



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, March 17, 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

[21-0300](#) Common Council Meeting Minutes of March 3, 2021

Attachments: [CC Minutes 3-3-21.pdf](#)

G. BUSINESS PRESENTED BY THE MAYOR

[21-0307](#) Proclamation: Colorectal Cancer Awareness Month

Attachments: [Colorectal Cancer Awareness Month Proclamation.pdf](#)

[21-0308](#) COVID-19 Update

Attachments: [COVID -19 Cases 3-17-21.pdf](#)

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

[21-0255](#) Public Hearing for Rezoning #2-21 at 2501 N. Meade Street from C-2 General Commercial District to R-1B Single-Family District.

Attachments: [RZ #2-21_Notice of Public Hearing.pdf](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[21-0273](#) Review Driveway Opening Policy to possibly delete requirement #5 regarding neighboring property owners.

Attachments: [Driveway Opening Policy.pdf](#)

Legislative History

3/8/21 Municipal Services recommended for approval
 Committee

[21-0274](#) Approve installation of standard parking meters in Soldier Square along with Passport pay-by-phone option.

Attachments: [Soldier Square parking meters.pdf](#)

Legislative History

3/8/21 Municipal Services recommended for approval
 Committee

[21-0275](#) Request from Appleton Downtown, Inc. for a street occupancy permit for "Fiber Rain" to install yarn creations on planters, wayfinding kiosks and poles on College Avenue (600 W. College to 300 E. College) from April 12, 2021 through May 31, 2021.

Attachments: [ADI-Fiber Rain.pdf](#)

Legislative History

3/8/21 Municipal Services recommended for approval
 Committee

[21-0277](#) Request from Matt Miller to bag nine (9) meters on March 17, 2021 on Lawrence Street and Walnut Street for food pick-up at McGuinness Pub. This request was administratively denied based on the Downtown Parking & Meter Bag Policy. This request will not have time to go through the Council process.

Attachments: [Matt Miller request for meter bags.pdf](#)

Legislative History

3/8/21 Municipal Services recommended for approval
 Committee

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

- [21-0217](#) Secondhand Mall/Flea Market License renewal application for Ye Old Goat, Meghan Keller, applicant, located at 1919 E Calumet St, contingent upon approval from all departments.

Attachments: [Ye Old Goat S&L.pdf](#)

Legislative History

3/10/21 Safety and Licensing Committee recommended for approval

3. MINUTES OF THE CITY PLAN COMMISSION

- [21-0174](#) Request to approve Rezoning #2-21 to rezone 2501 N. Meade Street (Tax Id #31-6-1808-00), including all of the adjacent one-half right-of-way, as shown on the attached maps, from C-2 General Commercial District to R-1B Single-family District

Attachments: [StaffReport_2501NMeadeSt_Rezoning_For02-23-21.pdf](#)

Legislative History

2/23/21 City Plan Commission recommended for approval
Proceeds to Council on March 17, 2021.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

- [21-0278](#) Action Item: Award the City of Appleton's "2021 Appleton Pickleball Complex Design Project" Contract to JSD Professional Service, Inc. in an Amount not to Exceed \$27,000

Attachments: [2021 Pickleball Complex Memo.docx](#)

Legislative History

3/8/21 Parks and Recreation Committee recommended for approval

5. MINUTES OF THE FINANCE COMMITTEE

- [21-0252](#) Request to award Unit X-21 Sewer & Water Reconstruction No. 2 to Kruczek Construction, Inc in the amount of \$2,110,110 with a 3% contingency of \$63,303 for a project total not to exceed \$2,173,413

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

Legislative History

3/8/21 Finance Committee recommended for approval

[21-0253](#) Request to award a design and engineering services contract for the Appleton Public Library to Skidmore, Owings & Merrill in the amount of \$2,721,389 with a 5% contingency of \$136,070 for a project total not to exceed \$2,857,459, and approve the following related 2021 Budget amendment:

Facilities Management Capital Projects Fund

Capital Outlay - Library Project	+\$457,459
Proceeds of Long-Term Debt	+\$457,459

to record additional costs of design and engineering services contract (2/3 vote of Common Council required)

Attachments: [2021 Library Architect and Engineers.pdf](#)
[SOM Letter to Appleton Community 3-8-2021.pdf](#)

Legislative History

3/8/21 Finance Committee recommended for approval

[21-0254](#) Request to approve the disposal of surplus beds

Attachments: [Finance Committee Bed Donation Memo 2021 \(004\).pdf](#)
[WG&R Brighter Dreams Program.pdf](#)

Legislative History

3/8/21 Finance Committee recommended for approval

[21-0257](#) Request to approve Sixth/Seventh Additions to Emerald Valley Development Agreement

Attachments: [Emerald Valley Development Agreement.pdf](#)

Legislative History

3/8/21 Finance Committee recommended for approval

[21-0263](#) Request to award the City of Appleton's 2021 Parks Hardscapes Project - AMP Parking Lot #3 Reconstruction Project contract to Northeast Asphalt, Inc in the amount of \$289,788 with a contingency of \$50,000 for a project total not to exceed \$339,788

Attachments: [2021 AMP Parking Lot #3 Renovation.pdf](#)

Legislative History

3/8/21 Finance Committee recommended for approval

[21-0264](#) Request to award the City of Appleton's Wastewater A & S Building's HVAC Upgrades Phase 2 Project contract to EGI Mechanical, Inc in the amount of \$736,577 with a contingency of \$13,000 for a project total not to exceed \$749,577

Attachments: [2021 AWWTP S-Building HVAC Upgrades.pdf](#)

Legislative History

3/8/21 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[21-0247](#) Request to approve the City of Appleton maintain its current selling prices for business/industrial park land and hold option fees as described in the attached documents

Attachments: [Business-Industrial Park Land Value Memo_ 3-10-21.pdf](#)

[Exhibit A-Ind Land Sales Comparison.pdf](#)

[Exhibit B-Ind Land Asking Price Comparison.pdf](#)

[Southpoint Commerce Park Map.pdf](#)

[NE Business Park Map.pdf](#)

Legislative History

3/10/21 Community & Economic Development Committee recommended for approval

[21-0248](#) Request to approve recommended funding of \$15,000 for 2021 sponsorships for Appleton Downtown Inc. (ADI) programs as outlined in the attached document

Attachments: [Memo to CEDC on ADI Sponsorships 2021.pdf](#)

[ADI Support Proposal to City 2021.pdf](#)

Legislative History

3/10/21 Community & Economic Development Committee recommended for approval

[21-0249](#) Request to approve the Development Agreement with 318 College Ave LLC for improvements and redevelopment of the property located at 318 W. College Avenue (the Park Central Property) in Tax Increment Financing District No. 11

Attachments: [Memo to CEDC 318 W College Ave Park Central Dev Agrmt 3-10-21.pdf](#)

[318 W College Ave Park Central - Dev Agrmt - 02-24-2021.pdf](#)

Legislative History

3/10/21 Community & Economic Development Committee recommended for approval

[21-0260](#) Request to approve the REVISED 2021-2022PY Community Development Block Grant (CDBG) funding as specified in the attached community partner allocation recommendations

Attachments: [Alloc Recs Memo to CEDC Final Award 03-10-2021.pdf](#)
[Alloc Recs Memo to CEDC 11-11-20.pdf](#)
[FINAL 2021 CDBG Community Partner Recommendations 3-10-21.pdf](#)
[FINAL 2021 CDBG Simple Summary Recommendations 3-10-21.pdf](#)
[Letter From Apricity Request for Additional Funds.pdf](#)

Legislative History

3/10/21 Community & Economic Development Committee recommended for approval

7. MINUTES OF THE UTILITIES COMMITTEE

[21-0228](#) Approve 2020 Annual Stormwater Report to WDNR.

Attachments: [2020 MS4 Annual Report for UC w attachments.pdf](#)

Legislative History

3/9/21 Utilities Committee recommended for approval

[21-0238](#) Award of 2021D Stormwater Consulting Services Single Source Contract for Lightning Drive Stream Crossings and Stormwater Practices Final Design to raSmith in an amount not to exceed \$107,000.

Attachments: [2021D Lightning Final Design Contract Award Memo to raSmith 03-09-2021 FIN](#)

Legislative History

3/9/21 Utilities Committee recommended for approval

[21-0239](#) Award of Single Source Contract with NES Ecological Services for 2021 Wetland Delineation Services in an amount not to exceed \$35,639.70

Attachments: [2021E Wetland Delineations Contract Award Memo 03-09-2021 Util Cmte Final](#)

Legislative History

3/9/21 Utilities Committee recommended for approval

[21-0240](#) Award Single Source Unit K-21 Native Landscape Management Contract to Applied Ecological Services, Inc., in an amount not to exceed \$256,680.

Attachments: [K-21 contract award util memo 03-09-2021 Final.pdf](#)

Legislative History

3/9/21 Utilities Committee recommended for approval

[21-0262](#) Award Contract Amendment #1 to AECOM for the America's Water Infrastructure Act Project in the amount of \$22,788.

Attachments: [utilities memo - AWIA RRA Memo 03-03-21 \(002\).pdf](#)

Legislative History

3/9/21 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[21-0121](#) Discuss Alderperson salaries

Attachments: [Elected Alderperson official salary.pdf](#)
[alderperson comparison 2019.pdf](#)
[Alderperson Raises Deadline memo HR.IT 2-23-2021.pdf](#)
[2020 Alderperson Compensation.pdf](#)

Legislative History

1/27/21 Human Resources & Information Technology Committee held

3/10/21 Human Resources & Information Technology Committee recommended for approval
Effective April 2023 to set Alderperson salary to \$10,125.

[21-0281](#) Request to approve Valley Transit to reclassify a Road Supervisor to an Operations Supervisor

Attachments: [Request VT T.O. Change.pdf](#)
[Valley Transit TO draft 3-1-21.pdf](#)

Legislative History

3/10/21 Human Resources & Information Technology Committee recommended for approval

[21-0282](#) Request to award Heartland Business Solutions the contract to purchase and implement a new Palo Alto Firewall high availability system. The amount requested is \$86,743 with a 10% contingency for a project total of \$95,417

Attachments: [Firewall RFP Memo.pdf](#)

Legislative History

3/10/21 Human Resources & Information Technology Committee recommended for approval

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**10. MINUTES OF THE BOARD OF HEALTH**

[21-0285](#) Proposed Additions to Code Section 9-52: Operation of premises licensed for retail sales

Attachments: [Memo to BOH.pdf](#)
[Oct 2016 Edit.pdf](#)
[Proposed Revision.pdf](#)

Legislative History

3/10/21 Board of Health recommended for approval

M. CONSOLIDATED ACTION ITEMS**N. ITEMS HELD****O. ORDINANCES**

[21-0304](#) Ordinance #7-21 - Rezoning 2-21 for 2501 North Meade Street

Attachments: [Ordinances going to Council 3-17-21.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION**Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION****R. OTHER COUNCIL BUSINESS****S. ADJOURN**

Kami Lynch, City Clerk

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



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, March 3, 2021

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 Siebers

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

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-0216](#)

Common Council Meeting Minutes of February 17, 2021.

Attachments: [CC Minutes 2-17-21.pdf](#)

Alderperson Fenton moved, seconded by Alderperson Otis, 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

[21-0234](#) Board & Task Force Appointments

Attachments: [Board & Task Force Appts. 3-3-21.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Smith, that the Appointments 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

[21-0235](#) Be Active Wisconsin Month Proclamation

Attachments: [Be Active WI Proclamation.pdf](#)

This Proclamation was presented

[21-0241](#) Presentation: IACT Grants

These grants were presented to the Police Department & Fire Department

[21-0231](#) COVID-19 Update

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

H. PUBLIC PARTICIPATION

The following spoke during Public Participation regarding Item 21-0209 from Municipal Services Committee:

*Kari Fischer, 64 Pheasant Ct (via Zoom)
Mike Fischer, 64 Pheasant Ct*

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[21-0209](#)

Request from Tyler Mueller for a second curb cut at 70 Pheasant Court be ~~denied~~ approved based on neighboring property objection per the City of Appleton's Driveway Opening Policy.

Attachments: [70 Pheasant Ct-driveway.pdf](#)

Alderson Prohaska moved, seconded by Alderson Firkus, that the curb cut/driveway addition be approved. Roll Call. Motion carried by the following vote:

Aye: 9 - Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Joe Prohaska

Nay: 6 - Alderson William Siebers, Alderson Joe Martin, Alderson Alex Schultz, Alderson Mike Smith, Alderson Nate Wolff and Alderson Corey Otis

Abstained: 1 - Mayor Jake Woodford

[21-0192](#)

Request from Pollenablers-Fox Cities to designate the month of May, 2021 as No Mow May ~~and to provide a 7 day grace period to not enforce the Weed Ordinance.~~

Attachments: [Pollenablers-No Mow May.pdf](#)

Alderson Fenton moved, seconded by Alderson Schultz, that the Request be approved as amended in Committee. Roll Call. Motion carried by the following vote:

Aye: 13 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Alex Schultz, Alderson Patti Coenen, Alderson Nate Wolff, Alderson Kyle Lobner, Alderson Joe Prohaska and Alderson Corey Otis

Nay: 2 - Alderson Matthew Reed and Alderson Mike Smith

Abstained: 1 - Mayor Jake Woodford

[21-0190](#)

Pet Store License application for Fancy Fish, Sia Y. Lor, applicant, located at 1804 S Lawe St, contingent upon approval from all departments.

Attachments: [Fancy Fish S&L.pdf](#)

Alderson Reed moved, seconded by Alderson Fenton, that the License be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson 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: 2 - Alderperson Maiyoua Thao and Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderperson Reed 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

[21-0189](#)

Approve Contract for 2021-2025 Movable Bridge Inspections to AECOM Technical Services, Inc. in an amount not to exceed \$95,061.

Attachments: [Contract-Movable Bridge Inspections.pdf](#)

This Report Action Item was approved.

[21-0193](#)

Request to extend free parking in the Red Ramp for an additional 90 days, during vaccination clinic days only, as part of the community vaccination program at the Fox Cities Exhibition Center.

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-0191](#)

Class "A" Beer application for Oneida Street Mini Mart LLC d/b/a Oneida BP, Prabhu Dhungana, Agent, located at 1306 S Oneida St, contingent upon approval from all departments.

Attachments: [Oneida BP.pdf](#)

This Report Action Item was approved.

[21-0195](#) Amusement Device License application for Oneida Street Mini Mart LLC d/b/a Oneida St BP, Prabhu Dhungana, applicant, located at 1306 S Oneida St, contingent upon approval from all departments.

Attachments: [Oneida St BP 2021 S&L.pdf](#)

This Report Action Item was approved.

[21-0208](#) Cigarette License application for Oneida Street Mini Mart LLC d/b/a Oneida BP, located at 1306 S Oneida St.

Attachments: [Oneida St BP 2021 S&L.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[21-0175](#) Request to approve the First Addition to Broadway Hills Estates Annexation consisting of approximately 16.6454 acres generally located approximately 1,400 feet north of the intersection of N. French Road and E. Broadway Drive, on the west side of French Road, currently in the Town of Freedom, as shown on the attached maps subject to the stipulation in the attached staff report

Attachments: [StaffReport_1stAddBroadwayHillsEstates_Annexation_For02-23-21.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[21-0211](#) Request to award Unit B-21 Asphalt Pavement Reconstruction to Vinton Construction Company in the amount of \$1,712,148 with a 2.7% contingency of \$45,625 for a project total not to exceed \$1,757,773

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

This Report Action Item was approved.

[21-0212](#)

Request approval to write off delinquent accounts receivable invoices and personal property taxes (outstanding for more than one year) in the following amounts: 2017 accounts receivable invoices of \$4,868.80 and personal property taxes of \$25,246.73; and 2018 accounts receivable invoices of \$18,747.96 and personal property taxes of \$15,096.65

Attachments: [Write-off List 2021 for Committee.pdf](#)

This Report Action Item was approved.

[21-0213](#)

Request to approve the following 2021 Budget amendment:

Valley Transit

Federal Grant	+\$110,964
Miscellaneous Local Aids	+\$ 27,741
Capital Outlay - Software	+\$138,705

to record funding for, and purchase of, the Trans Data Management software program (2/3 vote of Council required)

Attachments: [VT Trans Data Management Memo 2021-02-18.pdf](#)

This Report Action Item was approved.

[21-0215](#)

Request to approve the following 2021 Budget amendment:

Reid Golf Course

Capital Outlay - Parking Lot	+\$ 43,000
Fund Balance	- \$ 43,000

to record funding for and additional spending authority for parking lot construction (2/3 vote of Council required)

Attachments: [2021 Reid Golf Course Parking Lot Budget Amendment.pdf](#)

This Report Action Item was approved.

- 6. **MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**
- 7. **MINUTES OF THE UTILITIES COMMITTEE**
- 8. **MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[21-0201](#) Approve Award of Contract for TransTrack Data Management System

Attachments: [TransTrack Request.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[21-0230](#) Ordinance #6-21 - First addition to Broadway Hills Estates Annexation

Attachments: [Ordinances going to Council 3-3-21.pdf](#)

Aldersperson Siebers moved, seconded by Aldersperson Smith, that the Ordinance 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

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

Resolution #3 -R-21

PROHIBITION ON LARGE SCALE COMMERCIAL DOG AND CAT BREEDING

March 3, 2020

Submitted By: Maiyoua Thao District 7, Denise Fenton District 6, Vered Meltzer District 2

Referred To: Safety & Licensing Committee

WHEREAS, most puppies and kittens sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits ("puppy mills" and "kitten mills", respectively). According to The Humane Society of the United States an estimated 10,000 puppy mills produce more than 2 million puppies per year in the United States.

WHEREAS, according to the U.S. Centers for Disease Control and Prevention pet store puppies pose a health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant Campylobacter infection from contact with pet store puppies.

WHEREAS, current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of puppy and kitten mill dogs and cats in pet stores pose. Federal oversight of the commercial breeding industry is severely lacking.

WHEREAS, it is in the best interest of the City of Appleton, Wisconsin to adopt reasonable regulations to reduce costs to Appleton, Wisconsin and its residents, protect citizens who may purchase cats or dogs from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Appleton.

THEREFORE be it resolved that the City of Appleton create Section 3-25 of the Municipal Code to include the following:

Sec. 3-25. Prohibition on large scale commercial dog or cat breeding.

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this paragraph:

"Animal care facility" means an animal control facility or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

"Animal rescue organization" means any not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

"Breeder" means a person that maintains a dog or cat for the purpose of breeding and selling their offspring.

"Broker" means a person that transfers a dog or cat from a breeder for resale by another person.

"Cat" means a member of the species of domestic cat, Felis catus.

"Dog" means a member of the species of domestic dog, Canis familiaris.

"Pet store" means a retail establishment where companion animals are sold, exchanged, bartered, or offered for sale to the general public. Such definition shall not include an animal care facility or animal rescue organization.

(b) Restrictions on the sale of animals. No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs or cats provided the pet store shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals. Dogs may not be kept overnight.

(c) Penalty. A violation of this section shall be subject to a penalty as provided in §1-16, and each dog or cat in violation of this section shall constitute a separate violation.

(d) Effective date. This section shall become effective July 1, 2021.

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Aldersperson Otis moved, seconded by Aldersperson Siebers, that the meeting be adjourned at 8:11 p.m. 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

Kami Lynch, City Clerk

PROCLAMATION



Office of the Mayor

WHEREAS, colorectal cancer is the second-leading cause of cancer-related deaths in the U.S. among men and women combined, but there is currently no cure; and

WHEREAS, colorectal cancer affects about 1 in 24 people, although this number varies according to individual risk factors; and

WHEREAS, it is expected that over 100,000 new cases of colon cancer and 45,000 new cases of rectal cancer will be diagnosed during 2021; and

WHEREAS, people with a first-degree relative who has colon cancer have 2 to 3 times the risk of developing the disease; and

WHEREAS, while colon and rectal cancer has been steadily declining among people over age 50, the rate has increased for adults under 50 and there are more than 1.5 million survivors in the U.S.; and

WHEREAS, it is critical that all people of all ages know the signs and symptoms of the disease as it is preventable, treatable, and beatable in most cases.

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

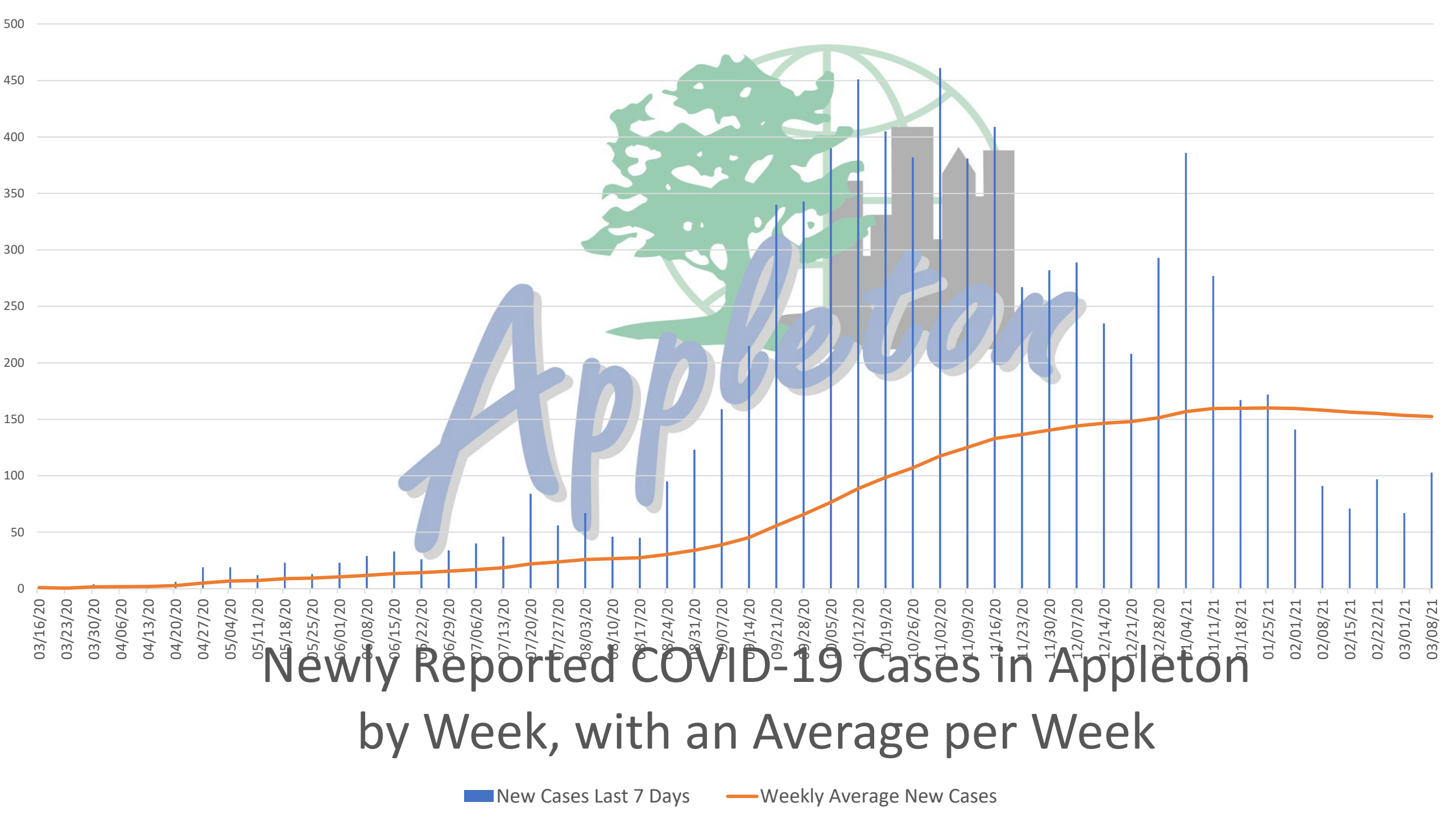
Colorectal Cancer Awareness Month

in Appleton and encourage all residents to take this special opportunity to become more aware of the importance of early detection and screening.

Signed and sealed this 1st day of March, 2021.



JACOB A. WOODFORD
MAYOR OF APPLETON



$67 + 103 = 170$ (2 week case counts)

$170 / 75,000 = .002267$ (Appleton population 75,000)

$.002267 \times 100,000 = 226.7$ (equals burden)

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

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

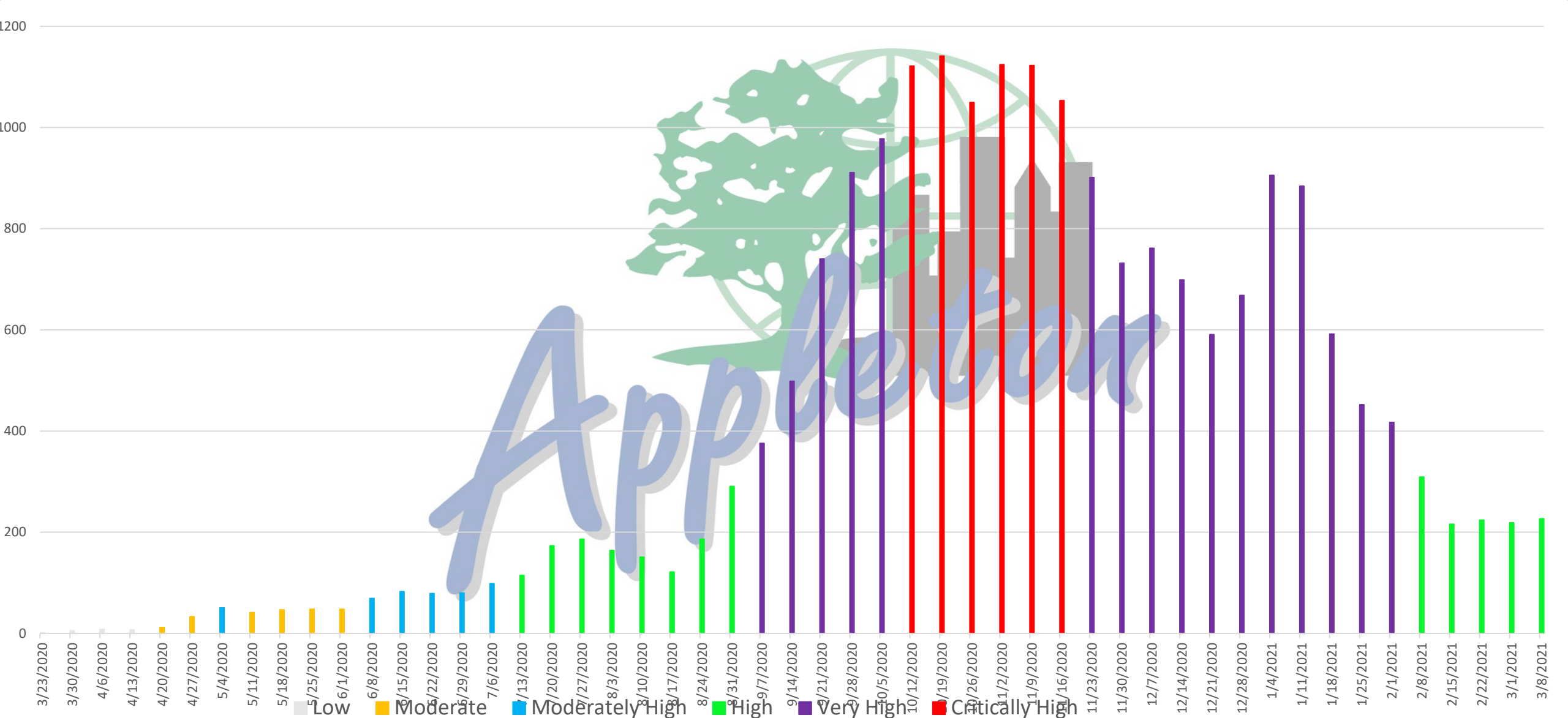
Moderately High greater than 50 but less than 100 per 100,000 people

High is greater than 100 per 100,000 people

Very High is greater than 350 per 100,000 people

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

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



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

NOTICE OF PUBLIC HEARING

#2-21

RE: Proposed Zone Change

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

Rezoning #2-21: A rezoning request has been initiated by the owner, Wisconsin Electric Power Company, on behalf of the applicant Greater Fox Cities Area Habitat for Humanity, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the following described real estate (2501 N. Meade Street). The owner requests to rezone the property from C-2 General Commercial District to R-1B Single-family District. The R-1B district is intended to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

Purpose of the Rezoning: This lot was used for a power substation since 1966 that has been removed recently. All adjoining properties, as well as those across the street, are residential. Greater Fox Cities Area Habitat for Humanity would like to construct a single-family house on this lot.

Legal Description: PARCEL: 31-6-1808-00

The E63FT OF S110FT OF BLK 1 PARKDALE PLAT, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.

February 24, 2021

RUN: March 2, 2021
March 9, 2021

KAMI LYNCH
City Clerk



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

DEPARTMENT OF PUBLIC WORKS
Engineering Division
100 North Appleton Street
Appleton, WI 54911
(920) 832-6474
FAX (920) 832-6489

Adopted October 28, 2014

CITY OF APPLETON DRIVEWAY OPENING POLICY

Permit Required

A Street Excavation Permit from the Department of Public Works is required to construct, repair, replace, or remove any sidewalk, driveway approach, carriage walk, curb and gutter, or surfacing within any public right-of-way.

Location and Dimensions

The location and dimensions of any driveway opening shall be approved by the Engineering Division prior to any building permit being issued by the Inspection Division. For developments subject to site plan review per section 23-171(b) of the Municipal Code, an approved site plan shall be considered a driveway opening approval by the Engineering Division. A Street Excavation Permit is still required prior to constructing the portion of driveway within the public right-of-way.

Anyone denied a driveway opening request administratively may appeal the decision to the Common Council through the Municipal Services Committee.

All driveways must be a minimum of 25 feet from any residential street intersection point of curvature, 100 feet from any collector or arterial street intersection, or 200 feet from any signalized intersection as defined by the property line extended to the curb, perpendicular to the road centerline.

A property owner may be granted a second curb cut if the following conditions are met:

1. A sketch showing proposed location of second driveway is submitted to the Engineering Division of the Department of Public Works.
2. The Engineering Division does not object to the request.
3. The Forestry Division does not object to the request.
4. The Inspections Division does not object to the request.

5. The two neighboring properties to each side of the requesting property do not object to the request. (Municipal Services Report, June 18, 1997)

All abandoned or partially abandoned driveways shall be closed when new driveways are constructed. Terrace areas shall be restored to provide uniformity on the street. All construction costs incurred shall be borne by the property owner, except as noted for paving projects below.

Driveways on Paving Projects

Driveways shall be subject to the requirements of the Policy for Special Assessments for the current year. (See section I.A.6)

Residential Driveways

Residential driveway aprons may not exceed 40% of the total width of the side of the property where the driveway is located, or a maximum of 40 feet, whichever is less. In addition, all residential driveways shall conform to Section 19-91 of the City's Municipal Code.

Commercial Driveways

Driveway aprons designed to accommodate truck traffic shall be 7" thick concrete and constructed using a minimum of 15' radii on the flares. (See Exhibit A)

Commercial driveways on streets with average traffic volumes greater than 10,000 vehicles per day shall be constructed with street-type entrances using a minimum of 15' radii on the flares. (See Exhibit A)

College Avenue Driveways

(Street & Sanitation Committee – August 8, 1990)

Resolution 87-R-90-Alderman Rosecky. "Be it resolved, that no curb cuts shall be allowed on College Avenue between Badger Avenue and Linwood Avenue unless approved by the Municipal Services Committee and the Common Council.

Driveways in Non-City of Appleton Streets

If a proposed driveway is located in a right-of-way that does not have City of Appleton jurisdiction (e.g., a County Highway or Town Road), the property owner must submit a copy of the driveway permit (and culvert permit, if applicable) issued by the agency having jurisdiction prior to the issuance of a driveway permit by the City.



MEMO

TO: Municipal Services Committee

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

DATE: March 3, 2021

SUBJECT: **Approve installation of standard parking meters in Soldier Square along with Passport pay-by-phone payment option.**

The existing parking pay stations that service 34 parking stalls in Soldier Square were at the end of their useful life and therefore, were removed at the end of January, 2021. Before we spent significant funds to install parking meters, we conducted a pilot program to see if our Passport pay-by-phone app only would work in this location. The advantages of the pay-by-phone app include:

- Paying without coins
- No meter malfunctions
- Extending parking for up to the time limit without going back to the vehicle
- Provides a text message when the parking session is expiring
- Customer doesn't pay for parking prior to the hours of enforcement

The City values the use of a pilot program because it is a great way to get our customers involved by trying something new and providing us honest feedback. Through this feedback, the Municipal Services Committee, and ultimately the full City Council, will be able to make the best decision possible based on all of the information.

Feedback themes are highlighted below along with additional pertinent information:

Theme 1: The City is trying to eliminate all parking meters.

Response: City staff does not have a goal to eliminate all meters. However, meters are expensive to purchase, maintain and operate, so if there are any isolated locations that would work with a pay option other than parking meters, we would like to explore those opportunities. This specific pilot is for 34 parking stalls (we have an additional 714 stalls with parking meters).

Theme 2: Some people do not have a smart phone.

Response: Customers can also call a dedicated phone number to pay instead of using the app. This method is not used very often, but Passport records show an Appleton customer did pay that way since we implemented the Passport pay-by-phone program.

Theme 3: Some people do not wish to provide credit card information via a phone app.

Response: Customers could use the call in option instead of the app. However, this option still requires credit card information to be provided as method of payment.

Theme 4: The Passport app is only available in English.

Response: If the phone device settings are enabled in another language, the app will automatically translate to that device's language (English, Spanish and French are currently available with Passport).

Theme 5: The City requires a minimum 1 hour parking session when paying via the phone app.

Response: Because the City's hourly rates are so low, a one-hour increment is the smallest we can go to generate any revenue.

Theme 6: Meters with credit cards should be installed.

Response: The City does not plan to install meters that accept credit cards due to their high initial cost and high on-going fees. In order to provide a credit card feature at on-street meters, the meter rates would need to at least triple.

Theme 7: To be as inclusive as possible, options of both pay-by-phone and meters should be made available.

Response: Having multiple pay options is ideal.

Based on the feedback we received during our pilot program, we recommend that standard parking meters be installed in Soldier Square for an estimated cost of \$13,000.

Paula Vandehey

From: Jennifer Stephany <jennifer@appletondowntown.org>
Sent: Tuesday, March 2, 2021 1:42 PM
To: Paula Vandehey
Cc: Jessica L. Titel; Djuanna Hugdal; Meghan Warner
Subject: Fiber Rain
Attachments: fiber 1.jpg

Paula,

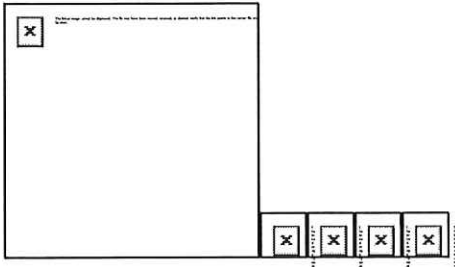
We recently reconnected with the Fiber Rain Group and would like to feature their colorful pieces Downtown in April. As in past years, we are seeking your approval to install the yarn creations on planters, wayfinding kiosks and poles along College Ave. We would like to host installation the week of April 12th, with all pieces fully installed by April 16th. We will apply for an occupancy permit for the installation as we have in the past. We would love to see the pieces allowed up through May if possible. Fiber Rain is grandfathered in the public art policy. Please let me know any questions or concerns you have.

Thanks Paula.

Jen

Executive Director
Appleton Downtown Inc.
920.954.9112

Take the PLEDGE to Shop with Downtown Businesses and Support 9\$20!
<https://appletondowntown.org/support-local-920/>



Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.



Paula Vandehey

From: Matt Miller <matt@mcguinnessirishpub.com>
Sent: Wednesday, March 3, 2021 1:49 PM
To: Paula Vandehey
Subject: Parking stalls March 17

Dear Ms. Vandehey,

On Wednesday, March 17, McGuinness Irish Pub will be offering an Irish breakfast and Corned Beef & Cabbage dinners all day as part of our St. Patrick's Day celebrations.

Because of the current health crisis, we are encouraging people to place advance and drive-thru orders.

To make this process simple and safe for everyone, and trying not to disturb normal traffic flow, we would like cars to line-up on Lawrence Ave, place their order in front of our parking lot/patio, and then drive around the corner onto Walnut St to pick-up their food. There is an emergency exit door we plan to operate out of at the Southern most part of our building on Walnut St.

In order to make this happen I am requesting the city to bag the parking meters for the stalls surrounding our building so as to prevent people from parking in these spots. This will allow us to make an easy drive-thru lane. We already have orange cones to make this drive-thru lane safe and less confusing. Specifically, the meters I refer to: LAW 501, LAW 503, LAW 505, LAW 507, WLS 201, WLS 203, WLS 205, WLS 207, and WLS 209.

As you know, last year our business was forced to shut down on our busiest and most important day of our year. Not only did we lose critical income, but we also suffered due to the loss of thousands in expenses such as tent rentals, entertainment, advertising, additional labor, and of course food and beverages. This St. Patrick's Day must be as profitable as possible for us. We are struggling. The ability to make this drive-thru lane will be so beneficial, while keeping everyone safe.

I understand this request must go before your parking committee. Please let me know if you need more information and if I am welcome to attend your meeting to answer any questions your committee may have.

Thank you for this consideration.

Matt Miller
McGuinness Irish Pub
920-573-0959

Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.



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

DEPARTMENT OF PUBLIC WORKS

Engineering Division
100 North Appleton Street
Appleton, WI 54911
(920) 832-6474
FAX (920) 832-6489

January 2020

CITY OF APPLETON
DOWNTOWN PARKING & METER BAG POLICY

I. General Information

DOWNTOWN APPLETON PARKING	ON-STREET PARKING STALLS	RED RAMP	GREEN RAMP	YELLOW RAMP	LIBRARY PLAZA LOT	
		N/E corner Superior & Lawrence	S/E corner Division & Washington	N/W corner Morrison & Washington	200 block N. Appleton	
Allowable Parking Hours	5a.m.-2a.m.	24 hrs/day 7 days/week	24 hrs/day 7 days/week	24 hrs/day 7 days/week (No parking 2-5 a.m. w/o permit)	24 hrs/day 7 days/week (No parking 2-5 a.m. w/o permit)	
On-Duty Attendant?	n/a	Yes (hours vary)	Yes (hours vary)	Yes (hours vary)	No	
Parking Meters	Availability	Yes	No	No	Yes	
	Parking Time Limit	Gray/Yellow : 2 hours (12 hrs n/o Wash. St.) Red : 30 minutes	n/a	n/a	3 hours (gray) 1 hour (blue) 30 min.(red)	
	Hours of Enforcement *	(Mon-Sat.) Gray : 9 a.m.-6 p.m. **Yellow : 8 a.m.-6 p.m.	n/a	n/a	n/a	9 a.m.-6 p.m. (Mon-Sat.)
	Rates	\$1.00/hr.(gray) \$0.50/30 min.(red) \$0.25/hr.(n/o Wash. St.)	n/a	n/a	n/a	\$0.75/hr. (gray/blue) \$0.50/30 min (red)
Pay-On-Exit Machines	Availability	n/a	Yes	Yes	Yes	No
	Parking Time Limit	n/a	no time limit	no time limit	no time limit	n/a
	Hours of Enforcement *	n/a	24 hours (Mon.-Sat.)	24 hours (Mon.-Sat.)	24 hours (Mon.-Sat.)	n/a
	Rates	n/a	\$2 for < 3 hours; \$3 for 3-4 hours; \$5 for > 4 hours(per day)			n/a
Parking Permits / Access Cards	Availability	n/a	Yes (card access)	Yes (card access)	Yes (card access)	No
	Parking Time Limit	n/a	no time limit	no time limit	no time limit	n/a
	Hours of Enforcement *	n/a	24 hours (Mon.-Sat.)	24 hours (Mon.-Sat.)	24 hours (Mon.-Sat.)	n/a
	Rates	n/a	\$35/month plus tax (unlimited entries/day)	\$35/month plus tax (unlimited entries/day)	\$35/month plus tax (unlimited entries/day)	n/a
	Permit Renewals	n/a	No pro-rated rates during first 7 days of permit renewal period			n/a

* Excluding New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

** Yellow meters are Commercial Truck Loading-Zone-Only from 8:00 a.m. to 3:00 p.m. (Mon.-Fri.)

II. Citations

- A. Expired Meter
 - 1. First and second tickets in calendar year: \$5.00
 - 2. Third through fifth tickets: \$10.00
 - 3. All tickets after fifth: \$50.00
- B. Time Limit or Posted Restricted Parking: \$20.00
- C. Parking too close to hydrant/driveway/intersection: \$20.00
- D. 2 a.m. – 5 a.m.: \$25.00
- E. No Stopping, Standing or Parking and Special Event Restrictions: \$40.00
- F. Handicapped Parking: \$300.00

III. Meter Bags

- A. Types and Typical Uses
 - 1. Standard (red cloth) Meter Bags (sold in full-day increments only; installed and removed by Parking Staff)
 - a. Construction vehicles/dumpsters working at downtown businesses
 - b. Requests from City Departments (tax collection, elections, P&R sign-ups)
 - c. Other special circumstances approved by Committee/Council
 - 2. Temporary (plastic) Meter Bags (sold in half-day or full-day increments, can be installed by various City entities, ADI or event organizers)
 - a. Weekend Farmers Market
 - b. Special Events in the Downtown area
 - c. Various events at the Radisson Paper Valley Hotel, Copper Leaf Hotel and Performing Arts Center.
 - d. Specific requests from ADI and downtown businesses
- B. Criteria for Approval
 - 1. Meter bag requests shall be evaluated by the City Engineer or designee and shall only be issued for essential/logistical reasons, not for convenience.
 - 2. Applicants shall seek side street alternatives when possible before requesting meter bags on College Avenue.
 - 3. Unusual or non-typical requests must obtain Committee and Council approval prior to issuance.
- C. Fees
 - 1. Standard Bags: \$9.00/meter/day plus tax
 - 2. Temporary Bags: \$5.00/meter/half-day plus tax
 - 3. No meter bag fees will be charged for City Sponsored Special Events (Memorial Day Parade, Flag Day Parade, Christmas Parade, Police Week Vehicle Display)
 - 4. Requests for waiver of fees or reduced fees for non-City sponsored events must be approved in advance by Committee/Council.
- D. Enforcement: Unauthorized vehicles parked in reserved/bagged parking stalls are subject to immediate towing without warning.

IV. Pre-Paid Ramp Stickers

- A. Fee Schedule: \$2.00 (< 3 hours); \$3.00 (3-4 hours); \$5.00 (> 4 hours)
- B. Deduct tax for tax-exempt customers.



LICENSE APPLICATION

for
 PAWNBROKER
 SECONDHAND ARTICLE DEALER
 SECONDHAND JEWELRY DEALER
 SECONDHAND ARTICLE DEALER MALL/FLEA MARKET

FEES ARE NON-REFUNDABLE			Date Recv'd <u>2/27/21</u>
<input type="checkbox"/> Pawnbroker	\$217.00	Acct. CLLPWN	
<input type="checkbox"/> Secondhand Article	\$97.00 / \$82.00	orig/rnw (see below)	
<input type="checkbox"/> Secondhand Jewelry	\$97.00 / \$82.00	orig/rnw (see below)	
<input checked="" type="checkbox"/> Secondhand Mall/Flea	\$172.00	Acct. CLLSMF	
Receipt #			<u>1802-0009</u>

<input type="checkbox"/> Original Application	Acct Code: CLLSJW
<input type="checkbox"/> Renewal	Acct Code: CLLSJR

Please allow 4 weeks for processing

Instructions: Individual license – Complete Sections 1, 2, 3 and 6
 Partnership license – Complete Sections 1, 2, 3, 4, and 6
 Corporate license – Complete Sections 1, 2, 3, 5, and 6

Return application and required fees to:
 OFFICE OF THE CITY CLERK, 100 N. APPLETON STREET
 APPLETON, WI 54911

SECTION 1 – APPLICANT INFORMATION

Applicant Name (Last, First, MI) <u>Keller, Meghan, M</u>		Sex <u>F</u>	Race <u>Wht</u>	Date of Birth <u>●●●</u>	Place of Birth (City & State) <u>Neenah, WI</u>
Street Address <u>7651 Jacquis Rd.</u>	City <u>Winneconne</u>	State <u>WI</u>	Zip <u>54986</u>	Home Telephone Number <u>●●●●●●</u>	

SECTION 2 – CONVICTION RECORD

Have you, or any other person listed on this application, been convicted of any of the following:

A felony within the last ten (10) years? YES NO

Within the last ten (10) years of:

A misdemeanor? YES NO

A statutory violation punishable by forfeiture? YES NO

A county or municipal ordinance violation? YES NO

For each "YES" response provide the date of arrest, the nature of the offense and conviction information: _____

SECTION 3 – BUSINESS INFORMATION

Business Name <u>Ye Old Goat</u>	Street Address <u>1919 E Calumet</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54915</u>	Telephone Number <u>(920) 243-4014</u>
Owner's Name <u>Same as above</u>	Street Address	City	State	Zip	Telephone Number
Business Manager's name <u>Same as above</u>	Street Address	City	State	Zip	Telephone Number
Building Owner's Name <u>Rollie Winter w Associates</u>	Street Address <u>3315 N. Ballard Rd.</u>	City <u>Appleton</u>	State <u>WI</u>	Zip <u>54915</u>	Telephone Number <u>(920) 739-0101</u>

(OVER)

SECTION 4 – PARTNERSHIP INFORMATION

Partnership Name:

List name, address, sex, race and date of birth of all partners. Attach additional sheets, if necessary

Name (Last, First, MI)	Sex	Race	DOB	Street Address	City	State	Zip

SECTION 5 – CORPORATE INFORMATION

Corporation Name: Ye Old Goat State of Incorp. LLC

List name, address, sex, race and date of birth of all partners. Attach additional sheets, if necessary

Name (Last, First, MI)	Sex	Race	DOB	Street Address	City	State	Zip
Keller, Meghan, M	F	Wht		7651 Jacques Rd	Whirecome	WI	54986

SECTION 6 – PENALTY NOTICE

I understand that this license may be denied or revoked for fraud, misrepresentation or false statements contained in the application or for any violation of Wis. Stats. §§ 134.71, 943.34, 948.62 or 948.63.

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge. I agree to inform the clerk within ten (10) days of any change in the information supplied in this application.

Signature of Applicant: Meghan M Keller Date 2/17/21

FOR OFFICE USE ONLY

Dept	Approve	Deny	By	Reason
POLICE				
FIRE				
COM DEVELOPMENT				
CITY SEALER				

Safety and Licensing	Common Council	Date Issued	Expiration Date	License Number



REPORT TO PLAN COMMISSION

Plan Commission Informal Public Hearing Date: February 23, 2021

Common Council Public Hearing & Meeting Date: March 17, 2021

Item: Rezoning #2-21 - 2501 North Meade Street

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: Wisconsin Electric Power Company, Nathaniel Sheahan and Tonya Peters

Applicant: Greater Fox Cities Area Habitat for Humanity, Roger Roth

Address/Parcel#: 2501 North Meade Street / Parcel #31-6-1808-00

Petitioner's Request: Owner/Applicant is requesting a zoning change from C-2 General Commercial District to R-1B Single-family District. Greater Fox Cities Area Habitat for Humanity would like to construct a single-family house on this lot.

BACKGROUND

Since 1966, a power substation occupied the subject site. Recently, the power substation has been removed, and the lot is for sale.

STAFF ANALYSIS

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

Zoning Ordinance Review Criteria: Lot development standards (Section 23-93 – R-1B Single-Family District) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The subject site (6,930 square feet) satisfies this standard.*
- Minimum lot width: Fifty (50) feet.
 - *The subject site (63 feet) satisfies this standard.*

Surrounding zoning and land uses:

North: R-2 Two-Family District – Two-family residential
South: R-1B Single-Family District – Single-family residential
East: R-1B Single-Family District – Single-family residential
West: R-1B Single-Family District – Single-family residential

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Single-Family/Two-Family residential land uses.

Overall Community Goals

Goal 1 – Community Growth (Chapter 10 – Land Use)

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

Goal 3 – Housing Quality, Variety, and Affordability

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

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

OBJECTIVE 5.3 Housing and Neighborhoods:

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

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

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.

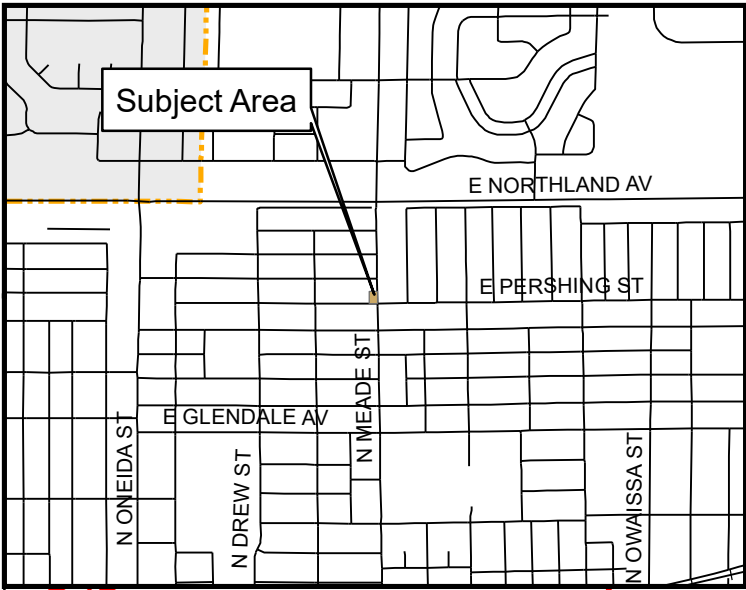
- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above and the Future Land Use Map, which identifies this area for future one and two family residential land uses.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
 1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the future use of subject site.*
 2. The effect of the proposed rezoning on surrounding uses. *Single-family and two-family uses are already present adjacent to the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

Technical Review Group (TRG) Report: This item appeared on the February 2, 2021 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 #2-21 to rezone the subject parcel (Tax Id #31-6-1808-00) from C-2 General Commercial District to R-1B Single-family District, including to the centerline of North Meade Street and East Pershing Street right-of-way, as shown on the attached maps, **BE APPROVED**.

Rezoning 2501 N. Meade Street C-2 General Commercial District to R-1B Single-family District Zoning Map



Rezoning
2501 N. Meade Street
C-2 General Commercial District to
R-1B Single-family District
Aerial Map

E MC ARTHUR ST

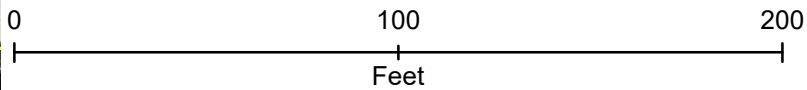
Subject Area

N MEADE ST

E PERSHING ST



City Plan Commission
2-23-2021





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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Parks and Recreation Committee

FROM: Dean R. Gazza

DATE: 03/08/2021

RE: Action: Award the City of Appleton's "2021 Appleton Pickleball Complex Design Project" contract to JSD Professional Service, Inc. in an amount not to exceed \$27,000.

The 2021 Capital Improvement Plan includes \$35,000 to design and install a new Pickleball Complex within the Appleton Parks system. The Parks, Recreation, and Facilities Management Department (PRFMD) issued an RFP package for site selection and design of a Pickleball Complex.

RFPs were sent to three companies, two companies responded with proposals, JSD and Rettler. We internally reviewed both proposals with staff and the JSD Professional Service, Inc proposal was selected based on value and their previous court building experience.

The Parks, Recreation, and Facilities Management Department recommends awarding the contract for the design of an Appleton Pickleball Complex Project to JSD Professional Services, Inc. in an amount not to exceed \$27,000, which is the cost of the chosen proposal.

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

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:

X-21 Sewer & Water Main Reconstruction No. 2

Be awarded to:

Name: Kruczek Construction, Inc.
Address: 3636 Kewaunee Road
Green Bay, WI 54311

In the amount of : \$2,110,110.10

With a 3 % contingency of : \$63,303.30

For a project total not to exceed : \$2,173,413.40

**** OR ****

In an amount Not To Exceed : _____

Budget: \$2,360,535.00
Estimate: \$2,444,982.50
Committee Date: 03/08/21
Council Date: 03/17/21

Bid Tabulation

X-21 Sewer and Water Reconstruction (#7535648)

02/22/2021 01:45 PM CST

Bid Item	Item Description	Unit	Qty	Kruczek Construction Inc.		PTS Contractors, Inc	
				Unit Price	Total \$	Unit Price	Total \$
1	Furnish & Install 12" Water Main	Lin. Ft.	4560	\$86.00	\$392,160.00	\$85.00	\$387,600.00
2	Furnish & Install 8" Water Main	Lin. Ft.	2350	\$69.00	\$162,150.00	\$74.00	\$173,900.00
3	Furnish & Install 6" Hydrant Lead	Lin. Ft.	105	\$89.00	\$9,345.00	\$83.00	\$8,715.00
4	Furnish & Install Hydrant	EA	10	\$4,650.00	\$46,500.00	\$4,065.00	\$40,650.00
5	Furnish & Install 12" Gate Valve with Box	EA	18	\$3,350.00	\$60,300.00	\$3,065.00	\$55,170.00
6	Furnish & Install 8" Gate Valve with Box	EA	16	\$1,925.00	\$30,800.00	\$1,750.00	\$28,000.00
7	Furnish & Install 6" Gate Valve with Box	EA	10	\$1,350.00	\$13,500.00	\$1,280.00	\$12,800.00
8	Furnish & Install 12" Bend	EA	20	\$600.00	\$12,000.00	\$555.00	\$11,100.00
9	Furnish & Install 8" Bend	EA	25	\$300.00	\$7,500.00	\$300.00	\$7,500.00
10	Furnish & Install 1" Service	Lin. Ft.	1020	\$95.00	\$96,900.00	\$114.00	\$116,280.00
11	Furnish & Install 2" Service	Lin. Ft.	10	\$110.00	\$1,100.00	\$220.00	\$2,200.00
12	Furnish & Install 1 1/2" Service	Lin. Ft.	20	\$140.00	\$2,800.00	\$167.00	\$3,340.00
13	Service Connection	EA	112	\$125.00	\$14,000.00	\$205.00	\$22,960.00
14	Furnish & Install Curb Box (Complete)	EA	112	\$345.00	\$38,640.00	\$510.00	\$57,120.00
15	Furnish & Install 12" Sanitary Sewer	Lin. Ft.	325	\$73.00	\$23,725.00	\$87.00	\$28,275.00
16	Furnish & Install 10" Sanitary Sewer	Lin. Ft.	1310	\$80.00	\$104,800.00	\$101.00	\$132,310.00
17	Furnish & Install 8" Sanitary Sewer	Lin. Ft.	1175	\$80.00	\$94,000.00	\$94.00	\$110,450.00
18	Reconnect Sanitary Lateral	EA	96	\$300.00	\$28,800.00	\$418.00	\$40,128.00
19	Furnish & Install 4"-6" Sanitary Lateral	Lin. Ft.	2250	\$76.50	\$172,125.00	\$100.00	\$225,000.00
20	Furnish & Install Sanitary Maintenance hole	Vert. Ft.	125	\$300.00	\$37,500.00	\$280.00	\$35,000.00
21	Furnish & Install Sanitary Maintenance hole Casting	EA	12	\$330.00	\$3,960.00	\$635.00	\$7,620.00
22	Disconnect Sanitary Lateral at Main	EA	2	\$750.00	\$1,500.00	\$1,400.00	\$2,800.00
23	Furnish & Install Flowable Fill	Cu. Yds.	60	\$100.00	\$6,000.00	\$72.00	\$4,320.00
24	Furnish & Install 19"x 30" Class IV Storm Sewer	Lin. Ft.	790	\$100.00	\$79,000.00	\$93.00	\$73,470.00
25	Furnish & Install 21" Storm Sewer	Lin. Ft.	20	\$125.00	\$2,500.00	\$218.00	\$4,360.00
26	Furnish & Install 18" Storm Sewer	Lin. Ft.	350	\$85.00	\$29,750.00	\$67.00	\$23,450.00
27	Furnish & Install 15" Storm Sewer	Lin. Ft.	700	\$67.00	\$46,900.00	\$82.00	\$57,400.00
28	Furnish & Install 12" Storm Sewer	Lin. Ft.	1695	\$62.00	\$105,090.00	\$69.00	\$116,955.00
29	Furnish & Install 12" Storm Lateral	Lin. Ft.	25	\$70.00	\$1,750.00	\$78.00	\$1,950.00
30	Furnish & Install 6" Storm Lateral	Lin. Ft.	1600	\$38.00	\$60,800.00	\$42.00	\$67,200.00
31	Furnish & Install 15" Inlet Lead	Lin. Ft.	30	\$79.00	\$2,370.00	\$92.00	\$2,760.00
32	Furnish & Install 12" Inlet Lead	Lin. Ft.	310	\$60.00	\$18,600.00	\$77.00	\$23,870.00
33	Furnish & Install 10" Inlet Lead	Lin. Ft.	20	\$79.00	\$1,580.00	\$96.00	\$1,920.00
34	Storm Lateral Hook-Up	EA	25	\$200.00	\$5,000.00	\$355.00	\$8,875.00
35	Furnish & Install 8' Dia. Storm Maintenance Manhole	EA	1	\$8,000.00	\$8,000.00	\$13,200.00	\$13,200.00
36	Furnish & Install 6' Dia. Storm Maintenance hole	Vert. Ft.	22	\$525.00	\$11,550.00	\$515.00	\$11,330.00
37	Furnish & Install 5' Dia. Storm Maintenance hole	Vert. Ft.	12	\$550.00	\$6,600.00	\$396.00	\$4,752.00
38	Furnish & Install 4' Dia. Storm Maintenance hole	Vert. Ft.	60	\$315.00	\$18,900.00	\$275.00	\$16,500.00
39	Furnish & Install Storm Maintenance hole Casting	EA	14	\$365.00	\$5,110.00	\$646.00	\$9,044.00
40	Furnish & Install "E" Inlet w/Frame & Grate	EA	13	\$1,700.00	\$22,100.00	\$1,725.00	\$22,425.00
41	Furnish & Install "C" Inlet w/Frame & Grate	EA	1	\$2,200.00	\$2,200.00	\$1,730.00	\$1,730.00
42	Abandon Maintenance hole	EA	1	\$600.00	\$600.00	\$348.00	\$348.00
43	Furnish & Install 8" Concrete Pavement	Sq. Yds.	210	\$93.00	\$19,530.00	\$86.00	\$18,060.00
44	Furnish & Install Concrete Sidewalk	Sq. Ft.	100	\$12.25	\$1,225.00	\$10.00	\$1,000.00
45	Spot Repair (Under 9' deep)	EA	2	\$5,500.00	\$11,000.00	\$3,750.00	\$7,500.00
46	Spot Repair (Over 9' deep)	EA	2	\$10,000.00	\$20,000.00	\$7,050.00	\$14,100.00
47	Furnish & Paint Pavement Marking Stop Line (18"/24")	Lin. Ft.	50	\$2.00	\$100.00	\$1.60	\$80.00
48	Furnish & Paint Pavement Marking Crosswalk (6")	Lin. Ft.	125	\$1.00	\$125.00	\$1.00	\$125.00
49	Furnish & Install Type "D-M" Inlet Protection	EA	66	\$100.00	\$6,600.00	\$70.00	\$4,620.00
50	Sediment Log	Lin. Ft.	70	\$10.00	\$700.00	\$8.00	\$560.00
51	Temporary Asphalt Pavement	Lump Sum	1	\$234,325.10	\$234,325.10	\$205,000.00	\$205,000.00
52	Temporary Traffic Control	Lump Sum	1	\$25,000.00	\$25,000.00	\$24,000.00	\$24,000.00
53	Removal of Contaminated Soil	Cu. Yds.	150	\$10.00	\$1,500.00	\$9.00	\$1,350.00
54	Furnish & Install Extra Stone Bedding	Tons	150	\$10.00	\$1,500.00	\$1.00	\$150.00
Base Bid Total:				\$2,110,110.10		\$2,251,322.00	

Bid Tabulation

X-21 Sewer and Water Reconstruction (#7535648)

02/22/2021 01:45 PM CST

Bid Item	Item Description	Unit	Qty	Jossart Brothers, Inc.		Dorner Inc.	
				Unit Price	Total \$	Unit Price	Total \$
1	Furnish & Install 12" Water Main	Lin. Ft.	4560	\$88.00	\$401,280.00	\$100.00	\$456,000.00
2	Furnish & Install 8" Water Main	Lin. Ft.	2350	\$78.00	\$183,300.00	\$80.00	\$188,000.00
3	Furnish & Install 6" Hydrant Lead	Lin. Ft.	105	\$75.00	\$7,875.00	\$96.00	\$10,080.00
4	Furnish & Install Hydrant	EA	10	\$4,100.00	\$41,000.00	\$4,474.00	\$44,740.00
5	Furnish & Install 12" Gate Valve with Box	EA	18	\$3,350.00	\$60,300.00	\$3,281.00	\$59,058.00
6	Furnish & Install 8" Gate Valve with Box	EA	16	\$1,900.00	\$30,400.00	\$1,886.00	\$30,176.00
7	Furnish & Install 6" Gate Valve with Box	EA	10	\$1,350.00	\$13,500.00	\$1,350.00	\$13,500.00
8	Furnish & Install 12" Bend	EA	20	\$600.00	\$12,000.00	\$660.00	\$13,200.00
9	Furnish & Install 8" Bend	EA	25	\$310.00	\$7,750.00	\$361.00	\$9,025.00
10	Furnish & Install 1" Service	Lin. Ft.	1020	\$105.00	\$107,100.00	\$80.00	\$81,600.00
11	Furnish & Install 2" Service	Lin. Ft.	10	\$115.00	\$1,150.00	\$100.00	\$1,000.00
12	Furnish & Install 1 1/2" Service	Lin. Ft.	20	\$110.00	\$2,200.00	\$125.00	\$2,500.00
13	Service Connection	EA	112	\$300.00	\$33,600.00	\$272.00	\$30,464.00
14	Furnish & Install Curb Box (Complete)	EA	112	\$350.00	\$39,200.00	\$435.00	\$48,720.00
15	Furnish & Install 12" Sanitary Sewer	Lin. Ft.	325	\$100.00	\$32,500.00	\$97.00	\$31,525.00
16	Furnish & Install 10" Sanitary Sewer	Lin. Ft.	1310	\$97.00	\$127,070.00	\$100.00	\$131,000.00
17	Furnish & Install 8" Sanitary Sewer	Lin. Ft.	1175	\$94.00	\$110,450.00	\$95.00	\$111,625.00
18	Reconnect Sanitary Lateral	EA	96	\$250.00	\$24,000.00	\$213.00	\$20,448.00
19	Furnish & Install 4"-6" Sanitary Lateral	Lin. Ft.	2250	\$91.00	\$204,750.00	\$85.00	\$191,250.00
20	Furnish & Install Sanitary Maintenance hole	Vert. Ft.	125	\$270.00	\$33,750.00	\$327.00	\$40,875.00
21	Furnish & Install Sanitary Maintenance hole Casting	EA	12	\$750.00	\$9,000.00	\$436.00	\$5,232.00
22	Disconnect Sanitary Lateral at Main	EA	2	\$1,500.00	\$3,000.00	\$716.00	\$1,432.00
23	Furnish & Install Flowable Fill	Cu. Yds.	60	\$100.00	\$6,000.00	\$124.00	\$7,440.00
24	Furnish & Install 19"x 30" Class IV Storm Sewer	Lin. Ft.	790	\$97.00	\$76,630.00	\$96.00	\$75,840.00
25	Furnish & Install 21" Storm Sewer	Lin. Ft.	20	\$150.00	\$3,000.00	\$114.00	\$2,280.00
26	Furnish & Install 18" Storm Sewer	Lin. Ft.	350	\$88.00	\$30,800.00	\$100.00	\$35,000.00
27	Furnish & Install 15" Storm Sewer	Lin. Ft.	700	\$79.00	\$55,300.00	\$95.00	\$66,500.00
28	Furnish & Install 12" Storm Sewer	Lin. Ft.	1695	\$78.00	\$132,210.00	\$70.00	\$118,650.00
29	Furnish & Install 12" Storm Lateral	Lin. Ft.	25	\$78.00	\$1,950.00	\$67.00	\$1,675.00
30	Furnish & Install 6" Storm Lateral	Lin. Ft.	1600	\$57.00	\$91,200.00	\$60.00	\$96,000.00
31	Furnish & Install 15" Inlet Lead	Lin. Ft.	30	\$90.00	\$2,700.00	\$73.00	\$2,190.00
32	Furnish & Install 12" Inlet Lead	Lin. Ft.	310	\$83.00	\$25,730.00	\$66.00	\$20,460.00
33	Furnish & Install 10" Inlet Lead	Lin. Ft.	20	\$80.00	\$1,600.00	\$89.00	\$1,780.00
34	Storm Lateral Hook-Up	EA	25	\$200.00	\$5,000.00	\$213.00	\$5,325.00
35	Furnish & Install 8' Dia. Storm Maintenance Manhole	EA	1	\$6,100.00	\$6,100.00	\$7,421.00	\$7,421.00
36	Furnish & Install 6' Dia. Storm Maintenance hole	Vert. Ft.	22	\$515.00	\$11,330.00	\$595.00	\$13,090.00
37	Furnish & Install 5' Dia. Storm Maintenance hole	Vert. Ft.	12	\$465.00	\$5,580.00	\$639.00	\$7,668.00
38	Furnish & Install 4' Dia. Storm Maintenance hole	Vert. Ft.	60	\$300.00	\$18,000.00	\$312.00	\$18,720.00
39	Furnish & Install Storm Maintenance hole Casting	EA	14	\$350.00	\$4,900.00	\$417.00	\$5,838.00
40	Furnish & Install "E" Inlet w/Frame & Grate	EA	13	\$2,000.00	\$26,000.00	\$1,911.00	\$24,843.00
41	Furnish & Install "C" Inlet w/Frame & Grate	EA	1	\$2,000.00	\$2,000.00	\$1,920.00	\$1,920.00
42	Abandon Maintenance hole	EA	1	\$500.00	\$500.00	\$577.00	\$577.00
43	Furnish & Install 8" Concrete Pavement	Sq. Yds.	210	\$90.00	\$18,900.00	\$90.00	\$18,900.00
44	Furnish & Install Concrete Sidewalk	Sq. Ft.	100	\$10.50	\$1,050.00	\$11.00	\$1,100.00
45	Spot Repair (Under 9' deep)	EA	2	\$5,300.00	\$10,600.00	\$2,607.00	\$5,214.00
46	Spot Repair (Over 9' deep)	EA	2	\$6,500.00	\$13,000.00	\$5,560.00	\$11,120.00
47	Furnish & Paint Pavement Marking Stop Line (18"/24")	Lin. Ft.	50	\$85.00	\$4,250.00	\$85.00	\$4,250.00
48	Furnish & Paint Pavement Marking Crosswalk (6")	Lin. Ft.	125	\$22.00	\$2,750.00	\$21.00	\$2,625.00
49	Furnish & Install Type "D-M" Inlet Protection	EA	66	\$100.00	\$6,600.00	\$106.00	\$6,996.00
50	Sediment Log	Lin. Ft.	70	\$10.00	\$700.00	\$13.00	\$910.00
51	Temporary Asphalt Pavement	Lump Sum	1	\$225,000.00	\$225,000.00	\$243,466.00	\$243,466.00
52	Temporary Traffic Control	Lump Sum	1	\$30,000.00	\$30,000.00	\$38,778.00	\$38,778.00
53	Removal of Contaminated Soil	Cu. Yds.	150	\$15.00	\$2,250.00	\$24.00	\$3,600.00
54	Furnish & Install Extra Stone Bedding	Tons	150	\$15.00	\$2,250.00	\$15.00	\$2,250.00
Base Bid Total:				\$2,309,055.00		\$2,373,876.00	

Bid Tabulation

X-21 Sewer and Water Reconstruction (#7535648)

02/22/2021 01:45 PM CST

Bid Item	Item Description	Unit	Qty	Soper Sewer & Water, LLC.		Carl Bowers & Sons Const Co. Inc.	
				Unit Price	Total \$	Unit Price	Total \$
1	Furnish & Install 12" Water Main	Lin. Ft.	4560	\$94.00	\$428,640.00	\$120.00	\$547,200.00
2	Furnish & Install 8" Water Main	Lin. Ft.	2350	\$84.00	\$197,400.00	\$99.00	\$232,650.00
3	Furnish & Install 6" Hydrant Lead	Lin. Ft.	105	\$90.00	\$9,450.00	\$100.00	\$10,500.00
4	Furnish & Install Hydrant	EA	10	\$3,850.00	\$38,500.00	\$4,300.00	\$43,000.00
5	Furnish & Install 12" Gate Valve with Box	EA	18	\$3,000.00	\$54,000.00	\$3,100.00	\$55,800.00
6	Furnish & Install 8" Gate Valve with Box	EA	16	\$1,800.00	\$28,800.00	\$1,800.00	\$28,800.00
7	Furnish & Install 6" Gate Valve with Box	EA	10	\$1,200.00	\$12,000.00	\$1,350.00	\$13,500.00
8	Furnish & Install 12" Bend	EA	20	\$800.00	\$16,000.00	\$700.00	\$14,000.00
9	Furnish & Install 8" Bend	EA	25	\$350.00	\$8,750.00	\$360.00	\$9,000.00
10	Furnish & Install 1" Service	Lin. Ft.	1020	\$82.00	\$83,640.00	\$100.00	\$102,000.00
11	Furnish & Install 2" Service	Lin. Ft.	10	\$120.00	\$1,200.00	\$120.00	\$1,200.00
12	Furnish & Install 1 1/2" Service	Lin. Ft.	20	\$110.00	\$2,200.00	\$120.00	\$2,400.00
13	Service Connection	EA	112	\$260.00	\$29,120.00	\$350.00	\$39,200.00
14	Furnish & Install Curb Box (Complete)	EA	112	\$250.00	\$28,000.00	\$325.00	\$36,400.00
15	Furnish & Install 12" Sanitary Sewer	Lin. Ft.	325	\$120.00	\$39,000.00	\$110.00	\$35,750.00
16	Furnish & Install 10" Sanitary Sewer	Lin. Ft.	1310	\$110.00	\$144,100.00	\$103.00	\$134,930.00
17	Furnish & Install 8" Sanitary Sewer	Lin. Ft.	1175	\$102.00	\$119,850.00	\$100.00	\$117,500.00
18	Reconnect Sanitary Lateral	EA	96	\$300.00	\$28,800.00	\$350.00	\$33,600.00
19	Furnish & Install 4"-6" Sanitary Lateral	Lin. Ft.	2250	\$84.00	\$189,000.00	\$105.00	\$236,250.00
20	Furnish & Install Sanitary Maintenance hole	Vert. Ft.	125	\$280.00	\$35,000.00	\$400.00	\$50,000.00
21	Furnish & Install Sanitary Maintenance hole Casting	EA	12	\$650.00	\$7,800.00	\$700.00	\$8,400.00
22	Disconnect Sanitary Lateral at Main	EA	2	\$500.00	\$1,000.00	\$1,200.00	\$2,400.00
23	Furnish & Install Flowable Fill	Cu. Yds.	60	\$100.00	\$6,000.00	\$150.00	\$9,000.00
24	Furnish & Install 19"x 30" Class IV Storm Sewer	Lin. Ft.	790	\$122.00	\$96,380.00	\$110.00	\$86,900.00
25	Furnish & Install 21" Storm Sewer	Lin. Ft.	20	\$340.00	\$6,800.00	\$100.00	\$2,000.00
26	Furnish & Install 18" Storm Sewer	Lin. Ft.	350	\$80.00	\$28,000.00	\$85.00	\$29,750.00
27	Furnish & Install 15" Storm Sewer	Lin. Ft.	700	\$70.00	\$49,000.00	\$80.00	\$56,000.00
28	Furnish & Install 12" Storm Sewer	Lin. Ft.	1695	\$66.00	\$111,870.00	\$74.00	\$125,430.00
29	Furnish & Install 12" Storm Lateral	Lin. Ft.	25	\$90.00	\$2,250.00	\$84.00	\$2,100.00
30	Furnish & Install 6" Storm Lateral	Lin. Ft.	1600	\$56.00	\$89,600.00	\$64.00	\$102,400.00
31	Furnish & Install 15" Inlet Lead	Lin. Ft.	30	\$90.00	\$2,700.00	\$85.00	\$2,550.00
32	Furnish & Install 12" Inlet Lead	Lin. Ft.	310	\$70.00	\$21,700.00	\$75.00	\$23,250.00
33	Furnish & Install 10" Inlet Lead	Lin. Ft.	20	\$90.00	\$1,800.00	\$72.00	\$1,440.00
34	Storm Lateral Hook-Up	EA	25	\$200.00	\$5,000.00	\$250.00	\$6,250.00
35	Furnish & Install 8' Dia. Storm Maintenance Manhole	EA	1	\$16,000.00	\$16,000.00	\$25,000.00	\$25,000.00
36	Furnish & Install 6' Dia. Storm Maintenance hole	Vert. Ft.	22	\$516.00	\$11,352.00	\$700.00	\$15,400.00
37	Furnish & Install 5' Dia. Storm Maintenance hole	Vert. Ft.	12	\$500.00	\$6,000.00	\$550.00	\$6,600.00
38	Furnish & Install 4' Dia. Storm Maintenance hole	Vert. Ft.	60	\$450.00	\$27,000.00	\$400.00	\$24,000.00
39	Furnish & Install Storm Maintenance hole Casting	EA	14	\$450.00	\$6,300.00	\$500.00	\$7,000.00
40	Furnish & Install "E" Inlet w/Frame & Grate	EA	13	\$1,800.00	\$23,400.00	\$2,000.00	\$26,000.00
41	Furnish & Install "C" Inlet w/Frame & Grate	EA	1	\$1,800.00	\$1,800.00	\$2,000.00	\$2,000.00
42	Abandon Maintenance hole	EA	1	\$500.00	\$500.00	\$1,000.00	\$1,000.00
43	Furnish & Install 8" Concrete Pavement	Sq. Yds.	210	\$90.00	\$18,900.00	\$90.00	\$18,900.00
44	Furnish & Install Concrete Sidewalk	Sq. Ft.	100	\$13.50	\$1,350.00	\$12.00	\$1,200.00
45	Spot Repair (Under 9' deep)	EA	2	\$4,000.00	\$8,000.00	\$5,000.00	\$10,000.00
46	Spot Repair (Over 9' deep)	EA	2	\$8,275.00	\$16,550.00	\$7,000.00	\$14,000.00
47	Furnish & Paint Pavement Marking Stop Line (18"/24")	Lin. Ft.	50	\$82.00	\$4,100.00	\$82.00	\$4,100.00
48	Furnish & Paint Pavement Marking Crosswalk (6")	Lin. Ft.	125	\$22.00	\$2,750.00	\$22.00	\$2,750.00
49	Furnish & Install Type "D-M" Inlet Protection	EA	66	\$100.00	\$6,600.00	\$100.00	\$6,600.00
50	Sediment Log	Lin. Ft.	70	\$20.00	\$1,400.00	\$10.00	\$700.00
51	Temporary Asphalt Pavement	Lump Sum	1	\$242,000.00	\$242,000.00	\$200,000.00	\$200,000.00
52	Temporary Traffic Control	Lump Sum	1	\$50,000.00	\$50,000.00	\$25,000.00	\$25,000.00
53	Removal of Contaminated Soil	Cu. Yds.	150	\$30.00	\$4,500.00	\$30.00	\$4,500.00
54	Furnish & Install Extra Stone Bedding	Tons	150	\$15.00	\$2,250.00	\$25.00	\$3,750.00
Base Bid Total:				\$2,374,102.00		\$2,600,050.00	



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza, Director of Parks, Recreation and Facilities Management

DATE: 3/8/2021

RE: Action Item: Award contract to Skidmore, Owings & Merrill for design and engineering services for the Appleton Public Library for a contract of \$2,721,389 and a 5% design contingency of \$137,744 for a contract not to exceed \$2,857,459 and approve the related 2021 Budget amendment.

On February 4, 2021, Proposals were received from 11 architectural firms for design and engineering services to redesign the Appleton Public Library (APL). After review of the proposals by an 11-person panel of City staff, elected officials and citizens, two of those firms were chosen and subsequently interviewed on February 23, 2021. Upon conclusion of the interviews, reference calls, and discussion among the panel, the firm of Skidmore, Owings & Merrill (SOM) was unanimously selected by the review team to be recommended for award of the contract.

The process to get to this step began during the 2020 city budget process when the Common Council approved funding to begin the design to address the community's longstanding library. This was after a dozen years of planning and studies that provided valuable information to help define the needs of the Library. Since the adoption of the 2021 budget, which included \$26.4M for the overall Library project spread across three fiscal years, the following events have occurred:

- December 9, 2020 – Public Listening Session conducted to obtain input into the Request for Proposals (RFP) to hire a consultant for architectural and engineering services. Holding a public listening session at the RFP stage was a new addition to the City's standard process.
- December 15, 2020 – RFP Draft reviewed with the Library Board.
- December 16, 2020 – RFP Draft reviewed with the Common Council.
- December 17, 2020 – Final RFP released and advertised including updates based on feedback provided by the public, Library Board and Common Council.
- February 4, 2021 – Proposals received from 11 firms.
- March 3, 2021 – 11-member review team recommends Skidmore, Owings, & Merrill upon reviewing proposals and performing reference checks.

The Proposal review team consisted of City Departmental Directors, Deputy Directors and staff representing Facilities & Construction Management, Library, Community & Economic Development and Public Works Friends of the Library, Library Board, Common Council and the Mayor.

Proposals were evaluated based on the terms put forth in the RFP: relevant experience, project success, project team, project understanding/study methodology, project schedule, and cost. It was important that the firms clearly demonstrated experience in the design of libraries as well as an understanding of and ability to articulate the important role of the public library in our community. Additionally, the firms had to present a commitment to listening and the ability to foster strong, representative public engagement throughout the design process resulting in meaningful input into the eventual library design.

Specifically, SOM demonstrated an understanding and approach to the project that illustrated their depth of experience, knowledge in library design and construction, listening skills and importance of garnering meaningful public input and building trust throughout the process. In addition, they have significant experience in building re-use, equity and inclusion, sustainability, technology, operational efficiency, and many important key factors necessary for a successful library.

SOM is a passionate collective of architects, designers, engineers, and planners, dedicated to designing treasured public buildings and have significant experience in library design. Established in 1936, SOM brings a global perspective with Midwest roots. They are known as a leader in design with extensive experience and is often selected for significant projects. Currently, SOM is the selected firm to design the Mulva Cultural Center in DePere, WI. SOM made the decision to propose on our project realizing Appleton is a vibrant community and this a unique project that combines a newly updated facility that will have a significant impact on the neighborhood and residents.

SOM is a firm with a significant depth of skills and experience and the team they have assembled for Appleton is highly skilled and experienced in award-winning design. In addition to their impressive credentials, they have demonstrated an open, curious and down-to-earth style that was reinforced in conversations with their references. They are known for balancing design, functionality, and the technical needs of a project to provide spaces that serve generations.

Therefore, based on a careful review of the information provided, and subsequent personal interviews of firm representatives, the review team respectfully and unanimously recommends awarding a contract to the architectural firm of Skidmore, Owings & Merrill for \$2,721,389 with a design contingency of 5% for a contract total not to exceed \$2,857,459. Note that both reimbursable and contingency expenses are only utilized as needed and allowed per contract and authorization by the project manager.

The fees provided by the firms interviewed averaged \$2,612,533. Though the request for proposal was very specific, firms varied in what was included and/or did not meet completely meet the requirements in the RFP. SOM's proposal was very extensive and included all services requested which is reflected in their pricing.

The 2021 Budget includes \$2,400,000 for library design services. It was anticipated design would begin in 2021 and construction would begin in 2022. This contract also includes construction administration services to be completed in 2022. Rather than creating two separate contracts, it is standard practice to issue one contract to include all services. In order to provide the additional spending authority for the anticipated cost of this contract, a 2021 Budget amendment is also being

proposed for \$457,459, which will be deducted from the existing project total of \$26.4 million as approved in the 2021 Budget and Service Plan. It is anticipated that any budgeted funds related to this contract that are not expended in 2021 would be carried over to 2022.

Please feel free to contact me at 832-5572 with any questions, or by email at dean.gazza@appleton.org.

March 5, 2021

Dear Appleton Community,

On behalf of the entire SOM team, we are absolutely thrilled to be selected as the design firm for your new library, and we consider it a privilege to work with you to realize a new, specially-designed building that will serve the Appleton community for the next generation and beyond.

To achieve this goal, we will welcome engagement and input from various stakeholders from the city and Library staff, the Library Board of Trustees, City of Appleton Common Council, to Friends of the Appleton Public Library, community groups, and the public. We are committed to engaging a wide range of voices and an inclusive process to create a design reflective of your diverse community. Listening to you and understanding your goals as a community will be the driving force of our design—we won't begin designing until we hear from you! Our mission is to create a design that successfully meets your needs and aspirations and that appropriately reflects the culture of the Appleton community. We will set out to design a space that enriches the environment, fulfills the Library's operational needs, and instills a sense of pride for the community.

We understand the responsibility that comes with publicly-funded civic projects. We realize that we are entrusted with a community facility that has served this community for 40 years and are shaping investments in the future of Appleton. We will strive to maximize the benefit and reach of these investments. To this end, we will give serious consideration to the possibility of adaptively reusing the existing structure—and the benefits offered—versus creating an entirely new building. Our focus is finding creative, cost-effective, project-specific solutions that respond to your needs. We are not just working for you—we become a part of your team.

We regularly take on projects of all shapes and types, public and private, near home and abroad. Our design philosophy is rooted in pragmatism with a diverse portfolio of projects ranging from small renovations to large mixed-use developments. Our work in the public sector ranges from libraries and schools to plazas and parks, and



represents our firm's commitment to creating spaces that enhance the lives of the communities they serve. Visiting our recently completed library projects in Chicago and around the country provides a sense of accomplishment seeing the librarians at work, patrons engaged, and children at play—reading, learning, and interacting. They represent places for everyone.

In your project we recognize an exciting design opportunity to create a unique project that requires bold, creative thinking grounded in practicality. We've identified several key focus areas for the new library and will use these as the guiding principles in our process: establish a nucleus for Appleton; feature upgraded, state-of-the-art technology; create an open, inviting space filled with natural light; employ sustainable, energy efficient strategies; foster a welcoming and safe environment; lead an inclusive, community-driven process; and craft flexible, adaptable spaces.

To bring your vision to life, we have thoughtfully curated a team with experience working in Wisconsin, most recently for the Mulva Cultural Center, just a few miles down the Fox River in De Pere. The knowledge we have gained in local culture, climate, and construction strategies, along with a respect for Wisconsin's history of craftsmanship, will allow us to hit the ground running on your behalf.

It is an honor to support the Library and its mission by designing a civic gem and an extraordinary place of education and culture that will serve Appleton for generations to come. We are excited to get started and we look forward to working with you.

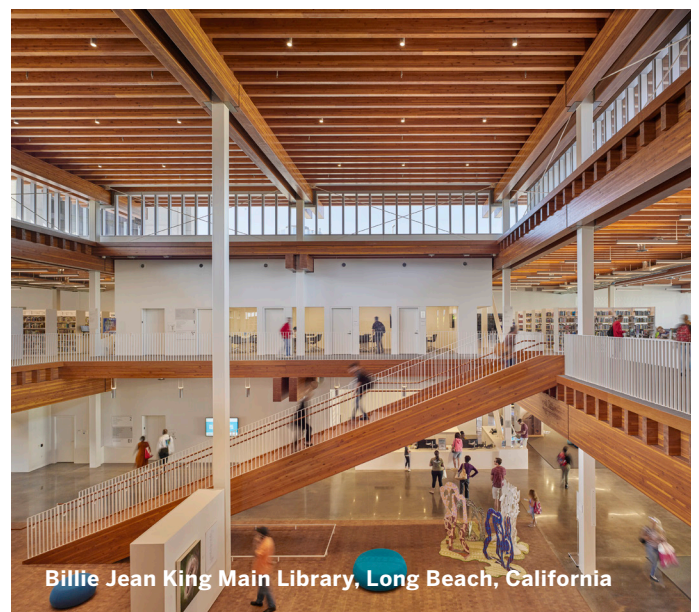
With sincere gratitude for the opportunity,



Adam Semel
Partner



Scott Duncan
Partner





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

TO: Finance Committee

FROM: Tony Saucerman, Finance Director
Kurt Eggebrecht, Health Officer
Jeff Fait, Purchasing Manager

DATE: 3/8/2021

RE: Approval of Disposal of Surplus Beds

Background

Early in the COVID-19 pandemic, discussions between public health and health-care leadership centered around containment and response to this novel virus. China, Italy and other countries experienced that hospital capacity could not keep pace with the number in need of care. Anticipating that this same experience could happen in our State and community, efforts went into planning for a what has been termed "Alternative Care Facility". This concept was discussed at Common Council meetings where we had explored and prepared plans to utilize the Fox Cities Exhibition Center as a location to care for residents that remained too ill to return to home yet, by remaining in the hospital, would prevent a new resident with more acute disease symptoms from getting urgent care. The plan projected a potential need for 200 beds, which were purchased from WG&R Furniture. Although our planning was prudent, as we did in fact reach this capacity limitation at our area hospitals, we were able to transport these patients to the Alternative Care Facility at State Fair Park in Milwaukee rather than open a local facility. The purchase of 200 beds was a decision made in an environment of addressing life safety as our primary objective within our EOC Incident Action Plan and the support of hospital capacity. We are pleased that this resource was not deployed, and we are now at a point in time that these resources can be released for another useful purpose for the greater good. The supplier has patiently stored the beds in their warehouse for 10 months but requires a disposition at this time.

CARES Funding

The beds were originally purchased using CARES grant funds from the federal government which were passed down from the State of Wisconsin through the "Routes to Recovery" grant. No local property tax dollars were used to make this purchase. Since the funds to make the initial purchase were made from federal grant funds, any proceeds from the sale or disposition of the mattresses/frames must be returned to the federal government.

Disposal Considerations

When it was determined the beds would no longer be necessary, the City reached out to local agencies that might have a need for a large allotment of hospital-style beds including Brewster Village and ThedaCare for use in their assisted living facilities or at-home program. Due to a lack of City storage capacity, it was important to find an agency that could take possession of the

entire allotment of beds rather than trying to distribute them out piecemeal to several organizations. The City has neither the storage capacity nor the manpower to undergo such a distribution effort without incurring significant additional costs. Unfortunately, due to various reasons, such as specific requirements of bed/mattress requirements from their regulatory agencies, although they were appreciative, none of the agencies contacted were able to accept the beds.

After several communications with our supplier WG&R, they proposed an option that would (1) refund the City 25% of the cost of the bed frames along with the delivery/set-up charge, approximately \$18,131 (which would be returned to the federal government) and, (2) distribute the entire allotment of mattresses to homes of children in need throughout Northeast Wisconsin through their charitable program called "Brighter Dreams." A listing of those homes would be supplied to the City to verify that the mattresses were delivered as promised.

In light of our previous unsuccessful efforts to place the beds independently, along with the City's pressing responsibility to take possession of the property, we feel this disposal method is the most desirable option as it allows the City to avoid additional storage and distribution costs while also repurposing the mattresses to those in need. Therefore, we respectfully request the Committee's approval to move forward with this option.

If you have any questions regarding this request, or would like further clarification, please feel free to contact any one of us.

BRIGHTER DREAMS

Home > Brighter Dreams

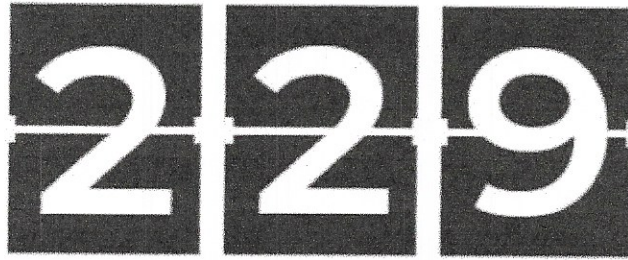


WG&R
Brighter Dreams

Making Dreams Come True For Kids Across Northeast Wisconsin

At WG&R, we believe every child deserves a proper place to sleep. But sadly, one in five children in the U.S. lives in poverty, and many of these families cannot afford to provide their child with essentials many of us take for granted—like a bed of their own. Many children are forced to share a bed with siblings or even sleep on the floor.

This is why we are so committed to helping local children across Northeast Wisconsin with our **Brighter Dreams Project**.



Mattresses Donated Since 2020

Total is updated on a monthly basis. Current figure reflects donations through January 2021.

Because we own Northeast Wisconsin's largest mattress factory, we're able to build Wisconsin's #1 selling factory direct mattresses while creating local jobs in the community. And when you choose any of our WG&R Factory Direct mattresses, not only will you save money on a high-quality mattress and support the local economy, but you'll directly help a local child in need.

Through our **Brighter Dreams Project**, WG&R donates one twin mattress set to a child in need for every 10 queen or king mattresses we sell, because brighter dreams begin with better sleep.

WG&R is Proud to Partner with These Local Organizations:

- New Community Shelter
- Friends of Pals, Youth and Families
- Manitowoc County Human Services
- Sheboygan County Human Services
- Boys & Girls Club of the Fox Valley
- Home Sweet Home, Ascension Lutheran
- Freedom House
- Lakeshore Cap

BRIGHTER DREAMS PROJECT | WG&R Furniture

SIXTH/SEVENTH ADDITIONS TO EMERALD VALLEY DEVELOPMENT AGREEMENT

THIS AGREEMENT, made by and between the **City of Appleton** by its City Council, a body politic and municipal corporation with a mailing address of 100 North Appleton Street, Appleton, WI 54911, (“City”) and, **Emerald Valley Estates, LLC**, a limited liability corporation with a business address of 1718 Van Zeeland Court, Little Chute, WI 54140, the owner and developer (“Developer”) of property lying within the City of Appleton:

WHEREAS, Section 17-3 of the Appleton Municipal Code provides for the installation of required improvements in new subdivisions; and

WHEREAS, the Developer has proposed to develop the Sixth and Seventh Additions to Emerald Valley, residential subdivisions on property within the corporate limits of the City (“Proposed Developments”), described in *Exhibits 1 & 2* (Legal Descriptions provided by Developer) attached hereto; and

WHEREAS, Final Plats of the Sixth and Seventh Additions to Emerald Valley Subdivision, shown in *Exhibits 3 & 4* (provided by Developer) attached hereto, have been conditionally approved by the City with conditions remaining to be satisfied; and

WHEREAS, a series of meetings and negotiations have taken place between the City and the Developer to determine various development and financial responsibilities as between the City and the Developer for on-site and off-site public improvements and fees in connection with the Proposed Developments; and

WHEREAS, the City and the Developer, for their mutual benefit, have mutually agreed as to development and financial responsibilities for public improvements and fees in connection with the Proposed Developments;

NOW THEREFORE, it is mutually agreed as follows:

1. The Developer shall be responsible for the installation of the following in each of the Proposed Developments, to the standards set forth by the City and pursuant to paragraph 4 below:
 - a. Sanitary sewer mains, manholes and laterals
 - b. Water mains, valves, hydrants, hydrant leads, fittings, and services
 - c. Storm sewer mains, manholes, catch basins, inlet leads, overland flow paths, yard drains and associated piping and laterals
 - d. Street excavation and graveling, terrace seeding, lot filling, grading and seeding and all associated construction site erosion control measures, with fill to consist of clay fill in the streets meeting the requirements of the City of Appleton’s Street Excavation and Graveling Specifications. Once the streets are accepted by the City, no additional repairs are required by the Developer to such streets after a three-month period.
 - e. Street Lights
 - f. All other infrastructure required for the developments not specifically set forth in this agreement

2. The Developer shall provide the City an estimate for items 1a – 1f prior to the installation of the items for each development.

3. The Developer shall provide a fully executed and signed *Waiver of Special Assessment Notices and Hearing* (shown in *Exhibit 5*) for each development, acknowledging consent to pay Special Assessments levied by the City for the following items to be furnished and/or installed by the City:

- a. Sanitary Sewer Area Assessment
- b. Televising of sanitary and storm sewer lines
- c. Street Name Signs
- d. Traffic Control Signs
- e. Concrete Pavement abutting lots owned by the Developer at the time of concrete paving
- f. Sidewalks installed on lots owned by the Developer at the time of concrete paving

Estimates of up-front City costs and associated special assessments to be paid by the Developer for items 3a – 3f for each development are attached hereto as *Exhibits 6 & 7*. The actual final costs for items 3a-3f will be used as the basis for the amount of the special assessments billed to the Developer.

4. The Developer shall provide the City with copies of all final costs, invoices, labor costs, the contract documents and specifications, design documentation, all contract administration supporting documentation, an itemized list of all expenses for the installation of sanitary sewer, storm sewer, water main, street excavation and graveling and street lights for each Proposed Development. Said information provided by Developer shall meet City's Infrastructure Adjustment Form requirements. The Developer's design engineer shall perform the construction staking and the City shall inspect the same.

5. The Developer's contractor shall perform the testing of the water main, sanitary sewer, storm sewer and compaction of fill material placed in future roadway areas in the Proposed Developments under the supervision of City of Appleton inspectors.

6. The Developer shall provide lien waivers to the City from prime contractor, subcontractors, suppliers and consultants within 60 days of the installation of the items in paragraph 1.

7. The Developer agrees to convey by deed or dedication to the City all the streets, roads, courts, avenues, drives, public ways, sanitary sewer, watermain and storm water facilities in the Proposed Developments. Developer further agrees to convey any public access ways by dedication or easement to the City. All public improvements contemplated in the final plats shall be constructed within areas to be dedicated to the City either by deed, dedication or easement as contemplated in the Proposed Developments and this agreement.

8. The Developer shall establish a level loop on the hydrant(s) in the Proposed Developments and a copy of all benchmarks shall be provided to the City.

9. The City agrees to accept the dedication of all the Public Improvements in the Proposed Developments, whether by deed, dedication or easement subject to the City's Acceptance of the Public Improvements in accordance with and subject to the terms of the City's Subdivision Ordinance.

10. The Developer shall repair or replace, as directed by the City and to the City's satisfaction, at its own cost, any damage caused to City property by the installation of the improvements in the Proposed Developments, which shall be completed within six (6) months notification by the City to the Developer of the need to repair or replace such damage.

11. The Developer shall pay the cost of all items listed under Paragraph 1 above. Concrete Paving and sidewalks will be assessed to the abutting property owners and the Developer will be assessed for only the cost of those lots owned by the Developer. Concrete streets shall be installed only after 75% of the lots in the Proposed Developments have been issued building permits or after a 7-year period from the date of official street opening, whichever comes first.

12. The schedule for the Proposed Developments shall be as follows:

- a. Infrastructure installation may commence in each development after City approval of the Final Plat, Drainage Plan, Established Grades, Storm Water Management Plan, Construction Plans, Construction Specifications and procurement of all necessary City and Regulatory Agency permits.
- b. Building permits may be issued upon City approval and acceptance of all infrastructure. Streets must be officially opened to the public by the City Engineer prior to the issuance of building permits.

13. The City agrees to waive any parkland fees pursuant to Chapter 17 of the Appleton Municipal Code, in exchange for parkland dedications and conveyances previously completed as part of the original Emerald Valley Development along with future planned phases of the Development, in accordance with Item 20 of the original Development Agreement for Emerald Valley Estates dated July 17, 2006. Park land will be dedicated as part of the Eighth Addition per the concept plan as depicted in Exhibit 8.

14. The City agrees to waive all Administrative Fees and all costs related to the installation of Temporary Asphalt Pavement for both developments.

15. The City represents that this Agreement and the terms and conditions contained herein are consistent with adopted ordinances and resolutions on the subject matter.

16. The Developer shall pay the entire cost associated with installation of underground gas, electric, telephone and cable TV utilities and street lights in the Proposed Developments. The City shall review the proposed locations and have approval authority over any utilities proposed within the public right-of-way, prior to installation. The City standard for street lights is wooden poles. The street lighting plan shall be designed by We Energies and approved by the City. The City shall pay We Energies the monthly electrical charge for street lighting. If the Developer desires decorative streetlights, then the Developer shall be responsible for all costs associated with the decorative streetlights. The Developer shall be responsible for requesting said decorative lights from WE Energies. The Developer must also sign a Waiver of Special Assessments document for the annual assessments associated with decorative lighting.

17. The City represents and warrants to Developer that it has the power, authority and legal right to enter into all of the transactions and to perform all of the covenants and obligations required to be entered into or performed by the City under this Agreement.

a. The City represents and warrants to Developer that it is empowered and authorized to execute and deliver this Agreement and other agreements and documents, if any, required hereunder to be executed and delivered by the City. This Agreement has been, and each such document at the time it is executed and delivered, will be duly executed and delivered on behalf of the City.

b. When executed and delivered to Developer, all such agreements shall constitute a legal, valid and binding obligation of the City, enforceable in accordance with its terms.

18. The Developer represents and warrants to the City that Developer is a Limited Liability Corporation, duly organized and existing under the laws of the State of Wisconsin, and that all proceedings of Developer necessary to authorize the negotiation and execution of this Agreement and the consummation of the transaction contemplated by this Agreement have been taken in accordance with applicable law.

a. The Developer represents and warrants to the City that the execution and delivery of this Agreement, the consummation of the transactions contemplated in this Agreement and the execution and delivery of the documents required to be executed, delivered or acknowledged by Developer at the closing will not violate any provision of Developer's limited liability corporation bylaws or agreements or any applicable statute, rule, regulation, judgment, order or decree of the State of Wisconsin or a court having jurisdiction over Developer or its properties.

19. The Agreement shall be effective as of the date of execution thereof and remain in effect until the earliest of: (a) the Developer notifies the City that either of the Proposed Developments has been terminated, (b) upon the mutual agreement of the Parties to terminate the Agreement, or (c) if one (1) year after the date of execution the Developer not take any further action on the Proposed Developments.

20. This Agreement, along with *Exhibits 1 through 8* sets forth the entire understanding of the parties relative to its subject matter and supersedes and merges any and all prior communications, negotiations and agreements, oral or written.

21. It is understood and agreed that the provisions of this Agreement shall be deemed severable and the invalidity or unenforceability of any one or more of the provisions contained herein shall not affect the validity and enforceability of the other provisions contained herein.

22. This Agreement may not be modified or amended, except when placed in writing, with the written consent of both the City and the Developer.

[SIGNATURE PAGE TO FOLLOW]

EMERALD VALLEY ESTATES, LLC

By: Robert A DeBruin

By: _____

Printed Name: Robert A DeBruin

Printed Name: _____

Title: Member

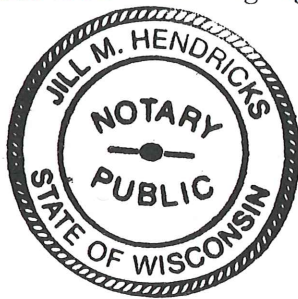
Title: _____

STATE OF WISCONSIN)

: ss.

Outagamie COUNTY)

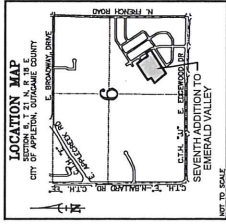
Personally came before me on this 25 day of February, 2021, the above-named persons, Robert A DeBruin and _____, to me known to be the persons who executed the foregoing instrument and acknowledge the same.



Jill M Hendricks
Notary Public, State of Wisconsin
My commission is/expires: 12/19/23

SEVENTH ADDITION TO EMERALD VALLEY

PART OF THE NORTHWEST 1/4, NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



BOUNDARIES ARE EXTENDED TO THE OUTWASH OF THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 6, RANGE 18 EAST, T21N R18E E



- LEGEND**
- 1" O.D. ROUND IRON PIPE SET, 24" LONG
 - ALL OTHERS 1/2" COMPACT
 - 1-1/4" O.D. ROUND REINFORCING BAR SET, 33" LONG WEIGHING 4.39 LBS. PER LINEAL FOOT
 - 1" O.D. ROUND IRON PIPE FOUND
 - 1-1/4" O.D. IRON PIPE FOUND
 - TOTAL LOT AREA IN SQUARE FEET
 - GOVERNMENT CORNER

UTILITY ADJUSTMENTS - NO POLLS ON SITE. THE UTILITIES SHOWN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. THE UTILITIES SHOWN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE LOCATION OR DEPTH OF ANY UTILITIES. THE UTILITIES SHOWN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. THE UTILITIES SHOWN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE LOCATION OR DEPTH OF ANY UTILITIES.

There are no objections to this plat with respect to the same as shown on the attached plat, and the same is hereby approved by the Board of Supervisors of the City of Appleton, Wisconsin.

Witness my hand and the seal of said City, this 23rd day of June, 2010.

Certified _____ 2010

Department of Administration



THESE SURVEY MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE HUNDREDTH OF A FOOT.

THESE MEASUREMENTS HAVE BEEN MADE TO THE NEAREST 30 DECIMALS AND ACCORDING TO THE NEAREST HALF INCH.

FRONT YARD BUILDING SETBACKS ARE 20 FEET, THE BUILDING REAR YARD BUILDING SETBACKS ARE 10 FEET, THE BUILDING SIDE YARD BUILDING SETBACKS ARE 5 FEET, THE CITY OF APPLETON ZONING ORDINANCE 2118 UNLAWFULLY EXISTING.

THERE ARE NO EXISTING BUILDINGS WITHIN THE PLATTED AREA.

LOT	AREA	CHORD BEARING	CHORD DISTANCE	TANGENT IN	TANGENT OUT
1	10,000	S 72° 00' 00" E	21.48'	W 21° 44' 44" E	W 21° 44' 44" E
2	10,000	S 72° 00' 00" E	21.48'	W 21° 44' 44" E	W 21° 44' 44" E
3	10,000	S 72° 00' 00" E	21.48'	W 21° 44' 44" E	W 21° 44' 44" E
4	10,000	S 72° 00' 00" E	21.48'	W 21° 44' 44" E	W 21° 44' 44" E
5	10,000	S 72° 00' 00" E	21.48'	W 21° 44' 44" E	W 21° 44' 44" E
6	10,000	S 72° 00' 00" E	21.48'	W 21° 44' 44" E	W 21° 44' 44" E
7	10,000	S 72° 00' 00" E	21.48'	W 21° 44' 44" E	W 21° 44' 44" E

Martenson & Eisele, Inc.
 1377 Albany Road
 Appleton, WI 54911
 www.martensoneisele.com
 Phone: 920.833.1111
 Fax: 920.833.1111
 Address: 1377 Albany Road

Drawn by: HDS/SH/TH/MS
 Date: 6/23/10
 This instrument drawn by: Amy Seider

Sixth Addition to Emerald Valley

Exhibit 6

Number of Lots: 15
 January 15, 2021

Lot Area: 206,275 Square Feet

Developer: Emerald Valley Estates, LLC

Total C/L Footage: 1552'

Project Engineer: Mark Kilheffer

Total Pavement Area (37', 33' wide streets): 6,126 SY

Work Order: 278625

DESCRIPTION	TOTAL PROJECT COSTS	DEVELOPER COSTS	CITY COSTS	Special Assessments (2021) (ESTIMATED)	Special Assessments (2026) (ESTIMATED)	Account to be Credited	NOTES / COMMENTS
City Administrative Fees (estimated cost)	\$11,640.00	\$0.00	\$11,640.00	\$0.00	\$0.00	Not Assessed per Development Agreement	(1,552 C/L Ft.) x (\$7.50 / C/L Ft.)
Temporary Asphalt (estimated cost)	\$91,890.00	\$0.00	\$91,890.00	\$0.00	\$0.00		(6,126 s.y.) x (\$15.00/s.y.)
Sanitary Sewer Area Assessment	\$5,668.44	\$0.00	\$5,668.44	\$5,668.44	\$0.00	5431	(\$27.48/1000 s.f.)*(206,275 s.f.)
Sewer Televising (estimated cost)	\$2,172.80	\$0.00	\$2,172.80	\$2,172.80	\$0.00	5427 5222	(3,104 Feet) x (\$0.70 / Ft.)
Street Name / Traffic Control Signs (estimated cost)	\$3,104.00	\$0.00	\$3,104.00	\$3,104.00	\$0.00	4010	(1552 C/L Ft.) x (\$2.00 / C/L Ft.)
Concrete Pavement (estimated cost)	\$271,600.00	\$0.00	\$271,600.00	\$0.00	\$271,600.00	4010	(1,552 LF) x (\$175.00/LF)
Sidewalks - with Concrete Pavement (estimated cost)	\$15,520.00	\$0.00	\$15,520.00	\$0.00	\$15,520.00	4010	(3,880 s.f.) x (\$4.00/s.f.)
Sanitary Sewer	\$51,761.50	\$51,761.50	\$0.00			5431	Private Contractor hired by Developer
Storm Sewer / Erosion Control	\$122,026.85	\$122,026.85	\$0.00			5230	Private Contractor hired by Developer
Water Main	\$65,206.00	\$65,206.00	\$0.00			5371	Private Contractor hired by Developer
Sanitary Laterals	\$7,055.00	\$7,055.00	\$0.00			-	Private Contractor hired by Developer
Storm Laterals	\$6,405.00	\$6,405.00	\$0.00			-	Private Contractor hired by Developer
Water Services	\$11,880.00	\$11,880.00	\$0.00			-	Private Contractor hired by Developer
Grading & Graveling	\$77,816.87	\$77,816.87	\$0.00			4010	Private Contractor hired by Developer
Street Lights	\$14,000.00	\$14,000.00	\$0.00			4010	Private Contractor hired by Developer
TOTALS	\$757,746.46	\$356,151.22	\$401,595.24	\$10,945.24	\$287,120.00		

Seventh Addition to Emerald Valley

Exhibit 7

January 15, 2021

Developer: Emerald Valley Estates, LLC
 Project Engineer: Mark Kilheffer
 Work Order: 278626

Number of Lots: 35
 Lot Area: 443,467 Square Feet
 Total C/L Footage: 1,877'
 Total Pavement Area (33' wide streets): 6,882 SY

DESCRIPTION	TOTAL PROJECT COSTS	Developer Financed Construction (Private Contracts)	Up-Front City Costs	Special Assessments (2021) (ESTIMATED)	Special Assessments (2025) (ESTIMATED)	Account to be Credited	NOTES / COMMENTS
City Administrative Fees (estimated cost)	\$14,077.50	\$0.00	\$14,077.50	\$0.00	\$0.00	Not Assessed per Development Agreement	(1,877 C/L Ft.) x (\$7.50 / C/L. Ft.)
Temporary Asphalt (estimated cost)	\$103,230.00	\$0.00	\$103,230.00	\$0.00	\$0.00		(6,882 s.y.) x (\$15.00/s.y.)
Sanitary Sewer Area Assessment	\$12,186.47	\$0.00	\$12,186.47	\$12,186.47	\$0.00	5431	(\$27.48/1000 s.f.)*(443,467 s.f.)
Sewer Televising (estimated cost)	\$2,627.80	\$0.00	\$2,627.80	\$2,627.80	\$0.00	5427 5222	(3,754 Lin Ft.) x (\$0.70 / Lin. Ft.)
Street Name / Traffic Control Signs (estimated cost)	\$3,754.00	\$0.00	\$3,754.00	\$3,754.00	\$0.00	4010	(1,877 C/L Ft.) x (\$2.00 / C/L. Ft.)
Concrete Pavement (estimated cost)	\$328,475.00	\$0.00	\$328,475.00	\$0.00	\$328,475.00	4010	(1,877 LF) x (\$175.00/LF)
Sidewalks - with Concrete Pavement (estimated cost)	\$18,770.00	\$0.00	\$18,770.00	\$0.00	\$18,770.00	4010	(3,000 s.f.) x (\$4.00/s.f.)
Sanitary Sewer	\$109,188.85	\$109,188.85	\$0.00	n/a	n/a	5431	Private Contractor hired by Developer
Storm Sewer / Erosion Control	\$257,463.10	\$257,463.10	\$0.00	n/a	n/a	5230	Private Contractor hired by Developer
Water Main	\$106,540.00	\$106,540.00	\$0.00	n/a	n/a	5371	Private Contractor hired by Developer
Sanitary Laterals	\$38,600.00	\$38,600.00	\$0.00	n/a	n/a	-	Private Contractor hired by Developer
Storm Laterals	\$42,200.00	\$42,200.00	\$0.00	n/a	n/a	-	Private Contractor hired by Developer
Water Services	\$50,560.00	\$50,560.00	\$0.00	n/a	n/a	-	Private Contractor hired by Developer
Grading & Graveling	\$209,929.96	\$209,929.96	\$0.00	n/a	n/a	4010	Private Contractor hired by Developer
Street Lights	\$19,600.00	\$19,600.00	\$0.00	n/a	n/a	4010	Private Contractor hired by Developer
TOTALS	\$1,317,202.68	\$634,081.91	\$483,120.77	\$18,568.27	\$347,245.00		

PROVIDENCE

OUTLOT 5
DEDICATED FOR
FUTURE PARK

FUTURE LOT

FUTURE LOT

FUTURE LOT

FUTURE LOT

OCEANPEARL COURT

PLANNY PLACE

AQUAMARINE AVENUE

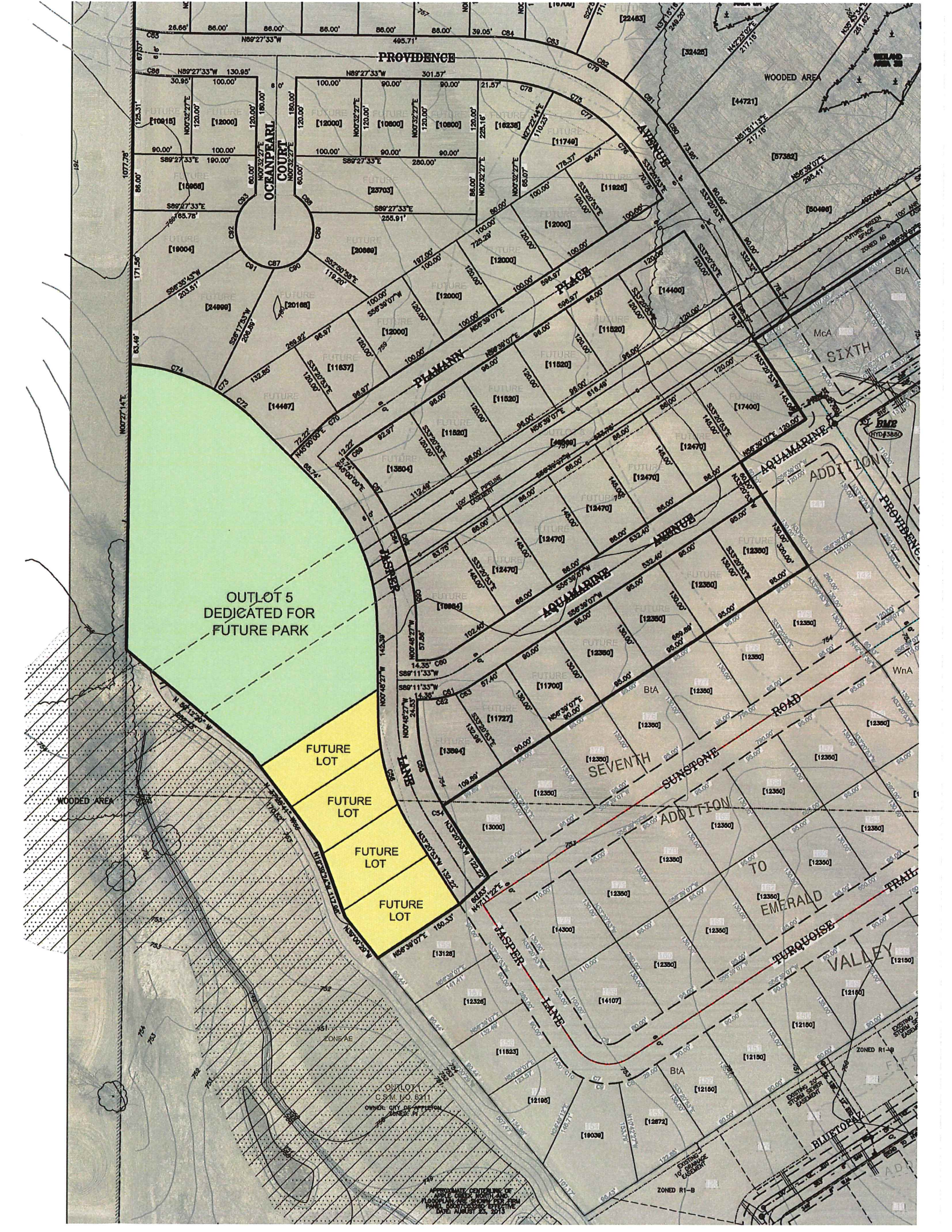
SEVENTH ADDITION

SUNSTONE ROAD

EMERALD VALLEY

BLUETON

APPROXIMATE CENTER OF GRAVITY OF CURVE POINT FROM POINT OF BEGINNING OF CURVE
DATE: MARCH 23, 2015





“...meeting community needs...enhancing quality of life.”

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 3/8/2021

RE: Action: Award the City of Appleton’s “2021 Parks Hardscapes Project – AMP Parking Lot #3 Reconstruction Project” contract to Northeast Asphalt, Inc. in the amount of \$289,788.02 with a contingency of \$50,000 for a project total not to exceed \$339,788.02.

The 2021 Capital Improvement Plan includes \$700,000 to repair hardscapes at various city parks. Of that amount, \$400,000 has been allocated to reconstruct the AMP Parking Lot #3. The balance of the 2021 Parks Hardscape Improvements budget will be utilized at several other parks including, but not limited to: Pierce Park, Appleton Memorial Park, and Highview Trail. The recommendations for repairs were determined by our consulting engineer after a hardscape audit was completed at the site.

The bids were received as follows:

Northeast Asphalt, Inc. (low bid)	\$289,788.02
Peters Concrete Co.	\$313,397.30
MCC, Inc.	\$333,527.01
Vinton Construction Co.	\$379,868.38
Sommers Construction Co., Inc.	\$387,331.61

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to Northeast Asphalt, Inc. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer’s recommendation. Therefore, we recommend awarding the contract to Northeast Asphalt, Inc. in the amount of \$289,788.02 plus a contingency of \$50,000 only to be utilized as needed.

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



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 3/8/2021

RE: Action: Award the City of Appleton's "Wastewater A & S Building's HVAC Upgrades Phase 2 Project" contract to EGI Mechanical, Inc. in the amount of \$736,577 with a contingency of \$13,000 for a project total not to exceed \$749,577.

The 2020/2021 Capital Improvement Plan includes \$750,000 to complete Phase 2 of the Wastewater A & S Building's HVAC Upgrades Project. In 2020 Phase 1 of the project was completed which included HVAC Upgrades to the A Building and installation of a central chiller which will serve both A & S Buildings. Phase 2 of this project includes upgrading the HVAC equipment in the S Building and connecting that equipment to the central chiller that was installed as part of Phase 1.

The bids were received as follows:

EGI Mechanical, Inc. (low bid)	\$736,577
Sure-Fire, Inc.	\$740,000
Great Lakes Mechanical, Inc.	\$750,500
B & P Mechanical, Inc.	\$823,928
August Winter & Son, Inc.	\$873,800

Our consulting engineer has written the City of Appleton a formal letter of recommendation to award the contract to EGI Mechanical, Inc. The Parks, Recreation, and Facilities Management Department has also reviewed the bids and is in agreement with the engineer's recommendation. Therefore, we recommend awarding the contract to EGI Mechanical, Inc. in the amount of \$736,577 plus a contingency of \$13,000 only to be utilized as needed.

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



MEMORANDUM

TO: Community and Economic Development Committee

FROM: Matt Rehbein, Economic Development Specialist

DATE: March 10, 2021

RE: Business/Industrial Park Land Sale and Option Prices

Staff completes an annual review of the selling price of land in the City's business/industrial parks to see how competitive Appleton is with surrounding communities. Currently, the selling price of land in the City of Appleton's Southpoint Commerce Park is \$40,000.00/acre. The City has no remaining parcels for sale in the Northeast Business Park (NEBP).

The City's last remaining lot marketed for sale in the NEBP (1.44 acres) was sold to S&D Masonry in 2020. There are currently 6 lots that are privately held and not developed in the Northeast Business Park subject to the City's right to repurchase. Privately owned, undeveloped lots are flagged in the City's AS400 system, and notification is given on the real estate inquiry form to ensure the City's right to repurchase is triggered as appropriate.

In the Southpoint Commerce Park, there are 28 fully improved lots available, of which 5 are under contract with F Street Development. The total inventory not under contract is approximately 100 acres. 14.6 acres was sold to F Street Development in 2020 (details in attached Industrial Land Sales Comparison – Exhibit A) and construction of a 218,000 square foot distribution warehouse is underway. The City has an additional 175 acres in Southpoint that are undeveloped. All available lots in the Southpoint Commerce Park are served by regional stormwater detention, and a wetland delineation was completed in 2020. See attached map for the available lots in Southpoint.

In order to ascertain how competitive Appleton is with neighboring communities, staff prepared an Industrial Land Asking Price Comparison (Exhibit B). Data was gathered from: direct contact with sellers, CoStar (which is a commercial real estate listing and comparable data service), and the Wisconsin Department of Revenue. There are additional lots marketed as available for industrial in the Fox Cities, but many of those could also be commercial, which commands a much higher price and are not good comparables. All referenced industrial lots are broken down into one of three categories:

- 1) Municipally owned lots available for sale.
- 2) Privately owned lots available for sale.
- 3) Recent sales comparison.

In determining the sale price of lots, staff considers several factors, including the City's investment in creating the business park, cost to develop at these locations, competitive lot pricing, and uses of the property. It should also be noted that land pricing is but one component of actual "cost" when a business is considering a purchase in a business/industrial park. Infrastructure, access, availability of TIF financing and other incentives are all factored in.

Site selectors and businesses seeking new locations have shared with staff that the ability to respond quickly and creatively is crucial to landing deals. This has proved true for all recent transactions. Each company is going to have different priorities, beyond land price alone, such as infrastructure, approval process, timing, TIF contributions, etc. Having entered the final 5 years of the life of TIF #6, we are no longer able to make new investments from TIF #6. This further increases the importance for the City to be in a position to act quickly and decisively when transactions come forward to ensure we secure sales in the business/industrial parks. We have been successful in doing this with all sale transactions over the past few years. In 2021, we still need to be responsive, but with a tightening market, we may not need to be as generous on financial incentives.

The industrial market for lease and purchase space has been tightening up over the past few years creating a scarcity of large industrial space. As a result, we have seen increased activity in the Southpoint Commerce Park (both contracts and inquiries). This has generated greater interest in "speculative" building and, in turn, more inquiries about optioning land. In 2020, Council approved an option fee of 2% of the purchase price per year for parcels in excess of 5 acres. The option fee for lots less than 5 acres remains at 1% of the purchase price per year. This helps protect the City's inventory of marketable parcels while preserving the smaller users' ability to ensure they have control of their expansion space.

Based on this analysis, staff would recommend the City maintain its current selling price of \$40,000 for business/industrial park land and option fees as outlined below. This puts Appleton in the middle range with regard to land prices.

Staff Recommendation:

The City of Appleton maintain its current selling prices for business/industrial park land as follows:

Southpoint Commerce Park

All lots - \$40,000/Acre

The City of Appleton hold option fees to reflect 1% of the purchase price annually for lots of 5 or less acres and 2% of the purchase price annually for lots greater than 5 acres.

Note: Land prices are for fully improved lots and include the cost of concrete pavement.

EXHIBIT A

2010-2020 INDUSTRIAL LAND SALES COMPARISON (Municipal & Private Sales)

<i>Location</i>	<i>Sale Price</i>	<i>Size (In Acres)</i>	<i>Price/Acre</i>	<i>Sale Date</i>	
Southpoint (Appleton)	\$555,180	14.61	\$38,000	Sep-20	F Street Development (Phase I)
Kaukauna Ind. Park	\$72,700	1.9	\$38,263	2020	Modix Corp
2433 Airport Park Dr., Greenville	\$108,000	2.62	\$41,221	Aug-20	Red Top Cab Co.
NEBP (Appleton)	\$57,600	1.44	\$40,000	Jul-20	S&D Masonry
Wrightstown	\$350,000	17	\$20,800	Jul-20	Custom Offsets
892 Cold Spring Rd., Fox Crossing	\$129,000	3.5	\$36,857	Jan-20	Keeney Properties LLC
Southpoint (Appleton)	\$144,072	3.48	\$41,400	Oct-19	Custom Offsets
Southpoint (Appleton)	\$130,000	3.25	\$40,000	Nov-19	Messenger Property Management
Southpoint (Appleton)	\$168,400	4.21	\$40,000	May-19	New Morning Coffee Roasters
Greenville Dr., Greenville	\$1,109,920	32.3	\$34,362	Jul-19	Burns & McDonnell
Randolph Dr., Kaukauna	\$152,000	4	\$38,000	2019	Velocity Water Works
Evergreen Dr., Little Chute	\$1,100,000	20	\$55,000	Jan-19	Faith Technologies
Southpoint (Appleton)	\$511,000	14.6	\$35,000	Sep-18	Becknell Industrial
7241 Cty Rd. BB, Neenah	\$679,000	41.54	\$35,000	Jun-18	
Oak Grove Rd. Prosperity Ctr., Kaukauna	\$186,200	4.90	\$38,000	Sep-17	Lot 6
Oak Grove Rd. Prosperity Ctr., Kaukauna	\$117,800	3.10	\$38,000	Sep-17	Lot 8
Oak Grove Rd. Prosperity Ctr., Kaukauna	\$117,040	3.08	\$38,000	Sep-17	Lot 9
CB & Rockwood Ln., Neenah (Town of)	\$208,623	10.60	\$19,681	Sep-17	Stuff-N-Storage (A-2 General Farming zoning)
Endeavor Dr., Appleton (SPCP)	\$132,000	3.30	\$40,000	Aug-17	Manda Panda Properties
Endeavor Dr., Appleton (SPCP)	\$150,300	3.34	\$45,000	Aug-17	Alco Tech
Integrity Way, Grand Chute	\$83,000	2.72	\$30,503	Jan-17	
Plank Rd. & Eisenhower, Appleton (SPCP)	\$329,400	7.32	\$45,000	Sep-16	Encapsys
Kaukauna Ind. Park	\$79,800	2.10	\$38,000	May-16	NorthStar Coop
Capitol Dr., Appleton (NEBP)	\$75,950	2.17	\$35,000	Mar-16	Romenesko Developments, Inc.
Goodland/Conkey, Appleton (NEBP)	\$100,000	2.69	\$37,175	Dec-15	Quantum Healthcare
Kaukauna Ind. Park	\$228,000	6.00	\$38,000	Jul-15	Polyflex
Capitol Dr., Appleton (NEBP)	\$155,750	4.45	\$35,000	May-15	RP5, LLC
Goodland Dr., Appleton (NEBP)	\$115,200	2.88	\$40,000	Apr-15	Farrell Investments
Lakeland Dr., Appleton (SPCP)	\$58,000	1.37	\$42,336	Sep-13	Flair

*SPCP=Southpoint Commerce Park

**NEBP=Northeast Business Park

Sources:

Seller Contact
CoStar
WI Dept. of Revenue

EXHIBIT B

INDUSTRIAL LAND ASKING PRICE COMPARISON

Municipally Owned Land Asking Price Comparison

<i>Municipality</i>	<i>Ask Price/Acre</i>	<i>Regional Stormwater</i>	<i>Concrete Streets</i>	<i>Utilities</i>	<i>Incentives</i>
Appleton	\$40,000	Y	Y	Y	Project reinvestment upon certificate of occupancy
Neenah	\$35,000	Y	Y	Y	TIF/Land grant
Kaukauna	\$38,000	Y	Y	Y	Redevelopment Authority loans
Wrightstown	\$50,000	Y	N	Y	TIF/Land grant

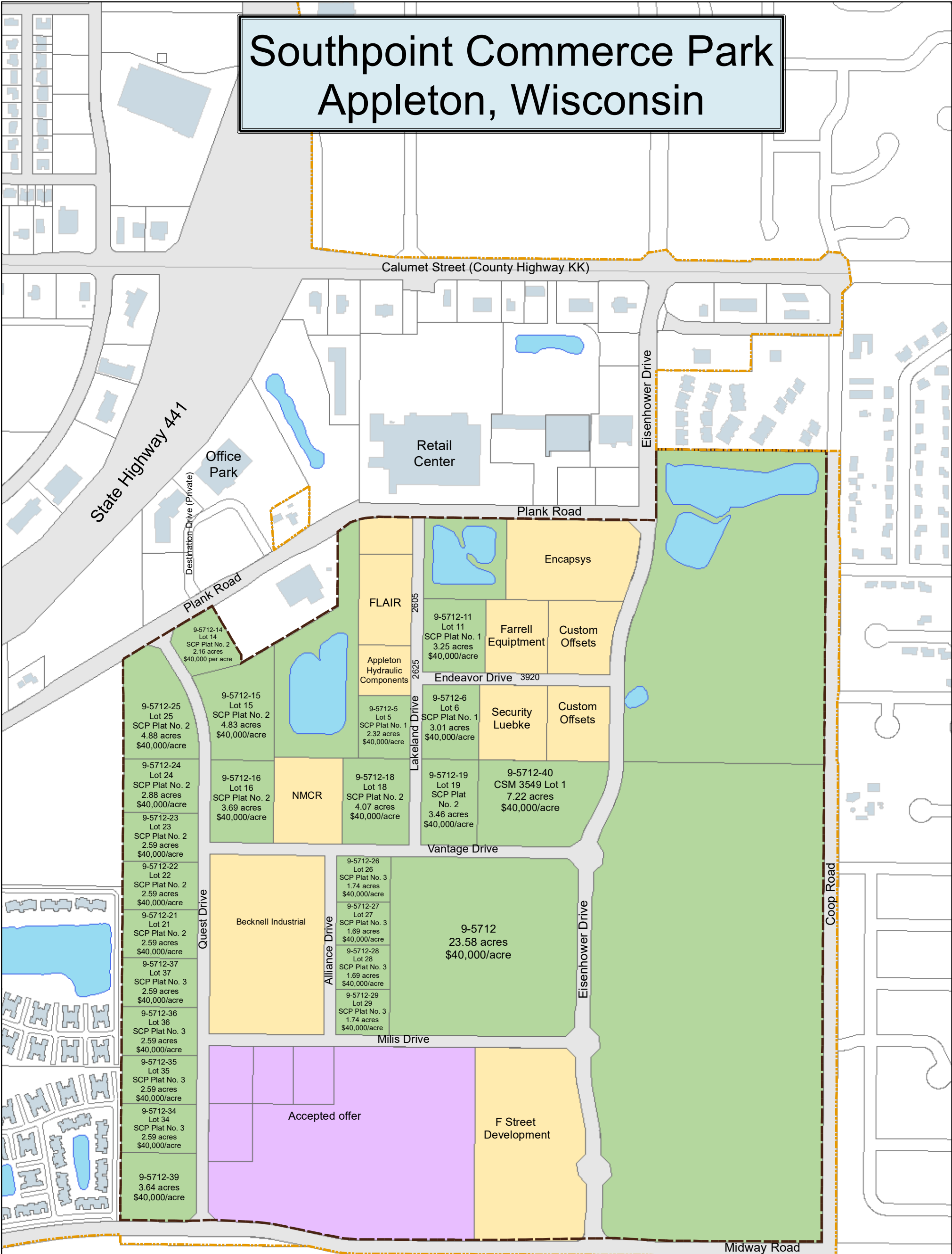
Privately Owned Land Asking Price Comparison (Over 10 acres, per CoStar listings)

<i>Municipality of Private Property</i>	<i>Ask Price/Acre</i>	<i>Largest Contiguous Lot (In Acres)</i>	<i>Location</i>	<i>Notes</i>
Kaukauna (Town of)	\$33,269	26.30	N2380 Bodde Rd.	Not served by Mun. Utilities
Neenah	\$18,900	100.00	2689 Cty II	Possible commercial/industrial/multifamily/residential
Little Chute	\$55,000	19.48	Evergreen Dr.	Possible Office/I-41 exposure
Appleton	\$34,722	7.92	Glendale-NEBP	Stora Enso Parcel -On market for years
Greenville	\$65,434	12.99	W6369 Levi Dr.	Air North Business Park
Greenville	\$50,000	16.00	Mayflower & GV	Possible commercial/industrial/multifamily/residential

Sources:

*Seller Contact
CoStar
WI Dept. of Revenue*

Southpoint Commerce Park Appleton, Wisconsin

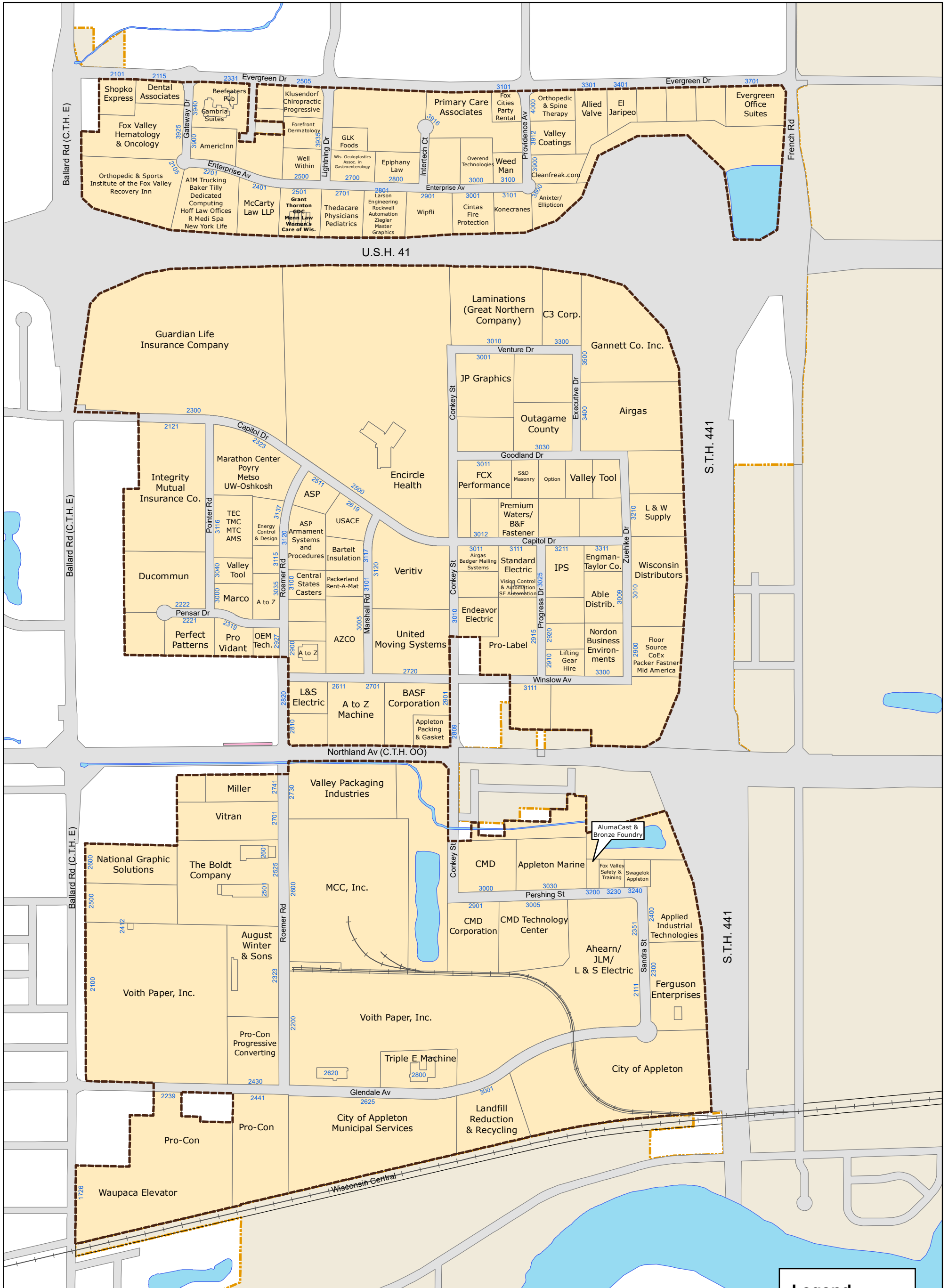


Legend

- City Limits
- Park Boundary
- Accepted Offer
- For Sale (City Owned)
- Privately Owned Parcels



Northeast Business Park Appleton, Wisconsin



0 0.25 0.5 Miles



Legend

- Park Parcels
- Park Boundary
- City Limits



MEMORANDUM

“...meeting community needs...enhancing quality of life.”

TO: Community & Economic Development Committee (CEDC)

FROM: Karen Harkness, Director
Monica Stage, Deputy Director

DATE: March 3, 2021

RE: Request to approve 2021 Sponsorships for Appleton Downtown Inc. (ADI) Programs

The Council approved 2021 Budget includes \$36,000 in the Marketing & Business Services Business Unit of the Community & Economic Development Department Budget to support small business and workforce development initiatives.

Appleton Downtown Inc. (ADI) has presented the City with a sponsorship proposal for 2021 (attached) that would allow the City to invest in numerous programs for both our existing residents and businesses as well as visitors and potential investors in Downtown. These programs align with the updated Comprehensive Plan 2010-2030, especially Chapter 14 Downtown Plan.

Please note that Small Business Saturday sponsorship also includes the Appleton Northside Business Association (ANBA) membership area as well.

It is also important to highlight that the events are proposed for later in the year and are still subject to permit approval based on local pandemic conditions.

Staff Recommendation:

Request to approve \$15,000 for 2021 sponsorships for Appleton Downtown Inc. (ADI) Programs as outlined in the attached document **BE APPROVED**.



2021 City of Appleton Sponsorship Support Agreement

City of Appleton will be acknowledged as a support sponsor of the following events and programs, as part of this sponsorship package: Business Retention/ Residential Outreach Program, Community Public Market, Small Business Saturday, Summer Support/ Farm Market, Downtown Creates Walk Events, Downtown for the Holidays/ Light Up Appleton, Annual Awards Celebration and Annual Meeting.

Sponsorship total is \$15,000 and breakdown is as follows:

Downtown Business Retention/Residential Outreach	\$3,000
Avenue of Ice – ice carving	\$ Included
Virtual Annual Meeting	\$ 500
Summer Support/ Farm Market	\$1,500
Downtown Creates Walk Events	\$2,500
Downtown Business Award Celebration	\$ 500
Community Public Market	\$2,500
Small Business Saturday	\$3,000
Downtown for the Holidays/ Light Up Appleton	\$1,500

Opportunities available with each event sponsorship includes social media mentions leading up to event, as well as social media logo recognition on each event page. City of Appleton logo inclusion will be featured on the ADI website for one full year and can be linked back to the City website. Facebook exposure on the Appleton Downtown Facebook page as a Favorite page. Page currently has 16,800+ fans and is a great way to engage and interact with the community. Additional acknowledgement in ADI's weekly e-blast communication.

Downtown Business Retention/ Residential Outreach \$3,000

- Residential Survey Support with City of Appleton to assist with material and mailing costs.
- City of Appleton logo inclusion.
- Welcome Packets with option to include Business card flyer with City website/resources.
- City funds support staff with business retention visits and City of Appleton updates.

Avenue of Ice – ice carving \$ Included

-Promotion of Art through varieties of carved ice, while attracting customers to walk the Downtown District

- Logo inclusion on all promotion material
- Signage designating sponsor of event and ice carving.

Virtual Annual Meeting and Downtown Project Reports \$500

-Report to Stakeholders

- Logo in all promotional materials leading up to event.
- Invitation as speaker to present City updates.

Sustaining Summer Support with Farm Market \$1,500

-Promoting Eat Local, Shop Local – includes Downtown Businesses and Farm Market Vendors

- City of Appleton logo on the summer support banner displayed at a secondary location at a variety of our summer events.
- Logo inclusion on Farm Market promotional materials.
- Occasional booth space available for City of Appleton promotion such as: Dignity and Respect campaign, Appleton Public Library, Appleton Police Department, Park & Recreation, etc. Schedule to be worked out with ADI Staff.

Downtown Creates Walk Events & Placemaking Initiatives: \$2,500

-Promotion of Local Artists through Music, Art & Culture, while attracting customers to walk the Downtown District

- Three summer dates: June 18, July 16 and August 20.*
- City of Appleton logo on all printed materials including posters, advertising, event programs and online promotion.
- Opportunity to participate during each event. Schedule to be worked out between ADI and City of Appleton. *
- Supports additional placemaking and public art initiatives.

Downtown Business Awards Celebration table: \$500

-Celebration to Acknowledge Downtown Businesses for their Achievements

- Reserved table for eight.*
- Recognition in the program and from the stage.*

Community Public Market \$2,500

-Promoting Eat Local, Shop Local – includes Downtown Businesses, Farm Market Vendors, Non-profits & Entertainment

- Fall event line up hosted at the Exhibition Center: Date TBD subject to Covid numbers and approval. *
- City to sponsor the performance stage featuring a diverse lineup of community performers. Assisted by Rhythms of the World to acquire additional programming. *
- City of Appleton would have the option of a double booth 10x20 or two 10x10 booths available for promotion of various programs, such as: Dignity and Respect Campaign, Appleton Public Library, Appleton Police Department, Park and Recreation Programs, etc. Schedule to be worked out between City of Appleton and ADI Staff. *

Small Business Saturday \$3,000

-Shop Local promotion event

- City of Appleton logo on all printed materials including passports, posters, advertising, website and online promotion as Presented by!
- Promotional space in emails to participating businesses during the month prior to event.
- Cooperative marketing

Downtown for the Holidays and Light Up Appleton: \$1,500

-Free Family event to Celebrate Light through Music, Art & Culture, while attracting customers to Downtown District for the Holidays

- City of Appleton logo on the Downtown for the Holidays holiday guide and advertising.
- Holiday Fun Fest: a feature of the Downtown Appleton Indoor Market: December date. Activities such as: visits with Santa, cookies with Ms. Claus, Kids Craft Area, Kids Market along with the Handcrafted Market and so much more!*

*Note: All in-person events subject to permit approval.



2021 City of Appleton Sponsorship Support Agreement

Downtown Business Retention/ Residential Outreach	\$3,000
Ice Carving at Avenue of Ice -Promotion of Art through carved ice, while attracting customers to walk the Downtown District	\$ Included
Annual Meeting and Downtown Project Reports -Report to Stakeholders	\$ 500
Sustaining Summer Support with Farm Market -Promoting Eat Local, Shop Local – includes Downtown Businesses and Farm Market Vendors	\$1,500
Downtown Creates Walk Events & Placemaking Initiatives -Promotion of Local Artists through Music, Art & Culture, while attracting customers to walk the Downtown District	\$2,500
Downtown Business Awards Celebration table -Celebration to Acknowledge Downtown Businesses for their Achievements	\$ 500
Community Public Market -Promoting Eat Local, Shop Local – includes Downtown Businesses, Farm Market Vendors, Entertainment, etc.	\$2,500
Small Business Saturday -Shop Local promotion event	\$3,000
Downtown for the Holidays and Light Up Appleton -Free Family event to Celebrate Light through Music, Art & Culture, while attracting customers to Downtown District for the Holidays	\$1,500

City of Appleton representative

Date: _____

Djuanna Hugdahl
Community Partnership Director
Appleton Downtown Inc.

Date: _____

Thank you for helping create a vibrant and artful Downtown!



MEMORANDUM

TO: Community and Economic Development Committee (CEDC)

FROM: Karen Harkness, Director of Community & Economic Development

DATE: February 22, 2021

RE: Request Approval of the Development Agreement between the City of Appleton and 318 College Ave LLC (the Park Central property) in TIF District #11

Tax Increment Financing District Number 11 (TIF District #11) was created by the City of Appleton in August 2017 under the authority provided by Wisconsin Statute Section 66.1105 “Tax Increment Law” to eliminate blight and stimulate the redevelopment of this urban corridor. TIF District #11 was created as a “Blighted District” based upon the finding that at least 50%, by area of the real property within the District, is blighted within the meaning of Wisconsin Statute Section 66.1105 and 66.1333. The Project Plan was amended in September 2020.

TIF District #11 is located along East College Avenue from approximately Drew Street to just west of Superior Street, south to Water Street, and north to E. Pacific Street. A map of TIF District #11 is included on the following page.

318 College Ave LLC (Developer) is requesting assistance to support a mixed-use project. 318 W. College Avenue is also known as “The Park Central Property” and is located in the heart of the CBD Central Business District in Appleton. The Developer plans to transform this property into a state-of-the-art, 75,000 sq. ft. building with over 16,500 square feet of Class A commercial space subdivided for multiple business occupants. The mixed-use improvements to Park Central will include a redeveloped second floor and an additional three floors of new construction slated for rental apartment use. The new apartments will offer a mix of one, two and three-bedroom units, yielding a total of 51 bedrooms in 39 apartments. Through careful planning, design and the use of quality construction techniques and premium building materials, including glass, steel, brick and high-end finishes, they will provide modern, luxurious, yet affordable, residential units and commercial spaces serving Appleton residents and businesses. A concept of proposed improvements is included as Exhibit B of the Development Agreement.


318 W. College Avenue has been vacant for many years. This development will offer another opportunity for residential living in our Central Business District. This project is targeted to support the City’s Comprehensive Plan goal of increasing the quantity and variety of housing product offered in Downtown Appleton.

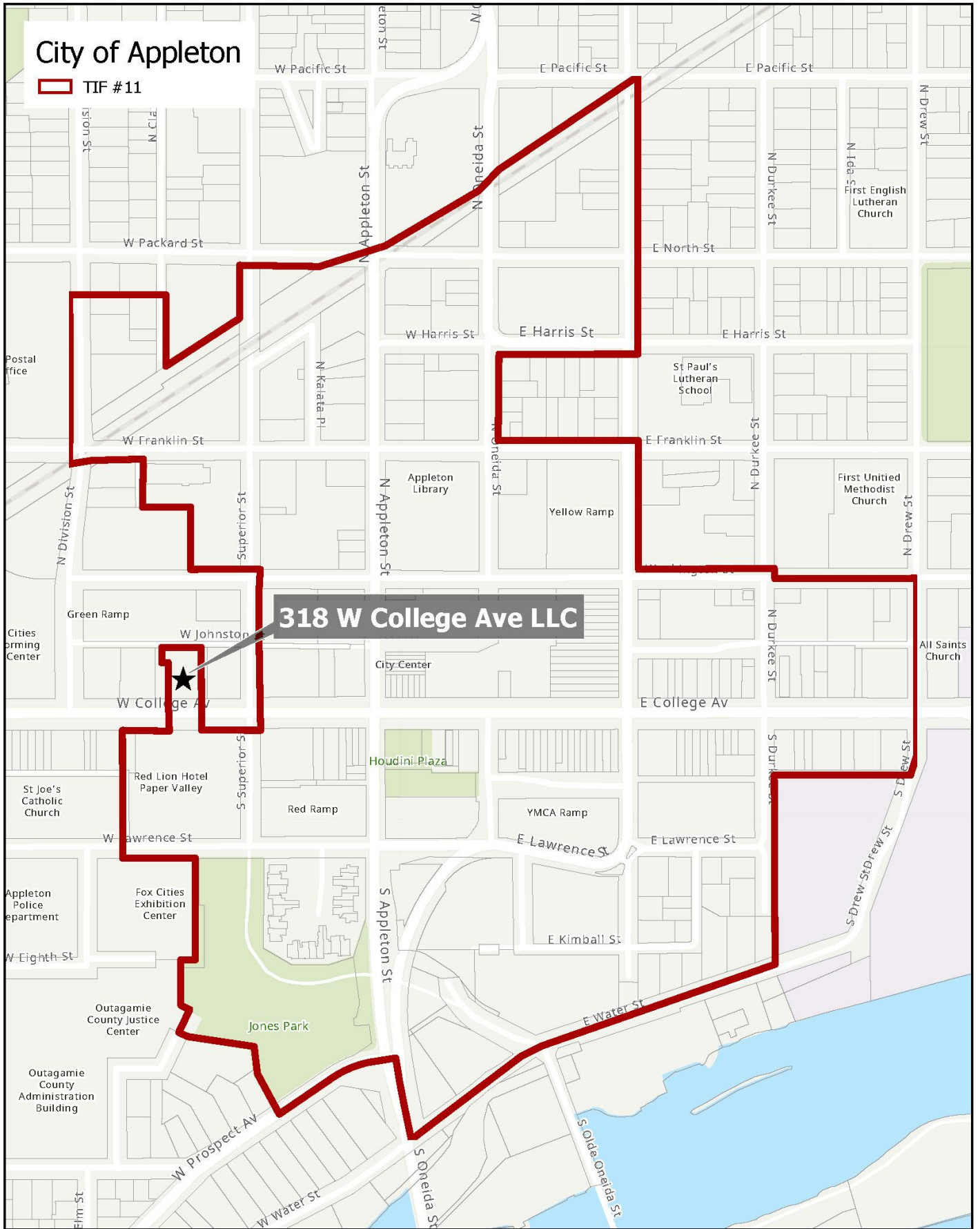
Based on the analysis of current value of the property, projected value of the property and review of proposed expenses, TIF District #11 could make available the lesser of eighteen percent (18%) or \$1,309,140 of the Tax Increment Value as of January 1, 2023, plus interest thereon to support the construction work for 318 College Ave LLC.

Staff Recommendation:

The Development Agreement between the City of Appleton and 318 College Ave LLC **BE APPROVED.**

City of Appleton

 TIF #11



TAX INCREMENT DISTRICT NO. 11 DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is dated as of the ___ day of February, 2021, by and among 318 College Ave LLC, a Wisconsin limited liability company ("Developer") and the City of Appleton, a Wisconsin municipal corporation (the "City").

RECITALS

Developer and the City acknowledge the following:

A. Developer owns or will acquire the real property located 318 W. College Avenue, (Parcel 31-2-0243-00) Appleton, WI more particularly described in Exhibit A, attached hereto (hereafter the "Property").

B. The Property is located within the City in Tax Increment District #11 (the "District") which was created in 2017 pursuant to Section 66.1105, Wis. Stats. along with a plan for the redevelopment of the District (the "District Plan") that provides for, among other things, the financial assistance set forth in this Agreement.

C. Subject to obtaining the financial assistance set forth herein, Developer has proposed improvements to the Property to create an approximately one floor of commercial/retail space and four floors consisting of approximately thirty-nine (39) market rate living units offering one, two and three bedrooms with approximate square footage ranging from 750 to 1,460 per unit (the "Project"). All references to the Project include the Property.

D. The City has determined that the Project will spur economic development, expand the City's tax base and create new jobs; that such financial assistance is a Project Cost under the Tax Incremental Law; that the amount of financial assistance provided pursuant to this Agreement is the amount necessary to induce development of the Project; and, that the Project will not proceed without the financial assistance set forth in this Agreement.

E. Subject to obtaining financial assistance as set forth herein, Developer intends to undertake a redevelopment of the property that will increase the value of the Property and provide other tangible benefits to the surrounding neighborhoods and to the City as a whole, consistent with the District Plan. The City finds that this redevelopment of the Property and the fulfillment, generally, of the terms and conditions of this Agreement are in the vital and best interests of the City and its residents and serves a public purpose in accordance with state and local law.

F. The City, pursuant to Common Council Action dated [date Council approves this agreement here] has approved this Agreement and authorized the execution of this Agreement by the proper City officers on the City's behalf.

G. The Developer has approved this Agreement and authorized the appropriate officers to execute this Agreement on the Developer's behalf.

H. The base value of the Property for purposes of this Agreement, including calculating increment generated by the Project, is Eight Hundred Twenty-Seven Thousand Dollars (\$827,000). The Developer estimates the project will create up to an additional Seven Million Two Hundred Seventy-Three Thousand Dollars (\$7,273,000) in incremental value.

I. All terms that are capitalized but not defined in this Agreement and that are defined under the Tax Increment Law shall have the definitions assigned to such terms by the Tax Increment Law.

AGREEMENT

NOW, THEREFORE, in consideration of the Recitals and the promises and undertakings set forth herein, the parties mutually agree and covenant as follows:

ARTICLE I UNDERTAKINGS OF THE DEVELOPER

1.1 Developer's Project shall include improvements to, and development of, the Property as set forth in Exhibit B that will result in an increase in the Property's assessed value. All aspects of the Project shall be in accordance with all applicable City zoning and building codes, ordinances and regulations.

1.2 Project Costs shall include, without limitation, costs incurred after approval of this agreement for the construction of improvements (including infrastructure improvements), environmental remediation costs, demolition, interior remodeling and development of the project.

1.3 Developer warrants and represents to the City that but for the assistance provided by the City under Article II, herein, Developer would not be able to proceed with the Project.

1.4 Developer and City acknowledge that several of the specific undertakings of the parties may require approvals from directors, boards or the City Council as applicable. The parties' agreements are conditioned upon the obtaining of all such approvals in the manner required by law. The parties cannot assure that all such approvals will be obtained; however, they agree to use their best good faith efforts to obtain them on a timely basis.

ARTICLE II UNDERTAKINGS OF THE CITY

2.1 The City shall appropriate sufficient funds for the performance of the City's obligations under this Agreement.

2.2 City shall cooperate with Developer throughout the Project and shall promptly review and/or process all submissions and applications in accordance with applicable City ordinances.

2.3 Subject to all of the terms, covenants and conditions of this Agreement and applicable provisions of law, and as an inducement by the City to Developer to carry out the Project, upon completion of the Project (which shall be defined as issuance of occupancy permits for all floors of the Project (hereafter "completion")) the City will provide payments to Developer solely from the future Tax Increments (derived from both real and personal property) to assist with Developer's Project Costs. The City's total payment of Tax Increment Revenue to the Developer shall not exceed the lesser of i) \$1,309,140 or ii) Eighteen percent (18%) of the Tax Increment Value as of January 1, 2023, plus interest thereon (the "Contribution").

The Contribution will be paid to Developer as follows:

2.3.1 As the sole source for payment of the Contribution, the City agrees to pay the Developer an amount equal to ninety percent (90%) of the Tax Increment Revenue attributable to, and actually received from, the Property during the calendar year.

2.3.2 Payments under this Agreement shall be due in annual installments on August 15 of the calendar year following the first tax year after completion of the Project and continuing on each August 15 thereafter for a period of time described in Sec. 4.2

2.3.3 Interest on the Contribution shall begin to accrue upon completion of the Project. The interest rate on the Contribution shall be lesser of 1) the interest rate paid by the Developer to the primary lender for the Project, as evidenced by the note indicating the loan amount; or, 2) five percent (5%).

2.3.4 The Contribution shall be a special and limited obligation of the City and not a general obligation. Payments shall first apply to accrued interest and then to the principal balance of the Contribution. Unpaid interest in any year shall be added to the principal balance of the Contribution and accrue interest. The City may prepay the Contribution, in its sole discretion, at any time, with no prepayment penalty.

2.4 This Agreement fully evidences the City's obligation to pay the Contribution. No separate instrument will be prepared to evidence the City's obligation to pay the Contribution. The Contribution shall not be included in the computation of the City's statutory debt limitation because the Contribution is limited and conditional and no taxes will be levied or pledged for its payment. Nothing in this Agreement shall be deemed to change the nature of the City's obligation from a limited and conditional obligation to a general obligation.

2.5 The City covenants to Developer that until the Contribution plus interest thereon has been paid in full, the City shall not close the District prior to its statutory expiration date.

2.6 The City shall, upon Developer's request, provide to Developer an accounting of the status of the District including, but not limited to, the outstanding principal balance of the Contribution and annual Tax Increments received from the District.

2.7 Developer hereby acknowledges that, as a result of the special and limited nature of the City's obligation to pay the Contribution, Developer's recovery of the full amount of the Contribution depends on factors including, but not limited to, future mill rates, changes in the assessed value of the Property, the failure of the Property to generate the Tax Increments at the rate expected by Developer, reduction in Tax Increments caused by revenue-sharing, changes in the Tax Increment Law, and other factors beyond the City's and/or Developer's control.

ARTICLE III PAYMENT OF TAXES

3.1 As long as the District is in existence, the Property and all buildings and improvements thereon shall be owned and taxable for real estate tax and special assessment purposes. The City may waive any or all of the restrictions upon execution of a payment in lieu of taxes (PILOT) agreement on a form acceptable to the City.

3.2 Throughout the duration of this agreement, all ad valorem property taxes properly assessed against the Property will be paid timely and in full.

3.3 In the event that any property owned by Developer within the District becomes exempt from ad valorem property taxes during the life of the District, then for the remaining life of the District, the Developer will make (or cause to be made) annual payments in lieu of taxes in amounts equal to what the ad valorem property taxes would have been for such other property had it not been exempt. If the Developer conveys the Property within the District to any party (related or unrelated), the terms of such sale shall impose as a covenant upon all successor owners of the property the foregoing obligation for payments in lieu of taxes during the life of the District. The City shall be a beneficiary of such covenant and entitled to enforce same against the successor owners.

ARTICLE IV CONDITIONS TO PAYMENT; TERMINATION OF AGREEMENT

4.1 The City shall have no obligation to pay any portion of the Contribution to Developer unless and until all of the following conditions shall have been met:

4.1.1 The Project's completion on or before December 31, 2022 subject to reasonable extensions, not to exceed six (6) months each, for Force Majeure which shall include, but not be limited to, any delays caused by pandemic or other acts beyond the reasonable control of the Developer. Such extensions shall be by mutual written agreement and, in considering any requested extension, the City and Developer agree that each will act in good faith, cooperate in expeditious and timely approvals, and said extensions shall not be unreasonably withheld, conditioned or delayed by City.

4.1.2 The Property's assessed value is no less than Eight Million One Hundred Thousand Dollars (\$8,100,000) on or after January 1, 2023.

4.2 This Agreement, and the City's obligation to make, or continue, any payments of the Contribution, shall terminate when any of the following shall have occurred:

4.2.1 The conditions in Section 4.1 are not met.

4.2.2 The Contribution is paid in full or August 15, 2039, whichever occurs first.

ARTICLE V CONFLICT OF INTEREST

5.1 No member, officer or employee of the City, during his/her tenure or for one year thereafter, will have or shall have had any interest, direct or indirect, in this Agreement or any proceeds thereof.

ARTICLE VI WRITTEN NOTICES

6.1 Any written notice required under this Agreement shall be sent to the following individuals:

FOR THE CITY:

City of Appleton
Community and Economic Development Department
100 North Appleton Street
Appleton, WI 54911-4799
Attention: Director

With a copy to:

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

FOR DEVELOPER:

318 College Ave LLC
c/o Matthew Cole
2761 Contour Road
Missoula, MT 59802

ARTICLE VII ASSIGNMENT

7.1 No party to this Agreement may assign any of its interest or obligations hereunder without first obtaining the written consent of the other party.

ARTICLE VIII NO PARTNERSHIP OR VENTURE

8.1 Developer and its contractors or subcontractors shall be solely responsible for the completion of the Project. Nothing contained in this Agreement shall create or effect any partnership, venture or relationship between the City and Developer or any contractor or subcontractor employed by Developer in the construction of the Project.

ARTICLE IX MISCELLANEOUS

9.1 Under no circumstances shall any officer, official, director, member, manager, commissioner, agent, or employee of City or Developer have any personal liability arising out of this Agreement, and no party shall seek or claim any such personal liability.

9.2 The laws of the State of Wisconsin shall govern this Agreement.

9.3 This Agreement may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were upon the same instrument.

9.4 No modification, alteration, or amendment of this Agreement shall be binding upon any party until such modification, alteration, or amendment is reduced to writing and executed by all parties to this Agreement.

9.5 Any captions or headings in this Agreement are for convenience only and in no way define, limit, or describe the scope or intent of any of the provisions of this Agreement.

9.6 If any provisions of this Agreement shall be held or deemed to be inoperative or unenforceable as applied in any particular case in any jurisdiction because it conflicts with any other provision or provisions of this Agreement or any constitution or statute or rule of public policy, or for any other reason, then such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. To the maximum extent possible, this Agreement shall be construed in a manner consistent with the powers of the City, including but not limited to, the City's powers under the Blight Elimination and Slum Clearance Law and the Tax Increment Law, to achieve its intended purpose. Reference is made to Section 66.1333(17) of the Wisconsin Statutes and Chapter 105, Laws of 1975 § 4, which provide that the Blight Elimination and Slum Clearance Law and the Tax Increment Law should be construed liberally to effectuate their purposes.

[Signatures on following pages]

DRAFT

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

CITY OF APPLETON:

By: _____
Jacob A. Woodford, Mayor

ATTEST:

By: _____
Kami L. Lynch, City Clerk

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

Personally came before me this ____ day of _____, 2021, Jacob A. Woodford, Mayor and Kami L. Lynch, City Clerk, of the City of Appleton respectively, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

Printed Name: _____
Notary Public, State of Wisconsin
My commission is/expires: _____

PROVISION HAS BEEN MADE TO PAY FOR OBLIGATIONS INCURRED PURSUANT TO THIS AGREEMENT:

Anthony Saucerman, Finance Director

APPROVED AS TO FORM:

Christopher R. Behrens, City Attorney
Dated: February 24, 2021
By: Christopher R. Behrens
City Law A21-0070

DEVELOPER:

318 College Ave LLC

By: _____
Printed Name: _____
Title: _____

By: _____
Printed Name: _____
Title: _____

By: _____
Printed Name: _____
Title: _____

STATE OF _____)
: ss.
_____ COUNTY)

Personally came, before me this ____ day of _____, 2021, [*insert Member names here*] each a member of the LLC, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

Printed Name: _____
Notary Public, State of _____
My commission is/expires: _____

SCHEDULE OF EXHIBITS

- A. Legal Description of Property
- B. Proposed Improvements

DRAFT

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

The North 46.17 feet of Lot Ten (10) less the North Ten (10) feet thereof; The East 60 feet of the South 120 feet of Lot Ten (10); and the West 1/2 of Lot Eleven (11) less the North Ten (10) feet thereof; All being in Block 25, APPLETON PLAT, City of Appleton, Outagamie County, Wisconsin, according to the recorded Assessor's Map of said City.

DRAFT

EXHIBIT B

PROPOSED IMPROVEMENTS

The project budget is approximately eight million five hundred thousand (\$8,500,000) plus the building purchase price of one million sixty five thousand (\$1,065,000) for a total of nine million five hundred sixty five thousand (\$9,565,000). This does not include carrying costs.

(Copy of Plans/ Design docs here.)

DRAFT

Matthew Cole
318 College Ave LLC
414.477.4979
matthewgiancole@gmail.com

December 1, 2020,

RE: PARK CENTRAL - EXECUTIVE SUMMARY

318 College Ave, LLC (the “Developer”) has been established to undertake the successful purchase, rehabilitation and redevelopment of the Park Central building, located at 318 West College Avenue in downtown Appleton, Wisconsin.

The Developer believes in the City of Appleton’s past and current efforts to attract and retain businesses and residents while improving the community with growth management and capital projects. We intend to serve a current housing need and enhance the community by re-developing this property and holding it as a viable, long term investment.

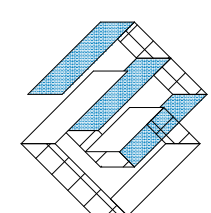
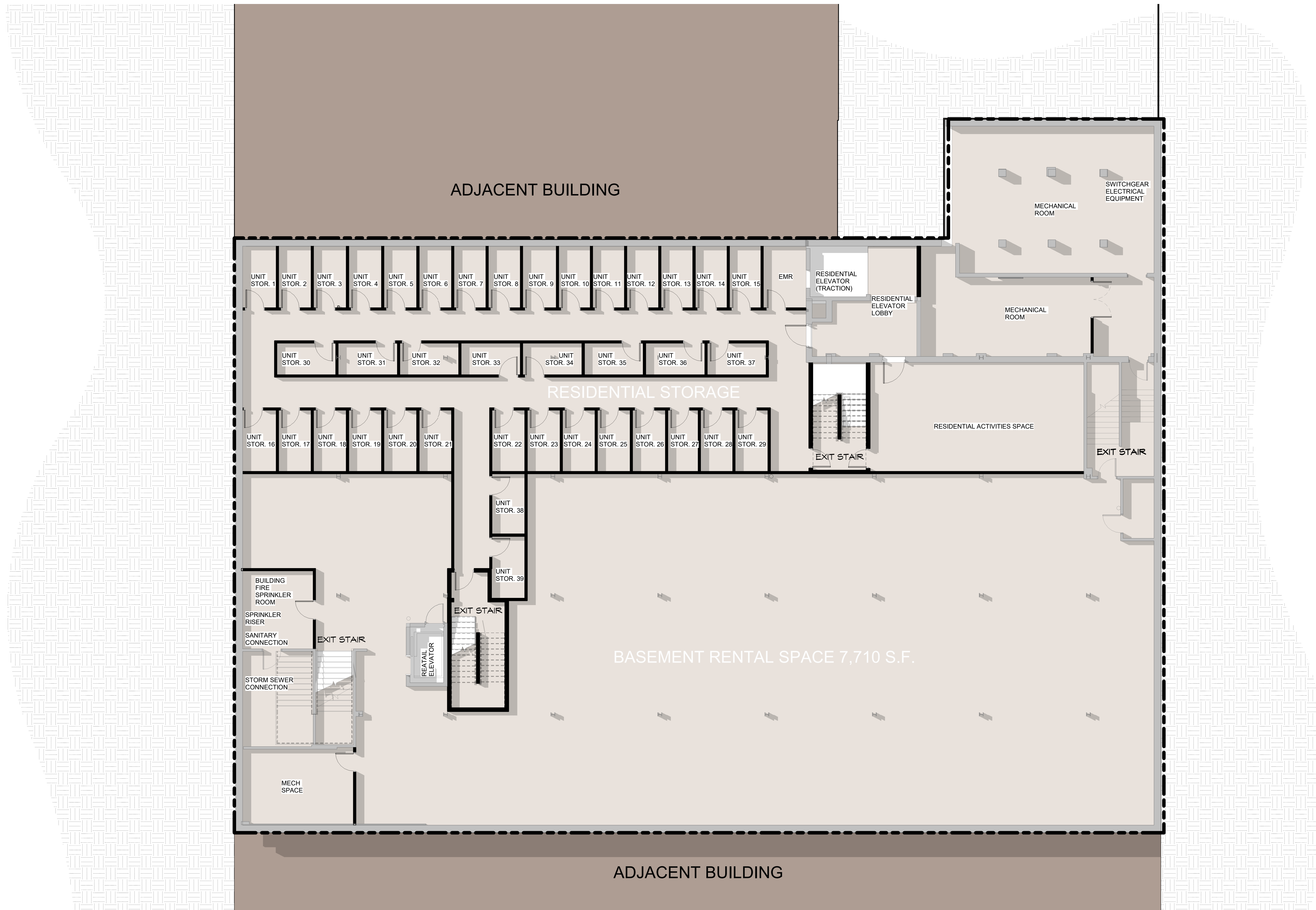
The Park Central property is located in the heart of the Central Business District in Appleton, and will be transformed into a state-of-the-art 75,000 sq. ft. building with over 16,500 square feet of Class A commercial space sub divided for multiple business occupants. The mixed-use improvements to Park Central will include a redeveloped second floor and an additional three floors of IIIB new construction slated for rental apartment use. The new apartments will offer a mix of one, two and three-bedroom units, yielding a total of 51 bedrooms in 39 apartments. Through careful planning, design and the use of quality construction techniques, and premium building materials, including glass, steel, brick and high-end finishes, we will provide modern, luxurious yet affordable residential units and commercial spaces serving Appleton residents and businesses.

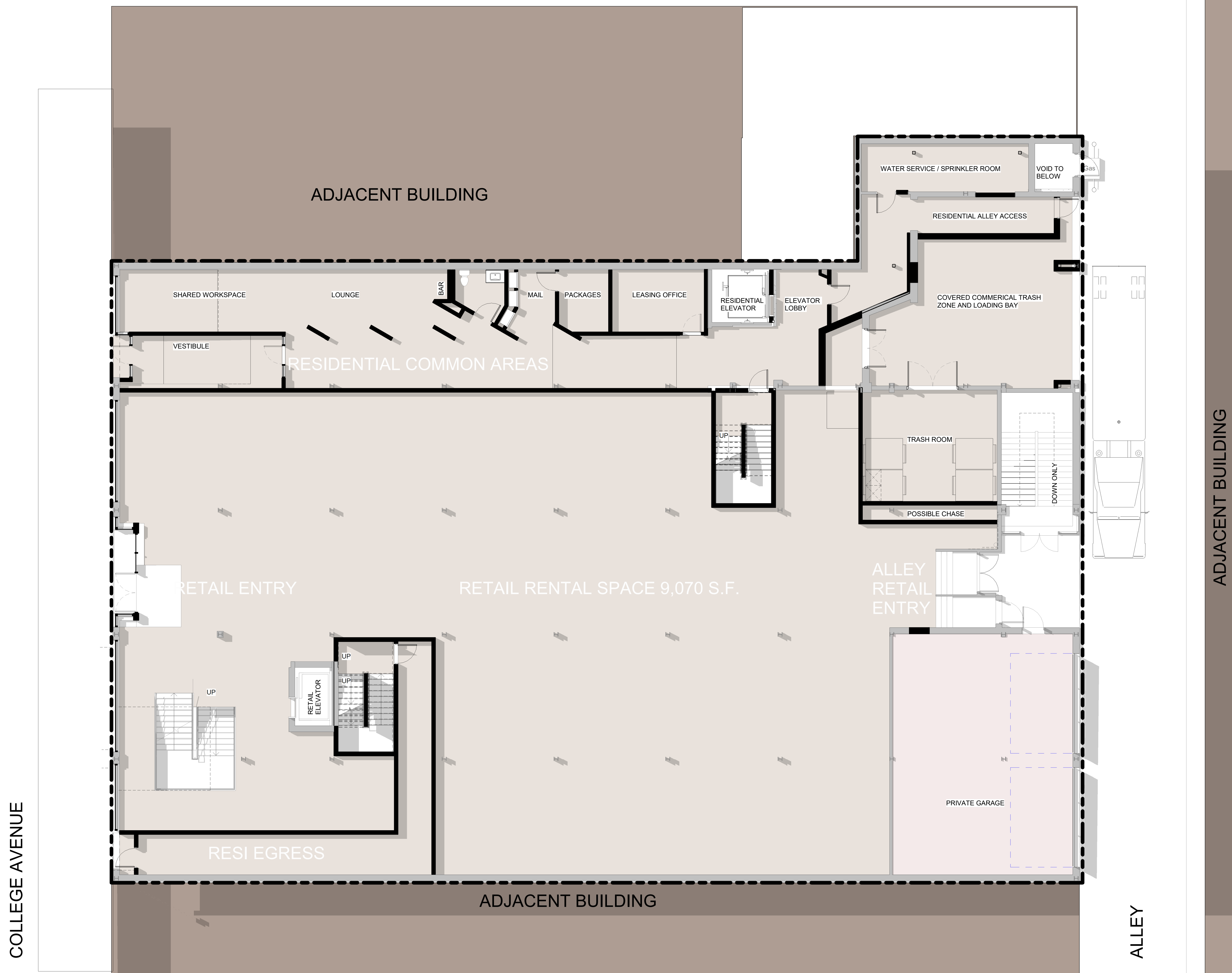
Our vision for the building at 318 W. College Ave is to provide an iconic structure for the Fox Valley and downtown Appleton. The Park Central development will become a staple in the community through an energetic and vibrant atmosphere for the commercial businesses and a welcoming home to the residents with a focus on security, cutting edge technology, desired amenities, convenience and a positive environment for all tenants. The apartments will cater to many demographics including retirees/empty nesters, young professionals, young families, and students. Park Central will feature unmatched levels of customer service and attention to detail with dedicated on-site property management, building amenities and secure residential access.

The existing structure is a two story over basement ~45,000 sq. ft. building in need of significant structural, mechanical, and aesthetic repairs. The building was purchased for \$1,065,000.00 in June of 2019. The 30,000 sq. ft. addition and improvements in the development project are estimated to be completed by Fall of 2022 at a cost of ~\$8.5MM plus the purchase price and carrying costs. This project will come to fruition in partnership with local Gries Architecture Group, Performa Architects & Engineers and Blue Sky Contractors. Estimated project cost breakdown are provided below;

The renderings below provide a preliminary representation of the completed structure.









COLLEGE AVENUE

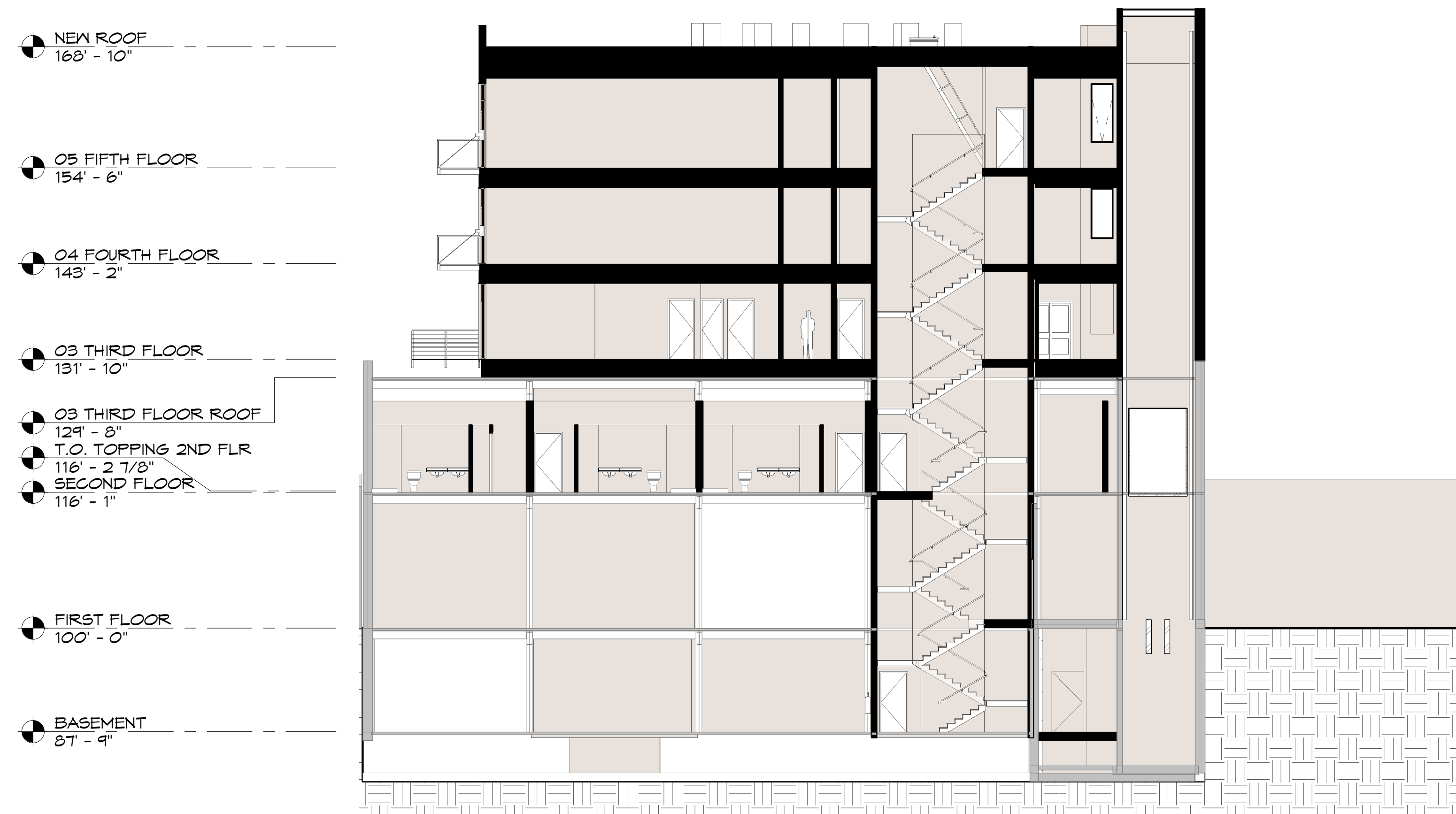
ADJACENT BUILDING

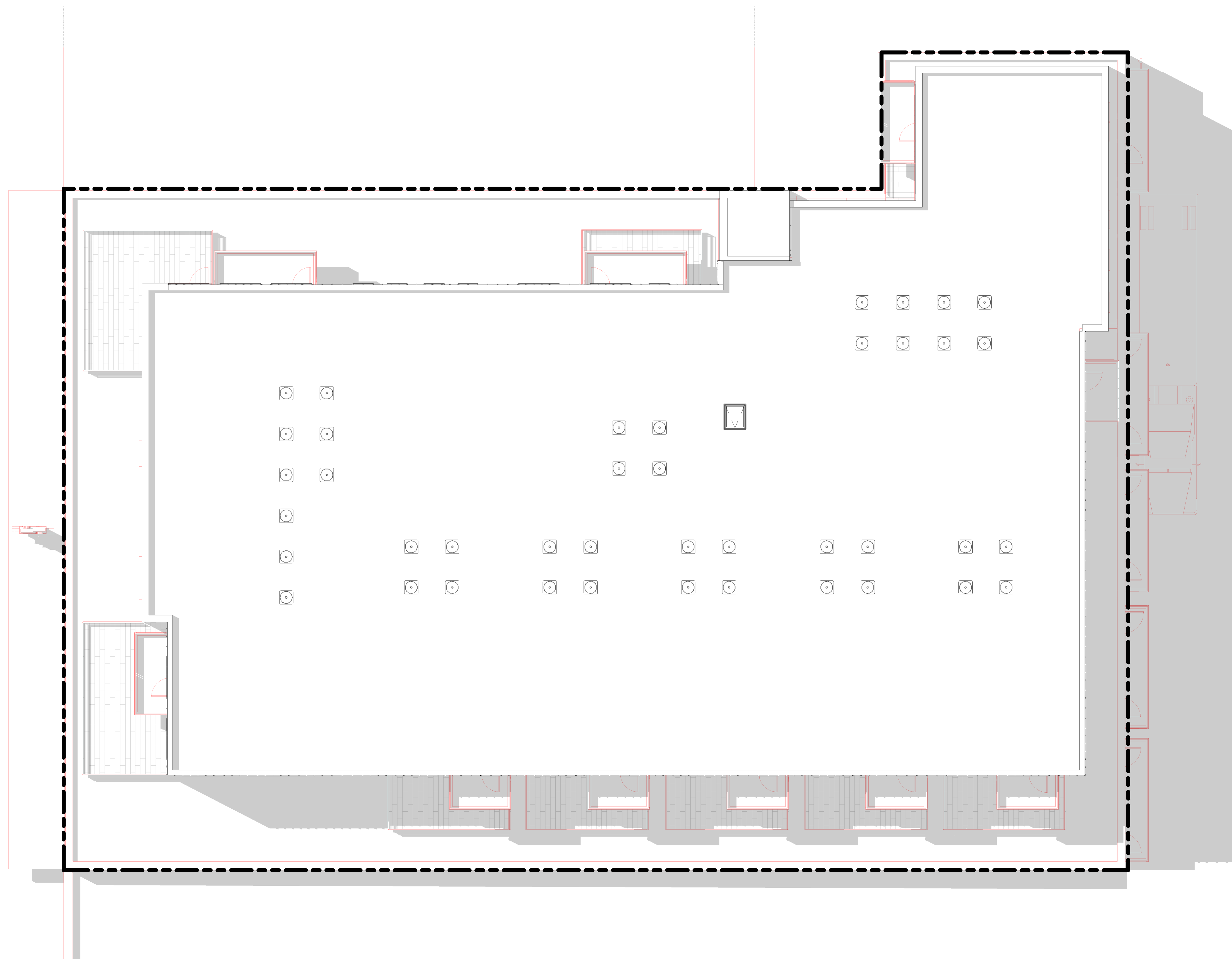
ADJACENT BUILDING

ALLEY

ADJACENT BUILDING







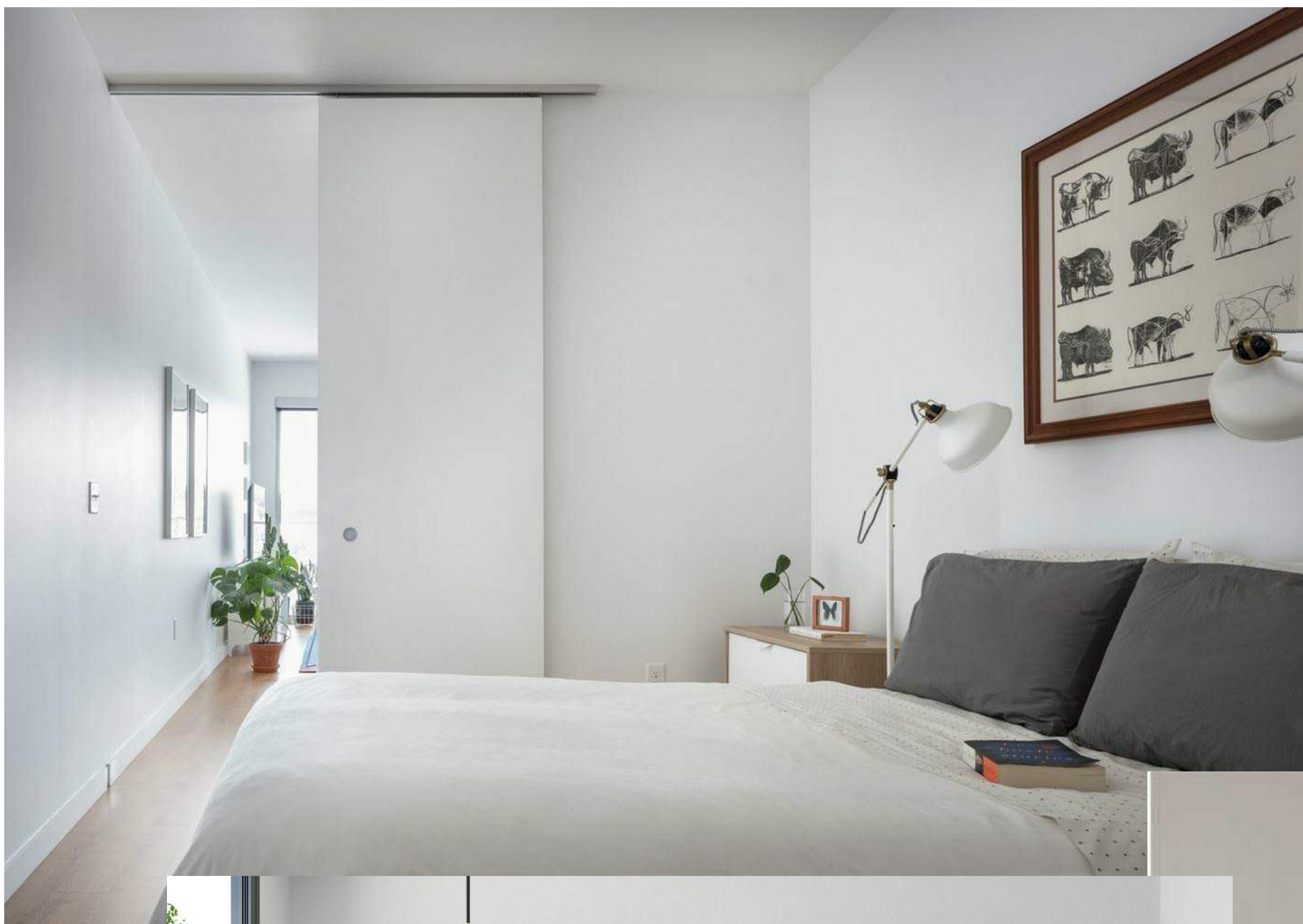


PARK CENTRAL
SCHEMATIC DESIGN



MATERIALS

SCALE:



LOBBY



UNITS



CORRIDORS

Exterior Wall:

- Cladding Materials:
- Vertical Metal Batten: Ultra Batten (Bridgersteel.com)
 - Clay Brick: Brampton Brick - Slate and Graphite(Jirehbrickandstone.com)
 - NOT USED BUT CONTEMPLATED:
Fiber Cement Panel: a. Cembrit Patina Line (Americanfibercement.com)
b. Ceraclad (ceraclad.com) class 1, 0 Flame Spread Classification, 0 Smoke Developed

- Fenestration:
- U-PVC: Supera Windows (Intuswindows.com)
 - Fiberglass: Impervia (Pella.com)
 - Vinyl: Heavy duty commercial (Harveycommercial.com)
 - Aluminum
- Airfoil Shade:
- Louver Screenwall: aluminum (Awningworks.com)

- Exterior Wall Construction (Wood Stud Wall):
- Exterior Cladding over
 - 1.5" Continuous Insulation
 - Air/Water Barrier
 - Exterior Sheathing
 - 2x6 Studs @16" O.C. (See Assemblies sheet for where Fire Treated Wood Req'd)
 - R-19 Batt Insulation
 - Vapor Barrier
 - Interior Sheathing

- Exterior Wall Construction (Brick Wall):
- Masonry Veneer
 - 1.5" Continuous Insulation
 - Air/Water Barrier
 - Exterior Sheathing
 - 2x6 Studs @16" O.C. (See Assemblies sheet for where Fire Treated Wood Req'd)
 - R-19 Batt Insulation (@2.5 pcf density)
 - Vapor Barrier

- Terrace System:
- Trex deck (water draining)

- Balcony System:
- Aluminum prefabricated balcony and rail with waterproof aluminum decking
 - mstairs.com (all welded construction)
 - endurable.com
 - americanstructures.com
 - wahoodecks.com
- Balconies should have discreet gutter and open faced downspout to drain to third floor roof.

Interior Wall:

- Demising Unit-Corridor (U327)
- One (1) layer 5/8" gypsum board
 - RC-1 Channel (corridor side)
 - 2x6 Studs @ (see struct, else 24" O.C.)
 - 3.5" Sound Attenuation Batt (@ any density)
 - One (1) layer 5/8" gypsum board
 - STC 50 (with ThermaFiber SAFB)
 - STC 50 (with fiberglass insulation if Firecode C panels used)

- Demising Wall Unit-Unit (U347)
- Two (2) layers 5/8" gypsum board
 - 2x4 Studs @ (see struct, else 24" O.C.)
 - 3.5" Sound attenuation Batt
 - Wood Product Septum (only if required by struct)
 - Air gap (2x4 studs on separate sole plates)
 - 2x4 Studs @ (see Struct, else 24" O.C.)
 - 3.5" Sound Attenuation Batt (@ any density)
 - RC-1 Channel
 - One (1) layer 5/8" gypsum board
 - STC 52

Floor System:

- @ Second Floor (based on G514 - 2 hour required) :
- Finish floor
 - 1 1/2" Gypcrete (Maxxon) Underlayment
 - 3/8" seperation mat (Acousti-Mat Premium 3/8")
 - Existing System
 - min. 2 1/2" normal weight conc.
 - Metal Lath
 - concrete reinforcing steel mesh
 - Steel web joists
 - Optional: 3.5" Sound Attenuation Batt
 - Furring channels
 - 5/8" Gypsum board
 - IIC 54

- @Third Floor (1 hour required)
- Finish floor
 - 1/16" seperation mat (Acousti-Top)
 - formed and cast in place concrete (thickness varies, min. 4")
 - IIC 52

- @ Fourth and Fifth Floor (based on L521) :
- Finish Floor
 - 1 1/2" Gypcrete (Maxxon Underlayment)
 - 3/8" seperation mat (Acousti-Mat Premium 3/8")
 - 23/32" or 3/4" subfloor (see struct.)
 - 20" Plate Truss
 - min 3.5" sound attenuation batt (prefer 6.25" sound attenuation batt)
 - RC-1 Channel
 - 5/8" Gypsum Board
 - IIC 57

Roof System:

- Insulation entirely above deck. Tapered on a flat deck at all locations (third floor roof and 5th floor roof).

- @Third Floor Line (1 hour fire rated system required):
- Ballast Pavers (wasau tile) or ballast stones
 - 60mm EPDM
 - R30 min insulation
 - Existing System
 - min. 2 1/2" normal weight conc.
 - Metal Lath
 - concrete reinforcing steel mesh
 - Steel web joists
 - Furring channels
 - 5/8" Gypsum board

@ High Roof (1 hour fire rated system):

- 60 mm EPDM for 20 year warranty, or
- 90mm for 30 year warranty. Fully adhered if possible
- R30 min. insulation
- vapor barrier
- wood roof deck over plate truss
- 3.5" sound attenuation batt
- RC-1 Channel
- 5/8" gypsum board.

Stairs:

Wooden Stairs built into CMU stairwell shaft. Center wall of staircase is wood stud and drywall faced. Landings constructed of 2x joists. Stair finish: waterproof integrated tread/riser product such as allstate rubber treads.

Conveying System:

- 3,500 lb machineroomless traction passenger elevator. (OTIS Gen2)
- 1. Stretcher accomodating.
- 2. Single or dual speed side opening door 42" width.
- 3. Recommended speed minimum 350 fpm.
- 4. Requires backup power operation.
- 5. Requires smoke curtains or elevator shaft door to drop over the elevator doors on each floor.
 - Elevator Smoke Containment. (Smokeguard.com)
 - Elevator Cab Syntegra. (Syntegrausa.com)
 - Door Systems Inc DSI600 (Doorsysinc.com)
- Elevator machine in seperate control room.

- Trash Chutes: IBC 713.13 Waste and Linen Chutes
- chutes.com
 - americanchutesystems.com

- Mail Specialties:
- florencemailboxes.com

- Bike Specialties:
- wirecrafters.com

Assembly E1

Metal Panel Rainscreen over Wood Stud Backup

R per Inch	Thickness	I R-Value	U-Value	
0.680	1.000	0.680	1.471	
0.900	0.625	0.563	1.778	
2.487	5.500	13.679	0.067	per ASHRAE Table A3.4.3.1
1.250	0.500	0.625	1.600	
0.000	0.000	0.000	0.000	
0.020	0.250	0.005	200.000	
0.170	1.000	0.170	5.882	
Assembly Value (U-Value)			15.721	0.064 OK, (min 7.5 Ci required, max U=0.064)

Assembly E2

Brick over Wood Stud Backup

R per Inch	Thickness	I R-Value	U-Value	
0.680	1.000	0.680	1.471	
0.900	0.625	0.563	1.778	
0.000	0.000	0.000	0.000	
2.487	5.500	13.679	0.067	per ASHRAE Table A3.4.3.1
0.900	0.500	0.450	2.222	
0.000	0.000	0.000	0.000	
1.000	1.000	1.000	1.000	
0.110	3.625	0.399	2.508	
0.170	1.000	0.170	5.882	
Assembly Value (U-Value)			16.93975	0.059033 OK, (min 7.5 Ci required, max U=0.064)

Assembly E3

Metal Panel Exterior Wall over CMU Backup

R per Inch	Thickness	I R-Value	U-Value	
0.68	1	0.68	1.470588	
0.245	7.625	1.868125	0.535296	per ASHRAE Table A3.1-3
0	0	0	0	
6	2	12	0.083333	
1	1	1	1	
0.110	3.625	0.399	2.508	
0.17	1	0.17	5.882353	
Assembly Value (C-Value)			16.11688	0.062047 OK, (min 13.3 Ci required, max U=0.08)

R.1 (High)

Roofing Assembly

R per Inch	Thickness	I R-Value	U-Value	
0.67	1	0.67	1.492537	
1.25	0.5	0.625	1.6	
0	0	0	0	
6	5.2	31.2	0.032051	
0.08	0.0625	0.005	200	
0.17	1	0.17	5.882353	
Assembly Value (C-Value)			32.67	0.030609 OK, (min 30 Ci required, max U=0.032)

R.2 (at Third Flr Line)

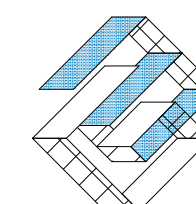
Roofing Assembly

R per Inch	Thickness	I R-Value	U-Value	
0.67	1	0.67	1.492537	
0.5	0.5	0.25	4	
0	0	0	0	
6	5.2	31.2	0.032051	
0.08	0.0625	0.005	200	
0	0	0	0	
0.17	1	0.17	5.882353	
Assembly Value (C-Value)			32.295	0.030965 OK, (min 30 Ci required, max U=0.032)

R.3 (cut in balconies)

Roofing Assembly - Balcony

R per Inch	Thickness	I R-Value	U-Value	
0.67	1	0.67	1.492537	
3.210	3.500	11.236	0.089	per ASHRAE Table A3.4.3.1
0.5	0.5	0.25	4	
0	0	0	0	
5	0.5	2.5	0.4	
0.08	0.0625	0.005	200	
0	1	0	0	
0.17	1	0.17	5.882353	
Assembly Value (C-Value)			14.831	0.067426 OK, (min 7.9 Ci required, max C=0.119)





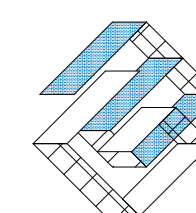


PARK CENTRAL
SCHEMATIC DESIGN

PEDESTRIAN PERSPECTIVE

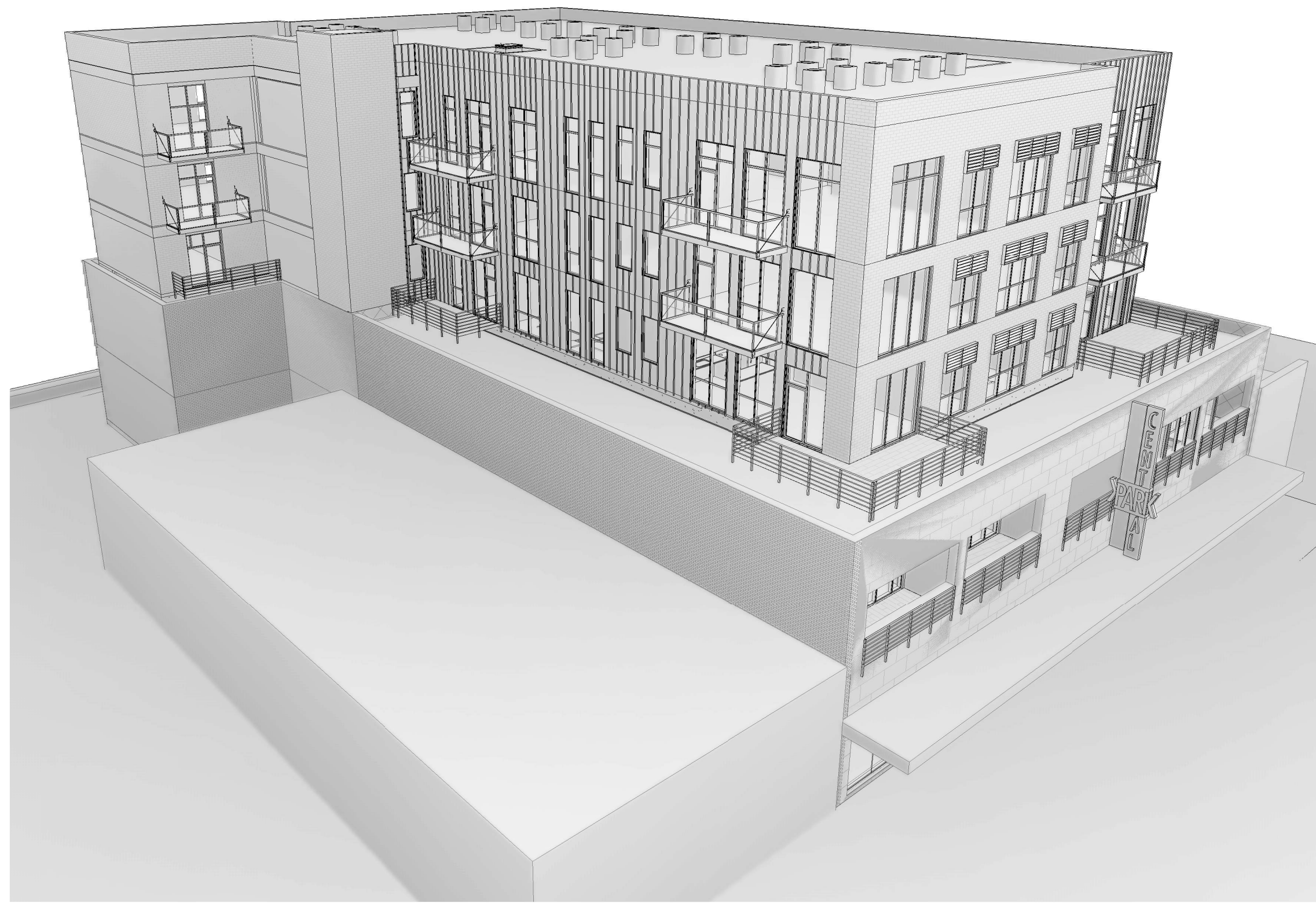
SCALE:

 **Performa**
ARCHITECTS + ENGINEERS



Gries
Architectural Group Inc.

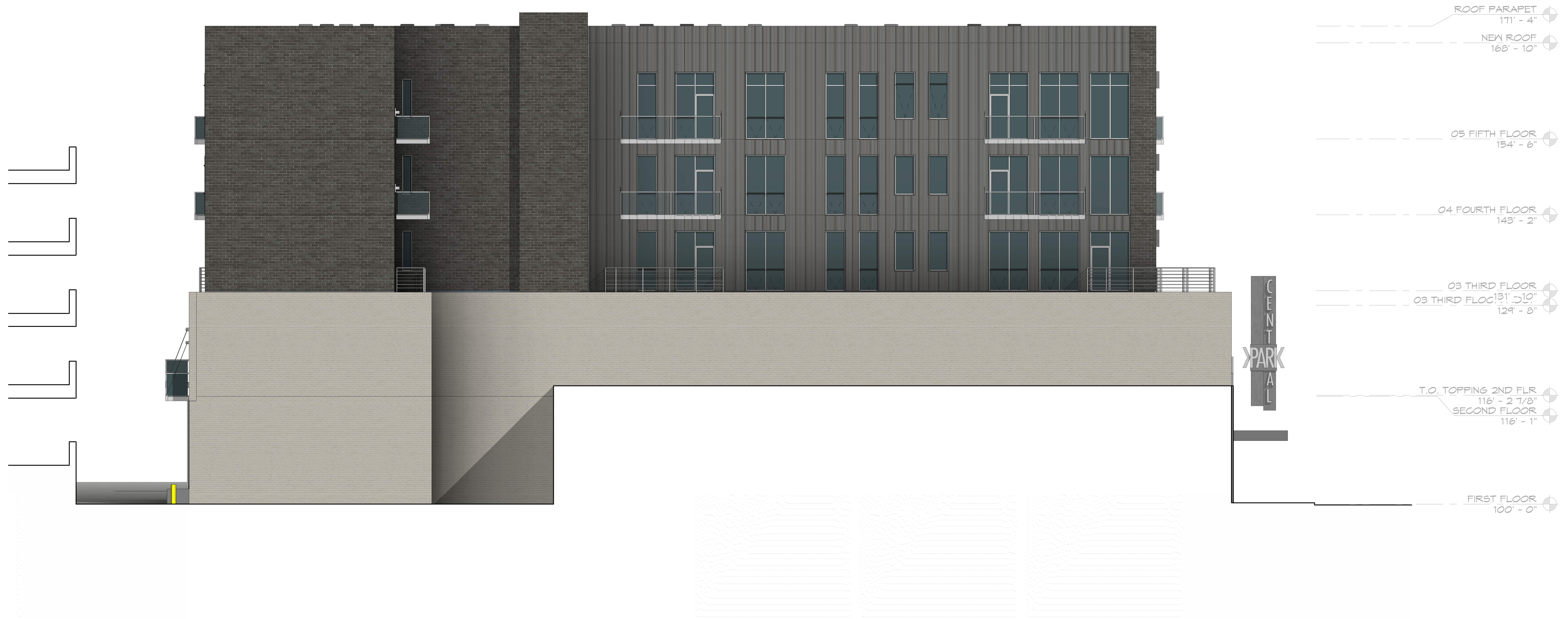
07/06/2020











Exception: Fire barriers, fire partitions, smoke barriers and horizontal assemblies as provided in Sections 707.5, 708.4, 709.4 and 711.2, respectively.

704.2 Column protection. Where columns are required to have protection to achieve a fire-resistance rating, the entire column shall be provided individual encasement protection by protecting it on all sides for the full column height, including connections to other structural members, with materials having the required fire-resistance rating. Where the column extends through a ceiling, the encasement protection shall be continuous from the top of the foundation or floor/ceiling assembly below through the ceiling space to the top of the column.

704.3 Protection of the primary structural frame other than columns. Members of the primary structural frame other than columns that are required to have protection to achieve a fire-resistance rating and support more than two floors or one floor and roof, or support a load-bearing wall or a nonload-bearing wall more than two stories high, shall be provided individual encasement protection by protecting them on all sides for the full length, including connections to other structural members, with materials having the required fire-resistance rating.

Exception: Individual encasement protection on all sides shall be permitted on all exposed sides provided the extent of protection is in accordance with the required fire-resistance rating, as determined in Section 703.

704.4 Protection of secondary members. Secondary members that are required to have protection to achieve a fire-resistance rating shall be protected by individual encasement protection.

704.4.1 Light-frame construction. Studs and boundary elements that are integral elements in load-bearing walls of light-frame construction shall be permitted to have required fire-resistance ratings provided by the membrane protection provided for the load-bearing wall.

704.4.2 Horizontal assemblies. Horizontal assemblies are permitted to be protected with a membrane or ceiling where the membrane or ceiling provides the required fire-resistance rating and is installed in accordance with Section 711.

704.5 Truss protection. The required thickness and construction of fire-resistance-rated assemblies enclosing trusses shall be based on the results of full-scale tests or combinations of tests on truss components or on approved calculations based on such tests that satisfactorily demonstrate that the assembly has the required fire resistance.

704.6 Attachments to structural members. The edges of lugs, brackets, rivets and bolt heads attached to structural members shall be permitted to extend to within 1 inch (25 mm) of the surface of the fire protection.

704.7 Reinforcing. Thickness of protection for concrete or masonry reinforcement shall be measured to the outside of the reinforcement except that stirrups and spiral reinforcement is permitted to project not more than 0.5-inch (12.7 mm) into the protection.

704.8 Embedments and enclosures. Pipes, wires, conduits, ducts or other service facilities shall not be embedded in the required fire protective covering of a structural member that is required to be individually encased.

704.9 Impact protection. Where the fire protective covering of a structural member is subject to impact damage from moving vehicles, the handling of merchandise or other activity, the fire protective covering shall be protected by corner guards or by a substantial jacket of metal or other noncombustible material to a height adequate to provide full protection, but not less than 5 feet (1524 mm) from the finished floor.

Exception: Corner protection is not required on concrete columns in open or enclosed parking garages.

704.10 Exterior structural members. Load-bearing structural members located within the exterior walls or on the outside of a building or structure shall be provided with the highest fire-resistance rating as determined in accordance with the following:

- As required by Table 601 for the type of building element based on the type of construction of the building;
- As required by Table 601 for exterior bearing walls based on the type of construction; and
- As required by Table 602 for exterior walls based on the fire separation distance.

704.11 Bottom flange protection. Fire protection is not required at the bottom flange of lintels, shelf angles and pates, spanning not more than 6 feet 4 inches (1931 mm) whether part of the primary structural frame or not, and from the bottom flange of lintels, shelf angles and plates not part of the structural frame, regardless of span.

704.12 Seismic isolation systems. Fire-resistance ratings for the isolation system shall meet the fire-resistance rating required for the columns, walls or other structural elements in which the isolation system is installed in accordance with Table 601. Isolation systems required to have a fire-resistance rating shall be protected with approved materials or construction assemblies designed to provide the same degree of fire resistance as the structural element in which the system is installed when tested in accordance with ASTM E 119 or UL 263 (see Section 703.2).

Such isolation system protection applied to isolator units shall be capable of retarding the transfer of heat to the isolator unit in such a manner that the required gravity load-carrying capacity of the isolator unit will not be impaired after exposure to the standard time-temperature curve fire test prescribed in ASTM E 119 or UL 263 for a duration not less than that required for the fire-resistance rating of the structure element in which the system is installed.

Such isolation system protection applied to isolator units shall be suitably designed and securely installed so as not to dislodge, loosen, sustain damage or otherwise impair its ability to accommodate the seismic movements for which the isolator unit is designed and to maintain its integrity for the purpose of providing the required fire-resistance protection.

Where a new building is to be erected on the same lot as an existing building, the location of the assumed imaginary line with relation to the existing building shall be such that the exterior wall and opening protection of the existing building meet the criteria as set forth in Sections 705.5 and 705.8.

Exceptions:

- Two or more buildings on the same lot shall be either regulated as separate buildings or shall be considered as portions of one building if the aggregate area of such buildings is within the limits specified in Chapter 5 for a single building. Where the buildings contain different occupancy groups or are of different types of construction, the area shall be that allowed for the most restrictive occupancy or construction.
- Where an S-2 parking garage of Construction Type I or IIA is erected on the same lot as a Group R-2 building, and there is no fire separation distance between these buildings, then the adjoining exterior walls between the buildings are permitted to have occupant use openings in accordance with Section 706.8. However, opening protectives in such openings shall only be required in the exterior wall of the S-2 parking garage, not in the exterior wall openings in the R-2 building, and these opening protectives in the exterior wall of the S-2 parking garage shall be not less than 1 1/2-hour fire protection rating.

705.4 Materials. Exterior walls shall be of materials permitted by the building type of construction.

705.5 Fire-resistance ratings. Exterior walls shall be fire-resistance rated in accordance with Tables 601 and 602 and this section. The required fire-resistance rating of exterior walls with a fire separation distance of greater than 10 feet (3048 mm) shall be rated for exposure to fire from the inside. The required fire-resistance rating of exterior walls with a fire separation distance of less than or equal to 10 feet (3048 mm) shall be rated for exposure to fire from both sides.

705.6 Structural stability. Exterior walls shall extend to the height required by Section 705.11. Interior structural elements that brace the exterior wall but that are not located within the plane of the exterior wall shall have the minimum fire-resistance rating required in Table 601 for that structural element. Structural elements that brace the exterior wall but are located outside of the exterior wall or within the plane of the exterior wall shall have the minimum fire-resistance rating required in Tables 601 and 602 for the exterior wall.

705.7 Unexposed surface temperature. Where protected openings are not limited by Section 705.8, the limitation on the rise of temperature on the unexposed surface of exterior walls as required by ASTM E 119 or UL 263 shall not apply. Where protected openings are limited by Section 705.8, the limitation on the rise of temperature on the unexposed surface of exterior walls as required by ASTM E 119 or UL 263 shall not apply provided that a correction is made for radiation

from the unexposed exterior wall surface in accordance with the following formula:

$$A_p = A + (A_p \times F_{av}) \quad \text{(Equation 7-1)}$$

where:

- A_p = Equivalent area of protected openings.
- A = Actual area of protected openings.

A_p = Area of exterior wall surface in the story under consideration exclusive of openings, on which the temperature limitations of ASTM E 119 or UL 263 for walls are exceeded.

F_{av} = An "equivalent opening factor" derived from Figure 705.7 based on the average temperature of the unexposed wall surface and the fire-resistance rating of the wall.

705.8 Openings. Openings in exterior walls shall comply with Sections 705.8.1 through 705.8.6.

705.8.1 Allowable area of openings. The maximum area of unprotected and protected openings permitted in an exterior wall in any story of a building shall not exceed the percentages specified in Table 705.8.

Exceptions:

- In other than Group H occupancies, unlimited unprotected openings are permitted in the first story above grade plane either:
 - Where the wall faces a street and has a fire separation distance of more than 15 feet (4572 mm); or
 - Where the wall faces an unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall be not less than 30 feet (9144 mm) in width and shall have access from a street by a posted fire lane in accordance with the International Fire Code.

Buildings whose exterior bearing walls, exterior nonbearing walls and exterior primary structural frame are not required to be fire-resistance rated shall be permitted to have unlimited unprotected openings.

705.8.2 Protected openings. Where openings are required to be protected, fire doors and fire shutters shall comply with Section 716.5 and fire window assemblies shall comply with Section 716.6.

Exception: Opening protectives are not required where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the exterior openings are protected by a water curtain using automatic sprinklers approved for that use.

705.8.3 Unprotected openings. Where unprotected openings are permitted, windows and doors shall be constructed of any approved materials. Glazing shall conform to the requirements of Chapters 24 and 26.

707.6 Openings. Openings in a fire barrier shall be protected in accordance with Section 716. Openings shall be limited to a maximum aggregate width of 25 percent of the length of the wall, and the maximum area of any single opening shall not exceed 156 square feet (15 m²). Openings in enclosures for exit access stairways and ramps, interior exit stairways and ramps and exit passageways shall also comply with Sections 1019, 1023.4 and 1024.5, respectively.

Exceptions:

- Openings shall not be limited to 156 square feet (15 m²) where adjoining floor areas are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.
- Openings shall not be limited to 156 square feet (15 m²) or an aggregate width of 25 percent of the length of the wall where the opening protective is a fire door serving enclosures for exit access stairways and ramps, and interior exit stairways and ramps.
- Openings shall not be limited to 156 square feet (15 m²) or an aggregate width of 25 percent of the length of the wall where the opening protective has been tested in accordance with ASTM E 119 or UL 263 and has a minimum fire-resistance rating not less than the fire-resistance rating of the wall.
- Fire window assemblies permitted in atrium separation walls shall not be limited to a maximum aggregate width of 25 percent of the length of the wall.
- Openings shall not be limited to 156 square feet (15 m²) or an aggregate width of 25 percent of the length of the wall where the opening protective is a fire door assembly in a fire barrier separating an enclosure for exit access stairways and ramps, and interior exit stairways and ramps from an exit passageway in accordance with Section 1023.3.1.

707.7 Penetrations. Penetrations of fire barriers shall comply with Section 714.

707.7.1 Prohibited penetrations. Penetrations into enclosures for exit access stairways and ramps, interior exit stairways and ramps, and exit passageways shall be allowed only where permitted by Sections 1019, 1023.5 and 1024.6, respectively.

707.8 Joints. Joints made in or between fire barriers, and joints made at the intersection of fire barriers with underside of a fire-resistance-rated floor or roof sheathing, slab or deck above, and the exterior vertical wall intersection shall comply with Section 715.

707.9 Voids at intersections. The voids created at the intersection of a fire barrier and a nonfire-resistance-rated roof assembly or a nonfire-resistance-rated exterior wall assembly shall be filled. An approved material or system shall be used to fill the void, and shall be securely installed in or on the intersection for its entire length so as not to dislodge, loosen or otherwise impair its ability to accommodate expected building movements and to retard the passage of fire and hot gases.

707.10 Ducts and air transfer openings. Penetrations in a fire barrier by ducts and air transfer openings shall comply with Section 717.

SECTION 708 FIRE PARTITIONS

708.1 General. The following wall assemblies shall comply with this section.

- Separation walls as required by Section 420.2 for Groups I-1, R-1, R-2 and R-3.
- Walls separating tenant spaces in covered and open mall buildings as required by Section 402.4.2.1.
- Corridor walls as required by Section 1020.1.
- Elevator lobby separation as required by Section 3006.2.
- Egress balconies as required by Section 1019.2.

708.2 Materials. The walls shall be of materials permitted by the building type of construction.

708.3 Fire-resistance rating. Fire partitions shall have a fire-resistance rating of not less than 1 hour.

Exceptions:

- Corridor walls permitted to have a 1/2-hour fire-resistance rating by Table 1020.1.
- Dwelling unit and sleeping unit separations in buildings of Type IIB, IIIB and VB construction shall have fire-resistance ratings of not less than 1/2 hour in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

708.4 Continuity. Fire partitions shall extend from the top of the foundation or floor/ceiling assembly below to the underside of the floor or roof sheathing, slab or deck above or to the fire-resistance-rated floor/ceiling or roof/ceiling assembly above, and shall be securely attached thereto. In combustible construction where the fire partitions are not required to be continuous to the sheathing, deck or slab, the space between the ceiling and the sheathing, deck or slab above shall be fire-blocked or draftstopped in accordance with Sections 718.2 and 718.3 at the partition line. The supporting construction shall be protected to afford the required fire-resistance rating of the wall supported, except for walls separating tenant spaces in covered and open mall buildings, walls separating dwelling units, walls separating sleeping units and corridor walls, in buildings of Type IIB, IIIB and VB construction.

Exceptions:

- The wall need not be extended into the crawl space below where the floor above the crawl space has a minimum 1-hour fire-resistance rating.
- Where the room-side fire-resistance-rated membrane of the corridor is carried through to the underside of the floor or roof sheathing, deck or slab of a fire-resistance-rated floor or roof above, the ceiling

in Group I-1 Condition 2, Group I-2 and ambulatory care facilities, horizontal sliding doors installed in accordance with Section 1010.1.4.3 and protected in accordance with Section 716.

709.5.1 Group I-2 and ambulatory care facilities. In Group I-2 and ambulatory care facilities, where doors are installed across a corridor, the doors shall be automatic-closing by smoke detection in accordance with Section 716.5.9.3 and shall have a vision panel with fire-protection-rated glazing materials in fire-protection-rated frames, the area of which shall not exceed that tested.

709.6 Penetrations. Penetrations of smoke barriers shall comply with Section 714.

709.7 Joints. Joints made in or between smoke barriers shall comply with Section 715.

709.8 Ducts and air transfer openings. Penetrations in a smoke barrier by ducts and air transfer openings shall comply with Section 717.

SECTION 710 SMOKE PARTITIONS

710.1 General. Smoke partitions installed as required elsewhere in the code shall comply with this section.

710.2 Materials. The walls shall be of materials permitted by the building type of construction.

710.3 Fire-resistance rating. Unless required elsewhere in the code, smoke partitions are not required to have a fire-resistance rating.

710.4 Continuity. Smoke partitions shall extend from the top of the foundation or floor below to the underside of the floor or roof sheathing, deck or slab above or to the underside of the ceiling above where the ceiling membrane is constructed to limit the transfer of smoke.

710.5 Openings. Openings in smoke partitions shall comply with Sections 710.5.1 and 710.5.2.

710.5.1 Windows. Windows in smoke partitions shall be sealed to resist the free passage of smoke or be automatic-closing upon detection of smoke.

710.5.2 Doors. Doors in smoke partitions shall comply with Sections 710.5.2.1 through 710.5.2.3.

710.5.2.1 Louvers. Doors in smoke partitions shall not include louvers.

710.5.2.2 Smoke and draft control doors. Where required elsewhere in the code, doors in smoke partitions shall meet the requirements for a smoke and draft control door assembly tested in accordance with UL 1784. The air leakage rate of the door assembly shall not exceed 3.0 cubic feet per minute per square foot (0.015424 m³/(s • m²)) of door opening at 0.10 inch (2.49 Pa) of water for both the ambient temperature test and the elevated temperature exposure test. Installation of smoke doors shall be in accordance with NFPA 105.

710.5.2.2.1 Smoke and draft control door labeling. Smoke and draft control doors complying only

with UL 1784 shall be permitted to show the letter "S" on the manufacturer's labeling.

710.5.2.3 Self- or automatic-closing doors. Where required elsewhere in the code, doors in smoke partitions shall be self- or automatic-closing by smoke detection in accordance with Section 716.5.9.3.

710.6 Penetrations. The space around penetrating items shall be filled with an approved material to limit the free passage of smoke.

710.7 Joints. Joints shall be filled with an approved material to limit the free passage of smoke.

710.8 Ducts and air transfer openings. The space around a duct penetrating a smoke partition shall be filled with an approved material to limit the free passage of smoke. Air transfer openings in smoke partitions shall be provided with a smoke damper complying with Section 717.3.2.2.

Exception: Where the installation of a smoke damper will interfere with the operation of a required smoke control system in accordance with Section 909, approved alternative protection shall be utilized.

SECTION 711 HORIZONTAL ASSEMBLIES

711.1 General. Horizontal assemblies shall comply with Section 711.2. Nonfire-resistance-rated floor and roof assemblies shall comply with Section 711.3.

711.2 Horizontal assemblies. Horizontal assemblies shall comply with Sections 711.2.1 through 711.2.6.

711.2.1 Materials. Assemblies shall be of materials permitted by the building type of construction.

711.2.2 Continuity. Assemblies shall be continuous without vertical openings, except as permitted by this section and Section 712.

711.2.3 Supporting construction. The supporting construction shall be protected to afford the required fire-resistance rating of the horizontal assembly supported.

Exception: In buildings of Type IIB, IIIB or VB construction, the construction supporting the horizontal assembly is not required to be fire-resistance rated at the following:

- Horizontal assemblies at the separations of incidental uses as specified by Table S09 provided the required fire-resistance rating does not exceed 1 hour.
- Horizontal assemblies at the separations of dwelling units and sleeping units as required by Section 420.3.
- Horizontal assemblies at smoke barriers constructed in accordance with Section 709.

711.2.4 Fire-resistance rating. The fire-resistance rating of horizontal assemblies shall comply with Sections 711.2.4.1 through 711.2.4.6 but shall be not less than that required by the building type of construction.

704: FIRE RESISTANCE RATING OF STRUCTURAL MEMBERS

CHAPTER 5 CONCEPTS:

Type IIB Construction
Separated Mixed Use per Table S08.4:

M to R: 1 HR
*S to R: 1 HR
M to S: 0 HR

Maximum Height Table S04.9: 75 FT
Maximum Stories Table S04.4: S-4, M-3, R-2.5
Maximum Area Table S06.2(SM): R-2,40,000, M-37,500, S-76,500
Sprinklered: entire building NFPA 13.

CHAPTER 6 CONCEPTS:

Fire Treated studs and plywood/OSB sheathing required in bearing walls only. Non-Fire treated lumber and sheathing allowed in all other locations. Exterior walls that are at or close to the property line may require fire treated sheathing in order to achieve a specific UL tested assembly.

CHAPTER 7 CONCEPTS:

See Section above reproduced on this sheet.

Also note:

**Fire Barrier: 711 references Table 707.5.10 for separating fire areas. The residential portion of the building must be separated from the mercantile portion M to R: 2 hours. This is indicated in the conceptual fire assembly sections.

713.13 Waste and linen chutes and incinerator rooms.

CHAPTER 12 CONCEPTS:

All-bourne sound walls, partitions and floor/ceiling assemblies separating sleeping or dwelling units from one another or public/service areas shall have a sound transmission class (STC) of not less than 50. Structure-bourne sound floor/ceiling assemblies shall have an impact insulation class (IC) rating of not less than 50.

Life Safety Concept

1/4" = 1'-0"

PARK CENTRAL
SCHEMATIC DESIGN

705: EXTERIOR WALLS

FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS (HOURS)

BUILDING ELEMENT	TYPE III	
	A	B
PRIM. STRUCT FRAME	1	0
BEARING WALLS		
EXTERIOR	2	2
INTERIOR	1	0
NONBEARING EXTERIOR WALLS	SEE TABLE 602	
NONBEARING WALLS PARTIT.		
INTERIOR	0	0
FLOOR CONSTR. + MEMBERS	1	0
ROOF CONSTR. + MEMBERS	1	0

708: FIRE PARTITIONS

BUILDING AREAS:

O5: 11,219
O4: 11,219
O3: 11,219
O2: 15,552
O1: 15,492
= 50,071 AREA
LL: 16,208
SUM= 66,279 GSF

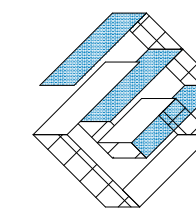
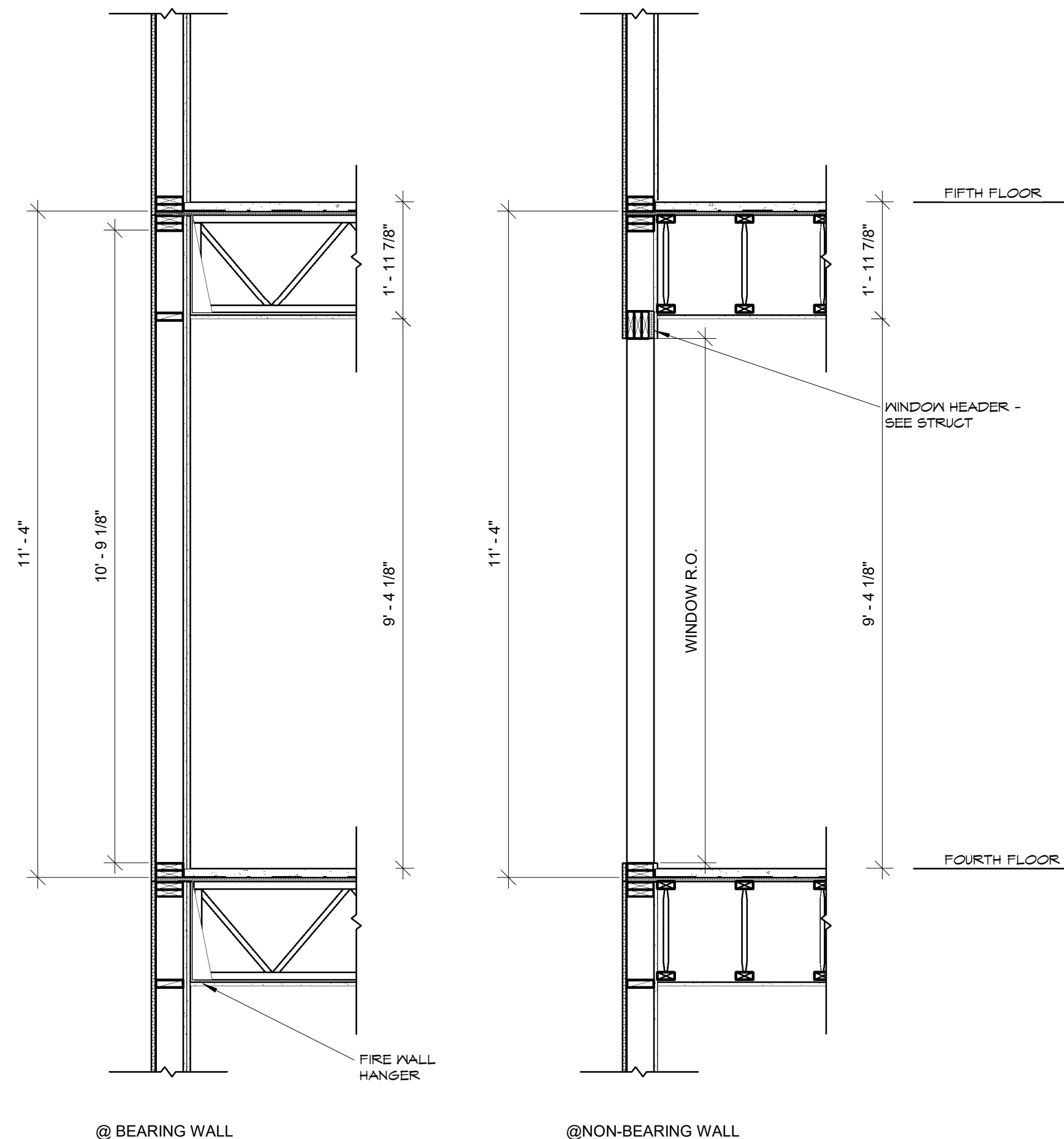
Partial 601 Table

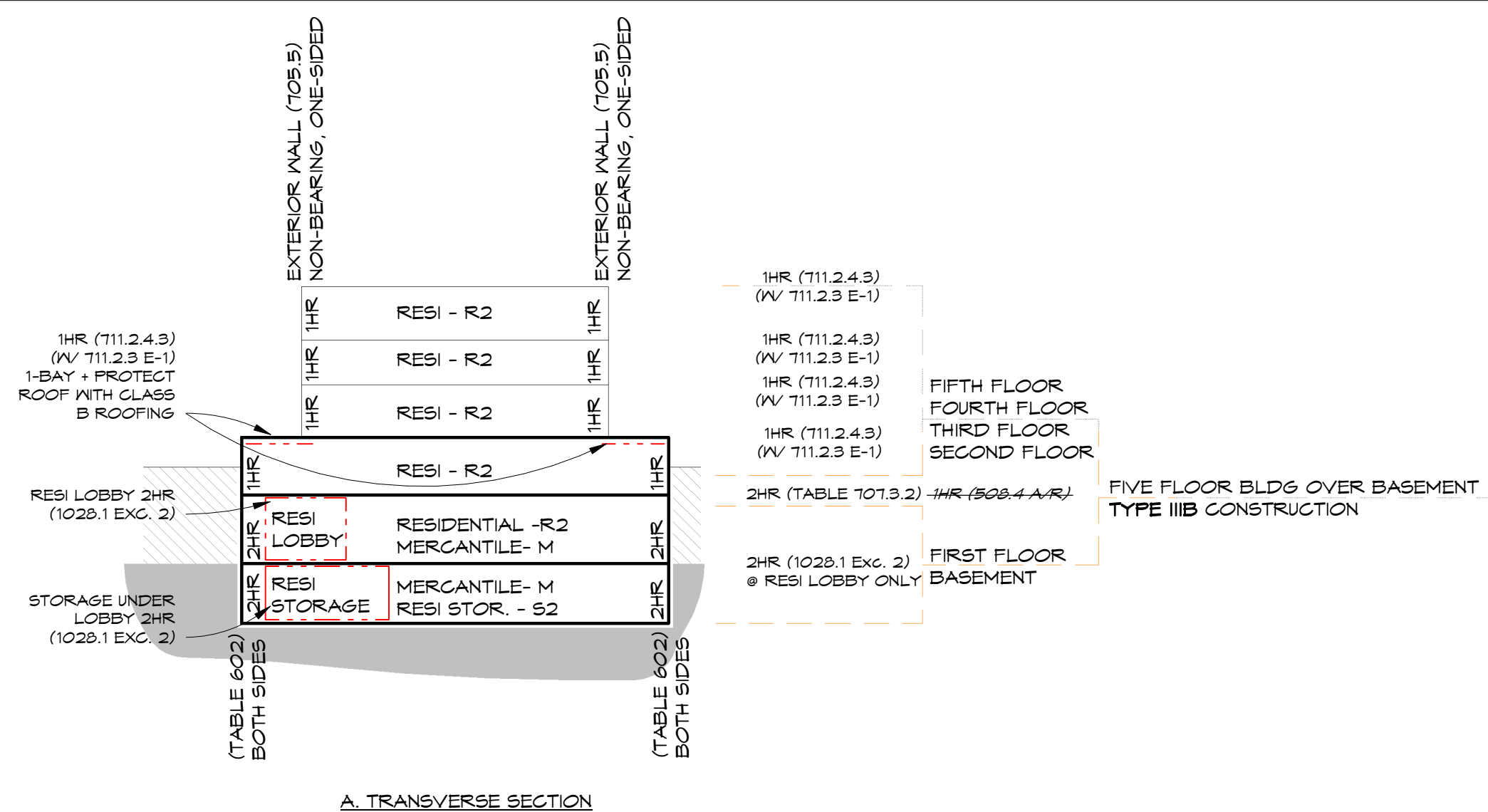
1/4" = 1'-0"

Building Areas

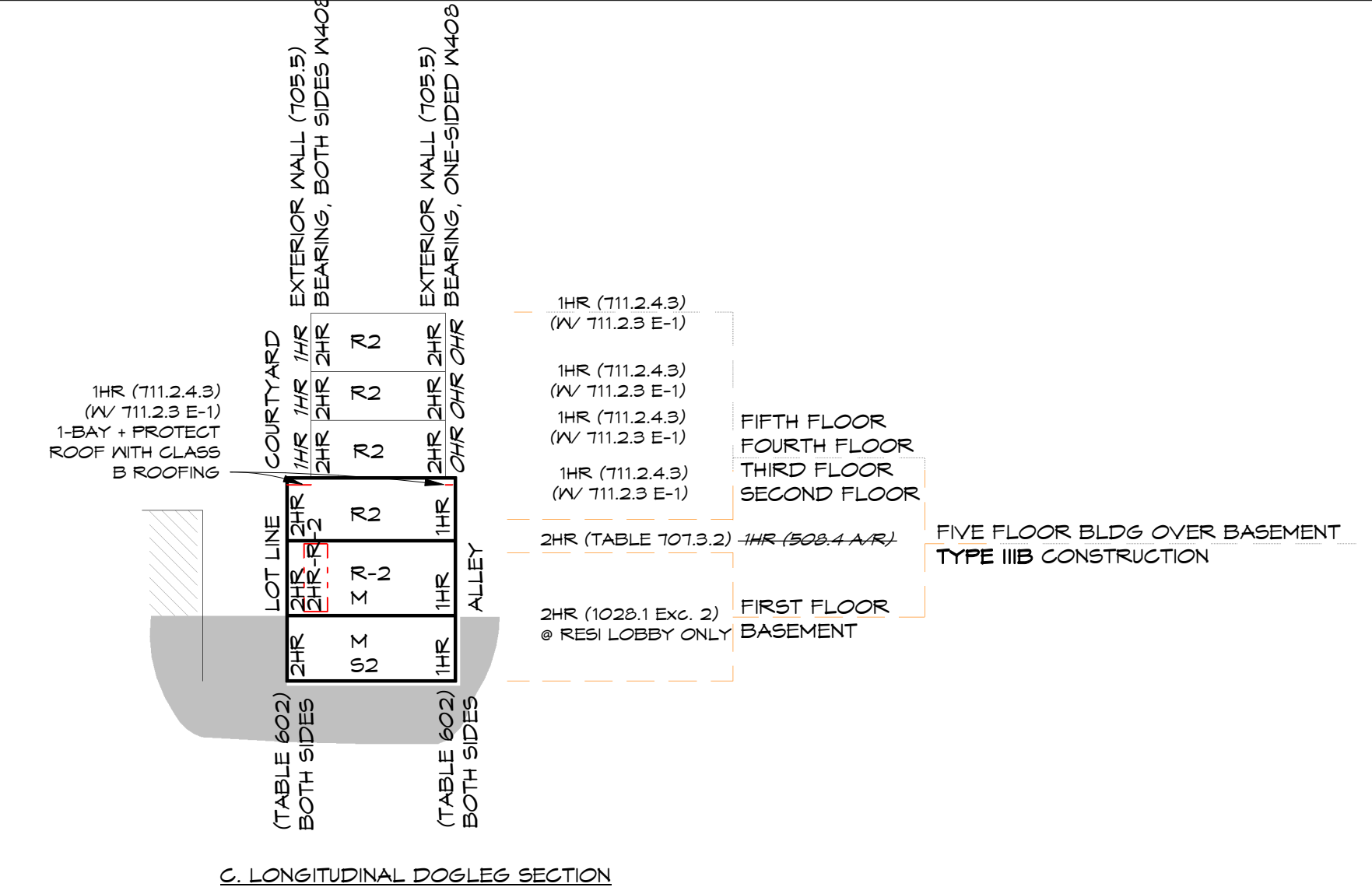
1/4" = 1'-0"

711: HORIZONTAL ASSEMBLIES

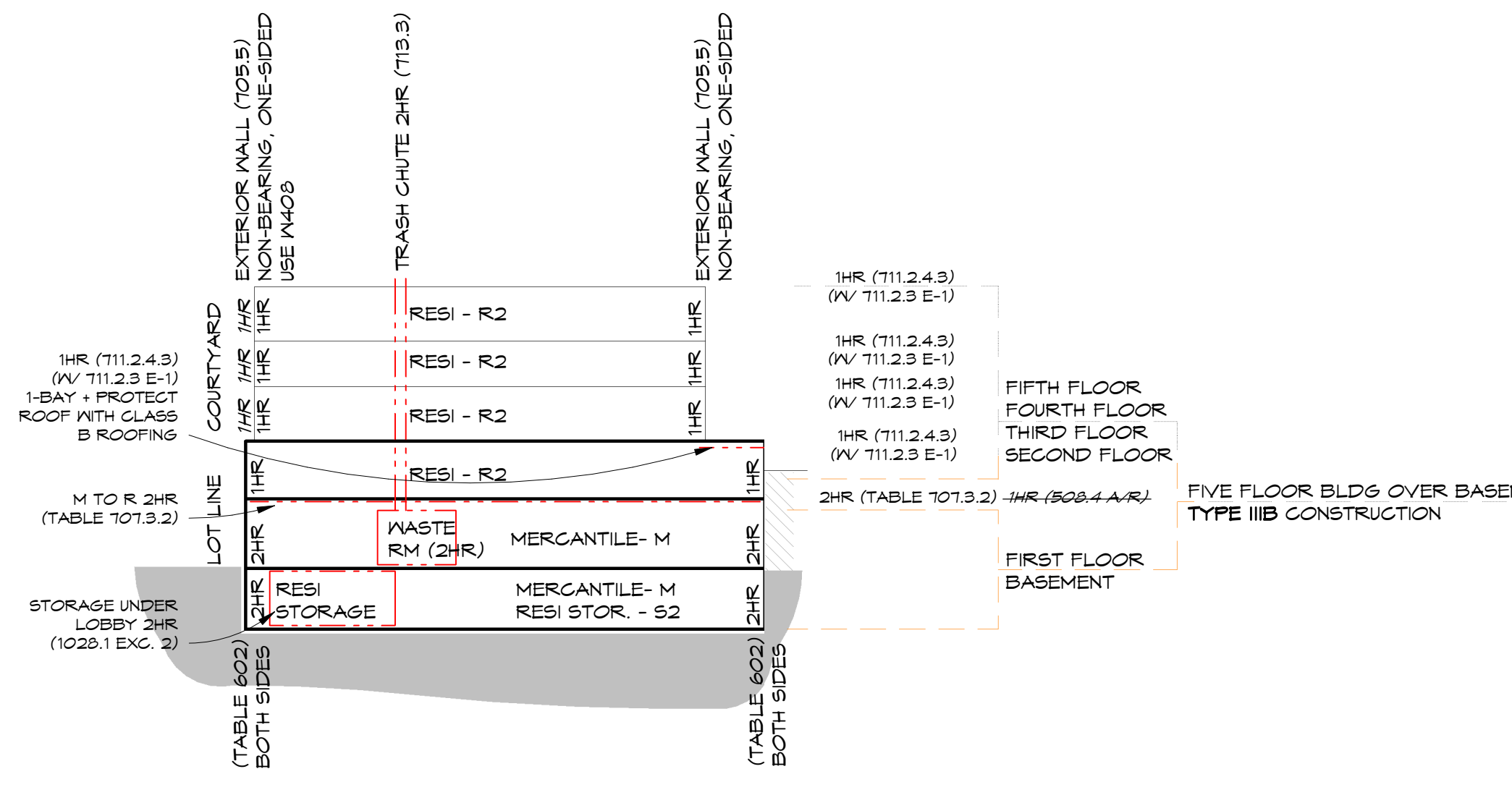




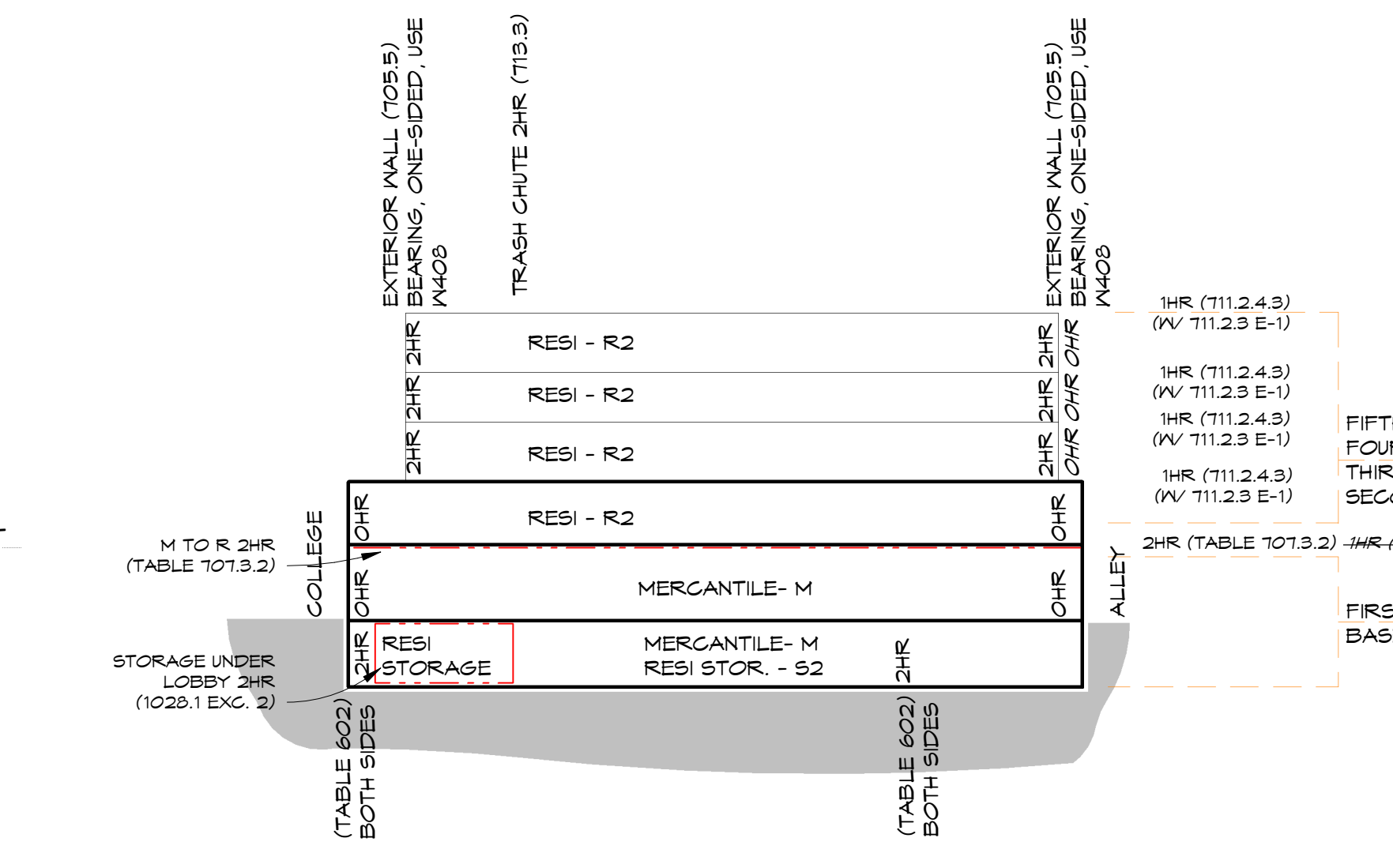
A. TRANSVERSE SECTION



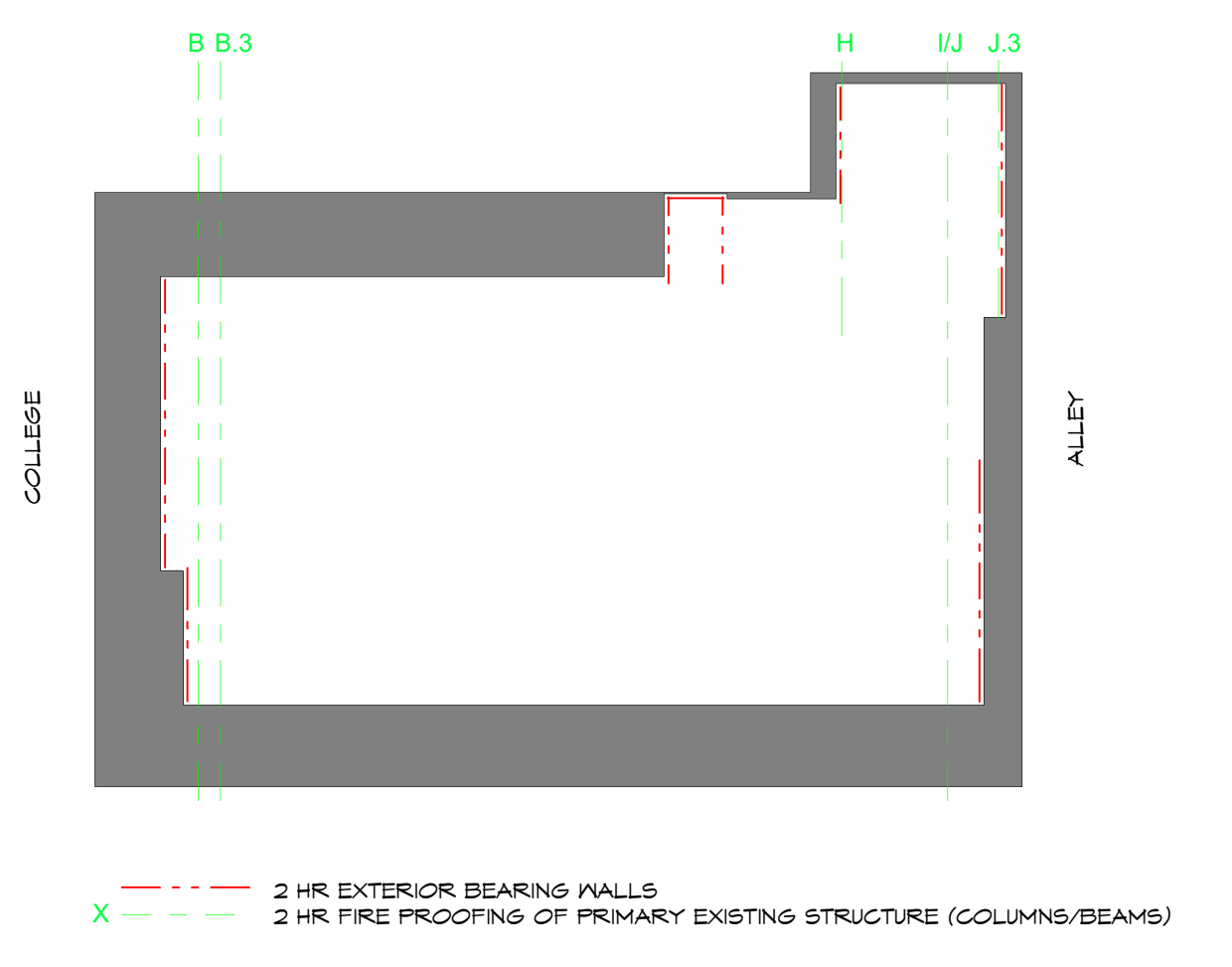
C. LONGITUDINAL DOGLEG SECTION



B. TRANSVERSE DOGLEG SECTION



D. LONGITUDINAL SECTION



KEY PLAN
1/32" = 1'-0"

Rated Assemblies Concept

1/32" = 1'-0"

- L521/L550/L563 - FLOOR ASSEMBLY - 1 HR - USE: FLOOR LEVEL FOUR AND FIVE (ASSEMBLY DEPENDENT ON DAMPER SELECTED)
- TABLE 722.2.2.1 - FLOOR ASSEMBLY - 1 HR - MINIMUM 3.5" SILICEOUS Poured CONCRETE THICKNESS - USE: FLOOR LEVEL THREE
- G514 - FLOOR ASSEMBLY - 1 HR & 2 HR - USE: FLOOR LEVEL FIRST AND SECOND (PERHAPS G512... CHECK WITH STRUCTURAL FOR TRUSS TYPE)
- X528 - PRIMARY STRUCTURAL COLUMN PROTECTION - 1 HR & 2 HR - USE: BASEMENT AND FIRST FLOOR, 2 HR AT BEARING WALL COLUMN LINES OF UPPER THREE FLOOR ADDITION
- U356 - BEARING EXTERIOR WALL - 1 HR - USE: INTERIOR FACE 1 HR RATED NON-BEARING PERIMETER/EXTERIOR WALLS (IF BLAZESHIELD EXTERIOR SHEATHING U348)
- W408 - BEARING EXTERIOR WALL - 2 HR - USE: INTERIOR FACE 2 HR RATED BEARING PERIMETER/EXTERIOR WALLS
- W408 - BEARING EXTERIOR WALL - 2 HR - USE: INTERIOR FACE 2 HR RATED BEARING PERIMETER/EXTERIOR WALLS WITH 1 HR FACE EXTERIOR RATED WHERE 0-10 FT FROM INTERNAL PROPERTY LINE(S)
- U327/U305 - BEARING INTERIOR WALL - 1 HR - USE: WALLS FLOOR LEVEL TWO, THREE, FOUR AND FIVE
- U341 - BEARING INTERIOR WALL - 1 HR - USE: WALLS FLOOR LEVEL TWO, THREE, FOUR AND FIVE
- U415 - [STEEL STUD] SHAFTWALL - 2 HR - USE: VERTICAL SHAFTS OTHER THAN STAIRS AND ELEVATORS
- U419 - [STEEL STUD] NONBEARING INTERIOR WALL - 1 HR & 2 HR - USE: BASEMENT AND FIRST WHERE NOT BEARING BUT 1 HOUR RATED - MAY BE EASIER TO USE STEEL STUDS ON THESE TALLER FLOORS
- IBC 722.3 - UNIT MASONRY- 2 HR - USE: VERTICAL STAIR AND ELEVATOR SHAFTS
 - 12x16 REGULAR - 2 HRS
 - 8x16 REGULAR - 1 HRS
 - 8x16 SPECIAL 2 HR FIRE - 2 HRS

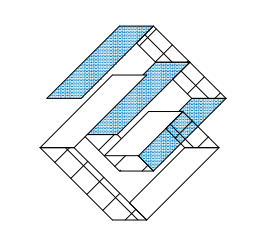
Fire Rated Assemblies

1/4" = 1'-0"

PARK CENTRAL
SCHEMATIC DESIGN

ASSEMBLIES

SCALE: As indicated



Gries
Architectural Group Inc.
07/06/2020



MEMORANDUM

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

TO: Community and Economic Development Committee
FROM: Nikki Gerhard, Community Development Specialist
DATE: March 10, 2021
RE: Final Award Recommendations for 2021 Community Development Block Grant Funding

The City of Appleton CDBG HUD award is \$610,569 for the 2021 fiscal year. This is \$19,343 higher than the anticipated award of \$591,226.

The 2021 awards approved in November 2020 by the Common Council totaled \$591,226 (City programs and sub recipients combined).

The CDBG Advisory Board was asked to consider staff recommendations for the additional \$19,343 (below) for the 2021PY, or make their own recommendation for these funds. By majority vote, the Committee recommends the approval of the staff recommendations.

These recommendations will be considered by CEDC on March 10th and Common Council on March 17th.

Staff recommends allocating the \$19,343 as follows:

1. Award \$19,343 to Apricity, Inc (D/B/A The Mooring Programs) for Final Award of \$39,343.

The Mooring Programs requested \$20,000 to complete rehabilitation activities on six of their men's apartment program houses and the main building facility. Due to COVID, additional rehabilitation work identified, and increased construction costs, the projects originally budgeted substantially increased in cost. The \$19,343 is only about half of their new proposed budget.

The following attachments are provided for additional information for this action item.

Attached Documents:

- 1.) November 11, 2020 Memo from Community Development Specialist to CEDC
RE: Recommendations for 2021 CDBG Funding
- 2.) Revised Award Recommendations for the 2021 CDBG Program Year
- 3.) Executive Summary of Award Recommendations for 2021 CDBG Program Year
- 4.) Apricity Request for Additional Funds

If you have any questions, please contact me at 832-6469 or nikki.gerhard@appleton.org. Thank you!



MEMORANDUM

“...meeting community needs...enhancing quality of life.”

TO: Community and Economic Development Committee

FROM: Nikki Gerhard, Community Development Specialist

DATE: November 11, 2020

RE: Recommendations for 2021 Community Development Block Grant Funding

Background. The estimated 2021 CDBG award listed in the 2021 City budget was \$591,226. This amount was estimated based on the most recent three years of awards. Staff determined the allocations for the Homeowner Rehabilitation Loan Program, Appleton Housing Authority, and administrative costs. The remaining amount was available for department projects and community partners through a competitive application process.

Application Information. CDBG applications from City Departments were due to the Community and Economic Development Department on August 31, 2020. One application was submitted and was recently approved for the full request. CDBG applications from community partners for the 2021 program year were due to the Community and Economic Development Department on September 30, 2020.

Seven applications were submitted under the routine annual allocation process. After awards were allocated for City programs, administration, and the City Department project, the amount available to allocate to the community partner applicants was \$369,849.84. Only 15 percent of a grantee’s allocation may be used for public service activities, per HUD regulations. In this instance, only a maximum of \$88,684 is projected to be available for public service activities. Because the Appleton Police Department’s Summer of Services project fell under the public service category, the remaining balance allowable to community partner applicants was \$16,632.84. The total amount requested by community partner applicants whose activities fell under the public service category was \$16,632.84; while the total amount requested by community partner applicants whose activities did not fall under the public service category was \$384,185. Refer to the attachments for a specific breakdown of the allocations.

Application Review. The CDBG Advisory Board met on October 27, 2020. Members were asked to review the applications and decide upon allocation amounts prior to the meeting. The allocation amounts made by each board member were compiled and discussed at the meeting. Allocation recommendations were agreed upon pursuant to this discussion.

Allocation Approval. The funding allocation recommendations from the CDBG Advisory Board for community partners are presented in the attached table for CEDC approval.

Staff recommends approval of the preliminary allocations, as presented.

The following attachments are provided for additional information on this action item.

Attached Documents:

- 1.) 2021PY CDBG Advisory Board Membership
- 2.) CDBG Policy
- 3.) 2021PY Community Partner Application Award Recommendations
- 4.) 2021PY Simple Summary of Award Recommendations

If you have any questions, please contact me at (920) 832-6469 or nikki.gerhard@appleton.org. Thank you!

**Community Partner Application AWARD RECOMMENDATIONS
for the 2021 CDBG Program Year**

NON-PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	AMOUNT REQUESTED	AMOUNT PREVIOUSLY APPROVED	CDBG ADVISORY BOARD \$ REC
Greater Fox Cities Area Habitat for Humanity	housing	3 properties rehabilitated and sold to qualified homebuyers	acquire 3 properties to do full house rehabilitation and then sell to qualified low or moderate income homebuyers	\$147,000	\$ 147,000	\$ 147,000
Pillars, Inc Adult & Family Shelter	public facility	security improvements	upgrade/install security improvements	\$27,185	\$ 27,185.00	\$ 27,185.00
Rebuilding Together Fox Valley	housing	10 properties rehabilitated	provision of home repairs to low-income homeowners in need, specifically older adults, veterans and individuals with disabilities	\$100,000	\$ 100,000.00	\$ 100,000.00
WWBIC (Wisconsin Women's Business Initiative Corporation)	economic development	4 businesses financially support	provide business education and one-on-one individualized counseling for up and coming, and established, small business owners	\$75,000	\$ 59,032.00	\$ 59,032.00
The Mooring Programs, Inc. (dba Apricity)	public facility	program rehabilitation	rehabilitation of 5 program houses and the main facility (Phase III)	\$20,000	\$ 20,000.00	\$ 39,343.00
Hmong American Partnership	public facility	repair/replace roof	rehabilitation or replacement of facility roof	\$15,000	\$ -	\$ -
				\$ 384,185.00		\$ 372,560.00
PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	AMOUNT REQUESTED	AMOUNT PREVIOUSLY APPROVED	CDBG ADVISORY BOARD \$ REC
LEAVEN	public service	53 households served	provide rental assistance to those at risk of homelessness through the Emergency Assistance Program	\$16,632.94	\$ 16,632.94	\$ 16,632.94
				\$16,632.94		\$ 16,632.94

City Programs/Appleton Housing Authority/Administration (previously approved)	\$149,325.00
Appleton Police Department (previously approved)	\$72,051.06
CDBG Advisory Board Recommendations	\$389,192.94
	<hr/> \$610,569

AWARD RECOMMENDATIONS FOR 2021 CDBG PROGRAM YEAR

		Awarded
City Programs/Appleton Housing Authority/Administration		
City of Appleton Homeowner Rehabilitation Loan Program	\$	29,892.00
Fair Housing Services	\$	25,000.00
Appleton Housing Authority	\$	37,000.00
CDBG Program Administration Costs	\$	57,433.00
Appleton Police Department	\$	72,051.06
Non-Public Service		
Greater Fox Cities Habitat for Humanity	\$	147,000.00
Pillars, Inc	\$	27,185.00
Rebuilding Together Fox Valley	\$	100,000.00
The Mooring Programs	\$	20,000.00
WWBIC	\$	59,032.00
Public Service		
LEAVEN, Inc.	\$	16,632.94
TOTAL	\$	591,226

Revised

\$	29,892.00
\$	25,000.00
\$	37,000.00
\$	57,433.00
\$	72,051.06
\$	147,000.00
\$	27,185.00
\$	100,000.00
\$	39,343.00
\$	59,032.00
\$	16,632.94
\$	610,569.00



recovery community • contract packaging

Formerly Mooring Programs & STEP Industries

February 25, 2021

City of Appleton
Community Development
ATTN: Nikki Gerhard
100 N. Appleton Street
Appleton WI 54911

Dear Ms. Gerhard,

Please consider this an “addendum” letter to Apricity’s 2021/2022 CDBG application. At the time the grant application was being written, and projects planned, we were not aware of how much of an impact Covid-19 would have on the affordability of working on this current CDBG’s cycle of projects. In addition, at the time of submission for 2019/2020’s CDBG, we had not included the expense of hiring an architectural firm.

Unfortunately, the extra expenditure of that in combination with increased costs on building materials, prevented us from working on a major project: that of upgrading the treatment facilities A/C system. Providing a comfortable environment for clients is a priority of Apricity in both a physiological and psychological manner. Many of the medication’s our clients take for mental health issues or blood pressure can hamper the brains ability to regulate body temperature. This inability results in increased sweating which can lead to dehydration, or by blocking the feeling of thirst which can lead to heat stroke.

For this reason, we are submitting a formal request for an additional \$32,000 to be awarded to Apricity in the 2021/2022 grant cycle. These dollars would then be utilized to complete the project of upgrading our treatment facilities A/C system.

Respectfully,

Jolie VerVoort
President, Residential Treatment
Apricity

Submittal of Annual Reports and Other Compliance Documents for Municipal Separate Storm Sewer System (MS4) Permits

NOTE: Missing or incomplete fields are highlighted at the bottom of each page. You may save, close and return to your draft permit as often as necessary to complete your application. After 120 days your draft is **deleted**.

Reporting Information

Will you be completing the Annual Report or other submittal type? Annual Report Other

Project Name:

County:

Municipality:

Permit Number:

Facility Number:

Reporting Year:

Is this submittal also satisfying an Urban Nonpoint Source Grant funded deliverable? Yes No

Required Attachments and Supplemental Information

Please complete the contents of each tab to submit your MS4 permit compliance document. The information included in this checklist is necessary for a complete submittal. A complete and detailed submittal will help us review about your MS4 permit document. To help us make a decision in the shortest amount of time possible, the following information must be submitted:

Annual Report

- Review related web site and instructions for [Municipal storm water permit eReporting](#) [Exit Form]
- Complete all required fields on the annual report form and upload required attachments
- Attach the following other supporting documents as appropriate using the attachments tab above
 - Public Education and Outreach Annual Report Summary
 - Public Involvement and Participation Annual Report Summary
 - Illicit Discharge Detection and Elimination Annual Report Summary
 - Construction Site Pollution Control Annual Report Summary
 - Post-Construction Storm Water Management Annual Report Summary
 - Pollution Prevention Annual Report Summary
 - Leaf and Yard Waste Management
 - Municipal Facility (BMP) Inspection Report
 - Municipal Property SWPPP
 - Municipally Property Inspection Report
 - Winter Road Maintenance
 - Storm Sewer Map Annual Report Attachment
 - Storm Water Quality Management Annual Report Attachment
 - TMDL Attachment
 - Storm Water Consortium/Group Report

- Municipal Cooperation Attachment
- Other Annual Report Attachment

- Attach the following permit compliance documents as appropriate using the attachments tab above
 - Storm Water Management Program (*S050075-03 General Permit and S058416-04 Madison Area Group Permit shall have a written storm water management program that describes in detail how the permittee intends to comply with the permit requirements for each minimum control measure. Updated programs are due to the department by March 31, 2021.*)
 - Public Education and Outreach Program
 - Public Involvement and Participation Program
 - Illicit Discharge Detection and Elimination Program
 - Construction Site Pollutant Control Program
 - Post-Construction Storm Water Management Program
 - Pollution Prevention Program
 - Municipal Storm Water Management Facility (BMP) Inventory (*S050075-03 General Permit and S058416-04 Madison Area Group Permit 2.6.1 - inventory due to the department by March 31, 2021.*)
 - Municipal Storm Water Management Facility (BMP) Inspection and Maintenance Plan (*S050075-03 General Permit and S058416-04 Madison Area Group Permit 2.6.2 – document due to the department by March 31, 2021.*)
 - Total Maximum Daily Load documents (**If applicable, see permit for due dates.*)
 - TMDL Mapping*
 - TMDL Modeling*
 - TMDL Implementation Plan*
 - Fecal Coliform Screening Parameter *
 - Fecal Coliform Inventory and Map (*S050075-03 general permittees Appendix B B.5.2 – document due to the department by March 31, 2022*)
 - Fecal Coliform Source Elimination Plan (*S050075-03 general permittees Appendix B - document due to the department by October 31,2023*)

- Sign and Submit form

Municipal Contact Information- Complete

Notice: Pursuant to s. NR 216.07(8), Wis. Adm. Code, an owner or operator of a Municipal Separate Storm Sewer System (MS4) is required to submit an annual report to the Department of Natural Resources (Department) by March 31 of each year to report on activities for the previous calendar year ("reporting year"). This form is being provided by the Department for the user's convenience for reporting on activities undertaken in each reporting year of the permit term. Personal information collected will be used for administrative purposes and may be provided to the extent required by Wisconsin's Open Records Law [ss. 19.31-19.39, Wis. Stats.].

Note: Compliance items must be submitted using the Attachments tab.

Municipality Information

Name of Municipality: Appleton City

Facility ID # or (FIN): 31098

Updated Information: Check to update mailing address information

Mailing Address: 100 North Appleton Street

Mailing Address 2:

City: Appleton

State: Wisconsin

Zip Code: 54911 xxxxx or xxxxx-xxxx

Primary Municipal Contact Person (Authorized Representative for MS4 Permit)

The "Authorized Representative" or "Authorized Municipal Contact" includes the municipal official that was charged with compliance and oversight of the permit conditions, and has signature authority for submitting permit documents to the Department (i.e., Mayor, Municipal Administrator, Director of Public Works, City Engineer).

Select to **create new** primary contact

First Name: Paula

Last Name: Vandehey

Select to **update** current contact information

Title: Public Works Dir

Mailing Address: 100 N Appleton Street

Mailing Address 2:

City: Appleton

State: WI

Zip Code: 54911 xxxxx or xxxxx-xxxx

Phone Number: 920-832-6474 Ext: xxx-xxx-xxxx

Email: paula.vandehey@appleton.org

Additional Contacts Information (Optional)

I&E Program

**Individual with responsibility for:
(Check all that apply)**

- IDDE Program
- IDDE Response Procedure Manual
- Municipal-wide Water Quality Plan
- Ordinances
- Pollution Prevention Program
- Post-Construction Program
- Winter roadway maintenance

First Name:

Last Name:

Title:

Mailing Address:

Mailing Address 2:

City:

State:

Zip Code: xxxxx or xxxxx-xxxx

Phone Number: Ext: xxx-xxx-xxxx

Email:

1. Does the municipality rely on another entity to satisfy some of the permit requirements?

Yes No

Public Education and Outreach Northeast Wisconsin Stormwater Consortium and Fox Wolf Watershed Alliance (NEWSC and FWWA)

Public Involvement and Participation Northeast Wisconsin Stormwater Consortium and Fox Wolf Watershed Alliance (NEWSC and FWWA)

Illicit Discharge Detection and Elimination OMNNI Associates

Construction Site Pollutant Control raSmith and Brown and Caldwell

Post-Construction Storm Water Management raSmith and Brown and Caldwell

Pollution Prevention

2. Has there been any changes to the municipality's participation in group efforts towards permit compliances (i.e., the municipality has added or dropped consortium membership)?

Yes No

Missing Information

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7.

Minimum Control Measures- Section 1 : Complete

1. Public Education and Outreach

a. Complete the following information on Public Education and Outreach Activities related to storm water. Select the Delivery Mechanism that best describes how the topics were conveyed to your population. Use the Add Event to add additional entries.

Event Start Date	6/10/2020		
Project/Event Name	DPW Newsletter		
Delivery Mechanism	Distribution of print media		*Active
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input checked="" type="checkbox"/> Illicit discharge detection and elimination <input checked="" type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input checked="" type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input type="checkbox"/> Residential infiltration <input type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	101 +	<input type="radio"/> Yes <input checked="" type="radio"/> No

Event Start Date	1/2/2020		
Project/Event Name	One -on- One communication		
Delivery Mechanism	Other		*Active
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input checked="" type="checkbox"/> Illicit discharge detection and elimination <input type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input type="checkbox"/> Residential infiltration <input checked="" type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input checked="" type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Businesses <input checked="" type="checkbox"/> Contractors <input checked="" type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

Event Start Date	1/1/2020		
Project/Event Name	Stormwater Utility Pledge Supporter and Rain Barrel Credits		
Delivery Mechanism	Other		*Active
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input checked="" type="checkbox"/> Illicit discharge detection and elimination <input checked="" type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input checked="" type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input checked="" type="checkbox"/> Residential infiltration <input type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

Event Start Date	5/1/2020		
Project/Event Name	NEWSC posters at various City Parks		
Delivery Mechanism	Signage		*Active
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> Illicit discharge detection and elimination <input checked="" type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input checked="" type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input checked="" type="checkbox"/> Residential infiltration <input type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input checked="" type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	51-100	<input type="radio"/> Yes <input checked="" type="radio"/> No

Event Start Date	1/2/2020		
Project/Event Name	FWWA Conference Planning and sponsorship		
Delivery Mechanism	Educational activity*		*Active
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> Illicit discharge detection and elimination <input type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing	<input type="checkbox"/> General Public <input checked="" type="checkbox"/> Public Employees <input type="checkbox"/> Residents	101 +	<input checked="" type="radio"/> Yes <input type="radio"/> No

<input type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input type="checkbox"/> Residential infiltration <input checked="" type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input checked="" type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input checked="" type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other		
--	--	--	--

Event Start Date	1/2/2020
Project/Event Name	NEWSC School presentations
Delivery Mechanism	Targeted group training* *Active

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> Illicit discharge detection and elimination <input checked="" type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input type="checkbox"/> Yard waste management/pesticide and fertilizer application <input checked="" type="checkbox"/> Stream and shoreline management <input type="checkbox"/> Residential infiltration <input type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	51-100	<input checked="" type="radio"/> Yes <input type="radio"/> No

Event Start Date	1/2/2020
Project/Event Name	NEWSC exhibiting
Delivery Mechanism	Informational booth* *Active

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input checked="" type="checkbox"/> Illicit discharge detection and elimination <input checked="" type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input checked="" type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input type="checkbox"/> Residential infiltration <input type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	51-100	<input checked="" type="radio"/> Yes <input type="radio"/> No

--	--	--	--

Event Start Date	1/2/2020
Project/Event Name	Development Meetings and Plan Review
Delivery Mechanism	Other *Active

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> Illicit discharge detection and elimination <input type="checkbox"/> Household hazardous waste disposal/pet waste management/vehicle washing <input type="checkbox"/> Yard waste management/pesticide and fertilizer application <input type="checkbox"/> Stream and shoreline management <input type="checkbox"/> Residential infiltration <input checked="" type="checkbox"/> Construction sites and post-construction storm water management <input type="checkbox"/> Pollution prevention <input checked="" type="checkbox"/> Green infrastructure/low impact development <input type="checkbox"/> Other: <input type="text"/>	<input type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input checked="" type="checkbox"/> Businesses <input checked="" type="checkbox"/> Contractors <input checked="" type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

b. Brief explanation on Public Education and Outreach reporting. *Limit response to 250 characters and/or attach supplemental information on the attachments page.*

2020 Activities limited due to COVID restrictions. City staff remained active in FWWA and NEWSC. Summary of completed activities and NEWSC reports attached.

Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (09/20)

Minimum Control Measures - Section 2 : Complete

2. Public Involvement and Participation

a. Permit Activities. Complete the following information on Public Involvement and Participation Activities related to storm water. Select the Delivery Mechanism that best describes how the permit activities were conveyed to your population. Use the Add Event to add additional entries.

Event Start Date	2/20/2020
Project/Event Name	Utilities Committee meeting and Council meeting
Delivery Mechanism	Government Event (Public Hearing, Council Meeting, etc)

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
		11-50	

<input checked="" type="checkbox"/> MS4 Annual Report <input type="checkbox"/> Storm Water Management Program <input type="checkbox"/> Storm Water related ordinance <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	<input type="radio"/> Yes <input checked="" type="radio"/> No
---	--	---

Event Start Date	4/23/2020
Project/Event Name	City-wide plan update - adjacent communities meeting with McMahon
Delivery Mechanism	Other

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> MS4 Annual Report <input checked="" type="checkbox"/> Storm Water Management Program <input type="checkbox"/> Storm Water related ordinance <input type="checkbox"/> Other: <input type="text"/>	<input type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input checked="" type="checkbox"/> Other	1 - 10	<input type="radio"/> Yes <input checked="" type="radio"/> No

Event Start Date	1/9/2020
Project/Event Name	Erosion Control Ordinance Update
Delivery Mechanism	Government Event (Public Hearing, Council Meeting, etc)

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> MS4 Annual Report <input type="checkbox"/> Storm Water Management Program <input checked="" type="checkbox"/> Storm Water related ordinance <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input checked="" type="checkbox"/> Contractors <input checked="" type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

Event Start Date	2/20/2020
Project/Event Name	Illicit Discharge Ordinance Update
Delivery Mechanism	Government Event (Public Hearing, Council Meeting, etc)

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> MS4 Annual Report <input type="checkbox"/> Storm Water Management Program <input checked="" type="checkbox"/> Storm Water related ordinance <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

Event Start Date	3/26/2020
Project/Event Name	Post-Construction Stormwater Management Ordinance
Delivery Mechanism	Government Event (Public Hearing, Council Meeting, etc)

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> MS4 Annual Report <input type="checkbox"/> Storm Water Management Program <input checked="" type="checkbox"/> Storm Water related ordinance <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input checked="" type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

Event Start Date	9/17/2020
Project/Event Name	MS4 Permit Overview (repeat 2019 presentation)
Delivery Mechanism	Government Event (Public Hearing, Council Meeting, etc)

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> MS4 Annual Report <input checked="" type="checkbox"/> Storm Water Management Program <input type="checkbox"/> Storm Water related ordinance <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

Event Start Date	1/9/2020
Project/Event Name	Erosion Control Program Update
Delivery Mechanism	Government Event (Public Hearing, Council Meeting, etc)

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> MS4 Annual Report <input checked="" type="checkbox"/> Storm Water Management Program <input type="checkbox"/> Storm Water related ordinance <input type="checkbox"/> Other: <input type="text"/>	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input type="checkbox"/> Residents <input type="checkbox"/> Businesses <input checked="" type="checkbox"/> Contractors <input checked="" type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

Event Start Date	10/8/2020
Project/Event Name	Post-Construction Program Update
Delivery Mechanism	Government Event (Public Hearing, Council Meeting, etc)

Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
<input type="checkbox"/> MS4 Annual Report <input checked="" type="checkbox"/> Storm Water Management Program	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees	11-50	<input type="radio"/> Yes <input checked="" type="radio"/> No

<input type="checkbox"/> Storm Water related ordinance	<input type="checkbox"/> Residents		
<input type="checkbox"/> Other: <input type="text"/>	<input type="checkbox"/> Businesses		
	<input type="checkbox"/> Contractors		
	<input checked="" type="checkbox"/> Developers		
	<input type="checkbox"/> Industries		
	<input type="checkbox"/> Other		

b. Volunteer Activities. Complete the following information on Public Involvement and Participation Activities related to storm water. Select the Delivery Mechanism that best describes how volunteer activities were conveyed to your population. Use the Add Event to add additional entries.

Event Start Date	<input type="text" value="8/22/2020"/>		
Project/Event Name	<input type="text" value="FWWA River Cleanup"/>		
Delivery Mechanism	<input type="text" value="Clean up event"/>		
Topics Covered	Target Audience	Estimated People Reached (Optional)	Regional Effort (Optional)
Volunteer Opportunity	<input checked="" type="checkbox"/> General Public <input type="checkbox"/> Public Employees <input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Businesses <input type="checkbox"/> Contractors <input type="checkbox"/> Developers <input type="checkbox"/> Industries <input type="checkbox"/> Other	<u>101 +</u>	<input checked="" type="radio"/> Yes <input type="radio"/> No

c. Brief explanation on Public Involvement and Participation reporting. *Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Public involvement and participation program included various Utilities Committee and Council meetings throughout the year and the FWWA River Cleanup in August. Table of activities is attached.

Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (09/20)

Minimum Control Measures - Section 3 : Complete

3. Illicit Discharge Detection and Elimination

- a. How many total outfalls does the municipality have? Unsure
- b. How many outfalls did the municipality evaluate as part of their routine ongoing field screening program? Unsure
- c. From the municipality's routine screening, how many were confirmed illicit discharges? Unsure

- d. How many illicit discharge complaints did the municipality receive? Unsure
- e. From the complaints received, how many were confirmed illicit discharges? Unsure
-
- f. How many of the identified illicit discharges did the municipality eliminate in the reporting year (from both routine screening and complaints)? Unsure

(If the sum of 3.c. and 3.e. does not equal 3.f., please explain below.)

- g. How many of the following enforcement mechanisms did the municipality use to enforce its illicit discharge ordinance? Check all that apply and enter the number of each used in the reporting year. Unsure

- Verbal Warning
- Written Warning (including email)
- Notice of Violation
- Civil Penalty/ Citation

Additional Information: _____

- h. Brief explanation on Illicit Discharge Detection and Elimination reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Conductivity from salt and hospital HVAC hard to eliminate. Private pond dye reported to DNR. Outfalls unresolved will be screened again in 2021. Program update completed in 2020, elected official review 2021.

Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (09/20)

Minimum Control Measures - Section 4 : Complete

4. Construction Site Pollutant Control

- a. How many total construction sites with one acre or more of land disturbing construction activity were active at any point in the reporting year? Unsure
- b. How many construction sites with one acre or more of land disturbing construction activity did the municipality issue permits for in the reporting year? Unsure
- c. How many erosion control inspections did the municipality complete in the reporting year? Unsure
-
- d. What types of enforcement actions does the municipality have available to compel compliance with the regulatory mechanism? Check all that apply and enter the number of each used in the reporting year. Unsure

<input type="checkbox"/> No Authority	
<input checked="" type="checkbox"/> Verbal Warning	187
<input checked="" type="checkbox"/> Written Warning (including email)	28
<input checked="" type="checkbox"/> Notice of Violation	8
<input checked="" type="checkbox"/> Civil Penalty/ Citation	1
<input checked="" type="checkbox"/> Stop Work Order	0
<input type="checkbox"/> Forfeiture of Deposit	
<input type="checkbox"/> Other - Describe below	

e. Brief explanation on Construction Site Pollutant Control reporting . *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

New Erosion Control Inspector started April 6, 2020. Approximately 8 week gap of limited inspections. Ordinance and program update done in 2020.

Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (09/20)

Minimum Control Measures - Section 5 : Complete

5. Post-Construction Storm Water Management

a. How many sites with new structural storm water management facilities* have received local approval ? Unsure

*Engineered and constructed systems that are designed to provide storm water quality control such as wet detention ponds, constructed wetlands, infiltration basins, grassed swales, permeable pavement, catch basin sumps, etc.

b. Does the municipality utilize privately owned storm water management facilities in its pollutant reduction analysis? Yes No Unsure

c. If Yes, How many privately owned storm water management facilities were inspected in the reporting year ? Unsure

Inspections completed by private land owners should be included in the reported number.

d. What types of enforcement actions does the municipality have available to compel compliance with the regulatory mechanism? Check all that apply and enter the number of each used in the reporting year. Unsure

<input type="checkbox"/> No Authority	
<input checked="" type="checkbox"/> Verbal Warning	2
<input checked="" type="checkbox"/> Written Warning (including email)	4
<input checked="" type="checkbox"/> Notice of Violation	20

<input checked="" type="checkbox"/> Civil Penalty/ Citation	0
<input checked="" type="checkbox"/> Forfeiture of Deposit	0
<input checked="" type="checkbox"/> Complete Maintenance	0
<input checked="" type="checkbox"/> Bill Responsible Party	0
<input type="checkbox"/> Other - Describe below	

e. Brief explanation on Post-Construction Storm Water Management reporting . *If marked 'Unsure' on any questions above, justify your reasoning. Limit your response to 250 characters and/or attach supplemental information on the attachments page.*

Private site inspections limited due to staff time and COVID. Ordinance and program update completed. Other priorities were training new ESC Inspector and city-wide plan update.

Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (09/20)

Minimum Control Measures - Section 6 : Complete

6. Pollution Prevention

Storm Water Management Facility Inspections Not Applicable

- a. Enter the total number of municipally owned or operated structural storm water management facilities ? 192 Unsure
- b. How many new municipally owned storm water management facilities were installed in the reporting year ? 13 Unsure
- c. How many municipally owned storm water management facilities were inspected in the reporting year? 192 Unsure
- d. What elements are looked at during inspections (250 character limit)?

Sediment depth in HSDs and ponds, trash, bank stability, inlet and outlet structures, and vegetation.

- e. How many of these facilities required maintenance? 95 Unsure
- f. Brief explanation on Storm Water Management Facility inspection reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Inspection and maintenance generally on schedule.

Public Works Yards & Other Municipally Owned Properties (SWPPP Plan Review) Not Applicable

- g. How many municipal properties require a SWPPP? Unsure

8

h. How many inspections of municipal properties have been conducted in the reporting year?

43

Unsure

i. Have amendments to the SWPPPs been made?

Yes No Unsure

j. If yes, describe what changes have been made. Limit response to 250 characters and/or attach supplemental information on the attachment page:

k. Brief explanation on Storm Water Pollution Prevention Plan reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

DPW provides inspection for Facilities Sites, including their main operations building and Reid Golf Course maintenance area. Fire and Utilities Departments perform their own inspections.

Collection Services - *Street Sweeping / Cleaning Program* Not Applicable

l. Did the municipality conduct street sweeping/cleaning during the reporting year?

Yes No Unsure

m. If known, how many tons of material was removed?

1282

Unsure

n. Does the municipality have a low hazard exemption for this material?

Yes No

o. If street cleaning is identified as a storm water best management practice in the pollutant loading analysis, was street cleaning completed at the assumed frequency?

Yes - Explain frequency per 2014 city-wide stormwater management plan

No - Explain _____

Not Applicable

Collection Services - *Catch Basin Sump Cleaning Program* Not Applicable

p. Did the municipality conduct catch basin sump cleaning during the reporting year?

Yes No Unsure

q. How many catch basin sumps were cleaned in the reporting year?

31

Unsure

r. If known, how many tons of material was collected?

160

Unsure

s. Does the municipality have a low hazard exemption for this material?

Yes No

t. If catch basin sump cleaning is identified as a storm water best management practice in the pollutant loading analysis, was cleaning completed at the assumed frequency?

Yes- Explain frequency _____

No - Explain 100% inspected, cleaned if needed

Not Applicable

Collection Services - *Leaf Collection Program* Not Applicable

- u. Does the municipality conduct curbside leaf collection? Yes No Unsure
- v. Does the municipality notify homeowners about pickup? Yes No Unsure
- w. Where are the residents directed to store the leaves for collection?
 Pile on terrace Pile in street Bags on terrace Unsure
 Other - Describe pile on terrace on 4 lane and collector streets
- x. What is the frequency of collection?
weekly 3-4 cycles per weather conditions
- y. Is collection followed by street sweeping/cleaning? Yes No Unsure
- z. Brief explanation on Collection Services reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page*

Fourth round and additional sweeping in 2020 due to good weather conditions.

Winter Road Management Not Applicable

*Note: We are requesting information that goes beyond the reporting year, answer the best you can.

- aa. How many lane-miles of roadway is the municipality responsible for doing snow and ice control? Unsure
- ab. Provide amount of de-icing products used by month last winter season?
 Solids (tons) (ex. sand, or salt-sand)

Product	Oct	Nov	Dec	Jan	Feb	Mar
<u>Salt</u>	45	557	983	1082	472	31
<u>Sand</u>	0	0	0	0	0	0
<u>Salt/sand mix</u>	0	0	0	0	0	0
<u>Other</u>	0	0	0	0	0	0

Liquids (gallons) (ex. brine)

	Oct	Nov	Dec	Jan	Feb	Mar
<u>Brine</u>	3233	7913	9238	15850	14089	1800
<u>Chem-melt</u>	0	0	0	0	0	0
<u>Pre-wetting compound</u>	0	0	0	0	0	0
<u>Other</u>	9	0	40	0	0	0

- ac. Was salt applying machinery calibrated in the reporting year? Yes No Unsure
- ad. Have municipal personnel attended salt reduction strategy training in the reporting year? Yes No Unsure

Training Date	Training Name	# Attendance
8/4/2005	2020 Salt Symposium August 4-5	1

- ae. Brief explanation on Winter Road Management reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach*

supplemental information on the attachments page

Continued to follow City snow and ice policies, procedures and salt application matrix with no changes to our program.

Internal (Staff) Education & Communication

- af. Has training or education been held for municipal or other personnel involved in implementing each of the pollution prevention program elements? Yes No Unsure

If yes, describe what training was provided (250 character limit):

See attached documents from Parks and DPW Operations

When: throughout year

How many attended: 128

- ag. Describe how the municipality has kept the following local officials and municipal staff aware of the municipal storm water discharge permit programs and its requirements.

Elected Officials

Presentations to Utilities Committee throughout the year.

Municipal Officials

Same as elected officials.

Appropriate Staff (such as operators, Department heads, and those that interact with public)

Monthly staff and workgroup meetings.

- ah. Brief explanation on Internal Education reporting. *If you marked Unsure for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Group training limited due to COVID. Operations staff generally do not have computers. Individual training and handouts.

Missing Information

Do not close your work until you **SAVE**.

Note: For the minimum control measures, you must fill out all questions in sections 1 through 7

Form 3400-224 (09/20)

Minimum Control Measures - Section 7 : Complete

7. Storm Sewer System Map

- a. Did the municipality update their storm sewer map this year?

Yes No Unsure

If yes, check the areas the map items that got updated or changed:

Storm water treatment facilities

Storm pipes

- Vegetated swales
- Outfalls
- Other - Describe below

- b. Brief explanation on Storm Sewer System Map reporting. *If you marked Unsure for an question for any questions above, justify the reasoning. Limit response to 250 characters and/or attach supplemental information on the attachments page.*

Maps updated for 2020 construction, city limits, delineated wetlands, outfalls, new public and private stormwater practices.

Missing Information

Do not close your work until you SAVE.

Form 3400-224 (09/20)

Final Evaluation - Complete

Fiscal Analysis

Complete the fiscal analysis table provided below. For municipalities that do not break out funding into permit program elements, please enter the monetary amount to your best estimate of what funding may be going towards these programs.

Annual Expenditure Reporting Year	Budget Reporting Year	Budget Upcoming Year	Source of Funds
-----------------------------------	-----------------------	----------------------	-----------------

Element: Public Education and Outreach

7,684	8,000	8,000	<u>Storm water utility</u>
-------	-------	-------	----------------------------

Element: Public Involvement and Participation

3,258	5,000	5,000	<u>Storm water utility</u>
-------	-------	-------	----------------------------

Element: Illicit Discharge Detection and Elimination

31,130	15,000	21,500	<u>Storm water utility</u>
--------	--------	--------	----------------------------

Element: Construction Site Pollutant Control

115,094	107,719	122,085	<u>Storm water utility</u>
---------	---------	---------	----------------------------

Element: Post-Construction Storm Water Management

113,699	85,000	85,000	<u>Storm water utility</u>
---------	--------	--------	----------------------------

Element: Pollution Prevention

1,378,990	1,503,567	1,505,397	<u>Storm water utility</u>
-----------	-----------	-----------	----------------------------

Other (describe)

Mapping, annual report preparation and DNR Fee

10,322	12,600	12,600	<u>Storm water utility</u>
--------	--------	--------	----------------------------

Please provide a justification for a "0" entered in the Fiscal Analysis. *Limit response to 250 characters.*

Water Quality

a: Were there any known water quality improvements in the receiving waters to which the

municipality's storm sewer system directly discharges to?

Yes No Unsure If Yes, explain below:

Three additional wet stormwater ponds and 8 HSD's constructed

b: Were there any known water quality degradation in the receiving waters to which the municipality's storm sewer system directly discharges to?

Yes No Unsure If Yes, explain below:

High conductivity in Garners Creek due to private snow management

c: Have any of the receiving waters that the municipality discharges to been added to the impaired waters list during the reporting year?

Yes No Unsure

d: Has the municipality evaluated their storm water practices to reduce the pollutants of concern?

Yes No Unsure

Storm Water Quality Management

a. Has the municipality completed or updated modeling in the reporting year (relating to developed urban area performance standards of s. NR 151.13(2)(b)1., Wis. Adm. Code)? Yes No

b. If yes, enter percent reduction in the annual average mass discharging from the entire MS4 to surface waters of the state as compared to implementing no storm water management controls:

Total suspended solids (TSS)

Total phosphorus (TP)

Status of Total Maximum Daily Loads (TMDLs) Implementation

The permittee Appleton City is subject to the following approved TMDLs: Lower Fox River Basin and Lower Green Bay; Upper Fox and Wolf River Basin

The permittee intends to comply with the following permit requirements to show progress towards meeting the TMDL:

[A.3.1] The Permittee is following the TMDL Compliance Plan, which received Department concurrence prior to April 30, 2019.

The permittee is confirming that all planned efforts are on schedule.

Agree Disagree

[A.6.3] Final Documentation.

The permittee is confirming that all planned efforts are on schedule to submit the final documentation materials [updates to mapping, modeling, tabular summary, and Implementation Plan] under section A.6.3 by October 31, 2023.

Agree Disagree

[C.3-4].a Which Compliance option does the permittee anticipate choosing?

- TMDL Implementation Plan Adaptive Management Project

[C.3-4].b The Permittee is confirming that all planned efforts are on schedule to meet requirements due to the department.

- For an Adaptive Management project, a plan is required within 36 months of the TMDL approval date.
- For TMDL Implementation, updates to mapping, modeling, tabular summary, and Implementation Plan documents are required within 48 months of the TMDL approval date.)

- Agree Disagree

Additional Information

Based on the municipality's storm water program evaluation, describe any proposed changes to the municipality's storm water program. *If your response exceeds the 250 character limit, attach supplemental information on the attachments page.*

Update to City-wide plan on schedule with DNR planning grant.

Do not close your work until you SAVE.

--	--	--	--	--	--	--

Form 3400-224 (09/20)

Requests for Assistance on Understanding Permit Programs

Would the municipality like the Department to contact them about providing more information on understanding any of the Municipal Separate Storm Sewer Permit programs?

Please select all that apply:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Pollutant Control
- Post-Construction Storm Water Management
- Pollution Prevention
- Storm Water Quality Management
- Storm Sewer System Map
- Water Quality Concerns
- Compliance Schedule Items Due
- MS4 Program Evaluation

Do not close your work until you **SAVE**.

Required Attachments and Supplemental Information

Any other MS4 program information for inclusion in the Annual Report may be attached on here. Use the Add Additional Attachments to add multiple documents.

Upload Required Attachments (15 MB per file limit) - [Help reduce file size and trouble shoot file uploads](#)

*Required Item

Note: To replace an existing file, use the 'Click here to attach file ' link or press the to delete an item.

Storm Sewer System Map

 File Attachment

[Mapscombined.pdf](#)

Attach - Other Supporting Documents

AR IP

 File Attachment

[2020PublicParticipationcompletedactivities.pdf](#)

AR EO

 File Attachment

[2020IEPlancompletedactivities.pdf](#)

AR Other

 File Attachment

[2020NEWSCOUTREACHREPORT.pdf](#)

AR BMPInspSum

 File Attachment

[StormwaterInspectMaintenanceList2020EOY.xls](#)

AR SWGroupReport

 File Attachment

[2020NEWSCAnnualReport.pdf](#)

AR SWMap

 File Attachment

[stormpipecombinedmaps.pdf](#)

AR IDDE

 File Attachment

[Illicitdischargecomplaints2020.xls](#)

AR Other

 File Attachment

[2020-2021PublicWorksGuide.pdf](#)

AR Other

 File Attachment

[FieldScreeningBodyAB.pdf](#)

AR Other

 File Attachment

[2020FieldScreeningAppD.pdf](#)

(To remove items, use your cursor to hover over the attachment section. When the drop down arrow appears, select remove item)

Attach - Permit Compliance Documents

(To remove items, use your cursor to hover over the attachment section. When the drop down arrow appears, select remove item)

Missing Information

Draft and Share PDF Report with the permittee's governing body or delegated representatives.

Press the button below to create a PDF. The PDF will be sent to the email address associated with the WAMS ID that is signed in. After the annual report has been reviewed by the governing body or delegated representative, return to the MS4 eReporting System to submit the final report to the DNR.

[Draft and Share PDF Report](#)

Sign and Submit Your Application

Steps to Complete the signature process

1. Read and Accept the Terms and Conditions
2. Press the Submit and Send to the DNR button

NOTE: For security purposes all email correspondence will be sent to the address you used when registering your WAMS ID. This may be a different email than that provided in the application. For information on your WAMS account click [HERE](#).

Terms and Conditions

Certification: I hereby certify that I am an authorized representative of the municipality covered under Appleton City MS4 Permit for which this annual report or other compliance document is being submitted, and that the information contained in this submittal and all attachments were gathered and prepared under my direction or supervision. Based on my inquiry of the person or persons under my direction or supervision involved in the preparation of this document, to the best of my knowledge, the information is true, accurate, and complete. I further certify that the municipality's governing body or delegated representatives have reviewed or been apprised of the contents of this annual report. I understand that Wisconsin law provides severe penalties for submitting false information.

Signee (must check current role prior to accepting terms and conditions)

- Authorized municipal contact using WAMS ID.
- Delegation of Signature Authority (Form 3400-220) for agent signing on the behalf of the authorized municipal contact.
- Agent seeking to share this item with authorized municipal contact (authorized municipal contact must get WAMS id and complete signature).

Name:

Title:

Authorized Signature.

- I accept the above terms and conditions.

After providing the final authorized signature, the system will send an email to the authorized party and any agents. This email will include a copy to the final read only version of this application.

2020 CITY OF APPLETON PUBLIC EDUCATION AND OUTREACH PLAN

January 2021

	TOPIC	TARGET AUDIENCE	PLANNED ACTIVITY	MECHANISM		PRIMARY LEAD		COMPLETED ACTIVITY
				ACTIVE	PASSIVE	CITY	NEWSC	
1	6. Inform and educate those responsible for the design, installation, and maintenance of construction site practices and stormwater management facilities on how to design, install, and maintain the practices.	1. Design consultants 2. Contractors 3. City staff	10. One-on-one communication	X		X		ESC Inspector in the field throughout the year SW & ESC discussed for private and DPW projects throughout year ESC discussed at DPW pre-construction meetings Sponsored and on planning committee Several City staff attended conference ESC and SWM plan review verbal and written discussion
2			12. Pre-submittal and Pre-construction meetings	X		X		
3			18. FWWA Watershed Conference	X		X		
4			19. Plan review	X		X		
5								
1	7. Identify businesses and activities that may pose a stormwater contamination concern, and educate those specific audiences on methods of stormwater pollution prevention.	1. Carpet Cleaners	1. Mailing		X	X		Not done due to limited staff during COVID
2								
3								
1	8. Promote environmentally sensitive land development designs by developers and designers, including green infrastructure and low impact development.	1. Owners/Developers 2. Designers	10. One-on-one communication	X		X		Discuss individual projects throughout the year Discuss individual projects during the year Sponsored and on planning committee
2			10. One-on-one communication	X		X		
3			18. Sponsor FWWA Watershed Conference	X		X		
4								
								7 Completed topics
	Passive Mechanisms		Active Mechanisms					
	1. Mailing	0	10. One-on-One communication	1		Number of topics required	6	
	2. Newsletter	1	11. NEWSC Exhibiting	1				
	3. NEWSC Posters	1	12. Meetings	1				
	4. Website	1	13. Group Training	0				
	5. Signage	0	14. Presentations	1				
	6. Stormwater Credit Policy Pledge Supporter	1	15. Summer Camp	0				
	Total Passive Mechansims used	4	16. River Cleanup	1				
			17. Utilities Committee Meeting	1				
			18. Workshops/Conferences	1				
			19. Plan review	1				
	Key:		Total Active Mechanisms Used	8				
	1= used during the year		Required Active Mechanisms	2				
	0= not used during the year							

SECTION 2.2 PUBLIC INVOLVEMENT AND PARTICIPATION

ACTIVITY	2020 Planned Activity	2020 Completed		
Annual Report Due to WDNR March 31 each year	Target Participants: General Public Elected Officials Delivery Mechanism: Committee agenda on website Utilities Committee meeting Common Council meeting Date: March	February 20, 2020 February 25, 2020 March 4, 2020		
Stormwater Management Program Proposed City-wide Plan Update in 2020-2021	Target Participants: General Public Elected Officials School District Developers Other City Departments Delivery Mechanism: Committee agenda on website Utilities Committee Presentation Common Council meeting Stakeholder Presentations Stakeholder meetings City staff meetings Date: throughout the year	Repeated MS4 Permit overview at Utilities Committee on September 24, 2020 Presented Post-Construction Program at Utilities Committee on October 13, 2020 4 days prior to committee meeting See above 8 days after committee meeting Met with City consultant and McMahon (representing adjacent communities) on City-wide plan on April 23, 2020		
Ordinance Updates Erosion and Sediment Control Illicit Discharges Post-Construction Stormwater Management	Target Participants: General Public Elected Officials Design Consultants Developers Contractors Delivery Mechanism: Committee agenda on website Utilities Committee Presentation Common Council meeting Date: As needed	Erosion and Sediment Control Ordinance January 9, 2020 January 14, 2020 January 22, 2020	Illicit Discharge Ordinance February 20, 2020 February 25, 2020 March 4, 2020	Post-Construction Ordinance Sent new ordinance to consultants on April 27, 2020 March 26, 2020 April 1, 2020* April 1, 2020* *Committee of the whole due to COVID-19
Volunteer Activity	Target Participants: General Public City Staff Delivery Mechanism: Sponsor FWWA Cleanup Post Sign-up for City staff Date: Spring	Sponsored at \$2500 level May 2 event canceled due to COVID-19 Held August 22, 2020		

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Pete Neuberger, Staff Engineer

DATE: March 9, 2021

RE: Award of 2021D Stormwater Consulting Services Single Source Contract for Lightning Drive Stream Crossings and Stormwater Practices Final Design to raSmith in an amount not to exceed \$107,000.

The Department of Public Works is requesting approval of the 2021D Stormwater Consulting Services Single Source Contract for Lightning Drive Culverts and Stormwater Practices Final Design to raSmith in an amount not to exceed \$107,000 (budget \$107,250).

PROJECT HISTORY

The area generally bound by Ballard Road to the west, Broadway drive to the north, French Road to the east, and Edgewood Drive to the south has experienced significant development pressure in recent years. This pressure is expected to continue into the next several years until the area is built out. An essential component necessary for continued development is the extension of Lightning Drive from 600 feet north of Edgewood Drive (CTH JJ) to Broadway Drive, to serve as a transportation and utility corridor.

In the fall of 2018, DPW staff continued the planning of Lightning Drive by soliciting proposals to qualified firms to perform a drainage study with 30% engineering design. At the December 11, 2018 Utilities Committee, DPW Staff recommended that contract award to raSmith. The award memo identified DPW staff's intent to continue working with raSmith through Lightning Drive final design without an RFP process, should staff determine that raSmith met expectations during the drainage study and subsequent contracts.

raSmith completed the study contract in November 2019, while meeting DPW staff's expectations to develop cost-effective stormwater management solutions for Lightning Drive. The raSmith study identified two proposed stream crossings and five proposed stormwater ponds, with corresponding conveyance, for stormwater management.

At the March 24, 2020 Utilities Committee meeting, the Committee approved DPW's recommendation to award the single-source Lightning Drive 60% Preliminary Engineering Design Contract to raSmith. raSmith is nearing completion of this task and will soon be ready to develop the final designs.

PROJECT SCHEDULE

The proposed development schedule of the Lightning Drive corridor is as follows:

- 2021: Complete preliminary (60%) engineering design of two stream crossings, five stormwater ponds, and corresponding stormwater conveyances, and apply for DNR and USACE permits
- 2021: Begin final engineering design of two stream crossings, five stormwater ponds, and corresponding stormwater conveyances; obtain DNR and USACE permits.
- 2022: Land acquisition for roadway and ponds, and complete final design.
- 2023: Construction of Lightning Drive, bridges, and stormwater ponds.

CONTRACT SCOPE

As proposed, the consultant will:

- Perform final modeling of stormwater conveyance, flood control and water quality for the streets and culverts to meet City, State, and Federal requirements, including FEMA floodplain.
- Coordinate design work with City staff and adjacent developers.
- Update and finalize a Stormwater Management Plan documenting proposed practices to meet City, State, and Federal Stormwater Management requirements.
- Provide final bid documents in the form of plans and specifications for construction of two Lightning Drive stream crossings and five stormwater ponds.
- Prepare permit applications to State and Federal Regulators, including a FEMA Letter of Map Revision (LOMR) request.
- Assist City staff answering bidder/contractor questions during bidding and construction.

REASON FOR REQUEST

raSmith was selected for the original drainage study based on a competitive RFP process in 2018 and has performed well on the study and preliminary engineering phases for this project. Their ongoing work on this project makes raSmith well-positioned to provide continued cost-effective services moving forward using a negotiated, single-source contract scope; furthermore, raSmith proposes using the same staff for the proposed contract. Therefore, DPW is requesting permission to contract with raSmith for these final design services using a negotiated contract scope.

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Pete Neuberger, Staff Engineer

DATE: March 9, 2021

RE: Award of Single Source Contract with NES Ecological Services for 2021 Wetland Delineation Services in an Amount Not to Exceed \$35,639.70.

The Department of Public Works is requesting approval to single source contract with NES Ecological Services, a Division of Robert E Lee & Associates, Inc. (NES) for 2021 Wetland Delineations in an amount not to exceed \$35,639.70.

CURRENT AUTHORIZATION

In February 2019, DPW issued a request for proposals (RFP) for Wetland Delineation Consulting Services. After evaluating the proposals, DPW recommended contract award to NES at the March 12, 2019, Utilities Committee. The committee authorized DPW to contract with NES for 2019 Wetland Delineations, in an amount not to exceed \$30,000. The award memo stated DPW anticipated a multi-year contract extension through 2023, subject to Utilities Committee authorization each year and satisfactory performance by the consultant. In 2020, Utilities Committee and Council approved a single-source quote for 2020 wetlands delineation services for \$22,778.

REASON FOR REQUEST

The request is made for the following reasons:

- Throughout 2019 and 2020, NES has strongly validated the results of the initial RFP evaluation by cost-effectively providing a very high level of expertise and customer service. Furthermore, because the primary staff person at NES is a WDNR Assured Wetland Delineator, the results of their work do not require a WDNR review and concurrence process. Avoiding this additional step has proved valuable for keeping projects on schedule and avoiding uncertainty.
- The 2019 proposal from NES identified a suggested annual labor and equipment unit price increase of approximately 3% each year throughout the anticipated 5-year period. The 2020 contract included an annual unit price increase of approximately 3.1%. The 2021 NES proposal includes a unit price increase of approximately 3.2% compared to 2020. DPW staff consider the request reasonable for providing continued cost-effective services.

2021 Wetland Delineation Services

March 9, 2021

-Page 2-

CONTRACT SCOPE

As DPW and other departments implement their 5-year CIP, they must occasionally investigate potential wetlands to remain compliant with State and Federal wetland regulations. For 2021, several project sites have been identified. Cost estimate and responsible department are identified in the project list below:

- Edgewood Drive (CTH JJ) Water Main Extension (Public Works - \$3,439.90)
- Miscellaneous Stormwater Management Allowance (Public Works - \$7,560.10)
- Plamann Park Supplemental Delineation Work (Public Works - \$4,000.00)
- Raw Water Line Supplemental Delineation/Permit Work (Public Works - \$4,000.00)
- Potential Land Acquisition (Community and Economic Development - \$7,604.95)
- Lungaard Park (Facilities & Construction Mgt - \$3,676.65)
- Pierce Park Trails (Facilities & Construction Mgt - \$2,306.65)
- Memorial Park Parking/Pavilion (Facilities & Construction Mgt - \$3,051.45)

DPW staff also anticipate contracting with NES for 2022-2023 wetlands delineations, subject to Utilities Committee and Common Council approval at the appropriate times.

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Pete Neuberger, Staff Engineer

SUBJECT: Award Single Source Unit K-21 Native Landscape Management Contract to Applied Ecological Services, Inc., in an amount not to exceed \$256,680.

DATE: March 9, 2021

The Department of Public Works recommends award of the single source K-21 Native Landscape Management Contract to Applied Ecological Services, Inc. (AES), in an amount not to exceed \$256,680 (budget \$256,680).

The following tasks are included in this contract:

Native Vegetation Maintenance and New Installations at City Stormwater Ponds and Channels

- 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.
- Second phase planting of an “urban reforestation” area along the north side of Leona Pond.
- Maintain pond aerators.

In addition to work at DPW sites, the proposed contract amount includes an estimated \$6,220 of work at Facilities Department sites, to be paid by Facilities Department through interdepartmental agreement.

The Department of Public Works requests that the Utilities Committee approve a contract with AES, who was the 2017, 2018, 2019, 2020 contractor, for these services. This request is consistent with the approved 2021 stormwater budget, the March 15, 2017 Unit K-17 approval by the Common Council, and the March 2017 award memo by the Department of Public Works requesting use of AES as its consultant/contractor for native landscaping through 2021, subject to contractor performance in the prior year and annual contract approval.

AES performed well as the 2020 contractor, demonstrating good customer service, expertise, and cost-effectiveness. Proposed K-21 unit prices include a 3% unit price increase compared to the K-20 unit prices, which is in line with the proposed annual unit price adjustment in the original 2017 AES proposal.

Earlier this year, AES was purchased by Resource Environmental Solutions (RES), a Texas-based environmental restoration company. AES K-21 personnel and equipment are unaffected by this acquisition, and DPW staff anticipate no changes to the service provided. Contractually, AES has informed the DPW Staff they are now “RES Great Lakes, LLC dba Applied Ecological Services”.



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

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

TO: Chairperson Vered Meltzer and Members of the Utilities Committee

FROM: Utilities Director Chris Shaw

DATE: March 3, 2021

RE: *Award Contract Amendment #1 to AECOM for the America's Water Infrastructure Act Project in the amount of \$22,788*

BACKGROUND:

In 2020, the Appleton Water Utility (AWU) was required to perform a risk and resiliency assessment of the utility. The assessment was a requirement of the Environmental Protection Agency (EPA) and the Wisconsin Department of Natural Resources (WDNR). These federal and state requirements relied on industry performance standards that were adhered to by the AWU. AECOM was the consulting firm that managed the project elements and completed the computer modeling of natural and malevolent acts. The completed risk and resiliency assessment from the AWU was then received by the EPA in December, 2020.

Beyond the risk and resilience assessment report, an emergency response plan needs to be developed to address deficiencies found in 2020. This requirement will need to be submitted to the EPA and WDNR prior to June 30, 2021. City staff from Public Works, Finance, and Utilities that had partnered with AECOM in 2020 to complete the federal and state requirements would prefer to pursue completing the emergency response plan with AECOM. AECOM has fulfilled their base contract scope and has produced the foundational data to complete the emergency response plan. Due to the sensitive and secure nature of this work I will not be detailing the proposed scope.

FUNDING:

Funding for this project is found in the Treatment Administrative Program of the Water Utility Budget. Between 2020 and 2021 a total of \$145,000 has been budgeted for the now completed risk assessment and the proposed 2021 emergency response plan. The 2020 AECOM base contract was \$43,550 and this proposed amendment would authorize an additional \$22,788.

If you have any questions regarding the project please contact Chris Shaw at 832-2362.

ELECTED ALDERPERSON SALARIES

Council Date	Election Year	Salary	Benefits	Notes
11-07-2001	2002	No increase		
11-07-2001	2003	\$5636 – 3%		
10-16-2002	2004	No increase		
10-16-2002	2005	No increase		
12-03-2003	2006	No increase		
10-19-2005	2007	No increase		
11-01-2006	2008	No increase		
01-21-2008	2009	\$5805 – 3%		
07-02-2009	2010	No increase		
07-02-2009	2011	No increase		
10-20-2010	2012	No increase		
01-04-2012	2013	No increase		
03-20-2013	2014	No increase		
11-20-2013	2015	No increase	5.12% increase with parking pass	Added Parking passes \$297 annual (\$33@9months) effective with the April, 2015 election
9-17-2014	2016	\$5921 – 2%	6.89% increase with parking pass	Parking Pass \$408 annual (\$33@6 months & \$35@6 months)
11-09-2015	2017	\$5980 – 1%	1.1% increase with parking pass	Parking Pass \$420 annual
10/19/2016	2018	\$6129.50 – 2.5%	plus parking pass	
10/18/2017	2019	No increase		
11/7/2018	2020	No increase		
10/16/2019	2021	1.5% increase \$6221.44	Plus parking pass	HR Committee & Council meeting 11/6/19

2019

Municipality	Population	# of Council/Board	Salary	Benefits	Expense Account
Appleton	74,370	15	\$6,129	Parking pass	None
Eau Claire	<i>Did not report</i>				
Green Bay	105,139	12	\$9,887	Health, Dental, Deferred Comp	None
Janesville	<i>Did not report</i>				
Kenosha	99,877	17	\$6,000	None	\$50 per diem per 1/2 day; \$100 per diem per 6 hour day; \$50 per meeting; \$100 per month expense allowance; \$130 per month technology stipend
La Crosse	51,834	13	\$7,800.00	WRS, ICI, Section 125	Yes
Manitowoc	32,697	10	\$3,120.00	None	None
Neenah	26,137	9	\$5,280	None	None
Menasha	17,856	8	President \$5490; others \$5190	Workers compensation	Registration and Lodging for continued education/conferences/seminars
Oshkosh	66,665	7	\$5,000.06	Parking pass	None
Racine	<i>Did not report</i>				
Sheboygan	48,329	10	\$4,468	None	None
Waukesha	<i>Did not report</i>				
Wausau	39,114	11	\$5,354.96	None	None

County	Population	Board Members	Salary	Benefits	Expense Account
Brown	262,052	26	\$7,344	None reported	None reported
Calumet	<i>Did not report</i>				
Outagamie	187,029	36	Supervisors: \$5,555; Committee Chair: \$5,656; Board Vice Chair: \$7,070; Board Chair: \$13,635	See attachment	Supervisors: IRS per-mile rate; an additional per diem of \$25.00 per meeting at a maximum of \$25.00 per day; convention/seminar...reimb of registration fee, meals, and lodging. Meals are reimbursed at \$12.00, breakfast; \$18.00, lunch; \$31.00, dinner; \$61.00 total
Winnebago	168,000	36	Chair: \$5000; Vice-chair \$1500; per diems are \$50 per meeting, \$75 for a meeting over 4 hrs or multiple meetings on same day, \$75 for county board meeting.	None	Reimbursement for travel expenses with documentation



LEGAL SERVICES DIVISION

Office of the City Attorney

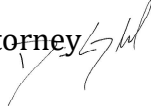
100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

To: Alderperson Maiyoua Thao, Chair
Alderperson Katie Van Zeeland
Members of the Human Resources/Information Technology Committee

From: Darrin M. Glad, Assistant City Attorney 

Date: February 23, 2021

Re: Alderperson Raises
Our File No. A19-1099

At your request, I have researched the authority for the deadline for increasing alderpersons' salaries. Wisconsin Statutes § 62.09(6)(am)2 prohibits changing alderperson salaries after the "earliest time for filing nomination papers for the office" and no changes can be made in the compensation during "the term of office for which the deadline applies."

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

- 1) For staggered salaries, the Council may establish alderpersons' salaries for Alderpersons in Districts 2, 4, 6, 8, 10, 12, and 14 for terms starting in April 2022 prior to December 1, 2021 and subsequently establish salaries for Alderpersons in Districts 1, 3, 5, 7, 9, 11, 13, and 15 who will begin their term in April 2023 prior to December 1, 2022; or,
- 2) For a single adjustment, establish the salary for all alderpersons seated on the Council in April 2023 prior to December 1, 2021.

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

February 2021

Municipality	Population	# of Council/ Board	Current 2021 Annual Salary
Appleton	74,139	15	\$6,129 (1.5% increase to \$6,221 April 2021)
Green Bay	104,777	12	\$9,887
Fond du Lac	43,151	7	\$5,000 annually, with Council President \$6,000 annually
Manitowoc	32,702	10	\$3,120.00
Neenah	25,967	9	\$5,280 annually, with Council President \$6,000 annually
Oshkosh	66,773	7	\$5,000.06
Sheboygan	48,327	10	\$4,468



March 2, 2021

To: Human Resources Committee
City of Appleton Common Council

From: Ron McDonald, General Manager

Subject: Request Authorization to Reclassify a Road Supervisor to a Transit Operations Supervisor

Valley Transit's Operations Division is primarily supervised by a Transit Operations Supervisor and a Road Supervisor for 18-hours each weekday and 16-hours on Saturday (106-weekly hours). It is my request to reclassify the Road Supervisor position to a Transit Operations Supervisor position.

A previous Transit Operations Supervisor position was reclassified to a Road Supervisor position prior to my arrival at Valley Transit. The Valley Transit team has attempted to work within the Road Supervisor classification for several years. This effort proves to be very difficult, if not impossible, to work within the constraints of a Road Supervisor position.

A glaring example of differing job duties calls for the Transit Operations Supervisor to supervise, counsel, and evaluate employees. The Road Supervisor is asked to provide oversight and assistance in the absence of "regular" supervisory staff. In this specific example, the Road Supervisor is expected to provide assistance rather than being responsible for supervision in its entirety.

It is in the best interest of Valley Transit and the City of Appleton to have both supervisor positions interchangeable. With the reclassification in place, Valley Transit can effectively assign duties based on the strengths of each individual rather than being limited to the restrictions afforded by the Road Supervisor job description.

Cost Analysis:

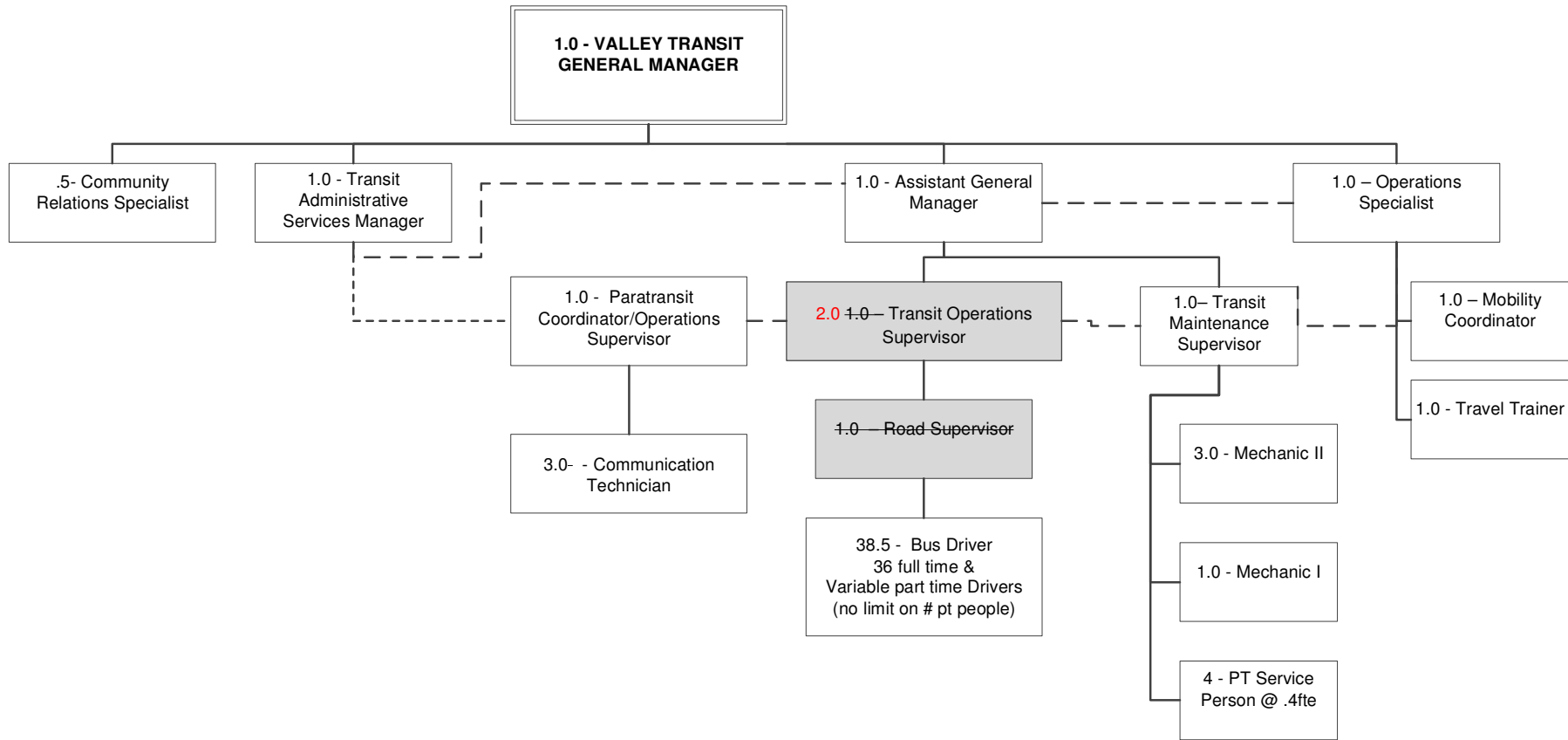
Reclassification to a Transit Operations Supervisor will increase the incumbent Road Supervisor's rate. The difference in top rate for an entire year is \$17,098. With that, the expense for the City of Appleton portion of the budget is estimated to be ~\$1,197 annually. Valley Transit will be able to fund this budget difference with savings related to vacant positions for the remainder of 2021.

Recommendation:

Authorization to reclassify the Road Supervisor position to a Transit Operations Supervisor position within the Table of Organization

Respectfully submitted by,

Ron McDonald



Draft 3/1/2021



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

Information Technology Department
100 N. Appleton Street
Appleton, WI 54911

MEMO

To: Alderperson Thao and Members of the HR / IT Committee
From: Dean J. Fox, Information Technology Director
Date: 3/10/2021

Re: Request to award Heartland Business Solutions the contract to purchase and implement a new Palo Alto Firewall high availability system. The amount requested is \$86,743 with a 10% contingency for a project total of \$95,417.

The CIP budget of \$100,000 includes funding to replace the Firewall Equipment and all licensing necessary.

An RFP went out in late December for a high availability firewall system to replace the outdated equipment which has reached end of life and 8 years old

The bids were as follows:

- Heartland Business Solutions \$86,743
- Nexum Inc \$107,187
- CDW Chose not to respond

In addition to the cost of all hardware, software and implementation, I requested all costs include 3 years of support, which is included in the above pricing.

I request your consideration and approval of a contract with Heartland Business Solutions as proposed. After considerable review, and multiple follow up questions, it has been determined due to the inclusive nature of the Heartland Palo Alto equipment solution, the cost included in the proposal, and the complete software package with it, that the Heartland response is the best solution for the next 7 years for the City of Appleton.

If you have any questions regarding this recommendation, please contact Dean Fox.



“...meeting community needs...enhancing quality of life.”

TO: Board of Health

FROM: Kurt Eggebrecht, Health Officer

DATE: 3/4/2021

RE: Code Section 9-52 Operation of premises licensed for retail sales

History

In October of 2016, the Board of Health voted to approve recommended ordinance language changes because of the 2015 Wisconsin Act 55. The Food, Safety, and Licensing section of the Department of Health Services as it was merged with the Division of Food Safety at the Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP), created a new “Division of Food and Recreational Safety” in WDATCP effective July 1, 2016. As a result of that merger, several existing city ordinances required modification to correct Wisconsin Administrative Code references.

With the merger, Wisconsin Local Public Health Departments that are agents for WDATCP learned that the attorney for WDATCP issued an opinion that affected the local health department’s (including ours) ability to license taverns that serve no food under our agent contracts with WDATCP.

The Board of Health at this time agreed with staff that it was important to maintain an inspection of taverns. To rectify this, taverns that serve no food were addressed in Sec 9-52, see attached ordinance – language in red.

Current

As a result, the Appleton Health Department continues to issue a local municipal health permit to taverns that do not serve food, as these establishments are exempted from state licensing requirements under our agent contract with WDATCP. This permit is issued under Appleton Municipal Code section 9-52(5) (*see attached*). It was recently determined that a change to this section is needed to clarify rules under which these establishments are regulated. Historically, the Health Department has always applied the Wisconsin Food Code (WI Administrative Code ATCP 75 – Appendix) to these establishments. These suggested revisions (*see attached*) will clarify this by specifically referencing the Wisconsin Food Code as the regulation to be enforced under this permit. The suggested language provided was prepared with the City Attorney’s Office.

Sec. 9-52. Operation of premises licensed for retail sales.

All class A and B retail licenses granted under this article shall be granted subject to the following conditions and all other conditions of this article, and subject to all other ordinances and regulations of the City applicable thereto:

- (1) Every applicant procuring a license thereby consents to the entry of police or other authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from the premises of all things and articles there in violation of City ordinances or state laws and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offense.
- (2) No retail licensee shall hire any person under twenty-one (21) years of age, except as modified by W.S.A. §125.07(4)(bm).
- (3) No gambling or games of chance shall be permitted upon the licensed premises. Dice, slot machines, or any other devices of chance are prohibited and shall not be kept upon the premises, except those permitted by law.
- (4) No premises for which a class B or class C retail license has been issued shall be permitted to remain open during the closing hours required by W.S.A. §125.32(3) or W.S.A. §125.68(4), and the premises shall be vacated during such hours.
- (5) Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. Effective July 1, 2017, taverns serving no food shall obtain a municipal health permit from the Health Department on an annual basis, pursuant to §9-190. Additionally, ~~the~~ Board of Health may make reasonable rules for the sanitation of all places of business possessing licenses under this article. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as this article and infraction thereof may be punished as a violation of this article.
- (6) A violation of this article by a duly authorized agent or employee of a licensee or permit holder shall constitute a violation by the licensee or permit holder.
- (7) Class "A" retail licensees shall not sell, dispense, give away or furnish, directly or indirectly, fermented malt beverages for consumption off the premises between 12 midnight and 8:00 a.m., Central Standard Time. "Class A" retail licensees shall not sell, dispense, give away or furnish, directly or indirectly, intoxicating liquors including wine for consumption off the premises between 9:01 p.m. and 8:00 a.m., Central Standard Time.
- (8) Class B or class C retail licensees shall not sell, dispense, give away or furnish directly or indirectly fermented malt beverages or intoxicating liquors for consumption off the premises between 12:01 a.m. and 8:00 a.m., Central Standard Time.
- (9) *Abandonment or non-use.* Any licensee granted or issued a license to sell alcohol beverages that abandons such business shall forfeit any right or preference the licensee may have to the holding or renewal of such license. Abandonment shall be sufficient grounds for revocation or non-renewal of any alcohol beverage license. In this section "abandon" and "abandonment" shall mean a continuing refusal or failure of the licensee to use the license for the purpose or purposes for which the license was granted by the city council for a period of one (1) year. The Common Council may, for good cause shown, extend such period.
- (10) A retail class A, B or C license shall not be granted to any applicant whereby the applicant had been convicted of selling alcoholic beverages without the proper retail license within the last eighteen (18) months.

Sec. 9-52. Operation of premises licensed for retail sales.

All class A and B retail licenses granted under this article shall be granted subject to the following conditions and all other conditions of this article, and subject to all other ordinances and regulations of the City applicable thereto:

- (5) Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. Effective July 1, 2017, taverns serving no food shall obtain a municipal health permit from the Health Department on an annual basis, pursuant to Sec. 9-190. For the purposes of this section, taverns issued a license under this section are included in the definition of Food Establishment as defined in ATCP 75 Appendix and shall be subject to and comply with the applicable provisions of ATCP 75 Appendix, unless otherwise stated herein. Additionally, the Board of Health may make additional reasonable rules for the sanitation of all places of business possessing licenses under this article. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as this article and infraction thereof may be punished as a violation of this article.

(Ord 78-16, §1, 11-8-16)

Sec. 9-52. Operation of premises licensed for retail sales.

All class A and B retail licenses granted under this article shall be granted subject to the following conditions and all other conditions of this article, and subject to all other ordinances and regulations of the City applicable thereto:

- (1) Every applicant procuring a license thereby consents to the entry of police or other authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from the premises of all things and articles there in violation of City ordinances or state laws and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offense.
- (2) No retail licensee shall hire any person under twenty-one (21) years of age, except as modified by W.S.A. §125.07(4)(bm).
- (3) No gambling or games of chance shall be permitted upon the licensed premises. Dice, slot machines, or any other devices of chance are prohibited and shall not be kept upon the premises, except those permitted by law.
- (4) No premises for which a class B or class C retail license has been issued shall be permitted to remain open during the closing hours required by W.S.A. §125.32(3) or W.S.A. §125.68(4), and the premises shall be vacated during such hours.
- (5) Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. Effective July 1, 2017, taverns serving no food shall obtain a municipal health permit from the Health Department on an annual basis, pursuant to §9-190. Additionally, ~~¶~~The Board of Health may make reasonable rules for the sanitation of all places of business possessing licenses under this article. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as this article and infraction thereof may be punished as a violation of this article.
- (6) A violation of this article by a duly authorized agent or employee of a licensee or permit holder shall constitute a violation by the licensee or permit holder.
- (7) Class “A” retail licensees shall not sell, dispense, give away or furnish, directly or indirectly, fermented malt beverages for consumption off the premises between 12 midnight and 8:00 a.m., Central Standard Time. “Class A” retail licensees shall not sell, dispense, give away or furnish, directly or indirectly, intoxicating liquors including wine for consumption off the premises between 9:01 p.m. and 8:00 a.m., Central Standard Time.
- (8) Class B or class C retail licensees shall not sell, dispense, give away or furnish directly or indirectly fermented malt beverages or intoxicating liquors for consumption off the premises between 12:01 a.m. and 8:00 a.m., Central Standard Time.
- (9) **Abandonment or non-use.** Any licensee granted or issued a license to sell alcohol beverages that abandons such business shall forfeit any right or preference the licensee may have to the holding or renewal of such license. Abandonment shall be sufficient grounds for revocation or non-renewal of any alcohol beverage license. In this section “abandon” and “abandonment” shall mean a continuing refusal or failure of the licensee to use the license for the purpose or purposes for which the license was granted by the city council for a period of one (1) year. The Common Council may, for good cause shown, extend such period.
- (10) A retail class A, B or C license shall not be granted to any applicant whereby the applicant had been convicted of selling alcoholic beverages without the proper retail license within the last eighteen (18) months.

DIVISION 2. RETAIL FOOD ESTABLISHMENTS*

Sec. 9-216. Definitions.

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

Food means articles used for food or drink by persons, chewing gum, and articles used as components of food.

Retail food establishment means an establishment required to be licensed under W.S.A. §97.30, and all other commercial enterprises, fixed or mobile, where food is processed or sold or offered for sale at retail. The term shall also include all areas and facilities of such establishments used in conjunction therewith and all vehicles and equipment utilized in conjunction therewith. It includes retail grocery stores; meat markets; poultry markets; fish markets; delicatessens; bakeries; confectioneries; ice cream shops; cheese stores; convenience marts; milk cases; spice and herb shops; ~~temporary-mobile~~ retail food establishments; and all other establishments where food is processed or sold or offered for sale at retail.

Sec. 9-219. State sanitation regulations adopted.

All retail food establishments and licenses under this division shall be subject to and comply with the provisions of Wisconsin Administrative Code, Sections ATCP 75.01 through ATCP 75.~~1205~~, which are hereby adopted by reference and incorporated as part of this division.

DIVISION 3. RESTAURANTS AND OTHER PUBLIC EATING AND DRINKING ESTABLISHMENTS

Sec. 9-236. Definition.

For purposes of this division, public eating and drinking establishment shall mean any premises as defined by Wisconsin Administrative Code, ~~DHS-ATCP §19675.03(5)~~, and shall also mean any restaurant, coffee shop, cafeteria, caterer, luncheonette, ~~tavern~~, sandwich stand and all other catering ~~and drinking~~ establishments, as well as kitchens and other places where food or drink is prepared, served or sold to the public for human consumption.

Sec. 9-238. State sanitation regulations adopted.

All restaurants and licensees under this division shall be subject to and comply with the provisions of Wisconsin Administrative Code, sections ~~DHS-ATCP 19675.01~~ through ~~DHSATCP-19675.112~~, which are hereby adopted by reference and incorporated as part of this division.

DIVISION 2. BED AND BREAKFAST ESTABLISHMENTS*

Sec. 9-323. State sanitation regulations adopted.

All bed and breakfast establishments and licensees under this division shall be subject to and comply with Wisconsin Administrative Code, ~~DHS-ATCP §19773.01~~ through ~~DHSATCP §19773.15~~, which are hereby adopted by reference and incorporated as part of this division.

DIVISION 3. HOTELS, MOTELS AND TOURIST ROOMING HOUSES*

Sec. 9-343. State sanitation regulations adopted.

All hotels, motels and tourist rooming houses and licensees under this division shall be subject to and comply with the provisions of Wisconsin Administrative Code, ~~DHSATCP §19572.01~~ through ~~DHSATCP~~

§~~49572~~.16, which are hereby adopted by reference and incorporated as part of this division.

ARTICLE XII. PUBLIC SWIMMING POOLS*

Sec. 9-680. Right of entry; testing of samples.

The Health Officer may enter any establishment required to be licensed in this article at all reasonable times to inspect the premises, secure samples or specimens, examine and copy documents, obtain photographs, or take any other action he deems necessary to properly enforce the provisions of applicable laws regulating such business or activity. Samples of water from any licensed premises may be taken and examined by the Health Officer at such time as he deems necessary, for detection of microbiological quality, chemical disinfection, or any other enforcement purposes. Standards and definitions set forth in Wisconsin Administrative Code ~~DHS-ATCP~~ §~~17276~~ are hereby adopted as reference and incorporated as part of this section.

Sec. 9-684. State sanitation regulations adopted.

All public swimming pools and licensees under this article shall be subject to and comply with the provisions of Wisconsin Administrative Code, SPS 390 or ~~DHS-ATCP~~ §~~17276~~ as applicable.

Sec. 9-685. Authority to close pools.

In addition to the closing criteria set forth in Wisconsin Administrative Code, ~~DHS-ATCP~~ §~~17276~~, the Health Officer may order any public swimming pool closed if the following conditions exist:

- (1) Bacteriological or chemical analysis of water samples exceeds those standards listed in Wisconsin Administrative Code, ~~DHS-ATCP~~ §~~17276~~.30 or the presence of *Pseudomonas aeruginosa* or any other microbiological pathogen capable of transmitting a communicable disease is detected; or
- (2) Any imminent health or safety hazard is identified.

DIVISION 2. RECREATIONAL AND EDUCATIONAL CAMPS

Sec. 9-798. State sanitation regulations adopted.

All recreational and educational camps and licenses under this division shall comply with Wisconsin Administrative Code ~~DHS-ATCP~~ §~~17578~~.01 through §~~17578~~.22, which are hereby adopted by reference and incorporated as part of this division.

DIVISION 3. CAMPGROUNDS

Sec. 9-814. State sanitation regulations adopted.

All campgrounds under this division shall comply with Wisconsin Administrative Code ~~DHS-ATCP~~ §~~17879~~.01 through ~~DHS-ATCP~~ §~~17879.2127~~, which are hereby adopted by reference and incorporated as part of this division.

ARTICLE XVIII. TATTOO AND BODY PIERCING ESTABLISHMENTS

Sec. 9-850. Authority and purpose

(a) This chapter is promulgated under the authority of Wis. Stats. §~~252.23(4)~~, ~~§252.24(4)~~ and §~~252.245(9)~~~~463.16~~ for the purpose of regulating tattooists, tattoo establishments, body piercers and body piercing establishments in order to protect public health and safety.

(b) ***State sanitation regulations adopted.*** All tattoo and body piercing establishments, practitioners, and licenses under this division shall be subject to and comply with the provisions of Wis. Admin. Code, ~~Sees. DHS SPS §173.01 through DHS §173.17221~~, which are hereby adopted by reference and incorporated as part of this division.

Sec. 9-851. Definitions.

Agent means a local health department serving a population greater than five thousand (5,000) which is designated by the Wisconsin Department ~~of Health and Family Services~~ ***Safety and Professional Services*** under a written agreement authorized by Wis. Stat. §252.245(1), to issue licenses to and make investigations or inspections of tattooists, tattoo establishments, body piercers and body piercing establishments.

Antiseptic means a chemical that kills or inhibits the growth of organisms on skin or living tissue.

Approved means acceptable to the department based on its determination of conformance to this chapter and good public health practices.

Autoclave means an apparatus that is registered and listed with the Federal Food and Drug Administration for sterilizing articles by using superheated steam under pressure.

Body pierce, as a verb, means to perforate any human body part or tissue, except an ear, and to place a foreign object in the perforation to prevent the perforation from closing.

Body piercer means a person who performs body piercing on another person at that person's request.

Body piercing means perforating any human body part of tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.

Body piercing establishment means the permanent premises where a body piercer performs body piercing and is in business for more than seven (7) consecutive days in a license year.

Branding means the burning of skin with a hot tool, cauterizing laser or dry ice so that a mark is imbedded in the deep tissue.

Cleaning means the removal of foreign material from objects, normally accomplished with detergent, water and mechanical action.

Department means the Wisconsin Department of Health and Family Services.

Disinfectant means a chemical that is capable of destroying disease-causing organisms on inanimate objects, with the exception of bacterial spores.

Health Officer means and includes the Health Officer or authorized agent of the Health Officer.

Hot water means water at a temperature of 110°F, or higher.

Implantation means the insertion of an object under the skin, so that it remains under the skin, in whole or in part, after the procedure. This definition shall not apply to the post used in body piercing to keep the perforation from closing.

Local health department means an agency of local government that takes any of the forms specified in Wis. Stats. §250.01(4), specifically the City of Appleton Health Department.

Operator means the owner or person responsible to the owner for the operation of a tattoo or body-piercing

establishment.

Patron means a person receiving a tattoo or body piercing.

Practitioner means a tattooist or body piercer.

Premises means a building, structure, area or location where tattooing or body piercing is performed.

Scarification means the cutting of the skin so that when it heals, scar tissue remains.

Sharps waste means waste that consists of medical equipment or clinical laboratory articles that may cause punctures or cuts, such as hypodermic needles, syringes with attached needles and lancets, whether contaminated, unused or disinfected.

Single use means a product or item that is disposed of after one use, such as a razor, a needle, a cotton swab, a tissue or paper product, a paper of soft plastic cup, or gauze or other sanitary covering.

Sterilization means the killing of all organisms and spores through use of an autoclave operated at a minimum of 250°F (121°C) at a pressure of at least fifteen (15) pounds per square inch for not less than thirty (30) minutes or through use of an autoclave approved by the department that is operated at different temperature and pressure levels but is equally effective in killing all organisms and spores.

Tattoo, as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin.

Tattoo establishment means the permanent premises where a tattooist applies a tattoo to another person and is in business for more than seven (7) consecutive days in a license year.

Tattooist means a person who tattoos another person at that person's request.

Tempered water means water ranging in temperature from 85°F to less than 110°F.

Temporary establishment means a single building, structure, area or location where a tattooist or body piercer performs tattooing or body piercing for a maximum of seven (7) days per license year.

DIVISION 2. LICENSES

Sec. 9-862. Application for practitioner license.

(a) **Requirements.**

- (1) No person may tattoo or body pierce another person, use or assume the title of tattooist or body piercer or designate or represent himself or herself as a body piercer unless the person has obtained a license from the ~~local health department by~~ Department of Safety and Professional Services and also completing an application made upon a form furnished by the local health department. An application submitted to the local health department shall ~~be accompanied by the required fee~~ conform with the requirements set forth in 9-880.
- (2) No person shall engage in the practice of tattooing and/or body piercing except in a permanent licensed tattoo and/or body-piercing establishment.

(b) Reciprocity within the State of Wisconsin will be recognized upon receipt of proof that the local requirements as set forth in this article are met by the applicant.

DIVISION 4. HEALTH AND SANITARY REQUIREMENTS

Sec. 9-880. Requirements.

Prior to ~~license~~ approval, all practitioners shall provide proof that they are negative for Hepatitis B and C, as demonstrated by documentation of negative results for HbsAG and anti-HCV tests, as confirmed by a practicing physician. The expenses of the testing and examination shall be paid by the practitioner.
(Ord 63-09, §1, 5-26-09)

Sec. 9-885. Equipment.

(a) All surfaces, counters and general use equipment in the tattoo or body piercing area shall be cleaned and disinfected before a patron is seated.

(b) All inks and pigments shall be obtained from sources generally recognized as safe. Information indicating the sources of all inks and pigments shall be available to the local health department or agent upon request. Sterile single-use or sterile individual containers of pigment or ink shall be used for each patron. No pigment or ink in which needles were dipped may be used on another person. Pigment and ink cups shall be for single-patron use. All bulk materials used for the procedure shall be dispensed with single-use utensils. The remainder of dispensed portions shall be disposed of after application.

(c) Needles, bars and tubes shall be construed in a manner that permits easy cleaning and sterilizing.

(d) No tattooist shall use and no tattoo establishment shall permit the use of solder which contains lead to be used to fasten needles.

(e) Acetate tattoo stencils shall be single-use.

(f) No body piercer may use a piercing gun or similar device for body piercing a patron unless such piercing gun is disposable, sterile, and for single patron use only or is sterilized between each use as set forth in Wis. Admin. Code Sec. ~~DHS SPS173221~~.03(20).

Sec. 9-52. Operation of premises licensed for retail sales.

All class A and B retail licenses granted under this article shall be granted subject to the following conditions and all other conditions of this article, and subject to all other ordinances and regulations of the City applicable thereto:

- (5) Each premises shall be conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used. Effective July 1, 2017, taverns serving no food shall obtain a municipal health permit from the Health Department on an annual basis, pursuant to Sec. 9-190. For the purposes of this section, taverns issued a license under this section are included in the definition of Food Establishment as defined in ATCP 75 Appendix and shall be subject to and comply with the applicable provisions of ATCP 75 Appendix, unless otherwise stated herein. Additionally, the Board of Health may make additional reasonable rules for the sanitation of all places of business possessing licenses under this article. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as this article and infraction thereof may be punished as a violation of this article.

(Ord 78-16, §1, 11-8-16)

7-21

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 3/17/2021)

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

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

To rezone lands located at Tax Id #31-6-1808-00 (2501 North Meade Street), including to the centerline of the adjacent right-of-way, from C-2 General Commercial District to R-1B Single-family District. (Rezoning #2-21 – Wisconsin Electric Power Company, owner on behalf of the applicant, Greater Fox Cities Area Habitat for Humanity)

LEGAL DESCRIPTION:

The E63FT OF S110FT OF BLK 1 PARKDALE PLAT, City of Appleton, Outagamie County, Wisconsin, including to the centerline of the adjacent right-of-way.

COMMON DESCRIPTION:

2501 North Meade 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 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.