



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, October 21, 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. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[20-1375](#) Common Council Meeting Minutes:
October 7, 2020 Organizational Meeting
October 7, 2020 Common Council Meeting

Attachments: [CC Minutes 10-7-20 Org. Mtg..pdf](#)
[CC Minutes 10-7-2020.pdf](#)

- G. BUSINESS PRESENTED BY THE MAYOR

[20-1372](#) Board of Building Inspection Appointment

Attachments: [Bd of Building Insp Appointment Memo to Council.pdf](#)

[20-1373](#) Proclamations:
-Domestic Violence Awareness Month
-White Cane Safety Day

Attachments: [Domestic Violence Awareness Month.pdf](#)
[White Cane Safety Day Proclamation.pdf](#)

[20-1374](#) COVID-19 Update

Attachments: [COVID -19 Cases 10-21.pdf](#)

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

[20-1369](#) Public Hearing for Rezoning #7-20 for 1200 and 1216 S. Oneida Street from C-2 to C-1

Attachments: [ClassIIPublicHearingNotice_1200+1216SOneidaSt_Rezoning#7-20.pdf](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[20-1329](#) Request from John Fease to have the \$50 Weed Administration Fee waived for 508 W. Wisconsin Avenue.

Attachments: [508 W. Wisconsin.pdf](#)

[Butterfly garden.pdf](#)

Legislative History

10/12/20	Municipal Services Committee	recommended for denial
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[20-1330](#) Approve proposed modifications to the City Owned Pedestrian Walks Policy.

Attachments: [Pedestrian Walks Policy.pdf](#)

Legislative History

10/12/20	Municipal Services Committee	recommended for approval
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Amendment: Third bullet, add sentence: The request must be made within 24 months of the removal of the fence. (5-0)

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[20-1184](#) Resolution #15-R-20 Marijuana & Drug Paraphernalia Citations

Attachments: [#15-R-20 Marijuana & Drug Paraphernalia Citations.pdf](#)

[THC and Paraphernalia Resolution.pdf](#)

[S&L - DMG Memo re Statutory Limits - 10-12-2020.pdf](#)

Legislative History

9/9/20	Safety and Licensing Committee	referred
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10/14/20	Safety and Licensing Committee	recommended for approval
10/14/20	Safety and Licensing Committee	amended

*Amended to modify the citation fees:
1st offense: \$50
2nd offense: \$100
3rd offense: \$100*

[20-1353](#)

Resolution # 17-R-20 Trick-or-Treating

Attachments: [#17-R-20 Trick-or-Treating.pdf](#)
[Halloween Trick or Treating 2020 Memo to SL.pdf](#)

Legislative History

10/14/20	Safety and Licensing Committee	recommended for denial
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[20-1354](#)

Resolution #18-R-20 Fire Department EMT Service Level

Attachments: [#18-R-20 Fire Dept. EMT Service Level.pdf](#)

Legislative History

10/14/20	Safety and Licensing Committee	recommended for approval
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3. MINUTES OF THE CITY PLAN COMMISSION[20-1221](#)

Request to approve Rezoning #7-20 to rezone 1200 South Oneida Street (Tax Id #31-4-0418-00) and 1216 South Oneida Street (Tax Id #31-4-0420-00), including to the centerline of the adjacent right-of-way, from C-2 General Commercial District to C-1 Neighborhood Mixed Use District, as shown on the attached maps

Attachments: [StaffReport Rezoning 7-20 1200+1216SOneidaSt For09-22-20.pdf](#)

Legislative History

9/22/20	City Plan Commission	recommended for approval
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Proceeds to Council on October 21, 2020.

[20-1320](#)

Request to approve Special Use Permit #6-20 for the manufacturing of dairy products (light manufacturing) located at 300 E. Coolidge Avenue (Tax Id #31-9-0030-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_Malcore Foods_SUP_For10-13-20.pdf](#)
[Neighbor Petition_10-09-20.pdf](#)
[Kris Krause Email_10-13-20.pdf](#)

Legislative History

10/13/20 City Plan Commission recommended for approval
Staff stated an email was received today by Kris Krause, and it is now attached to this file.

[20-1325](#)

Request to approve the Sequoia Drive (Right-of-Way) Annexation consisting of approximately 3.3251 acres, currently in the Towns of Grand Chute and Vandebroek, in order to extend Sequoia Drive north from the North Edgewood Estates Phase II subdivision to Broadway Drive as shown on the attached maps and establish a temporary zoning classification of AG Agricultural District

Attachments: [StaffReport_SequoiaDrive_Annexation_For10-13-20.pdf](#)
[DOA Annexation Review Letter 14337_10-13-20.pdf](#)

Legislative History

10/13/20 City Plan Commission recommended for approval
Staff stated the review letter from the State was received today, and it is now attached to this file.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[20-1269](#)

Request Approval of the Updated 2020 Trail Reservation and Fees Policy

Attachments: [Trail Reservation and Fee Policy - Clean.pdf](#)
[Trail Reservation and Fee Policy - Redlined.pdf](#)

Legislative History

10/12/20 Parks and Recreation recommended for approval
Committee

[20-1271](#)

Request to Install Lion Statue in Lions Park

Attachments: [Lions Park Statue Memo.pdf](#)

Legislative History

10/12/20 Parks and Recreation recommended for approval
Committee

5. MINUTES OF THE FINANCE COMMITTEE

[20-1308](#)

Request to approve staff recommendations regarding Resolution #8-R-20 - City of Appleton Branding Study

Attachments: [MEMO Resolution 8-R-20 Brand Study.pdf](#)

Legislative History

10/12/20 Finance Committee recommended for approval

[20-1309](#) Request to award the 2020 Interior Finishes and Furniture project to Chet Wesenberg Architect, LLC for a sole-source contract not to exceed \$120,015

Attachments: [2020 City Hall Architectural Services.pdf](#)

Legislative History

10/12/20 Finance Committee recommended for approval

[20-1311](#) Request to deny request from Mr. Kevin Frey to cancel the sanitary sewer lateral special assessment of \$1,716 for 1105 W. Summer Street

Attachments: [Finance Committee - Kevin Frey Special Assessment.pdf](#)

Legislative History

10/12/20 Finance Committee recommended for approval

[20-1313](#) Request to approve the following 2020 Budget adjustment:

Public Works Capital Projects

Public Safety Camera Prog-Northland Av/STH 441 Interchng	- \$20,000
Public Safety Camera Prog-College Av/Memorial Dr area	+\$20,000

to reallocate funds in the Public Safety Camera Program from one intersection to another (2/3 vote of Common Council required)

Attachments: [Finance Committee - Budget Adjustment.pdf](#)

Legislative History

10/12/20 Finance Committee recommended for approval

[20-1344](#) Request to approve the use of excess 12/31/2019 General Fund Balance

Attachments: [Finance Committee - Fund Balance Policy 2020.pdf](#)

Legislative History

10/12/20 Finance Committee recommended for approval

[20-1345](#) Request to approve Contract Amendment/Change Order No. 1 to Contract No. 67-20, Unit Z-20 Ballard Road Water Main Reconstruction for additional quantities of augered watermain casing pipe, slurry backfill and water services in the amount of \$57,000 resulting in a decrease to contingency from \$44,333 to \$0. Overall contract increases from \$1,152,664 to \$1,165,331

Attachments: [Unit Z-20 Change Order No. 1.pdf](#)

Legislative History

10/12/20 Finance Committee recommended for approval

[20-1346](#) Request to reject all bids for Green Parking Ramp Stair Replacement

Attachments: [Green Ramp Stair Replacement Bid Rejection Memo.pdf](#)

Legislative History

10/12/20 Finance Committee recommended for approval

[20-1348](#) Request to adopt a resolution waiving the restrictive covenants concerning the redevelopment of the YMCA Soldier's Square Parking Ramp property

Attachments: [Memo in Support of Approval of Waiver of Covenants - FINAL.pdf](#)
[RESOLUTION - City of Appleton - YMCA - Soldiers Square Ramp.pdf](#)

Legislative History

10/12/20 Finance Committee recommended for approval

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[20-1295](#) Request to approve Substantial Amendment to the Community Development Block Grant (CDBG) 2020 Annual Action Plan (AAP) awarding an additional \$348,255 of CDBG Coronavirus Aid, Relief, and Economic Security (CARES) Act funding to community partner organizations as specified in the attached documents

Attachments: [2020 AAP Substantial Amendment Memo to CEDC 10-14-20.pdf](#)
[CARES Act CDBG Award Letter 4-2-20.pdf](#)
[CDBG CV Simple Summary.pdf](#)
[CDBG CV Award Recommendations PS & NPS.pdf](#)
[2020 AAP Substantial Amendment Draft 04-16-2020.pdf](#)
[Salvation Army Fox Cities Stmt to CEDC 10-6-20.pdf](#)

Legislative History

10/14/20 Community & Economic Development Committee recommended for approval

[20-1296](#) Request to approve Substantial Amendments to the Community Development Block Grant (CDBG) Citizen Participation Plan (CPP) and the CDBG Policy as specified in the attached documents

Attachments: [CPP Substantial Amendment Memo to CEDC 10-14-20.pdf](#)
[CPP Amendment - Public Comment Period Notice 10-2-20.pdf](#)
[Citizen Participation Plan -w markup Draft 10-14-20.pdf](#)
[CDBG Policy -w markup Draft 10-14-20.pdf](#)
[Proposed Citizen Participation Plan -no markup 10-14-20.pdf](#)
[Proposed CDBG Policy -no markup 10-14-20.pdf](#)
[CDBG-CV Federal Register.pdf](#)

Legislative History

10/14/20 Community & Economic Development Committee recommended for approval

7. MINUTES OF THE UTILITIES COMMITTEE

[20-1287](#) Request to approve rate increase effective January 1, 2021 as presented in Wastewater Rate Study.

Attachments: [WW Rate Increase memo Oct 2020 FINAL.pdf](#)

Legislative History

10/13/20 Utilities Committee recommended for approval

[20-1288](#) Approve second amendment to the 2020A Stormwater Management Plan Review contract with Brown and Caldwell by an increase of \$30,000 for a total contract amount not to exceed \$65,000.

Attachments: [2020A SWM Plan Review BC Second Amendment Memo Util Cmte.pdf](#)

Legislative History

10/13/20 Utilities Committee recommended for approval

[20-1289](#) Approve second amendment to the 2020B Stormwater Management Plan Review contract with raSmith by an increase of \$25,000 for a total contract amount not to exceed \$65,000.

Attachments: [2020B SWM Plan Review raSmith Second Amendment Memo Util Cmte.pdf](#)

Legislative History

10/13/20 Utilities Committee recommended for approval

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

[20-1276](#) Approve Addendum to Exercise Second Option Year for Specialized Transportation Contract (VT-16-008) and Rural Paratransit Contract (VT-16-007)

Attachments: [FCTC 2020 Rural and Specialized Transportation Addendum.pdf](#)

Legislative History

10/13/20 Fox Cities Transit Commission recommended for approval

[20-1277](#) Approve Addendum to Exercise Second Option Year for Northern Winnebago Dial A Ride Contract

Attachments: [FCTC 2020 Northern Winnebago Dial A Ride Addendum.pdf](#)

Legislative History

10/13/20

Fox Cities Transit
Commission

recommended for approval

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[20-1368](#) Ordinances 104-20 to 125-20

Attachments: [Ordinances 104-20 to 125-20.pdf](#)

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO
COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES
OF JURISDICTION

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Kami Lynch, City Clerk

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



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, October 7, 2020

6:00 PM

Council Chambers

Organizational Meeting

A. CALL TO ORDER

The meeting was called to order by Mayor Woodford at 6:01 p.m.

B. ROLL CALL OF ALDERPERSONS

Present: 16 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska, Alderperson Corey Otis and Mayor Jake Woodford

C. RULES OF COUNCIL

[20-1265](#)

Rule 3. g. - Clarification that Public Participation is limited to items on the agenda for Council Action

Attachments: [Council Rules v4-22-2020 - considerations for 10-7-20 Org Meeting.pdf](#)

Alderperson Smith moved, seconded by Alderperson Reed, that the Rule change be denied. Roll Call. Motion carried by the following vote:

Aye: 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Joe Prohaska and Alderperson Corey Otis

Nay: 4 - Alderperson Brad Firkus, Alderperson Patti Coenen, Alderperson Nate Wolff and Alderperson Kyle Lobner

Abstained: 1 - Mayor Jake Woodford

[20-1266](#)

Rule 17 - Change reflects the most recent update to Robert's Rules

Attachments: [Council Rules v4-22-2020 - considerations for 10-7-20 Org Meeting.pdf](#)

Alderperson Otis moved, seconded by Alderperson Prohaska, that the Rule change be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

[20-1267](#)

Rule 19 - Resolutions must be submitted to the Clerk by 4:30 p.m. on the Thursday before Council. Resolutions would only be read upon request of a Council member, another member could object to the reading and, if objected to, a vote is taken with a majority deciding if the Resolution is read

Attachments: [Council Rules v4-22-2020 - considerations for 10-7-20 Org Meeting.pdf](#)

Alderperson Smith moved, seconded by Alderperson Prohaska, that the Rule change be denied. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Joe Prohaska and Alderperson Corey Otis

Nay: 3 - Alderperson William Siebers, Alderperson Joe Martin and Alderperson Kyle Lobner

Abstained: 1 - Mayor Jake Woodford

D. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO THE ORGANIZATIONAL MEETING

E. OTHER COUNCIL BUSINESS

F. ADJOURN

Alderperson Siebers moved, seconded by Alderperson Prohaska, that the meeting be adjourned at 6:38 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk



City of Appleton

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Meeting Minutes - Final Common Council

Wednesday, October 7, 2020

7:00 PM

Council Chambers

A. CALL TO ORDER

The meeting was called to order by Mayor Woodford at 7:02 p.m.

B. INVOCATION

The Invocation was offered by Alderperson Schultz

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 16 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska, Alderperson Corey Otis and Mayor Jake Woodford

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

All departments were represented, with the exception of Information Technology, who was excused.

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[20-1261](#)

Common Council Meeting Minutes of September 16, 2020

Attachments: [CC Minutes 9-16-2020.pdf](#)

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

Aye: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[20-1262](#) Public Arts Committee Reappointments

Attachments: [MEMO_Council Public Arts Comm ReAppt 2020.pdf](#)

Aldersperson Fenton moved, seconded by Aldersperson Otis, that the Reappointments be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

[20-1263](#) Previously Presented Proclamations:
Indigenous Peoples Day
National Coming Out Day
Fire Prevention Week

Attachments: [Indigenous Peoples Day Proclamation.pdf](#)
[National Coming Out Day Proclamation.pdf](#)
[Fire Prevention Week Proclamation.pdf](#)

[20-1264](#) COVID-19 Update

Attachments: [COVID -19 Cases 10-6.pdf](#)

This Item was presented

H. PUBLIC PARTICIPATION

The following spoke during public participation:

Chelsea Bongert, W2162 Daisy Ln, Brillion - RE: Item 20-1205 Monument in Ellen Kort Peace Park
Charles Lubner, 1314 W College Ave Unit 1 - RE: Item 20-1219 Special Use Permit

I. PUBLIC HEARINGS

[20-1154](#)

Public Hearing for an Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan regarding corporate boundaries.

Attachments: [Public Hearing Notice Appleton Buchanan Municipal Agreement 2020.pdf](#)

The following spoke during the hearing:

Barry Davission, W3383 Newberry St.

Steve & Shelley Baumann, N629 Kensington Dr. submitted comments by email prior to the meeting, and this email was distributed to the Common Council

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[20-1205](#)

Action Item: Request Approval of the Conceptual Design - Proposed Sexual Assault Survivors Monument-Placed Within the Future Ellen Kort Peace Park

Attachments: [Sexual Assault Survivors Monument Memo.pdf](#)

Aldersperson Otis moved, seconded by Aldersperson Prohaska, that the Conceptual Design be approved. Roll Call. Motion carried by the following vote:

Aye: 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

[20-1219](#)

Request to approve Special Use Permit #5-20 for an automobile sales and display lot located at 1314 West College Avenue (Tax Id #31-5-1770-01), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_AccessMobilityVansInc_SUP_For09-22-20.pdf](#)
[EmailFromAld.SmithSupportingRequest_9-21-20.pdf](#)

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

Aye: 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen, Alderperson Nate Wolff, Alderperson Kyle Lobner, Alderperson Joe Prohaska and Alderperson Corey Otis

Absent: 1 - Mayor Jake Woodford

[20-1228](#)

Douglas Street, from Commercial Street to Wisconsin Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street. Existing parking provisions within the project limits will remain unchanged.

Alderperson Smith moved, seconded by Alderperson Siebers, that the Item be amended to include: Following 3 months of the street's completion, a survey be sent to the residents of Douglas Street (of the affected reconstruction area) to seek the desire for one-sided parking.

Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Mike Smith, Alderperson Patti Coenen and Alderperson Joe Prohaska

Nay: 3 - Alderperson Nate Wolff, Alderperson Kyle Lobner and Alderperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

Alderperson Smith moved, seconded by Alderperson Reed, that the Report Action Item be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 12 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Joe Martin, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Matthew Reed, Alderperson Alex Schultz, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Corey Otis

Nay: 3 - Alderperson Mike Smith, Alderperson Nate Wolff and Alderperson Joe Prohaska

Abstained: 1 - Mayor Jake Woodford

[20-1230](#)

Elsie Street, from Mason Street to Richmond Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street. Existing parking provisions within the project limits will remain unchanged.

Aldersperson Smith moved, seconded by Aldersperson Prohaska, that the Item be amended to include: Following 3 months of the street's completion, a survey be sent to the residents of Elsie Street (of the affected reconstruction area) to seek the desire for one-sided parking..

Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner and Aldersperson Joe Prohaska

Nay: 1 - Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

Aldersperson Smith moved, seconded by Aldersperson Prohaska, that the Item be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 12 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Patti Coenen, Aldersperson Kyle Lobner and Aldersperson Corey Otis

Nay: 3 - Aldersperson Mike Smith, Aldersperson Nate Wolff and Aldersperson Joe Prohaska

Abstained: 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

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

Aye: 15 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Joe Martin, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Matthew Reed, Aldersperson Alex Schultz, Aldersperson Mike Smith, Aldersperson Patti Coenen, Aldersperson Nate Wolff, Aldersperson Kyle Lobner, Aldersperson Joe Prohaska and Aldersperson Corey Otis

Abstained: 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE[20-1229](#)

Atlantic Street, from Oneida Street to Lawe Street, be reconstructed with concrete pavement and curb & gutter to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street. Existing parking provisions within the project limits will remain unchanged.

This Report Action Item was approved

[20-1230](#)

Elsie Street, from Mason Street to Richmond Street, be reconstructed with asphalt pavement and concrete curb & gutter to a width of 31' from back of curb to back of curb, which is 2' narrower than the existing street. Existing parking provisions within the project limits will remain unchanged.

This Report Action Item was approved.

[20-1234](#)

Request for a Street Occupancy Permit to place construction equipment, jersey barriers and fencing in the 300 block E. College Avenue right-of-way and the 300 block E. Johnston Street right-of-way to facilitate construction of a multi-tenant retail/residential project be approved through October 1, 2021.

Attachments: [Street Occupancy Permit-300 Block E. College Ave.pdf](#)

This Report Action Item was approved.

[20-1246](#)

Approve parking changes related to the Carpenter Street Reconstruction Project (Taft Avenue to Fremont Street).

Attachments: [Parking changes-Carpenter St project.pdf](#)

This Report Action Item was approved.

[20-1247](#) Approve parking changes related to the Prospect Avenue Reconstruction Project (Haskell Street to west City Limits).

Attachments: [Parking changes-Prospect Av project..pdf](#)

This Report Action Item was approved.

[20-1248](#) Approve renegotiated agreement with Outagamie County for Traffic-Related Services.

Attachments: [Agreement Outagamie Cty for Traffic-Related Services.pdf](#)

This Report Action Item was approved.

[20-1249](#) Approve the installation of STOP signs on Spring Street at Summit Street (Follow-up to Six Month Trial Period).

Attachments: [STOP signs on Spring St at Summit St.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[20-1250](#) Class "B" Beer and "Class B" Liquor License Permanent Premise Amendment application for Skogen's Foodliner Inc, d/b/a Festival Foods, Paul Klinkhammer, Agent, located at 1200 W Northland Ave, contingent upon approval from all departments.

Attachments: [Festival Foods - permanent.pdf](#)

This Report Action Item was approved.

[20-1255](#) Class "B" Beer and "Class C" Wine License application for Poppy Avenue Boutique & Clean Beauty Bar, Audra Balof, Agent, located at 161 S Riverheath Way Suite 2600 & Suite 2700.

Attachments: [Poppy Avenue Boutique & Clean Beauty Bar.pdf](#)
[Recommended Denial of Alcohol License- Poppy Avenue- Final.pdf](#)

This recommendation to deny the license was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

[20-1222](#)

Request to approve the Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan to create a revised common municipal boundary line between the municipalities and assign zoning classification to the properties identified for incorporation into the City of Appleton by adoption of the attached Resolution and subject to the stipulation in the attached staff report

Attachments: [StaffReport_BuchananBoundaryAdjustment_For09-22-20.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

5. MINUTES OF THE FINANCE COMMITTEE

[20-1214](#)

Request to approve Third Addition to Clearwater Creek Development Agreement

Attachments: [Clearwater Creek Development Agreement.pdf](#)

This Report Action Item was approved.

[20-1223](#)

Request to award the 2020 Wastewater Treatment Plant Asbestos Flooring Removal project to Cardinal Construction Co. Inc in the amount of \$38,797 with a contingency of 10% for a project total not to exceed \$42,677

Attachments: [2020 AWWTP Asbestos Flooring Project.pdf](#)

This Report Action Item was approved.

[20-1224](#)

Request to award the 2020 Fire Station #1 Bathroom Renovation project to Miron Construction Co. Inc in the amount of \$182,257 with a contingency of 10% for a project total not to exceed \$200, 483 and the following 2020 budget adjustment:

Facilities Management Capital Projects

2020 Fire Station #6 Hardscapes Project	- \$50,000
2020 Fire Station #1 Bathroom Renovation Project	+\$50,000

to transfer funds between projects to allow for the meeting of current ADA codes

Attachments: [2020 Fire Station #1 Bathroom Remodel with Budget transfer.pdf](#)

This Report Action Item was approved.

[20-1236](#) Request to approve Broadway Hills Estate (Phase 1) Development Agreement

Attachments: [Broadway Hills Estates DA.pdf](#)

This Report Action Item was approved.

[20-1242](#) Request to award the 2020 Ionization HVAC project to Energy Control and Design, Inc for a sole-source contract not to exceed \$125,000

Attachments: [2020 Ionization - ECD.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

[20-1211](#) Request to approve revisions to the City of Appleton Subordination Policy for the Homeowner Rehabilitation Loan Program as set forth in the attached document

Attachments: [Revised Subordination Policy Memo 9-23-20.pdf](#)
[Subordination Policy 2020.pdf](#)

This Report Action Item was approved.

7. MINUTES OF THE UTILITIES COMMITTEE

[20-1245](#) Approved updated Water Leak Policy

Attachments: [Water Leak Policy Version 9-17-20.pdf](#)

This Report Action Item was approved.

8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE

9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

10. MINUTES OF THE BOARD OF HEALTH

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO
COMMITTEES OF JURISDICTION

Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

#17-R-20

Trick-or-Treating

Submitted By: Alderperson Smith, District 10

October 7, 2020

Referred To: Safety & Licensing Committee

Whereas as at the time of this submission, 10 deaths from the Covid-19 virus have been reported in Appleton and as reported in the Oct. 6th edition of the Post Crescent "Appleton has recorded its sixth record breaking count of Covid-19" and;

Whereas, the cities Appleton and Menasha, and the counties of Calumet, Outagamie, and Winnebago Health Departments made a joint statement declaring a health emergency, and;

Whereas, school districts including Appleton, Menasha, Oshkosh, and other surrounding communities have not started face-to-face teaching or have gone to virtual classrooms, and

Whereas, according to an article in the Sept. 22, 2020 edition of the USA Today, the CDC says that "door-to-door or handing out treats from trunks are the riskiest activities for preventing the spread of the virus,".

Now Therefore, Be It Resolved that for the safety of all Appleton citizens and guests that this year's Appleton Halloween trick-or-treating be canceled.

#18-R-20

Fire Department EMT Service Level

Submitted By: Alderperson Siebers, District 1; Alderperson Van Zeeland, District5;

Alderperson Reed, District 8; Alderperson Schultz, District 9; Alderperson Lobner, District 13

October 7, 2020

Referred To: Safety & Licensing Committee

Whereas, the Appleton Fire Department is committed to provide the community with outstanding emergency medical services; and

Whereas, emergency medical incidents account for 67% of the total incidents the Fire Department responded to over the past 5 years; and

Whereas, the Appleton Fire Department arrives on scene and initiated patient care 72% of the time prior to the arrival of a transport ambulance; and

Whereas, the City of Appleton recognizes the increased need for emergency medical services and the impact they have on our community; and

Whereas, the City of Appleton is committed to providing the highest level of pre-hospital medical care to its citizens and visitor through the skills provided at the Emergency Medical Technician – Basic Non-Transport level.

Now, Therefore Be it Resolved, that the City of Appleton, Wisconsin, Common Council, endorses the Appleton Fire Department to apply to the State of Wisconsin, Department of Health Services to increase the Appleton Fire Department's medical service level to Emergency Medical Technician – Basic Non-Transport.

R. OTHER COUNCIL BUSINESS

S. ADJOURN

Alderson Otis moved, seconded by Alderson Prohaska, that the meeting be adjourned at 8:28 p.m. Roll Call. Motion carried by the following vote:

Aye: 15 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Joe Martin, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Matthew Reed, Alderson Alex Schultz, Alderson Mike Smith, Alderson Patti Coenen, Alderson Nate Wolff, Alderson Kyle Lobner, Alderson Joe Prohaska and Alderson Corey Otis

Abstained: 1 - Mayor Jake Woodford

Kami Lynch, City Clerk




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

OFFICE OF THE MAYOR

Jacob A. Woodford
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
Email: Mayor@Appleton.org

MEMORANDUM

TO: Members of the Common Council
FROM: Mayor Jacob A. Woodford 
DATE: October 15, 2020
RE: Board of Building Inspections Appointment

It is with pleasure that I present the following appointment for your confirmation at the October 21, 2020, Common Council meeting.

BOARD OF BUILDING INSPECTIONS – APPOINTMENT

Patti Coenen

2-year term (expiring April 2021)

PROCLAMATION



Office of the Mayor

WHEREAS, Domestic Violence Awareness Month evolved from the “Day of Unity” in October 1981 observed by the National Coalition Against Domestic Violence; and

WHEREAS, domestic violence perpetrators cause significant and long-lasting trauma to countless individuals of every religion, identity, culture, and socioeconomic status, as domestic abuse survivors often endure physical and emotional abuse; and

WHEREAS, by observing Domestic Violence Awareness Month, we seek to increase awareness of incidents of violence in the home, focusing on the victims of domestic violence and their children, who have suffered emotional and physical abuse; and

WHEREAS, through the inspiration, courage, and persistence of survivors of domestic abuse and violence, their children and advocates, legislation has been enacted to provide protection and services for future victims and their children; and

WHEREAS, the achievements of those working to end domestic violence throughout the city, state, and nation, together with the continuing efforts of local agencies to assist victims of domestic violence and to prevent future violence in our communities, are to be commended; and

WHEREAS, Harbor House Domestic Abuse Programs will conduct its 2nd Annual Purple Porch Project, encouraging homeowners and businesses to change standard outdoor lights to purple-colored lights in October.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 2020 as

Domestic Violence Awareness Month

in Appleton and encourage our residents to participate in activities that mourn those who have died as a result of domestic violence, celebrate those who have survived, and connect those who work to end violence.



Signed and sealed this 12th day of October 2020.

JACOB A. WOODFORD
MAYOR OF APPLETON

PROCLAMATION



Office of the Mayor

WHEREAS, the white cane, which every blind resident of Appleton has the right to carry, demonstrates and symbolizes the ability to achieve a full and independent life and the capacity to work productively in competitive employment; and

WHEREAS, the white cane, by allowing every blind person to move freely and safely from place to place, makes it possible for the blind to fully participate in and contribute to our society and to live the lives they want; and

WHEREAS, every citizen should be aware that the law requires that motorists and cyclists exercise appropriate caution when approaching a blind person carrying a white cane; and

WHEREAS, law also calls upon employers, both public and private, to be aware of and utilize the employment skills of our blind citizens by recognizing their worth as individuals and their productive capacities.

NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD, Mayor of the City of Appleton, Wisconsin, do hereby proclaim October 15, 2020 as

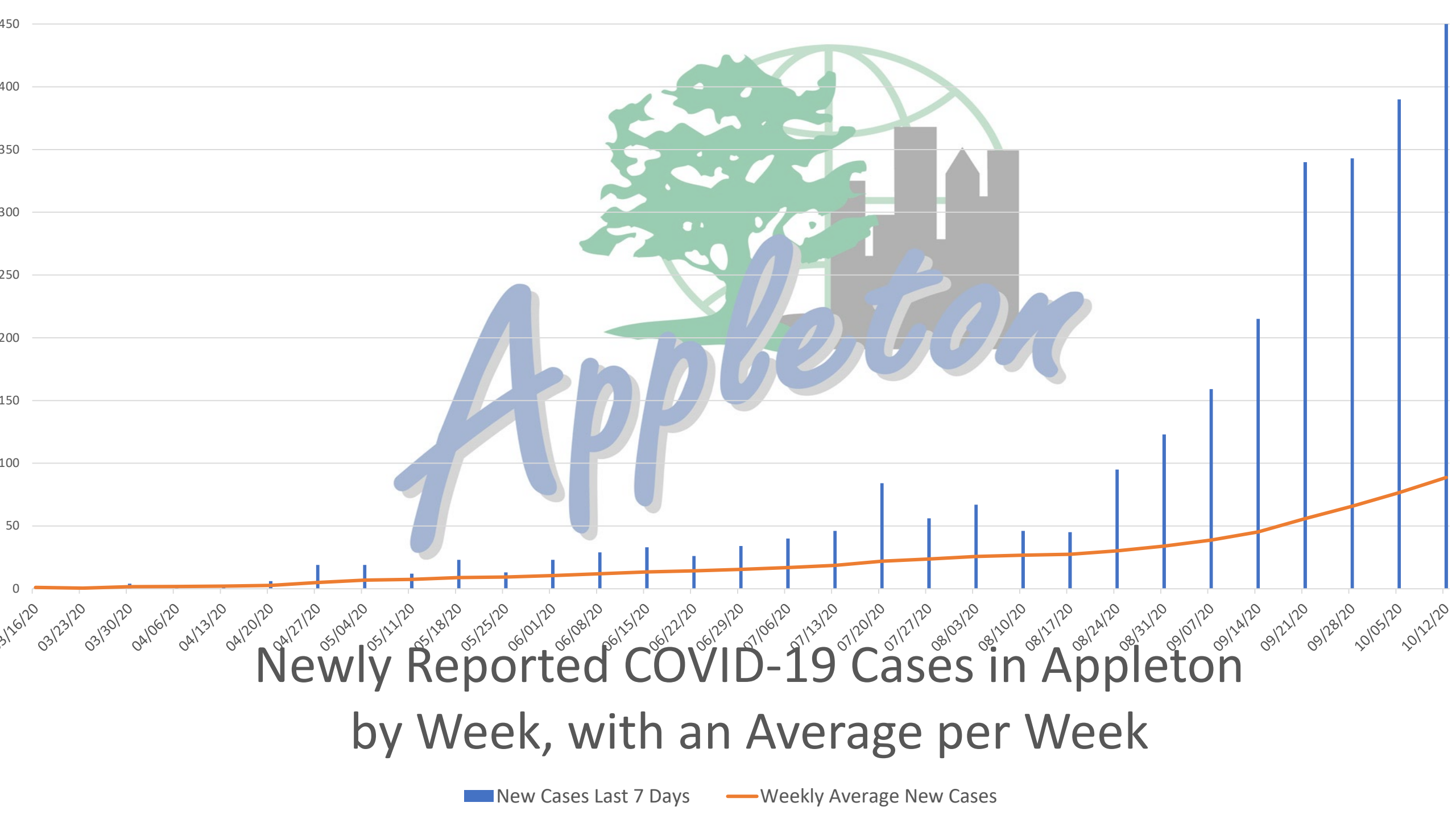
White Cane Awareness Day

in Appleton and remind residents to recognize the white cane as a tool of independence for blind pedestrians on our streets and highways.



Signed and sealed this 15th day of October 2020.

JACOB A. WOODFORD
MAYOR OF APPLETON



$390 + 451 = 841$ (2 week case counts)

$841 / 75,000 = .0112$ (Appleton population 75,000)

$.00112 \times 100,000 = 1,121$ (equals burden)

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

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

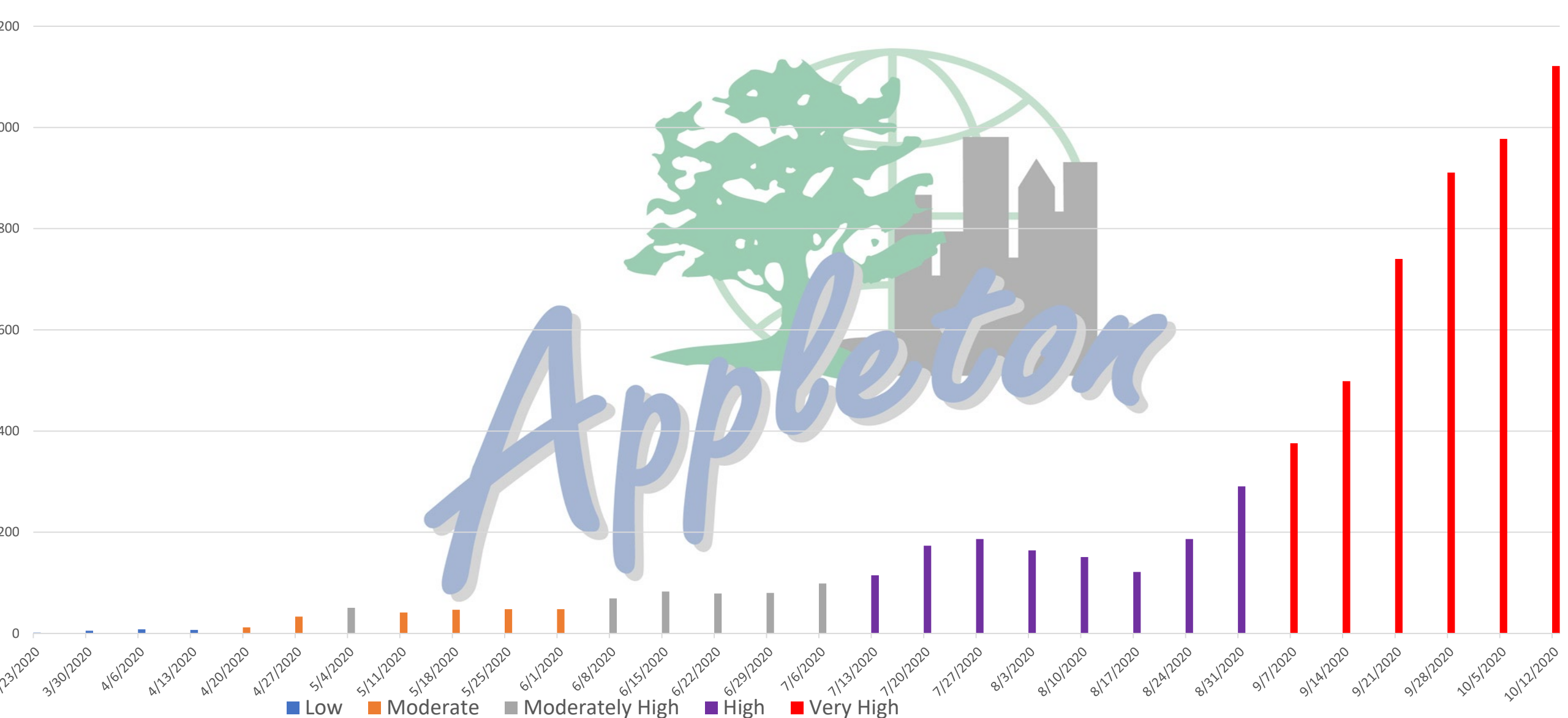
Moderately High greater than 50 but less than 100 per 100,000 people

High is greater than 100 per 100,000 people

Very High is greater than 350 per 100,000 people

Table 1. Two indicators being based on confirmed cases: Burden and Trajectory. A third indicator maps Burden and Trajectory indicators into one composite indicator.

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



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

NOTICE OF PUBLIC HEARING
OF THE
APPLETON COMMON COUNCIL

The City of Appleton Common Council will conduct a Public Hearing on Wednesday, October 21, 2020, at 7:00 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street for the following proposed rezoning request:

Rezoning Request: The City of Appleton received a request by owner, Eric Jacobson of Positive Ventures, LLC to rezone the following properties from C-2 General Commercial District to C-1 Neighborhood Mixed Use District (map attached):

- 1200 South Oneida Street (Parcel Number: 31-4-0418-00) (aka Images Bar) and
- 1216 South Oneida Street (Parcel Number: 31-4-0420-00) (aka Houdini's Escape Gastropub), including to the centerline of East Harrison Street, South Oneida Street and East McKinley Street.

Legal Description: 1200 S Oneida Street - Tax Parcel #31-4-0418-00 (C-2 to C-1)

CSM 6545 LOT 1 (DOC1965929) BEING ALL OF LOTS 4,5,6 & 7 BLK 12 EDWARD WESTS PLAT (4WD); LESS DOC #2115436 FOR R/W AND INCLUDING TO THE CENTERLINE OF THE PUBLIC RIGHT-OF-WAY.

1216 S Oneida Street - Tax Parcel #31-4-0420-00 (C-2 to C-1)

CSM 6733 LOT 1 (DOC2002536) BEING ALL OF LOTS 2&3 OF CSM 6545, BEING ALL LOTS 6&7 AND PRT LOTS 4&5 BLK 12 EDWARD WEST S PLAT SEC35 T21N R17E; LESS DOC #2115436 FOR R/W AND INCLUDING TO THE CENTERLINE OF THE PUBLIC RIGHT-OF-WAY.

Purpose of the Request: The owner is seeking this request to utilize the C-1 Neighborhood Mixed Use zoning district standards when planning/proposing site improvements. The C-1 Neighborhood Mixed Use District is intended to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods.

ALDERMANIC DISTRICT: 11 – Alderperson Patti Coenen

This notification invites you to appear before the Appleton Common Council and you will be given an opportunity to express your views or concerns regarding the above-described request. Please contact Don Harp, Principal Planner, in the Community and Economic Development Department at 920-832-6466 or by email at don.harp@appleton.org

Kami Lynch
City Clerk

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

RUN: September 29, 2020
October, 6, 2020

Paula Vandehey

From: Kurt Craanen
Sent: Monday, September 21, 2020 7:43 AM
To: Paula Vandehey
Subject: FW: Appeal of Assessment

Paula:

I received this email, requesting an appeal to a weed assessment.

When is the next Mun. Services meeting?

From: John Fease <jrfease@ymail.com>
Sent: Monday, September 21, 2020 7:41 AM
To: Kurt Craanen <Kurt.Craanen@Appleton.org>
Subject: Appeal of Assessment

Good morning Kurt,

This email is to initiate the appeal of the \$50 assessment for a weed violation at 508 W. Wisconsin Avenue, a property owned by Al Schmidt. A group of us sought guidance from specialists in native plants, and planted \$650 worth of very small plants in early June. We were waiting for the plants to mature before weeding in order for them to get well established and grow large enough to be easily identified before attempting to refine the bed more. The photos below show the terrace the day we planted the first time - on May 30, and the second photo was taken August 30

I am hoping the City of Appleton will grant us relief from the assessment.

Thank you,
John Fease

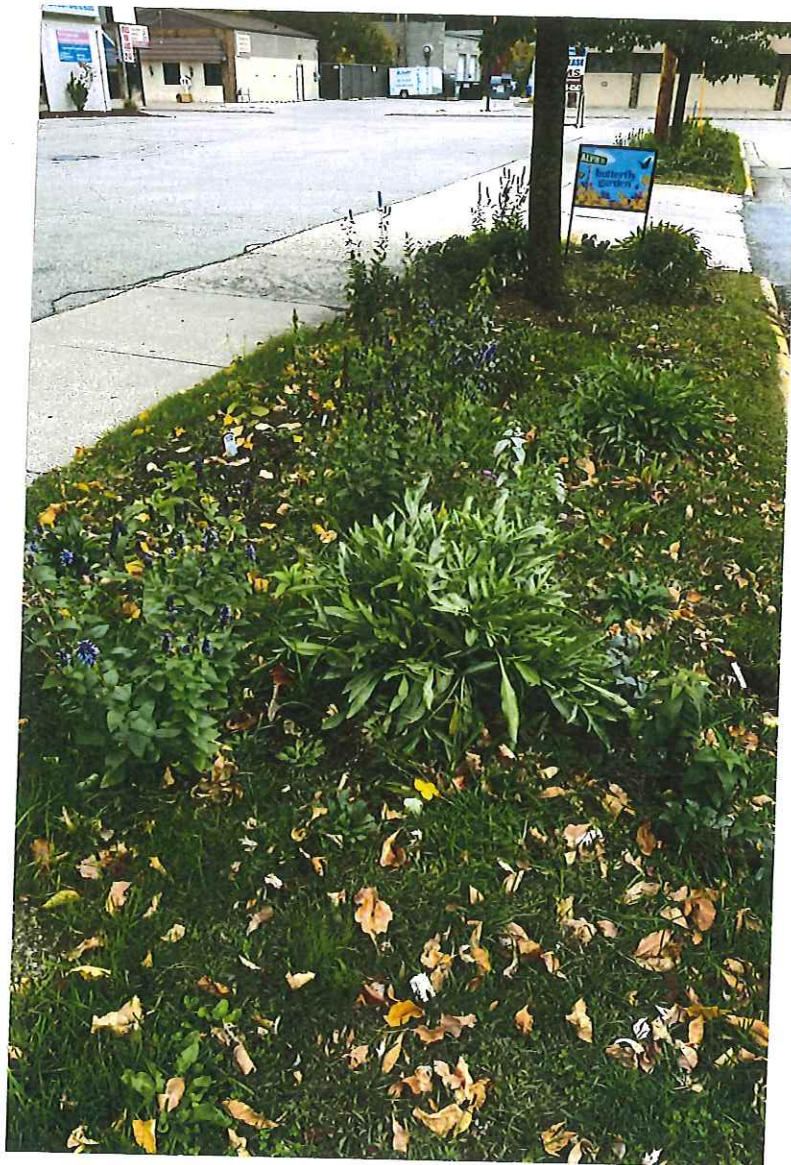




07/29/2020 12:20



07/29/2020 12:20





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

DEPARTMENT OF PUBLIC WORKS

**Engineering Division
100 North Appleton Street
Appleton, WI 54911
Phone (920) 832-6474**

September 29, 2020

Dear Property Owner:

The City of Appleton currently has pedestrian walks that connect neighborhoods throughout the City similar to the one adjacent to your property. The majority of these pedestrian connections do not have fences. However, some of the older pedestrian walks do have existing fences, and over time the fences are getting damaged due to age, weather, snow removal, etc.

The City is proposing a change to our City Owned Pedestrian Walks Policy to eliminate these fences over time. Please review the attached policy highlighting the proposed changes. The policy will be an action item on the October 12th Municipal Services Committee meeting at 4:30 p.m. in Committee Room "A", Sixth Floor at the City Center Building.

All persons are invited to express their views or concerns regarding the proposed changes. The Municipal Services Committee meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to share any feedback with Municipal Service Committee members via written letter, email, or phone call instead of appearing in person. Additionally, you may also share any questions, concerns, or feedback regarding the proposed changes with me via email at paula.vandehey@appleton.org.

Sincerely,

Paula Vandehey, P.E.
Director of Public Works

Attachment

C: Alderpersons



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

DEPARTMENT OF PUBLIC WORKS

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

Council approved 10/20/04

CITY OF APPLETON CITY OWNED PEDESTRIAN WALKS POLICY

This policy has been developed to provide appropriate, consistent and cost-effective landscaping/fencing and pavement maintenance of City owned, non-park pedestrian walks.

Pedestrian Walk Fencing

- City will maintain chain link fence that was installed by City **until such time it is beyond repair.**
- Existing city-owned fences ~~may be removed with Common Council approval~~ **will be removed once they are beyond repair.**
- **A one-time reimbursement of up to \$500 towards private landscaping/fencing will be offered to each property owner abutting the removed fence.**
- City will not maintain decorative or privacy fencing installed by property owner.
- New pedestrian walks will not have fencing unless approved by Common Council.

Pedestrian Walk Pavement Maintenance

- City will maintain walk per Sidewalk Maintenance Policy.
- City will keep pedestrian walk clear of snow and ice.
- Future pedestrian walks will be a minimum of ~~6~~ **8** feet of pavement width within a minimum ~~40~~ **16**-foot easement width to allow for proper snow removal.

Landscaping

- Park Department will not be responsible for landscaping and mowing of grass at non-park pedestrian walks except the two they currently maintain (Pacific at Opechee and Birchwood at Glendale).
- Abutting property owners will be responsible for any encroachment of landscaping into City right-of-way.

Resolution #15-R-20

Date: September 2, 2020

Submitted By: Alderperson Wolff, District 12 & Alderperson Prohaska, District 14

Referred To: Safety & Licensing Committee

Whereas, Marijuana has been legalized by states on each of our borders. And out of state individuals may visit the area.

Whereas, from time to time we have to adjust our citation costs due to changes in our state or country.

Whereas, for both possession of marijuana violations (Sec. 10-32) and possession of drug paraphernalia violations (Sec. 10-34), the current Schedule of Deposits has forfeiture amounts of two hundred dollars (\$200) for a first offense, two hundred and fifty dollars (\$250) for a second offense, and three hundred dollars (\$300) for third and subsequent offenses.

Therefore be it resolved, that the Schedule of Deposits be amended to the following for possession of marijuana violations and possession of drug paraphernalia violations:

For possession of marijuana violations, a first offense shall be a five-dollar (\$5.00) forfeiture and second and subsequent offenses shall be a fifteen-dollar (\$15.00) forfeiture.

For possession of drug paraphernalia violations, a first offense shall be a five-dollar (\$5.00) forfeiture and second and subsequent offenses shall be a ten-dollar (\$10.00) forfeiture.



POLICE DEPARTMENT

222 South Walnut Street • Appleton, WI 54911-5899
(920) 832-5500

To: Alderperson Siebers, Safety and Licensing Committee Chairperson
From: Chief Todd Thomas
Date: September 21, 2020
Subject: Resolution #15-R-20 Marijuana and Drug Paraphernalia Citations

This information is being provided to assist the council in its decision making on the above resolution.

Municipal Citations

Adult (including 15-17 year olds) Possession of marijuana and possession of paraphernalia

- ❖ 1st \$389.50 , 2nd \$452.50, 3rd \$515.50 (\$200, \$250, \$300 fines plus court costs, respectively)
- ❖ 2nd and 3rd must have a violation date within the previous 12 months, with is extremely rare

Juveniles (age 12-14 year olds) is \$143.80 (\$5.00 plus costs).

Our School Resource Officers also use informal dispositions, holding the ticket open and using an informal probation period. If the child follows the agreed on plan the citation is dismissed and considered never issued.

In 2019 we issued 157 municipal citations for possession of marijuana, 31 of the 157 were to juveniles, or 19.7%.

Prosecution – by Assistant City Attorney

If a defendant appears, then they are given the option to attend an AODA assessment, at their cost. If they complete the assessment and follow through with all recommended treatment, then the Assistant City Attorney will dismiss the citation.

If a defendant does not appear, then they are found guilty by default and the total amount is due to the court. If the defendant fails to pay the amount to the court, then they may be sent to collections and their driving privileges could be suspended by WI DOT. For juveniles who do not have driving privileges, their license can be suspended when they obtain their driving privileges, which can be months or years after they are found guilty.

AODA Assessment - I contacted three providers of services and was provided the following costs;

1. \$336 for 2 ½ hours – if they have no insurance it is \$168. If have financial challenge they are referred to the County Human Services Department for Assistance.
2. \$325 for 2 hours – can get assistance from Human Services Department
3. \$459 for 1 ½ - \$344 if no insurance – can get assistance from Human Services or they have internal payment plan and internal funds to assist.

Core Values of the Appleton Police Department: “Compassion, Integrity, Courage”



POLICE DEPARTMENT

222 South Walnut Street • Appleton, WI 54911-5899
(920) 832-5500

Criminal Referrals – To District Attorney Office

Almost all the cases referred include other charges – the possession charge is in addition to other more serious charges.

Those ages 17-20 are sent through a diversion program, similar to how municipal citations are handled.

Second and subsequent offences usually have multiple referrals for other things.

The goal is to get them into treatment. The District Attorney believes, and we concur, that repeated marijuana usage can frequently lead to other addiction issues and increased criminal activity.

Juvenile Intake criminal referrals (16 and under)

The referrals to Juvenile Intake are very rare, and similar to referrals to the District Attorney, there are usually more serious charges or a history of referrals for the juvenile.

In the past 20 months there have only been 38 referrals for Possession of marijuana, 10 were counseled and closed out, and five others entered deferred prosecution agreements. Of the remaining 21 referred only two were first time offenders; both were for possession on school grounds and had additional behavioral concerns that impacted the referral. All the others had multiple previous referrals and eight of the 21 had five or more previous referrals.

Comparable Municipalities

ACA Glad obtained the fine amount used by other similar sized cities. The lowest was Madison at \$124, the next lowest were Stevens Point and Wausau at \$187, Fond du Lac was \$439 and Green Bay \$502. Those municipalities have their own municipal courts, the fine amounts are \$50, \$100, \$300, and \$350 respectively.

Summary

The enforcement of this ordinance is not a high priority, but it is important to address the behavior to intervene in other potential issues. We share the philosophy our progressive criminal justice partners have: our goal for minor offenses is to give them the incentive to get an assessment so we can divert them from the criminal justice system. The focus on diversion and education for minor offences has been in place for years, for both municipal citations and criminal referrals.

As long as there are federal and state laws in place a municipal ordinance, with appropriate consequences, gives us the option of a lower level sanction to encourage treatment without creating a “criminal” record. Without an ordinance that has an appropriate consequence our only other option to encourage them to get an assessment would be a criminal referral. A criminal referral would lead to higher costs to the individual and a less timely response.



POLICE DEPARTMENT

222 South Walnut Street • Appleton, WI 54911-5899
(920) 832-5500

We believe the amounts recommended in the resolution would be too low to encourage individuals to appear in court and take advantage of the AODA diversion, but we do support a lowering of the fine amount. Setting the fine amount at the level in the resolution would lead to more people paying a fine, which would be entered as a conviction in CCAP and a lost opportunity for AODA intervention.

The Police Department would also recommend that all citations for these offences include the fine amount along with a requirement for a **mandatory appearance**. This will increase the number of defendants who will take advantage of AODA treatment for dismissal of the citation and provide the opportunity for the Judge to use discretionary and alternative sentencing.

Below are what some of the most commonly used ordinances currently have for fine amount's for comparison purposes.

\$5 (\$143.80)

Bike on Sidewalk
No light on Bicycle

\$25 (\$169.00)

Curfew
Animal at large
In Park after hours
Loitering on public grounds

\$50 (\$200.50)

Underage Drinking
Shoplifting
Public Urination
Loud and Unnecessary noise

\$100 (\$263.50)

Disorderly Conduct
Obstructing an Officer
Damage to Property
Trespass to Dwelling

\$150 (\$326.50)

Carrying Concealed Weapon
Misuse of 911
Tattoo Violations
Inspection Code violations

Please let me know if there is any other information you need.

Chief Todd Thomas



LEGAL SERVICES DIVISION

Office of the City Attorney

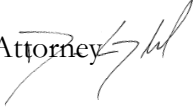
100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Members of the Safety and Licensing Committee
Aldersperson Nate Wolff
Aldersperson Joe Prohaska

FROM: Darrin M. Glad, Assistant City Attorney 

DATE: October 12, 2020

RE: Resolution #15-R-20
Statutory Limits on Juvenile Paraphernalia Forfeitures

After the most recent Safety and Licensing Committee meeting, I learned that there are statutory maximums that apply to juveniles found guilty of **possession of drug paraphernalia**. This fact seems to have been missed by other municipalities as several other municipalities also have forfeitures in excess of the statutory amounts. For juveniles, the Wisconsin Statutes allow for a maximum of a \$50.00 forfeiture for a first offense, a maximum of a \$100.00 forfeiture for a second offense, and a maximum of a \$500.00 forfeiture for third and subsequent offenses. Our current Schedule of Deposits has forfeiture amounts of \$200, \$250, and \$300 respectively for juveniles aged 15-17 years' old. I recommend that whatever action is taken by Council regarding this resolution, that the forfeiture amounts for juveniles be corrected in the Schedule of Deposits to not exceed the statutory maximums. For juveniles 14 years' old and younger, the forfeiture amount is set at \$5.00 and no correction is needed.

If you have any questions or concerns, please do not hesitate to contact me.

DMG:jlj
CityLaw A20-0608

#17-R-20
Trick-or-Treating

Submitted By: Alderperson Smith, District 10

October 7, 2020

Referred To: Safety & Licensing Committee

Whereas as at the time of this submission, 10 deaths from the Covid-19 virus have been reported in Appleton and as reported in the Oct. 6th edition of the Post Crescent “Appleton has recorded its sixth record breaking count of Covid-19” and;

Whereas, the cities Appleton and Menasha, and the counties of Calumet, Outagamie, and Winnebago Health Departments made a joint statement declaring a health emergency, and;

Whereas, school districts including Appleton, Menasha, Oshkosh, and other surrounding communities have not started face-to-face teaching or have gone to virtual classrooms, and

Whereas, according to an article in the Sept. 22, 2020 edition of the USA Today, the CDC says that “door-to-door or handing out treats from trunks are the riskiest activities for preventing the spread of the virus,”.

Now Therefore, Be It Resolved that for the safety of all Appleton citizens and guests that this year’s Appleton Halloween trick-or-treating be canceled.



Appleton Health Department
100 North Appleton Street
Appleton, WI 54911-4799
(920) 832-6429 (920) 832-5853 Fax

DATE: October 13, 2020
TO: Bill Siebers, Chair of Safety & Licensing
FROM: Kurt Eggebrecht, Health Officer, Appleton Health Department
RE: Halloween Trick or Treating 2020

I am writing to clarify the Health Department's guidance for celebrating Halloween safety during a pandemic.

First, it should be noted that the Common Council has historically set the hours for trick or treating within the City to be on Halloween from 4 to 8pm. Until last Wednesday, when a resolution proposing to change these hours was introduced, we were operating with the understanding that the hours would remain the same as they had in the past.

Given the high rate of COVID-19 cases in Appleton we, along with other health departments in the region, wanted to provide guidance that reduces the risk of contracting COVID-19. Knowing that families may proceed in a traditional manner, we wanted to provide advice that reinforces that **trick or treating, in its traditional sense, should not take place.**

As a result, our guidance suggests that high risk individuals (people over 60 or those with underlying health conditions that puts them in a "high risk" category such as, obesity, hypertension, etc.) should not participate this year and leave their porch light off. Similarly, we recommend that if you are sick at any age, you should not participate.

We advise that you trick or treat only with your household members and do not join with other households or co-mingle children while participating. They should also properly wear face coverings, social distance and use hand sanitizer frequently.

We also advise not to hand out candy in the traditional manner, rather offer ready to grab goodies bags or spread out candy on a table for children to grab and go.

We offered additional guidance including avoiding nursing homes and other high-risk indoor settings.

We promoted these precautions rather than just saying no to Halloween. Limiting trick or treating to just family household members, takes a balanced approach which also addresses the mental health needs of our children and families.

While it is true that this proposed resolution and staying home is the safest approach to preventing the spread of COVID-19, we also recognize that traveling to another community to trick or treat has the potential to create greater risk. We felt our approach struck the right balance.

#18-R-20

Fire Department EMT Service Level

Submitted By: Alderperson Siebers, District 1; Alderperson Van Zeeland, District 5; Alderperson Reed, District 8; Alderperson Schultz, District 9; Alderperson Lobner, District 13

October 7, 2020

Referred To: Safety & Licensing Committee

Whereas, the Appleton Fire Department is committed to provide the community with outstanding emergency medical services; and

Whereas, emergency medical incidents account for 67% of the total incidents the Fire Department responded to over the past 5 years; and

Whereas, the Appleton Fire Department arrives on scene and initiated patient care 72% of the time prior to the arrival of a transport ambulance; and

Whereas, the City of Appleton recognizes the increased need for emergency medical services and the impact they have on our community; and

Whereas, the City of Appleton is committed to providing the highest level of pre-hospital medical care to its citizens and visitor through the skills provided at the Emergency Medical Technician – Basic Non-Transport level.

Now, Therefore Be it Resolved, that the City of Appleton, Wisconsin, Common Council, endorses the Appleton Fire Department to apply to the State of Wisconsin, Department of Health Services to increase the Appleton Fire Department's medical service level to Emergency Medical Technician – Basic Non-Transport.



REPORT TO PLAN COMMISSION

Plan Commission Informal Public Hearing Meeting Date: September 22, 2020

Common Council Public Hearing Meeting Date: October 21, 2020

Item: Rezoning #7-20 – 1200 and 1216 South Oneida Street from C-2 General Commercial District to C-1 Neighborhood Mixed Use District

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Property Owner / Applicant: Positive Ventures, LLC - Eric Jacobson

Address/Parcel #s: 1200 South Oneida Street (Parcel Number: 31-4-0418-00) (aka Images Bar) and 1216 South Oneida Street (Parcel Number: 31-4-0420-00) (aka Houdini's Escape Gastropub)

Petitioner's Request: The property owner is requesting a zoning change from C-2 General Commercial District to C-1 Neighborhood Mixed Use District. The owner is seeking this request to utilize the C-1 Neighborhood Mixed Use zoning district standards when planning/proposing site improvements to 1200 and 1216 South Oneida Street.

BACKGROUND

Special Use Permit #12-13 has been approved for a restaurant including an outdoor patio area with alcohol sales at 1216 South Oneida Street (aka Houdini's Escape Gastropub).

Special Use Permit #13-13 has been approved for a tavern including an outdoor patio area with alcohol sales at 1200 South Oneida Street (aka Images Bar).

STAFF ANALYSIS

Existing Conditions: The land area to be rezoned is currently developed with two separate buildings utilized by Houdini's Escape Gastropub (currently operating) and Images Bar with first and second floor apartment units (currently not operating and unoccupied dwelling units). Both properties share the existing off-street parking spaces.

Surrounding zoning and land uses:

- North: C-2 General Commercial District and R-1B Single-Family Residential District – place of worship and residential uses
- South: C-2 General Commercial District – commercial uses
- East: R-1B Single-Family Residential District – residential uses
- West: R-1B Single-Family Residential District and R-3 Multi-family District – undeveloped land

Proposed Zoning Classification: The C-1 Neighborhood Mixed Use District is intended to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods.

Development standards (Section 23-112 – C-1 Neighborhood Mixed Use District) are as follows:

- 1) **Minimum lot area.** 6,000 square feet.
- 2) **Maximum lot coverage.** Ninety percent (90%).
- 3) **Minimum lot width.** 40 feet
- 4) **Minimum front yard.** None.
- 5) **Minimum rear yard.** 20 feet
- 6) **Minimum side yard.** None. 10 feet if abutting a residential zoned district.
- 7) **Maximum building height.** Sixty (60) feet.
- 8) **Minimum off-street parking spaces:** 1200 South Oneida Street, 10 minimum spaces and 1216 South Oneida Street, 29 minimum spaces.

The existing site improvements located on the land area to be rezoned appears to satisfy the development standards of the C-1 Neighborhood Mixed Use District, except for the building located 1200 South Oneida Street (Parcel Number: 31-4-0418-00) (aka Images Bar). This building has been identified as an existing non-conforming building due its encroachment (northeast corner of the building is 0.8 feet over the lot line) in the East McKinley Street right-of-way. This building can remain in its current location but will be regulated by the applicable nonconforming principal building regulations in the Appleton Zoning Ordinance.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Mixed-Use designation. The proposed C-1 Neighborhood Mixed Use District rezoning is consistent with the Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Chapter 17: South Oneida Street Corridor:

*Pedestrian-Oriented Commercial - This use and character should be extended from the industrial flats (refer to the **Fox River Corridor Plan**, Chapter 13) south through the Oneida Street corridor to Calumet Street. It is typified by buildings constructed at or near the street right-of-way and oriented to the sidewalk. Ground floor uses are nearly always commercial, and residential uses may be located on upper floors or at the back of the property. This is especially appropriate where the development site extends through to the parallel street, and multifamily residential may present a better transition to lower-density residential than would the back of a commercial building.*

Standards for Zoning Map Amendments: Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. It would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
 1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 objectives and strategies stated above.*
 2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
 3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
 4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:

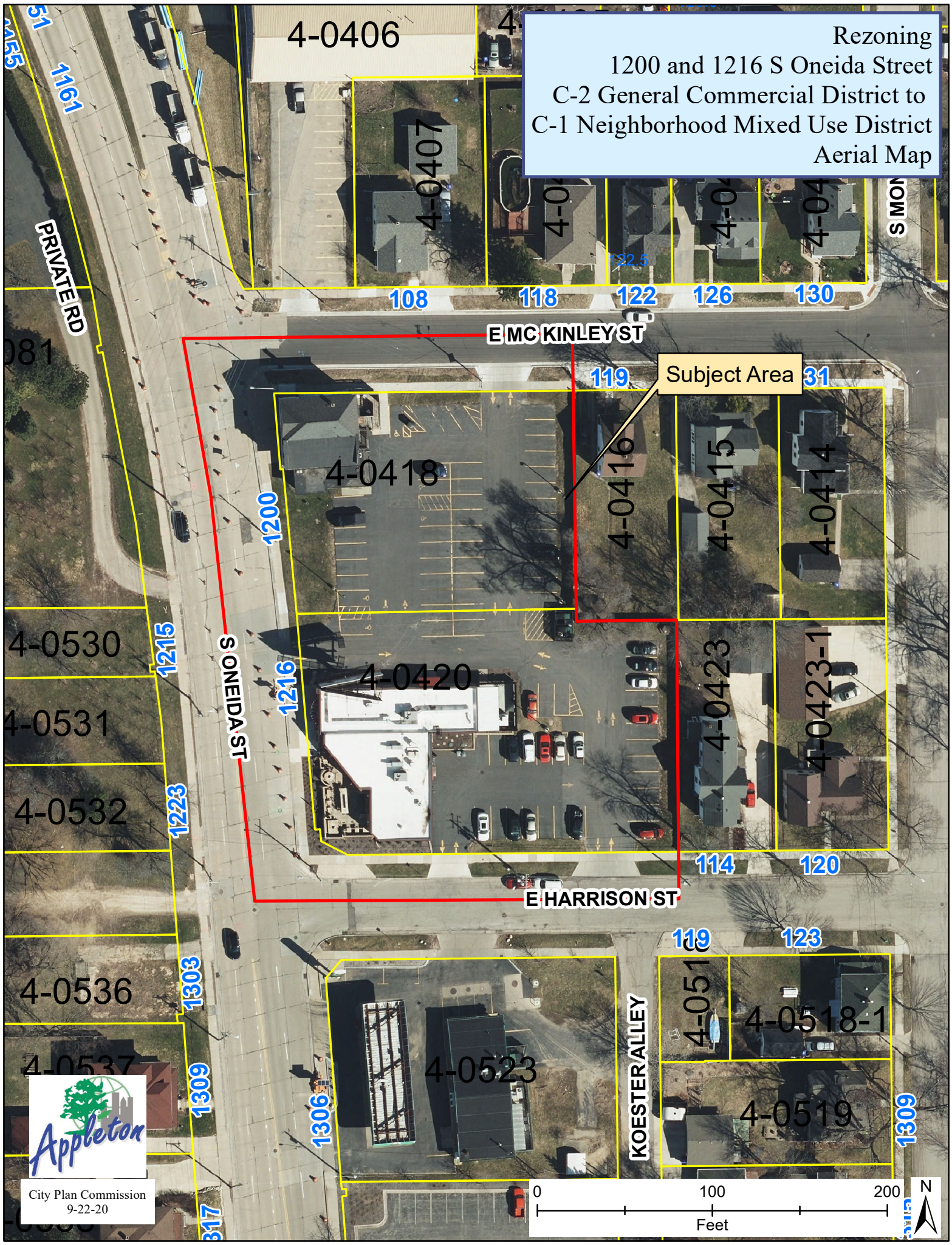
1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject properties are adequately served by the existing infrastructure and the transportation network.*
2. The effect of the proposed rezoning on surrounding uses. *A mix of Single-family, Commercial, and Public Institutional uses are already present in this area of City. The rezoning request is being made by the property owner to utilize the C-1 Neighborhood Mixed Use zoning district standards when planning/proposing site improvements to 1200 and 1216 South Oneida Street. Therefore, the proposed rezoning request is unlikely to create adverse impacts on the surrounding uses.*

Technical Review Group Report (TRG): This item appeared on the September 1, 2020 TRG Agenda. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based upon the standards for map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #7-20 to rezone 1200 (Parcel Number: 31-4-0418-00) and 1216 South Oneida Street (Parcel Number: 31-4-0420-00) including to the centerline of the adjacent right-of-way from C-2 General Commercial District to C-1 Neighborhood Mixed Use District, as shown on the attached maps, **BE APPROVED**.

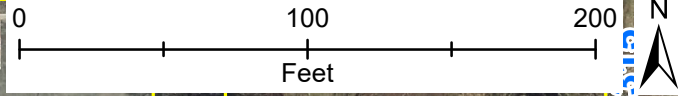
Rezoning
1200 and 1216 S Oneida Street
C-2 General Commercial District to
C-1 Neighborhood Mixed Use District
Aerial Map



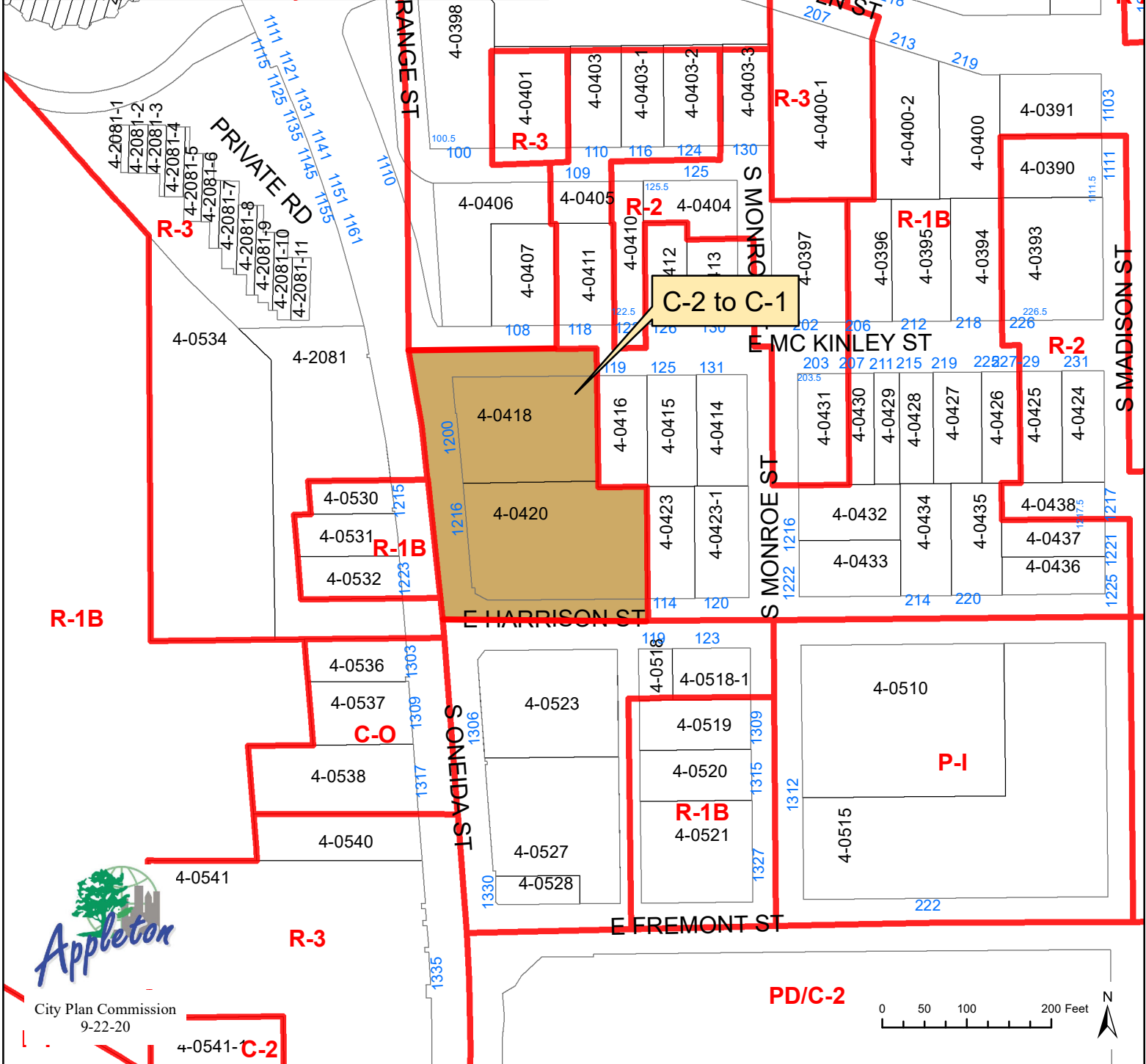
Subject Area 31



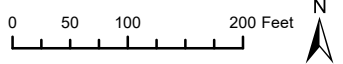
City Plan Commission
9-22-20



Rezoning
 1200 and 1216 S Oneida Street
 C-2 General Commercial District to
 C-1 Neighborhood Mixed Use District
 Zoning Map



City Plan Commission
 9-22-20



Current Zoning District regulations for 1200 and 1216 S Oneida Street

Sec. 23-113. C-2 general commercial district.

- (a) **Purpose.** This district is intended to provide for businesses which serve city and regional markets; provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public.
- (b) **Principal permitted uses.** The following principal uses are permitted as of right in the C-2 district:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Assisted living or retirement homes. • Nursing or convalescent homes. 	<ul style="list-style-type: none"> • Clubs. • Day care, group. • Educational institutions; business, technical or vocational school. • Educational institutions; college or university. • Governmental facilities. • Hospitals. • Marina or boat landings. • Museums. • Places of worship. • Public parks or playground. • Recreation facilities; non-profit. • Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building. 	<ul style="list-style-type: none"> • Automobile maintenance shops. • Commercial entertainment; excluding sexually-oriented establishments. • Drive through facilities pursuant to §23-49. • Greenhouses or greenhouse nurseries. • Hotel or motels. • Manufacturing, custom pursuant to §23-66(h)(16). • Multi-tenant building. • Offices. • Painting/Craft Studio without alcohol sales. • Parking lots. • Personal services. • Printing. • Professional services. • Restaurants (without alcohol). • Restaurants, fast food. • Retail businesses. • Shopping centers. • Towing businesses pursuant to §23-66(h)(15). • Urban farms pursuant to 23-66(h)(17). • Veterinarian clinics.

- (c) **Accessory uses.** Accessory uses in the C-2 district may include:
 - (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the C-2 district.
 - (2) Residential dwellings at least ten (10) feet above the street grade of the building.
 - (3) Home occupation pursuant to §23-45.
 - (4) Outdoor storage and display pursuant to §23-46.
 - (5) Fences and walls pursuant to §23-44.
- (a) **Temporary uses and structures.** Temporary uses and structures specified in §23-54 may be permitted in the C-2 District.

(e) *Special uses.* Special uses in the C-2 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None. 	<ul style="list-style-type: none"> • Educational institutions; elementary school, junior high school or high school. • Essential services. • Golf courses. However, the clubhouse, practice driving range, practice greens, or miniature golf course shall not be located closer than two hundred (200) feet from any residential structure. 	<ul style="list-style-type: none"> • Amusement arcades. • Any principal building that exceeds thirty-five (35) feet in height. • Automobile, RV, truck, cycle, boat sales and display lots, new pursuant to §23-66(h)(5). • Automobile, RV, truck, cycle, boat sales and display lots when including used vehicles pursuant to §23-66(h)(5). • Bar or taverns pursuant to §23-66(h)(6). • Body repair and/or paint shops pursuant to §23-66(h)(4). • Bus terminals. • Car washes. • Circus or carnivals. However, carnival rides or midways shall not be located within three hundred (300) feet of any residential district and shall be pursuant to §23-66(h)(7). • Craft-Distillery pursuant to §23-66(h)(19). • Electronic towers pursuant to §23-66(h)(1) • Freight distribution and/or moving centers. • Gasoline sales pursuant to §23-66(h)(8). • Helicopter landing pads pursuant to §23-66(h)(9). • Indoor kennels. • Landscape business. • Manufacturing, light. • Microbrewery/ Brewpub pursuant to §23-66(h)(19). • Mobile home sales lots. • Outdoor commercial entertainment pursuant to §23-66(h)(11). • Painting/Craft Studio with alcohol sales pursuant to §23-66(h)(6). • Parking garages. • Recycling collection points pursuant to §23-66(h)(14). • Recycling and waste recovery centers pursuant to §23-66(h)(13). • Research laboratories or testing facilities. • Restaurants with alcohol pursuant to §23-66(h)(6). • Sexually-oriented establishments pursuant to Article XII. • Shelter facility. • Tasting rooms pursuant to §23-

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
		66(h)(19, 20, 21, or 21) <ul style="list-style-type: none"> • Towers or antennas for wireless telecommunication services, pursuant to Article XIII. • Wholesale facilities. • Winery pursuant to §23-66(h)(21).

- (f) **Site plan.** Prior to obtaining a building permit on any land in the C-2 district, a site plan shall be required in accordance with §23-570, Site plan review and approval.
- (g) **Parking, loading, and landscape standards.** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards. Landscaping requirements are set forth in §23-601, Landscaping and screening standards.
- (h) **Development standards.** The space limits applicable in the C-2 district are as follows:
- (1) **Minimum lot area.** Fourteen thousand (14,000) square feet.
 - (2) **Maximum lot coverage.** Seventy-five percent (75%).
 - (3) **Minimum lot width.** Sixty (60) feet.
 - (4) **Minimum front yard.** Ten (10) feet.
 - (5) **Minimum rear yard.** Twenty (20) feet.
 - (6) **Minimum side yard.**
 - a. None.
 - b. Ten (10) feet if abutting a residentially zoned district.
 - (7) **Maximum building height.** Thirty-five (35) feet (See §23-113 (e)).

Property Owners Requested Zoning District regulations for 1200 and 1216 S Oneida Street

Sec. 23-112. C-1 neighborhood mixed use district.

- (a) **Purpose.** The C-1 district is intended to provide for mixed use areas, including a range of commercial and denser residential uses. Development is intended to be pedestrian-oriented, with businesses and services that are part of the fabric of the neighborhood and allow residents to meet daily needs on foot, bicycle, and public transit. Development standards provide added flexibility to encourage redevelopment along commercial corridors, without being detrimental to established residential neighborhoods.
- (b) **Principal permitted uses.** The following principal uses are permitted as of right in the C-1 district.

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Dwelling, multi-family, of three (3) or more units, apartment building, or townhouse. 	<ul style="list-style-type: none"> • Clubs. • Day care, group. • Governmental facilities. • Museums. • Places of worship. • Public parks or playgrounds. • Registered historic places open to the public and having retail space occupying not more than 10% of the gross floor area of the building. 	<ul style="list-style-type: none"> • Commercial entertainment; excluding sexually-oriented establishments. • Hotel or motels. • Multi-tenant building. • Offices. • Painting/Craft Studio without alcohol sales. • Personal services. • Printing. • Professional services. • Restaurants (without alcohol). • Restaurant, fast foods. • Retail businesses. • Shopping centers. • Urban farms pursuant to §23-66(h)(17). • Veterinarian clinics, with all activity within enclosed buildings and with no animals boarded overnight.

- (c) **Accessory uses.** Accessory uses in the C-1 district may include:
 - (1) The accessory uses, buildings and structures set forth in §23-43 are permitted as of right in the C-1 district; however, new or expanded driveways, parking lots, and loading areas shall not be located between the principal building and the front lot line.
 - (2) Residential dwellings at least ten (10) feet above the street grade of the building.
 - (3) Home occupation pursuant to §23-45.
 - (4) Outdoor storage and display pursuant to §23-46.
 - (5) Fences and walls pursuant to §23-44.
- (d) **Temporary uses and structures.** Temporary uses and structures specified in §23-54 may be permitted in the C-1 district.

(e) **Special uses.** Special uses in the C-1 district may include:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None. 	<ul style="list-style-type: none"> • Educational institutions; elementary school, junior high school or high school. • Essential services. • Recreation facilities, non-profit. 	<ul style="list-style-type: none"> • Amusement arcade. • Bar or Tavern pursuant to §23-66(h)(6). • Craft-Distillery pursuant to §23-66(h)(19). • Electronic towers pursuant to §23-66(h)(1) • Manufacturing, custom pursuant to §23-66(h)(16). • Microbrewery/Brewpub pursuant to §23-66(h)(19). • Outdoor commercial entertainment pursuant to §23-66(h)(11). • Painting/Craft Studio with alcohol pursuant to §23-66(h)(6). • Parking garages. • Recycling collection points pursuant to §23-66(h)(14). • Research laboratories or testing facilities. • Restaurants with alcohol pursuant to §23-66(h)(6). • Tasting rooms pursuant to §23-66(h)(19, 20, 21, or 21) • Tower or antenna for telecommunication services pursuant to Article XIII. • Winery pursuant to §23-66(h)(21).

(f) **Site plan.** Prior to obtaining a building permit on any land in the C-1 district, a site plan shall be required in accordance with §23-570, Site plan review and approval.

(g) **Parking and landscape standards.** Off-street parking and loading requirements are set forth in §23-172, Off-street parking and loading standards; however, the number of off-street parking and loading spaces required are reduced by fifty percent (50%) for uses in the C-1 district. Landscaping requirements are set forth in §23-601, Landscaping and screening requirements.

(h) **Development standards.** The space limits applicable in the C-1 district are as follows:

(1) **Minimum lot area.** Six thousand (6,000) square feet.

(2) **Maximum lot coverage.** Ninety percent (90%).

(3) **Minimum lot width.** Forty (40) feet.

(4) **Minimum front yard.** None.

(5) **Minimum rear yard:**

a. Twenty (20) feet.

(6) **Minimum side yard:**

a. None.

- b. Ten (10) feet if abutting a residentially zoned district.
- (7) **Maximum building height.** Sixty (60) feet.
- (i) **District location.** The C-1 district shall be utilized in areas identified with a future Mixed Use designation on the Comprehensive Plan Future Land Use Map.



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Date: October 13, 2020

Common Council Meeting Date: October 21, 2020

Item: Special Use Permit #6-20 for the manufacturing of dairy products (light manufacturing)

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Messenger Property Management c/o Mike Faucett – Malcore Foods

Address/Parcel #: 300 E. Coolidge Avenue (Tax Id #31-9-0030-00)

Petitioner's Request: The applicant is requesting a Special Use Permit for the manufacturing of dairy products (light manufacturing).

BACKGROUND

The structure was built in 1940. The property was historically used by Pneumatic Hydraulic and contains a single-story concrete block building approximately 2,000 square feet in size. There is also a gravel parking lot on site.

STAFF ANALYSIS

Project Summary: The applicant proposes to manufacture European style cheese products. The operations would include unloading milk and converting it into artisan cheese products. The interior of the building will be remodeled to accommodate the cheese manufacturing process. The applicant proposes to construct an approximately 2,680 square foot addition onto the building. The addition will provide a covered bay for the unloading of milk. An off-street paved parking lot containing 7 parking spaces will be constructed as part of this project, which will accommodate the required number of parking spaces needed for the proposed special use.

Existing Site Conditions: The existing single-story concrete block building totals approximately 2,000 square feet in size. There is also a gravel parking lot on site with no designating parking spaces. Ingress and egress to the off-street parking lot is provided by existing curb cuts on South Madison Street and East Coolidge Avenue.

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

Current Zoning: The subject property has a zoning designation of C-2 General Commercial District. Per Section 23-113(e) of the Municipal Code, a light manufacturing facility (manufacturing of dairy products) requires a Special Use Permit in the C-2 District. A two-thirds (2/3) vote of the Common Council is required for approval.

Special Use Permit #6-20

October 13, 2020

Page 2

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

North: C-2 General Commercial District. The adjacent land use to the north is currently multi-tenant commercial.

South: R-1B Single Family District. The adjacent land uses to the south are currently single-family residential.

East: C-2 General Commercial District. The adjacent land use to the east is currently single-family residential.

West: C-2 General Commercial District. The adjacent land use to the west is currently commercial and light manufacturing (Malcore Foods/Arthur Bay Cheese).

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

Goal 1 – Community Growth

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

Goal 8 – Economic Development

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

OBJECTIVE 9.4 Economic Development:

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

OBJECTIVE 10.5 Land Use:

Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.

Technical Review Group (TRG) Report: This item appeared on the September 22, 2020 TRG Agenda. No negative comments were received from participating departments.

Approval or Denial by Common Council:

When reviewing an application for a Special Use Permit, the City must look at the requirements and conditions found in the zoning ordinance and determine if the applicant has demonstrated that their proposed application for Special Use Permit satisfies all those requirements and conditions pursuant to Section 23-66(c)(5)c of the zoning ordinance. The Common Council must provide **substantial evidence** supporting their decision to approve, approve with conditions or deny the Special Use Permit. Substantial evidence means “*facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a special use permit and that reasonable persons would accept in support of a conclusion.*”

Public comment that is based on personal opinion or speculation are not sufficient forms of evidence. All requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

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

RECOMMENDATION

Staff recommends, based on the above analysis, that Special Use Permit #6-20 for a dairy manufacturing facility located at 300 E. Coolidge Avenue, (Tax Id #31-9-0030-00), as shown on the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, subject to the following conditions:

1. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - **Substantial Evidence:** This condition assures the applicant understands they must follow the City's Municipal Code and all applicable State and Federal laws which they are required to follow while conducting business in the City; failure to follow City, State and Federal regulations may result in revocation of their special use permit.
2. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
 - **Substantial Evidence:** Standardized condition that establishes a process for review and approval of future changes to the special use in order to promote the health, safety and welfare of the City.
3. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division. Zoning Ordinance requirements will be examined during the review of the Site Plan.
 - **Substantial Evidence:** The condition notifies the applicant that Site Plan review is required for certain additions and site modifications, as required in Section 23-570, prior to issuance of building permits.
4. All activities associated with the proposed dairy manufacturing including, but not limited to, operation, storing of products, packaging, etc. must occur within a completely enclosed structure. Any future plans for outdoor storage or outdoor activities shall be submitted to the Community and Economic Development Department for review. Submittal of an application for a major or minor amendment to the Special Use Permit may be required.
 - **Substantial Evidence:** The condition notifies the applicant that all activities are to occur within the building, in compliance with their submitted plan of operation, and any proposed changes shall be presented to and reviewed by Staff.

**CITY OF APPLETON
RESOLUTION FOR SPECIAL USE PERMIT #6-20
DAIRY MANUFACTURING FACILITY
300 EAST COOLIDGE AVENUE**

WHEREAS, Malcore Foods has applied for a Special Use Permit for a dairy manufacturing facility located at 300 E. Coolidge Avenue, also identified as Parcel Number 31-9-0030-00; and

WHEREAS, the location for the proposed dairy manufacturing facility is located in the C-2 General Commercial District, and the proposed use may be permitted by Special Use Permit within this zoning district pursuant to Chapter 23 of the Municipal Code; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on October 13, 2020 on Special Use Permit #6-20, at which all those wishing to be heard were allowed to speak or present written comments and other materials at the public hearing; and

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

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

WHEREAS, the City of Appleton Plan Commission reviewed the standards for imposing conditions on the Special Use Permit under Section 23-66(c)(5) of the Municipal Code, and forwarded Special Use Permit #6-20 to the City of Appleton Common Council with a favorable conditional or not favorable (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on October 21, 2020.

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

1. Determines all standards listed under Sections 23-66(e)(1-8) of the Municipal Code are found in the affirmative YES or NO (CIRCLE ONE)
2. If NO, the City of Appleton Common Council hereby denies Special Use Permit #6-20 for a dairy manufacturing facility located at 300 E. Coolidge Avenue, also identified as Parcel Number 31-9-0030-00, based upon the following standards and determinations: (List reason(s) why the Special Use Permit was denied)
3. If YES, the City of Appleton Common Council hereby approves Special Use Permit #6-20 for a dairy manufacturing facility located at 300 E. Coolidge Avenue, also identified as Parcel Number 31-9-0030-00,

subject to the following conditions as they are related to the purpose of the City of Appleton Municipal Code and based on substantial evidence:

CONDITIONS OF APPROVAL FOR SPECIAL USE PERMIT #6-20

- A. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
 - B. Any expansions of the special use, changes to the development plan(s), plan of operation or any conditions of approval may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance. Contact the Community and Economic Development Department to discuss any proposed changes.
 - C. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division. Zoning Ordinance requirements will be examined during the review of the Site Plan.
 - D. All activities associated with the proposed dairy manufacturing including, but not limited to, operation, storing of products, packaging, etc. must occur within a completely enclosed structure. Any future plans for outdoor storage or outdoor activities shall be submitted to the Community and Economic Development Department for review. Submittal of an application for a major or minor amendment to the Special Use Permit may be required.
4. The City Clerk’s Office is hereby directed to give a copy of this resolution to the owner/applicant, Community and Economic Development Department, Inspections Division, and any other interested party.

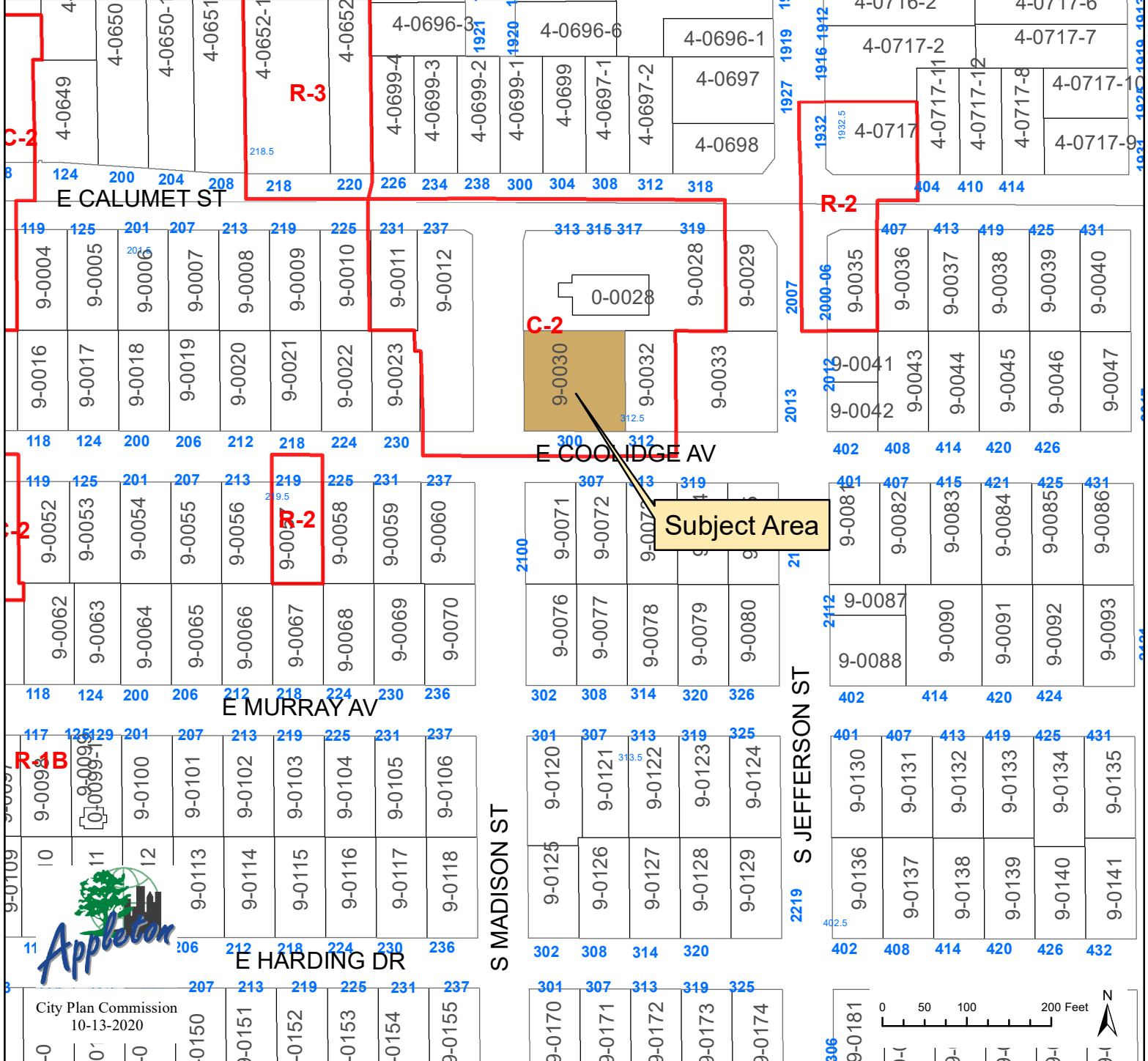
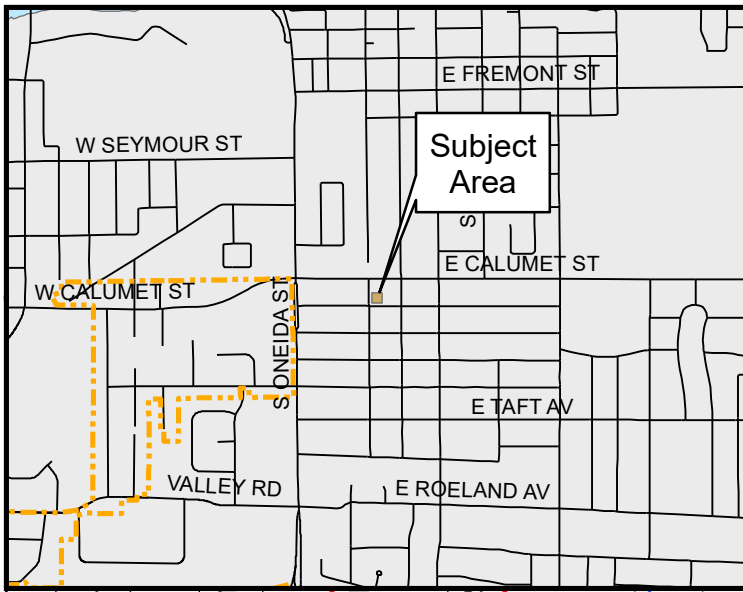
Adopted this _____ day of _____, 2020.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk

300 E. Coolidge Avenue
 Special Use Permit
 Malcore Foods - Dairy Manufacturing
 Zoning Map



300 E. Coolidge Avenue
Special Use Permit
Malcore Foods - Dairy Manufacturing
Aerial Map

37

313

9-0012

0-0028

9-0028

Subject Area

S MADISON ST

9-0030

9-0032

312.5

300

312

E COOLIDGE AV

237

307

313

319



City Plan Commission
10-13-2020

2100

0071

0072

0073

0074



PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Malcore Foods Inc

Years in operation: 25 years

Type of proposed establishment (detailed explanation of business):

Manufacturing of European style artisan cheese products. Operations include unloading milk and converting it into artisan cheese products.

Proposed Hours of Operation:

Day	From	To
Monday thru Thursday	12:30PM	11:30PM
Friday	12:30PM	11:30PM
Saturday	12:30PM	11:30PM
Sunday		

Building Capacity and Storage Areas:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 4.00 persons

Gross floor area of the existing building(s):

2,700 S.F.

Gross floor area of the proposed building(s):

4,682 S.F.

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

No flammable materials will be stored at this location.

Odor:

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

No odors will be emanating from this plant.

Noise:

Describe the noise levels anticipated from the proposed use and all mechanical equipment:

Little noise will be emitted due to the slow speed of equipment used and amount of manual labor needed.

How will the noise be controlled?

By maintaining a low and constant speed of the equipment.

Outdoor Lighting:

Type: L.E.D.

Location: at entryways

Off-Street Parking:

Number of spaces existing on-site: unknown

Number of spaces proposed on-site: 7.00

Street Access:

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

The existing curtain will need to be extended to provide extra turning for milk trucks.

Outdoor Uses:

Size: 0.00 square feet

Type and location of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:

N/A

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

N/A

Type, location, size of outdoor display area(s) of merchandise for sale or other business property:

N/A

Number of Employees:

Number of existing employees: 0.00

Number of proposed employees: 4.00

Number of employees scheduled to work on the largest shift: 3.00

GENERAL NOTES

COMPLIANCE – All work of all trades shall be performed and completed in accordance with all applicable governing codes, laws, ordinances, regulations or statutes. Any contractor discovering any variance in the drawings with said code, law, ordinance, regulation or statute shall notify the owner and/or architect immediately.

SITE CONDITIONS – Each contractor shall be responsible for reviewing all drawings and site prior to bidding and for verifying all pertinent conditions, utilities, utility requirements, dimensions, extent of demolition and new construction required. Discrepancies or inaccuracies found in the drawings or existing conditions shall be reported to the project manager and/or architect immediately.

PERMITS – Each contractor shall be responsible for paying for and obtaining all necessary permits, licenses, insurance, etc. required to perform and complete their portion of the work.

DESIGN BUILD – This project will implement the 'design-build' process. Each plumbing, HVAC, and electrical contractor shall be responsible for furnishing all of their associated equipment, materials, labor, installation, etc. to perform and complete their work. It is understood by execution of a contract for the area of work, that the contractor will furnish a completed working product or assembly.

SCOPE – These drawings are diagrammatic and show the intent of the project but do not necessarily indicate all materials and methods of construction for the completion of the project. All contractors shall review all project drawings thoroughly and shall be responsible for providing all materials and methods of construction required to perform and complete their portion of the work in a timely and organized manner in accordance with the intent of these drawings prior to the project date of completion.

COORDINATION – Each contractor shall be responsible for coordinating their work with the general contractor and with other contractors. Each contractor shall verify and coordinate his work with any equipment provided by the owner prior to construction. Any situation or incident which would change or alter the work of the contractor in any way or which would prevent the contractor from performing or completing his work within his proper time frame must be reported immediately to the owner, general contractor and/or architect.

HOLES – All holes for plumbing, electrical, HVAC, piping or ductwork are to be repaired by the associated trade. Each hole shall be neatly cut and shall be only as large as necessary. Associated trade contractor shall be responsible for their holes left unrepaired and will be back charged accordingly for such repairs.

SUBMITTALS – Contractors shall provide to the owner all pertinent submittals, product data, relevant technical data, material samples, finish samples, etc. for review and approval prior to commencement of work. When not specified, the contractor may submit/ suggest materials to the owner/ architect for their review and approval.

INTERPRETATION – All requests for detailed project information, interpretation, intent, etc. must be made at least ten (10) days prior to bid date. Responses will be confirmed in writing.

CHANGES – The owner and/or architect shall have the right to make changes to the project during the progress of the work without voiding contracts. All changes must be made in writing.

DIMENSIONING – Do not scale drawings. Use written dimensions only. If clarifications or additional dimensions are required, then notify the architect immediately. Unless noted otherwise, all plan dimensions are shown to face of finished wall surface.

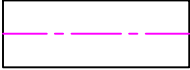
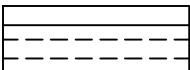
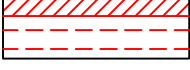

PROVISIONS – Unless noted otherwise, the owner/ General contractor shall provide temporary sanitary facilities, water, electrical, code required temporary fire extinguishers (during construction), adequate and required barricades, dust barriers, fences, safety precautions and dumpsters, and shall maintain same to be in good working order during the project.

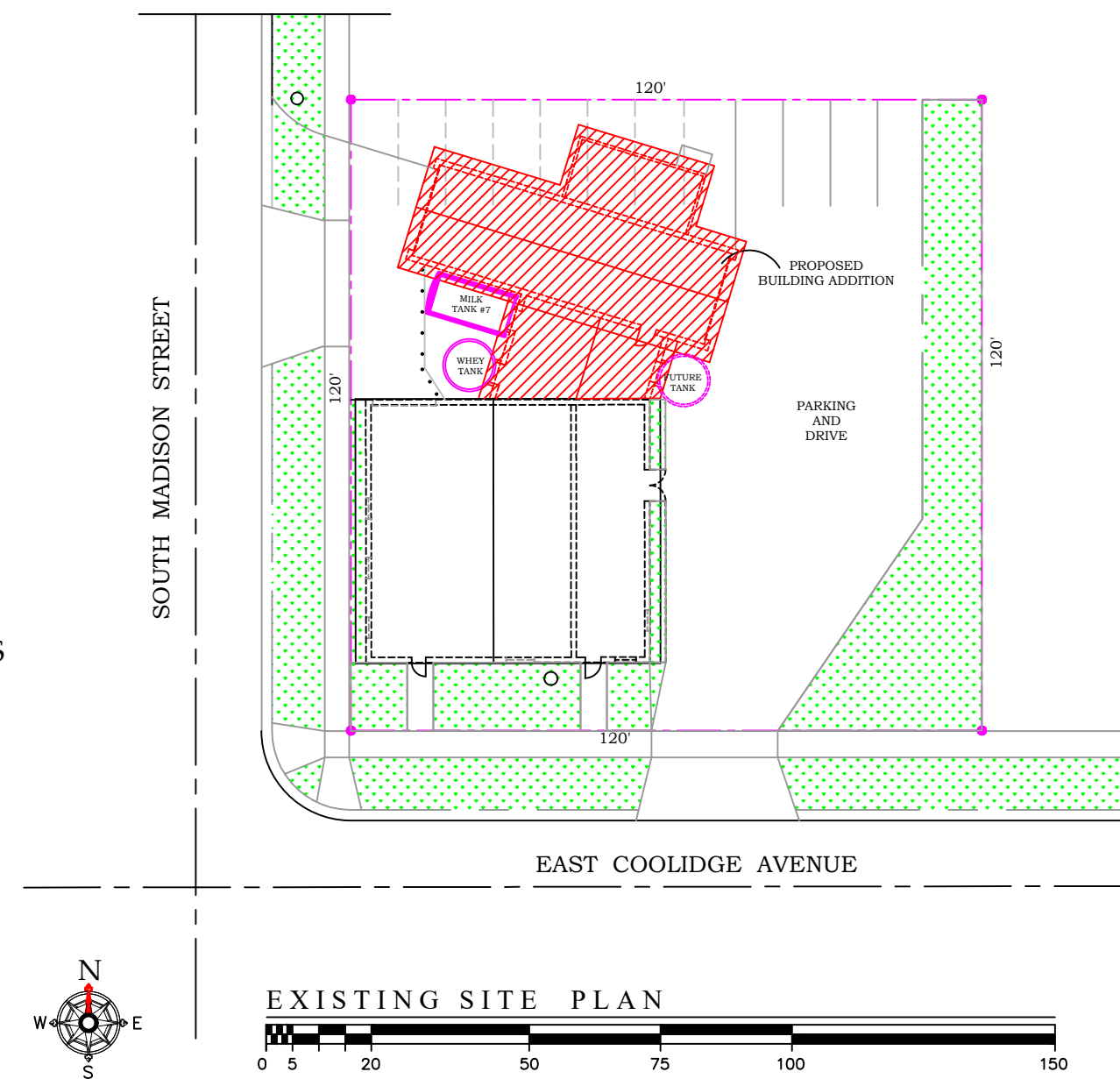
CLEANING – All contractors shall be responsible for performing and maintaining their work and equipment in an organized manner. Each contractor shall clean up and dispose of work debris at the end of each day.

QUALITY – All work by each contractor shall be performed and completed using proper and acceptable construction practices using quality materials. The owner shall have the right to reject work, or materials that are not of acceptable quality or do not conform to the intent of the project.

GUARANTEE – Unless noted otherwise, each contractor shall guarantee their work under contract against defective workmanship and/or materials for a period of not less than one year from substantial completion of their work.

**PROPOSED BUILDING ADDITION FOR:
MALCORE CHEESE PLANT
300 E. COOLIDGE AVENUE
APPLETON, WI**

-  LOT LINE
-  EXISTING CONSTRUCTION
-  NEW CONSTRUCTION
-  LANDSCAPED/LAWN AREAS



PROJECT DATA			
GOVERNING AUTHORITY	BUILDING USAGE		REMARKS
WISCONSIN DEPT. OF COMMERCE SAFETY & BUILDINGS DIVISION	CLASS OF CONSTRUCTION: VB WOOD FRAME, UNPROTECTED		AS PER TABLE 506.2 ALLOWABLE AREA IS 8,500 S.F. PLUS STREET FRONTAGE
IEBC INTERNATIONAL EXISTING BUILDING CODE -2015 IBC INTERNATIONAL BUILDING CODE - 2015	OCCUPANCY CHAPTER: SECTION 306, FACTORY GROUP "F-1", MODERATE-HAZARD		AS PER TABLE 1017.2 THE EXIT ACCESS TRAVEL DISTANCE IS 200 FEET FOR A NON-SPRINKLED BUILDING.
JURISDICTION: CITY OF APPLETON OUTAGAMIE COUNTY	AS PER TABLE 504.4 ALLOWABLE NUMBER OF STORIES IS ONE FOR TYPE "F-1" OCCUPANCY NON-SPRINKLED		
BUILDING LEVELS	CLASSIFICATION		REMARKS
FLOOR LEVEL	EXISTING	ADDITION	TOTAL
FIRST FLOOR	2,700 S.F.	1,982 S.F.	4,682 S.F.

PROJECT SCOPE:

THE EXISTING BUILDING IS A TYPE IIIB, WITH NON-COMBUSTIBLE EXTERIOR WALLS. THE NEW ADDITION WILL BE WOOD FRAME, UNPROTECTED CONSTRUCTION WHICH WILL MAKE THE ENTIRE BUILDING A TYPE VB UNPROTECTED BUILDING. IS A ONE STORY SLAB ON GRADE, NON-SPRINKLED BUILDING TO BE ALL CHEESE MAKING FACTORY. THE LAST TENANT WAS A VEHICLE REPAIR SHOP. THERE IS ONE EXISTING TOILETS THAT IS NOT UP TO TODAY'S CODES. SINCE THERE WILL BE LESS THAN 15 TOTAL OCCUPANTS IN THIS BUILDING AT ANY ONE TIME, ONE NEW CODE COMPLYING UNISEX TOILET WILL BE PROVIDED ALONG WITH A JANITORS SINK. THERE WILL BE CHANGES TO THE THE PARKING LOT AND DRIVEWAYS AS REQUIRED TO ALLOW TRUCK ENTRANCE INTO THE PROPERTY WITHOUT HAVING TO BACK INTO THE STREET.

SHEET INDEX

- A-1 COVER SHEET, SITE PLAN, PROJECT SCOPE
- A-2 EXISTING FLOOR PLAN AND EXTERIOR BUILDING ELEVATIONS
- A-3 PROPOSED SITE AND FLOOR PLAN
- A-4 FOUNDATION PLAN
- A-5 ROOF FRAMING PLAN, SECTION
- A-6 ROOM FINISH AND DOOR SCHEDULES
- A-7 WALL AND BUILDING SECTIONS
- A-8 TOILET ROOM PLANS AND DETAILS
- A-9 EXTERIOR BUILDING ELEVATIONS



ROBERT ACORD - ARCHITECT
1210 MAPLE STREET
NEENAH, WI 54956
920-729-9632 acordrj@aol.com

PROPOSED BUILDING ADDITION FOR:
MALCORE CHEESE PLANT
300 E. COOLIDGE AVENUE
APPLETON, WI

DATE
3 AUG 20

PROJECT NUMBER
20-021

SHEET
A-1

18" X 24" FORMAT



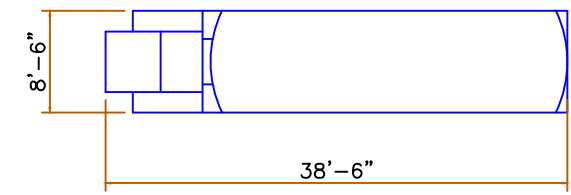
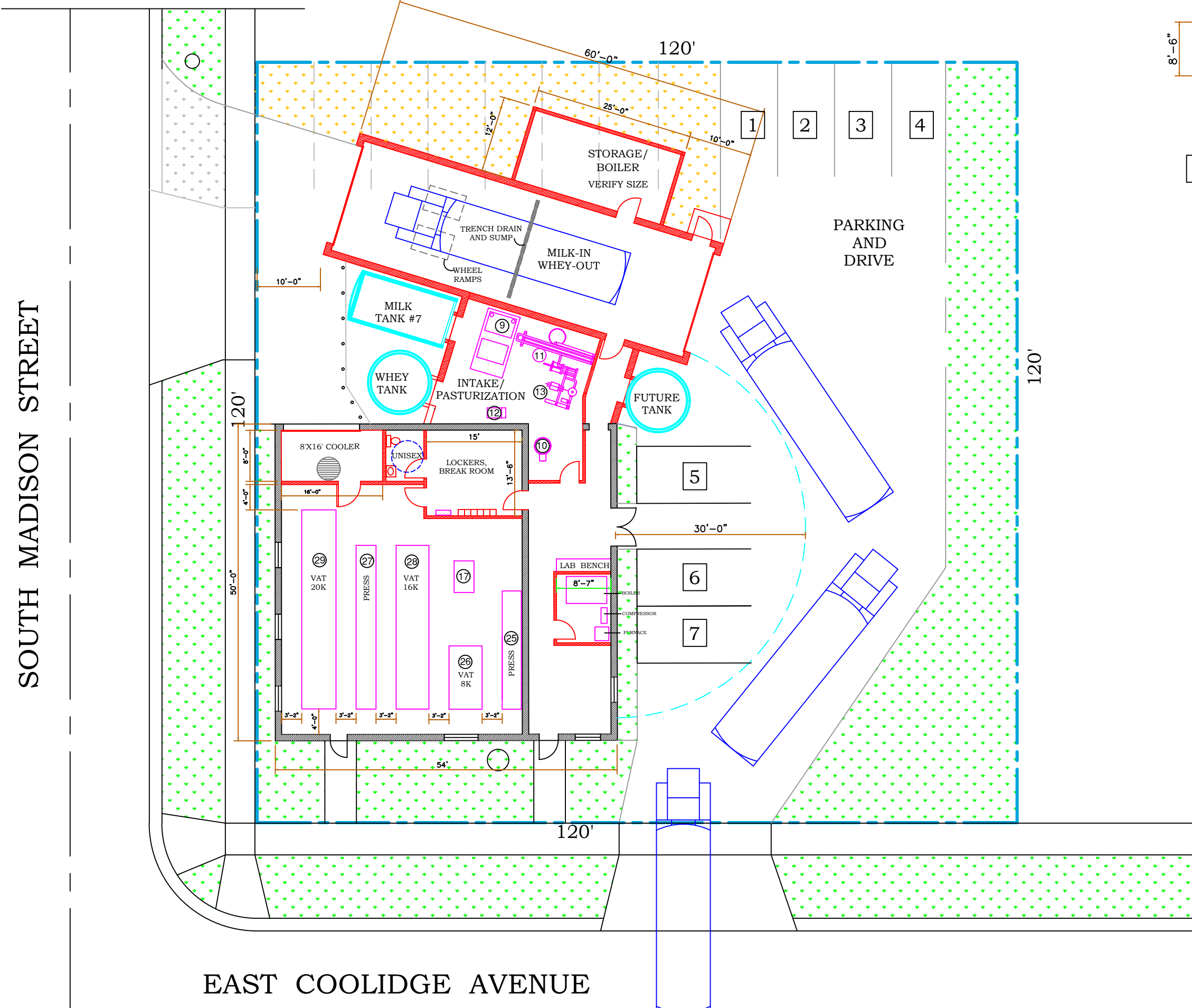
ROBERT ACORD - ARCHITECT
 1210 MAPLE STREET
 NEENAH, WI 54956
 920-729-9632 acordrj@aol.com

PROPOSED BUILDING ADDITION FOR:
MALCORE CHEESE PLANT
 300 E. COOLIDGE AVENUE
 APPLETON, WI

DATE
 21 AUG 20

PROJECT NUMBER
 20-021

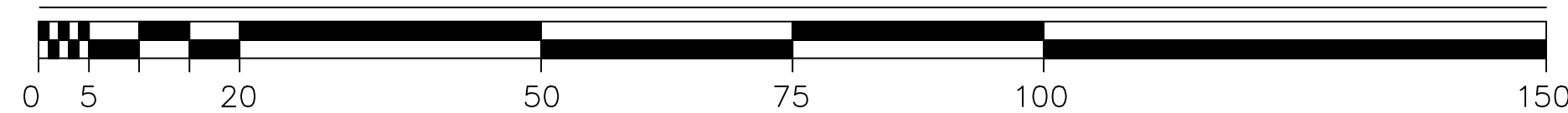
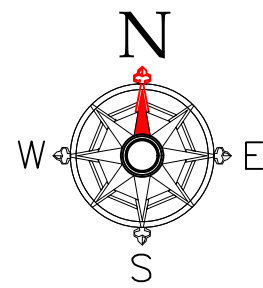
SHEET
A-3r



7 9' X 18' PARKING STALL

- 9 CREAM STORAGE
- 10
- 11
- 12
- 13
- 17
- 25 PRESS
- 26 VAT 8K
- 27 PRESS
- 28 VAT 16K
- 29 VAT 20K

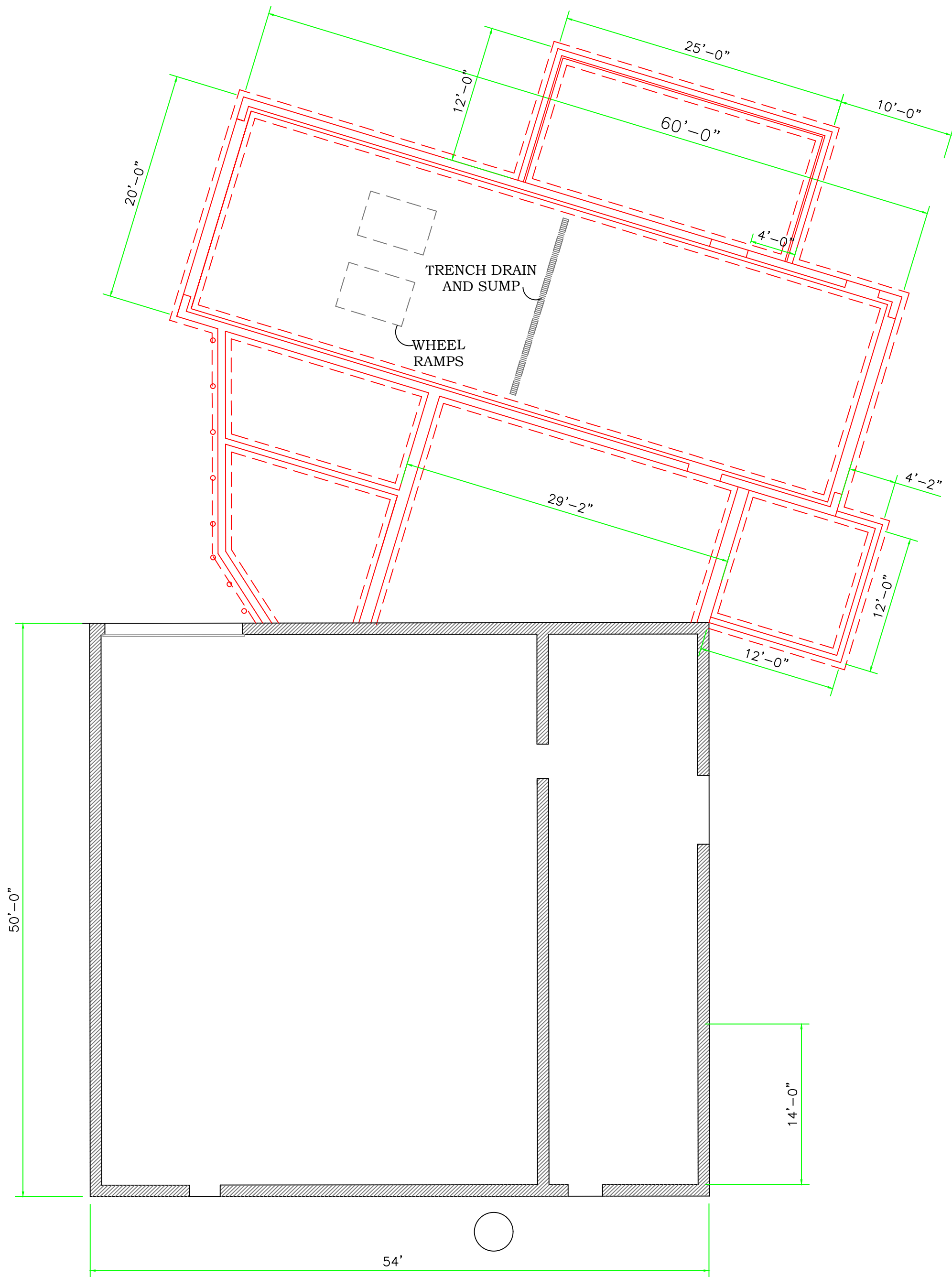
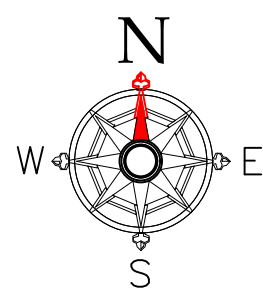
PROPOSED SITE / FLOOR PLAN



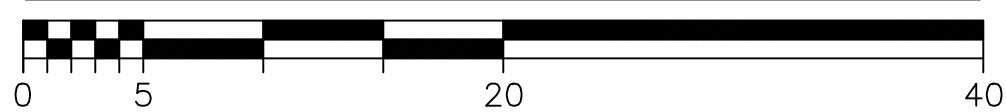
- LOT LINE
- EXISTING CONSTRUCTION
- NEW CONSTRUCTION
- MILK TRUCK
- EQUIPMENT/MACHINES
- LANDSCAPED/LAWN AREAS TO REMAIN
- LANDSCAPED/LAWN AREAS TO BE REMOVED
- PAVED AREAS TO BE REMOVED AND LANDSCAPPED

TOTAL LOT, 120' X 120' = 14,400 S.F.
 MINIMUM GREEN SPACE = 25%
 14,400 X .25 = 3,600 S.F. **REQUIRED**
 ACTUAL GREEN SPACE = 3,655 S.F.
 BUILDING: 4,682 S.F.
 ZONED C-2
 PARCEL 31-9=0030-00

1/16" = 1'-0" @ 18" X 24" FORMAT



FOUNDATION PLAN



ROBERT ACORD - ARCHITECT
1210 MAPLE STREET
NEENAH, WI 54956
920-729-9632 acordrj@aol.com

PROPOSED BUILDING ADDITION FOR:
MALCORE CHEESE PLANT
300 E. COOLIDGE AVENUE
APPLETON, WI

DATE
3 AUG 20

PROJECT NUMBER
20-021

SHEET
A-4



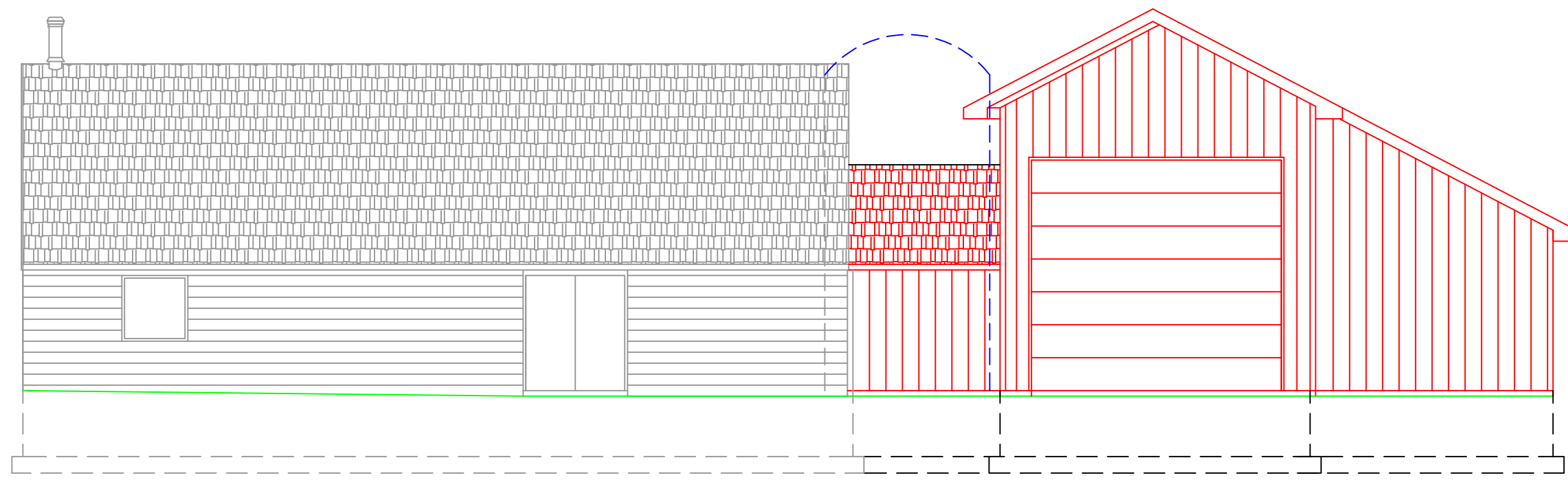
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 920-729-9632 acordrj@aol.com

PROPOSED BUILDING ADDITION FOR:
MALCORE CHEESE PLANT
 300 E. COOLIDGE AVENUE
 APPLETON, WI

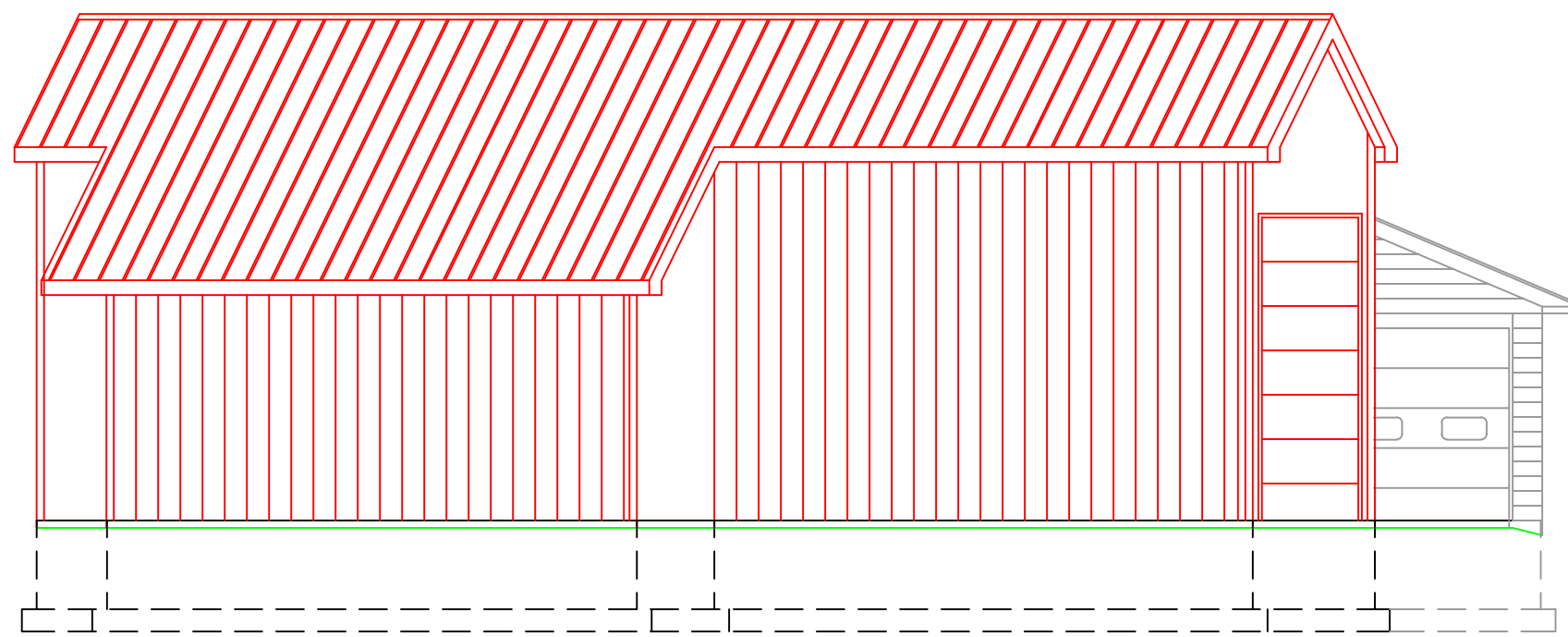
DATE
 3 AUG 20

PROJECT NUMBER
 20-021

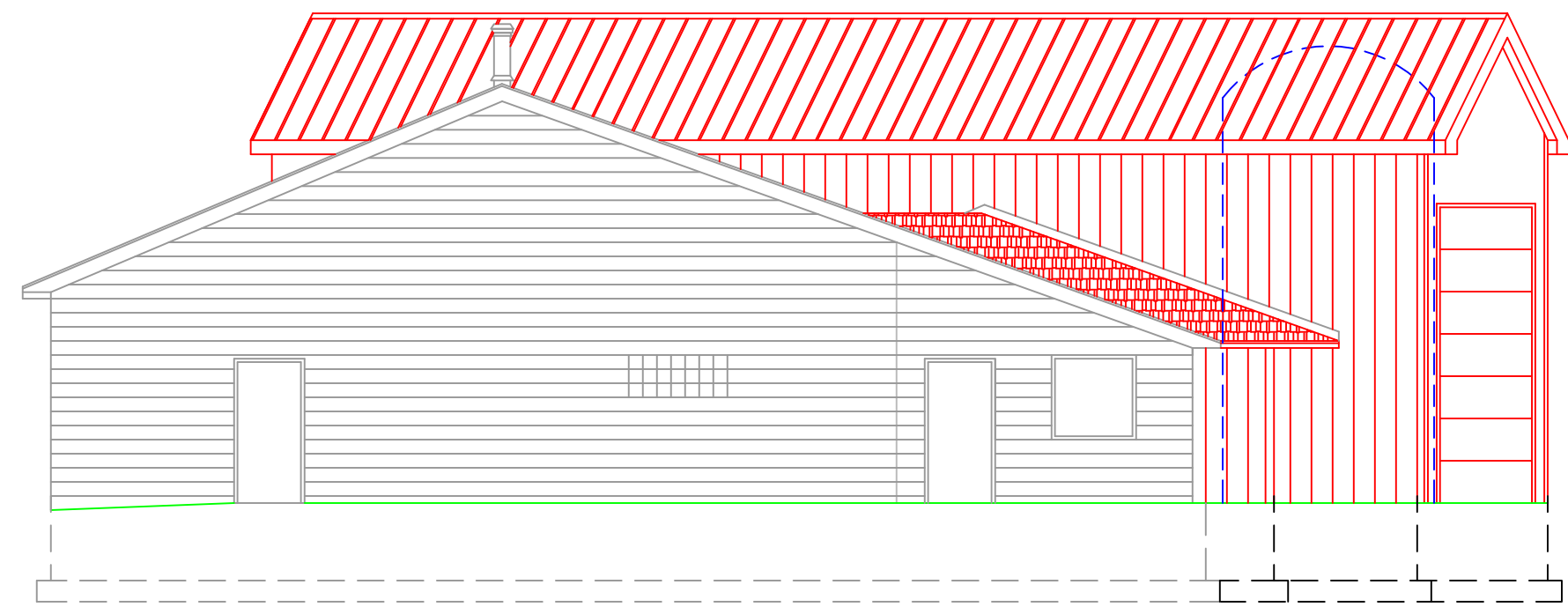
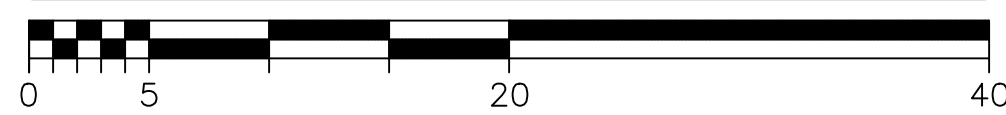
SHEET
A-9



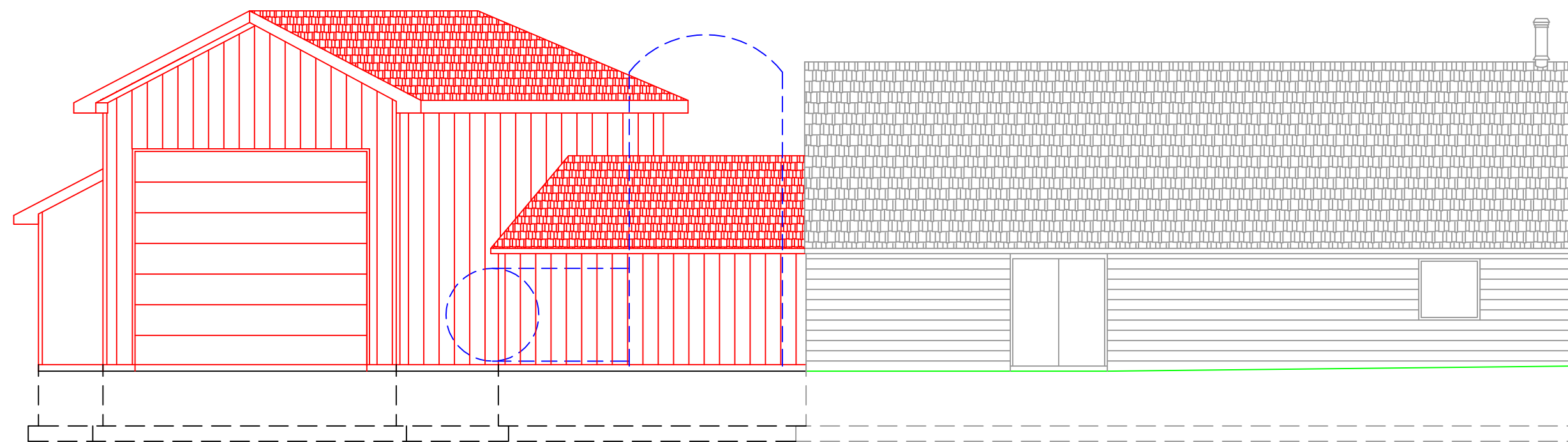
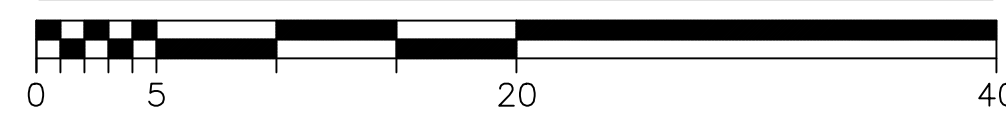
EAST ELEVATION



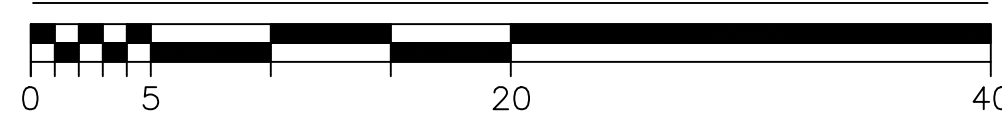
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



1/8" = 1'-0" @ 18" X 24" FORMAT

Received via email on 10/9/20:

Hi Corey, Corey this Ron LaPlante at 319 E. Coolidge Ave. You are our alderman and I would like to talk to you about the proposed Malcore Cheese facility that they want to build across the street from me at 300 E. Coolidge Ave.

I and my neighbors have a few concerns :

1. we oppose this altogether.!
2. traffic congestion is already horrible with this facility. People park on both sides of the street already (workers).
3. when delivery trucks deliver at the existing cheese shop now, people who live here have to find a different way to get to their driveways/home or wait until they are finished. Some may say small inconvenience but it is not small.
4. this address is 2 short blocks from Madison grade school (kids & more kids)walking and parents dropping off at school/picking up afterwards. The elderly walking around. Kids bicycling and playing whatever in the streets.
5. with factory comes " noise" don't need anymore of that than what we have!
6. odors/smells (not good smells unless you are a mouse).
7. these are streets not designed for semis/heavy trucks on an everyday basis. Streets are narrow.
8. Parking.. the lot where the proposed factory is wanted is already filled with their delivery vans. So employees are taking up a lot of our parking space in front of our own homes already. Our guests will have an even more difficult time parking.
9. Property for homes will devalue.. who wants to buy/live in a neighborhood with a factory, noise, smells and traffic congestion. NOT me or our neighbors.

10. last tenant was not an automobile repair business. It was a pneumatic/ hydraulic business. Never an auto repair business!! And number
11. the city, county and state have already put my home at a lesser value by sneaking in a halfway home at 402 E. Coolidge Ave. that houses child sex perpetrators.

Like I said , there are many kids around here, many elderly, and 2 blocks from Madison grade school. All this done without notifying a single homeowner/ renter. Yes I am pissed that the city would even Consider Malcore Cheese Co. proposed plan.

John O'Donnell	Lara Corson
Tom Vanderder	Hou Blute
Gregory E. Craig	Nicene LaPlante
Mandy Fredericks	My [unclear]
Alice York	Paul [unclear]
Tom Yalm	Barber
Aidan [unclear]	Ed [unclear]
Stu [unclear]	Leola Klesmp
Justin [unclear]	Ben Khan
Paula Sosalla	Timothy [unclear]
Shel [unclear]	James [unclear]
Cheryl Colner	
Debra [unclear]	
Kenneth Schmidt	
Cynthia Schmidt	
Rye [unclear]	
Ed [unclear]	

Jessica L. Titel

From: Kris Krause <thekrausegroup@live.com>
Sent: Tuesday, October 13, 2020 3:02 PM
To: Jessica L. Titel
Subject: 4 pm hearing of 300 E Coolidge

As property owner against re zoning at 2100 s Madison st, across from said zoning.

1. They have turned the streets into parking lots. More employees mean more parking in the streets. We sleep with fans in at night already so they dont wake us up.
2. Property value of my home will drop. I plan in selling in near future. Who is going to pay for the loss of value when I sell?
3. Milk trucks out my window of 25 feet at 4 am in the morning where zoning us not allowed currently is unacceptable.
4. The business, Malcore foods, needs a larger piece of land as they they grow, not smell up my backyard cause they don't want to move.

Kristopher Krause

Get [Outlook for Android](#)

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



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: October 13, 2020

Common Council Meeting Date: October 21, 2020

Anticipated Date Annexation Effective: October 27, 2020 at 12:01 a.m.

Item: Sequoia Drive (Right-of-Way) Annexation

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: City of Appleton

Initiated by: Department of Public Works - Engineering Division

Town Where Property is Located: Town of Grand Chute and Town of Vandebroek

Parcel Numbers: Part of Id.'s 101153201, 101153500, 200012500 and 200012700

Petitioner's Request: The City of Appleton is requesting direct annexation by unanimous approval pursuant to Section 66.0217(2), Wisconsin State Statutes.

Purpose for Annexation: To allow the City of Appleton to construct a public street and extend utilities within the territory proposed for annexation.

Population of Such Territory: 0

Annexation Area: 3.3251 acres m/l

BACKGROUND

The City is fulfilling a condition identified in a Development Agreement with the developer of North Edgewood Estates Subdivision (residential development directly south of the annexation area) to acquire land and fund the costs associated with installing a second access point (public street) from Phase II of the North Edgewood Estates subdivision to Broadway Drive. Also, this public street will provide opportunities to buildout a street network and extend utilities in the City's future growth area.

Sequoia Drive (Right-of-Way) Annexation
October 13, 2020
Page 2

On March 16, 1992, the City of Appleton and the Town of Grand Chute agreed to and entered into an Intermunicipal Boundary Agreement pursuant to Section 66.027 and 66.30 of the Wisconsin State Statutes for the purpose of defining and expanding the provision of governmental services, including water and sewer services, by establishing the City's growth area and establishing provisions for annexation of land within the Town of Grand Chute to the City of Appleton.

On January 17, 2019 the City of Appleton and the Village of Little Chute executed an amendment their Intermunicipal Boundary Agreement pursuant to 66.30 of the Wisconsin State Statutes for the purpose of revising the future common municipal boundary line within the towns of Grand Chute and Vandebroek in order for the City to annex the subject site and extend Sequoia Drive north from the North Edgewood Estates Phase II subdivision to Broadway Drive.

Before Common Council approves the annexation ordinance, the City must allow a 20-day statutory review period, which starts when the Wisconsin Department of Administration (DOA) receives the annexation application materials and fee. The DOA received the annexation application materials and fee on September 23, 2020, so this requirement will be satisfied prior to Common Council taking action at their October 21, 2020 meeting.

STAFF ANALYSIS

The Community and Economic Development Department staff has reviewed the annexation petition and identifies the following:

- The area proposed for annexation is contiguous to the existing City boundary located to the south of the annexation area.
- Annexation of the site in question is consistent with the Intermunicipal Cooperation Agreement with the Town of Grand Chute and the Village of Little Chute
- City has the capacity to install sanitary sewer and water infrastructure within the annexation area.
- In the spring of 2021, the City is planning to install the sanitary sewer and water infrastructure within the annexation area.
- Currently, the subject property is agricultural land.
- Per Section 23-65(e) of the Municipal Code, a temporary zoning classification is assigned to newly annexed territory, with permanent zoning taking place following the annexation process. In this case, the owner is not requesting a rezoning for the subject property, so the temporary AG Agricultural District will be assigned. If a rezoning request is not made within 90 days of annexation, the zoning of the property will revert to AG Agricultural District.

Surrounding Municipal Zoning Classification and Land Uses:

North: Town of Grand Chute. The adjacent land use to the north is currently agricultural land.

South: City of Appleton. R-1B Single-Family District. The adjacent land use to the south is currently agricultural land.

East: Town of Town of Vandebroek. The adjacent land use to the north is currently agricultural land.

West: Town of Grand Chute. The adjacent land use to the north is currently agricultural land.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the western portion of the subject site as future Single-Family/Two-Family residential land uses. The next time staff initiates amendments to the future land use map, the subject site will be identified as a road and the City limit line will be shifted to east to reflect the exterior boundary line of this annexation.

Goal 4 – Transportation

Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

OBJECTIVE 6.1 Transportation:

Plan for the safe and efficient movement of vehicles on local and regional roads.

OBJECTIVE 6.8 Transportation:

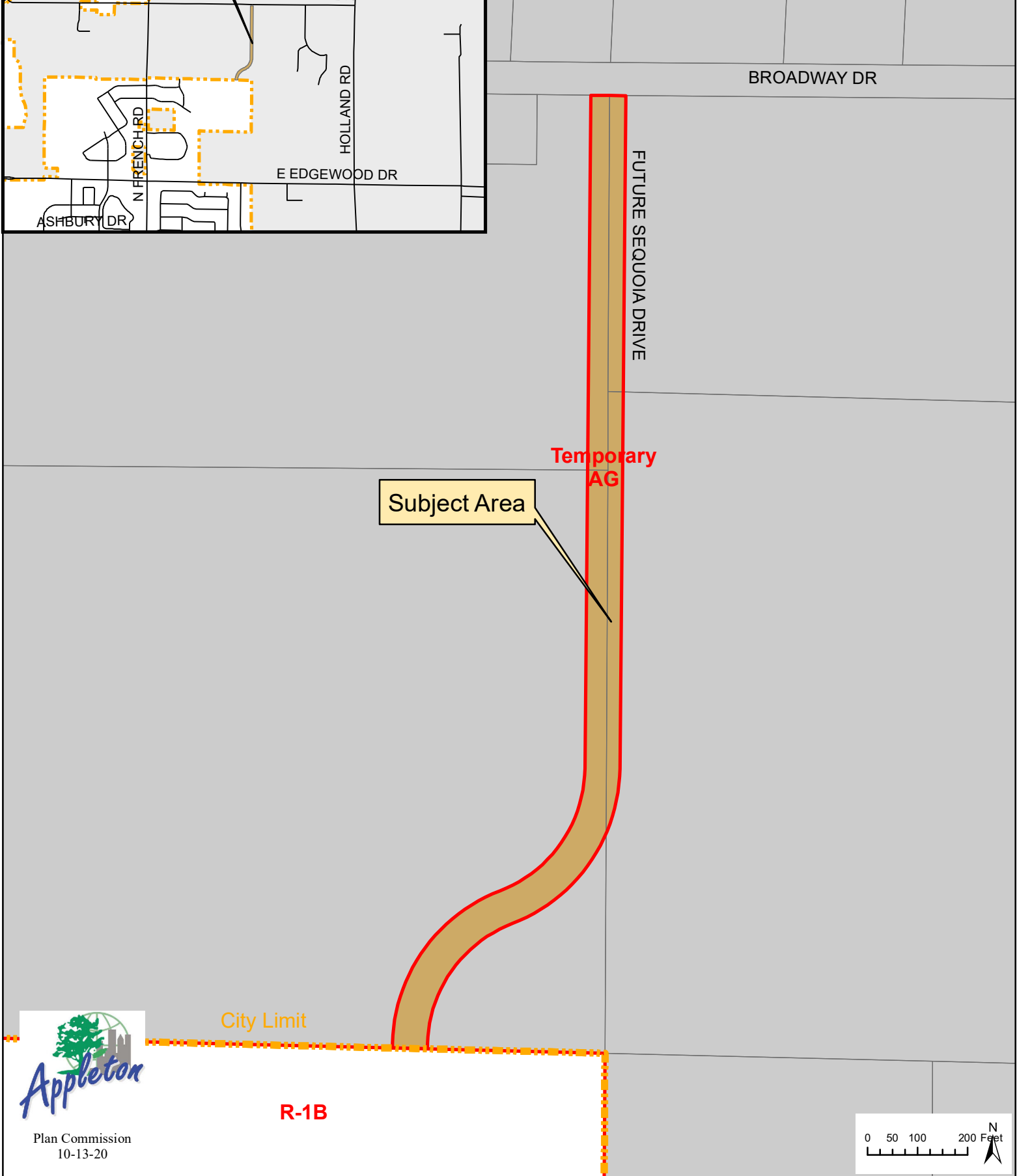
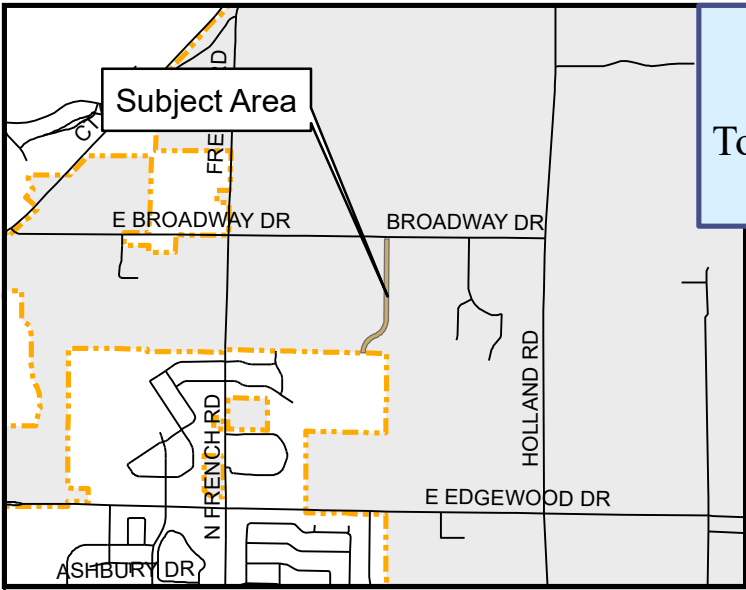
Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.

Technical Review Group (TRG) Report: This item appeared on the September 22, 2020 TRG Agenda. No negative comments were received from participating departments.

RECOMMENDATION

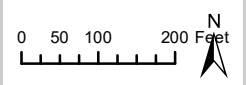
Staff recommends that the Sequoia Drive (Right-of-Way) Annexation and establishing a temporary zoning classification of AG Agricultural District pursuant to Section 23-65(e) of the Municipal Code, as shown on the attached maps, **BE APPROVED**.

Annexation
Sequoia Drive (Right-of-Way)
Town of Grand Chute and Town of Vandebroek
Zoning Map



Plan Commission
10-13-20

R-1B



Annexation
Sequoia Drive (Right-of-Way)
Town of Grand Chute and Town of Vandebroek
Aerial Map

E BROADWAY DR

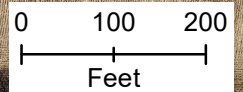
FUTURE SEQUOIA DRIVE

Subject Area



Plan Commission
10-13-20

City Limit



Annexation
Sequoia Drive (Right-of-Way)
Town of Grand Chute and Town of Vandebroek
Aerial Map



Subject Area

FUTURE SEQUOIA DRIVE

E BROADWAY DR

BROADWAY DR

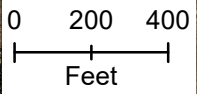
JAMARINE AV

E RUBYRED DR

City Limit



Plan Commission
10-13-20





**PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL
PURSUANT TO SECTION 66.0217(2), WISCONSIN STATUTES
WHERE NO ELECTORS RESIDE IN TERRITORY**

I, the undersigned, constituting all of the owners of the real property in which no electors reside in the following territory of the Towns of Grand Chute and Vandebroek, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, petition the Common Council of the City of Appleton to annex the territory described below and shown on the attached scale map to the City of Appleton, Outagamie County, Wisconsin.

A part of Lot 2 of Certified Survey Map No. 5163 filed in Volume 29 of Certified Survey Maps on Page 5163 as Document No. 1676059, a part of the East $\frac{1}{2}$ of the Fractional Northwest $\frac{1}{4}$ and a part of the West $\frac{1}{2}$ of the Fractional Northeast $\frac{1}{4}$ of Section 5, Township 21 North, Range 18 East, Town of Grand Chute and the Town of Vandebroek, Outagamie County, Wisconsin, containing 3.3251 Acres (144,841 sq. ft.) of land and being more fully described by:

Commencing at the N $\frac{1}{4}$ corner of said Section 5;

Thence South $00^{\circ}16'59''$ West 33.00 feet along the West line of the Fractional NE $\frac{1}{4}$ of said Section 5 to the Point of Beginning;

Thence South $89^{\circ}33'00''$ East 33.02 feet along the South line of Broadway Drive;

Thence South $00^{\circ}31'45''$ West 1,347.02 feet;

Thence Southwesterly 400.24 feet along the arc of curve to the right having a radius of 335.00 feet and the chord of which bears South $34^{\circ}45'22''$ West 376.86 feet;

Thence Southwesterly 312.44 feet along the arc of a curve to the left having a radius of 265.00 feet and the chord of which bears South $35^{\circ}12'24''$ West 294.66 feet;

Thence South $01^{\circ}25'49''$ West 9.99 feet;

Thence North $88^{\circ}35'21''$ West 70.00 feet;

Thence North $01^{\circ}25'49''$ East 10.01 feet;

Thence Northeasterly 394.97 feet along the arc of curve to the right having a radius of 335.00 feet and the chord of which bears North $35^{\circ}12'24''$ East 372.49 feet;

Thence Northeasterly 316.61 feet along the arc of a curve to the left having a radius of 265.00 feet and the chord of which bears North $34^{\circ}45'22''$ East 298.11 feet;

Thence North $00^{\circ}31'45''$ East 1,347.07 feet;

Thence South $89^{\circ}18'26''$ East 36.81 feet;

Thence South $89^{\circ}33'00''$ East 0.17 feet to the point of beginning.


I, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation, or consolidation proceedings, if any.

I further understand a temporary zoning classification of AG Agricultural zoning classification is assigned to newly annexed territory with no public hearing required.

Area of lands to be annexed contains 3.3251 acres m/l.

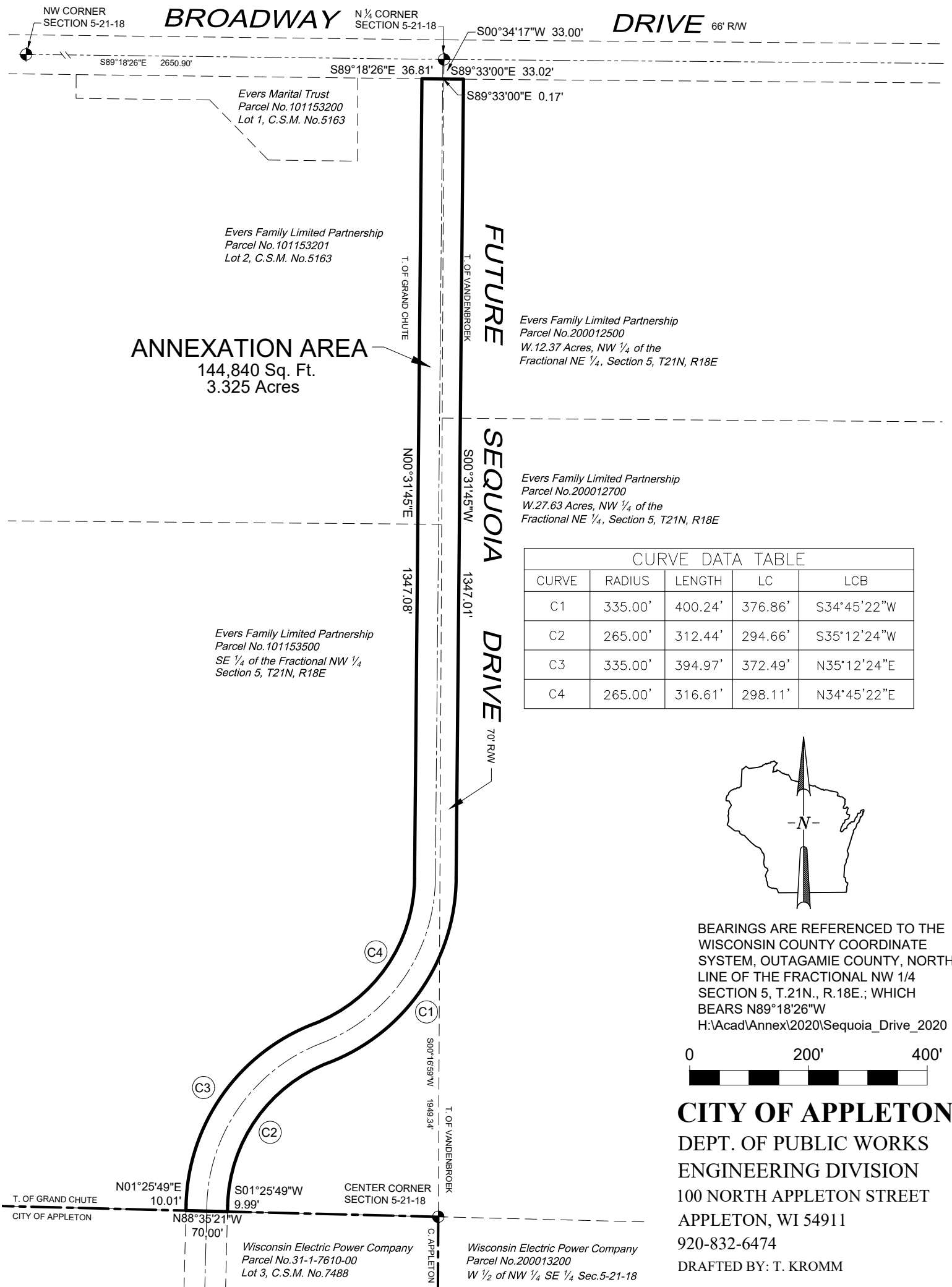
Tax Parcel numbers of lands to be annexed: Part of Tax Key #101153201, 101153500, 200012500 and 200012700

The current population of such territory is 0.

Signature of Petitioner	Owner	Date of Signing	Address of Petitioner (Include Zip Code)
	City of Appleton	9/8/20	100 N. Appleton Street Appleton, WI 54911
Jacob A. Woodford, Mayor City of Appleton			

ANNEXATION EXHIBIT

Part of Lot 2 of Certified Survey Map No.5163, part of the East One-half (E 1/2) of the Fractional Northwest Quarter (NW 1/4) and part of the West 40 Acres of the Fractional Northeast Quarter (NE 1/4) of Section 5, Township 21 North, Range 18 East, Town of Grand Chute and Town of Vandenberg, Outagamie County, Wisconsin.





TONY EVERS

GOVERNOR

JOEL BRENNAN

SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

October 13, 2020

PETITION FILE NO. 14337

KAMI LYNCH, CLERK
CITY OF APPLETON
100 N APPLETON ST
APPLETON, WI 54911-4702

ANGIE CAIN, CLERK
TOWN OF GRAND CHUTE
1900 GRAND CHUTE BLVD
GRAND CHUTE, WI 54913-
9613

CORY SWEDBERG, CLERK
TOWN OF VANDENBROEK
W2030 COUNTY ROAD JJ
KAUKAUNA, WI 54130

Subject: CITY OF APPLETON ANNEXATION

The proposed annexation submitted to our office on September 23, 2020, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city..." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the **CITY OF APPLETON**, which is able to provide needed municipal services.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14337 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2411>

Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner

CITY OF APPLETON POLICY		TITLE: TRAIL RESERVATION AND FEE POLICY
ISSUE DATE: Day of Council Adoption	LAST UPDATE:	SECTION:
POLICY SOURCE: Parks, Recreation and Facilities Management Department		TOTAL PAGES: 5
Reviewed by Attorney's Office: September 30, 2020	Parks and Recreation Committee Approval Date: July 14, 2010 October , 2020	Council Approval Date: July 21, 2010

I. Purpose

To provide a policy to authorize the Parks, Recreation and Facilities Management Department (herein "PRFMD") to equitably administer rules and regulations, policies, fees and charges to manage the use of trails for personal and/or community events.

II. Policy

This policy authorizes the PRFMD to charge fees for the use of trails within the rate schedule established by the Parks and Recreation Committee and City Council. To effectively manage, protect facilities, and promote wise use of natural resources, this policy authorizes the PRFMD Director and/or designees to:

- Cancel and/or relocate any reservation that potentially threatens the integrity of the trail and/or trail segment due to misrepresentation of information on the Facility Reservation Agreement, or if conditions of the trail and/or trail segment would potentially create an unsafe situation.
- Limit the number of reservations for trails and/or trail segments for anyone or any group, organization or individuals that would dominate the use of a trail and/or trail segment and restrict equal opportunities to reserve trails and/or trail segments by members of the public at large.
- Deny any facility reservation application if the expected attendance would exceed the safe capacity of the trail and/or trail segment so as to endanger public health and safety, or compromise the condition of facilities and/or natural resources.
- Enforce park rules, regulations, and policies.
- Require minimum insurance coverage for anyone or group reserving the trails.

III. Definitions

- **Concession/Sales.** The sale of food, beverage and other associated products at a special event or program that is held on a City trail and/or trail segment specifically reserved for that event or program.
- **Facility Reservation Policies and Procedures.** These policies and procedures are located on the back of the Facility Reservation Agreement and explain the procedures for reservations, sales of concessions, cancellation/refund, as well as policies for alcohol use and damage.
- **Late Reservation.** Request for a reservation of city trail and/or trail segment that is received less than five (5) business days before the reservation date.
- **Park Rules & Regulations.** Are formulated by the City Council and published by the PRFMD. These rules and regulations are included with every Facility Reservation Agreement form.
- **Trail Segment.** A segment of any designated trail between two streets or significant entrance points.
- **Processing Fee.** Fee charged to process a refund and/or cancellation request that is received before the reservation date.
- **Special Event.** An event or activity that meets the City of Appleton's definition for a special event activity, is held in a city park and/or special area, and exceeds the normal and ordinary use of the park and/or special area.

IV. Discussion

This policy defines how trails shall be reserved by individuals, organizations and/or groups for exclusive use. The policy shall also define the fee(s) charged to these individuals, organizations and/or groups for that use.

V. Procedures

A. Reservations:

1. All groups, individuals and organizations reserving trails and/or trail segments will be charged in accordance with the established rate schedule.
2. Organizations/groups that have reserved trails and/or trail segments for special events shall have thirty (30) days after the date of the special event to reserve the trail and/or trail segment for the same weekend and/or date for the following year. After thirty (30) days the PRFMD will make the trail and/or trail segment available to other interested parties.

3. All other reservations for trails and/or trail segments are on a first-come served basis and may be made no more than one (1) year in advance.
4. Groups and/or organizations may be required to reserve multiple trails and/or segments of trails if the PRFMD determines the event or activity warrants the additional reservations.
5. This policy shall become effective December 1, 2020, and shall remain in effect until it is modified, changed, and/or repealed.

B. Trail Use Limitation/Restrictions:

1. All trail and/or trail segment reservations shall be considered special events.
2. The PRFMD Director or designee shall have discretion to determine the number of approved trail reservations.
3. All trail and/or trail segment reservations shall be limited to 4 hours or less.
4. Use of trails and/or trail segments for special events shall be limited to normal and ordinary use of trail, including walking, bicycling, rollerblading, etc.
5. Use of trails and/or trail segments shall be limited to the trail corridor under ownership and/or easement of the City of Appleton.
6. Use of trails and/or trail segments shall be consistent with all city ordinances, park and trail rules, policies, etc.
7. A trail and/or trail segment can be used for the special event, but the trail and/or trail segment cannot be the main staging/ gathering area for the event. (For example, Newberry Trail can be used for a local walk/run event, but another location must be used as the starting/ending point for the event.)
8. Use of trails and/or trail segments for special events shall be limited to the time period between April 15 and October 31.
9. If an application requesting to reserve the trails and/or trail segments is denied by the PRFMD Director or designee, the applicant may appeal the denial to the Park and Recreation Committee for reconsideration. The Park and Recreation Committee shall make the final determination to grant or deny the reservation application.

C. Cancellation/Refunds:

A full refund of the rental fee for a trail will be made only if the trail can be rented to another party for the date canceled or if canceled 90 days prior to the scheduled event. Refunds are subject to a nonrefundable \$10.00 processing fee.

FEE SCHEDULE

<u>Trail</u>	<u>Proposed Fee</u>
Apple Creek Trail	\$150.00
<i>Trail Segments:</i>	
Meade Street to Ballard Road	\$50.00
Ballard Road to Lightning Drive	\$25.00
Lightning Drive to Providence Avenue	\$25.00
Providence Avenue to French Road	\$25.00
French Road to Hwy JJ	\$25.00
Highview Trail	\$50.00
Providence Trail	\$25.00
North Island Trail	\$25.00
Newberry Trail	\$125.00
<i>Trail Segments:</i>	
South River Drive to Lawe Street	\$25.00
Lawe Street to Banta Court	\$25.00
Banta Court to Telulah Park	\$25.00
Telulah Park to Peter Street	\$25.00
Peter Street to College Avenue	\$25.00
Lawe Street Trestle Trail	
Lawe Street to John Street	\$50.00

Fees include use of a trail and/or trail segment for the time period noted in the above policy, Section 5, B (c), “All trail and/or trail segment reservations shall be limited to 4 hours or less.”

CITY OF APPLETON POLICY		TITLE: TRAIL RESERVATION AND FEE POLICY
ISSUE DATE: Day of Council Adoption	LAST UPDATE:	TEXT NAME <u>SECTION:</u>
POLICY SOURCE: Parks and Recreation Department		TOTAL PAGES: <u>5</u>
Reviewed by Attorney's Office Date: <u>September 30, 2020</u>	Parks and Recreation Committee Approval Date: July 14, 2010	Council Approval Date: July 21, 2010

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This policy authorizes the ~~Parks and Recreation Department~~PRFMD to charge fees for the use of trails within the rate schedule established by the Parks and Recreation Committee and City Council. To effectively manage, protect facilities, and promote wise use of natural resources, this policy authorizes the ~~Parks and Recreation~~PRFMD Director and/or designees to:

- Cancel and/or relocate any reservation that potentially threatens the integrity of the trail and/or trail segment due to misrepresentation of information on the Facility Reservation Agreement, or if conditions of the trail and/or trail segment would potentially create an unsafe situation.
- Limit the number of reservations for trails and/or trail segments for anyone or any group, organization or individuals that would dominate the use of a trail and/or trail segment and restrict equal opportunities to reserve trails and/or trail segments by members of the public at large.
- Deny any facility reservation application if the expected attendance would exceed the safe capacity of the trail and/or trail segment so as to endanger public health and safety, or compromise the condition of facilities and/or natural resources.
- Enforce park rules, regulations, and policies.
- Require minimum insurance coverage for anyone or group reserving the trails with limits established by the City Risk Manager, for activities or events that are beyond the scope of the "normal and intended guidelines" established by the Parks and Recreation Department PRFM.

III. Definitions

- Concession/Sales - The sale of food, beverage and other associated products at a special event or program that is held on a City trail and/or trail segment specifically reserved for that event or program.
- Facility Reservation Policies and Procedures - These policies and procedures are stated located on the back of the Facility Reservation Agreement ~~that and~~ explain the procedures for reservations, sales of concessions, cancellation/refund ~~procedures, as well as policies for~~ alcohol use policies and damage ~~policies~~.
- Late Reservation - Request for a reservation of city trail and/or trail segment that is received less than five (5) business days before the reservation date.
- ~~Normal and Ordinary Use of City of Appleton Trails — Is defined by guidelines established and published by the Parks and Recreation Department. PRFMD.~~
- Park Rules & Regulations - Are formulated by the City Council and published by the ~~Parks and Recreation Department~~ PRFMD. These rules and regulations are ~~handed out~~ included with every Facility Reservation Agreement form.
- ~~Trail Capacities — Are established and published by the Parks and Recreation Department .PRFMD.~~
- Trail Segment – A segment of any designated trail between two streets or significant entrance points.
- Processing Fee - Fee charged to process a refund and/or cancellation request that is received before the reservation date.
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A. Reservations:

- a.1. All groups, individuals and organizations reserving trails and/or trail segments will be charged in accordance with the established rate schedule.
- b.2. _____ Organizations/groups that have reserved trails and/or trail segments for special events shall have thirty (30) days after the date of the special event to reserve the trail and/or trail segment for the same weekend and/or date for the following year. After thirty (30) days the ~~Parks and Recreation Department~~ PRFMD will make the trail and/or trail segment available to other interested parties.

e.3. All other reservations for trails and/or trail segments are on a first-come served basis and may be made no more than one (1) year in advance.

e.4. ~~_____~~ Groups and/or organizations may be required to reserve multiple trails and/or segments of trails if the ~~Parks and Recreation Department~~ PRFMD determines the event or activity warrants the additional reservations.

e.5. This policy shall become effective ~~January 1, 2011~~ December 1, 2020, and shall remain in effect until it is modified, changed, and/or repealed.

B. Trail Use Limitation/Restrictions:

1. All trail and/or trail segment reservations shall be considered special events.
2. ~~Use of trails shall be limited to one special event per calendar month per trail, including trail segments therein. The PRFMD Director or designee will shall~~ have discretion to determine the number of approved trail reservations.
3. All trail and/or trail segment reservations shall be limited to 4 hours or less.
4. Use of trails and/or trail segments for special events shall be limited to normal and ordinary use of trail, including walking, bicycling, rollerblading, etc.
5. Use of trails and/or trail segments shall be limited to the trail corridor under ownership and/or easement of the City of Appleton.
6. Use of trails and/or trail segments shall be consistent with all city ~~and park~~ ordinances, park and trail rules, policies, etc.
7. A trail and/or trail segment can be used for the special event, but the trail and/or trail segment cannot be the main staging/ gathering area for the event. (For example, Newberry Trail can be used for a local walk/run event, but another location must be used as the starting/ending point for the event.)
8. Use of trails and/or trail segments for special events shall be limited to the time period between ~~May 1~~ April 15 and October 31.
9. ~~Requests to use trails and/or trail segments that do not meet these limitation/restrictions can be presented to the Parks and Recreation Committee for consideration. If an application requesting to reserve the trails and/or trail segments is denied by the PRFMD Director or designee, the applicant may appeal the denial to the Park and Recreation Committee for reconsideration. The Park and Recreation Committee shall make the final determination to grant or deny the reservation application.~~

C. Cancellation/Refunds:

A full refund of the rental fee for a trail will be made only if the ~~facility-trail~~ can be rented to another party for the date canceled or if canceled 90 days prior to the scheduled event. Refunds are subject to a nonrefundable \$10.00 processing fee.

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Meade St. to Ballard Rd.	\$50.00
Ballard Rd. to Lightning Dr.	\$25.00
Lightning Dr. to Providence Ave.	\$25.00
Providence Ave. to French Rd.	\$25.00
French Rd. to Hwy. JJ	\$25.00
Highview Trail	\$25.00 <u>\$50.00</u>
<i>Trail Segments:</i>	
Crossing Meadows to Brookshire	\$10.00
Brookshire to Knollwood	\$10.00
Knollwood to Meade St.	\$10.00
Providence Trail	\$25.00
North Island Trail	\$25.00
Newberry Trail	\$75.00 <u>\$125.00</u>
<i>Trail Segments:</i>	
South River Dr. to Lawe St.	\$25.00
Lawe St. to Banta Court	\$25.00
Banta Ct. to Telulah Park	\$25.00
<u>Telulah Park to Peter Street</u>	<u>\$25.00</u>
Peter Street to College Ave.	\$25.00
<u>Lawe Street Trestle Trail – Lawe Street to John Street</u>	<u>\$50.00</u>

Fees include use of a trail and/or trail segment for the time period noted in the above policy, Section 5, B (c), “All trail and/or trail segment reservations shall be limited to 4 hours or less.”



MEMORANDUM

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

TO: Dean Gazza, Director of Parks, Rec, Facilities and Grounds

FROM: Jessica Titel, Principal Planner

DATE: October 6, 2020

RE: Request to Install Lion Statue within Lions Park

The Appleton Public Arts Committee met on October 6, 2020 and recommended approval of the request from the Appleton Noon Lion’s Club to install a lion statue on City-owned property located within Lions Park at 1920 S. Matthias Street (Tax Id #31-4-5858-01) near the existing park sign at the corner of E. Calumet Street and S. Matthias Street **as shown on the attached maps and subject to the following conditions.**

1. Agreement between the applicant and the City will be prepared by the City’s Legal Services Department and shall be executed prior to installation. This agreement will memorialize the expectations of the parties including the location of the art, installation and insurance requirements, maintenance, liability, indemnification, and the like.
2. Per the Art in Public Places Policy, any artwork signage shall meet the parameters set forth in Zoning Code Section 23-531(e), which allows each artwork one plaque/sign not to exceed nine square feet in size.
3. Applicant and/or any contractors shall provide proof of minimum liability insurance to meet City requirements, prior to installation.
4. Upon completion of the installation, a structural/professional engineer shall provide certification that the artwork was installed according to specifications and meets required structural standards.
5. The applicant shall coordinate with Parks, Recreation and Facilities Management to determine the exact location of the sculpture.

Per the Art in Public Places Policy, the recommendation from the Appleton Public Arts Committee is forwarded to the committee of jurisdiction, in this case, the Parks and Recreation Committee. Please place this item on the agenda for the October 12, 2020 Parks and Rec Committee agenda. Their recommendation would then be forwarded to the Common Council for final consideration on October 21, 2020.

The Staff Report prepared for the Public Art Committee is attached as reference.



REPORT TO PUBLIC ARTS COMMITTEE

Appleton Public Arts Committee Meeting Date: October 6, 2020

Parks & Recreation Committee Date: October 12, 2020

Common Council Meeting Date: October 21, 2020

Item: Lion Statue – Lion’s Park

Case Manager: Jessica Titel

GENERAL INFORMATION

Applicant: Appleton Noon Lion’s Club c/o Mary Beth Nienhaus

Property Owner: City of Appleton c/o Dean Gazza, Director of Parks, Recreation and Facilities Management

Address/Parcel: Lion’s Park - 1920 S. Matthias Street (Tax Id #31-4-5858-01)

Applicant’s Request: Applicant is requesting to place a lion statue within the Lion’s Park.

PROJECT DETAILS

Brief Description of Project and Location: The applicant is proposing to install a lion statue within Lion’s Park. The statue will be placed on a cement slab in the southwest corner of the park, near the existing park sign. The existing planter box around the sign will be expanded to include the newly placed lion. The lion will be owned and maintained by the Noon Lion’s Club.

Reason for Choosing the Proposed Location: The Lion’s Club has been involved in the development of Lion’s Park for many years. The opportunity for the Lion’s Club to acquire the lion from another entity was presented to the Lion’s Club and they approached the City regarding placing the lion statue in Lion’s Park.

Description of How the Work is Installed/Anchored/Attached: The statue will be placed on a concrete slab. Engineering specifications are attached.

Timeline and Duration of Installation: Exact installation dates to be determined, with hopes to install the statue before the end of 2020.

Maintenance and Cost: The statue will be maintained by the Lion’s Club. A public art agreement will be prepared by the City’s Legal Services Department and will need to be executed prior to installation.

Associated Signage: No signage presented at this time. Per the Art in Public Places Policy, any artwork signage shall meet the parameters set forth in Zoning Code Section 23-531(e), which allows each artwork one plaque/sign not to exceed nine square feet in size.

Lion Statue – Lion’s Park

October 6, 2020

Page 2

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* illustrates the importance of the arts community to Appleton and encourages the expansion and promotion of placemaking and arts in the City. The proposed public art project is consistent with the following goals and objectives of the *Comprehensive Plan 2010-2030*.

Chapter 3 – Community Vision #12: Creative place making and public art enhance the public realm and contribute to a vibrant economy.

Goal 7 – Agricultural, Natural, and Cultural Resources

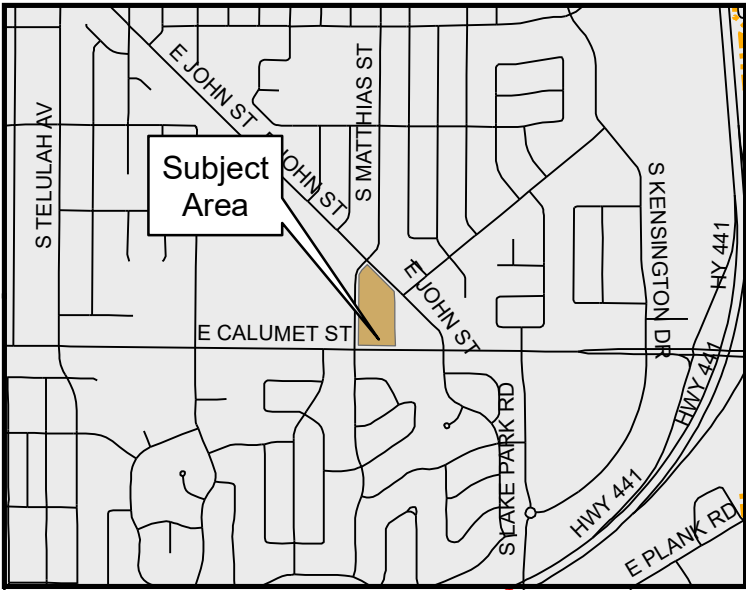
Appleton will continue to protect and enhance its environmental quality and important natural resources, preserve historic sites, and support cultural opportunities for community residents.

RECOMMENDATION

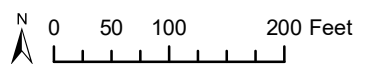
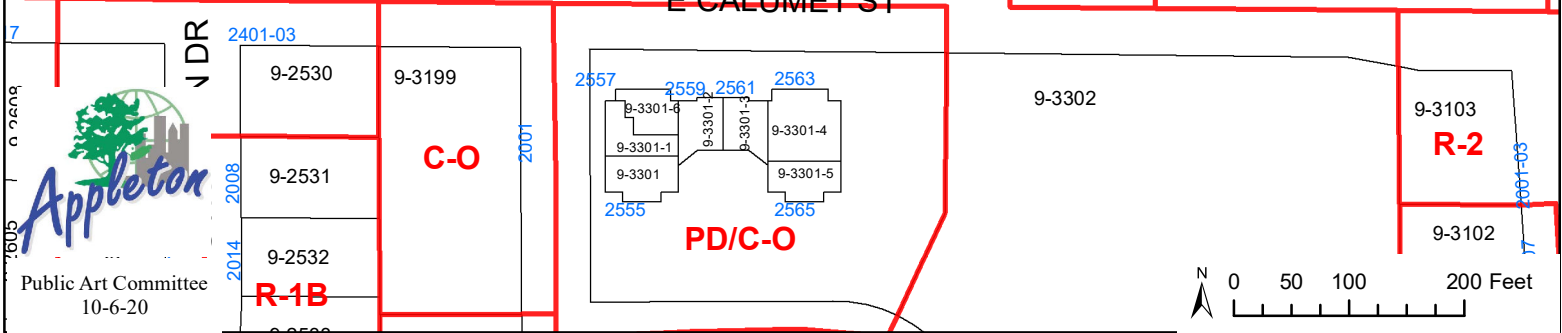
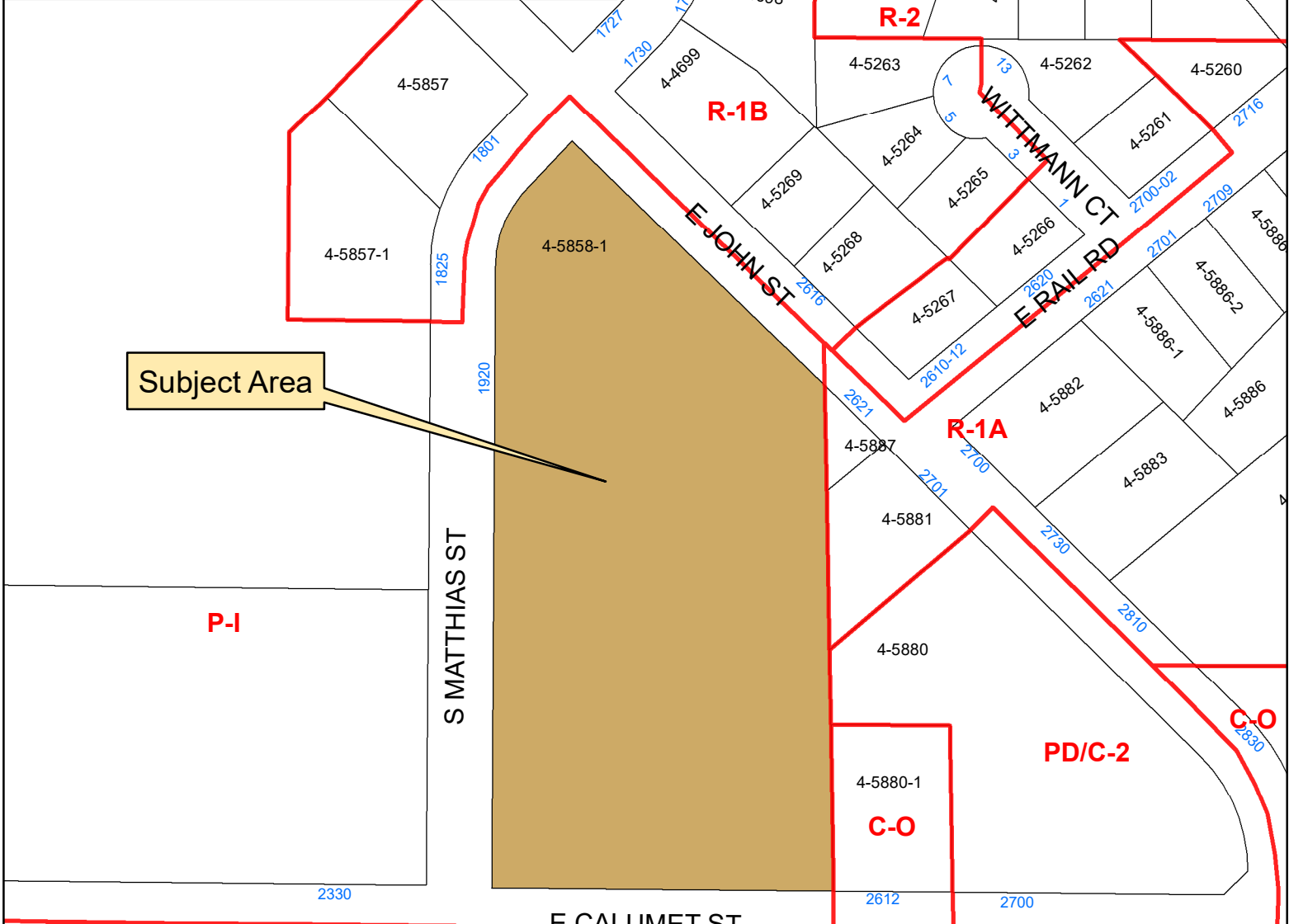
Based upon the guidelines outlined in the Art in Public Places Policy, staff recommends that the proposed installation of the lion statue within Lion’s Park (1920 S. Matthias Street, Tax Id #31-4-5858-01), as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. Agreement between the applicant and the City will be prepared by the City’s Legal Services Department and shall be executed prior to installation. This agreement will memorialize the expectations of the parties including the location of the art, installation and insurance requirements, maintenance, liability, indemnification, and the like.
2. Per the Art in Public Places Policy, any artwork signage shall meet the parameters set forth in Zoning Code Section 23-531(e), which allows each artwork one plaque/sign not to exceed nine square feet in size.
3. Applicant and/or any contractors shall provide proof of minimum liability insurance to meet City requirements, prior to installation.
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Public Art Committee
Lion Statue
Lion's Park
Zoning Map



Subject Area

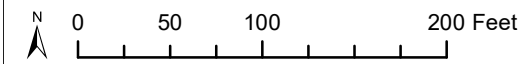


Public Art Committee
Lion Statue
Lion's Park
Aerial Map



Subject Area

Approximate location
of Lion next to planter



- LION TO BE PLACED BY SIGN

27" WIDE, 50" HT, 97" LENGTH

- PLACED ON CEMENT SLAB

27" WIDE, 80" LONG

- PHOTO ATTACHED TO EMAIL - FAX

- LION PARK

- CEMENT SLAB & 4 FEET OF

LION SECURED TO CEMENT

- HOPEFULLY, ONCE APPROVED THE

LION WILL BE PLACE THIS SUMMER,

- JUNE, JULY

- LIONS CLUB WILL CONTINUE TO

REFURBISH WHEN NECESSARY.



Approximate
location of Lion



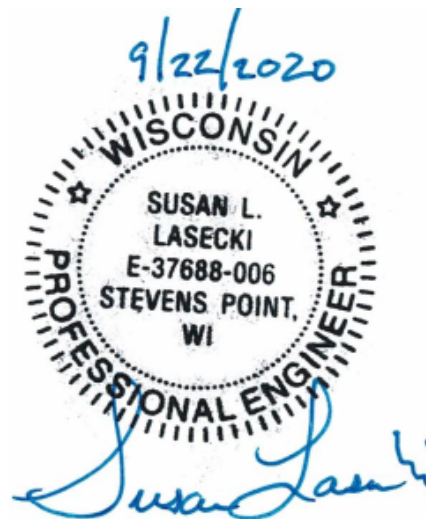
STRUCTURAL NOTES

1.0 GENERAL

- 1.1 THE FOLLOWING GENERAL AND SPECIFIC NOTES APPLY EQUALLY TO ALL CONTRACTORS, SUBCONTRACTORS AND SUPPLIERS ENGAGED IN THE WORK SHOWN ON THESE PLANS. THESE NOTES SUPPLEMENT AND ARE MADE A PART OF THE CONTRACT DOCUMENTS.
- 1.2 ALL CONSTRUCTION SHALL BE EXECUTED IN CONFORMANCE WITH THE FOLLOWING:
 - PLANS AND SPECIFICATIONS
 - STATE OF WISCONSIN BUILDING AND SAFETY CODES
 - GOVERNING LOCAL AND MUNICIPAL CODES
- 1.3 DO NOT SCALE DRAWINGS. DRAWINGS ARE OFTEN PRINTED OR REPRODUCED CAUSING INACCURACIES IN SCALED DIMENSIONS. STANDARD DETAILS MAY APPLY AT MULTIPLE CONDITIONS WHERE CERTAIN DIMENSIONS MAY VARY AND ARE CALLED OUT ON THE PLANS OR IN SCHEDULES.
- 1.4 DESIGN LOADS (IBC/WECBC I607):
SCULPTURE WEIGHT _____ 400 LBS (APPROX)

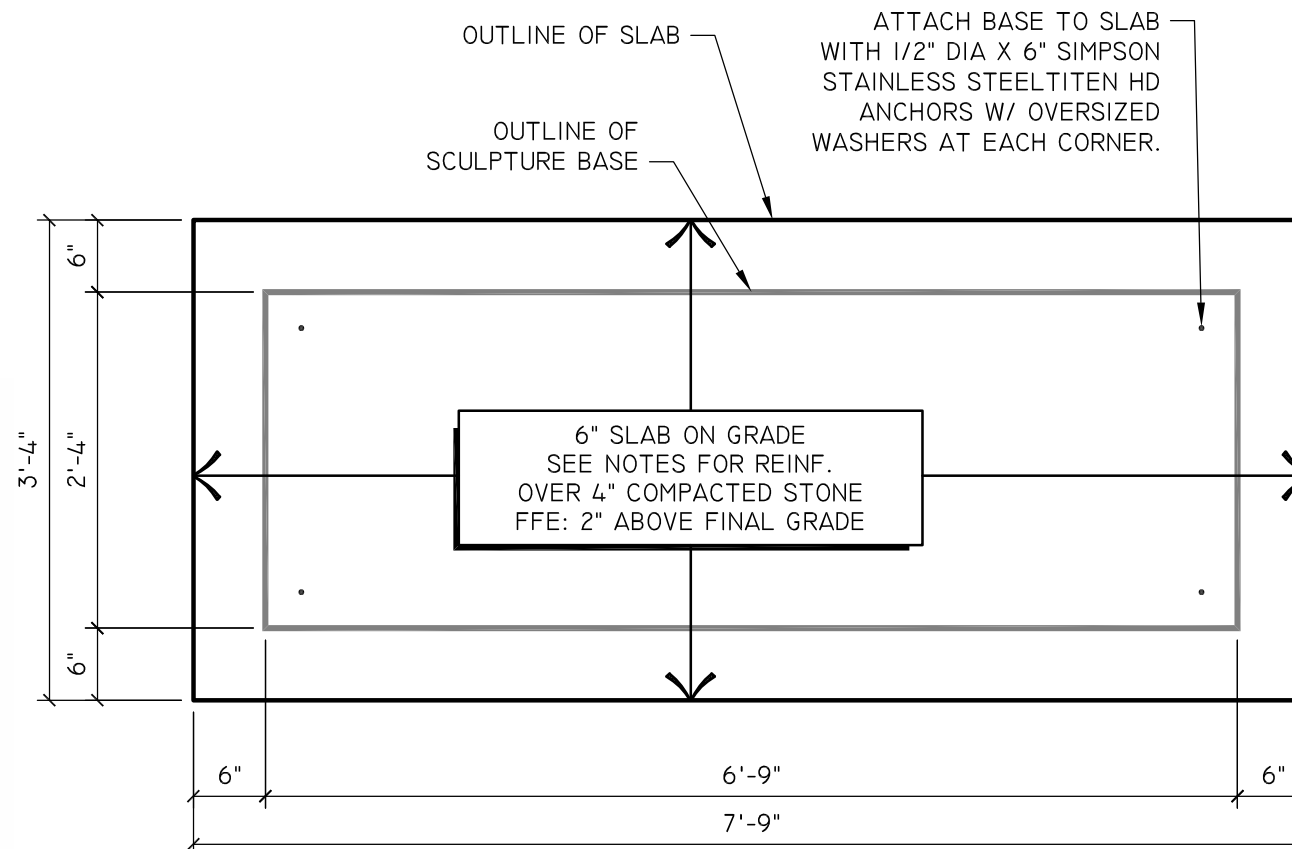
2.0 SUBSURFACE PREPARATION

- 2.1 THESE SUBSURFACE PREPARATION NOTES DO NOT CONSTITUTE A COMPLETE SITE WORK SPECIFICATION. REFERENCE THE PROJECT MANUAL AND THE GEOTECHNICAL REPORT(S) FOR MORE INFORMATION. CONTRACTOR SHALL BE THOROUGHLY FAMILIAR WITH THE SUBSURFACE CONDITIONS PRIOR TO COMMENCING WITH SITE WORK.
- 2.2 FOUNDATION SLAB HAS BEEN DESIGNED USING AN ASSUMED SAFE NET SOIL BEARING CAPACITY OF 500 PSF. IF ON-SITE GEOTECHNICAL INVESTIGATIONS SHOULD YIELD SAFE BEARING CAPACITIES LESS THAN THIS, CONTACT IONIC STRUCTURES AND DESIGN LLC IMMEDIATELY TO RE-EVALUATE SLAB DESIGN.
- 2.3 NO HOLES, TRENCHES OR DISTURBANCES OF THE SOIL SHALL BE ALLOWED WITHIN THE VOLUME DESCRIBED BY A 45° SLOPE FROM THE BOTTOM EDGE OF THE FOOTING. IF SUCH ARE REQUIRED, THE FOOTING MUST BE LOWERED. CONTACT IONIC STRUCTURES AND DESIGN LLC IMMEDIATELY TO DISCUSS REVISIONS TO THE FOUNDATION PLAN.
- 2.4 NO PIPING, CONDUIT, OR OTHER UTILITIES SHALL BE ALLOWED TO PASS BENEATH FOOTINGS. IF SUCH ARE PRESENT OR REQUIRED, THE FOOTING MUST BE LOWERED. CONTACT IONIC STRUCTURES AND DESIGN LLC IMMEDIATELY TO DISCUSS REVISIONS TO THE FOUNDATION PLAN.
- 2.5 ALL NON-COHESIVE SOILS SHALL BE THOROUGHLY COMPACTED PER THE INSTRUCTIONS OF THE GEOTECHNICAL ENGINEER PRIOR TO THE PLACEMENT OF FOOTINGS.



3.1 REINFORCED CONCRETE

- 3.1.1. REINFORCED CONCRETE SHALL BE DESIGNED, MANUFACTURED AND CAST IN CONFORMANCE WITH THE FOLLOWING STANDARDS:
 - ACI 301 SPECIFICATIONS OF STRUCTURAL CONCRETE FOR BUILDINGS
 - ACI 318 BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE
 - ACI 117 SPECIFICATIONS AND TOLERANCES FOR CONCRETE CONSTRUCTION AND MATERIALS
 - ACI 315 MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES
- 3.1.2. MINIMUM CONCRETE COMPRESSIVE STRENGTHS (F'c) AT 28 DAYS:
EXTERIOR SLABS ON GRADE _____ 4,500 PSI
- 3.1.3. CONCRETE EXPOSED TO EARTH OR WEATHER SHALL BE AIR ENTRAINED.
- 3.1.4. ALL SLABS ON GRADE SHALL BE REINFORCED WITH:
 - A. MARCOFIBER OR MARCOFIBER/MICROFIBER BLEND OR
 - B. 6x6-W2.9xW2.9 WELDED WIRE FABRIC UNLESS OTHERWISE NOTED ON THE PLAN. PLACE REINFORCING MESH ONE-THIRD OF THE SLAB THICKNESS BELOW THE TOP SURFACE OF THE SLAB, WITH A MINIMUM COVER OF 1 1/2".
- 3.1.5. FORM 3/4-INCH BEVELS AT ALL CONCRETE EDGES UNLESS SHOWN OTHERWISE.
- 3.1.6. CONCRETE CONTRACTOR SHALL NOTIFY ENGINEER AT LEAST 48 HOURS PRIOR TO CASTING CONCRETE.
- 3.1.7. HOT WEATHER CONCRETING:
 - CONTRACTOR TO FOLLOW PROCEDURES SET FORTH BY ACI 305 "HOT WEATHER CONCRETING" WHEN THE MAXIMUM DAILY TEMPERATURE EXCEEDS 85°F OR WHEN RAPID DRYING/EVAPORATION CONDITIONS EXIST.
- 3.1.8. COLD WEATHER CONCRETING:
 - CONTRACTOR TO FOLLOW PROCEDURES SET FORTH BY ACI 306 "COLD WEATHER CONCRETING" WHEN FREEZING CONDITIONS EXIST OR WHEN THE AVERAGE DAILY TEMPERATURE IS BELOW 40°F.



Ionic Structures and Design, LLC
P.O. Box 466
Plover, Wisconsin 54467
(414) 540-8755 Fax: (414) 921-9746
www.ionic-sd.com

CONSULTANTS

PROJECT DATA
LION SCULPTURE BASE
CITY OF APPLETON
APPLETON, WI

DRAWING SET DESCRIPTION

FOR PERMIT & CONSTRUCTION

DATE: 9/19/2020

REVISIONS

DATE	DESCRIPTION

PROJECT No.

20-038

DESIGNED BY: SLL

DRAWN BY: SLL

SHEET TITLE

PLAN & NOTES

SHEET No.

SI



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

OFFICE OF THE MAYOR

Jacob A. Woodford
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: Finance Committee

FROM: Mayor Jacob A. Woodford

DATE: September 29, 2020

RE: Resolution #8-R-20 (City of Appleton Brand Study)

Resolution #8-R-20 regarding conducting a brand study for the City of Appleton was submitted on April 22, 2020 and referred to the Finance Committee. The Finance Committee referred the resolution to staff, in this case, the Mayor's Office. Due to a vacancy in the communications role within the Mayor's Office, review of the item was delayed until September 2020.

This is a timely and important resolution. The City of Appleton has not engaged in a comprehensive review or updating of its branding for at least 25 years. As the resolution states: "Appleton's quality of life, vibrancy, and values could be better conveyed by an updated logo, slogan, and messaging."

Branding is a comprehensive and likely costly exercise, touching every aspect of the City of Appleton's services and reaching beyond the work of the municipal government. Branding must represent the broader community we serve. To be successful, the process will require the engagement of a wide range of stakeholders, including the public, advocacy organizations, businesses, and not-for-profit entities, among others. We will also need to plan for implementation of a new brand strategy following completion of the study – this, too, will require resources to carry out.

In order to adequately budget for such a study, which is the primary focus of the resolution, we must first identify the appropriate scope of the project through research, discussion with firms specializing in this work, and communication with municipalities that have conducted their own brand studies. This will require additional time to appropriately prepare and draft a Request for Proposals (RFP) before we can appropriately recommend a funding level to the Finance Committee. As such, staff recommends the following:

That the Office of the Mayor be allowed to further research and prepare for a brand study, including gathering input from internal (employee) stakeholders, alderpersons, community partners, and members of the public to appropriately establish the scope and objectives of the project prior to drafting an RFP.

Once the RFP draft is ready, no later than February 1, 2021, that the Finance Committee *then* “evaluate all financing options to appropriate the necessary funds,” per the resolution, to initiate the project.

As soon as such funds are appropriated, that the RFP be issued, and the brand study initiated at that point.

The Office of the Mayor is committed to carrying out this brand study project in the thoughtful and strategic manner it demands, and this process will ensure that it is carried out accordingly.



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

**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Finance Committee

FROM: Dean R. Gazza

DATE: 10/12/2020

RE: Action: Award the “2020 Interior Finishes and Furniture Project” to Chet Wesenberg Architect, LLC. for a sole-source contract not-to-exceed \$120,015.

In 2019, Phase I began to renovate the interior finishes and to update furniture within the City Hall spaces. A Request for Proposal process was conducted and Chet Wesenberg Architect, LLC was awarded the contract for architectural and engineering services. As Phase I is concluding we are entering Phase II to begin architectural and engineering services to renovate the common spaces on 5th and 6th floor as well as to update the interior finishes in furniture in the Community Development Department.

It customary to utilize the same architect throughout an entire project, therefore we are recommending a sole-source contract to Chet Wesenberg Architect for Phase 2. The fees are very competitive. Upon design the work would be completed in 2021.

Monies have been budgeted within the Capital Improvement Plan for design in 2020.

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



MEMO

TO: Finance Committee

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

DATE: October 6, 2020

SUBJECT: **Request from Kevin Frey to cancel his sanitary sewer lateral special assessment of \$1,716.00 for 1105 W. Summer Street.**

The existing vitrified clay sanitary main in W. Summer Street was installed in 1928 at a depth of about 8'. We believe Mr. Frey's existing vitrified clay sanitary lateral at 1105 W. Summer Street was installed around 1928 as well. A new PVC water main was installed in 1990.

On 12/31/2003, Wayne VanHandel took out a permit to slip line the vitrified clay sanitary lateral. If the water main had "hit" the sanitary lateral in 1990 it would not have "pushed" the clay lateral up, it would have broke the lateral or augered right through it. This would have made it nearly impossible to slip-line the lateral in 2003.

The lateral could have been back pitched when it was installed around 1928 as Mr. Frey suggests. When reviewing the 2012 sanitary sewer video of the sanitary sewer main in front of 1105 W. Summer Street it appears a spot repair was done at the tee of the sanitary sewer main as the material changed from clay to pvc at the tee. The lateral at the tee also looked to have about a 1' riser on it.

When we installed the new sanitary sewer main and lateral to 1105 W. Summer Street we eliminated the approximately 1' foot riser and installed the new lateral to the property line. The only decision that had to be made was whether to install the sanitary lateral under or over the existing water main. The contractor and our inspector decided to go under the existing water main to give the property owner more options in the future if the sanitary lateral was ever replaced from the house to the property line. (See attached Inspector's Daily Sewer and Water Report.)

Based on the above information, staff recommends the Finance Committee DENY the request to cancel the sanitary lateral special assessment for 1105 W. Summer Street.

Attachment

Engineering Division
 Department of Public Works
 Appleton, Wisconsin

Inspector's Daily Sewer and Water Report

Report Number: 127
 Project: W-20
 Day & Date: 9/03/20
 Weather: sunny
 Temperature: AM 50° PM 75°

Project Location: Summer St
 From: Gillet St
 Contractor: Kruczek

To: Richmond St
 Foreman: Matt

	Excavation		Trench		Pipe					
	From	To	Width	Depth	Bedding	Backfill	Type	Size	Joint	Supplier
Sanitary And Storm Sewer										
Water Main	Excavation		Trench		Pipe					
	From	To	Width	Depth	Bedding	Backfill	Type	Size	Joint	Supplier

Location of 0+00														
Address	Station	Size	T-Y	Type	Address	Station	Size	T-Y	Type	Address	Station	Size	T-Y	Type
House Services	1105	18+42	6"	Y	PVC									
	1107	17+91	6"	Y	PVC									
	1115	17+39	6"	Y	PVC									
	1119	16+89	6"	Y	PVC									
	1127	15+90	6"	Y	PVC									

Remarks: Relayed sanitary laterals to 1105, 1107, 1115, 1127 and 1119 with 6" PVC. The existing 4" PVC sanitary lateral to 1105 is back pitched from the property line to the house. I notified the property owner of the pipe being back pitched and his lateral may still back up because of it. Contractor lower the sanitary lateral in the road and installed 2 45 degree bends at the property line so if the property owner decides to fix the sewer lateral he will be able to lower the lateral and have positive pitch on the pipe.

Barricades: A.M. X P.M. X

Inspector: Pat Thibodeau

From: Kevin Frey <kfrey@vpind.com>
Date: September 16, 2020 at 12:14:34 PM CDT
To: Randey Felton <Randey.Felton@Appleton.org>
Subject: sanitary 1105 W. Summer st.

Randy,

I observed the excavation and the running of my sewer lateral to the property line. When they exposed the lateral and the water main it appeared that the water main that was pushed under the trees years ago pushed my pipe up. My line was cut and the remaining to my house drained into the trench no problem. In watching and listening to the crew and your inspector on site it appeared that they couldn't lay the new lateral over the water main because it would drain back to my house as it has been. They had to dig under the water main, Turn the connection on the new sanitary main 90 deg. Flat with the main pipe in the center of the street.

I can see from a clean out in my basement that my pipe is now dry and have watched it over the past two weeks since the lateral was replaced to the property line.

This would explain the repeated cost to me to have the lateral flushed out.

This said, I feel that the assessment on my property for the cost of the lateral should be assumed by the city of Appleton.

I look forward to your response to this matter.

Kevin Frey
Maintenance Manager
2730 N. Roemer Road
Appleton, WI 54911
(920) 749-5859
(920) 749-5865 (Fax)
kfrey@vpind.com<mailto:kfrey@vpind.com>

[cid:8d062867-b7c1-4c99-b1d3-34fd20537293@VPIND.com]

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

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

Paula Vandehey

To: Randy Felton
Subject: RE: Summer street from Richmond to Gillet Street

From: Kevin Frey <kfrey@vpind.com>
Sent: Tuesday, December 31, 2019 8:28 PM
To: Randy Felton <Randy.Felton@Appleton.org>
Subject: Re: Summer street from Richmond to Gillet Street

Randy,

It was about 25 years ago today, New Years eve day that fell on a Friday and with the information, about my shit tube to the street at that time and had, and a dire situation of not only being level at best, was breached by the silver maple tree roots out front on the terrace. It wasn't only breached but had a dip in it just past the city sidewalk that was confirmed with cutting technology, a camera, back then a huge cost to me.

I had an opportunity with the renal store closed on Saturday the first and Sunday always free, so that meant one day rental on a backhoe. I thought great one day rental and two days free with little frost and snow like today.

Young and dumb got diggers hotline out on an emergency status call. Rental place let me have it Thursday evening, so at first light I commenced on digging from my foundation and undermining the city sidewalk walk a bit. I had no clue that I would was not able to do this as a property owner. I was down to the clay tile with my walk to the house set aside and the dirt piled up and a load of stone staged in the street.

Got that far on Friday the 31st and it was noontime. Got off the backhoe grabbed a sandwich and a beer went out front and had a city inspector waiting for me and asking what the he'll I was up to, (a bit more to the point back then) and wasn't apparently pleased,he wanted to get off early for his New Year's Eve celebration and long weekend.

I explained to him my plan was going to remove at least 10' of the clay tile push 4" X 10" sections of PVC thru the remaining tile from the city walk into the main sanitary cut at a slight angle and pushing into and pulling back after I hit a hard stop, so I didn't impede the flow in the street. Final connection on my side was going to be a Furnco connection from the clay to the PVC pushed to the city.

He immediately shut me down and said (with expletives), it was a good plan but I wasn't licensed. Wow an ooh shit moment. I had and did get a licensed contractor to inspect and qualify my work and I think I had to get a quick permit or he let it slide (can't remember) since he wanted to get to his plans for the long weekend. The inspector came back and watched me cut at an angle and push the PVC into the Main and directed me how far to pull back, stayed until all pipe was glued, furnco secured and even instructed from above of course how to level the new pipe section out with gravel and gave the go ahead to back fill. He also was the one that suggested that the city should have put the sanitary lower and I only took care of an immediate situation but I would continue to have problems.

He was great and I think that he liked that I was a dung ass with a sensible and save plan and execution. Wis I remembered his name, I think we learned a bit from each other.

Another bit of history and an interesting story of life's experiences and how we gain knowledge of what we can achieve.

On another note don't go into a ditch filled with you own shit with new Redwing boots on your feet. That may have been my biggest eye opener, pair of Muck-lucks, after it was all said and done.

1105 W. Summer.

Kevin

Sent from my iPhone

On Dec 31, 2019, at 8:55 AM, Randey Felton <Randey.Felton@appleton.org<mailto:Randey.Felton@appleton.org>> wrote:

Good Morning Kevin,

Thank you for the information. During this year's construction the City will install a storm lateral to your property. The storm lateral will be installed to your property line and you can connect to it at any time. Once you connect to the storm lateral, the discharge from your sump pump will go directly to the storm sewer.

The City will also be replacing the sanitary sewer main and laterals (to the property line) on Summer Street from Richmond Street to Gillett Street. Typically the City does try to install the new sanitary mains somewhat deeper, however knowing that there may be a problem with the depth of the main on Summer Street I will try to lower the main even more. By quickly looking at the slopes of the existing sanitary main on Summer Street, I believe I can lower the main by at least 6" if not more. By lowering the main by at least a half foot I'm hoping this will help you and others on Summer Street.

I will also take a look at your settled terrace and see if we can take care of this with this year's project.

Again, thank you for your input as this is good information to have before we bid out the project.

If you have any additional questions or would like to discuss this further, please let me know.

Thanks,
Randey Felton

Randey Felton, P.E.
Project Engineer
City of Appleton
Department of Public Works
920-832-6483
Randey.felton@appleton.org<mailto:Randey.felton@appleton.org>

From: Kevin Frey [mailto:kfrey@vpind.com]
Sent: Monday, December 30, 2019 9:49 AM
To: Randey Felton <Randey.Felton@Appleton.org<mailto:Randey.Felton@Appleton.org>>
Subject: Summer street from Richmond to Gillet Street

Randey,

Yes my sump pump runs constantly thru the year and discharges out the front of my house. Since the city reconstructed the sidewalk to the corner of Summer and Summit streets for the ADA ramp 20 plus years ago the water just runs down

to the sidewalk. They literally lowered the corner by almost 2 feet that's how high the curb on that corner was. Have ice problems as well as in the summer months slippery algae on the walkway that is always wet.

I am the lowest on the entire block and everything drains to me all the way from the opposite corner of Mason and Spring St. Previous owner put in a drainage system to summer but that was taken out by the city when the new street was paved along with next door building a garage next to me. Boy they are in deep crap because now the surface water in moderate to heavy rain pools in his back yard and pours thru his basement windows.

I don't know the proper term but the hydraulic pressure/water table gets so high that my sump can't keep up and I actually have had in the middle of my basement floor a leak like a bubbler, no shit 6" at least of a water stream on several occasions.

When the water main went thru on summit street to the side of my lot the contractor hit a river we could actually see a slight current. They never back filled that properly by the way. The sod is at least 3" below the curb and sidewalk from Wisconsin av. To spring st. They cheated the city as well as my driveway apron sunk also.

The city talked about putting sump pumps and down spouts along this stretch of summer st. underground to each property to help alleviate this but that was a couple decades ago and went no place.

I have another pretty big issue with being the lowest on the block. My sanitary connection is level if not pitched a bit to the house I have been told that it's because I am low and the city install should have been a bit lower as the house was here before the city line was laid. I don't know if the city is going to drop it a bit. Can you direct me to the proper individual to discuss if it's not you?

Thank you

Kevin Frey

1105 W. Summer Street

Kevin Frey
Maintenance Manager
2730 N. Roemer Road
Appleton, WI 54911
(920) 749-5859
(920) 749-5865 (Fax)
kfrey@vpind.com<mailto:kfrey@vpind.com>



MEMO

TO: Finance Committee

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

DATE: October 1, 2020

SUBJECT: Request to approve the following 2020 Budget adjustment:

Capital Projects Fund – Public Safety Camera Program (Northland Avenue/STH 441 interchange)	- \$20,000
Capital Projects Fund – Public Safety Camera Program (College Avenue/Memorial Drive area)	+\$20,000

The 2020 Capital Improvements Program includes \$20,000 for the installation of a public safety camera at the Northland Avenue/STH 441 interchange. Based on the impending Interstate 41 Expansion Project, which could include significant changes to this interchange, staff is requesting that these funds be reallocated to a different location. The City was recently alerted by the State Patrol that the College Avenue/Memorial Drive intersection has been deemed as an area needing attention due to the recent crash data, so this general area would be an ideal location for improved camera technology.

The Appleton Police Department was awarded a grant for a mobile ALPR (automatic license plate recognition) system. This system uses different cameras and operates on a different platform than our existing public safety cameras. Staff believes that the ALPR system would be the best technology for this downtown location.

Therefore, we are requesting a budget adjustment to reallocate the \$20,000 from the Northland Avenue/STH 441 location to the College Avenue/Memorial Drive area.



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

TO: Finance Committee
FROM: Mayor Jacob A. Woodford
Tony Saucerman, Finance Director
DATE: **October 12, 2020**
RE: **General Fund Balance Policy**

The City has a general fund balance that states:

At least 75% of general fund balance in excess of the reserve policy (currently three months operating expenditures) be used for the reduction of long-term liabilities. Utilization of the remaining funds are subject to recommendation from the Finance Committee to be used for additional reduction of long-term liabilities or general fund expenditures with final Council approval.

Each year upon the conclusion of the annual audit, the general fund balance is reviewed to determine if such excess funds are available. The audit report, presented to the Finance Committee on July 6, 2020 noted an unadjusted general fund balance of \$1,629,137 in excess of the City’s reserve policy at December 31, 2019.

December 31, 2019

General Fund Balance in excess of reserve policy per audit	\$ 1,629,137
Less: Unrealized investment gains included in fund balance	\$ (814,017)
Fund balance applied to the 2020 Budget	<u>\$ (225,800)</u>
Adjusted fund balance in excess of reserve policy	<u>\$ 589,320</u>

Applying the policy to the adjusted excess fund balance indicated above results in approximately \$442,000 (75%) being designated to be used to reduce long-term liabilities and \$147,320 (25%) subject to the recommendation of the Finance Committee.

Per discussion with staff, we are requesting the Finance Committee’s approval to allocate \$50,000 to the Appleton Redevelopment Authority’s (ARA) Business Enhancement Grant Program. This amount would supplement the \$80,000 that the ARA has already committed to this program. The purpose of the program is to encourage investment and improvements to commercial properties within the City of Appleton (outside of TIDs 11 & 12 which already have their own business improvement grant programs) that are readily visible to the public by providing grants to property owners and tenants to fund façade and exterior improvements to their establishments.

Additionally, staff is requesting approval to use \$100,000 to help fund a comprehensive planning study for the Library neighborhood which would provide recommendations for the most effective and orderly development of the properties north of E College Avenue in the areas surrounding the Appleton Public Library. The study would look at the institutions anchoring that area and develop a plan to advance their mission and unlock the potential for that area by using innovative real estate strategies utilizing both public and private resources to produce broad economic effects and create a vibrant and sustainable neighborhood.

Director Saucerman will work with the City's financial advisor to determine the most cost-effective use of the remaining approximate \$439,000 slated for debt reduction (either call any eligible existing debt or reduce the 2021 borrowing package).

If you have any questions on these requests, feel free to reach out to either Mayor Woodford or Director Saucerman. Thank you for your consideration.

CHANGE ORDER and CONTRACT AMENDMENT

Change Order No. 1

Date 10/06/20

Contract No. 67-20 for the following public work : Unit Z-20 Ballard Road Water Reconstruction

between Advance Construction Inc. 2141 Woodale Ave., Green Bay WI 54313
 (Contractor Name) (Contractor Address)

and the City of Appleton dated: 4/9/2020 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	5371.6809.5	\$1,108,331.00	\$44,333.24	\$57,000.00	(\$44,333.24)	\$1,165,331.00	\$0.00
2							
3							
4							
5							
6							
7							
8							
9							
10							
Total		\$1,108,331.00	\$44,333.24	\$57,000.00	(\$44,333.24)	\$1,165,331.00	\$0.00

Reason for Change: Additional 30 lin ft of augered casing; Additional slurry at bore/receiving pits; Additional measured quantities of installed water service.

The Contract Time will be (~~increased~~ / ~~decreased~~ / **unchanged**) by this Change Order: N/A Days

The Date of Completion as of the date of this Change Order therefore is: 100 days

Finance Committee Agenda Date: 10/12/20

Date approved by Council: 10/21/20



DEPARTMENT OF PUBLIC WORKS - Engineering Division
MEMO

TO: Members of the Finance Committee

FROM: Ross Buetow, Deputy Director of Public Works

SUBJECT: Recommendation to reject bids for Green Parking Ramp Stair Replacement

DATE: October 7, 2020

The Department of Public Works is recommending that all bids for the Green Parking Ramp Stair Replacement Project be rejected due to insufficient project funding in comparison to the low bid amount. Bids were opened on Monday, October 5, 2020. The following is a summary of the bids received:

<u>Bidder</u>	<u>Bid Amount</u>
Merit Construction Services, Inc.	\$ 109,820.00
The Boldt Company	\$ 191,796.00

The 2020 budget allocation for repairs and maintenance throughout all of our City ramps was \$120,000. As of this date, \$76,500 has been spent on various maintenance projects, leaving only \$43,500 in available funds. In discussions with the contractors, current prices for the materials needed on this project are extremely volatile and inflated due to COVID-19. It is our intention to carry all remaining ramp repair and maintenance funds over to 2021 and re-bid the project next spring.

Thank you for your consideration.



LEGAL SERVICES DEPARTMENT

Office of the City Attorney

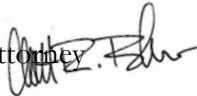
100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

TO: Members of the Finance Committee

FROM: Christopher R. Behrens, City Attorney 

DATE: October 8, 2020

RE: Proposed Resolution brought at the Request of the YMCA Regarding Waiving Certain Restrictive Covenants with regard to the Soldier's Square Parking Ramp

Recently City staff was approached by the YMCA and their legal counsel regarding their planning for the Soldier's Square Parking Ramp's redevelopment. The YMCA is currently exploring different options for the site including constructing a new parking ramp or a mixed use development that includes a parking structure.

The 1996 agreement that transferred the parking ramp from the City to the YMCA contains certain terms including a reversionary clause and right of first refusal. In the case of the reversionary clause, if the YMCA decides to raze the parking ramp and build a new one on the location it has two options: 1) allow the property to revert to the City for a sum calculated according to the agreement; or, 2) allow the City to include public purpose parking, at the City's sole cost, to be built in conjunction with the Y's project. With regard to the right of first refusal, if the YMCA would decide to sell the property to a third party to, for example, develop a mixed use project that includes parking to accommodate the YMCA's needs, the YMCA would first be required to allow the City an opportunity to purchase the property from the YMCA for a sum calculated according to the agreement.

The YMCA has requested that the City of Appleton adopt a resolution waiving the restrictive covenants as more particularly set out in the attached resolution in order to allow the YMCA to move forward in a more rapid and unencumbered fashion in planning for its future needs with regard to parking and its redevelopment of the Soldier's Square Parking Ramp site. City staff have reviewed and discussed this request from the YMCA and support waiving these restrictive covenants to help facilitate redevelopment of this particular site.

Accordingly, staff respectfully requests and recommends APPROVAL OF THE RESOLUTION WAIVING RESTRICTIVE COVENANTS CONCERNING YMCA SOLDIER'S SQUARE PARKING RAMP PROPERTY.

CRB;jlg

City Law: A20-0588

Christopher R. Behrens
City Attorney

Amanda K. Abshire
Deputy City Attorney

Darrin M. Glad
Assistant City Attorney

Nicholas J. Vande Castle
Assistant City Attorney

**RESOLUTION
CITY OF APPLETON**

**RESOLUTION WAIVING RESTRICTIVE COVENANTS CONCERNING YMCA
SOLDIER'S SQUARE PARKING RAMP PROPERTY**

WHEREAS, the City of Appleton (hereinafter "City") and the Young Men's Christian Association of the Fox Cities, Inc. f/k/a the Young Men's Christian Association of Appleton, Inc. a/k/a the YMCA of the Fox Cities (hereinafter "YMCA") are parties to that certain "Agreement for Purchase and Sale of Property" entered into by said parties on or about June 21, 1996 (hereinafter the "Agreement"); and,

WHEREAS, the parking ramp and adjacent property commonly known as the Soldier's Square Parking Ramp is owned and operated by the YMCA (hereinafter the "Subject Property") (noting, however, that the surface street and surface parking also known as Soldier's Square located to the north of the Subject Property is owned by the City and shall remain owned by the City); and,

WHEREAS, certain restrictive covenants appear in Section 7 of said Agreement that could, under certain circumstances, interfere with the YMCA's ability to redevelop the Subject Property and rebuild the Soldier's Square Parking Ramp without the City's participation; and,

WHEREAS, City staff has recently indicated that it does not support using City funds to construct a new City-owned parking ramp in the vicinity of the YMCA; and,

WHEREAS, since 1990, in anticipation that the Soldier's Square Parking Ramp would someday fail, the YMCA has purchased properties to the south of its downtown Appleton campus (hereinafter the "South Properties") to enable the YMCA to create a future surface parking lot to be used for its employees', members', and guests' parking when the Soldier's Square Parking Ramp reaches the end of its useful life; and,

WHEREAS, the Soldier Square Parking Ramp is nearing the end of its useful life; and,

WHEREAS, US Venture, Inc. (hereinafter "US Venture") would now like to purchase the South Properties from the YMCA to allow its riverfront office complex to be developed with adequate space for its own parking; and,

WHEREAS, the YMCA cannot sell its South Properties to US Venture until the City waives any rights that it may have under Section 7 of the Agreement and without first obtaining assurances from the City that it will be able to construct temporary parking on the South Properties, demolish the existing Soldier's Square Parking Ramp, and reconstruct a new parking ramp for its employees, members, and guests on the Subject Property using its own funds and donated funds; and,

NOW, THEREFORE, BE IT RESOLVED, by the City of Appleton Common Council:

1) The City hereby waives any rights or restrictive covenants that it may have under the Agreement (including any deed restrictions the City may have referencing the Agreement or resulting from the Agreement), with the exception of the requirement that any parking fees charged to the general public shall not be less than rates charged for parking in the City's downtown parking ramps, and further specifically waives any provisions concerning reversionary clauses or first rights of refusal.

2) Subject to various required approvals including, but not limited to, rezoning, site plan approval, permitting and the like, the City agrees to work through these processes with the YMCA in good faith in order to construct temporary parking on and in the vicinity of the South Properties, demolish the existing Soldier's Square Parking Ramp on the Subject Property, and reconstruct a new parking ramp for its employees, members and guests on said site in a reasonably expeditious manner, in accordance with the goals of the City's Downtown Mobility Plan and Comprehensive Plan.

3) The City agrees and understands that the YMCA's possible ability to redevelop the Subject Property as a mixed-use development (something in addition to parking) depends upon the possible future involvement of third parties that has not yet been secured; in the event that the YMCA is unable to secure said third party involvement within a timeline acceptable to the YMCA, the City understands that the YMCA may have to redevelop the Subject Property as parking for its employees, members, and guests only.

4) The City's action herein is based upon representations from the YMCA that the redevelopment of the Subject Property, whether by the YMCA or a third party, shall take into consideration adequate spacing for monuments within Soldier's Square as well as determining mutually agreeable points of access to the new development.

Adopted this _____ day of _____, 2020.

Jacob A. Woodford, Mayor

ATTEST:

Kami Lynch, City Clerk



MEMORANDUM

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

TO: Community and Economic Development Committee
FROM: Nikki Gerhard, Community Development Specialist
DATE: October 14, 2020
RE: 2020 Community Development Block Grant CARES Act Funding (CDBG-CV)

In the last few months, the COVID-19 outbreak has caused unprecedented unemployment and put thousands of households at risk of being unable to afford housing and other basic needs. It is important that multiple systems are given the resources to work together to address the needs in our community. The City of Appleton was awarded a special allocation of \$348,255 in Community Development Block Grant funding to be used to prevent, prepare for, and respond to COVID-19. This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to respond to the growing effects of the public health crisis. The CARES Act adds additional flexibility for these funds in these unprecedented times, including:

- The public comment period is reduced to not less than five days;
- The City may use virtual public hearings when necessary for public health reasons;
- The public services cap is suspended; and
- Costs may be reimbursed for eligible activities incurred for pandemic response regardless of the date.

In addition, Secretary John Gibbs has granted waivers and alternative requirements in connection with the use of these funds that can be utilized when necessary to expedite and facilitate the use of funds to prevent, prepare for, and respond to COVID-19. Staff intends to take full advantage of several of these waivers, including reducing the public comment period, suspending the public services cap, and modifying the CDBG allocation process to ensure the funding organizations have the resources to fully meet current needs. Specifically, the application process will be streamlined, and the traditional review process will not be followed.

City staff has been working closely with philanthropic entities and community partners to understand the needs of our community during this pandemic. The ongoing COVID-19 pandemic poses a clear risk to people experiencing homelessness, the precariously housed, and service provider organizations. Access to stable housing helps eliminate many of the barriers to gaining and maintaining health and safety. However, these organizations do not have the resources to fully meet current needs.

To address instability in our community as a result of the COVID-19 health emergency, staff makes the following recommendations [with the support of the philanthropic entities and community partners], as they manage the short and long-term needs as a result of this public health crisis. These recommendations will be considered by CEDC on October 14th and Common Council on October 21st, and will be incorporated into the CDBG 2020 Annual Action Plan as a substantial amendment.

1. Building for Kids Children’s Museum: Museums in Motion (\$34,923)

Museums in Motion: Responsive Community Engagement Toolkits is a collaborative project that responds to the COVID-19 pandemic by addressing the educational and social needs of economically disadvantaged K-12 students in the community. Through partnerships with local libraries and schools, non-virtual toolkits that support engagement and learning for approximately 1,200 individuals will be created and deployed.

2. Fox Valley Lutheran Homes: Combating Social Isolation for Older Adults (\$24,946)

This program provides WiFi access and devices to older adult tenants as they continue to isolate due to COVID-19. This program will enhance the mental and physical well-being of 46 tenants and allow them to keep their minds active by connecting with resources online and through technology.

3. Greater Fox Cities Habitat for Humanity: Homeownership Program (\$78,386)

Habitat for Humanity is one of the largest providers of affordable housing in the Fox Cities. This program will acquire two additional houses for rehabilitation and sell the affordable unit to qualified families.

4. LEAVEN, Inc: Emergency Assistance Program (\$50,000)

Through no fault of their own, members of our community have lost jobs or are working reduced hours, leaving them unable to pay their rent, mortgage, utilities and other basic needs. There is a broader economic spectrum of people and a wider variance of financial need since COVID. This program is preventing the economically disadvantaged and vulnerable households from slipping into greater poverty and homelessness. These funds will be used to provide rental assistance to 100 households.

5. Apricity, Inc: The Mooring Programs (\$10,000)

The Mooring Programs would utilize funding to purchase technology as a response to the COVID-19 pandemic. The purchase of these items would ensure continued services to approximately 225 individuals.

6. Pillars, Inc: Adult Shelter Bunk Beds (\$30,000)

Because of the pandemic, the Adult Shelter had to reduce its maximum capacity from 55 clients to 40 in order to create social distancing. By installing 25 bunk beds (50 beds), this would allow the shelter to increase back to original capacity and continue serving individuals experiencing literal homelessness and still allow for proper social distancing.

7. Pillars, Inc.: Adult Shelter Case Manager (\$50,000)

Incorporation of an additional case manager at the Adult Shelter and Resource Center will enable quicker identification of permanent housing alternatives for clients likely to have the longest shelter stays. This ultimately increases available bed-nights and the capacity to house more unsheltered individuals as the pandemic continues.

8. Salvation Army of the Fox Cities: Housing Retention Program (\$30,000)

The Housing Retention Program provides rental assistance for households on the cusp of losing their housing due to nonpayment of rent, thereby preventing homelessness in our community. With the addition of these funds, the program will be able to serve an additional 40 individuals.

9. WWBIC: Business Owner Program (\$40,000)

This program will provide assistance to microenterprises and small businesses, while specifically focusing on and tracking outcomes related to job creation and retention and providing hope and opportunity for restoration and resiliency during COVID-19. These funds will help approximately 4 business owners pivot and prepare for recovery and rebound.

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

Attached Documents:

- 1.) April 2, 2020 CARES Act CDBG award letter
- 2.) CDBG-CV Subrecipient Simple Summary
- 3.) 2020PY Annual Action Plan Substantial Amendment request

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



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

April 2, 2020

The Honorable Timothy Hanna
Mayor of Appleton
100 N Appleton Street
City Hall
Appleton, WI 54911-4799

Dear Mayor Hanna:

I am pleased to inform you of a special allocation to your jurisdiction of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

The CARES Act made available \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds. Of this amount, the Department is immediately allocating \$2 billion based on the fiscal year 2020 CDBG formula. The remaining \$3 billion shall be allocated based on needs using best available data, in the following tranches: \$1 billion shall be allocated to States and insular areas within 45 days of enactment of the Cares Act, and \$2 billion shall be distributed to states and local governments at the discretion of the Secretary. Up to \$10 million will be set aside for technical assistance. Given the immediate needs faced by our communities, the Department has announced the first allocation of funds. Your jurisdiction's allocation is \$348,255.

The CARES Act adds additional flexibility for both the CDBG-CV grant and, in some cases, for the annual FY2020 CDBG grants in these unprecedented times. The public comment period is reduced to not less than 5 days, grantees may use virtual public hearings when necessary for public health reasons, the public services cap is suspended during the emergency, and States and local governments may reimburse costs of eligible activities incurred for pandemic response regardless of the date.

In addition, the CARES Act authorizes the Secretary to grant waivers and alternative requirements of statutes and regulations the Secretary administers in connection with the use of CDBG-CV funds and fiscal year 2019 and 2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative requirements can be granted when necessary to expedite and facilitate the use of funds to prevent, prepare for, and respond to coronavirus.

The Department is developing a notice that will further describes the CARES Act's provisions, a Quick Guide to the CARES Act flexibilities and other provisions, and other resources

to enable swift implementation of CDBG-CV grants. As these become available, they will be posted on HUD's website and distributed to grantees. The Department will also support grantees with technical assistance.

As you develop your plan for the use of these grant funds, we encourage you to consider approaches that prioritize the unique needs of low- and moderate-income persons and the development of partnerships between all levels of government and the private for-profit and non-profit sectors. You should coordinate with state and local health authorities before undertaking any activity to support state or local pandemic response. CDBG-CV grants will be subject to oversight, reporting, and requirements that each grantee have adequate procedures to prevent the duplication of benefits. HUD will provide guidance and technical assistance on DOB and regarding prevention of fraud, waste, and abuse and documenting the impact of this program for beneficiaries.

The Office of Community Planning and Development (CPD) is looking forward to working with you to successfully meet the urgent and complex challenges faced by our communities. If you or any member of your staff has questions, please contact your local CPD Field Office Director or CPDQuestionsAnswered@hud.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gibbs", written in a cursive style.

John Gibbs
Acting Assistant Secretary
for Community Planning and Development
U.S. Department of Housing and Urban Development

AWARD RECOMMENDATIONS FOR 2020 CDBG-CV FUNDING

Awarded

Non-Public Service

Habitat for Humanity- Affordable Housing Program	\$	78,386.00
WWBIC- Business Owner Program	\$	40,000.00
	SUBTOTAL \$	118,386.00

Public Service

Building for Kids- Nonvirtual Toolkit	\$	34,923.00
Fox Valley Lutheran Homes- Communication Devices	\$	24,946.00
LEAVEN, Inc- Emergency Financial Assistance	\$	50,000.00
Mooring Programs- Technology Upgrade	\$	10,000.00
Pillars Adult & Family Shelter- Bunk Bed Purchase	\$	30,000.00
Pillars, Inc- Case Manager	\$	50,000.00
Salvation Army of the Fox Cities- Housing Retention Program	\$	30,000.00
	SUBTOTAL \$	229,869.00
	TOTAL \$	348,255.00

**Community Partner Application AWARD RECOMMENDATIONS
for the 2020 CDBG-CV Funding**

NON-PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	CDBG REQUESTED AMOUNT	PROPOSED FUNDING ALLOCATION
Habitat for Humanity	housing	2 houses	acquire and rehabilitate two affordable housing units for qualifying homeowners	\$ 98,000.00	\$ 78,386.00
WWBIC	economic development	4 businesses	financial assistance to small business/microenterprises	\$ 100,000.00	\$ 40,000.00
				\$ 198,000.00	\$ 118,386.00
PUBLIC SERVICE	PROJECT ACTIVITY	PROJECTED OUTPUT	FUNDS WILL BE USED TO...	CDBG REQUESTED AMOUNT	PROPOSED FUNDING ALLOCATION
Building for Kids	public service	1,200 LMI individuals	responsive community non-virtual engagement toolkit collaboration for K-12 students and families	\$ 34,923.00	\$ 34,923.00
Compassionate Home Health Care	public service	3,000 individuals	distribution of personal hygiene products, household cleaning supplies, and basic needs	\$ 143,885.00	\$ -
Fox Valley Lutheran Homes	public service	46 LMI individuals	provision of WiFi services and communication devices for elderly residents	\$ 24,946.00	\$ 24,946.00
Hmong American Partnership	public service	515 individuals	operational costs	\$ 6,500.00	\$ -
LEAVEN, Inc.	public service	100 households	emergency financial assistance program	\$ 25,000.00	\$ 50,000.00
Mooring Programs	public service	225 individuals	purchase of laptop computers for Mooring House clients and staff	\$ 22,240.00	\$ 10,000.00
Pillars, Inc.	public service	60 individuals	hiring of an additional shelter case manager	\$ 50,000.00	\$ 50,000.00
Pillars Adult & Family Shelter	public service	550 individuals	purchase and install 25 bunk beds at adult & family emergency shelter to maintain capacity at 55 and to ensure COVID-19 precautions	\$ 30,000.00	\$ 30,000.00
Salvation Army of the Fox Cities	public service	40 individuals	housing retention program	\$ 30,000.00	\$ 30,000.00
St. Vincent de Paul	public service	145 individuals	emergency financial assistance program for basic needs	\$ 30,000.00	\$ -
				\$ 397,494.00	\$ 229,869.00



**SUBSTANTIAL AMENDMENT
TO THE
CITY OF APPLETON'S 2020 ANNUAL ACTION PLAN**

A. EXECUTIVE SUMMARY

The U.S. Department of Housing and Urban Development (HUD) requires all entitlement communities receiving Community Development Block Grant (CDBG) funds, such as the City of Appleton, to prepare and submit a Consolidated Plan every five years to establish a unified, strategic vision for economic development, housing and community development actions. The Consolidated Plan encompasses the analysis of local community needs and coordinates appropriate responses to those needs and priorities. The City of Appleton City Council adopted the 2020-2024 Five Year Consolidated Plan (“Consolidated Plan”) on December 18, 2019.

The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified in the Consolidated Plan. The City must submit an Annual Action Plan to HUD by no later than February 15 of each year during the five-year period (unless otherwise specified by HUD). The City of Appleton Council adopted the 2020 Annual Action Plan on March 18, 2020, and it was submitted to HUD on March 19, 2020.

Per the City’s Citizen Participation Plan (CPP), a substantial amendment to a Consolidated Plan and Annual Action Plan is required when a “substantial” change is proposed as it relates to funding priorities, proposed activities, goals and objectives. This substantial amendment to the Annual Action Plan is necessary because the City has identified an existing activity that it wishes to allocate additional funds to.

B. CITIZEN PARTICIPATION

A Notice of Public Hearing was published in the Appleton Post Crescent on September 30, 2020, and a 5-day public review period was published on October 2, 2020, informing the public of the proposed Substantial Amendment and inviting comments at the public hearing, during a regularly scheduled Community & Economic Development Committee meeting. The public review period will begin on October 9, 2020 and will end on October 14, 2020 (same day as public hearing). Citizens are able to review copies of the Substantial Amendment at the City’s CDBG website and the Customer Service desk on the first floor of City Hall.

C. CHANGES TO THE 2020 ANNUAL ACTION PLAN

The City is proposing to allocate \$348,255 to various activities in the community. The following table outlines the proposed activities described in this Substantial Amendment:

Table 1: Proposed Activity Budget

Agency/Program	CDBG-CV Allocation
Building for Kids Children’s Museum- Museums in Motion	\$34,923
Fox Valley Lutheran Homes- Combating Social Isolation for Older Adults During COVID-19	\$24,946

Greater Fox Cities Habitat for Humanity- Homeownership Program	\$78,386
LEAVEN, Inc.- Emergency Assistance Program	\$50,000
Apricity, Inc.- The Mooring Programs	\$10,000
Pillars, Inc.- Adult Shelter Bunk Beds	\$30,000
Pillars, Inc.- Adult Shelter Case Manager	\$50,000
Salvation Army of the Fox Cities- Housing Retention Program	\$30,000
WWBIC- Business Owner Program	\$40,000
TOTAL	\$348,255

D. 2020 PROPOSED ACTIVITY DETAIL

The following narrative provides activity descriptions, national objectives, and other required information for the proposed activity.

Building for Kids Children’s Museum: Museums in Motion (\$34,923)

Museums in Motion: Responsive Community Engagement Toolkits is a collaborative project that responds to the COVID-19 pandemic by addressing the educational and social needs of economically disadvantaged K-12 students in the community. Through partnerships with local libraries and schools, non-virtual toolkits that support engagement and learning for approximately 1,200 individuals will be created and deployed.

Fox Valley Lutheran Homes: Combating Social Isolation for Older Adults (\$24,946)

This program provides WiFi access and devices to older adult tenants as they continue to isolate due to COVID-19. This program will enhance the mental and physical well-being of 46 tenants and allow them to keep their minds active by connecting with resources online and through technology.

Greater Fox Cities Habitat for Humanity: Homeownership Program (\$78,386)

Habitat for Humanity is one of the largest providers of affordable housing in the Fox Cities. This program will acquire two additional houses for rehabilitation and sell the affordable unit to qualified families.

LEAVEN, Inc: Emergency Assistance Program (\$50,000)

Through no fault of their own, members of our community have lost jobs or are working reduced hours, leaving them unable to pay their rent, mortgage, utilities and other basic needs. There is a broader economic spectrum of people and a wider variance of financial need since COVID. This program is preventing the economically disadvantaged and vulnerable households from slipping into greater poverty and homelessness. These funds will be used to provide rental assistance to 100 households.

Apricity, Inc: The Mooring Programs (\$10,000)

The Mooring Programs would utilize funding to technology as a response to the COVID-19 pandemic. The purchase of these items would ensure continued services to approximately 225 individuals.

Pillars, Inc: Adult Shelter Bunk Beds (\$30,000)

Because of the pandemic, the Adult Shelter had to reduce its maximum capacity from 55 clients to 40 in order to create social distancing. By installing 25 bunk beds (50 beds), this would allow the shelter to increase back to original capacity and continue serving individuals experiencing literal homelessness, while still maintaining adequate social distancing.

Pillars, Inc.: Adult Shelter Case Manager (\$50,000)

Incorporation of an additional case manager at the Adult Shelter and Resource Center will enable quicker identification of permanent housing alternatives for clients likely to have the longest shelter stays. This ultimately increases available bed-nights and the capacity to house more unsheltered individuals as the pandemic continues.

Salvation Army of the Fox Cities: Housing Retention Program (\$30,000)

The Housing Retention Program provides rental assistance for households on the cusp of losing their housing due to nonpayment of rent, thereby preventing homelessness in our community. With the addition of these funds, the program will be able to serve an additional 40 individuals.

WWBIC: Business Owner Program (\$40,000)

This program will provide assistance to microenterprises and small businesses, while specifically focusing on and tracking outcomes related to job creation and retention and providing hope and opportunity for restoration and resiliency during COVID-19. These funds will help approximately 4 business owners pivot and prepare for recovery and rebound.

E. PUBLIC COMMENTS

All public comments received during the 5-day public review period or at the public hearing will be incorporated into the overall Substantial Amendment submitted to HUD.

Brian Peddle
General

Commissioner Brad Bailey
Territorial Commander

Major Steven J. Merritt
Divisional Commander

Majors J. David and Shanda Minks
Corps Officers



DOING THE
MOST GOOD™

Founded in 1865 by William and Catherine Booth

Fox Cities Corps

P.O. Box 1605

Appleton, WI 54912-1605

920.734.3324

Fax 920.734.4798

October 6, 2020

Dear CEDC members,

The Salvation Army Fox Cities is grateful for the potential opportunity to receive a portion of the CDBG-CV funds to support City of Appleton residents impacted by this pandemic. The funds, if received, would be used for rental assistance.

Coupled with our case managers support, this combination of resources will help keep families needing longer term assistance (3 months +) in their existing housing. Helping people remain in their housing eliminates the impact of homelessness and accelerates their ability to regain financial stability and independence.

Therefore, we encourage the CEDC committee members to support the funding recommendations made by the City of Appleton staff. Thank you!

Sincerely,

Patrick Leigl, CSW
Social Services Director
Salvation Army Fox Cities

"Have you remembered The Salvation Army in your will?"

Donations by phone 1.800.SALARMY or internet www.safoxcities.org



MEMORANDUM

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

TO: Community and Economic Development Committee
FROM: Nikki Gerhard, Community Development Specialist
DATE: October 14, 2020
RE: Citizen Participation Plan Amendment & CDBG Policy Amendment

A requirement of the Community Development Block Grant (CDBG) Program is the adoption of a Citizen Participation Plan (CPP). The Plan provides citizens with information and knowledge of opportunities to become involved with and comment upon Appleton’s CDBG Program.

In response to the COVID-19 pandemic, HUD has granted waivers and alternative requirements in connection with the use of CDBG funds. As a result, the Citizen Participation Plan has been amended to expedite and facilitate the use of funds to prevent, prepare for, and respond to COVID-19.

The amendments to the Citizen Participation Plan and the CDBG Policy incorporate the following changes, as they relate to CDBG funding:

- The public comment period is reduced to not less than five days;
- The City of Appleton may use virtual public hearings when necessary for public health reasons.

To make reading the draft and comparing it to the current plan easier, the current plan with markup and the draft without markup have been attached, along with the HUD memorandum detailing the incorporation of these amendments into the CPP.

A 5-day public comment period, as required under the current Citizen Participation Plan, was held October 9 through October 14. No comments were received.

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

Attached Documents:

1. Current CPP and CDBG Policy with markup
2. Draft CPP and CDBG Policy without markup
3. CDBG-CV Federal Register, dated August 7, 2020

**Notice to the Public
Concerning the City of Appleton
Community Development Block Grant Program
Citizen Participation Plan
&
Community Development Block Grant Program
Policies**

As a participant in the U.S. Department of Housing and Urban Development's Community Development Block Grant Program, the City is required to adopt a Citizen Participation Plan (CPP). The purpose of the CPP is to provide for and encourage citizen participation in the development of any consolidated plan, any substantial amendment to the consolidated plan, and the performance report.

When substantial amendments to the CPP are proposed, the City is required to hold a public comment period. The general public has a period of 5 days – October 9 to October 14, 2020 – to offer comments on the proposed amendments. Written comments may be submitted via email to nikki.gerhard@appleton.org or via U.S. Mail to: City of Appleton; Community and Economic Development Department; 100 North Appleton Street; Appleton, WI 54911. A summary of all comments received in writing during this period will be attached to the CPP substantial amendment when presented to Common Council for approval.

A copy of the CPP with the proposed amendments is available on the CDBG website at: <https://www.appleton.org/government/community-and-economic-development/grants-administration/news-announcements-6880> starting October 9, 2020.

Run: October 2, 2020



**City of Appleton
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**



Citizen Participation Plan

Amended 3/20/2013, 10/7/2015, ~~per~~ ~~per~~ 10/14/2020

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I. PURPOSE

As a requirement of the U.S. Department of Housing and Urban Development’s Community Development Block Grant (CDBG) Program, the City of Appleton has developed and adopted this Citizen Participation Plan (CPP) relating to the CDBG Program in compliance with section 104(a)(3) of the Housing and Community Development Act of 1974 and Title 24 of the Code of Federal Regulations, Subtitle A, Part 91. It will be revised periodically as required to fulfill related Federal, State, and/or local funding requirements. The CPP provides for and encourages citizen participation in the development of any Consolidated Plan, any substantial amendment to the Consolidated Plan and the annual performance report.

II. PUBLIC HEARINGS/COMMENT PERIOD

Two public hearings will be held each year to provide opportunities for public participation at different stages of the CDBG program year. The hearings will be held in conjunction with regular meetings of the Community and Economic Development Committee (CEDC). Specifically, these hearings include:

- (1) The *Community Development Needs Hearing* corresponds with the CDBG subrecipient application timeframe. Citizens are asked to identify housing and community development needs.
- (2) The *Consolidated Annual Performance & Evaluation Report (CAPER) Hearing* corresponds with the publication of the CDBG CAPER draft, which summarizes the activities undertaken during the previous program year. Citizens are asked to view the CAPER draft on the City of Appleton CDBG web page or view a paper copy at City Hall in the Community and Economic Development Department (100 N. Appleton Street) before providing comments at this hearing.

A 15-day minimum public comment period will be held to receive comments on the CAPER draft before it is submitted to HUD. All comments or views of citizens received in writing or at public hearings shall be considered in the preparation of the CAPER. A summary of these comments or views shall be attached to the CAPER for submittal to HUD.

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Per direction from HUD, provided to CDBG grant recipients on March 16, 2020, during their “National Briefing on Community Development Block Grant Support for Infectious Disease Response” – the City of Appleton will consider undertaking “virtual” public hearings (alone, or in concert with an in-person hearing) allowing questions in real time, with answers coming directly from the elected representatives to all “attendees” during times of emergencies, such as the coronavirus or COVID-19 pandemic. The City of Appleton will select a virtual hearing method or platform that will provide for accessibility for persons with disabilities and LEP to participate. The City of Appleton will document these efforts and provide descriptions to HUD in the subject documents. The Citizen Participation Plan was amended to include these new outreach procedures, recommended by HUD.

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III. CONSOLIDATED PLAN PUBLIC HEARING/COMMENT PERIOD

Citizens are encouraged to participate in both a formal public hearing before the CEDC and 30 day public comment period that occur as part of the development, and before the adoption, of each five year consolidated plan for CDBG funding, in addition to other opportunities for public participation related to identifying long-term housing and community development-related strategies. Information made available will include the amount of assistance the City expects to receive, the range of activities that may be undertaken and the estimated amount that will benefit persons of low- and moderate-income. The five year consolidated plan draft will be available for review on the City of Appleton CDBG web page and at City Hall in the Community and Economic Development Department (100 N. Appleton Street). A summary describing the contents and purpose of the consolidated plan along with a list of where the consolidated plan draft may be viewed will be published to allow for reasonable opportunity to examine the contents of the proposed plan. All comments or views of citizens received in writing or at public hearings shall be considered in the preparation of the final consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the final consolidated plan.



City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM



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IV. SUBSTANTIAL AMENDMENTS

A public comment period will be held when substantial amendments to the five year consolidated plan, Citizen Participation Plan or changes in use or distribution of CDBG funds are proposed/requested. Substantial amendments may include those involving:

- (1). plans to utilize funds for a priority need or goal not specified in the current consolidated plan
- (2). plans to change the use of a subrecipient's ~~entire allocation greater than 20 percent to include activities and/or projects that are not~~ included in the subrecipient's current agreement; i.e. change in eligible activity, purpose, scope, location or beneficiary
- (3). plans to change the method of distribution of funds to subrecipients

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A 30 day public comment period, unless otherwise specified under the pertinent Federal regulation or applicable waivers to prevent the spread of infectious disease and mitigate economic impacts caused by infectious disease, will be provided before any substantial amendment to the Consolidated Plan, Citizen Participation Plan or change in use or distribution of CDBG funds is approved by CEDC and Council or implemented. Notice of the public comment period will be published in the local newspaper (the *Appleton Post Crescent*), on the City of Appleton CDBG web page and posted in a public area at City Hall two weeks prior to the start of the comment period. All comments or views of citizens received in writing shall be considered in the preparation of the substantial amendments to the Consolidated Plan, Citizen Participation Plan or change in use or distribution of CDBG funds. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the substantial amendment to the Consolidated Plan, Citizen Participation Plan or change in use or distribution of CDBG funds.

V. PUBLICIZING OPPORTUNITIES FOR CITIZEN PARTICIPATION

Notices announcing public hearings and comment periods are published both on the City of Appleton CDBG web page and in the local newspaper (the *Appleton Post Crescent*), and are posted in a public area in City Hall approximately two weeks in advance of the hearing or start of the comment period. Meeting schedules are printed and posted in a public area at City Hall weekly.

VI. ACCESSIBILITY

All Appleton residents, especially persons of low- and moderate-income, residents of low- and moderate-income neighborhoods, persons with disabilities, persons with limited English-speaking ability and persons of racial minority, are encouraged to contribute input regarding CDBG-funded activities. No person shall be excluded from participation in the City of Appleton CDBG programs on the grounds of race, color, national origin, gender, sexual orientation, gender identity, gender expression, age, religious creed or disability. To encourage equal access in participation for persons with disabilities, all CDBG-related hearings and meetings are held at accessible sites. Furthermore, materials will be provided in accessible formats – including translation into other languages if necessary – at City Hall in the Community and Economic Development Department and on the City of Appleton CDBG web page. A translator may be requested if a significant number of non-English speaking residents are expected to participate. In addition, if a citizen is unable to attend a public hearing due to scheduling conflicts, the citizen will be asked to provide a written comment that will then be shared with the CEDC and Common Council. The adopted Consolidated Plan, Citizen Participation Plan, substantial amendments and final approved CAPER, will be available on the City of Appleton CDBG web page at all times and the public will have access to a printed copy at City Hall in the Community and Economic Development Department. Reasonable and timely access to information and records relating to the consolidated plan and use of assistance under the CDBG Program during the preceding five years will be provided to citizens, public agencies and other interested parties.

VII. OBJECTIONS TO CDBG DOCUMENTS

Citizens may provide critical input regarding the City of Appleton's CAPER, five-year Consolidated Plan, proposed substantial amendments at any time. Critical input must include identification of unmet requirements and relevant supporting data and will be considered on the following grounds:



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- (1) Stated needs and objectives are inconsistent with available and reliable data
- (2) Stated projects are inappropriate for meeting needs and approved objectives
- (3) Consolidated plan elements do not comply with federal regulations for the CDBG Program

This critical input must be submitted in written form to: CDBG Program, C/O Community and Economic Development Department, 100 N. Appleton Street, Appleton, WI 54911. Upon receipt, the Community and Economic Development Department will present the letter stating critical input to the CEDC and the Common Council. All said written forms of critical input shall receive a written response within 15 days after the Common Council meeting at which the matter was considered.

VIII. TECHNICAL ASSISTANCE

Where appropriate, City staff shall provide technical assistance to organizations that serve low- and moderate-income persons in developing their CDBG subrecipient applications. Furthermore, all citizens and/or local agency representatives are encouraged to contact City CDBG staff with questions about both program guidelines and general community development needs in the City of Appleton.

IX. ANTI-DISPLACEMENT

Due to the potential liability for long-term assistance and burdens placed on affected tenants, the City of Appleton will generally avoid funding CDBG projects that involve permanent residential or business displacement. In cases where displacement is absolutely necessary, relocation benefits will be paid in accord with the Uniform Relocation Act, other applicable federal regulations, and Chapter 32 of the Wisconsin State Statutes.

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City of Appleton
COMMUNITY DEVELOPMENT BLOCK GRANT



Community Development Block Grant (CDBG) Policy

Adopted 9/8/2008

Amended 5/24/2010, 10/3/2012, 12/19/2012, 7/15/2015, ~~xx/xx/10/21/2020~~

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I. PURPOSE

To outline the following aspects of the local Community Development Block Grant (CDBG) Program: a) elements to which the City of Appleton must adhere in order to comply with federal regulations; b) locally-established guidelines; and c) priorities for subrecipient and City Program activity.

II. POLICY

The federal CDBG program was established with the passage of the Housing and Community Development Act of 1974. CDBG funds are distributed to eligible governmental units in two forms:

- (1). Entitlement grants directly to cities and counties, and;
- (2). State grants, which involve annual competitions for non-entitlement communities.

Since 1975, the City of Appleton has received CDBG funds as an entitlement community. The amount of CDBG funds received each year varies based on the appropriation approved by the U.S. Congress and the number of governmental units eligible to participate. While the federal fiscal year operates from October 1 to September 30, the City selected April 1 to March 31 as its CDBG fiscal year. This selection was made as the federal government generally does not release the aforementioned funds until springtime. Federal oversight lies within the U.S. Department of Housing & Urban Development (HUD).

III. FEDERAL REGULATIONS

The citation reference from Title 24 Part 570 – Community Development Block Grants can be found in parentheses next to each heading below. Please view that section for more information on the respective item. This Policy will be revised periodically as required to fulfill related Federal, State, and/or local funding requirements.

A. Federal Eligibility (24 CFR 570.201)

CDBG funds may be used for the following basic eligible activities:

- | | |
|-------------------------------------|--|
| (1). Acquisition | (11). Housing Services |
| (2). Disposition | (12). Privately-Owned Utilities |
| (3). Public Facilities/Improvements | (13). Homeownership Assistance |
| (4). Clearance/Remediation | (14). Economic Development Assistance |
| (5). Public Services | (15). Technical Assistance |
| (6). Interim Assistance | (16). Institutions of Higher Education |
| (7). Payment of Non-Federal Share | (17). Rehabilitation/Preservation (24 CFR 570.202) |
| (8). Urban Renewal Completion | (18). Planning (24 CFR 570.205) |
| (9). Relocation | (19). Administration (24 CFR 570.206) |
| (10). Loss of Rental Income | |

B. Ineligible Activities (24 CFR 570.207)

The following activities may not be assisted with CDBG funds:

- (1). Buildings (or portions thereof) for the General Conduct of Government
- (2). General Government Expenses
- (3). Political Activities



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The following activities are not eligible for CDBG funding, but may be allowed under certain circumstances:

- (1). Purchase of Equipment
- (2). Operating/Maintenance Expenses
- (3). New Housing Construction
- (4). Income Payments

C. Special Economic Development Projects (24 CFR 570.203)

CDBG funds may be used for special economic development activities in addition to other activities.

Special economic development activities include:

- (1). Acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements
- (2). Assistance to a private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms of support, for any activity where the assistance is appropriate to carry out an economic development project
- (3). Economic development services, including, but not limited to, outreach efforts; screening of applicants; reviewing/underwriting applications; preparation of all necessary agreements; management of activities; and the screening, referral, and placement of applicants for employment

D. National Objectives (24 CFR 570.208)

In order to qualify for funding, activities must meet one of three CDBG national objectives:

- (1). Low & Moderate Income (LMI) Benefit
 - a. Area Benefit: activities available for the benefit of all the residents in a particular area, where at least 51 percent of those residents are LMI persons.
 - b. Limited Clientele: activities benefiting a specific group (i.e. abused children, elderly persons, battered spouses), at least 51 percent of whom are LMI persons.
 - c. Housing: activities carried out for the purpose of providing or improving permanent residential structures that, upon completion, will be occupied by LMI households.
 - d. Job Creation/Retention: activities designed to create or retain permanent jobs where at least 51 percent of the jobs involve the employment of LMI persons.
- (2). Slum & Blight Removal
 - a. Area Basis: activities undertaken to eliminate specific conditions of blight, physical decay, or environmental contamination that are located in a designated area of distress, including acquisition, clearance, relocation, historic preservation, remediation of environmentally contaminated properties, or rehabilitation. Rehabilitation must eliminate conditions that are detrimental to public health/safety; acquisition and relocation must be precursors to other activities that eliminate blight.
 - b. Spot Basis: activities undertaken to eliminate specific conditions of blight, physical decay, or environmental contamination at specific sites not located in designated blighted areas, including acquisition, clearance, relocation, historic preservation, remediation of environmentally contaminated properties, or rehabilitation. Rehabilitation must eliminate conditions that are detrimental to public health/safety; acquisition and relocation must be precursors to other activities that eliminate blight.
- (3). Urgent Need
 - a. Activities designed to alleviate existing conditions of recent origin (18 months) that pose serious threats to the health and welfare of the community; this objective may only be used if the community cannot finance necessary activities with other sources.



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E. Categorical Limits

- (1). At least 70 percent of CDBG funds utilized during three consecutive program years, as specified by the grantee, must be expended for LMI benefit; the costs of planning and program administration are excluded from this calculation. (24 CFR 570.200(a)(3))
- (2). The amount of CDBG funds obligated for public service activities in each program year may not exceed 15 percent of the total entitlement grant for that program year, plus 15 percent of the program income received during the preceding program year. (24 CFR 570.201(c)(1))
- (3). The amount of CDBG funds obligated for planning and administration activities in each program year may not exceed 20 percent of the total entitlement grant for that program year plus the program income received during that program year. (24 CFR 570.200(g))

F. Program Income (24 CFR 570.426)

The City may reuse any revenue generated from projects undertaken with CDBG funding towards other eligible activities within the entitlement community. Furthermore, any program income earned by a subrecipient or City Program may be retained by the subrecipient or City Program provided the income is treated as additional CDBG funds and thus subject to all applicable federal and local requirements.

G. Fair Housing (24 CFR 570.601)

The Secretary of HUD requires that:

- (1). Grantees must administer all activities related to housing and community development in a manner to affirmatively further the policies of the Fair Housing Act. (Public Law 90-284)
- (2). Entitlement communities shall conduct an Analysis of Impediments to Fair Housing Choice every five years, take action to overcome the effects of the identified impediments and maintain records reflecting the analysis and related actions taken.

H. Environmental Review Procedures (24 CFR 570.604)

The environmental review procedures outlined in 24 CFR part 58 must be completed for each CDBG subrecipient and City Program activity, as applicable.

I. Faith-Based Activities (24 CFR 570.200)

Religious or faith-based organizations are eligible to participate in the CDBG program. Local government representatives and CDBG program administrators shall not discriminate against an organization on the basis of its religious affiliation.

J. Submission Requirements (24 CFR 570.302)

CDBG entitlement communities must submit the following documents:

- (1). Action Plan → annually
- (2). Consolidated Annual Performance and Evaluation Report (CAPER) → annually
- (3). Consolidated Plan → every three to five years, as chosen by the entitlement community

Creation of these documents must follow HUD requirements for content and citizen participation (see the City of Appleton CDBG Citizen Participation Plan).

K. Location of Activities (24 CFR 570.309)

CDBG funds may be awarded to an activity outside the jurisdiction of the entitlement community only if it can be determined that the activity directly benefits the entitlement community's residents. Documentation of these benefits must be provided before CDBG funds are awarded for the activity.



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L. Conflict of Interest (24 CFR 570.611)

No persons affiliated with the entitlement community (including subrecipients and City Programs) who exercise or have exercised any responsibilities with respect to CDBG programming, or who are in a position to participate in a decision-making process, may obtain a financial interest or benefit from a CDBG-assisted activity (including subcontracts), either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

IV. LOCAL PROGRAM GUIDELINES

A. Program Oversight

The Community and Economic Development Committee (CEDC) – composed of five aldermen appointed by the Mayor – serves as the jurisdiction for Common Council oversight of the CDBG Program. Local financial oversight lies with the City of Appleton Finance Department. Local administrative/programmatic oversight lies with the City of Appleton Community and Economic Development Department (CEDD).

B. Consolidated Plan Submission

The City of Appleton has elected to submit a Consolidated Plan to HUD every five years. The Citizen Participation Plan provides for and encourages citizens to participate in the development of the Consolidated Plan, which will begin approximately one year before the required submittal date.

C. Definitions

- Subrecipient – an entity charged with implementation of one or more activities funded with Appleton CDBG dollars
 - community partner subrecipient – local agencies awarded CDBG-funding to implement an eligible activity via a competitive application process
 - public services subrecipient – local agencies awarded CDBG-funding to implement an eligible public service activity via a competitive application process
- Adjusted award – the amount of CDBG funds available to City Programs and subrecipients after administration, fair housing, and audit allocations are deducted

D. Local Categorical Limits

The following limits expand upon federal categorical limits associated with the CDBG program:

- (1). At least 70 percent of CDBG funds utilized over three program years must be expended for LMI benefit; this excludes planning/CDBG administration activities.
- (2). The amount of CDBG funds obligated for public service activities in each program year may not exceed 15 percent of the adjusted award for that year [unless otherwise specified under the pertinent Federal regulation or applicable waivers to prevent the spread of infectious disease and mitigate economic impacts caused by infectious disease.](#)
- (3). The amount of CDBG funds obligated for planning/CDBG administration activities in each program year may not exceed 20 percent of the total entitlement grant for that year.
- (4). Any single award will not be less than \$10,000.

E. Audit Requirements

Section 2 Part 200 of the Code of Federal Regulations and the State Single Audit Guidelines require major state programs and federal programs to complete a single audit. The necessary amount for fulfilling these requirements will be identified by the Finance Department and the City's independent auditors. This amount will be deducted from the estimated amount available for the program year and not included in the



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estimates of the adjusted award.

F. Fair Housing Services

In keeping with the spirit of federal fair housing requirements, an annual allocation for fair housing services will be approved. This activity will be reported as an administrative expense, which claims no benefit. The City of Appleton will utilize the award to contract with an independent entity qualified to provide residents with a variety of fair housing services. This amount will be deducted from the estimated amount available for the program year and not included in the estimates of the adjusted award.

G. Program Administration

HUD requires entitlement communities to provide for efficient and adequate administration of CDBG programming. Administration costs may only include: salary/fringe, necessary training/travel, supplies and telephone/postage, in addition to fair housing services and audit costs. The necessary amount for fulfilling this requirement will be identified by the Community and Economic Development and Finance Departments. This amount will be deducted from the estimated amount available for the program year and not included in the estimates of the adjusted award.

H. Annual Allocation of CDBG Funding

The City of Appleton's Program Year begins April 1 and concludes March 31 of the following year. Each program year, administration, audit and fair housing costs, along with adequate funding for the Homeowner Rehabilitation Loan Program, the Neighborhood Program and Appleton Housing Authority will be subtracted from the annual entitlement award amount to determine the adjusted award. The adjusted award will first be available to City of Appleton Departments/Programs/component units that wish to undertake projects. After the City allocation process is complete, any remaining funds may be allocated to community partner applicants.

I. City Allocation Process

Each year adequate funding will be allocated through the City Budget process to the following: Homeowner Rehabilitation Loan Program, Neighborhood Program, Administration Costs and Appleton Housing Authority. Then, other City of Appleton Departments will have the opportunity to submit an application for CDBG funding. The application will include information relating to goals, outputs, budget/financing, detailed activity descriptions, capacity and performance. CEDD staff, per HUD rules and regulations, will perform an administrative review of each plan to ensure that:

1. Proposed activities are included within the listing of eligible activities (24 CFR 570.201)
2. Proposed activities do not fall within a category of explicitly ineligible activities (24 CFR 570.207)
3. Proposed activities will meet one of the national objectives of the program (24 CFR 570.200)
4. Proposed activities will address priority needs as identified in the Consolidated Plan

Upon completion of the administrative review, the plans will be presented to the CEDC. CEDC will also review the submitted plans to ensure the proposed activities meet the four standards listed above and allocate adequate funds for each plan. CEDC's recommendation will then be presented to the Common Council for approval.

J. Community Partner Subrecipient Allocation Process

The community partner application process will begin after allocations for City applications have been approved, and end with recommended allocations being announced after Council approval. Applications



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will be made available for approximately one month and should be submitted to the CEDD. All applications must be received by the announced deadline; no exceptions will be made. CEDD staff will perform an administrative review of each proposal, per HUD rules and regulations, to ensure the four standards listed under letter E. above, will be met if proposed activities are funded.

Upon completion of the administrative review, the proposals will be presented to the CDBG Advisory Board which will review and make funding recommendations for each proposal. This Board will consist of the following members:

1. Mayor
2. Common Council President
3. Chairperson of the Community and Economic Development Committee or committee designee
4. Chairperson of the Appleton Redevelopment Authority or committee designee
5. Representative from an Experienced Outside Funding Agency – on a rotating basis (i.e. United Way, Community Foundation, JJ Keller Foundation, U.S. Oil Basic Needs Partnership)
6. Citizen member from the City Plan Commission

CEDD staff will supply the Board with applications and all appropriate guidelines along with a summary of each proposal, and an explanation of the proposal score sheet. Board members are asked to allocate funding among the applicants and return their allocations to CEDD staff who will compile all results and present allocation recommendations at a Board meeting during which allocation amounts will be finalized. In completing their funding recommendation, the Board will utilize an estimated CDBG entitlement award dollar amount, which will be calculated based on past awards and any available information on HUD's future funding strategies. Funding recommendations from this Board will be presented as an Action Item to the CEDC. CEDC's recommendation will then be presented to the Common Council for final approval.

[During efforts to prevent the spread of infectious disease and mitigate economic impacts caused by infectious disease, the community partner subrecipient allocation process will be waived. Final approval of allocations and projects will be presented to Common Council, subsequent to the completion of the required public comment period.](#)

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K. Estimated vs. Actual Entitlement Award

If there is a differential between the estimated award and the actual award, the CDBG Advisory Board will be consulted and their recommendations will be presented to CEDC and Council for approval.

L. Subrecipient Agreement/Letter of Understanding/Training Session

Community partner subrecipients of CDBG funds must enter into a subrecipient agreement with the City of Appleton. This subrecipient agreement serves as a formal contract addressing the various policies outlined in this document, in addition to contract amount/term, reimbursement requests, accomplishment reporting, monitoring, financial management guidelines, conflict of interest, and additional federal standards, including lead-based paint regulations and the Davis Bacon Act. Furthermore, each City Program receiving CDBG funds must sign a Letter of Understanding (LOU) indicating an understanding of the items above. To ensure all parties understand the requirements of their agreement or LOU, a mandatory training session will be held with new subrecipients before funds are released. Technical assistance from staff will be available to all subrecipients throughout the program year.

M. Statement of Work

All subrecipients and City Programs shall submit a concise Statement of Work that illustrates an implementation plan for their CDBG activity. This Statement, which will be attached to the subrecipient



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agreement/LOU includes: national objective claimed, activity descriptions, intended beneficiaries (number and type), detailed budget and location(s) of program-related activity.

N. Report Submissions

All subrecipients and City Programs are required to submit a report of their accomplishments with each payment request during the program year when applicable, as well as an Annual Report by April 15th, which is a comprehensive report covering the agreed upon objectives, activities and expenditures for the entire contract period. If said reports are not attached to payment requests when required, payments will be withheld until the report is submitted.

O. Change of Use

If a subrecipient or City Program wishes to utilize funds for an activity not identified on their original application, they are required to submit a detailed letter to the CEDD explaining the reasoning for and amount of the proposed change and a public comment period may be held per the Citizen Participation Plan.

P. Displacement/Relocation

Due to the potential liability for long-term assistance and burdens placed on affected tenants, the City of Appleton will avoid funding CDBG projects that involve permanent residential displacement or business relocation unless displacement/relocation prove to be the only means available to correct a public health/safety hazard or other critical condition.

Q. Procurement

The City of Appleton Procurement Policy applies to all CDBG activities, including both City Programs and subrecipients that involve the purchase of equipment, materials, supplies and/or services. A copy of this policy will be distributed to all subrecipients.

R. Audits

All subrecipients are required to submit one copy of their audited financial statement immediately following the end of their fiscal year during which CDBG funds are received, unless an alternate arrangement has been made with the City of Appleton Finance Department. CDBG applications may include audit costs as a reimbursable expense.

S. Disputes

Any dispute concerning a question of fact arising under a subrecipient program or City Program shall be resolved by CEDD staff, who shall relay his/her decision in writing to the subrecipient or City Program, in addition to furnishing a copy to the Mayor and the CEDC. The decision of CEDD staff shall be final and conclusive unless the subrecipient or City Program furnishes a written appeal to the CEDC within ten days of the date of receipt of such copy. The decision of the CEDC in such appeals shall be final and conclusive unless appealed to a court of competent jurisdiction within 30 days of receipt of the CEDC's decision.

T. Unspent Grant Funds

Any uncommitted CDBG funds remaining at the end of the program year will be reprogrammed for use in the subsequent program year. The subrecipient shall submit a carryover request, including both documentation of plans for expending funds and a timeline for the expenditure, to CEDD staff by April 15. If any unspent grant funds remain after September 30, CEDD staff will meet with the subrecipient to determine if further action needs to be taken to expedite the expenditure of funds.



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U. Termination

If the subrecipient or City Program fails to fulfill, in timely and proper manner, its obligations under the Statement of Work, or if they violate any stipulations contained within the subrecipient agreement/LOU, the City has the right to terminate funding of their program. Written notice will be delivered at least 30 days before the termination.

V. Examination of Records/Monitoring

The policy of the City of Appleton is to monitor its subrecipients in a manner consistent with the requirements of 24 CFR 570.2, 2 CFR 200.328, and 2 CFR 200.331(d). The subrecipient and City Program shall maintain records (including books, documentation and other evidence) pertaining to the costs of carrying out their activity to the extent of detail that will adequately reflect net costs, direct and indirect labor, materials, equipment, supplies/services, and other expenses. Authorized representatives of the City or HUD shall have access to subrecipient and City Program records at reasonable times of the business day for inspection, audit or reproduction. Subrecipients and City Programs must make these records available throughout the program year and four years after it expires. Furthermore, CEDD staff may schedule monitoring visits with the subrecipient to evaluate the progress/performance of the program and provide technical assistance. The City of Appleton's Grant Administration Procedures manual should be referenced for further guidance on subrecipient tracking and monitoring requirements.

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W. Financial Management Systems

Subrecipients and City Programs must employ financial management systems that are capable of generating regular financial status reports indicating the dollar amount allocated (including budget revisions), amount obligated, and amount expended for each activity. The system must permit the comparison of actual expenditures and revenues against budgeted amounts. The City must be able to isolate/trace every CDBG dollar received.

X. Payment Requests

Community partner subrecipients and City Programs will submit requests for payment with attached supporting documentation to the CEDD. Payment requests shall be allowed on a reimbursement basis (i.e. only after expenditures have been incurred) and shall be reviewed to ensure the expenditures are in conformity with the use of funds as described in the Statement of Work. If source documentation is deemed inadequate by Staff, all payments will be withheld until all required documents have been submitted. Payment requests received and approved will be processed and a check issued in accordance with the City of Appleton Finance Department weekly pay cycle. All payment requests must contain an original signature.

Y. Program Income

Any program income (as defined under applicable federal regulations) gained from any activity of the subrecipient may be retained by the subrecipient or City Program provided the income is treated as additional CDBG funds subject to all applicable requirements governing the use of CDBG funds. Anticipated program income must be documented and described in the subrecipient or City Program proposal/application. Furthermore, any and all program income received must be reported to the City of Appleton's Community and Economic Development and Finance Departments, unless otherwise specified in this contract.

Z. CDBG Activity Promotion

All subrecipients and City Programs are required to participate in promotion of the City of Appleton CDBG



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Program. Expectations will be outlined by staff at the beginning of the program year and may include, but are not limited to:

- Inclusion of the Appleton/CDBG logo in materials/at project sites
- Mentorship of a subrecipient new to the CDBG Program
- Participation in a CDBG Open House to showcase grant activities

V. APPLICATION/PROPOSAL EVALUATION CRITERIA

A. General

In order to receive CDBG funding, subrecipient and City Programs must meet a priority need, as identified in the Five-Year Consolidated Plan. Additional preference, however, will be given to CDBG applicant activities that meet one or more of the following criteria:

- (1). Seek a one-time use of CDBG funding
- (2). Benefit residents of LMI census tracts (population at least 46.7 percent LMI)
- (3). Will result in additional housing units being placed on the tax roll
- (4). Demonstrate secured complementary sources of funding (i.e. leverage) and/or strong efforts to solicit and secure complementary funding.
- (5). Serve special needs populations, including, but not limited to:
 - a. Elderly/frail elderly
 - b. Persons with disabilities (developmental and physical)
 - c. Persons with HIV/AIDS and their families
 - d. Persons seeking solutions to alcohol and drug addiction

B. Public Services (subject to 15 percent cap)

Preference will be given to Public Service CDBG applicants whose activities meet one or more of the following criteria:

- (1). Program service costs – one time use
- (2). Administrative expenses – one time use
- (3). Program service costs – continual use
- (4). Administrative expenses – continual use



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Citizen Participation Plan Amended 3/20/2013, 10/7/2015, 10/14/2020

I. PURPOSE

As a requirement of the U.S. Department of Housing and Urban Development's Community Development Block Grant (CDBG) Program, the City of Appleton has developed and adopted this Citizen Participation Plan (CPP) relating to the CDBG Program in compliance with section 104(a)(3) of the Housing and Community Development Act of 1974 and Title 24 of the Code of Federal Regulations, Subtitle A, Part 91. It will be revised periodically as required to fulfill related Federal, State, and/or local funding requirements. The CPP provides for and encourages citizen participation in the development of any Consolidated Plan, any substantial amendment to the Consolidated Plan and the annual performance report.

II. PUBLIC HEARINGS/COMMENT PERIOD

Two public hearings will be held each year to provide opportunities for public participation at different stages of the CDBG program year. The hearings will be held in conjunction with regular meetings of the Community and Economic Development Committee (CEDC). Specifically, these hearings include:

(1) The *Community Development Needs Hearing* corresponds with the CDBG subrecipient application timeframe. Citizens are asked to identify housing and community development needs.

(2) The *Consolidated Annual Performance & Evaluation Report (CAPER) Hearing* corresponds with the publication of the CDBG CAPER draft, which summarizes the activities undertaken during the previous program year. Citizens are asked to view the CAPER draft on the City of Appleton CDBG web page or view a paper copy at City Hall in the Community and Economic Development Department (100 N. Appleton Street) before providing comments at this hearing.

A 15-day minimum public comment period will be held to receive comments on the CAPER draft before it is submitted to HUD. All comments or views of citizens received in writing or at public hearings shall be considered in the preparation of the CAPER. A summary of these comments or views shall be attached to the CAPER for submittal to HUD.

Per direction from HUD, provided to CDBG grant recipients on March 16, 2020, during their "National Briefing on Community Development Block Grant Support for Infectious Disease Response" – the City of Appleton will consider undertaking "virtual" public hearings (alone, or in concert with an in-person hearing) allowing questions in real time, with answers coming directly from the elected representatives to all "attendees" during times of emergencies, such as the coronavirus or COVID-19 pandemic. The City of Appleton will select a virtual hearing method or platform that will provide for accessibility for persons with disabilities and LEP to participate. The City of Appleton will document these efforts and provide descriptions to HUD in the subject documents. The Citizen Participation Plan was amended to include these new outreach procedures, recommended by HUD.

III. CONSOLIDATED PLAN PUBLIC HEARING/COMMENT PERIOD

Citizens are encouraged to participate in both a formal public hearing before the CEDC and 30 day public comment period that occur as part of the development, and before the adoption, of each five year consolidated plan for CDBG funding, in addition to other opportunities for public participation related to identifying long-term housing and community development-related strategies. Information made available will include the amount of assistance the City expects to receive, the range of activities that may be undertaken and the estimated amount that will benefit persons of low- and moderate-income. The five year consolidated plan draft will be available for review on the City of Appleton CDBG web page and at City Hall in the Community and Economic Development Department (100 N. Appleton Street). A summary describing the contents and purpose of the consolidated plan along with a list of where the consolidated plan draft may be viewed will be published to allow for reasonable opportunity to examine the contents of the proposed plan. All comments or views of citizens received in writing or at public hearings shall be considered in the preparation of the final consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the final consolidated plan.



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IV. SUBSTANTIAL AMENDMENTS

A public comment period will be held when substantial amendments to the five year consolidated plan, Citizen Participation Plan or changes in use or distribution of CDBG funds are proposed/requested. Substantial amendments may include those involving:

- (1). plans to utilize funds for a priority need or goal not specified in the current consolidated plan
- (2). plans to change the use of a subrecipient's ~~entire~~ allocation greater than 20 percent to include activities and/or projects that are not included in the subrecipient's current agreement; i.e. change in eligible activity, purpose, scope, location or beneficiary
- (3). plans to change the method of distribution of funds to subrecipients

A 30 day public comment period, unless otherwise specified under the pertinent Federal regulation or applicable waivers to prevent the spread of infectious disease and mitigate economic impacts caused by infectious disease, will be provided before any substantial amendment to the Consolidated Plan, Citizen Participation Plan or change in use or distribution of CDBG funds is approved by CEDC and Council or implemented. Notice of the public comment period will be published in the local newspaper (the *Appleton Post Crescent*), on the City of Appleton CDBG web page and posted in a public area at City Hall two weeks prior to the start of the comment period. All comments or views of citizens received in writing shall be considered in the preparation of the substantial amendments to the Consolidated Plan, Citizen Participation Plan or change in use or distribution of CDBG funds. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons therefor, shall be attached to the substantial amendment to the Consolidated Plan, Citizen Participation Plan or change in use or distribution of CDBG funds.

V. PUBLICIZING OPPORTUNITIES FOR CITIZEN PARTICIPATION

Notices announcing public hearings and comment periods are published both on the City of Appleton CDBG web page and in the local newspaper (the *Appleton Post Crescent*), and are posted in a public area in City Hall approximately two weeks in advance of the hearing or start of the comment period. Meeting schedules are printed and posted in a public area at City Hall weekly.

VI. ACCESSIBILITY

All Appleton residents, especially persons of low- and moderate-income, residents of low- and moderate-income neighborhoods, persons with disabilities, persons with limited English-speaking ability and persons of racial minority, are encouraged to contribute input regarding CDBG-funded activities. No person shall be excluded from participation in the City of Appleton CDBG programs on the grounds of race, color, national origin, gender, sexual orientation, gender identity, gender expression, age, religious creed or disability. To encourage equal access in participation for persons with disabilities, all CDBG-related hearings and meetings are held at accessible sites. Furthermore, materials will be provided in accessible formats – including translation into other languages if necessary – at City Hall in the Community and Economic Development Department and on the City of Appleton CDBG web page. A translator may be requested if a significant number of non-English speaking residents are expected to participate. In addition, if a citizen is unable to attend a public hearing due to scheduling conflicts, the citizen will be asked to provide a written comment that will then be shared with the CEDC and Common Council. The adopted Consolidated Plan, Citizen Participation Plan, substantial amendments and final approved CAPER, will be available on the City of Appleton CDBG web page at all times and the public will have access to a printed copy at City Hall in the Community and Economic Development Department. Reasonable and timely access to information and records relating to the consolidated plan and use of assistance under the CDBG Program during the preceding five years will be provided to citizens, public agencies and other interested parties.

VII. OBJECTIONS TO CDBG DOCUMENTS

Citizens may provide critical input regarding the City of Appleton's CAPER, five-year Consolidated Plan, proposed substantial amendments at any time. Critical input must include identification of unmet requirements and relevant supporting data and will be considered on the following grounds:

- (1) Stated needs and objectives are inconsistent with available and reliable data
- (2) Stated projects are inappropriate for meeting needs and approved objectives



City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM



- (3) Consolidated plan elements do not comply with federal regulations for the CDBG Program

This critical input must be submitted in written form to: CDBG Program, C/O Community and Economic Development Department, 100 N. Appleton Street, Appleton, WI 54911. Upon receipt, the Community and Economic Development Department will present the letter stating critical input to the CEDC and the Common Council. All said written forms of critical input shall receive a written response within 15 days after the Common Council meeting at which the matter was considered.

VIII. TECHNICAL ASSISTANCE

Where appropriate, City staff shall provide technical assistance to organizations that serve low- and moderate-income persons in developing their CDBG subrecipient applications. Furthermore, all citizens and/or local agency representatives are encouraged to contact City CDBG staff with questions about both program guidelines and general community development needs in the City of Appleton.

IX. ANTI-DISPLACEMENT

Due to the potential liability for long-term assistance and burdens placed on affected tenants, the City of Appleton will generally avoid funding CDBG projects that involve permanent residential or business displacement. In cases where displacement is absolutely necessary, relocation benefits will be paid in accord with the Uniform Relocation Act, other applicable federal regulations, and Chapter 32 of the Wisconsin State Statutes.

DRAFT



City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



Community Development Block Grant (CDBG) Policy

Adopted 9/8/2008

Amended 5/24/2010, 10/3/2012, 12/19/2012, 7/15/2015, 10/21/2020

I. PURPOSE

To outline the following aspects of the local Community Development Block Grant (CDBG) Program: a) elements to which the City of Appleton must adhere in order to comply with federal regulations; b) locally-established guidelines; and c) priorities for subrecipient and City Program activity.

II. POLICY

The federal CDBG program was established with the passage of the Housing and Community Development Act of 1974. CDBG funds are distributed to eligible governmental units in two forms:

- (1). Entitlement grants directly to cities and counties, and;
- (2). State grants, which involve annual competitions for non-entitlement communities.

Since 1975, the City of Appleton has received CDBG funds as an entitlement community. The amount of CDBG funds received each year varies based on the appropriation approved by the U.S. Congress and the number of governmental units eligible to participate. While the federal fiscal year operates from October 1 to September 30, the City selected April 1 to March 31 as its CDBG fiscal year. This selection was made as the federal government generally does not release the aforementioned funds until springtime. Federal oversight lies within the U.S. Department of Housing & Urban Development (HUD).

III. FEDERAL REGULATIONS

The citation reference from Title 24 Part 570 – Community Development Block Grants can be found in parentheses next to each heading below. Please view that section for more information on the respective item. This Policy will be revised periodically as required to fulfill related Federal, State, and/or local funding requirements.

A. Federal Eligibility (24 CFR 570.201)

CDBG funds may be used for the following basic eligible activities:

- | | |
|-------------------------------------|--|
| (1). Acquisition | (11). Housing Services |
| (2). Disposition | (12). Privately-Owned Utilities |
| (3). Public Facilities/Improvements | (13). Homeownership Assistance |
| (4). Clearance/Remediation | (14). Economic Development Assistance |
| (5). Public Services | (15). Technical Assistance |
| (6). Interim Assistance | (16). Institutions of Higher Education |
| (7). Payment of Non-Federal Share | (17). Rehabilitation/Preservation (24 CFR 570.202) |
| (8). Urban Renewal Completion | (18). Planning (24 CFR 570.205) |
| (9). Relocation | (19). Administration (24 CFR 570.206) |
| (10). Loss of Rental Income | |

B. Ineligible Activities (24 CFR 570.207)

The following activities may not be assisted with CDBG funds:

- (1). Buildings (or portions thereof) for the General Conduct of Government
- (2). General Government Expenses
- (3). Political Activities



City of Appleton
COMMUNITY DEVELOPMENT BLOCK GRANT



The following activities are not eligible for CDBG funding, but may be allowed under certain circumstances:

- | | |
|-------------------------------------|-------------------------------|
| (1). Purchase of Equipment | (3). New Housing Construction |
| (2). Operating/Maintenance Expenses | (4). Income Payments |

C. Special Economic Development Projects (24 CFR 570.203)

CDBG funds may be used for special economic development activities in addition to other activities. Special economic development activities include:

- (1). Acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements
- (2). Assistance to a private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms of support, for any activity where the assistance is appropriate to carry out an economic development project
- (3). Economic development services, including, but not limited to, outreach efforts; screening of applicants; reviewing/underwriting applications; preparation of all necessary agreements; management of activities; and the screening, referral, and placement of applicants for employment

D. National Objectives (24 CFR 570.208)

In order to qualify for funding, activities must meet one of three CDBG national objectives:

- (1). Low & Moderate Income (LMI) Benefit
 - a. Area Benefit: activities available for the benefit of all the residents in a particular area, where at least 51 percent of those residents are LMI persons.
 - b. Limited Clientele: activities benefiting a specific group (i.e. abused children, elderly persons, battered spouses), at least 51 percent of whom are LMI persons.
 - c. Housing: activities carried out for the purpose of providing or improving permanent residential structures that, upon completion, will be occupied by LMI households.
 - d. Job Creation/Retention: activities designed to create or retain permanent jobs where at least 51 percent of the jobs involve the employment of LMI persons.
- (2). Slum & Blight Removal
 - a. Area Basis: activities undertaken to eliminate specific conditions of blight, physical decay, or environmental contamination that are located in a designated area of distress, including acquisition, clearance, relocation, historic preservation, remediation of environmentally contaminated properties, or rehabilitation. Rehabilitation must eliminate conditions that are detrimental to public health/safety; acquisition and relocation must be precursors to other activities that eliminate blight.
 - b. Spot Basis: activities undertaken to eliminate specific conditions of blight, physical decay, or environmental contamination at specific sites not located in designated blighted areas, including acquisition, clearance, relocation, historic preservation, remediation of environmentally contaminated properties, or rehabilitation. Rehabilitation must eliminate conditions that are detrimental to public health/safety; acquisition and relocation must be precursors to other activities that eliminate blight.
- (3). Urgent Need
 - a. Activities designed to alleviate existing conditions of recent origin (18 months) that pose serious threats to the health and welfare of the community; this objective may only be used if the community cannot finance necessary activities with other sources.



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E. Categorical Limits

- (1). At least 70 percent of CDBG funds utilized during three consecutive program years, as specified by the grantee, must be expended for LMI benefit; the costs of planning and program administration are excluded from this calculation. (24 CFR 570.200(a)(3))
- (2). The amount of CDBG funds obligated for public service activities in each program year may not exceed 15 percent of the total entitlement grant for that program year, plus 15 percent of the program income received during the preceding program year. (24 CFR 570.201(e)(1))
- (3). The amount of CDBG funds obligated for planning and administration activities in each program year may not exceed 20 percent of the total entitlement grant for that program year plus the program income received during that program year. (24 CFR 570.200(g))

F. Program Income (24 CFR 570.426)

The City may reuse any revenue generated from projects undertaken with CDBG funding towards other eligible activities within the entitlement community. Furthermore, any program income earned by a subrecipient or City Program may be retained by the subrecipient or City Program provided the income is treated as additional CDBG funds and thus subject to all applicable federal and local requirements.

G. Fair Housing (24 CFR 570.601)

The Secretary of HUD requires that:

- (1). Grantees must administer all activities related to housing and community development in a manner to affirmatively further the policies of the Fair Housing Act. (Public Law 90-284)
- (2). Entitlement communities shall conduct an Analysis of Impediments to Fair Housing Choice every five years, take action to overcome the effects of the identified impediments and maintain records reflecting the analysis and related actions taken.

H. Environmental Review Procedures (24 CFR 570.604)

The environmental review procedures outlined in 24 CFR part 58 must be completed for each CDBG subrecipient and City Program activity, as applicable.

I. Faith-Based Activities (24 CFR 570.200)

Religious or faith-based organizations are eligible to participate in the CDBG program. Local government representatives and CDBG program administrators shall not discriminate against an organization on the basis of its religious affiliation.

J. Submission Requirements (24 CFR 570.302)

CDBG entitlement communities must submit the following documents:

- (1). Action Plan → annually
- (2). Consolidated Annual Performance and Evaluation Report (CAPER) → annually
- (3). Consolidated Plan → every three to five years, as chosen by the entitlement community

Creation of these documents must follow HUD requirements for content and citizen participation (see the City of Appleton CDBG Citizen Participation Plan).

K. Location of Activities (24 CFR 570.309)

CDBG funds may be awarded to an activity outside the jurisdiction of the entitlement community only if it can be determined that the activity directly benefits the entitlement community's residents. Documentation of these benefits must be provided before CDBG funds are awarded for the activity.



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L. Conflict of Interest (24 CFR 570.611)

No persons affiliated with the entitlement community (including subrecipients and City Programs) who exercise or have exercised any responsibilities with respect to CDBG programming, or who are in a position to participate in a decision-making process, may obtain a financial interest or benefit from a CDBG-assisted activity (including subcontracts), either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

IV. LOCAL PROGRAM GUIDELINES

A. Program Oversight

The Community and Economic Development Committee (CEDC) – composed of five aldermen appointed by the Mayor – serves as the jurisdiction for Common Council oversight of the CDBG Program. Local financial oversight lies with the City of Appleton Finance Department. Local administrative/programmatic oversight lies with the City of Appleton Community and Economic Development Department (CEDD).

B. Consolidated Plan Submission

The City of Appleton has elected to submit a Consolidated Plan to HUD every five years. The Citizen Participation Plan provides for and encourages citizens to participate in the development of the Consolidated Plan, which will begin approximately one year before the required submittal date.

C. Definitions

- Subrecipient – an entity charged with implementation of one or more activities funded with Appleton CDBG dollars
 - community partner subrecipient – local agencies awarded CDBG-funding to implement an eligible activity via a competitive application process
 - public services subrecipient – local agencies awarded CDBG-funding to implement an eligible public service activity via a competitive application process
- Adjusted award – the amount of CDBG funds available to City Programs and subrecipients after administration, fair housing, and audit allocations are deducted

D. Local Categorical Limits

The following limits expand upon federal categorical limits associated with the CDBG program:

- (1). At least 70 percent of CDBG funds utilized over three program years must be expended for LMI benefit; this excludes planning/CDBG administration activities.
- (2). The amount of CDBG funds obligated for public service activities in each program year may not exceed 15 percent of the adjusted award for that year unless otherwise specified under the pertinent Federal regulation or applicable waivers to prevent the spread of infectious disease and mitigate economic impacts caused by infectious disease.
- (3). The amount of CDBG funds obligated for planning/CDBG administration activities in each program year may not exceed 20 percent of the total entitlement grant for that year.
- (4). Any single award will not be less than \$10,000.

E. Audit Requirements

Section 2 Part 200 of the Code of Federal Regulations and the State Single Audit Guidelines require major state programs and federal programs to complete a single audit. The necessary amount for fulfilling these requirements will be identified by the Finance Department and the City's independent auditors. This amount will be deducted from the estimated amount available for the program year and not included in the



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estimates of the adjusted award.

F. Fair Housing Services

In keeping with the spirit of federal fair housing requirements, an annual allocation for fair housing services will be approved. This activity will be reported as an administrative expense, which claims no benefit. The City of Appleton will utilize the award to contract with an independent entity qualified to provide residents with a variety of fair housing services. This amount will be deducted from the estimated amount available for the program year and not included in the estimates of the adjusted award.

G. Program Administration

HUD requires entitlement communities to provide for efficient and adequate administration of CDBG programming. Administration costs may only include: salary/fringe, necessary training/travel, supplies and telephone/postage, in addition to fair housing services and audit costs. The necessary amount for fulfilling this requirement will be identified by the Community and Economic Development and Finance Departments. This amount will be deducted from the estimated amount available for the program year and not included in the estimates of the adjusted award.

H. Annual Allocation of CDBG Funding

The City of Appleton's Program Year begins April 1 and concludes March 31 of the following year. Each program year, administration, audit and fair housing costs, along with adequate funding for the Homeowner Rehabilitation Loan Program, the Neighborhood Program and Appleton Housing Authority will be subtracted from the annual entitlement award amount to determine the adjusted award. The adjusted award will first be available to City of Appleton Departments/Programs/component units that wish to undertake projects. After the City allocation process is complete, any remaining funds may be allocated to community partner applicants.

I. City Allocation Process

Each year adequate funding will be allocated through the City Budget process to the following: Homeowner Rehabilitation Loan Program, Neighborhood Program, Administration Costs and Appleton Housing Authority. Then, other City of Appleton Departments will have the opportunity to submit an application for CDBG funding. The application will include information relating to goals, outputs, budget/financing, detailed activity descriptions, capacity and performance. CEDD staff, per HUD rules and regulations, will perform an administrative review of each plan to ensure that:

1. Proposed activities are included within the listing of eligible activities (24 CFR 570.201)
2. Proposed activities do not fall within a category of explicitly ineligible activities (24 CFR 570.207)
3. Proposed activities will meet one of the national objectives of the program (24 CFR 570.200)
4. Proposed activities will address priority needs as identified in the Consolidated Plan

Upon completion of the administrative review, the plans will be presented to the CEDC. CEDC will also review the submitted plans to ensure the proposed activities meet the four standards listed above and allocate adequate funds for each plan. CEDC's recommendation will then be presented to the Common Council for approval.

J. Community Partner Subrecipient Allocation Process

The community partner application process will begin after allocations for City applications have been approved, and end with recommended allocations being announced after Council approval. Applications



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will be made available for approximately one month and should be submitted to the CEDD. All applications must be received by the announced deadline; no exceptions will be made. CEDD staff will perform an administrative review of each proposal, per HUD rules and regulations, to ensure the four standards listed under letter E. above, will be met if proposed activities are funded.

Upon completion of the administrative review, the proposals will be presented to the CDBG Advisory Board which will review and make funding recommendations for each proposal. This Board will consist of the following members:

1. Mayor
2. Common Council President
3. Chairperson of the Community and Economic Development Committee or committee designee
4. Chairperson of the Appleton Redevelopment Authority or committee designee
5. Representative from an Experienced Outside Funding Agency – on a rotating basis (i.e. United Way, Community Foundation, JJ Keller Foundation, U.S. Oil Basic Needs Partnership)
6. Citizen member from the City Plan Commission

CEDD staff will supply the Board with applications and all appropriate guidelines along with a summary of each proposal, and an explanation of the proposal score sheet. Board members are asked to allocate funding among the applicants and return their allocations to CEDD staff who will compile all results and present allocation recommendations at a Board meeting during which allocation amounts will be finalized. In completing their funding recommendation, the Board will utilize an estimated CDBG entitlement award dollar amount, which will be calculated based on past awards and any available information on HUD's future funding strategies. Funding recommendations from this Board will be presented as an Action Item to the CEDC. CEDC's recommendation will then be presented to the Common Council for final approval.

During efforts to prevent the spread of infectious disease and mitigate economic impacts caused by infectious disease, the community partner subrecipient allocation process will be waived. Final approval of allocations and projects will be presented to Common Council, subsequent to the completion of the required public comment period.

K. Estimated vs. Actual Entitlement Award

If there is a differential between the estimated award and the actual award, the CDBG Advisory Board will be consulted and their recommendations will be presented to CEDC and Council for approval.

L. Subrecipient Agreement/Letter of Understanding/Training Session

Community partner subrecipients of CDBG funds must enter into a subrecipient agreement with the City of Appleton. This subrecipient agreement serves as a formal contract addressing the various policies outlined in this document, in addition to contract amount/term, reimbursement requests, accomplishment reporting, monitoring, financial management guidelines, conflict of interest, and additional federal standards, including lead-based paint regulations and the Davis Bacon Act. Furthermore, each City Program receiving CDBG funds must sign a Letter of Understanding (LOU) indicating an understanding of the items above. To ensure all parties understand the requirements of their agreement or LOU, a mandatory training session will be held with new subrecipients before funds are released. Technical assistance from staff will be available to all subrecipients throughout the program year.

M. Statement of Work



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All subrecipients and City Programs shall submit a concise Statement of Work that illustrates an implementation plan for their CDBG activity. This Statement, which will be attached to the subrecipient agreement/LOU includes: national objective claimed, activity descriptions, intended beneficiaries (number and type), detailed budget and location(s) of program-related activity.

N. Report Submissions

All subrecipients and City Programs are required to submit a report of their accomplishments with each payment request during the program year when applicable, as well as an Annual Report by April 15th, which is a comprehensive report covering the agreed upon objectives, activities and expenditures for the entire contract period. If said reports are not attached to payment requests when required, payments will be withheld until the report is submitted.

O. Change of Use

If a subrecipient or City Program wishes to utilize funds for an activity not identified on their original application, they are required to submit a detailed letter to the CEDD explaining the reasoning for and amount of the proposed change and a public comment period may be held per the Citizen Participation Plan.

P. Displacement/Relocation

Due to the potential liability for long-term assistance and burdens placed on affected tenants, the City of Appleton will avoid funding CDBG projects that involve permanent residential displacement or business relocation unless displacement/relocation prove to be the only means available to correct a public health/safety hazard or other critical condition.

Q. Procurement

The City of Appleton Procurement Policy applies to all CDBG activities, including both City Programs and subrecipients that involve the purchase of equipment, materials, supplies and/or services. A copy of this policy will be distributed to all subrecipients.

R. Audits

All subrecipients are required to submit one copy of their audited financial statement immediately following the end of their fiscal year during which CDBG funds are received, unless an alternate arrangement has been made with the City of Appleton Finance Department. CDBG applications may include audit costs as a reimbursable expense.

S. Disputes

Any dispute concerning a question of fact arising under a subrecipient program or City Program shall be resolved by CEDD staff, who shall relay his/her decision in writing to the subrecipient or City Program, in addition to furnishing a copy to the Mayor and the CEDC. The decision of CEDD staff shall be final and conclusive unless the subrecipient or City Program furnishes a written appeal to the CEDC within ten days of the date of receipt of such copy. The decision of the CEDC in such appeals shall be final and conclusive unless appealed to a court of competent jurisdiction within 30 days of receipt of the CEDC's decision.

T. Unspent Grant Funds

Any uncommitted CDBG funds remaining at the end of the program year will be reprogrammed for use in the subsequent program year. The subrecipient shall submit a carryover request, including both documentation of plans for expending funds and a timeline for the expenditure, to CEDD staff by April 15.



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If any unspent grant funds remain after September 30, CEDD staff will meet with the subrecipient to determine if further action needs to be taken to expedite the expenditure of funds.

U. Termination

If the subrecipient or City Program fails to fulfill, in timely and proper manner, its obligations under the Statement of Work, or if they violate any stipulations contained within the subrecipient agreement/LOU, the City has the right to terminate funding of their program. Written notice will be delivered at least 30 days before the termination.

V. Examination of Records/Monitoring

The policy of the City of Appleton is to monitor its subrecipients in a manner consistent with the requirements of 24 CFR 570.2, 2 CFR 200.328, and 2 CFR 200.331(d). The subrecipient and City Program shall maintain records (including books, documentation and other evidence) pertaining to the costs of carrying out their activity to the extent of detail that will adequately reflect net costs, direct and indirect labor, materials, equipment, supplies/services, and other expenses. Authorized representatives of the City or HUD shall have access to subrecipient and City Program records at reasonable times of the business day for inspection, audit or reproduction. Subrecipients and City Programs must make these records available throughout the program year and four years after it expires. Furthermore, CEDD staff may schedule monitoring visits with the subrecipient to evaluate the progress/performance of the program and provide technical assistance. The City of Appleton's Grant Administration Procedures manual should be referenced for further guidance on subrecipient tracking and monitoring requirements.

W. Financial Management Systems

Subrecipients and City Programs must employ financial management systems that are capable of generating regular financial status reports indicating the dollar amount allocated (including budget revisions), amount obligated, and amount expended for each activity. The system must permit the comparison of actual expenditures and revenues against budgeted amounts. The City must be able to isolate/trace every CDBG dollar received.

X. Payment Requests

Community partner subrecipients and City Programs will submit requests for payment with attached supporting documentation to the CEDD. Payment requests shall be allowed on a reimbursement basis (i.e. only after expenditures have been incurred) and shall be reviewed to ensure the expenditures are in conformity with the use of funds as described in the Statement of Work. If source documentation is deemed inadequate by Staff, all payments will be withheld until all required documents have been submitted. Payment requests received and approved will be processed and a check issued in accordance with the City of Appleton Finance Department weekly pay cycle. All payment requests must contain an original signature.

Y. Program Income

Any program income (as defined under applicable federal regulations) gained from any activity of the subrecipient may be retained by the subrecipient or City Program provided the income is treated as additional CDBG funds subject to all applicable requirements governing the use of CDBG funds. Anticipated program income must be documented and described in the subrecipient or City Program proposal/application. Furthermore, any and all program income received must be reported to the City of Appleton's Community and Economic Development and Finance Departments, unless otherwise specified in this contract.



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Z. CDBG Activity Promotion

All subrecipients and City Programs are required to participate in promotion of the City of Appleton CDBG Program. Expectations will be outlined by staff at the beginning of the program year and may include, but are not limited to:

- Inclusion of the Appleton/CDBG logo in materials/at project sites
- Mentorship of a subrecipient new to the CDBG Program
- Participation in a CDBG Open House to showcase grant activities

V. APPLICATION/PROPOSAL EVALUATION CRITERIA

A. General

In order to receive CDBG funding, subrecipient and City Programs must meet a priority need, as identified in the Five-Year Consolidated Plan. Additional preference, however, will be given to CDBG applicant activities that meet one or more of the following criteria:

- (1). Seek a one-time use of CDBG funding
- (2). Benefit residents of LMI census tracts (population at least 46.7 percent LMI)
- (3). Will result in additional housing units being placed on the tax roll
- (4). Demonstrate secured complementary sources of funding (i.e. leverage) and/or strong efforts to solicit and secure complementary funding.
- (5). Serve special needs populations, including, but not limited to:
 - a. Elderly/frail elderly
 - b. Persons with disabilities (developmental and physical)
 - c. Persons with HIV/AIDS and their families
 - d. Persons seeking solutions to alcohol and drug addiction

B. Public Services (subject to 15 percent cap)

Preference will be given to Public Service CDBG applicants whose activities meet one or more of the following criteria:

- (1). Program service costs – one time use
- (2). Administrative expenses – one time use
- (3). Program service costs – continual use
- (4). Administrative expenses – continual use

THIS NOTICE IS PENDING PUBLICATION IN THE FEDERAL REGISTER.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6218-N-01]

**Notice of Program Rules, Waivers, and Alternative Requirements
Under the CARES Act for Community Development Block Grant Program Coronavirus
Response Grants, Fiscal Year 2019 and 2020 Community Development Block Grants, and
for Other Formula Programs**

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice describes the program rules, statutory and regulatory waivers, and alternative requirements applicable to supplemental Community Development Block Grant (CDBG) funds made available to prevent, prepare for, and respond to coronavirus (CDBG-CV funds) and to annual formula CDBG grants awarded in fiscal years 2019 and 2020. Except as otherwise described in this notice and the CARES Act, the statutory and regulatory provisions governing the CDBG program apply to CDBG-CV and CDBG grants. This notice also describes conforming waivers and alternative requirements for other formula programs included in the consolidated planning regulations in 24 CFR part 91.

EFFECTIVE DATE: This notice is effective when signed.

FOR FURTHER INFORMATION CONTACT: Jessie Handforth Kome, Director, Office of Block Grant Assistance, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW, Room 7282, Washington, DC 20410, telephone number 202-708-3587. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at 800-877-8339. Facsimile inquiries may be sent to Ms. Kome at 202-708-0033. Except for the “800” number, these telephone numbers are not toll-free. Questions regarding the CDBG-CV program may be submitted to

CPDQuestionsAnswered@hud.gov. Interested parties may also visit HUD’s website at https://www.hud.gov/program_offices/comm_planning for updated information and resources.

SUPPLEMENTARY INFORMATION:

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I. Overview and Background

On January 21, 2020, the Centers for Disease Control and Prevention (CDC) confirmed the first case in the United States of a coronavirus known by several names, including novel coronavirus, and SARS-CoV-2, and which causes the disease commonly referred to as COVID-19. On March 27, 2020, President Trump signed the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) (CARES Act). The CARES Act makes available \$5 billion in CDBG coronavirus response (CDBG-CV) funds to prevent, prepare for, and respond to coronavirus. In the CARES Act and this notice, the term “coronavirus” means SARS-CoV-2 or another coronavirus with pandemic potential.

The nation faces significant public health and economic challenges related to this respiratory disease. To address these challenges, CDBG-CV and CDBG grants are a flexible source of funding that can be used to pay costs that are not covered by other sources of assistance, particularly to benefit persons of low and moderate income.

This notice is broken into sections. Section II provides a general overview of the CDBG-CV and CDBG program flexibilities provided by the CARES Act. Section III describes the allocations, grant procedures, program flexibilities, waivers, and alternative requirements applicable to CDBG-CV grants. Section IV describes the program flexibilities, waivers, and alternative requirements that apply to fiscal years 2019 and 2020 CDBG grants used to prevent, prepare for, and respond to coronavirus or that affect other aspects of program administration. Other sections contain administrative information related to this notice.

II. Summary of Special Authorities Under the CARES Act

The CARES Act modifies some CDBG program rules and authorizes the Secretary of HUD to grant waivers and alternative requirements. Accordingly, this notice describes how

requirements of the CDBG program are modified for CDBG-CV grants, fiscal year 2020 CDBG grants under the Department of Housing and Urban Development Appropriations Act, 2020 (Public Law 116-94), and fiscal year 2019 CDBG grants under the Department of Housing and Urban Development Appropriations Act, 2019 (Public Law 116-6). For ease of reference, citations in this notice include parentheticals indicating whether a CDBG program statute or regulation applies to entitlement grants, state grants, insular area grants, or grants to nonentitlement counties in Hawaii. Where citations do not include Hawaii counties or insular areas, the additional citation is not necessary because the cited entitlement CDBG regulation applies to insular areas and Hawaii counties in addition to entitlement grantees.

II.A. Program Modifications in the CARES Act

The Community Development Fund heading in title XII of Division B of the CARES Act modifies some CDBG program requirements to provide immediate support for coronavirus efforts. The modifications are described in more detail in Section III, and are the following:

- Permits a public comment period of no less than 5 days when citizen participation is required.
- Permits grantees to develop expedited citizen participation procedures and to hold virtual public hearings when necessary for public health reasons.
- Eliminates the public services cap for coronavirus-related activities.
- Allows states and local governments to reimburse allowable costs of eligible activities regardless of the date the costs were incurred.

II.B. Authority to Grant Waivers and Alternative Requirements

The CARES Act authorizes the Secretary to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use

of CDBG-CV grants, fiscal year 2020 CDBG grants, and fiscal year 2019 CDBG grants to prevent, prepare for, and respond to coronavirus or that affect other aspects of program administration for the fiscal year 2019 and 2020 CDBG grants, except for requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding by the Secretary that any such waivers or alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus. Additional waiver authority is provided in 24 CFR 5.110 and 91.600. In accordance with these provisions, HUD may waive regulatory provisions (subject to statutory limitations) for good cause.

As required by the CARES Act, the Secretary has considered the waivers and alternative requirements in this notice and finds that there is good cause for each and that each is necessary to expedite or facilitate the use of grant funds to prevent, prepare for, and respond to coronavirus.

III. CDBG-CV Grants

This section describes the CDBG-CV allocations to states and units of general local government (including insular areas), the process to access grant funds, and the rules, waivers, and alternative requirements that apply to CDBG-CV grants.

III.A. Allocations of CDBG-CV Funds

Of the \$5 billion made available by the CARES Act, HUD will use \$10,000,000 to make technical assistance awards to provide an immediate increase in capacity building and technical assistance to support the use of CDBG-CV grants and CDBG grants to prevent, prepare for, and respond to coronavirus.

The remaining funds will be allocated as described in sections III.A.1. and III.A.2.

III.A.1. First Allocation

The CARES Act requires HUD to allocate up to \$2 billion in CDBG-CV funds using the same formula that it used to allocate fiscal year 2020 CDBG grants pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306). HUD made this first CDBG-CV allocation on April 2, 2020, 24 days before the 30-day allocation deadline in the CARES Act, in the amount of \$2 billion. The allocations are available on HUD's website at https://www.hud.gov/program_offices/comm_planning/budget/fy20/.

III.A.2. Additional Allocations

The CARES Act requires HUD to make a second round of CDBG-CV allocations within 45 days of enactment of the CARES Act. HUD is required to make this allocation in the amount of \$1 billion directly to states and insular areas to prevent, prepare for, and respond to coronavirus within the state or insular area. HUD made this second round of CDBG-CV allocations on May 11, 2020, in the amount of \$1 billion. The allocations and methodology are available on HUD's website at:

https://www.hud.gov/program_offices/comm_planning/budget/fy20/. The second CDBG-CV allocations were based on factors identified in the CARES Act: public health needs, risk of transmission of coronavirus, number of coronavirus cases compared to the national average, economic and housing market disruptions, and other factors, as determined by the Secretary, using best available data.

The CARES Act authorized HUD to allocate the remaining \$2 billion in CDBG-CV funds, minus the \$10 million set aside for technical assistance, on a rolling basis. The CARES Act provides that the remaining \$2 billion shall be distributed directly to states or units of general local government, at the discretion of the Secretary, according to a formula based on factors to be

determined by the Secretary, prioritizing risk of transmission of coronavirus, number of coronavirus cases compared to the national average, and economic and housing market disruptions resulting from coronavirus. The District of Columbia is defined as a metropolitan city under the Housing and Community Development Act of 1974 and not as a state or insular area. As such, it was not eligible for funding under the Round 2 \$1 billion allocation. To ensure national geographic coverage in Round 2, HUD made an allocation from the third round of funding to the District of Columbia simultaneously with the second round because the District met the geographic criteria for the third round of allocations and was the only geographic area in the nation that was not covered by the second round of allocations.

HUD will publish additional third round allocations and a description of the allocation formulas on HUD's website at https://www.hud.gov/program_offices/comm_planning/budget/fy20/ and will provide a link to this site in any press release announcing an allocation.

III.A.3. Reallocation.

Under Section 106 of the Housing and Community Development Act of 1974 (HCD Act) (42 U.S.C. 5306), HUD reallocates annual formula CDBG funds that cannot be distributed to grantees when it allocates the next fiscal year's appropriation of annual formula CDBG funding. Given the immediate need for coronavirus assistance, the Department is specifying the following alternative requirement to sections 106(c) and (d)(3)(C) (42 U.S.C. 5306(c) and 5306(d)(3)(C)), and the reallocation provisions of 24 CFR 570.4(a), 570.420(e), 570.429(d)(2), and 570.442(b), to expedite the use of any funds that may become available for reallocation.

If a jurisdiction receiving an allocation of CDBG-CV funds fails to apply for funding in accordance with the requirements of this notice by August 16, 2021 (the deadline established by

the CARES Act) or HUD is unable to distribute funds to a grantee for another reason, HUD may notify the jurisdiction of the cancellation of all or part of its allocation amount. Funds that are not awarded to jurisdictions under the formulas described in paragraphs III.A.1. and III.A.2. may be reallocated based on factors identified in the CARES Act, as determined by the Secretary. If made, reallocations will be published on HUD's website.

III.B. CDBG-CV Grant Rules, Waivers, and Alternative Requirements

This section describes program flexibilities in the CARES Act and provides waivers and alternative requirements to expedite or facilitate the use of CDBG-CV funds. The rules, waivers, and alternative requirements described in this section only apply to CDBG-CV grants (as specified in this section) and in some cases to fiscal year 2019 and fiscal year 2020 CDBG grants (as specified in section IV) and program income (as specified in sections III.B.5.(f)(iv) and III.B.6.(a)). The CARES Act statutory flexibilities, waivers, and alternative requirements do not apply to other sources of CDBG funds (even if used in conjunction with CDBG-CV funds, fiscal year 2019 CDBG funds, or fiscal year 2020 CDBG funds) except as otherwise described in section IV.B.3.(b).

III.B.1. General Grant Requirements

CDBG-CV grants are subject to the requirements of the CARES Act, the authorities and conditions imposed on fiscal year 2020 CDBG grants, and the mandatory provisions of this notice and waivers and alternative requirements. Except as otherwise described, grantees must comply with statutory and regulatory provisions governing the CDBG program. These include regulations at: 24 CFR part 570 subpart I (states); 24 CFR part 570 subparts A, C, D, E, F, J, K, and O for CDBG (entitlements, nonentitlement Hawaii counties and insular areas).

To facilitate the use of CDBG-CV funds in accordance with the grant requirements, HUD is imposing an alternative requirement that the definitions of CDBG funds in 24 CFR 570.3 (entitlements) and 24 CFR 570.481(a)(2) (states) include CDBG-CV funds. This alternative requirement applies the requirements in 24 CFR part 570 to the use of CDBG-CV funds, except as modified by rules, waivers, and alternative requirements applicable to CDBG-CV grants.

CDBG-CV grant agreements will impose requirements by incorporating program rules, waivers, and alternative requirements (including those published in memoranda, in this and any future notices).

Grantees should not assume that their normal CDBG funding distribution procedures are adequate to swiftly distribute and use CDBG-CV grants. For example, if a grantee's existing policies mandate lengthy processes to select activities or complete procurements, grantees should try to expedite actions with local waiver authorities or emergency procedures that may be available without state or local rulemaking. In addition, urban counties that normally distribute CDBG funds on a proportional basis among all participating jurisdictions should consider whether their normal procedures would result in funding awards that are too small to be used expeditiously and productively by the participating jurisdictions.

III.B.2. Responsible Use of CARES Act Funds

CDBG-CV funds are subject to additional measures designed to prevent fraud, waste, and abuse. HUD will conduct regular oversight and monitoring activities to determine that use of CDBG-CV funds is consistent with grant requirements and limited to the necessary and reasonable costs of activities to prevent, prepare for, and respond to coronavirus. Measures to increase transparency and accountability include:

- regular reporting on the use of CDBG-CV funds, including reporting that may be required by the CARES Act to conduct audits and reviews of programs, operations, and expenditures relating to funds under the CARES Act and the Coronavirus response (see section III.B.8. for information on reporting requirements); and
- a requirement that grantees prevent the duplication of benefits that is caused when a person, household, business, or other entity receives financial assistance from multiple sources for the same purpose, and the total assistance is more than the total need (see section III.B.9. for information on duplication of benefits).

III.B.3. Overview of Process to Receive CDBG-CV Grants

On April 2, 2020, HUD published the first round of CDBG-CV allocations on the hud.gov website and notified jurisdictions of their allocation amounts. On April 9, 2020, John Gibbs, Acting Assistant Secretary for Community Planning and Development, issued a memorandum with the subject, “*CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response and plan amendment waiver*” (“April 9 memorandum”), available at <https://www.hud.gov/sites/dfiles/CPD/documents/CARES-Act-Flexibilities-CDBG-Funds-Used-Support-Coronavirus-Response.pdf>. The memorandum advised grantees to amend or prepare consolidated plan submissions for CDBG-CV grants as soon as possible. Grantees may have partially or fully completed the application process before HUD publishes this notice.

The April 9 memorandum also granted waivers to expedite this process of applying for CDBG-CV funds by permitting application for a grantee’s share of the first \$2 billion through a substantial amendment to a grantee’s most recent annual action plan (the most recent year may be the 2019 annual action plan). These waivers and alternative requirements describing the

content of a substantial amendment to add CDBG-CV allocations to the most recent annual action plan are in section III.B.4.(b)(i).

Submitting a substantial amendment may speed access to grant funds because consultation and public hearings are not required (although 24 CFR 570.441(e)(2) requires insular areas to hold a public hearing for amendments, section III.B.4.(a)(iii) waives this requirement for CDBG-CV substantial amendments). However, the April 9 memorandum does not preclude grantees from applying by submitting a FY 2020 Action Plan that includes the CDBG-CV funds. If the grantee chooses to include CDBG-CV grant funds in its annual action plan for FY 2020 funds, the grantee must comply with action plan submission procedures in 24 CFR part 91 (including consultation and a public hearing), as modified by the waiver and alternative requirements in paragraph III.B.4.(a)(iv), which apply the CARES Act citizen participation flexibilities to all consolidated plan formula grant programs.

The following procedures apply regardless of whether the grantee applies for CDBG-CV funds through an action plan or action plan substantial amendment:

- Rather than wait to apply until HUD allocates all available CDBG-CV funds, HUD recommends that grantees apply as soon as possible for CDBG-CV funds that HUD has allocated. Grantees receiving subsequent allocations can make substantial amendments to apply for subsequent allocation amounts after they are announced.
- All grantees may adopt and use expedited procedures to draft, propose, modify, or amend consolidated plans for CDBG-CV and fiscal year 2019 and 2020 CDBG grants as described in section III.B.4. These expedited procedures amend the grantee's citizen participation plan and require it be published for no less than 5 calendar days to solicit

public comment. Expedited procedures may include virtual hearings, as described in section III.B.4.(a)(ii).

- The grantee must publish its application for CDBG-CV funds (whether through a new action plan or action plan substantial amendment) for no less than 5 calendar days to solicit public comment. The comment period can run concurrently with the comment period on changes to add expedited procedures to the citizen participation plan. The grantee must respond to public comments.
- The grantee must submit its application for CDBG-CV funds to HUD for review in accordance with 24 CFR 91.500. To receive a CDBG-CV grant, a grantee must also submit a SF-424, SF-424D and the certifications at 24 CFR 91.225(a) and (b) or 24 CFR 91.325(a) and (b) and 24 CFR 91.425.
- HUD and the grantee will enter a grant agreement and HUD will establish the grantee's line of credit.
- The grantee may draw funds from the line of credit after the Responsible Entity completes applicable environmental review(s) pursuant to 24 CFR part 58 and, as applicable, receives from HUD the Authority to Use Grant Funds (AUGF) form and certification.

III.B.4. Application for Grant Funds and Citizen Participation

This section III.B.4. describes the CDBG program flexibilities in the CARES Act and additional waivers and alternative requirements that HUD granted to facilitate or expedite the process to amend consolidated plans and apply for CDBG-CV grants.

III.B.4.(a) Expedited Citizen Participation and Virtual Hearings

The CARES Act permits grantees to adopt expedited citizen participation procedures and hold virtual hearings for consolidated plan submissions for CDBG-CV funds and for CDBG grants for fiscal years 2019 and 2020. Section III.B.4.(a)(iii) includes a corollary waiver and alternative requirement to permit states to extend these flexibilities to units of general local government and insular areas. Section III.B.4.(a)(iv) includes a corollary waiver and alternative requirement extending these flexibilities to other consolidated plan formula programs.

III.B.4.(a)(i) Citizen Participation, Public Notice and Comment Period. The CARES Act authorizes a CDBG-CV grantee to adopt and utilize expedited procedures to prepare, propose, modify, or amend its consolidated plan, notwithstanding sections 104(a)(2), (a)(3), and (c) of the HCD Act (42 U.S.C. 5304(a)(2), (a)(3), and (c)) and section 105 of the Cranston-Gonzalez National Affordable Housing Act (NAHA, at 42 U.S.C. 12705). The expedited procedures may permit virtual hearings, as described in section III.B.4.(a)(ii), whenever a public hearing is required by 24 CFR 91.105 (entitlements), 91.115 (states), 570.431 (Hawaii counties), 570.441 (insular areas), or by the grantee's citizen participation plan. Expedited procedures adopted by the grantee shall provide citizens with notice and a reasonable opportunity to comment of no less than 5 days.

Expedited procedures must be published for no less than 5 calendar days to solicit public comment, and once adopted, become part of the grantee's citizen participation plan. The public comment period for incorporating expedited procedures into the citizen participation plan may run concurrently with the public comment period on a proposed CDBG-CV substantial amendment or other proposed consolidated plan submissions for CDBG-CV funds and fiscal

year 2019 and 2020 CDBG grants. Consolidated plan submissions for other programs are addressed in section III.B.4.(a)(iv).

The CARES Act modifies the annual formula CDBG program requirement that a grantee must solicit comments from its citizens for a period of at least 30 days before it submits a substantial amendment or an annual action plan to HUD.

III.B.4.(a)(ii) *Virtual Hearings*. For as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, the CARES Act authorizes the grantee to hold virtual hearings in lieu of in-person public hearings for CDBG-CV grants and for fiscal year 2019 and 2020 CDBG grants (virtual hearings for other consolidated plan formula programs are addressed in section III.B.4.(a)(iv)). All virtual hearings held under the authority provided by the CARES Act shall provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.

Therefore, grantees may use online platforms to hold virtual hearings that facilitate public access to all questions and responses and provide timely responses from local officials. Additionally, grantees must take appropriate actions to encourage the participation of all residents, including the elderly, minorities, persons with limited English proficiency, as well as persons with disabilities, consistent with the jurisdiction's citizen participation plan.

The CARES Act does not modify nondiscrimination requirements. Consistent with 24 CFR 91.105 (entitlements) and 91.115 (states), and 24 CFR 570.431 (Hawaii counties) and 570.441 (insular areas), a jurisdiction is expected to take whatever actions are appropriate to encourage the participation of all its citizens in virtual and in-person hearings, including

minorities and persons with limited English proficiency, as well as persons with disabilities. Whether hearings are in-person or virtual, grantees must take appropriate steps to ensure effective communication with persons with disabilities consistent with the requirements of accessibility laws, such as Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. The grantee must provide appropriate auxiliary aides and services where necessary to afford individuals with hearing and vision impairments an equal opportunity to access and participate in such hearings. These may include effective methods that make aurally delivered information available to individuals who are deaf or hard of hearing, and visually delivered materials available to individuals who are blind or have low vision. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. In determining what types of auxiliary aids and services are necessary, a grantee shall give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services should be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. For virtual hearings, such steps should include ensuring that information is provided on an accessible website, that e-mails and other digital notifications are accessible, and that the application or platform used to host the hearing is also accessible. Additional services such as audio description or captioning may also be needed to provide effective communication in a digital context. Helpful guidelines for ensuring the accessibility of web-based and digital materials are available through the World Wide Web Consortium's Web Accessibility Initiative at

<https://www.w3.org/WAI/>. Examples of auxiliary aids and services that may be necessary when conducting hearings online can be found at 28 CFR 35.104.

Grantees must also take reasonable steps to provide meaningful access to persons with limited English proficiency consistent with Title VI of the Civil Rights Act. To ascertain their obligations, grantees should conduct the four-factor analysis set forth in HUD's limited English proficiency guidance found at <https://www.hud.gov/sites/documents/FINALLEP2007.PDF>, which may be covered by grantees' Language Assistance Plan, recognizing that the use of the internet to conduct such a hearing may change the analysis. For virtual or online hearings, such services may also include translation of documents and captioning or interpretation in the appropriate language(s). More information on the four-factor analysis and other requirements can be found at <https://www.hud.gov/sites/documents/FINALLEP2007.PDF>.

III.B.4.(a)(iii) Modifications to citizen participation requirements for local governments that receive funds from States and for insular areas. HUD is clarifying that by authorizing states to adopt expedited citizen participation procedures, the CARES Act authorized expedited procedures and virtual public hearings for citizen participation by units of general local government that receive CDBG-CV funds from a state through a method of distribution. This is because 24 CFR 91.115(e) requires states to include citizen participation requirements for units of general local government in its own citizen participation plan. Expedited procedures must still describe how units of local governments receiving funds from the state will meet the citizen participation requirements in 24 CFR 570.486.

Additionally, HUD is waiving the requirement in 570.441(e)(2) that an insular area must hold a public hearing on a substantial amendment. Instead, HUD is imposing an alternative requirement to permit the insular area to adopt expedited requirements by modifying its citizen

participation plan to replace the hearing if it provides community residents with reasonable notice and an opportunity to comment on substantial amendments to the consolidated plan or annual action plan.

III.B.4.(a)(iv) Extension of CARES Act Flexibilities to All Consolidated Plan Formula Programs (CDBG, CDBG-CV, HOME, HOPWA, HTF, ESG) and Section 108 Loan Guarantees. The CARES Act altered consolidated plan citizen participation requirements for some CDBG-CV grants, fiscal year 2019 and 2020 annual formula CDBG grants, and Emergency Solutions Grant supplemental CARES Act (ESG-CV) grants. It did not modify citizen participation for other annual formula CDBG and ESG grants, Section 108 Loan Guarantees, or for HOME Investment Partnerships (HOME), Housing Trust Fund (HTF), and Housing Opportunities for Persons With AIDS (HOPWA) formula programs before fiscal year 2019.

On April 1, 2020, HUD issued two waivers to modify citizen participation requirements for consolidated plan substantial amendments for CDBG, ESG, HOME, HTF, and HOPWA. The first eliminated the 30-day minimum for the required public comment period for substantial amendments, provided that no less than 5 days are provided for public comments on each substantial amendment concerning the proposed uses of CDBG, HOME, HTF, HOPWA, or ESG funds. The second allowed grantees to determine what constitutes reasonable notice and opportunity to comment, given their circumstances, for the 2020 program year. The waivers were published in a memorandum signed by Acting Assistant Secretary John Gibbs on March 31, 2020. It is available at: <https://www.hud.gov/sites/dfiles/CPD/documents/Availability-of-Waivers-of-CPD-Grant-Program-and-Consolidated-Plan-Requirements-to-Prevent-the-Spread-of-COVID-19-and-Mitigate-Economic-Impacts-Caused-by-COVID-19.pdf>

HUD is now issuing waivers and alternative requirements to expedite procedures to modify citizen participation plans for *all* 2020 fiscal year consolidated plan and annual action plan submissions that pertain to ESG, HOME, HTF, and HOPWA formula programs. The waivers are necessary to effectively implement the CARES Act flexibilities offered to CDBG grantees because planning and annual action plan consolidated plan submissions for CDBG-CV and CDBG grants are inextricably linked with the consolidated plan submissions for ESG, HOME, HTF, and HOPWA.

In 1995, HUD published the consolidated plan regulation at 24 CFR part 91. The consolidated plan replaced the following separate application and planning submissions: the Comprehensive Housing Affordability Strategy (CHAS), enacted by NAHA at 42 U.S.C. 12701, the Community Development Plan requirements, added to the CDBG program by NAHA (42 U.S.C. 5304), the CDBG final statement, the HOME program description, and the ESG and HOPWA applications. In 2015, HUD published an interim rule that added HTF to the consolidated planning regulations. States and units of general local government (including insular areas) that apply for Section 108 loan guarantees pursuant to 24 CFR 570.704 may also be required to include the use of guaranteed loan funds in their consolidated plans.

Grantees that apply for CDBG-CV or CDBG funds as part of their 3-5 year consolidated plan or annual action plan submissions cannot reasonably take advantage of the expedited CARES Act citizen participation requirements unless the other programs included in these submissions are subject to the same expedited requirements. Creating a separate application process for CDBG-CV and CDBG funds would add time and complications that are likely to delay the availability of funds and undermine the purpose of the CARES Act provisions to expedite assistance. Further, separating CDBG planning and applications would thwart several

of the reasons cited for the consolidated planning rule, e.g., providing comprehensive information on the jurisdiction that is easy to understand and reducing paperwork and simplifying the process of requesting and obtaining federal funds available to the jurisdictions (60 FR 1878, published January 5, 1995).

Therefore, HUD is waiving provisions at 24 CFR 91.105(b)(4), (c)(2) and (k), 24 CFR 91.115(b)(4), (c)(2) and (i), 24 CFR 91.401, 24 CFR 570.431, 24 CFR 570.441, and 24 CFR 570.704 to the extent necessary to permit the following alternative requirement: CDBG, HOME, HTF, HOPWA, and ESG grantees may modify their citizen participation plans to adopt expedited procedures that apply when the grantees prepare, propose, modify, or amend any consolidated plan submissions that contain uses of CDBG-CV funds or uses of fiscal year 2019 or 2020 CDBG funds to prevent, prepare for, and respond to coronavirus. The expedited procedures must, at a minimum, provide citizens with notice and a reasonable opportunity to comment of no less than 5 days.

Additionally, HUD is waiving provisions at 24 CFR 91.105(b) and (e), 24 CFR 91.115(b) and (e), 24 CFR 91.401, and 24 CFR 570.431, 570.441, and 570.486(a) to the extent necessary to establish the following alternative requirement. For as long as national or local health authorities recommend social distancing and limiting public gatherings for public health reasons, CDBG, ESG, HOME, HTF, and HOPWA grantees, and units of general local government receiving CDBG funds from state or insular area CDBG grantees, may hold virtual hearings in lieu of in-person public hearings to fulfill public hearing requirements imposed by 42 USC 12707(a)(3) and the regulations at 24 CFR part 91 and 24 CFR part 570, or by the grantee's citizen participation plan.

For each virtual hearing, a grantee shall provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses. Therefore, grantees may use online platforms to hold virtual hearings that provide public access to questions and responses and provide timely responses from local officials. This alternative requirement is only applicable to consolidated planning submissions describing the use of fiscal year 2019 or 2020 annual formula funds for CDBG, ESG, HOME, HTF, and HOPWA, or for CDBG-CV or ESG-CV funds provided under the CARES Act.

HUD cannot modify requirements for CDBG grantees to mirror the elimination of citizen participation for substantial amendments and new consolidated plan submissions for ESG-CV funds because HUD cannot waive the minimum requirements the CARES Act imposed on CDBG grantees. Therefore, this waiver and alternative requirement does not alter or expand the authority for ESG grantees to omit the citizen participation and consultation requirements for consolidated plan submissions that only pertain to ESG CARES Act (ESG-CV) funding.

III.B.4.(b) CDBG-CV Application Content and Submission

III.B.4.(b)(i). CDBG-CV Application Content, Submission, Consistency with Other Portions of Consolidated Plan. In the April 9 memorandum, HUD issued a waiver and alternative requirement that permits a grantee to apply for CDBG-CV funds by submitting a substantial amendment to its most recently approved annual action plan. Grantees may also apply for CDBG-CV funds in a future annual action plan submission.

As part of the application submission, HUD is temporarily waiving the requirements (found at 42 U.S.C. 12706 and 24 CFR 91.325(a)(5) and 91.225(a)(5)) that grantees certify that the housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are

consistent with the strategic plan portion of the consolidated plan. HUD is imposing a related alternative requirement that allows grantees to submit those certifications when the grantee submits its next full (3-5 year) consolidated plan due after the 2020 program year. Grantees may not have considered the needs associated with CDBG-CV funds when developing their current consolidated plan strategic plan and needs assessment.

In conjunction, HUD is temporarily waiving 42 U.S.C. 5304(e) to the extent that it requires HUD to annually review grantee performance under the consistency criteria. This waiver also only applies until the grantee submits its next full (3-5 year) consolidated plan due after the 2020 program year.

Applying through a substantial amendment to the most recent action plan. If the CDBG-CV application is submitted as a substantial amendment to the most recent annual action plan, the substantial amendment must include the CDBG-CV allocation as an available resource for the year. The amendment must include the proposed use of all funds and how the funds will be used to prevent, prepare for, and respond to coronavirus. To permit this expedited application process, in the April 9 memorandum HUD waived statutory provisions at 42 U.S.C. 12705(a)(2) to the extent they require updates to the housing and homeless needs assessment, (24 CFR 91.205 and 91.405), housing market analysis (24 CFR 91.210 and 91.410), and strategic plan (24 CFR 91.215 and 91.415). HUD also waived 24 CFR 91.220 (entitlements) and 91.320 (states), to the extent those regulations limit the action plan to a specific program year, to permit grantees to prepare substantial amendments to their most recent annual action plan (including their 2019 annual action plan).

In the April 9 memorandum, HUD also issued a waiver and alternative requirement to 24 CFR 91.505 to facilitate the use of the CDBG-CV funds to the extent necessary to require

submission of the substantial amendment to HUD for review in accordance with 24 CFR 91.500, and required that, to receive a CDBG-CV grant, a grantee must also submit a SF-424, SF-424D, and the certifications at 24 CFR 91.225(a) and (b) (entitlements) or 24 CFR 91.325(a) and (b) (states).

HUD is now adding to the waivers in the April 9 memorandum as follows. The abbreviated consolidated plan regulations for insular areas at 24 CFR 570.440(i) are waived to the extent necessary to impose the same alternative requirements in the April 9, 2020 waiver, so that if an insular area applies for CDBG-CV funds by submitting a substantial amendment to an abbreviated consolidated plan, the following requirements apply. The substantial amendment must include the CDBG-CV allocation as an available resource for the year. The amendment must include the proposed use of all funds and how the funds will be used to prevent, prepare for, and respond to coronavirus. The grantee must submit the substantial amendment to HUD for review in accordance with 24 CFR 91.500, and to receive a CDBG-CV grant, it must submit a SF-424, SF-424D and the certifications at 24 CFR 570.440(e).

If CDBG-CV funds are included in a substantial amendment to the most recently submitted annual action plan, existing cooperation agreements between a local government and an urban county governing other CDBG funds in the most recently submitted annual action plan (for purposes of either an urban county or a joint program) will automatically cover CDBG-CV funding as well. These cooperation agreements will continue to apply to the use of CDBG-CV funds for the duration of the CDBG-CV grant.

Applying through a new annual action plan submission. The action plan submission procedures in 24 CFR part 91 (including consultation and a public hearing) apply to grantees that choose to submit CDBG-CV applications by including CDBG-CV funds in a new annual action

plan submission. Content of action plans is described at 24 CFR 91.220 (entitlements), 91.320 (states), and 24 CFR 570.440 (insular areas).

Applying for additional CDBG-CV allocations. The waivers and alternative requirements in the April 9 memorandum apply to all allocations of CDBG-CV funds. HUD encourages grantees to apply for additional allocations of CDBG-CV funds as they are announced by submitting substantial amendments to their most recent annual action plan. Grantees are advised that an application for an additional allocation of CDBG-CV funds should be submitted as a substantial amendment to the annual action plan that describes the first CDBG-CV allocation.

An application submitted as a substantial amendment must include the CDBG-CV allocation as an available resource for the year and include the proposed use of all funds and how the funds will be used to prevent, prepare for, and respond to coronavirus.

HUD strongly encourages grantees to apply for allocations through substantial amendments as they are announced. However, grantees that have not submitted applications for CDBG-CV funds when additional allocations are announced may submit a single application for all allocations as a substantial amendment to the most recent annual action plan, or as part of a new annual action plan.

III.B.4.(b)(ii). Content of CDBG-CV application for States Acting Directly. The waiver and alternative requirement in paragraph III.B.6.(b)(i) permit states to carry out activities directly. Therefore, HUD is granting the following waiver and alternative requirement to amend 24 CFR 91.320(d) and 24 CFR 91.320(k)(1)(i) to the extent necessary to require a state to submit a description of a method of distribution and include a list of the use of all funds for activities it will carry out directly, and how the use of the funds will prevent, prepare for, and respond to coronavirus. A state that has already submitted its application for CDBG-CV funds may amend

its annual action plan that describes the use of CDBG-CV funds to modify its description of a method of distribution and include a list of the use of all funds for activities it will carry out directly, and how the use of the funds will prevent, prepare for, and respond to coronavirus.

III.B.4.(b)(iii). Deadline to Apply for Assistance. Under the CARES Act, the deadline is August 16, 2021, for grantees to submit their CDBG-CV action plan and the annual Action Plan for fiscal year 2019 and 2020 CDBG funds. This deadline supersedes the August 16, 2020 deadline established by 24 CFR 91.15 in accordance with section 116(b) of the HCD Act.

III.B.5. Allowable Costs, Eligible Activities and National Objectives

This section describes modifications to the CDBG program requirements that address allowability of costs that can be charged to CDBG-CV grants.

III.B.5.(a) Use of Funds for CARES Act Purposes

The grantee is required to use all CDBG-CV funds for CDBG-eligible activities that are carried out to prevent, prepare for, and respond to coronavirus. CDBG-CV grants cannot be used for any other purpose. This requirement is discussed more fully in section III.B.5.(f), which discusses eligible activities.

Additionally, HUD weighed the purpose of the CARES Act to prevent, prepare for, and respond to coronavirus with the intent of Congress expressed in section 101I of the HCD Act (42 U.S.C. 5301(c) that CDBG funds not be utilized to reduce substantially the amount of local financial support for community development activities below the level of such support prior to the availability of such assistance. Given the extreme and unexpected downturn in local and national economic conditions, local resources are strained. Jurisdictions must provide new and expanded support with fewer resources. Therefore, HUD has concluded that when CDBG

funding is used for purposes of the CARES Act, it is not considered to substantially replace the amount of local financial support previously provided to community development activities.

III.B.5.(b) Reimbursements

The CARES Act provides that CDBG-CV funds may be used to cover or reimburse allowable costs of activities to prevent, prepare for, and respond to coronavirus incurred by a state or locality regardless of the date on which such costs were incurred. This authority is broader than the authority to reimburse costs with other CDBG funds.

The term “locality” is not defined by the CARES Act, the HCD Act, or the CDBG program regulations. For purposes of CDBG-CV grants, a “locality” shall mean units of general local government, as defined in section 102 of the HCD Act.

The CARES Act also requires that all costs reimbursed with CDBG-CV funds be allowable costs, meaning they comply with all grant requirements. Therefore, HUD is adopting the following waivers and alternative requirements to 24 CFR 570.200(h) and 570.489(b) to facilitate the use of CDBG-CV funds to reimburse allowable costs by modifying current regulations that are inconsistent with CARES Act reimbursement authority and imposing safeguards to help ensure the allowability of all costs charged to the CDBG-CV grant:

Grantees shall not reimburse costs incurred before January 21, 2020, without written approval from HUD’s Office of Block Grant Assistance (OBGA), by emailing the contact person listed at the beginning of this notice. HUD is imposing a presumption that costs of activities undertaken before January 21, 2020, the date the CDC confirmed the first case of coronavirus in the United States in the State of Washington,¹ are highly unlikely to be eligible for reimbursement because they likely are not costs to prevent, prepare for, and respond to

¹See CDC Press Release at: <https://www.cdc.gov/media/releases/2020/p0121-novel-coronavirus-travel-case.html>

coronavirus. The need to pay for coronavirus-related costs incurred after this date far exceeds the amount of CDBG-CV funds available. HUD cautions that it will only consider granting written approval in extraordinary cases where the clear link to the purposes of the CARES Act is documented by substantial evidence provided to HUD by the grantee. Inquiries related to this requirement can be submitted to the contact identified above for this notice.

HUD is waiving the requirements of 570.200(h) and 570.489(b) to the extent necessary to authorize a grantee to permit reimbursement of pre-application costs of subrecipients, units of general local government, and itself, in addition to pre-agreement and pre-award costs. However, an environmental review must be performed and a release of funds must be obtained in accordance with 24 CFR part 58 prior to committing CDBG-CV funds to reimburse such costs. After the grantee signs a CDBG-CV agreement it may reimburse a unit of general local government or subrecipient for costs incurred before the unit of general local government or subrecipient applies to the grantee for assistance.

For grantees subject to the entitlement CDBG regulation at 24 CFR 570.200(h), the following waivers and alternative requirements apply: in lieu of the effective date described at 570.200(h), the grantee shall use the date in box 4 of form HUD-7082, Funding Approval/Agreement. HUD is waiving the requirement at 570.200(h)(1)(i) and (ii) that the activity for which costs are incurred must be included in a consolidated plan action plan or amended consolidated plan action plan before incurring the costs. Instead, the activity for which costs were incurred must be included in the grantee's CDBG-CV application before CDBG-CV funds are used to reimburse those costs. Or, if the use of CDBG-CV funds for reimbursements is not included in the CDBG-CV application, this use may be included in a subsequent amendment to the annual action plan that describes the use of the CDBG-CV funds (following the grantee's

citizen participation plan procedures for amendments). To facilitate the use of funds provided under a one-time grant rather than an annual appropriation, HUD is waiving the time limitation and the monetary limitation on reimbursements in 570.200(h)(1)(v) and (vi) and related provisions at 570.200(h)(2). HUD is not waiving the requirement at 570.200(h)(1)(iii) to comply with the environmental review procedures stated in 24 CFR Part 58.

All grantees may authorize subrecipients to incur pre-award costs in accordance with pre-agreement cost authority under 24 CFR 570.489(b) (states) and pre-award cost authority under 24 CFR 570.200(h) (entitlements), as modified above. Consistent with the waiver and alternative requirement in paragraph III.B.6.(b)(i) that authorizes states to act directly, the provisions of 24 CFR 570.489(b) are waived to the extent necessary to authorize a state to charge to the grant pre-agreement costs of its subrecipients in addition to the pre-agreement costs of units of general local government, in accordance with procedures established by the state and subject to the requirements that apply to pre-agreement costs of units of general local government in 24 CFR 570.489(b), and the requirements that apply to the use of CDBG-CV funds.

While provisions of 24 CFR 570.489(b) requiring compliance with 24 CFR Part 58 do not apply prior to an application for CDBG-CV funds, a unit of general local government or state must document compliance with the environmental review requirements at 24 CFR Part 58 following the application to the state or unit of general local government for funding and prior to reimbursement of pre-application costs, per 24 CFR 570.200(h)(1)(iii) and 24 CFR 570.489(b). If a grantee cannot meet all requirements at 24 CFR Part 58 and cannot demonstrate there was no environmental harm committed, the pre-application costs cannot be reimbursed with CDBG-CV or other HUD funds.

III.B.5.(c) Terms and Conditions Made Applicable by the CARES Act

The CARES Act subjects CDBG-CV funds to the authorities and conditions applicable to annual CDBG grants for fiscal year 2020. Therefore, the following requirements apply to CDBG-CV grants:

III.B.5.(c)(i). Limitations on Use of Funds for Eminent Domain. The grantee shall ensure that no CDBG-CV funds are used to support any Federal, state, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For the purposes of this requirement, public use shall not be construed to include economic development that primarily benefits private entities. Any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

III.B.5.(c)(ii). Prohibition on Certain Funds Transfers. The Grantee or unit of general local government that directly or indirectly receives CDBG-CV funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the HCD Act or permitted by waiver and alternative requirements that apply to the use of CDBG-CV funds.

III.B.5.(c)(iii). E.O. 12372-Special Contract Condition. Notwithstanding any other provision governing CDBG-CV funds, no funds may be obligated or expended for the planning or construction of water or sewer facilities until receipt of written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds for any new or revised activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.

III.B.5.(c)(iv). Mandatory Evaluation of Special Economic Development Activities. CDBG-CV funds may not be provided to a for-profit entity pursuant to section 105(a)(17) of the Act unless such activity or project has been evaluated and selected in accordance with Appendix A to 24 CFR 570 - "Guidelines and Objectives for Evaluating Project Costs and Financial Requirements." Given the likelihood that CDBG-CV funds will be used to assist businesses needing working capital financing for everyday operations, such as payroll costs, HUD intends to provide advice or technical assistance on the application of the guidelines and objectives set forth in Appendix A to such assistance. HUD will consider providing advice or technical assistance in recognition of the differences in underwriting assistance for the wide range of economic development projects permitted under section 105(a)(17) (as implemented at 24 CFR 570.203(b)).

III.B.5.(d) National Objectives

III.B.5.(d)(i) Use of Urgent Need National Objective. HUD has received questions regarding the records necessary to document that a grantee's activities to prevent, prepare for, and respond to coronavirus satisfy the urgent need national objective. To meet the urgent need national objective criteria at 24 CFR 570.208(c) (entitlements) and 570.483(d) (states), a grantee (or in the case of the State CDBG program, a unit of general local government or a state, if the state is carrying out activities directly as authorized by section III.B.6.(b)(i)) must certify that: (1) the activity is designed to alleviate existing conditions; (2) those existing conditions pose a serious and immediate threat to the health or welfare of the community and are of recent origin or recently became urgent; and (3) that the grantee, state, or unit of general local government is unable to finance the activity on its own, and that other sources of funds are not available. The State CDBG regulation at 24 CFR 570.483(d) requires the state's determination of these elements in addition to the unit of general local government's certification.

Entitlement grantees must maintain records required by 24 CFR 570.506(b)(12) to document: (1) the nature and degree of seriousness of the condition requiring assistance and the timing of its development; (2) evidence that the recipient certified that the CDBG activity was designed to address the urgent need; and (3) evidence confirming that other financial resources to alleviate the need were not available. The State CDBG recordkeeping requirements at 24 CFR 570.490 require states and state recipients to maintain records to demonstrate compliance with the urgent need criteria.

The following information provides guidance on how a grantee may satisfy existing recordkeeping requirements for the urgent need national objective criteria in addition to a

grantee's or unit of general local government's certification and a state's determination (or state's certification, if the state is acting directly):

Criteria 1: Is the activity designed to alleviate existing conditions? For CDBG-CV grants, the records the grantee maintains to demonstrate that the activity was designed to alleviate existing conditions can be the same records used to show that grant funds were used to prevent, prepare for, and respond to coronavirus, as required by the CARES Act.

Criteria 2: Does the condition pose a serious and immediate threat to the health or welfare of the community that is of recent origin or that recently became urgent? In light of the severity of coronavirus and the urgency of the nation in addressing its impacts, pursuant to 24 CFR 570.208(c) (entitlements) or 24 CFR 570.483(d) (states), a grantee may certify that the activity is designed to alleviate existing conditions which pose a serious and immediate threat to the health or welfare of the community within 18 months following a date determined by one of the following three methods:

- Referral to a U.S. Department of Health and Human Services issued press release declaring a public health emergency for the entire United States found at <https://www.hhs.gov/about/news/2020/01/31/secretary-azar-declares-public-health-emergency-us-2019-novel-coronavirus.html>. The declaration was retroactive to January 27, 2020;
- Referral to the President's declaration of the ongoing Coronavirus Disease 2019 (COVID-19) pandemic as an emergency 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”). (The President subsequently approved additional major disaster declarations for states); or

- Referral to the effective date of a grantee’s own local or state emergency declaration.

Criteria 3: Is the grantee or unit of general local government unable to finance the activity on its own, and are other sources of funds are not available to carry out the activity?

The extreme needs of local governments resulting from coronavirus in the United States outweigh available resources, despite the extraordinary level of assistance provided to states and units of general local government under the CARES Act. Therefore, documentation that the activity will prevent, prepare for, and respond to the coronavirus may be used to demonstrate that a grantee or unit of general local government is unable to finance the activity on its own.

All CDBG-CV grantees are required to establish and maintain adequate procedures to prevent any duplication of benefits for assisted activities (as discussed in section III.B.9. of this notice). To demonstrate that no financial assistance has been received or is available to pay costs charged to a CDBG-CV grant, a grantee may demonstrate that no other funds are available for an activity by maintaining records of compliance with mandatory duplication of benefits requirements described in section III.B.9.

All grantees are reminded to consider how the use of the urgent need national objective will affect their compliance with the CDBG “overall benefit” requirements discussed in paragraph III.B.5.(d)(iv).

III.B.5.(d)(ii) Modification of Location-Based Presumption of LMI Benefit for Job Creation and Retention National Objective Criteria. To facilitate the use of funds for economic development, HUD is removing the higher poverty rate required in some cases for central business districts, which is not required by statute. HUD is instituting an alternative

requirement to modify the regulations at 24 CFR 570.208(a)(4)(v) (entitlement) and 24 CFR 570.483(b)(4)(v) (state) by deleting the criteria at 24 CFR 570.208(a)(4)(v)(B) (entitlement) and 24 CFR 570.483(b)(4)(v)(B) (state). Under this alternative requirement, for purposes of the LMI job creation/retention national objective at 24 CFR 570.208(a)(4) and 24 CFR 570.483(b)(4), a census tract qualifies for the presumptions under the criteria established in regulations at 24 CFR 570.208(a)(4)(v) and 24 CFR 570.483(b)(4)(v) if the poverty rate is at least 20 percent and if it evidences pervasive poverty and general distress using the criteria described in 24 CFR 570.208(a)(4)(v)(C) (entitlement) and 24 CFR 570.483(b)(4)(v)(C) (states).

This alternative requirement eliminates a requirement that census tracts that contain at least a portion of a central business district must have a poverty rate of at least 30 percent before residents and businesses in the tract are entitled to a presumption of low- and moderate-income (LMI) benefit. HUD has determined that eliminating the 30 percent requirement for tracts that contain central business districts will standardize the required poverty rate to meet the presumption regardless of where the persons or the business is located, which facilitates the use of grant funds to assist desperate businesses. Central business districts are hubs that contain many coronavirus-affected businesses and facilitating assistance to businesses that seek to retain jobs is consistent with the purposes of the CARES Act. Standardizing the poverty rate for the LMI benefit presumption may help to avoid wholesale collapse of central business districts at a time when many businesses have closed or at risk of closing due to insufficient revenues.

III.B.5.(d)(iii) LMI Job Creation and Retention Records. HUD is establishing the following waiver and alternative requirement to facilitate and expedite assistance to coronavirus-affected businesses by streamlining national objective criteria and recordkeeping requirements for activities that benefit LMI persons by retaining or creating jobs. The normal job creation and

retention recordkeeping requirements consider family income when determining whether a beneficiary is a person of low or moderate income, but these requirements are likely to be burdensome during a time when unemployment has surged and family income is more difficult to document. Collection of income information directly from assisted businesses can streamline assistance. Therefore, notwithstanding that the definitions of low-income person and moderate-income person in 24 CFR 570.3 are based on family income, for purposes of meeting the national objective criteria for job creation or retention at 24 CFR 570.208(a)(4) and 24 CFR 570.483(b)(4), HUD is imposing the following waiver and alternative requirement: grantees and employers may consider individuals that apply for or hold jobs to be members of one-person families for activities that prevent, prepare for, and respond to coronavirus. HUD is also modifying related recordkeeping requirements at 24 CFR 570.506(b)(7) (entitlement) and the jointly agreed upon requirements referenced in 24 CFR 570.490 (state) by adding the following additional presumption: the recipient may substitute records showing the type of job and the annual wages or salary of the job in lieu of maintaining records showing the person's family size and income to demonstrate that the person who filled or held/retained the job was a low- or moderate-income person, when required by paragraph 24 CFR 570.506(b)(5)(i)(B), (b)(5)(ii)(C), (b)(6)(iii) or (b)(6)(v) (entitlement) or the requirements referenced in 24 CFR 570.490 (state). HUD will consider the person income-qualified if the annual wages or salary of the job is equal to or less than the Section 8 low-income limit established by HUD for a one-person family. Under this alternative requirement, a grantee will have substantially reduced documentation requirements because they will be working with assisted businesses rather than each person, and potentially their households, who received a job.

III.B.5.(d)(iv) Overall Benefit to LMI Persons. HUD is establishing an alternative requirement to modify the calculation of overall LMI benefit, so that compliance with the requirement is separated from the annual formula CDBG program calculation of overall benefit. Overall LMI benefit for CDBG-CV grants will be calculated based on the percentage of the CDBG-CV grant that benefits LMI persons. This alternative requirement is consistent with the idea that one-time, supplemental funding should not skew the calculation of overall benefit for use of annual formula CDBG grants and guaranteed loan funds. This modification expedites and facilitates the use of funds in part by enabling grantees to best plan which activities will benefit LMI persons.

Section 101I of the HCD Act (42 U.S.C. 5301(c)) establishes the primary objective of the HCD Act: the “development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.” CDBG-CV grants are subject to the requirement that 70 percent of funds are for activities that benefit LMI persons. The requirements at 42 U.S.C. 5301(c), 42 U.S.C. 5304(b)(3)(A), 24 CFR 570.200(a)(3) (entitlements and nonentitlement counties in Hawaii), 24 CFR 570.420(d)(2)-(3) (insular areas), and 24 CFR 570.484 (states) shall remain in place to the extent that they require the grantee to ensure that 70 percent of its CDBG-CV grant be expended for activities that benefit LMI persons. As an alternative requirement, however, HUD is requiring that grantees must demonstrate compliance with the overall benefit requirement separately for a grantee’s total CDBG-CV grant allocation and not in combination with annual formula CDBG funding or commitments under the Section 108 Loan Guarantee program.

Under this alternative requirement, there is no option for grantees to select the timeframe for compliance. HUD previously instructed grantees to submit certifications required by 24 CFR 91.225 (entitlements) or 24 CFR 91.325 (states). The regulations at 24 CFR 91.225(b)(4)(ii) and 24 CFR 91.325(b)(4)(ii) require grantees to certify that the aggregate use of CDBG funds will comply with the overall benefit requirement during a period specified by the jurisdiction, consisting of one, two, or three specific consecutive program years. Under this alternative requirement, grantees are not required to carry out the grant consistent with the mandatory overall benefit certification because HUD has changed the requirement related to overall benefit.

III.B.5.(e) Public Benefit

III.B.5.(e)(i) Elimination of Aggregate Public Benefit Test. HUD is waiving the standard for aggregate public benefit that applies to economic development activities described in 24 CFR 570.209(b)(1)-(2) (entitlement) and in 24 CFR 570.482(f)(2)-(3) (state). The public benefit standards were designed to require that economic development activities, in the aggregate, provide an appropriate amount of public benefit based on the amount of CDBG funds used. Given the clear benefit derived from addressing economic disruptions due to coronavirus, CDBG-CV grantees can adequately demonstrate public benefit based on the individual public benefit standards, as modified by waivers and alternative requirements in section III.B.5.(e)(ii).

Therefore, to facilitate and expedite the use of CDBG-CV funds for coronavirus-related economic development activities, HUD is waiving the aggregate public benefit standards at 24 CFR 570.209(b)(1)-(2) (entitlement) and 24 CFR 570.482(f)(2)-(3) (state). In granting this waiver, HUD notes that based on the growing number of urgent requests for economic development assistance, particularly from small business, grantees are likely to have difficulty

determining the appropriate amount of CDBG assistance, in the aggregate, for their current and next program years.

III.B.5.(e)(ii) Modification of Individual Public Benefit Standards. To facilitate the use of grant funds by providing greater leeway to grantees to identify the most advantageous means of providing economic development assistance, HUD is modifying the individual public benefit standards. HUD is imposing a waiver and alternative requirement to establish an alternative means by which grantees can demonstrate public benefit from the use of CDBG-CV funds for individual special economic development activities.

Certain economic development activities described in 24 CFR 570.209 (entitlement) and in 24 CFR 570.482(f)(1) (state) are subject to individual public benefit standards at 24 CFR 570.209(b)(3) (entitlement) and 24 CFR 570.482(f)(4) (state). Grantees must satisfy these public benefit standards to show that the amount of CDBG funds used for individual economic development activities is appropriate relative to the benefit to the public from those activities.

HUD is waiving the individual standards at 24 CFR 570.209(b)(3) and 24 CFR 570.482(f)(4) and imposing the following alternative requirement. For activities subject to the public benefit standards, grantees must document that: a) the activity will create or retain at least one full-time equivalent, permanent job per \$85,000 of CDBG funds used; b) the activity will provide goods or services to residents of an area such that the number of LMI persons residing in the area served by the assisted businesses amounts to at least one LMI person per \$1,700 of CDBG funds used; or c) the assistance was provided due to business disruption related to coronavirus (in which case, no monetary standard applies because HUD has determined that there is sufficient public benefit derived from the provision of assistance to stabilize or sustain businesses in the grantee's jurisdiction that suffer disruption due to coronavirus, and that

facilitation of business assistance for this purpose may help to avoid complete economic collapse within the grantee's jurisdiction). This alternative requirement does not modify the requirements related to eligible activities and national objectives criteria.

III.B.5.(f) Eligible Activities

Grantees may use CDBG-CV funds only for those activities carried out to prevent, prepare for, and respond to coronavirus. By law, use of funds for any other purpose is unallowable. To satisfy these purposes, grantees may assist activities that respond to direct effects, such as the need to rehabilitate a building to add isolation rooms for recovering coronavirus patients. A grantee may also undertake activities to address indirect effects of the virus, such as the economic and housing market disruptions caused by social distancing measures and stay at home orders implemented to prevent the spread of coronavirus.

Some activities clearly tie back to the purposes of the CARES Act, such as public services, economic development and microenterprise assistance, public facilities, and the rehabilitation of private buildings to provide housing. However, HUD is not prohibiting grantees from carrying out any particular CDBG eligible activity described in the HCD Act and the part 570 regulations, because other CDBG eligible activities, such as acquisition, can justifiably be used to fulfill the CARES Act purposes depending upon the circumstances.

To remain consistent with the structure of a block grant program and the flexibility of CDBG to provide multiple avenues to achieve the purposes of the CARES Act, HUD is implementing the limitation that funds be used for the coronavirus-related purposes of the CARES Act by requiring grantees to document the use of funds to prevent, prepare for, and respond to coronavirus, rather than by expressly prohibiting grantees from undertaking any of the eligible activities described in the HCD Act. HUD cautions grantees that the recordkeeping

requirements of this notice require clear documentation that all uses of funds satisfy the statutory purposes of the CARES Act.

The current needs to prevent, prepare for, and respond to coronavirus may require use of CDBG-CV funds for uncommon activities. HUD is preparing a series of technical assistance products that describe opportunities to quickly deploy CDBG-CV funds to address immediate needs. As this technical assistance is developed, it will be posted on the CDBG-CV page on the https://www.hud.gov/program_offices/comm_planning/cdbg_programs_covid-19.

When identifying eligible activities to be carried out with CDBG-CV funds, grantees can reduce the potential for duplication of benefits by designing activities that address needs not covered by other sources of financial assistance. More information on requirements to prevent the duplication of benefits is described in section III.B.9.

III.B.5.(f)(i) Extension of Emergency Payments. HUD is providing an alternative requirement to extend the period that grantees can make emergency grant payments on behalf of individuals and families. Normally, CDBG funds may not be used for income payments, which are not included among eligible activities in section 105(a) of the HCD Act for states, and which are expressly prohibited by 24 CFR 570.207(b)(4) in the Entitlement CDBG regulations. The phrase *income payments* means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage) or utilities, but excludes *emergency payments* made over a period of up to three consecutive months to the provider of such items or services on behalf of an individual or family.

Coronavirus has had a massive impact on families' ability to work for pay, make rent or mortgage payments, access or pay for food, clothing, and basic utilities, and access many other essential items and services. To help individuals and families address these challenges, HUD is

waiving section 105(a)(8) of the HCD Act and 24 CFR 570.207(b)(4) only to the extent necessary to establish the following alternative requirement: CDBG-CV funds may be used to provide emergency payments for individuals or families impacted by coronavirus for items such as food, clothing, housing (emergency rental assistance or mortgage assistance) or utilities for up to six consecutive months.

Emergency payments must be made to the provider of such items or services on behalf of an individual or family, and not directly to an individual or family in the form of income payments, debit cards, or similar direct income payments. CDBG-CV grantees must ensure that proper documentation is maintained to ensure that all costs incurred are eligible. Grantees using this alternative requirement must document, in their policies and procedures, how they will determine the amount of assistance to be provided is necessary and reasonable.

III.B.5.(f)(ii) Opportunity Zones and Related Flexibilities for Economic Development. To facilitate and expedite the use of grant funds for economic development during this time of extraordinary need, HUD is clarifying the existing requirements and adopting an alternative requirement that expands economic development activities that can be carried out with CDBG-CV funds. HUD is adopting this alternative requirement because the entitlement regulations at 24 CFR 570.203(b) describe some financing mechanisms for economic development, but do not provide an exhaustive list of the forms of support grantees can provide to private, for-profit businesses and to nonprofits for special economic development activities. Many economic development activities are carried out in conjunction with other forms of assistance and Federal tax-based programs that help provide additional sources of financing for economic development, particularly in LMI areas. HUD wants to facilitate the ability for grantees to use CDBG-CV funds to fill financing gaps that cannot be met by other sources and

quickly launch critical economic development projects, particularly in Opportunity Zones and other target areas, without taking the time to seek additional clarification from HUD on activity eligibility for individual projects.

First, this notice clarifies an existing requirement of economic development activities that grantees may carry out pursuant to 24 CFR 570.203(b) (entitlement) or section 105(a)(17) of the HCD Act (state). Grantees may provide assistance to an economic development project through a for-profit entity that passes the funds through a financing mechanism (e.g., Qualified Opportunity Funds and New Markets Tax Credit (NMTC) investment vehicles). The regulations at 24 CFR 570.203(b) already list forms of support by which grantees can provide assistance to private, for-profit businesses where the assistance is appropriate to carry out an economic development project. HUD has previously interpreted this provision to allow for CDBG assistance to NMTC investment vehicles. This clarification makes clear that such assistance through any financing mechanism (which is not limited to NMTC investment vehicles) is eligible under 24 CFR 570.203(b). The regulation also does not apply to states, but states may consider 24 CFR 570.203(b), as clarified by the following alternative requirement, as guidance in the same way that they may consider other Entitlement CDBG regulations.

HUD is not waiving 24 CFR 570.203(b) (entitlement) or section 105(a)(17) (state), and other statutory and regulatory requirements remain in place.

Second, this notice establishes an alternative requirement that expands the authority in section 105(a)(15) of the HCD Act and 24 CFR 570.204 to permit grantees subject to entitlement CDBG regulations to assist nonprofit organizations serving the development needs of their jurisdiction by carrying out community economic development projects through a financing mechanism. The nonprofit may pass assistance through a financing mechanism to another entity

based on the language in section 105(a)(15) of the HCD Act. Grantees subject to entitlement regulations must document that the assisted nonprofit is serving the development needs of the jurisdiction and that the assistance is used for a community economic development project that is necessary to prevent, prepare for, and respond to coronavirus.

III.B.5.(f)(iii) Public Services Cap. The CARES Act provides that notwithstanding section 105(a)(8) of the HCD Act (42 U.S.C. 5305(a)(8)), there shall be no per centum limitation for the use of funds for public services activities to prevent, prepare for, and respond to coronavirus. The CARES Act provides this flexibility for all CDBG-CV funds and CDBG funds appropriated in fiscal years 2019 and 2020 to the extent that grantees use these funds to carry out public service activities to prevent, prepare for, and respond to coronavirus.

Following enactment of the CARES Act, the public services cap described in section 105(a)(8) of the HCD Act and 24 CFR 570.201(e) has no effect on CDBG-CV grants. Program income generated by the use of CDBG-CV funds is given special treatment, as discussed in III.B.6.(a). Therefore, notwithstanding the provisions of section 105(a)(8) of the HCD Act, program income is not a consideration for purposes of determining the amount of CDBG-CV funds that can be expended on public services. The calculation of the public services cap for fiscal year 2020 and 2019 annual formula CDBG grants is discussed in section IV.B.4.(a).

III.B.5.(f)(iv) Other Public Services Considerations. HUD reminds grantees to comply with other requirements in section 105(a)(8) of the HCD Act, and for grantees subject to entitlement CDBG regulations, 24 CFR 570.201(e). Namely, CDBG-CV funds may only be used for those public service activities that are new or that represent a quantifiable increase above the level of an existing service that has been provided by or on behalf of the unit of general local government (through funds raised by the unit or received by the unit from the state

in which it is located) in the 12 calendar months before the submission of the action plan, unless the Secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government.

Additionally, grantees are reminded that the purchase of personal property and equipment is generally ineligible. However, the entitlement CDBG regulation at 24 CFR 570.207(b)(1) (which may be used as guidance by state grantees), allows grantees to purchase or to pay depreciation in accordance with 2 CFR part 200, subpart E, for personal property, fixtures, and equipment when necessary when such items constitute all or part of a public service. Examples of use of equipment that constitute all or part of a public service include equipment and supplies owned by the grantee or subrecipient that provides the public service, e.g., ventilators or other medical equipment and supplies that will be used in providing health care at a field clinic, or a vehicle outfitted with medical equipment to provide mobile health care.

III.B.5.(f)(v). Clarification on Application of Requirements in 2 CFR part 200. In response to the coronavirus pandemic, the Office of Management and Budget (OMB) released two memoranda that allow Federal agencies to grant exceptions to some requirements under 2 CFR part 200, the *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards*. HUD reminds grantees that the flexibilities in these memoranda do not automatically apply to grantees. HUD has not approved class exceptions to 2 CFR part 200 for CDBG-CV grants or CDBG grants, so the requirements in 2 CFR part 200 continue to apply.

The OMB memoranda were for limited purposes and were not intended to cover all grantees and activities. The March 9, 2020 memorandum, M-20-11, *Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel*

Coronavirus (COVID-19) (available at <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-11.pdf>), allows Federal agencies to grant class exceptions in instances where the agency has determined that the purpose of the Federal awards is to support the continued research and services necessary to carry out the emergency response related to COVID-19. The March 19, 2020 memorandum, M-20-17, *Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) due to Loss of Operations* (available at <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf>) allows HUD to make class exceptions for an expanded scope of recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis. OMB indicated that it would reassess the authority granted by these memoranda within 90 days.

III.B.6. Other Program Requirements

III.B.6.(a) Program Income

To expedite use of grant funds, HUD is clarifying the requirements for CDBG-CV grants on the treatment of program income at 24 CFR 570.504 (entitlement) and 24 CFR 570.489(e)-(f) (state) that is generated by the use of CDBG-CV funds. The receipt and expenditure of program income that is generated by the use of CDBG-CV funds shall be treated as annual formula CDBG program income and recorded as part of the financial transactions of the annual formula CDBG grant program. This clarification will facilitate expenditures of CDBG-CV grant funds for their intended purpose, while continuing to maintain appropriate controls on the use of program income.

III.B.6(a)(i) Use of program income before annual formula CDBG grant funds.

Any program income generated from the use of CDBG-CV funds will be received in HUD's

Integrated Disbursement and Information System (IDIS) as program income to the annual formula CDBG grant program.

III.B.6(a)(ii) Inapplicability of float-funded activities. Based on the treatment of income generated from the use of CDBG-CV funds as annual formula CDBG program income, HUD is waiving 24 CFR 570.301(b) and section 104(h) of the HCD Act for CDBG-CV grants. HUD is imposing the following alternative requirement: grantees shall not use CDBG-CV funds for float-funded activities or guarantees.

III.B.6(a)(iii) Retention of program income by subrecipients. A grantee may permit subrecipients (including units of general local government receiving funds from a state) to retain program income from the use of CDBG-CV funds under this paragraph if the amount held does not exceed the subrecipient's projected cash needs for CDBG activities including activities to prevent, prepare for, and respond to coronavirus.

III.B.6.(b) Rules Applicable to State CDBG-CV Grants

The paragraphs in this section apply only to State CDBG-CV grantees.

III.B.6.(b)(i) Direct Action by States. The waivers and alternative requirements in this section and in sections III.B.6.(b)(ii)-(iv) permit a state grantee to use a portion of its funds to act directly to carry out activities through employees, contractors, and subrecipients in all geographic areas within its jurisdiction, including entitlement areas and tribal populations. HUD is issuing the waivers and alternative requirements in this section based in part on information in requests from states and in part to implement provisions of the CARES Act that permit grant funds allocated to states to be used in entitlement areas.

HUD has determined that this waiver and alternative requirement will facilitate and expedite the use of CDBG-CV funds by supporting states in their roles as significant

coordinators of statewide and regional activities to prevent, prepare for, and respond to coronavirus. Additionally, these waivers and alternative requirements are designed to reduce administrative costs and streamline the delivery of assistance by maintaining a single set of grant requirements for all CDBG-CV allocations.

These waivers and alternative requirements are only available to a state if it complies with the following alternative requirements in this paragraph and in III.B.6.(b)(ii)-(iv):

Nonentitlement set aside: A state must set aside a portion of its grant for use by nonentitlement units of general local government. The nonentitlement set aside must be no less than an amount equal to the state's first CDBG-CV allocation and may be from any portion of the state's additional CDBG-CV allocation. This limitation is imposed for consistency with the CDBG-CV formulas, which include a direct allocation to entitlement areas and to states on behalf of nonentitlement areas to prevent, prepare for, and respond to coronavirus. The nonentitlement set aside fulfills the intent reflected by the formula to address needs in urban and rural areas, while giving states the flexibility to determine how to expend each allocation as it is made based on needs within its jurisdiction.

Inclusion in CDBG-CV Application: A state's proposal to act directly and to distribute or use CDBG-CV funds in entitlement areas must be published for public comment in its application for CDBG-CV funds or in a subsequent substantial amendment to the annual action plan that includes the CDBG-CV funds.

Activities carried out in tribal areas: A state grantee may carry out activities in tribal areas. States carrying out projects in tribal areas through employees, contractors, or subrecipients must obtain the consent of the Indian tribe with jurisdiction over the tribal area.

Other conforming changes: Requirements at section 106(d) of the HCD Act (42 U.S.C. 5306(d)) and 24 CFR 570.480(g) are waived to the extent necessary to allow a state to use its CDBG-CV funds for eligible activities that the state carries out directly. The standard at 24 CFR 570.480(c) and the provisions at section 104I(2) of the HCD Act (42 U.S.C. 5304(e)(2)) are modified to also include activities that the state carries out directly. Section 106(d) of the HCD Act is not otherwise waived, except as provided in this notice.

A state may carry out eligible activities directly, consistent with the entitlement program requirement of 24 CFR 570.200(f), through its employees, through procurement contracts, or through assistance provided under agreements with subrecipients. Pursuant to section 102(c) of the HCD Act, one or more public agencies may be designated by the chief executive officer of a state to undertake activities assisted under this chapter. A state is responsible for ensuring that CDBG-CV funds are used in accordance with all program requirements. The use of interagency agreements, subrecipient agreements (including agreements with Indian tribes and designated public agencies, as described in section III.B.6.(b)(ii)) or contracts does not relieve the state of this responsibility. States are responsible for determining the adequacy of performance under subrecipient agreements and procured contracts, and for taking appropriate action when performance problems arise. State grantees continue to be responsible for civil rights, labor standards, and environmental protection requirements, for compliance with all applicable requirements, including conflict of interest provisions in 24 CFR 570.489(g) and (h).

The national objective criteria in 24 CFR 570.483 are modified by the following alternative requirement when states carry out activities directly: the state must fulfill all requirements that 570.483 imposes on units of general local government to demonstrate compliance with national objective criteria.

The recordkeeping requirements at 24 CFR 570.490(b) are waived when states carry out activities directly, and the following alternative requirement shall apply: the state shall establish and maintain such records as may be necessary to facilitate review and audit by HUD of the state's administration of CDBG-CV funds, under 24 CFR 570.493. Consistent with applicable statutes, regulations, waivers and alternative requirements, and other Federal requirements, the content of records maintained by the state shall be sufficient to: (1) enable HUD to make the applicable determinations described at 24 CFR 570.493; (2) make compliance determinations for activities carried out directly; and (3) show how activities funded are consistent with the descriptions of activities proposed for funding in the CDBG-CV application. For fair housing and equal opportunity (FHEO) purposes, as applicable, such records shall include data on the race, ethnicity, and sex of persons who are applicants for, participants in, or beneficiaries of the activity.

The change of use of real property rule at 24 CFR 570.489(j) is modified to include instances when a state carries out activities directly. All references to "unit of general local government" shall be read as "state, unit of general local government (UGLG) or state subrecipient."

To include instances when a state carries out activities directly, 24 CFR 570.492 is waived and the following alternative requirement applies: the state shall make reviews and audits, including on-site reviews of any subrecipients and local governments, as may be necessary or appropriate to meet the requirements of section 104(e)(2) of the HCD Act, as amended. In the case of noncompliance with these requirements, the state shall take such actions as may be appropriate to prevent a continuance of the deficiency, mitigate any adverse effects or

consequences, and prevent a recurrence. The state shall establish remedies for noncompliance by any subrecipients or local governments.

To include instances when a state carries out activities directly in accordance with the waiver in this paragraph, 24 CFR 570.489(g) is modified to revise the requirement that “[t]he state shall establish requirements for procurement policies and procedures for units of general local government” so that it applies to “units of general local government and subrecipients.” To facilitate grant administration by adopting state-wide procurement policies, a state agency designated to oversee the use of all its CDBG-CV funds pursuant to section 102(c) of the HCD Act may impose its procurement requirements on all uses of CDBG-CV funds by the state, including by other state agencies that administer a portion of the CDBG-CV grants, so long as those requirements comply with 24 CFR 570.489(g).

III.B.6.(b)(ii) Use of Subrecipients by States (Including Nonprofits and Tribes).

HUD is adopting the following alternative requirement that shall apply when states carry out activities directly: states carrying out activities through subrecipients must comply with 24 CFR 570.489(m) relating to monitoring and management of subrecipients. The definition of subrecipient at 24 CFR 570.500(c) applies when states carry out activities through subrecipients, and the requirements of 24 CFR 570.489(g) (as modified by section III.B.6.(b)(i)) shall apply.

For purposes of this alternative requirement, the definition of subrecipients at 24 CFR 570.500(c) is modified to expressly include Indian tribes. Indian tribes that receive CDBG-CV funding from a state grantee must comply with the Indian Civil Rights Act (Title II of the Civil Rights Act of 1968, 25 U.S.C. 1301 et seq.). This conforming requirement is necessary because the state CDBG regulations do not anticipate states distributing funds through means other than a method of distribution to units of general local government.

III.B.6.(b)(iii) Activities Carried Out by States in Entitlement Areas. The provisions of 24 CFR 570.486(c) are waived to the extent that they allow States, either directly or through units of general local government, to use CDBG-CV funding for activities located in entitlement areas without contribution from the entitlement jurisdiction, consistent with the waiver and alternative requirements in sections III.B.6.(b)(i) and (ii). HUD is granting this waiver to facilitate and expedite the use of grant funds for consistency and ease of administration by granting the same geographic flexibilities to all allocations of CDBG-CV funds, since they will be administered under a single grant.

III.B.6.(b)(iv) Use of the “upper quartile” or “exception criteria” for LMI area benefit activities. Section 105(c)(2)(A) of the HCD Act authorizes HUD to permit an exception to the LMI area benefit national objective criteria that are normally satisfied when at least 51 percent of the population of an area are persons of low and moderate income. HUD is clarifying how this “exception criteria” applies when State CDBG-CV grantees carry out activities in entitlement jurisdictions as authorized by section III.B.6.(b)(iii). If the area in which the activity is carried out would benefit from the “exception criteria” that permit a grantee to use a percentage less than 51 percent to qualify activities under the LMI area benefit criteria, those exception criteria apply to the use of CDBG-CV funds by a state the same way that they apply to the use of CDBG funds by the entitlement grantee in the same area. CDBG-CV grantees are required to use the most recent data available in implementing the exception criteria. For more information on the data set, please visit <https://www.hudexchange.info/programs/acs-low-mod-summary-data/acs-low-mod-summary-data-exception-grantees/>.

III.B.6.(b)(v) Elimination of State Administrative Match. To expedite the use of CDBG-CV funds, HUD is waiving the requirement for matching state administrative funds,

subject to the requirements of section III.B.6.(b)(vi) below. Requiring states to match administrative funds may considerably slow down the expenditure of CDBG-CV funds in states struggling to accurately project and adjust their budgets given the challenges caused by coronavirus. The requirements at 42 U.S.C. 5306(d)(3)(A) and 24 CFR 570.489(a) are waived to the extent necessary to eliminate the state match requirement for general administrative costs.

III.B.6.(b)(vi) Cap on State Administrative Costs and Technical Assistance.

Pursuant to 24 CFR 570.489(a)(3)(iii), a state and its funded units of general local government and subrecipients are, in aggregate, permitted to expend no more than 20 percent of the CDBG-CV grant for planning, management, and administrative costs. Under 42 U.S.C. 5306(d)(5) and (6) and 24 CFR 570.489(a)(1) a state may not directly use more than \$100,000 plus 3 percent of its annual grant for administrative and technical assistance costs combined. HUD is waiving 42 U.S.C. 5306(d)(5) and (6) and 24 CFR 570.489(a)(1) and establishing an alternative requirement that a state may use up to 7 percent of its CDBG-CV grant combined for general administration and technical assistance costs; of that 7 percent, a state may use up to 5 percent of CDBG-CV funds for general administration costs and up to 2 percent of the grant for technical assistance activities. The remainder of the amount may be used by units of general local government for administrative and technical assistance costs, provided that a state and its funded units of general local government and subrecipients expend no more than 20 percent of the CDBG-CV grant for planning, management, and administrative costs. A grantee must meet this alternative requirement over the life of its grant, as amended to incorporate additional allocations of CDBG-CV funds.

CDBG-CV grant funds shall not be used to pay planning and program administrative costs allocable to another grant under the CDBG annual formula program; however, CDBG-CV

funds may be used to pay costs that benefit both the CDBG-CV grant and another CDBG award and can be distributed between the grants in proportions that may be reasonably approximated.

III.B.6.(b)(vii) Procurement. Except as described in section III.B.6. to accommodate states acting directly, this notice does not modify procurement requirements at 24 CFR 570.489(g) for state grantees. As discussed above, the local procurement policies and procedures that apply to the use of annual formula CDBG grant funds may not be nimble enough to accommodate this urgent need to quickly procure goods and services necessary to carry out eligible activities. HUD recommends that CDBG-CV grantees review their existing procurement policies to explore the potential use of state or local waiver authority and emergency procedures that may expedite procurement processes.

Additionally, if the grantee plans to use CDBG-CV grants to carry out eligible activities that satisfy non-Federal cost share requirements under section 105(a)(9) of the HCD Act, the grantee should consider modifying procurement policies to authorize grantees to use procurement policies and procedures of the agencies paying the Federal cost share of the activity, to the extent that those policies and procedures are consistent with the procurement requirements on the use of CDBG-CV funds. Modifying procurement policies to allow the use of procurement requirements imposed by other Federal grants is easier for state grantees, but entitlement grantees that anticipate use of a substantial amount of CDBG-CV funds to satisfy non-Federal cost share may also be able to adopt a similar provision where the other Federal granting agency imposes the procurement requirements in 2 CFR part 200.

III.B.6.(c) Rules for Entitlements, Insular Areas, and Nonentitlement Hawaii Counties

III.B.6.(c)(i). Administrative and Planning Cost Caps. To expedite the use of grant funds, HUD is waiving requirements of 24 CFR 570.200(g) that are inconsistent with the

treatment of program income in section III.B.6.(a) and the treatment of CDBG-CV funds as a standalone grant. The following alternative requirement applies to grants subject to subpart D (entitlement grants and grants to the nonentitlement counties of the State of Hawaii): no more than 20 percent of the total CDBG-CV grant shall be expended for planning and program administrative costs, as defined in 24 CFR 570.205 and 24 CFR 570.206, respectively. There is no program year obligation test for planning and administrative costs of CDBG-CV grants. Additionally, CDBG-CV funds shall not be included in the compliance determination of the program year obligation test applicable to annual formula CDBG funds. Additionally, program income, regardless of the source funding of the activity that generated the income, shall be included in the compliance determination of the administrative and planning cost cap applicable to annual formula CDBG grants and program income, separately from CDBG-CV funds.

CDBG-CV grant funds shall not be used to pay planning and program administrative costs allocable to another grant under the CDBG annual formula program; however, CDBG-CV funds may be used to pay costs that benefit both the CDBG-CV grant and another CDBG award and can be distributed between the grants in proportions that may be reasonably approximated.

III.B.6.(d) Compliance with Environmental Review Requirements

III.B.6.(d)(i). Overview of Environmental Review Requirements. Environmental regulations at 24 CFR 58.22 prohibit CDBG grantees, a recipient, and any other participant in the development process from committing HUD or non-HUD funds to a project until the environmental compliance review process has been successfully completed or until receipt of the Authority to Use Grant Funds, if applicable. In addition, neither a recipient nor any participant in the development process may commit non-HUD funds on or undertake an activity or project if the activity or project would have an adverse environmental impact or limit the choice of reasonable

alternatives. Therefore, it is very important for grantees to begin and complete any required environmental compliance review as soon as possible. Grantees are urged to contact their Field Environmental Officer for more information about environmental review requirements.

III.B.6.(d)(ii) Clarifying note on the process for environmental release of funds when a State carries out activities directly. Usually, a state distributes CDBG funds to local governments and takes on HUD's role in receiving environmental certifications from the grant recipients and approving releases of funds. Under the waiver and alternative requirement in paragraph III.B.6.(b), HUD will allow a State CDBG-CV grantee to carry out activities directly in addition to distributing funds to subrecipients. Thus, per 24 CFR 58.4, when a state carries out activities directly, the state must submit the Certification and Request for Release of Funds to HUD for approval.

III.B.6.(d)(iii) Clarifying note on emergency environmental review procedures. HUD's environmental review regulations in 24 CFR part 58 include two provisions that may be relevant to environmental review procedures for activities to prevent, prepare for, and respond to coronavirus. The first is 24 CFR 58.34(a)(10), which provides an exemption for certain activities undertaken in response to a national or locally declared public health emergency. Except for the applicable requirements of 24 CFR 58.6, a responsible entity does not have to comply with the requirements of part 58 or undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities cited in 24 CFR 58.5 for exempt activities or projects consisting solely of exempt activities. Exempt activities include assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from imminent threats to public safety.

The second is a streamlined public notice and comment period in the regulation at 24 CFR 58.33, which may apply in some cases for emergency activities undertaken to prevent, prepare for, and respond to coronavirus. The application of these two provisions following a presidentially-declared or locally-declared public health emergency is discussed in the Notice, *Guidance on conducting environmental review pursuant to 24 Part 58 for activities undertaken in response to the public health emergency as a result of COVID-19* (CPD-20-07) posted at <https://www.hud.gov/sites/dfiles/OCHCO/documents/2020-07cpdn.pdf>.

III.B.6.(e) Compliance with Labor Laws

CDBG-CV grants are subject to the Davis-Bacon prevailing wage requirements imposed by section 110(a) of the HCD Act. HUD cannot waive this or other labor laws. Under regulations of the Department of Labor (DOL) at 29 CFR 1.6(g), where Federal assistance is not approved prior to contract award (or the beginning of construction if there is no contract award), Davis-Bacon wage rates apply retroactively to the beginning of construction and must be incorporated retroactively in the contract specifications. However, if there is no evidence that the owner intended to apply for the CDBG-CV assistance prior to the contract award or the start of the construction, HUD may request that DOL allow prospective, rather than retroactive, application of the Davis-Bacon wage rates. DOL may allow prospective application of Davis-Bacon requirements where it finds that it is necessary and proper in the public interest to prevent injustice or undue hardship and it finds no intent to apply for the federal assistance before contract award or the start of construction. The CDBG-CV Grantee should contact a HUD Labor Relations Specialist if such a situation arises.

III.B.6.(f) Relationship to Section 108 Loan Guarantees

Under the Section 108 Loan Guarantee Program, CDBG grantees can borrow up to five times their most recent CDBG grant by issuing federally guaranteed notes. To ensure that CDBG-CV funds are used for the purposes authorized by the CARES Act, HUD is issuing the following alternative requirement to sections 108(b) and (c) of the HCD Act (42 U.S.C. 5308(c)): CDBG-CV funds shall not be factored into a grantee's Section 108 borrowing authority.

A grantee may use CDBG-CV funds to make a direct payment of principal, interest, or any fees due under a Section 108 note only if the use of funds is to prevent, prepare for, and respond to coronavirus. The necessity of such use shall be documented by the grantee or the subrecipient that provided the assistance (e.g., if Section 108 funds were used by the grantee to provide assistance to a for-profit business in the form of a loan and the business is unable to make a payment due to the reduction in revenue caused by coronavirus, any restructuring of that loan must be supported by modification to loan documents that document the relationship to coronavirus). When CDBG-CV funds are used to subsidize or replace principal, interest, or fees due under a loan previously made with guaranteed loan funds as part of an activity to assist a for-profit or a subrecipient, and the CDBG-CV assistance is necessary to respond to the impact of coronavirus (e.g., a third-party business borrower whose loan is the intended source for repayment of a Section 108 loan is not collecting sufficient revenue due to local public health conditions), the documentation that the original assisted activity satisfies national objective criteria shall be sufficient to demonstrate that the use of the guaranteed loan funds and the additional CDBG-CV assistance meet a CDBG national objective.

This alternative requirement does not limit the Secretary's authority under section 108I of the HCD Act.

III.B.7. Period of Performance, Timeliness, and Closeout

III.B.7.(a) Period of Performance

CDBG-CV grantees must expend all CDBG-CV funds (including CDBG-CV funds from additional allocations that are obligated by HUD through amendments to the grant agreement) within the 6-year period of performance established by the CDBG-CV grant agreement. HUD is imposing this period of performance to ensure the use of CDBG-CV funds to prevent, prepare for, and respond to coronavirus. The CDBG regulations at 24 CFR 570.200(k) and 24 CFR 570.480(h) permit HUD to establish a period for expenditure and performance in a grant agreement that is shorter than the normal 8-year period. HUD is exercising its authority to establish a 6-year period of performance and expenditure deadline in the CDBG-CV grant agreement. Grant funds are not available for expenditure after the period of performance. In addition, to further ensure the expedited use of the funds, HUD is imposing an alternative requirement that each grantee must expend at least 80 percent of all CDBG-CV funds (including CDBG-CV funds from additional allocations that are obligated by HUD through amendments to the grant agreement) no later than the end of the third year of the period of performance established by the CDBG-CV grant agreement. If this three-year requirement is not met, and evidence meeting the criteria for extension described in section III.B.7.(c) below is not provided, an amount equivalent to the difference between the total amount expended at the end of the third year and 80 percent of all CDBG-CV funds will be recaptured from the CDBG-CV grant.

III.B.7.(b) Timeliness

CDBG-CV grants are available for limited purposes under the CARES Act. They are subject to a shortened period of performance. Under section III.B.6.(a), program income generated by the use of CDBG-CV funds is treated as program income to a grantee's annual formula CDBG program. For these reasons, HUD is waiving to the extent necessary to allow HUD to determine that every grantee has circumstances beyond its reasonable control the timely performance enforcement actions found at 24 CFR 570.902 (entitlement timely expenditure), and 24 CFR 570.494 (state timely distribution). CDBG-CV funds will not be included in determining compliance with the requirements of 24 CFR 570.902 and 570.494. However, as program income to the grantees' annual formula CDBG programs, income generated from CDBG-CV activities will be included in timely expenditure compliance determinations for each entitlement grantee's annual formula CDBG program. Grantees should consider the potential effects of additional program income to compliance with timeliness requirements applicable to their annual formula CDBG grant program when they select and design CDBG-CV assisted activities.

III.B.7.(c) Closeout

To facilitate the use of grant funds in a timely manner, HUD is waiving the CDBG closeout regulations at 24 CFR 570.509 for grantees subject to entitlement regulations and imposing an alternative requirement that HUD will close out grants in accordance with grant closeout requirements of 2 CFR 200.343. This approach is consistent with the state regulation at 24 CFR 570.489(o). This will help all grantees to expend grant funds within a short timeframe designed to maximize the ability of CDBG-CV funds to prevent, prepare for, and respond to

coronavirus. Grantees subject to this alternative requirement must submit all financial, performance, and other reports as required by 24 CFR 91.520.

In general, HUD expects all grantees to comply with all grant requirements and fully close out a grant at the end of the period of performance. However, HUD recognizes that there are many things that could disrupt a grantee's intended timeline for activity completion: litigation, disasters, limited construction seasons due to weather, or other extenuating circumstances. Therefore, HUD may authorize an extension of the three-year expenditure requirement or the overall period of performance if the grantee provides evidence of such extenuating circumstances that would warrant the extension and that they could demonstrate they would meet all program requirements within the extended expenditure period or period of performance.

HUD may consider, in closing out CDBG-CV grants, any requirements that remain applicable after closeout. These may include authority for HUD to monitor the recipient's compliance and performance after the closeout of the award with respect to requirements that are applicable after closeout, and HUD may take findings of noncompliance into account, with the closeout process, as unsatisfactory performance of the recipient, in the consideration of any future grant made under title I of the HCD Act. Examples of requirements that may survive closeout include: (i) closeout costs (e.g., audit costs) and costs resulting from contingent liabilities described in the closeout agreement; (ii) use of real property assisted with CDBG funds in accordance with program regulations; (iii) taking measures that are adequate to enforce and implement mandatory flood insurance coverage requirements; and (iv) other provisions included in the grant closeout agreement.

III.B.8. Reporting

The reporting requirements that apply to the use of annual formula CDBG grants also apply to CDBG-CV grants. Section 104(e) of the HCD Act requires that the Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether the grantee has carried out its activities in a timely manner, whether the grantee's activities and certifications are carried out in accordance with the requirements and the primary objectives of the HCD Act and other applicable laws, and whether the grantee has the continuing capacity to carry out those activities in a timely manner.

III.B.8.(a) General Reporting Requirements

Reporting requirements for CDBG-CV grantees can be found at 42 U.S.C. 12708(a), 24 CFR 91.520, 24 CFR 570.507 (entitlement), 24 CFR 570.440(j) (insular areas), and 24 CFR 570.491 (state).

III.B.8.(b) Additional CARES Act Reporting

Section 15011 of the CARES Act requires that recipients of \$150,000 or more of CARES Act funding submit, not later than 10 days after the end of each calendar quarter, a report containing: information regarding the amount of funds received; the amount of funds obligated or expended for each project or activity; a detailed list of all such projects or activities, including a description of the project or activity; and detailed information on any subcontracts or subgrants awarded by the recipient. As outlined in OMB memorandum M-20-21, *Implementation Guidance for Supplement Funding in Response to the Coronavirus Disease (COVID-19)* (available at <https://www.whitehouse.gov/wp-content/uploads/2020/04/Implementation-Guidance-for-Supplemental-Funding-Provided-in-Response.pdf>), existing reporting requirements are anticipated to meet the requirements of Section 15011, but the content and

format for this reporting is still under development and will need to be reviewed against current program practices. The Department will work in coordination with OMB to ensure that this requirement can be fulfilled by recipients of CARES Act funding in a manner that utilizes to the greatest extent possible existing reporting streams, providing the necessary transparency and accountability with minimal additional burden. If additional reporting is necessary, further advice or technical assistance will be provided by the Department.

III.B.9. Duplication of Benefits

The CARES Act requires HUD to ensure that there are adequate procedures in place to prevent any duplication of benefits as required by section 312 of the Stafford Act, as amended by section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115-254; 42 U.S.C. 5121 et seq.).

Duplication of benefits occurs when Federal financial assistance is provided to a person or entity through a program to address losses resulting from a Federally-declared emergency or disaster, and the person or entity has received (or would receive, by acting reasonably to obtain available assistance) financial assistance for the same costs from any other source (including insurance), and the total amount received exceeds the total need for those costs.

A grantee is required to develop and maintain adequate procedures to prevent a duplication of benefits that address (individually or collectively) each activity or program. A grantee's policies and procedures are not adequate unless they include, at a minimum: (1) a requirement that any person or entity receiving CDBG-CV assistance (including subrecipients and direct beneficiaries) must agree to repay assistance that is determined to be duplicative; and (2) a method of assessing whether the use of CDBG-CV funds will duplicate financial assistance

that is already received or is likely to be received by acting reasonably to evaluate need and the resources available to meet that need.

Most CARES Act assistance programs have more limited durations for availability of assistance or a more limited scope of eligible activities or entities than does CDBG-CV. HUD strongly encourages each CDBG-CV grantee to become familiar with the range of available assistance and uses and apply its more flexible CDBG-CV assistance to unmet needs or to gaps, with special attention to the coronavirus response, prevention, or preparation needs of LMI persons.

HUD will provide advice and technical assistance to grantees to facilitate compliance with this requirement.

III.B.10 Citizenship Requirements

Please note that the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services provides that the Immigration Reform and Control Act, 8 U.S.C. 1324a et seq. prohibits employers from hiring and employing an individual for employment in the U.S. knowing that the individual is not authorized with respect to such employment. This generally applicable law also applies to CDBG grantees and their subrecipients and/or contractors/subcontractors (including relating to employees recruited under Section 3). For more information, please see <https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/10-why-employers-must-verify-employment-authorization-and-identity-of-new-employees> and <https://www.uscis.gov/i-9-central/legal-requirements-and-enforcement>.

IV. Fiscal Year 2019 and Fiscal Year 2020 CDBG Grants

IV.A. General Requirements

Except as described in this notice or other applicable waivers and alternative requirements, the statutory and regulatory provisions governing the CDBG program apply to fiscal year 2019 and 2020 CDBG grants, including regulations at 24 CFR part 570 subpart I (states), 24 CFR part 570 subparts A, C, D, E, J, K, and O (entitlements), and 24 CFR subpart F (insular areas and Hawaii counties).

IV.B. Flexibilities, Waivers, and Alternative Requirements

The following rules, waivers, and alternative requirements apply to fiscal year 2019 and 2020 CDBG grants. These include statutory authorities included in the CARES Act and other waivers and alternative requirements or clarifications that HUD is making for fiscal year 2019 and 2020 grants.

IV.B.1. Timeliness

Because of the coronavirus many local governments are operating under extenuating circumstances and may need additional time for certain administrative requirements, HUD is suspending for fiscal year 2020 all corrective actions, sanctions, and informal consultations for timeliness effective January 21, 2020. Grantees are advised that this suspension does not eliminate the timely expenditure requirements set forth in 24 CFR 570.902 (entitlements). HUD will continue to run expenditure reports and will continue to notify grantees of deficiencies.

Based on government restrictions, closures, shelter-in-place orders, and social distancing guidance related to coronavirus, HUD has determined that all entitlement grantees have factors beyond their reasonable control that, to HUD's satisfaction, impact the carrying out of CDBG-assisted activities in a timely manner. As a result, HUD has determined that corrective actions related to timeliness are not appropriate at this time. HUD will monitor changing conditions. Before the end of the fiscal year, HUD will determine whether to extend this suspension for all

or a portion of fiscal year 2021. HUD may consider regional and local conditions when determining when to begin scheduling informal consultations.

IV.B.2. Consolidated Plan, Citizen Participation, and CAPER

IV.B.2.(a) Expedited Citizen Participation and Virtual Hearings.

Section III.B.4.(a) of section III apply to all fiscal year 2019 and 2020 annual formula CDBG grants, regardless of the use of funds. This section describes the program flexibilities provided by the CARES Act related to Expedited Citizen Participation and Virtual Hearings. Where this section refers to CDBG-CV funds, it shall apply equally to fiscal years 2019 and 2020 CDBG grants.

IV.B.2.(b) Deadline to Submit Consolidated Plans and FY 2020 Annual Action Plans.

The deadline for grantees to submit action plans and other updates to their consolidated plans submissions for fiscal years 2019 and 2020 to include CDBG-CV funds is August 16, 2021.

IV.B.2.(c) CAPER Extension.

On May 7, 2020, Acting Assistant Secretary John Gibbs issued a memorandum to all Community Planning and Development Field Office Directors, Deputy Directors and Program Managers with the subject “Availability of a Waiver and Alternate Requirement for the Consolidated Annual Performance and Evaluation Report (Performance Report) for Community Planning and Development (CPD) Grant Programs in Response to the Spread of Coronavirus.” This memorandum authorized a waiver of the regulatory requirement at 24 CFR 91.520(a) that grantees submit a performance report known as the Consolidated Annual Performance and Evaluation Report (CAPER) within 90 days of the end of a jurisdiction’s program year. The waiver was granted under HUD’s regulatory waiver authority at 24 CFR 5.110 and 24 CFR

91.600. Under this memorandum, for program year 2019 CAPERs, the requirement that grantees submit a performance report within 90 days after the close of a jurisdiction's program year is waived, subject to the condition that within 180 days after the close of a jurisdiction's program year the jurisdiction shall submit its performance report.

IV.B.2.(d) Other Consolidated Planning Waivers

HUD is temporarily waiving the requirement for consistency with the consolidated plan (requirements at 42 U.S.C. 12706 and 24 CFR 91.325(a)(5) and 91.225(a)(5)) when fiscal year 2019 and 2020 CDBG funds are used to prevent, prepare for, and respond to coronavirus, because grantees may not have considered the needs associated with this special purpose funding when developing their current consolidated plan strategic plan and needs assessment. In conjunction, HUD is temporarily waiving 42 U.S.C. 5304(e) to the extent that it would require HUD to annually review grantee performance under the consistency criteria. These waivers apply only until the grantee submits its next full (3-5 year) consolidated plan due after the 2020 program year.

HUD is imposing a related alternative requirement. The regulations at 24 CFR 91.225(b)(5) (entitlements) and 24 CFR 91.325(b)(5) (states) require grantees to certify that the housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan portion of the consolidated plan. Under this alternative requirement, grantees are not required to carry out the portions of their fiscal year 2019 and 2020 annual formula CDBG grants that are used to prevent, prepare for, and respond to coronavirus in a manner consistent with the certifications in 24 CFR 91.225(b)(5) and 24 CFR 91.325(b)(5), because HUD has changed the requirement related to consistency.

IV.B.3. Flexibilities that Apply to Coronavirus-Related Activities.

The following flexibilities apply to all fiscal year 2019 and 2020 CDBG grants when those grants are used for activities to prevent, prepare for, and respond to coronavirus.

IV.B.3.(a) Calculation of the Public Services Cap. As described in paragraph III.B.5.(f)(iii), following enactment of the CARES Act, the public services cap described in section 105(a)(8) of the HCD Act and 24 CFR 570.201(e) has no effect on assistance available to the grantee for fiscal years 2019 and 2020, including the program income that would normally be included in the grantee's calculation of the program income cap for fiscal years 2019 or 2020, when the grantee uses CDBG grant funds to prevent, prepare for, and respond to coronavirus. For fiscal years 2019 and 2020, the cap shall still be calculated and shall apply to public service activities carried out for activities that do not prevent, prepare for, and respond to coronavirus. Additionally, CDBG-CV grant funds shall not be included in the public service cap compliance determination which is applicable to annual formula CDBG funds used for activities not related to coronavirus.

Program income generated by the use of CDBG-CV grants is considered program income to the grantee's annual formula CDBG program, as discussed in section III.B.6.(a).

The public services cap imposed by section 105(a)(8) of the HCD Act applies to "the amount of any assistance to a unit of general local government (or in the case of nonentitled communities not more than 15 per centum statewide) under this title *including program income*" (emphasis added). The CARES Act provision that removes the public services cap applies to all "activities to prevent, prepare for, and respond to coronavirus" for the CDBG-CV grants and fiscal year 2019 and 2020 annual formula CDBG grants. The activities for grants are described in each grantee's annual action plan required by 24 CFR 91.220 (entitlements), 24 CFR 91.320

(states), or 24 CFR 570.440 and 24 CFR 91.235 (insular areas). In these regulations, the activities for grants include activities carried out with grant funds and program income expected to be made available. Therefore, removing the cap in section 105(a)(8) of the HCD Act for activities to prevent, prepare for, and respond to coronavirus also removes the public services cap on the use of the program income, and removes the corresponding regulatory cap in 24 CFR 570.201(e) (entitlements) for CDBG-CV funds and fiscal year 2019 and 2020 funds used to prevent, prepare for, and respond to coronavirus.

Program income generated by the use of CDBG-CV grants is considered program income to the grantee's annual formula CDBG program, as discussed in section III.B.6.(a).

Additionally, program income, regardless of the source funding of the activity that generated the income, shall be included in the compliance determination of the public service cap applicable to the annual formula CDBG grants and program income, separately from CDBG-CV funds. For purposes of calculating the public services cap, the treatment of program income generated by the CDBG-CV grant and received (i.e., documented in IDIS) by the annual formula CDBG program shall be considered as any other program income received by the annual formula CDBG program.

IV.B.3.(b) Provisions in Section III that apply to Coronavirus-Related Activities.

The following provisions in Section III apply to the use of fiscal year 2019 and 2020 CDBG funds for activities to prevent, prepare for, and respond to coronavirus; these provisions shall also apply to the use of Section 108 guaranteed loan funds when they are used together with fiscal year 2019 and 2020 CDBG funds for activities to prevent, prepare for, and respond to coronavirus. Where these paragraphs refer to CDBG-CV funds, they shall apply equally to fiscal years 2019 and 2020 CDBG grants.

- III.B.5.(d)(i) Use of Urgent Need National Objective.
- III.B.5.(d)(ii) Modification of Location-Based Presumption of LMI Benefit for Job Creation and Retention National Objective Criteria.
- III.B.5.(d)(iii) LMI Job Creation and Retention Records.
- III.B.5.(e)(i) Elimination of Aggregate Public Benefit Test.
- III.B.5.(e)(ii) Modification of Individual Public Benefit Standards.
- III.B.5.(f)(i) Extension of Emergency Payments.
- III.B.5.(f)(ii) Opportunity Zones and Related Flexibilities for Economic Development.
- III.B.5.(f)(iii) Public Services Cap.
- III.B.5.(f)(iv) Other Public Services Considerations.
- III.B.5.(f)(v) Clarification on Application of Cost Principles.
- III.B.6.(d)(iii) Clarifying note on emergency environmental review procedures.
- III.B.9. Duplication of Benefits (applies for programs and activities with annual formula CDBG funds when the grantee uses these funds to carry out programs to respond to losses caused by disasters and emergencies).
- III.B.10. Citizenship Requirements.

IV.B.4. Provisions That Do Not Apply to FY 19 and FY 20 Grants.

Waivers and alternative requirements and other provisions in the following paragraphs of Section III do **not** apply to fiscal year 2019 CDBG Grants and fiscal year 2020 CDBG grants:

- III.A. Allocations of CDBG-CV Funds
- III.B.1. General Grant Requirements
- III.B.2. Responsible Use of CARES Act Funds
- III.B.3. Overview of Process to Receive CDBG-CV Grants

- III.B.4.(b) CDBG-CV Application Content and Submission
- III.B.5.(a) Use of Funds for CARES Act Purposes
- III.B.5.(b) Reimbursements
- III.B.5.(c) Terms and Conditions Made Applicable by the CARES Act
- III.B.5.(d)(iv) Overall Benefit to LMI Persons.
- III.B.6.(a) Program Income
- III.B.6.(b) Rules Applicable to State CDBG-CV Grants
- III.B.6.(c) Rules for Entitlements, Insular Areas, and Nonentitlement Hawaii Counties
- III.B.6.(d)(ii) Clarifying note on the process for environmental release of funds when a state carries out activities directly.
- III.B.6.(e) Compliance with Labor Laws
- III.B.6.(f) Relationship to Section 108 Loan Guarantees
- III.B.7. Period of Performance, Timeliness, and Closeout
- III.B.8. Reporting

PAPERWORK REDUCTION ACT:

The information collection requirements in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB Control Number 2506-0085. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE:

The Catalog of Federal Domestic Assistance numbers for the CDBG-CV grants under the CARES Act are: 14.218 (Community Development Block Grants/Entitlement Grants); 14.225



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

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

TO: Chairperson Vered Meltzer and Members of the Utilities Committee

FROM: Kelli Rindt, Enterprise Fund Accounting Manager

DATE: October 7, 2020

RE: *Approve Wastewater increase presented in study prepared by Trilogy Consulting LLC.*

BACKGROUND:

The current Wastewater service rates have been in effect since July 1, 2011. The current rates will not provide the revenue that is needed to cover operation and maintenance expense into the future. Cash flow will also be impacted to fund the needed capital improvement projects to maintain the collection system and the treatment facility.

The Utility Department contracted with Trilogy Consulting, LLC to complete a comprehensive rate study. The study results recommended an overall rate increase of 20% is needed to ensure the financial viability of the utility into the future. The actual rate increase will vary between 17% and 25% based on customer class.

The study also recommends future annual rate increases in 2022 through 2025 of approximately 4%. The need for these future rate increases will be reviewed annually and will be presented to the utility committee for approval.

The Wastewater portion of the City Service Invoice for residential customers (commonly called the water bill) represents about 26% of the total invoice. The average residential customer would see a quarterly increase on the City Service Invoice of approximately \$13 in 2021. As detailed in the rate study, even with the proposed rate increase, the Appleton Wastewater charges remain competitive with neighboring communities.

RECOMMENDATION:

Approve Wastewater rates as detailed in the proposed rate schedule as listed on page 2. Should you have any questions regarding this project please contact me at phone: 832-6316.

City of Appleton - Wastewater Rates (effective 1/1/2021)

Quarterly Minimum

Charge	Connection Size	Current Rate	Proposed Rate
	5/8	\$13.60	\$15.40
	3/4	\$13.60	\$15.40
	1	\$25.00	\$27.70
	1 1/4	\$34.00	\$38.20
	1 1/2	\$44.00	\$49.00
	2	\$68.00	\$75.30
	2 1/2	\$0.00	\$106.60
	3	\$121.00	\$130.60
	4	\$199.00	\$207.70
	6	\$391.00	\$393.40
	8	\$622.00	\$622.00
	10	\$0.00	\$909.70
	12	\$0.00	\$1,204.00

Volume Charge	\$/1,000 gallons	\$2.73	\$3.61
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	Units	Current Rate	Proposed Rate
Industrial Q/Q Rates			
Volume	\$/1,000 gallons	\$1.73	\$2.34
BOD	\$/100 lbs	\$35.48	\$33.80
TSS	\$/100 lbs	\$11.26	\$11.40
Phosphorus	\$/100 lbs	NA	\$370.75
TKN	\$/100 lbs	NA	\$131.14

Sanitary Waste Haulers

Volume	\$/ton	\$4.40	\$10.20
Per Load		\$9.45	\$11.30
Per Customer	per quarter	\$15.75	\$17.70

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

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

DATE: October 6, 2020

RE: Approve second amendment to the 2020A Stormwater Management Plan Review contract with Brown and Caldwell by an increase of \$30,000 for a total contact amount not to exceed \$65,000.

The Department of Public Works is requesting a second amendment to the contract with Brown and Caldwell for 2020 Stormwater Management Plan Reviews by an increase of \$30,000 for a total contact amount not to exceed \$65,000. After this contract amendment, \$198,119 will remain in the 2020 stormwater consulting budget.

The number of stormwater and erosion control submittals has remained steady and several large projects remain under review. Some of those projects currently under review by Brown and Caldwell include Thedacare, Evergreen Heights, Fox Valley Medical Office Building and Trail View South. Erosion control for sites over one acre of disturbed area continues to be reviewed by consultants for compliance with DNR soil loss calculations.

Work under this contract is charged on an hourly basis and is therefore only used as needed. In order to keep projects moving forward, staff is requesting this amendment now, before the current contract is completely spent.

Department of Public Works – Engineering Division

MEMO

TO: Utilities Committee

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

DATE: October 6, 2020

RE: Approve second amendment to the 2020B Stormwater Management Plan Review contract with raSmith by an increase of \$25,000 for a total contact amount not to exceed \$65,000.

The Department of Public Works is requesting a second amendment to the contract with raSmith for 2020 Stormwater Management Plan Reviews by an increase of \$25,000 for a total contact amount not to exceed \$60,000. After this contract amendment, \$173,119 will remain in the 2020 stormwater consulting budget.

The number of stormwater and erosion control submittals has remained steady and several subdivisions remain under review, including revisions to Emerald Valley Estates Phase 2 plat, and the 6th and 7th additions to Emerald Valley. Erosion control for sites over one acre of disturbed area continues to be reviewed by consultants for compliance with DNR soil loss calculations.

Work under this contract is charged on an hourly basis and is therefore only used as needed. In order to keep projects moving forward, staff is requesting this amendment now, before the current contract is completely spent.



October 1, 2020

To: Fox Cities Transit Commission

From: Debra Ebben, Administrative Services Manager

Subject: Approval of Addendum to Specialized Transportation Contract VT-16-008 and Rural Paratransit Contract VT-16-007

Background:

The Specialized Transportation Service is a shared ride transit service for disabled clients of Outagamie County, Family Care, and IRIS. The service provides transportation to and from the client's residence to one of several predefined worksites, including Valley Packaging Industries, Goodwill, and Innovative Services.

The Rural Demand Response Paratransit service is a demand responsive transportation service designed for elderly and disabled persons who reside in the rural areas of Outagamie County.

Both current contracts are with Kobussen Buses, Ltd. The contracts began in 2017 through 2019 with two one-year options. The Addendum is to exercise the second option year, January 1, 2021 to December 31, 2021. Kobussen Buses has agreed to continue services under the existing contract, at the second-year cost increase stated in the original proposal (1%).

Recommendation: Approve the Addendum to the Specialized Transportation Contract VT-16-008 and the Rural Paratransit Contract VT-16-007.



October 1, 2020

To: Fox Cities Transit Commission

From: Debra Ebben, Administrative Services Manager

Subject: Approval of Addendum to Northern Winnebago Dial A Ride Contract VT-16-009

Background:

The Northern Winnebago Dial A Ride service is a demand responsive ambulatory transportation service designed for persons aged 60 and over who reside within the City of Neenah, City of Menasha, the Village of Fox Crossing, or within the "Heritage Area" which consists of areas of the City of Appleton that lie within Winnebago County.

The original contract with Fox Valley Cab was for three years beginning in 2017 through 2019 with two one-year options. The Addendum is to exercise the second option year, January 1, 2021 to December 31, 2021. Fox Valley Cab has agreed to continue services under the existing contract, at no cost increase.

Recommendation: Approve the Addendum to the Northern Winnebago Dial A Ride Contract VT-16-009.

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

104-20

**AN ORDINANCE ANNEXING TERRITORY
TO THE CITY OF APPLETON, WISCONSIN.**

(Sequoia Drive (right-of-way) Annexation)
MBR No. 14337

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

Section 1. Territory Annexed. In accordance with §66.0217 of the Wisconsin Statutes for 2017 – 2018 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on September 10, 2020, the following described territory in the Town of Grand Chute and the Town of Vandebroek, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton, Wisconsin:

Part of Tax Key #101153201, 101153500, 200012500 and 200012700

A part of Lot 2 of Certified Survey Map No. 5163 filed in Volume 29 of Certified Survey Maps on Page 5163 as Document No.1676059, a part of the East ½ of the Fractional Northwest ¼ and a part of the West ½ of the Fractional Northeast ¼ of Section 5, Township 21 North, Range 18 East, Town of Grand Chute and the Town of Vandebroek, Outagamie County, Wisconsin, containing 3.3251 Acres (144,841 sq. ft.) of land and being more fully described by:

*Commencing at the N ¼ corner of said Section 5;
Thence South 00°16'59" West 33.00 feet along the West line of the Fractional NE ¼ of said Section 5 to the Point of Beginning;
Thence South 89°33'00" East 33.02 feet along the South line of Broadway Drive;
Thence South 00°31'45" West 1,347.02 feet;
Thence Southwesterly 400.24 feet along the arc of curve to the right having a radius of 335.00 feet and the chord of which bears South 34°45'22" West 376.86 feet;
Thence Southwesterly 312.44 feet along the arc of a curve to the left having a radius of 265.00 feet and the chord of which bears South 35°12'24" West 294.66 feet;
Thence South 01°25'49" West 9.99 feet;
Thence North 88°35'21" West 70.00 feet;
Thence North 01°25'49" East 10.01 feet;
Thence Northeasterly 394.97 feet along the arc of curve to the right having a radius of 335.00 feet and the chord of which bears North 35°12'24" East 372.49 feet;*

*Thence Northeasterly 316.61 feet along the arc of a curve to the left having a radius of 265.00 feet and the chord of which bears North 34°45'22" East 298.11 feet;
Thence North 00°31'45" East 1,347.07 feet;
Thence South 89°18'26" East 36.81 feet;
Thence South 89°33'00" East 0.17 feet to the point of beginning.*

The current population of such territory is 0 people.

Section 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Appleton for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Appleton.

Section 3. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of the Sixty-second (62nd) Ward, attached to the Thirteenth (13th) Aldermanic District of the City of Appleton, Outagamie County, subject to the ordinances, rules and regulations of the City governing wards.

Section 4. Zoning Classification. The territory described in Section 1 is hereby zoned as follows, pursuant to §66.0217(7)(a), Stats., and §23-65(e), Appleton Municipal Code:

Temporary AG District (Temporary Agricultural District)

Section 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance, which can be given without the invalid or unconstitutional provision or application.

Section 6. Effective Date. This ordinance shall take effect upon passage and publication.

Dated: October 21, 2020

Jacob A. Woodford, Mayor
City Law A20-0562

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

105-20

AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.

(City Plan Commission 10/21/2020)

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

Section 1: That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone lands located at 1200 South Oneida Street (Parcel Number: 31-4-0418-00) (aka Images Bar) and 1216 South Oneida Street (Parcel Number: 31-4-0420-00) (aka Houdini's Escape Gastropub), including to the centerline of East Harrison Street, South Oneida Street and East McKinley Street from C-2 General Commercial District to C-1 Neighborhood Mixed Use District.) (Rezoning #7-20 – Eric Jacobson, Positive Ventures, LLC)

LEGAL DESCRIPTION:

1200 S. Oneida Street - Tax Parcel #31-4-0418-00

CSM 6545 LOT 1 (DOC1965929) BEING ALL OF LOTS 4, 5, 6 & 7 BLK 12 EDWARD WESTS PLAT (4WD); LESS DOC #2115436 FOR R/W AND INCLUDING TO THE CENTERLINE OF THE PUBLIC RIGHT-OF-WAY, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

1216 S. Oneida Street - Tax Parcel #31-4-0420-00

CSM 6733 LOT 1 (DOC2002536) BEING ALL OF LOTS 2&3 OF CSM 6545, BEING ALL LOTS 6&7 AND PRT LOTS 4&5 BLK 12 EDWARD WEST S PLAT SEC35 T21N R17E; LESS DOC #2115436 FOR R/W AND INCLUDING TO THE CENTERLINE OF THE PUBLIC RIGHT-OF-WAY, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

COMMON DESCRIPTION:

1200 South Oneida Street and 1216 South Oneida Street including to the centerline of East Harrison Street, South Oneida Street and East McKinley Street

Section 2: This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

Dated: October 21, 2020

Jacob A. Woodford, Mayor
City Law A19-1150

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

106-20

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 10/7/2020)

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 the east side of Carpenter Street from Calumet Street to a point 225 feet north of Calumet 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

107-20

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 10/7/2020)

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 the west side of Carpenter Street from Calumet Street to a point 178 feet north of Calumet 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

108-20

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 10/7/2020)

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 or parking be prohibited from 7:30 a.m. to 4:30 p.m. on school days on the west side of Carpenter Street from Calumet Street to Murray 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

109-20

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 10/7/2020)

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 from 7:30 a.m. to 4:30 p.m. on school days on the west side of Carpenter Street from Murray Avenue to a point 55 feet north of Harding 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

110-20

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 10/7/2020)

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 from 7:30 a.m. to 4:30 p.m. on school days on the east side of Carpenter Street from Harding Drive to a point 35 feet south of Murray 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

111-20

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 10/7/2020)

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 or parking be prohibited on the east side of Carpenter Street from a point 35 feet south of Murray Avenue to a point 25 feet north of Murray 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

112-20

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 10/7/2020)

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.

A ten-minute Loading Zone be designated from 7:30 a.m. to 4:30 p.m. on school days on the east side of Carpenter Street from a point 25 feet north of Murray Avenue to a point 30 feet south of Coolidge 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

113-20

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 10/7/2020)

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 or parking be prohibited on the east side of Carpenter Street from a point 30 feet south of Coolidge Avenue to a point 25 feet north of Coolidge 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

114-20

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 10/7/2020)

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 reserved for vehicles displaying the Wisconsin State Handicapped placard or Disable/Disabled Vet license plates on the east side of Carpenter Street from a point 25 feet north of Coolidge Avenue to a point 47 feet north of Coolidge 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

115-20

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 10/7/2020)

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 or parking be prohibited on the east side of Carpenter Street from Calumet Street to a point 47 feet north of Coolidge 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

116-20

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 10/7/2020)

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 Prospect Avenue from Haskell Avenue to the west City limits.

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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

117-20

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 10/7/2020)

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 the west side of Prospect Avenue from Haskell Avenue to a point 240 feet northeast of the railroad tracks, as measured along the centerline of Prospect 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

118-20

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 10/7/2020)

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 the east side of Prospect Avenue from Haskell Avenue to a point 140 feet northeast of the railroad tracks, as measured along the centerline of Prospect 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

119-20

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 10/7/2020)

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 the west side of Douglas Street from Prospect Avenue to a point 20 feet south of Prospect 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

120-20

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 10/7/2020)

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 the east side of Douglas Street from Prospect Avenue to a point 75 feet south of Prospect 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

121-20

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 10/7/2020)

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 Haskell Street from Civic Street to Outagamie Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

Dated: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

122-20

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 10/7/2020)

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 the west side of Outagamie Street from Haskell Street to a point 60 feet north of the railroad tracks.

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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

123-20

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 10/7/2020)

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 the east side of Outagamie Street from Haskell Street to a point 120 feet north of the railroad tracks.

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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

124-20

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 10/7/2020)

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 as follows:

INSTALL STOP SIGNS ON:

For southbound Outagamie Street and eastbound Haskell Street at the unnamed connector street that connects to Prospect 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 erect and maintain the appropriate standard traffic signs, signals and markings, giving notice of the provisions of this Ordinance.

Dated: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk

ADOPTED: October 21, 2020
PUBLISHED: October 26, 2020
Office of the City Clerk

125-20

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 10/7/2020)

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 as follows:

INSTALL STOP SIGNS ON:

Spring Street at Summit 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: October 21, 2020

Jacob A. Woodford, Mayor

Kami Lynch, City Clerk