



City of Appleton

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

Meeting Agenda - Final Municipal Services Committee

Monday, September 25, 2023

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Pledge of Allegiance

3. Roll call of membership

4. Approval of minutes from previous meeting

[23-1127](#) Meeting minutes from September 11, 2023

Attachments: [09-11-23 Meeting Minutes.pdf](#)

5. **Public Hearing/Apearances**

6. **Action Items**

[23-1128](#) Resolution #10-2-22, Alternate Lawe Street Truck Route.

Attachments: [2023.09.20_MSC Lawe Street Truck Route Memo.pdf](#)

[Lawe Street Attachments.pdf](#)

[23-1129](#) Approve parking restriction change on the 700 block of E. Arnold Street.
Follow up to Six-Month Evaluation Period.

Attachments: [Arnold St \(post 6-month trial\).pdf](#)

7. **Information Items**

8. **Adjournment**

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



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Meeting Minutes - Final Municipal Services Committee

Monday, September 11, 2023

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Pledge of Allegiance
3. Roll call of membership

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

Aye: 3 - Van Zeeland, Meltzer and Siebers

Absent: 2 - Alfheim and Doran

4. Approval of minutes from previous meeting

[23-1088](#)

Minutes from August 21, 2023

Attachments: [08-21-23 Meeting Minutes.pdf](#)

5. **Public Hearing/Appearances**

6. **Action Items**

[23-1087](#)

Request from The Boldt Company for a permanent street occupancy permit for the Fox Commons City Center Plaza construction site perimeter fencing and staging on Oneida Street south of Washington Street (from E Washington Street to N. Appleton Street) for a period ending on December 31, 2023.

Attachments: [Boldt City Center Perm Road Closure Permit.pdf](#)

Siebers moved, seconded by Meltzer, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 3 - Van Zeeland, Meltzer and Siebers

Absent: 2 - Alfheim and Doran

7. Information Items

[23-1089](#) Inspection Division Permit Summary Comparison Report for August 2023.

Attachments: [Permit YTD Summary 8.31.23.pdf](#)

[23-1090](#) Bird E-Scooter Monthly Report - August 2023.

Attachments: [Appleton Bird August 2023 Report.pdf](#)

8. Adjournment

Siebers moved, seconded by Meltzer, that the be adjourned. Roll Call. Motion carried by the following vote:

Aye: 3 - Van Zeeland, Meltzer and Siebers

Absent: 2 - Alfheim and Doran



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

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

To: Municipal Services Committee
From: Danielle Block, Director of Public Works
Date: September 20, 2023
Re: Staff Report – Resolution #10-R-22 Lawe Street Truck Route Analysis

Department of Public Works and Community and Economic Development staff have reviewed and discussed the various elements included in Resolution #10-R-22 submitted by Alderperson Meltzer, District 2 and Alderperson Del Toro, District 4. A copy of the Resolution is included in the attachments (Exhibit 1).

Lawe Street from Wisconsin Avenue to College Avenue is proposed to be reconstructed in 2026, utility reconstruction in 2025. During the initial scoping discussions of the upcoming Lawe Street reconstruction project, the exploration of removing the Truck Route designation from Lawe Street between College Avenue and Hancock Street occurred. Further discussion on potential alternate routes also occurred. The future design of Lawe Street is being completed by Ayres Associates, an external engineering consultant. This design work and future construction work is being completed under the Wisconsin Department of Transportation (WisDOT) STP-Urban Bipartisan Infrastructure Law (BIL) program. Under this program, the project is being funded by the Federal, State and local governments through a State Municipal Agreement. A copy of the agreement is included (Exhibit 2).

Preliminary study of the corridor included a review of existing road and traffic conditions, proposed improvement requirements under WisDOT STP-Urban BIL program, City-wide truck route network, community listening session specific to the truck route, coordination with industrial and commercial carriers, and long-range City comprehensive plans.

Existing Roadway Conditions

- Collector Street and Designated Truck Route
- Roadway Typical Section
 - 60-ft right of way
 - 32-ft total roadway width
 - 11-ft travel lanes
 - 5-ft paved shoulder and curb & gutter
 - 8.5-ft grass terraces
 - 5-ft sidewalks
 - No Parking
 - No Bike Lanes
- Pavement Condition
 - Poor
- Tree Canopy Survey
 - 78 total trees
 - Approximately 47% *may* be removed due to species (Ash), condition (poor) or location (under power lines). Further design details are required to finalize the required tree removals.
 - Street Terrace Tree plantings will be part of the reconstruction project once the pavement and restoration are complete.

Existing Traffic Conditions

- Speed
 - Posted 25 mph.
 - Speed study indicated the 85th percentile speed is 30 mph. Which is below the citywide average for Collectors.
- ADT (Average Daily Traffic): 6,000 - 8,300, depending on the block.
- Truck %'s (≥15,000 GVW)
 - 3.1% Large Trucks or 279/day
- Crash History: 38 reportable crashes 2018-2022
- School Zone: Crossing at North St – Edison Elementary School

Proposed Improvement Requirements

- 32-ft roadway width (no widening)
 - 10-ft travel lanes
 - 6-ft bike lanes
 - 8.5-ft grass terraces
 - 5-ft sidewalks
- Pedestrian Accommodations and Traffic Calming
 - Currently investigating the feasibility of developing pedestrian enhancement features at select intersections. Design details and cost analysis pending.
 - Features could include side street curb extensions, median islands for refuge, etc.
 - Traffic Calming features being considered include modifications to the width of the roadway, signage, lighting, etc. These features do not include vertical installations (i.e., raised intersections or crosswalks) in order to minimize traffic noise from vibrations.
- Placemaking Opportunities
 - Pending funding resources and design within parameters of City Streetscape Guidelines:
 - Stamped and Colored Concrete
 - Decorative Lighting
 - Bus Stop Enhancements

Lawe Street Truck Route Community Listening Session Feedback

- Listening Session was held on the evening of August 2, 2023. Invitations were sent to residents and businesses along the project corridor. The goal of the listening session was to gather feedback specifically related to the truck route. Public Works provided a brief project update and Community Development facilitated an interactive discussion to generate input from residents and businesses along the project corridor.
- A summary of the listening session comments is attached (Exhibit 3).

Industrial and Commercial Carrier Coordination

- Number of Trips and Destination
 - Appvion currently takes approximately 16 round trips per day. 32 total trips per day along Lawe Street.
 - The 32 trips currently take place any time of day as ordering is placed by the distribution center. Trips also occur all days of the week, not just weekdays.
 - Appvion has been utilizing the Kensington Distribution Center for over 30 years, with a similar trucking pattern.
- Additional Mileage and Environmental Impacts
 - To reroute Appvion truck traffic along HWY 441, the mileage would increase by at least 50%. This would create an increase in CO2 emissions of 109 metric tons per year. This is an estimate related to Appvion trucks only. Other industries and trucking traffic would likely have increases as well.
 - See the attached Greenhouse Gas Equivalencies Calculator for a description of the CO2 emissions impact (Exhibit 4).

- Alternative Route – HWY 441 Hazards
 - Industry has expressed concerns related to the use of HWY 441 via Northland Avenue. The entrance ramp to the highway is uphill, making it difficult to enter and merge with highway traffic. Further, the reverse is true when exiting HWY 441 the downward incline onto College Avenue is also not ideal for truck traffic.
 - The industry expressed the local truck route being preferred from a driver and traffic safety standpoint based on the geometry of HWY 441.
- Compromise
 - During the month of August, leadership from Appvion approached City staff with a potential compromise. The compromise would restrict industrial and commercial truck traffic from utilizing the Lawe Street corridor from 10pm to 5am daily. This compromise would apply to the entirety of Lawe Street from Wisconsin Avenue south to College Avenue. Offering a positive benefit to those residents located north of Hancock Street that, under the Resolution language, would still have a Truck Route designation.
 - A letter regarding this topic is included (Exhibit 5).

Truck Route Network

- The existing City Truck Route Network map is attached (Exhibit 6).
- Alternative Route Discussion
 - Staff does not recommend a new alternative truck route to replace Lawe Street.
 - Efficiency and Cost – an alternative truck route could disrupt the efficiency of our transportation system, leading to increased travel time, congestion and additional fuel costs.
 - Safety Concerns – the existing truck route network has been designed with safety in mind and appropriate truck turning accommodations.
 - Community Impact – implementation of an alternative route could have a negative impact on a corridor that historically has not experienced measurable trucking volumes.
 - Environmental Considerations – a modification to the truck route will likely have increased emission levels and travel time.
 - Based on these factors, staff does not recommend any alternative truck routes.

City of Appleton Long Range Plan

It is worth noting the discussion of Truck Routes and Transportation planning within the City’s Comprehensive Plan. The City of Appleton has designated truck routes to discourage heavy vehicle traffic on neighborhood streets and other roads where these vehicles may present conflicts. In general, these include state and county trunk highways passing through the city, along with local streets in industrial districts or business parks in the community (COA Comp Plan 2010-2030, pg. 77). Lawe Street is a designated Collector Street. The Future Land Use Map within the Comprehensive Plan indicates most of the area north of Atlantic Street as future multi-family residential, mixed use, commercial, and industrial land use.

Truck Route Summary

The specific authority of a city to regulate heavy traffic is contained within Wis. Stat. 349.17 and City Municipal Code Sec. 19-136. Heavy trucks/commercial vehicles equal to or over 15,000 pounds shall drive on marked truck routes. Heavy trucks are allowed to deviate from the marked truck routes for the purpose of making pickups or deliveries as long as they leave and re-enter the designated route at points closest to their immediate destinations. There are exemptions to the types of trucks (i.e., municipal vehicles, emergency vehicles, buses).

For future consideration by the Committee, based on the analysis completed, staff does not recommend the removal of the Lawe Street Truck Route designation. This north-south connection is a historic and critical truck route to sustain the viability of strong economic anchors at the northern end of the project limits. Appvion alone has 350 employees to operate and manage their Appleton location. This industry has been a stable business in the Appleton community for over 115 years.

Staff does not recommend the designation of an alternative route in lieu of Lawe Street. Richmond Street and HWY 441 are the closest truck routes if Lawe Street is eliminated.

Staff anticipates recommending a compromise to the operational hours of the Lawe Street truck route. Based on feedback from industry, staff anticipates introducing an agreement limiting the hours truck travel along the entirety of Lawe Street from Wisconsin Avenue to College Avenue from 5am to 10pm. Trucks would not be scheduled to travel along Lawe Street from 10pm to 5am. This compromise could be memorialized in a Memorandum of Understanding between the industries and the City of Appleton at a subsequent meeting.

10-R-22 Recommendation

The pertinent portion of the Resolution asked "... that when the redesign comes up prior to Lawe Street's reconstruction, staff will explore removing the Truck Route designation from Lawe Street between College Avenue and Hancock Street and finding an alternate route for truck traffic to travel north and south."

This resolution is referred to Council via the Municipal Services Committee. **Based on the fact that Staff has explored the designation and alternate routes and presented its recommendation through this Memo, Staff's recommendation is to approve the resolution at this time.**

Exhibit 1

#10-R-22

Alternate Lawe Street Truck Route

Date: August 3, 2022

Submitted By: Ald. Meltzer, District 2, & Ald. Del Toro, District 4

Referred To: Department of Public Works

Whereas large commercial trucks on Lawe Street have long been a problem for the neighborhood both as a nuisance and a safety issue, causing damage to road conditions and home infrastructure; and


Whereas amenities, such as bike lanes, and safe walkable street crossings add value to neighborhoods, but inner city truck routes, impose a burden on neighborhoods; and

Whereas Lawe Street is scheduled for surface reconstruction in 2025, underground work in 2024, and design and planning 2023; and

Whereas large commercial truck traffic will have to be re-routed during the reconstruction work on Lawe Street, this provides an opportunity to make permanent changes as well as explore options to save on cost of materials;

THEREFORE BE IT RESOLVED that when the redesign comes up prior to Lawe Street's reconstruction, staff will explore removing the Truck Route designation from Lawe Street between College Avenue and Hancock Street, and finding an alternate route for truck traffic to travel north and south.

Exhibit 2

 <p style="text-align: center;">1st Revision STATE/MUNICIPAL AGREEMENT FOR A STATE- LET URBANIZED AREA STP-URBAN PROGRAM PROJECT</p> <p style="text-align: center;"><i>This agreement supersedes the agreement signed by the Municipality on June 22, 2022 and signed by the DOT on June 23, 2022.</i></p> <p>Program Name: STP-Urban Population Group: 200,000-500,000 Sub-program #: 206 Cycle: BIL 2023-2026</p>	<p>Revised Date: August 15, 2023</p> <p>Date: January 25, 2023</p> <p>I.D.: 4984-24-74/75</p> <p>Roadway Name: Lawe Street</p> <p>Limits: College Avenue to Wisconsin Avenue</p> <p>County: Outagamie</p> <p>Roadway Length: 0.8 MILES</p> <p>Functional Classification: Collector</p> <p>Project Sponsor: City of Appleton</p>
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The signatory, **City of Appleton**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301 of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

All components of the project must be defined in the environmental document if any portion of the project is federally funded. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Existing Facility - Describe and give reason for request: **The year of last improvement is 1973. The road consists of an urban cross section with two lanes of concrete pavement. The pavement has a rating of 1 and is cracking and experiencing joint failure. The road has curb and gutter and existing sidewalk. The existing pavement is cracked and deteriorated to a point that requires complete reconstruction. There is a railroad facility at the north end of the project.**

Proposed Improvement - Nature of work: **The proposed improvement is an urban reconstruction for 0.65 miles of concrete pavement with a pavement width of 42 feet. The proposed roadway is to include bike lanes on the street, curb and gutter, street lighting, pavement marking, signing and 5-foot sidewalks on both sides of the road. There will be extensive grading, and less than ½ acre of strip right-of-way will be acquired. Railroad crossing improvements to be determined.**

Describe non-participating work included in the project and other work necessary to completely finish the project that will be undertaken independently by the Municipality. Please note that non-participating components of a project/contract are considered part of the overall project and will be subject to applicable federal requirements: **Maintenance and repair of haul roads, adjustments to water main and sanitary sewer facilities (if applicable) and roadway widths exceeding WisDOT standards.**

The Municipality agrees to the following **BIL 2023-2026** Urbanized Area project funding conditions:

Project ID **4984-24-74** design costs are funded with up to 80% federal funding up to a funding limit of **\$364,907**. The Municipality agrees to provide the remaining 20% and any funds in excess of the **\$364,907** federal funding limit.

Non-participating design costs which include real estate, railroad and compensable utility costs are 100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

Project ID **4984-24-75** construction costs are funded with up to 80% federal funding up to a funding limit of **\$2,454,193**. The Municipality agrees to provide the remaining 20% and any funds in excess of the **\$2,454,193** federal funding limit.

Non-participating construction costs which include, but is not limited to, relocation/adjustments to water and sanitary sewer facilities and maintenance and repair of haul roads are 100% the responsibility of the Municipality. Any work performed by the Municipality prior to federal authorization is not eligible for federal funding. The Municipality will be notified by the State that the project is authorized and available for charging.

This project is currently scheduled in State Fiscal Year **2026**. Sunset date: **June 30, 2031**.

Sunset Date is determined based on the date a project is scheduled to be authorized. Sunset date is calculated as six years from the beginning of the state fiscal year (SFY) in which a project is initially scheduled.

Extensions may be available upon approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

The dollar amounts shown in the Summary of Costs Table below are estimates. The final Municipal share is dependent on the final federal participation, and actual costs will be used in the final division of cost for billing and reimbursement. In no event shall federal or State funding exceed the estimate of **\$2,819,100** in the Summary of Costs Table, unless such increase is approved in writing by the State through the State's Change Management Policy prior to the Municipality incurring the increased costs.

SUMMARY OF COSTS

PHASE	Total Est. Project Cost	Federal / State Funds	%	Municipal Funds	%
ID 4984-24-74					
Design	\$ 439,934	\$ 351,947	80%*	\$ 87,987	20% + BAL
State Review	\$ 16,200	\$ 12,960	80%*	\$ 3,240	20% + BAL
<i>Project total</i>	\$ 456,134	\$ 364,907		\$ 91,227	
ID 4984-24-75					
Participating Construction	\$ 3,297,087	\$ 2,168,083	80%*	\$ 1,129,004	20% + BAL
Construction Engineering	\$ 414,698	\$ 272,695	80%*	\$ 142,003	20% + BAL
Non-Participating Construction	\$ 20,500		0%	\$ 20,500	100%
State Review	\$ 20,400	\$ 13,415	80%*	\$ 6,985	20% + BAL
<i>Project total</i>	\$ 3,752,685	\$ 2,454,193		\$ 1,298,492	
Total Est. Cost Distribution	\$ 4,208,819	\$ 2,819,100		\$ 1,389,719	

*Design ID **4984-24-74** federal/state funding is limited to \$ **364,907**

*Construction ID **4984-24-75** federal/state funding is limited to \$ **2,454,193**

This request is subject to the terms and conditions that follow (pages 3 – 8) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signatures certify the content has not been altered by the municipality. Signed for and in behalf of: City of Appleton (please sign in blue ink.)		
Name	<i>Mark A. Labay</i>	Title <i>Assistant City Engineer</i> Date <i>8/23/23</i>
Signed for and in behalf of the State :		
Name	<i>Scott A. Nelson P.E.</i>	Title <i>NE Region Systems, Planning, and Operations Manager</i> Date <i>08/24/2023</i>

GENERAL TERMS AND CONDITIONS:

1. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
2. Work prior to federal authorization is ineligible for federal funding.
3. The Municipality, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
 - a. Environmental requirements, including but not limited to those set forth in the 23 U.S.C. 139 and National Environmental Policy Act (42 U.S.C. 4321 et seq.)
 - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The municipality agrees to comply with and promote applicable Federal and State laws, Executive Orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition the Municipality agrees not to engage in any illegal discrimination in violation of applicable Federal or State laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The Municipality agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
 - c. Prevailing wage requirements, including but not limited to 23 U.S.C 113.
 - d. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
 - e. Competitive bidding and confidentiality requirements set forth in 23 U.S.C 112 and Wis. Stat. 84.06. This includes the sharing of financial data prior to the conclusion of the competitive bid period.
 - f. All applicable Disadvantaged Business Enterprise (DBE) requirements that the State specifies.
 - g. Federal statutes that govern the Surface Transportation Program (STP), including but not limited to 23 U.S.C. 133.
 - h. General requirements for administering federal and state aid set forth in Wis. Stat. 84.03.

STATE RESPONSIBILITIES AND REQUIREMENTS:

4. Funding of each project phase is subject to inclusion in Wisconsin's approved BIL 2023-2026 Urbanized Area STP-Urban program. Federal funding will be limited to participation in the costs of the following items, as applicable to the project:
 - a. The grading, base, pavement, and curb and gutter, sidewalk, and replacement of disturbed driveways in kind.
 - b. The substructure, superstructure, grading, base, pavement, and other related bridge and approach items.
 - c. Storm sewer mains necessary for the surface water drainage.
 - d. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
 - e. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).
 - f. Signing and pavement marking.
 - g. New installations or alteration of street lighting and traffic signals or devices.
 - h. Landscaping.
 - i. Preliminary engineering and design.
 - j. State review services.
5. The work will be administered by the State and may include items not eligible for federal participation.
6. As the work progresses, the State will bill the Municipality for work completed which is not chargeable to federal funds. Upon completion of the project, a final audit will be made to determine the final division of costs subject to project funding limits in the Summary of Costs Table. If reviews or audits show any of the work to be ineligible for federal funding, the Municipality will be responsible for any withdrawn costs associated with the ineligible work.

MUNICIPAL RESPONSIBILITIES AND REQUIREMENTS:

7. Work necessary to complete the BIL 2023-2026 Urbanized Area STP-Urban improvement project to be financed entirely by the Municipality or other utility or facility owner includes the items listed below.
 - a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - b. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
 - c. Detour routes and haul roads. The municipality is responsible for determining the detour route.
 - d. Conditioning, if required and maintenance of detour routes.
 - e. Real estate for the improvement.
 - f. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.

- g. All work related to underground storage tanks and contaminated soils.
 - h. Street and bridge width in excess of standards, in accordance with the current *WisDOT Facilities Development Manual*.
8. The construction of the subject improvement will be in accordance with the appropriate standards unless an exception to standards is granted by State prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Municipality unless such exception is granted.
 9. Work to be performed by the Municipality without federal funding participation necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Municipality but must be coordinated with all other work undertaken during construction.
 10. The Municipality is responsible for financing administrative expenses related to Municipal project responsibilities.
 11. The Municipality will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in Wis. Stat. 51.01 (5), sexual orientation as defined in Wis. Stat. 111.32 (13m), or national origin.
 12. The Municipality will pay to the State all costs incurred by the State in connection with the improvement that exceed federal financing commitments or are ineligible for federal financing. To guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
 13. In accordance with the State's sunset policy for STP Program projects, the subject FFY 2023-2026 STP Program improvement must be constructed and in final acceptance within six years from the beginning of the state fiscal year (SFY) in which a project is initially scheduled. Extensions may be available upon approval of a written request by or on behalf of the Municipality to State. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.
 14. If the Municipality should withdraw the project, it will reimburse the State for any costs incurred by the State on behalf of the project.
 15. The Municipality will at its own cost and expense:
 - a. Maintain all portions of the project that lie within its jurisdiction (to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, sidewalks and parking lanes [including snow and ice removal]) for such maintenance in a manner consistent with reasonable industry standards, and will make ample provision for such maintenance each year.
 - b. Regulate [or prohibit] parking at all times in the vicinity of the proposed improvements during construction.
 - c. Regulate [or prohibit] all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
 - d. Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
 - e. Provide complete plans, specifications, and estimates to State upon request.
 - f. Provide relocation orders and real estate plats to State upon request.

- g. Use the *WisDOT Utility Accommodation Policy* unless it adopts a policy, which has equal or more restrictive controls.
- h. Provide maintenance and energy for lighting.
- i. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.

16. It is further agreed by the Municipality that:

- a. The Municipality assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the state and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this agreement.
- b. The Municipality assumes full responsibility for the plans and special provisions provided by their designer or anyone hired, contracted or otherwise engaged by the Municipality. The Municipality is responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Municipality will reimburse State if State incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.
- c. The Municipality will be 100% responsible for all costs associated with utility issues involving the contractor, including costs related to utility delays.
- d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Municipality or by others, will be in conformity with such *Manual of Uniform Traffic Control Devices* as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred with by the Federal Highway Administration.
- e. The right-of-way available or provided for the project will be held and maintained inviolate for public highway or street purposes. Those signs prohibited under federal aid highway regulations, posters, billboards, roadside stands, or other private installations prohibited by Federal or State highway regulations will not be permitted within the right-of-way limits of the project. The Municipality, within its jurisdictional limits, will remove or cause to be removed from the right-of-way of the project all private installations of whatever nature which may be or cause an obstruction or interfere with the free flow of traffic, or which may be or cause a hazard to traffic, or which impair the usefulness of the project and all other encroachments which may be required to be removed by the State at its own election or at the request of the Federal Highway Administration, and that no such installations will be permitted to be erected or maintained in the future.
- f. The Municipality is responsible for any damage caused by legally hauled loads, including permitted oversize and overweight loads. The contractor is responsible for any damage caused to haul roads if they do not obey size and weight laws, use properly equipped and maintained vehicles, and do not prevent spilling of materials onto the haul road (*WisDOT Standard Specifications* 618.1, 108.7, 107.8). The local maintaining authority can impose special or seasonal weight limitations as defined in Wis. Stat. 349.16, but this should not be used for the sole purpose of preventing hauling on the road.

The bid item 618.0100 Maintenance and Repair of Haul Roads (project) is ineligible for federal funding on local program projects as per the State/Municipal Agreement. The repair of damages as a result of hauling materials for the project is the responsibility of the Municipality as specified in the State/Municipal Agreement Terms and Conditions under Municipal Responsibilities and Requirements.

LEGAL RELATIONSHIPS:

17. The State shall not be liable to the Municipality for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Municipality for damages or delays resulting from injunctions or other restraining orders obtained by third parties.
18. The State will not be liable to any third party for injuries or damages resulting from work under or for the Project. The Municipality and the Municipality's surety shall indemnify and save harmless the State, its officers and employees, from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property on account of the operations of the Municipality and its sureties; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Municipality or its sureties; or because of any claims or amounts recovered for any infringement by the Municipality and its sureties of patent, trademark or copyright; or from any claims or amounts arising or recovered under the Worker's Compensation Act, relating to the employees of the Municipality and its sureties; or any other law, ordinance, order or decree relating to the Municipality's operations.
19. Contract modification: This State/Municipal Agreement can only be modified by written instruments duly executed by both parties. No term or provision of either this State/Municipal Agreement or any of its attachments may be changed, waived or terminated orally.
20. Binding effects: All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third-party enforcement rights.
21. Choice of law and forum: This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The Parties hereby expressly agree that the terms contained herein and in any deed executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.

PROJECT FUNDING CONDITIONS

22. Non-appropriation of funds: With respect to any payment required to be made by the State under this State/Municipal Agreement, the parties acknowledge the State's authority to make such payment is contingent upon appropriation of funds and required legislative approval sufficient for such purpose by the Legislature. If such funds are not so appropriated, either the Municipality or the State may terminate this State/Municipal Agreement after providing written notice not less than thirty (30) days before termination.
23. Maintenance of Records: During the term of performance of this State/Municipal Agreement, and for a period not less than three years from the date of final payment to the Municipality, records and accounts pertaining to the performance of this State/Municipal Agreement are to be kept available for inspection and audit by representatives of the Department. The Department reserves the right to audit and inspect such records and accounts at any time. The Municipality shall provide appropriate accommodations for such audit and inspection.

In the event that any litigation, claim or audit is initiated prior to the expiration of said records maintenance period, the records shall be retained until such litigation, claim or audit involving the records is complete.

24. The Municipality agrees to the following BIL 2023-2026 Urbanized Area STP-Urban project funding conditions:
 - a. ID 4984-24-74: Design is funded with 80% federal funding up to a funding limit of **\$364,907**, where applicable when the Municipality agrees to provide the remaining 20% and any funds in excess of the **\$364,907** state/federal funding limit. This phase includes plan development and state review. The work includes project review, approval of required reports and documents and processing the final Plan, Specification & Estimate (PS&E) document for award of the contract. Costs for this phase include an estimated amount for state review activities, to be funded 80% with federal funding and 20% by the Municipality.

- b. Real estate is funded 100% by the Municipality. Real estate acquisition is 100% the responsibility of the Municipality.
- c. Utility items are funded 100% by the Municipality.
- d. ID **4984-24-75**: Construction:
 - i. Costs for items such as grading, gravel, asphalt, curb & gutter, sidewalk, traffic control, etc. are funded with 80% federal funding up to a funding limit of **\$2,454,193**, when the Municipality agrees to provide the remaining 20%, and any funds in excess of the **\$2,454,193** federal funding limit.
 - ii. Non-participating costs for water and sanitary facilities, utilities, maintenance and repair of haul roads and detours are funded 100% by the Municipality. Costs include construction delivery.
 - iii. Costs for this phase include an estimated amount for state review activities, to be funded 80% with federal funding and 20% by the Municipality.

[End of Document]

Exhibit 3

Lawe Street Truck Route Community Listening Session

August 2, 2023 5-6pm

Session Summary

- Presentation by Public Works staff, then a workshop lead by Community Development staff.
- Map of the corridor was available to enter comments and locate corridor comments and concerns.
- Two questions were posed to the attendees:
 - **What about the truck route impacts you the most?**
 - Excessive noise and vibration in homes. Concerned with foundation and windows.
 - Experience excessive speeding.
 - Difficulty crossing the streets, including school crossing safety.
 - Deteriorating road conditions.
 - Industry has concerns that rerouting will increase travel times, fuel usage and negatively affect business operations.
 - Industry has concerns regarding HWY 441, the ability to merge uphill and enter traffic safely. The interchange at College Avenue is difficult for trucks to maneuver.
 - Dirt and dust caused by trucks along the corridor.
 - Maintaining the character of the neighborhood and view the trucks as determinantal to the character.
 - Concerns regarding potential widening of the roadway, if needed would impact the trees.
 - Overall perception of a negative impact on property value.
 - **Are there features that could mitigate your concerns about the truck route?**
 - Installation of traffic control at intersections: stop signs, pedestrian crossing signs and/or lights, etc.
 - Rerouting of the truck traffic.
 - Do not widen the street.
 - No bike lanes.
 - Different speed limits for trucks.
 - Reinforced roads.
 - Different routes depending on whether or not the truck is loaded.
 - Improved railroad crossing.
 - Reduced speed limits.
 - Enforcement for speed.

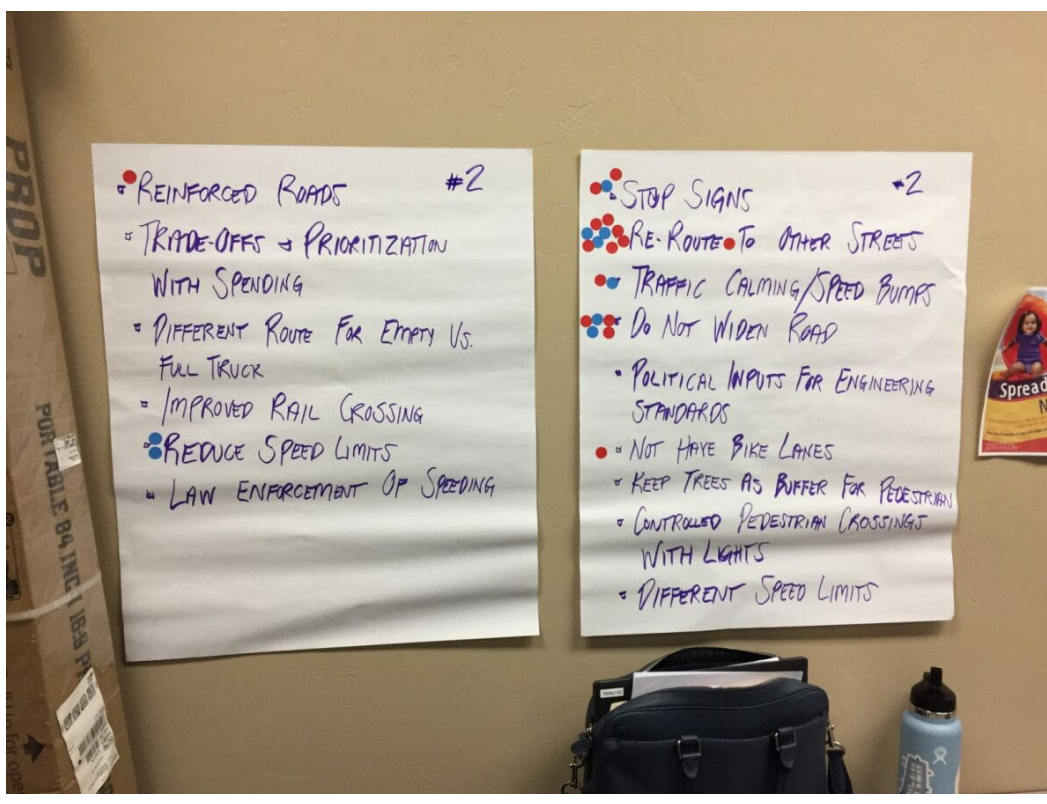
- EXCESSIVE SPEED (NOT JUST TRUCKS)
- HOMES SHAKE — FOUNDATION (CONCERN + WINDOWS)
- TRUCKS OVERLOADED
- PEDESTRIAN/BIKE SAFETY
- SCHOOL CROSSING SAFETY
- FRANKLIN/LANE + WASH/LANE
- NOISE

- #1 • DIRT/DUST
- CHARACTER OF NEIGHBORHOOD
- WIDENING STREET + LOSS OF TREES / INCREASED SPEED
- Safety

- #1 • ROAD CONDITIONS
- EMPLOYERS VERY RELIANT ON TRUCK ROUTE
- REMOVAL OF TRUCK ROUTE WOULD HAVE MAJOR IMPACT ON BUSINESSES
- PROPERTY VALUE
- ON-RAMP/OFF-RAMP SAFETY CONCERNS WITH TRUCKS MERGING ON HWY 441
- COLLEGE/LANE INTERSECTION
- ELDERLY SAFETY
- ACCESS TO BUS LIKE JACOBS

- #2 • REINFORCED ROADS
- TRADE-OFFS → PRIORITIZATION WITH SPENDING
- DIFFERENT ROUTE FOR EMPTY VS. FULL TRUCK
- IMPROVED RAIL CROSSING
- REDUCE SPEED LIMITS
- LAW ENFORCEMENT OF SPEEDING

- #2 • STOP SIGNS
- RE-ROUTE TO OTHER STREETS
- TRAFFIC CALMING / SPEED BUMPS
- DO NOT WIDEN ROAD
- POLITICAL INPUTS FOR ENGINEERING STANDARDS
- NOT HAVE BIKE LANES
- KEEP TREES AS BUFFER FOR PEDESTRIANS
- CONTROLLED PEDESTRIAN CROSSINGS WITH LIGHTS
- DIFFERENT SPEED LIMITS



109 Metric Tons ▼ of Carbon Dioxide (CO₂) equivalent

Exhibit 4

This is equivalent to greenhouse gas emissions from:

24.3 gasoline-powered passenger vehicles driven for one year ?

<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#vehicles>



279,427 miles driven by an average gasoline-powered passenger vehicle ?

<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#miles>



This is equivalent to CO₂ emissions from:

12,265 gallons of gasoline consumed ?

<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#gasoline>



10,707 **gallons of diesel consumed** 

<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#diesel>




122,097 **pounds of coal burned** 

<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#lbscoal>




1.4 **tanker trucks' worth of gasoline**


 <https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#tankers>




13.7 **homes' energy use for one year**

 <https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#houseenergy>




21.2 **homes' electricity use for one**
year  [<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#houseelec>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#houseelec)




0.601 **railcars' worth of coal burned** 
 [<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#railcars>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#railcars)




252 **barrels of oil consumed** 
 [<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#oil>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#oil)




5,007 **propane cylinders used for home**
barbeques  [<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#propane>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#propane)




0 **coal-fired power plants in one**
year  <https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#coalplant>




0.0003 **natural gas-fired power plants in**
one year  <https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#gasplant>



13,259,048 **number of smartphones charged**
 <https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#smartphones>







This is equivalent to greenhouse gas emissions avoided by:



37.7 **tons of waste recycled instead of**
landfilled  <https://epa.gov/energy/greenhouse-gases->




equivalencies-calculator-calculations-and-references#recycle>

5.4 **garbage trucks of waste recycled**
instead of landfilled  <<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#gtrucks>> 

4,718 **trash bags of waste recycled**
instead of landfilled  <<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#trash>> 

0.03 **wind turbines running for a year**
 <<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#wind>> 

4,131 **incandescent lamps switched to**
LEDs  <<https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#leds>> 

calculator-calculations-and-references#lights>



This is equivalent to carbon sequestered by:

1,802 tree seedlings grown for 10 years



[? <https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#seedlings>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#seedlings)

130 acres of U.S. forests in one year



[? <https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#pineforests>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#pineforests)

0.723 acres of U.S. forests preserved from conversion to cropland in one year



[? <https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#deforestation>](https://epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references#deforestation)

Exhibit 5

September 14, 2023

To: Danielle Block
Director of Public Works, City of Appleton

From: Graeme Hodson
COO, M2S Group (Appvion, Nekoosa, and Decorative Films)

Dani,

Thanks again for including us in the Community Listening event on Wednesday August 2nd at City Hall. It was a great opportunity to understand the construction and upgrade plans for Lawe Street and more importantly hear the concerns and feedback of our local residents regarding the “truck route” designation.

Appvion has been manufacturing here in Appleton for over 115 years and as part of our operations we have been utilizing WSI warehousing in the Radio Road/College Avenue vicinity for more than 30 years. Given our limited warehousing in our manufacturing buildings around Meade Street and Wisconsin Avenue, we store the majority of our incoming raw materials and outgoing finished goods in offsite warehousing and use VS Midwest to shuttle materials back and forth. The most direct and cost-effective truck route utilizes Lawe Street.

As we explained when we visited City Hall on August 15th, if the Lawe Street truck route designation is removed Appvion has two alternatives. The next best alternative would be to use Richmond Street and College Avenue, resulting in all our truck traffic traveling through Downtown Appleton. Alternatively, we could utilize Ballard Road, Northland Avenue, and 441. In discussions with our shuttle service provider, we have safety concerns with trucks utilizing the inclined ramps and short entry lanes entering and exiting 441, especially around peak traffic times.

Utilizing 441 would result in an additional 33,792 miles per year and an additional 751 driver hours an increase of 97% and 44% respectively. These impacts will result in increased operating costs (fuel, wear & tear, tires, vehicle maintenance costs, and driver hours) along with increased capital requirements (semi-trucks and trailers). From an environmental impact perspective, based on industry standards for semi-trucks, we would generate an additional 109.4 Metric Tons of CO₂ (Greenhouse Gas Emissions) annually.

Our current operating schedule (7 days/24 hours) requires ~16 round trip shuttles per day between the warehouse and our manufacturing site. Our facility layout requires the two loops around our properties (Lawe Street, Meade Street, Wisconsin Avenue, E Hancock Street, E Commercial Street, and N Rankin Street) to remain truck routes in order to access our loading

docks and move materials in and out of our buildings. Therefore, the focus is really on the 0.5-mile stretch between E Hancock Street and College Avenue.

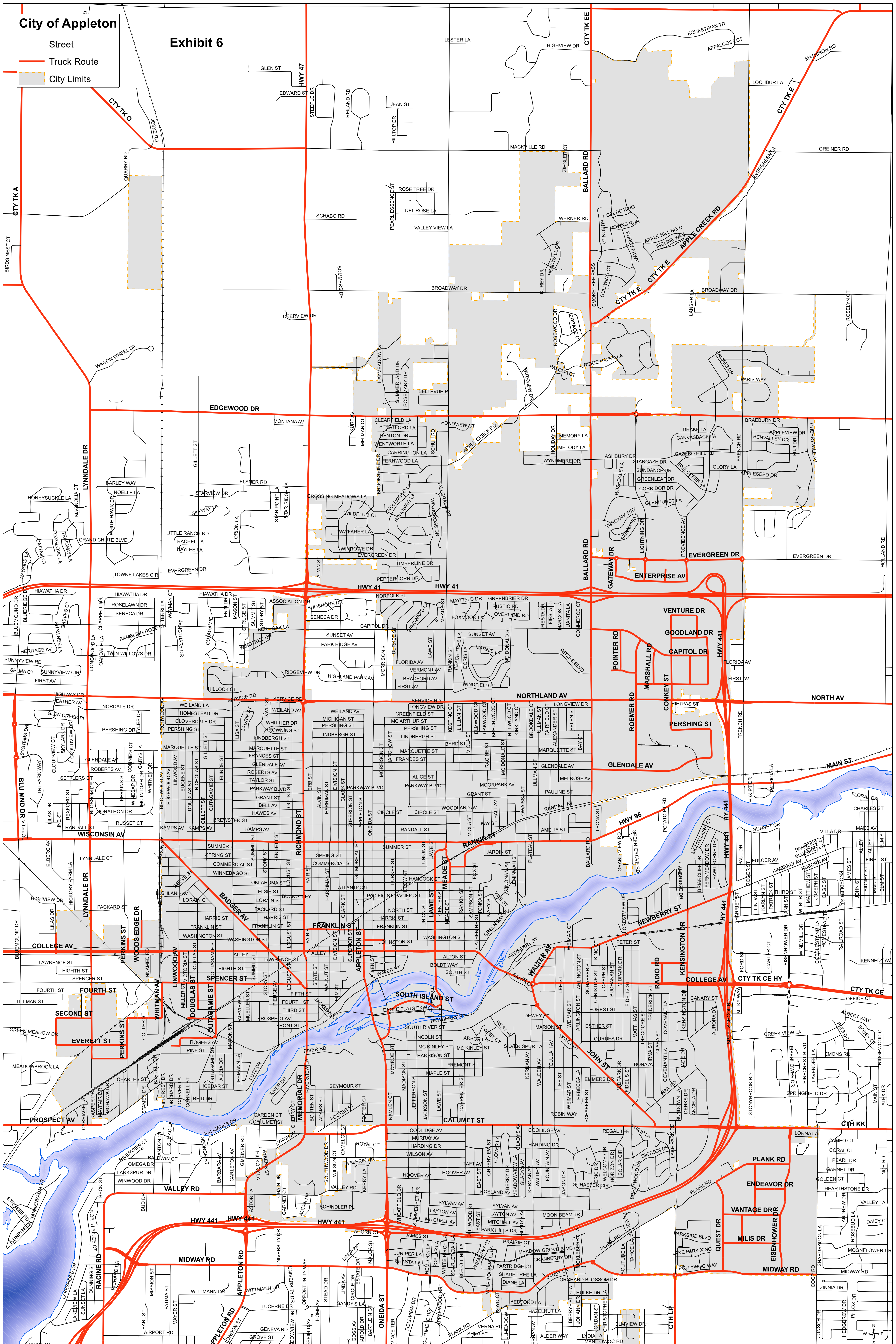
A key takeaway from the Community Listening event was the impact to our neighboring residents from trucks using Lawe Street at night. Since the event, our team has been focused on what changes we can make that might be a positive for the area residents. After discussing options internally and meeting with our carrier, VS Midwest, we can commit to eliminate the use of our shuttle between 10pm and 5am daily. This would provide for some quiet time overnight and be a benefit to not only those living on Lawe Street, but also the loops around our facilities. If for some reason, we had to run an emergency shuttle we would utilize an alternative route. However, based on our planning we expect this to be a highly unlikely need.

Appvion is committed to finding a balanced solution for both the residents in the areas neighboring our facilities and our business needs. Our operations in Appleton provide a significant economic benefit to the City of Appleton and the surrounding communities. We employ approximately 350 people with wages totaling over \$30MM annually. In addition, we pay around \$400K in Real Estate and purchase more than \$10MM from local businesses.

City of Appleton

Exhibit 6

- Street
- Truck Route
- City Limits





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

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: Eric Lom, City Traffic Engineer
Date: September 18, 2023
Re: Proposed parking change on Arnold Street (700E)
Follow-Up to Evaluation Period

In response to concerns raised by residents, the City’s Traffic Section assessed the possibility of removing the existing two-hour parking restriction (7 a.m. to 5 p.m. except Sat/Sun/Hol) on both sides of Arnold Street, from Lawe Street to Meade Street. Many of the Arnold Street residents felt that the restriction was no longer needed.

Property owners on this block were surveyed by mail and, based on the feedback received, the existing two-hour parking restriction was removed for an evaluation period.

We have not received any feedback from the community, and the lack of the two-hour restriction has not raised any concerns by DPW staff. Based on this, we recommend the changes be made permanent.

To accomplish this, the following ordinance action is required:

1. **Repeal Ord. 20-03:** “Parking be restricted to two hours from 7:00m a.m. to 5:00 p.m., except Saturdays, Sundays and Holidays, on Arnold Street from Lawe Street to Meade Street.”