



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda - Final Common Council

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Wednesday, September 21, 2022

7:00 PM

Council Chambers

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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

[22-1158](#) Common Council Meeting Minutes of September 7, 2022

**Attachments:** [CC Minutes 9-7-22.pdf](#)

G. BUSINESS PRESENTED BY THE MAYOR

[22-1183](#) Appleton City Planning Centennial Month Proclamation

**Attachments:** [Appleton City Planning Centennial Month Proclamation.pdf](#)

[22-1184](#) Committee Appointments

**Attachments:** [Committee Appointment Memo 9'15'2022.pdf](#)

H. PUBLIC PARTICIPATION

I. PUBLIC HEARINGS

[22-1101](#) Public Hearing for Rezoning #4-22 at 1430 N. Ballard Road from M-2  
General Industrial District to C-2 General Commercial District.

**Attachments:** [RZ #4\\_22 Notice of Public Hearing.pdf](#)

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

**1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**

[22-1147](#) Request from Mark Van Grinsven, 1610 W. Glendale Avenue, for a variance to Municipal Code Section 19-91(f) for a driveway widened more than 4 feet into the front yard.

**Attachments:** [Driveway X.jpg](#)  
[Driveway Extension.pdf](#)

**Legislative History**

9/12/22	Municipal Services Committee	recommended for denial
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[22-1148](#) Approve modifications to the City of Appleton Downtown Parking Policy for City Employees and Map.

**Attachments:** [Downtown Parking Policy for City Employees-9-22 draft for approval.pdf](#)

**Legislative History**

9/12/22	Municipal Services Committee	recommended for approval
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[22-1160](#) Request from Kush Kafe' for a Street Occupancy Permit to place tables and chairs in the beautification strip at 219 E College Avenue.

**Attachments:** [Kash Cafe'.pdf](#)

**Legislative History**

9/12/22	Municipal Services Committee	recommended for approval
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**2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

**3. MINUTES OF THE CITY PLAN COMMISSION**

[22-0350](#) Request to approve the Stone Ridge Estates West Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

**Attachments:** [StaffReport\\_StoneRidgeEstatesWest\\_FinalPlat\\_For09-14-22.pdf](#)

**Legislative History**

9/14/22	City Plan Commission	recommended for approval
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[22-1060](#) Request to approve Rezoning #4-22 for the subject parcel located at 1430 N. Ballard Road (Tax Id #31-1-5207-00), including to the centerline of the adjacent one-half (1/2) right-of-way of N. Ballard Road, as shown on the attached maps, from M-2 General Industrial District to C-2 General Commercial District

**Attachments:** [StaffReport EPS Rezoning For08-24-22.pdf](#)

**Legislative History**

8/24/22 City Plan Commission recommended for approval  
*Proceeds to Council on September 21, 2022.*

[22-1130](#) Request to approve Special Use Permit #10-22 for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption use located at 516 W. Lawrence Street (Tax Id #31-3-1006-00), as shown on the attached materials 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 516WLawrenceSt SUP For09-14-22.pdf](#)

**Legislative History**

9/14/22 City Plan Commission recommended for approval

#### 4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

[22-1144](#) Action Item: Approve Process Map for Ellen Kort Peace Park Proposal by the Trout Museum Requesting to Co-Locate a New Museum in the Park

**Attachments:** [2022 Ellen Kort Park Process Memo.docx](#)

[Ellen Kort Process Map.docx](#)

[Updated Process Map 8-17-22f.docx](#)

**Legislative History**

9/12/22 Parks and Recreation Committee recommended for approval

*Amendment #2: Add step 3.5 to require Trout representatives to provide a presentation to the Common Council at a time to be agreed upon to include strategic alignment and business case discussion and also have a vote at the same meeting whether to move forward. 5-0 approved.*

*Amend step 4 to include 3 items suggested in Public Comment: Explanation of Strategic Alignments, Clear Business Case; and, a clear stop or proceed vote by the Council. 5-0 approved.*

*Updated Process Map is attached*

[22-1151](#) Action: Suspend Planning and Design of the WE Energies Trail - Phase One and Cancel Acceptance of the Department of Transportation TAP Grant

**Attachments:** [WE Energies Trail Phase One Memo .docx](#)

**Legislative History**

9/12/22 Parks and Recreation recommended for approval  
Committee

**5. MINUTES OF THE FINANCE COMMITTEE**

[22-1155](#) Request to award the Aeration Tank #1 Repairs contract to Staab Construction Corporation in the amount of \$237,000 with a 5% contingency of \$11,850 for a project total not to exceed \$248,850.

**Attachments:** [Award Aeration Tank #1.pdf](#)

**Legislative History**

9/12/22 Finance Committee recommended for approval

**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

[22-1118](#) Request to approve City Program Funding for 2023 Community Development Block Grant (CDBG) Funding as specified in the attached document

**Attachments:** [City Proposals Memo to CEDC 9-14-22.pdf](#)

**Legislative History**

9/14/22 Community & Economic recommended for approval  
Development Committee

[22-1121](#) Request to approve Fourth Substantial Amendment to the Community Development Block Grant (CDBG) 2020 Annual Action Plan (AAP) awarding \$287,607 of CDBG Coronavirus Aid, Relief, and Economic Security (CARES Act) funding to community partner organizations as specified in the attached documents

**Attachments:** [2020 AAP Fourth Substantial Amendment Memo to CEDC 9-14-22.pdf](#)

[Appleton 2020 CDBG CV3 Award Letter.pdf](#)

[2020 AAP Fourth Substantial Amendment Draft 8-15-22.pdf](#)

[0652 - MOU - City and Pillars - REVISED-CLEAN 09-02-2022.pdf](#)

**Legislative History**

9/14/22 Community & Economic recommended for approval  
Development Committee

[22-1122](#) Request to enter into a Memorandum of Understanding with Pillars, Inc. as specified in the attached documents (Associated with Action Item #22-1121)

**Attachments:** [2020 AAP Fourth Substantial Amendment Memo to CEDC 9-14-22.pdf](#)  
[Appleton 2020 CDBG CV3 Award Letter.pdf](#)  
[2020 AAP Fourth Substantial Amendment Draft 8-15-22.pdf](#)  
[0652 - MOU - City and Pillars - REVISED-CLEAN 09-02-2022.pdf](#)

**Legislative History**

9/14/22	Community & Economic Development Committee	recommended for approval
9/14/22	Community & Economic Development Committee	recommended for approval

**7. MINUTES OF THE UTILITIES COMMITTEE**

[22-1136](#) Approve 2021 Sludge Storage Addition Project Engineering Services Amendment #1 increasing the Applied Technologies, Inc. total contract amount by \$30,038 from \$499,301 to \$529,339 and decrease unallocated contingency from \$74,895 to \$44,857.

**Attachments:** [220825 UC Memo SSB Addition Professional Services ATI Contract Amend N](#)

**Legislative History**

9/13/22	Utilities Committee	recommended for approval
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[22-1137](#) Approval of a Coating Services Contract for the DAF and Receiving Station Tanks to Badger Specialties Coatings in the amount of \$59,000 with a contingency of \$5,900 for a total not to exceed cost of \$64,900.

**Attachments:** [utilities memo DAF and RS Tank Coatings Award 08-29-22.pdf](#)

**Legislative History**

9/13/22	Utilities Committee	recommended for approval
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**8. MINUTES OF THE HUMAN RESOURCES & INFORMATION TECHNOLOGY COMMITTEE**

[22-1135](#) Request to over hire the Administrative Services Coordinator in the Parks, Recreation and Facilities Management Department.

**Attachments:** [2022 Administrative Coordinator Overhire \(1\).pdf](#)

**Legislative History**

9/14/22	Human Resources & Information Technology Committee	recommended for approval
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[22-1149](#) Request to Reclassify Facilities Support Specialist to Assistant Facilities Manager and Administrative Assistant to Marketing and Community Engagement Coordinator.

**Attachments:** [2022 Reorganization of Parks Recreation and Facilities Management \(3\).pdf](#)  
[Assistant Facilities Manager - DG.pdf](#)  
[MCEC.pdf](#)

**Legislative History**

9/14/22	Human Resources & Information Technology Committee	recommended for approval
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**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

**10. MINUTES OF THE BOARD OF HEALTH**

M. CONSOLIDATED ACTION ITEMS

N. ITEMS HELD

O. ORDINANCES

[22-1159](#) Ordinances #55-22 and #56-22

**Attachments:** [Ordinances to Council 9-21-22.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

[22-1182](#) Request to Reconsider Finance Committee Item [22-1083](#):  
*Request to Award the ARPA Grant Administration contract to Booth Management Consulting, LLC for a project total not to exceed \$150,000*

[22-1083](#) Request to award the ARPA Grant Administration contract to Booth Management Consulting, LLC for a project total not to exceed \$150,000

**Attachments:** [ARPA Grant Administration.pdf](#)

**Legislative History**

8/22/22	Finance Committee	recommended for approval
9/7/22	Common Council	approved

S. ADJOURN

Kami Lynch, City Clerk

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

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



# City of Appleton

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## Meeting Minutes - Final Common Council

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Wednesday, September 7, 2022

7:00 PM

Council Chambers

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A. CALL TO ORDER

*The meeting was called to order by Mayor Woodford at 7:00 p.m.*

B. INVOCATION

*The Invocation was offered by Alderperson Del Toro.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 15 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt, Alderperson Chad Doran and Mayor Jake Woodford

**Excused:** 1 - Alderperson Vaya Jones

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*All departments were represented.*

F. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[22-1103](#)

Common Council Meeting Minutes of August 17, 2022

**Attachments:** [CC Minutes 8-17-22.pdf](#)

**Alderperson Hartzheim moved, seconded by Alderperson Alfheim, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 13 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim and Alderperson Christopher Croatt

**Excused:** 1 - Alderperson Vaya Jones



**Abstained:** 2 - Alderperson Chad Doran and Mayor Jake Woodford

G. BUSINESS PRESENTED BY THE MAYOR

[22-1124](#)

Proclamations

- Childhood Cancer Awareness Month
- Hispanic Heritage Month
- Rail Safety Week
- Senior Center Month

**Attachments:** [Childhood Cancer Awareness Month Proclamation.pdf](#)  
[Hispanic Heritage Month Proclamation.pdf](#)  
[Rail Safety Week Proclamation.pdf](#)  
[Senior Center Month Proclamation.pdf](#)

H. PUBLIC PARTICIPATION

*The following spoke regarding Item 22-1078 Street Terrace Policy:  
Bridget Allman, 329 E. Summer Street  
Rollie Ritchie, 1334 S. Memorial Drive*

*Jennifer Stephany, Executive Director of Appleton Downtown Inc, spoke regarding  
Items 22-1061 Downtown Appleton BID 2023 Operating Plan & 22-1081 Request to  
install LED light strands on College Avenue.*

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

[22-1078](#)

Approve modifications to the City of Appleton Street Terrace Policy.

**Attachments:** [Street Terrace Policy Update.pdf](#)  
[Resolution 7-R-22-Street Terrace Policy \(1\).pdf](#)

**The Item was referred to the Municipal Services Committee by Alderperson Doran, due back on 9/12/2022.**

[22-1081](#)

Request from Appleton Downtown Inc. for a street occupancy permit to install permanent Edison bulb style LED light strands at the College Avenue intersections of Superior, Appleton, Oneida and Morrison.

**Attachments:** [Light request letter.pdf](#)

**Aldersperson Hartzheim moved, seconded by Aldersperson Croatt, that the Street Occupancy Permit be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

**Excused:** 1 - Aldersperson Vaya Jones

**Abstained:** 1 - Mayor Jake Woodford

[22-1058](#)

Request to approve Special Use Permit #9-22 to remove an existing car wash and construct a new car wash use located at 1920 E. Longview Drive (Tax Id #31-1-6550-08), as shown on the attached materials 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\\_1920ELongviewDr\\_SUP\\_For08-24-22.pdf](#)

**Aldersperson Croatt moved, seconded by Aldersperson Hartzheim, that the Special Use Permit be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson William Siebers, Aldersperson Vered Meltzer, Aldersperson Brad Firkus, Aldersperson Israel Del Toro, Aldersperson Katie Van Zeeland, Aldersperson Denise Fenton, Aldersperson Maiyoua Thao, Aldersperson Joss Thyssen, Aldersperson Alex Schultz, Aldersperson Kristin Alfheim, Aldersperson Nate Wolff, Aldersperson Sheri Hartzheim, Aldersperson Christopher Croatt and Aldersperson Chad Doran

**Excused:** 1 - Aldersperson Vaya Jones

**Abstained:** 1 - Mayor Jake Woodford

[22-1083](#)

Request to award the ARPA Grant Administration contract to Booth Management Consulting, LLC for a project total not to exceed \$150,000

**Attachments:** [ARPA Grant Administration.pdf](#)

**Aldersperson Van Zeeland moved, seconded by Aldersperson Wolff, that the Contract be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 11 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff and Alderperson Christopher Croatt

**Nay:** 3 - Alderperson Joss Thyssen, Alderperson Sheri Hartzheim and Alderperson Chad Doran

**Excused:** 1 - Alderperson Vaya Jones

**Abstained:** 1 - Mayor Jake Woodford

[22-1100](#)

Request to approve the allocation of excess General Fund balance at December 31, 2021 and the following related 2022 Budget amendments:

**General Fund**

Transfer Out - IT Capital Projects Fund	+\$ 550,000
Public Works Department	+\$ 150,000
General Administration	+\$ 50,000
Public Works and Park & Recreation Departments	+\$ 150,000
General Fund Balance - Reserve for Contingencies	+\$ 275,000
General Fund Balance	-\$1,175,000

**IT Capital Projects Fund**

Transfer In - General Fund	+\$ 550,000
Machinery & Equipment	+\$ 550,000

to allocate excess general fund balance at 12/31/21 per City Fund Balance Policy (2/3 vote of Council required)

**Attachments:** [2022 Excess Fund Balance Memo.pdf](#)

**Alderperson Meltzer moved, seconded by Alderperson Wolff, that the allocation of the excess General Fund balance be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

**Excused:** 1 - Alderperson Vaya Jones

**Abstained:** 1 - Mayor Jake Woodford

[22-1077](#)

Request from Ryan Morse, 828 N. Badger Avenue, to waive the administrative fee for high weeds.

**Attachments:** [828 N Badger Ave-Weed Assessment.pdf](#)

**Alderson Croatt moved, seconded by Alderson Hartzheim, that the Committee recommendation to deny the request be approved. Roll Call.**

**Motion carried by the following vote:**

**Aye:** 12 - Alderson William Siebers, Alderson Brad Firkus, Alderson Israel Del Toro, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Joss Thyssen, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

**Nay:** 2 - Alderson Vered Meltzer and Alderson Alex Schultz

**Excused:** 1 - Alderson Vaya Jones

**Abstained:** 1 - Mayor Jake Woodford

L. COMMITTEE REPORTS

**Balance of the action items on the agenda.**

**Alderson Fenton moved, Alderson Thyssen seconded, to approve the balance of the agenda. The motion carried by the following vote:**

**Aye:** 14 - Alderson William Siebers, Alderson Vered Meltzer, Alderson Brad Firkus, Alderson Israel Del Toro, Alderson Katie Van Zeeland, Alderson Denise Fenton, Alderson Maiyoua Thao, Alderson Joss Thyssen, Alderson Alex Schultz, Alderson Kristin Alfheim, Alderson Nate Wolff, Alderson Sheri Hartzheim, Alderson Christopher Croatt and Alderson Chad Doran

**Excused:** 1 - Alderson Vaya Jones

**Abstained:** 1 - Mayor Jake Woodford

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[22-1076](#)

Approve Six Month Trial Period to Remove the Existing Two-Hour Parking Restriction (7 a.m. to 5 p.m. except Sat/Sun/Hol) on both sides of Arnold Street (from Lawe Street to Meade Street).

**Attachments:** [Approve 6 month trial Arnold St.pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[22-0984](#)

Secondhand Article License application for Left Behind LLC, Michael Day, Applicant, located at 205 W Wisconsin Ave.

**Attachments:** [Left Behind LLC S&L.pdf](#)

This Report Action Item was approved.

[22-1063](#)

Class "B" Beer and "Class C" Wine License application for All Tied Up Floral Cafe LLC d/b/a All Tied Up Floral Cafe, Aaron Phillipson, Agent, located at 324 E College Ave, contingent upon approval from the Inspections department.

**Attachments:** [All Tied Up Floral Cafe-1.pdf](#)

This Report Action Item was approved.

[22-1114](#)

Class "A" Beer and "Class A" Liquor Change of Agent application for Ultimate Mart LLC d/b/a Pick N Save #8123, Andrew Rosenberg, New Agent, located at 2700 N Ballard Rd.

**Attachments:** [Andrew Rosenberg S&L.pdf](#)

This Report Action Item was approved.

## 3. MINUTES OF THE CITY PLAN COMMISSION

[22-1061](#)

**\*\*CRITICAL TIMING\*\*** Annual review and request to approve the Downtown Appleton Business Improvement District (BID) 2023 Operating Plan

**Attachments:** [StaffReport\\_2023BIDOperatingPlan\\_For08-24-22.pdf](#)  
[2023 BID Operational Plan.pdf](#)  
[2021 BID Annual Report.pdf](#)  
[2021 BID Audit - Financial Statements.pdf](#)

This Report Action Item was approved.

**4. MINUTES OF THE PARKS AND RECREATION COMMITTEE****5. MINUTES OF THE FINANCE COMMITTEE**[22-1067](#)

Request to reject bids from Cardinal Construction Co, Inc and Frank O Zeise Construction Co, Inc for the 2022 Telulah Pavilion Renovation Project

**Attachments:** [2022 Telulah Pavilion Project \(Reject Bids\).pdf](#)

**This Report Action Item was approved.**

[22-1068](#)

Request to reject bid from Cardinal Construction, Inc in the amount of \$631,600 for the Appleton Wastewater Treatment Plant F1-Building Remodeling Project

**Attachments:** [2022 F1-Building Remodeling Project \(Reject Bids\).pdf](#)

**This Report Action Item was approved.**

[22-1069](#)

Request to reject bids from Otis Elevator Company and Frank O Zeise Construction Co, Inc for the 2022 Appleton Red Ramp Elevator Upgrades Project

**Attachments:** [2022 Red Ramp Elevator Project \(Reject Bids\).pdf](#)

**This Report Action Item was approved.**

[22-1070](#)

Request to reject bid from the Wilson Group, Inc in the amount of \$173,086 for the Appleton Wastewater Treatment Plant 2022 Asbestos Remediation Project

**Attachments:** [2022 AWWTP Asbestos Remediation Project \(Reject Bids\).pdf](#)

**This Report Action Item was approved.**

[22-1073](#)

Request to approve the Wastewater Treatment Plant's F-1 Building Remodeling Project Engineering Services Amendment #1 increasing the McMahon's total contract amount by \$20,000 from \$24,500 to \$44,500

**Attachments:** [2022 AWWTP F-1 Building Design Contract Ammendment.pdf](#)

**This Report Action Item was approved.**

[22-1082](#)

Request to reject bids from B & P Mechanical, Inc, Great Lakes Mechanical, Inc, Rohde Brothers, Inc, August Winter and Sons, Inc and Belonger Corporation, Inc for the 2022 Appleton Wastewater Treatment Plant H & J Buildings HVAC Upgrades Project

**Attachments:** [2022 AWWTP H J Buildings HVAC Upgrades Project \(Reject Bids\).pdf](#)

This Report Action Item was approved.

[22-1123](#)

Request to approve the following 2022 Budget amendment:

**General Fund - Fire**

Federal Grant	+\$192,088
Overtime Wages	+\$142,984
Training/Conferences	+\$ 49,104

to record the acceptance of the Assistance to Firefighters Grant for the paramedic training program (2/3 vote of Council required)

**Attachments:** [AFG Paramedic Training Grant.pdf](#)

This Report Action Item was approved.

**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

**7. MINUTES OF THE UTILITIES COMMITTEE**

[22-1004](#)

Adopt the City of Appleton Stormwater Quality Management Plan, prepared by Brown and Caldwell, dated March 2022.

**Attachments:** [Appleton SWMP Final Report Combined NoFigs 20220303.pdf](#)  
[AppendixA-Figures.pdf](#)

This Report Action Item was approved.

[22-1005](#)

Approve updates to Municipal Code Chapter 4, Article V, Plumbing

**Attachments:** [Utilities Committee Memo - Municipal Code changes - Plumbing.pdf](#)  
[Clean Version Plumbing Code Revision.pdf](#)  
[Redlined Version plumbing Code Revision.pdf](#)

This Report Action Item was approved.

[22-1020](#)

Award contract to Fiberglass Solutions Inc. for Hypochlorite Fiberglass Reinforced Plastic Tank Relining Services in the amount of \$45,824 plus a 10% contingency of \$4,582 for a total not to exceed of \$50,406.

**Attachments:** [utilities memo - Sodium Hypochlorite Relining 08-02-22.pdf](#)

This Report Action Item was approved.

[22-1027](#)

Approve Sole Source Compost Screening Contractor Services contract to Vandenberg Transportation LLC for a three-year term ending December 31, 2024 in the amount not to exceed \$82,100.

**Attachments:** [220803\\_UCM Vandenberg Compost Screening 2022-24.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
- R. OTHER COUNCIL BUSINESS
- S. ADJOURN

Aldersperson Hartzheim moved, seconded by Aldersperson Meltzer, that the meeting be adjourned at 7:48 p.m. Roll Call. Motion carried by the following vote:



**Aye:** 14 - Alderperson William Siebers, Alderperson Vered Meltzer, Alderperson Brad Firkus, Alderperson Israel Del Toro, Alderperson Katie Van Zeeland, Alderperson Denise Fenton, Alderperson Maiyoua Thao, Alderperson Joss Thyssen, Alderperson Alex Schultz, Alderperson Kristin Alfheim, Alderperson Nate Wolff, Alderperson Sheri Hartzheim, Alderperson Christopher Croatt and Alderperson Chad Doran

**Excused:** 1 - Alderperson Vaya Jones

**Abstained:** 1 - Mayor Jake Woodford

Kami Lynch, City Clerk

# PROCLAMATION



## Office of the Mayor

**WHEREAS**, the “City Planning Survey with Proposals for Future Development” was completed for the City of Appleton in September 1922 by the consultants Leonard S. Smith and R.E. Stoelting; and

**WHEREAS**, the 1922 Plan became the first comprehensive plan for the City and began a successful tradition of creating and implementing plans that continues today; and

**WHEREAS**, the recommendations from the 1922 Plan, as well as subsequent comprehensive plans, have had a lasting impact in shaping our community, including buildings, streets, parks, and places we appreciate a century later; and

**WHEREAS**, it is important to celebrate the achievements of the 1922 Plan, and other plans in the years that followed, as the contents of these plans reflect the vision, values, and aspirations of our great community.

**NOW, THEREFORE, BE IT RESOLVED, THAT I, JACOB A. WOODFORD**, Mayor of the City of Appleton, do hereby proclaim September 2022 as

## Appleton City Planning Centennial Month

in Appleton and encourage all residents to recognize this milestone in our community’s history.




Signed and sealed this 16<sup>th</sup> day of September 2022.

  
**JACOB A. WOODFORD**  
MAYOR OF APPLETON



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

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

**TO:** Members of the Common Council  
**FROM:** Mayor Jacob A. Woodford   
**DATE:** September 15, 2022  
**RE:** Confirmation of Appointments

It is with pleasure that I present the following recommendations for your confirmation at the September 21, 2022, Common Council meeting.

**BICYCLE & PEDESTRIAN ADVISORY COMMITTEE** – New Appointment

Nathan Otto                                      Remaining Term                                      Term Expires December 2022

Nathan began cycling as a teenager and has extensively utilized the roads and trails of the City as well as the surrounding areas. He believes Appleton has a strong cycling and pedestrian infrastructure leading to a strong, healthy City for all residents and tourists, but has many ideas for improvements for cyclists and pedestrians alike.

**BOARD OF ZONING APPEALS** – New Appointment (Alternate)

Michael Babbitts                                      Remaining Term                                      Term Expires October 2023

Michael is a licensed architect at Eppstein Uhen Architects and a Fox Valley native. Since earning his master's degree from UW Milwaukee, he has proudly called Appleton home and has been eager to use his skills to help shape its future. Michael has witnessed the necessity of careful flexibility and partnership between public and private entities firsthand through serving as lead designer of the Community First Champion Center and through his role in the early planning for the Mulva Cultural Center. He excels at empathizing with countless groups and individuals who have varied and often conflicting points of view, carefully weighing and balancing their needs, and providing the best possible outcome for the whole of the group. Michael's wife is also a Fox Valley native and in their free time you may see them with their daughter enjoying the park, taking in music at the summer concert series, or checking out the newest restaurant in town.

## NOTICE OF PUBLIC HEARING

#4-22

### RE: Proposed Zone Change

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on Wednesday, September 21, 2022, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

**Rezoning #4-22:** A rezoning request has been initiated by the owner/applicant, Event Production Systems, in the matter of amending Chapter Twenty-three (Zoning Ordinance) of the Municipal Code of the City of Appleton for the above-described real estate, which is currently zoned M-2 General Industrial District. The owner proposes to rezone the property to C-2 General Commercial District. The C-2 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.

**Purpose of the Request:** The owner/applicant is seeking this request to facilitate expanding the existing parcel by purchasing additional land to the south. The rezoning is needed so both parcels have consistent zoning designations. The additional land area will provide more parking for the subject business.

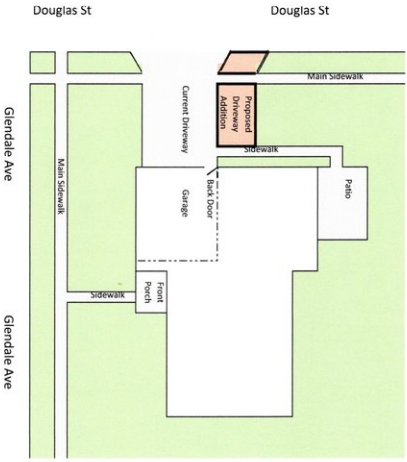
#### **Legal Description:**

All of Lot Seven (7), Block One (1), Bell Air Subdivision, as recorded in Volume 15 of Plats on Page 19 as Document No. 450970, located in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Nineteen (19), Township Twenty-One (21) North, Range Eighteen (18) East, City of Appleton, Outagamie County, Wisconsin containing 11,625 square feet (0.267 acres) of land and including the adjacent one-half (1/2) right-of-way of N. Ballard Road.

August 25, 2022

RUN: August 30, 2022  
September 6, 2022

**KAMI LYNCH**  
City Clerk



Proposed driveway extension for 1610 W Glendale Ave

12' north of current driveway, 20' east/west from main sidewalk to sidewalk by house

11' north of current driveway apron

09/05/2022

Mr. Craanen,

This is in reference to a driveway extension at my residence at 1610 W. Glendale Ave. in Appleton. We have a total of 5 adults, consisting of my 2 adult children, Marcus and Matt, Matt's significant other Kayla, my wife Jean and I. We all drive on a regular basis and need to have 5 vehicles. We currently have room for 2 vehicles in the garage, and 2 more vehicles in the driveway. The fifth vehicle is being parked in the apron between the main sidewalk and the street. This is not ideal, even in the best of conditions. Winter is soon approaching, leaving the vehicle parked in the apron buried in snow and in a position to be damaged by the plow or the snow and ice as it gets packed in.

The best solution is to extend the driveway to the side and make room for the fifth vehicle. As per the accompanying drawing, I would like to extend the driveway 12 feet to the north on Douglas Street into my side yard. However, I am being told by the city that I would have to extend to the south, which my front yard.

Your assistance is greatly appreciated in receiving a variance and or whatever is needed to get the proper permit(s) needed to have my driveway extended for use before winter.

Thank you!

Mark Van Grinsven

1610 W. Glendale Ave.

Appleton WI. 54914

920-733-4738

[mvangr@yahoo.com](mailto:mvangr@yahoo.com)

CC: Nate Wolf, Matt Van Grinsven, Mark Van Grinsven



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

Effective Date: ~~December 2018~~ September 2022

## CITY OF APPLETON DOWNTOWN PARKING POLICY FOR CITY EMPLOYEES **AND MAP**

### A. CITY-OWNED VEHICLES

1. **There shall be no on-street parking at the 100 blocks of E. and W. Washington St., 100 block N. Oneida St. and 100 blocks of E. and W. College Ave.** City-owned vehicles are allowed to park for up to two (2) hours free at allowable/approved on-street meters. ~~(except red meters and meters adjacent to City Center unless prior approval from Supervisor)~~
2. City-owned vehicles shall not park at red allowable/approved meters without paying. Vehicles at expired red meters will be cited at driver's expense.
3. Parking for more than two (2) hours shall be in the ~~south end of the Library Plaza Lot~~ **Yellow Ramp in any non-3 hour parking stall.**
4. Overnight parking shall be in the secured basement of the Yellow Ramp.
5. **Vehicles violating any of these policies will be cited at driver's expense.**

### B. CITY-OWNED LARGE VEHICLES

1. **There shall be no on-street parking at the 100 block of E. and W. Washington St., 100 block N. Oneida St. and 100 blocks of E. and W. College Ave.** Large vehicles are allowed to park for up to two (2) hours free at allowable/approved on-street meters. ~~(except at red meters and meters adjacent to City Center unless prior approval from Supervisor).~~
2. ~~Large vehicles shall not park at red meters (except in an emergency).~~
3. Parking for more than two (2) hours shall be ~~in the south end of the Library Plaza Lot.~~ **at the 12-hour meters located north of Washington Street.**

### C. EMPLOYEE-OWNED VEHICLES

1. City employees who work at City Center have the option of a Yellow or Green Ramp permit. Employees must observe all posted parking restriction signs in both ramps. No personal vehicles shall be parked in the secured basement of the Yellow Ramp.
2. City employees who work at other sites or use their personal vehicle in-lieu of a city vehicle will be issued a special "Official Business" permit upon request and approval of the appropriate department head. A personal vehicle displaying this permit must follow the above guidelines for city-owned vehicles.

It should be noted that Ordinance Number 19-107 (d) prohibits the deposit of additional money to extend parking time beyond the limit of the meter. This ordinance will be enforced on all City vehicles. It should also be noted that City vehicles must follow all other City Ordinances and State Statutes relating to parking.

# City Staff Street Metered Parking

- No parking at anytime
- 30 min meter - \$.50/30 minutes Payment Required
- Parking Available







PERMIT TO OCCUPY THE PUBLIC RIGHT-OF-WAY

Permit #: Effective Date: Expiration Date: Fee: Paid (yes or no):

Rev. 04-10-15

Applicant Information

Name (print): Gary Thran Company: Kush Kafe' Address: 219 E College Ave Telephone: 715.558.2743 FAX: e-mail: Applicant Signature: Gary Thran Date: 8-23-22

Occupancy Information

General Description: Table; Chairs

Street Address: Tax Key No.:

Street: From: To: Committee 9/19/22

Multiple Streets:

(Department use only)

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

Additional Requirements

Plan/Sketch Certificate of Insurance Bond Other:

Traffic Control Requirements

Contact Traffic Division (832-2379) 1 business day prior to any lane closure, or 2 business days prior to a full road closure.

Type of Street: Arterial/CBD, Collector, Local Proposed Traffic Control: City Manual, State Manual, Other (attach plan)

Additional Requirements:

Approved by: Date:

This permit approval is subject to the following conditions:

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

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

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

APPROVED BY:

DATE:

(Department of Public Works)

Insurance and Bond Coverage:

Insurance Carrier: STATE Farm  
Insurance Agent Name and Phone Number: Bill Malik STATE FARM - FDL  
Policy Number: 99CVQ9645  
Policy Period: March 28, 2022 - March 28, 2023  
\* Bond Carrier: N/A  
\* Bond Agent Name and Phone Number: N/A  
\* Bond Number: N/A  
\* Bond Period: N/A

I confirm that I have the authority to sign and certify the information contained herein as the permittee/licensee or duly authorized representative of the entity obtaining this permit/license. I have reviewed and understand the insurance and bonding requirements of the City of Appleton. I hereby certify that I, or the company I represent have insurance and a bond in the amounts required to obtain this permit/license. I have named the City of Appleton as an additional insured for purposes of this permit/license and have provided the name of my insurance and bond carriers, the policy numbers and policy periods above. Further, I agree to maintain appropriate insurance coverage for the duration of this permit/license and to indemnify against any and all liability, loss, damage and expenses and costs including attorneys' fees arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the applicant, anyone directly or indirectly employed by any of them, which may arise from the use of city right of way or property under this permit or license.

I certify that this application, and all information and documentation provided therein, is true and accurate.

Company Name: Kush Kafe'  
Print Name: Gary W. Thran  
Signature: Gary W. Thran  
Date: 8.23.22

**\* Bonds are required for the following types of work only:**

- Plumbing in the public right-of-way: \$5,000.00 Permit Bond (Municipal Code ARTICLE V. DIVISION 1. Sec. 4-265.)
- Sewer lateral sealing in the public right-of-way: \$5,000.00 Permit Bond (Municipal Code ARTICLE III. DIVISION 3. Sec. 4-188. (a)(2))
- Moving of Buildings: \$5,000.00 Permit Bond (Municipal Code ARTICLE III. DIVISION 4. Sec. 4-207. (5))
- Cement Finisher's License: \$5,000.00 License Bond (Municipal Code ARTICLE II. Sec. 9-33. (c)(1))



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** September 14, 2022

**Common Council Meeting Date:** September 21, 2022

**Item:** Final Plat – Stone Ridge Estates West

**Case Manager:** Jessica Titel, Principal Planner

### GENERAL INFORMATION

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**Applicant:** Michael J. Frank, Schuler & Associates, Inc.

**Owner:** Cypress Homes, Inc.

**Address/Parcel #:** N. Haymeadow Avenue (Tax Id #31-6-5802-02). The subject property is located south of East Clearfield Lane and west of North Haymeadow Avenue.

**Petitioner's Request:** The owner/applicant is proposing to subdivide property for single-family residential development.

### BACKGROUND

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On June 19, 2019, Common Council adopted Ordinance 68-19, to annex the subject area from the Town of Grand Chute to the City of Appleton. The subject property was officially annexed to the City on June 25, 2019 at 12:01 a.m.

On July 24, 2019, the Common Council approved the request to rezone the subject property from Temporary AG Agricultural District to R-1B Single-Family District.

CSM #20-19 created the subject parcel and was approved by staff on January 2, 2020. The dedication of public right-of-way for North Haymeadow Avenue (adjacent to the subject property) was approved by the Common Council on December 18, 2019.

The Stone Ridge Estates West Preliminary Plat was approved by Common Council on January 19, 2022.

### STAFF ANALYSIS

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**Existing Conditions:** The subject area to be subdivided is currently undeveloped. Stone Ridge Estates West consists of 3.88 acres and will be divided into ten (10) single-family lots.

**Comparison between Final Plat and Preliminary Plat:** The Final Plat is consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots.

**Zoning Ordinance Review Criteria:** The current lot development standards for the R-1B Single-Family District (Section 23-93 of the Municipal Code) are as follows.

- Minimum lot area: Six thousand (6,000) square feet.

## Final Plat – Stone Ridge Estates West

September 14, 2022

Page 2

- *The proposed average lot size is 15,904 square feet. All lots exceed this minimum requirement.*
- Minimum lot width: Fifty (50) feet.
  - *All lots exceed this minimum requirement, with exception of Lot 8. Please see the “Compliance with Appleton Subdivision Regulations” section below. The Common Council granted a Modification of Regulations per Section 17-3(f) of the Subdivision Code. Lot 8 meets the minimum lot width standard at the building setback line.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
  - *Required front yard setback has been shown on the Final Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
  - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
  - *This will be reviewed through the building permit review process.*

**Compliance with the Appleton Subdivision Regulations:** On January 19, 2022, the Common Council granted relief at the Preliminary Plat approval stage for the following modifications of regulations, pursuant to Section 17-3(f) of the Municipal Code:

- 1) Section 17-3(c)(6) and Section 23-93(g)(3) of the Municipal Code to allow reduction of lot width at the right-of-way line from 50 feet to 40 feet for Lot 8. Lot 8 meets the minimum lot width standard at the building setback line.

**Access and Traffic:** The primary vehicular access to Stone Ridge Estates West is via North Haymeadow Avenue and East Stratford Lane. The road right-of-way for proposed East Stratford Lane will be dedicated to the City with the Final Plat.

### **Surrounding Zoning Classification and Land Uses:**

North: R-1B Single Family Residential. The adjacent land use to the north is currently residential.

South: Town of Grand Chute. The adjacent land use to the south is currently agriculture.

East: R-1A Single Family Residential. The adjacent land use to the east is currently single-family residential.

West: Town of Grand Chute. The adjacent land use to the west is currently single-family residential.

## Final Plat – Stone Ridge Estates West

September 14, 2022

Page 3

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with the One and Two-Family Residential 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 3 – Housing Quality, Variety, and Affordability*

*Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.*

### **OBJECTIVE 10.1 Land Use:**

*Provide an adequate supply of suitable land meeting the demand for development of various land uses.*

### **OBJECTIVE 10.4 Land Use:**

*Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.*

*Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.*

**Parks and Open Space:** Section 17-29 of the Municipal Code requires parkland dedication or fee in lieu of dedication for residential subdivisions. Since no parkland will be dedicated on the subject property, park fees will be due prior to the City signing the Final Plat. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

**Technical Review Group (TRG) Report:** This item appeared on the March 1, 2022 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

## **RECOMMENDATION**

The Stone Ridge Estates West Final Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. The Final Plat shall be recorded within 12 months from the approval date of the last approving authority and within 36 months from the approval date of the first approving authority. Failure to do so requires the subdivider to recommence the entire procedure for Final Plat approval.
2. Prior to City signatures being affixed to the Final Plat, park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

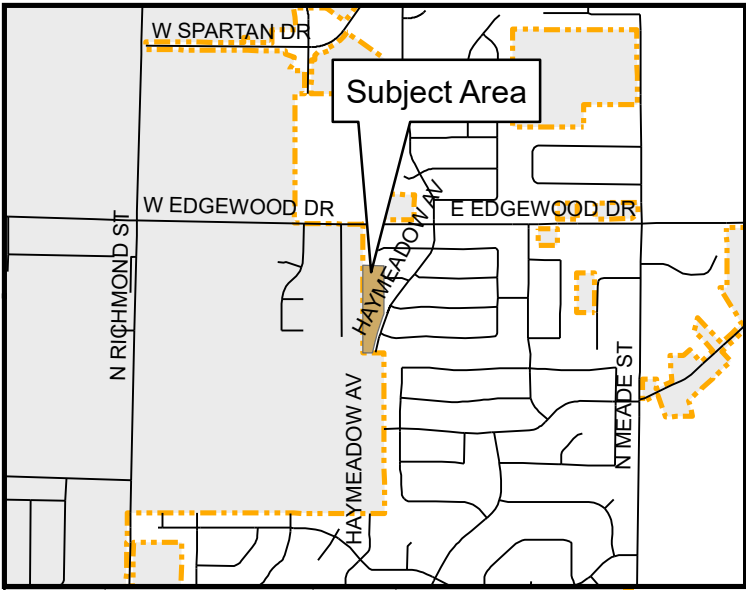
**Final Plat – Stone Ridge Estates West**

**September 14, 2022**

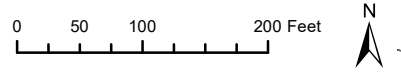
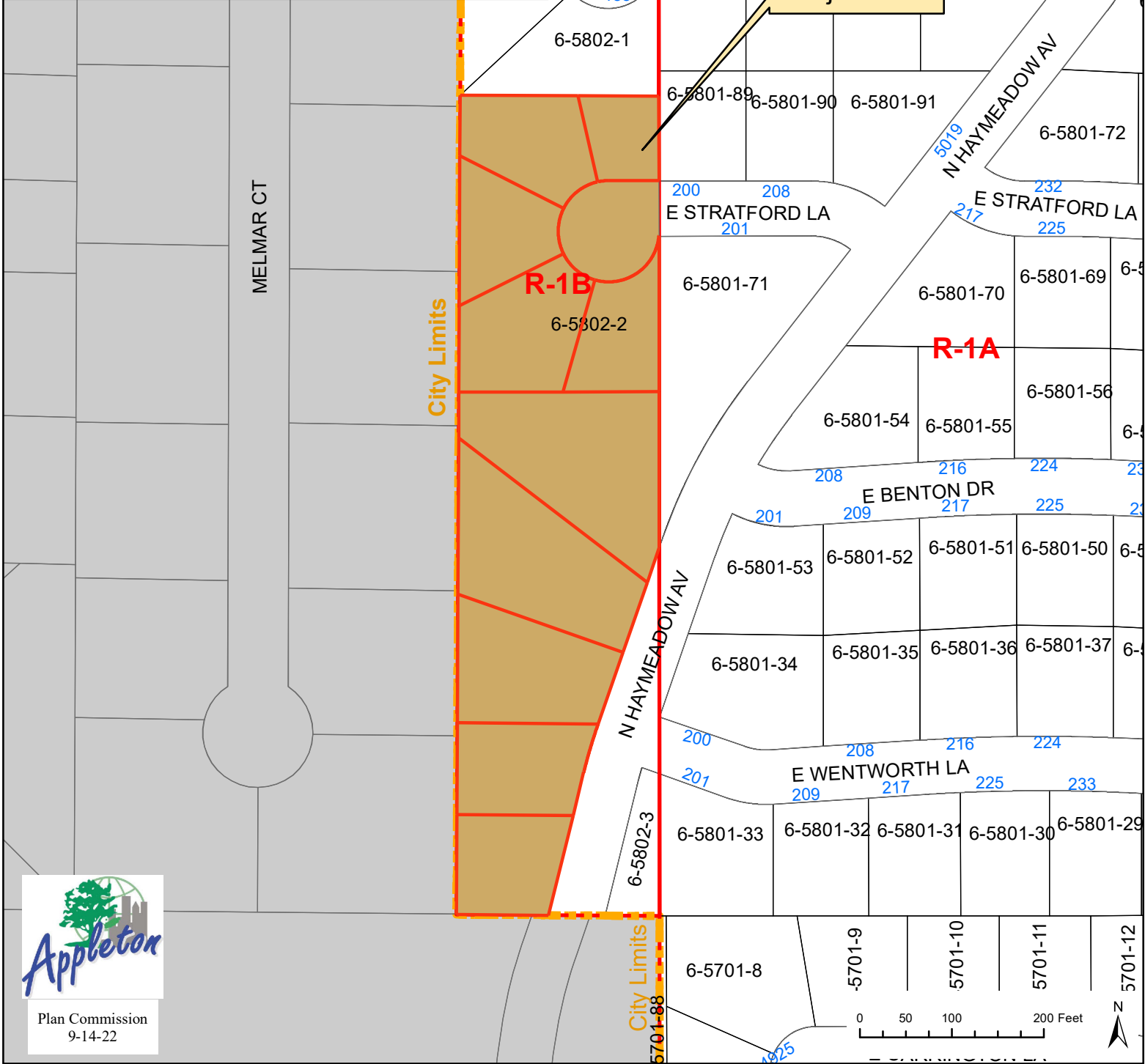
**Page 4**

3. Extend the centerline of Wentworth Lane to intersect the centerline of Haymeadow Avenue.
4. The 1” diameter set iron pipes listed in the legend should also list whether the dimension is the outside or the inside diameter.
5. Add additional language to the Drainage/Storm Sewer detail shown in the legend. Something similar to: “The widths shown here are typical widths only. Actual easements widths may vary and are noted in the map area.
6. Sanitary, Storm and watermain easement, City #1047 (Document No. 1527596) affects a small portion of Lot 11 and should be shown on the Plat.
7. On page 1, regarding the note addressing the stormwater pond on Lots 11 and 12. Modify the second sentence to read, “Issuance of any future building permits for Lots 11 and 12 will not occur unless and until such time...”
8. On page 2, modify the drainage and stormwater easement provision language per the standard language provided by the City via email on 8/26/2022.
9. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
10. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.

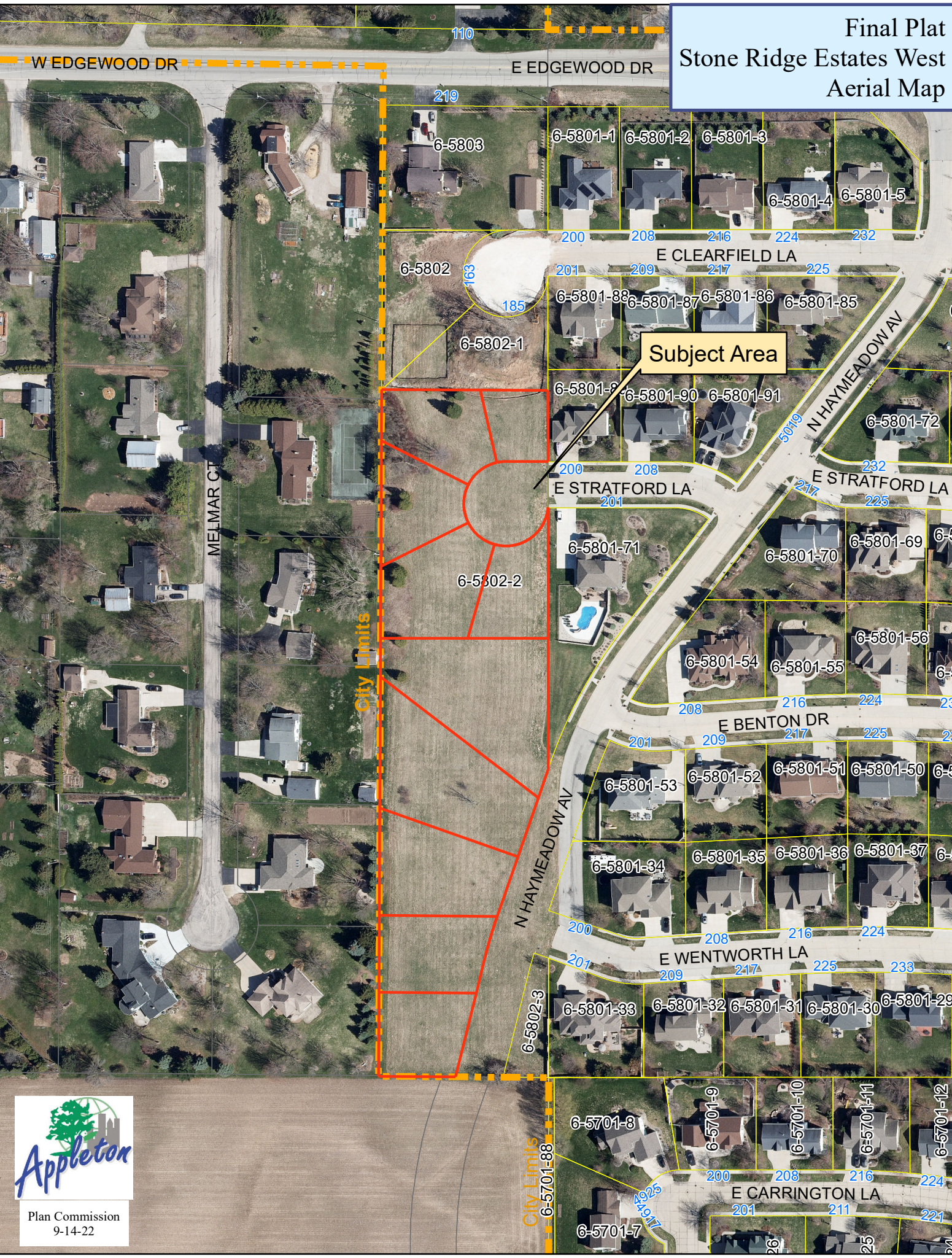
# Final Plat Stone Ridge Estates West Zoning Map



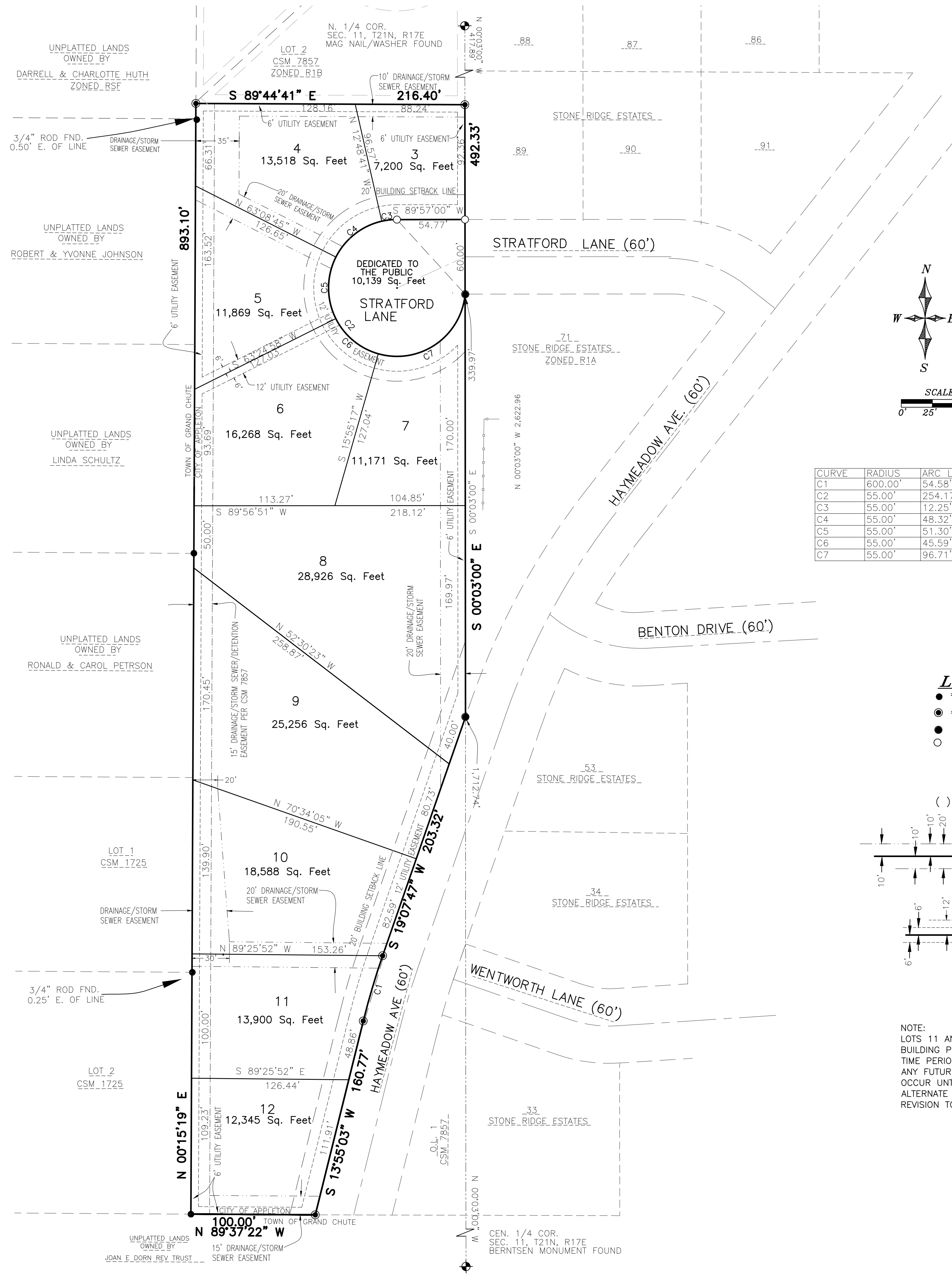
**R-1B**



Final Plat  
Stone Ridge Estates West  
Aerial Map

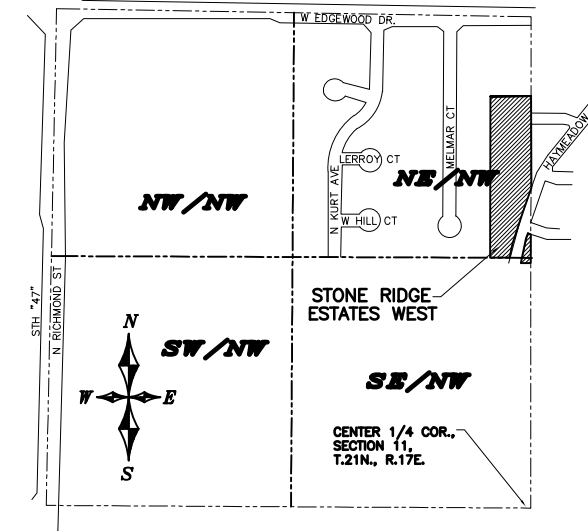




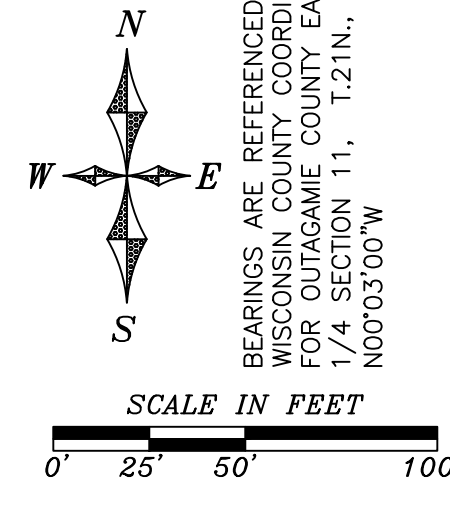


**STONE RIDGE ESTATES WEST**

ALL OF LOT 3 OF CERTIFIED SURVEY MAP NUMBER 7857 AS RECORDED IN DOCUMENT NUMBER 2182744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



LOCATION MAP NOT TO SCALE



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM FOR OUTAGAMIE COUNTY EAST LINE OF NW 1/4 SECTION 11, T21N., R.17E. BEARS N00°03'00" W

**CURVE DATA TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT BEARING-IN	TANGENT BEARING-OUT
C1	600.00'	54.58'	54.56'	S 16°31'25" W	5°12'44"	S 19°07'47" W	S 13°55'03" W
C2	55.00'	254.17'	81.24'	S 42°26'31.5" E	264°47'03"	S 89°57'00" W	N 05°09'57" E
C3	55.00'	12.25'	12.22'	S 83°34'09.5" W	12°45'41"	S 89°57'00" W	S 77°11'19" W
C4	55.00'	48.32'	46.78'	S 52°01'17" W	50°20'04"	S 77°11'19" W	S 26°51'15" W
C5	55.00'	51.30'	49.46'	S 00°08'06.5" W	53°26'17"	S 26°51'15" W	S 26°35'02" E
C6	55.00'	45.59'	44.30'	S 50°19'47.5" E	47°29'31"	S 26°35'02" E	S 74°04'33" E
C7	55.00'	96.71'	84.72'	N 55°32'42" E	100°45'30"	S 74°04'33" E	N 05°09'57" E

**LEGEND**

- = 3/4" DIA. ROUND STEEL REBAR FOUND
  - = 1-5/16" O.D. IRON PIPE FOUND
  - = 1 1/4" DIA. ROUND STEEL REBAR FOUND
  - = 1 1/4" DIA. ROUND x 30" LONG STEEL REBAR WEIGHING 4.30 LBS./LIN. FOOT SET
  - = 1" DIA. ROUND x 24" LONG IRON PIPE WEIGHING 1.13 LBS./ LIN. FOOT
  - ( ) = RECORDED AS
- = DRAINAGE/ STORM SEWER EASEMENT GRANTED TO THE CITY OF APPLETON  
 = PRIVATE UTILITY EASEMENT GRANTED TO ENERGY, GAS, AND COMMUNICATION PROVIDERS

NOTE:  
 LOTS 11 AND 12 CONTAIN A PRIVATE STORM WATER POND. NO BUILDING PERMITS WILL BE ISSUED FOR THESE LOTS DURING THE TIME PERIOD THAT THE POND OCCUPIES THE LOTS. ISSUANCE OF ANY FUTURE BUILDING PERMITS FOR LOT 11 AND 12 WILL NOT OCCUR UNTIL SUCH TIME AS THE PRIVATE POND IS REMOVED, AND ALTERNATE FACILITIES CONSTRUCTED AS PART OF A CITY-APPROVED REVISION TO THE STORMWATER MANAGEMENT PLAN FOR THIS PLAT.

**SCHULER & ASSOCIATES, INC.**  
 LAND SURVEYORS & ENGINEERS  
 2711 N. MASON STREET, SUITE F, APPLETON, WI 54914-2126 (920) 734-9107

# STONE RIDGE ESTATES WEST

ALL OF LOT 3 OF CERTIFIED SURVEY MAP 7857 AS RECORDED IN DOCUMENT NUMBER 2182744, BEING PART OF THE  
NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

## SURVEYORS CERTIFICATE:

I, MICHAEL J. FRANK, PROFESSIONAL LAND SURVEYOR S-2123, HEREBY CERTIFY:  
THAT I HAVE SURVEYED, DIVIDED AND MAPPED STONE RIDGE ESTATES WEST,

ALL OF LOT 3 OF CERTIFIED SURVEY MAP NUMBER 7857 AS RECORDED IN DOCUMENT NUMBER 2182744, BEING  
PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST,  
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, CONTAINING 169,182 SQUARE FEET (3.884 ACRES) OF LAND,  
MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND PLAT BY THE ORDER AND UNDER THE DIRECTION  
OF THE OWNERS OF SAID LAND.

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED  
AND THE SUBDIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND  
WITH THE SUBDIVISION REGULATIONS OF THE CITY OF APPLETON, IN SURVEYING, DIVIDING AND MAPPING THE  
SAME.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

\_\_\_\_\_  
MICHAEL J. FRANK S-2123  
WISCONSIN PROFESSIONAL LAND SURVEYOR

## CORPORATE OWNERS CERTIFICATE OF DEDICATION

CYPRESS HOMES, INC., A WISCONSIN CORPORATION, A CORPORATION DULY ORGANIZED AND  
EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES  
HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE  
SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THIS PLAT.

CYPRESS HOMES, INC., DOES FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY s.236.10 OR  
s.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

AGENCIES HAVING THE AUTHORITY TO OBJECT  
STATE OF WISCONSIN, DEPARTMENT OF ADMINISTRATION

APPROVING AUTHORITIES  
CITY OF APPLETON

IN WITNESS WHEREOF, THE SAID CYPRESS HOMES, INC., INC., HAS CAUSED  
THESE PRESENTS TO BE SIGNED BY SHANNON MEYER, ITS PRESIDENT,  
AT APPLETON, WISCONSIN, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
SHANNON MEYER, PRESIDENT  
STATE OF WISCONSIN)  
ss.  
\_\_\_\_\_ COUNTY)

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, SHANNON MEYER,  
PRESIDENT OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSON WHO EXECUTED  
THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH PRESIDENT OF SAID CORPORATION,  
AND ACKNOWLEDGED THAT SHE EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICER  
AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

\_\_\_\_\_  
NOTARY PUBLIC, \_\_\_\_\_CTY., WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## DRAINAGE/ STORM SEWER EASEMENT PROVISIONS

AN EASEMENT FOR DRAINAGE AND STORM SEWER IS HEREBY GRANTED BY:  
CYPRESS HOMES, INC. GRANTOR, TO

THE CITY OF APPLETON, GRANTEE,

- PURPOSE: GRANTOR AND GRANTEE AGREE THAT THE DRAINAGE DITCH, AND STORM SEWER WITHIN THE  
EASEMENT SHALL BE A PRIVATE DRAINAGE DITCH AND STORM SEWER INSTALLED, OPERATED, AND MAINTAINED  
BY GRANTOR IN ACCORDANCE WITH THE APPROVED CONSTRUCTION PLANS ON FILE WITH THE CITY OF  
APPLETON. THE PURPOSE OF THIS EASEMENT IS FOR THE GRANTEE TO ACCESS, INSTALL, REGRADE,  
REPLACE, RELOCATE, OPERATE, MAINTAIN, RESIZE AND REPAIR SAID IMPROVEMENTS IN THE DRAINAGE AND  
STORM SEWER EASEMENT, IN THE EVENT THAT GRANTOR FAILS TO DO SO. GRANTEE DOES HEREBY AGREE  
TO COMPENSATE GRANTOR FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID  
MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID STORM SEWER THAT OCCURS OUTSIDE THE  
EASEMENT AREA. TREES, BUSHES, BRANCHES AND ROOTS MAY BE TRIMMED OR REMOVED SO AS NOT TO  
INTERFERE WITH THE INTENDED USE OF THE EASEMENT AREA.
- ACCESS: GRANTEE OR ITS AGENTS SHALL HAVE THE RIGHT TO ENTER THE GRANTOR'S LAND FOR THE  
PURPOSE OF EXERCISING ITS RIGHTS IN THE EASEMENT AREA.
- BUILDINGS OR OTHER STRUCTURES: BUILDINGS OR ANY OTHER TYPE OF STRUCTURE SHALL NOT BE  
PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED  
"DRAINAGE/STORM SEWER EASEMENT".
- ELEVATION: THE GRANTOR AGREES THAT THE ELEVATION OF THE EXISTING GROUND SURFACE WITHIN THE  
EASEMENT AREA WILL NOT BE ALTERED BY MORE THAN 4 INCHES WITHOUT THE WRITTEN CONSENT OF  
GRANTEE.
- RESTORATION: GRANTEE AGREES THAT IT WILL RESTORE SUBSURFACE MATERIALS ON GRANTOR'S LAND, AS  
NEARLY AS IS REASONABLY POSSIBLE, TO THE PRIOR EXISTING CONDITION WHEN CONDUCTING ALL FUTURE  
MAINTENANCE, RESIZING OR REPAIR ACTIVITIES. GRANTOR SHALL BE RESPONSIBLE FOR ALL SURFACE  
RESTORATION. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS  
OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, SIDEWALKS,  
STRUCTURES, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES  
DESCRIBED HEREIN.
- NOTIFICATION: GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE  
MAINTENANCE WORK. GRANTEE AND GRANTOR AGREE TO COOPERATE IN GOOD FAITH TO MINIMIZE  
INTERFERENCE OR DISRUPTION TO THE NORMAL FACILITY OPERATIONS. GRANTEE SHALL PROVIDE ADVANCE  
NOTICE TO GRANTOR (EXCEPT IN EMERGENCY SITUATIONS, IN WHICH EVENT NOTICE SHALL BE PROVIDED AS  
SOON AS IS PRACTICAL) OF ANY ACTIVITY WITH A REASONABLE LIKELIHOOD OF INTERFERING OR DISRUPTING  
THE OPERATION GRANTOR'S FACILITY, AND TO CONDUCT SUCH ACTIVITIES AT MUTUALLY AGREEABLE TIMES.
- DRAINAGE EASEMENTS ARE CONVEYANCE PATHS FOR STORM WATER. THE PLACEMENT OF FILL IN A DRAINAGE  
EASEMENT, WHICH INTERFERES WITH THE FLOW OR CHANGES TO THE SHAPE OF THE DRAINAGE EASEMENT  
BY THE LOT OWNER OR HIS AGENT, IS PROHIBITED. UPON FAILURE OF LOT OWNER'S TO MAINTAIN SAID  
DRAINAGE WAYS AND EASEMENTS AS DESIGNED; THE CITY OF APPLETON RETAINS THE RIGHT TO PERFORM  
MAINTENANCE AND OR REPAIRS. THE PAYMENT OF SAID MAINTENANCE AND OR REPAIRS SHALL BE EQUALLY  
ASSESSED TO THE ADJACENT LOT OWNERS.

THIS GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS,  
SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

\_\_\_\_\_  
SHANNON MEYER, PRESIDENT

## COMMON COUNCIL APPROVAL

WE HEREBY CERTIFY THAT THIS PLAT OF STONE RIDGE ESTATES WEST, LOCATED IN THE CITY OF APPLETON,  
OUTAGAMIE COUNTY WAS APPROVED AND ACCEPTED BY THE COMMON COUNCIL OF THE  
CITY OF APPLETON ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR DATE \_\_\_\_\_ CLERK DATE \_\_\_\_\_

## TREASURER'S CERTIFICATE

WE HEREBY CERTIFY THAT THERE ARE NO UNPAID TAX SALES, UNPAID SPECIAL ASSESSMENTS OR  
UNPAID TAXES ON ANY OF THE LANDS INCLUDED IN THIS PLAT.

\_\_\_\_\_  
COUNTY TREASURER DATE \_\_\_\_\_ CITY TREASURER DATE \_\_\_\_\_

## UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICES IS  
HEREBY GRANTED BY CYPRESS HOMES, INC., GRANTOR, TO

TO WISCONSIN ELECTRIC POWER COMPANY, AND WISCONSIN GAS, LLC, WISCONSIN  
CORPORATIONS DOING BUSINESS AS WE ENERGIES, GRANTEE,  
WISCONSIN BELL, INC. D/B/A AT&T, A WISCONSIN WISCONSIN CORPORATION, GRANTEE,  
AND SPECTRUM MID-AMERICA, LLC., GRANTEE

THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO CONSTRUCT, INSTALL, OPERATE,  
REPAIR, MAINTAIN AND REPLACE FROM TIME TO TIME, FACILITIES USED IN CONNECTION  
WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY  
AND ELECTRIC ENERGY, NATURAL GAS, TELEPHONE AND CABLE TV FACILITIES FOR  
SUCH PURPOSES AS THE SAME IS NOW OR MAY HEREAFTER BE USED, ALL IN, OVER,  
UNDER, ACROSS, ALONG AND UPON THE PROPERTY SHOWN WITHIN THOSE AREAS ON  
THE PLAT DESIGNATED AS "UTILITY EASEMENT AREAS" AND THE PROPERTY DESIGNATED  
ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER  
WITH THE RIGHT TO INSTALL SERVICE CONNECTIONS UPON, ACROSS, WITHIN AND  
BENEATH THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS THEREON, OR ON  
ADJACENT LOTS; ALSO THE RIGHT TO TRIM OR CUT DOWN TREES, BRUSH AND ROOTS  
AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE  
RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. THE  
GRANTEES AGREE TO RESTORE OR CAUSE TO HAVE RESTORED, THE PROPERTY, AS  
NEARLY AS IS REASONABLY POSSIBLE, TO THE CONDITION EXISTING PRIOR TO SUCH  
ENTRY BY THE GRANTEES OR THEIR AGENTS. THIS RESTORATION, HOWEVER, DOES  
NOT APPLY TO THE INITIAL INSTALLATION OF SAID UNDERGROUND AND/OR ABOVE  
GROUND ELECTRIC FACILITIES. NATURAL GAS FACILITIES OR TELEPHONE AND CABLE TV  
FACILITIES OR TO ANY TREES, BRUSH OR ROOTS WHICH MAY BE REMOVED AT ANY  
TIME PURSUANT TO THE RIGHTS HEREIN GRANTED. STRUCTURES SHALL NOT BE  
PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN  
THE LINE MARKED "UTILITY EASEMENT AREAS" WITHOUT THE PRIOR WRITTEN CONSENT  
OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE  
SUBDIVIDED PROPERTY SHALL NOT BE ALTERED BY MORE THAN FOUR INCHES  
WITHOUT THE WRITTEN CONSENT OF GRANTEES.

THE GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF  
THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

\_\_\_\_\_  
SHANNON MEYER, PRESIDENT



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Hearing Meeting Date:** August 24, 2022

**Common Council Public Hearing Meeting Date:** September 21, 2022  
(Public Hearing on Rezoning)

**Item:** Rezoning #4-22 – 1430 N. Ballard Road

**Case Manager:** Jessica Titel, Principal Planner

### GENERAL INFORMATION

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**Owner/Applicant:** Onstage Audio, LLC c/o Melvin & Lisa Kohl – Event Production Systems

**Address/Parcel:** 1430 N. Ballard Road (Tax Id #31-1-5207-00)

**Petitioner's Request:** The applicant proposes to rezone the subject parcel from M-2 General Industrial District to C-2 General Commercial District. The request is being made to facilitate expansion of the existing parcel by purchasing additional land to the south. The rezoning is needed so both parcels have consistent zoning designations. The additional land area will provide more parking for the subject business.

### BACKGROUND

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The subject property currently contains a commercial building that is approximately 3,000 square feet in size. The property currently contains a business (Event Production Systems) that offers professional audio, video, lighting and staging services. This business will continue to operate in this location.

The Board of Zoning Appeals approved variances for the rear setback, lot area and lot coverage on July 18, 2022. The variances were needed in order for the lot to comply with the C-2 General Commercial district minimum development standards stated in Section 23-113(h). The applicant applied for the variances in anticipation of submitting this rezoning request.

The applicant proposes to purchase additional land to the south to facilitate an expansion of the parking area. A Certified Survey Map will be required to create the new, larger parcel. Per Section 23-40(b) of the Municipal Code, there shall not be more than one zoning district on any parcel of land. Therefore, combining additional land from the parcel to the south to the subject parcel, which are currently in different zoning districts, also necessitates a rezoning.

### STAFF ANALYSIS

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**Existing Site Conditions:** The subject parcel is approximately 11,625 square feet in size. Ballard Road is classified as an arterial street on the City's Arterial/Collector Plan. Currently, the parcel is developed with a single-story building and a paved area that has been used for off-street parking, with vehicular access provided by a curb cut on Ballard Road.

**Surrounding Zoning Classification and Land Uses:**

North: M-2 General Industrial District. The adjacent land use to the north is industrial.

South: C-2 General Commercial District. The adjacent land use to the south is currently a vacant commercially zoned property.

East: R-1A Single-Family District. The adjacent land uses to the east are currently single-family residential.

West: R-2 Two-Family District and R-3 Multifamily District. The adjacent land uses to the west are currently two-family residential and multi-family residential.

**Proposed Zoning Classification:** The purpose of the C-2 General Commercial District is 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. The development standards for the C-2 District are listed below:

- 1) **Minimum lot area:** 14,000 square feet.
- 2) **Maximum lot coverage:** 75%.
- 3) **Minimum lot width:** 60 feet.
- 4) **Minimum front yard:** 10 feet.
- 5) **Minimum rear yard:** 20 feet.
- 6) **Minimum side yard:**
  - a. None.
  - b. 10 feet if abutting a residentially zoned district.
- 7) **Maximum building height:** 35 feet.

**Zoning Ordinance Review Criteria:** A rezoning is often triggered by development proposals or changing circumstances in the City. In this case, the request is being made to accommodate the purchase of additional land to the south to facilitate an expansion of the parking area. The rezoning is needed so the existing parcel and the additional land have consistent zoning designations. A Certified Survey Map will be completed to create the larger parcel.

If the rezoning request is approved, any future development would be reviewed against the C-2 District zoning regulations and other applicable sections of the Zoning Ordinance. Parking lot reconstruction and/or expansion would require site plan review and approval, pursuant to Section 23-570 of the Zoning Ordinance.

**Appleton Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* identifies this area with a future Commercial designation. The proposed C-2 General Commercial 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 9.5: Economic Development:*

*Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.*

*OBJECTIVE 10.2 Land Use:*

*Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.*

*OBJECTIVE 10.5 Land Use:*

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

**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. 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 goals and objectives stated above and the Future Land Use Map, which identifies this area for future commercial use.*
  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 area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
  2. The effect of the proposed rezoning on surrounding uses. *Industrial zoning already exists on the subject parcel. A mix of commercial uses are already present in this area of City and are adjacent to this parcel. The proposed rezoning would facilitate continued investment and growth for the existing business located on this parcel. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the surrounding neighborhood.*

**Review Criteria:** Based upon the above analysis, it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments has been satisfied.

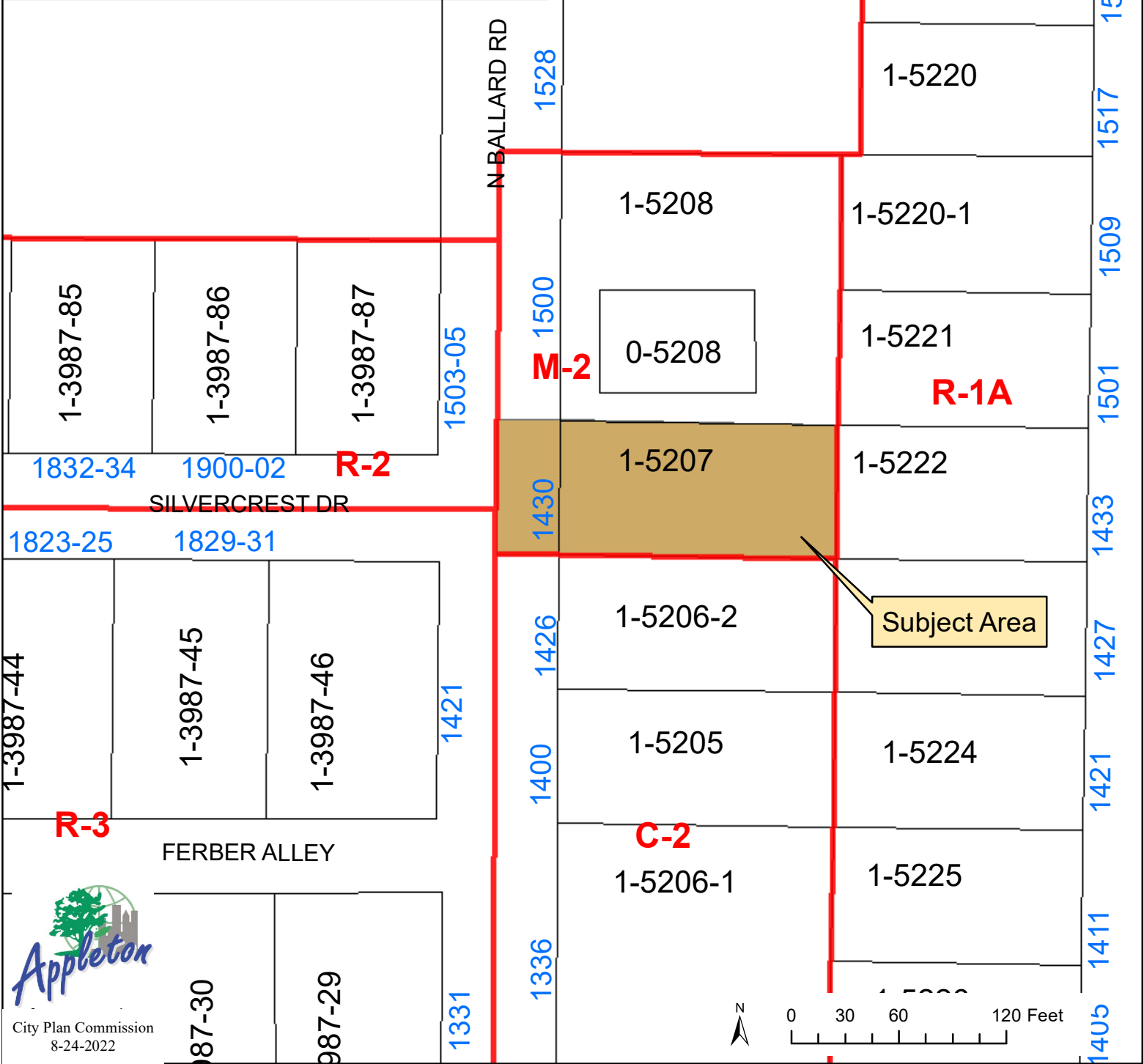
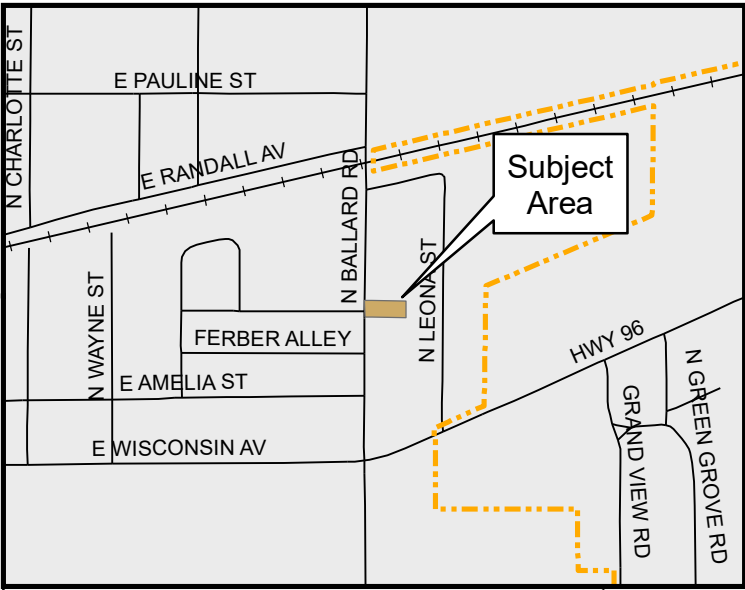
**Technical Review Group (TRG) Report:** This item appeared on the August 2, 2022 TRG agenda. No negative comments were received from participating departments.

## **RECOMMENDATION**

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Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning Application #4-22 to rezone the subject parcel located at 1430 N. Ballard Road (Tax Id #31-1-5207-00) from M-2 General Industrial District to C-2 General Commercial District, including to the centerline of the adjacent one-half (1/2) right-of-way of North Ballard Road, as shown on the attached map, **BE APPROVED**.

Event Production Systems  
 Rezoning  
 M-2 General Industrial District to C-2  
 General Commercial District  
 Zoning Map



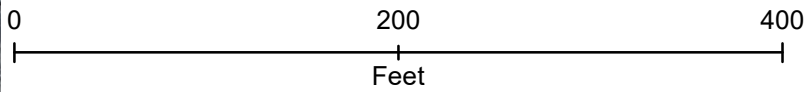
Event Production Systems  
Rezoning  
M-2 General Industrial District to C-2  
General Commercial District  
Aerial Map



Subject Area



City Plan Commission  
8-24-2022

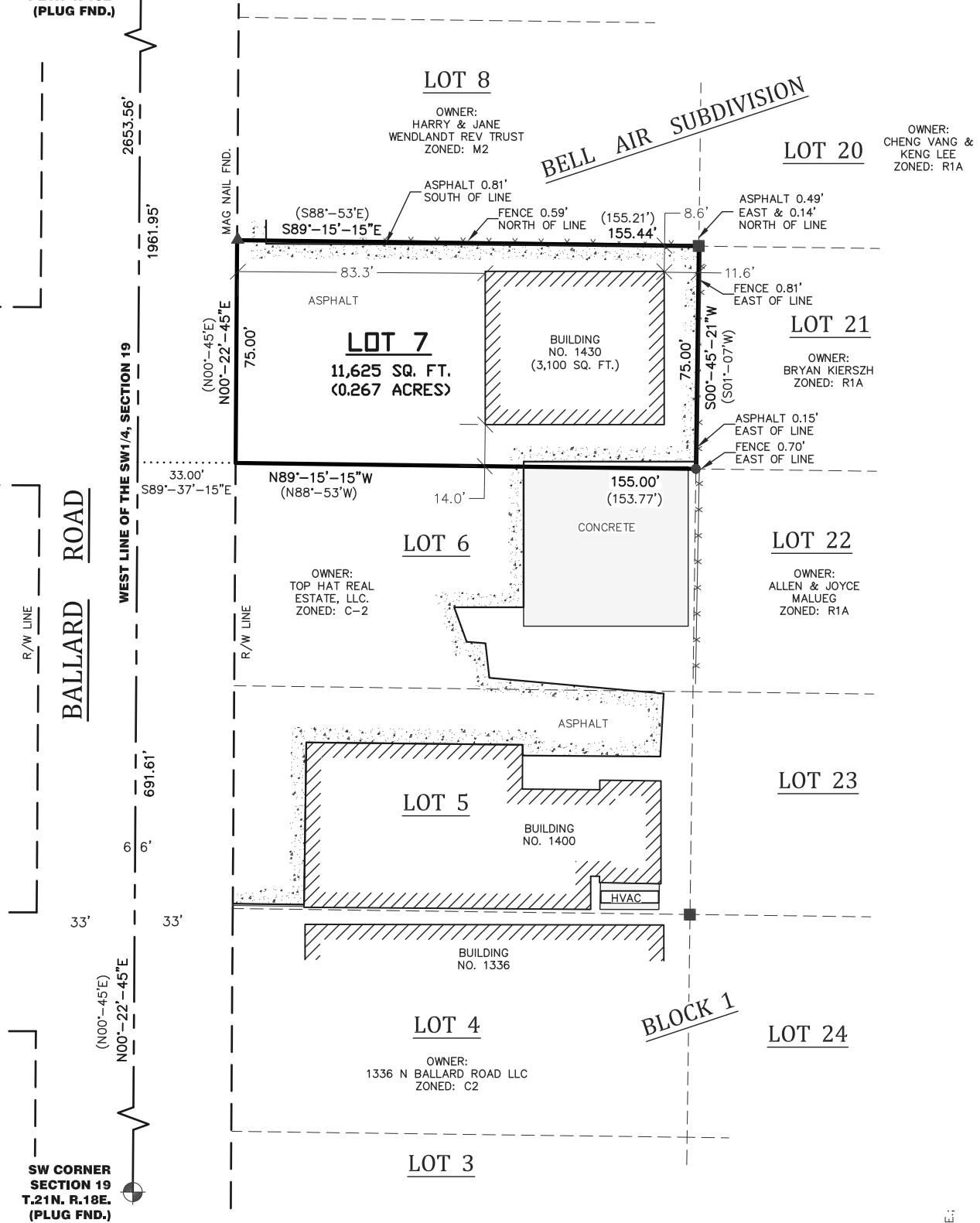




# REZONING EXHIBIT MAP

LOT 7, BLOCK 1, BELL AIR SUBDIVISION, BEING PART OF THE SW1/4 OF THE SW1/4, SECTION 19, T.21N., R.18E., CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

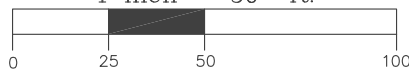
W1/4 CORNER SECTION 19  
T.21N. R.18E.  
(PLUG FND.)



## -LEGEND-

- = 1" IRON PIPE FOUND
- = 3/4" REBAR FOUND
- ⊕ = COUNTY MONUMENT FOUND
- ( ) = RECORDED INFORMATION
- x---x---x---x--- = EXISTING FENCE

GRAPHIC SCALE  
1 inch = 50 ft.



### SURVEY NOTES:

-THE INTENT OF THIS EXHIBIT IS TO DEPICT LANDS TO BE REZONED FROM M-2 GENERAL INDUSTRIAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT.

-PROPERTY OWNER: ONSTAGE AUDIO, LLC. - C/O MELVIN KOHL

-PROPERTY ADDRESS: 1430 N. BALLARD RD. APPLETON, WI 54911

BEARINGS REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM AND THE WEST LINE OF THE SW1/4, SECTION 19, T.21N., R.18E., WHICH BEARS: N00°-22'-45"E (N00°-45"E)

SURVEYED FOR:  
DAN NELESSEN  
W3044 BROADWAY DRIVE  
FREEDOM, WI 54913

PARCEL ID:  
311520700  
DEED:  
DOC. NO. 2006548

**MERIDIAN**  
**SURVEYING, LLC**



N9637 Friendship Drive Office: 920-993-0881  
Kaukauna, WI 54130 Fax: 920-273-6037

DRAWN BY: J.B.

FIELD WORK DATE: 4-26-22

CHECKED BY: S.C.D.

FIELD BOOK: X

JOB NO.: 13654

SHEET 1 OF 1

All of Lot Seven (7), Block One (1), Bell Air Subdivision, as recorded in Volume 15 of Plats on Page 19 as Document No. 450970, located in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Nineteen (19), Township Twenty-One (21) North, Range Eighteen (18) East, City of Appleton, Outagamie County, Wisconsin containing 11,625 square feet (0.267 acres) of land and including the adjacent one-half (1/2) right-of-way of N. Ballard Road.



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** September 14, 2022

**Common Council Meeting Date:** September 21, 2022

**Item:** Special Use Permit #10-22 for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption

**Case Manager:** Don Harp, Principal Planner

### GENERAL INFORMATION

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**Owner:** Bela Development, LLC – Teresa Knuth

**Applicant:** Nick Charles, Wisconsin Distilling Company, LLC

**Address/Parcel #:** 516 West Lawrence Street (Tax Id #31-3-1006-00)

**Petitioner's Request:** The applicant is requesting a craft distillery manufacturing a total of not more than 100,000 proof gallons of intoxicating liquor per calendar year.

### BACKGROUND

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The existing building was originally constructed in 1953 as a warehouse.

On March 24, 2020, Ordinance #32-20 went into effect to allow craft-distilleries with a tasting room as a Special Use Permit in the Central Business District (CBD) per Chapter 23 Zoning of the Municipal Code.

On August 11, 2022, City staff from the Health Department, Building Inspections Division, Fire Department and Community & Economic Development Department conducted a courtesy inspection of the building with the applicant. Staff discussed the necessary steps to bring the property into compliance with applicable local and state codes related to a craft-distillery use. The courtesy inspection report was provided to the applicant.

### STAFF ANALYSIS

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**Project Summary:** The applicant is requesting to operate a craft-distillery with a tasting room within the existing building (upper & lower levels) which includes a proposed outdoor patio area with alcohol sales and consumption for a total gross area of 4,680 square feet. The applicant proposes to define the perimeter of the proposed outdoor patio area with a four (4) high fence. The applicant anticipates initially producing 5,000 proof gallons of intoxicating liquor per year per attached plan of operation. Additionally, the distillery does not use heavy machinery that makes significant noise. The distilling process itself is generally quiet (electric grain mills, electric mash pumps, etc.), and the noise will be contained within an enclosed building. The spent grains will be stored inside the distillery in 55-gallon stainless steel drums until being picked up.

**Site Conditions:** In addition to the existing building, twenty-eight (28) on-site surface parking spaces exist on the subject site. It is important to note, due to existing on-street parking spaces and parking ramps located within the downtown area and the walkability of the Central Business District (CBD), provisions for off-street parking and loading spaces are not required for uses in the CBD zoning district.

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

**Zoning Ordinance Requirements:** The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, craft-distilleries with a tasting room and an outdoor patio with alcohol sales and consumption require a Special Use Permit in the CBD District.

In order to permit the proposed use, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

A Special Use Permit will expire if a building permit and/or occupancy permit has not been obtained to commence the craft-distillery operations within twelve (12) months of the issuance of the Special Use Permit.

**City of Appleton Zoning Ordinance Section 23-22 Includes the Following Definitions Related to Craft-Distilleries:**

***Craft-Distillery*** means a use which manufactures, bottles and packages a total of not more than 100,000 proof gallons of intoxicating liquor under the name of “whiskey”, “brandy”, “gin”, “rum”, “spirits”, “cordials” or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

***Proof*** means the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percentage of ethyl alcohol by volume.

***Proof gallon*** means a gallon of liquid at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof. Proof is a method of measuring the alcohol content of spirits (intoxicating liquor). You calculate the proof of a spirits product by multiplying the percent of alcohol by volume by two (2). For example, a spirits (intoxicating liquor) product that has a 40% alcohol content by volume is 80 proof [40 multiplied by 2 = 80]. Converting U.S. gallons into proof gallons:

1. Multiply U.S. gallons by the percent of alcohol by volume.
2. Multiply by 2.
3. Divide by 100.

**Sample calculation:**

1. 100 U.S. gallons x 40% alcohol by volume = 4000
2. 4000 x 2 = 8000
3. 8000/100 = 80 proof gallons

**Tasting room** means a use offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.

**Applicable Special Use Regulations Related to Craft-Distilleries:**

Section 23-66(h)(19) *Microbrewery/Brewpubs and Craft-Distilleries*.

- a. Shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- b. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the C-1, C-2 and CBD Zoning Districts.
- c. Tasting rooms require a Special Use Permit in the C-1, C-2 and CBD Zoning District.
- d. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

**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: CBD Central Business District. The adjacent land uses to the north are currently a mix of commercial uses including restaurants, a bar, and event space with alcohol sales and service.

South: CBD Central Business District. The adjacent land uses to the south are currently a mix of uses, including surfacing parking lot and a bar.

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of uses, including surfacing parking lot and residential apartments.

West: CBD Central Business District. The adjacent land use to the west is a bank.

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

*Goal 1 – Community Growth*

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

*Goal 8 – Economic Development*

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

*OBJECTIVE 9.4 Economic Development: Ensure the continued vitality of downtown and the City's neighborhood commercial districts.*

*Chapter 14 Downtown Plan, Initiative 4 Downtown Development and Business Retention:*

*Strategy 4.8 – Support private sector efforts to redevelop and invest in downtown.*

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

**Finding of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under Section 23-66(e)(1-8) of the Municipal Code: (1. *proper zoning district:* CBD zoning allows this proposed use as a special use permit, 2. *zoning district regulations:* all applicable requirements will be verified as part of the building permit approval process, see condition #1, 3. *special regulations:* stipulations 1, 2, and 3 address the special regulations for craft-distilleries with a tasting room, 4. *consistent with comprehensive plan and other plans:* yes, see above analysis, 5. *traffic:* the existing off-street parking lot is served by one driveway entrance located on Lawrence Street with vehicles existing onto Kimball Alley, no concerns submitted by traffic engineer, 6. *landscaping and screening:* not applicable to this proposed use, 7. *neighborhood compatibility:* the proposed use is located near other commercial uses in this area of City; 8. *impact on services:* the City has existing utilities, services and equipment in place to serve this proposed use). These standards were found in the affirmative, as long as all stipulations are satisfied.

**Technical Review Group (TRG) Report:** This item appeared on the August 23, 2022 TRG agenda. No negative comments were received from participating departments.

- A Temporary Use Permit shall be applied for and issued by the Community and Economic Development Department prior to food trucks being parked on-site.

## **RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #10-22 for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption located at 516 West Lawrence Street (Tax Id #31-3-1006-00) 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 is one of the special regulations included in Section 23-66(h)(19)a. of the Zoning Ordinance for this particular use.*

2. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the CBD Zoning Districts.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(19)c. of the Zoning Ordinance for this particular use.*

3. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.

*Substantial Evidence: This condition is one of the special regulations included in Section 23-66(h)(19)f. of the Zoning Ordinance for this particular use.*

4. 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 parameters for the current application and identifies the process for review of any future changes to the special use.*

**CITY OF APPLETON**  
**RESOLUTION FOR SPECIAL USE PERMIT #10-22**  
**CRAFT-DISTILLERY WITH A TASTING ROOM AND AN OUTDOOR PATIO WITH ALCOHOL**  
**SALES AND CONSUMPTION**  
**516 WEST LAWRENCE STREET**

**WHEREAS**, Nick Charles, Wisconsin Distilling Company, LLC has applied for a Special Use Permit for a craft-distillery with a tasting room and an outdoor patio with alcohol sales and consumption (craft-distillery) for a total gross area of 4,680 square feet located at 516 West Lawrence Street, also identified as Parcel Number 31-3-1006-00; and

**WHEREAS**, the location for the proposed craft-distillery is located in the CBD Central Business 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 September 14, 2022 on Special Use Permit #10-22, 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 #10-22 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 September 21, 2022.

**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 #10-22 for a craft-distillery located at 516 West Lawrence Street, also identified as Parcel Number 31-3-1006-00, 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 #10-22 for a craft-distillery located at 516 West Lawrence Street, also identified as Parcel Number 31-3-1006-00, 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 #10-22**

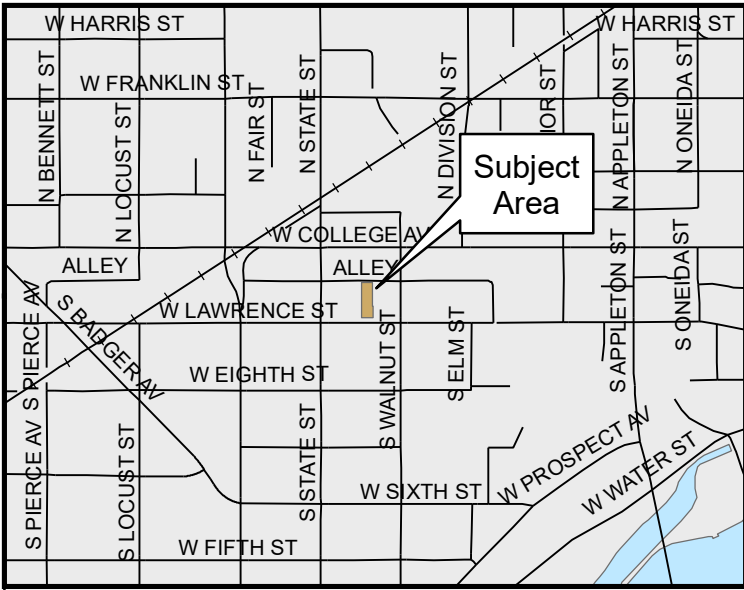
- A. All Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws shall be complied with.
  - B. A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year in the CBD Zoning Districts.
  - C. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code.
  - D. 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.
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 \_\_\_\_\_, 2022.

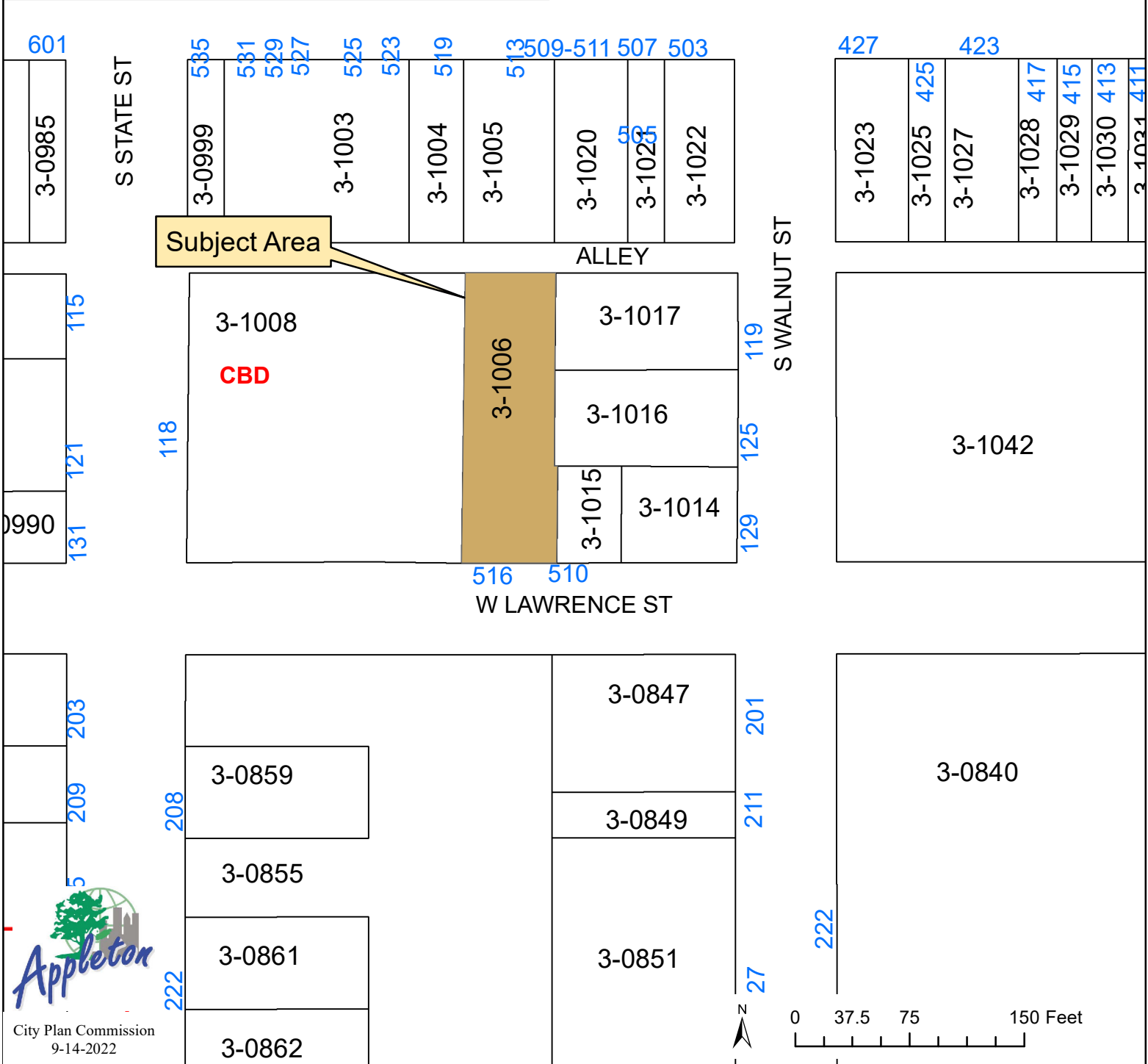
\_\_\_\_\_  
Jacob A. Woodford, Mayor

ATTEST:

\_\_\_\_\_  
Kami Lynch, City Clerk

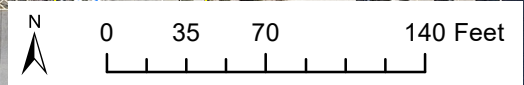
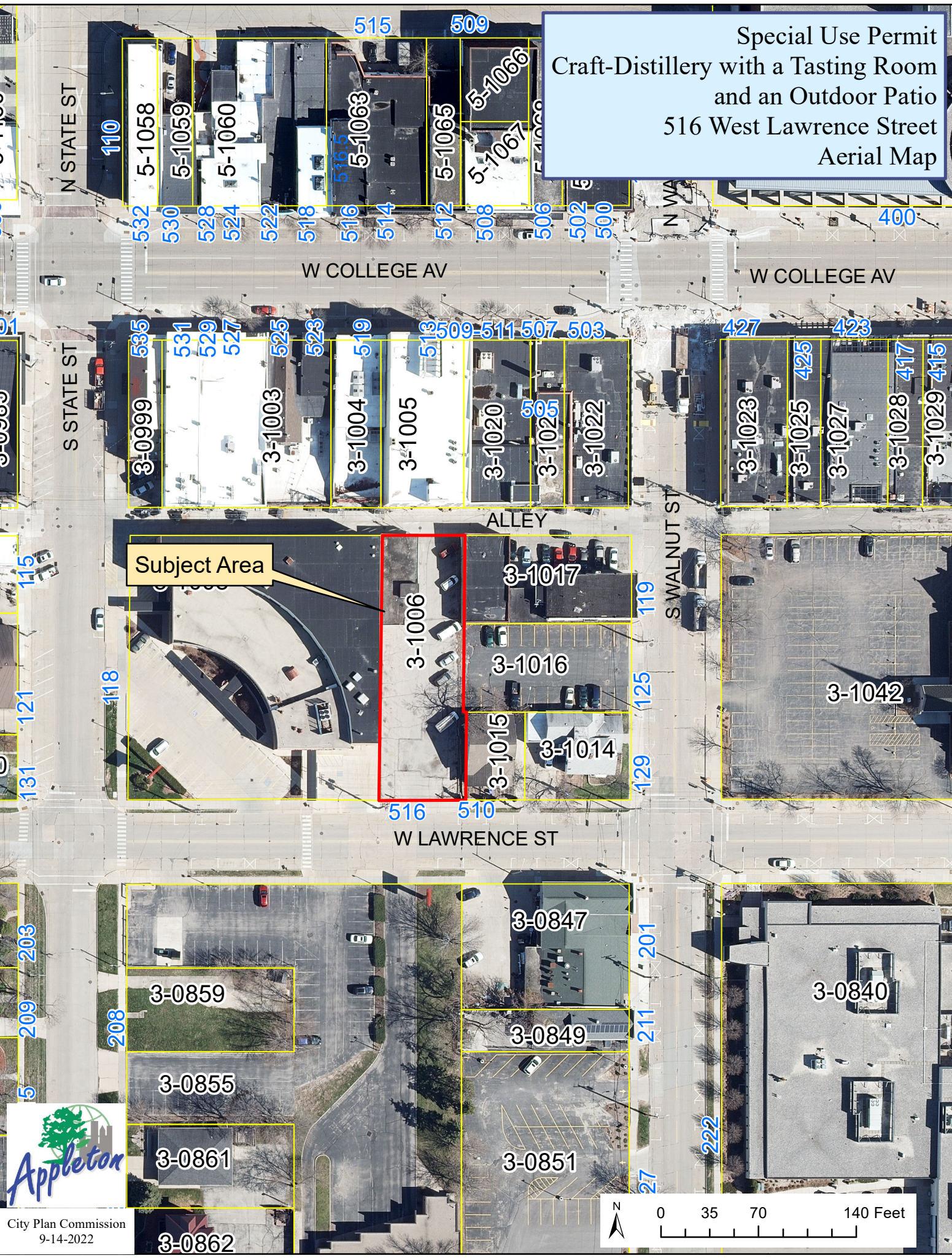


Special Use Permit  
 Craft-Distillery with a Tasting Room  
 and an Outdoor Patio  
 516 West Lawrence Street



Special Use Permit  
 Craft-Distillery with a Tasting Room  
 and an Outdoor Patio  
 516 West Lawrence Street  
 Aerial Map

Subject Area



# PLAN OF OPERATION AND LOCATIONAL INFORMATION

## Business information:

Name of business: Wisconsin Distilling Company LLC  
Years in operation: 0

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

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

Detailed explanation of proposed business activities:

Wisconsin Distilling Company LLC will produce craft spirits on site in the Bonded Area. The spirits will then be sold in the Tasting Room packaged in bottles or sold in cocktails.

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

(square feet) 3,120 s.f. - Upper Level with Patio Area  
1,560 s.f. - Lower Level

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

(square feet) 4,680 s.f. - Upper Level + Lower Level w/ Patio Area

**Occupancy limits:**

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

**Proposed Hours of Operation for Indoor Uses:**

Day	From	To
Monday thru Thursday	4 pm	12 am
Friday	4 pm	12 am
Saturday	11 am	12 am
Sunday	11 am	12 am

**Production/Storage information:**

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

- Current production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year
- Proposed production of fermented malt beverages: \_\_\_\_\_ U.S. gallons per year
- Current production of wine: \_\_\_\_\_ U.S. gallons per year
- Proposed production of wine: \_\_\_\_\_ U.S. gallons per year
- Current production of intoxicating liquor: 0 proof gallons per year
- Proposed production of intoxicating liquor: 10,000 proof gallons per year
- None. If none, leave the following 2 storage questions blank.

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

Storage of all contents will be in 55 gal stainless steel drums. Drums will be stored in the Bonded Area.  
Storage of aging spirits will be in wood barrels.

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

Storage of all spent contents will be in 55 gal stainless steel drums. Drums will be stored in the Bonded Area.

**Outdoor Space Uses:**

(Check applicable outdoor space uses)

- Patio
- Deck
- Sidewalk Café
- Other \_\_\_\_\_
- None. If none, leave the following questions in this section blank.

Size: 1,560 square feet

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

- Fencing  Landscaping  Other \_\_\_\_\_ Height 4 feet

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

If yes, please describe: There will be a 26' x 60' patio with lounge chairs where patrons can enjoy cocktails made in the Tasting Room.

Are there plans for outdoor music/entertainment? Yes  No

If yes, describe how the noise will be controlled: Music Events will be periodic. Noise will be contained to the patio area.

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

**Proposed Hours of Operation for Outdoor Space:**

*Food Trucks*

Day	From	To
Monday thru Thursday	4 pm	12 am
Friday	4 pm	12 am
Saturday	11 am	12 am
Sunday	11 am	12 am

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

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

**Describe Any Potential Noise Emanating From the Proposed Use:**

Describe the noise levels anticipated from all equipment or other mechanical sources:

Noise from manufacturing spirits is extremely minimal.

Describe how the crowd noise will be controlled inside and outside the building:

Any music and/or crowd noise will be closely monitored and controlled by employees. The goal is to create a calm, quiet, welcoming environment for guests.

**Off-Street Parking:**

Number of spaces existing on-site: 28

Number of spaces proposed on-site: 28

**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?

Adequate

**Other Licensed Premises:**

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

List nearby licensed premises:

None

**Number of Employees:**

Number of existing employees: 2

Number of proposed employees: 10

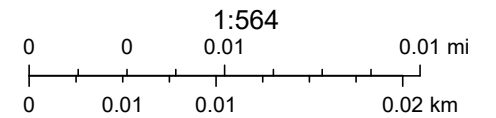
Number of employees scheduled to work on the largest shift: 5

# ArcGIS Web Map



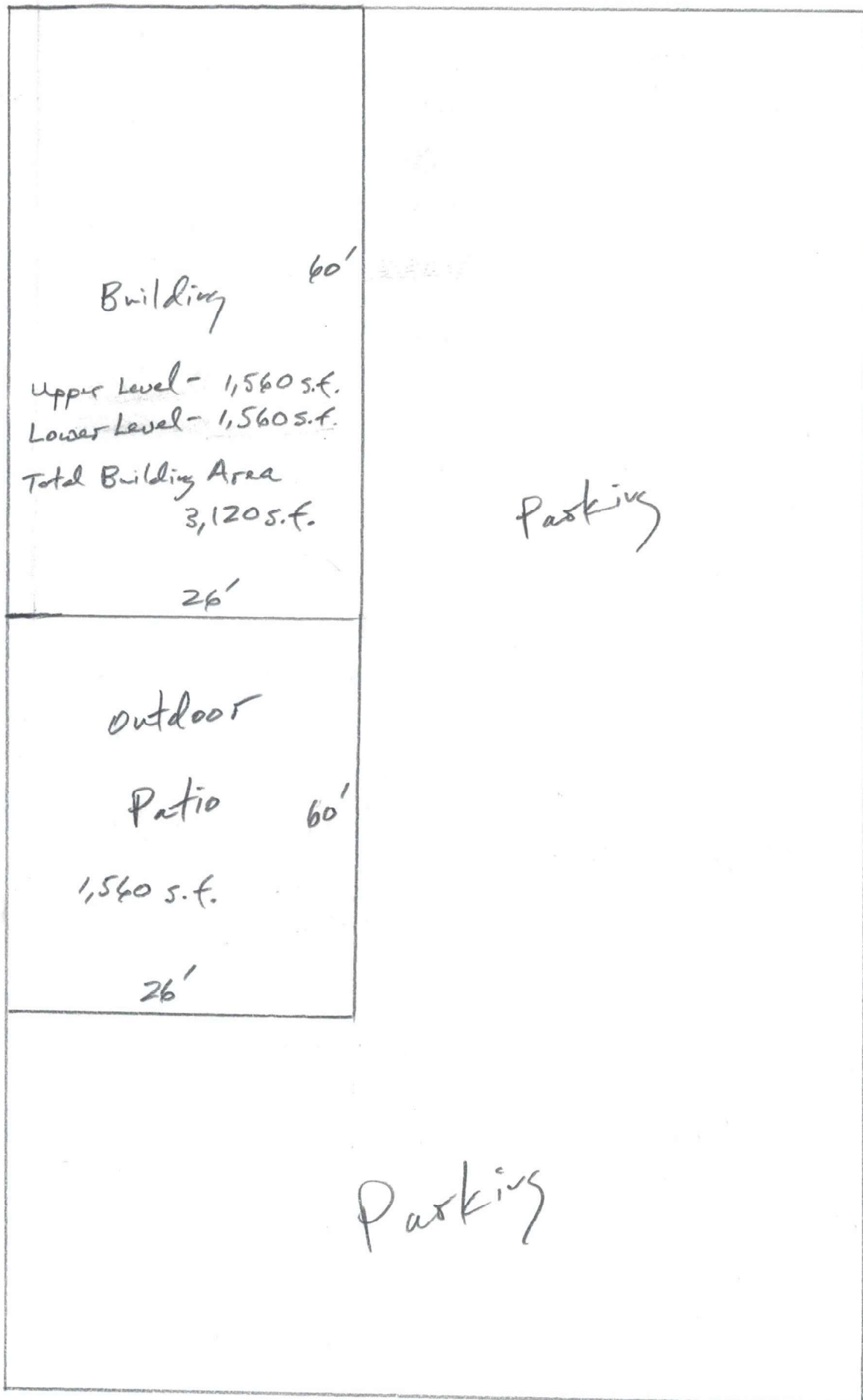
8/9/2022, 9:01:52 AM

 Override 1  City Limits  City Parcels





\*\* NOT DRAWN TO SCALE \*\*



Building 60'

Upper Level - 1,560 s.f.  
Lower Level - 1,560 s.f.

Total Building Area  
3,120 s.f.

26'

Outdoor

Patio 60'

1,560 s.f.

26'

Parking

189.44'

Parking

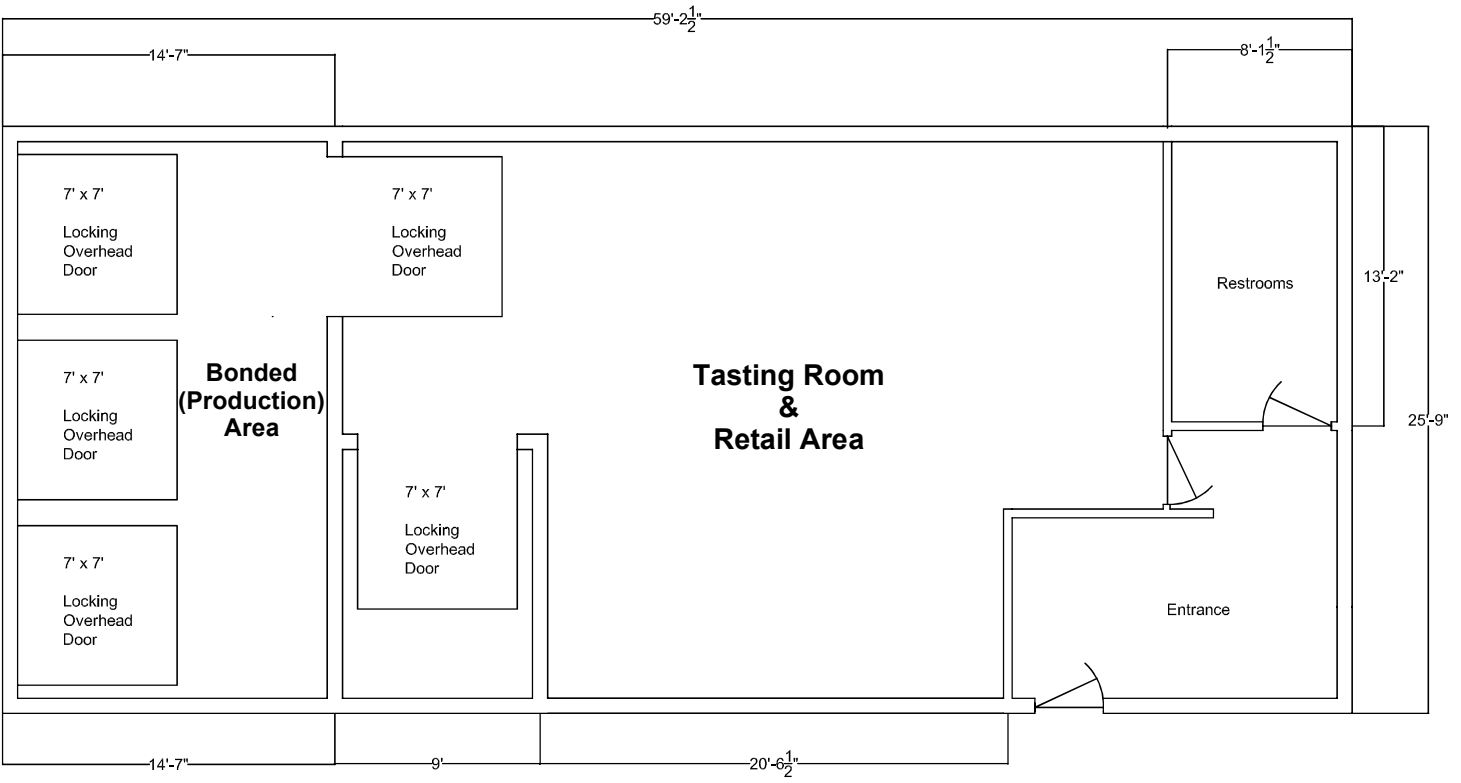
60'

# UPPER LEVEL

West

North

East



# LOWER LEVEL

West

59'-2 $\frac{1}{2}$ "

Future Bonded (Production) Area

7' x 7'

Locking  
Overhead  
Door

25'-9"

North

14'-7"

9'

East



*"...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](mailto:dean.gazza@appleton.org)

TO: Parks & Recreation Committee

FROM: Dean R. Gazza

DATE: 9/12/2022

RE: Action Item: Approve process map for Ellen Kort Peace Park proposal by the Trout Museum requesting to co-locate a new museum in the park.

The City Council previously approved authorization to engage in further discussions with Trout Museum of Art representatives to continue exploring the feasibility of locating the museum within Ellen Kort Peace Park and, if feasible, further develop plans and agreements for subsequent approval by the Common Council during future steps in the process.

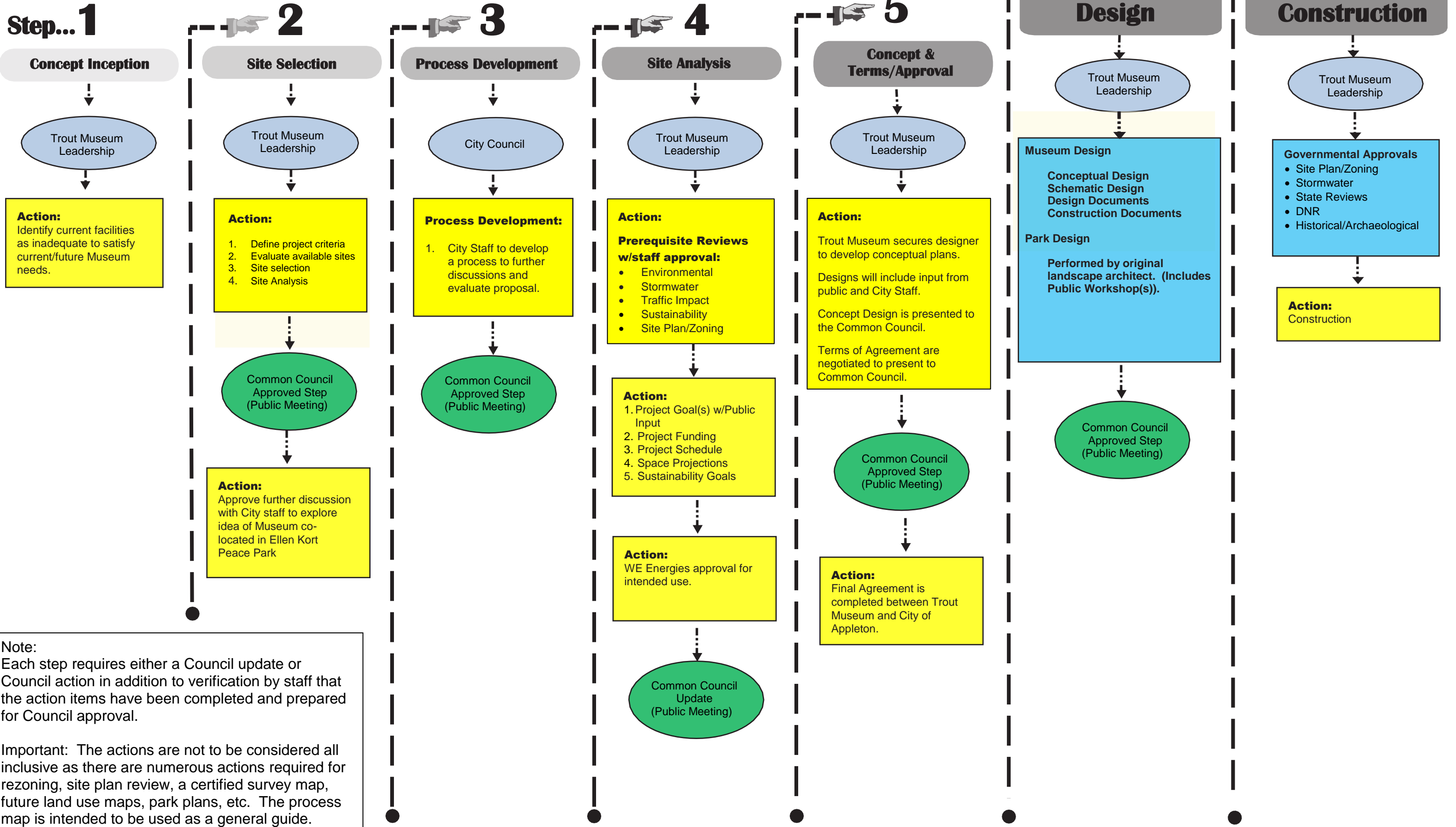
City staff and the Trout Museum team met, and staff recommended outlining a process that would be followed including, Common Council action and public participation steps. Please refer to the attached process map.

As you review the process map, please note that the steps move from one to seven. Each step is to be completed prior to moving to the next step to ensure that staff time and resources are used responsibly. The green circles indicate Common Council review and approval steps. City staff and the Trout Museum project team may decide not to proceed to further steps as prerequisite items and further site evaluation progress – Council will be notified timely in that event.

Approval of the process map will authorize staff to continue to engage in further discussions within the scope of each process step.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.

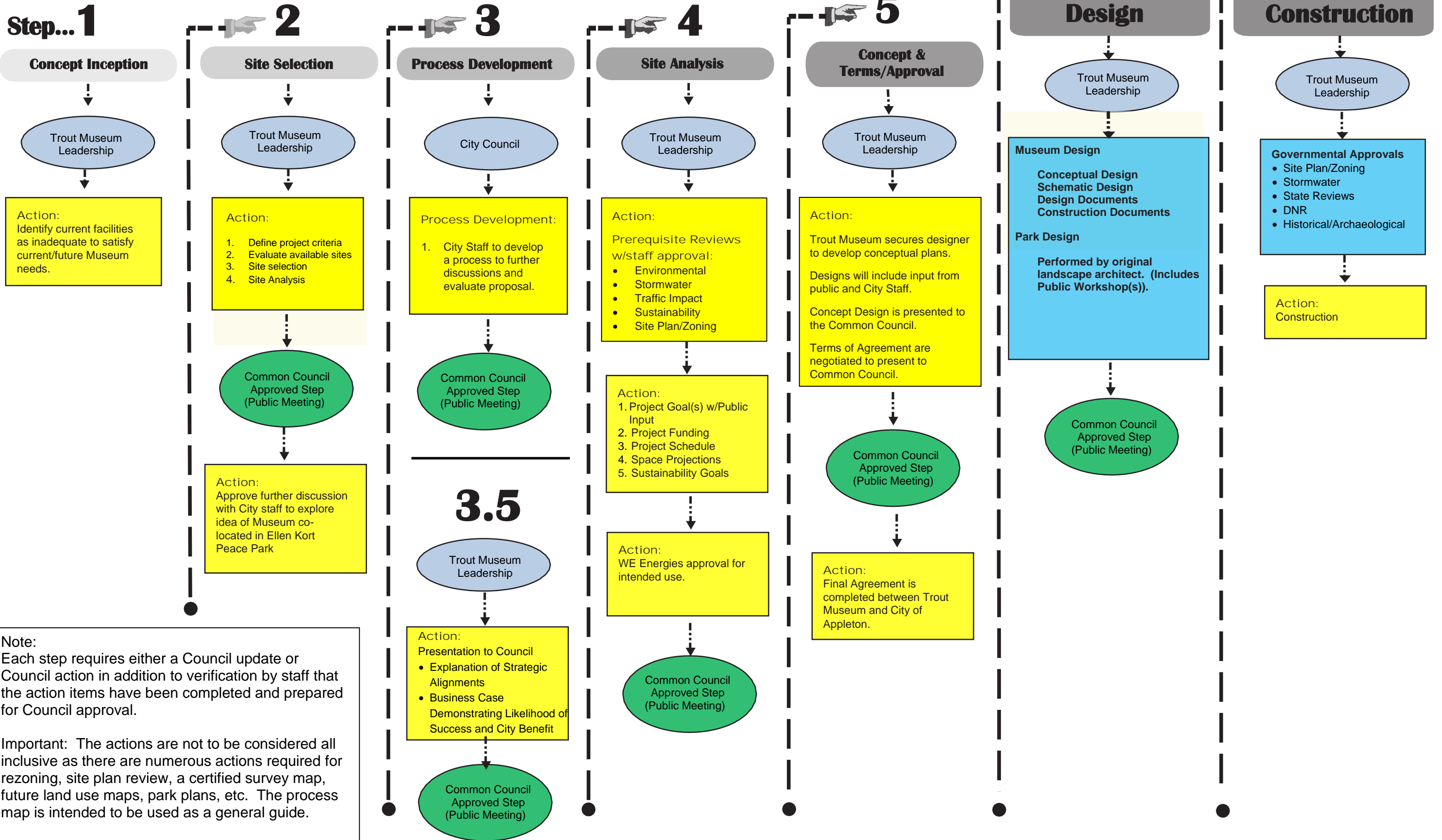
# Ellen Kort Peace Park Request



**Note:**  
Each step requires either a Council update or Council action in addition to verification by staff that the action items have been completed and prepared for Council approval.

**Important:** The actions are not to be considered all inclusive as there are numerous actions required for rezoning, site plan review, a certified survey map, future land use maps, park plans, etc. The process map is intended to be used as a general guide.

# Ellen Kort Peace Park Request



**Note:**  
 Each step requires either a Council update or Council action in addition to verification by staff that the action items have been completed and prepared for Council approval.

**Important:** The actions are not to be considered all inclusive as there are numerous actions required for rezoning, site plan review, a certified survey map, future land use maps, park plans, etc. The process map is intended to be used as a general guide.



“...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](mailto:dean.gazza@appleton.org)

TO: Parks and Recreation Committee

FROM: Dean R. Gazza

DATE: September 12, 2022

RE: Action: Suspend planning and design of the WE Energies Trail - Phase One and cancel acceptance of the Department of Transportation TAP Grant.

The Parks, Recreation, and Facilities Management Department and KL Engineering have completed geotechnical exploration and conceptual design for the WE Energies Trail Phase One. Based on the prevailing soil types, groundwater levels, and increased cost of construction to address the soil conditions, it is the recommendation of PRFMD and KL Engineering to suspend planning and design and cancel acceptance of the DOT TAP Grant in the amount of \$516,292.00.

Prior to completing geotechnical exploration, the estimated cost of construction was \$958,672.70. The current estimate of construction costs is \$3,197,226.30.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.



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

Department of Utilities  
Wastewater Treatment Plant  
2006 E Newberry Street  
Appleton, WI 54915  
920-832-5945 tel.  
920-832-5949 fax

**TO:** Chairperson Brad Firkus and Members of the Finance Committee

**FROM:** Chris Shaw, Utilities Director

**DATE:** August 25, 2022

**RE:** *Award Aeration Tank #1 Repairs contract to Staab Construction Corporation in the amount not to exceed \$237,000 with a 5% contingency of \$11,850*

**BACKGROUND:**

The #1 Aeration Tank is one-million-gallon concrete tank that was constructed in 1964. The tank represents 20% of the wastewater treatment capacity. Structurally, the tank is in sound condition. However, the seal between the concrete floor and poured walls needs to be replaced. The tank has 32 pressure relief valves that allow ground water relief. Most of these valves have seized and are not functional. This construction project will correct these tank operating deficiencies.

**BIDDING:**

Construction bidding documents were developed by McMahon Associates and the project was publicly bid. A summary of the bids received in the table below.

<b>Contractor</b>	<b>Bid</b>
Staab Construction Corporation	\$237,000
Norcon Corporation	\$245,470
Lunda Construction Company	\$399,000

Staab Construction Corporation was the least cost bid and has provided successful construction services in the past for the Department of Utilities.

**RECOMMENDATION:**

Approval of award for the Aeration Tank #1 Repairs contract to Staab Construction Corporation in the amount not to exceed \$237,000 with a 5% contingency of \$11,850. If you have any questions or require additional information regarding this project, please contact Chris Shaw at 920-832-5945.





# MEMORANDUM

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

TO: Community and Economic Development Committee  
FROM: Nikki Gerhard, Community Development Specialist  
DATE: September 14, 2022  
RE: City Program Funding Approval and City Proposals for 2023 Community Development Block Grant (CDBG) Funding

---

Per City of Appleton CDBG Policy, the process of allocating 2023 CDBG funds has begun. An award estimate of \$589,453 was budgeted for the 2023 Program Year. \$589,453 is only an estimate and is subject to change upon adoption of the Federal budget. Also, according to City CDBG Policy, the CEDC must approve allocations for City Programs. Those proposed amounts total \$128,829 and are listed in the 2023 Budget as follows:

Housing Rehabilitation Loan Program - **\$45,000**

\*CDBG Administrative Costs for the Community and Economic Development Department - **\$83,829**

\*includes funding for provision of HUD required Fair Housing Services

The Appleton Housing Authority is not seeking additional funds for the 2023-2024 program year. Per an email communication dated August 25, 2022, “due to the large amount of program income on hand, along with current contracts, the AHA is not seeking funding but would appreciate being notified of the 2024-2025 program year grant application process.”

The balance of funds, \$460,624, is first made available to City departments and then community partners. Proposals from City departments were due August 31, 2022. No applications were submitted.

CEDC is asked to make a recommendation to Common Council for the proposed allocations for City programs. Following CEDC and Council approval of City program funding, the next step in the CDBG allocation process are applications from community partners. Per the Community Development Block Grant Policy, after all community partner applications have been received (due September 30, 2022) and determined eligible, CEDD staff will supply the CDBG Advisory Board with the applications and all appropriate guidelines along with a summary of each proposal and an explanation of the proposal score sheet.

These packets of information are expected to be distributed to the Advisory Board members on Monday, October 3, 2022. Board members are asked to allocate funding among the applicants and return their allocations to CEDD staff who will compile all results and will present allocation recommendations at an Advisory Board meeting on October 25, 2022, during which allocation amounts will be finalized based on the anticipated projected award. Funding recommendations from this Board will be presented as an action item to the CEDC on November 9, 2022. CEDC’s recommendation will then be presented to the Common Council for final approval.

If you have any questions, please contact me at 832-6469 or [nikki.gerhard@appleton.org](mailto:nikki.gerhard@appleton.org). Thank you!



# MEMORANDUM

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

TO: Community and Economic Development Committee

FROM: Nikki Gerhard, Community Development Specialist

DATE: September 14, 2022

RE: 2020 Community Development Block Grant CARES Act Funding (CDBG-CV3)

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In January 2021, the City of Appleton sought approval of allocations to community partners interested in administering CDBG-CV funding for the purposes of performing street outreach efforts. These funds were authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to respond to the growing effects of the public health crisis.

Due to instability with staffing of the originally contracted street outreach program, staff reassessed impending needs in the community. As a result of various conversations and meetings, staff makes the following recommendations, 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 September 14<sup>th</sup> and Common Council on September 21<sup>st</sup> and will be incorporated into the CDBG 2020 Annual Action Plan as a substantial amendment.

**1. Pillars, Inc: Winter Shelter Overflow Program (\$221,712)**

Through an executed MOU, Pillars, Inc. will provide a Winter Shelter Overflow Program, as well as motel vouchers, to the those in the community who are experiencing homelessness. Pillars Street Outreach team will be actively engaged in the program, conducting daily check-ins, physical health observations, and mental health observations. This project aims to prevent individuals and families experiencing homelessness from sleeping in places not meant for human habitation while waiting to enter a local shelter during the cold winter months.

**2. Pillars, Inc: Seven Days Service (\$65,895)**

Pillars will better serve individuals experiencing homelessness when hours of operation are expanded to include Saturdays and Sundays. This project will allow Pillars Adult Shelter and Street Outreach clients a safe place to respite seven days per week, which may also reduce negative interactions with law enforcement. Trained advocates will be on staff to schedule intakes for the shelters, add clients to wait lists, refer to the winter Shelter Overflow Program (above), and engage with clients to make forward progress on their goals.

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

**Attached Documents:**

- 1.) September 16, 2020 CARES Act CDBG-CV3 award letter
- 2.) 2020PY Annual Action Plan Substantial Amendment request
- 3.) MOU between the City of Appleton and Pillars, Inc

If you have any questions, please contact me at 832-6469 or [nikki.gerhard@appleton.org](mailto: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

September 11, 2020

The Honorable Jake Woodford  
Mayor of Appleton  
100 N Appleton Street  
City Hall  
Appleton, WI 54911-4799

Dear Mayor Woodford:

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 immediately allocated \$2 billion on March 27, 2020, the same day President Trump signed the Act, based on the fiscal year 2020 CDBG formula; this constituted the first round of CDBG-CV funds. Next, \$1 billion was required by the Act to be allocated to States and insular areas within 45 days of enactment of the Act; HUD accomplished this on May 11, 2020, and this constituted the second round of CDBG-CV funds. Finally, the remaining \$2 billion in CDBG-CV funds was required by the Act to be allocated to states and local governments at the discretion of the Secretary on a rolling basis; HUD accomplished this on September 11, 2020, and this constituted the third round of CDBG-CV funds. Additionally, up to \$10 million will be set aside for technical assistance.

Accordingly, this letter informs you that your jurisdiction's allocation for the third round is \$343,268. Your cumulative amount for all allocation rounds is \$691,523.

The CARES Act adds additional flexibility for both the CDBG-CV grant and, in some cases, for the annual FY2019 and 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 HUD Secretary to grant waivers and alternative requirements of statutes and regulations the HUD 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 CDBG CARES Act Federal Register Notice (FR-6218-N-01) was released on August 10, 2020. The notice describes the allocations and grant procedures applicable to the CDBG-CV grants. It also describes the program flexibilities, waivers, and alternative requirements that apply to the CDBG-CV grants as well as the fiscal year 2019 and 2020 CDBG grants. As further such flexibilities 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 the requirement that each grantee have adequate procedures to prevent the duplication of benefits (DOB). HUD will provide guidance and technical assistance on DOB, the prevention of fraud, waste, and abuse, and on documenting the impact of this program for beneficiaries.

Reminder, all CPD Grantees must ensure they maintain active Dun and Bradstreet Numbering System (DUNS) numbers in the System for Award Management (SAM) system. Entities must have an active and unexpired DUNS before execution of grant agreements to avoid delays in the obligation of funds- which will delay your ability to drawdown funds in the Integrated Disbursement & Information System (IDIS). Grantees are required to maintain an active SAMs registration by re-activating their DUNS number annually in the SAM system for the entire drawdown period of their grants. DUNS numbers can be registered and renewed each year at the following website: <https://www.sam.gov/SAM/>.

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](mailto: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



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

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### **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.

The first substantial amendment to the 2020-2024 Consolidated Plan, and subsequently the 2020 Annual Action Plan, was approved by City Council on October 21, 2020, incorporating the use of the CARES Act CDBG-CV1 funding of \$348,255. The second substantial amendment to the 2020-2024 Consolidated Plan, and the 2020 Annual Action Plan, was approved by City Council on December 16, 2020, updated the use of \$78,386 of the CDBG-CV1 award. The third substantial amendment, approved by City Council on February 3, 2021, incorporated the use of the CARES Act CDBG-CV3 funding of \$343,268.

### **B. CITIZEN PARTICIPATION**

A Notice of Public Hearing was published in the Appleton Post Crescent on September 6, 2022, and a 5-day public review period was published on September 6, 2022, 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 began on September 6, 2022 and ended on September 13, 2022. 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. PROPOSED FOURTH SUBSTANTIAL AMENDMENT TO THE 2020 ANNUAL ACTION PLAN**

The City is proposing to reallocate \$287,607 to street outreach and case management efforts, specifically with Pillars, Inc. The following table outlines the proposed activities described in this Substantial Amendment:

**Table 1: Proposed Activity Budget**

<b>Agency/Program</b>	<b>CDBG-CV Allocation</b>
Pillars, Inc- Winter Shelter Overflow Program	\$221,712
Pillars, Inc- Seven Days Service	\$65,895
<b>TOTAL</b>	<b>\$287,607</b>

**D. 2020 PROPOSED ACTIVITY DETAIL**

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

Pillars Adult Shelter and Pillars Resource Center serve approximately 550 clients annually. These clients are among the community’s most vulnerable adults. Forty-eight percent struggle with chronic mental illness; 22 percent report alcohol or drug dependency; and 19 percent live with a physical disability. Accessing resources to address these barriers is challenging. Pillars provides shelter, support, and solutions to address the housing needs of the community, primarily for these vulnerable individuals. These additional funds will fill known gaps in the current service model, including a lack of access to homeless services and resources during daytime hours on the weekends, and access to emergency temporary shelter during the cold winter months.

**Pillars, Inc: Winter Shelter Overflow Program (\$221,712)**

Through an executed MOU, Pillars, Inc will provide a Winter Shelter Overflow Program, as well as motel vouchers to the those in the community who are experiencing homelessness. Pillars Street Outreach team will be actively engaged in the program, conducting daily check-ins, physical health observations and mental health observations. This project aims to prevent individuals and families experiencing homelessness from sleeping in places not meant for human habitation while waiting to enter a local shelter during the cold winter months.

**Pillars, Inc: Seven Days Service (\$65,895)**

Pillars will better serve individuals experiencing homelessness when hours of operation are expanded to include Saturdays and Sundays. This project will allow Pillars Adult Shelter and Street Outreach clients a safe place to respite seven days per week, which may also reduce negative interactions with law enforcement. Trained advocates will be on staff to schedule intakes for the shelters, add clients to wait lists, refer to the winter Shelter Overflow Program (above), and engage with clients to make forward progress on their goals.

**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.

# MEMORANDUM OF UNDERSTANDING CITY OF APPLETON AND PILLARS, INC.

## I. THE PARTIES

- 1.01 The City of Appleton, a Wisconsin municipal corporation, doing business at 100 North Appleton Street, Appleton, Wisconsin 54911 (“City”).
- 1.02 Pillars, Inc., a Wisconsin nonprofit corporation, doing business at 605 East Hancock Street, Appleton, Wisconsin 54911 (“Pillars”).
- 1.03 Collectively the City and Pillars shall be known as “the Parties”.

## II. THE RECITALS

### **WHEREAS,**

- 2.01 Pillars provides shelter, support, and solutions to address the housing needs in the community.
- 2.02 The City desires to provide Pillars with financial support to address housing needs within the community.
- 2.03 The Parties desire to memorialize the terms and conditions of their anticipated collaboration.
- 2.04 The Parties desire to enter into an agreement to assist in funding Pillars’ Winter Shelter Overflow Program (“Project A”).
- 2.05 The Parties desire to enter into an agreement to assist in funding Pillars’ Seven Days Service (“Project B”).
- 2.06 The City will financially support Pillars in an amount not to exceed \$287,606.88 for eligible activities herein described (“objectives”).

## III. THE AGREEMENT

***NOW, THEREFORE, in consideration of the mutual promises and covenants contained here, the Parties agree as follows:***

- 3.01 **Project A.** The City shall provide funding, up to \$221,712 for eligible expenses, to Pillars to administer Project A.



3.01.01 **Scope of Project A.** Project A shall be structured as a Winter Shelter Overflow Program from October 15th through April 15th (same seasonal hours as regional warming shelters).

3.01.02 **General Operation.** The general operation of Project A is set forth below: Pillars will offer motel vouchers to those in the community that are experiencing homelessness who are eligible for shelter but cannot immediately get into shelter due to capacity issues. To start the program, Pillars will first review active wait lists at both shelters and then offer vouchers to those currently living in a place not meant for human habitation. Based on staffing limitations and space limitations in hotels in the area, Pillars will only offer up to six vouchers at a time (one voucher = one household). As the program continues and vouchers become available, Pillars will use vouchers with people who present to one of the Crisis Housing sites to be added to the wait list who are currently living in a place not meant for human habitation and are eligible to stay in shelter. In addition, the Pillars' Street Outreach team may refer people to open vouchers if the household is willing to actively engage on the wait list and they are eligible to stay in shelter. Pillars' goal for those being offered a voucher is to provide the household a safe place while the household is actively engaging in the wait list process so that they can eventually enter one of its two emergency shelters. All shelter rules will be in place for those staying in the motel, including any additional rules that the motel enforces. Pillars will use the Street Outreach staff to do daily check-ins (including periodic check-ins on the weekends), on those staying at the motel. Check-ins are expected to include room checks, physical health observations and mental health observations. This project aims to prevent individuals and families experiencing homelessness from sleeping in places not meant for human habitation while waiting to enter one of the shelters during the cold winter months. Once in Pillars' Shelter Programs, individuals and families receive case management services to help with securing safe, affordable, and sustainable housing, thus ending their homeless episode.

3.02 **Project B.** The City shall provide funding, up to \$65,895 for eligible expenses, to Pillars to administer Project B.

3.02.01 **Scope of Project B.** Project B will be structured as a Seven Days Service, thereby expanding hours of operations.

3.02.02 **General Operation.** The general operation of Project B is set forth below: Pillars will better serve individuals experiencing homelessness when hours of operation and access to resources are expanded to include weekends, Saturdays, and Sundays, from 8:30AM-4:00PM. This project will allow Pillars clients a safe place for respite seven days per week, which may also reduce negative interactions with law enforcement. Trained advocates will be on staff to schedule intakes for the shelters, add clients to the wait lists, refer to the Winter

Shelter Overflow Program, and engage with clients to make forward progress on their goals. In addition, Advocates will plan activities with other community organizations to keep clients engaged while also providing social interaction. Lastly, the Street Outreach Case Managers and/or the AODA Recovery Coach will be allowed to flex their weekly hours to occasionally be available for clients during these weekend hours, as appropriate. Pillars will work to coordinate volunteers to transport to the Salvation Army for lunch as often as possible.

**3.03 Eligible Uses of Funding.** The Parties agree that the following categories expense are eligible for funding:

- 3.03.01 Street Outreach/Case Management (previously approved activity)  
Provision of street outreach, information and referrals, completed assessments, intakes, short-term case management, and services to people living in unsheltered locations, such as cars, parks, abandoned buildings, and on the streets and that are not already working with a Fox Cities Housing Coalition members for services. The Street Outreach and Case Management role will reach people who might not otherwise seek assistance or come to the attention of the homelessness service system and ensure that people’s basic needs are met while supporting them along pathways toward housing stability.
- 3.03.02 Motel Vouchers (previously approved activity)  
Ensuring that individuals and families experiencing homelessness have a safe, temporary place to stay until a more permanent housing solution is identified. With colder weather upon us, City staff is working collaboratively with local agencies to ensure additional access to shelter options.
- 3.03.03 Community Development Block Grant (“CDBG”) Coronavirus U.S. Department of Housing and Urban Development-approved Annual Action Plan included the above activities (street outreach/case management and motel vouchers) as the primary use of these funds. However, related and supportive activities may also be considered for this funding, contingent on City approval. All proposed activities must reach people who might not otherwise seek assistance or come to the attention of the homelessness service system and ensure that people’s basic needs are met while supporting them along pathways toward housing stability.
- 3.03.04 The Parties acknowledge that CDBG funding has a City of Appleton residency requirement. To be eligible for funding, the Parties agree that either the household is a resident of the City of Appleton, or they are receiving services in the City of Appleton (ex. motel voucher or emergency shelter).

**3.04 Funding Deadlines.** The Parties agree that no later than January 11, 2024, 80% of the funding (\$230,085.50) must be spent and drawn down. The Parties further agree that no later than January 11, 2027, 100% (\$287,606.88) must be spent and drawn down.

- 3.05 **Reimbursement Deadline.** All eligible expenses are paid on a reimbursement basis only by the City of Appleton. Along with a CDBG payment request template, all reimbursement requests must submit supporting documentation for every dollar spent. For example, if funding is used to offset case manager salaries and fringe, then supporting documentation must include copies of timecards with hourly tracking.
- 3.06 **Reporting Requirements.** Pillars agrees that as a recipient of funding, they must submit an accomplishment report. This report gathers general demographic and income information on the households served during the period of time reimbursement is being sought.
- 3.07 **Publicity.** It is expected that there will be publicity regarding this project, and all publicity regarding this project must identify the City of Appleton as the sponsoring agency and must not be released without prior written approval from the City's and Pillars' authorized representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Sub-Grantee individually or jointly with others, or any subcontractor, with respect to the program, publications, or services provided resulting from this grant agreement. Use of the City logo should comply with the branding kit that is available upon request from the Community & Economic Development Department.
- 3.08 **TERM.** This Agreement shall terminate on January 11, 2027 unless otherwise agreed to in writing by the parties.
- 3.09 **Termination.** This MOU may be terminated at any time by either the City or Pillars upon 45 days written notice to the other Party.

#### IV. SEVERABILITY CLAUSE

- 4.01 In the event that any part of this agreement is found to be unenforceable for any reason, it shall be stricken from the Agreement and the Agreement interpreted as if that clause did not exist.

#### V. INDEMNIFICATION

- 5.01 **For good and valuable consideration described and bargained for within this agreement, Pillars agrees to indemnify, defend and hold harmless the City and its officers, officials, employees and agents from and against any and all liability, loss, damage expense, costs (including attorney fees) arising out of this agreement, caused in whole or in part by Pillars, its officers, officials, employees, agents, invitees or anyone for whose acts they may be liable, except where caused by the sole negligence or willful misconduct of the City.**

## **VI. AMENDMENTS**

- 6.01 This agreement may only be amended in writing and any amendment shall only be effective after it is signed by both parties to the original agreement.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

**IN WITNESS WHEREOF**, the parties have caused this instrument to be executed on the day and year of the last signature below.

**Pillars, Inc.**

By: \_\_\_\_\_  
Lisa Strandberg, Executive Director

By: \_\_\_\_\_  
Kathy Dean, Crisis Housing Director

**City of Appleton**

By: \_\_\_\_\_  
Jacob A. Woodford, Mayor

By: \_\_\_\_\_  
Kami Lynch, City Clerk

Approved as to form:

Provision has been made to pay the liability that will accrue under this contract.

\_\_\_\_\_  
Christopher R. Behrens, City Attorney

CL: A22-0652.aka

\_\_\_\_\_  
Jeri A. Ohman, Finance Director



# MEMORANDUM

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

TO: Community and Economic Development Committee

FROM: Nikki Gerhard, Community Development Specialist

DATE: September 14, 2022

RE: 2020 Community Development Block Grant CARES Act Funding (CDBG-CV3)

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In January 2021, the City of Appleton sought approval of allocations to community partners interested in administering CDBG-CV funding for the purposes of performing street outreach efforts. These funds were authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to respond to the growing effects of the public health crisis.

Due to instability with staffing of the originally contracted street outreach program, staff reassessed impending needs in the community. As a result of various conversations and meetings, staff makes the following recommendations, 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 September 14<sup>th</sup> and Common Council on September 21<sup>st</sup> and will be incorporated into the CDBG 2020 Annual Action Plan as a substantial amendment.

**1. Pillars, Inc: Winter Shelter Overflow Program (\$221,712)**

Through an executed MOU, Pillars, Inc. will provide a Winter Shelter Overflow Program, as well as motel vouchers, to the those in the community who are experiencing homelessness. Pillars Street Outreach team will be actively engaged in the program, conducting daily check-ins, physical health observations, and mental health observations. This project aims to prevent individuals and families experiencing homelessness from sleeping in places not meant for human habitation while waiting to enter a local shelter during the cold winter months.

**2. Pillars, Inc: Seven Days Service (\$65,895)**

Pillars will better serve individuals experiencing homelessness when hours of operation are expanded to include Saturdays and Sundays. This project will allow Pillars Adult Shelter and Street Outreach clients a safe place to respite seven days per week, which may also reduce negative interactions with law enforcement. Trained advocates will be on staff to schedule intakes for the shelters, add clients to wait lists, refer to the winter Shelter Overflow Program (above), and engage with clients to make forward progress on their goals.

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

**Attached Documents:**

- 1.) September 16, 2020 CARES Act CDBG-CV3 award letter
- 2.) 2020PY Annual Action Plan Substantial Amendment request
- 3.) MOU between the City of Appleton and Pillars, Inc

If you have any questions, please contact me at 832-6469 or [nikki.gerhard@appleton.org](mailto: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

September 11, 2020

The Honorable Jake Woodford  
Mayor of Appleton  
100 N Appleton Street  
City Hall  
Appleton, WI 54911-4799

Dear Mayor Woodford:

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 immediately allocated \$2 billion on March 27, 2020, the same day President Trump signed the Act, based on the fiscal year 2020 CDBG formula; this constituted the first round of CDBG-CV funds. Next, \$1 billion was required by the Act to be allocated to States and insular areas within 45 days of enactment of the Act; HUD accomplished this on May 11, 2020, and this constituted the second round of CDBG-CV funds. Finally, the remaining \$2 billion in CDBG-CV funds was required by the Act to be allocated to states and local governments at the discretion of the Secretary on a rolling basis; HUD accomplished this on September 11, 2020, and this constituted the third round of CDBG-CV funds. Additionally, up to \$10 million will be set aside for technical assistance.

Accordingly, this letter informs you that your jurisdiction's allocation for the third round is \$343,268. Your cumulative amount for all allocation rounds is \$691,523.

The CARES Act adds additional flexibility for both the CDBG-CV grant and, in some cases, for the annual FY2019 and 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 HUD Secretary to grant waivers and alternative requirements of statutes and regulations the HUD 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 CDBG CARES Act Federal Register Notice (FR-6218-N-01) was released on August 10, 2020. The notice describes the allocations and grant procedures applicable to the CDBG-CV grants. It also describes the program flexibilities, waivers, and alternative requirements that apply to the CDBG-CV grants as well as the fiscal year 2019 and 2020 CDBG grants. As further such flexibilities 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 the requirement that each grantee have adequate procedures to prevent the duplication of benefits (DOB). HUD will provide guidance and technical assistance on DOB, the prevention of fraud, waste, and abuse, and on documenting the impact of this program for beneficiaries.

Reminder, all CPD Grantees must ensure they maintain active Dun and Bradstreet Numbering System (DUNS) numbers in the System for Award Management (SAM) system. Entities must have an active and unexpired DUNS before execution of grant agreements to avoid delays in the obligation of funds- which will delay your ability to drawdown funds in the Integrated Disbursement & Information System (IDIS). Grantees are required to maintain an active SAMs registration by re-activating their DUNS number annually in the SAM system for the entire drawdown period of their grants. DUNS numbers can be registered and renewed each year at the following website: <https://www.sam.gov/SAM/>.

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](mailto: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



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

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### **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.

The first substantial amendment to the 2020-2024 Consolidated Plan, and subsequently the 2020 Annual Action Plan, was approved by City Council on October 21, 2020, incorporating the use of the CARES Act CDBG-CV1 funding of \$348,255. The second substantial amendment to the 2020-2024 Consolidated Plan, and the 2020 Annual Action Plan, was approved by City Council on December 16, 2020, updated the use of \$78,386 of the CDBG-CV1 award. The third substantial amendment, approved by City Council on February 3, 2021, incorporated the use of the CARES Act CDBG-CV3 funding of \$343,268.

### **B. CITIZEN PARTICIPATION**

A Notice of Public Hearing was published in the Appleton Post Crescent on September 6, 2022, and a 5-day public review period was published on September 6, 2022, 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 began on September 6, 2022 and ended on September 13, 2022. 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. PROPOSED FOURTH SUBSTANTIAL AMENDMENT TO THE 2020 ANNUAL ACTION PLAN**

The City is proposing to reallocate \$287,607 to street outreach and case management efforts, specifically with Pillars, Inc. The following table outlines the proposed activities described in this Substantial Amendment:

**Table 1: Proposed Activity Budget**

<b>Agency/Program</b>	<b>CDBG-CV Allocation</b>
Pillars, Inc- Winter Shelter Overflow Program	\$221,712
Pillars, Inc- Seven Days Service	\$65,895
<b>TOTAL</b>	<b>\$287,607</b>

**D. 2020 PROPOSED ACTIVITY DETAIL**

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

Pillars Adult Shelter and Pillars Resource Center serve approximately 550 clients annually. These clients are among the community’s most vulnerable adults. Forty-eight percent struggle with chronic mental illness; 22 percent report alcohol or drug dependency; and 19 percent live with a physical disability. Accessing resources to address these barriers is challenging. Pillars provides shelter, support, and solutions to address the housing needs of the community, primarily for these vulnerable individuals. These additional funds will fill known gaps in the current service model, including a lack of access to homeless services and resources during daytime hours on the weekends, and access to emergency temporary shelter during the cold winter months.

**Pillars, Inc: Winter Shelter Overflow Program (\$221,712)**

Through an executed MOU, Pillars, Inc will provide a Winter Shelter Overflow Program, as well as motel vouchers to the those in the community who are experiencing homelessness. Pillars Street Outreach team will be actively engaged in the program, conducting daily check-ins, physical health observations and mental health observations. This project aims to prevent individuals and families experiencing homelessness from sleeping in places not meant for human habitation while waiting to enter a local shelter during the cold winter months.

**Pillars, Inc: Seven Days Service (\$65,895)**

Pillars will better serve individuals experiencing homelessness when hours of operation are expanded to include Saturdays and Sundays. This project will allow Pillars Adult Shelter and Street Outreach clients a safe place to respite seven days per week, which may also reduce negative interactions with law enforcement. Trained advocates will be on staff to schedule intakes for the shelters, add clients to wait lists, refer to the winter Shelter Overflow Program (above), and engage with clients to make forward progress on their goals.

**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.

# MEMORANDUM OF UNDERSTANDING CITY OF APPLETON AND PILLARS, INC.

## I. THE PARTIES

- 1.01 The City of Appleton, a Wisconsin municipal corporation, doing business at 100 North Appleton Street, Appleton, Wisconsin 54911 (“City”).
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- 1.03 Collectively the City and Pillars shall be known as “the Parties”.

## II. THE RECITALS

### **WHEREAS,**

- 2.01 Pillars provides shelter, support, and solutions to address the housing needs in the community.
- 2.02 The City desires to provide Pillars with financial support to address housing needs within the community.
- 2.03 The Parties desire to memorialize the terms and conditions of their anticipated collaboration.
- 2.04 The Parties desire to enter into an agreement to assist in funding Pillars’ Winter Shelter Overflow Program (“Project A”).
- 2.05 The Parties desire to enter into an agreement to assist in funding Pillars’ Seven Days Service (“Project B”).
- 2.06 The City will financially support Pillars in an amount not to exceed \$287,606.88 for eligible activities herein described (“objectives”).

## III. THE AGREEMENT

***NOW, THEREFORE, in consideration of the mutual promises and covenants contained here, the Parties agree as follows:***

- 3.01 **Project A.** The City shall provide funding, up to \$221,712 for eligible expenses, to Pillars to administer Project A.

3.01.01 **Scope of Project A.** Project A shall be structured as a Winter Shelter Overflow Program from October 15th through April 15th (same seasonal hours as regional warming shelters).

3.01.02 **General Operation.** The general operation of Project A is set forth below: Pillars will offer motel vouchers to those in the community that are experiencing homelessness who are eligible for shelter but cannot immediately get into shelter due to capacity issues. To start the program, Pillars will first review active wait lists at both shelters and then offer vouchers to those currently living in a place not meant for human habitation. Based on staffing limitations and space limitations in hotels in the area, Pillars will only offer up to six vouchers at a time (one voucher = one household). As the program continues and vouchers become available, Pillars will use vouchers with people who present to one of the Crisis Housing sites to be added to the wait list who are currently living in a place not meant for human habitation and are eligible to stay in shelter. In addition, the Pillars' Street Outreach team may refer people to open vouchers if the household is willing to actively engage on the wait list and they are eligible to stay in shelter. Pillars' goal for those being offered a voucher is to provide the household a safe place while the household is actively engaging in the wait list process so that they can eventually enter one of its two emergency shelters. All shelter rules will be in place for those staying in the motel, including any additional rules that the motel enforces. Pillars will use the Street Outreach staff to do daily check-ins (including periodic check-ins on the weekends), on those staying at the motel. Check-ins are expected to include room checks, physical health observations and mental health observations. This project aims to prevent individuals and families experiencing homelessness from sleeping in places not meant for human habitation while waiting to enter one of the shelters during the cold winter months. Once in Pillars' Shelter Programs, individuals and families receive case management services to help with securing safe, affordable, and sustainable housing, thus ending their homeless episode.

3.02 **Project B.** The City shall provide funding, up to \$65,895 for eligible expenses, to Pillars to administer Project B.

3.02.01 **Scope of Project B.** Project B will be structured as a Seven Days Service, thereby expanding hours of operations.

3.02.02 **General Operation.** The general operation of Project B is set forth below: Pillars will better serve individuals experiencing homelessness when hours of operation and access to resources are expanded to include weekends, Saturdays, and Sundays, from 8:30AM-4:00PM. This project will allow Pillars clients a safe place for respite seven days per week, which may also reduce negative interactions with law enforcement. Trained advocates will be on staff to schedule intakes for the shelters, add clients to the wait lists, refer to the Winter

Shelter Overflow Program, and engage with clients to make forward progress on their goals. In addition, Advocates will plan activities with other community organizations to keep clients engaged while also providing social interaction. Lastly, the Street Outreach Case Managers and/or the AODA Recovery Coach will be allowed to flex their weekly hours to occasionally be available for clients during these weekend hours, as appropriate. Pillars will work to coordinate volunteers to transport to the Salvation Army for lunch as often as possible.

**3.03 Eligible Uses of Funding.** The Parties agree that the following categories expense are eligible for funding:

- 3.03.01 Street Outreach/Case Management (previously approved activity)  
Provision of street outreach, information and referrals, completed assessments, intakes, short-term case management, and services to people living in unsheltered locations, such as cars, parks, abandoned buildings, and on the streets and that are not already working with a Fox Cities Housing Coalition members for services. The Street Outreach and Case Management role will reach people who might not otherwise seek assistance or come to the attention of the homelessness service system and ensure that people’s basic needs are met while supporting them along pathways toward housing stability.
- 3.03.02 Motel Vouchers (previously approved activity)  
Ensuring that individuals and families experiencing homelessness have a safe, temporary place to stay until a more permanent housing solution is identified. With colder weather upon us, City staff is working collaboratively with local agencies to ensure additional access to shelter options.
- 3.03.03 Community Development Block Grant (“CDBG”) Coronavirus U.S. Department of Housing and Urban Development-approved Annual Action Plan included the above activities (street outreach/case management and motel vouchers) as the primary use of these funds. However, related and supportive activities may also be considered for this funding, contingent on City approval. All proposed activities must reach people who might not otherwise seek assistance or come to the attention of the homelessness service system and ensure that people’s basic needs are met while supporting them along pathways toward housing stability.
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**3.04 Funding Deadlines.** The Parties agree that no later than January 11, 2024, 80% of the funding (\$230,085.50) must be spent and drawn down. The Parties further agree that no later than January 11, 2027, 100% (\$287,606.88) must be spent and drawn down.

- 3.05 **Reimbursement Deadline.** All eligible expenses are paid on a reimbursement basis only by the City of Appleton. Along with a CDBG payment request template, all reimbursement requests must submit supporting documentation for every dollar spent. For example, if funding is used to offset case manager salaries and fringe, then supporting documentation must include copies of timecards with hourly tracking.
- 3.06 **Reporting Requirements.** Pillars agrees that as a recipient of funding, they must submit an accomplishment report. This report gathers general demographic and income information on the households served during the period of time reimbursement is being sought.
- 3.07 **Publicity.** It is expected that there will be publicity regarding this project, and all publicity regarding this project must identify the City of Appleton as the sponsoring agency and must not be released without prior written approval from the City's and Pillars' authorized representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Sub-Grantee individually or jointly with others, or any subcontractor, with respect to the program, publications, or services provided resulting from this grant agreement. Use of the City logo should comply with the branding kit that is available upon request from the Community & Economic Development Department.
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#### IV. SEVERABILITY CLAUSE

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#### V. INDEMNIFICATION

- 5.01 **For good and valuable consideration described and bargained for within this agreement, Pillars agrees to indemnify, defend and hold harmless the City and its officers, officials, employees and agents from and against any and all liability, loss, damage expense, costs (including attorney fees) arising out of this agreement, caused in whole or in part by Pillars, its officers, officials, employees, agents, invitees or anyone for whose acts they may be liable, except where caused by the sole negligence or willful misconduct of the City.**

## **VI. AMENDMENTS**

- 6.01 This agreement may only be amended in writing and any amendment shall only be effective after it is signed by both parties to the original agreement.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]



**IN WITNESS WHEREOF**, the parties have caused this instrument to be executed on the day and year of the last signature below.

**Pillars, Inc.**

By: \_\_\_\_\_  
Lisa Strandberg, Executive Director

By: \_\_\_\_\_  
Kathy Dean, Crisis Housing Director

**City of Appleton**

By: \_\_\_\_\_  
Jacob A. Woodford, Mayor

By: \_\_\_\_\_  
Kami Lynch, City Clerk

Approved as to form:

Provision has been made to pay the liability that will accrue under this contract.

\_\_\_\_\_  
Christopher R. Behrens, City Attorney

CL: A22-0652.aka

\_\_\_\_\_  
Jeri A. Ohman, Finance Director



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

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Department of Utilities  
Wastewater Treatment Plant  
2006 E Newberry Street  
Appleton, WI 54915  
920-832-5945 tel.  
920-832-5949 fax

**TO:** Chairperson Vered Meltzer and Members of the Utilities Committee

**FROM:** Chris Shaw, Utilities Director

**DATE:** August 25, 2022

**RE:** *Approve: 2021 Sludge Storage Addition Project Engineering Services Amendment #1 increasing the Applied Technologies, Inc. total contract amount by \$30,038 from \$499,301 to \$529,339 and decrease unallocated contingency from \$74,895 to \$44,857*

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**BACKGROUND:**

The Appleton Wastewater Treatment Plant (AWWTP) Sludge Storage Building Addition project engineering service contract was awarded to McMahon by Common Council in November 2020. The original project scope included the expansion of the sludge storage building (SSB) and construction of a 600 cubic yard per year compost facility at the AWWTP.

Critical regulatory input pertaining to requirements associated with siting a compost facility was required to determine feasibility as part of the preliminary engineering phase. Multiple requests to Department of Natural Resources (DNR) were made for nearly two years to review potential regulatory hurdles, expectations, and/or design criteria that would or could be required if the city were to pursue the option of biosolids composting. Unfortunately, the DNR was unable to facilitate authorization and the decision to eliminate onsite biosolids composting from the project was made

Other needs were identified as preliminary engineering progressed and design concepts further developed. Biosolids haulers and permitted Hauled Waste Program companies are required to provide certified truck scale tickets for payment and invoicing. For more than 20 years, these trucks have relied upon a privately owned certified scale located near East Kensington Street and Kensington Drive. Escalating reliability issues brought to light during the preliminary engineering phase of the SSB Addition project resulted in the incorporation of a certified truck scale located at the AWWTP. Additionally, the

extents of planned construction then initiated city stormwater requirements that had to be accounted for as part of the design which were not originally known.

Therefore, Applied Technologies Inc., provided the following Professional Services amendment to account for the change in scope tasks:

<b>TASK DESCRIPTION</b>	<b>AMOUNT</b>
<b>Design (Phase II)</b>	
Site stormwater modeling	+\$2,750
Truck scale, deluge system and the redesign of the east road and additional required survey trips	+\$33,590
<b>Construction Services (Phase III)</b>	
Contract administration services	+\$2,380
Shop drawing review & RFI services	+\$3,580
O&M manual & record drawing services	-\$12,262
<b>TOTAL</b>	<b>\$30,038</b>

## **SUMMARY**

The cost of additional engineering services outlined as part of the Applied Technologies Inc. Amendment #1 totals \$30,038. This amendment would result in the contract amount increasing by \$30,038 from \$499,301 to \$529,339 and decrease unallocated contingency from \$74,895 to \$44,857.

If you have any questions regarding this project, please contact Chris Stempa at ph: 832-5945.



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

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Department of Utilities  
Wastewater Treatment Plant  
2006 E Newberry Street  
Appleton, WI 54915-3128  
920-832-5945 tel.  
920-832-5949 fax

**To:** Chairperson Vered Meltzer and Members of the Utilities Committee

**From:** Utilities Director Chris Shaw

**Date:** August 29, 2022

**Re:** *Approval of a Coating Services Contract for the DAF and Receiving Station Tanks to Badger Specialties Coatings in the amount of \$59,000 with a contingency of \$5,900 for a total not to exceed cost of \$64,900*

---

**Background:**

The Appleton Wastewater Treatment Plant (AWWTP) staff has identified that four tanks are in need of exterior maintenance. Each of the tanks has a volume of 35,000 gallons and is constructed out of carbon steel. The tank exteriors were coated 40 years ago. Since that time blisters and corrosion has occurred. This project will properly restore the tanks exteriors with an exterior protective coating system.

McMahon was asked to deliver coating specifications and quotation documents for the tank repair. Three qualified coating contractors were invited to provide quotes for the tank work. The results of which are summarized below.

**Quotation Process:**

The three qualified contractors were invited based on their prior work within the water, wastewater, and industrial sectors. Two quotations were received that met qualifications defined in the Request for Quote (RFQ). Badger Specialties Coatings had the lowest cost quotation at \$56,800. Saint Germain Sandblasting and Painting did not submit a proposal. The following table summarizes the company quotes.

<b>Contractor</b>	<b>Quote</b>
Mississippi Valley Coatings	\$67,850
Saint Germain Sandblasting	DNP
Badger Specialties Coatings	\$56,800

\*DNP – Did Not Propose

**Recommendation:**

I recommend approval of a Coating Services Contract for the DAF and Receiving Station Tanks to Badger Specialties Coatings in the amount of \$56,800 with a contingency of \$5,700 for a total not to exceed cost of \$62,500

If you have any questions, regarding the project please contact Chris Shaw at 832-2362.



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**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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

TO: Human Resources Committee

FROM: Dean R. Gazza

DATE: 9/14/2022

RE: Action: Request for over hire of Administrative Services Coordinator in the Parks, Recreation and Facilities Management Department.

In preparation of a retirement by our current Administrative Services Coordinator in early January, I am requesting to proactively fill this vacancy to allow 3-weeks for an over hire to allow for adequate training of essential job responsibilities and to provide time for a transfer of critical data to successfully perform the job.

The position of Administrative Services Coordinator is the sole position that provides extensive budgeting, payroll, accounting, capital improvement project budgeting, internal departmental billings and many more tasks. There is no other positions that can fill this void within the department so having the position filled ahead of the vacancy is essential.

A current vacancy within the Facilities & Construction Management Division will offset the costs of the overhire.

Please contact me at 832-5572 or at [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org) with any questions.



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**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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

**To:** Human Resources Committee  
**From:** Dean R. Gazza, Director of Parks, Recreation and Facilities Management  
**Date:** September 14, 2022  
**Re:** Action: Reclassify Facilities Support Specialist to Assistant Facilities Manager  
and Administrative Assistant to Marketing and Community Engagement  
Coordinator - .5 FTE

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The Parks, Recreation and Facilities Management Department continues to adjust to the needs of the community resulting in reorganization of responsibilities. The department has always been lean and knowing that resources are not available to add staff, we continue to be flexible and efficient in utilizing and growing the talent within our current staff.

We had identified that two positions within our department that experienced significant changes in the job description, thus triggering a request to reevaluate and reclassify these positions to accurately reflect the work being performed. Upon doing this new job descriptions were completed. At this time the Human Resources Department was transitioning to a new compensation consultant, thus was put on hold until the new consultant could complete a new compensation study and become familiar with our organizations and positions. The employees in these positions have been performing with new responsibilities for as much as two years.

Below is a brief explanation of the major changes in positions and justification to reclassify these positions.

Facilities Support Specialist to Assistant Facilities Manager

As a result of the excessive workload of the Facilities Manager and need for both someone to assist and back-up this position. During the last year, the current Facilities Support Specialist has assumed back-up responsibilities and has taken on increased responsibility for the oversight of various facilities projects, service contract management and supervision of staff. The demands in Facilities Management are high as the department serves facilities and departments

operating 365 days a week, 24 hours a day. When the Facilities Manager is not available it is imperative a back-up is available. In addition, having a second person available to take after hours calls is needed. The previous Facilities Manager left the position citing the excessive demands of the position and it is necessary to ensure the current Facilities Manager does not do the same.

The increase would be an annual increase of \$7,500 annually. The funding would be paid from department vacant salary dollars in 2022.

#### Administrative Assistant to Marketing and Community Engagement Coordinator - .5 FTE

A new role has developed in the Park & Recreation Departments as social media became popular. In addition, interaction with the community and the evolution of partnerships have grown as resources have become limited requiring departments to adapt.

The new responsibilities have shifted from performing general administrative responsibilities to requiring marketing, social media management, web site management, community engagement, partnerships, etc. Over the last two years, this position has evolved to promote the department's image and visibility by raising the level of public awareness of parks, recreation, and golf course operations, services, and accomplishments. The position coordinates the development of comprehensive strategies and approaches for marketing services and facilities, public/private partnerships, sponsorships, and other revenue enhancing programs. Lastly, the position assesses the department's marketing and communications campaigns and projects that reach residents and other targeted audiences. This position performs the marketing and social media management for both Parks & Recreation, but also Reid Golf Course.

The increase would be an annual increase of \$7,405 annually. The funding would be paid from department vacant salary dollars in 2022.

Please feel free to contact me with any questions at 832-5572 or [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org).





# Assistant Facilities Manager

Class Code:

Bargaining Unit: Exempt

CITY OF APPLETON  
Effective Date:

## SALARY RANGE

Hourly  
Annually

## NATURE OF WORK:

Under the supervision of the Facilities Manager, the Assistant Facilities Manager supports the Facilities Management Division in planning, organizing, and coordinating facility services and building operations for City of Appleton facilities. Through the application of facilities management and project management practices, the Assistant Facilities Manager manages day-to-day facility services, assuring objectives and performance measures are met.

## JOB FUNCTIONS:

### ESSENTIAL JOB FUNCTIONS

- Assists with planning, organizing, coordinating, and assigning facility services and building maintenance.
- Plans and schedules day-to-day maintenance activities, assigning tasks to maintenance staff or contractors.
- Monitors facility services and maintenance activities to assure quality customer service and performance expectations are met.
- Responsible for all facility contracted services including but not limited to janitorial services, fire protection services, HVAC maintenance services, elevator services, and overhead door services.
- Manages all facility services contracts through monitoring contracts, coordinating services, evaluating performance, and controlling costs.
- Assists Facilities Manager with building maintenance programs.
- Oversees assigned construction and maintenance projects.
- Assists project management staff on facility capital improvement projects.
- Continuously monitors and evaluates utility usage for City facilities.

- Manages asset management program to assure accurate and efficient computerized maintenance management system, asset records, preventive maintenance, and work order processes.
- Assists Facilities Manager in development and implementation of facilities budget and project budgets.
- Assists Facilities Manager with staffing activities including but not limited to trainings and performance monitoring.
- Assist in business administration activities including payroll, invoices, and budgets.
- Participates in the development and implementation of objectives, goals, policies, and building maintenance priorities.
- Creates reports and provides information to Management staff and maintenance staff for capital budgets and maintenance activities.
- Provide supervision to seasonal or intern staff as required.
- In the absence of the Facilities Manager, required to provide direct supervision of maintenance staff and facilitate day-to-day facility demands.
- In the absence of the Administrative Services Coordinator, required to facilitate essential functions including but not limited to payroll, procurement processes, assembling agendas and minutes for public meetings.
- Responds to emergencies and critical incidents involving maintenance support 24/7.
- Required to be on-call during evenings, weekends, or holidays.

#### **OTHER JOB FUNCTIONS**

## **REQUIREMENTS OF WORK:**

Bachelor's degree in architecture, engineering, project management, construction or related field and a minimum four years of facility maintenance experience or any equivalent combination of education, experience and training which provides the following knowledge, abilities, and skills:

- Proficient in CMMS and CAD software applications.
- Proficient in Microsoft Office (Word, Excel, PowerPoint).
- Understanding of building systems (electrical, HVAC, plumbing, etc.).
- Understanding of project management processes.
- Interpret building drawings and specifications.
- Ability to gather, interpret, and prepare a variety of documents including technical reports, drawings, specifications, manuals.
- Provide exceptional customer service to both internal and external customers.
- Ability to establish and maintain effective working relationships with other employees and the public.
- Strong attention to detail.
- Above average organizational, administrative, and problem-solving skills.
- Ability to perform supervisory duties of contractors and maintenance staff.
- Ability to understand and carry out complex oral and/or written instructions.

- Ability to communicate effectively both orally and in writing.
- Committed to continuous improvement and dedication to making everything better.
- Self-directed to achieve goals, objectives, and tasks in a timely manner.
- Adaptable in an ambiguous and dynamically changing environment.
- Strong sense of urgency and ability to complete duties quickly.
- Ability to make sound decisions and to exercise good judgment.
- Dependable to follow through tasks.
- Ability to work well under pressure in a demanding environment.
- Ability to work effectively with minimal supervision and conform to deadlines.
- Possess and maintain a valid Wisconsin driver's license.

#### **DESIRED QUALIFICATIONS**

- Knowledgeable in OSHA standards, building codes, regulations, and standards.
- IFMA credential (FMP, CFM, SFP) or other Facilities Management related credential.

## **SUPPLEMENTAL INFORMATION:**

#### **COMPETENCIES**

Communication

Self-directed/Autonomous/Accountable

Problem Solving

Technical/Professional/Strategic Skills

Creative/Innovative

## **JOB TASK ANALYSIS:**



## MARKETING & COMMUNITY ENGAGEMENT COORDINATOR

PARKS, RECREATION, FACILITIES  
MANAGEMENT DEPARTMENT

(.5FTE)

Bargaining Unit: Non-Exempt

CITY OF APPLETON

Effective Date: XXXXXXXXXX

Class Code:

## SALARY RANGE

Hourly:

Annually:

## NATURE OF WORK:

Promotes the department's image and visibility by raising the level of public awareness of parks, recreation, and golf course operations, services, and accomplishments. Coordinates the development of comprehensive strategies and approaches for marketing services and facilities, public/private partnerships, sponsorships, and other revenue enhancing programs. Assesses the department's marketing and communications campaigns and projects that reach residents and other targeted audiences. Work is performed under general supervision of the Recreation Manager.

## JOB FUNCTIONS:

### ESSENTIAL JOB FUNCTIONS

- Plans and prepares materials including newsletters, activity guides, social media content, videos, and public service announcements, etc.
- Manages content and development of the Parks and Recreation and Reid Golf Course websites, social media sites, and marketing/promotional materials.
- Collaborates with Parks, Recreation, Facilities Management, and Golf Course teams to coordinate all marketing and social media information to ensure timely promotion of programs and services.
- Prepares information for public service announcements and works with local media

outlets on distribution.

- Plans, executes, and tracks performance of social media and other digital content.
- Prepares graphic art for promotional pieces and flyers.
- Manages schedule and develops content for electronic sign at Appleton Memorial Park, changing messages weekly as appropriate.
- Takes and acquires photos/videos of facilities and programs to enhance content. Utilizes editing programs and maintain content library.
- Develops financial support for programs/events through sponsorships and donations.
- Manages donations and sponsorships as required.
- Manages the advertising budget for the recreation division.
- Collaborates with the City's Communication Coordinator on creating consistent branding standards.
- Continues education on marketing strategies, learning tools, and social media trends to stay relevant with people we serve.

#### **OTHER JOB FUNCTIONS**

- Assists programming staff in program/event planning and execution.
- Represents the Department through involvement in City and community marketing groups.
- Communicates information, service requests, etc. received from telephone and email to appropriate staff through various means of written, electronic, and oral communication.
- Reconciles procurement card purchases and invoices through our financial system Tyler Munis.
- Provides administrative support to management staff as needed.
- Provides backup for City Hall first floor customer service as needed.
- Provides customer service support for the Parks, Recreation, and Facilities Management office building as needed.

### **REQUIREMENTS OF WORK:**

Bachelor's degree in Marketing, Communications, Public Relations, or related field. Five to seven years related experience or equivalent combination of experience and training which provides the following knowledge, abilities, and skills:

- Considerable knowledge in modern marketing and social media practices.
- Knowledge of photo and video editing.
- Familiarity of digital best practices and skills, including basic knowledge of SEO.
- Excellent oral and written communication skills.

- Excellent customer service and teamwork skills.
- Knowledgeable in Microsoft Office programs (Word, Excel, Outlook, PowerPoint, etc.)
- Ability to prioritize daily tasks and work in an environment with interruptions.
- Strong organization skills with the ability to multi-task.
- Excellent time management skills and the ability to prioritize work.
- Ability to understand and effectively carry out oral and written instructions.
- Ability to maintain effective relationships with other employees and to deal with public relations problems courteously and tactfully.
- Ability to work with limited direction.
- Ability to make minor decisions in accordance with established policies and procedures and to apply these to work problems.
- Ability to stoop, kneel, climb, bend, lift, push and pull up to twenty pounds.
- Ability to sit for long periods of time and sustain prolonged visual concentration.
- Skill in the operation of personal computer, copier, and other standard office equipment.

## **SUPPLEMENTAL INFORMATION:**

### **COMPETENCIES**

Communication

Self-directed/Autonomous/Accountable

Problem Solving

Technical/Professional/Strategic Skills

Creative/Innovative

## **JOB TASK ANALYSIS:**

**AN ORDINANCE REPEALING AND RECREATING ARTICLE V. OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PLUMBING.**  
(Utilities Committee – 8-12-2022)

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

**Section 1:** That Article V. of Chapter 4 of the Municipal Code of the City of Appleton, relating to plumbing, is hereby repealed and recreated as follows:

**ARTICLE V. PLUMBING\***

**DIVISION 1. GENERALLY**

**Sec. 4-261. Definitions.**

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

***A-E*** shall mean the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior.

***Clay dam*** shall mean a deposit of soil, normally clay or a mix of clay and other soils, that is placed somewhere on a sanitary lateral leading to a building with a basement to help prevent stormwater collected by the sewer mains from following the lateral into a basement and creating potential for water damage

***Clearwater*** shall mean storm water, ground water and wastewater having no impurities or where impurities are below a minimum concentration considered harmful by SPS, including, but not limited to: non-contact cooling water, condensate drainage from refrigeration compressors and air conditioning equipment, drainage of water used for equipment chilling purposes and cooled condensate from steam heating systems.

***Curb thimble*** shall mean a conduit that is run underground from a building through the curb that conveys storm water onto the street.

***Discharge*** shall mean water that is directed in such a manner that it flows onto the ground or into a storm sewer system. Discharge includes but is not limited to clearwater, water from sump pumps, and water and snow melt from downspouts and roofs.

***Drywell*** shall mean a structure or excavation installed in the ground designed to collect storm water from downspouts, sump pumps, or other sources of storm water.

**Groundwater** shall mean any of the waters of the state, as designated in W.S.A. §281.01(18), as amended from time to time, occurring in a saturated subsurface geological formation of rock or soil.

**Inspections Supervisor** shall mean the City of Appleton Inspections Supervisor or designee.

**Plumbing** has the meaning designated in W.S.A. §145.01(10), as amended from time to time.

**POWTS** shall mean private onsite waste treatment system.

**Private sanitary lateral** shall mean the portion of the sanitary sewer that extends from just inside a building to the connection at the main as defined in the City of Appleton Sanitary Lateral Repair Policy, as amended from time to time.

**Run off** shall mean storm water and precipitation, including rain, snow or ice melt, or similar water that moves on land surface via sheet or channelized flow.

**Sewer service lateral** means that part of the drainage system extending from the property line to the connection with the main sewer.

**Single-family owner-occupied** shall mean a single-family dwelling that is owned and occupied by the permit applicant. Single Family owner-occupied does not include condominiums, owner-occupied duplexes, or owner-occupied two-family buildings.

**Spring line** shall mean the point at which a dry vent connects to a drain branch.

**SPS** shall mean the Wisconsin Department of Safety and Professional Services.

**State Plumbing Code** shall mean Wisconsin Administrative Code SPS chapters 380 through 387, as amended from time to time.

**Storm water** shall mean water that originates from rain or snow and includes ice melt. (Code 1965, §16.02)

**Cross reference(s)**--Definitions and rules of construction generally, §1-2, Utilities, ch. 20.

**State law reference(s)**--Plumbing, W.S.A. §145.01 et seq.; state licensing of plumbers, W.S.A. §145.04(2).

#### **Sec. 4-262. State Plumbing Code adopted.**

The Wisconsin Administrative Code SPS chapters 380 through 387 and W.S.A. chapter 145, as amended from time to time, are hereby adopted by reference and made a part of this article. The provisions thereof and of this article shall govern all plumbing, private sewage disposal, and drainage work and no plumbing, private sewage disposal, or drainage work shall be done except in accordance with the adopted codes and this article.



(Code 1965, §16.01; Ord 85-97, §1, 10-15-97)

**Sec. 4-263. Inspection of new work.**

The Inspections Supervisor shall be notified to allow for inspection of work regulated under this article in accordance with requirements of Article II of this chapter. Notification shall include the owner's name, correct address of the property, and name of the master plumber responsible for the installation. Upon approval of the underground piping, the Inspections Supervisor shall identify the approved underground piping with a notice in a visible location. When rough-in work is approved, a tag indicating such approval will be placed on each floor level where plumbing is installed. No work shall be covered without approval from the Inspections Supervisor. Such inspection and approval shall not in any case constitute a guarantee against imperfection by either the City or the Inspections Supervisor.

(Code 1965, §16.11; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-264. Inspection of rental properties, relocated buildings.**

(a) All rentable properties, upon becoming vacant, may be inspected by the Inspections Supervisor and their sanitary condition determined. If the plumbing or any work covered by this article is in an unsanitary condition or a menace to health or safety, the premises shall be repaired and put in a sanitary condition before a new occupant takes possession.

(b) The plumbing in buildings moved from one lot or location to another shall be inspected by the Inspections Supervisor and, when found necessary, tested in a manner satisfactory to the Inspections Supervisor at the expense of the owner. If plumbing is found unsafe or unsanitary, the plumbing shall be repaired or remodeled and made to reasonably comply with this article.

(Code 1965, §16.08; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-265. Permit required for plumbing work in public right-of-way.**

(a) No person shall engage in or work at plumbing in the public right-of-way without the following conditions first being met:

- (1) The applicant shall obtain a street excavation permit from the Department of Public Works.
- (2) The applicant shall file with the City Clerk proof of workers compensation, automobile and general liability insurance equal to or greater than that required by the City and approved by the City's Risk Manager, and it shall be kept in full force and effect for one (1) year after the work has been completed.
- (3) The applicant shall file with the Department of Public Works a permit bond

in the penal sum of five thousand dollars (\$5,000.00) executed by the applicant as principal and a surety company authorized to do business in the State of Wisconsin, running in favor of the City so that in the event the City should suffer any loss or damage by any negligence, malfeasance or misfeasance in the conduct of the work performed under this section shall have the right to institute an action for recovery against the applicant and the surety upon such bond. The bond must further state that the applicant shall fully comply with all provisions of State law and City ordinances as applicable and that the applicant will save and indemnify the City against any costs, expenses or damages which may in any way accrue against the City due to the work performed under this section, and will keep the City harmless against all liabilities, judgments, costs and expenses as a consequence of the work.

(Code 1965, §16.06; Ord 32-92, §1, 3-18-92; Ord 174-93, §1 10-19-93; Ord 53-94, §1, 4-20-94; Ord 118-96, §1, 12-18-96; Ord 101-16, §1, 12-13-16)

**Sec. 4-266. Correction of unsanitary installations.**

When complaints are received that work covered by this article is contrary to the ordinances of the city or is a menace to health, the Inspections Supervisor can investigate the cause for complaint on the premises. A report of the findings, suggesting such changes and corrections as are necessary to put the premises in proper sanitary condition shall be made. The Inspections Supervisor thereupon shall direct such changes and corrections to be made as deemed necessary, and set a time for having the changes and corrections done. Failure to comply may result in legal action against the property owner.

(Code 1965, §16.07; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-267. Inspection of sewer and water services.**

All sewer service laterals and water service pipes installed on private property shall be inspected by the Inspections Supervisor. The portions of the sewer or water service laterals installed or repaired from the water main to the private property line, shall be inspected by the Inspections Supervisor. No service pipe shall be laid and no opening into or connection with a sewer service lateral, public sewer or water main shall be made, including the relaying, replacing or repairing of the lateral, sewer or water main, except under the observation of the Inspections Supervisor. All work involving sanitary, storm, or water mains and laterals shall be left uncovered until examined and approved.

(Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Cross reference(s)--**Water utility, §20-31 et seq.; sewers and waste water disposal, §20-66 et seq.

**Sec. 4-268. Street openings.**

(a) **Requirements.** Openings in any street, alley or public place shall be governed by Chapter 16 and by any specifications or policies on street openings adopted by the Common

Council.

(b) A street excavation permit must be obtained prior to any sewer permit being issued for proposed work in the public right-of-way.

(c) DPW staff shall be notified no later than one (1) business day prior to any lane closure or two (2) business days prior to a full road closure.

(d) Any person obtaining a permit to repair, replace, or install new sanitary, storm, or water laterals shall notify the Inspections Division whenever the work is ready for inspection. All work shall be left uncovered until examined and approved by the Department.

(Code 1965, §16.04; Ord 185-04, §1, 1-1-05)

**Sec. 4-269. Connections to public sewer.**

(a) **Record of sewers.** The Department of Public Works shall keep a record on file, for the purpose of showing the size and location of public sewers and the position of the branches, junctions, laterals, and appurtenances.

(b) **Location of branches; new connections.** Information concerning the location of wye branches in the public sewer or of sewer service laterals shall be furnished by the City Engineer or designee. All reasonable care will be taken to ensure the correctness of such information, but such correctness will not be guaranteed. When, in accordance with the measurement furnished, the junction is not found in the public sewer within a distance of three (3) feet from the flow side of the measurement, permission shall be given by the City Engineer or designee to the plumber applying therefore to make a new connection. All such connections shall be made in accordance with this Chapter and all other required specifications. No connection with any sewer or any part thereof shall be covered without approval of the Inspections Supervisor or the City Engineer or designee, but such inspection and approval shall not in any case constitute a guarantee against imperfection by either the City or the Director.

(c) **Record of connections.** The Inspections Supervisor or City Engineer shall make a record of all sewer connections, showing the location of the lot, the name of the installer, and the location of the connection. These records shall be entered into the GIS system.

(d) **Minimum depth.** A sewer service lateral or building or house sewer shall, where the depth of the main sewer permits, be installed at a minimum depth in residence districts of ten (10) feet below the established sidewalk grade and in commercial or industrial districts at a minimum depth of twelve (12) feet below the established sidewalk grade. Measurements shall be from the top of the sidewalk to the invert or flow line of the sewer. The grade of a sidewalk, where established, may be obtained from the Department of Public Works upon request.

(Code 1965, §16.05; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-270. Connection to public sewers and water mains required.**

(a) Whenever public sewers and water mains are laid along and within any public street, alley or place in the City, the Inspections Supervisor may notify in writing all owners or their agents and occupants of all houses, tenements and other buildings used for human habitation situated on lots or parcels of land abutting upon such street, alley or place which is accessible to such sewer and water main, to connect therewith and to connect all interior plumbing upon their respective lots or parcels of land with the sewer in a sanitary manner in accordance with the State Plumbing Code within thirty (30) days after service of such a notice. Upon a failure to comply, the Inspections Supervisor may cause such connections to be made and the cost thereof to be levied and collected in the same manner as other taxes pursuant to W.S.A. §281.45.

(b) In a district zoned commercial, light manufacturing or heavy industrial all buildings other than those used for residential purposes shall be connected to storm sewers, where available, upon order of the Inspections Supervisor.

(c) Whenever public mini-storm sewers or storm laterals are laid along and within any public street, alley or place in the city and ready for use, property owners shall, upon notice from the City, connect to the lateral provided to their particular property.

(d) A sewer permit shall be obtained from the Inspections Division by a person licensed with the State to perform such work prior to any work being started. Failure of the property owner to connect within the specified time may result in a notice of noncompliance being issued. All connections shall be made in accordance with the requirements of the State Plumbing Code.

(e) If any such owner, agent or occupant fails to comply with such notice, the Inspections Supervisor shall cause such connections to be made and the cost thereof assessed as a special tax against the lots or parcels of land and the amount thereof shall be levied and collected in the same manner as other taxes, pursuant to W.S.A. §281.45.

(f) After connection to a water main and public sewer, no septic system shall be constructed or maintained upon any such lot or parcel and shall be abated upon thirty (30) days written notice for such abatement by the Inspections Supervisor. If not so abated, the Inspections Supervisor shall cause the same to be done and the cost thereof assessed as a special tax against the property and the amount shall be levied and collected in the same manner as other taxes, pursuant to W.S.A. §281.45. The abatement should be conducted pursuant to, Wisconsin Administrative Code SPS 383.33.

(g) At the time when the property is connected to City water, existing water wells shall either be abandoned or permitted for with the City of Appleton to remain in use. Such uses shall be limited to irrigation or similar non-potable uses and shall not be connected with the City water supply.

(h) At the time when the property is connected to the City sewer, the septic tank shall be abandoned per state requirements set forth in the Wisconsin Administrative Code SPS 383.33. Prior to abandoning the septic tank, a sewer permit shall be obtained from the Inspections Division. The abandonment process shall be inspected by the Inspections Supervisor.

(i) The City may extend the time for connection hereunder or may grant temporary relief where strict enforcement of this section would work as unnecessary hardship without corresponding public or private benefit.

(Code 1965, §7.04, § 7.04(1)-(4); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 15-97, §1, 3-5-97; Ord 85-97, §1, 10-15-97; Ord 25-12, §1, 3-7-12; Ord 14-13, §1, 7-8-13)

#### **Sec. 4-271. Discharge of drains and sewers.**

(a) ***Certain discharges prohibited.*** No person shall discharge domestic sewage, industrial wastes, septic tank effluent, or any other pollutant onto the surface of the ground, into any drainage ditch, into any river or stream or into any storm sewer or drain, or permit such materials to be so discharged.

(b) ***Discharges to storm sewers.*** Roof leaders, surface drains, groundwater drains, foundation footing drains and other clearwater drains shall be connected wherever possible with a storm sewer, but they shall not be connected to a building sewer which discharges into a sanitary sewer or private sewage treatment plant. Air conditioning and clearwater drains not described in this subsection shall also discharge to storm drains or sewers, unless special permission is obtained from the Inspections Supervisor in cases where an unnecessary hardship would result and where the spirit of this subsection would be observed. If stormwater or clearwater is being discharged into a sanitary sewer a notice of non-compliance shall be sent to the owner of the property to eliminate the cross-connection.

(c) ***Discharge to public streets.*** No person shall discharge any clearwater directly into a public street or alley from November 1 to March 31, inclusive. No person shall discharge any clearwater directly into a public street or alley from April 1 to October 31, inclusive, without first obtaining permission from the Public Works Director or an authorized representative.

(d) ***Discharge onto sidewalks.*** No person shall permit the regular discharge of water directly onto any sidewalk or other public area. Such discharge shall constitute a nuisance.

(e) ***Other Discharges:***

(1) **Generally.** Where a storm sewer is deemed available or suitable, the City of Appleton may require a property owner to have their sump pump, downspouts or other similar storm water discharges connected to said storm sewer. Such connections shall be installed as required by this Chapter. Otherwise, storm water may be discharged onto the ground surface a minimum of two (2) feet from the foundation. (Note: this shall include the discharge from downspouts.) Discharges or run offs shall not be directed so as to flow onto adjacent property or be allowed to accumulate and create ponds of standing water or other public nuisance. Trenching, channeling, or other alterations whereby the flow of storm water is concentrated and where it adversely affects adjacent property shall also be prohibited.

- (2) **Drywells.** If drywells are constructed, the drywell shall be installed in such a manner that any overflow from said drywell does not flow onto adjacent property or create any other nuisance as described in this chapter.
- (3) **Garage floor drains.** Garage drains that discharge to grade shall discharge to natural grade and shall not be directed as to flow onto adjacent property. The discharge from a garage drain shall be kept a minimum of four (4) feet from the nearest property line.

Nothing contained in this subsection shall act to relieve a person from complying with the other provisions of this section.

(f) **Curb thimbles.** The installation of curb thimbles is prohibited. Existing curb thimbles shall cease to be used in the following instances:

- (1) The street is reconstructed.
- (2) A storm lateral is provided to the property.
- (3) The drainage from the thimble creates a public nuisance or hazard.
- (4) Upon order from the Inspections Supervisor.

(Code 1965, §16.09; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96, Ord 186-04, §1, 1-1-05)

#### **Sec. 4-272. Sealing of unused sewer and water services.**

(a) All sewer and water laterals or building sewers and water services installed and not immediately used shall be securely sealed so as to be watertight. This shall be done by the use of proper fittings and materials manufactured for that purpose and in a manner approved by the Inspections Division.

(b) Before any building connected to city sanitary sewer or water mains is razed or moved to another location, a permit shall be obtained by a person licensed by the State to perform such work from the Inspection Division to disconnect and seal all sanitary sewer and water services serving the premises. Sealing of the sewer and water laterals shall comply with Sec. 4-188. The water service shall be disconnected and sealed at a location point determined by the Water Utility. The disconnections and sealing thereof shall be approved by the Inspection Division before the work is covered.

(c) All water wells which are temporarily or permanently abandoned shall be sealed by a Wisconsin registered well constructor or pump installer after first obtaining a permit from the Inspections Division. The well shall be sealed and a report filed with the State Board of Health in conformance with the State Well Construction and Pump Installation Code.

(Code 1965, §16.12; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 102-16, §1, 12-13-16)

**Sec. 4-273. Building sewers and building drains.**

(a) Building drains and subdrains under twelve (12) inches inside diameter shall be constructed of materials listed in Table 384.30-3 of the State Plumbing Code, as updated from time to time.

(b) All building sanitary sewers shall be constructed of materials listed in Table 384.30-3 of the State Plumbing Code, as updated from time to time. This paragraph applies to all new construction including construction after a building was demolished or razed.

(c) Cleanouts shall be installed to comply with Wisconsin Administrative Code SPS 382.35.

(d) All sewer service laterals and building sewers shall be bedded in clear stone or any other material approved by Department of Public Works staff to the centerline of the pipe. Bedding material shall be washed gravel with the sand removed, or crushed and screened stone with general fines removed. The size of the bedding stone shall be such that one hundred percent (100%) shall pass a one-half (1/2) inch sieve. On new installations, where the building has a basement, a clay dam shall be installed on the lateral leading to the building.

(e) Underground building drains shall be laid on original or firm ground or thoroughly compacted material. Voids between such firm foundation and the bottom of the pipe, along its entire length, shall be filled with bedding stone as specified for building sewers.

(f) An approved backwater valve shall be installed in the sanitary sewer lateral of every new building and shall be accessible to the property owner for service or replacement except as provided below. All interior plumbing waste shall pass through the backwater valve. The required backwater valve shall not be installed in the public right-of-way.

**Exception.** A property owner may apply in writing to the plumbing inspector for an exception to the provision of (f). The application must include evidence of the elevation of both the lowest floor level served by sanitary sewer and the nearest downstream manhole to which the sanitary building drain is or will be connected. The plumbing inspector may approve the exception if the elevation of the lowest floor level served by the sanitary sewer is at least one (1) foot higher than the elevation of the nearest manhole to which the sanitary building drain is or will be connected.

(Code 1965, §16.13; Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96, Ord 36-02, §1, 3-25-02)

**Sec. 4-274. Waste pipes and vents.**

(a) Garage drains shall not be connected to foundation footing drains nor to a clearwater sump. Garage drains run to grade shall be directed so as to not flow onto adjacent property. Drains that discharge to grade must discharge to natural grade.

(b) All vent terminals shall extend at least eight (8) inches above the roof at the centerline of the pipe. The joint where a vent terminal passes through the roof shall be made watertight by the use of flashings as approved by SPS.

(c) Dry vents shall be taken off of the horizontal drain they serve above the spring line and the connection shall be made at an angle of forty-five degrees (45°) or greater from the centerline of the pipe being served. See Administrative Code SPS 382.31(15)(b) Appendix. (Code 1965, §16.14)

**Sec. 4-275. Clearwater inspections.**

(a) The Building Inspection Division shall, when deemed necessary by the Director of Public Works or designee thereof, or upon a reasonable request by the owner of record, conduct an inspection of the premises to ensure compliance with the provisions of the code relating to illegal surface or ground water connections into the sanitary sewer system.

(b) A notice of noncompliance shall be issued by the Building Inspection Division to the owner of record of any building found not to be in compliance with the provisions of the code. The notice shall set forth areas of noncompliance and shall order the owner to bring the building into compliance within an established period of time.

(c) Failure to bring the property into compliance within the applicable compliance period shall constitute a violation of this section and shall be subject to the penalties set forth in Sec. 4-24.

(d) *No warranty.* An inspection meeting compliance only indicates that so far as can be reasonably determined by a visual inspection of the premises and review of City records, the premises meets the requirements of this section. Neither the City nor its inspectors assume any liability in the inspection findings, whether compliant or not, and the City does not guarantee or warrant the condition of the premises inspected.

(e) *Not liable.* The City will not be liable for any unsafe and/or unsanitary conditions that exist in any building inspected for clearwater compliance. However, if any such conditions exist, and are noticed by an inspector, authority shall be granted to issue orders to correct such conditions.

(Ord 187-04, §1, 1-1-05; Ord 160-10, §1, 11-23-10; Ord 10-16, §1, 1-12-16)

**Sec. 4-276. Grease traps and separators – commercial buildings.**

(a) *Installation.* Grease traps or separators shall be installed wherever greasy wastes are discharged into a building drain or sewer. Such grease traps or separators shall be designed to adequately serve the fixture(s), shall be placed as near as possible to the fixture(s) from which they receive waste and shall be accessible for easy cleaning.



(b) **Maintenance.** Grease interceptors shall be maintained and cleaned on a regular basis so as to prevent the escape of grease into sanitary sewer laterals and mains. Regular maintenance of grease traps or separators shall be the responsibility of the owner. A record of all maintenance performed on grease interceptors shall be kept on site and readily accessible to be viewed by the City Inspector.

(c) **Penalty.** Any costs incurred by the City that are the result of having to clean excessive grease from the sanitary sewers (outside of regular scheduled maintenance) may be passed onto the owner of the property responsible for the excessive grease.

**Sec. 4-277. Grease obstructions – residential properties.**

(a) Residential property owners shall properly dispose of greasy wastes so it does not cause obstructions to occur in the City’s sanitary sewer mains.

(b) **Penalty.** Any costs incurred by the City that are the result of having to clean excessive grease from the sanitary sewers (outside of regular scheduled maintenance) may be passed onto the owner of the property responsible for the excessive grease.

**Sec. 4-278. Water supply systems and water service.**

(a) **Water service.**

(1) Commercial buildings.

a. **Size.** The water service or building supply pipe to any building shall be of sufficient size to provide an ample flow of water under maximum use to all fixtures and points of service. Such size shall be determined by standards set forth in the Wisconsin State Plumbing Code.

(2) Residential buildings.

a. **Size.** The minimum size water service for new residential one- and two-family constructed dwellings shall be either 1” diameter copper or 1.25” diameter plastic, but in all cases, the service shall be large enough to accommodate the anticipated load of the building it is serving. All water service materials shall comply with Table 384.30-7 of the State Plumbing Code.

**Secs. 4-279 – 4-290. Reserved.**

**DIVISION 2. PERMITS**

**Sec. 4-291. Permit required; exception.**

(a) No plumbing shall be done in the City without a permit being first obtained from the Inspections Supervisor and the paying of the proper fee as provided in this division. Such permits may be issued only to persons duly licensed to do plumbing under the laws of the State. *Exception.* Any person actually owning and occupying a single-family residence may do plumbing within without a license, provided such person secures a permit and the work fully conforms with all code requirements including workmanship, design and materials. Any person assisting such owner shall be a licensed master plumber. Any plumbing shall conform to all provisions of state law, state codes, and City.

(b) Any person, before beginning active plumbing work, shall obtain a permit. (Code 1965, §16.10(1); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96; Ord 3-06, §1, 1-10-06)

**Sec. 4-292. Plumbing fees.**

(a) The following fees shall apply to plumbing permits, and no permit shall be valid until the appropriate fee has been paid:

- (1) The amount of the permit fee for any plumbing, sewer or water permit shall be on file in the Office of the City Clerk;
- (2) The amount of the permit fees for residential one- (1-) and two- (2-) family buildings shall be on file in the Office of the City Clerk;
- (3) The amount of the permit fees for multifamily apartment buildings and commercial or industrial structures shall be on file in the Office of the City Clerk.
- (4) The fees in subsections (1) through (3) of this section apply to new and replacement installations. For repair work on existing installations, the permit fee shall be on file in the Office of the City Clerk.
- (5) The amount of the permit fee for manholes and catch basins installed concurrently with laterals of private main shall be on file in the Office of the City Clerk.
- (6) The amount of the permit fee for the abandonment of a septic tank or POWTS shall be on file in the Office of the City Clerk.
- (7) The amount of the permit fee for a water well shall be on file in the Office of the City Clerk.
- (8) The amount of the permit fee for each fixture or appliance connected to the water supply or sewer, including trapped and untrapped openings in both sanitary and storm sewers, shall be on file in the Office of the City Clerk.

(b) Penalties for installation without a permit include tripling the permit fee prescribed in this section at the time when a permit is obtained. Payment of any fee mentioned in this section, however, shall in no way relieve any person of the penalties that may be imposed for violation of this article.

(c) A callback inspection charge shall be established at thirty-five dollars (\$35.00) per callback for all work requiring inspection under plumbing and sewer permit requirements. (Code 1965, §16.10(2); Ord 106-97, §1, 12-17-97; Ord 73-19, §1, 7-30-19)

**Sec. 4-293. Issuance for new or relocated building.**

No permit for plumbing in a new or relocated building shall be issued until:

- (1) The Inspections Supervisor is satisfied that all unused sewer and water services to the premises are sealed;
- (2) A sewer permit and building permit have been issued; and
- (3) The connection fee when required by §20-3 has been paid.

(Code 1965, §16.10(3)(a); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-294. Persons not eligible for permit.**

No plumbing or sewer permit shall be granted to anyone who has failed to comply with this article. No permit shall be issued to any person or to any master plumber against whom an order issued by the Inspections Supervisor is pending. No permit shall be issued to any person who has been found violating or has willfully violated this article. Bad faith or unreasonable delay in the performance of any work covered by this article or failure to respond promptly to official communications shall be deemed sufficient reason for withholding permits, and the master plumber shall be held responsible for the violation of these regulations by himself or any of his employees.

(Code 1965, §16.10(3)(b); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-295. Expiration.**

All permits issued under this division remain valid contingent upon continuous performance of the work named thereon. Any permit issued pursuant to this division shall be void if the authorized work is suspended or abandoned for a period of six (6) months once work has commenced. A permit will automatically expire on the sooner of completion of the work for which it was issued or two (2) years from date of issuance.

(Code 1965, §16.10(3)(c))

**Sec. 4-296. Cancellation for violation.**

The Inspections Supervisor may cancel a permit issued under this division on any job for violation of the license law or codes and ordinances, and to stop work in any case where installation is not being made in compliance with this article.

(Code 1965, §16.10(3)(d); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-297. Cancellation on request of plumber or owner.**

The Inspections Supervisor may cancel a permit issued under this division upon written request of a master plumber or the owner for which the work is being done; provided that acceptable arrangements shall first be made for reissuance of the permit to another master plumber for proper completion of the work. The original permit shall not be canceled until a master plumber applies for and is granted a permit to complete the work. The procedure for requested cancellation and reissuance of permits shall be as follows:

- (1) If the master plumber does not complete the entire installation for which he received a permit, he shall immediately notify the Inspections Supervisor in writing requesting cancellation and detailing the extent of the work he has done.
- (2) A person who has hired a master plumber may request cancellation in writing and shall then specify the name of the master plumber he is employing to finish the work. If the permit is for single-family owner-occupied home the owner may obtain the second permit if the work is contained to inside the building. For any exterior work, a licensed plumber shall be hired to complete the job.
- (3) Any work being performed under the initial permit shall be stopped until a subsequent permit has been issued for completion.
- (4) The original permit fee shall apply to the entire job, except that the applicable minimum permit fee as set in the fee schedule shall be paid for the second permit. If additional work is included on the subsequent permit, such work shall be listed and any applicable fee shall apply.
- (5) If additional fixtures are roughed-in or installed before final inspection, they shall be added to the original permit on the cost-per-fixture basis.

(Code 1965, §16.10(3)(e); Ord 32-92, §1, 3-18-92; Ord 174-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Secs. 4-298 – 4-315. Reserved.**

**DIVISION 3. PLANS**

**Sec. 4-316. Applicability of division.**

This division shall apply to all additions and alterations exceeding ten (10) plumbing fixtures as well as to plumbing of all new buildings and shall apply to all cases where there is a change of occupancy or use of a building which requires changes to or intended use of the plumbing so as to comply with this article for that occupancy or use.  
(Code 1965, §16.10(9), Ord 38-02, §1, 3-25-02)

**Sec. 4-317. Plans to be approved by City Inspections Division.**

Plans and specifications for plumbing installation identified in Wisconsin Administrative Code SPS 382 Table 382.20-2 are required to be submitted to the City for review and approval. All non-code-complying portions of the plumbing system installed prior to complete plan approval shall be removed and replaced to comply with SPS standards.  
(Code 1965, §16.10(4); Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-318. Plans to be approved by the Department of Safety and Professional Services.**

No permits will be issued to commence work on any plumbing project in classifications requiring SPS approval until SPS approval is received by Inspections Supervisor.  
(Code 1965, §16.10(5))

**Sec. 4-319. Compliance with approved plans required.**

Actual installation shall conform with the plans approved pursuant to this chapter. Any changes shall to plans be submitted to the Inspections Supervisor for approval prior to installation. All work must also comply with the approved specifications.  
(Code 1965, §16.10(6))

**Sec. 4-320. Stamping and signing of plans.**

A Wisconsin registered architect, engineer or plumbing designer shall sign and seal or stamp all plans and accompanying specifications in accordance with chapter A-E 2. A master plumber may design and submit for approval plumbing plans and specifications for a plumbing system which he is to install. Each sheet of plans and specifications the master plumber submits shall be signed, dated and include his state master plumber's license number. Where more than one (1) sheet is bound together into one (1) volume, only the title sheet or index sheet need be signed and dated by the person responsible for their preparation, provided the signed sheet clearly identifies the other sheets comprising the bound volume.  
(Code 1965, §16.10(7))

**Sec. 4-321. Submission of plans.**

All plans, preliminary or complete, shall be submitted in duplicate. Work shall not commence until written approval for the preliminary or complete plans is received from SPS or the Inspections Division. Sufficient data and information shall be submitted to allow staff to determine if the installation and its performance will meet the requirements of the State Plumbing Code. The data and information shall be a part of or shall accompany all plans submitted for

review. Plans shall be examined in the order of their receipt.  
(Code 1965, §16.10(8))

**Sec. 4-322. Plan examination fees.**

(a) Plan examination fees for preliminary or complete plans shall accompany the plans and specifications when submitted. If the Inspections Division determines upon review of the plans that inadequate fees were provided, the additional fee shall be provided prior to departmental approval. Written approval shall not be granted until all applicable fees have been paid.

(b) The plan examination fees shall be as established by SPS.

(c) Plan examination fees may be adjusted by ordinance.  
(Code 1965, §16.10(10); Ord 176-93, §1, 10-19-93; Ord 48-94, §1, 4-6-94; Ord 118-96, §1, 12-18-96; Ord 25-12, §1, 3-7-12)

**Sec. 4-323. Revisions.**

After written approval is granted, if the approved plans are changed, a revision with applicable fees shall be submitted by the architect, engineer, designer or master plumber responsible for the design. If the method of installation differs from the approved design, an as-built drawing shall be submitted by the architect, engineer, designer or master plumber responsible for the design.

(Code 1965, §16.10(11); Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-324. Liability for defects in work.**

In granting approval of plans, specifications, products, devices or materials, the Inspections Division does not hold itself liable for any defects in construction, nor for any damages that may result from the specific installation.

(Code 1965, §16.10(12); Ord 176-93, §1, 10-19-93; Ord 118-96, §1, 12-18-96)

**Sec. 4-325. Copy of plans to be kept at construction site.**

The architect, professional engineer, registered designer, owner or plumbing contractor shall keep at the construction site one (1) set of plans bearing the stamp of approval of the respective department.

(Code 1965, §16.10(13))

**Secs. 4-326 – 4-340. Reserved.**

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

**56-22**

**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 9/21/2022)

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 1430 North Ballard Road (Tax Id #31-1-5207-00), including the adjacent one-half (1/2) right-of-way of North Ballard Road from M-2 General Industrial District to C-2 General Commercial District. (Rezoning #4-22 – 1430 North Ballard Road)

**LEGAL DESCRIPTION:**

*All of Lot Seven (7), Block One (1), Bell Air Subdivision, as recorded in Volume 15 of Plats on Page 19 as Document No. 450970, located in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section Nineteen (19), Township Twenty-One (21) North, Range Eighteen (18) East, City of Appleton, Outagamie County, Wisconsin containing 11,625 square feet (0.267 acres) of land and including the adjacent one-half (1/2) right-of-way of N. Ballard Road.*

**COMMON DESCRIPTION:**

1430 North Ballard Road including the adjacent one-half (1/2) right-of-way of North Ballard Road

**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.



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

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**TO:** Finance Committee

**FROM:** Jeri Ohman, Finance Director

**DATE:** August 22, 2022

**RE:** Request to award the ARPA Grant Administration contract to Booth Management Consulting, LLC for a project total not to exceed \$150,000.

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The American Rescue Plan Act (ARPA) budget includes \$150,000 for consulting and administrative support for ARPA projects. A Request for Proposals was posted in May and responses were received from four firms on June 30, 2022.

A 6-person review team, composed of Directors, Deputy Directors, staff, and the Mayor, evaluated the proposals for relevant experience, project team, project understanding, knowledge of federal grant compliance, and cost.

The team selected two firms to interview and speak with references provided in the proposal. The findings were discussed with the review team and Booth Management Consulting, LLC (BMC) was unanimously selected to be recommended for award of the contract.

BMC has experience with grant administration and compliance with federal requirements prior to the pandemic and is assisting other local governments with ARPA funding and recovery processes. They will provide guidance to City staff during all stages of the process. This will include creating grant applications, developing application rating systems, provide training for recipients, monitoring of awards, and assistance with the reporting process.

Therefore, based on review of the information provided and interviews with firm representatives, the review team recommends awarding a not to exceed contract to BMC for \$150,000.

Please feel free to contact me at 832-5742 or at [jeri.ohman@appleton.org](mailto:jeri.ohman@appleton.org) with any questions.