



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

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Wednesday, February 17, 2021

7:00 PM

Council Chambers

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- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
- [21-0159](#) Common Council Meeting Minutes of February 3, 2021  
**Attachments:** [CC Minutes 2-3-21.pdf](#)
- G. BUSINESS PRESENTED BY THE MAYOR
- [21-0167](#) Proclamations  
-Re-issued Face Coverings Proclamation  
-Caregiver's Day Proclamation  
**Attachments:** [Re-Issued Face Coverings Proclamation.pdf](#)  
[Caregivers' Day Proclamation.pdf](#)
- [21-0168](#) Library Board Appointment  
**Attachments:** [Library Board Teen Appointment Memo 2-17-21.pdf](#)
- [21-0169](#) COVID-19 Update  
**Attachments:** [COVID -19 Cases 2-17-21.pdf](#)
- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS

[21-0160](#) Public Hearing for Rezoning #11-20 at N. Purdy Parkway from R1-B Single-Family District to NC Nature Conservancy District.

**Attachments:** [RZ #11-20 PublicHearingNotice 7476 N. Purdy Parkway.pdf](#)

[21-0161](#) Public Hearing for Rezoning #1-21 at 675 E. Edgewood Drive from Temporary AG Agricultural District to R-1A Single-Family District.

**Attachments:** [RZ #1-21 Notice of Public Hearing.pdf](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-0142](#) Class "B" Beer and "Class B" Liquor License Temporary Premise Amendment application for Sangria's Mexican Grill, Sarah Gregory, Agent, for May 5, 2021, contingent upon approval from all departments.

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

**Legislative History**

2/10/21	Safety and Licensing Committee	recommended for approval
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[21-0147](#) Class "A" Beer License application for Kedaar LLC d/b/a Appleton Clark, Lekha Timilsaina, Agent, located at 1200 W Wisconsin Ave, contingent upon approval from all departments.

**Attachments:** [Appleton Clark.pdf](#)

**Legislative History**

2/10/21	Safety and Licensing Committee	recommended for approval
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[21-0148](#) Cigarette License application for Kedaar LLC d/b/a Appleton Clark, located at 1200 W Wisconsin Ave.

**Attachments:** [Appleton Clark S&L.pdf](#)

**Legislative History**

2/10/21	Safety and Licensing Committee	recommended for approval
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[21-0149](#) Cigarette License application for M.D. Tobacco & Snacks LLC d/b/a M.D. Tobacco & Snacks, located at 1415 W Kamps Ave #4.

**Attachments:** [M.D. Tobacco & Snacks S&L.pdf](#)

**Legislative History**

2/10/21 Safety and Licensing Committee recommended for approval

[21-0165](#) Class "B" Beer and "Class B" Liquor License Change of Agent application for Apollon II LLC d/b/a Apollon, Tara E. Ziebell, New Agent, located at 207 N Appleton St, contingent upon approval from Appleton Police Department.

**Attachments:** [Tara E Ziebell S&L.pdf](#)

**Legislative History**

2/10/21 Safety and Licensing Committee recommended for approval

### 3. MINUTES OF THE CITY PLAN COMMISSION

[21-0066](#) Request to approve Rezoning #11-20 to rezone part of 7476 N. Purdy Parkway (Tax Id #31-1-9203-36), including all of the adjacent one-half right-of-way of N. Purdy Parkway, as shown on the attached maps, from R-1B Single-Family District to NC Nature Conservancy District

**Attachments:** [StaffReport Collins YMCA Rezoning For01-26-21.pdf](#)

**Legislative History**

1/26/21 City Plan Commission recommended for approval  
*Proceeds to Council on February 17, 2021.*

[21-0068](#) Request to approve Rezoning #1-21 to rezone the Cain Annexation, formerly part of Town of Grand Chute, located at 675 E. Edgewood Drive (Tax Id #31-6-5824-00), as shown on the attached maps, from Temporary AG Agricultural District to R-1A Single-Family District

**Attachments:** [StaffReport Cain Annex Rezoning For01-26-21.pdf](#)

**Legislative History**

1/26/21 City Plan Commission recommended for approval  
*Proceeds to Council on February 17, 2021.*

[21-0069](#) Request to approve the Apple Ridge 2 Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport PrePlat AppleRidge2 For02-09-21.pdf](#)

**Legislative History**

2/9/21 City Plan Commission recommended for approval

### 4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

**5. MINUTES OF THE FINANCE COMMITTEE**

[21-0152](#) Request to award Change Order 1 for the Phase I Lake Station Construction contract to Miron Construction Company in an amount of \$173,215 decreasing project contingency from \$360,700 to \$187,485

**Attachments:** [Change Order 1 - Lake Station Project 02-02-21.pdf](#)  
[redundant valves CO.pdf](#)

**Legislative History**

2/8/21 Finance Committee recommended for approval

[21-0153](#) Request approval to award the City of Appleton's 2021 Fire Stations #2 and #3 HVAC Upgrades contract to AMA, Inc in the amount of \$78,053 with a contingency of \$8,000 for a project total not to exceed \$86,053

**Attachments:** [2021 Fire Station #2 #3 HVAC Upgrades.pdf](#)

**Legislative History**

2/8/21 Finance Committee recommended for approval

[21-0154](#) Request approval to award the City of Appleton's 2021 Fire Stations #2 and #3 HVAC Digital Controls contract to Energy Control & Design for a Sole Source contract in the amount of \$47,440

**Attachments:** [2021 Fire Station #2 #3 HVAC Controls.pdf](#)

**Legislative History**

2/8/21 Finance Committee recommended for approval

[21-0155](#) Request to award Unit A-21 Concrete Paving to Vinton Construction Company in the amount of \$4,614,695 with a 3% contingency of \$139,550 for a project total not to exceed \$4,754,245

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

**Legislative History**

2/8/21 Finance Committee recommended for approval

[21-0156](#) Request to award Unit W-21 Sewer & Water Reconstruction No. 1 to Dorner, Inc in the amount of \$3,290,297 with a 2.5% contingency of \$82,257 for a project total not to exceed \$3,372,554

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

**Legislative History**

2/8/21 Finance Committee recommended for approval

[21-0158](#) Request to approve the follow 2021 Budget amendment:

**Wastewater Utility**

2020 AWWTP Water Lateral Replacement Proj (Fund Bal)	- \$80,000
2020 AWWTP Hardscape Replacement Proj (Fund Bal)	- \$ 8,700
2021 AWWTP Hardscape Replacement Proj	+\$88,700

to carry over unused budget funds from the 2020 Water Lateral Replacement and Hardscape projects to fund 2021 Hardscape projects (2/3 vote of Council required)

**Attachments:** [2021 AWWTP Hardscapes Budget Amendment.pdf](#)

**Legislative History**

2/8/21 Finance Committee recommended for approval

**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

**7. MINUTES OF THE UTILITIES COMMITTEE**

[21-0143](#) Award sole source purchase of Water Plant High Service Pump #5 Variable Frequency Drive (VFD) equipment and commissioning services to Werner Electric in the amount of \$49,794.

**Attachments:** [210204\\_UC Memo\\_High Lift Service Pump 5 VFD.pdf](#)

**Legislative History**

2/9/21 Utilities Committee recommended for approval

**8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**

**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

**10. MINUTES OF THE BOARD OF HEALTH**

[21-0144](#) Fox Cities Exhibition Center Agreement

**Attachments:** [Bd. of Health Memo FCEC Rental Agreement.pdf](#)

[FCEC Rental Agreement Jan 26-28 and Feb 2021 \(002\).pdf](#)

[FCEC Rental Agreement March 1,2021 Edits.pdf](#)

**Legislative History**

2/10/21 Board of Health recommended for approval

**M. CONSOLIDATED ACTION ITEMS**

## N. ITEMS HELD

[20-1553](#)

Request to approve Rezoning #10-20 to rezone 1000 North Ballard Road (Tax Id #31-1-1372-00), including to the centerline of the adjacent right-of-way and the Fox River, as shown on the attached maps, from P-I Public Institutional District to C-1 Neighborhood Mixed Use District

**Attachments:** [StaffReport\\_TheRefuge\\_Rezoning\\_For12-8-20.pdf](#)  
[RZ 10-20 Letter to Postpone 12 24 20.pdf](#)

**Legislative History**

12/8/20	City Plan Commission	recommended for approval <i>Proceeds to Council on January 6, 2021.</i>
1/6/21	Common Council	held <i>Hold until February 17th, 2021</i>

[21-0002](#)

Ordinance #1-21 for Rezoning #10-20, 1000 N Ballard Rd

**Attachments:** [Ord # 1-21 for 1-6-2021 Council Mtg.pdf](#)

**Legislative History**

1/6/21	Common Council	held <i>Hold until February 17th, 2021</i>
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## O. ORDINANCES

[21-0170](#)

Ordinances 4-21 and 5-21

**Attachments:** [Ordinances going to Council 2-17-21.pdf](#)

## 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  
Appleton, WI 54911-4799  
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## Meeting Minutes - Final Common Council

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Wednesday, February 3, 2021

7:00 PM

Council Chambers

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A. CALL TO ORDER

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

B. INVOCATION

*The Invocation was offered by Alderperson Martin.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska, Alderperson Corey Otis and Mayor Jake Woodford

**Excused:** 1 - Alderperson Mike Smith

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*All departments were represented with the exception of the Library, who was excused.*

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-0125](#)

Common Council Meeting Minutes of January 20, 2021

**Attachments:** [CC Minutes 1-20-21.pdf](#)

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

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

**Excused:** 1 - Alderperson Mike Smith

**Abstained:** 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[21-0129](#) Appointment to the Board of Zoning Appeals

**Attachments:** [Appointment Memo - Board of Zoning Appeals 2-3-21.pdf](#)

**Aldersperson Fenton moved, seconded by Aldersperson Reed, that the appointment be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

**Excused:** 1 - Aldersperson Mike Smith

**Abstained:** 1 - Mayor Jake Woodford

[21-0128](#) Proclamations:

- Black History Month
- Career & Technical Education Month
- Burn Awareness Week
- Gun Violence Survivor Week

**Attachments:** [Black History Month Proclamation.pdf](#)  
[Career and Technical Education Month Proclamation.pdf](#)  
[Burn Awareness Week Proclamation-rev.pdf](#)  
[Gun Violence Survivor Week Proclamation.pdf](#)

**The proclamations were presented.**

[21-0126](#) COVID-19 Update

**Attachments:** [COVID -19 Cases 2-3-21.pdf](#)

H. PUBLIC PARTICIPATION

*No one was signed up to speak during Public Participation.*

I. PUBLIC HEARINGS

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

**Balance of the action items on the agenda.**

**Alderson Reed moved, Alderson Otis seconded, to approve the balance of the agenda. The motion carried by the following vote:**

**Aye:** 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Patti Coenen, Alderson Nate Wolff, Alderson Kyle Lobner, Alderson Joe Prohaska and Alderson Corey Otis

**Excused:** 1 - Alderson Mike Smith

**Abstained:** 1 - Mayor Jake Woodford

**1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[21-0078](#) Approve Resolution for Outagamie Landfill Siting Negotiation Process

**Attachments:** [Resolution for Outagamie Landfill.pdf](#)

**This Report Action Item was approved.**

[21-0104](#) Request from Appleton Downtown Inc. for a Street Occupancy Permit to place ice carvings throughout the downtown for the weekend of February 19, 2021 for "Avenue of Ice."

**Attachments:** [ADI-Avenue of Ice.pdf](#)

**This Report Action Item was approved.**

[21-0106](#) Approve proposed Pedestrian Crossing License with Wisconsin Central Ltd Railroad for the Locust/Lawrence Grade Crossing.

**Attachments:** [Pedestrian Crossing License with WCL Railroad.pdf](#)

**This Report Action Item was approved.**

[21-0107](#) Approve proposed 1-year extension of the Bicycle and Pedestrian Engineering On-Call Consulting Services Contract with Alta Planning & Design in an amount not to exceed \$12,000.

**Attachments:** [Bicycle-Pedestrian Consulting Service.pdf](#)

This Report Action Item was approved.

[21-0111](#) Request to negotiate a sole source professional services contract with Desman Design Management for planning, design and administrative services related to the structural maintenance of the City's public parking ramps.

**Attachments:** [Desman Design Management.pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-0116](#) Recommendation to deny the Operator License for Robert Budrick.

**Attachments:** [RobertBudrickApplication.pdf](#)  
[RobertBudrickDenialLetter.pdf](#)

This Report Action Item was approved.

[21-0122](#) Request to Temporarily Modify the Special Event Policy related to Extending Application Fee Carryover due to COVID-19

**Attachments:** [Memo- Special Event Fee Carryover Extension.pdf](#)

This Report Action Item was approved.

[21-0123](#) Reserve "Class B" Liquor and Class "B" Beer License Change of Agent application for Fox River Boat Holding Co. LLC d/b/a River Tyme Bistro, Candice Mortara, New Agent, located at 425 W Water St Unit 100, contingent upon approval from Appleton Police Department.

**Attachments:** [Candice Mortara S&L.pdf](#)

This Report Action Item was approved.

## 3. MINUTES OF THE CITY PLAN COMMISSION

[21-0070](#)

Request to approve the Extraterritorial Final Plat for Marsden Park located in the Town of Grand Chute as shown on the attached maps and subject to the condition in the attached staff report

**Attachments:**     [StaffReport\\_MarsdenPark\\_FinalPlat\\_For01-26-21.pdf](#)

This Report Action Item was approved.

**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**

**5. MINUTES OF THE FINANCE COMMITTEE**

[21-0098](#)

Request to approve the following 2021 Budget amendments:

**ELC (Epidemiology & Laboratory Capacity) COVID Grant Fund**

Health Grants and Aids	+\$ 22,900
Salaries	+\$ 4,200
Fringe Benefits	+\$ 700
Purchased Services	+\$ 18,000

to record grant agreement modification from the State Department of Health Services for 2020-2021 COVID-19 pandemic response costs (2/3 vote of Council required)

**ELC (Epidemiology & Laboratory Capacity) COVID Grant Fund**

Health Grants and Aids	+\$390,100
Salaries	+\$224,000
Fringe Benefits	+\$ 39,500
Supplies	+\$ 5,500
Purchased Services	+\$121,100

to record grant agreement modification from the State Department of Health Services for 2020-2022 COVID-19 pandemic response costs (2/3 vote of Council required)

**Attachments:**     [2020-2021 ELC Funding.pdf](#)  
                              [2020-2022 ELC Funding.pdf](#)

This Report Action Item was approved.

[21-0099](#)

Request to approve the Relocation Orders for the Richmond at Glendale, Lightning Drive, Spartan Drive, and Newberry at Kensington projects

**Attachments:**    [RO - Richmond and Glendale.pdf](#)  
[RO - Lightning Drive.pdf](#)  
[RO - Spartan Drive.pdf](#)  
[RO - Newberry and Kensington.pdf](#)

**This Report Action Item was approved.**

[21-0100](#)

Request to approve Resolution for Worker's Compensation self-insurance

**Attachments:**    [0008 - WC Resolution to Reauthorize Self Insurance.pdf](#)

**This Report Action Item was approved.**

## 6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[21-0063](#)

Request to approve Third Substantial Amendment to the Community Development Block Grant (CDBG) 2020 Annual Action Plan (AAP) awarding an additional \$343,268 of CDBG Coronavirus Aid, Relief, and Economic Security (CARES Act) funding to community partner organizations as specified in the attached documents

**Attachments:**    [2020 AAP Third Substantial Amendment Memo to CEDC.pdf](#)  
[Appleton 2020 CDBG CV3 Award Letter.pdf](#)  
[2020 AAP Third Substantial Amendment Draft.pdf](#)  
[Final MOU - ADVOCAP 1-21-2021.pdf](#)  
[PublicCommentReceived\\_1-26-21\\_2020AAPThirdSubstantialAmendment.pdf](#)

**This Report Action Item was approved.**

[21-0076](#)

Request to contract with and expend Wisconsin Department of Administration Community Development Block Grant (CDBG) Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Round 2 funding (CDBG-CV2) and enter into a Memorandum of Understanding with the Boys & Girls Club as specified in the attached documents

**Attachments:**    [2020 DOA CDBG-CV2 Funding Memo to CEDC\\_1-27-2021.pdf](#)  
[State of WI DOA CV2 Entitlement Memo-FINAL.pdf](#)  
[Final MOU - CoA\\_Boys+Girls Club.pdf](#)

**This Report Action Item was approved.**

[21-0096](#)

Request to enter into a Memorandum of Understanding with ADVOCAP as specified in the attached documents (Associated with Action Item #21-0063)

**Attachments:** [2020 AAP Third Substantial Amendment Memo to CEDC.pdf](#)  
[Appleton 2020 CDBG CV3 Award Letter.pdf](#)  
[2020 AAP Third Substantial Amendment Draft.pdf](#)  
[Final MOU - ADVOCAP 1-21-2021.pdf](#)

This Report Action Item was approved.

## 7. MINUTES OF THE UTILITIES COMMITTEE

[21-0114](#)

Award the Engineering contract for 2021 Sludge Storage Addition Project to Applied Technologies, Inc. in the amount of \$499,301 with a 15% contingency of \$74,895 for a Project Total not to exceed \$574,196.

**Attachments:** [2021 SSB Addition UC Memo Engineering Award ATI\\_rev.pdf](#)

This Report Action Item was approved.

[21-0115](#)

Award the Engineering contract for 2021 Solids Dewatering Equipment Upgrades Project to McMahon in the amount of \$325,872 with a 10% contingency of \$32,587 for a Project Total not to exceed \$358,459.

**Attachments:** [2021 Solids Dewatering Equip Upgrades UC Memo Engineering Award McMahon\\_rev.pdf](#)

This Report Action Item was approved.

## 8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[21-0118](#)

Request to change reporting structure of the Account Clerk II from the Finance Department to the Parks, Recreation and Facilities Management Department.

**Attachments:** [Account Clerk II TO change.pdf](#)  
[PRFM TO draft 1-22-21.pdf](#)  
[Finance TO draft 1-22-21.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[21-0127](#)

Ordinance #3-21 Revising the Ward Designation for Sequoia Drive Annexation

**Attachments:** [Ord #3-21 Revising Wards - Sequoia Drive Annex.pdf](#)

**Aldersperson Fenton moved, seconded by Aldersperson Otis, that the Ordinance be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

**Excused:** 1 - Aldersperson Mike Smith

**Abstained:** 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

**Aldersperson Reed moved, seconded by Aldersperson Otis, that the meeting be adjourned at 7:34 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

**Excused:** 1 - Alderperson Mike Smith

**Abstained:** 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, the COVID-19 pandemic continues to endanger public health, evidenced by continued transmission, high burden rates, hospitalizations, and deaths in the City of Appleton, and more broadly, in Wisconsin; and

**WHEREAS**, current case indicators of burden (case rate) and trajectory (percent case change) evidence a very high COVID-19 activity level in the City of Appleton; and

**WHEREAS**, empirical evidence shows the proper use of face coverings over the nose and mouth, in conjunction with physical distancing and frequent hand washing, is a generally safe, inexpensive, effective, and actionable strategy for mitigating the spread of COVID-19 in communities; and

**WHEREAS**, the use of face coverings is widely supported and promoted by a broad, diverse collection of public and private local, state, and national organizations; and

**WHEREAS**, the CDC, informed by a study conducted in 17 schools in the State of Wisconsin, recommends use of face coverings as a key strategy for safely reopening schools; and

**WHEREAS**, the repeal of a statewide mask requirement puts Wisconsin among the minority of states to have no such measures in place; and

**WHEREAS**, the continued refusal on the part of the Legislature and Governor to work together on statewide mitigation, will again lead to a patchwork of policies at the local level that frustrate and confuse residents and visitors, and are less effective than a unified approach to addressing the pandemic.

**THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, do re-issue this proclamation urging the use of face coverings by residents of, visitors to, and businesses within the City of Appleton, until such time that the City's COVID-19 case data indicates the pandemic has abated.

**BE IT FURTHER RESOLVED** that in support of this proclamation and in furtherance of the public's health, safety, and welfare the following guidance is offered:

## **Section 1. Definitions.**

1. **FACE COVERING** means a protective mask covering the nose and mouth, including cloth face coverings or surgical masks as described by the Centers for Disease Control and Prevention, as well as face shields that cover the front and sides of the face.
2. **BUILDING OPEN TO THE PUBLIC** means any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or other use by the public.

## **Section 2. Face Coverings.**

1. **FACE COVERING USE INDOORS.** Any person five (5) years old or older should, whenever practical, wear a face covering whenever the person is in a common area of any building open to the public or is within six (6) feet of any other person who is not a member of the person's family or household.
2. **FACE COVERING USE OUTDOORS.** Any person five (5) years old or older should, whenever practical, wear the face covering whenever the person is in an outdoor public space and within six (6) feet of any other person who is not a member of the person's family or household.

**Section 3. Exceptions.** This proclamation recognizes that wearing face coverings may not be possible in every situation or for some people, including but not limited to:

1. Persons who fall into the Centers for Disease Control and Prevention's guidance for those who should not wear cloth face coverings due to a medical condition, mental health condition or sensory sensitivities, intellectual or developmental disability, or for whom no other accommodation can be offered under the Americans with Disabilities Act.
2. Persons who have upper-respiratory chronic conditions, silent or invisible disabilities, or are communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.
3. Persons in settings where it is not practical or feasible to wear face coverings when obtaining or rendering goods or services to the extent necessary to obtain or render such goods or services including, but not limited to, the receipt of dental services or medical treatments or consuming food or beverages.
4. Persons for whom wearing a face covering would create a safety risk to the person related to their work.
5. Whenever federal, state, or local law otherwise prohibit wearing a face mask or where it is necessary to evaluate or verify an individual's identity.
6. Places of worship and persons whose religious beliefs prevent them from wearing a face covering.

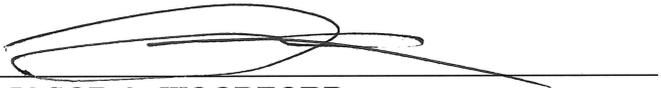
**Section 4. Partnership with Businesses.** Recognizing the significant challenges businesses have faced as a result of COVID-19 and their need to continue operating, along with the need to also suppress the transmission of COVID-19, the owners or operators of any building open to the public are strongly encouraged to adopt and follow the guidance in this proclamation. Businesses and organizations may rely on an individual's statements if the individual claims to be unable to wear a face covering due to one or more of the exceptions referenced above. When possible, businesses and organizations should provide accommodations to those who are unable to use cloth face covering, such as alternative face coverings or providing service options that do not require entry into a facility or contact with a guest. Any member of the public who refuses to comply with the face covering policy of a business and refuses to leave the premises after being asked to do so by the business owner or staff, may be considered in violation of other laws and subject to penalties for those violations.

**Section 5. Encouragement and Respect.** All who can wear a face covering to help reduce the spread of COVID-19 are encouraged to do so. Mitigating the spread of COVID-19 is the responsibility of all members of our community, and we will prevail by working together in our common interest. Even as we work to meet the challenge of the pandemic, we must treat each other with respect and dignity regardless of our differences of ability and opinion.

Signed and sealed July 28, 2020.

Revised, re-issued, signed and sealed this 4<sup>th</sup> day of February 2021.



  
**JACOB A. WOODFORD**  
MAYOR OF APPLETON

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, National Caregivers Day was founded in 2015 by Providers Association for Home Health & Hospice Agencies (PAHHHA) to dedicate the third Friday of every February to caregivers everywhere.

**WHEREAS**, health care professionals across the country serve patients requiring long-term and hospice care by providing vital services and reassuring patients and families who care about them; and

**WHEREAS**, these caregivers deliver many services including compassionate personal care and medical services daily; and

**WHEREAS**, the COVID-19 pandemic has complicated the logistics of care and has placed greater stress on caregivers.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, Wisconsin, do hereby proclaim February 19, 2021 as

## Caregivers' Day

in Appleton and encourage residents to become familiar with the services provided by these health care professionals and take part in community appreciation efforts to show them honor and support.

Signed and sealed this 1<sup>st</sup> day of February 2021.



**JACOB A. WOODFORD**  
MAYOR OF APPLETON



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

---

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

**TO:** Members of the Common Council  
**FROM:** Mayor Jacob A. Woodford   
**DATE:** January 5, 2021  
**RE:** Confirmation of Board Appointment

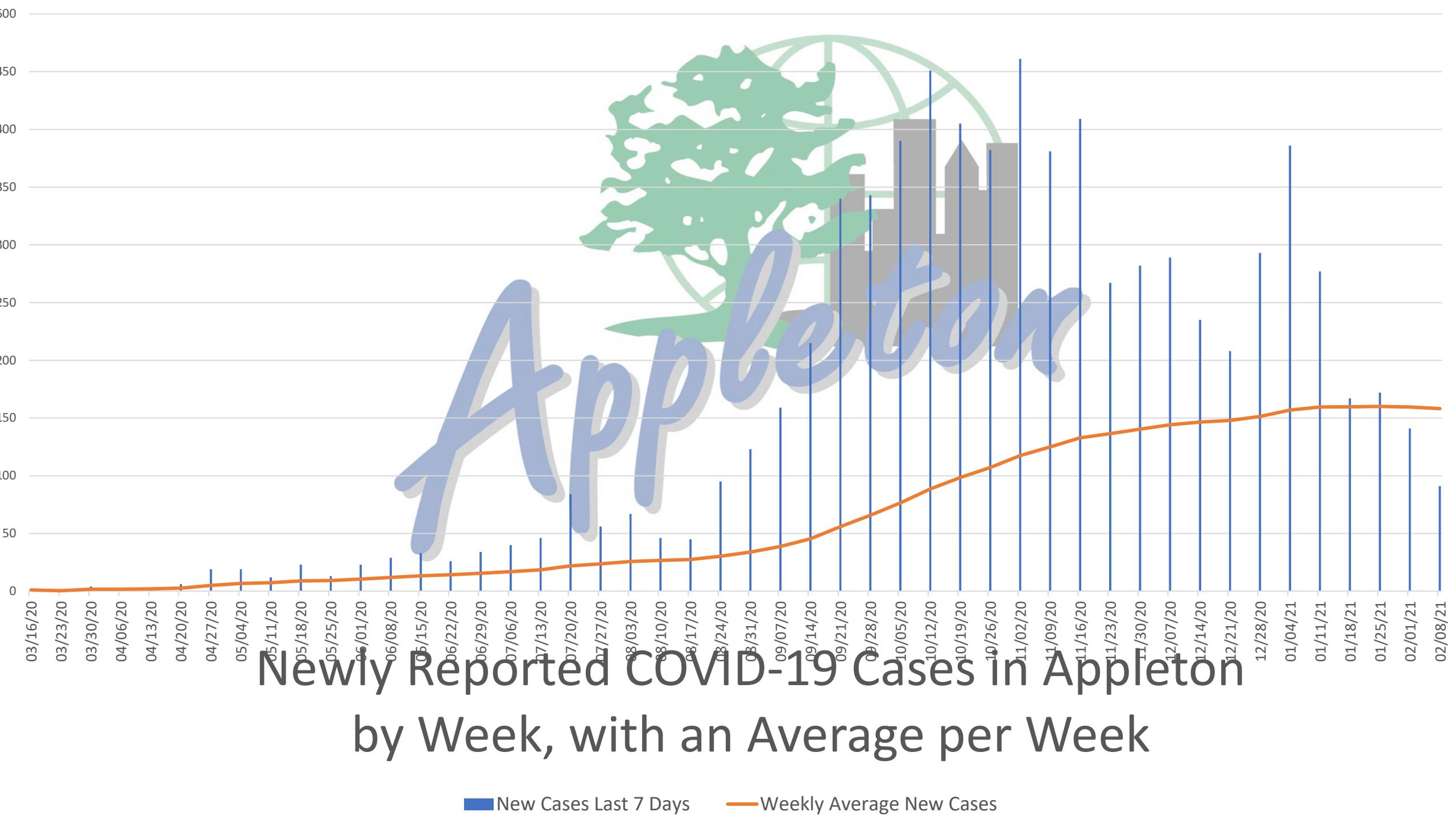
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It is with pleasure that I present the following Board appointments for your confirmation at the February 17 Common Council meeting.

**LIBRARY BOARD – Appointment**

Umika Sivasamy                      3-year Term                      Term Expires June 2024

Umika is a sophomore at Appleton North High School with an interest in library outreach.



$141 + 91 = 232$  (2 week case counts)

$232 / 75,000 = .00309$  (Appleton population 75,000)

$.00309 \times 100,000 = 309$  (equals burden)

**Low** less than or equal to 10 per 100,000 people

**Moderate** greater than 10 but less than 50 per 100,000 people

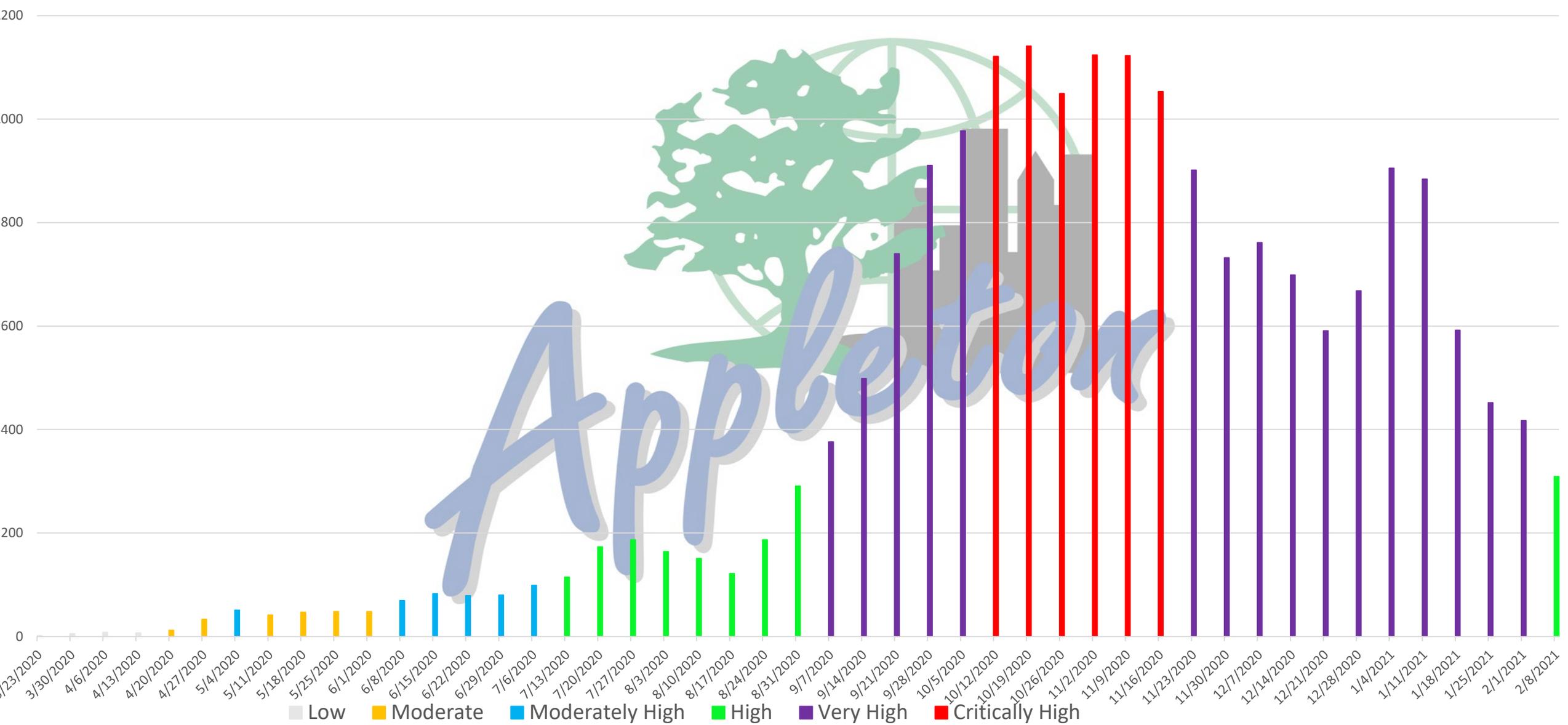
**Moderately High** greater than 50 but less than 100 per 100,000 people

**High** is greater than 100 per 100,000 people

**Very High** is greater than 350 per 100,000 people

**Critically High** is greater than 1,000 per 100,000 people

<b>Table 1.</b> Two indicators being based on confirmed cases: Burden and Trajectory. A third indicator maps Burden and Trajectory indicators into one composite indicator.					
<b>Indicator</b>	<b>Definition</b>	<b>Classes</b>			
Burden	Total number of cases per 100,000 in the last two weeks ( $B$ )	Low	$B \leq 10$		
		Moderate	$10 < B \leq 50$		
		Moderately High	$50 < B \leq 100$		
		High	$100 < B \leq 350$		
		Very High	$350 < B \leq 1000$		
		Critically High	$1000 < B$		
Trajectory	Percent change in the last two weeks ( $T$ ), p-value from a test against $T = 0$ ( $p$ )	Shrinking	$T \leq -10\%$ and $p < 0.025$		
		Growing	$10\% \leq T$ and $p < 0.025$		
		Not changing (No Call)	Otherwise		
Case status indicator(Composite of burden and trajectory)	Summary concern based on Burden and Trajectory classifications		Shrinking	No Call	Growing
		Low	Low	Low	Medium
		Moderate	Medium	Medium	High
		Moderately High	Medium	High	High
		High	High	High	High
		Very High	Very High	Very High	Very High
		Critically High	Critically High	Critically High	Critically High



Two Week Total New COVID-19 Cases in Appleton,  
 Rate per 100,000 Population, Risk Level Assessments per WDHS

## NOTICE OF PUBLIC HEARING

#11-20

### Re: Proposed Zone Change

A public hearing will be held in the Council Chambers, 6<sup>th</sup> floor of City Hall, Appleton, Wisconsin, on February 17, 2021 at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

**Rezoning #11-20:** The City of Appleton received a request from the property owner, YMCA of the Fox Valley, and applicant, Schuler & Associates, Inc., to rezone part of the following property from R-1B Single Family District to NC Nature Conservancy District:

7476 N. Purdy Parkway (Parcel Number: 31-1-9203-36)

**Purpose of the Request:** The owner/applicant proposes to maintain the use of the existing trail that connects to the adjacent Bruce B. Purdy Nature Preserve. The NC District is intended to discourage development and disturbance to the natural environment in areas with unique features, give primary consideration to outdoor recreation and forestry pursuits, and provide areas where native flora and fauna may prosper in a natural habitat.

**Legal Description:**

PART OF LOT 136 OF APPLE HILL FARMS III AS DOCUMENT NO. 1697626 AND PART OF ADJACENT PURDY PARKWAY RIGHT-OF-WAY, LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 136; THENCE SOUTH 89 DEGREES 45 MINUTES 46 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 136, A DISTANCE OF 184.21 FEET; THENCE SOUTH 65 DEGREES 15 MINUTES 50 SECONDS WEST 47.37 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 46 SECONDS WEST 138.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 136; THENCE SOUTH 81 DEGREES 32 MINUTES 00 SECONDS WEST 30.00 FEET; THENCE NORTHWESTERLY ALONG THE CENTERLINE OF PURDY PARKWAY, 19.67 FEET, ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1000.00 FEET AND A CHORD THAT BEARS NORTH 09 DEGREES 01 MINUTES 49 SECONDS WEST 19.67 FEET; THENCE NORTH 80 DEGREES 24 MINUTES 22 SECONDS EAST 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3,821 SQUARE FEET (0.088 ACRES) OF LAND, MORE OR LESS, INCLUDING THE ADJACENT 1/2 ROAD RIGHT-OF-WAY OF NORTH PURDY PARKWAY.

Date: January 28, 2021

KAMI LYNCH  
CITY CLERK

RUN:

February 2, 2021

February 9, 2021

## NOTICE OF PUBLIC HEARING

#1-21

### RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on February 17, 2021, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

**Rezoning #1-21:** A rezoning request has been initiated by the City Plan Commission, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the following described real estate (675 E. Edgewood Drive), which will be zoned temporary AG Agricultural District following annexation. Pursuant to Sections 23-65(d)(1) and 23-65(e) of the Municipal Code, the City Plan Commission proposes to rezone the property to a permanent zoning classification of R-1A Single-Family District (see attached map). The R-1A district is intended to provide for, and maintain, residential areas characterized predominately by single family detached dwellings on larger sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential land uses.

**Purpose of the Rezoning:** To assign a permanent zoning classification following the “Cain” Annexation and allow the property to continue to function as a single-family residence

**Legal Description:** PARCEL: 31-6-5824-00 (formerly 101038801)

A part of the West One-half (W ½) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Eleven (11), Township Twenty-one (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, and being further described as follows:

Commencing at the Northeast corner of said Section 11;

Thence South 88°40'17" West 659.12 feet coincident with the North line of the Northeast ¼ of said Section 11;

Thence South 00°30'17" East 50.00 feet to the point of beginning;

Thence continue South 00°30'17" East 167.80 feet;

Thence South 88°40'17" West 200.00 feet;

Thence North 00°30'17" West 167.80 feet;

Thence North 88°40'17" East 200.00 feet to the point of beginning.

January 27, 2021

RUN: February 2, 2021  
February 9, 2021

**KAMI LYNCH**  
City Clerk

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

**FEES ARE NON-REFUNDABLE**

Date Recv'd \_\_\_/\_\_\_/\_\_\_

License Fee \$10.00/event

Acct: CLCAGP

Receipt \_\_\_\_\_

**REQUEST for  
Beer/Liquor License  
Premise Amendment**

**SECTION 1 – LICENSE INFORMATION**

Name of Establishment Sangria's Mexican Grill

Address of Establishment 215 S Memorial Appleton, WI 54911

Name of Agent Sarah Gregory

Phone Number  


**SECTION 2 – PREMISE AMENDMENT**

Please describe the change in premises:

\*A drawing/diagram of the proposed area must also be submitted with this application\*

We close off part of the parking lot & throw an outdoor party with outdoor taqueria.

Is this change Permanent?

YES  
 NO

If this is temporary please specify the reason for the amendment:

annual May 5th (cinco de mayo) celebration.

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

May 5, 2021 10am-10pm

**SECTION 3 – PENALTY NOTICE**

I certify that I am familiar with Section 9-52 of the Municipal Code of the City of Appleton and agree that any license granted under this application may be suspended for cause at any time by the Common Council.

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature of Applicant: Sarah Gregory

**FOR OFFICE USE ONLY**

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				



Feet  
0 10 20 30 40

Total Area of  
Alcohol Consumption  
1026 sq. ft.

10 20 10

ADA Parking

NORTH

# Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: \_\_\_\_\_ ending: 06/30/2021  
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the:  Town of } Appleton  
 Village of }  
 City of }

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

Check one:  Individual  Limited Liability Company  
 \*Partnership  Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number ●●●●●●●●●●●●●●●●●●●●	
FEIN Number ●●●●●●●●●●●●●●●●●●●●	
TYPE OF LICENSE REQUESTED	FEE
<input checked="" type="checkbox"/> Class A beer	\$ <u>200</u>
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<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 + 28</u>
<b>TOTAL FEE</b>	\$ <u>288</u>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)  
Kedar 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 full name and place of residence of each person.

President / Member Last Name <u>Timilsaina</u>	(First) <u>Lekha</u>	(Middle Name) <u>Nath</u>	Home Address (Street, City or Post Office, & Zip Code) <u>1315 B 22nd Street Two Rivers WI-54241</u>
Vice President / Member Last Name <u>Adhikari</u>	(First) <u>Manav</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>2210 meadowland Dr. Sheboygan, WI</u>
Secretary / Member Last Name <u>Thapa</u>	(First) <u>Ganesh</u>	(Middle Name) <u>Bahadur</u>	Home Address (Street, City or Post Office, & Zip Code) <u>2618 Georgia Avenue Apt 115 Sheboygan WI 53081</u>
Treasurer / Member Last Name <u>Joshi</u>	(First) <u>Bashudev</u>	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code) <u>1418 Wisconsin Ave Sheboygan WI 53081</u>
Agent Last Name <u>Timilsaina</u>	(First) <u>Lekha</u>	(Middle Name) <u>Nath</u>	Home Address (Street, City or Post Office, & Zip Code) <u>1315 B 22nd Street Two Rivers WI-54241</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Appleton Clark Business Phone Number \_\_\_\_\_

2. Address of Premises 1200 W. Wisconsin Ave Post Office & Zip Code 54914

3. 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.)

Convenience store and walk in cooler

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4. Legal description (omit if street address is given above): \_\_\_\_\_

5. (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? Kedar LLC

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? If yes, explain .....  Yes  No  
 \_\_\_\_\_  
 \_\_\_\_\_  
 have recent expired alcohol licenses

7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? .....  Yes  No  
 If yes, explain.  
 \_\_\_\_\_  
 \_\_\_\_\_

8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? If yes, explain .....  Yes  No  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Krishna Food Mart LLC  
 3337 Mishicot Rd. Two Rivers WI 54241

9. (a) Corporate/limited liability company applicants only: Insert state WI and date Jan 2021 of registration.  
 (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? If yes, explain .....  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? If yes, explain.  Yes  No  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Krishna Food Mart LLC  
 3337 Mishicot Rd. Two Rivers WI 54241

10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] .....  Yes  No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] .....  Yes  No
12. 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 signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees 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, or one member of a partnership applicant must sign; one corporate officer, one member/manager 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.

Contact Person's Name (Last, First, M.I.) <u>Timilsaina Lekha N.</u>	Title/Member <u>Manager</u>	Date <u>02/02/21</u>
Signature 	Phone Number 	Email Address 

**TO BE COMPLETED BY CLERK**

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



7. What was the previous name and primary nature of the business operating at this location?

Name: Appleton BP (Gas Station)

(Check Applicable Box(s) to identify primary business activity)

- Restaurant
- Tavern/Night Club/Wine Bar
- Microbrewery/Brewpub
- Painting/Craft Studio
- Other (describe) Gas station

8. Was this premise licensed for alcohol sales/consumption during the past license year?

Yes  If yes, please contact the Community and Economic Development Department at 832-6468 about obtaining a copy of an existing Special Use Permit and related requirements that may run with property.

No  If no, please contact the Community and Economic Development Department at 832-6468 about obtaining a Special Use Permit. A Special Use Permit may be required for your business activity prior to the issuance of a Liquor License, pursuant to the City of Appleton Zoning Ordinance.

9. If alcohol sales were a previous use in this building, when did the operation cease?

0 months ago.

10. Seating capacity: Inside line Outside —

11. Operating hours (Inside the building): 6 AM to 10 PM  
Operating hours (Outdoor seating areas): —

12. Employees/Staff

Number of floor personnel 2 Number of door checkers —

13. In general, state the size and operational details of the proposed establishment:

a. Gross floor building area of the premises to be licensed: 28/28 square feet.

b. Gross outdoor seating areas of the premises to be licensed: — square feet.

c. Below, identify the operational details of the proposed establishment:

convenience store and walk in cooler

[Signature]  
Signature

02/02/2024  
Date

REC 1754-001  
2-2-21

# Application for Cigarette and Tobacco Products Retail License

MUNICIPAL USE ONLY

Submit to municipal clerk.

License Number
Period Covered
Date of Issuance

Applicant's Wisconsin 15-digit Sales Tax Account Number

← This must be issued in the same Legal Name of the licensee below.

Legal Name (corporation, limited liability company, partnership or sole proprietorship) <b>Kedar LLC</b>		Federal Employer Identification No. (FEIN) 	
Trade or Business Name (if different than Legal Name) <b>Appleton Clark</b>		Telephone Number 	
Business Address (License Location) <b>1200 W Wisconsin Ave</b>		Business Located In <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town	Business Telephone ( )
Municipality	State <b>WI</b>	Zip Code <b>54914</b>	County <b>of: Appleton</b>
Mailing Address (if different than Business Address)		Municipality	State <b>WI</b> Zip Code

Organization (check one)

- Sole Proprietor       Wisconsin Corporation – Enter date incorporated: \_\_\_\_\_  
 Partnership       Out-of-State Corporation – Are you registered to do business in Wisconsin?     Yes     No  
 Other (describe)    LLC

- Yes     No    1. Does the applicant understand that they must purchase cigarettes only from distributors or jobbers who hold a permit with the Wisconsin Department of Revenue?  
 Yes     No    2. Does the applicant understand that they must obtain a Tobacco Products Distributor permit if purchasing untaxed tobacco products from an out-of-state company? (Tobacco Products Distributor permit is available from the Wisconsin Department of Revenue at 608-266-6701. See application form CTP-129, [revenue.wi.gov/forms/excise/ctp-129.pdf](http://revenue.wi.gov/forms/excise/ctp-129.pdf).)  
 Yes     No    3. Does the applicant understand that they cannot purchase/exchange cigarettes or tobacco products from another retailer, including transferring existing stock to a new owner?  
 Yes     No    4. Does the applicant understand that they must provide employees with tobacco sales training approved by the Wisconsin Department of Health Services? (<https://witobaccocheck.org>)  
 Yes     No    5. Does the applicant understand that they may not sell, give or otherwise provide cigarettes/tobacco products and nicotine products to minors (including electronic cigarettes containing nicotine)?  
 Yes     No    6. Does the applicant understand that they may not sell single cigarettes?  
 Yes     No    7. Does the applicant understand that cigarette and tobacco products invoices must be kept on the licensed premises for two years from the date of the invoice and be available for inspection by the Wisconsin Department of Revenue/law enforcement and that failure to comply can result in criminal penalties, including loss of cigarettes/tobacco products?  
 Yes     No    8. Does the applicant understand that only cigarettes and roll-your-own (RYO) tobacco products listed on the Wisconsin Department of Justice's website labeled "Directory of Certified Tobacco Manufacturers and Brands" at [www.doj.state.wi.us/dls/tobacco-directory](http://www.doj.state.wi.us/dls/tobacco-directory) may be sold in Wisconsin?

Cigarettes / Tobacco will be sold     over counter     through vending machine     both

**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 applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another.

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. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

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

# Application for Cigarette and Tobacco Products Retail License

MUNICIPAL USE ONLY

Submit to municipal clerk.

License Number
Period Covered
Date of Issuance

Applicant's Wisconsin 15-digit Sales Tax Account Number  
 [Redacted]

← This must be issued in the same Legal Name of the licensee below.

Legal Name (corporation, limited liability company, partnership or sole proprietorship) M.D Tobacco & Snacks, LLC		Federal Employer Identification No. (FEIN) [Redacted]	
Trade or Business Name (if different than Legal Name) M.D Tobacco & Snacks		Telephone Number [Redacted]	
Business Address (License Location) 1415 West Kamps Ave #4		Business Located In <input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Town	Business Telephone (920) 381-5997
Municipality	State WI	Zip Code 54914	County outagamie
Mailing Address (if different than Business Address) 331 N pine st Kimbely		Municipality	State WI
			Zip Code 54136

Organization (check one)

- Sole Proprietor
- Partnership
- Other (describe) \_\_\_\_\_
- Wisconsin Corporation – Enter date incorporated: 1/24/21
- Out-of-State Corporation – Are you registered to do business in Wisconsin?  Yes  No

- Yes  No 1. Does the applicant understand that they must purchase cigarettes and tobacco products only from distributors, jobbers, or subjobbers, who hold a permit with the Wisconsin Department of Revenue?
- Yes  No 2. Does the applicant understand that they must obtain a Tobacco Products Distributor permit if purchasing untaxed tobacco products from an out-of-state company? (Tobacco Products Distributor permit is available from the Wisconsin Department of Revenue at 608-266-6701. See application form CTP-129, [revenue.wi.gov/dor/forms/ctp-129.pdf](http://revenue.wi.gov/dor/forms/ctp-129.pdf).)
- Yes  No 3. Does the applicant understand that they cannot purchase/exchange cigarettes or tobacco products from another retailer, including transferring existing stock to a new owner?
- Yes  No 4. Does the applicant understand that they must provide employees with tobacco sales training approved by the Wisconsin Department of Health Services? (<https://witobaccocheck.org>)
- Yes  No 5. Does the applicant understand that they may not sell, give or otherwise provide cigarettes/tobacco products and nicotine products to minors (including electronic cigarettes containing nicotine)?
- Yes  No 6. Does the applicant understand that they may not sell single cigarettes?
- Yes  No 7. Does the applicant understand that cigarette and tobacco products invoices must be kept on the licensed premises for two years from the date of the invoice and be available for inspection by the Wisconsin Department of Revenue/law enforcement and that failure to comply can result in criminal penalties, including loss of cigarettes/tobacco products?
- Yes  No 8. Does the applicant understand that only cigarettes and roll-your-own (RYO) tobacco products listed on the Wisconsin Department of Justice's website labeled "Directory of Certified Tobacco Manufacturers and Brands" at [www.doj.state.wi.us/dls/tobacco-directory](http://www.doj.state.wi.us/dls/tobacco-directory) may be sold in Wisconsin?

Cigarettes / Tobacco will be sold  over counter  through vending machine  both

**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 applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another. 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. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

[Signature] 1/25/21  
(Officer of Corporation / Member / Manager of Limited Liability Company / Partner / Individual)

### Applicable Laws and Rules

This document provides statements or interpretations of the following laws and regulations in effect as of September 19, 2019: Sections 134.65, 134.66, 139.321, 139.79, 139.76, 995.10, and 995.12, Wis. Stats.

# Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name)		(first name)		(middle name)	
Ziebell		Tara		Elizabeth	
Home Address (street/route)		Post Office	City	State	Zip Code
609 N. Drew St			Appleton	WI	54911
Home Phone Number		Age	Date of Birth	Place of Birth	
[REDACTED]		[REDACTED]	[REDACTED]		

The above named individual provides the following information as a person who is (check one):

- Applying for an alcohol beverage license as an **individual**.
- A member of a **partnership** which is making application for an alcohol beverage license.
- Agent of Apollon II LLC  
(Office / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

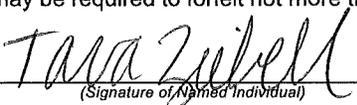
The above named individual provides the following information to the licensing authority:

- How long have you continuously resided in Wisconsin prior to this date? 4 yrs.
- Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality?  Yes  No  
 If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)
- Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or municipality?  Yes  No  
 If yes, describe status of charges pending.
- Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit?  Yes  No  
 If yes, identify. \_\_\_\_\_  
(Name, Location and Type of License/Permit)
- Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?  Yes  No  
 If yes, identify. \_\_\_\_\_  
(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

Employer's Name <u>Apollon</u>	Employer's Address <u>207 N. Appleton St</u>	Employed From <u>6/19</u>	To <u>Now</u>
Employer's Name <u>Houdini's</u>	Employer's Address <u>1216 S. Onieda</u>	Employed From <u>1/18</u>	To <u>6/19</u>

**READ CAREFULLY BEFORE SIGNING:** Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

  
 \_\_\_\_\_  
(Signature of Named Individual)

# Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of:  Town  Village  City of Appleton County of Outagamie

The undersigned duly authorized officer/member/manager of Apollon II LLC  
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as \_\_\_\_\_  
(Trade Name)  
located at 207 N. Appleton St. Appleton, WI 54911

appoints Tara Ziebell  
(Name of Appointed Agent)  
609 N. Drew St. Appleton, WI 54911  
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes  No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course?  Yes  No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 00 yrs

Place of residence last year 609 N. Drew St Appleton, WI 54911

For: Apollon  
(Name of Corporation / Organization / Limited Liability Company)

By: [Signature]  
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

### ACCEPTANCE BY AGENT

I, Tara Ziebell, hereby accept this appointment as agent for the  
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Tara Ziebell  
(Signature of Agent)  
609 N. Drew St. Appleton, WI 54911  
(Home Address of Agent)

Agent's age 00  
Date of birth 000000

### APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on \_\_\_\_\_ by \_\_\_\_\_ Title \_\_\_\_\_  
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)



## REPORT TO COMMON COUNCIL

**Plan Commission Informal Hearing Meeting Date:** January 26, 2021

**Common Council Public Hearing Meeting Date:** February 17, 2021  
(Public Hearing on Rezoning)

**Item:** Rezoning #11-20 – Bruce B. Purdy Nature Preserve Trail Rezoning

**Case Manager:** Jessica Titel

### GENERAL INFORMATION

**Owner/Applicant:** William Breider III – YMCA of the Fox Cities

**Address/Parcel #:** Part of 7476 N. Purdy Parkway (Tax Id #31-1-9203-36)

**Petitioner's Request:** The applicant is requesting a zoning change from R-1B Single-Family District to NC Nature Conservancy District to accommodate a land transfer and maintain the use of the existing trail that connects to the adjacent Bruce B. Purdy Nature Preserve.

### BACKGROUND

The area of land included in the rezoning contains a trail that connects to the Bruce B. Purdy Nature Preserve that is owned by the YMCA of the Fox Cities. The trail was originally located on the single family lot and this land area was transferred to the YMCA. A previous deed has been recorded to transfer the subject land area; however, a Certified Survey Map is required to formalize the new lot configuration. Certified Survey Map #18-20 is currently under review and it is anticipated to be approved by staff following Common Council approval of this rezoning request.

### STAFF ANALYSIS

**Existing Conditions:** The subject area is approximately 3,221 square feet in size and is located along North Purdy Parkway in the Apple Hill Farms subdivision. The land area included in this rezoning contains an existing trail connection to the Bruce B. Purdy Nature Preserve. Purdy Parkway is classified as a local street on the City's Arterial/Collector Plan. A new single family home is currently under construction on the parcel.

#### **Surrounding Zoning Classification and Land Uses:**

North: NC Nature Conservancy District. The adjacent land use to the north is currently a passive recreation and nature conservancy area (Bruce B. Purdy Nature Preserve)

South: R-1B Single-Family District. The adjacent land use to the south is currently single-family residential.

East: NC Nature Conservancy District. The adjacent land use to the east is currently a passive recreation and nature conservancy area (Bruce B. Purdy Nature Preserve)

West: R-1B Single-Family District. The adjacent land use to the west is currently single-family residential.

**Proposed Zoning Classification:** The purpose of the NC Nature Conservancy District is to (1) Discourage development and disturbance to the natural environment in areas with unique features. (2) Give primary consideration to outdoor recreation and forestry pursuits. (3) Provide areas where native flora and fauna may prosper in a natural habitat. Per Section 23-101(e) of the Municipal Code, the development standards for the NC District are listed below:

- 1) *Minimum lot area.* None.
- 2) *Minimum lot width.* None.
- 3) *Minimum front yard.* Twenty-five (25) feet.
- 4) *Minimum rear yard.* Twenty-five (25) feet.
- 5) *Minimum side yard.* Twelve (12) feet.
- 6) *Maximum building height.* Twenty-five (25) feet.

**Zoning Ordinance Review Criteria:** The parcel is currently zoned R-1B Single Family District. The request is being made to accommodate a land transfer and maintain the use of the existing trail that connects to the adjacent Bruce B. Purdy Nature Preserve. A previous deed has been recorded to transfer the subject land area to the YMCA; however, the land area that was transferred for the trail does not meet the minimum lot size requirement for the R-1B District. Therefore, a rezoning is necessary to accommodate the proposed lot configuration. The existing trail use is consistent with the purpose and intent of the Nature Conservancy District.

Section 23-40(b) states that there shall not be more than one (1) zoning district on any parcel of land. The recently submitted CSM (CSM #18-20) will create a separate outlot for the NC Nature Conservancy zoned land area and to establish an outlot for trail. It is anticipated the CSM be approved by staff following Common Council approval of this rezoning request.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies this parcel for future One and Two Family Residential land use. The proposed NC Nature Conservancy District rezoning is consistent with the Future Land Use Map. Chapter 10 of the Comprehensive Plan states that “*parks and open spaces should be arranged to maximize the interconnectivity of open space throughout the subdivision and connecting to adjacent parcels.*” This rezoning and land transfer accommodates and preserves an existing trail connection to the Bruce B Purdy Nature Preserve. Listed below are related excerpts from the City’s Comprehensive Plan 2010-2030.

*OBJECTIVE 10.1 Land Use:*

*Provide an adequate supply of suitable land meeting the demand for development of various land uses.*

*OBJECTIVE 6.3 Transportation:*

*Create an environment that is safe and conducive to walking and bicycling throughout the entire city.*

**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. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

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 policies stated above and the Future Land Use map, which identifies this property as future One and Two Family Residential land use.*
  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. *Open space and passive recreational land uses are already present to the north of the subject site. The rezoning request is being made to accommodate a land transfer and maintain the use of the existing trail that connects to the adjacent Bruce B. Purdy Nature Preserve. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

**Technical Review Group Report (TRG):** This item appeared on the January 5, 2021 Technical Review Group agenda. No negative comments were received from participating departments.

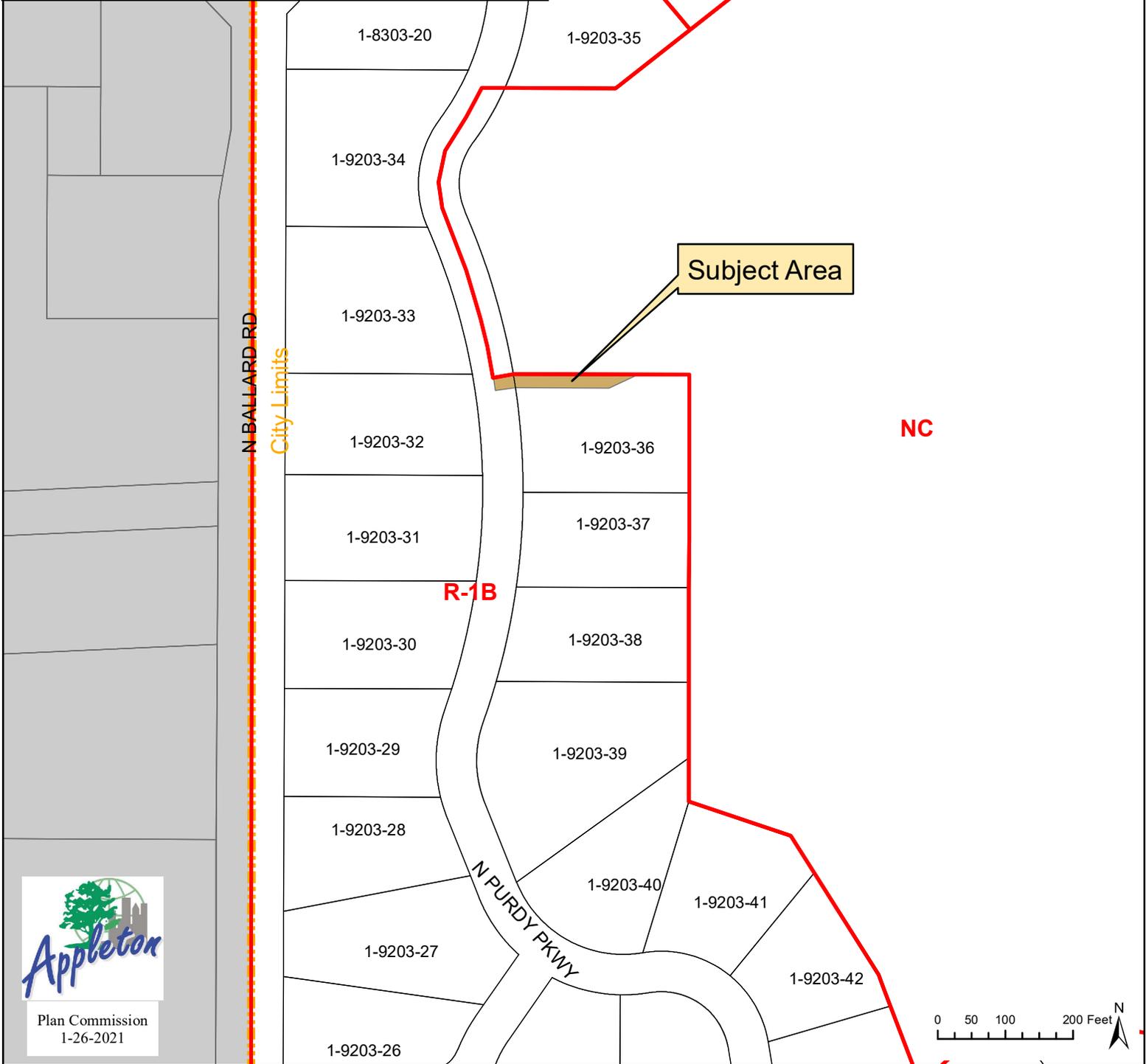
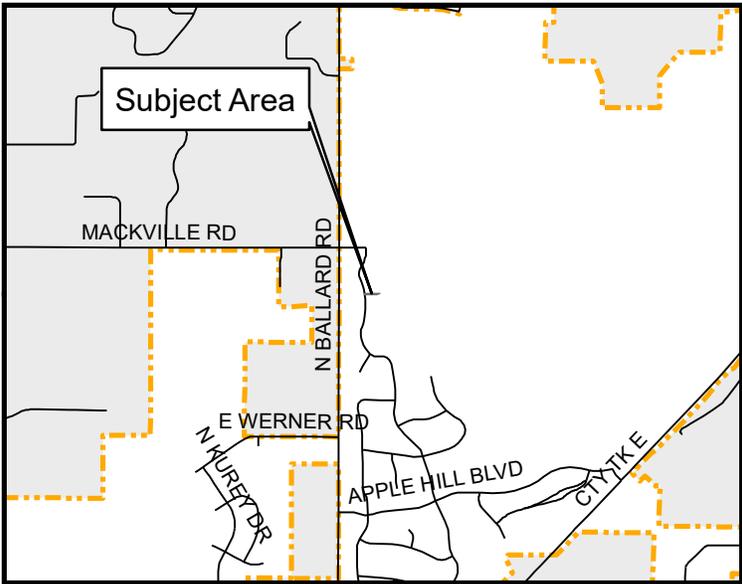
**RECOMMENDATION**

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #11-20 to rezone the subject parcel, part of 7476 N. Purdy Parkway (Tax Id #31-1-9203-36), from R-1B Single-Family District to NC Nature Conservancy District, including all of the adjacent one-half right-of-way of North Purdy Parkway, as shown on the attached maps, **BE APPROVED**.

**FUTURE ACTIONS:**

To formalize and the land transfer and create the separate outlot for the existing trail (subject area for this rezoning), the applicant shall receive approval for and record CSM #18-20. It is anticipated the CSM will be approved by staff following Common Council approval of this rezoning request.

Rezoning  
7476 N. Purdy Parkway  
R1-B Single Family District to  
NC Nature Conservancy District  
Zoning Map



Rezoning  
7476 N. Purdy Parkway  
R1-B Single Family District to NC Nature Conservancy District  
Aerial Map

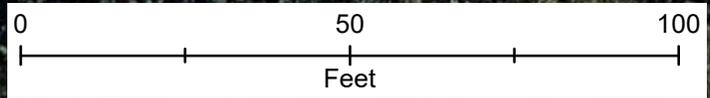


N PURDY PKWY

Subject Area



City Plan Commission  
1-26-2021



LEGAL DESCRIPTION:

PART OF LOT 136 OF APPLE HILL FARMS III AS DOCUMENT NO. 1697626 AND PART OF ADJACENT PURDY PARKWAY RIGHT-OF-WAY, LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 136; THENCE SOUTH 89 DEGREES 45 MINUTES 46 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 136, A DISTANCE OF 184.21 FEET; THENCE SOUTH 65 DEGREES 15 MINUTES 50 SECONDS WEST 47.37 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 46 SECONDS WEST 138.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 136; THENCE SOUTH 81 DEGREES 32 MINUTES 00 SECONDS WEST 30.00 FEET; THENCE NORTHWESTERLY ALONG THE CENTERLINE OF PURDY PARKWAY, 19.67 FEET, ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1000.00 FEET AND A CHORD THAT BEARS NORTH 09 DEGREES 01 MINUTES 49 SECONDS WEST 19.67 FEET; THENCE NORTH 80 DEGREES 24 MINUTES 22 SECONDS EAST 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3,821 SQUARE FEET (0.088 ACRES) OF LAND, MORE OR LESS, INCLUDING THE ADJACENT 1/2 ROAD RIGHT-OF-WAY OF NORTH PURDY PARKWAY.





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** January 26, 2021

**Common Council Public Hearing Meeting Date:** February 17, 2021  
(Public Hearing on Rezoning)

**Item:** Rezoning #1-21 – Cain Annexation (675 E. Edgewood Drive)

**Case Manager:** Jessica Titel

### GENERAL INFORMATION

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**Owner/Applicant:** Larry & Cheryl Cain

**Address/Parcel:** 675 E. Edgewood Drive (Tax Id. #31-6-5824-00, formerly Tax Id. 101038801 in the Town of Grand Chute)

**Petitioner's Request:** To assign a permanent zoning classification to newly annexed property, pursuant to Section 23-65(e) of the Municipal Code, from temporary AG Agricultural District to R-1A Single-Family District.

### BACKGROUND

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On January 20, 2021, Common Council adopted Ordinance 2-21, to annex the subject area from the Town of Grand Chute to the City of Appleton. The subject property was officially annexed to the City on January 26, 2021 at 12:01 a.m.

The subject property was annexed to the City with a Temporary AG Agricultural District zoning classification. During review of the Cain Annexation, the Plan Commission initiated the process to rezone the subject property from Temporary AG Agricultural District to R-1A Single-Family District at the January 12, 2021 meeting.

### STAFF ANALYSIS

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**Existing Site Conditions:** The subject parcel is approximately 0.77 acres in size and located south of East Edgewood Drive and east of North Waterford Drive. The subject property connects to the City of Appleton at East Edgewood Drive, which is identified as an arterial street on the City's Arterial/Collector Plan. Currently, the subject property consists of one single-family home and a detached accessory structure.

#### **Surrounding Zoning Classification and Land Uses:**

North: R-1A and Town of Grand Chute. The adjacent land use to the north is currently City of Appleton public right-of-way and residential (Town of Grand Chute).

South: R-1A Single Family Residential. The adjacent land use to the south is currently single family residential.

East: R-1A Single Family Residential. The adjacent land use to the east is currently single-family residential.

West: Town of Grand Chute. The adjacent land use to the west is currently single-family residential.

**Proposed Zoning Classification:** The purpose of the R-1A Single-Family District is to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on larger sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. The development standards for the R-1A District are listed below:

- 1) **Minimum lot area:** 8,000 square feet.
- 2) **Maximum lot coverage:** 40%.
- 3) **Minimum lot width:** 70 feet.
- 4) **Minimum front yard:** 20 feet (25 feet on arterial street).
- 5) **Minimum rear yard:** 25 feet.
- 6) **Minimum side yard:** 8 feet.
- 7) **Maximum building height:** 35 feet.

**Zoning Ordinance Review Criteria:** Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with permanent zoning taking place following the annexation process. All territory annexed to the City is assigned a zoning classification as recommended by Plan Commission. The Plan Commission shall consider the following criteria in selection of an appropriate zoning district for the annexed land:

- The existing land uses within the territory to be annexed;
- The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
- The comprehensive plan of the City.

In this case, the Plan Commission initiated a rezoning for the subject property, from temporary AG Agricultural District to a permanent zoning classification of R-1A Single-Family District. A rezoning initiated directly by Plan Commission is processed in accordance with Section 23-65(d), Zoning Map Amendments, which includes review and action by the Common Council. If approved, any future development would need to conform to the R-1A District zoning regulations listed above and other sections of the Zoning Ordinance.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future One and Two-Family Residential uses. The proposed R-1A Single-Family District zoning classification is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

*Goal 1 – Community Growth*

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

*Goal 3 – Housing Quality, Variety, and Affordability*

*Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.*

*5.1 OBJECTIVE: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.*

*5.3 OBJECTIVE: Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.*

**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 goals and objectives stated above and the Future Land Use Map, which identifies this area for future one and two family residential land uses.*
  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. *City sanitary sewer and water infrastructure is already installed within East Edgewood Drive.*

2. The effect of the proposed rezoning on surrounding uses. *Single-family residential uses are already located to the north, south, west and east of the subject site. 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 December 22, 2020 Technical Review Group meeting. No negative comments were received from participating departments.

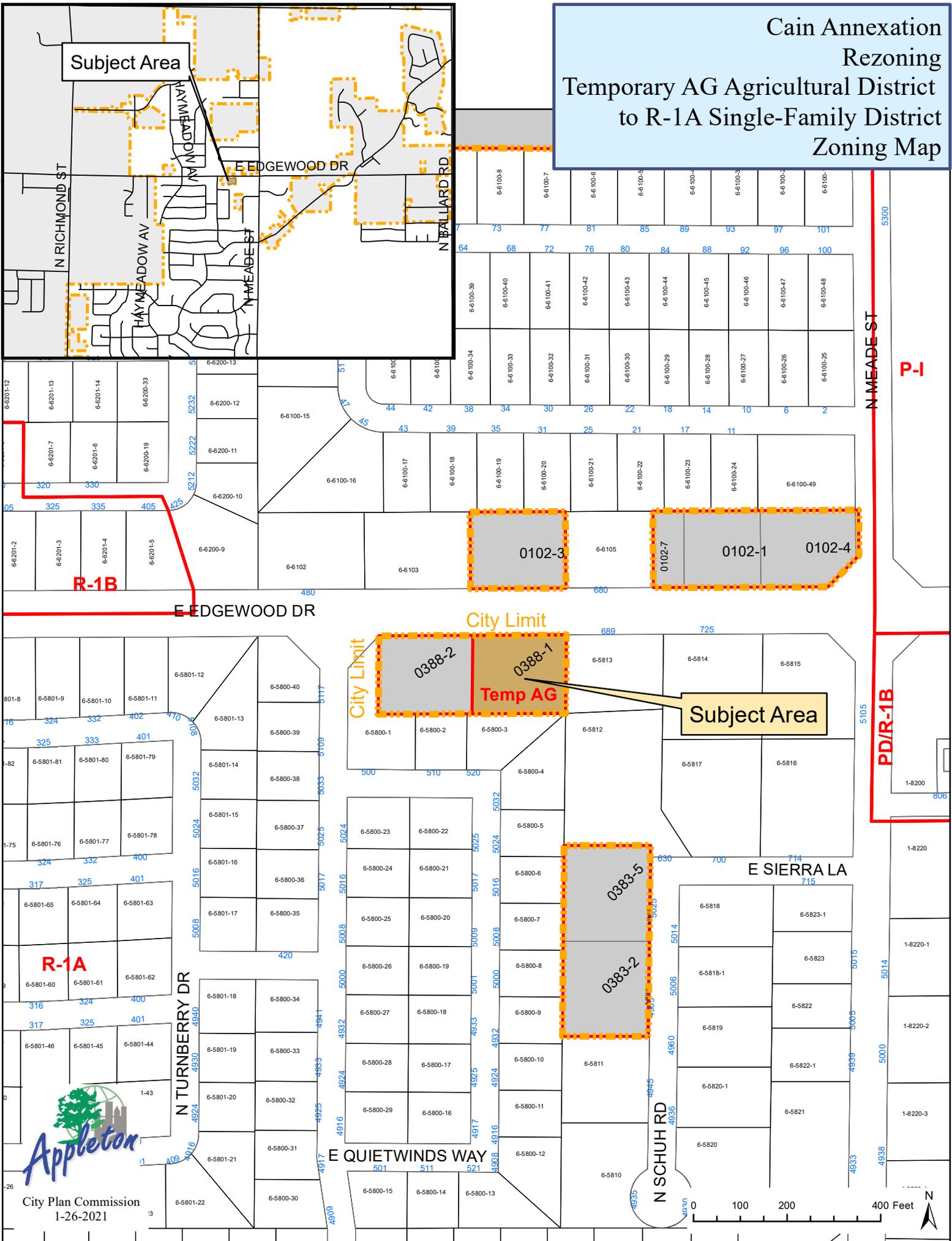
### **RECOMMENDATION**

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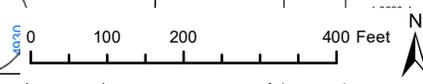
Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #1-21 to rezone the subject parcel located at 675 E. Edgewood Drive (Tax Id. #31-6-5824-00, formerly Tax Id. 101038801 in the Town of Grand Chute) from temporary AG Agricultural District to R-1A Single-Family District, as shown on the attached map, **BE APPROVED**.

# Cain Annexation Rezoning Temporary AG Agricultural District to R-1A Single-Family District Zoning Map

Subject Area



City Plan Commission  
1-26-2021



Cain Annexation  
Rezoning  
Temporary AG Agricultural District  
to R-1A Single-Family District  
Aerial Map

E EDGEWOOD DR

City Limits

Subject Area



City Plan Commission  
1-26-2021

RENE WAY



**THE TRUSTEE OF THE LARRY W. CAIN AND CHERYL S. CAIN REVOCABLE TRUST DATED  
SEPTEMBER 17, 2012**

**Owner: THE TRUSTEE OF THE LARRY W. CAIN AND CHERYL S. CAIN REVOCABLE TRUST DATED SEPTEMBER 17, 2012**

**Document #1961083**

**PARCEL: 31-6-5824-00 (formerly 101038801)**

A part of the West One-half ( $W \frac{1}{2}$ ) of the Northeast Quarter ( $NE \frac{1}{4}$ ) of the Northeast Quarter ( $NE \frac{1}{4}$ ) of Section Eleven (11), Township Twenty-one (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, and being further described as follows:

Commencing at the Northeast corner of said Section 11;

Thence South  $88^{\circ}40'17''$  West 659.12 feet coincident with the North line of the Northeast  $\frac{1}{4}$  of said Section 11;

Thence South  $00^{\circ}30'17''$  East 50.00 feet to the point of beginning;

Thence continue South  $00^{\circ}30'17''$  East 167.80 feet;

Thence South  $88^{\circ}40'17''$  West 200.00 feet;

Thence North  $00^{\circ}30'17''$  West 167.80 feet;

Thence North  $88^{\circ}40'17''$  East 200.00 feet to the point of beginning.



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** February 9, 2021

**Common Council Meeting Date:** February 17, 2021

**Item:** Preliminary Plat – Apple Ridge 2

**Prepared By:** Don Harp, Principal Planner

### GENERAL INFORMATION

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**Owner/Applicant:** Apple Tree - Appleton Four, LLC c/o Jason Mroz

**Consulting Engineering Firm:** Davel Engineering & Environmental, Inc. (John Davel, P.E. and James R. Sehloff, P.L.S.)

**Location:** East of the first phase of Apple Ridge subdivision (See zoning and aerial maps)

**Tax Id Numbers:** 31-1-8307-00, 31-1-8307-03, 31-1-8307-04, and 31-1-8307-05

**Petitioner's Request:** The applicant is proposing to subdivide the property for single-family residential development (Phase 2 of the Apple Ridge Community).

### BACKGROUND

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The subject property was included in the Apple Ridge Annexation that was approved by the Plan Commission on August 7, 2018 and by the Common Council on August 15, 2018. The subject property was officially annexed to the City on August 21, 2018.

Rezoning #9-18 from Temporary AG Agricultural District to R-1B Single-Family District was approved by the Common Council on September 19, 2018.

The Final Plat for Apple Ridge (Phase 1) was approved by the Plan Commission on October 9, 2018 and by the Common Council on October 17, 2018.

Special Use Permit #7-18 for a private recreational facility constructed on Lot 1 of Apple Ridge (Phase 1) subdivision was approved on December 5, 2018 by the Common Council.

### STAFF ANALYSIS

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**Existing Conditions:** The subject area to be subdivided is currently undeveloped. The land area to be platted for single-family residential development totals 34.3711 acres, which will be divided into 92 lots and 3 outlots. Outlots 8 and 10 will be used for stormwater management purposes. Outlot 9 will be deed restricted, in regard to ownership, to Lot 8 of Apple Ridge (Phase 1).

**Preliminary Plat – Apple Ridge 2**  
**February 9, 2021**  
**Page 2**

**Apple Ridge Concept Master Plan:** The lot and road layout shown on the Preliminary Plat is generally consistent with Apple Ridge Concept Master Plan dated April 24, 2018 which is on file with the City.

**Zoning Ordinance Review Criteria:** Lot development standards (Section 23-93 R-1B Single-family district of the Municipal Code) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
  - *The proposed lot numbers 79-170 range in size from 8,236 square feet to 36,283 square feet. The size of the Outlots are as follows: Outlot 8 (17,110 square feet), Outlot 9 (482 square feet; does not meet the lot area requirement) and Outlot 10 (100,319 square feet). All lots and outlots satisfy this requirement, except for Outlot 9.*
- Minimum lot width: Fifty (50) feet.
  - *The typical lot dimensions for the proposed lots are 57 feet X 150 feet. All lots and outlots appear to satisfy this requirement.*
- Minimum front, side, and rear yard setbacks: Twenty (20) foot front yard [twenty-five (25) foot minimum on arterial street], Six (6) foot side yard, and Twenty-five (25) foot rear yard.
  - *Required setbacks for buildings and structures will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
  - *This will be reviewed through the building permit review process.*
- Maximum lot coverage: Fifty percent (50%).
  - *This will be reviewed through the building permit review process.*

**Compliance with the Appleton Subdivision Regulations:** This subdivision complies with the Appleton Subdivision Regulations, except for the following:

*Modification #1:* Proposed lot area for Outlot 9 is 482 square feet, minimum 6,000 square feet is required per Section 17-3(c)(6) and Section 23-93(g)(1) of the Municipal Code. The modification allows for a reduction of lot area from 6,000 square feet to 482 square feet. *Note: Per Preliminary Plat Note #4, this outlot will be deed restricted in regard to ownership, to Lot 8 of Apple Ridge (Phase 1).*

**Compliance with the Appleton Subdivision Regulations (continued):**

*Modification #2:* Proposed Outlot 8 does not abut a dedicated public street. Access to this outlot will come from Outlot 7 (stormwater pond site) located in Apple Ridge (Phase 1) which has road frontage on Baldeagle Drive. Section 17-26 (c)(1) of the Municipal Code requires all lots shall abut on a public street or an approved access. The modification allows for a lot not to abut a dedicated public street temporarily, unless a temporary access easement is proposed. *Per Preliminary Plat Note #3, this outlot will be used for stormwater management.*

*Modification #3:* The proposed Lots 87-89, 109-110, 116, 120-123, 133 and 159-169 range from 2.1 – 3.17 (length) to 1 (width). Per Section 17-26(g) of the Municipal Code, “A proportion of two (2) length to one (1) width shall normally be considered a desirable maximum for lot widths of sixty (60) feet or more.”

In recognition of the environmental features (floodplain, wetlands, navigable stream, and topography) located on this site, this results in a layout with curvilinear street patterns, narrower lot widths and stormwater management areas. Therefore, per Section 17-3(f) of the Municipal Code, when the Common Council finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief to the above-referenced items (*Modification 1, 2 and 3*), provided that the modification(s) meets the following three standards:

- (1) The modification(s) are due to physical features of the site or its location. *Yes, staff concludes the existing environmental features located on this site (topography, floodplain, wetlands, navigable stream) and its location with respect to the existing roads connections and parcel lines influence the location and layout of proposed lots, roads, and stormwater ponds within the development. These features contribute to challenges of designing Apple Ridge 2 in full compliance with the applicable requirements of the Zoning and Subdivision Ordinance.*
- (2) The modification(s) are the least deviation from this ordinance which will mitigate the hardship. *Yes, staff concludes the modifications are minimal deviations and necessary to achieve the residential density shown on the preliminary plat.*
- (3) The modification(s) are not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance. *Yes, staff concludes public safety should not be adversely affected by granting the above-referenced modifications for Apple Ridge 2.*

Based upon the above analysis, it would appear the standards established by Section 17-3(f) Modification of Regulations have been met.

- Any lot containing slopes of 20% or greater will require compliance with Section(s) 17-26(i)(2) and 17-26(i)(2) a. of the Subdivision Ordinance prior to the issuance of a building permit. The intent of this section is to have slopes of 20% and greater shown on the plat. *Compliance with Section(s) 17-26(i)(2) and 17-26(i)(2) a. will be verified through the building permit review process for new home construction on the applicable lots.*

**Access and Traffic:** Vehicular access to the subject lots will be provided by extending Baldeagle Drive and Harrier Lane from Apple Ridge (Phase 1), which will allow the construction of Kestrel Circle. Ultimately, Baldeagle Drive will connect to Lighting Drive extended.

**Surrounding Zoning Classification and Current Land Uses:**

**North:** City Zoning: R-1B Single-Family District  
Town of Grand Chute Zoning: AGD, General Agricultural District  
Current Land Uses – Undeveloped single family lot and Agricultural

**South:** Town of Grand Chute Zoning: AGD, General Agricultural District  
Current Land Uses – Residential and Agricultural

**East:** Town of Grand Chute Zoning: AGD, General Agricultural District  
Current Land Use – Agricultural

**West:** City Zoning: R-1B Single-Family District  
Current Land Use – Single-family residential and wetland/floodplain/navigable stream corridor

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

*Goal 1 – Community Growth*

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

*Goal 3 – Housing Quality, Variety, and Affordability*

*Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.*

**OBJECTIVE 5.3 Housing and Neighborhoods:**

*Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.*

*Policy 5.3.3 Plan for a supply of developable land suitable for residential development.*

**Appleton Comprehensive Plan 2010-2030 (continued):**

*OBJECTIVE 10.1 Land Use:*

*Provide an adequate supply of suitable land meeting the demand for development of various land uses.*

*OBJECTIVE 10.4 Land Use:*

*Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.*

*Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.*

**Parks and Open Space:** Section 17-29 of the Municipal Code requires parkland dedication or fee in lieu of dedication for residential subdivisions. Since no parkland will be dedicated on the subject property, park fees will be due prior to the City signing the Final Plat. For lots zoned R-1B Single-Family District, park fees are \$300 per lot for a total of \$27,600.

**Plat Progress and Technical Review Group Report (TRG):**

- 12-29-20 - Preliminary Plat Application, Plat Review Fee and Plat Maps submitted to City Hall.
- 12-30-20 - Item added to the January 5, 2021 TRG Agenda and distributed to City staff.
- 12-30-20 - DPW (Engineering): A water main easement from Baldeagle Drive to the east end of plat (and eventually to Lightning Dr.) to install at least an 8” water main. Anywhere between Lots 149 and 157. A minimum of 10’ wide due to the narrow lot layouts. Normal is 20’ for one utility. Add as a condition of approval.
- 1-4-21 - DPW (Engineering): Stormwater and Erosion Control application and review fee was not submitted with the Preliminary Plat submittal.
- 1-5-21 - Community and Economic Development Department (Planning): Modification waivers to the following will be needed: 1. Lot depth to width ratio requirement for applicable proposed lots, Outlot 8 does not abut a dedicated public street, proposed lot area for Outlot 9 is 482 which does not meet the minimum lot area requirements of Section 23-93(g)(1) of the Municipal Code. These modification waivers are similar to those approved for Apple Ridge (Phase 1).
- 1-5-21 - No other (TRG) comments were received from participating departments.
- 1-25-21 - DPW (Engineering): Preliminary Plat can proceed to Plan Commission and Common Council with the condition, “A Stormwater Permit Application with Stormwater Management Plan and Engineering Plans have been submitted for review. Review and comment by City Stormwater review consultant are pending. All such comments must be addressed on the final plat”.
- 1-27-21 - Preliminary Plat filed with City Clerk’s Office.

**Review and Decision by Plan Commission:** The Plan Commission shall, within 60 days of the date of the filing of Preliminary Plat with the City Clerk, recommend approval, conditional approval or denial of the plat to the Common Council, unless time is extended by agreement in writing between the City and Owner.

**Review and Decision by Common Council:** The Common Council shall, after receipt of the Plan Commission recommendation and within 90 days of the date of the filing of Preliminary Plat with the City Clerk and approval, approval with conditions or deny the plat, unless time is extended by agreement in writing between the City and Owner.

### **RECOMMENDATION**

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The Apple Ridge 2 Preliminary Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. The following information is to be provided on the Final Plat:
  - a. A water main easement from Baldeagle Drive to the east end of plat (and eventually to Lightning Drive) to install at least an 8” water main. The minimum 10 foot wide water main easement may be placed anywhere between Lots 149 and 157.
  - b. If applicable, in the notes section, identify all affected lot numbers containing slopes of twenty percent (20%) and greater and add the following language: *“Lands having a slope of twenty percent (20%) and greater shall be maintained in permanent open space use, unless the following items are submitted to the City of Appleton Public Works Department for review and approval prior to the issuance of a building permit: The application for a building permit shall be accompanied by a Drainage and Grading Plan, an Erosion Control Plan, a Plot Plan and a Building Foundation Design Plan prepared by a licensed professional civil engineer or structural engineer registered in the State of Wisconsin, trained and experienced in the practice of geotechnical engineering. The engineer shall provide the design and supervision such that, in the engineer’s opinion, the development does not and will not compromise in any way the stability of the soil on site or soil on lands which are adjacent and will not cause or contribute to such soils becoming susceptible to land slip, land slide, rock fall, mud flow, debris flow, erosion, slumping, settling or other such occurrence.”*
2. Grant modifications #1, #2 and #3 listed under “Compliance with the Appleton Subdivision Regulations” above in the staff report for Lot Numbers 87-89, 109-110, 116, 120-123, 133, and Outlots 8 and 9.
3. A Stormwater Permit Application with Stormwater Management Plan and Engineering Plans have been submitted for review. Review and comment by City Stormwater review consultant are pending. All such comments must be addressed on the final plat.

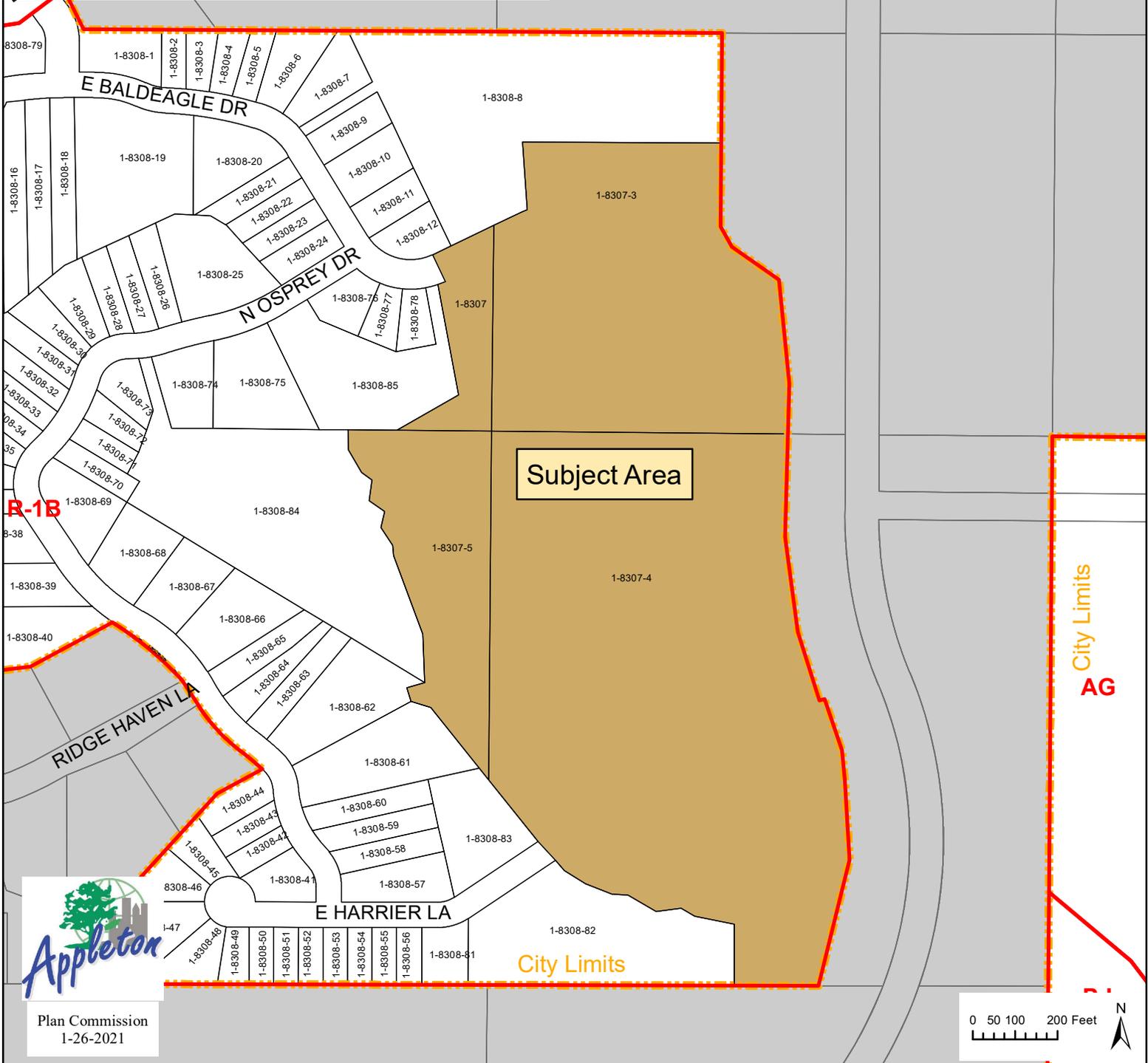
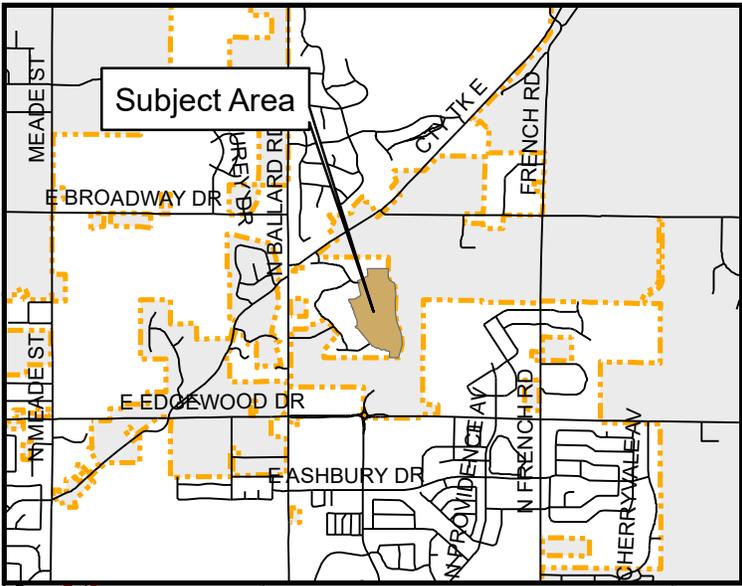
**Preliminary Plat – Apple Ridge 2**

**February 9, 2021**

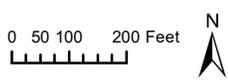
**Page 7**

4. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
5. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
6. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.

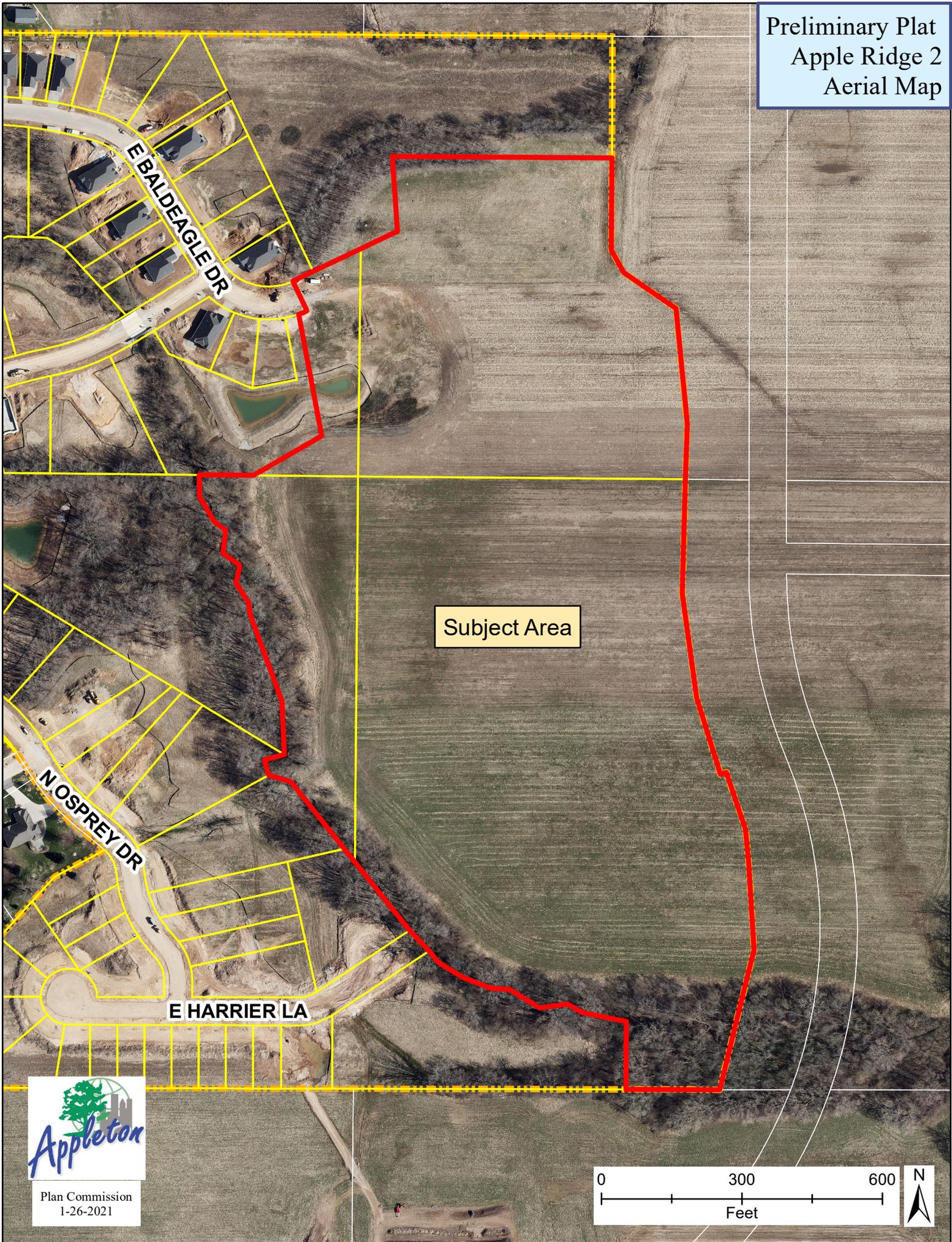
# Preliminary Plat Apple Ridge 2 Zoning Map



Plan Commission  
1-26-2021



Preliminary Plat  
Apple Ridge 2  
Aerial Map



Subject Area



Plan Commission  
1-26-2021







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

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

**TO:** Chairperson Kyle Lobner and Members of the Finance Committee

**FROM:** Chris Shaw, Utilities Director  
Paula Vandehey, Public Works Director

**DATE:** February 2, 2021

**RE:** *Award Change Order 1 for the Phase I Lake Station Construction Contract to Miron Construction Company in an amount \$173,214.65 decreasing project contingency from \$360,700 to \$187,485.35*

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**BACKGROUND:**

The Appleton Water Treatment Facility (AWTF) draws and treats raw water from Lake Winnebago through the Raw Water Lake Station (RWLS). The RWLS is the largest satellite facility within the Appleton Water Utility. The station processes raw water through screening and pretreatment oxidation. Once pretreated, the water is pumped to the AWTF. The intent of this project is to address reliability and redundancy in raw water treatment and to meet current regulatory standards under Wisconsin Administrative Code.

This project is currently in the construction phase with Miron Construction Company as the general contractor. The project is approximately 65% complete with installations of two new travelling screens, a new conveyance system for wastes to be collected, and electrical motor control centers. Over the course of 2021, this project will also be addressing the pretreatment chemical delivery system, sampling and collection, incoming high voltage power and distribution, as well as other necessary building systems (e.g., roof, HVAC, noise mitigation system, etc.).

This project was designed to be integrated with the 2021 phase II project which will provide for a redundant raw water line from the lake station to the water plant. The phase II pipe route is currently being finalized with the Village of Harrison and the City of Menasha. The City's Department of Public Works is currently the design engineer and will provide field services during construction for phase II.

In an effort to produce a lower project cost, City staff and McMahon Associates produced project specifications for the pipe integration which will, if approved with this change order, transfer some project elements from phase II to phase I. This recommendation includes transferring the necessary valve, fittings, actuator, and controls to phase I. Also included are all the labor and materials along with the concrete coring.

**FUNDING:**

Due to construction cost reductions at this time and a currently unused contingency fund, I feel it is appropriate to request funding for this change order under the current Miron Construction Company contract. It should be noted that the Phase II construction bids will be reduced by the transfer of this work into Phase I.

**RECCOMENDATION:**

Award Change Order 1 for the Phase I Lake Station Construction Contract to Miron Construction Company in an amount \$173,214.65 decreasing project contingency from \$360,700 to \$187,485.35

If you need more information regarding this phase of the project please contact Chris Shaw at 832-5945.



# Change Order Request

**Date:** 01/20/2021  
**To:** Sharon Koehler  
 McMahon Associates Inc  
 PO Box 1025  
 Neenah, WI 54957-1025

**Re:** Appleton Intake & Shore Well Pumping Station  
 Menasha, WI 54952  
**Project:** 202360

**Reference Document:** PCI0006

**Change Description:** CB 03 - Furnish and install of associated mechanical and electrical components in regards to phase 2 construction.

Contractor	Description	Amount
August Winter & Sons Inc	HVAC	\$151,972.00
Enterprise Electric Inc	ELECTRICAL	\$11,005.00
Omni Glass & Paint, LLC	PAINTING & WALL COVERING	\$356.00
<b>* SUB-TOTAL *</b>		<b>\$163,333.00</b>
Management Fee - Subcontractor		\$8,166.65
<b>* SUB-TOTAL *</b>		<b>\$171,499.65</b>
Bond		\$1,715.00
<b>** TOTAL **</b>		<b>\$173,214.65</b>

Impacted Calendar Days: 0

All terms of our agreement apply and preclude Miron Construction Co., Inc. from performing any extra work without approval. Please provide your approval by signing this request.

*Ryan Wagner / rji*

01/20/2021

Ryan Wagner  
 Miron Construction Co., Inc.

Date:

Owner Representative  
 McMahon Associates Inc

Date:

This quote expires on: 02/12/2021



**AUGUST WINTER & SONS, INC.**  
MECHANICAL CONTRACTOR & FABRICATOR

www.augustwinter.com

2323 N. Roemer Road  
Appleton, WI 54911  
PO Box 1896  
Appleton, WI 54912-1896  
P: (920) 739-8881  
F: (920) 739-2230

5613 Schofield Ave.  
Schofield, WI 54476  
P: (715) 355-7555  
F: (715) 355-9048

December 30, 2020

Miron Construction  
Ryan Wagner

6

**CHANGE ORDER PRICE AND BREAKDOWN**

**Project/Job#: 83520 Appleton Water Intake**  
**Description: CB-003**

Our change order price and breakdown follows:

**August Winter**

Material.....	\$	92,700
Labor**..... 200 hrs	\$	13,098
Direct Costs.....	\$	4,977
Equipment Rental.....	\$	7,500
Indirect Costs.....	\$	1,440
Subtotal.....	\$	119,715
Overhead.....	\$	17,957
Total.....	\$	137,672

**Subcontracts**

Total Subcontractor Costs.....	\$	13,000
Subcontractor Markup.....	\$	1,300
Total Subcontractor Costs w/overhead.....	\$	14,300
Total AWS/Subcontractor Costs.....	\$	151,972
Profit/Bond.....	\$	-

**Change Order Total..... \$ 151,972**

Time extension required is 13 days.

This quotation based upon acceptance within 30 days.

\*\* Labor rate may include multiple trades with straight and premium time.

Exclusions:

*Kurt Van Grinsven*

August Winter & Sons, Inc.  
PH: 920-739-8881 FX: 920-739-2230

VISIT OUR WEB SITE AT WWW.AUGUSTWINTER.COM

Branch Office: 5613 Schofield Avenue \* Schofield, WI 54476 \* PH: 715/355-7555 \* FAX: 715/355-9048

HVAC \* PLUMBING \* TANK FABRICATION \* PROCESS PIPING \* IND. SHEETMETAL

SPECIALTY METAL FAB. \* ASME PRESSURE VESSELS \* ASME CODE WELDING \* 24 HR. SERVICE \* ENGINEERING

STATE OF WISCONSIN LICENSED MASTER PLUMBERS LICENSE NUMBER R7105R

**August Winter Sons, Inc.**  
**Change Order/Small Projects Report**

**Project/Job#: 83520 Appleton Water Intake**  
**Description: CB-003**

**Date: 12/30/2020**

**Change Order #: 6**

**MATERIAL**

Material Credit w/restocking	.....	0.00
Material ADD	.....	\$ 92,700.00
Sales Tax	0.0%	\$ -

**Material Subtotal \$ 92,700**

**LABOR**

General Foreman Hours	0.0	@	\$ -	\$ -
Foreman Hours	100.0	@	\$ 67.99	\$ 6,799.00
Field Plumber/Fitter Hours - REG	100.0	@	\$ 62.99	\$ 6,299.00
Field Plumber/Fitter Hours - OT	0.0	@	\$ -	\$ -
Field Tinner Hours - REG	0.0	@	\$ -	\$ -
Field Tinner Hours - OT	0.0	@	\$ -	\$ -
Shop Hours	0.0	@	\$ -	\$ -
Operator Hours	0.0	@	\$ -	\$ -

**Labor Subtotal \$ 13,098**

**DIRECT COSTS**

Insurance & Taxes	27.0% of Labor	\$ 3,536.46
Trucking	5.0% of Labor	\$ 654.90
Testing & Cleaning	0.0% of Labor	\$ -
Balance Air/Water	0.0% of Labor	\$ -
Tools & Expendables	6.0% of Labor	\$ 785.88
Shop Equipment Charge	\$ 6.00 per shop hour	\$ -
Subsistence		\$ -

**Subtotal \$ 4,977**

<b>Equipment</b>	<u>sky track</u>	1.0 Hours @	#####	\$ 1,500.00
<b>Rental</b>	<u>backhoe w/ oper</u>	24.0 Hours @	\$ 250.00	\$ 6,000.00
		0.0 Hours @	\$ -	\$ -
		0.0 Hours @	\$ -	\$ -
		0.0 Hours @	\$ -	\$ -
		0.0 Hours @	\$ -	\$ -

**Subtotal \$ 7,500**

**Indirect Costs**

Indirect Costs Total	\$ 1,440
Total Contractor Costs	\$ 119,715
Overhead	15.0% \$ 17,957
Subtotal Contractor Costs	\$ 137,672

**SUBCONTRACTS**

<u>Hard Rock- Coring</u>	\$ 8,000.00
<u>R Industries- Demo</u>	\$ 5,000.00
.....	\$ -
.....	\$ -

Total Subcontractor Costs	\$ 13,000
Overhead	10.0% \$ 1,300
Subtotal Subcontractors Costs	\$ 14,300

NOTE: This change order does not address impact costs on base contract.

Total Contractor/Subcontractor Costs	\$ 151,972
Profit	0.0% \$ -
Bond	0.0% \$ -
<b>Total Amount Of Change</b>	<b>\$ 151,972</b>

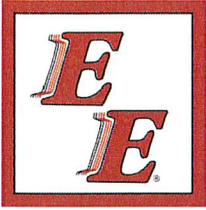
Time extension required is 13 days. This quotation based upon acceptance within 30 days.

Exclusions:

NOTE: This change order does not address impact costs on base contract.



ENTERPRISE



1039 Driessen Drive  
 Kaukauna, WI 54130  
 (920) 850-6354  
[ryan@enterprise-electric.net](mailto:ryan@enterprise-electric.net)

ELECTRIC INC.

Miron Construction  
 Ryan Wagner  
[Ryan.wagner@miron-construction.com](mailto:Ryan.wagner@miron-construction.com)  
 920-886-7862

**RE: Appleton Intake Change Order #4 – CB003**

Ryan,  
 Below is our change order for construction bulletin #3. Please let me know if you have any questions.

**Scope of work:**

- Provide power and control wiring for new electric valve actuators EV-0171 and EV-0172
- For each actuator we will furnish and install a fusible disconnect unit and fuses in MCC LS-103
- Run control wiring to control panel LPS-1
- **Note: Process integrator pricing NOT included**

**Labor Cost: 56HRS X \$80 = \$4,480.00**

**Material Cost: \$6525.00**

Material Summary		
Item	Supplier	Cost
¾" AL. rigid conduit for power and control wires	CED	\$308.00
12/4 tray cable for power wiring	CED	\$420.00
16/16 tray cable for control wiring	CED	\$2,652.00
Belden 8760 low voltage wire for control wiring	CED	\$420.00
1 dual 30amp MCC bucket for MCC LS-103	Werner	\$1,825.00
Scissors Lift Rental	Blue Line Rental	\$620.00
Sealtight and fittings for whips into electrical devices	CED	\$168.000
Misc. conduit fittings, mounting hardware, labels	CED	\$112.00
<b>TOTAL</b>		<b>\$6,525.00</b>

**Estimated Cost -----\$11,005.00**

**Proposal needs to be signed and returned prior to scheduling work**

All work will be completed by Enterprise Electric, Inc in a workmanlike manner. Payment is to be made by customer within 20 days after receipt of invoice

**OMNI GLASS & PAINT, LLC.**

3530 OMNI DRIVE \* OSHKOSH, WISCONSIN 54904 \* COMPANY ID #1100807

PHONES:  OSHKOSH (920) 233-3333

GREEN BAY (920) 434-7772

SCHOFIELD (715) 355-893

**PAINT JOB CHANGE #PT20241**

**Date: January 19, 2021**

To: Ryan Wagner

Project: Appleton Intake – CB003

**CHANGE FOR THE ABOVE LISTED PROJECT:**

Touch up paint and provide finished paint on DI backup flanges

- For the sum of..... **\$356.00**

Labor: \$286.00

Material: \$70.00

Thank you for the opportunity to do this project. If you have any questions, please call me at our office.

Karl Keas, Project Manager PH: 920-233-3333

Saved as : Appleton intake cb003, pt20241

**IMPORTANT – PLEASE READ**

- Terms are Net 10 Days from date of invoice
- Past due accounts are subject to interest at the rate of 1-1/2% per month (18% annually)
- Retainages (when allowed) are due immediately upon payment from owner
- All materials used are under warranty by the manufacturer. Warranties may vary by manufacturer. Omni Glass & Paint, LLC. does not warranty materials
- Quotation excludes any overtime unless otherwise noted
- All workmanship is warranted for one year from date of installation
- It is understood that if you use your own contract form, the conditions of this quotation fully apply, unless specifically written out and mutually agreed upon
- Backcharges for any services not specifically agreed to in writing, and/or backcharges of any other nature for delays to the project caused by conditions beyond our control will not be honored and is not part of this quotations
- Seller reserves the right to stop work or delivery whenever an account is in arrears, without recourse by affected parties

Accepted \_\_\_\_\_ OMNI GLASS & PAINT, INC.

Date \_\_\_\_\_ By \_\_\_\_\_



*"...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](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 2/8/21

RE: Action: Award the City of Appleton's "2021 Fire Station #2 and #3 HVAC Upgrades" contract to AMA, Inc. in the amount of \$78,053 with a contingency of \$8,000 for a project total not to exceed \$86,053.

The 2021 Capital Improvement Plan includes \$165,000 to upgrade the HVAC systems at Fire Station #2 and Fire Station #3. Of that amount, \$12,000 has been utilized for design services and \$47,440 has been utilized for digital controls, leaving a balance of \$105,560 for construction.

Fire Station #2 was built in 1982 with the latest HVAC upgrades completed in 1991. Fire Station #3 was constructed in 1991 and the original HVAC equipment is still in place. Construction will replace existing HVAC equipment including living quarters' furnances, humidifiers, air conditioning units, rig room make up air units and exhaust fans. In addition, all existing duct work will be inspected and cleaned. The bipolar ionization equipment installed in 2020 on each furnace will be reinstalled on the new furnaces.

The Parks, Recreation and Facilities Management Department has solicited bids. A bid walk through was completed on January 27, 2021 with five contractors in attendance. Bids were received from four of the five contractors:

AMA, Inc.	\$78,053
Baumgart Mechanical, Inc.	\$85,400
Southport Engineered Systems	\$87,151
Sure-Fire, Inc.	\$104,150

It is the recommendation of the Parks, Recreation & Facilities Management Department to execute a contract with AMA, Inc. in the amount of \$78,053 with a contingency of \$8,000 for a project total not to exceed \$86,053.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.



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

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 2/8/21

RE: Action: Award the City of Appleton's "2021 Fire Station #2 and Fire Station #3 HVAC Digital Controls" contract to Energy Control & Design for a Sole Source contract in the amount of \$47,440.

The 2021 Capital Improvement Plan includes \$165,000 to upgrade the HVAC systems at Fire Station #2 and Fire Station #3. Of that amount, \$12,000 has been utilized for design services and \$78,053 has been utilized for HVAC equipment upgrades, leaving a balance of \$74,947 for digital controls.

Fire Station #2 was built in 1982 with the latest HVAC upgrades completed in 1991. Fire Station #3 was constructed in 1991 with the original HVAC equipment still in use. Neither station currently has digital HVAC controls.

Energy Control and Design (EC&D) has been selected to sole source this work as they are the sole regional provider in the state of the Siemen's digital controls that the City of Appleton uses within its facilities. In addition, EC&D has continually been contracted with the City of Appleton for over 15 years by providing preventive maintenance on HVAC digital controls and mechanical equipment.

Directly contracting with EC&D will eliminate contractor markup costs versus having a mechanical contractor facilitate digital controls installation.

It is the recommendation of the Parks, Recreation & Facilities Management Department to execute a Sole Source contract with EC&D in the amount of \$47,440.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.

**CITY OF APPLETON**  
**Department of Public Works**  
**MEMORANDUM**

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

**SUBJECT: Award of Contract**

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**The Department of Public Works recommends that the following described work:**

A-21 Concrete Paving

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**Be awarded to:**

Name: Vinton Construction  
Address: 2705 N. Rapids Road  
Manitowoc, WI 54221

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**In the amount of :** \$4,614,694.74

**With a 3 % contingency of :** \$139,550.00

**For a project total not to exceed :** \$4,754,244.74

**\*\* OR \*\***

**In an amount Not To Exceed :** \_\_\_\_\_

Budget: \$4,915,647.00  
Estimate: \$5,089,205.00  
Committee Date: 02/08/21  
Council Date: 02/17/21

**Bid Tabulation**

**A-21 Concrete Pavement**

02/01/2021 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Vinton Construction Co.		LaLonde Contractors, Inc.	
				Unit Price	Item Total	Unit Price	Item Total
1	F&I 7" PLAIN CONC PVMT	7,559	SY	\$35.19	\$266,001.21	\$41.00	\$309,919.00
2	F&I 8" 3-DAY HIGH EARLY CONC PVMT	100	SY	\$45.97	\$4,597.00	\$54.90	\$5,490.00
3	F&I 8" DOWLED CONC PVMT	42,025	SY	\$39.54	\$1,661,668.50	\$44.00	\$1,849,100.00
4	F&I 8" DOWLED CONC PVMT - WASTEWATER TREATMENT PLANT	3,434	SY	\$44.45	\$152,641.30	\$49.00	\$168,266.00
5	F&I 12" CONC APPROACH SLAB	155	SY	\$165.00	\$25,575.00	\$153.00	\$23,715.00
6	F&I 3" ASPHALT PAVEMENT	620	SY	\$40.00	\$24,800.00	\$35.50	\$22,010.00
7	F&I 6" STONE BASE	220	SY	\$5.00	\$1,100.00	\$5.00	\$1,100.00
8	F&I 12" STONE BASE	47,651	SY	\$7.70	\$366,912.70	\$8.00	\$381,208.00
9	EXCAVATION	27,887	CY	\$13.65	\$380,657.55	\$18.57	\$517,861.59
10	F&I GEOGRID	47,651	SY	\$1.75	\$83,389.25	\$1.90	\$90,536.90
11	FINE GRADING	7,947	SY	\$2.00	\$15,894.00	\$1.00	\$7,947.00
12	EXCAVATE AND HAUL CONTAM. SOIL	100	TON	\$0.01	\$1.00	\$7.00	\$700.00
13	F&I EXTRA STONE BASE	250	TON	\$13.00	\$3,250.00	\$12.50	\$3,125.00
14	F&I 6" CONC PEDESTRIAN CURB & GUTTER	280	LF	\$25.00	\$7,000.00	\$40.00	\$11,200.00
15	F&I 18" CONC CURB & GUTTER	216	LF	\$30.00	\$6,480.00	\$43.00	\$9,288.00
16	F&I 24" CONC CURB & GUTTER	345	LF	\$35.75	\$12,333.75	\$43.00	\$14,835.00
17	F&I 30" CONC CURB & GUTTER	1,931	LF	\$19.40	\$37,461.40	\$20.00	\$38,620.00
18	F&I 7" CONC DRIVEWAY APRON	12,740	SF	\$5.85	\$74,529.00	\$6.30	\$80,262.00
19	F&I 5" CONC DRIVEWAY APRON	20,580	SF	\$4.90	\$100,842.00	\$5.50	\$113,190.00
20	F&I 7" CONC SIDEWALK	3,695	SF	\$5.85	\$21,615.75	\$6.30	\$23,278.50
21	F&I 5" CONC SIDEWALK	33,006	SF	\$4.90	\$161,729.40	\$5.50	\$181,533.00
22	F&I 4" CONC SIDEWALK	51,075	SF	\$4.70	\$240,052.50	\$5.10	\$260,482.50
23	F&I 7" CONC HANDICAP RAMP	5,702	SF	\$6.20	\$35,352.40	\$9.00	\$51,318.00
24	F&I TRUNCATED DOME	856	SF	\$30.00	\$25,680.00	\$30.00	\$25,680.00
25	F&I 7" PRIVATE CONC DRIVEWAY	100	SF	\$5.85	\$585.00	\$6.30	\$630.00
26	F&I 5" PRIVATE CONC DRIVEWAY	1,600	SF	\$5.20	\$8,320.00	\$5.50	\$8,800.00
27	F&I 3" PRIVATE ASPHALT DRIVEWAY	4,450	SF	\$4.00	\$17,800.00	\$5.50	\$24,475.00
28	F&I CONCRETE WASHOUT	4	EA	\$0.01	\$0.04	\$465.00	\$1,860.00
29	F&I 3 SF CONCRETE STAIR	2	EA	\$250.00	\$500.00	\$247.00	\$494.00
30	CONCRETE PAVEMENT REMOVAL	27,643	SY	\$3.15	\$87,075.45	\$4.95	\$136,832.85
31	ASPHALT PAVEMENT REMOVAL	24,575	SY	\$1.00	\$24,575.00	\$0.50	\$12,287.50
32	CONCRETE CURB & GUTTER REMOVAL	6,824	LF	\$3.00	\$20,472.00	\$2.75	\$18,766.00
33	ASP/CONC DRIVEWAY APRON REMOVAL	25,770	SF	\$0.45	\$11,599.50	\$0.50	\$12,885.00
34	ASP/CONC HC RAMP REMOVAL	4,173	SF	\$1.00	\$4,173.00	\$1.00	\$4,173.00
35	ASP/CONC SIDEWALK REMOVAL	49,568	SF	\$0.80	\$39,654.40	\$0.75	\$37,176.00
36	CONCRETE STAIR REMOVAL	2	EA	\$250.00	\$500.00	\$750.00	\$1,500.00
37	PRIVATE CONC DRIVE REMOVAL	1,550	SF	\$1.00	\$1,550.00	\$0.75	\$1,162.50
38	PRIVATE ASP DRIVE REMOVAL	3,850	SF	\$0.50	\$1,925.00	\$0.75	\$2,887.50
39	FULL DEPTH SAWCUT	3,019	LF	\$2.50	\$7,547.50	\$3.10	\$9,358.90
40	DRILL TIE BARS	834	EA	\$8.00	\$6,672.00	\$15.00	\$12,510.00
41	F&I TERRACE RESTORATION	28,754	SY	\$7.00	\$201,278.00	\$7.55	\$217,092.70
42	F&I SEED, FERTILIZER & TYPE A EROSION MAT	28,754	SY	\$1.80	\$51,757.20	\$3.50	\$100,639.00
43	F&I TYPE D INLET PROTECTION	136	EA	\$80.00	\$10,880.00	\$100.00	\$13,600.00
44	F&I TYPE B INLET PROTECTION	5	EA	\$50.00	\$250.00	\$50.00	\$250.00
45	F&I TRACKING PAD/CONSTRUCTION ENTRANCE	4	LS	\$0.01	\$0.04	\$500.00	\$2,000.00
46	F&I 20" SEDIMENT LOG	16	EA	\$125.00	\$2,000.00	\$125.00	\$2,000.00
47	F&I SILT FENCE	180	LF	\$3.00	\$540.00	\$3.00	\$540.00
48	REMOVE & REPLACE EXISTING GUARDRAIL	1	LS	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
49	REMOVE & REPLACE EXISTING RIPRAP	5	SY	\$40.00	\$200.00	\$100.00	\$500.00
50	F&I 4" DRAIN TILE W/ OPEN GRADED BASE COURSE	385	LF	\$15.14	\$5,828.90	\$20.00	\$7,700.00
51	F&I 4" DRAIN TILE CLEANOUT	8	EA	\$263.00	\$2,104.00	\$250.00	\$2,000.00

**Bid Tabulation**

**A-21 Concrete Pavement**

02/01/2021 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Vinton Construction Co.		LaLonde Contractors, Inc.	
				Unit Price	Item Total	Unit Price	Item Total
52	ADJ STO MH CASTING	65	EA	\$150.00	\$9,750.00	\$300.00	\$19,500.00
53	ADJ SAN MH CASTING	54	EA	\$150.00	\$8,100.00	\$300.00	\$16,200.00
54	ADJ INLET CASTING	77	EA	\$150.00	\$11,550.00	\$300.00	\$23,100.00
55	REMOVE INLET/MH & MAIN/LEAD	19	EA	\$240.00	\$4,560.00	\$400.00	\$7,600.00
56	ABANDON INLET/LEAD	2	EA	\$240.00	\$480.00	\$500.00	\$1,000.00
57	REMOVE CULVERT	2	EA	\$237.00	\$474.00	\$300.00	\$600.00
58	F&I 48" STORM MH	12	VF	\$100.00	\$1,200.00	\$565.00	\$6,780.00
59	F&I 96" SUMP STORM MH	39	VF	\$1,012.00	\$39,468.00	\$1,285.00	\$50,115.00
60	F&I SANITARY MH CASTING ONLY	5	EA	\$350.00	\$1,750.00	\$375.00	\$1,875.00
61	F&I STORM MH CASTING ONLY	5	EA	\$410.00	\$2,050.00	\$375.00	\$1,875.00
62	F&I "E" INLET CASTING ONLY	14	EA	\$505.00	\$7,070.00	\$575.00	\$8,050.00
63	F&I "C" INLET CASTING ONLY	5	EA	\$496.00	\$2,480.00	\$575.00	\$2,875.00
64	F&I "C" INLET W/CASTING	12	EA	\$2,520.00	\$30,240.00	\$3,100.00	\$37,200.00
65	F&I "E" INLET W/CASTING	20	EA	\$2,530.00	\$50,600.00	\$3,000.00	\$60,000.00
66	F&I 8" STORM SEWER MAIN	45	LF	\$59.85	\$2,693.25	\$50.00	\$2,250.00
67	F&I 12" STORM INLET MAIN/LEAD	175	LF	\$83.28	\$14,574.00	\$85.00	\$14,875.00
68	F&I 6" STORM LATERAL	30	LF	\$72.00	\$2,160.00	\$40.00	\$1,200.00
69	STORM LATERAL HOOK-UP	4	EA	\$100.00	\$400.00	\$175.00	\$700.00
70	F&I 6" MINI SEWER	40	LF	\$20.00	\$800.00	\$40.00	\$1,600.00
71	F&I 6" STORM RISER	15	LF	\$20.00	\$300.00	\$40.00	\$600.00
72	CONNECT SUMP PUMP	1	EA	\$175.00	\$175.00	\$100.00	\$100.00
73	F&I SAN MH SEAL -(0"-12")	21	EA	\$25.00	\$525.00	\$475.00	\$9,975.00
74	F&I SAN MH SEAL -(12"-18")	20	EA	\$50.00	\$1,000.00	\$515.00	\$10,300.00
75	F&I SAN MH SEAL -(18"+)	16	EA	\$75.00	\$1,200.00	\$650.00	\$10,400.00
76	REMOVE EXISTING PAVEMENT MARKING	1,780	LF	\$2.00	\$3,560.00	\$4.25	\$7,565.00
77	REMOVE EXISTING PAVEMENT MARKING ARROWS/SYMBOLS	11	EA	\$175.00	\$1,925.00	\$210.00	\$2,310.00
78	PAVEMENT MARKING (EPOXY) (4")	23,525	LF	\$0.45	\$10,586.25	\$0.45	\$10,586.25
79	PAVEMENT MARKING (EPOXY) (6") (BIKE LANES)	13,130	LF	\$0.60	\$7,878.00	\$0.60	\$7,878.00
80	PAVEMENT MARKING (EPOXY) (6") (CROSSWALKS)	1,946	LF	\$6.50	\$12,649.00	\$6.50	\$12,649.00
81	PAVEMENT MARKING (EPOXY) (8")	820	LF	\$0.75	\$615.00	\$0.75	\$615.00
82	PAVEMENT MARKING (EPOXY) (12")	480	LF	\$9.75	\$4,680.00	\$9.75	\$4,680.00
83	PAVEMENT MARKING (EPOXY) (16")	98	LF	\$10.25	\$1,004.50	\$10.25	\$1,004.50
84	PAVEMENT MARKING (EPOXY) (18")	1,288	LF	\$11.50	\$14,812.00	\$11.50	\$14,812.00
85	PAVEMENT MARKING (EPOXY) (24")	140	LF	\$12.75	\$1,785.00	\$12.75	\$1,785.00
86	PAVEMENT MARKINGS (EPOXY) (ARROWS/SYMBOLS/WORDS)	123	EA	\$220.00	\$27,060.00	\$220.00	\$27,060.00
87	PAVEMENT MARKINGS (EPOXY) (YIELD TRIANGLE 24" x 36")	16	EA	\$38.00	\$608.00	\$38.00	\$608.00
88	CONDUIT NONMETAL, SCH80 1"	30	LF	\$5.50	\$165.00	\$11.00	\$330.00
89	CONDUIT NONMETAL, SCH80 2"	1,398	LF	\$6.00	\$8,388.00	\$15.00	\$20,970.00
90	CONDUIT NONMETAL, SCH80 3"	182	LF	\$10.00	\$1,820.00	\$22.90	\$4,167.80
91	CONDUIT SPECIAL, 2"	823	LF	\$19.00	\$15,637.00	\$27.50	\$22,632.50
92	PULL BOXES, NON-CONDUCTIVE, 24" X 42"	8	EA	\$1,475.00	\$11,800.00	\$1,700.00	\$13,600.00
93	CONCRETE BASE, TYPE 2	22	EA	\$900.00	\$19,800.00	\$1,180.00	\$25,960.00
94	CONCRETE BASE, TYPE 5	6	EA	\$800.00	\$4,800.00	\$1,070.00	\$6,420.00
95	CONCRETE BASES, CABINET BASEMENT	1	EA	\$1,650.00	\$1,650.00	\$2,250.00	\$2,250.00
96	REMOVE EXISTING CONCRETE BASE	10	EA	\$150.00	\$1,500.00	\$310.00	\$3,100.00
97	REMOVE EXISTING PULL BOX	7	EA	\$75.00	\$525.00	\$78.00	\$546.00
98	NOTIFY PROPERTY OWNERS	1	LS	\$2,000.00	\$2,000.00	\$1,500.00	\$1,500.00
99	F&I TRAFFIC CONTROL	1	LS	\$32,000.00	\$32,000.00	\$64,000.00	\$64,000.00
100	CANADIAN NATIONAL INSURANCE, PERMITTING, & TRAINING	1	LS	\$14,000.00	\$14,000.00	\$10,000.00	\$10,000.00

Base Bid Total:

\$4,614,694.74

\$5,381,084.49

**CITY OF APPLETON**  
**Department of Public Works**  
**MEMORANDUM**

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

**SUBJECT: Award of Contract**

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**The Department of Public Works recommends that the following described work:**

W-21 Sewer & Water Main Reconstruction No. 1

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**Be awarded to:**

Name: Dorner, Inc.  
Address: E506 Luxemburg Road  
Luxemburg, WI 54217

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**In the amount of :** \$3,290,297.00

**With a 2.5 % contingency of :** \$82,257.42

**For a project total not to exceed :** \$3,372,554.42

**\*\* OR \*\***

**In an amount Not To Exceed :** \_\_\_\_\_

Budget: \$4,185,375.00  
Estimate: \$3,929,320.00  
Committee Date: 02/08/21  
Council Date: 02/17/21

**Bid Tabulation**

**W-21 Sewer & Water Reconstruction #1**

02/01/2021 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Dorner Inc.		Kruczek Construction Inc.	
				Unit Price	Item Total	Unit Price	Item Total
1	Furnish & Install 12" Water Main	2800	Lin. Ft.	\$100.00	\$280,000.00	\$113.50	\$317,800.00
2	Furnish & Install 8" Water Main	6295	Lin. Ft.	\$80.00	\$503,600.00	\$87.00	\$547,665.00
3	Furnish & Install 6" Water Main	140	Lin. Ft.	\$127.00	\$17,780.00	\$154.00	\$21,560.00
4	Furnish & Install 12" Ductile Iron Water Main (Class 52) with Fluorocarbon Gaskets	110	Lin. Ft.	\$157.00	\$17,270.00	\$180.00	\$19,800.00
5	Furnish & Install 24" Steel Casing Pipe (Jack & Bore)	220	Lin. Ft.	\$497.00	\$109,340.00	\$475.00	\$104,500.00
6	Furnish & Install 6" Hydrant Lead	90	Lin. Ft.	\$85.00	\$7,650.00	\$165.00	\$14,850.00
7	Furnish & Install Hydrant	18	EA	\$4,475.00	\$80,550.00	\$4,700.00	\$84,600.00
8	Furnish & Install 12" Gate Valve with Box	24	EA	\$3,269.00	\$78,456.00	\$3,400.00	\$81,600.00
9	Furnish & Install 8" Gate Valve with Box	40	EA	\$1,848.00	\$73,920.00	\$1,900.00	\$76,000.00
10	Furnish & Install 6" Gate Valve with Box	24	EA	\$1,315.00	\$31,560.00	\$1,325.00	\$31,800.00
11	Furnish & Install Bentonite Clay Dam	4	EA	\$477.00	\$1,908.00	\$950.00	\$3,800.00
12	Furnish & Install 12" Bend	25	EA	\$680.00	\$17,000.00	\$840.00	\$21,000.00
13	Furnish & Install 8" Bend	45	EA	\$361.00	\$16,245.00	\$315.00	\$14,175.00
14	Furnish & Install 6" Bend	15	EA	\$263.00	\$3,945.00	\$250.00	\$3,750.00
15	Furnish & Install 1" Service	2330	Lin. Ft.	\$80.00	\$186,400.00	\$100.00	\$233,000.00
16	Furnish & Install 2" Service	40	Lin. Ft.	\$96.00	\$3,840.00	\$118.00	\$4,720.00
17	Furnish & Install 1 1/2" Service	195	Lin. Ft.	\$87.00	\$16,965.00	\$99.00	\$19,305.00
18	Service Connection	162	EA	\$262.00	\$42,444.00	\$255.00	\$41,310.00
19	Furnish & Install Curb Box (Complete)	171	EA	\$417.00	\$71,307.00	\$325.00	\$55,575.00
20	Furnish & Install 15" Sanitary Sewer	45	Lin. Ft.	\$187.00	\$8,415.00	\$135.00	\$6,075.00
21	Furnish & Install 12" Sanitary Sewer	75	Lin. Ft.	\$95.00	\$7,125.00	\$113.00	\$8,475.00
22	Furnish & Install 10" Sanitary Sewer	1190	Lin. Ft.	\$90.00	\$107,100.00	\$76.00	\$90,440.00
23	Furnish & Install 8" Sanitary Sewer	1110	Lin. Ft.	\$80.00	\$88,800.00	\$73.00	\$81,030.00
24	Reconnect Sanitary Lateral	353	EA	\$263.00	\$92,839.00	\$320.00	\$112,960.00
25	Furnish & Install 4"-6" Sanitary Lateral	5735	Lin. Ft.	\$85.00	\$487,475.00	\$91.00	\$521,885.00
26	Furnish & Install Sanitary Manhole	38	Vert. Ft.	\$383.00	\$14,554.00	\$356.00	\$13,528.00
27	Furnish & Install Sanitary Manhole Casting	6	EA	\$436.00	\$2,616.00	\$475.00	\$2,850.00
28	Disconnect Sanitary Lateral at Main	15	EA	\$716.00	\$10,740.00	\$800.00	\$12,000.00
29	Furnish & Install Flowable Fill	15	Cu. Yds.	\$124.00	\$1,860.00	\$116.00	\$1,740.00
30	Furnish & Install 18" Storm Sewer	290	Lin. Ft.	\$91.00	\$26,390.00	\$86.00	\$24,940.00
31	Furnish & Install 15" Storm Sewer	270	Lin. Ft.	\$94.00	\$25,380.00	\$77.50	\$20,925.00
32	Furnish & Install 12" Storm Sewer	2420	Lin. Ft.	\$70.00	\$169,400.00	\$68.00	\$164,560.00
33	Furnish & Install 12" Storm Lateral	100	Lin. Ft.	\$105.00	\$10,500.00	\$92.50	\$9,250.00
34	Furnish & Install 6" Storm Lateral	3100	Lin. Ft.	\$60.00	\$186,000.00	\$54.50	\$168,950.00
35	Furnish & Install 15" Inlet Lead	35	Lin. Ft.	\$76.00	\$2,660.00	\$112.50	\$3,937.50
36	Furnish & Install 12" Inlet Lead	375	Lin. Ft.	\$67.00	\$25,125.00	\$80.50	\$30,187.50
37	Furnish & Install 10" Inlet Lead	35	Lin. Ft.	\$64.00	\$2,240.00	\$76.50	\$2,677.50
38	Storm Lateral Hook-Up	25	EA	\$224.00	\$5,600.00	\$265.00	\$6,625.00
39	Furnish & Install 5' Dia. Storm Manhole	10	Vert. Ft.	\$471.00	\$4,710.00	\$535.00	\$5,350.00
40	Furnish & Install 4' Dia. Storm Manhole	70	Vert. Ft.	\$370.00	\$25,900.00	\$400.00	\$28,000.00
41	Furnish & Install Storm Manhole Casting	12	EA	\$417.00	\$5,004.00	\$425.00	\$5,100.00
42	Furnish & Install "E" Inlet w/Frame & Grate	10	EA	\$1,970.00	\$19,700.00	\$2,075.00	\$20,750.00
43	Furnish & Install "C" Inlet w/Frame & Grate	10	EA	\$1,978.00	\$19,780.00	\$2,100.00	\$21,000.00
44	Furnish & Install & Remove 20" Curlex Sediment Log	70	Lin. Ft.	\$13.00	\$910.00	\$15.00	\$1,050.00
45	Furnish & Install 8" Concrete Pavement	325	Sq. Yds.	\$90.00	\$29,250.00	\$100.00	\$32,500.00
46	Furnish & Install Concrete Curb & Gutter	60	Lin. Ft.	\$32.00	\$1,920.00	\$46.00	\$2,760.00
47	Furnish & Install Concrete 4" or 5" Sidewalk	55	Sq. Ft.	\$11.00	\$605.00	\$11.00	\$605.00
48	Abandon Manhole	2	EA	\$577.00	\$1,154.00	\$600.00	\$1,200.00
49	Furnish & Paint Pavement Marking (Yellow Paint)(4")	5650	Lin. Ft.	\$0.60	\$3,390.00	\$0.45	\$2,542.50
50	Furnish & Paint Pavement Marking (White Paint)(4")	900	Lin. Ft.	\$0.70	\$630.00	\$0.45	\$405.00
51	Furnish & Paint Pavement Marking Channel (8")	500	Lin. Ft.	\$0.90	\$450.00	\$1.75	\$875.00
52	Furnish & Paint Pavement Marking Crosswalk (6")	350	Lin. Ft.	\$1.00	\$350.00	\$1.50	\$525.00
53	Furnish & Paint Pavement Marking Stop Line (18"/24")	150	Lin. Ft.	\$2.00	\$300.00	\$2.00	\$300.00
54	Furnish & Paint Pavement Marking Symbols/Arrows	22	EA	\$100.00	\$2,200.00	\$79.00	\$1,738.00
55	Furnish & Install Type "D-M" Inlet Protection	90	EA	\$78.00	\$7,020.00	\$100.00	\$9,000.00
56	Temporary Asphalt Pavement	1	Lump Sum	\$274,495.00	\$274,495.00	\$349,354.00	\$349,354.00
57	Temporary Traffic Control	1	Lump Sum	\$45,030.00	\$45,030.00	\$23,000.00	\$23,000.00
58	Excavate and Haul Contaminated Soil	400	Tons	\$15.00	\$6,000.00	\$9.00	\$3,600.00
59	Excavate and Stockpile Contaminated Soil	200	Tons	\$10.00	\$2,000.00	\$7.50	\$1,500.00
60	Haul Contaminated Stockpiled Soil	200	Tons	\$10.00	\$2,000.00	\$9.00	\$1,800.00
61	Haul Non-Contaminated Stockpiled Soil	200	Tons	\$5.00	\$1,000.00	\$6.00	\$1,200.00
62	Furnish & Install Extra Stone Bedding	100	Tons	\$15.00	\$1,500.00	\$10.00	\$1,000.00

**Base Bid Total:**

**\$3,290,297.00**

**\$3,495,000.00**

**Bid Tabulation**

**W-21 Sewer & Water Reconstruction #1**

02/01/2021 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Soper Sewer & Water, LLC.		Carl Bowers & Sons Const.	
				Unit Price	Item Total	Unit Price	Item Total
1	Furnish & Install 12" Water Main	2800	Lin. Ft.	\$120.00	\$336,000.00	\$120.00	\$336,000.00
2	Furnish & Install 8" Water Main	6295	Lin. Ft.	\$90.00	\$566,550.00	\$99.00	\$623,205.00
3	Furnish & Install 6" Water Main	140	Lin. Ft.	\$100.00	\$14,000.00	\$130.00	\$18,200.00
4	Furnish & Install 12" Ductile Iron Water Main (Class 52) with Fluorocarbon Gaskets	110	Lin. Ft.	\$240.00	\$26,400.00	\$150.00	\$16,500.00
5	Furnish & Install 24" Steel Casing Pipe (Jack & Bore)	220	Lin. Ft.	\$480.00	\$105,600.00	\$673.00	\$148,060.00
6	Furnish & Install 6" Hydrant Lead	90	Lin. Ft.	\$100.00	\$9,000.00	\$100.00	\$9,000.00
7	Furnish & Install Hydrant	18	EA	\$3,680.00	\$66,240.00	\$4,300.00	\$77,400.00
8	Furnish & Install 12" Gate Valve with Box	24	EA	\$2,730.00	\$65,520.00	\$3,100.00	\$74,400.00
9	Furnish & Install 8" Gate Valve with Box	40	EA	\$1,570.00	\$62,800.00	\$1,800.00	\$72,000.00
10	Furnish & Install 6" Gate Valve with Box	24	EA	\$1,170.00	\$28,080.00	\$1,350.00	\$32,400.00
11	Furnish & Install Bentonite Clay Dam	4	EA	\$600.00	\$2,400.00	\$1,000.00	\$4,000.00
12	Furnish & Install 12" Bend	25	EA	\$1,380.00	\$34,500.00	\$700.00	\$17,500.00
13	Furnish & Install 8" Bend	45	EA	\$670.00	\$30,150.00	\$360.00	\$16,200.00
14	Furnish & Install 6" Bend	15	EA	\$200.00	\$3,000.00	\$300.00	\$4,500.00
15	Furnish & Install 1" Service	2330	Lin. Ft.	\$80.00	\$186,400.00	\$100.00	\$233,000.00
16	Furnish & Install 2" Service	40	Lin. Ft.	\$120.00	\$4,800.00	\$120.00	\$4,800.00
17	Furnish & Install 1 1/2" Service	195	Lin. Ft.	\$120.00	\$23,400.00	\$120.00	\$23,400.00
18	Service Connection	162	EA	\$480.00	\$77,760.00	\$350.00	\$56,700.00
19	Furnish & Install Curb Box (Complete)	171	EA	\$400.00	\$68,400.00	\$325.00	\$55,575.00
20	Furnish & Install 15" Sanitary Sewer	45	Lin. Ft.	\$360.00	\$16,200.00	\$120.00	\$5,400.00
21	Furnish & Install 12" Sanitary Sewer	75	Lin. Ft.	\$300.00	\$22,500.00	\$110.00	\$8,250.00
22	Furnish & Install 10" Sanitary Sewer	1190	Lin. Ft.	\$106.00	\$126,140.00	\$93.00	\$110,670.00
23	Furnish & Install 8" Sanitary Sewer	1110	Lin. Ft.	\$98.00	\$108,780.00	\$90.00	\$99,900.00
24	Reconnect Sanitary Lateral	353	EA	\$360.00	\$127,080.00	\$350.00	\$123,550.00
25	Furnish & Install 4"-6" Sanitary Lateral	5735	Lin. Ft.	\$92.00	\$527,620.00	\$105.00	\$602,175.00
26	Furnish & Install Sanitary Manhole	38	Vert. Ft.	\$320.00	\$12,160.00	\$400.00	\$15,200.00
27	Furnish & Install Sanitary Manhole Casting	6	EA	\$500.00	\$3,000.00	\$700.00	\$4,200.00
28	Disconnect Sanitary Lateral at Main	15	EA	\$960.00	\$14,400.00	\$1,200.00	\$18,000.00
29	Furnish & Install Flowable Fill	15	Cu. Yds.	\$200.00	\$3,000.00	\$150.00	\$2,250.00
30	Furnish & Install 18" Storm Sewer	290	Lin. Ft.	\$90.00	\$26,100.00	\$85.00	\$24,650.00
31	Furnish & Install 15" Storm Sewer	270	Lin. Ft.	\$82.00	\$22,140.00	\$80.00	\$21,600.00
32	Furnish & Install 12" Storm Sewer	2420	Lin. Ft.	\$70.00	\$169,400.00	\$74.00	\$179,080.00
33	Furnish & Install 12" Storm Lateral	100	Lin. Ft.	\$110.00	\$11,000.00	\$84.00	\$8,400.00
34	Furnish & Install 6" Storm Lateral	3100	Lin. Ft.	\$48.00	\$148,800.00	\$64.00	\$198,400.00
35	Furnish & Install 15" Inlet Lead	35	Lin. Ft.	\$80.00	\$2,800.00	\$85.00	\$2,975.00
36	Furnish & Install 12" Inlet Lead	375	Lin. Ft.	\$70.00	\$26,250.00	\$75.00	\$28,125.00
37	Furnish & Install 10" Inlet Lead	35	Lin. Ft.	\$70.00	\$2,450.00	\$72.00	\$2,520.00
38	Storm Lateral Hook-Up	25	EA	\$260.00	\$6,500.00	\$250.00	\$6,250.00
39	Furnish & Install 5' Dia. Storm Manhole	10	Vert. Ft.	\$330.00	\$3,300.00	\$550.00	\$5,500.00
40	Furnish & Install 4' Dia. Storm Manhole	70	Vert. Ft.	\$265.00	\$18,550.00	\$400.00	\$28,000.00
41	Furnish & Install Storm Manhole Casting	12	EA	\$430.00	\$5,160.00	\$500.00	\$6,000.00
42	Furnish & Install "E" Inlet w/Frame & Grate	10	EA	\$1,880.00	\$18,800.00	\$2,000.00	\$20,000.00
43	Furnish & Install "C" Inlet w/Frame & Grate	10	EA	\$1,880.00	\$18,800.00	\$2,000.00	\$20,000.00
44	Furnish & Install & Remove 20" Curlex Sediment Log	70	Lin. Ft.	\$20.00	\$1,400.00	\$8.00	\$560.00
45	Furnish & Install 8" Concrete Pavement	325	Sq. Yds.	\$100.00	\$32,500.00	\$90.00	\$29,250.00
46	Furnish & Install Concrete Curb & Gutter	60	Lin. Ft.	\$46.00	\$2,760.00	\$35.00	\$2,100.00
47	Furnish & Install Concrete 4" or 5" Sidewalk	55	Sq. Ft.	\$16.00	\$880.00	\$8.00	\$440.00
48	Abandon Manhole	2	EA	\$500.00	\$1,000.00	\$600.00	\$1,200.00
49	Furnish & Paint Pavement Marking (Yellow Paint)(4")	5650	Lin. Ft.	\$0.60	\$3,390.00	\$0.40	\$2,260.00
50	Furnish & Paint Pavement Marking (White Paint)(4")	900	Lin. Ft.	\$0.60	\$540.00	\$0.40	\$360.00
51	Furnish & Paint Pavement Marking Channel (8")	500	Lin. Ft.	\$0.95	\$475.00	\$1.65	\$825.00
52	Furnish & Paint Pavement Marking Crosswalk (6")	350	Lin. Ft.	\$7.80	\$2,730.00	\$1.50	\$525.00
53	Furnish & Paint Pavement Marking Stop Line (18"/24")	150	Lin. Ft.	\$12.50	\$1,875.00	\$2.00	\$300.00
54	Furnish & Paint Pavement Marking Symbols/Arrows	22	EA	\$275.00	\$6,050.00	\$75.00	\$1,650.00
55	Furnish & Install Type "D-M" Inlet Protection	90	EA	\$100.00	\$9,000.00	\$100.00	\$9,000.00
56	Temporary Asphalt Pavement	1	Lump Sum	\$380,000.00	\$380,000.00	\$295,000.00	\$295,000.00
57	Temporary Traffic Control	1	Lump Sum	\$50,000.00	\$50,000.00	\$25,000.00	\$25,000.00
58	Excavate and Haul Contaminated Soil	400	Tons	\$18.00	\$7,200.00	\$25.00	\$10,000.00
59	Excavate and Stockpile Contaminated Soil	200	Tons	\$10.00	\$2,000.00	\$15.00	\$3,000.00
60	Haul Contaminated Stockpiled Soil	200	Tons	\$18.00	\$3,600.00	\$20.00	\$4,000.00
61	Haul Non-Contaminated Stockpiled Soil	200	Tons	\$12.00	\$2,400.00	\$20.00	\$4,000.00
62	Furnish & Install Extra Stone Bedding	100	Tons	\$12.00	\$1,200.00	\$20.00	\$2,000.00

Base Bid Total:

\$3,660,930.00

\$3,755,405.00

**Bid Tabulation**

**W-21 Sewer & Water Reconstruction #1**

02/01/2021 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Jossart Brothers, Inc.		PTS Contractors, Inc	
				Unit Price	Item Total	Unit Price	Item Total
1	Furnish & Install 12" Water Main	2800	Lin. Ft.	\$133.00	\$372,400.00	\$127.00	\$355,600.00
2	Furnish & Install 8" Water Main	6295	Lin. Ft.	\$95.00	\$598,025.00	\$100.00	\$629,500.00
3	Furnish & Install 6" Water Main	140	Lin. Ft.	\$205.00	\$28,700.00	\$133.00	\$18,620.00
4	Furnish & Install 12" Ductile Iron Water Main (Class 52) with Fluorocarbon Gaskets	110	Lin. Ft.	\$155.00	\$17,050.00	\$159.00	\$17,490.00
5	Furnish & Install 24" Steel Casing Pipe (Jack & Bore)	220	Lin. Ft.	\$490.00	\$107,800.00	\$480.00	\$105,600.00
6	Furnish & Install 6" Hydrant Lead	90	Lin. Ft.	\$90.00	\$8,100.00	\$88.00	\$7,920.00
7	Furnish & Install Hydrant	18	EA	\$4,100.00	\$73,800.00	\$4,100.00	\$73,800.00
8	Furnish & Install 12" Gate Valve with Box	24	EA	\$3,350.00	\$80,400.00	\$3,050.00	\$73,200.00
9	Furnish & Install 8" Gate Valve with Box	40	EA	\$1,900.00	\$76,000.00	\$1,745.00	\$69,800.00
10	Furnish & Install 6" Gate Valve with Box	24	EA	\$1,350.00	\$32,400.00	\$1,240.00	\$29,760.00
11	Furnish & Install Bentonite Clay Dam	4	EA	\$250.00	\$1,000.00	\$330.00	\$1,320.00
12	Furnish & Install 12" Bend	25	EA	\$600.00	\$15,000.00	\$660.00	\$16,500.00
13	Furnish & Install 8" Bend	45	EA	\$310.00	\$13,950.00	\$360.00	\$16,200.00
14	Furnish & Install 6" Bend	15	EA	\$230.00	\$3,450.00	\$260.00	\$3,900.00
15	Furnish & Install 1" Service	2330	Lin. Ft.	\$113.00	\$263,290.00	\$104.00	\$242,320.00
16	Furnish & Install 2" Service	40	Lin. Ft.	\$130.00	\$5,200.00	\$111.00	\$4,440.00
17	Furnish & Install 1 1/2" Service	195	Lin. Ft.	\$120.00	\$23,400.00	\$91.00	\$17,745.00
18	Service Connection	162	EA	\$300.00	\$48,600.00	\$485.00	\$78,570.00
19	Furnish & Install Curb Box (Complete)	171	EA	\$350.00	\$59,850.00	\$310.00	\$53,010.00
20	Furnish & Install 15" Sanitary Sewer	45	Lin. Ft.	\$210.00	\$9,450.00	\$200.00	\$9,000.00
21	Furnish & Install 12" Sanitary Sewer	75	Lin. Ft.	\$205.00	\$15,375.00	\$140.00	\$10,500.00
22	Furnish & Install 10" Sanitary Sewer	1190	Lin. Ft.	\$98.00	\$116,620.00	\$100.00	\$119,000.00
23	Furnish & Install 8" Sanitary Sewer	1110	Lin. Ft.	\$95.00	\$105,450.00	\$99.00	\$109,890.00
24	Reconnect Sanitary Lateral	353	EA	\$250.00	\$88,250.00	\$450.00	\$158,850.00
25	Furnish & Install 4"-6" Sanitary Lateral	5735	Lin. Ft.	\$92.00	\$527,620.00	\$115.00	\$659,525.00
26	Furnish & Install Sanitary Manhole	38	Vert. Ft.	\$370.00	\$14,060.00	\$295.00	\$11,210.00
27	Furnish & Install Sanitary Manhole Casting	6	EA	\$750.00	\$4,500.00	\$1,115.00	\$6,690.00
28	Disconnect Sanitary Lateral at Main	15	EA	\$1,500.00	\$22,500.00	\$880.00	\$13,200.00
29	Furnish & Install Flowable Fill	15	Cu. Yds.	\$100.00	\$1,500.00	\$99.00	\$1,485.00
30	Furnish & Install 18" Storm Sewer	290	Lin. Ft.	\$92.00	\$26,680.00	\$93.00	\$26,970.00
31	Furnish & Install 15" Storm Sewer	270	Lin. Ft.	\$85.00	\$22,950.00	\$97.00	\$26,190.00
32	Furnish & Install 12" Storm Sewer	2420	Lin. Ft.	\$69.00	\$166,980.00	\$72.00	\$174,240.00
33	Furnish & Install 12" Storm Lateral	100	Lin. Ft.	\$69.00	\$6,900.00	\$155.00	\$15,500.00
34	Furnish & Install 6" Storm Lateral	3100	Lin. Ft.	\$83.00	\$257,300.00	\$67.00	\$207,700.00
35	Furnish & Install 15" Inlet Lead	35	Lin. Ft.	\$76.00	\$2,660.00	\$98.00	\$3,430.00
36	Furnish & Install 12" Inlet Lead	375	Lin. Ft.	\$71.00	\$26,625.00	\$78.00	\$29,250.00
37	Furnish & Install 10" Inlet Lead	35	Lin. Ft.	\$68.00	\$2,380.00	\$87.00	\$3,045.00
38	Storm Lateral Hook-Up	25	EA	\$200.00	\$5,000.00	\$365.00	\$9,125.00
39	Furnish & Install 5' Dia. Storm Manhole	10	Vert. Ft.	\$450.00	\$4,500.00	\$470.00	\$4,700.00
40	Furnish & Install 4' Dia. Storm Manhole	70	Vert. Ft.	\$375.00	\$26,250.00	\$330.00	\$23,100.00
41	Furnish & Install Storm Manhole Casting	12	EA	\$350.00	\$4,200.00	\$645.00	\$7,740.00
42	Furnish & Install "E" Inlet w/Frame & Grate	10	EA	\$2,000.00	\$20,000.00	\$2,125.00	\$21,250.00
43	Furnish & Install "C" Inlet w/Frame & Grate	10	EA	\$2,000.00	\$20,000.00	\$1,200.00	\$12,000.00
44	Furnish & Install & Remove 20" Curlex Sediment Log	70	Lin. Ft.	\$12.00	\$840.00	\$15.00	\$1,050.00
45	Furnish & Install 8" Concrete Pavement	325	Sq. Yds.	\$89.25	\$29,006.25	\$85.00	\$27,625.00
46	Furnish & Install Concrete Curb & Gutter	60	Lin. Ft.	\$31.50	\$1,890.00	\$30.00	\$1,800.00
47	Furnish & Install Concrete 4" or 5" Sidewalk	55	Sq. Ft.	\$10.50	\$577.50	\$10.00	\$550.00
48	Abandon Manhole	2	EA	\$500.00	\$1,000.00	\$200.00	\$400.00
49	Furnish & Paint Pavement Marking (Yellow Paint)(4")	5650	Lin. Ft.	\$0.63	\$3,559.50	\$0.40	\$2,260.00
50	Furnish & Paint Pavement Marking (White Paint)(4")	900	Lin. Ft.	\$0.63	\$567.00	\$0.40	\$360.00
51	Furnish & Paint Pavement Marking Channel (8")	500	Lin. Ft.	\$1.00	\$500.00	\$1.70	\$850.00
52	Furnish & Paint Pavement Marking Crosswalk (6")	350	Lin. Ft.	\$8.20	\$2,870.00	\$1.50	\$525.00
53	Furnish & Paint Pavement Marking Stop Line (18"/24")	150	Lin. Ft.	\$13.15	\$1,972.50	\$2.00	\$300.00
54	Furnish & Paint Pavement Marking Symbols/Arrows	22	EA	\$290.00	\$6,380.00	\$76.00	\$1,672.00
55	Furnish & Install Type "D-M" Inlet Protection	90	EA	\$100.00	\$9,000.00	\$112.00	\$10,080.00
56	Temporary Asphalt Pavement	1	Lump Sum	\$350,000.00	\$350,000.00	\$319,000.00	\$319,000.00
57	Temporary Traffic Control	1	Lump Sum	\$50,000.00	\$50,000.00	\$27,500.00	\$27,500.00
58	Excavate and Haul Contaminated Soil	400	Tons	\$15.00	\$6,000.00	\$11.50	\$4,600.00
59	Excavate and Stockpile Contaminated Soil	200	Tons	\$30.00	\$6,000.00	\$14.00	\$2,800.00
60	Haul Contaminated Stockpiled Soil	200	Tons	\$15.00	\$3,000.00	\$9.00	\$1,800.00
61	Haul Non-Contaminated Stockpiled Soil	200	Tons	\$15.00	\$3,000.00	\$9.00	\$1,800.00
62	Furnish & Install Extra Stone Bedding	100	Tons	\$15.00	\$1,500.00	\$12.45	\$1,245.00

Base Bid Total:

\$3,803,827.75

\$3,885,102.00

**Bid Tabulation**

**W-21 Sewer & Water Reconstruction #1**

02/01/2021 01:45 PM CST

Bid Item	Item Description	Quantity	Unit	Advance Construction Inc.	
				Unit Price	Item Total
1	Furnish & Install 12" Water Main	2800	Lin. Ft.	\$135.00	\$378,000.00
2	Furnish & Install 8" Water Main	6295	Lin. Ft.	\$112.35	\$707,243.25
3	Furnish & Install 6" Water Main	140	Lin. Ft.	\$152.70	\$21,378.00
4	Furnish & Install 12" Ductile Iron Water Main (Class 52) with Fluorocarbon Gaskets	110	Lin. Ft.	\$198.00	\$21,780.00
5	Furnish & Install 24" Steel Casing Pipe (Jack & Bore)	220	Lin. Ft.	\$555.00	\$122,100.00
6	Furnish & Install 6" Hydrant Lead	90	Lin. Ft.	\$67.00	\$6,030.00
7	Furnish & Install Hydrant	18	EA	\$4,456.00	\$80,208.00
8	Furnish & Install 12" Gate Valve with Box	24	EA	\$3,012.00	\$72,288.00
9	Furnish & Install 8" Gate Valve with Box	40	EA	\$1,693.00	\$67,720.00
10	Furnish & Install 6" Gate Valve with Box	24	EA	\$1,212.00	\$29,088.00
11	Furnish & Install Bentonite Clay Dam	4	EA	\$350.00	\$1,400.00
12	Furnish & Install 12" Bend	25	EA	\$640.00	\$16,000.00
13	Furnish & Install 8" Bend	45	EA	\$330.00	\$14,850.00
14	Furnish & Install 6" Bend	15	EA	\$239.00	\$3,585.00
15	Furnish & Install 1" Service	2330	Lin. Ft.	\$121.00	\$281,930.00
16	Furnish & Install 2" Service	40	Lin. Ft.	\$126.00	\$5,040.00
17	Furnish & Install 1 1/2" Service	195	Lin. Ft.	\$122.00	\$23,790.00
18	Service Connection	162	EA	\$328.00	\$53,136.00
19	Furnish & Install Curb Box (Complete)	171	EA	\$205.00	\$35,055.00
20	Furnish & Install 15" Sanitary Sewer	45	Lin. Ft.	\$189.00	\$8,505.00
21	Furnish & Install 12" Sanitary Sewer	75	Lin. Ft.	\$163.00	\$12,225.00
22	Furnish & Install 10" Sanitary Sewer	1190	Lin. Ft.	\$143.00	\$170,170.00
23	Furnish & Install 8" Sanitary Sewer	1110	Lin. Ft.	\$134.00	\$148,740.00
24	Reconnect Sanitary Lateral	353	EA	\$675.00	\$238,275.00
25	Furnish & Install 4"-6" Sanitary Lateral	5735	Lin. Ft.	\$112.50	\$645,187.50
26	Furnish & Install Sanitary Manhole	38	Vert. Ft.	\$270.00	\$10,260.00
27	Furnish & Install Sanitary Manhole Casting	6	EA	\$763.00	\$4,578.00
28	Disconnect Sanitary Lateral at Main	15	EA	\$750.00	\$11,250.00
29	Furnish & Install Flowable Fill	15	Cu. Yds.	\$115.00	\$1,725.00
30	Furnish & Install 18" Storm Sewer	290	Lin. Ft.	\$125.00	\$36,250.00
31	Furnish & Install 15" Storm Sewer	270	Lin. Ft.	\$115.00	\$31,050.00
32	Furnish & Install 12" Storm Sewer	2420	Lin. Ft.	\$115.00	\$278,300.00
33	Furnish & Install 12" Storm Lateral	100	Lin. Ft.	\$125.00	\$12,500.00
34	Furnish & Install 6" Storm Lateral	3100	Lin. Ft.	\$60.00	\$186,000.00
35	Furnish & Install 15" Inlet Lead	35	Lin. Ft.	\$125.00	\$4,375.00
36	Furnish & Install 12" Inlet Lead	375	Lin. Ft.	\$125.00	\$46,875.00
37	Furnish & Install 10" Inlet Lead	35	Lin. Ft.	\$120.00	\$4,200.00
38	Storm Lateral Hook-Up	25	EA	\$175.00	\$4,375.00
39	Furnish & Install 5' Dia. Storm Manhole	10	Vert. Ft.	\$377.00	\$3,770.00
40	Furnish & Install 4' Dia. Storm Manhole	70	Vert. Ft.	\$313.00	\$21,910.00
41	Furnish & Install Storm Manhole Casting	12	EA	\$419.00	\$5,028.00
42	Furnish & Install "E" Inlet w/Frame & Grate	10	EA	\$2,079.00	\$20,790.00
43	Furnish & Install "C" Inlet w/Frame & Grate	10	EA	\$2,087.00	\$20,870.00
44	Furnish & Install & Remove 20" Curlex Sediment Log	70	Lin. Ft.	\$20.00	\$1,400.00
45	Furnish & Install 8" Concrete Pavement	325	Sq. Yds.	\$90.00	\$29,250.00
46	Furnish & Install Concrete Curb & Gutter	60	Lin. Ft.	\$32.00	\$1,920.00
47	Furnish & Install Concrete 4" or 5" Sidewalk	55	Sq. Ft.	\$10.50	\$577.50
48	Abandon Manhole	2	EA	\$400.00	\$800.00
49	Furnish & Paint Pavement Marking (Yellow Paint)(4")	5650	Lin. Ft.	\$0.60	\$3,390.00
50	Furnish & Paint Pavement Marking (White Paint)(4")	900	Lin. Ft.	\$0.60	\$540.00
51	Furnish & Paint Pavement Marking Channel (8")	500	Lin. Ft.	\$0.95	\$475.00
52	Furnish & Paint Pavement Marking Crosswalk (6")	350	Lin. Ft.	\$7.80	\$2,730.00
53	Furnish & Paint Pavement Marking Stop Line (18"/24")	150	Lin. Ft.	\$12.50	\$1,875.00
54	Furnish & Paint Pavement Marking Symbols/Arrows	22	EA	\$275.00	\$6,050.00
55	Furnish & Install Type "D-M" Inlet Protection	90	EA	\$75.00	\$6,750.00
56	Temporary Asphalt Pavement	1	Lump Sum	\$215,000.00	\$215,000.00
57	Temporary Traffic Control	1	Lump Sum	\$42,000.00	\$42,000.00
58	Excavate and Haul Contaminated Soil	400	Tons	\$70.00	\$28,000.00
59	Excavate and Stockpile Contaminated Soil	200	Tons	\$45.00	\$9,000.00
60	Haul Contaminated Stockpiled Soil	200	Tons	\$30.00	\$6,000.00
61	Haul Non-Contaminated Stockpiled Soil	200	Tons	\$20.00	\$4,000.00
62	Furnish & Install Extra Stone Bedding	100	Tons	\$15.50	\$1,550.00

Base Bid Total:

**\$4,229,137.25**



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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](mailto:dean.gazza@appleton.org)

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 2/8/2021

RE: Action: Approve balance transfer of \$80,000 from the "2020 AWWTP Water Lateral Replacement Project" to the "2021 AWWTP Hardscapes Replacement Project."

Action: Approve balance transfer of \$8,700 from the "2020 AWWTP Hardscapes Replacement Project" to "2021 AWWTP Hardscape Replacement Project."

The 2021 Capital Improvement Plan includes \$300,000 to to repair hardscapes at the Appleton Wastewater Treatment Plant. This project includes replacing the east access road that connects the upper plant to the lower plant and installing new stormwater collection structures. This project was included in the DPW A-21 bid package. The total for this work included in the A-21 bid came to a total of \$342,150. We are requesting the budget transfer to cover the budget deficit and contingency based on the received bid numbers. The recommendations for repairs were determined by our consulting engineer after a hardscape audit was completed at the site.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.



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Department of Utilities  
Water Treatment Facility  
2281 Manitowoc Road  
Menasha, WI 54952  
920-997-4200 tel.  
920-997-3240 fax

**TO:** Chairperson Meltzer and Members of the Utilities Committee

**FROM:** Utilities Director Chris Shaw

**DATE:** February 4, 2021

**RE:** *Award sole source purchase of Water Plant High Service Pump #5 Variable Frequency Drive (VFD) equipment and commissioning services to Werner Electric in the amount of \$49,794*

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**BACKGROUND:**

The Appleton Water Treatment Facility (AWTF) utilizes six High Lift Service Pumps (HLSPs) to convey water from out of the water plant into the City's water distribution system. All HSLPs have variable frequency drive (VFD) capabilities which provides the ability to effectively and efficiently ramp up and down pumps based on demand needs within the distribution system.

The existing Rockwell Automation Allen-Bradley VFD on HLSP #5 recently failed after 20 years of use. The repair costs associated with the failed drive would exceed that of a new VFD.

The HLSPs are considered critical assets and the replacement should occur as soon as possible. As an example, this critical asset is needed to maintain water pressure and flow to city residents, industry, and wholesale customers. The risk exposure of not maintaining this HSLP would be an increased potential of loss of water pressure due to a higher community demand (e.g., fire department needs in extinguishing a fire). If the regulatory floor level pressure is not maintained, the water system would be required to issue a public notice of unsafe water which is commonly called a water boil alert.

**PROJECT OBJECTIVE:**

Werner Electric is the only local distributor supporting Allen Bradley and Rockwell Automation. The quote provided by Werner Electric includes the new Rockwell Automation Allen-Bradley VFD and equipment commissioning for a total cost of \$49,794. The Rockwell Automation replacement VFD would be manufactured to fit into

the existing motor control center to match previous replacement drives (HSLP #3 and #6).

The quote does not include equipment installation. A separate contract will be authorized for the installation of the VFD equipment.

**FUNDING:**

The funding source for this project will come from the Water Treatment O&M budget.

**RECOMMENDATION:**

I recommend the sole source purchase of the Water Plant High Service Pump #5 Variable Frequency Drive (VFD) replacement equipment to Werner Electric in the amount of \$49,794. The new installation would be commissioned and then warrantied by Rockwell Automation for a period of one year.

Memo

TO: Board of Health

From: Director Kurt Eggebrecht

Date: January 27, 2021

RE: Rental Agreement For At the Fox Cities Exhibition Center (FCEC) for COVID-19 Community Vaccine Clinic

We are excited to announce the COVID-19 Community Vaccine Clinic, a collaborative partnership between Outagamie County Health, Winnebago County, Calumet County, City of Menasha, ThedaCare, Ascension Wisconsin, Mosaic Family Health, Kaukauna Clinic, Primary Care Associates, Partnership Community Health Center, Inc. and Fox Valley Technical College.

The Rental Agreement before you today will continue to allow this Community Vaccine Clinic to be located at the Fox Cities Exhibition Center, from March 1, 2021 through July 31, 2021. Monthly extensions after this date are allowable under this agreement.

The COVID-19 Clinic has been operating at this site under an Emergency Short Term Rental Agreement beginning January 26, 2021 through February 28, 2021.

A closed pod vaccination clinic was conducted with community partners January 26 through January 28<sup>th</sup>. This opportunity allowed us to learn from our set-up and adjust, so we are fully prepared and ready to vaccinate those in the Fox Cities.



<b>FOX CITIES EXHIBITION CENTER (FCEC)</b>	<b>BOOKING CONTRACT 2021</b>
<b>355 W. Lawrence St. Appleton, WI 54911</b>	<b>Date Booked: 1/19/2021</b>
<b>Shipping Address: 355 W. Lawrence St. Appleton, WI 54911</b>	
<b>Phone: FCEC Phone #: C/o Red Lion Hotel Paper Valley Sales Dept. 920-733-8000, ext. 1660</b>	Status: Tentative until signed & returned.
	Booked By: Linda Garvey
<b>Group Name:</b> City of Appleton	
<b>Post As:</b>	
<b>Contact:</b> Ms. Karen Harkness	
<b>Address:</b> 100 N. Appleton Street Appleton, WI 54911	
<b>Phone No:</b> via Karen Harkness 920-832-6468- Fax: - Email: karen.harkness@appleton.org	

<b>AUTHORIZED SIGNATURE:</b> Director Kurt Eggebrecht or Authorized City of Appleton
<b>BILLING ADDRESS:</b> 100 N. Appleton Street Appleton, WI 54911

**MEETING AND BANQUET REQUIREMENTS**

At this time you have reserved function space at the Fox Cities Exhibition Center (“we,” “us” or “FCEC”) as follows:

Date	Start Time	End Time	Room
1/26/2021* to 2/28/2021	6:00 AM	12:00 AM	Exhibition Hall A, B, C
1/26/2021* to 2/28/2021	6:00 AM	12:00 AM	Exhibition Pre-Function Space Lower Level and entire back of house area on lower level.
1/26/2021* to 2/28/2021	6:00 AM	12:00 AM	Exhibition Center Skywalk and Landing on South Side of Skywalk

\*Items may be moved in and stored in the facility starting Jan. 25, 2021.

**SPECIAL CONSIDERATIONS**

For the reasons of safety and privacy, there will be minimal contact between the Fox Cities Exhibition Center / Paper Valley Hotel staff and those individuals at the Fox Cities Exhibition Center that are either working, testing, or receiving the vaccine.

The public restrooms throughout the Fox Cities Exhibition Center will be cleaned and re-stocked up to three times per day during occupancy on designated vaccination days.

The use of (2) handheld electrostatic sprayers with peroxide based disinfection cleaner will be available for use at any time. These units will be shared by medical staff and Fox Cities Exhibition Center staff to assist in maintaining a healthier environment. The Fox Cities Exhibition Staff will use this equipment during the daily designated time selected for general cleaning and remain available for vaccination staff for shared use.

Access to the walk-in cooler located in the kitchen, on the lower level, of the Fox Cities Exhibition Center will be included. A refrigeration cooler to store staff meals will be provided at a location deemed suitable to the personnel, as well as access to the ice machine on the lower level.

One (1) five yard (5) dumpster that is located at the Southwest side of the property will be emptied once per week. Should the needs be for more than a standard disposal company, it will be your responsibility to arrange and pay for.

Maintenance staff will maintain sidewalks, entrances, parking lot associated with the Fox Cities Exhibition Center to make sure they are clear of snow and will not exceed a two inch depth (during heavy snowfall) while the facility is in use.

The Fox Cities Exhibition Center is a clean facility and we are confident that we will meet your cleanliness needs upon arrival. When departing the facility, please take the time to remove all items associated with your organization. This includes any and all exterior or interior wall hangings, banners, signs, and decals. A cleaning fee of \$100.00 per hour will be assessed to return the facility to its original condition should any such items from your organization remain.

Termination: While we expect the Fox Cities Exhibition Center to work out nicely for your needs, we understand the use of the facility is part of a fluid response to a Global Pandemic and changes may be required. If it is decided that the Fox Cities Exhibition Center is not meeting your needs, please notify us of your intent to terminate by the 15<sup>th</sup> of the month at which case this agreement will terminate on the last day of that month.

Rental Fee: This agreement will be treated as a lease with rental fees charged on a monthly basis rather than the industry standard of daily fees of \$7500.00 per day. The City of Appleton will have access to the Exhibition Center on Tuesday, January 26, 2021 through Thursday, January 28, 2021 at a cost of \$200 per day for a total of \$600 for the three days. A rental fee of \$19,000.00 per month to be paid on February 1, 2021 for use of the site for the month of February. Total cost of this agreement as detailed above is \$19,600.

Payable to Fox Cities Exhibition Center at 355 W. Lawrence Street, Appleton, WI 54911.

#### **AMERICAN WITH DISABILITIES ACT COMPLIANCE**

We will be responsible for complying with the public accommodation requirements of the Americans with Disabilities Act (ADA) not otherwise allocated to you by this contract. Our responsibilities are: (1) the “readily achievable” removal of physical barrier to access to the meeting rooms, sleeping rooms and common areas; (2) the provision of auxiliary aids and services where necessary to ensure that no disabled individual is treated differently by FCEC than other individuals; and (3) the modification of FCEC policies, practices and procedures applicable to all participants as required to enable disabled individuals to participate equally in your programs.

To ensure our ability to accommodate your special needs with respect to disabled individuals, you must identify for us in advance any special needs of disabled registrants, faculty and guests requiring accommodation by us, and you must notify us of such needs for accommodations as soon as they are identified to you. To allow you to comply with your obligations, we will notify you of requests for accommodations for disabled individuals which we receive directly from members of your group.

#### **INDEMNIFICATION**

Each party to this contract agrees that it shall be responsible for any loss or expense (including costs and attorney fees) arising from or incidental to the acts of its respective officers, officials, agents, or employees in the performance of this contract.

We are not responsible for your lost or stolen property or the lost or stolen property of individuals attending your function.

#### **MISCELLANEOUS**

This contract is governed by and construed in accordance with the laws of the State of Wisconsin, Outagamie County. This contract constitutes the entire contract of the parties hereto with respect to the subject matter thereof and all prior documents are deemed to be merged into this contract. This contract may only be amended or modified by an amendment made in writing and signed by you and us. If any dispute arises between you and us (hereafter collectively “we”) with respect to this contract, we agree to endeavor to resolve the dispute through mediation, unless we mutually agree to a different process. We will select a mediator and shall share the mediator’s fee equally. The mediation shall be held in the City of Appleton, Wisconsin. Agreements reached in mediation shall be enforceable as settlement agreements in any court having

jurisdiction. Mediation shall be a condition precedent to the commencement of any other legal proceeding. Disputes not resolved through mediation shall be subject to litigation in the Circuit Court of Outagamie County, Wisconsin.

The performance of this contract by either party is subject to acts of God, government regulation, disaster or civil disorder making it illegal or impossible to provide the facilities or hold the function at the facility. This contract may be terminated only for one or more of the above reasons by written notice from one party to the other, upon the receipt of said notice by the non-terminating party, prior to the scheduled date of first arrival.

**PARKING AND ACCESS DETAILS**

The surface parking associated with the Fox Cities Exhibition Center is currently designated as handicap spaces. Should there be a need to change these spaces or make alternate accommodations, please work directly with Linda Garvey, General Manager. It is encouraged that the Red Ramp (Superior Street), owned and operated by the City of Appleton, be utilized for additional parking needs.

Please note that the skywalk between the Fox Cities Exhibition Center and the Paper Valley Hotel will be closed during the timeframe of this rental. The hotel staff and City of Appleton will work together to provide signs that guide foot traffic directly to the Fox Cities Exhibition Center without access through the hotel.

**CONCLUSION**

If all of the arrangements outlined in this contract are acceptable to you, please sign this contract and return to us directly prior to moving any equipment in to the facility. This contract will be binding upon you and us in accordance with its terms upon receipt and execution by us.

Once again, you have the commitment of everyone at the Fox Cities Exhibition Center to ensure that your community mission is successful. Please let me know if you have any questions, or if I may be of further assistance. We will be in contact with you in a few days to see how your plans are developing.

**Group Name: Director Kurt Eggebrecht or Authorized City of Appleton Representative**

**Client Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**As Authorized Representative**

**FCEC Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Title:** \_\_\_\_\_

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Date	Start Time	End Time	Room
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3/1/2021* to 7/31/2021	6:00 AM	12:00 AM	Exhibition Pre-Function Space Lower Level and entire back of house area on lower level.
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\*Items may be moved in and stored in the facility starting Jan. 25, 2021.

**SPECIAL CONSIDERATIONS**

For the reasons of safety and privacy, there will be minimal contact between the Fox Cities Exhibition Center / Paper Valley Hotel staff and those individuals at the Fox Cities Exhibition Center that are either working, testing, or receiving the vaccine.

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Access to the walk-in cooler located in the kitchen, on the lower level, of the Fox Cities Exhibition Center will be included. A refrigeration cooler to store staff meals will be provided at a location deemed suitable to the personnel, as well as access to the ice machine on the lower level.

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Extension: While this agreement ends on July 31, 2021, we welcome monthly extensions and will grant the City of Appleton first right to extend use of the space via a written request by June 30, 2021 or the last day of each month thereafter.

Termination: While we expect the Fox Cities Exhibition Center to work out nicely for your needs, we understand the use of the facility is part of a fluid response to a Global Pandemic and changes may be required. If it is decided that the Fox Cities Exhibition Center is not meeting your needs, please notify us of your intent to terminate by the 15<sup>th</sup> of the month at which case this agreement will terminate on the last day of that month.

Rental Fee: This agreement will be treated as a lease with rental fees charged on a monthly basis rather than the industry standard of daily fees of \$7500.00 per day. For the month of March, a rental fee of \$19,000.00 shall be paid prior to the first day of the month. Beginning April 1, 2021, and for the months thereafter, the rental fee shall be \$25,000 per month unless the FCEC and City decide to continue with a separate agreement for use of the main level space for pandemic testing. If use of the main level continues under a separate agreement, rent will remain \$19,000 per month for those particular months.

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To ensure our ability to accommodate your special needs with respect to disabled individuals, you must identify for us in advance any special needs of disabled registrants, faculty and guests requiring accommodation by us, and you must notify us of such needs for accommodations as soon as they are identified to you. To allow you to comply with your obligations, we will notify you of requests for accommodations for disabled individuals which we receive directly from members of your group.

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we agree to endeavor to resolve the dispute through mediation, unless we mutually agree to a different process. We will select a mediator and shall share the mediator's fee equally. The mediation shall be held in the City of Appleton, Wisconsin. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction. Mediation shall be a condition precedent to the commencement of any other legal proceeding. Disputes not resolved through mediation shall be subject to litigation in the Circuit Court of Outagamie County, Wisconsin.

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**Group Name: Director Kurt Eggebrecht or Authorized City of Appleton Representative**

**Client Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**As Authorized Representative**

**FCEC Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Title:** \_\_\_\_\_



## REPORT TO PLAN COMMISSION

**Plan Commission Informal Public Hearing Meeting Date:** December 8, 2020

**Common Council Public Hearing Meeting Date:** January 6, 2021

**Item:** Rezoning #10-20 – 1000 North Ballard Road from P-I Public Institutional District to C-1 Neighborhood Mixed Use District

**Case Manager:** Don Harp, Principal Planner

### GENERAL INFORMATION

**Property Owner/Applicant:** The Fox River Environmental Education Alliance (The Refuge Foundation for the Arts Inc.), owner / Dennis Ruedinger, applicant

**Address/Parcel #:** 1000 North Ballard Road (Parcel Number: 31-1-1372-00)

**Petitioner's Request:** The property owner is requesting a zoning change from P-I Public Institutional District to C-1 Neighborhood Mixed Use District. The owner is seeking this request to utilize the C-1 Neighborhood Mixed Use zoning district standards to allow for the continued use of the site by individuals who produce music (songwriting/recording), artists who utilize space for (painting, glass blowing, drawing, sculpting, etc.) and facilitate future site improvements to accommodate movie production studio and temporary housing for film crews (individuals) on site for 1-3 week periods.

### BACKGROUND

From 1934 to 2014, the Monte Alverno Retreat and Spirituality Center was operated by the Detroit-based Province of St. Joseph of the Capuchin Order.

In 2014, the Fox River Environmental Education Alliance, Inc. purchased the property. The Refuge Foundation for the Arts is a non-profit organization who occupies the site and offers space for musicians to write, produce, and record music and artists to create art of their choice.

On September 30, 2020, City staff conducted a video conference with the property owner as well as the property owner's contractor and architect to discuss the development review process in order for the owner to obtain the necessary permits to continue current uses and facilitate anticipated future uses and site improvements:

- Proposed use of the 1<sup>st</sup> and 2<sup>nd</sup> floors of the building for overnight stays (1-3) weeks for film crews, actors, actresses, musicians, etc.
- Possible installation of an in-ground swimming pool in the basement of the building.
- Demolish a garage and construct a building addition to be used as a movie/music production studio.
- Proposed construction of a loading dock area.

## **STAFF ANALYSIS**

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**Existing Conditions:** The 9.7 acre site consists of a 35,647 square foot two-story masonry building, a 2,400 square foot residential dwelling, a small framed dwelling unit, a 2,150 square foot masonry detached garage and an off-street parking lot.

### **Surrounding Zoning and Land Uses:**

- North: P-I Public Institutional District – Province of St. Joseph “Retirement Home”
- South: R-1B Single-Family Residential – The Fox River, Appleton Wastewater Treatment Facility and Residential Uses
- West: P-I Public Institutional District – St. Joseph Cemetery
- East: R-1B Single-Family Residential District – Residential Use

**Proposed Zoning Classification:** The C-1 Neighborhood Mixed Use District is intended to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods.

Development standards (Section 23-112 – C-1 Neighborhood Mixed Use District) are as follows:

- 1) *Minimum lot area. 6,000 square feet*
- 2) *Maximum lot coverage. Ninety percent (90%)*
- 3) *Minimum lot width. 40 feet*
- 4) *Minimum front yard. None*
- 5) *Minimum rear yard. 20 feet*
- 6) *Minimum side yard. None. 10 feet if abutting a residential zoned district.*
- 7) *Maximum building height. 60 feet*
- 8) *Minimum off-street parking spaces. Off-street parking and loading requirements are set forth in §23-172 of the Zoning Ordinance. The C-1 District allows the number of off-street parking and loading spaces required by §23-172 to be reduced by fifty percent (50%). The minimum required off-street parking spaces are determined by City staff during the site plan review and/or the building permit process.*

The existing site improvements located on the land area to be rezoned appear to satisfy the development standards of the C-1 Neighborhood Mixed Use District.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Mixed-Use designation. The proposed C-1 Neighborhood Mixed Use District rezoning is consistent with the Future Land Use Map. Listed below are related excerpts from the City’s *Comprehensive Plan 2010-2030*.

*Goal 1 – Community Growth*

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

*Goal 8 – Economic Development*

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

*Policy 9.5.1 Economic Development:*

*Ensure a continued adequate supply of industrial and commercial land to sustain new business development.*

*OBJECTIVE 10.1 Land Use:*

*Provide an adequate supply of suitable land meeting the demand for development of various land uses.*

*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.*

**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. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

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 properties are adequately served by the existing infrastructure and the transportation network.*
  2. The effect of the proposed rezoning on surrounding uses. *A mix of Single-family and Public Institutional uses are already present in this area of City. The site has been used by individuals to produce and record music and create art pieces. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses as the C-1 Neighborhood Mixed Use District standards are intended to be compatible with established commercial, public institutional and residential uses.*

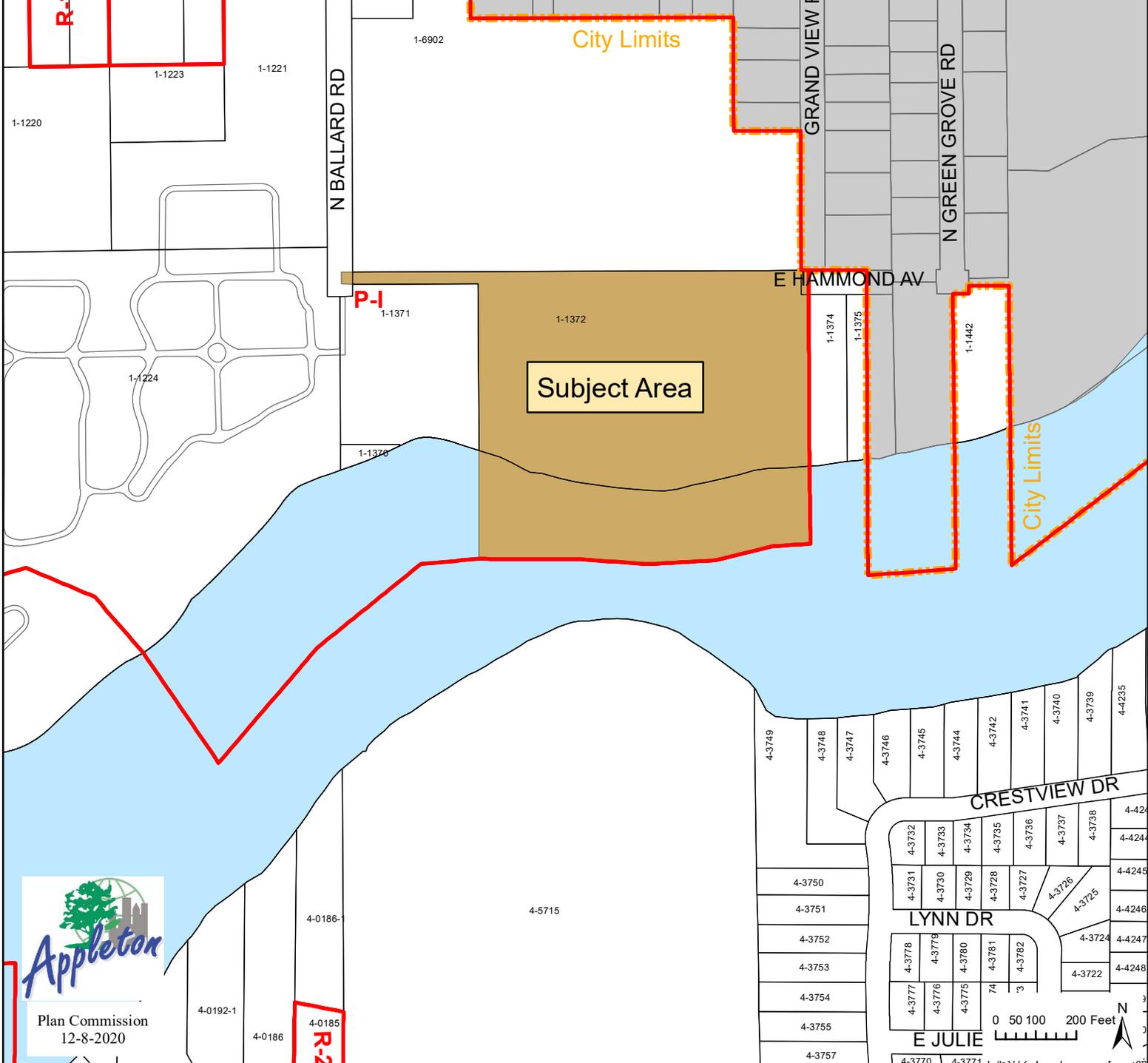
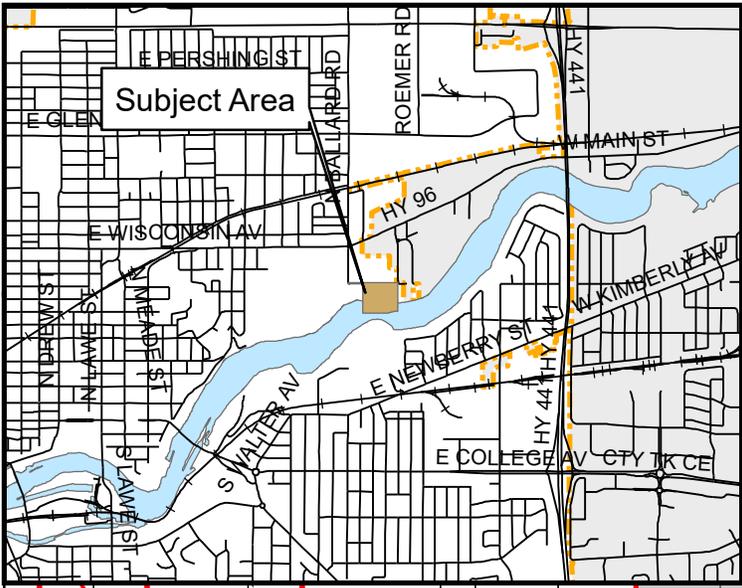
**Technical Review Group Report (TRG):** This item appeared on the November 17, 2020 TRG Agenda. No negative comments were received from participating departments.

### **RECOMMENDATION**

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Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #10-20 to rezone 1000 North Ballard Road (Parcel Number: 31-1-1372-00) including to the centerline of the adjacent right-of-way and the Fox River from P-I Public Institutional District to C-1 Neighborhood Mixed Use District, as shown on the attached maps, **BE APPROVED.**

Rezoning  
 1000 North Ballard Road  
 P-I Public Institutional District to  
 C-1 Neighborhood Mixed Use District  
 Zoning Map



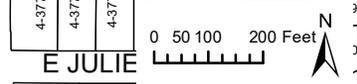
Subject Area

City Limits

City Limits



Plan Commission  
 12-8-2020



Rezoning  
1000 North Ballard Road  
P-I Public Institutional District to C-1 Neighborhood Mixed Use District  
Aerial Map

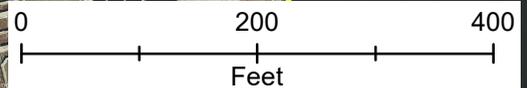
N BALLARD RD

GRAND VIEW RD

Subject Area



City Plan Commission  
12-8-2020





12/24/2020

Susan Hirschberg, AIA  
RH Design Build, LLC  
1951 Bowen Street  
Oshkosh, WI 54901  
susan@rhdesignbuild.com

Karen Harkness  
Director, Community and Economic Development  
100 N Appleton Street  
Appleton, WI 54911

**Rezoning Application for The Refuge Foundation for the Arts**

Dear Karen,

The owners of The Refuge Foundation for the Arts request to postpone taking action on the rezoning application submitted on 11/11/2020. We understand this letter will delay action on this approval until the February 17<sup>th</sup>, 2021 Common Council meeting. The owners need time to collect information on the use for the property.

Thank you for your guidance on this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan'.

Susan Hirschberg

**ADOPTED: January 6, 2021**  
**PUBLISHED: January 11, 2021**  
Office of the City Clerk

**1-21**

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

(City Plan Commission 1/6/2021)

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

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

To rezone lands located at 1000 North Ballard Road (Parcel Number: 31-1-1372-00) (aka The Refuge Foundation for the Arts), including to the centerline of the adjacent right-of-way and the Fox River, from P-I Public Institutional District to C-1 Neighborhood Mixed Use District. (Rezoning #10-20 – The Refuge (Property Owner: Fox River Environmental Education Alliance Inc.))

**LEGAL DESCRIPTION:**

CSM 6785 LOT 1 (DOC2011581) BEING ALL OF LOT 1 CSM 910; ALL OF LOTS 13 THRU 17 BLK1 GREEN GROVE PLAT; ALL OF LOTS 4 THRU 12 PLAT OF WAUBUN PLACE; PRT VAC HAMMOND AVE; PRT GL2 SEC30 T21 N R18# AND PRT SW1/4 FR AC SW1/4 SEC19 T21N R 18E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, INCLUDING TO THE CENTERLINE OF BALLARD ROAD RIGHT-OF-WAY, THE FOX RIVER AND THE WESTERN PORTION OF EAST HAMMOND AVENUE RIGHT-OF-WAY.

**COMMON DESCRIPTION:**

1000 North Ballard Road, including to the centerline of the adjacent right-of-way and the Fox River

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic

Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

Dated: January 6, 2021

---

Jacob A. Woodford, Mayor

---

Kami Lynch, City Clerk

**4-21**

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

(City Plan Commission 2/17/2021)

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

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

To rezone part of the lands located at 7476 North Purdy Parkway (Tax Id #31-1-9203-36) and a portion of the North Purdy Parkway right-of-way from R-1B Single-Family District to NC Nature Conservancy District. (Rezoning #11-20 – YMCA of the Fox Cities, owner and Schuler & Associates, Inc., applicant)

**LEGAL DESCRIPTION:**

PART OF LOT 136 OF APPLE HILL FARMS III AS DOCUMENT NO. 1697626 AND PART OF ADJACENT PURDY PARKWAY RIGHT-OF-WAY, LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 136; THENCE SOUTH 89 DEGREES 45 MINUTES 46 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 136, A DISTANCE OF 184.21 FEET; THENCE SOUTH 65 DEGREES 15 MINUTES 50 SECONDS WEST 47.37 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 46 SECONDS WEST 138.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 136; THENCE SOUTH 81 DEGREES 32 MINUTES 00 SECONDS WEST 30.00 FEET; THENCE NORTHWESTERLY ALONG THE CENTERLINE OF PURDY PARKWAY, 19.67 FEET, ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1000.00 FEET AND A CHORD THAT BEARS NORTH 09 DEGREES 01 MINUTES 49 SECONDS WEST 19.67 FEET; THENCE NORTH 80 DEGREES 24 MINUTES 22 SECONDS EAST 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3,821 SQUARE FEET (0.088 ACRES) OF LAND, MORE OR LESS, INCLUDING THE ADJACENT 1/2 ROAD RIGHT-OF-WAY OF NORTH PURDY PARKWAY.

**COMMON DESCRIPTION:**

Part of 7476 North Purdy Parkway (Tax Id #31-1-9203-36) and a portion of North Purdy Parkway right-of-way

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

**5-21**

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

(City Plan Commission 2/17/2021)

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

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

To rezone lands located at 675 East Edgewood Drive (Tax Id #31-6-5824-00) included in the “Cain” Annexation from Temporary AG Agricultural District to R-1A Single-Family District. (Rezoning #1-21 – Cain Annexation)

**LEGAL DESCRIPTION:**

A part of the West One-half (W ½) of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Eleven (11), Township Twenty-one (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, and being further described as follows:

Commencing at the Northeast corner of said Section 11;  
Thence South 88°40’17” West 659.12 feet coincident with the North line of the Northeast ¼ of said Section 11;  
Thence South 00°30’17” East 50.00 feet to the point of beginning;  
Thence continue South 00°30’17” East 167.80 feet;  
Thence South 88°40’17” West 200.00 feet;

Thence North 00°30'17" West 167.80 feet;  
Thence North 88°40'17" East 200.00 feet to the point of beginning.

**COMMON DESCRIPTION:**

675 East Edgewood Drive (Tax Id #31-6-5824-00) included in the "Cain" Annexation

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