



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appletonwi.gov

Meeting Agenda - Final Common Council

Wednesday, March 5, 2025

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
[25-0175](#) Common Council Meeting Minutes of February 19, 2025

Attachments: [CC Minutes 2-19-25.pdf](#)
- G. BUSINESS PRESENTED BY THE MAYOR

[25-0187](#) Proclamation:
- MS Awareness Month

Attachments: [MS Awareness Month.pdf](#)

[25-0188](#) Board Reappointments

Attachments: [BOH Reappointments.pdf](#)
[Library Bd Reappointment.pdf](#)
- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[25-0100](#) Approve 2025 DPW Fee Schedule

Attachments: [2025 DPW Fee Schedule - redlined.pdf](#)
[Revised 2025 Fee Schedules - redlined.pdf](#)

Legislative History

2/10/25	Municipal Services Committee	recommended for approval
2/19/25	Common Council	referred to the Municipal Services Committee
2/24/25	Municipal Services Committee	recommended for approval

[25-0166](#) Approve Contract Amendment / Change Order No. 2 to the Olde Oneida Street Bridge over the power canal Design Services Contract with the Wisconsin Department of Transportation in the amount of \$12,614.13 and a total contract amount not to exceed 120,287.13

Attachments: [DOT Olde Oneida Bridge Design CO2 Memo.pdf](#)

Legislative History

2/24/25	Municipal Services Committee	recommended for approval
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[25-0167](#) Preliminary Resolution 1-P-25 for Sanitary Laterals, Storm Laterals and Storm Main Construction be adopted and refer the matter to the Finance Committee to determine the assessment rate

Attachments: [1-P-25 Sanitary Laterals, Storm Laterals, Storm Main.pdf](#)

Legislative History

2/24/25	Municipal Services Committee	recommended for approval
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[25-0168](#) Preliminary Resolution 2-P-25 for Concrete Pavement, Driveway Aprons and Sidewalk Construction be adopted and refer the matter to the Finance Committee to determine the assessment rate

Attachments: [2-P-25 Concrete Paving Sidewalks and Aprons.pdf](#)

Legislative History

2/24/25	Municipal Services Committee	recommended for approval
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[25-0169](#) Parking changes related to Glendale/Meade safety improvements

Attachments: [Glendale-Meade Lane Use Parking Changes Memo MSC 02-24-2025.pdf](#)

Legislative History

2/24/25	Municipal Services Committee	recommended for approval
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[25-0170](#) Approve Single Source Design and Construction Related Services Contract with AECOM Technical Services, Inc. for Olde Oneida Street Bascule Bridge in an amount not to exceed \$308,787

Attachments: [AECOM Olde Oneida Bascule w Sole Source Memo.pdf](#)

Legislative History

2/24/25 Municipal Services recommended for approval
Committee

[25-0173](#) Approve College Avenue Lane Reconfiguration

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

Legislative History

2/24/25 Municipal Services recommended for approval
Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[25-0111](#) Mechanical Amusement Device License for Pizzeria Pub & Bar, Satbir Singh, Agent, located at 1200 N. Sharon St - appeal of application denial

Attachments: [Pizzeria Pub & Bar.Mech_Amus.1.21.25.pdf](#)

[Pizzeria Pub Amus Dev PD Denial Letter 1.28.25.pdf](#)

[Pizzeria Pub Clerk Letter 1.29.25.pdf](#)

Legislative History

2/26/25 Safety and Licensing recommended for denial
Committee
Jason Lachance, 1973 Andraya Lane, De Pere Wisconsin, addressed the committee

[25-0110](#) Class "B" Beer and Reserve "Class B" Liquor License application for SK Pizzeria Pub LLC d/b/a Pizzeria Pub and Bar, Satbir Singh, Agent, located at 1200 N. Sharon St, contingent upon approval from the Inspections department

Attachments: [Pizzeria Pub and Bar.Alcohol.Class_Beer_Reserve Liquor.12.19.24.REDACTE](#)

Legislative History

2/26/25 Safety and Licensing recommended for approval
Committee

[25-0109](#) Class "B" Beer and Reserve "Class B" Liquor License application for El Sabor LLC d/b/a Bunnies on the Ave, Luis Santiago Ledezma, Agent, located at 425 W. College Ave, contingent upon approval from the Community Development, Health, Inspections, and Public Works departments.

Attachments: [Bunnies on the Ave.El Sabor LLC.Alcohol.Class B Beer Reserve Liquor.1.9.25.](#)

Legislative History

2/26/25 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**

[25-0157](#)

Request to award the 2025 Pierce Pavilion Renovation Project contract to RJM Construction, LLC in the amount of \$391,300 with a 15% contingency of \$58,695 for a project total not to exceed \$449,995 along with the following 2024 to 2025 budget carryover appropriation (2/3 vote of Council required):

2024 Telulah Pavilion Renovation Project	- \$38,867
2025 Pierce Pavilion Renovation Project	+\$38,867

Attachments: [2025 Pierce Park Pavilion Renovation Project with Budget Transfer.pdf](#)

Legislative History

2/24/25 Finance Committee recommended for approval

[25-0159](#)

Request to award the Appleton Wastewater Treatment Plant 2025 L-Building HVAC and Receiving Station Upgrades Project contract to August Winter & Sons, Inc. in the amount of \$3,969,472 with a 12% contingency of \$476,337 for a project total not to exceed \$4,445,809 along with the following 2024 to 2025 budget carryover appropriation (2/3 vote of council required):

2024 Primary Clarifier Rebuild CIP	- \$895,487
2024 Blended Sludge Piping & Hex Rplcmnt CIP	- \$1,477,693
2024 L-Building HVAC Upgrades CIP	- \$2,072,629
2025 L-Building HVAC & Receiving Station Upgrades Proj	+\$4,445,809

Attachments: [2025 AWWTP L-Building HVAC and Receiving Station Upgrades Project with B](#)

Legislative History

2/24/25 Finance Committee recommended for approval

[25-0160](#)

Request to award the 2025 Appleton Wastewater Tunnel Painting Project contract to Bosk Paint and Sandblast, Inc. in the amount of \$201,165 with a 10% contingency of \$20,116 for a project total not to exceed \$221,281.

Attachments: [2025 AWWTP Tunnel Painting Project.pdf](#)

Legislative History

2/24/25 Finance Committee recommended for approval

[25-0161](#) Request to approve Finance Committee Report for Preliminary Resolution 1-P-25 for Sanitary Laterals, Storm Laterals and Storm Main Construction.

Attachments: [1-P-25 Finance Report.pdf](#)

Legislative History

2/24/25 Finance Committee recommended for approval

[25-0162](#) Request to approve Finance Committee Report for Preliminary Resolution 2-P-25 for Concrete Pavement, Driveway Aprons and Sidewalk Construction.

Attachments: [2-P-25 Finance Report.pdf](#)

Legislative History

2/24/25 Finance Committee recommended for approval

[25-0163](#) Request to award Unit B-25 Asphalt Paving to Vinton Construction Company in the amount of \$1,285,258.51 with a 3.2% contingency of \$41,000 for a project total not to exceed \$1,326,258.51.

Attachments: [B-25 Award-Funding-Bid Tab.pdf](#)

Legislative History

2/24/25 Finance Committee recommended for approval

[25-0164](#) Request to Sole Source Engineering & Construction Services Contract to Donohue & Associates, Inc. for AWWTP Anaerobic Digester Inspection, Maintenance, and Improvements Project in the amount of \$293,755 with a 10% contingency of \$29,375 for a total not to exceed \$323,130.

Attachments: [250219 SoleSourceAward Donohue AWWTP DigesterInpsection Memo.pdf](#)

Legislative History

2/24/25 Finance Committee recommended for approval

[25-0171](#) Request to approve Contract Amendment #2 to McMahon for Phase II Solids Dewatering Equipment Upgrades for additional design and construction management services in the amount of \$13,300 increasing the contract amount from \$188,900 to \$202,200.

Attachments: [25218 Ph2-BFP McMahon ContractAmend No2 Util-Memo.pdf](#)

Legislative History

2/24/25 Finance Committee recommended for approval

[25-0172](#) Request to award AWWTP Column and Plank Storage Upgrades Bid to Staab Construction in the amount of \$353,000 with 2.5% contingency of \$8,825 for a project total not to exceed \$361,825.

Attachments: [250219 Finance Memo Removable Retaining Wall Column Storage Project Bi](#)

Legislative History

2/24/25 Finance Committee recommended for approval

[25-0176](#) Ordinances #6-25 to #27-25

Attachments: [Ordinances to Council 3-5-25.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.



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Meeting Minutes - Final Common Council

Wednesday, February 19, 2025

7:00 PM

Council Chambers

A. CALL TO ORDER

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

B. INVOCATION

The Invocation was offered by Alderperson Smith.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Alderperson Alfheim appeared virtually.

Present: 16 - 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 Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt, Alderperson Chad Doran and Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All Departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[25-0086](#)

Common Council Meeting Minutes of February 5, 2025

Attachments: [CC Minutes 2-5-25.pdf](#)

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

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

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[25-0107](#) I-41 Project Update Presentation

Attachments: [I-41 PROJECT UPDATES Feb 2025.pdf](#)

The update was presented by Director Jungwirth.

[25-0108](#) Appleton Public Arts Committee Reappointment

Attachments: [APA Reappointment 2-19-25.pdf](#)

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

Aye: 15 - 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 Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

H. PUBLIC PARTICIPATION

David Boulanger, 1024 Sumac Drive, West Bend spoke regarding Item 24-0420 Delaire's, LLC alcohol license application.

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[25-0100](#) Approve 2025 DPW Fee Schedule

Attachments: [2025 DPW Fee Schedule - redlined.pdf](#)

This Item was referred back to the Municipal Services Committee by Aldersperson Hartzheim.

[24-0420](#)

Class "B" Beer and Reserve "Class B" Liquor License application for Delaires LLC d/b/a Delaire's, David Boulanger, Agent, located at 823 W. College Ave.

Attachments: [Delaire's Alcohol Class](#)
[B Beer Reserve Liquor.4.10.24.REDACTED.pdf](#)
[Delaire's Attachment.pdf](#)
[Documents distributed by Alder Van Zeeland 10.23.24.pdf](#)
[APD Delaire's letter to S&L 11.27.24.docx](#)
[OEO to Appleton City Clerk re Holding Licensing Hearing - Delaire's LLC.pdf](#)
[2025 Delaire's Business Plan.pdf](#)
[Delaire's 2025 Alcohol License Questionnaire \(Updated\) - signed.pdf](#)
[MEMO - Retail Alcohol Licensing Discretion.pdf](#)
[Delaire's follow up gambling machine letter 1.27.25 REDACTED.pdf](#)
[Ald. Van Zeeland Email - Delaire's NBC news story video.pdf](#)

Aldersperson Van Zeeland moved, seconded by Aldersperson Meltzer, that the alcohol license application be approved (a notwithstanding vote). Roll Call. Motion failed by the following vote, and the alcohol license was denied:

Aye: 2 - Aldersperson Sheri Hartzheim and Aldersperson Christopher Croatt

Nay: 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 Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[25-0097](#)

Approve Sole Source Purchase of Decorative Streetlight Poles for College Avenue Bridge

Attachments: [College Ave Bridge - Purchase Decorative Streetlight Pole Replacements.pdf](#)

Aldersperson Hayden moved, seconded by Aldersperson Meltzer, that the Decorative Street Light Pole Purchase be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Aldersperson Vered Meltzer, Aldersperson Martyn Smith, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Patrick Hayden, Aldersperson Patti Heffernan, Aldersperson Alex Schultz, Aldersperson Vaya Jones, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Nay: 3 - Aldersperson William Siebers, Aldersperson Brad Firkus and Aldersperson Sheri Hartzheim

Abstained: 1 - Mayor Jake Woodford

[25-0065](#)

Approve Memorandum of Understanding between the City of Appleton and Wisconsin Entertainment Group LLC to manage the City of Appleton Independence Day Celebration

Attachments: [2025 Independence Day Celebration.pdf](#)

Aldersperson Hartzheim moved, seconded by Aldersperson Meltzer, that the item be amended to approve negotiations for a MOU with Wisconsin Entertainment Group, LLC. Roll Call. Motion carried by the following vote:

Aye: 15 - 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 Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

Aldersperson Hayden moved, seconded by Aldersperson Van Zeeland, that the item be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 15 - 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 Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[25-0020](#)

Request to approve the following 2025 Budget amendment:

CEA Capital Projects

Federal Grants	+\$134,180
Vehicles	+\$134,180

To record EECGB grant award and associated expense (2/3 vote of council required).

Attachments: [2025 Grant Budget Transfer.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Hayden, that the Budget Amendment 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 Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim and Aldersperson Christopher Croatt

Nay: 1 - Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[25-0046](#)

Request to award a contract to Ehlers in an amount of \$14,000 for Tax Incremental District (TID) creation services and further fiscal analysis services to be billed at \$325/hour, conditioned on approval of the cost reimbursement agreement with Thrivent Financial for Lutherans (Associated with File #25-0064)

Attachments: [Thrivent TID Consultant Memo to CDC 2-12-25.pdf](#)
[Ehlers - Appleton TID Creation Cost Proposal.pdf](#)
[Ehlers - Appleton TID Creation Proposal.pdf](#)

Aldersperson Croatt moved, seconded by Aldersperson Hayden, that the item be amended to strike the word 'creation' and replace it with 'consulting/evaluation' to read: "request to award a contract to Ehlers in an amount of \$14,000 for Tax Incremental District (TID) consulting/evaluation services...". 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 Kristin Alfheim, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Nay: 1 - Aldersperson Nate Wolff

Abstained: 1 - Mayor Jake Woodford

Aldersperson Fenton moved, seconded by Aldersperson Jones, that the contract item be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 15 - 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 Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[25-0064](#)

Request to approve entering into a cost reimbursement agreement with Thrivent Financial for Lutherans for an initial amount of \$100,000 to fund Tax Incremental District (TID) creation/fiscal consulting, engineering-related consulting and other City consulting services deemed necessary to facilitate the redevelopment of Thrivent's office campus located north of I-41 and west of Ballard Road (Associated with File #25-0046)

Attachments: [Thrivent TID Consultant Memo to CDC 2-12-25.pdf](#)
[Thrivent - City Reimbursement Agreement - FINAL - 02-06-2025.pdf](#)

Aldersperson Hartzheim moved, seconded by Aldersperson Croatt, that the item be amended to strike the word 'creation' and replace it with 'evaluation' to read: "Request to approve entering into a cost reimbursement agreement with Thrivent Financial for Lurtherans for an initial amount of \$100,000 to fund Tax Incremental District (TID) evaluation/fiscal consulting,..." 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 Kristin Alfheim, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Nay: 1 - Aldersperson Nate Wolff

Abstained: 1 - Mayor Jake Woodford

Aldersperson Jones moved, seconded by Aldersperson Meltzer, that the cost reimbursement agreement be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 15 - 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 Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

[25-0035](#)

Approve ordinance changes to Chapter 12, Article IV, Noise, as identified in the attached document.

Attachments: [Memo NoiseOrdinanceProposal.pdf](#)
[Noise Ord - Redlined - 2025-01-30.pdf](#)

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

Aye: 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 Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

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

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[25-0089](#)

Approve Contract Amendment #1 for the Real Estate Services contract with Right of Way Professionals, Inc. by an increase of \$3,300 for a total contact amount not to exceed \$25,560

Attachments: [Olde Oneida Bridge Memo ROW Professionals Amend1 .pdf](#)

This Report Action Item was approved.

[25-0090](#)

Approve ordinance changes related to designated Prevea stalls on 100 W Washington St.

Attachments: [Prevea 100 W Washington Ordinance Changes .pdf](#)

This Report Action Item was approved.

[25-0091](#)

Approve Ordinance changes related to the A-25 Cherryvale Av Reconstruction Project

Attachments: [Cherryvale Av A-25 Ordinance Changes.pdf](#)

This Report Action Item was approved.

[25-0092](#)

Approve ordinance change related to new traffic signal at the Edgewood/French intersection

Attachments: [Edgewood-French Traffic Signal Ordinance Change.pdf](#)

This Report Action Item was approved.

[25-0093](#)

Approve traffic ordinance changes for Lumbini Estates Subdivision

Attachments: [Lumbini Estates Ordinance Changes.pdf](#)

This Report Action Item was approved.

[25-0094](#)

Approve ordinance changes related to the B-25 Morrison St Reconstruction Project

Attachments: [Morrison St B-25 Ordinance Changes.pdf](#)

This Report Action Item was approved.

[25-0095](#)

Approve ordinance changes related to the A-25 Perkins St Reconstruction Project

Attachments: [Perkins St A-25 Ordinance Changes.pdf](#)

This Report Action Item was approved.

[25-0096](#)

Approve traffic & parking ordinance changes for Trailview Estates South 3 Subdivision

Attachments: [Trailview Estates South 3 Subdivision Ordinance Changes.pdf](#)

This Report Action Item was approved.

[25-0098](#)

Award Unit T-25 2025 Bridge Underwater Inspections Contract to Ayres Associates, Inc., in an amount not to exceed \$28,000

Attachments: [2025 Bridge Underwater Inspections Award Memo - Ayres.pdf](#)

This Report Action Item was approved.

[25-0099](#)

Approve Contract Amendment #1 for 2025 Repair and Maintenance Program for the Red, Green and Yellow Parking Garages contract with Desman Inc. by an increase of \$8,500 for a total contact amount not to exceed \$104,870

Attachments: [Desman 2025 Ramp Repairs Consultant Services Amendment Memo.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[25-0062](#)

Resolution #1-R-25 Fire Department Paramedic Service Level

Attachments: [#1-R-25 Fire Dept. Paramedic Service Level.pdf](#)

This Report Action Item was approved.

[25-0050](#)

Pet Store/Kennel License application for Forty Three Skulls Oddities Shoppe, Scott Watzlawick, Agent, located at 133 E. Wisconsin Ave, contingent upon approval from the Police, Fire, and Inspections departments.

Attachments: [Forty Three Skulls.PK.1.27.25.REDACTED.pdf](#)

This Report Action Item was approved.

[25-0051](#)

Secondhand Jewelry License renewal application for Fox Valley Jewelers, Khristopher Fischer, Agent, located at 636 W. College Ave, contingent upon approval from the Health department.

Attachments: [Fox Valley Jewelers.Secondhand Article Renewal.1.31.25.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[25-0063](#)

Approve Revised Park Pavilions and Special Areas Rental and Fee Policy

Attachments: [Memo Pavilions and Special Areas Policy.doc](#)

[P&R - 2025 - Pavilion and Special Areas Policy - Clean.pdf](#)

[P&R - 2025 - Pavilion and Special Areas Policy - Redlined.pdf](#)

This Report Action Item was approved.

5. MINUTES OF THE FINANCE COMMITTEE

[25-0072](#)

Request to approve Relocation Order for the Parcel of Land with Tax Key No.31-3-0316-03

Attachments: [24-0476 - Pierce - Relocation Order.pdf](#)

This Report Action Item was approved.

[25-0073](#)

Request to approve contract to Conventions, Sports & Leisure International (CSL) for consulting services for a contract not-to-exceed \$79,500.

Attachments: [2025 Exhibition Center Consultant.pdf](#)

This Report Action Item was approved.

[25-0074](#)

Request to approve authorization to open dedicated bank account for Cryptocurrency seizure returns.

Attachments: [Cryptocurrencymemo.pdf](#)

This Report Action Item was approved.

[25-0075](#)

Request to award Unit DE-25 Miscellaneous Sidewalk & Concrete Street Excavation Repairs to Al Dix Inc in an amount not to exceed \$1,008,850.

Attachments: [DE-25 Award-Funding-Bid Tab.pdf](#)

This Report Action Item was approved.

[25-0076](#)

Request to award Unit W-25 Sewer & Water Reconstruction-Bell, Brewster, Alexander, Melrose to Kruczek Construction Inc. in the amount of \$2,312,222.22 with a 3% contingency of \$70,000 for a project total not to exceed \$2,382,222.22.

Attachments: [W-25 Award-Funding-Bid Tab.pdf](#)

This Report Action Item was approved.

[25-0077](#)

Request to award Unit U-25 Sewer & Water Reconstruction-Lawe, Durkee, Bellaire to Kruczek Construction Inc. in the amount of \$2,525,555.55 with a 2.8% contingency of \$70,000 for a project total not to exceed \$2,595,555.55.

Attachments: [U-25 Award-Funding-Bid Tab.pdf](#)

This Report Action Item was approved.

[25-0079](#)

Request to award Unit X-25 Water Reconstruction-Calumet St to Calnin & Goss LLC in the amount of \$1,138,754.30 with a 3% contingency of \$35,000 for a project total not to exceed \$1,173,754.30.

Attachments: [X-25 Award-Funding-Bid Tab.pdf](#)

This Report Action Item was approved.

[25-0080](#)

Request to award Unit A-25 Concrete Paving to Vinton Construction Company in the amount of \$4,187,819.61 with a 1.5% contingency of \$65,000 for a project total not to exceed \$4,252,819.61.

Attachments: [A-25 Award-Funding-Bid Tab.pdf](#)

This Report Action Item was approved.

[25-0087](#)

Request to approve the following 2025 Budget amendment:

CD - New & Redevelopment Projects

Miscellaneous Revenue	+\$100,000
Consulting Services	+\$100,000

To record cost reimbursement agreement with Thrivent Financial (2/3 vote council required).

Attachments: [Thrivent Budget Amendment_Finance_02062024_Final.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY DEVELOPMENT COMMITTEE

[25-0013](#)

Request to approve an extension of the completion date and minimum assessed value date to January 1, 2026 under the Development Agreement with Oshkosh Investment LLC and Lofgren Properties 6 LLC for improvements to the property located at 200 W. College Avenue (Tax Id #31-2-0263-00) (Chase Bank building) in Tax Increment Financing District No. 11 contingent on the dedication of a portion of parcel #31-2-0263-00 to the public

Attachments: [Chase Bank DA Extend Completion Date Memo to CDC 02-12-25.pdf](#)
[Extension Request From Oshkosh Investment LLC 01-06-25.pdf](#)
[Chase Bank DA Map.pdf](#)
[200 W. College Avenue_Chase Bank Bldg_Dev Agreement_Recorded.pdf](#)

This Report Action Item was approved.

[25-0044](#)

Request to approve the Preliminary 2025-2026PY (Program Year) Community Development Block Grant (CDBG) Community Partner Allocations as specified in the attached documents

Attachments: [CDBG External Allocations Advisory Board Prelim Rec Memo to CDC 2-12-25.pdf](#)
[2025 CDBG Advisory Board Preliminary Award Allocation Recs From 1-28-25 Meeting.pdf](#)
[PY2025 CDBG Staff Evaluation Matrix.pdf](#)
[Approved CDBG Policy 11-17-2021.pdf](#)
[CDBG Funding History Last 10 Years.pdf](#)

This Report Action Item was approved.

[25-0045](#)

Request to approve the creation and recordation of deed restrictions and covenants for Southpoint Commerce Park Plat No. 4 as described in the attached documents

Attachments: [Southpoint Plat No 4 Deed Restrictions Memo to CDC 2-12-25.pdf](#)
[Deed Restrictions Southpoint Plat No 4 Marked Up Version 2-6-25.pdf](#)
[Deed Restrictions Southpoint Plat No 4 Clean Version 2-6-25.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[25-0054](#)

Award the 2025 Ash Tree Removal Contract to Foley's Tree Service, LLC in an amount not to exceed \$425,000.

Attachments: [Ash Tree Contract Award Memo 2025.pdf](#)
[Ash Tree 2025 Contract Bid Form - Foleys.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

[25-0036](#)

Approve Schedule of Deposits changes to Chapter 12, Article IV, Noise, as identified in the attached document.

Attachments: [Memo_ScheduleofDepositsProposal.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[25-0105](#)

Ordinances #1-25 to #5-25

Attachments: [Ordinances to Council 2-19-25.pdf](#)

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

Aye: 15 - 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 Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

[25-0153](#)

Resolution #2-R-25 Emissions Reduction Recommendation

Attachments: [#2-R-25 Carbon Emission Reduction.pdf](#)

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Hayden moved, seconded by Alderson Hartzheim, that the meeting be adjourned at 8:19 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - 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 Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

PROCLAMATION



Office of the Mayor

WHEREAS, Multiple Sclerosis (MS) is a chronic, often debilitating neurological disease of the central nervous system that affects approximately 915,000 people in the United States, the exact cause of MS is unknown, and there is no known cure; and

WHEREAS, MS typically strikes young people in the prime of their life in their 20s, 30s, and 40s; and

WHEREAS, every hour of every day, someone is newly diagnosed with MS, and women are two times more likely than men to have MS; and

WHEREAS, it is important to promote education and awareness of this disease so that those with it can lead more productive and satisfying lives to benefit themselves, their caregivers, families, and the entire community; and

WHEREAS, the National MS Society provides programs and services for anyone whose life has been affected by MS; and

WHEREAS, the City of Appleton will once again compete in the "Walk MS Appleton vs. De Pere City Challenge" to raise money for the National MS Society's mission to cure MS while empowering people affected by MS to live their best lives.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim March 2025 as

MS Awareness Month

in Appleton and encourage all residents to educate themselves on the symptoms of MS for early identification and to participate in upcoming community awareness and fundraising events.

Signed and sealed this 24th day of February 2025.

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 Tuesday, March 9, 2025.



CITY OF APPLETON

Date: March 5th,2025

To: Members of the Common Council

From: Mayor Jacob A. Woodford 

Subject: Confirmation of Reappointments

It is with pleasure that I present the following reappointments for your confirmation at the March 5th ,2025, Common Council meeting.

Board of Health Committee – Reappointment

Emma Kane	2 Year Term	Term Ends December 2026
Deborah Werth	2 Year Term	Term Ends December 2026
Lee Marie Vogel	2 year Term	Term Ends December 2026



CITY OF APPLETON

Date: March 5th, 2025

To: Members of the Common Council

From: Mayor Jacob A. Woodford *JAW*

Subject: Confirmation of Appointments

It is with pleasure that I present the following recommendations for your confirmation at the March 5th, 2025, Common Council meeting.

Library Board – Appointment

Brian G Vargas

Term Ends June 2026

Brian Vargas is an Appleton native and attorney at a local law firm. Brian returned to Appleton after attending Marquette University and the University of Wisconsin Law School in Madison. Brian served as President of the State and Local Government Law Society in his final year at law school and worked at a firm in Madison prior to returning to Appleton with his long-haired mini-dachshund.



CITY OF APPLETON

Department of Public Works
Engineering Division
100 N. Appleton St. Fl. 5
Appleton, WI 54911-4702
p: 920-832-6474

<https://www.appleton.org/government/public-works>

(Effective January 1, 2024 25)

DEPARTMENT OF PUBLIC WORKS FEE SCHEDULES 2025

Description	Current Fee	Taxable Yes/No	Total	Last Date Updated
PERMITS				
*Meter Bags (per bag/per day) – including loading zone meters	\$9.00	Yes, add \$0.50	\$9.50	2011
Ramp Permits – monthly (Red, Yellow, Green Ramps)	\$40.00/ month	Yes, add \$2.20	\$42.20	2023
Access Card Purchase/Replacement	\$3.00 - \$5.00	Yes, add \$0.17 \$0.28	\$3.17 \$5.28	2025
Private Directional Signs (Annual Renewal Fee)	\$20.00	No		2004
	\$10.00	No		
Block Party Permit	\$15.00	No		2011
Street Excavation Permit	\$200 or \$350	No		2024
Street Excavation Permit - Expedited Fee	\$100	No		2024
Street Occupancy (Annual/City-wide)	\$250.00	No		2011
Street Occupancy (Temporary/Permanent)	\$40.00	No		2011
Private Small Cell Wireless – New Poles in Public ROW (one-time fee)	\$500 (1 to 5 poles) \$100 for each pole > 5	No		2019
Private Small Cell Wireless – Collocating on existing City Pole	Annual Fee: \$270/pole/year	No		2019
Snow Removal Hazard Charge	\$75.00 + \$.40 per foot over 100 feet	No		2000
Re-staking / Re-inspection Fee	\$40.00	No		2011

*No Meter bag fee is charged for City sponsored Special events.



CITY OF APPLETON

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Description	Current Fee	Taxable Yes/No	Total	Last Date Updated
OPERATIONS				
Grass Clippings Site Drop-Off	\$4.00/bag	No		2013
	\$40.00/card	No		2013
Appliance Site Drop-Off	Freon \$20.00	No		2004
	Non Freon \$15.00	No		2004
Overflow Tags Curbside Removal	\$4.00/bag	No		2013
Weight Limit Permit	\$50.00 per address	No		
Tires – 18” diameter or smaller. (Limit four per household)	\$12.00/tire	No		2024
Noncompliant Item Curbside Removal	\$250.00	No		2022
AUTOMATED CONTAINERS				
35-40 gallon garbage cart	\$0.60 - \$0.65/week	No		2024 2025
60-65 gallon garbage cart	\$1.20 - \$1.30/week	No		2024 2025
90-95 gallon garbage cart	\$1.80 - \$1.95/week	No		2024 2025
Additional carts	\$2.00 per each 30 gallons	No		2024
95 gallon recycling cart	No Charge			
65 gallon recycling cart	No Charge			
MISCELLANEOUS				
Stolen Construction Sign	\$500.00	No		2022
Administrative Fee (applied to service invoices)	3%	No		2024
Small Tools Fee (applied to applicable service invoices)	3%	No		2024



CITY OF APPLETON

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Access Card Purchase/Replacement	\$3.00 - \$5.00	Yes, add \$0.17 \$0.28	\$3.17 \$5.28	2025
Private Directional Signs (Annual Renewal Fee)	\$20.00	No		2004
	\$10.00	No		
Block Party Permit	\$15.00	No		2011
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Private Small Cell Wireless – New Poles in Public ROW (one-time fee)	\$500 (1 to 5 poles) \$100 for each pole > 5	No		2019
Private Small Cell Wireless – Collocating on existing City Pole	Annual Fee: \$270/pole/year	No		2019
Snow Removal Hazard Charge	\$75.00 + \$.40 per foot over 100 feet	No		2000
Re-staking / Re-inspection Fee	\$40.00	No		2011

*No Meter bag fee is charged for City sponsored Special events.



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Description	Current Fee	Taxable Yes/No	Total	Last Date Updated
OPERATIONS				
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	\$40.00/card	No		2013
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90-95 gallon garbage cart	\$1.80 - \$1.95/week	No		2024 2025
Additional carts	\$2.00 per each 30 gallons	No		2024
95 gallon recycling cart	No Charge			
65 gallon recycling cart	No Charge			
MISCELLANEOUS				
Stolen Construction Sign	\$500.00	No		2022
Administrative Fee (applied to service invoices)	3%	No		2024
Small Tools Fee (applied to applicable service invoices)	3%	No		2024
Water Tap Inspection Fee	\$70.00	No		2025



DEPARTMENT OF
**PUBLIC
WORKS**

MEMORANDUM

Date: February 24, 2025
To: Municipal Services Committee
From: Chad Weyenberg, Project Engineer
Pete Neuberger, City Engineer / Deputy Director of Public Works
Subject: Approve Contract Amendment / Change Order No. 2 to the Olde Oneida Street Bridge over the power canal Design Services Contract with the Wisconsin Department of Transportation in the amount of \$12,614.13 and a total contract amount not to exceed 120,287.13.

The Department of Public Works is requesting a contract amendment with the Wisconsin Department of Transportation (WisDOT) and EXP US Services (EXP) for Consulting Services for an increase of \$12,614.13 and a total contact amount not to exceed \$120,287.13.

This contract is a three-party contract with WisDOT and EXP, where WisDOT pays 80% and the City of Appleton pays 20%. The total amount of the amendment is \$63,070.64 where WisDOT's share is \$50,456.51 and the City of Appleton's share is \$12,614.13. This amendment is needed based on WisDOT requirements to change the substructure type from drilled shafts to more traditional type. This amendment will allow EXP to provide a design for the bridge; resubmit preliminary plans, to modify the abutment locations and redesign approach slabs and adjacent sidewalks; to update the plans, specifications, and estimates.

Sufficient funds remain in the budget to cover the necessary costs.

SANITARY LATERALS, STORM LATERALS AND STORM MAIN

RESOLUTION 1-P-25

PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703 (7) (a), WISCONSIN STATUTES OF 2021-2022.

RESOLVED, by the Common Council of the City of Appleton, Wisconsin:

1. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following area.

SANITARY LATERALS, STORM LATERALS AND STORM MAIN

- Alexander St (Melrose St to Glendale Ave)
 - Bell Ave (Summit St to Richmond St)
 - Bellaire Ct (Atlantic St to cds)
 - Durkee St (Brewster St to Roosevelt St)
 - Lawe St (College Ave to Spring St)
 - Melrose Ave (Alexander St to Ballard Rd)
2. The total amount assessed against such property shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power and the amount assessed against each parcel shall be on a cost per front foot, area or unit cost basis.
 3. The assessments against any parcel may be paid to the Finance Department on receipt of Special Assessment Notice by one of the following:
 - a. In cash, or if entered on the Tax Roll;
 - b. One installment, if the assessment is \$1000 or less;
 - c. In five equal annual installments, if the assessment is greater than \$1000;

Deferred payments shall bear an interest at the prime rate plus 3% per annum on the unpaid balance.
 4. The Finance Committee is directed to prepare a report consisting of:
 - a. Preliminary plans and specifications for said improvements.
 - b. An estimate of the entire cost of the proposed street improvements.
 - c. A schedule of proposed assessments showing the properties that are benefited by the work or improvements

Upon completing such report, the Finance Committee is directed to file a copy thereof in the office of the City Clerk for public inspection.

5. Upon receiving the report of the Finance Committee, the City Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703 (7) (a), Wisconsin Statutes. The hearing shall be held at the Council Chambers in the City Hall at a time set by the City Clerk in accordance with Section 66.0703 (7) (a), Wisconsin Statutes.

Jake Woodford (Mayor)

Adopted: March 5, 2025

Attest: Kami L. Lynch (City Clerk)

CONCRETE PAVEMENT, DRIVEWAY APRONS, SIDEWALK CONSTRUCTION

RESOLUTION 2-P-25

PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703 (7) (a), WISCONSIN STATUTES OF 2021-2022.

RESOLVED, by the Common Council of the City of Appleton, Wisconsin:

1. The Common Council hereby declares its intention to exercise its powers under Section 66.0703, Wisconsin Statutes, to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following area.

CONCRETE PAVEMENT, SIDEWALK CONSTRUCTION AND DRIVEWAY APRONS

- Aquamarine Ave (Providence Ave to Amethyst Dr)
 - Aquamarine Ave (French Rd to Denali Dr)
 - Baldeagle Ct (Peregrine Blvd to cds)
 - Baldeagle Dr (Peregrine Blvd to Osprey Dr)
 - Denali Dr (Rubyred Dr to Aquamarine Ave)
 - Golden Gate Dr (Cherryvale Ave to 200' east)
 - Harrier Ct (Osprey Dr to cds)
 - Osprey Dr (Harrier Way to Baldeagle Dr)
 - Peregrine Blvd (Applecreek Rd to Baldeagle Dr)
 - Rubyred Dr (French Rd to Denali Dr)
 - Cherryvale Ave (Applecreek Corridor to south city limits)
 - Providence Ave (Edgewood Dr to Aquamarine Dr)
 - Perkins St (Prospect Ave to RR tracks) (sidewalks only)
2. The total amount assessed against such property shall not exceed the total cost of the improvements. The Common Council determines that such improvements shall be made under the police power and the amount assessed against each parcel shall be on a cost per front foot, area or unit cost basis.
 3. The assessments against any parcel may be paid to the Finance Department on receipt of Special Assessment Notice by one of the following:
 - a. In cash, or if entered on the Tax Roll;
 - b. One installment, if the assessment is \$1000 or less;
 - c. In five equal annual installments, if the assessment is greater than \$1000;Deferred payments shall bear an interest at the prime rate plus 3% per annum on the unpaid balance.
 4. The Finance Committee is directed to prepare a report consisting of:
 - a. Preliminary plans and specifications for said improvements.
 - b. An estimate of the entire cost of the proposed street improvements.
 - c. A schedule of proposed assessments showing the properties that are benefited by the work or improvements.

Upon completing such report, the Finance Committee is directed to file a copy thereof in the office of the City Clerk for public inspection.

5. Upon receiving the report of the Finance Committee, the City Clerk is directed to give notice of a public hearing on such report as specified in Section 66.0703 (7) (a), Wisconsin Statutes. The hearing shall be held at the Council Chambers in the City Hall at a time set by the City Clerk in accordance with Section 66.0703 (7) (a), Wisconsin Statutes.

Jake Woodford (Mayor)

Adopted: March 5, 2025

Attest: Kami L. Lynch (City Clerk)



CITY OF APPLETON

MEMORANDUM

Date: 2/19/25

To: Municipal Services Committee

From: Eric Lom, P.E., City Traffic Engineer

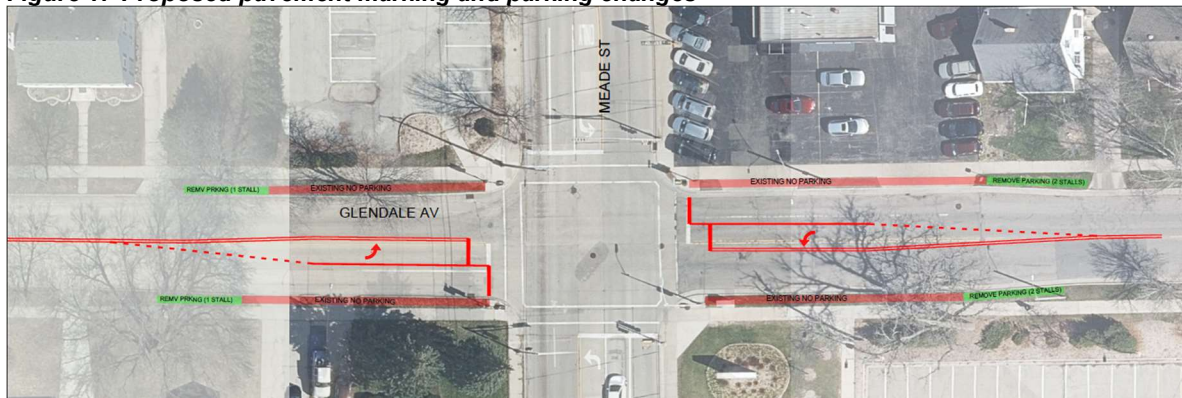
Subject: Parking changes related to Glendale/Meade safety improvements

In an effort to address driver expectation and safety concerns, the Traffic Section has worked over the past 10-15 years to eliminate multi-lane approaches to signalized intersections that lack lane use designations (drivers can turn left or go straight in the left lane; turn right or go straight in the right lane), especially when there is only one receiving lane on the far side of the intersection. While undesignated approaches allow for flexibility and can limit the obstruction of right turns on red, they also can sometimes result in drivers going straight in both lanes simultaneously, which requires both drivers to merge into a single lane as they pass through the intersection, often leading to safety concerns and complaints.

The Glendale/Meade intersection, which handles about 13,800 vehicles per day, is one of the last such intersections, with the eastbound and westbound approaches falling into this category.

With the concurrence of the district alderperson, the Traffic Section is planning to correct this issue in the summer of 2025, by reconfiguring the intersection pavement markings and signage to assign a left-only lane in each direction (no pavement changes). The cost to accomplish this is minimal, but small changes to on-street parking in the vicinity of the intersection are needed. The parking changes, as depicted and described on Figure 1 below, require committee/council approval. Existing parking restrictions on Glendale Av are shown in red, while the proposed parking restriction additions are shown in green.

Figure 1: Proposed pavement marking and parking changes



To accomplish this, the following ordinance action is required:

1. **Create:** "Parking be prohibited on Glendale Avenue from a point 135 feet west of Meade Street to a point 160 feet east of Meade Street."



DEPARTMENT OF
**PUBLIC
WORKS**

MEMORANDUM

Date: February 24, 2025
To: Municipal Services Committee
From: Chad Weyenberg, Project Engineer
Pete Neuberger, City Engineer / Deputy Director of Public Works
Subject: Approve Single Source Design and Construction Related Services Contract with AECOM Technical Services, Inc. for Olde Oneida Street Bascule Bridge in an amount not to exceed \$308,787.

The Department of Public Works is requesting approval to award a single source contract with AECOM Technical Services, Inc. (AECOM) for Consulting Services for an amount of not to exceed \$308,787.

AECOM is currently in a five-year contract to provide consulting services for the Lawe Street and Olde Oneida Street bascule bridges. Services AECOM performed to date include WisDOT movable bridge inspections and bridge rehabilitation reporting. As part of the original five-year contract, AECOM was to provide construction inspection services for the Olde Oneida Street Bascule Bridge in 2022 and 2023. However, due to limited funding availability, the overall project was delayed, and it is now in the 5-year CIP for construction in 2026/2027. With this delay, the scope has also changed beyond the originally planned concrete and structural steel maintenance. DPW is now recommending contract award to AECOM for updated design and construction inspection services. The increased scope now includes mechanical and electrical items in addition to the concrete and structural steel items. AECOM has performed movable inspections on this structure since 2021, has provided other consulting services for this structure dating back to 2004, and has provided excellent service to the City throughout this work; therefore they are uniquely qualified to perform this work efficiently and cost-effectively.

Work under this contract is to be charged as a not-to exceed total of \$308,787, including a lump sum basis for the design (\$155,442) and an hourly basis for the inspection services (\$153,345). Sufficient funds remain in the 2025 bridge budget allocation to cover the necessary costs.



SOLE SOURCE REQUEST

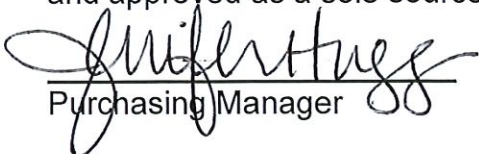
The undersigned certifies that the commodity/service shown below qualifies as a sole source request and meets one or more of the following requirements. The department has demonstrated, and the Purchasing Manager concurs that only one source exists, the price is equitable, and/or noncompetitive negotiation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

PROPOSED DETAILS

Requesting dept: Public Works
Product/service : Consulting services – design & construction inspection
Vendor name: AECOM.
Total cost: Not to exceed \$308,787

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

2/18/2025
Date



DEPARTMENT OF
**PUBLIC
WORKS**

MEMORANDUM

To: Municipal Services Committee

From: Laura Jungwirth, P.E. Director of Public Works
Eric Lom, P.E., City Traffic Engineer

Date: February 20, 2025

Subject: College Avenue Lane Reconfiguration Final Report

In Spring of 2023, the Municipal Services Committee and Common Council approved the College Avenue Lane Reconfiguration 18-month Pilot Project, and construction was completed in July 2023. Staff reports and project updates following completion of the lane reconfiguration were presented to the Municipal Services Committee on February 26, 2024, and November 11, 2024.

Project promotion and public outreach was completed both prior to and during the pilot project by way of a multitude of stakeholder meetings, listening sessions and workshops, and presence at public events. As final traffic data was collected through the end of 2024, Showcase Communications, the city’s Marketing Campaign Consultant for this project, in collaboration with Appleton Downtown, Inc. and city staff, created and distributed a Smart Streets College Avenue Lane Reconfiguration Impact Survey to the downtown Appleton business community to obtain final project feedback.

The final metrics below of the 18-month pilot indicate measurements of project success.

	Before	After	Change
Reportable Crashes (CP100MVMT)*	1,058	923	-12.7%
Segment Volume (ADT)	13,707	13,521	-1.4%
Avg Speed (mph)	20.0	19.4	-3.0%
85 th Percentile Speed (mph)	28.4	27.6	-2.8%
95 th Percentile Speed (mph)	32.1	31.0	-3.4%

*Crashes per hundred million vehicle miles traveled

Before: July 1, 2020 – June 30, 2023

After: August 1, 2023 – December 31, 2024

A presentation will be provided by staff on Monday, February 24th to the Municipal Services Committee and will include a report on project metrics, unveiling of a Project Showcase Video, and a request for final approval of the College Avenue Lane Reconfiguration Project. The presentation materials and dashboard will be posted to the City’s website following the presentation at www.smartstreetsappleton.com

Application for Mechanical Amusement Device License



License period is
July 1st – June 30th

NOTE: please allow approximately 2 weeks for application processing

FEES ARE NON-REFUNDABLE

CASH OR CHECK ONLY!

Amusement Device - \$25.00 per machine
(15 Machines and over = \$350.00)

Date Received: 1/21/25

Total Number of Machines: _____

Total Fee: _____

Police Investigation Fee - \$7.00

Receipt #: _____

DEFINITION – A mechanical amusement device is a machine which upon the insertion of a coin or slug operates a game, contest, or amusement, **EXCEPT MUSIC**. A billiard table or pool table is a mechanical device when operated commercially, whether it is coin operated or not.

SECTION 1 – BUSINESS INFORMATION – Answer all questions completely. Please PRINT clearly

Legal Business Name <u>SK Pizzeria PUB LLC</u>			
Business Trade Name or DBA <u>PIZZERIA PUB & BAR</u>			
Street Address (where devices will be operated): <u>1200 N Sharon St</u>		City <u>Appleton</u>	State <u>WI</u>
		Zip <u>54914</u>	
Business Phone <u>PIZZERIA PUB & BAR</u>		Business Email <u>SK BAR 2024 @ Yahoo.com</u>	
Agent/Person In Charge Name <u>SATBIR SINGH</u>		Agent Phone (Required) _____	
Agent Date of Birth _____	Agent Drivers License/State ID Number _____		DL/ID State of Issuance _____
Mailing Address (if different from street address): <u>1200 N Sharon St</u>		City <u>Appleton</u>	State <u>WI</u>
		Zip <u>54914</u>	

SECTION 2 – AMUSEMENT DEVICES – If you are licensing 15 or more amusement devices, a Special Use Permit may be required. Please contact the Community Development Department at 920-832-6468 for more information.

Brand/Name & Type of Device(s) (Required)	Total Number of Devices: <u>5</u>
<u>WIZGE = DART BOARD</u>	
<u>SKILL GAME = GOLDEN Fortune</u>	
<u>11 = Eusion 2</u>	
<u>11 = Eirc Link</u>	
<u>11 = Eusion 2</u>	

SECTION 3 – PENALTY NOTICE

The undersigned requests that a license be granted in accordance with Sections 9-126 to 9-129 of the Municipal Code of the City of Appleton.
Signature of Applicant: Satbir Singh Date: 01/21/2025

FOR OFFICE USE ONLY

DEPARTMENT	APPROVE	DENY	DATE	STAFF MEMBER/REASON
Police		✓	<u>1/28/25</u>	<u>B. Goodin</u>
Fire	✓		<u>1/27/25</u>	<u>D. Henson</u>
Inspections				
Community Development	✓		<u>1/27/25</u>	<u>D. Harp</u>
Date Sent for Approval: _____		Date Approved: _____		Date Issued: _____
				License Number: _____



CITY OF APPLETON

Community Development Department
Inspection Division
100 N. Appleton Street
Appleton, WI 54911
p: 920.832.6411
www.appleton.org/business/building-inspection

January 20, 2025

SK GAS MART LLC
SK GAS MART LLC
W6028 BLAZING STAR DR
APPLETON WI 54915

Re: Address Change

Tax Key #31-5-2130-00

This will inform you that, February 2, 2025, the address of subject property is changed as follows:

Old Address: 1201 N. Badger Ave.

**New Address: 1201 N. Badger Ave.
1200 N. Sharon St.**

Please post the new numbers per City Ordinance Sec. 4-3 as follows:

- (a) Each building erected in the City shall be assigned a building number by the Inspections Division in accordance with the building number map which is on file in the office of the Department of Public Works. Only those numbers assigned as provided in this section shall be used on each building. Each owner must fasten or paint a permanent, light reflecting, legible building number of a conspicuous color contrasting to the building background color, which shall be no less than four (4) inches in height on all buildings on the front face of the building within four (4) feet of the principal entrance door abutting the street. The address number shall be readily visible from the street and shall not be obstructed by any structural element, plant, tree, shrub or similar obstruction. Address numbers may not be in a script typeface. If the principal entrance to a structure is not on the assigned address, street then the property owner must have the above-mentioned address numbers posted at more than one entrance or location on that building.
- (b) Mobile home numbers will be placed in a uniform area on each unit within the mobile home park. The number shall be placed on or as close as possible to the entrance door and shall be visible from the public right-of-way readily abutting the property.
- (c) If the building is set back forty (40) feet or more from the front property line, the property owner must place and maintain the required numbers on a mailbox, or a signpost located at or near the front property line.

(d) Commercial buildings must also post their business address on their back doors.

If you have questions or comments, feel free to call me at the above listed number.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Craanen". The signature is written in a cursive, flowing style.

Kurt Craanen

Inspection Supervisor

cc: City Clerk, City Assessor, Fire Department, Water Department, Finance – Judy,
Department of Public Works, Stormwater Utility, Police Department, GIS Department,
Deputy Director – DPW Operations, Appleton Post Office, Outagamie County Dispatch
Center, WE Energies, Spectrum.



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

TO: Safety and Licensing Committee
Common Council

FROM: Lt. Ben Goodin

DATE: 1/28/2025

RE: Police Department's Recommendation for denial of the Pizzeria Pub & Bar's
Amusement Device License

Committee Members:

On 1/27/25 I received an Application for Mechanical Amusement Device License from the City of Appleton Clerk's Office for the "Pizzeria Pub & Bar" located at 1201 N. Badger Ave. Appleton, WI. The application had five amusement devices listed, which are as follows:

- "Dart Board"
- "Golden Fortune"
- "Fusion 2"
- "Fire Link"
- "Fusion 2"

Based on my knowledge and research into gambling machines, all of these listed machines (except the dart board) are illegal in Wisconsin pursuant to Wis. Stat. §945.03, Wis. Stat. §945.035 and Wis. Stat. §945.04 and City of Appleton ordinance 9-52(3). Due to these machines being deemed as illegal in the State of Wisconsin and in the City of Appleton, it is the Appleton Police Department's recommendation that the Application for Mechanical Amusement Device License be denied.

Respectfully,

Ben Goodin
Lieutenant
Appleton Police Department



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

January 29, 2025

CERTIFIED MAIL

Satbir Singh
W6028 Blazing Star Dr
Appleton, WI 54915

This letter is to notify you that we are in receipt of your application for a Mechanical Amusement Device License for Pizzeria Pub & Bar, located at 1200 N Sharon St. The Police Department has recommended that your application for a Mechanical Amusement Device License be **denied**. The application has five amusement devices listed, which are as follows: “dart board”, “golden fortune”, “fusion 2”, “fire link”, and “fusion 2”. All these listed machines except the dart board are illegal gambling machines in Wisconsin pursuant to Wis. Stat. §945.03, Wis. Stat. §945.035, and Wis. Stat. §945.04 and City of Appleton ordinance 9-52(3).

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.

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 a Mechanical Amusement Device License will not be issued.

If you have specific questions relating to gambling machines please contact Lt. Ben Goodin, Appleton Police Department, at 920-832-5500.

Respectfully,

Kami Lynch
City Clerk

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)

- Class "A" Beer \$ _____
 Class "B" Beer \$ 100
 "Class A" Liquor \$ _____
 "Class B" Liquor \$ _____
 "Class A" Liquor (cider only) \$ _____
 Reserve "Class B" Liquor \$ 10,500
 "Class C" Liquor (wine only) \$ _____

Fees	
License Fees	\$ <u>10,500</u>
Background Check Fee	\$ <u>7</u>
Publication Fee	\$ <u>60</u>
Total Fees	\$ <u>10,667</u>

Part A: Premises/Business Information

1. Legal Business Name (individual name if sole proprietorship) <u>SK PIZZERIA PUB LLC</u>		
2. Business Trade Name or DBA <u>PIZZERIA PUB and BAR</u>		
3. FEIN	4. Wisconsin Seller's Permit Number <u>456-1031633232-02</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>2024</u>	8. Wisconsin DFI Registration Number
9. Premises Address 1201 N BADGIER AVE APPLETON WI <u>1200 N. Sharon St.</u>		
10. City <u>APPLETON</u>	11. State <u>WI</u>	12. Zip Code <u>54914</u>
13. County <u>OUTAGAMI</u>	14. Governing Municipality: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: _____	15. Aldermanic District
16. Premises Phone <u>219-256-6577</u>	17. Premises Email <u>SKBAR2024@yahoo.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.

Square feet - 521
over the counter liquor sold, liquor store under the counter or back side of counter and consumed at the dining area.

20. Mailing Address (if different from premises address) <u>w6028 BLAZING STAR DR</u>		
21. City <u>APPLETON</u>	22. State <u>WI</u>	23. Zip Code <u>54915</u>

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. Yes 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
SINGH	SATBIR	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 SINGH	First Name SATBIR	M.I.
Title OWNER	Email	Phone
Signature <i>Satbir Singh</i>		Date 12-19-2024

Part E: For Clerk Use Only

Date Application Was Filed With Clerk 12/19/24	License Number	Date License Granted	Date License Issued
Signature of Clerk/Deputy Clerk		Date Provisional License Issued (if applicable)	

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)
SK PIZZERIA PUB LLC

2. Business Trade Name or DBA
PIZZERIA PUB and BAR

3. Entity Type (check one)
 Limited Liability Company Corporation Nonprofit Organization

4. Alcohol Beverage Business Authorization (check one)
 Municipal Retail License 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
SINGH

2. First Name
SATBIR

3. M.I.

4. Email

5. Phone

6. Home Address
W6028 BLAZING STAR DR APPLETON WI

7. City
APPELTON

8. State
WI

9. Zip Code
54915

10. Age

11. Drivers License/State ID Number

12. Drivers License/State ID State or Issuance

Part C: Agent Questions

1. Have you satisfied the responsible beverage server training requirement? Yes No
Submit proof of completion.

2. Have you completed Form AB-100, Alcohol Beverage Individual Questionnaire? Yes No
Submit a completed Form AB-100 with this form.

3. Have you been a Wisconsin resident for at least 90 continuous days? Yes No
See instructions for exceptions.

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 SINGH		First Name SATBIR		M.I.
Title OWNER	Email		Phone	
Signature <i>Satbir Singh</i>			Date 12-19-2024	

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 SINGH		First Name SATBIR		M.I.
Signature <i>Satbir Singh</i>			Date 12-19-2024	



City of Appleton

Alcohol License Questionnaire

1. Applicant Name: SATBIR SINGH
2. Business Name: SK PIZZERIA PUB LLC
3. Business Address: 1261 N BADGER AVE APPLETON WI 54915
4. Primary Business Activity:
- Restaurant
 - Tavern/Night Club/Wine Bar
 - Painting/Craft Studio
 - Other (describe) _____

5. Select the type of business premises: Existing Building New Construction
- If existing building, please indicate the primary nature of the previous business that operated at this location. THATS a Storage area
- Anticipated date of opening? end of December 2024

6. Will your business sell or serve food?

- Yes If yes, please describe the type of food offerings available frozen PIZZA'S
- No

7. Fill in the information about operational details listed below. Attaching a copy of the floor plan is encouraged.

Seating Capacity: Inside: 10 to 15

Outside: 0

Operating Days/Hours: Inside: 9:00 AM to 2:00 am Monday to Sunday

Outside: _____

Employees/Staff (per shift/day) Number of Personnel: 2

Approximate floor building area of the premises to be licensed: 521 sq. ft.

Approximate outdoor area of the premises to be licensed: _____ sq. ft.

Summarize the day-to-day operations of the business in the space below:

People sit down eat pizza and Beer, Lisman
Juice, Soda, Popcorns

Satvir Singh
Signature

12-19-2024
Date



CITY OF APPLETON

Community Development Department
Inspection Division
100 N. Appleton Street
Appleton, WI 54911
p: 920.832.6411
www.appleton.org/business/building-inspection

January 20, 2025

SK GAS MART LLC
SK GAS MART LLC
W6028 BLAZING STAR DR
APPLETON WI 54915

Re: Address Change

Tax Key #31-5-2130-00

This will inform you that, February 2, 2025, the address of subject property is changed as follows:

Old Address: 1201 N. Badger Ave.

**New Address: 1201 N. Badger Ave.
1200 N. Sharon St.**

Please post the new numbers per City Ordinance Sec. 4-3 as follows:

- (a) Each building erected in the City shall be assigned a building number by the Inspections Division in accordance with the building number map which is on file in the office of the Department of Public Works. Only those numbers assigned as provided in this section shall be used on each building. Each owner must fasten or paint a permanent, light reflecting, legible building number of a conspicuous color contrasting to the building background color, which shall be no less than four (4) inches in height on all buildings on the front face of the building within four (4) feet of the principal entrance door abutting the street. The address number shall be readily visible from the street and shall not be obstructed by any structural element, plant, tree, shrub or similar obstruction. Address numbers may not be in a script typeface. If the principal entrance to a structure is not on the assigned address, street then the property owner must have the above-mentioned address numbers posted at more than one entrance or location on that building.
- (b) Mobile home numbers will be placed in a uniform area on each unit within the mobile home park. The number shall be placed on or as close as possible to the entrance door and shall be visible from the public right-of-way readily abutting the property.
- (c) If the building is set back forty (40) feet or more from the front property line, the property owner must place and maintain the required numbers on a mailbox, or a signpost located at or near the front property line.

(d) Commercial buildings must also post their business address on their back doors.

If you have questions or comments, feel free to call me at the above listed number.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Craanen". The signature is written in a cursive, flowing style.

Kurt Craanen

Inspection Supervisor

cc: City Clerk, City Assessor, Fire Department, Water Department, Finance – Judy,
Department of Public Works, Stormwater Utility, Police Department, GIS Department,
Deputy Director – DPW Operations, Appleton Post Office, Outagamie County Dispatch
Center, WE Energies, Spectrum.

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)

- Class "A" Beer \$ _____
 - Class "B" Beer \$ 100
 - "Class A" Liquor \$ _____
 - "Class B" Liquor \$ _____
 - "Class A" Liquor (cider only) \$ _____
 - Reserve "Class B" Liquor \$ 10,500
 - "Class C" Liquor (wine only) \$ _____
- Deposit \$50

Fees	
License Fees	\$10,600
Background Check Fee	\$ 7
Publication Fee	\$ 60
Total Fees	\$10,667

Part A: Premises/Business Information

1. Legal Business Name (individual name if sole proprietorship) <p style="text-align: center;">EL Sabor LLC</p>			
2. Business Trade Name or DBA <p style="text-align: center;">Binnies on the ave</p>			
3. FEIN		4. Wisconsin Seller's Permit Number <p style="text-align: center;">456-1030127263-04</p>	
5. Entity Type (check one) <input checked="" 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 <p style="text-align: center;">Wisconsin</p>		7. Date of Organization <p style="text-align: center;">2018</p>	8. Wisconsin DFI Registration Number
9. Premises Address <p style="text-align: center;">425 W College Ave</p>			
10. City <p style="text-align: center;">Appleton</p>		11. State <p style="text-align: center;">WI</p>	12. Zip Code <p style="text-align: center;">54911</p>
13. County <p style="text-align: center;">Outagamie</p>	14. Governing Municipality: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: <p style="text-align: center;">Appleton</p>		15. Aldermanic District
16. Premises Phone <p style="text-align: center;">9205720776</p>	17. Premises Email		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. <p style="text-align: center;">currently known as Speakeasy liquor will be stored in basement and first floor Approx. 2880 sf</p>			
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. Yes 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
Santiago	Luis	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 Santiago	First Name Luis	M.I. A	
Title Owner	Email 	Phone 	
Signature Luis A Santiago		Date 01-09-25	

Part E: For Clerk Use Only

Date Application Was Filed With Clerk 1/9/25	License Number	Date License Granted	Date License Issued
Signature of Clerk/Deputy Clerk		Date Provisional License Issued (if applicable)	

Alcohol Beverage Appointment of Agent

Date

Agent Type (check one)	
<input checked="" type="checkbox"/> Original (no fee)	<input type="checkbox"/> Successor (\$10 fee for municipal licensees only)

Part A: Business Information	
1. Legal Business Name (individual name if sole proprietor) <u>El Sabor LLC</u>	
2. Business Trade Name or DBA <u>Bonnies on the ave</u>	
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 checked="" 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 <u>Santiago Ledezma</u>	2. First Name <u>Luis</u>	3. M.I. <u>A.</u>	
4. Email <u>Luis.ledezma1013@gmail.com</u>		5. Phone	
6. Home Address <u>4740 N Lyndale Dr.</u>			
7. City <u>Appleton</u>	8. State <u>WI.</u>	9. Zip Code <u>54913</u>	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>Santiago</i>		First Name <i>Luis</i>	M.I. <i>A</i>
Title	Email	Phone	
Signature <i>Luis A. Santiago</i>		Date <i>01-08-25</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>Santiago</i>		First Name <i>Luis</i>	M.I. <i>A</i>
Signature <i>Luis A. Santiago</i>		Date <i>01-08-25</i>	



City of Appleton

Alcohol License Questionnaire

1. Applicant Name: Luco Alejandro Santiago

2. Business Name: Bonnie's on the ave

Date the LLC/corporation/partnership/sole proprietorship commenced: 2018

NOTE: A copy of a business's Wisconsin Department of Revenue Seller's Permit is required to be submitted with an alcohol license application.

3. Business Address: 425 W. college Ave. Appleton, WI. 54911

4. Primary Business Activity:

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

5. Select the type of business premises: Existing Building New Construction

If existing building, please indicate the primary nature of the previous business that operated at this location: Night club

6. Do you lease or own the building? Lease Own

NOTE: Proof of control of premises is required to be submitted with an alcohol license application. Acceptable documents include a lease or purchase agreement.

What is the date of purchase or the date the lease began? January 01 2025

7. Did you purchase the business from another individual entity? Yes No

If yes, is your acquisition of the business based upon an "arm's length transaction"?

An arm's length transaction is defined as an open market sale in which the owner is willing but not obligated to sell, and the buyer is willing, but not obligated to buy.

Yes No

If yes, are you related to the former business owner/licensee by blood, adoption, or marriage?

Yes No

Did you hold ANY interest in the previously licensed business, or related real estate or equipment used by the previous business?

Yes No If yes, explain: _____

8. Anticipated date of opening? March 01 2025

9. Will your business sell or serve food?

Yes If yes, please describe the type of food offerings available _____

No

10. Fill in the information about operational details listed below. Attaching a copy of the floor plan is encouraged.

Seating Capacity: Inside: 160

Outside: —

Operating Days/Hours: Inside: Monday - Sunday 7PM - 2am

Outside: —

Employees/Staff (per shift/day) Number of Personnel: 5 For Day

Approximate floor building area of the premises to be licensed: 2880 sq. ft.

Approximate outdoor area of the premises to be licensed: — sq. ft.

Summarize the day-to-day operations of the business in the space below:

Monday - Sunday
I intent to served Alcohol Beverage and have
a Dj perform.

I, the applicant, understand that providing materially false information on this or any application for a license or permit under State Statute §125 is subject to civil, monetary, and license penalties. I understand that providing false information to a police officer in conjunction with the required background check for this application is subject to criminal and civil prosecution as "obstructing an officer".

hus A. Santiago
Signature

01-08-25
Date



CITY OF APPLETON

Department of Parks & Recreation
1819 East Witzke Blvd.
Appleton, WI 54911
p: 920-832-3919
f: 920-993-3103
www.appleton.org

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 2/24/2024

RE: **Action: Award the “2025 Pierce Pavilion Renovation Project” contract to RJM Construction, LLC. in the amount of \$391,300 with a contingency of 15% for a project total not to exceed \$449,995**

Approve Budget Amendment: Transfer \$38,867 from the 2024 Telulah Pavilion Renovation CIP to the 2025 Pierce Pavilion Renovation CIP.

BACKGROUND

The 2025 Capital Improvement Plan includes \$375,000 to Renovate the Pierce Pavilion and \$50,000 to make ADA Upgrades within the park. This project includes both the pavilion upgrades project and part of the ADA upgrades project to gain economy of scale and reduction of efforts in both design and construction. This project consists of pavilion siding repair, lead paint remediation and painting, bathroom renovation, window replacement, roof repairs, ADA upgrades to the kitchen, ADA upgrades to the bathrooms, and ADA Upgrades to the sidewalks around the pavilion. The Pierce Pavilion is over 80 years old, and this project is needed to keep the pavilion in a good state of repair. During the 2021 city wide ADA audit, several deficiencies were noted at the Pierce pavilion. Those items will be addressed in this project to make the Pavilion ADA compliant.

PUBLIC BID RESULTS

The bids were received as follows:

- **RJM Construction, LLC. (Low Bid) \$391,300**
- Milbach Construction, Co. \$392,376
- Cardinal Construction Co., Inc. \$521,000
- Elite Builds, Inc. \$540,385

FUNDING

The low bid submitted for this project was over the allocated project cost of \$375,000 because lead paint that was discovered during the design process. The lead paint will be

addressed as part of this project. The 2024 Telulah Pavilion Renovation Project came in under budget and currently has a positive balance of \$38,867. We request funding the 2025 Pierce Pavilion Renovation Project deficit with the positive project balance of \$38,867 in the 2024 Telulah Pavilion Renovation Project. Although this project includes money from the 2025 ADA project, not all of it can be spent at Pierce as it is also allocated for making repairs at other city properties.

RECOMMENDATION

We are requesting a \$38,867 budget transfer from the 2024 Telulah Pavilion Renovation Project to the 2025 Pierce Pavilion Renovation Project.

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to RJM Construction, LLC. The Parks and Recreation Department has also reviewed the bids and are in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to RJM Construction, LLC. in the amount of \$391,300 plus a contingency of 15% only to be utilized as needed.

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



CITY OF APPLETON

Department of Parks & Recreation
1819 East Witzke Blvd.
Appleton, WI 54911
p: 920-832-3919
f: 920-993-3103
www.appleton.org

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 2/24/2024

RE: Action: Award the “Appleton Wastewater Treatment Plant L-Building HVAC and Receiving Station Upgrades Project” contract to August Winter & Sons, Inc. in the amount of \$3,969,472 with a contingency of 12% for a project total not to exceed \$4,445,809

Approve Budget Amendment: Transfer \$895,487 from the Primary Clarifier Rebuild CIP and \$1,477,693 from the Blended Sludge Piping & HEX Replacement CIP to the L-Building HVAC & Receiving Station Upgrades Project.

BACKGROUND

The 2024 Capital Improvement Plan includes \$2,229,527 to upgrade the HVAC system for the L-Building at Appleton Wastewater Treatment Plant (AWWTP). Of that amount \$156,898 has been utilized for design leaving a balance of \$2,072,629 for construction. The current HVAC system is over 30 years old and is in need of replacement. During the design process it was determined that the L-Building HVAC Project had many dependencies with the concurrent L-Building Receiving Station Upgrades Project. An example of this are the proposed covers for the receiving station tanks. Each cover is designed to be connected to the HVAC exhaust to control odors and provide appropriate air exchanges within this room. Because of the extent of integration with design elements, it was decided to combine both projects into a bid package to get economy of scale and to reduce redundancy for construction.

The AWWTP L-Building HVAC and Receiving Station Upgrades Project consists of a wholesale replacement of the HVAC system that supports L-Building. The project also involves addressing protective coating deterioration and repairs within a Diffused Air Floatation Thickener (DAFT) tank and the original hauled waste receiving station tank. Additionally, the project will add mixers and tank covers to the hauled waste receiving station tanks as well as secondary offload station piping on the west end of the L-Building. Coating deterioration, the inability to homogenize high strength hauled waste, the lack redundancy (only one location to discharge high strength waste), and the absence of hauled waste tank covers (presently open tanks) incentivized staff to find an opportunity to reconcile needs as part of parallel project occurring in L-Building associated with HVAC

improvements.

PUBLIC BID RESULTS

The bids were received as follows:

- August Winter & Sons, Inc. (Low Bid) \$3,969,472

During the project pre-bid, both prime contractors and sub-contractors were well represented. Although participation during the bidding process was high, August Winter & Sons was the only firm that submitted a bid. August Winter and Sons has successfully completed work at the AWWTP in the past and has a good working relationship with the city.

FUNDING

The bid submitted by August Winter & Sons was less than the engineer's estimate for the overall project cost, but more than the \$2,072,629 allocated for construction of the 2024 "L-Building HVAC Improvements Project". The \$1,896,843 deficit is the result of adding the hauled waste receiving station tank repairs and improvements to the scope of work. The negative balance created by the hauled waste tank scope of work will be funded by the positive project balance in the Blended Sludge Piping & HEX Replacement Project and the Primary Clarifier Rebuild Project.

RECOMMENDATION

We are requesting a \$895,487 budget transfer from the Primary Clarifier Rebuild Project and a \$1,477,693 from the Blended Sludge Piping & HEX Replacement project. Both Projects have a positive balance that can be transferred to the L-Building HVAC and Receiving Station Upgrades Project.

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to August Winters & Sons, Inc. The Parks and Recreation Department along with the Utilities Department both reviewed the bids and are in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to August Winters & Sons, Inc. in the amount of \$3,969,472 plus a contingency of 12% only to be utilized as needed.

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



CITY OF APPLETON

Department of Parks & Recreation
1819 East Witzke Blvd.
Appleton, WI 54911
p: 920-832-3919
f: 920-993-3103
www.appleton.org

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 2/24/2024

RE: **Action: Award the “2025 Appleton Wastewater Tunnel Painting Project” contract to Bosk Paint and Sandblast, Inc. in the amount of \$201,165 with a contingency of 10% for a project total not to exceed \$221,281.**

BACKGROUND

The 2025 Appleton Wastewater Treatment Plant operating budget contains monies to paint various areas within the plant. This project will include preparation and painting of tunnel #9 (F-G Tunnel). The existing paint is deteriorating and needs to be recoated.

BID RESULTS

The bids were received as follows:

- **Bosk Paint and Sandblast, Inc. (Low Bid)** **\$201,165**
- Howard Grote & Sons, Inc. \$235,000
- All-Tech Coatings \$244,115

RECOMMENDATION

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Bosk Paint and Sandblast, Inc. The Parks and Recreation Department has also reviewed the bids and are in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to Bosk Paint and Sandblast, Inc. in the amount of \$201,165 plus a contingency of 10% only to be utilized as needed.

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

REPORT OF THE FINANCE COMMITTEE

PROJECT LIMITS:

1-P-25

SANITARY LATERALS, STORM LATERALS AND STORM MAIN

- Alexander St (Melrose St to Glendale Ave)
- Bell Ave (Summit St to Richmond St)
- Bellaire Ct (Atlantic St to cds)
- Durkee St (Brewster St to Roosevelt St)
- Lawe St (College Ave to Spring St)
- Melrose Ave (Alexander St to Ballard Rd)

In accordance with the preliminary resolution of the Common Council dated **March 5, 2025**, we herewith submit our report on the assessment of benefits on the above named construction.

This report consists of the following:

Schedule A - Preliminary plans and specifications on file in the office of the Director of Public Works.

Schedule B - The total cost within the project limits in accordance with the plans and specifications in Schedule A is **\$4,837,778**.

Schedule C - Proposed Assessments. The properties included within the project limits are benefited and the work or improvements constitute an exercise of the police power.
The total value of assessments is **\$382,612**.

FINANCE COMMITTEE

REPORT OF THE FINANCE COMMITTEE

PROJECT LIMITS:

2-P-25

CONCRETE PAVEMENT, SIDEWALK CONSTRUCTION AND DRIVEWAY APRONS

- Aquamarine Ave (Providence Ave to Amethyst Dr)
- Aquamarine Ave (French Rd to Denali Dr)
- Baldeagle Ct (Peregrine Blvd to cds)
- Baldeagle Dr (Peregrine Blvd to Osprey Dr)
- Denali Dr (Rubyred Dr to Aquamarine Ave)
- Golden Gate Dr (Cherryvale Ave to 200' east)
- Harrier Ct (Osprey Dr to cds)
- Osprey Dr (Harrier Way to Baldeagle Dr)
- Peregrine Blvd (Applecreek Rd to Baldeagle Dr)
- Rubyred Dr (French Rd to Denali Dr)
- Cherryvale Ave (Applecreek Corridor to south city limits)
- Providence Ave (Edgewood Dr to Aquamarine Dr)
- Perkins St (Prospect Ave to RR tracks) (sidewalks only)

In accordance with the preliminary resolution of the Common Council dated **March 5, 2025**. we herewith submit our report on the assessment of benefits on the above named construction.

This report consists of the following:

Schedule A - Preliminary plans and specifications on file in the office of the Director of Public Works.

Schedule B - The total cost within the project limits in accordance with the plans and specifications in Schedule A is **\$4,187,819**.

Schedule C - Proposed Assessments. The properties included within the project limits are benefited and the work or improvements constitute an exercise of the police power. The total value of assessments is **\$2,797,464**.

CITY OF APPLETON
Department of Public Works
MEMORANDUM

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

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:
Unit B-25 Asphalt Paving

Be awarded to:

Name: Vinton Construction Co
Address: 1322 33rd Street
Two Rivers, WI 54241

In the amount of : \$1,285,258.51
With a 3.2 % contingency of : \$41,000.00
For a project total not to exceed : \$1,326,258.51

**** OR ****

In an amount Not To Exceed : _____

Budget: \$1,501,357.00
Estimate: \$1,500,000.00
Committee Date: 02/24/25
Council Date: 03/05/25

B-25 Asphalt Pavement Reconstruction (#9493551)

Owner: Appleton WI, City of

Solicitor: Appleton WI, City of

02/17/2025 01:45 PM CST

Section Title	Line Item	Item Description	UofM	Quantity	Vinton Construction Company		Peters Concrete Company		MCC, Inc.	
					Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
B-25 BASE BID					\$1,285,258.51		\$1,338,206.39		\$1,373,201.89	
1	F&I 8" PLAIN CONC PVMT	S.Y.	131	\$76.70	\$10,047.70	\$90.00	\$11,790.00	\$90.00	\$11,790.00	
2	F&I 8" 3-DAY HIGH EARLY CONC PVMT	S.Y.	10	\$88.00	\$880.00	\$95.00	\$950.00	\$95.00	\$950.00	
3	F&I 12" STONE BASE	S.Y.	16380	\$9.43	\$154,463.40	\$11.55	\$189,189.00	\$9.80	\$160,524.00	
4	FURNISH FINE GRADING FOR ASPHALT PA	S.Y.	13067	\$2.00	\$26,134.00	\$0.01	\$130.67	\$1.75	\$22,867.25	
5	EXCAVATION	C.Y.	7726	\$17.06	\$131,805.56	\$17.84	\$137,831.84	\$15.75	\$121,684.50	
6	FURNISH & INSTALL GEOGRID	S.Y.	16380	\$1.58	\$25,880.40	\$1.55	\$25,389.00	\$1.40	\$22,932.00	
7	F&I EXTRA STONE BASE	TON	100	\$17.65	\$1,765.00	\$16.00	\$1,600.00	\$13.80	\$1,380.00	
8	F&I 30" CONC CURB & GUTTER	L.F.	7191	\$20.15	\$144,898.65	\$17.50	\$125,842.50	\$17.50	\$125,842.50	
9	F&I 36" CONC CURB & GUTTER (12" CURB	L.F.	1065	\$48.50	\$51,652.50	\$50.00	\$53,250.00	\$50.00	\$53,250.00	
10	F&I 36" CONC CURB & GUTTER (12" SLOP	L.F.	98	\$52.50	\$5,145.00	\$50.00	\$4,900.00	\$50.00	\$4,900.00	
11	F&I 7" CONC DRIVEWAY APRON	S.F.	176	\$7.70	\$1,355.20	\$7.00	\$1,232.00	\$7.60	\$1,337.60	
12	F&I 5" CONC DRIVEWAY APRON	S.F.	9746	\$6.60	\$64,323.60	\$6.25	\$60,912.50	\$6.75	\$65,785.50	
13	F&I 7" CONC SIDEWALK	S.F.	100	\$7.70	\$770.00	\$7.00	\$700.00	\$7.55	\$755.00	
14	F&I 5" CONC SIDEWALK	S.F.	1766	\$6.65	\$11,743.90	\$6.25	\$11,037.50	\$6.70	\$11,832.20	
15	F&I 4" CONC SIDEWALK	S.F.	23139	\$6.40	\$148,089.60	\$5.85	\$135,363.15	\$6.30	\$145,775.70	
16	F&I 7" CONC HANDICAP RAMP	S.F.	2728	\$8.00	\$21,824.00	\$7.00	\$19,096.00	\$7.45	\$20,323.60	
17	F&I TRUNCATED DOME	S.F.	700	\$36.00	\$25,200.00	\$35.00	\$24,500.00	\$35.00	\$24,500.00	
18	F&I PEDESTRIAN CURB	L.F.	75	\$45.00	\$3,375.00	\$65.00	\$4,875.00	\$65.00	\$4,875.00	
19	F&I 7" PRIVATE CONC DRIVEWAY	S.F.	250	\$8.20	\$2,050.00	\$7.00	\$1,750.00	\$7.45	\$1,862.50	
20	F&I 5" PRIVATE CONC DRIVEWAY	S.F.	250	\$7.20	\$1,800.00	\$6.25	\$1,562.50	\$6.70	\$1,675.00	
21	FURNISH CONCRETE PAVEMENT REMOVA	S.Y.	9376	\$3.25	\$30,472.00	\$0.95	\$8,907.20	\$3.75	\$35,160.00	
22	FURNISH ASPHALT PAVEMENT REMOVAL	S.Y.	6179	\$2.70	\$16,683.30	\$2.95	\$18,228.05	\$1.60	\$9,886.40	
23	FURNISH CURB & GUTTER REMOVAL	L.F.	3338	\$3.42	\$11,415.96	\$2.60	\$8,678.80	\$2.25	\$7,510.50	
24	FURNISH ASP/CONC DRIVEWAY APRON R	S.Y.	8309	\$0.66	\$5,483.94	\$0.60	\$4,985.40	\$0.01	\$83.09	
25	FURNISH ASP/CONC HC RAMP REMOVAL	S.F.	2774	\$1.10	\$3,051.40	\$0.60	\$1,664.40	\$0.50	\$1,387.00	
26	FURNISH ASP/CONC SIDEWALK REMOVAL	S.F.	24387	\$1.10	\$26,825.70	\$1.68	\$40,970.16	\$0.65	\$15,851.55	
27	FURNISH PRIVATE CONC DRIVE REMOVAL	S.F.	250	\$1.10	\$275.00	\$1.00	\$250.00	\$0.70	\$175.00	
28	FURNISH PRIVATE ASP DRIVE REMOVAL	S.F.	250	\$1.10	\$275.00	\$1.00	\$250.00	\$0.45	\$112.50	
29	FURNISH FULL DEPTH SAWCUT	L.F.	883	\$3.00	\$2,649.00	\$2.25	\$1,986.75	\$3.95	\$3,487.85	
30	F&I DRILLED TIE BARS	EACH	182	\$8.00	\$1,456.00	\$10.00	\$1,820.00	\$10.00	\$1,820.00	
31	F&I TERRACE RESTORATION	S.Y.	7349	\$4.25	\$31,233.25	\$7.80	\$57,322.20	\$5.10	\$37,479.90	
32	F&I SEED, FERTILIZER & EROSION MAT	S.Y.	7349	\$2.50	\$18,372.50	\$2.15	\$15,800.35	\$2.20	\$16,167.80	
33	FURNISH RECONSTRUCTION OF SANITAR	EACH	2	\$2,013.65	\$4,027.30	\$4,200.00	\$8,400.00	\$1,548.00	\$3,096.00	
34	ADJUST SANITARY MANHOLE CASTING	EACH	12	\$0.01	\$0.12	\$1,200.00	\$14,400.00	\$630.00	\$7,560.00	
35	F&I SANITARY MANHOLE CASTING ONLY	EACH	8	\$0.01	\$0.08	\$800.00	\$6,400.00	\$622.00	\$4,976.00	
36	ADJUST STORM MANHOLE CASTING	EACH	17	\$0.01	\$0.17	\$700.00	\$11,900.00	\$630.00	\$10,710.00	
37	F&I 48" DIAMETER STORM MH	V.F.	8.81	\$633.46	\$5,580.78	\$977.00	\$8,607.37	\$595.00	\$5,241.95	
38	F&I STORM MH CASTING ONLY	EACH	2	\$750.00	\$1,500.00	\$800.00	\$1,600.00	\$622.00	\$1,244.00	
39	F&I "E" INLET CASTING ONLY	EACH	2	\$0.01	\$0.02	\$1,000.00	\$2,000.00	\$868.00	\$1,736.00	
40	F&I "E" INLET W/CASTING	EACH	43	\$3,164.00	\$136,052.00	\$3,595.00	\$154,585.00	\$4,200.00	\$180,600.00	
41	F&I 12" PERFORATED INLET LEAD IN SOCK	L.F.	993	\$95.36	\$94,692.48	\$83.85	\$83,263.05	\$109.00	\$108,237.00	
42	CORE STORM MANHOLE FOR 12" INLET LE	EACH	16	\$493.59	\$7,897.44	\$1,225.00	\$19,600.00	\$500.00	\$8,000.00	
43	RECONNECT MINI STORM SEWER TO TYPE	EACH	7	\$368.14	\$2,576.98	\$50.00	\$350.00	\$300.00	\$2,100.00	
44	INSULATE UNDER TYPE "E" INLET	EACH	3	\$131.33	\$393.99	\$90.00	\$270.00	\$100.00	\$300.00	
45	ABANDON STORM MANHOLE	EACH	2	\$1,490.03	\$2,980.06	\$850.00	\$1,700.00	\$250.00	\$500.00	
46	ABANDON INLET/LEAD	EACH	38	\$670.64	\$25,484.32	\$500.00	\$19,000.00	\$725.00	\$27,550.00	
47	F&I SAN MH SEAL (0" - 12")	EACH	13	\$0.01	\$0.13	\$1.00	\$13.00	\$682.00	\$8,866.00	
48	F&I SAN MH SEAL (12" - 18")	EACH	4	\$0.01	\$0.04	\$1.00	\$4.00	\$700.00	\$2,800.00	
49	F&I SAN MH SEAL - (18" +)	EACH	4	\$0.01	\$0.04	\$1.00	\$4.00	\$725.00	\$2,900.00	
50	F&I D.O.T. "D-HR" INLET PROTECTION	EACH	47	\$75.00	\$3,525.00	\$135.00	\$6,345.00	\$110.00	\$5,170.00	
51	NOTIFY PROPERTY OWNERS	L.S.	1	\$2,000.00	\$2,000.00	\$12,350.00	\$12,350.00	\$42,000.00	\$42,000.00	
52	FURNISH TRAFFIC CONTROL	L.S.	1	\$9,000.00	\$9,000.00	\$6,000.00	\$6,000.00	\$7,500.00	\$7,500.00	
53	HAUL CONTAMINATED SOIL	C.Y.	100	\$0.01	\$1.00	\$5.00	\$500.00	\$0.01	\$1.00	
54	F&I PAVEMENT MARKING, CURB, EPOXY	L.F.	98	\$14.00	\$1,372.00	\$14.00	\$1,372.00	\$14.00	\$1,372.00	
55	F&I PAVEMENT MARKING, CROSSWALK, 6'	L.F.	94	\$17.00	\$1,598.00	\$17.00	\$1,598.00	\$17.00	\$1,598.00	
56	F&I PAVEMENT MARKING, 18" EPOXY	L.F.	75	\$18.00	\$1,350.00	\$18.00	\$1,350.00	\$18.00	\$1,350.00	
57	F&I PAVEMENT MARKING, 18" INLAID EPO	L.F.	56	\$55.00	\$3,080.00	\$55.00	\$3,080.00	\$55.00	\$3,080.00	
58	F&I PAVEMENT MARKING, WORDS/SYMBO	EACH	2	\$375.00	\$750.00	\$375.00	\$750.00	\$375.00	\$750.00	
Base Bid Total:					\$1,285,258.51	\$1,338,206.39	\$1,373,201.89			



DEPARTMENT OF
UTILITIES

Department of Utilities
Wastewater Treatment Plant
2006 E Newberry Street
Appleton, WI 54915
920-832-5945 tel.
920-832-5949 fax

www.appleton.org/government/utilities

MEMORANDUM

Date: February 19, 2025
To: Chairperson Brad Firkus and Members of the Finance Committee
CC: Ryan Rice, Deputy Director of Utilities
Kelli Rindt, Enterprise Accounting Fund Manager
From: Chris Stempa, Director of Utilities
Subject: **Action: Sole Source Engineering & Construction Services Contract to Donohue for AWWTP Anaerobic Digester Inspection, Maintenance, and Improvements Project in the amount of \$293,755 with a 10% contingency of \$29,376 for a total not to exceed \$323,130**

BACKGROUND:

The Appleton Wastewater Treatment Plant (AWWTP) operates two 2.2-million gallon (Mgal) Egg-Shaped Digesters (ESDs) that produce methane and carbon dioxide through the biological conversion of organic material under anaerobic conditions present in the ESDs. The ESDs are the primary treatment process that stabilizes and reduces volume of the following solids waste streams: raw sludge (RS), primary scum (PSC), thickened waste activated sludge (TWAS), and hauled-in, high-strength waste (HSW). These waste streams are co-mingled in the Raw Sludge Blending Tank (RSBT) before being pumped to the ESDs by Digester Feed Pumps (DFP). The ESDs operate in the mesophilic range (85 - 100°F), typically at 95°F. Digester gas (DG) generated by the anaerobic process is collected at the top of the ESDs. Each digester is 113.56-feet tall and 80-feet in diameter at the girth. The nominal liquid height is 105.5 ft. The two ESDs are designed to operate in parallel, providing a total digestion volume of 4.4-Mgal.

The ESDs were originally commissioned in 1993 and were last taken offline in 2010 and 2011 as part of an inspection, maintenance, and improvements project lead by the engineering firm Donohue. Donohue was approved for a sole source contract (September 4, 2024) because of their experience with the 2010 through 2012 AWWTP Digester Maintenance Project. AWWTP staff have worked with Donohue over the past few months to develop a comprehensive documentation of the strategy, along with an evaluation of alternative approaches, that was presented in a pre-design report titled "The Scope of and Strategies for the Work to Inspect and Improve the Egg-Shaped Anaerobic Digesters" (February 2025). This preliminary engineering scope of work established the most effective and time sensitive approach to perform inspections along with anticipated maintenance, repairs, and improvements. The report recommendations include but are not limited to the following:

1. Inspection of the interior of the ESDs to evaluate the condition of the carbon steel, assess the state of the coatings, and provide a qualitative analysis of the coating deterioration rate.

2. Installation of an electrical resistance (ER) probe or a corrosivity probe within the ESD contents to measure and record the corrosion rate.
3. Installation of an impressed current cathodic protection (ICCP) system (pending inspection and corrosion data from no.1 and 2 above). This system will use controlled electrical currents to prevent further corrosion of the ESD's metal structure.
4. Make physical improvements to address various maintenance needs and enhance the safety, maintainability, mixing efficiency, level monitoring, and overall performance of the ESDs.
5. Implement targeted repairs to address any corrosion damage identified during the inspections.

DONOHUE PROPOSAL

Following completion of the pre-design report, Donohue was asked to provide a proposal for engineering services for final design, bidding, and construction management services. The proposal is outlined below for reference.

Phase 1 Scope of Services – Lower-Level ESD Inspection

Produce Bidding Documents for a qualified Contractor to clean one of the ESDs so it is suitable to enter the lower level of the ESD and perform a condition assessment of the ESD.

Specific tasks:

1. Conduct and document an on-site project initiation meeting with the City and Donohue.
2. Produce and submit to the City DRAFT Bidding Documents suitable for City review and comment.
3. Conduct and document an on-site meeting to review and discuss the DRAFT Bidding Documents.
4. Incorporate and address City comments. Produce and submit to the City Quality Control Bidding Documents suitable for a final review and comment.
5. Incorporate and address City comments. Produce and submit to the City FINAL Bidding Documents suitable for either public bidding or invitation-only bidding.
6. Provide bidding support including responding to questions, issue addenda, reviewing bids, and providing a letter of recommendation.

Phase 2 – Corrosivity Probe Setup and Data Analysis

Assist AWWTP staff to select and procure a corrosivity probe, install the probe, gather corrosivity data, and analyze the corrosivity data.

Specific Tasks:

1. Coordinate the purchase of a corrosivity probe by working with one or several probe manufacturers to select a probe that is appropriate for the application.
2. Assist the City with the installation of the selected probe in the 8-in line exiting the bottom of one of the ESDs. The probe will likely be installed in an existing fitting.
3. Review and analyze the corrosivity probe data to assess the potential steel corrosion rate inside the ESDs. Jeff Mattson, a Donohue coatings and corrosion expert, will participate in this review and analysis.

Phase 3 – Engineering Services during the Lower-Level ESD Inspection

Retain a qualified third-party corrosion and coatings inspector to review the condition of the coating and steel inside the ESD. The third-party corrosion and coatings expert and Jeff Mattson, a Donohue coatings and corrosion expert, will perform physical inspections of the lower level of the ESDs. Document inspection findings.

Specific Tasks:

1. Retain third-party coatings and corrosion inspector.
2. Produce and provide conformed-to-contract (CTC) Contract Documents. Assist the City with contract award and execution of the Contract Documents.
3. Prepare for, conduct, and document a pre-construction conference with the City, Contractor, and Donohue. Issue the Notice to Proceed.
4. Provide remote coordination assistance to the City and Contractor by responding to Requests for Information, reviewing submittals (if any), and coordinating the Work of the Contractor with the City and the third-party inspector.
5. Perform a physical review of the lower level of the ESD. This review will be performed by the City, Donohue (field staff as well as coatings and corrosion expert), and the third-party coatings and corrosion expert. Use the strategy developed during Phase 2 to identify the location of any areas that require repairs. The repairs may be conducted during a subsequent Phase in 2026 or, if deemed necessary, immediately.
6. Produce and provide a report documenting the methods and findings of this ESD inspection. Produce and submit a DRAFT report for City review and comment. Incorporate and address City comments. Produce and submit a FINAL report.

Phase 4 – Produce Bidding Documents for Top-to-Bottom ESD Inspections and Other ESD Work

Produce Bidding Documents for a qualified Contractor to clean both ESD so they are suitable for a thorough inspection throughout their entire height: from top to bottom. The Bidding Documents will also define the Work to [1] install an impressed current cathodic protection (ICCP) system if the previous Phases find it warranted; [2] make physical improvements to address various maintenance needs and enhance the safety, maintainability, mixing efficiency, level monitoring, and overall performance of the ESDs; and [3] implement targeted repairs to address corrosion damage identified during the inspections.

Specific Tasks:

1. Conduct and document an on-site project initiation meeting with the City and Donohue.
2. Collect site measurements sufficient to define the Work.
3. Retain a third-party corrosion firm to guide the design of the ICCP system. Coordinate the design of the ICCP system with the third-party corrosion firm.
4. Produce and submit to the City 30%-complete Bidding Documents suitable for City review and comment. At this level of completion, the documents will be limited to drawings and an opinion of probable construction cost (OPCC).
5. Conduct and document an on-site meeting to review and discuss the 30%-complete Bidding Documents.
6. Incorporate and address City comments. Produce and submit to the City 60%-complete Bidding Documents. At this level of completion, the documents will include drawings, specifications, and an updated OPCC.
7. Conduct and document on on-site meeting to review and discuss the 60%-complete Bidding Documents.
8. Incorporate and address City comments. Produce and submit to the City 90%-complete Bidding Documents.
9. Conduct and document on on-site meeting to review and discuss the 90%-complete Bidding Documents.
10. Incorporate and address City comments. Produce and submit to the City FINAL Bidding Documents.
11. Provide bidding support including responding to questions, issue addenda, reviewing bids, and providing a letter of recommendation.

Schedule and Compensation

The anticipated schedule for the various phases including proposed compensation is summarized below.

Phase	Timeline	Compensation
Phase 1	February 2025 – May, 2025	\$42,370
Phase 2	February 2025 – August 2025	\$15,970
Phase 3	August 2025 – September 2025	\$84,660
Phase 4	June 2025 – January 2026	\$150,755
TOTAL		\$293,755

JUSTIFICATION

Taking these ESDs offline for an interior inspection involves several complex considerations outside of the carefully curtailing aspect of treatment operations for an extended period of time to facilitate the planned work. The scope of work also presents a unique set of challenges that go with managing explosive gas and elevated pressure hazards, complex cleaning processes within a large egg-shaped confined space, the potential for increased costs (e.g. labor, equipment, energy, and loss of hauled waste revenue), and elevated risk to regulatory compliance. The Donohue team assembled to lead this project were involved with the previous inspection work from 2010 to 2012. They have also completed numerous other capital projects since that involved digester and biogas systems related improvements.

The total compensation of \$293,755 described in Donohue’s proposal is not trivial to Utilities Department Management. However, Donohue is the only firm uniquely qualified and trusted to lead this work. This contract would be funded by the \$485,150 allocated in the 2025 budget for engineering services (\$316,200 within the “Digester Improvements” CIP and \$168,950 within O&M).

RECOMMENDATION:

I am recommending the approval of a sole source engineering service contract to Donohue as part of the AWWTP Anaerobic Digester Inspection, Maintenance, and Improvements Project in the amount of \$293,755 with a 10% contingency of \$29,376 for a total not to exceed \$323,130.

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

PROPOSED DETAILS

Requesting dept: Wastewater Treatment Plant
Product/service : Anaerobic digester inspection, maintenance, & improvement project
Vendor name: Donohue & Associates, Inc.
Total cost: \$293,755 with a 10% contingency, not to exceed \$323,130

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

2/17/2025
Date



DEPARTMENT OF
UTILITIES

Department of Utilities
Wastewater Treatment Facility
2006 East Newberry Street.
Appleton, WI 54911
p: 920-832-5945
f: 920-832-5949

www.appletonwi.gov/government/utilities

MEMORANDUM

Date: February 18, 2025
To: Chairperson Brad Firkus and Members of the Finance Committee
CC: Ryan Rice, Deputy Director of Utilities
Kelli Rindt, Enterprise Accounting Fund Manager
From: Chris Stempa, Director of Utilities
Subject: **Action: Approve Contract Amendment #2 to McMahon for Phase II Solids Dewatering Equipment Upgrades for additional design and construction management services in the amount of \$13,300 increasing the contract amount from \$188,900 to \$202,200**

BACKGROUND:

The Appleton Wastewater Treatment Plant (AWWTP) Phase 2 Solids Dewatering Equipment Upgrades Project engineering service contract was awarded to McMahon by Common Council on April 5, 2023 in the amount of \$162,000 with a 15% contingency of \$24,300 for a Project Total not to exceed \$186,300. Owner directed changes in contract scope occurred over the course of the preliminary engineering phase in early 2024 as part of Contract Amendment #1 (\$26,900, approved by Common Council on May 15, 2024).

CONTRACT AMENDMENT #2

More recently staff have expressed a desire to replace the two existing Belt Filter Press (BFP) polymer make-down systems after experiencing operational issues and mechanical failures with the original make-down systems. The two different vintage make-down systems are dissimilar in design, operation, and parts. McMahon was asked to provide a cost proposal to identify a present-day equipment replacement for both systems that equals current performance but offers expanded remote functionality with use of the existing Supervisory Control and Data Acquisition (SCADA) system

Additionally, McMahon was asked to assist with identifying a solution to conveying filtrate from the BFPs to the head of the aeration process. The existing 10-inch and 12-inch diameter ductile iron piping extends nearly 1,200 feet and has been plagued by calcium carbonate scale formation. The progressive formation of this scale eventually restricts flow through filtrate piping which must be removed to maintain effective treatment operations. The primary method of removal is by 10,000 psi water jetting of the piping, also known as hydroblasting which costs over \$25,000 annually. We are seeking a long-term solution to the conveyance configuration that mitigates the rate of scale formation and provides redundancy. A summary of the McMahon proposal is outlined below.

Change in Scope

1. Filtrate Piping Evaluation

- A. Evaluate alternatives for conveying filtrate from the belt filter presses. Options to consider include, but not limited to, the following:
- Provide designated below grade gravity filtrate line(s) from V-Building to Tunnel 9.
 - Provide wet well and pump filtrate through a force main. Force main would be either below grade or located in the Plant tunnel system.
 - Evaluate utilizing Plant effluent as carrier water for the filtrate to reduce scaling potential.
- B. New force mains or gravity lines will need to be configured so they can be readily jetted and/or chemically cleaned.
- C. Provide recommendations on further analytical testing on the filtrate. Estimate the Langelier index of the filtrate and estimate impacts of dilution and/or pH adjustment.
- D. Develop opinions of probable cost for the options.
- E. Prepare Technical Memorandum summarizing findings and providing recommendations.

2. Dewatering Polymer Feed System

- A. Prepare construction bulletin incorporating new polymer make down units into AWWTP Belt Filter Press Phase 2 Replacement Project.
- B. Replace the existing make down with new Polydyne EA 70 emulsion polymer make down units.
- C. New make down units will be tied into the Plant's control and SCADA system.
- D. Provide construction services for the new polymer feed systems.

Current Contract Fee	\$188,900
Filtrate Piping Evaluation	\$7,400
<u>Polymer Feed System</u>	<u>\$5,900</u>
New Contract Price	\$202,200

RECOMMENDATION

This amendment would result in the Phase II Solids Dewatering Equipment Upgrades contract with McMahon increasing from \$188,900 to \$202,200. The contract amendment would be funded from 2024 carryover dollars. No additional contingency funds are being requested currently with the change in scope.

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



DEPARTMENT OF
UTILITIES

Department of Utilities
Wastewater Treatment Plant
2006 East Newberry Street
Appleton, WI 54915
p: 920-832-5945
f: 920-832-5949

www.appleton.org/government/utilities

MEMORANDUM

Date: February 19, 2025
To: Chairperson Brad Firkus and Members of the Finance Committee
From: Chris Stempa, Utilities Director
CC: Ryan Rice, Utilities Deputy Director
Kelli Rindt, Enterprise Fund Accounting Manager
Subject: **Finance Committee Action: Award the AWWTP Removable Retaining Wall / Column Storage Improvements Base Bid to Staab Construction in the amount of \$353,000 with 2.5% contingency of \$8,825 for a project total not to exceed \$361,825**

BACKGROUND:

The Appleton Wastewater Treatment Plant (AWWTP) produces approximately 25,000 wet tons of biosolids each year. After the final completion of the Sludge Storage Additional project in 2024, staff identified a design concept that would improve the storage of the removable wall planks and columns. The current outside laydown area which houses the concrete planks and steel columns has become space limited since the Sludge Storage Building project (added 20 more wall planks and two removable columns).

The proposed improvements to the existing laydown area would mirror how the wall sections are currently installed inside the sludge storage building. This change will enhance storage functionality and effectiveness while providing staff with adequate outdoor training space to simulate wall plank and column removal. Along with repairs to the support columns and refinishing, this approach will address plank storage issues and extend the lifespan of the storage building infrastructure.

BIDS

On Tuesday, February 18, 2025, a single bid was reviewed for the project. Applied Technologies Inc., reviewed the bids to verify conformance with the bid specifications. It was recommended based on that review that the contract be awarded to Staab Construction Corporation in the amount of \$353,000. Funding for this contract would be supported by budget remaining from the Sludge Storage Building Addition Project. Attached to this memorandum is the bid evaluation letter and bid tabulation produced by Applied Technologies Inc.

RECOMMENDATION:

I am recommending the approval of the contract with Staab Construction Corporation in the amount of \$353,000 with 2.5% contingency of \$8,825 for a project total not to exceed \$361,828.

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

Encl: Bid Recommendation Letter and Tabulation

February 18, 2025

Mr. Christopher F. Stempa
Director of Utilities
Appleton Department of Utilities
2006 East Newberry Street
Appleton, WI 54915-2758



Subject: **EVALUATION OF BIDS**
Removable Retaining Wall / Column Storage Improvements
Appleton, Wisconsin
Bid Date of February 18, 2025

Dear Mr. Stempa:

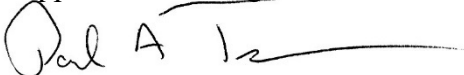
We have completed our evaluation of bids opened on February 18, 2025 for the Removable Retaining Wall / Column Storage Improvements project. A copy of the Tabulation of Bids is attached for your information.

One bid was received for the project. Staab Construction Corp. of Marshfield, Wisconsin submitted a bid price of \$353,000. The engineer's construction estimate, including \$30,000 in project allowances, was \$345,000. This places Staab's bid within 2% of the engineer's estimate.

The bid submitted by Staab contains all the required documentation, including the acknowledgement of addenda, signature and bid security. No bid informalities were noted. Staab is an Appleton prequalified bidder with a long history of performing general construction in Wisconsin, including Appleton's current Belt Filter Press projects – Phases 1 and 2, and numerous other municipal wastewater treatment plant projects. For these reasons, we recommend award of the contract to Staab Construction Corp. for \$353,000.

Please contact me if you have any questions or need additional information.

Applied Technologies, Inc.



Paul Traeger, P.E.
Project Manager

/Attachments

TABULATION OF BIDS
Removable Retaining Wall / Column Storage Improvements
City of Appleton, Wisconsin
Tuesday, February 18, 2025 – 1:45 p.m.

Bidding Contractor	Addenda No. 1 – 2 (✓)		Total Base Bid (\$)	Signature (✓)	Bid Security (✓)
	No. 1	No. 2			
Staab Construction Corp.	✓	✓	\$353,000.00	✓	✓



CITY OF APPLETON

MEMORANDUM

Date: February 26, 2025
To: Community Development Committee
From: Lily Paul, Economic Development Specialist
Subject: Request Approval to Extend Purchase Date per the Development Agreement Between the City of Appleton and Merge, LLC in TIF #11

GENERAL INFORMATION

Owner: City of Appleton

Buyer: Brent Dahlstrom, Merge, LLC (Developer)

Address/Parcel Number: Blue Ramp Site (Parcel ID #31-2-0272-00)

Request: Applicant & Owner are requesting to extend the closing date

Community Development Committee Meeting Date: February 26, 2025

Common Council Meeting Date: March 5, 2025

PROJECT DETAILS

Project Summary: The Appleton Common Council approved a Development Agreement (DA) with Merge, LLC (Developer) in January 2022, and most recently amended November 20, 2024. The Development Agreement is for the development of a site at the southeast corner of Washington Street and Appleton Street (the Blue Ramp Site). This is the second phase of Merge's development, with the first complete and currently leasing (Urbane115 Apartments).

Per the existing Development Agreement, Merge was to acquire the former Blue Ramp Site from the City by July 31, 2024 but was pushed back to February 28, 2025 due to DNR clearance, Urbane 115 reaching full lease up, and the need to wait for suitable financing conditions. The developer's ability to finance Urbane Phase II has improved due to a pending sale of an asset in their real estate portfolio (scheduled for closing in March, 2025). The applicant and staff are looking for a final extension to the purchase date, with a final closing date of May 1, 2025.

RECOMMENDATION

An extension of the purchase date to May 1, 2025 under the Development Agreement between the City of Appleton and Merge, LLC for Tax Id #31-2-0272-00 **BE APPROVED.**



DEPARTMENT OF
**PUBLIC
WORKS**

MEMORANDUM

Date: February 19, 2025
To: Utilities Committee
From: Laura Jungwirth, Director of Public Works
Peter Neuberger, City Engineer/Deputy Director of Public Works
Luke Vandenberg, Project Engineer
Paul Krause, Horticulturist
Subject: Sole Source Award of 2025 Native Landscape Management Contract (K-25) to NES Ecological Services – A Division of Robert E. Lee & Associates, in an amount not to exceed \$181,899.05.

The Department of Public Works recommends sole source award of the 2025 Native Landscape Management Contract to NES Ecological Services – A Division of Robert E. Lee & Associates, in an amount not to exceed \$181,899.05.

In January 2022 a Request for Proposals (RFP) was sent to three consulting firms. Three proposals were received, and the recommendation of contract award to NES Ecological Services (NES) was approved at Utilities Committee on February 22, 2022, and Common Council on March 2, 2022. The RFP stated: “*With satisfactory performance by the selected contractor in 2022, additional yearly annual single-source contracts may be negotiated without an RFP process for 2023-2026, at the City’s option, and subject to Utilities Committee and Council approval each year.*” Since 2023, DPW has hired NES each year using this single source authorization process. Based on their 2022 proposal and their continued high quality of work during 2024, staff again recommends awarding the 2025 contract to NES.

Work under this contract includes the following:

- Native vegetation maintenance and new installations at City stormwater facilities.
- Provide vegetation inspections and recommendations.
- Provide invasive species and algae control through herbicide, mowing, brushing, and/or controlled burns.
- Provide preparation, seeding, planting, and erosion control at sparsely established areas and new sites.
- Maintain pond aerators.

The proposed contract amount includes an estimated \$5,193.51 of work at Facilities Department owned stormwater facilities. Stormwater Utility will be reimbursed for this work by the Facilities Department via interdepartmental billing.

**AMENDMENT TO CONTRACT
FOR
MARKETING & PUBLIC RELATIONS SERVICES
2020 Contract VT20-002**

I. THE PARTIES

- 1.01 City of Appleton, a Wisconsin municipal corporation, through Valley Transit, doing business at 801 South Whitman Avenue, Appleton, WI 54914 (“City”).
- 1.02 Red Shoes Inc., 2000 South Memorial Drive, Suite 313, Appleton, WI 54915 (“Contractor”).

II. THE RECITALS

- 2.01 The Parties entered into a contract for marketing and public relations services on or about August 24, 2020, which is incorporated herein by reference (“Contract”).
- 2.02 The Contract had an initial term of three (3) years with automatic one (1) year extensions for the fourth and fifth years.
- 2.03 The Parties wish to extend the Contract beyond the five (5) years contemplated in the Contract such that the Contractor shall provide their services until December 31, 2025.
- 2.04 The Parties wish to update certain Federal clauses that have changed since the Contract was initially entered.

III. THE AGREEMENT

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

The Recitals are hereby made a part of the Agreement.

- 3.01 This Amendment shall memorialize an extension of the Contract through December 31, 2025.
- 3.02 Contractor’s rates for Year 5 of the Contract shall continue through December 31, 2025.
- 3.03 Attachment 1 to this Amendment, Additional Federal Contract Clauses, are to be inserted into Appendix 1 – Federal Contract Clauses of the Contract.

3.04 Except as expressly set forth in this Amendment, all terms and conditions of the Contract remain in full force and effect.

IV. MISCELLANEOUS

4.01 In the event that any part of this Amendment is found to be illegal, that part shall be stricken, and the Amendment interpreted as if that part did not exist.

4.02 This Amendment may be executed in counterparts, either by original signature or verified electronic signature, each of which shall be deemed an original, but such counterparts shall together constitute but one and the same agreement. The headings in this Agreement are inserted for convenience of reference only and shall not constitute a part hereof.

4.03 This Agreement may be supplemented or amended only by written instrument executed by the parties affected by such supplement or amendment.

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

Red Shoes Inc., Contractor:

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

City of Appleton:

By: _____

By: _____

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

Approved as to form:

Countersigned pursuant to §62.09(10), Wis. Stats.

Christopher R. Behrens, City Attorney

Jeri A. Ohman, Director of Finance

ATTACHMENT 1 ADDITIONAL FEDERAL CONTRACT CLAUSES

Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.

(a) Valley Transit's Contractors and subrecipients are prohibited from obligating or expending loan or grant funds to:

- (1) Procure or obtain;
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](#), section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
 - (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
 - (ii) Telecommunications or video surveillance services provided by such entities or using such equipment.
 - (iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under [Public Law 115-232](#), section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

Safe Operation of Motor Vehicles. (a) Seat Belt Use.

23 U.S.C. § 402 note, (62 Fed. Reg. 19217)

The Contractor agrees to implement Executive Order No. 13043, "Increasing Seat Belt Use in the United States," by adopting and promoting on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned vehicles, company-rented vehicles, or personally operated vehicles.

Safe Operation of Motor Vehicles. (b) Distracted Driving, Including Text Messaging While Driving.

23 U.S.C. § 402 note, (74 Fed. Reg. 51225)

The Contractor agrees to comply with: (1) Executive Order No. 13513, "Federal Leadership on Reducing Text Messaging While Driving," (2) U.S. DOT Order 3902.10, "Text Messaging While Driving," and (3) The following U.S. DOT Special Provision pertaining to Distracted Driving:

The Contractor agrees to adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while using an electronic device supplied by an employer, and driving a vehicle the driver owns or rents, a vehicle Recipient owns, leases, or rents, or a privately-owned vehicle when on official business in connection with the Award, or when performing any work for or on behalf of the Award;

The Contractor agrees to conduct workplace safety initiatives in a manner commensurate with its size, such as establishing new rules and programs to prohibit text messaging while driving, re-evaluating the existing programs to prohibit text messaging while driving, and providing education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

FTA Master Agreement (28) Section 39(b).

Notification to FTA; Flow Down Requirement. If a current or prospective legal matter that may affect the Federal Government emerges, the Valley Transit must promptly notify the FTA Chief Counsel and FTA Regional Counsel for the Region in which the Valley Transit is located. Valley Transit must include a similar notification requirement in its Third Party Agreements (Contractors) and must require each Contractor to include an equivalent provision in its subagreements at every tier, for any agreement that is a "covered transaction" according to 2 C.F.R. §§ 180.220 and 1200.220.

(1) The types of legal matters that require notification include, but are not limited to, a major dispute, breach, default, litigation, or naming the Federal Government as a party to litigation or a legal disagreement in any forum for any reason.

(2) Matters that may affect the Federal Government include, but are not limited to, the Federal Government's interests in the Award, the accompanying Underlying Agreement, and any Amendments thereto, or the Federal Government's administration or enforcement of federal laws, regulations, and

(3) Additional Notice to U.S. DOT Inspector General. Valley Transit must promptly notify the U.S. DOT Inspector General in addition to the FTA Chief Counsel or Regional Counsel for the Region in which it is located, if Valley Transit has knowledge of potential fraud, waste, or abuse occurring on a Project receiving assistance from FTA. The notification provision applies if a person has or may have submitted a false claim under the False Claims Act, 31 U.S.C. § 3729, et seq., or has or may have committed a criminal or civil violation of law pertaining to such matters as fraud, conflict of interest, bid rigging, misappropriation or embezzlement, bribery, gratuity, or similar misconduct involving federal assistance. This responsibility occurs whether the Project is subject to this Agreement or another agreement between Valley Transit and FTA, or an agreement involving a principal, officer, employee, agent, or Third Party Participant (Contractor) of Valley Transit. It also applies to subcontractors at any tier. Knowledge, as used in this paragraph, includes, but is not limited to, knowledge of a criminal or civil investigation by a Federal, state, or local law enforcement or other investigative agency, a criminal indictment or civil complaint, or probable cause that could support a criminal indictment, or any other credible information in the possession of Valley Transit. In this paragraph, "promptly" means to refer information without delay and without change. This notification provision applies to all divisions of Valley Transit, including divisions tasked with law enforcement or investigatory functions.

06-25

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 02-19-2025)

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.

Parking be prohibited on the north side of Gladiolus Place from Golden Gate Drive to Tulip Trail.

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.

07-25

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 02-19-2025)

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.

Parking be prohibited on the north side of Gladiolus Court.

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.

08-25

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 02-19-2025)

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.

Metered parking be designated on the south side of Washington Street from Appleton Street to a point 64 feet west of Oneida 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.

09-25

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 02-19-2025)

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.

Parking be designated as “Prevea Customer Parking Only, 7:30 a.m. to 5:00 p.m. Monday through Friday” on the south side of Washington Street from a point 25 feet west of Oneida Street to a point 64 feet west of Oneida 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.

10-25

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 02-19-2025)

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.

Parking be prohibited on the west side of Cherryvale Avenue from Ashbury Drive to the south city limits.

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.

11-25

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 02-19-2025)

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.

Parking be prohibited on the east side of Cherryvale Avenue from Ashbury Drive to a point 530 feet south of Ashbury Drive.

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.

12-25

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 02-19-2025)

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 as follows:

REMOVE STOP SIGNS AND INSTALL A SIGNAL:

Edgewood Drive (CTH JJ) / French Road Intersection

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.

13-25

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 02-19-2025)

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.

Parking be prohibited on Morrison Street from a point 35 feet south of Brewster Street to a point 35 feet north of Brewster 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.

14-25

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 02-19-2025)

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.

Parking be prohibited on Lindbergh Street from a point 35 feet west of Morrison Street to a point 35 feet east of Morrison 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.

15-25

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 02-19-2025)

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.

Parking be prohibited on the west side of Morrison Street from Glendale Avenue to a point 110 feet north of Pershing 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.

16-25

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 02-19-2025)

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 as follows:

REPLACE YIELD SIGNS WITH STOP SIGNS ON:

Morrison Street at Marquette 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.

17-25

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 02-19-2025)

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.

Parking be prohibited on the east side of Perkins Street from Prospect Avenue to Leonard 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.

18-25

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 02-19-2025)

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.

Parking be prohibited on the west side of Perkins Street from a point 357 feet south of Leonard Street to a point 490 feet south of Leonard 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.

19-25

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 02-19-2025)

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.

Parking be prohibited on the west side of Perkins Street from a point 90 feet north of Charles Street to a point 42 feet south of Charles 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.

20-25

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 02-19-2025)

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 as follows:

INSTALL STOP SIGN ON:

Nana Lane at Plank Road

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.

21-25

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 02-19-2025)

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 as follows:

INSTALL STOP SIGN ON:

Resunga Court at Nana Lane

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.

22-25

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 02-19-2025)

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 as follows:

INSTALL STOP SIGN ON:

Saket Street at Midway Road (CTH "AP")

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.

Dated: March 5, 2025

23-25

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 02-19-2025)

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.

Parking be prohibited on the east side of Resunga Court.

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.

24-25

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 02-19-2025)

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.

Parking be prohibited on the north side of Nana Street from Plank Road to Vail Lane.

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.

25-25

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 02-19-2025)

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.

Parking be prohibited on the east side of Saket Street from Midway Road (CTH "AP") to Nana Lane.

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.

26-25

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 02-19-2025)

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.

Parking be prohibited on the west side of Vail Lane from Nana Lane to a point 135 feet west of Solitude Lane.

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.

27-25

AN ORDINANCE AMENDING ARTICLE IV. OF CHAPTER 12 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO NOISE.

(Board of Health – 02-19-2025)

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

Section 1: That Article IV. of Chapter 12 of the Municipal Code of the City of Appleton, relating to noise, is hereby amended to read as follows:

ARTICLE IV. NOISE*

Sec. 12-76. Definitions.

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

ANSI means American National Standards Institute or its successor bodies.

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Ambient noise means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

Background noise level means the sound from all sources, with a single source in question removed.

Commercial area means any area of the city designated on the Official Zoning Map C-O, C-1, C-2 or Central Business District (CBD).

Conditional variance means a regulatory exemption granted that permits elevated noise levels beyond standard noise control limits for industrial, construction, or similar applications.

Construction means any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar property.

Daytime means the hours between 7:00 a.m. and 10:00 p.m. central standard or daylight savings time when in effect.

Decibel or dB means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

Demolition means any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Fluctuating sound means a sound whose sound pressure level varies significantly but does not equal the ambient environmental level more than once during the period of observation.

Frequency means the reciprocal of the primitive period of a function periodic in time. The unit is the cycle per unit time and must be specified; typically this unit will be hertz (hz), i.e., cycles per second.

Industrial area means any area of the city designated on the Official Zoning Map M-1 or M-2.

Motor vehicle has the meaning given in Wisconsin Statutes §340.01(35) (2023-24) as amended from time to time.

Muffler has the meaning given in Wisconsin Statutes §347.39(3) (2023-24) as amended from time to time.

Nighttime means the hours between 10:00 p.m. and 7:00 a.m., standard time or daylight savings time when in effect.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance means any sound which:

- (1) Endangers or injures the safety or health of humans or animals;

(2) Annoys or disturbs a reasonable person of normal sensitivities; or

(3) Endangers or injures personal or real property.

Public right-of-way means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a government entity.

Public property means any real property or structures thereon which are owned or controlled by a governmental entity, including, but not limited to, parks, streets and alleys.

Real property boundary means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

Residential area means any area of the city designated on the Official Zoning Map AG, R-1A, R-1B, R-1C, R-2, R-3, P-I and NC.

Sound means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristics of sound, including duration, intensity and frequency.

Sound level means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4 – 1971 or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound level meter means an instrument which includes a microphone, amplifier, output meter, and weighting networks used to measure sound pressure levels.

Special Variance means a regulatory exemption granted that permits amplified sound or elevated noise levels beyond standard noise control limits for entertainment events and private gatherings.

(Code 1965, §22.09(2); Ord 69-07, §1, 3-27-07)

Cross reference(s) – Definitions and rules of construction generally, §1-2. Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

State law reference(s) – Boat noises, W.S.A. §30.62; noises generally, automobiles, W.S.A. §347.38; snowmobiles, W.S.A. §350.10

Sec. 12-77. Applicability of article; administration and enforcement.

Noise is a serious hazard to the public health, welfare, safety and quality of life. A substantial body of science and technology exists by which excessive sound may be substantially abated. The people have a right to an environment

free from excessive sound that may jeopardize their health, welfare, or safety, or degrade the quality of life. This article shall apply to the control of noise originating within the corporate limits of the city, including vehicular noise. It is the policy of the city to prevent noise that may jeopardize the health and welfare or safety of its citizens or degrade the quality of life. It shall be the duty of the Health Department or the Police Department to administer and enforce the provisions of this article.

Sec. 12-78. Penalty for violation of article; abatement of noise disturbance.

Any person who shall violate any provisions of this article shall be subject to penalty as provided in §1-18. In addition to forfeiture, this article may be enforced by injunction, nuisance abatement or other appropriate legal or equitable action. Noise as defined in this article, together with specific prohibited acts of noise disturbance, are hereby deemed and declared to be a public nuisance subject to nuisance abatement proceedings.

(Code 1965, §22.09(9))

Sec. 12-79. Noise measurement methods.

(a) Measurement shall be made at a point approximately but not less than 25 feet beyond the property line of the property on which such noise is generated or perceived. Measurement shall be done approximately four (4) feet above the ground and at least three (3) feet from large reflecting surfaces such as building walls.

(b) Measurement of sound shall be made using either subjective or objective measurement, or a combination of subject and objective measurement. Subjective measurement will be determined by personnel that are trained to operate hardware and software for identifying noise levels. Objective measurement should be made with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI S1.4 - 1971) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order.

(c) **When a sound level meter is used, it shall be set to the A-weighting scale and in the FAST response mode. A windscreen shall be mounted on the microphone and the noise limitations shall be the A-scale levels set forth in *Table I*.**

Sec. 12-80. Disturbing noise generally and prohibited acts.

(a) **No person shall make or cause to be made any loud, disturbing, fluctuating or unnecessary sounds or noises such as may tend to annoy or disturb a reasonable person.**

(b) No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set in Table I.

(c) No person shall operate, use, or allow the operation or use of any device – including but not limited to radios, televisions, music players, musical instruments, or electronic sound systems – in a manner that creates a noise disturbance.

(d) No person shall own, possess or harbor any animal or bird which frequently or for continued duration makes sound which creates a noise disturbance.

(e) No person shall operate or permit the operation of any mechanical power saw, drill, sander, grinder, lawn or garden tool, lawnmower, snow removal equipment or any similar device, necessary for the maintenance of property, in a manner which creates a noise disturbance. Such devices that are kept in good repair and, when new, would not comply with the standards set forth in this article, shall be exempt provided they are reasonably used for property maintenance. No such equipment, except snow removal equipment, shall be operated at night.

(f) No person shall sound or permit the outdoor sounding of any fire alarm, burglar alarm, civil defense alarm, siren, horn, whistle or similar emergency signaling device, except for emergency purposes or for testing. Any testing shall be performed during the day.

(g) **Unlawful muffler noise.** The provisions of Wisconsin Statutes §347.39 (2023-24), and as amended from time to time, are hereby adopted by reference and made a part of this section. Violations of this subsection can also be enforced as a violation of § 19-1, the adopted state traffic laws.

(h) No operator shall accelerate a motor vehicle in such a manner as to create unnecessary noise, including but not limited to loud or excessive engine revving, tire squealing caused by friction with the roadway surface, or causing tires to throw stones or gravel while accelerating.

(i) It shall be unlawful for any vehicle equipped with a compression braking device (jake brakes) to use this device to contain the engine's compression, thus rapidly slowing the engine's revolutions per minute and the vehicle's speed, except in cases of extreme emergency.

(j) **Exemptions.** The following activities shall be exempt from the regulations of this section:

(1) The daytime criteria, as set forth in Table I, shall not apply to construction sites,

demolition sites, public utilities, and public works projects and operations during daytime hours; however, the noise production shall be minimized through proper equipment operations and maintenance. Stationary equipment on construction projects lasting more than ten (10) days within residential districts shall utilize strategies to prevent unnecessary noise.

- (2) Emergency short-term operations which are necessary to protect the public health, safety and welfare of the citizens, including emergency utility, public works operations, and personal generators operated in residential areas during power loss.
- (3) Essential operations and noises required by law enforcement relating to the public health, safety and welfare, including, but not limited to, law enforcement, firefighting and rescue and sanitation activities.
- (4) Youth sports activities and other sanctioned youth events conducted by recognized community or school organizations. These activities shall be permitted to generate noise incidental to their normal operations and events, provided that such noise is reasonable in duration and is limited to the scheduled event times.

(Code 1965, §8.02(3); Code 1965 §8.03(3)(a); §22-09(3), (5), and (7); Ord 139-94, §1, 11-16-94; Ord 171-01, §1, 10-8-01)

Cross reference(s) – Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18; traffic and vehicles, ch. 19

TABLE I
Maximum Permissible Sound Pressure Level

	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
Daytime	60 dB(A)	70 dB(A)	75 dB(A)
Nighttime	50 dB(A)	55 dB(A)	70 dB(A)

Secs. 12-81 – 12-82. Reserved.

Sec. 12-83. Variances.

(a) Special Variance Permits.

- (1) A variance may be issued for special events and similar gatherings, festivals, presentations and the like, which are limited in duration and are generally acceptable to the people of the community provided that precautions are taken to maintain the noises produced at the lowest practical level. The Health Officer, or designee, is authorized to issue a variance pursuant to this section upon receiving a complete application for an event meeting this section’s criteria.

- (2) **Application.** An application for a variance permits under this subsection must be submitted in writing to the Health Officer or their designee. The application shall include the specific grounds for requesting the variance and the proposed timeline for the activity. The Health Officer shall provide public notice of the receipt of a variance permit application within a reasonable period. Application fees will be established and maintained on file at the Health Department.
- (3) **Procedures.** Any person seeking a special variance permit pursuant to this section shall file an application with the Health Officer, seven (7) days prior to commencement of the event or activity for which the variance permit is requested. The Health Officer, however, may waive the time limit when compliance therewith is impractical. The application must be made in writing and shall contain all the following pertinent information:
- a. Dates required.
 - b. Time and place of operation.
 - c. Equipment operation involved.
 - d. Necessity for such permit.
 - e. Steps to be taken to minimize noise.
 - f. Name of responsible person who will be present at the operation site while the noise is produced, including contact information.
- (4) **Issuance.** Upon final approval by the Health Officer, a special variance permit shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance permit shall not become effective until all conditions are agreed to by applicant. Noncompliance with any condition of these special variance permits shall terminate the permit and subject the person holding it to compliance with this article, including remittance of applicable fees.
- (5) **Extension or modification.** Application or extension of time limits specified in special variance permits or for modification of other substantial conditions shall be treated like applications for initial special variances.
- (6) **Appeals.** Any applicant or other person aggrieved by the decision of the Health Officer or designee may seek an appeal to the Board of Health. Requests for appeal shall be made in writing to the Health Officer, to be submitted to the Board of Health. Applications that are not approved shall, upon timely request of the applicant, be reviewed by the Board of Health at their next regularly scheduled meeting.

(b) **Conditional Variances.**

- (1) It may not be technically or economically feasible for certain commercial, industrial, or construction sources of sound to comply with the standards set forth herein. Therefore, the Board of Health may grant variances from this subsection if it finds that strict compliance is unreasonable because:
 - a. Conditions are beyond the control of the person requesting such variance.
 - b. Special circumstances exist which would render strict compliance impractical.
 - c. Strict compliance would result in substantial curtailment or closing down of a business, plant, operation or the like.
 - d. Control technology is unavailable or available only at a prohibitive cost.
 - e. No other alternative facility or method is available.
- (2) **Application.** Application for a variance permit under this subsection shall be made in writing to the Health Officer for submittal to the Board of Health. The application shall include the specific grounds for requesting the variance and the proposed timeline for the activity. An application for a variance permit shall be considered timely made if filed within thirty (30) days before the date for which the variance is sought. The proper filing of an application within such time shall toll all penalties provided in this section for any such violation until a final decision has been issued on the merits of such application. The Board of Health, within a reasonable amount of time, shall give public notice of the receipt of an application for a variance permit.
- (3) **Permit.** Within a reasonable time following receipt of an application for a variance permit and after public notice thereof has been given, the Board shall grant such permit to an applicant if the Board finds that immediate compliance with the noise limitations as set forth in this section would result in unnecessary hardship to the applicant. In making the determination, the Board of Health shall balance the hardship to the applicant, the community, and other persons of not granting the variance, against the adverse impact on health, safety, and welfare of persons affected, the adverse effect on property affected and any other adverse impacts of granting the variance. Any person who claims to be adversely affected by the allowance of the variance permit may file a statement with the Board of Health containing information to support the claim. The Board of Health may require the applicant to submit information not contained in the application which may be necessary for making a determination under this subsection. Within five (5) days following the determination, the Board of Health shall place on file with the City Clerk a copy of the decision which shall specify the reasons for denying or granting the variance permit.

(4) **Conditions.** Upon final approval by the Common Council, the Health Officer shall issue a variance permit under such conditions as are necessary to protect the public health, safety, and welfare, including a schedule for achieving compliance with noise limitations. Variances exceeding two (2) years may be granted only in exceptional cases, including those for which, in the opinion of the Board of Health, control technology is unavailable or available only at a prohibitive cost. Non-compliance with any conditions imposed on the variance shall terminate the variance and subject the person holding it to those provisions of this section for which the variance permit was granted.

(5) **Extension and Modification.** Application for extension of time limits or modification of other conditions specified in the variance permit shall be treated like applications for an initial variance, except that the Board of Health must find that the need for such extension or modification clearly outweighs any adverse impacts of granting the extension or modification.

(6) **Appeals.** Any applicant or other person aggrieved by the decision of the Board of Health or Common Council may seek such other legal relief as may be available.

(Ord 173-08, §1, 11-25-08)

Cross reference(s) – Board of Health, §2-76, et seq.

Sec. 12-84. Sounding locomotive whistle.

No railroad company or any of its agents, servants or employees shall blow any whistle on any engine within the limits of the city, except in those cases prescribed and designated by federal or state law. This section does not prohibit the blowing of any whistle as a signal warning in cases of peril, fire or collision or other imminent danger.

(Code 1965, §8.02(3); Ord 137-92, §1, 12-16-92, Ord 84-00, §1, 10-7-00)

Sec. 12-85. Adoption of state law regarding sound-producing devices; impoundment; seizure and forfeiture.

W.S.A. §66.0411 regarding impoundment, seizure and forfeiture of sound-producing devices in violation of this article is hereby adopted by reference and made an offense punishable as a violation of this code.

(Ord 89-96, §1, 9-18-96)

Sec. 12-86. Commercial and industrial construction

New or substantially modified structures on land used or zoned as commercial or industrial shall be subject to site plan review to evaluate compliance with the provisions of this code.

Sec. 12-87. Radio or other electric sound amplification device – prohibited.

No person or business may use a radio or other similar electric sound amplification device so that sound emitting from said radio or amplification device is audible under normal conditions from a distance of seventy-five (75) or more feet.
(Ord 84-05, §1, 8-23-05)

Secs. 12-88 – 12-100. Reserved.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.