



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, October 2, 2024

7:00 PM

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
 - [24-1261](#) Common Council Meeting Minutes of September 18, 2024
 - Attachments:** [CC Minutes 9-18-24.pdf](#)
- G. BUSINESS PRESENTED BY THE MAYOR
 - [24-1272](#) Fire Department Civilian Award Presentation
 - [24-1273](#) City Star Awards

- [24-1274](#) Proclamations:
- Domestic Violence Awareness Month
 - Fire Prevention Week
 - Indigenous Peoples Day
 - Mental Health Day
 - Coming Out Day
 - White Cane Safety Day
 - Dysautonomia Awareness Month

Attachments: [46-261 Domestic Violence Awareness Month.pdf](#)
[46-262 Fire Prevention Week.pdf](#)
[46-263 Indigenous Peoples Day.pdf](#)
[46-264 Mental Health Day.pdf](#)
[46-265 Coming Out Day.pdf](#)
[46-266 White Cane Safety Day.pdf](#)
[46-267 Dysautonomia Awareness Month.pdf](#)

- [24-1275](#) 2025 Executive Budget and Service Plan

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

- [24-1073](#) Public Hearing for the Street Vacation of N. Sampson Street, South of E. Winnebago Street

Attachments: [Public Hearing - SV Sampson.pdf](#)

J. SPECIAL RESOLUTIONS

- [24-1074](#) Final Resolution for the N. Sampson St. Street Vacation

Attachments: [Sampson Street - Final Resolution.pdf](#)

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

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

- [24-1268](#) Request from Appleton Downtown Inc. for free ramp and meter parking on Small Business Saturday, November 30, 2024.

Attachments: [Small Business Saturday parking.pdf](#)

[24-1051](#)

Variance Request for Driveway Extension - 3039 N. Ballard Rd

Attachments: [3039 N Ballard Rd Drive Extension Variance Request Memo.pdf](#)

Legislative History

8/12/24	Municipal Services Committee	recommended for approval <i>Staff's recommendation to deny the variance was recommended for approval.</i>
8/21/24	Common Council	referred to the Municipal Services Committee
9/9/24	Municipal Services Committee	held <i>Held to next scheduled meeting.</i>
9/23/24	Municipal Services Committee	recommended for denial

[24-1232](#)

Approve Utility Easement Release of Rights for Richmond St/I-41.

Attachments: [I-41 Richmond St Sewer Water Release of Rights Memo MSC 09-23-204.pdf](#)
[DT2245 City of Appleton SEWR 1130-64-77 1130-63-21 615.pdf](#)
[DT2245 City of Appleton WATR 1130-64-77 1130-63-21 616.pdf](#)

Legislative History

9/23/24	Municipal Services Committee	recommended for approval
---------	------------------------------	--------------------------

[24-1233](#)

Request by Prevea Health to Purchase Two On-street Parking Stalls on South Side of Washington Street West of Oneida Street.

Attachments: [On-Street Parking Stall Purchase Request Prevea Health Memo MSC 09-23-20](#)

Legislative History

9/23/24	Municipal Services Committee	recommended for approval
---------	------------------------------	--------------------------

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[24-1105](#)

Operator License for Cindy Reed.

Attachments: [Cindy Reed Operator License Application.pdf](#)
[Cindy Reed Clerk Letter.pdf](#)
[Cindy Reed PD Letter.pdf](#)
[Cindy Reed Denial Appeal Memo.pdf](#)
[Cindy Reed Documents Submitted to Safety and Licensing.pdf](#)

Legislative History

9/25/24	Safety and Licensing Committee	recommended for denial <i>Cindy Reed appeared and addressed the committee. Mark Joosten, 2948 W. 1st Ave, Appleton WI 54914, owner of Eager Beaver, appeared and addressed the committee. The Motion to deny the license failed 1/3.</i>
---------	--------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

9/25/24 Safety and Licensing Committee recommended for approval
The Motion to approve the license passed 3/1.

[24-1213](#)

Class "B" Beer and "Class B" Liquor License application for CaPo Gooble LLC d/b/a Ambassador, Colin Torrez, Agent, located at 117 S. Appleton St, contingent upon approval from the Health and Public Works departments.

Attachments: [Ambassador.Capo_Gooble_LLC.Alcohol.Class B Beer Liquor.8.28.24.REDAC](#)

Legislative History

9/25/24 Safety and Licensing Committee recommended for approval

[24-1252](#)

Request to amend and update Appleton Municipal Code Sec. 6-56 "Adoption of codes and standards".

Attachments: [2024 Ch 6 - Fire - Appendices Revisions.pdf](#)

[2024-Chapter 6 memo.pdf](#)

Legislative History

9/25/24 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE****5. MINUTES OF THE FINANCE COMMITTEE**[24-1247](#)

Request to approve sole source purchase of Variable Frequency Drive (VFD) equipment and commissioning services to Werner Electric in the amount of \$37,573.

Attachments: [240918_SoleSourceAward_Werner_UV-VFD.pdf](#)

Legislative History

9/23/24 Finance Committee recommended for approval

[24-1246](#)

Request to approve Statement of Non-Reimbursement by Utility DOT forms DT2245 Sewer and DT2245 Water.

Attachments: [Finance Committee 9-23-24 DT2245 Ballard Statement of Non-Reimbursement](#)

[DT2245_City of Appleton_SEWR_1130-65-76_1130-63-21_615_1994922.pdf](#)

[DT2245_City of Appleton_WATR_1130-65-76_1130-63-21_616_1994924.pdf](#)

Legislative History

9/23/24 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY DEVELOPMENT COMMITTEE**7. MINUTES OF THE UTILITIES COMMITTEE**

- [24-1234](#) Approve Contract Amendment #2 for 2024A Stormwater Management Plan Review contract with Brown and Caldwell by an increase of \$38,000 for a total contract amount not to exceed \$113,000.

Attachments: [2024A Stormwater Plan Review amendment 2 UC Memo 09-24-2024.pdf](#)

Legislative History

9/24/24 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

- [24-1101](#) Approval of Alderperson Salaries.

Attachments: [19-0536 - Alderperson Salary Adjustment Deadlines Update Fall 2024 \(ZB & CF](#)

[Elected Alderperson Salary History.pdf](#)

[Alderperson Comp 2024 Comparable.pdf](#)

Legislative History

8/28/24 Human Resources & Information Technology Committee held

9/25/24 Human Resources & Information Technology Committee recommended for approval

Motion to approve a 0% increase was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

- [24-1260](#) Ordinances #125-24 to #137-24

Attachments: [Ordinances to Council 10-2-24.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Kami Lynch, City Clerk

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

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



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, September 18, 2024

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Woodford at 7:01 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Hartzheim.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Ald. Croatt appeared virtually.

Present: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt, Alderperson Chad Doran and Mayor Jake Woodford

Excused: 1 - Alderperson Kristin Alfheim

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All Departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[24-1200](#)

Common Council Meeting Minutes of September 4, 2024

Attachments: [CC Minutes 9-4-24.pdf](#)

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

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Martyn Smith, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Patrick Hayden, Alderperson Patti Heffernan, Alderperson Alex Schultz, Alderperson Vaya Jones, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Excused: 1 - Alderperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[24-1216](#) Confirmation of Appointments

Attachments: [September 18, 2024 Council Appointments Memo.pdf](#)

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

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Excused: 1 - Aldersperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

[24-1217](#) Proclamations:
- Constitution Week
- Co-Responder & Crisis Responder Week

Attachments: [46-257 Constitution Week.pdf](#)
[46-255 Co-Responder and Crisis Responder Week.pdf](#)

H. PUBLIC PARTICIPATION

There was no one signed up to speak during public participation.

I. PUBLIC HEARINGS

[24-1155](#) Public Hearing for Rezoning #8-24 2111, 2121, & 2125 S Schaefer Street from PD/C-2 Planned Development/General Commercial District #61-94 and PD/C-2 Planned Development/General Commercial District #10-21 to PD/C-2 Planned Development/General Commercial District #8-24

Attachments: [RZ #8-24 Notice of Public Hearing.pdf](#)

The public hearing was held. No one spoke during the hearing.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[24-1195](#)

Request to award Police Station Additional Workstations to Nordon Business Environments in the amount of \$48,100.37.

Attachments: [2024 Police Station Additional Workstations Sole Source.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Meltzer, that the project award for additional workstations be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Excused: 1 - Aldersperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Aldersperson Fenton moved, Aldersperson Meltzer seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 13 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Vaya Jones, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Excused: 1 - Aldersperson Kristin Alfheim

Abstained: 2 - Aldersperson Alex Schultz and Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[24-1192](#)

Approve ordinance changes for Parking changes on Badger Av by Wilson Middle School (follow-up to a 6-month evaluation)

Attachments: [Wilson MS Parking Changes on Badger Av \(post eval\).pdf](#)

This Report Action Item was approved.

[24-1193](#) Approve change to intersection control at Douglas St / Harris St.
(Proposed 2-way stop)

Attachments: [Douglas-Harris \(Uncontrolled to Stop\).pdf](#)

This Report Action Item was approved.

[24-1194](#) Approve ordinance changes for Parking changes on Clara St by
Johnston Elementary School (Follow-up to a 6-month evaluation)

Attachments: [Johnston ES Parking Changes on Clara Street \(post eval\).pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[24-1190](#) Full-Service Retail Outlet Transfer application from McFleshman's for
Fox Valley Lager Fest Event - October 5, 2024.

Attachments: [AB-105 FV LagerFest McFleshmans Redacted.pdf](#)

This Report Action Item was approved.

[24-1189](#) Full-Service Retail Outlet Transfer application from Hop Yard Ale
Works for Flicks & Sips Event - October 4, 2024.

Attachments: [AB-105 flickssips2 Hop Yard Redacted.pdf](#)

This Report Action Item was approved.

[24-1165](#) Cigarette, Tobacco, and Electronic Vaping Device License application
for Elf's Gifts LLC d/b/a Elf's Gifts, Robert Cadmus, Agent, located at
2700 W. College Ave Ste 11.

Attachments: [Elf's Gifts CTV Redacted.pdf](#)

This Report Action Item was approved.

[24-1169](#) Taxicab Company License Renewal Application for Evergreen
Campsites & Resort, Owner, Jim Button, W5449 Archer Lane, Wild
Rose WI 54984, contingent upon approval from the Human Resources
and Inspections departments.

Attachments: [Evergreen Campsites & Resort Taxicab Co Renewal.pdf](#)

This Report Action Item was approved.

[24-1171](#) Cigarette, Tobacco, and Electronic Vaping Device License application for NLC WIS Corporation d/b/a Holy Smokes, Chad Zeske, Agent, located at 2929 N. Richmond St. Suites 1 & 2.

Attachments: [Holy Smokes CTV Redacted.pdf](#)

This Report Action Item was approved.

[24-1198](#) Cigarette, Tobacco, and Electronic Vaping Device License application for Blessing Flower LLC d/b/a Kush Kafe, Gary Thran, Agent, located at 219 E. College Ave.

Attachments: [Kush_Kafe.Blessing_Flower_LLC.CTV.9.5.2024.REDACTED.pdf](#)

This Report Action Item was approved.

[24-1199](#) Class "B" Beer License application for Playful Pursuits LLC d/b/a Appleton Axe, Patrick Van Abel, Agent, located at 1400 W. College Ave Ste B1, contingent upon approval from the Health department.

Attachments: [Appleton_Axe.Playful_Pursuits_LLC.Alcohol.Class_B_Beer.8.15.24.REDACTED.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[24-1115](#) Request to approve Planned Development (PD) Rezoning #8-24 for the subject parcels located at 2111 South Schaefer Street (Tax Id #31-9-1114-00) and 2121 & 2125 South Schaefer Street (Tax Id #31-9-1114-01), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from PD/C-2 Planned Development General Commercial District #61-94 and PD/C-2 Planned Development General Commercial District #10-21 to PD/C-2 Planned Development General Commercial District #8-24, along with the attached Implementation Plan Document and Development Plan

Attachments: [StaffReport_2111_2121_2125SSchaeferSt_Rezoning_For08-28-24.pdf](#)
[Email from Steve Winter 9-9-24.pdf](#)

This Report Action Item was approved.

[24-1182](#) Request to approve the Public Participation Plan for the upcoming update to the City's Comprehensive Plan

Attachments: [Public Participation Plan_Update to Comp Plan_Memo to PC 9-11-24.pdf](#)
[Public Participation Plan for Appleton Comprehensive Plan Update.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[24-1197](#)

Request to approve sole source engineering services contract to McMahon as part of the AWWTP Hauled Waste Station Tank Upgrades in the amount of \$45,700 with a 10% contingency of \$4,570 for a total not to exceed \$50,270.

Attachments: [240906_SoleSourceAward_McMahon_L-Building \(003\).pdf](#)
[Sole Source - McMahon.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[24-1211](#)

Ordinances #118-24 to #124-24

Attachments: [Ordinances to Council 9-18-24.pdf](#)

Aldersperson Hartzheim moved, seconded by Aldersperson Meltzer, that the Ordinances be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Excused: 1 - Aldersperson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

[24-1229](#) Resolution #9-R-24 Council Member Attendance

Attachments: [#9-R-24 Council Member Attendance.pdf](#)

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Hartzheim moved, seconded by Alderson Meltzer, that the meeting be adjourned at 7:14 p.m. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Martyn Smith, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Patrick Hayden, Alderson Patti Heffernan, Alderson Alex Schultz, Alderson Vaya Jones, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

Excused: 1 - Alderson Kristin Alfheim

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

PROCLAMATION



Office of the Mayor

WHEREAS, Domestic Violence Awareness Month evolved from the “Day of Unity” in October 1981 observed by the National Coalition Against Domestic Violence; and

WHEREAS, domestic violence inflicts significant, long-lasting trauma on individuals of all ages, identities, cultures, religions, and socioeconomic backgrounds, with survivors enduring not only physical and emotional abuse but also profound social and economic impacts; and

WHEREAS, by observing Domestic Violence Awareness Month, we seek to increase awareness of incidents of violence in the home, focusing on the victims of domestic violence and their children, who have suffered emotional and physical abuse; and

WHEREAS, through the inspiration, courage, and persistence of survivors of domestic abuse and violence, their children and advocates, legislation has been enacted to provide protection and services for future victims and their children; and

WHEREAS, the achievements of those working to end domestic violence throughout the city, state, and nation, together with the continuing efforts of local agencies to assist victims of domestic violence and to prevent future violence in our communities, are to be commended.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 2024 as

Domestic Violence Awareness Month

in Appleton and encourage residents to take part in activities that honor the memory of those who have lost their lives to domestic violence, celebrate the strength and resilience of survivors, and support the efforts of those who work tirelessly to end violence in our communities.



Signed and sealed this 25th day of September 2024.

JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, the City of Appleton is committed to the safety of all residents and visitors, with our first responders actively working to reduce home fires and fire-related injuries through prevention efforts and public education; and

WHEREAS, home fires continue to pose a serious public safety threat, claiming over 2,700 lives across the United States in 2022, with fire departments responding to 360,000 home fires that same year; and

WHEREAS, approximately three out of five fire deaths occur in homes without functioning smoke alarms, underscoring the critical importance of having operational smoke alarms in place; and

WHEREAS, working smoke alarms can reduce the risk of dying in a fire by nearly half, providing early warning and precious time to escape, as residents may have as little as two minutes to safely evacuate during a fire; and

WHEREAS, Appleton residents are encouraged to install smoke alarms in every sleeping room, outside each sleeping area, and on every level of the home to maximize safety, and to ensure alarms meet the needs of all family members, including those with sensory or physical disabilities; and

WHEREAS, testing smoke alarms monthly is essential to ensure they are functioning properly, and residents who plan and practice a home fire escape plan are better prepared and more likely to survive a fire.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 6-12, 2024, as

Fire Prevention Week

and encourage residents to embrace public fire safety education and take proactive steps to protect themselves and their homes from fire. The 2024 Fire Prevention Week™ theme, “Smoke alarms: Make them work for you™,” serves as a vital reminder to ensure every home is equipped with functioning smoke alarms.



Signed and sealed this 25th day of September 2024.

JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, Indigenous Peoples' Day honors the invaluable contributions of all Native Americans and commemorates their shared history and culture; and

WHEREAS, the territory where the City of Appleton is today was traditionally occupied by the Ho-Chunk and the Menominee Indians; and

WHEREAS, the Menominee Nation ceded this territory to the United States in the Treaty of the Cedars in 1836, with Chief Oshkosh representing the Menominee; and

WHEREAS, Appleton recognizes the fact that the City was built on the homelands and villages of the Indigenous Peoples of the region; and

WHEREAS, the City values social, economic, and cultural contributions they make to our community; and

WHEREAS, Indigenous Peoples' Day was first proposed in 1977 by the International Conference on Discrimination Against the Indigenous Population in the Americas, a delegation sponsored by First Nations leaders in the United States.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 14, 2024, as

Indigenous Peoples' Day

in Appleton and urge residents to celebrate and value the Indigenous Peoples of Appleton, participate in the annual celebrations and activities, encourage the teaching of their history, encourage businesses, organizations, and public institutions to recognize this day, and promote the well-being of Appleton's Indigenous community.

Signed and sealed this 25th day of September 2024.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, mental health is an important component for overall health, including emotional, psychological, and social well-being affecting how we think, feel, and act, and poor mental health increases the risk for many types of physical health problems such as diabetes, heart disease, and stroke; and

WHEREAS, more than 50% of people in the United States will be diagnosed with a mental illness or disorder at some point in their lifetime, and more than half of people struggling with mental illness have not received treatment despite the presence of illness for more than 12 months; and

WHEREAS, unaddressed mental health issues can have a negative influence on many facets of individual and community life, including homelessness, poverty, employment, safety, and the local economy; and

WHEREAS, because the COVID-19 pandemic adversely affected mental health for many people and services to treat mental health issues were significantly disrupted, new strategies have been developed for how mental health is understood and addressed in our communities, from support and training, to improved access to care, to building healthy environments that promote mental health; and

WHEREAS, Mental Health Day provides an opportunity to destigmatize the need for mental health care, and for all those working on mental health issues to talk about their work and what more needs to be done to make mental health care a reality for all people.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 10, 2024, as

Mental Health Day

in Appleton and remind residents of available community resources to help take care of their own mental health and provide support to others.

Signed and sealed this 25th day of September 2024.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, the City of Appleton is committed to being a place that is accepting and supportive of all individuals, families, and communities; and

WHEREAS, Coming Out Day honors the invaluable contributions of LGBTQ+ individuals to our community and those involved in the October 11, 1987, March on Washington for Lesbian and Gay Rights, which helped establish lesbian and gay rights as a fundamental issue of civil rights; and

WHEREAS, Coming Out Day supports LGBTQ+ individuals to live truthfully and openly and is a reminder that public expression of LGBTQ+ identity is supported and that the underlying universal ideals of honesty, acceptance, and commitment to equality must be shared by all individuals; and

WHEREAS, in 2013, Appleton adopted an ordinance prohibiting housing discrimination based on gender identity; and

WHEREAS, in 2014, Appleton's Common Council became the first in the State of Wisconsin to have an openly transgender elected official.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 11, 2024, as

Coming Out Day

in Appleton and urge all citizens to honor, celebrate, and promote equal rights to all regardless of sexual orientation or gender identity.

Signed and sealed this 25th day of September 2024.



JACOB A. WOODFORD
MAYOR OF APPLETON

*Pursuant to this Proclamation and in accordance with the Special Flag Policy, a special flag will be flown at City Hall on Friday, October 11, 2024.

PROCLAMATION



Office of the Mayor

WHEREAS, the white cane, which every blind resident of Appleton has the right to carry, demonstrates and symbolizes the ability to achieve a full and independent life and the capacity to work productively in competitive employment; and

WHEREAS, the white cane, by allowing every blind person to move freely and safely from place to place, makes it possible for the blind and visually impaired to fully participate in and contribute to our society and to live the lives they want; and

WHEREAS, every citizen should be aware that the law requires that motorists and cyclists exercise appropriate caution when approaching a blind person carrying a white cane; and

WHEREAS, the law also calls upon employers, both public and private, to be aware of and utilize the employment skills of our blind citizens by recognizing their worth as individuals and their productive capacities.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 15, 2024, as

White Cane Awareness Day

in Appleton and remind residents to recognize the white cane as a tool of independence for blind pedestrians in our community.

Signed and sealed this 25th day of September 2024.



JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, dysautonomia is a group of medical conditions that cause malfunction of the autonomic nervous system, which controls "automatic" bodily functions such as heart rate, blood pressure, digestion, respiration, and temperature regulation; and

WHEREAS, dysautonomia affects more than 70 million people globally, including conditions such as Diabetic Autonomic Neuropathy, Vasovagal Syncope, Pure Autonomic Failure, and Postural Orthostatic Tachycardia Syndrome (POTS); and

WHEREAS, dysautonomia affects individuals of all ages, genders, races, and backgrounds, including many residents of the City of Appleton; and

WHEREAS, dysautonomia can significantly impair daily life, leading to social isolation, emotional stress on families, financial hardship, and in some cases, can be life-threatening, causing pain and suffering for patients and their loved ones; and

WHEREAS, increased awareness of dysautonomia can lead to earlier diagnoses, improved treatment outcomes, and enhanced support for affected individuals and their families within our community; and

WHEREAS, Dysautonomia International, a 501(c)(3) non-profit organization, advocates on behalf of dysautonomia patients and encourages communities worldwide to observe Dysautonomia Awareness Month each October; and

WHEREAS, we seek to honor the efforts of healthcare professionals, patients, and families who work tirelessly to raise awareness and educate others about dysautonomia in Appleton.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 2024 as

Dysautonomia Awareness Month

in Appleton and encourage residents to learn more about dysautonomia and how they can support those impacted by this condition.

Signed and sealed this 25th day of September 2024.



JACOB A. WOODFORD
MAYOR OF APPLETON

NOTICE OF PROPOSED STREET VACATION

(Pursuant to Section 66.1003, Wisconsin Statutes 2021-2022)

Notice is hereby given that a written resolution has been filed with the Common Council of the City of Appleton for the discontinuance of:

LEGAL DESCRIPTION OF AREA TO BE VACATED:

The North 70 feet of Sampson Street, bounded on the North by the South line of Winnebago Street, on the West by Block 79 of the 1st Ward Plat, and on the East by Block 77 of the 1st Ward Plat and also Lot 44 of the Garfield Place Plat, all according to the recorded Assessor's Plat of the City of Appleton, being located in the NW ¼ of Section 25, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin.

A map is available in the City Clerk's office upon request.

COMMON DESCRIPTION:

Portion of Sampson Street, located south of E. Winnebago Street

Notice is further given that a hearing of said resolution will be held at a regular meeting of the Common Council to be held at 7:00 p.m. or as soon thereafter as can be heard, on Wednesday, October 2, 2024, in the Council Chambers at the City Hall in said City of Appleton.

By Order of the Common Council.

August 22, 2024

KAMI LYNCH
City Clerk

RUN: August 25, 2024
September 1, 2024
September 8, 2024

REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES WILL BE MADE UPON REQUEST AND IF FEASIBLE.

FINAL RESOLUTION

WHEREAS, the public interest requires that a portion of Sampson Street, south of East Winnebago Street, that has not previously been vacated, be vacated and discontinued; and

WHEREAS, notice was given when and where the resolution would be acted on, as required by law; and

WHEREAS, hearing was had on said Resolution on the 2nd day of October, 2024, at City Hall, in and for the City of Appleton, Wisconsin.

BE IT RESOLVED, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that:

LEGAL DESCRIPTION

The North 70 feet of Sampson Street, bounded on the North by the South line of Winnebago Street, on the West by Block 79 of the 1st Ward Plat, and on the East by Block 77 of the 1st Ward Plat and also Lot 44 of the Garfield Place Plat, all according to the recorded Assessor's Plat of the City of Appleton, being located in the NW ¼ of Section 25, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin.

See also attached Exhibit "A" for illustration.

COMMON DESCRIPTION:

Portion of Sampson Street, south of East Winnebago Street

FURTHER RESOLVED, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

FURTHER RESOLVED, that according to §66.1005, Wisconsin Statutes, upon vacation and discontinuance of said portion of Sampson Street, south of East Winnebago, title to the above-described area shall belong to the adjoining property owners and shall acquire an ownership interest in the area being vacated (as deemed necessary).

City of Appleton

By: _____

Jacob A. Woodford, Mayor

Date: _____

By: _____

Kami Lynch, City Clerk

Record and return to:

City of Appleton | City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key Nos.: 31-1-1196-00, 31-1-1290-00

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

The foregoing Agreement was acknowledged before me this _____ day of October, 2024 by Jacob A. Woodford, Mayor and Kami Lynch, City Clerk.

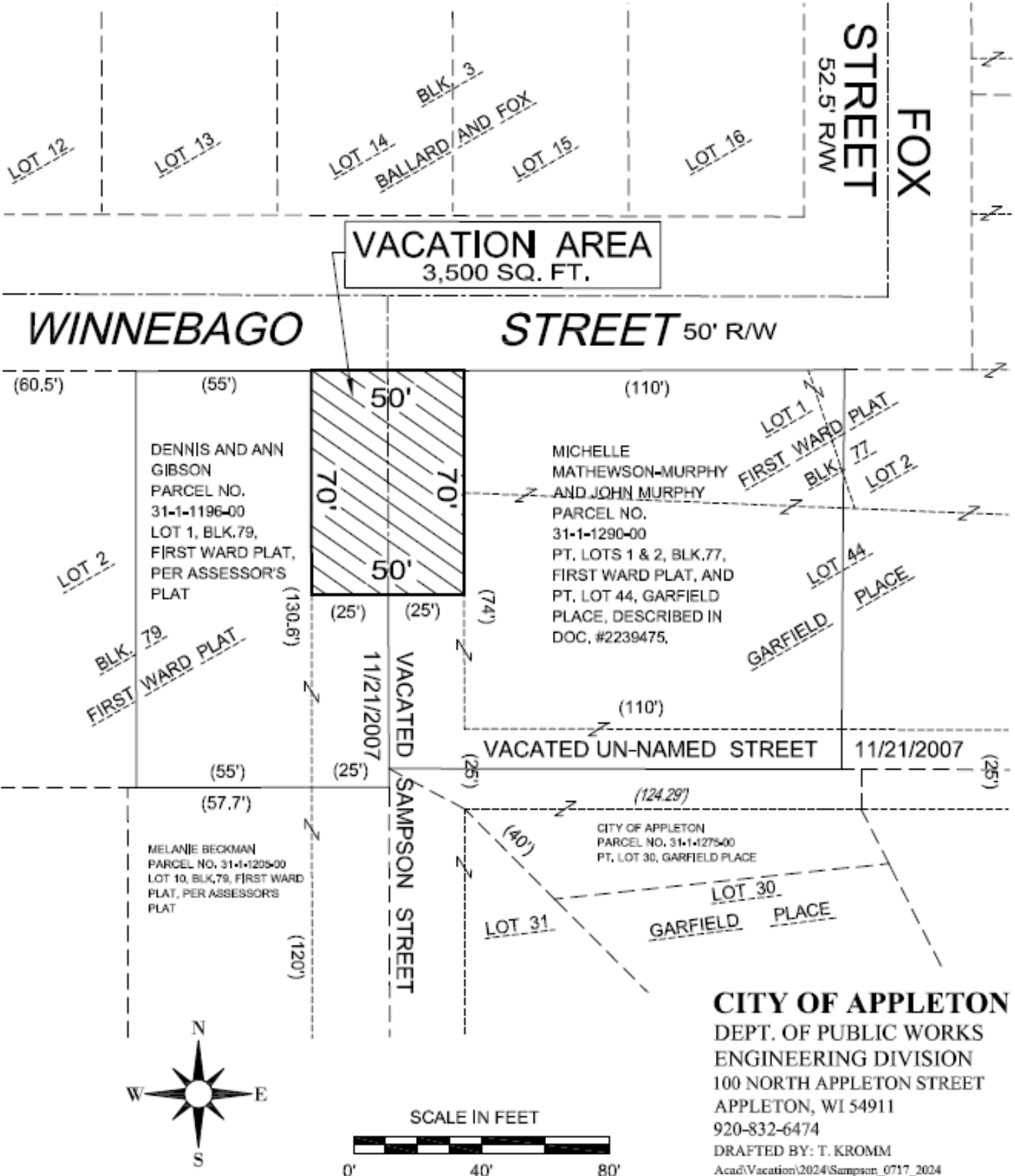
Jamie L. Griesbach
Notary Public, State of Wisconsin
My commission expires 11/11/2025

This instrument was drafted by:
City Attorney Christopher R. Behrens
City Law A24-0345

EXHIBIT "A"

SAMPSON STREET VACATION

The North 70 feet of Sampson Street, bounded on the North by the South line of Winnebago Street, on the West by Block 79 of the 1st Ward Plat, and on the East by Block 77 of the 1st Ward Plat and also Lot 44 of the Garfield Place Plat, all according to the recorded Assessor's Plat of the City of Appleton, being located in the NW ¼ of Section 25, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin.



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474
 DRAFTED BY: T. KROMM
 Acad/Vacation/2024/Sampson_0717_2024

August 21, 2024

Dear Municipal Service Committee,

Small Business Saturday takes place on Saturday, November 30, 2024. As a continuous supporter of our thriving Downtown, and on behalf of our small business owners, Appleton Downtown, Inc. respectfully requests that Small Business Saturday on November 30, 2024 be a "Park Free" day in Downtown Appleton. We ask that you please consider removing the paid parking requirement throughout the central business district, making all parking ramps and parking meters free to shoppers, diners and visitors of our vibrant Downtown.

As you may know, Small Business Saturday began in 2010, as an initiative by American Express to encourage consumers to shop at small businesses. Projected spending among U.S. Consumers who shopped independent retailers and restaurants on Small Business Saturday reached an estimated \$17.9 billion according to the 2022 Small Business Saturday Consumer Insights Survey. American Express estimates that for every dollar spent at a small business, \$0.68 stays in that business's local economy. Keeping those dollars local, creates potential to boost revenue for our Downtown businesses.

In 2011, the Senate unanimously passed a resolution in support of Small Business Saturday. Projected spending among U.S. consumers who shopped at independent retailers and restaurants on Small Business Saturday reached an estimated \$17.9 billion according to the 2022 Small Business Saturday Consumer Insights Survey. American Express estimates that for every dollar spent at a small business, \$0.68 stays in that business's local economy. Keeping those dollars local, creates potential to boost revenue for our Downtown businesses.

ADI is proud to partner with ANBA to cooperatively promote Small Business Saturday through our annual Small Business Saturday Passport Program. In 2023, we had 50+ Downtown businesses participate in the program and 20+ small businesses throughout the rest of Appleton. There were over 600 passports turned in by shoppers and almost 100 high-value prizes given away at random. The impact of the program and of Small Business Saturday can be seen not just Downtown, but throughout the entire City of Appleton.

Including a partnership with the City of Appleton Public Works Department to make parking free on Small Business Saturday will create a welcoming experience for shoppers. A "Park Free" day will allow consumers to shop freely, without the pressure of monitoring a meter or worrying about how many hours they are parked in a ramp.

ADI will work with the Downtown business owners to ensure on-street parking is reserved for shoppers, and not occupied by Downtown employees.

We greatly appreciate your consideration. Please let us know when this request will be placed on the agenda.

Sincerely,



Jennifer Stephany
Executive Director
Appleton Downtown Inc.

DEPARTMENT OF COMMUNITY DEVELOPMENT

100 North Appleton Street

Appleton, WI 54911

Phone (920) 832-6411

TO: Municipal Services Committee

FROM: Kurt W. Craanen, Inspections Supervisor

SUBJECT: Variance Request for Driveway Extension – 3039 N. Ballard Rd.

DATE: August 12, 2024

On August 1, 2024, Inspections Division of Community Development Department received a complaint about pavement installed in the front yard of a residential property at 3039 N. Ballard Rd. The City responded and found that a 15' x 15' slab was installed, three (3) feet from the sidewalk.

Section 19-91(f)(3) of the Municipal Code requires a permit for driveway extension and limits driveway extensions into the front yard to four (4) feet. This installation is in violation of this section of the Municipal Code.

Contact was made with the owner, Micheal Strege, who stated that this slab was not a parking space, but a "turn around" so he and his wife do not need to back onto Ballard Road.

Section 19-91(g) of the Municipal Code states that appeals shall be filed with the Inspection Supervisor and heard by the Municipal Services Committee.

The Department of Community Development recommends to deny the appeal to allow a driveway extension 15' into the front yard.

From: michael strege <mb_strege@yahoo.com>

Sent: Wednesday, August 7, 2024 11:01 AM

To: Kurt Craanen <Kurt.Craanen@Appleton.org>

Subject: Driveway Extension /Request for Variance

This request for the extension is for usage as a turnaround only to Ballard Rd. When we lived in Tennessee my wife was involved in a car accident causing her fear/ anxiety when backing out of our driveway. This is my soul purpose for this turnaround, safety for my wife and grandchildren of driving age. Dimensions from turnaround to sidewalk taper 3ft. 3in. , 6ft. slab to sidewalk. Full Size of Slab 15x15 I have noticed on Ballard Rd. south an apartment complex with parking close to the sidewalk and roadway. Also other businesses on Ballard with the same parking features, that are close to the road. Of course with an apartment complex, vehicles are parked at all times of the day and night.

Michael B. Strege





DEPARTMENT OF
**PUBLIC
WORKS**

MEMORANDUM

Date: 9/22/24
To: Municipal Services Committee
From: **Pete Neuberger, Deputy Director of Public Works**
Mark Lahay, Assistant City Engineer
Subject: Approve Utility Easement Release of Rights for Richmond St/I-41

The Department of Public Works is requesting approval of the Utility Easement Release of Rights for Richmond St/I-41. Once approved, City Staff intend to sign and return to WisDOT the DT2245 Sewer, and DT2245 Water documents, as requested by WisDOT to keep the I-41 project on its current schedule.

This is in connection with the Richmond Street / I-41 interchange project which is scheduled for 2026 construction.

WisDOT guidance states: “Pursuant to Wisconsin Guide to Utility Coordination 11.4 and 11.5, when a utility company has an interest in the land being acquired for a highway, it will be necessary to acquire that land interest to provide clear title and ownership of the highway. This will be accomplished by the release of rights document(s). The interests conveyed will be only the areas defined by the Transportation Project Plat and legal descriptions provided.”

STATEMENT OF NON-REIMBURSEMENT BY UTILITY

Wisconsin Department of Transportation
DT2245 11/2016

Referencing the project identified below, **City of Appleton**, (COMPANY) a public utility company, a quasi utility, cooperative or municipal utility will not be requesting compensation for the relocation of their facilities.

Project Description Title: APPLETON - DE PERE Limits: RICHMOND ST (WIS 47) INTCHG Highway: IH 41 County: OUTAGAMIE	Project ID(s) Design: 1130-63-01 Construction: 1130-64-77 Right of Way: 1130-63-21 UA No.: 615 Utility: 1130-63-21
Facility Type: Sewer	

COMPANY reserves the right to request compensation from the Wisconsin Department of Transportation, (DEPARTMENT) for compensable utility relocations on this project if: relocation costs increase, accommodating changes to the project plan, or accommodating changes to the relocation plans of other utility companies. If the COMPANY subsequently requests compensation and the DEPARTMENT agrees to payment on this project, the DEPARTMENT and COMPANY are required to execute an agreement. It is expressly understood and agreed that any work by COMPANY prior to execution of an agreement between COMPANY and the DEPARTMENT shall be at COMPANY sole expense.

COMPANY

City of Appleton

(Company Name)

(Authorized Signature)

(Date)

(Title)

(Print Name)

(Authorized Signature)

(Date)

(Title)

(Print Name)

STATEMENT OF NON-REIMBURSEMENT BY UTILITY

Wisconsin Department of Transportation
DT2245 11/2016

Referencing the project identified below, **City of Appleton**, (COMPANY) a public utility company, a quasi utility, cooperative or municipal utility will not be requesting compensation for the relocation of their facilities.

Project Description Title: APPLETON - DE PERE Limits: RICHMOND ST (WIS 47) INTCHG Highway: IH 41 County: OUTAGAMIE	Project ID(s) Design: 1130-63-01 Construction: 1130-64-77 Right of Way: 1130-63-21 UA No.: 616 Utility: 1130-63-21
Facility Type: Water	

COMPANY reserves the right to request compensation from the Wisconsin Department of Transportation, (DEPARTMENT) for compensable utility relocations on this project if: relocation costs increase, accommodating changes to the project plan, or accommodating changes to the relocation plans of other utility companies. If the COMPANY subsequently requests compensation and the DEPARTMENT agrees to payment on this project, the DEPARTMENT and COMPANY are required to execute an agreement. It is expressly understood and agreed that any work by COMPANY prior to execution of an agreement between COMPANY and the DEPARTMENT shall be at COMPANY sole expense.

COMPANY

City of Appleton

(Company Name)

(Authorized Signature)

(Date)

(Title)

(Print Name)

(Authorized Signature)

(Date)

(Title)

(Print Name)



DEPARTMENT OF
**PUBLIC
WORKS**

MEMORANDUM

Date: 9/23/24
To: Municipal Services Committee
From: Pete Neuberger, Deputy Director of Public Works
Subject: Request by Prevea Health to Purchase Two On-street Parking Stalls on South Side of Washington Street West of Oneida Street.

The Department of Public Works has received a request from Prevea Health to purchase two (2) on-street parking stalls on the south side of Washinton Street immediately west of Oneida Street.

The request identified the following need: “We are requesting these spots for our patients. We will be seeing Physical Therapy patients at our new clinic located at 10 East College Ave, Suite 10. Physical Therapy patients often have trouble walking long distances, so our hope is to reserve [on-street parking stalls] as close as possible.”

Per the Downtown Purchased Parking Policy (October 2012), requests meeting the policy criteria below are subject to review and approval by Municipal Services Committee and Common Council.

APPROVAL CRITERIA

1. No purchased parking will be approved for College Avenue.
2. No more than a total of 10% of the parking stalls of any block (i.e. both sides of the 200 East Washington Street block) shall be signed as purchased parking, valet parking and loading zones.
3. Shared use of purchased parking amongst businesses is strongly encouraged.
4. Approval for purchased parking may be rescinded by the Common Council if property owner fails to use the space for its intended purpose, if the purchased parking negatively impacts other downtown businesses, or property owner fails to pay monthly fee.
5. Owner will be charged to remove parking meter(s) and install sign(s) for the approved purchased parking. Owner will also be charged to re-install meter(s) if stall(s) are reverted back to metered parking.
6. Approval is non-transferable if ownership changes.

Per DPW staff review this (100 West) block of Washington Street includes 16 on-street parking stalls, none of which are currently purchased or reserved for valet parking or loading zones. Rounded to the nearest whole number of stalls, two stalls are currently available for purchase per the above criteria.



Application for Operator's/Bartender's License

CASH OR CHECK ONLY!

New Applicant

Renewal License
#: 46-24

FEES ARE NON-REFUNDABLE

Operator License - \$72.00

Operator License plus a provisional - \$87.00

Date Received: 6/27/24

Receipt #: 7057-4

Note: Please allow approximately 3 weeks for application processing.

SECTION 1 - APPLICANT INFORMATION

Legal Name (First name, MI, Last name) Cindy J. Reed Maiden or Previous _____

Street Address 3425 N. Marcos Ln City Appleton State WI Zip 54911

Driver's License Number/State Identification Number _____ Driver's License State WI

Date of Birth _____ Gender F Phone # (Required) _____ Email Address: _____

Name and Address of Establishment you will be selling alcohol - (verify establishment is within City of Appleton limits)
Easer Beaver 1400 W. Main St and other estab within city

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

Have you EVER had an Operator's (Bartender's) License? YES NO
If Yes; which Municipality and what year? _____

Have you EVER been convicted of a felony? YES NO
If Yes; when, where and what type of violation? (Please be specific) _____

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

SECTION 3 - RENEWAL APPLICANT ONLY: List any pending charges, citations, tickets, and all convictions since last license application in or out of state. Failure to provide complete answers may result in a denial of your application.

Have you EVER had an Operator's (Bartender's) License? YES NO
If Yes; which Municipality and what year? City of Appleton 2022

Have you been convicted of a felony since last license application? YES NO
If Yes; when, where and what type of violation? (Please be specific) Operating with PAC; Winnebago Co
Jan 30, 2024

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

SECTION 4 - NEW APPLICANT ONLY

Must provide proof of completion of a Responsible Beverage Server Course.

SECTION 5- PENALTY NOTICE

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

Signature: Cindy J. Reed Date: 06/27/2024

FOR OFFICE USE ONLY

Current License in Other Municipality? _____ Class Completion Date: _____ Date Sent to Appleton Police Department: JUL 01 2024

Date Approved: _____ Issue Date: _____ Expiration Date: _____ License Number: _____



DEPARTMENT OF
**LEGAL AND
ADMINISTRATIVE
SERVICES**

OFFICE OF THE CITY CLERK
100 North Appleton Street
Appleton, WI 54911
p: 920.832.6443
f: 920.832.5823
www.appleton.org

July 15th, 2024

CERTIFIED MAIL

Cindy J. Reed
3425 N. Marcos Ln
Appleton WI 54911

This letter is to notify you that we are in receipt of your application for an Operator's License. The Police Department has conducted a criminal background investigation and has recommended that your application for an Operator's License be denied based upon the statutory qualifications listed in Wisconsin Statutes §125.04(5). Unless failure to grant the license would constitute unlawful employment discrimination as defined by Wisconsin Law (See Wisconsin Statutes §111.335), Operator/Bartender License may not be granted to individuals with arrest or conviction records, "habitual law offenders," or individuals convicted of a felony who have not been pardoned.

You have the right to appear before the Safety and Licensing Committee to contest this recommendation. To do so, **please contact the City Clerk's Office within 30 days of receipt of this letter** in order to be placed on the Agenda of the Safety and Licensing Committee. Failure to contact the City Clerk's Office within 30 days will result in your license being denied. At the time of appeal, you may provide the Safety and Licensing Committee competent evidence of sufficient rehabilitation and fitness to perform the licensed activity.

Regular meetings of the Safety and Licensing Committee take place on the second and fourth Wednesday of each month at 5:30 p.m. in the Council Chambers, 6th floor of City Hall, 100 N Appleton St., Appleton, Wisconsin.

Again, should you choose not to appeal this recommendation, your application will be considered denied and an Operator's License will not be issued.

If you have specific questions relating to this matter, please contact Lt. Ben Goodin APD, at 920-832-5500.

Sincerely,

Kami Lynch
City Clerk



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

TO: Safety and Licensing Committee
Common Council

FROM: Lt. Ben Goodin

DATE: 7/13/2024

RE: Police Department's Recommendation for Denial of Cindy Reed's Bartender
Renewal License Application

Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Cindy Reed's application for a bartender renewal license based upon her criminal and / or arrest record, her unpardoned felony conviction(s), and her status as a "habitual law offender."

Pursuant to Wis. Stat. §111.335(2)(b) and (3)(a), it is not employment discrimination for a licensing agency to deny an applicant based on an arrest or conviction record where the circumstances of the conviction substantially relate to the circumstances of the particular licensed activity.

Pursuant to Wis. Stat. §125.04(5)(a)1., no license or permit related to alcohol beverages may be issued to an individual with an arrest or conviction record where the circumstances of the record(s) substantially relate to the circumstances of the particular licensed activity.

Pursuant to Wis. Stat. §125.04(5)(b), no license or permit related to alcohol beverages may be issued to a "habitual law offender" where the circumstances of the habitual law offenses substantially relate to the circumstances of the particular licensed activity.

Also pursuant to Wis. Stat. §111.335(4)(c), if the licensing agency refuses to license an individual based upon arrest or conviction record, the applicant is allowed an opportunity to show "evidence of rehabilitation and fitness to engage in the licensed activity," *unless the conviction(s) are for "exempt offenses."* Wis. Stat. §111.335(4)(d) provides the following options that the applicant may produce to conclusively demonstrate their rehabilitation and fitness from a given conviction:

- A copy of the local, state, or federal release document; and either
- (1) a copy of the relevant department of corrections document showing completion of probation, extended supervision, or parole; or

(2) other evidence that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime along with evidence showing compliance with all terms and conditions of probation, extended supervision, or parole.

Additionally, the licensing agency must consider any of the following evidence if presented by the individual:

- (1) Evidence of the nature and seriousness of any offense of which he or she was convicted.
- (2) Evidence of all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense.
- (3) The age of the individual at the time the offense was committed.
- (4) The length of time that has elapsed since the offense was committed.
- (5) Letters of reference by persons who have been in contact with the individual since the applicant's release from any local, state, or federal correctional institution.
- (6) All other relevant evidence of rehabilitation and present fitness presented.

STATEMENT ON SUBSTANTIAL RELATIONSHIP

As part of any denial of licensing, the police department must determine if crimes are substantially related to the sale of alcohol. Ms. Reed has been convicted of the following:

Operating with a Prohibited Alcohol Concentration (4th) in Winnebago County case # 2023CF000277. This is a felony offense. Ms. Reed was convicted of this charge on 1/30/24.

Operating While Intoxicated (3rd) in Calumet County case # 2006CT000195. This is a misdemeanor, criminal offense. Ms. Reed was convicted of this charge on 2/26/07.

Operating While Intoxicated (2nd) in Winnebago County, file #R107831. This is a misdemeanor, criminal offense. Ms. Reed was convicted of this charge on 5/7/02.

Operating While Intoxicated in Winnebago County, file #S450159. This is a non-criminal, civil offense. Ms. Reed was convicted of this charge on 6/15/95.

The convictions for Operating While Intoxicated are substantially related to the sale of alcohol for several reasons. Ms. Reed has shown a pattern of poor decision-making by getting arrested for Operating While Intoxicated three times in an eleven-year span; then was convicted a fourth time in 2024 while she held an active bartender license through the City of Appleton. The conviction for OWI 4th is a felony. Drunk driving is a serious offense and a major problem not only in Wisconsin but across the entire country. Ms. Reed has not shown the ability to make sound decisions by understanding when he has had too much to drink and is unsafe to operate a motor vehicle. A person serving alcohol to members of the public must be aware of when a patron has had enough to drink and should not be served any longer.

As a person who wants to be responsible to serve alcohol, Ms. Reed has not shown the ability to make good decisions related to her own sobriety. The service of alcohol includes coming into

contact with individuals in a very vulnerable state, people for whom a bartender may be called upon to refuse service due to their level of intoxication. The circumstances of Ms. Reed's criminal and felony convictions substantially relate to the ability and willingness to meet this legal obligation associated with the licensed service of alcohol.

Based upon the information provided, at this time Ms. Reed does not meet statutory eligibility requirements to be granted an Operator/Bartender license. It is therefore recommended that her application be denied.

Very Respectfully:

Lt. Ben Goodin
Appleton Police Department



DEPARTMENT OF
**LEGAL AND
ADMINISTRATIVE
SERVICES**

CITY ATTORNEY'S OFFICE
100 North Appleton Street
Appleton, WI 54911
p: 920.832.6423
f: 920.832.5962
www.appleton.org

TO: Safety and Licensing Committee, Common Council
From: ACA Zak Buruin
Date: September 12, 2024
RE: Operator (Bartender) License Renewal Denial Appeal of Cindy Reed

Cindy Reed has applied to renew an operator's (bartender) license and is appealing the denial of that renewal application. Per §125.17(1) of the Wisconsin statutes, the City is required to issue an operator's license any applicant that is qualified under §125.04(5). The Appleton Police Department has learned of information it contends leaves the applicant unable eligibility requirements, and that the application must be denied.

Summary

Ms. Reed was convicted of a 4th offense OWI in January of 2024. This felony offense, along with her prior OWI offenses leaves her ineligible for license renewal as both an unpardoned felon and a "habitual law offender."

This disqualification leaves her with the ability to provide evidence of rehabilitation. It does not appear that any documentation that the Committee and Council would be *required* to accept as sufficient evidence of rehabilitation and fitness exists.

Ms. Reed may provide evidence and documentation to show she has been rehabilitated from the disqualifying offenses. The Committee and Council must each consider all relevant evidence provided. The Committee and Council must utilize their judgment to determine if the evidence provided constitutes "competent evidence of sufficient rehabilitation and fitness to perform the licensed activity."

If the Committee and Council find that competent evidence of sufficient rehabilitation and fitness to perform the license activity has been presented, the license must be granted (renewed). If it is found that competent evidence of sufficient rehabilitation and fitness has not been provided, the license may not be granted (renewed).

Discussion:
§125.04(5) Licensing Requirements

According to §125.04(5)(a)1, in order to be granted a license or permit under Wisconsin Statutes Chapter 125, the applicant may not have an arrest or conviction record. This prohibition is subject to the requirements of various statutes prohibiting certain types of employment discrimination,

which will be discussed below, in relevant part.

§125.04(5)(b) states that “No license or permit related to alcohol beverages may, subject to §111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.”

In summary, §125.04(5) prohibits the issuance of alcohol related licenses under chapter 125 to anybody with an arrest or conviction record, anybody with an unpardoned felony conviction, or anybody “who has habitually been a law offender,” regardless of whether any arrests or convictions exist (see State ex rel. Smith v. City of Oak Creek, 139 Wis. 2d 788, 407 N.W.2d 901 (1987)), unless failing to grant that license would constitute prohibited discrimination.

§111.335 – Arrest or Conviction Record; Exceptions and Special Cases

§111.335(3)(a)1 states that it is not employment discrimination because of a conviction record to refuse to license an individual where that person has been convicted of “any felony, misdemeanor, or other offense the circumstances of which substantially related to the circumstances of the particular job or licensed activity.” In evaluating the existence of a substantial relationship, it is the circumstances that provide the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the applicant that are the proper considerations. It is not relevant whether the applicant has the ability to perform the work to an employer’s standards. (See Milwaukee Cnty. v. Lab. & Indus. Rev. Comm'n, 139 Wis. 2d 805, 407 N.W.2d 908 (1987)).

Each offense must be evaluated under the above criteria for determination of whether or not it is substantially related to the activity for which a license is sought. Any arrest, conviction, or other offense which is substantially related to the licensed activity is to be considered in the licensing decision.

Consideration of Rehabilitation

§111.335(4)(c)1 requires that if a license is denied *based upon §111.335(3)(a)1* as discussed above, the licensing agency typically has two further obligations. It must state the reasons for denial in writing, including a statement of how the circumstances of the offense(s) relate to the licensed activity. It typically must also allow the person to show evidence of rehabilitation. According to §111.335(4)(c)1.b, if the individual “shows competent evidence of sufficient rehabilitation and fitness to perform the licensed activity under par. (d), the licensing agency may not refuse to license the individual or bar or terminate the individual from licensing based on that conviction.”

Competent Evidence of Sufficient Rehabilitation

§111.335(4)(d)1 provides two forms of evidence which are statutorily required to be considered “competent evidence of sufficient rehabilitation,” and therefore must be accepted by the licensing agency as such. §111.335(4)(d)1.a. allows one to provide certified documentation of honorable discharge from the US armed forces following the otherwise disqualifying conviction. This documentation is no longer sufficient if there is a criminal conviction following the discharge date.

§111.335(4)(d)1.b, allows the applicant to provide documentation of their release from custody

and either completion of probation or release from custody and compliance with all terms and conditions of release, be it extended supervision, probation, or parole.

Where neither of the above exists, §111.335(4)(d)2 provides additional documentary evidence that may be provided that the licensing agency is bound to consider, but that it is not required to accept conclusively as sufficient evidence of rehabilitation. Evidence which the agency is required to consider includes:

- a. evidence of the seriousness of any offense of which he / she was convicted.
- b. evidence of all circumstances relative to the offense including mitigating circumstances or social conditions surrounding the offense.
- c. The age of the individual at the time the offense was committed.
- d. The length of time that has elapsed since the offense was committed.
- e. Letters of reference by persons who have been in contact with the individual since the applicant's release from any local, state, or federal correctional institution.
- f. All other relevant evidence of rehabilitation and fitness presented.

Based upon the above, where a denial of a licensed is based upon §111.335(3)(a)1, and there is no evidence presented that is statutorily defined as "competent evidence of sufficient rehabilitation" for a particular offense, it is up to the licensing agency to determine whether the other documentary evidence available constitutes "competent evidence of sufficient rehabilitation and fitness to perform the licensed activity."

Applicability to the Application of Cindy Reed

Investigation by the Appleton Police Department has yielded information about offenses which Lt. Goodin advises are substantially related to the activity for which the instant license has been sought. By the nature of the offenses, this is a sound assessment. The offense of Operating a Motor Vehicle While Intoxicated necessarily involves either the failure to recognize over-consumption of alcohol (i.e. intoxication), or the decision to disregard the fact that one has over-consumed alcohol. Those licensed to serve alcohol commercially are called upon with each transaction to determine whether the person they are about to serve is intoxicated. Wis. Stat. §125.07(2)(a). Their judgement potentially impacts the safety of that customer, as well as anybody that customer may subsequently encounter before any effects of the alcohol recede.

Lt. Goodin notes convictions for OWI in 2007, 2002, and 1995. These would be either misdemeanor or non-criminal convictions for OWI offenses prior to the approval of Ms. Reed's prior operator license application. However, Lt. Goodin takes note of a recent conviction occurring since Ms. Reed's prior application was approved.

On January 30, 2024, Ms. Reed was convicted of OWI 4th offense, a felony, in Winnebago County Case 2023CF277. According to Wisconsin Circuit Court Access records accessed on September 12, 2024, Ms. Reed was sentenced to a combination of jail (with work release), monetary penalties, and a combination of judicial and administrative penalties against her driving privileges.

Her sentence did not subject her to supervision through probation, extended supervision, or parole. Therefore, she would be unable to provide any documentation of rehabilitation and fitness that the Committee and Council would be *required* to accept as "competent evidence of sufficient rehabilitation," unless she has been honorably discharged from the United States armed forces since the date of the offense on March 23, 2023.

However, she is still able to provide additional information and evidence to show competent

evidence of sufficient rehabilitation such as that contained in the list above. The Committee and Council are bound to consider that evidence. Whether evidence presented is sufficient to show rehabilitation and fitness to perform the licensed activity is committed to the sound discretion of the Committee and Council. Should the Committee and Council find the evidence sufficient to demonstrate rehabilitation and fitness, state law requires that the license must be granted because failure to do so would constitute unlawful discrimination. Should the Committee and Council find the evidence to be insufficient to demonstrate rehabilitation and fitness, state law prohibits the license from being granted, as the applicant would not meet eligibility criteria.

Conclusion

Ms. Reed's most recent conviction for OWI 4th offense is a disqualifying offense. It is an unpardoned felony. It is also the latest in a series of convictions which qualify Ms. Reed as a Habitual Law Offender. This is also a disqualifying fact. All of the relevant offenses are substantially related to the licensed activity. Therefore, denial based upon these factors is not unlawful discrimination. The staff recommendation that the application to renew Ms. Reed's operator's license be denied is supported by the relevant law and available facts.

Ms. Reed is afforded the opportunity to demonstrate to the Committee and Council that she has been rehabilitated. Subject to one exception discussed above, the Committee and Council will be tasked with exercising its judgement and discretion in evaluating whether Ms. Reed has shown competent evidence of rehabilitation. As the statutes require granting an operator's license to eligible applicants, and prohibits granting a license to ineligible applicants, the decision of whether or not Ms. Reed's license is to be renewed will rest upon the Committee and Council's sound assessment of the evidence and documentation of rehabilitation Ms. Reed is able to provide, and the conclusions drawn therefrom.



**Ascension
St. Elizabeth
Hospital**

Ascension St. Elizabeth's Hospital
Behavioral Health- Outpatient- Substance Use
1531 S. Madison Street
Appleton, WI 54915
Phone: (920) 738-2257
Fax: (920) 738-2021

7/31/24

RE: Substance Abuse Treatment
Cindy Reed DOB 4/6/68

You were seen in this office on 4/2/24 for an initial assessment regarding your substance use.

It was recommended that you participate in individual sessions. You completed treatment services on 6/28/24.

Please contact this office if you have any questions or concerns.

Sincerely,

Brandi Andrews, CSAC

This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal regulations (42 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the individual to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is not sufficient for this purpose.

Ascension Behavioral Health AODA Out Pt
1531 S Madison St
Appleton, WI 54915

920-223-8570
ascension.org

Listening to you, caring for you.®

Ascension NE Wisconsin

DRIVER SAFETY PLAN STATUS REPORT

Wisconsin Department of Transportation
s.343.16, 343.30(1q), or 343.305(10) Wis. Stats.
MV3631 10/2004

General Information

Name (Last, First, MI) REED, CINDY, JOAN		Birth Date 04-06-1968	Sex F	Driver License Number R300-1106-8626-06	State WI
Address 3425 N MARCOS LN		City, State, ZIP Code APPLETON, WI 54911		County of Residence OUTAGAMIE	Area Code - Telephone
Judge	Court Address (Street, City, ZIP Code)			Client Occupation	
Citation Number BI663415-4	Court Case Number 2023CF000277	Non-UTC Number	Most Recent Conviction Date(s) 01-30-2024		

Arrest Information

Arrest Date(s) 03-23-2023/WI	Arrested For				
Blood Alcohol Level .026	<input type="checkbox"/> Controlled Substance and/or Other Impairing Drug:	<input checked="" type="checkbox"/> OWI - Operating While Intoxicated	<input checked="" type="checkbox"/> Repeat Offense		
	<input type="checkbox"/> Implied Consent	<input type="checkbox"/> OWI - Great Bodily Harm	<input type="checkbox"/> OWI - Homicide		
	<input type="checkbox"/> OWI - Injury				
Total Lifetime OWI Arrests: 4					

Referred Information: Court DOT Voluntary

Assessment Finding Information

<input checked="" type="checkbox"/> Alcohol	<input checked="" type="checkbox"/> Other Drug(s)	<input type="checkbox"/> Controlled Substances
Final Diagnosis		

Driver Safety Plan Information - Program Recommendation

<input type="checkbox"/> Group Dynamics	<input type="checkbox"/> Multiple Offender Program	Provider Name
<input checked="" type="checkbox"/> Outpatient Treatment	Regimen and Provider Name ST ELIZABETH HOSPITAL #40870198	
<input type="checkbox"/> Inpatient Treatment	Regimen and Provider Name	
<input type="checkbox"/> Victim Impact Panel		

For any of the 6 choices below, please give provider name and explanation

Medical Exam Psychiatric Detoxification Residential Day Treatment Other

Provider Name

Explanation

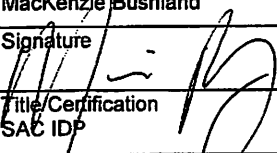
Follow all rules and recommendations

Plan Completion Date 07-16-2024	Plan Extended Through - Total Assessment Period Cannot Exceed 16 Months
In Compliance Date(s) Plan Assessment Fee Treatment Fee N/C Report Sent in Error	Non-Compliance Date(s) Assessment Interview Plan Assessment Fee Treatment Fee

(Provide date(s) only for the action(s) being taken for this report filing.)

Description, Prognosis or Comments
Completed

Assessment Facility/Assessor Information

Agency Outagamie County Health and Human Services		Name - Please Print MacKenzie Bushland	
Address 320 S. Walnut Street	Area Code - Telephone 920 832 5270	Signature 	Date 7-16-2024
City, State, ZIP Code Appleton WI 54911		Title/Certification SAC IDP	

Distribution: 1 - Assessment; 2 - Plan Provider; 3 - DOT; 4 - Client

KENDRA KAUL, MSW



3425 N. Marcos In, Appleton WI 54911 . Kkaul@Kendrakaulllc.com . 920-841-6688

September 25nd, 2024

City Of Appleton

Safety and Licensing Committee

100 N Appleton St, Appleton, WI 54911

To the Committee, I am Kendra Kaul, the daughter of Cindy Reed, and I am writing to request your consideration in retaining my mother's employment as a bartender in the City of Appleton. With a bachelor's degree in Criminal Justice and a master's in Social Work, I have experience working with the courts and judges in various counties. Recognizing the gravity of an OWI offense, I can attest to my mother's unwavering responsibility in all aspects of her life. It is important to note that her last OWI offense was 17 years ago, and since then, she has exemplified outstanding citizenship. I kindly seek your grace in allowing Cindy Reed to retain her bartender's license and place of employment.

Thank you for your attention to this matter.

Sincerely,

Kendra Kaul

To Whom it May Concern,

Cindy Reed is a conscientious co worker. She is very willing to help out any individual that is in need. Cindy has a great rapport with the customers she meets each time she works. She is very conscious of her job duties and fulfills them to the fullest.

Cindy has a personable attitude and treats every person she meets with the respect they are deemed.

Thank you for your time,
Crystal Liesch



DEPARTMENT OF HEALTH SERVICES
Division of Public Health
F-22559 (Rev. 01/2020)

STATE OF WISCONSIN
Wis. Stat. § 134.66(2m)

**EMPLOYEE TRAINING ACKNOWLEDGEMENT
LEGAL RESTRICTION ON TOBACCO SALES TO MINORS**

Use of form: This is a required form. Personally identifiable information on this form is collected to determine compliance with the statutes and will only be used for that purpose.

Instructions: Sign form and retain on premises in personnel file.

Employee - Name (print) Cindy Reed		Driver's License Number
Address	City, State, Zip	
Online	Statewide, WI	
Home Telephone	Date of Birth (Day, Month, Year)	
Store Name	Store Number (if applicable)	
Wisconsin Bartending		
Name - Supervisor		

I acknowledge (Choose one):

- I have successfully completed a responsible beverage server training course at a technical college that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the department or the educational approval board. (Wis. Stat. § 125.04)
- I have received training from my employer on compliance with Wis. Stat. § 134.66.

I further acknowledge:

- I understand that federal law prohibits selling tobacco products to any person under the age of 21. Failure to comply with these restrictions may result in a citation.

SIGNATURE - Employee

Date Signed

SIGNATURE - Supervisor

Date Signed





Submitted By: WISCONSIN STATE PATROL-DISTRICT #3 [402960]
ATTN: SGT H GLICK V

Report Date:
4/18/2023

WISCONSIN STATE PATROL-DISTRICT #3
851 S ROLLING MEADOWS DR
FOND DU LAC WI 54937-8200

Subject: Reed, Cindy J
Address: N1478 HIGHGREEN CT
GREENVILLE WI 54942
DOB: 4/6/1968 **Sex:** Female

Specimen Details

	Collected	Type	Collector
23FX005711	3/23/2023 1735	Blood, Whole	Traci Laneve

Date Received: 4/3/2023

Label/Seal: LABELED AND SEALED

Alcohol Analysis Date: 4/14/2023

Subject Number:

Case Number: 000243-2994

	Result	Units
Ethanol	0.026	g/100 mL

Comments:

Additional test results will be reported below when all laboratory analyses have been completed.

Lab Comments

Specimen(s) are retained for six months from the date that testing is reported unless otherwise requested by agency or subject.

ETHANOL ANALYST:


Benjamin Mullins, M.S., #AP-570

As designee of the Director, I do hereby certify this document to be a true and correct report of the findings of the Wisconsin State Laboratory of Hygiene.



Kayla Neuman, M.S., D-ABFT-FT, Forensic Scientist Supervisor

END OF REPORT



- The Most Advanced Ignition Interlock System

Consumer Safety Technology, LLC.

(877) 777-5020 www.intoxalock.com

Consumer Safety Technology, LLC. 11035 Aurora Ave, Urbandale, IA 50322

State of Wisconsin
Certificate of Intoxalock Installation

Customer Name: Cindy Reed
Customer Address: 3108 Stonemeadow Way Apt 6 Appleton, WI 54915



ELERT
-Camera, GPS-

County: Winnebago
Customer ID: 1910263 Date of Birth: 4/6/1968
Drivers License #: R3001106862606 Case Number:
Original Install Date:

Original Install

Vehicle: 2011 FORD Focus
Plate # / Color: 551ZJW (WI)
Registered Owner: Cindy Reed
Vin#: 1FAHP3HNOBW161101

Service Center: R&S Auto Artists Inc
945 Edgar Drive
Oneida, WI 54155

Contact Person: Ron Smet
Phone Number: (920) 621-5160
Email Address: msautoa@netnet.net

Handheld Serial Nbr: 1AF2C299 Intoxalock® Model Nbr: I1001A
Camera Serial Nbr: CD102BBE Relay Serial Nbr: 130B51E

Confirmed Date:
Next Calibration Date: 3/26/2024

CUSTOMER COPY

Service Technician:

[Signature]
Signature

RON smet
Print Name

Customer:

[Signature]
Signature

Print Name

Date:

1-26-24

FILED
01-30-2024
Clerk of Circuit Court
Winnebago County, WI
2023CF000277

BY THE COURT:

DATE SIGNED: January 30, 2024

Electronically signed by John A. Jorgensen, Circuit Court, Branch 5
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT BRANCH 5

WINNEBAGO COUNTY

State of Wisconsin vs. CINDY JOAN REED

Judgment of Conviction
and Sentence to the County Jail/Fine/Forfeiture

Date of Birth: 04-06-1968

Case No. 2023CF000277

List Aliases: Also known as CINDY J JESKE; Also known as CINDY J SMITH

The defendant was found guilty of the following offense(s):

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To	Date(s) Convicted
1	Operating w/ PAC (4th)	346.63(1)(b)	No Contest	Felony H	03-23-2023		01-30-2024

The defendant is guilty as convicted and sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Begin Date	Begin Time	Agency	Comments
1	01-30-2024	Local jail	60 DA				Consecutive to any other sentence. Granted Huber if in compliance with jail regulations. Granted Good Time. Defendant taken into custody immediately to start serving sentence.
1	01-30-2024	Forfeiture / Fine					1 day credit for time served. Forfeiture and costs to be paid within 60 days from sentence date, unless payment plan is approved. Penalty for non-payment shall be entry of civil judgment. Clerk of Courts shall docket without fees. Send payments to: Clerk of Courts, Room 110, 415 Jackson Street, P O Box 2808, Oshkosh WI 54903-2808.
1	01-30-2024	Costs					IID requirement applies to all vehicles which are registered in your name and any vehicles you operate. During your IID requirement period, you may not operate any motor vehicle without an IID installed.
1	01-30-2024	Ignition interlock	24 MO				
1	01-30-2024	DOT License Revoked	24 MO				
1	01-30-2024	Alcohol assessment					

Sentence Concurrent With/Consecutive Information

Ct.	Sentence	Concurrent With/Consecutive To	Comments
1	Local jail	Consecutive	any other sentence

Obligation Detail:

Ct.	Schedule	Amount	Days to Pay	Due Date	Failure to Pay Action	Victim
1	Felony Driving Violations	1569.00	60	04-01-2024	Judgment	
1	Blood Test Cost - State	39.39	60	04-01-2024	Judgment	
1	DNA Analysis Surcharge	250.00	60	04-01-2024	Judgment	

Obligation Summary:

Fine & Forfeiture	Court Costs	Attorney Fees	<input type="checkbox"/> Joint and Several Restitution	Mandatory Victim/Wit. Other Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge	Totals
766.00	687.39			63.00	92.00	250.00	1,858.39

Total Obligations: 1858.39

It is adjudged that 1 days sentence credit are due pursuant to §973.155, Wisconsin Statutes.

It is ordered the Sheriff take the defendant into custody

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.

DISTRIBUTION:

Court

Ryan Scott Ulrich

CINDY JOAN REED

Adam Joseph Levin, District Attorney

WRU

Jail

Form
AB-200

Alcohol Beverage License Application

For Municipal Use Only	
Municipality	Appleton
License Period	24-25

License(s) Requested: (up to two boxes may be checked)

- | | |
|-----------------------------------------------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> Class "A" Beer \$ _____ | <input checked="" type="checkbox"/> Class "B" Beer \$ <u>100</u> |
| <input type="checkbox"/> "Class A" Liquor \$ _____ | <input checked="" type="checkbox"/> "Class B" Liquor \$ <u>500</u> |
| <input type="checkbox"/> "Class A" Liquor (cider only) \$ _____ | <input type="checkbox"/> Reserve "Class B" Liquor \$ _____ |
| <input type="checkbox"/> "Class C" Liquor (wine only) \$ _____ | Deposit - \$ 50 |

Fees	
License Fees	\$ <u>600</u>
Background Check Fee	\$ <u>7</u>
Publication Fee	\$ <u>60</u>
Total Fees	\$ <u>667</u>

Part A: Premises/Business Information

1. Legal Business Name (individual name if sole proprietorship) Colin Marshall Torres <u>Capo Google LLC</u>			
2. Business Trade Name or DBA <u>Ambassador</u>			
3. FEIN		4. Wisconsin Seller's Permit Number <u>456-1031797201-04</u>	
5. Entity Type (check one) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization			
6. State of Organization <u>Wisconsin</u>		7. Date of Organization <u>6/18/24</u>	8. Wisconsin DFI Registration Number <u>C129060</u>
9. Premises Address <u>117 S Appleton St</u>			
10. City <u>Appleton</u>		11. State <u>WI</u>	12. Zip Code <u>54911</u>
13. County <u>Outagamie</u>	14. Governing Municipality: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: <u>Appleton</u>		15. Aldermanic District
16. Premises Phone <u>920-428-0015</u>	17. Premises Email <u>colin.torrez91@gmail.com</u>		18. Website
19. Premises Description - Describe the building or buildings where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary. <u>All liquor and beverages will be sold and consumed on the first floor. All liquor and beverages stored and consumed in the basement and second floor. Approximately 1300 sq ft.</u>			
20. Mailing Address (if different from premises address)			
21. City		22. State	23. Zip Code

Part B: Questions

1. Has the business (sole proprietorship, partnership, limited liability company, or corporation) been convicted of violating federal or state laws or local ordinances? Exclude traffic offenses unless related to alcohol beverages. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list the details of violation below. Attach additional sheets if necessary.		
Law/Ordinance Violated	Location	Trial Date
Penalty Imposed		Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Law/Ordinance Violated	Location	Trial Date
Penalty Imposed		Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No

2. Are charges for any offenses pending against the business? Exclude traffic offenses unless related to alcohol . . . Yes No
 beverages.
 If yes, describe the nature and status of pending charges using the space below. Attach additional sheets as needed.

3. Is the applicant business or any of its officers, directors, members, agent, employees, owners, or other related individuals or entities a restricted investor with any interest in an alcohol beverage producer or distributor? . . . Yes No
 If yes, provide the name of the restricted investor and describe the nature of the interest.

4. Is the applicant business owned by another business entity? Yes No
 If yes, provide the name(s) and FEIN(s) of the business entity owners below. Attach additional sheets as needed.

4a. Name of Business Entity	4b. Business Entity FEIN
-----------------------------	--------------------------

5. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit proof of completion. Yes No
 6. Is the applicant business indebted to any wholesaler beyond 15 days for beer or 30 days for liquor/wine?. Yes No
 7. Does the applicant business owe past due municipal property taxes, assessments, or other fees? Yes No

Part C: Individual Information

List the name, title, and phone number for each person or entity holding the following positions in the applicant business or businesses listed in Part B, Question 4: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all members, managers, and agent of a limited liability company. Attach additional sheets if necessary.

Include Form AB-100 for each person listed below. Corporations and LLCs must appoint an agent by including Form AB-101.

Last Name	First Name	Title	Phone
Torrez	Colin	Owner	

Part D: Attestation

One of the following must sign and attest to this application:
 • sole proprietor • one general partner of a partnership • one corporate officer • one member of an LLC

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name Torrez	First Name Colin	M.I. M
Title	Email	Phone
Signature 		Date

Part E: For Clerk Use Only

Date Application Was Filed With Clerk 8/28/24	License Number	Date License Granted	Date License Issued
Signature of Clerk/Deputy Clerk		Date Provisional License Issued (if applicable)	



City of Appleton Alcohol License Questionnaire

1. Name of Applicant: Colin Torrez

2. Name of Business: Ambassador

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

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

3. Address of Business: 117 S Appleton St, Appleton WI, 54911

4. Have you or any member of your organization ever been convicted of a misdemeanor or ordinance violation? Yes _____ No

AND/OR been convicted of a felony? Yes _____ No

If yes to either question, please explain in detail below:

5. List all partners, shareholders or investors of your business. Include full name, middle initial and date of birth. Please use additional sheets if necessary.

<u>Colin</u>	<u>M</u>	<u>Torrez</u>	
First name	M.I.	Last name	Date of Birth / /
First name	M.I.	Last name	Date of Birth / /
First name	M.I.	Last name	Date of Birth / /
First name	M.I.	Last name	Date of Birth / /

6. Name of person/corporation you are buying the premise and equipment from?

Name: Corbin Schiedermayer
First name Middle Initial Last name

Address: 928 W. Hayes Ave Appleton WI 54914
City State ZIP

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

Name: Ambassador

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

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

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

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

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

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

0 months ago.

10. Seating capacity: Inside 65 Outside X

11. Operating hours (Inside the building): 5pm - 2am

Operating hours (Outdoor seating areas): X

12. Employees/Staff

Number of floor personnel 3 Number of door checkers 1

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

a. Gross floor building area of the premises to be licensed: 2,000 square feet.

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

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

This establishment will be a Tavern that will be selling alcoholic beverages to be consumed and sold on premise

P. Grew
Signature

Date

Alcohol Beverage Appointment of Agent

Date

Agent Type (check one)

- Original (no fee) Successor (\$10 fee for municipal licensees only)

Part A: Business Information

1. Legal Business Name (individual name if sole proprietor) Colin Marshall Torrez Capo Google LLC	
2. Business Trade Name or DBA Ambassador	
3. Entity Type (check one) <input checked="" type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization	
4. Alcohol Beverage Business Authorization (check one) <input type="checkbox"/> Municipal Retail License <input type="checkbox"/> State Permit	5. If successor agent, provide State Permit or Municipal Retail License Number
6. Describe the reason for appointing a successor agent, if successor is checked above.	

Part B: Agent Information

1. Last Name Torrez	2. First Name Colin	3. M.I. M	
4. Email		5. Phone	
6. Home Address 181 S Riverheath Way			
7. City Appleton	8. State WI	9. Zip Code 54915	10. Age
11. Drivers License/State ID Number		12. Drivers License/State ID State of Issuance	

Part C: Agent Questions

1. Have you satisfied the responsible beverage server training requirement? Submit proof of completion.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Have you completed Form AB-100, <i>Alcohol Beverage Individual Questionnaire</i> ? Submit a completed Form AB-100 with this form.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. Have you been a Wisconsin resident for at least 90 continuous days? See instructions for exceptions.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Continued →

Part D: Business Attestation

READ CAREFULLY BEFORE SIGNING: I, the **Undersigned**, authorize the above-named individual to act for the above-named corporation, nonprofit organization, or limited liability company with full authority and control of the premises and of all alcohol beverage activities on such premises. I certify that I am authorized by the above-named entity to authorize this individual to act on behalf of the entity. If I am appointing a successor agent, I rescind all previous agent appointments for this premises. Further, I understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name <i>Torrez</i>		First Name <i>Colin</i>		M.I. <i>M</i>
Title	Email	Phone		
Signature <i>[Handwritten Signature]</i>			Date <i>6/22/24</i>	

Part E: Agent Attestation

READ CAREFULLY BEFORE SIGNING: I, the **Agent**, hereby accept this appointment as agent for the above-named corporation, nonprofit organization, or limited liability company and assume full responsibility for the conduct of all alcohol beverage activities on the premises for the above-named business. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name <i>Torrez</i>		First Name <i>Colin</i>		M.I. <i>M</i>
Signature <i>[Handwritten Signature]</i>			Date <i>6/22/24</i>	

Chapter 6

Fire Prevention and Protection

ARTICLE I. IN GENERAL

Intent of chapter 6-1
 Fire equipment 6-2
 Enforcement by Fire Chief 6-3
 Police assistance 6-4
 Right of entry 6-5
 Removal of fire hazards 6-6
 Vacation of buildings 6-7
 Investigation of fires 6-8
 Inspections generally 6-9
 Fire inspection required before occupancy 6-10
 Burning trash, rubbish, garbage, yard waste, etc. 6-11
 Open outdoor fires, outdoor fireplaces, cooking fires and barbecue grills, kettles and outdoor hibachis 6-12
 Careless smoking prohibited 6-13

Fire department signs 6-15
 Fire alarms 6-16
 Malls 6-17
 Violations 6-18
 Reserved 6-19 – 6-30

ARTICLE II. FIRE DEPARTMENT

Generally 6-31
 Duties of Fire Chief 6-32
 Wearing of name tag and badge 6-33
 Reserved 6-34 – 6-42

ARTICLE III. PERMITS

Required 6-43

Permits are required for the following 6-43(b)

Floor finishing 6-43(b)(1)
 Lumber yards 6-43(b)(2)
 Vehicle tire rebuilding plants 6-43(b)(3)
 Magnesium use 6-43(b)(4)
 Cryogenic liquids 6-43(b)(5)
 Combustible fibers 6-43(b)(6)
 Dust explosion hazard 6-43(b)(7)
 Fumigation and thermal insecticidal fogging 6-43(b)(8)
 Flammable and combustible bulk storage 6-43(b)(9)
 Open burning 6-43(b)(10)
 Tents, membrane structure, canopies 6-43(b)(11)
 Fireworks/pyrotechnic displays 6-43(b)(12)
 Explosives 6-43(b)(13)
 Cellulose nitrate plastics 6-43(b)(14)
 Recyclables storage 6-43(b)(15)
 Storage tanks 6-43(b)(16)

Temporary special permits 6-44
 Application 6-45
 Fees 6-46
 Issuance and posting 6-47
 Fee for failure to obtain permit 6-48
 Non-resident fees for Fire Department services 6-49
 Recovery of costs associated with technical rescue responses 6-50

Technical rescue reimbursement for costs of emergency services response 6-50(a)

APPLETON CODE

Appeal..... 6-50(b)
Reserved..... 6-51 – 6-55

ARTICLE IV. STANDARDS AND REQUIREMENTS

Adoption of codes and standards..... 6-56
Automatic sprinkler systems 6-57
Intent of section..... 6-57(a)
Definitions..... 6-57(b)
Buildings and areas where required 6-57(c)
Application to existing buildings 6-57(d)
System types and approval of plans 6-57(e)
Alternative materials and methods..... 6-57(f)
Inspections 6-57(g)
Maintenance 6-57(h)
Water..... 6-57(i)
Outside storage of recyclables and building material..... 6-59
Smoke alarms 6-60
Definitions..... 6-60(a)
Location and installation and smoke alarms 6-60(b)
Approval 6-60(c)
Department inspection and order 6-60(d)
Conveyance of property 6-60(e)
Discharge of hazardous materials..... 6-61
Prohibited discharges 6-61(a)
Spill notification..... 6-61(b)
Responsibility for containment, cleanup and restoration 6-61(c)
Reimbursement for costs of emergency services response 6-61(d)
Site access 6-61(e)
Public protection 6-61(f)
Enforcement 6-61(g)
Civil liability 6-61(h)
Fireworks and pyrotechnic devices 6-63
Posted occupant load..... 6-64
Working plans of suppression/detection and control systems 6-67
Plan review fee structure and requirements..... 6-68
Miscellaneous fee..... 6-68(1)
Fire doors/shutters..... 6-68(4)
Re-submission fee 6-68(5)
Re-inspection fee..... 6-68(6)
Fee for initiation without a permit 6-68(7)
Maintenance, approval and registration of installed fire protection systems..... 6-69
Maintenance 6-69(a)
Approvals..... 6-69(b)
Registration 6-69(c)
Notification of special public assembly events 6-70
Repeat violation rule 6-72

Editor’s Note: Chapter 6, Fire Prevention and Protection, was repealed and recreated by Ord 23-09, adopted by the Common Council on January 7, 2009 and becoming effective January 13, 2009.

Editor’s Note: Chapter 6, Fire Prevention and Protection, was repealed and recreated by Ord 25-18, adopted by the Common Council on February 21, 2018 and becoming effective February 27, 2018.

State law reference(s)--Fires and fire protection, W.S.A. §§101.09, 101.14 et seq.

FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

Sec. 6-1. Intent of chapter.

It is the intent of this chapter to prescribe regulations consistent with the nationally recognized standard practice for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, from conditions hazardous to life and property in the use or occupancy of buildings or premises, and the adequacy of exit systems.

(Code 1965, §19.01; Ord 1-91, §1(19.01), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Sec. 6-2. Fire equipment.

(a) No person shall molest, tamper with, damage or otherwise disturb any apparatus, equipment or appurtenance belonging to or under the supervision and control of the Fire Department without authority from the Chief or his/her authorized representative.

(b) No person shall remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of this code, except for the purpose of extinguishing fires, training purposes, recharging or making necessary repairs or when permitted by the Fire Department. Whenever a fire appliance is removed as permitted herein, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. No person shall use or operate any hydrant or other valves installed on any water system intended for use by the Fire Chief for fire suppression purpose, and which is accessible to any public highway, alley or private way open to or generally used by the public, unless such person first secures permission from the Fire Department. This section does not apply to the use of a hydrant or other valves by a person employed by and authorized to make such use by the Water Department which supplies water to such hydrants or other valves.

(c) No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material near any fire hydrant, Fire Department connection or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the Fire Department from gaining immediate access to the equipment or hydrant. A minimum three- (3-) foot clear space shall be maintained around the circumference of the fire hydrants except as otherwise required or approved by the Fire Chief.

(d) Where on-site fire hydrants are required on private property, the City shall annually inspect, flush

and, if necessary, paint said hydrants for the fee per hydrant on file with the City Clerk's Office. The owner shall be notified of any repairs or maintenance necessary, and it shall be the owner's responsibility to see that any repair or maintenance is performed in accordance with the National Fire Protection Association Standard 25, the City Water Utility's standard operating procedures and the American Water Works Standards for fire hydrant maintenance. The property owner or agent must call between April 1 and October 1 of each year to schedule the annual flush and inspection.

(e) The property owner or agent shall keep and maintain records indicating when the hydrants are flushed, painted and maintained. These records shall be made available to the City upon request.

(Code 1965, §19.14; Ord 1-91, §1(19-14), 1-9-91; Ord 59-91, §1, 6-20-91, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 34-11, §1, 2-8-11, Ord 25-18, §1, 2-27-18)

Sec. 6-3. Enforcement by Fire Chief.

The Fire Chief shall be responsible for fire protection. This chapter shall be enforced by the Fire Chief, designated by the City and the State as the "authority having jurisdiction", in all matters concerning this chapter and related fire prevention activities. The Fire Chief may appoint a Fire Marshal or other designee who will act on the Chief's behalf in matters concerning fire prevention. (Code 1965, §19.03(1); Ord 1-91, §1(19.03), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Sec. 6-4. Police assistance.

Whenever requested to do so by the Fire Chief or his/her designee, the Chief of Police shall assign such available police officers as in his/her discretion may be necessary to assist the Fire Department in enforcing the provisions of this chapter.

(Code 1965, §19.03(5); Ord 1-91, § 1(19.03(5)), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Sec. 6-5. Right of entry.

(a) For purposes of this section, the authorized representative shall include all members of the Fire Prevention Program and all officers of the Fire Department.

(b) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Fire Chief or his/her authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the Fire Chief or his/her authorized representative may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the Fire

Chief by this chapter.

(c) If such building or premises is occupied, the Fire Chief or authorized representative shall first present proper credentials and demand entry. If such building or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Fire Chief or his/her authorized representative, shall have recourse to every remedy provided by law to secure entry.

(d) If the owner or occupant denies entry, the Fire Chief or his/her authorized representative shall obtain a proper inspection warrant or other remedy provided by law to secure entry. No owner or occupant or any other persons having charge, care or control of any building or premises, shall fail or neglect, after proper request is made as provided herein, to promptly permit entry therein by the Fire Chief or his/her authorized representative for the purpose of inspection and examination pursuant to this chapter.
(Code 1965, §19.03(5); Ord 1-91, §1(19.03(5)), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Sec. 6-6. Removal of fire hazards.

(a) Whenever an inspection by the Fire Chief reveals a fire hazard, the Fire Chief may provide a notice, in writing, upon the owner or occupant of the property giving the owner or occupant sufficient time in which to remove the hazard. If the fire hazard is not removed within the time prescribed, it shall be deemed a nuisance and the Fire Chief shall have the hazard removed by the City and the cost of removal reported to the Director of Finance and spread on the tax roll as a special charge against the property, as prescribed in §12-32 et seq.

(b) Within ninety (90) days after the removal of any flammable/combustible liquids tank, all barreled sludge or liquids must be removed from the property.
(Code 1965, §19.03(2); Ord 1-91, §1(19.03(2)), 1-9-91; Ord 4-93, §1, 1-6-93; Ord 6-95, §1, 2-1-95; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-7. Vacation of buildings.

(a) The Fire Chief is hereby empowered to close any building or structure, and order it vacated wherein violations of any regulations of this chapter are found and not abated within a reasonable time stipulated by him.

(b) Where the public is exposed to immediate danger, the Fire Chief is hereby empowered and directed to order the immediate closing and vacating of the building or structure.
(Code 1965, §19.03(4); Ord 1-91, §1(19.03(4)), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Cross reference(s)--Unsafe buildings, §4-181 et seq.

Sec. 6-8. Investigation of fires.

The Fire Department shall promptly investigate the origin, cause, and circumstances of all fires occurring in the jurisdiction of the City. If it appears that the cause of the fire may be the result of a criminal act, the Fire Department shall inform the Police Department and seek their assistance in determining the origin and cause of the fire.
(Code 1965, §19.03(6); Ord 1-91, §1(19.03(6)), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-9. Inspections generally.

The Fire Chief or his/her designee shall provide for the inspection of every public building and place of employment in accordance with W.S.A. §101.14 and shall comply with the provisions thereof. The Fire Chief shall, on a time schedule to be determined by the Common Council, report information regarding these inspections. Violations identified during inspections shall be recorded and kept on file in accordance with W.S.A. §101.14. Owners or occupants who do not show for a scheduled inspection appointment may be charged a fee. Repeated inspections or re-inspections resulting from continued non-compliance may subject an occupancy or property to a re-inspection fee and/or remedies as outlined in §6-75 "Repeat violation rule".
(Code 1965, §19.03(3); Ord 1-91, §1(19.03(3)), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Sec. 6-10. Fire inspection required before occupancy.

No person shall occupy or change the occupancy of a building or structure covered under Wisconsin Administrative Code, SPS Chapters 350-365 the Wisconsin Commercial Building Code, or the locally adopted International Fire Code used by or for public assembly, industrial, institutional, multifamily, office, or mercantile purposes until such building or structure has been inspected by the Fire Department.
(Ord 25-18, §1, 2-27-18)

Sec. 6-11. Burning trash, rubbish, garbage, yard waste, etc.

(a) No person shall build, maintain or allow to be operated or maintained on a premises controlled by him/her, any waste burner, refuse burner, trash burner or other similar appliance unless such device is permitted with the approval of the Inspections Supervisor and the Fire Chief, or his/her designee.

(b) No person shall operate an outside incinerator, burn garbage, or leaves within the City.
(Code 1965, §19.04; Ord 1-91, §1(19.04)), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-12, §1, 3-7-12, Ord 25-18, §1, 2-

FIRE PREVENTION AND PROTECTION

27-18)

barbecue grills, where dwellings, balconies, and decks are protected by automatic sprinkler system.

Sec. 6-12. Open outdoor fires, outdoor fireplaces, cooking fires and barbecue grills, kettles and outdoor hibachis.

(a) No open outdoor fires, including fires confined within outdoor fireplaces and outdoor cooking fires, with the exception of fires fueled by natural gas, propane or charcoal in commercially manufactured appliances or a non-commercially manufactured appliance approved by the Fire Chief or his/her designee, shall be started by any person unless a permit is first obtained from the Fire Department. No permit shall be granted for open burning for multifamily occupancies without separate private yards for each tenant, nor without the property owner's permission, in a public right-of-way, alley or other public thoroughfare.

- (1) Daily permits are available for bonfires, brush burns, wildland management burns, outdoor fireplaces and cooking fires.
- (2) Annual permits are available for recreational fires in outdoor fireplace appliances. (January 1 through December 31).
- (3) Annual and single day permits are valid 6:00 a.m. to 10:00 p.m. Sunday through Thursday, 6:00 a.m. to 12:00 a.m. Friday, Saturday, and any day/evening preceding a federal holiday.
- (4) No permit will be issued for any fire within ten (10) feet of any building, structure, fence, combustible material or property line.
- (5) Only those fuels and appliances approved by the Fire Chief or his/her designee shall be used.
- (6) Burning is to be attended at all times by a person at least eighteen (18) years of age, with an approved means of extinguishing the fire available for use at the location of the fire.

(b) Barbecue grills, kettles, outdoor hibachis.

- (1) Charcoal burners and other open-flame devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction in all dwellings. Exceptions:
 - a. One and Two family dwellings.
 - b. Permanently piped natural gas fired

- (2) Cylinders having water capacities greater than 2½ lb. (1 kg) [nominal 1 lb. (0.5 kg) LP-Gas capacity] shall not be located on balconies above the first floor that are attached to a multiple family dwelling of three (3) or more living units.

(c) No person shall install, use or maintain a woodfire furnace, stove or boiler that is not located within a building intended for habitation by humans within the City limits. This prohibition shall apply to furnaces, stoves or boilers installed after the effective date of this ordinance.

(d) The Fire Chief or his/her designee shall have the authority to prohibit any and all open burning when atmospheric conditions or local circumstances make such fire hazardous. No burning will be allowed if wind conditions will cause smoke, embers or other burning materials to be carried towards any building or other combustible material, nor anytime the wind is in excess of nine miles per hour (9 m.p.h.) as measured by the Outagamie County Emergency Communication Center. (Code 1965, §19.05(2); Ord 1-91, §1(19.05(2)), 1-9-91, Ord 136-01, §1, 8-20-01; Ord 135-05, §1, 11-22-05; Ord 23-09, §1, 1-13-09; Ord 55-16, §1, 8-9-16, Ord 25-18, §1, 2-27-18)

Sec. 6-13. Careless smoking prohibited.

(a) It is unlawful for any person, by reason of careless, willful or wanton conduct in smoking or in the use of lighters or matches in smoking to set fire to any bedding, carpet, curtains, draperies, furniture, household equipment or other goods or chattels or to any building.

(b) A plainly printed notice of the provisions of this section shall be posted in a conspicuous place in every sleeping room of every place renting rooms for the accommodations of the public. Such printed notices shall also be posted in any place of public assembly where smoking is permitted. (Code 1965, §19.06(1), (2); Ord 1-91, §1(19.06(1), (2)), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-15. Fire Department signs.

It shall be illegal for anyone to remove, mutilate or destroy any legally required sign posted by the Fire Department or required sign to be posted by the owner, manager or operator of any occupancy open to the public. (Ord 1-91, §1(19.22), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-16. Fire alarms.

(a) Every public building, dwelling or place of employment containing either a manual, sprinkler activated or fire detector activated alarm system shall comply with this section.

(b) New or upgraded fire alarm systems at large buildings or buildings with multiple occupancies shall provide outside strobe lights indicating the occupancy or area of fire alarm activation and if applicable, the location of the Fire Department connection. The location of these strobe lights is to be determined by the Fire Chief or designee.

(c) The Fire Department will be contacted immediately upon activation of an alarm by on-site personnel or a monitoring agency so not to cause a delay in alarm. Any monitoring agency shall be licensed or approved by either Factory Mutual (FM) or Underwriters Laboratories (U.L.). All systems shall be maintained in operable condition as specified in the International Fire Code. If the alarm or fire sprinkler system becomes inoperative for any reason, the Fire Department shall be notified and the provisions of the International Fire Code, Section 901.7 and subsequent revisions shall apply.

(d) False alarms and fees.

- (1) Words and phrases defined in §12-121 are used in the same sense in this section unless a different definition is specifically provided.
- (2) If the Fire Department responds to a false alarm, the party responsible for the false alarm shall pay the city a fee according to the schedule of fees kept on file with the City Clerk's Office.
- (3) If the Fire Department is cancelled by the emergency communications center while responding to an alarm, the party responsible for causing the alarm may still be assessed the false alarm fee.
- (4) Any fees payable to the City which are delinquent may be assessed against the property involved as a special charge for current service, without notice, pursuant to Wisconsin Statutes Annotated §66.0627.
- (5) The party responsible or the alarm user may appeal the assessment of a false alarm fee by submitting written documentation to the Fire Chief or designee within ten (10) business days after notification of the assessment of a fee. The Chief or designee must inform the

alarm user of the decision in writing. If the alarm user further contests the Chief or designee's decision, within ten (10) days of receiving the Chief or designee's decision, the alarm user may seek review by the Safety and Licensing Committee by submitting a written notification to the City Clerk's Office.

(Ord 1-91, §1(19.25), 1-9-91; Ord 7-95, §1, 2-1-95, Ord 65-99, §1, 9-19-99; Ord 117-06, §1, 1-1-07; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-17. Malls.

The mall manager or designee shall notify the Fire Department prior to any use of a mall common space for any intended use other than exiting. Examples of other uses would be trade shows, exhibitions, or public assemblies.

(Ord 1-91, §1(19.27), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-18. Violations.

It is unlawful for any person to violate any provision of this chapter or to fail to obey any rule, regulation or order of the Fire Chief or his/her designees.

(Ord 1-91, §1(19.28), 1-9-91; Ord 23-09, §1, 1-13-09, Ord 25-18, §1, 2-27-18)

Cross reference(s)--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Secs. 6-19 – 6-30. Reserved.

FIRE PREVENTION AND PROTECTION

ARTICLE II. FIRE DEPARTMENT

Sec. 6-31. Generally.

The Fire Department shall be a paid department, consisting of such officers and members as the Common Council may establish from time to time. The Department shall be charged with providing response to fires, hazardous material spills, medical emergencies, rescue of people in distress and other dangerous conditions. The Department shall also provide for fire investigation, prevention, inspection, code compliance, and other services designed to maintain fire and life safety within the community.

(Code 1965, §4.08; Ord 23-09, §1, 1-13-09)

Sec. 6-32. Duties of Fire Chief.

It shall be the duty of the Fire Chief to:

- (1) Direct the operation of the Fire Department subject to the rules and regulations which may be adopted by the Common Council or the Police and Fire Commission;
- (2) Issue and enforce such orders as in his/her judgment may be best for the protection of property and the extinguishing of fires;
- (3) Enforce all ordinances, rules and regulations of the Common Council governing the Fire Department;
- (4) Report the condition of the Fire Department at the end of each year and make further reports when ordered to do so by the Common Council or the Police and Fire Commission;
- (5) Report promptly to the Police and Fire Commission any member of the Fire Department who may have disobeyed his/her order or violated any of the laws or rules governing the Department;
- (6) Keep a record and report to the Police and Fire Commission the absence of any member of the Fire Department from fires, together with any dereliction of duty or violation of any of the rules and regulations of the Department.

In the absence or disability of the Fire Chief, the Deputy Chief shall perform his/her duties.

(Code 1965, §4.09, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-33. Wearing of name tag and badge.

The members of the Fire Department of the City, when on duty, shall wear the badge or insignia and name tag of the office on the outside of the outermost garment, conspicuously displaying the badge and name tag so the entire surface thereof may be seen, except when caution may dictate that the badge and name tag should not be exposed.

(Code 1965, §4.04; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Secs. 6-34 – 6-42. Reserved.

ARTICLE III. PERMITS

Sec. 6-43. Required.

(a) It shall be unlawful for any person to use a building or premises or engage in any activities for which a permit is required by this code, without first having obtained such permit.

(b) Permits are required for the following:

- (1) **Floor finishing** (required for floor finishing or surfacing operations exceeding three hundred fifty (350) square feet using Class I or Class II liquids).
- (2) **Lumber yards** (where more than one hundred thousand (100,000) board feet of lumber is to be stored or used inside of the facility);
- (3) **Vehicle tire rebuilding plants** (for any tire recapping or rebuilding operation);
- (4) **Magnesium use** (for the melting, casting, heat treating machining or grinding of more than ten (10) pounds of magnesium per working day);
- (5) **Cryogenic liquids** (for the production, storage or sale of cryogenic liquids);
- (6) **Combustible fibers** (for the storage and handling of combustible fibers in quantities in excess of one hundred (100) cubic feet);
- (7) **Dust explosion hazard** (for the operation of any grain elevator or bleacher, flour, starch or feed mill, malt house, wood flour manufacturing plant, or plant pulverizing aluminum, coal, cocoa magnesium, spices, sugar or other material producing dust which, if mixed with air in the proper portions becomes explosive and may be ignited by flame or spark);
- (8) **Fumigation and thermal insecticidal fogging** (this process is not to start without a permit);
- (9) **Flammable and combustible bulk storage** (storage in excess of fifty-five (55) gallons on permanent basis above or below ground);
- (10) **Open burning** (where permits are required by the State or this code, §6-12);
- (11) **Tents, membrane structure, canopies** (to

operate or erect a tent or membrane structure or canopy in excess of two hundred (200) square feet unless it is used exclusively for camping or on the premises of a one- (1-) or two- (2-) family dwelling which is not covered under this Code);

(12) **Fireworks/pyrotechnic displays** (for the discharge of any fireworks as defined by W.S.A. §167.10. Such discharge shall conform to any state law or this code and any regulations);

(13) **Explosives**

- a. Any person conducting blasting operations in the City shall notify the Fire Department of the time and location of the blast. Notification shall be made on proper forms provided by the State. A permit shall be obtained after notification and prior to blasting;
- b. Any person storing explosive materials, as defined in Wisconsin Administrative Code, International Fire Code, Section 3302.1, in the city shall obtain a permit. Such explosives shall be stored in an approved manner;

(14) **Cellulose nitrate plastics:**

- a. All retailers, jobbers and wholesalers storing or handling more than twenty-five (25) pounds of cellulose nitrate plastics shall obtain a permit from the Fire Chief;
- b. A permit shall be obtained from the Fire Chief for the manufacture of articles of cellulose nitrate plastics, including the use of cellulose nitrate plastics in the manufacture or assembling of other articles;
- c. Cellulose nitrate motion picture film (a person may not store, handle, or keep on hand more than twenty-five (25) pounds without obtaining a permit. A person may not sell, lease or otherwise dispose of any cellulose nitrate film to any person not having a permit issued by the Fire Chief or his/her designee to handle, use or display the film);

(15) **Recyclables storage** (any outside storage area, or warehouse used for the bulk storage of paper for sale or recycling);

FIRE PREVENTION AND PROTECTION

(16) *Storage tanks*

- a. Removal of underground storage tanks (UST) or above ground storage tanks (AST) in either commercial or residential properties as required by Wisconsin Administrative Code, SPS 310;
- b. Upgrades of underground storage tanks (UST) or above ground storage tanks (AST) flammable/combustible liquid storage systems;

(17) Installation, storage or use of liquid petroleum gases systems with a cumulative total of one hundred twenty-five (125) gallons or larger water capacity.

(Ord 17-90, 2-21-90; Ord 1-91, §1(19.26), 1-9-91; Ord 8-95, §1, 2-1-95; Ord 9-95, §§1, 2, 2-1-95, Ord 65-99, §1, 9-19-99, Ord 137-01, §1, 8-20-01; Ord 23-09, §1, 1-13-09; Ord 25-12, §1, 3-7-12; Ord 25-18, §1, 2-27-18)

Sec. 6-44. Temporary special permits.

When a temporary hazardous situation is anticipated for conditions not otherwise regulated by this code, the Fire Chief is authorized, based on applicable data, to issue a temporary special permit for the duration of the hazard. (Ord 1-91, §1(19.26(2)), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-45. Application.

Applications for permits shall be made to the Fire Chief and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the Fire Chief and fees as may be required by his/her jurisdiction. (Ord 1-91, §1(19.26(3)), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-46. Fees.

Fees shall be established for the permits, certificates, approvals and other functions performed under this code and shall be payable to the City. Such fees shall accompany each application for such permit, approval, certificate or other fee-related code provision. The fee amount for the required permits, certificates, approvals and other functions performed under this Code shall be maintained on a schedule filed with the City Clerk. (Ord 1-91, §1(19.26(6)), 1-9-91; Ord 108-92, §1, 10-7-92; Ord 10-95, §1, 2-1-95, Ord 65-99, §1, 9-19-99, Ord 138-01, §1, 8-20-01; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-47. Issuance and posting.

(a) The Fire Chief or his/her designee shall review all applications submitted and determine compliance with applicable provisions of this code and issue or revoke permits based on his/her findings as required.

(b) A copy of the permit shall be posted or otherwise readily accessible at each place of operation or carried by the permit holder as specified by the Fire Department. (Ord 1-91, §1(19.26(4), (5)), 1-9-91; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-48. Fee for failure to obtain permit.

The fee for failure to obtain a permit required under §6-43 of this Code is triple the permit fee described in that section when a permit is obtained. Payment of any fee shall not relieve any person of the penalties that may be imposed for violation of this chapter. (Ord 11-95, §1, 2-1-95; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-49. Non-resident fees for Fire Department services.

When the Fire Department is called upon to extinguish a vehicle fire or extricate a person, and where the subject vehicle is registered to an owner with a permanent address located outside of the Appleton city limits, the registered owner shall pay a service fee to the City, the amount of which shall be on file with the City Clerk. (Ord 17-06, §1, 2-21-06; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-50. Recovery of costs associated with technical rescue responses.

(a) *Technical rescue reimbursement for costs of emergency services response.* A technical rescue response includes, but is not limited to, structural collapse, confined space, trench rescue, water rescue, ice rescue, or rope rescue. Emergency service response includes, but is not limited to, fire service, emergency medical service and law enforcement. Any person or property owner who necessitates a technical rescue response may be responsible for reimbursement to the responding agencies for the actual and necessary expenses incurred in carrying out their duties under this article. Actual and necessary expenses may include, but not be limited to, replacement of equipment, maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, and charges associated with personnel and equipment necessary for the technical rescue response.

ARTICLE IV. STANDARDS AND REQUIREMENTS

(b) *Appeal.* A person or property owner has the right to appeal the assessment of charges for an emergency service response. Any person or property owner appealing the assessment of charges shall file a written objection with the Fire Chief within thirty (30) days of receiving the bill. Upon receipt of the written objection, the matter shall be placed on the Agenda for the Safety and Licensing Committee at its next regularly scheduled meeting. The Safety and Licensing Committee shall make a recommendation to the Common Council, which shall grant or deny the request.
(Ord 142-11, §1, 6-7-11; Ord 25-18, §1, 2-27-18)

Sec. 6-56. Adoption of codes and standards.

(a) The state codes listed in this section are hereby adopted by reference and made a part of the City Fire Prevention Code. For the purposes of this section, these provisions are adopted to enable the Fire Department to note any violations of such codes and to report those violations to the appropriate community service inspectors. The Fire Inspectors shall have the authority to cite such violations on fire inspections.

Secs. 6-51 – 6-55. Reserved.

- (1) General Hazard on Fire Prevention, Wisconsin Administrative Code, SPS chapter 314;
- (2) General Orders on Existing Buildings, Wisconsin Administrative Code, SPS chapters 375 to 379;
- (3) Wisconsin Administrative Code, Wisconsin State Electrical Code, SPS Chapter 316;
- (4) Wisconsin Administrative Code, Wisconsin Commercial Building Code, SPS Chapters 361 - 366;
- (5) Elevator Code, Wisconsin Administrative Code, SPS chapter 318;
- (6) Existing Building Code, Wisconsin Administrative Code, SPS chapter 370;
- (7) Flammable and Combustible Liquids Code, Wisconsin Administrative Code, SPS 310.

Overall enforcement responsibility is equally shared by the Building Inspection Division and the Fire Department. Primary responsibility for particular sections of the above provisions shall be as indicated in the Wisconsin Administrative Code.

(b) The International Fire Code 2021 Edition, hereinafter "IFC" is hereby adopted as though fully set forth herein, with the following exceptions:

- (1) Chapter 1 and Chapter 57 are not included in the adoption of the 2021 edition of the IFC.
- (2) ~~Appendices A, J, K, L, and M are not included as part of the adoption of the 2021 IFC.~~ Appendices B, C, D, F, I, and N are specifically adopted as part of the adoption of the 2021 IFC.

~~Delete this section~~

FIRE PREVENTION AND PROTECTION

(c) Any fire prevention issue not herein addressed by code or adopted standards will be addressed on the basis of current accepted National Fire Protection Association Standards.

(Ord 1-91, §1(19.02), 1-9-91; Ord 12-95, §1, 2-1-95, Ord 65-99, §1, 9-19-99, Ord 181-01, §1, 10-22-01, Ord 96-02, §1, 6-25-02; Ord 23-09, §1, 1-13-09; Ord 124-11, §1, 4-26-11; Ord 25-12, §1, 3-7-12; Ord 25-18, §1, 2-27-18; Ord 70-18, §1, 8-7-18; Ord 12-21, §1, 4-21-21)

Cross reference(s) – Buildings and building regulations, Chapter 4.

Sec. 6-57. Automatic sprinkler systems.

(a) **Intent of section.** The intent of this section is to provide a means for the automatic extinguishment of fires in buildings or parts of buildings which because of their size, construction or occupancy or lack of suitable protection equipment, constitute a special fire hazard to life or property and an excessive burden upon the fire extinguishing facilities of the Fire Department.

(b) **Definitions.** For the purpose of this section, the following definitions shall be applicable:

Approved shall mean that the material, workmanship and installation of the sprinkler system complies with the regulations as set down in the National Fire Protection Association standards for the installation of automatic sprinkler systems in effect at the date of installation and approved by Fire Chief.

Area shall mean the gross ground floor area of a building or when a building is divided by approved firewalls, each section so divided shall be considered an area.

Authority having jurisdiction shall be the Fire Chief or whomever the Chief designates to enforce this chapter, the laws of the state pertaining to the prevention of fires and public safety and approving equipment, installation or procedure as outlined in National Fire Protection Association Codes and Standards.

Automatic sprinkler equipment shall mean a system of water supply pipes and orifices to apply water to a fire when activated by an automatic, manual or remote control device.

Fire-resistive construction shall mean a building is of fire resistive construction if all the walls, partitions, piers, columns, floors, ceilings, roof and stairs are built of noncombustible materials as specified in Wisconsin Commercial Building Code.

Housing for the elderly shall mean a residential occupancy building where the occupancy is limited to

primarily elderly people meeting specific age criteria as specified by the financing or owning agency.

Institutional buildings shall mean and include convents, monasteries, children's homes, homes for the aged, nursing homes, convalescent homes, asylums, mental hospitals and jails.

(c) **Buildings and areas where required.** Every building constructed or structurally altered shall have an approved automatic sprinkler system installed and maintained when occupied in whole or part for the following purposes:

- (1) Multifamily dwellings of three (3) units or more exceeding four thousand eight hundred (4,800) square feet per floor and dormitories, except housing for the elderly, shall include the protection of all areas within the building by an automatic fire sprinkler system complying with Standard 13 of the National Fire Protection Association and equipped with residential type sprinkler heads in the living units.
- (2) Educational Group E occupancies:
 - a. In basements, kitchens, shops and other spaces where combustibles are stored or handled.
 - b. In other than fire resistive buildings.
 1. Ten thousand (10,000) square feet or over.
 2. Two (2) stories and up exceeding six thousand (6,000) square feet in area.
 3. Three (3) stories and up in height.

(d) **Application to existing buildings.** Where the Fire Chief finds that by reason of construction or highly combustible occupancy, existing buildings constitute a severe fire hazard to its occupants or to adjoining property, the provisions of this section will apply.

(e) **System types and approval of plans.** Approved automatic sprinkler equipment shall be installed, connected to an adequate water supply with sprinkler heads, valves and auxiliary equipment of standard types suitable for the individual building to be protected as determined by adopted Standard 13, of the National Fire Prevention Association. Automatic sprinkler systems shall be designed with a minimum five (5) psi water supply safety factor. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to fire prevention and reviewed. Electronic plans, including

specification sheets and calculations as necessary, shall be submitted in an approved format to the Fire Department for review. Once reviewed and conditionally approved, plans shall be electronically signed and returned to the requesting party.

(f) **Alternative materials and methods.**

- (1) The Fire Chief, on notice to the Inspections Supervisor, may approve any alternate material or method, provided he/she finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the material, method of work performance or operation is, for the purpose intended at least the equivalent of that prescribed in this section in quality, strength, effectiveness, fire resistance, durability and safety, provided, however, that any approval under the authority herein contained shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the Wisconsin Administrative Code.
- (2) The Fire Chief may require tests as proof of compliance with the intent of this section, such tests to be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.
- (3) If technical expertise is unavailable within the Department because of new technology, process, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the Department, the Fire Chief may require the owner or the person in possession or control of the building or premises to provide without charge to the Department, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire-safety organization acceptable to the Fire Chief and the owner and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, and prescribe the necessary recommended changes.

(g) **Inspection.** Every automatic sprinkler system required under this section shall be tested and inspected upon installation, according to the National Fire Protection Association Standards in effect at time of installation.

(h) **Maintenance.**

- (1) The owner or occupant of a building containing the required automatic sprinkler system shall maintain the system in an operative condition at all times. The occupant of the building shall notify the Fire Department prior to interrupting this system for any reason or at the time it is withdrawn or its service interrupted or curtailed. Testing and maintenance of such systems shall be performed according to Standard 25, of the National Fire Protection Association. Copies of all tests results shall be furnished to the Fire Chief of the Fire Department.

(i) **Water.** Where an automatic sprinkler system is required, the supply shall be from the city water supply. Testing of the water supply shall be conducted by using the two (2) hydrants closest to the property being sprinkled. Tests over two (2) years old will not be accepted unless approved by the Fire Chief after taking into consideration growth, size and changes in the general area. The sprinkler contractor will take all readings with the Director of Public Works approval and assistance in hydrant use. The Fire Chief will be informed of all testing twenty-four (24) hours in advance and be given an opportunity to observe testing. (Code 1965, §19.10; Ord 1-91, §1(19.10), 1-9-91; Ord 176-93, §1, 10-19-93; Ord 13-95, §1, 2-1-95; Ord 14-95, §1, 2-1-95; Ord 120-96, §1, 12-18-96, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-60. Smoke alarms.

(a) **Definitions.** For purposes of this section, the following definitions shall apply:

Dwelling shall mean a structure or part of a structure providing complete, independent living facilities for one (1) or more persons, including permanent provisions for sleeping, eating, cooking and sanitation.

Sleeping area shall mean the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas, but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

Smoke alarm shall mean a device which detects particles or products of combustion other than heat.

(b) **Location and installation of smoke alarms.**

- (1) Each dwelling unit shall be provided with a

FIRE PREVENTION AND PROTECTION

minimum of one (1) approved smoke alarm installed in a manner and location consistent with its listing. The Fire Department Fire Prevention Division can be contacted for recommendations when an owner is concerned about the installation and number of smoke alarms.

- (2) All existing dwelling units must meet the requirement of the State of Wisconsin Uniform Dwelling Code, Wisconsin Administrative Code, SPS 321.09 and 328.01 Smoke Detectors. Each dwelling unit shall be provided with a minimum of one (1) approved, listed and labeled smoke alarm sensing visible or invisible particles of combustion, installed in a manner and location consistent with its listing.

(c) **Approval.** A smoke alarm or heat detector required under this section shall be approved by Underwriter's Laboratories, Factory Mutual or any other comparable testing firm.

(d) **Department inspection and order.** Inspection of new construction will be carried out by the Division of Inspections at its final inspection.

(e) **Conveyance of property.** No person shall convey any real property which includes a dwelling unit to another unless there are installed in the dwelling unit approved smoke alarms in accordance with (d) above. Any purchaser of real property found not to be in compliance with this subsection may bring an action in circuit court for damages. A violation of the provisions of this subsection shall not affect the conveyance of title or possession to the affected property.

(Code 1965, §19.12; Ord 1-91, §1(19.12), 1-9-91; Ord 176-93, §1, 10-19-93; Ord 120-96, §1, 12-18-96, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 25-12, §1, 3-7-12; Ord 25-18, §1, 2-27-18)

Sec. 6-61. Discharge of hazardous materials.

(a) **Prohibited discharges.** No person shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or onto the ground, surface waters, subsurface waters, or aquifers, or within the city, except those areas specifically licensed for waste disposal or landfill activities and to receive such material, any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

(b) **Spill notification.** Immediately upon discovery of a discharge involving any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment the property owner, equipment operator, or discovering person shall notify the Appleton Fire Department of the discharge of a hazardous material.

(c) **Responsibility for containment, cleanup and restoration.** Any person in violation of (a) above shall, upon direction of any Fire Department officer, begin immediate actions to contain, cleanup and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person being responsible for all expenses incurred. If any person fails to engage the necessary men and equipment to comply or to complete the requirements of this section, the office of the Fire Chief may order the required actions to be taken by public or private sources and allow the recovery of any and all costs incurred by the City as required by (d) below.

(d) **Reimbursement for costs of emergency services response.** Emergency service response includes, but is not limited to, fire service, emergency medical service and law enforcement. A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for the actual and necessary expenses incurred in carrying out their duties under this article. Actual and necessary expenses may include, but not be limited to, replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, cleanup and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.

(e) **Site access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Fire Department officers and staff and to Police Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(f) **Public protection.** If any prohibited discharge occurs that threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect life and limb, the Fire Chief, his/her assistant or the senior police official on the scene of the emergency may

order an evacuation of the area or take other appropriate steps for a period of time until the Common Council can take appropriate action.

(g) **Enforcement.** The Fire Chief, as well as the police officers, shall have authority to issue citations or complaints under this section.

(h) **Civil liability.** Any person in violation of this section shall be liable to the City for any expenses incurred by the City or loss or damage sustained by the City by reason of such violations.

(Code 1965, §19.13; Ord 1-91, §1(19.13), 1-9-91; Ord 34-92, §1, 3-18-92, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Cross reference(s)--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 6-63. Fireworks and pyrotechnic devices.

(a) Definition: For the purpose of this section the following definition shall be applicable:

“Fireworks shall include all items under W.S.A. sec. 167.10(1) (intro), (e), (f), (i), (j), (k), (l), (m) and (n).”

(b) The provisions in this section shall apply to places where fireworks are stored or handled. Such premises shall be adequately equipped with fire extinguisher approved by the Fire Chief. Smoking is prohibited where fireworks are stored or handled.

(c) Every wholesaler, dealer or jobber keeping, storing, or handling fireworks of any description within the City shall notify the Fire Chief immediately upon receipt of such fireworks for the removal thereof from one (1) location to another and shall indicate the location where such fireworks are stored. No such fireworks shall be stored in any building used for dwelling purposes or in any building situated within fifty (50) feet of any building used for dwelling purposes, or in any place of public assemblage, or within fifty (50) feet of any gasoline pump, gasoline filling station, or gasoline bulk station, or in any building in which gasoline or flammable liquid is sold in quantities in excess of one (1) gallon. The storage buildings for fireworks shall conform to Standard 1124 of the National Fire Protection Association Standards and Codes.

(d) This section shall prohibit the use of any pyrotechnic device indoors of an occupancy without a permit from the Fire Chief. Such permits shall not be issued for any event in an unsprinkled occupancy. Permit applications will be made in writing seven (7) days in advance of the date of the display.

(e) The use of the pyrotechnic device shall be handled by a competent adult operator and shall be of such composition, character and be located, discharged or fired as in the opinion of the Fire Chief shall not be hazardous to property or endanger any persons.

(f) The display, storage and discharge of fireworks shall be regulated by and comply with all IFC, NFPA, state and local codes and nationally recognized standards.

(g) The outdoor use of pyrotechnic devices shall be regulated by §10-5 of this Code and W.S.A. §167.10.

(Ord 1-91, §1(19.18), 1-9-91; Ord 34-92, §2, 3-18-92; Ord 17-95, §1, 2-1-95, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-64. Posted occupant load.

(a) Every room or space that is an assembly occupancy shall comply with International Fire Code.

(b) The number of persons in any building or portion thereof shall not exceed the amount determined as specified in the State building code, as surveyed by the Supervisor of Inspections, the Fire Chief, or his/her designee.

(c) No person shall permit overcrowding or admittance of any person beyond the approved capacity of any place of public assemblage as specified above. The Fire Chief, upon finding any overcrowding conditions or obstruction in aisles, passageways or other means of egress or upon finding any condition which constitutes a serious menace to life, shall cause the performance, presentation, spectacle or entertainment to be stopped with the assistance of the Police Department until such condition or obstruction is corrected. The manager or person in charge of the premises shall be responsible for preventing overcrowding.

(Ord 1-91, §1(19.19), 1-9-91; Ord 174-93, §1, 10-19-93; Ord 120-96, §1, 12-18-96, Ord 65-99, §1, 9-19-99; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-67. Working plans of suppression/detection and control systems.

(a) Working plans of all fire suppression, detection and control systems shall be submitted to the Fire Department Prevention Division in an approved electronic format for review prior to any installation of new equipment or modification to existing equipment. Deviation from approved plans shall require permission of the authority having jurisdiction.

(b) Fire protection system plans shall be drawn to an indicated scale of not less than 1/8” on sheets of uniform size with a plan of each floor or section. Plans must be

FIRE PREVENTION AND PROTECTION

easily duplicated and shall show all pertinent information as required by NFPA standards for plan submittals.

(Ord 1-91, §1(19.24), 1-9-91; Ord 126-01, §1, 7-18-01; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-68. Plan review fee structure and requirements.

A schedule of plan review fees shall be maintained in the City Clerk's Office. This schedule specifies the fees for plan examination and approval for projects located within the city of Appleton.

Note: If the property is subject to state plan review, the additional fee required under Wisconsin Administrative Code, SPS Table 302.31-3 will be added to the appropriate municipal fee.

- (1) **Miscellaneous fee.** The miscellaneous fee shall apply to any fire protection system that is not a fire sprinkler system as defined in section 903 of the International Fire Code or a fire alarm system as defined in section 907 of the International Fire Code. For standpipe systems as defined in section 905 of the International Fire Code, the miscellaneous fee shall not apply if the standpipe plans were submitted as part of a fire sprinkler system. The miscellaneous fee shall also apply to the following.
 - a. *Fire protection systems that include a fire pump*
 - b. *Fire protection systems for buildings that exceed five (5) stories in height, with an additional miscellaneous fee for every five (5) stories thereafter.*
- (2)
- (3)
- (4) **Fire doors/shutters.** Fire door/shutter plan review and inspection shall be assessed an initial minimum fee as indicated on the fee schedule for the first fire door/shutter and as indicated on the fee schedule for each additional door/shutter. This fee does not apply to fire doors/shutters already reviewed as part of an ongoing project.
- (5) **Re-submission fee.** A fee shall be assessed for review of plans submitted following denial of plan approval.
- (6) **Re-inspection fee.** The inspection of work performed under an approved plan is included in the fee for plan reviews. This

fee does not include any re-inspections required because the inspected work failed to pass inspection. A re-inspection fee equaling twenty-five percent (25%) of the original plan review fee, two-hundred and fifty dollars (\$250.00) minimum, shall be assessed due to system failure during the initial inspection.

- (7) **Fee for initiation without a permit.** Penalty for failure to obtain a permit before starting work shall automatically triple the applicable fees, and all work shall cease until the proper permits have been attained.

(Ord 126-01, §1, 7-18-01; Ord 23-09, §1, 1-13-09; Ord 25-12, §1, 3-7-12; Ord 25-18, §1, 2-27-18)

Sec. 6-69. Maintenance, approval and registration of installed fire protection systems.

(a) **Maintenance.** All sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire protection or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire-protection or extinguishing systems coverage, spacing and specifications shall be maintained in accordance with recognized standards at all times. Such systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever any building so equipped is altered, remodeled, added to or changes occupancy hazard. All additional, repairs, alterations and servicing shall be in accordance with recognized standards and copies of such work sent to Fire Prevention of the Fire Department.

(b) **Approvals.** All fire protection systems shall be tested and approved in accordance with their respective National Fire Protection Association standards and shall be subject to periodic tests as may be required. A copy of all test results of the above systems must be provided to the Fire Chief or his/her designee upon completion of the testing. The location and size of all Fire Department hose connections shall be approved by the Fire Chief or his/her designee.

- (c) (1)

- (2) A fee may be assessed to any installer and/or monitoring agent deemed responsible for causing a false alarm. Said fee will be billed to the responsible party, if not the alarm user, and will be that amount indicated in the false alarm fee schedule. Failure to pay fees could result in failure to obtain permit(s) for future work. An appeal of a false alarm assessment can be made by writing the Fire Chief or his/her designee within ten (10) business days

after notification of the fee. Contesting the Chief's decision involves a review by the Safety and Licensing Committee by submitting a written notification to the City Clerk's Office.

(Ord 65-99, §1, 9-19-99, Ord 126-01, §1, 7-18-01; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-70. Notification of special public assembly events.

(a) For the purpose of this section, public assembly is defined as an event which exceeds one hundred (100) people.

(b) Except as provided in (d), notification must be provided to the Department within five (5) business days prior to the holding of special public assembly events which involves the use of buildings or spaces not approved for public assembly in accordance with the Wisconsin State Building Code and the IFC.

(c) Except as provided in (d), notification must be provided to the Department within five (5) business days prior to the holding of special public assembly events which involves the placement of temporary seating in an area not otherwise approved for such seating.

(d) Notification is not required if a plan indicating occupancy capacity, seating arrangements, location and width of exit ways and aisles is submitted to the Fire Department and pre-approved by the Fire Chief or his/her designee.

Note: Building owners may pre-approve a building or space within the building for special events by submitting an approved plan. This exception allows for multiple special events.

(Ord 65-99, §1, 9-19-99, Ord 126-01, §1, 7-18-01; Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

Sec. 6-72. Repeat violation rule.

Whenever the Fire Chief or his/her designee shall find in any building, upon inspections or re-inspections, a repeat violation involving a fire detection, life safety component, or suppression system which is defective, inoperative, improperly maintained or operated the Fire Chief or designee may order the following remedies and/or a re-inspection fee.

(a) If the system includes one (1) or more exit light(s) which have not been illuminated during inspections, it may be ordered that any or all of the exit lights in such premises be equipped with self-illuminating lights or light equipped with light emitting diodes (LEDs).

(b) If the system includes one (1) or more self-

closing fire door(s), any of which have been found to have been held open with non-approved hold open devices during inspections, it may be ordered that any or all of the fire doors in such premises be equipped with an automatic closing device.

(c) If the system includes one (1) or more battery operated smoke detector(s) which have been found to be inoperative during inspections, it may be ordered that the premises be equipped with long life (5 – 10 year battery life) smoke detectors.

(1) If the same occupancy is subsequently found to have inoperative smoke detector(s) it may be ordered that the smoke detectors be hardwired into the electrical service of the premises.

(2) If the premise is found to have no operable smoke detectors, the Fire Department may install smoke detectors and may charge the owner for the actual cost of the detectors and installation.

(d) If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks, or locking devices other than the primary locks, it may be ordered that such bolts, bars, chains, padlocks, or additional locking devices be immediately removed; and it may be further ordered that all emergency exit doors within the premises be equipped with panic door release hardware.

(e) This subsection shall not be construed as a limitation upon the powers of the Chief or his designee to issue orders for corrections of violations nor shall this subsection be construed as a limitation upon any of the powers of the Chief under any applicable provision of the City of Appleton Municipal Code, Wisconsin Administrative Code or the Wisconsin Statutes.

(Ord 23-09, §1, 1-13-09; Ord 25-18, §1, 2-27-18)

FIRE PREVENTION AND PROTECTION

(The next page is 491.)



FIRE DEPARTMENT

MEMORANDUM OF UNDERSTANDING

Date: September 16, 2024
To: Safety and Licensing Committee and Common Council
From: Jeremy Hansen, Fire Chief
Subject: Appleton Municipal Code, Chapter 6 Revision

Appendices B, C, D, F, I, and N of the 2021 IFC all state: The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance. Based on this language, the City Attorney's Office recommended the following proposed changes for section 6-56 of the Appleton Municipal Code:

Replace paragraph (b)(2) with: Appendices B, C, D, F, I, and N are specifically adopted as part of the adoption of the 2021 IFC.

This clarifies the intent of this section, which is to specifically adopt the relevant appendices of the IFC. The previous language excluded specific appendices, whereas the updated language specifically calls out the appendices to adopt. This removes any ambiguity regarding if an appendix is adopted or not.

As part of this change, certain appendices were removed from adoption as they are informational only, and not intended for adoption. Appendix E is an example of an informational only item, not intended for adoption.



DEPARTMENT OF
UTILITIES

Department of Utilities
Water Treatment Facility
2281 Manitowoc Rd.
Menasha, WI 54952
p: 920-997-4200
f: 920-997-3240

www.appleton.org/government/utilities

MEMORANDUM

Date: September 18, 2024
To: Chairperson Brad Firkus and Members of the Finance Committee
CC: John Pogrnt, Water Operations Supervisor
Kelli Rindt, Enterprise Accounting Fund Manager
From: Chris Stempa, Director of Utilities
Subject: **Finance Committee Action: Award sole source purchase of Variable Frequency Drive (VFD) equipment and commissioning services to Werner Electric in the amount of \$37,573**

BACKGROUND:

The Appleton Water Treatment Facility (AWTF) utilizes ultraviolet (UV) light processes to effectively inactivate microorganisms that are sometimes found in source water. There are four individual UV “reactors” that are supplied filtered water by dedicated pumps from upstream treatment processes. There are five pumps total that can be called upon to provide water based on system demands. Typically, there are only two to three pumps on at any given time. Each pump is 200 horsepower is equipped with a variable frequency drive (VFD) and rated for 5,400 gallons per minute flow.

The anticipated life expectancy of VFDs is dependent on variety of factors including the equipment size and voltage, amount of run time it sees, operating environments (dry and clean versus damp and dusty), level of preventative maintenance, and the quality of installation. Similar sized VFDs at the AWTF have been operating up to 20 years without failure. However, 20 years is approaching the top end of medium voltage VFD equipment like that of the UV feed pumps.

The VFD associated with one of the UV supply pumps recently failed and requires replacement. Although there remains redundancy to maintain uninterrupted treatment operation, staff desire to advance the replacement work in an expeditious manner.

QUOTATION

Werner Electric was asked to provide a quotation for a replacement VFD that is compatible to the existing Allen Bradley unit. The cost of new Rockwell Automation Allen-Bradley VFD totals \$37,573.

JUSTIFICATION

Werner Electric is the authorized regional distributor supporting Allen Bradley and Rockwell Automation. The quote provided by Werner Electric includes the new Rockwell Automation Allen-Bradley VFD. The Rockwell Automation replacement VFD would be manufactured to fit into the existing motor control center.

RECOMMENDATION:

Per the approval procedures outlined in Section G. (1) of the city Procurement and Contract Management Policy, I recommend the purchase of Variable Frequency Drive (VFD) equipment and commissioning services to Werner Electric in the amount of \$37,573.

If you have any questions regarding this project, please contact Chris Stempa at 920-832-5945.

Encl: Finance Department Sole Source Request Form



SOLE SOURCE REQUEST

The undersigned certifies that the commodity/service shown below qualifies as a sole source request and meets one or more of the following requirements. The department has demonstrated, and the Purchasing Manager concurs that only one source exists, the price is equitable, and/or noncompetitive negotiation is in the best interests of the City.

- Unique, proprietary, or one-of-a-kind:** Specific commodity/service is required and available from only one source, giving the City a superior and necessary benefit that cannot be obtained from other sources.
- Inadequate competition:** Purchasing solicitation (bid, proposal, or quote) did not result in any qualified vendor responses and competition is determined to be inadequate.
- Health or Safety Concern:** When a health or safety concern exists that is *not* an immediate threat but needs to be addressed in a period that does not allow for formal competitive procurement procedures.
- Continuity of design:** Consistency with current commodity or service.
- Emergency procurement:** A risk of human suffering or substantial damage to real or personal property exists requiring immediate attention.
- Cooperative purchase:** Purchase from another governmental unit contract or state approved purchasing association.
- Other:** Description provided below

Werner Electric is the only local authorized distributor supporting Allen Bradley and Rockwell Automation.

PROPOSED DETAILS

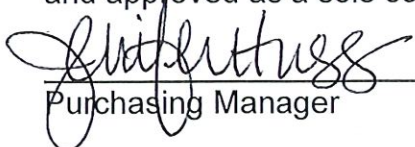
Requesting dept: Appleton Water Treatment Facility

Product/service: Variable Frequency Drive equipment and service commission

Vendor name: Werner Electric

Total cost: \$37,573

Justification and price quotation provided by the department, for the items to be considered and approved as a sole source purchase attached for review.


Purchasing Manager

9/17/24
Date



DEPARTMENT OF
**PUBLIC
WORKS**

MEMORANDUM

Date: 09-23-2024
To: Finance Committee
From: Pete Neuberger, Deputy Director of Public Works
Mark Lahay, Assistant City Engineer
Subject: Approve "Statement of Non-Reimbursement by Utility" DOT forms DT2245
Sewer and DT2245 Water

The Department of Public Works is requesting authorization to complete the attached WisDOT DT2245 Sewer and DT2245 Water forms, in connection with the Ballard Road / I-41 interchange project scheduled for 2025 construction.

WisDOT is requiring these forms to finalize the coordination of non-compensable costs associated with utilities that are not in a City easement, such as manhole adjustments and water valve adjustments in WisDOT project right-of-way. Per the State Municipal Financial Agreement (Action Item at August 12th Finance Committee and August 21st Common Council), such items are eligible for partial compensation, with 90% State/10% Local funding.

In a related previous item, the Common Council approved the Audit Agreement with the DOT, which provided for reimbursement to the City for the relocation of a water main located in an easement outside of the DOT right of way at the Ballard Road interchange.

STATEMENT OF NON-REIMBURSEMENT BY UTILITY

Wisconsin Department of Transportation
DT2245 11/2016

Referencing the project identified below, **City of Appleton**, (COMPANY) a public utility company, a quasi utility, cooperative or municipal utility will not be requesting compensation for the relocation of their facilities.

Project Description Title: APPLETON - DE PERE Limits: BALLARD RD (CTH E) INTCHG Highway: IH 41 County: OUTAGAMIE	Project ID(s) Design: 1130-63-01 Construction: 1130-65-76 Right of Way: 1130-63-21 UA No.: 615 Utility: 1130-63-21
Facility Type: Sewer	

COMPANY reserves the right to request compensation from the Wisconsin Department of Transportation, (DEPARTMENT) for compensable utility relocations on this project if: relocation costs increase, accommodating changes to the project plan, or accommodating changes to the relocation plans of other utility companies. If the COMPANY subsequently requests compensation and the DEPARTMENT agrees to payment on this project, the DEPARTMENT and COMPANY are required to execute an agreement. It is expressly understood and agreed that any work by COMPANY prior to execution of an agreement between COMPANY and the DEPARTMENT shall be at COMPANY sole expense.

COMPANY

City of Appleton

(Company Name)

(Authorized Signature)

(Date)

(Title)

(Print Name)

(Authorized Signature)

(Date)

(Title)

(Print Name)

STATEMENT OF NON-REIMBURSEMENT BY UTILITY

Wisconsin Department of Transportation
DT2245 11/2016

Referencing the project identified below, **City of Appleton**, (COMPANY) a public utility company, a quasi utility, cooperative or municipal utility will not be requesting compensation for the relocation of their facilities.

Project Description Title: APPLETON - DE PERE Limits: BALLARD RD (CTH E) INTCHG Highway: IH 41 County: OUTAGAMIE	Project ID(s) Design: 1130-63-01 Construction: 1130-65-76 Right of Way: 1130-63-21 UA No.: 616 Utility: 1130-63-21
Facility Type: Water	

COMPANY reserves the right to request compensation from the Wisconsin Department of Transportation, (DEPARTMENT) for compensable utility relocations on this project if: relocation costs increase, accommodating changes to the project plan, or accommodating changes to the relocation plans of other utility companies. If the COMPANY subsequently requests compensation and the DEPARTMENT agrees to payment on this project, the DEPARTMENT and COMPANY are required to execute an agreement. It is expressly understood and agreed that any work by COMPANY prior to execution of an agreement between COMPANY and the DEPARTMENT shall be at COMPANY sole expense.

COMPANY

City of Appleton

(Company Name)

(Authorized Signature)

(Date)

(Title)

(Print Name)

(Authorized Signature)

(Date)

(Title)

(Print Name)



DEPARTMENT OF
**PUBLIC
WORKS**

MEMORANDUM

Date: September 24, 2024
To: Utilities Committee
From: Pete Neuberger, Deputy Director of Public Works/City Engineer
Subject: Approve Contract Amendment #2 for 2024A Stormwater Management Plan Review contract with Brown and Caldwell by an increase of \$38,000 for a total contact amount not to exceed \$113,000.

The Department of Public Works is requesting contract amendment with Brown and Caldwell (BC) for 2024 Stormwater Management Plan Reviews by an increase of \$38,000 for a total contact amount not to exceed \$113,000.

Due to the number of stormwater management plans submitted in 2024, the number of plans expected to be submitted later in 2024, including the Thrivent master stormwater plan, the current contact amount of \$75,000 is anticipated to be expended before the end of the year.

Work under this contract is charged on an hourly basis and is therefore only used as needed. In order to keep projects moving forward, staff is requesting this amendment now, before the current contract is completely spent. Sufficient funds remain in the 2024 Stormwater Consulting Budget to cover the necessary costs.



DEPARTMENT OF
**LEGAL AND
ADMINISTRATIVE
SERVICES**

CITY ATTORNEY'S OFFICE
100 North Appleton Street
Appleton, WI 54911
p: 920.832.6423
f: 920.832.5962
www.appleton.org

TO: Alderperson Vaya Jones, Chair
Members of the Human Resources / Information Technology Committee

From: Zak Buruin, Assistant City Attorney

Date: August 1, 2024 **REVISED: September 6, 2024**

RE: Alderperson Salary Adjustment
City Attorney File No. A19-0536

Alderperson salaries are reviewed annually. Historically this item is placed on the agenda as an action item every Fall to give Council the ability to review and adjust the Alderperson salary for a future Council. On November 1, 2023, the Common Council voted to maintain the \$6,750 annual salary of all Alderpersons, effective April 2025.

Wisconsin Statutes § 62.09(6)(am)2 prohibits changing Alderperson salaries after the “earliest time for filing nomination papers for the office” and no changes can be made in the compensation during “the term of office for which the deadline applies.”

Therefore, Council has the following options available depending on whether it wants different salaries for half of the Council, or one across-the-board adjustment for a future Council:

- 1) *For staggered salaries:* Council may establish alderpersons’ salaries for terms starting in April 2025 (Districts 1, 3, 5, 7, 9, 11, 13, and 15) prior to December 1, 2024, and subsequently establish salaries for Alderpersons for terms starting in April 2026 (Districts 2, 4, 6, 8, 10, 12, and 14) prior to December 1, 2025: or,
- 2) *For a single adjustment:* establish the salary for all alderpersons seated on the Council in April 2026 prior to December 1, 2024.

As a reminder, changes to the salary amount require a majority vote at the committee level but will ultimately require approval by three-fourths of all members of the council for final approval as required by Wisconsin Statutes Sec. 62.09(6)(a).

If you have any questions or concerns, please do not hesitate to get in touch.

ELECTED ALDERPERSON SALARIES (revised copy 9/6/2024)

Council Date	Election Year	Salary	Benefits	Notes
9-17-2014	2016	\$5921	Parking pass	Addition of parking pass and wage 2% increase
11-18-2015	2017	\$5980	Parking pass	1% increase. *See note below
10-19-2016	2018	\$6129.50	Parking pass	2.5% increase
10-18-2017	2019	No increase	Parking pass	
11-7-2018	2020	No increase	Parking pass	
11-6-2019	2021	\$6221.44	Parking pass	1.5% increase
n/a (year 2020)	2022	\$6221.44	Parking pass	HR did not get on committee agenda timely. No change to wage.
9-15-2021	2023	\$6750	Parking pass	
11-16-2022	2024	\$6750 (no increase)	Parking pass	HR committee special session 11/16/2022
11-15-2023	2025	\$6750 (no increase)	Parking pass	

*An error from 2017 was discovered in August 2024. The Council approved no increase on 11/18/2015 for election year 2017; however, a 1% adjustment was provided, bumping the salary to \$5980.

Alderspersons 2024

Municipality	Population	# of Council/Board	Salary	Benefits	Expense Account
Appleton	74,370	15	\$6,750	Parking pass, EAP	None
EauClaire	70,587	11	\$3000; President = \$3600	\$10/mo cell phone allow, \$88.43 auto allow	None
Green Bay	107,015	12	\$10,287	Health, Dental, Deffered Comp	None
Kenosha	99,877	17	\$6,000	None	\$50 per diem per 1/2 day; \$100 per diem per 6 hour day; \$50 per meeting; \$100 per month expense allowance; \$130 per month technology stipend
La Crosse	51,834	13	\$8,400.00	WRS, ICI, Section 125	Yes
Manitowoc	34,547	10	\$5,400.00	City issued iPad, which is kept upon conclusion of term	None
Neenah	26,137	9	\$5,280	None	None
Menasha	17,856	8	President \$5808; others \$5508	None	None
Oshkosh	66,607	7	\$5,000.06		None
Sheboygan	48,329	10	\$6,084	None	None
Wausau	39,994	11	\$5,354.96	None	None
West Bend	32,000	9	\$4,236.00	None	\$30/month
De Pere	25,525	8	\$7792 (2024-2025) \$7948 (2025-2026)	EAP	None
Grand Chute	23,964	5	Chairman = \$20,500; Board Supervisors = \$10,812	None	None
Fond du Lac	44,678	7	President - \$6,000; others \$5,000	None	None

125-24

AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(Municipal Services Committee 9-18-2024)

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

Section 1: That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created/amended as follows:

INSTALL STOP SIGNS ON:

Harris Street at Douglas Street

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

126-24

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 9-18-2024)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby repealed:

Ord. 40-10: “No Parking/Passenger Loading Zone/No Unoccupied Vehicles from 7:30 a.m. to 4:30 p.m. on school days on the southwest side of Badger Avenue from a point 195 feet southeast of Mason Street to a point 565 feet southeast of Mason Street as measured along the centerline of Badger Avenue.”

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

127-24

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 9-18-2024)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby repealed:

Ord. 41-10: “15-Minute parking from 7:30 a.m. to 4:30 p.m. on school days on the southwest side of Badger Avenue from Franklin Street a point 565 feet southwest of Mason Street as measured along the centerline of Badger Avenue.”

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

128-24

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 9-18-2024)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton,

relating to parking restrictions, is hereby repealed:

Ord. 42-10: “No Parking/Passenger Loading Zone/No Unoccupied Vehicles from 7:30 a.m. to 4:30 p.m. on school days on the southwest side of Badger Avenue from Franklin Street to Washington Street.”

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

129-24

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 9-18-2024)

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

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

No Parking/Passenger Loading Zone/No Unoccupied Vehicles from 7:30 a.m. to 4:30 p.m. on school days on the southwest side of Badger Avenue from a point 195 feet southeast of Mason Street to a point 100 feet northwest of Franklin Street as measured along the centerline of Badger Avenue.

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

130-24

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 9-18-2024)

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

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

Stopping/standing/parking be prohibited on the southwest side of Badger Avenue from a point 100 feet northwest of Franklin Street to a point 15 feet southeast of Franklin Street as measured along the centerline of Badger Avenue.

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

131-24

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 9-18-2024)

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

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

Designate 15-Minute parking from 7:30 a.m. to 4:30 p.m. on school days on the southwest side of Badger Avenue from a point 15 feet southeast of Franklin Street to a point 130 feet southeast of Franklin Street as measured along the centerline of Badger Avenue.

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

132-24

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 9-18-2024)

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

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

No Parking/Passenger Loading Zone/No Unoccupied Vehicles from 7:30 a.m. to 4:30 p.m. on school days on the southwest side of Badger Avenue from Washington Street to a point 130 feet southeast of Franklin Street as measured along the centerline of Badger Avenue.

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

133-24

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 9-18-2024)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby repealed:

Ord. 8-16: “Parking be prohibited on school days from 7:30 a.m. to 4:30 p.m., except displaying handicapped license plates or Wisconsin handicapped permit, on the west side of Clara Street from a point 50 feet south of Forest Street to a point 215 south of Forest Street.”

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

134-24

**AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 9-18-2024)**

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby repealed:

Ord. 9-16: “Parking be prohibited on school days from 7:30 a.m. to 4:30 p.m., on the west side of Clara Street from a point 215 feet south of Forest Street to a point 500 south of Forest Street.”

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

135-24

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 9-18-2024)

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

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

No Parking/Passenger Loading Zone/No Unoccupied Vehicles from 7:30 a.m. to 4:30 p.m. on school days on the west side of Clara Street from a point 50 feet south of Forest Street to a point 105 feet south of Forest Street.

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

136-24

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 9-18-2024)

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

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

Designate 10-Minute parking from 7:30 a.m. to 4:30 p.m. on school days, except

displaying handicapped license plates or Wisconsin handicapped permit, on the west side of Clara Street from a point 105 feet south of Forest Street to a point 215 feet south of Forest Street.

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

137-24

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 9-18-2024)

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

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

No Parking/Passenger Loading Zone/No Unoccupied Vehicles from 7:30 a.m. to 4:30 p.m. on school days on the west side of Clara Street from a point 215 feet south of Forest Street to a point 480 feet south of Forest Street.

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