



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, April 1, 2020

7:00 PM

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES
 - [20-0459](#) Common Council Meeting Minutes of March 18, 2020
 - Attachments:* [CC Minutes 3-18-20.pdf](#)
- H. BUSINESS PRESENTED BY THE MAYOR
 - [20-0460](#) Police & Fire Commission Reappointment
 - Attachments:* [PFC Appt 4-1-20.pdf](#)
 - [20-0461](#) Recognition of service of Sally Mielke
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
 - [20-0462](#) Suspend the Council Rules and convene into the Committee of the Whole
 - [20-0463](#) Reconvene to Common Council

[20-0464](#) Report of the Committee of the Whole

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[20-0385](#) Request from Dave Rangle, 1028 S. Walden Avenue, to have his sidewalk snow removal bill of \$107.40 waived.

Attachments: [1028 S Walden waive snow bill.pdf](#)

Legislative History

3/9/20 Municipal Services held
Committee
Item 20-0385 be held until March 23, 2020 meeting.

[20-0424](#) Request from CR Structures Group Inc. for a permanent street occupancy permit to close the sidewalk and provide for a temporary sidewalk at 825 W. College Avenue from March 2, 2020 through April 30, 2021.

Attachments: [CR Structures-permanent street occupancy.pdf](#)

[20-0440](#) Approve Fox River Navigational System Authority Bridge Tender Agreement.

Attachments: [Fox River Locks Bridge Tender Agreement.pdf](#)

[20-0443](#) Award Unit P-20, Pavement Marking Maintenance Contract (Epoxy) to Mega Rentals, Inc. in an amount not to exceed \$95,000.

Attachments: [Unit P-20 Pavement Marking.pdf](#)

[20-0445](#) Award Unit Q-20, Pavement Marking Maintenance Contract (Paint) to Crowley Construction Corp. in an amount not to exceed \$55,000.

Attachments: [Unit Q-20 Pavement Marking.pdf](#)

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

3. MINUTES OF THE CITY PLAN COMMISSION

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[20-0444](#) Action: Award the City of Appleton’s “2020 Appleton Memorial Park Universal Playground Equipment Project” contract to PlayPower LT Farmington, Inc. in an amount not to exceed \$540,000.

Attachments: [2020 AMP Universal Playground Action Item .docx](#)

5. MINUTES OF THE FINANCE COMMITTEE

[20-0429](#) Request to approve Contract Amendment/Change Order No. 2 to Contract No. 36-19 for Sewer & Water Reconstruction No. 3 for additional construction quantities and surface restoration needs due to unforeseen conditions encountered during construction in the amount of \$100,671 resulting in a decrease to contingency from \$51,901 to \$0.00. Overall contract increases from \$1,663,674 to \$1,712,444

Attachments: [Unit Y-19 Change Order No. 2.pdf](#)

[20-0447](#) Request to approve a temporary suspension of the late payment charges for Wastewater, Stormwater and Refuse that are billed on the City Service Invoice

Attachments: [Late Fee COVID-19 Waiver Memo.pdf](#)
[Ordinance AMEND070.pdf](#)

[20-0448](#) Request to approve the following 2020 Budget adjustment:

COVID-19 Special Revenue Fund

Federal Grants	+\$100,000
Personnel Costs	+ \$ 80,000
Supplies	+ \$ 10,000
Purchased Services	+ \$ 10,000

to establish an initial budget to track COVID-19 related mitigation costs and record reimbursement from FEMA and other funding sources

Attachments: [FactSheet_COVID19 Response 03132020 Final.pdf](#)

[20-0451](#) Request to approve the following 2020 Budget adjustment:

Community Development Block Grant Fund

Salaries	+\$ 13,190
Fringe Benefits	+\$ 6,810
Federal Grants	+\$ 20,000

Continuum of Care Grant Fund

Salaries	+\$ 19,328
Fringe Benefits	+\$ 10,001
Contracted Services	+\$ 1,000
State Grants	+\$ 30,329

Emergency Housing Grant Fund

Salaries	+\$ 3,300
Fringe Benefits	+\$ 1,700
State Grants	+\$ 5,000

to record expenses and funding sources for new Coordinated Entry position in the Community Development Department

Attachments: [Finance Committee Cover memo 03-19-2020.pdf](#)
[Finance Committee CE position approval 3-16-20.pdf](#)
[Finance Committee -Emails of support CE Position.pdf](#)

[20-0452](#) Request approval to award Unit AA-20 Rubyred Drive Bridge to Radtke Contractors, Inc in the amount of \$288,260 with a 4.1% contingency of \$11,740 for a project total not to exceed \$300,000

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

[20-0453](#) Request approval to award Unit C-20 Sidewalk Sawcutting to ASTI Sawing, Inc in an amount not to exceed \$40,000

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

[20-0454](#) Request approval to award Unit E-20 Miscellaneous Concrete and Street Excavation Repair to Al Dix Concrete, Inc in the amount of \$718,066 with a 5% contingency of \$36,000 for a project total not to exceed \$754,066

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

[20-0455](#) Request approval to award Unit J-20 Mini Storm Sewer Construction to Alfson Excavating, LLC in an amount not to exceed \$200,000

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

[20-0458](#) Request to approve ordinance temporarily amending council rules pertaining to public comment and appearances at Council and other meetings in response to CoVid-19 health emergency

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[20-0436](#) Request to approve the farm lease for Southpoint Commerce Park with Maple Lawn Dairy (Mike Mader) to farm the remaining undeveloped land, estimated to be approximately 142.4± acres (subject to pending transactions), at a rental rate of \$160.00 per acre for five (5) years with no crop loss provision

Attachments: [Southpoint Farm Lease Memo 3-19-20.pdf](#)
[Southpoint Farming RFP Package 2-25-20.pdf](#)

7. MINUTES OF THE UTILITIES COMMITTEE

[20-0417](#) Approve updates to Municipal Code Chapter 20, Article VI, Stormwater Management Standards and Planning.

Attachments: [2020 Post Construction Ord Update Util Memo.pdf](#)
[Art VI - Stormwater - Redline Changes 03-09-2020.pdf](#)

[20-0418](#) Approval to single source and award the 2020 StormTrap Structural Inspections of the underground structures at Appleton East High School and the Exhibition Center to Graef in an amount not to exceed \$49,818.

Attachments: [2020 AEHS StormTrap Inspection Graef Contract Award.pdf](#)

[20-0419](#) Approval to single source and award the 2020 StormTrap Waterproofing Inspection of the underground structure at Appleton East High School to Midwest Coating Solutions, LLC (MCS) in an amount not to exceed \$22,900.

Attachments: [2020 AEHS StormTrap Inspection MCS Contract Award.pdf](#)

[20-0420](#) Award of 2020G Stormwater Consulting Services Single Source Contract for Lightning Drive Culverts and Stormwater Practices 60% Preliminary Design to raSmith in an amount not to exceed \$107,250.

Attachments: [2020G Lightning 60% Design Contract Award Memo to raSmith 03-17-2020 .pc](#)

[20-0449](#) Amend Unit K-20 Native Landscape Management Contract with Applied Ecological Services, Inc. in an amount not to exceed \$16,000.

Attachments: [K-20 Amendment 1 Util Cmte Memo FINAL 03-19-2020.pdf](#)

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[20-0427](#) Request to approve CED adding Coordinated Entry Specialist position.

Attachments: [CED Memo for position approval.pdf](#)

[CED Cover memo 03-19-2020.pdf](#)

[CED TO 3-25-20 draft.pdf](#)

[CED Emails of support from subs.pdf](#)

[20-0456](#) Request to approve the Families First Compliance Policy.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[20-0434](#) Award Security Services Contract

Attachments: [Award Recommendation Doc.pdf](#)

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

[20-0281](#) Resolution #2-R-20, designating the month of May, 2020 as No Mow May.

Attachments: [Resolution #2-R-20-No Mow May.pdf](#)

[Resolution #2-R-20-Citizen Comments.pdf](#)

[Issues to address for Municipal Services Committee.pdf](#)

Legislative History

2/24/20	Municipal Services Committee	held
	<i>Item 20-0281 be held and referred to staff</i>	
3/9/20	Municipal Services Committee	recommended for approval
3/9/20	Municipal Services Committee	recommended for denial
3/18/20	Common Council	held

[19-1886](#)

R/B-Request to rescind approval for "The Collective" sculpture within the E. College Avenue and N. Catherine Street right-of-way.

Attachments: [The Collective log of public dialogue-.pdf](#)

Legislative History

12/9/19	Municipal Services Committee	held
	<i>Item 19-1886 held until January 13, 2020.</i>	
1/13/20	Municipal Services Committee	recommended for approval
	<i>Amend item 19-1886. City to work on alternate location in first quarter of 2020.</i>	
1/22/20	Common Council	referred to the Municipal Services Committee
1/27/20	Municipal Services Committee	held
	<i>Item 19-1886 be held until February 19, 2020 meeting.</i>	
2/19/20	Municipal Services Committee	held
	<i>Item 19-1886 be held until March 9th meeting.</i>	
3/9/20	Municipal Services Committee	recommended for approval
3/18/20	Common Council	held

[19-1184](#)

Resolution #10-R-19 Beekeeping Permit Process Change

Attachments: [#10-R-19 Beekeeping Permit Process Changes.pdf](#)

[Current - Residential Bee Keeping Permit Requirements.pdf](#)

[Proposed - Residential Apiary Permit Requirements .pdf](#)

[Current - Residential Apiary Permit Application .pdf](#)

[Proposed - Residential Apiary Permit Application .pdf](#)

Legislative History

8/14/19	Board of Health	presented
11/13/19	Board of Health	held
1/8/20	Board of Health	held
2/12/20	Board of Health	held

3/11/20 Board of Health amended
Motion made to amend #2 of the Resolution's list of changes so that the notifications are made, but the objection process for property owners is removed from section 2.(b)2. of the beekeeping permit requirements.

3/11/20 Board of Health recommended for approval

3/18/20 Common Council held

O. ORDINANCES

[20-0457](#) Ordinances 61-20 to 71-20 for 4/1/2020 Common Council Meeting

Attachments: [Ordinances 61 to 71 for 4-1-2020 CC Mtg.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Kami Lynch, City Clerk

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



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Meeting Minutes - Final Common Council

Wednesday, March 18, 2020

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Hanna at 7:01 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Spears

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 12 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt, Alderperson Corey Otis and Mayor Timothy Hanna

Excused: 4 - Alderperson William Siebers, Alderperson Joe Martin, Alderperson Katie Van Zeeland and Alderperson Alex Schultz

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

City Attorney Walsh, Deputy City Attorney Behrens, City Clerk Lynch, Director of Finance Saucerman, Fire Chief Hansen, Health Officer Eggebrecht, Director of Human Resources Matz, Director of Parks, Recreation & Facilities Gazza, Police Chief Thomas, and Director of Public Works Vandehey.

The following were excused:

Community & Economic Development

Information Technology

Library

Utilities

Valley Transit

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[20-0411](#)

Common Council Meeting Minutes of March 4, 2020

Attachments: [CC Minutes 3-4-20.pdf](#)

Alderperson Croatt moved, seconded by Alderperson Spears, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Corey Otis

Excused: 4 - Alderperson William Siebers, Alderperson Joe Martin, Alderperson Katie Van Zeeland and Alderperson Alex Schultz

Abstained: 1 - Mayor Timothy Hanna

H. BUSINESS PRESENTED BY THE MAYOR

F. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

[20-0407](#) Public Hearing for Zoning Text Amendments

Attachments: [PublicHearingNotice_ZOTextAmendments_2020_UPDATED.pdf](#)

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

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[20-0281](#) Resolution #2-R-20, designating the month of May, 2020 as No Mow May.

Attachments: [Resolution #2-R-20-No Mow May.pdf](#)
[Resolution #2-R-20-Citizen Comments.pdf](#)
[Issues to address for Municipal Services Committee.pdf](#)

Alderperson Lobner moved, seconded by Alderperson Croatt that the Report Action Item be held. Roll Call. Motion carried by the following vote:

Aye: 10 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Corey Otis

Nay: 1 - Alderperson Christine Williams

Excused: 4 - Alderperson William Siebers, Alderperson Joe Martin, Alderperson Katie Van Zeeland and Alderperson Alex Schultz

Abstained: 1 - Mayor Timothy Hanna

[19-1184](#)

Resolution #10-R-19 Beekeeping Permit Process Change

- Attachments:** [#10-R-19 Beekeeping Permit Process Changes.pdf](#)
[Current - Residential Bee Keeping Permit Requirements.pdf](#)
[Proposed - Residential Apiary Permit Requirements .pdf](#)
[Current - Residential Apiary Permit Application .pdf](#)
[Proposed - Residential Apiary Permit Application .pdf](#)

Alderson Meltzer moved, seconded by Alderson Spears, that the Report Action Item be held. Roll Call. Motion carried by the following vote:

Aye: 11 - Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner, Alderson Chris Croatt and Alderson Corey Otis

Excused: 4 - Alderson William Siebers, Alderson Joe Martin, Alderson Katie Van Zeeland and Alderson Alex Schultz

Abstained: 1 - Mayor Timothy Hanna

[19-1886](#)

R/B-Request to rescind approval for "The Collective" sculpture within the E. College Avenue and N. Catherine Street right-of-way.

- Attachments:** [The Collective log of public dialogue-.pdf](#)

Alderson Croatt moved, seconded by Alderson Spears to Hold this time. Roll Call. Motion carried by the following vote:

Aye: 6 - Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Maiyoua Thao, Alderson Christine Williams, Alderson Chris Croatt and Alderson Corey Otis

Nay: 5 - Alderson Denise Fenton, Alderson Matt Reed, Alderson Patti Coenen, Alderson Cathy Spears and Alderson Kyle Lobner

Excused: 4 - Alderson William Siebers, Alderson Joe Martin, Alderson Katie Van Zeeland and Alderson Alex Schultz

Abstained: 1 - Mayor Timothy Hanna

[20-0374](#)

Resolution #4-R-20 Hmong Deportation

- Attachments:** [#4-R-20 Hmong Deportation .pdf](#)

Alderson Croatt moved, seconded by Alderson Meltzer, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Corey Otis

Excused: 4 - Alderperson William Siebers, Alderperson Joe Martin, Alderperson Katie Van Zeeland and Alderperson Alex Schultz

Abstained: 1 - Mayor Timothy Hanna

[20-0375](#)

Resolution #6-R-20 Purple Heart City

Attachments: [#6-R-20 Purple Heart City.pdf](#)

Alderperson Croatt moved, seconded by Alderperson Lobner, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 11 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner, Alderperson Chris Croatt and Alderperson Corey Otis

Excused: 4 - Alderperson William Siebers, Alderperson Joe Martin, Alderperson Katie Van Zeeland and Alderperson Alex Schultz

Abstained: 1 - Mayor Timothy Hanna

[20-0354](#)

Request to award Heartland Business Solutions the contract to purchase and implement a new Audio Visual (AV) system for Fire and Police. The amount requested is \$89,628.50 with a 10.4% contingency for a total of \$100,000.

Attachments: [AFD - APD AV Memo.pdf](#)

Alderperson Spears moved, seconded by Alderperson Lobner, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 10 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matt Reed, Alderperson Christine Williams, Alderperson Patti Coenen, Alderperson Cathy Spears, Alderperson Kyle Lobner and Alderperson Corey Otis

Excused: 4 - Alderperson William Siebers, Alderperson Joe Martin, Alderperson Katie Van Zeeland and Alderperson Alex Schultz

Abstained: 2 - Alderperson Chris Croatt and Mayor Timothy Hanna

[20-0355](#)

Request to award Heartland Business Solutions the contract to purchase and implement a new Audio Visual (AV) system for Council Chambers. The amount requested is \$89,937.81 with a 10% contingency for a total of \$100,000.

Attachments: [Council Chambers AV Memo.pdf](#)

Aldersperson Spears moved, seconded by Aldersperson Lobner, that the Report Action Item be approved. Roll Call. Motion carried by the following vote:

Aye: 10 - Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matt Reed, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner and Aldersperson Corey Otis

Excused: 4 - Aldersperson William Siebers, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland and Aldersperson Alex Schultz

Abstained: 2 - Aldersperson Chris Croatt and Mayor Timothy Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Aldersperson Lobner moved, Aldersperson Coenen seconded, to approve the balance of the agenda. The motion carried by the following vote:

Aye: 11 - Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matt Reed, Aldersperson Christine Williams, Aldersperson Patti Coenen, Aldersperson Cathy Spears, Aldersperson Kyle Lobner, Aldersperson Chris Croatt and Aldersperson Corey Otis

Excused: 4 - Aldersperson William Siebers, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland and Aldersperson Alex Schultz

Abstained: 1 - Mayor Timothy Hanna

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[20-0360](#)

Request from two business owners to convert two 2-hour meters (CAW 608 and CAW 610) to 30-minute "red head" meters on the north side of the 600 West block of College Avenue be approved.

Attachments: [Request to convert two 2 hr meters to 30 min meters CAW 608 & CAW 610.pdf](#)

This Report Action Item was approved.

[20-0364](#)

Request from Jake Viane of Bard Media for a permanent street occupancy permit to install a timelapse camera on a city-owned street light pole at 820 W. College Avenue to capture the construction project at 825 W. College Avenue be approved.

Attachments: [Permanent Street Occupancy 825 W College Ave.pdf](#)

This Report Action Item was approved.

[20-0366](#)

Preliminary Resolution 2-P-20 for Concrete Pavement, Driveway Aprons and Sidewalk Construction be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Resolution 2-P-20.pdf](#)

This Report Action Item was approved.

[20-0367](#)

Approve parking restriction changes on Capitol Drive near Classical Charter School (Follow-up to six month trial period).

Attachments: [Parking changes Capital Drive-Classical Charter School.pdf](#)

This Report Action Item was approved.

[20-0369](#)

Approve parking restriction changes on the 900 block of E. Commercial Street (Follow-up to six month trial period).

Attachments: [Parking changes 900 block of E. Commercial Street.pdf](#)

This Report Action Item was approved.

[20-0370](#)

Approve parking restriction changes on Spencer Street, between Story Street and Pierce Avenue (Follow-up to six month trial period).

Attachments: [Parking changes Spencer St between Story St & Pierce Ave.pdf](#)

This Report Action Item was approved.

[20-0372](#)

Approve parking restriction changes on W. Packard Street, between Outagamie Street and Badger Avenue (Follow-up to six month trial period).

Attachments: [Parking changes W. Packard St-Outagamie St to Badger Ave.pdf](#)

This Report Action Item was approved.

[20-0373](#)

Approve parking restriction changes on Durkee Street near Classical Charter School (Follow-up to six month trial period).

Attachments: [Parking changes Durkee St Classical Charter School.pdf](#)

This Report Action Item was approved.

[20-0376](#)

Approve installation of STOP signs on Durkee Street at Brewster Street (Follow-up to six month trial period).

Attachments: [Intersection traffic control Brewster St & Durkee St.pdf](#)

This Report Action Item was approved.

[20-0377](#)

Approve installation of STOP signs on Jarchow Street at Marquette Street (Follow-up to six month trial period).

Attachments: [Intersection traffic control Marquette St & Jarchow St.pdf](#)

This Report Action Item was approved.

[20-0378](#)

Approve permanent street occupancy permit request for monument signage and landscaping in the Peregrine Boulevard terrace area contingent upon the following:

- *City installs and maintains all terrace trees.
- *Developer installs and maintains monument signs and landscaping.
- *City has no liability of any plant or monument sign damage due to plowing or any other public works related services.
- *\$40 permit fee
- *Certificate of Insurance

Attachments: [Permanent Street Occupancy Peregrine Boulevard.pdf](#)

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[20-0391](#)

Request to authorize the City Clerk as the Designated Municipal Official to Issue Operator's Licenses, Pursuant to 2019 Wis. Act 166

Attachments: [Designating City Clerk as the Municipal Official to Issue Operator Licenses.pdf](#)

This Report Action Item was approved.

[20-0345](#)

Appleton Police Department received \$22,902.92 in funding through Octoberfest for the purchase of the Autovu 2 Camera System.

Attachments: [Octoberfest Notice to Accept Funds.pdf](#)

This Report Action Item was approved.

[20-0309](#)

Temporary Premise Amendment application for Sangria's Mexican Grill, Sarah Gregory, Agent, located at 215 S Memorial Dr, contingent upon approval from all departments.

Attachments: [Sangrias Mexican Grill 2020.pdf](#)

This Report Action Item was approved.

[20-0310](#)

Class "B" Beer and "Class C" Wine application for Miss Brown's Fine Foods II LLC d/b/a Miss Brown's Fine Food II, Donnahugh (Phill) Brown, Agent, located at 400 N. Richmond St Ste G, contingent upon approval from all departments.

Attachments: [Miss Brown's Fine Foods II.pdf](#)

This Report Action Item was approved.

[20-0325](#)

"Class B" Liquor and Class "B" Beer License application for Asian Thai 2 Inc d/b/a Asian Thai, Rong Zhang, Agent, located at 201 W. Northland Ave, contingent upon approval from all departments.

Attachments: [Asian Thai.pdf](#)

This Report Action Item was approved.

[20-0337](#)

Class "B" Beer License application for Breakout Green Bay LLC d/b/a Appleton Axe, Patrick Van Abel, Agent, located at 1400 W College Ave, contingent upon approval from all departments.

Attachments: [Appleton Axe.pdf](#)

This Report Action Item was approved.

[20-0390](#)

Operator Licenses

Attachments: [3-11-2020.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[20-0240](#)

Request to approve proposed text amendments to Chapter 23 Zoning Ordinance of the Municipal Code relating to Sec. 23-21 Purpose, Sec. 23-22 Words and Terms Defined, Sec. 23-35 Transition Rules, Sec. 23-42 Nonconforming Buildings, Structures, Uses and Lots, Sec. 23-44 Fences and Walls, Sec. 23-50 Dimensional Exceptions and Modifications, Sec. 23-63 Board of Appeals, Sec. 23-65 Zoning Amendments, Sec. 23-66 Special Use Permits, Sec. 23-67 Variances, Sec. 23-91 AG Agricultural District, Sec. 23-92 R-1A Single-Family District, Sec. 23-93 R-1B Single-Family District, Sec. 23-94 R-1C Central City Residential District, Sec. 23-95 R-2 Two-Family District, Sec. 23-96 R-3 Multifamily District, Sec. 23-112 C-1 Neighborhood Commercial District, Sec. 23-113 C-2 General Commercial District, Sec. 23-114 CBD Central Business District, Sec. 23-131 M-1 Industrial Park District, Sec. 23-132 M-2 General Industrial District, Sec. 23-172 Off-Street Parking and Loading Standards, Sec. 23-422 Special Use Permit Requirements, Sec. 23-570 Site Plan Review and Approval, and Sec. 23-601 Landscaping and Screening Standards, as identified in the attached document

Attachments: [StaffReport_TextAmendment_2020Bundle_For02-25-20.pdf](#)
[EmailsSubmittedAtPCMTg_ProposedDistilleryRegs_ZoningCode.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[20-0413](#)

Request to approve changes to Sec. 2-29(a) Alderperson absence; participation electronically, of the Appleton Municipal Code

Attachments: [AMEND058 Redlined.pdf](#)

This Report Action Item was approved.

[20-0414](#)

Request to repeal Sec. 2-561 of the Appleton Municipal Code re: Authority of City Clerk regarding elections.

Attachments: [AMEND059.pdf](#)

This Report Action Item was approved.

[20-0415](#)

Request the approval of Mayor's Proclamation Declaring a State of Emergency pursuant to Ch. 323, Wis. Stats.

Attachments: [COVID-19 Proclamation.pdf](#)

This Report Action Item was approved.

[20-0347](#)

CEA Review Committee Report

Attachments: [CEA MeetingMinutes04-Mar-2020-03-22-35.pdf](#)

This Report Action Item was approved.

[20-0348](#)

Request to approve the following 2020 Budget adjustment:

Police Grants Fund

Equipment	+\$22,903
Local Grants	+\$22,903

to record receipt of Octoberfest grant to purchase Automatic License Plate Recognition equipment

Attachments: [Finance Committee Plate Recognition Grant.pdf](#)

This Report Action Item was approved.

[20-0349](#)

Request to approve Resolution #0202-02 Sales Tax Shared Revenue

Attachments: [#2020-02 County Sales Tax Resolution.pdf](#)
[Sales Tax Revenue Sharing Correspondence 2019.pdf](#)
[County Sales Tax Municipal FAQ.PDF](#)

This Report Action Item was approved.

[20-0350](#)

Request to award the City of Appleton 2020 Park Pavilion HVAC Upgrades contract to J.F. Ahern Co in the amount of \$68,900 with a contingency of \$1,100 for a project total not to exceed \$70,000

Attachments: [2020 Park Pavilion HVAC Upgrades.pdf](#)

This Report Action Item was approved.

[20-0351](#)

Request to award the City of Appleton 2020 Fire Station #5 HVAC Upgrades contract to Sure-Fire, Inc in the amount of \$37,525 with a contingency of \$5,000 for a project total not to exceed \$42,525

Attachments: [2020 Fire Station #5 HVAC Upgrades.pdf](#)

This Report Action Item was approved.

[20-0361](#)

Request to approve the 2019-2020 Budget carryover appropriations:

1. Items not under contract \$9,143,149
2. Items requesting Special Consideration \$323,353

Attachments: [2019-20 Not Under Contract Carryover List.pdf](#)
[2019-20 Special Consideration Carryover List.pdf](#)

This Report Action Item was approved.

[20-0362](#)

Request to approve the following 2019 Budget adjustments:

Community Development Block Grant Fund

Grant Payments	+\$45,000
Federal Grants	+\$45,000

to record additional grant proceeds and related expenditures (2/3 vote of Council required)

Emergency Housing and Homeless Grant Fund

Grant Payments	+\$38,253
State Grants	+\$24,012
Fund Balance	- \$14,241

to record additional grant proceeds and related expenditures (2/3 vote of Council required)

Police Grants Fund

Federal Grants	+\$ 447
State Grants	+\$38,825
Salaries	+\$38,059
Supplies	+\$ 684
Equipment	+\$ 529

to record additional grant proceeds and related expenditures (2/3 vote of Council required)

TIF 8 Capital Projects Fund

Other Contracts/Obligations	+\$77,100
Fund Balance	- \$77,100

to provide funding for developer payments in excess of budget (2/3 vote of Council required)

Information Technology Capital Projects Fund

Transfer Out - Facilities Capital Projects Fund	+\$115,216
Fund Balance	+\$115,216

Facilities Capital Projects Fund

Transfer In - Information Technology Capital Projects Fund	+\$115,216
Fund Balance	+\$115,216

to transfer remaining proceeds from the 2017 G.O. Note borrowing from the IT Capital Projects fund to the Facilities Capital Projects Fund in order to meet spend down requirements (2/3 vote of Council required)

Attachments: [2019 Final Budget adjustments .pdf](#)

This Report Action Item was approved.

[20-0371](#)

Request to approve the following 2020 Budget adjustment:

Stormwater Utility

Stormwater Utility Fund Balance	- \$10,000
Stormwater Capital Projects Fund	+\$10,000

to allocate in-lieu of funds set aside for stormwater management

Attachments: [Stormwater Budget Adj.pdf](#)

This Report Action Item was approved.

[20-0382](#)

Request to approve Finance Committee Report 1-P-20 for Sanitary Laterals, Storm Laterals and Storm Main

Attachments: [Report 1-P-20.pdf](#)

This Report Action Item was approved.

[20-0383](#)

Request to approve Finance Committee Report 2-P-20 for Concrete Pavement, Sidewalk Construction and Driveway Aprons

Attachments: [Report 2-P-20.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[20-0331](#)

Request to approve the REVISED 2020-2021PY Community Development Block Grant (CDBG) funding as specified in the attached community partner allocation recommendations

Attachments: [Alloc Recs Memo to CEDC Final Award 03-11-2020.pdf](#)
[Alloc Recs Memo to CEDC 11-5-19.pdf](#)
[REVISED 2020 CDBG Community Partner & Simple Summary Recommendations.pdf](#)
[REVISED 2020 CDBG Simple Summary Recommendations.pdf](#)
[2020 CDBG Affordable Housing Project Recommendations.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[20-0336](#) Award Contract for Asbestos and Hazardous Materials Abatement to Asbestos Removal Inc. for an amount not to exceed \$39,986.

Attachments: [Lake Station Hazardous Materials Contract 03-03-20.pdf](#)

This Report Action Item was approved.

[20-0380](#) Preliminary Resolution 1-P-20 for Sanitary Laterals, Storm Laterals and Storm Main be adopted and refer the matter to the Finance Committee to determine the assessment rate.

Attachments: [Resolution 1-P-20.pdf](#)

This Report Action Item was approved.

[20-0386](#) Award America's Water Infrastructure Act Project to AECOM in the amount of \$43,500 with a 15% contingency of \$6,525 and total cost not to exceed \$50,025.

Attachments: [utilities memo - AWIA RRA Memo 03-06-20.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

[20-0358](#) Request approval to over hire a Master Electrician in the Department of Public Works for approximately 30 days with an estimated fiscal impact of \$8,400.

Attachments: [DPW Overhire Master Electrician 3-11-20.pdf](#)

This Report Action Item was approved.

[20-0384](#) Request approval to over hire a Health Officer in the Health Department for approximately 30 days with an estimated fiscal impact of \$12,000.

Attachments: [Health Officer over hire.pdf](#)

This Report Action Item was approved.

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH**M. CONSOLIDATED ACTION ITEMS****N. ITEMS HELD**[20-0109](#)

Request to approve proposed changes to the Art in Public Places Policy as identified in the attached revised policy

Attachments: [Memo to CEDC Revised APAC Policy February 2020.pdf](#)
[StaffReport Revised Art in Public Places Policy For2-4-20.pdf](#)

This Report Action Item was approved.

O. ORDINANCES[20-0406](#)

Ordinances 18-20 to 57-20 Regarding Zoning
Ordinances 58-20 and 59-20
Ordinance 60-20 Ratification of Declaration of Emergency

Attachments: [Ordinances 18-20 to 57-20 for 3-18-2020 CC.pdf](#)
[Ordinances 58-20 and 59-20 for 3-18-2020 CC.pdf](#)

This Report Action Item was approved.

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION**Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION****R. OTHER COUNCIL BUSINESS**[20-0412](#)

Recognition of Service of Alderperson Christopher Croatt

This item will be taken up at a future meeting.

S. ADJOURN

Alderson Lobner moved, seconded by Alderson Coenen, that the meeting be adjourned at 8:11 p.m. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matt Reed, Alderson Christine Williams, Alderson Patti Coenen, Alderson Cathy Spears, Alderson Kyle Lobner, Alderson Chris Croatt, Alderson Corey Otis and Mayor Timothy Hanna

Excused: 4 - Alderperson William Siebers, Alderperson Joe Martin, Alderperson Katie Van Zeeland and Alderperson Alex Schultz


Kami Lynch, City Clerk



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OFFICE OF THE MAYOR
Timothy M. Hanna
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
Email: Mayor@Appleton.org

M E M O R A N D U M

TO: Members of the Common Council
FROM: Mayor Timothy Hanna 
DATE: March 27, 2020
RE: Police & Fire Commission Appointment

It is with pleasure that I present the following reappointment for your confirmation at the April 1, 2020, Common Council meeting. Per Resolution #8-R-14, attendance has been included.

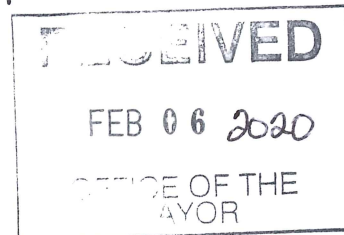
POLICE AND FIRE COMMISSION– Reappointment

Harvey G. Samson

5-year term

91.5% attendance

Commission appointment



620 N. Meade Street
Appleton, WI 54911
February 6, 2020

Honorable Timothy Hanna
Mayor, City of Appleton
City Center
100 North Appleton Street
Appleton, WI 54911

Re: Police and Fire Commission

Dear Mayor Hanna:

My present term as a member of the Appleton Police and Fire Commission ends in May, 2020. This letter is to express my desire to continue serving the citizens of Appleton as a member of the Appleton Police and Fire Commission. My attendance record during my most recent appointment is included with this letter.

I will make myself available to you, your staff and the City Counsel for any discussions concerning my reappointment to the commission. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Harvey G. Samson". The signature is fluid and cursive, with a large initial "H" and "S".

Harvey G. Samson
(920)915-6318

HarveyGSamson@outlook.com

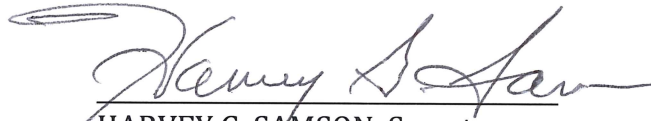
Enclosure

ATTENDANCE RECORD OF COMMISSIONER HARVEY G. SAMSON

<u>YEAR</u>	<u>TOTAL MEETINGS OF PFC</u>	<u>MEETINGS ATTENDED BY HARVEY SAMSON</u>
2015	9	8
2016	9	9
2017	14	12
2018	17	15
2019	<u>10</u>	<u>10</u>
TOTALS	59	54

Commissioner Samson attended 91.5% of the meetings of the Appleton Police and Fire Commission during his most recent 5-year term.

Dated this 6th day of February, 2020.

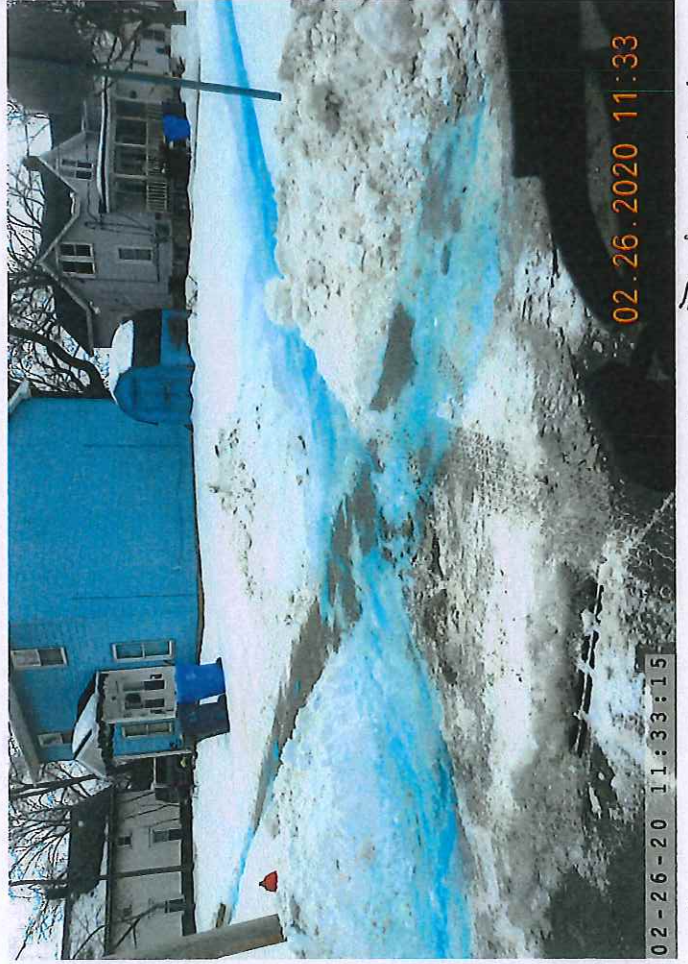


HARVEY G. SAMSON, Secretary
Appleton Police & Fire Commission



26

1028 S Walden - After



24

1200 Ronkin - After



25

1028 S Walden - Before

2017-2020 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
115 N. Mason Street	12/12/2019 @ 5:45 PM	12/14/2019 @ 5:45 AM	12/19/2019	\$ 85.80
1028 S. Walden Avenue	2/18/2020 @ 4:30 AM	2/19/2020 @ 4:30 PM	2/26/2020	\$ 107.40



PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Permit #: Effective Date: Expiration Date: Fee: 40.00 Paid (yes or no): 632-0002

Rev. 04-10-15

Applicant Information

Name (print): BLOUR 800 LLC Company: CR STRUCTURES GROUP INC Address: 327 RANDOLPH DRIVE SUITE A APPLETON, WI Telephone: 920-733-7305 FAX: 920-733-7306 e-mail: CHAD@CRSTRUCTURES.COM Applicant Signature: [Signature] Date: 02-26-2020

Occupancy Information

General Description: CLOSE SIDEWALK & MOVE TEMPORARY SIDEWALK TO THE PARKING LANE WITH JERSEY BARRIERS & PROPER SIGNAGE Street Address: 825 W. COLLEGE AVE Tax Key No.: Street: COLLEGE AVE From: MARCH 2, 2020 To: APRIL 30, 2021 Multiple Streets:

(Department use only)

Table with 3 columns: Occupancy Type, Sub-Type, Location. Includes checkboxes for Permanent, Temporary, Amenity, Blanket, Block Party, Sandwich Board, Tables/Chairs, Dumpster, POD/Container, Obstruction, Sidewalk, Terrace, Roadway.

Additional Requirements

Plan/Sketch Certificate of Insurance Bond Other:

Traffic Control Requirements

Type of Street: Proposed Traffic Control: Arterial/CBD City Manual Page(s) Collector State Manual Page(s) Local Other (attach plan) Contact Traffic Division (832-2379) 1 business day prior to any lane closure, or 2 business days prior to a full road closure. Additional Requirements:

Approved by: Date: This permit approval is subject to the following conditions: 1. Permittee is responsible to obtain any further permits that may be required as part of this occupancy. 2. Permittee shall adhere to any plan(s) that were submitted to the City of Appleton as part of this application. 3. This permit is subject to IMMEDIATE REVOCATION and/or issuance of a MUNICIPAL CITATION if conditions of the permit are not met. 4. This permit is subject to IMMEDIATE REVOCATION if unfavorable traffic conditions develop during the period the occupancy is permitted. 5. 6.

This permit is issued to the applicant upon payment of the permit fee and is expressly limited to the location and type described herein. The applicant, in exchange for receiving this permit, warrants that all street occupancies will be performed in conformity to City ordinances, standards and policies, be properly barricaded and lighted, and be performed in a safe manner.

The Grantee shall guarantee at their expense, the repair or replacement of pavement, sidewalk and any other facilities within the public right-of-way damaged or destroyed by the Grantee or any sub-contractor working for them.

APPROVED BY: (Department of Public Works) DATE:



Owner	City of Appleton		
Project Name	West College Ave housing project	Project Number	N/A
Prime Contractor	CR Structures	Traffic Control Contractor	Warning Lites of Appleton, Inc.
Phone	920-725-0757	Sheet Number	1
Prepared By	Lance G Maue	Date	03/05/2020

LEGEND

	SIGN SYMBOL
	DRUM WITH/WITHOUT LIGHT
	TYPE III BARRICADE
	DIRECTION OF TRAFFIC

GENERAL NOTES:
 THIS TRAFFIC CONTROL PLAN IS FOR INFORMATIONAL PURPOSES ONLY. TRAFFIC CONTROL PLAN IS NOT TO SCALE. WARNING LITES OF APPLETON, INC. ASSUMES NO LIABILITY FOR LAYOUT & SETUP OF ACCEPTED TRAFFIC CONTROL PLAN. ADVANCED WARNING SIGNS WILL BE LOCATED ON PORTABLE SUPPLEMENTS. THE EXACT NUMBER, LOCATION, AND SPACING OF ALL SIGNS AND DEVICES SHALL BE ADJUSTED TO FIT FIELD CONDITIONS AS APPROVED BY THE ENGINEER.

START DATE & TIME

DURATION:

Warning Lites
 OF APPLETON, INC.
 920-725-0757
 "Safety Is Our Business"
 www.warningliteswi.com

CITY OF APPLETON
AND
FOX RIVER NAVIGATIONAL SYSTEM AUTHORITY
(FOX RIVER LOCKS)
BRIDGE TENDER
AGREEMENT

This Agreement is entered into between Fox River Navigational System Authority, a public body corporate and politic created by Chapter 237 of the Wisconsin Statutes ("FRNSA"), and the City of Appleton, a municipal corporation ("City") effective on the latest date of the signing of this Agreement by either of the parties.

RECITALS

A. Chapter 237 of the Wisconsin Statutes created FRNSA for purposes of, among other things, the operation and maintenance of the "navigational system", including the locks, located on or near the Fox River. Included within such navigational system are Appleton Lock Nos. 1, 2, and 3 (collectively, for purposes of this Agreement, the "Locks"), all of which are located within the City.

B. Publicly dedicated to the City and maintained by the City are the Olde Oneida Street and the South Lawe Street bridges (the "Bridges") which can be raised or lowered to facilitate boat traffic on the Fox River.

C. FRNSA and the City desire to set forth their agreement as to the procedures and obligations to be undertaken by each of them relative to FRNSA personnel being in charge of the raising and lowering of the Bridges for Fox River boat traffic during FRNSA's established Fox River "navigational season".

NOW, THEREFORE, in consideration of the above Recitals, and in further consideration of the promises hereafter, FRNSA and the City agree as follows:

1. FRNSA regularly establishes a so-called "navigational season" during which time it operates various locks along the Fox River to facilitate boat traffic along the river. Generally, such navigational season commences mid-May and extends through mid-October of each year. Generally, FRNSA operates the locks on Fridays, Saturdays and Sundays and holidays within the navigational season. FRNSA posts its navigational season and its operational hours and related fees on its website, www.foxlocks.com. However, from time to time, FRNSA provides navigational access beyond such season as may be specifically requested or on an as needed basis. FRNSA may, from time to time, provide notice to the City and to the public (both by its website) of additional hours of operation outside of the regular previously posted navigational season, weather permitting and upon at least 24 hour advance notice.

2. During each navigational season, FRNSA employs seasonal personnel to operate the locks ("Lock Tenders").

3. On an annual basis, as requested by FRNSA thirty (30) days in advance, and no later than ten (10) days prior to the commencement of the navigational season, the City shall provide appropriate and adequate training to Lock Tenders and also to additional designated FRNSA personnel (the Lock Tenders and designated FRNSA personnel being hereinafter referred to as "FRNSA Staff") for purposes of operating the raising and the lowering of the Bridges and to perform certain City-identified safety checks of the Bridges. The City shall provide FRNSA with a list of FRNSA personnel adequately trained by the City and who are authorized to operate the raising and lowering of the Bridges during any of FRNSA's operational hours during the specific year of training.

4. FRNSA shall supply its Staff with identifying shirts or uniforms or other forms of identification while such Staff performs its duties contemplated by this Agreement, including the operation of the Bridges. Any maintenance vehicles used by FRNSA for its operational purposes shall be clearly marked and identified as a FRNSA vehicle.

5. The City shall be solely responsible for any and all of the Bridges' maintenance and repair. The City shall be allowed to suspend operations in the event of equipment failure or if maintenance cannot be completed outside of the navigation schedule.

6. FRNSA shall procure and maintain general commercial liability insurance coverage and worker's compensation coverage relating to its navigational system operations and shall provide to the City, upon the City's request, proof of such coverages. The City shall procure and maintain general liability insurance coverage relating to its municipal operations and shall provide FRNSA, upon FRNSA's request, proof of such coverage. A copy of this Agreement shall be provided by the City to its insurance carrier to notify such carrier of the operation of the Bridges by FRNSA Staff pursuant to the terms and provisions of this Agreement. Both FRNSA and the City shall endeavor in good faith to have each party added as an "additional insured" under the other party's general commercial liability insurance coverage with respect to the operation of the Bridges. In the event of a loss, each party will be solely responsible for the deductible amount of their respective liability insurance coverage.

7. FRNSA shall provide the City with an annual invoice no later than November 1 of each year, with sufficient detail, representing one-half (1/2) of FRNSA's cost (wages and benefits) for its Lock Tenders servicing the Locks identified in Recital A above. Within thirty (30) days of receipt, the City shall pay such invoice for its share of the costs of Lock Tenders operating the Bridges. In addition, FRNSA shall provide the City with an annual invoice and supporting documentation representing two-thirds (2/3) of FRNSA's additional annual insurance premium cost for its liability coverage relating to the Bridges' operations. (The balance of such premium cost relates to FRNSA's bridge operations on behalf of the Village of Little Chute.)

8. The term of this Agreement shall commence upon the date of its signing and shall continue and extend through the 2020, 2021, and 2022 navigational seasons terminating only upon the payment by the City to FRNSA of the City's share of costs for Lock Tenders during the 2022 navigational season. While it is the intent and expectation of FRNSA and the City that their relationship with respect to the subject matter of this Agreement will continue beyond the 2022 navigational season, the specific agreement of same shall be the subject of specific written documents between them either extending the

terms of this Agreement or setting forth in sufficient detail the terms and provisions of a new agreement between them.

9. This Agreement may be amended only by a written agreement duly signed on behalf of both FRNSA and the City.

10. Any and all notices which are required or may be given pursuant to the terms of this Agreement shall be in writing and shall be directed to the following persons:

FRNSA:
Chief Executive Officer
1008 Augustine Street
Kaukauna, WI 54130
Phone: 920-759-9833

City:
Director of Public Works
City of Appleton
100 North Appleton Street
Appleton, WI 54911-4799
Phone: 920-832-6474

11. This Agreement constitutes the entire agreement between FRNSA and the City with respect to the subject matter hereof and supersedes all prior agreements and understandings, oral and written, between FRNSA and the City with respect to the subject matter set forth herein.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above set forth.

FOX RIVER NAVIGATIONAL SYSTEM AUTHORITY

By: _____
Printed Name:

Attest: _____
Printed Name:

Title:

Title:

Date: _____, 2019

Date: _____, 2019

CITY OF APPLETON

By: _____
Printed Name:

Attest: _____
Printed Name:

Title:

Title:

Date: _____, 2019

Date: _____, 2019



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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 25, 2020
Re: Recommended award of the *Unit P-20* Pavement Marking Maintenance Contract (Epoxy)

Quotes were opened for the *Unit P-20* Pavement Marking Maintenance Contract on March 19, 2020, as a means of establishing unit prices for this annual maintenance contract, which generally involves the installation/replacement of durable epoxy-type longitudinal and transverse pavement markings throughout the City.

Quotes were solicited and received from all three contractors that provide this service in Wisconsin. Mega Rentals, Inc., of Madison, Wisconsin, submitted the low quote in the total amount of \$73,072.20, which is ~11% lower than our engineer's estimate of \$81,800.

This would be the first time Mega Rentals, Inc., has performed this type of work directly for the City, but they have a good reputation in the industry.

Based on this, we recommend award of the contract to Mega Rentals, Inc., in an amount not to exceed \$95,000. This dollar amount is based on the combination of available budgeted funds for pavement marking maintenance (17022) and pavement markings that will be completed for other city projects (17014, 4240, etc.).



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

To: Municipal Services Committee
From: Michael S. Hardy, Assistant City Traffic Engineer
Date: March 23, 2020
Re: Recommended award of the *Unit Q-20* Pavement Marking Maintenance Contract (Paint)
Transverse Paint Markings such as Parking Stalls, Crosswalks and Stop Lines

Quotes were opened for the *Unit Q-20* Pavement Marking Maintenance Contract on March 19, 2020, as a means of establishing unit prices for this annual maintenance contract, which generally involves the painting of parking stalls, crosswalks and stop lines in the City.

Quotes were solicited from five companies, but only one quote was received. Crowley Construction Corp. of Wauwatosa, Wisconsin, submitted the low quote in the total amount of \$48,062.22. We consider the unit prices contained in the quote to be reasonable and consistent with prices received in previous years and within industry norms. Crowley has completed this type of work for the City in recent years with good results.

Based on this, we recommend award of the contract to Crowley Construction Corp. in an amount not to exceed \$55,000. This dollar amount is based on available budgeted funds for pavement marking maintenance (17022 account), as well as pavement marking maintenance to be completed for the Parking Utility (5121 & 2123 accounts).



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**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Parks and Recreation Committee

FROM: Dean R. Gazza

DATE: 03/23/2020

RE: Action: Award the City of Appleton's "2020 Appleton Memorial Park Universal Playground Equipment Project" contract to PlayPower LT Farmington, Inc. in an amount not to exceed \$540,000.

The 2020 Capital Improvement Plan includes \$650,000 to install a new Universal Playground at Appleton Memorial Park. The Parks, Recreation, and Facilities Management Department (PRFMD) issued an RFP package for the design, supply and installation of new playground equipment and surfacing at Appleton Memorial Park's Universal Playground. Suppliers were asked to propose various playgrounds that fit within our budget.

We received five proposals (Lee Recreation, Northland Recreation (for PlayPower LT Farmington, Inc.), Commercial Recreation Specialists, Gerber Leisure, and Midstates Recreation). We internally reviewed all five proposals with staff and Northland Recreation's proposal was selected based on value, design and innovation.

The Parks, Recreation, and Facilities Management Department recommends awarding the contract for the Appleton Memorial Park Universal Playground Project to PlayPower LT Farmington, Inc. in an amount not to exceed \$540,000, which is the cost of the chosen proposal.

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

CONTRACT AMENDMENT & CHANGE ORDER

Change Order No. TWO

Date 03/13/20

Contract No. 36-19 for the following public work : Sewer & Water Reconstruction #3

between Van Straten Construction Co., Inc. 2117 S. Oneida St., Green Bay, WI 54304
 (Contractor Name) (Contractor Address)

and the City of Appleton dated: 3-Apr-19 is hereby changed in the following particular wit:

Item No.	Account No.	Current Contract Amount	Current Contingency	C.O. Amount (+/-)	Contingency (+/-)	New Contract Total	New Contingency Total
1	53206730.680905	\$788,678.16	\$39,433.91	\$45,433.91	-\$39,433.91	\$834,112.07	\$0.00
2	5431.690803	\$564,347.42	\$12,467.37	\$29,971.75	-\$12,467.37	\$594,319.17	\$0.00
3	5230.680904	\$258,747.42	\$0.00	\$25,265.52	\$0.00	\$284,012.94	\$0.00
4						\$0.00	\$0.00
5						\$0.00	\$0.00
6						\$0.00	\$0.00
7						\$0.00	\$0.00
8						\$0.00	\$0.00
9						\$0.00	\$0.00
10						\$0.00	\$0.00
	Total	\$1,611,773.00	\$51,901.28	\$100,671.18	-\$51,901.28	\$1,712,444.18	\$0.00

Reason for Change:

Henry St. Required full width asphalt due to no base. Randall St - additional storm laterals, water main tie in at Meade found vertical tee, additional concrete..
 State St. - Rail tracks found where water main to be installed, revised layout. State & 4th found vertical bends on 16" - had to find different fittings.
 Additional sanitary and storm quantities.

The Contract Time will be (increased / unchanged / decreased) by this Change Order: 0 Days

The Date of Completion as of the date of this Change Order therefore is: N/A

Finance Committee Agenda Date: 03/23/20

Date approved by Council: 04/01/20



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Finance Department
100 N. Appleton Street
Appleton, WI 54912
920-832-6442

TO: Chairperson Christopher Croatt and Members of the Finance Committee

FROM: Kelli Rindt, Enterprise Fund Accounting Manager

DATE: March 25, 2020

RE: *Temporary suspension of the late payment charges for Wastewater, Stormwater and Refuse that are billed on the City Service Invoice.*

On March 24, 2020 the Wisconsin Public Service Commission (PSC) issued order 5-UI-120, Investigation on the Commission's Own Motion to Ensure Safe, Reliable and Affordable Access to Utility Services During Declared Public Health Emergency for COVID-19. Part of the is order included the suspension of charging late payment fees for Water Utility Accounts. The City Service Invoice also includes charges for Wastewater, Stormwater and Refuse services. These services are not regulated by the PSC, but are governed by local City Ordinances.

I am requesting that the City Council also take similar action to temporarily suspend late fee charges for Wastewater, Stormwater and Refuse services to be consistent with the direction that has been provided by the PSC and to allow for simpler modifications to the City's billing system for the PSC order.

The temporary suspension will remain in effect concurrently with the PSC order. The City will continue to send reminder notices to property owners, with no additional late fees assessed, during the duration of these temporary orders.

Should you have questions please contact me at phone: 832-6316.

ADOPTED: April 1, 2020
PUBLISHED: April 6, 2020
Office of the City Clerk

70-20

AN ORDINANCE RELATING TO THE TEMPORARY SUSPENSION OF LATE FEES ON SEWER SERVICE, STORMWATER UTILITY, AND SOLID WASTE COLLECTION CHARGES BY THE CITY OF APPLETON IN RESPONSE TO THE COVID-19 CORONAVIRUS PUBLIC HEALTH EMERGENCY DECLARED BY THE STATE OF WISCONSIN.

(Finance Committee – 4/1/2020)

WHEREAS, on March 12, 2020, Governor Evers, by Executive Order #72, declared a public health emergency in Wisconsin due to the COVID-19 virus; and,

WHEREAS, as a result of the public health emergency, all schools and non-essential businesses have been temporarily closed, and the Governor has issued a “Stay safer at home order” on March 24, 2020 to slow the spread of the virus in the community, reduce the demands on the healthcare system, and to protect the health, safety and welfare of the public; and,

WHEREAS, as a result of the community-wide closures and stay home orders, many City residents and City utility customers are facing lost or reduced incomes and economic uncertainty; and,

WHEREAS, on March 22, 2020, the Governor issued Emergency Order #11, suspending certain administrative rules of the Public Service Commission (PSC), and allowing the PSC to authorize regulated utilities, including the Appleton Water Utility, to suspend late charges, which the PSC has done; and,

WHEREAS, the City’s municipal services, including those provided by the Water Utility, the Stormwater Utility, sewer service along with solid waste collection charges, are billed as part of one municipal service bill, which is prepared and collected by the Water Utility; and,

WHEREAS, in an action consistent with the Governor’s Order and the PSC’s authorization to suspend certain utility late charges, the Common Council desires to enact an ordinance temporarily suspending late charges on sewer service charges as set forth in Sec. 20-207(b) of the Appleton Municipal Code, Stormwater Utility charges as set forth in Sec. 20-236(f), and solid waste collection charges as set forth in Sec. 15-41(a), which ordinance will allow the Water Utility to suspend all late charges on the municipal service bill during the public health emergency.

NOW THEREFORE BE IT RESOLVED, that during the duration of the COVID-19 public health emergency declared in Executive Order #72, or pursuant to any subsequent superseding emergency orders issued by the Governor, the late charges for sewer service, Stormwater Utility and solid waste collection are hereby suspended.

Section 2: This ordinance shall be in full force and effect immediately.

Dated: April 1, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

Publication Notice

Please take notice that the City of Appleton enacted ordinance 70-20 SUSPENSION OF LATE FEES ON SEWER SERVICE, STORMWATER UTILITY, AND SOLID WASTE COLLECTION CHARGES BY THE CITY OF APPLETON IN RESPONSE TO THE COVID-19 CORONAVIRUS PUBLIC HEALTH EMERGENCY DECLARED BY THE STATE OF WISCONSIN.

The full text of the ordinance may be obtained at the Office of the City Clerk, 100 N. Appleton Street, Appleton, WI 54911 and through the City's website at www.appleton.org.

FACT SHEET

COVID-19 Emergency Declaration

On March 13, 2020, the President declared the ongoing Coronavirus Disease 2019 (COVID-19) pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the “Stafford Act”). State, territorial, tribal, and local government entities and certain private non-profit organizations are eligible to apply for Public Assistance.

In accordance with section 502 of the Stafford Act, eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials’ may be reimbursed under Category B of the agency’s Public Assistance program. FEMA will not duplicate assistance provided by the Department of Health and Human Services (HHS), including the Centers for Disease Control and Prevention, or other federal agencies. Reimbursable activities typically include emergency protective measures such as the activation of State Emergency Operations Centers, National Guard costs, law enforcement and other measures necessary to protect public health and safety. FEMA assistance will be provided at a 75 percent Federal cost share.

This declaration increases federal support to HHS in its role as the lead federal agency for the federal government’s response to COVID-19. The emergency declaration does not impact measures authorized under other Federal statutes.

FEMA assistance will require execution of a FEMA-State/Tribal/Territory Agreement, as appropriate, and execution of an applicable emergency plan. States, tribal and territorial governments do not need to request separate emergency declarations to receive FEMA assistance under this nationwide declaration.

FEMA encourages officials to take appropriate actions that are necessary to protect public health and safety pursuant to public health guidance.



FEMA



MEMORANDUM

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

TO: Finance Committee, HR Committee, and CEDC
FROM: Karen Harkness, Director of Community and Economic Development
DATE: March 11, 2020
RE: Cover Memo to Coordinated Entry Position

The Community and Economic Development Department is proposing to incorporate and employ a Coordinated Entry Specialist role. This position will be full-time and will report to the Community and Economic Development Department's Deputy Director.

After review by the City's Compensation Consultant, this position would be placed in Grade H, with a control point of \$25.83. It is anticipated that the annual salary (\$53,726.40) and benefit package (\$27,766) would total \$81,492, and the funding would be budgeted from the following sources:

	<u>2020</u>
CoC Supportive Service Only (SSO) Grant 2019	\$28,000
CoC Supportive Service Only (SSO) Grant 2020	\$32,100
State of WI Emergency Homeless & Housing Grant	\$5,000
Community Development Block Grant	\$20,000

Attached is a memo detailing the need and role of the Coordinated Entry position. Please let me know if you have any questions.



MEMORANDUM

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

TO: Finance Committee, HR Committee, and CEDC
FROM: Karen Harkness, Director of Community and Economic Development
DATE: March 11, 2020
RE: Coordinated Entry Position

The City of Appleton serves as the responsible fiscal entity for approximately \$600,000 in federal and state Continuum of Care (CoC) funding annually, which serves hundreds of households at-risk or experiencing episodes of homelessness. The CoC Interim Rule, by which these funds are regulated, defines several responsibilities of the local Fox Cities Housing Coalition. One of these responsibilities is to operationalize a coordinated assessment system, which is intended to systematically assess the needs of program participants and effectively match each individual or family with the most appropriate resources available to address their particular needs in our community. Unfortunately, the Fox Cities community lacks the resources needed to meet all of the needs of people experiencing homelessness or at-risk of experiencing homelessness. This, combined with the lack of a well-developed coordinated entry system, resulted in hardships for people experiencing homelessness. They have been faced with long waiting times to receive assistance or have been screened out of needing assistance entirely.

As a result, and after many discussions with our internal and external stakeholders, the Community and Economic Development Department is proposing that a Coordinated Entry Specialist role be created within the City's Table of Organization. Internalizing this very necessary position will ensure that households are being prioritized based on vulnerability and severity of service needs, and connect people who need assistance the most in a timely manner. This internal role will also serve as a gateway to information and data about service needs and gaps that will help to plan assistance efficiently and identify needed resources to end homelessness in the Fox Cities.

The Coordinated Entry Specialist will oversee the coordinated entry system for the Fox Cities Housing Coalition covering Calumet, Outagamie, and northern Winnebago counties. The position will help clients who are homeless or at-risk of homelessness navigate through the coordinated entry system, coordinate service delivery, manage the priority list to determine which clients have the highest priority for service, provide outreach services to target clients least likely to ask for assistance, and help expedite the process of placing clients in safe, sustainable housing.

Funding the Coordinated Entry position is a priority of the Department of Housing and Urban Development (HUD), as well as the State of Wisconsin (DEHCR). As such, this role is considered an eligible expense under several grants that the City of Appleton is a recipient of, preventing the City from having to subsidize this position through the general fund. While the amounts may vary slightly, the following sources are

expected to fund this position in its entirety.

	<u>2020</u>
CoC Supportive Service Only (SSO) Grant 2019	\$28,000
CoC Supportive Service Only (SSO) Grant 2020	\$32,100
State of WI Emergency Homeless & Housing Grant	\$5,000
Community Development Block Grant	\$20,000

From: Tara Prah! <tprahl@pillarsinc.org>
Sent: Wednesday, February 12, 2020 5:40 AM
To: Nikki A. Gerhard <Nikki.Gerhard@Appleton.org>; Pat.Leigl@usc.salvationarmy.org; Lu Scheer <luanns@advocap.org>; Susan Tucker <susant@advocap.org>; Joe Mauthe <jmauthe@pillarsinc.org>
Subject: RE: City of Appleton support

Good Morning,

Pillars supports re-locating the Coordinated Entry-Supportive Service Only (CE-SSO) grant through the Wisconsin Balance of State to the City of Appleton for the purpose of managing the Coordinated Entry System and administering the grant funds connected to the system.

Pillars values the role of the City of Appleton in relation to all grant collaboration as it allows the team at Pillars to focus on providing quality case management and provision of services. Re-locating the grant to the City would allow the team at Pillars to continue focusing on providing services, program development and furthering the creation of solutions to address the gaps as it relates to decreasing the number of people who are experiencing homelessness in our community.

Additionally, the collaboration with the City of Appleton shows our community, and the larger state population, how local municipalities and non-profits can work together to collaborate on services to make an impact on homelessness in local continuums.

Please consider this email as a letter of support for the re-location of the CE-SSO grant.

Thank you for your time and consideration,

Tara Prah!

Supportive Services Director

From homelessness to coming home, Pillars provides shelter, support and solutions to address the housing needs in our community.

Pillars

605 E. Hancock Street, Appleton, WI 54911

Main: 920.734.9192 Cell: 920.636.5689 Fax: 920.731.7087



Find us on [Facebook!](#) Visit our [website!](#)

From: Pat.Leigl@usc.salvationarmy.org <Pat.Leigl@usc.salvationarmy.org>
Sent: Tuesday, February 11, 2020 3:33 PM
To: Nikki A. Gerhard <Nikki.Gerhard@Appleton.org>
Subject: Re: City of Appleton support

Hi Nikki,

I support the City doing CE (for reasons discussed (it's admin, agencies paying additional fee to Pillars to cover costs not best option, etc.) but believe Pillars as the sub, would need to make the decision with you, then Lu and I either supporting it or not, but the end decision would be yours and Pillars.

Patrick Leigl, CSW
Social Services Director
Ph: 920-955-1222
Fax: 920-734-4798
www.safoxcities.org



Doing the Most Good  Every year, The Salvation Army helps nearly 30 million people, roughly one per second. Support us at donate.salvationarmyusa.org.

This mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

If you have received this email in error please notify the originator of the message.

Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of The Salvation Army.

From: Carrie Poser <carrie.poser@wibos.org>
Sent: Wednesday, February 12, 2020 10:00 AM
To: Nikki A. Gerhard <Nikki.Gerhard@Appleton.org>
Subject: RE: City of Appleton support

Hi there,

The Balance of State CoC will support the coalition's decision to transfer the SSO grant to the City of Appleton. It is important that the community supports the sub-grantee and the work they do. We do not have any concerns.

Pillars is an important entity in the Fox Cities. We appreciate all the work that Pillars has done and look forward to their ongoing cooperation.

Thanks,

Carrie Poser

COC Director
Wisconsin Balance of State Continuum of Care
PO Box 272
Eau Claire, WI 54702
715-598-3301

carrie.poser@wibos.org

www.wiboscoc.org

**to sign on to the Balance of State CoC monthly newsletter, scroll to the bottom of the website landing page*



Please consider supporting the WI Balance of State CoC through AmazonSmile!

<https://smile.amazon.com/ch/27-5491167>

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: Finance Committee
 Municipal Services Committee
 Utilities Committee

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:

Unit AA-20 Rubyred Drive Bridge

Be awarded to:

Name: Radtke Contractors, Inc.

Address: 6408 Cross Road

Winneconne, WI 54986

In the amount of : \$288,260.00

With a 4.1% % contingency of : \$11,740.00

For a project total not to exceed : \$300,000.00

**** OR ****

In an amount Not To Exceed : _____

Budget: \$300,000.00

Estimate: \$300,000.00

Committee Date: 04/01/20

Council Date: 04/01/20

RUBYRED DRIVE BRIDGE

BID TABULATION

Unit AA-20

Tuesday, March 24, 2020

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>Quantity</u>	<u>Units</u>	<u>Radtke Contractors, Inc</u>		<u>Highway Landscapers, Inc</u>	
				<u>Unit Price</u>	<u>Total</u>	<u>Unit Price</u>	<u>Total</u>
1.	Mobilization	1	LS	\$7,500.00	\$7,500.00	\$22,500.00	\$22,500.00
2.	Furnish and Install Bridge Structure	1	LS	\$170,000.00	\$170,000.00	\$180,500.00	\$180,500.00
3.	Furnish and Install Bridge Railing	1	LS	\$26,700.00	\$26,700.00	\$16,500.00	\$16,500.00
4.	Common Excavation	1	LS	\$18,700.00	\$18,700.00	\$27,000.00	\$27,000.00
5.	Furnish and Install Structural Fill	1	LS	\$38,760.00	\$38,760.00	\$24,000.00	\$24,000.00
6.	Furnish and Install Medium Rip-Rap over Geotextile Fabric	1	LS	\$4,400.00	\$4,400.00	\$3,000.00	\$3,000.00
7.	Furnish and Install Temporary Cofferdam & Pumping	1	LS	\$7,200.00	\$7,200.00	\$18,500.00	\$18,500.00
8.	Furnish and Install Tracking Pad	1	LS	\$2,200.00	\$2,200.00	\$1,500.00	\$1,500.00
9.	Furnish and Install Silt Fence	1	LS	\$800.00	\$800.00	\$1,000.00	\$1,000.00
10.	Furnish and Install Turf Grass Seeding and Fertilizer	1	LS	\$1,800.00	\$1,800.00	\$2,400.00	\$2,400.00
11.	Furnish and Install Erosion Control Mat (WDOT Class I, Type B)	1	LS	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00
TOTAL BASE BID (ITEMS 1 THROUGH 11):					\$279,260.00		\$298,100.00
A1.	Alternate Bid Item: Furnish and Install Concrete Form Liner Finish	1	LS	\$9,000.00	\$9,000.00	\$7,650.00	\$7,650.00
TOTAL BASE BID PLUS ALTERNATE BID ITEM A1:					\$288,260.00		\$305,750.00

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: **Finance Committee**
 Municipal Services Committee
 Utilities Committee

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:
C-20 Sidewalk Sawcutting

Be awarded to:

Name: ASTI Sawing, Inc.
Address: 7454 HWY 18-151
Barneveld, WI 53507

In the amount of : _____

With a _____ % contingency of : _____

For a project total not to exceed : _____

**** OR ****

In an amount Not To Exceed : _____ \$40,000.00

Budget: _____ \$40,000.00
Estimate: _____
Committee Date: _____ 04/01/20
Council Date: _____ 04/01/20

SIDEWALK SAWCUTTING

Unit C-20

Friday, March 6, 2020

BID TABULATION

<u>ITEM</u>	<u>DESCRIPTION</u>	ASTI Sawing, Inc.	
		Unit Price	Total
1.	Sawcut Sidewalk	\$15.45	\$26,265.00
2.	Sawcut Sidewalk (Miscellaneous Locations)	\$19.75	\$7,900.00
			\$26,265.00

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: Finance Committee
 Municipal Services Committee
 Utilities Committee

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:

E-20 Miscellaneous Concrete & Street Excavation Repair

Be awarded to:

Name: Al Dix Concrete, Inc.
Address: 401 Gertrude Street
Kaukauna, WI 54130

In the amount of : \$718,066.00

With a 5 % contingency of : \$36,000.00

For a project total not to exceed : \$754,066.00

**** OR ****

In an amount Not To Exceed : _____

Budget: \$892,250.00
Estimate: \$800,000.00
Committee Date: 04/01/20
Council Date: 04/01/20

MISCELLANEOUS CONCRETE & STREET EXCAVATION REPAIR

BID TABULATION

Unit E-20

Tuesday, March 24, 2020

ITEM	DESCRIPTION	Quantity	Units	Al Dix Concrete, Inc		Fischer-Ulmann Construction, Inc	
				Unit Price	Total	Total	
1.	Furnish & Install 3" Sidewalk at Vaults	80	sq. ft.	\$24.00	\$1,920.00	\$25.00	\$2,000.00
2.	Furnish & Install 4" Sidewalk at Vaults	60	sq. ft.	\$26.00	\$1,560.00	\$27.00	\$1,620.00
3.	Furnish & Install 6" Sidewalk at Vaults	80	sq. ft.	\$30.00	\$2,400.00	\$32.00	\$2,560.00
4.	Furnish & Install 3" Colored & Stamped Sidewalk at Vaults	60	sq. ft.	\$31.00	\$1,860.00	\$30.00	\$1,800.00
5.	Furnish & Install 4" Colored & Stamped Sidewalk at Vaults	60	sq. ft.	\$33.00	\$1,980.00	\$35.00	\$2,100.00
6.	Furnish & Install 6" Colored & Stamped Sidewalk at Vaults	60	sq. ft.	\$36.00	\$2,160.00	\$38.00	\$2,280.00
7.	Furnish & Install 4" Picture Frame Sidewalk	1,750	sq. ft.	\$10.00	\$17,500.00	\$10.00	\$17,500.00
8.	Furnish & Install 7" Picture Frame Sidewalk	600	sq. ft.	\$12.00	\$7,200.00	\$11.50	\$6,900.00
9.	Furnish & Install 5" Colored & Stamped Sidewalk	250	sq. ft.	\$26.00	\$6,500.00	\$32.00	\$8,000.00
10.	Furnish & Install Marking Crosswalk Grooved (Epoxy) 18"	600	lin.ft.	\$34.00	\$20,400.00	\$35.00	\$21,000.00
11.	Pavement Marking (Epoxy - 4")	100	lin.ft.	\$10.00	\$1,000.00	\$5.00	\$500.00
12.	Pavement Marking Crosswalk (Epoxy - 6")	100	lin.ft.	\$15.00	\$1,500.00	\$11.50	\$1,150.00
13.	Pavement Marking Stop Line (Epoxy - 18")	60	lin.ft.	\$20.00	\$1,200.00	\$13.00	\$780.00
14.	Furnish & Install High Early Concrete, 1 Day	20	cu.yds.	\$22.00	\$440.00	\$25.00	\$500.00
15.	Furnish & Install High Early Concrete, 3 Day	600	cu.yds.	\$18.00	\$10,800.00	\$21.00	\$12,600.00
16.	Furnish & Install 9" Plain Concrete Pavement	850	sq.yds.	\$90.00	\$76,500.00	\$95.00	\$80,750.00
17.	Furnish & Install 8" Plain Concrete Pavement	1,550	sq.yds.	\$60.00	\$93,000.00	\$60.00	\$93,000.00
18.	Furnish & Install 7" Plain Concrete Pavement	2,300	sq.yds.	\$58.00	\$133,400.00	\$55.00	\$126,500.00
19.	Furnish & Install 3" Asphalt Pavement	100	sq.yds.	\$65.00	\$6,500.00	\$62.00	\$6,200.00
20.	Unclassified Excavation	275	cu.yds.	\$20.00	\$5,500.00	\$18.00	\$4,950.00
21.	Furnish & Install Stone Base	650	ton	\$15.00	\$9,750.00	\$18.00	\$11,700.00
22.	Furnish & Place Aggregate Slurry	10	cu.yds.	\$100.00	\$1,000.00	\$100.00	\$1,000.00
23.	Furnish & Install 18" Curb & Gutter	100	lin.ft.	\$40.00	\$4,000.00	\$35.00	\$3,500.00
24.	Furnish & Install Curb Head (12")	475	lin.ft.	\$35.00	\$16,625.00	\$40.00	\$19,000.00
25.	Furnish & Install 30" Curb & Gutter	225	lin.ft.	\$45.00	\$10,125.00	\$45.00	\$10,125.00
26.	Furnish & Install Special Curb	40	lin.ft.	\$40.00	\$1,600.00	\$32.00	\$1,280.00
27.	Furnish & Install 8" Driveway Apron	150	sq.ft.	\$6.00	\$900.00	\$6.25	\$937.50
28.	Furnish & Install 7" Driveway Apron	1,000	sq.ft.	\$5.75	\$5,750.00	\$6.15	\$6,150.00
29.	Furnish & Install 5" Driveway Apron	5,500	sq.ft.	\$5.50	\$30,250.00	\$5.75	\$31,625.00
30.	Furnish & Install 8" Concrete Sidewalk	100	sq.ft.	\$6.00	\$600.00	\$6.25	\$625.00
31.	Furnish & Install 7" Concrete Sidewalk	1,200	sq.ft.	\$5.75	\$6,900.00	\$6.15	\$7,380.00
32.	Furnish & Install 5" Concrete Sidewalk	5,000	sq.ft.	\$5.50	\$27,500.00	\$5.75	\$28,750.00
33.	Furnish & Install 4" Concrete Sidewalk	4,000	sq.ft.	\$5.25	\$21,000.00	\$4.95	\$19,800.00
34.	Furnish & Install 7" Handicap Ramp	1,600	sq.ft.	\$5.75	\$9,200.00	\$6.25	\$10,000.00
35.	Furnish & Install Truncated Dome	224	sq.ft.	\$34.00	\$7,616.00	\$34.00	\$7,616.00

MISCELLANEOUS CONCRETE & STREET EXCAVATION REPAIR

BID TABULATION

Unit E-20

Tuesday, March 24, 2020

ITEM	DESCRIPTION	Quantity	Units	Al Dix Concrete, Inc		Fischer-Ulmann Construction, Inc	
				Unit Price	Total		Total
36.	Concrete Pavement Removal	4,800	sq.yd.	\$4.00	\$19,200.00	\$3.50	\$16,800.00
37.	Asphalt Pavement Removal	100	sq.yd.	\$5.00	\$500.00	\$3.50	\$350.00
38.	Curb & Gutter Removal	350	lin.ft.	\$5.00	\$1,750.00	\$5.00	\$1,750.00
39.	Curb Removal	100	lin.ft.	\$5.00	\$500.00	\$5.00	\$500.00
40.	Asphalt/Concrete Driveway Apron Removal	6,650	sq.ft.	\$1.50	\$9,975.00	\$1.40	\$9,310.00
41.	Asphalt/Concrete Handicap Ramp Removal	1,600	sq.ft.	\$1.50	\$2,400.00	\$1.40	\$2,240.00
42.	Asphalt/Concrete Sidewalk Removal	10,300	sq.ft.	\$1.50	\$15,450.00	\$1.40	\$14,420.00
43.	Full Depth Sawcut	8,200	lin.ft.	\$4.00	\$32,800.00	\$4.00	\$32,800.00
44.	Furnish & Install Drilled-In Tie Bars - #3x12"	250	ea.	\$6.00	\$1,500.00	\$7.00	\$1,750.00
45.	Furnish & Install Reinforcing Rod #4's	100	lin.ft.	\$1.50	\$150.00	\$2.00	\$200.00
46.	Furnish & Install Drilled-In Tie Bars - #6x12"	4,000	ea.	\$8.00	\$32,000.00	\$8.00	\$32,000.00
47.	Furnish & Install Smooth Dowels - #8x18"	180	ea.	\$13.00	\$2,340.00	\$15.00	\$2,700.00
48.	Furnish & Install Dowel Basket Assembly	96	lin.ft.	\$20.00	\$1,920.00	\$23.00	\$2,208.00
49.	Furnish Terrace Restoration	40	sq.yds.	\$8.00	\$320.00	\$10.00	\$400.00
50.	Adjust Storm Manhole Casting	4	ea.	\$325.00	\$1,300.00	\$325.00	\$1,300.00
51.	Adjust Storm Inlet Casting	5	ea.	\$325.00	\$1,625.00	\$325.00	\$1,625.00
52.	Adjust Sanitary MH Casting	2	ea.	\$325.00	\$650.00	\$375.00	\$750.00
53.	Furnish & Install Storm Manhole Casting	1	ea.	\$650.00	\$650.00	\$650.00	\$650.00
54.	Furnish & Install "C" Inlet Casting	1	ea.	\$700.00	\$700.00	\$650.00	\$650.00
55.	Furnish & Install "E" Inlet Casting	1	ea.	\$750.00	\$750.00	\$750.00	\$750.00
56.	Furnish & Install Sanitary Manhole Casting	2	ea.	\$700.00	\$1,400.00	\$700.00	\$1,400.00
57.	Rebuild Inlet	2	ea.	\$3,000.00	\$6,000.00	\$2,500.00	\$5,000.00
58.	Furnish & Install 10", 12" Inlet Lead	30	lin.ft.	\$90.00	\$2,700.00	\$135.00	\$4,050.00
59.	Furnish & Install Type "D-HR" Inlet Protection	20	ea.	\$75.00	\$1,500.00	\$75.00	\$1,500.00
60.	Furnish & Maintain Traffic Controls for Arterial/Collector Work in Travel Lane (pp.25 TTC)	4	ea.	\$900.00	\$3,600.00	\$900.00	\$3,600.00
61.	Furnish & Maintain Traffic Controls for Arterial/Collector Half Road Closure (PP.26 TTC)	6	ea.	\$1,100.00	\$6,600.00	\$1,050.00	\$6,300.00
62.	Furnish Traffic Control for Detour of Arterial/Collector (pp.29 TTC)	4	ea.	\$2,000.00	\$8,000.00	\$2,100.00	\$8,400.00
63.	Traffic Control - College Ave.	1	lump sum	\$6,000.00	\$6,000.00	\$7,500.00	\$7,500.00
64.	Furnish & Maintain Message Board	40	day	\$110.00	\$4,400.00	\$110.00	\$4,400.00
65.	Furnish and Install Temporary Handicap Curb Ramps - College	14	ea.	\$375.00	\$5,250.00	\$375.00	\$5,250.00

\$718,066.00

\$722,731.50

CITY OF APPLETON
Department of Public Works
MEMORANDUM

TO: **Finance Committee**
 Municipal Services Committee
 Utilities Committee

SUBJECT: Award of Contract

The Department of Public Works recommends that the following described work:
Unit J-20 Mini Storm Sewer Construction

Be awarded to:

Name: Alfson Excavating, LLC
Address: P.O. Box 117
14523 Clarks Mills Road
Valders, WI 54245

In the amount of : _____

With a _____ % contingency of : _____

For a project total not to exceed : _____

**** OR ****

In an amount Not To Exceed : _____ \$200,000.00

Budget: _____ \$200,000.00
Estimate: _____ \$200,000.00
Committee Date: _____ 04/01/20
Council Date: _____ 04/01/20

BID TABULATION
MINI STORM SEWER CONSTRUCTION
Unit J-20
March 24, 2020

ITEM DESCRIPTION	Quantity	Units	Alfson Excavating LLC		Wood Sewer & Excavating		Robert J. Immel Excavating		Van Straten Construction Co	
			Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1. Furnish & Install 6" Storm Sewer	4,000	lin.ft.	\$32.50	\$130,000.00	\$38.00	\$152,000.00	\$43.35	\$173,400.00	\$45.00	\$180,000.00
2. Furnish & Install 6" Storm Lateral	110	lin.ft.	\$38.00	\$4,180.00	\$38.00	\$4,180.00	\$60.00	\$6,600.00	\$100.00	\$11,000.00
3. Furnish & Install 4" Storm Riser	600	lin.ft.	\$28.00	\$16,800.00	\$31.00	\$18,600.00	\$44.00	\$26,400.00	\$45.00	\$27,000.00
4. Furnish & Install 6" Storm Riser	100	lin.ft.	\$38.00	\$3,800.00	\$29.00	\$2,900.00	\$45.00	\$4,500.00	\$45.00	\$4,500.00
5. Connect Sump Pump	10	each	\$100.00	\$1,000.00	\$90.00	\$900.00	\$165.00	\$1,650.00	\$500.00	\$5,000.00
6. Furnish & Install Auger Section	300	lin.ft.	\$35.00	\$10,500.00	\$14.00	\$4,200.00	\$37.00	\$11,100.00	\$45.00	\$13,500.00
7. Furnish & Construct PVC Yard Drain (Special Provisions 5.04.2)	5	each	\$750.00	\$3,750.00	\$1,100.00	\$5,500.00	\$940.00	\$4,700.00	\$1,250.00	\$6,250.00
8. Furnish & Construct Concrete Yard Drain (Special Provisions 5.04)	1	each	\$1,000.00	\$1,000.00	\$800.00	\$800.00	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00
TOTAL ITEMS 1 THROUGH 8:				\$171,030.00		\$189,080.00		\$229,850.00		\$249,750.00

BID TABULATION
MINI STORM SEWER CONSTRUCTION
Unit J-20
March 24, 2020

ITEM DESCRIPTION	Quantity	Units	M&E Construction, LLC		Advance Construction, Inc.		Highway Landscapers, Inc	
			Unit Price	Total	Unit Price	Total	Unit Price	Total
1. Furnish & Install 6" Storm Sewer	4,000	lin.ft.	\$50.00	\$200,000.00	\$52.60	\$210,400.00	\$50.21	\$200,840.00
2. Furnish & Install 6" Storm Lateral	110	lin.ft.	\$50.00	\$5,500.00	\$87.50	\$9,625.00	\$101.50	\$11,165.00
3. Furnish & Install 4" Storm Riser	600	lin.ft.	\$50.00	\$30,000.00	\$32.00	\$19,200.00	\$52.24	\$31,344.00
4. Furnish & Install 6" Storm Riser	100	lin.ft.	\$50.00	\$5,000.00	\$34.00	\$3,400.00	\$113.25	\$11,325.00
5. Connect Sump Pump	10	each	\$250.00	\$2,500.00	\$80.00	\$800.00	\$160.30	\$1,603.00
6. Furnish & Install Auger Section	300	lin.ft.	\$50.00	\$15,000.00	\$50.00	\$15,000.00	\$91.67	\$27,501.00
7. Furnish & Construct PVC Yard Drain (Special Provisions 5.04.2)	5	each	\$500.00	\$2,500.00	\$670.00	\$3,350.00	\$1,860.80	\$9,304.00
8. Furnish & Construct Concrete Yard Drain (Special Provisions 5.04)	1	each	\$1,500.00	\$1,500.00	\$1,281.00	\$1,281.00	\$3,325.00	\$3,325.00
TOTAL ITEMS 1 THROUGH 8:				\$262,000.00		\$263,056.00		\$296,407.00



MEMORANDUM

TO: Community and Economic Development Committee

FROM: Matt Rehbein, Economic Development Specialist

DATE: March 19, 2020

RE: Approval of Farm Lease – Southpoint Commerce Park

The City of Appleton owns approximately 142.4± acres of land in the Southpoint Commerce Park currently under lease to Vanderlinden Custom Heifer Raising, LLC at \$210.00 per acre on an annual basis. This lease expires April 30, 2020.

On February 26, 2020, the City sent out a Request For Proposals (RFP) to lease the farmland commencing May 1, 2020 (attached). A list of 13 farmers was compiled using information on file from previous RFP interest and in conjunction with Calumet County. The RFP was mailed directly to 13 farmers, posted at the Sherwood Feed Mill (the feed mill nearest Southpoint) and posted on the City's website.

Five (5) proposals were received, with rates ranging from \$80.00 per acre to \$230.00 per acre. In addition to rental rate, staff considered terms such as alternative payment terms and loss provisions for any crop destroyed due to lot sale, utility work, road work, etc. The VanDeHey proposal, while the highest rent, provides for full payment after the growing season in December which is not preferred by the City. For this reason, staff recommends approval of the proposal put forth by Maple Lawn Dairy. Maple Lawn Dairy has farmed this land in the past, and they are comfortable with the preferred terms put forth in the City's RFP.

Leasing this parcel is beneficial to the City in that it limits soil erosion, minimizes the chance of wetlands forming, eliminates the need to cut weeds, and will generate annual revenue. Per the USDA, non-irrigated cropland cash rent averaged \$137 per acre across Wisconsin and averaged \$155 per acre in Calumet County in 2019.

The proposed terms from the five (5) submittals are summarized on the following page:

**SOUTHPOINT FARM LEASE PROPOSAL
SUMMARY**

Proposed Lessee	Rate/Ac. \$	Loss Prov.	Term (Years)
Travis VanDeHey	230	N	5
Maple Lawn Dairy (Mike Mader)	160	N	5
Jonathan Dietzen	115	Y	5
Vic Vosters	110	Y	5
Schleis Farms Custom Services, LLC	80	Y	5

Staff Recommendation:

The Community and Economic Development Department be authorized to enter into a five (5) year lease with Maple Lawn Dairy (Mike Mader) to farm the remaining undeveloped land in the Southpoint Commerce Park, estimated to be approximately 142.4± acres (subject to pending transactions). The price shall be for five (5) years at a rental rate of \$160.00 per acre, with no crop loss provision.

REQUEST FOR PROPOSALS

TO LEASE FARMLAND

The City of Appleton owns 105.8 acres of farmland which supports the City's objective in preparing land for future industrial development. Management of the farmland is assigned to the Community and Economic Department and is administered through the Economic Development Specialist. The land has been farmed for several years, since the City has taken ownership. The purpose of this RFP is to achieve optimal net income while pursuing environmental sustainability and positive local community relations. A major financial goal of this farmland RFP will be to establish a lease consistent with fair market cash rent.

The City of Appleton is seeking proposals to lease approx. 105.8 Ac. of farmland in the City of Appleton. Proposals are due by **12:00 Noon, March 13, 2020**. The Common Council will approve final selection on April 1, 2020. Upon mutual execution of the lease document, receipt of the first rental installment and proof of insurance access will be granted on May 1, 2020.

SITE: The proposed site is located in the City of Appleton and is comprised of approximately 105.8 Ac. as indicated on Exhibit A.

RESTRICTIONS: The City does not have any of the proposed farmed areas identified for future road/utility work in the Five Year Plan until 2025. Any future roadway/utility work that would impact availability of farmland will be shared with the selected proposer and the lease will be adjusted per section 2 of the attached draft lease.

Additionally, the City has 50 acres under contract with Hayden Properties, LLC for purchase as identified in Exhibit A. Should this transaction not close, up to an additional 36.6 acres of land may be added to the land leased for farming at the per acre rate agreed to by the selected proposer.

LEASE DOCUMENT: A draft copy of the lease document is provided for your review. Please note the terms when preparing your proposal.

REQUIREMENTS: Please provide the following information in your proposal:

- 1)Proposed rental rate/Acre
- 2)Proposed term (In years). Preference will be given to term consistent with Section 2 of the attached Draft Lease.
- 3)Proposed Lessee. If Corporation or LLC, please provide Articles of Incorporation and By-Laws.
- 4)The standard lease document includes rental reimbursement should the City “take back” any pre-paid leased property. If you propose crop reimbursement, please provide the calculation formula in your proposal.

SUBMITTAL: Please submit proposals no later than 12:00 Noon March 13, 2020 to:

City of Appleton
c/o Community and Economic Development
Attn: Matt Rehbein
100 N. Appleton St.
Appleton, WI 54911-4799

Or via E-Mail to:
Matthew.rehbein@appleton.org

Should you have any questions, please contact Matt Rehbein, Economic Development Specialist 920-832-6463 or matthew.rehbein@appleton.org.

LEASE AGREEMENT

This Lease Agreement entered into this _____ day of _____, 2020 between the City of Appleton (hereinafter called Landlord) and _____, (hereinafter called Tenant).

Landlord Address: City of Appleton
100 North Appleton Street
Appleton, WI 54911

Tenant Address: Tenant name, LLC
1234 Rd
City, WI 549XX

Property: Southpoint Commerce Park—Areas Delineated in Exhibit A as “Area to be Farmed” (hereafter referred to as “premises” or “property”)

1. **Rental:** TENANT will pay the LANDLORD the total sum of _____ and no/100 Dollars rent (147± acres x \$_____.00 per acre) each year for the term of this lease payable as follows: For 2020, \$_____ shall be paid upon execution of this agreement and the balance of \$_____ shall be paid on or before November 1, 2020; thereafter, on an annual basis, one half of the total, \$_____, shall be due and payable on or before April 1 with the remaining balance, \$_____, being due and payable on or before November 1 and continuing in like fashion each subsequent year this lease is in effect. In the event Tenant fails to make payment as indicated in this section, the undersigned _____, does personally guarantee said rental payments on behalf of Tenant. On the eleventh day following the date when rent is due and payable, a late payment fee shall accrue at the rate of \$25.00 per day until the rent and penalty are paid in full. Time is of the essence.

2. **Term:** The initial lease term shall commence upon execution of this agreement and shall run until _____, 20____. Thereafter this lease and all obligations herein shall automatically renew for four (4) additional one year periods running from May 1st until April 30th of the subsequent year with the final year concluding on _____, 20____. **Tenant may terminate this lease only upon providing Landlord with written notice prior to February 28th of the forthcoming renewal year.** The Landlord, at its option, may terminate this lease all is relates to all or a portion of the property at any time and for any reason during its term upon thirty (30) days written notice to the Tenant. In the event the Landlord terminates this lease for a portion of the property, Tenant shall be reimbursed a prorated portion of any rent already paid that year and subsequent rental payments shall be adjusted based on remaining acreage available for Tenant’s use. Tenant shall be entitled to no other adjustments or remedies as a result of early lease termination.

3. **Real Estate Taxes and Special Assessments:** Landlord agrees to pay all real estate taxes and special assessments with regard to said property.

4. **Use of Premises:** Tenant may use the premises solely for growing crops, participating in agricultural programs, or use as set aside for agricultural program purposes. The spreading of manure on

the premises at any time expressly prohibited. In the event Tenant uses the land as set aside or for conservancy purposes, Tenant will cut all weeds, vegetation, or plant growth at least once during the months of June, July and August.

5. **Indemnification**: Landlord and Tenant shall be liable for their own acts and/or negligence and the acts and/or negligence of their invitees and guests, and each agrees to indemnify, defend and hold harmless the other for any losses, damages, costs or expenses, including litigation expenses (including court costs and attorney's fees) paid or sustained by reason of the act and/or negligence of the other, or the other's invitees and guests or arising in any way out of this agreement.

6. **Insurance**: Tenant shall indemnify and save harmless the Landlord and Landlord's agents or employees against and from any and all damages and costs, and all claims for the same, and any and all penalties, fines, and forfeitures occasioned by or growing out of Tenant's failure to comply with, conform to or obey any Federal, State, or Municipal law, ordinance, rule, regulation, order, or notice as aforesaid. Tenant shall secure insurance consistent with the terms set forth in Exhibit B attached hereto and incorporated herein by reference and shall provide proof of such insurance.

7. **Assignment of Lease**: This lease may not be assigned by Tenant, and in the event Tenant may vacate the premises, the lease shall immediately terminate. This lease may be assigned by Landlord to another party.

8. **Tests; Inspections**: Landlord, its successors, assigns, contractors, agents and/or employees shall at reasonable times have the right to enter upon the premises to conduct any tests, inspections or studies as Landlord may deem desirable; provided, however, that any such tests, inspections or studies shall not materially interfere with Tenant's use of the premises and provided further that such inspections shall not in any way obligate Landlord to make any repairs or replacements to the premises.

9. **Entry Upon Premises**: Landlord, its successors, assigns, contractors, agents, and/or employees shall at reasonable times have the right to enter upon the premises to install, construct, maintain, repair, replace, and operate sewer, water, gas, and electric lines, cables, poles, substations, and other appurtenant structures; provided that such installation, construction, maintenance, repair, replacement, and operation shall not materially interfere with Tenant's use of the premises. In the event Landlord decides to provide this premise with City sewer and water, it shall do so at its sole expense.

10. **Liens**: Tenant shall not directly or indirectly create, or permit to be created, or permit to remain and will immediately discharge, any lien, encumbrance, or charge on, or pledge of, the premises or any part thereof or the interest of Tenant under this lease.

11. **Holdover**: In the event Tenant holds over or remains in possession or occupancy of the premises after the expiration or earlier termination of this lease, Tenant shall be obligated to pay Landlord fifty dollars (\$50.00) a day as rent for every day said Tenant holds over or remains in possession and Landlord shall have the right to recover from Tenant all reasonable costs of eviction, including court costs and attorney's fees.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this _____ day of _____, 2020.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

_____, TENANT

Witness: _____
Printed Name: _____

By: _____
Printed Name: _____
Title: _____

Witness: _____
Printed Name: _____

By: _____
Printed Name: _____
Title: _____

CITY OF APPLETON

Witness: _____
Printed Name: _____

By: _____
Timothy M. Hanna, Mayor

Witness: _____
Printed Name: _____

By: _____
Kami Lynch, City Clerk

Approved as for form:

James P. Walsh, City Attorney
J:\Attorney\WORD\CRB\Economic and Community Development\
Farm Lease - Blank form (2020).docx

Exhibit A

Area to be Farmed

SAMPLE

IR 2.1 SMALL EXPOSURE JOBS

City of Appleton Insurance Requirements

Project: Southpoint Commerce Park Farm Lease

The Contractor shall not commence work on contract until proof of insurance required has been provided to the applicable department before the contract or purchase order is considered for approval by the City of Appleton.

It is hereby agreed and understood that the insurance required by the City of Appleton is primary coverage and that any insurance or self-insurance maintained by the City of Appleton, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to commencing work and remain in force until the entire job is completed and the length of time that is specified, if any, in the contract or listed below whichever is longer.

1. INSURANCE REQUIREMENTS FOR CONTRACTOR

Commercial General Liability coverage at least as broad as Insurance Services Office Commercial General Liability Form, including coverage for Products Liability, Completed Operations, Contractual Liability, and Explosion, Collapse, Underground coverage with the following minimum limits and coverage:

- Each Occurrence limit \$1,000,000
- Personal and Advertising Injury limit \$1,000,000
- General aggregate limit (other than products/completed operations)
per project \$2,000,000
- products/completed operations aggregate \$2,000,000
- Fire Damage limit — any one fire \$50,000
- Medical Expense limit — any one person \$5,000
- Watercraft Liability, (protection and indemnity coverage) IF the project
work includes the use of, or operation of any watercraft..... \$1,000,000
NOTE: per occurrence for bodily injury and property damage
- Products/Completed Operations coverage must be carried for two years after
acceptance of completed work.

Automobile Liability coverage at least as broad as Insurance Services Office Business Automobile Form, with minimum limits of \$1,000,000 combined single limit per accident for bodily injury and property damage, provided on a Symbol #1 – “Any Auto” basis.

Workers’ Compensation as required by the State of Wisconsin, and employers liability insurance with sufficient limits to meet underlying umbrella liability insurance

requirements. If applicable for the work coverage must include Maritime (Jones Act) or Longshoremen's and Harbor Workers Act coverage.

Builder's Risk/Installation Floater/Contractor's Equipment or Property (If applicable):

The Contractor is responsible for loss and coverage for these exposures. City of Appleton will not assume responsibility for loss, including loss of use, for damage to property, materials, tools, equipment, and items of a similar nature which are being either used in the work being performed by the contractor or its subcontractors or are to be built, installed, or erected by the contractor or its subcontractors.

2. APPLICABLE TO CONTRACTORS/SUBCONTRACTORS

- **Builder's Risk/Installation Floater/Contractor's Equipment or Property:** The Contractor is responsible for loss and coverage for these exposures. The City of Appleton will not assume responsibility for loss, including loss of use, or damage to property, materials, tools, equipment and items of a similar nature which are being used in the work being performed by the Contractor or its subcontractors or are to be built, installed or erected by the Contractor or subcontractors.
- **Primary and Non-Contributory requirement: All insurance must be primary and non-contributory to any insurance or self-insurance carried by City of Appleton.**
- **Acceptability of Insurers:** Insurance is to be placed with insurers who have an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI, and who are authorized as an admitted insurance company in the State of Wisconsin.
- **Additional Insured Requirements:** The following must be named as **additional insureds** on all liability policies for liability arising out of project work: **City of Appleton, and its officers, council members, agents, employees and authorized volunteers. On the Commercial General Liability Policy, the additional insured coverage must be ISO form CG 20 10 07 04 and also include Products – Completed Operations equivalent to ISO form CG 20 37 07 04 or their equivalents for a minimum of 2 years after acceptance of work. This does not apply to Workers Compensation policies.**
- Certificates of Insurance acceptable to the City of Appleton shall be submitted prior to commencement of the work to the applicable department. **In addition form CG 20 10 07 04 for ongoing work exposure and form CG 20 37 07 04 for products-completed operations exposure must also be provided or its equivalent.** These certificates shall contain a provision that coverage afforded under the policies will not be canceled or non-renewed until at least 30 days' prior written notice has been given to the City of Appleton.

3. INSURANCE REQUIREMENTS FOR SUBCONTRACTOR

All subcontractors shall be required to obtain commercial general liability (if applicable watercraft liability), automobile liability, workers' compensation and employers liability, (if applicable aircraft liability) insurance. This insurance shall be as broad and with the same limits as those required per Contractor requirements, excluding umbrella liability, contained in Section 1 above.

The following additional coverages are required where the corresponding box is checked. In addition, Contractor shall be responsible for consulting with its insurance carrier to determine whether any of the other following coverages should be carried based upon the specific project:

- Bond Requirements**
 - **Bid Bond:** The Contractor's Bid Bond equal to 5% of the contract shall accompany the bid for the project.
 - **Payment and Performance Bond:** If awarded the contract, the Contractor will provide to the Owner a Payment and Performance Bond in the amount of the contract price, covering faithful performance of the contract and payment of obligations arising thereunder, as stipulated in bidding requirements, or specifically required in the contract documents on the date of the contract's execution.
 - **Acceptability of Bonding Company:** The Bid, Payment and Performance Bonds shall be placed with a bonding company with an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI.
 - **License and Permit Bond:** The Contractor will provide to the City a License and Permit Bond in the amount stipulated in Appleton's Municipal Code.

- Property Insurance Coverage** to be provided by the Contractor
 - The property insurance must include engineering or architect fees and must equal the bid amount, plus any change orders.
 - Coverage includes property on the work site/s, property in transit and property stored off the work site/s.
 - Coverage will be on a **Replacement Cost basis**.
 - The City of Appleton, consultants, architects, architect consultants, engineers, engineer consultants, contractors and subcontractors will be added as named insureds to the policy.
 - Coverage must include collapse and be written on a "special perils" or "all risk" perils basis.
 - Coverage must include water damage (including, but not limited to, flood, surface water, hydrostatic pressure) and earth movement.
 - Coverage must include testing and start up.
 - Coverage must include boiler and machinery if the exposure exists.

- Coverage must include engineers' and architects' fees.
 - Coverage must include building ordinance or law coverage with a limit of 5% of the contract amount.
 - The policy must cover/allow partial utilization by owner.
 - Coverage must include a "waiver of subrogation" against any named insureds or additional insureds.
 - Contractor is responsible for all deductibles and coinsurance penalties.
- Pollution Liability – Contractors; Motor Vehicle/Automobile; Professional; Environmental Consultants/Engineers**
- Definition of "Covered Operations" in the policy must include the type of work being done for the City of Appleton
 - Limits of Liability:
 - \$500,000 each loss for bodily injury, property damage, environmental damage
 - \$1,000,000 Aggregate for bodily injury, property damage, environmental damage (environmental damage includes pollution and clean-up costs)
 - Deductible must be paid by the Contractor, consultants/engineers
 - The City of Appleton, its Council members and employees must be Additional Insureds
 - The policy must also cover subcontractors
 - Specify if "Wrongful Delivery" is covered
 - Must cover motor vehicle loading and unloading and show on Certificate of Insurance
 - Certificate of Insurance must state:
 - If the policy is an Occurrence or a Claims Made Form
 - If the defense costs reduce the limit of liability
 - If the policy covers motor vehicle loading and unloading claims
 - If there is an underground storage tank or a super fund exclusion
 - If there is a Contractual Liability Exclusion
 - If Bodily Injury includes mental anguish and emotional distress
- Aircraft Liability** insurance with a limit of \$3,000,000 per occurrence for bodily injury and property damage including passenger liability and slung cargo **IF** the project includes the use or operation of any aircraft, drone or helicopter.
- Watercraft liability protection and indemnity coverage** to be provided by the Contractor

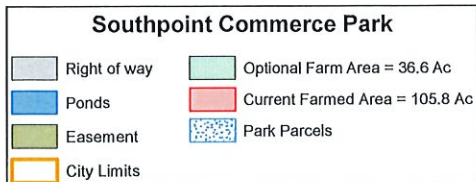
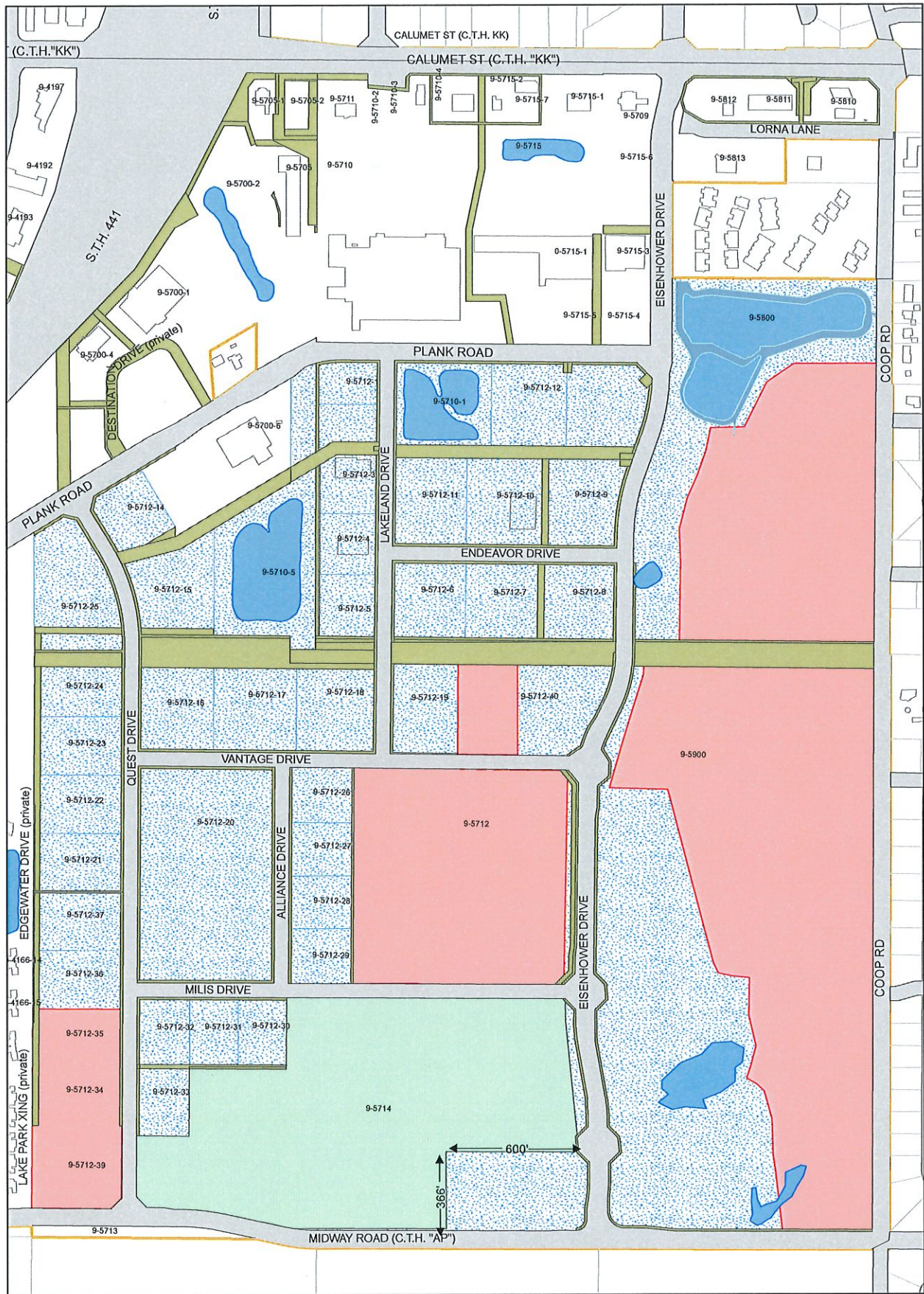


EXHIBIT A



1"=400'

Date: 1/28/2020

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Ross Buetow, Deputy Director/City Engineer
Sue Olson, Staff Engineer

DATE: March 18, 2020

RE: Approve updates to Municipal Code Chapter 20, Article VI, Stormwater Management Standards and Planning

The Department of Public Works requests approval of updates to Municipal Code Chapter 20, Article VI, Stormwater Management Standards and Planning. Strike and bold language of the proposed updates are shown on the attached document. The proposed changes are required per WPDES Permit No. WI-S050075-3, which was issued May 1, 2019.

The permit requires that the ordinance be updated per specific sections of NR 151 and NR 216. The previous update to the ordinance was completed in 2016 per the WDNR model ordinance, which included most of the NR 151 requirements. Additional NR 151 items are related to transportation facilities. The NR 216 sections that were required to be added are for additional groundwater protection.

The primary updates include:

- Definition changes
- Replacing the term “Best Management Practice” with “Stormwater Management Practice”
- Ensuring the ordinance applies to transportation facilities
- Additional groundwater protection language – such as separation distances between stormwater ponds and drinking water wells
- New language requiring owners of private stormwater practices to hire a professional engineer to certify that the practices are currently functioning per their approved plan and have a recorded Operation and Maintenance Agreement (20-314 (d))

The first four changes will not impact staff efforts to administer the ordinance. The most significant change is the addition of section 20-314 (d). This section was added to help the City comply with Permit Section 2.5.4, which requires inspection of private stormwater management practices at least once every permit term (5 years). Up to now, staff has been inspecting 4-6 private stormwater practices each year. The new permit language will require approximately 40 inspections per year. Most inspections to date have required non-compliance orders and multiple follow up visits. Due to

current workload and the anticipated effort to perform this work with City staff, other programs were evaluated.

The City of Madison has had a program for many years that requires annual reports for all private stormwater practices. The Madison ordinance was used as a starting point for the proposed language. The ordinance language is the first step to setting up this new required component of the Post-Construction Program. Details of the program, including forms, mailing lists, and scheduling still need to be established. The complete Post-Construction Program update will be brought to the Utilities Committee at a future date.

**ADOPTED:
PUBLISHED:
Office of the City Clerk**

XX-20

AN ORDINANCE AMENDING ARTICLE VI. OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO STORMWATER MANAGEMENT STANDARDS AND PLANNING.

(Utilities Committee – XX-XX-XX (Date))

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

Section 1: That Article VI of Chapter 20 of the Municipal Code of the City of Appleton, relating to stormwater management standards and planning, is hereby amended to read as follows:

ARTICLE VI. STORMWATER MANAGEMENT STANDARDS AND PLANNING

DIVISION 1. IN GENERAL

Sec. 20-300. Authority.

(a) This ordinance is adopted by the Common Council of the City of Appleton under the authority granted by §62.234, Wis. Stat. This ordinance supersedes all provisions of a stormwater management ordinance previously enacted under §62.23, Wis. Stat., that relates to stormwater management regulations. Except as specifically provided for in §62.234, Wis. Stat., §62.23, Wis. Stat. applies to this ordinance and to any amendments to this ordinance.

(b) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(c) The Common Council of the City of Appleton hereby designates the Director of Public Works or designee to administer and enforce the provisions of this ordinance.

(d) The requirements of this ordinance do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:

- (1) WDNR administrative rules, permits or approvals including those authorized under §281.16 and §283.33, Wis. Stat.

- (2) Targeted non-agricultural performance standards promulgated in rules by the WDNR under s. NR 151, Wisconsin Administrative Code.
(Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16)

Sec. 20-301. Findings of fact.

The Common Council of the City of Appleton finds that uncontrolled post-construction runoff has a significant impact upon water resources and the health, safety, and general welfare of the City of Appleton and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

(a) Degrade physical stream habitat by increasing streambank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows, and increasing stream temperature.

(b) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens, and other urban pollutants.

(c) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(d) Reduce the quality of groundwater by increasing pollutant loads.

(e) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other drainage facilities.

(f) Threaten public health, safety, property and general welfare by increasing major flood peaks, and volumes.

(g) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

(Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16)

Sec. 20-302. Purpose and intent.

(a) **Purpose.** The purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare, and the aquatic environment.

Specific purposes are to:

(1) Further the maintenance of safe and healthful conditions.

(2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning

grounds, fish and aquatic life; manage building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

- (3) Control exceedances of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
- (4) Minimize the amount of pollutants discharged from the separate storm sewer to protect waters of the state.

(b) **Intent.** It is the general intent of the City of Appleton that this ordinance achieve its purpose through:

- (1) Regulating long-term, post-construction stormwater runoff from land development and redevelopment activities.
- (2) Controlling the quantity, peak flow rates, and quality of stormwater runoff from land development and redevelopment activities.
- (3) Providing services to maintain and enhance the quality of life within the community.

(c) **Implementation.** To this end the City of Appleton will manage post-construction stormwater runoff to protect, maintain and enhance the natural environment; diversity of fish and wildlife; human life; property; and recreational use of waterways within the city of Appleton and its extraterritorial area.

This ordinance may be applied on a site-by-site basis. The City of Appleton recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the State of Wisconsin. Where such plans are in conformance with the performance standards developed under §281.16, Wis. Stat., for regional stormwater management measures, and have been approved by the City of Appleton, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

(Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16)

Sec. 20-303. Title.

This ordinance shall be known as the Stormwater Management Standards and Planning Ordinance for the City of Appleton.

(Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16)

Sec. 20-304. Definitions.

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

Adequate sod, or self sustaining vegetative cover means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbes, sedges and duff layers of fallen leaves and woody debris.

Administering authority means a governmental employee that is designated by the City of Appleton to administer this ordinance.

Agricultural facilities and practices has the meaning given in §281.16(1), Wis. Stats.

Agricultural use means bee keeping; commercial feed-lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least thirty-five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participation in the mile production termination program under 7 USC 1446 (d); and vegetable raising (§91.01(1), Wis. Stat.).

Atlas 14 means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

Average annual rainfall means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, ~~P8~~ or ~~equivalent-other~~ methodology approved by the City. An average annual rainfall for Green Bay, 1969 (March 29-November 25) is applicable for the City of Appleton.

~~*Best Management Practice or BMP* means structural or non-structural measures, practices, techniques, or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.~~

Business day means a day that offices of the City of Appleton are routinely and customarily open for business.

Cease and desist order means a court issued order to halt land disturbing construction activity that is being conducted without the required permit or not in conformance with an existing permit.

City means the City of Appleton.

Common plan of development or sale means a development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A common plan of development or sale includes, but is not limited to, subdivision plans, certified survey maps, and other developments.

Concentrated flow channel means a channel produced by erosion from runoff, or by construction, that would not be removed by tillage operations typically needed to prepare a field for crop production.

Connected imperviousness means an impervious surface connected to the water of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

Construction site means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

Design storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall. Rainfall amounts for 24-hour design rainfall events in Appleton are: 100-year, 5.50 inches; 10-year, 3.51 inches; 5-year, 3.01 inches; 2-year, 2.45 inches, and 1-year, 2.14 inches. The distribution shall be NOAA Atlas 14 MSE4.

Development means residential, commercial, industrial or institutional land uses and associated roads.

Direct conduits to groundwater means wells, sinkholes, swallets, fractured bedrock at the surface, sand or gravel surficial deposits, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

Division of land means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a 5-year period.

Effective infiltration area means the area of the infiltration system devoted specifically to active infiltration, excluding areas required for site access, berms, pretreatment, or other area required for the installation, operation, or maintenance of the infiltration device.

Erosion means the process by which the land's surface is worn away by the action of the wind, water, ice or gravity.

Exceptional resource waters means waters listed in s. NR 102.11, Wisconsin Administrative Code.

Existing land use condition means the condition of the development site and the adjacent properties that are present at the time of the stormwater permit application.

Extraterritorial means the unincorporated area as defined in Ch. 236, Wis. Stat.

Fee in lieu means a payment of money to the City of Appleton in place of meeting all or part of the stormwater performance standards required by this ordinance.

Filtering layer means soil that has at least a 3-foot deep layer with at least twenty percent (20%) fines; or at least a five- (5-) foot deep layer with at least ten percent (10%) fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

Final stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least seventy percent (70%) of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

Financial guarantee means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City of Appleton by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

Governing body means the Common Council of the City of Appleton.

Impervious surface means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots, and streets are examples of surfaces that typically are impervious. Gravel surfaces are considered impervious unless specifically designed for infiltration.

In-fill means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.

Infiltration means the entry of precipitation or runoff into or through the soil.

Infiltration system means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns, or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

Land disturbing construction activity means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in stormwater runoff and lead to ~~an~~ increased ~~in~~ soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading ~~activities and parking activities, parking~~ lot reconstruction, but does not include ~~agricultural facilities and practices, silviculture activities or~~ parking lot resurfacing.

Land user means any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

Landowner means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of stormwater **BMPs-SMPs** on the property.

Major Stormwater Management Plan means a Stormwater Management Plan for a subdivision or a plan that proposes the use of one or more devices to meet standards or a non-one or two family site that is not considered a Minor Stormwater Management Plan.

Maintenance agreement means a legal document that is filed with the County Register of Deeds as a property deed restriction, and that provides for long-term maintenance of stormwater management practices.

Maximum extent practicable (MEP) ~~has the meaning given it in s. NR 151.002(25), Wis. Adm. Code. means the highest level of performance that is achievable, but is not equivalent to a performance standard, taking into account the best available technology, cost effectiveness and other competing issues such as human welfare, endangered and threatened resources, historic properties and geographic features, pursuant to Sec. 20-311(f) of this ordinance.~~

Minor Stormwater Management Plan means a Stormwater Management Plan for a site that has a regional stormwater facility in place that meets applicable standards, has a 100-year event conveyance system to the regional facility in place, and is free from unusual conditions, including but not limited to, contamination, critical site designation, change in land use, high impervious ratio, or floodplain.

Natural wetlands means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and that has soils indicative of wet conditions. These wetlands include existing, mitigated, and restored wetlands.

New development means development resulting from the conversion of previously undeveloped land or agricultural land uses.

Non-structural measure means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants, in stormwater that does not require the design or installation of fixed stormwater management facilities.

NRCS means the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA) formerly known as the SCS (Soil Conservation Service of the USDA).

NRCS MSE4 distribution means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

Off-site means lands located outside the subject property boundary described in the permit application.

On-site means lands located within the subject property boundary described in the permit application.

Ordinary high-water mark has the meaning in s. NR 115.03(6), Wisconsin Administrative Code.

Outstanding resource waters means waters listed in s. NR 102.10, Wisconsin Administrative Code.

Parking lot reconstruction means removing asphalt to the base course by milling or other construction methods.

Parking lot resurfacing means removing a portion of an asphalt surface but leaving at least one inch (1”) thickness of asphalt surface in place.

Peak flow or peak flow discharge rate means the maximum rate that a unit volume of stormwater is discharged. This is usually expressed in terms of cubic feet per second (cfs).

Percent fines means the percentage of a given sample of soil, that passes through a Number 200 sieve, in accordance with the “American Society for Testing and Materials”, current standard.

Performance security means cash or an irrevocable letter of credit submitted to the City of Appleton by the permit holder to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan and to recover any costs incurred by the City for design, engineering, preparation, checking and review of plans and specifications, regulations and ordinances; and legal, administrative and fiscal work undertaken to assure and implement such compliance.

Performance standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the City of Appleton to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Permit application fee means a sum of money paid to the City of Appleton by the permit applicant for the purpose of recouping expenses incurred by the City in administering the permit.

Pervious surface means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests, or other similar vegetated areas are examples of surfaces that typically are pervious.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive

substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water as described in ~~has the meaning in~~ §283.01(13), Wis. Stat.

Pollution has the meaning in §281.01(10), Wis. Stat.

Post-construction site means a construction site following the completion of land disturbing construction activity and final site stabilization.

Post-development land use condition means the extent and distribution of land cover types, anticipated to occur under conditions of full development or redevelopment that will influence runoff and infiltration.

Pre-development condition means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

Pre-treatment is the practice of reducing pollutants in stormwater before discharging the stormwater to another pollution control structure.

Preventive action limit has the meaning in s. NR 140.05(17), Wisconsin Administrative Code.

Protective area means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that it is the greatest of the widths as listed in Sec. 20-312(~~fg~~) of this code, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.

Redevelopment means areas where development is replacing older development.

Residential land development means development that is created to house people, including the residential dwellings as well as all affected portions of the development including lawns, driveways, sidewalks, garages, and access streets. This type of development includes single-family, multi-family, apartment and trailer parks.

Responsible party means any person holding fee title to the property or other entity contracted or obligated by other agreement to implement and maintain post-construction stormwater ~~BMPs~~SMPs, or other requirements of this ordinance.

Runoff means stormwater or precipitation including rain, snow, or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Runoff Curve Number or RCNs means an index that represents the combination of: a hydrologic soil group, land use, land cover, impervious area, interception storage, surface storage, and antecedent moisture conditions. RCNs convert mass rainfall into mass runoff. The Natural Resources Conservation Service of the USDA defines RCNs in TR-55.

Sediment means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its origination location. soil, rock fragments and other solids carried in runoff.

Separate storm sewer means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains, which meets all of the following criteria:

- (a) Is designed or used for collecting water or conveying runoff.
- (b) Is not part of a combined sewer system.
- (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (d) Discharges directly or indirectly to waters of the state.

Silviculture activity means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application or has occurred.

Stop work order means an order issued by the City of Appleton that requires all construction activity on the site be stopped.

Stormwater conveyance system means any method employed to carry stormwater runoff within and from a land development or redevelopment activity to the waters of the state. Examples of methods include: swales, channels, and storm sewers.

Stormwater management measure means structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

Stormwater management plan means a comprehensive plan provided by the land developer, land owner or permit holder that identifies the measure to be taken to reduce the discharge of pollutants from stormwater, and control the peak flow and volume of runoff after the site has undergone final stabilization, following completion of construction activity.

Stormwater Management Practice or SMP means structural or non-structural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Stormwater management system plan is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

Targeted performance standard means a performance standard that applies in a specific area that requires additional practices to meet water quality standards.

Technical standard means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method

Top of the channel means an edge or point on the landscape landward from the ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than twelve percent (12%) continually for at least fifty (50) feet. If the slope of the land is 12 percent (12%) or less continually for the initial fifty (50) feet landward from the ordinary high water mark, the top of the channel is the ordinary high water mark.

Total maximum daily load or TMDL means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

TP means total phosphorus.

TP-40 means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

TR-55 means the United States Department of Agriculture, Natural Resources Conservation Services (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.

Transportation facility means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail, and also includes any other public work for transportation purposes such as harbor improvements under §85.095(1)(b), Wis. Stat. “Transportation Facility” does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to §281.33, Wis. Stat.

TSS means total suspended solids.

Type II distribution means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”.

Waters of the state has the meaning in §283.01(20), Wis. Stat.

WDNR means the Wisconsin Department of Natural Resources.

WPDES permit means a Wisconsin ~~pollutant-Pollutant discharge-Discharge elimination~~ Elimination system-System permit issued pursuant to ~~under~~ Ch. 283, Wis. Stat.

Wetland functional value means the type, quality, and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection,

groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation and education.

(Ord 188-03, §1, 10-21-03; Ord 66-10, §1, 4-13-10; Ord 156-11, §1, 1-1-12; Ord 42-16, §1, 5-1-16)

Secs. 20-305 – 20-310. Reserved.

DIVISION 2. STORMWATER MANAGEMENT

Sec. 20-311. Applicability and jurisdiction.

(a) ***Applicability.*** This ordinance applies to all post-construction land development, redevelopment, and in-filling sites with one (1) acre or more of land disturbing construction activities, except:

- (1) A post-construction site with less than ten percent (10%) connected imperviousness of the total area based on area of land disturbance, provided the cumulative area of all parking lots, roads, and rooftops is less than one (1) acre. However, the exemption of this paragraph does not include exemption from the protective area standards of this ordinance.
- (2) Agricultural facilities and practices.
- (3) Nonpoint discharges from silviculture activities.
- (4) Underground utility construction such as water, sewer, and fiberoptic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.

Notwithstanding these applicability requirements, this ordinance applies to any post-construction site of any size that, in the opinion of the City of Appleton, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or other pollutants, or that endangers property or public safety.

(b) ***Jurisdiction.*** This ordinance applies to post-construction land development and redevelopment sites within the boundaries of the City of Appleton and to all lands located within three (3) miles of the corporate limits pursuant to the City's extraterritorial plat approval jurisdiction as set forth in §236.45(2), Wis. Stat., even if plat approval is not involved.

(c) ***County and town ordinances.*** This ordinance supercedes any county or town stormwater management ordinance for lands annexed to the City after the effective date of the county or town ordinance, except when the county or town ordinance is more restrictive than this ordinance; then the more restrictive provisions set forth in the county or town ordinance shall

become part of this ordinance and apply to the annexed lands. In such cases, the City may grant a variance from the more restrictive requirements, provided that the criteria for a variance as set forth in the county or town ordinance is met.

(d) ***State agency.*** This ordinance is not applicable to activities conducted by a state agency, as defined under §227.01(1), Wis. Stat., and the office of the district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under §281.33(2), Wis. Stat.

(e) ***Waivers.*** Requests to waive the stormwater management plan requirements shall be submitted to the City of Appleton for approval. Written waivers may be granted administratively by the City for stormwater requirements that are required only by the City if it is demonstrated to the satisfaction of the City that it is reasonable to expect that the objectives of this ordinance will be met by the proposed post-construction land development and redevelopment activity without a stormwater management plan or portion thereof.

(f) ***Applicability of maximum extent practicable.*** Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the City's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

(Ord 188-03, §1, 10-21-03; Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16)

Sec. 20-312. Performance standards.

Unless otherwise provided for in this ordinance, all post-construction land development, redevelopment, and in-filling activities subject to this ordinance shall establish on-site management practices to control the peak flow rates of stormwater discharged from the site, the quality of the discharged stormwater, and the volume of the discharged stormwater as described in this ordinance. Technical standards identified, developed, or disseminated by the WDNR under subchapter V of Chapter NR 151, Wisconsin Administrative Code, shall be used. Where technical standards have not been identified or developed by the WDNR, other technical standards may be used provided that the methods have been approved by the City of Appleton. The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.

Exceptions to these standards are listed in Sec. 20-312(1) of this ordinance.

(a) ***Maintenance of effort.*** For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the

older development or meet the redevelopment standards of this ordinance, whichever is more stringent.

For non-highway transportation facility redevelopment sites and highway reconstruction where the redevelopment or reconstruction will be replacing older development or highway that was subject to post-construction performance standards of this chapter in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or highway, or meet the redevelopment or highway reconstruction standards of (d) – (m) of this section, whichever are more stringent.

(b) ***Off-site drainage.*** When designing ~~best-stormwater~~ management practices for ~~(e)~~, (d), ~~and (e)~~, and (f) of this section, runoff draining to the ~~best-stormwater~~ management practices from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the ~~BMP-SMP~~ accordingly.

(c) ***Separation distances.*** Stormwater management practices shall be adequately separated from wells to prevent contamination of drinking water, and the following minimum separation distances shall be met:

(1) Stormwater infiltration systems and ponds shall be located at least 400 feet from a well serving a community water system unless the Wisconsin Department of Natural Resources concurs that a lesser separation distance would provide adequate protection of a well from contamination.

(2) Stormwater management practices shall be located with a minimum separation distance from any well serving a non-community or private water system as follows:

i. 25 feet to the edge of a stormwater detention pond or basin.

ii. 100 feet for a stormwater infiltration basin or system.

iii. 8 feet to a stormwater culvert or edge of a ditch that is not a river or stream.

~~(e)~~ ***Peak discharge***

(1) The proposed post-construction land use shall not increase peak flow rates of stormwater runoff from that which would have resulted from the same design storm occurring over the site with the land in its pre-development, woodland condition, as defined in Table 1 of this ordinance for storms of twenty-four (24) hour duration and recurrence intervals of one (1), two (2), five (5), ten (10), and one hundred (100) years. Appropriate curve numbers, as described in TR-55 and weighted based on the proposed land

cover, shall be used in TR-55 calculations. The composite RCNs as defined in TR-55 should not be used.

Table 1
Maximum Pre-Development Runoff Curve Numbers

Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

Where the pre-development condition is a combination of the Table 1 land uses, the runoff curve number shall be weighted based on area of land cover.

- (2) All stormwater conveyance systems within the post-construction site shall be designed to completely contain the peak storm flows as described herein. Calculations for determining peak flows for conveyance system sizing shall use RCNs based on the existing or future proposed land use for off-site areas (whichever results in the highest peak flows), and the proposed land use for on-site areas.
 - a. For open channel conveyance systems the peak flow from the 100-year, 24-hour storm shall be completely contained within the channel bottom and banks.
 - b. For storm sewer conveyance systems the peak flow from the 5-year storm shall be completely contained within the storm sewers with no surcharging.
 - c. For storms greater than the five- (5-) year event, and up to the 100-year, 24-hour event, conveyance of flow to the appropriate waters of the state shall be within existing or proposed street right-of-ways or recorded drainage easements. In no case shall the depth of water exceed twelve (12) inches at the outer edge of pavement or six (6) inches at the road crown, whichever is less.
 - d. The 100-year storm runoff flow path outside of the storm sewer conveyance system must not impact structural improvements on property.
 - e. Existing flow onto the site cannot be restricted or modified to impact adjacent properties without a written agreement between property owners.

- (3) Determination of peak flow rates and volume of runoff for purposes of meeting the requirements of Sec. 20-312(~~ed~~)(1) of this ordinance shall be computed by procedures based on the principals and procedures described in TR-55. Other proposed calculation methods must have prior written approval of the City of Appleton.
- (4) The rainfall distributions for the storm events shall be NOAA Atlas 14 MSE4, unless otherwise approved by the City of Appleton. On a case-by-case basis, the City of Appleton may allow the use of TP-40 precipitation depths and the Type II distribution.
- (5) Existing wetlands shall not be incorporated in the proposed stormwater management practice for peak flow control. Peak flow shall be managed prior to discharge to an existing wetland. Should any changes to natural wetlands be proposed, the impact of the proposal on wetland functional values shall be assessed and significant changes to wetland functional values shall be avoided (as defined by s. NR 103, Wisconsin Administrative Code).
- (6) Peak stormwater discharge reductions do not apply for a site meeting any one of these requirements:
 - a. Redevelopment post-construction sites less than five (5) acres in size.
 - b. In-fill development areas less than five (5) acres in size.
 - c. Sites that directly discharge to the Fox River without flowing over or through a municipally owned separate storm sewer or stormwater conveyance system.
 - d. A transportation facility that is part of a redevelopment project.
 - e. A highway reconstruction site.

(~~de~~) ***Stormwater discharge quality.*** Unless otherwise provided for in this ordinance, all post-construction land development and redevelopment activities subject to this ordinance shall establish on-site management practices to control the quality of stormwater discharged from the post-construction site. On-site management practices shall be used to meet the following minimum standards:

- (1) *Total suspended solids (TSS).* **SB**MPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

- a. For new development and new transportation facilities, by design, reduce to the maximum extent practicable, the total suspended solids load by eighty percent (80%), based on the average annual rainfall, as compared to no runoff management controls.
- b. For redevelopment less than five (5) acres of disturbed land and highway reconstruction, by design, reduce to the maximum extent practicable, the total suspended solids load by forty percent (40%), based upon the average annual rainfall, as compared to no runoff management controls.
- c. For redevelopment five (5) acres or greater of disturbed land, reduce to the maximum extent practicable, the total suspended solids load by eighty percent (80%), based on the average annual rainfall, as compared to no runoff management controls.
- d. For in-fill development by design, reduce to the maximum extent practicable, the total suspended solids load by eighty percent (80%), based on the average annual rainfall, as compared to no runoff management controls.
- e. For non-highway transportation facility redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by 40% based on average annual rainfall as compared to no runoff management controls.

(2) *Total phosphorus (TP)*. All new development, redevelopment, and infill sites shall calculate the total phosphorus load and the amount of phosphorus removed with the proposed on-site practices with an appropriate computer model. Both the load and the amount of removal shall be reported in the plan narrative and included in the computer model submitted for the project.

(3) Effectiveness of the stormwater management measures shall be evaluated using the latest version of the Source Loading and Management Model (WinSLAMM). Other models may be used with prior written approval of the City.

~~(4) Discharge of urban stormwater pollutants to natural wetlands without pre-treatment shall be avoided to the maximum extent practicable. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method such as the WDNR's Rapid Wetland Functional Value Assessment, or other methods acceptable to the City of Appleton and the WDNR. Changes to wetland functional values because of stormwater pollutant loads shall be avoided.~~

(e) **Infiltration.** Unless otherwise provided for in this ordinance, all post-construction land development and redevelopment sites subject to this ordinance shall design, install, and maintain on-site best-stormwater management practices to infiltrate runoff in accordance with the following, to the maximum extent practicable.

- (1) *Low imperviousness.* For development up to 40 percent (40%) connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent (90%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent (1%) of the post-construction site is required as an effective infiltration area.
- (2) *Moderate imperviousness.* For development with more than forty percent (40%) and up to eighty percent (80%) connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least seventy-five percent (75%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the post-construction site is required as an effective infiltration area.
- (3) *High imperviousness.* For development with more than eighty percent (80%) connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least sixty percent (60%) of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent (2%) of the post-construction site is required as an effective infiltration area.
- (4) *Pre-development.* The pre-development condition shall be as specified in Table 1.
- (5) A model that calculates runoff volume, such as WinSLAMM, ~~P8~~, or ~~an~~ equivalent methodology approved by the City shall be used. Other models may be used with prior written approval of the City.
- (6) Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial, and institutional areas that will enter an infiltration system. The

pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance in accordance with Sec. 20-314 of this ordinance.

Pretreatment may include, but is not limited to, oil/grease separation, sedimentation, biofiltration, filtration, treatment swales or filter strips. It is desirable to infiltrate the cleanest runoff to meet the infiltration standard. To achieve this, the design may propose greater infiltration of runoff from some sources such as roofs, and lesser from dirtier sources such as parking lots.

(7) For the purpose of this section, turf grass swales are not counted towards the one percent (1%) or two percent (2%) infiltration areas described in subsections (1) and (2).

(8) *Source areas.*

a. *Prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions identified in Sec. 20-312(ef)(11):

i. Areas associated with a tier 1 industrial facility identified in s. NR 216.21(2)(a), Wisconsin Administrative Code, including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.

ii. Storage and loading areas of a tier 2 industrial facility identified in s. NR216.21(2)(b), Wisconsin Administrative Code.

NOTE TO USERS: Runoff from the employee and guest parking and rooftop areas of a tier 2 facility may be infiltrated but runoff from the parking area may require pretreatment.

iii. Fueling and vehicle maintenance areas. Runoff from rooftops and fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.

b. *Exemptions.* Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:

i. Parking areas and access roads less than 5,000 square feet for commercial development.

- ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the prohibitions under par a.
- iii. Redevelopment post-construction sites, except as provided under Sec. 20-312(a), Maintenance of effort.
- iv. In-fill development areas less than five (5) acres.
- v. Roads on commercial, industrial and institutional land uses, and arterial residential roads.
- vi. Transportation facility highway reconstruction and new highways.

(9) *Location of practices.*

a. *Groundwater limitations. When permanent infiltration systems are used, appropriate on-site testing shall be conducted to determine if seasonal high groundwater elevation or top of bedrock is within five (5) feet of the bottom of the proposed infiltration system.*

ab. *Prohibitions.* Infiltration practices may not be located in the following areas:

- i. Areas within 1,000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.
- ii. Areas within 400 feet of a community water system well as specified in s. NR 811.16(4), Wisconsin Administrative Code or within the separation distances listed in s. NR 812.08, Wisconsin Administrative Code for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses, or regional devices for one- and two-family residential development.
- iii. Areas where contaminants of concern, as defined in s. NR 720.03 (2), Wisconsin Administrative Code, are present in the soil through which infiltration will occur.

bc. *Separation distances.*

- i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance

between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 2.

Table 2
Separation Distances and Soil Characteristics

Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering layer
Residential Arterial Roads	5 feet or more	Filtering layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered soil with particles finer than coarse sand
Roofs Draining to Surface Infiltration Practices	Not applicable	Not applicable
All Other Impervious Source Areas	3 feet or more	Filtering layer

ii. Notwithstanding par. b., applicable requirements for injection wells classified under ch. NR 815, Wisconsin Administrative Code shall be followed.

ed. *Infiltration rate exemptions.* Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is at the Developer's option:

- i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
- ii. Where the least permeable soil horizon to five (5) feet below the proposed bottom of the infiltration system using

the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

(10) *Alternate use.* Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

(11) *Groundwater standards.*

a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with s. NR 140, Wisconsin Administrative Code. However, if site-specific information indicates that compliance with a preventive action limit is not achievable, the infiltration ~~BMP-SMP~~ shall not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

b. Notwithstanding paragraph (a), the discharge from ~~BMPs-SMPs~~ shall remain below the enforcement standard at the point of standards application.

(fg) ***Protective areas.*** Protective area means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the widths described below, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, protective area does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.

(1) Protective areas are:

a. For outstanding resource waters and exceptional resource waters, seventy-five (75) feet.

b. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, fifty (50) feet.

c. For lakes, 50 feet.

d. For wetlands not subject to par. e. or f., 50 feet.

- e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.
- f. For less susceptible wetlands, ten percent (10%) of the average wetland width, but no less than ten (10) feet nor more than thirty (30) feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils, and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.
- g. In pars. d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03, Wisconsin Administrative Code.
- h. Wetland boundary delineation shall be made in accordance with s. NR 103.08(1m), Wisconsin Administrative Code. This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.
- i. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
- j. Notwithstanding pars. a. to i., the greatest protective area width shall apply where rivers, streams, lakes, and wetlands are contiguous.

(2) This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to sub. 5.

(3) The following requirements shall be met:

- a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. The stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.

- b. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining native vegetative cover of seventy percent (70%) or greater shall be established and maintained. The self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
- c. ~~Best-Stormwater~~ management practices such as filter strips, treatment swales, or wet detention basins, that are designed to control pollutants from nonpoint sources may be located in the protective area.

(4) A protective area established or created after the adoption date of this ordinance shall not be eliminated or reduced, except as allowed in subd. ~~(5)-b., c.,~~ or d below.

(5) Protective areas do not apply to:

- a. Redevelopment post-construction sites, including non-highway transportation redevelopment sites, provided the minimum requirements within subd. (4) above are satisfied.
- b. Structures that cross or access surface waters such as boat landings, bridges and culverts.
- c. Structures constructed in accordance with §59.692(1v), Wis. Stat.
- d. Post-construction sites, including transportation facilities, from which runoff does not enter the surface water, including wetlands, without first being treated by a ~~BMPs-SMPs~~, except to the extent that vegetative ground cover is necessary to maintain bank stability.
- e. Infill development less than five (5) acres.

(Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16)

(gh) *Fueling and vehicle maintenance areas.* Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have ~~BMPs-SMPs~~ designed, installed, and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen. A combination of the following ~~BMPs-SMPs~~ may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.

- (1) This ordinance applies to:
 - a. New fueling and vehicle maintenance areas approved after the effective date of this ordinance.
 - b. Any modifications to existing fueling and vehicle maintenance areas regardless of the size of the disturbed area. ~~BMPs~~SMPs installed as part of a site modification shall, to the maximum extent practicable, be designed and operated to treat all stormwater leaving the site so that the stormwater contains no visible petroleum sheen.

(c) Transportation and non-highway transportation sites.

- (2) A stormwater management plan per Sec. 20-313 of this ordinance, a maintenance agreement per Sec. 20-314 of this ordinance and a stormwater permit per Sec. 20-321 of this ordinance are required.

(Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16)

(hi) ***General considerations for stormwater management measures.*** The following considerations shall be observed in on-site and off-site runoff management.

- (1) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
- (2) Overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (3) Overland flow paths from adjoining properties to an offsite facility must be maintained.
- (4) Low impact development techniques and green infrastructure should be included to the extent possible. These techniques include but are not limited to: increasing the time of concentration by lengthening the flow path and increasing the roughness of the flow path, using native, deep rooted vegetation instead of turf grasses and deep tilling onsite compacted soil.

(Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16)

(ij) ***Location and regional treatment option.***

- (1) The ~~BMPs-SMPs~~ may be located on-site or off-site as part of a regional stormwater device, practice or system, but shall be installed in accordance with s. NR 151.003 Wisconsin Administrative Code.
- (2) Post-construction runoff within a non-navigable surface water that flows into a ~~BMPs-SMP~~, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction ~~BMPs-SMPs~~ may be located in non-navigable surface waters.
- (3) Post-construction runoff shall meet the post-construction performance standards prior to entering navigable surface water.
 - a. To the maximum extent practicable, ~~BMPs-SMPs~~ shall be located to treat runoff prior to discharge to navigable surface waters.
 - b. Post-construction ~~BMPs-SMPs~~ for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as s. NR 103, Wisconsin Administrative Code and Chapter 30, Wis. Stat.
- (4) The City of Appleton may approve off-site management measures provided that all of the following conditions are met:
 - a. The post-construction runoff is covered by a stormwater management system plan that is approved by the City of Appleton and that contains management requirements consistent with the purpose and intent of this ordinance.
 - b. The off-site facility meets all of the following conditions:
 - i. The facility is in place.
 - ii. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.
 - iii. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
 - iv. Permittee must demonstrate that the proposed post-construction land development or redevelopment activity has received permission to use the off-site facility.

- v. Permittee must also demonstrate the flow path to the off-site facility will not result in negative impacts to structural improvements on the property.
 - vi. Permittee must provide easements of all overland flow paths up to and including the overland flow path of the 100-year storm
- (5) Where a regional treatment option exists such that the City of Appleton exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant may be required to pay a one-time fee in an amount determined by the City of Appleton. In determining the fee for post-construction runoff, the City may consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.
- (6) The discharge of runoff from a **BMPsSMP**, such as a wet detention pond, or after a series of such **BMPsSMPs**, is subject to this ordinance.

(jk) Additional requirements. The City of Appleton may establish stormwater management requirements more stringent than those set forth in this ordinance if the City determines that the requirements are needed to control stormwater quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

(kl) Swale treatment for transportation facilities.

- (1) *Applicability.* Except as provided in Sec. 20-312(**hi**)(2) of this ordinance, transportation facilities that use swales for runoff conveyance, pollutant removal and infiltration meet the stormwater discharge quality requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:
- a. Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams. It is preferred that tall and dense vegetation be maintained within the swale because of its greater effectiveness at enhancing runoff pollutant removal.
 - b. Swales shall comply with sections V.F. (Velocity and Depth) and V.G. (Swale Geometry Criteria) with a swale treatment length as long as that specified in section V.C. (Pre-Treatment) of the Wisconsin Department of Natural Resources technical standard 1005 “Vegetated Infiltration Swales”, dated May 2007, or a superseding document. Transportation facility swale treatment

does not have to comply with other sections of technical standard 1005.

(2) *Other requirements.*

- a. The City of Appleton may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with average daily traffic of vehicles greater than two thousand five hundred (2,500) per day and where the initial surface water of the state that the runoff directly enters is any of the following:
 - i. An outstanding resource water.
 - ii. An exceptional resource water.
 - iii. Waters listed in s. 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, because of nonpoint source impacts.
 - iv. Waters where targeted performance standards are developed under s. NR 151.004, Wisconsin Administrative Code, to meet water quality standards.
- b. The transportation facility authority shall contact the City to determine if additional ~~BMPs-SMPs~~ beyond a water quality swale are needed under this subsection.

(Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16)

~~(lm)~~ Innovative stormwater management systems that do not meet Sec. 20-312(~~ed~~), (~~de~~) or (~~ef~~) of this ordinance must be reviewed and **accepted** by the City before installation.
(Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16)

Sec. 20-313. Stormwater management plans.

(a) *Plan requirements.*

- (1) The stormwater management plan required under Sec. 20-321 of this ordinance shall contain any such information the City of Appleton may need to evaluate the characteristics of the area affected by land development and redevelopment activities, the potential impacts of the proposed activity upon the quality and quantity of stormwater discharges, the potential impacts upon water resources and drainage systems and the effectiveness and acceptability of proposed stormwater management measures in meeting the performance standards set forth in this ordinance.

- (2) All initial and final site investigations, plans, designs, computations and drawings for stormwater management measures and plans submitted for review shall be stamped by a professional engineer registered in the State of Wisconsin and be prepared in accordance with accepted engineering practice and in accordance with criteria set forth by the City of Appleton.

(Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16)

(b) ***Minimum content.*** The stormwater management plan shall contain at a minimum the following information:

- (1) Name, address and telephone number for the following and their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.
- (2) A proper legal description of the property proposed to be developed in Outagamie County Coordinate System and referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
- (3) Pre-development site conditions, including:
 - a. One or more site maps of current site conditions at a scale of not less than one (1) inch equal one hundred (100) feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100-year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wisconsin Administrative Code.
 - b. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

- (4) Post-construction site conditions, including:
 - a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
 - b. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.
 - c. One or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures and pavement; post-construction topographic contours of the site; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.
 - d. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 - e. Results of investigations of soil and groundwater required for the placement and design of stormwater management measures.
 - f. Detailed drawings including cross-sections and profiles of all permanent stormwater conveyance and treatment practices.
- (5) A description and installation schedule for the stormwater management practices needed to meet the performance standards in Sec. 20-312 of this ordinance.

(6) A maintenance plan and inspection report form developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.

(7) An explanation of the technical basis used to select the stormwater management practices.

(8) If maximum extent practicable is requested for any of the requirements of this ordinance, the plan shall include a written, site-specific explanation of why the standard cannot be met.

~~(79)~~ Other information requested in writing by the City of Appleton to determine compliance of the proposed stormwater management measures with the provisions of this ordinance.

(c) ***Alternate requirements.*** The City of Appleton may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under Secs. 20-312(~~ed~~), (~~de~~) or (~~ef~~) of this ordinance.

(d) ***Modifications.*** When a change in land use or stormwater management practice occurs at a site with an approved stormwater management plan, a modified stormwater management plan must be submitted to the City for review and approval before those changes in practice occur. Plan modifications shall be modeled in the latest version of WinSLAMM unless otherwise approved by the City.

(Ord 188-03, §1, 10-21-03; Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16)

Sec. 20-314. Maintenance agreement.

(a) ***Maintenance agreement required.*** The maintenance agreement required for stormwater management practices under Sec. 20-321(b) of this ordinance shall be an agreement between the City of Appleton and the responsible party to provide for perpetual maintenance of stormwater practices. The agreement shall be recorded with the appropriate (Outagamie, Winnebago, or Calumet) County Register of Deeds, as a property deed restriction so that it is binding upon all subsequent owners of land served by the stormwater management practices.

(Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16)

(b) ***Agreement provisions.*** The responsible party shall maintain stormwater management practices in accordance with the stormwater practice maintenance provisions contained in the approved stormwater management plan submitted under Sec. 20-321(b) of this ordinance. This maintenance agreement includes:

(1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.

- (2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan as required under Sec. 20-321 of this ordinance.
- (3) Identification of the responsible party(ies), organization or city, county, town or village responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan as required under Sec. 20-321 of this ordinance.
- (4) Requirement that the responsible party(ies), organization(s), or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in Sec. 20-314(b)(2) of this ordinance.
- (5) Authorization for the City of Appleton to access the property to conduct inspections of stormwater practices as necessary to ascertain that the practices are being maintained and operated in accordance with the approved stormwater management plan. The City of Appleton shall maintain public records of the results of the site inspections, shall inform the responsible party for maintenance of the inspection results and shall specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition and a reasonable time frame during which the corrective action must be taken.
- (6) Authorization for the City of Appleton to perform the corrected actions identified in the inspection report if the responsible party does not make the required corrections in the specified time period. The City of Appleton shall charge the responsible party(ies) identified in the maintenance agreement for the cost of such work and shall place a lien on the property by the City of Appleton, which may be collected as special charges pursuant to subchapter VII, §66(16).

(c) ***Modification of agreement.*** This maintenance agreement may be modified by mutual agreement of the responsible party and the City of Appleton. The modification date shall be the date the modified maintenance agreement is recorded with the appropriate (Outagamie, Winnebago, or Calumet) County Register of Deeds, as a property deed restriction so that the modified agreement is binding upon all subsequent owners of the land served by the stormwater management practices.

The maintenance agreement shall be modified when there are changes in land use or stormwater management practices at the site. The modified plan shall be submitted and approved by the City before changes in practices occur.
(Ord 66-10, §1, 4-13-10)

(d) ***Long term maintenance stormwater management report.***

(1) Every property owner that has been granted a stormwater management permit, constructed on-site stormwater management practices and signed and recorded the required maintenance agreement, shall submit to the Director of Public Works a report on the condition of the site's stormwater management devices and a certification that the SMPs are functioning per the approved plan.

(2) Owners shall be notified by the City of the requirements and the deadline for reporting.

The report and certification shall be completed and sealed by a Professional Engineer currently licensed in the State of Wisconsin, on forms provided by the City.

(3) The requirement that the report and certification be sealed by a Professional Engineer may be omitted in the case of a stormwater management plan consisting solely of storm sewer inlet filters and/or catch basin sumps, provided that the applicant can provide the appropriate documentation of cleaning activities and dated photos.

(4) For sites with more extensive stormwater management systems, the requirements may include, but are not limited to:

a. Photos of the management device at the time of inspection. This shall include photos of existing conditions and photos after the completion of any required maintenance.

b. Bathometric survey.

c. Topographic survey.

d. Infiltration testing.

e. Completed inspection forms.

f. Documentation of the completion of the required annual maintenance, including copies of receipts (actual prices paid need not be reported) from agents hired to perform the work and the date the work was completed.

(5) Upon receipt of the report and certification, if requested on the cover letter accompanying the report or by separate email, City Engineering staff shall provide an email response to the contact listed on the reporting forms stating that the report was received. This response from the City shall be made within 20 working days of receiving the report.

(~~de~~) **Termination of agreement.** The maintenance agreement shall be terminated at such time that responsibility for maintenance of the stormwater management practice is legally transferred to the City of Appleton or agency acceptable to the City of Appleton, through a written, binding agreement. The termination date of the maintenance agreement required under Sec. 20-314(a) of this ordinance shall be the date upon which the legal transfer of maintenance responsibility to the City of Appleton or agency is made effective.
 (Ord 188-03, §1, 10-21-03; Ord 66-10, §1, 4-13-10; Ord 42-16, §1, 5-1-16)

Secs. 20-315 – 20-320. Reserved.

DIVISION 3. PERMITTING AND FEES

Sec. 20-321. Permitting requirements, procedures, and fees.

(a) **Permit required.** No responsible party may undertake a land disturbing construction activity except One- and Two-family residential lots, without receiving a post-construction runoff permit from the City of Appleton prior to commencing the proposed activity.

(b) **Permit application and fee.** Unless specifically excluded by this ordinance, any responsible party desiring a permit (permit holder) shall submit to the City of Appleton a permit application made on a form provided by the City of Appleton for that purpose.

- (1) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a stormwater management plan, grading plan, utility plan, landscape plan, non-refundable permit review fee and an operation and maintenance plan and agreement as set forth in Table 3. The initial submittal and the final approved plan shall be stamped by an engineer licensed in the State of Wisconsin in a hard copy format.

Table 3

Land Development Activity	Permit	Stormwater Mgmt Plan	Grading & Drainage Plan	Maintenance Agrm
Agricultural Use	--	--	--	--
Non-Residential	X	X	X	X
1 & 2 Family Residential on 1 acre or greater lots	X	X	X	--
Multi-Family Residential	X	X	X	X

Subdivision Development	X	X	X	X
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- (2) The stormwater management plan shall be prepared to meet the requirements of Sec. 20-313 of this ordinance and the maintenance agreement shall be prepared to meet the requirements of Sec. 20-314 of this ordinance.
- (3) Plan revisions occurring after initial plan approval shall be submitted for review with an application, applicable changes to drawings, calculations, and the Operation and Maintenance Agreement. Fees shall be per (4) below.
- (4) Fees for the above-noted permits will include a non-refundable one hundred dollar (\$100) application fee and will be the actual costs incurred by the City. The application fee shall be credited toward the actual costs incurred by the City. Fees shall be payable within thirty (30) days of receipt of an invoice from the City. An invoice will be sent any time an applicant fails to resubmit a plan revision for ninety (90) days or more.

(Ord 66-10, §1, 4-13-10; Ord 157-11, §1, 1-1-12; Ord 42-16, §1, 5-1-16)

(c) ***Review and approval of permit application.*** The City of Appleton will review any complete permit application that is submitted with the required fee. The following procedure will be used:

- (1) For a Major Stormwater Management Plan, within thirty (30) business days of the receipt of a complete permit application, including all documents as required by Sec. 20-321(b)(1) of this ordinance, the City of Appleton shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The City of Appleton shall base the decision on requirements set forth in Secs. 20-312, 20-313 and 20-314 of this ordinance.
- (2) For a Minor Stormwater Management Plan, within fifteen (15) business days of receipt of a complete permit application, including all documents as required by Sec. 20-321(b)(1) of this ordinance, the City of Appleton shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved. The City of Appleton shall base the decision on requirements set forth in Secs. 20-312, 20-313 and 20-314 of this ordinance.
- (3) If the stormwater permit application, stormwater management plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices are paid, the City of Appleton shall issue the permit.

- (4) If the stormwater permit application, stormwater management plan or maintenance agreement are disapproved, the applicant may revise the stormwater management plan or agreement, or may appeal the decision of the City of Appleton as provided for in Sec. 20-327 of this ordinance.
- (5) If additional information is submitted, the City of Appleton shall have thirty (30) business days from the date the additional information is received for a Major Stormwater Management Plan and fifteen (15) business days for a Minor Stormwater Management Plan to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
- (6) Failure by the City of Appleton to inform the permit applicant of a decision within the timelines listed above shall be deemed to mean approval of the submittal and applicant may proceed as if permit has been issued.

(Ord 157-11, §1, 1-1-12; Ord 42-16, §1, 5-1-16)

(d) ***Stormwater practice installation and maintenance performance security.*** The City of Appleton may, at its discretion, require the submittal of a cash escrow, letter of credit, or performance security prior to issuance of the permit to ensure that the stormwater practices are installed and maintained by the responsible party as required by the stormwater management plan. The amount of the installation performance security shall be determined by the City of Appleton, not to exceed the total estimated construction cost of the stormwater management practices approved under the permit unless otherwise specified in the permit.

The amount of the maintenance performance security shall be determined by the City of Appleton, not to exceed ten- (10-) years of the maintenance costs estimated in the stormwater plan. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

Conditions for the release of performance security are as follows:

- (1) The installation performance security shall be released in full only upon submission of “as built plans” and written certification by the design engineer that the stormwater practice(s) were installed and function as intended in accordance with the approved plan and other applicable provisions of this ordinance. The City of Appleton may make provisions for a partial pro-rata release of the performance security based on the completion of various development stages including the final inspection of landscaping material.
- (2) The maintenance performance security, minus any costs incurred by the City of Appleton to conduct required maintenance, design, engineering, preparation, checking and review of designs, plans and specifications; supervision and inspection to ensure that construction is in compliance

with applicable plans, specifications, regulations and ordinances; and legal, administrative and fiscal work undertaken to assure and implement such compliance, shall be released at such time that the responsibility for practice maintenance is passed on to another private entity, via an approved maintenance agreement, or to the City of Appleton.

(e) ***Permit conditions.*** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The City of Appleton may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the City of Appleton to suspend or revoke this permit may be appealed in accordance with Sec. 20-327 of this ordinance.

- (1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state and local laws and regulations.
- (2) The responsible party shall design, install, and maintain all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan, maintenance agreement, and this permit.
- (3) The responsible party shall notify the City of Appleton at least three (3) business days before commencing any work in conjunction with the stormwater management plan, and within five (5) business days upon completion of the stormwater management practices.

If required as a special condition, the permit holder shall make additional notification according to a schedule set forth by the City of Appleton so that practice installations can be inspected during construction.

- (4) Completed stormwater management practices must pass a final inspection to determine if they are in accordance with the approved stormwater management plan and ordinance. The inspection must be made by the City of Appleton, or other competent professionals. The City of Appleton shall notify the permit holder in writing of any changes required in such practices to bring them into compliance with the conditions of this permit. The responsible party is further required to submit an as-built plan and a certificate of completion, stating the completion of the permitted work is in accordance with the stormwater management plan, City of Appleton, state and federal requirements. The certificate must be signed by the design engineer.
- (5) The responsible party shall notify the City of any significant modifications it intends to make to an approved stormwater management plan. The City of Appleton may require that the proposed modifications be submitted for

approval prior to incorporation into the stormwater management plan and execution by the responsible party.

- (6) The responsible party shall maintain all stormwater management practices specified in the approved stormwater management plan until the practices either become the responsibility of the City of Appleton, or are transferred to a subsequent responsible party as specified in the approved maintenance agreement.
- (7) The responsible party authorizes the City of Appleton to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to placing associated costs upon the tax roll as a special lien against the property which may be collected as special charges pursuant to §66.0627, Wis. Stat., by the City of Appleton or to charging such costs against the letter of credit or cash bond posted for the project.
- (8) If so directed by the City of Appleton, the responsible party shall repair at the permit holder's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
- (9) The responsible party shall permit property access to the City of Appleton or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.
- (10) Where necessary, it shall be the responsibility of the permit holder to obtain any appropriate easements or other necessary property/interests with affected property owners concerning the prevention of endangerment to property or public safety. Issuance of this permit does not create or affect any such rights.
- (11) The owner is subject to the enforceable actions detailed in Sec. 20-326 of this ordinance if the responsible party fails to comply with the terms of this permit.

(Ord 66-10, §1, 4-13-10; 42-16, §1, 5-1-16)

(f) **Permit duration.** The responsible party must start the permit activities within one (1) year of the date the permit is issued. An extension of one (1) year may be granted by the Director, provided a written request is submitted to the Director prior to the expiration date for the initial permit. If permit activities are not started, then a new permit application and fee may be required.

(Ord 66-10, §1, 4-13-10)

(g) *Fee in lieu of on-site stormwater management practices.* Where the City of Appleton waives all or part of the minimum on-site stormwater management requirements under Sec. 20-313(c) of this ordinance, or where the waiver is based on the provision of adequate stormwater facilities provided by the City of Appleton downstream of the proposed development or redevelopment, as provided for under Sec. 20-312 of this ordinance, the applicant shall be required to pay a fee in an amount as determined by the City of Appleton pursuant to §66.0617, Wis. Stat. and any other applicable law.
(Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16)

Secs. 20-322 – 20-325. Reserved.

DIVISION 4. ENFORCEMENT AND APPEALS

Sec. 20-326. Enforcement and penalties.

(a) Any land disturbing construction activity or any post-construction runoff initiated after the effective date of this ordinance by any person, firm, association or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

(b) The City of Appleton shall notify the responsible party or owner by certified mail of any non-complying land disturbing construction activity or post construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action and additional enforcement action, which may be taken.

(c) Upon receipt of written notification from the City of Appleton, the responsible party or owner shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party or owner shall make corrections as necessary to meet the specifications and schedule set forth by the City of Appleton in the notice.

(d) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the City of Appleton may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City of Appleton plus interest and legal costs shall be billed to the responsible party or owner.

(e) The City of Appleton is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the Appleton City Attorney to obtain a cease and desist order.

(f) The City of Appleton may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.

(g) Any permit revocation, stop work order or cease and desist order shall remain in effect unless retracted by the City of Appleton or by a court of competent jurisdiction.

(h) The City of Appleton is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance to the Appleton City Attorney for the commencement of further legal proceedings.

(i) Any person, firm, association or corporation who does not comply with the provisions of this ordinance shall be subject to the general penalty provisions of the Appleton Municipal Code Sec. 1-16. Each day that the violation exists shall constitute a separate offense.

(j) Violations of this ordinance deemed to be a public nuisance shall be subject to abatement under Sec. 12-32 of the City of Appleton Municipal Code or compliance with this ordinance may be enforced by injunctive order in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

(k) When the City of Appleton determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the stormwater management plan submitted and approved pursuant to Sec. 20-321 of this ordinance, or has failed to comply with schedules set forth in said stormwater management plan, the City of Appleton or a party designated by the City of Appleton may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The City of Appleton shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any performance or maintenance security posted pursuant to Sec. 20-321 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property.

(Ord 188-03, §, 10-21-03; Ord 42-16, §1, 5-1-16)

Sec. 20-327. Appeals.

(a) ***Appeals.*** The Utilities Committee of the Appleton Common Council shall hear and recommend to Council appeals where it is alleged that there is error in any order, decision or determination made by the City of Appleton in administering this ordinance. The Committee shall use the rules, procedures, duties and powers authorized by statute in hearing and recommending appeals.

Upon appeal, the Committee may recommend to Council relief from the provisions of this ordinance that are not contrary to the public interest or provisions of state regulations, and where owing to special conditions a literal enforcement of this ordinance will result in unnecessary hardship.

(b) ***Who may appeal.*** Appeals to the Utilities Committee of the City of Appleton may be taken by any aggrieved person or by an officer, department, board or bureau of the City of Appleton affected by any decision of the City of Appleton. Written appeals shall be filed with the City Clerk. The Utilities Committee will make a recommendation within forty-five (45) calendar days of filing of the appeal. If the Utilities Committee takes no action within forty-five

(45) calendar days, the appeal will automatically be sent to Council with a recommendation for approval. Either party may file a written request for a time extension with the City Clerk.
(Ord 188-03, §, 10-21-03; Ord 42-16, §1, 5-1-16)

Secs. 20-328 – 20-330. Reserved.

DIVISION 5. SEVERABILITY

Sec. 20-331. Severability.

If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portion thereof of the ordinance which shall remain in full force and effect.

(Ord 188-03, §1, 10-21-03 ; Ord 42-16, §1, 5-1-16)

DIVISION VI. EFFECTIVE DATE.

Sec. 20-332. Effective date.

This ordinance is in full force and effect on May 1, 2016.
(Ord 188-03, §1, 10-21-03; Ord 42-16, §1, 5-1-16)

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

Dated: _____

Timothy M. Hanna, Mayor
City Law A19-1150 | Last Update: March 9, 2020

Kami Lynch, City Clerk

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Ross Buetow, Deputy Director/City Engineer
Sue Olson, Staff Engineer

DATE: March 18, 2020

RE: Approval to single source and award the 2020 StormTrap Structural Inspections of the underground structures at Appleton East High School and the Exhibition Center to Graef in an amount not to exceed \$49,818.

The Department of Public Works is requesting approval to single source and award the 2020 StormTrap Structural Inspections of the underground structures at Appleton East High School (AEHS) and the Exhibition Center to Graef in an amount not to exceed \$49,818. The StormTrap structure at Appleton East High School is an underground flood control structure, holding approximately 14.1 acre-feet of water located under the Emmers Drive and John Street parking lots. It was constructed in 2013-2014 in two phases. Graef was the design engineer for the AEHS structure and staff assigned to this inspection were involved with the original design and construction.

The StormTrap structure at the Fox Cities Exposition Center was constructed in the parking area along Elm Street. This structure is an underground wet pond for water quality that only serves the Exposition Site, and is small in comparison to the structure at AEHS. This will be the first inspection of this structure since it was constructed. Both sites are proposed to be inspected this year for efficiency.

The following tasks are included in the proposed scope of services:

- Confined space entry and attendant for Graef and Midwest Coating Solutions, LLC (water proofing contractor, see separate memo)
- Safety equipment and lighting for Graef employees
- Walking through the entire system at both Appleton East High School and the Exhibition Center
- Documentation of observed issues with notes, photos and/or video evidence for further evaluation
- Observations and reporting of condition of access manholes (19)
- Recommendations for structural repairs and leaks
- Compile data and prepare a report

- Assist City with review of proposed leak repair by waterproofing contractor
- Provide recommendations for next water proofing and structural inspections

This is the first structural inspection of both sites since their initial construction and staff believes that the original design and construction team from the AEHS project can provide the best information in regard to any changes that may have occurred to the AEHS structure and the condition of the Exhibition Center structure. Once the structural condition is shown to be stable and/or the consultant staff familiar with the structure are no longer available, this inspection may be quoted and not single sourced.

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Ross Buetow, Deputy Director/City Engineer
Sue Olson, Staff Engineer

DATE: March 18, 2020

RE: Approval to single source and award the 2020 StormTrap Waterproofing Inspection of the underground structure at Appleton East High School to Midwest Coating Solutions, LLC (MCS) in an amount not to exceed \$22,900.

The Department of Public Works is requesting approval to single source and award the 2020 StormTrap Waterproofing Inspection of the underground structure at Appleton East High School (AEHS) to Midwest Coating Solutions, LLC in an amount not to exceed \$22,900. The StormTrap structure at AEHS is an underground flood control structure, holding approximately 14.1 acre-feet of water located under the Emmers Drive and John Street parking lots. It was constructed in 2013-2014 in two phases. Per the design, the entire structure cannot leak more than 18 gallons per minute at all leak locations combined.

MCS was the original waterproofing contractor and inspected the structure once for leaks since construction. At that time, no significant leaks were observed. There are also warranties for the waterproofing material and installation that require regular inspection by MCS.

The following tasks are included in the proposed scope of services:

- Enter the structure with Graef staff using confined space entry support supplied by Graef (Graef will perform structural inspection, see separate memo)
- Observations and reporting of leaks in access manholes (19)
- Walking through the entire system at Appleton East High School to inspect for leaks and test the rate of leaks
- Documentation of observed issues with notes and photos
- Inspect specific cells that were patched with the original construction to ensure coating remains in good condition
- Perform water proofing of minor repairs to meet structure limit of 18 gallons per minute
- Provide recommendations for next water proofing inspection

Based on the warranty for the water proofing material and installation, it is anticipated that this inspection will always be a single source request. Staff remains confident in this company and their product.

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Ross Buetow, Deputy Director- Engineering
Pete Neuberger, Staff Engineer

DATE: March 17, 2020

RE: Award of 2020G Stormwater Consulting Services Single Source Contract for Lightning Drive Culverts and Stormwater Practices 60% Preliminary Design to raSmith in an amount not to exceed \$107,250.

The Department of Public Works is requesting approval of the 2020G Stormwater Consulting Services Single Source Contract for Lightning Drive Culverts and Stormwater Practices 60% Preliminary Design to raSmith in an amount not to exceed \$107,250.

PROJECT HISTORY

The area generally bound by Ballard Road to the west, Broadway drive to the north, French Road to the east, and Edgewood Drive to the south has experienced significant development pressure in recent years. This pressure is expected to continue into the next several years until the area is built out. An essential component necessary for continued development is the extension of Lightning Drive from 600 feet north of Edgewood Drive (CTH JJ) to Broadway Drive, to serve as a transportation and utility corridor.

In the fall of 2018, DPW staff continued the planning of Lightning Drive by soliciting proposals to qualified firms to perform a drainage study with 30% engineering design. At the December 11, 2018 Utilities Committee, DPW Staff recommended that contract award to raSmith. The award memo identified DPW staff's intent to continue working with raSmith through Lightning Drive final design without an RFP process, should staff determine that raSmith met expectations during the drainage study and subsequent contracts.

raSmith completed the study contract in November 2019, while meeting DPW staff's expectations to develop cost-effective stormwater management solutions for Lightning Drive. The raSmith study identified two proposed stream crossings and five proposed stormwater ponds, with corresponding conveyance, for stormwater management. raSmith completed the assigned deliverables with the 30% engineering design of these components, along with preliminary cost estimates. DPW staff were pleased with the engineering services provided by raSmith throughout the contract.

PROJECT SCHEDULE

The proposed development schedule of the Lightning Drive corridor is as follows:

- 2020: Preliminary (60%) engineering design of two stream crossings, five stormwater ponds, and corresponding stormwater conveyances, and apply for DNR and USACE permits
- 2021: Begin final engineering design of two stream crossings, five stormwater ponds, and corresponding stormwater conveyances; obtain DNR and USACE permits.
- 2022: Land acquisition for roadway and ponds, and complete final design.
- 2023: Construction of Lightning Drive, bridges, and stormwater ponds.

CONTRACT SCOPE

As proposed, the consultant will:

- Perform detailed modeling of alternatives for stormwater conveyance, flood control and water quality for the streets and culverts to meet City, State, and Federal requirements
- Work iteratively with City designs of the utilities and streets.
- Perform detailed analysis of options for stormwater practices to meet requirements for both street construction and tributary private development areas.
- Develop a Stormwater Management Plan documenting proposed practices to meet City, State, and Federal Stormwater Management requirements.
- Perform 60% design of two Lightning Drive culverts and five stormwater ponds and develop preliminary engineering drawings of these components.
- Prepare permit applications to State and Federal Regulators.

Work by DPW and others will include design field survey, roadway and utility design, -as well as geotechnical analysis for the culverts and ponds under Unit M-20.

RECOMMENDATION

raSmith was selected for the original drainage study based on a competitive RFP process in 2018 and has performed well on this project and on other recent and ongoing DPW stormwater consulting projects. Their recent work on this project makes raSmith well-positioned to provide continued cost-effective services moving forward using a negotiated, single-source contract scope; furthermore raSmith proposes using the same staff for the proposed contract. Therefore, DPW is requesting permission to contract with raSmith for these design services using a negotiated contract scope.

In conclusion, the Department of Public Works is requesting approval of the 2020G Stormwater Consulting Services Contract for Lightning Drive Culverts and Stormwater Practices 60% Preliminary Design to raSmith in an amount not to exceed \$107,250. With satisfactory performance by raSmith during 60% design, DPW staff anticipate requesting future authorizations to contract with raSmith for final design and construction related services without an RFP process.

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

FROM: Paula Vandehey, Director of Public Works
Ross Buetow, City Engineer
Pete Neuberger, Staff Engineer

DATE: March 19, 2020

RE: Amend Unit K-20 Native Landscape Management Contract with Applied Ecological Services, Inc., in an amount not to exceed \$16,000.

The Department of Public Works is requesting approval to amend the Unit K-20 Native Landscape Management Contract with Applied Ecological Services, Inc. (AES), in an amount not to exceed \$16,000. If the amendment is approved, the total contract amount will be \$242,460 (budget is \$246,460).

The Department of Public Works is developing an urban reforestation project along the north side of the Leona Street stormwater pond site. Work began with site preparation under unit K-19 and will continue under Unit K-20. During site preparation, DPW staff identified additional work to be performed in 2020 to help ensure a successful project, including the construction of deer fencing, irrigation, and mulching.

Therefore, the Department of Public Works is requesting approval to amend the Unit K-20 Native Landscape Management Contract with Applied Ecological Services, Inc. (AES), in an amount not to exceed \$16,000.



MEMORANDUM

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

TO: Finance Committee, HR Committee, and CEDC
FROM: Karen Harkness, Director of Community and Economic Development
DATE: March 11, 2020
RE: Coordinated Entry Position

The City of Appleton serves as the responsible fiscal entity for approximately \$600,000 in federal and state Continuum of Care (CoC) funding annually, which serves hundreds of households at-risk or experiencing episodes of homelessness. The CoC Interim Rule, by which these funds are regulated, defines several responsibilities of the local Fox Cities Housing Coalition. One of these responsibilities is to operationalize a coordinated assessment system, which is intended to systematically assess the needs of program participants and effectively match each individual or family with the most appropriate resources available to address their particular needs in our community. Unfortunately, the Fox Cities community lacks the resources needed to meet all of the needs of people experiencing homelessness or at-risk of experiencing homelessness. This, combined with the lack of a well-developed coordinated entry system, resulted in hardships for people experiencing homelessness. They have been faced with long waiting times to receive assistance or have been screened out of needing assistance entirely.

As a result, and after many discussions with our internal and external stakeholders, the Community and Economic Development Department is proposing that a Coordinated Entry Specialist role be created within the City's Table of Organization. Internalizing this very necessary position will ensure that households are being prioritized based on vulnerability and severity of service needs, and connect people who need assistance the most in a timely manner. This internal role will also serve as a gateway to information and data about service needs and gaps that will help to plan assistance efficiently and identify needed resources to end homelessness in the Fox Cities.

The Coordinated Entry Specialist will oversee the coordinated entry system for the Fox Cities Housing Coalition covering Calumet, Outagamie, and northern Winnebago counties. The position will help clients who are homeless or at-risk of homelessness navigate through the coordinated entry system, coordinate service delivery, manage the priority list to determine which clients have the highest priority for service, provide outreach services to target clients least likely to ask for assistance, and help expedite the process of placing clients in safe, sustainable housing.

Funding the Coordinated Entry position is a priority of the Department of Housing and Urban Development (HUD), as well as the State of Wisconsin (DEHCR). As such, this role is considered an eligible expense under several grants that the City of Appleton is a recipient of, preventing the City from having to subsidize this position through the general fund. While the amounts may vary slightly, the following sources are

expected to fund this position in its entirety.

	<u>2020</u>
CoC Supportive Service Only (SSO) Grant 2019	\$28,000
CoC Supportive Service Only (SSO) Grant 2020	\$32,100
State of WI Emergency Homeless & Housing Grant	\$5,000
Community Development Block Grant	\$20,000



MEMORANDUM

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

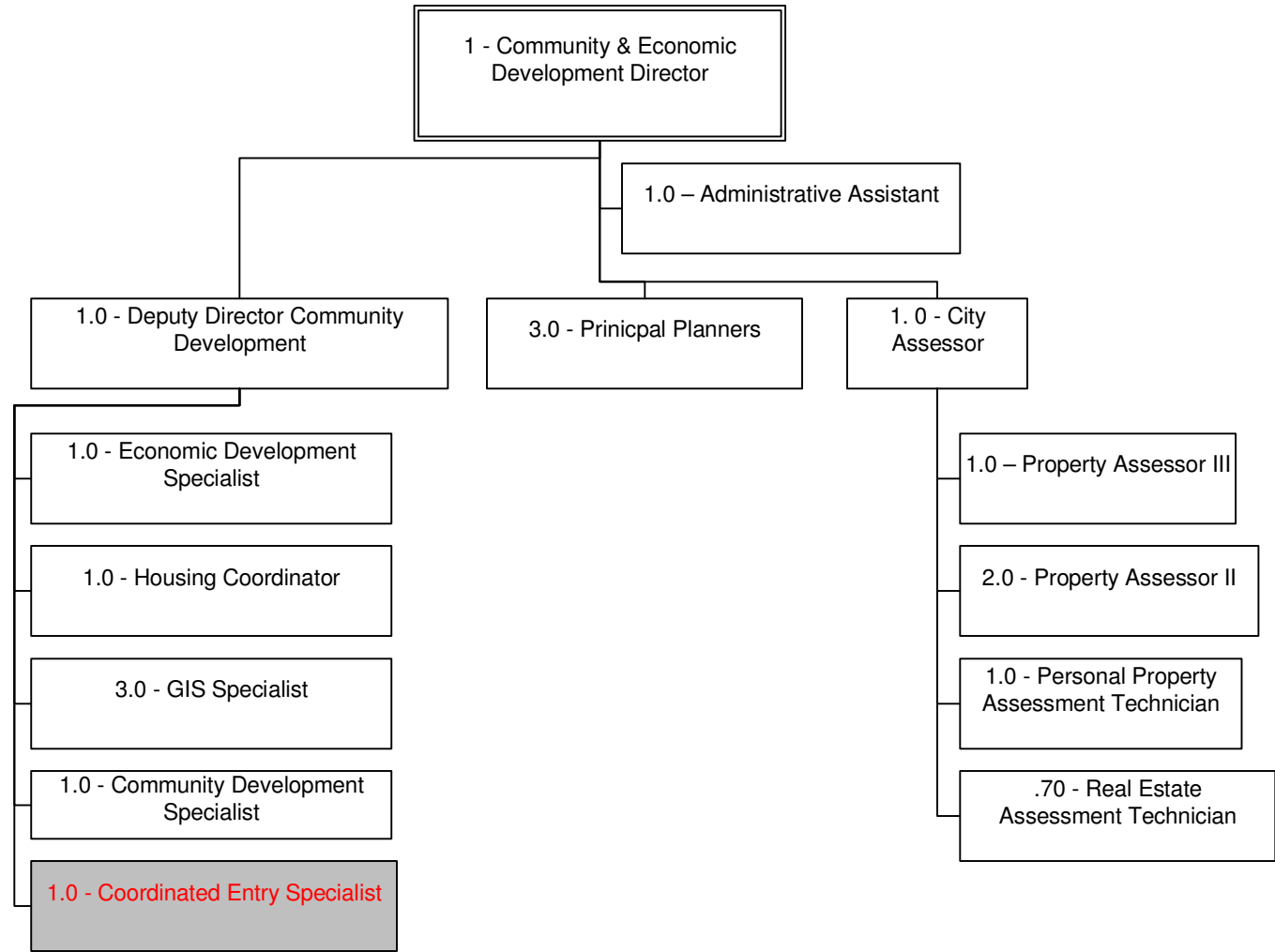
TO: Finance Committee, HR Committee, and CEDC
FROM: Karen Harkness, Director of Community and Economic Development
DATE: March 11, 2020
RE: Cover Memo to Coordinated Entry Position

The Community and Economic Development Department is proposing to incorporate and employ a Coordinated Entry Specialist role. This position will be full-time and will report to the Community and Economic Development Department's Deputy Director.

After review by the City's Compensation Consultant, this position would be placed in Grade H, with a control point of \$25.83. It is anticipated that the annual salary (\$53,726.40) and benefit package (\$27,766) would total \$81,492, and the funding would be budgeted from the following sources:

	<u>2020</u>
CoC Supportive Service Only (SSO) Grant 2019	\$28,000
CoC Supportive Service Only (SSO) Grant 2020	\$32,100
State of WI Emergency Homeless & Housing Grant	\$5,000
Community Development Block Grant	\$20,000

Attached is a memo detailing the need and role of the Coordinated Entry position. Please let me know if you have any questions.



From: Tara Prah tprah@pillarsinc.org
Sent: Wednesday, February 12, 2020 5:40 AM
To: Nikki A. Gerhard <Nikki.Gerhard@Appleton.org>; Pat.Leigl@usc.salvationarmy.org; Lu Scheer <luanns@advocap.org>; Susan Tucker <susant@advocap.org>; Joe Mauthe <jmauthe@pillarsinc.org>
Subject: RE: City of Appleton support

Good Morning,

Pillars supports re-locating the Coordinated Entry-Supportive Service Only (CE-SSO) grant through the Wisconsin Balance of State to the City of Appleton for the purpose of managing the Coordinated Entry System and administering the grant funds connected to the system.

Pillars values the role of the City of Appleton in relation to all grant collaboration as it allows the team at Pillars to focus on providing quality case management and provision of services. Re-locating the grant to the City would allow the team at Pillars to continue focusing on providing services, program development and furthering the creation of solutions to address the gaps as it relates to decreasing the number of people who are experiencing homelessness in our community.

Additionally, the collaboration with the City of Appleton shows our community, and the larger state population, how local municipalities and non-profits can work together to collaborate on services to make an impact on homelessness in local continuums.

Please consider this email as a letter of support for the re-location of the CE-SSO grant.

Thank you for your time and consideration,

Tara Prah

Supportive Services Director

From homelessness to coming home, Pillars provides shelter, support and solutions to address the housing needs in our community.

Pillars

605 E. Hancock Street, Appleton, WI 54911

Main: 920.734.9192 Cell: 920.636.5689 Fax: 920.731.7087



Find us on [Facebook!](#) Visit our [website!](#)


From: Pat.Leigl@usc.salvationarmy.org <Pat.Leigl@usc.salvationarmy.org>
Sent: Tuesday, February 11, 2020 3:33 PM
To: Nikki A. Gerhard <Nikki.Gerhard@Appleton.org>
Subject: Re: City of Appleton support

Hi Nikki,

I support the City doing CE (for reasons discussed (it's admin, agencies paying additional fee to Pillars to cover costs not best option, etc.) but believe Pillars as the sub, would need to make the decision with you, then Lu and I either supporting it or not, but the end decision would be yours and Pillars.

Patrick Leigl, CSW
Social Services Director
Ph: 920-955-1222
Fax: 920-734-4798
www.safoxcities.org



Doing the Most Good  Every year, The Salvation Army helps nearly 30 million people, roughly one per second. Support us at donate.salvationarmyusa.org.

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If you have received this email in error please notify the originator of the message.

Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of The Salvation Army.

From: Carrie Poser <carrie.poser@wibos.org>
Sent: Wednesday, February 12, 2020 10:00 AM
To: Nikki A. Gerhard <Nikki.Gerhard@Appleton.org>
Subject: RE: City of Appleton support

Hi there,

The Balance of State CoC will support the coalition's decision to transfer the SSO grant to the City of Appleton. It is important that the community supports the sub-grantee and the work they do. We do not have any concerns.

Pillars is an important entity in the Fox Cities. We appreciate all the work that Pillars has done and look forward to their ongoing cooperation.

Thanks,

Carrie Poser

COC Director
Wisconsin Balance of State Continuum of Care
PO Box 272
Eau Claire, WI 54702
715-598-3301

carrie.poser@wibos.org

www.wiboscoc.org

**to sign on to the Balance of State CoC monthly newsletter, scroll to the bottom of the website landing page*



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Valley Transit

CONNECTING THE FOX CITIES

Memorandum

TO: Fox Cities Transit Commission
FROM: Ron McDonald, General Manager
DATE: March 19, 2020
RE: Award Recommendation for Security Services

BACKGROUND

Valley Transit utilizes a contractor, STAR Protection & Patrol, to provide a security officer at the downtown Appleton Transit Center and adjacent areas. The current agreement with Star Protection and Patrol was established in April of 2019 as an emergency procurement under city policy. The emergency procurement was necessary to maintain security services at the transit center after the previous partnership for security services with Appleton Downtown Inc ended abruptly. Valley Transit is now required to undertake a formal competitive procurement process for this service.

In preparation for this procurement, Valley Transit staff drafted a request for proposal (RFP) document to solicit proposals from security services vendors. The RFP's scope of work took into consideration elements from procurement documents used by other transit systems that utilize contracted security officers to patrol transit facilities. The scope of work also addressed all procedures, post orders, training and equipment utilized by the current officers assigned to the project.

The final RFP document was posted to the public on February 7, 2020. It was sent directly to known vendors; posted on Valley Transit's website; posted on the State of Wisconsin's Vendornet system; and advertised in the *Post-Crescent*. Proposals were due on March 11, 2020. Three proposals were received: Sakom Services WI LLC (Appleton, WI); STAR Protection & Patrol (Oshkosh, WI); and Tri-Bolt, LLC (New Franken, WI).

All three proposals met the mandatory requirements and moved forward in the evaluation process.

ANALYSIS

An evaluation team was assembled to review the written proposals and costs. Each proposal was evaluated based on the vendor's experience/qualifications, standard post orders & policies, training and cost.

After considering all factors, the evaluation team unanimously concluded that STAR Protection & Patrol (Oshkosh, WI) had proposed the best service and value for Valley Transit.

STAR Protection & Patrol had experience providing security officers at the transit center as the incumbent over the past year and has an additional 3 years of experience at the Appleton Public Library. The City of Appleton Police Department has had a working relationship with STAR Protection & Patrol due to their interaction at the transit center and other city events. STAR Protection & Patrol's proposal was well-organized and included a clear training program with continuing training annually for officers. STAR Protection & Patrol proposed daily supervisor contact and weekly site visits of assigned officers. STAR also proposed to continue

monthly meetings (or as needed) between Valley Transit management staff and STAR's supervisor to review and improve the service.

STAR Protection & Patrol's cost per hour was the lowest for all contract years among the three proposals received.

FISCAL IMPACT

Valley Transit's 2020 budget includes \$45,000 for contracted security service. The project will have a total year-one fiscal impact of \$41,600, which is 8% under budget.

STAR Protection & Patrol's cost proposal includes an annual increase of 3% to their cost per hour in years 2-5 of the contract.

RECOMMENDATION

Staff recommends authorization for Valley Transit to enter into a 3-year contract with two 1-year optional extensions with STAR Protection & Patrol to provide security services.

RESOLUTION #2-R-20

Designating the month of May, 2020, as **No Mow May**

Date: February 5, 2020

Submitted By: Alderperson Schultz – District 9, Alderperson Martin – District 4, Alderperson Meltzer – District 2, Alderperson Otis – District 15, Alderperson Fenton – District 6, Alderperson Firkus – District 3

Referred To: Municipal Services Committee

WHEREAS, as a BEE CITY USA affiliate, the City of Appleton and its designated community advocacy group for pollinator awareness and engagement, Pollenablers-Fox Cities, is directed to “Develop and implement a program to create or expand pollinator-friendly habitat on public and private land, to galvanize communities to adopt sustainable pollinator-friendly land management practices, and;

WHEREAS, the City of Appleton is in a unique position, being both a BEE CITY USA affiliate and also hosting a BEE CITY CAMPUS, to leverage both designations to significantly increase pollinator-friendly habitat by encouraging pollinator-friendly lawn-care practices and by incentivizing its citizens to take direct and meaningful action on their own properties, and


WHEREAS, ideal pollinator-friendly habitat is comprised of mostly native wildflowers, grasses, vines, shrubs, and trees blooming in succession throughout the growing season, is free or nearly free of pesticides, is comprised of undisturbed spaces including leaf and brush piles, un-mown fields or field margins, fallen trees and other dead wood for nesting and overwintering; and provides connectivity between habitat areas to support pollinator movement and resilience; and

WHEREAS, the formative period for establishment of pollinator insect species occurs in late spring and early summer when pollinator species emerge from hibernation or suspended animation and when supporting plants emerge and blossom, offering crucial life cycle habitat and forage opportunities; and these opportunities are dramatically reduced with early spring leaf litter removal and grass mowing; now, therefore,

BE IT RESOLVED, that the City of Appleton and Pollenablers-Fox Cities, along with their partnering organizations, jointly recognize **No Mow May** to actively promote and educate the community about the critical period of pollinator emergence, generation of crucial pollinator-supporting habitat and early spring foraging opportunities, and;

BE IT FURTHER RESOLVED, that for the duration of the month of May, the City of Appleton shall suspend the enforcement of Municipal Code Chapter 12, Article III - Weeds and Wild Growth, permitting all residents to voluntarily delay lawn-care and litter removal practices until June, allowing pollinators to emerge and early flowering grasses and forbes to establish, which may result in ground-cover exceeding established ordinance height restrictions, and; that following the month of May, the City of Appleton shall not issue citations for excessive “weed” growth for an additional grace period of 2 weeks.

TO: Municipal Services Committee

FROM: Kurt W. Craanen, Inspections Supervisor 
Paula Vandehey, Director of Public Works

SUBJECT: RESOLUTION #6-R-20 (No Mow May)

DATE: February 7, 2020

Resolution #6-R-20 would suspend enforcement of the high grass and weeds for the month of May and first two weeks of June. Things to consider when deliberating on this resolution:

- 1) **Complaints.** Our Department receives the most complaints for high grass and weeds in the months of May and June. Below is a chart with the average number of complaints by month over the last six years.

January	0.00
February	0.00
March	0.00
April	0.00
May	69.17
June	85.17
July	58.50
August	44.33
September	38.00
October	14.50
November	3.00
December	0.00

- 2) **Increase Cost.** Once we do begin enforcing the regulations of Section 12-57 of the Municipal Code, the grass and weeds will be very high and difficult to mow. The mowing contractor will charge considerably more to cut the vegetation. (see attached examples).
- 3) **Essential Service.** Many Appleton residents consider the City function of cutting high vegetation to be an essential service and will not understand or tolerate excessively high vegetation in residential neighborhoods. Our department will experience higher call volume and many multiple complaints on the same property.
- 4) **Noxious Weeds.** State statute 66.407 requires municipalities to destroy noxious weeds. Allowing noxious weeds to grow, in some cases, will affect neighboring property owners because noxious weeds could spread to other properties.
- 5) **Managed Natural Landscape.** Section 12-59 of the Municipal Code (attached) already permits property owners to maintain grass over eight inches, as long as the standards of the ordinance are met. Therefore, anyone who is motivated to allow grass to grow long may do this and comply with existing code.

Sec. 12-59. Landscape maintenance.

(a) *Purpose.* The use of wildflowers and other native plants in a managed landscape design can be economical, low-maintenance and effective in soil and water conservation. However, it is not the intent of this section to allow vegetated areas to be completely unmanaged or overgrown.

Areas that present either a direct health hazard or provide a demonstrated breeding ground for fauna known to create a safety or health hazard will not be permitted. Certain noxious weeds defined in this section are recognized indicators of neglect. The City recognizes the desirability of permitting natural vegetation within the city limits while maintaining public health and safety at the same time.

(b) *Managed natural landscaping.*

- (1) Native and naturalized plants including, but not necessarily limited to, ferns, wildflowers, grasses, shrubs and trees may be grown in a managed landscape design provided said plants were not obtained, or are not growing, in violation of any local, state or federal laws.
- (2) Nuisance weeds and noxious weeds are defined by W.S.A. §23.235 and §66.0407, respectively, as amended, and also include those weeds set forth in §12-56. Such weeds are prohibited in all cases and shall be subject to destruction under §12-59 and §12-58.
- (3) Natural landscape areas shall be set back a minimum of seven (7) feet from all property lines and driveways unless the property is abutted by a roadway, fence or similar barrier separating it from adjoining residential properties, then the natural landscaping may be planted up to the property line (inside the sidewalk).
- (4) Natural landscape areas shall be subject to §6-6 governing fire hazards. Those areas located within residential districts and containing dense plantings of tall grasses (in excess of 8") or similar light weight fuels (as determined by the Fire Department) shall be limited in area to two hundred (200) square feet, separated from other like areas according to the setback requirements in sec. (3) and set back a minimum of seven (7) feet from all structures.
- (5) This section shall not apply to properties owned by governmental entities or where federal, state or local regulations provide otherwise.



TO: Appleton City Council
FROM: REALTORS® Association of Northeast Wisconsin
DATE: February 20, 2020
RE: RESOLUTION #2-R-20 Designating May as No Mow May

The REALTORS® Association of Northeast Wisconsin (RANW) appreciates the opportunity to review and provide input regarding the proposal to suspend the enforcement of requirements related to weeds and wild growth and lawn-care and litter removal practices during the month of May and two weeks into the month of June.

Our Association commends the City of Appleton and the Pollenables-Fox Cities for their efforts to protect pollinator-friendly habitat and maintain Appleton's prestigious designation as a BEE City USA affiliate and host of a BEE CITY CAMPUS. However, based on our initial review, we would like to highlight some concerns related to the impact of this proposal on property owners, especially those that are in the process of trying to sell their homes.

Spring is a critical time in the real estate market as many homeowners begin to get their properties ready for sale and marketing. Given that the ideal selling season is shorter in the Midwest, this process usually starts in April and is in full swing by May. The value behind the idiom "curb appeal" cannot be overemphasized in the importance of selling a home in a timely manner and for a fair market price. Buyers understand that they are not just buying a home, they are buying into a neighborhood. The level of home and lawn care taken by neighboring property owners can lead to either a positive or negative overall impression of the culture and experience of a neighborhood. Therefore, we believe that overgrown, unattended lawns would negatively impact the desirability of prospective homes for sale.

Additionally, we have concerns regarding the length of time it may take the City Appleton to achieve compliance with requirements of the municipal code after the designated time period. Compliance is often complaint-based and requires a certain amount of time for notification and enforcement. Neighbors could find themselves surrounded by unsightly lawns well into July before the city is able to require remedy.

We hope that the City reconsiders the overall implications this proposal will have not only on the real estate selling season, but on the peace and harmony of Appleton neighborhoods.

Thank you for your consideration. Please let us know if you have any questions.

to other sites, the City of Appleton does not guarantee, approve or endorse the information or products available at these sites.

Hours: Monday through Friday - 8 a.m. to 4:30 p.m.

Email Address:
jjones4@new.rr.com

First Name:
John

Last Name:
Jones

Address:
Not answered

City:
Not answered

State/Province:
Wisconsin

Zip Code:
Not answered

Phone Number:
Not answered

Fax Number:
Not answered

Comments/Questions:
Dandelions offer no nutritional value to honey bees. In fact, when feeding on dandelions alone honey bees will produce no offspring.

Keep cutting the grass and eliminate voles and field mice.

Thank you,
Appleton, WI

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100 North Appleton Street
Appleton, WI 54911-4799

Mailing Address:

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Hours:

Monday through Friday - 8 a.m. to 4:30 p.m.

Email Address:

sbundy0219@gmail.com

First Name:

Clayton

Last Name:

Bundy

Address:

1421 N. Superior St.

City:

Appleton

State/Province:

Wisconsin

Zip Code:

54911

Phone Number:

(920) 572-9712

Fax Number:

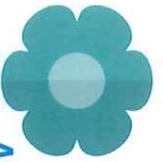
Not answered

Comments/Questions:

Regarding your no mow may. How stupid. You people build apartment buildings all along the river destroying their habitat along with butterfly habitat. Now you want to try and fix what you helped to screw up. Unreal. If you go ahead with this you can come by in June and mow my lawn for free. It's hard on lawnmowers. I have a heart condition and cancer. I don't need to be out there struggling to mow the lawn- it's going to be hard enough for me as it is. What's the purpose? Save em in May so you can run them over in June? When can the public voice their opinion on this matter- or don't we get to?. Watching the news it sounds like you've already made up your minds and you're going to ram it through without any public input. I expect a response to my concerns and expect to hear from you.

Thank you,
Appleton, WI

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NOMOWMay A sustainability effort in our BeeCity



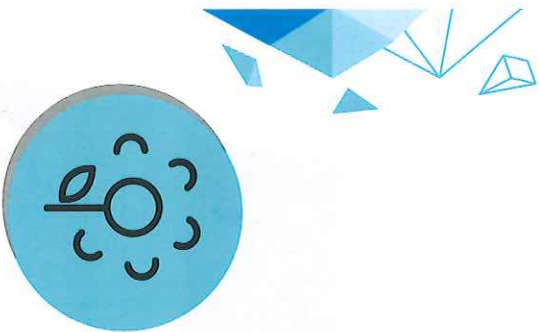
A summary explaining why mowing reduction benefits our local pollinators and makes Appleton more sustainable.



Biodiversity in our backyard!

Greenspaces and Biodiversity

- Increasing connectivity between urban greenspaces promotes a sustainability culture in protecting our biodiversity
- Moving away from monocultures (e.g. single species lawns) to more diverse habitats (e.g. urban meadows) results in increased forage resources and ultimately restores lost biodiversity (Lepczyk et al. 2017)
- Agrochemicals that negatively affect our pollinators are highest in the spring and early summer (Botas et al. 2017), we should instill a culture that reduces agrochemical overuse.



What NOMow means for you

The gist of it.

No Mow May is a sustainability initiative that promotes a culture of reducing lawn mowing intensity and the transformation of lawns into urban meadows and prairies. The ultimate goal of this month is to produce early season forage for our native pollinators while educating our community about the value of pollination.

What NoMow does for you!



Mowing less frequently is practical, economical and timesaving alternative to lawn replacement

Reduction of mowing intensity

resulted in 50% increase in wild bee diversity and 30% increase in abundance of bees in Tuebingen Germany (Wastian et al. 2016)

Lawns mowed every three

weeks rather than weekly have 2.5 times more flower resources for bees (Lerman et al. 2018).

Species often considered

'weeds' are important forage resources for wild and honey bees (Ramer et al. 2019)

Reduced mowing intensity lawns

will naturally transform to more abundant wild native prairie species (Sehr et al. 2019) enhancing native plant biodiversity

Any Downsides?

The short answer is No! Most unmowed lawns in the month of May are not likely to exceed 8 inches in height before mid June. Disease vector abundances and allergy frequencies are not increased

Contrary to popular belief, lawn mowing reduction has no significant effect on disease vectors like deer ticks (Lerman and D'Arrico 2019) or Mosquito species (Yang et al. 2019)

Reduced mowing will result in increased spring emergence of dozens of species of beneficial insects

Most spring allergies result from mold and tree pollen and will not be increased by NoMow



What to plant this spring!

Consider adding these plants to your yard and reduce the amount of lawn you have to care for



SOURCES

Bellis, C. A. David, E. M. Hill, and D. Goulson. 2017. Quantifying exposure of wild bumblebees to mixtures of agrochemicals in agricultural and urban landscapes. *Environmental Pollution*.

Lerczyk, G. A., M. F. J. Aronson, K. L. Evans, M. A. Goddard, S. B. Lemman, and J. S. Meevor. 2017. Biodiversity in the City: Fundamental Questions for Understanding the Ecology of Urban Green Spaces for Biodiversity Conservation.

Lemman, S. B., A. R. Contosta, J. Nilam, and C. Bang. 2018. To mow or to not mow (yet): Lawn mowing frequency affects bee abundance and diversity in suburban yards. *Biological Conservation*.

Lemman, S. B., and V. Danico. 2019. Lawn mowing frequency in suburban areas has no detectable effect on *Borealis* spp. *Vector Borne Zoonotic* (Acari): *Jordilidag*. PLOS ONE.

Ramer, H., K. C. Nelson, M. Spivak, E. Malinin, J. Wolfin, and M. L. Putscher. 2019. Exploring park visitor perceptions of 'flowering bee lawns' in neighborhood parks in Minneapolis, MN, US. *Landscape and Urban Planning*.

Schitt, M., O. Bessdorf, M. Freitag, and A. Bucharova. 2019. Less is more! Rapid increase in plant species richness after reduced mowing in urban grasslands. *Basic and Applied Ecology*.

Wastan, L., P. A. Unterwiesing, and O. Betz. 2016. Influence of urban lawn mowing on wild bee diversity (Hymenoptera, Apoidea). *Journal of Hymenoptera Research*.

Yang, L., K. J. Turn, C. B. Kling, E. A. Inceoglu, J. Tran, N. C. Hoedeker, P. M. Pimentelli, and M. M. Gardner. 2019. Can urban greening increase vector abundance in cities? The impact of mowing, local vegetation, and landscape composition on adult mosquito populations. *Urban Ecosystems*.

No Mow May, 2020

Issues to address for Municipal Services Committee

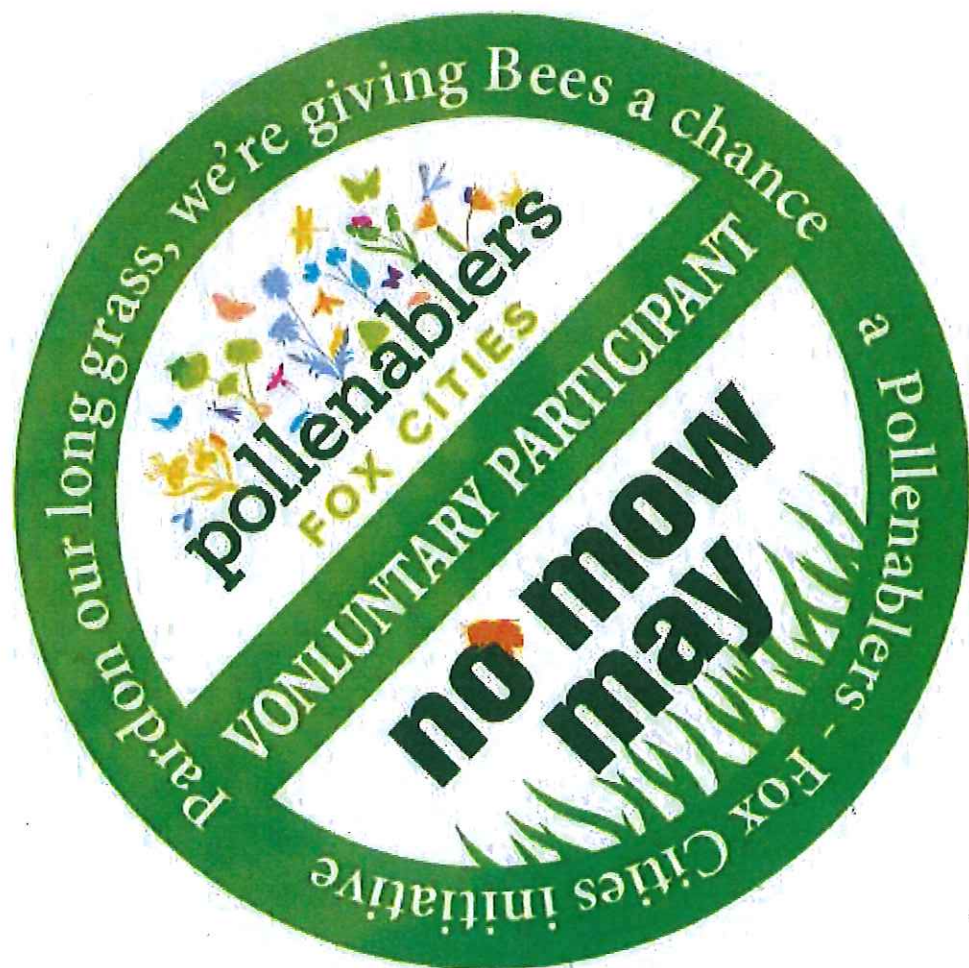
1. Isn't 8" tall enough along with the natural landscaped areas already allowed in the Ordinance? In other words, can't we just promote what is already allowed? **The authors of the Resolution really want No Mow May to be a tool to get the conversation started. They believe that through this process significant education about what the current ordinance allows will help give a new perspective. The No Mow May Resolution will help promote early season habitat for all small "critters."**
2. What else can a property owner that cares deeply about pollination and bees be doing already? Certain flowers or other plantings? Bee attraction items in backyards?
 - ❖ **Avoid using pesticides**
 - ❖ **Provide water**
 - ❖ **Create a nesting shelter**
 - ❖ **Plant colorful native wildflowers**
 - ❖ **Grow flowers in clusters**
 - ❖ **Plant a wide variety of flowering plants that bloom during different times of the year**
 - ❖ **Plant trees, herbs, and flowering fruits and vegetables**
3. Idea of No Mow May - **Backyards** compromise? **The authors of the resolution feel this compromise could lessen the opportunity for education and conversation. However, this is a compromise the Municipal Services Committee could consider.**
4. Alderperson Firkus' idea of property owners registering their desire to participate? **Pollenablers Fox Cities will create a registration for property owners wishing to participate in No Mow May. The City will include a link to their registration site. These registered participants will receive an education packet and signage.**
5. How will education occur? **Pollenablers Fox Cities will prepare a packet of information that will be delivered to all registered participants of No Mow May. This information will also be on the website (<https://www.facebook.com/pollenablers/>) which link can be found on the City's website (www.appleton.org). Considering outreach opportunities such as Farmers Market and Earth Day.**
6. Who will provide signage and how? **Pollenablers will provide signs to all registered participants of No Mow May. (See attached sample signage)**

7. What happens if grass gets so long during these 6 weeks that it can't be cut with a typical mower? This issue will be included in the packet of information provided by the Pollenablers so that property owners are aware of this possibility and prepared to address it accordingly.
8. How do we make sure the clippings stay out of the street/don't clog our storm sewer system? This concern will be included in the packet of information provided by the Pollenablers so that property owners are aware that this is in violation of Municipal Code Section 16-8 Littering and that Grass clippings can cause slippery conditions for bikes and motorcycles, can clog the catch basins preventing stormwater from properly draining off the street, and add unnecessary nutrients which help feed harmful algal blooms.
9. How do we get the word out that the fee is \$4 per bag of grass clippings? This issue will be included in the packet of information provided by the Pollenablers so that property owners are aware of this cost. The Lawrence University Sustainability Gardens will accept grass clippings for free from registered participants.
10. How do we address concerns about rodents? The City's current Ordinance Section 7-70(a) Extermination Residential Premises will continue to be enforced.
11. How do we address concerns about allergies? Attached is a document from WebMD.
12. How do we address concerns about ticks? Attached is a document from CDC and research articles regarding ticks and mosquitos. The research articles found:

"In our study system, taller grasses did not result in more ticks but did support higher abundances and diversity of native bees [15]. Thus, promoting shorter grasses and the removal of grass clippings could have minimal impacts on tick microhabitats but would be consequential for beneficial wildlife such as pollinators,"

"We demonstrated that periodic mowing did not affect adult mosquito abundances in urban vacant land, suggesting that less intensive management does not increase risks of mosquito-borne disease transmission. These findings provide further support for the potential of vacant land as a conservation space."
13. How does State Statute 66.0407 play into No Mow May? Per the City Attorney's Office, No Mow May cannot supersede State Statutes. If noxious weeds are present, the City will continue to enforce Section 12-58(g) per State Statute 66.0517. This may be challenging as the noxious weeds could be dispersed amongst the tall grass from No Mow May.

14. How do subdivision covenants play into No Mow May? Per the City Attorney's Office, No Mow May does not supersede subdivision covenants. However, the City does not have the authority to enforce these covenants.
15. How do we address fire code issues Section 6-6 (Removal of Fire Hazards)? Their concern is not when grass is green, but once it is cut and dries out/blows up against a building and becomes combustible. Information on proper waste management will be included in the Pollenablers information packet.
16. How do we educate on the proper way to compost within Municipal Code Section 12-37? Information on proper composting will be included in the Pollenablers information packet.
17. How quickly will staff be able to address complaints after the June enforcement date? Currently it takes 2-3 weeks from time of complaint until the lawn is cut. Steps are as follows:
- ❖ Complaint received
 - ❖ Inspector visits property and documents
 - ❖ Notice of non-compliance is issued and approximately 1 week is given for nuisance to be addressed
 - ❖ Inspector visits property to see if in compliance
 - ❖ If property is not in compliance a warrant is applied for
 - ❖ Contractor notified to cut lawn once warrant is received
- With No Mow May, we would expect this time line to take closer to 4-6 weeks depending on the number of complaints we receive.
18. How to best handle property owners upset about timeframe for addressing complaints (i.e. graduation parties)? Staff will explain that this was approved by the Common Council for May, 2020 only, and that Alderpersons are interested in any feedback they have. Staff will document the number of complaints received and report out to Municipal Services Committee in July, 2020. The Pollenablers will also conduct a post No Mow May survey.
19. Staff's recommendation? Educate the community on all the things that property owners can already do within the existing ordinance language. The attached research article found that mowing every 2 weeks offered the bee-friendliest balance of grass height and flowers.



CHECK YOUR SYMPTOMS

FIND A DOCTOR

FIND A DENTIST

FIND LOWEST DRUG PRICES

SIGN IN

SUBSCRIBE



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Allergies >

How does an unmowed lawn make grass pollen allergies worse?

ANSWER

Most types of grass release pollen only when they grow tall. The pollen comes from a feathery flower that grows at the top. If you keep your lawn mowed, it's less likely to release pollen. But Bermuda grass and some other types can still release the sneezy stuff even if you keep it short.

From: Am I Allergic to Pollen From Grass? WebMD Medical Reference

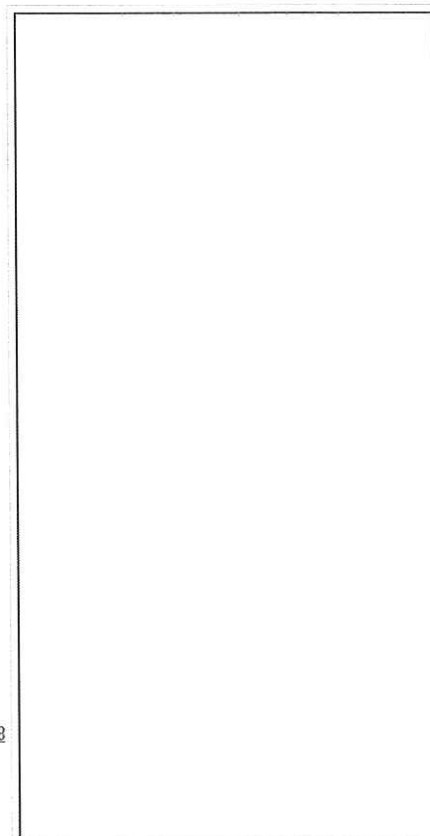
Sources | Reviewed by Carol DerSarkissian on October 28, 2018 | Medically Reviewed on 10/28/2018

NEXT QUESTION:

How do I know if I have an allergy to grass pollen?



WAS THIS ANSWER HELPFUL SHARE



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Other Answers On:

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More Answers On Allergies

How do I avoid triggers of grass pollen allergies?

What types of lawn grasses are less likely to trigger allergies?

How do I treat grass pollen allergies?



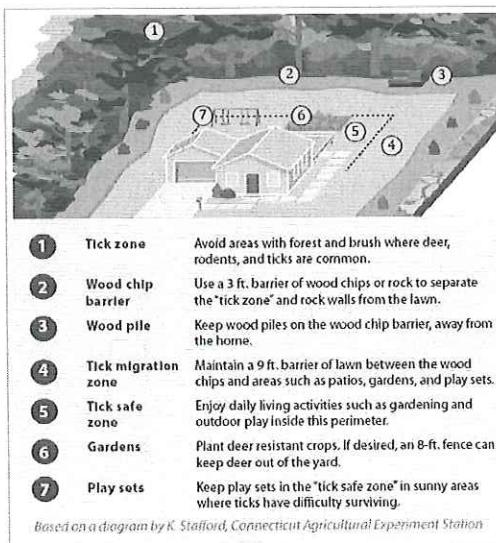
Lyme Disease

Preventing Ticks in the Yard

Create a Tick-Safe Zone Through Landscaping

You can make your yard less attractive to ticks depending on how you landscape. Here are some simple landscaping techniques that can help reduce tick populations:

- Clear tall grasses and brush around homes and at the edge of lawns.
- Place a 3-ft wide barrier of wood chips or gravel between lawns and wooded areas and around patios and play equipment. This will restrict tick migration into recreational areas.
- Mow the lawn frequently and keep leaves raked.
- Stack wood neatly and in a dry area (discourages rodents that ticks feed on).
- Keep playground equipment, decks, and patios away from yard edges and trees and place them in a sunny location, if possible.
- Remove any old furniture, mattresses, or trash from the yard that may give ticks a place to hide.
- Refer to the Connecticut Agricultural Experiment Station's Tick Management Handbook [\[PDF - 84 pages\]](#) [\[icon\]](#) for a comprehensive guide to preventing ticks and their bites through landscaping.



Apply Pesticides Outdoors to Control Ticks

Use of acaricides (tick pesticides) can reduce the number of ticks in treated areas of your yard. However, you should not rely on spraying to reduce your risk of infection.

If you have concerns about applying acaricides:

- Check with local health officials about the best time to apply acaricide in your area.
- Identify rules and regulations related to pesticide application on residential properties (Environmental Protection Agency and your state determine the availability of pesticides).
- Consider using a professional pesticide company to apply pesticides at your home.

Page last reviewed: February 22, 2019

RESEARCH ARTICLE

Lawn mowing frequency in suburban areas has no detectable effect on *Borrelia* spp. vector *Ixodes scapularis* (Acari: Ixodidae)

Susannah B. Lerman^{1,2*}, Vincent D'Amico³

1 Northern Research Station, USDA Forest Service, Amherst, Massachusetts, United States of America, **2** Department of Environmental Conservation, University of Massachusetts, Amherst, Massachusetts, United States of America, **3** Northern Research Station, USDA Forest Service, Newark, Delaware, United States of America

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Abstract

Forests have become increasingly fragmented throughout the US, with residential development serving as the primary driver of these changes. These altered landscapes have provided suitable conditions for a broad range of wildlife, including blacklegged ticks and their hosts. Lawns dominate residential landscapes, and thus their management has the potential to reduce the likelihood of contact with ticks in residential yards. We tested the hypothesis that lawn mowing frequency influences tick occurrence in 16 suburban yards in Springfield, MA. We conducted 144 tick drags in lawns of various lawn mowing frequencies (mowed every week, every 2-weeks and every 3-weeks) and did not collect any ticks of any species. Promoting frequent mowing (i.e., shorter lawns) and the removal of grass clippings could have minimal impacts on tick microhabitats, but is consequential for beneficial wildlife and other ecosystem services associated with urban biodiversity.

Introduction

Large tracts of contiguous forests have become increasingly fragmented throughout the US, with residential development serving as the primary driver of these changes [1]. Residential development fractures the landscape, interspersing novel habitats such as yards (e.g., lawns, ornamental and exotic plants, vegetable gardens) amidst forest fragments and forest patches [2]. Although many species have disappeared from residential areas [3], these altered landscapes have provided suitable conditions for a broad range of wildlife, including white-tailed deer (*Odocoileus virginianus*), the preferred host for blacklegged ticks *Ixodes scapularis* [4] and white-footed mice (*Peromyscus leucopus*), the reservoir host for the bacterium *Borrelia burgdorferi* [5,6]. When hosting *B. burgdorferi* these ticks can transmit the bacteria to the bitten person, resulting in *Lyme borreliosis* (Lyme disease), a tick-borne infection that is prevalent throughout the northeastern US [7]. In the 10-year period between 2006 and 2015, confirmed cases of Lyme disease in the US reached a mean of 8.1 cases per 100,000 individuals. In Massachusetts, the focal area of our study, over 30,000 confirmed cases were reported during the



OPEN ACCESS

Citation: Lerman SB, D'Amico V (2019) Lawn mowing frequency in suburban areas has no detectable effect on *Borrelia* spp. vector *Ixodes scapularis* (Acari: Ixodidae). PLoS ONE 14(4): e0214615. <https://doi.org/10.1371/journal.pone.0214615>

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Data Availability Statement: All relevant data are within the manuscript (Table 1).

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same period [8]. The urban/suburban environment of Springfield MA, our study area, might appear poor habitat for white-tailed deer, but hunters harvested over 700 deer in the Springfield area management zone in 2017 (MA Division of Fisheries and Wildlife, <https://www.mass.gov/service-details/deer-harvest-data>).

Identifying opportunities to mitigate contact with ticks in residential landscapes presents an important public health issue. Since lawns dominate the vegetation component of yards [9] altering their management could help reduce contact. Consumer Reports, a non-profit organization that researches and tests products and services provided five recommendations for discouraging ticks from private properties, with two recommendations focusing on lawn mowing: 1) let grass grow to 10.2 cm– 11.4 cm, then cut to 7.6 cm and 2) remove grass clippings [10].

A body of literature exists that anecdotally recounts the dangers of acquiring tick bites and subsequent Lyme disease through exposure to lawns, but the scientific literature has more nuanced results. Ticks found “in” lawns in studies were closely associated with adjacent woodlands [11–13], or represented part of a pooled sample that included woodland edge and other habitats [14]. Meanwhile, other studies that distinguished between different habitat features in residential landscapes have demonstrated a negative relationship between lawn presence and tick abundance, and a positive relationship with woodlands [4,13]. The woodlands, particularly in urban and suburban areas, consist of small forests with mature trees, understory shrubs and leaf litter, with the shrub and litter providing good habitat for ticks [6].

In a study assessing management applications for improving pollinator habitat in lawn-dominated yards, Lerman et al. [15] demonstrated that lawns mowed less frequently, with grass height averaging 12.5 cm supported higher abundances of native bees compared with lawns with grass heights of 11.2 cm. Thus managing for the removal of pest species (e.g., ticks) could have negative impacts for beneficial species (e.g., pollinators). As part of the broader scope of the investigation on the impacts of lawn management behavior on biodiversity and ecosystem function, Lerman et al. [15] surveyed for ticks, recognizing the public concern taller grasses might pose for ticks. If the taller grasses supported higher abundances of bees and ticks, then opportunities to promote pollinator habitat in less frequently mowed lawns might not be widely adopted due to the health risks associated with ticks. Similar to the other studies investigating relationships between lawn mowing frequency and bee diversity [15] and CO₂ emissions [16], we tested the hypothesis that lawn mowing frequency would influence tick abundance.

Materials and methods

Study site

We conducted the study in 16 lawn-dominated yards in Springfield, MA, the third largest city in Massachusetts, USA. The yards were categorized as medium density residential land use and embedded within a suburban matrix. The yards were predominantly comprised of lawns, although some included limited flower borders or hedges, and two yards abutted forest fragments. Yards were not treated with herbicides or watered for the duration of the study. Participating yard parcel size ranged from 0.03 to 0.18 ha. Householders gave permission to conduct the study in their yards.

Lawn mowing

Lawns were mowed from May through September in 2013 and 2014, using a Toro 19” self-mulching push mower, (mowing height set at 6.35 cm). Grass clippings remained on the lawn. We assigned each yard to a mowing frequency regime: mowed every week, two-weeks or three-weeks to represent the range of typical mowing behaviors (1–2 weeks) to a more extreme (but realistic) frequency (3-weeks; [17]).

Vegetation measurement

Grass height was measured immediately prior to every mowing event in each yard at three separate locations. We randomly selected and measured the height of three individual swards for a total of nine height measurements per yard per sampling event. These nine replicates were averaged to produce a single grass height per yard per measurement date. We define height as the length of the sward from the soil surface to the sward tip.

Tick drags

We used BioQuip's tick drag sailcloth sheet (58 x 114 cm) to document tick abundance in suburban lawns with various grass lengths. Surveys were conducted roughly every three weeks, prior to the mowing event, and coinciding with peak tick presence [18]. Tick drags consisted of a 5-minute drag in three different locations of the yard, coinciding with the grass measurement locations mentioned above. Tick drag sampling is an efficient and accurate method for estimating the abundance of *Ixodes scapularis* in various different landscape settings, including residential properties [19–22]. The drag method has been used with some success for other species occurring in the study area [23].

Results

Mean grass height prior to mowing for lawns mowed weekly, every two weeks and every three weeks was 11.2 cm, 12.5 cm, and 15.1 cm, respectively. We conducted 144 tick drags over the course of two years (every three weeks between May and September) and did not collect any ticks of any species (Table 1).

Table 1. Summary statistics for grass height, and number of ticks detected for each lawn mowing frequency (1-week, 2-weeks, 3-weeks) and for the entire study, regardless of treatment. Tick drags and grass height measurements were conducted at each site, ten times per season in 2013 and 2014 for a total of 144 tick drags and measurements.

	Mowing frequency	Grass height (cm)	Ticks detected (#)
Mean	1 wk	11.20	0
	2 wks	12.52	0
	3 wks	15.06	0
	Study	12.91	0
Minimum	1 wk	6.70	0
	2 wks	7.80	0
	3 wks	9.40	0
	Study	6.70	0
Maximum	1 wk	18.20	0
	2 wks	23.40	0
	3 wks	26.00	0
	Study	26.00	0
Median	1 wk	11.05	0
	2 wks	12.40	0
	3 wks	13.95	0
	Study	12.30	0
Standard error	1 wk	0.42	0
	2 wks	0.59	0
	3 wks	0.70	0
	Study	0.36	0

<https://doi.org/10.1371/journal.pone.0214615.t001>

Discussion

Our results support previous findings of the lack of ticks in the lawn zone of residential landscapes. A study conducted in Westchester County, NY investigated four distinct zones of residential properties including wood lots, unmaintained edges (the ecotone), ornamental vegetation and lawns, and their propensity to support blacklegged ticks. Less than 2% of the ticks were collected from lawns with the majority collected from the wood lots and ecotone [24]. Duffy et al. [13] also found that for yards in Suffolk County, NY, nymphs were primarily encountered at the ecotone with few encounters on lawns. Blacklegged ticks are highly sensitive to low humidity and dehydration, and rely on habitat which provides opportunities to rehydrate [25]. Together, these results acknowledge the presence of ticks in residential landscapes—but context matters [4]. Both property size and the surrounding matrix have implications for tick presence. For example, larger properties (e.g., > 0.5 ha) are more likely to have wood lots, and hence, more opportunities to encounter ticks [24]. A study of coastal Maine microhabitats showed grasses to be the poorest quality habitat for ticks even in an unmanaged setting [26]. These and other studies suggest that lawns, particularly those with full exposure to sunlight, provide poor habitat for blacklegged ticks.

Tick-borne diseases pose a serious public health risk [27]. The blacklegged tick is now recognized as a vector of three species of *Borrelia*, a different bacterium causing anaplasmosis, a parasite causing babesiosis, and the Powassan virus [24]. The loss of urban biodiversity and concomitant invasion by nonnative plants also exacerbates the transmission of some tick-borne diseases due to the dilution effect (i.e., the loss of additional vertebrate hosts [28,29]) although this effect varies with landscape scale [6,30]. Further, studies have shown many nonnative plants, particularly understory shrubs, to be especially good tick habitat. Yard management strategies aimed at reducing contact with ticks should consider removing nonnative plants to provide an opportunity for individual households to combat some of the ecosystem disservices associated with forest fragmentation [18]. In addition, identifying where and whether the risk is occurring can help provide support for ensuring individual efforts lead to desired results of fewer interactions with ticks in lawns.

Providing solutions for reducing contact with ticks, such as promoting frequent lawn mowing, is an apparently simple practice with the potential to be widely adopted. However, we suggest that recommendations be supported by research [31], acknowledge the limitations for protecting against ticks, and enumerate the trade-offs associated with frequent mowing. In our study system, taller grasses did not result in more ticks but did support higher abundances and diversity of native bees [15]. Thus, promoting shorter grasses and the removal of grass clippings could have minimal impacts on tick microhabitats but would be consequential for beneficial wildlife such as pollinators, and other ecosystem services associated with urban biodiversity [32].

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Author Contributions

Conceptualization: Susannah B. Lerman.

Data curation: Susannah B. Lerman.



Can urban greening increase vector abundance in cities? The impact of mowing, local vegetation, and landscape composition on adult mosquito populations

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Abstract

Worldwide, cities are investing in greenspace to enhance urban quality of life and conserve biodiversity. Cities should ensure these investments do not unintentionally result in ecosystem disservices. Municipal management decisions regarding urban greenspaces, such as mowing frequency, could influence mosquito communities and public health. We examined how mowing, resultant vegetation characteristics, and landscape context influenced adult mosquito abundance in urban vacant lots. We sampled adult *Culex* and *Aedes* mosquitoes in a network of vacant lots within eight Cleveland, Ohio, USA neighborhoods in 2015 and 2016 using CO₂-baited light traps and grass-infused gravid traps. For each lot, we quantified vegetation characteristics, including plant diversity, bloom area, and biomass, as well as the surrounding landscape composition at radii of 60 and 1000 m. We found that periodic mowing did not significantly affect mosquito abundances. However, vacant lots with more diverse plant communities were associated with a greater light trap capture of both *Culex* and *Aedes*. Both mosquito genera declined in light trap catches with increased impervious surface at 60 m. Similarly, *Culex* (gravid trap) declined with the amount of built infrastructure at 1000 m. In contrast, *Aedes* (light trap) increased with the concentration of buildings in the landscape at 1000 m. Our findings indicate that reducing the frequency of mowing within vacant lots will not necessarily increase adult mosquito abundance. Nonetheless, mosquito surveillance and management should be considered when planning conservation-focused greenspaces, as vegetation design choices and the landscape context of a site do influence vector abundance and potentially disease risk.

Keywords Urban greenspace management · Ecosystem disservices · Landscape composition · Mosquito control · Shrinking city

Introduction

Cities are increasingly investing in urban conservation initiatives including the establishment and maintenance of urban greenspaces through a process referred to as urban greening (Goddard et al. 2010; Gardiner et al. 2013; Hicks et al. 2016). Urban greenspaces can be valuable in supporting biodiversity and supplying important ecosystem services and functions (Sandström et al. 2006; Gardiner et al. 2014; Braaker et al. 2014; Wolch et al. 2014; Riley et al. 2018a). Urban greening aimed at enhancing biodiversity often focuses on reducing habitat mowing to allow plants to flower and provide resources for species of concern, such as urban pollinators (Sivakoff et al. 2018). However, reduced greenspace management may unintentionally result in *ecosystem disservices*, such as increasing suitable habitats for vector species. Vector species, including disease-carrying arthropods such as the northern house mosquito, *Culex pipiens*, can negatively impact human health (Hamer et al. 2008) and reduce greenspace

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value (Shepard et al. 2014). Thus, it is essential to determine how urban greening practices influence vector abundances in order to accurately guide greenspace development.

Evaluating greenspace management practices is especially relevant to shrinking cities where economic decline has created extensive greenspace holdings in the form of vacant land. For example, the city of Detroit, Michigan, USA contains over 10,000 ha of vacant land (Burkholder 2012), and the European countries Poland and Romania contain 800,000 and 900,000 ha of urban vacant lots, respectively (Ferber and Schlappa 2016). In these areas, municipalities are responsible for the long-term management of greenspaces resulting from urban shrinkage and finding ways to positively utilize the spaces without contributing to ecosystem disservices. One common management approach is to seed vacant lots with turf grass and maintain them with periodic mowing (Gardiner et al. 2013). However, many shrinking cities are also investing in planting native vegetation, such as sunflowers (Lokman 2017) or urban prairies (Burkman and Gardiner 2015) as conservation habitat. As both growing and shrinking cities alike consider how best to manage urban greenspaces, it is critical to ascertain whether these management strategies may have unintended consequences.

Potential disservices from varying management strategies include negative financial, environmental, and social impacts (Lyytimäki and Sipilä 2009; Escobedo et al. 2011). Cost could be incurred by cities budgeting for consistent mowing. For instance, Cleveland spends 3 million USD annually to mow their 27,000+ vacant lots (Community Research Partners and Rebuild Ohio 2008; Delgado de la Flor et al. 2017). Likewise, mowing or trimming vegetation may cause ecosystem disservices and biodiversity losses by directly killing resident arthropods, disrupting habitats, or reducing floral availability for specialist pollinator species (Cizek et al. 2012; Wastian et al. 2016). However, while reducing mowing frequency or planting native wildflowers could lower greenspace management costs and increase a habitat's value for biodiversity, this approach may also result in concerns from neighborhood residents (Turo and Gardiner 2019). Taller vegetation can raise aesthetic and safety concerns (Jansson 2013; Nassauer and Raskin 2014) or even create habitat for vector species, such as mosquitoes, that lead to higher prevalence of insect-borne diseases (Hamer et al. 2008).

Vector-borne diseases have become an increasing burden to public health due to globalization and urbanization (Gratz 1999; Norris 2004; Weaver 2013) and represent a significant ecosystem disservice. As cities increasingly invest in urban greenspaces or are tasked with managing newly created vacant lots, natural resource managers and urban planners must assess variable management strategies and their impacts on mosquito communities and public health (LaDeau et al. 2015). When conservation plans are developed, variables such as vegetation density and management of potential larval

habitats (i.e. discarded containers) can influence mosquito abundance and taxonomic composition as well as interactions with potential hosts and predators (Freed and Leisnham 2014; Dowling et al. 2013; Gardner et al. 2013). The habitat characteristics associated with higher vector abundances can be complex; for instance, reduced vegetation was positively related to the abundance of juvenile *Aedes albopictus* except when abandoned infrastructure was common, in which case increased vegetation was positively related to vector abundance (Little et al. 2017a). Habitat management can also influence disease prevalence (Mackay et al. 2016); for example, mosquitoes collected from Chicago residential yards were more likely to be infected by West Nile virus (WNV) than those found in other urban greenspaces (e.g. parks and cemeteries) (Newman et al. 2017).

At larger scales, landscape composition, habitat connectivity, and the interweaving of land cover types may also influence mosquito communities and disease outbreaks (Pradier et al. 2008; Lambin et al. 2010; Deichmeister and Telang 2011; Ghosh 2011; Marcantonio et al. 2015). While urban areas often have reduced mosquito populations due to decreased resources and increased disturbance (Ferraguti et al. 2016), many taxa are highly adaptive to urban environments, e.g., *Ae. albopictus*, *Ae. aegypti* (Hemme et al. 2010; Ferraguti et al. 2016), and some *Culex* spp. (*Cx. pipiens*/*Cx. restuans*/*Cx. quinquefasciatus*) (Chaves et al. 2009; Deichmeister and Telang 2011). For example, when comparing exurban and suburban populations, urban sites have higher captures of *Culex* species (Pecoraro 2007; Deichmeister and Telang 2011) and a higher proportion of WNV positive mosquitoes (Deichmeister and Telang 2011). Within urban landscapes, mosquito populations have been positively correlated with landscape features including impervious surface, abandoned buildings, medium height trees (3–9 m), vacant lots, and residential habitats (Landau and Van Leeuwen 2012; Little et al. 2017a; Little et al. 2017b). Especially in the context of shrinking cities, abandonment or poverty at a landscape level is often associated with increased garbage or dumping, which is in turn associated with higher mosquito production (Little et al. 2017a; LaDeau et al. 2015). However, patterns can be variable and highly influenced by precipitation and temperature (Little et al. 2017a; Becker et al. 2014). For instance, while some studies have found greater mosquito abundance within a city block with a low number of abandoned buildings (Becker et al. 2014), others have found the opposite trend (Little et al. 2017a), and these relationships are mediated by seasonal variation.

The goal of our study was to evaluate how site management and landscape context influence adult mosquito communities and potential risks of a mosquito-borne disease (i.e. WNV) within an urban ecosystem. To address this, we studied mosquito abundance within Cleveland, Ohio, USA, a shrinking city where economic decline has resulted in 1,500 ha of

vacant land (Western Reserve Land Conservancy 2015). We investigated if decreased mowing frequency, a practice that would reduce management costs and potentially increase the conservation value of vacant land, would have unintended consequences such as increased mosquito abundances and disease transmissions. Specifically, we measured how periodic mowing activity, resultant vegetation characteristics, and landscape context in the inner-city of Cleveland influence adult *Culex* spp. and *Aedes* spp. abundance, and WNV-positive mosquito pools. We hypothesized that periodic mowing would reduce mosquito abundance and the number of WNV-positive mosquito pools because mowing is likely to disrupt adult resting sites and foraging resources. We also hypothesized that vacant lots embedded in landscapes with a higher proportion of greenspace would support a greater abundance of mosquitoes. These landscapes could aid mosquito dispersal into sampled patches and are likely to support a higher richness and abundance of hosts and nectar resources. Finally, we hypothesized that diverse, bloom rich habitats would exhibit greater mosquito abundances as more diverse habitat plantings with increased bloom area are likely to provide more nectar foraging options for adult mosquitoes.

Materials and methods

Study sites

This study was conducted in the city of Cleveland, Ohio, USA. A total of 16 vacant lots (each lot is approximately 30 m × 12 m in size) located in eight inner-city neighborhoods were selected for this study (Fig. 1). Two vacant lots were located within each neighborhood and were assigned to either a Control or Meadow treatment (Fig. 2). The Control treatment was managed following city guidelines, mown monthly to a height of approximately 10 cm (May–October). The Meadow treatment was mowed annually in October and remained unmanaged throughout the remainder of the growing season. To control for the effects of differential littering among sites on mosquito larval habitat, we removed trash twice per month so that garbage did not confound drivers of interest (mowing, local vegetation, landscape composition).

Mosquito sampling

Adult mosquitoes were collected once every four weeks from July to August in 2015 (Jul 7, Aug 4, Aug 31). During 2016, mosquitoes were collected once in June and once every two weeks from July to August in 2016 (Jun 6, Jul 5, Jul 21, Aug 2, Aug 17, Aug 29). In order to treat collection time as

a continuous rather than categorical variable, calendar dates were converted to Julian dates for statistical analyses (2015: 188, 216, 243; 2016: 158, 187, 203, 215, 230, 242). Two types of mosquito traps were used: A) a grass infusion-baited CDC gravid trap (GT) (Model 1712, John W. Hock Company, Gainesville, FL) placed at ground level in the center of each vacant lot, and B) a dry ice-baited CDC mini light trap (LT) with incandescent light (Model 2836BQ, BioQuip Products, Rancho Dominguez, CA) suspended from a tree branch at a height of approximately 1.5–2.0 m at the perimeter of each vacant lot. We elected to deploy gravid traps for their known effectiveness in trapping female *Culex* spp., the primary vector of WNV. Light traps were selected to attract a broad spectrum of mosquito species. Traps were set in the morning of each sampling date and retrieved approximately 24 h later. Captured mosquitoes were then transferred to a cooler with ice and transported to the Ohio Agricultural Research and Development Center (OARDC) in Wooster, OH where they were stored at –20 °C until further processing. All mosquitoes, except *Culex* females, were identified to species using a dissecting scope following the guide of Restifo (1982). *Culex* females were only identified to genus per recommendation from the Ohio Department of Health (ODH), as their standard traps can alter key identifiable features on the abdomen and all *Culex* in Cleveland are capable of transmitting WNV. After identification, *Culex* mosquitoes from each trap and site were pooled and stored at –80 °C until they were transferred to ODH for WNV detection using an established RT-PCR approach (Lanciotti et al. 2000). Two gravid traps collections were lost in 2015 and seven light trap and two gravid trap collections were lost in 2016 due to vandalism or theft.

Vegetation sampling

Local vegetation variables at each site were measured twice in 2015: early season (Jun. 16 – Jul. 3) and late season (Jul. 22 – Aug. 13), and three times in 2016, early season (Jun. 13 – Jun. 24), midseason (Jul. 11 – Jul. 22) and late season (Aug. 4 – Aug. 16). A 15 m × 7 m sampling grid, composed of 105 quadrats, was placed in the center of each site and 20 quadrats (1 m²) were randomly selected. Within the 20 selected quadrats we placed a 0.5 m² PVC pipe square centrally and measured vegetation biomass and dominant plant species diversity.

Biomass was estimated with the comparative yield method which was developed to efficiently estimate plant biomass without removal of a significant amount of vegetation from a research site (Haydock and Shaw 1975). In order to compare biomass across the 20 randomly selected quadrats, five “standards” were initially selected to represent the range of biomass per quadrat within each lot. The standards ranged from 1 (lowest biomass) to 5 (highest biomass) and each “standard” consisted of 0.5 m² area. After the standards were

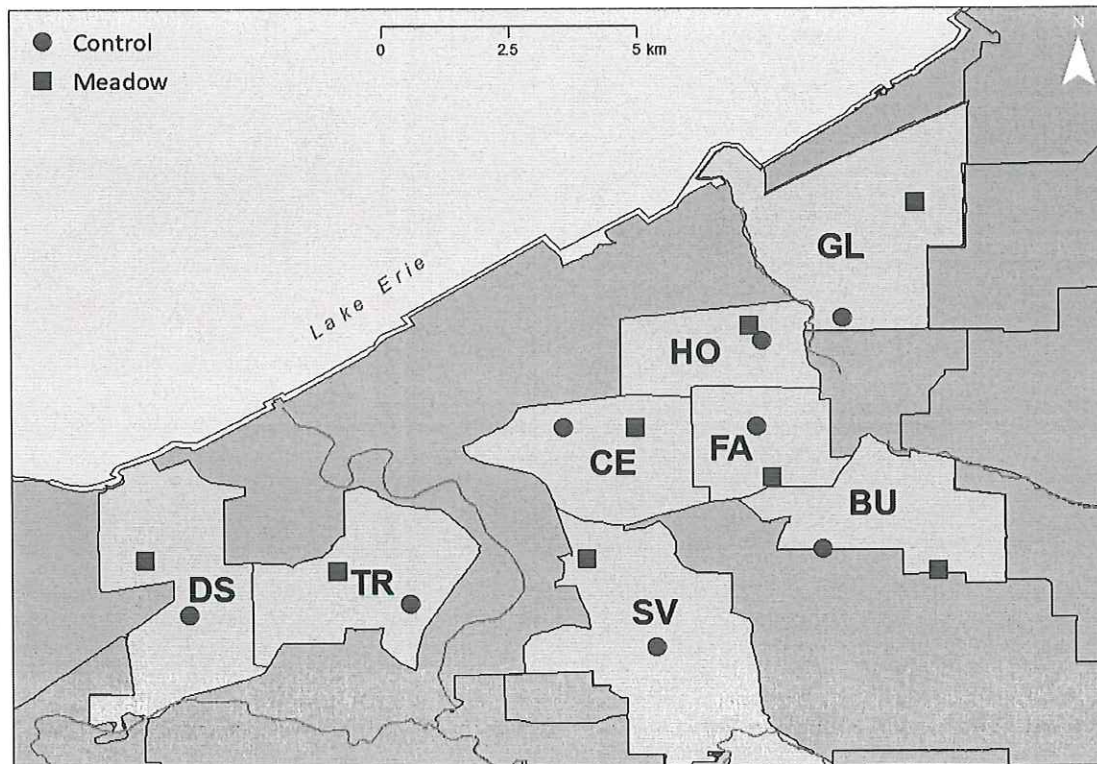


Fig. 1 Map of mosquito collection sites in Cleveland, OH. Light gray shading indicates the eight neighborhoods where mosquitoes were studied: 1) Buckeye (BU), 2) Slavic Village (SV), 3) Central (CE), 4)

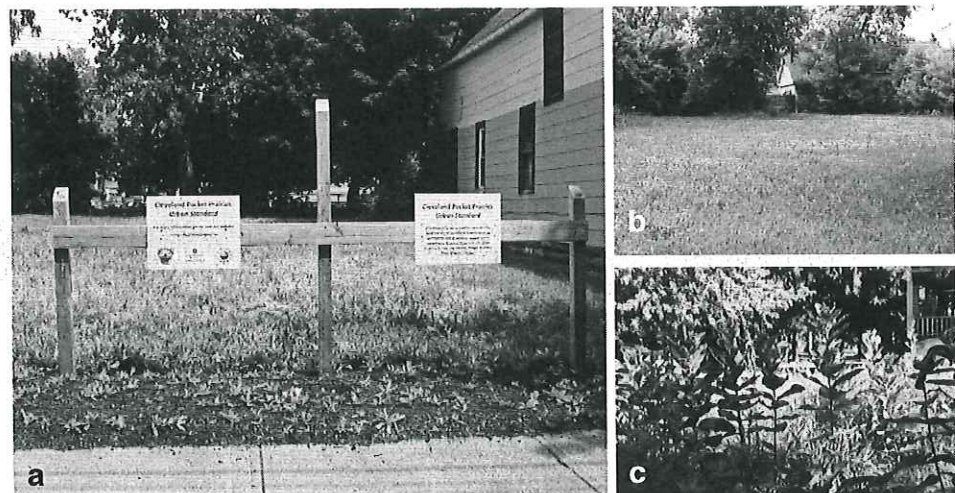
Tremont (TR), 5) Detroit Shoreway (DS), 6) Fairfax (FA), 7) Glenville (GL) and 8) Hough (HO). Circles (Control) and squares (Meadow) indicate the location of each sampled vacant lot

established, the comparative yields of twenty 0.5 m^2 areas were estimated within random quadrats by comparing the average biomass to those five standards. Estimated scores ranged from 1 to 5 and allowed for quarter step (e.g. 4.25) measurements. After comparative yield scores were estimated, all vegetation within the 5 standards was harvested, dried, and weighed. The five dry weights were then used to form a linear regression equation and all 20 estimated yield scores were inserted into

this equation to calculate biomass per quadrat. The calculated biomass of the 20 (0.5 m^2) quadrats was then averaged and used to represent average site biomass in g/m^2 .

Plant diversity was measured from the same twenty, randomly selected, 0.5 m^2 quadrats where biomass was estimated. In each quadrat, the top three most abundant plants were recorded, and species occurrences were summed by site. Dominant plant species diversity per site was then calculated

Fig. 2 Our vacant lot research sites were bordered on the roadside edge with fencing, signage, and bark mulch (a). All sites were cleaned of refuse twice per month. The Control (b) and Meadow (c) treatments were distinguished by mowing frequency. Control treatments were mown monthly and Meadow treatments were cut annually in October. This variation in management influenced vegetation characteristics such as plant diversity, biomass, and the availability of floral resources



with a Shannon-Wiener Index (H), $H = -\sum_{i=1}^R P_i \ln P_i$, where R is the species richness and P_i is the proportion of i th plant species of total number of plants.

Total bloom area was measured at each site from 6 additional, randomly selected, quadrats (1 m^2). In each quadrat, a 0.5 m^2 PVC square was placed centrally, and all flowering species were recorded. Bloom abundance was determined by counting all blooms per flowering species within the sub-quadrat. Then, five individual blooms of each plant species were measured (mm^2) and averaged to determine the mean bloom size for each species. Total bloom area at a site was then calculated as the product of plant species abundance multiplied by each species' mean bloom size. No vegetation data were obtained from the Meadow treatment of Detroit Shoreway for three vegetation samplings (late season 2015, early season 2016, late season 2016) due to accidental mowing by the City of Cleveland Land Bank.

Landscape variables

The Cleveland City Planning Commission provided landscape data for all sites at a 1 m^2 resolution which were combined into the following land cover classes for analysis: *Grass & Shrubs*, *Buildings*, *Impervious Surface* (e.g. streets, highways, railroads), *Tree Canopy over Vegetation*, and *Tree Canopy over Impervious Surface* (buildings and other paved infrastructure). Water was not included in our analysis (despite the importance of water in mosquito biology) because the percentage of water was $<2\%$ of any landscape. Landscape composition was quantified at 60 and 1000 m radii surrounding the central point of each vacant lot site.

Principal components analysis of landscape variables

To reduce the dimensions of the landscape variables, we performed a principal component analysis (PCA) using JMP version 14 (SAS Institute Inc., Cary, NC). Principal component axes were extracted using correlations among variables. A PCA was performed at two spatial scales, 60 m and 1000 m, which encompass a range of average flight distances for weak (*Aedes*) and strong (*Culex*) mosquito fliers. We restricted our analysis to the first two eigenvectors. The variation in landscape variables explained by principal components 1 and 2 ranged from 71.8% to 89.6%.

The interpretation of principal components 1 and 2 was dependent on the spatial scale of analysis (Fig. 3). At 60 m radii, the variables *Buildings* and *Tree Canopy Over Impervious Surfaces* loaded positively on PC1 while the variable *Grass & Shrubs* loaded negatively. Therefore, sites with positive values of PC1 suggest a landscape dominated by built infrastructure, whereas sites with negative values of PC1 suggest a landscape with a higher concentration of grass and

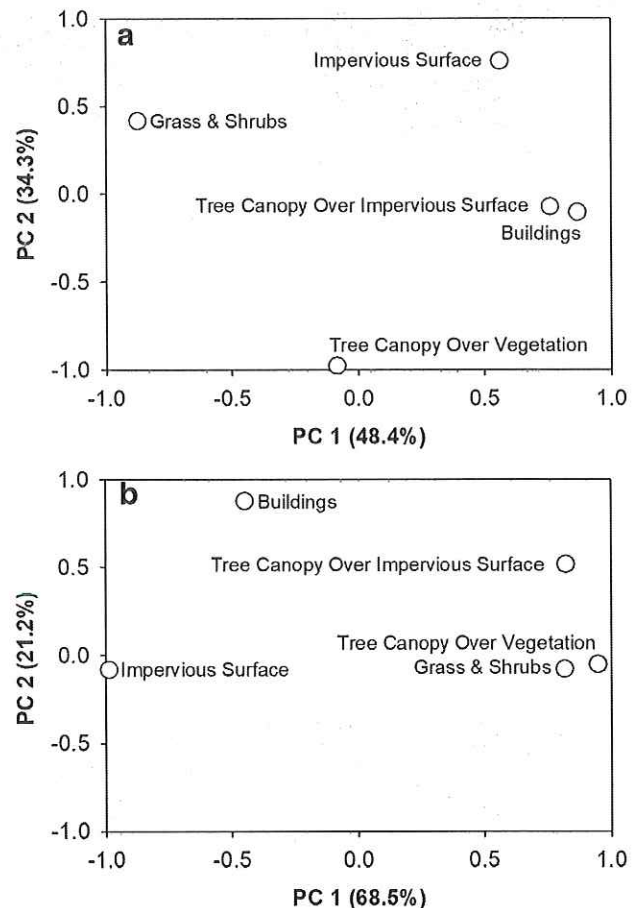


Fig. 3 Principal components analyses (PCA) for landscape variables surrounding 16 vacant lots at radii of (a) 60 m and (b) 1000 m. Circles indicate the principal component loadings of each landscape variable

shrubs. For PC2, sites with positive loadings were associated with more abundant *Impervious Surface* while sites with negative loadings were associated with more *Tree Canopy Over Vegetation* in the landscape (Fig. 3), suggesting sites with high PC2 values were embedded in landscapes with a high concentration of roadways, parking lots and railways whereas sites with low PC2 values were found in landscapes with a greater amount of tree-covered greenspaces.

At a 1000 m landscape radius, *tree canopy* variables and *Grass and Shrubs* loaded positively on PC1, and *Impervious Surface* loaded negatively, indicating that landscapes with high positive PC1 values had a greater green infrastructure whereas landscapes with negative PC1 values were dominated by roads and parking lots. For PC2, *Buildings* had the highest positive loading whereas *Impervious Surface*, *Grass & Shrubs*, and *Tree Canopy Over Vegetation* loaded most negatively (Fig. 3). Therefore, landscapes with high PC2 values were dominated by built structures whereas landscapes with low PC2 values had a greater concentration of greenspace and paved surfaces.

Statistical analyses

To determine if periodic mowing (i.e. a treatment effect) influenced mosquito abundance, we developed generalized linear mixed models (GLMMs) using the “lme4” package (Bates et al. 2015) in R (R Core Team 2014). Due to overdispersion all GLMM models used a negative binomial distribution (Lindén and Mäntyniemi 2011). All analyses were performed separately by trap type (*light* and *gravid*) and mosquito genus (*Aedes* and *Culex*). We examined three response variables: 1) *Aedes* abundance and 2) *Culex* abundance from the light trap collections, and 3) *Culex* abundance from the gravid trap collections. Predictor variables included *Treatment* (Control and Meadow), *Julian date* (as a proxy for seasonal variation in temperature and precipitation), the interaction between *Treatment* and *Julian date*, and *Year*. Random terms included *Julian date* as a random slope and *Neighborhood* (sites located in 8 inner-city neighborhoods) as a random intercept. The ‘Anova’ function in the “car” package (Fox and Weisberg 2011) was then used to perform a Type II analysis of variance that generated analysis of deviance tables from which likelihood-ratio test statistics were obtained. An alpha level of 0.05 was specified for all statistical tests.

To examine how mosquito abundance was influenced by landscape composition and local vegetation characteristics, we developed generalized linear models (GLMs) with a negative binomial distribution using the “MASS” package (Venables and Ripley 2002) in R. We again examined three response variables: 1) *Aedes* abundance and 2) *Culex* abundance from the light trap collections, and 3) *Culex* abundance from the gravid trap collections. Landscape composition variables included *PC1* and *PC2* at both the 1000 m and 60 m scales. Local vegetation variables included *Biomass*, *Diversity*, and *Bloom area*. Additionally, full models included the predictor variables *Julian date* and *Year*. Variance inflation factors were calculated and assessed for each predictor variable to ensure the absence of multicollinearity ($VIF < 3$). Backwards model selection was then performed until reduced models contained predictors significant at an alpha of 0.05.

Results

Mosquito abundance and West Nile virus testing

A total of 2,350 mosquitoes were collected across our 2015 and 2016 sampling periods. *Culex* spp. were most abundant and represented 64.6% and 82.2% of the total mosquitoes captured in 2015 and 2016, respectively. We collected five species of *Aedes* (*Ae. japonicus*, *Ae. vexans*, *Ae. triseriatus*, *Ae. trivittatus* and *Ae. albopictus*), *Anopheles punctipennis*, *Orthopodomyia signifera*, *Uranotaenia sapphirina* and *Coquillettidia perturbans* (Table 1). In 2015 and 2016, *Ae.*

japonicus and *Ae. albopictus* were respectively the most abundant *Aedes* species in our collections; both are invasive species in North America (Bonizzoni et al. 2013; Kaufman and Fonseca 2014). Notably, the abundance of *Ae. albopictus* increased in all traps from 2015 to 2016 (Table 1); this species was collected in four neighborhoods in 2015 (i.e. Central (Control), Glenville (Control and Meadow), Hough (Control) and Tremont (Meadow)), and all eight neighborhoods in 2016.

Of the 92 and 136 pools of *Culex* mosquitoes tested for WNV in 2015 and 2016, respectively, one pool was positive in 2015 (Tremont Control- 8/4) and 4 pools were positive in 2016 (Buckeye Control- 8/2, Slavic Village Meadow- 8/2, Hough Meadow- 8/2, and Hough Meadow- 8/17).

Mosquito abundance: Mowing frequency

Aedes and *Culex* mosquito abundances within CO₂-baited light traps did not significantly differ between mowed Control and unmanaged Meadow treatments in either 2015 or 2016 (*Aedes*: $\chi^2 = 1.06$ (1, $N = 127$), $P = 0.30$; *Culex*: $\chi^2 = 1.77$ (1, $N = 127$), $P = 0.18$) (Table 2, Fig. 4a-d). Similarly, abundances of *Culex* adults caught by gravid traps did not significantly differ between treatments in either year ($\chi^2 = 0.28$ (1, $N = 129$), $P = 0.60$) (Fig. 4e-f). While mowing did not influence mosquito abundance, sampling period was a significant predictor; Julian date was positively associated with *Aedes* abundances from light traps and negatively associated with *Culex* abundances from gravid traps (Table 2). Light traps caught significantly more *Culex* adults in 2015 while gravid traps captured a greater number in 2016 (Table 2).

Mosquito abundance: Local vegetation and landscape variables

Aedes and *Culex* mosquito abundances were significantly influenced by both landscape composition and local vegetation variables. Greater vegetation diversity within a vacant lot was positively associated with increased *Aedes* and *Culex* catches from CO₂-baited light traps (Table 3). Vegetation biomass also positively influenced *Aedes* abundances within light traps (Table 3). However, we did not find a significant relationship between bloom area and mosquito abundance. At the 60 m radius landscape scale we found a negative relationship between *Aedes* and *Culex* light trap captures and PC1, indicating that mosquitoes were collected more frequently in lots surrounded by a high proportion of grass and shrub habitat (Fig. 3). We also found a negative relationship between PC2 and *Aedes* light trap captures at 60 m (Table 3), indicating that these mosquitoes were collected more frequently in sites surrounded by increased urban tree canopy over vegetation versus impervious surface (Fig. 3). We found no significant

Table 1 Mosquito abundance collected by (A) CO₂-baited light traps and (B) gravid traps from Control and Meadow treatment sites in Cleveland, OH in 2015 and 2016

Species	2015 Mosquitoes (n = 511)				2016 Mosquitoes (n = 486)			
	Control (n = 254)		Meadow (n = 257)		Control (n = 274)		Meadow (n = 212)	
	Total (%)	Mean ± SEM	Total (%)	Mean ± SEM	Total (%)	Mean ± SEM	Total (%)	Mean ± SEM
<i>Culex spp.</i>	151 (59.45)	4.72 ± 1.32	114 (44.36)	3.80 ± 0.59	149 (54.38)	3.31 ± 0.74	93 (41.89)	2.27 ± 0.68
<i>Aedes vexans</i>	29 (11.42)	0.91 ± 0.31	43 (16.73)	1.43 ± 0.42	16 (5.84)	0.36 ± 0.20	3 (1.35)	0.08 ± 0.04
<i>Ae. japonicus</i>	31 (12.20)	0.97 ± 0.30	53 (20.62)	1.77 ± 0.46	19 (6.93)	0.42 ± 0.16	16 (7.21)	0.40 ± 0.21
<i>Ae. trivittatus</i>	20 (7.87)	0.63 ± 0.37	34 (13.23)	1.13 ± 0.51	1 (0.36)	0.02 ± 0.02	0	0
<i>Ae. triseriatus</i>	9 (3.54)	0.28 ± 0.11	4 (1.56)	0.13 ± 0.06	10 (3.65)	0.22 ± 0.12	33 (14.86)	1.08 ± 0.63
<i>Ae. albopictus</i>	9 (3.54)	0.28 ± 0.14	3 (1.17)	0.10 ± 0.06	65 (23.72)	1.44 ± 0.66	64 (28.83)	1.60 ± 0.64
<i>Anopheles punctipennis</i>	5 (1.97)	0.16 ± 0.08	4 (1.56)	0.13 ± 0.08	10 (3.65)	0.22 ± 0.15	2 (0.90)	0.05 ± 0.05
<i>Orthopodomyia signifera</i>	0	0	1 (0.39)	0.03 ± 0.03	1 (0.36)	0.02 ± 0.02	0	0
<i>Coquillettia perturbans</i>	0	0	1 (0.39)	0.03 ± 0.03	3 (1.09)	0.07 ± 0.07	1 (0.45)	0.03 ± 0.02
Species	2015 Mosquitoes (n = 251)				2016 Mosquitoes (n = 1102)			
	Control (n = 115)		Meadow (n = 136)		Control (n = 568)		Meadow (n = 534)	
	Total (%)	Mean ± SEM	Total (%)	Mean ± SEM	Total (%)	Mean ± SEM	Total (%)	Mean ± SEM
<i>Culex spp.</i>	109 (94.78)	3.52 ± 1.52	118 (86.76)	4.21 ± 1.46	556 (97.89)	11.83 ± 3.57	508 (95.13)	11.81 ± 2.32
<i>Aedes vexans</i>	1 (0.87)	0.03 ± 0.03	0	0	0	0	0	0
<i>Ae. japonicus</i>	3 (2.61)	0.10 ± 0.07	17 (12.50)	0.59 ± 0.14	8 (1.41)	0.17 ± 0.06	17 (3.18)	0.40 ± 0.09
<i>Ae. triseriatus</i>	1 (0.87)	0.03 ± 0.03	0	0	0	0	5 (0.94)	0.12 ± 0.10
<i>Ae. albopictus</i>	0	0	0	0	2 (0.35)	0.04 ± 0.03	4 (0.75)	0.09 ± 0.07
<i>An. punctipennis</i>	1 (0.87)	0.03 ± 0.03	1 (0.74)	0.03 ± 0.03	1 (0.18)	0.02 ± 0.02	0	0
<i>Uranotaenia sapphirina</i>	0	0	0	0	1.00 (0.18)	0.02 ± 0.02	0	0

Mean ± SEM was calculated across sites and sampling dates

relationship between gravid trap captures of *Culex* females and either PC1 or PC2 at 60 m (Table 3). At the 1000 m radius scale, we found a positive relationship between *Aedes* within CO₂-baited light traps and PC2 (Table 3), indicating that a greater number of adult *Aedes* were found in sites surrounded by a high concentration of built infrastructure (Fig. 3). We found no significant relationship between *Culex* light trap captures and either PC1 or PC2 at 1000 m. Finally, we observed a negative relationship between PC2 at 1000 m and gravid trap captures of *Culex* (Table 3), which illustrated that females seeking oviposition sites were more common in landscapes with fewer buildings and a greater proportion of grass and shrub habitat and impervious surface (Fig. 3).

Discussion

Cleveland, OH has lost over 50% of its peak human population and currently maintains over 27,000 vacant lots with periodic mowing. Our study aimed to understand the impacts of mowing activity, resultant vegetation, and landscape composition on adult mosquito communities within inner-city vacant lots. While this overabundance of vacant land is unique to shrinking cities contexts, management through mowing is a common practice for urban greenspaces. Whether the target is

spontaneous plant communities on vacant land or seeded turf grass in parks or cemeteries, mowing is viewed as a means to improve aesthetics and address nuisance species including mosquitoes (Heynen et al. 2006; McCormack et al. 2014; Riley et al. 2018b). However, mowing is a significant financial burden when considering the large area of vacancy in many cities and can reduce the conservation value provided by these reclaimed greenspaces (Cizek et al. 2012; van de Poel and Zehm 2014; Wastian et al. 2016). Many conservation-based management strategies for vacant land suggest reducing the intensity of site management to promote desired wildlife (i.e., Gardiner et al. 2013), however, these initiatives may have unintended consequences if they influence vector-host-disease relationships (Riley et al. 2018a). Importantly, we documented that reduced mowing did not result in higher *Aedes* or *Culex* abundance within vacant lots. However, we did find local plant diversity and biomass as well as surrounding landscape context shape the distribution of adult mosquitoes within vacant land, resulting in implications for conservation initiatives.

Heterogeneity in habitat persistence, size, and quality are known to influence vector survivorship and transmission potential (LaDeau et al. 2015). Therefore, we hypothesized that periodic mowing, representing a significant habitat disturbance, would result in localized reductions in mosquito

Table 2 Summary of generalized linear mixed models examining the impact of treatment across seasons and years on adult mosquito abundances from CO₂-baited light and gravid traps

Predictors	CO ₂ -baited light traps					Gravid traps									
	<i>Aedes</i>					<i>Culex</i>									
	RE	SE	IRR	ER	p	RE	SE	IRR	ER	p	RE	SE	IRR	ER	p
<i>Intercept</i>	-3.56	1.94	0.03		0.066	2.22	1.81	9.23		0.220	8.34	1.51	4196		< 0.001
<i>Treatment: Meadow</i>	0.57	2.19	1.77	77%	0.794	0.35	2.43	1.42	42%	0.885	-0.49	2.40	0.61	-39%	0.839
<i>Julian date</i>	0.02	0.00	1.02	2%	0.017	0.00	0.00	1.00	0	0.836	-0.03	0.01	0.97	-3%	< 0.001
<i>Year: 2016</i>	-0.35	0.29	0.70	-30%	0.224	-0.70	0.27	0.50	-50%	0.009	0.84	0.26	2.31	131%	0.001
<i>Treatment* Julian date</i>	0.00	0.01	1.00	0	0.900	0.00	0.01	1.00	0	0.778	0.00	0.01	1.00	0	0.797

p value <0.05 considered significant (bolded)

RE regression estimate, SE standard error, IRR incidence rate ratio, ER effect on response variable

* indicates interaction

populations. Mowing could negatively impact mosquito populations by causing direct mortality, reducing suitability of a patch for host populations (i.e. birds), or by removing floral resources utilized by adult mosquitoes (Swengel 2001; Cizek et al. 2012). Instead, our findings suggest that mowing, an economically and ecologically costly activity (Wastian et al. 2016; Community Research Partners and Rebuild Ohio 2008), is not necessarily helpful in mosquito control. This information is informative to vacant lot management as well as urban parks and open spaces, which employ strategies such as reduced mowing frequency or establishment of taller meadow plantings to promote conservation initiatives (Southon et al. 2017).

Importantly, we did not measure how mowing frequency might impact mosquito reproductive success, which is key to

understanding how this shift in management could impact public health. In some instances, mowing has resulted in improved conditions for mosquito larvae (MacKay et al. 2016). For example, plant detritus resulting from mowing was found to enrich aquatic microhabitats for larval mosquitoes within dry retention basins (Mackay et al. 2016). Removing emergent vegetation from semi-aquatic habitats can also interrupt predator-prey interactions (Grieco et al. 2005), increase bacteria that facilitate larval growth (Walton and Jiannino 2005) and increase the attraction of female mosquitoes to sites for oviposition (Jiannino and Walton 2004). Conversely, larval development may also be enhanced in sites with reduced management or mowing. Sites that are considered unmanaged by passersby are at higher risk of dumping (Nassauer and Raskin 2014) and litter can serve as breeding sites for mosquitoes

Table 3 Summary of generalized linear models examining the impact of landscape and local vegetation variables across seasons and years on adult mosquito abundances from CO₂-baited light and gravid traps

Predictors	CO ₂ -baited light traps					Gravid traps									
	<i>Aedes</i>					<i>Culex</i>									
	RE	SE	IRR	ER	p	RE	SE	IRR	ER	p	RE	SE	IRR	ER	p
<i>Intercept</i>	-6.43	1.84	0.00		< 0.001	-1.46	1.27	0.23		0.253	8.13	0.97	3404		< 0.001
<i>Year: 2016</i>											0.87	0.26	2.39	139%	< 0.001
<i>Julian date</i>	0.02	0.01	1.02	2%	0.004						-0.03	0.00	0.97	-3%	< 0.001
<i>PC2 1000 m</i>	0.44	0.15	1.56	56%	0.003						-0.26	0.12	0.77	-23%	0.03
<i>PC1 60 m</i>	-0.22	0.10	0.80	-20%	0.027	-0.20	0.09	0.82	-18%	0.022					
<i>PC2 60 m</i>	-0.41	0.17	0.66	-44%	< 0.001										
<i>Biomass</i>	0.01	0.00	1.01	1%	0.008										
<i>Diversity</i>	1.85	0.75	6.37	537%	0.014	1.45	0.67	4.27	327%	0.031					

The inclusion of predictor variables associated with each response variable was based on backwards model selection. Blank values in the table indicate that the predictor variable's p value was >0.05 and the variable was subsequently removed from the final model

p value <0.05 considered significant (bolded)

RE regression estimate, SE standard error, IRR incidence rate ratio, ER effect on response variable

(Dowling et al. 2013; Becker et al. 2014; Little et al. 2017a). For instance, the abundance of water-holding containers littering a habitat has been found to be a key predictor of *Ae. albopictus* occurrence (Dowling et al. 2013). Further, shading from tall vegetation could slow evaporation from water-holding garbage during hot/dry periods. Within our sampled vacant lots, trash was removed twice per month from all sites, reducing potential larval habitats. However, within standard city-managed vacant lots, trash removal is not typical. We might have found different results had we left trash unmanaged as mowing is likely to destroy a proportion of water-holding refuse containers whereas unmown lots would have remained undisturbed. Thus, future research incorporating larval trends with adult populations would help disentangle these variable drivers at different timepoints in mosquito species' life cycle. If conservation initiatives do prescribe reduced mowing, regular trash removal may also be helpful in avoiding unintentional mosquito increases (Dowling et al. 2013).

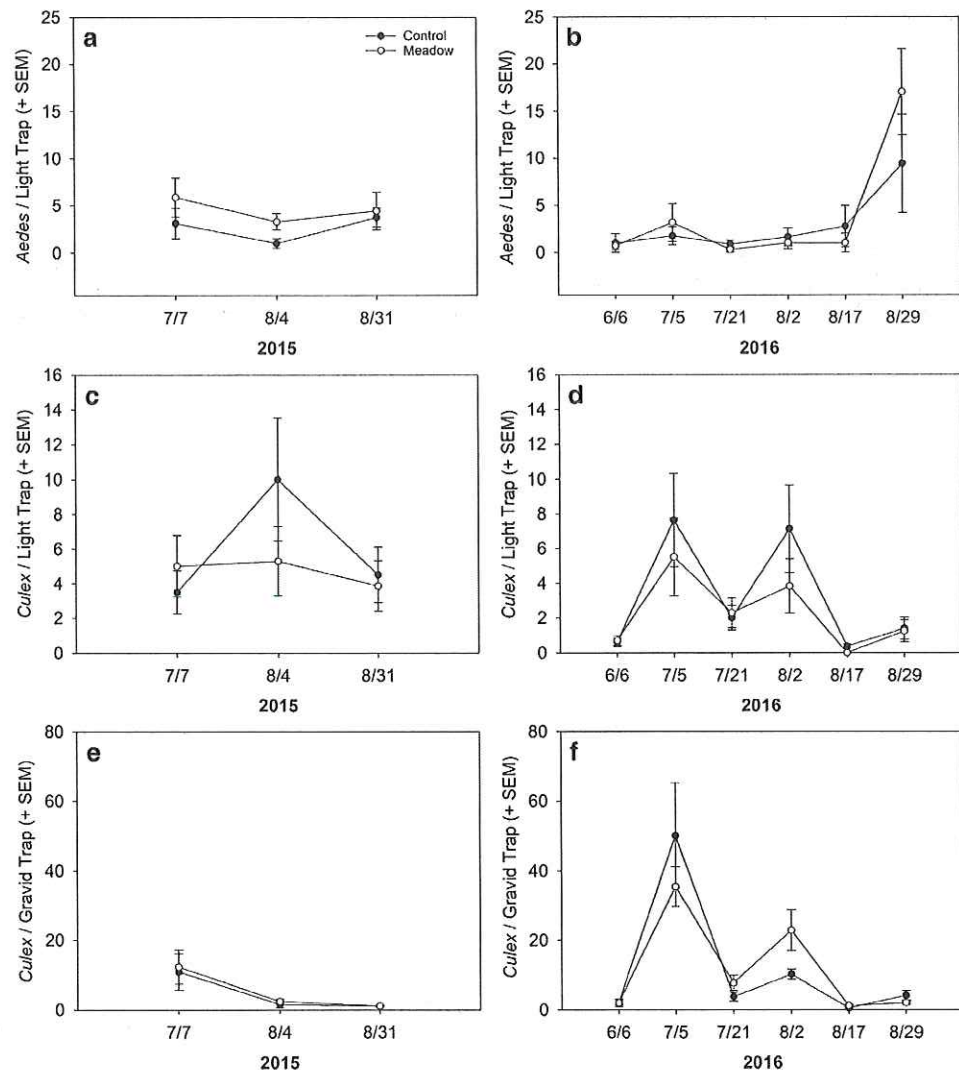
To date, urban conservation initiatives for vacant lot management have focused on altering existing weedy vegetation by creating habitats such as native wildflower plantings or urban farms (Burkman and Gardiner 2015; Delgado de la Flor et al. 2017; Sivakoff et al. 2018). To gauge how shifts in vegetation design might influence mosquito communities we also measured several vegetation variables and found that, as we had predicted, vegetation diversity and biomass were positively correlated with *Aedes* and *Culex* abundance in light traps. Species rich plant communities provide nectar and pollen resources (Foster 1995; Stone et al. 2012), and resting areas/refuge from predators (Gardner et al. 2013). As such, adult mosquitoes are often strongly associated with vegetation, which provides food, shade, and shelter for them (Zhou et al. 2007; Brown et al. 2008; Roiz et al. 2015). For instance, the abundance and condition of vegetation within an urban landscape (NDVI) as well as its internal water content (DNVI) have been positively related to mosquito abundance (Brown et al. 2008). Therefore, changing plant community composition and structural complexity can influence adult mosquito survival, biting rates, and vectorial capacity (Stone et al. 2012). This raises concern, as managing for a rich plant community is a common goal of conservation-minded plantings, focused on supporting beneficial arthropods and other wildlife (Burkman and Gardiner 2015; Hicks et al. 2016; Delgado de la Flor et al. 2017). However, our treatments were generally dominated by exotic and/or weedy species, such as chicory (*Cichorium intybus* L.), red clover (*Trifolium pratense* L.) and Queen Anne's lace (*Daucus carota* L.) (Supplementary Table 1). Therefore, our findings may not be directly applicable to conservation efforts focused on establishing and maintaining native plants within greenspaces. Some mosquito predators, such as birds, may also recruit to more diverse plant communities that incorporate native

vegetation (Burghardt et al. 2009) thereby mitigating plant diversity's positive influence on mosquito abundances. Moreover, our results indicated that bloom area was not a significant predictor of mosquito abundance. This finding implies that adding more flowering species to an urban conservation site may ultimately have no net effect on mosquito abundances, while still supporting local conservation targets.

The distribution of mosquitoes across Cleveland's vacant lots was also driven by landscape patterns. Following our hypothesis, we found partial support that mosquito abundances are higher in greener landscapes. At a localized scale of 60 m, we captured more mosquitoes in our light traps when landscapes had greater proportions of tree canopy over vegetation (*Aedes*) and grass and shrubs (both *Aedes* and *Culex*). Gravid *Culex* mosquitoes, however, did not follow any trends at a 60 m radius, potentially because *Culex* females tend to fly longer distances when seeking oviposition sites (Hamer et al. 2014). At a 1000 m radius scale, gravid *Culex* females captures declined as the land cover occupied by buildings increased. As *Culex* mosquitoes are known to utilize urban structures for oviposition, (e.g. drainage infrastructure, residential area) (Deichmeister and Telang 2011; Ferraguti et al. 2016), this result is somewhat surprising. Instead, gravid *Culex* females were more frequently captured from vacant lots surrounded by green land cover and impervious surface at 1000 m. Positive associations between mosquitoes and tree cover have also been detected previously (Landau and Van Leeuwen 2012). These patterns could be due to several variables, ranging from woody vegetation aiding adult dispersal (Lacroix et al. 2009), supporting increased vertebrate host abundance (Anderson et al. 2006; Molaci et al. 2006), and/or resulting in a higher number of both natural oviposition sites as well as tires and refuse commonly discarded in minimally-managed greenspaces (Kaufman et al. 2010; Bartlett-Healy et al. 2012; Gardner et al. 2013). Interestingly, at the 1000 m radius scale we found that landscapes with increasing concentrations of buildings and tree canopy over impervious surface resulted in higher *Aedes* captures in light traps. Variation in the response of *Aedes* could be due to a concentration effect at our larger landscape scale, wherein a greater proportion of the urban species pool relies on each individual habitat patch to provide critical resources when fewer sites are available (Veddeler et al. 2006, Sivakoff et al. 2018). A similar pattern has been documented for bees within vacant lots, where abundance was positively correlated with green landscapes locally and built infrastructure at larger landscape scales (Sivakoff et al. 2018).

Finally, temperature and precipitation can significantly influence mosquitoes and WNV prevalence (Chase and Knight 2003; Wang et al. 2010; Paaijmans et al. 2007; Ruiz et al. 2010; Little et al. 2017a). We observed significant annual variability for *Culex* abundances in both trap types, with fewer adults captured in light traps and more captured in gravid traps

Fig. 4 Adult *Culex* and *Aedes* species collected within Control versus Meadow treatment vacant lots using CO₂-baited light traps and grass-infused gravid traps in 2015 and 2016. Light-trapped *Aedes* mosquito abundances (a and b) and light-trapped *Culex* mosquito abundances (c and d) from 2015 and 2016 are shown. We found no difference in *Aedes* or *Culex* abundance among our treatments. Gravid *Culex* mosquito abundances from 2015 and 2016 (e and f) are also shown. We also found no difference in gravid *Culex* abundance among our treatments



in 2016. Warmer temperatures have been shown to result in a higher light trap catch of *Culex* mosquitoes (DeGaetano 2005), yet we found a reduced abundance of *Culex* in 2016, when average daily temperatures recorded within Cleveland, OH were three degrees warmer during our sampling period (21.2 versus 24.2 °C in 2015 and 2016, respectively (NOAA 2018)). This counterintuitive finding might be due to precipitation, as drier conditions have been shown to reduce *Culex* catches within light traps (DeGaetano 2005), and precipitation was reduced during our 2016 study period (6.7 versus 11.0 cm of rainfall from June–August) (NOAA 2018). Furthermore, drier conditions may also have resulted in decreased habitat quality, which has been shown to result in greater attraction of females to artificial oviposition sites and a higher concentration of collected mosquitoes within gravid traps (O’Meara et al. 1989).

Conclusion

Managing urban greenspaces through periodic mowing can be very expensive and destructive to pollinators and other beneficial arthropod communities. However, reducing mowing intensity may also enhance arthropod vector abundances and harm public health. We demonstrated that periodic mowing did not affect adult mosquito abundances in urban vacant land, suggesting that less intensive management does not increase risks of mosquito-borne disease transmission. These findings provide further support for the potential of vacant land as a conservation space. However, additional research should clarify how reduced greenspace mowing influences mosquitoes’ larval development and their interactions with potential hosts and predators. Successful greenspace management must balance ecosystem functioning, cities’ financial resources, and

residents' opinions (Turo and Gardiner 2019). As urban greenspaces continue to grow in popularity and number, city planners and leaders need to consider how their greenspace designs and management strategies influence disease vectors and avoid unintended ecosystem disservices associated with mosquitoes and human health.

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References

- Anderson JF, Andreadis TG, Main AJ, Ferrandino FJ, Vossbrinck CR (2006) West Nile virus from female and male mosquitoes (Diptera: Culicidae) in subterranean, ground, and canopy habitats in Connecticut. *J Med Entomol* 43:1010–1019. <https://doi.org/10.1603/0022-2585>
- Bartlett-Healy K, Unlu I, Obenauer P, Hughes T, Healy S, Crepeau T, Farajollahi A, Kesavaraju B, Fonseca D, Schoeler G, Gaugler R, Strickman D (2012) Larval mosquito habitat utilization and community dynamics of *Aedes albopictus* and *Aedes japonicus* (Diptera: Culicidae). *J Med Entomol* 49:813–824. <https://doi.org/10.1603/ME11031>
- Bates D, Maechler M, Bolker B, Walker S (2015) Fitting linear mixed-effects models using lme4. *J Stat Softw* 67:1–48. <https://doi.org/10.18637/jss.v067.i01>
- Becker B, Leisnham PT, LaDeau SL (2014) A tale of two city blocks: differences in immature and adult mosquito abundances between socioeconomically different urban blocks in Baltimore (Maryland, USA). *Int J Environ Res Public Health* 11:3256–3270. <https://doi.org/10.3390/ijerph110303256>
- Bonizzoni M, Gasperi G, Chen X, James AA (2013) The invasive mosquito species *Aedes albopictus*: current knowledge and future perspectives. *Trends Parasitol* 29:460–468. <https://doi.org/10.1016/j.pt.2013.07.003>
- Braaker S, Ghazoul J, Obrist MK, Moretti M (2014) Habitat connectivity shapes urban arthropod communities: the key role of green roofs. *Ecology* 95:1010–1021
- Brown H, Diuk-Wasser M, Andreadis T, Fish D (2008) Remotely-sensed vegetation indices identify mosquito clusters of West Nile virus vectors in an urban landscape in the northeastern United States. *Vector-Borne Zoonotic Dis* 8:197–206. <https://doi.org/10.1089/vbz.2007.0154>
- Burghardt KT, Tallamy DW, Shriver WG (2009) Impact of native plants on bird and butterfly biodiversity in suburban landscapes. *Conserv Biol* 23:219–224. <https://doi.org/10.1111/j.1523-1739.2008.01076.x>
- Burkholder S (2012) The new ecology of vacancy: rethinking land use in shrinking cities. *Sustainability* 4:1154–1172. <https://doi.org/10.3390/su4061154>
- Burkman CE, Gardiner MM (2015) Spider assemblages within greenspaces of a deindustrialized urban landscape. *Urban Ecosyst* 18:793–818. <https://doi.org/10.1007/s11252-014-0430-8>
- Chase JM, Knight TM (2003) Drought-induced mosquito outbreaks in wetlands. *Ecol Lett* 6:1017–1024. <https://doi.org/10.1046/j.1461-0248.2003.00533.x>
- Chaves LF, Keogh CL, Vazquez-Prokopec GM, Kitron UD (2009) Combined sewage overflow enhances oviposition of *Culex quinquefasciatus* (Diptera: Culicidae) in urban areas. *J Med Entomol* 46:220–226. <https://doi.org/10.1603/033.046.0206>
- Cizek O, Zamecnik J, Tropek R, Kocarek P, Konvicka M (2012) Diversification of mowing regime increases arthropods diversity in species-poor cultural hay meadows. *J Insect Conserv* 16:215–226. <https://doi.org/10.1007/s10841-011-9407-6>
- Community Research Partners, Rebuild Ohio (2008) \$60 Million and counting: The cost of vacant and abandoned properties to eight Ohio cities
- DeGaetano AT (2005) Meteorological effects on adult mosquito (*Culex*) populations in metropolitan New Jersey. *Int J Biometeorol* 49:345–353. <https://doi.org/10.1007/s00484-004-0242-2>
- Deichmeister JM, Telang A (2011) Abundance of West Nile virus mosquito vectors in relation to climate and landscape variables. *J Vector Ecol* 36:75–85. <https://doi.org/10.1111/j.1948-7134.2011.00143.x>
- Delgado de la Flor YA, Burkman CE, Eldredge TK, Gardiner MM (2017) Patch and landscape-scale variables influence the taxonomic and functional composition of beetles in urban greenspaces. *Ecosphere*. 8. <https://doi.org/10.1002/ecs2.2007>
- Dowling Z, Ladeau SL, Armbruster P, Biehler D, Leisnham PT (2013) Socioeconomic status affects mosquito (Diptera: Culicidae) larval habitat type availability and infestation level. *J Med Entomol* 50:764–772. <https://doi.org/10.1603/ME12250>
- Escobedo FJ, Kroeger T, Wagner JE (2011) Urban forests and pollution mitigation: analyzing ecosystem services and disservices. *Environ Pollut* 159:2078–2087. <https://doi.org/10.1016/j.envpol.2011.01.010>
- Ferber U, Schlappa H (2016) Managing brownfield land in stagnant land markets. In: Schlappa H, Neill WJV (eds) Future directions for the European shrinking city. Routledge, New York, pp 138–154
- Ferraguti M, Martínez-De La Puente J, Roiz D et al (2016) Effects of landscape anthropization on mosquito community composition and abundance. *Sci Rep* 6:1–9. <https://doi.org/10.1038/srep29002>
- Foster WA (1995) Mosquito sugar feeding and reproductive energetics. *Annu Rev Entomol* 40:443–474
- Fox J, Weisberg S (2011) An {R} companion to applied regression, 2nd edn. Sage, Thousand Oaks
- Freed TZ, Leisnham PT (2014) Roles of spatial partitioning, competition, and predation in the north American invasion of an exotic mosquito. *Oecologia* 175:601–611. <https://doi.org/10.1007/s00442-014-2909-7>
- Gardiner MM, Burkman CE, Prajzner SP (2013) The value of urban vacant land to support arthropod biodiversity and ecosystem services. *Environ Entomol* 42:1123–1136. <https://doi.org/10.1603/EN12275>
- Gardiner MM, Prajzner SP, Burkman CE, Albro S, Grewal PS (2014) Vacant land conversion to community gardens: influences on generalist arthropod predators and biocontrol services in urban greenspaces. *Urban Ecosyst* 17:101–122. <https://doi.org/10.1007/s11252-013-0303-6>
- Gardner AM, Anderson TK, Hamer GL, Johnson DE, Varela KE, Walker ED, Ruiz MO (2013) Terrestrial vegetation and aquatic chemistry influence larval mosquito abundance in catch basins, Chicago, USA. *Parasites and Vectors* 6:1–11. <https://doi.org/10.1186/1756-3305-6-9>



MOTHER NATURE NETWORK

'lazy' lawn mowers are heroes for bees



Mowing less often can benefit your local bees, a new study finds.



RUSSELL MCLENDON

March 23, 2018, 12:24 p.m.



Bee abundance was highest in lawns mowed every two weeks, researchers report. (Photo: Irina Kozorog/Shutterstock)

There's no shame in an unmowed lawn. Not only can wild yards and gardens look better than commonly believed, but cutting back on cutting grass can save significant time, energy and money. According to a new study, it could even help save bees.

Led by ecologist Susannah Lerman at the University of Massachusetts Amherst and the U.S. Forest Service, the study examined how homeowners can boost bee habitat with their lawn-care habits. Mowing every other week seems to be the sweet spot.

"We found that backyards can be a surprisingly beneficial habitat for bees," Lerman says in a statement. "Mowing less frequently is practical, economical and a time-saving alternative to replacing lawns or even planting pollinator gardens."

Flower power



Aside from costing time and money, mowing a lawn may limit its ability to support bees. (Photo: Gyvafoto/Shutterstock)

Why would bees care how often we cut our grass? By mowing every two weeks instead of weekly, we allow more blooming of "weed" flowers like clover and dandelions, thus providing more foraging habitat for local bees. Habitat loss is an increasingly dire problem for many bees and other pollinators, whose ancestral wildflower meadows are increasingly replaced by human development.

Yet because grassy lawns are so widespread in many human-altered landscapes — with roughly 40 million acres across the U.S., for example — their collective influence on bee populations could be huge. That's why Lerman and her colleagues decided to investigate the effects of a "lazy lawn mower" approach, as they call it.

For their study, published in the journal *Biological Conservation*, the researchers recruited 16 homeowners with lawns in Springfield, Massachusetts. They divided the homeowners into three groups, then mowed their lawns at one of three frequencies — every week, every two weeks or every three weeks — for two summers.

Each lawn received five scientific surveys per season, starting with a property-wide count of "yard flowers" (ornamentals unaffected by mowing) and "lawn flowers" (plants like clover and dandelion growing within the grass). The researchers also recorded average grass height for each lawn, as well as bee abundance and biodiversity, to see how the insects responded to different mowing rates.

Lazy like a fox



A North American orange-bellied bumblebee explores a grassy lawn with dandelions. (Photo: Liga Petersone/Shutterstock)

More than 4,500 individual bees were observed during the study period, representing about 100 different species. This included a motley crew of native bees, the authors point out, from various bumblebees and carpenter bees to leafcutter, mason and sweat bees. The exotic European honeybee (*Apis mellifera*) made lots of appearances, too, but it was often outnumbered by native species.

Yards mowed every three weeks had up to 2.5 times more lawn flowers, the study found, and hosted a greater diversity of bee species. Yet the abundance of bees was highest in lawns mowed every two weeks, which supported 30 percent more bees than lawns mowed at one- or three-week intervals.

It makes sense that weekly mowing was associated with fewer bees, since it limits the availability of lawn flowers. But if a lawn mowed every three weeks has more flowers than a lawn mowed every two weeks, why wouldn't it also have more bees?

The study's authors aren't sure, but they have a theory. The taller grass in lawns mowed every three weeks, they write, "may have prohibited access to the flowers, rendering the floral-abundant lawns less attractive." **In other words, lawns mowed every two weeks offered the bee-friendliest balance of grass height and flowers.**



Bee the change



Untreated lawns can host a surprising abundance and diversity of bees, researchers say. (Photo: MagicBones/Shutterstock)

It might seem trivial to study the landscaping preferences of bees, but only if you ignore the huge ecological and economic roles they play. Bees of all stripes are vital pollinators of wild plants and agricultural crops, enabling a wide array of foods and resources. That includes managed honeybees — which pollinate plants that provide a quarter of all food eaten in the U.S., accounting for more than \$15 billion in increased crop value per year — but also many less famous wild species.

About 87 percent of all flowering plants rely on pollination by bees or other animals, often pinning their hopes on just a few local species. Yet many important pollinators are now in decline around the world, a crisis that is widely linked to human-related trends like habitat loss, pesticide use, urbanization and invasive species. This has sparked urgent efforts to save bees, butterflies and other pollinators, including campaigns to curb insecticide use or restore swaths of native prairie.



A bumblebee and a monarch butterfly share a liatris plant. (Photo: Edward K. Boggess/U.S. Fish and Wildlife Service)

Big projects like those are important, but the new study also hints at the collective bee-boosting power of individual landowners. According to co-author Joan Milam, an ecologist and bee expert at UMass Amherst, these findings highlight how easy it can be for ordinary people to help bees. "I was amazed at the high level of bee diversity and abundance we documented in these lawns," she says in a university statement, "and it speaks to the value of the untreated lawn to support wildlife."

The "untreated" part is key to that value, adds co-author Alexandra Contosta, a post-doctoral research associate at the University of New Hampshire. "There is evidence that even though lawns are maintained to look uniform," she says, "they may support diverse plant communities and floral resources if the owners refrain from using herbicides to kill 'weeds' such as dandelions and clover."



Lawn flowers like clover, often vilified as weeds, can be valuable food sources for bees. (Photo: Maxim Tupikov/Shutterstock)

While this is promising, the new study does have some limitations, its authors point out, and it's just one piece of a puzzle we're still putting together. "We acknowledge our small sample size and the study's limitation to suburban Massachusetts," says co-author and Arizona State University ecologist Christofer Bang, although he adds "the findings may be applicable in all temperate areas where lawns dominate."

The findings may also help erode the laziness stigma for non-weekly mowers, since the every-two-weeks approach could appeal to people who aren't obsessive about grass height but aren't ready to embrace the no-mow movement, either.

"While I would never 'let my lawn go,'" one of the study participants says, "I can certainly let it get a little higher than my neighbors' lawns and not feel guilty."



Russell McLendon ([@russmclendon](#)) writes about humans and other wildlife.

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Y = Keep it where it is. I = Indifferent N = Move it

Sculpture Valley Thank you all for your positive comments. For those of you with divergent opinions, you should also feel welcome to share them here. This is about community dialogue and the collective arts experience. Keep the conversations going and please share this post with others who have options about this work, we want to hear from everyone :)

I Jessy Glaser What is the artist trying to express through this sculpture? I live very close to this artwork and there's been a lot of discussion about it.

Sculpture Valley Jessy Glaser so, first I'll share some info that was posted by Lee Snodgrass about the sponsors and who the artwork is honoring;

My dear friend Jeni Moore and her dad, retired Dr. Brian Moore sponsored this as a tribute to her mom who passed away afte...See More



FINDAGRAVE.COM

Linda Kuplic Moore (1944-2006) - Find A Grave...

Lauren Gougeon Diedrich Who is the artist?

Sculpture Valley Lauren Gougeon Diedrich Paul Bobrowitz Jr.

Y Eric Stadler I love the sculpture at the west end of the College Avenue bridge! So cool. Nice work out there by you and your band of volunteers and sponsors.

Y Tinna R. Carper I love this sculpture. It sparked a conversation with my grandkids. Ages 3,7,10 and 13. Everyone had something to add. The most amazing thing is they all appreciated the piece.

Y Lisa Grosz I really love and appreciate this sculpture!

Y Shawn Van Deusen We loved this piece when we saw it the other day!!

Y John Nebel Worthy Work result ALEX ?

I Adrienne Fuhrmann Is there a statement or story that goes with it?

Sculpture Valley Adrienne Fuhrmann and then I'll share some insight into the artists inspiration and how we, the ACRE jury, thought it would say about our community.

The artist described the work as an amalgamation of the many voices that spoke to him as he works to come up with ideas for sculpture. A collection of divergent thoughts distilled into something more defined.

Y Kristi Lyn Thank you so much for this awesome piece of art. My kids and I loved every inch of it. The minute we seen it we had to stop and have a close look!!! My oldest loves his nose while I thought the eyes were very curious!!!!!! Thanks again!!!!



Y Judy Gaines I look forward to seeing this as I drive across the bridge. I haven't been able to look long enough so will soon walk over. Thanks for the gift.

Y Brian Leone Tracy I drove past it this weekend and it surprised me and made me smile. Happy to see this one make a home in Appleton, for a few years at least.

I Kimberly Ann I noticed it this morning on the way to work! Looking forward to getting a closer look at it this weekend.

Y Adrianna Thank you for making this happen! I'm so excited to see it in person. My mom would have absolutely loved it.

Y Jim Denney Knowing the name helps a lot with some understanding of the meaning. It is a beautiful piece and I enjoy driving past it a number of times each day.

Y Jeni Moore It's magnificent! She would have absolutely loved this. Can't wait to see it in person! Thank you Sculpture Valley and Acre of Art!

Chelsea Jean Judy Cahee

I Samantha Patterson I will be honest, this creeped me out when i saw it. I understand it is art, it is also creepy seeing all those faces staring back at you. I can only imagine how long it took the artist to make it. I do enjoy learning the history behind it and will be sharing this with my family and friends. Thank you

Kristi Ross-Clausen That is positively ugly - how fun!

Y Jeni Moore Linda Moore would have loved this. She would have found a way to photograph it, make it into amulets and silkscreen it on gift bags. It would have been our family holiday card (sent in February) and must-see destination for out-of-town guests. This year would have been her 75th birthday and my parents 50th wedding anniversary. A magnificent tribute indeed. #sculpturevalley #acreofart

Y Laurie Kuplic Love it...
yes she would

Y Patti Yugovich Beltz Beautiful

Y Trish Kuplic It is magnificent in person!

Abby SchmidtShelley Nulton Have you heard about this sculpture in Appleton? It was commissioned in honor of a local artist named Linda Moore.
<https://www.facebook.com/539622322790557/posts/2546947542058015?d=n&sfns=mo>

I Nulton kind of strange?

Y Linda Moore Priestap I think it's cool. Colorful. Evoking discussion. Obviously honoring a very special woman. (Linda was the #1 or #2 name for girls that year I think.)

I have received a lot of contacts about this sculpture between College Avenue and Green Bay Road on the southeast corner of District 2. In response to these contacts, I have requested that the location of this sculpture be returned to committee for more discussion. On December 9th at 4:30pm, the Municipal Services Committee will consider revoking the current location of the statue. The committee meeting is open to the public and will allow public comment. The meeting will be in Council Chambers at City Hall, on the 6th floor of City Center off Appleton Street.

Y Kathy Flores Encourage public art!!! Not everyone will like it or agree about art, but it's already doing what art does.....making people think and now discuss. ð

Y Christoph Wahl I suppose the immediate neighborhood should have some say in what is done with common public space, but I'd urge the neighbors to keep this where it is and enjoy it.

I Ronna Jean Swift I would like to see it in a park where folks can read and find out what it represents. I found it confusing and distracting to drive by. I agree that music and art feed the soul and lead to discussion.

Y Jennifer L. Arndt That is a great spot for it!

Y Dottie LeClair I love it - it speaks to diversity.

Lee Snodgrass Jeni Moore

I Donna Gasbarro This is near a property that once belonged to my great grandfathers family. Is this artwork included in a walking tour? Lovely neighborhood.

I Donna Gasbarro I'd like to see it up close & in person. Haven't had the chance yet.

Y Karen Bruno What have the complaints been about? I think it's great to have more public art and hope it can stay where it is for the predetermined time.

✍ Author

District 2 Alderperson in Appleton - Vered MeltzerSome say it scares their children. Complaints include that the installation generally feels invasive and disruptive in their neighbourhood; no one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Y Becky Stahl I love public art and would encourage more of it. That being said, my first encounter with this sculpture was certainly a surprise. It is a giant head after all? But it's an interesting piece and we enjoy having art in this spot. I did initially worry that it may distract drivers from the pedestrian crossing however. I think it may just take a little time for the community to grow used to the piece.

District 2 Alderperson in Appleton - Vered MeltzerFrom a traffic engineering standpoint, attention-getting installations generally slow traffic down.

Y John Keller I think it looks awesome and should stay...can you lend some context to the referenced "contacts"

✍ Author

District 2 Alderperson in Appleton - Vered Meltzer I've received emails, phone calls, and text messages. Some say it scares their children. Generally feels invasive and disruptive in their neighbourhood. No one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Y Mary Hatch What a cool piece! Each of us is the dna from all of our ancestors, and each of our descendants share our dna. Our face and bodies are a family tree. It's lovely!

Y Karon Sandberg What a beautiful tribute to Linda, thank you Moore family!

Y Matt Troge What are the complaints? It's a cool art piece that breathes some uniqueness to Appleton and it's in a spot where folks can see as they enter downtown. Why waste time talking about moving it? Personally, I'm gonna reach out with complaints if gets moved so might as well just

leave it be.

 Author

District 2 Alderperson in Appleton - Vered Meltzer I shared the input I've received in a couple other comments on this thread.

Y Emily Tseffos We live on the 800 block of College Ave and my two year old loves it! Hoping it will stay in our neighborhood ?

Y Amy Karner King I've been enjoying this piece! I discover additional unexpected details the more I experience it. Appreciate the public art displays in our city and the hard work from those who make it reality.

I Julie Keller My daughter saw it as we were driving home last week and we are taking a walk this morning to get a closer look!

Y Dean Wolf Awesome piece of art, leave it where it is.

Y Emily Reetz I love this. Right where it is, in my neighborhood.

Y Mary Beth Pritzl Not sure why the location needs to be changed. This is in our neighborhood and we like it.

Y Marsha Dawson It's public art, enjoy it and encourage more.

Y Jennifer Schneider We love it!!!! We live on the 900 block of East Franklin.

Y R.c. Mac I love it. It's amazing. What kind of asshole would complain about this and for what reason?

Y Tru Em Now that is a cool piece of art

Y William Baxter Nothing like disrespecting an amazing piece of artistic work and talent because certain members of the community don't understand its message. How would you feel as an artist to have your work approved and then later removed due to local politics? If you didn't think the location

through in the first place that should be the fault of the community planners.... not the artist!

 Author

District 2 Alderperson in Appleton - Vered Meltzer I can only speculate that the neighbours might have been more receptive and supportive of the installation if they had been informed of the proposal before the art was installed. In the future the city will notify adjacent property owners about proposa...See

Isabel Fevola



Y Isabel Fevola I think it's awesome Clever how they made them metals tanks and made it in to a face. I seen other face sculptures and adults and kids like them so why is this one any different ?

Y Tara Firkus Jordana and I go passed this twice a day on the way to 4k. She loves it. Calls it "the Big Man".

I Sandi England Rohde What's the main concerns?

Vered Meltzer People don't want it to be there. Some say it scares their children. Generally feels invasive and disruptive in their neighbourhood. No one ever got their input or informed them of the committee approval process, it just appeared all of a sudden. One contact mentioned concern that it would lower their property value.

Lee Snodgrass Vered Meltzer ?

Y Julie Haurykiewicz I saw it in person for the first time yesterday and think it is awesome!

Y Nora Johnston I love this sculpture! I was pleasantly surprised to see it when I came over the bridge. I find it curious, somewhat whimsical and oddly charming.

Y Nate Wolff I think it's really cool and is in a good spot.

Y Ann Gain For what is worth I live in this neighborhood and I really like it. And it's only there for 2 years if I understand correctly

Y Polly Snodgrass Put it in my yard!

Y Helen Kramer i'd love it in front of my house.

Y Matt Lederer My first reaction was basically, "What the heck is that scary thing?" Followed by a closer look. Then I drove by a few times and was intrigued. And now, the more I look at this sculpture, the more I like it.

I hope it isn't moved, but if it is, I hope it'll be somewhere with high visibility.

Y Matt Lederer Also, as the "owner operator" of 2 kids (aged almost 9 and almost 6), they are decidedly not scared by it. They like that "there are faces that make a face, and all the faces are funny and strange."

I Trisha Fischer Kostelny Coming off the bridge you have to be careful because you want to look at it, but need to keep your eyes on the road- especially with the curve.

Y Babette Doll I think it's really cool! I hope it does not get moved out of my neighborhood!!!

Y Emily Tseffos We live a block from the sculpture and love it ?
Manage

N Christina Marie Rappel Thank goodness! Unfortunately, art is not always beautiful. That said, the city should try to focus on beautification. This is rather an eyesore.

John De Bruin <https://www.prageru.com/video/why-is-modern-art-so-bad/>
Manage

Y Julie Keller My daughter saw it as we were driving home last week and we are going to walk this morning to get a closer look as she thought it was "super cool". So that's the feedback from a 16 year old!

Y John Nebel Grt PC of Art ? Art serves all as inviting human response to biggest tent in each viewer/participant ?

Matt Troge

Y This is so quintessentially the mindset of a majority of Appleton. One tiny little change is

complained about because it's change and instead of being able to enjoy something like an art installation that brings some unique character to our community, now the local government has to take time to discuss where it could go and if they should move it. ? super frustrating

Sculpture Valley Thanks Matt Troge, we share your sentiments and are looking forward to a robust and lively discussion about public art and placement of it on the 9th. Art should stimulate discussion, I think this piece has ?

Y Matt Troge It's a super interesting piece and while a tad strange, it made my wife and I really happy to see something pop up like that! I hope it stays

Y Chris Burns I am a fan of community art projects like this one. However, 100% confident that people will complain about anything if given a soapbox to voice their opinion. #NoTimeForNegativity

Brad Knapp

Y This first time I saw this sculpture I said outloud to everyone in the car (I was alone) "that thing is badass".

Y Terry Phelan I was coming across bridge about three weeks ago and saw this for first time. Needless to say I almost took the curb out in awe!

Y Michelle Eilers I love this installation. I hope it gets to stay in its current location.

N Jared Huber It's grotesque!!! ?

Y Mandy Holm Love it! I drive past it twice a day, and think that it adds unique character to that location. I hope it stays also.

Y Jeni Moore I can't be at this meeting can I be present via FaceTime?!?

Y Adrianna I would also like to be present via phone or facetime, if possible.

Concerned citizens have asked their district alderperson, Vered Meltzer, to introduce a reconsideration of the approved placement of The Collective, the 2019 Jury's Choice for ACREofART III at this Municipal Services meeting.

Whether you support the idea of relocation or are in favor of leaving it in place, it is important that we hear from the public, particularly from those residents who live in the neighborhood or in close proximity to it. We welcome all perspectives as it brings about a healthy discussion of the merits of our public art program and the boundaries it operates in.



MON, DEC 9 AT 4:30 PM

Vote to rescind approved placement of The Collective

Sculpture Valley From a Private property-owner standpoint, a piece of public artwork at this location is introducing a significant feature into what have always been an open green space. Particularly for the few properties adjacent to the site, that space is ostensibly ...See More

Y Deb Forslund Sculpture Valley I see nothing wrong with the placement; as stated, it's a gateway into and out of the downtown area. And unless adjacent property owners, who consider this space an extension of their yards, are paying property taxes on this parcel, t...See More

Sculpture Valley This is a discussion about the appropriateness of the location and we can see both sides of this unique public / private site. From a public standpoint, the location is a highly visible gateway sculpture opportunity which gets a significant amount of traffic into and out of the downtown. It's an ideal location, which is why an ACRE work has been placed there.

Y Rachel Pieper We love it! We look for it every time we pass off Er bridge.

Y Sara Duroy I admit the first time I saw it I jumped cuz it scared me but its cool... I always see something new in it... I like it and vote for it stays

Y Molly Trochta-Van Landghen Wait people are upset about the placement of this?

Y Cody Bob-Los Deisenroth Molly Trochta-Van Landghen lol that's what I'm confused about

N Nikki Jackson That thing is so ugly!

Y Jennifer Feagans Thompson I love this..

N Ian Keberlein Def move that stupid thing

N J Robert Oliver YES !!!!

Y Rochelle Isaacson Max and I have named this piece "Schnozzle"

Resolution #10-R-19
Changing Beekeeping Permit Process

Submitted By: Alderperson Meltzer District 2 & Alderperson Schultz District 9
Date: August 7, 2019

Referred to: Board of Health

WHEREAS the health of bees and the health of our community is interdependent, and beekeeping is a necessary part of restoring collapsing bee populations that we rely on; and

WHEREAS Appleton has recently attained Bee City USA status; and

WHEREAS Appleton residents have provided feedback over the years since residential beekeeping was approved indicating that our regulations are extreme compared to surrounding communities, there are obstacles to accessing beekeeping in Appleton, and there are no incentives to remain in Appleton rather than move to our surrounding communities if one wants to keep bees at their residence;

THEREFORE be it resolved, that the City of Appleton make the following changes to our beekeeping permit requirements:

1. Change the permit cycle to November - November to align with timeline of purchasing bees and setting up hives
2. Remove notification and neighbor veto
3. Bring permit fees into alignment with other Wisconsin communities
4. Replace the calculation for hives per acre with a set number of hives per lot
5. Remove excessive detail from flyaway barrier requirements
6. Allow keeping Top Bar hives in addition to Removable Frame hives and recommend hives face SE direction if possible

RESIDENTIAL BEEKEEPING PERMIT REQUIREMENTS
(Ref. 3-52 Appleton Municipal Code)
November 11, 2015

DEFINITIONS:

ACRE means a unit of measure equal to 4,840 sq. yds. or 43,560 sq. ft.

AGGRESSIVE BEHAVIOR is any instance in which unusual characteristics are displayed by a honeybee or colony including, but not limited to, stinging or attacking humans or animals without provocation.

APIARY means the assembly of one or more colonies of bees at a single location on a property.

BEEKEEPER means a person who owns or has charge of one (1) or more colonies of bees and has demonstrated to the Health Officer that he or she has obtained formal education or sufficient practical experience to act as a beekeeper.

BEEKEEPING EQUIPMENT means all items used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY means an aggregate of honeybees in a hive consisting principally of workers, but having one queen and at times drones, including brood, combs and honey.

HEALTH DEPARTMENT means the City of Appleton's Health Department.

HIVE means the receptacle inhabited by a colony that is manufactured for that purpose.

HONEYBEE means all life stages of the common domestic honeybee, *Apis mellifera* species, including the queen and drones.

LOT means a tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds

PERMIT means the written approval given by the Health Department to a property owner who occupies the premises and who is also a beekeeper pursuant to the definition herein.

PERMIT HOLDER means a beekeeper and who has received a permit from the Health Department allowing for an apiary on his or her property.

PROPERTY means a parcel of land identified by the City of Appleton as a lot in any state of development, ownership and occupation.

PROPERTY OWNER means a person, individual firm, association, syndicate or partnership that appears on the recorded deed of the lot.

URBAN FARM means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.

1. **GENERALLY.** No person shall keep honeybees in the City of Appleton without being a beekeeper and obtaining a permit issued by the Health Department. A permit shall be valid for a period of one (1) year from March 1 through the last day of February the following year, and may be renewed annually. Only one (1) permit shall be granted per property regardless of the number of beekeepers residing at or owning said property.

Should multiple beekeepers request permits and be eligible for permits for a property, the permit shall be issued on a first-come, first-served basis.

2. **APPLICATION FOR PERMIT.** Application for a permit required in this section shall be made to the Health Department upon a form furnished by the Health Department and shall contain such information which the Health Department may prescribe and require and shall be accompanied by payment of the applicable fees. The Application form may be updated and/or amended as deemed necessary by the Health Department. No prior approval of a permit guarantees future approval. The Health Department reserves the right to require permit holders to reapply if the application is updated and/or amended, and refusal to reapply may result in the termination of a permit.

(a) GENERAL REQUIREMENTS.

1. The applicant must complete the required form by the Health Department, and provide to the Health Department the non-refundable application fee.
2. The permit applicant must provide proof of formal education and/or sufficient practical experience to act as a beekeeper.
3. The permit applicant must provide proof of property ownership for the property where the proposed apiary will be located.
4. The permit application must provide proof of occupancy of the property where the proposed apiary will be located.

(b) NEIGHBORHOOD APPROVAL REQUIRED.

1. When a permit is applied for, all property owners within a circular area having a radius of four hundred (400) feet, centered on the location where the proposed hive(s) will be placed, shall be notified of the application by the Health Officer. Notification shall be by first-class U.S. mail.
2. Property owners located within the circular radius of four hundred (400) feet of the proposed apiary objecting to the permit must file a written objection to the permit by contacting the City Health Officer at the Appleton Health Department within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.
3. Upon receipt of a written objection, the application shall be denied by the Health Officer. The applicant may appeal to the Board of Health per APPEALS Section seven (7) below. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be issued. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

- (c) INSPECTION OF APIARY. Prior to populating the apiary, an inspection of the apiary by the City Health Officer or his or her designee shall be conducted to ensure compliance with all of the following provisions:

1. Public Institutional District. A maximum of five (5) hives may be maintained within areas zoned P-I, Public Institutional District.
2. Urban Farm. A maximum of three (3) hives may be maintained by a permit holder per acre up to a maximum of twenty-five (25) hives within an area approved as an urban farm.
3. Residential Zone. No residentially zoned property shall have more than the following numbers of hives on the property:
 - a. A maximum of two (2) hives may be maintained on a lot one half (1/2) acre or smaller.
 - b. A maximum of three (3) hives may be maintained on a lot larger than one half (1/2) acre but smaller than three quarters (3/4) acre.
 - c. A maximum of four (4) hives may be maintained on a lot larger than three quarters (3/4) but smaller than one (1) acre.
 - d. A maximum of five (5) hives may be maintained on a lot one (1) acre or larger.
4. Occupation. Apiaries in residentially zoned areas must be located on the lot occupied by the permit holder.
5. Vacant/Unoccupied Lot. No apiary may be placed on vacant or unoccupied lots.
6. Frames. All colonies shall be kept in hives with removable frames, which shall be continuously maintained in sound and usable condition by the permit holder.
7. Identification. Each apiary shall, at all times, have the permit holder's name, address and phone number permanently and legibly displayed in a prominent place on an external portion of each hive.
8. Flyway Barrier. For all hives located within thirty (30) feet of a property line, a 6-foot high closed fence, closed hedge, building, or other solid flyway barrier, or other type of barrier which the Health Officer determines to be of sufficient height, shall be located between the rear and/or side property lines and the hive(s). A flyway barrier is not needed if the hive(s) are kept at least ten (10) feet off the ground. Flyway barriers, if required shall meet the requirements of the building code.
9. Water Supply. A continuous supply of water shall be located on the property where the apiary is located, and placed near the hive(s) and within the enclosures or flyway barriers. The water source shall be designed to allow the honeybees' access to water by landing on a hard surface available to the honeybees so long as they remain active outside of the hive.

10. Placement.

- a. All beekeeping equipment must be located a minimum of thirty (30) feet from the front property line and ten (10) feet from all other property lines.
- b. Hives may not be located in the front yard of any lot. Should there be multiple street frontages to a property or no front yard clearly indicated on the property records for a property, the placement of the apiary shall be at the discretion of the City Health Officer.
- c. Apiaries must be located a minimum of fifty (50) feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission to the Health Department for closer placement.

3. PERMIT RENEWAL.

- (a) Permits shall be renewed (re-applied for) each year on a form furnished by the Health Department unless written notice of discontinued operation is received by the Health Department.
- (b) When a permit renewal is applied for, all property owners within a circular area having a radius of four hundred (400) feet, centered on the location where the hive(s) are placed, shall be notified of the application renewal by the Health Officer. Notification shall be by first-class U.S. mail.
- (c) Property owners located within the circular radius of four hundred (400) feet of the apiary objecting to the permit renewal must file a written objection to the permit renewal by contacting the Health Department or City Health Officer within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.
- (d) Upon receipt of a written objection, the application for renewal shall be denied by the Health Officer. The applicant may appeal to the Board of Health per APPEALS Section seven (7) below. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be renewed. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

4. APIARY MAINTENANCE.

- (a) Beekeeping equipment shall be actively maintained and managed at all times by the permit holder.
- (b) If a permit holder no longer intends to maintain and/or manage their apiary, the

permit holder must immediately notify the Health Department and remove or dismantle the hive(s). Failure to immediately remove the hives will be grounds for the Health Department to cause the removal of the hive(s) and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627

- (b) In any instance where the City Health Officer reasonably believes a colony exhibits aggressive behavior, it shall be the duty of the permit holder to immediately destroy or re-queen the hive.
- (c) Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.
- (d) The provisions of Sec. 3-15(a), Appleton Municipal Code, do not apply to beekeeping.

5. **RIGHT OF ENTRY.**

- (a) The Health Officer or his or her designee may enter upon any permit holder's property at any time to inspect the apiary, beekeeping equipment and/or honeybees, and may take photographs and/or videos of the apiary, beekeeping equipment and/or honeybees as he or she deems necessary, or take any other action deemed necessary to properly enforce the provisions of this section.
- (b) If the Health Officer or his or her designee finds any apiary kept in violation of any portion of this section, he or she may order the violation corrected within thirty (30) days unless the violation appears to put the honeybee's or people in immediate harm or danger, in which case the Health Officer or his or her designee may order the immediate correction of the violation. If the permit holder fails to correct the violation pursuant to the order of the Health Officer, the hive(s) in violation may be destroyed and/or removed from the municipality by the Health Officer or his or her designee and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627.

6. **SUSPENSION OR REVOCATION OF PERMIT.** The Health Officer may suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.

7. **APPEALS.** Any person aggrieved by the denial of a permit or by suspension or revocation of a permit by the Health Officer, or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of denial, suspension or revocation of a permit or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

Approved by City Council November 2015.

RESIDENTIAL BEEKEEPING PERMIT REQUIREMENTS
(Ref. 3-52 Appleton Municipal Code)
November 11, 2015

DEFINITIONS:

ACRE means a unit of measure equal to 4,840 sq. yds. or 43,560 sq. ft.

AGGRESSIVE BEHAVIOR is any instance in which unusual characteristics are displayed by a honeybee or colony ~~including, but not limited to, stinging or attacking humans or~~ animals without provocation.

APIARY means the assembly of one or more colonies of bees at a single location on a property.

BEEKEEPER means a person who owns or has charge of one (1) or more colonies of bees and has demonstrated to the Health Officer that he or she has obtained formal education or sufficient practical experience to act as a beekeeper.

BEEKEEPING EQUIPMENT means all items used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY means an aggregate of honeybees in a hive consisting principally of workers, but having one queen and at times drones, including brood, combs and honey.

HEALTH DEPARTMENT means the City of Appleton's Health Department.

HIVE means the receptacle inhabited by a colony that is manufactured for that purpose.

HONEYBEE means all life stages of the common domestic honeybee, *Apis mellifera* species, including the queen and drones.

LOT means a tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds

PERMIT means the written approval given by the Health Department to a property owner who occupies the premises and who is also a beekeeper pursuant to the definition herein.

PERMIT HOLDER means a beekeeper and who has received a permit from the Health Department allowing for an apiary on his or her property.

PROPERTY means a parcel of land identified by the City of Appleton as a lot in any state of development, ownership and occupation.

PROPERTY OWNER means a person, individual firm, association, syndicate or partnership that appears on the recorded deed of the lot.

URBAN FARM means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.

1. **GENERALLY.** No person shall keep honeybees in the City of Appleton without being a beekeeper and obtaining a permit issued by the Health Department. A permit shall be valid for a period of one (1) year from ~~March-November~~ 1 through the last day of ~~February~~ ~~October~~ the following year, and may be renewed annually. Only one (1) permit shall be granted per property regardless of the number of beekeepers residing at or owning said

property. Should multiple beekeepers request permits and be eligible for permits for a property, the permit shall be issued on a first-come, first-served basis.

2. **APPLICATION FOR PERMIT.** Application for a permit required in this section shall be made to the Health Department upon a form furnished by the Health Department and shall contain such information which the Health Department may prescribe and require and shall be accompanied by payment of the applicable fees. The Application form may be updated and/or amended as deemed necessary by the Health Department. No prior approval of a permit guarantees future approval. The Health Department reserves the right to require permit holders to reapply if the application is updated and/or amended, and refusal to reapply may result in the termination of a permit.

(a) GENERAL REQUIREMENTS.

1. The applicant must complete the required form by the Health Department, and provide to the Health Department the non-refundable application fee.
2. The permit applicant must provide proof of formal education and/or sufficient practical experience to act as a beekeeper.
3. The permit applicant must provide proof of property ownership for the property where the proposed apiary will be located.
4. The permit application must provide proof of occupancy of the property where the proposed apiary will be located.

(b) ~~NEIGHBORHOOD APPROVAL REQUIRED.~~

~~1. When a permit is applied for, all property owners within a circular area having a radius of four hundred (400) feet, centered on the location where the proposed hive(s) will be placed, shall be notified of the application by the Health Officer. Notification shall be by first-class U.S. mail.~~

~~2. Property owners located within the circular radius of four hundred (400) feet of the proposed apiary objecting to the permit must file a written objection to the permit by contacting the City Health Officer at the Appleton Health Department within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.~~

~~3. Upon receipt of a written objection, the application shall be denied by the Health Officer. The applicant may appeal to the Board of Health per APPEALS Section seven (7) below. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be issued. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.~~

(be) INSPECTION OF APIARY. Prior to populating the apiary, an inspection of the apiary by the City Health Officer or his or her designee shall be conducted to ensure compliance with all of the following provisions:

1. Public Institutional District. A maximum of five (5) hives may be maintained within areas zoned P-I, Public Institutional District.

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Commented [BKS1]: This section deleted

2. Urban Farm. A maximum of three (3) hives may be maintained by a permit holder per acre up to a maximum of twenty-five (25) hives within an area approved as an urban farm.
3. Residential Zone. No residentially zoned property shall have more than ~~the following numbers of five (5)~~ hives on the property:
 - a. ~~A maximum of two (2) hives may be maintained on a lot one-half (1/2) acre or smaller.~~
 - b. ~~A maximum of three (3) hives may be maintained on a lot larger than one half (1/2) acre but smaller than three quarters (3/4) acre.~~
 - c. ~~A maximum of four (4) hives may be maintained on a lot larger than three quarters (3/4) but smaller than one (1) acre.~~
 - d. ~~A maximum of five (5) hives may be maintained on a lot one (1) acre or larger.~~
 - a. for each permitted hive one nucleus colony may be kept for requeening.
 - b. To maximize successful rescues of a swam or a relocated colon, a beekeeper may keep such a colony, upon notification to the health department, until a permanent location can be found.
4. Occupation. Apiaries in residentially zoned areas must be located on the lot occupied by the permit holder.
5. ~~Vacant/Unoccupied Lot. No apiary may be placed on vacant or unoccupied lots.~~
56. Frames. To facilitate inspection for disease, all honeycombs must be readily removeable and replaceable. All colonies shall be kept in hives with removable frames, which shall be continuously maintained in sound and usable condition by the permit holder.
67. Identification. Each apiary shall, at all times, have the permit holder's name, address and phone number permanently and legibly displayed in a prominent place on an external portion of each hive.
78. Flyway Barrier. For all hives located within ~~thirty (30)~~ twenty-five (25) feet of a property line, a ~~6-foot high closed fence, closed hedge, building, or other solid~~ flyway barrier, or other type of barrier which the Health Officer determines to be of sufficient height, shall be located between the rear and/or side property lines and the hive(s). A flyway barrier is not needed if the hive(s) are kept at least ten (10) feet off the ground. Flyway barriers, if required shall meet the requirements of the building code.
89. Water Supply. A continuous supply of water shall be located on the property where the apiary is located, and placed near the hive(s) and within the enclosures or flyway barriers. The water source shall be designed to allow the honeybees' access to water by landing on a hard surface available to the honeybees so long as they remain active outside of the hive.

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10. Placement.

- a. All beekeeping equipment must be located a minimum of thirty (30) feet from the front property line and ten (10) feet from all other property lines.
- b. Hives may not be located in the front yard of any lot. Should there be multiple street frontages to a property or no front yard clearly indicated on the property records for a property, the placement of the apiary shall be at the discretion of the City Health Officer.
- c. Apiaries must be located a minimum of ~~fty (50)~~ twenty-five (25) feet from dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment and any other habitable area on any adjoining lots unless the owner of the adjoining property has provided written permission to the Health Department for closer placement.

3. PERMIT RENEWAL.

- (a) Permits shall be renewed (re-applied for) each year on a form furnished by the Health Department unless written notice of discontinued operation is received by the Health Department.
- (b) When a permit renewal is applied for, all property owners within a circular area having a radius of four hundred (400) feet, centered on the location where the hive(s) are placed, shall be notified of the application renewal by the Health Officer. Notification shall be by first-class U.S. mail.
- (c) Property owners located within the circular radius of four hundred (400) feet of the apiary objecting to the permit renewal must file a written objection to the permit renewal by contacting the Health Department or City Health Officer within fourteen (14) business days of the date the notice was mailed or postmarked. Each objection must contain the objector's name, address, phone number, and reason for the objection to the permit.
- (d) Upon receipt of a written objection, the application for renewal shall be denied by the Health Officer. The applicant may appeal to the Board of Health per APPEALS Section seven (7) below. The Board of Health shall allow the applicant and objector an opportunity to be heard on why the permit should or should not be renewed. The Board may affirm, modify or set aside the order of the Health Officer after a hearing on the matter. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

4. APIARY MAINTENANCE.

- (a) Beekeeping equipment shall be actively maintained and managed at all times by the permit holder.

(b) If a permit holder no longer intends to maintain and/or manage their apiary, the permit holder must immediately notify the Health Department and remove or dismantle the hive(s). Failure to immediately remove the hives will be grounds for the Health Department to cause the removal of the hive(s) and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627

(b) In any instance where the City Health Officer reasonably believes a colony exhibits aggressive behavior, it shall be the duty of the permit holder to immediately destroy or re-queen the hive.

~~(c) Queens shall be selected from stock bred for gentleness and non-swarming characteristics.~~

(d) The provisions of Sec. 3-15(a), Appleton Municipal Code, do not apply to beekeeping.

5. **RIGHT OF ENTRY.**

(a) The Health Officer or his or her designee may enter upon any permit holder's property at any time to inspect the apiary, beekeeping equipment and/or honeybees, and may take photographs and/or videos of the apiary, beekeeping equipment and/or honeybees as he or she deems necessary, or take any other action deemed necessary to properly enforce the provisions of this section.

(b) If the Health Officer or his or her designee finds any apiary kept in violation of any portion of this section, he or she may order the violation corrected within thirty (30) days unless the violation appears to put the honeybee's or people in immediate harm or danger, in which case the Health Officer or his or her designee may order the immediate correction of the violation. If the permit holder fails to correct the violation pursuant to the order of the Health Officer, the hive(s) in violation may be destroyed and/or removed from the municipality by the Health Officer or his or her designee and the cost thereof shall be charged back to the permit holder as a special charge pursuant to Wis. Stat. § 66.0627.

6. **SUSPENSION OR REVOCATION OF PERMIT.** The Health Officer may suspend or revoke any permit issued pursuant to this section for violations of ordinances, laws or requirements regulating activity and for other good cause.

7. **APPEALS.** Any person aggrieved by the denial of a permit or by suspension or revocation of a permit by the Health Officer, or by any temporary suspension or any other order may appeal any such order to the Board of Health within thirty (30) days of denial, suspension or revocation of a permit or issuance of the order. The Board of Health shall provide the appellant a hearing or opportunity for hearing on the matter and may either suspend or continue any such order pending determination of appeal. The Board of Health shall make and keep a record of all proceedings related to any such appeal and the record and actions of the Board of Health shall be subject to review by certiorari by a court of record.

Approved by City Council November 2015.

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HEALTH DEPARTMENT - 100 N Appleton St, Appleton WI 54911
Telephone: 920-832-6429 Fax: 920-832-5853
RESIDENTIAL APIARY PERMIT APPLICATION
Effective Date December 1, 2017

PLEASE PRINT

Date of Application: _____ Anticipated Start Date _____

Applicant Information: _____ **Apiary Information:** _____

Name: _____ Number of Hives: _____

Address: _____ Location of Hive or Hives: _____

City/State/ZIP: _____ Address: _____

Telephone #: _____ City/State/ZIP _____

E-mail Address: _____ Person in Charge of Apiary: _____

<u>Activity Code</u>	<u>Permit Description</u>	<u>Fee</u>
141	Preinspection Fee: New Apiary	\$145.00
142	Apiary Permit (Separate Permit Required for each apiary on a Property)	\$59.00
NOTE:	The Preinspection Fee Is Non-Refundable	<u>Total Amount Due</u> \$ _____

Provide a sketch of the property and the location where the hive or hives will be kept. Include hive distances from property lines, neighboring dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment. Indicate watering location. Indicate flyway barrier location, material and height. Provide documentation of training as a Beekeeper.

Name of Applicant (Print) _____

Signature of Applicant _____ Date _____

Drivers License Number _____

MAKE CHECK OR MONEY ORDER PAYABLE TO CITY OF APPLETON
 SUBMIT APPLICATION AND FEE TO APPLETON HEALTH DEPT.
 100 N APPLETON ST
 APPLETON WI 54911-4799

OFFICE USE

Date letter sent to property owners within 400 feet of center of proposed apiary _____

Written Objections Received (attach) _____ Written Objection Deadline _____

Inspector Signature _____ Date _____

Apiary Start Date _____

Establishment Number (COA#) _____ Account # 12530-4305 Receipt # _____

License Year March 1, _____ Expires February _____, _____ Assigned Inspector _____

Amount Paid \$ _____ Check # _____ Account Name: _____



HEALTH DEPARTMENT - 100 N Appleton St, Appleton WI 54911
 Telephone: 920-832-6429 Fax: 920-832-5853
RESIDENTIAL APIARY PERMIT APPLICATION
 Effective Date December 1, 2017

PLEASE PRINT

Date of Application: _____ Anticipated Start Date _____

Applicant Information:

Name: _____

Apiary Information:

Number of Hives: _____

Address: _____

Location of Hive or Hives: _____

City/State/ZIP: _____

Address: _____

Telephone #: _____

City/State/ZIP _____

E-mail Address: _____

Person in Charge of Apiary: _____

<u>Activity Code</u>	<u>Permit Description</u>	<u>Fee</u>
141	Preinspection Fee: New Apiary	145-\$30
142	Apiary Permit (Separate Permit Required for each apiary on a Property)	59 \$10
NOTE:	The Preinspection Fee Is Non-Refundable	Total Amount Due \$

Provide a sketch of the property and the location where the hive or hives will be kept. Include hive distances from property lines, neighboring dwellings, porches, gazebos, decks, swimming pools, permanently affixed play equipment. Indicate watering location. Indicate flyway barrier location, material and height. **Upon renewal, if no changes have been made, use original sketch on file.** Provide documentation of training as a Beekeeper.

Name of Applicant (Print) _____

Signature of Applicant _____ Date _____

Drivers License Number _____

MAKE CHECK OR MONEY ORDER PAYABLE TO CITY OF APPLETON
 SUBMIT APPLICATION AND FEE TO APPLETON HEALTH DEPT.
 100 N APPLETON ST
 APPLETON WI 54911-4799

OFFICE USE

Date letter sent to property owners within 400 feet of center of proposed apiary _____

Written Objections Received (attach) _____ Written Objection Deadline _____

Inspector Signature _____ Date _____

Apiary Start Date _____

Establishment Number (COA#) _____ Account # 12530-4305 Receipt # _____

License Year March 1, _____ Expires February _____, _____ Assigned Inspector _____

Amount Paid \$ _____ Check # _____ Account Name: _____

ADOPTED: April 1, 2020
PUBLISHED: April 6, 2020
Office of the City Clerk

61-20

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 3/18/2020)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Five-minute loading zone, from 7:30 a.m. to 4:30 p.m. on School Days, on the south side of Capitol Drive from a point 25 feet east of Durkee Street to a point 15 feet west of Mariah Lane.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

Dated: April 1, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

ADOPTED: April 1, 2020
PUBLISHED: April 6, 2020
Office of the City Clerk

62-20

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 3/18/2020)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby repealed:

Ord. 6-00: “Parking be restricted to two hours from 7:00 a.m. to 7:00 p.m., holidays excepted, on the north side of Commercial Street from a point 120 feet east of Rankin Street to Fox Street.”

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

Dated: April 1, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

ADOPTED: April 1, 2020
PUBLISHED: April 6, 2020
Office of the City Clerk

63-20

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 3/18/2020)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby repealed:

Ord. 86-74: “Parking be prohibited at all times on the north side of Spencer Street from the west right-of-way of Pierce Avenue westerly to the east right-of-way of Story Street.”

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

Dated: April 1, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

ADOPTED: April 1, 2020
PUBLISHED: April 6, 2020
Office of the City Clerk

64-20

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 3/18/2020)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be restricted to two hours from 7:00 a.m. to 4:00 p.m. on School Days on the south side of Packard Street from Outagamie Street to a point 130 feet west of Badger Avenue.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

Dated: April 1, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

ADOPTED: April 1, 2020
PUBLISHED: April 6, 2020
Office of the City Clerk

65-20

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 3/18/2020)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Parking be prohibited on Packard Street from Badger Avenue to a point 130 feet west of Badger Avenue.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

Dated: April 1, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

ADOPTED: April 1, 2020
PUBLISHED: April 6, 2020
Office of the City Clerk

66-20

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 3/18/2020)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking, except for buses, be prohibited from 1:00 p.m. to 3:30 p.m. on school days on the east side of Durkee Street from a point 178 feet south of Capitol Drive to a point 252 feet south of Capitol Drive.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

Dated: April 1, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

ADOPTED: April 1, 2020
PUBLISHED: April 6, 2020
Office of the City Clerk

67-20

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.
(Municipal Services Committee 3/18/2020)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows. This ordinance supersedes and repeals any conflicting ordinance regarding parking in the designated area.

Stopping, standing and parking be prohibited from 7:30 a.m. to 4:30 p.m. on school days on the east side of Durkee Street from Capitol Drive to a point 178 feet south of Capitol Drive.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

Dated: April 1, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

ADOPTED: April 1, 2020
PUBLISHED: April 6, 2020
Office of the City Clerk

68-20

AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(Municipal Services Committee 3/18/2020)

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

Section 1: That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created/amended as follows:

INSTALL STOP SIGNS ON:

Durkee Street at Brewster Street

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

Dated: April 1, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

ADOPTED: April 1, 2020
PUBLISHED: April 6, 2020
Office of the City Clerk

69-20

AN ORDINANCE AMENDING SECTION 19-5 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO THE ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.

(Municipal Services Committee 3/18/2020)

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

Section 1: That Section 19-5 of Chapter 19 of the Municipal Code of the City of Appleton, relating to the erection of official traffic signs and signals, is hereby created/amended as follows:

INSTALL STOP SIGNS ON:

Jarchow Street at Marquette Street

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

Dated: April 1, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

ADOPTED: April 1, 2020
PUBLISHED: April 6, 2020
Office of the City Clerk

70-20

AN ORDINANCE RELATING TO THE TEMPORARY SUSPENSION OF LATE FEES ON SEWER SERVICE, STORMWATER UTILITY, AND SOLID WASTE COLLECTION CHARGES BY THE CITY OF APPLETON IN RESPONSE TO THE COVID-19 CORONAVIRUS PUBLIC HEALTH EMERGENCY DECLARED BY THE STATE OF WISCONSIN.

(Finance Committee – 4/1/2020)

WHEREAS, on March 12, 2020, Governor Evers, by Executive Order #72, declared a public health emergency in Wisconsin due to the COVID-19 virus; and,

WHEREAS, as a result of the public health emergency, all schools and non-essential businesses have been temporarily closed, and the Governor has issued a “Stay safer at home order” on March 24, 2020 to slow the spread of the virus in the community, reduce the demands on the healthcare system, and to protect the health, safety and welfare of the public; and,

WHEREAS, as a result of the community-wide closures and stay home orders, many City residents and City utility customers are facing lost or reduced incomes and economic uncertainty; and,

WHEREAS, on March 22, 2020, the Governor issued Emergency Order #11, suspending certain administrative rules of the Public Service Commission (PSC), and allowing the PSC to authorize regulated utilities, including the Appleton Water Utility, to suspend late charges, which the PSC has done; and,

WHEREAS, the City’s municipal services, including those provided by the Water Utility, the Stormwater Utility, sewer service along with solid waste collection charges, are billed as part of one municipal service bill, which is prepared and collected by the Water Utility; and,

WHEREAS, in an action consistent with the Governor’s Order and the PSC’s authorization to suspend certain utility late charges, the Common Council desires to enact an ordinance temporarily suspending late charges on sewer service charges as set forth in Sec. 20-207(b) of the Appleton Municipal Code, Stormwater Utility charges as set forth in Sec. 20-236(f), and solid waste collection charges as set forth in Sec. 15-41(a), which ordinance will allow the Water Utility to suspend all late charges on the municipal service bill during the public health emergency.

NOW THEREFORE BE IT RESOLVED, that during the duration of the COVID-19 public health emergency declared in Executive Order #72, or pursuant to any subsequent superseding emergency orders issued by the Governor, the late charges for sewer service, Stormwater Utility and solid waste collection are hereby suspended.

Section 2: This ordinance shall be in full force and effect immediately.

Dated: April 1, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

Publication Notice

Please take notice that the City of Appleton enacted ordinance 70-20 SUSPENSION OF LATE FEES ON SEWER SERVICE, STORMWATER UTILITY, AND SOLID WASTE COLLECTION CHARGES BY THE CITY OF APPLETON IN RESPONSE TO THE COVID-19 CORONAVIRUS PUBLIC HEALTH EMERGENCY DECLARED BY THE STATE OF WISCONSIN.

The full text of the ordinance may be obtained at the Office of the City Clerk, 100 N. Appleton Street, Appleton, WI 54911 and through the City's website at www.appleton.org.

ADOPTED: April 1, 2020
PUBLISHED: April 6, 2020
Office of the City Clerk

71-20

AN ORDINANCE TO TEMPORARILY AMEND COUNCIL RULES PERTAINING TO PUBLIC COMMENT AND APPEARANCES AT COUNCIL, BOARD AND COMMISSION MEETINGS IN RESPONSE TO THE COVID-19 CORONAVIRUS.

(Finance Committee – 4/1/2020)

Whereas, a novel strain of the coronavirus, named COVID-19 has spread throughout numerous countries including the United States; and

Whereas, the United States Department of Health and Human Services has declared a Public Health Emergency; and

Whereas, the State of Wisconsin has declared a Public Health Emergency; and

Whereas, the Common Council for the City of Appleton ratified the Declaration of Emergency for the City of Appleton on March 18, 2020; and

Whereas, the City of Appleton in cooperation with the local, state and federal governmental entities desires to take action to prevent exposure to and spread of the COVID-19 coronavirus and has directed staff to bring forward temporary changes to current rules governing public meetings contained in the Municipal Code as well as the Rules of Council maximize social distancing during this period.

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

Notwithstanding any provision contained within the City of Appleton Municipal Code or Council Rules, during the period of emergency in response to COVID-19 Coronavirus, the Council adopts the following rules and procedures:

Committee, Boards, Commission, Task Force, and similar meetings will be postponed or cancelled unless in the determination of the Mayor, there are matters requiring immediate action.

There will be no Public Comment Period at Council Meetings, Board and Commission Meetings.

In-person statements or comments are permitted for Public Hearings and other agenda items where public participation is mandated by Statute, Rule or Order. Alternatively, it is strongly encouraged that such statements or comments be sent via mail addressed to the Mayor, placed in the City Hall dropbox, or sent by email prior to the

Council Meeting to mayor@appleton.org; written comments for Public Hearings will be distributed to the Council and made part of the public record of the meeting.

All public meetings which are conducted under these rules will be made available on www.appleton.org and may be viewed as a live stream or recording at a later date.

Persons requiring other reasonable accommodations may contact the office of the Mayor at mayor@appleton.org or phone 920-832-6400.

Staff shall work with members of the Council, Boards and Commissions during this period to facilitate appearance by telephone, video or other means when necessary consistent with the following:

- o Members must contact the staff liaison (or Mayor) to inform the staff liaison of the need for remote participation in a meeting as soon as practicable to assure that remote participation may be facilitated.
- o Except for Council members, if a quorum of members will be physically present, no remote participation will be permitted.
- o Any Council member requesting to participate remotely will be accommodated regardless of whether a quorum is physically or otherwise remotely present at the meeting.
- o Members participating remotely must be audible through clear telephone line or computer connections. If a connection is not clear or causes disruption of the meeting, the connection may be terminated. If a connection is terminated and this causes the loss of a quorum, the meeting shall be adjourned and rescheduled to another date to permit consideration by a quorum.
- o All votes shall require a roll call vote – no “all in favor”
- o Each person speaking must introduce themselves to provide clarity to those listening as to who is speaking

All provisions of the City Ordinances, Council Rules and Commission General Rules of Order not specifically altered by these temporary rules shall remain in effect.

Section 2: This ordinance shall be in full force and effect immediately.

Dated: April 1, 2020

Timothy M. Hanna, Mayor

Kami Lynch, City Clerk

Publication Notice

Please take notice that the City of Appleton enacted ordinance 71-20 TEMPORARILY AMEND COUNCIL RULES PERTAINING TO PUBLIC COMMENT AND APPEARANCES AT COUNCIL, BOARD AND COMMISSION MEETINGS IN RESPONSE TO THE COVID-19 CORONAVIRUS. The ordinance modifies ordinances and council, board and commission rules pertaining to agenda items; public comment; as well as rules pertaining to appearances at council, board and commission meetings in response to the COVID-19 Coronavirus Public Health Emergency and extends for the period of emergency as determined by Council.

The full text of the ordinance may be obtained at the Office of the City Clerk, 100 N. Appleton Street, Appleton, WI 54911 and through the City's website at www.appleton.org.