



City of Appleton

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

Meeting Agenda - Final-revised Common Council

Wednesday, May 7, 2014

7:00 pm

Council Chambers

- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

14-766 Approve Council Minutes from the April 15, 2014 Informal Organizational Meeting, the April 16, 2014 Organizational Meeting and the April 16, 2014 Council Meeting.

Attachments: [CC Minutes 04-15-2014 - Informal Organizational Meeting.pdf](#)
[CC Minutes 04-16-2014 - 2014 Organizational Meeting.pdf](#)
[CC Minutes 04-16-2014.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR

14-764 Reappointment of Don Geenen, Richard Gosse, Rob Gusky, Joy Hagen, Jan Heifner, Rick Krumwiede, Mark Priddis and Gwen Sargeant to the Bicycle and Pedestrian Advisory Committee.

Attachments: [CC 05-07-2014 COMMITTEE APPPOINTMENT FOR INFORMATION - BICYCL](#)

14-765 Reappointment of Dale Schumaker to the Police and Fire Commission.

Attachments: [CC 05-07-2014 COMMITTEE REAPPOINTMENT POLICE & FIRE COMMISSIC](#)

- 14-774** Appointment of Tony Saucerman as the City's Finance Director.

Attachments: [CC 05-07-2014 - Finance Director Appointment Recommendation.pdf](#)

- 14-768** Presentation of Catholic Central Day Proclamation.

I. PUBLIC HEARINGS

J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

- 14-721** Operator's License application of Brian W. Bliske, 2228 Roselawn Drive.

Legislative History

4/24/14	Safety and Licensing Committee	recommended for denial
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- 14-720** Operator's License application of Sarah N. Braun, 5732 Long Court.

Legislative History

4/24/14	Safety and Licensing Committee	recommended for denial
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- 14-719** Operator's License application of Evelyn M. Koehnke, 1401 S. Driscoll Street, #209.

Legislative History

4/24/14	Safety and Licensing Committee	recommended for denial
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- 14-663** Operator's License application of Kimberly J. Schmidt, 300 W. Foster Street.

Legislative History

4/24/14	Safety and Licensing Committee	recommended for approval
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- 14-724** Operator's Licenses

Attachments: [Operator's Licenses for 4-24-14 S & L.pdf](#)

Legislative History

4/24/14	Safety and Licensing Committee	recommended for approval
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- 14-676** Operator's license applications contingent upon completion of the Responsible Beverage Service Course.
Michelle K. Willes

Legislative History

4/24/14 Safety and Licensing recommended for approval
 Committee

- 14-723** Request Authorization to purchase Emergency Vehicle Preemption Equipment.

Attachments: [TAPCO GPS-Based Traffic Signal Priority Control System Agreement.pdf](#)

Legislative History

4/24/14 Safety and Licensing recommended for approval
 Committee

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

- 14-697** Request from Jennifer Brahm and Lydia Schmalz for an exception to the City of Appleton Parking Ramp Usage Policy to hold a car show on the top three levels of the Green Parking Ramp.

Attachments: [Request for car show in the Green Ramp.pdf](#)

[Staff input for Top Shelf Special Event.pdf](#)

Legislative History

4/22/14 Municipal Services recommended for denial
 Committee
The motion failed by a 2-2 vote.

- 14-698** Sidewalk be installed along the east side of East Street from Fremont Street to the Reid Golf Course Maintenance shop parking lot as part of the City's 2014 Sidewalk Program.

Attachments: [Map-Sidewalk East Street to Fremont Street.pdf](#)

Legislative History

4/22/14 Municipal Services recommended for approval
 Committee

- 14-699** Sidewalk be installed on the north side of First Avenue along 430 E First Avenue as part of the 2014 Sidewalk Program.

Attachments: [Sidewalk installed along 430 E First Ave.pdf](#)

Legislative History

4/22/14 Municipal Services recommended for approval
 Committee

- 14-700** Request from Bernie Kressner, POA for Kristie Andrews to have her sidewalk snow removal bill of \$75 waived for 925 W. Parkway Boulevard.

Attachments: [Snow removal bill-Bernie Kressner.pdf](#)

Legislative History

4/22/14	Municipal Services Committee	recommended for denial
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- 14-718** Approve new parking restrictions in the 1400-1600 blocks of S. Jefferson Street and the 400 block of E. Maple Street. (90 day trial complete)

Attachments: [New parking restrictions-1400-1600 S. Jefferson & 400 E Maple St.pdf](#)

Legislative History

4/22/14	Municipal Services Committee	recommended for approval
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3. MINUTES OF THE CITY PLAN COMMISSION

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

- 14-683** Award Removal/Replacement of Asphalt on the Newberry Street Trail Segment South River Street to Lawe Street to "Appleton Asphalt, Inc." for a Contract Total Not to Exceed \$23,742

Attachments: [Parks & Recreation Committee Hardscapes CIP \(4-23-14 Meeting\).docx](#)

Legislative History

4/23/14	Parks and Recreation Committee	recommended for approval
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- 14-714** Action: Approval of Scheig Learning Center and Appleton Memorial Park Arboretum and Gardens Rental and Fee Policy

Attachments: [Memo-Scheig & Arboretum Rental Policy 4-17-14.docx](#)
[Rental and Fees Policy-Draft \(Schieg & Arboretum\).docx](#)

Legislative History

4/23/14	Parks and Recreation Committee	recommended for approval
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5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

6. MINUTES OF THE UTILITIES COMMITTEE

- 14-670** Request to approve a contract for \$134,020 to Faith Technologies for the addition of a Fire Protection System to the Wastewater Plant. This is Phase III of III. In addition, I ask the Committee to pre-approve \$10,000 for required changes or unforeseen circumstances during installation.

Attachments: [Fire Protection Phase III 2014.doc](#)

Legislative History

4/22/14 Utilities Committee amended
Amended to remove "I ask the Committee to pre-approve \$10,000 for required changes or unforeseen circumstances during installation" to say "With a contingency of \$10,000."

4/22/14 Utilities Committee recommended for approval

- 14-675** Approval of an Engineering contract for the Everett Street Lift Station Improvements Project to McMAHON in the amount of \$45,977 plus a 15% contingency of \$6,897 for a total cost of \$52,874.

Attachments: [Everett Street Lift Station Memo.pdf](#)

Legislative History

4/22/14 Utilities Committee recommended for approval

7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION

- 14-732** 5310 Agreement with East Central Wisconsin Regional Planning Commission

Attachments: [5310 Agreement with ECWRPC.pdf](#)

Legislative History

4/23/14 Fox Cities Transit Commission recommended for approval
Valley Transit is now eligible for federal Section 5310 grant funding. Prior to 2013 the funding was only available for capital purchases for non-profit organizations serving seniors and people with disabilities. With the 2013 MAP-21 transit funding legislation, several grant programs were combined and transit systems became eligible to use some of the Section 5310 funding to supplement other operating grant funds. Valley Transit is the designated recipient for the 5310 funds in our urbanized area and can use 45% of the funds for operations plus 10% for administering the grants. However, we need to design a process to award the remaining funds to non-profits for either capital purchases to assist seniors or people with disabilities or for mobility management programs. East Central Wisconsin Regional Planning Commission was the logical partner to help us with the process because of their background and experience in awarding grants and the fact that they were not getting any of the funds themselves so were a neutral third party. The agreement that is on the agenda for approval tonight designates what each of our organizations will be responsible for and who will take the lead in each.

8. MINUTES OF THE BOARD OF HEALTH

14-744 Recommendation to revise ordinance Section 9-321 and Sec. 9-323

Attachments: [Section 9-321 and Section 9-323.pdf](#)

9. MINUTES OF THE HUMAN RESOURCES COMMITTEE

10. MINUTES OF THE FINANCE COMMITTEE

14-709 Request to award Unit D-14 Sidewalk (Re)Construction to Fischer-Ulman Construction, Inc. in an amount not to exceed \$195,000.00.

Attachments: [Award of Contract D-14.pdf](#)

Legislative History

4/23/14 Finance Committee recommended for approval

14-715 Request to award Telulah Park Parking Lot and Entrance Road Project to Peters Concrete in the amount of \$208,510.59 with a 10% contingency of \$20,851 for a contract total not to exceed \$229,361.59.

Attachments: [Telulah Park Parking Lot.docx](#)

Legislative History

4/23/14 Finance Committee recommended for approval

14-722 CEA Review Committee Report from April 8, 2014.

Attachments: [CEA MeetingMinutes8-Apr-2014-04-16-59.pdf](#)

Legislative History

4/23/14 Finance Committee recommended for approval

M. CONSOLIDATED ACTION ITEMS

O. ITEMS HELD

P. ORDINANCES

14-767 Ordinances #17-14 through #32-14.

Attachments: [Ordinances going to 05-07-2014 Council.pdf](#)

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

- R. RESOLUTIONS SUBMITTED BY ALDPERSONS REFERRED TO
COMMITTEES OF JURISDICTION
- S. OTHER BUSINESS
- T. ADJOURN

WENDY M. HELGESON
Deputy City Clerk

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



City of Appleton

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Meeting Minutes - Final Common Council

Tuesday, April 15, 2014

7:00 pm

Council Chambers

2014 INFORMAL ORGANIZATIONAL MEETING and Oaths of Office.

A. PLEDGE OF ALLEGIANCE TO THE FLAG

B. OATHS OF OFFICE

C. ROLL CALL OF ALDERPERSONS

Present: 14 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Sarah Garb, Alderperson Jeffrey Jirschele, Alderperson Curt Konetzke, Alderperson Kyle Lobner, Alderperson Joe Martin, Alderperson Kathleen Plank, Alderperson Peter Stueck, Mayor Timothy Hanna, Alderperson Tim Trauger, Alderperson Polly Dalton, Alderperson Christine Williams and Alderperson Vered Meltzer

Excused: 2 - Alderperson Patti Coenen and Alderperson Cathy Spears

D. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: Deputy City Clerk Helgeson, City Attorney Walsh, Deputy City Attorney Behrens, Community and Economic Development Director Harkness, Fire Chief Vander Wyst, Health Officer Eggebrecht, Director of Human Resources Behnke, Police Chief Helein, Library Director Rortvedt.

EXCUSED: City Clerk Peterson, Interim Finance Director Saucerman, Director of Parks, Recreation and Facilities Gazza, Director of Public Works Vandehey, Director of Information Technology Fox, Director of Utilities Shaw, Valley Transit General Manager Wetter

E. DISCUSSION ON RULES OF COUNCIL AND DEPARTMENT AND COMMITTEE FUNCTIONS.

14-669 Rules of Council

Attachments: [Council Rules - Adopted 04-16-14.pdf](#)
[Council Rules - \(Redlined\) Proposed 04-16-14.pdf](#)
[Council Rules - \(Redlined\) 04-11-14.pdf](#)

F. DISCUSSION ON RESOLUTIONS SUBMITTED BY ALDERPERSONS

14-651

#19-R-13 - Smith - Submitted at the July 10, 2013 Council meeting.
REFERRED TO: 2014 Organizational Meeting.

Whereas, a resolution passed by the Common Council, the duly elected governing body for the city of Appleton, has the possible effect of changing the City Charter, ordinances, city operations, give direction for a specific action or other actions.

BE IT RESOLVED, that when a resolution has been passed, it is the expectation that said resolution will be carried out fully as the intended purpose and expectation of the Common Council and not to be modified by any committee in a way that weakens the resolution.

Once passed this resolution will affect all resolutions passed in starting in 2013.

14-652

#7-R-14 - Lobner/Croatt - Submitted at the March 19, 2014 Council Meeting
REFERRED TO: 2014 Organizational Meeting

"BE IT RESOLVED that no member of the common council shall speak on behalf of an absent member of the council unless reading directly from a written statement from the absent member with the expressed consent of said member."

14-653

#14-R-14 - Croatt - Submitted at the April 2, 2014 Council Meeting.
REFERRED TO: 2014 Organizational Meeting.

“WHEREAS, The motion to refer back is an important tool for legislators and when used appropriately, it can be vital to the decision-making process by providing the opportunity for new information to be presented for consideration and can be used for other important reasons.

AND WHEREAS, A motion to refer back results in additional meetings for committee /council members, staff members, legal professionals, members of the media, and citizens of Appleton. These additional meetings are valuable only if new information is being presented or another valid reason is provided.

AND WHEREAS, Adequate opportunity for discussion and debate should be provided in an effective and efficient manner.

AND WHEREAS, Providing clarity for extending the legislative process would assist with avoiding City of Appleton Page 16 Common Council Meeting Minutes April 2, 2014 confusion and would provide all interested parties the rationale behind the motion to refer back.

THEREFORE BE IT RESOLVED, Any Alderperson requesting an action item refer back be required to state a specific reason why the request for refer back is being made. The reason to be provided immediately after the refer back request is made.”

S. OTHER BUSINESS

T. ADJOURN

The meeting adjourned at 8:42 P.M.

A motion was made by Alderperson Curt Konetzke, seconded by Alderperson Peter Stueck, that the meeting be adjourned. The motion carried unanimously.

CHARLENE M. PETERSON, CMC/WCMC
City Clerk



City of Appleton

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Meeting Minutes Common Council

Wednesday, April 16, 2014

6:00 PM

Council Chambers

2014 ORGANIZATIONAL MEETING

A. ROLL CALL OF ALDERPERSONS

Present: 15 - Alderperson Patti Coenen, Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Sarah Garb, Alderperson Jeffrey Jirschele, Alderperson Curt Konetzke, Alderperson Kyle Lobner, Alderperson Joe Martin, Alderperson Kathleen Plank, Alderperson Peter Stueck, Mayor Timothy Hanna, Alderperson Tim Trauger, Alderperson Polly Dalton, Alderperson Christine Williams and Alderperson Vered Meltzer

Excused: 1 - Alderperson Cathy Spears

B. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: Deputy City Clerk Helgeson, City Attorney Walsh, Assistant City Attorney Behrens, Community and Economic Development Director Harkness, Interim Finance Director Saucerman, Fire Chief Vander Wyst, Director of Human Resources Behnke, Director of Parks, Recreation and Facilities Gazza, Police Chief Helein, Director of Public Works Vandehey, Director of Information Technology Fox, Director of Utilities Shaw, Valley Transit General Manager Wetter, Library Director Rortvedt.
EXCUSED: Health Officer Eggebrecht, City Clerk Peterson

C. REPORT OF THE INFORMAL COUNCIL MEETING

1. Rules of Council
2. Department and Committee Functions
3. Resolutions submitted by Alderpersons

1. RULES OF COUNCIL: Creation of a new rule by Alderperson Lobner - "Any council, committee, board or commission meeting lasting longer than two hours shall take a brief recess every two hours. The chair of the meeting shall determine the duration of the recess. Members of the meeting body may decide not to take a recess by unanimous vote."

A motion was made by Alderperson Kyle Lobner, seconded by Alderperson Patti Coenen, that the amendment be approved. The motion carried by the following vote:

Aye: 13 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

Nay: 1 - Alderperson Stueck

Excused: 2 - Alderperson Spears and Mayor Hanna

14-669

Rules of Council

Attachments: [Council Rules - Adopted 04-16-14.pdf](#)
 [Council Rules - \(Redlined\) Proposed 04-16-14.pdf](#)
 [Council Rules - \(Redlined\) 04-11-14.pdf](#)

Aldersperson Croatt moved, seconded by Aldersperson Stueck, that the Rules of Council be approved as amended. Roll Call. Motion carried by the following vote:

Aye: 14 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Stueck, Aldersperson Trauger, Aldersperson Dalton, Aldersperson Williams and Aldersperson Meltzer

Excused: 2 - Aldersperson Spears and Mayor Hanna

C. REPORT OF THE INFORMAL COUNCIL MEETING

1. Rules of Council
2. Department and Committee Functions
3. Resolutions submitted by Alderspersons

2. DEPARTMENT AND COMMITTEE FUNCTIONS: Amendment by Aldersperson Lobner - Section 13 - Amend the final sentence to: "Recommendations of all committees including reconsiderations to refer to staff shall be approved by Common Council before going into effect."

A motion was made by Aldersperson Kyle Lobner, seconded by Aldersperson Polly Dalton, to approve the amendment. The motion failed by the following vote:

Aye: 4 - Aldersperson Croatt, Aldersperson Jirschele, Aldersperson Lobner and Aldersperson Stueck

Nay: 10 - Aldersperson Coenen, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Konetzke, Aldersperson Martin, Aldersperson Plank, Aldersperson Trauger, Aldersperson Dalton, Aldersperson Williams and Aldersperson Meltzer

Excused: 2 - Aldersperson Spears and Mayor Hanna

C. REPORT OF THE INFORMAL COUNCIL MEETING

1. Rules of Council
2. Department and Committee Functions
3. Resolutions submitted by Alderspersons

2. DEPARTMENT AND COMMITTEE FUNCTIONS: Amendment by Aldersperson Croatt - Section 12 - Amend the last sentence by striking through "a simple majority" and replace with "suspension of rules (2/3 vote)". The Mayor clarified it would be a 2/3 vote of those present.

A motion was made by Aldersperson Chris Croatt, seconded by Aldersperson Peter Stueck, that the amendment be approved. The motion carried by the following vote:

Aye: 13 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

Nay: 1 - Alderperson Konetzke

Excused: 2 - Alderperson Spears and Mayor Hanna

C. REPORT OF THE INFORMAL COUNCIL MEETING

1. Rules of Council
2. Department and Committee Functions
3. Resolutions submitted by Alderpersons

2. DEPARTMENT AND COMMITTEE FUNCTIONS: - Alderperson Lobner - Amend Section 22 to add "Technology Committee" to the list of standing committees, with five committee members.

Add an entry to the list of Department and Committee Functions titled "Technology Committee." Shall have jurisdiction over the Department of Information Technology, the city website, extensions of the city's internet presence such as social media accounts, and dissemination of public information through technology. The Director of Information Technology or a designee shall attend all Technology Committee meetings in an advisory capacity.

Amend the section titled "Finance Committee" to strike the phrases "and Information Technology," and "the Director of Information Technology."

A motion was made by Alderperson Kyle Lobner, seconded by Alderperson Chris Croatt, that this amendment be approved. The motion failed by the following vote:

Aye: 5 - Alderperson Croatt, Alderperson Jirschele, Alderperson Lobner, Alderperson Dalton and Alderperson Meltzer

Nay: 9 - Alderperson Coenen, Alderperson Dannecker, Alderperson Garb, Alderperson Konetzke, Alderperson Martin, Alderperson Plank, Alderperson Stueck, Alderperson Trauger and Alderperson Williams

Excused: 2 - Alderperson Spears and Mayor Hanna

C. REPORT OF THE INFORMAL COUNCIL MEETING

1. Rules of Council
2. Department and Committee Functions
3. Resolutions submitted by Alderpersons

A motion was made by Alderperson Curt Konetzke, seconded by Alderperson Kathleen Plank, that the Department and Committee Functions be approved as amended. The motion carried by the following vote:

Aye: 13 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton and Alderperson Meltzer

Nay: 1 - Alderperson Williams

Excused: 2 - Alderperson Spears and Mayor Hanna

14-651

#19-R-13 - Smith - Submitted at the July 10, 2013 Council meeting.
REFERRED TO: 2014 Organizational Meeting.

Whereas, a resolution passed by the Common Council, the duly elected governing body for the city of Appleton, has the possible effect of changing the City Charter, ordinances, city operations, give direction for a specific action or other actions.

BE IT RESOLVED, that when a resolution has been passed, it is the expectation that said resolution will be carried out fully as the intended purpose and expectation of the Common Council and not to be modified by any committee in a way that weakens the resolution.

Once passed this resolution will affect all resolutions passed in starting in 2013.

Item fails for lack of motion.

14-652

#7-R-14 - Lobner/Croatt - Submitted at the March 19, 2014 Council Meeting
REFERRED TO: 2014 Organizational Meeting

"BE IT RESOLVED that no member of the common council shall speak on behalf of an absent member of the council unless reading directly from a written statement from the absent member with the expressed consent of said member."

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

Aye: 5 - Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Lobner and Alderperson Plank

Nay: 9 - Alderperson Coenen, Alderperson Jirschele, Alderperson Konetzke, Alderperson Martin, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

Excused: 2 - Alderperson Spears and Mayor Hanna

14-653

#14-R-14 - Croatt - Submitted at the April 2, 2014 Council Meeting.
REFERRED TO: 2014 Organizational Meeting.

“WHEREAS, The motion to refer back is an important tool for legislators and when used appropriately, it can be vital to the decision-making process by providing the opportunity for new information to be presented for consideration and can be used for other important reasons.

AND WHEREAS, A motion to refer back results in additional meetings for committee /council members, staff members, legal professionals, members of the media, and citizens of Appleton. These additional meetings are valuable only if new information is being presented or another valid reason is provided.

AND WHEREAS, Adequate opportunity for discussion and debate should be provided in an effective and efficient manner.

AND WHEREAS, Providing clarity for extending the legislative process would assist with avoiding City of Appleton Page 16 Common Council Meeting Minutes April 2, 2014 confusion and would provide all interested parties the rationale behind the motion to refer back.

THEREFORE BE IT RESOLVED, Any Alderperson requesting an action item refer back be required to state a specific reason why the request for refer back is being made. The reason to be provided immediately after the refer back request is made.”

Item was withdrawn by Alderperson Croatt.

D. RE-COMMITMENT TO THE CODE OF CONDUCT

14-668

Code of Conduct

Attachments: [Code of Conduct.pdf](#)

Alderperson Martin moved, seconded by Alderperson Stueck, to recommit to the Code of Conduct.

Aye: 14 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

Excused: 2 - Alderperson Spears and Mayor Hanna

E. APPOINTMENT OF COMMITTEES AND COMMITTEE CHAIRMEN

Aldersperson Stueck moved, seconded by Aldersperson Croatt, that the Appointments of Committees and Committee Chairmen be approved. Roll Call. Motion carried by the following vote:

Aye: 12 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Stueck, Aldersperson Trauger, Aldersperson Dalton and Aldersperson Williams

Nay: 1 - Aldersperson Konetzke

Excused: 2 - Aldersperson Spears and Mayor Hanna

Abstained: 1 - Aldersperson Meltzer

F. ELECTION OF COMMON COUNCIL PRESIDENT

Aldersperson Croatt requested that Aldersperson Plank be placed in nomination for Council President.

Motion by Martin, seconded by Croatt, to close nominations for President of the Common Council. Voice vote. Motion carried.

Aldersperson Plank, having received a unanimous vote was duly elected President of the Common Council for the ensuing year.

G. ELECTION OF COMMON COUNCIL VICE-PRESIDENT

Aldersperson Martin requested that Aldersperson Stueck be placed in nomination for Council Vice-President.

Motion by Plank, seconded by Martin, to close nominations for Vice-President of the Common Council. Voice vote. Motion carried.

Aldersperson Stueck, having received a unanimous vote was duly elected Vice-President of the Common Council for the ensuing year.

H. ELECTION OF COMMON COUNCIL MEMBER TO THE CITY PLAN COMMISSION

Aldersperson Croatt requested Aldersperson Lobner be placed in nomination to represent the Common Council on the City Plan Commission for a term of one year.

Aldersperson Stueck requested Aldersperson Jirschele be placed in nomination to represent the Common Council on the City Plan Commission for a term of one year.

Motion by Croatt, seconded by Martin, nominations for City Plan Commission representative be closed. Voice vote. Motion carried.

Mayor Hanna announced that Aldersperson Lobner was the winner by a vote of 7-6-1.

I. OTHER BUSINESS**J. ADJOURNMENT**

The meeting adjourned at 7:02 P.M.

A motion was made by Aldersperson Joe Martin, seconded by Aldersperson Peter Stueck, that the meeting be adjourned. The motion carried unanimously.

CHARLENE M. PETERSON, CMC/WCMC
City Clerk



City of Appleton

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Meeting Minutes Common Council

Wednesday, April 16, 2014

7:00 pm

Council Chambers

A. CALL TO ORDER

The meeting was called to order at 7:16 P.M.

B. INVOCATION

Aldersperson Stueck offered the Invocation.

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

Present: 15 - Aldersperson Patti Coenen, Aldersperson Chris Croatt, Aldersperson Greg Dannecker, Aldersperson Sarah Garb, Aldersperson Jeffrey Jirschele, Aldersperson Curt Konetzke, Aldersperson Kyle Lobner, Aldersperson Joe Martin, Aldersperson Kathleen Plank, Aldersperson Peter Stueck, Mayor Timothy Hanna, Aldersperson Tim Trauger, Aldersperson Polly Dalton, Aldersperson Christine Williams and Aldersperson Vered Meltzer

Excused: 1 - Aldersperson Cathy Spears

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

PRESENT: Deputy City Clerk Helgeson, City Attorney Walsh, Assistant City Attorney Behrens, Community and Economic Development Director Harkness, Interim Finance Director Saucerman, Fire Chief Vander Wyst, Director of Human Resources Behnke, Director of Parks, Recreation and Facilities Gazza, Police Chief Helein, Director of Public Works Vandehey, Director of Information Technology Fox, Director of Utilities Shaw, Valley Transit General Manager Wetter, Library Director Rortvedt.

EXCUSED: City Clerk Peterson, Health Officer Eggebrecht

F. PUBLIC PARTICIPATION

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

14-664

Approve April 2, 2014 Council Meeting Minutes.

Attachments: [CC Minutes 04-02-2014.pdf](#)

Aldersperson Coenen moved, seconded by Aldersperson Croatt, that the minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderperson Coenen, Alderperson Croatt, Alderperson Dannecker, Alderperson Garb, Alderperson Jirschele, Alderperson Konetzke, Alderperson Lobner, Alderperson Martin, Alderperson Plank, Alderperson Stueck, Alderperson Trauger, Alderperson Dalton, Alderperson Williams and Alderperson Meltzer

Excused: 2 - Alderperson Spears and Mayor Hanna

H. BUSINESS PRESENTED BY THE MAYOR

14-656 Presentation of Appleton Public Library Volunteers of the Year Awards.

14-657 Presentation of National Library Week Proclamation.

I. PUBLIC HEARINGS

14-658 Public Hearing for Preliminary Resolution 5-P-14 for Sidewalk Construction AND ADOPT FINAL RESOLUTION authorizing street improvements and levying special assessments against benefited property.

Attachments: [Public Hearing - 5-P-14.pdf](#)

Name - Address
None.

- 14-498** Public Hearing for Rezoning #2-14 2000 Block of Plank Road - Continued from March 19, 2014 Common Council Meeting.

Attachments: [CC 03-19-2014 - Public Hearing - RZ #2-14.pdf](#)

Name - Address

Christina Flores - Prospera Credit Union - 4830 N. Ballard Road

Gary Layendecker - 1340 W. Creek Lane, Neenah

Chris Slater - 19105 W. Capital, Brookfield

Ron Sweet - 3311 Huckleberry Lane

Melanie Simon - 3316 Huckleberry Lane

David Frederick - 3200 Huckleberry Lane

Carolyn Frederick - 3200 Huckleberry Lane

Sheila Schenke - Prospera Credit Union - 4830 N. Ballard Road

Andy Rossmeissl - 3333 S. White Birch Lane

Josh Dukelow - 830 E. Hancock Street

J. SPECIAL RESOLUTIONS

- 14-659** 5-P-14 Final Resolution Authorizing Street Improvements and Levying Special Assessments Against Benefited Property.

Attachments: [Final Resolution - 5-P-14.pdf](#)

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

Aye: 14 - Aldersperson Coenen, Aldersperson Croatt, Aldersperson Dannecker, Aldersperson Garb, Aldersperson Jirschele, Aldersperson Konetzke, Aldersperson Lobner, Aldersperson Martin, Aldersperson Plank, Aldersperson Stueck, Aldersperson Trauger, Aldersperson Dalton, Aldersperson Williams and Aldersperson Meltzer

Excused: 2 - Aldersperson Spears and Mayor Hanna

K. ESTABLISH ORDER OF THE DAY

- 14-313** Rezoning #2-14 - Prospera Credit Union for Lot 1 of CSM 2618 located along Plank Road and HWY 441 from R-1A Single-family District to R-3 Multi-family Residential District .

Attachments: [CPC Rezoning 2-14 Staff Report 2-24-14.pdf](#)

Alderson Konetzke Called the Question, seconded by Alderson Plank. Voice vote. Motion carried.

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

Aye: 12 - Alderson Coenen, Alderson Croatt, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Stueck, Alderson Trauger and Alderson Dalton

Nay: 2 - Alderson Williams and Alderson Meltzer

Excused: 2 - Alderson Spears and Mayor Hanna

L. COMMITTEE REPORTS

Balance of the action items on the agenda.

Alderson Konetzke moved, Alderson Croatt seconded, to approve the balance of action items on the agenda. The motion carried by the following vote:

Aye: 14 - Alderson Coenen, Alderson Croatt, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Stueck, Alderson Trauger, Alderson Dalton, Alderson Williams and Alderson Meltzer

Excused: 2 - Alderson Spears and Mayor Hanna

1. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

- 14-556** Operator's License application of Dana M. Schultz, N9670 Shepherd Lane.

This Report Action Item was approved.

- 14-627** Operator's License application of Christopher S. Tomlinson, 1897 E. Newberry Street.

This Report Action Item was approved.

14-624 Operator's Licenses

Attachments: [Operator's License for 04-10-14.pdf](#)

This Report Action Item was approved.

14-582 The "Class B" Beer/Liquor License Application of What the Heck LLC, Steven P. Heckenlaible, Agent, 205 West College Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

14-599 The Class "B" Beer License application of Panther Baseball Club, Inc., Korey J Krueger, Agent, 1620 E. Witzke Blvd., contingent upon approvals from all departments.

This Report Action Item was approved.

14-567 Request to Apply for Federal Emergency Management Agency's (FEMA) Fire Prevention and Safety Grant

Attachments: [Request to Apply for FEMA Fire Prevention and Safety Grant.pdf](#)

This Report Action Item was approved.

2. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE**14-524** R/B-Croatt-Approve the City of Appleton Parking Ramp Usage Policy.

Attachments: [Parking Ramp Usage Policy.pdf](#)

This Report Action Item was approved.

14-592 Approve proposed changes to Municipal Code Chapter 15, Solid Waste & Recycling.

Attachments: [Changes to Municipal Code Chapter 15 Solid Waste & Recycling.pdf](#)

This Report Action Item was approved.

14-593 Request from Daniel Meissner, LLC for a temporary street occupancy permit to occupy the Johnston Street right-of-way to complete demolition work at 226 E. College Avenue through April 25, 2014.

Attachments: [Dan Meissner temp street occupancy.pdf](#)

This Report Action Item was approved.

- 14-600** Request from Appleton Downtown, Inc. for a Street Occupancy Permit to install and display fiber art on benches, meter posts and planter railings at College Avenue from Superior Street to Durkee Street, from June 13, 2014 through June 30, 2014.

Attachments: [Appleton Downtown Inc display fiber art.pdf](#)

This Report Action Item was approved.

- 14-601** Request from Appleton Downtown, Inc. for a Street Occupancy permit to occupy the College Avenue beautification strip from Richmond Street to Drew Street for musicians to play from noon to 1:00 p.m. each day from June 9, 2014 through June 13, 2014.

Attachments: [Appleton Downtown Inc Street Music Week.pdf](#)

This Report Action Item was approved.

- 14-602** Proposed Ordinance change to Chapter 4-236 Definitions-Maintenance generally.

Attachments: [Proposed Ordinance Change to Chapter 4-236.pdf](#)

This Report Action Item was approved.

- 14-603** Proposed Ordinance change to Chapter 4-239 Definitions-Lighting, Ventilation and heating.

Attachments: [Proposed Ordinance Change to Chapter 4-239.pdf](#)

This Report Action Item was approved.

- 14-604** Proposed Ordinance change to Chapter 4-143 regarding maintenance for commercial buildings.

Attachments: [Proposed Ordinance Change to Chapter 4-143.pdf](#)

This Report Action Item was approved.

- 14-605** Proposed Ordinance change to Chapter 4-231 Definitions-Family.

Attachments: [Proposed Ordinance Change to Chapter 4-231.pdf](#)

This Report Action Item was approved.

- 14-625** Recommendation of Award-School Flasher Control Upgrades

Attachments: [Recommendation of Award-School Flasher Control Upgrades.pdf](#)

This Report Action Item was approved.

3. MINUTES OF THE CITY PLAN COMMISSION

- 14-586** Minor Amendment to Special Use Permit #32-05 - The Trout Museum of Art - For alcohol sales and consumption on the 3rd floor in lieu of the 1st and 2nd floors of the building on April 19, 2014.

Attachments: [Staff Report Amend SUP #32-05 April 7 2014.pdf](#)

This Report Action Item was approved.

4. MINUTES OF THE PARKS AND RECREATION COMMITTEE**5. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**

- 14-587** CRITICAL TIMING - 2014 Community Development Block Grant funds allocation.

Attachments: [CDBG 2014 Funding Allocation - corrected memo.pdf](#)

This Report Action Item was approved.

6. MINUTES OF THE UTILITIES COMMITTEE**7. MINUTES OF THE FOX CITIES TRANSIT COMMISSION****8. MINUTES OF THE BOARD OF HEALTH****9. MINUTES OF THE HUMAN RESOURCES COMMITTEE**

- 14-583** Request to approve Public Works Parking Utility to eliminate a .5 Parking Enforcement Person and a .4 Parking Ramp Cashier and to create a 1.0 fte Parking Enforcement/Attendant.

Attachments: [Public Works memo - Table of Organization Change for Parking Utility.pdf](#)
[Public Works TO's for position change for Parking Utility.pdf](#)

This Report Action Item was approved.

10. MINUTES OF THE FINANCE COMMITTEE

- 14-510** Request to approve recommendation of awarding the WasteWater Treatment Plant CIP roof replacement contract to Nieman Roofing for \$79,560 with an additional \$8,000 for contingencies, for a contract not to exceed \$87,560.

Attachments: [2014 Wastewater V-Building Roof Replacement \(2\).docx](#)

This Report Action Item was approved.

- 14-518** Request to approve recommendation of awarding the Municipal Service Building CIP roof replacement contract to Weinert Roofing for \$125,170 with an additional \$12,500 for contingencies, for a contract not to exceed \$137,670.

Attachments: [2014 MSB Roof Replacement \(2\).docx](#)

This Report Action Item was approved.

- 14-616** Request to Sell Obsolete SCBA Air Bottles to South Area Fire and Emergency Response District.

Attachments: [Memo Requesting to Sell Outdated SCBA Bottles - 4-01-14.doc](#)

This Report Action Item was approved.

- 14-617** Request to approve the proposed modification to the Department of Public Works Table of Organization, along with the following 2014 Budget Adjustment:

Parking Division Fund	
Salary and Fringe Benefits	+\$13,698
Parking Enforcement Revenue	+\$13,698

to record the increased revenue to cover the additional salary and benefits (2/3 vote required).

Attachments: [TO Change memo 4-2-2014.pdf](#)

This Report Action Item was approved.

M. CONSOLIDATED ACTION ITEMS

14-667 Consolidated Action - Approve the proposed modification to the Department of Public Works/Parking Utility Table of Organization and Budget Adjustment.

- a. File 14-583, Human Resources Committee
- b. File 14-617, Finance Committee

This Report Action Item was approved.

O. ITEMS HELD

P. ORDINANCES

14-660 Ordinances #15-14 through #16-14.

Attachments: [Ordinances going to 04-16-2014 Council.pdf](#)

This Report Action Item was approved.

Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

R. RESOLUTIONS SUBMITTED BY ALDPERSONS REFERRED TO COMMITTEES OF JURISDICTION

S. OTHER BUSINESS

T. ADJOURN

The meeting adjourned at 9:06 P.M.

Alderson Konetzke moved, seconded by Alderson Croatt, that the meeting be adjourned. Roll Call. Motion carried by the following vote:

Aye: 14 - Alderson Coenen, Alderson Croatt, Alderson Dannecker, Alderson Garb, Alderson Jirschele, Alderson Konetzke, Alderson Lobner, Alderson Martin, Alderson Plank, Alderson Stueck, Alderson Trauger, Alderson Dalton, Alderson Williams and Alderson Meltzer

Excused: 2 - Alderson Spears and Mayor Hanna

CHARLENE M. PETERSON, CMC/WCMC
City Clerk




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

OFFICE OF THE MAYOR

Timothy M. Hanna
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
e-mail: mayor@appleton.org

TO: Members of the Common Council

FROM: Mayor Timothy Hanna 

DATE: May 2, 2014

RE: Committee Reappointments

It is with pleasure that I present the following reappointments for your information at the May 7 Common Council meeting:

BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

Don Geenen	1-year term
Richard Gosse	1-year term
Rob Gusky	1-year term
Joy Hagen	1-year term
Jan Heifner	1-year term
Rick Krumwiede	1-year term
Mark Priddis	1-year term
Gwen Sargeant	1-year term




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

OFFICE OF THE MAYOR

Timothy M. Hanna
100 North Appleton Street
Appleton, Wisconsin 54911-4799
(920) 832-6400 FAX (920) 832-5962
e-mail: mayor@appleton.org

TO: Members of the Common Council

FROM: Mayor Timothy Hanna 

DATE: May 2, 2014

RE: Committee Reappointment

It is with pleasure that I present the following reappointment for your confirmation at the May 7 Common Council meeting:


POLICE AND FIRE COMMISSION

Dale Schumaker 5-year term

Per Resolution #8-R-14, I am pleased to report that Mr. Schumaker's attendance at Police and Fire Commission meetings over the last five (5) years has been 95%.



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

TO: Members of the Appleton Common Council
FROM: Mayor Timothy Hanna 
DATE: May 6, 2014
SUBJECT: Finance Director Appointment Recommendation

After an extensive nationwide recruitment search, it is my pleasure to recommend the appointment of Tony Saucerman as the new Finance Director for the City of Appleton. Tony has served as the Interim Finance Director since December 2013, and previously served as the Deputy Finance Director since 1998.

Prior to working for the City, Tony was the Controller for Outagamie County for seven years (1991-1998). He also served as a Senior Accountant in the Audit Division for Schumaker, Romenesko & Associates (now a part of Baker Tilly) from 1987-1991. He received his Bachelor's degree from the University of Wisconsin-Whitewater and is a Certified Public Accountant. Tony is also a member of the Wisconsin Institute of Certified Public Accountants, Wisconsin Government Finance Officers Association, and Government Finance Officer Association of the United States and Canada.

Upon your approval of his appointment, Tony would begin his new role as Director effective May 8, 2014, with an annual salary of \$113,131.

Tony brings a wealth of knowledge and experience to this position, and would be a great addition to our Director team. We would be fortunate to have him serve in one of the key leadership positions in our organization.

Thank you in advance for your support of Tony's appointment to the Finance Director position. Should you have any questions, please let me know.

Operator's Licenses for 4/24/14 S & L

Approved

Donnahugh C. Brown	450 Tarragon Drive, #15, Kaukauna
Elizabeth M. Ditter	1044 Alva Street, Menasha
Dustin D. Drahos	718 S. John Street, #5, Kimberly
Gina M. Durkee	927 W. Franklin Street
Rachael M. Ferguson	838 E. North Street
Debra L. Gullikson	W5843 Sweet Pea Drive
Julia a. Hansen	721 W. 10 th Avenue, Oshkosh
Sandra F. Holtzman	107 Wayne Drive, Hortonville
Jordan K. Hietpas	4327 W. Harmony Lane
Aubrey L. Immel	1373 Edgewood Drive, Kaukauna
Jenny L. Janusiak	920 E. Eldorado Street
Melony R. Jennerjohn	327 Cordy Lane, Hortonville
Bethany M. Kohler	1742 Plank Road, Menasha
Andy J. Kruger	785 Fieldcrest Drive, Neenah
Xi Lin	4025 E. Lorna Lane
Elizabeth M. Malovey	1428 ½ W. 2 nd Street
Karina L. Miller	2279 Pershing Street, #12
Timothy J. Miller	W4738 Nicklaus Court, Sherwood
Samuel A. Moderson	123 W. Winrowe Drive
Emily M. Nuberg	624 Frances Street, #8, Kaukauna
Paul J. Petrie	1411 Glenview Lane, Little Chute
Myriah E. Rankin	N4855 State Road 76, Shiocton
Kelsy B. Rich	819 Windser Court, Ripon
Jamie L. Roberts	1303 Lavender Lane
Mary E. Rockman	21 Greeves Court
Christopher J. Salzman	355 Seneca Court
Trevor J. Scholze	1118 W. Kamps Avenue
Jennifer L. Tomazevic	W2321 Block Road
Jeremiah J. Torrez	612 W. Prospect Avenue
Derek T. Wolfgram	730 E. Beacon Avenue, #8, New London

Waiting for Proof of Class

Michelle K. Willes	2440 Barbara Avenue
--------------------	---------------------



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

**APPLETON FIRE DEPARTMENT
700 N. DREW STREET
APPLETON, WI 54911**

MEMORANDUM

To: Alderperson Jirschele, Chair Safety and Licensing Committee
Members of the Common Council

From: Eugene R. Reece Jr., Deputy Fire Chief

cc: Paula VandeHey, Director Public Works

Date: April 11, 2014

Re: Request Authorization to purchase Emergency Vehicle Preemption Equipment

The department is requesting authorization for the purchase of Emergency Vehicle Preemption (EVP) equipment in the sum of \$121,020.00 from TAPCO. The purpose of this request is for upgrading our existing emergency vehicle pre-emption from an Infrared based system to a GPS based system. The GPS system utilizes new technology in addressing emergency vehicle preemption that provides increased safety to the public and emergency responders, as well as providing constant monitoring and updating through a central management software system. This is a project that is being cooperatively managed between the fire department and the traffic division of the Department of Public Works. The project is the first year of a multiple year upgrade that was previously approved as part of the overall 2014 capital improvement project for the emergency vehicle preemption upgrade.

The equipment being purchased is provided through Global Traffic Technologies, LLC (GTT). GTT utilizes a sole source provider, TAPCO, which the city has used for the purchase of traffic control equipment used throughout the city. TAPCO will provide as part of this project;

- TAPCO to furnish equipment and train City personnel how to install and program onsite. TAPCO will be onsite to help at first several intersections until City personnel feels competent to do them.
- TAPCO to furnish vehicle kits and train City personnel how to install and program vehicles. TAPCO will be onsite to help at first several vehicles until City personnel feels competent to do themselves.
- TAPCO to provide CMS. City to provide server and workstations, TAPCO/GTT to assist City with installation.
- In subsequent years TAPCO to provide support as listed above with future purchases.

Should you have any questions regarding this request for authorization, please feel free to contact me.

"Appleton Fire Department....serving with P.R.I.D.E."

* * * * *

CONTRACT

* * * * *

C O N T R A C T

THIS CONTRACT, approved by the Appleton Common Council this 7th day of May, 2014, made by and between Traffic and Parking Control Company, Inc. (TAPCO), hereinafter called the “Contractor”, and the City of Appleton, hereinafter called the “Owner”.

WITNESSETH, that the Contractor and the Owner for the consideration stated in Article II herein agree as follows:

ARTICLE I. SCOPE OF WORK

The Contractor shall perform everything required to be performed under the contract and shall provide and furnish all the labor, materials (except that which is expressly stated will be furnished by the Owner), necessary tools, expendable equipment and all utility and transportation services required to perform and complete in a workmanlike manner all of the work required for the GPS-Based Traffic Signal Priority Control System, all in accordance with the quote submitted by the Contractor, which the quote is made a part of this Contract, and in strict compliance with the Contractor’s quote and the other contract documents herein mentioned which are a part of this Contract.

ARTICLE II. THE CONTRACT PRICE

The Owner shall pay to the Contractor for the performance of this Contract, subject to any additions or deductions provided therein, in current funds, the contract price computed as follows:

AWARDED:

Not to exceed a total amount of \$121,020.00

ARTICLE III. COMPONENT PARTS OF THIS CONTRACT

This Contract consists of the following component parts all of which are as fully a part of this contract as if herein set out verbatim or, if not attached, as if hereto attached.

1. Contractor’s Sales Quote
2. Contractor’s Scope of Work
3. Insurance Requirements Exhibit “A”
4. Contractor’s Certificate of Insurance

ARTICLE IV. ADDITIONAL PROVISIONS

In the event that any provision in any of the above component parts of this Contract conflicts with any provision in any other of the component parts, the provision in the component part first enumerated above shall govern over any other component part which follows it numerically, except as may be otherwise specifically stated.

Indemnification Clause. The Contractor agrees to indemnify, defend and hold harmless the City of Appleton and its officers, officials, employees and agents from and against any and all liability, loss, damage, expenses, costs, including attorney's fees, arising out of the activities performed as described herein, caused in whole or in part by any negligent act or omission of the Contractor, anyone directly or indirectly employed by any of them or anyone whose acts any of them may be liable, except where caused by the sole negligence or willful misconduct of the City.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed in three (3) original counterparts the day and year first above mentioned.

Dated this _____ day of _____, 2014.

TRAFFIC AND PARKING CONTROL COMPANY, INC. (TAPCO), Contractor:

Witness: _____
Printed Name: _____

By: _____
Printed Name: _____
Title: _____

Witness: _____
Printed Name: _____

By: _____
Printed Name: _____
Title: _____

CITY OF APPLETON, Owner:

Witness: _____
Printed Name: _____

By: _____
Timothy M. Hanna, Mayor

Witness: _____
Printed Name: _____

By: _____
Charlene Peterson, City Clerk

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

Approved as to form:

Anthony D. Saucerman,
Interim Director of Finance

James P. Walsh, City Attorney

J:\Attorney\WORD\FORMS\CONTRACT\2014 Contracts\TAPCO GPS-Based Traffic Signal Priority Control System Agreement.doc

INSTRUCTION FOR EXECUTING CONTRACT

If the contractor is a corporation, the following certificate should be executed:

I _____, certify that I am Secretary of Traffic And Parking Control Company, Inc. (TAPCO) (Contractor), a corporation; that I have duly signed the foregoing contract for and in behalf of the contractor as Secretary of said corporation by authority of its governing body, within the scope of its corporate powers.

_____(Corporate Seal)

If the contract is signed by the secretary of the corporation, the above certificate should be executed by some other officer of the corporation under the corporate seal. In lieu of the foregoing certificate, there may be attached to the contract copies of so much of the records of the corporation as will show the official character and authority of the officer signing, duly certified by the secretary or assistant secretary under the corporate seal to be true copies.

The full name and business address of the contractor should be inserted and the contract should be signed with his official signature. Please have the name, of the signing party or parties, typewritten or printed under all signatures to the contract.

If the contractor is operating as a partnership, each partner should sign the contract. If the contract be not signed by each partner, there should be attached to the contract a duly authenticated power of attorney evidencing the signer's (signers') authority to sign such contract for and in behalf of the partnership.

If the contractor is an individual, the trade name (if the contractor be operating under a trade name) should be indicated in the contract and the contract should be signed by such individual. If signed by one other than the contractor there should be attached to the contract a duly authenticated power of attorney evidencing the signer's authority to execute the contract for and in behalf of the contractor.

**SALES QUOTE**

5100 West Brown Deer Road, Brown Deer, Wisconsin 53223
Phone 1-800-236-0112 • www.tapconet.com • Fax 1-800-444-0331

Customer Copy

Number	Q117950
Date	5/3/2013
Page	1

Sell To Cust. C20737	Appleton Fire Department Attn: Gene Reese 700 N Drew Street Appleton, WI 54911 USA			Ship To Cust.	Appleton Fire Department Attn: Gene Reese 700 N Drew Street Appleton, WI 54911 USA	
Reference #		Expires	Slsp	Terms	Freight	Ship Via
GPS ADVANCE A CITY		6/2/2014	Signal Service	Net 30 DAYS	PREPAY/ADD	BEST RATE

Item	Description	Quantity	UM	Price	UM	Extension
	Advance a City Pricing					
106411	Multimode Phase Selector Model 764	20	EA	2,751.00	EA	\$55,020.00
106412	Multimode Auxiliary Interface Panel (AIP) Model 768	20	EA	300.00	EA	\$6,000.00
105285	Opticom GPS Radio Unit Mast Mount Model 1010	20	EA	2,680.00	EA	\$53,600.00
105294	GPS Installation Cable - 1000ft Spool Model 1070	4000	EA	0.60	EA	\$2,400.00
115286	GPS Vehicle Kit (High Priority) Series 2000 Includes: 2100,1050,2171, Hardware Kit	10	EA	3,210.00	EA	\$32,100.00
373-01416	Advance A City Discount	10	EA	-3,210.00	EA	(\$32,100.00)
373-01416	Central Management Software	1	EA	28,572.00	EA	\$28,572.00
373-01416	Advance A City Discount	1	EA	-28,572.00	EA	(\$28,572.00)
373-01416	Software Installation & Training 2 days	1	EA	4,000.00	EA	\$4,000.00

Shipment within _____
Acceptance By _____
Date _____
By _____

Merchandise	Freight	Tax	Total
\$121,020.00	\$0.00	\$0.00	\$121,020.00

THANK YOU FOR CALLING TAPCO!!! THIS OFFER IS SUBJECT TO TERMS AND CONDITIONS SHOWN ON REVERSE SIDE

TAPCO's SCOPE OF WORK

GPS-Based Traffic Signal Priority Control System

- TAPCO to furnish equipment and train City personnel how to install and program onsite. TAPCO will be onsite to help at first several intersections until City personnel feels competent to do themselves.
- TAPCO to furnish vehicle kits and train City personnel how to install and program vehicles .TAPCO will be onsite to help at first several vehicles until City personnel feels competent to do themselves.
- TAPCO to provide CMS. City to provide server and workstations, TAPCO/GTT to assist City with installation.
- In subsequent years TAPCO to provide support as listed above with future purchases.

“EXHIBIT A”

INSURANCE REQUIREMENTS FOR CITY OF APPLETON “LARGE EXPOSURE JOBS”

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

1. GENERAL LIABILITY COVERAGE

- A. Commercial General Liability
 - (a) \$1,000,000 general aggregate
 - (b) \$1,000,000 products - completed operations aggregate
 - (c) \$1,000,000 personal injury and advertising injury
 - (d) \$1,000,000 each occurrence limit
- B. Claims made form of coverage is not acceptable.
- C. Insurance must include:
 - (a) Premises and Operations Liability
 - (b) Blanket Contractual Liability including coverage for the joint negligence of the City of Appleton, its officers, council members, agents, employees, authorized volunteers and the named insured
 - (c) Personal Injury
 - (d) Explosion, collapse and underground coverage
 - (e) Products/Completed Operations
 - (f) The general aggregate must apply separately to this project/location

2. BUSINESS AUTOMOBILE COVERAGE

- A. Limits - \$250,000 each person/\$500,000 each accident for Bodily Injury and \$100,000 for Property Damage
OR
\$500,000 Combined Single Limit for Bodily Injury and Property Damage each accident
- B. Must cover liability for “Any Auto” - including Owned, Non-Owned and Hired Automobile Liability

3. **WORKERS COMPENSATION AND EMPLOYERS LIABILITY** - If required by Wisconsin State Statute or any Workers Compensation Statutes of a different state.
- A. Must carry coverage for Statutory Workers Compensation and Employers Liability limit of:
\$100,000 Each Accident
\$500,000 Disease Policy Limit
\$100,000 Disease - Each Employee

4. **UMBRELLA COVERAGE**

- A. Limits - \$2,000,000 each occurrence/\$2,000,000 aggregate
B. Claims made coverage is not acceptable
C. \$10,000 self-insured retention
D. Must be no less broad than underlying coverages

5. **AIRCRAFT LIABILITY (including helicopter)** - Owned, Non-Owned, or Hired

- A. If this exposure shall exist, the limits must be at least \$5,000,000 combined single limit for bodily injury (including passenger liability) and property damage.
B. Any liability exclusions relating to slung cargo must be deleted.

6. **BUILDER'S RISK/INSTALLATION FLOATER**

- A. City of Appleton will not assume responsibility for loss, including loss of use, for damage to property, materials, tools, equipment, and items of a similar nature which are being either used in the work being performed by the contractor or are to be installed or erected by the contractor unless coverage is specifically to be purchased by the City of Appleton and specified in the contract documents.
If coverage is desired for this exposure, the contractor may, at his own cost, procure insurance to cover same.

7. **AUTOMOBILE POLLUTION LIABILITY (including loading and unloading)**

If you're hauling or moving pollutants or hazards materials then the City of Appleton requires additional coverage. (Please contact the Human Resources Department (920) 832-6300 for the specifics.)

- A. Limits - \$1,000,000 each occurrence
\$2,000,000 annual aggregate
B. Maximum deductible is \$2,500. Insured is responsible for any claims under the deductible
C. Must cover pollutant clean up, and resulting bodily injury and property damage liability.
D. Must cover liability for "any auto" including owned, non-owned and hired automobile liability.

8 . **ADDITIONAL PROVISIONS**

- * **Additional Insured –**
On the General Liability Coverage, Business Automobile Coverage, Aircraft Liability, Umbrella Coverage and Automobile Pollution Liability. City of Appleton, and its officers, council members, agents, employees, and authorized volunteers shall be Additional Insureds.

- * **Endorsement -**
The Additional Insured Policy endorsement must accompany the Certificate of Insurance.

- * **Certificates of Insurance -**
A copy of the Certificate of Insurance must be on file with the City Clerk.

- * **Notice -**
NOTE: City of Appleton requires 30 day written notice of cancellation, non-renewal or material change in the insurance coverage.

- * **The insurance coverage required must be provided by an insurance carrier with the “Best” rating of “A-VII” or better. All carriers shall be admitted carriers in the State of Wisconsin.**

328 Center St.
Neenah, WI 54956

To : The Director of Public Works
1900 Grand Chute Blvd.
Appleton, WI 54913

Dear Director of Public Works,

I, Jennifer Brahm and Lydia Schmalz, are proposing to request the use of the top two levels of the parking ramp behind Drinks Inc. on Division Street on the date of July 26th, 2014 from approximately 4:00 PM until the tentative time of 2:00 AM.

The reason for our request is that we would like to hold a social car gathering event during that time. We have searched other areas, and found that the most appealing space for this event would be this particular parking ramp. We believe that we are very equipped and well prepared to take on the level of responsibility that is required for holding a gathering such as this.

First and foremost, I have experience in holding successful car gatherings in the past. Also, being that we are both females with well respected cars, we hold a higher level of respect in our local car community which will ensure good behavior during this gathering, and we have many friends who will help us maintain the level of respect we expect from the attendees.

Benefits of this gathering are great in which many of the businesses surrounding the event will prosper with clientele and volume. I work for a local business on the Avenue, and I know many of the service workers who will benefit from this. Being that the ramp has the \$2.00 fee, I believe that this will ensure a low traffic flow and the cars will most likely stay there for the evening. If patrons wish to get food, drinks, etc, they will be walking-distance from the many businesses which provide these. There will be absolutely no alcoholic beverages allowed at this event. I have also acquired permission from Drinks Inc. and Luna for the use of their restroom facilities during this time.

While using this facility, we will supply our own waste bins, and garbage will be disposed of in the correct manner. We will leave the parking ramp just as clean as it had been before we arrived.

All of the people involved are donating their time and equipment, so there will be no personal profit made. We do, however, have friends who are trying to develop a business and a name for themselves. Therefore, including the cars, we will have tents which will showcase their small business items such as stickers, clothing, parts, photography and other lifestyle items. In addition, we will have two DJ's that wish to donate their time and utilize our event as a means to advertise their services and build a larger following.

The idea of what we would like to accomplish, is a successful and fun car gathering that will be pleasant to attend. People in the Midwest don't have very much excitement over gatherings such as the event we are planning, and we would like to try and bring that back. Lydia and I are not expecting that of which you see in the Fast and Furious movies, and we understand that any consequences from this event will be brought back to us. We do not wish for that kind of negative attention, and we will communicate that to everyone attending.

Upon making this request, we would love the chance to personally meet and discuss any questions and concerns regarding the event. Suggestions on your end would be helpful as well. As I had mentioned earlier, I have held a social gathering such as this before. It was very successful and it brought profit to local businesses as well. It was a great benefit to all who were included and near the event.

We hope you take serious consideration of our request, and we are looking forward to hearing from you in the near future.

Sincerely,

Jennifer Brahm

715.614.1485

Jen86timeless@gmail.com

Lydia Schmalz

920.659.1352

lschmalz@bergstromauto.com



MEMO

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

TO: Municipal Services Committee

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

DATE: April 16, 2014

SUBJECT: Concerns regarding request to use the Green Parking Ramp for a car show event.

The City of Appleton's Special Event Committee shared the following concerns with me regarding the request to use the Green Parking Ramp for a car show event:

- Car versus pedestrian safety concerns – Blocking vehicle access? Forced U-turns / Backing?
- Visual Obstructions – Limited surveillance opportunities
- Emergency response limitations (minimal vertical clearance)
- How do you deal with existing parked cars?
- Potential damage to existing parked cars
- Limited ability to control carry-in food and alcohol
- Cigarettes / Smoking in Ramp
- Trash / Littering / Cleanup
- Is there sufficient lighting for large gatherings?
- Limited access to electrical power and water
- No restroom facilities – Limited porta-pot delivery access
- Difficult to secure tents or display items on the upper levels of ramps during windy conditions
- Potential loss of parking revenue

Based on these concerns, staff recommends that the request for an exception to the City of Appleton Parking Ramp Usage Policy be denied.

Linda DeWitt

From: Keith Bredael, APD
Sent: Thursday, April 10, 2014 2:23 PM
To: Linda DeWitt
Subject: RE: Top Shelf Special Event

Linda,

First it's the location that cannot be monitored from the road. Response time for emergencies would take a while having to drive thru the ramps. We don't encourage people hanging out in the ramps due to vehicle break ins extra and wrong doing. There is no way to control who would be involved in the event or how to get that many people out safely in case of an emergency. I know some first responders would not be able to get their vehicles into the ramp. Bathrooms are an issue. Encouraging people to use the restrooms in the bar would not be good, esp. underage people who could be attending. You can expect indecent conduct with people relieving themselves between cars. The added amount of vehicle traffic, could result in a higher probability of an accident in the ramp. I like the car show aspect, not the location. A park or parking lot would be more of a desirable location. This sounds like a group of people just wanting to hang out. It is not a fundraiser or for any time of cause like most events that occur in the city are. Power to run electronics is an issue as well. Hope this helps.

Keith

Linda DeWitt

From: Steve.Patterson
Sent: Monday, April 14, 2014 9:17 AM
To: Linda DeWitt
Subject: RE: Top Shelf Special Event

Representing the Fire Department, we have some concerns, but not enough to warrant denial of this event.

Rather, our comment involves future events that may follow this. Once the door is open, it's open to all. Is it unreasonable to assume other clubs/groups will take notice when City ramps are approved to use for assembly of people? Precautions need to be discussed by City staff to prevent issues at future events; fire extinguishers may be needed, which seems to an expense borne by the City. And *no smoking* signs may be needed to prevent problems in the future, too, if the ramps are used to assemble people. Are we preparing in the 2015 budget to add fire prevention in the ramps due to a change in how they are used?

Paula Vandehey

From: Linda DeWitt
Sent: Thursday, April 17, 2014 11:09 AM
To: Paula Vandehey
Subject: FW: Top Shelf Special Event

Here is what I received from Tim Mirkes.

From: Tim Mirkes
Sent: Thursday, April 10, 2014 3:54 PM
To: Linda DeWitt
Subject: RE: Top Shelf Special Event

From the Health perspective, they are not serving food, so no concern there. But they intend to have amplified music (probably from a car stereo) so noise may be an issue, but, they are not *required* to obtain a noise variance... So, really no Health issues.

Tim Mirkes, RS
Environmental Supervisor
Appleton Health Department
100 N Appleton Street
Appleton, WI 54911
(920) 832-6429 Fax (920)832-6429
Tim.Mirkes@Appleton.Org



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Paula Vandehey

From: Linda DeWitt
Sent: Thursday, April 17, 2014 11:09 AM
To: Paula Vandehey
Subject: FW: Top Shelf Special Event

Here is what I received from Barb Limpert.

From: Barb Limpert
Sent: Tuesday, April 15, 2014 11:42 AM
To: Linda DeWitt; Steve Patterson; Keith Bredael; Tim Mirkes; Ross Buetow; Dale VandeWalle
Cc: Maureen Hanley
Subject: RE: Top Shelf Special Event

Linda,

There are Safety, Health and Risk concerns if the Top Shelf Event was held on the top of the Washington St Ramp.

Some of the concerns that were discussed at the Special Events Committee Meeting are listed below:

- 1) Pedestrian traffic in an area that is used for vehicles could be a dangerous.
- 2) A Fire truck or ambulance cannot get to the top of the ramp.
- 3) Electrical service is questionable for the D.J. & the vendors.
- 4) No bathrooms
- 5) Attendees may bring in their own food & alcohol.
- 6) Trash & spills
- 7) Unsecured tents or display items could be blown from the ramp and this would be hazardous to people on the sidewalks. (An attendee at Appleton's Farmers Market was struck by a patio style umbrella that was blown over by the wind and the person died.)
- 8) Past requests for Events in the Ramps were denied and it would be difficult to deny future requests if this event is allowed.

It is my recommendation that a Park would be a better location for this event.
Let me know if I can provide additional information.

Barbara Limpert
Risk Manager
City of Appleton
100 N Appleton St
Appleton, WI 54915

P (920) 832-6300
F (920) 832-5845
barb.limpert@appleton.org

~ 335'



East St

Gain 5 Stalls by Moving Parking from West Side to East Side

New 5' Sidewalk (2' off bog)

New Split-Rail Fence

New Asphalt

21 Stalls



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DEPARTMENT OF PUBLIC WORKS

Engineering Division

100 North Appleton Street

Appleton, WI 54911

TEL (920) 832-6474

FAX (920) 832-6489

April 16, 2014

Robert Hausserman
9599 W. Charleston Boulevard
Las Vegas, NV 89117

John Landin
430 E. First Avenue
Appleton, WI 54911

RE: Proposed sidewalk on First Avenue

Dear Mr. Hausserman and Mr. Landin:

The City of Appleton received a request from a neighborhood resident to complete the sidewalk on the north side of First Avenue between Autumn Ridge Court and Drew Street. Currently, sidewalk exists along the north side of First Avenue from the west City Limits to Rankin Street. The City's Sidewalk Installation Policy states *"Sidewalks shall be installed along the one side of any residential block in which sidewalks exist along 50% of that side of that block."*

The recommendation to install sidewalk along approximately 50 feet of First Avenue (adjacent to your property) and the handicap ramp at the northwest corner of First Avenue and Drew Street will be discussed at the April 22, 2014 meeting of the Municipal Services Committee at 5:30 pm in Committee Room 6A, Sixth Floor, City Center. Please feel free to attend this meeting.

Sincerely,

Paula Vandehey, P.E.
Director of Public Works

Attachment





925 W. Parkway Blvd. 464



925 W. Parkway Blvd. 465

2013/2014 Snow Events - Neglected Sidewalk Program

Current Date & Time: Wednesday, April 16, 2014 1:20 PM

Event No.	START of Snow Event Date / Time	END of Snow Event Date / Time	Time since END of most recent Snow Event (Hours)	Is 36-hour Criteria met?	BEGIN Accepting NEW Complaints (CSR's) Date Time	STOP Accepting NEW Complaints (CSR's) Date Time
1	Tuesday, December 3, 2013 2:00 PM	Tuesday, December 3, 2013 7:00 PM	187.00	YES	Thursday, Dec. 5, 2013 7:00AM	Wednesday, Dec. 11, 2013 2:00PM
2	Wednesday, December 11, 2013 2:00 PM	Thursday, December 12, 2013 7:00 AM	38.00	YES	Friday, Dec. 13, 2013 7:00PM	Friday, Dec. 13, 2013 9:00PM
3	Friday, December 13, 2013 9:00 PM	Saturday, December 14, 2013 11:00 PM	40.00	YES	Monday, Dec. 16, 2013 11:00AM	Monday, Dec. 16, 2013 3:00PM
4	Monday, December 16, 2013 3:00 PM	Tuesday, December 17, 2013 9:00 AM	68.00	YES	Wednesday, Dec. 18, 2013 9:00PM	Friday, Dec. 20, 2013 5:00AM
5	Friday, December 20, 2013 5:00 AM	Friday, December 20, 2013 1:00 PM	39.00	YES	Sunday, Dec. 22, 2013 1:00AM	Sunday, Dec. 22, 2013 4:00AM
6	Sunday, December 22, 2013 4:00 AM	Monday, December 23, 2013 7:00 PM	28.00	NO. New snowfall has occurred within 36 hrs.	NO	-
7	Tuesday, December 24, 2013 11:00 PM	Wednesday, December 25, 2013 9:00 AM	384.00	YES	Thursday, Dec. 26, 2013 9:00PM	Friday, Jan. 10, 2014 9:00AM
8	Friday, January 10, 2014 9:00 AM	Saturday, January 11, 2014 1:00 PM	65.50	YES	Monday, Jan. 13, 2014 1:00AM	Tuesday, Jan. 14, 2014 6:30AM
9	Tuesday, January 14, 2014 6:30 AM	Tuesday, January 14, 2014 11:00 PM	43.00	YES	Thursday, Jan. 16, 2014 11:00AM	Thursday, Jan. 16, 2014 6:00PM
10	Thursday, January 16, 2014 6:00 PM	Friday, January 17, 2014 5:00 PM	106.00	YES	Sunday, Jan. 19, 2014 5:00AM	Wednesday, Jan. 22, 2014 3:00AM
11	Wednesday, January 22, 2014 3:00 AM	Wednesday, January 22, 2014 5:00 PM	82.00	YES	Friday, Jan. 24, 2014 5:00AM	Sunday, Jan. 26, 2014 3:00AM
12	Sunday, January 26, 2014 3:00 AM	Sunday, January 26, 2014 5:00 PM	90.00	YES	Tuesday, Jan. 28, 2014 5:00AM	Thursday, Jan. 30, 2014 11:00AM
13	Thursday, January 30, 2014 11:00 AM	Thursday, January 30, 2014 5:00 PM	300.00	YES	Saturday, Feb. 1, 2014 5:00AM	Wednesday, Feb. 12, 2014 5:00AM
14	Wednesday, February 12, 2014 5:00 AM	Wednesday, February 12, 2014 3:00 PM	18.00	NO. New snowfall has occurred within 36 hrs.	NO	-
15	Thursday, February 13, 2014 9:00 AM	Thursday, February 13, 2014 10:00 PM	79.00	YES	Saturday, Feb. 15, 2014 10:00AM	Monday, Feb. 17, 2014 5:00AM
16	Monday, February 17, 2014 5:00 AM	Monday, February 17, 2014 8:00 PM	1385.34	YES	Wednesday, Feb. 19, 2014 8:00AM	Continue to Accept
17	Friday, February 28, 2014 3:00 PM	Saturday, March 1, 2014 5:00 PM	1100.34	YES	Monday, Mar. 3, 2014 5:00AM	Continue to Accept
18	Monday, March 3, 2014 11:00 PM	Tuesday, March 4, 2014 1:00 PM	1032.34	YES	Thursday, Mar. 6, 2014 1:00AM	Continue to Accept
19						
20						
21						

Received Complaint on Friday, February 21st
Contractor placed salt on Monday, February 24th

Paula Vandehey

From: Bernie Kressner <nmgom@earthlink.net>
Sent: Monday, April 14, 2014 3:16 PM
To: Paula Vandehey
Subject: Special Assessment for Kristie Andrews, 925 W Parkway Blvd

Hello, Paula...

Thank you for returning my call and talking to me personally.

I am the POA for Kristie Andrews, a stroke victim who received the special assessment, ".jpg" copy** attached.

I have no idea who could have complained, since I spoke to "Judy", Kristie's regular mail carrier today; and she knows of the side-walk issue with icing and some sunken areas that make complete drainage impossible. But that has not bothered her in her route all these years.

This year has been particularly rough with snow, cold temperatures, and repeated freezing.

I help Kristie out with snow-blowing of both driveway and side walk, and she goes out (walking awkwardly) to try to keep up with salt applications.

If there was an issue with slippery conditions on the driveway area or, it could not have been more than a day or two after a snowfall.

Attached are some ".jpg" photos of the "trench" that occurs between the boulevard and her lawn, as far as her property-line goes, and a bit beyond. (CIRCLED IN RED.)

They were taken this morning after today's snowfall.

Even the sidewalk area by the driveway shows blockage caused by the apron concrete; and ice puddles form there as well, making salt ineffective. (CIRCLED IN RED.)

(Question: Did the problem occur on Kristie's part of the sidewalk, or the continuation of the side walk westward to the adjoining property?)

As you can see, the concrete sidewalk plates could be raised, or the boulevard leveled, or drainage channels/pipes put in to help the ice-accumulation problem.

As I mentioned in my phone call, applying salt to the sunken sidewalk does little good when there is just a puddle that forms and then refreezes into glare ice.

Hence, we request that the \$75 assessment be waived.

There were plenty of slippery conditions all over Appleton this winter, and why this is an issue now, for Kirstie, I just don't understand.

If someone complained, I can't imagine who it could have been, or if someone was just "picking on" Kristie. This has just never happened before, and she has been here for about 25 years!

There will never be any perfect summertime sidewalk conditions with the type of winter we just had, when there are continual snowfalls.

"Dry sidewalk" conditions this year were just not achievable.

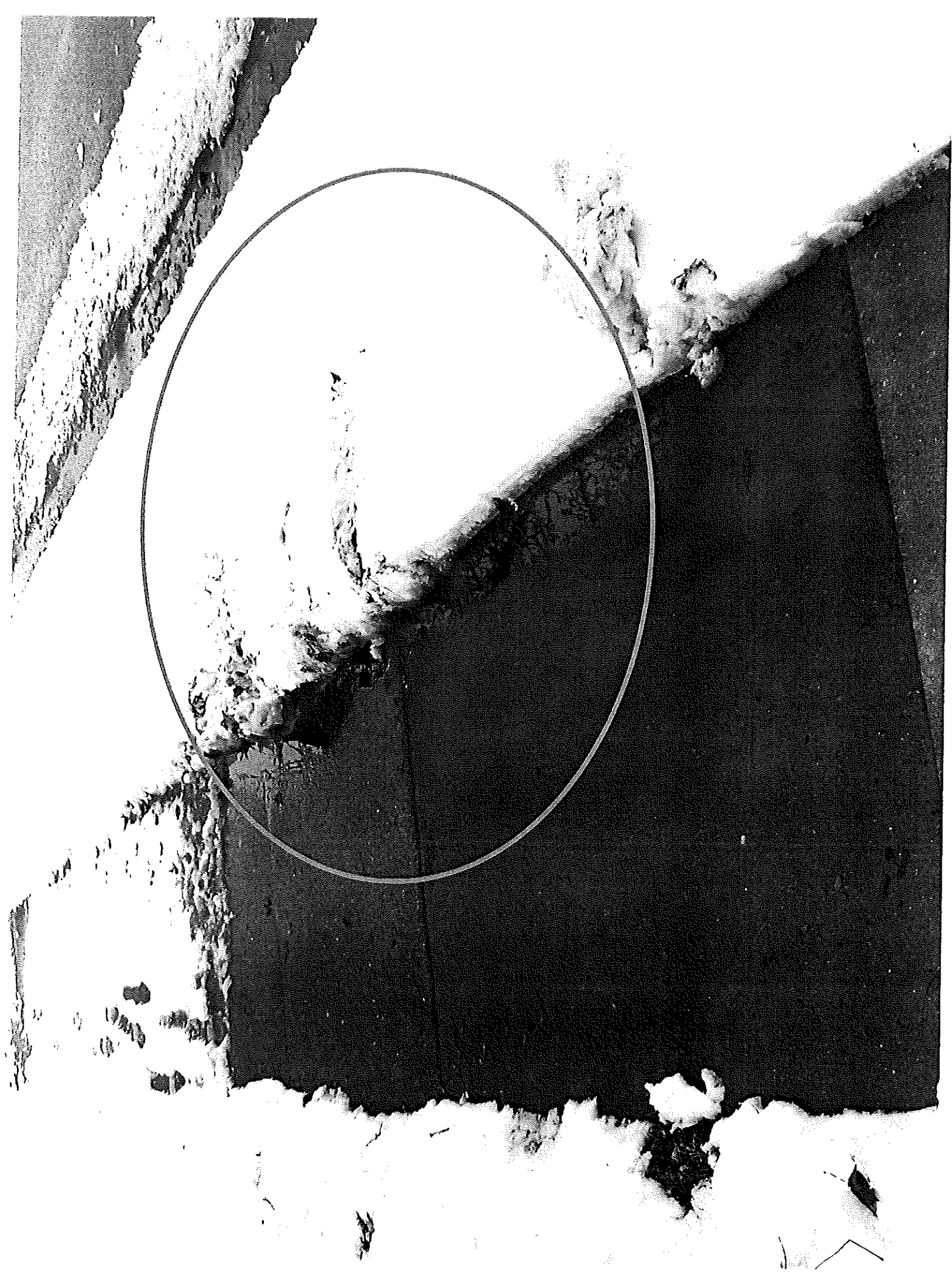
People must be expected to exercise great care when walking on sidewalks, or streets, or parking lots, or any other outdoor surfaces.

Obviously, the success of salt usage depends on having proper drainage of the melt-water formed, and that just can't happen in the two photos attached. And under those conditions, the use of salt with subsequent refreezing often makes things worse not better.

Regards,
Bernie Kressner
POA for Kristie Andrews

** If you need attachments sen to you as ".pdf's" instead, just let me know.







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

To: Municipal Services Committee
From: Michael Hardy, Assistant City Traffic Engineer
Date: April 15, 2014
Re: New Parking Restrictions; 1400-1600 S. Jefferson Street & 400 E. Maple Street
Follow-up 90-Day Trial

At the December 10, 2013 meeting of the Municipal Services Committee, the Traffic Section was authorized to conduct a 90-day trial to create new parking restrictions on 1400-1600 S. Jefferson Street and 400 E. Maple Street near St. Elizabeth (Affinity) campus. Concerns stemmed from safety issues when cars would park on both sides of Jefferson Street and Maple Street during week days. The on-street parking situation seems to be caused by the displacement of vehicles from St. Elizabeth's construction of the new bed tower.

The changes appear to have been well received by the neighborhood (we have not received any correspondence regarding this issue from nearby property owners). Based on this, I recommend enacting the permanent ordinances as designated in the 90-day trial.

To accomplish this, the following ordinance action is required:

1. **Create:** "Parking be prohibited on the west side of Jefferson Street from Maple Street to a point 40 feet north of Maple Street."
2. **Create:** "Parking be prohibited on the west side of Jefferson Street from Maple Street to a point 40 feet south of Maple Street."
3. **Create:** "Parking be prohibited on the east side of Jefferson Street, from 7 a.m. to 5 p.m., except Saturdays, Sundays and Holidays, from Maple Street to Fremont Street."
4. **Create:** "Parking be prohibited on the east side of Jefferson Street, from 7 a.m. to 5 p.m., except Saturdays, Sundays and Holidays, from Maple Street to a point 575 feet south of Maple Street."
5. **Create:** "Parking be restricted to two hours from 7 a.m. to 5 p.m., except Saturdays, Sundays and Holidays, on both sides of Maple Street from Jefferson Street to Jackson Street."

Memorandum

To: Parks & Recreation Committee

From: Dean R. Gazza, Director, Parks, Recreation and Facilities Management

Date: 04/17/14

Re: Action: Award removal/ replacement of asphalt on the Newberry Street Trail segment South River Street to Lawe Street to "Appleton Asphalt, Inc." for a contract total not to exceed \$23,742.

The 2014 Capital Improvement budget allocated monies for hard surface improvements to park and trail hard surfaces. The budget allocated \$65,000 for these projects.

Three asphalt companies responded to requests for quotations. The entire stretch of trail from South River Street to Lawe Street will be pulverized, graded, compacted and paved with hot mix asphalt. This project is being done due to deteriorating hard surface conditions. Below are the quotes from each company:

1. Appleton Asphalt, Inc. Appleton, WI- \$23,742
2. Absolute Asphalt, Ltd. Appleton, WI- \$28,638
3. American Pavement Solutions, Inc. Green Bay, WI- \$41,571

This is one of several projects we will be conducting under this CIP in 2014.

Please feel free to contact me at 832-5572 or by email at dean.gazza@appleton.org with any questions or comments.

Memorandum

To: Parks and Recreation Committee

From: Dean R. Gazza, Director of Parks, Recreation and Facilities Management

Date: April 17, 2014

Re: Action: Scheig Learning Center and Appleton Memorial Park Arboretum and Gardens – Rental and Fee Policy

In 1994, the Gardens of the Fox Cities entered into a long term agreement with the City of Appleton to lease approximately 35 acres of property within Appleton Memorial Park to operate an arboretum and gardens. The Gardens of the Fox Cities terminated their agreement with the City and ceased all operations on Friday, February 28, 2014.

Attached is the Scheig Learning Center and Appleton Memorial Park Arboretum and Gardens–Rental and Fee Policy that provides the framework for the rental of these facilities. The initial draft of the policy was presented to the Parks and Recreation Committee on April 9, 2014, as an information item. The draft policy was also distributed to the entire City Council after the April 9th Parks and Recreation Committee for their review and comment. The only significant change made to the policy based on feedback from the Committee and/or Council is noted on page 3, **Cancellations/Refunds**. The draft policy was amended to only allow the City to retain an amount equal to a 4-hour minimum rental if the facility cannot be rented to another party after a cancellation less than 90 days in advance of the event. The previous draft policy allowed the City to retain the entire rental fee if the reservation was cancelled less than 90 days in advance of the event.

The Scheig Learning Center and Appleton Memorial Park Arboretum and Gardens-Rental and Fee Policy will appear as an action item on the Parks and Recreation Committee meeting agenda on April 23, 2014.

Please feel free to contact me at 832-5572 with any questions, or by email at dean.gazza@appleton.org.

CITY OF APPLETON POLICY		TITLE: SCHEIG LEARNING CENTER AND APPLETON MEMORIAL PARK ARBORETUM AND GARDENS – RENTAL AND FEE POLICY
ISSUE DATE: Day of Council Adoption	LAST UPDATE:	TEXT NAME:
POLICY SOURCE: Parks and Recreation Department		TOTAL PAGES: 5
Reviewed by Attorney's Office Date:	Parks and Recreation Committee Approval Date:	Council Approval Date:

I. Purpose

To provide a policy to authorize the Parks, Recreation and Facilities Management Department to equitably administer rules and regulations, policies, fees and charges and manage the use of the Scheig Learning Center and Appleton Memorial Park Arboretum and Gardens for private, corporate and/or community events.

II. Policy

This policy authorizes the Parks, Recreation and Facilities Management Department to charge fees for the use of the Scheig Learning Center and Appleton Memorial Park Arboretum and Gardens within the rate schedule established by the Parks and Recreation Committee and City Council. To effectively manage, protect the facilities, and promote the wise use of the resources, this policy authorizes the Parks, Recreation and Facilities Management Director and/or designees to:

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

III. Definitions

- **Arboretum and Gardens** – Outdoor space immediately adjacent to the Scheig Learning Center that includes formal gardens, walkways, open space, etc. as identified in Attachment A.
- **Concession/Sales** - The sale of food, beverage and other associated products at an event or program that is held in a city park and/or special area specifically reserved for that event or program.
- **Facility Reservation Policies and Procedures** - These policies and procedures are stated on the back of the Facility Reservation Agreement that explain reservations, sales of concessions, cancellation/refund procedures, alcohol policies and damage policies.
- **Late Reservation** - Request for a reservation of a city park facility and/or special area that is received less than five (5) business days before the reservation date.
- **Normal and Ordinary Use of the Scheig Learning Center and Appleton Memorial Park Arboretum and Gardens** – Use is defined by guidelines established and published by the Parks, Recreation and Facilities Management Department.
- **Park Rules & Regulations** – Rules and regulations are formulated from ordinances adopted by the City Council and published by the Parks, Recreation and Facilities Management Department. These rules and regulations are provided with every Facility Reservation Agreement form.
- **Pavilion/Park Capacities** – Capacities are established and published by the Parks, Recreation and Facilities Management Department.
- **Processing Fee** - Fee charged to process a refund and/or cancellation request that is received before the reservation date.
- **Scheig Learning Center** – Enclosed facility located on the west end of Appleton Memorial Park as identified in Attachment B and available for reservation. The reservation of the Scheig Learning Center includes the restrooms, open area for seating/tables and chairs/programs/etc, food preparation area, entrance/gathering area, and meeting rooms.
- **Special Event** - An event or activity that meets the City of Appleton's requirements for a special event activity, is held in a city park and/or special area, and exceeds the normal and ordinary use of the park and/or special area.

IV. Discussion

This policy defines how the Scheig Learning Center and Appleton Memorial Park Arboretum and Gardens shall be reserved by individuals, organizations and/or groups for exclusive use. The policy shall also define the fee(s) charged to those individuals, organizations and/or groups for that use.

V. Reservations:

1. All groups, individuals and organizations reserving the Scheig Learning Center and Appleton Memorial Park Arboretum and Gardens will be charged in accordance with the established rate schedule. Payment of the reservation fees must be included with the Facility Reservation Application, including set up fees, special event fees, etc.

2. The reservation request shall include the actual time needed for the program, including the time period for the event/activity and all set up and clean up time. The Parks, Recreation and Facilities Management Department reserves the right to invoice the individuals, organizations and/or groups if the use of the facilities exceeds the original reservation request.
3. Individuals, organizations and/or groups may reserve either the Scheig Learning Center only or the Scheig Learning Center and the Arboretum and Gardens grounds together. The Arboretum and Gardens grounds cannot be reserved without reserving the Scheig Learning Center.
4. All other reservations for the Scheig Learning Center and Appleton Memorial Park Arboretum and Gardens are on a first-come, first-served basis and may be made for the current year only.
5. The reservation of the Scheig Learning Center and/or Arboretum and Gardens Grounds is available from 8:00 am to 8:00 pm only.
6. The Parks, Recreation and Facilities Management Department reserves the right to require a security deposit for any reservation based on the type of event, number of participants, use of facility, etc. The security deposit will be returned within 10-14 business days after the event if all conditions of the reservation request were met, including but not limited to facility clean-up, proper vacation of the facilities, removal of personal equipment/supplies/etc., and leaving the facility (s) in clean and orderly condition.
7. All applications for facility reservations must be made at least five (5) business days in advance of the reservation date. Applications not made before this time period will be charged an additional \$50.00 for each reservation if accepted by the Department.
8. Groups and/or organizations may be required to reserve multiple facilities and/or special areas if the Parks, Recreation and Facilities Management Department determines the event or activity warrants the additional reservations.
9. This policy shall become effective June 2, 2014, and shall remain in effect through December 31, 2014.

VI. Cancellation/Refunds:

- A full refund of the rental fee will be made if the reservation is cancelled more than 90 days in advance of the event. A full refund of the rental fee for a cancellation of the Scheig Learning Center and Appleton Memorial Park Arboretum and Gardens less than 90 days in advance of the event will be made only if the facility can be rented to another party for the date canceled. If the facility cannot be rented to another party after a cancellation less than 90 days in advance of the event, the Parks, Recreation and Facilities Management Department will retain an amount equal to the rental of the facility for a 4-hour minimum rental. All refunds are subject to a \$10.00 processing fee.
- A full refund of the rental fee will be made if the reservation is cancelled by the Parks, Recreation and Facilities Management Department due to park closings, construction activities, weather conditions, etc. These refunds are not subject to the \$10.00 processing fee.

FEE SCHEDULE

<u>Scheig Learning Center</u>	<u>Fees</u>
<u>June 2 through December 31, 2014</u>	
(Available 8:00 am to 8:00 pm)	
<u>Monday through Sunday</u>	
Hourly Fee (4 hour minimum)	\$30.00/hour
<u>Scheig Learning Center and Arboretum and Gardens Grounds</u>	<u>Fees</u>
<u>June 2 through December 31, 2014</u>	
(Available 8:00 am to 8:00 pm)	
<u>Monday through Sunday</u>	
Hourly Fee (4 hour minimum)	\$45.00/hour
<u>Security Deposit</u>	<u>\$200.00</u>



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**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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

TO: Utilities Committee

FROM: Dean R. Gazza

DATE: 4/11/2014

RE: Action Item: Request to approve a contract for \$134,020 to Faith Technologies for the addition of a Fire Protection System to the Wastewater Plant. This is Phase III of III. In addition, I ask the Committee to pre-approve \$10,000 for required changes or unforeseen circumstances during installation.

This memo requests to approve a contract for \$134,020 to Faith Technologies for the addition of a Fire Protection System to the Wastewater Plant. This is Phase III of III. In addition, I ask the Committee to pre-approve \$10,000 for required changes or unforeseen circumstances during installation. This contingency would not be used unless absolutely required, and pre-approval will allow me to approve changes in a timely manner. This is a complex system being installed in a very difficult environment. We have done our homework to minimize the possibilities for changes, but on such a project they may occur.

The Wastewater Plant was constructed without a fire protection system. Though one is not required by code, the decision was made to protect life safety, assets and to reduce risk to the plants operation. During 2010, Phase I of three phases was completed which added protection to the administrative and operations buildings. Phase II was completed in 2012 and added fire protection to buildings L, M, T, V and V2. Phase III will cover buildings B, D, K, F1, F2, FG, H and J. Note that \$150,000 was budgeted so our bids fall within the allocated budget.

Bids were received from two contractors:

Best Defense	\$145,219
Faith Technologies	\$134,020

Please feel free to contact me at 832-5572 or at dean.gazza@appleton.org.



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

Department of Utilities

To: Chairman Joe Martin and Members of the Utilities Committee

From: Chris Stempa, Utilities Deputy Director

cc: Chris Shaw, Utilities Director

Date: April 17, 2014

Re: *Approval of an Engineering contract for the Everett Street Lift Station Improvements Project to McMAHON in the amount of \$45,977 plus a 15% contingency of \$6,897 for a total cost of \$52,874*

BACKGROUND:

The Everett Street Lift Station was originally constructed in 1961 and rebuilt with a Gorman-Rupp factory-built system in 1997. The lift station is located on the north side of the 2500 block of Everett Street west of the intersection with Lynndale Drive and is the third largest lift station of the fourteen city lift stations. The lift station has a capacity of 0.60 MGD. The station includes a 7,500 gallon wet well with two, 200 gpm Gorman-Rupp TA43-B pumps. The station pumps have reached their useful life and are stressed to keep up under high flow conditions increasing the potential for sanitary sewer bypasses and basement backups.

The current pumping conditions can create excessive pump run times and cycling which increases electrical costs. The new pumps will be designed to address infiltration and inflow during rain events. The lift station wet well level controls are in usable condition but may be replaced if appropriate. Other station upgrades may include flow monitoring, pump programming, SCADA integration and the installation of a standby generator capable of providing lift station operation during power outages. The generator installation will improve the dependability of the lift station and lessen the demand on the deployment of a portable power generator during active or emergency conditions.

The 1,118 feet long, six inch diameter cast iron forcemain (also 1961 vintage) that services the Everett Street Lift station is planned for replacement in 2014 under a separate project (identified under the same CIP) through the Appleton Department of Public Works. The existing forcemain has failed twice due to corrosion and differential settling, most recently in August 2013. This project will include tying the existing forcemain into the new forcemain which is to be terminated within 10 feet of the existing lift station.

RFP PROCESS:

The request for proposal was distributed to four engineering firms. Representatives from each firm attended a pre-proposal meeting that defined the project, scope, and held a question and answer session. A site tour was held to orient the engineering firms to the project location. The following table identifies the engineering firms along with their proposal score and proposal pricing:

Company	Total Score ⁽¹⁾	Quote Pricing	Points per Dollar Factor ⁽²⁾
Donohue	168	\$98,915	17
McMAHON	262	\$45,977	57
RA Smith National	132	\$52,752	25
Strand	188	\$44,400	42

Notes:

1. "Total Score" represents the combined total from each of the four evaluation team members.
2. "Points per Dollar Factor" = Quote Pricing divided by Total Score x 10,000. The highest number is considered the greatest value.

An evaluation team completed their review of the submitted proposals. Firm proposals were evaluated and scored. The evaluation team found that McMAHON had provided a proposal that best met the City's needs. The McMAHON project team is experienced with municipal lift stations of similar size and complexity. Their proposal demonstrated a comprehensive approach that delivered construction or improvement alternatives that address current lift station deficiencies.

RECOMMENDATION:

I am requesting approval of an engineering contract to McMAHON for the Everett Street Lift Station Improvements Project in the amount of \$45,977 plus a 15% contingency of \$6,897 for a total cost of \$52,874.

If you have any questions or require additional information regarding this project please contact Chris Stempa at 920-832-5945.



April 17, 2014

To: Fox Cities Transit Commission

From: Deborah Wetter
General Manager

Subject: Approve 5310 Agreement with East Central Wisconsin Regional Planning Commission

The Section 5310 program is a discretionary capital assistance program established in 1975. In cases where public transit was inadequate or inappropriate, the program awarded grants to private non-profit organizations to serve the transportation needs of elderly persons and persons with disabilities. In 1991, public agencies became eligible to receive 5310 grants. In 2012, the Moving Ahead for Progress in the 21st Century (MAP-21) was signed which included a consolidation of several grant programs into the 5310 program.

East Central Wisconsin Regional Planning Commission (ECWRPC) is the designated governing body for the MPO and Valley Transit is the public transportation provider for the Fox Cities. On April 26, 2013, ECWRPC, through a resolution, supported Valley Transit as the administrator for the 5310 program for the Appleton Urbanized Area. Governor Walker, on December 9, 2013, officially appointed Valley Transit as the direct recipient of this program. Through a Memorandum of Understanding, ECWRPC agreed to assist Valley Transit in administration of the program.

Valley Transit is an eligible recipient of the 5310 grant and can receive 45% of the available funding with an additional 10% for administrative costs for managing the program. Only non-profit organizations serving seniors or people with disabilities are eligible for the remaining funds. They can either be used for capital purchases or for mobility management programs. The agreement outlines the roles and responsibilities of ECWRPC and Valley Transit.

Recommendation: Approve 5310 Agreement with East Central Wisconsin Planning Commission.

**UNDERSTANDING AGREEMENT BETWEEN
EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION
(APPLETON MPO) AND VALLEY TRANSIT
INTERURBAN TRANSIT PARTNERSHIP**

This agreement entered into as of this _____ day of _____, 2014, by and between the East Central Wisconsin Regional Planning Commission, hereinafter referred to as the Appleton MPO, and Valley Transit, hereinafter referred to as VT.

WITNESSETH:

The federal government, under the authority of Title 23 CFR, section 450.310, requires an agreement between metropolitan planning organizations and operators of public-owned transit services which specifies cooperative procedures for carrying out transportation planning. The East Central Wisconsin Regional Planning Commission is the designated metropolitan planning organization (MPO) responsible for fulfilling the requirements of 23 U.S.C. 134, 135 and 409 U.S.C 5303 and 5304 and as such is the recipient of planning funds in the Appleton Transportation Management Area (TMA). This agreement is for the purpose of setting forth the duties and responsibilities between the parties with respect to cooperative efforts in planning, programming and expenditure of state funds and Federal Transit Administration funds for the purpose of planning, programming, engineering, design and evaluation of public transportation projects.

Now, therefore, the parties hereto mutually agree that:

1. Cooperation between the Appleton MPO and VT is essential with respect to the provision of public transportation to the residents in the area.
2. The Appleton MPO has established overall transportation policies, oversees the planning process for the metropolitan area, and provides for cooperative intermodal decision-making.
3. The role of Appleton MPO relates to planning, review and comment as provided for in the appropriate federal and state legislation.
4. This agreement does not prohibit VT from conducting independent planning and feasibility studies, as it deems necessary.
5. VT shall be represented on the Appleton MPO Technical Advisory Committee and Policy Board.

6. The term of this agreement shall be from the date of execution and extending until such time as it is officially terminated in accordance with the terms of this agreement.
7. Either party may terminate this agreement with not less than ninety (90) days written notice to the other party.
8. No changes may be made to this agreement which are not mutually agreed upon in writing between the parties.
9. Both parties hereby agree to comply with all applicable federal, state and local regulations and laws.
10. Attachment A defines, but does not limit, the responsibilities of VT and the Appleton MPO.

Appleton MPO

By: _____

Title: _____

Date: _____

Valley Transit

By: _____

Title: _____

Date: _____

ATTACHMENT A

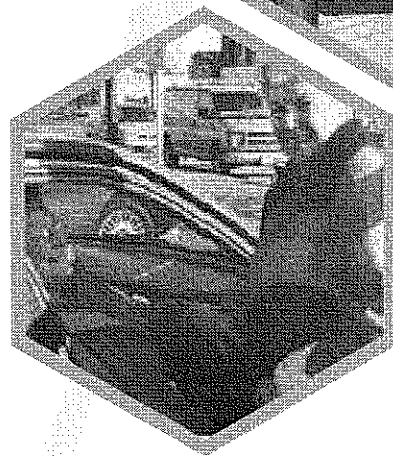
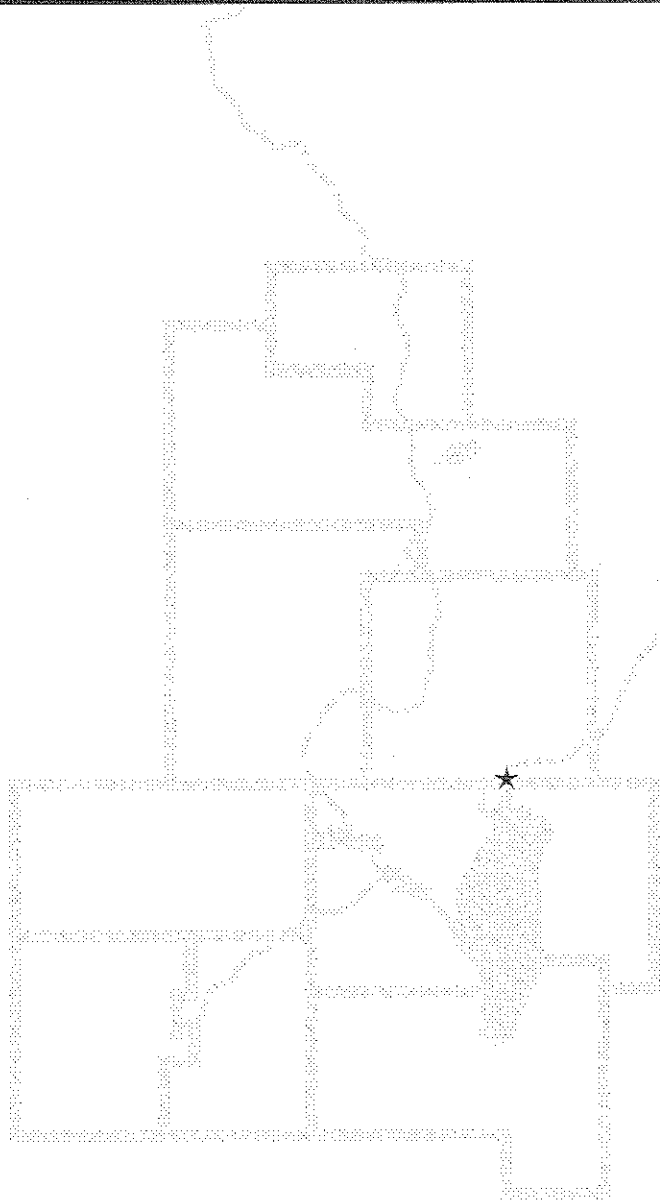
ROLES AND RESPONSIBILITIES

Appleton MPO 5310 Program Roles and Responsibilities	
Task	Responsible Party
Developing and maintaining the 5310 Program Management and Coordination Plan for the Appleton Urbanized Area.	ECWRPC
Developing and managing Outagamie, Calumet and Winnebago County's Coordinated Public Transit-Human Services Transportation Plan.	ECWRPC
Develop 5310 budget and present it to the full council for approval	Valley Transit
Notifying eligible subrecipients of the program and program's requirements.	ECWRPC/ Valley Transit
Providing technical assistance to eligible subrecipients.	ECWRPC/Valley Transit
Providing demographic data to help subrecipients comply with Title VI requirements.	ECWRPC
Development of project selection criteria.	ECWRPC/Valley Transit
Utilizing WisDOT's application form to ensure consistency among subrecipients who have to apply to multiple agencies for the same project. Applications will be distributed to eligible subrecipients and identified by a unique id number for record keeping.	ECWRPC/Valley Transit
Determining applicant eligibility.	ECWRPC/Valley Transit
Conducting the competitive selection process.	ECWRPC/Valley Transit
Forwarding an annual program of projects (POP) and grant application to FTA through TEAM.	Valley Transit
Ensuring that all sub-recipients comply with Federal requirements.	ECWRPC/Valley Transit
Creating a selection subcommittee of ECWRPC and Valley Transit staff to review project applications and rank them according to established criteria.	ECWRPC/Valley Transit
Ensuring sub-recipient meets procedures documented in the Program Management and Coordination Plan.	ECWRPC/Valley Transit
Present project funding recommendations to Fox Cities Transit Commission for approval.	ECWRPC/Valley Transit
Collecting all approved projects for inclusion in the Transportation Improvement Program (TIP).	ECWRPC
Certifying that allocations of grants to sub-recipients are distributed on a fair and equitable basis.	ECWRPC/Valley Transit
Certifying that all projects are derived from a locally developed, coordinated public transit-human services transportation plan developed through a process that consists of representatives of public, private, and non-profit transportation and human services providers with participation by the public.	ECWRPC
Developing, executing, managing, and amending grant agreements with subrecipients.	Valley Transit

Applying for federal funds and managing the program's federal grants. This includes developing the program of projects, grant reporting, and grant closeouts.	Valley Transit
Working with subrecipients to procure capital items.	Valley Transit
Processing payments, drawing down federal funds, and completing financial audits.	Valley Transit
Collecting and maintaining financial reports, operating statistics, and vehicle data from subrecipients.	Valley Transit
<p>Ensuring Program Measures and Reporting are properly tracked and collected:</p> <ul style="list-style-type: none"> • Actual number of rides (one-way trips) provided for elderly individuals and individuals with disabilities • Operating data including hours of service, miles in service • Actual or estimated service costs, including sources of funding • Measuring the gaps in service that have been filled: <ul style="list-style-type: none"> ○ Gaps in Service Filled. Provision of transportation options that would not otherwise be available for older adults and individuals with disabilities measured in numbers of older adults and people with disabilities afforded mobility they would not have without program support. ○ Ridership. Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and older adults on Section 5310—supported vehicles and services. • Submit data to National Transit Database 	Valley Transit
Monitoring subrecipient compliance with federal requirements.	Valley Transit
Conducting on-site inspections of subrecipient projects.	Valley Transit
Amending Valley Transit's Title VI Plan, Equal Employment Opportunity (EEO) Plan, and Disadvantaged Business Enterprise (DBE) Goals to include the Section 5310 Enhanced Mobility Program.	Valley Transit
Reviewing subrecipients' Title VI, EEO, and DBE programs.	Valley Transit
Investigating and addressing Title VI, EEO, and DBE complaints.	Valley Transit
Monitoring subrecipients' adherence to maintenance plans and safety standards.	Valley Transit

Section 5310 Enhanced Mobility Of Seniors And Individuals With Disabilities Program Management And Coordination Plan

Appleton Metropolitan Planning Organization
2014



East Central Wisconsin
Regional Planning Commission
ECWRPC

Calumet • Menominee • Outagamie • Shawano • Waupaca • Waushara • Winnebago

5310 Program Management and Coordination Plan for the Appleton Urbanized Area

2014

Prepared by the
East Central Wisconsin Regional Planning Commission

EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION

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Marshal Giese

ABSTRACT

TITLE: 5310 PROGRAM MANAGEMENT AND COORDINATION
PLAN FOR THE APPLETON URBANIZED AREA - 2014

AUTHOR: Nick Musson, Associate Transportation Planner

SUBJECT: Appleton Metropolitan Planning Organization Section 5310
Enhanced Mobility of Seniors and Individuals with Disabilities
Program Management and Coordination Plan

ADOPTED: Date

PLANNING AGENCY: East Central Wisconsin Regional Planning Commission

SOURCE OF COPIES: East Central Wisconsin Regional Planning Commission
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www.ecwrpc.org

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INTRODUCTION

INTRODUCTION

HISTORY

The Section 5310 program was established in 1975 as a discretionary capital assistance program. In cases where public transit was inadequate or inappropriate, the program awarded grants to private non-profit organizations to serve the transportation needs of elderly persons and persons with disabilities. Federal Transit Administration (FTA) (then the Urban Mass Transportation Administration (UMTA)) apportioned the funds among the States by formula for distribution to local agencies, a practice made a statutory requirement by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). In the early years of the program, many of the subrecipient non-profit agencies used the vehicles primarily for transportation of their own clients. Funding for the Section 16(b)(2) program, as it was then known, ranged between \$20–35 million annually until the passage of ISTEA, when it increased to the \$50–60 million range. ISTEA also introduced the eligibility of public agencies under limited circumstances to facilitate and encourage the coordination of human service transportation. Increasingly, FTA guidance encouraged and required coordination of the program with other Federal human service transportation programs. In lieu of purchasing vehicles, acquisition of service in order to promote use of private sector providers and coordination with other human service agencies and public transit providers was made an eligible expense under ISTEA. Other provisions of ISTEA introduced the ability to transfer flexible funds to the program from certain highway programs and the flexibility to transfer funds from the Section 5310 program to the rural and urban formula programs.

The Transportation Equity Act for the 21st Century (TEA–21) enacted in 1998, reauthorized the Section 5310 program. TEA–21 increased the funding levels for the Section 5310 program but made no significant program changes. In 2005, Congress enacted SAFETEA–LU. SAFETEA–LU introduced the requirement that projects funded with 5310 funds be derived from a locally developed, coordinate public transit-human services transportation plan; removed the flexibility that funds can be transferred to Section 5311 for Section 5311 program purposes during the fiscal year apportioned, if funds were not needed for Section 5310 program purposes; introduced a seven State pilot program that allows selected States to use up to one-third of the funds apportioned to them for operating assistance; and allowed transfers to Section 5307 or 5311, but only to fund projects selected for Section 5310 program purposes.

Title 49 U.S.C. 5310 authorizes the formula assistance program for the special needs of elderly individuals and individuals with disabilities. FTA refers to this formula program as “the Section 5310 program.” FTA, on behalf of the Secretary of Transportation, apportions the funds appropriated annually to the States based on an administrative formula that considers the number of elderly individuals and individuals with disabilities in each State. These funds are subject to annual appropriations.

Title 49 U.S.C. 5310(a)(1) authorizes funding for public transportation capital projects planned, designed and carried out to meet the special needs of elderly individuals and individuals with disabilities.

Title 49 U.S.C. 5310(a)(2) provides that a State may allocate the funds apportioned to it to:

- a. a private non-profit organization, if public transportation service provided by State and local governmental authorities under Section 5310(a)(1) is unavailable, insufficient, or inappropriate; or
- b. a governmental authority that:
 1. is approved by the State to coordinate services for elderly individuals and individuals with disabilities; or
 2. certifies that there are not any non-profit organizations readily available in the area to provide the special services.

The code assigned to the Section 5310 program in the Catalogue of Federal Domestic Assistance is 20.513.¹

SAFETEA-LU was scheduled to sunset on September 30, 2009, but Congress renewed its funding formulas ten times after its expiration date, until July 6, 2012, when President Obama signed the Moving Ahead for Progress in the 21st Century (MAP-21). MAP-21 continues the 5310 program, but made the following changes:

- The New Freedom Program and Elderly and Disabled Program are now consolidated.
- Operating assistance is now available under the 5310 Program.

Note: *The New Freedom Program provided tools to overcome barriers that Americans with disabilities face in seeking integration into the workforce and full participation in society. Past projects include the following:*

- *Mobility Management;*
- *Operating Assistance;*
- *Volunteer Driver/Voucher Program; and*
- *Capital assistance – vehicles and software.*

¹ Federal Transit Administration - Section 5310 Program Overview - http://www.fta.dot.gov/13094_8348.html - 10-12-13



**ENHANCED MOBILITY OF SENIORS
AND INDIVIDUALS WITH DISABILITIES –
SECTION 5310 PROGRAM OVERVIEW**

ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES - SECTION 5310 PROGRAM OVERVIEW

This program is intended to enhance mobility for seniors and persons with disabilities by providing funds for programs to serve the special needs of transit-dependent populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services. Statutory Reference - 49 U.S.C. Section 5310 / MAP-21 Section 20009

PURPOSE OF THE SECTION 5310 ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM MANAGEMENT AND COORDINATION PLAN

The purpose of the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program Management and Coordination Plan is to detail the procedures for administering the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program for the Appleton Metropolitan Planning Organization (MPO) area. The procedures are based on the FTA and Wisconsin Department of Transportation's (WisDOT) 2008 State Management Plan For the Section 5310 program elderly and disabled capital assistance.

ELIGIBLE RECIPIENTS

- For areas under 200,000 in population the State is the direct recipient.
- For areas over 200,000 in population the MPO is the direct recipient.
- Sub-recipients include the following:
 - States or local government authorities
 - Private non-profit organizations
 - Operators of public transportation that receive the grant indirectly through a recipient.

ELIGIBLE ACTIVITIES

- At least 55% of program funds must be used on capital projects that are:
 - Public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable.
- The remaining 45% may be used for operating or capital expenses associated with:
 - Public transportation projects that exceed the requirements of the ADA.
 - Public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit.
 - Alternatives to public transportation that assist seniors and individuals with disabilities

FUNDING PROJECTS

- Funds are apportioned for urbanized and rural areas based on the number of seniors and individuals with disabilities.
- Federal share for capital projects (including acquisition of public transportation services) is 80%

- Federal share for operating assistance is 50%.
- Adopts New Freedom funding allocations:
 - 60% to designated recipients in urbanized areas with a population over 200,000.
 - 20% to states for small urbanized areas.
 - 20% to states for rural areas.

ONGOING PROVISIONS

- Local share may be derived from other federal (non-DOT) transportation sources or the Federal Lands Highways Program under 23 U.S.C. 204 (as in former Section 5310 program).
- Permits designated recipients and states to carry out competitive process to select subrecipients.
- Recipients must certify that projects selected are included in a locally developed, coordinated public transit-human services transportation plan. The plan must undergo a development and approval process that includes seniors and people with disabilities, transportation providers, among others, and is coordinated to the maximum extent possible with transportation services assisted by other federal departments and agencies.
- Permits acquisition of public transportation services as a capital expense.
- Up to 10% of program funds can be used to administer the program, to plan, and to provide technical assistance²

² Federal Transit Administration – Fact Sheet - http://www.fta.dot.gov/documents/MAP-21_Fact_Sheet_-_Enhanced_Mobility_of_Seniors_and_Individuals_with_Disabilities.pdf - 10-12-13



**APPLETON MPO MANAGEMENT
PLAN SECTION 5310 PROGRAM**

APPLETON MPO MANAGEMENT PLAN SECTION 5310 PROGRAM

The Appleton MPO encompasses the cities of Appleton, Neenah, Menasha, Kaukauna; the villages of Kimberly, Combined Locks and Sherwood; the towns Buchanan, Grand Chute, Greenville, Harrison, Kaukauna, Menasha, Neenah, Menasha, Vandenbroek; Calumet, Outagamie and Winnebago counties. The Appleton MPO's population according to the 2010 U.S. Census is around 216,000 thus qualifying them to be a direct recipient of the 5310 Program - Enhanced Mobility Of Seniors And Individuals With Disabilities. As a direct recipient of 5310 Program funding, it is required by FTA for the Appleton MPO to develop a Program Management and Coordination Plan, which details the programs goals, roles and responsibilities, eligible sub-recipients, local share and local funding, project selection criteria and method of distributing funds, and the annual program of projects development and approval process.

PROGRAM GOAL

The goal of the 5310 Program and the Appleton MPO is to enhance mobility for seniors and persons with disabilities through financial assistance. To provide tools to overcome barriers that Americans with disabilities face in seeking integration into the workforce and full participation in society. To work together to administer a seamless and efficient program that is clear and transparent.

DESIGNATED RECIPIENT

East Central Regional Planning Commission (ECWRPC) is the designated governing body for the MPO and Valley Transit is the public transportation provider for the Fox Cities. On April 26, 2013, ECWRPC, through a resolution, supported Valley Transit as the administrator for the Section 5310 Elderly and Persons with Disabilities Transportation Assistance Program for the Appleton Urbanized Area (**Appendix A**, Resolution No. 12-13). Governor Walker, on December 9, 2013, officially appointed Valley Transit as the direct recipient of the Section 5310 Elderly and Persons with Disabilities Transportation Assistance Program (**Appendix B**). ECWRPC through a Memorandum of Understanding (MOU) agreed to assist Valley Transit through the administration of the 5310 Program - Enhanced Mobility Of Seniors And Individuals With Disabilities. The MOU is located in **Appendix C**.

FUNDING CYCLE

The Appleton MPO receives funding for Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program annually. Project recipients are selected based on project rankings.

ROLES AND RESPONSIBILITIES

The following tables (**Table 1 and 2**) details of the roles and responsibilities for the Appleton MPO Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program.

Table 1: Appleton MPO 5310 Program Roles and Responsibilities	
Task	Responsible Party
Developing and maintaining the 5310 Program Management and Coordination Plan for the Appleton Urbanized Area.	ECWRPC
Developing and managing Outagamie, Calumet and Winnebago County's Coordinated Public Transit-Human Services Transportation Plan.	ECWRPC
Develop 5310 budget and present it to the full council for approval	Valley Transit
Notifying eligible subrecipients of the program and program's requirements.	ECWRPC/ Valley Transit
Providing technical assistance to eligible subrecipients.	ECWRPC/Valley Transit
Providing demographic data to help subrecipients comply with Title VI requirements.	ECWRPC
Development of project selection criteria.	ECWRPC/Valley Transit
Utilizing WisDOT's application form to ensure consistency among subrecipients who have to apply to multiple agencies for the same project. Applications will be distributed to eligible subrecipients and identified by a unique id number for record keeping.	ECWRPC/Valley Transit
Determining applicant eligibility.	ECWRPC/Valley Transit
Conducting the competitive selection process.	ECWRPC/Valley Transit
Forwarding an annual program of projects (POP) and grant application to FTA through TEAM.	Valley Transit
Ensuring that all sub-recipients comply with Federal requirements.	ECWRPC/Valley Transit
Creating a selection subcommittee of ECWRPC and Valley Transit staff to review project applications and rank them according to established criteria.	ECWRPC/Valley Transit
Ensuring sub-recipient meets procedures documented in the Program Management and Coordination Plan.	ECWRPC/Valley Transit
Present project funding recommendations to Fox Cities Transit Commission for approval.	ECWRPC/Valley Transit
Collecting all approved projects for inclusion in the Transportation Improvement Program (TIP).	ECWRPC
Certifying that allocations of grants to sub-recipients are distributed on a fair and equitable basis.	ECWRPC/Valley Transit
Certifying that all projects are derived from a locally developed, coordinated public transit-human services transportation plan developed through a process that consists of representatives of public, private, and non-profit transportation and human services providers with participation by the public.	ECWRPC
Developing, executing, managing, and amending grant agreements with subrecipients.	Valley Transit

Applying for federal funds and managing the program's federal grants. This includes developing the program of projects, grant reporting, and grant closeouts.	Valley Transit
Working with subrecipients to procure capital items.	Valley Transit
Processing payments, drawing down federal funds, and completing financial audits.	Valley Transit
Collecting and maintaining financial reports, operating statistics, and vehicle data from subrecipients.	Valley Transit
Ensuring Program Measures and Reporting are properly tracked and collected: <ul style="list-style-type: none"> • Actual number of rides (one-way trips) provided for elderly individuals and individuals with disabilities • Operating data including hours of service, miles in service • Actual or estimated service costs, including sources of funding • Measuring the gaps in service that have been filled: <ul style="list-style-type: none"> ○ Gaps in Service Filled. Provision of transportation options that would not otherwise be available for older adults and individuals with disabilities measured in numbers of older adults and people with disabilities afforded mobility they would not have without program support. ○ Ridership. Actual or estimated number of rides (as measured by one-way trips) provided annually for individuals with disabilities and older adults on Section 5310—supported vehicles and services. • Submit data to National Transit Database 	Valley Transit
Monitoring subrecipient compliance with federal requirements.	Valley Transit
Conducting on-site inspections of subrecipient projects.	Valley Transit
Amending Valley Transit's Title VI Plan, Equal Employment Opportunity (EEO) Plan, and Disadvantaged Business Enterprise (DBE) Goals to include the Section 5310 Enhanced Mobility Program.	Valley Transit
Reviewing subrecipients' Title VI, EEO, and DBE programs.	Valley Transit
Investigating and addressing Title VI, EEO, and DBE complaints.	Valley Transit
Monitoring subrecipients' adherence to maintenance plans and safety standards.	Valley Transit

Table 2: Eligible Subrecipient Roles and Responsibilities

Paying the local share of the project costs.
Working with Valley Transit to procure capital items.
Inspecting, insuring, and maintaining all vehicles funded through the program.
Completing and submitting acceptance certifications to Valley Transit upon vehicle delivery.
Using the funds obtained through the program for the purpose(s) identified in the project application.
Submitting financial reports, operating statistics, and vehicle data to Valley Transit.

Submitting to on-site inspections as requested by Valley Transit and the Wisconsin State Patrol.
Complying with all applicable state and federal requirements.

PROJECT SELECTION AND METHOD OF DISTRIBUTING FUNDS

Projects selected to receive funds under the Appleton MPO Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program are based on project application rankings. The criteria for the project rankings are listed below.

1. Required Elements:
 - a. Application sites local coordination plan.
 - b. Completed application
2. Service Description:
 - a. Service is described thoroughly.
 - b. Service is consistent with 5310 program goal.
 - c. Provides evidence of effort to inform local population of available service.
3. Service Justification:
 - a. Providing an estimate of the number of elderly and people with disabilities in the project area. ECWRPC will help the applicant determine the U.S. Census estimate for elderly and people with disabilities.
 - b. Identifying the percentage of elderly and people with disabilities who the applicant proposes to serve and the methodology used to calculate this percentage.
 - c. Describe how the proposed service would meet the needs of the elderly and disabled target populations.
 - d. Characteristics of elderly and disabled populations are accurate.
 - e. Improve the efficiency and effectiveness of the overall system
4. Financial Information:
 - a. Providing evidence that adequate funds will be available, including local match, to support the proposed service's objectives.
5. Transportation Service Coordination:
 - a. Applicant took part in transportation coordination plans.
 - b. Service does not duplicate other services.
 - c. Applicant demonstrates coordination among other agencies.
6. Management Capabilities:
 - a. Demonstrates experience serving the elderly and disabled population.
 - b. Demonstrates management capabilities through experience.

The applications received for Appleton MPO Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program are reviewed and ranked based on the criteria above by the selection subcommittee. Following the review the selection subcommittee will take their recommendations to Fox Cities Transit Commission for approval.

PRIVATE SECTOR PARTICIPATION

Federal law requires the public to be involved in the transportation planning process, and specifically requires that private providers be provided an opportunity to be consulted in developing transportation plans and programs in the urbanized areas. As result of Federal law, each applicant applying for Appleton MPO Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program funds must comply.

Public involvement processes must be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement throughout the transportation planning and programming process. Applicants must publish a public notice in the proposed project area's newspaper of record that allows 30 days for responses, and the applicant must submit the publisher's affidavit with the project application.

PROJECT APPLICATION PROCESS AND SCHEDULE

Task	Month Completed
ECWRPC informs subrecipients of upcoming application cycle.	June 1st
ECWRPC distributes application materials.	June 15th
Subrecipient applicants publish public notice to other transportation providers in local newspaper.	June 15th – August 15 (two month period)
Subrecipient applicants mail letter to other transportation providers of intent to apply.	June 15th – August 15 (two month period)
Completed applications are submitted to ECWRPC.	August 15
Applications are ranked based on criteria.	August 15 to October 1 st (six weeks)
Recommendations are presented to Fox Cities Transit Commission	Mid-November
ECWRPC notifies applicants on project selection outcome.	End of November (no later than December 1st)

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CIVIL RIGHTS

CIVIL RIGHTS

The Appleton Urbanized Area's Section 5310 Enhanced Mobility Program application packet contains exhibits and certifications that address the civil rights requirements under Title VI. The packet also addresses EEO and DBE regulations.

TITLE VI

Assurances

Valley Transit annually signs the FTA Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements, which binds Valley Transit to all civil rights requirements.

Valley Transit's Title VI Program

Valley Transit prepares an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year; identify goals and objectives for the upcoming year as required.

Appleton Urbanized Area

The following sets forth the procedure that will be followed in monitoring the level and quality of transit service provided to minorities in the Appleton area in compliance with Title VI regulations. For monitoring purposes, minority areas will be defined at the census tract level since more disaggregate data is not available. All minority tracts will be monitored.

A. LEVEL OF SERVICE

To assess level of transit service to minority areas, headways, vehicle loads, vehicle assignment, service access, and distribution of amenities will be compared with service policies and standards for the entire system. The standards will be as defined in the most recent TDP and management plan.

B. QUALITY OF SERVICE

Quality of service is currently monitored through passenger surveys designed to provide information about passenger demographics, trip purposes, and service ratings. For purposes of monitoring the quality of transit service in minority tracts, future passenger surveys will be coded in order to identify responses from minority routes for comparison with responses from non-minority routes. The passenger surveys will also be designed to identify the three most-traveled-to destinations in order to compare travel time, transfers, and trip costs to these destinations from minority and non-minority tracts.

C. CORRECTIVE ACTION

Where inequities in service are identified or perceived by transit users in minority areas, a review of corrective action will be undertaken. Actions involving service level changes will be addressed through the existing decision-making structure.

D. MONITORING FREQUENCY

An assessment of service level, vehicle assignment, load factors, distribution of facilities, and service access in minority areas was done in the original Title VI Documentation for the Appleton Area in 1978 and updated in subsequent submissions. Future monitoring reviews will be undertaken when major service changes occur and upon publication of new census information.

Public Notice

Valley Transit/City of Appleton, as recipients of Federal Funding, assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Valley Transit sponsored program or activity. Valley Transit further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. Any individual, group of individuals, or entity that believes they have been subjected to discrimination relating to the provision of transportation services, or transit related benefits may file a complaint with Valley Transit, the Federal Transit Administration, and/or the Department of Transportation.

Contact Information:
Valley Transit
Attn: Title VI Officer
801 S. Whitman Ave.
Appleton, WI 54914
Telephone: 920-832-5800
Fax: 920-832-1631
Email: valley.transit@appleton.org

More information and complaint forms also available on our website - www.myvalleytransit.com

How to File a Title VI Complaint

All of the services that Valley Transit provides are offered without regard to race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964. If you feel that you have been denied the benefits of, excluded from participation in, or subject to discrimination on the basis of race, color, or national origin by Valley Transit, you have the right to file a complaint to Valley Transit management and/or the Federal Transit Administration. The easiest method to file a complaint with Valley Transit, is to simply fill-out a complaint form. Complaint forms are available at the Transit Center, Valley Transit's Administrative Offices, or on our website at www.myvalleytransit.com. Complaints may be submitted by any of the options previously mentioned. Title VI complaints may also be filed with the Federal Transit Administration:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington, DC 20590

LIMITED ENGLISH PROFICIENCY [LEP] PLAN

Valley Transit's Limited English Proficiency Plan has been prepared to address its responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funding, including Valley Transit, which receives federal assistance through the Federal Transit Administration (FTA).

Valley Transit has developed this Limited English Proficiency Plan to help identify reasonable steps for providing language assistance to persons with limited English Proficiency [LEP] who wish to access services provided by the transit authority. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, Valley Transit is using the United States Department of Transportation (U.S. DOT) outline of a four-factor LEP analysis, which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Valley Transit program, activity or service.
2. The frequency with which LEP persons come in contact with Valley Transit programs, activities or services.
3. The nature and importance of programs, activities or services provided by Valley Transit to the LEP population.
4. The resources available to Valley Transit and overall cost to provide LEP assistance.

Program Administration

Valley Transit maintains the following:

- A record of funding requests received from private non-profit organizations, state or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- Description of the criteria for selecting entities to receive funding from the Appleton Urbanized Area's Section 5310 Enhanced Mobility Program, which are found in current grant applications and in this Management and Coordination Plan. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present.

SUBRECIPIENT RESPONSIBILITIES

Through annual grant agreements, subrecipients agree to comply with all applicable civil rights statutes and regulations. These include Title VI of the Civil Rights Act, Equal Employment Opportunity, and Americans with Disabilities Act. Section 5310 Enhanced Mobility Program subrecipients annually sign FTA's Certifications and Assurances in their grant agreements with Valley Transit.

Section 5310 Enhanced Mobility Program subrecipients must submit their Title VI programs to Valley Transit. Valley Transit will develop a schedule that outlines the frequency with which subrecipients must submit their Title VI programs. A subrecipient's Title VI program must be approved by the subrecipient's appropriate governing entity or official(s) responsible for policy decisions (e.g., board of directors, mayor, tribal executive, city administrator, etc.). Subrecipients must submit a copy of the board resolution, meeting minutes, or similar documentation as evidence of approval. The contents of the subrecipient's Title VI program are also determined by FTA Circular 4702.1B. It includes all of the following elements:

- A copy of the Title VI notice to the public that indicates the subrecipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI as well as a list of the locations where the notice is posted.
- A copy of instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form.
- A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the subrecipient since the time of the last Title VI Program submission.
- A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Program submission.
- A copy of the plan for providing language assistance to persons with limited English proficiency (LEP), based on the U.S. Department of Transportation's LEP guidance.
- Subrecipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.
- Additional information is required depending on whether or not the subrecipient is a fixed route transit provider or has received funding to construct a facility.

Valley Transit Oversight

Valley Transit oversees subrecipient compliance with Title VI as follows:

- Grant Agreements - Through annual grant agreements, the subrecipient agrees to comply with applicable civil rights statutes and regulations, including Title VI of the Civil Rights Act, Equal Employment Opportunity (EEO), and Disadvantaged Business Enterprise (DBE). The annual Federal Certifications and Assurances for Federal Transit Administration Assistance signed by all subrecipients contains the Title VI, EEO and DBE certification.
- Review of Subrecipient's Title VI Program – Valley Transit reviews the contents of Title VI program materials as submitted by subrecipients, including public notification language, LEP, complaint procedures and complaint form, and public participation and

outreach. Valley Transit provides sample materials and technical assistance to subrecipients in developing a compliant Title VI program.

- Investigation/Monitoring of Title VI Complaints (or potential complaints and/or lawsuits) - As part of its annual application, Valley Transit requires subrecipients to report any Title VI complaints or lawsuits. Subrecipients may contact Valley Transit at any time during the year to report Title VI complaints, potential complaints, and/or lawsuits. Valley Transit may also receive complaints regarding subrecipients or their contractors directly from the public. When a complaint is deemed a civil rights issue, Valley Transit staff will consult with the Appleton MPO as appropriate.
- Annual Applications/On-site Visits – During on-site visits or the annual application review, Valley Transit staff will verify the physical location of the public notification language (and/or on website, in promotional materials, etc.) as stated in the subrecipient's Title VI program. During this time, Valley Transit also discusses with the subrecipient any new or potential opportunities for public participation and public outreach that may present themselves since the previous submission of the subrecipient's Title VI program.

Valley Transit, the ECWRPC, and WisDOT assist subrecipients with compliance as follows:

- Valley Transit provides sample notification language, sample Title VI complaint form and sample Title VI complaint procedures to subrecipients.
- ECWRPC provides demographic data to assist subrecipients in conducting their four-factor analysis and subsequently developing their LEP plan.
- WisDOT maintains a list of departmental staff that together speak over 20 foreign languages and are available as needed to assist in the translation of vital documents.

Contractors

Contractors and subcontractors are not required to submit a Title VI report. However, they are responsible for complying with the Title VI program of the recipient with whom they are contracting. Recipients and subrecipients are responsible for ensuring that their contractors are complying with their Title VI program and Title VI regulations.

Disadvantaged Business Enterprise (DBE)

The objectives of the US Department of Transportation's (DOT) DBE regulations, as specified in 49 CFR Part 26, are to:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the DOT's highway, transit, and airport financial assistance programs.
2. To create a level playing field upon which DBEs can compete fairly for DOT-assisted contracts.
3. To ensure that the DOT's DBE program is narrowly tailored in accordance with applicable law.
4. To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs.
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts.
6. To assist with the development of firms that can compete successfully in the marketplace outside the DBE program.

Valley Transit has developed and administers its DBE Program Plan. The plan outlines policies and procedures established to satisfy the DBE requirements.

Valley Transit staff works closely with subrecipients to address DBE requirements. In goal setting, three-year goals are established based on anticipated FTA-funded contracting opportunities by both subrecipients and Valley Transit. Contract-specific goals may also be established, and these goals may require a greater amount of subrecipient technical assistance from Valley Transit and/or the ECWRPC. Work with subrecipients also includes the ongoing collection of data for contract monitoring and reporting on FTA-funded contracts.

Valley Transit's DBE Program Plan has been submitted to and approved by FTA. Any plan updates with significant changes are also submitted to FTA. Key provisions of the plan address the following:

- General requirements.
- Administrative requirements.
- Goals, good faith efforts, and counting.
- Certification standards.
- Compliance and enforcement.

All DBE submissions to FTA are completed by Valley Transit staff using the FTA TEAM system. This includes the DBE Program Plan and all required reporting.

Valley Transit completes a non-discrimination assurance for DBE with each FTA grant applicant. As with other civil rights areas, subrecipients agree to comply with all applicable civil rights statutes and regulations in annual grant agreements. Section 5310 Enhanced Mobility Program subrecipients annually sign FTA's Certifications and Assurances in their grant agreements with Valley Transit. In addition, each contract signed with a contractor (and each subcontract the prime contractor signs with a subcontractor) includes a similar assurance of non-discrimination.

During the application process, subrecipients are asked to identify potential contracting/procurement opportunities. Valley Transit and WisDOT staff work with subrecipients to identify potential DBE participation for those contracting and procurement opportunities. Valley Transit and WisDOT staff also ensure that subrecipients use appropriate DBE contract language in their solicitations. WisDOT's Office of Business Opportunity and Equity Compliance (OBOEC) provides assistance to potential DBEs to become certified and maintains the Unified Certification Program Directory. Subrecipients must report to Valley Transit as required on DBE goal achievement on all FTA-funded contracting.

Equal Employment Opportunity

Valley Transit must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to, discrimination in employment under any project, program, or activity receiving federal financial assistance under the federal transit laws.

Valley Transit's EEO Policy

It is the official policy of the City of Appleton to provide equal employment opportunities for all qualified and qualifiable persons without regard to race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status, sexual orientation, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status, service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces, use or nonuse of lawful products off the employer's premises during non-working hours, or any other non-merit factors, except where such factors constitute a bona fide occupational qualification or substantially relate to the circumstances of a particular job or licensed activity, and with proper regard for privacy and constitutional rights as citizens. This equal employment opportunity is applicable to all phases of employment including job assignment, job restructuring, reasonable accommodation for disabled individuals, recruitment, selection, promotion, transfer, compensation, lay-off, re-call, training and development, corrective action, demotion, termination, leave or benefits, licensing or union membership, and all other components of the City of Appleton Human Resources system.

Currently, none of the Appleton's Urbanized Area Section 5310 Enhanced Mobility Program's subrecipients receive capital or operating assistance in excess of \$1 million or planning assistance greater than \$250,000 and also employ 50 or more transit related employees.

EEO Assurances

Valley Transit annually signs the FTA List of Certifications and Assurances for FTA grants and cooperative agreements, which binds Valley Transit to EEO regulations.

Subrecipient Oversight

Assurance of Nondiscrimination: Subrecipients sign and return, as part of their application for federal funding, the current nondiscrimination assurance form(s) provided as part of their application or contracting materials. If the form is not currently on file at Valley Transit, the subrecipient shall, upon request, sign and return such a form on a timely basis. Subrecipients shall also maintain a copy of this form in their civil rights file kept at their place of business that will be available for inspection upon request.

Contract Documents: Each Section 5310 Enhanced Mobility Program contract between Valley Transit and subrecipients for the provision of FTA funding shall contain language that requires the subrecipient to comply with FTA regulations related to EEO. In addition, private providers under contract with subrecipients are required to comply with these regulations.

Subrecipient EEO Plans: If a subrecipient's transit-related staff reaches 50 or more and/or the dollar threshold for capital, operating, or planning assistance is met, Valley Transit will require the subrecipient to submit a formal EEO program to Valley Transit for review and approval. Valley Transit will withhold the approval of future grants until it receives the required EEO plan from the subrecipient. Note that the Equal Employment Opportunity Act by definition explicitly exempts Indian tribes from its provisions.



MAINTENANCE

MAINTENANCE

Consistent with federal requirements and Valley Transit subrecipient agreements, each subrecipient must maintain its facilities (and substantial facility components), vehicles, and other substantial assets.

Subrecipients are required to develop maintenance plans covering their federally-funded vehicles and facilities and to provide Valley Transit with a copy of their plan(s). Subrecipients must maintain all federally-funded property in good operating order and maintain ADA accessibility features.

Subrecipients are expected to develop their own maintenance plans, although WisDOT provides extensive written guidance on developing maintenance plans as well as sample plans upon request. Once adopted, subrecipients are monitored for adherence to the plans by Valley Transit staff for compliance during on-site visits.

Per the maintenance plan guidance document, WisDOT requires subrecipients to design and operate maintenance programs that include:

- Preventative maintenance practices and schedules for vehicles.
- Preventative maintenance practices for accessibility equipment.
- Preventative maintenance practices for facilities.
- A system for recording maintenance and repair activities.
- A process for authorizing and controlling maintenance activities and costs.
- Quality control for outsourced maintenance.
- A procedure for pursuing warranty recoveries.

Valley Transit solicits updated maintenance plans from its Section 5310 Enhanced Mobility Program subrecipients in conjunction with their requests for funding. Valley Transit does not require Section 5310 subrecipients to resubmit maintenance plans that are already on file, but does require them to submit updated plans upon request whenever they have acquired new vehicles or other substantial assets not addressed in previously submitted plans.

Valley Transit requires all transit vehicles to meet safety standards and undergo inspections based on program and/or vehicle capacity. Valley Transit requires that all vehicles purchased with Section 5310 funds be registered as human service vehicles (HSVs) or municipal vehicles, and be plated accordingly. Regardless of how they are plated, all such vehicles are considered HSVs and as such are subject to annual HSV inspections conducted by the Wisconsin State Patrol per s. 110.05, Wis. Stats., and Wis. Admin. Code Trans 301. (Upon request, State Patrol also will conduct initial inspections right after vehicle delivery.) These inspections cover the integrity of vehicle safety and mechanical features.

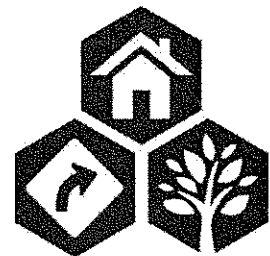
Wisconsin Administrative Code Trans 301 addresses equipment and safety standards for HSVs. It adopts all federal regulations from 49 CFR 393 (Parts and Accessories Necessary for Safe Operation), 49 CFR 571 (Federal Motor Vehicle Safety Standards), and 36 CFR 1192 (Americans with Disabilities Act [ADA] Accessibility Guidelines for Transportation Vehicles). Trans 301 also provides additional equipment standards and requirements and provides inspection and enforcement standards.



**SECTION 504 AND
ADA REPORTING**

SECTION 504 AND ADA REPORTING

The annual Federal Certifications and Assurances for FTA Assistance, which is signed by all subrecipients, contains the ADA certification. Valley Transit staff verify compliance with Section 504 and ADA requirements while reviewing annual grant applications and during on-site visits.



**SECTION 5310 ENHANCED
MOBILITY PROGRAM
MANAGEMENT**

SECTION 5310 ENHANCED MOBILITY PROGRAM MANAGEMENT

PROCUREMENT

Valley Transit is the DR for the Appleton Urbanized Area's Section 5310 Enhanced Mobility Program, thus all procurement activities are handled by Valley Transit with assistance from WisDOT Transit as needed.

All grant agreements require subrecipients to:

- Comply with all relevant federal procurement laws and regulations.
- Submit all third party contracts to Valley Transit for review and approval.

Valley Transit procedures require staff to review all federally-funded third party contracts to ensure federal contract clauses are included. Valley Transit with assistance from WisDOT will provide toolkits for assisting subrecipients with common procurements. Technical assistance for federal procurements is available from the Valley Transit project manager. Subrecipients may use the WisDOT subrecipient procurement assistance web page at <http://www.dot.wisconsin.gov/localgov/transit/procurement.htm> that contains links to:

- The WisDOT procurement manual.
- FTA-compliant toolkits for micro and small purchases.
- FTA-compliant toolkit for shared-ride taxi requests for proposals (RFPs).
- System for Award Management (SAM).

WisDOT also has a toolkit for procuring architecture and engineering services according to Brooks Act requirements, and WisDOT Transit provides opportunities for training on federal procurement regulations.

Buy America and Pre-Award and Post-Delivery Reviews

Procurement solicitations for rolling stock must include the federal Buy America requirements and Buy America pre-award certification requirements on all vendors submitting bids. For each vehicle type a vendor bids on, it must submit a "Certification of Compliance with 49 U.S.C. 5323(j)." If a vendor is unsure whether an offered vehicle is compliant with Buy America requirements, it may submit a "Certification of Non-Compliance with 49 U.S.C. 5323(j)" with its bid; however, it must provide documentation of an FTA-approved exception before the bid will be considered.

For each delivered FTA-funded vehicle, Valley Transit requires the vehicle recipient to complete a post-delivery Buy America compliance certification that declares it has received and reviewed appropriate Buy America documentation. Valley Transit will not pay the vendor until it receives this certification.

WisDOT's procurement manual details Buy America requirements and provides instructions for completing pre-award and post-delivery certifications for FTA subrecipients conducting their own procurements. Valley Transit (with WisDOT's assistance) provides technical support to subrecipients needing assistance with this or other aspects of their procurements.

FINANCIAL MANAGEMENT

Valley Transit is responsible for managing grants, contracts, and interagency agreements to ensure that expenditures comply with federal rules and regulations for all FTA grant programs. Financial management responsibilities include:

- Investigating and resolving accounting problems to ensure compliance with state and federal rules.
- Managing the documentation associated with individual grants, contracts, and interagency agreements.
- Submitting federal financial reports in TEAM.
- Rectifying and closing out FTA grants when projects are completed.

ASSET MANAGEMENT

Valley Transit maintains records for vehicles, facilities, and other substantial assets purchased with Section 5310 Enhanced Mobility Program funds. These records are updated through the following:

- Self-certification. Using forms provided by Valley Transit, subrecipients verify the presence and status of vehicles, facilities, and other substantial assets.
- On-site reviews.

CONTINUING CONTROL

Valley Transit ensures that all equipment used by subrecipients that is purchased with federal funds through the Section 5310 Enhanced Mobility Program is used for the program or project for which it was acquired as follows:

- Valley Transit staff visits facilities and inspects vehicles to confirm usage during on-site visits.
- Valley Transit staff reviews operations and ridership reports to look for changing patterns.

DISPOSITION OF ASSETS

In the event that a subrecipient no longer needs equipment purchased with federal funds through the Section 5310 Enhanced Mobility Program and useful life remains, the equipment is transferred in accordance with FTA.

In the event a vehicle or other substantial asset has reached the end of its useful life, the subrecipient must receive approval from Valley Transit to dispose of the asset and appropriate use of revenue received for the asset.

If a subrecipient would like to dispose of a facility, the subrecipient must work with Valley Transit to follow federal disposition requirements.

ACCOUNTING SYSTEMS

Subrecipients establish a set of accounts in which all transit-related costs, revenues, and operating sources are recorded and clearly identified, easily traced, and substantially documented. Accounting practices and records must be in accordance with Generally Accepted Accounting Principles.

Valley Transit uses the same accounting system for the Section 5310 Enhanced Mobility Program that it uses for its other state and federal grant programs.

Valley Transit uses the information contained in the quarterly reports to monitor subrecipients' fiscal and operational activities. Requests for reimbursement are approved by Valley Transit before being processed for payment.



**PROJECT MONITORING
AND REPORTING
REQUIREMENTS**

PROJECT MONITORING AND REPORTING REQUIREMENTS

REPORTING REQUIREMENTS FOR VEHICLE PROJECTS

Quarterly Reports

The following data must be submitted to Valley Transit on a quarterly basis for each vehicle purchased through the Appleton Urbanized Area's Section 5310 Enhanced Mobility Program:

- Expenses.
- Revenues.
- Number of one-way trips.
- Purpose of each one-way trip (medical, employment, social/recreational, education, etc.).
- Number of service miles.
- Number of service hours.
- Fuel consumption

Semi-Annual Reports

The following data must be submitted to Valley Transit on a semi-annual basis for each vehicle purchased through the Appleton Urbanized Area's Section 5310 Enhanced Mobility Program:

- One-way trips provided by passenger type.
- Rider-awardee relationship (e.g. client or non-client).
- Purpose of each one-way trip (medical, employment, social/recreational, education, etc.).
- Trip expenses.
- Trip miles.
- Service times.

Annual Reports

The following data must be submitted to Valley Transit on a fleet-aggregated basis for the vehicles purchased through the Appleton Urbanized Area's Section 5310 Enhanced Mobility Program:

- Number of one-way trips.
- Purpose of each one-way trip (medical, employment, social/recreational, education, etc.).
- Number of eligible riders in the awardee's service area.
- County(ies) served.

Valley Transit uses these reports to monitor awardee fiscal and operational management and to satisfy federal reporting requirements.

Valley Transit also schedules on-site visits with awardees on a triennial cycle to review operations and maintenance records. Valley Transit staff may request and review other records and documentation if the initial review uncovers any concerns or unresolved questions.

Reporting Requirements for Non-Vehicle Capital and Operating Projects

Valley Transit uses the subrecipient's application, budget, and milestones to monitor and evaluate performance of non-vehicle capital and operating projects. Subrecipients are required to report the following information on a quarterly basis:

- Expenses.
- Revenues.
- Progress toward attaining the goals and milestones identified in the project application.

Valley Transit uses these reports to monitor the subrecipient's fiscal and operational management. Any proposed deviation from what is identified in the project application must be approved by Valley Transit prior to implementation. If the proposed deviation is deemed to be substantial by Valley Transit and ECWRPC staff, the application must be modified and presented to the Fox Cities Transit Commission for approval.

The reporting form tracks (as applicable):

- Financial information (expenses, reimbursement request, etc.).
- Number of information-based contacts through call centers, websites, mobility managers, and/or training.
- Capital investments added as part of the grant.
- Milestone progress including current quarter activities, outcomes, and accomplishments.

Valley Transit will schedule on-site visits with subrecipients on a triennial cycle. In addition, to improve subrecipient monitoring procedures, Valley Transit staff may request and review supporting documentation, including local match documentation, for one subrecipient's reimbursement request per quarter. Selection of the reimbursement request will be based on either a risk assessment or random selection.



OTHER PROVISIONS

OTHER PROVISIONS

ENVIRONMENTAL PROTECTION

Most projects and activities funded through the Section 5310 Enhanced Mobility Program do not involve significant environmental impacts. Typically, projects are considered categorical exclusions because they are types of projects that have been “categorically” (i.e., previously) excluded in regulations from the requirements to conduct environmental reviews and prepare environmental documentation.

FTA classifies categorical exclusions (CE) into two groups:

- CE under 23 CFR 771.117(c) – activities and projects which have very limited or no environmental effects at all (e.g., planning studies, preliminary design work, program administration, operating assistance and the purchase of transit vehicles).
- CE under 23 CFR 771.117(d) – activities and projects involving construction and/or have a greater potential for off-site environmental impacts (e.g., construction of transit facilities, parking, etc.). These projects may be designated CE after review of documentation. In order to receive a documented CE, a subrecipient must complete a CE checklist, including an Environmental Justice (EJ) analysis. WisDOT will first review the completed checklist before sending it to FTA, which has final authority to grant the CE. For a copy of the checklist and more detail on the review process, see the WisDOT Transit Procedures and Oversight Manual.

Even if a project is determined to be a CE, there may be other relevant state and federal environmental protection requirements that must be satisfied (depending on the project’s type and location).

For projects with environmental impacts that are determined not to be a CE, FTA requires the preparation of an environmental assessment (EA) for public comment and FTA review. In the unlikely event that significant environmental impacts are identified with a project, an environmental impact statement (EIS) is required.

SCHOOL TRANSPORTATION

There are no subrecipients currently operating exclusive school bus service. There are no subrecipients operating school tripper service. The Federal Certifications and Assurances for FTA grants require the subrecipient to certify compliance with each annual sub-grant agreement.

Valley Transit oversees compliance with the prohibition by monitoring route schedules submitted with application materials, on websites, and/or in promotional materials with route schedules. Valley Transit staff also looks for signs that might indicate exclusive school bus service (e.g., a school route only) during vehicle inspections.

DRUG AND ALCOHOL TESTING

Subrecipients that receive Section 5310 Enhanced Mobility Program funds are not subject to FTA’s drug and alcohol testing rules. However, these subrecipients must comply with the

Federal Motor Carrier Safety Administration (FMCSA) rule for employees who hold commercial driver's licenses (49 CFR Part 382).



APPENDIX A

APPENDIX A.

INSERT RESOLUTION 12-13 SUPPORTING VALLEY TRANSIT AS 5310 ADMINISTRATOR



APPENDIX B

**APPENDIX B.
5310 DESIGNATED RECIPIENT LETTER**



APPENDIX C

**APPENDIX C.
ECWRPC/VALLEY TRANSIT MOU**



APPENDIX D

**APPENDIX D.
FOX CITIES TRANSIT COMMISSION RESOLUTION**



APPENDIX E

**APPENDIX E.
ECWRPC RESOLUTION**

EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION

Robert Hermes, Chair
Donna Kalata, Vice-Chair
Eric Fowle, Secretary-Treasurer

COMMISSION MEMBERS - 2013/2014

CALUMET COUNTY

Bill Barribeau
Pat Laughrin
Merlin Gentz
DuWayne Federwitz

WAUPACA COUNTY

Dick Koeppen
Gary Barrington
Brian Smith

MENOMINEE COUNTY

Muriel Bzdawka
(Jeremy Johnson, Alt.)
Ruth Winter
Robert Hermes, Chair

WAUSHARA COUNTY

Donna Kalata
Larry Timm
Neal Strehlow

OUTAGAMIE COUNTY

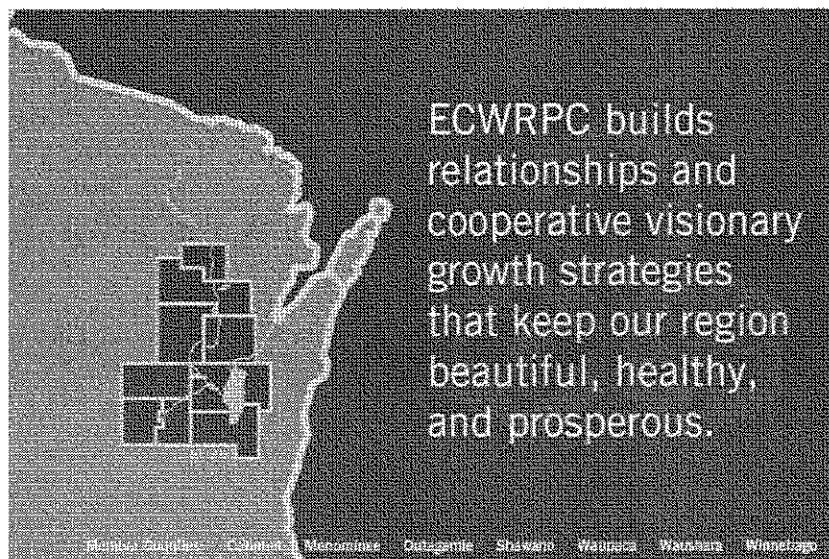
Tom Nelson
Judy Schuette
(Peter Stueck, Alt.)
Tim Hanna
Carl Anthony
Kevin Sturn
Michael Thomas

WINNEBAGO COUNTY

Mark Harris
David Albrecht
Ernie Bellin
Burk Tower
(Mark Rohloff, Alt.)
Jim Erdman
Ken Robl

SHAWANO COUNTY

Jerry Erdmann
Ken Capelle
Marshal Giese



Recommendation to revise ordinance Section 9-321 and Sec. 9-323.

Rationale: The definition of a Bed and Breakfast was changed in Wisconsin Administrative Code DHS – 197 as a result of 2011 WISCONSIN ACT 78.

DIVISION 2. BED AND BREAKFAST ESTABLISHMENTS*

Sec. 9-321. Definition.

For the purposes of this division, a bed and breakfast establishment shall mean a place of lodging that:

- ~~— (1) Provides a maximum of eight (8) rooms for rent;~~
- ~~— (2) Provides no meals other than breakfast and provides the breakfast only to renters of the place;~~
- ~~— (3) Is the owner's personal residence;~~
- ~~— (4) Is occupied by the owner at the time of rental;~~
- ~~— (5) Was originally built and occupied as a single family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single family residence; and~~
- ~~— (6) Has completed, before May 11, 1990, any structural additions to the dimensions of the original structure (including by renovation), except that a structural addition (including a renovation) to the structure may, after May 11, 1990, be made within the dimensions of the original structure.~~

"Bed and breakfast establishment" means any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Sec. 9-323. State sanitation regulations adopted.

All bed and breakfast establishments and licensees under this division shall be subject to and comply with Wisconsin Administrative Code, DHS §197.01 through DHS §197.15, excepting §197.03(3), which are hereby adopted by reference and incorporated as part of this division.

(Code 1965, §7.24(3), Ord 22-03, §1, 1-21-03)

***Cross reference(s)**--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

CITY OF APPLETON

Department of Public Works

MEMORANDUM

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

SUBJECT: Award of Contract

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

Sidewalk (Re)Construction : Unit D-14

Be awarded to:

Name: Fischer-Ulman Construction Inc.

Address: 1115 S. Theodore Street

Appleton, WI 54915

In the amount of : _____

With a _____ **% contingency of :** _____

For a project total not to exceed : _____

**** OR ****

In an amount Not To Exceed : \$195,000.00

Budget: \$195,000.00

Estimate: \$198,500.00

Committee Date: 04/23/14

Council Date: 05/07/14

Item	Description	Qty./	Unit	#1 - Fischer Ulman Const. Inc.			#2 - Al Dix Concrete			#3 - Mills Flatworks, LLC.			#4 - Jim Fischer, Inc.		
				Unit Price/\$	Total/\$	Unit Price/\$	Total/\$	Unit Price/\$	Total/\$	Unit Price/\$	Total/\$	Unit Price/\$	Unit Price/\$	Total/\$	Unit Price/\$
1.	Furnish & Install 4" Sidewalk	31,000	sq. ft.	\$3.31	\$102,610.00	\$3.40	\$105,400.00	\$3.35	\$103,850.00	\$3.62	\$112,220.00				
2.	Furnish & Install 5" Sidewalk	4,000	sq. ft.	\$3.47	\$13,880.00	\$3.60	\$14,400.00	\$3.50	\$14,000.00	\$3.90	\$15,600.00				
3.	Furnish & Install 5" Driveway Apron	700	sq. ft.	\$3.44	\$2,408.00	\$3.60	\$2,520.00	\$3.40	\$2,380.00	\$3.90	\$2,730.00				
4.	Furnish & Install 5" Private Driveway	150	sq. ft.	\$3.48	\$522.00	\$3.60	\$540.00	\$3.40	\$510.00	\$3.90	\$585.00				
5.	Furnish & Install 7" Sidewalk	650	sq. ft.	\$3.60	\$2,340.00	\$3.85	\$2,502.50	\$3.50	\$2,275.00	\$4.25	\$2,762.50				
6.	Furnish & Install 7" Handicap Ramp	1,400	sq. ft.	\$3.64	\$5,096.00	\$4.00	\$5,600.00	\$3.60	\$5,040.00	\$4.25	\$5,950.00				
7.	Furnish & Install 7" Driveway Apron	240	sq. ft.	\$3.62	\$868.80	\$3.85	\$924.00	\$3.60	\$864.00	\$4.10	\$984.00				
8.	Furnish & Install 8" Sidewalk	75	sq. ft.	\$4.00	\$300.00	\$4.10	\$307.50	\$4.00	\$300.00	\$4.50	\$337.50				
9.	Furnish & Install 8" Driveway Apron	100	sq. ft.	\$4.00	\$400.00	\$4.10	\$410.00	\$4.00	\$400.00	\$4.50	\$450.00				
10.	Text Imprint (Poem Stamping)	18	Each	\$30.00	\$540.00	\$50.00	\$900.00	\$200.00	\$3,600.00	\$300.00	\$5,400.00				
11.	Furnish & Install 3" Sidewalk at Vaults	20	sq. ft.	\$4.85	\$97.00	\$8.00	\$160.00	\$4.70	\$94.00	\$8.00	\$160.00				
12.	Furnish & Install 4" Sidewalk at Vaults	20	sq. ft.	\$4.90	\$98.00	\$8.00	\$160.00	\$4.90	\$98.00	\$8.00	\$160.00				
13.	Furnish & Install 6" Sidewalk at Vaults	20	sq. ft.	\$5.30	\$106.00	\$8.50	\$170.00	\$5.30	\$106.00	\$8.50	\$170.00				
14.	Furnish & Install 3" Colored & Stamped Sidewalk at Vaults	20	sq. ft.	\$11.00	\$220.00	\$15.00	\$300.00	\$13.50	\$270.00	\$15.00	\$300.00				
15.	Furnish & Install 4" Colored & Stamped Sidewalk at Vaults	20	sq. ft.	\$11.25	\$225.00	\$15.00	\$300.00	\$13.75	\$275.00	\$15.00	\$300.00				
16.	Furnish & Install 6" Colored & Stamped Sidewalk at Vaults	20	sq. ft.	\$12.50	\$250.00	\$16.00	\$320.00	\$14.25	\$285.00	\$16.00	\$320.00				
17.	Furnish & Install 4" Picture Frame Sidewalk	300	sq. ft.	\$5.30	\$1,590.00	\$5.25	\$1,575.00	\$5.10	\$1,530.00	\$4.95	\$1,485.00				
18.	Furnish & Install 7" Picture Frame Sidewalk	175	sq. ft.	\$5.30	\$927.50	\$5.40	\$945.00	\$5.10	\$892.50	\$5.25	\$918.75				
19.	Furnish & Install 5" Colored & Stamped Sidewalk	125	sq. ft.	\$9.50	\$1,187.50	\$10.00	\$1,250.00	\$14.00	\$1,750.00	\$10.00	\$1,250.00				
20.	Furnish & Install 7" Colored Concrete Handicap Ramp	100	sq. ft.	\$9.52	\$952.00	\$12.00	\$1,200.00	\$8.00	\$800.00	\$11.00	\$1,100.00				
21.	Furnish & Install 7" Plain Concrete Pavement	40	sq. yds.	\$43.25	\$1,730.00	\$44.00	\$1,760.00	\$45.00	\$1,800.00	\$45.00	\$1,800.00				
22.	Furnish & Install 8" Plain Concrete Pavement	40	sq. yds.	\$45.45	\$1,818.00	\$45.00	\$1,800.00	\$47.00	\$1,880.00	\$46.80	\$1,872.00				
23.	Furnish & Install 30" Concrete Curb & Gutter	100	lin. ft.	\$18.50	\$1,850.00	\$20.00	\$2,000.00	\$25.00	\$2,500.00	\$18.50	\$1,850.00				

Item	Description	Qty./	Unit	#1 - Fischer Ulman Const. Inc.		#2 - Al Dix Concrete		#3 - Mills Flatworks, LLC.		#4 - Jim Fischer, Inc.	
				Price/\$	Total/\$	Unit	Price/\$	Total/\$	Unit	Price/\$	Total/\$
24.	Furnish & Install Special Curb	75	lin. ft.	\$17.00	\$1,275.00		\$18.00	\$1,350.00		\$18.00	\$1,350.00
25.	High Early Concrete - 3 Day	40	cu. yds.	\$10.00	\$400.00		\$10.00	\$400.00		\$12.00	\$480.00
26.	High Early Concrete - 1 Day	80	cu. yds.	\$18.50	\$1,480.00		\$18.00	\$1,440.00		\$18.00	\$1,440.00
27.	Full Depth Sawcut	300	lin. ft.	\$2.75	\$825.00		\$3.00	\$900.00		\$2.50	\$750.00
28.	Concrete Pavement Removal	70	sq. yds.	\$4.00	\$280.00		\$4.00	\$280.00		\$4.00	\$280.00
29.	Curb & Gutter Removal	100	lin. ft.	\$3.75	\$375.00		\$4.00	\$400.00		\$4.00	\$400.00
30.	Private Concrete/Asphalt Drive Removal	175	sq. ft.	\$0.74	\$129.50		\$1.00	\$175.00		\$1.00	\$175.00
31.	Concrete/Asphalt Driveway Apron Removal	600	sq. ft.	\$0.73	\$438.00		\$1.00	\$600.00		\$1.00	\$600.00
32.	Concrete/Asphalt Handicap Removal	1,200	sq. ft.	\$0.78	\$936.00		\$1.00	\$1,200.00		\$0.80	\$960.00
33.	Concrete/Asphalt Sidewalk Removal	33,000	sq. ft.	\$0.77	\$25,410.00		\$0.80	\$26,400.00		\$0.80	\$26,400.00
34.	Furnish & Install Gravel Fill	100	tons	\$12.15	\$1,215.00		\$12.00	\$1,200.00		\$14.00	\$1,400.00
35.	Furnish & Install No. 4 Reinforcing Rods	500	lin. ft.	\$0.76	\$380.00		\$1.00	\$500.00		\$1.00	\$500.00
36.	Furnish & Install Drill-In Tie Bars	75	each	\$5.85	\$438.75		\$6.00	\$450.00		\$5.00	\$375.00
37.	Furnish & Install 3" Asphalt Pavement	350	sq. ft.	\$4.50	\$1,575.00		\$5.00	\$1,750.00		\$6.00	\$2,100.00
38.	Furnish & Install 6" Asphalt Pavement	300	sq. ft.	\$6.70	\$2,010.00		\$7.00	\$2,100.00		\$8.00	\$2,400.00
39.	Adjust Sanitary Manhole Top	1	each	\$275.00	\$275.00		\$250.00	\$250.00		\$275.00	\$275.00
40.	Adjust Storm Manhole Top	2	each	\$240.00	\$480.00		\$250.00	\$500.00		\$275.00	\$550.00
41.	Furnish & Install 15' of 3" PVC	4	each	\$62.50	\$250.00		\$75.00	\$300.00		\$60.00	\$240.00
42.	Adjust Inlet Tops	2	each	\$245.00	\$490.00		\$250.00	\$500.00		\$275.00	\$550.00
43.	Furnish & Install Truncated Domes	350	sq. ft.	\$27.00	\$9,450.00		\$26.00	\$9,100.00		\$25.00	\$8,750.00
44.	Furnish & Install Traffic Control	1	lump sum	\$2,150.00	\$2,150.00		\$2,500.00	\$2,500.00		\$2,500.00	\$2,500.00

Memorandum

To: Finance Committee

From: Dean R. Gazza, Director of Parks, Recreation and Facilities Management

Date: April 17, 2014

Re: Action: Award Telulah Park Parking Lot and Entrance Road Project to Peters Concrete in the amount of \$208,510.59 with a 10% contingency of \$20,851 for a contract total not to exceed \$229,361.59.

The bids for the Telulah Park parking lot and entrance road project were opened on Wednesday, April 16, 2014. The project includes the excavation and base material for the parking lot, entrance road and skate park and construction of the facilities to address stormwater management requirements. Six bids were received for the project. Peters Concrete was determined to be the low bidder. The base bid for the excavation and base material for the parking lot and entrance road and stormwater facilities is \$178,235.95. It is the recommendation of the Parks, Recreation and Facilities Management Department to accept an alternate bid of \$10,750 to complete the landscaping around the parking lot and entrance road and also accept an alternate bid of \$19,524.64 to complete the excavation and base material for the skate park that will be constructed immediately adjacent to the parking lot. A 10 % contingency of \$20,851 is being recommended for a total contract with Peters Concrete of \$229,361.59.

The Parks, Recreation and Facilities Management Department's Capital Projects Fund includes a budget of \$350,000 for these projects. Design and engineering services are \$21,200 for the project, leaving a balance of \$99,438.41 for asphalt paving after the completion of the skate park this fall.

It is the recommendation of the Parks, Recreation and Facilities Management Department to award the contract to Peters Concrete for \$229,361.59. Construction would begin in late May with completion by late summer, weather permitting.

Please feel free to contact me at 832-5572 with any questions, or by email at dean.gazza@appleton.org.



City of Appleton

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

Meeting Minutes CEA Review Committee

Tuesday, April 8, 2014

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership

Present: 4 - Alderperson Chris Croatt, Alderperson Curt Konetzke, Deputy Finance Director Tony Saucerman and Public Works Director Paula Vandehey

3. Approval of minutes from previous meeting

14-614 Minutes from February 25, 2014.

Attachments: [Minutes from February 25, 2014.pdf](#)

Alderperson Croatt moved, seconded by Deputy Finance Director Saucerman, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 4 - Alderperson Croatt, Alderperson Konetzke, Deputy Finance Director Saucerman and Public Works Director Vandehey

4. Public Hearings/Appealances

5. Action Items

14-606 Request to upgrade Van #1023, being replaced in 2015, with an SUV for a total budget impact of \$4,000.

Attachments: [Request to upgrade Van #1023.pdf](#)

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

Aye: 4 - Alderperson Croatt, Alderperson Konetzke, Deputy Finance Director Saucerman and Public Works Director Vandehey

14-607 Request to upgrade Reid Golf Course pickup truck #601, being replaced in 2015, to 4-wheel drive for a total budget impact of \$2,800.

Attachments: [Request to upgrade Reid Golf Course pickup truck #601.pdf](#)

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

Aye: 4 - Alderperson Croatt, Alderperson Konetzke, Deputy Finance Director Saucerman and Public Works Director Vandehey

14-608

Request to upgrade Facilities pickup truck #504, being replaced in 2015, to a 3/4 ton chassis with an eight foot service body for a total budget impact of \$13,000.

Attachments: [Request to upgrade Facilities pickup truck #504.pdf](#)

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

Aye: 4 - Alderperson Croatt, Alderperson Konetzke, Deputy Finance Director Saucerman and Public Works Director Vandehey

14-609

Request to upgrade Truck #491, being replaced in 2015, with an aerial lift truck for a total budget impact of \$28,000.

Attachments: [Request to upgrade Truck #491.pdf](#)

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

Aye: 4 - Alderperson Croatt, Alderperson Konetzke, Deputy Finance Director Saucerman and Public Works Director Vandehey

14-610

Request to upgrade Sweeper #111, being replaced in 2015, with a second broom for a total budget impact of \$6,500.

Attachments: [Request to upgrade sweeper #111.pdf](#)

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

Aye: 4 - Alderperson Croatt, Alderperson Konetzke, Deputy Finance Director Saucerman and Public Works Director Vandehey

14-611

Request to upgrade Truck #19, being replaced in 2015, with a live bottom dual auger, RDS body with dual front spinners for a total budget impact of \$13,000.

Attachments: [Request to upgrade single axle truck #19.pdf](#)

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

Aye: 4 - Alderperson Croatt, Alderperson Konetzke, Deputy Finance Director Saucerman and Public Works Director Vandehey

- 14-612** Request to replace the Beast Grinder #120 in 2015 (3 years ahead of schedule) and upgrade with a grinder mounted, self-powered air compressor for a total budget impact of \$89,605.

Attachments: [Request to replace and upgrade the Beast grinder.pdf](#)

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

Aye: 4 - Alderson Croatt, Alderson Konetzke, Deputy Finance Director Saucerman and Public Works Director Vandehey

- 14-613** Request to replace Truck #657 in 2015 (2 years ahead of schedule) and upgrade to an F-350 pick-up truck for a total budget impact of \$8,988.

Attachments: [Request to replace and upgrade pickup truck #657.pdf](#)

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

Aye: 4 - Alderson Croatt, Alderson Konetzke, Deputy Finance Director Saucerman and Public Works Director Vandehey

6. Information Items

7. Adjournment

Alderson Croatt moved, seconded by Public Works Director Vandehey, that the meeting be adjourned. Roll Call. Motion carried by the following vote:

Aye: 4 - Alderson Croatt, Alderson Konetzke, Deputy Finance Director Saucerman and Public Works Director Vandehey

AN ORDINANCE CREATING SECTION 4-143 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO MAINTENANCE GENERALLY.

(Municipal Services Committee – 4-16-17)

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

Section 1: That Section 4-143 of Chapter 4 of the Municipal Code of the City of Appleton, relating to maintenance generally, is hereby created to read as follows:

Sec. 4-143. Maintenance generally.

(a) All commercial structures and buildings, or portions thereof, shall be maintained to comply with the following requirements:

- (1) Every foundation, exterior wall and roof and gutter system shall be reasonably weather tight, waterproof and rodent-proof and shall be kept in a good state of maintenance and repair.
- (2) Every interior partition wall, floor and ceiling shall be capable of affording privacy, kept in a reasonably good state of repair and maintained so as to permit it to be kept in a clean and sanitary condition.
- (3) All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings or floors of any habitable room, or any bathroom, or of any toilet room.
- (4) Every inside and outside stairway, every porch and every appurtenance thereto shall be constructed in accordance with applicable building codes; and shall be kept in sound condition and a reasonably good state of maintenance and repair.
- (5) Every supplied plumbing fixture and water or waste pipe shall be properly installed in accordance with the Wisconsin Plumbing Code and shall be maintained in good, sanitary working condition.
- (6) Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean and maintained in a reasonably good state of repair.
- (7) Every toilet room floor surface and bathroom floor surface shall be maintained so as to be impervious to water and so as to permit such floors

to be kept in a clean and sanitary condition.

- (8) Every supply facility, piece of equipment, or utility which is required under this article shall be so constructed or installed that it will function properly and shall be maintained in reasonably good working condition.
- (9) Every parking lot, driveway and sidewalk shall be kept in good state of repair and shall be maintained in conformance with the approved site plan when applicable. Handicap accessible parking stalls shall be provided in accordance with State building code at the time maintenance and repair work is done.

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

18-14

AN ORDINANCE AMENDING SECTION 4-231 OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEFINITIONS.

(Municipal Services Committee – 4-16-14)

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

Section 1: That Section 4-231 of Chapter 4 of the Municipal Code of the City of Appleton, relating to definitions, is hereby amended to read as follows:

Sec. 4-231. Definitions.

(a) 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:

Family means one (1) or more individuals not necessarily related by blood, marriage, adoption, or guardianship, living together under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

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

19-14

AN ORDINANCE AMENDING SECTION 4-236(1) OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO MAINTENANCE GENERALLY.

(Municipal Services Committee – 4-16-14)

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

Section 1: That Section 4-236(1) of Chapter 4 of the Municipal Code of the City of Appleton, relating to maintenance generally, is hereby amended to read as follows:

Sec. 4-236. Maintenance generally.

All residential structures and buildings, or portions thereof, shall be maintained to comply with the following requirements:

- (1) Every foundation, exterior wall and roof and gutter system shall be reasonably weather tight, waterproof and rodent-proof and shall be kept in a good state of maintenance and repair.

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

20-14

AN ORDINANCE AMENDING SECTION 4-239(6) OF CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO LIGHTING, VENTILATION AND HEATING.

(Municipal Services Committee – 4-16-14)

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

Section 1: That Section 4-239(6) of Chapter 4 of the Municipal Code of the City of Appleton, relating to lighting, ventilation and heating, is hereby amended to read as follows:

Sec. 4-239. Lighting, ventilation and heating.

All residential dwellings, or portion thereof, shall be maintained to comply with the following requirements:

- (6) Every owner or operator of any dwelling who rents, leases or lets for human habitation any dwelling unit contained within such dwelling on terms, either expressed or implied, to supply or furnish heat to the occupants thereof, shall maintain therein a minimum temperature of seventy (70) degrees Fahrenheit or in accordance with the design standards established in the Wisconsin Uniform Dwelling Code, SPS 322.40. Whenever a dwelling is heated by means of a furnace, boiler or other heating apparatus under the control of the owner or operator of the dwelling, such owner or operator, in the absence of a written contract or agreement to the contrary, shall be deemed to have contracted, undertaken or bound himself to furnish heat in accordance with provisions of this subsection to every dwelling unit which contains radiators, furnace heat duct outlets, or other heating apparatus outlets.

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

21-14

AN ORDINANCE AMENDING SECTION 15-26 OF CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEFINITIONS.

(Municipal Services Committee – 4-16-14)

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

Section 1: That Section 15-26 of Chapter 15 of the Municipal Code of the City of Appleton, relating to definitions, and the following definitions are hereby amended to read as follows:

Sec. 15-26. 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:

Polycart means a plastic container issued by the City of Appleton for the storage and collection of solid waste or recyclables.

Solid wastes shall be as defined in §289.01(33), Wisconsin Statutes; it includes the following categories:

- (12) **Refuse** shall mean miscellaneous combustible and noncombustible waste material resulting from housekeeping activities including, not limited to ashes, glass, metals, rubber, street wastes, wood, cloth, and litter.

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

22-14

AN ORDINANCE AMENDING SECTION 15-28 OF CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CONTAINERS.

(Municipal Services Committee – 4-16-14)

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

Section 1: That Section 15-28 of Chapter 15 of the Municipal Code of the City of Appleton, relating to containers, is hereby amended to read as follows:

Sec. 15-28. Containers.

(a) Owners of a single-family premise shall be provided polycarts by the City for each premise. One polycart shall be for solid waste storage and the other shall be designated solely for the collection of recyclables. Only polycarts and bags marked with a special collection tag are permitted containers for solid waste collection for single-family residences. Recyclables shall only be disposed of in the designated polycart.

(b) Owners of multiple-family premises shall provide and maintain suitable containers having sufficient capacity to store a normal one- (1-) week accumulation or collection of garbage, refuse and recycling of all units.

(c) All containers used for the collection of solid waste material or recyclables shall be structurally sound and specifically designed for the storage of solid waste or recycling material. They shall be durable, rust resistant, nonabsorbent, watertight and easily cleaned. Containers shall be made of metal, plastic or other suitable material, have adequate handles or bails to facilitate handling. Containers used for solid waste and recycling storage or collection must have properly fitting covers unless specifically authorized by the Director of Public Works.

(d) One-way disposable bags made of polyethylene (minimum one and one-half (1½ mil)) properly secured, are acceptable containers for overflow refuse only when marked with a

special collection tag.

(e) Garbage and refuse stored outside or on top of such containers will not be collected unless placed in a disposable bag and marked with a special collection tag. Bulky items such as furniture and carpets are exempted.

(f) Any container used for collection of solid waste or recyclable material shall be maintained in a clean, sanitary and structurally sound manner so as to prevent the creation of a nuisance or menace to public health and safety.

(g) The use of dumpsters for the storage or disposal of solid waste or recyclables for one-(1-) or two-(2-) family residences is prohibited; except for the temporary use of a dumpster in conjunction with an active building or razing permit, or the use of a dumpster for a period not to exceed fourteen (14) days and the household waste only.

(h) Any container deemed defective by the Director of Public Works may be removed as refuse by the City following notification to the occupant.

(i) Other types of containers conforming to the intent of this section and approved by the Director of Public Works may be used.

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

23-14

AN ORDINANCE AMENDING SECTION 15-30 OF CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PREPARATION OF SOLID WASTE AND RECYCLABLES.

(Municipal Services Committee – 4-16-14)

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

Section 1: That Section 15-30 of Chapter 15 of the Municipal Code of the City of Appleton, relating to preparation of solid waste and recyclables, is hereby amended to read as follows:

Sec. 15-30. Preparation of solid waste and recyclables.

(a) Domestic solid waste may be mixed and placed in a common container.

- (b) Domestic waste shall be drained of all free liquid, then wrapped, packaged and/or bundled.
- (c) Commercial waste must be drained and stored in approved containers.
- (d) Brush must be cut into four- (4-) foot lengths and tied in bundles. Bundles shall be no larger than two (2) feet in diameter and weigh no more than forty-five (45) pounds.
- (e) Wooden boxes and lumber. Material such as wooden boxes and lumber shall be broken up so it can be reasonably handled and located by one (1) person into the collection truck. Lumber shall be cut into four- (4-) foot lengths. Exposed nails shall be removed.
- (f) Cardboard boxes shall be broken down and placed inside the recycling polycart for collection. All loose material shall be placed in similar boxes or containers, with cumulative weight not to exceed forty-five (45) pounds.
- (g) Ashes shall be thoroughly cooled before being placed for collection.
- (h) All refuse shall be free of jagged or sharp edges, protruding nails, broken glass, protruding screws and any other hazardous condition.
- (i) Overflow refuse (tires, appliances and other solid waste designated by the City) must be marked with a special collection tag.
- (j) Recyclables must be cleaned and placed in a recycling container. Paper does not need to be separated from other recyclables.
- (k) Grass clippings, brush, leaves, tree waste and yard waste may not be mixed with domestic or commercial wastes.
- (l) Eligible Electronic Devices may not be placed for collection with either solid wastes or recyclables. They must be disposed of in a manner and at a location approved by the Wisconsin Department of Natural Resources.

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

24-14

AN ORDINANCE AMENDING SECTION 15-32 OF CHAPTER 15 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SCAVENGING OF SOLID WASTE OR RECYCLABLES PLACED FOR COLLECTION.

(Municipal Services Committee – 4-16-14)

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

Section 1: That Section 15-32 of Chapter 15 of the Municipal Code of the City of Appleton, relating to scavenging of solid waste or recyclables placed for collection, is hereby amended to read as follows:

Sec. 15-32. Scavenging of solid waste or recyclables placed for collection.

Authorized personnel. It shall be unlawful for any person other than authorized City employees or County recycling contractors to go through, sort or take anything from any solid waste or recyclables that have been set out for the purpose of being picked up by City refuse collection personnel. Yard waste, grass clippings and brush are not included in the prohibitions set forth in this paragraph.

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

25-14

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 4-2-14)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Parking be prohibited on the north side of Fremont Street from Monroe Street to a point 35 feet east of Monroe Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

26-14

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 4-2-14)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Two hour parking 7 a.m. to 5 p.m., except Sundays and Holidays, on the north side of Fremont Street from a point 35 east of Monroe Street to a point 35 feet west of Madison Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

27-14

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 4-2-14)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Parking be prohibited on the north side of Fremont Street from Madison Street to a point 35 feet west of Madison Street.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

28-14

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 4-2-14)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Parking be prohibited on Fremont Street from Madison Street to Kernan Avenue.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

29-14

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 4-2-14)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Parking be prohibited on the north side of Fremont Street from Kernan Avenue to Walden Avenue.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

30-14

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 4-2-14)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Parking be prohibited on the south side of Fremont Street from Walden Avenue to Telulah Avenue.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

31-14

AN ORDINANCE AMENDING SECTION 19-86 OF CHAPTER 19 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PARKING RESTRICTIONS.

(Municipal Services Committee 4-2-14)

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

Section 1: That Section 19-86 of Chapter 19 of the Municipal Code of the City of Appleton, relating to parking restrictions, is hereby created as follows:

Parking be prohibited on the north side of Fremont Street from Telulah Avenue to a point 35 feet west of Telulah Avenue.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication, the Traffic Engineer is authorized and directed to make the necessary changes in the Parking District Map in accordance with this Ordinance.

32-14

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 4-16-14)

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 along the north side of East Plank Road and the south side of S.T.H. 441 from R-1A Single-Family District to R-3 Multi-Family. (Rezoning #2-14 – Prospera Credit Union)

LEGAL DESCRIPTION:

CSM 2618 LOT 1 VOL 20 DOC 367736
BEING PRT OF E1/2 OF E1/2 OF SW1/4 AND W1/2 OF W1/2 OF SE1/4 SEC
5 T20N R18E 16.207 ACRES AND INCLUDING THE CENTERLINE OF
THE ADJACENT RIGHT-OF-WAY.

COMMON DESCRIPTION:

Land located along the north side of East Plank Road and the south side of S.T.H. 441

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.