



City of Appleton

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

Meeting Agenda - Final-revised Municipal Services Committee

Monday, March 11, 2019

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[19-0302](#) Minutes from February 20, 2019

Attachments: [Minutes from February 20, 2019.pdf](#)

4. **Public Hearings/Apearances**

[19-0324](#) Presentation by staff on updated Mobility Study Recommendations incorporating Traffic Impact Analysis for proposed Bluff Site Development.

5. **Action Items**

[19-0325](#) Approve proposed changes to the Sidewalk Maintenance Policy.

Attachments: [Sidewalk Maintenance Policy.pdf](#)

[19-0326](#) Approve installation of STOP control on Washington Street at Bennett Street. Follow up to six-month trial period.

Attachments: [Intersection traffic control Bennett Street at Washington Street. Follow up to six](#)

[19-0327](#) Approve parking restrictions on Wayne Street north of Wisconsin Avenue. Follow up to six-month trial period.

Attachments: [Parking restriction changes on Wayne Street, north of Wisconsin Avenue. Follo](#)

[19-0328](#) Request from Gene Jacquet, 331 W. Foster Street, to have his sidewalk snow removal bill of \$75 waived.

Attachments: [331 W. Foster Street.pdf](#)

[19-0329](#) Approve updates to Municipal Code Sections 16-135 through 16-148 related to wireless telecommunication facilities in the right-of-way.

Attachments: [Municipal Code Sections 16-135 through 16-148 Wireless Telecommunications](#)

[19-0330](#) Approve Aesthetic Standards for Small Cell Wireless Facilities and other private utilities within the public right-of-way.

Attachments: [Aesthetic Standards for Small Cell Wireless and Other Private Utilities In Public](#)

- [19-0331](#) Approve 2019 Department of Public Works Fee Schedule.
Attachments: [Fee Schedules Department of Public Works.pdf](#)
- [19-0340](#) Approve parking restriction changes on the 200 block of N. Bennett Street. Follow up to six-month trial period.
Attachments: [Parking restriction changes on the 200 block of N. Bennett Street. Follow up to](#)
- [19-0341](#) Approve ALL WAY STOP control at the Cedar Street at Mason Street intersection. Follow up to six-month trial period.
Attachments: [Intersection traffic control Cedar Street at Mason Street intersection. Follow up t](#)
- [19-0342](#) Approve parking restrictions on Evergreen Drive from Haymeadow Avenue to Meade Street.
Attachments: [Parking changes related to Evergreen Drive bike lane retrofit project \(Haymead](#)
- [19-0360](#) Request from Josh Nave for a permanent street occupancy permit to install a new awning that extends into the College Avenue right-of-way at 125 E. College Avenue be denied.
Attachments: [125 E. College Avenue.pdf](#)

6. Information Items

- [19-0332](#) Annual update to the 5-Year Bike Lane and Trail Plan.
- [19-0333](#) DPW Twitter Fun Fact Friday **#DPWfunfactfriday**
- [19-0334](#) 2018 Parking Utility Annual Report
Attachments: [2018 Parking Utility Annual Report.pdf](#)
- [19-0335](#) Update on Yellow Parking Ramp elevators and lobby.
- [19-0336](#) Discuss concept of Parklets and the City of LaCrosse Parklets Handbook.
Attachments: [City of LaCrosse Parklets Handbook.pdf](#)
- [19-0337](#) Health in all Policies Annual Report.
- [19-0338](#) Inspection Division Permit Summary Comparison Report for February, 2019.
Attachments: [Inspection Division Permit Summary Comparison Report for February 2019.pdf](#)

7. 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.



City of Appleton

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

Meeting Minutes - Final Municipal Services Committee

Wednesday, February 20, 2019

6:30 PM

Council Chambers, 6th Floor

SPECIAL MEETING

1. Call meeting to order

Alderperson Konetzke called meeting to order at 6:30 p.m.

2. Roll call of membership

Present: 3 - Coenen, Konetzke and Martin

Excused: 2 - Croatt and Williams

3. Approval of minutes from previous meeting

[19-0234](#)

Minutes from February 11, 2019

Attachments: [Minutes from February 11, 2019.pdf](#)

Coenen moved, seconded by Martin, that the Minutes be approved. Roll Call.
Motion carried by the following vote:

Aye: 3 - Coenen, Konetzke and Martin

Excused: 2 - Croatt and Williams

4. **Public Hearings/Appealances**

5. **Action Items**

[19-0119](#)

Award of 2019 Materials Testing Contract (M-19) to OMNNI Associates, Inc. in an amount not to exceed \$100,000.

Attachments: [2019 Materials Testing Contract \(M-19\).pdf](#)

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

Aye: 3 - Coenen, Konetzke and Martin

Excused: 2 - Croatt and Williams

[19-0235](#)

Approve permanent street occupancy permit for the existing Reid Golf Course Parking Lot within Fremont Street right-of-way.

Attachments: [Reid Golf Course Parking.pdf](#)

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

Aye: 3 - Coenen, Konetzke and Martin

Excused: 2 - Croatt and Williams

[19-0236](#)

Approve permanent street occupancy permit for a corner of the new US Venture Public Parking Ramp within Water Street right-of-way.

Attachments: [US Venture Public Parking Ramp.pdf](#)

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

Aye: 3 - Coenen, Konetzke and Martin

Excused: 2 - Croatt and Williams

6. Information Items

7. Adjournment

Coenen moved, seconded by Martin, to adjourn the meeting at 6:35 p.m. Roll Call vote. Motion carried by the following vote.

Aye: 3 - Coenen, Konetzke and Martin

Excused: 2 - Croatt and Williams



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

Adopted March 6, 2002

CITY OF APPLETON SIDEWALK MAINTENANCE POLICY

INTRODUCTION

The Department of Public Works is charged with maintenance of the existing sidewalk network within city street right-of-way. This charge is met through the "Green Dot" Program, Street Reconstruction Programs and general notification of damaged sidewalk.

INSPECTION CYCLE

The "Green Dot" Program is intended to provide for the on-going **periodic** inspection of the City's sidewalk network. Areas within the network will be inspected on a rotating basis, with the area size and frequency of inspection being ~~maximized based upon available budgeted funds~~ **determined by the Department of Public Works based upon available budgeted funds and similar resources.**

The downtown core area as designated on Exhibit "A" will be inspected annually.

Citizens are encouraged to report conditions that may qualify for repair or replacement to the Department of Public Works.

REPAIR / REPLACEMENT CRITERIA

In order to sustain the safety of sidewalks in the City and avoid the development of unsafe conditions, sidewalks that meet any of the following criteria during an inspection will be subject to repair or replacement:

1. $\frac{3}{4}$ " vertical differential between or within sidewalk sections
2. settled out of vertical alignment (more than 1" per foot from normal grade)
- 3-2. crack width of $\frac{1}{2}$ " between or within sidewalk sections
4. sidewalk sections which are out of conformance with design grade to a degree that water ponds
- 5.3. broken corners greater than 3 inches in any direction

RESPONSE TIME

All general notification of damaged sidewalk will be inspected and repaired, if necessary, within a reasonable amount of time.

ASSESSMENTS

Effective upon completion of the first cycle of the "Green Dot" Program in 1999, all damaged sidewalk meeting the above criteria will be replaced at City cost. **Sidewalk meeting the replacement criteria above will be replaced at City cost. Sidewalk sections which are out of conformance with design grade to a degree that water ponds, shall be replaced at City cost when part of a Total Street Reconstruction Program. Alternatively, property owners may elect to replace sections of sidewalk which are out of conformance with design grades to a degree that water ponds at their sole expense and with an approved City permit.**



"... 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, Traffic Engineer
Date: February 19, 2019
Re: Intersection traffic control at the Bennett Street / Washington Street intersection
Follow-Up to Six-Month Trial Period

As a follow-up to a citizen concern, the Traffic Section recently reviewed the traffic control at the intersection of Bennett Street and Washington Street, and subsequently initiated a six-month trial period to change from uncontrolled to stop control. This intersection is located one block north of College Avenue and two blocks west of Richmond Street. It is a three-legged intersection.

In a typical intersection control study, we consider traffic volumes, crash history, safe approach speeds, etc. In this case, the estimated entering volume of this intersection is fairly low, at approximately 750 vehicles per day. A review of crash records indicated zero crashes for the recent five-year period of 2014 through 2018. However, the critical approach speed for the intersection was found to be approximately 5 mph due to the positioning of a home and vegetation in the northeast quadrant of the intersection (outside the legal vision corner). Both streets are classified as *local*.

While this intersection does not meet the volume or crash thresholds for stop control, the critical approach speed is well below the standard. As such, we recommend maintaining the stop control that was implemented for the trial period.

To accomplish this, the following ordinance action is required:

1. **Create:** "Install Stop signs on Washington Street at Bennett Street."



"... 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: February 19, 2019
Re: Parking restriction changes on Wayne Street, just north of Wisconsin Avenue
Follow-Up to Six-Month Trial Period

The Traffic Section was contacted last summer by Alderperson Meltzer regarding a possible change to on-street parking restrictions on the east side of Wayne Street, just north of Wisconsin Avenue. Based on a request from the adjacent business, Alderperson Meltzer asked that we review the existing 15-Minute parking zone at that location and consider the possibility of removing it.

Based on a review of our files, this 15-minute parking zone was requested in 1978 by the then-property owner (a liquor store) that needed short-term parking during the evenings/weekends. Based on the current owner's request, the short-term parking is no longer needed.

As such, a 6-month trial was instituted to test the changes. All the feedback we received regarding the changes was positive. As such, we recommend making the changes permanent.

To accomplish this, the following ordinance action is required:

1. **Repeal Ord. 18-78:** "15 minute parking from 9:00 a.m. to 9:00 p.m. on the east side of Wayne Street from 15' north of the north right-of-way line of Wisconsin Avenue extending north for 63'.")"

Gene Jacquet

331 W. Foster Street

Appleton, WI 54915

731-4679

Finance Department

City Hall, P.O. Box 2519

Appleton, WI 54952-2519

February 7, 2019

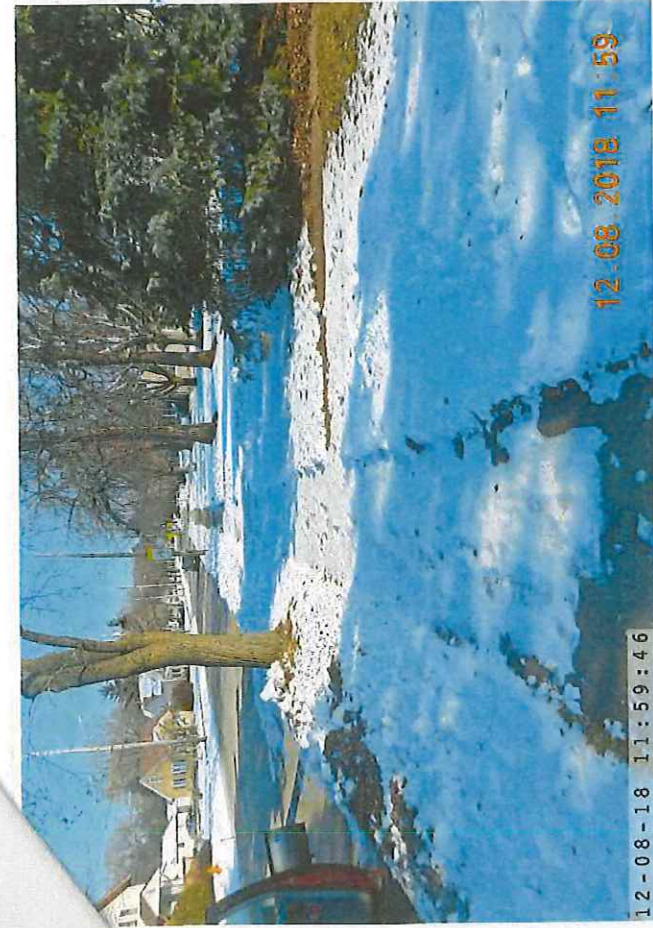
I received a bill in the mail for \$75.00 for snow removal neglect. I am a senior citizen and am somewhat limited with my walking. I have always kept my sidewalk shoveled as far as I know. I have someone shovel it for me. I was never given a warning notice and am not knowledgeable of not keeping my sidewalk cleared. Being on a fixed income, I find it difficult to pay this amount. I find it shocking that I was fined and for that large an amount!! A part of the sidewalk that is between 331 and 315 is owned by a third part and that party has never maintained his portion of the property for over 43 years. I should not be caretaker for that part of the sidewalk.

I am hoping that the amount may be lessend or eliminated and a warning be given prior to a billing statement. I would appreciate your understanding. Thank you.

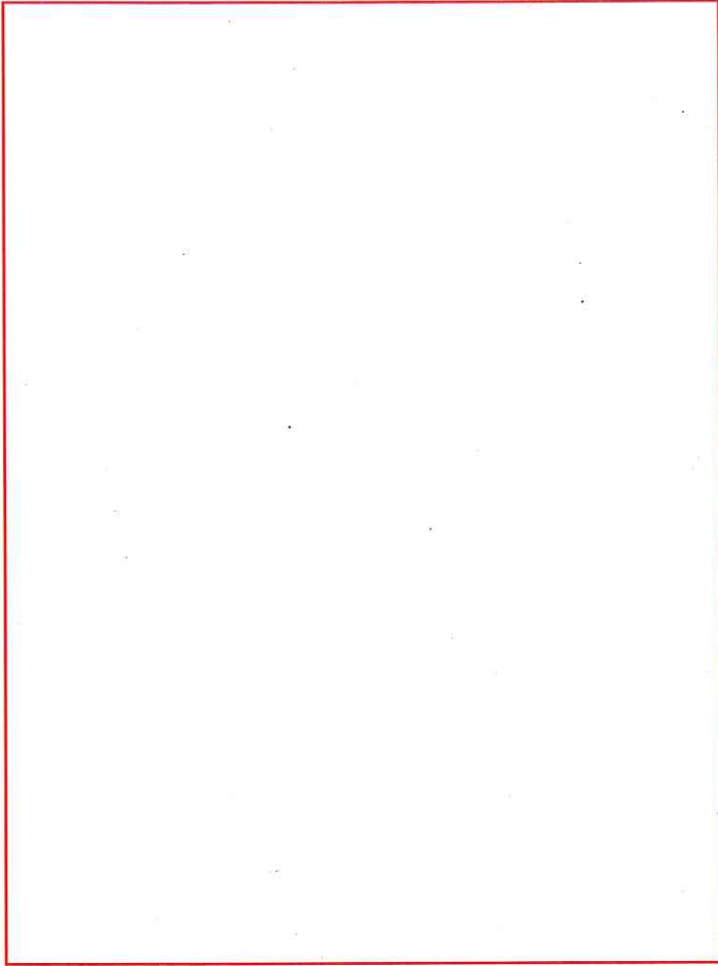
Sincerely,

A handwritten signature in cursive script that reads "Gene Jacquet". The signature is written in dark ink and is positioned above the printed name.

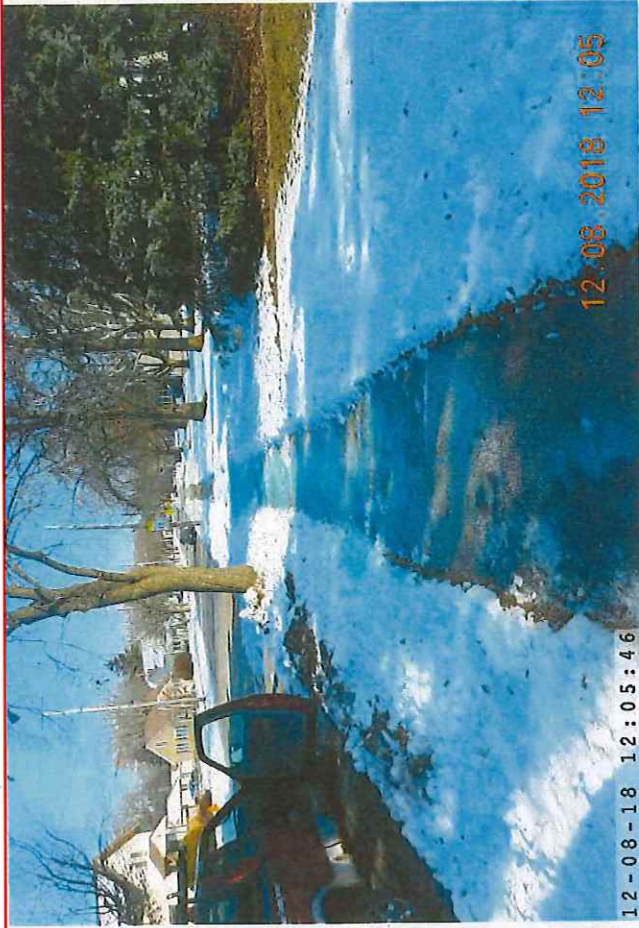
Gene Jacquet



180881 - Before



180881



180881 - After

2017/2018 Sidewalk Snow Removal Appeals

ADDRESS	Official End of Storm	36 Hour Time	Cleared and/or salted	Fee
1400 E. Amelia Street	1/31/2017 @ 9:00 AM	2/1/2017 @ 9:00 PM	2/6/2017	\$ 75.00
49-51 Valerie Drive	1/31/2017 @ 9:00 AM	2/1/2017 @ 9:00 PM	2/6/2017	\$ 75.00
703 E. Goodall Street	1/31/2017 @ 9:00 AM	2/1/2017 @ 9:00 PM	2/3/2017	\$ 75.00
1315 W. Rogers Avenue	4/16/2018 @ 11:00 AM	4/17/2018 @ 11:00 PM	4/22/2018	\$ 75.00
1737 N. Mason Street	12/2/2018 @ 11:00 PM	12/4/2018 @ 11:00 AM	12/6/2018	\$ 75.00
331 W. Foster Street	12/2/2018 @ 11:00 PM	12/4/2018 @ 11:00 AM	12/8/2018	\$ 75.00

DIVISION 2. WIRELESS TELECOMMUNICATIONS
FACILITIES IN THE RIGHT-OF-WAY (SMALL
CELL)

Sec. 16-135. Definitions.

For the purposes of this Chapter, the terms below shall have the following meanings:

Administrator means the Director of Public Works or his or her designee.

Application means a formal request, including all required and requested documentation and information, submitted by an Applicant to the City for a wireless permit.

Applicant means a person filing an application for placement or modification of a wireless telecommunications facility in the right-of-way.

Base Station means the same as in 47 C.F.R. § 1.6100(b)(1), which defines the term to mean a structure or wireless telecommunications equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. This definition does not include towers.

Eligible Facilities Request means the same as in 47 C.F.R. § 1.6100(b)(3), which defines the term to mean any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

FCC means the Federal Communications Commission.

Right-of-way means the surface of, and the space above and below the entire width of an improved or unimproved public roadway, highway, street, bicycle lane, landscape terrace, shoulder, side slope, and public sidewalk over which the City exercises any rights of management and control or in which the City has an interest.

Small Wireless Facility consistent with 47 C.F.R. § 1.6002(l), means a facility that meets each of the following conditions:

- (1) The structure on which antenna facilities are mounted:
 - i. is 50 feet or less in height, or
 - ii. is no more than 10 percent taller than other adjacent structures, or
 - iii. is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height, whichever is greater, as a result of the collocation of new antenna facilities;
- (2) Each antenna (excluding associated antenna equipment) is no more than three cubic feet in volume;
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is cumulatively no more than 28 cubic feet in volume;
- (4) The facility does not require antenna structure registration;
- (5) The facility is not located on Tribal lands; and
- (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by federal law.

Support Structure means any structure capable of supporting wireless telecommunications equipment.

Tower means the same as in 47 C.F.R. § 1.6100(b)(9), which defines the term as any structure built for the sole or primary purpose of supporting any Federal Communication Commission (FCC) licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

Underground areas means those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right of way; or where the wires associated with the same are or are required to be

located underground; or where the same are scheduled to be converted from overhead to underground. Electrical facilities are distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages more than 35,000 volts.

Utility Pole means a structure in the right-of-way designed to support electric, telephone, and similar utility distribution lines and associated equipment. A tower is not a utility pole.

Wireless Infrastructure Provider means a person that owns, controls, operates, or manages a wireless telecommunications facility or portion thereof within the right-of-way.

Wireless Permit or Permit means a permit issued pursuant to this Chapter and authorizing the placement or modification of a wireless telecommunications facility of a design specified in the permit at a particular location within the right-of-way, and the modification of any existing support structure to which the wireless telecommunications facility is proposed to be attached.

Wireless Regulations means those regulations adopted pursuant to Section 5(b)(1) to implement the provisions of this Chapter.

Wireless Service Provider means an entity that provides wireless services to end users.

Wireless Telecommunications Equipment means equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network.

Wireless Telecommunications Facility or Facility means a facility at a fixed location in the right-of-way consisting of a base station, antennas and other accessory equipment, and a tower and underground wiring, if any, associated with the base station.

Definitions in this Section may contain quotations or citations to 47 C.F.R. §§ 1.6100 and 1.6002. In the event that any referenced section is amended, creating a conflict between the definition as set forth in this Chapter and the amended language of the referenced section, the definition in the referenced section, as amended, shall control.

Sec. 16-136. Purpose.

In the exercise of its police powers, the City has priority over all other uses of the right-of-way.

Notwithstanding other Right-of-Way Management requirements of this Article, the purpose of this Chapter is to provide the City with a process for managing, and uniform standards for acting upon, requests for the placement of wireless telecommunications facilities within the right-of-way consistent with the City's obligation to promote the public health, safety, and welfare; to manage the right-of-way; and to ensure that the public's use is not obstructed or incommoded by the use of the right-of-way for the placement of wireless telecommunications facilities. The City recognizes the importance of wireless telecommunications facilities to provide high-quality communications and internet access services to residents and businesses within the City. The City also recognizes its obligation to comply with applicable Federal and State laws regarding the placement of wireless telecommunications facilities in the right-of-way including, without limitation, the Telecommunications Act of 1996 (47 U.S.C. § 151 et seq), Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Wis. Stat. § 182.017, and Wis. Stat. § 196.58, and this Chapter shall be interpreted consistent with those provisions.

Sec. 16-137. Scope.

(a) **Applicability.** Unless exempted by Section (b), below, every person who wishes to place a wireless telecommunications facility in the right-of-way or modify an existing wireless telecommunications facility in the right-of-way must obtain a wireless permit under this Chapter.

(b) **Exempt Facilities.** The provisions of this Chapter (other than Secs. 16-144 to 16-148) shall not be applied to applications for the following:

- (1) Installation of a small wireless facility on the strand between two utility poles, provided that the cumulative volume of all wireless facilities on the strand shall not exceed 1 cubic foot, and provided further that the installation does not require replacement of the strand, or excavation, modification, or replacement of either of the utility poles.
- (2) Installation of a mobile cell facility (commonly referred to as "cell on wheels" or "cell on truck") for a temporary period in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve excavation, movement, or removal of existing facilities.

- (3) Placement or modification of a wireless telecommunications facility on structures owned by or under the control of the City. See Sec. 16-147 of this Chapter.
- (4) Placement or modification of a wireless telecommunications facility by City staff or any person performing work under contract with the City.
- (5) Modification of an existing wireless telecommunications facility that makes no material change to the footprint of a facility or to the surface or subsurface of a public street if the activity does not disrupt or impede traffic in the traveled portion of a street, and if the work does not change the visual or audible characteristics of the wireless telecommunications facility.

Sec. 16-138. Nondiscrimination.

In establishing the rights, obligations, and conditions set forth in this Chapter, it is the intent of the City to treat each applicant and right-of-way user in a competitively neutral and nondiscriminatory manner, to the extent required by law, while taking into account the unique technologies, situation, and legal status of each applicant or request for use of the right-of-way.

Sec. 16-139. Administration.

(a) *Administrator.* The Administrator is responsible for administering this Chapter.

(b) *Powers.* As part of the administration of this Chapter, the Administrator may:

- (1) Adopt wireless regulations governing the placement and modification of wireless telecommunications facilities in addition to but consistent with the requirements of this Chapter, including regulations governing collocation, the resolution of conflicting applications for placement of wireless telecommunications facilities, and aesthetic standards.
- (2) Interpret the provisions of the Chapter and the wireless regulations.

- (3) Develop forms and procedures for submission of applications for wireless permits consistent with this Chapter.
- (4) Collect any fee required by this Chapter.
- (5) Require, as a condition of completeness of any application, notice to members of the public that may be affected by the placement or modification of the wireless telecommunications facility that is the subject of the wireless permit application.
- (6) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with federal laws and regulations.
- (7) Issue notices of incompleteness or requests for information in connection with any wireless permit application.
- (8) Select and retain an independent consultant or attorney with expertise in telecommunications to review any issue that involves specialized or expert knowledge in connection with any permit application.
- (9) Coordinate and consult with other City staff, committees, and governing bodies to ensure timely action on all other required permits under Sec. 16-140(b)(8) of this Chapter.
- (10) Subject to appeal as provided in Sec. 16-142(d) of this Chapter, determine whether to grant, grant subject to conditions, or deny an application.
- (11) Take such other steps as may be required to timely act upon wireless permit applications, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

Sec. 16-140. Application.

(a) *Format.* Unless the wireless regulations provide otherwise, the applicant must submit both a paper copy and an electronic copy (in a searchable format) of any application, as well as any amendments or supplements to the application or responses to requests for information regarding an application, to the Administrator. An

application is not complete until both the paper and electronic copies are received by the Administrator.

(b) **Content.** In order to be considered complete, an application must contain:

- (1) All information required pursuant to the wireless regulations.
- (2) A completed application cover sheet signed by an authorized representative of the applicant, listing all standard permit conditions.
- (3) The name of the applicant (including any corporate or trade name), and the name, address, email address, and telephone number of a local representative. If the applicant is a wireless infrastructure provider, the name and contact information for the wireless service provider(s) that will be using the wireless telecommunications facility must also be provided.
- (4) A statement of which shot clock or shot clocks apply to the application and the reasons the chosen shot clocks apply.
- (5) A separate and complete description of each proposed wireless telecommunications facility and the work that will be required to install or modify it, including but not limited to detail regarding proposed excavations, if any; detailed site plans showing the location of the facility and technical specifications for each element of the facility, clearly describing the site and all structures and facilities at the site before and after installation or modification and identifying the owners of such preexisting structures and facilities; and describing the distance to the nearest residential dwelling unit. Before and after 360-degree photo simulations must be provided for each facility.
- (6) Proof that the applicant has mailed to the owners of all property within 300 feet of the proposed wireless telecommunications facility a notice that the applicant is submitting an application to the City for placement or modification of a wireless telecommunications facility in the right-of-way, which notice must include (i) the proposed location of the facility, (ii) a

description and scale image of the proposed facility, and (iii) an email address and phone number for a representative of the applicant who will be available to answer questions from members of the public about the proposed project.

- (7) A copy of the FCC license for the facility or a sworn written statement from the applicant attesting that the facility will comply with current FCC regulations.
- (8) To the extent that filing of the wireless permit application establishes a deadline for action on any other permit that may be required in connection with the wireless telecommunications facility, the application must include complete copies of applications for every required permit (including without limitation electrical permits, building permits, traffic control permits, and excavation permits), with all engineering completed and with all fees associated with each permit.
- (9) A certification by a registered and qualified engineer that the installation can be supported by and does not exceed the tolerances of the structure on which it will be mounted and that all elements of the wireless telecommunications facility comply with applicable safety standards.
- (10) Payment of all required fees.
- (11) If an applicant contends that denial of the application would prohibit or effectively prohibit the provision of service in violation of federal law, or otherwise violate applicable law, the application must provide all evidence on which the applicant relies in support of that claim. Applicants are not permitted to supplement this evidence if doing so would prevent the City from complying with any deadline for action on an application.
- (12) If the application is an eligible facilities request, the application must contain information sufficient to show that the application qualifies as an eligible facilities request under 47 C.F.R. § 1.6100(b)(3), including evidence that the application relates to an existing tower or base station

that has been approved by the City. Before and after 360-degree photo simulations must be provided with detailed specifications demonstrating that the modification does not substantially change the physical dimensions of the existing approved tower or base station.

(c) *Waivers.* Requests for waivers from any requirement of this section shall be made in writing to the Administrator. The Administrator may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of the waiver, the City will be provided with all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the wireless permit sought.

(d) *Fees.* Applicant must provide an application fee and shall be required to pay all costs reasonably incurred in reviewing the application, including costs incurred in retaining outside consultants. Fees shall be reviewed periodically and raised or lowered based on the costs the City expects to incur.

(e) *Public Records.* Applications are public records that may be made publicly available pursuant to state and federal public records law. Notwithstanding the foregoing, the applicant may designate portions of the application materials that it reasonably believes contain proprietary or confidential information by clearly marking each portion of such materials accordingly, and the City shall endeavor to treat the information as proprietary and confidential, subject to applicable state and federal public records law and the Administrator's determination that the applicant's request for confidential or proprietary treatment of the application materials is reasonable. The City shall not be required to incur any costs to protect the application from disclosure.

Sec. 16-141. General Standards.

(a) *Generally.* Wireless telecommunications facilities shall meet the minimum requirements set forth in this Chapter and the wireless regulations, in addition to the requirements of any other applicable law or regulation.

(b) *Regulations.* The wireless regulations and decisions on wireless permits shall, at a minimum, ensure that the requirements of this Chapter are satisfied, unless it is determined that the applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of a telecommunications or personal wireless services, or otherwise violate applicable laws or regulations. If that

determination is made, the requirements of this Chapter and the wireless regulations may be waived, but only to the extent required to avoid the prohibition.

(c) *Standards.*

- (1) Wireless telecommunications facilities shall be installed and modified in a manner that:
 - a. Minimizes risks to public safety;
 - b. Ensures that placement of facilities on existing structures is within the tolerance of those structures;
 - c. Avoids placement of aboveground facilities in underground areas, installation of new support structures or equipment cabinets in the public right-of-way, or placement in residential areas when commercial areas are reasonably available;
 - d. Maintains the integrity and character of the neighborhoods and corridors in which the facilities are located;
 - e. Ensures that installations are subject to periodic review to minimize the intrusion on the right-of-way;
 - f. Ensures that the City bears no risk or liability as a result of the installations; and
 - g. Ensures that applicant's use does not inconvenience the public, interfere with the primary uses of the right-of-way, or hinder the ability of the City or other government entities to improve, modify, relocate, abandon, or vacate the right-of-way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the right-of-way.
- (2) No wireless permit shall be issued unless (i) the wireless service provider applicant has immediate plans to use the proposed facility or (ii) the wireless infrastructure applicant has a contract with a wireless service provider that has immediate plans to use the proposed facility.

- (3) In no event may ground-mounted equipment interfere with pedestrian or vehicular traffic and at all times must comply with the requirements of the Americans with Disabilities Act of 1990.

(d) *Standard Permit Conditions.* All wireless permits under this Chapter are issued subject to the following minimum conditions:

- (1) **Compliance.** The permit holder shall at all times maintain compliance with all applicable Federal, State, and local laws, regulations, and other rules.
- (2) **Term.** A wireless permit issued pursuant to an eligible facilities request shall expire at the same time the permit for the underlying existing wireless telecommunications facility expires. All other wireless permits shall be valid for a period of five years from the date of issuance unless revoked pursuant to Sec. 16-143(b) of this Chapter.
- (3) **Contact Information.** The permit holder shall at all times maintain with the City accurate contact information for the permit holder and all wireless service providers making use of the facility, which shall include a phone number, mailing address, and email address for at least one natural person.
- (4) **Emergencies.** The City shall have the right to support, repair, disable, or remove any elements of the facilities in emergencies or when the facility threatens imminent harm to persons or property.
- (5) **Indemnities.** The permit holder, by accepting a permit under this Chapter, agrees to indemnify, defend, and hold harmless the City, its elected and appointed officials, officers, employees, agents, representatives, and volunteers (collectively, the "Indemnified Parties") from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interest, attorneys' fees, costs, and expenses of whatsoever kind or nature in any manner caused in whole or in part, or claimed to be caused in whole or in part, by reason of any

act, omission, fault, or negligence, whether active or passive, of the permit holder or anyone acting under its direction or control or on its behalf, even if liability is also sought to be imposed on one or more of the Indemnified Parties. The obligation to indemnify, defend, and hold harmless the Indemnified Parties shall be applicable even if the liability results from an act or failure to act on the part of one or more of the Indemnified Parties. However, the obligation does not apply if the liability results from the willful misconduct of an Indemnified Party.

- (6) **Adverse Impacts on Adjacent Properties.** The permit holder shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the facility.
- (7) **General maintenance.** The wireless communications facility and any associated structures shall be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.
- (8) **Graffiti Removal.** All graffiti on facilities shall be removed at the sole expense of the permit holder within 48 hours after notification from the City.
- (9) **Relocation.** At the request of the City pursuant to Sec. 16-144 of this Chapter, the permit holder shall promptly and at its own expense permanently remove and relocate any wireless telecommunications facility in the right-of-way.
- (10) **Abandonment.** The permit holder shall promptly notify the City whenever a facility has not been in use for a continuous period of 60 days or longer and must comply with Sec. 16-145 of this Chapter.
- (11) **Restoration.** A permit holder who removes or relocates a facility from the right-of-way must restore the right-of-way in accordance with Sec. 16-146 of this Chapter.
- (12) **Record Retention.** The permit holder shall retain full and complete copies of all permits

and other regulatory approvals issued in connection with the facility, which includes without limitation all conditions of approval, approved plans, resolutions, and other documentation associated with the permit or regulatory approval. In the event the City cannot locate any such full and complete permits or other regulatory approvals in its official records, and the permit holder fails to retain full and complete records in the permit holder's files, any ambiguities or uncertainties that would be resolved through an examination of the missing documents will be conclusively resolved against the permit holder.

(13) **Radio Frequency Emissions.** Every wireless facility shall at all times comply with applicable FCC regulations governing radio frequency emissions, and failure to comply with such regulations shall be treated as a material violation of the terms of the permit.

(14) **Certificate of Insurance.** A certificate of insurance sufficient to demonstrate to the satisfaction of the Administrator that the applicant has the capability to cover any liability that might arise out of the presence of the facility in the right-of-way.

Sec. 16-142. Application Processing and Appeal.

(a) **Rejection for Incompleteness.** Notices of incompleteness shall be provided in conformity with state, local, and federal law, including 47 C.F.R. § 1.6003(d), as amended.

(b) **Processing Timeline.** Wireless permit applications (including applications for other permits under Sec. 16-140 necessary to place or modify the facility) and appeals will be processed in conformity with the shot clocks set forth in state, local, and federal law, as amended.

(c) **Written Decision.** In the event that an application is denied (or approved with conditions beyond the standard permit conditions set forth in Sec. 16-141(d), the Administrator shall issue a written decision with the reasons therefor, supported by substantial evidence contained in a written record.

(d) **Appeal to Common Council.** Any person adversely affected by the decision of the Administrator

may appeal that decision to the Common Council, which may decide the issues *de novo*, and whose written decision will be the final decision of the City. An appeal by a wireless infrastructure provider must be taken jointly with the wireless service provider that intends to use the wireless telecommunications facility.

(e) Deadline to Appeal.

(1) Appeals that involve eligible facilities requests must be filed within three business days of the written decision of the Administrator.

(2) All other appeals not governed by Sec. 16-142(e)(1), above, must be filed within ten business days of the written decision of the Administrator, unless the Administrator extends the time therefor. An extension may not be granted where extension would result in approval of the application by operation of law.

(d) **Decision Deadline.** All appeals shall be conducted so that a timely written decision may be issued in accordance with the applicable shot clock.

Sec. 16-143. Expiration and Revocation.

(a) **Expiration.** A wireless permit issued pursuant to an eligible facilities request shall expire at the same time the permit for the underlying existing wireless telecommunications facility expires. All other wireless permits shall be valid for a period of five years from the date of issuance. Upon expiration of the wireless permit, the permit holder must either:

(1) Remove the wireless telecommunications facility; or,

(2) Submit an application to renew the permit at least 90 days prior to its expiration. The facility must remain in place until the renewal application is acted on by the City and any appeals from the City's decision are exhausted.

(b) **Revocation for Breach.** A wireless permit may be revoked for failure to comply with the conditions of the permit or applicable federal, state, or local laws, rules, or regulations. Upon revocation, the wireless telecommunications facility must be removed within 30 days of receipt of written notice from the City. All costs incurred by the City in connection with the revocation,

removal, and right-of-way restoration shall be paid by the permit holder.

(c) **Failure to Obtain Permit.** Unless exempted from permitting by Sec. 16-137(b) of this Chapter, a wireless telecommunications facility installed without a wireless permit must be removed within 30 days of receipt of written notice from the City. All costs incurred by the city in connection with the notice, removal, and right-of-way restoration shall be paid by entities who own or control any part of the wireless telecommunications facility.

Sec. 16-144. Relocation.

Except as otherwise prohibited by state or federal law, a permit holder must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate any of its wireless telecommunications facilities in the right-of-way whenever the City requests such removal and relocation. The City may make such a request to prevent the facility from interfering with a present or future City use of the right-of-way; a public improvement undertaken by the City; an economic development project in which the City has an interest or investment; when the public health, safety, or welfare require it; or when necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way. Notwithstanding the foregoing, a permit holder shall not be required to remove or relocate its facilities from any right-of-way that has been vacated in favor of a non-governmental entity unless and until that entity pays the reasonable costs of removal or relocation to the permit holder.

Sec. 16-145. Abandonment.

(a) **Cessation of Use.** In the event that a permitted facility within the right-of-way is not in use for a continuous period of 60 days or longer, the permit holder must promptly notify the City and do one of the following:

- (1) Provide information satisfactory to the Administrator that the permit holder's obligations for its facilities under this Chapter have been lawfully assumed by another permit holder.
- (2) Submit to the Administrator a proposal and instruments for dedication of the facilities to the City. If a permit holder proceeds under this Sec. 16-145(a)(2), the City may, at its option:

- a. Accept the dedication for all or a portion of the facilities;
- b. Require the permit holder, at its own expense, to remove the facilities and perform the required restoration under Sec. 16-146; or
- c. Require the permit holder to post a bond or provide payment sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities and undertaking restoration under Sec. 16-146.

- (3) Remove its facilities from the right-of-way within one year and perform the required restoration under Sec. 16-146, unless the Administrator waives this requirement or provides a later deadline.

(b) **Abandoned Facilities.** Facilities of a permit holder who fails to comply with Sec. 16-145 and which, for one year, remain unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the City may, at its option:

- (1) abate the nuisance and recover the cost from the permit holder or the permit holder's successor in interest;
- (2) take possession of the facilities; and/or
- (3) require removal of the facilities by the permit holder or the permit holder's successor in interest.

Sec. 16-146. Restoration.

In the event that a permit holder removes or is required to remove a wireless telecommunications facility from the right-of-way under this Chapter (or relocate it pursuant to Sec. 16-144), the permit holder must restore the right-of-way to its prior condition in accordance with City specifications. However, a support structure owned by another entity authorized to maintain that support structure in the right-of-way need not be removed but must instead be restored to its prior condition. If the permit holder fails to make the restorations required by this Sec. 16-146, the City at its option may do such work. In that event, the permit holder shall pay to the City, within 30 days of billing therefor, the cost of restoring the right-of-way.

Sec. 16-147. Placement on City-Owned or -Controlled Structures.

The City may negotiate agreements for placement of wireless telecommunications facilities on City-owned or -controlled structures in the right-of-way. The agreement shall specify the compensation to the City for use of the structures. The person or entity seeking the agreement shall reimburse the City for all costs the City incurs in connection with its review of and action upon the request for an agreement.

Sec. 16-148. Severability.

If any section, subsection, clause, phrase, or portion of this Chapter is for any reason held to be illegal or otherwise invalid by any court or administrative agency of competent jurisdiction, such illegal or invalid portion shall be severable and shall not affect or impair any remaining portion of this Chapter, which shall remain in full force and effect.

AESTHETIC STANDARDS FOR SMALL CELL WIRELESS AND OTHER PRIVATE UTILITIES IN PUBLIC RIGHTS-OF-WAY

The purpose of these standards is to ensure that any new electrical or telecommunication facilities placed in the public right-of-way adhere to the overall requirements and standards set forth in Section 16-141 of the City of Appleton Municipal Code. Primary objectives of these standards are to ensure the health, safety and welfare of the community while maintaining the integrity and character of existing neighborhoods.

A. Location within Zoning Districts

All new wireless telecommunications facilities, towers, support structures or utility poles shall be sited to avoid or minimize land use conflicts in compliance with the following standards:

1. **Preferred Locations:** Industrial, Commercial, Parking, Central Business District, Office or Public-Institutional zoning districts.
2. **Locations to Avoid:** New facilities should not be located within Residential zoning districts, parks, open space, conservation areas or on historically or architecturally significant structures unless sufficient technical and other information is provided to demonstrate that location in such areas is appropriate, subject to the following findings:
 - a. The location of the proposed facility site is essential to meet the service demands of the carrier and no other alternative co-location, existing development or utility facility site, or type of support structure is feasible. This shall be documented by the applicant providing a list of the locations of preferred technically feasible sites, the good faith efforts and measures taken by the applicant to secure these preferred sites, and the specific reasons why these efforts and measures were unsuccessful.
 - b. The use of a new support structure, tower, or utility pole for the proposed facility by itself or in combination with other existing, approved, and proposed facilities will avoid or minimize adverse effects related to land use compatibility, visual resources, and public safety.
 - c. For proposed new facilities on historically or architecturally significant structures, the installation shall be visually and architecturally integrated with the structure and shall not interfere with significant public view corridors.

B. Collocation

Collocation of facilities is generally preferred over new support structures if the collocation satisfies applicable aesthetic and structural requirements and can be accomplished in a manner that better compliments the character of the surrounding area.

1. **Collocation on Municipal facilities:** Collocation on facilities or support structures owned by The City of Appleton shall not diminish the aesthetic appearance of decorative structures or result in an overly bulky appearance and shall not have an adverse effect related to public safety.

2. **Collocation on non-Municipal facilities.** Collocation on facilities or support structures owned by parties other than the City of Appleton is subject to the following:

a. Where an existing facility or support structure can potentially accommodate collocation of a new wireless facility, collocation will be required unless:

(1) The applicant submits substantial evidence supporting the unsuitability of the collocation;

(2) The owner of the existing facility or support structure is unwilling to accommodate the applicant's equipment and cannot be required to cooperate; or

(3) The Department of Public Works determines that installing a new support structure or collocation with a City of Appleton facility is preferable to collocation with another facility or support structure.

b. Authorization for collocation on a facility or support structure owned by a party other than the City of Appleton will be voided if the facility or support structure is destroyed, removed, relocated, or replaced, unless:

(1) The owner of the collocated facility obtains a new right-of-way occupancy permit;
or

(2) The facility or support structure accommodating the collocation is replaced with a facility or support structure comparable in size, appearance, and placement, as determined by the Department of Public Works.

C. **General Location Restrictions**

1. **Obstruction of Traffic.** Facilities and support structures, towers, and utility poles must not obstruct, impede, or hinder vehicular, pedestrian, or bicycle travel or public safety within the right-of-way.

2. **Obstruction of Vision.** Facilities and support structures, towers, and utility poles must not be located within any area that will create traffic visibility loss to drivers, pedestrians, or bicyclists.

3. **Obstruction of Maintenance.** Any facility, support structure, tower, or utility pole should be located and designed so as to avoid interference with right-of-way maintenance activities, such as:
 - a. Grass mowing, brush collection, tree trimming, and landscaping maintenance;
 - b. Trash collection;
 - c. Maintenance of streets, pavement, sidewalks, and bicycle lanes; and
 - d. Maintenance of other facilities in the rights-of-way.
3. **ADA.** Facilities and support structures, towers, and utility poles at all times must comply with the requirements of the Americans with Disabilities Act of 1990.
4. **Frontage.** New facilities and support structures, towers, and utility poles must be located in line with existing lot lines, but in areas where multiple structures abut each other or where no side-lot setback requirement exists, structures must not be located directly in front of an entrance or window of any existing structure.

D. General Aesthetic Standards

Permits for wireless telecommunications facilities shall incorporate specific concealment elements to minimize visual impacts, and design requirements ensuring compliance with all standards for noise emissions. Unless it is determined that another design is less intrusive, or placement is required under applicable law:

1. New wireless telecommunications facilities must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.
2. Antennas located at the top of support structures shall be incorporated into the structure, or placed within shrouds of a size such that the antenna appears to be part of the support structure.
3. Antennas placed elsewhere on a support structure shall be integrated into the structure, or be designed and placed to minimize visual impacts.
4. Radio units or equipment cabinets holding radio units and mounted on a utility pole shall be placed as high as possible on a support structure, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the utility pole.

5. Wiring and cabling shall be neat and concealed within or flush to the support structure, ensuring concealment of these components to the greatest extent possible.
6. Ground-mounted equipment associated with a wireless telecommunications facility shall be permitted only where consistent with the portion of the corridor in which it is to be placed, and may be required to be underground or otherwise shielded. In no event may ground-mounted equipment interfere with pedestrian or vehicular traffic. Nothing in this subsection is intended to require the applicant to install any electric meter required by the applicant's electrical service provider underground.
7. No wireless telecommunications facility is permitted in any local historic district without the approval of the Department of Public Works.
8. Noise: A wireless facility and all equipment associated with a wireless facility shall not generate noise that exceeds the applicable ambient noise limit in the zone where the wireless facility is located. The Department of Public Works may require the applicant to install noise attenuating or baffling materials and/or other measures, including but not limited to walls or landscape features, as the approval authority deems necessary or appropriate to ensure compliance with the applicable ambient noise limit.
9. Lighting: Facilities must not be illuminated, except in accordance with state or federal regulations or if incorporated as part of a street light pole.
10. Signage: The owner and/or operator must post an identification sign at each facility, including owner/operator emergency telephone numbers. The design, materials, colors, and location of the identification signs shall be subject to review and approval by the Department of Public Works. No sign shall be greater than two square feet in size. No other signage is permitted except to comply with FCC or Wisconsin regulations to provide safety warnings. If at any time a new owner or operator provider takes over operation of an existing personal wireless service facility, the new owner/operator shall notify the Department of Public Works of the change in operation within 30 days. Identification signs shall be updated within 30 days to reflect the name and phone number of the new owner/operator. The colors, materials and design of the updated signs shall match those of the required and approved signs.
11. Trees: Tree "topping" or the improper pruning of trees is prohibited. Any proposed pruning of trees, shrubs, or other landscaping already existing in the right-of-way must be noted in the application and approved by the Department of Public Works.



DEPARTMENT OF PUBLIC WORKS

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

(Effective March 20, 2019)

FEE SCHEDULES
DEPARTMENT OF PUBLIC WORKS

Description	Current Fee	Taxable Yes/No	Total	Last Update
MAPS				
City Map	Free			
Quarter Section Set	\$ 175.00	No		2001
Quarter Section Sheet	Free	No		2002
PERMITS				
*Meter Bags (per bag/day)	\$ 9.45 (\$9.00 + .45)	YES	\$ 9.45	2011
Ramp Permits - monthly (Red, Yellow, Green Ramps)	\$ 30.00/month	Yes, add \$1.50	\$ 31.50	2016
Access Card Replacement (Broken)	\$ 3.00	Yes, add \$0.15	\$ 3.15	
Lost or Stolen Permit	Pro-rated based on days remaining in quarter	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	\$ 40.00	No		2011
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 Update
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	\$ 20.00	No		2004
	Non-Freon \$ 15.00	No		2004
Overflow Tags	\$ 4.00/bag	No		2013
Overflow Move In/Out (Curbside Pick-up)	\$ 75.00	No		2013
Weight Limit Permits	\$ 50.00 per address	No		
Tires	\$ 5.00/tire 16" or smaller Limit of four per household	No		2013
	\$ 5.00/tire larger than 16" Limit of four per household	No		2013
Electronics Removal	\$ 75.00	No		2013
Brush Removal (Curbside)	\$ 75.00	No		2013
AUTOMATED CONTAINERS				
35 – 40 gallon garbage cart	No Charge	No		2011
60 – 65 gallon garbage cart	\$ 1.00/week	No		2019
90 – 95 gallon garbage cart (if an additional container is needed, \$1.50 charged per each 30-gallon container)	\$ 1.50/week	No		2019
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



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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: Eric Lom, City Traffic Engineer
Date: March 5, 2019
Re: Parking restriction changes on the 200 block of N. Bennett Street
Follow-Up to Six-Month Trial Period

The Traffic Section was contacted last summer by Alderperson Williams regarding a possible change to on-street parking restrictions on both sides of Bennett Street, between Washington Street and Franklin Street. Based on a request from a property owner, Alderperson Williams asked that we review the existing two-hour parking zone on that block and consider the possibility of removing it.

Based on a review of our files, it appears this zone was originally in 1973 in response to overflow parking associated with the Thompson Center and/or other commercial properties in the area. However, the land use in the area has changed enough over the years that the two-hour zone appears to no longer be needed.

As such, a 6-month trial was instituted to test the changes. No feedback was received regarding the changes. As such, we recommend making the changes permanent.

To accomplish this, the following ordinance action is required:

1. **Repeal Ord. 31-73:** "Parking be restricted to two hours on both sides of North Bennett Street from West College Avenue to West Franklin Street between the hours of 7:00 a.m. to 7:00 p.m., Sundays and Holidays excepted."



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2625 E. Glendale Avenue
Appleton, WI 54911
TEL (920) 832-5580
FAX (920) 832-5570

To: Municipal Services Committee
From: Eric Lom, Traffic Engineer
Date: March 5, 2019
Re: Intersection traffic control at the Cedar Street/Mason Street intersection
Follow-Up to Six-Month Trial Period

In response to ongoing concerns about traffic and pedestrian safety, the Traffic Section recently reviewed the control at the intersection of Cedar Street and Mason Street, and subsequently initiated a six-month trial period to change from two-way stop control to all-way stop control. This intersection is located in the Alecia Park area south/east of Prospect Avenue, at the top of rather steep hill.

The Cedar/Mason intersection is a four-legged intersection (one of the legs is a driveway), with the east leg located at the top of the Cedar Street hill, which provides access to the Lutz Park area. Historically, only Mason Street traffic (southbound) was stop controlled, with the Cedar Street legs being uncontrolled (eastbound and westbound). This configuration was a byproduct of concerns about placing a stop sign at the top of the Cedar Street hill, and how that might perform during winter months. However, this configuration was complicated by the fact that the sight lines for southbound traffic looking east were extremely poor due to the topography and some vegetation. This made southbound left turns and pedestrian crossings of Cedar Street very challenging.

Based on a review, my office determined that a sufficient "flat spot" exists on the westbound (uphill) approach for two vehicles, which should prevent "slide back" issues in the winter if stop control were implemented. Additionally, we identified opportunities to work with an adjacent property owner to cut back some problematic vegetation. As such, the conversion of this intersection to an all-way stop was tested as a way of offering a safer environment for southbound traffic and the large number of pedestrians that traverse the intersection daily to access Alecia and Lutz Parks.

During the trial period, it was noted the all-way stop control functioned as expected, increasing safety for drivers and pedestrians. Further, all feedback received by my office was positive. Based on this, we recommend making the changes permanent.

To accomplish this, the following ordinance action is required:

1. **Create:** "Install all-way stop control at the Cedar Street / Mason Street intersection."



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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: March 5, 2019
Re: Parking changes related to Evergreen Dr bike lane retrofit project (Haymeadow to Meade)

The *Evergreen Drive Bike Lane Retrofit Project* (from Haymeadow Avenue to Meade Street) was included in the 2019 budget and is scheduled to occur this summer in conjunction with the planned roadway urbanization project that will take place to the west (from Richmond Street to Haymeadow Avenue). This memo addresses the parking restrictions that are necessary to implement this Council-approved project.

Additionally, a letter was mailed to affected property owners which provides more detail about the project. It is attached for reference.

The following ordinance action is required:

1. **Create:** "Parking be prohibited on Evergreen Drive from Haymeadow Avenue to Meade Street."



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Engineering Division – Traffic Section
2625 E. Glendale Avenue
Appleton, WI 54911
TEL (920) 832-5580
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March 1, 2019

Dear Evergreen Drive property owner,

For over a decade now, the City of Appleton has been working to identify opportunities to improve bicycle and pedestrian safety throughout the city. Among those efforts was the development of the *City of Appleton Trails Master Plan*. This plan was unanimously approved by the Common Council and provides a framework for future investments in a system of interconnected bicycle and pedestrian facilities throughout the City. *You can view this plan at <https://goo.gl/tMA7Pj> or by scanning the QR code below.*

This spring, we will be upgrading the west end of Evergreen Drive (Richmond St to Haymeadow Ave) to match the standards of our other secondary streets, adding lighting, bike lanes, and sidewalks. Our trails master plan also calls for the east end of Evergreen Drive (Haymeadow Ave to Meade St) to function as an important link for bicycles and pedestrians between the existing and future trails and bike lanes in the area. To accomplish this, three separate projects are planned for 2019:

1. Richmond St to Haymeadow Ave: This portion of Evergreen Dr will be paved with concrete (with curb and gutter) and will include street lights, bike lanes, a 5-foot sidewalk on the south side, and a 10-foot trail on the north side. A new crosswalk will also be added across Richmond St to connect to the existing trail by Kwik Trip. No on-street parking will be allowed.
2. Haymeadow Ave to Meade St: This segment of the roadway is planned to be striped and signed for bike lanes in both directions. To accomplish this, parking is planned to be removed from both sides of the roadway. The City's Municipal Services Committee will discuss this issue at their next meeting (4:30 p.m. on Monday, March 11th, 6th floor of City Center Building, 100 N. Appleton St.).
3. Evergreen Dr / Meade St Intersection: A push-button activated pedestrian crossing system (with strobe lights) will be installed to allow bicyclists and pedestrians to more safely cross Meade Street and access trails to the north, south and east.

By making these connections and improving these crossings, we will create access to safer walking and biking routes for residents north of I-41. This project will also provide the link to existing trails west into Grand Chute, and promote alternative modes of transportation for our residents, while improving our trail network for recreational opportunities.

Please look over the attached drawings and feel free to contact your alderperson (Kathleen Plank, district7@appleton.org, 428-2623) or me (eric.lom@appleton.org, 832-3958), with any questions or feedback.

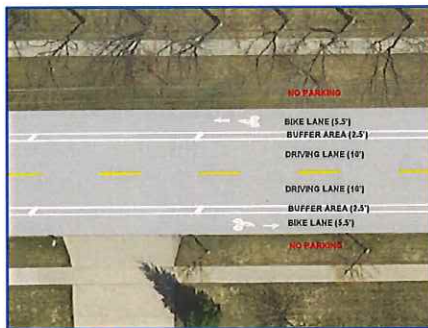
Sincerely,

Eric S. Lom, P.E.
City Traffic Engineer





New Roadway Configuration
 (to be implemented in 2019)



Bike Lane Striping Plan
 (to be implemented in 2019)



Push-Button Activated Strobe Light System (example)
 (to be installed at Evergreen/Meads) in 2019)



ROADWAY
 URBANIZATION
 PROJECT

BIKE LANE
 STRIPING
 PROJECT



Evergreen Drive

Bike Lane and Trail Implementation
 Summer 2019

Comments/Questions:

To whom it may concern,

I am writing to request a waiver from the new regulation of 10' height off sidewalk for a replacement awning for Nice Time located in the former Cena Restaurant space at 125 E. College Avenue. This is to replace the existing awning at that location. The current awning is 7'6" from the sidewalk and is in compliance with Section 23-527 posted on the city's website. Our vendor Appleton Awning shop informed me that the city is now requiring a 10' clearance. This would reduce the effectiveness of the signage and add significant expense to the project. Your assistance in this matter would be greatly appreciated.

Respectfully, Josh Nave

Thank you,
Appleton, WI

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

Property Photo for 31-2-0048-00





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

Effective Date: 10-15-2014

GUIDELINES for Signs in the Street Right-of-Way

These guidelines have been established to determine which signs may be administratively approved to be installed within the street right-of-way. Requests for signs not meeting these requirements will be denied. Appeals will be to the Common Council through the Municipal Services Committee.

GROUND SIGNS

No ground signs may be installed within the street right-of-way.

PROJECTING SIGNS/AWNINGS

Projecting signs meeting the following criteria may be administratively approved to be installed within the street right-of-way:

1. Minimum clearance of 10 feet between the bottom of the sign and the normal grade.
2. Maximum projection of 4 feet into the street right-of-way.
3. Maximum size of sign within the street right-of-way is 35% of the wall size abutting the street frontage, or 350 square feet, whichever is less.
4. Maximum size of a changeable copy sign within the street right-of-way is 48 square feet.

BANNERS

See Banner Policy

SANDWICH BOARD SIGNS

See Sandwich Board Sign Policy

City of Appleton Parking Utility

2018 Annual Report

VISION: Providing Excellence in Downtown Parking



**PARK & PLAY
THE DOWNTOWN WAY**

Parking Utility Guiding Principals

- Maintain the small town, walkable form that has evolved over decades of purposeful planning.
- Support a park once, pedestrian friendly vision that improves connectivity for visitors, residents and employees.
- Provide a customer-friendly experience centered on convenience, access and fairness.
- Help facilitate and encourage a diverse economy.
- Maintain a responsibility to optimize public investment in parking infrastructure.



Parking Inventory



Off-street meter parking stalls	=	175
On-street meter parking stalls	=	784
Ramp parking stalls	=	3,212
Motorcycle / Moped stalls	=	32
TOTAL PUBLIC PARKING STALLS	=	4,203

**PARK & PLAY
THE DOWNTOWN WAY**

Accomplishments in 2015

1. Reduced meter hours from 9:00 am – 9:00 pm to 9:00 am – 6:00 pm, Monday through Saturday, with Sundays remaining free.
2. Changed on-street meter limit from 2 hours to 12 hours and the rate from \$0.75/hour to \$0.20/hour for all on-street meters north of Washington Street.

Accomplishments in 2016

1. Implemented new pay-on-exit parking system in the Green, Yellow and Red Parking Ramps. System includes credit card and validation capabilities.
2. Implemented new ramp permit rates as follows:
 - \$30/month all ramps except Blue Ramp and \$35/month Blue Ramp

Accomplishments in 2017

1. Purchased a new enforcement vehicle to enforce parking time zones throughout the City.
2. Implemented Passport parking meter pay-by-phone app.
3. Installed additional signage in the Red Ramp and Green Ramp, and created a second exit lane in the Green Ramp to reduce exiting times from these ramps after major events.
4. Implemented Special Event Parking in the Green Ramp for major PAC events.

Accomplishments in 2018

1. Upgraded Red Ramp lights to LED fixtures.

Upcoming Changes in 2019

1. Upgrade Yellow Ramp lights to LED fixtures.
2. Replace elevators in Red Ramp and Yellow Ramp.
3. Demolish Blue Ramp.
4. Create motorcycle and bicycle parking area in Green Ramp.
5. Accept credit card payments for monthly permits.
6. Implement new ramp rates as follows:
 - \$2.00 < 3 hours
 - \$3.00 3-4 hours
 - \$5.00 > 4 hours
7. Implement new meter rates as follows:
 - \$1.00 per hour gray meters
 - \$0.50 per hour red meters (30 minutes)
 - \$0.25 per hour meters north of Washington Street

**PARK & PLAY
THE DOWNTOWN WAY**

Financial Overview

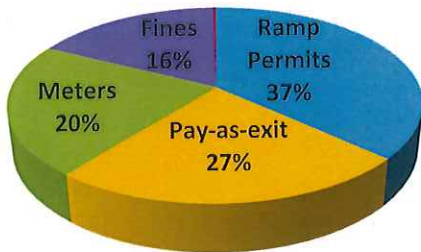
REVENUES

Ramp Permits	\$ 956,114
Ramp pay-as-exit	\$ 697,773
Meters	\$ 528,483
Fines	\$ 404,149
Other	<u>\$ 14,139</u>
TOTAL	\$2,600,658

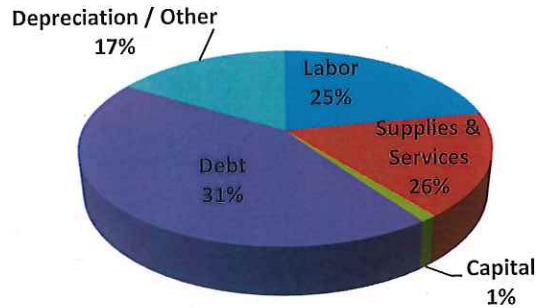
EXPENSES

Labor	\$ 817,832
Supplies & Services	\$ 822,576
Capital	\$ 43,734
Debt	\$ 1,009,300
Depreciation / Other	<u>\$ 541,140</u>
TOTAL	\$3,234,582

REVENUES



EXPENSES



Parking Statistics

Number of Permit Holders:

2015	2,581
2016	2,497
2017	2,562
2018	2,404

Number of Citations Issued:

2015	12,463
2016	10,691
2017	10,764
2018	10,071

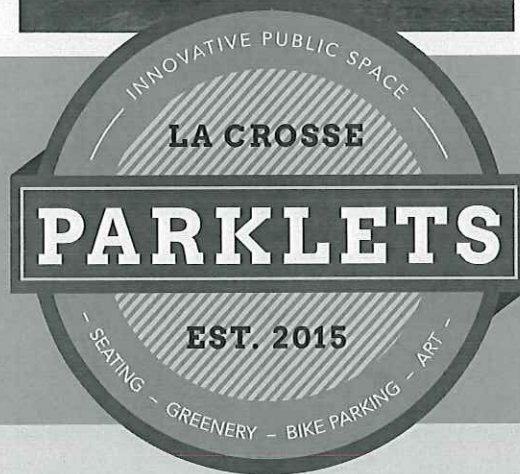


**PARK & PLAY
THE DOWNTOWN WAY**



Steven's Point





La Crosse Parklets Handbook

ACKNOWLEDGMENTS

The Parklet pilot program was created by the City of La Crosse, in partnership with Downtown Mainstreet, Inc. Thanks to I&S Group and Metre for the donation of their service to complete this handbook.



INTRODUCTION

WHAT ARE PARKLETS?

Parklets are the reuse of on-street parking spaces to provide amenities and green space for the general public to sit and enjoy and to provide an economical solution to the desire and need for wider sidewalks where existing narrow sidewalks would preclude such occupancy. Parklets have the potential to add value to the surrounding area, increase commercial and residential occupancy, encourage pedestrian traffic, highlight the character of the neighborhood, and provide pleasant views and entertainment space.

The purpose of the pilot program is to increase streetscape amenities and interconnection between parks. The City of La Crosse chose to develop a 1-year pilot Parklet program to judge the demand for, response to, and success of Parklets in La Crosse. If the pilot program is successful, a more permanent policy may be investigated.



WHO CAN CONSTRUCT A PARKLET?

The following applicants are eligible to apply for the installation of Parklets within the public right-of-way:

- 1 Ground floor business owners
- 2 Non-profit and community organizations
- 3 Fronting property owners
- 4 Other applicants considered on a case by case basis



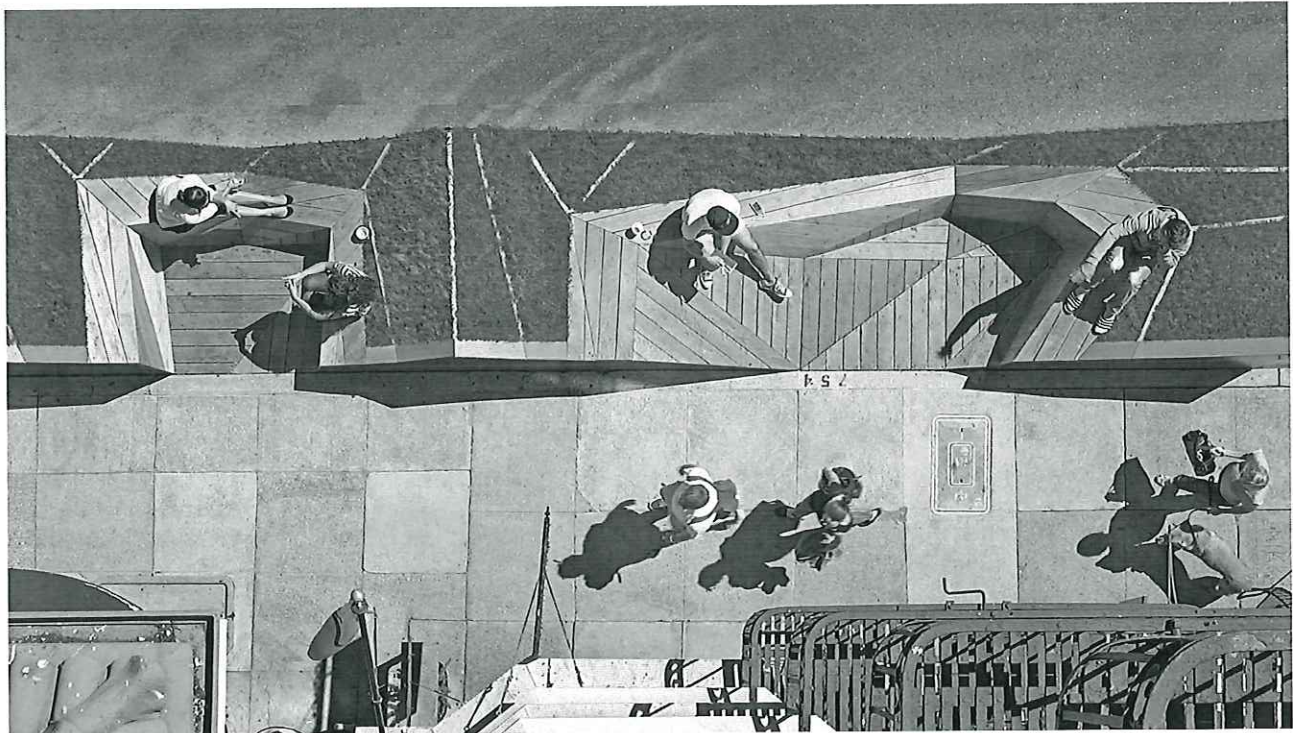
INTRO, CONT.

WHO APPROVES THE LOCATION AND CONSTRUCTION OF A PARKLET?

Parklet applicants must work through the following outlined process in order to receive approval to begin construction of a Parklet. City staff reviews and the Board of Public Works ultimately approves all proposed Parklets.

It should also be noted that neighborhood support is required for all approved Parklet applications and documentation of the support is required in several of the required forms within the application package. While unanimous support is not required, it is important that a Parklet has the backing of the majority of the neighborhood in which it is located. It is recommended applicants work on building this support for their proposed Parklet prior to beginning the application process to avoid spending time and resources on an unsupported Parklet. Be educated about the purpose, benefits, challenges, design, construction, and maintenance of a Parklet. Be specific in explaining the purpose and goals for your particular Parklet to potential supporters.

City staff reviews and the Board of Public Works ultimately approves all proposed Parklets.



APPLICATION

PRE-APPLICATION

All applicants are required to schedule an appointment with the Planning and Development Department staff to verify the viability of the location and proposed elements. Parklets should be proposed in areas where they are likely to be well used and active. Applicants can also pick up a copy of the application and instructions for completing the application in the Planning and Development Department. The results of the pre-application meeting do not guarantee approval of the Parklet location and design.

- 1 An initial site plan showing the footprint/outline of the proposed Parklet, including dimensions of Parklet, property lines, existing sidewalk width, existing parking stalls/alignment and all existing sidewalk furniture and obstructions; e.g. fire hydrants, utility poles, parking meters, street trees, etc.

REQUIREMENTS AND APPROVAL PROCESS

After the pre-application meeting, the applicant may begin the process of completing the application and supporting materials. A completed application will include:

- 1 A Revocable Occupancy/Street Privilege Permit Application (*subject to annual renewal*).
 - a The legal description of the property abutting the Parklet
 - b A scale drawing showing the measurements of the encroachment (*site plan may be used*)
- 2 A letter requesting the Parklet and type(s) of elements being proposed to be placed on the Parklet; e.g. tables and chairs, benches, planters/landscaping, bicycle parking, etc.
- 3 Final dimensioned site plan, including all details, finishes, plant species, furniture types, etc.
- 4 Maintenance plan, including access panels and how drainage will be provided along the existing gutter.
- 5 A description of how the proposed Parklet meets each of the criteria set forth in Subsection (4) of Resolution 13-0490, which is attached to this application package.
- 6 Provide documentation of support from adjacent property/business owners. Community support shall be evidenced by:
 - a Letter of support from the property owner,
 - b Letter(s) of support from adjacent property owners,
 - c Letter of support from the district council member,
 - d Letter of support from the Neighborhood Association, if applicable,
 - e A petition indicating that 51% of residents and/or business owners on the potential Parklet's block are in support of the Parklet.
- 7 An nonrefundable application fee of \$200.00, payable to the City Treasurer.

The application package, including all supporting materials, should be submitted to the Planning and Development Department. The application will be reviewed by City staff to determine if the application meets the above requirements. Reviewing staff will also be looking at aspects of the application and plan for elements such as enhancement of streetscape quality, location, community support, and a maintenance plan. If more than five acceptable, complete applications are received, applications will be ranked in the staff recommendations to the Board of Public Works based on these elements.

Reviewing staff will also be looking at aspects of the application and plan for elements such as enhancement of streetscape quality, location, community support, and a maintenance plan.

City staff shall determine whether an application is complete within five business days of receipt. Should the application be determined by City staff to be incomplete, in non-conformance with standards, or in any other way not acceptable for being part of the pilot Parklet program, the application materials will be returned to the applicant with a description of why the application was rejected. The applicant will need to address all deficiencies prior to re-submittal of the application for review.

APPROVAL

Once City staff determines an application is complete and meets the standards set by the City of La Crosse, the Planning and Development Department will forward the request and application to the Board of Public Works within fifteen business days. The Board of Public Works will review the final detailed site plan and maintenance details. The Board of Public Works may issue a Street Privilege Permit or a Revocable Occupancy Permit for the approved Parklet. The Applicant shall submit the following information and fees to the Department of Public Works for permit issuance:

- 1 The City of La Crosse must be listed as an additional insured endorsement to the sponsor's insurance policy with general liability coverage of not less than \$1 million.
- 2 An application fee and annual fee pursuant to the Revocable Occupancy/Street Privilege Permit Application requirements of the City of La Crosse Municipal Code Section 25.01. Currently these fees are \$50 each for a total of \$100.



DESIGN

The Parklet design, location, and seasonality shall conform to the following standards, as well as any additional standards made part of the approval of the individual Parklet:

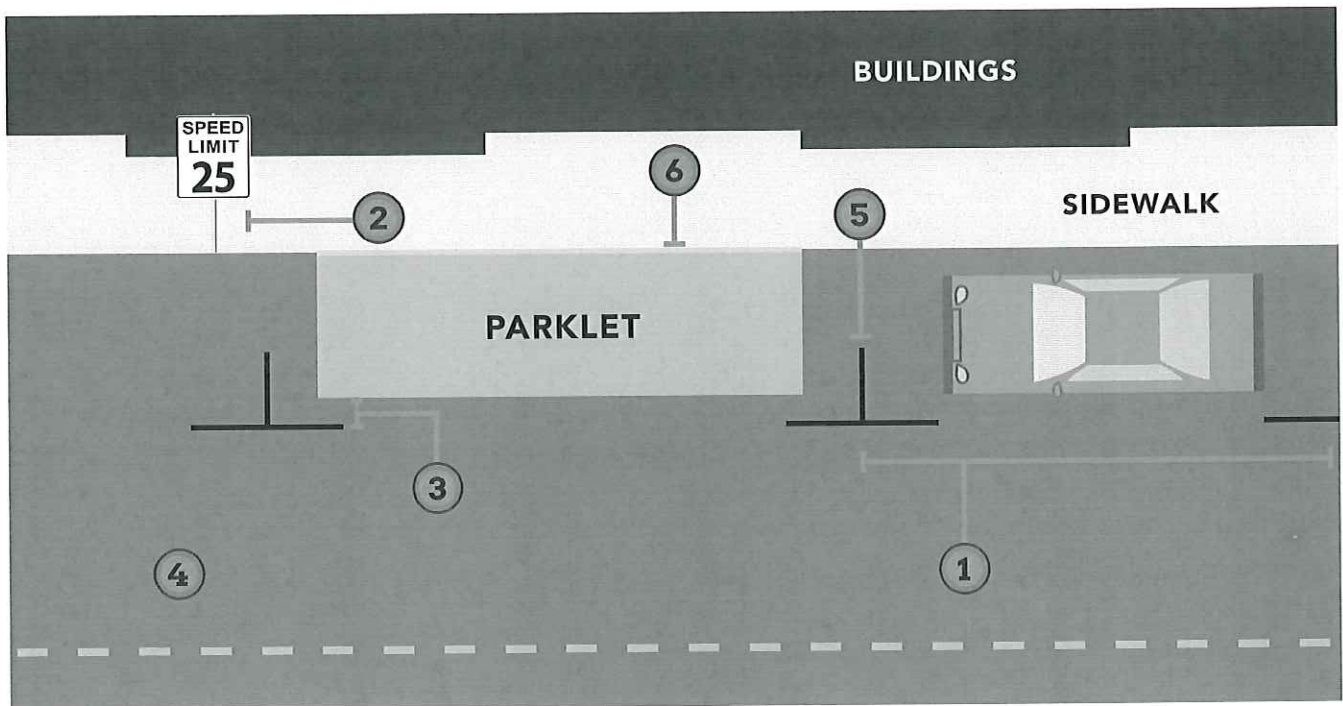


- 1 The proposed Parklet shall be permitted from May 1st through October 31st, unless the applicant can demonstrate that the Parklet will not be a hazard for snow plows or vehicles.
- 2 The proposed Parklet site shall be located at least one parking spot in from a corner or protected by a bollard, sidewalk bulb-out, or other similar feature, if located at the corner.
- 3 The proposed location shall be in an area with a posted speed limit of 25 mph or slower. In the event the posted speed limit is changed, the Parklet permit is subject to revocation. Streets with higher speed limits may be considered on a case by case basis.
- 4 The proposed street has parking lanes that will not become a tow away lane, and the Parklet and appurtenances thereof shall be a minimum of 2 feet from the nearest edge of traveled way, as determined by the City Traffic Engineer.
- 5 The proposed street has a street grade of no greater than 5%.
- 6 Parklets shall be required to have reflective tape, soft hit posts, wheel stops, and depending on the proposed location, may also require edging such as planters, railing or cables.
 - a Any edge shall be visually permeable.
 - b If cables are used, vertical spacing between cables may not exceed 6".
- 7 Parklets shall not be allowed where there is no parking allowed or in parking spaces for people with disabilities.
 - a Parklets may replace yellow parking zones or motorcycle parking if there are appropriate adjacent locations for these zones to be relocated, and the applicant is willing to pay additional fees for relocating these zones.
- 8 Parklets shall not be allowed in front of a fire hydrant, or over a manhole or public utility valve or cover.
 - a Parklets shall have 1 sign no more than 1 foot by 1 foot in size and may include any sponsorship information. Parklet shall be labeled with the following information: "Public Parklet. All seating is open to the public. Smoking is not permitted." Sponsorship text and images may not be larger than text of the above information.
- 9 All elements of the above mentioned Parklets shall be constructed and/or installed to conform to the applicable provisions, rules, regulations and guidelines of the City of La Crosse's Building Code, The Americans with Disabilities Act (ADA), and the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

DESIGN, CONT.

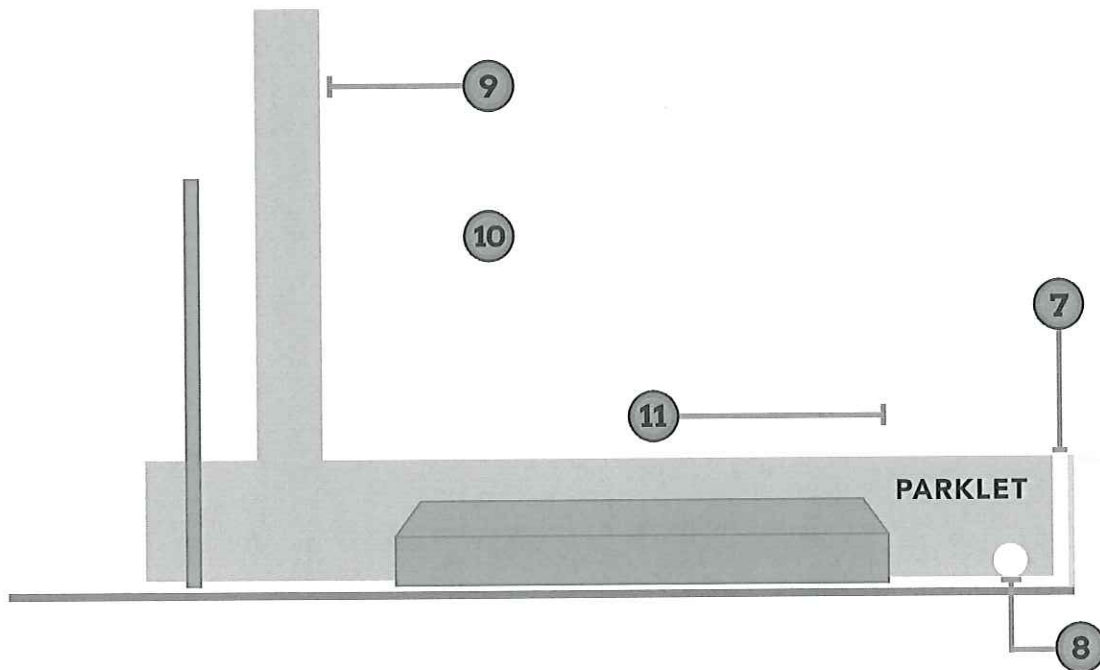
PLACEMENT GUIDELINES

Diagram of design standards.



1. Located at least one parking spot from corner (*protected by a bollard, sidewalk bulb-out, or other similar feature, if located at the corner*).
2. In an area with a posted speed limit of 25 mph or slower.
3. Minimum of 2 feet from the nearest edge of traveled way.
4. Street has a grade of no greater than 5%.
5. Must have reflective tape, soft hit posts, wheel stops, and may also require edging.
6. Not allowed in red and blue parking zones; may replace yellow parking zones or motorcycle parking.

DESIGN, CONT.



- 7.** Parklet decking must be flush with the curb and may not have more than a $\frac{1}{2}$ " gap from the curb. If this is impossible, the Parklet must be ADA accessible. A minimum 36" ADA accessible entryway to the Parklet must be maintained for all Parklets.
- 8.** The platform should allow for easy access underneath the platform and curbside drainage may not be impeded. A gap of 6" should be maintained between the body of the deck and the curb, to facilitate the movement of water.
- 9.** All edging shall be visually permeable. If cables are used, vertical spacing between cables may not exceed 6".
- 10.** All rails must be capable of withstanding a 200 lb horizontal force.
- 11.** Platforms shall not exceed a 2% cross slope.

INSTALLATION

At least 10 business days prior to beginning installation of the Parklet, contact the Public Works Department to schedule a time to meet an inspector in the field to review the site. The Public Works Department will issue a Notice to Proceed after the field review of the site and plans. The City shall post temporary no-parking signs in the spaces approved for the Parklet for a minimum of 72 hours before installation. The applicant shall install the soft-hit posts and wheel stops per the plan prior to installation. The Parklet sponsor is encouraged to take before and after pictures of the Parklet location.

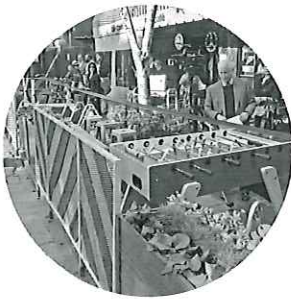
Installation shall be completed within 30 calendar days of the Notice to Proceed. The work site shall be clean and safe and no obstructions shall be left in the street, sidewalk, or adjacent parking spaces. Thought shall be put into the construction and installation phasing to assure these requirements are met each day. Notify the Public Works Department within five business days of the anticipated completion of the Parklet installation for a final field review to verify the Parklet was built according to the approved plans and application materials.

Installation shall be completed within 30 calendar days of the Notice to Proceed.

MAINTENANCE AND REMOVAL

Parklet sponsors are responsible for keeping the Parklet in the condition of the approved plans and application materials. Maintenance shall be performed according to the approved maintenance plan, and conditions on the approved permit, and any directives given by the Public Works Department. Any directives given by the Public Works Department shall be addressed to the satisfaction of the inspector within 72 hours.

The City of La Crosse reserves the right to revoke a permit for a Parklet at any time. The Parklet sponsor is responsible for removal of the Parklet, whether the removal of the Parklet is initiated by the sponsor or the City. A Parklet shall be removed within five business days of the request for removal from the City or October 31st, whichever comes first. The City reserves the right to remove a Parklet for public safety emergencies with little or no notice. Once a Parklet is removed, it may not be reinstalled without a new approved application.



Department of Public Works Inspections Division

Permit Summary Count YTD Comparison

01/01/19 Thru 02/28/19

Report Date: 3/5/2019



Permit Type	Year Issued	Permit Count	Total Estimated Cost	Total Receipt Amount
BUILDING	2018	73	12,541,564	53,002.00
	2019	68	5,831,288	41,026.00
		-6.85 %	-53.50 %	-22.60 %
DISPLAY SIGN	2018	20	276,886	800.00
	2019	20	141,343	800.00
		%	-48.95 %	%
ELECTRICAL	2018	106	2,126,626	19,102.87
	2019	97	932,596	13,287.02
		-8.49 %	-56.15 %	-30.44 %
EROSION CNTL	2018	1		100.00
	2019	6		800.00
		500.00 %	%	700.00 %
HEATING	2018	126	2,086,046	11,221.55
	2019	135	2,001,306	10,453.82
		7.14 %	-4.06 %	-6.84 %
PLAN REVIEW	2018	12		3,650.00
	2019	21		8,397.50
		75.00 %	%	130.07 %
PLUMBING	2018	61	718,820	3,929.00
	2019	76	4,415,021	6,186.00
		24.59 %	514.20 %	57.44 %
SEWER	2018	29	165,738	3,673.00
	2019	13	110,803	1,320.00
		-55.17 %	-33.15 %	-64.06 %
WELL	2018	5		200.00
	2019	1		40.00
		-80.00 %	%	-80.00 %

Department of Public Works Inspections Division

Permit Summary Count YTD Comparison

01/01/19 Thru 02/28/19

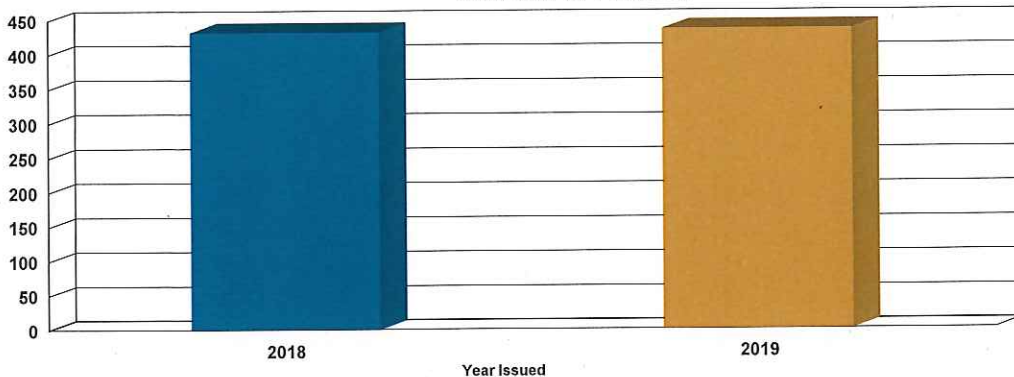
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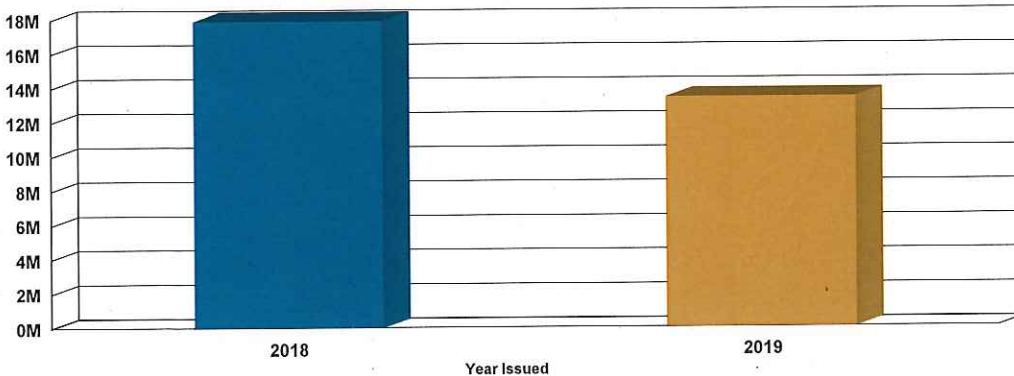
"...meeting community needs...enhancing quality of life."

	2018	2019
Permits	433	437
Estimated Cost	17,915,680.00	13,432,357.00
Receipt Amount	95,678.42	82,310.34

Number of Permits



Estimated Cost



Receipt Amount

