



City of Appleton

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

Meeting Agenda - Final-revised Municipal Services Committee

Monday, July 10, 2023

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Pledge of Allegiance
3. Roll call of membership
4. Approval of minutes from previous meeting
[23-0803](#) Meeting Minutes from June 26, 2023

Attachments: [06-26-23 Meeting Minutes.pdf](#)

5. Public Hearing/Appearances

6. Action Items

- [23-0804](#) Approve Commercial Variance Process Services Contract for Large Projects to the E-Plan Exam.

Attachments: [Memo_EPlan.pdf](#)

[Contract Amendment_Information Materials.pdf](#)

[E-Plan Exam - Fully Executed Contract.pdf](#)

- [23-0805](#) Approve street vacation for a portion of E. Circle Street west of Drew Street and east of Durkee Street as shown on Exhibit "A".

Attachments: [Circle Street Vacation.pdf](#)

7. Information Items

[23-0806](#) Inspection Division Permit Summary Comparison Report for June 2023.

Attachments: [June Permit Report.pdf](#)
[Revised June Permit Report 2023.pdf](#)

[23-0817](#) Bird E-Scooter Monthly Report - June 2023.

Attachments: [Appleton Bird June 2023 Report.pdf](#)

8. Adjournment

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

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

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



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Meeting Minutes - Final Municipal Services Committee

Monday, June 26, 2023

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Pledge of Allegiance

3. Roll call of membership

Present: 4 - Van Zeeland, Alfheim, Meltzer and Siebers

Absent: 1 - Doran

4. Approval of minutes from previous meeting

[23-0758](#)

Meeting Minutes from June 12, 2023

Attachments: [6-12-23 Meeting Minutes.pdf](#)

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

Aye: 4 - Van Zeeland, Alfheim, Meltzer and Siebers

Absent: 1 - Doran

5. **Public Hearing/Appearances**

6. **Action Items**

[23-0759](#)

Request from Rise Apartments LLC for a Permanent Street Occupancy Permit to install a 3' deep building awning 10' above the sidewalk grade in the W. Harris Street and N. Oneida Street right of way at 113 W. Harris Street.

Attachments: [2023.06.21 Rise Perm Street Occ Permit Application.pdf](#)

Alfheim moved, seconded by Meltzer, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Van Zeeland, Alfheim, Meltzer and Siebers

Absent: 1 - Doran

7. Information Items

[23-0760](#)

College Avenue Lane Reconfiguration Project Update

8. Adjournment

**Meltzer moved, seconded by Alfheim, that the meeting be adjourned. Roll Call.
Motion carried by the following vote:**

Aye: 4 - Van Zeeland, Alfheim, Meltzer and Siebers

Absent: 1 - Doran



MEMORANDUM

TO: Municipal Services Committee

FROM: Kurt W. Craanen, Inspections Supervisor
Kara Homan, AICP Director of Community & Economic Development

DATE: July 10, 2023

RE: Request to Contract Commercial Variance Process to E-Plan Exam

The Inspections Division has contracted with E Plan Exam to review commercial plan submittals since March 2, 2022, when the Common Council approved entering into a contract. (File # 22-0191).

E Plan Exam has proposed to hear variance requests for plans that they reviewed for the City. E Plan Exam staff would accept applications, collect fees and make a judgment, just as the State Department of Safety and Professional Services (DSPS) has done for many years.

E Plan Exam is able to process the applications and schedule hearings much faster than DSPS and their staff will be familiar with project, since they will have completed the plan review.

There will be no cost to the City of Appleton for E Plan Exam to process variance requests.

Staff Recommendation:

APPROVE authorizing a contract amendment with EPLEX, LLC (dba E Plan Exam) to allow variance process administration for plans reviewed by E Plan Exam only.

Amendment to Professional Services Contract
Plan Review

This Contract is by and between the City of Appleton, 100 North Appleton Street, Appleton, WI 54911-4799, referred to as the City; and EPLEX, LLC, 12605 W North Ave., PMB 189, Brookfield, WI 53005, referred to as E-Plan Exam. Together the City and E-Plan Exam are referred to as the Parties

Recitals

On March 7, 2022 the Parties entered into a Professional Services Contract, referred to herein as the Contract, for E-Plan Exam to provide commercial plan review services to the City. The Parties now wish to add and/or modify the following provisions to the services outlined in that Contract.

Now, therefore, in consideration of the mutual promises of the Parties herein, the City and E-Plan Exam agree to amend the Contract as follows:

- **E-Plan Exam Services.** Section II of the contract, in addition to the language already present in the Contract shall have the following added:

E-Plan Exam Shall offer in addition to the commercial plan review services outlined in the agreement, E-Plan Exam, upon granting of permission and having been delegated by the State of Wisconsin, shall be permitted to undertake Variance reviews as outlined by the scope permitted by the Department of Safety and Professional Services.

- **Fees outlined in exhibit A section 2.** The following fees in section 2 shall be amended to include the following fee item for Variances:

| | |
|-----------------|---|
| Variance Review | When approved by the State of Wisconsin Department of Safety and Professional Services to approve and review variances of State code for equivalency, the fee for processing any variance at the time of application shall be \$2,000.00. |
|-----------------|---|

- **Remainder Unchanged.** All other terms and conditions of the Contract remain unchanged and in effect.

Amendment effective as of June 1st, 2023.

By _____

Date: _____

By David Adam Mattox, President

Date: _____

Commercial Building (Structural and HVAC) Plan Review

STEP 1: Check one.

1. Plan review of small commercial buildings, as defined below. [Wis. Stat. § 101.12(3)(b)]
- A new building or structure containing less than 50,000 cubic feet of total volume.
 - An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 - An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 - An alteration of a space in a building containing less than 100,000 cubic feet of total building volume.
2. **First- or Second-Class City Only:** Plan review for all size buildings within the City. [Wis. Stat. § 101.12(3m)(a)]
3. Plan review of building sizes other than those described above. [Appointed Agent per Wis. Stat. § 101.12(3g)]
- Fill in the desired enforcement responsibilities below:**
- _____

STEP 2: Code Enforcement Information. Municipalities performing the above responsibilities must utilize certified commercial building inspectors to perform the plan examination functions. Include this information below.

Name of Certified Inspector: _____

Contracted Agency that Employs Certified Inspector (if applicable): _____

Commercial Building Inspector Credential #: _____

Phone: _____ Email: _____

Expanded Plan Review: Municipalities performing plan reviews of buildings larger than those defined as “small commercial buildings” must employ at least one individual that is a) registered as a Wisconsin architect or professional engineer, b) certified as a commercial building inspector, and c) performs or directly supervises the plan examinations. Include this information below.

Name of Wisconsin Architect or Professional Engineer: _____

Architect or Professional Engineer Credential #: _____

Commercial Building Inspector Credential #: _____

STEP 3: Required Documentation.

- Current ordinance showing a) adoption of the Wisconsin State Code applicable chapters, b) authorization of municipal code official to enforce, c) duty of owners to submit for permits, d) fee schedule or reference to fees to be set by resolution, e) appeals process, and f) fines and penalties. A [model ordinance](#) is available, if needed.

STEP 4: Proceed to Last Page.

Fire Suppression and Fire Alarm (FS/FA) Plan Review

STEP 1: Check one.

1. Plan review of small commercial buildings, as defined below. [Appointed Agent per Wis. Stat. § 101.12(3g)]
- A new building or structure containing less than 50,000 cubic feet of total volume.
 - An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
 - An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
 - An alteration of a space in a building containing less than 100,000 cubic feet of total building volume.
2. Plan review of all commercial buildings, without size limitations. [Appointed Agent per Wis. Stat. § 101.12(3g)]
3. Plan review of building sizes other than those described above. [Appointed Agent per Wis. Stat. § 101.12(3g)]
- Fill in the desired enforcement responsibilities below:**
-

STEP 2: Code Enforcement Information. Municipalities performing any of the above FSFA responsibilities must utilize certified commercial building inspectors and/or certified fire detection, prevention, and suppression inspectors to perform the plan examination functions. Include this information below.

Name of Certified Inspector: _____

Contracted Agency that Employs Certified Inspector (if applicable): _____

Commercial Building Inspector or Fire Detection, Prevention, and Suppression Inspector Credential #: _____

Phone: _____ Email: _____

STEP 3: Required Documentation.

- Current ordinance showing a) adoption of the Wisconsin State Code applicable chapters, b) authorization of municipal code official to enforce, c) duty of owners to submit for permits, d) fee schedule or reference to fees to be set by resolution, e) appeals process, and f) fines and penalties. A [model ordinance](#) is available, if needed.

STEP 4: Proceed to Last Page.

CHANGES TO ENFORCEMENT STAFF LISTED ON ANY PAGE OF THIS APPLICATION SHALL BE IMMEDIATELY REPORTED TO THE DEPARTMENT

Municipality's Primary Contact. The Department will list the municipality's contact(s) on its public delegated municipality lists. List individual(s) **employed by (not contracted with)** the municipality that oversee the plan review and/or inspection program(s).

| | |
|---|--------------|
| Name of Municipality's Primary Contact: _____ | |
| Position Title: _____ | |
| Programs Managed: _____ | |
| Phone: _____ | Email: _____ |

| | |
|---------------------------------------|--------------|
| Name of Municipality's Contact: _____ | |
| Position Title: _____ | |
| Programs Managed: _____ | |
| Phone: _____ | Email: _____ |

| | |
|---------------------------------------|--------------|
| Name of Municipality's Contact: _____ | |
| Position Title: _____ | |
| Programs Managed: _____ | |
| Phone: _____ | Email: _____ |

Notes.

- Additional information may be requested to complete delegation application review.
- Fees per Wis. Admin. Code § SPS 302 are required to be remitted to our agency for commercial building, FS/FA, and conveyance projects, depending upon the delegation type authorized.

I understand the applicable responsibilities and expectations for the type of delegation we are requesting and that they are municipal responsibilities, regardless of how we provide staffing for our enforcement program. **I also understand that we will notify the DSPS of changes in enforcement staff and will adhere to reporting requirements of the specified program.** Further, I understand the Department of Safety and Professional Services has authority to audit and revoke delegation for failure to perform required duties.

| | | |
|---|----------------|---------------|
| _____ Signature of authorized Municipal Official | _____ Title | _____ Date |
|---|----------------|---------------|

Name (printed)

Municipality

| | |
|------------------------|-----------------------|
| _____ Email Address | _____ Phone Number |
|------------------------|-----------------------|

Address, City, Zip Code

Return completed form and required documentation to:
Etta Strey, Division of Industry Services, at Etta.Strey@wisconsin.gov



For submission of any plan or variance, applicants may electronically submit directly to us on our website at eplanexam.com/submit-a-project. Fees must be made payable to the “E-Plan Exam”. For more information regarding fee payments and payment options or any general questions, please contact us at info@eplanexam.com and we will gladly help!

This form must be used for the submission of all Projects requiring Variance review.

1. Variance Type (Check all that apply):

- New Construction
- Addition
- Alteration
- Existing Structure

- Commercial Building Variance
- Commercial HVAC Variance
- Commercial Fire Suppression Variance
- Commercial Fire Alarm Variance

2. Facility Information

| | | | |
|---------------------------|------|---------|------|
| Facility (Building Name): | | | |
| Number & Street: | | | |
| Municipality: | City | Village | Town |
| County: | | | |
| Taxkey: | | | |

3. Owner Information

| | |
|------------------------|--|
| Name: | |
| Company Name: | |
| Legal Mailing Address: | |
| City, State, Zip Code: | |
| Telephone Number: | |
| Email Address: | |

4. Designer Information

| | |
|------------------------|--|
| Name: | |
| Design Firm: | |
| Legal Mailing Address: | |
| City, State, Zip Code: | |
| Contact Person: | |
| Telephone Number: | |
| Email Address: | |
| License Number: | |

| | | | |
|---------------|----------------------|-----------------------|---------------------|
| License Type: | Registered Architect | Professional Engineer | Registered Designer |
|---------------|----------------------|-----------------------|---------------------|

5. Project & Plan Status Information

| | | | |
|---|----------|----------|-----------|
| Plan submitted with petition Plan review: | | | |
| Plan will be submitted after petition determination: | | | |
| Revision/Update to previous petition: | | | |
| E-Plan Exam or DSPPS Application Number: | | | |
| Was a plan review already done? (Please enclose a copy of review letter): | Approved | RFI Hold | Denied |
| What trade(s) were reviewed?: | Bldg | HVAC | F. Alarm |
| | | | F. Sprink |

| |
|--|
| |
| |
| |
| |
| |

10. Verification by Owner

Note: Petitioner must be the owner of the building or system or credential applicant for a SPS 305 petition. Tenants, agents, designers, contractors, attorneys, etc., shall not sign petition unless Power of Attorney is submitted with the Petition for Variance Application.

I state, as petitioner, that I have read the foregoing petition and I believe it is true and that I have significant ownership rights to the subject building or project.

| | |
|-------------------------|--|
| Petitioner's Signature: | |
|-------------------------|--|

| | |
|-------------------------|--------------------|
| Make Checks Payable to: | E-PLAN EXAM |
| Fees Owed: | \$2,000.00 |

Complete remainder of form for variance from SPS 361-366.

Any variance for anything other than SPS 361-366 must be submitted to the State of Wisconsin Department of Safety and Professional Services.

11. Fire Department Position Statement:

To be completed for fire or life-safety related variances requested from SPS 361-366 and other fire-related requirements.

I have read the application for variance and recommend:

Approval

Conditional Approval

Denial

No Comment

Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions:

Fire Department Name and Address:

Name of Fire Chief or Designee:

Signature of Fire Chief or Designee:

Date Signed:

Telephone Number:

12. Local Government Inspection Recommendation

To be completed for variances requested from SPS 361-366.

I have read the application for variance and recommend:

Approval

Conditional Approval

Denial

No Comment

Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions

Local Government Inspection Department:

Name of Building Official (type or print):

Signature of Building Official:

Date Signed:

Telephone Number:

Petition for Variance Information and General Instructions SPS 303

This Petition for Variance may only be submitted to E-Plan Exam when the community where the variance is being sought has been granted special delegation by the State of Wisconsin Department of Safety and Professional Services (DSPS) to review at the local level. If you are unsure if the Community you are seeking to apply with has been granted such authority, please reach out to DSPS or E-Plan Exam so we can verify prior to application.

In instances where exact compliance with a particular code requirement cannot be met or alternative designs are desired, the petition for variance process allows for the department to review and consider acceptance of alternatives which are not in strict conformance with the letter of the code, but which meet the spirit and intent of the code. **A variance is not a waiver from a code requirement.** The petitioner must **provide an equivalency which meets the intent** of the code section petitioned to obtain a variance. Documentation of the rationale for the equivalency is required. Failure to provide adequate information may delay a decision on the petition. Pictures, sketches, and plans may be submitted to support equivalency. If the proposed equivalency does not adequately safeguard the health, safety, and welfare of building occupants, frequenters, firefighters, etc., the variance request will be denied.

NOTE: A SEPARATE PETITION IS REQUIRED FOR EACH BUILDING AND EACH CODE ISSUE PETITIONED (i.e., window issue cannot be processed on the same petition as stair issue). It should be noted that a petition for variance does not take the place of any required plan review submittal.

We are unable to process petitions for variance that are not complete in full. Before submitting the application, the following items should be checked for completeness:

- Petitioner's name (typed or printed), Petitioner's signature, and Proper Fee Payment
- The application must be signed by the owner of the building or system unless a Power of Attorney is submitted.
- Analysis to establish equivalency, including any pictures, illustrations, or sketches of the existing and proposed conditions to clearly convey your proposal to the reviewer.
- Any required position statements by fire chief or municipal official

A position statement from the chief of the local fire department is required for fire or life-safety issues. No fire department position statement is required for topics such as energy conservation. Submit a municipal building inspection department position for SPS 361-366 commercial building plan review is by the municipality or orders are written on the building under construction. (Submit a copy of the orders.)

Position statements must be completed and signed by the appropriate fire chief, local government enforcement official or state agency designee. All signatures from municipal officials will be verified.

Except for special cases, a determination on a petition will occur for variance within 30 business days of the scheduled review date, provided all calculations, documents, and fees required for the review have been received.

Any variance for anything other than SPS 361-366 must be submitted to the State of Wisconsin Department of Safety and Professional Services.



Wednesday, August 17, 2022

State of Wisconsin Department of Safety and Professional Services
Attn: Branden Piper & Justin Gavin & Etta Strey
PO Box 8935
Madison, WI 53708-8935

Dear Branden, Justin and Etta,

Our sincere apologies for the delay in getting this to you as our submissions have begun to uptick heading into the fall. However, we did try to be as comprehensive as possible in creating an outline here that hopefully should be able to be repeatable and give the Department as well as E-Plan Exam and any applicant a path of choice.

Our mission when considering any variance for any reason:

The petition for variance shall establish an equivalency which meets the intent of the rule being petitioned.

Municipal Application Outline:

Given variances inherently have intertwining aspects that often involve numerous differing aspects of the code (i.e. a variance for HVAC may require considerations/tradeoffs utilizing fire suppression, etc..) Communities seeking this responsibility to self-perform variances shall make application after the agent municipality has already been granted delegated agent authority, appointed agent authority, or is fully exercising its rights as a city of First/Second class for ~~all of the following trades~~ for plan review of unlimited size structures:

- Building
- HVAC
- ~~Plumbing~~
- Fire Alarm
- Fire Suppression

Application shall occur on a community-by-community basis where ~~all 5 base~~ commercial plan review delegations are held by the community and shall be specifically requested by the community in a separate delegated agent application via filling out desired responsibilities or another similar field on an application form similar to the below:

Commercial Building (Structural and HVAC) Plan Review

STEP 1: Check one.

| | |
|--------------------------|--|
| <input type="checkbox"/> | 1. Plan review of small commercial buildings, as defined below. [Wis. Stat. § 101.12(3)(b)] <ul style="list-style-type: none"> ▪ A new building or structure containing less than 50,000 cubic feet of total volume. ▪ An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume. ▪ An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet. ▪ An alteration of a space in a building containing less than 100,000 cubic feet of total building volume. |
| <input type="checkbox"/> | 2. First- or Second-Class City Only: Plan review for all size buildings within the City. [Wis. Stat. § 101.12(3m)(a)] |
| <input type="checkbox"/> | 3. Plan review of building sizes other than those described above. [Appointed Agent per Wis. Stat. § 101.12(3g)] Fill in the desired enforcement responsibilities below: |



Application Outline:

E-Plan Exam shall consider and may grant a variance from an administrative rule upon receipt of the following:

1. Variance Fee which will need to be adopted and enforced by the municipality.
2. A completed petition for variance form from the owner.
 - a. This shall be either a municipal variance form (which shall contain at a minimum the same core information requirements for processing as the state of Wisconsin form) or
 - b. The State SBD-9890 Form
3. A position statement from the fire department where applicable, provided an equivalency is established which meets the intent of the rule being petitioned.

Note: A completed petition for variance form shall include a clear and concise written statement of the specific provisions of the rule from which the variance is requested along with a specific statement of the procedures and materials to be used if the variance is granted.

All three elements will need to be provided prior to the commencement of any variance review.

Trades and Elements Reviewed:

This procedure when put into practice would apply to:

- Commercial Building Variances
- Commercial HVAC Variances
- Commercial Fire Alarm Variances
- Commercial Fire Sprinkler Variances
- ~~Commercial Plumbing Variances~~

This is intended to serve as a fast lane for some segments of variances that the State of Wisconsin Department of Safety and Professional Services review on a routine and regular basis but directly impact Commercial Building Construction.

Processing Time:

E-Plan Exam shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review.

E-Plan Exam shall process priority petitions within 10 business days of receipt of all calculations, documents and fees required to complete the review.

Note: If a petition for variance is submitted with a request for a plan review, the processing times for the petition and the processing times for the plan review shall run consecutively, with the petition being processed first.

Procedure:

1. Upon receipt of the petition for variance form, the applicable fee and the position statement, and any other documents the petitioner may wish to submit, E-Plan Exam shall evaluate the petition for variance and determine if the petition for variance provides for an equivalency which meets the intent of the rule being petitioned.



2. If additional information is needed by E-Plan Exam to review the petition for variance and make a determination, E-Plan Exam shall notify the owner in writing of the specific information required.
3. Once the petition for variance is evaluated, E-Plan Exam will coordinate with the city, village, or town where the project is located to obtain a position statement from the fire department, where applicable, and a municipal recommendation on the petition for variance from the enforcement official of the municipality exercising jurisdiction, where applicable.
4. If it is determined that the petition for variance provides an equivalency, the petition for variance shall be submitted to the Department of Safety and Professional Services for a peer review.

This determination shall be done in direct concert with the Municipal Chief Inspector for that trade being requested for review and the Fire Chief. In the event that the submission is a Fire Alarm or Fire Suppression Variance request the Chief Building Inspector for the municipality shall be a part of the committee reviewing the variance.

If it is determined that the petition for variance does not provide an equivalency, the E-Plan Exam may:

- a. Approve the petition for variance subject to specific conditions determined by the division which shall establish an equivalency which meets the intent of the rule;
 - b. Grant a temporary variance to delay enforcement of a rule to a specified date, not to exceed one year. In requesting the variance, the petitioner shall demonstrate that all available steps are being taken to safeguard the public and employees against the hazard covered by the rule from which the variance is sought and shall possess and describe a program for coming into compliance with the rule as quickly as possible. A temporary variance may be renewed no more than twice, not to exceed one year each, and only if the petitioner files an application for renewal at least 90 calendar days before expiration of the temporary variance;
 - c. Grant an experimental variance to allow the petitioner to participate in an experiment approved by the division to demonstrate or validate new or improved techniques to safeguard the health or safety of the public and employees; or
 - d. Deny the petition for variance.
5. E-Plan Exam shall notify the State of Wisconsin Department of Safety and Professional Services applicable Section Chief in writing of the petition for variance determination, including any conditions of approval. Any denial shall include the reason for denial, and information on the appeals procedure.
 6. The State of Wisconsin Department of Safety and Professional Services, as soon as practical – (preferably within 5 business days), whether they through the Peer Review Process if it is acceptable to release the final position statement to the Petitioner granting / denying / or issuing any other form of approval as outlined in section 4 above.
 7. E-Plan Exam shall notify the petitioner in writing of the petition for variance determination, including any conditions of approval. Any denial shall include the reason for denial, and information on the appeals procedure.
 8. E-Plan Exam shall provide copies of all final variances issued to the State of Wisconsin Department of Safety and Professional Services within 30 days of issuance.



E-Plan Exam and DSPS interface and the Peer Review Process:

Prior to the issuance of any departmental decision of any variance, the State of Wisconsin Department of Safety and Professional Services, shall be directly notified of the pending decision by E-Plan Exam.

DSPS will have all the following rights as part of the Peer Review Process:

- To directly and immediately overrule the pending decision of E-Plan Exam.
- At any time provide direct guidance to have E-Plan Exam redirect the applicant to the Department for Variance Review and Processing.
- To request any supplemental and supporting documentation, plans, permits, historical information to make any decision at any time.
- **To revoke the community's ability to review any future issued variances at any point in time for any length of time.**

Note: Nothing at any point in time, for any reason nor for any type of variance review requested shall prevent any applicant from seeking the direct permission and making direct application for variance to the State of Wisconsin Department of Safety and Professional Services. Similar to the delegated agent program established – this shall purely be a program of choice by the applicant, state, and communities that seek to partake in this.

Fees:

The fee for reviewing petitions for variance on rules under chs. [SPS 361](#) to [366](#) as well as [SPS 382](#) shall be established by the municipality who seeks to establish this program and shall be enacted via fee resolution or ordinance adoption as required per Wisconsin State Statutes.

Where an identical variance is sought for identical buildings with a common owner in a single municipality, and all of the buildings are listed on one submitted petition, the fee for the first building shall be a regular fee per the Municipal ordinances, and a modified reduced fee

Upon request, E-Plan Exam will process petitions for variance on a priority basis and will offer expedited services.

With regards to the specific variance fee to be implemented, this would need to be worked out with each individual community, their legal council, their voting board/committee, and based on our ultimate end contract. However whatever fee is established shall be established in a community fee schedule.

Modifications and Revisions:

If a petition for variance is initially denied by E-Plan Exam, the petitioner may, in writing, modify the request for variance by submitting additional or other alternatives in order to provide an equivalency and resubmit the application for the petition for variance.

The petitioner may, in writing, request that his or her original petition statements or the conditions of approval be modified and resubmit the application for the petition for variance.

Revocation:

E-Plan Exam may revoke any petition for variance where it is determined that the variance was obtained through fraud or deceit or where the petitioner has violated the specific conditions on which the variance was approved.



E-PLAN
EXAM

The State of Wisconsin Department of Safety and Professional Services may likewise request that E-Plan Exam revoke any issued petition for variance.

Appeals Process:

As communities will undertake likely as part of this process the Delegated Agent responsibilities and will have their own Appeal Process in place – appeals shall occur in the following manner:

- In accordance with outlined and approved procedures as required to be submitted for the Plan Review Delegated Agent Plan Review Program
Or
- A direct appeal to the State of Wisconsin Department of Safety and Professional Services where any opinion rendered by the Department in accordance with SPS 361.03(3) & SPS 361.03(4) to resolve any conflict and shall directly supersede any local judgement including that of E-Plan Exam.

It is our sincere goal that this serve merely as a starting point and a set of guiding principles that should absolutely be expanded upon over time. Our goal is to work in cooperation with the Department of Safety and Professional Services and we look forward to any feedback you provide.

Sincerely and respectfully,

David Adam (DA) Mattox, P.E
President
E-Plan Exam
414-736-4721
damattox@eplanexam.com



For submission of any plan or variance, applicants may electronically submit directly to us on our website at eplanexam.com/submit-a-project. Please note, in either format paper or electronic, fees must be made payable to the “E-Plan Exam”. For more information regarding fee payments and payment options or any general questions, please contact us at info@eplanexam.com and we will gladly help!

This form must be used for the submission of all Projects requiring Variance review.

1. Variance Type (Check all that apply):

- New Construction
- Addition
- Alteration
- Existing Structure
- Commercial Building Variance
- Commercial HVAC Variance
- ~~Commercial Plumbing Variance~~
- Commercial Fire Suppression Variance
- Commercial Fire Alarm Variance

2. Facility Information

| | | | | |
|---------------------------|--|------|---------|------|
| Facility (Building Name): | | | | |
| Number & Street: | | | | |
| Municipality: | | City | Village | Town |
| County: | | | | |
| Taxkey: | | | | |

3. Owner Information

| | | | | |
|------------------------|--|--|--|--|
| Name: | | | | |
| Company Name: | | | | |
| Legal Mailing Address: | | | | |
| City, State, Zip Code: | | | | |
| Contact Person: | | | | |
| Telephone Number: | | | | |
| Email Address: | | | | |

4. Designer Information

| | | | | | |
|------------------------|----------------------|-----------------------|---------------------|----------------|---------------|
| Name: | | | | | |
| Design Firm: | | | | | |
| Legal Mailing Address: | | | | | |
| City, State, Zip Code: | | | | | |
| Contact Person: | | | | | |
| Telephone Number: | | | | | |
| Email Address: | | | | | |
| License Number: | | | | | |
| License Type: | Registered Architect | Professional Engineer | Registered Designer | Master Plumber | Other (state) |

7. State your proposed means and rationale of providing equivalent degree of health, safety, or welfare as addressed by the code section petitioned.

DRAFT

8. Reason why compliance with the code cannot be attained without the variance (Attach additional sheets, if necessary)

DRAFT

9. List attachments to be considered as part of the petitioner's statements (i.e., model code sections, test reports, research articles, expert opinion, previously approved variances, pictures, plans, sketches, etc.).

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10. Verification by Owner

Note: Petitioner must be the owner of the building or system or credential applicant for a SPS 305 petition. Tenants, agents, designers, contractors, attorneys, etc., shall not sign petition unless Power of Attorney is submitted with the Petition for Variance Application.

I state, as petitioner, that I have read the foregoing petition and I believe it is true and that I have significant ownership rights to the subject building or project.

Petitioner's Signature:

Make Checks Payable to:

Fees Owed:

Complete remainder of form for variance from SPS SPS 361-366, SPS 382, and SPS384.

Any variance for anything other than SPS 361-366 & SPS 382 & SPS 384 must be submitted to the State of Wisconsin Department of Safety and Professional Services.

11. Fire Department Position Statement:

To be completed for fire or life-safety related variances requested from SPS 361-366 and other fire-related requirements.

I have read the application for variance and recommend:

Approval

Conditional Approval

Denial

No

Comment Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions

Fire Department Name and Address

Name of Fire Chief or Designee (type or print)

Signature of Fire Chief or Designee

Date Signed:

Telephone Number:

12. Local Government Inspection Recommendation

To be completed for variances requested from SPS 382, SPS 384 and SPS 361-366.

I have read the application for variance and recommend:

Approval

Conditional Approval

Denial

No

Comment Explanation for recommendation including any conflicts with local rules and regulations and suggested conditions

Local Government Inspection Department

Name of Chief Inspector (type or print)

Signature of Fire Chief or Designee

Date Signed:

Telephone Number:

Petition for Variance Information and Instructions SPS 303

In instances where exact compliance with a particular code requirement cannot be met or alternative designs are desired, the division has a petition for variance process in which it reviews and considers acceptance of alternatives which are not in strict conformance with the letter of the code, but which meet the intent of the code. **A variance is not a waiver from a code requirement.** The petitioner must **provide an equivalency which meets the intent** of the code section petitioned to obtain a variance. Documentation of the rationale for the equivalency is required. Failure to provide adequate information may delay a decision on the petition. Pictures, sketches, and plans may be submitted to support equivalency. If the proposed equivalency does not adequately safeguard the health, safety, and welfare of building occupants, frequenters, firefighters, etc., the variance request will be denied.

NOTE: A SEPARATE PETITION IS REQUIRED FOR EACH BUILDING AND EACH CODE ISSUE PETITIONED (i.e., window issue cannot be processed on the same petition as stair issue).

It should be noted that a petition for variance does not take the place of any required plan review submittal.

The division is unable to process petitions for variance that are not properly completed. Before submitting the application, the following items should be checked for completeness in order to avoid delays:

- Petitioner's name (typed or printed)
- Petitioner's signature
- The application must be signed by the owner of the building or system unless a Power of Attorney is submitted.
- Analysis to establish equivalency, including any pictures, illustrations, or sketches of the existing and proposed conditions to clearly convey your proposal to the reviewer.
- Proper fee
- Any required position statements by fire chief or municipal official

A position statement from the chief of the local fire department is required for fire or life-safety issues. No fire department position statement is required for topics such as ~~plumbing, private onsite sewage systems, or~~ energy conservation. Submit a municipal building inspection department position for SPS 361-366 commercial building plan review is by the municipality or orders are written on the building under construction. (Submit a copy of the orders.)

Position statements must be completed and signed by the appropriate fire chief, local government enforcement official or state agency designee. All signatures from municipal officials will be verified.

Except for special cases, a determination on a petition will occur for variance within 30 business days of the scheduled review date, provided all calculations, documents, and fees required for the review have been received.

Any variance for anything other than SPS 361-366 & SPS 382 & SPS 384 must be submitted to the State of Wisconsin Department of Safety and Professional Services.

CONTRACT

I. THE PARTIES

- 1.01 City of Appleton, a Wisconsin municipal corporation, doing business at 100 North Appleton Street, Appleton, WI 54911-4799 (“City”).
- 1.02 EPLEX, LLC, a limited liability company and doing business as E-Plan Exam, maintaining offices at 12605 West North Avenue #189, Brookfield, WI 53005 “Contractor”.

II. SCOPE OF WORK

- 2.01 The Contractor shall, in a workmanlike manner, perform as required under this contract; and unless otherwise expressly stated, shall provide all the labor, materials, tools, expendable equipment, utility and transportation services necessary for plan reviews for Building, HVAC, Plumbing, Fire Alarm, and Fire Sprinkler, all in strict compliance with the Contractor’s proposal and all other documents incorporated herein by reference. Time is of the essence.

III. CONTRACT PRICE

- 3.01 Subject to any additions or deductions provided herein, the Contractor shall pay the City for the performance of this contract in a sum equal to 10% of all plan review fees charged to an applicant as described in Exhibit A and Contractor’s Proposal.

IV. COMPONENT PARTS OF THIS CONTRACT

- 4.01 This contract consists of the following component parts all of which are as fully a part of this contract as if herein set out verbatim or, if not attached, as if hereto attached.
- 4.01.1 Insurance Requirements Exhibit IR 3.2 – Professional Services: \$5M Umbrella consisting of 5 pages
- 4.01.2 Exhibit A – Plan Review Services dated 3/7/2022 and consisting of 5 pages
- 4.01.3 Contractor’s Proposal for the City of Appleton dated December 2021 consisting of 8 pages

V. ADDITIONAL PROVISIONS

- 5.01 In the event that any provision in any of the above component parts of this contract conflicts with any provision in any other of the component parts, the provision in the

component part first enumerated above shall govern over any other component part which follows it numerically, except as may be otherwise specifically stated.


- 5.02 In the event that any part of this contract is found to be illegal, it shall be stricken from the contract and the contract interpreted as if that clause did not exist.
- 5.03 This contract shall be construed in accordance with, and governed by, the laws of the State of Wisconsin, without giving effect to any choice of law doctrine that would cause the law of any other jurisdiction to apply. Venue shall be in Outagamie County, Wisconsin.
- 5.04 In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in Wis. Stats. §51.01(5), sexual orientation, gender identity, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation and gender identity, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.
- 5.05 Nothing contained within this contract is intended to be a waiver or estoppel of the City or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes Sections 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.
- 5.06 This contract may be executed in several counterparts, either by original signature or verified electronic signature, each of which shall be deemed an original, but such counterparts shall together constitute but one and the same agreement. The headings in this contract are inserted for convenience of reference only and shall not constitute a part hereof.
- 5.07 Each of the Parties herein represents and warrants that the execution, delivery, and performance of this Contract has been duly authorized and signed by a person who meets statutory or other binding approval to sign on behalf that respective Party.


5.08 **AGREEMENT TO INDEMNIFY AND SAVE HARMLESS.** The Contractor agrees to indemnify, defend and hold harmless the City of Appleton and its officers, officials, employees and agents from and against any and all liability, loss, damage, expenses, costs, including attorney's fees, arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the Contractor, anyone directly or indirectly employed by any of them or anyone whose acts any of them may be liable, except where caused by the sole negligence or willful misconduct of the City.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused this instrument to be executed on the day and year of the last signature below.

EPLEX, LLC, a limited liability corporation and doing business as E-Plan Exam, Contractor

By: 
Printed Name: DAVID ADAM MATTOS
Title: Co-Founder
Date: 3-7-22

By: 
Printed Name: EDWARD LISINSKI
Title: Co-FOUNDER
Date: 3/7/2022

City of Appleton

By: _____
Jacob A. Woodford, Mayor

By: _____
Kami Lynch, City Clerk

Approved as to form:

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

Christopher R. Behrens, City Attorney
Last Revision: February 2022
CityLaw: A22-0103.dg

Jeri A. Ohman, Finance Director

IR 3.2 – Professional Services: \$5M Umbrella
City of Appleton
Insurance Requirements

Project: _____

The contract or purchase order is not considered approved and the Contractor shall not commence work until proof of the required insurance has been provided to the applicable department for the City of Appleton.

It is hereby agreed and understood that the insurance required by the City of Appleton is primary coverage and any insurance or self-insurance maintained by the City of Appleton, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to commencing work and remain in force until the entire job is completed or the length of time specified in the contract or listed below, whichever is longer.

- **Professional Liability**
 - Limits
 - Each claim \$1,000,000
 - Annual aggregate..... \$1,000,000
 - Must continue coverage for 2 years after final acceptance for service/job

- **General Liability Coverage**
 - Commercial General Liability
 - Each occurrence limit \$1,000,000
 - Personal liability and advertising injury \$1,000,000
 - General aggregate \$2,000,000
 - Products/Completed operations aggregate..... \$2,000,000
 - Claims made form of coverage is not acceptable.
 - Insurance must include:
 - Premises and Operations Liability
 - Contractual Liability
 - Personal Injury
 - Explosion, collapse and underground coverage
 - Products/Completed Operations must be carried for 2 years after acceptance of completed work
 - **The general aggregate must apply separately to this project/location**

- **Business Automobile Coverage**
 - Combined single limit for bodily injury and property damage
 - Each incident \$1,000,000
 - Must cover liability for Symbol #1 - “Any Auto” – including owned, non-owned and hired automobile liability.

- **Workers Compensation and Employers Liability:** IF required by Wisconsin State Statute or any workers compensation statute of a different state.
 - Must carry coverage for statutory workers compensation and an employers liability limit of:
 - Each accident..... \$100,000
 - Disease policy limit \$500,000
 - Disease – each employee \$100,000

- **Umbrella Liability:** IF exposure exists, provide coverage at least as broad as the underlying commercial general liability, automobile liability and employers liability, with a minimum limit of
 - Each occurrence..... \$5,000,000
 - Aggregate \$5,000,000
 - Maximum self-insured retention of \$10,000

- **Additional Provisions**
 - **Primary and Non-Contributory requirement: All insurance must be primary and non-contributory to any insurance or self-insurance carried by City of Appleton.**
 - **Acceptability of Insurers:** Insurance is to be placed with insurers who have an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI, and who are authorized as an admitted insurance company in the state of Wisconsin.
 - **Additional Insured Requirements:** The following must be named as **additional insureds** on the general liability and business automobile liability policies for liability arising out of project work: **City of Appleton, and its officers, council members, agents, employees and authorized volunteers. On the Commercial General Liability Policy, the additional insured coverage must be ISO form CG 20 10 07 04 and also include Products/Completed Operations equivalent to ISO form CG 20 37 07 04 or their equivalents for a minimum of 2 years after acceptance of work. This does not apply to Workers Compensation Policies.**
 - Certificates of Insurance acceptable to the City of Appleton shall be submitted prior to commencement of the work to the applicable department. **In addition form CG 20 10 07 04 for ongoing work exposure and form CG 20 37 07 04 for products-completed operations exposure must also be provided or its equivalent.** These certificates shall contain a provision that coverage afforded under the policies will not be canceled or non renewed until at least 30 days’ prior written notice has been given to the City of Appleton.

REQUIREMENTS CONTINUE ON FOLLOWING PAGE

Insurance Requirements for Sub-Contractors, all sub-contractors shall be required to obtain Commercial General Liability, Automobile Liability, Worker's Compensation, Employer's Liability and if applicable, Watercraft Liability, Aircraft Liability and Unmanned Aircraft Liability Insurance. This insurance shall be as broad as and with the same coverage limits as those required of the Contractor.

The following additional coverages are required where the corresponding box is checked. In addition, Contractor shall be responsible for consulting with its insurance carrier to determine whether any of the other following coverages should be carried based upon the specific project:

- Bond Requirements**
 - **Bid Bond:** The Contractor's Bid Bond equal to 5% of the contract shall accompany the bid for the project.
 - **Payment and Performance Bond:** If awarded the contract, the Contractor will provide to the Owner a Payment and Performance Bond in the amount of the contract price, covering faithful performance of the contract and payment of obligations arising thereunder, as stipulated in bidding requirements, or specifically required in the contract documents on the date of the contract's execution.
 - **Acceptability of Bonding Company:** The Bid, Payment and Performance Bonds shall be placed with a bonding company with an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI.
 - **License and Permit Bond:** The Contractor will provide to the City a License and Permit Bond in the amount stipulated in Appleton's Municipal Code.

- Property Insurance Coverage (Builder's Risk) to be provided by the Contractor**
 - The property insurance must include engineering or architect fees and must equal the bid amount, plus any change orders.
 - Coverage includes property on the work site/s, property in transit and property stored off the work site/s.
 - Coverage will be on a **Replacement Cost basis**.
 - The City of Appleton, consultants, architects, architect consultants, engineers, engineer consultants, contractors and subcontractors will be added as named insureds to the policy.
 - Coverage must include collapse and be written on a "special perils" or "all risk" perils basis.
 - Coverage must include water damage (including, but not limited to, flood, surface water, hydrostatic pressure) and earth movement.
 - Coverage must include testing and start up.
 - Coverage must include boiler and machinery if the exposure exists.
 - Coverage must include engineers' and architects' fees.
 - Coverage must include building ordinance or law coverage with a limit of 5% of the contract amount.
 - The policy must cover/allow partial utilization by owner.

- Coverage must include a “waiver of subrogation” against any named insureds or additional insureds.
- Contractor is responsible for all deductibles and coinsurance penalties.

Pollution Liability – Contractors; Motor Vehicle/Automobile; Professional; Environmental Consultants/Engineers

- Definition of “Covered Operations” in the policy must include the type of work being done for the City of Appleton
- Limits of Liability:
 - \$500,000 each loss for bodily injury, property damage, environmental damage
 - \$1,000,000 Aggregate for bodily injury, property damage, environmental damage (environmental damage includes pollution and clean-up costs)
- Deductible must be paid by the Contractor, consultants/engineers
- The City of Appleton, its Council members and employees must be Additional Insureds
- The policy must also cover subcontractors
- Specify if “Wrongful Delivery” is covered
- Must cover motor vehicle loading and unloading and show on Certificate of Insurance
- Certificate of Insurance must state:
 - If the policy is an Occurrence or a Claims Made Form
 - If the defense costs reduce the limit of liability
 - If the policy covers motor vehicle loading and unloading claims
 - If there is an underground storage tank or a super fund exclusion
 - If there is a Contractual Liability Exclusion
 - If Bodily Injury includes mental anguish and emotional distress

Aircraft Liability insurance with a limit of \$3,000,000 per occurrence for bodily injury and property damage including passenger liability and slung cargo if the project includes the use or operation of any aircraft or helicopter.

Unmanned Aircraft Liability insurance with a limit of \$1,000,000 per occurrence for bodily injury, property damage liability, and invasion of privacy liability if the project includes the use of or operation of any unmanned aircraft (drones).

Watercraft Liability insurance with a limit of \$1,000,000 per occurrence for bodily injury and property damage if the project includes the use of and/or operation of any watercraft.

Cyber Liability and Technology Errors and Omissions Insurance

- Per occurrence..... \$100,000



Commercial Crime Policy

- Per occurrence \$100,000

Last Review: 12/2021

Exhibit A – Plan Review Services

3/7/2022

1. PLAN REVIEW SERVICES

Plan review services will be provided when requested by City of Appleton (“Client”). Client retains exclusive authority over which plan reviews are referred to E-Plan Exam (“Consultant”). Plan review is limited to Structural, Building, Mechanical, Plumbing, Fire Alarm, and Fire Sprinkler trades/disciplines.

Each discipline will be reviewed by a plan examiner holding certifications as required by the local jurisdiction and/or licensed Architect and/or Professional Engineer holding licensure in the State of Wisconsin.

- Disciplines are defined as follows:
 - Building (architectural / structural)
 - Mechanical (HVAC)
 - Plumbing
 - Fire (Sprinkler, Fire Alarm, etc.)
- Post final comprehensive conditional plan approval – required if requested by Jurisdiction of Authority.
 - Delegated Component Submittal(s)
 - Shop Drawings

2. PLAN REVIEW FEE:

- Building, HVAC, Plumbing, Fire Alarm and Fire Sprinkler Plan Review Fees shall be based upon the fee schedule adopted by the Municipality.
- Plan Review Fees will be split with the Client.
 - 90% of plan review fees are retained by Consultant and 10% are retained by Client.
 - Out of Consultant’s retained fees, Consultant shall be responsible for fees due to the State of Wisconsin as applicable for plan reviews Consultant perform as specified in Wisconsin Administrative Code.

| COMMERCIAL PLAN REVIEW FEE SCHEDULE – BUILDING/HVAC/FIRE ALARM/FIRE SUPPRESSION | | | | |
|--|-----------------------|-------------------|------------------------------------|--|
| 1. New construction, additions, alterations and parking lots fees are computed per this table. | | | | |
| 2. New construction and additions are calculated based on total gross floor area of the structure. | | | | |
| 3. A separate plan review fee is charged for each type of plan review. | | | | |
| Area (Square Feet) | Building Plans | HVAC Plans | Fire Alarm System Plans | Fire Suppression System Plans |
| Less than 2,500 | \$250 | \$150 | \$30 | \$30 |
| 2,500 - 5,000 | \$300 | \$200 | \$60 | \$60 |

| | | | | |
|---|---|----------|---------|---------|
| 5,001 - 10,000 | \$500 | \$300 | \$100 | \$100 |
| 10,001 - 20,000 | \$700 | \$400 | \$150 | \$150 |
| 20,001 - 30,000 | \$1,100 | \$500 | \$200 | \$200 |
| 30,001 - 40,000 | \$1,400 | \$800 | \$350 | \$350 |
| 40,001 - 50,000 | \$1,900 | \$1,100 | \$500 | \$500 |
| 50,001 - 75,000 | \$2,600 | \$1,400 | \$700 | \$700 |
| 75,001 - 100,000 | \$3,300 | \$2,000 | \$1,000 | \$1,000 |
| 100,001 - 200,000 | \$5,400 | \$2,600 | \$1,200 | \$1,200 |
| 200,001 - 300,000 | \$9,500 | \$6,100 | \$3,000 | \$3,000 |
| 300,001 - 400,000 | \$14,000 | \$8,800 | \$4,400 | \$4,400 |
| 400,001 - 500,000 | \$16,700 | \$10,800 | \$5,600 | \$5,600 |
| Over 500,000 | \$18,000 | \$12,100 | \$6,400 | \$6,400 |
| Note: | 1. A Plan Entry Fee of \$100.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees. | | | |
| | 2. At the sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced or waived based on scope of services, project type, or other relevant factors. | | | |
| Determination of Area | The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies. | | | |
| Structural Plans and other Component Submittals | When submitted separately from the general building plans, the review fee for structural plans, precast concrete, laminate wood, beams, cladding elements, other facade features or other structural elements, the review fee is \$250.00 per plan with an additional \$100.00 plan entry fee per each plan set. | | | |
| Accessory Buildings | The plan review fee for accessory buildings less than 500 square feet shall be \$125.00 with the plan entry fee waived. | | | |
| Early Start | The plan review fee for permission to start construction shall be \$75.00 for all structures less than 2,500 sf. All other structures shall be \$150.00. The square footage shall be computed as the first floor of the building or structure. | | | |
| Plan Examination Extensions | The fee for the extension of an approved plan review shall be 50% of the original plan review fee, not to exceed \$3,000.00. | | | |

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| Resubmittals & revisions to approved plans | When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be \$75.00. Any significant changes or alterations beyond minor amendments as determined by the Plans Examiner and Building Inspection Department may result in additional charges as appropriate. |
| Submittal of plans after construction | Where plans are submitted after construction, the standard late submittal fee of \$250.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees, structural components and base fees applied to a project. |
| Expedited Priority Plan Review | The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions. |

| COMMERCIAL PLAN REVIEW FEE SCHEDULE – PLUMBING | | | | |
|---|---|--|--|-------------------------------------|
| 1. New construction, alterations and remodeling fees are computed per the following table | | | | |
| 2. New construction fee is calculated based on square footage of the area constructed. | | | | |
| 3. Alterations and remodeling fee is based on the number of plumbing fixtures. | | | | |
| Area (Square Feet) (New Construction & Additions) | Plumbing Plan Review Fee | | Number of Fixtures (Alteration, Remodeling, and Site Work) | Plumbing Plan Review Fee |
| Less than 3,000 | \$300 | | <15 | \$200 |
| 3,001 - 4,000 | \$400 | | 16-25 | \$300 |
| 4,001 - 5,000 | \$550 | | 26-35 | \$450 |
| 5,001 – 6,000 | \$650 | | 36-50 | \$550 |
| 6,001 – 7,500 | \$700 | | 51-75 | \$800 |
| 7,501 – 10,000 | \$850 | | 76-100 | \$900 |
| 10,001 – 15,000 | \$900 | | 101-125 | \$1,050 |
| 15,001 – 20,000 | \$950 | | 126-150 | \$1,150 |
| 20,001 – 30,000 | \$1,100 | | >151 | \$1,150 |
| 30,001 – 40,000 | \$1,250 | | Plus \$160 for each additional 25 fixtures (rounded up) beyond 150 Fixtures | |
| 40,001 – 50,000 | \$1,550 | | | |
| 50,001 – 75,000 | \$2,100 | | | |
| Over 75,000 | \$2,500 | | | |
| Plus \$0.0072 per each additional sq. ft. over 75,000 sq. ft. | | | | |
| Note: | 1. A Plan Entry Fee of \$100.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees. | | | |

| | |
|--|---|
| | 2. At the Sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced or waived based on scope of services, project type, or other relevant factors. |
| Determination of Area | The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies. |
| Resubmittals & revisions to approved plans | When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be \$75.00. Any significant changes or alterations beyond minor amendments as determined by the Plans Examiner and Building Inspection Department may result in additional charges as appropriate. |
| Submittal of plans after construction | Where plans are submitted after construction, the standard late submittal fee of \$250.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees and base fees applied to a project. |
| Expedited Priority Plan Review | The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions. |

3. Supplemental Services as required by municipality:

- Hourly rate for services beyond what is specified in this Agreement shall be rendered at \$175.00 per hour. This shall only be assessed when prior written consent is provided by the Client to the Consultant and agreed to by the Consultant in writing.
 - This hourly rate is not intended for plan review services, but rather for incidental supplemental “on call” professional engineering services as required beyond the scope as outlined in services defined throughout the balance of Exhibit A.

4. PLAN REVIEW FEE – includes the following services:

- One optional remote code consultation meeting after conclusion of the first review
- Consultation via phone during duration of project regarding reviews preformed.
- Three (3) reviews of all disciplines to verify that all comments have been addressed.
 - Subsequent reviews may result in resubmittal plan examination fees to be assessed.
- Changes to plans after conditional approval is granted may result in resubmittal plan examination fees to be assessed.
- Free code consultation with all inspectors/City staff, both employed directly and under contract, serving the City of Appleton for entirety of duration of any project reviewed by E-Plan Exam, regardless of any contract in place with that entity and the City of Appleton. This free consultation period shall extend prior to any formal submission of any plan documents to the conclusion of any project reviewed or termination of this agreement (whichever occurs first).

5. TIME OF PERFORMANCE

- Plan review turnaround time shall be fifteen (15) business days after full receipt by Consultant of all required documents as required by the Department of Safety and professional services as well as the City of Appleton municipal code.
 - Plan Review turnaround time is defined as time frame from date of full receipt of plans to conclusion of plan review. Conclusion of plan review date will be determined by date that plans are listed as one of the following as dictated by best practices with the State of Wisconsin Department of Safety and Professional Services:
 - Conditionally Approved
 - Hold – Request for Additional Information
 - Denied

6. CONSULTANT CONTACT

Consultant will provide a qualified professional to oversee this project. They are available by phone and email using the contact information listed below.

Plan Review Management Contact

David Adam Mattox, P.E.

414-736-4721

damattox@eplanexam.com

Plan Review Management Contact

Edward Lisinski, P.E.

414-412-6096

edlisinski@eplanexam.com



E-PLAN
— EXAM

City of Appleton
December 2021

E-PLAN EXAM



Commercial Plan Review Services

OVERVIEW

E-Plan Exam is pleased to submit this proposal for services to support Appleton in its pursuit to deliver better customer service to your constituents and your internal team members through the plan review process!

It is our mission and goal at E-Plan Exam to assist municipalities in their effort to better serve the construction community by working in partnership to deliver exceptional quality plan reviews within an expedited time frame, while maintaining low costs. As code officials, who have served in high functional capacities, overseeing large building inspection and plan review departments, we fully understand and appreciate the challenges that are encountered daily in construction. Our philosophy and approach to better the communities we serve is to work in direct partnership with all stakeholders on all projects, from the time it is simply an idea in the mind of the developer to the point where occupancy is granted. What we have found is when we create and foster a positive experience with the communities we serve through integrity and passion, it improves the safety and the quality of the projects we are privileged to work on.

The proposal contained herein is meant to serve as a starting point and establish a foundation from which we can continue to build upon together. We sincerely look forward to supporting your community!

Our Main Objective

There are five main plan reviews that are required for any commercial building construction in Wisconsin: Building, HVAC, Plumbing, Fire Alarm and Fire Sprinkler. Without delegated authority granted by the State of Wisconsin Department of Safety and Professional Services, all projects would have to flow through them. This is where delegation comes in to handle some or all these scopes at the local level – but in many communities these thresholds are often inconsistent.

At the time of this proposal, after review with Wisconsin DSPS, **only 20 Communities** out of more than 1,800 in the State have the capabilities to do full-fledged plan review of Unlimited Size Structures for Building, HVAC, Fire Alarm, Fire Sprinkler, and Plumbing plan reviews.

- Most Communities, if they are delegated, are only delegated for small-scale Building and HVAC for projects not exceeding 50,000 cubic foot in volume for new construction (roughly the size of a new freestanding Starbucks).
- Most communities do not have any Plumbing Plan Review authority – Appleton does! If you desire, we can assist you in on-call fill in services for Plumbing Plan Reviews!
- Most communities are not delegated for Fire Alarm and Fire Sprinkler for projects. Appleton is already delegated for Fire Alarm and Fire Sprinkler! Like Plumbing, if you want, we can provide support here should you desire!

Our goal would be to enhance your local capabilities by **obtaining full-fledged delegation for Building and HVAC, projects of unlimited size for your community and elevate Appleton's capabilities!**

Once this program is up and running, at its heart it's a program of choice. Applicants would have the choice to submit to your community, and in turn E-Plan Exam, or they could still submit to the State. Likewise, your community can request that a submitter submit directly to the State for any reason. If you would like to proceed, would be joining a very select group of communities as of today that would have full-fledged approval from DSPS to handle all commercial projects at the local level. And once your community would be delegated by the State of Wisconsin, our goals would be simple:

- **Reroute revenue** never seen by your community from the State of Wisconsin.
- Guarantee **15 business days turn around** for any commercial project.
- Provide **full visibility** to the entirety of the plan review process to all stakeholders.
- In partnership, serve as an extension to your municipal operations by offering **free unlimited code consultations**.

Much of these elements are relatively easy to achieve, and while there are some prerequisites, our team will gladly work with you to achieve these delegations and set a new standard for construction in your community!

About Us

We founded our company in Wisconsin where our primary goal is to transform and raise the standard for which plan reviews are done in the state. In partnership with your community, we believe can provide exceptional service and effect positive change! Through successful implementation of our program, we have shown that these four simple objectives differentiate our operation from your current experience, and dramatically impact the communities we serve:

1. Integrity – At E-Plan Exam we take our practice and oaths seriously to safeguard the public welfare, life, health, and property for all our community partners. This is the guiding principle on which our company was founded and is present at the heart of every interaction we have.
2. Communication – We separate ourselves by our promise and guarantee to go above and beyond to work with everyone we interact with. Our goal is never to simply give a “yes” or “no” answer to whether something is code compliant but to work with everyone on what a code compliant path looks like.
3. Knowledge – Our experience is derived from working as advisors to the State of Wisconsin, serving on local and national code boards, leading large Wisconsin communities, and overseeing a variety of construction projects. With every unique project requiring its own solution, we will always make sure to coordinate our efforts with local inspection staff as well as the State of Wisconsin to ensure uniform enforcement and application of the code.
4. Passion – We believe that the permitting and plan review process is the most critical point where projects have the greatest potential to be delayed. Our greatest passion is driven by the ability to ensure that we guarantee a maximum of 15 business days for any review. In our opinion, waiting for weeks or even months on a plan review for a business to start construction is unacceptable. At E-Plan Exam we strive to challenge this industry “norm,” and do better, because we can.

OUR PROPOSAL

Outlined in this proposal and contract language is our promise to ensure the service offering we provide is at its best. We are prepared to guarantee that not only will all plan reviews be done within 15 business days, but all reviews will be done by individuals who either live or work in the State of Wisconsin. This allows us the capability to utilize plan examiners who have intimate knowledge of not only the current codes and our “Wisconsinisms”, but also our historical state building codes. All of which are still very much enforced today by state statutes and administrative code.

Additionally, our ability to communicate and coordinate our code efforts with not only the local inspection team but also the community, will result in fewer issues encountered during construction. This will allow for community development to occur with ease. To continuously improve our service, we ask that we have the opportunity to meet with community leadership, and those most impacted by our work regularly to review and improve our processes.

Proposed Fee Structure

Our fee structure outlined below operates on a percent fee split:

For all buildings and structures within the City of Appleton:

- **90% of plan review fees are retained by E-Plan Exam and 10% are retained by Appleton.**
 - **Out of E-Plan Exam’s retained plan review fees, we shall be responsible for fees due to the State of Wisconsin as applicable for reviews we perform as specified in Wisconsin Administrative Code.**

These fees are based on the following fee schedule which is a simplified and customer friendly variant of the State of Wisconsin’s Plan Review Fee Schedule. Please see below:

COMMERCIAL PLAN REVIEW FEE SCHEDULE – BUILDING/HVAC/FIRE ALARM/FIRE SUPPRESSION

1. New construction, additions, alterations, and parking lots fees are computed per this table.
2. New construction and additions are calculated based on total gross floor area of the structure.
3. A separate plan review fee is charged for each type of plan review.

| Area (Square Feet) | Building Plans | HVAC Plans | Fire Alarm System Plans | Fire Suppression System Plans |
|---|---|-------------------|--------------------------------|--|
| Less than 2,500 | \$250 | \$150 | \$30 | \$30 |
| 2,500 - 5,000 | \$300 | \$200 | \$60 | \$60 |
| 5,001 - 10,000 | \$500 | \$300 | \$100 | \$100 |
| 10,001 - 20,000 | \$700 | \$400 | \$150 | \$150 |
| 20,001 - 30,000 | \$1,100 | \$500 | \$200 | \$200 |
| 30,001 - 40,000 | \$1,400 | \$800 | \$350 | \$350 |
| 40,001 - 50,000 | \$1,900 | \$1,100 | \$500 | \$500 |
| 50,001 - 75,000 | \$2,600 | \$1,400 | \$700 | \$700 |
| 75,001 - 100,000 | \$3,300 | \$2,000 | \$1,000 | \$1,000 |
| 100,001 - 200,000 | \$5,400 | \$2,600 | \$1,200 | \$1,200 |
| 200,001 - 300,000 | \$9,500 | \$6,100 | \$3,000 | \$3,000 |
| 300,001 - 400,000 | \$14,000 | \$8,800 | \$4,400 | \$4,400 |
| 400,001 - 500,000 | \$16,700 | \$10,800 | \$5,600 | \$5,600 |
| Over 500,000 | \$18,000 | \$12,100 | \$6,400 | \$6,400 |
| Note: | 1. A Plan Entry Fee of \$100.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees. | | | |
| | 2. At the Sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced, or waived based on scope of services, project type, or other relevant factors. | | | |
| Determination of Area | The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies. | | | |
| Structural Plans and other Component Submittals | When submitted separately from the general building plans, the review fee for structural plans, precast concrete, laminate wood, beams, cladding elements, other facade features or other structural elements, the review fee is \$250.00 per plan with an additional \$100.00 plan entry fee per each plan set. | | | |
| Accessory Buildings | The plan review fee for accessory buildings less than 500 square feet shall be \$125.00 with the plan entry fee waived. | | | |
| Early Start | The plan review fee for permission to start construction shall be \$75.00 for all structures less than 2,500 sf. All other structures shall be \$150.00. The square footage shall be computed as the first floor of the building or structure. | | | |
| Plan Examination Extensions | The fee for the extension of an approved plan review shall be 50% of the original plan review fee, not to exceed \$3,000.00. | | | |
| Resubmittals & revisions to approved plans | When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be \$75.00. Any significant changes or alterations beyond minor amendments as determined by the Plans Examiner and Building Inspection Department may result in additional charges as appropriate. | | | |

| | |
|---------------------------------------|---|
| Submittal of plans after construction | Where plans are submitted after construction, the standard late submittal fee of \$250.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees, structural components and base fees applied to a project. |
| Expedited Priority Plan Review | The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions. |

COMMERCIAL PLAN REVIEW FEE SCHEDULE – PLUMBING

1. New construction, alterations and remodeling fees are computed per the following table
2. New construction fee is calculated based on square footage of the area constructed.
3. Alterations and remodeling fee is based on the number of plumbing fixtures.

| Area (Square Feet) (New Construction & Additions) | Plumbing Plan Review Fee | | Number of Fixtures (Alteration, Remodeling, and Site Work) | Plumbing Plan Review Fee |
|---|--------------------------|--|---|--------------------------|
| Less than 3,000 | \$300 | | <15 | \$200 |
| 3,001 - 4,000 | \$400 | | 16-25 | \$300 |
| 4,001 - 5,000 | \$550 | | 26-35 | \$450 |
| 5,001 – 6,000 | \$650 | | 36-50 | \$550 |
| 6,001 – 7,500 | \$700 | | 51-75 | \$800 |
| 7,501 – 10,000 | \$850 | | 76-100 | \$900 |
| 10,001 – 15,000 | \$900 | | 101-125 | \$1,050 |
| 15,001 – 20,000 | \$950 | | 126-150 | \$1,150 |
| 20,001 – 30,000 | \$1,100 | | >151 | \$1,150 |
| 30,001 – 40,000 | \$1,250 | | Plus \$160 for each additional 25 fixtures (rounded up) beyond 150 Fixtures | |
| 40,001 – 50,000 | \$1,550 | | | |
| 50,001 – 75,000 | \$2,100 | | | |
| Over 75,000 | \$2,500 | | | |
| Plus \$0.0072 per each additional sq. ft. over 75,000 sq. ft. | | | | |

- | | |
|-------|--|
| Note: | 1. A Plan Entry Fee of \$100.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees. |
| | 2. At the Sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced, or waived based on scope of services, project type, or other relevant factors. |

| | |
|-----------------------|---|
| Determination of Area | The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies. |
|-----------------------|---|

| | |
|--|--|
| Resubmittals & revisions to approved plans | When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be \$75.00. Any significant changes or alterations beyond minor amendments as determined by the Plans Examiner and Building Inspection Department may result in additional charges as appropriate. |
|--|--|

| | |
|---------------------------------------|--|
| Submittal of plans after construction | Where plans are submitted after construction, the standard late submittal fee of \$250.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees and base fees applied to a project. |
| Expedited Priority Plan Review | The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions. |

Initial review time for all plans shall not be longer than 15 business days to either Approve, Deny, or Request for Additional Information/Place on Hold.

In addition to the outlined fees above, as a courtesy to our municipal partners, we also offer on-call hourly professional engineering services of \$175.00 per hour, when both the City of Appleton and E-Plan Exam agree in writing prior to such services.

Our initial proposed contract is for 48 months with all billing invoiced monthly with terms of Net 30 days.

And finally, there is no retainer or annual base fee required for our services. We are there when you need us, but when you don't, there is no cost to the municipality. Our goal is to fit seamlessly into your operation, to serve as an extension of your team and to work as your partner.

Insurance

E-Plan Exam carries a full complement of business insurance including errors and omissions, property, general and liability insurance. Certificates of insurance in the following amounts will be provided upon request:

| Type of Insurance | Amount of Insurance |
|------------------------------|--|
| Commercial General Liability | <ul style="list-style-type: none"> \$1,000,000 Each Occurrence \$2,000,000 General Aggregate |
| Professional Liability | <ul style="list-style-type: none"> \$1,000,000 Each Claim \$2,000,000 Aggregate |
| Umbrella Liability | <ul style="list-style-type: none"> \$5,000,000 Each Occurrence \$5,000,000 Aggregate |

Plan Review Process

Plan Intake

In construction, time is money and accuracy is critical. To that end, we have fully automated our procedures to streamline plan review intake. In cooperation with our municipal partners, we have enabled online plan review submission. A sample of our plan review intake forms can be found at eplanexam.com/submit-a-project. Once an applicant submits a project, notifications are sent to all staff who wish to receive notice. This notification will include links to all pertinent contact information, documents, and construction plans that were submitted.

As part of our service, your community will have full access to our system and database. This will allow you to see not only where a project is in our plan review queue, but also what issues may have been encountered and the status of the review. This access is not only limited to you, but to all our clients. You can easily see where everything stands as a whole and filter down to the plan reviews within your municipal boundaries. If you are interested in learning more about our services, we can give you temporary access to our live system and demonstrate it for you.



Fee Collection Services

As part of our service, we offer to all our municipal partners the collection and handling of any plan review fees. This is something that often takes up a significant amount of time to collect fees, ensure proper charges, and process invoices. To simplify matters, we offer two options:

1. E-Plan Exam collects any fees directly for the plan reviews we perform. Our team invoices for each project received directly to the applicant and issues a payment to our municipal partners to be received within 15-30 days. This option frees up significant amounts of administrative time for tracking down payments, as well as streamlines payments to the State of Wisconsin. We take ownership for ensuring proper fee calculations and payments.
2. We also offer an option to invoice your community for plan review services rendered, based on projects within any given month. In this option, you would collect all fees from the applicants, and we would send you an invoice with billable terms of net 30 days.

Plan Review

We love to talk about complex projects before they are ready to be submitted. This helps to clear up any potential code issues and ensures a smooth plan review. Code consultations with our examiners and architects, designers, contractors, and/or municipal partners are encouraged for complex projects.

Once the plan review is complete, we turn over all documents, specifications, and requests for additional information, to the applicants as well as the municipality. Our goal is to do as thorough of a review as possible while giving as much information to the municipality, so they can properly do their inspections. Additionally, for large scopes of work or complex projects, we will do project kick off meetings with the local inspection team to make them aware of the intricacies of the project.

All the services mentioned above including code consultations, and code inquiries from our municipal partners, inspectors, or applicants are included as part of our base plan review service.

Our goal is to make this program and our plan review experts an extension of your staff, give you more insight and capabilities versus the State's current process, reroute previously unseen revenue to your community, and provide top quality customer service to you and the constituents within your community.

CONCLUSION

We sincerely look forward to working with the City of Appleton and supporting your efforts!

Should the City of Appleton desire to speak with our references, municipal partners, or the developers we have worked with, we will be more than happy to provide contact information. If you decide to proceed with our services, we are proud to say that we will be able to serve your community immediately.

If you have any questions about this proposal or would like to discuss our services, please feel free to contact us at your earliest convenience and we will be more than happy to discuss. We are also available for virtual meetings if preferred.

Thank you for your consideration and we sincerely look forward to hearing from you!

Sincerely and respectfully,



David Adam (DA) Mattox, P.E.
Co-Founder
414-736-4721
damattox@eplanexam.com



Ed Lisinski, P.E., MP
Co-Founder
414-412-6096
edlisinski@eplanexam.com



E-PLAN

E X A M

eplanexam.com

12605 W North Avenue #189 - Brookfield, WI 53005



APPLICATION FOR STREET VACATION
 Community Development Department
 100 N. Appleton St. PH: 920-832-6468
 Appleton, WI 54911 FAX: 920-832-5994

RECEIVED
 Dept. of Community &
 Economic Development
 6-12-23
 Stamp date received

| APPLICANT | | STREET VACATION INITIATED BY | |
|---|--|---|--|
| Name THOMAS KROMM, CITY OF APPLETON | | <input type="checkbox"/> Citizen Initiated <input type="checkbox"/> Aldermanic Resolution <input checked="" type="checkbox"/> City Staff Initiated | |
| Mailing Address 100 N. APPLETON STREET APPLETON, WI | | | |
| Phone 920-832-6474 | | Fax 920-832-6489 | |
| E-mail TOM.KROMM@APPLETON.ORG | | | |

| STREET INFORMATION | |
|---|----------------------|
| Name of Street(s) to be Vacated: CIRCLE STREET | |
| Location: WEST OF DREW STREET AND EAST OF DURKEE STREET. | |
| Legal Description of Proposed Street Vacation *Please submit an electronic copy of the legal description in Microsoft Word format. SEE ATTACHMENT | |
| Current Zoning: P-I | Proposed Zoning: P-I |
| Current Uses: THIS PUBLIC RIGHT OF WAY IS ALREADY BEING USED, OCCUPIED AND MAINTAINED BY THE ADJOINING PROPERTY OWNER. | |

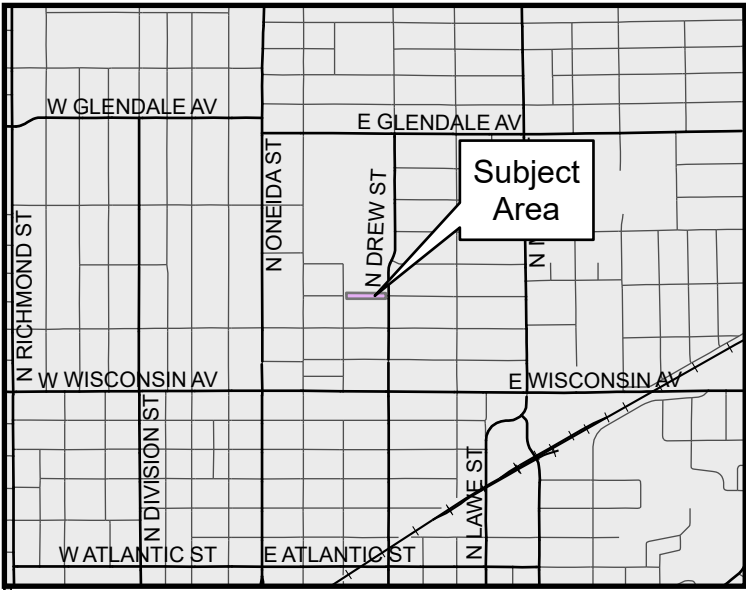
| PLEASE STATE THE REASON(S) FOR STREET VACATION REQUEST |
|---|
| *Please attach a location map of the property or portion of the property in question and facts to support the request. THE PUBLIC STREET IS NO LONGER BEING USED AS A PUBLIC STREET AND THE ADJOINING PROPERTY OWNER WOULD LIKE TO FURTHER DEVELOP THE PROPERTY. |

| | |
|-----------|-----------------------|
| 6/12/2023 | <i>Thomas M Kromm</i> |
| Date | Applicant Signature |

| OFFICE USE ONLY | |
|----------------------------|---------------------------|
| Application Complete _____ | Date Filed ____/____/____ |

Reasonable accommodations for persons with disabilities will be made upon request and if feasible. 7/10

E. Circle Street,
west of N. Drew Street and
east of N. Durkee Street
Street Vacation
Vicinity Map



P-I



E. Circle Street, west of
N. Drew Street and
east of N. Durkee Street
Street Vacation
Aerial Map



Subject Area



City Plan Commission
7-12-2023

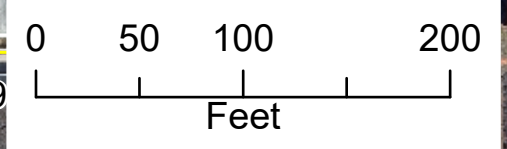
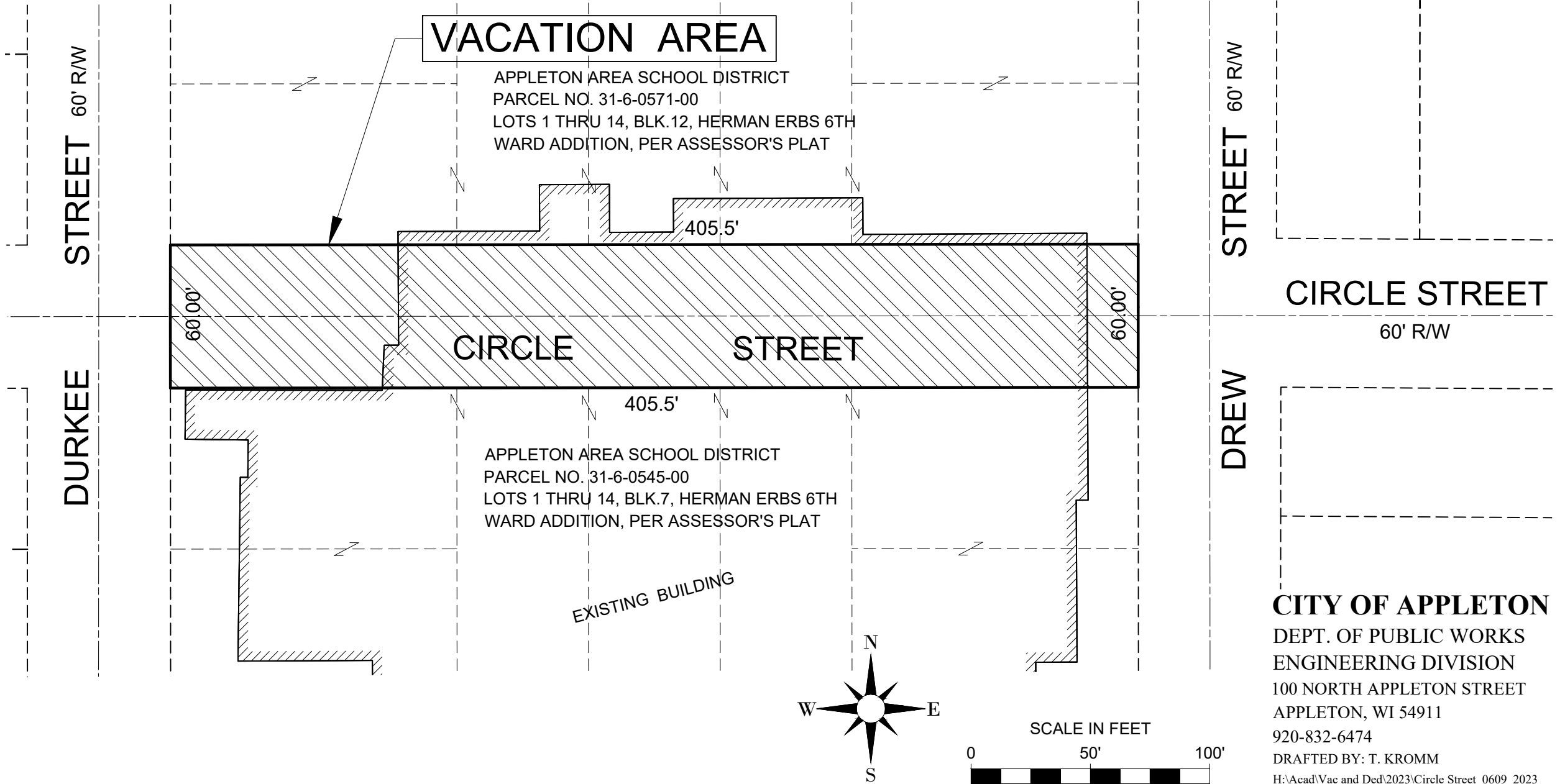


EXHIBIT "A"

All of Circle Street, lying between Block Seven (7) and Block Twelve (12), of HERMAN ERBS 6TH WARD ADDITION, all according to the recorded Assessor's Map of the City of Appleton, being located in the Southwest ¼ of the Southeast ¼ of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



CIRCLE STREET VACATION

LEGAL DESCRIPTION

All of a strip of land 60 feet in width and 405.5 feet m/l in length and containing 24,330 square feet of land m/l and being further described by:

All of Circle Street lying between Block Seven (7) and Block Twelve (12), of Herman Erbs 6th Ward Addition, located in the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

See also attached Exhibit "A" for illustration.

EASEMENTS

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for a sanitary sewer within the entire length and width of the above described right of way. It is further agreed that this easement shall be a permanent easement. It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize and repair the sanitary sewer and associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of this utility and associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

Department of Public Works Inspections Division

Permit Summary Count YTD Comparison

01/01/23 Thru 06/30/23

Report Date: 7/5/2023

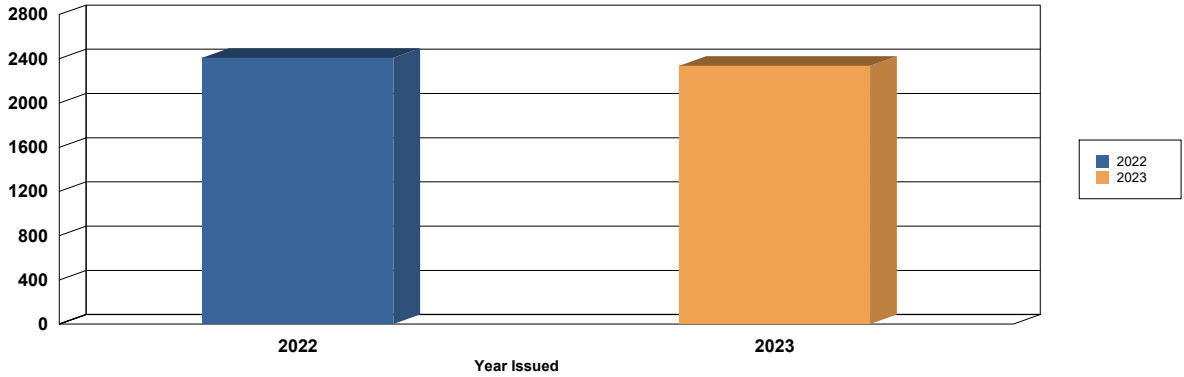


| Permit Type | Year Issued | Permit Count | Total Estimated Cost | Total Receipt Amount |
|--------------|-------------|--------------|----------------------|----------------------|
| BUILDING | 2022 | 599 | 80,097,972 | 204,428.77 |
| | 2023 | 537 | 71,405,094 | 290,546.37 |
| | | -10.35 % | -10.85 % | 42.13 % |
| DISPLAY SIGN | 2022 | 78 | 597,497 | 3,200.00 |
| | 2023 | 108 | 1,055,451 | 4,468.00 |
| | | 38.46 % | 76.65 % | 39.63 % |
| ELECTRICAL | 2022 | 426 | 7,535,168 | 73,677.52 |
| | 2023 | 484 | 6,390,737 | 61,740.49 |
| | | 13.62 % | -15.19 % | -16.20 % |
| EROSION CNTL | 2022 | 23 | | 3,110.00 |
| | 2023 | 10 | | 1,400.00 |
| | | -56.52 % | % | -54.98 % |
| HEATING | 2022 | 557 | 9,012,344 | 48,395.27 |
| | 2023 | 476 | 7,930,691 | 48,891.35 |
| | | -14.54 % | -12.00 % | 1.03 % |
| PLAN REVIEW | 2022 | 64 | | 20,095.00 |
| | 2023 | 54 | | 19,035.00 |
| | | -15.63 % | % | -5.27 % |
| PLUMBING | 2022 | 457 | 4,391,846 | 27,006.00 |
| | 2023 | 413 | 4,510,423 | 21,331.00 |
| | | -9.63 % | 2.70 % | -21.01 % |
| SEWER | 2022 | 203 | 2,015,680 | 22,664.00 |
| | 2023 | 248 | 11,310,621 | 15,043.00 |
| | | 22.17 % | 461.13 % | -33.63 % |
| WELL | 2022 | 2 | | 80.00 |
| | 2023 | 8 | | 320.00 |
| | | 300.00 % | % | 300.00 % |

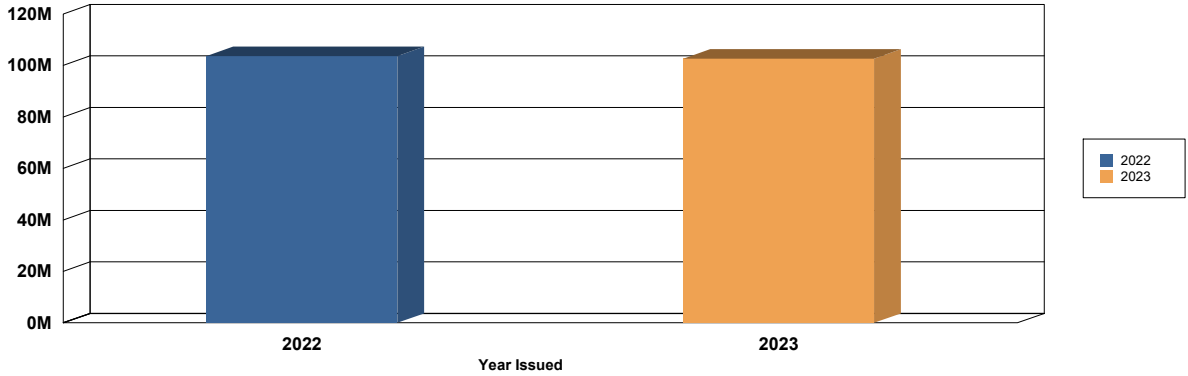


| | 2022 | 2023 |
|-----------------------|-----------------------|-----------------------|
| Permits | 2409 | 2338 |
| Estimated Cost | 103,650,507.00 | 102,603,017.00 |
| Receipt Amount | 402,656.56 | 462,775.21 |

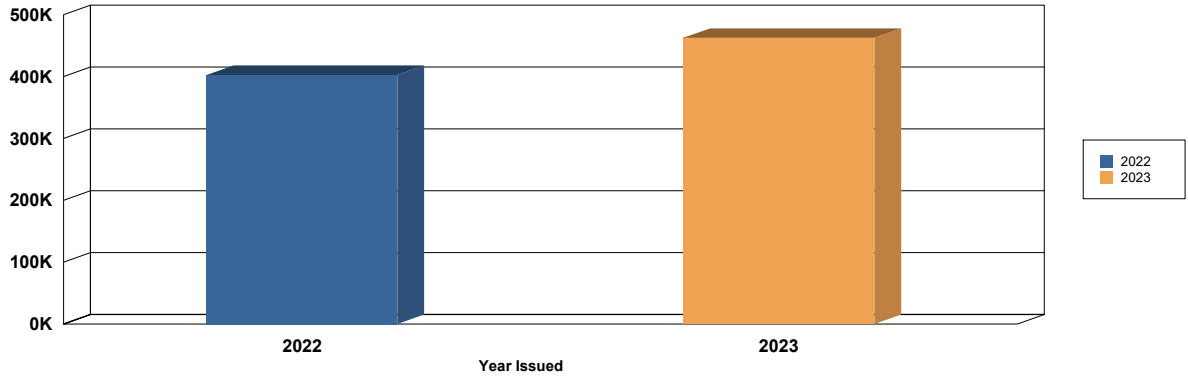
Number of Permits



Estimated Cost



Receipt Amount



Department of Public Works Inspections Division

Permit Summary Count YTD Comparison

01/01/23 Thru 06/30/23

Report Date: 7/6/2023

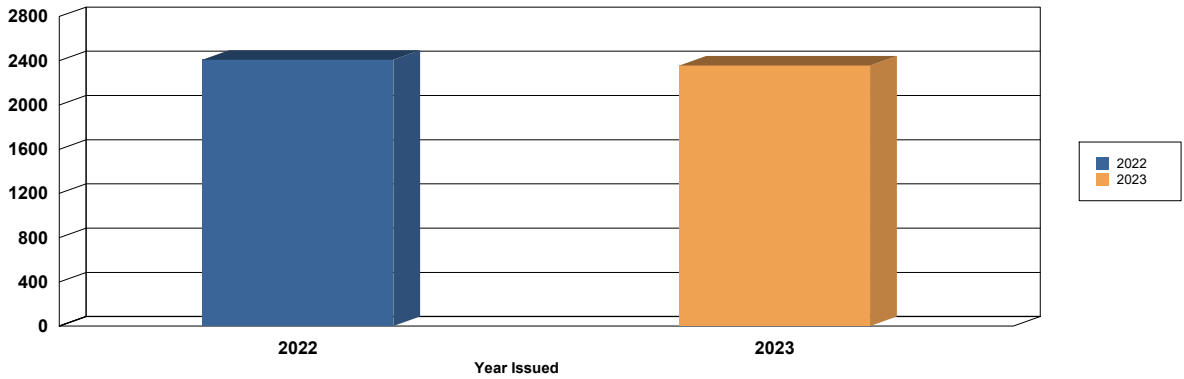


| Permit Type | Year Issued | Permit Count | Total Estimated Cost | Total Receipt Amount |
|---------------------|-------------|-----------------|----------------------|----------------------|
| BUILDING | 2022 | 599 | 80,097,972 | 204,428.77 |
| | 2023 | 549 | 71,511,495 | 291,566.37 |
| | | -8.35 % | -10.72 % | 42.62 % |
| DISPLAY SIGN | 2022 | 78 | 597,497 | 3,200.00 |
| | 2023 | 108 | 1,055,451 | 4,468.00 |
| | | 38.46 % | 76.65 % | 39.63 % |
| ELECTRICAL | 2022 | 426 | 7,535,168 | 73,677.52 |
| | 2023 | 484 | 6,390,737 | 61,740.49 |
| | | 13.62 % | -15.19 % | -16.20 % |
| EROSION CNTL | 2022 | 23 | | 3,110.00 |
| | 2023 | 10 | | 1,400.00 |
| | | -56.52 % | % | -54.98 % |
| HEATING | 2022 | 557 | 9,012,344 | 48,395.27 |
| | 2023 | 476 | 7,930,691 | 48,891.35 |
| | | -14.54 % | -12.00 % | 1.03 % |
| PLAN REVIEW | 2022 | 64 | | 20,095.00 |
| | 2023 | 54 | | 19,035.00 |
| | | -15.63 % | % | -5.27 % |
| PLUMBING | 2022 | 457 | 4,391,846 | 27,006.00 |
| | 2023 | 419 | 4,533,014 | 21,573.00 |
| | | -8.32 % | 3.21 % | -20.12 % |
| SEWER | 2022 | 203 | 2,015,680 | 22,664.00 |
| | 2023 | 250 | 11,323,121 | 15,283.00 |
| | | 23.15 % | 461.75 % | -32.57 % |
| WELL | 2022 | 2 | | 80.00 |
| | 2023 | 8 | | 320.00 |
| | | 300.00 % | % | 300.00 % |

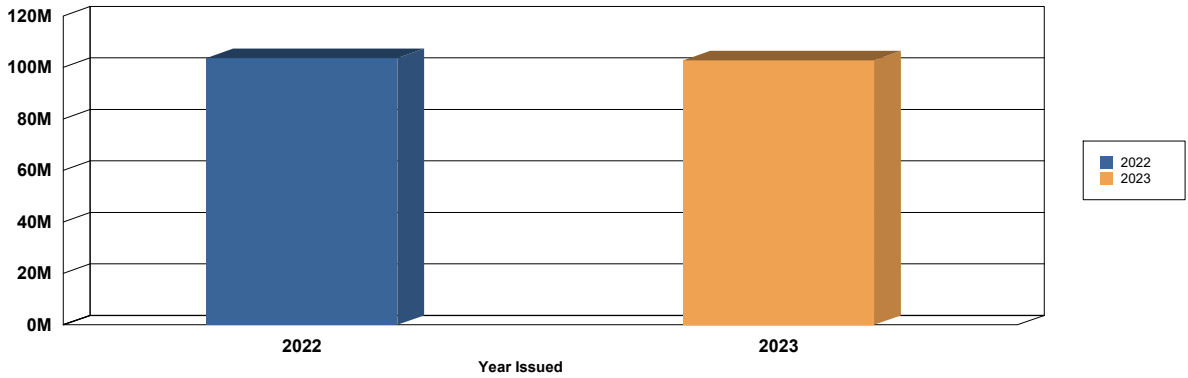


| | 2022 | 2023 |
|-----------------------|-----------------------|-----------------------|
| Permits | 2409 | 2358 |
| Estimated Cost | 103,650,507.00 | 102,744,509.00 |
| Receipt Amount | 402,656.56 | 464,277.21 |

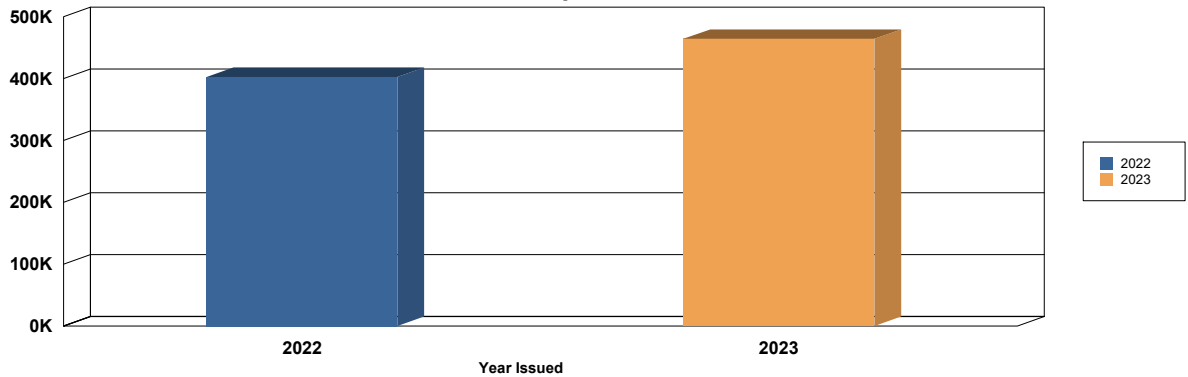
Number of Permits



Estimated Cost



Receipt Amount





APPLETON, WI + BIRD JUNE 2023 REPORT



| Data | June 2023 |
|-----------------------------|-----------|
| Number of Rides | 6920 |
| Total # of Users | 2108 |
| # of Commuter Trips | 369 |
| Miles Traveled | 13567 |
| Maintenance | 20 |
| Reported Incidents/Injuries | 0 |
| Reported Issues/Complaints | 25 |

Complaint Type:
Damaged = 18
Bad Parking = 7



June 2023 Heat Map

