



City of Appleton

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

Meeting Agenda - Final Common Council

Wednesday, January 6, 2021

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

[21-0001](#) Common Council Meeting Minutes of December 16, 2020

Attachments: [CC Minutes 12-16-2020.pdf](#)

G. BUSINESS PRESENTED BY THE MAYOR

[21-0003](#) COVID-19 Update

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

[21-0005](#) Public Hearing for Rezoning #10-20 at 1000 N Ballard Road from P-I
(Public Institutional) to C-1 Neighborhood Mixed Use

Attachments: [PublicHearingNotice_1000 N Ballard Rezoning#10-20.pdf](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[20-1650](#) Approve 2021 Sole Source Purchase Request for various traffic equipment and technologies.

Attachments: [2021 Sole Source Purchase.pdf](#)

Legislative History

12/21/20 Municipal Services recommended for approval
Committee

[20-1652](#) Request from Tilson Technology Management for a permanent street occupancy permit to install a 5.5' X 3' X 5' utility cabinet for the TDS 5G Project at the Northland Avenue /McDonald Street intersection. This location is number 7 of 13 nodes.

Attachments: [TDS 5G-Northland Ave-McDonald St.pdf](#)

Legislative History

12/21/20 Municipal Services recommended for approval
Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**3. MINUTES OF THE CITY PLAN COMMISSION**

[20-1553](#) Request to approve Rezoning #10-20 to rezone 1000 North Ballard Road (Tax Id #31-1-1372-00), including to the centerline of the adjacent right-of-way and the Fox River, as shown on the attached maps, from P-I Public Institutional District to C-1 Neighborhood Mixed Use District

Attachments: [StaffReport TheRefuge Rezoning For12-8-20.pdf](#)
[RZ 10-20 Letter to Postpone 12 24 20.pdf](#)

Legislative History

12/8/20 City Plan Commission recommended for approval
Proceeds to Council on January 6, 2021.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE FINANCE COMMITTEE**

[20-1565](#) Request for the City of Appleton to waive the Connection Fee in Lieu of Sanitary Sewer Special Assessment (\$17,301.98) and the Sanitary Area Assessment (\$10,066.66) in exchange for a sanitary sewer easement at 6331 N Ballard Road

Attachments: [Waiver of Connection fee.pdf](#)

Legislative History

12/21/20 Finance Committee recommended for approval

[20-1655](#)

Request to approve the following 2020 Budget amendments:

COVID-19 Grant Fund - Testing Coordination

Health Grants & Aids	+\$ 28,400
Salaries	+\$ 14,000
Fringe Benefits	+\$ 2,400
Supplies	+\$ 4,000
Purchased Services	+\$ 8,000

Pandemic Grant Fund - Planning

Health Grants & Aids	+\$ 2,763
Salaries	+\$ 2,210
Fringe Benefits	+\$ 553

COVID-19 Grant Fund - Contact Tracing

Health Grants & Aids	+\$551,453
Salaries & Part-time Wages	+\$442,200
Fringe Benefits	+\$ 78,003
Supplies	+\$ 26,050
Purchased Services	+\$ 5,200

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

Attachments: [2020 DHS Contract Amendments 12-15-2020.pdf](#)

Legislative History

12/21/20 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[21-0004](#)

Request to approve Utilities Department to convert a 1.0 fte Solids Operator to a 1.0 fte Utility Worker.

Attachments: [Utilities TO change request.pdf](#)

[Utilities TO 1-6-21.pdf](#)

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[21-0002](#) Ordinance #1-21 for Rezoning #10-20, 1000 N Ballard Rd

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

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Kami Lynch, City Clerk

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



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, December 16, 2020

7:00 PM

Council Chambers

A. CALL TO ORDER

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

B. INVOCATION

The Invocation was offered by Alderperson Reed.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 16 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska, Alderperson Corey Otis and Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All Departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[20-1635](#)

Common Council Meeting Minutes of December 2, 2020

Attachments: [CC Minutes 12-2-2020.pdf](#)

Alderperson Fenton moved, seconded by Alderperson Reed, 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 Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[20-1636](#) Bicycle & Pedestrian Committee Reappointments

Attachments: [12-16-20 MEMO to Council_Reappointments.pdf](#)

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

Aye: 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

[20-1637](#) Hmong New Year Proclamation

Attachments: [Hmong New Year Proclamation.pdf](#)

This Proclamation was presented

[20-1638](#) COVID-19 Update

Attachments: [COVID -19 Cases 12-16-20.pdf](#)

This Report Action Item was presented

H. PUBLIC PARTICIPATION

No one was present or signed up to speak during public participation.

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[20-1366](#)

"Class B" Liquor and Class "B" Beer License application for Poonsiri Parncharn d/b/a Jai Sung Mah, located at 122 W Wisconsin Ave, contingent upon approvals from all departments.

Attachments: [Jai Sung Mah - Poonsiri Parncharn.pdf](#)

Aldersperson Siebers moved, seconded by Aldersperson Fenton, that the recommendation to deny the license be approved . Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

[20-1578](#)

Action Item: Approve J Restaurant Patio Premise to Lease Space in Vulcan Heritage Park for 2021-2025

Attachments: [2020 Supple Lease Renewal.doc](#)

Aldersperson Fenton moved, seconded by Aldersperson Coenen, that the Lease Renewal be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

[20-1582](#)

Action Item: Approve Trails Master Plan Amendment - JJ North

Attachments: [Trail Master Plan Amendment - JJ North.doc](#)
 [Trail Master Plan Amendment Final – JJ North.pdf](#)

Aldersperson Smith moved, seconded by Aldersperson Siebers, that the Trails Master Plan Amendment be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

[20-1561](#)

Request to approve Second Substantial Amendment to the Community Development Block Grant (CDBG) 2020 Annual Action Plan (AAP) reallocating \$78,386, originally awarded to Habitat for Humanity's Homeownership Program, [as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding], to the City of Appleton's Motel Voucher Program

Attachments: [2020 AAP Second Substantial Amendment Memo to CEDC 12-9-20.pdf](#)
[HUD DECISION Substantial Amendment for CARES Act Funding.pdf](#)
[2020 AAP Second Substantial Amendment Draft 11-30-2020.pdf](#)

Aldersperson Siebers moved, seconded by Aldersperson Otis, that the CDBG Amendment be approved. Roll Call. Motion carried by the following vote:

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

Absent: 1 - Aldersperson Alex Schultz

Abstained: 1 - Mayor Jake Woodford

[20-1598](#)

Approve renewal of the MOA with AHA that continues allowing their participation in the dental, life, long term disability insurance and voluntary insurance plans through December 31, 2022; and allows participation in the City's medical plan through December 31, ~~2024~~**2022** at which time AHA's participation in the City's medical plan will conclude.

Attachments: [App Housing Authority Contract Terms memo.pdf](#)
[AHA History.pdf](#)

Aldersperson Lobner moved, seconded by Aldersperson Coenen, that the Item be amended to strike the last line (after December 31, 2022), "at which time AHA's participation in the City's medical plan will conclude". Roll Call. Motion carried by the following vote:

Aye: 10 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Denise Fenton, Aldersperson Alex Schultz, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner and Aldersperson Joe Prohaska

Nay: 5 - Aldersperson Katie Van Zeeland, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Mike Smith and Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

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

Aye: 12 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Denise Fenton, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

Nay: 3 - Alderperson Katie Van Zeeland, Alderperson Maiyoua Thao and Alderperson Mike Smith

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Otis moved, Alderperson Siebers 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 Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[20-1567](#)

Lawrence Street, from Walnut Street to Elm Street, be reconstructed with concrete pavement and curb & gutter to a width of 41.5' from back of curb to back of curb, which is 0.5' wider than the existing street. The reconstructed Lawrence Street will include 10.5' travel lanes in each direction, 6' bike lanes along both sides of the street, and on-street parking to be maintained along the north side of the street, within the project limits. Existing on-street parking along the south side, within the project limits, will be eliminated.

This Report Action Item was approved.

[20-1568](#)

Opechee Street, from Leminwah Street to Owaissa Street, be reconstructed with concrete pavement and curb & gutter to a width of 20' from back of curb to back of curb, which is approximately 1-3' wider than the existing street. Existing parking provisions within the project limits will remain unchanged.

This Report Action Item was approved.

[20-1570](#)

CRITICAL TIMING Award 2021 Contract for Operations, Maintenance and Monitoring at the Closed City of Appleton Landfill to SCS Engineers in an amount not to exceed \$97,447.

Attachments: [2021 Contract-Closed City of Appleton Landfill.pdf](#)

This Report Action Item was approved.

[20-1571](#)

Award of 2021 Materials Testing Contract (M-21) to OMNNI Associates, Inc. in an amount not to exceed \$125,000.

Attachments: [2021 Materials Testing Contract \(M-21\).pdf](#)

This Report Action Item was approved.

[20-1576](#)

Request from Gregg VanDinter to have the \$50 Weed Administration Fee waived for 2220 E. Newberry Street.

Attachments: [2220 E Newberry St-Weed Violation.pdf](#)

This Report Action Item was approved.

[20-1617](#)

Approve Intergovernmental Agreement with the Town of Grand Chute for the reconstruction of Alvin Street in 2021.

Attachments: [Intergovernmental Agreement-Alvin St.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[20-1526](#)

Class "B" Beer and "Class C" Wine License application for Urban Modern Kitchen LLC d/b/a Urban Modern Kitchen, Shirley Bullock-Vazquez, Agent, located at 800 E Wisconsin Ave, contingent upon approval from all departments.

Attachments: [Urban Modern Kitchen.pdf](#)

This Report Action Item was approved.

[20-1597](#)

Class "A" Beer and "Class A" Liquor License Change of Agent application for Walgreens Co. d/b/a Walgreens #07323, Jeremy A Vetter, New Agent, located at 3330 E Calumet St, contingent upon approval from Appleton Police Department.

Attachments: [Jeremy A Vetter S&L.pdf](#)

This Report Action Item was approved.

[20-1618](#)

2021 Secondhand Article, Secondhand Jewelry and Pawnbroker license renewal applications, contingent upon approval from all departments.

Attachments: [2021 Secondhand-Pawnbroker S&L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[20-1554](#)

Request to approve the Sixth and Seventh Additions to Emerald Valley Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_6-7thAddEmeraldValley_FinalPlat_For12-8-20.pdf](#)

This Report Action Item was approved.

[20-1555](#)

Request to approve the Extraterritorial Preliminary Plat for Marsden Park located in the Town of Grand Chute as shown on the attached maps

Attachments: [StaffReport_MarsdenPark_PrePlat_For12-08-20.pdf](#)

This Report Action Item was approved.

[20-1556](#)

Request to approve the dedication of land for public right-of-way for future Sequoia Drive generally located south of Broadway Drive and east of French Road as shown on the attached maps

Attachments: [StaffReport_SequoiaDr_StreetDedication_For12-08-20.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE FINANCE COMMITTEE****6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE****7. MINUTES OF THE UTILITIES COMMITTEE**[20-1548](#)

Award of 2021A Stormwater Consulting Services Contract for 2021 Stormwater Management Plan Reviews to Brown and Caldwell in an amount not to exceed \$37,500.

Attachments: [2021A Plan Review Award Util Memo BC.pdf](#)

This Report Action Item was approved.

[20-1550](#)

Award of 2021B Stormwater Consulting Services Contract for 2021 Stormwater Management Plan Reviews to raSmith in an amount not to exceed \$37,500.

Attachments: [2021B Plan Review Award Util Memo raSmith.pdf](#)

This Report Action Item was approved.

[20-1552](#)

Approval to single source and award 2021C stormwater consulting services contract for Spartan Drive Apple Creek Culvert and Stormwater Management Practices (SMP) Final Design and Construction Documents with Brown and Caldwell (BC) in an amount not to exceed \$141,767.

Attachments: [2021C UC memo combined.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[20-1599](#)

Approve ratification of the Valley Transit 2021-2023 Labor Agreement with the following wage increases:

Across the board adjustments of:

1% April 1, 2021

1% October 1, 2021

2% January 1, 2022

2% January 1, 2023

One time lump sum payment of \$.25/hour for all hours worked in 2020 for all Drivers, Communication Technicians and Utility Workers.

Create Master Mechanic and Lead Driver classifications.

Attachments: [VT Teamster Contract TA 2021-2023.pdf](#)

This Report Action Item was approved.

[20-1605](#)

Approve Public Works to over hire Professional Engineer position.

Attachments: [DPW overhire engineer.pdf](#)

This Report Action Item was approved.

[20-1609](#)

Approve exception to the Salary Administration Policy to allow for a 1.5% across the board adjustment in lieu of pay for performance for year-end 2020.

Attachments: [Salary Administration Policy Exception.pdf](#)

This Report Action Item was approved.

[20-1610](#)

Approve the 2021 Seasonal Salary Schedule with a 1.5% increase.

Attachments: [2021 Seasonal Salary Schedule.pdf](#)

This Report Action Item was approved.

[20-1611](#)

Approve extension of the Emergency Sick Leave Policies for Emergency and Non-Emergency Responders through June 30, 2021.

Attachments: [Emergency Sick Leave Extension.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[20-1583](#) Approve the Intermunicipal Agreement with Outagamie County for Specialized Transportation Services for 2021 Contingent on Outagamie County Approval

Attachments: [OUTAGAMIE CONTRACT - 2021.pdf](#)

This Report Action Item was approved.

[20-1584](#) Approve the Intermunicipal Agreement with Winnebago County for Specialized Transportation Services for 2021 Contingent on Winnebago County Approval

Attachments: [WINNEBAGO CONTRACT - 2021.pdf](#)

This Report Action Item was approved.

[20-1585](#) Approve the Intermunicipal Agreement with Calumet County for Specialized Transportation Services for 2021 Contingent on Calumet County Approval

Attachments: [CALUMET CONTRACT - 2021.pdf](#)

This Report Action Item was approved.

[20-1586](#) Approve the Intermunicipal Agreement with the City of Neenah and the Village of Fox Crossing for the Northern Winnebago Dial-A-Ride Service for 2021 Contingent on City of Neenah and the Village of Fox Crossing Approval

Attachments: [NW Dial-A-Ride - 2021.pdf](#)

This Report Action Item was approved.

[20-1588](#) Approve the Memorandum of Understanding Between The City of Appleton, Valley Transit and community Care Inc. for Specialized Transportation Services for 2021

Attachments: [2021 MOU Community Care and Valley Transit.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

[20-1574](#) Noise Variance Request - Fox River House 2021

Attachments: [Fox River House Noise Variance Request 2021.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

[20-1640](#)

Request for Proposals for Architectural and Engineering Services for the Appleton Public Library

Attachments: [Library Listening Session Memo 12-11-2020.pdf](#)
[Appleton Public Library - RFP 2020 12-11-20.pdf](#)
[RFP Memo.pdf](#)

This Item was information only, no action was taken.

S. ADJOURN

Alderson Siebers moved, seconded by Alderson Coenen, that the meeting be adjourned at 8:16 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Mike Smith, Alderson Patti Coenen, Alderson Nate Wolff, Alderson Kyle Lobner, Alderson Joe Prohaska and Alderson Corey Otis

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

NOTICE OF PUBLIC HEARING

#10-20

Re: Proposed Zone Change

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

Rezoning #10-20: The City of Appleton received a request from the property owner, Fox River Environmental Education Alliance Inc., to rezone the following property from P-I Public Institutional District to C-1 Neighborhood Mixed Use District:
1000 North Ballard Road (Parcel Number: 31-1-1372-00) (a/k/a The Refuge Foundation for the Arts)

Purpose of the Request: The owner is seeking this request to utilize the C-1 Neighborhood Mixed Use zoning district standards for future site improvements. The C-1 Neighborhood Mixed Use District is intended to provide for mixed use areas, including a range of commercial and residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods.

Legal Description:

CSM 6785 LOT 1 (DOC2011581) BEING ALL OF LOT 1 CSM 910; ALL OF LOTS 13 THRU 17 BLK1 GREEN GROVE PLAT; ALL OF LOTS 4 THRU 12 PLAT OF WAUBUN PLACE; PRT VAC HAMMOND AVE; PRT GL2 SEC30 T21 N R18# AND PRT SW1/4 FR AC SW1/4 SEC19 T21N R 18E, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, including to the centerline of Ballard Road right-of-way, the Fox River and the western portion of East Hammond Avenue Right-of-way.

Date: December 9, 2020

KAMI LYNCH
CITY CLERK

RUN:
December 15, 2020
December 22, 2020



DEPARTMENT OF PUBLIC WORKS
Engineering Division – Traffic Section
2625 E. Glendale Avenue
Appleton, WI 54911
TEL (920) 832-5580
FAX (920) 832-5570

To: Municipal Services Committee
From: Michael Hardy, Assistant City Traffic Engineer
Date: December 3, 2020
Re: 2021 Sole Source Purchase Request – Various Traffic Equipment & Technologies
CC: Jeffrey Fait, City Purchasing Manager

This sole source purchase request is reassessed and presented annually as required in the City Procurement Policy. It was last approved for calendar year 2020.

Background:

Traffic Signal and Control Equipment

Within the traffic signal control industry, there is a tremendous amount of proprietary functionality and limited interoperability. The number of vendors servicing traffic signal equipment is also very limited. For example, Traffic and Parking Control Company, Inc. (TAPCO), located in Elm Grove, Wisconsin, is the exclusive vendor in Wisconsin for Siemens signal cabinet and control equipment, which the City of Appleton uses. TAPCO is also the exclusive state vendor for Eberle Design Inc. (EDI) cabinet equipment, Iteris video detection systems, and other support equipment used in traffic signal control systems. Because TAPCO is designated as the exclusive rights vendor in the state by these manufacturers, they have exclusive knowledge for set-up, testing and servicing, beyond that which the City is capable of performing. There are other vendors in nearby states that carry these product lines, but their manufacturer-vendor relationships do not allow overlap with each other. Thus, the City cannot, for example, do business with Brown Traffic Products, Inc., which is TAPCO's equivalent in Illinois and Minnesota.

The next closest vendor that provides comparable products and services is a company called Traffic Control Corporation (TCC), with service currently provided out of Illinois and Minnesota. TCC's exclusive manufacturer-vendor relationship is very similar to TAPCO, with cabinets and control systems manufactured by both Econolite and Reno Traffic Products. Also, because TCC is the exclusive vendor for these product lines, they have exclusive knowledge for set-up, testing and servicing.

Due to the above circumstances, it is common in the traffic industry that complete traffic signal control assemblies are sole-source purchased as complete, functional systems. Another unfortunate reality is that each manufacturer's equipment has its own proprietary firmware and controls, which makes it nearly impossible to competitively procure comparable equipment. In this situation, TAPCO or TCC will assemble the cabinet, controller, vehicle detection equipment and any other integrated equipment, and perform functional testing prior to shipment and installation. The advantage to this approach is it helps manage compatibility issues, and puts responsibility on the sole source vendor to assure complete functionality of the system. The disadvantage is that procured equipment is not competitively bid in a formal process. The other common application in the traffic industry is that specifications are written to accept only one manufacturer's products. This gives the illusion of being competitive, but often only one vendor is able to meet the required specifications. There has been some implementation of equipment from both TAPCO and TCC, but the experiences are limited, along with the success stories. Here too, the City would need to stock significant additional equipment due to limited experience with compatibilities and functionality.

The good news is there are standards making gradual progress in the traffic control industry. The National Electrical Manufacturer's Association (NEMA) has developed standards that provide requirements for equipment interoperability. For example, the City has accepted NEMA, TS2, Type 1 specification for our traffic signal control cabinets. This provides control over how the cabinets are configured and how the control equipment is connected and integrated into the control functionality. The National Transportation Communications for Intelligent Transportation Systems (ITS) Protocol (NTCIP) is the next level of standards under development at the federal level, intended to limit the proprietary firmware and controls in the traffic industry.

In 2019, the northeast region of Wisconsin DOT (WisDOT) made a complete transition from Siemens to Econolite traffic signal controllers and traffic management software. Over the last several years, WisDOT began accepting Econolite products at the request of other DOT regions. As they became more familiar with the Econolite product and software, it became more and more favored by State traffic engineers due to their increased functionality and reliability. The City has started to take notice of Econolite with our more recent frustrations with Siemens control software and their seeming lack of effort to address their shortcomings in a timely manner. Our office in the process of discussions with Traffic Control Corporation to learn more about the Econolite controller and software. We intend to conduct reference checks with their clients who recently transitioned from Siemens to Econolite to learn more. For this reason, we are adding Econolite controllers and software to the sole source purchase list.

Traffic Signal Preventative Maintenance

Preventative maintenance is another item that is currently sole sourced. A key component in preventative maintenance is performing a diagnostic test on a device called the Malfunction Management Unit (MMU). Performing this service is performed annually, and is common practice in the traffic signal industry to discourage legal action against the City for negligence if a signal malfunction is the suspected cause in a traffic incident. To date, the City has decided it is not in our best interest to perform this testing on our own. To replicate this service the City would have to purchase expensive test equipment, software and training. The current sole source vendor, TAPCO, has strong familiarity with our equipment since they are exclusive rights vendor in the state by the MMU manufacturer the City currently uses. Having considered this, we feel this is a reasonable cost and the best decision for the City at this time.

Decorative Street Lighting Equipment

Recent experiences have prompted the addition of decorative street lighting equipment to this sole source request. Specific items that apply are decorative lighting components involving steel poles, concrete poles, arms and fixtures. One large contributing factor is the City has standardized on a specific appearance and quality using Stresscrete, King and Visco brands products for applications across the City, most notably College Avenue and Wisconsin Avenue. While there are other decorative brands on the market simulating a comparable look, the quality of these off-brands has been much lower, leading to increased maintenance costs and decreased life. When bidding this equipment in the past, we have specified a specific product or approved equal. To meet the City purchasing policy, we have been competitively bidding these decorative lighting brands through the electrical supply chains. It is our opinion, while this looks competitive and meets the spirit of the purchasing policy, it actually amounts to a mark-up on a product we ultimately know we are going to purchase. Having considered the above, we feel sole source offers the best value of the City's time and resources.

In 2017, we added a new pole, arm and fixture line in conjunction with the new Fox Cities Exposition Center (FCEC). The architect and project team of the FCEC has selected a unique lighting assembly to match the look and appeal of the building. We are adding this to the sole source list as we feel this will be a similar situation to the other decorative lighting equipment.

In 2018, we added another pole, arm and fixture line in conjunction with the Parks, Recreation, Facilities & Grounds expansion of trail lighting throughout the City. DPW is installing trail facilities with several upcoming projects, and will match the unique lighting assembly already selected for the trail system throughout the City. We are adding this to the sole source list as we feel this will be a similar situation to the other decorative lighting equipment.

LED Street Lighting

Recent experiences have prompted the addition of LED street lighting equipment to this sole source request. Specific items that apply are both standard and decorative LED street lighting fixtures. In 2010, the City authored

a specification and released a bid to replace standard fixtures with LED fixture in the central business district. That experience evaluated products from eight (8) different manufacturers. As a result of that experience, we have identified products from Cooper and Philips as the preferred fixtures for future applications. To comply with the City's purchasing policy in future purchases, we would have to competitively bid these two brands thru the electrical supply chains. In our opinion, while this appears competitive and meets the spirit of the purchasing policy, it really amounts to a mark-up on a product we ultimately know we are going to purchase. We have established a relationship with the manufacturers and have been advised we can purchase from them directly. Where these two products are competitive with each other, we would be able to compare costs direct from the manufacturers which would meet the competitive spirit of the policy. However, three products would be needed to satisfy the policy as written. Having considered the above discussion, we feel a sole source exception offers the best value of the City's time and resources.

Camera & Video Encoders

When the traffic camera program began its deployment in 2010, Pelco brand pan-tilt-zoom cameras were procured in accordance with City Policy, where at least three quotes were received. In light of the switch to Avigilon video management software by the City in 2013 and the increase in failures of recent Pelco brand cameras, the Traffic Section has transitioned to both AXIS and Avigilon brand cameras. Avigilon cameras can be purchased in accordance with City Policy as they are readily available through multiple suppliers. However, Lappen Security is a local vender certified to provide technical support with Avigilon projects. For this reason, they are being added to the sole source purchase list. Axis brand cameras can also be purchased in accordance with City Policy as they are readily available through multiply suppliers. However, in 2019 the City established a positive relationship with a local Axis supplier named Hunter Security. They are serving in a unique support role with integrating Axis into the City's Avigilon video management software. They are a certified, high ranking dealer for Axis brand cameras and, as such, are able to offer the maximum discount permitted by the manufacturer. Their support has proven to be valuable resource to the City. For this reason, they are being added to the sole source purchase list.

School Zone Flashers

In 2014 the City procured a new school flasher control system. Criteria specified in that procurement was the ability for remote access to set the flasher schedules and troubleshoot in case of maintenance. The product is called DirecTime, which has its own proprietary web enabled service for remote access. The DirecTime product, installed at all school zone flashers across the City, is exclusively manufactured by Traffic and Parking Control Company, Inc. (TAPCO). In the event additional locations or replacement units are necessary, it is in our opinion that sole sourcing the DirecTime product line is the best value of the City's time and resources.

Summary:

The City Traffic Section continues to pursue equipment and services to help improve competition in our purchases. We often have alternative vendors bring us equipment to familiarize with and test for compatibility. When we evaluate comparable products, we try to take a holistic approach, considering additional software, training, stocking, etc. We also stay in touch routinely with our counterparts in the traffic industry, like WisDOT, City of Green Bay, and Milwaukee County to help evaluate pricing when and where sole sourcing is performed. This, too, helps communicate between agencies on acceptance of alternative products. We also pursue alternative procurement options when available through the WisDOT procurement contract. Where equipment is consistent with WisDOT procurement contracts, a price match is pursued.

The following is the Traffic Section's current list of equipment and services we feel it is in the City's best interest to sole source for procurement:

Traffic Signal and Control Equipment

Signal Controller and Control Software:

- Siemens (TAPCO)
- Econolite (TTC)

Signal Control Cabinets:

- Mobotrex (TAPCO)
- Econolite (TTC)

Signal Control Malfunction Management Unit:

- Eberle Design, Inc. (TAPCO)
- Reno A & E (TTC)

Loop Detector Amplifiers:

- Eberle Design, Inc. (TAPCO)
- Reno A & E (TTC)

Video Detection Systems

- Iteris, Inc. (TAPCO)
- Econolite (TTC)

Radar Detection Systems

- MS Sedco / Intersector. (TAPCO)
- Wavetronix (TTC)
- Iteris, Inc. (TAPCO)

Preemption:

- GTT (TTC)

Wireless Radio Communications:

- Encom Wireless (TAPCO)

Control Cabinet Integration Set-up and Testing:

- TAPCO
- TTC

Radar Speed Signs

- Information Display Company
- TAPCO

Traffic Signal Preventative Maintenance

Traffic Signal Preventative Maintenance:

- TAPCO

Decorative Street Lighting Equipment

Concrete Poles & Arms

- Stresscrete / King Luminaire (Visual Impact Lighting, LLC)

Steel Poles & Arms

- Visco (Commercial Lighting)
- Spring City (Visual Impact Lighting, LLC)
- Structura Inc.
- Candela Series (Spectrum Lighting)

LED Fixtures

- Stresscrete / King Luminaire (Visual Impact Lighting, LLC)
- Beacon Viper
- Candela Series (Spectrum Lighting)

Conventional LED Street Lighting

LED Street Light Fixtures

- Philips (Spectrum Lighting, TAPCO)
- Cooper Lighting (Enterprise Lighting, TAPCO)

Traffic Cameras

- Avigilon
- Axis (Hunter Security)

Warning Flashers & RRFB

School Zone Flasher & RRFB Controls

- (TAPCO)

ALPR Traffic Cameras

- Genetec (Systems Technologies)

DATE	DESCRIPTION	INITIALS	AT
10/22/23	FINAL SUBMISSION		



TILSON
On a Mission
Info@tilsonnh.com
7: (307) 301-8427 F: (307) 772-3427

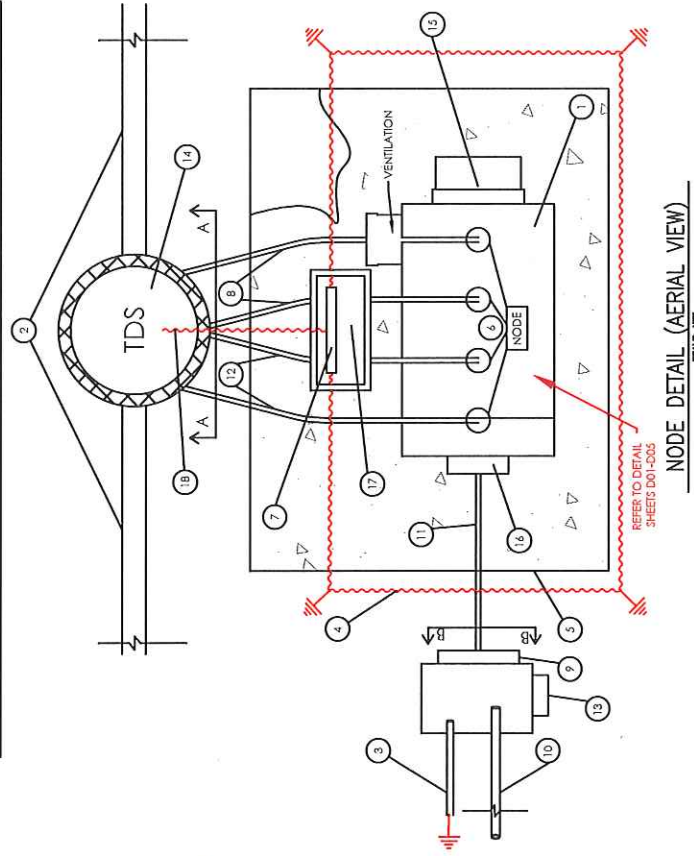
REVISIONS

DATE	DESCRIPTION	INITIALS	AT

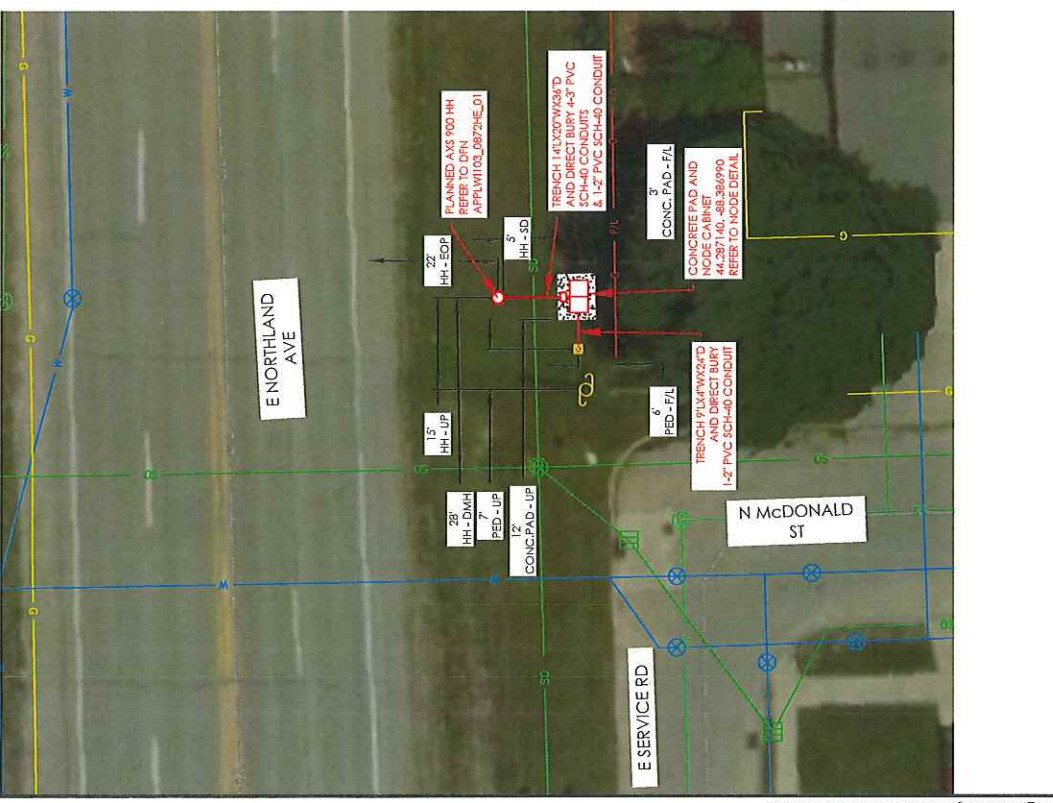
SCALE
SIZE B SHEET: N/A
SIZE D SHEET: N/A
SHEET: C01 OF C02

FILE NAME: TDS_APL1105_05_NODE

- LEGEND:**
- 1) AM58P-6036-60RU-VIK – NODE CABINET
 - 2) PLANNED TRANSPORT FIBER IN CONDUIT
 - 3) 2" SERVICING ENTRANCE, GROUNDED BY ELECTRICIAN
 - 4) #2 COPPER-TINNED GROUND WIRE 30" DEEP WITH FOUR CLAD GROUNDING RODS
 - 5) CONCRETE PAD - 72" x 88" x 6"
 - 6) 3" ENTRY TO NODE
 - 7) 1(2 X10) ELECTRIC MOTION GROUND BAR
 - 8) 2(3") DUCT WITH FIBER STUB TAIL FROM NODE (W/SWEEPS)
 - 9) BA22 - STUB POLE FOR POWER PED
 - 10) 1(2") DUCT FOR POWER CABLE TO NODE ENTRY
 - 11) 1(2") DUCT FOR POWER CABLE TO NODE ENTRY
 - 12) 2(3") VACANT DUCTS (W/SWEEPS)
 - 13) POWER METER FOR POWER PED
 - 14) AXS 900R HH - 39.3"Ø x 39.3"D
 - 15) HEATER ATTACHMENT
 - 16) POWER ATTACHMENT
 - 17) STRONGWELL-QUAZITE HH - 17.5" x 10.5" x 12.75"
 - 18) COATED GROUND WIRE



NODE DETAIL (AERIAL VIEW)
SCALE: N/A



SITE PLAN
SCALE: 1" = 20'



REPORT TO PLAN COMMISSION

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

Common Council Public Hearing Meeting Date: January 6, 2021

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

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

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

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

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

BACKGROUND

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

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

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

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

STAFF ANALYSIS

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

Surrounding Zoning and Land Uses:

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

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

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

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

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

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

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

Policy 9.5.1 Economic Development:

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

OBJECTIVE 10.1 Land Use:

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

OBJECTIVE 10.2 Land Use:

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

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and strategies stated above.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).

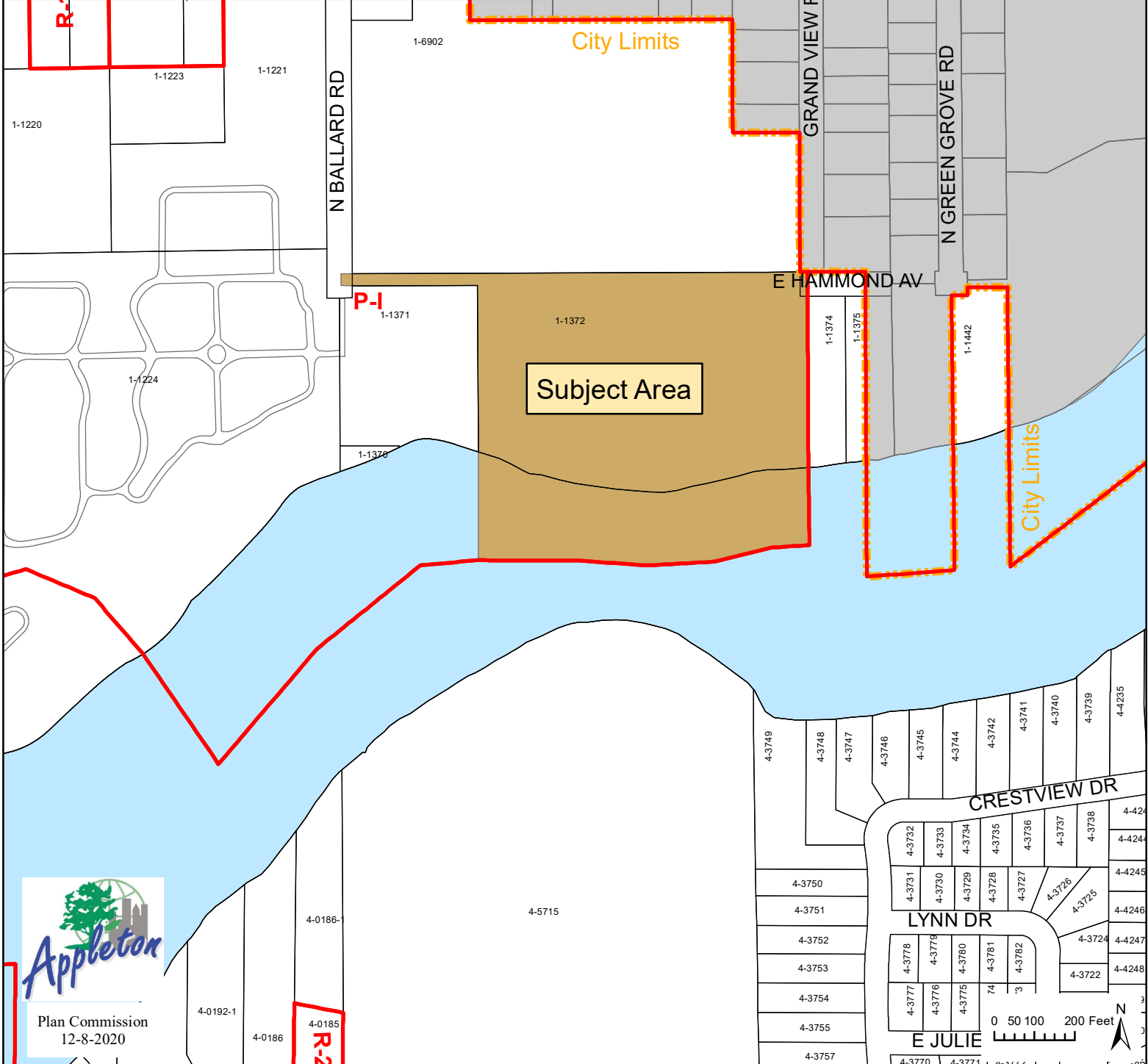
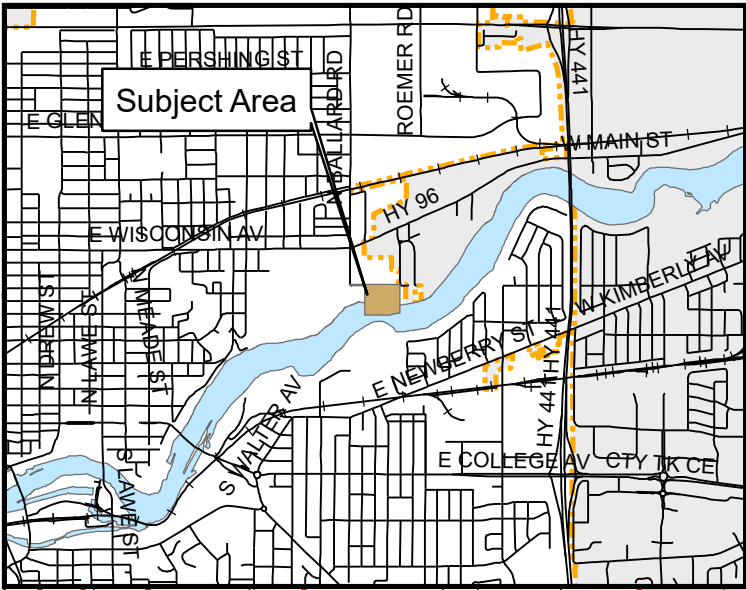
4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject properties are adequately served by the existing infrastructure and the transportation network.*
 2. The effect of the proposed rezoning on surrounding uses. *A mix of Single-family and Public Institutional uses are already present in this area of City. The site has been used by individuals to produce and record music and create art pieces. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses as the C-1 Neighborhood Mixed Use District standards are intended to be compatible with established commercial, public institutional and residential uses.*

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

RECOMMENDATION

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

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



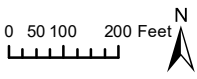
Subject Area

City Limits

City Limits



Plan Commission
 12-8-2020



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

N BALLARD RD

GRAND VIEW RD

Subject Area



City Plan Commission
12-8-2020





12/24/2020

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

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

Rezoning Application for The Refuge Foundation for the Arts

Dear Karen,

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

Thank you for your guidance on this process.

Sincerely,

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

Susan Hirschberg



MEMO

TO: Finance Committee

FROM: Paula Vandehey, Director of Public Works *PAV*

DATE: December 2, 2020

SUBJECT: **Request for City of Appleton to waive the Connection Fee in Lieu of Sanitary Sewer Special Assessment (\$17,301.98) and the Sanitary Area Assessment (\$10,066.66) in exchange for a sanitary sewer easement at 6331 N. Ballard Road.**

In February 2006, First English Lutheran Church provided a 30-foot wide sanitary sewer easement to the City of Appleton (see attached Exhibit "A"). This easement allowed for the development of the Glacier Ridge Subdivision, without the City having to purchase land. Because the construction of the Church preceded City utilities, it was built using well and septic systems. The Church annexed to the City of Appleton in November, 2007.

Over time, the Church has served many community needs including recreation teams and youth groups using the gym, as well as scout troops, the men's choir and a community orchestra. These additional uses have put a strain on their existing well and septic systems, so they are now looking to connect to City sewer and water.

Based on the City of Appleton's Special Assessment Policy, this property has Connection Fees in Lieu of Special Assessments due upon connection to the City infrastructure. However, it has become common practice for the City to waive special assessments in exchange for land dedication, easements, etc.

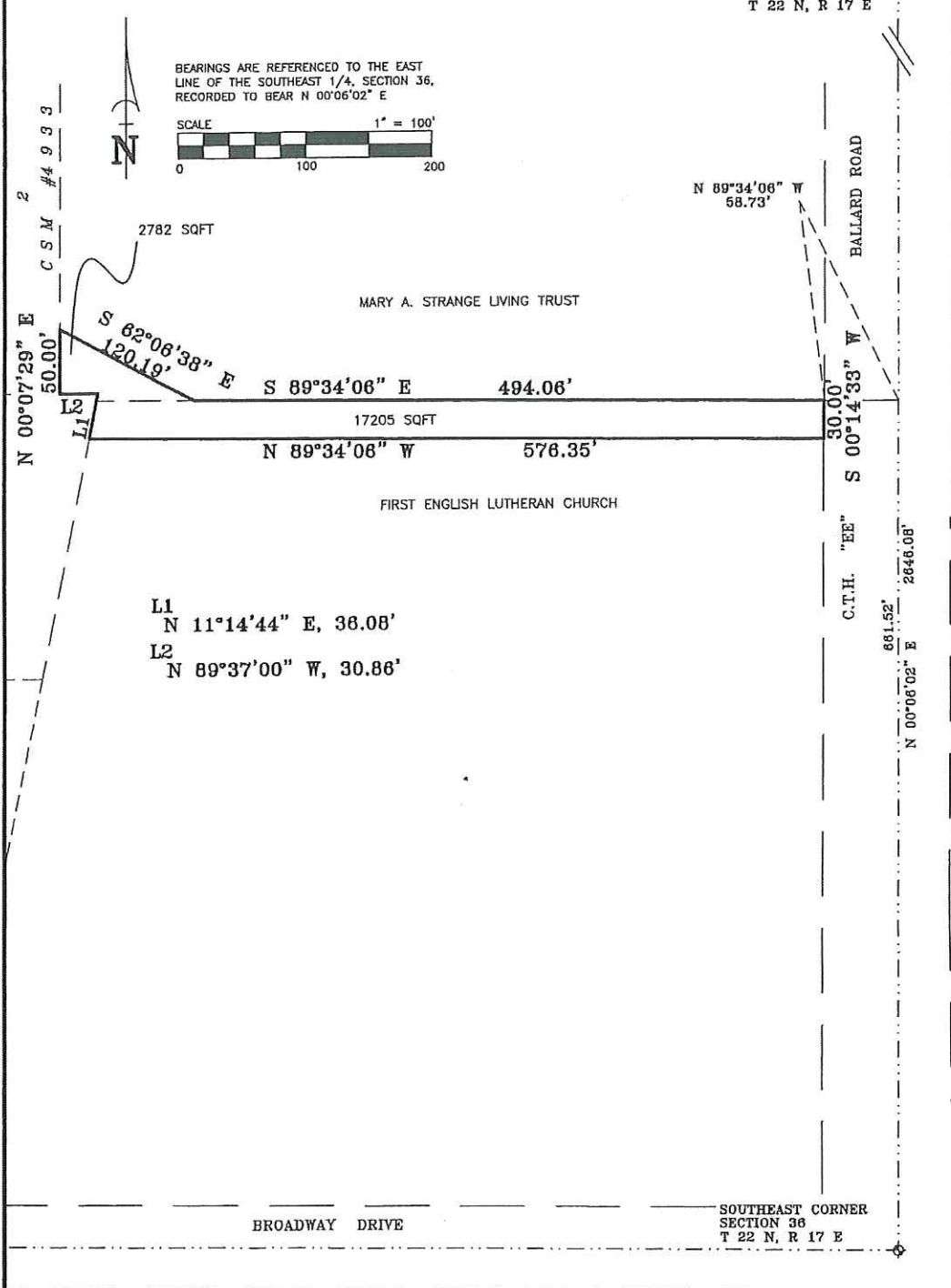
Therefore, staff supports the request to waive the Connection Fee in Lieu of Sanitary Sewer Special Assessment and the Sanitary Area Assessment in exchange for the sanitary sewer easement at 6331 N. Ballard Road. The Connection Fee in Lieu of Special Assessments for the watermain (\$38,251.11) will still be required upon connection.

Attachment


EXHIBIT "A" FOR SANITARY SEWER EASEMENT

EAST 1/4 CORNER
SECTION 36
T 22 N, R 17 E

BEARINGS ARE REFERENCED TO THE EAST
LINE OF THE SOUTHEAST 1/4, SECTION 36,
RECORDED TO BEAR N 00°06'02" E



L1
N 11°14'44" E, 38.08'
L2
N 89°37'00" W, 30.86'



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www.martenson-eisele.com
info@martenson-eisele.com

PROJECT NO. 663-001
FILE 663001soneas
THIS INSTRUMENT WAS DRAFTED BY: DMS

SANITARY SEWER EASEMENT

For and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, First English Lutheran Church, Mary A. Strange Living Trust, ("Grantors") do hereby grant to the City of Appleton, of Outagamie County, Wisconsin ("Grantee"), the right to install, replace, relocate, operate, maintain and repair a sanitary sewer and associated appurtenances within an easement as described below:

The servient property is legally described as:

PART OF THE SOUTHEAST 1/4, SECTION 36, TOWN 22 NORTH, RANGE 17 EAST, TOWN OF CENTER, OUTAGAMIE COUNTY, WISCONSIN

The easement is legally described by:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 00 DEGREES 06 MINUTES 02 SECONDS EAST, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 661.52 FEET; THENCE NORTH 89 DEGREES 34 MINUTES 06 SECONDS WEST, 58.73 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 14 MINUTES 33 SECONDS WEST, ALONG THE WEST RIGHT OF WAY LINE OF C.T.H. "EE", 30.00 FEET; THENCE NORTH 89 DEGREES 34 MINUTES 06 SECONDS WEST, 576.35 FEET; THENCE NORTH 11 DEGREES 14 MINUTES 44 SECONDS EAST, 36.08 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 00 SECONDS WEST, 30.86 FEET; THENCE NORTH 00 DEGREES 07 MINUTES 29 SECONDS EAST, ALONG THE EXTENDED AND EAST LINE OF LOT 2, CERTIFIED SURVEY MAP #4933, A DISTANCE OF 50.00 FEET; THENCE SOUTH 62 DEGREES 06 MINUTES 38 SECONDS EAST, 120.19 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES 06 SECONDS EAST, 494.06 FEET TO THE POINT OF BEGINNING, CONTAINING 19,987 SQUARE FEET (0.459 ACRES).

THE LOCATION OF THE EASEMENT HEREIN DESCRIBED IS SHOWN ON THE REFERENCE DRAWING MARKED "EXHIBIT A" AND MADE A PART HEREOF.

It is further agreed that the easement described above shall be a permanent easement.

It is further agreed that the Grantor, its lessees, successors, heirs or assigns (hereinafter referred to as "Grantor"), shall have full use and enjoyment of the property referenced above provided that such use does not interfere with Grantee's right to replace, operate, maintain and repair said sanitary sewer and associated appurtenances. It is further agreed that after maintaining, repairing, replacing or relocating of said sanitary sewer and associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Grantee does hereby agree to compensate fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said sanitary sewer and associated appurtenances outside of the above described easement area. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

Record and return to:

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

Tax Key Nos. 040100300 and 040100500

IN WITNESS WHEREOF, the said Grantor(s) has caused these presents to be signed this 1 day of February, 2006.

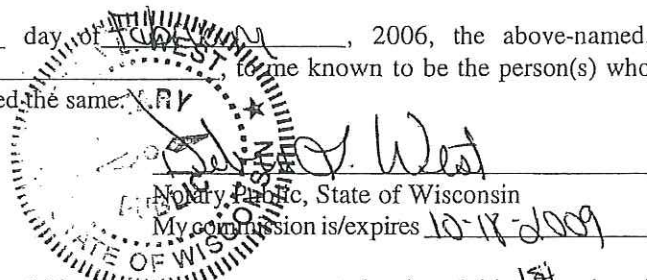
FIRST ENGLISH LUTHERAN CHURCH

By: Walter S England
Printed Name: Walter S England
Title: Resource Director

By: _____
Printed Name: _____
Title: _____

STATE OF WISCONSIN)
: ss
OUTAGAMIE COUNTY)

Personally came before me this 1st day of February, 2006, the above-named, Walter S. England and _____ for me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



IN WITNESS WHEREOF, the said Grantor(s) has caused these presents to be signed this 1st day of February, 2006.

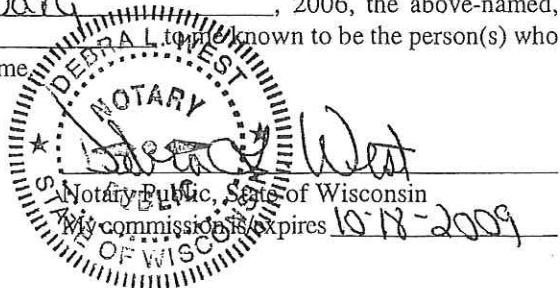
MARY A. STRANGE LIVING TRUST

By: _____
Printed Name: _____
Title: _____

By: Mary A. Strange
Printed Name: Mary A. Strange
Title: Trustee

STATE OF WISCONSIN)
: ss
OUTAGAMIE COUNTY)

Personally came before me this 1st day of February, 2006, the above-named, Mary A. Strange and _____ for me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



This instrument was drafted by:
James P. Walsh, City Attorney
N:\WORD\FORMS\EASEMENT\Strange-First English Lutheran Easement (4-18-06).doc

CARS PAYMENT INFORMATION***DHS CARS STAFF INTERNAL USE ONLY***
CARS PAYMENT INFORMATION

The information below is used by the DHS Bureau of Fiscal Services, CARS Unit, to facilitate the processing and recording of payments made under this Agreement.

Agency #:	Agency Name:	Agency Type:	CARS Contract Start Date	CARS Contract End Date	Program Total Contract:
449983	APPLETON CITY HD	060	3/1/2020	12/31/2020	\$582,616

Profile ID#	Profile Name	Profile Note	Profile Current Amount	Profile Change Amount	Profile Total Amount	Funding Controls
155803	CARES COVID19 TEST COORD	CARES Act funding ends 12/30/20 - Final report due 1/31/21	\$118,900	\$-90,500	\$28,400	N/A
155804	CARES COVID19 PLAN	CARES Act funding ends 12/30/20 - Final report due 1/31/21	\$30,000	\$-27,237	\$2,763	N/A
155805	COVID19 CONTACT TRACING	CARES Act funding ends 12/30/20 - Final report due 1/31/21	\$626,621	\$-75,168	\$551,453	N/A
					\$582,616	

CARS FEDERAL AWARD INFORMATION

DHS Profile Number	155803	155804	155805
FAIN	N/A	N/A	N/A
Federal Award Date	N/A	N/A	N/A
Sub-award period of Performance Start Date	3/1/2020	3/1/2020	3/1/2020
Sub-award period of Performance End Date	12/30/2020	12/30/2020	12/30/2020
Amount of Federal Funds obligated (committed) by this action	\$-90,500	\$-27,237	\$-75,168
Total Amount of Federal Funds obligated (committed)	\$28,400	\$2,763	\$551,453
Federal Award Project Description	Coronavirus Relief Fund	Coronavirus Relief Fund	Coronavirus Relief Fund
Federal Awarding Agency Name (Department)	Department of Treasury	Department of Treasury	Department of Treasury
DHS Awarding Official Name	Julie A. Willems Van Dijk	Julie A. Willems Van Dijk	Julie A. Willems Van Dijk
DHS Awarding Official Contact Information	608-266-9622	608-266-9622	608-266-9622
CFDA Number	21.019	21.019	21.019
CFDA Name	Coronavirus Relief Fund	Coronavirus Relief Fund	Coronavirus Relief Fund
Total made available under each Federal award at the time of disbursement	\$1,997,294,785	\$1,997,294,785	\$1,997,294,785
R&D?	No	No	No
Indirect Cost Rate	N/A	N/A	N/A



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

Department of Utilities
Wastewater Treatment Plant
2006 E Newberry Street
Appleton, WI 54915-3128
920-832-5945 tel.
920-832-5949 fax

To: Chairperson Thao and members of the Human Resources Committee
Copy: Chairperson Meltzer and members of the Utilities Committee.

From: Utilities Director Chris Shaw

Date: December 18, 2020

Subject: ***Request to approve Utilities Department Table of Organization Change***

The Utilities Department staff constantly reviews processes, programs and the organizational structure of the department to ensure water and wastewater treatment services are the most efficient achievable. The current wastewater solids operators have modified dewatering treatment to allow for increased production without the loss of treatment effectiveness. This process change has occurred over time with trial and error operations to produce this positive effect. To this end, I would like to recognize the department staff that have modified existing operations and are in support of the recommendation for a table of organization change. The organizational recommendation is as follows:

- Convert one Solids Operator position to a Utility Worker

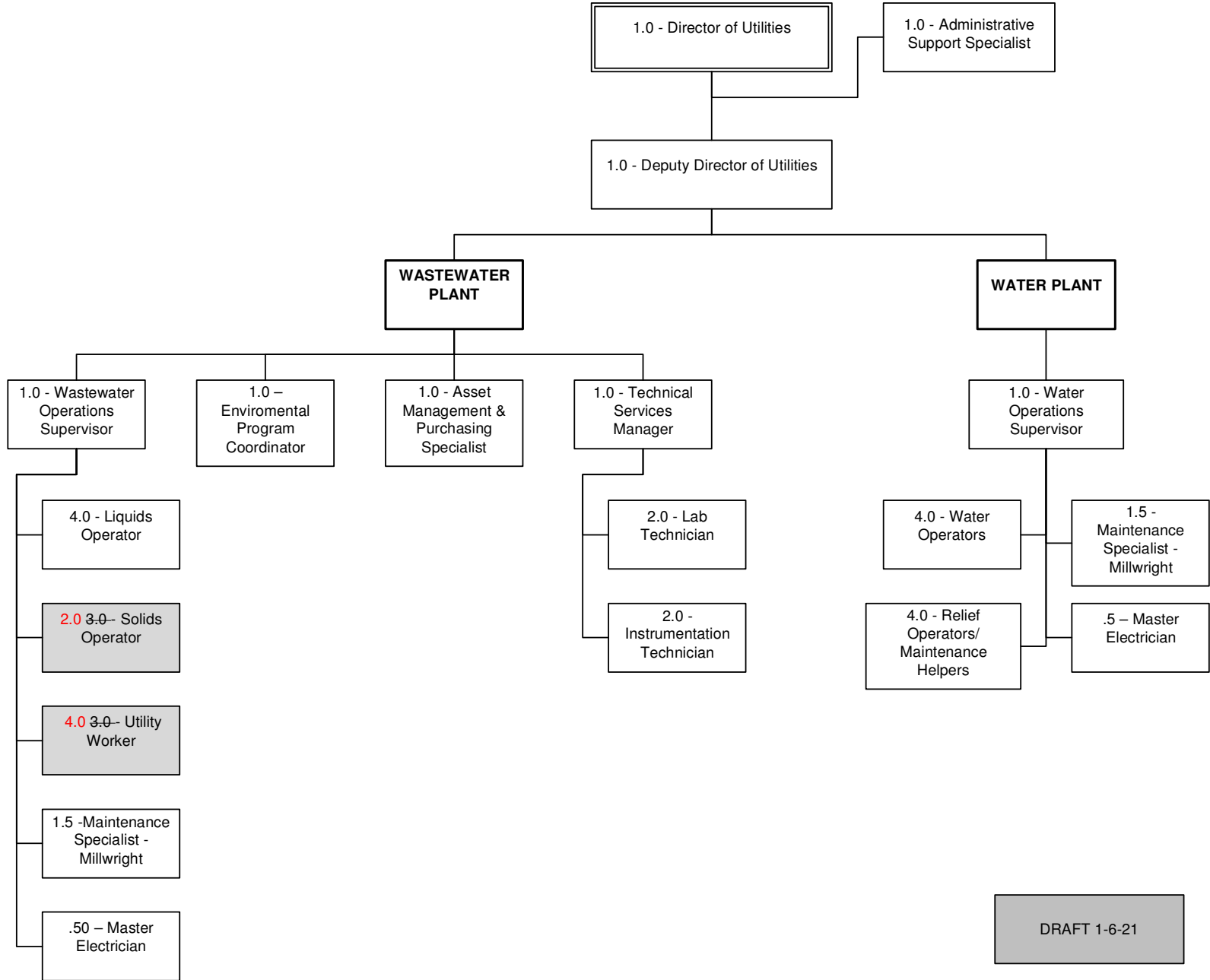
Background:

The solids operation is currently performed with three solids operators scheduled on five, eight-hour shifts. Due to their increased production, the staff and I feel that one day of production can be eliminated (24 hours of production). The solids operator schedule would be modified as follows: The remaining two solids operators would work a modified work week of four, ten-hour days. This schedule would allow for continuous operations during the work week. This schedule would eliminate starting and stopping of the equipment. Continuous dewatering operations is the most cost-effective mode of operation by maximizing solids production with the least amount of energy and chemical addition. This proposed solids operator schedule would need to be supplemented with a utility worker (16 hours of production) for the solids operator, four-day production work week.

The current utility worker pool consists of three employees. These employees provide fill-in for staff on leave in operations and the laboratory while also providing maintenance activities throughout the plant. The Utility worker workload has not been achievable due to an increased need to attend to aging equipment and providing additional support for new permit

requirements. Having an additional utility worker would provide the 16-hour support for the proposed solids operator schedule and provide the balance of labor to reduce the back load of work in both operations and maintenance divisions.

Both the utility worker and solids operator positions are supervised by the Wastewater Operations Supervisor. Consequently, there would not be a change in supervisory roles other than the number supervised in each job classification.



DRAFT 1-6-21

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

1-21

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

(City Plan Commission 1/6/2021)

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

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

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

LEGAL DESCRIPTION:

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

COMMON DESCRIPTION:

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

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

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

Dated: January 6, 2021

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk