapprove in writing such building plans, specifications, site and landscape plans, and elevation sketch within thirty (30) days after they have been submitted to them, such approval will not be required and these covenants and restrictions will be deemed to have been complied with. The Community Development Committee may delegate this review of plans to the Economic Development Department.

11. ***Repurchase Rights:***

Failure to Build: In the event the owner of land purchased from the City of Appleton does not commence construction of a building within one (1) year after the date of purchase, ownership shall revert to the City. The City shall pay the following repurchase price: the sum of the original purchase price and all special assessments which may have been paid by the buyer or levied against the property after the date of purchase minus the sum of any unpaid property taxes, pro-ratio of the current years property taxes to date of closing, title insurance policy premium or cost of warranty abstract, and any liens and encumbrances on the property of a definite or ascertainable amount. Further, repurchase price shall be adjusted by the amount equal to the amount of an option fee for that year had the property been under option between the City and the Buyer. Conveyance shall be by warranty deed.

Resale of Vacant Land: In the event the owner of land purchased from the City of Appleton elects to sell any portion thereof which is vacant, the property shall first be offered, in writing, to the City of Appleton. The City of Appleton shall have sixty (60) days from date of receipt of such offer to accept or reject repurchase of the property unless an extension of time may be mutually agreed upon and set forth in writing. In the event the City does not elect to repurchase the property, the owner may sell the land, but these Declarations of Covenants and Restrictions shall run with the land and be binding on the subsequent owner. The purchase price shall be computed as in Article 11 above. Conveyance shall be by warranty deed. The seller shall furnish a title insurance policy at the seller's expense.

12. ***Subdivision of Lots:***

After a lot has been purchased, such lot shall not be further subdivided without the written consent of the Community Development Committee. No owner may sell, lease or rent less than all of the lot without the written consent of the Community Development Committee. The Community Development Committee may, in granting its consent, attach any conditions it deems appropriate. The foregoing prohibition shall not apply to occupancy leases of space in a building made in the ordinary course of business.

13. ***Waiver of Notice:***

All land sold before major assessable improvements are completed in the business park site shall be subject to the purchaser's waiving notice of assessments and hearings, and such waiver shall be part of the negotiations.

14. ***Variances:***

Notwithstanding anything contained herein to the contrary, the City of Appleton expressly reserves the right at any time to authorize in writing variances from the strict applications of these covenants and restrictions, or any one or more of them, where the circumstances, in its sole and exclusive judgement, justifies the granting of same.

15. ***Right to Enter***

The Community Development Committee shall have the right to enter upon any building site or other lot within the park for the purpose of ascertaining whether the owner of said site or lot is complying with these covenants and restrictions.

16. ***Enforcement:***

In the event that the owner fails to perform in accordance with these covenants and restrictions, the Common Council, upon recommendation of the Community Development Committee, may take whatever corrective measures it deems appropriate and assess the cost thereof against the property in the same manner as a special assessment or special charge. The Common Council shall give at least thirty (30) days notice to the vendee of any violation and the steps required to correct it prior to taking any action to cure such violation.

17. ***Invalidation:***

The invalidation of any one of the covenants or restrictions herein set forth or the failure to enforce any of said covenants and restrictions at the time of its violation shall in no way affect any of the other covenants or restrictions nor be deemed a waiver of the right to enforce the same thereafter.

18. ***Term:***

Each lot shall be conveyed subject to the covenants and restrictions set forth herein, all of which are to run with the land and shall be binding on all parties and all persons claiming them for a period of thirty (30) years from the date of this Declaration of Covenants and Restrictions is recorded, after which time said covenants and restrictions as are then in force and effect shall be automatically renewed for successive periods of ten (10) years each, unless an instrument terminating such covenants and restrictions is recorded with the Outagamie County Register of Deeds by the Common Council as evidenced by a resolution duly adopted by a majority of all members of the Common Council.



**INTERGOVERNMENTAL COOPERATION AGREEMENT
UNDER WIS. STATS. SEC. 66.0301
FOR SOLICITATION OF CHEMICAL QUOTATIONS**

This Intergovernmental Cooperation Agreement (“**Agreement**”) is entered into as of the the date appearing at the end of this Agreement (“**Effective Date**”), by and between the CITY OF APPLETON, Outagamie County, Wisconsin (“**Appleton**”) and the CITY OF NEENAH (“**Neenah**”), Winnebago County, Wisconsin, both of which are political subdivisions of the State of Wisconsin and are organized and existing pursuant to the Wisconsin Constitution, and enter into this Agreement under the authority granted in Wis. Stats. § 66.0301 for the purpose of soliciting quotations for the purchase of chemicals used by each city’s respective water utility. Appleton and Neenah, are each sometimes referred to herein as a “**Party**” and collectively as the “**Parties**”.

RECITALS

WHEREAS, the Parties wish to cooperate in the annual solicitation of quotes for the purchase of chemicals; and

WHEREAS, in an effort to reduce operating expenses where possible and thus save rate payers money, it is the intent and goal of the parties to obtain more favorable pricing by jointly soliciting quotes from chemical suppliers; and

WHEREAS, such Agreement may bind the Parties for the length of time herein specified;

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing, the Parties agree as follows:

**ARTICLE I
AGREEMENT TERM AND ADMINISTRATION**

1.1 Agreement Term. The term of this Agreement (the “**Initial Term**”) shall begin on the Effective Date and end on December 31, 2017. Unless terminated by any Party pursuant to Section 3.1 of this Agreement, or modified in writing approved by all Parties hereto, this Agreement will automatically renew for successive one-year terms on the 1st day of January each year thereafter.

1.2 Agreement Administrators. The following individuals are hereby designated as the official Agreement Administrator for the Party identified. These individuals shall be authorized to make decisions regarding the solicitation of quotes and may accept service of any official notice required under this Agreement or any amendment, addendum, or exhibit thereto.

Water Treatment Manager, City of Neenah
Director of Utilities, City of Appleton.

Any Party may replace an Agreement Administrator upon written notice to the other.

ARTICLE II SOLICITATION OF QUOTES

2.1 Preparation of Request for Quotes. Appleton shall prepare the annual request for quotes subject to input, review and approval by Neenah prior to the same being published or made available to vendors in any other fashion.

2.2 Limited Scope. The Parties agree the scope of this Agreement shall be limited to the solicitation of quotes. Subsequent to receiving submitted quotes, each party shall have independent authority regarding its individual chemical purchases. Neither party may obligate the other. Additionally, neither party shall be obligated to the other regarding purchasing decisions, purchase contracts or any other obligations of the other Party's purchases subsequent to the submission of vendor's quotes.

ARTICLE III TERMINATION OF AGREEMENT

3.1 Termination by Either Party. Either party may terminate this agreement by notifying the other party in writing of its intent to terminate the Agreement. The notice of termination must be provided to the other party prior to the first day of July.

ARTICLE IV STATEMENT OF COMMITMENT; DISPUTE RESOLUTION

4.1 The Parties acknowledge and agree that they shall endeavor to resolve any and all issues that may arise under this Agreement in good faith and in a spirit of cooperation consistent with the intent of this Agreement.

4.2 In case any dispute regarding the validity, operation, enforcement, breach, or interpretation of this Agreement may arise which cannot be resolved by mutual consent of the Parties, then the Parties shall, in good faith, attempt to mediate any dispute arising out of or in connection with this Agreement with a mediator selected by and agreed upon by the Parties.

ARTICLE V MISCELLANEOUS

5.1 No Assignment. No Party to this Agreement may assign its interest in this Agreement to any other entity or individual.

5.2 Entire Agreement; Rules of Construction. The Parties acknowledge and agree that this Agreement, including the recitals which are incorporated into and made a part of this Agreement, expresses the entire agreement between the Parties as to the subject matter of this Agreement, and that this Agreement replaces and supersedes any prior negotiations and

agreements, written or oral. The Parties further acknowledge and agree that each Party has been adequately and fully represented in connection with the negotiation and execution of this Agreement, and that, accordingly, rules of interpretation that signify that an agreement shall be construed against the drafter shall not apply.

5.3 Captions. The captions or headings in this Agreement are for convenience and in no way define, limit, or describe the scope or intent of the provisions of this Agreement

5.4 Governing Law. The laws of the State of Wisconsin shall govern the interpretation and enforcement of this Agreement. Venue over any action brought under this Agreement will lie in the Circuit Court for Outagamie County.

5.5 Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signatures were on the same instrument.

5.6 No Third-party Beneficiaries. This Agreement is entered into for the sole and exclusive benefit of the Parties. No third party (including, without limitation, any employees of the Parties) shall have, obtain, or derive from this Agreement any rights or other benefits or interests, under law, in equity, or otherwise.

5.7 No Joint Venture. Nothing contained in this Agreement shall be deemed or construed as creating a partnership or joint venture between the Parties.

5.8 Exculpatory Provision. The Parties expressly acknowledge and agree that, anything herein to the contrary notwithstanding, that no officer, director, employee, agent, or official (elected or appointed) of any Party shall have any personal liability or obligation arising out of this Agreement, and no Party shall make any claim to the contrary.

5.9 No Waiver. No failure to exercise, and no delay in exercising, any right, power, or remedy under this Agreement on the part of any Party shall operate as a waiver of such right, power, or remedy, nor shall any single or partial exercise of any right, power, or remedy preclude any other or further exercise thereof or the exercise of any other right, power, or remedy. No express waiver shall affect any event or default other than the event or default specified in such waiver, and any such waiver, to be effective, must be in writing and shall be operative only for the time and to the extent expressly provided therein. A waiver of any covenant, term, or condition contained in this Agreement shall not be construed as a waiver of any, subsequent breach of the same covenant, term, or condition.

5.10 Severability. The terms of this Agreement are severable and any determination by any court or agency having jurisdiction over the subject matter of this Agreement that results in the invalidity of any part shall not affect the remainder of the Agreement.

5.11 Indemnification. Each Party retains for itself all legal responsibility for any injuries, claims, or losses arising from or caused by the acts or omissions of its agents or employees acting within the scope of their employment. Nothing in this Agreement shall be

construed as an assumption or indemnification by one Party of any legal liability of the other Party. The obligations of the Parties under this provision shall be subject to the limitations set forth in Wis. Stat. § 893.80 and Wis. Stat. § 895.46, and shall survive the expiration or termination of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the _____ day of November, 2016.

CITY OF APPLETON

Witness: _____
Printed Name: _____

By: _____
Timothy M. Hanna, Mayor

Witness: _____
Printed Name: _____

By: _____
Kami Lynch, City Clerk

Provision has been made to pay the liability that will accrue under this contract.

Approved as to form:

Anthony D. Saucerman, Finance Director

James P. Walsh, City Attorney

CITY OF NEENAH

Witness: _____
Printed Name: _____

By: _____
Dean R. Kaufert, Mayor

Witness: _____
Printed Name: _____

By: _____
Patty A. Sturn, City Clerk

Provision has been made to pay the liability that will accrue under this contract.

Approved as to form:

Michael Easker, Finance Director

James Godlewski, City Attorney

J:\Attorney\WORD\CRB\Water\Intermunicipal Agreement - Appleton and Neenah - Chemical Quote Solicitation.doc

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Pete Neuberger, Staff Engineer

DATE: December 7, 2016

RE: Award 2017C Northland Pond Construction Related Services Contract to Brown & Caldwell, in an amount not to exceed \$77,110.

The Department of Public Works staff recommends award of the referenced contract using a single-source quote from the pond's design engineer, Brown & Caldwell, in an amount not to exceed \$77,110. Project scope is as follows:

Brown & Caldwell will provide the following services, on an as-needed basis, during bidding and construction of Northland Pond in 2017:

- Assist the City in answering design questions from prospective bidders during bidding, and prepare contract addenda as may be needed.
- Review bids and provide award recommendation.
- Assist the City in answering design questions from contractor during construction.
- Respond to questions from City staff during construction regarding pump station electrical and instrumentation.
- Assist the City in answering design questions from regulatory agency personnel during construction.
- Assist the City in considering and developing potential change orders.
- Review contractor submittals.
- Develop pump station "as built" drawings.
- Assist the City in processing potential pump station warranty claims.
- Update the XP-SWMM model and WinSLAMM model for pond and storm sewer, based on as-built information.
- Calculate as-built earthwork quantities for payment using City survey data.
- Prepare a pump station construction binder for Utilities Department that includes a log of approved contractor/supplier submittals, inspection reports, and project photos.
- Prepare and Operation and Maintenance (O&M) Manual for operation of pump station to be used by City maintenance personnel.

This request is consistent with the consultant construction services item in the DPW Stormwater Utility budget.

Therefore, the Department of Public Works requests that the Utilities Committee approve award of the 2017C Northland Pond Construction Related Services Contract to Brown & Caldwell, in an amount not to exceed \$77,110.

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Sue Olson, Staff Engineer
Pete Neuberger, Staff Engineer

DATE: December 7, 2016

RE: Amend the 2016C contract for Leona Pond Final Design and Permitting contract to Brown & Caldwell in an amount not to exceed \$27,410.

The Department of Public Works is requesting an amendment to the Leona Pond Final Design and Permitting contract with Brown & Caldwell in an amount not to exceed \$27,410. If this amendment is approved, the contract amount will increase from \$180,145 to \$207,555. After this contract \$167,170 will remain in the 2016 stormwater consulting services budget.

Attached are drawings of five alternatives for this project. Alternative 1 was the concept selected at the end of Preliminary Engineering in 2014 and was based on a wetland delineation by RA Smith National of just this general area. After meeting with one of the property owners, the pond was rotated to the location shown on Alternative 2. In January 2016, the City contracted with Brown and Caldwell for final design and permitting based on Alternative 2.

The original wetland delineation performed for Alternative 1 did not include the south half of Alternative 2. In June 2016, RA Smith National completed the delineation and two locations of wetlands within the proposed pond area were found. In discussing the project with the Wisconsin Department of Natural Resources, they stated that Alternative 2 could not be permitted due to the wetlands.

Then Brown and Caldwell (under the current contract) and RA Smith National (under the 2016 Wetlands contract) evaluated Alternative 3, which appears to have no wetland impacts, but does not have a complete official delineation. This cannot be completed until spring 2017. Alternative 3 requires additional land (approximately twice that of Alternatives 1 and 2) and the area north of the ditch becomes an unusable remnant for future development. One of the property owners expressed concern about the loss of the additional acreage.

To address those concerns, Brown and Caldwell evaluated Alternative 4, located at the southwest corner of the property along Wisconsin Avenue using the approximate same acreage as Alternatives 1 and 2. Since this evaluation was done after the growing season, the wetlands shown on this drawing are estimated. Although a pond in this location is not impacting wetlands and has similar flood control, it is not as efficient as those on the north side of the property, providing less Total Suspended Solids removal. It also requires installing the outlet pipe in STH 96, which is new concrete pavement, obtaining approval to use sanitary sewer from Grand Chute for future enhanced phosphorus removal technology, and using a more valuable part of the property with frontage on Wisconsin Avenue.

To address the concerns of the property owner regarding the amount of land needed for Alternative 3, staff is proposing Alternative 5. This alternative would be a two pond system, maximizing the unusable

land between the ditch and the railroad and reducing the total amount of land needed from Alternative 3.

The evaluation of alternatives 3 and 4 has used a portion of the 2016 contract intended for Final Design and Permitting. Therefore, the Department of Public Works is requesting this contract amendment for the following scope of work:

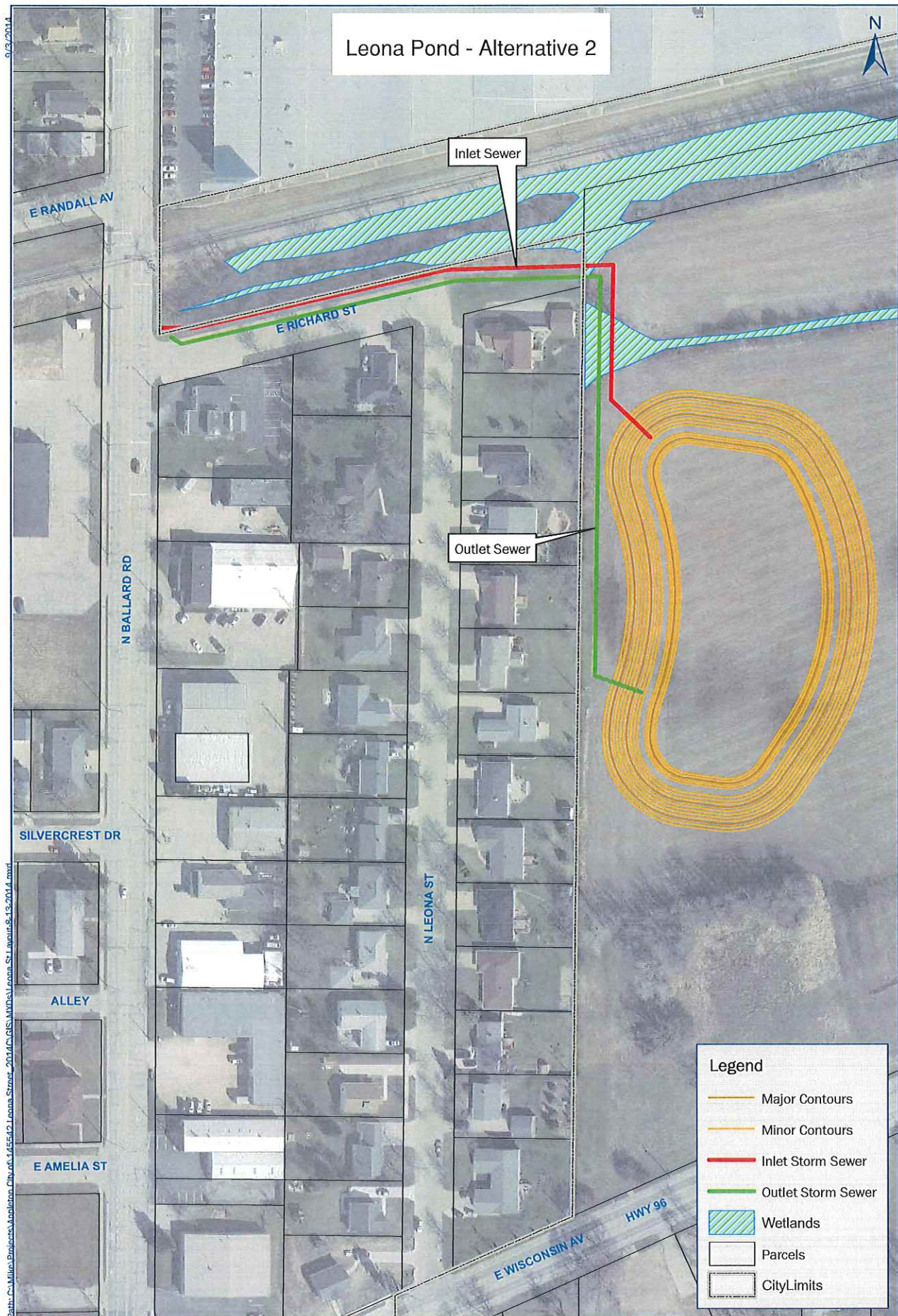
- Evaluate Alternative 5, which uses a two pond system to reduce the amount of land needed. This requires additional modeling for water quality and flood control performance, storm sewer and outlet structure sizing, and water surface elevations.
- If the two pond alternative is selected, prepare the additional construction drawings resulting from this configuration. The two pond system will require two plan views, two cross sections, additional structure details, additional pipe plans between the ponds, etc.
- Attend one additional meeting.
- Perform conceptual design of Coagulant Treatment System for Enhanced Phosphorus Treatment with the two pond system to be potentially installed in the future.
- Assist with discussions with the Railroad for necessary permits.
- Assist City staff with a second Agricultural Impact Statement required for property acquisition based on the selected alternative.

Although the Leona Pond is currently programmed for construction in 2019, there is significant lead time needed for wetland determinations, permitting, land acquisitions and grant applications. Therefore, the Department of Public Works is requesting an amendment to the Leona Pond Final Design and Permitting contract with Brown & Caldwell in an amount not to exceed \$27,410.



Path: C:\Mike\Projects\Annapleton City of 145542\Leona Street 2014\GIS\MXD\Leona St Layout.8-13-2014.mxd

Leona Pond - Alternative 2

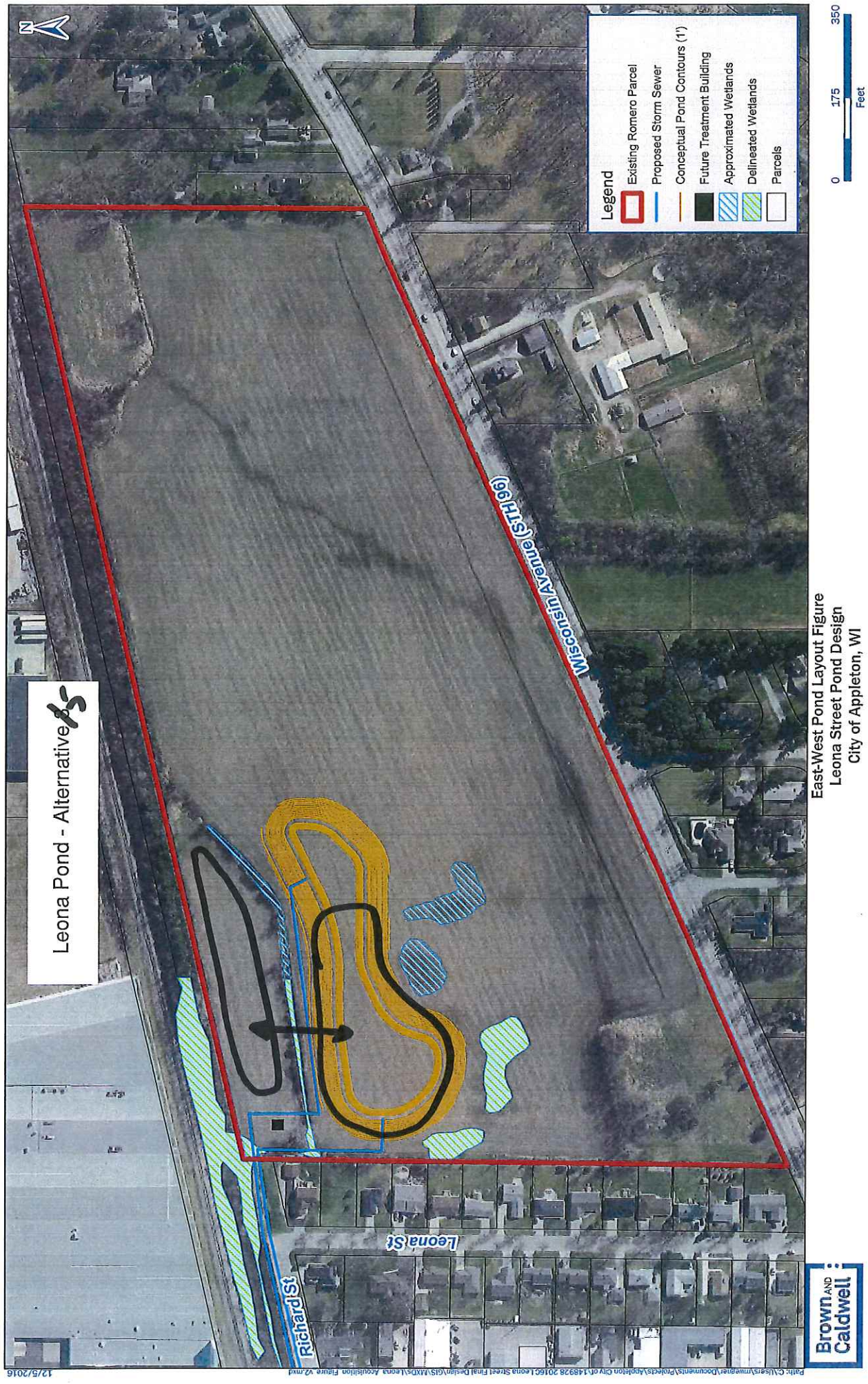




Leona Pond - Alternative 4

Southwest Pond Layout
Leona Street Pond Design
City of Appleton, WI





East-West Pond Layout Figure
 Leona Street Pond Design
 City of Appleton, WI



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

Department of Utilities
Wastewater Treatment Plant
2006 East Newberry Street
Appleton, Wisconsin 54915 – 2758
920 – 832 – 5945 tel.
920 – 832 – 5949 fax

To: Chairman Greg Dannecker and Members of the Utilities Committee

From: Chris Stempa, Utilities Deputy Director

cc: Chris Shaw, Utilities Director

Date: December 1, 2016

Re: *Approve contract for the Bar Screen #1 Channel Butterfly Valve Rebuild to August Winter and Sons, Inc. for \$111,250 with a contingency of \$13,750 and a project total not to exceed \$125,000*

BACKGROUND:

The City of Appleton Wastewater Treatment Plant (AWWTP) utilizes screening equipment used to remove large debris and materials from the incoming raw sewage. In 2015 two new bar screens were installed in place of two that had surpassed their useful life. The equipment replacement also served to improve the hydraulic capacity and screening capabilities of the AWWTP. It was discovered during the course of this project that the existing Pratt butterfly valves (four total) which control flow through Bar Screen #1 would require rehabilitation.

The objective of the Request for Quotation (RFQ) is to obtain necessary services that will extend the life of the original bar screen project by rehabilitating the deteriorated butterfly valves. This contract is to provide all labor, materials, equipment, and incidentals necessary to meet the following project objectives:

- Installation/removal of temporary bulkheads
- Removal of existing gate valves for off-site rebuilding
- Reinstall and commission valves and reset limit switches

Rebuilding the existing Pratt valves is believed to be the least cost option versus replacing the valves in-kind with new units. The existing valves if purchased new are approximately \$65,000 each installed (\$260,000 total). Rebuilding the valves directly through original equipment manufacturer (OEM) Pratt using genuine OEM parts and materials was estimated to be less than half this cost (\$32,000 each). Utilizing a reputable contractor to remove, rebuild using OEM parts, recoat, and reinstall these units was anticipated to be the most advantageous course of action from cost and asset life perspective.

RFQ PROCESS:

The request for quotations was distributed to five mechanical contracting firms. A voluntary pre-quotation meeting was to orientate the firms to the project location, overview project scope, and answer questions. The following table identifies the firms along with their quotation pricing:

Company	Quote Pricing
August Winter & Sons	\$111,250
Coenen Mechanical	\$228,150
Piping Service	\$191,000
J.F. Ahern Co.	DNQ
Lee's Contracting and Fabrication Inc.	DNQ

DNQ: Did not quote.

RECOMMENDATION:

Approve contract for the Bar Screen #1 Channel Butterfly Valve Rebuild to August Winter and Sons, Inc. for \$111,250 with a contingency of \$13,750 and a project total not to exceed \$125,000.

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



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

HUMAN RESOURCES DEPARTMENT

100 N. Appleton Street

Appleton, WI 54911

Phone: 920-832-6455

Fax: 920-832-5895

MEMO

To: Alderperson Konetzke and Members of the Human Resources/I.T. Committee

From: Sandy Behnke, Human Resources Director

Date: November 16, 2016

Re: Request to award 3 year contract to Associated Benefits and Risk Consulting (ABRC) (Formerly Associated Financial Group) to provide benefit consulting services for 2017, 2018 and 2019.

Pursuant to the City's Purchasing Policy, the Human Resources Department issued an RFP for benefit consulting services. The responses were evaluated by staff from the Finance Department, Legal Services Office and the Human Resources Department. There were six (6) respondents that were evaluated on the following criteria:

A Transmittal Letter introducing the firm, size, structure and narrative on the qualifications to provide the requested services.

Qualifications and Experience of the Firm and Key Personnel

Governmental Experience

Approach to the Engagement

References

Cost/Fee

The results of the scoring (100 point maximum) are indicated below:

<u>Firm Name</u>	<u>Score</u>
Associated Benefits & Risk Consulting	86.50
Willis Towers Watson	85.75
The Horton Group	84.75
M3	82.50
Kunkel & Associates	75.25
Cottingham & Butler	70.50

As a result of the scoring, demonstrated results, history and experience with ABRC, the review team recommended selecting Associated Benefits & Risk Consulting. The contract proposes a flat fee of \$66,000 annually which is reduced by commissions that ABRC receives on Voluntary Accident Insurance (approximately \$3,000 annually). ABRC is offering a two year rate guarantee with a proposed 3% increase in the third year and an option to renew for two additional years beyond 2019.



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

MEMO

TO: Municipal Services Committee
Human Resources Committee

FROM: Paula Vandehey, Director of Public Works *PAV*

DATE: December 6, 2016

SUBJECT: **Proposed Modification to the Department of Public Works Table of Organization – Parking Utility.**

As part of the 2017 Budget process, the Department of Public Works modified the Parking Utility Table of Organization by eliminating 2 part-time cashier positions and creating a full-time Parking Lead Position. Since developing that Table of Organization change in the summer of 2016, we have fully implemented the new pay-on-exit parking system and believe we need one more modification to the Table of Organization in order to provide a high level of customer service.

The new pay-on-exit system functions as a 24-hour system since now any malfunction traps customers inside the ramp where before customers would not be able to enter the ramp if there was a malfunction. The system takes in significant cash so the cash boxes at each exit lane and pay-on-foot station need to be emptied on a frequent basis. In addition, major events at the hotels and Performing Arts Center require staff to help answer customer questions and empty the ramp as quickly as possible.

In order to best meet the needs of our customers, we are requesting to convert an existing Ramp Attendant Position to a Operator I – Parking Position. (See attached Table of Organization). The Ramp Attendant's main duties are cleaning and helping customers, while the Operator I's main duties are parking equipment maintenance, snow & ice control and money collection from meters and ramps.

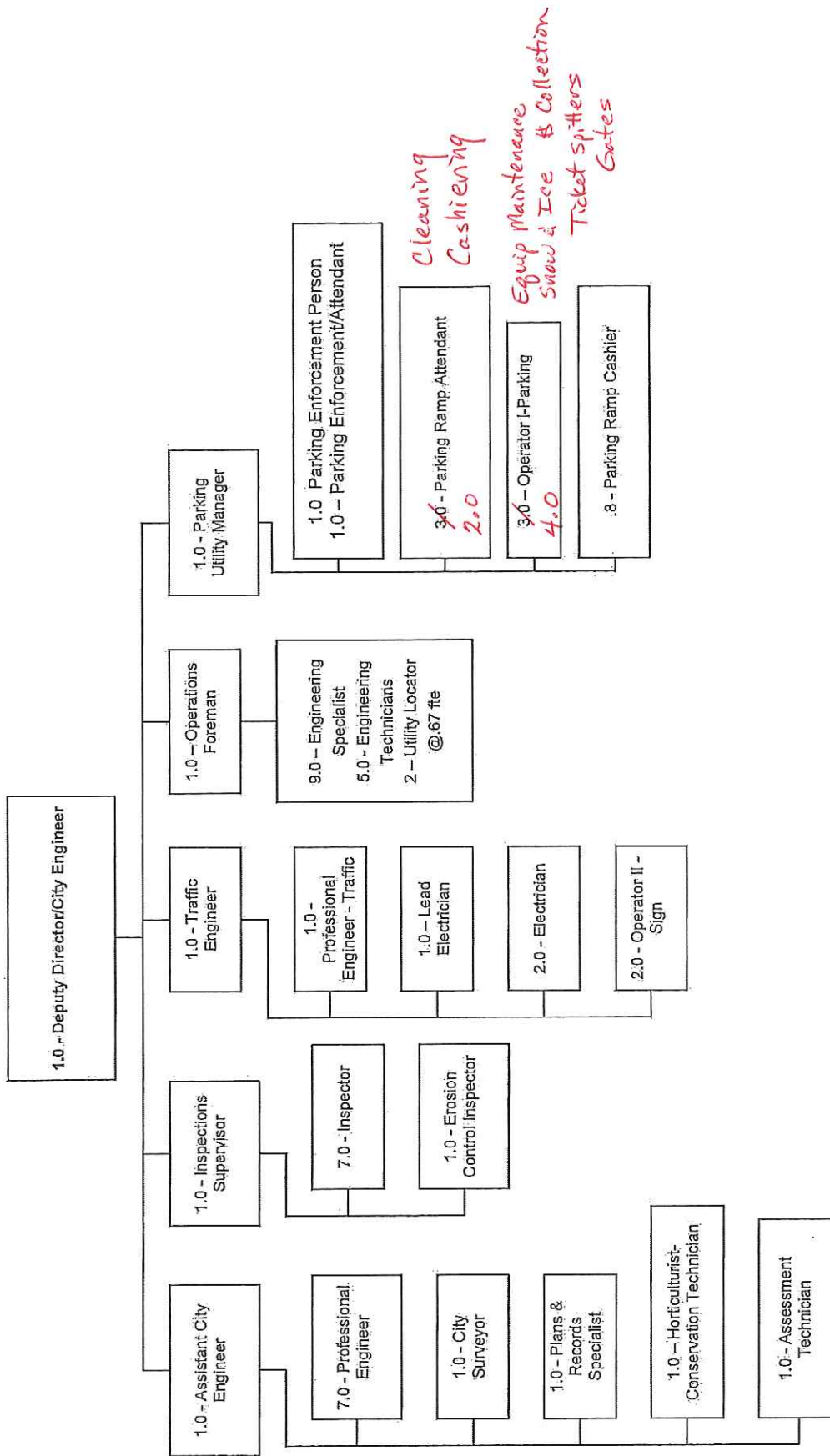
One of the three current Ramp Attendant Positions is vacant due to a recent resignation. This provides the ideal opportunity to consider changing this position prior to advertising to fill the position. If the proposed Table of Organization is approved, we will be able to provide full-service coverage Monday through Friday from 5:00 am to 11:00 pm and Saturdays from 9:00 am to 11:00 pm.

This modification to the Parking Utility Table of Organization is an increase in salary expense of \$10,046 (comparing control point to control point) and would be absorbed within the existing Parking Utility Budget.

Therefore, I request approval of the proposed modification to the Department of Public Works Table of Organization – Parking Utility to convert one Ramp Attendant Position to a Ramp Operator I - Parking Position.

Attachment

C: Tony Saucerman, Finance Director
Sandy Behnke, Human Resources Director
Bev Matheys, Managerial Accountant Coordinator



APPLETON PROFESSIONAL POLICE ASSOCIATION AND

CITY OF APPLETON

TENTATIVE AGREEMENTS

November 2, 2016

ARTICLE 4 – OVERTIME

The availability of a telephone number with a taped message **and/or an email** relative to the cancellations **and the posting of such cancellations on a department bulletin board** shall constitute proper notification.

Employees who are required to participate in training on their off-duty time shall be paid **or receive compensatory time**, at the rate of time and one half, for actual time spent at such training and for reasonable travel time but shall not be eligible for call time or any minimum payment

ARTICLE 8 – VACATIONS

Convert days to hours.

40 hours **1 work week** vacation after 1 year of service.
80 hours **2 work weeks** vacation after 2 years of service.
120 hours **3 work weeks** vacation after 8 years of service.
160 hours **4 work weeks** vacation after 12 years of service.
176 hours **vacation after 15 years of service**
200 hours **5 work weeks** vacation after 20 years of service.

Vacation allowances shall not be cumulative and **after the qualifications have been met for additional vacation, it must be taken between January 1 and December 31, except that employees entitled to 40 or 80 hours one or two weeks of vacation shall be permitted to carry over up to 40 hours one week of vacation into the following year, or and may have up to 40 hours one week of the vacation paid to the Post Employment Health Plan or H.S.A., and other employees shall be permitted to carry over all or portions of their 120, 160, and 200 hours third, fourth, and fifth weeks of vacation into the following year, or may have up to 80 hours two weeks of vacation paid to the Post Employment Health Plan,** provided that they notify the Chief or designee of their intent to do so not earlier than October 15 and not later than November 1.

ARTICLE 9. PAID HOLIDAYS

In lieu of any further compensation for the above holidays, shift employees shall receive 128 hours pay and non-shift employees **(employees who have 122 contract days off annually)** shall receive 100 hours pay per year at their regular straight time rate.

ARTICLE 10. LEAVES

PTO-convert days to hours

Sick Leave

At retirement **or death**, the retired Officer **or their estate** shall receive payment for their unused accumulated sick leave up to but not to exceed ninety (90) working days **paid to the PEHP. as compensatory time or cash payment, as the Officer may choose, as a bonus for services given the City. Said ninety (90) days shall be increased by four (4) hours for each time an employee scores "excellent" and by two (2) hours for each time an employee scores "good" in the physical fitness testing procedure. (Move physical fitness bonus language to Article 31. Physical Fitness Program)**

Such payment shall not be made available to the employee until six (6) months after written notification of the employee's intent to retire. Such notification may be withdrawn by the employee provided it is done at least thirty (30) days prior to the retirement date specified in the notification and further provided that no employee shall be permitted to withdraw more than one notification of intent to retire.

At death, the deceased employee's, shall have the option to select the payment of their unused accumulated sick leave and all other benefits owed and vacation, pursuant to the PEHP guidelines shall be direct deposited into the employee's account used for payroll. In the event that the employee should die before said fund has exhausted, said monies shall continue to be used for the payment of the same insurance plan of their survivors, if they are eligible for continuation of such coverage. If there are no survivors or they are not eligible for coverage, such remaining funds shall be paid to the retiree's estate. Once the initial option has been made by the employee to set up such fund for the payment of insurance premiums, no changes shall be made thereafter.

Funeral

In the event of the death of an employee's or spouse's grandparent, relative but not a member of the immediate family, the Officer will be given the paid funeral leave for the day of the funeral, provided the Officer was scheduled to work and attends the funeral.

ARTICLE 12 – POST EMPLOYMENT HEALTH PLAN

Effective January 1, 2003 the City of Appleton agrees to participate in the a Post Employment Health Plan, for Collectively Bargained Public Employees ("Plan") in accordance with the terms and conditions of the Plan's Participation Agreement, a copy of which is attached to this agreement. The parties hereto designate Nationwide Retirement Solutions to act as administrator and LaSalle National Bank to act as Trustee for the Plan, or its successors appointed in accordance with the Plan and Trust documents. The employer agrees to contribute to the a Plan on behalf of employees represented by the Appleton Professional Police Association.

The Appleton Professional Police Association agrees to annually determine the percent contribution for retirees in the subsequent year and notify the Human Resources Director in writing, no later than November 1.

ARTICLE 13 – RETIREMENT CONTRIBUTION

Effective the first full pay period in January, 2014 employees agree to pay three percent (3%) contribution for funding benefits under the Wisconsin Retirement Fund. Effective the first full pay period in July, 2015 Employees agree to pay the same contribution as general municipal employees for funding benefits under the Wisconsin Retirement Fund.

ARTICLE 14 – LIFE INSURANCE

The term life insurance program, providing \$20,000- \$50,000 worth of life insurance per employee shall be continued. The City will assume 100% of the cost of the aforesaid life insurance program.

ARTICLE 15. CLOTHING ALLOWANCE

Increase \$583.36 to \$600

Prior to August 1st of each year, Yearly, the City and the Union shall review the price change for an agreed upon market basket of uniform and equipment items. The annual maintenance allowance shall be adjusted by the percentage amount price change in the uniform and equipment market basket.

~~The City shall also provide for an annual disbursement for cleaning of uniforms of sixty dollars (\$60).~~

~~The City's liability for repair or replacement of eye wear under this paragraph shall not exceed seventy five dollars (\$75) per incident, except in the case of safety glasses purchased through the City, which shall be repaired or replaced without charge.~~

The City will provide body armor to all newly hired officers. The City shall replace the City provided body armor on a five year rotating cycle. ~~Employees hired before January 1, 1996, shall have the option of participating or not participating in this program when they are first scheduled to receive the body armor. A decision to participate is not revocable. A decision not to participate can be changed at any time.~~

ARTICLE 27 – EDUCATION REIMBURSEMENT

~~Employees enrolled in baccalaureate degree program, at the time of contract ratification, will be grandfathered by the existing tuition and books reimbursement, provided there is no break in class participation and enrollment status.~~

ARTICLE 31 – PHYSICAL FITNESS PROGRAM

~~Any~~ employees hired on or after January 1, 1980, must maintain a rating of “adequate” or better
Any ~~other~~ employee who ~~elects not to participate or who~~ fails to maintain a rating of “adequate” or better,

All Officers who score as “excellent” will be paid a premium of 2% of their base pay and **shall accumulate four (4) hours of physical fitness bonus for each testing date.** ~~All Officers those who score as “good” will be paid a premium of 1% of their base pay and shall accumulate two (2) hours of physical fitness bonus for each until the next testing date. Those who score as “adequate” will receive no salary or physical fitness bonus incentive.~~ Such premium payment shall be in a lump sum payable within thirty (30) days of the finalization of the testing results and shall be calculated on the basis of 2% or 1% of one half of the employee’s annual base pay, calculated on the rate of pay at the time of the test. **Employees shall be paid their accumulated physical fitness bonus pay upon retirement to the Post Employment Health Plan** ~~Such employees shall also be eligible for increased retirement bonus as provided in Article 10 A(7). Those who score as “adequate” will receive no salary or retirement bonus incentive.~~ New employees are not eligible for payment under the program until they have participated in one of the regularly scheduled testing procedures.

ARTICLE 32 – POSITION ENHANCEMENT PROGRAM

In order to keep the **Officer** Position Enhancement Program current and relevant to contemporary policing needs, the City and the Association may, from time to time, find it necessary to modify criteria for movement through the various steps. The City agrees that no changes will be made in the standards **or to the advancement criteria.** ~~The City also agrees, that no changes will be made to the advancement criteria for: Senior Police Officer, Master Police Officer, Sergeant, and Senior Sergeant, without prior consultation with the Association as outlined on pages 8 and 9 of the Officer Position Enhancement Program, dated 2007,~~

ARTICLE 36 – SURVIVOR BENEFITS

Strike ~~owned~~ replace with **owed**

ARTICLE 37 – ASSOCIATION BARGAINING COMMITTEE/ASSOCIATION BUSINESS

~~Delete: via pager or some other method~~ as deemed appropriate by the supervisor
Progression through the above schedule shall be as follows:

A. Except as otherwise provided, trainee Police Officers will start at the Starting Wage Step A of the pay schedule

B. Police Officers will move as follows:

1. Step B 6 Month Step after six (6) months of service.
2. Step C 2 Year Step after two (2) full years of service.
3. Step D 3 Year Step after three (3) full years of service.
4. Step E 4 Year Step after four (4) full years of service.
5. Step F 5 Year Step after five (5) full years of service.
6. The position enhancement step in accordance with the position enhancement program.

C. **The Chief will have the ability to hire** new employees possessing significant policing experience or specialized skill may, at the discretion of the Chief, be hired at any step up to and including 3 Year Step D of the pay schedule. Additionally, the Chief shall **determine vacation allowance**. For purposes of future pay advancement, such employees shall be deemed to have the years of service which their pay step represents. **For purposes of vacation, such employees shall advance based on their years of service.** For all other purposes, seniority shall be determined from the actual date that the employee was hired.

New hires who attend the academy will receive 80% of the base officer wage until graduation from the academy. Upon the first day after graduation, the employee will move to the starting step of the pay schedule.

Sick Leave Bank Letter of Understanding

Take off: DeWall, Meyer, Tauber and Wassink

Canine Agreement - reattach

Modified Pittman Schedule Letter of Understanding – re-sign with change below

Funeral Leave 2. In the event.....not to exceed 24 hours 3 working days.

Post Employment Health Plan unsigned attachment – delete

Unified Tactic Training, 1.5 compensatory time, two times per year during regular schedule. (no contract language)

Supervisors will cover for Special Events (overtime posted and no one signs) (no contract language)

Telephone subpoenas: update procedure (one hour)

Change reference of Deputy Chief to Assistant Chief/or designee throughout the contract

WAGE SCHEDULE:

Take off reference of “New Hires after 1/1/2011 and eliminate rates prior to the 1/1/11 (2nd and 4th set of Police Officer rates).

2017: 7/1-1.5% and 10/1 1.0%

2018: 1/1-1.5% and 7/1-1.0%

2019: 1/1-1% and 7/1-1.0%