



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, December 15, 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

[21-1706](#) Common Council Meeting Minutes of December 1, 2021

Attachments: [CC Minutes 12-1-21.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[21-1727](#) Election Inspector Appointments 2022-2023 Election Cycle

Attachments: [Election Inspector Appointments 2022-2023 Term.pdf](#)

[21-1734](#) Committee Appointments & Reappointments

Attachments: [Committee Appointments 12'15'2021.pdf](#)

[21-1730](#) COVID-19 Report

Attachments: [COVID -19 Common Council Update 12152021.pdf](#)

- H. PUBLIC PARTICIPATION
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[21-1578](#) Proposed changes to Municipal Code Section 9, Division 3-Central Business District Street Vendors.

Attachments: [Municipal Code Section 9 Division 3 changes.pdf](#)
[List of Business on College Ave that serve food .pdf](#)

Legislative History

11/8/21	Municipal Services Committee	recommended for approval
11/17/21	Common Council	referred to the Municipal Services Committee
11/22/21	Municipal Services Committee	held
12/6/21	Municipal Services Committee	recommended for approval

Fenton moved, seconded by Prohaska, to be amended "No sales shall be made within fifty (50) feet of the main entrance of a licensed food establishment during the hours said business is open unless written permission is granted". Roll Call. Motion fails by the following vote:

*Aye: Fenton, Prohaska
 Nay: Firkus, Siebers, Doran*

Siebers moved, seconded by Prohaska to hold until next Municipal Services Committee meeting. Roll Call. Motion fails by the following vote:

*Aye: Fenton, Siebers
 Nay: Prohaska, Firkus, Doran*

Motion by Prohaska to amend from 4 to 6 food trucks failed for lack of second.

Siebers moved, seconded by Prohaska to call the question. Roll Call. Motion carried by the following vote:

Aye: Firkus, Prohaska, Doran, Fenton & Siebers

[21-1666](#) Approve Department of Public Works 2022 Fee Schedules.

Attachments: [Dept. of Public Works 2022 Fee Schedule.pdf](#)

Legislative History

12/6/21	Municipal Services Committee	recommended for approval
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[21-1667](#) Approve proposed changes to Municipal Code Chapter 15 Solid Waste and Recycling to correspond with operational changes previously approved at Council.

Attachments: [Changes to Municipal Code Chaper 15.pdf](#)

Legislative History

12/6/21	Municipal Services Committee	recommended for approval
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[21-1668](#) Award 2022 Contract for Operation, Maintenance, Monitoring and Passive Vent Improvements at the Closed City of Appleton Landfill to SCS Engineers, in an amount not to exceed \$218,393.

Attachments: [2022 Contract for Operations, Maint-Closed Appleton Landfill .pdf](#)

Legislative History

12/6/21	Municipal Services Committee	recommended for approval
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[21-1689](#) Request from AT&T for a permanent street occupancy permit to install a 5.5' x 5.5' x 3' utility cabinet in the Henry Street right-of-way near Buchanan Street.

Attachments: [AT&T permanent street occ.-Henry Street.pdf](#)

Legislative History

12/6/21	Municipal Services Committee	recommended for approval
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[21-1691](#) Approve changes to City of Appleton Brush Collection Policy.

Attachments: [Brush Collection Policy.pdf](#)

Legislative History

12/6/21	Municipal Services Committee	recommended for approval
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[21-1692](#) Approve changes to City of Appleton Annual Leaf Collection Policy.

Attachments: [Annual Leaf Collection Policy.pdf](#)

Legislative History

12/6/21	Municipal Services Committee	recommended for approval
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[21-1693](#) Approve 2022 Sole Source Purchase Request for various traffic equipment and technologies.

Attachments: [2022 Sole Source Purchase Request.pdf](#)

Legislative History

12/6/21 Municipal Services recommended for approval
 Committee

[21-1696](#)

Lawrence Street, from Appleton Street to Durkee Street, be reconstructed with concrete pavement and curb and gutter. The details of the proposed Lawrence Street reconstruction project are as follows:

Appleton St - Oneida St:

- New concrete pavement constructed to a width of 58' from back of curb to back of curb, which is 22' wider than the existing street within this portion of the project.
- 1 travel lane in each direction
- Dedicated left turn lane at Appleton Street for westbound traffic
- Dedicated bike lanes along both sides of the street
- Parallel on-street parking along both sides of the street
- Proposed streetscape elements per Downtown Streetscape Design Guide
- Raised intersection @ Oneida Street

Oneida St - Morrison St:

- New concrete pavement to be constructed to a width of 50' from back of curb to back of curb, which is 9' wider than the existing street within this portion of the project.
- 1 travel lane in each direction
- Dedicated bike lanes along both sides of the street
- Parallel on-street parking along both sides of the street
- Proposed streetscape elements per Downtown Streetscape Design Guide
- Raised intersection @ Morrison Street

Morrison St - Durkee St:

- New concrete pavement to be constructed to a width of 55' from back of curb to back of curb, which is 14' wider than the existing street within this portion of the project.
- 1 travel lane in each direction
- Dedicated bike lanes along both sides of the street
- Back-in angled parking along the north side of the street
- Parallel on-street parking along the south side of the street
- Proposed streetscape elements per Downtown Streetscape Design Guide
- Raised intersection @ Durkee Street

Legislative History

12/6/21 Municipal Services recommended for approval
 Committee

[21-1697](#)

Oneida Street, from Lawrence Street to College Avenue, be reconstructed with concrete pavement and curb & gutter. The details of the proposed Lawrence Street reconstruction project are as follows:

- New concrete pavement to be constructed to a width of 38' from back of curb to back of curb, which is 4' narrower than the existing street within this portion of the project.
- 1 travel lane in each direction
- Parallel on-street parking along both sides of the street
- 2 marked mid-block crosswalks
- Proposed streetscape elements per Downtown Streetscape Design Guide

Legislative History

12/6/21 Municipal Services recommended for approval
 Committee

[21-1698](#)

Morrison Street, from Lawrence Street to Washington Street, be reconstructed with concrete pavement and curb and gutter. The details of the proposed Morrison Street reconstruction project are as follows:

Lawrence St - College Ave:

- New concrete pavement constructed to a width of 38' from back of curb to back of curb, which is 4' narrower than the existing street within this portion of the project.
- 1 travel lane in each direction
- Shared bike lanes
- Parallel on-street parking along both sides of the street
- Proposed streetscape elements per Downtown Streetscape Design Guide
- 2 marked mid-block crosswalks

College Ave -Washington St:

- New concrete pavement constructed to a width of 38' from back of curb to back of curb, which is 4' narrower than the existing street within this portion of the project.
- 1 travel lane in each direction
- Shared bike lanes
- Parallel on-street parking along both sides of the street
- Proposed streetscape elements per Downtown Streetscape Design Guide
- 1 marked mid-block crosswalk

Legislative History

12/6/21

Municipal Services
Committee

recommended for approval

[21-1699](#)

Durkee Street, from 200' south of Lawrence Street to Washington Street, be reconstructed with concrete pavement and curb and gutter. The details of the proposed Durkee Street reconstruction project are as follows:

200' south of Lawrence St - Lawrence St:

- New concrete pavement constructed to a width of 38' from back of curb to back of curb, which is the same width as the existing street within this portion of the project.
- New concrete sidewalk extended to the south limits of the project along the east side of the street
- 1 travel lane in each direction
- Parallel on-street parking along both sides of the street
- Proposed streetscape elements per Downtown Streetscape Design Guide
- Cul-de-sac at south end of the block

Lawrence St - College Ave:

- New concrete pavement constructed to a width of 38' from back of curb to back of curb, which is 5' wider than the existing street within this portion of the project.
- 1 travel lane in each direction
- Shared bike lanes
- Parallel on-street parking along both sides of the street
- Proposed streetscape elements per Downtown Streetscape Design Guide

College Ave -Washington St:

- New concrete pavement constructed to a width of 38' from back of curb to back of curb, which is 7' narrower than the existing street within this portion of the project.
- 1 travel lane in each direction
- Shared bike lanes
- Parallel on-street parking along both sides of the street
- Proposed streetscape elements per Downtown Streetscape Design Guide
- 1 marked mid-block crosswalk

Legislative History

12/6/21

Municipal Services
Committee

recommended for approval

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[21-1345](#)

Class "A" Beer and "Class A" Liquor License application for Tee Tees Nachos LLC, Timasha Thornton, Agent, located at 550 N Morrison St #C, contingent upon approval from all departments.

Attachments: [Tee Tees Nachos LLC Class A Combo.pdf](#)
[StaffReport PaintCraft Studio SUP For12-8-21.pdf](#)

Legislative History

10/13/21	Safety and Licensing Committee	recommended for approval
10/20/21	Common Council	referred to the Safety and Licensing Committee
10/27/21	Safety and Licensing Committee	recommended for denial
11/3/21	Common Council	referred to the Safety and Licensing Committee
12/8/21	Safety and Licensing Committee	recommended for approval

[21-1439](#)

Class "B" Beer License application for Tee Tee's Nachos LLC d/b/a Tee Tee's Nachos, Timasha Thornton, Agent, located at 550 N Morrison St Suite D, contingent upon approval from all departments.

Attachments: [Tee Tees Nachos LLC Class B Beer.pdf](#)
[StaffReport PaintCraft Studio SUP For12-8-21.pdf](#)

Legislative History

10/27/21	Safety and Licensing Committee	held
12/8/21	Safety and Licensing Committee	recommended for approval

[21-1543](#)

"Class A" Liquor License application for SG Petroleums LLC d/b/a SG Petroleums and Change of Agent to Sudhansh Goel, located at 2811 E Newberry St.

Attachments: [SG Petroleums.pdf](#)

Legislative History

12/8/21	Safety and Licensing Committee	recommended for approval
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[21-1567](#)

Class "A" Beer and "Class A" Liquor License Change of Agent application for Walgreens Co d/b/a Walgreens #02921, Stephanie Schroeder, New Agent, located at 1901 S Oneida St.

Attachments: [Stephanie S Schroeder S&L.pdf](#)

Legislative History

12/8/21	Safety and Licensing Committee	recommended for approval
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[21-1597](#) 2022 Secondhand Article, Secondhand Jewelry and Pawnbroker License renewal applications, contingent upon approval from all departments.

Attachments: [2022 Secondhand Renewals.pdf](#)

Legislative History

12/8/21	Safety and Licensing Committee	recommended for approval
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[21-1700](#) Resolution #16-R-21 Alcohol License Demerit Point System

Attachments: [#16-R-21 Alcohol License Demerit Points.pdf](#)

Legislative History

12/8/21	Safety and Licensing Committee	recommended for approval
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3. MINUTES OF THE CITY PLAN COMMISSION

[21-1553](#) Request to approve Special Use Permit #3-21 for a paint/craft studio with alcohol sales and service located at 550 North Morrison Street, Unit D - Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_PaintCraft Studio_SUP_For11-10-21.pdf](#)
[StaffReport_PaintCraft Studio_SUP_For12-8-21.pdf](#)

Legislative History

11/10/21	City Plan Commission	held
12/8/21	City Plan Commission	recommended for approval

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[21-1687](#) Action Item: Approval of Select Photos Received From the Rhythms of the World Event to be Placed in the Welcome Tower in Houdini Plaza

Attachments: [Rythms of the World Photos.pdf](#)

5. MINUTES OF THE FINANCE COMMITTEE

[21-1688](#) Request to approve write off \$17,559.48 of accounts receivable invoices and \$35,256.24 of personal property taxes (outstanding over one year).

Attachments: [Finance Committee - PP Write-off List 2021.pdf](#)
[Finance Committee - AR Write-off List 2021.pdf](#)

[21-1701](#) Request to award Unit G-20 Sequoia Drive Sewer, Water, Grade & Gravel to Carl Bowers & Sons Construction Co., Inc in the amount of \$801,025 with a 5% contingency of \$40,000 for a project total not to exceed \$841,025

Attachments: [Award of Contract - Unit G-20.pdf](#)

[21-1702](#) Request to approve Contract Amendment / Change Order No. 1 to contract 31-21, Unit B-21 Asphalt Pavement Reconstruction, for additional final measured concrete, curb & gutter, and sidewalk quantities for Summer Street in the amount of \$34,000. This change order reduces contingency from \$45,625 to \$31,625. Overall contract amount increases from \$1,757,773 to \$1,777,773

Attachments: [Unit B-21 Change Order No. 1.pdf](#)

[21-1731](#) Request to award the City of Appleton's contract for rental and cleaning of uniforms and related items to Aramark Uniform Services

Attachments: [Finance Committee - 2022 Uniform Award Memo.pdf](#)

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

7. MINUTES OF THE UTILITIES COMMITTEE

[21-1634](#) Approve update to Municipal Code Chapter 20, Article II Water Utility, creating new Section 20-44 Lead and Galvanized Water Service Line Replacement.

Attachments: [0028 - Sec 20-44 - Lead Pipe Replacement.pdf](#)

Legislative History

12/7/21 Utilities Committee recommended for approval

[21-1660](#) Award of 2022A Stormwater Consulting Services Contract for 2022 Stormwater Management Plan Reviews to Brown and Caldwell in an amount not to exceed \$47,500.

Attachments: [2022A Plan Review Award Util Memo BC.pdf](#)

Legislative History

12/7/21 Utilities Committee recommended for approval

[21-1661](#) Award of 2022B Stormwater Consulting Services Contract for 2022 Stormwater Management Plan Reviews to raSmith in an amount not to exceed \$47,500.

Attachments: [2022B Plan Review Award Util Memo raSmith.pdf](#)

Legislative History

12/7/21 Utilities Committee recommended for approval

[21-1662](#) Amend 2020D Stormwater Consulting Services Contract for the City-wide Stormwater Management Plan Update with Brown and Caldwell by an increase of \$14,430 for a total contract amount not to exceed \$214,411.

Attachments: [2020D Citywide SWMP Update BC Amendment Memo Util Cmte.pdf](#)

Legislative History

12/7/21 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[21-1652](#) Request to approve the 2022 Non Represented salary schedule with a 1.25% increase.

Attachments: [2022 Non Rep Salary Schedule.pdf](#)

Legislative History

12/8/21 Human Resources & Information Technology Committee recommended for approval

[21-1653](#) Request to approve the 2022 Seasonal salary schedule with a 1.25% increase.

Attachments: [2022 Seasonal pay plan.pdf](#)

Legislative History

12/8/21 Human Resources & Information Technology Committee recommended for approval

[21-1654](#) Approve exception to the Salary Administration Policy to allow for a 2.5% across the board adjustment in lieu of pay for performance for year-end 2021.

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

Legislative History

12/8/21 Human Resources & Information Technology Committee recommended for approval

[21-1656](#) Request to eliminate the Attendance Policy and incorporate language into the Code of Conduct Policy.

Attachments: [Code of Conduct policy.pdf](#)
[Attendance Policy.pdf](#)

Legislative History

12/8/21	Human Resources & Information Technology Committee	recommended for approval
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[21-1658](#) Request to eliminate current Travel Policy and replace with TravelWise Guidelines

Attachments: [Travel Wise Guidelines 2021.pdf](#)
[Travel Policy FINAL.pdf](#)

Legislative History

12/8/21	Human Resources & Information Technology Committee	recommended for approval
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9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[21-1672](#) Certify Public Transportation Agency Safety Plan (PTASP)

Attachments: [VT PTASP 12.1.21.pdf](#)

Legislative History

12/7/21	Fox Cities Transit Commission	recommended for approval
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[21-1673](#) Approve changes to Valley Transit Drug and Alcohol Policy

Attachments: [Valley Transit Drug Alcohol Policy.pdf](#)

Legislative History

12/7/21	Fox Cities Transit Commission	recommended for approval
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[21-1674](#) Approve the Intermunicipal Agreement with Outagamie County for Specialized Transportation Services for 2022 Contingent on Outagamie County Approval

Attachments: [OUTAGAMIE CONTRACT - 2022.pdf](#)

Legislative History

12/7/21	Fox Cities Transit Commission	recommended for approval
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- [21-1675](#) Approve the Intermunicipal Agreement with Winnebago County for Specialized Transportation Services for 2022 Contingent on Winnebago County Approval

Attachments: [WINNEBAGO CONTRACT - 2022.pdf](#)

Legislative History

12/7/21 Fox Cities Transit Commission recommended for approval

- [21-1676](#) Approve the Intermunicipal Agreement with Calumet County for Specialized Transportation Services for 2022 Contingent on Calumet County Approval

Attachments: [CALUMET CONTRACT - 2022.pdf](#)

Legislative History

12/7/21 Fox Cities Transit Commission recommended for approval

- [21-1677](#) Approve the Intermunicipal Agreement with the City of Neenah and the Village of Fox Crossing for the Northern Winnebago Dial-A-Ride Service for 2022 Contingent on City of Neenah and the Village of Fox Crossing Approval

Attachments: [NW Dial-A-Ride - 2022.pdf](#)

Legislative History

12/7/21 Fox Cities Transit Commission recommended for approval

- [21-1678](#) Approve 2022 - 2023 Federal Section 5310 Sub-recipient Contract

Attachments: [FCTC Approve Federal Section 5310 Sub-recipient Contract rate.pdf](#)
[2022 - 2023 5310 GRANT AGREEMENT LSS final.pdf](#)

Legislative History

12/7/21 Fox Cities Transit Commission recommended for approval

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

- [21-1707](#) Ordinances #80-21 and #81-21

Attachments: [Ordinances going to Council 12-15-21.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
 - [21-1728](#) Approve cancellation of January 5, 2022 Common Council meeting
- S. ADJOURN

Kami Lynch, City Clerk

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

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



City of Appleton

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

Meeting Minutes - Final Common Council

Wednesday, December 1, 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 Reed.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Alderperson Martin appeared virtually.

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 Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska, Alderperson Chad Doran and Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All Departments were represented.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[21-1645](#)

Common Council Meeting Minutes of November 17, 2021

Attachments: [CC Minutes 11-17-21.pdf](#)

Alderperson Prohaska moved, seconded by Alderperson Hartzheim, 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 Michael Smith, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Joe Prohaska and Alderperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[21-1646](#) Public Health Thank You Day Proclamation

Attachments: [Public Health Thank You Day Proclamation.pdf](#)

[21-1647](#) COVID-19 Report

Attachments: [COVID-19 Common Council Update 12012021.pdf](#)

H. PUBLIC PARTICIPATION

There was no one signed up to speak during Public Participation.

I. PUBLIC HEARINGS

[21-1614](#) Public Hearing for Rezoning #13-21 Spartan Drive (Right-of-Way) Annexation from Temporary AG Agricultural District to P-I Public Institutional District

Attachments: [RZ #13-21 Notice of Public Hearing.pdf](#)

The public hearing was held, no one spoke during the hearing.

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Aldersperson Prohaska moved, Aldersperson Meltzer seconded, to approve the balance of the agenda. The 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 Michael Smith, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[21-1580](#) Approve 15 MPH speed limit designation on Washington Street from Story Street to Bennett Street.

Attachments: [800 W. Washington Speed Limit.pdf](#)

This Report Action Item was approved.

[21-1635](#) Approve second amendment to the 2021 Materials Testing Contract (M-21) with Westwood Infrastructure, Inc. from an amount not to exceed \$175,000 to an amount not to exceed \$229,000.

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

This Report Action Item was approved.

[21-1636](#) Award of 2022 Materials Testing Contract (M-22) to Westwood Infrastructure, Inc. in an amount not to exceed \$100,000.

Attachments: [2022 Materials Testing Contract \(M-22\).pdf](#)

This Report Action Item was approved.

[21-1637](#) Approve installation of STOP signs on Pine Street at Outagamie Street. (Follow-up to six-month trial period.)

Attachments: [STOP signs on Pine St to Outagamie St.pdf](#)

This Report Action Item was approved.

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

[21-1555](#) Request to approve Rezoning #13-21 to rezone the Spartan Drive (Right-of-Way) Annexation, formerly part of the Town of Grand Chute, consisting of approximately 3.9468 acres generally located west of North Meade Street, connecting existing East Spartan Drive right-of-way to the west and east, as shown on the attached maps, from Temporary AG Agricultural District to P-I Public Institutional District

Attachments: [StaffReport_SpartanDrive Annex_Rezoning_For11-10-21.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE FINANCE COMMITTEE**[21-1622](#)

Request to award the City of Appleton's 2021 Wastewater Lighting Upgrades project to Van Ert Electric Co, Inc in the amount of \$83,450 with a contingency of \$6,000 for a project total not to exceed \$89,450

Attachments: [2021 Wastewater Lighting Upgrades.pdf](#)

This Report Action Item was approved.

[21-1623](#)

Request to award the City of Appleton's Green Ramp Light Fixture Installation project contract to Van Ert Electric Co, Inc in the amount of \$84,500 with a contingency of \$5,507 for a project total not to exceed \$90,007

Attachments: [2021 Green Ramp Light Fixture Installation rev 2.pdf](#)

This Report Action Item was approved.

[21-1624](#)

Request to approve write-off of obsolete and no longer need parts from inventory

Attachments: [Inventory memo November 2021.pdf](#)

[WW Inventory Write off List.pdf](#)

[Water Inventory Write off List.pdf](#)

This Report Action Item was approved.

[21-1639](#)

Request to approve Contract Amendment / Change Order No. 1 to contract 25-21, Unit W-21 Sewer and Water Reconstruction No. 1 for installation of a water quality storm structure at Reid Golf Course in the amount of \$16,300 resulting in no change to contract contingency. Overall contract increases from \$3,290,297 to \$3,306,597

Attachments: [Unit W-21 Contract Amendment & Change Order No. 1.pdf](#)

This Report Action Item was approved.

[21-1640](#)

Request to approve Change Order No. 1 to contract 73-21, Unit E-21 Miscellaneous Concrete & Street Excavation Repair, for adjustments to project funding based on final measured quantities in the amount of \$12,977. The change order reduces contingency from \$33,000 to \$20,023. Overall contract amount remains unchanged

Attachments: [Unit E-21 Change Order No. 1.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

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[21-1644](#)

Ordinances #78-21 and #79-21

Attachments: [Ordinances going to Council 12-1-21.pdf](#)

Aldersperson Prohaska moved, seconded by Aldersperson Hartzheim, that the Ordinances 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 Michael Smith, Aldersperson Kristin Alheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Joe Prohaska and Aldersperson Chad Doran

Abstained: 1 - Mayor Jake Woodford

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

*Resolution #16-R-21
Alcohol License Demerit Point System*

*December 1, 2021
Submitted By: Alderperson Smith, District 10
Referred To: Safety & Licensing Committee*

Whereas the possession of a liquor license comes with and required a great deal of responsibility and;

Whereas it is good practice to review and consider amending parts or all of an ordinance when times and conditions warrant,

Therefore Be It Resolved that Sec. 9-54 Demerit point system is hereby submitted for review with changes for consideration.

Effective July 1, 2022

Sec. 9-54. Demerit point system.

(c) Calculating violations. In determining the accumulated demerit points, the date of the conviction shall be used as the basis for assigning demerit points per violation. Points shall be assigned only after conviction for violations.

(d) Suspension and revocation of license. The Police Department shall notify the Safety and Licensing Committee of any convictions which result in the assessment of demerit points against any licensee. Following this notification, or the filing of a complaint pursuant to W.S.A. §125.12, the Committee shall hold a hearing if required by W.S.A. §125.12 or this section, and shall take the following action, after first determining the number of demerit points to be assessed against the licensee:

(1) For demerit points totaling 25-149 within a 24-month period, a warning to the licensee of the consequences of additional violations. The licensee shall appear before the Safety and Licensing Committee and inform the Committee of the licensee's efforts to rectify the issues that caused the imposition of the demerit points.

(2) For demerit points totaling 150-199 within a 24-month period, suspension of the license for a period of not less than ten (10) days nor more than ninety (90) days.

(3) For demerit points totaling two hundred (200) or more within a 36-month period, revocation of the license. Whenever any license is revoked, at least six (6) months from the time of such revocation shall elapse before another license shall be granted for the same premises, and twelve (12) months shall elapse before any other license shall be granted to the person whose license was revoked.

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Prohaska moved, seconded by Alderson Hartzheim, that the meeting be adjourned at 7:16 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Michael Smith, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Joe Prohaska and Alderson Chad Doran

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

Election Inspector Appointment for 2022-2023

The following individuals are nominated to serve as Election Inspectors in and for the City of Appleton for the 2022-2023 Election Term:

Democratic Inspectors		Republican Inspectors	
Cammack	Evelyn Clare	Boelter	Dallas
Coakley	Christina	Boelter	Betty Lou
Dorow	Sherrie	Bohnert	Michelle
Ewing	Kathryn	Burgert	Kathy
Giese	Fredric	Campbell	Barry
Gralewicz	Renee	Campbell	Susan
Grondahl	MacKenzie	Clark	Jaclene
Haferman	Paula	Cooke	Chad
Hoglund	Paula	Cooke	Christine
Kane	Emma	Dalton	Nicholas
Koschnik	Mary	Davey	Dennis
Kozerski	Amy	Erickson	Caroline
Larson	Craig	Gasmen	Maudie
Maixner	Eric	Hansel	Susan
Mattingly	Dana	Hipolito	Brooks
Mc Culloch	Laurel	Hough	Harlan
Morrissey	Christine	Irwin-Linstedt	Denise
Moyle	Anthony	Kelly	Janice
Palmer	Stephanie	Kempen	Barbara
Putzer	Diane	Kempen	Dave
Riester	Jeffrey	Kempen	Beth
Riggins	Aileen	Klitzke	Kyle
Robinson	Nila	Kox	Megan
Rohde	Sandra	Kroes	Carl
Schmidt	Jill	Kuel	Randy
Squier	Julia	Mancl	Mary
Stanek	Robert	Morgenson	Kathy
Trudeau	Ian	Nave	Josh
Vogt	Jerry	Spice	Jethro
Wiese	Christine	Thielen	Peter
Wolslegel	Milissa	Toeppler	Cassandra
Wolslegel	Chris	Tomasseti	Tracy
		Tomussetti	Jim
		Trovato	Daniel
		Van Handle	Debi

Republican Inspectors (continued)

Van Handle	Don
Zachman	Mary
Affeldt	Kenneth
Behm	Jane
Lintner	Lynne
Lintner	James
Robinson	Mike
Thiel	Jack

Unaffiliated Election Inspectors


Abraham	Mary	Gibbon	Jayne
Arndt	Erin	Gile	Barbara
Baldwin	Martha	Gill	Mary
Balliet	Andrew	Glidden	Maja
Bartel	Elaine	Graves	Jane
Bauman	Andrea	Gretzinger	Daniel
Bremer	Anne	Guest	Madeline
Brooks	Patricia	Hantel	Gretchen
Brown	Charles	Hartzheim	Sheri
Budde	Matthew	Hash	Linda
Casey	Meg	Heinrich	Jayne
Caveny ii	Thomas	Heiting	Mary
Ciske	Pamela	Hiep	Poppy
Cline	Brenda	Holdorf	Pamela
Corry	Frances	Immekus	Janice
Cramer	Elizabeth	Jepson	Debra
Daly	Eileen	Juneau	Lawrence
Dickinson	Ryne	Kachur	Daniel
Dickinson	Julie	Kaufman	Karl
Dobrinska	Megan	Kellner	Rebecca
Dreher	Deborah	Kenevan	Jeannine
Driessen	Lynn	King	Steven
Duerkop	Sharon	King	Terry
Emery	Anissa	Koleske	Jerome
Evans	Mark	Korducki	Marcia
Fairchild	Mary	Krampien	Penny
Faltynski	Jean	Krueger	Nancy
Fargen	Frances	KURATH	JANE
Farina	Marcel	Kurth	Sandra
Farrell	Anna	Lay	Samantha
Frye	Frances	Le Blanc	Dianne
Gain	Ann	Lee	Thomas
Gentrup	Carmelyn	Line	Michelle
Gerlach	Mary	Londre	Laura
Gessler	Paul	Loomans	LuAnn
Giauque	Carrie	Loosen	Kevin

Luebben	Lorraine	Talens	Julie
Luedtke	Karen	Theis	Tracey
Mares	Mary	Thiede	Adel
McCormick	David	Thompson	John
Merritt	Amy	Towner	Susan
Milhaupt	Frances	Truyman	Deborah
Muinde	Laura	Truyman	Richard
Murphy	Esther	Tubbs	Michele
Oates	John	Uberoi	Arti
Orth	Kathleen	Van Boxtel	Dennis
Peters	Patricia	Van Boxtel	Kathleen
Peterson	Pamela	Van Linn	Patti
Peterson	Thomas	Vander	
Peterson	Timothy	Heiden	Paul
Phillips	Medith	Vandermolen	Lynne
Pietz	Leon	Vanhout	Pamela
Pingel	William	Wacker	Mary
Pohl	John	Wallis	Norman
Putnam	Amy	Wallis	Sharon
Reilly	John	Wiegand	Debra
Remter	Betty	Wirth	Cindy
Rhode	Norma	Wirth	Marlene
Ritzke	Sandy	Wise	Nancy
Roarty	Timothy	Wise	Robert
Ross	Jennifer	Wisniewski	Teresa
Rotzel	Victoria	Witzeling	Zoe
Salentine-		Wood	Dawn
Juneau	Sarah	Wuerger	Stephen
Schuette	Clarence	Yukel	Tami
Shapiro	Carol	Ziegert	Lynn
Shebilske	Jason	Ziegert	Robert
Sheffler	Linda	Zwieg	Linda
Siebers	Bruce		
Siebers	Susan		
Smit	Mary		
Speering	Linda		
Staedt	Paula		
Stead	Christine		
Talamanco	Virginia		



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

OFFICE OF THE MAYOR
Jacob A. Woodford
100 North Appleton Street
Appleton, Wisconsin 54911-4799
Phone: (920) 832-6400
Email: Mayor@Appleton.org

TO: Members of the Common Council
FROM: Mayor Jacob A. Woodford 
DATE: December 13, 2021
RE: Confirmation of Committee Appointments & Reappointments

It is with pleasure that I present the following appointments and reappointments for your confirmation at the December 15, 2021, Common Council meeting.

APPLETON PUBLIC ARTS COMMITTEE – Reappointment

Elyse-Krista Mische	3-year Term	Term Expires December 2024
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BOARD OF HEALTH – Appointment

Emma Kane	Remaining Term	Term Expires April 2023
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Emma has called Appleton home since 2009. She graduated from Lawrence University in 2013 with a degree in Biological Anthropology and went on to pursue her Master’s in Public Health from Emory University. Emma began her career in tobacco prevention and control with the American Lung Association. She then spent two years working in local county public health on a variety of injury prevention efforts. Emma now works in the non-profit sector for Community Action for Healthy Living in Kaukauna as a Strategist focused on youth substance misuse prevention across northeast Wisconsin.

BUSINESS IMPROVEMENT DISTRICT BOARD – Reappointments

Bill Wetzel	3-year Term	Term Expires December 2024
Monica Stage	3-year Term	Term Expires December 2024

BUSINESS IMPROVEMENT DISTRICT BOARD – Appointment

Tim Ceman

3-year Term

Term Expires December 2024

Tim is a procurement manager at Kimberly-Clark, an entrepreneur, real estate investor who is already involved in many ways with the Business Improvement District Board. He is dedicated to investing in downtown Appleton, supporting and attracting local businesses, and doing his part to make downtown Appleton One Great Place.

EXPOSITION CENTER ADVISORY COMMITTEE OF ARA – Reappointment

Dana Reader

2-year Term

Term Expires January 2024

PARADES COMMITTEE – Reappointment

Corey Otis

1-year Term

Term Expires December 2022

SPORTS FACILITY ADVISORY COMMITTEE – Reappointment

Dean Gazza

3-year Term

Term Expires December 2024

$420 + 398 = 818$ (2 week case counts)

$818 / 75,000 = .010907$ (Appleton population 75,000)

$.0010907 \times 100,000 = 1090.7$ (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

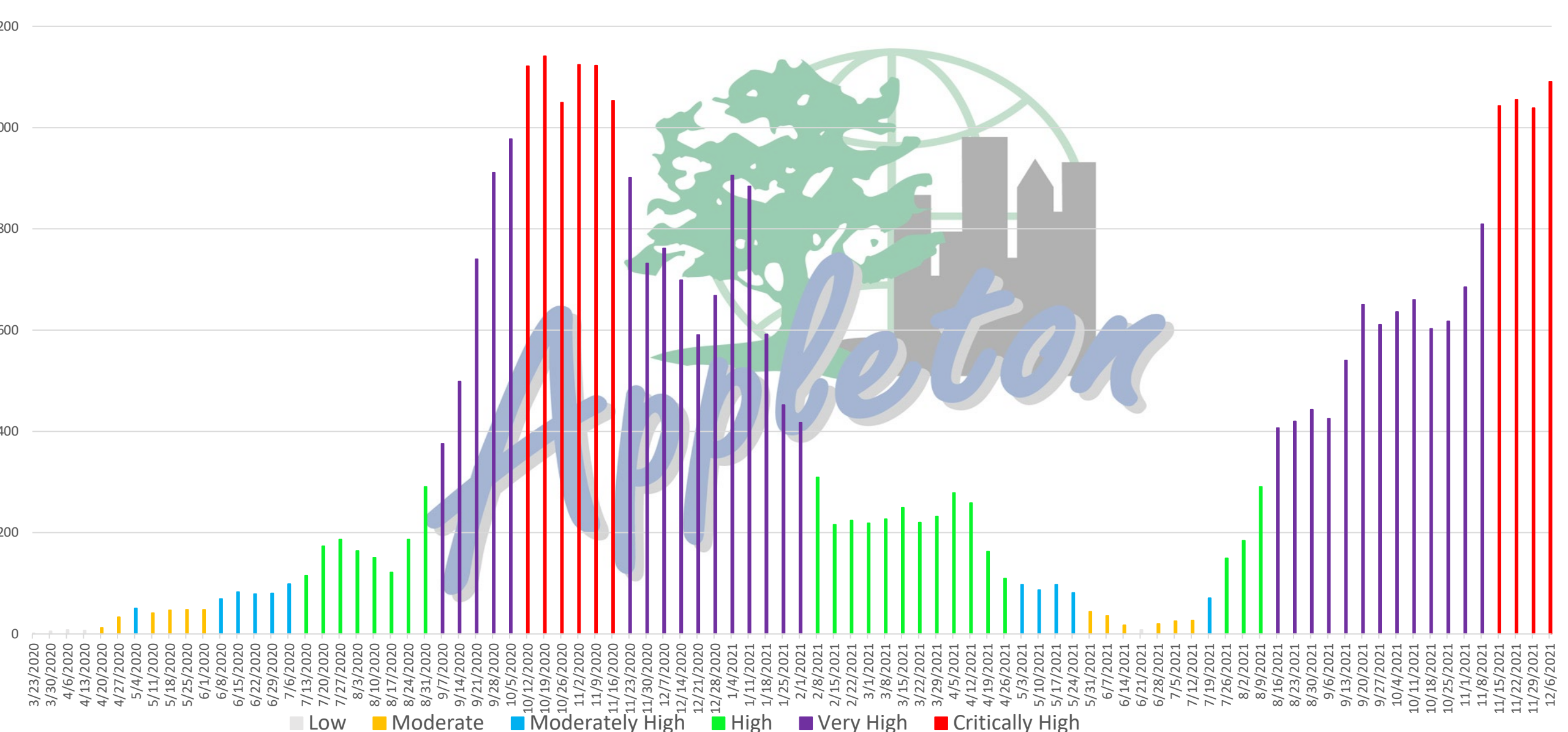
Moderately High greater than 50 but less than 100 per 100,000 people

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

12/06/2021 - 12/12/2021

530.7
High Transmission

Active:
275

Out of Isolation:
13,381

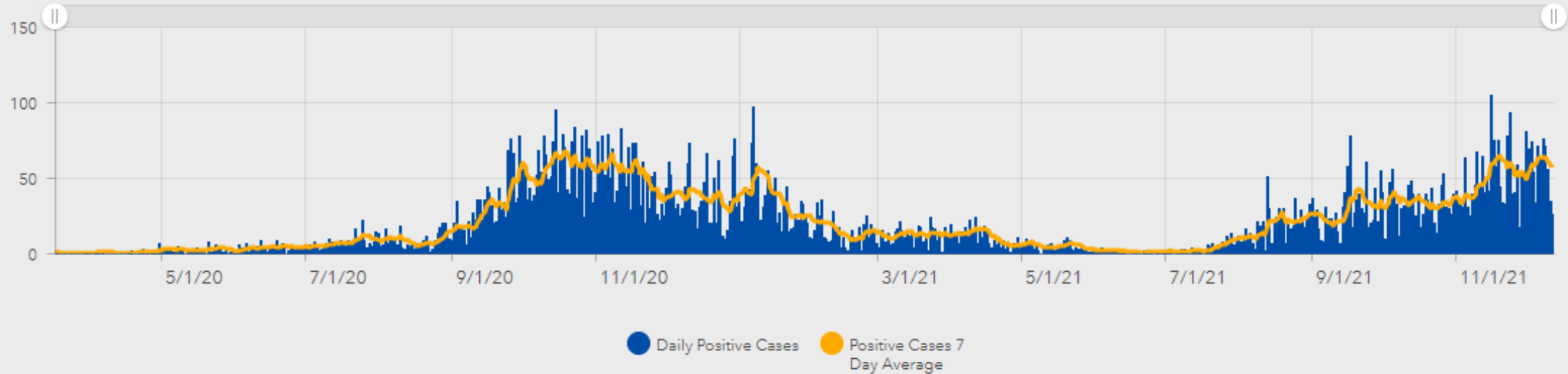
Deaths:
76

Negative:
55,448
+41

Key Numbers

Definitions

Newly confirmed COVID-19 cases by date confirmed in the City of Appleton, and 7-day average



<https://covid-19-appleton.hub.arcgis.com/>



MEMO

TO: Municipal Services Committee

FROM: Karen Harkness, Director of Community and Economic Development
Paula Vandehey, Director of Public Works

DATE: October 25, 2021

SUBJECT: Proposed changes to Municipal Code Section 9, Division 3 – Central Business District Street Vendors.

City staff met to discuss issues that have arisen regarding food trucks within the City’s Central Business District. The areas of concern include:

1. The number of licenses allowed for on-street food trucks
2. Where the on-street food trucks are allowed to park

The number of licenses allowed for on-street food trucks

When this ordinance was originally developed, the demand for food trucks was not well-defined so we arbitrarily picked four (4) as a manageable number to start the program. This maximum has not created any challenges until this year. For the first time, all four permits are issued with several other food trucks also applying for CBD permits.

If the number of permits is not increased, we will need a method to determine which of the applicants would be issued the limited number of permits.

Where the on-street food trucks are allowed to park

The current ordinance language includes:

“No sales shall be made within fifty (50) feet of the main entrance of any business selling same or similar products during the hours said business is open for the sale of said products, unless written permission is granted by said business and such documentation is placed on file with the Department of Public Works.”

The City Attorney’s Office has concerns with this language as it is difficult to define “same or similar product” so they are recommending that this language be deleted altogether.

Therefore, City staff is recommending that the following two section of Municipal Code Chapter 9, Article XI, Division 3 Central Business District Street Vendors be amended as follows:

Section 9-628 (d) *No more than ~~four (4)~~ **eight (8)** Licenses may be issues for on-street units.*

Section 9-640 (i) *No sales shall be made within ~~fifty (50)~~ feet of the main entrance of any business selling same or similar products during the hours said business is open for the sale of said products, unless written permission is granted by said business and such documentation is placed on file with the Department of Public Works.*

The reasons for the above recommendations include:

- Whether the products of two businesses are the same or similar is difficult to enforce and also potentially places the City in an undesirable position of regulating competition between businesses.
- Many of the restaurants downtown are not open during the same hours as the food trucks are downtown.
- Food trucks have been a part of the vibrancy and vitality of downtown for many years.
- Food trucks can be a progression in entrepreneurship. (Food carts to food trucks to brick and mortar)

C: Chris Behrens, City Attorney
Steve Kihl, Environmental Health Supervisor
Todd Freeman, Police Captain

DIVISION 3. CENTRAL BUSINESS DISTRICT STREET VENDORS

Sec. 9-626. Purpose.

It is the intent of the Common Council to control and regulate the use of streets and sidewalks to the end that the safe use of sidewalks by pedestrians and roads by vehicles is ensured and the health, safety and general welfare of the public is protected and maintained. Consistent with this policy, the purpose of these regulations is to assure the safe and orderly performance of selling on streets and sidewalks within the Central Business District.
(Ord 73-12, §1, 8-21-12)

Sec. 9-627. 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:

Amenity strip shall mean the area between the curb and the defined pedestrian right-of-way along College Avenue between Richmond Street and Drew Street. On all other streets, amenity strip shall mean a minimum four- (4-) foot width between the curb and an eight- (8-) foot pedestrian right-of-way.

CBD street vendor means any person who sells or offers for sale any goods, wares, merchandise, or services for sale in the CBD (Central Business District) from any mobile unit which is propelled by human power, including mobile food establishments.

Mobile food establishment means a restaurant or retail food establishment where food is served or sold from a movable vehicle, push cart, or trailer which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance or except as specified in the Wisconsin Food Code. Mobile food establishment does not include a vehicle which is used solely to transport or deliver food or a common carrier regulated by the state or federal government.

Mobile sidewalk/amenity strip unit shall mean a pushcart or other device which is on wheels and of sufficiently lightweight construction that it can be moved from place to place by one (1) adult person without any auxiliary power. The device shall not be motorized so as to move on its own power.

On-street unit shall mean any vehicle or pedal-powered unit that is readily movable, and designed and equipped to prepare, serve, or sell food.

Vehicle shall mean any motor vehicle as defined by Wis.

Stats. §340.01(35) or trailer as defined by Wis. Stats. §340.01(71).
(Ord 25-05, §1, 4-12-05; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-628. License and Street Occupancy Permit required.

(a) No CBD street vendor shall vend, sell or dispose of or offer to vend, sell or dispose of goods, wares or merchandise, produce or any other thing at any place whatsoever within the CBD without first obtaining a license as set forth in this division. Licensees may obtain no more than two (2) Street Occupancy Permits for any portion of the Central Business District west of Appleton Street; and no more than two (2) Street Occupancy Permits for any portion of the Central Business District east of Appleton Street.

(b) No more than eight (8) Street Occupancy Permits for mobile sidewalk/amenity strip units shall be issued between Appleton Street and Richmond Street. No more than eight (8) Street Occupancy Permits for mobile sidewalk/amenity strip units shall be issued between Appleton Street and Drew Street on College Avenue. This shall include all vendors using such units, whether vending goods or food.

(c) No more than two (2) Street Occupancy Permits for mobile sidewalk/amenity strip units shall be issued per block. One (1) block shall be defined to mean the area between intersections on a single side of the street.

(d) No more than ~~four~~ ^{eight (8)} (4) Licenses may be issued for on-street units.
(Ord 25-05, §1, 4-12-05; Ord 76-11, §1, 4-12-11; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-629. Liability insurance.

To hold a Street Occupancy Permit, the permit holder must have in force liability insurance and must agree to indemnify, defend and hold the City, its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City as a result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the permit is granted. As evidence of liability insurance, the permit holder shall furnish a Certificate of Insurance, on a form acceptable to the City, evidencing the existence of adequate liability insurance naming the City of Appleton, its employees and agents as additional insureds in an amount not less than one million dollars (\$1,000,000). Whenever such policy is cancelled, not renewed, or materially changed the insurer and the permit holder shall notify the City of Appleton by certified mail.
(Ord 25-05, §1, 4-12-05; 76-11, §1, 4-12-11; Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

sale of said products, unless written permission is granted by said business and such documentation is placed on file with the Department of Public Works.

- (4) Once a vendor is licensed, and a Street Occupancy Permit has been obtained, the change of use of those businesses in buildings within the fifty (50) feet limitation noted above shall not affect an existing license nor the timely renewal of the same.

(k) All persons conducting business on a sidewalk or amenity strip must pick up any paper, cardboard, wood or plastic containers, wrappers, or any litter in any form that is deposited by any person on the sidewalk or street within twenty-five (25) feet of the place of conducting business. Each person conducting business on a sidewalk or amenity strip under the provisions of this division shall carry a suitable container for placement of such litter by customers or other persons.

(l) Vendors shall maintain their sales location in a clean, hazard-free condition, and shall not discharge materials onto the sidewalk, gutters or storm drain. All liquid residue must be cleaned up, or in the alternative, protective matting may be placed on the amenity strip to absorb any liquid residue. Said matting must be removed when the vendor closes for the day.

(m) No person may make any loud unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his or her wares.

(n) No person shall conduct business as defined herein at a location other than that designated on his or her Street Occupancy Permit/License.

(o) No permitted mobile sidewalk/amenity strip units shall be left unattended on a sidewalk or amenity strip nor remain on the sidewalk or amenity strip between 4:00 a.m. and 8 a.m.

(Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Sec. 9-640. Vending of products from vehicles or other on-street unit in the public streets.

(a) No food shall be sold from a vehicle other or on-street unit in any public street in the City of Appleton except in compliance with the requirements of this section and §9-639 above.

(b) Any vehicle or other on-street unit used for vending food in any public street must be designed and constructed specifically for the purpose of vending the product or products to be vended.

(c) Each such vehicle or other on-street unit used for

vending food shall be licensed for such use by the Department of Health.

(d) If such vehicle or other on-street unit is a motor vehicle, it must have valid license plates and registration as provided by Chapter 341 of the Wisconsin Statutes.

(e) A vehicle or other on-street unit which is operated for the purpose of selling food from the unit in the public streets shall be operated only by a person who shall have obtained a license under this division.

(f) In addition, the operator or the owner of any motor vehicle shall furnish proof of current insurance issued by an insurance company authorized to do business in the State of Wisconsin and shall maintain such insurance as a condition of licensing under this division. The insurance shall provide coverage for bodily injury, including accidental death, as well as for claims for property damage which may arise from the operations under the license. The policy limits of such insurance shall be the same as those required in §9-629 above.

(g) Amplified music or other sounds from any vehicle used for the purpose of vending products in the public streets shall comply with the applicable requirements of Chapter 12, Article IV of this code pertaining to noise.

(h) No sales shall be made from a vehicle except from the curbside of said vehicle.

~~(i) No sales shall be made within fifty (50) feet of the main entrance of any business selling same or similar products during the hours said business is open for the sale of said products, unless written permission is granted by said business and such documentation is placed on file with the Department of Public Works.~~

(j) No vehicle may violate any traffic or parking statute or ordinance when stopping to make sales. This includes plugging parking meters, if applicable and not remaining in a location for a longer period of time than the meter allows. Meter bags will not be issued to license holders under this article.

(k) No on-street unit may park adjacent to a sidewalk café or an establishment with a Street Occupancy Permit for tables and chairs when the tables and chairs are present on the amenity strip.

(Ord 3-12, §1, 1-10-12; Ord 73-12, §1, 8-21-12)

Editor's Note: Chapter 9, Division 3 was repealed and recreated via ordinance 3-12 adopted by the Common Council on January 1, 2012, published January 9, 2012 and became effective January 10, 2012.

Editor's Note: Chapter 9, Division 3 was repealed and recreated via ordinance 73-12 adopted by the Common Council on August 15, 2012, published August 20, 2012 and became effective August 21, 2012.

Appleton Beer Factory

Wed – Thur: 4pm - 8pm
Fri - Sat: 11am - 9pm
Sun: 11am-4pm

Victoria's:

Sunday - Thursday 11 am - 8:30pm
Friday - Sat 11 am - 9:00 pm

Home Burger Bar

Tuesday - Thurs 11AM–9PM
Friday - Sat 11AM–10PM

OB Brau Haus: DINING ROOM HOURS:

Tues - Sat: 4pm - 9pm

Acoca Coffee

Mon - Fri 6AM–8PM
Sat - Sun 7AM–8PM

Erberts and Gerberts

MON - SAT: 10:30 am - 9:00 pm

Rye

Mon- Thur 12–9PM
Fri - Sat 12–10PM

Copper Rock

Mon-Fri 6:30AM–7PM
Saturday 7AM–7PM
Sunday 9AM–5PM

Green Gecko

Tues - Sat 8AM–7PM
Sunday 10AM–5PM

Bowl 91: Tues – Sat 11-8pm

Author's: Wed– Sat 8am-2pm & Fri. 4:30pm – 9pm

Antojitos: Mon – Sat 11AM – 9PM

Mondo: (pizzas and snacks)

Tue - Wed 3–8PM
Thursday 3–9PM
Friday 3–10PM
Saturday 12–10PM

Cozy Corner

Tue – Sat 11:30AM–9PM
Sunday 11:30AM–8PM

King Taco

Mon – Thur 11am – 8pm
Fri – Sat: 11am – 3am

Hunan 1

Tue – Sun 10:30am – 9pm

Slacker's Restaurant and Bar

Wed. – Sun 11am – 12am

Sushi Lover

Mon - Thur 11AM–2PM, 4:30–9:30PM
Friday 11AM–2PM, 4:30–10PM
Saturday 12–10PM
Sunday 12–8:30PM

Serving daily until 2am

- The Bar on the Avenue
- Sal's Pizza
- D2 Sports bar
- Déjà vu martini lounge (pizzas)
- Muncheez Pizza
- Wooden Nickel
- Bazil's
- Toppers



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

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

(Effective January 1, 2020~~2~~)

DEPARTMENT OF PUBLIC WORKS FEE SCHEDULES 2022

Description	Current Fee	Taxable Yes/No	Total	Last Date Updated
MAPS				
City Map	Free			
Quarter Section Set	\$175.00	No		2001
Quarter Section Sheet	Free	No		2002
PERMITS				
*Meter Bags (per bag/per day) – including loading zone meters	\$9.00	Yes, add \$0.50	\$9.50	2011
Ramp Permits – monthly (Red, Yellow, Green Ramps)	\$35.00 / month	Yes, add \$1.93	\$36.93	2020
Access Card Replacement (Broken)	\$3.00	Yes, add \$0.17	\$3.17	
Lost or Stolen Permit	Pro-rated 1 st month only by ½ month	Yes, amount varies	Varies	2011
Private Directional Signs (Annual Renewal Fee)	\$20.00	No	\$20.00	2004
	\$10.00	No	\$10.00	
Block Party Permit	\$15.00	No	\$15.00	2011
Street Excavation Permit	\$100.00 or \$250.00	No		2020
Street Occupancy (Annual/City-wide)	\$250.00	No		2011
Street Occupancy (Temporary/Permanent)	\$40.00	No		2011
Private Small Cell Wireless – New Poles in Public ROW (one-time fee)	\$500 (1 to 5 poles) \$100 for each pole > 5	No		2019
Private Small Cell Wireless – Collocating on existing City Pole	Annual Fee: \$270/pole/year	No		2019
Snow Removal Hazard Charge	\$75.00 + \$.40 per foot over 100 feet	No		2000
Re-staking / Re-inspection Fee	\$40.00	No		2011

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

Description	Current Fee	Taxable Yes/No	Total	Last Date Updated
OPERATIONS				
Grass Clippings	\$4.00/bag	No		2013
	\$40.00/card	No		2013
Appliance Tags (Curbside PU)				
Freon	\$25.00	No		2004
Non Freon	\$20.00	No		2004
Appliance Site Drop-Off	Freon	No		2004
	Non Freon	No		2004
Overflow Tags	\$4.00/bag	No		2013
Overflow Move In/Out (Curbside Pick-up)	\$75.00	No		2013
Weight Limit Permit	\$50.00 per address	No		
Tires – 18” diameter or smaller. (Limit four per household)	\$5.00/tire	No		2013
Noncompliant Brush Removal (Curbside Pickup)	\$75.00	No		2011
Noncompliant Overflow Item Curbside Removal (Curbside Pickup)	\$75.00- \$250.00	No		2011 2022
Noncompliant Electronics Collection (Curbside Pickup)	\$75.00	No		2011
AUTOMATED CONTAINERS				
35-40 gallon garbage cart	\$0.50/week	No		2020
60-65 gallon garbage cart	\$1.00/week	No		2019
90-95 gallon garbage cart	\$1.50/week	No		2019
Additional carts	\$1.50 per each 30 gallons			
95 gallon recycling cart	No Charge			
65 gallon recycling cart	No Charge			
MISCELLANEOUS				
Sign Permit	\$40.00/Sign	No		2017
New Elec. Contractor License	\$50.00 (Renewal: \$40.00/year)	No		2017
New Electrical Master	\$40.00	No		2017
New HVAC License	\$50.00 (Renewal: \$50.00/5-years)	No		2009
Board of Appeals	\$125.00	No		2009
Board of Building Inspection	\$45.00	No		2009
Paving Permit	\$40.00	No		2017
Stolen Construction Sign	\$500.00	No		2022

Sec. 15-26. Definitions.

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

Approved shall mean approved by the Director of Public Works unless specifically stated otherwise.

Bundle shall mean to securely tie with string or twine.

City shall mean the City of Appleton.

Collecting and transporting service means a municipal or privately operated agency, business or service for the collecting or transporting of solid waste for disposal or recycling purposes.

Composting means the process of decaying organic matter, such as leaves, garden debris, grass clippings, raw kitchen scraps and other vegetative materials capable of natural decomposition.

County shall mean Outagamie County unless specifically stated otherwise.

Department shall mean the Department of Public Works.

Disposable bag means a one-way disposable bag made of polyethylene, or other plastic material consisting of a minimum of one and one-half (1½) mils thickness. Bags shall not exceed a volume capacity of thirty (30) gallons. Whenever the term “disposable bag” or “bag” is used in this chapter, such words will mean disposal bag as herein described.

Dwelling unit shall mean any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking or eating of meals.

Eligible Electronic Devices shall include the following:

- (1) *Consumer computers.* High-speed data processing devices for performing logical, arithmetic, or storage functions that are marketed by the manufacturer for use by households or schools. Computers include traditional, desktop-style computers with a separate monitor and tower or box, laptop/notebook/netbook computers (any of these with a screen at least 7” in the longest diagonal direction are also video display devices); and servers used by a household or covered school. Consumer computer does **not** include an automated typewriter or typesetter; or a portable hand-held calculator or device, ~~such as a mobile phone or PDA.~~
- (2) *Consumer printers.* One of the following that is marketed by the manufacturer for use by households or schools: a desktop printer, including inkjet and laser printers that can be placed on a work surface; or a device that prints and has other functions, such as copying, scanning, or sending facsimiles, and that is designed to be placed on a work surface. Consumer printer does **not** include a calculator with printing capabilities or a label maker.
- (3) *Consumer video display devices.* Televisions or computer monitors with a tube or screen that is at least 7 inches in its longest diagonal measurement and that are marketed by the manufacturer for use by households or schools.

Computer monitor means an electronic device that is a cathode ray tube or flat panel display primarily intended to display information from a consumer computer or the Internet. Computer monitors include: CRT or flat-panel monitors used with a desktop computer; “all-in-one” desktop-style computers where the screen is integrated with the processor; laptop/notebook/netbook computers; and e-readers or other portable devices with screens of at least 7 inches in the longest diagonal direction that display information from the Internet or a processor.

Television means an electronic device, with a cathode ray tube or flat panel display, primarily intended to receive video programming via broadcast, cable, or satellite transmission or to receive video images from surveillance or similar cameras. All types of televisions with a screen of at least 7 inches in the longest diagonal direction including older box-style, CRT models; LCD displays; LED/OLED displays; plasma and rear projection.

The following are **not** considered consumer video display devices under the law: a television or computer monitor that is part of a motor vehicle and that is incorporated into the motor vehicle by, or for, a motor vehicle manufacturer or a franchised motor vehicle dealer (i.e., a computer monitor or television that was built into the vehicle before it was purchased); a television or computer monitor contained within a clothes washer, clothes dryer, refrigerator, freezer, microwave oven, conventional oven or stove, dishwasher, room air conditioner, dehumidifier, or air purifier; any video display device that is not marketed for use by households or schools (such as displays in equipment only used in specific industrial/commercial settings); digital photo frames; or portable DVD players

- (4) *Computer peripherals.* Keyboards or any other devices, other than a consumer printer, that are sold exclusively for external use with a consumer computer and that provide input into or output from a consumer computer, including, for example: external CD/DVD drives; external hard drives/backup drives; external modems; flash drives/memory sticks for use with computers; game controllers (joysticks, etc.) used with a computer; keyboards; mice; projectors (LCD, LED, etc.) used with a consumer computer; scanners; speakers used with a computer; and webcams or similar cameras specifically for a computer.
- (5) *Fax Machines.*
- (6) *DVD players.*
- (7) *VCRs.*
- (8) *Digital video players/recorders.*
- (9) *Telephones with video displays.* Cellular/mobile phones, including multifunction phones such as iPhones or BlackBerries. The following are **not** considered telephones with video displays under WDNR regulations: corded or cordless phones (phones that plug in to a phone jack in the wall).

Litter shall include any waste or other things, substances or materials such as garbage, rubbish, used tires, manure, stones, gravel, sand, earth, grass, hay, leaves, twigs, shrubs, branches, ashes, cinders, sawdust, sweepings, dirt, glass, earthenware, wire, nails, construction waste, liquid waste, ice, snow, paper and all other debris and discarded materials of similar nature.

Overflow refuse means refuse placed for collection in a disposable bag not placed inside a polycart or mechanically dumped container.

Person shall have the definition set forth in Appleton Municipal Code §1-2.

Polycart means a plastic container issued by the City of Appleton for the storage and collection of solid waste or recyclables.

Premises shall mean platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure. Premises include the following categories:

- (1) *Residential, Single-family premises.* Any housing building containing a single-family dwelling unit. For the purposes of this chapter, any housing building with less than five (5) dwelling units shall fall in this category. Each unit shall be regarded as a single-family dwelling unit.
- (2) *Multi-family premises.* All housing buildings having five (5) or more dwelling units.

- (3) *Commercial or business premises.* Any public or private place, building and/or enterprise devoted in whole or in part to a business enterprise whether non-profit or profit making in nature.
- (4) *Institutional premises.* Any institutional enterprise, including, but not limited to, hospitals, churches, schools, nursing homes, motels and homes for the aging.

Recyclables means all materials designated by the Director of Public Works for inclusion in the City recycling program.

Salvageable materials shall mean discarded material no longer of value as intended, but which is stored or retained from salvage, sale or future reuse.

Solid wastes shall be as defined in §289.01(33), Wisconsin Statutes; it includes the following categories:

- (1) *Brush* means trimmings from shrubs and trees, tree limbs less than six (6) inches in diameter and stalks from garden plants. Brush does not include stumps, root balls or logs greater than six (6) inches in diameter.
- (2) *Bulky wastes* shall mean discarded articles of such dimension as are not normally collected with domestic waste including, but not limited to, ~~items of applicant, furniture, plumbing fixtures, windows and doors~~small rugs, and tires, but would be considered domestic wastes. In general, bulky wastes are those wastes too large to be placed in a disposable bag or polycart, and approved by the director.
- (3) *Commercial wastes* shall mean wastes resulting from the operation of business enterprises including, but not limited to offices, stores, restaurants and similar businesses.
- (4) *Construction and/or demolition waste* shall mean waste resulting from building construction, demolition, alteration, repair or remodeling, including excavated material and waste such as concrete, stone, asphalt, soil, earth, dirt and brick.
- (5) *Domestic waste* shall mean garbage, refuse, ashes and other waste including, but not limited to metal, glass, paper, wood, rags, plastic, rubber, cloth, cans, bottles, litter, and small quantities of construction and/or demolition wastes, and limited nauseous and/or offensive wastes, with the understanding that these wastes resulting from human habitation and the usual routine of housekeeping of residential units or incidental to its operation. Domestic waste does not include grass clippings, leaves, tree waste, or yard waste.
- (6) *Garbage* shall be as defined in §289.01(9), Wisconsin Statutes.
- (7) *Grass clippings* means the product of ordinary mowing and maintenance of lawns during the growing season.
- (8) *Hazardous waste* shall be as defined in Wisconsin Administrative Code NR 605.04.
- (9) *Industrial waste* shall be as defined in Wisconsin Statutes §281.01(5).
- (10) *Liquid waste* shall include drain oil, dirty or waste grease, paints, lacquers, varnishes, thinners, cleaning agents or solvents and other similar waste materials.
- (11) *Nauseous or offensive materials* are those which are unwholesome in nature or have an unpleasant smell or are otherwise nauseous or offensive, such as manure, filth, carcasses, meat, fish, entrails, hides and hide scrapings, paint, kerosene, oily or greasy substances and also object that may cause injury to any person or animal, or damage to vehicle tires such as nails, tacks, pieces of metal, wire, briar thorns, broken glass and other similar materials or substances.
- (12) *Refuse* shall mean miscellaneous combustible and noncombustible waste material resulting from housekeeping activities including, not limited to, ashes, glass, metals, rubber, street wastes, wood, cloth and litter.

(13) *Tree waste* shall mean waste resulting from the care of trees, shrubs and brushes by pruning and/or wind and storm damage and/or trimming including branches, limbs, trunks and stumps.

(14) *Vehicle waste* shall mean waste resulting from discarded items of a vehicle, including but not limited to, tires, mufflers, exhaust pipes, engine parts, and could include whole vehicles.

(15) *Yard waste less than one inch in diameter* means all materials originating in the yard and garden which are capable of natural decomposition, exclusive of grass clippings.

Special collection tag shall mean a tag issued by the Department of Public Works for the collection of tires, appliances, overflow refuse or other materials specified by the Director.

Sec. 15-28. Containers.

(a) Owners of a single-family premise shall be provided polycarts by the City for each premise. One polycart shall be for solid waste storage and the other shall be designated solely for the collection of recyclables. Only polycarts and bags marked with a special collection tag are permitted containers for solid waste collection for single-family residences. Recyclables shall only be disposed of in the designated polycart.

(b) Owners of multiple-family premises shall provide and maintain suitable containers having sufficient capacity to store a normal one- (1-) week accumulation or collection of garbage, refuse and recycling of all units.

(c) All containers used for the collection of solid waste material or recyclables shall be structurally sound and specifically designed for the storage of solid waste or recycling material. They shall be durable, rust resistant, nonabsorbent, watertight and easily cleaned. ~~Containers shall be made of metal, plastic or other suitable material, have adequate handles or bails to facilitate handling.~~ Containers used for solid waste and recycling storage or collection must have properly fitting covers unless specifically authorized by the Director of Public Works.

(d) One-way disposable bags made of polyethylene (minimum one and one-half (1½) mil)) properly secured, are acceptable containers for overflow refuse only when marked with a special collection tag.

(e) Garbage and refuse stored outside or on top of such containers will not be collected unless placed in a disposable bag and marked with a special collection tag. Bulky items such as furniture and carpets are exempted.

(f) Any container used for collection of solid waste or recyclable material shall be maintained in a clean, sanitary and structurally sound manner so as to prevent the creation of a nuisance or menace to public health and safety.

(g) The use of dumpsters for the storage or disposal of solid waste or recyclables for one-(1-) or two-(2-) family residences is prohibited; except for the temporary use of a dumpster in conjunction with an active building or razing permit, or the use of a dumpster for a period not to exceed fourteen (14) days and the household waste only.

(h) Any container deemed defective by the Director of Public Works may be removed as refuse by the City following notification to the occupant.

(i) Other types of containers conforming to the intent of this section and approved by the Director of Public Works may be used.

Sec. 15-30. Preparation of solid waste and recyclables.

- (a) Domestic solid waste may be mixed and placed in a common container.
- (b) Domestic waste shall be drained of all free liquid, then wrapped, packaged and/or bundled.
- (c) Commercial waste must be drained and stored in approved containers.
- (d) Brush must be cut into four- (4-) foot lengths and tied in bundles. Bundles shall be no larger than two (2) feet in diameter and weigh no more than forty-five (45) pounds. Max branch diameter is three (3) inches.
- ~~(e) Wooden boxes and lumber. Material such as wooden boxes and lumber shall be broken up so it can be reasonably handled and located by one (1) person into the collection truck. Lumber shall be cut into four- (4-) foot lengths. Exposed nails shall be removed.~~
- ~~(f) Cardboard boxes shall be broken down and placed inside the recycling polycart for collection. All loose material shall be placed in similar boxes or containers, with cumulative weight not to exceed forty-five (45) pounds.~~
- (g) Ashes shall be thoroughly cooled before being placed for collection.
- (h) All refuse shall be free of jagged or sharp edges, protruding nails, broken glass, protruding screws and any other hazardous condition.
- (i) Overflow refuse (tires, ~~appliances~~ and other solid waste designated by the City) must be marked with a special collection tag.
- (j) Recyclables must be cleaned and placed in a recycling container. Paper does not need to be separated from other recyclables.
- (k) Grass clippings, brush, leaves, tree waste and yard waste may not be mixed with domestic or commercial wastes.
- (l) Eligible Electronic Devices may not be placed for collection with either solid wastes or recyclables. They must be disposed of in a manner and at a location approved by the Wisconsin Department of Natural Resources.

Sec. 15-31. Placement for collection.

(a) All solid waste, recyclables, yard waste or brush must be placed for pickup by 3:00 a.m. on the day of collection, but not before 5:00 p.m. of the day preceding the regularly scheduled pickup. Containers shall be returned to the point of storage no later than midnight the day of collection.

(b) All solid waste and recyclables shall be placed at the ground level next to the curb, ~~except as stated in paragraph (e) of this section.~~ During the winter months, containers must still be placed at ground level next to the curb. This may be accomplished by placing the containers in the driveway, or a suitable area can be shoveled out on the street side of the boulevard.

(c) The City will not be liable for damage to any property where sanitation crews collect solid waste from other than at the curb.

(d) Business establishments shall provide access to collection sites. Those sites blocked by vehicles or other obstructions will not be collected.

(e) Solid waste frozen in the container will not be collected.

(f) Bundled brush shall be placed in stacks aligned parallel to the curb and shall not obstruct either the street (and gutters) or sidewalk. In areas where there are no sidewalks, brush shall be within three (3) feet of the curb line and placed in stacks aligned parallel to the curb line.

(g) No person, except during times permitted by the Department of Public Works, shall remove or cause to be removed, any yard waste, brush, grass clippings or other yard debris, from his premises, residence, parking lot, parking area, business property or other area onto any public street.

(h) Recycling sites:

- (1) The Director of Public Works or his designee may establish sites within the City of Appleton as recycling sites for the deposit of certain items including, but not limited to, yard waste, glass, aluminum, plastic and motor oil.
- (2) No person shall deposit in areas designated pursuant to subsection (1), items and/or objects not specifically permitted by the Director of Public Works.
- (3) Areas established pursuant to subsection (1) shall be used by residents of the City of Appleton only, unless authorized by the Director of Public Works.

Sec. 15-33. Collection service.

(a) *Residences.* Residential solid waste shall be collected one (1) time per week, and recycling every two (2) weeks, from dwelling units according to schedule established by the Director of Public Works. Solid waste set out for collection must originate at the residence being serviced; waste set out for collection that originated at a different property will not be collected.
(Ord 24-17, §1, 3-21-17)

(b) *Commercial establishments.* Commercial establishments shall privately contract for collection of solid waste and recycling. For existing commercial customers of the city using 90-gallon containers, solid waste shall be collected one (1) time per week.

(c) *Industrial waste.* The City does not collect industrial waste.

(d) *Yard waste.* Residential ~~Y~~ard waste will be collected separately from all other waste. Times of collection shall be pursuant to a schedule on file in the Department of Public Works.

(e) *Brush.* Residential ~~B~~rush will be collected separately from all other waste. Times of collection shall be pursuant to a schedule on file in the Department of Public Works.

(f) *Bulky Overflow.* Residential ~~B~~ulky overflow shall be collected on the schedule on file with the Department of Public Works.

(g) *Grass clippings.* The City will not collect grass clippings.

(h) *Toxic and hazardous waste.* The City will not collect toxic and hazardous waste.

(i) *Small dead animals* shall be collected by the Department. Animals must be placed in a disposable bag.

(j) *Nauseous or offensive waste.* Liquid, manure, and other offensive or harmful waste. All liquid, hazardous or toxic waste and certain nauseous or offensive waste shall be stored separately from all other waste in approved containers. Such containers shall be clearly labeled, rodent resistant, nuisance free, sealed and secured to prevent access by the public, or as otherwise provided in the rules of the Director and not contrary to any order from the City of Appleton Health Officer or Director of Inspections. Such waste shall be considered commercial waste, and need not be collected by the Department.

(k) *Construction debris.* Construction debris shall not be collected by the City. It shall be the responsibility of the owner and/or contractor to dispose of construction debris as provided by law.

(l) *Disposal of infectious material.* The removal of apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the City Health Officer. Waste shall be disposed of pursuant to Wisconsin Administrative Code NR 506.11.

(m) *Hazardous and/or toxic waste.* Placing or depositing any hazardous or toxic waste including, but not limited to, explosive materials such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gunpowder, gasoline or other similar material in disposal bag, polycart or reusable container for collection is prohibited.

(n) *Leaves.* Leaves will be collected curbside during a fall collection period as designated by the Department of Public Works. Any person may alternatively transport leaves to a designated City recycling site for disposal. Persons so transporting leaves shall be responsible to cover or otherwise contain the leaves in a manner so as to prevent scattering or dumping of the leaves in transport. The Director of Public Works shall publish times the site shall be open for the disposal of leaves.

(o) *Lead acid batteries.* In this subsection, "lead acid battery" means any battery which is primarily composed of both lead and sulfuric acid, with a capacity of six (6) volts or more.

- (1) No person may place a used lead acid battery in mixed municipal solid waste.
- (2) No automotive battery retailers may dispose of a used lead acid battery except by delivery to the agent of a battery wholesaler, to a battery manufacturer for delivery to a secondary lead smelter, to a collection or recycling facility or to a secondary lead smelter.
- (3) Each battery improperly disposed under subsection (1) or (2) above shall constitute a separate violation.
- (4) Retailers and wholesalers of lead acid batteries shall provide for collection of used lead acid batteries for recycling as follows:
 - a. Any person selling lead batteries at retail shall accept at the point of transfer, in a quantity at least equal to the number of new batteries purchased, used lead acid batteries offered by customers.
 - b. Any person selling lead acid batteries at wholesale shall accept at the point of transfer, in a quantity at least equal to the number of new batteries purchased, used lead acid batteries offered by customers. Any automotive battery wholesaler accepting batteries from any automotive battery retailer shall remove batteries from the retail point of collection not less than every ninety (90) days.

(p) *Eligible Electronic Devices.* The City will not collect eligible electronic devices. Eligible Electronic Devices left on the terrace shall be removed by the property owner.

Sec. 15-34. Fees.

(a) All charges related to the disposal of solid waste shall be on file in the Department of Public Works. These shall include, but are not limited to, the amount to be charged for overflow bag tags, ~~tires-appliance tags, overflow charges,~~ can charges or any other permit or charge pursuant to this article.

(b) Unscheduled overflow collections or brush/yard waste collections shall result in the assessment of additional fees.

(c) Additional collection and disposal fees shall be assessed to property owners who fail to properly dispose of Eligible Electronic Devices.

Sec. 15-35. Penalty.

Any person violating any provision of this article shall forfeit not less than two hundred and fifty dollars (~~\$200~~250.00) nor more than five hundred dollars (\$500.00)



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

Department of Public Works – Engineering Division

MEMO

TO: Municipal Services Committee

FROM: Paula Vandehey, Director of Public Works
Sue Olson, Staff Engineer

SUBJECT: *CRITICAL TIMING* Award 2022 Contract for Operation, Maintenance, Monitoring and Passive Vent Improvements at the Closed City of Appleton Landfill to SCS Engineers, in an amount not to exceed \$218,393.

DATE: December 1, 2021

The Department of Public Works requests award of the 2022 Contract for Operation, Maintenance, Monitoring and Passive Vent Improvements at the Closed City of Appleton Landfill to SCS Engineers in an amount not to exceed \$218,393. This is the seventh year of a ten (10) year contract as approved in December 2015.

Work on this contract includes:

- The monthly operation and monitoring of the landfill, including the necessary reporting to WDNR,
- Regular maintenance of the site, wells, and gas system,
- Routine scheduled replacement of one monitoring well or leachate well,
- Assistance with review of any changes proposed by the Valley Aero Modelers, who currently lease the site, and any proposals or concerns related to the Mackville quarry site,
- Quarterly surface emission monitoring,
- Project management and construction oversight of passive vent improvements and construction documentation report,
- Construction of passive vent improvements,
- Additional gas system monitoring,
- Coordination with the Wisconsin Department of Natural Resources regarding the gas system and construction

Per the memo dated December 1, 2015 for the award of the 2016 contract requesting contract extensions through 2025, the 2015 RFP process associated with that award, and satisfactory performance by the consultant, the Department of Public Works recommends awarding the 2022 Contract for Operation, Maintenance, Monitoring and Passive Vent Improvements at the Closed City of Appleton landfill to SCS Engineers in an amount not to exceed \$218,393.

This award is listed as Critical Timing so that coverage for any necessary response at the landfill is available January 2, 2022.

NOTE:
CONTRACTOR MUST OBTAIN PERMISSION FROM AFFECTED PROPERTY OWNERS FOR ANY CONSTRUCTION RELATED ACTIVITY THAT MAY ENCROACH ON ADJACENT PRIVATE PROPERTY.

NOTE:
CONTRACTOR IS CAUTIONED THAT THE ONE CALL SYSTEM MAY OR MAY NOT LOCATE SERVICE LINES. CONTRACTOR IS RESPONSIBLE TO IDENTIFY ALL UNDERGROUND UTILITIES INCLUDING SERVICE LINES.

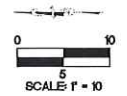
TRAFFIC CONTROL:
USE TRAFFIC CONTROL SHEET 17 OF THE WORKZONE SAFETY HANDBOOK.

524
S BUCHANAN ST

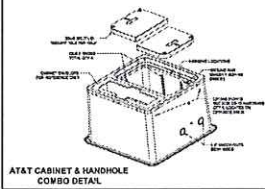
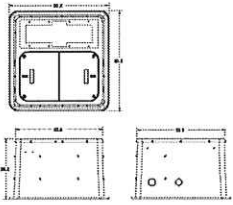
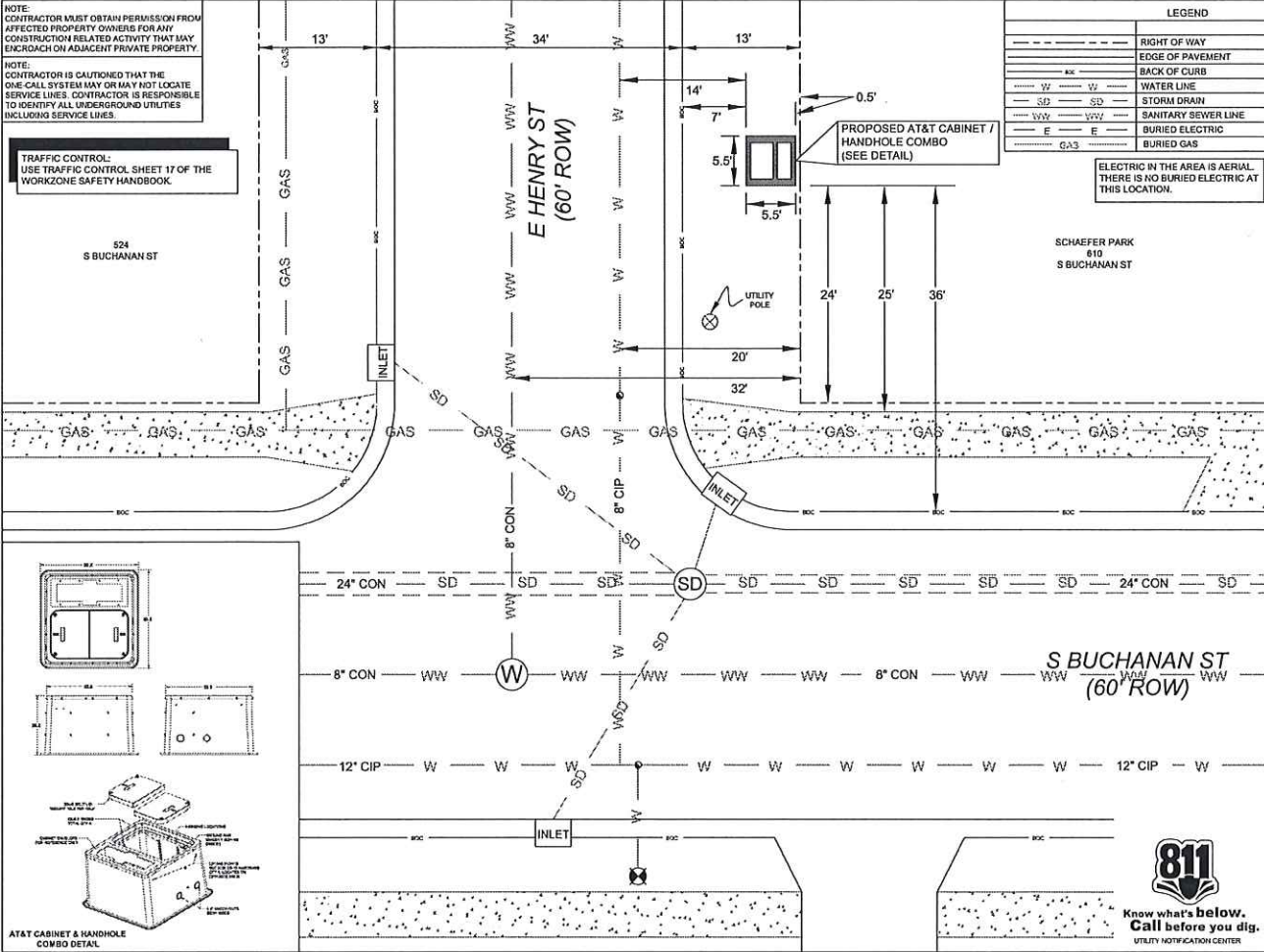
E HENRY ST
(60' ROW)

SCHAEFER PARK
810
S BUCHANAN ST

LEGEND	
---	RIGHT OF WAY
---	EDGE OF PAVEMENT
---	BACK OF CURB
---	WATER LINE
---	STORM DRAIN
---	SANITARY SEWER LINE
---	BURIED ELECTRIC
---	BURIED GAS



ELECTRIC IN THE AREA IS AERIAL.
THERE IS NO BURIED ELECTRIC AT THIS LOCATION.



610 S BUCHANAN ST
 5.5' X 5.5' AT&T CABINET INSTALLATION
 CONSTRUCTION PLANS, UTILITY ALIGNMENT

CITY OF APPLETON OCCUPANCY PERMIT

at&t
 COMMUNICATION SERVICES

811
 Know what's below.
 Call before you dig.
 UTILITY NOTIFICATION CENTER

DATE 11/30/2021
 SHEET 1



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

March 2, 2012

Effective January 1, 2022

CITY OF APPLETON BRUSH COLLECTION POLICY

STANDARD BRUSH COLLECTION

The standard yard waste, branch and brush collection occurs twice per year in the spring and fall. **In spring**, yard debris, grass clippings, twigs, branches and brush are collected during four consecutive weeks. The actual dates of collection are announced annually based on weather conditions. During this collection, items must be placed inside containers, lawn and leaf paper bags, or tied in bundles and placed on the terrace area. **Branches and brush must be cut into 4-foot lengths and bagged or bundled, not to exceed 45 pounds. Maximum branch diameter is 3".**

In fall, leaves, yard debris, flowers, twigs, branches and brush are collected beginning the second week of October at scheduled intervals into November. During this collection, items may be placed in the street gutter in low piles as not to interfere with traffic and children. **The city will be phasing into a new leaf collection process. Properties in the new vacuum collection areas shall rake leaves onto the terrace (not in the street gutter) and properly bag and bundle all other yard debris separate from the leaves.**

MAJOR CITY-WIDE STORM

The determination to collect yard debris following a major city-wide storm will be made by the Mayor. The determination will be based on the severity and widespread extent of the storm.

LOCALIZED STORM

The decision to collect yard debris following a localized storm will be made jointly by the Chairman of the Municipal Services Committee, the Director of Public Works and the Deputy Director of Operations. No individual request for service will be provided without their collective approval.



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March 26, 2012

Effective January 1, 2022

CITY OF APPLETON ANNUAL LEAF COLLECTION POLICY

The City of Appleton performs an annual leaf collection on city streets in the fall of the year. Details of the Leaf Collection Program are as follows:

WHAT: The following items may be placed in the street gutter **will be collected** during the fall of the year: leaves, twigs, grass clippings, flowers and other small yard and garden waste. Branches and large brush must be cut down to 4-foot lengths and **bagged or** bundled, not to exceed 45 pounds. ~~At no time may other debris or refuse be placed in the gutter according to the City of Appleton Ordinance.~~ **Maximum branch diameter is 3 inches.**

WHEN: The City will start collecting leaves during the second week in October continuing into November, weather dependent. The specific dates for collection will be announced in the ~~Fall/Winter edition of the City~~ **annual Public Works** Guide and on the web page. If inclement weather prevents the city from completing the cycle, residents are responsible for leaf and yard waste disposal.

Rake leaves for collection starting October 1 and ending November 11. After November 11, leaves and yard waste may be brought to the two city drop-off sites. If a bonus collection round is determined, details of the bonus round will be provided on the city web page.

WHERE: Heavy Equipment Process Areas:

The following items may be placed in the street gutter during leaf collection: leaves, twigs, grass clippings, flowers and other small yard and garden waste. Branches and large brush must be cut down to 4-foot lengths. At no time may other debris or refuse be placed in the gutter according to the City of Appleton Ordinance.

Vacuum Process Areas:

All leaves shall be raked to terrace area (not in street gutter). All twigs, grass clippings, flowers and other small yard and garden waste shall be properly bagged or bundled.

Rake leaves into the gutter or edge of pavement starting October 1 and ending November 11. After November 11, leaves and yard waste may be brought to the two city drop-off sites. Residents of the following streets are encouraged to bring their leaves to the East Glendale Avenue or the Whitman Avenue drop-off sites:

1. Wisconsin Avenue
2. College Avenue
3. Newberry Street
4. Calumet Street
5. Mason Street (north of Prospect Avenue)
6. Richmond Street/Memorial Drive
7. Oneida Street
8. Lawe Street (College Avenue to Wisconsin Avenue)
9. Meade Street
10. Ballard Road

Leaves on these streets will be pushed into piles on side streets as often as possible, but due to heavy traffic, residents may wish to transport their leaves rather than rake them into the gutter.

HOW: Keep piles low and away from corners as not to interfere with traffic and children.

NOTE: ~~The City of Appleton will not collect bags or cans of leaves placed on the curb during this time.~~



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

To: Municipal Services Committee
From: Michael Hardy, Assistant City Traffic Engineer
Date: December 2, 2021
Re: 2022 Sole Source Purchase Request – Various Traffic Equipment & Technologies
CC: Jeffrey Fait, City Purchasing Manager

This sole source purchase request is reassessed and presented annually as required in the City Procurement Policy. It was last approved for calendar year 2021.

Background:

Traffic Signal and Control Equipment

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

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

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

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

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

Traffic Signal Preventative Maintenance

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

Decorative Street Lighting Equipment

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

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

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

In 2022, we add another pole, arm, and fixture line (K595 & K820 Series) for the City's central business district streets. These were product selected in the City's recently completed Downtown Streetscape Design Guide. We are adding this to the sole source list as we feel this will be a similar situation to the other decorative lighting equipment.

LED Street Lighting

Recent experiences have prompted the addition of LED street lighting equipment to this sole source request. Specific items that apply are both standard and decorative LED street lighting fixtures. In 2010, the City authored a specification and released a bid to replace standard fixtures with LED fixture in the central business district. That experience evaluated products from eight (8) different manufacturers. As a result of that experience, we have identified products from Cooper and Philips as the preferred fixtures for future applications. To comply with the City's purchasing policy in future purchases, we would have to competitively bid these two brands thru the electrical supply chains. In our opinion, while this appears competitive and meets the spirit of the purchasing policy, it really amounts to a mark-up on a product we ultimately know we are going to purchase. We have established a relationship with the manufacturers and have been advised we can purchase from them directly. Where these two products are competitive with each other, we would be able to compare costs direct from the manufacturers which would meet the competitive spirit of the policy. However, three products would be needed to satisfy the policy as written. Having considered the above discussion, we feel a sole source exception offers the best value of the City's time and resources.

Camera & Video Encoders

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

School Zone Flashers

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

Summary:

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

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

Traffic Signal and Control Equipment

Signal Controller and Control Software:

- Siemens (TAPCO)
- Econolite (TTC)

Signal Control Cabinets:

- Mobotrex (TAPCO)
- Econolite (TTC)

Signal Control Malfunction Management Unit:

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

Loop Detector Amplifiers:

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

Video Detection Systems

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

Radar Detection Systems

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

Preemption:

- GTT (TTC)

Wireless Radio Communications:

- Encom Wireless (TAPCO)

Control Cabinet Integration Set-up and Testing:

- TAPCO
- TTC

Radar Speed Signs

- Information Display Company
- TAPCO

Traffic Signal Preventative Maintenance

Traffic Signal Preventative Maintenance:

- TAPCO

Decorative Street Lighting Equipment

Concrete Poles & Arms

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

Steel Poles & Arms

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

LED Fixtures

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

Conventional LED Street Lighting

LED Street Light Fixtures

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

Traffic Cameras

- Avigilon
- Axis (Hunter Security)

Warning Flashers & RRFB

School Zone Flasher & RRFB Controls

- (TAPCO)

ALPR Traffic Cameras

- Genetec (Systems Technologies)

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 05/01/2021 ending: 06/30/2022
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: Town of } Appleton
 Village of }
 City of }

County of Outagamie Aldermanic Dist. No. _____
 (if required by ordinance)

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number	
FEIN Number	
TYPE OF LICENSE REQUESTED	FEE
<input checked="" type="checkbox"/> Class A beer	\$ <u>500</u>
<input type="checkbox"/> Class B beer	\$ _____
<input type="checkbox"/> Class C wine	\$ _____
<input checked="" type="checkbox"/> Class A liquor	\$ <u>300</u>
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$ _____
<input type="checkbox"/> Reserve Class B liquor	\$ _____
<input type="checkbox"/> Class B (wine only) winery	\$ _____
Publication fee	\$ <u>60</u>
TOTAL FEE	\$ <u>560</u>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
TEE TEES NACHOS LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Thornton</u>	<u>Timasha</u>	<u>F</u>	<u>500 S Pierce Ave, Appleton WI 54914</u>
<u>Junitna</u>	<u>Lewis</u>	<u>L</u>	<u>311 S Kools St Apt 1 Appleton WI 54914</u>
<u>Purnell</u>	<u>Jasmonique</u>	<u>D</u>	<u>500 S Pierce Ave Appleton WI 54914</u>
<u>James</u>	<u>Thornton</u>	<u>D</u>	<u>500 S Pierce Ave Appleton WI 54914</u>
<u>Thornton</u>	<u>Timasha</u>	<u>F</u>	<u>500 S Pierce Ave, Appleton WI 54914</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name TEE TEES NACHOS LLC Business Phone Number 920-515-5520
 2. Address of Premises 550 N Morrison St #2 Post Office & Zip Code 54911

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
It would be kept in the building and the back room of the offices, stack on top of the shelves. In a cooler in suite C. Suite C is 12 on the Diagram.

4. Legal description (omit if street address is given above): _____
 5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
 (b) If yes, under what name was license issued? _____

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? If yes, explain Yes No
yes I take the online course on Security Alcohol Inc - Wisconsin Alcohol Seller/Server course
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
 If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? If yes, explain Yes No
9. (a) Corporate/limited liability company applicants only: Insert state WI and date 05-13-2021 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? If yes, explain Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? If yes, explain. Yes No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) <u>Thornton Timasha F</u>	Title/Member <u>President</u>	Date <u>09-29-21</u>
Signature <u>Timasha Thornton</u>	Phone Number 	Email Address

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk <u>9-24-2021</u>	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



City of Appleton

Alcohol License Questionnaire

1. Name of Applicant: Timasha Thornton

2. Name of Business: Tee Tee's Nachos

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

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

3. Address of Business: 550 W Morrison Ave Appleton, WI 54911

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

AND/OR been convicted of a felony? Yes No

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

James Thornton - Had a family fight become a misdemeanor

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

<u>Junitra</u>	<u>L</u>	<u>Lewis</u>	● ● / ● ●
First name	M.I.	Last name	Date of Birth
<u>James</u>	<u>D</u>	<u>Thornton</u>	● ● / ● ●
First name	M.I.	Last name	Date of Birth
<u>Jasmonique</u>	<u>D</u>	<u>Dunnell</u>	● ● / ● ●
First name	M.I.	Last name	Date of Birth
<u>Janiya</u>	<u>D</u>	<u>Thornton</u>	● ● / ● ●
First name	M.I.	Last name	Date of Birth

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

Name: Alan Ament
First name Middle Initial Last name

Address: W6442 Firelane B Menasha WI 54952
City State ZIP

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

Name: N/A Unsure

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

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

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

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

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

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

N/A months ago.

10. Seating capacity: Inside 30 Outside 15

11. Operating hours (Inside the building): Monday - Saturday 9am - 9pm
Operating hours (Outdoor seating areas): Monday - Saturday 9am - 6pm

12. Employees/Staff

Number of floor personnel 2 Number of door checkers —

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

- a. Gross floor building area of the premises to be licensed: _____ square feet.
- b. Gross outdoor seating areas of the premises to be licensed: _____ square feet.
- c. Below, identify the operational details of the proposed establishment:

In Suite C is were we going have
Nachos Bar, Candy, Soda, and etc. In suite
D were we going have Painting/Craft studio,
Selling wine and beer in Suite C.

Amish
Signature

09-29-21
Date

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village of APPLETON County of Outagamie
 City

The undersigned duly authorized officer/member/manager of TEE TEE'S Nachos LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as
TEE TEE'S Nachos LLC
(Trade Name)

located at 550 N Morrison St Appleton WI 54911

appoints Timasha Thornton
(Name of Appointed Agent)

500 S pierce Ave Appleton WI 54914
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No
 How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 44 years

Place of residence last year 500 S pierce Ave Appleton WI 54914

For: TEE TEE'S Nachos LLC
(Name of Corporation / Organization / Limited Liability Company)

By: *Timasha Thornton*
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, Timasha Thornton, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Timasha Thornton 9/23/2021
(Signature of Agent) (Date)

Agent's age

500 S pierce Ave Appleton WI 54914
(Home Address of Agent)

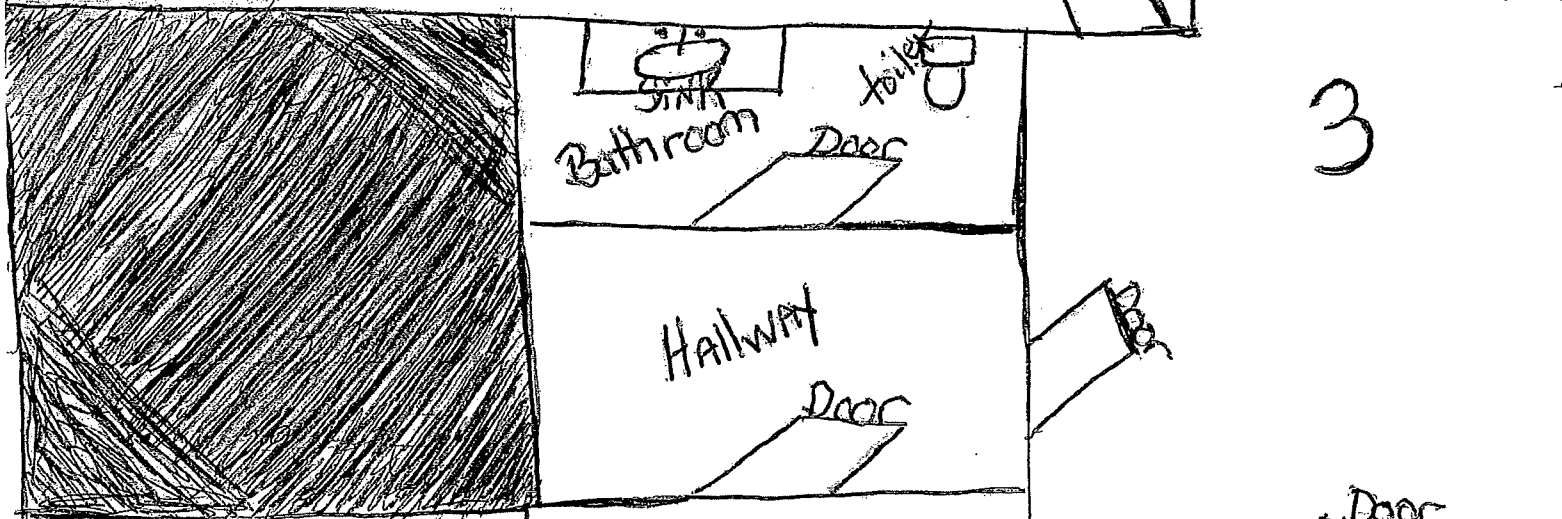
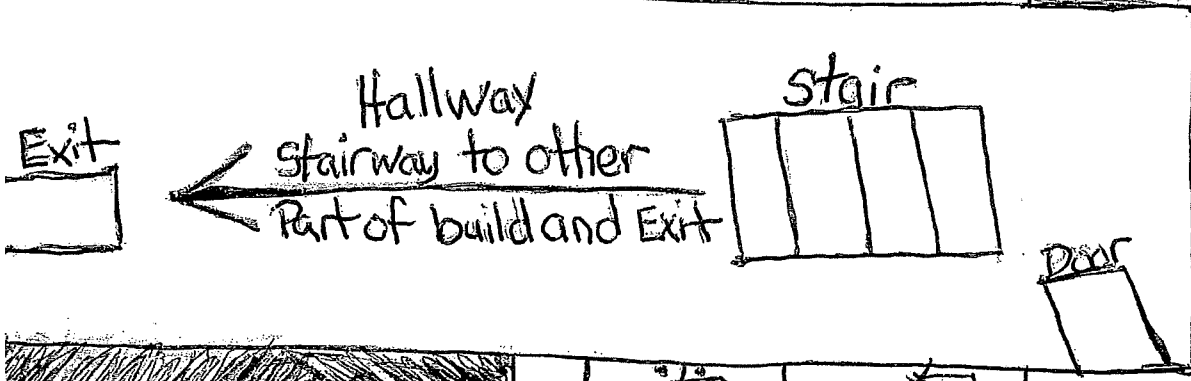
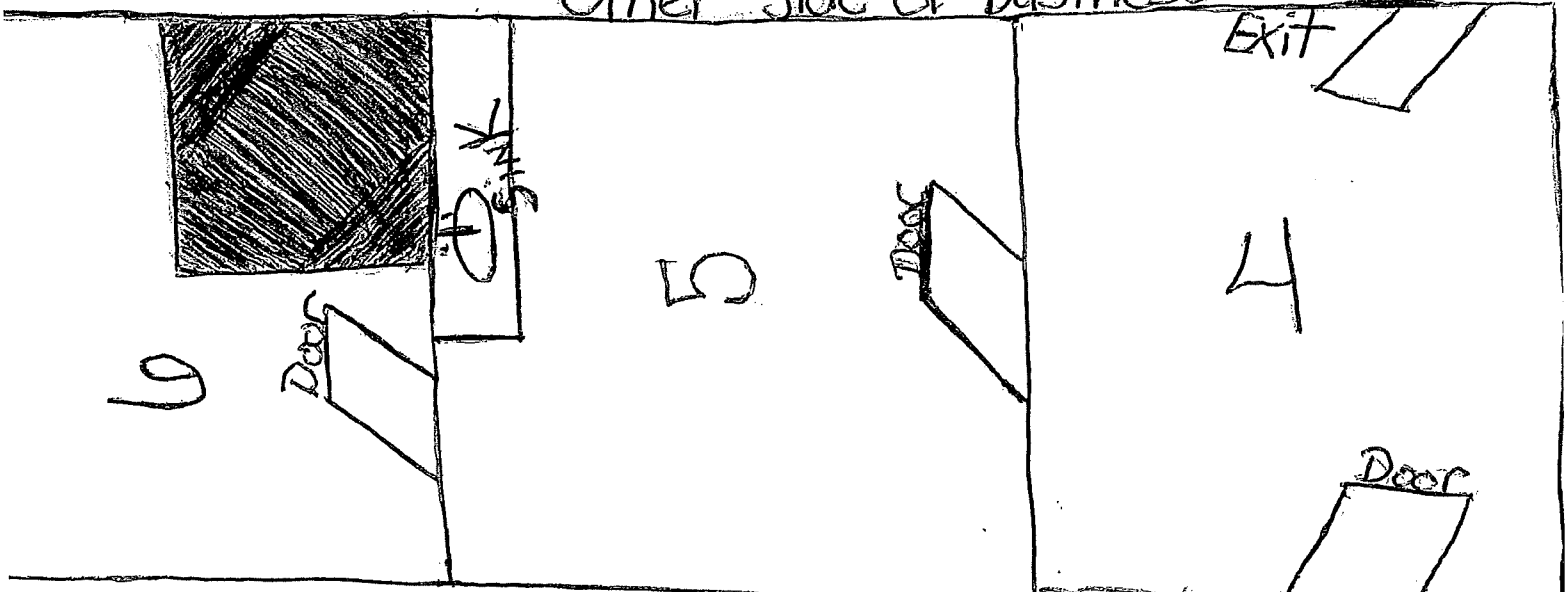
Date of birth

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

Other side of business





REPORT TO CITY PLAN COMMISSION

New Information identified ***Bold, Italic and strikethrough***

Plan Commission Public Hearing Date: November 10, 2021

Plan Commission Meeting Dates: *Held at November 10, 2021 meeting to December 8, 2021 meeting*

Common Council Meeting Date: ~~November 17, 2021~~ ***December 15, 2021***

Item: Special Use Permit #3-21 for Paint/Craft Studio with Alcohol Sales

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: Alan Ament

Applicant: Timasha Thornton, Tee Tees Nachos, paint/craft studio with alcohol sales

Address/Parcel #: 550 North Morrison Street, Unit D – Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a paint/craft studio with alcohol sales.

BACKGROUND

On March 18, 2020, the Common Council adopted ordinances 24-20 - 57-20 related to Chapter 23 of the Zoning Ordinance relating to allowing paint/craft studios with alcohol sales by Special Use Permit in the CBD Central Business District, C-2 General Commercial District and C-1 Neighborhood Mixed Use District.

Painting/Craft Studio with alcohol sales means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts.

On October 8, 2021, the applicant applied for and filed a Class B Beer license with the City Clerk's Office.

On November 10, 2021, the Plan Commission held this item until their December 8, 2021 meeting to allow time for the applicant to attend the Plan Commission meeting to address questions related to the daily business operations.

On November 16, 2021, staff contacted the applicant by telephone and via email to provide an update of what happened at the November 10, 2021 Plan Commission meeting. Staff recommended the applicant make arrangements to attend the December 8, 2021 Plan Commission meeting to answer any questions that may be asked about the daily business operations of the proposed paint/craft studio use.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a painting/craft studio with alcohol sales. The proposed painting/craft studio with alcohol sales will occupy approximately 892 feet in a lower level tenant space (Unit D, Rooms 3, 4, 5, and 6) of the existing building. The operations of the business will primarily focus on the production of arts and crafts, and the service of beer is offered as an additional amenity (customers are not required to purchase alcohol). The proposed alcohol service will be ancillary and subordinate to the primary use as a painting/crafts studio (i.e., an amenity for the customers).

Operational Information: A plan of operation is attached to the staff report.

Outdoor Seating Area: No outdoor alcohol sales and service is requested with this application.

Existing Site Conditions: The existing multi-tenant building totals approximately 17,800 square feet, including other lower level, first and second floor commercial uses. The 32,288 square foot site also includes a 43 stall off-street parking lot. Access is provided by curb cuts on North Morrison Street and East Pacific Street.

Current Zoning and Procedural Findings: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a paint/craft studio with alcohol sales requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and residential in nature.

North: R-1C Central City Residential District and CBD Central Business District. The adjacent land uses to the north are currently a mix and single-family residential and the railroad.

South: R-2 Two-family District and R-1C Central City Residential District. The adjacent land uses to the south are currently a mix of single and two-family residential.

East: C-2 General Commercial District, R-2 Two-family District and R-1C Central City Residential District. The adjacent land uses to the east are currently a mix of single and two-family residential.

West: CBD Central Business District and P-I Public Institutional District. The adjacent land uses to the west are Appleton Area School District facility office building and railroad tracks.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Mixed Use District designation shown on the City's *Comprehensive Plan 2010-2030 Future Land Use Map*. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

Technical Review Group (TRG) Report: This item originally appeared on the October 19, 2021 TRG agenda. No negative comments were received from participating departments.

The following TRG comments are provided for additional background history:

Health Department and City Clerk's Office: On September 29, 2021, staff met with the applicant to obtain clarification on the responses listed on the initial liquor license application. In this meeting, the applicant was informed to contact the Community and Economic Development Department to discuss the Special Use Permit process.

Community and Economic Development Department: On September 30, 2021, staff had an initial conversation with the applicant and an email follow up explaining the Special Use Permit process for the proposed paint/craft studio with alcohol sales. Staff assisted the applicant with completing the Special Use Permit application form and provided the applicant with written correspondence on October 11, 2021, October 27, 2021, and November 4, 2021, of the initial date, time and location of the Plan Commission meeting held on November 10, 2021.

Inspections Division and Health Department: An on-site inspection of the premises was conducted on October 1, 2021 by the Inspections Division and Health Department staff. The following items were discussed with the applicant:

- 1. Food Preparation: The need for a grease hood. The applicant decided to use pre-cooked ground beef for the nachos. Since no longer planning to cook from raw meat, a grease hood would no longer needed.*

2. *Kitchen Area Improvements: The carpeting will need to be replaced with an approved floor covering, the installation of approved warewashing sinks, prep sink, mop sink, handwash sink, a grease trap and other equipment requirements.*
3. *Scaled floor plan: A scaled floor plan identifying room dimensions, restroom location with fixtures, room exits and details about the proposed use of the respective lease area would need to be prepared and be submitted to the Inspections Division for review.*
4. *Occupancy limits: Inspections indicated, 15 person maximum occupant limit for Units C and D – Rooms numbers 1, 2, 3, 4, 5 and 6 because the lease area only has one toilet fixture in the restroom. Adding an additional toilet, restroom, would allow a total of 80 occupants per DSPS building codes (Table 2902.1).*
5. *Exit Doors: The maximum number occupants that can occupy the lease area for one exit door is 49 persons per DSPS building codes (DSPS Table 1006.2.1). Two code compliant exit doors within the lease area would require additional review to establish maximum number of occupants.*

NOTE: The second door located on south wall of Unit 4 is labeled as an exit but is not a legal exit as it leads through an adjacent,/independent lease space to reach the actual exit door.

6. *Expectations: The applicant was asked to submit a scaled floor plan to the Inspections Division for their review so further assistance can be provided related to satisfying the applicable Building Codes.*

Health Department: On November 16, 2021, staff contacted the applicant. The applicant indicated the carpeting in the proposed kitchen area was replaced with new floor covering. A plumbing contractor was hired and is in the process of drawing up plans to submit to the Health Department and the Plumbing Inspector for review.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, the property has historically functioned as a shopping center building, per Assessor's Office records. The proposal will not increase the gross floor area of the existing multi-tenant building. Therefore, additional off-street parking spaces are not required for the applicant's request.

Finding of Fact: This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under

Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

The proposed alcohol service will be ancillary and subordinate to the primary use as a painting/crafts studio (i.e., an amenity for the customers). With the implementation of proposed stipulations of approval, the proposed use is not expected to cause or aggravate any problems in the neighborhood created by the sale of alcohol such as disturbance of the peace, excessive loud noises, traffic violations, or impact on city services.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #3-21 for a paint/craft studio with alcohol sales located at 550 North Morrison Street Unit D – Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00) as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.

Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

3. The site shall be kept free of litter and debris.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

5. The serving and consumption of alcohol is limited to the interior lower level tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

6. The serving and consumption of alcohol is limited to customers who are participating in the production of an arts and crafts project.

Substantial Evidence: This condition provides notice to the applicant that alcohol can only be consumed by customers when they paint and/or make crafts which is specified in the definition term for "Painting/Craft Studio with alcohol sales" pursuant to Section 23-22 of the Zoning Ordinance.

7. This Special Use Permit is needed for a paint/craft studio with on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #3-21
PAINT/CRAFT STUDIO WITH ALCOHOL SALES
550 NORTH MORRISON STREET, UNIT D – LOWER LEVEL ROOMS 3, 4, 5 and 6**

WHEREAS, Timasha Thornton has applied for a Special Use Permit for Paint/Craft Studio with Alcohol Sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00); and

WHEREAS, the location for the proposed Paint/Craft Studio with Alcohol Sales is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code. As defined by Chapter 23 of the Municipal Code, a Painting/Craft Studio with Alcohol Sales means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on November 10, 2021 on Special Use Permit #3-21, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and subsequent City Plan Commission meeting on December 8, 2021; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code and forwarded Special Use Permit #3-21 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on December 15, 2021.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #3-21 for a Paint/Craft Studio with alcohol sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6

(Tax Id #31-2-0586-00), based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #3-21 for a Paint/Craft Studio with Alcohol Sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00), subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #3-21

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - C. The site shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - E. The serving and consumption of alcohol is limited to the interior lower level tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
 - F. The serving and consumption of alcohol is limited to customers who are participating in the production of an arts and crafts project.
 - G. This Special Use Permit is needed for a paint/craft studio with on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this _____ day of _____, 2021.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of business: TEE TEES NACHOS LLC

Years in operation: New Business

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other _____

Detailed explanation of proposed business activities:

Proposed to operate a painting/craft studio with alcohol sales by providing customers instruction in the art of painting and/or making crafts and offering customers the opportunity to purchase alcoholic beverages for consumption on-site while they paint and/or make crafts.

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) 892 sq.ft. Unit D, Lower Level of Building Unit D, Room# 3,4,5 and 6. See floor plan

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) Same as existing, no change

Occupancy limits:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: _____ persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	9AM	10PM
Friday	9AM	10PM
Saturday	9AM	10PM
Sunday	N/A	N/A

Production/Storage information:

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: N/A U.S. gallons per year
- Proposed production of fermented malt beverages: N/A U.S. gallons per year
- Current production of wine: N/A U.S. gallons per year
- Proposed production of wine: N/A U.S. gallons per year
- Current production of intoxicating liquor: N/A proof gallons per year
- Proposed production of intoxicating liquor: N/A proof gallons per year
- None. If none, leave the following 2 storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Not Applicable to the proposed use.

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

Not Applicable to the proposed use.

Outdoor Space Uses:

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other _____.

None. If none, leave the following questions in this section blank.

Size: _____ square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

- Fencing
- Landscaping
- Other _____ Height _____ feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes No

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes No

If yes, describe how the noise will be controlled:

Is there any food service incorporated in this outdoor facility proposal? Yes No

Proposed Hours of Operation for Outdoor Space:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

*******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources:
The noise level will be a medium level

Describe how the crowd noise will be controlled inside and outside the building:
by posting signs in and out the building, as well as reminding by staff

Off-Street Parking:

Number of spaces existing on-site: 43.00

Number of spaces proposed on-site: 0.00

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Existing driveway access is from North Morrison Street and Pacific Street. No accesses improvements are proposed with this request.

Other Licensed Premises:

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

Number of Employees:

Number of existing employees: 4

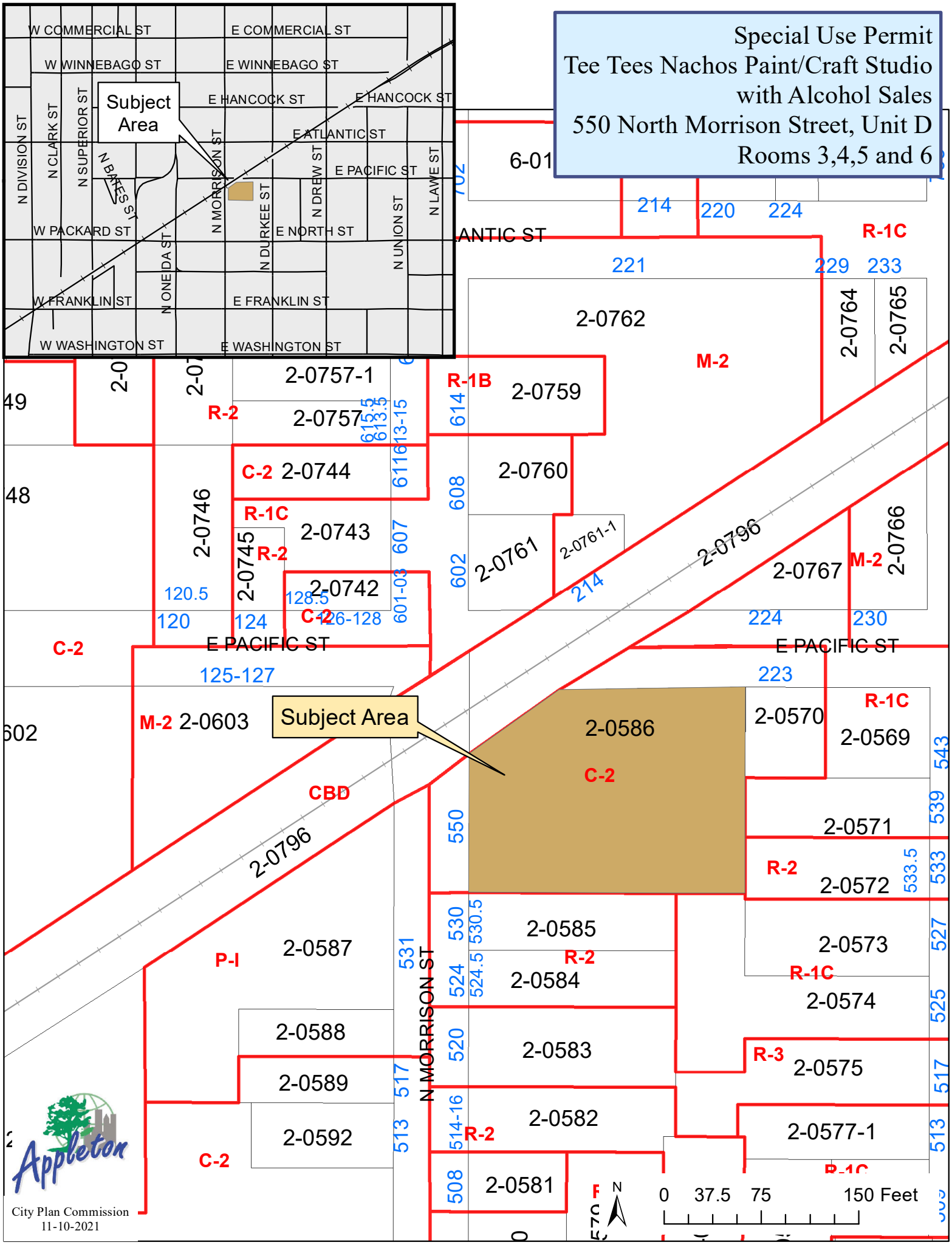
Number of proposed employees: 2

Number of employees scheduled to work on the largest shift: 3

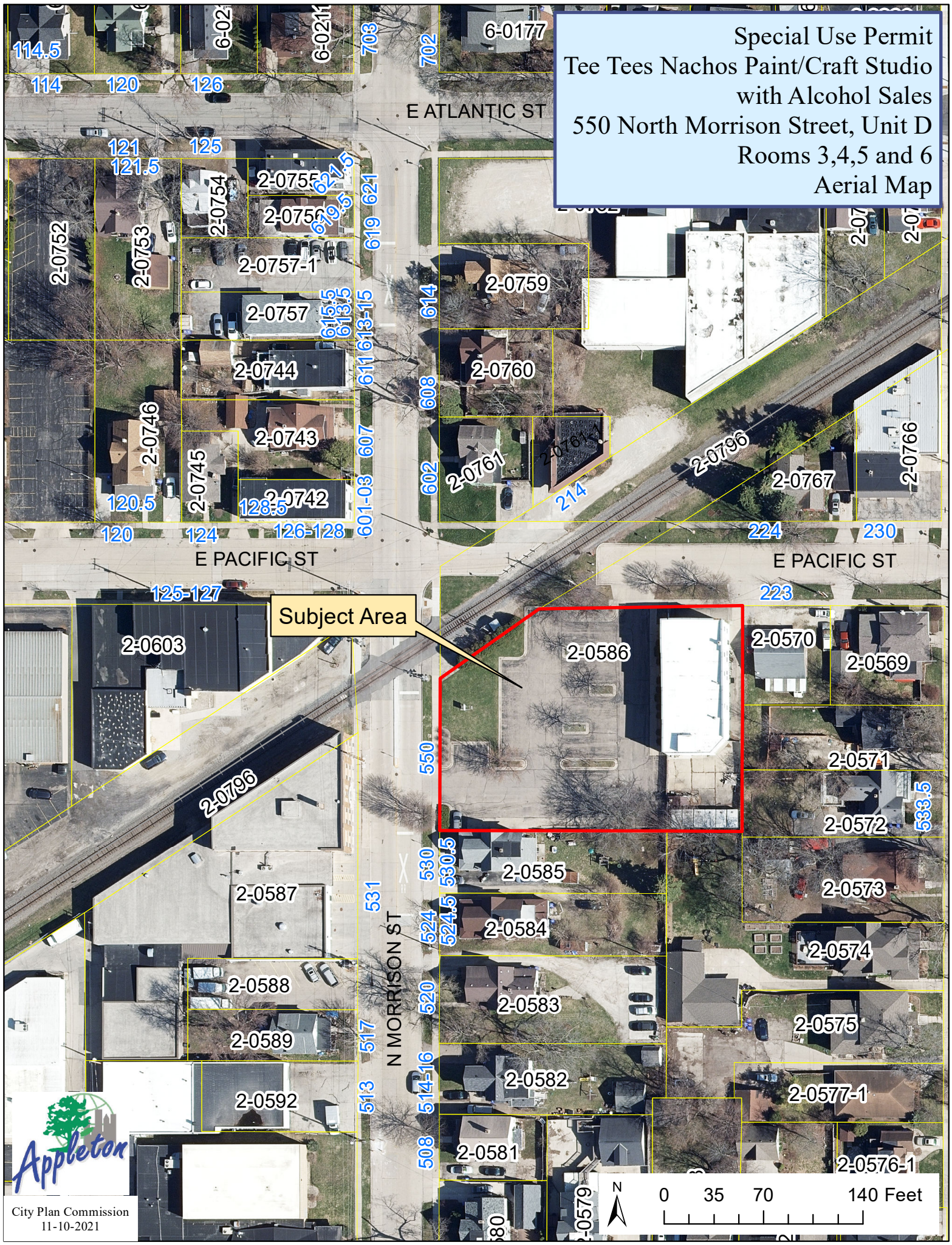
Special Use Permit
 Tee Tees Nachos Paint/Craft Studio
 with Alcohol Sales
 550 North Morrison Street, Unit D
 Rooms 3,4,5 and 6

Subject Area

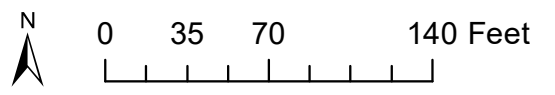
Subject Area



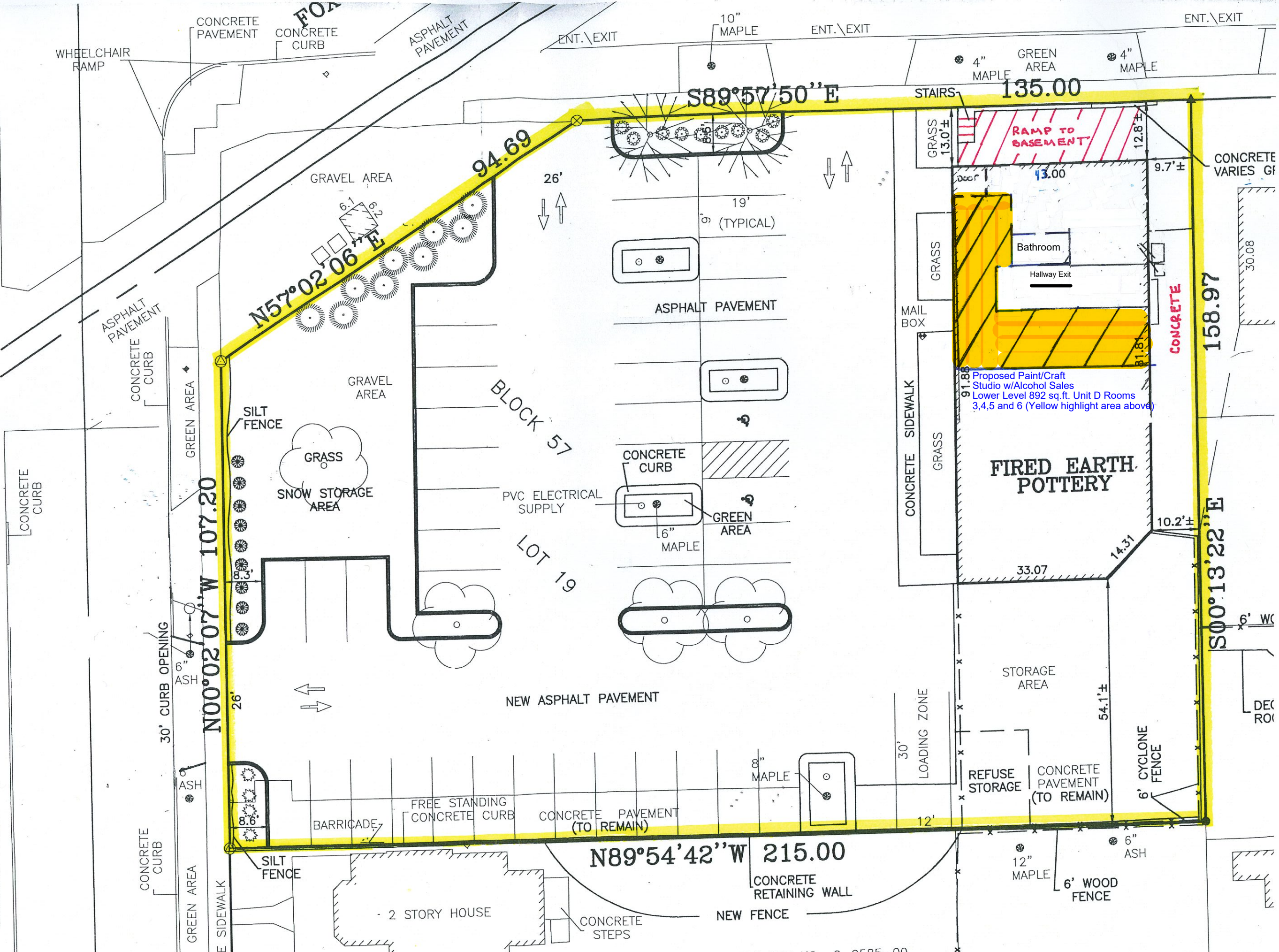
Special Use Permit
 Tee Tees Nachos Paint/Craft Studio
 with Alcohol Sales
 550 North Morrison Street, Unit D
 Rooms 3,4,5 and 6
 Aerial Map



Subject Area



MORRISON STREET (60')
CONCRETE PAVEMENT (FAIR CONDITION) PUBLIC ROADWAY



TAX KEY NO.: 2-0585-00

← 18ft 531 →

← 13ft 151 in →

2

Door

← 10ft 122 in →

← 5ft 72 in →

Hallway

← 7ft 86 in →

← 7ft →

Bathroom

← 8ft 86 in →

Door

← 5ft 45 →

Door

← 5ft →

Door

← 5ft →

Door

← 5ft →

Door

← 5ft →

Door

← 5ft →

Door

← 5ft →

Door

← 5ft →

Door

← 5ft →

Door

Hallway

← 12ft 84 in →

Door

← 7ft 94 in →

Door

← 7ft →

Door

← 7ft →

Door

← 7ft →

Door

← 7ft →

Door

← 7ft →

Door

← 7ft →

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Door

← 7ft →

Door

3

Proposed Art Room/tables and chairs

Painting Craft Studio
UNIT D = Rooms 3, 4, 5, 6.

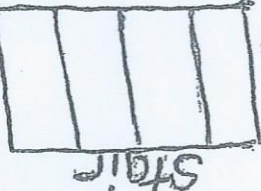
← UICB01 →

4ft 52 →

← 6ft →

Hallway
Stairway to other
Part of building and Exit

Exit



Stair

6

Storage Space
96 sq. ft.

← 12ft 146 in →

← 11ft →

← 6ft 72 in →

← 42 in →



Door



← 12ft →

5

Storage
180 sq. ft.

Proposed Kitchen

← 15ft 84 in →



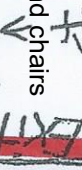
Door

4

Proposed Art Room/tables and chairs

144 sq. ft.

← 12ft 152 in →



Exit

Other side of business

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07-01-2021 ending: 06-30-2022
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: Town of } Appleton
 Village of }
 City of }

County of Outagamie Aldermanic Dist. No. _____
 (if required by ordinance)

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number [REDACTED]	
FEIN Number [REDACTED]	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ 100
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 60
TOTAL FEE	\$ 160

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Tee Tee's Nachos LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Thornton	Timasha	F	500 S Pierce Ave Appleton, WI 54914
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Lewis	Junitha	L	311 S tools st Apt 1 Appleton, WI 54914
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Durnell	Jasmonique	D	500 S Pierce Ave Appleton, WI 54914
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Thornton	James	D	500 S Pierce Ave Appleton, WI 54914
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Thornton	Timasha	F	500 S Pierce Ave Appleton, WI 54914
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Thornton	Janiya	D	500 S Pierce Ave Appleton, WI 54914

1. Trade Name Tee Tee's Nachos Business Phone Number _____
 2. Address of Premises 250 N Morrison St Unit D Post Office & Zip Code Appleton, WI 54911

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
We are consuming in unit D and storing in unit D in the sack storage rooms. Base on the Diagram unit D is number 3, 4, 5.

4. Legal description (omit if street address is given above): _____
 5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
 (b) If yes, under what name was license issued? _____

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) **Corporate/limited liability company applicants only:** Insert state _____ and date _____ of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** Yes No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) Thornton Timasha F	Title/Member President	Date 10-8-2021
Signature <i>Timasha F Thornton</i>	Phone Number [REDACTED]	Email Address [REDACTED]

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk 10-8-21	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



City of Appleton

Alcohol License Questionnaire

1. Name of Applicant: Timasha Thornton

2. Name of Business: Tee Tee's nachos

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

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

3. Address of Business: 550 N Morrison St Appleton, WI

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

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

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

Family Fight

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

<u>Jynitra</u>	<u>L</u>	<u>Lewis</u>	●	/	●	/	●●●●
First name	M.I.	Last name					Date of Birth
<u>Jasmonique</u>	<u>D</u>	<u>Durwell</u>	●	/	●	/	●●●●
First name	M.I.	Last name					Date of Birth
<u>James</u>	<u>D</u>	<u>Thornton</u>	●	/	●	/	●●●●
First name	M.I.	Last name					Date of Birth
<u>Janiya</u>	<u>D</u>	<u>Thornton</u>	●	/	●	/	●●●●
First name	M.I.	Last name					Date of Birth

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

Name: Timasha L Thornton

First name Middle Initial Last name

Address: 500 S Pierce Ave Appleton WI 54914

City State ZIP

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

Name: N/A

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

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

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

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

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

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

N/A months ago.

10. Seating capacity: Inside 15 Outside 0

11. Operating hours (Inside the building): Monday-Saturday 9am-10pm
Operating hours (Outdoor seating areas): Monday-Saturday 9am-6pm

12. Employees/Staff

Number of floor personnel 2 Number of door checkers 1

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

- a. Gross floor building area of the premises to be licensed: 892 square feet.
- b. Gross outdoor seating areas of the premises to be licensed: ----- square feet.
- c. Below, identify the operational details of the proposed establishment:

Painting/Craft studio while drinking
Beer, and serving nachos.

Amashe M. O.
Signature

10-8-2021
Date

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town Village City of Appleton County of Outagamie

The undersigned duly authorized officer/member/manager of Tee Tee's Nachos
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as Tee Tee's Nachos
(Trade Name)

located at 550 N Morrison St Appleton, WI

appoints Timasha Thornton
(Name of Appointed Agent)

500 S Pierce Ave Appleton, WI
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).
Tee Tee's Nachos

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 44 years

Place of residence last year 500 S Pierce Ave Appleton, WI

For: Tee Tee's Nachos
(Name of Corporation / Organization / Limited Liability Company)

By: Timasha Thornton
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, Timasha Thornton, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Timasha Thornton 10-8-2021
(Signature of Agent) (Date) Agent's age 44

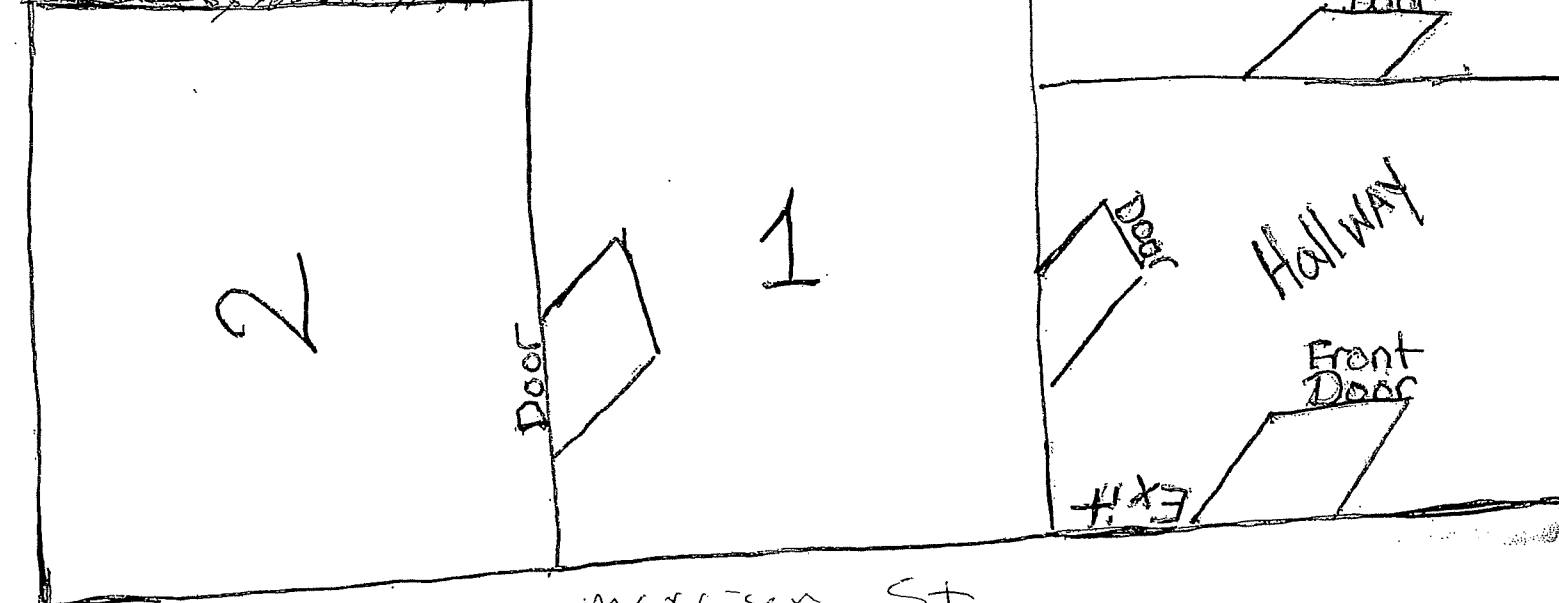
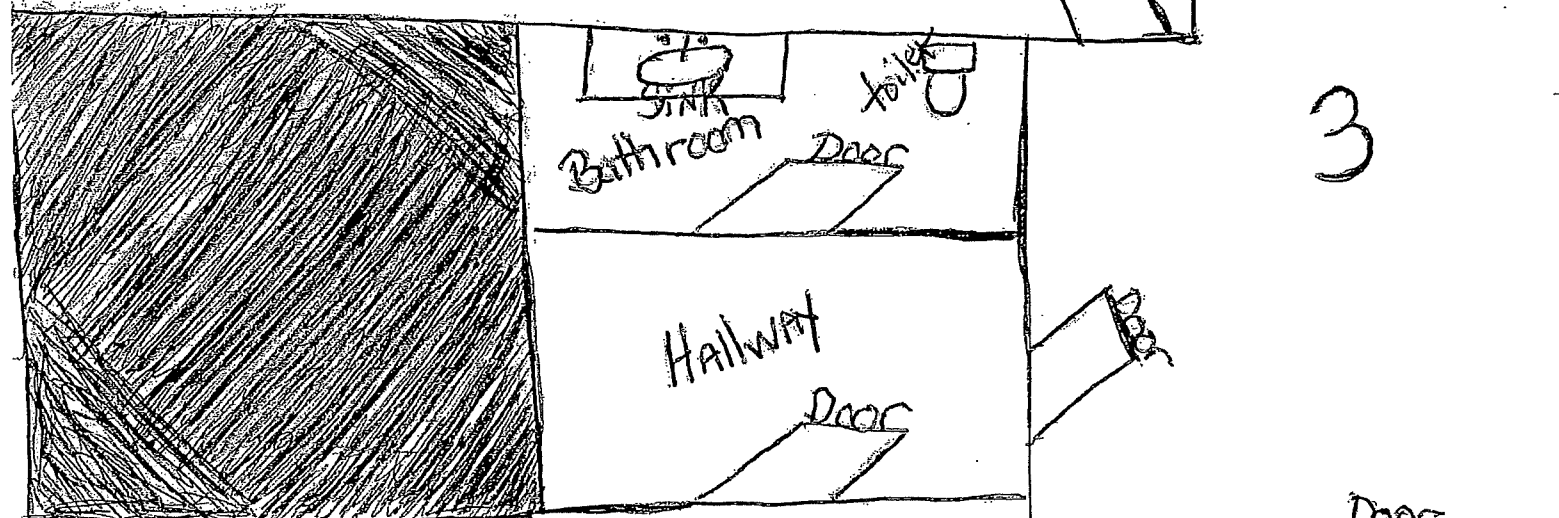
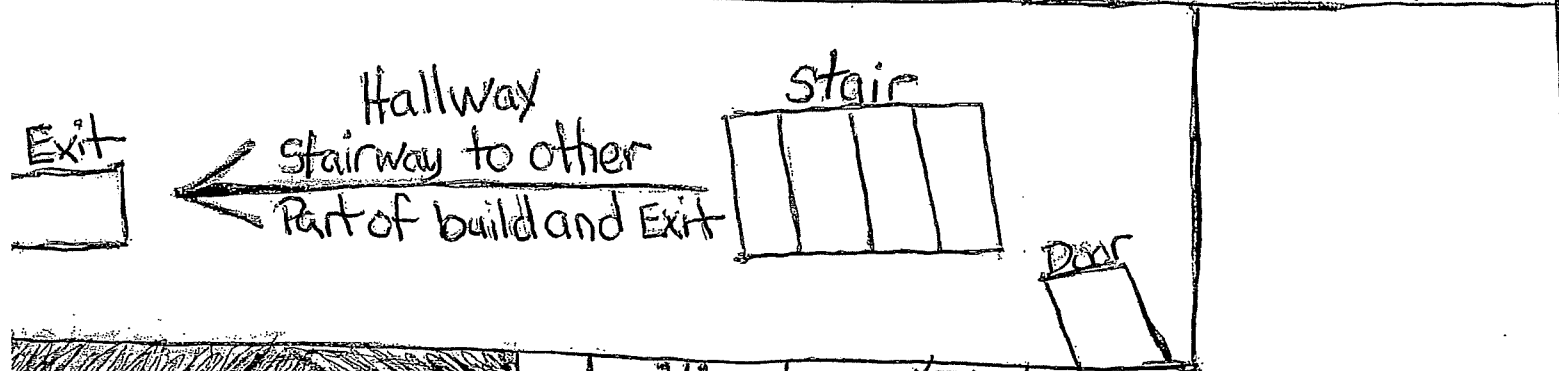
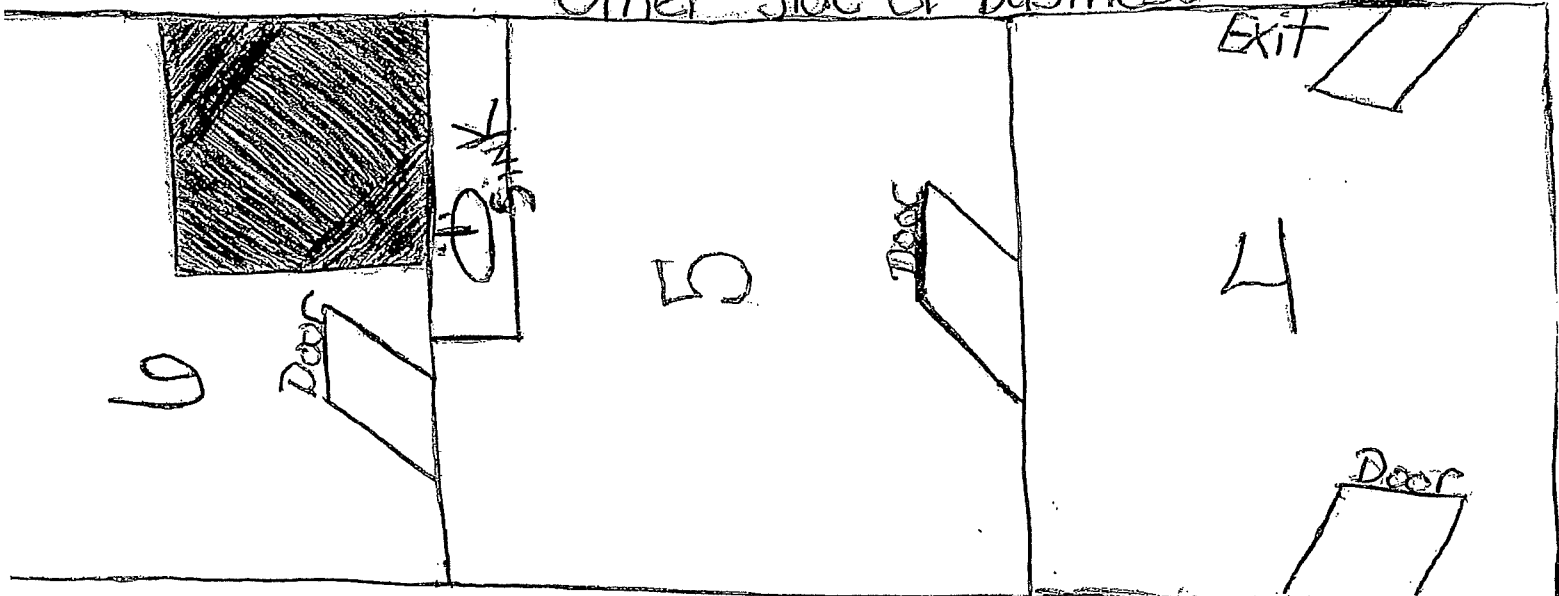
500 S Pierce Ave Appleton, WI
(Home Address of Agent) Date of birth 08/11/77

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

Other side of business





REPORT TO CITY PLAN COMMISSION

New Information identified ***Bold, Italic and strikethrough***

Plan Commission Public Hearing Date: November 10, 2021

Plan Commission Meeting Dates: *Held at November 10, 2021 meeting to December 8, 2021 meeting*

Common Council Meeting Date: ~~November 17, 2021~~ ***December 15, 2021***

Item: Special Use Permit #3-21 for Paint/Craft Studio with Alcohol Sales

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: Alan Ament

Applicant: Timasha Thornton, Tee Tees Nachos, paint/craft studio with alcohol sales

Address/Parcel #: 550 North Morrison Street, Unit D – Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a paint/craft studio with alcohol sales.

BACKGROUND

On March 18, 2020, the Common Council adopted ordinances 24-20 - 57-20 related to Chapter 23 of the Zoning Ordinance relating to allowing paint/craft studios with alcohol sales by Special Use Permit in the CBD Central Business District, C-2 General Commercial District and C-1 Neighborhood Mixed Use District.

Painting/Craft Studio with alcohol sales means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts.

On October 8, 2021, the applicant applied for and filed a Class B Beer license with the City Clerk's Office.

On November 10, 2021, the Plan Commission held this item until their December 8, 2021 meeting to allow time for the applicant to attend the Plan Commission meeting to address questions related to the daily business operations.

On November 16, 2021, staff contacted the applicant by telephone and via email to provide an update of what happened at the November 10, 2021 Plan Commission meeting. Staff recommended the applicant make arrangements to attend the December 8, 2021 Plan Commission meeting to answer any questions that may be asked about the daily business operations of the proposed paint/craft studio use.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a painting/craft studio with alcohol sales. The proposed painting/craft studio with alcohol sales will occupy approximately 892 feet in a lower level tenant space (Unit D, Rooms 3, 4, 5, and 6) of the existing building. The operations of the business will primarily focus on the production of arts and crafts, and the service of beer is offered as an additional amenity (customers are not required to purchase alcohol). The proposed alcohol service will be ancillary and subordinate to the primary use as a painting/crafts studio (i.e., an amenity for the customers).

Operational Information: A plan of operation is attached to the staff report.

Outdoor Seating Area: No outdoor alcohol sales and service is requested with this application.

Existing Site Conditions: The existing multi-tenant building totals approximately 17,800 square feet, including other lower level, first and second floor commercial uses. The 32,288 square foot site also includes a 43 stall off-street parking lot. Access is provided by curb cuts on North Morrison Street and East Pacific Street.

Current Zoning and Procedural Findings: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a paint/craft studio with alcohol sales requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and residential in nature.

North: R-1C Central City Residential District and CBD Central Business District. The adjacent land uses to the north are currently a mix and single-family residential and the railroad.

South: R-2 Two-family District and R-1C Central City Residential District. The adjacent land uses to the south are currently a mix of single and two-family residential.

East: C-2 General Commercial District, R-2 Two-family District and R-1C Central City Residential District. The adjacent land uses to the east are currently a mix of single and two-family residential.

West: CBD Central Business District and P-I Public Institutional District. The adjacent land uses to the west are Appleton Area School District facility office building and railroad tracks.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Mixed Use District designation shown on the City's *Comprehensive Plan 2010-2030 Future Land Use Map*. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

Technical Review Group (TRG) Report: This item originally appeared on the October 19, 2021 TRG agenda. No negative comments were received from participating departments.

The following TRG comments are provided for additional background history:

Health Department and City Clerk's Office: On September 29, 2021, staff met with the applicant to obtain clarification on the responses listed on the initial liquor license application. In this meeting, the applicant was informed to contact the Community and Economic Development Department to discuss the Special Use Permit process.

Community and Economic Development Department: On September 30, 2021, staff had an initial conversation with the applicant and an email follow up explaining the Special Use Permit process for the proposed paint/craft studio with alcohol sales. Staff assisted the applicant with completing the Special Use Permit application form and provided the applicant with written correspondence on October 11, 2021, October 27, 2021, and November 4, 2021, of the initial date, time and location of the Plan Commission meeting held on November 10, 2021.

Inspections Division and Health Department: An on-site inspection of the premises was conducted on October 1, 2021 by the Inspections Division and Health Department staff. The following items were discussed with the applicant:

- 1. Food Preparation: The need for a grease hood. The applicant decided to use pre-cooked ground beef for the nachos. Since no longer planning to cook from raw meat, a grease hood would no longer needed.*

2. *Kitchen Area Improvements: The carpeting will need to be replaced with an approved floor covering, the installation of approved warewashing sinks, prep sink, mop sink, handwash sink, a grease trap and other equipment requirements.*
3. *Scaled floor plan: A scaled floor plan identifying room dimensions, restroom location with fixtures, room exits and details about the proposed use of the respective lease area would need to be prepared and be submitted to the Inspections Division for review.*
4. *Occupancy limits: Inspections indicated, 15 person maximum occupant limit for Units C and D – Rooms numbers 1, 2, 3, 4, 5 and 6 because the lease area only has one toilet fixture in the restroom. Adding an additional toilet, restroom, would allow a total of 80 occupants per DSPS building codes (Table 2902.1).*
5. *Exit Doors: The maximum number occupants that can occupy the lease area for one exit door is 49 persons per DSPS building codes (DSPS Table 1006.2.1). Two code compliant exit doors within the lease area would require additional review to establish maximum number of occupants.*

NOTE: The second door located on south wall of Unit 4 is labeled as an exit but is not a legal exit as it leads through an adjacent,/independent lease space to reach the actual exit door.

6. *Expectations: The applicant was asked to submit a scaled floor plan to the Inspections Division for their review so further assistance can be provided related to satisfying the applicable Building Codes.*

Health Department: On November 16, 2021, staff contacted the applicant. The applicant indicated the carpeting in the proposed kitchen area was replaced with new floor covering. A plumbing contractor was hired and is in the process of drawing up plans to submit to the Health Department and the Plumbing Inspector for review.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, the property has historically functioned as a shopping center building, per Assessor's Office records. The proposal will not increase the gross floor area of the existing multi-tenant building. Therefore, additional off-street parking spaces are not required for the applicant's request.

Finding of Fact: This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under

Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

The proposed alcohol service will be ancillary and subordinate to the primary use as a painting/crafts studio (i.e., an amenity for the customers). With the implementation of proposed stipulations of approval, the proposed use is not expected to cause or aggravate any problems in the neighborhood created by the sale of alcohol such as disturbance of the peace, excessive loud noises, traffic violations, or impact on city services.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #3-21 for a paint/craft studio with alcohol sales located at 550 North Morrison Street Unit D – Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00) as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.

Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

3. The site shall be kept free of litter and debris.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

5. The serving and consumption of alcohol is limited to the interior lower level tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

6. The serving and consumption of alcohol is limited to customers who are participating in the production of an arts and crafts project.

Substantial Evidence: This condition provides notice to the applicant that alcohol can only be consumed by customers when they paint and/or make crafts which is specified in the definition term for "Painting/Craft Studio with alcohol sales" pursuant to Section 23-22 of the Zoning Ordinance.

7. This Special Use Permit is needed for a paint/craft studio with on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #3-21
PAINT/CRAFT STUDIO WITH ALCOHOL SALES
550 NORTH MORRISON STREET, UNIT D – LOWER LEVEL ROOMS 3, 4, 5 and 6

WHEREAS, Timasha Thornton has applied for a Special Use Permit for Paint/Craft Studio with Alcohol Sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00); and

WHEREAS, the location for the proposed Paint/Craft Studio with Alcohol Sales is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code. As defined by Chapter 23 of the Municipal Code, a Painting/Craft Studio with Alcohol Sales means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on November 10, 2021 on Special Use Permit #3-21, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and subsequent City Plan Commission meeting on December 8, 2021; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code and forwarded Special Use Permit #3-21 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on December 15, 2021.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #3-21 for a Paint/Craft Studio with alcohol sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6

(Tax Id #31-2-0586-00), based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #3-21 for a Paint/Craft Studio with Alcohol Sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00), subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #3-21

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - C. The site shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - E. The serving and consumption of alcohol is limited to the interior lower level tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
 - F. The serving and consumption of alcohol is limited to customers who are participating in the production of an arts and crafts project.
 - G. This Special Use Permit is needed for a paint/craft studio with on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this _____ day of _____, 2021.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of business: TEE TEES NACHOS LLC

Years in operation: New Business

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other _____

Detailed explanation of proposed business activities:

Proposed to operate a painting/craft studio with alcohol sales by providing customers instruction in the art of painting and/or making crafts and offering customers the opportunity to purchase alcoholic beverages for consumption on-site while they paint and/or make crafts.

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) 892 sq.ft. Unit D, Lower Level of Building Unit D, Room# 3,4,5 and 6. See floor plan

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) Same as existing, no change

Occupancy limits:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: _____ persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	9AM	10PM
Friday	9AM	10PM
Saturday	9AM	10PM
Sunday	N/A	N/A

Production/Storage information:

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: N/A U.S. gallons per year
- Proposed production of fermented malt beverages: N/A U.S. gallons per year
- Current production of wine: N/A U.S. gallons per year
- Proposed production of wine: N/A U.S. gallons per year
- Current production of intoxicating liquor: N/A proof gallons per year
- Proposed production of intoxicating liquor: N/A proof gallons per year
- None. If none, leave the following 2 storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Not Applicable to the proposed use.

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

Not Applicable to the proposed use.

Outdoor Space Uses:

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other _____.

None. If none, leave the following questions in this section blank.

Size: _____ square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

- Fencing
- Landscaping
- Other _____ Height _____ feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes No

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes No

If yes, describe how the noise will be controlled:

Is there any food service incorporated in this outdoor facility proposal? Yes No

Proposed Hours of Operation for Outdoor Space:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

*******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources:
The noise level will be a medium level

Describe how the crowd noise will be controlled inside and outside the building:
by posting signs in and out the building, as well as reminding by staff

Off-Street Parking:

Number of spaces existing on-site: 43.00

Number of spaces proposed on-site: 0.00

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Existing driveway access is from North Morrison Street and Pacific Street. No accesses improvements are proposed with this request.

Other Licensed Premises:

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

Number of Employees:

Number of existing employees: 4

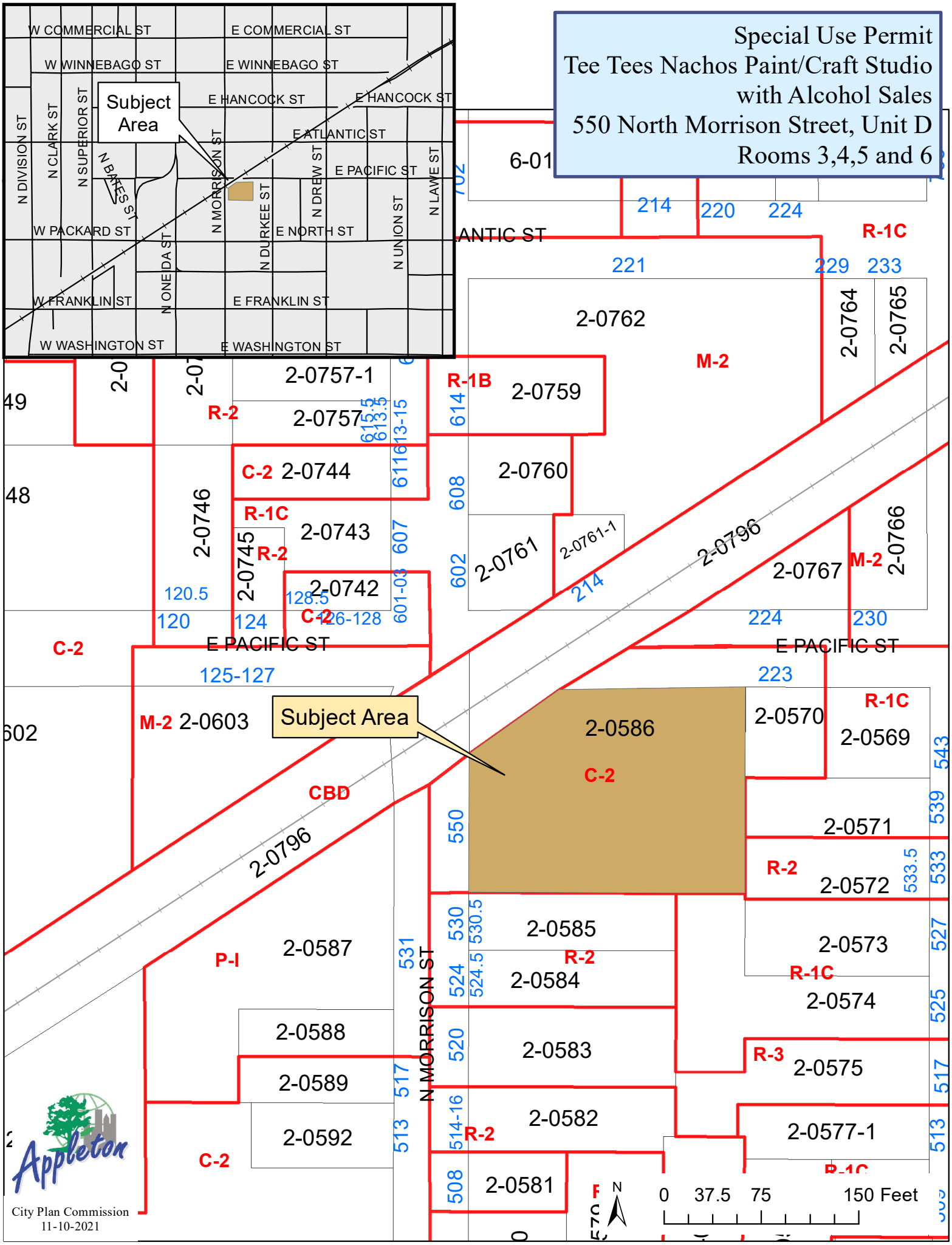
Number of proposed employees: 2

Number of employees scheduled to work on the largest shift: 3

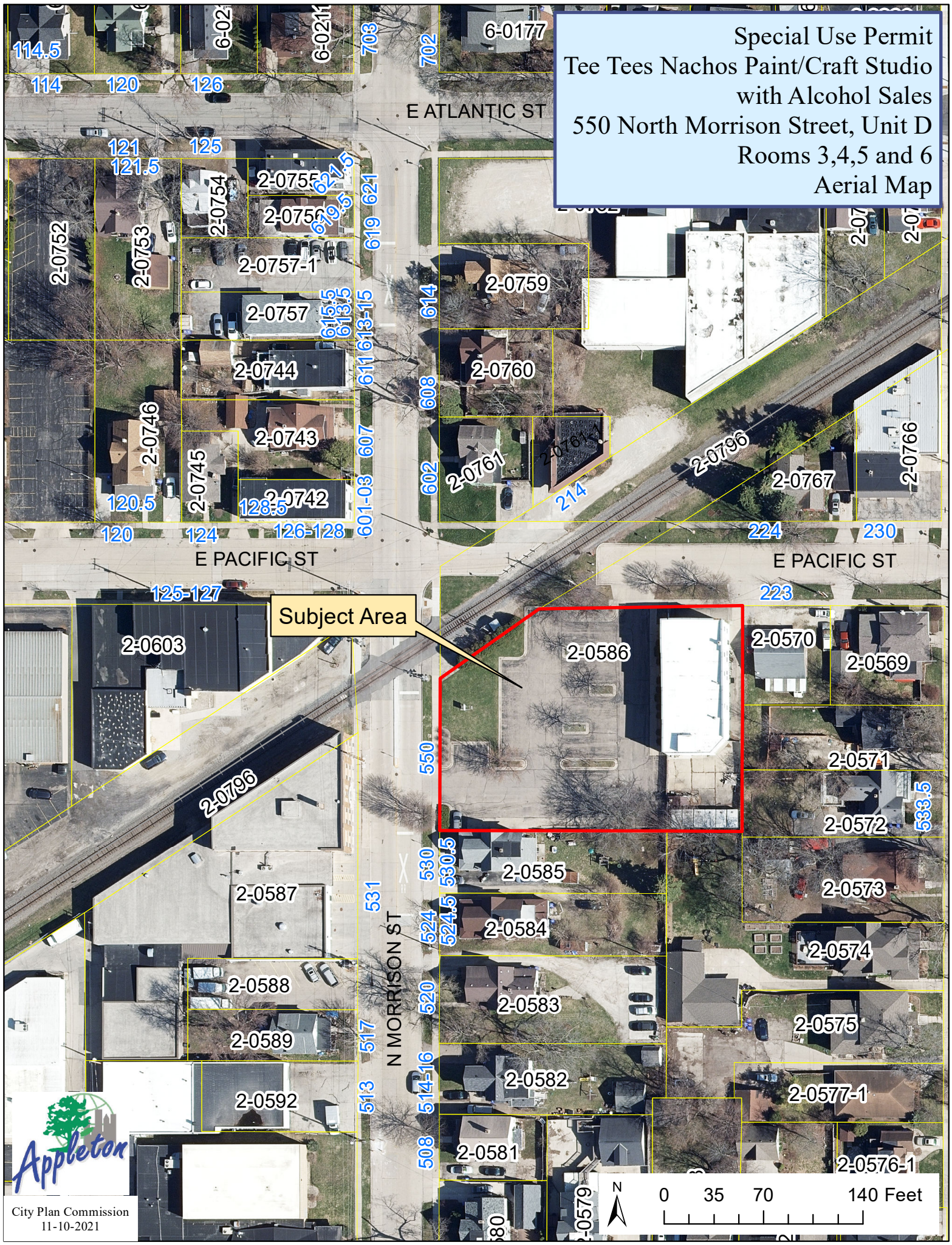
Special Use Permit
 Tee Tees Nachos Paint/Craft Studio
 with Alcohol Sales
 550 North Morrison Street, Unit D

Subject Area

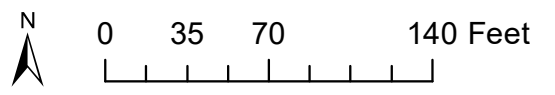
Subject Area



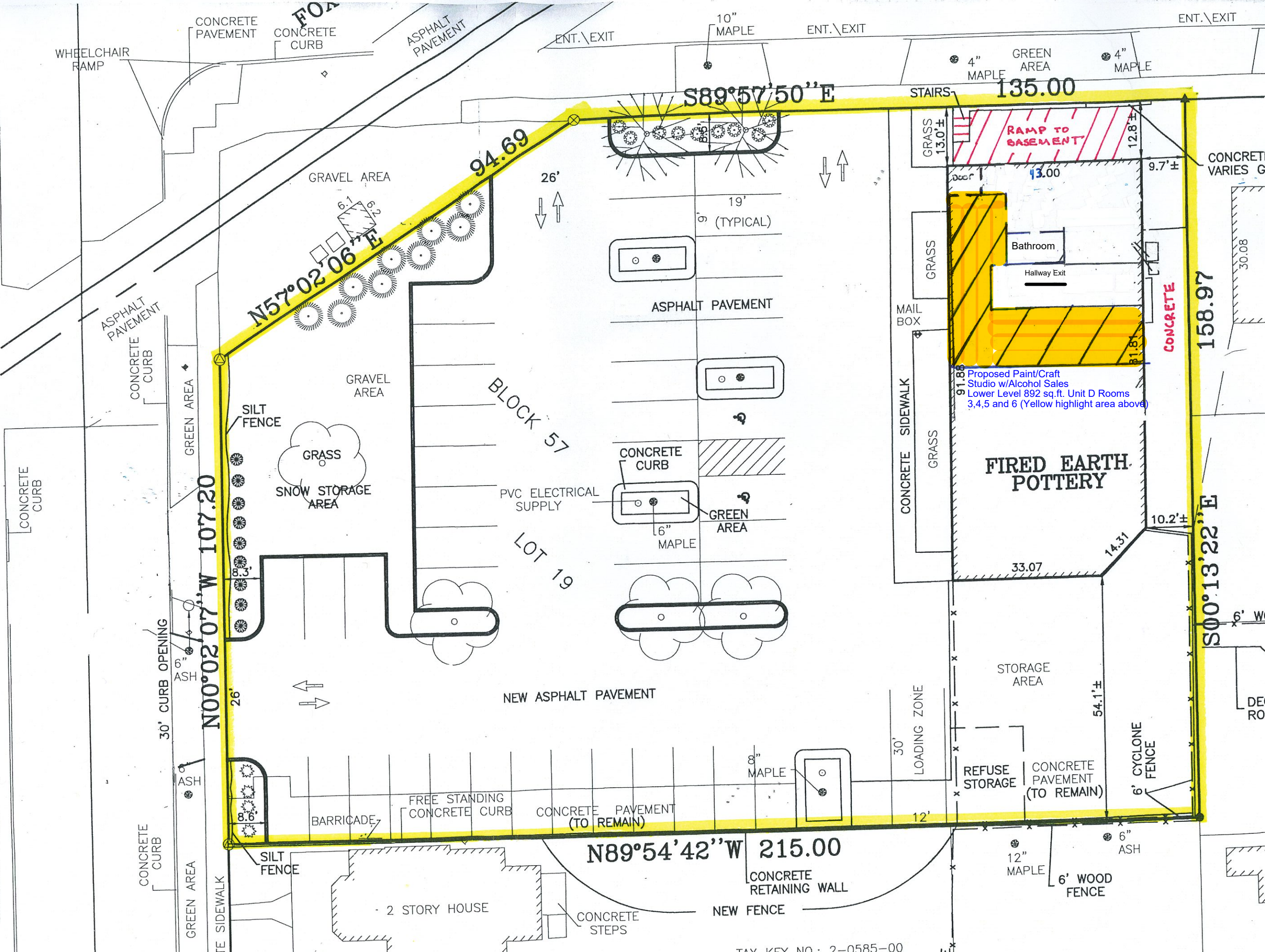
Special Use Permit
 Tee Tees Nachos Paint/Craft Studio
 with Alcohol Sales
 550 North Morrison Street, Unit D
 Rooms 3,4,5 and 6
 Aerial Map



Subject Area

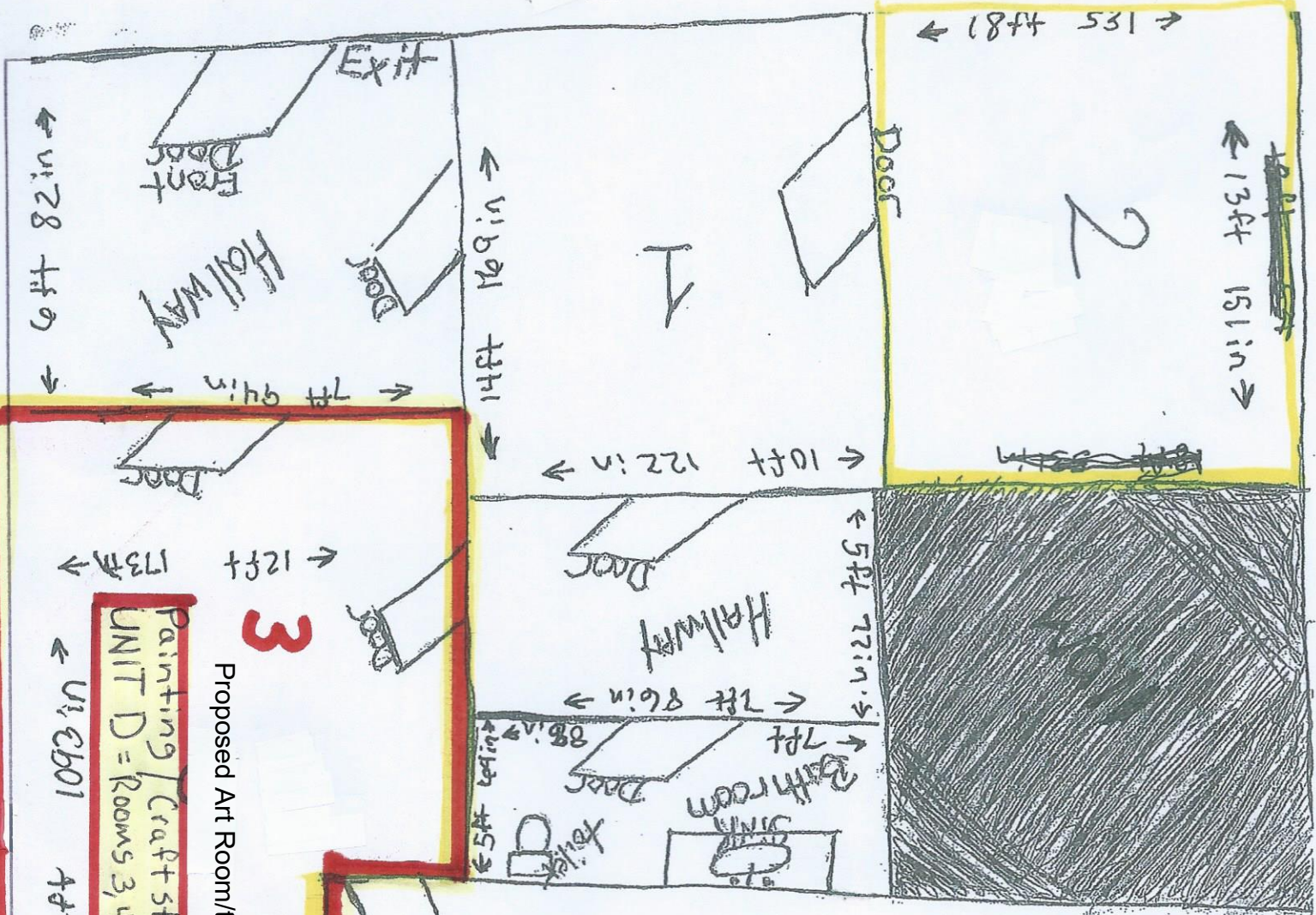


MORRISON STREET (60')
 CONCRETE PAVEMENT (FAIR CONDITION) PUBLIC ROADWAY



TAX KEY NO.: 2-0585-00

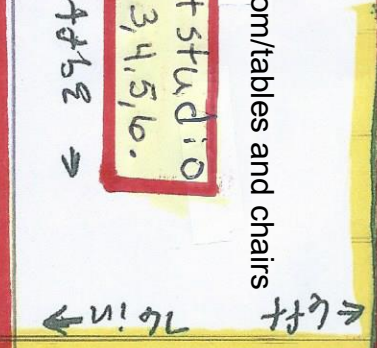
2



E

3
 Painting Craft Studio
 UNIT D = Rooms 3, 4, 5, 6.

Proposed Art Room/tables and chairs



Other side of business

5

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07/01/2021 ending: 06/30/2022
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: Town of } Appleton
 Village of }
 City of }

County of Outagamie Aldermanic Dist. No. _____
 (if required by ordinance)

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number [REDACTED]	
FEIN Number [REDACTED]	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input type="checkbox"/> Class B beer	\$
<input type="checkbox"/> Class C wine	\$
<input checked="" type="checkbox"/> Class A liquor	\$ 300
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ 60
TOTAL FEE	\$ 360

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
SG Petroleums LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Goel	Sudhansh	Prakash	4401N. Marshall Heights Ave Appleton, WI54913
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Goel	Suyash		4401N. Marshall Heights Ave Appleton, WI54913
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
GOEL	SUDHANSH	Prakash	4401 N. Marshall Heights Ave Appleton, WI, 54913
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name SG Petroleums LLC Business Phone Number 920-731-5498
 2. Address of Premises 2811 E. Newberry St Appleton WI Post Office & Zip Code 54915

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)
Alcohol will be sold in the main lobby, behind the counter and wine will be sold in the main lobby as well.

4. Legal description (omit if street address is given above): _____
 5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No
 (b) If yes, under what name was license issued? SG Petroleums LLC

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) **Corporate/limited liability company applicants only:** Insert state Wisconsin and date 08/12/15 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** Yes No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) GOEL SUDHANSH P.	Title/Member Member	Date 10/25/21
Signature <i>[Handwritten Signature]</i>	Phone Number [Redacted]	Email Address [Redacted]

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk 10/26/2021	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town
 Village of Appleton County of Outagamie
 City

The undersigned duly authorized officer/member/manager of SG Petroleums LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as SG Petroleums LLC
(Trade Name)

located at 2811 E. Newberry St Appleton WI 54915

appoints Sudhansh Goel
(Name of Appointed Agent)
4401 N. Marshall Heights Ave Appleton WI 54913
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 6 years

Place of residence last year 4401 N. Marshall Heights Ave Appleton WI 54913

For: SG Petroleums LLC
(Name of Corporation / Organization / Limited Liability Company)

By: [Signature]
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, SUDHANSH GOEL, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[Signature] 10/25/21 Agent's age 30
(Signature of Agent) (Date)

4401 N. Marshall Heights Ave Appleton, WI, 54913 Date of birth 01/01/1981
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: Town
 Village of APPLETON County of OUTAGAMIE
 City

The undersigned duly authorized officer/member/manager of WALGREEN CO.
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as WALGREENS #02921
(Trade Name)

located at 1901 S ONEIDA ST

appoints STEPHANIE SCHROEDER
(Name of Appointed Agent)
215 W. Wilson ave. Appleton WI, 54915
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

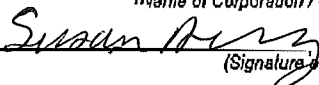
Yes No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? Yes No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? 39 years

Place of residence last year Appleton, WI

For: Walgreens
(Name of Corporation / Organization / Limited Liability Company)

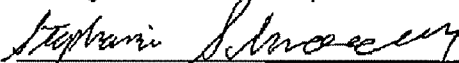
By: 
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, STEPHANIE SCHROEDER, hereby accept this appointment as agent for the
(Print / Typo Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

 10-29-21
(Signature of Agent) (Date)

Agent's age

215 W. Wilson Ave., Appleton, WI 54915
(Home Address of Agent)

Date of birth

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on _____ by _____ Title _____
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

Secondhand Jewelry Dealers

COMPANY	AGENT/CONTACT	ADDRESS	CITY	STATE	ZIP
Appleton Trophy & Engraving	Jay J Parish	2401 N Richmond St	Appleton	WI	54911
Avenue Jewelers	Jason A Druxman	303 E College Ave	Appleton	WI	54911
Expert Jewelry Repair	Randy Kester	636 W College Ave	Appleton	WI	54911
Kay Jewelers	Trenton Christian	3845 E Calumet St	Appleton	WI	54915
Krieger Jewelers	Jamie Boyce	934 W Northland Ave	Appleton	WI	54914
Tennies Jewelry	Rebecca Juedes	208 E College Ave	Appleton	WI	54911

Secondhand Article Dealers

Active Bike & Fitness	Mark Fluette	1131 N Badger Ave	Appleton	WI	54914
Beatnik Bettys Resale Butik	Monika Austin	214 E College Ave	Appleton	WI	54911
ecoATM	Hunter Bjorkman	2700 N Ballard Rd	Appleton	WI	54911
ecoATM	Hunter Bjorkman	511 W Calumet St	Appleton	WI	54915
ecoATM	Hunter Bjorkman	3701 E Calumet St	Appleton	WI	54915
Game Stop #5520	Nathan Edwards	3825 E Calumet St Suite 5	Appleton	WI	54915
Heid Music	Todd Heid	308 E College Ave	Appleton	WI	54911
Replay Toys	Chris Freimuth	127 E Wisconsin Ave	Appleton	WI	54911
Richmond Resale	Dean VandenHoy	204 N Richmond St	Appleton	WI	54911
Side Quest Gaming	John Steudel	609A W. College Ave	Appleton	WI	54911
T&S Sports-Play It Again Sports	Michael Milloy	611 W Northland Ave	Appleton	WI	54911
Tiffani's Bridal	Tiffani Ebben	1314 W College Ave #6	Appleton	WI	54914
The Attique Resale	James Boylan	415 N Oneida St	Appleton	WI	54911
The Exclusive Company	Mark Hillstrom	770 W Northland Ave	Appleton	WI	54914
The Statement Piece	Lena-Sara Gustman	745 W College Ave	Appleton	WI	54914
Warehouse Office Products	Jeff Lemery	1825 N Richmond St	Appleton	WI	54911

Pawnbroker

JGB LLC d/b/a Mister Money	Gregory Baer	1933B N Richmond St	Appleton	WI	54911
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Resolution #16-R-21
Alcohol License Demerit Point System

December 1, 2021

Submitted By: Alderperson Smith, District 10

Referred To: Safety & Licensing Committee

Whereas the possession of a liquor license comes with and required a great deal of responsibility and;

Whereas it is good practice to review and consider amending parts or all of an ordinance when times and conditions warrant,

Therefore Be It Resolved that Sec. 9-54 Demerit point system is hereby submitted for review with changes for consideration.

Effective July 1, 2022

Sec. 9-54. Demerit point system.

(c) *Calculating violations.* In determining the accumulated demerit points, the date of ~~the violation~~conviction-is shall be used as the basis for assigning demerit points per violation. Points shall be assigned only after conviction for violations.

(d) *Suspension and revocation of license.* The Police Department shall notify the Safety and Licensing Committee of any convictions which result in the assessment of demerit points against any licensee. Following this notification, or the filing of a complaint pursuant to W.S.A. §125.12, the Committee shall hold a hearing if required by W.S.A. §125.12 or this section, and shall take the following action, after first determining the number of demerit points to be assessed against the licensee:

- (1) For demerit points totaling 25-149 within a ~~12~~24-month period, a warning to the licensee of the consequences of additional violations. The licensee shall appear before the Safety and Licensing Committee and inform the Committee of the licensee's efforts to rectify the issues that caused the imposition of the demerit points.
- (2) For demerit points totaling 150-199 within a ~~12~~24-month period, suspension of the license for a period of not less than ten (10) days nor more than ninety (90) days.
- (3) For demerit points totaling two hundred (200) or more within a ~~18~~36-month period, revocation of the license. Whenever any license is revoked, at least six (6) months from the time of such revocation shall elapse before another license shall be granted for the same premises, and twelve (12) months shall elapse before any other license shall be granted to the person whose license was revoked.



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: November 10, 2021

Common Council Meeting Date: November 17, 2021

Item: Special Use Permit #3-21 for Paint/Craft Studio With Alcohol Sales

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: Alan Ament

Applicant: Timasha Thornton, Tee Tees Nachos, paint/craft studio with alcohol sales

Address/Parcel #: 550 North Morrison Street, Unit D – Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a paint/craft studio with alcohol sales.

BACKGROUND

On March 18, 2020, the Common Council adopted ordinances 24-20 - 57-20 related to Chapter 23 of the Zoning Ordinance relating to allowing paint/craft studios with alcohol sales by Special Use Permit in the CBD Central Business District, C-2 General Commercial District and C-1 Neighborhood Mixed Use District.

Painting/Craft Studio with alcohol sales means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts.

On October 8, 2021, the applicant applied for and filed a Class B Beer license with the City Clerk's Office.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a painting/craft studio with alcohol sales. The proposed painting/craft studio with alcohol sales will occupy approximately 892 feet in a lower level tenant space (Unit D, Rooms 3, 4, 5, and 6) of the existing building. The operations of the business will primarily focus on the production of arts and crafts, and the service of beer is offered as an additional amenity (customers are not required to purchase alcohol). The proposed alcohol service will be ancillary and subordinate to the primary use as a painting/crafts studio (i.e., an amenity for the customers).

Operational Information: A plan of operation is attached to the staff report.

Outdoor Seating Area: No outdoor alcohol sales and service is requested with this application.

Special Use Permit # 3-21
November 10, 2021
Page 2

Existing Site Conditions: The existing multi-tenant building totals approximately 17,800 square feet, including other lower level, first and second floor commercial uses. The 32,288 square foot site also includes a 43 stall off-street parking lot. Access is provided by curb cuts on North Morrison Street and East Pacific Street.

Current Zoning and Procedural Findings: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a paint/craft studio with alcohol sales requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and residential in nature.

North: R-1C Central City Residential District and CBD Central Business District. The adjacent land uses to the north are currently a mix and single-family residential and the railroad.

South: R-2 Two-family District and R-1C Central City Residential District. The adjacent land uses to the south are currently a mix of single and two-family residential.

East: C-2 General Commercial District, R-2 Two-family District and R-1C Central City Residential District. The adjacent land uses to the east are currently a mix of single and two-family residential.

West: CBD Central Business District and P-I Public Institutional District. The adjacent land uses to the west are Appleton Area School District facility office building and railroad tracks.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Mixed Use District designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

Technical Review Group (TRG) Report: This item appeared on the October 19, 2021 TRG agenda. No negative comments were received from participating departments.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, the property has historically functioned as a shopping center building, per Assessor's Office records. The proposal will not increase the gross floor area of the existing multi-tenant building. Therefore, additional off-street parking spaces are not required for the applicant's request.

Finding of Fact: This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

The proposed alcohol service will be ancillary and subordinate to the primary use as a painting/crafts studio (i.e., an amenity for the customers). With the implementation of proposed stipulations of approval, the proposed use is not expected to cause or aggravate any problems in the neighborhood created by the sale of alcohol such as disturbance of the peace, excessive loud noises, traffic violations, or impact on city services.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #3-21 for a paint/craft studio with alcohol sales located at 550 North Morrison Street Unit D – Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00) as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.

Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

3. The site shall be kept free of litter and debris.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

5. The serving and consumption of alcohol is limited to the interior lower level tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

6. The serving and consumption of alcohol is limited to customers who are participating in the production of an arts and crafts project.

Substantial Evidence: This condition provides notice to the applicant that alcohol can only be consumed by customers when they paint and/or make crafts which is specified in the definition term for "Painting/Craft Studio with alcohol sales" pursuant to Section 23-22 of the Zoning Ordinance.

7. This Special Use Permit is needed for a paint/craft studio with on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #3-21
PAINT/CRAFT STUDIO WITH ALCOHOL SALES
550 NORTH MORRISON STREET, UNIT D – LOWER LEVEL ROOMS 3, 4, 5 and 6

WHEREAS, Timasha Thornton has applied for a Special Use Permit for Paint/Craft Studio with Alcohol Sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00); and

WHEREAS, the location for the proposed Paint/Craft Studio with Alcohol Sales is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code. As defined by Chapter 23 of the Municipal Code, a Painting/Craft Studio with Alcohol Sales means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on November 10, 2021 on Special Use Permit #3-21, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code and forwarded Special Use Permit #3-21 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on November 17, 2021.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #3-21 for a Paint/Craft Studio with alcohol sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00), based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #3-21 for a Paint/Craft Studio with Alcohol Sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00), subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #3-21

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - C. The site shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - E. The serving and consumption of alcohol is limited to the interior lower level tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
 - F. The serving and consumption of alcohol is limited to customers who are participating in the production of an arts and crafts project.
 - G. This Special Use Permit is needed for a paint/craft studio with on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this _____ day of _____, 2021.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of business: TEE TEES NACHOS LLC

Years in operation: New Business

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other _____

Detailed explanation of proposed business activities:

Proposed to operate a painting/craft studio with alcohol sales by providing customers instruction in the art of painting and/or making crafts and offering customers the opportunity to purchase alcoholic beverages for consumption on-site while they paint and/or make crafts.

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) 892 sq.ft. Unit D, Lower Level of Building Unit D, Room# 3,4,5 and 6. See floor plan

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) Same as existing, no change

Occupancy limits:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: _____ persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	9AM	10PM
Friday	9AM	10PM
Saturday	9AM	10PM
Sunday	N/A	N/A

Production/Storage information:

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: N/A U.S. gallons per year
- Proposed production of fermented malt beverages: N/A U.S. gallons per year
- Current production of wine: N/A U.S. gallons per year
- Proposed production of wine: N/A U.S. gallons per year
- Current production of intoxicating liquor: N/A proof gallons per year
- Proposed production of intoxicating liquor: N/A proof gallons per year
- None. If none, leave the following 2 storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Not Applicable to the proposed use.

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

Not Applicable to the proposed use.

Outdoor Space Uses:

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other _____.

None. If none, leave the following questions in this section blank.

Size: _____ square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

- Fencing
- Landscaping
- Other _____ Height _____ feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes No

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes No

If yes, describe how the noise will be controlled:

Is there any food service incorporated in this outdoor facility proposal? Yes No

Proposed Hours of Operation for Outdoor Space:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

*******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources:
The noise level will be a medium level

Describe how the crowd noise will be controlled inside and outside the building:
by posting signs in and out the building, as well as reminding by staff

Off-Street Parking:

Number of spaces existing on-site: 43.00

Number of spaces proposed on-site: 0.00

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Existing driveway access is from North Morrison Street and Pacific Street. No accesses improvements are proposed with this request.

Other Licensed Premises:

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

Number of Employees:

Number of existing employees: 4

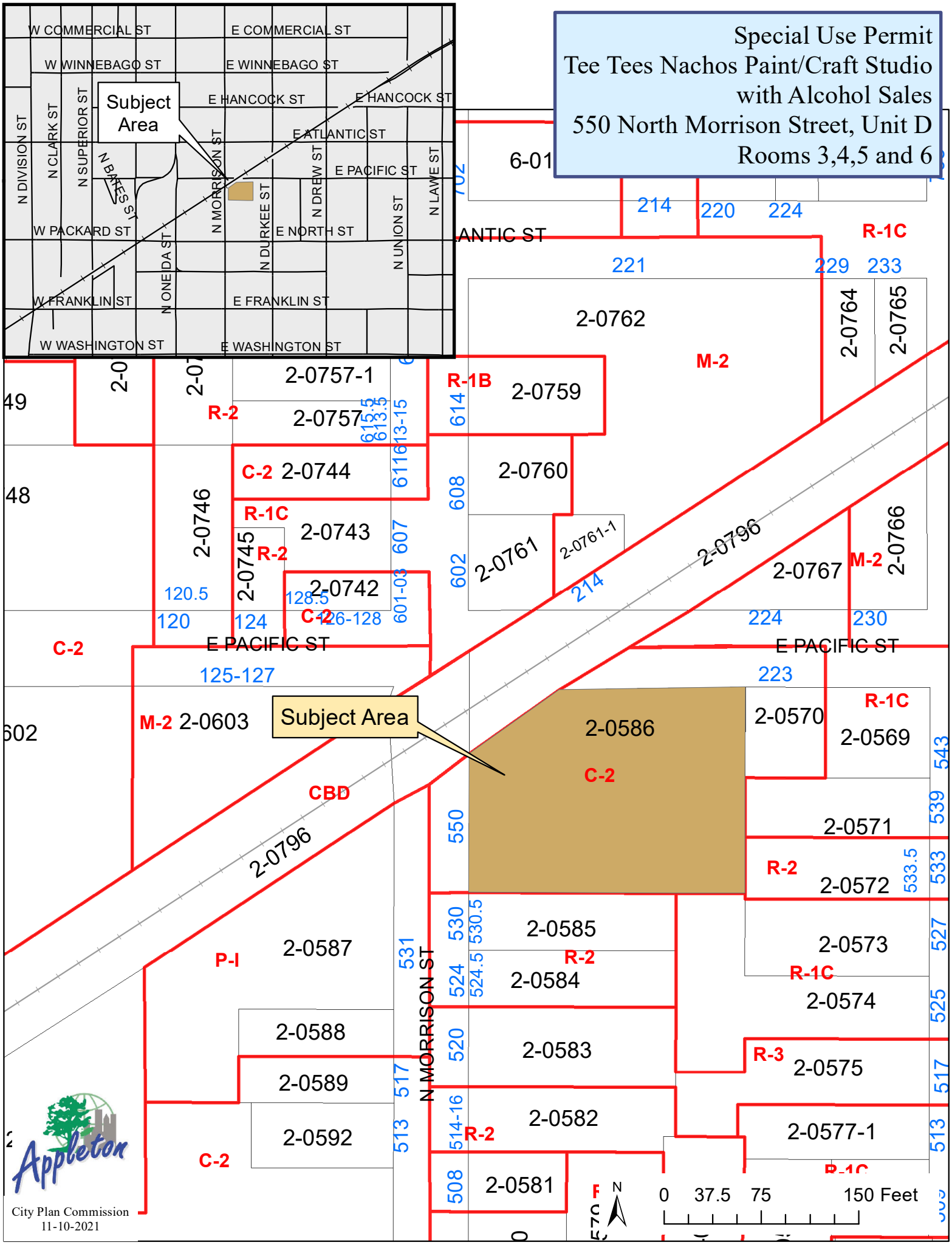
Number of proposed employees: 2

Number of employees scheduled to work on the largest shift: 3

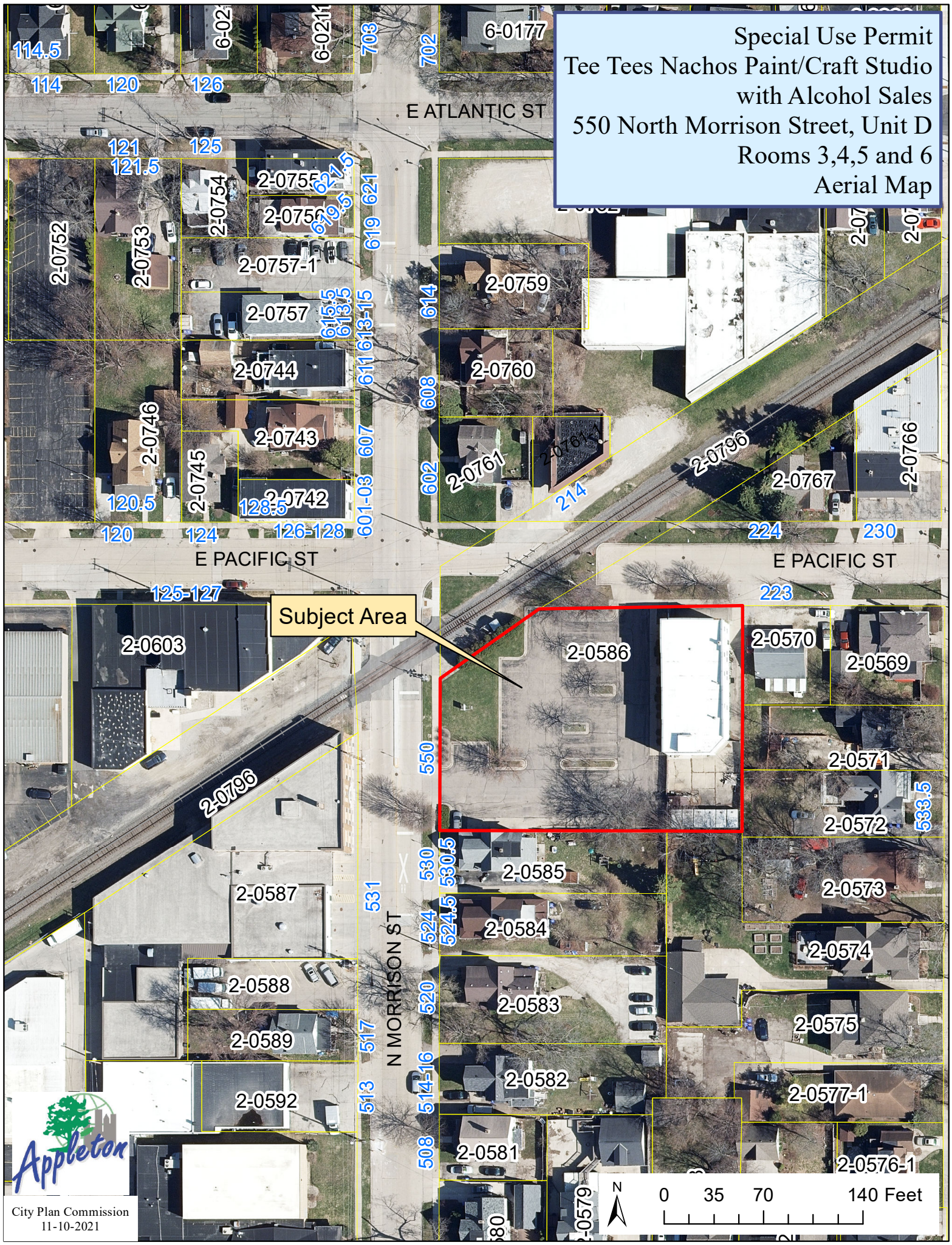
Special Use Permit
 Tee Tees Nachos Paint/Craft Studio
 with Alcohol Sales
 550 North Morrison Street, Unit D
 Rooms 3,4,5 and 6

Subject Area

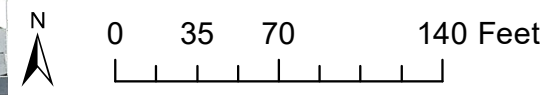
Subject Area

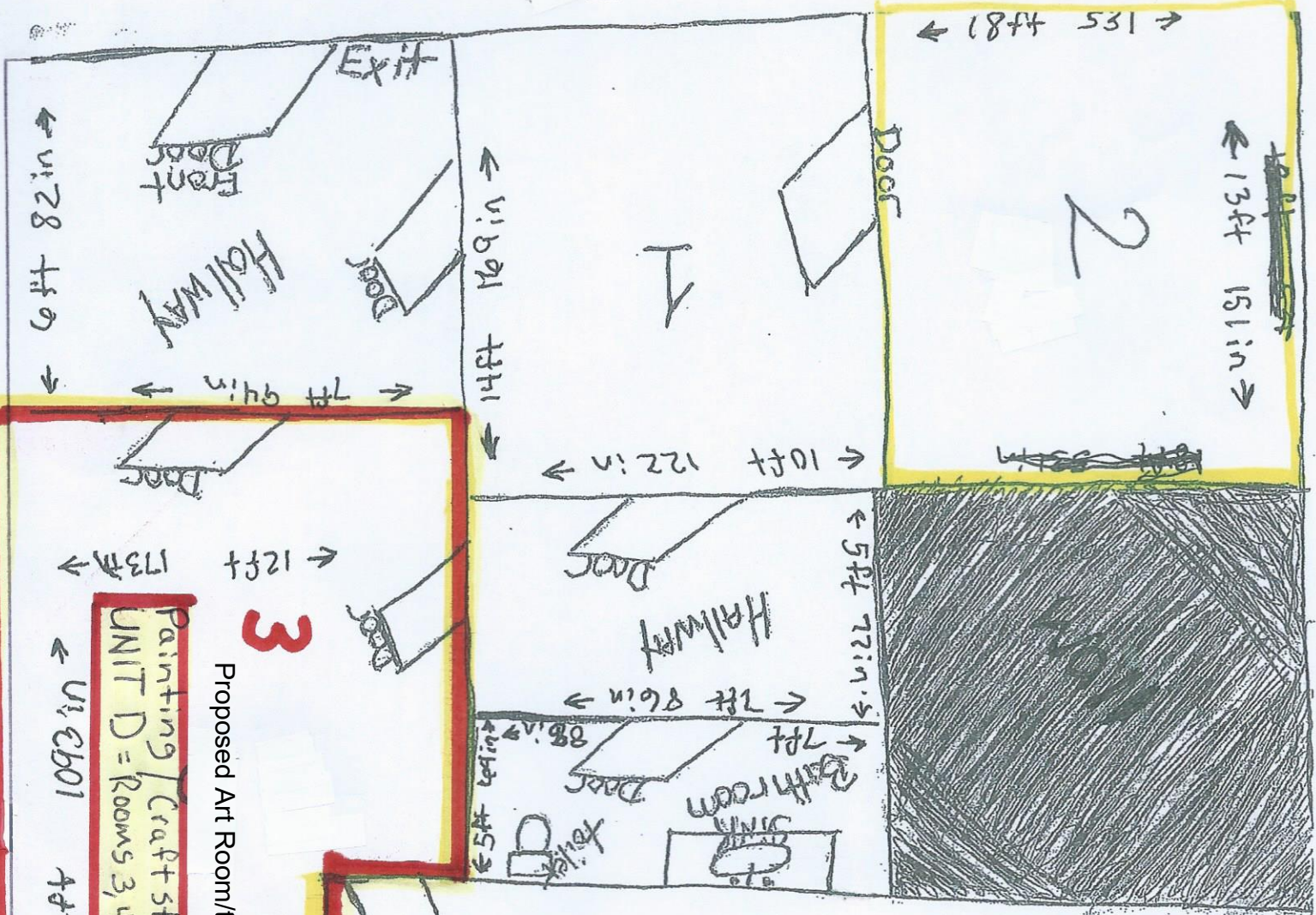


Special Use Permit
Tee Tees Nachos Paint/Craft Studio
with Alcohol Sales
550 North Morrison Street, Unit D
Rooms 3,4,5 and 6
Aerial Map

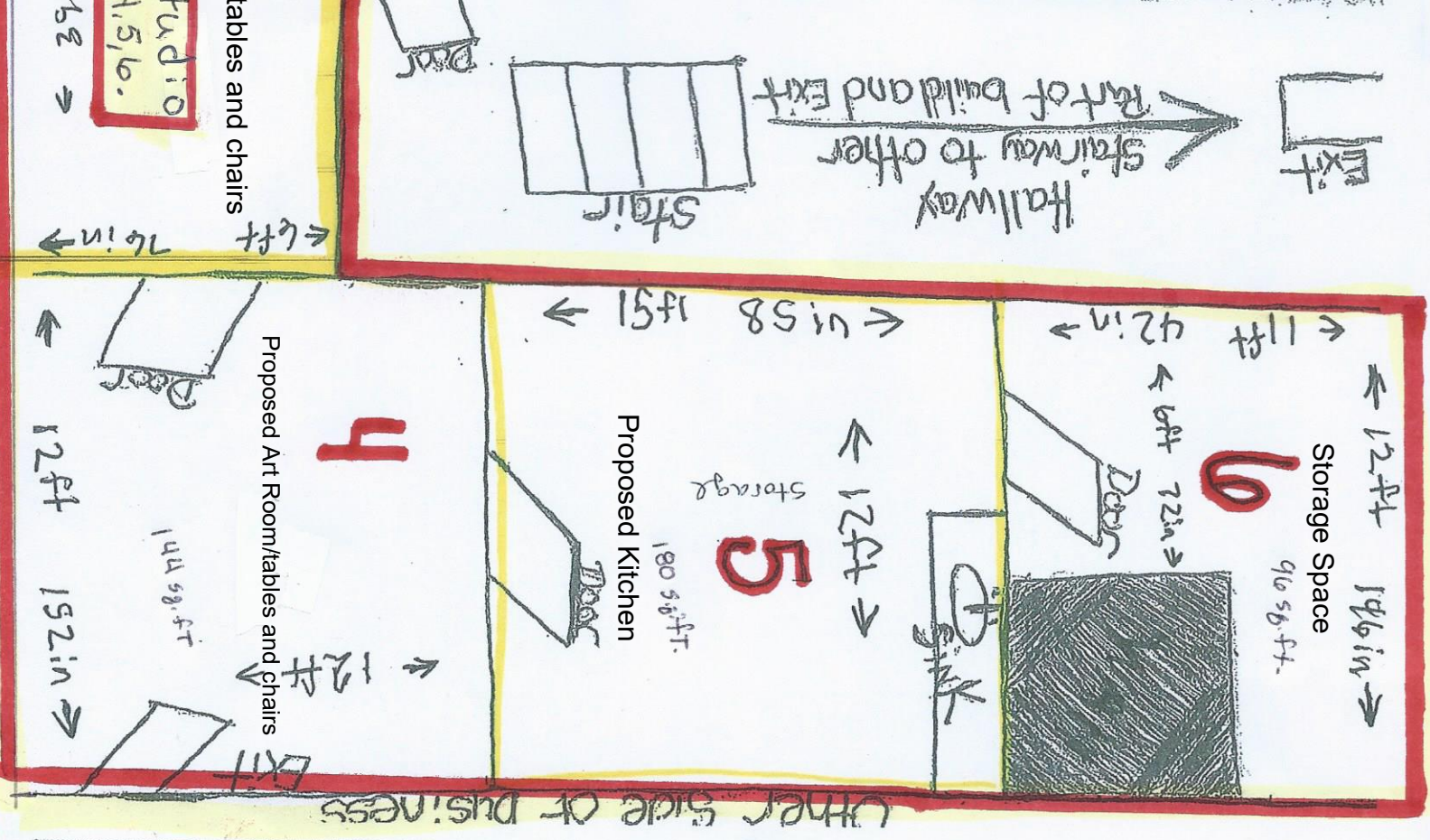


Subject Area





E



Other side of business



REPORT TO CITY PLAN COMMISSION

New Information identified ***Bold, Italic and strikethrough***

Plan Commission Public Hearing Date: November 10, 2021

Plan Commission Meeting Dates: *Held at November 10, 2021 meeting to December 8, 2021 meeting*

Common Council Meeting Date: ~~November 17, 2021~~ ***December 15, 2021***

Item: Special Use Permit #3-21 for Paint/Craft Studio with Alcohol Sales

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: Alan Ament

Applicant: Timasha Thornton, Tee Tees Nachos, paint/craft studio with alcohol sales

Address/Parcel #: 550 North Morrison Street, Unit D – Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for a paint/craft studio with alcohol sales.

BACKGROUND

On March 18, 2020, the Common Council adopted ordinances 24-20 - 57-20 related to Chapter 23 of the Zoning Ordinance relating to allowing paint/craft studios with alcohol sales by Special Use Permit in the CBD Central Business District, C-2 General Commercial District and C-1 Neighborhood Mixed Use District.

Painting/Craft Studio with alcohol sales means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts.

On October 8, 2021, the applicant applied for and filed a Class B Beer license with the City Clerk's Office.

On November 10, 2021, the Plan Commission held this item until their December 8, 2021 meeting to allow time for the applicant to attend the Plan Commission meeting to address questions related to the daily business operations.

On November 16, 2021, staff contacted the applicant by telephone and via email to provide an update of what happened at the November 10, 2021 Plan Commission meeting. Staff recommended the applicant make arrangements to attend the December 8, 2021 Plan Commission meeting to answer any questions that may be asked about the daily business operations of the proposed paint/craft studio use.

STAFF ANALYSIS

Project Summary: The applicant proposes to establish a painting/craft studio with alcohol sales. The proposed painting/craft studio with alcohol sales will occupy approximately 892 feet in a lower level tenant space (Unit D, Rooms 3, 4, 5, and 6) of the existing building. The operations of the business will primarily focus on the production of arts and crafts, and the service of beer is offered as an additional amenity (customers are not required to purchase alcohol). The proposed alcohol service will be ancillary and subordinate to the primary use as a painting/crafts studio (i.e., an amenity for the customers).

Operational Information: A plan of operation is attached to the staff report.

Outdoor Seating Area: No outdoor alcohol sales and service is requested with this application.

Existing Site Conditions: The existing multi-tenant building totals approximately 17,800 square feet, including other lower level, first and second floor commercial uses. The 32,288 square foot site also includes a 43 stall off-street parking lot. Access is provided by curb cuts on North Morrison Street and East Pacific Street.

Current Zoning and Procedural Findings: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a paint/craft studio with alcohol sales requires a Special Use Permit in the C-2 District. The Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds vote of the Common Council is required for approval.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and residential in nature.

North: R-1C Central City Residential District and CBD Central Business District. The adjacent land uses to the north are currently a mix and single-family residential and the railroad.

South: R-2 Two-family District and R-1C Central City Residential District. The adjacent land uses to the south are currently a mix of single and two-family residential.

East: C-2 General Commercial District, R-2 Two-family District and R-1C Central City Residential District. The adjacent land uses to the east are currently a mix of single and two-family residential.

West: CBD Central Business District and P-I Public Institutional District. The adjacent land uses to the west are Appleton Area School District facility office building and railroad tracks.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Mixed Use District designation shown on the City's *Comprehensive Plan 2010-2030 Future Land Use Map*. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

Technical Review Group (TRG) Report: This item originally appeared on the October 19, 2021 TRG agenda. No negative comments were received from participating departments.

The following TRG comments are provided for additional background history:

Health Department and City Clerk's Office: On September 29, 2021, staff met with the applicant to obtain clarification on the responses listed on the initial liquor license application. In this meeting, the applicant was informed to contact the Community and Economic Development Department to discuss the Special Use Permit process.

Community and Economic Development Department: On September 30, 2021, staff had an initial conversation with the applicant and an email follow up explaining the Special Use Permit process for the proposed paint/craft studio with alcohol sales. Staff assisted the applicant with completing the Special Use Permit application form and provided the applicant with written correspondence on October 11, 2021, October 27, 2021, and November 4, 2021, of the initial date, time and location of the Plan Commission meeting held on November 10, 2021.

Inspections Division and Health Department: An on-site inspection of the premises was conducted on October 1, 2021 by the Inspections Division and Health Department staff. The following items were discussed with the applicant:

- 1. Food Preparation: The need for a grease hood. The applicant decided to use pre-cooked ground beef for the nachos. Since no longer planning to cook from raw meat, a grease hood would no longer needed.*

2. *Kitchen Area Improvements: The carpeting will need to be replaced with an approved floor covering, the installation of approved warewashing sinks, prep sink, mop sink, handwash sink, a grease trap and other equipment requirements.*
3. *Scaled floor plan: A scaled floor plan identifying room dimensions, restroom location with fixtures, room exits and details about the proposed use of the respective lease area would need to be prepared and be submitted to the Inspections Division for review.*
4. *Occupancy limits: Inspections indicated, 15 person maximum occupant limit for Units C and D – Rooms numbers 1, 2, 3, 4, 5 and 6 because the lease area only has one toilet fixture in the restroom. Adding an additional toilet, restroom, would allow a total of 80 occupants per DSPS building codes (Table 2902.1).*
5. *Exit Doors: The maximum number occupants that can occupy the lease area for one exit door is 49 persons per DSPS building codes (DSPS Table 1006.2.1). Two code compliant exit doors within the lease area would require additional review to establish maximum number of occupants.*

NOTE: The second door located on south wall of Unit 4 is labeled as an exit but is not a legal exit as it leads through an adjacent,/independent lease space to reach the actual exit door.

6. *Expectations: The applicant was asked to submit a scaled floor plan to the Inspections Division for their review so further assistance can be provided related to satisfying the applicable Building Codes.*

Health Department: On November 16, 2021, staff contacted the applicant. The applicant indicated the carpeting in the proposed kitchen area was replaced with new floor covering. A plumbing contractor was hired and is in the process of drawing up plans to submit to the Health Department and the Plumbing Inspector for review.

Zoning Ordinance Requirements and Substantial Evidence: When reviewing an application for a Special Use Permit, the City must determine if the applicant's proposal satisfies Municipal Code requirements and conditions. Pursuant to Section 23-66(c)(5) of the Municipal Code, the Plan Commission and Common Council must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means "facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion." Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

Section 23-172(m) of the Municipal Code requires a minimum number of off-street parking spaces based on the use of a property. In this case, the property has historically functioned as a shopping center building, per Assessor's Office records. The proposal will not increase the gross floor area of the existing multi-tenant building. Therefore, additional off-street parking spaces are not required for the applicant's request.

Finding of Fact: This request was reviewed in accordance with the standards (proper zoning district, district regulations, special regulations, comprehensive plan and other plans, traffic, landscaping and screening, neighborhood compatibility, and impact on services) for granting a Special Use Permit under

Section 23-66(e)(1-8) of the Municipal Code, which were found in the affirmative, as long as all stipulations are satisfied.

The proposed alcohol service will be ancillary and subordinate to the primary use as a painting/crafts studio (i.e., an amenity for the customers). With the implementation of proposed stipulations of approval, the proposed use is not expected to cause or aggravate any problems in the neighborhood created by the sale of alcohol such as disturbance of the peace, excessive loud noises, traffic violations, or impact on city services.

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #3-21 for a paint/craft studio with alcohol sales located at 550 North Morrison Street Unit D – Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00) as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.

Substantial Evidence: This condition provides notice to the applicant that a Liquor License is also needed prior to serving alcohol.

2. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

3. The site shall be kept free of litter and debris.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

4. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.

Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(6) of the Zoning Ordinance for this particular use.

5. The serving and consumption of alcohol is limited to the interior lower level tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

6. The serving and consumption of alcohol is limited to customers who are participating in the production of an arts and crafts project.

Substantial Evidence: This condition provides notice to the applicant that alcohol can only be consumed by customers when they paint and/or make crafts which is specified in the definition term for "Painting/Craft Studio with alcohol sales" pursuant to Section 23-22 of the Zoning Ordinance.

7. This Special Use Permit is needed for a paint/craft studio with on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.

Substantial Evidence: Standardized condition that establishes parameters for the current application and identifies the process for review of any future changes to the special use.

CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #3-21
PAINT/CRAFT STUDIO WITH ALCOHOL SALES
550 NORTH MORRISON STREET, UNIT D – LOWER LEVEL ROOMS 3, 4, 5 and 6

WHEREAS, Timasha Thornton has applied for a Special Use Permit for Paint/Craft Studio with Alcohol Sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00); and

WHEREAS, the location for the proposed Paint/Craft Studio with Alcohol Sales is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code. As defined by Chapter 23 of the Municipal Code, a Painting/Craft Studio with Alcohol Sales means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on November 10, 2021 on Special Use Permit #3-21, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has reviewed and considered the Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and subsequent City Plan Commission meeting on December 8, 2021; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-8) of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code and forwarded Special Use Permit #3-21 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on December 15, 2021.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Common Council, based on Community and Economic Development Department’s staff report and recommendation, as well as other spoken and written evidence and testimony presented at the public hearing and Common Council meeting, and having considered the recommendation of the City Plan Commission, that the Common Council:

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #3-21 for a Paint/Craft Studio with alcohol sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6

(Tax Id #31-2-0586-00), based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)

3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #3-21 for a Paint/Craft Studio with Alcohol Sales located at 550 North Morrison Street, Unit D – Lower Level Rooms 3, 4, 5 and 6 (Tax Id #31-2-0586-00), subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #3-21

- A. The applicant shall receive approval of a Liquor License from the City Clerk prior to serving alcohol on the premises.
 - B. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
 - C. The site shall be kept free of litter and debris.
 - D. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - E. The serving and consumption of alcohol is limited to the interior lower level tenant space, as identified on the attached development plan and floor plan drawings. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
 - F. The serving and consumption of alcohol is limited to customers who are participating in the production of an arts and crafts project.
 - G. This Special Use Permit is needed for a paint/craft studio with on-site alcohol sales and consumption. Compliance with the plan of operation is required at all times. Changes to the plan of operation, including any future changes to the agent/operator, shall be submitted to the Community and Economic Development Department for review and approval.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

Adopted this _____ day of _____, 2021.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business information:

Name of business: TEE TEES NACHOS LLC

Years in operation: New Business

(Check applicable proposed business activity(s) proposed for the premises)

- Restaurant
- Tavern/Night Club/Wine Bar
- Painting/Craft Studio
- Microbrewery/Brewpub (manufacturing a total of not more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Brewery (manufacturing a total of more than 310,000 U.S. gallons of fermented malt beverages per calendar year)
- Winery (manufacturing of wine)
- Craft-Distillery (manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Distillery (manufacturing a total of more than 100,000 proof gallons of intoxicating liquor per calendar year)
- Tasting room offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.
- Other _____

Detailed explanation of proposed business activities:

Proposed to operate a painting/craft studio with alcohol sales by providing customers instruction in the art of painting and/or making crafts and offering customers the opportunity to purchase alcoholic beverages for consumption on-site while they paint and/or make crafts.

Existing gross floor area of building/tenant space, including outdoor spaces:

(square feet) 892 sq.ft. Unit D, Lower Level of Building Unit D, Room# 3,4,5 and 6. See floor plan

Proposed gross floor area of building/tenant space, including outdoor spaces:

(square feet) Same as existing, no change

Occupancy limits:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: _____ persons.

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Monday thru Thursday	9AM	10PM
Friday	9AM	10PM
Saturday	9AM	10PM
Sunday	N/A	N/A

Production/Storage information:

(Check applicable proposed business activity(s) proposed for the premises)

- Current production of fermented malt beverages: N/A U.S. gallons per year
- Proposed production of fermented malt beverages: N/A U.S. gallons per year
- Current production of wine: N/A U.S. gallons per year
- Proposed production of wine: N/A U.S. gallons per year
- Current production of intoxicating liquor: N/A proof gallons per year
- Proposed production of intoxicating liquor: N/A proof gallons per year
- None. If none, leave the following 2 storage questions blank.

Identify location of grains and/or juice, grapes, other fruits or other agricultural product storage and type of storage container(s) used:

Not Applicable to the proposed use.

Identify the storage location of spent grains and/or grapes, other fruits or other agricultural products and type of storage container(s) used:

Not Applicable to the proposed use.

Outdoor Space Uses:

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other _____.

None. If none, leave the following questions in this section blank.

Size: _____ square feet

Type of materials used and height of material to enclose the perimeter of the outdoor space:

- Fencing Landscaping Other _____ Height _____ feet

Is there any alcohol consumption incorporated within the outdoor facility? Yes No

If yes, please describe:

Are there plans for outdoor music/entertainment? Yes No

If yes, describe how the noise will be controlled:

Is there any food service incorporated in this outdoor facility proposal? Yes No

Proposed Hours of Operation for Outdoor Space:

Day	From	To
Monday thru Thursday		
Friday		
Saturday		
Sunday		

NOTE: Hours of Operation for Outdoor Uses (Sidewalk Café with Alcohol):

*******Municipal Code Section 9-262(b)(4): The permit holder can begin serving alcoholic beverages in the sidewalk café at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk café by 9:30 p.m.**

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all equipment or other mechanical sources:
The noise level will be a medium level

Describe how the crowd noise will be controlled inside and outside the building:
by posting signs in and out the building, as well as reminding by staff

Off-Street Parking:

Number of spaces existing on-site: 43.00

Number of spaces proposed on-site: 0.00

Street Access:

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Existing driveway access is from North Morrison Street and Pacific Street. No accesses improvements are proposed with this request.

Other Licensed Premises:

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

Number of Employees:

Number of existing employees: 4

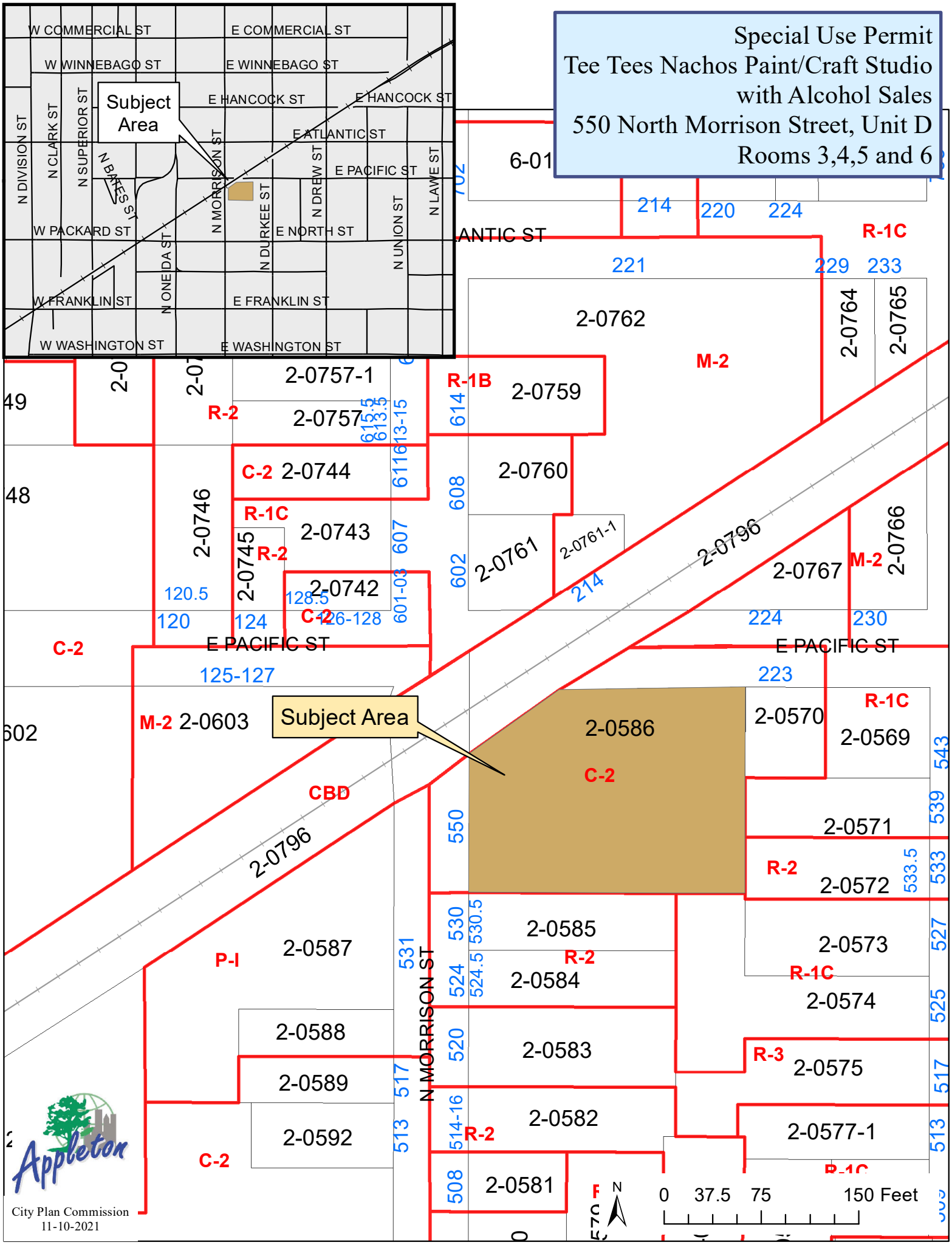
Number of proposed employees: 2

Number of employees scheduled to work on the largest shift: 3

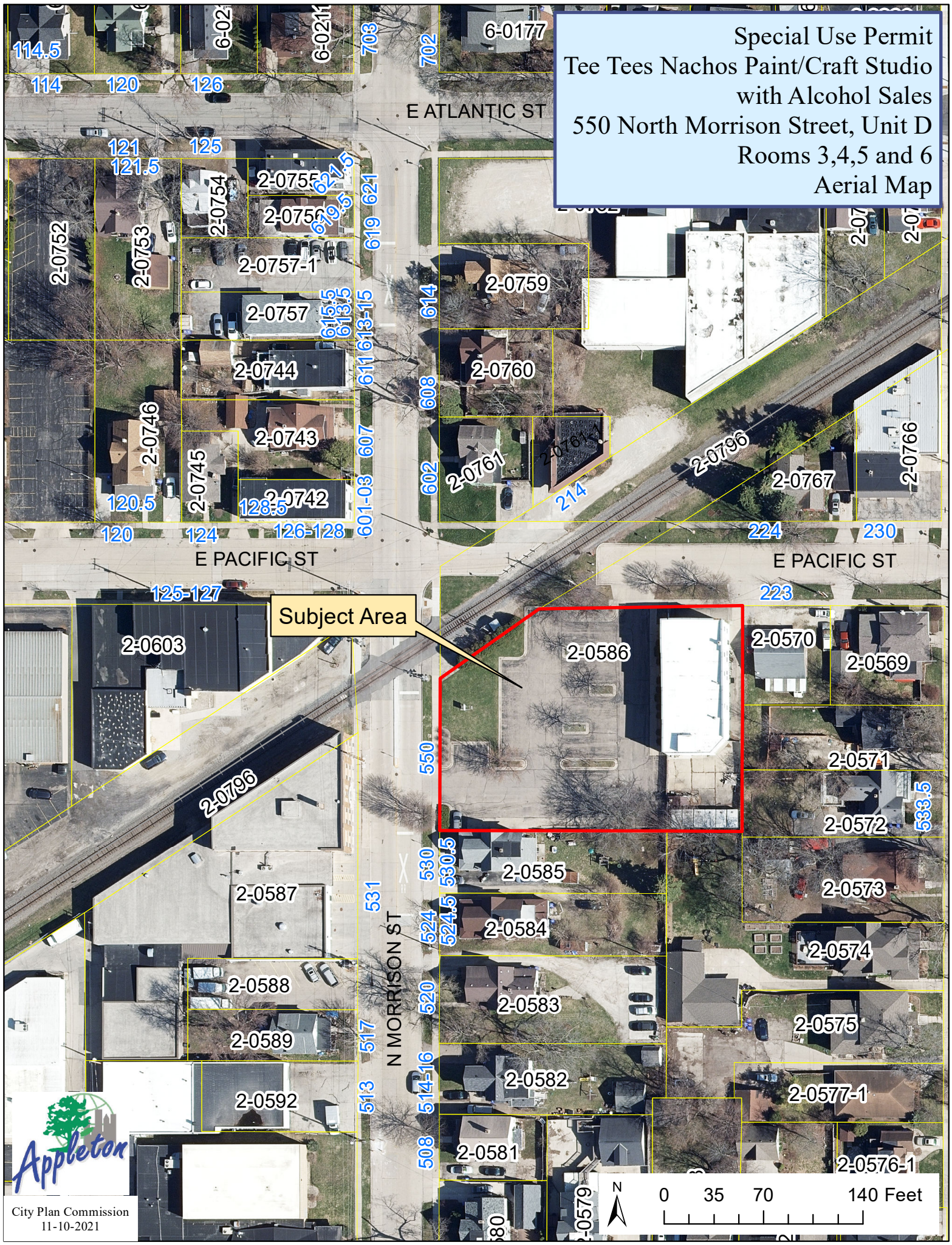
Special Use Permit
 Tee Tees Nachos Paint/Craft Studio
 with Alcohol Sales
 550 North Morrison Street, Unit D
 Rooms 3,4,5 and 6

Subject Area

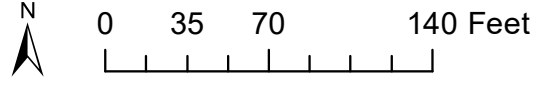
Subject Area



Special Use Permit
 Tee Tees Nachos Paint/Craft Studio
 with Alcohol Sales
 550 North Morrison Street, Unit D
 Rooms 3,4,5 and 6
 Aerial Map



Subject Area





MEMORANDUM

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

TO: Dean Gazza, Director of Parks, Rec, Facilities and Grounds

FROM: Jessica Titel, Principal Planner

DATE: December 1, 2021

RE: Select Photos Received From the Rhythms of the World Event to be Placed in the Welcome Tower in Houdini Plaza

The Appleton Public Arts Committee met on December 1, 2021 and reviewed photos provided by the Rhythms of the World committee, partnering with Creative Downtown Appleton, Inc., for placement in the Houdini Plaza Welcome Tower. The Appleton Public Arts Committee selected the following 12 images and 1 alternate image for display in the tower.

Houdini Welcome Tower Rhythms of the World Photos Final Arts Committee Photo Selections		
		Photo Number
Selected Photos	1	S1
	2	S8
	3	S13
	4	S18
	5	S21
	6	S25
	7	S26
	8	7503
	9	7576
	10	7386
	11	7455
	12	7460
Alternate	13	7297

Per the Art in Public Places Policy, the recommendation from the Appleton Public Arts Committee is forwarded to the committee of jurisdiction, in this case, the Parks and Recreation Committee. Please place this item on the agenda for the December 6, 2021 Parks and Rec Committee agenda. Their recommendation would then be forwarded to the Common Council for final consideration on December 15, 2021.

The memo prepared for the Public Arts Committee and the photos are attached for reference.



MEMORANDUM

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

TO: Appleton Public Arts Committee (APAC)

FROM: Jessica Titel, Principal Planner

DATE: November 23, 2021

RE: Houdini Welcome Tower – Photo Selection from Rhythms of the World Event – Diversity Theme

At the November 3, 2021 Public Arts Committee meeting, the Committee determined they would choose photos taken from the Rhythms of the World event to be displayed in the Houdini Plaza Welcome Tower for this selection cycle. It was determined another photo contest could be held in the future. The Committee selected 18 photos, and Committee member Catherine McKenzie graciously volunteered to crop the images to square size and make minor edits for the best display quality. During the editing, some additional photos were added for consideration by the committee. These images are identified in the attached document.

Attached is a document that contains the selected, edited images. The Committee is tasked with choosing 12 images and 2 alternative images for display in the tower.

The following originally selected photos are no longer options based on the information below:

Photo 10 – the subjects in the photos have declined permission for display.

Photo 27 – image was from 2018 and the individuals in the images are not known, therefore permission to display cannot be obtained.

Each photo has been given a number. As you make your selections, please keep in mind that the images will be viewed from a distance and should be legible/identifiable when displayed in the tower.

Staff would recommend that each Arts Committee member come to the meeting with a ranking of all the photos. This may expedite the selection process.

APPLETON PUBLIC ARTS COMMITTEE ACTION:

Choose the 12 images to be displayed in the Houdini Welcome Tower and 2 alternate images.

Original Images Selected on November 3, 2021:



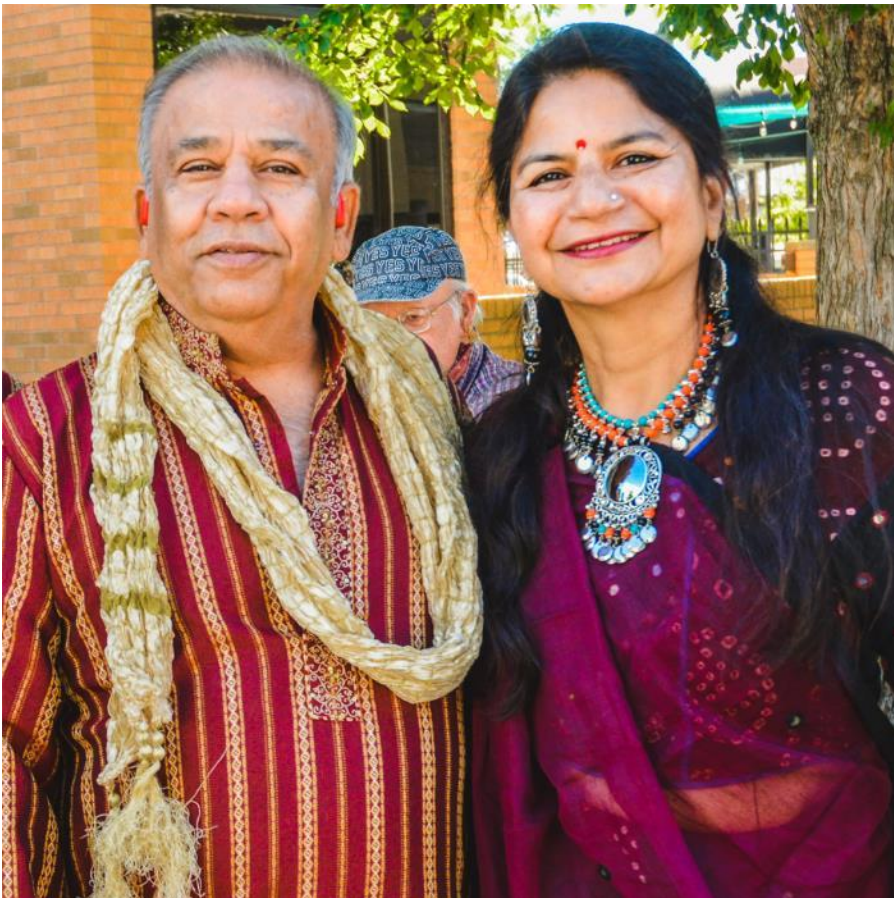
S1



S5



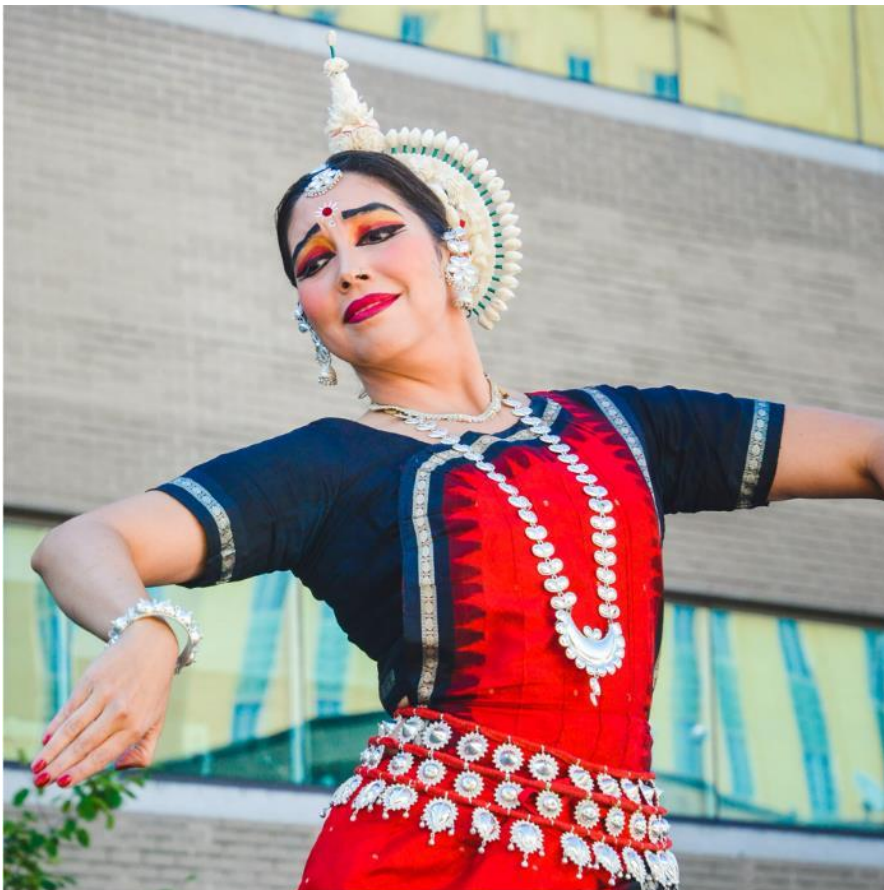
S8



S12 (all four of the individuals from the original photo didn't fit in the square sizing)



S13



S18



S21



S22



S25



S26



7297



7400



7503

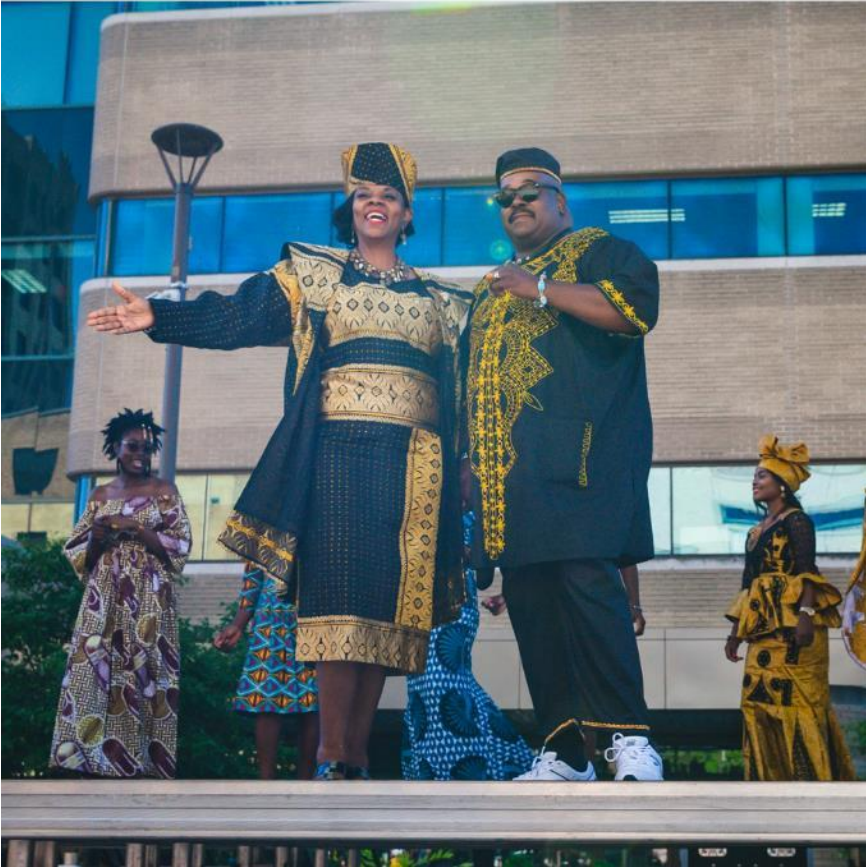


7570

Other Images to Consider:



7576



7590



7289



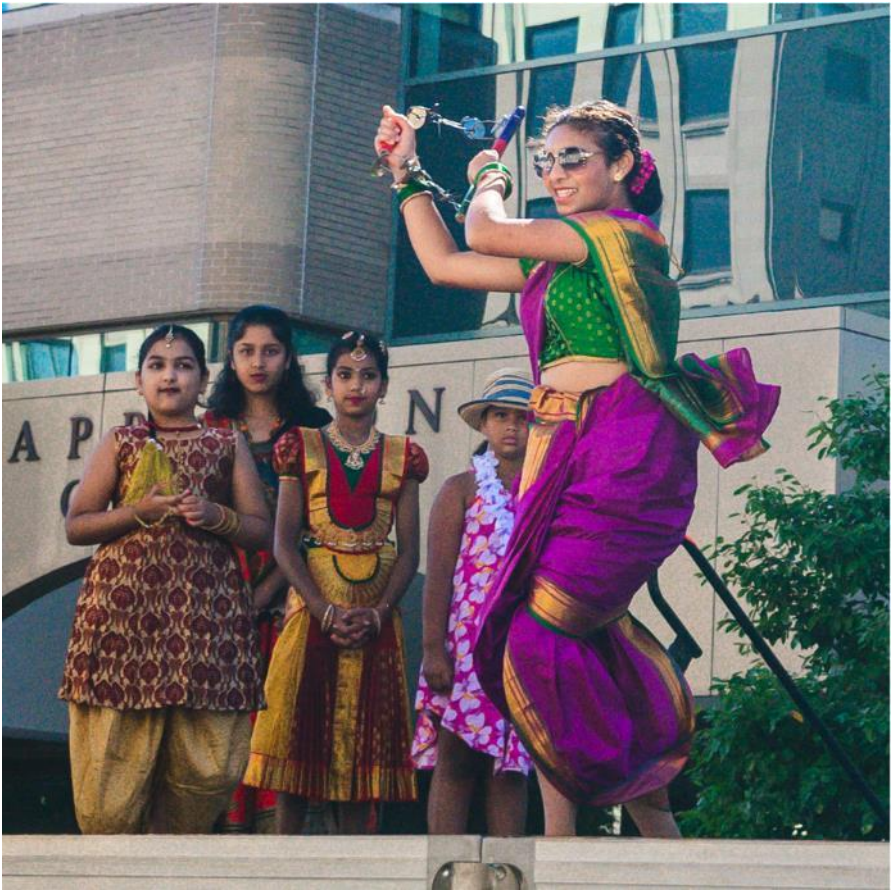
7347



7386



7421



7455



7460



7507

City of Appleton 2021 Write-Off List

The following accounts will be posted on the City's website and published in The Post Crescent unless they filed for bankruptcy or are confirmed deceased
Addresses shown are the last known location of the individual or business.

Type	Bill Date	Parcel Number	Name	Address	Amount Due	Description
PP	2019	31-0-1875-00	MINUTEMAN PRESS: FOX RIVER PRINTING	2444 W COLLEGE AVE, APPLETON WI 54914	\$118.51	2019 Personal Property Tax
PP	2019	31-1-0385-10	GOSIA'S PHOTOGRAPHY LLC	5009 N PROVIDENCE AVE, APPLETON WI 54913	\$142.60	2019 Personal Property Tax
PP	2019	31-1-1000-00	GRAND HORIZONS II: INTEGRITY SENIOR LIVING LLC	663 236TH AVE, NEW RICHMOND WI 54017	\$1,767.59	2019 Personal Property Tax
PP	2019	31-1-1455-80	FARMERS INSURANCE: CHAD RATZBURG AGENCY INC	3405 COMMERCE CT #G, APPLETON WI 54911	36.16	2019 Personal Property Tax
PP	2019	31-1-1547-59	GRAND HORIZONS III: INTEGRITY SENIOR LIVING LLC	663 236TH AVE, NEW RICHMOND WI 54017	1,767.59	2019 Personal Property Tax
PP	2019	31-1-1547-60	GRAND HORIZONS I: INTEGRITY SENIOR LIVING LLC	663 236TH AVE, NEW RICHMOND WI 54017	1,767.59	2019 Personal Property Tax
PP	2019	31-1-2385-20	SHOPKO EXPRESS #505: SHOPKO STORES OPERATNG CO LLC	PO BOX 19060, GREEN BAY WI 54307	2,848.23	2019 Personal Property Tax
PP	2019	31-2-0630-00	BOLD SALONS LLC	207 W COLLEGE AVE, APPLETON WI 54911	208.89	2019 Personal Property Tax
PP	2019	31-2-2005-25	INSPIRE SPA LLC	103 W COLLEGE AVE #207, APPLETON WI 54911	154.66	2019 Personal Property Tax
PP	2019	31-2-2385-18	LAW OFFICES OF FRANZ J MAURER	506 N ONEIDA ST, APPLETON WI 54911	26.11	2019 Personal Property Tax
PP	2019	31-2-2629-70	UNIQUE PERCEPTION LLC	1294 WITTMANN PARK LN, MENASHA WI 54952	40.17	2019 Personal Property Tax
PP	2019	31-2-2765-00	PAVANA LLC	PO BOX 303, BRADENTON BEACH FL 34217	2,462.57	2019 Personal Property Tax
PP	2019	31-2-2941-35	OUTCOME HEALTH: CONTEXT MEDIA LLC	330 N WABASH AVE #2500, CHICAGO IL 60611	12.05	2019 Personal Property Tax
PP	2019	31-2-3097-40	PEERLESS DESIGN STUDIO	311 E COLLEGE AVE, APPLETON WI 54911	66.29	2019 Personal Property Tax
PP	2019	31-2-3138-40	PINOT'S PALETTE: ARTFUL EXPRESSIONS LLC	W6310 ROCKY MOUNTAIN DR, GREENVILLE WI 54942	863.70	2019 Personal Property Tax
PP	2019	31-2-4432-21	WILSON FINANCIAL	103 W COLLEGE AVE #304, APPLETON WI 54911	66.29	2019 Personal Property Tax
PP	2019	31-2-3424-00	RICK BRETLL INDUSTRIES LLC	524 N CLARK ST #5, APPLETON WI 54911	34.15	2019 Personal Property Tax
PP	2019	31-2-3428-00	ROBERTSON AGENCY LTD	129 E COLLEGE AVE, APPLETON WI 54911	162.69	2019 Personal Property Tax
PP	2019	31-2-3783-00	CENA RESTAURANT LLC	833 E ALTON ST, APPLETON WI 54911	76.33	2019 Personal Property Tax
PP	2019	31-2-3972-40	STUDIO KITCHENS LLC	300 FERN DR, ROSENDALE WI 54974	626.69	2019 Personal Property Tax
PP	2019	31-3-0020-00	THE ADVISORY GROUP INC	222 S STATE ST, APPLETON WI 54911	178.76	2019 Personal Property Tax
PP	2019	31-3-0115-40	ARORA OIL CORP	2675 AMERICAN DR, APPLETON WI 54914	1,827.84	2019 Personal Property Tax
PP	2019	31-3-0762-30	IL ANGOLO RESTO-BAR LLC	531 W COLLEGE AVE, APPLETON WI 54911	618.65	2019 Personal Property Tax
PP	2019	31-3-0999-20	LOON PADDLE COMPANY LLC	1606 W HASKEL ST, APPLETON WI 54914	100.43	2019 Personal Property Tax
PP	2019	31-3-0999-22	LOTUS SPA	1619 W COLLEGE AVE, APPLETON WI 54914	50.21	2019 Personal Property Tax
PP	2019	31-3-1201-90	POLAR BEAR CARPENTRY LLC	109 PEERY PARK DR, MISSOULA MT 59803	66.29	2019 Personal Property Tax
PP	2019	31-3-1566-10	VAL U BEAUTY SUPPLY LLC	609 W COLLEGE AVE, APPLETON WI 54911	20.08	2019 Personal Property Tax
PP	2019	31-3-1627-20	WIATER ROOFING	810 W PROSPECT AVE, APPLETON WI 54914	24.10	2019 Personal Property Tax
PP	2019	31-3-1628-10	WILDE WEB MARKETING LLC	2330 W CHARLES ST, APPLETON WI 54914	134.59	2019 Personal Property Tax
PP	2019	31-4-0018-20	ADVANCED MOVEMENT STUDIO LLC: KEEN HEALTH LLC	1790 W ROSELAWN DR, APPLETON WI 54914	383.64	2019 Personal Property Tax
PP	2019	31-4-0063-45	APOTHEKE HEATH & WELLNESS BOUTIQUE	3020 E COLLEGE AVE #B, APPLETON WI 54915	100.43	2019 Personal Property Tax
PP	2019	31-4-0100-00	B'WEL CHIROPRACTIC & HEALTH ASSOCIATES INC	215 MEDALLION BLVD APT F, MADEIRA BEACH FL 33708	468.00	2019 Personal Property Tax
PP	2019	31-4-0248-60	EAZYER.COM: ROCKIN REWARDS LLC	101 W EDISON AVE #234, APPLETON WI 54915	46.19	2019 Personal Property Tax
PP	2019	31-4-0308-00	ELEMENTAL CORE OUTREACH LLC	101 W EDISON AVE #205, APPLETON WI 54915	58.25	2019 Personal Property Tax
PP	2019	31-4-0320-30	EYE PHOTOGRAPH LLC	800 S LAWE ST #306, APPLETON WI 54915	100.43	2019 Personal Property Tax
PP	2019	31-4-0324-20	FANTASTIC SAMS - APPLETON	3020 E COLLEGE AVE #J, APPLETON WI 54915	532.29	2019 Personal Property Tax
PP	2019	31-4-0541-10	TRIPLE THREE ATHLETICS & WELLNESS	101 W EDISON AVE #237, APPLETON WI 54915	102.44	2019 Personal Property Tax
PP	2019	31-4-0673-80	LETTER CREATE STUDIO: THE CRAFT NINJA LLC	5137 W ANITA ST, APPLETON WI 54913	58.25	2019 Personal Property Tax
PP	2019	31-4-0716-10	MICHAEL GEHRMAN FILMWORKS	3410 CHERRYVALE AVE APT 59, APPLETON WI 54913	42.18	2019 Personal Property Tax
PP	2019	31-4-0716-50	MILLARD MUSIC STUDIO/BREATHING ROOM YOGA	500 E EAGLE FLATS PKWY #312, APPLETON WI 54915	142.60	2019 Personal Property Tax
PP	2019	31-4-0728-00	MOBILE HELPDESK LLC	206 S FIDELIS ST, APPLETON WI 54915	40.17	2019 Personal Property Tax
PP	2019	31-4-0859-10	PHO XPRESS	1804 S LAWE ST, APPLETON WI 54915	198.86	2019 Personal Property Tax
PP	2019	31-4-0941-20	ROCK GARDEN STUDIO	101 W EDISON AVE #120, APPLETON WI 54915	590.53	2019 Personal Property Tax
PP	2019	31-4-0946-23	ROUF LAB : M A ROUF LLP	70 E WAUKAU AVE, OSHKOSH WI 54901	12.05	2019 Personal Property Tax
PP	2019	31-4-1059-20	FOX CITIES ORIENTAL MARKET	219 S WALTER AVE, APPLETON WI 54915	20.08	2019 Personal Property Tax
PP	2019	31-5-0710-00	FLANAGAN'S STOP & SHOP INC	522 W COLLEGE AVE, APPLETON WI 54911	132.56	2019 Personal Property Tax
PP	2019	31-5-0770-20	INSPIRATIONS DANCE AND FITNESS LLC	400 N RICHMOND ST #E, APPLETON WI 54911	305.31	2019 Personal Property Tax
PP	2019	31-5-2496-20	STUDIO H BOUTIQUE RECORDING STUDIO	W6384 BIRMINGHAM ST, GREENVILLE WI 54942	66.29	2019 Personal Property Tax
PP	2019	31-5-2538-00	APPLETON PET SPA LLC	400 N RICHMOND ST #D, APPLETON WI 54911	178.76	2019 Personal Property Tax
PP	2019	31-5-2618-97	AUSTIN66 PRECIOUS LEATHER	204 N RICHMOND ST, APPLETON WI 54911	20.08	2019 Personal Property Tax
PP	2019	31-5-2797-40	CHAMPIONS MARTIAL ARTS	956 W NORTHLAND AVE, APPLETON WI 54914	9.39	2019 Personal Property Tax
PP	2019	31-5-2998-10	EXPERT JEWELRY REPAIR	636 W COLLEGE AVE, APPLETON WI 54911	30.13	2019 Personal Property Tax
PP	2019	31-5-3104-50	GOLDEN TREE BRANDS LLC	1100 KERNAN AVE, MENASHA WI 54952	58.25	2019 Personal Property Tax
PP	2019	31-5-3238-30	HEALING HANDS MASSAGE	1836 W WISCONSIN AVE #B, APPLETON WI 54914	26.11	2019 Personal Property Tax
PP	2019	31-5-3289-85	INDIGO AYURVEDA & MASSAGE	1731 W WASHINGTON ST, APPLETON WI 54914	66.29	2019 Personal Property Tax
PP	2019	31-5-3699-40	ONE STOP DISCOUNT FURNITURE	2258 S KINNICKINNIC AVE, MILWAUKEE WI 53207	50.21	2019 Personal Property Tax
PP	2019	31-5-3758-00	PETROLEUM REALTY INVESTMENT PARTNERS LLP	801 ARTHUR GODFREY RD #600, MIAMI BEACH FL 33140	28.12	2019 Personal Property Tax
PP	2019	31-5-4010-00	SHOPKO STORES OPERATING CO LLC #15	PO BOX 19060, GREEN BAY WI 54307	7,731.17	2019 Personal Property Tax
PP	2019	31-5-4016-20	SIMPLY INSPIRED HAIR DESIGNS	1731 W WASHINGTON ST #E, APPLETON WI 54914	156.67	2019 Personal Property Tax
PP	2019	31-6-1469-70	CHAIR INSIDE THE CORNER BARBER SHOP C/O BOBBIE JO SIEBERS	123 W GLENDALE AVE, APPLETON WI 54911	28.12	2019 Personal Property Tax
PP	2019	31-6-1896-25	ARCADIA HOME CARE AND STAFFING	516 E WISCONSIN AVE, APPLETON WI 54911	136.58	2019 Personal Property Tax
PP	2019	31-6-2009-20	CIRCLE ST SEWN STATIONERY	425 E CIRCLE ST, APPLETON WI 54911	20.08	2019 Personal Property Tax
PP	2019	31-6-2118-40	ESCAPE ROOM WISCONSIN	812 W ROBERTS AVE, APPLETON WI 54914	182.77	2019 Personal Property Tax
PP	2019	31-6-2358-30	FUSION MARTIAL ARTS LLC	1637 S CLARA ST APT 5, APPLETON WI 54915	52.22	2019 Personal Property Tax
PP	2019	31-6-2386-60	HOGAR FURNITURE INC	402 W WISCONSIN AVE, APPLETON WI 54911	48.22	2019 Personal Property Tax
PP	2019	31-6-2411-10	HMONG WISCONSIN RADIO	536 E LAYTON AVE, APPLETON WI 54915	287.23	2019 Personal Property Tax
PP	2019	31-6-2428-80	J MARKLEY BARBERSHOP LLC	123 W GLENDALE AVE, APPLETON WI 54911	24.10	2019 Personal Property Tax
PP	2019	31-6-2457-80	CHAIR INSIDE THE CORNER BARBER SHOP C/O MARIAH KNOX	123 W GLENDALE AVE, APPLETON WI 54911	28.12	2019 Personal Property Tax
PP	2019	31-6-2528-40	MELISSA ALBERTON PHOTOGRAPHY	1021 1/2 N DREW ST, APPLETON WI 54911	80.34	2019 Personal Property Tax
PP	2019	31-6-2566-50	OPEN TRAILS COUNSELING LLC	7802 QUIGLEY RD, OMRO WI 54963	50.21	2019 Personal Property Tax
PP	2019	31-6-2614-96	PHO HOUSE LLC	N1458 FAIRWINDS DR, GREENVILLE WI 54942	18.08	2019 Personal Property Tax
PP	2019	31-6-2628-00	DOSHI & ASSOCIATES INC	18 WOODBURY CT, APPLETON WI 54913	30.13	2019 Personal Property Tax
PP	2019	31-6-2665-60	SPHAIRA WELLNESS LLC	3962 N RICHMOND ST #E, APPLETON WI 54913	50.21	2019 Personal Property Tax
PP	2019	31-6-2719-10	TNT RENOVATIONS LLC	1925 N UNION ST, APPLETON WI 54911	24.10	2019 Personal Property Tax
PP	2019	31-6-3121-50	WORLD HEADQUARTERS LLC	431 E PERSHING ST, APPLETON WI 54911	341.46	2019 Personal Property Tax
PP	2019	31-6-7010-20	REFLEXOLOGY FOOT SPA & WELLNESS CTR	2599 TIMBER CREST CT, GRAND CHUTE WI 54914	46.19	2019 Personal Property Tax
PP	2019	31-7-2702-00	ADRIANA'S BEAUTY SALON	2438 W COLLEGE AVE, APPLETON WI 54914	58.25	2019 Personal Property Tax
PP	2019	31-8-2550-10	H&S INVESTMENT GROUP LLC (2639 S ONEIDA ST)	4725 N APPLE RD, APPLETON WI 54913	3,026.56	2019 Personal Property Tax

PP	2019	31-8-4060-10	MEXICANA TRAVEL	2186 S MEMORIAL DR, APPLETON WI 54915	153.19	2019 Personal Property Tax
PP	2019	31-8-4065-25	MI CASA MEXICAN GRILL	W7095 LOST ARROW RD, FOND DU LAC WI 54937	2,040.76	2019 Personal Property Tax
PP	2019	31-8-4500-50	LILY'S SALON	2188 S MEMORIAL DR, APPLETON WI 54915	326.13	2019 Personal Property Tax
PP	2019	31-9-0132-30	SMART CHOICE MRI LLC	737 N MICHIGAN AVE #2200, CHICAGO IL 60611	23.57	2019 Personal Property Tax
PP	2019	31-9-0257-20	LETI Y DAYI JEWELRY	131 E WISCONSIN AVE, APPLETON WI 54911	37.88	2019 Personal Property Tax
PP	2019	31-9-0386-08	MASSAGE CONNECTION: WEIX LLC	2400 S KENSINGTON DR, APPLETON WI 54915	38.03	2019 Personal Property Tax
PP	2019	31-9-0599-43	STUDIO 10	2400 S KENSINGTON DR #400, APPLETON WI 54915	35.92	2019 Personal Property Tax
PP	2019	31-9-0900-90	MASSAGE BY MANDY LLC	2400 S KENSINGTON DR #400, APPLETON WI 54915	42.25	2019 Personal Property Tax

2019 PP TAX TOTAL: \$35,256.24

City of Appleton 2021 Write-Off List

The following accounts will be posted on the City's website and published in The Post Crescent unless they filed for bankruptcy or are confirmed deceased
Addresses shown are the last known location of the individual or business.

Type	Invoice Date	Invoice Number	Name	Address	Amount Due	Description
A/R	01/11/2019	1370	CHEYENNE MERCADO	220 1/2 E College Ave Apt 2, Appleton WI 54911	57.00	VT NSF CHECK
A/R	01/22/2019	1469	ROTH TRUCKING	126 TRIER ST, BRILLION WI 54110	815.19	TRAFFIC SIGN DAMAGE
A/R	01/22/2019	1481	KENT A WATKINS	N8230 BIG LAKE CT, SHERWOOD WI 54169	50.64	HAZ MAT CLEANUP
A/R	01/22/2019	1483	LAURIE MONTALVO	912 CLOVIS AVE, MENASHA WI 54952	86.27	HAZ MAT CLEANUP
A/R	03/08/2019	1788	KEEGAN DIERDRE GRIESEL	211 S SCHAEFER ST, APPLETON WI 54915	62.57	TRAFFIC SIGN DAMAGE
A/R	03/08/2019	1791	WILLIAM A MOORE	1033 PLEASANTVIEW AVE, LITTLE CHUTE WI 54140	423.10	TRAFFIC SIGN DAMAGE
A/R	03/08/2019	1811	RYAN M VANNEWKIRK	230 W GARFIELD AVE, MARION WI 54950	86.27	HAZ MAT CLEANUP
A/R	03/08/2019	1849	DAVID A CHEW	3412 E CANARY ST APT 2, APPLETON WI 54915	500.00	VEHICLE FIRE FEE
A/R	03/22/2019	1973	CYNTHIA BURCHETT	505 1/2 W ATLANTIC ST, APPLETON WI 54911	146.04	HAZ MAT CLEANUP
A/R	05/03/2019	2217	ALLAN D THYSSEN	N7684 ST HWY 47, BLACK CREEK WI 54106	137.04	HAZ MAT CLEANUP
A/R	05/14/2019	2298	CHRISTOPHER J COLLAR	PO BOX 41, SHIOCTON WI 54170	226.32	HAZ MAT CLEANUP
A/R	05/24/2019	2362	JAMIE GUTIERREZ	11 SHAMROCK CT, APPLETON WI 54914	587.62	TRAFFIC SIGN DAMAGE
A/R	05/31/2019	2427	JAMES PETERS	62 TAYCO ST, MENASHA WI 54952	500.00	VEHICLE FIRE FEE
A/R	05/31/2019	2434	MARIA ALVARADO	829 FIRST ST, MENASHA WI 54952	192.32	HAZ MAT CLEANUP
A/R	05/31/2019	2436	SARAH K BHUTTA	618 MAIN ST, NEENAH WI 54956	141.54	HAZ MAT CLEANUP
A/R	05/31/2019	2437	TAMMA MILES	4001 ROCKY SHORE LN, PFLUGERVILLE TX 78660	5.00	OBITUARY REQUEST
A/R	05/31/2019	2439	PAULA COOPER	UNKNOWN	5.00	OBITUARY REQUEST
A/R	05/31/2019	2442	LYDIA BABINO	UNKNOWN	5.00	OBITUARY REQUEST
A/R	05/31/2019	2443	KARLA RAMSEY	UNKNOWN	5.00	OBITUARY REQUEST
A/R	05/31/2019	2444	STEPHANIE BABLITCH	UNKNOWN	5.00	OBITUARY REQUEST
A/R	05/31/2019	2445	HEATHER VOLKMAN	UNKNOWN	5.00	OBITUARY REQUEST
A/R	05/31/2019	2449	DENISE KRUEGER	UNKNOWN	5.00	OBITUARY REQUEST
A/R	05/31/2019	2450	ERIN VANSTIPPEN	UNKNOWN	5.00	OBITUARY REQUEST
A/R	06/14/2019	2520	IRIS FINANCIAL SERVICES	PO BOX 91760, MILWAUKEE WI 53209	400.00	VT TICKETS
A/R	06/14/2019	2513	MICHELLE L BOHNE	1320 E PERSHING ST, APPLETON WI 54911	192.32	HAZ MAT CLEANUP
A/R	06/21/2019	2585	ERNESTO MALDONADO	713 E BREWSTER ST, APPLETON WI 54911	86.27	HAZ MAT CLEANUP
A/R	06/21/2019	2588	LUCAS J FUHRMANN	1463 VALLEY RD, APPLETON WI 54915	247.59	HAZ MAT CLEANUP
A/R	07/05/2019	2622	CALEB FILIPIAK	1138 W PROSPECT AVE, APPLETON WI 54915	137.04	HAZ MAT CLEANUP
A/R	07/05/2019	2679	BRITTANY L MENCHESKI	1000 PLANK RD #4, MENASHA WI 54952	137.04	HAZ MAT CLEANUP
A/R	07/05/2019	2680	KATIE L RELKEN	1629 N BIRCHWOOD AVE, APPLETON WI 54914	90.77	HAZ MAT CLEANUP
A/R	07/05/2019	2681	KAYLA M BAZINETTE	N2682 ST HWY 55, FREEDOM WI 54130	226.32	HAZ MAT CLEANUP
A/R	07/18/2019	2687	AMANDA J MEYER	105 N 10TH ST, HILBERT WI 54129	90.77	HAZ MAT CLEANUP
A/R	07/24/2019	2737	ELIZABETH PARKER	225 N ONEIDA ST, APPLETON WI 54911	5.00	OBITUARY REQUEST
A/R	07/24/2019	2747	MICHAEL DARLING	310 MARKET ST, LEWES DE 19958	5.00	OBITUARY REQUEST
A/R	07/24/2019	2751	MILES EASTMAN	801 LINCOLN AVE, WAUKESHA WI 53186	5.00	OBITUARY REQUEST
A/R	08/01/2019	2812	JORDAN YOUNG	2304 N CLARK ST, APPLETON WI 54911	157.79	TRAFFIC SIGN DAMAGE
A/R	08/01/2019	2813	JORDAN YOUNG	2304 N CLARK ST, APPLETON WI 54911	150.00	GARBAGE & RECYCLING CARTS DAMAGE
A/R	08/01/2019	2817	JACOB ANDERSON	W3540 MIELKE RD, SEYMOUR WI 54165	243.09	HAZ MAT CLEANUP
A/R	08/02/2019	2905	AMANDA JANQUART	921 GRANT ST, DE PERE WI 54115	5.00	OBITUARY REQUEST
A/R	08/02/2019	2906	DREW GRUNWALD	1319 N ONEIDA ST, APPLETON WI 54911	5.00	OBITUARY REQUEST
A/R	08/22/2019	2934	MELISSA LEHNER	W3163 SUNSHINE RD, FREEDOME WI 54130	10.00	OBITUARY REQUEST
A/R	08/22/2019	2931	HOWARD COOPER	13537 ORCHARD CT, GREGORY MI 48137	10.00	OBITUARY REQUEST
A/R	08/22/2019	2932	RHONDA BUDDE	6430 KINSEY WAY, CUMMING GA 30040	5.00	OBITUARY REQUEST
A/R	08/22/2019	2933	JAMIE ERNST	124 W BELL ST APT 202, NEENAH WI 54956	5.00	OBITUARY REQUEST
A/R	08/22/2019	2937	HANNAH MUELLER	N3932 WASHINGTON AVE #2, FREEDOM WI 54130	5.00	OBITUARY REQUEST
A/R	08/22/2019	2938	GINA WAITE	120 WELLINGTON LAKES DR APT 87, FREDERICKSBURG VA 22401	5.00	OBITUARY REQUEST
A/R	08/22/2019	2939	BRIANNA MAY	1745 S M ST, TACOMA WA 98405	5.00	OBITUARY REQUEST
A/R	08/22/2019	2943	KAITLIN COERPER	12403 CTY RD NN, GREENLEAF WI 54126	5.00	OBITUARY REQUEST
A/R	08/22/2019	2946	THOMAS KRYSSEK	PO BOX 522051, SALT LAKE CITY UT 84152	10.00	OBITUARY REQUEST
A/R	08/22/2019	2947	GINA REYNOLDS	15437 W WILDWOOD CT, LIBERTYVILLE IL 60048	5.00	OBITUARY REQUEST
A/R	08/26/2019	2983	S&S ENTREPRENEURS LLC	528 W COLLEGE AVE, APPLETON WI 54911	5466.34	BARRICADES FOR DEMOLITION
A/R	08/26/2019	2958	TANIYAH MILLER-WHITAKER	1215 ECKHART AVE, AUBURN IN 46706	5.00	OBITUARY REQUEST
A/R	08/26/2019	2980	NICHOLAS M NETZEL	4910 N MAYFLOWER DR, APPLETON WI 54913	243.09	HAZ MAT CLEANUP
A/R	08/26/2019	3023	PAUL KRAMER	W6366 FIRELINE 8 RD, MENASHA WI 54952	224.62	TRAFFIC SIGN DAMAGE
A/R	08/30/2019	3058	CHRISTINA MAKI	30 BLUFF ST, QUINNESEC MI 49876	5.00	OBITUARY REQUEST
A/R	09/03/2019	3095	KEVIN M PERRY	319 W WINNEBAGO ST, APPLETON WI 54911	159.78	TRAFFIC SIGN DAMAGE
A/R	09/09/2019	3098	DREW CHANEY	2 WEATHERSTONE DR, APPLETON WI 54914	141.54	HAZ MAT CLEANUP
A/R	09/09/2019	3109	ANNE LINE KILLINGVEIT	Løkkjvegen 11, OPPDAL, XX 07340 NORWAY	18.00	OBITUARY REQUEST
A/R	09/09/2019	3112	DARLENE FOCHTMAN	25 MEADOWFIELD LN NW, COMSTOCK PARK MI 49321	5.00	OBITUARY REQUEST
A/R	09/09/2019	3114	KAREN ANDERSON	1336 CTY RD 1570, ALBA TX 75410	10.00	OBITUARY REQUEST
A/R	09/20/2019	3152	CHARLES THOMAS	10 DELLA CT, MADISON WI 53714	5.00	OBITUARY REQUEST
A/R	09/20/2019	3153	TAMMY FAWNS	1666 S CHOLLA, MESA AZ 85202	5.00	OBITUARY REQUEST
A/R	09/20/2019	3155	TALCOTT BROADHEAD	3142 HOADLY ST SE, TUMWATER WA 98501	5.00	OBITUARY REQUEST
A/R	09/20/2019	3156	WENDI VAN LYSEL	7788 MAPLE LN, FREMONT WI 54940	5.00	OBITUARY REQUEST
A/R	09/27/2019	3213	JENNIFER ATKINS	5623 HARVEST RD, ROCKLIN CA 95765	5.00	OBITUARY REQUEST
A/R	10/04/2019	3229	JOHN RUDOLF	5112 SW OLGA ST, SEATTLE WA 98116	5.00	OBITUARY REQUEST
A/R	10/04/2019	3233	JUSTINE WOODWARD	14118 LEXINGTON CIR, WESTMINSTER CO 80023	5.00	OBITUARY REQUEST
A/R	10/04/2019	3307	JOSEPH NOTINO	525 N DREW ST, APPLETON WI 54911	1119.00	UNPAID LEAVE PREMIUMS
A/R	10/04/2019	3309	JEFFREY OLSON	10 NORTHBREEZE CIR, APPLETON WI 54911	46.00	DOG LICENSE NSF CK
A/R	10/18/2019	3372	CHRISTOPHER NEWMAN	3114 W NORMANDY AVE, ROSEBURG OR 97471	5.00	OBITUARY REQUEST
A/R	10/18/2019	3374	AMANDA YORK	2111 BEAUFAIT DR, GROSSE POINTE WOODS MI 48236	5.00	OBITUARY REQUEST
A/R	10/25/2019	3400	CONTRACT TRANSPORT SERVICES	1634 COFRIN DR, GREEN BAY WI 54302	101.37	TRAFFIC SIGN DAMAGE
A/R	11/26/2019	3530	MICHAEL ROMNEK	4673 DORSEY RD, OXFORD NC 27565	5.00	OBITUARY REQUEST
A/R	11/26/2019	3535	JIM WEGNER	PO BOX 253, SURING WI 54174	10.00	OBITUARY REQUEST
A/R	11/26/2019	3540	MIKE SARGENT	24563 HWY 139, ARGONNE WI 54511	5.00	OBITUARY REQUEST

A/R	11/26/2019	3542	ANGELA FORRY	1024 E MARNIE LN, APPLETON WI 54911	5.00	OBITUARY REQUEST
A/R	11/27/2019	3576	JOSHUA L ANDERSON	1224 E NORTHLAND AVE #2, APPLETON WI 54911	302.87	TRAFFIC SIGN DAMAGE
A/R	12/03/2019	3583	MARY ANTOINE	PO BOX 22, PRAIRIE DU CHIEN WI 53821	5.00	OBITUARY REQUEST
A/R	12/03/2019	3588	MARK KUHLMAN	1715 FARMSIDE DR, CARPENTERSVILLE IL 60110	5.00	OBITUARY REQUEST
A/R	12/03/2019	3591	SAPHYRE ROGERS-BERRY	11928 W COOPER DR, LITTLETON CO 80127	5.00	OBITUARY REQUEST
A/R	12/03/2019	3594	PAUL ARNESON	13300 FORT WASHINGTON RD, FORT WASHINGTON MD 20744	5.00	OBITUARY REQUEST
A/R	12/03/2019	3598	JANELLE L LANDRY	1524 S SCHAEFER ST, APPLETON WI 54915	243.09	HAZ MAT CLEANUP
A/R	12/05/2019	3660	DONTE MALIK HUNTE	111 1/2 E 2ND ST, KAUKAUNA WI 54130	405.37	FIRE HYDRANT DAMAGE
A/R	12/05/2019	3669	AMELIA K KAEHLER	1201 BARTELL CT APT 21, APPLETON WI 54914	86.27	HAZ MAT CLEANUP
A/R	12/05/2019	3663	MARQUISE J ROBINSON	440 E REED ST #2, MANITOWOC WI 54220	200.37	BARRICADE FOR APD INCIDENT
A/R	12/05/2019	3666	GARY SMITH	910 NW Hwy 270 Room 138, Woodward OK 73801	800.69	TRAFFIC SIGN DAMAGE
A/R	12/05/2019	3668	LAUREN WHITE	400 WALNUT ST, MENASHA WI 54952	202.96	TRAFFIC SIGN DAMAGE
A/R	12/05/2019	3670	RICHARD L LEWIS	2719 N OWAISSA ST, APPLETON WI 54911	192.32	HAZ MAT CLEANUP
A/R	12/06/2019	3697	JUAN COTOC	518 S TELULAH AVE, APPLETON WI 54915	225.53	TRAFFIC DAMAGE
A/R	12/12/2019	3714	RICHARD JOHNSON	1960 DEER PATH TRAIL, WILSON WI 53081	5.00	OBITUARY REQUEST
A/R	12/12/2019	3715	TONI ENGSTROM	6956 RIVERWOOD DR, KNOXVILLE TN 37920	5.00	OBITUARY REQUEST
A/R	12/12/2019	3736	OLIVIA DAVIS	680 CENTRAL ST, OSHKOSH WI 54901	86.27	HAZ MAT CLEANUP
A/R	12/12/2019	3737	MAURILIO G LOPEZ	1756 CYPRESS LN, GREEN BAY WI 54302	141.54	HAZ MAT CLEANUP
A/R	12/12/2019	3738	DAVID KELLOGG	507 S CLEVELAND ST, SHAWNO WI 54166	141.54	HAZ MAT CLEANUP
A/R	12/12/2019	3739	STACIE VANDENHEUVEL	518 MARGARET ST, COMBINED LOCKS WI 54113	500.00	VEHICLE FIRE FEE
A/R	12/17/2019	3831	RANDY STUCKART	114 RAUGHT ST, KAUKAUNA WI 54130	75.00	ELECTRONICS COLLECTION
A/R	12/17/2019	3801	ANNE DAVIS	70030 POLEY DR, STURGIS MI 49091	10.00	OBITUARY REQUEST

A/R TOTAL: \$ 17,559.48

CITY OF APPLETON
Department of Public Works
MEMORANDUM

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

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:

Unit G-20: Sequoia Drive Sewer, Water and Grade & Gravel Construction

Be awarded to:

Name: Carl Bowers & Sons Construction Co., Inc
Address: N1844 Maloney Road
Kaukauna, WI 54130

In the amount of : \$801,024.52

With a 5.0 % contingency of : \$40,000.00

For a project total not to exceed : \$841,024.52

**** OR ****

In an amount Not To Exceed : _____

Budget: \$1,132,920.00
Estimate: \$848,800.00
Committee Date: 12/15/21
Council Date: 12/15/21

Bid Tabulation

G-20 Sequoia Dr Sewer & Water, Grade & Gravel

12/06/2021 2:00 PM CST

Bid Item	Item Description	Quantity	Unit	Carl Bowers & Sons Const Co. Inc.		Don Hietpas & Sons Inc.		Feaker & Sons Co Inc		Kruczek Construction Inc.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization	1	LS	\$3,600.00	\$3,600.00	\$2,715.00	\$2,715.00	\$6,815.00	\$6,815.00	\$7,738.32	\$7,738.32
2	Traffic Control	1	LS	\$100.00	\$100.00	\$1,200.00	\$1,200.00	\$1,500.00	\$1,500.00	\$4,000.00	\$4,000.00
3	Furnish, Install, Maintain & Remove Erosion Control	1	LS	\$500.00	\$500.00	\$1,500.00	\$1,500.00	\$11,680.00	\$11,680.00	\$2,500.00	\$2,500.00
4	Furnish, Install, Maintain & Remove Inlet Protection Type D-M	12	EA	\$100.00	\$1,200.00	\$125.00	\$1,500.00	\$150.00	\$1,800.00	\$100.00	\$1,200.00
5	Furnish, Install, Maintain & Remove Tracking Pad	2	EA	\$0.01	\$0.02	\$867.00	\$1,734.00	\$900.00	\$1,800.00	\$1,600.00	\$3,200.00
6	Furnish, Install, Maintain & Remove Ditch Check	2	EA	\$100.00	\$200.00	\$80.00	\$160.00	\$125.00	\$250.00	\$255.00	\$510.00
7	Furnish, Install, Maintain & Remove Silt Fence	2,582	LF	\$2.00	\$5,164.00	\$1.97	\$5,086.54	\$2.00	\$5,164.00	\$2.00	\$5,164.00
8	Place Salvaged Topsoil	11,934	SY	\$1.00	\$11,934.00	\$0.61	\$7,279.74	\$0.62	\$7,399.08	\$0.50	\$5,967.00
9	Site Restoration (Seed, Fertilizer, and Mulch)	20,025	SY	\$0.60	\$12,015.00	\$0.88	\$17,622.00	\$0.79	\$15,819.75	\$0.90	\$18,022.50
10	Site Restoration (Seed, Fertilizer, E-Mat Class 1 Urban Type A)	2,581	SY	\$2.40	\$6,194.40	\$2.42	\$6,246.02	\$1.31	\$3,381.11	\$2.45	\$6,323.45
11	Medium Riprap Over Type HR Geotextile Fabric	5	CY	\$75.00	\$375.00	\$50.00	\$250.00	\$50.00	\$250.00	\$60.00	\$300.00
12	18-Inch RCP Class III Culvert	81	LF	\$44.00	\$3,564.00	\$42.50	\$3,442.50	\$50.00	\$4,050.00	\$47.00	\$3,807.00
13	18-inch Concrete Apron Endwall	2	EA	\$500.00	\$1,000.00	\$600.00	\$1,200.00	\$700.00	\$1,400.00	\$625.00	\$1,250.00
14	18-inch CMP Culvert	5	LF	\$65.00	\$325.00	\$125.00	\$625.00	\$75.00	\$375.00	\$77.00	\$385.00
15	18-inch Metal Apron Endwall	1	EA	\$325.00	\$325.00	\$400.00	\$400.00	\$400.00	\$400.00	\$260.00	\$260.00
16	30-inch Storm Sewer	500	LF	\$63.00	\$31,500.00	\$66.65	\$33,325.00	\$70.00	\$35,000.00	\$80.00	\$40,000.00
17	24-inch Storm Sewer	410	LF	\$50.00	\$20,500.00	\$53.00	\$21,730.00	\$53.00	\$21,730.00	\$60.00	\$24,600.00
18	18-inch Storm Sewer	700	LF	\$40.00	\$28,000.00	\$41.00	\$28,700.00	\$41.00	\$28,700.00	\$45.50	\$31,850.00
19	12-inch Storm Sewer	900	LF	\$32.00	\$28,800.00	\$33.75	\$30,375.00	\$34.00	\$30,600.00	\$36.50	\$32,850.00
20	12-inch Inlet Lead	180	LF	\$50.00	\$9,000.00	\$45.50	\$8,190.00	\$38.00	\$6,840.00	\$57.50	\$10,350.00
21	10-inch Inlet Lead or Yard Drain Lead	60	LF	\$42.00	\$2,520.00	\$40.00	\$2,400.00	\$48.00	\$2,880.00	\$49.50	\$2,970.00
22	Type E Inlet with Type C Casting	10	EA	\$1,900.00	\$19,000.00	\$1,850.00	\$18,500.00	\$2,170.00	\$21,700.00	\$2,100.00	\$21,000.00
23	Yard Drain w/ Neenah R-4342 Casting	1	EA	\$1,700.00	\$1,700.00	\$1,400.00	\$1,400.00	\$1,750.00	\$1,750.00	\$1,800.00	\$1,800.00
24	48-inch Storm maintenance hole	75	VF	\$465.00	\$34,875.00	\$300.00	\$22,500.00	\$365.00	\$27,375.00	\$380.00	\$28,500.00
25	60-inch Storm maintenance hole	18	VF	\$750.00	\$13,500.00	\$670.00	\$12,060.00	\$900.00	\$16,200.00	\$885.00	\$15,930.00
26	Storm maintenance hole Casting	15	EA	\$425.00	\$6,375.00	\$410.00	\$6,150.00	\$405.00	\$6,075.00	\$465.00	\$6,975.00
27	8-inch Sanitary Sewer	2,030	LF	\$36.00	\$73,080.00	\$42.85	\$86,985.50	\$47.00	\$95,410.00	\$46.00	\$93,380.00
28	Standard Sanitary maintenance hole	120	VF	\$300.00	\$36,000.00	\$250.00	\$30,000.00	\$225.00	\$27,000.00	\$255.00	\$30,600.00
29	Sanitary maintenance hole Casting	8	EA	\$450.00	\$3,600.00	\$475.00	\$3,800.00	\$425.00	\$3,400.00	\$780.00	\$6,240.00
30	Furnish & Install 12" Water Main	2,080	LF	\$64.00	\$133,120.00	\$69.75	\$145,080.00	\$69.00	\$143,520.00	\$72.00	\$149,760.00
31	Furnish & Install 6" Hydrant Lead	18	LF	\$40.00	\$720.00	\$45.00	\$810.00	\$40.00	\$720.00	\$47.50	\$855.00
32	Furnish & Install Hydrant	6	EA	\$4,600.00	\$27,600.00	\$4,250.00	\$25,500.00	\$4,465.00	\$26,790.00	\$4,950.00	\$29,700.00
33	Furnish & Install 12" Gate Valve w/ Box	6	EA	\$3,900.00	\$23,400.00	\$3,280.00	\$19,680.00	\$3,775.00	\$22,650.00	\$4,000.00	\$24,000.00
34	Furnish & Install 6" Gate Valve w/ Box	6	EA	\$1,750.00	\$10,500.00	\$1,400.00	\$8,400.00	\$1,600.00	\$9,600.00	\$1,700.00	\$10,200.00
35	Common Excavation	4,720	CY	\$4.25	\$20,060.00	\$4.50	\$21,240.00	\$4.60	\$21,712.00	\$3.35	\$15,812.00
36	Topsoil Stripping	5,340	CY	\$1.85	\$9,879.00	\$1.70	\$9,078.00	\$1.75	\$9,345.00	\$2.25	\$12,015.00
37	Stockpile Excess Topsoil	1	LS	\$1.00	\$1.00	\$11,030.00	\$11,030.00	\$11,250.00	\$11,250.00	\$6,000.00	\$6,000.00
38	Excavation Below Subgrade (EBS) and 6-inch Breaker Run	700	TN	\$15.00	\$10,500.00	\$13.90	\$9,730.00	\$14.20	\$9,940.00	\$20.00	\$14,000.00
39	Furnish & Install 12" Stone Base	10,305	SY	\$8.20	\$84,501.00	\$7.87	\$81,100.35	\$8.00	\$82,440.00	\$7.00	\$72,135.00
40	Fine Grading	16,367	SY	\$1.30	\$21,277.10	\$0.50	\$8,183.50	\$0.51	\$8,347.17	\$0.50	\$8,183.50
41	Furnish & Install Geogrid Reinforcement	10,305	SY	\$2.00	\$20,610.00	\$2.55	\$26,277.75	\$2.60	\$26,793.00	\$3.00	\$30,915.00
42	Place and Compact Excess Clay as Fill Outside Right-of-Way	2,700	CY	\$0.10	\$270.00	\$0.80	\$2,160.00	\$0.82	\$2,214.00	\$2.50	\$6,750.00

BASE BID TOTAL: \$717,384.52 \$725,345.90 \$762,065.11 \$787,997.77

ALTERNATES

A1	6-inch Storm Lateral	1,250	LF	\$22.00	\$27,500.00	\$29.00	\$36,250.00	\$28.50	\$35,625.00	\$23.00	\$28,750.00
A2	4-inch Sanitary Lateral	880	LF	\$25.00	\$22,000.00	\$25.00	\$22,000.00	\$35.00	\$30,800.00	\$30.00	\$26,400.00
A3	Furnish & Install 1-1/4" Water Service	1,020	LF	\$17.00	\$17,340.00	\$17.00	\$17,340.00	\$18.00	\$18,360.00	\$19.50	\$19,890.00
A4	Furnish & Install 1-1/4" Cub Box (Complete)	28	EA	\$600.00	\$16,800.00	\$550.00	\$15,400.00	\$535.00	\$14,980.00	\$530.00	\$14,840.00

ALTERNATE BID TOTAL: \$83,640.00 \$90,990.00 \$99,765.00 \$89,880.00

TOTAL BID: \$801,024.52 \$816,335.90 \$861,830.11 \$877,877.77

Bid Tabulation

G-20 Sequoia Dr Sewer & Water, Grade & Gravel

12/06/2021 2:00 PM CST

Bid Item	Item Description	Quantity	Unit	Jossart Brothers, Inc.		PTS Contractors, Inc		Dorner Inc.		Advance Construction Inc.	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization	1	LS	\$10,000.00	\$10,000.00	\$23,000.00	\$23,000.00	\$10,832.00	\$10,832.00	\$20,000.00	\$20,000.00
2	Traffic Control	1	LS	\$1,500.00	\$1,500.00	\$1,225.00	\$1,225.00	\$2,112.00	\$2,112.00	\$1,000.00	\$1,000.00
3	Furnish, Install, Maintain & Remove Erosion Control	1	LS	\$1,000.00	\$1,000.00	\$1,740.00	\$1,740.00	\$1,425.00	\$1,425.00	\$1,200.00	\$1,200.00
4	Furnish, Install, Maintain & Remove Inlet Protection Type D-M	12	EA	\$100.00	\$1,200.00	\$150.00	\$1,800.00	\$115.00	\$1,380.00	\$125.00	\$1,500.00
5	Furnish, Install, Maintain & Remove Tracking Pad	2	EA	\$1,000.00	\$2,000.00	\$885.00	\$1,770.00	\$1,200.00	\$2,400.00	\$1,000.00	\$2,000.00
6	Furnish, Install, Maintain & Remove Ditch Check	2	EA	\$150.00	\$300.00	\$80.00	\$160.00	\$88.00	\$176.00	\$125.00	\$250.00
7	Furnish, Install, Maintain & Remove Silt Fence	2,582	LF	\$2.00	\$5,164.00	\$2.00	\$5,164.00	\$2.20	\$5,680.40	\$1.60	\$4,131.20
8	Place Salvaged Topsoil	11,934	SY	\$0.65	\$7,757.10	\$0.60	\$7,160.40	\$0.70	\$8,353.80	\$1.00	\$11,934.00
9	Site Restoration (Seed, Fertilizer, and Mulch)	20,025	SY	\$0.80	\$16,020.00	\$0.80	\$16,020.00	\$0.60	\$12,015.00	\$1.30	\$26,032.50
10	Site Restoration (Seed, Fertilizer, E-Mat Class 1 Urban Type A)	2,581	SY	\$1.40	\$3,613.40	\$1.30	\$3,355.30	\$2.50	\$6,452.50	\$2.50	\$6,452.50
11	Medium Riprap Over Type HR Geotextile Fabric	5	CY	\$52.00	\$260.00	\$50.00	\$250.00	\$78.00	\$390.00	\$95.00	\$475.00
12	18-Inch RCP Class III Culvert	81	LF	\$45.00	\$3,645.00	\$46.00	\$3,726.00	\$44.00	\$3,564.00	\$31.50	\$2,551.50
13	18-inch Concrete Apron Endwall	2	EA	\$700.00	\$1,400.00	\$500.00	\$1,000.00	\$732.00	\$1,464.00	\$600.00	\$1,200.00
14	18-inch CMP Culvert	5	LF	\$150.00	\$750.00	\$104.00	\$520.00	\$120.00	\$600.00	\$45.00	\$225.00
15	18-inch Metal Apron Endwall	1	EA	\$350.00	\$350.00	\$297.80	\$297.80	\$384.00	\$384.00	\$523.00	\$523.00
16	30-inch Storm Sewer	500	LF	\$73.50	\$36,750.00	\$71.00	\$35,500.00	\$74.00	\$37,000.00	\$75.00	\$37,500.00
17	24-inch Storm Sewer	410	LF	\$61.00	\$25,010.00	\$57.00	\$23,370.00	\$57.00	\$23,370.00	\$62.00	\$25,420.00
18	18-inch Storm Sewer	700	LF	\$43.00	\$30,100.00	\$47.00	\$32,900.00	\$44.00	\$30,800.00	\$47.50	\$33,250.00
19	12-inch Storm Sewer	900	LF	\$36.00	\$32,400.00	\$39.00	\$35,100.00	\$46.00	\$41,400.00	\$40.00	\$36,000.00
20	12-inch Inlet Lead	180	LF	\$38.00	\$6,840.00	\$55.00	\$9,900.00	\$56.00	\$10,080.00	\$55.00	\$9,900.00
21	10-inch Inlet Lead or Yard Drain Lead	60	LF	\$43.00	\$2,580.00	\$53.00	\$3,180.00	\$48.00	\$2,880.00	\$45.00	\$2,700.00
22	Type E Inlet with Type C Casting	10	EA	\$2,175.00	\$21,750.00	\$1,965.00	\$19,650.00	\$2,217.00	\$22,170.00	\$2,000.00	\$20,000.00
23	Yard Drain w/ Neenah R-4342 Casting	1	EA	\$1,950.00	\$1,950.00	\$1,700.00	\$1,700.00	\$1,873.00	\$1,873.00	\$1,534.00	\$1,534.00
24	48-inch Storm maintenance hole	75	VF	\$380.00	\$28,500.00	\$307.00	\$23,025.00	\$410.00	\$30,750.00	\$336.00	\$25,200.00
25	60-inch Storm maintenance hole	18	VF	\$990.00	\$17,820.00	\$710.00	\$12,780.00	\$802.00	\$14,436.00	\$600.00	\$10,800.00
26	Storm maintenance hole Casting	15	EA	\$400.00	\$6,000.00	\$685.00	\$10,275.00	\$457.00	\$6,855.00	\$455.00	\$6,825.00
27	8-inch Sanitary Sewer	2,030	LF	\$43.00	\$87,290.00	\$47.00	\$95,410.00	\$51.00	\$103,530.00	\$47.00	\$95,410.00
28	Standard Sanitary maintenance hole	120	VF	\$260.00	\$31,200.00	\$305.00	\$36,600.00	\$285.00	\$34,200.00	\$292.00	\$35,040.00
29	Sanitary maintenance hole Casting	8	EA	\$800.00	\$6,400.00	\$1,200.00	\$9,600.00	\$478.00	\$3,824.00	\$800.00	\$6,400.00
30	Furnish & Install 12" Water Main	2,080	LF	\$78.00	\$162,240.00	\$73.00	\$151,840.00	\$77.00	\$160,160.00	\$78.00	\$162,240.00
31	Furnish & Install 6" Hydrant Lead	18	LF	\$60.00	\$1,080.00	\$78.00	\$1,404.00	\$43.00	\$774.00	\$48.00	\$864.00
32	Furnish & Install Hydrant	6	EA	\$4,700.00	\$28,200.00	\$4,500.00	\$27,000.00	\$4,813.00	\$28,878.00	\$4,650.00	\$27,900.00
33	Furnish & Install 12" Gate Valve w/ Box	6	EA	\$4,050.00	\$24,300.00	\$3,640.00	\$21,840.00	\$3,956.00	\$23,736.00	\$3,584.00	\$21,504.00
34	Furnish & Install 6" Gate Valve w/ Box	6	EA	\$1,700.00	\$10,200.00	\$1,540.00	\$9,240.00	\$1,664.00	\$9,984.00	\$1,491.00	\$8,946.00
35	Common Excavation	4,720	CY	\$4.72	\$22,278.40	\$4.60	\$21,712.00	\$4.80	\$22,656.00	\$6.50	\$30,680.00
36	Topsoil Stripping	5,340	CY	\$1.78	\$9,505.20	\$1.70	\$9,078.00	\$2.70	\$14,418.00	\$3.50	\$18,690.00
37	Stockpile Excess Topsoil	1	LS	\$11,600.00	\$11,600.00	\$11,250.00	\$11,250.00	\$8,224.00	\$8,224.00	\$3,000.00	\$3,000.00
38	Excavation Below Subgrade (EBS) and 6-inch Breaker Run	700	TN	\$14.60	\$10,220.00	\$14.17	\$9,919.00	\$14.70	\$10,290.00	\$35.00	\$24,500.00
39	Furnish & Install 12" Stone Base	10,305	SY	\$8.25	\$85,016.25	\$8.00	\$82,440.00	\$8.40	\$86,562.00	\$8.40	\$86,562.00
40	Fine Grading	16,367	SY	\$0.53	\$8,674.51	\$0.50	\$8,183.50	\$0.40	\$6,546.80	\$0.50	\$8,183.50
41	Furnish & Install Geogrid Reinforcement	10,305	SY	\$2.70	\$27,823.50	\$2.60	\$26,793.00	\$2.50	\$25,762.50	\$2.50	\$25,762.50
42	Place and Compact Excess Clay as Fill Outside Right-of-Way	2,700	CY	\$0.85	\$2,295.00	\$0.80	\$2,160.00	\$2.10	\$5,670.00	\$1.50	\$4,050.00

BASE BID TOTAL: \$792,982.36 \$799,038.00 \$824,058.00 \$848,335.70

ALTERNATES

A1	6-inch Storm Lateral	1,250	LF	\$27.00	\$33,750.00	\$29.00	\$36,250.00	\$34.00	\$42,500.00	\$26.50	\$33,125.00
A2	4-inch Sanitary Lateral	880	LF	\$33.00	\$29,040.00	\$29.50	\$25,960.00	\$39.00	\$34,320.00	\$36.50	\$32,120.00
A3	Furnish & Install 1-1/4" Water Service	1,020	LF	\$23.00	\$23,460.00	\$22.60	\$23,052.00	\$23.00	\$23,460.00	\$17.00	\$17,340.00
A4	Furnish & Install 1-1/4" Cub Box (Complete)	28	EA	\$525.00	\$14,700.00	\$525.00	\$14,700.00	\$628.00	\$17,584.00	\$607.00	\$16,996.00

ALTERNATE BID TOTAL: \$100,950.00 \$99,962.00 \$117,864.00 \$99,581.00

TOTAL BID: \$893,932.36 \$899,000.00 \$941,922.00 \$947,916.70

Bid Tabulation

G-20 Sequoia Dr Sewer & Water, Grade & Gravel

12/06/2021 2:00 PM CST

Bid Item	Item Description	Quantity	Unit	Wood Sewer & Excavating		Wondra Construction		Superior Sewer & Water		Soper Sewer & Water	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Mobilization	1	LS	\$10,000.00	\$10,000.00	\$33,500.00	\$33,500.00	\$9,500.00	\$9,500.00	\$178,797.00	\$178,797.00
2	Traffic Control	1	LS	\$1,500.00	\$1,500.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00
3	Furnish, Install, Maintain & Remove Erosion Control	1	LS	\$2,500.00	\$2,500.00	\$2,200.00	\$2,200.00	\$2,100.00	\$2,100.00	\$6,873.00	\$6,873.00
4	Furnish, Install, Maintain & Remove Inlet Protection Type D-M	12	EA	\$155.00	\$1,860.00	\$150.00	\$1,800.00	\$160.00	\$1,920.00	\$130.00	\$1,560.00
5	Furnish, Install, Maintain & Remove Tracking Pad	2	EA	\$880.55	\$1,761.10	\$2,500.00	\$5,000.00	\$1,414.00	\$2,828.00	\$1,075.00	\$2,150.00
6	Furnish, Install, Maintain & Remove Ditch Check	2	EA	\$81.25	\$162.50	\$150.00	\$300.00	\$200.00	\$400.00	\$140.00	\$280.00
7	Furnish, Install, Maintain & Remove Silt Fence	2,582	LF	\$2.50	\$6,455.00	\$1.55	\$4,002.10	\$2.50	\$6,455.00	\$2.25	\$5,809.50
8	Place Salvaged Topsoil	11,934	SY	\$0.62	\$7,399.08	\$0.55	\$6,563.70	\$0.75	\$8,950.50	\$2.10	\$25,061.40
9	Site Restoration (Seed, Fertilizer, and Mulch)	20,025	SY	\$0.78	\$15,619.50	\$0.91	\$18,222.75	\$1.45	\$29,036.25	\$1.60	\$32,040.00
10	Site Restoration (Seed, Fertilizer, E-Mat Class 1 Urban Type A)	2,581	SY	\$1.29	\$3,329.49	\$2.14	\$5,523.34	\$2.20	\$5,678.20	\$3.40	\$8,775.40
11	Medium Riprap Over Type HR Geotextile Fabric	5	CY	\$57.55	\$287.75	\$94.27	\$471.35	\$16.00	\$80.00	\$218.00	\$1,090.00
12	18-Inch RCP Class III Culvert	81	LF	\$55.55	\$4,499.55	\$63.56	\$5,148.36	\$55.00	\$4,455.00	\$70.00	\$5,670.00
13	18-inch Concrete Apron Endwall	2	EA	\$1,000.00	\$2,000.00	\$1,600.00	\$3,200.00	\$680.00	\$1,360.00	\$1,450.00	\$2,900.00
14	18-inch CMP Culvert	5	LF	\$60.63	\$303.15	\$153.70	\$768.50	\$60.00	\$300.00	\$198.00	\$990.00
15	18-inch Metal Apron Endwall	1	EA	\$297.30	\$297.30	\$350.00	\$350.00	\$510.00	\$510.00	\$460.00	\$460.00
16	30-inch Storm Sewer	500	LF	\$84.92	\$42,460.00	\$87.11	\$43,555.00	\$87.00	\$43,500.00	\$124.00	\$62,000.00
17	24-inch Storm Sewer	410	LF	\$69.01	\$28,294.10	\$72.30	\$29,643.00	\$71.00	\$29,110.00	\$110.00	\$45,100.00
18	18-inch Storm Sewer	700	LF	\$55.15	\$38,605.00	\$59.13	\$41,391.00	\$56.00	\$39,200.00	\$90.00	\$63,000.00
19	12-inch Storm Sewer	900	LF	\$45.91	\$41,319.00	\$51.51	\$46,359.00	\$55.00	\$49,500.00	\$65.00	\$58,500.00
20	12-inch Inlet Lead	180	LF	\$63.55	\$11,439.00	\$61.70	\$11,106.00	\$55.00	\$9,900.00	\$145.00	\$26,100.00
21	10-inch Inlet Lead or Yard Drain Lead	60	LF	\$54.89	\$3,293.40	\$54.07	\$3,244.20	\$54.00	\$3,240.00	\$101.00	\$6,060.00
22	Type E Inlet with Type C Casting	10	EA	\$2,315.52	\$23,155.20	\$2,050.00	\$20,500.00	\$1,400.00	\$14,000.00	\$2,262.00	\$22,620.00
23	Yard Drain w/ Neenah R-4342 Casting	1	EA	\$2,447.44	\$2,447.44	\$1,350.00	\$1,350.00	\$500.00	\$500.00	\$2,125.00	\$2,125.00
24	48-inch Storm maintenance hole	75	VF	\$364.36	\$27,327.00	\$376.55	\$28,241.25	\$364.00	\$27,300.00	\$501.00	\$37,575.00
25	60-inch Storm maintenance hole	18	VF	\$950.94	\$17,116.92	\$705.18	\$12,693.24	\$880.00	\$15,840.00	\$1,207.00	\$21,726.00
26	Storm maintenance hole Casting	15	EA	\$473.28	\$7,099.20	\$460.00	\$6,900.00	\$530.00	\$7,950.00	\$559.00	\$8,385.00
27	8-inch Sanitary Sewer	2,030	LF	\$57.65	\$117,029.50	\$50.94	\$103,408.20	\$83.00	\$168,490.00	\$122.00	\$247,660.00
28	Standard Sanitary maintenance hole	120	VF	\$311.94	\$37,432.80	\$281.71	\$33,805.20	\$363.00	\$43,560.00	\$320.00	\$38,400.00
29	Sanitary maintenance hole Casting	8	EA	\$871.90	\$6,975.20	\$480.00	\$3,840.00	\$920.00	\$7,360.00	\$559.00	\$4,472.00
30	Furnish & Install 12" Water Main	2,080	LF	\$98.88	\$205,670.40	\$83.25	\$173,160.00	\$87.00	\$180,960.00	\$118.00	\$245,440.00
31	Furnish & Install 6" Hydrant Lead	18	LF	\$46.89	\$844.02	\$72.49	\$1,304.82	\$35.00	\$630.00	\$97.00	\$1,746.00
32	Furnish & Install Hydrant	6	EA	\$6,053.77	\$36,322.62	\$4,800.00	\$28,800.00	\$4,440.00	\$26,640.00	\$4,246.00	\$25,476.00
33	Furnish & Install 12" Gate Valve w/ Box	6	EA	\$4,777.25	\$28,663.50	\$4,250.00	\$25,500.00	\$4,064.00	\$24,384.00	\$3,330.00	\$19,980.00
34	Furnish & Install 6" Gate Valve w/ Box	6	EA	\$1,731.00	\$10,386.00	\$1,950.00	\$11,700.00	\$1,744.00	\$10,464.00	\$1,591.00	\$9,546.00
35	Common Excavation	4,720	CY	\$4.57	\$21,570.40	\$16.06	\$75,803.20	\$4.25	\$20,060.00	\$7.60	\$35,872.00
36	Topsoil Stripping	5,340	CY	\$1.73	\$9,238.20	\$3.00	\$16,020.00	\$4.40	\$23,496.00	\$1.70	\$9,078.00
37	Stockpile Excess Topsoil	1	LS	\$11,476.59	\$11,476.59	\$4,000.00	\$4,000.00	\$15,000.00	\$15,000.00	\$15,979.00	\$15,979.00
38	Excavation Below Subgrade (EBS) and 6-inch Breaker Run	700	TN	\$14.12	\$9,884.00	\$20.87	\$14,609.00	\$22.00	\$15,400.00	\$21.00	\$14,700.00
39	Furnish & Install 12" Stone Base	10,305	SY	\$7.99	\$82,336.95	\$9.25	\$95,321.25	\$8.85	\$91,199.25	\$8.20	\$84,501.00
40	Fine Grading	16,367	SY	\$0.51	\$8,347.17	\$0.40	\$6,546.80	\$0.85	\$13,911.95	\$0.42	\$6,874.14
41	Furnish & Install Geogrid Reinforcement	10,305	SY	\$2.59	\$26,689.95	\$3.04	\$31,327.20	\$1.90	\$19,579.50	\$2.20	\$22,671.00
42	Place and Compact Excess Clay as Fill Outside Right-of-Way	2,700	CY	\$0.81	\$2,187.00	\$1.00	\$2,700.00	\$1.40	\$3,780.00	\$0.80	\$2,160.00

BASE BID TOTAL: \$915,584.98 \$960,378.46 \$980,527.65 \$1,412,702.44

ALTERNATES

A1	6-inch Storm Lateral	1,250	LF	\$28.35	\$35,437.50	\$33.02	\$41,275.00	\$37.00	\$46,250.00	\$37.00	\$46,250.00
A2	4-inch Sanitary Lateral	880	LF	\$54.09	\$47,599.20	\$44.09	\$38,799.20	\$45.00	\$39,600.00	\$44.00	\$38,720.00
A3	Furnish & Install 1-1/4" Water Service	1,020	LF	\$33.89	\$34,567.80	\$27.47	\$28,019.40	\$35.00	\$35,700.00	\$46.00	\$46,920.00
A4	Furnish & Install 1-1/4" Cub Box (Complete)	28	EA	\$628.50	\$17,598.00	\$710.00	\$19,880.00	\$550.00	\$15,400.00	\$470.00	\$13,160.00

ALTERNATE BID TOTAL: \$135,202.50 \$127,973.60 \$136,950.00 \$145,050.00

TOTAL BID: \$1,050,787.48 \$1,088,352.06 \$1,117,477.65 \$1,557,752.44

CONTRACT AMENDMENT & CHANGE ORDER

Change Order No. ONE

Date 12/08/21

Contract No. 31-21 for the following public work : Unit B-21 Asphalt Pavement Reconstruction

between Vinton Construction Company 2705 N. Rapids Road, P.O. Box 1987, Manitowoc, WI 54221
 (Contractor Name) (Contractor Address)

and the City of Appleton dated: 03/03/21 is hereby changed in the following particular wit:

Item No.	Account No.	Current Contract Amount	Current Contingency	C.O. Amount (+/-)	Contingency (+/-)	New Contract Total	New Contingency Total
1	<u>4240.6809.1</u>	<u>\$739,934.46</u>	<u>\$10,000.00</u>			<u>\$739,934.46</u>	<u>\$10,000.00</u>
2	<u>17016.6809.1</u>	<u>\$607,276.79</u>	<u>\$10,000.00</u>	<u>\$9,000.00</u>	<u>-\$9,000.00</u>	<u>\$616,276.79</u>	<u>\$1,000.00</u>
3	<u>17015.6809.2</u>	<u>\$103,421.00</u>	<u>\$5,000.00</u>	<u>\$25,000.00</u>	<u>-\$5,000.00</u>	<u>\$128,421.00</u>	<u>\$0.00</u>
4	<u>5230.6809.4</u>	<u>\$107,171.00</u>	<u>\$10,000.00</u>			<u>\$107,171.00</u>	<u>\$10,000.00</u>
5	<u>5431.6809.3</u>	<u>\$12,201.00</u>	<u>\$5,000.00</u>			<u>\$12,201.00</u>	<u>\$5,000.00</u>
6	<u>5630.6802.00</u>	<u>\$137,768.75</u>	<u>\$5,000.00</u>			<u>\$137,768.75</u>	<u>\$5,000.00</u>
7	<u>4280.6404.00</u>	<u>\$4,375.00</u>	<u>\$625.00</u>			<u>\$4,375.00</u>	<u>\$625.00</u>
8						<u>\$0.00</u>	<u>\$0.00</u>
9						<u>\$0.00</u>	<u>\$0.00</u>
10						<u>\$0.00</u>	<u>\$0.00</u>
	Total	<u>\$1,712,148.00</u>	<u>\$45,625.00</u>	<u>\$34,000.00</u>	<u>-\$14,000.00</u>	<u>\$1,746,148.00</u>	<u>\$31,625.00</u>

Reason for Change: Additional final measured concrete, curb & gutter and sidewalk quantities for Summer Street.

The Contract Time will be increased by this Change Order: 0 Days

The Date of Completion as of the date of this Change Order therefore is: Unchanged

Finance Committee Agenda Date: 12/15/21

Date approved by Council: 12/15/21



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

FINANCE DEPARTMENT
100 N. APPLETON STREET
APPLETON, WI 54911

MEMO

To: Chairperson William Siebers and Members of the Finance Committee
From: Jeff Fait, Purchasing Manager
Date: December 15, 2021
Re: Recommendation to Award Contract for Rental and Cleaning of Uniforms and Related Items to Aramark

Background

The current city-wide contract, awarded to UniFirst Corporation in 2017, expires on January 31, 2022. An RFP process was conducted. The proposed new contract would be for a base term of three years, with one additional two year extension possible.

RFP Process

The RFP (Request For Proposals) contained an extensive list of requirements, terms and conditions, and requests for information. Five responsive proposals were received and evaluated by a 4-member Uniform Team based upon pre-established criteria covering factors including qualifications, service policies and price. Proposals were scored individually and collectively, and ranked according to total score as follows (485 pts. possible):

- | | |
|--------------|------------|
| 1) Aramark | 375 points |
| 2) Cintas | 347 points |
| 3) AlSCO | 339 points |
| 4) Gunderson | 337 points |
| 5) UniFirst | 310 points |

Based upon projected cost scenarios used to evaluate price, the annual estimated costs are:

Aramark:	\$39,464
AlSCO:	\$43,884
UniFirst	\$52,544
Cintas:	\$57,544
Gunderson:	\$62,608

Conclusion

Following the proposal evaluation, the Team arrived at the unanimous decision to recommend award to Aramark, subject to final contract negotiations. While changing uniform vendors is a challenging and time consuming process, after 18 years with UniFirst, the outcome of the RFP, and substantial projected cost savings, we believe a change is justified.

If you have any questions regarding this recommendation, please contact Jeff Fait at 832-6311. Thank you for your consideration.

Section 20-44. Lead and galvanized water service line replacement.

(a) ***Intent and purpose.*** The Common Council of the City finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead and/or galvanized water service lines in use within the city water utility system and in private systems, and to that end, declares the purposes of this section to be as follows:

- (1) To ensure that the water quality at every tap of utility customers meets the water quality standards specified under the federal law;
- (2) To reduce the lead in city drinking water to meet the Environmental Protection Agency (EPA) standards in city drinking water for the health of city residents;
- (3) To meet Wisconsin Department of Natural Resources (WDNR) requirements for local compliance with EPA's Lead and Copper Rule.

(b) ***Authorization.*** This Section is enacted pursuant to §62.11(5) and §281.12(5), Wis. Stats., and as mandated by 42 U.S.C. Sec. 300g, of the Federal Safe Drinking Water Act, enforced by the EPA and with WDNR.

(c) ***Definitions.*** The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Customer-side water service line means the water conduit pipe running from the customer's meter to the curb stop which is the water utility shut-off valve usually located behind the curb on public property.

Director means the City of Appleton's Director of Public Works or their authorized representative.

EPA means the United States Environmental Protection Agency.

Lead and/or Galvanized Water Service Line means a water service line comprised of lead and/or galvanized piping.

Licensed contractor means a person, firm, corporation, or other entity licensed to perform plumbing work in the State of Wisconsin.

Notice means written notification provided to the property owner and, if different, the tenant or occupant of the property identified on the water utility bill.

Utility means the City of Appleton Water Utility.

Water Utility System Construction Project means a utility project whereby the lead and/or galvanized water service lines may be replaced as part of a utility project.

Water Service Line Replacement Program means a program developed by the City and/or Utility to offer financial assistance to property owners for the purpose of replacing lead and/or galvanized water service lines. It shall also be referred to as the “Replacement Program” within this section.

WDNR means the Wisconsin Department of Natural Resources.

(d) ***Identification of lead and galvanized service lines.***

- (1) Upon notice from the Utility, any person or entity who owns, manages or otherwise exercises control over a property connected to the Utility distribution system shall allow the Director to inspect the customer-side service line to determine the material of construction as authorized pursuant to Wis. Stats. §196.171 et. seq.
- (2) The Utility and/or the Director shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the utility for inspection of the service line. If entry is refused, the Director may obtain a special inspection warrant under Wis. Stats. §66.0119. Upon request, the owner, lessee or occupant of any property so served shall furnish to the Utility any pertinent information regarding the piping on such property.
- (3) The Utility shall create and maintain a record of the location of all identified lead and/ or galvanized service lines in the City of Appleton.
- (4) If the property has been identified as having lead and/or galvanized water service lines, the Utility shall provide written notice of the presence of lead and/or galvanized water service line.

(e) ***Replacement of lead and/or galvanized service lines.***

- (1) All lead and/ or galvanized water service lines must be replaced regardless of whether on the Utility-side or the customer-side. As of the effective date of the ordinance from which this division is derived, no lead and/or galvanized service line will be allowed to connect to a Utility line once replaced.
 - a. **Owner to Replace Lead and/ or Galvanized Service Line.** Known existing lead and/or galvanized water service lines connected to the Utility shall be replaced with water service lines made of suitable material and at the owner’s expense. Replacement shall be completed within one year (365 days) of written notification

by the Utility unless an exception is granted pursuant to section (f)(2) of this section.

b. Service Line Replacement in conjunction with Water Utility System Construction.

1. *Notification to Property Owners.* Notice shall be provided detailing the utility-side replacement of lead and/or galvanized service lines. The notification shall occur in the calendar year prior to commencement of the construction.
2. *Inspection Required.* The Director or their designee shall endeavor to inspect all water service line connections in which the material comprising the water service lines are unknown to the Utility. The Director may perform the inspection of the customer-side water service line for the presence of lead or galvanized pipe prior to the time that the Water Utility system is to be reconstructed. If there is a refusal or failure to permit the Director access to inspect the service line, the Director may pursue a special inspection warrant to compel inspection of the property, may discontinue service pursuant to section (h), and/or may impose a forfeiture pursuant to section (l), of this section.
3. *Replacement.* In the event that a customer-side water service line is found to contain lead and/or galvanized pipe, the Director shall notify the owner, in writing, of that fact.
 - i. The affected property may contract with a licensed contractor to complete the replacement; or
 - ii. The property owner may request to be included in the Water Utility System Construction Project. The Utility shall include an alternative to the contract requesting unit bid prices for the calculation of the cost for customer-side water service line replacement. The property owner will be charged the entire cost of the removal and replacement if funded by the Utility. In addition, all restoration of the owner's property shall be the responsibility of the property owner (including, but not limited to top soil, concrete, steps, asphalt, bushes, porches, and the like).

(f) ***Exceptions.***

- (1) The Utility may modify the inspection requirement set forth under section (d) if the customer submits a request in writing to the Director of Public Works. The Director of Public Works or their designee shall have sole discretion in whether to grant a request to modify the inspection requirements.
- (2) The Utility may modify the 365-day replacement requirement set forth under section (e)(1)a. if the customer submits a request in writing to the Director of Public Works detailing reasons for the delay. The Director of Public Works shall have sole discretion in whether to grant an extension of time for compliance.

(g) ***Financial Assistance.*** In the event funding is made available for the purpose of replacing customer-side water service lines, the City will establish a Water Service Line Replacement Program. A property owner may opt into the Program for the replacement of the lead and/ or galvanized customer- side water service line under the terms of the Replacement Program. Eligibility requirements as well as conditions of participation for the Replacement Program will be kept on file in the Department of Public Works. Disputes regarding eligibility for financing may be appealed to the Utilities Committee, unless otherwise noted in the Replacement Program eligibility and participation policy.

(h) ***Authority to discontinue service.*** The Water Utility is authorized to discontinue water service to such property served by a lead and/or galvanized water service line after reasonable notice and in a manner consistent with the rules and regulations of the City of Appleton Utility and the Public Service Commission of Wisconsin governing discontinuance of water service.

(i) ***Penalties.*** Any person who violates any provision of this chapter, including failing to comply with the applicable customer-side water service line replacement requirements as set forth in this section, or directly or indirectly preventing or hindering the Appleton Water Utility employee from making an inspection, examination, removal, or installation, shall be fined not more than \$25 for each offense. Each day a violation continues may be considered a separate offense.

(j) ***Severability.*** If any subsection or portion of this chapter is for any reasons held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, that subsection or portion shall be deemed severable and shall not affect the validity of the remaining portions of this chapter.

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Sue Olson, Staff Engineer
Pete Neuberger, Staff Engineer

DATE: November 30, 2021

RE: Award of 2022A Stormwater Consulting Services Contract for 2022 Stormwater Management Plan Reviews to Brown and Caldwell in an amount not to exceed \$47,500.

The Department of Public Works is requesting approval of the 2022A Stormwater Consulting Services Contract with Brown and Caldwell (BC) for 2022 Stormwater Management Plan reviews in an amount not to exceed \$47,500. This is half of the approved budget for this work.

The scope of work provided will vary based on submittals received for review and includes erosion control plan review for large projects over an acre, as needed. Actual costs will be charged to the City on a time and material basis.

This would be the fourth year of a potential 5-year approval for this work. The Request for Proposals specifically stated: *“With satisfactory performance on this contract by the selected consultant and consistent staffing, the selected consultant may be contracted for this same work in 2020-2023 (five year maximum) without an RFP process.”* BC has provided excellent service during 2021, working efficiently with City staff and developers’ engineers.

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Sue Olson, Staff Engineer
Pete Neuberger, Staff Engineer

DATE: November 30, 2021

RE: Award of 2022B Stormwater Consulting Services Contract for 2022 Stormwater Management Plan Reviews to raSmith in an amount not to exceed \$47,500.

The Department of Public Works is requesting approval of the 2022B Stormwater Consulting Services Contract with raSmith for 2022 Stormwater Management Plan reviews in an amount not to exceed \$47,500. This is half of the budget amount for this work.

The scope of work provided will vary based on submittals received for review and includes review of erosion control plans for large projects over an acre, as needed. Actual costs will be charged to the City on a time and material basis.

In fall 2018, DPW solicited proposals from five engineering firms and received proposals from three of the firms. Both Brown and Caldwell and raSmith scored well and slight differences in pricing resulted in the 2019 award to Brown and Caldwell. However, due to several projects carried over from 2018 into 2019, two contracts were administered, one with each firm. The 2020 and 2021 plan review work was also awarded to both consultants due to the number and extent of plan reviews needed.

Due to the number of submittals that have been received over the past few years, the number of projects currently in the development stage and the length of time that many of these projects take to reach approval, staff continues to find that two contracts are an efficient way to provide timely service and cost effectiveness to developers. Both firms are equally qualified for this work and hourly rates are comparable, as demonstrated in the RFP process and work completed in 2020 and 2021.

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Sue Olson, Staff Engineer
Pete Neuberger, Staff Engineer

DATE: November 30, 2021

RE: Amend 2020D Stormwater Consulting Services Contract for the City-wide Stormwater Management Plan Update with Brown and Caldwell by an increase of \$14,430 for a total contact amount not to exceed \$214,411.

The Department of Public Works is requesting an amendment to the 2020D Stormwater Consulting Services Contract for the City-wide Stormwater Management Plan Update with Brown and Caldwell (BC) by an increase of \$14,430 for a total contact amount not to exceed \$214,411.

This budget for this work was developed in 2019 for a two-year project in 2020 and 2021. The City received a Wisconsin Department of Natural Resources (DNR) grant of \$75,000 for this project and was recently given an extension for a third year, to December 31, 2022.

The kick-off meeting for this project was held via Teams, a few days after City staff began to work from home for the Covid-19 pandemic. Although significant progress has been made on the project, the restrictions to date have resulted in the need for additional meetings and coordination to complete the project.

Additionally, the DNR has experienced staff changes assigned to this project and we were recently notified of the third DNR staff engineer assigned to review our plan and associated modeling. With each new DNR person, BC spends additional time with them to ensure previous DNR approvals and modeling assumptions are clearly understood. The proposed amendment includes the necessary effort to work with the latest DNR staff person assigned to our project.

Based on the work completed by BC to date and DNR approval of that work, staff recommends approval of this amendment to complete the final steps and obtain DNR approval of the project.

2022 NON-REPRESENTED CLASSIFICATION COMPENSATION

1.25%
GPA

GRADE ORDER LIST

Exempt	Pay Grade	80%	Control Point	120%
	Pay Grade B			
N	PARKING RAMP ATTENDANT	\$13.66	\$17.08	\$20.50
	Pay Grade C			
N	BINDERY CLERK	\$14.61	\$18.26	\$21.91
N	LIBRARY PAGE CLERK			
	Pay Grade D			
N	LIBRARY CLERK	\$15.54	\$19.42	\$23.30
N	OPERATIONS CLERK - LIBRARY			
N	PARKING ENFORCEMENT PERSON			
N	PARKING ENFORCEMENT/RAMP ATTENDANT			
	Pay Grade E			
N	ACCOUNT CLERK I - FINANCE	\$16.48	\$20.60	\$24.72
N	OPERATOR			
	Pay Grade F			
N	ACCOUNT CLERK II - FINANCE	\$17.92	\$22.40	\$26.88
N	ADMINISTRATIVE ASSISTANT - COMM/ECON DEV			
N	ADMINISTRATIVE ASSISTANT - FIRE			
N	ADMINISTRATIVE ASSISTANT - HEALTH			
N	ADMINISTRATIVE ASSISTANT - HR			
N	ADMINISTRATIVE ASSISTANT - PRFM			
N	INVENTORY CONTROL CLERK - DPW			
N	OPERATOR I -PARKING			
N	SERVICE PERSON-CEA			
N	UTILITY LOCATOR			
	Pay Grade G			
N	ACCOUNT CLERK III - FINANCE	\$19.79	\$24.74	\$29.69
N	ADMINISTRATIVE SUPPORT SPECIALIST - DPW			
N	ADMINISTRATIVE SUPPORT SPECIALIST - HR			
N	ADMINISTRATIVE SUPPORT SPECIALIST - LEGAL SERVICES			
N	ADMINISTRATIVE SUPPORT SPECIALIST - LIBRARY			
N	ADMINISTRATIVE SUPPORT SPECIALIST - POLICE			
N	ADMINISTRATIVE SUPPORT SPECIALIST - UTILITIES			
N	COMMUNICATION SPECIALIST - POLICE			
N	CUSTOMER SERVICE SPECIALIST - DPW			
N	GROUPS COORDINATOR			
N	LABORATORY TECHNICIAN			
N	LEAD ADMINISTRATIVE SUPPORT SPECIALIST - POLICE			
N	LEAD COMMUNICATION SPECIALIST - POLICE			
N	LEAD CSO			
N	OPERATIONS CREW LEADER-PARKING			
N	OPERATOR I			
N	REAL ESTATE ASSESSMENT TECHNICIAN			
N	UTILITY CLERK - FINANCE			
N	WEIGHTS & MEASURES SPECIALIST			

	Pay Grade H	\$21.66	\$27.08	\$32.50
N	ARBORIST			
N	ASSESSMENT TECHNICIAN - LEAD CLERICAL			
N	COORDINATED ENTRY SPECIALIST			
N	DEPUTY CITY CLERK			
N	EROSION CONTROL INSPECTOR			
N	FACILITIES MANAGEMENT SUPPORT SPECIALIST			
N	FACILITIES TECHNICIAN			
N	FORENSIC EVIDENCE SPECIALIST			
N	GROUNDS TECHNICIAN			
N	HELP DESK ANALYST			
N	LIBRARY ASSISTANT			
N	LIQUIDS OPERATOR			
N	NETWORK SERVICES ASSISTANT			
N	OPERATOR II			
N	PAYROLL COORDINATOR			
N	PERSONAL PROPERTY ASSESSMENT TECHNICIAN			
N	PROPERTY TAX SPECIALIST			
N	SOLIDS OPERATOR			
N	TRAVEL TRAINING SPECIALIST			
N	UTILITY WORKER			
	Pay Grade I	\$23.56	\$29.45	\$35.34
N	ASSET MANAGEMENT PURCHASING SPECIALIST - UTILITIES			
N	BENEFITS COORDINATOR - HR			
N	CARPENTER/PAINTER			
N	COMMUNITY DEVELOPMENT SPECIALIST			
N	ENGINEERING TECHNICIAN			
N	EXECUTIVE ASSISTANT to the MAYOR			
N	EXECUTIVE ASSISTANT to the POLICE CHIEF			
N	FACILITIES CONTROL TECHNICIAN			
N	HORTICULTURIST-CONSERVATION TECHNICIAN			
N	HVAC TECHNICIAN/PIPEFITTER			
N	LEGAL ASSISTANT			
N	MASTER MECHANIC			
N	PC/LAN SPECIALIST			
N	PROPERTY ASSESSOR II			
N	PURCHASING CLERK			
N	RECREATION COORDINATOR			
N	RELIEF OPERATOR/MAINTENANCE HELPER			
N	WATER PLANT OPERATOR			
E	ENVIRONMENTALIST II			
E	LIBRARIAN			
E	LIBRARY ASSISTANT SUPERVISOR			
E	LIBRARY SAFETY SUPERVISOR			
E	TRAINING & RESOURCE DEVELOPMENT SPECIALIST			
	Pay Grade J	\$25.44	\$31.80	\$38.16
N	CIVILIAN FIRE INSPECTOR			
N	FACILITIES TECHNICIAN-ELECTRICIAN			
N	MAINTENANCE SPECIALIST-MILLWRIGHT			
N	OPERATIONS CREW LEADER - MSB			
E	BUSINESS MANAGER - LIBRARY			
E	CIVIL ENGINEER			
E	COMMUNITY RELATIONS SPECIALIST			
E	DPW PLANS & RECORDS SPECIALIST			
E	GIS SPECIALST			
E	MARKETING COORDINATOR - LIBRARY			
E	PUBLIC HEALTH NURSE			
E	SYSTEMS ANALYST			

	Pay Grade K	\$27.32	\$34.15	\$40.98
N	CITY SURVEYOR			
N	INSPECTOR			
N	LEAD ELECTRICIAN			
N	LEAD MECHANIC			
N	MASTER ELECTRICIAN			
N	PLUMBER			
N	PROPERTY ASSESSOR III			
E	ADMINISTRATIVE SERVICES COORDINATOR - PRFM			
E	ADMINISTRATIVE SERVICES MANAGER - VT			
E	ASSISTANT TO FIRE CHIEF			
E	BUDGET ANALYST			
E	CITY SEALER			
E	CLUBHOUSE SUPERVISOR - PRFM			
E	ECONOMIC DEVELOPMENT SPECIALIST			
E	FISCAL RESOURCES MANAGER - POLICE			
E	HOUSING COORDINATOR			
E	INSTRUMENT & CONTROL SYSTEMS TECHNICIAN			
E	MANAGERIAL ACCOUNT COORDINATOR - DPW			
E	MOBILITY MANAGER - VT			
E	NETWORK SERVICES SUPERVISOR			
E	OFFICE MANAGER - DPW			
E	PARKING UTILITY MANAGER			
E	PRINCIPAL PLANNER			
E	PURCHASING MANAGER			
E	RECREATION PROGRAMMER			
	Pay Grade L	\$29.19	\$36.49	\$43.79
E	ASSISTANT CITY ATTORNEY I			
E	CUSTOMER SERVICE ACCOUNTING SUPERVISOR			
E	DIVERSITY EQUITY AND INCLUSION COORDINATOR			
E	EMERGENCY MANAGEMENT COORDINATOR			
E	ENTERPRISE ACCOUNTING MANAGER			
E	FIRE PROTECTION ENGINEER			
E	HR GENERALIST			
E	LEAD SYSTEMS ANALYST			
E	LIBRARY SUPERVISOR			
E	PARATRANSIT COORDINATOR/OPERATIONS SUPERVISOR			
E	SENIOR COMMUNICATIONS SPECIALIST - MAYOR			
E	TRANSIT MAINTENANCE/OPERATIONS SUPERVISOR			
E	TRANSIT OPERATIONS SPECIALIST			
E	TRANSIT OPERATIONS SUPERVISOR			
	Pay Grade M	\$31.09	\$38.86	\$46.63
E	ADMINISTRATIVE SERVICES SUPERVISOR - POLICE			
E	ENVIRONMENTAL PROGRAM COORDINATOR - UTILITIES			
E	OPERATIONS SUPERVISOR - DPW			
E	OPERATIONS SUPERVISOR-ENGINEERING			
E	RECREATION MANAGER			
E	SOFTWARE ENGINEER			
E	SUPERVISOR ENVIRONMENTAL HEALTH			
E	TECHNICAL SERVICES MANAGER - UTILITIES			

	Pay Grade N	\$32.98	\$41.22	\$49.46
E	CITY CLERK			
E	INSPECTIONS SUPERVISOR			
E	NETWORK ADMINISTRATOR			
E	OPERATIONS SUPERVISOR-CEA			
E	OPERATIONS SUPERVISOR-CITY FORESTER			
E	POLICE LIEUTENANT			
E	PROFESSIONAL ENGINEER			
E	PROFESSIONAL ENGINEER - TRAFFIC			
E	RISK MANAGER			
E	STAFF DEVELOPMENT/TRAINING COORD			
E	WATER OPERATIONS SUPERVISOR			
E	WW OPERATIONS SUPERVISOR			
	Pay Grade O	\$34.86	\$43.58	\$52.30
E	ASSISTANT CITY ATTORNEY II			
E	ASSISTANT CITY ENGINEER			
E	FACILITIES MANAGER			
E	FACILITIES PROJECT MANAGER			
E	FIRE BATTALION CHIEF			
E	GOLF COURSE SUPERINTENDENT			
E	GROUNDS MANAGER			
E	POLICE CAPTAIN			
E	TRAFFIC ENGINEER			
	Pay Grade P	\$36.76	\$45.95	\$55.14
E	ASSISTANT CHIEF - POLICE			
E	ASSISTANT GENERAL MANAGER			
E	ASSISTANT LIBRARY DIRECTOR			
E	CITY ASSESSOR			
E	DEPUTY CITY ATTORNEY			
E	DEPUTY DIRECTOR COMMUNITY ECONOMIC DEVELOPMENT			
E	DEPUTY DIRECTOR FINANCE			
E	DEPUTY DIRECTOR HEALTH			
E	DEPUTY DIRECTOR HUMAN RESOURCES			
E	DEPUTY DIRECTOR OPERATIONS			
E	DEPUTY DIRECTOR PARKS RECREATION & FACILITIES MGMT			
E	DEPUTY DIRECTOR UTILITIES			
E	DEPUTY FIRE CHIEF			
	Pay Grade Q	\$38.65	\$48.31	\$57.97
E	NOTHING ASSIGNED			
	Pay Grade R	\$40.53	\$50.66	\$60.79
E	DEPUTY DIRECTOR/CITY ENGINEER			
E	MAYOR - (elected)			
	Pay Grade S	\$43.35	\$54.19	\$65.03
E	FIRE CHIEF			
E	GENERAL MANAGER			
E	HEALTH OFFICER			
E	LIBRARY DIRECTOR			
E	UTILITIES DIRECTOR			
	Pay Grade T	\$47.11	\$58.89	\$70.67
E	CITY ATTORNEY - (elected)			
E	DIRECTOR COMMUNITY & ECONOMIC DEVELOPMENT			
E	DIRECTOR PARKS/RECREATION/FACILITIES MANGEMENT			
E	FINANCE DIRECTOR			
E	HUMAN RESOURCES DIRECTOR			
E	INFORMATION TECHNOLOGY DIRECTOR			
E	POLICE CHIEF			
E	PUBLIC WORKS DIRECTOR			

2022 SEASONAL/RECREATION PAY SCHEDULE

WIAA Certified Sports Officials	\$26.20 per game
Certified Fitness Instructor	\$26.20 per class
Background Investigator	\$29.33 per hour
Chief Election Inspector & co-chief	\$12.90 per hour
Election Inspector	\$9.92 per hour

PAY GRADE	1st Year	2nd Year	3rd Year	4th Year
GRADE 8	\$15.56	\$16.19	\$16.83	\$17.44
Adult Sport Official (non-certified) <i>Adult Flag Football</i> Youth Sport Official III Recreation/Sports Instructor III (non-certified) <i>Adult Fitness Instructor (Zumba, Outdoor Bootcamp)</i> Activity Coordinator III <i>Assistant Clubhouse Supervisor</i> <i>Playground Coordinator</i>				
GRADE 7	\$13.66	\$14.29	\$14.91	\$15.56
Code Compliance Inspector Activity Coordinator II <i>Assistant Playground Coordinator</i> Recreation/Sports Instructor II <i>Dance Instructor</i> <i>Preschool Instructors (Jr. Clubhouse, Teacher and Me)</i> <i>Adult Instructor (Spanish, Special Events)</i> Facility Manager III Pool Manager				
GRADE 6	\$12.82	\$13.46	\$14.09	\$14.69
Lifeguard III/Swim Instructor Concession Manager				
GRADE 5	\$12.04	\$12.65	\$13.27	\$13.90
Engineering Aide-Inspection/drafting survey Engineering Aide-Traffic Activity Coordinator I <i>Youth Sports - Assistant Coordinator</i> Facility Manager II <i>League Facility Supervisor</i> <i>Director of Instruction-Swim Lessons</i> <i>Scheig Center Attendant</i> <i>Maintenance Lead Outdoor Pools</i> Recreation/Sports Instructor I <i>Bike Safety Instructor</i> <i>Camp Instructor (Tennis, Soccer, Baseball, Golf, Sports Exploration)</i> Youth Sport Official II Lifeguard II/Swim Instructor				
GRADE 4	\$10.98	\$11.58	\$12.22	\$12.90
Laborer Program Activity Leader II <i>Camp Supervisor</i> <i>Playground Leader</i> Facility Manager I <i>Clubhouse Attendant</i> <i>Facility Supervisor-Winter Recreation Center</i> Student Intern Lifeguard/Swim Instructors				
GRADE 3	\$9.92	\$10.52	\$11.18	\$11.89
Program/Activity Leader I <i>Assistant Dance Instructor</i> Customer Service Associate <i>Outside Operations (Golf)</i> Pool Cashier, Concessionaire Youth Sports Official I				
GRADE 2	\$8.99	\$9.29	\$9.63	\$9.92
none				
GRADE 1	\$8.37	\$8.49	\$8.63	\$8.76
Scorekeeper <i>Basketball</i> <i>Flag Football - Youth and Adult</i> Attendant/Grounds Personnel <i>Concessions/Beverage Cart</i> <i>Water Slide Attendant</i> Grounds Personnel				

CITY OF APPLETON

HUMAN RESOURCES DEPARTMENT



100 N. Appleton Street
Appleton, WI 54911



(920) 832-6458



(920) 832-5845



humanresources@appleton.org

To: Human Resources/IT Committee and Common Council Members

From: Jay Ratchman, Human Resources Director

Date: November 29, 2021

Re: Exception to Salary Administration Policy

The 2022 Budget included an allocation of a 2.5% merit increase for the non-represented employees. The current policy would have the 2.5% increase allocated to departments for granting pay for performance increases within their respective departments. As a leadership team, we have discussed this and are recommending a deviation from the policy for allocation of raises for 2022. The team proposed that the 2.5% increase be granted as an across-the-board increase to all employees. Employees with an inconsistent rating would not be eligible for the across-the-board adjustment until the rating is brought up to a consistent level and maintained for a period of at least 90 days.

Below is the relevant section of the Salary Administration Policy:

Pay for Performance

The amount allocated for performance pay shall be established each year by the Mayor and included in the annual budget, subject to approval by the Common Council. Upon approval of the budget the amount will be divided and allocated to each individual department based on total base wages of eligible employees within the plan. Upon conclusion of the annual employee performance review process, individual department directors will then divide the allocated amount to individual employees within their department based on the employee's annual performance evaluation score.

Please contact me if you have any questions regarding this recommendation.

CITY OF APPLETON POLICY	TITLE: CODE OF CONDUCT	
ISSUE DATE: November 2, 2000	LAST UPDATE: June 2002 September 10, 2003 February 16, 2006 October 15, 2010 June 2013; February 2020 <u>November 2021</u>	SECTION: Human Resources
POLICY SOURCE: Human Resources Department	AUDIENCE: Applies to all employees and volunteers	TOTAL PAGES: 7
Reviewed by Legal Services Date: September 2000 June 2002 September 2003 February 16, 2006 October 14, 2010 June 23, 2013 February 2014 April 14, 2020	Committee Approval Date: October 2000 September 2003 February 22, 2006 December 8, 2010 July 15, 2013 February 10, 2014 June 10, 2020	Council Approval Date: November 2000 October 2003 March 1, 2006 December 15, 2010 July 24, 2013 February 19, 2014 June 2020 (informationally)

I. PURPOSE

The purpose of this policy is to provide guidelines regarding expectations for the conduct of employees and volunteers while working for or representing the City of Appleton.

II. POLICY

It is the policy of the City of Appleton that all City employees and volunteers act in an ethical manner when working with other employees, volunteers, elected officials or outside publics. Each employee, elected official and volunteer has a responsibility to the City of Appleton and its citizens to place loyalty to the laws and ethical principles above private gain or personal preference. To ensure that every citizen can have complete confidence in the integrity of the government of the City of Appleton, each employee, elected official and volunteer shall respect and adhere to the principles of the code of conduct set forth in this policy.

Any violations of these expectations will not be tolerated and will be subject to discipline, up to and including termination. While specific examples are offered to illustrate various situations, these examples are not all-inclusive.

A. Ethical Standards and Expectations

1. Harassment and Discrimination

- a. **Harassment:** Per its Harassment and Discrimination Policy, the City of Appleton will not tolerate any form of sexual harassment. All violations of this policy should be immediately reported to the Human Resources Department, the Legal Services Department, any supervisor, or any state or federal agency (as outlined in the policy).

b. **Discrimination:** It is the official policy of the City of Appleton to provide equal employment opportunities for all qualified and qualifiable persons without regard to race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status, sexual orientation, gender identity and gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces, use or nonuse of lawful products off the employer's premises during non-working hours, or any other non-merit factors, except where such factors constitute a bona fide occupational qualification or substantially relate to the circumstances of a particular job or licensed activity, and with proper regard for privacy and constitutional rights as citizens. This equal employment opportunity is applicable to all phases of employment including job restructuring, reasonable accommodation for disabled individuals, recruitment, selection, promotion, transfer, compensation, lay-off, re-call, training and development, corrective action, demotion, termination and all other components of the City of Appleton Human Resources system.

2. **Drug and Alcohol Use**

The manufacture, possession, distribution, dispensation, sale or use of alcohol, drugs and/or other controlled substances by employees or volunteers on City premises is prohibited. No employee may show up for work while under the influence of alcohol, illegal drugs or other controlled substances. If an employee is taking prescription drugs that could interfere with the employee's work performance, the employee should notify the employee's supervisor in writing by using the form in the Drug and Alcohol policy. For additional information refer to the City of Appleton Drug Free Workplace Policy.

3. **Use of City property**

The City of Appleton expects that employees and volunteers will not:

- a. Obtain, use or divert City of Appleton property, including records, for personal use and/or benefit.
- b. Materially alter or destroy City of Appleton property or records without proper authorization.
- c. Borrow or use City of Appleton property, unless for City work-related use. Any removal of City of Appleton property for personal non-work related use is not permissible, with or without prior supervisory approval. Borrowing and use of electronic communications is outlined in the Privacy and Electronic Communications Policies.

If an employee volunteers on their own time to make a presentation, conduct a demonstration, or conduct public education involving their department's purpose and responsibilities, the employee may borrow City of Appleton equipment with the prior approval of their supervisor.

d. **Disposal of Property from Public**

Property obtained from the public (for example: disposal at the Municipal Services Building) shall be considered City property. Once City property, the guidelines from c above will apply.

4. Workplace Safety

All employees and volunteers are expected to follow and adhere to safety policies (as outlined in the City Safety Policies) to ensure a safe work environment for all employees.

5. Firearms-weapons

City of Appleton employees are prohibited from bringing firearms or weapons into any City-owned or occupied building or facility, or carrying firearms or weapons in/on any City-owned vehicle or City equipment during the course of their job duties unless a weapon is part of the standard equipment required for the job. If a City employee chooses to bring a firearm in their personal vehicle on to City grounds, the firearm must be unloaded and stored out of sight in the vehicle.

Notes: Employees may carry pepper spray or other similar legal products for purposes of personal protection. With the Department Director's authorization, members of the Appleton Fire Department, Appleton Police Department and Parks, Recreation and Facilities Management Department Operations staff may carry a non-household purpose knife with a blade up to 4" long to assist in performing their job responsibilities.

6. Attendance/Appropriate Use of Paid Leave

Attendance is an essential requirement of every job to ensure we can provide the best service to our customers every day. In order to provide these services, employees are expected to use paid leave appropriately and communicate effectively when not expected to be available for work.

Sick leave is defined as paid time away from work that is used to care for yourself, domestic partner (as defined in the Fringe Benefit policy) or immediately family member (as defined in the Fringe Benefit policy) living in an employee's residence due to an illness or injury. It can also be used to attend doctors' appointments as defined in City policy, collective bargaining agreements or Family Medical Leave Act requirements.

If an employee is sick or desires to use leave for an absence, they should use their department's call-in procedure each time they are absent.

Employees are expected to report to work regularly, physically and mentally fit to perform their job. Employees are expected to take only authorized absences (e.g. pre-approval from their supervisor). If an employee does not show or call for one day (job abandonment) or chooses to take an unauthorized absence, they will only be able to substitute paid leave for this time if extenuating circumstances exist (e.g. car accident or unexpected hospitalization).

7. Accurate books and records

All City employees and volunteers must:

- a. Not intentionally include any false or misleading entries in any City books or records.
- b. Not intentionally destroy City records or information without prior consent from their supervisor.
- c. Not create or participate in the creation of any records which are intended to conceal anything improper.
- d. Volunteer knowledge of any untruthful or inaccurate statements or records whether intentionally or unintentionally made.
- e. Bring to the attention of a supervisor, transactions that do not seem to serve a legitimate purpose or that appear questionable.
- f. Immediately correct and record all errors and adjustments when discovered
- g. Honestly and fairly record information about job responsibilities, including attendance, time records and expense reports.
- h. Not make financial arrangements for themselves or other City employees with a customer or supplier (for example: over-invoicing).
- i. Not falsify records.
- j. Not disclose confidential records or information protected by State and Federal law.

78. -Expense Reimbursement

The City of Appleton reimburses its employees for expenses incurred when conducting City business with supervisory approval. City employees should use caution when incurring business expenses and be fiscally responsible when choosing accommodations (for example: expensive hotel accommodations or accommodations for family members not related to City business). Supervisors have the responsibility to judge the reasonableness of expenses incurred by employees.

89.-City of Appleton Logo

The City of Appleton logo should be used per standards set by the Mayor's office (for example: color). The logo or the City's identity should not be used for personal gain (for example: because of your association with the City, you receive a discount on a personal purchase). When wearing a City-logoed uniform or approved business apparel, the employee represents the image of the City whether or not the employee is on work time and should not engage in unbecoming behavior.

910.-Gifts

No staff member should solicit gifts, awards, rewards or favors. However, the City recognizes that periodically, unsolicited gifts or favors are often offered to City employees and volunteers as a token of appreciation.

Per section 19.59 Wisconsin Statue and Chapter ER-MRS 24 Wisconsin Administrative Code, the following guidelines shall be adhered to regarding accepting gifts, "No employee may solicit or accept from any person or organization, directly or indirectly, money or anything of value if it could reasonably be expected to influence such employee's official actions or judgement, or could reasonably be considered as a reward for any official action or inaction on the part of such employee."

Should such an influential gift or favor be offered, provided or delivered to someone who has direct authority over business decisions with the vendor/gift source, a legal determination shall be made on whether or not such item or reward may be accepted or utilized. Employees should refer each case to the Legal Services Department for determination.

The City realizes, particularly during the holiday season, departments or individuals may receive gifts as tokens of appreciation from outside sources. If the recipient has direct authority over business decisions with the giving party/vendor and the gift is substantial or significant the recipient should consult with the Legal Services Department on what action to take regarding the gift.

~~40~~11. Employee Participation in Political Affairs

The City of Appleton respects the right of all employees and volunteers as individuals to become involved in civic affairs and participate in the political process.

While employees may volunteer their services for political purposes, such services must be rendered on their own time and at their own expense. Should an employee choose to speak on political issues, the employee must make it clear that the comments or statements made are the employee's own, and not of the City of Appleton. Solicitation of political support must not be done during City hours of operation (for example: collecting signatures for nomination during hours of operation on City premises).

~~41~~12. Improper Advantage

City of Appleton employees should avoid taking advantage of their official position for private or personal benefit. Public duties shall be carried out objectively and without consideration of personal or financial gain. Information not in the public domain, that is obtained in the course of official duties, should not be turned to private advantage, even after leaving public office. By the same token, public property or services must not be used for personal gain.

~~42~~13. Personal Business

Conducting personal business for profit (for example: selling Mary Kay) during City operating hours is not permissible. Any solicitation for non-City purposes (for example: selling candy bars for your son's school class) must have prior approval from the employee's supervisor.

~~43~~14. Gambling

Gambling for personal or monetary gain is not permitted on City premises.

~~44~~15. Nepotism

A supervisor shall not appoint a person who is a relative or significant other of themselves to a position that is funded by the supervisor's budget or to a position that operates under the supervisor's direct or indirect supervision (unless in non-routine, emergency situations or conditions). For purposes of this policy, the term "relative" shall include the supervisor's spouse, registered or unregistered domestic partner, or any one of the following: parent, child, uncle, aunt, brother, sister, niece, nephew, or any of the same relatives of the supervisor's spouse. The term "significant other"

shall include a person with whom the supervisor cohabits or with whom the supervisor maintains an intimate relationship.

If, during employment, a supervisor and subordinate become spouses, registered or unregistered domestic partners, or develop a “significant other relationship,” one of the parties must either transfer to a position in another department/division or terminate employment within six months of the marriage or the beginning of the “significant other” or domestic partner relationship.

If the supervisor becomes a relative of a subordinate as the result of a marriage or domestic partnership within the supervisor’s family, the relationship must be reported to the supervisor’s supervisor and the Director of Human Resources within 30 days of marriage. The individual’s supervisor and the Director of Human Resources may meet with the supervisor and subordinate to determine an appropriate employment continuation agreement.

When an applicant is a relative of a staff person involved in the selection process, the relationship must be revealed by the staff person to the Human Resources Director in advance of the final selection process. The staff person is not allowed to participate in the final selection decision.

This section of the policy does not exist for the purpose of depriving any citizen of an equal opportunity for City employment. It serves to eliminate the possibility of preferential treatment given in favor of relatives or significant others in employment decisions.

~~15~~16. Improper Acts of Conduct

- a. Any act that is subject to prosecution under criminal or civil codes of law is prohibited.
- b. Dishonesty, theft or destruction of City equipment or property.
- c. Work stoppage such as strike or slowdown.
- d. Violation of policy or department work rules.
- e. Incarceration or unavailability for work.
- f. Unbecoming conduct on or off-duty where such conduct results in one of the following:
 - ❑ Injury or damage to the employer’s reputation or business;
 - ❑ The employee’s substantial inability to report to work;
 - ❑ The employee’s unsuitability for continued employment;
 - ❑ Co-workers refusal to work with the off-duty offender or danger to other employees.
- g. Insubordination (an act of deliberately disobeying a directive, unless the directive is illegal or violates City safety policy)

~~16~~17. Bidding on City property on eBay or any other City run auction site

When the City sells surplus items on eBay, City employees, elected officials or volunteers shall not directly bid on the items. This activity—called shill bidding—is prohibited in the eBay User Agreement and can result in loss of the City’s use of eBay as a selling tool. City employees, elected officials and volunteers may use eBay purchase options—such as Buy It Now—that do not involve bidding.

B. Responsibilities

1. Supervisory Responsibilities

Supervisors shall be responsible for ensuring an ethical, positive, productive and safe workplace. This responsibility includes the following:

- a. Monitoring the work environment for signs of inappropriate behavior;
- b. Informing employees on the types of behavior prohibited and informing employees about the City's expectations and procedures for reporting inappropriate behavior;
- c. Stopping any observed behavior that may be considered unethical or inappropriate and taking appropriate steps to intervene and report the behavior to the department director, Human Resources Department, Legal Services Department or Mayor's office, whether or not the involved employees are within the supervisor's line of supervision; and
- d. Assisting any employee of the City who comes to that supervisor with a concern of inappropriate behavior in documenting and filing a complaint with the Human Resources Department, Legal Services Department, Mayor's Office or other reporting authority as designated by the City.
- e. Taking immediate action to prevent retaliation toward the complaining party and to eliminate any similar conduct where there has been a complaint of inappropriate behavior, pending investigation. If a situation requires separation of the parties, care shall be taken to avoid actions that appear to negatively impact the complainant. Transfer or reassignment of any of the parties involved shall be voluntary if possible and, if non-voluntary, shall be temporary pending the outcome of the investigation.
- f. Failing to carry out these responsibilities will be considered in any performance evaluation or promotional decisions and may be grounds for discipline, up to and including discharge.

2. Employee and Volunteer Responsibilities

- a. Each employee and volunteer, including supervisors, of the City is responsible for assisting in the prevention of inappropriate behavior by taking the following steps:
 1. Refraining from participation in, or encouragement of, actions that could be perceived as inappropriate; and
 2. Reporting to a supervisor any inappropriate or unsafe behavior;
 3. Employees are expected to cooperate fully in any investigation, whether or not they are directly involved in the alleged inappropriate behavior.

Any employee or volunteer who fails to comply with this policy or who withholds information during the course of an investigation regarding possible violations of this policy is subject to discipline up to and including discharge. Depending on the nature of the non-compliance, the

City of Appleton may report the non-compliance to the appropriate authorities.

For questions regarding this policy, please contact the Human Resources Department or Legal Services Department.

TITLE: ATTENDANCE POLICY		CITY OF APPLETON POLICY
ISSUE DATE:	LAST UPDATE: February 18, 2008 May 6, 2008 (Administrative) December 2015	SECTION: Human Resources
POLICY SOURCE: Human Resources Department	POLICY AUDIENCE: All City of Appleton Employees	TOTAL PAGES: 11
Reviewed by Legal Services Date: January 4, 2008 January 15, 2016	Committee Approval Date: January 9, 2008 February 27, 2008 April 11, 2016	Council Approval Date: January 16, 2008 March 5, 2008 April 20, 2016

I. ~~PURPOSE~~

~~The purpose of this policy is to: communicate attendance expectations to all employees; provide attendance guidelines and standards for employees to ensure maximum productivity and morale; and establish consistent guidelines and standards for supervisors to follow when managing employees' attendance, with an emphasis on prevention rather than discipline.~~

II. ~~POLICY~~

~~It is the policy of the City of Appleton to require regular, reliable and punctual attendance. Attendance is an essential requirement of every job. The City of Appleton operates to provide essential services for residents and visitors to meet its mission of serving community needs and enhancing the quality of life. In order to provide these services, all employees are expected to report to work regularly, on time, and physically and mentally fit to perform their job.~~

~~A Collective Bargaining Agreement with more specific language than what is in the policy shall be the language applied.~~

III. ~~DISCUSSION~~

~~Employee absenteeism increases the cost of City operations. In addition to the direct costs of paid leave time and replacement workers, there are many indirect costs associated with absenteeism, including decreased customer service levels, reduced efficiency, and negative impacts on fellow employees. This policy balances the needs of employees for time away from their job with the equal needs of the City to have a reliable work force. City departments are expected to use this policy as a minimum standard. Each department director has the authority to set higher expectations than those listed in this policy.~~

IV. ~~DEFINITIONS~~

A. ~~Sick leave:~~ paid time away from work to be used when an absence from work is necessary for the employee, or domestic partner or immediate family member living in the employee's residence due to illness or injury or to attend doctor appointments or as defined in City policy, collective bargaining agreement, or Family Medical Leave Act (FMLA) guidelines. ~~Employees are encouraged to schedule appointments outside of the workday.~~

B. ~~Sick Leave Abuse:~~ the use of sick leave for purposes other than those outlined in the collective bargaining agreements, City policy or FMLA guidelines (e.g., using sick leave to attend court).

- ~~C. — **Call-in procedure:** The process an employee must follow to notify their supervisor they will not be at work.~~
- ~~D. — **Job Abandonment:** An employee will be considered to have abandoned their job if they are a no-call, no-show for more than one working day or as outlined in the employee's collective bargaining agreement. Paid leave, such as vacation, paid time off and sick leave, may not be substituted to excuse an unauthorized absence, unless extenuating circumstances exist (the Human Resources Department Director must give final approval).~~
- ~~E. — **Paid Time Off (PTO):** in this policy, when the term PTO is used, it refers to PTO used as sick leave (e.g., doctor's appointments, sick time away from the office, etc.). Employees should use the code "PS" in their time records to indicate PTO time used for non-FMLA sick leave.~~
- ~~F. — **Unauthorized Absence:** Failure to report for and remain at work as scheduled. This includes late arrival at work, leaving early, or unauthorized time away from work during the employee's scheduled work hours.~~
- ~~G. — **Sick Leave Usage Ratings (includes PTO used for sick leave or sick leave):**~~
- ~~1. **Excellent:** 8 hours or less of non-FMLA sick leave usage during a calendar year.~~
 - ~~2. **Good:** More than 8 hours but not more than 24 total hours of non-FMLA sick leave usage in a calendar year.~~
 - ~~3. **Adequate:** More than 24 but not more than 48 hours of non-FMLA sick leave usage in a calendar year.~~
 - ~~4. **Needs Improvement:** More than 48 but not more than 72 total hours of non-FMLA sick leave usage in a calendar year.~~
 - ~~5. **Poor:** More than 72 total hours of non-FMLA sick leave usage in a calendar year OR a noticeable pattern* to absences is present.~~

~~These usage ratings are based on full-time status. Part-time employees' leave usage ratings will be evaluated on a pro-rated basis (e.g., "Excellent" for a .5 full-time equivalent position would be 4 hours or less of non-FMLA sick leave usage during a calendar year).~~

- ~~H. — **Sick Leave Usage Ratings for Fire Personnel working a 24-hour shift (includes PTO used for sick leave or sick leave):**~~
- ~~1. **Excellent:** 12 hours or less of non-FMLA sick leave usage during a calendar year.~~
 - ~~2. **Good:** More than 12 hours but not more than 36 total hours of non-FMLA sick leave usage in a calendar year.~~
 - ~~3. **Adequate:** More than 36 but not more than 72 hours of non-FMLA sick leave usage in a calendar year.~~
 - ~~4. **Needs Improvement:** More than 72 but not more than 108 total hours of non-FMLA sick leave usage in a calendar year.~~
 - ~~5. **Poor:** More than 108 total hours of non-FMLA sick leave usage in a calendar year OR a noticeable pattern* to absences is present.~~

~~*Note: Certain patterns of absenteeism may fall into the Poor category regardless of the total hours of non-FMLA usage in a calendar year. Indicators of a poor rating may include: frequency or length of absences; amount of accrued sick leave in relation to years of service; annual sick leave usage that consistently is below adequate for multiple years; or poor or decreasing work performance.~~

~~G. **Patterns of Use:** Sick leave that is taken on a regular or recurring basis. Examples include: sick leave taken on Fridays or Mondays, before or after holidays, before or after vacation periods or other days off, sick leave taken on days previously denied for other leave, sick leave taken to avoid undesirable job tasks, or sick leave usage that creates a pattern (e.g., taking multiple Tuesday afternoons off).~~

~~V. **RESPONSIBILITIES**~~

~~A. **Department Director Responsibilities**~~

~~Department Directors are responsible for:~~

- ~~1. Analyzing attendance records and addressing those employees who have Needs Improvement or Poor sick leave usage ratings, suspicious usage patterns or sick leave abuse.~~
- ~~2. Including “Managing” in each supervisor’s goals and holding each supervisor accountable for monitoring and addressing employees who have Needs Improvement or Poor sick leave usage ratings, suspicious usage patterns or possible sick leave abuse by his/her employees.~~
- ~~3. Ensuring consistent enforcement of attendance and punctuality standards for all employees within their department.~~
- ~~4. Identifying and communicating their department’s procedure that all employees are expected to follow when requesting sick leave or PTO used as sick leave.~~
- ~~5. Leading by example for their employees when utilizing sick leave or PTO used as sick leave.~~

~~B. **Supervisor Responsibilities**~~

~~Supervisors are responsible for:~~

- ~~1. Holding their staff accountable to the guidelines within this policy.~~
- ~~2. Following up with any employee who has a Needs Improvement or Poor sick leave usage rating, sick leave suspicious usage patterns, or sick leave abuse, and maintaining documentation on how they are addressing these issues.~~
- ~~3. Discussing attendance and punctuality guidelines with all of their employees on a regular basis.~~
- ~~4. Leading by example for their employees when utilizing sick leave or PTO used as sick leave.~~

~~C. **Employee Responsibilities**~~

~~Employees are responsible for:~~

- ~~1. Utilizing sick leave for appropriate and legitimate reasons.~~
- ~~2. Using their departmental call-in procedure, when requesting sick leave or PTO used as sick leave.~~
- ~~3. Personally calling, **unless extenuating circumstances**, each time they are sick or tardy for non-FMLA reasons, including providing a number where they can be reached during their regularly scheduled work hours.~~
- ~~4. Working on all scheduled workdays and during all scheduled work hours, and reporting to work on time.~~
- ~~5. Submitting a completed Return-to-Work slip after a non-FMLA absence of more than three days prior to returning to work.~~
- ~~***For those employees with a Needs Improvement or Poor sick leave usage rating:***~~
- ~~6. Responding to the questions from Exhibit 4 when calling in.~~
- ~~7. Providing documentation from their physician when requested.~~

~~VI. PROCEDURES~~

~~A. Supervisor Procedures~~

~~To manage sick leave usage within their work area, all supervisors should:~~

- ~~1. **Analyze Attendance Records.** Supervisors should regularly review employee attendance records for evidence of sick leave usage that falls into the Needs Improvement or Poor categories, suspicious patterns of use, or possible sick leave abuse. Supervisors should work with their Department Director to review quarterly sick leave reports for their employees.~~
- ~~2. **Ensure Appropriate Use.** Supervisors should ensure that the reason for the use of sick leave is allowable under the terms of the collective bargaining agreement or City policy.~~
- ~~3. **Monitor and track their employees' sick leave** (see Exhibit 1) to identify sick leave usage in the Needs Improvement or Poor categories, possible suspicious usage patterns, or sick leave abuse, and follow up promptly. To identify sick leave use problems, supervisors should consider:
 - ~~a. The frequency of and reasons for sick leave.~~
 - ~~b. Non FMLA sick leave usage that consistently is in the Needs Improvement or Poor categories each year.~~
 - ~~c. Possible patterns of sick leave.~~
 - ~~d. The impact of the employee's absences on the workplace (e.g., disruptions in work schedules, overtime costs, incomplete projects).~~~~

~~When a supervisor has reason to suspect that an employee is abusing sick leave or if the employee's sick leave usage rating is Needs Improvement or Poor, the supervisor may require the employee to provide documentation from his/her doctor for a period of time (as deemed by the department) to verify legitimate use of sick leave. If there is a question about whether it is legitimate use of sick leave, the sick leave request should be denied until the employee provides satisfactory evidence of appropriate sick leave usage. If there is evidence of sick leave abuse, supervisors should contact Human Resources who will assist with following up on the issue.~~

- ~~4. **Respond to Sick Leave Problems.** If the supervisor determines a problem may exist, the supervisor shall:
 - ~~a. Counsel the employee on his/her use of sick leave and the impact on his/her work performance and the work environment.~~
 - ~~b. If the sick leave usage may qualify for FMLA or if the employee requests FMLA, provide the employee with an FMLA packet within two business days. Let the employee know it may be counted as FMLA, depending upon the circumstances.~~
 - ~~c. Notify the employee that if he/she has suspicious usage patterns, continues to have a sick leave usage rating of Needs Improvement or Poor, the City may require him/her to see the City's occupational health provider and/or provide a note from a physician detailing the reasons for his/her absences. After a leave of more than three consecutive scheduled workdays (or as outlined in the employee's collective bargaining agreement), the employee must provide a return-to-work slip (Exhibit 2) or medical certification that includes similar content **prior** to returning to work.~~~~

- d. Document all these actions and follow up in writing if the employee continues to have a Needs Improvement or Poor sick leave usage rating.

5. Document for Employee Records

If the employee's attendance record has impacted his/her ability to complete the tasks in his/her job, supervisors should reflect this in the employee's performance review or personnel records. This may include constructive feedback on how the employee's sick leave usage has been detrimental to his/her work performance, or how it has affected City and departmental operations. Supervisors should note if there have been areas of concern, including Needs Improvement or Poor sick leave usage ratings, or substantiated suspicious usage patterns or sick leave abuse.

If not noted in the employee's performance review, supervisors should document each employee's sick leave usage in a separate memo (Exhibit 3) each year.

6. Provide Recognition/Consequences

Supervisors should recognize good attendance through documentation for the employee's personnel file or through appropriate incentives, which may include using departmental budget dollars designated for employee recognition or other non-monetary rewards such as flexible work hours, or first rights to trade days. Conversely, supervisors also have the right to suspend or discontinue employee privileges, such as using comp time, working a flex schedule, the opportunity to work restricted duty, use of a one-to-one vehicle, working a specific shift, etc. for employees who have a sick leave usage rating in the Needs Improvement or Poor categories or suspicious sick leave patterns, or those who abuse sick leave benefits. If there is a question regarding the appropriateness of an incentive or discontinuation of a privilege, contact Human Resources.

7. Respond to an employee's notification of sick leave

- a. For all employees: if the absence has the potential to qualify for FMLA or the employee requests an FMLA packet, the supervisor must give or mail the FMLA packet to the employee within two business days.
- b. For employees who have a Needs Improvement or Poor sick leave usage rating:
 - i. Upon receipt of notification from the employee, the supervisor will use Exhibit 4 (or similar departmental form) to document the reason for the call. Asking these detailed questions will help to determine if the situation may qualify for FMLA. The completed forms should be kept in the supervisory file unless the situation escalates.
 - ii. For employees who have a Needs Improvement or Poor rating or suspicious usage patterns, or those employees who have abused sick leave benefits: in addition to the initial phone contact, supervisors are expected to follow up with the employee during his/her regularly scheduled shift to determine if the employee will return later that day or for his/her next scheduled work shift. If applicable, the supervisor should advise the employee that they would need to provide documentation to support sick leave usage.

B. Employee Procedures

When requesting sick leave, employees should:

1. **Notify their supervisor**

For all employees:

- a. ~~When calling in sick, employees should use their departmental procedure.~~
- b. ~~The employee must personally make the telephone call. Notification by a friend or relative does not satisfy this notification requirement unless extenuating circumstances exist (e.g., the employee is incapacitated due to an automobile accident).~~
- c. ~~Employees are required to personally call **each time** they are absent or tardy from work for non-FMLA reasons.~~
- d. ~~Employees must provide a number where they can be reached during their regularly scheduled work hours.~~

For employees with a Needs Improvement or Poor rating for non-FMLA sick leave:

- e. ~~Employees must respond to the questions to the best of their ability from their supervisor as outlined in Exhibit 4 when calling in.~~
- f. ~~Employees may be asked to provide their supervisor or their designee with a doctor's certificate if a questionable situation or suspicious patterns exist or whenever they are absent for more than three (3) consecutive scheduled workdays due to illness or injury. (If absent for three days or more (or as outlined by the employee's collective bargaining agreement), the employee should use Exhibit 2 or provide similar medical documentation.) The doctor's documentation must state that the employee is receiving medical care, the days/dates absent as a result of this medical condition, whether or not the employee has any work restrictions, and the approximate date the employee will be able to return to work. This slip shall be forwarded to the employee's supervisor or designee prior to the employee returning to work. If the City chooses to send an employee to see a City-selected physician, the appointment will be during the employee's regularly scheduled work hours and will be paid by the City.~~
- g. ~~Employees shall be available by telephone when using sick leave. Those employees with a Needs Improvement or Poor rating, suspicious sick leave usage or sick leave abuse should expect to receive a phone call from their supervisor at any time during their regularly scheduled work hours.~~

~~2.—Accurately Record Time~~

~~Employees are responsible for accurately recording their time. These time records are considered the employee's written testament that his/her sick leave was used for appropriate reasons as outlined in City policy, collective bargaining agreements, or FMLA guidelines.~~

~~3.—Responsibly Use Sick Time~~

~~Employees are expected to be at work on all scheduled workdays and during all scheduled work hours, and to report to work on time. Employees are also responsible for utilizing sick leave for appropriate and legitimate reasons, including illness, injury or authorized family medical leave, as outlined in the employee's collective bargaining agreement or City policy.~~

~~To the extent permissible by law, an employee's absenteeism and tardiness can negatively impact his/her advancement opportunities and may result in discipline, up to and including discharge.~~

~~4.—Failure to Report to Work~~

~~An employee who fails to appear or report for work as scheduled shall be considered~~

~~absent without approved leave and will not be paid, under any circumstance, for the time during which the employee did not work. Vacation, holiday, PTO and sick leave may not be substituted to excuse an unauthorized or unexcused absence, except when extenuating circumstances exist. An employee will be considered to have abandoned their job if they are a no call, no show for more than one working day or as outlined in City policy or the employee's collective bargaining agreement.~~

AS400 DP19

File Edit View Communication Actions Window Help

PER996R1 Posted Leave for: [] [] []

January 2007							February 2007							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	
	H	02	03	VC	VC	06						01	02	03
07	VC	VC	S	11	VC	13	04	05	06	FS	08	VC	10	
14	15	16	VC	18	19	20	11	12	13	14	15	FH	17	
21	22	23	24	S	26	27	18	FH	20	CN	22	23	24	
28	29	30	31				25	26	VC	28				

March 2007							April 2007						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
				01	02	03	01	02	03	04	FH	06	07
04	05	06	FS	08	09	10	08	VC	10	11	12	13	CN
11	S	FH	14	15	16	17	15	16	FC	18	FC	20	21
18	19	20	21	22	23	24	22	23	24	25	26	FV	28
25	26	VC	28	29	30	31	29	30					

F1 =Help F3 =Exit F6 =Prev Month F7 =Next Month

MA a 01/001

AS400 DP19

File Edit View Communication Actions Window Help

PER996R1 Posted Leave for: [] [] []

January 2007							February 2007							
S	M	T	W	T	F	S	S	M	T	W	T	F	S	
												01	02	03
							S				08	VC	10	
							4	15	FH	17				
							N				22	23	24	
							8							

Leave Calendar Color Chart

WHITE = Sick time

BLUE = Vacation hours

RED = Holiday hours

PINK = Floating Holiday hours

YELLOW = Family Leave hours (any kind)

TURQUOISE = Other leave (such as comp hours)

F12 to Return

2007						
T	F	S				
4	FH	06	07			
1	12	13	CN			
8	FC	20	21			
18	19	20	21	22	23	24
22	23	24	25	26	FV	28
25	26	VC	28	29	30	31
29	30					

F1 =Help F3 =Exit F6 =Prev Month F7 =Next Month

MA a 06/012

EMPLOYEE WORK RESTRICTIONS

Patient Name: _____

Current Job: _____

Physician Name (please print): _____

Part Time 1st Shift Sun. Thurs.

Phone: _____ Fax: _____

Date you saw patient: _____ Time In: _____ Injury Date: _____

Patient Description of Injury: _____

Full Time 2nd shift Mon Fri
 Seasonal 3rd shift Tues Sat
 Temporary Swing Wed
 Next scheduled work day _____ Shift _____
 Shift Supervisor: _____

Diagnosis: _____

Treatment: _____

Prescription strength meds orders Yes No. Meds: _____

Plan: _____

DISPOSITION: 1. Patient is unable to work at this time.
 2. Recommend his/her return to work with no limitations on (DATE): _____
 3. He/She may return (DATE) _____ with a daily time limitation of _____
 and/or with the following limitations until _____ or until re-evaluation on _____

CHECK ONLY AS RELATES TO ABOVE CONDITION

- SEDENTARY WORK.** Lifting 10 pounds maximum and occasionally lifting and/or carrying such articles as docket, ledgers, and small tools. Although a sedentary job is defined as one which involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are required only occasionally and other sedentary criteria are met.
- LIGHT WORK.** Lifting 20 pounds maximum with frequent lifting and/or carrying of objects weighing up to 10 pounds. Even though the weight lifted may be only a negligible amount, a job is in this category when it requires walking or standing to a significant degree or when it involves sitting most of the time with a degree of pushing and pulling of arms and/or leg controls.
- LIGHT MEDIUM WORK.** Lifting 30 pounds maximum with frequent lifting and/or carrying of objects weighing up to 20 pounds.
- MEDIUM WORK.** Lifting 50 pounds maximum with frequent lifting and/or carrying of objects weighing up to 25 pounds.
- LIGHT HEAVY WORK.** Lifting 75 pounds maximum with frequent lifting and/or carrying of objects weighing up to 40 pounds.
- HEAVY WORK.** Lifting 100 pounds maximum with frequent lifting and/or carrying of objects weighing up to 50 pounds.

N=Never/Not Able F=Frequent up to 30x/hr.
 O=Occasional up to 4 times/hr. C=Constant over 30x/hr.
 Specify Restrictions for 24 day

	N	O	F	C	
Sitting/Driving					Lab Work Yes ___ No ___
Standing/Walking					X - Rays Yes ___ No ___
Climbing					
Bending					
Kneeling/Squatting/Crawling					R L BIL
Reaching-Horiz./push-pull					
Reaching-Vert./above shoulder					
Gross Handling					
Finger Manipulation					
Single Grasping					
Repetitive Foot Movement					

OTHER INSTRUCTIONS AND/OR LIMITATIONS: _____

SCHEDULED APPOINTMENTS: _____

Referral Clinic _____ Date: _____ Time: _____

Referral Clinic _____ Date: _____ Time: _____

Time Out: _____ Called Employer Date _____ Signature _____

I hereby authorize my attending physician and/or hospital to release any information or copies thereof acquired in the course of my examination or treatment for the injury identified on this form to my employer or his representative.

PATIENT'S SIGNATURE _____ Date _____

PHYSICIAN'S SIGNATURE _____ Date _____



~~Memorandum~~ - CONFIDENTIAL

To: _____

Date: _____

From: _____

RE: ~~Sick Leave Usage Rating and Comparisons as of (date)~~

~~As part of an initiative to increase sick leave usage awareness, I would like to share your non-FMLA sick leave usage rating for this year in an effort to make you aware of how your usage compares with that of other department employees as well as City-wide.~~

~~Based on the City's Attendance Policy, your use of _____ non-FMLA hours year-to-date falls into the category of:~~

- ~~Excellent~~
- ~~Good~~
- ~~Adequate~~
- ~~Needs Improvement~~
- ~~Poor*~~

~~(* Certain patterns of absenteeism may fall into the POOR category regardless of the total hours of absence.)~~

~~Your non-FMLA sick leave information for 20__ is being shared here to allow you to review your sick leave usage in comparison with all department employees and other City employees.~~

- ~~• The year-to-date average of non-FMLA sick leave use per City employee is _____ hours.~~
- ~~• In total, year-to-date, the _____ Department staff used _____ non-FMLA sick leave hours.~~
- ~~• Your leave represents _____ % of the total non-FMLA sick leave for our department.~~
- ~~• The average for our department's non-FMLA sick leave for 2011 was _____ hours.~~

~~If your sick leave usage rating is in the Needs Improvement or Poor category, you may be asked to comply with the following:~~

- ~~1. You will be asked for a telephone number that you can be reached at and will be expected to check in with your supervisor if that changes for the duration of the shift you called in for.~~
- ~~2. Any absence of more than 3 days will require a return-to-work form (Exhibit 2) or similar medical documentation prior to returning to work.~~
- ~~3. You may be sent to the City's physician for a "Fit for Duty" to return to work for absences of 3 days or more.~~
- ~~4. You will be notified if you will be required to bring in medical documentation for the day of the unexpected absence or you may be sent to the City's physician for illness verification.~~

SICK LEAVE CONTACT REPORT

Supervisor taking/making contact call: _____

Date and time of call: _____

Employee (or person calling in): _____

Type of leave requested (check one) (This request does not indicate approval.)

- (S) Sick for employee
- (SC) Sick child (includes medical appointments for children)
- (SS) Sick spouse
- (DR) Doctor appointment (if FMLA approved, use FS) for the employee only

Time of appt.: _____ Location of appointment: _____

- (FS) FMLA approved sick leave, regardless of whom for
- _____
- Other: _____

What is the nature of your illness?

When do you expect to return to work? (e.g., Can we expect to see you later in your shift?)

Phone #(s) where the employee can be reached during his/her regularly scheduled hours:

Supervisor Follow up

- For employees who have a Needs Improvement or Poor rating or suspicious patterns of sick leave, or for those employees who have abused sick leave benefits:
 - Call the employee later in the shift. Ask how are they feeling and when they anticipate being able to return to work.
 - Remind them that they will need a statement from their doctor. As outlined in this policy, the doctor's certificate must state that the employee is receiving medical care, the days/dates absent as a result of this medical condition, whether or not the employee has any work restrictions, and the approximate date the employee will be able to return to work.
- Let the employee know the absence may or may not be counted against FMLA, depending on the circumstances.
- If the absence has been for more than three consecutive scheduled workdays (or as outlined in the employee's collective bargaining agreement), remind the employee they must provide a return to work slip (Exhibit 2) or similar documentation **prior** to returning to work.
- Follow up as appropriate, including ensuring that sick leave has been reflected accurately in the employee's time records.
- As outlined in the policy, review the employee's sick leave to identify usage patterns or declining usage rating.

This completed form should promptly be returned to the employee's supervisor (if someone other than his/her direct supervisor completed this form).



City of Appleton

Travel*Wise* Guidelines

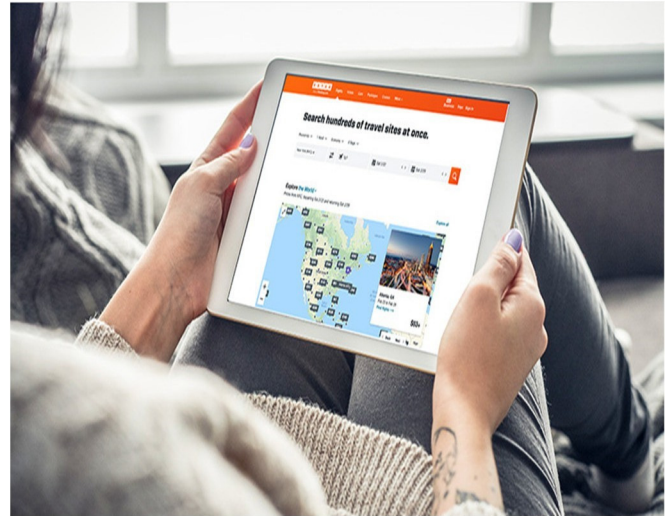
Investing in You to Help You Grow



The City of Appleton believes in investing in our employees to help them grow. We want you to develop in your role and prosper in your career while working for the City of Appleton. As you pursue growth opportunities and travel for your position, you may incur travel expenses during authorized City travel. This guide will help you “TravelWise” and is meant to assist you as you navigate the authorization and reimbursement of those travel expenses.

BEFORE YOU GO

All travel should be pre-approved before incurring expenses. **Please note that this approval process is at the discretion of the department and** may be subject to availability of funding and staffing coverage needs. Please ensure that you receive the authorization from your supervisor prior to incurring any expenses related to the travel. **An optional pre-approval form (Appendix A) is attached and may be used to coordinate pre-travel approval within your department if desired.**



AS YOU TRAVEL

As you plan and travel, please keep this in mind: the City is investing in you to help you grow. Out of respect for this investment and to allow opportunities for others (through the available budget), you are asked to travel at the lowest reasonable cost unless extenuating circumstances exist. Please consider:



Airline/Rail Travel: when searching for flights and rail trips, please be a smart consumer and consider options from both local and regional airports and rail stations, and book in advance to allow for the best travel rates. Baggage will be reimbursed for one suitcase and one carry-on. The cost of cancelling and/or rebooking of travel plans is not reimbursable unless for business reasons (e.g., changed meeting date) or extraordinary circumstances.



Rental Vehicles: rental vehicles are not typically eligible for reimbursement except for extenuating circumstances. If these circumstances necessitate the need for a rental car while traveling, after receiving prior supervisory approval, employees should rent the vehicle from www.budget.com and use the City’s Budget Corporate Discount (BCD) number W265263. Please use your City procurement card to rent the vehicle and purchase the auto liability insurance from the rental company.



Lodging: is reimbursable at a single, standard room rate.



Meals: employees will receive the US General Services Administration (GSA) Standard Continental United States (CONUS) meal and incidental rate for meals purchased during your travel. Any meals provided by the hotel or during your training/travel are not reimbursable. Meal reimbursement is only for meals that are purchased (e.g., please do not claim per diem for skipped meals). This diem is not subject to payroll taxes according to IRS regulations.



Parking/Transportation: parking fees, tolls, taxis, shuttles and rideshares during approved travel are reimbursable. Receipts are only needed if the charge is more than \$50.



Tips: tips for meals are included in the meal reimbursement rate (above). Other tips (e.g., for taxi cab rides, etc.) should be reasonable (e.g., 15%) and noted on the reimbursement form (Appendix B) when you return from your trip.



Spouse/Guest Travel: only employee expenses are reimbursable. Any additional costs incurred due to a spouse/guest traveling with the employee are not reimbursable.



Fines: fines (e.g., traffic/parking) resulting from traveling on City business are not reimbursable.



Time: non-exempt employees who travel out-of-state for training are paid for their travel time based on air/rail travel time (unless stated differently in the employee's bargaining contract). If the employee chooses another means of transportation, any resulting additional time required for travel shall be charged to the employee's paid leave.



Mileage Reimbursement: mileage reimbursement is available for employees who do not have regular access to a City vehicle and who travel beyond a 15-mile radius from the employee's usual work facility or residence (whichever is closer) for City business (the total round trip of 30 miles or more). Mileage reimbursement for the use of the employee's vehicle is based on the standard IRS mileage rate in effect. The mileage reimbursement should be calculated as the difference between the training/travel event location and the employee's usual City work facility or residence (if driving to training/travel event directly from home), whichever is less. Commuting expenses between an employee's residence and their normal place of business are not eligible.

For positions that are expected to use their personal vehicle to travel for work on a regular basis, Department Directors may designate these positions to receive a \$30 monthly local mileage allowance (prorated for positions that work less than full-time). Directors and Deputy Directors are not eligible for this allowance without pre-approval from the Mayor. This per diem is subject to payroll taxes according to IRS regulations. For all other positions, mileage incurred within the City limits or between City facilities is not reimbursable.

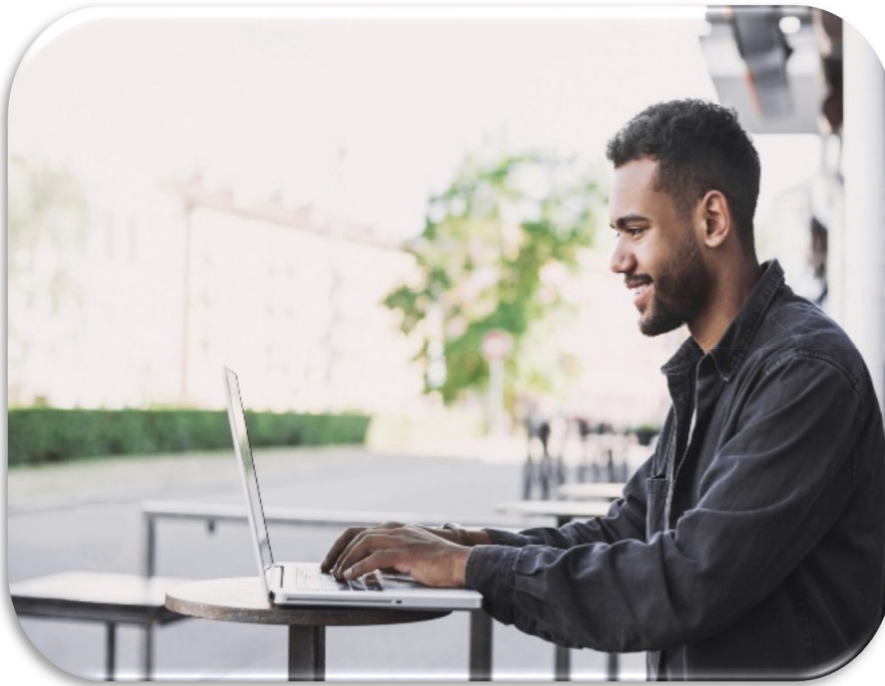
AFTER YOU RETURN

Once you return from your trip/travel, you will want to complete the Post-Travel Form (Appendix B) to be reimbursed for approved expenses.

Because of the City's investment in your training/travel, it is suggested that you also complete Appendix C to share with your Department Director. If there are others who would benefit from the new knowledge you acquired during your training/travel, you are highly encouraged to share what you learned with your supervisor and other colleagues as well (e.g., share insights you learned during an upcoming staff meeting).

STILL HAVE QUESTIONS?

If you have questions prior to, during, or after your travel, contact your supervisor. For reimbursement questions when you return, contact the Finance Department who will process the reimbursement payments.



Appendix A: Pre-Approval Form **OPTIONAL**

Before incurring any expenses for your travel/trip, you will want to **obtain** ~~complete~~ the pre-approval form to ensure your expenses will be covered when you return. **Below is a form you can use; however, your department may have a specific process for requests or individual departmental form. Ask your supervisor for more details.**

PLEASE COMPLETE BEFORE REGISTRATION OR INCURRING COSTS

Employee Requesting Travel: _____ / _____

Title of Training or Purpose of Travel (attach brochure/agenda): _____

City/State of Training/Event: _____

Dates (time) request to be out of the office: ____ / ____ (_____ AM/PM) through ____ / ____ (AM/PM)

Are there other City employees attending this training/event as well? If so, why?

Estimated Costs

Details (e.g. vendor name, specific expenses)

Registration Fee:	\$	_____	_____
	\$	_____	_____
Lodging:	\$	_____	_____
Airfare/Rail:	\$	_____	_____
Meals (based on per diem rate):	\$	_____	_____
Other (e.g. rental car, mileage):	\$	_____	_____
Overtime for your attendance:	\$	_____	_____
Overtime to cover your vacancy:	\$	_____	_____
TOTAL:	\$	_____	_____

How does this training/travel help meet your individual, departmental or organizational goals?

Date Submitted to Supervisor: _____

SUPERVISOR'S RESPONSE:

Authorized Date of Departure and Return: _____

I authorize this employee to register for this training and incur these travel-related expenses (as detailed above).

Supervisor Signature

Date

Department Director Signature

Date

Appendix B: Post Travel Form **REQUIRED**

ACTUAL EXPENSES: EMPLOYEE MUST COMPLETE UPON RETURN (SUBMIT TO FINANCE) AND PROVIDE DOCUMENTATION FOR ALL EXPENSES EXCEPT AS NOTED

Travel City/State and Dates: _____

Date	M	T	W	R	F	S	S	
1. Lodging:	\$	\$	\$	\$	\$	\$	\$	\$ _____
2. Breakfast:	\$	\$	\$	\$	\$	\$	\$	(no receipts required) \$ _____
3. Lunch:	\$	\$	\$	\$	\$	\$	\$	(no receipts required) \$ _____
4. Dinner:	\$	\$	\$	\$	\$	\$	\$	(no receipts required) \$ _____
5. Parking/Tolls/Taxi (receipts only required for single transactions of more than \$50):	_____							\$ _____
6. Airfare:	_____							\$ _____
7. Registration:	_____							\$ _____
8. Other:	_____							\$ _____
9. Mileage _____ miles @ \$ ____/mile (no receipts required)								\$ _____
*Mileage within 15 miles of the employee's usual work facility is not eligible for reimbursement								
10. TOTAL EXPENSES (Trip Total):								\$ _____
11. Less Section-2 Advance Registration Payments								\$ (_____)
12. Less Procurement Card Charges:	_____							\$ (_____)
13. Less Vendor Refunds								\$ (_____)
14. AMOUNT DUE TO (FROM) EMPLOYEE								\$ _____

BUDGET ACCOUNT #: _____

This is to certify that the above is a true and correct statement of travel expenses incurred in the conduct of City business. I have attached all supporting documentation (e.g., training brochure, airline receipt, etc.) and I acknowledge I may be personally responsible for any expenses I incurred for which I do not have supporting documentation (except for meals, mileage and transportation expenses of less than \$50 in a single transaction).

Employee Signature _____ Supervisor Signature _____

Department Director Signature _____ Finance Signature _____

Appendix C: Evaluation **OPTIONAL**

Employee Name:

Training Program/Conference:

1. What are the three greatest learnings that you took away from this training/travel?

2. Describe two ways that you plan to apply what you learned during your training/travel to benefit your department and/or the City.

3. What did you learn that you plan to share with others? (Please list with whom/when.)

Training Program Only

This training course:

- Exceeded my expectations Met my expectations Did not meet my expectations

The instructor of the course:

- Exceeded my expectations Met my expectations Did not meet my expectations

Would you recommend this training class to others?

- Yes
 No

Please explain:

Please return this form to your Department Director within 30 days of returning from your training/travel.

CITY OF APPLETON POLICY		TITLE: TRAVEL POLICY	
ISSUE DATE: Original Policy Date Unknown	LAST UPDATE: 5/6/04, 5/16/05 9/9/05, 11/1/05 6/2/06, 12/6/06, 2/8/07, 7/19	SECTION: Finance	FILE NAME: Travel Policy
POLICY SOURCE: Finance Department			TOTAL PAGES: 3 + attachments
Reviewed by Attorney's Office Date: 5/7/04, 12/6/06, 7/19	Finance Committee Approval Date: 5/12/04, 11/22/06, 2/14/07 HR Committee Approval Date: 7/17/19	Council Approval Date: 5/19/04, 12/6/06, 2/21/07, 7/24/19	

~~I. Purpose~~

~~To provide guidelines for employees for the reimbursement of training and travel incurred during the conduct of City business.~~

~~II. Policy~~

~~The City believes in investing in employees to help them grow. The City will reimburse employees for reasonable travel costs incurred while on official authorized City business. Employees, in turn, are asked to respect and value this investment, and travel at the lowest reasonable cost.~~

~~III. Guidelines~~

- ~~A. **Pre-Approval:** All travel is required to be approved by the employee's supervisor and Department Director or designee prior to registration or incurring any expense. Out-of-state travel must have the Mayor's approval prior to incurring any expense. (Library Board President approves Library expenses.)~~
- ~~B. **Post-Approval:** Supervisors are required to review and approve all expense reimbursement requests before sending the reimbursement request form to the Department Director or Mayor.~~
- ~~C. **Use of Procurement Card:** City issued procurement cards can be used for travel related expenses other than meals. When using City issued procurement cards, the card should be used to pay for only the employee's own expenses. The employee should attach copies of all supporting documentation on to his/her travel report for all procurement card charges.~~
- ~~D. **Out-of-State Travel:** All out-of-state travel is required to be approved by the Mayor or Library Board (for Library Personnel) prior to registration or incurring any expense.~~

~~Non-exempt employees who travel out of state for training are paid for their travel time based on air travel time (unless stated differently in the employee's bargaining contract). If the employee chooses another means of transportation, any resulting additional time required for travel shall be charged to the employee's paid leave.~~

- ~~E. **Airline Travel:** Employees are expected to travel coach class; to search for the lowest available overall cost for flight, mileage, paid time (for non-exempt staff), and airport parking fees, including from all major airlines within a 120-mile radius; and to reserve as far in advance as practical. Baggage fees are reimbursable for one suitcase and one carry-on bag. The cost of cancelling and/or~~

~~rebooking of flights is not reimbursable unless it can be shown that it was necessary or required for legitimate business reasons (e.g., a changed meeting date) or extraordinary circumstances.~~

~~F. **Rental Vehicles:** Rental vehicles are not eligible for reimbursement except under extenuating circumstances (see below). For transportation to/from the training, etc., employees should use other means such as shuttles, taxi cab, etc.~~

~~If extenuating circumstances necessitate the need for a rental car while traveling, the employee should obtain approval of their Department Director prior to renting the vehicle. The employee may use a City issued procurement card to rent the vehicle and must purchase the auto liability insurance from the rental company.~~

~~G. **Mileage Reimbursement:** Mileage reimbursement is available for employees who do not have regular access to a City vehicle and who travel beyond a 15-mile radius from the employee's usual work facility or residence (whichever is closer) for City business (the total round trip would be 30 miles or more). Mileage reimbursement for the use of the employee's vehicle is based on the standard IRS mileage rate in effect. The mileage reimbursement should be calculated as the difference between the training/travel event location and the employee's usual City work facility or residence (if driving to training/travel event directly from home), whichever is less. Commuting expenses between an employee's residence and his/her normal place of business are not eligible.~~

~~For positions that are expected to use their personal vehicle to travel for work on a regular basis, Department Directors may designate these positions to receive a \$30 monthly local mileage allowance (prorated for positions that work less than full-time). Directors and Deputy Directors are not eligible for this allowance without pre-approval from the Mayor. This per diem is subject to payroll taxes according to IRS regulations. For all other positions, mileage incurred within the City limits or between City facilities is not reimbursable.~~

~~H. **Lodging:** Training classes/Events within 60 miles of City Hall are not eligible for overnight lodging. For travel/training more than 60 miles away, overnight lodging for the night before the conference up to and including the night before the last day of the conference is reimbursable at a single, standard room rate.~~

~~I. **Meal Reimbursement:** Employees are eligible to receive up to the Wisconsin U.S. General Services Administration (GSA) Standard Continental United States (CONUS) meal and incidental rate for meals they consume when traveling overnight for approved City training/travel. Employees are not eligible for meal reimbursement for any meals that are included in the training/program or provided by the hotel, or meals that are not purchased/consumed by the employee. This per diem is not subject to payroll taxes according to IRS regulations.~~

~~J. **Parking and Transportation:** The cost of parking fees, tolls and taxis, shuttles, and rideshares to/from the training is reimbursable. Receipts will be required for expenses that are more than \$50 per single transaction.~~

~~K. **Tips:** Tips for meals are included in the meal and incidental rate in I above. All other tips are not reimbursable.~~

~~L. **Spousal/Guest Travel:** Any additional costs incurred due to a spouse/guest traveling with the employee is not eligible for reimbursement. If an employee is bringing a guest (e.g., spouse, family, friend) with them, the employee should advise his/her supervisor before traveling.~~

~~M. **Fines:** Fines (e.g., traffic or parking) resulting from traveling on City business are not reimbursable.~~

~~N. **Miscellaneous Expenses:** There may be other miscellaneous reimbursable expenses from time to time. Examples include books or supplies needed for a conference and telephone calls for City business. Miscellaneous expense reimbursements are subject to review for reasonableness by the Department Director and for City-wide consistency by the Finance Director.~~

~~O. **Policy Exceptions:** Any exception to this policy must have the approval of the employee's supervisor and Department Director (Department Directors would need Mayor's approval). Requests for the exception should document extenuating circumstances or proposed overall savings to the City.~~

~~IV. **Procedure**~~

~~A. A separate "City of Appleton Travel Report" will be completed for each employee and each event (Appendix A).~~

~~B. Travel expense reimbursements to employees will be incorporated into their payroll payments. Since these payments will represent reimbursement of business expenses, no payroll taxes will be withheld.~~

~~C. For any training event incurring over \$1,000 total expense, a Training Evaluation form (or equivalent documentation) must be completed within 30 days after the training. See Appendix B.~~

1. TO BE FILLED OUT COMPLETELY BEFORE REGISTRATION OR INCURRING COSTS

Employee/Department Requesting Travel: _____ / _____

Title of Training or Purpose of Travel (must attach brochure/agenda): _____

City/State of Training/Event (Mayor approval required for all employees' out-of-state travel): _____

Dates (time) request to be out of the office: _____ / _____ (____ AM/PM) through _____ / _____ (____ AM/PM)

Are there other City employees attending this training/event as well? If so, why?

Estimated Costs (*variance of more than \$100 need to be explained on reverse side upon return)

		Details (e.g. vendor name, specific expenses)
Registration Fee:	\$ _____	_____
Lodging:	\$ _____	_____
Airfare:	\$ _____	_____
Meals (based on per diem rate):	\$ _____	_____
Other (e.g. rental car, mileage):	\$ _____	_____
Overtime for your attendance:	\$ _____	_____
Overtime to cover your vacancy:	\$ _____	_____
TOTAL:	\$ _____	<i>*If the total equals \$1000 or more, attendees must complete and submit an evaluation form upon return.</i>

How does this training/travel help meet your individual, departmental or organizational goals?

Date Submitted to Supervisor: _____ / _____ / _____

SUPERVISOR'S RESPONSE:

Authorized Date of Departure and Return: _____ Budget Account: _____

I authorize this employee to register for this training and incur these travel related expenses (as detailed above).

 Supervisor Signature _____ Date _____ Mayor Signature _____ Date _____
(for all out of state training and Department Director's requests)

 Department Director Signature _____ Date _____

2. REGISTRATION PAYMENT IN ADVANCE. IF USING PROCUREMENT CARD, CHECK BOX AND SKIP TO SECTION 3.

- Paid with procurement card. Skip to Section 3.
- Please pay my registration in advance (submit this form to Finance).

Amount: \$ _____ (enter on lines 7 & 11 in Section 3)

Due to Vendor by: _____ / _____ / _____


Vendor: _____

Attn: _____

Address: _____

Note: Advance payments will be made for registration only. All other items should either be charged on a procurement card (if eligible) or will be reimbursed.

Complete reverse side upon completion of travel, or if no other expenses will be incurred.



3. ACTUAL EXPENSES: EMPLOYEE MUST COMPLETE UPON RETURN (SUBMIT TO FINANCE). TRAINING BROCHURE AND REQUIRED DOCUMENTATION MUST BE SUBMITTED PRIOR TO REIMBURSEMENT.

City/State/Zip: _____

~~Current 2019 per diem rate: Breakfast (\$14.30); Lunch (\$15.40); and Supper (\$25.30)~~

Date _____ **M** _____ **T** _____ **W** _____ **R** _____ **F** _____ **S** _____ **S** _____

- 1. Lodging: \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____
- 2. Breakfast: \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ (no receipts required)
- 3. Lunch: \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ (no receipts required)
- 4. Dinner: \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ (no receipts required)
- 5. Parking/Tolls/Taxi (receipts only required for single transactions of more than \$50): _____ \$ _____
- 6. Airfare: _____ \$ _____
- 7. Registration: _____ \$ _____
- 8. Other: _____ \$ _____
- 9. Mileage _____ miles @ \$.58/mile (no receipts required) \$ _____
*Mileage within 15 miles of the employee's usual work facility is not eligible for reimbursement
- 10. **TOTAL EXPENSES** (Trip Total): _____ \$ _____
- 11. Less Section 2 Advance Registration Payments _____ \$(_____)
- 12. Less Procurement Card Charges: _____ \$(_____)
- 13. Less Vendor Refunds _____ \$(_____)
- 14. **AMOUNT DUE TO (FROM) EMPLOYEE** _____ \$ _____

This is to certify that the above is a true and correct statement of travel expenses incurred in the conduct of City business. I have attached all supporting documentation (e.g., training brochure, airline receipt, etc.) and I acknowledge I may be personally responsible for any expenses I incurred for which I do not have supporting documentation (except for meals, mileage and transportation expenses of less than \$50 in a single transaction).

 Employee Signature Mayor: _____

 Supervisor Signature Department Director Signature

Explanation of Variances

Please explain variances of \$100 or more than the estimated costs (from Section 1):

- Registration: _____
- Lodging: _____
- Airfare: _____
- Meals: _____
- Other: _____

Training/Travel Evaluation

(please complete and return within 30 days after training/travel)

Employee Name: _____

Today's Date: _____ Date(s) of Travel: _____

Source of Training (if seminar/conference): _____

1. ~~What are the three greatest learnings that you took away from this training/travel? (Please attach documentation that may be beneficial to share with others.)~~

2. ~~Describe two ways that you plan to apply what you learned during your training/travel to benefit your department and/or the City.~~

Training Program Only

3. ~~This training course:~~
 ~~Exceeded my expectations~~ ~~Met my expectations~~ ~~Did not meet my expectations~~

4. ~~The instructor of the course:~~
 ~~Exceeded my expectations~~ ~~Met my expectations~~ ~~Did not meet my expectations~~

5. ~~Would you recommend this training class to others?~~
 ~~Yes~~
 ~~No~~

Please explain: _____

Please return this form to your Department Director and send a copy to Human Resources (and departmental training coordinator if applicable) within 30 days of returning from your training/travel.



Valley Transit

CONNECTING THE **FOX CITIES**

Public Transportation Agency Safety Plan

LAST UPDATED December 1, 2021

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PUBLIC TRANSPORTATION AGENCY SAFETY PLAN for Valley Transit

Transit Agency Information

Transit Agency	Name		Address
	Valley Transit		801 S Whitman Avenue
Accountable Executive	Name		Title
	Ron McDonald		General Manager
Chief Safety Officer	Name		Title
	Amy Erickson		Assistant General Manager
Mode(s) of Service Covered by This Plan:		List All FTA Funding Types (e.g., 5307, 5337, 5339):	
Fixed Route-Directly Operated		5307	
Paratransit-Contracted		5307	
Mode(s) of Service Provided by the Transit Agency (Directly operated or contracted service)			
Fixed Route-Directly Operated			
Paratransit- Contracted			
Does the agency provide transit services on behalf of another transit agency or entity?	Yes	No	Description of Arrangement(s)
		X	
Transit Agency(ies) or Entity(ies) for Which Service Is Provided	Name		Address

Plan Development, Approval, and Updates

Signature by the Accountable Executive	Name		Date of Signature
	Ron McDonald		
	Signature		
Approval by Board of Directors (or Equivalent)	Approving Entity		Date of Approval
	Fox Cities Transit Commission		
	Signatures		
	George Dearborn-Chairperson		
	Mike Patza		
	Maggie Mahoney		
	Larry Wurdinger		
	Aldersperson Brad Firkus		
Richard Detienne			
Carol Kasimor			

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Background

The Moving Ahead for Progress in the 21st Century (MAP-21) Act grants the Federal Transit Administration (FTA) the authority to establish and enforce a comprehensive regulatory framework to oversee the safety of public transportation throughout the United States. As a component of this safety oversight framework, MAP-21 requires certain recipients of FTA Chapter 53 funding to develop and implement a Public Transit Agency Safety Plan (PTASP).

In addition to greater safety oversight responsibilities, MAP-21’s grant of expanded regulatory authority puts FTA in a position to provide guidance to transit agencies that strengthens the use of safety data to support management decisions, improves the commitment of transit leadership to safety, and fosters a culture of safety that promotes awareness and responsiveness to safety risks. The framework to this approach is called a safety management system (SMS), which moves the transit industry towards a more holistic, performance-based approach to safety. The SMS framework has been adopted by FTA in its National Public Transportation Safety Plan (“national safety plan”).

The PTASP for **Valley Transit (VT)** supports and is consistent with an SMS approach to safety risk management. SMS is an integrated collection of policies, processes, and behaviors meant to ensure a formalized, proactive, and data-driven approach to safety risk management. The aim of an SMS is to increase the safety performance of transit systems by proactively identifying, assessing, and controlling safety risks. The approach is meant to be flexible and scalable, so that transit agencies of all types and sizes can efficiently meet the basic requirements of MAP-21. The PTASP for **Valley Transit (VT)** addresses the following elements, outlined in **Table 1** (below):

<input type="checkbox"/> Safety Management Policy Statement:	A policy statement establishing senior management commitment to continual safety improvement, signed by the executive accountable for the operation of the agency and the board of directors.
<input type="checkbox"/> Document Control:	A description of the regular annual process used to review and update the plan including a timeline for implementation of the process.
<input type="checkbox"/> Core Safety Responsibilities:	A description of the responsibilities, accountabilities, and authority of the accountable executive, the key safety officers, and key members of the safety management team.
<input type="checkbox"/> Safety Training Program:	A description of the comprehensive safety training program for agency staff that ensures that staff are trained and competent to perform their safety duties.
<input type="checkbox"/> Safety Risk Management:	A description of the formal processes the agency uses to identify hazards, analyze and assess safety risks, and develop, implement and evaluate risk controls.
<input type="checkbox"/> Safety Risks:	A description the most serious safety risks to the public, personnel and property.
<input type="checkbox"/> Risk Control:	A description of the risk control strategies and actions that the agency will undertake to minimize exposure of the public, personnel and property to hazards, including a schedule for implementing the risk control strategies and the primary entity responsible for each strategy.
<input type="checkbox"/> Safety Assurance:	A list of defined safety performance indicators for reach priority risk and associated targets the agency will use to determine if it is achieving the specified safety goals.
<input type="checkbox"/> Desired Safety Outcomes:	A description of desired safety outcomes for each risk using the measurable safety performance indicators established.

Table 1: Elements of a Public Transportation Agency Safety Plan (PTASP)

1 SAFETY POLICIES AND PROCEDURES

1.1 COMMITMENT TO SAFETY

Policy Statement

The management of safety is one of our core business functions. **Valley Transit** is committed to developing, implementing, maintaining, and constantly improving processes to ensure that all our transit service delivery activities take place under a balanced allocation of organizational resources, aimed at achieving the highest level of safety performance and meeting established standards.

All levels of management and all employees are accountable for the delivery of this highest level of safety performance, starting with the Accountable Executive.

Valley Transit commits to:

- Support the management of safety through the provision of appropriate resources, that will result in an organizational culture that fosters safe practices, encourages effective employee safety reporting and communication, and actively manages safety with the same attention to results as the attention to the results of the other management systems of the organization.
- Integrate the management of safety among the primary responsibilities of all managers and employees.
- Clearly define for all staff, managers, and employees, their accountabilities, and responsibilities for the delivery of the organization's safety performance and the performance of our Safety Management System (SMS).
- Establish and operate hazard identification and analysis, and safety risk assessment activities, including an employee safety reporting program as a fundamental source for safety concerns and hazard identification, in order to eliminate or mitigate the safety risk of the consequences of hazards resulting from our operations or activities to a point which is consistent with our acceptable level of safety performance.
- Ensure that no action will be taken against any employee who discloses a safety concern through the employee safety reporting program, unless disclosure indicates, beyond any reasonable doubt, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures.
- Comply with, and wherever possible exceed, legislative and regulatory requirements and standards.
- Ensure that sufficient skilled and trained human resources are available to implement safety management processes.
- Ensure that all staff are provided with adequate and appropriate safety-related information and training, are competent in safety management matters, and are allocated only tasks commensurate with their skills.
- Establish and measure our safety performance against realistic and data-driven safety performance indicators and safety performance targets.

- Continually improve our safety performance through management processes that ensure that appropriate safety management action is taken and is effective; and
- Ensure externally supplied systems and services to support our operations are delivered meeting our safety performance standards.

1.2 ANNUAL PTASP REVIEW AND UPDATE

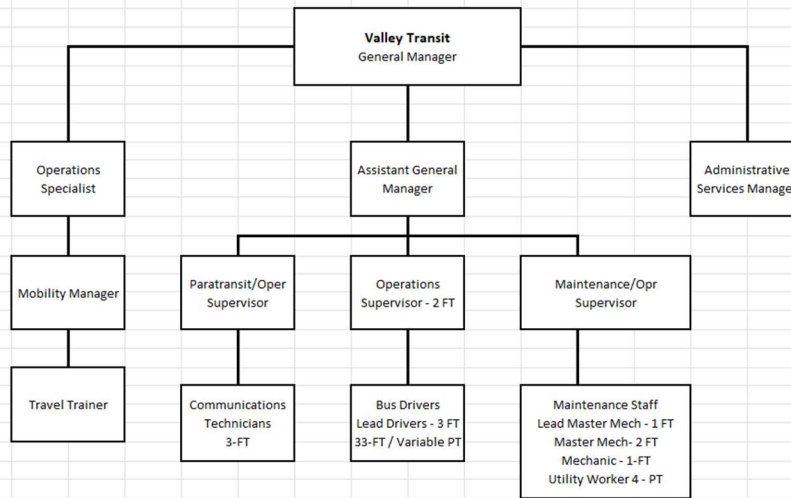
Valley Transit (VT) management will review the PTASP annually, update the document as necessary, and implement the changes within a timeframe that will allow the agency to timely submit to any annual or other periodic reviews, including its annual self-certification of compliance. At minimum, annual self-certification will consist of the Accountable Executive signing and dating this document.

Annual review of the PTASP will be conducted by **Valley Transit (VT)** by **December 1** of each calendar year. Necessary updates outside the annual update window may be handled as PTASP addenda. Reviews of the PTASP and any subsequent updates, addenda, adoption, and distribution activities will be documented in the PTASP Activity Log at the beginning of this document.

1.3 ORGANIZATION STRUCTURE AND SYSTEM SAFETY RESPONSIBILITIES

While the Accountable Executive has the ultimate responsibility for **Valley Transit's** implementation of its PTASP, **Valley Transit's** executive management has the overall responsibility of safe and secure operations of **Valley Transit** and contract service operators. Each employee is required to carry out specific system safety responsibilities, depending on the employee's position, in compliance with the PTASP.

The information provided in the Staff Safety Roles and Responsibilities table (Appendix A) describes each position and general system safety responsibilities, and the agency's reporting structure.



2 SAFETY RISK MANAGEMENT (SRM)

2.1 HAZARD IDENTIFICATION

Establishing an effective hazard identification program is fundamental to safety management at **Valley Transit**. Hazard identification can be reactive or proactive in nature: safety event reporting, incident investigation, and trend monitoring are essentially reactive; other hazard identification methods proactively seek feedback through data collection, observation, and day-to-day operations analysis. Common hazard identification activities may include:

- Safety assessments
- Trend monitoring
- Hazard and safety event reporting
- Safety surveys
- Safety audits
- Evaluating customer suggestions and complaints

The number of near misses, known as accident precursor data, is significantly greater than the number of accidents for comparable types of events. The practice of reporting and learning from accident precursor data is a valuable complement to other hazard identification practices. To be successful, hazard identification must take place within a non-punitive and just safety culture. **Valley Transit** employs systematic safety improvements by discovering and learning of potential weaknesses in the system's safety.

2.1.1 Non-Punitive Reporting Policy

Valley Transit is committed to the safest transit operating standards practicable. To achieve this, it is imperative that **Valley Transit** have uninhibited reporting of all safety events that may compromise safe operations. To this end, every employee is responsible for the communication of any information that may affect the integrity of transit safety. Such communication must be completely free of any form of reprisal.

Valley Transit will not take disciplinary action against any employee who discloses a safety event. This policy shall not apply to information received by **Valley Transit** from a source other than the employee, or that involves an illegal act, or a deliberate or willful disregard of rules, regulations, or agency policies or procedures.

Valley Transit's method of collection, recording, and disseminating information obtained from transit safety reports has been developed to protect, to the extent permissible by law, the identity of any employee who provides transit safety information.

2.2 RISK ASSESSMENT

Once a hazard has been identified, **Valley Transit** will conduct an assessment to determine the potential consequences. Factors to be considered are the likelihood of occurrence, the severity of the consequences (should there be an occurrence), and the level of exposure to the hazard. **Valley Transit** will assess risks subjectively by experienced personnel using a risk assessment matrix. Results of the risk assessment process will help determine whether the risk is being appropriately managed or controlled. If the risks are acceptable, the hazard will continue to be monitored. If the risks are unacceptable, steps will be taken by **Valley Transit** to lower the risk to an acceptable or tolerable level, or to remove, avoid, or otherwise eliminate the hazard.

2.3 RISK MITIGATION

The assessment process may indicate that certain hazards have an acceptable level of risk, while others require mitigation to an acceptable or tolerable level. **Valley Transit** will further manage risk by completing a **Hazard Assessment Log (Appendix E)** that can help prioritize safety risks. The level of risk can be lowered by reducing the severity of the potential consequences, likelihood of occurrence, exposure to that risk, or by some combination.

In general, **Valley Transit** will take the following safety actions to mitigate risk – these actions can be categorized into three broad categories, including:

- 1. Physical Defenses:**

These include objects and technologies that are engineered to discourage, or warn against, or prevent inappropriate action or mitigate the consequences of events (e.g. traffic control devices, fences, safety restraining systems, transit controls/signals, transit monitoring systems, etc.)

- 2. Administrative Defenses:**

These include procedures and practices that mitigate the likelihood of accident/incident (e.g. safety regulations, standard operating procedures, personnel proficiency, supervision inspection, training, etc.)

- 3. Behavioral Defenses:**

These include behavioral interventions through education and public awareness campaigns aimed at reducing risky and reckless behavior of motorists, passengers and pedestrians; factors outside the control of the agency (e.g. the *Zero in Wisconsin* campaign)

2.4 PRIORITIZE SAFETY RISKS

Once a hazard has been identified and the risk level assessed, **Valley Transit** will prioritize safety risks.

3 SAFETY ASSURANCE

Safety assurance provides the necessary feedback to ensure that the SMS is functioning effectively and that **Valley Transit** is meeting or exceeding its safety objectives. Safety assurance requires a clear understanding of how safety performance will be evaluated, or in other words, what metrics will be used to assess system safety and determine whether the SMS is working properly. Having decided on the metrics by which success will be measured, safety management requires embedding these metrics in the organizational culture and encouraging their use for ongoing performance improvement.

3.1 DEFINING SAFETY GOALS AND OBJECTIVES/OUTCOMES

Setting safety goals and objectives is part of strategic planning and establishing safety policy for **Valley Transit**. Clearly defining safety goals is the first part in creating a safety performance measurement system.

Safety goals are general descriptions of desirable long-term impacts. For example, a general safety goal might be:

"Foster agency-wide support for transit safety by establishing a culture where management is held accountable for safety and everyone in the organization takes an active role in securing transit safety."

Safety objectives or outcomes are more specific statements that define measurable results. For example, a specific safety objective for the goal stated above might be:

"Establish regular transit safety meetings comprised of staff at varying levels, including executives, officers, managers, operators and maintenance personnel."

The safety objective/outcome will then be measured by defining specific performance metrics, including a baseline and target, that **Valley Transit** will determine is reasonable.

3.2 DEFINING SAFETY PERFORMANCE MEASURES

Performance measurement is the regular systematic collection, analysis, and reporting of data that track resources used, work produced, and whether specific outcomes were achieved. In other words, it is a tool to quantify and improve performance, and engage and communicate with **Valley Transit** staff and external stakeholders.

The two core functions of performance measurement include monitoring and evaluating progress. Performance can be measured in terms of inputs, outputs, outcomes, and efficiency, among many other criteria.

Valley Transit will utilize these basic principles of performance measurement, including:

- Stakeholder involvement and acceptance
- Focus on agency goals and activities
- Clarity and precision
- Creditability and robustness
- Variety of measures
- Number of measures
- Hierarchy of measures
- Forward-looking measures
- Integration into agency decision-making
- Timely reporting
- Understand agency specifics, including context and scale of operations
- Realism of goals and targets

3.2.1 Metrics

System safety data is collected through a variety of sources and includes:

- Near miss information
- Accident investigation reports
- Internal safety audits (or reviews)
- Safety committee meetings
- Injury reports (including occupational injury)
- Event reports (including accidents, incidents, and occurrences)
- System monitoring (including testing and inspection records)
- Hazard management program

This safety data will be analyzed and used for development of key safety performance indicators and targets.

Valley Transit will initially focus on areas based on data delivered to the National Transit Database (NTD), as the following:

- **Fatalities**
 - Total number of reportable fatalities, and rate per total vehicle revenue miles

- **Injuries**
 - Total number of reportable injuries, and rate per total vehicle revenue miles
- **Safety Events**
 - Total number of reportable events, and rate per total vehicle revenue miles
- **System Reliability**
 - Mean distance between major mechanical failures

These safety performance measures are used to select improvement targets for these four measures and for each mode of transit, in order to encourage improvements and monitor the safety performance of delivering transit services. In addition, **Valley Transit** will select additional performance measures and targets, both leading and lagging, to insure continual improvement of our SMS.

Valley Transit will make its safety performance measures improvement targets available to applicable state agencies and metropolitan planning organizations (MPOs), and, to the maximum extent practicable, will coordinate with both in the selection of safety performance targets.

The safety data collected from the above sources will be analyzed for potential safety impacts. Identified areas of concern are reported to appropriate personnel in the form of specific project reports, memos, and recommendations from the safety committee.

Records of system safety data are maintained for a minimum of three years. Certain information, such as safety certification backup documentation is maintained by **Valley Transit's** document control process. In addition to safety data, **Valley Transit** maintains other data and documentation of activities required by the PTASP. Distribution of safety-related reports and data is accomplished through the **Valley Transit** Forward Focus committee.

3.3 MONITORING PERFORMANCE AND EVALUATING RESULTS

Once safety goals, objectives/outcomes, and measures have been defined, they can be organized into a **Safety Performance Matrix (Appendix G)** or **Safety Performance Outline (Appendix F)**. Organizing information, particularly in a matrix, will allow **Valley Transit** to continuously monitor safety performance and evaluate results. **Valley Transit** will evaluate safety performance and update documentation at least semi-annually.

3.4 INTEGRATING RESULTS INTO AGENCY DECISION-MAKING PROCESSES

Valley Transit is committed to using the data collected and information learned to inform decision making and instill positive change. The main objective is the continuous improvement of transit system safety. When performance goals are not met, **Valley Transit** will work to identify why such goals were not met and what actions can be taken to minimize the gap in achieving defined goals. However, when goals are easily achieved, action will be taken to exceed expectations and re-establish a reasonable baseline.

Uses of Performance Results include:

- Focus attention on performance gaps and trigger in-depth investigations of what performance problems exist

- Help make informed resource allocation decisions
- Identify needs for staff training or technical assistance
- Help motivate employees to continue making program improvements
- Support strategic planning efforts by providing baseline information for tracking progress
- Identify best practices through benchmarking
- Respond to elected officials and the public’s demand for accountability

3.5 SUSTAINING A SAFETY MANAGEMENT SYSTEM

In order to sustain the SMS, **Valley Transit** will ensure that particular processes are employed to instill an organizational foundation. Examples of actions taken to sustain the SMS include:

- **Create measurement-friendly culture:**
All staff, including senior managers, should be actively engaged in creating measurement-friendly culture by promoting performance measurement as a means of continuous improvement. Senior managers will also lead by example and utilize performance metrics in decision making processes.
- **Build organization capacity:**
Investment in developing skilled human resources capacity is essential to sustaining an SMS. Both technical and managerial skills will be needed for data collection and analysis and setting goals. Managing staff and the governing board will commit the financial resources required for organizational capacity and maintaining an SMS on a continuous basis.
- **Reliability and transparency of performance results:**
The SMS will be able to produce and report its results, both good and bad. Performance information should be transparent and made available to all stakeholders. Messengers should be protected to preserve the integrity of the measurement system. The focus should be on opportunities for improvement rather than allocating blame.
- **Demonstrate continuous commitment to measurement:**
Visible commitment to using metrics is a long-term initiative. **Valley Transit** will demonstrate a commitment to performance measurement by establishing a formal process of reporting performance results, such as including transit safety and performance measurement as a standing agenda item at city council and county board meetings.

4 SAFETY PROMOTION

4.1 SAFETY PROMOTION, CULTURE AND TRAINING

Valley Transit believes safety promotion is critical to the success of an SMS by ensuring that the entire organization fully understands and trusts its safety policies, procedures, and structure. Further, safety promotion involves establishing an organizational and workplace culture that recognizes safety as a core value, training employees in safety principles, and allowing open communications of safety issues.

4.1.1 Safety Culture

Positive safety culture must be generated from the top. The actions, attitudes, and decisions at the policy-making level must demonstrate a genuine commitment to safety. Safety must be recognized as the responsibility of each employee, with the ultimate responsibility for safety resting with the Accountable Executive. Employees must trust that they will have management support for decisions made in the interest of safety, while also recognizing that intentional breaches of safety will not be tolerated.

The primary goal of safety promotion at **Valley Transit** is to develop a positive safety culture that allows the SMS to succeed. A positive safety culture is defined as one which is:

A. An Informed Culture

- Employees understand the hazards and risks involved in their areas of operation
- Employees are provided with the necessary knowledge, training and resources
- Employees work continuously to identify and overcome threats to safety

B. A Just Culture

- Employees know and agree on what is acceptable and unacceptable behavior
- Human errors must be understood, but negligence and willful violations cannot be tolerated

C. A Reporting Culture

- Employees are encouraged to voice safety concerns and to share critical safety information without the threat of punitive action
- When safety concerns are reported, they are analyzed, and appropriate action is taken

D. A Learning Culture

- Learning is valued as a lifetime process beyond basic-skills training
- Employees are encouraged to develop and apply their own skills and knowledge to enhance safety
- Employees are updated on safety issues by management, and safety reports are fed back to staff so that everyone learns the pertinent lessons

4.1.2 Training

During the initial implementation of an SMS, specific training will be required for all employees and contract staff, to explain the agency's safety culture and describe how **Valley Transit's** SMS works. The Chief Safety Officer is the resource person for providing a corporate perspective on **Valley Transit's** approach to safety management.

Safety Management training topics may include:

A. Initial Safety Training for All Staff

1. Basic principles of safety management including the integrated nature of SMS, risk management, safety culture, etc.
2. Corporate safety philosophy, safety goals and objectives, safety policy, and safety standards
3. Importance of complying with the safety policy and SMS procedures, and the approach to disciplinary actions for different safety issues

4. Organizational structure, roles and responsibilities of staff in relation to safety
5. Transit agency's safety record, including areas of systemic weakness
6. Requirement for ongoing internal assessment of organization safety performance (e.g. employee surveys, safety audits, and assessments)
7. Reporting accidents, incidents, and perceived hazards
8. Lines of communication for safety managers
9. Feedback and communication methods for the dissemination of safety information
10. Safety promotion and information dissemination

B. Safety Training for Operations Personnel

1. Unique hazards facing operational personnel
2. Seasonal safety hazards and procedures (e.g. winter operations)
3. Procedures for hazard reporting
4. Procedures for reporting safety events (accidents and incidents)
5. Emergency procedures

C. Safety Training for Management

1. Principles of the SMS
2. Management responsibilities and accountabilities for safety
3. Legal issues (e.g. liability)

D. Training for the Safety Officer

1. Familiarization with different transit modes, types of operation, routes, etc.
2. Understanding the role of human performance in safety event causation and prevention
3. Operation of the SMS
4. Investigating safety events
5. Crisis management and emergency response planning
6. Safety promotion
7. Communication skills
8. Performing safety audits and assessments
9. Monitoring safety performance
10. National Transit Database (NTD) safety event reporting requirements

APPENDICES

Appendix A – Staff Safety Roles and Responsibilities

Appendix B – Safety Assessment and System Review

Appendix C – Facility Safety and Security Assessment

Appendix D – Risk Assessment Matrix

Appendix E – Hazard Identification and Risk Assessment Log

Appendix F – Prioritized Safety Risk Log

Appendix G – Safety Performance Matrix

Appendix H – Safety Performance Outline

City of Appleton/Valley Transit

Drug and Alcohol Policy

Effective as of [mm/dd/yyyy]

Adopted by: _____

Date Adopted: [dd/mm/yyyy]

Last Revised: [dd/mm/yyyy]

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I. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated but reflect City of Appleton/Valley Transit's policy. These additional provisions are identified by **bold text**.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

All City of Appleton/Valley Transit employees are subject to the provisions of the Drug-Free Workplace Act of 1988.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify their immediate Supervisor and the City of Appleton Human Resources Director no later than five days after such conviction.

Employees who are required to have a Commercial Driver's License and are convicted driving while intoxicated shall notify their immediate Supervisor and City of Appleton Human Resources Director no later than five days after such conviction.

2. Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform a "safety-sensitive function" as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

See Attachment A for a list of covered positions by job title.

3. Prohibited Behavior

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive **or non-safety-sensitive job functions while on duty, in uniform**, or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

4. Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

Treatment/Discipline

Per City of Appleton/Valley Transit policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be removed from duty and subject to disciplinary action up to and including discharge without receipt of a prior warning letter as outlined in the current labor agreement. Any employee who comes forth and notifies the agency of alcohol or chemical abuse problems will be given the assistance extended to employees with any other illness. Accumulated paid leave or leave of absence without pay may be granted for treatment and rehabilitation as in other illnesses, and insurance coverage for treatment will be provided to the extent of individual coverage.

5. Circumstances for Testing

Pre-Employment Testing

Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer. All pre-employment alcohol tests will be conducted using the procedures set forth in 49 CFR Part 40. An alcohol test result of less than 0.02 is required before an employee can first perform safety-sensitive functions. If a pre-employment alcohol test is cancelled, the individual will be required to undergo another test with a result of less than 0.02 before performing safety-sensitive functions.

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when City of Appleton/Valley Transit has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation

vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by City of Appleton/Valley Transit using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by City of Appleton/Valley Transit using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at www.transportation.gov/odapc/random-testing-rates.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

Return to Duty Testing

Any employee who is allowed to return to safety-sensitive duty after failing or refusing to submit to a DOT drug and/or alcohol test must first be evaluated by a substance abuse professional (SAP), complete a SAP-required program of education and/or treatment, and provide a negative return-to-duty drug test result and/or an alcohol test result of less than 0.02. Any return-to-duty drug testing will be directly observed. All tests will be conducted in accordance with 49 CFR Part 40, Subpart O.

Follow-up Testing

Employees returning to safety-sensitive duty following a return-to-duty test will be required to undergo unannounced follow-up alcohol and/or drug testing for a period of one (1) to five (5) years, as directed by the SAP. The duration of testing will be extended to account for any subsequent leaves of absence, as necessary. The type (drug and/or alcohol), number, and frequency of such follow-up testing shall be directed by the SAP.

A covered employee may only be subject to follow-up alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be subject to follow-up drug testing anytime while on duty. All follow-up drug tests will be directly observed. All testing will be conducted in accordance with 49 CFR Part 40, Subpart O.

6. Testing Procedures

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

Dilute Urine Specimen

If a Pre-Employment, Reasonable Suspicion, Post-Accident, Return to Duty, or Follow-up test results in a negative dilute test result, City of Appleton/Valley Transit will conduct one additional retest. The result of the second test will be the test of record. If there is a negative dilute test result and the test type was not a Pre-Employment, Reasonable Suspicion, Post-Accident, Return to Duty, or Follow-up test, City of Appleton/Valley Transit will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. City of Appleton/Valley Transit guarantees that the split specimen test will be conducted in a timely fashion. The City of Appleton/Valley Transit will pay for the split specimen test.

7. Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by City of Appleton/Valley Transit.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or City of Appleton/Valley Transit for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or City of Appleton/Valley Transit's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

8. Voluntary Self-Referral

Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Drug & Alcohol Program Manager who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.

9. Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Supervisor and/or Valley Transit's Drug & Alcohol Program Manager with a medication reporting form. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

See Attachment B for Medication Reporting Form

10. Contact Person

For questions about City of Appleton/Valley Transit's anti-drug and alcohol misuse program, contact Valley Transit's Drug & Alcohol Program Manager.

Attachment A: Covered Positions

Bus Operators (Full time, Part Time)

Mechanic

Master Mechanic

Standby Driver/Office Clerk

Communication Technician

Utility Worker

Transit Operations Supervisor

Transit Maintenance Supervisor

Paratransit/Operations Supervisor

Contract Paratransit Drivers

Contract Paratransit Mechanics

Contract Paratransit Dispatchers

Contract Paratransit Supervisors

Attachment B: Medication Reporting Form

Attachment B



City of Appleton/Valley Transit Medication Reporting Form

Print Employee Name: _____ Employee ID Number (4-digit): _____

Date: _____ Department: _____

Employee Signature Date

Section II: To be completed by physician.

Please complete this form so that your patient can work in his/her safety-sensitive job at City of Appleton/Valley Transit. By signing below, you are acknowledging that you are aware of this employee's job duty requirements and that the prescribed medication(s) currently being taken will not adversely impair performance or endanger the safety of this individual, coworker, City of Appleton/Valley Transit customers, or the public. Please indicate below what, if any, restrictions should be placed upon the time between when the medication is taken and the time the individual can safely perform his/her job duties.

II-A:

Name of Drug: _____

Date Prescribed: _____

Date Approval Expires: _____

Restrictions/Instructions: _____

Name of Drug: _____

Date Prescribed: _____

Date Approval Expires: _____

Restrictions/Instructions: _____

II-B:

Person providing information in Section II-A:

Print Name: _____ Address: _____

Phone #: _____ Date: _____

Attachment C: Receipt of Policy Acknowledgment



Acknowledgement of Employer's Drug and Alcohol Testing Policy

I acknowledge that I have received a copy of the anti-drug and alcohol misuse program policy mandated by the U.S. Department of Transportation (DOT), Federal Transit Administration (FTA) for all covered employees who perform a safety-sensitive function. I understand that compliance with all provisions contained in the policy is a condition of employment.

I further understand that the information contained in the policy dated _____ is subject to change, and that any such changes or addendum, shall be disseminated in a manner consistent with the provisions of 49 CFR Part 655.

(Print Name)

(Signature)

(Date)

Attachment D: Policy Changes/Updates

Date	Subject Change	Page #	Reason for change	Date Approved	Comments

**2022 INTERMUNICIPAL AGREEMENT IN ACCORDANCE WITH SECTION 66.0301, WISCONSIN
STATUTES, BETWEEN THE CITY OF APPLETON AND OUTAGAMIE COUNTY TO PROVIDE FOR
COST SHARING OF TRANSIT SERVICE FOR ELDERLY AND DISABLED INDIVIDUALS**

WHEREAS, the Americans with Disabilities Act (hereinafter ADA), has resulted in an increase in trips provided by the City of Appleton's wholly owned transit service, Valley Transit, for individuals covered by the Act; and

WHEREAS, Outagamie County and the City of Appleton, in furtherance of the goals fostered by the ADA, wish to coordinate service to offset the increase in costs; and

WHEREAS, Outagamie County provides transportation services for clients of the Outagamie County Department of Human Services requiring transport to Goodwill Industries, Valley Packaging, Inc., and other sites of client service; and

WHEREAS, it has been determined to be beneficial to Valley Transit and Outagamie County to have the City of Appleton, via Valley Transit assume the responsibility for the payment of all urban and rural developmental disabilities workshop transportation service routes; and

WHEREAS, Section 66.0301, Wisconsin Statutes, provides a means by which municipalities may agree to share the cost of mutually beneficial services; and

WHEREAS, the City of Appleton is the owner of Valley Transit and assumes responsibility for and direction of its operations;

WHEREAS, Outagamie County assumes responsibility and direction of its operation;

NOW, THEREFORE, the City of Appleton and Outagamie County, by their respective authorized representatives, do hereby agree as follows:

1. Cost Sharing Arrangements.

A. ADA Service

Outagamie County agrees to pay the local share of ADA paratransit contract costs for trips originating in the Outagamie County portion of Valley Transit's ADA service area (all of the parts of the City of Appleton that lie within Outagamie County, the City of Kaukauna, Villages of Kimberly, Little Chute and Combined Locks, and the area which is within 3/4 of a mile from all Valley Transit fixed routes within the Towns of Grand Chute, Kaukauna, Vandebroek, and Buchanan). The parties agree that approximately 38% of such trips occur in the Outagamie County portion of Valley Transit's service area. The parties further agree that, throughout this Agreement, wherever reference is made to Valley Transit having obligations or responsibilities, the City of Appleton, as the contracting party and the owner of Valley Transit assures the compliance of Valley Transit with all of these duties and responsibilities.

The formula for computing Outagamie County's actual ADA funding contribution will be as follows:

$$\begin{aligned}
& \text{Outagamie County Rides x Contract Cost} \\
+ & \text{ Outagamie County Share of Administrative Costs} \\
- & \text{ Federal Share} \\
- & \text{ State Share} \\
- & \text{ Farebox Revenues} \\
= & \text{ Outagamie County's Estimated ADA Funding Requirement}
\end{aligned}$$

In 2022, Valley Transit estimates 115,000 ADA rides of which it is estimated that 38% will originate in Outagamie County. The base contract cost per ride is estimated to average \$17.85 with a separate charge for administrative expenses. The Federal and State shares are estimated to be 28% and 28% respectively; therefore Outagamie County's estimated funding requirement will be:

\$780,045	Costs (43,700 rides at \$17.85 per ride)
100,303	38% of admin charges
(246,498)	Federal Share
(246,498)	State Share
<u>(174,800)</u>	Fares (43,700 rides at \$4.00 per ride)
\$212,552	Estimated funding

Outagamie County's actual costs will be based on actual ridership, contract costs (including fuel surcharge), federal share, state share, and fares in 2022. The full percentage of federal and state shares received by Valley Transit for transit funding assistance shall be applied to this service. All fares received as payment for the Outagamie County service shall also be applied in this formula. For 2022 the parties agree that Outagamie County's liability for ADA urban paratransit services will be capped at \$250,000 and all paratransit services will be capped at the full cost of its ancillary services.

B. *Elderly and Sunday Service*

As part of the service contract for ADA rides, Valley Transit will also provide rides to the elderly (non-ADA eligible) and Sunday service to ADA eligible passengers. Outagamie County requires certification of elderly riders for eligibility of this service. The service will be provided in the same service area described earlier. The formula for computing Outagamie County's actual contribution for this ancillary service will be based on the following:

$$\begin{aligned}
& \text{Outagamie County Rides x Contract Cost} \\
- & \text{ Federal Share} \\
- & \text{ State Share} \\
- & \text{ Farebox Revenue} \\
+ & \text{ Local Surcharge (1/3 of Federal plus 1/3 of State Share)} \\
= & \text{ Outagamie County's Estimated Ancillary Funding Requirement}
\end{aligned}$$

The contract costs for elderly rides will be \$17.85; Sunday service will be \$17.85. In 2022, Valley Transit estimates 3,325 Outagamie County elderly trips and 1,080 Outagamie County Sunday trips with estimated costs as follows:

Intermunicipal Agreement cont'd

\$59,351	Elderly Costs (3,325 x \$17.85)
(16,618)	Federal Share
(16,618)	State Share
(13,300)	Fares (3,325 x \$4.00/ride)
<u>\$11,079</u>	Local Surcharge (1/3 of Federal plus 1/3 of State Share)
\$23,894	Estimated funding

\$9,278	Sunday Costs (1,080 x \$17.85)
(5,398)	Federal Share
(5,398)	State Share
(11,880)	Fares (1,080 x \$11.00/ride)
<u>\$3,599</u>	Local Surcharge (1/3 of Federal plus 1/3 of State Share)
\$201	Estimated funding

Actual County costs will be based on actual ridership, contract costs per ride (including fuel surcharge), federal share, state share and fares in 2022. The full percentage of federal and state shares received by Valley Transit for transit funding assistance shall be applied in this formula. All fares received as payment for the Outagamie County service shall also be applied in this formula.

C. *Other Ancillary Transportation Service*

- 1) As part of this agreement, Valley Transit will be the funding mechanism for Outagamie County rural demand response paratransit service. These services will be managed separately from Valley Transit's ADA paratransit contract service (which combines with elderly, Sunday, and evening service).

The formula for computing Outagamie County's rural demand response paratransit service funding contribution will be as follows:

- + Cost of Service
- Federal Share (5310 funding)
- State Share (estimated at 28%)
- + Local Administrative Charge
- = Outagamie County's Estimated Rural Service Requirement

In 2022, Valley Transit estimates 7,500 Outagamie County rural demand response paratransit trips with estimated costs as follows:

\$ 289,125	Costs (7,500 rides x \$38.55)
(57,289)	Federal Share
(80,960)	State Share
(45,000)	Fares (7,500 x \$6.00/ride)
<u>\$ 25,913</u>	Administrative charge
\$131,789	Estimated funding

- 2 **Method of Payment.** Outagamie County will pay Valley Transit the gross cost of ADA mandated paratransit, ADA optional paratransit, and elderly (non-ADA eligible) service as outlined in this

contract on a quarterly basis. Valley Transit will invoice for this service in advance of the quarter. Federal and State operating assistance will be reimbursed to Outagamie County on a quarterly basis based on the amount paid in, actual costs, actual fares, and intergovernmental revenues. Final reconciliation of actual costs will occur at year end.

Outagamie County will pay Valley Transit monthly for the Other Ancillary Services based on the billings received from the provider. Valley Transit will invoice for this service also. Payments are due 30 days from the invoice date. Interest will accrue at a rate of 18% per year (1.5% month) thereafter unless the billing is disputed by Outagamie County.

3. Service Criteria.

Elderly Service. Service to the elderly will be provided between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday. These hours may be changed at the discretion of Outagamie County.

Rural Service. Rural demand response service will be provided between the hours of 9:00 a.m. and 4:00 p.m. Tuesday and Thursday and between 9:00 a.m. and 5:00 p.m. Monday, Wednesday and Friday. These hours may be changed at the discretion of Outagamie County.

ADA Service. Service to people with disabilities will be provided Monday through Friday 5:30 a.m. to 10:30 p.m., and Saturdays 7:30 a.m. to 10:30 p.m.

Sunday Service. Service to people with disabilities will be provided on Sundays, 7:30 a.m. to 2:00 p.m.

General. There will be no service on six of the holidays where Valley Transit does not operate (Christmas, New Years, Labor Day, Memorial Day, July 4th, and Thanksgiving). All elderly service will be basic and the ADA paratransit will be in compliance with ADA regulation, 49 CFR Section 37.131.

4. Eligibility.

Elderly Service. Service will be provided to the elderly (those persons age 60 and over who are not eligible for ADA services), although Outagamie County will encourage the use of Valley Transit's fixed route service when possible.

Rural Service. Service will be provided to the elderly (those persons age 60 and over) or disabled individuals over age 5 traveling outside Valley Transit's ADA service area.

Sunday ADA. Sunday service will be available to ADA eligible people.

ADA Service. ADA eligibility is consistent with the ADA regulations, 49 CFR Section 37.125. The service will allow advance reservation up to 14 days in advance of a trip and ensure that ADA subscription trips not absorb more than 50 percent of the ADA trips at a given time unless modified by both parties to this contract.

5. Length of Agreement. This agreement shall be in effect commencing on January 1, 2022 through December 31, 2022.

6. Statistical Reports. Valley Transit agrees to provide the County information sufficient to complete the Outagamie County semi-annual reports for submission to the Wisconsin Department of Transportation as a requirement of the Section 85.21 transportation assistance

Intermunicipal Agreement cont'd

program. The information submitted must pertain to the service identified in this agreement and must be provided in a timely manner. Valley Transit will also provide to the County all other reasonable ridership or financial information which the County requests.

- 7. **Safety.** Valley Transit will monitor the safety and operational requirements of its contracted ADA, elderly, and Sunday and rural services. In the event that the parties agree to contract with a third party for random safety and operational checks, the contract costs for such checks will be paid for by Outagamie County.
- 8. **Audit.** Valley Transit will include audit costs for its contracted ADA service in its budget without impact on Outagamie County's cost. However, any audits required for ancillary services will be added to the total cost of those services, and Outagamie County's cost impact will be as described in Section 1 above. Valley Transit shall establish and maintain accounts for the specialized transportation services receiving funding under this agreement. The accounts shall distinguish the costs of this transportation service from any other service.
- 9. **Records.** Valley Transit shall maintain such records as necessary for a period of three years from the close of the Federal fiscal year to which they pertain, which said record keeping will enable Valley Transit to meet any responsibilities it may have to the state and federal government.
- 10. **Inspection.** Valley Transit will allow inspection of records and programs, insofar as it is permitted by state and federal law, by representatives of Outagamie County, the Area Agency on Aging, the Department of Health and Social services and its authorized agents, and federal agencies, in order to confirm Valley Transit's compliance with the specifications of this agreement.
- 11. **Disclosure.** The use or disclosure by any party of any information concerning eligible clients who receive services for any purpose not connected with the administration of the service under this Contract is prohibited except with the informed, written consent of the eligible client or the client's legal guardian.
- 12. **Indemnification.** Each party to this agreement agrees to indemnify, save harmless and defend the other party from and against all liability, loss, damage, costs or expenses which a signing party may sustain, incur or be required to pay by reason of the other party's acts, errors or omissions.
- 13. **Fares.** Between January 1 and December 31, 2022, fares for elderly and ADA eligible riders will be \$4.00 in compliance with "origin to destination service" as defined in 49 CFR 37.3. Fares for Sunday service will be \$11.00 in 2022. Fares for the rural transportation will be established by Outagamie County.
- 14. **Insurance.** Valley Transit agrees that, in order to protect itself and the County, its Officers, Boards, Employees and Representatives under the indemnity provisions of the paragraph above, it will at all times during the term of this Contract keep in force as required at a minimum:

<u>Coverage</u>	<u>Limit</u>
1. Worker's Compensation Statutory	\$1,000,000 General Aggregate
2. Comprehensive General Liability	\$1,000,000 Each Occurrence
3. Auto Liability	\$1,000,000 CSL

Policies shall be issued by a company or companies authorized to do business in the State of Wisconsin and licensed by the Wisconsin Insurance Department. The County shall be given thirty (30) days advance notice of cancellation or non-renewal during the term of this Contract.

Intermunicipal Agreement cont'd

In the event any action, suit, or other proceeding is brought against the County upon any matter herein indemnified against, the County shall, within five (5) working days, give notice thereof to Valley Transit and shall cooperate with their attorneys in the defense of the action, suit or other proceeding.

15. **Discrimination.** In connection with the performance of work under this Agreement, Valley Transit agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, sexual orientation, developmental disability as defined in s51.01(5), Wisconsin Statutes, national origin, marital status, ancestry, arrest record, conviction record, or membership in the National Guard, State Defense Force or any reserve component of the military forces of the United States or this state. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and section for training, including apprenticeship. Valley Transit further agrees to take affirmative action to ensure equal employment opportunities.
16. **Conditions.** This Contract is contingent upon authorization of Wisconsin and United States law and any material amendment or repeal of the same affecting relevant funding, or authority of Outagamie County or the City of Appleton shall serve to terminate this Contract, except as further agreed to by the parties hereto. It is also contingent upon continued funding by Valley Transit and Outagamie County in its budgetary process in the option years of this Agreement and upon the City of Appleton continuing the operation of Valley Transit.
17. **Modification/Termination.** Failure to comply with any part of this agreement may be considered cause for revision, suspension, or termination.

Revision or modification of this agreement must be agreed to by all parties involved by an addendum signed by the authorized representative of both parties.

This agreement can be reopened if State and Federal funding regulations restrict the type of service that can be funded in any ADA or ancillary service component of the Valley Transit budget. This does not apply to the federal funding rate.

CITY OF APPLETON

By: _____
JACOB WOODFORD, MAYOR

By: _____
KAMI LYNCH, CITY CLERK

Date: _____

Date: _____

PROVISION HAS BEEN MADE TO PAY THE LIABILITY,
WHICH WILL ACCRUE UNDER THE CONTRACT.

APPROVED AS TO FORM

ANTHONY D. SAUCERMAN, FINANCE DIRECTOR

CHRISTOPHER BEHRENS, CITY ATTORNEY

OUTAGAMIE COUNTY

By: _____
THOMAS NELSON, COUNTY EXECUTIVE

By: _____
JOHN RATHMAN, DIRECTOR,
DEPARTMENT OF HEALTH & HUMAN SERVICES

APPROVED AS TO FORM:

JOSEPH P. GUIDOTE, JR., CORPORATION COUNSEL
CL: A19-1110

**2022 INTERMUNICIPAL AGREEMENT IN ACCORDANCE WITH SECTION 66.0301, WISCONSIN
STATUTES, BETWEEN THE CITY OF APPLETON AND WINNEBAGO COUNTY TO PROVIDE
FOR COST SHARING OF TRANSIT SERVICE FOR ELDERLY AND DISABLED INDIVIDUALS**

WHEREAS, the Americans with Disabilities Act (hereinafter ADA), has resulted in an increase in trips provided by the City of Appleton's wholly owned transit service, Valley Transit, for individuals covered by the Act; and

WHEREAS, Winnebago County and the City of Appleton, in furtherance of the goals fostered by the ADA, wish to coordinate service to offset the increase in costs; and

WHEREAS, Winnebago County provides transportation services for clients of the Winnebago County Department of Community Programs requiring transport to sites of client service; and

WHEREAS, it has been determined to be beneficial to Valley Transit and Winnebago County, to have the City of Appleton, via Valley Transit assume the responsibility for the payment of certain urban and rural specialized transportation service routes; and

WHEREAS, Section 66.0301, Wisconsin Statutes, provides a means by which municipalities may agree to share the cost of mutually beneficial services; and

WHEREAS, the City of Appleton is the owner of Valley Transit and assumes responsibility for and direction of its operations; and

WHEREAS, Winnebago County assumes responsibility and direction of its operation;

NOW, THEREFORE, the City of Appleton and Winnebago County, by their respective authorized representatives, do hereby agree as follows:

1. Cost Sharing Arrangements.

A. ADA Service

Winnebago County agrees to pay the local share of ADA paratransit contract costs for trips originating in the Winnebago County portion of Valley Transit's ADA service area (all of the parts of the City of Appleton that lie within Winnebago County, the Cities of Neenah and Menasha, the Village of Fox Crossing, and the area which is within 3/4 of a mile from all Valley Transit fixed routes within the Town of Neenah). The parties agree that approximately 18% of such trips occur in the Winnebago County portion of Valley Transit's service area. The parties further agree that, throughout this Agreement, wherever reference is made to Valley Transit having obligations or responsibilities, the City of Appleton, as the contracting party and the owner of Valley Transit assures the compliance of Valley Transit with all of these duties and responsibilities.

The formula for computing Winnebago County's actual ADA funding contribution will be as follows:

$$\begin{aligned} & \text{Winnebago County Rides x Contract Cost} \\ + & \text{ Administrative Charges (18\%)} \\ - & \text{ Federal Share} \\ - & \text{ State Share} \\ - & \text{ Farebox Revenues} \\ = & \text{ Winnebago County's Estimated ADA Funding Requirement} \end{aligned}$$

In 2022, Valley Transit estimates 115,000 ADA rides of which it is estimated that 18% will originate in Winnebago County. The base contract cost per ride is estimated to average \$17.85 on a monthly basis with a separate cost for administrative expenses. The Federal and State

Intermunicipal Agreement cont'd

shares are estimated to be 28% and 28% respectively; therefore, Winnebago County's estimated funding requirement will be:

\$369,495	Costs (20,700 rides at \$17.85 per ride)
47,512	18% of admin charges
(116,762)	Federal Share
(116,762)	State Share
<u>(82,800)</u>	Fares (20,700 rides at \$4.00 per ride)
\$100,683	Estimated funding

Winnebago County's actual costs will be based on actual ridership, contract costs per ride (including fuel), federal share, state share, and fares in 2022. The full percentage of federal and state shares received by Valley Transit for transit funding assistance shall be applied to this service. All fares received as payment for the Winnebago County service shall also be applied in this formula. For 2022 the parties agree that Winnebago County's liability for all paratransit service will be capped at the full costs of its ancillary programs.

B. Sunday Service

As part of the service contract for ADA rides, Valley Transit will also provide rides on Sunday to ADA eligible passengers. The service will be provided in the same service area described earlier. The formula for computing Winnebago County's actual contribution for this ancillary service will be based on the following:

	Winnebago County Rides x Contract Cost
-	Federal Share
-	State Share
-	Farebox Revenue
+	<u>Local Surcharge (1/3 of Federal plus 1/3 of State Share)</u>
=	Winnebago County's Estimated Ancillary Funding Requirement

The basic contract cost for Sunday service (including fuel) is estimated to be \$17.85 per ride plus fuel. In 2022, Valley Transit estimates 84 Winnebago County Sunday trips with estimated costs as follows:

\$1,499	Sunday Costs (84 x \$17.85)
(420)	Federal Share
(420)	State Share
(924)	Fares (84 x \$11.00/ride)
<u>\$ 280</u>	Local Surcharge (1/3 of Federal plus 1/3 of State Share)
\$ 15	Estimated funding

Actual County costs will be based on actual ridership, contract costs per ride (including fuel surcharge), federal share, state share and fares in 2022. The full percentage of federal and state shares received by Valley Transit for transit funding assistance shall be applied in this formula. All fares received as payment for the Winnebago County service shall also be applied in this formula.

C. County Specialized Transportation Service

Intermunicipal Agreement cont'd

Finally, as part of this agreement, Valley Transit will be the funding mechanism for Winnebago County's Heritage program. These services will be managed by Valley Transit separately from Valley Transit's ADA paratransit (which combines with Sunday service) contract service.

The formula for computing Winnebago County's funding contribution will be as follows:

- Cost of Service
- Federal Share (5310 funding)
- State Share (estimated at 28%)
- + Administrative charge
- = Winnebago County's Estimated Specialized Transportation Funding Requirement

Estimated funding for 2022's Heritage program is:

\$ 13,923	Costs (780 x \$17.85)
(2,759)	Federal Share
(3,900)	State Share
(2,730)	Fares (780 x \$3.50/ride)
<u>\$ 1,392</u>	Administrative charge
\$ 5,926	Estimated funding

2. **Method of Payment.** Winnebago County will pay Valley Transit the gross cost of ADA mandated paratransit and ADA optional paratransit service on a quarterly basis. Valley Transit will invoice for this service. Federal and State operating assistance will be reimbursed to Winnebago County on a quarterly basis.

Winnebago County will pay Valley Transit monthly the Heritage program based on the billings received from the provider. Valley Transit will invoice for this service also. Payments are due 30 days from the invoice date. Interest will accrue at a rate of 18% per year (1.5% per month) thereafter.

3. **Service Criteria.**

ADA Service. Service to people with disabilities will be provided Monday through Friday 5:30 a.m. to 10:30 p.m., and Saturdays 7:30 a.m. to 10:30 p.m.

Sunday Service. Service to people with disabilities will be provided on Sundays, 7:30 a.m. to 2:00 p.m.

General. There will be no service on six of the holidays where Valley Transit does not operate (Christmas, New Years, Labor Day, Memorial Day, July 4th, and Thanksgiving). All elderly will be basic service and the ADA paratransit will be in compliance with ADA regulation, 49 CFR Section 37.131.

4. **Eligibility.**

Sunday ADA. Sunday service will be available to all ADA eligible people.

ADA Service. ADA eligibility is consistent with the ADA regulations, 49 CFR Section 37.125. The service will allow advance reservation up to 14 days in advance of a trip and ensure that ADA subscription trips not absorb more than 50 percent of the ADA trips at a given time unless modified by both parties to this contract.

Intermunicipal Agreement cont'd

5. **Length of Agreement.** This agreement shall be in effect commencing on January 1, 2022, through December 31, 2022.
6. **Statistical Reports.** Valley Transit agrees to provide the County information sufficient to complete the Winnebago County semi-annual reports for submission to the Wisconsin Department of Transportation as a requirement of the Section 85.21 transportation assistance program. The information submitted must pertain to the service identified in this agreement and must be provided in a timely manner. Valley Transit will also provide to the County all other reasonable ridership or financial information which the County requests.
7. **Safety.** Valley Transit will monitor the safety and operational requirements of its contracted ADA, elderly, Sunday and Heritage service. In the event that the parties agree to contract with a third party for random safety and operational checks, the contract costs for such checks will be paid for by Winnebago County.
8. **Audit.** Valley Transit will include audit costs for its contracted ADA service in its budget without impact on Winnebago County's cost. However, any audits required for ancillary services will be added to the total cost of those services, and Winnebago County's cost impact will be as described in Section 1 above. Valley Transit shall establish and maintain accounts for the specialized transportation services receiving funding under this agreement. The accounts shall distinguish the costs of this transportation service from any other service.
9. **Records.** Valley Transit shall maintain such records as necessary for a period of three years from the close of the Federal fiscal year to which they pertain, which said record keeping will enable Valley Transit to meet any responsibilities it may have to the state and federal government.
10. **Inspection.** Valley Transit will allow inspection of records and programs, insofar as it is permitted by state and federal law, by representatives of Winnebago County, the Area Agency on Aging, the Department of Health and Social services and its authorized agents, and federal agencies, in order to confirm Valley Transit's compliance with the specifications of this agreement.
11. **Disclosure.** The use or disclosure by any party of any information concerning eligible clients who receive services for any purpose not connected with the administration of the service under this Contract is prohibited except with the informed, written consent of the eligible client or the client's legal guardian.
12. **Indemnification.** Each party to this agreement agrees to indemnify, save harmless and defend the other party from and against all liability, loss, damage, costs or expenses which a signing party may sustain, incur or be required to pay by reason of the other party's acts, errors or omissions.
13. **Fares.** Between January 1 and December 31, 2022, fares for elderly and ADA eligible riders will be \$4.00 in compliance with "origin to destination service" as defined in 49 CFR 37.3. Fares for Sunday hours will be \$11.00 in 2022.
14. **Insurance.** Valley Transit agrees that, in order to protect itself and the County, its Officers, Boards, Employees and Representatives under the indemnity provisions of the paragraph above, it will at all times during the term of this Contract keep in force as required at a minimum:

<u>Coverage</u>	<u>Limit</u>
1. Worker's Compensation Statutory	\$1,000,000 General Aggregate
2. Comprehensive General Liability	\$1,000,000 Each Occurrence
3. Auto Liability	\$1,000,000 CSL

Intermunicipal Agreement cont'd

Policies shall be issued by a company or companies authorized to do business in the State of Wisconsin and licensed by the Wisconsin Insurance Department. The County shall be given thirty (30) days advance notice of cancellation or non-renewal during the term of this Contract.

In the event any action, suit, or other proceeding is brought against the County upon any matter herein indemnified against, the County shall, within five (5) working days, give notice thereof to Valley Transit and shall cooperate with their attorneys in the defense of the action, suit or other proceeding.

15. **Discrimination.** In connection with the performance of work under this Agreement, Valley Transit agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, sexual orientation, developmental disability as defined in s51.01(5), Wisconsin Statutes, national origin, marital status, ancestry, arrest record, conviction record, or membership in the National Guard, State Defense Force or any reserve component of the military forces of the United States or this state. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and section for training, including apprenticeship. Valley Transit further agrees to take affirmative action to ensure equal employment opportunities.
16. **Conditions.** This Contract is contingent upon authorization of Wisconsin and United States law and any material amendment or repeal of the same affecting relevant funding, or authority of Winnebago County or the City of Appleton shall serve to terminate this Contract, except as further agreed to by the parties hereto. It is also contingent upon continued funding by Valley Transit and Winnebago County in its budgetary process in the option years of this Agreement and upon the City of Appleton continuing the operation of Valley Transit.
17. **Modification/Termination.** Failure to comply with any part of this agreement may be considered cause for revision, suspension, or termination.

Revision or modification of this agreement must be agreed to by all parties involved by an addendum signed by the authorized representative of both parties.

This agreement can be reopened if State and Federal funding regulations restrict the type of service that can be funded in any ADA or ancillary service component of the Valley Transit budget. This does not apply to the federal funding rate.

CITY OF APPLETON

BY: _____
JACOB WOODFORD, MAYOR

BY: _____
KAMI LYNCH, CITY CLERK

DATE: _____

DATE: _____

PROVISION HAS BEEN MADE TO PAY THE LIABILITY,
WHICH WILL ACCRUE UNDER THE CONTRACT.

APPROVED AS TO FORM

ANTHONY D. SAUCERMAN, FINANCE DIRECTOR

CHRISTOPHER BEHRENS, CITY ATTORNEY

WINNEBAGO COUNTY

BY: _____
MARK HARRIS, COUNTY EXECUTIVE

DATE: _____

BY: _____
SUE ERTMER, COUNTY CLERK

DATE: _____

**2022 INTERMUNICIPAL AGREEMENT IN ACCORDANCE WITH SECTION 66.0301, WISCONSIN
STATUTES, BETWEEN THE CITY OF APPLETON AND CALUMET COUNTY TO PROVIDE FOR
COST SHARING OF TRANSIT SERVICE FOR ELDERLY AND DISABLED INDIVIDUALS**

WHEREAS, the Americans with Disabilities Act (hereinafter ADA), has resulted in an increase in trips provided by the City of Appleton's wholly owned transit service, Valley Transit, for individuals covered by the Act; and

WHEREAS, Calumet County and the City of Appleton, in furtherance of the goals fostered by the ADA, wish to coordinate service to offset the increase in costs; and

WHEREAS, Section 66.0301, Wisconsin Statutes, provides a means by which municipalities may agree to share the cost of mutually beneficial services; and

WHEREAS, the City of Appleton is the owner of Valley Transit and assumes responsibility for and direction of its operations;

NOW, THEREFORE, the City of Appleton and Calumet County, by their respective authorized representatives, do hereby agree as follows:

1. Cost Sharing Arrangements.

A. ADA and Sunday Service

Calumet County agrees to pay the local share of ADA and Sunday paratransit contract costs for trips originating in the Calumet County portion of Valley Transit's ADA service area (all of the parts of the Cities of Appleton and Menasha that lie within Calumet County and the area that is within 3/4 of a mile from all Valley Transit fixed routes within the Village of Harrison). The parties agree that approximately 3% of such trips occur in the Calumet County portion of Valley Transit's service area. The parties further agree that, throughout this Agreement, wherever reference is made to Valley Transit having obligations or responsibilities, the City of Appleton, as the contracting party and the owner of Valley Transit assures the compliance of Valley Transit with all of these duties and responsibilities.

The formula for computing Calumet County's actual ADA funding contribution will be as follows:

$$\begin{aligned} & \text{Calumet County Rides x Contract Cost} \\ + & \text{ Administrative Charges (4\%)} \\ - & \text{ Federal Share} \\ - & \text{ State Share} \\ - & \text{ Farebox Revenues} \\ = & \text{ Calumet County's Estimated ADA Funding Requirement} \end{aligned}$$

In 2022, Valley Transit estimates 115,000 ADA rides of which it is estimated that 3% will originate in Calumet County. The base contract cost per ride is estimated to average \$17.85 with a separate charge for administrative expenses. The Federal and State shares are estimated to be 28% and 28% respectively; therefore, Calumet County's estimated funding requirements will be:

\$61,583	Costs (3,450 rides at \$17.85 per ride)
7,919	Administrative charges (3%)
(19,460)	Federal Share
(19,460)	State Share
<u>\$ (13,800)</u>	Fares (3,450 rides at \$4.00 per ride)
\$ 16,782	Estimated funding

Calumet County's actual costs will be based on actual ridership, contract costs (including fuel), federal share, state share, and fares in 2022. The full percentage of federal and state shares received by Valley Transit for transit funding assistance shall be applied to this service. All fares received as payment for the Calumet County service shall also be applied in this formula.

B. *Elderly and Sunday Service*

As part of the service contract for ADA rides, Valley Transit will also provide rides on Sundays to ADA eligible and the elderly (non-ADA eligible). Calumet County may require certification of elderly riders for eligibility of this service. The service will be provided in the same service area described earlier. The formula for computing Calumet County's actual contribution for this ancillary service will be based on the following:

	Calumet County Rides x Contract Cost
-	Federal Share
-	State Share
-	Farebox Revenue
+	<u>Local Surcharge (1/3 of Federal plus 1/3 State Share)</u>
=	Calumet County's Estimated Ancillary Funding Requirement

The contract costs (including fuel) for elderly rides will be \$17.85; Sunday service will be \$17.85. In 2022, Valley Transit estimates 175 Calumet County elderly trips and 36 Sunday trips with estimated costs as follows:

\$3,124	Elderly Costs (175 x \$17.85)
(875)	Federal Share
(875)	State Share
(700)	Fares (175 x \$4.00/ride)
<u>\$ 583</u>	Local Surcharge (1/3 of Federal plus 1/3 of State Share)
\$ 1,257	Estimated funding
\$ 643	Sunday Costs (36 x \$17.85)
(180)	Federal Share
(180)	State Share
(396)	Fares (36 x \$11.00/ride)
<u>\$ 120</u>	Local Surcharge (1/3 of Federal plus 1/3 of State Share)
\$ 7	Estimated funding

Actual County costs will be based on actual ridership, contract costs per ride, federal share, state share, and fares in 2022. The full percentage of federal and state shares received by Valley Transit

for transit funding assistance shall be applied in this formula. All fares received as payment for the Calumet County service shall also be applied in this formula.

C. *Other Ancillary Transportation Service*

- 1) As part of this agreement, Valley Transit will be the funding mechanism for the rural van service. This service will be managed by Calumet County separately from Valley Transit's ADA paratransit (which combines with elderly, Sunday, and evening service) contract service which Valley Transit will manage.

The formula for computing Calumet County's funding contribution will be as follows:

Cost of Service
 - Federal Share
 - State Share
 - Fares
+ Local Surcharge (1/2 of Federal plus 1/2 of State Share)
 = Calumet County's Estimated Ancillary Funding Requirement

In 2022 the cost estimate is as follows:

\$ 27,600	Costs
(7,728)	Federal Share
(7,728)	State Share
(16,800)	Fares
<u>\$ 7,728</u>	Local Surcharge (1/2 of Federal plus 1/2 of State Share)
\$ 3,072	Estimated funding

2. **Method of Payment.** Calumet County will pay Valley Transit the gross cost of ADA mandated paratransit, ADA optional paratransit, and elderly (non-ADA eligible) service on a quarterly basis upon receipt by Valley Transit of quarterly ridership reports. Valley Transit will invoice for this service. Federal and State operating assistance will be reimbursed to Calumet County on a quarterly basis.

Calumet County will pay Valley Transit monthly for the other Ancillary Services based on billings received from the provider. Valley Transit will invoice for this service also. All payments are due 30 days from the invoice date. Interest will accrue at a rate of 18% per year (1.5% per month) thereafter.

3. **Service Criteria.**

Elderly Service. Service to the elderly will be provided between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday.

ADA Service. Service to people with disabilities will be provided Monday through Friday 5:30 a.m. to 10:30 p.m., and Saturdays 7:30 a.m. to 10:30 p.m.

Sunday Service. Service to people with disabilities will be provided on Sundays, 7:30 a.m. to 2:00 p.m.

General. There will be no service on six of the holidays where Valley Transit does not operate (Christmas, New Years, Labor Day, Memorial Day, July 4th, and Thanksgiving). All elderly service will be basic and the ADA paratransit will be in compliance with ADA regulation, 49 CFR Section 37.131.

4. **Eligibility.**

Elderly Service. Service will be provided to the elderly (those persons aged 60 and over who are not eligible for ADA services), although Calumet County will encourage the use of Valley Transit's fixed route service when possible.

Sunday ADA. Sunday service will be available to ADA eligible persons.

ADA Service. ADA eligibility is consistent with the ADA regulations, 49 CFR Section 37.125. The service will allow advance reservation up to 14 days in advance of a trip and ensure that ADA subscription trips not absorb more than 50 percent of the ADA trips at a given time unless modified by both parties to this contract.

5. **Length of Agreement.** This agreement shall be in effect commencing on January 1, 2022, through December 31, 2022.
6. **Statistical Reports.** Valley Transit agrees to provide the County information sufficient to complete the Calumet County semi-annual reports for submission to the Wisconsin Department of Transportation as a requirement of the Section 85.21 transportation assistance program. The information submitted must pertain to the service identified in this agreement and must be provided in a timely manner. Valley Transit will also provide to the County all other reasonable ridership or financial information which the County requests.
7. **Safety.** Valley Transit will use internal staff to monitor the safety and operational requirements of its contracted ADA, elderly, Sunday and evening service and Calumet County Van Service.
8. **Audit.** Valley Transit will include audit costs for its contracted ADA service in its budget without impact on Calumet County's cost. Valley Transit shall establish and maintain accounts for the specialized transportation services receiving funding under this agreement. The accounts shall distinguish the costs of this transportation service from any other service.
9. **Records.** Valley Transit shall maintain such records as necessary for a period of three years from the close of the Federal fiscal year to which they pertain, which said record keeping will enable Valley Transit to meet any responsibilities it may have to the state and federal government.
10. **Inspection.** Valley Transit will allow inspection of records and programs, insofar as it is permitted by state and federal law, by representatives of Calumet County, the Area Agency on Aging, the Department of Health and Social services and its authorized agents, and federal agencies, in order to confirm Valley Transit's compliance with the specifications of this agreement.
11. **Disclosure.** The use or disclosure by any party of any information concerning eligible clients who receive services for any purpose not connected with the administration of the service under this Contract is prohibited except with the informed, written consent of the eligible client or the client's legal guardian.

12. **Indemnification.** Each party to this agreement agrees to indemnify, save harmless and defend the other party from and against all liability, loss, damage, costs or expenses which a signing party may sustain, incur or be required to pay by reason of the other party's acts, errors or omissions.
13. **Fares.** Between January 1 and December 31, 2022, fares for elderly and ADA eligible riders will be \$4.00 in compliance with "origin to destination service" as defined in 49 CFR 37.3. Fares for Sunday service will be \$11.00 in 2022.
14. **Insurance.** Valley Transit agrees that, in order to protect itself and the County, its Officers, Boards, Employees and Representatives under the indemnity provisions of the paragraph above, it will at all times during the term of this Contract keep in force as required at a minimum:

<u>Coverage</u>	<u>Limit</u>
1. Worker's Compensation Statutory	\$1,000,000 General Aggregate
2. Comprehensive General Liability	\$1,000,000 Each Occurrence
3. Auto Liability	\$1,000,000 CSL

Policies shall be issued by a company or companies authorized to do business in the State of Wisconsin and licensed by the Wisconsin Insurance Department. The County shall be given thirty (30) days advance notice of cancellation or non-renewal during the term of this Contract.

In the event any action, suit, or other proceeding is brought against the County upon any matter herein indemnified against, the County shall, within five (5) working days, give notice thereof to Valley Transit and shall cooperate with their attorneys in the defense of the action, suit or other proceeding.

15. **Discrimination.** In connection with the performance of work under this Agreement, Valley Transit agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, sexual orientation, developmental disability as defined in s51.01(5), Wisconsin Statutes, national origin, marital status, ancestry, arrest record, conviction record, or membership in the National Guard, State Defense Force or any reserve component of the military forces of the United States or this state. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and section for training, including apprenticeship. Valley Transit further agrees to take affirmative action to ensure equal employment opportunities.
16. **Conditions.** This Contract is contingent upon authorization of Wisconsin and United States law and any material amendment or repeal of the same affecting relevant funding, or authority of Calumet County or the City of Appleton shall serve to terminate this Contract, except as further agreed to by the parties hereto. It is also contingent upon continued funding by Valley Transit and Calumet County in its budgetary process in the option years of this Agreement and upon the City of Appleton continuing the operation of Valley Transit.
17. **Modification/Termination.** Failure to comply with any part of this agreement may be considered cause for revision, suspension, or termination.

Revision or modification of this agreement must be agreed to by all parties involved by an addendum signed by the authorized representative of both parties.

Intermunicipal Agreement cont'd

This agreement can be reopened if State and Federal funding regulations restrict the type of service that can be funded in any ADA or ancillary service component of the Valley Transit budget. This does not apply to the federal funding rate.

CITY OF APPLETON

By: _____
JACOB WOODFORD, MAYOR

By: _____
KAMI LYNCH, CITY CLERK

Date: _____

Date: _____

PROVISION HAS BEEN MADE TO PAY THE LIABILITY,
WHICH WILL ACCRUE UNDER THE CONTRACT.

APPROVED AS TO FORM

ANTHONY D. SAUCERMAN, FINANCE DIRECTOR

CHRISTOPHER BEHRENS, CITY ATTORNEY

CALUMET COUNTY

By: _____
TODD ROMENESKO, CALUMET COUNTY ADMINISTRATOR

Date: _____

APPROVED AS TO FORM:

KIMBERLY TENERELLI, CORPORATION COUNSEL

CL: A19-1110

**2022 INTERMUNICIPAL AGREEMENT PURSUANT TO SECTION 66.0301
OF THE WISCONSIN STATUTES BETWEEN THE CITIES OF
APPLETON AND NEENAH AND THE VILLAGE OF FOX CROSSING,
SAID AGREEMENT TO PROVIDE FOR COST-SHARING
OF TRANSIT SERVICES FOR THE ELDERLY**

WHEREAS, the City of Appleton, the owner of Valley Transit, assumes responsibility for and direction of its operations, and

WHEREAS, the City of Neenah and the Village of Fox Crossing operate Northern Winnebago Dial-A-Ride, a transportation program (hereinafter referred to as "DIAL-A-RIDE") for the benefit of the elderly of the Cities of Neenah and Menasha, and the Village of Fox Crossing, and

WHEREAS, the Cities of Appleton and Neenah and the Village of Fox Crossing wish to coordinate services to maximize outside revenue sources.

NOW, THEREFORE, the Cities of Appleton and Neenah and the Village of Fox Crossing by their respective representatives, do hereby agree as follows:

1. **COST-SHARING AGREEMENT.**

Expenses for the Dial-A-Ride program will be shared based on the following formula:

$$\begin{aligned}
 & \text{Dial-A-Ride x Contract Cost} \\
 & - \text{Federal Share} \\
 & - \text{State Share} \\
 & - \text{Farebox Revenues} \\
 & + \text{Administrative Charge} \\
 & = \text{City of Neenah and Village of Fox Crossing Estimated Contribution}
 \end{aligned}$$

Valley Transit, the City of Neenah and the Village of Fox Crossing estimate that there will be 8,800 rides in 2022. Cost estimates are as follows:

	<u>Breakdown by Municipality of Total Costs</u>		
	<u>Total Program Cost</u>	<u>Neenah/Menasha (6,800 rides)</u>	<u>Village of Fox Crossing (2000 rides)</u>
Cost for Dial-A-Ride (8,800 X \$17.85)	\$157,080	\$121,380	\$35,700
Federal Share	(38,125)	(31,051)	(7,074)
State Share	(43,990)	(33,990)	(10,000)
Fares (\$3.50)	(30,800)	(23,800)	(7,000)
Administrative Charge	<u>15,708</u>	<u>12,138</u>	<u>3,570</u>
City of Neenah and Village of Fox Crossing Estimated Contribution*	\$59,873	\$44,677	\$15,196

Actual costs will be based on actual ridership, federal share, state share, and fares in 2022.

*This cost figure is illustrative given that the amounts used in the formula are estimates.

2. **METHOD OF PAYMENT.** Payment by Valley Transit to the contractor will be made monthly based on ridership information provided by the City of Neenah and the Village of Fox Crossing to Valley Transit. Valley Transit will invoice the City of Neenah and the Village of Fox Crossing for its contribution on a monthly basis.
3. **LENGTH OF AGREEMENT.** This agreement shall be for the calendar year 2022. Renewal shall occur upon mutual agreement by the parties 30 days prior to the termination date of this contract.
4. **PROGRAM ADMINISTRATION AND REPORTING.** Valley Transit, the City of Neenah and the Village of Fox Crossing shall be responsible for administration of the Dial-A-Ride Program.
5. **INSPECTION.** Both parties agree to allow inspection of each other's records and books so far as permitted by law. Record inspection shall be allowed upon reasonable notice in order to confirm compliance with the terms and conditions of this agreement.
6. **AUDIT.** Any audits required for Dial-A-Ride services will be added to the total cost of those services, and the City of Neenah's and the Village of Fox Crossing's cost impact will be as described in Section 1 above. Valley Transit shall establish and maintain accounts for the specialized transportation services receiving funding under this agreement. The accounts shall distinguish the costs of this transportation service from any other service.
7. **INDEMNIFICATION.** Each party to this agreement agrees to indemnify, save harmless and defend the other party from and against all liability, loss, damage, costs or expenses which a signing party may sustain, incur or be required to pay by reason of the other party's acts, errors or omissions.
8. **INSURANCE.** The Cities of Appleton and Neenah and the Village of Fox Crossing agree at all times during the existence of this Agreement to keep in force the following insurance coverages:

Coverage	Limit
Worker's Compensation	Statutory Limit
Comprehensive General Liability	\$1,000,000 Each Occurrence
Auto Liability	\$1,000,000 CSL

9. **DISCRIMINATION.** In connection with the performance of work under this agreement, the Cities of Appleton and Neenah and the Village of Fox Crossing agree not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, sexual orientation, development disability as defined in §5101 (5), Wis. Stats., national origin, marital status, ancestry, arrest record, conviction record, or membership in the National Guard, State Defense Force or any reserve component of the military forces of the United States or this State. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other form of compensation; and section for training, including apprenticeship. Valley Transit further agrees to take affirmative action to ensure equal employment opportunities.
10. **CONDITIONS.** This agreement is contingent upon authorization of Wisconsin and United States law and any material amendment or repeal of the same affecting relevant funding, or authority of the Cities of Appleton and Neenah and the Village of Fox Crossing shall serve to terminate this agreement.
11. **MODIFICATION/TERMINATION.** Failure to comply with any material part of this agreement may be considered cause for revision, suspension, or termination.

Revision or modification of this agreement must be agreed to by all parties involved by a written addendum signed by the authorized representatives of each party.

CITY OF APPLETON

By: _____
JACOB WOODFORD, MAYOR

By: _____
KAMI LYNCH, CITY CLERK

Date: _____

Date: _____

PROVISION HAS BEEN MADE TO PAY THE LIABILITY,
WHICH WILL ACCRUE UNDER THE CONTRACT.

APPROVED AS TO FORM

ANTHONY D. SAUCERMAN, FINANCE DIRECTOR

CHRISTOPHER BEHRENS, CITY ATTORNEY

CITY OF NEENAH

BY: _____
DEAN KAUFERT, MAYOR

DATE

BY: _____
STEPHANIE A. CHESLOCK, CITY CLERK

DATE

APPROVED AS TO FORM:

ADAM J. WESTBROOK, CITY ATTORNEY

VILLAGE OF FOX CROSSING

BY: _____
DALE YOUNGQUIST, VILLAGE PRESIDENT

DATE

BY: _____
DARLA M. FINK, VILLAGE CLERK

DATE

APPROVED AS TO FORM:

ANDY ROSSMEISSI, VILLAGE ATTORNEY
CL: A19-1110



TO: Fox Cities Transit Commission

FROM: Ron McDonald, General Manager

DATE: December 7, 2021

RE: Approve 2022 – 2023 Federal Section 5310 Sub-recipient Contract

Background:

Valley Transit is the direct recipient of Federal Section 5310 – Enhanced Mobility of Seniors and Individuals with Disabilities funds. The Section 5310 program is a discretionary program designed to improve transportation for seniors and customers with disabilities beyond the traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services. Valley Transit and East Central Wisconsin Planning Commission (ECWRPC) have an agreement to work together to administer the Section 5310 grant funds.

Under the agreement, Valley Transit retains 45% of the annual apportionment to apply toward projects that adhere to the requirements of the grant, with the remaining 55% of the funding awarded through an application process to other programs that meet the intent of the grant. As prescribed in the Memorandum of Understanding, Valley Transit and ECWRPC jointly managed the grant process to award 2022 - 2023 funds. One application was received in response to the solicitation. After review of the application, the evaluation committee awarded \$85,311 in federal funding to Make the Ride Happen for each year (total \$170,622). Make the Ride Happen will use the funding to continue their mobility management program in the Fox Cities, including operation of a call center and volunteer driver program. Make the Ride Happen is a non-profit program under Lutheran Social Services.

Valley Transit has oversight responsibility for this project and meets quarterly with sub-recipients to review financial data, performance measures and ridership data. The Grant revenue is equal to the expected expense.

Recommendation: Approve the 2022 – 2023 Federal Section 5310 Sub-recipient Contract.

**2022 - 2023 GRANT AGREEMENT BETWEEN
THE CITY OF APPLETON, VALLEY TRANSIT
AND
LUTHERAN SOCIAL SERVICES OF WI AND UPPER MI, INC.**

This 2022 - 2023 Grant Agreement ("Agreement") is made by and between The City of Appleton, Valley Transit, hereafter referred to as "Valley Transit," and Lutheran Social Services of WI and Upper MI, Inc., hereafter referred to as "Recipient." Valley Transit and the Recipient shall be referred to herein as the "Parties."

PRELIMINARY STATEMENT

Valley Transit is authorized to administer the federal Enhanced Mobility of Seniors and Individuals with Disabilities Program ("Program") under 49 USC §5310 (CFDA 20.513). The Recipient has requested funds to assist in financing project costs for their Making the Ride Happen project and Volunteer Driver project ("the Project") for the period January 1, 2022, through December 31, 2023. Valley Transit agrees to provide financial assistance for the Project with Program monies made available in accordance with the terms and conditions of this Agreement and the provisions of the Recipient's 2022 - 2023 grant application for assistance, which are made part of this Agreement by reference and attached hereto as Attachment A ("2022 - 2023 Grant Application").

In consideration of the reciprocal promises expressed in this Agreement, the Parties mutually agree as follows:

Article I: Payment by Valley Transit

- A. Valley Transit agrees to pay the Recipient quarterly the respective federal share of the Recipient's eligible expenses reported up to the funding level specified in Attachment B for expenses incurred during the period of January 1, 2022, through December 31, 2023, as funding for the Project.
- B. Valley Transit shall make payments to the Recipient upon receipt of the proper documentation of eligible expenses required to fund the Project.
- C. Funding for this Agreement is made available solely through federal funding through the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program (CFDA 20.513).

Article II: Responsibility of Recipient

- A. The Recipient shall maintain a system of accounting controls to identify, segregate, allocate, and safeguard allowable expenses and revenues for the Project. The Recipient shall also ensure that all sub-recipients and/or third-party transportation service providers comply with this requirement.

- B. Should any portion of the Project be contracted to a sub-recipient and/or a third-party transportation service provider, the Recipient agrees to pay all expenses of the transportation service as its bills become due. The Recipient also agrees to provide the local share of the Projects operating deficit as required. If the Recipient contracts for transportation service with a third-party, the Recipient shall pay the third-party in accordance with actual monthly operating deficit. The Recipient may reduce payments to the sub-recipient and/or third-party by an amount equal to any overpayments made to the sub-recipient and/or third-party under this Agreement or under any prior operating assistance contract entered into with any party, including Valley Transit.
- C. This Agreement shall be in effect from January 1, 2022, through December 31, 2023, and payments shall be based exclusively on expenses incurred by the Project during that time period.
- D. The Recipient shall file quarterly reimbursement and performance measures reports ("Reports") within 30 days of the close of the reporting period. Other special reports ("Special Reports") may also be required by Valley Transit, which Valley Transit may request on a case-by-case basis from the Recipient as needed. The Recipient assures that all Reports and Special Reports will be submitted in a manner and form prescribed by Valley Transit.

Article III: Disbursements of Funds

- A. Payment by Valley Transit to the Recipient shall be made upon the submittal of the Reports and Special Reports, if applicable, by the Recipient to Valley Transit. Said payments will be made within 30 calendar days of receipt of the Reports by Valley Transit and shall be issued by check.
- B. Valley Transit may withhold and/or refuse to pay any and all payments due and owing the Recipient should the Recipient fail to file a Report or Special Report as required pursuant to Article II above, until such time as the report is filed in the manner and form prescribed.

Article IV: Accounting Records and Department Audits

- A. The Recipient shall have a single, organization-wide financial and compliance audit performed by a qualified independent auditor if required to do so under federal law and regulations. This audit shall be performed in accordance with federal Office of Management and Budget (OMB) Circular A-133, its Compliance Supplement, and state single audit guidelines issued by the Wisconsin Department of Administration (DOA). Any findings from this audit that are relevant to the use of Federal Transit Administration (FTA) funds shall be brought immediately to the attention of Valley Transit by the Recipient.
- B. The Recipient, any sub-recipients and/or third-party and their affiliates shall maintain all documents and evidence pertaining to revenues, expenses and cost allocations related to the Recipient for inspection by Valley Transit or its designee during normal business hours in their respective offices, for a period of three years following final agreement payment, and shall make

said documents available to Valley Transit upon 24 hours' notice by Valley Transit to the Recipient. The Recipient shall be responsible for insuring the compliance of all sub-recipients and/or third-parties and affiliates with this provision.

- C. The Recipient shall permit Valley Transit, the Comptroller General of the United States, and the Secretary of the U.S. Department of Transportation, or their authorized representatives, access to inspect all vehicles, facilities, and equipment acquired or used as part of the Project; all transportation services rendered by the Recipient by the use of such vehicles, facilities, and equipment; and all relevant project data, documents, and records. The Recipient shall also permit access to audit the books, records, and accounts of the Recipient pertaining to the project upon 24 hours' notice by Valley Transit to the Recipient.

Article V: Notification of Federal Participation

The Recipient must include the following notification language of federal participation in all of its requests for proposals, solicitations, contracts, press releases, brochures, web sites, or other publications, etc., funded under this grant, based on the source of funding:

"This project is funded in part by the Federal Transit Administration (FTA) as authorized under 49 U.S.C. §5310 Enhanced Mobility of Seniors and Individuals with Disabilities (CFDA 20.513)."

Article VI: Arbitration

Any claim, counterclaim or dispute arising out of or relating to this Agreement may, by mutual consent, be submitted to arbitration, if the parties mutually agree, or in a court of competent jurisdiction within the State of Wisconsin.

Article VII: Applicable Law

This Agreement shall be governed under the laws of the State of Wisconsin. The Recipient shall at all times comply with and observe all federal and state laws, local laws, ordinances and regulations which are in effect during the period of this Agreement and which in any manner affect the work or its conduct.

Article VIII: Safety Requirements

All materials, equipment, and supplies acquired through this Agreement by the Recipient must comply fully with all safety requirements as set forth in law or rule by the State of Wisconsin, and all applicable OSHA Standards.

Article IX: Project Management

- A. The Recipient agrees that the Project will be that as described in the 2022 - 2023 Grant Application and will be managed and operated in accordance with the provisions of the 2022 – 2023 Grant Application, which is made part of this Agreement by reference.

- B. Should the Recipient wish to modify the Project from that described in its 2022 - 2023 Grant Application, the Recipient must submit in writing to Valley Transit in a manner prescribed by Valley Transit the request for modification. The Recipient shall not act on the proposed modification unless and until approval is granted by Valley Transit and the Recipient shall continue to work on the Project per the description in its 2022 - 2023 Grant Application unless and until they receive approval from Valley Transit to modify the Project
- C. Should Valley Transit determine a proposed modification to the 2022 - 2023 Grant Application is a "substantive change" to the initial grant application, Valley Transit may, in its discretion, prepare an Amendment to this agreement and forward it to the Recipient for execution. The Recipient shall not implement a proposed "substantive change" to the Project until an appropriate amendment to this Agreement has been executed by both Parties.
- D. Should Valley Transit determine that a proposed modification to the 2022 - 2023 Grant Application is a "non-substantive change," Valley Transit may, in its discretion, authorize in writing the Recipient to implement the change, and a formal amendment to this Agreement shall not be required.

Article X: City Approval of Procurements and Contracts

- A. The Recipient will be provided a copy of the Valley Transit Procurement Manual. All rules within the manual must be followed when making any purchases.
- B. Before purchasing services or capital items from a third-party with funds from this grant, the Recipient must contact Valley Transit in order to determine the best way to proceed with a state and federally compliant procurement. An overview of these procedures is available on the Wisconsin Department of Transportation web site at:
<https://wisconsindot.gov/Pages/doing-bus/purchasing/prchsg-ovrvw/default.aspx>
- C. The Recipient must obtain Valley Transit approval for pre-solicitation and post-solicitation procurement activities as follows:
 - i. Recipient Notification to Valley Transit of Intent to Purchase. The Recipient must notify Valley Transit in writing of its intention to purchase the service or item. Such notification should include the funding source (i.e., grant number) by which the Recipient intends to fund the purchase as well as assurances that the proposed procurement will follow all relevant federal and state purchasing rules and procedures.
 - ii. Valley Transit Notification to Recipient to Make Award. As requested by Valley Transit, the Recipient will provide to Valley Transit written documentation of the solicitation process. Upon review, Valley Transit will issue written approval to the Recipient to make the award.
- D. The Recipient shall send to Valley Transit all draft contracts between the Recipient and any third-party vendor receiving funds under this Agreement. Valley Transit shall review such draft

contracts and determine their conformance with the provisions of this Agreement. Only upon authorization by Valley Transit shall the Recipient execute such contracts.

Article XI: Prohibited Interests

- A. No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising there from.
- B. No member, officer, or employee of Valley Transit or of the Recipient during his or her tenure or for one year thereafter shall have any personally benefiting interest, direct or indirect, in this Agreement or the proceeds thereof.

Article XII: Termination

- A. Valley Transit may terminate this Agreement at any time that it determines that the Recipient or its sub-recipient and/or third-party has failed to perform in the manner called for in the Agreement or has failed to fulfill the obligations herein. Failure of the Recipient, or its sub-recipient and/or third-party, to comply with the terms and conditions of its grant application and/or the provisions of this Agreement shall be considered cause for termination.
- B. The Recipient may terminate this Agreement for whatever reason such request to terminate is made.
- C. The Parties agree that notice of intent to terminate the Agreement shall be made in writing though "return-receipt certified mail" at least 30 calendar days prior to the proposed termination date.
- D. In the event this Agreement is terminated, Valley Transit shall be liable only for payment under the payment provisions of this Agreement for services rendered before the effective date of termination.

Article XIII: Attachments and Appendices

Attachments A, B, and C to this agreement are incorporated herein by reference.

Witness the execution of this Agreement by the parties hereto in the manner most appropriate to each.

Calendar Year 2022: Section 5310 Grant Program Application

Mobility Management and Operating Assistance Grants Only

The Wisconsin Department of Transportation sponsors the federal Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Program in cooperation with the Southeastern WI RPC, the East Central WI RPC, the Green Bay MPO, and the Madison Area MPO. This program provides formula funds to states and designated recipients to improve mobility for seniors and individuals with disabilities.

Do not submit an application to the BlackCat website if you are applying for a project in the Milwaukee, Madison or Green Bay urbanized areas (UZA). Application instructions for these regions can be found at:

- * [Milwaukee UZA 5310 Program](#)
- * [Madison UZA 5310 Program](#)
- * [Green Bay UZA 5310 Program](#)

Eligible applicants for this portion of the 5310 program are:

- * Private non-profit organizations
- * Municipal or County government agencies
- * Public transportation operators receiving a Section 5310 grant indirectly

Instructions:

- * Complete gray-shaded areas on appropriate worksheets. There are multiple tabs at the bottom of the workbook that you will need to scroll through to complete. Do not modify the tab names or delete tabs that you do not use.
- * Each project requires a budget, goals, and staffing sheet to be completed.
- * Upload the completed workbook back into the BlackCat website under the "Applications" tab

Applications submitted after this deadline will not be evaluated.

Timeline:	
Application Released:	June 21, 2021
Applications due:	August 27, 2021
Awards Announced:	November/December, 2021
Grant Cycle Begins:	January 1, 2022
Grant Cycle Ends:	December 31, 2022

2022 Section 5310 PROGRAM

Mobility Management and/or Operating Assistance Application

There are three pages in this section

CONTACT INFORMATION

AGENCY/ORGANIZATION

Agency:	Lutheran Social Services of Wisconsin and Upper Michigan-Making the Ride Happen
Address:	6737 W Washington Street Suite 2275
City:	West Allis
Zip:	53214
County:	Milwaukee
FEIN Number:	39-0816846
DUNS Number:	60460730
SAM Number:	

PROJECT CONTACT

Name:	Holly Keenan
Title:	Mobility Manager
Address:	3003 N Richmond Street
City:	Appleton
Zip:	54911
Phone:	920-225-1740
Email:	holly.keenan@lsswis.org

PAYMENT ADDRESS (if different from agency address)

Agency:	Lutheran Social Services of Wisconsin and Upper Michigan-Making the Ride Happen
Address:	P.O. Box 88730
City:	Milwaukee
Zip:	53288-0730

SINGLE AUDIT

WisDOT is responsible for reviewing single audits of subrecipients that expend more than \$750,000 annually of federal funding from all sources, not just US DOT funds, in accordance with OMB - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR 200 (Subpart F § 200.501). Audits shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial audits. **Please mark the appropriate box below with an 'X' next to the correct statement.**

Our agency expends <u>less</u> than \$750,000 in a year in federal funds from all sources. Grantees that do not meet the single audit threshold may be required to submit supporting documentation for a quarterly reimbursement request. Grantees chosen for submission will be notified prior to the quarter end for which the request is made.	
Our agency expends <u>more</u> than \$750,000 in a year in federal funds from all sources. Please indicate the date of your last single audit submission below. WisDOT staff will review the harvester.census.gov website for any program related findings and follow up with affected grantees.	X
Date of most recent single audit submission:	4/28/2021

COORDINATION

The Federal Transit Administration (FTA) requires that projects funded under the 5310 program are derived from a “locally developed coordinated public transit-human services transportation plan”. This ensures that applicants are coordinating services with other private, public and non-profit transportation providers. Section 5310 projects must be identified by a strategy and/or action item in a county, multi-county or regional plan. This plan name, strategy/action item, and page number must be provided below.

Title of the Coordination Plan:	Outagamie County Coordinated Public/Human Service Transportation Action Plan 2019. Winnebago County Coordinated Public/Human Service Transportation Action Plan 2019. Calumet County Coordinated Public/Human Service Transportation Action Plan 2019
Strategy(ies) from which your project(s) is included as part of:	Expand Make The Ride Happen and mobility management programs in Outagamie County Provide additional funds to increase mobility management services funding, dedicated staffing efforts Planning Committee. Advocate and continue to improve local, regional and state transportation
Strategy page number(s):	(D) outagamie (B) calumet (B) (I) Winnebago (A) (B) (D) (J) (N) (O) Waupaca

PROCUREMENTS

If you anticipate any procurements related to your projects, please list the items and their estimated value. The term procurement refers to a range of activities related to purchasing goods and services using FTA funds. Examples of different types of procurement include purchasing software, transportation services or marketing. For further procurement information, refer to the WisDOT website.

Not Applicable

OTHER STATE AND FEDERAL FUNDING FOR TRANSPORTATION

Does your organization currently receive or have a pending application for other state and Federal Transit Administration (FTA) funding through WisDOT or directly from FTA? Examples include, but are not limited to the following transit funding programs:

Program Name	Number	Source
Urban mass transit assistance	85.20	State
Non-urban assistance	5311	Federal
Urbanized areas assistance	5307	Federal
County Specialized transportation	85.21	State
Capital assistance for specialized transportation	5310/85.22	Fed/State
Elderly tribal transportation	85.215	State

YES or NO: | yes

If yes, please list the funding programs and explain how the projects in this application are related to your current state/federally funded transportation projects or any pending applications for this funding. Applicants may be required to submit a cost allocation plan for items and staff that are funded with multiple grants. WisDOT will contact you if required.

85.21 Specialized transportation: LSS Make the Ride Happen is contracting with Outagamie County to administer the Volunteer Driver Program (Operating Project) referenced in the section 5310 Application. In addition, 85.21 funds will cover 10% of the Mobility Manager's position included in the 5310 Mobility Management Application. The project team will also earmark 85.21 funds to meet part of the local match requirement for the Section 5310 grant.

PROJECT LOCATION

What is the service area of the proposed project(s)? List counties, municipalities, etc.

Outagamie, Calumet, Winnebago Counties

Within which Regional Planning Commission(s) is your project(s)?

RPC 1:	East Central Wisconsin Regional Planning Commission
RPC 2:	
RPC 3:	

If the project service area is partially or fully in a Metropolitan Planning Organization, please list.

MPO 1:	Fox Cities (Appleton) Urbanized Area
MPO 2:	
MPO 3:	

In which Congressional District(s) is your project located?

CD 1:	6th District (Glenn Grothman)
CD 2:	8th District (Mike Gallagher)
CD 3:	

If your project's service area covers more RPCs, MPOs or CDs than space allows above, please list below.

2022 Section 5310 Application - MOBILITY MANAGEMENT BUDGET

Instructions: Fill in all **gray** boxes; make no changes to self-calculating boxes.

APPLICANT:	Lutheran Social Services of Wisconsin and Upper Michigan
-------------------	--

Line Item	Total Budget (including in-kind match from next column)	In-Kind Match Portion*	In-Kind Match Source / Notes on Line Item
EXPENSE:			
Salary/fringe (see staffing tab for instructions)	\$47,841.00		
Office space/rent	\$3,500.00		
Office Expenses (supplies, postage, telecommunications costs, computers, software lease, etc.)	\$1,515.00		
Outreach Expenses (marketing costs, meeting costs, website costs, etc.)	\$1,375.00		
Staff travel and mileage	\$415.00		
Other (specify below)	\$12,050.00		
TOTAL EXPENSE	\$66,696.00		

LOCAL MATCH:

In-Kind Match		\$0.00
Cash Match	\$13,339	
TOTAL LOCAL MATCH	\$13,339.00	

REVENUE:

TOTAL REVENUE	\$0.00
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NET COST:

TOTAL NET COST (Expense minus Revenue):	\$66,696.00
--	-------------

TOTAL:

TOTAL REQUEST (Net Cost minus Local Match):	\$53,357.00
--	-------------

REIMBURSEMENT PERCENTAGE:	80.00%	Cannot be greater than 80% (Automatically calculates)
----------------------------------	---------------	--

* In-kind amount cannot exceed total budget line amount.

Explain any expense listed in the "other" category above:

Insurance, LSS Support Services, supervisory allocations, professional fees, interest expense, General & Administrative.

2022 Section 5310 Application - MOBILITY MANAGEMENT STAFFING

List the staffing information for each position working on the mobility management project only. Please transfer the appropriate values to the mobility management budget page.

EXAMPLE Title of position	Name of individual*	Number of hours charged to this project	Dollar value of salary charged to this project	Dollar value of fringe charged to this project	Total salary/fringe for this project	Dollar value of in-kind match for this project	Source of in-kind match funds
EX. - Mobility Manager	STAFF NAME	2080	\$41,600	\$14,560	\$56,160	\$10,000	Agency resources
EX. - Financial Assistant	STAFF NAME	400	\$4,000	\$200	\$4,200	\$0	

Title of position	Name of individual*	Number of hours charged to this project	Dollar value of salary charged to this project	Dollar value of fringe charged to this project	Total salary/fringe for this project	Dollar value of in-kind match for this project	Source of in-kind match funds
Mobility Manager	Holly Keenan	936.00	\$21,901	\$7,555	\$29,456		
Program Manager	Erin Kraft	78.00	\$2,385.00	\$823.00	\$3,208		
Transportation Coordinator	Shannon Zwitter	520.00	\$7,956.00	\$2,745.00	\$10,701		
Transportation Coordinator	Vacant	208	\$3,328.00	\$1,148.00	\$4,476		
					\$0		
					\$0		
					\$0		
					\$0		
					\$0		
					\$0		
					\$0		
					\$47,841	\$0	

* Volunteer costs do not require individual names and can be grouped together by activity performed.

Transfer these totals to the budget page and place in "salary/fringe" column.

2022 Section 5310 Application - MOBILITY MANAGEMENT GOALS

There are 2 pages in this section

Instructions: Fill in all **gray** boxes.

APPLICANT	Lutheran Social Services of Wisconsin and Upper Michigan
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PROJECT	Mobility Management
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PERFORMANCE MEASURES OUTCOMES:

	Service Type	One-way trips	notes
TRIP TYPES	Volunteer driver	4,300	
	Voucher / Subsidy		
	Agency Vehicle		
	Other Trips Provided		

	Service Type	Customer Contacts	notes
INFORMATION-BASED	Transportation Call Center	3,150	Calls taken in call center
	Internet-based info		
	One-on-one transit training	228	VT II certification and Mobility Counseling
	Driver Training (individuals)	6	
	Materials & Marketing	150	increased marketing efforts

PERFORMANCE MEASURES OBJECTIVES:

List up to four performance measures objectives that will be used to measure progress of the project each quarter.

To add spacing between lines or paragraphs in individual sections, use **ALT + ENTER** to insert a line break or to start a new paragraph.

Objective 1:	Identify and develop new collaborations within the service area to enhance capacity and break down barriers for clients moving between communities, as evidenced by the number of rides provided and continued participation on relevant community based committees.
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Objective 2:	Increase public awareness of mobility options and improve access to transportation services for the public; as evidenced by the number of community presentations provided.
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Objective 3:	
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Objective 4:	
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2022 Section 5310 Application - OPERATING ASSISTANCE

There are 2 pages in this section

Instructions: Fill in all **gray** boxes; make no changes to self-calculating boxes.

APPLICANT	Lutheran Social Services of Wisconsin and Upper Michigan
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Line Item	Total Budget (including in-kind match from next column)	In-Kind Match Portion*	In-Kind Match Source / Notes on Line Item
EXPENSE:			
Salary/fringe (see staffing tab for instructions)	\$75,775.00	\$32,450.00	2834 volunteer hours x \$11.45 per hour
Office space/rent	\$3,500.00		
Office Expenses (supplies, postage, telecommunications costs, computers, software lease, etc.)	\$1,575.00		
Outreach Expenses (marketing costs, meeting costs, website costs, etc.)	\$1,375.00		
Staff travel and mileage			
Purchased transportation service			
Volunteer driver reimbursements			
Transportation vouchers			
Vehicle Expenses (tires, parts, maintenance, fuel, insurance, etc.)	\$5,000.00		
Other (specify below)	\$12,050.00		
TOTAL EXPENSE	\$99,275.00		

LOCAL MATCH:

In-Kind Match		\$32,450.00
Cash Match	\$17,187.00	
TOTAL LOCAL MATCH	\$49,637.00	

REVENUE:

TOTAL REVENUE	\$0.00
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NET COST:

TOTAL NET COST (Expense minus Revenue):	\$99,275.00
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TOTAL:

TOTAL REQUEST (Net Cost minus Local Match):	\$49,638.00
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REIMBURSEMENT PERCENTAGE:	50.00%	Cannot be greater than 50% (Automatically calculates)
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* In-kind amount cannot exceed total budget line amount.

Explain any expense listed in the "other" category above:

Insurance, LSS Support Services, supervisory allocations, professional fees, interest expense, General & Administrative.

2022 Section 5310 Application - OPERATING ASSISTANCE - GOALS

There are 2 pages in this section

Instructions: Fill in all **gray** boxes.

APPLICANT	Lutheran Social Services of Wisconsin and Upper Michigan
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PROJECT	Operating
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PERFORMANCE MEASURES OUTCOMES:

	Service Type	One-way trips	notes
TRIP TYPES	Volunteer driver	4300	
	Voucher / Subsidy		
	Agency Vehicle		
	Other Trips Provided		

	Service Type	Customer Contacts	notes
INFORMATION-BASED	Transportation Call Center	3150	Call taken in call center
	Internet-based info		
	One-on-one transit training	228	Valley Transit II Cert/Mobility Counseling
	Driver Training (individuals)	6	
	Materials & Marketing	150	Increased Marketing efforts

PERFORMANCE MEASURES OBJECTIVES:

List up to four performance measures objectives that will be used to measure progress of the project each quarter.

To add spacing between lines or paragraphs in individual sections, use **ALT + ENTER** to insert a line break or start a new paragraph.

Objective 1:	Individuals with disabilities and those who are aging will remain active and involved in their community despite the loss of their ability to drive as evidenced by an increased percentage of adults with disabilities or those who are aging using services to address social/recreational needs: to address medical needs such as going to appointments or to the pharmacy; and to address shopping/personal business needs such as banking, going to the salon, or grocery shopping.
Objective 2:	Continue to develop volunteer driver base within the communities served with an emphasis on connecting those who live in rural communities surrounding the Appleton TMA. Mobility Manager and MRH staff will provide presentations to community groups in an effort to increase awareness of the existing transportation programs. The number of volunteer drivers and volunteer hours will be tracked.
Objective 3:	Continue development of collaborative efforts with Outagamie County Housing Authority shuttle van as well as the Helping Hands program in Hortonville as evidenced by monthly reporting done to common funding sources: Fox Cities United Way, Outagamie County Older American funding, and 85.21 funding.
Objective 4:	

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Lutheran Social Services of Wisconsin and Upper Michigan, Inc.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

Individual/sole proprietor or single-member LLC

C Corporation

S Corporation

Partnership

Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) ▶ _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
6737 W. Washington St., Suite 2275

6 City, state, and ZIP code
West Allis, WI 53214

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
OR									
Employer identification number									
3	9	-	0	8	1	6	8	4	6

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ▶ *[Handwritten Signature]* Date ▶ 1/4/21

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1098-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

2021 FTA Certifications and Assurances

CATEGORY	SUBJECT	Initial or N/A for each
A-1	Standard Assurances	<i>MN</i>
A-2	Nondiscriminatory Assurances	<i>MN</i>
A-3	Coronavirus Response and Relief Supplemental Appropriations Act and CARES Act Funding	<i>MN</i>
A-4	Procurement	<i>MN</i>
A-5	Suspension and Debarment	<i>MN</i>
A-6	Tax Liability and Felony Convictions	<i>MN</i>
A-7	Disadvantaged Business Enterprise (DBE)	<i>MN</i>
A-8	Lobbying	<i>MN</i>
A-9	Rolling Stock Buy America Reviews and Bus Testing	<i>MN</i>
A-10	Transit Asset Management Plan	<i>MN</i>

Chief Elected or Administrative Official Statement

The undersigned chief elected or administrative official hereby certifies that the Applicant/Recipient has read and understands the Certifications and Assurances initialed in the table above and further assures that, as a condition to receiving Federal financial assistance from the Wisconsin Department of Transportation, the Applicant/Recipient will comply with the requirements as specified in the attached Certifications and Assurances.

The person whose signature appears below is authorized to sign this assurance on behalf of the grant Applicant/Recipient. While an attorney's signature is not required, the Wisconsin Department of Transportation encourages counsel to participate in the review and signature of this document.

Grant Program:	5310
Grant Applicant/Recipient:	Lutheran Social Services of Wisconsin and Upper Michigan, Inc.
Signature of Chief Elected or Administrative Official	
Printed Name:	Michelle Naples
Date:	23 August 2021

August 23, 2021

Wisconsin Department of Transportation
Bureau of Transit, Local Roads, Rails and Harbors
PO Box 7913
Madison, WI 53707-7913

To Whom It May Concern:

Lutheran Social Services of Wisconsin and Upper Michigan, Inc. hereby makes application for financial assistance in providing transportation services to seniors and individuals with disabilities. This financial assistance is being sought under the federal program authorized by U.S.C. Section 5310 and/or s. 85.22, Wis. Stats.

All documents and components that are required to be submitted as part of the application process have been completed and uploaded to the online grant management system.

We understand that our application, should it meet all state and federal requirements, will be in competition for funds and funding determined by its ranking relative to other applications. The ranking of applications will be made using criteria outlined in the application guidelines and also posted on the WisDOT website.

We affirm that the information submitted in this application is true and correct. If selected for an award, we affirm that we will comply with all applicable federal regulations.

Sincerely,



Michelle Naples
Chief Integration Officer
Lutheran Social Services of Wisconsin and Upper Michigan, Inc.

Local Match Certification

Section 5310 Grant Program Application CY 2022 / Cycle 46

Complete the following steps:

1. Fill in information for individual certifying the local match as required
2. Print
3. Sign in area indicated
4. Upload the signed document along with any necessary supporting documentation within Local Match Certification under Application Forms

Certification of Local Match

By providing my name below, I hereby certify that the local match listed in the budget(s) is eligible for use in the 5310 program. By certifying eligibility, I agree that the local match is verifiable from the recipient's records; is not included as contributions for any other federally-assisted project or program; is necessary and reasonable for proper and efficient accomplishment of project or program objectives; is allowable under the applicable cost principles; is not paid by the federal government under another award except where authorized by federal statute to be used for cost sharing or matching; and is provided for in the approved budget.

Certified by:



Signature

Michelle Naples

Print Name

Chief Integration Officer

Title

414-246-2330

Phone Number

UNITED WAY FOX CITIES

2022 and 2023 Investments

**Lutheran Social Services of WI & Upper MI
3003 N Richmond St Suite A
Appleton, WI 54911**

Investment by Program:

Program Name	Award Year	Award Amount
Counseling Clinic	2021	\$119,544.00
Counseling Clinic	2022	\$129,287.00
Counseling Clinic	2023	\$131,872.00
Make the Ride Happen	2021	\$12,118.00
Make the Ride Happen	2022	\$13,770.00
Make the Ride Happen	2023	\$14,045.00

Please Note:

Designated contributions to your agency will be applied to United Way Fox Cities funded programs. You will be informed of such contributions as soon as the information is compiled.

Impact Area Comments and Recommendations:

Providing Basic Needs and Self-Sufficiency

The Impact Area volunteers recognize the value and importance of the Make the Ride Happen transportation services provided to the vulnerable populations in the Fox Cities area. You are commended for the strategic actions taken to adapt to the pandemic and the accomplishments achieved to continue your services to the community.

Promoting Health, Healing and Crisis Intervention

The Impact Area volunteers recognize the value and importance of the services you provide. No major issues or concerns were identified.

Purchase of Services Contract

Purchaser and Provider Information

Purchaser:
Organization Name Outagamie County Department of Health and Human Services
Address 320 South Walnut Street, Appleton, WI 54911

Name of contact person Amie Bastian
Telephone (920) 832 – 5469
Fax (920) 832 – 2115
E-mail amie.bastaian@outagamie.org

Provider:
Organization Name **Lutheran Social Services of Wisconsin and Upper Michigan, Inc.**
Address 6737 W Washington St, Suite 2275
 West Allis, WI 53215

Name of contact person Lindsay Dahms
Telephone 414-246-2717
Fax 414-246-2524
E-mail contractadministrator@lsswis.org

Provider's fiscal year
end:
Provider's Employer
Identification Number: 39-0816846

 Profit Non-Profit

Contract Information

Contract Number: 44-21-473
**Services to be
provided:** [detail is in Transportation – 85.21 - MRH
"Services to be
Provided" section]
Contract period: January 1, 2021 – December 31, 2021
**Maximum payment
under this contract:** \$ 58,173.00



HEALTH AND HUMAN SERVICES

AGING AND LONG TERM SUPPORT
OUTAGAMIE COUNTY GOVERNMENT CENTER
320 S WALNUT STREET APPLETON, WI 54911-5985
TELEPHONE (920) 832-5178 FAX (920) 832-2113

August 4, 2021

To: Wisconsin Department of Transportation – 5310 Specialized Transportation Program

Re: Make the Ride Happen – Lutheran Social Services

To Whom It May Concern:

Outagamie County is aware that Make the Ride Happen is requesting State 5310 Grant funds to provide transportation services for Outagamie County residents outside the parameters of our current paratransit provider Valley Transit. Make the Ride Happen has provided service to the elderly and disabled population for many years in Outagamie County, and has filled the gap of transportation services successfully with the use of volunteers.

This grant request will continue to make an impact on Outagamie County residents and how they access medical services, food, education, employment, and other necessary transportation for basic needs especially in our rural areas. Having additional transportation options for the residents is vital to their well-being, especially those who are disabled and of the older generation.

Outagamie County would like to extend our support of Lutheran Social Service's Make the Ride Happen State 5310 Grant application and their efforts to meet the transportation needs of Outagamie County.

Sincerely,

Amie Bastian
Manager of Aging and Long Term Support
Outagamie County Health and Human Services



July 22nd, 2021

To: Wisconsin Department of Transportation – Specialized Transportation Program

Re: Grant Request, Make the Ride Happen

Dear DOT Representative:

The Aging and Disability Resource Center (ADRC) of Winnebago County was recently made aware of a grant application request being made to you on behalf of Make the Ride Happen. Make the Ride Happen will be submitting a Grant Application request for 5310 funds for the CY2022. Their goal is to provide transportation and mobility management services to Winnebago and surrounding counties.

The approval of the grant would positively impact the residents of Winnebago County and surrounding areas; specifically individuals with physical and intellectual disabilities as well as older adults. Having access to medical services, healthy foods, education, employment, and community resources will provide for overall wellness and better health outcomes.

The mission of Winnebago County ADRC *“is to empower and support seniors, people with disabilities and their families, by providing useful information and finding the help people seek so they may live with dignity and security, and achieve maximum independence and quality of life.”* Extending our support to Make the Ride Happen to access 5310 grant funds helps us further achieve our mission.

Thank you in advance for your support of Make the Ride Happen grant application.

Sincerely,

Bryn Ceman, M.S.
Aging and Resources Program Supervisor

WRITTEN RESPONSES Mobility Management

Question 1: Demonstration of Need and Project Benefits

Lutheran Social Services of Wisconsin and Upper Michigan, Inc. (LSS), is requesting a Mobility Management grant of \$53,357 to support continued improvement and access to transportation resources for adults with disabilities and older adults from the Appleton area; services will be provided by the Make the Ride Happen (MRH) program. Lutheran Social Services is a private non-profit social service agency that offers a variety of services throughout Wisconsin and Upper Michigan.

Make the Ride Happen has enjoyed a long and successful history of coordinating Mobility Management activities that build coordination among transportation stakeholders, human service providers, and private/public transportation providers in the Appleton area. Through provision of these integrating activities, the availability of transportation options for adults with disabilities and older adults continues to increase; this increase in transportation options allows adults with disabilities to live independently and to stay connected to their communities.

In 2022/2023 the LSS Mobility Management project will focus on continuing to increase participation in and coordination of transit for seniors and individuals with disabilities in the following ways:

- The Mobility Manager will continue to participate in local transportation coordination meetings and will continue building relationships with stakeholders; these activities will serve to facilitate additional opportunities for coordination and increased awareness of the service and need in the Appleton area. The Mobility Manager will continue to work with stakeholders from throughout the Appleton area to increase buy-in related to the need for collaboration and increased coordination.
- The Mobility Manager will continue to work closely with the regional Valley Transit Mobility Management project; as new information emerges around COVID vaccine boosters for older adults and persons who may be health compromised, MRH will continue efforts to assist individuals in identifying, navigating, and coordinating transportation to vaccine sites.
- As issues related to COVID remain uncertain, while there still exists a need, the MRH Mobility Manager will continue to coordinate efforts to ensure that older adults and persons with disabilities do not experience food insecurity by coordinating meal deliveries and access to local food pantries.
- The Mobility Manager will begin collaborating with Volunteer Fox Cities (VFC) on a new program designed to provide Tech-education for older adults, assisting them in developing computer skills, understanding social media, etc. VFC has secured funding for a pilot program for adults 60+ and MRH will assist in providing transportation to the classes.
- The Fox Valley Memory Project (FVMP) was recently awarded an Administration for Community Living grant to establish additional memory café's in some rural communities as a way to address the isolation of older adults. The Mobility Manager will collaborate with FVMP to coordinate use of the MRH volunteer drivers and vehicle to transport individuals to the cafés.
- The Mobility Manager will continue to disseminate information and provide Community Education related to transportation options that serve adults with disabilities. Community Education activities are designed to increase awareness about resources in the community and to affirm the benefits of community access and involvement for all individuals. Presentations, written articles, and one-to-one contacts will be utilized.

- Increasing use and awareness of public transit by adults with disabilities and those who are aging through the use of **Individual Travel Training**. In particular, the proposed project will facilitate and/or enhance travel training in the areas served by Valley Transit (Fox Cities). The **Project Team** comprised of the Mobility Manager and three Transportation Coordinators will also promote a volunteer-based travel training program (Bus Buddy) as an additional component of this process.
- Continued analysis of individual trips provided in the Appleton area for the purpose of consolidation which will result in increased coordination and efficiency. The Mobility Manager will be able to assess the individual needs of riders whose transit requirements are more complex as well as analyzing the larger system for ways in which to increase coordination and efficiencies.
- Continued development of new collaborations among providers for the purpose of creating additional capacity or increased efficiency. In 2022, LSS' Making the Ride Happen anticipates continuing to enhance its collaborative efforts with the Outagamie County Non-Profit Affordable Housing Based Rental Services (NABHRS) Van program through sharing of resources as a way to increase capacity.
- We will continue to develop the volunteer driver program; the focus for 2022 will be on re-building (post-COVID) and continuing to increase the pool of volunteers so that additional hours of service can be added.

Data included in the 2020-2022 ThedaCare Community Health Needs Assessment (CHNA) and Implementation Plan for the Appleton area identify the following as significant needs in the target counties: The average age of residents is increasing and their needs are becoming greater; Health disparities are significant for people living in rural areas, low-income and people of color; Transportation is a significant barrier to active living and needed services, particularly in rural areas; Not everyone feels they belong in their community or have needed social supports. The Community Health Needs Assessment identified several vulnerable populations, including: older adults and those facing economic insecurity. The CHNA also revealed the following conclusions and implications: the average age of the local population is getting older – disproportionately affecting rural areas – with senior populations growing faster than the state average resulting in transportation and social isolation concerns continuing to increase; transportation is a significant barrier to healthcare access as well as social supports, particularly in rural areas; lack of transportation limits ability to get to medical and other necessary appointments and leads to isolation and reduced well-being; lack of transportation is the most significant barrier to community involvement for individuals with disabilities. Information included in the Wisconsin Department of Administration Population and Household Projects report suggests that between 2020 and 2033 the number of elderly Wisconsinites in the tri-county service area will grow from 68,290 persons over the age of 65 to 96,475 persons over the age of 65 placing a strain on current transportation systems. The proposed Mobility Management services will help to ensure that these vulnerable members of the community are able to live independently, to meet their basic needs (access to food, clothing, medical care) and to be active participants in their communities.

The proposed services provided by the Mobility Manager will raise awareness of the available transportation services and will also facilitate coordination of transportation services for adults with disabilities and older adults. The Mobility Manager will strive to ensure that persons with disabilities and seniors will have access to appropriate transportation services in order to live independent lives and to be fully integrated into their communities.

Question 2: Promotes Service Coordination with Others

Due to its grass roots development and reliance on community-wide involvement, LSS's Make the Ride Happen program places coordination at the core of its mission. Since program commencement in 2004, one essential task of the project team has been to identify those individuals who fall between the cracks as related to existing transportation options in the Appleton area (including Valley Transit and its respective paratransit program) and to endeavor to find them a safe ride at a reasonable cost. Identification of those un- or underserved individuals in the community and coordination with other local providers of transportation services help the Make the Ride Happen program to ensure that services are being provided to individuals in a way that complements rather than duplicates any existing services.

One of the major ways in which Make the Ride Happen contributes to the capacity of the Appleton area to develop and implement coordinated services is through the provision of Travel Training. Travel Training can provide one-on-one support to individual clients to an effort to educate and support them in learning to access and use public transit options. This is accomplished due in part to the Travel Trainers' thorough understanding of a person's ability to travel safely and independently as well as any barriers that need to be addressed. Instruction typically involves essential travel skills, making judgments about safety and danger, managing basic life skills, knowing how to handle travel disruptions, and using appropriate social and communication skills. Valley Transit supports LSS' effort to create opportunities for more adults with disabilities to use fixed route public transit service through the Travel Training program. The two agencies work collaboratively to reach out to individuals in the local communities who could benefit from Travel Training instruction including local schools, and World Relief, an organization that helps settle new refugees in the community.

LSS ensures a coordinated effort with other local providers through participation in the MRH Advisory Board. Both partner transit systems are members of the Advisory Board as are other transportation stakeholders and/or human service organizations who serve the same populations. Participation on the Advisory Board ensures that all appropriate stakeholders are at the table and that decisions are made in keeping with the best interests of the individuals served and with a focus on eliminating any duplication of services and sharing resources whenever possible.

MRH has developed a strong cadre of partners and stakeholders including the following:

- Volunteer Center/RSVP - Recruitment, Volunteer Driver/MRH Advisory Board Member
- Calumet County ADRC - Service Provider, Human Service Programs, MRH Advisory Board
- Outagamie County ADRC - Service Provider, Rural Outagamie County and Human Services
- Winnebago County - Aging and Transportation Services; member of MRH Advisory Board
- Outagamie County Housing Authority - Outagamie County NABHRS Van program
- Valley Transit - Service Provider
- Easter Seals - Advocate for persons with disabilities and member of MRH Advisory Board
- Volunteer Driver and member of the MRH Advisory Board
- Northern Winnebago Dial-A-Ride - Service Provider /member MRH Advisory Board
- Options for Independent Living – Service Provider
- ThedaCare CHAT Team
- East Central Wisconsin Regional Planning Commission
- Greater Wisconsin Agency and Aging Resources, Inc.
- Advocap - Service Provider - Human Service Provider

The LSS MRH Mobility Manager serves as the MRH Advisory Board facilitator and ensures ongoing communication and coordination between providers and stakeholders.

Question 3: Financial and Technical Capabilities

LSS has been serving individuals in need for 139 years. Last year, LSS served 614 communities throughout Wisconsin and Upper Michigan; these programs touched 23,743 lives.

Through LSS' provision of programs and services for persons with disabilities and older adults, the agency has amassed decades of experience providing transportation and related services to these populations. During FY 2020, older adults (those aged 65 and older) represented 18.96% of the individuals served by LSS and 57.26% of individuals served identified as having a disability. LSS provides residential and community-based services to individuals with disabilities and older adults across Wisconsin and transportation is an integral component in many of these services. The agency has moved from a residential model of service for individuals with disabilities to a model that embraces independent living and community-based supports; with this shift transportation has become an even more central focus for LSS and will continue to be a focus in the coming years.

LSS is a multi-service agency with staff and programs in a two-state area and as such has built the appropriate infrastructure and capacity to successfully manage multiple projects and multiple funding sources. The LSS Financial Services Department will work with local program staff to ensure that all contractual and fiduciary obligations are being met.

Required matching funds will be provided by United Way Fox Cities, Winnebago County, Outagamie County, and private donations; appropriate support documentation will be found in the attachments.

LSS successfully manages multiple Federal, State and local contracts each year. The agency has in place strict policies and procedures governing all aspects of grants management and has been administering grant funded programs for over 100 years.

Because the MRH program is designed to complement other transportation services available in the local community or to provide service where none currently exist, LSS feels confident that the proposed program objectives and outcomes demonstrate an effective use of funds. The proposed program has been developed in collaboration with local partners in an effort to provide the most comprehensive array of transportation services possible while also using limited resources for the greatest benefit of the individuals being served.

Lutheran Social Services and the Make the Ride Happen Community Advisory Board continually plan for and pursue financial resources to support programming. MRH has financial support from the Aging and Disability Resource Center in Outagamie County, Outagamie County, and United Way-Fox Cities. The team pursues grants and donations on an on-going basis.

WRITTEN RESPONSES: Operating Project

Question 1: Demonstration of Need and Project Benefits

Lutheran Social Services of Wisconsin and Upper Michigan, Inc. (LSS), is requesting an Operating grant of \$49,638 to continue to expand the volunteer driver program, increasing capacity to serve adults with disabilities and older adults in rural areas of Outagamie, Winnebago and Calumet Counties through the agency's Make the Ride Happen (MRH) program. Lutheran Social Services is a private non-profit social service agency that offers a variety of services throughout Wisconsin and Upper Michigan.

Data included in the 2020-2022 ThedaCare Community Health Needs Assessment (CHNA) and Implementation Plan for the Appleton area identify the following as significant needs in the target counties: The average age of residents is increasing and their needs are becoming greater; Health disparities are significant for people living in rural areas, low-income and people of color; Transportation is a significant barrier to active living and needed services, particularly in rural areas; Not everyone feels they belong in their community or have needed social supports. The Community Health Needs Assessment identified several vulnerable populations, including: older adults and those facing economic insecurity. The CHNA also revealed the following conclusions and implications: the average age of the local population is getting older – disproportionately affecting rural areas – with senior populations growing faster than the state average resulting in transportation and social isolation concerns continuing to increase; transportation is a significant barrier to healthcare access as well as social supports, particularly in rural areas; lack of transportation limits ability to get to medical and other necessary appointments and leads to isolation and reduced well-being; lack of transportation is the most significant barrier to community involvement for individuals with disabilities. Information included in the Wisconsin Department of Administration Population and Household Projects report suggests that between 2020 and 2033 the number of elderly Wisconsinites in the tri-county service area will grow from 68,290 persons over the age of 65 to 96,475 persons over the age of 65 placing a strain on current transportation systems. The proposed services will help to ensure that these vulnerable members of the community are able to live independently, to meet their basic needs (access to food, clothing, medical care) and to be active participants in their communities.

Operating assistance provided by a 2022 Section 5310 grant will allow LSS's Make the Ride Happen program to assist older adults and persons with disabilities in overcoming transportation barriers in the following ways:

- Continue enhanced marketing and branding efforts to ensure name recognition for the MRH program and to assist in raising awareness of services. The dedicated MRH website is live and will continue to be assessed and developed to best meet program needs. The website includes a basic transportation inventory based on indicators such as age, county of residence, etc. that allows MRH to collect user data. We have also incorporated a short intake feature that allows individuals in need of services to contact program staff. Development of these program elements will continue during the 2022 and 2023 program years.
- Recruit new volunteer drivers and increase awareness of the ride program by marketing the program through community presentations, networking, and various print and media outlets. MRH proposes to recruit 4 new volunteer drivers during the project period. Because volunteer drivers often come from a pool of retirees or individuals with part time employment, turnover rates can be high which makes recruitment an ongoing process. Additionally, MRH experienced

a decline in volunteer driver participation during the height of the COVID pandemic; we are working to restore and increase capacity of the volunteer driver pool.

- Continue to work collaboratively with Outagamie Housing Authority Non-Profit Affordable Housing Based Rental Services (NABHRS) Van service to increase use of NABHRS van. This collaboration allows MRH to provide additional rides to Outagamie residents including those adults who use a wheelchair or scooter. It is anticipated that 10 additional rides will be provided to Appleton area residents through this initiative in 2022.
- Continue to increase the number of contacts with adults with disabilities and those who are aging through the MRH Call Center by 10%; the purpose of the call center is to provide individuals and their families with comprehensive transportation information. MRH staff provides callers with detailed transportation options that they can utilize and assists them in making arrangements to meet their transportation needs. Increasing community awareness of the Call Center and its services is a key component in this effort. Due to improved tracking measures we are able to better capture the number of calls received, the duration of calls, and the reason for the call all of which help to improve service provided by the Call Center.
- Continue to utilize Assisted Rides software program to enhance volunteer driver scheduling and ride tracking in an effort to maximize program efficiencies.

The proposed services are specifically targeted to increase the awareness and availability of transportation services for older adults and persons with disabilities in the Appleton area. Information gathered from users of the service as well as program partners and key stakeholders indicates that there exists a lack of awareness related to transportation services currently available to these populations and a need to increase capacity. The proposed programming will endeavor to meet these currently unmet needs while also ensuring that some of the community's most vulnerable members are able to easily locate and avail themselves of those services necessary to meet their basic needs including access to food, clothing and medical care. MRH was able to maintain services during COVID and provided specialized transportation assistance related to accessing COVID testing and vaccines as well as delivering food and coordinating transportation to local food pantries. As we look toward the next phase in COVID recovery, MRH will remain ready to increase driver and service capacity to meet COVID-specific transportation needs for older adults and persons with disabilities.

Make the Ride Happen provides rides using volunteer drivers. The Transportation Coordinator works with more than 50 volunteers who typically donate one half-day per month to provide rides, using their own vehicle. Volunteer drivers have the option to volunteer one day per week/month or to act as an on-call driver as well as having the ability to self-assign rides through the assistedrides.com software. The Transportation Coordinator is responsible for recruiting, training and scheduling the volunteers. Screening of volunteers is done in collaboration with the Retired Senior Volunteer Program of the Volunteer Center of East Central Wisconsin and the Retired Senior Volunteer Program of ADVOCAP. The Transportation Coordinator also handles information and assistance calls in the Call Center.

Question 2: Promotes Service Coordination with Others

Make the Ride Happen has always viewed coordination, collaboration, and meeting specific needs as key components of the overarching philosophy. The Section 5310 Operating project evidences these principles in several ways.

In order to augment coordination, the MRH Call Center maintains a comprehensive data base of transportation options available in the Appleton area. This data base is continually updated with newly identified options. In addition, the MRH staff members have access to the Northeastern Wisconsin Regional Transportation Access Committee data base of transportation options which is more regional in nature and provides information on a cross section of the state. These tools are important tools for MRH staff, allowing them to look at all types of transportation available and to provide the most appropriate options to individuals and their families to best meet their transportation needs.

The MRH Volunteer Driver program has been consistently increasing the number of rides provided by continuing to recruit new volunteer drivers. The rides provided through the Volunteer Driver program have added capacity to the area's array of transportation services and have created an additional option for individuals facing economic insecurity for whom the modest fees of the paratransit system are prohibitive. A trend that has been identified by MRH staff centers on the need for rides beyond the traditional business hours; MRH will continue to work to meet these needs as well as to address any new trends that may be identified.

The Make the Ride Happen Advisory Board incorporates information and discussion during its quarterly meetings. This advisory board provides a platform for discussions on coordination and a forum for developing strategies that address unmet needs. The ongoing complexities of federal/state funding for public transit systems have come to the attention of many community leaders, government officials, and to some extent the general public; this awareness has facilitated coordination efforts and has allowed for capacity building in existing programs.

MRH has developed a strong cadre of partners and stakeholders including the following:

- Volunteer Center/RSVP - Recruitment, Volunteer Driver/MRH Advisory Board Member
- Calumet County ADRC - Service Provider, Human Service Programs, MRH Advisory Board
- Outagamie County ADRC - Service Provider, Rural Outagamie County and Human Services
- Winnebago County - Aging and Transportation Services; member of MRH Advisory Board
- Outagamie County Housing Authority - Outagamie County NABHRS Van program
- Valley Transit - Service Provider
- Easter Seals - Advocate for persons with disabilities and member of MRH Advisory Board
- Volunteer Driver and member of the MRH Advisory Board
- Northern Winnebago Dial-A-Ride - Service Provider /member MRH Advisory Board
- Options for Independent Living – Service Provider
- ThedaCare CHAT Team
- East Central Wisconsin Regional Planning Commission
- Greater Wisconsin Agency and Aging Resources, Inc.
- Advocap - Service Provider - Human Service Provider

The LSS MRH Mobility Manager serves as the MRH Advisory Board facilitator and ensures ongoing communication and coordination between providers and stakeholders.

Question 3: Financial and Technical Capabilities

LSS has been serving individuals in need for 139 years. Last year, LSS served 614 communities throughout Wisconsin and Upper Michigan; these programs touched 23,743 lives.

Through LSS' provision of programs and services for persons with disabilities and older adults, the agency has amassed decades of experience providing transportation and related services to these populations. During FY 2020, older adults (those aged 65 and older) represented 18.96% of the individuals served by LSS and 57.26% of individuals served identified as having a disability. LSS provides residential and community-based services to individuals with disabilities and older adults across Wisconsin and transportation is an integral component in many of these services. The agency has moved from a residential model of service for individuals with disabilities to a model that embraces independent living and community-based supports; with this shift transportation has become an even more central focus for LSS and will continue to be a focus in the coming years.

LSS is a multi-service agency with staff and programs in a two-state area and as such has built the appropriate infrastructure and capacity to successfully manage multiple projects and multiple funding sources. The LSS Financial Services Department will work with local program staff to ensure that all contractual and fiduciary obligations are being met.

Required matching funds will be provided by United Way Fox Cities, Winnebago County, Outagamie County, and private donations; appropriate support documentation will be found in the attachments.

LSS successfully manages multiple Federal, State and local contracts each year. The agency has in place strict policies and procedures governing all aspects of grants management and has been administering grant funded programs for over 100 years.

Because the MRH program is designed to complement other transportation services available in the local community or to provide service where none currently exist, LSS feels confident that the proposed program objectives and outcomes demonstrate an effective use of funds. The proposed program has been developed in collaboration with local partners in an effort to provide the most comprehensive array of transportation services possible while also using limited resources for the greatest benefit of the individuals being served.

Lutheran Social Services and the Make the Ride Happen Community Advisory Board continually plan for and pursue financial resources to support programming. MRH has financial support from the Aging and Disability Resource Center in Outagamie County, Outagamie County, and United Way-Fox Cities. The team pursues grants and donations on an on-going basis.

**STATE OF WISCONSIN
BROWN COUNTY**

LUTHERAN SOCIAL SERVICES

3003 N RICHMOND ST

APPLETON WI 549111148

I, being duly sworn, doth depose and say I am an authorized representative of the Appleton Post Crescent, a newspaper published at Appleton, Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on:

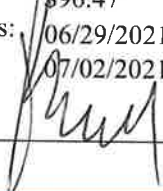
Lutheran Social Services of Wisconsin and Upper MI hereby provides notice that it intends to apply to the Wisconsin Department of Transportation and urbanized area of Appleton for the following transportation projects under Section 5310 to serve seniors and individuals with disabilities in Appleton and surrounding communities:

Operating and mobility management projects

Individuals or agencies wishing to comment or receive additional information about this application should contact Holly Keenan, Mobility Manager at 920-225-1740 or Holly.keenan@lsswis.org.

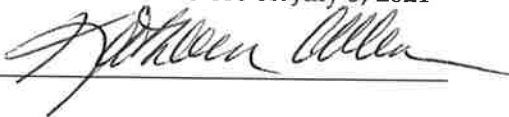
Formal comments or requests for additional information must be received in writing or by email 14 days after publication.
Run: Jun. 29, 30, Jul. 1, 2, 3, 2021
WNAXLP

Account Number: GWM-1086984
Order Number: 0004799595
Total Ad Cost: \$96.47
Published Dates: 06/29/2021, 06/30/2021, 07/01/2021
07/02/2021, 07/03/2021



Legal Clerk

State of Wisconsin
County of Brown
Subscribed and sworn to before on July 3, 2021



Notary Public State of Wisconsin, County of Brown

1-7-25

My Commission Expires

of Affidavits 1
This is not an invoice

KATHLEEN ALLEN
Notary Public
State of Wisconsin

LUTHERAN SOCIAL SERVICES
Re: Public Notice

**STATE OF WISCONSIN
BROWN COUNTY**

LUTHERAN SOCIAL SERVICES

3003 N RICHMOND ST

APPLETON WI 549111148

Being duly sworn, doth depose and say that she/he is an authorized representative of the Oshkosh Northwestern, a daily newspaper published in the city of Oshkosh, in Winnebago County, Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on

Lutheran Social Services of Wisconsin and Upper MI hereby provides notice that it intends to apply to the Wisconsin Department of Transportation for the following transportation projects under Section 5310 to serve seniors and individuals with disabilities in Oshkosh and surrounding communities:

Operating and mobility management projects

Individuals or agencies wishing to comment or receive additional information about this application should contact Holly Keenan, Mobility Manager at 920-225-1740 or Holly.keenan@lsswis.org.

Formal comments or requests for additional information must be received in writing or by email 14 days after publication.

Run: Jun. 29, 30, Jul. 1, 2, 3, 2021
WNAXLP

Account Number:GWM-1086984
Order Number: 0004799602
Total Ad Cost: \$64.09
Published Dates: 06/29/2021, 06/30/2021, 07/01/2021
07/02/2021, 07/03/2021

Legal Clerk

State of Wisconsin
County of Brown
Subscribed and sworn to before on July 3, 2021



Notary Public State of Wisconsin, County of Brown

1-725

My Commission Expires

of Affidavits 1
This is not an invoice

KATHLEEN ALLEN
Notary Public
State of Wisconsin

LUTHERAN SOCIAL SERVICES
Re: Public Notice



POST-CRESCENT
media

A GANNETT COMPANY

**STATE OF WISCONSIN
BROWN COUNTY**

LUTHERAN SOCIAL SERVICES

3003 N RICHMOND ST

APPLETON WI 549111148

I, being duly sworn, doth depose and say I am an authorized representative of the Appleton Post Crescent, a newspaper published at Appleton, Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on:

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Operating and mobility management projects

Individuals or agencies wishing to comment or receive additional information about this application should contact Holly Keenan, Mobility Manager at 920-225-1740 or Holly.keenan@lsswis.org.

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07/02/2021, 07/03/2021

Legal Clerk

State of Wisconsin
County of Brown
Subscribed and sworn to before on July 3, 2021

Notary Public State of Wisconsin, County of Brown

1-7-25

My Commission Expires

of Affidavits 1
This is not an invoice

KATHLEEN ALLEN
Notary Public
State of Wisconsin

LUTHERAN SOCIAL SERVICES
Re: Public Notice

Attachment B
2022 - 2023 Section 5310 Grant Agreement
LUTHERAN SOCIAL SERVICES

<u>2022 Projects</u>	<u>Operating Project</u>	<u>Capital Project</u>
Net Project Cost:	\$85,210.00	\$53,283.00
Local Match:	\$42,605.00	\$10,577.00
Federal Program Amount	\$42,605.00	\$42,706.00

<u>2023 Projects</u>	<u>Operating Project</u>	<u>Capital Project</u>
Net Project Cost:	\$85,210.00	\$53,283.00
Local Match:	\$42,605.00	\$10,577.00
Federal Program Amount	\$42,605.00	\$42,706.00

Attachment C
2022 - 2023 Section 5310 Grant Agreement
LUTHERAN SOCIAL SERVICES

FEDERAL TRANSIT ADMINISTRATION
Federally Required Certifications and Contract Clauses

No Obligation by the Federal Government

(1) The Purchaser and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to the Purchaser, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

(2) The Contractor agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by the Federal Transit Administration (FTA). It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

Program fraud and false or fraudulent statements and related acts

31 U.S.C. 3801 et seq.
49 CFR Part 31 18 U.S.C. 1001
49 U.S.C. 5307

(1) The Contractor acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. § 3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this Project. Upon execution of the underlying contract, the Contractor certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or the FTA assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, the Contractor further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Contractor to the extent the Federal Government deems appropriate.

(2) The Contractor also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. § 5307, the Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5307(n)(1) on the Contractor, to the extent the Federal Government deems appropriate.

(3) The Contractor agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

Access to Records

49 U.S.C. 5325
18 CFR 18.36 (i)
49 CFR 633.17

1. Where the Purchaser is not a State but a local government and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C. F. R. 18.36(i), the Contractor agrees to provide the Purchaser, the FTA Administrator, the Comptroller

General of the United States or any of their authorized representatives access to any books, documents, papers and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions. Contractor also agrees, pursuant to 49 C. F. R. 633.17 to provide the FTA Administrator or his authorized representatives including any PMO Contractor access to Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311.

2. Where the Purchaser is a State and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 633.17, Contractor agrees to provide the Purchaser, the FTA Administrator or his authorized representatives, including any PMO Contractor, access to the Contractor's records and construction sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311. By definition, a major capital project excludes contracts of less than the simplified acquisition threshold currently set at \$100,000.

3. Where the Purchaser enters into a negotiated contract for other than a small purchase or under the simplified acquisition threshold and is an institution of higher education, a hospital or other non-profit organization and is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 C.F.R. 19.48, Contractor agrees to provide the Purchaser, FTA Administrator, the Comptroller General of the United States or any of their duly authorized representatives with access to any books, documents, papers and record of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts and transcriptions.

4. Where any Purchaser which is the FTA Recipient or a subgrantee of the FTA Recipient in accordance with 49 U.S.C. 5325(a) enters into a contract for a capital project or improvement (defined at 49 U.S.C. 5302(a)1) through other than competitive bidding, the Contractor shall make available records related to the contract to the Purchaser, the Secretary of Transportation and the Comptroller General or any authorized officer or employee of any of them for the purposes of conducting an audit and inspection.

5. The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

6. The Contractor agrees to maintain all books, records, accounts and reports required under this contract for a period of not less than three years after the date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case Contractor agrees to maintain same until the Purchaser, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. Reference 49 CFR 18.39(i)(11).

7. FTA does not require the inclusion of these requirements in subcontracts.

Federal Changes

49 CFR Part 18

Contractor shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement (see <https://www.transit.dot.gov/grantee-resources/sample-fta-agreements/fta-master-agreement-version-28-february-9-2021>) between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

Civil Rights

29 U.S.C. § 623, 42 U.S.C. § 2000

42 U.S.C. § 6102, 42 U.S.C. § 12112

42 U.S.C. § 12132, 49 U.S.C. § 5332

29 CFR Part 1630, 41 CFR Parts 60 et seq.

The following requirements apply to the underlying contract:

(1) Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

(2) Equal Employment Opportunity - The following equal employment opportunity requirements apply to the underlying contract:

(a) Race, Color, Creed, National Origin, Sex - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq ., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

(b) Age - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623 and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

(c) Disabilities - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the Contractor agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

(3) The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

Disadvantaged Business Enterprises

49 CFR Part 26

a. This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. The agency's overall goal for DBE participation is 1%. A separate contract goal has not been established for this procurement.

b. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Valley Transit deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

The successful bidder will be required to report its DBE participation obtained through race-neutral means throughout the period of performance.

d. The contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from Valley Transit. In addition, the contractor may not hold retainage from its subcontractors.

e. The contractor must promptly notify Valley Transit, whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of Valley Transit.

Incorporation of FTA Terms

FTA Circular 4220.1F

Incorporation of Federal Transit Administration (FTA) Terms - The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1E are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Contractor shall not perform any act, fail to perform any act, or refuse to comply with any Valley Transit requests which would cause Valley Transit to be in violation of the FTA terms and conditions.

Termination Provisions

49 U.S.C. Part 18

FTA Circular 4220.1F

(1) Termination for Convenience - The performance of work under the Contract may be terminated by Valley Transit in accordance with this Section in whole, or from time to time in part, whenever Valley Transit determines that such termination is in its best interest. Any such termination shall be effected by delivery to the Contractor of a notice of termination specifying the extent to which performance of work under the Contract is terminated and the date upon which such termination becomes effective.

(2) Termination for Default - If the Contractor fails to deliver supplies or to perform the services within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, Valley Transit may terminate this contract for default. Valley Transit shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. The Contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner or performance set forth in this contract.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of Valley Transit.

(3) Termination by Mutual Agreement - The Contract may be terminated by mutual agreement of the parties. Such termination shall be effective in accordance with a written agreement by the parties. Any other act of termination shall be in accordance with the termination by convenience or default provisions contained in these sections.

Suspension and Debarment

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by Valley Transit. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to Valley Transit, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Resolution of Disputes, Breaches, or Other Litigation

49 CFR Part 18
FTA Circular 4220.1E

Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the authorized representative of Valley Transit's General Manager. This decision shall be final and conclusive unless within [ten (10)] days from the date of receipt of its copy, the Contractor mails or otherwise furnishes a written appeal to the General Manager. In connection with any such appeal, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the General Manager shall be binding upon the Contractor and the Contractor shall abide by the decision.

Performance During Dispute - Unless otherwise directed by Valley Transit, Contractor shall continue performance under this Contract while matters in dispute are being resolved.

Claims for Damages - Should either party to the Contract suffer injury or damage to person or property because of any act or omission of the party or of any of his employees, agents or others for whose acts he is legally liable, a claim for damages therefore shall be made in writing to such other party within a reasonable time after the first observance of such injury of damage.

Remedies - Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the Valley Transit and the Contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which Valley Transit is located.

Rights and Remedies - The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by Valley Transit or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

Lobbying

Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, et seq.] - Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient.

Clean Air

42 U.S.C. 7401 et seq
40 CFR 15.61
49 CFR Part 18

(1) The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 et seq . The Contractor agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.

(2) The Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Clean Water

33 U.S.C. 1251

(1) The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq . The Contractor agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office.

(2) The Contractor also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Energy Conservation

42 U.S.C. 6321 et seq.
49 CFR Part 18

The contractor agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

Contract Work Hours & Safety Standards Act

(1) Overtime requirements - No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek. *Note: According to the Department of Labor, transportation contracts are exempt.*

(2) Violation; liability for unpaid wages; liquidated damages - In the event of any violation of the clause set forth in paragraph (1) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this section.

(3) Withholding for unpaid wages and liquidated damages - The (write in the name of the grantee) shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours

and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this section.

(4) Subcontracts - The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs (1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this section.

Charter Service Operations

The contractor agrees to comply with 49 U.S.C. 5323(d) and 49 CFR Part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except under one of the exceptions at 49 CFR 604.9. Any charter service provided under one of the exceptions must be "incidental," i.e., it must not interfere with or detract from the provision of mass transportation.

School Bus Operations

Pursuant to 69 U.S.C. 5323(f) and 49 CFR Part 605, recipients and subrecipients of FTA assistance may not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators unless qualified under specified exemptions. When operating exclusive school bus service under an allowable exemption, recipients and subrecipients may not use federally funded equipment, vehicles, or facilities.

ADA Access

The Contractor agrees to comply with 49 U.S.C. § 5301(d), which states the Federal policy that elderly individuals and individuals with disabilities have the same right as other individuals to use public transportation services and facilities, and that special efforts shall be made in planning and designing those services and facilities to implement transportation accessibility rights for elderly individuals and individuals with disabilities. The Contractor also agrees to comply with all applicable provisions of section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, which prohibits discrimination on the basis of disability in the administration of programs or activities receiving Federal financial assistance; with the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §§ 12101 et seq., which requires that accessible facilities and services be made available to individuals with disabilities; with the Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151 et seq., which requires that buildings and public accommodations be accessible to individuals with disabilities; and with other laws and amendments thereto pertaining to access for individuals with disabilities that may be applicable. In addition, the Recipient agrees to comply with applicable implementing Federal regulations, and any later amendments thereto, and agrees to follow applicable Federal implementing directives, except to the extent FTA approves otherwise in writing. Among those regulations and directives are:

- (1) U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 C.F.R. Part 37;
- (2) U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 C.F.R. Part 27;
- (3) Joint U.S. Architectural and Transportation Barriers Compliance Board (U.S. ATBCB)/U.S. DOT regulations, "Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 C.F.R. Part 1192 and 49 C.F.R. Part 38;
- (4) U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability in State and Local Government Services," 28 C.F.R. Part 35;
- (5) U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities," 28 C.F.R. Part 36;

(6) U.S. General Services Administration (U.S. GSA) regulations, "Accommodations for the Physically Handicapped," 41 C.F.R. Subpart 101-19;

(7) U.S. EEOC, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630;

(8) U.S. Federal Communications Commission regulations, "Telecommunications Relay Services and Related Customer Premises Equipment for the Hearing and Speech Disabled," 47 C.F.R. Part 64, Subpart F;

(9) U.S. ATBCB regulations, "Electronic and Information Technology Accessibility Standards," 36 C.F.R. Part 1194;

(10) FTA regulations, "Transportation for Elderly and Handicapped Persons," 49 C.F.R. Part 609; and

(11) Federal civil rights and nondiscrimination directives implementing the foregoing Federal laws and regulations, except to the extent the Federal Government determines otherwise in writing.

Notification of Federal Participation

To the extent required by law, in the announcement of any third party contract award for goods and services (including construction services) having an aggregate value of \$500,000 or more, Contractor shall specify the amount of Federal assistance to be used in financing that acquisition of goods and services and to express that amount of Federal assistance as a percentage of the total cost of the third party contract.

Lobbying Certification

The undersigned [Contractor] certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*.)]

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

If the undersigned is required to complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying" (see #2 above), please include Standard Form—LL with this proposal submittal.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

Compliance with Overall Federal Regulations Certification
49 CFR Part 18

The Contractor listed below hereby certifies that it shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Federal Transit Administration (FTA) Master Agreement between the City of Appleton/Valley Transit and the Federal Transit Administration, as they may be amended or promulgated from time to time during the term of this contract. The Contractor's failure to so comply shall constitute a material breach of this contract. FTA contract clauses are listed in this RFP.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

80-21

AN ORDINANCE AMENDING SECTION 19-57 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SPEED LIMITS DESIGNATED; FIFTEEN (15) MILES PER HOUR.

(Municipal Services Committee 12-01-2021)

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

Section 1: That Section 19-57 of Chapter 19 of the Municipal Code of the City of Appleton, relating to speed limits designated, fifteen (15) miles per hour, is hereby amended to read as follows by ADDING the following:

Sec. 19-57. Speed limited designated – fifteen (15) miles per hour.

The speed limit shall be fifteen (15) miles per hour on the following streets:

Washington Street from Story Street to Bennett Street

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

81-21

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

(Municipal Services Committee 12-01-2021)

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

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

INSTALL STOP SIGNS ON:

Pine Street at Outagamie Street

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