



# City of Appleton

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

## Meeting Agenda - Final-revised Common Council

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Wednesday, July 15, 2015

7:00 PM

Council Chambers

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- A. CALL TO ORDER
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE FLAG
- D. ROLL CALL OF ALDERPERSONS
- E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS
- F. PUBLIC PARTICIPATION
- G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES  
[15-1162](#) Common Council Meeting Minutes from July 1, 2015.

**Attachments:** [CC Minutes 07-01-2015.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR
- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS

### 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[15-1141](#) Request from Memorial Presbyterian Church to appeal their \$50.00 Weed Administration Fee for the vacant lot at 802 E. John Street.

**Attachments:** [Request from Memorial Presbyterian Church.pdf](#)

**Legislative History**

7/7/15	Municipal Services Committee	recommended for denial
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[15-1143](#)

Award sole source contract with Walker Parking Consultants for professional services related to retrofitting the Green, Yellow and Red Parking Ramps to pay-on-exit design in an amount not to exceed \$46,500.

**Attachments:** [Award Contract with Walker Parking Consultants.pdf](#)

**Legislative History**

7/7/15	Municipal Services Committee	recommended for approval
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[15-1146](#)

Alley north of Spencer Street (Linwood Ave to Victoria St):

The alley north of Spencer Street, from Linwood Avenue to Victoria Street, be reconstructed with concrete pavement to a width of 10' from edge of pavement to edge of pavement, which is the same width as the existing alley.

**Legislative History**

7/7/15	Municipal Services Committee	recommended for approval
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[15-1149](#)

Alley north of Spencer Street (Spruce St to Summit St):

The alley north of Spencer Street, from Spruce Street to Summit Street, be reconstructed with concrete pavement to a width of 10' from edge of pavement to edge of pavement, which is the same width as the existing alley.

**Legislative History**

7/7/15	Municipal Services Committee	recommended for approval
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[15-1150](#)

Division Street (Franklin St to Atlantic St):

Division Street, from Franklin Street to Packard Street, be reconstructed with concrete pavement and curb and gutter to a width of 39' from back of curb to back of curb, which is 2' wider than the existing street within this block. Current on-street parking would remain unchanged. Three (3) street trees along the east side of Division Street will be removed due to close proximity to the proposed street and poor condition.

Division Street, from Packard Street to Atlantic Street, be reconstructed with concrete pavement and curb and gutter to a width of 34' from back of curb to back of curb, which is 3' narrower than the existing street within this block. Division Street, within this block, would be narrowed by 2' along the west side and 1' along the east side. On-street parking would be removed along the west side of Division Street between Packard Street to Atlantic Street. Four (4) street trees within this block will be removed due to close proximity to the proposed street and poor condition.

**Legislative History**

7/7/15	Municipal Services Committee	recommended for approval
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[15-1151](#)

Glendale Ave (Birchwood Ave to Mason St):

Glendale Avenue, from Birchwood Ave to Linwood Avenue, be reconstructed with concrete pavement and curb and gutter to a width of 33' from back of curb to back of curb, which is four (4') feet narrower than the existing street. Current on-street parking would remain unchanged.

Glendale Avenue, from Linwood Avenue to Mason Street, be reconstructed with concrete pavement and curb and gutter to a width of 37' from back of curb to back of curb, which is the same width as the existing street. Curb bumpouts to improve pedestrian crossings would be constructed at the intersections of Glendale Ave and Nicholas St, Glendale Ave and Outagamie Street, and Glendale Ave and Elinor Street. The north terrace between Gillet Street and Elinor Street, adjacent to Highlands Elementary School, would be reconstructed with concrete sidewalk. Current on-street parking would remain unchanged.

Legislative History

7/7/15	Municipal Services Committee	recommended for approval
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[15-1152](#)

Owaissa Street (Wisconsin Ave to Glendale Ave):

Owaissa Street, from Wisconsin Avenue to Glendale Avenue, be reconstructed with concrete pavement and curb and gutter to a width of 33' from back of curb to back of curb, which is the same width as the existing street. Current on-street parking would remain unchanged.

Legislative History

7/7/15	Municipal Services Committee	recommended for approval
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[15-1153](#)

Bateman Street (Pacific St to Hancock St):

Bateman Street, from Pacific Street to Atlantic Street, be reconstructed with asphalt pavement and concrete curb and gutter to a width of 28' from back of curb to back of curb, which is 1' narrower than the existing street. Bateman Street, from Pacific Street to Atlantic Street, would be narrowed by 1' along the east side to save 3 existing street trees. Current on-street parking would remain unchanged.

Bateman Street, from Atlantic Street to Hancock Street, be reconstructed with concrete pavement and curb and gutter to a width of 29' from back of curb to back of curb, which is the same width as the existing street. On-street parking would be removed from this block of Bateman to improve maneuverability for fire trucks entering and exiting from Fire Station #1.

Legislative History

7/7/15	Municipal Services Committee	recommended for approval
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**2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

[15-1120](#) Operator's License application of Laurie A. Cooper, 2975 W. Lawrence Street, #C5.

**Attachments:** [Letter-Laura Cooper.pdf](#)

**Legislative History**

7/8/15 Safety and Licensing Committee recommended for approval

*A letter of recommendation was provided to the Committee. Tie vote of 2-2 resulting in no recommendation going to council.*

[15-1093](#) Request to accept the Assistance to Firefighters Grant for rehabilitation equipment.

**Attachments:** [Fire Department Grant for rehab equip.pdf](#)

**Legislative History**

7/8/15 Safety and Licensing Committee recommended for approval

[15-1094](#) Request to accept the Fox Valley Regional Trauma Advisory Council (RATC) Grant to fund equipment for traumatic active shooter incidents.

**Attachments:** [Fire Department Grant for equip. for traumatic active shooter incidents.pdf](#)

**Legislative History**

7/8/15 Safety and Licensing Committee recommended for approval

[15-1102](#) "Class B" Beer/Liquor License application of Nakashima Sushi Inc., d/b/a Katsu-Ya of Japan, Lisa S. Nakashima-Lindberg, Agent, 338 W. College Ave., contingent upon approvals from all departments.

**Legislative History**

7/8/15 Safety and Licensing Committee recommended for approval

[15-1117](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 7-8-15 S & L.pdf](#)

**Legislative History**

7/8/15 Safety and Licensing Committee recommended for approval

[15-1118](#) Renewal Operator's Licenses

**Attachments:** [Renewal Operator's Licenses for 7-8-15 S & L.pdf](#)

**Legislative History**

7/8/15 Safety and Licensing Committee recommended for approval

[15-1119](#) Operator License application of Nolan J. Burns, 4608 N. Providence Avenue, #2.

**Legislative History**



7/8/15            Safety and Licensing            recommended for approval  
                         Committee

- [15-1130](#)      Taxicab Company and Limousine Service Renewal License application of L&S Classic Limousine LLC, Leonard M. Trans, W6177 Plymouth Street, contingent upon approvals from all departments.

**Legislative History**

7/8/15            Safety and Licensing            recommended for approval  
                         Committee

- [15-1155](#)      "Class B" Beer/Liquor License application of Tandem Wine and Beer LLC, d/b/a McKnight & Carlson, George H. Koenig, Agent, 1350 W. College Ave., contingent upon approvals from all departments.

**Legislative History**

7/8/15            Safety and Licensing            recommended for approval  
                         Committee

- [15-1164](#)      Amendment to Reserve "Class B" Beer/Liquor License of The Fox Cities Performing Arts Center, Maria S. Van Laanen, Agent, 400 W. College Avenue, for Thursday, July 23, 2015, contingent upon approvals from all departments.

**Legislative History**

7/8/15            Safety and Licensing            recommended for approval  
                         Committee

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

- [15-1116](#)      Request to approve Special Use Permit #7-15 to expand an existing tavern, with an outdoor beer garden, with alcohol service, at 906 S. Olde Oneida Street, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report

**Attachments:** [SUP #7-15 Staff Review.pdf](#)

**Legislative History**

7/6/15            City Plan Commission            recommended for approval

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

- [15-1147](#)      Action: Award contract to Omni Glass & Paint, Inc. for Erb Pool Main Tank Sealant Restoration and Recoating in the amount of \$74,850 with a 10% contingency of \$7,485 for a contract total not to exceed \$82,335

**Attachments:** [2015 Erb Pool Main Tank Sealant Restoration and Recoating Proposal Recon](#)

**Legislative History**

7/6/15            Parks and Recreation            recommended for approval  
                         Committee

### 5.        **MINUTES OF THE FINANCE COMMITTEE**

- [15-1165](#) CRITICAL TIMING\* Approve Contract Amendment/Change Order #3 to Contract 1-13 for Unit T-11 Stormwater Storage Project with Radtke Contractors, Inc. to decrease for structural repairs and waterproofing of new access manhole by MIC in the amount of \$20,000. Overall contract decrease from \$3,512,734.87 to \$3,492,734.87.

Attachments: [Change Order #3 - Unit T-11.pdf](#)

- [15-1166](#) CRITICAL TIMING\* Request approval to sole source contract with Midwest Industrial Coatings for structural repairs and additional waterproofing for the Appleton East Stormwater Storage project in an amount not to exceed \$20,000.

Attachments: [Finance Memo for Unit T-11.pdf](#)

- [15-1134](#) Request to reject awarding tennis court construction at Highview Park to MCC, Inc for a contract amount of \$143,239.

Attachments: [2015 Highview Park Tennis Courts Re-Bid Recommendation.pdf](#)

Legislative History

7/7/15 Finance Committee recommended for approval

- [15-1136](#) Request to approve Second Addition to Emerald Valley New Subdivision Development Agreement.

Attachments: [Emerald Valley Second Addition Development Agreement.pdf](#)

Legislative History

7/7/15 Finance Committee recommended for approval

- [15-1161](#) Request approval to utilize \$845,330 of unassigned fund balance to reduce long-term debt and retain \$70,680 for future uncertainties.

Attachments: [2014 Fund Balance.pdf](#)

Legislative History

7/7/15 Finance Committee recommended for approval

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

- [15-1068](#) Request to approve the installation of infrastructure and paving of Vantage Drive from Lakeland Drive to Eisenhower Drive as the next phase (and final phase for TIF District #6) in Southpoint Commerce Park

Attachments: [Memo on Southpoint Commerce Park Vantage Drive Phase 6-2015 Revised.pdf](#)

[Southpoint Commerce Park Proposed Phasing 2015-2017.pdf](#)

[Southpoint Commerce Park Old Infrastructure Layout 2007.pdf](#)

Legislative History

6/24/15 Community & Economic Development Committee recommended for approval

7/1/15 Common Council referred to the Community & Economic Development Committee

7/8/15            Community & Economic            recommended for approval  
                         Development Committee

[15-1144](#)            Request to approve the proposed amendments to the CDBG Policy as outlined in the attached documents

**Attachments:** [Memo to CEDC Policy.pdf](#)  
[CDBG Policy Draft with markup.pdf](#)  
[CDBG Policy Draft Clean.pdf](#)

**Legislative History**

7/8/15            Community & Economic            recommended for approval  
                         Development Committee

## 7.            MINUTES OF THE UTILITIES COMMITTEE

[15-1123](#)            Approval of Sole Source Contract to Fiberglass Solutions, Inc. for Hypochlorite Fiberglass Reinforced Plastic Tank Conditions Assessment & Repair Work in the amount of \$57,345 plus a 5% contingency of \$2,867 for a total not to exceed \$60,212

**Attachments:** [Sole Source-Fiberglass Solutions \(7-7-15\).doc](#)

**Legislative History**

7/7/15            Utilities Committee            recommended for approval

[15-1124](#)            Approval of a Sole Source Coating Services contract for the Appleton Wastewater Treatment Plant Tank Coating Project to Omni Glass and Paint, Inc. in the amount of \$56,186 plus a 7.5% contingency of \$4,214 for a total not to exceed cost of \$60,400

**Attachments:** [Sole Source-Omni Glass & Paint, Inc. \(7-7-15\).doc](#)

**Legislative History**

7/7/15            Utilities Committee            recommended for approval

[15-1125](#)            Approval of a Sole Source Engineering Services contract for the Appleton Wastewater Treatment Plant Tank Coating Project to McMahon Engineers & Architects in the amount of \$8,000 plus a 5% contingency of \$400 for a total not to exceed cost of \$8,400

**Attachments:** [Sole Source-McMahon Engineers & Architects \(7-7-15\).doc](#)

**Legislative History**

7/7/15            Utilities Committee            recommended for approval

[15-1126](#)            Request from Nancy Lee Carter, 1036 E. Green Tree Ct #A to appeal the change in Appleton's Stormwater Utility billing for the multifamily classifications.

**Attachments:** [Action Item-Nancy Carter Appeal \(7-7-15\).pdf](#)

**Legislative History**

7/7/15            Utilities Committee            recommended for denial

- [15-1128](#) Request from Donald Fischer, 3229 N. Barkwood Lane to appeal the change in Appleton's Stormwater Utility billing for the multifamily classifications

**Attachments:** [Action Item-Donald Fischer Appeal \(7-7-15\).pdf](#)

**Legislative History**

7/7/15 Utilities Committee recommended for denial

- [15-1139](#) Action: Award contract to Klinger Painting Company, Inc. for Water Plant exterior wall repair in the amount of \$52,200, with a contingency of \$5,000 for a contract total not to exceed \$57,200

**Attachments:** [2015 Water Plant Wall Repairs Proposal Recommendation \(2\).doc](#)

**Legislative History**

7/7/15 Utilities Committee recommended for approval

- [15-1156](#) Request from Diane Mandler, 1016 E. Green Tree Ct #B to appeal the change in Appleton's Stormwater Utility billing for the multifamily classifications.

**Attachments:** [Action Item-Diane Mandler Appeal \(7-7-15\).pdf](#)

**Legislative History**

7/7/15 Utilities Committee recommended for denial

## 8. MINUTES OF THE HUMAN RESOURCES COMMITTEE

- [15-488](#) Request City Attorney salary for  
2016 - 2017  
2017 - 2018  
2018 - 2019  
2019 - 2020

**Attachments:** [Attorney Rates 4-27-15.pdf](#)

[City attorney job description.pdf](#)

**Legislative History**

3/23/15 Human Resources Committee held

*Next Meeting on April 6*

5/11/15 Human Resources Committee held

6/8/15 Human Resources Committee held

6/22/15 Human Resources Committee recommended for approval

*2016-17 = \$115,000*

*1.5% increase in 2017-18, 2018-19, 2019-2020*

*2017-18 = \$116,725*

*2018-19 = \$118,476*

*2019-2020 = \$120,253*

7/1/15 Common Council referred to the Human Resources Committee  
*Moved by Dannecker, seconded by Martin, to amend to \$117,500 beginning 2016 and 1.5 percent increase each year of term. Motion failed. Aye - 6 (Dannecker, Martin, Dalton, Siebers, Mann, Lobner) Nay - 7 (Spears, Meltzer, Plank, Konetzke, Baranowski, Coenen, Jirschele) Excused - 2 (Croatt, Williams) Abstained - 1 (Hanna).*

7/6/15 Human Resources approved  
Committee

[15-1160](#)

## #9-R-15 ALDERPERSON: Baranowski

Whereas, Article 11 of the Charter Ordinances of the City of Appleton, defines the structure of elected officials, and whereas, the Mayor and the term of said office is four years effective with the new terms of the office in the year 1968, and whereas, the current term of the Mayor is set to expire in 2016, and whereas, the Common Council of the City of Appleton is required to set the salary for the position of Mayor prior to the statutory date to which candidates for the Mayor are allowed to circulate nomination papers for said office,

Therefore, be it resolved, that the appropriate committee of jurisdiction make a recommendation to the Common Council as to maintaining the current ordinance reflecting the Mayor as an elected official or to move to another structure of government incorporating a City Administrator position in lieu of, or in addition to, a Mayor position. Such recommendation to the Common Council will be made no later than October 07, 2015.

Legislative History

7/6/15 Human Resources recommended for denial  
Committee  
*"or Manager" inserted following "City Administrator" to clarify study would include both Manager and Administrator forms.  
3-0-1 on amendment (Melzer abstained)*

**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION****10. MINUTES OF THE BOARD OF HEALTH**[15-1122](#)

Noise Variance Request - Mile of Music

Attachments: [Noise Variance Request - Mile of Music.pdf](#)  
[Mile of Music Venue Listing Simple Listing.pdf](#)

Legislative History

7/8/15 Board of Health recommended for approval

**M. CONSOLIDATED ACTION ITEMS****O. ITEMS HELD**

## P. ORDINANCES

## Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION

## R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION

## S. OTHER COUNCIL BUSINESS

[15-1163](#) Possible Reconsideration of Item 15-1031 (Aldersperson Croatt) - Request to approve Special Use Permit #5-15 for a 105-ft monopole wireless telecommunication tower

[15-1031](#) Request to approve Special Use Permit #5-15 for a 105-foot monopole wireless telecommunication tower with related ground equipment located at 1610 W. Wisconsin Avenue, as shown on the attached maps and per attached plan of operation, subject to the conditions in the attached staff report

**Attachments:** [SUP #5-15 Staff Review.pdf](#)

**Legislative History**

6/22/15	City Plan Commission	recommended for approval
7/1/15	Common Council	approved

*Motion failed 5-7 vote.*

## T. ADJOURN

Dawn A. Collins, City Clerk

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



# City of Appleton

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

## Meeting Minutes - Final Common Council

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Wednesday, July 1, 2015

7:00 PM

Council Chambers

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A. CALL TO ORDER

*Meeting called to order at 7 pm.*

B. INVOCATION

*Offered by Alderperson Dalton.*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 14 - Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Mayor Timothy Hanna, Alderperson Polly Dalton, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margaret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

**Excused:** 2 - Alderperson Chris Croatt and Alderperson Christine Williams

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

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

F. PUBLIC PARTICIPATION

*Name - Address - Topic*  
*Debbie Ratliff Gendron - 912 S Walden - Parking Restriction*  
*Beverly Lehmann - 830 S Kernan - Parking Restriction*  
*Guang Hai Chen - 1000 W Wisconsin #3 - Min Du Buffet*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

**Alderson Konetzke moved, Alderson Baranowski seconded, to approve both Meeting Minutes. The motion carried by the following vote:**

**Aye:** 13 - Alderson Dannecker, Alderson Martin, Alderson Spears, Alderson Dalton, Alderson Meltzer, Alderson Plank, Alderson Siebers, Alderson Konetzke, Alderson Baranowski, Alderson Mann, Alderson Coenen, Alderson Lobner and Alderson Jirschele

**Excused:** 2 - Alderson Croatt and Alderson Williams

**Abstained:** 1 - Mayor Hanna

[15-1086](#)

Common Council Meeting Minutes from the June 17, 2015 Special Meeting.

**Attachments:** [CC Minutes 06-17-2015 - Special Meeting.pdf](#)

**This Report Action Item was approved**

[15-1087](#)

Common Council Meeting Minutes from June 17, 2015.

**Attachments:** [CC Minutes 06-17-2015.pdf](#)

**This Report Action Item was approved**

#### H. BUSINESS PRESENTED BY THE MAYOR

[15-1033](#)

Presentation of Flag Day Parade Award Winners.

[15-1112](#)

Presentation of Park and Recreation Month Proclamation  
Presentation of Children's Week Proclamation

[15-1095](#)

Appointment to Appleton Redevelopment Authority - Will Weider

**Attachments:** [APPOINTMENT TO ARA BIOGRAPHY EXPIRED TERM 070115.pdf](#)

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

**Aye:** 13 - Alderson Dannecker, Alderson Martin, Alderson Spears, Alderson Dalton, Alderson Meltzer, Alderson Plank, Alderson Siebers, Alderson Konetzke, Alderson Baranowski, Alderson Mann, Alderson Coenen, Alderson Lobner and Alderson Jirschele

**Excused:** 2 - Alderson Croatt and Alderson Williams



**Abstained:** 1 - Mayor Hanna

## I. PUBLIC HEARINGS

[15-1088](#)

Public Hearing - 3-P-15.

**Attachments:** [CC 07-01-2015-Public Hearing - 3-P-15.pdf](#)

*No person spoke for or against this.*

## J. SPECIAL RESOLUTIONS

[15-1089](#)

Adopt Final Resolution 3-P-15 authorizing street improvements and levying Special Assessments against benefited property.

**Attachments:** [CC 07-01-2015 Final Resolution - 3-P-15.pdf](#)

*Public Hearing was held on July 1, 2015.*

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

**Aye:** 13 - Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Aldersperson Dalton, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski, Aldersperson Mann, Aldersperson Coenen, Aldersperson Lobner and Aldersperson Jirschele

**Excused:** 2 - Aldersperson Croatt and Aldersperson Williams

**Abstained:** 1 - Mayor Hanna

## K. ESTABLISH ORDER OF THE DAY

[15-1061](#)

Approve proposed six-month trial period for on-street parking changes in the area of Richmond Elementary School.

**Attachments:** [Richmond Elementary School.pdf](#)  
[Petition trail for Walden Ave.pdf](#)

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

**Aye:** 13 - Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Aldersperson Dalton, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski, Aldersperson Mann, Aldersperson Coenen, Aldersperson Lobner and Aldersperson Jirschele

**Excused:** 2 - Alderperson Croatt and Alderperson Williams

**Abstained:** 1 - Mayor Hanna

[15-1032](#)

Request to approve Special Use Permit #6-15 for a restaurant with alcohol sales at 1000 W. Wisconsin Avenue, Unit #3, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report

**Attachments:** [SUP #6-15 Staff Review.pdf](#)

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

**Aye:** 13 - Alderperson Dannecker, Alderperson Martin, Alderperson Spears, Alderperson Dalton, Alderperson Meltzer, Alderperson Plank, Alderperson Siebers, Alderperson Konetzke, Alderperson Baranowski, Alderperson Mann, Alderperson Coenen, Alderperson Lobner and Alderperson Jirschele

**Excused:** 2 - Alderperson Croatt and Alderperson Williams

**Abstained:** 1 - Mayor Hanna

[15-1066](#)

Request to approve Verizon Wireless Personal Communications Plan as submitted on June 11, 2015 for 2800 E. College Avenue, Appleton

**Attachments:** [Memo on Verizon Wireless Plan 2800 E College Ave.pdf](#)  
[Verizon Wireless - Kensington - Plan Approval Request CEDC w Attachements.pdf](#)  
[Kensington - Woodward Deed 1978.pdf](#)

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

**Aye:** 12 - Alderperson Martin, Alderperson Spears, Alderperson Dalton, Alderperson Meltzer, Alderperson Plank, Alderperson Siebers, Alderperson Konetzke, Alderperson Baranowski, Alderperson Mann, Alderperson Coenen, Alderperson Lobner and Alderperson Jirschele

**Excused:** 2 - Alderperson Croatt and Alderperson Williams

**Abstained:** 2 - Alderperson Dannecker and Mayor Hanna

[15-488](#)

Request City Attorney salary for  
2016 - 2017  
2017 - 2018  
2018 - 2019  
2019 - 2020

**Attachments:**     [Attorney Rates 4-27-15.pdf](#)  
[City attorney job description.pdf](#)

*Moved by Dannecker, seconded by Martin, to amend to \$117,500 beginning 2016 and 1.5 percent increase each year of term. Motion failed. Aye - 6 (Dannecker, Martin, Dalton, Siebers, Mann, Lobner) Nay - 7 (Spears, Meltzer, Plank, Konetzke, Baranowski, Coenen, Jirschele) Excused - 2 (Croatt, Williams) Abstained - 1 (Hanna).*

**This Report Action Item was referred to the Human Resources Committee**

[15-1031](#)

Request to approve Special Use Permit #5-15 for a 105-foot monopole wireless telecommunication tower with related ground equipment located at 1610 W. Wisconsin Avenue, as shown on the attached maps and per attached plan of operation, subject to the conditions in the attached staff report

**Attachments:**     [SUP #5-15 Staff Review.pdf](#)

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

**Aye:** 5 - Aldersperson Martin, Aldersperson Dalton, Aldersperson Meltzer, Aldersperson Lobner and Aldersperson Jirschele

**Nay:** 7 - Aldersperson Spears, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski, Aldersperson Mann and Aldersperson Coenen

**Excused:** 2 - Aldersperson Croatt and Aldersperson Williams

**Abstained:** 2 - Aldersperson Dannecker and Mayor Hanna

[15-1068](#)

Request to approve the installation of infrastructure and paving of Vantage Drive from Lakeland Drive to Eisenhower Drive as the next phase (and final phase for TIF District #6) in Southpoint Commerce Park

**Attachments:**    [Memo on Southpoint Commerce Park Vantage Drive Phase 6-2015 Revised.pdf](#)  
[Southpoint Commerce Park Proposed Phasing 2015-2017.pdf](#)  
[Southpoint Commerce Park Old Infrastructure Layout 2007.pdf](#)

**This Report Action Item was referred to the Community & Economic Development Committee**

## L. COMMITTEE REPORTS

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

**Alderson Lobner moved, Alderson Martin seconded, to approve the balance of the report. The motion carried by the following vote:**

**Aye:** 13 - Alderson Dannecker, Alderson Martin, Alderson Spears, Alderson Dalton, Alderson Meltzer, Alderson Plank, Alderson Siebers, Alderson Konetzke, Alderson Baranowski, Alderson Mann, Alderson Coenen, Alderson Lobner and Alderson Jirschele

**Excused:** 2 - Alderson Croatt and Alderson Williams

**Abstained:** 1 - Mayor Hanna

## 1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

[15-1058](#)

Request from Gries Architectural Group for a permanent street occupancy permit to allow facade materials, awnings and light fixtures to extend within the College Avenue and Division Street right-of-ways at 344 W College Avenue.

**Attachments:**    [Gries Architectural Group.pdf](#)

[15-1059](#)

Request from Eric Miller for a variance to Municipal Code Section 19-91 Front Yard Parking for the property at 910 N Douglas Street.

**Attachments:**    [Eric Miller.pdf](#)

**This Report Action Item was approved.**

[15-1060](#) Anticipated Award for Unit P-15 (Epoxy Pavement Markings).

**Attachments:** [Unit P-15.pdf](#)

This Report Action Item was approved.

## 2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[15-1000](#) "Class B" Beer/Liquor License of S C Carrow Corp d/b/a Rookies, 325 N. Appleton St., Steven C. Carrow, Agent, Amend license description to include parking lot for July 25, 2015, contingent upon approvals from all departments.

This Report Action Item was approved.

[15-1025](#) "Class B" Beer/Liquor License application of Galvan's LLC, d/b/a Galvan's, Spresim Useini, Agent, 2220 E. Northland Avenue, contingent upon approvals from all departments.

This Report Action Item was approved.

[15-1077](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 6-24-15 S & L.pdf](#)

This Report Action Item was approved.

[15-1078](#) Renewal Operator's Licenses

**Attachments:** [Renewal Operator's Licenses for 6-24-15 S & L.pdf](#)

This Report Action Item was approved.

[15-1079](#) Request for Over Hire - Patrol Officer Position.

**Attachments:** [Request for Overhire 2015.pdf](#)

This Report Action Item was approved.

## 3. MINUTES OF THE CITY PLAN COMMISSION

## 4. MINUTES OF THE PARKS AND RECREATION COMMITTEE

**5. MINUTES OF THE FINANCE COMMITTEE**[15-1064](#)

Award Unit E-15 Miscellaneous Concrete and Street Excavation Repairs to Al Dix Concrete, Inc. in an amount not to exceed \$604,800.00

**Attachments:**     [Award of Contract E-15.pdf](#)

This Report Action Item was approved.

[15-1075](#)

Request to approve the following 2015 Budget adjustment:

**General Fund - Police Department**

Donations	+\$17,256
Equipment	+\$17,256

to record donation received from the Octoberfest Committee to purchase a school safety speed trailer message board (2/3 vote required).

This Report Action Item was approved.

**6. MINUTES OF THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE**[15-1071](#)

Request to award Eisenhower Drive gas main project as sole source contract to WE Energies in the amount of \$36,934.20 with a 10% contingency of \$3,693.42 for a project total not to exceed \$40,627.62

**Attachments:**     [Eisenhower Gas Memo6-17-15.pdf](#)  
                              [GasElec.pdf](#)

This Report Action Item was approved.

**7. MINUTES OF THE UTILITIES COMMITTEE****8. MINUTES OF THE HUMAN RESOURCES COMMITTEE**[15-1067](#)

Request to approve overhire of one police officer position due to an existing officer on military leave of absence .

**Attachments:**     [Police overhire request 6-22-15.pdf](#)

This Report Action Item was approved.

**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**[15-1042](#)

Approval for Neenah Industrial Park Shuttle Pilot Program

**Attachments:**[Approve Neenah Industrial Park Shuttle Pilot Program.pdf](#)[FCTC Neenah Industrial Park Shuttle memo.pdf](#)

This Report Action Item was approved.

**10. MINUTES OF THE BOARD OF HEALTH****M. CONSOLIDATED ACTION ITEMS**[15-1090](#)

Consolidated Action:

Human Resources Committee - Item 15-1067

Safety &amp; Licensing Committee - Item 15-1079

This Report Action Item was approved.

**O. ITEMS HELD****P. ORDINANCES****Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION****R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION*****HUMAN RESOURCES COMMITTEE******#9-R-15 ALDERPERSON: Baranowski***

*Whereas, Article II of the Charter Ordinances of the City of Appleton, defines the structure of elected officials, and whereas, the Mayor and the term of said office is four years effective with the new terms of the office in the year 1968, and whereas, the current term of the Mayor is set to expire in 2016, and whereas, the Common Council of the City of Appleton is required to set the salary for the position of Mayor prior to the statutory date to which candidates for the Mayor are allowed to circulate nomination papers for said office,*

*Therefore, be it resolved, that the appropriate committee of jurisdiction make a recommendation to the Common Council as to maintaining the current ordinance reflecting the Mayor as an elected official or to move to another structure of government incorporating a City Administrator position in lieu of, or in addition to, a Mayor position. Such recommendation to the Common Council will be made no later than October 07, 2015.*

## S. OTHER COUNCIL BUSINESS

## T. ADJOURN

*Meeting adjourned at 7:50 pm.*

**Aldersperson Lobner moved, seconded by Aldersperson Baranowski, that the meeting be adjourned. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson Dannecker, Aldersperson Martin, Aldersperson Spears, Mayor Hanna, Aldersperson Dalton, Aldersperson Meltzer, Aldersperson Plank, Aldersperson Siebers, Aldersperson Konetzke, Aldersperson Baranowski, Aldersperson Mann, Aldersperson Coenen, Aldersperson Lobner and Aldersperson Jirschele

**Excused:** 2 - Aldersperson Croatt and Aldersperson Williams

Dawn A. Collins, City Clerk





05/20/2015 13:39  
802 E. John St.





05/20/2015 13:40

802 & JOHN ST.





05/20/2015 13:41  
802 E. John St.





1660 South Highway 100, Suite 424  
Minneapolis, MN 55416

Office: 952.595.9116  
Fax: 952.595.9518  
www.walkerparking.com

June 25, 2015

Ms. Paula Vandehey, P.E.  
Director of Public Works  
City of Appleton  
100 North Appleton Street  
Appleton, WI 54911

Re: *Proposal for Parking and Revenue Control Consulting  
Retrofit of Ramps to Pay-on-Exit  
Appleton, Wisconsin*

Dear Paula:

Walker Parking Consultants is pleased to submit for your review this proposal for professional services intended to result in the retrofit of the Green, Yellow and Red parking ramps to a pay-on-exit design. Benefits to pay-on-exit will include flexibility to build a more equitable fee structure, reduced queueing and potential for increased revenue.

## **PROJECT UNDERSTANDING**

We understand that each of these ramps are currently designed such that transient parkers pay a fixed fee upon entry, and park for an unlimited stay. The desire is to change to pay-on-exit, where a patron receives an encoded ticket upon entry and then pays a variable fee in the lane or on foot to exit.

We will provide expert services to understand the City's requirements and to design a system well-suited to these needs. We will then proceed to develop a specification, RFP and other bid documents, participate in the bidding process, and finally, oversee the installation. See Scope of Services, following, for a more complete description.

## **SCOPE OF SERVICES**

- 1) Data Collection
  - a) Examine available documents, including structural and electrical drawings, relevant plans and studies to help guide efficient design.
  - b) Meet with stakeholders to understand desires and concerns that may affect the new design. Consider "must-have" and "nice-to-have" options for inclusion in the bid documents.

- 2) Bidding
  - a) Prepare Specifications and Request for Proposal (RFP) documents for use by potential bidders.
  - b) Provide consultation to the City to invite qualified bidders.
  - c) Answer bidders questions in consultation with City personnel.
  - d) Provide advice for the qualification, evaluation and award of the Bid.
- 3) Contract Administration
  - a) Organize and participate in weekly construction meetings by teleconference:
    - i) Include vendor's Project Manager, City representative, others as-needed.
    - ii) Ensure timely and correct implementation of contracted services by vendor.
  - b) Provide acceptance criteria and observe final acceptance testing of system components. Provide report describing results and any needed remediation.

## **SCHEDULE**

- 1) Data Collection: July – August 2015
- 2) Bidding: September – December 2015
- 3) Contract Administration: January 2016 – March 2016

Note that this schedule is subject to change based on the begin-date and potential seasonal limitations on installation.

## **PROFESSIONAL FEE**

This is a Lump Sum fee proposal. Each task will be billed upon completion.

<b>Task</b>	<b>Proposed Fee</b>
Data Collection	\$15,500
Bidding	\$15,500
Contract Administration	\$15,500
<b>TOTAL FEE PROPOSED</b>	<b>\$46,500</b>

This total fee is inclusive of reimbursable expenses for up to six (6) trips to the City by one (1) Walker parking consultant. It is anticipated there would two (2) trips for each Task, subject to change to best suit the project's goals. It is also inclusive of all reasonable and typical expenses for photographs and renderings, document reproduction, postage and delivery costs, long distance telephone and facsimile.



**WALKER**  
PARKING CONSULTANTS

Paula Vandehey  
June 25, 2015  
Page 3

Extraordinary reimbursable expenses in excess of that described, above, will be billed at 1.15 times the cost of travel and living expenses, purchase or rental of specialized equipment, photographs and renderings, document reproduction, postage and delivery costs, long distance telephone and facsimile charges, additional service consultants, and other project related expenses.

Thank you for the opportunity to be of continued service to the City of Appleton.

Sincerely Yours,

WALKER PARKING CONSULTANTS

Brian McGann, PCIP  
Parking Consultant

Phillip J. Baron  
Senior Project Manager

Enclosures: *General Conditions of Agreement for Consulting Services*  
*Standard Billing Rates for Consulting Services*

#### **AUTHORIZATION**

Trusting that this meets with your approval, we ask that you sign in the space below to acknowledge your acceptance of the terms contained herein, and to confirm your authorization for us to proceed. Please return one signed original of this agreement for our records.

#### **COMPANY NAME**

Accepted by (Signature): \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

July 7, 2015

To Whom It May Concern,

Since Laurie Cooper began her employment at Glass Nickel Pizza Co. on December 29, 2014 it has been my experience that she is a capable, responsible employee and as such, has been deemed worthy of cross training for multiple departments throughout our store.

Recently she began working in our dining room with myself as her direct supervisor. In such time I have on numerous occasions witnessed her responsible service practices in concern with liquor and alcohol sales and consumption. She has not only completed the state required coursework with Learn2Serve online programing as a Wisconsin Seller/Server, but she has also completed our company's Bartender Training Program, and continually complies with all policies within both.

Therefore it is my recommendation that Laurie be approved for a City of Appleton Operator's License. If there is any additional information I may provide to further support this assertion, please reach me at 920-734-4000.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sara Koopman', with a long horizontal flourish extending to the right.

Sara Koopman

Front of House/Bar Manager

Glass Nickel Pizza Co. Appleton

# GRANT TRACKING FORM



## PART #1: Notification of Grant Funds

(email to [lisa.remiker@appleton.org](mailto:lisa.remiker@appleton.org))

APPLICANT DEPARTMENT: Appleton Fire Department

DATE: 12/4/2014

APPLICANT DEPARTMENT GRANT CONTACT NAME/TITLE: Len Vander Wyst/Fire Chief

COMMITTEE OF JURISDICTION: Safety & Licensing Committee

NAME OF GRANT/FUNDING SOURCE: Assistance to Firefighters Grant/Federal Emergency Management Agency

AMOUNT OF GRANT REQUEST: \$20,000

LOCAL MATCH REQUIREMENT: \$2,000

SOURCE OF MATCH: ☒ General Fund ☐ Non-General Fund ☐ Not Applicable

TIMEFRAME OF GRANT: 01/01/2015 through 12/31/2015

TYPE OF GRANT REQUEST: ☒ Monetary ☐ Other (explain under 'purpose of grant')

PURPOSE OF GRANT (summary): The purpose of this grant is to fund rehabilitation equipment that will be used for firefighter safety and recovery after an incident.

How does the grant meet City/Department/Program goals? The equipment will help our department maintain firefighter health and safety standards.

What are the personnel requirements (include both existing and new staff) of the grant? Department personnel will need to administer the grant.

DEPARTMENT HEAD SIGNATURE: Len Vander Wyst

## PART #2: Request to Accept Grant Funds

(complete after notification of grant award; email to [tony.saucerman@appleton.org](mailto:tony.saucerman@appleton.org))

AMOUNT OF GRANT AWARD: \$16,364

FEDERAL/STATE ID #: EMW-2014-FO-04029

LOCAL MATCH REQUIREMENT: \$1,636

Please describe the source of match, if applicable: The match will be provided from the fire department's existing equipment fund in the operating budget.

Please describe any major changes in proposed grant-funded activities: There are no major changes.

PART	TO:	DATE:	TO:	DATE:	TO:	DATE:
#1: Request to Apply	Finance Dept		COJ - Info/Action		FAC - Info/Action	
#2: Request to Accept	Finance Dept		COJ - Action		FAC - Action	

COJ = Committee of Jurisdiction

FAC = Finance and Administration Committee



# GRANT TRACKING FORM



## **PART #1: Notification of Grant Funds**

(email to [lisa.remiker@appleton.org](mailto:lisa.remiker@appleton.org))

**APPLICANT DEPARTMENT:** Appleton Fire Department

**DATE:** 06/24/2015

**APPLICANT DEPARTMENT GRANT CONTACT NAME/TITLE:** Len Vander Wyst/Fire Chief

**COMMITTEE OF JURISDICTION:** Safety & Licensing Committee

**NAME OF GRANT/FUNDING SOURCE:** Fox Valley Regional Trauma Advisory Council (RTAC)

**AMOUNT OF GRANT REQUEST:** \$635

**LOCAL MATCH REQUIREMENT:** \$0

**SOURCE OF MATCH:** ☐ General Fund ☐ Non-General Fund ☐ Not Applicable

**TIMEFRAME OF GRANT:** 06/05/2015 through 12/31/2015

**TYPE OF GRANT REQUEST:** ☒ Monetary ☐ Other (explain under 'purpose of grant')

**PURPOSE OF GRANT (summary):** The purpose of this grant is to fund equipment that will be used for our Rescue Task Force teams for traumatic active shooter incidents in our area.

**How does the grant meet City/Department/Program goals?** The equipment will help our department provide a high-level of care at these incidents.

**What are the personnel requirements (include both existing and new staff) of the grant?** Department personnel will need to administer the grant.

**DEPARTMENT HEAD SIGNATURE:**

*Len Vander Wyst*

## **PART #2: Request to Accept Grant Funds**

(complete after notification of grant award; email to [tony.saucerman@appleton.org](mailto:tony.saucerman@appleton.org))

**AMOUNT OF GRANT AWARD:** \$635

**FEDERAL/STATE ID #:** N/A

**LOCAL MATCH REQUIREMENT:** \$0

**Please describe the source of match, if applicable:** There is no match needed.

**Please describe any major changes in proposed grant-funded activities:** There are no major changes.

PART	TO:	DATE:	TO:	DATE:	TO:	DATE:
#1: Request to Apply	Finance Dept		COJ - Info/Action		FAC - Info/Action	
#2: Request to Accept	Finance Dept		COJ - Action		FAC - Action	

COJ = Committee of Jurisdiction

FAC = Finance and Administration Committee

Operator's Licenses for 7/8/15 S & L

Approved

Amber R. Kraemer

Amy E. Zoril

Jamie J. Kuske

Kileen M. Daul

Murphy W. Flynn

Pamela A. Mee

Sarah A. Reetz

1395 Hempton Lake Road, Cato

1151 High Avenue, #19, Oshkosh

400 N. Richmond Street

2112 Southwood Drive, #5

1608 N. Division Street

616 E. Third Street, Kimberly

410 Bicentennial Court, #6, Kaukauna

RENEWAL  
Operator's Licenses for 7/8/15 S & L

Approved

Andrew W. Reimer	N9628 Coop Road
Anthony J. Lindberg	219 W. Arrowhead Lane
Brandon S. Bell	W5881 Geranium Drive
Carmen M. LaPean	318 W. 7 <sup>th</sup> Street, Kaukauna
Catherine S. Cole	1418 N. Union Street
Deborah Schulz-Peterson	208 Lennox Street, Neenah
Heather F. Semrow	2023 N. Oneida Street
Jonathon P. Selig	1602 E. Tracia Lane
Joseph J. Plamann	3500 N. Marcos Lane
Josh A. Cross	703 E. Maple Street
John E. Bohl	2828 N. Ballard Road
Kay F. Liebergen	1770 Hill Road, Greenleaf
Kristopher D. Olson	35 Welcome Circle
Lisa S. Nakashima-Lindberg	219 W. Arrowhead Lane
Mary C. Rivas	625 Thelosen Drive, Kimberly
Matthew C. Ricks	721 W. Front Street
Myriah E. Rankin	N4855 State Road 76, Shiocton
Nancy A. Bartelt	74 Northbreeze Drive
Nicholas J. Seidl	1830 N. Superior Street
Paige M. Vanden Bloomer	433 W. 11 <sup>th</sup> Street, Kaukauna
Pedro Sanchez	272 Misty Meadows Lane, Menasha
Rebecca K. Curry	906 ½ S. Old Oneida Street, #B
Rhoda L. Steffel	1405 ½ E. Wisconsin Avenue
Richard A. Marcks	1624 W. Summer Street
Robert C. Johnson	219 N. Story Street
Seth W. Contos-Carr	906 ½ S. Olde Oneida Street, #B
Shane Thyssen	927 Depot Street, Little Chute
Stephanie L. Gill	324 E. Harris Street



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** July 6, 2015

**Common Council Meeting Date:** July 15, 2015

**Item:** Special Use Permit #7-15 to expand an existing tavern with an outdoor beer garden

**Case Manager:** Don Harp

### GENERAL INFORMATION

**Owner/Applicant:** Gregg Van Dinter, Riverside Bar - property owner/applicant

**Address/Parcel #:** 906 South Olde Oneida Street / 31-4-0289-00

**Petitioner's Request:** The applicant is requesting a Special Use Permit to expand an existing tavern with an outdoor beer garden with alcohol service.

### BACKGROUND

Special Use Permit #14-11 was approved for a tavern and outdoor seating with alcohol service at this location by the Plan Commission on December 12, 2011 and approved by the Common Council on January 5, 2011. The applicant currently holds a Class B Beer/Liquor license.

### STAFF ANALYSIS

**Existing Site Conditions:** The property is developed with an existing tavern with outdoor seating and a parking lot.

**Operational Information:** See attached Plan of Operation and Locational Information.

**Proposed Outdoor Seating Area:** The proposed 1,248 square foot beer garden with alcohol service is shown on the Development Plan in blue highlight. Access to the outdoor beer garden will be from inside the building only. The property owner is proposing to enclose the outdoor beer garden with a combination six (6) foot and (8) foot high fence.

**Off-Street Parking Requirements:** The off-street parking requirements are satisfied on-site and by a mutual parking agreement between Riverside Bar and CBC Coating Inc. pursuant to approved Site Plan #11-28.

**Ordinance Requirements:** The proposed outdoor beer garden constitutes a 60% expansion of the existing tavern use. In order to expand the existing tavern by 10% or more, a new Special Use Permit must be applied for and approved per the current Zoning Ordinance regulations. This request will not increase building capacity and, therefore, does not require additional off-street parking spaces because the intensity of the use remains the same.

If approved, Special Use Permit #7-15 will replace Special Use Permit #14-11.

**Surrounding Zoning and Land Uses:**

North: PD Planned Development/C-2 General Commercial District – Commercial uses  
South: PD Planned Development/C-2 General Commercial District – Commercial uses  
West: C-2 General Commercial District – Commercial use  
PD Planned Development/C-2 General Commercial District – Commercial uses  
East: PD Planned Development/C-2 General Commercial District – Commercial uses

**2010-2030 Comprehensive Plan:** The 2010-2030 Future Land Use Map currently represents this area to be used for mixed uses. The proposed zoning classification is consistent with the City's Comprehensive Plan and is consistent with the purpose and intent of the C-2 General Commercial District.

**Finding of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6), which were found in the affirmative, as long as all stipulations are satisfied.

**Technical Review Group Report (TRG):** This item was discussed at the June 16, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

**RECOMMENDATION**

---

Staff recommends, based on the above, that Special Use Permit #7-15 for a tavern with alcohol sales with outdoor seating areas, **BE APPROVED**, to run with the land, subject to the following conditions:

1. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.
2. Compliance with the Operational Plan is required at all times. Changes to the Operational Plan shall be submitted to the Community and Economic Development Department for review and approval.
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. All applicable Codes, Ordinances and regulations, including but not limited to, Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.

TAVERN AND/OR RESTAURANT WITH ALCOHOL SALES  
PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: COREY Van Dinter / RIVERSIDE BDR / GRILL

Years in operation: 2 1/2 YEARS

Percentage of business derived from restaurant service: 30/40%

Type of proposed establishment (detailed explanation of business):

TAVERN RESTAURANT

Proposed Hours of Operation for Indoor Uses:

Day	From	To
Week Day	10	200
Friday	10	230
Saturday	10	230
Sunday	10	200

Building Capacity and Area:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 99 persons INSIDE BDR, PATIO

Gross floor area of the existing building(s): 60 X 30 / 21 X 23

Gross floor area of the proposed building(s): 27 X 45 1'

Describe Any Potential Noise Emanating From the Proposed Use:

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

Zone Commercial / Paper Coating mill  
behind TAVERN also CONEN MECHANICAL



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

Volume Control

If off-street parking is available for the business, describe how noise from the parking lot will be controlled:

Same

**Outdoor Uses:**

Location, type, size and design of outdoor facilities:

See Plan ATTACHED

Type and height of screening of plantings/fencing/gating:

wood / metal / glass 6' to 7' 8'

Is there any alcohol service incorporated in this outdoor facility proposal? Yes ☒ No ☐

Are there plans for outdoor music/entertainment? Yes ☒ No ☐

If yes, describe how the noise will be controlled:

Volume control

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

Serving food from inside bar

Proposed Hours of Operation for Outdoor Uses: same as indoor

Day	From	To
Week Day		
Friday		
Saturday		
Sunday		

**Outdoor Lighting:**

Type: LED or standard

Location: Building

**Off-Street Parking:**

Number of spaces existing: \_\_\_\_\_

Number of spaces proposed: 60

**Other Licensed Premises:**

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

List nearby licensed premises:

Union Jack / Pullmans  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Employees:**

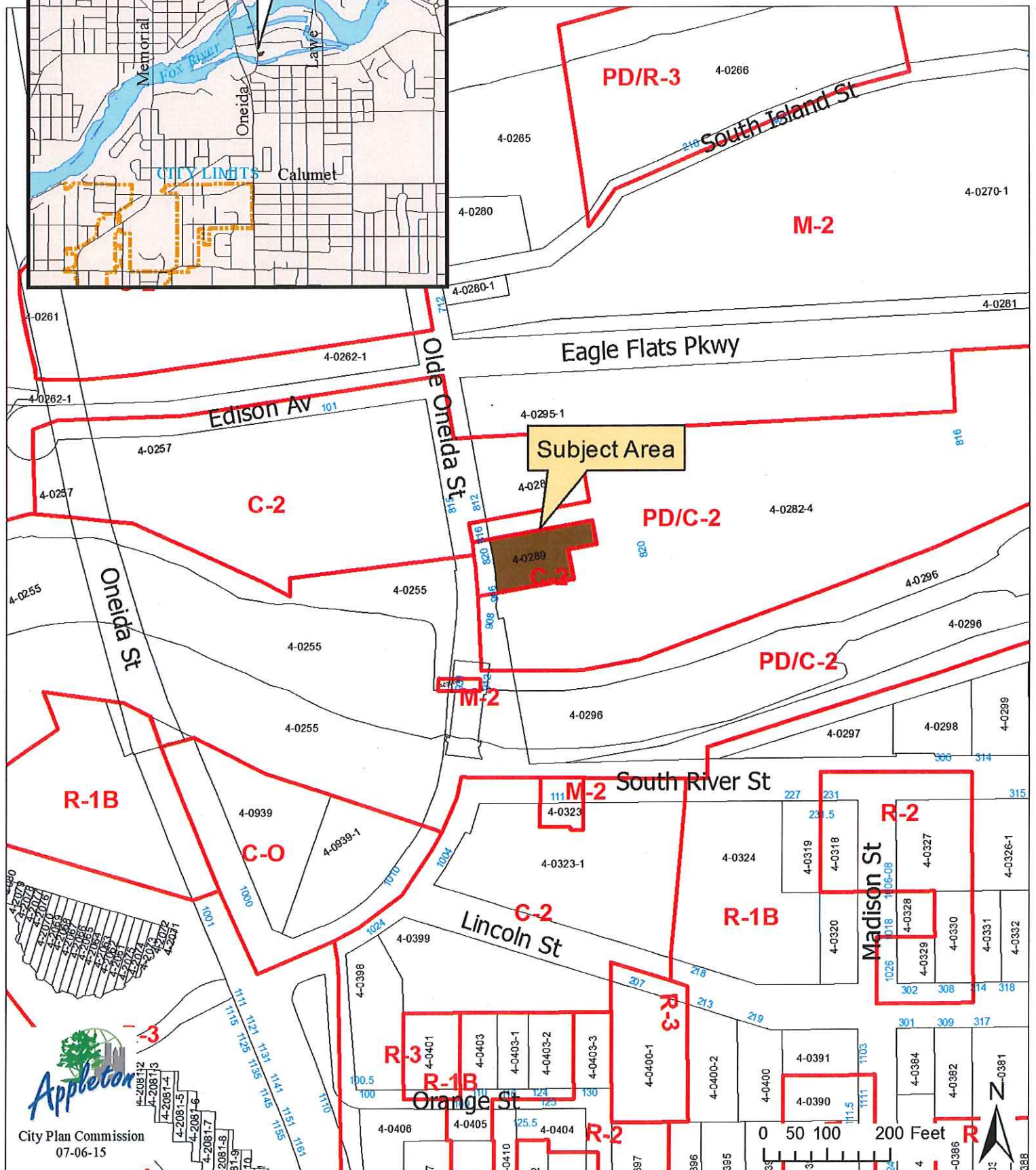
Number of existing employees: 4

Number of proposed employees: 8

Number of employees scheduled to work on the largest shift: 4

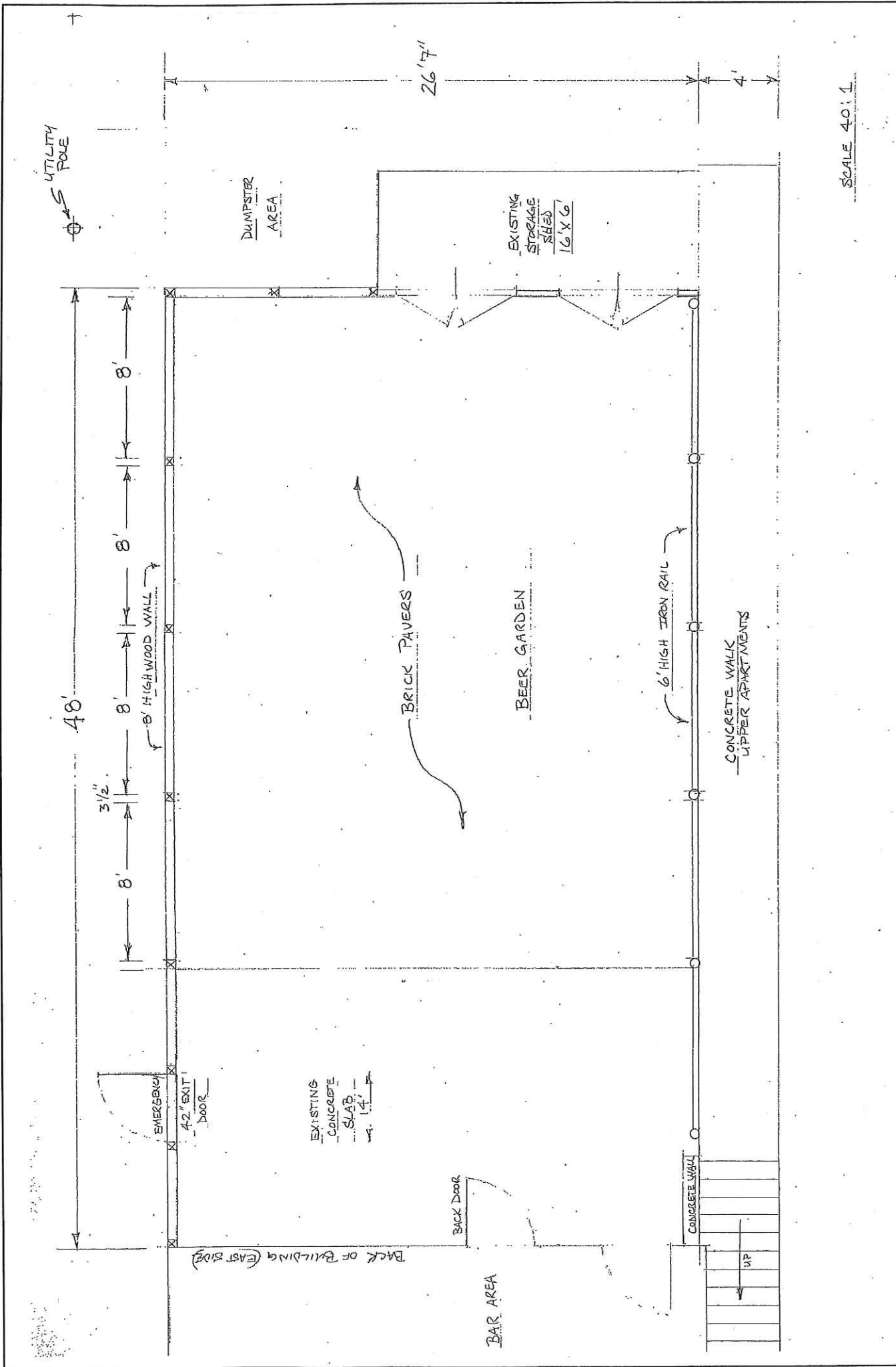


A map of the Fox River area in Rock Island, Illinois. The Fox River is shown in blue, flowing from the top right towards the bottom left. The map includes a grid of streets. A callout box labeled "Subject Area" points to a specific location on the river. Other labels include "College", "Memorial", "Oneida", "Lawrence", "CITY LIMITS" (in blue), and "Calumet". A dashed orange line indicates the city limits.

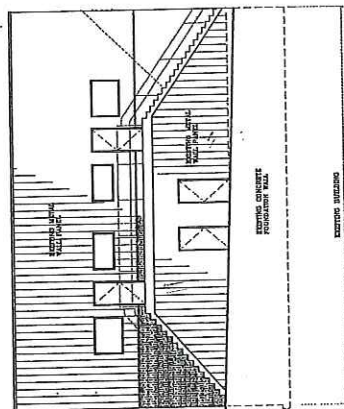




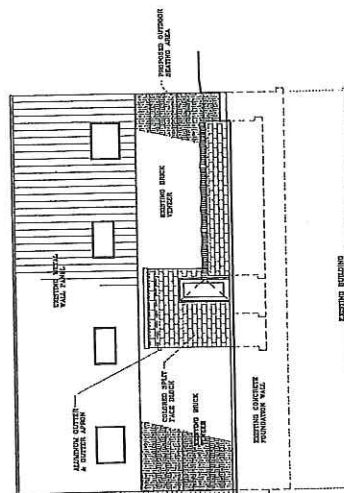
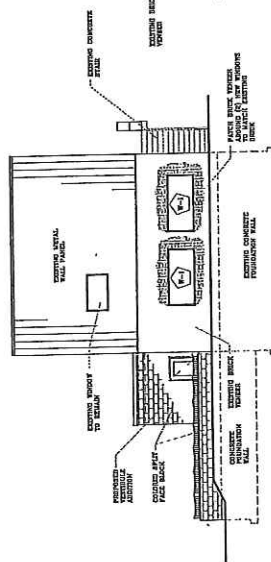




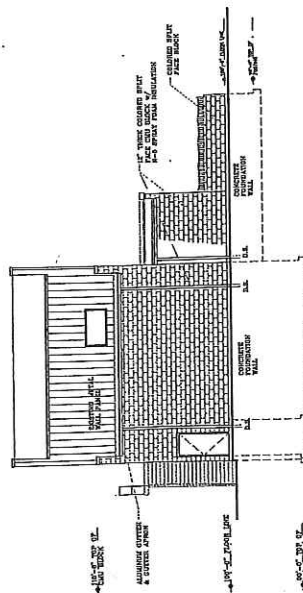
906 South Olde Oneida Street  
Special Use Permit  
Expand Existing Tavern with Outdoor Beer Garden



SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

**906 Olde Oneida Street  
Special Use Permit - Alcohol Service**





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

---

**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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

**To:** Parks & Recreation Committee

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

**Date:** July 6, 2015

**Re:** Action: Award contract to Omni Glass & Paint, Inc. for Erb Pool Main Tank Sealant Restoration and Recoating in the amount of \$74,850 with a 10% contingency of \$7,485 for a contract total not to exceed \$82,335.

---

The Erb Pool main tank paint and sealant has reached its expected service life. This 2015 Capital Improvement Program project was approved to have the sealant restoration and recoating of the main tank at Erb Pool be completed in 2015. On April 30, 2015 a mandatory walk through for this project was held at Erb Pool with three contractors in attendance, Omni Glass & Paint, Klinger Painting, and Van Eperen. Van Eperen did not submit a quote for this project.

The quotes were as follows:

Omni Glass & Paint, Inc. - \$74,850  
Klinger Painting - \$89,000  
Van Eperen – Did Not Bid

Omni Glass & Paint, Inc. is capable and qualified to complete this job and begin working on the proposed start date of September 1, 2015. We currently have approximately \$112,000 remaining of the \$125,000 budgeted for the 2015 Erb Pool improvements.

It is the recommendation of the Parks, Recreation and Facilities Management Department to accept the proposal from Omni Glass & Paint, Inc. in the amount of \$74,850 with a contingency of \$7,585 for a contract total not to exceed \$82,335.

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

# CONTRACT AMENDMENT

Change Order No.

3

Date

07/08/15

Contract No. 1-13 for the following public work : Unit T-11 Stormwater Storage Project

between Radtke Contractors, Inc. and the City of Appleton dated 01/30/13 is hereby changed in the following particular wit:

Item No.	Account No.	Current Contract Amount	Current Contingency	C.O. Amount (+/-)	Contingency (+/-)	New Contract Total	New Contingency Total
1	5230.6809.4	\$3,512,734.87	\$0.00	-\$20,000.00	\$0.00	\$3,492,734.87	\$0.00
2						\$0.00	\$0.00
3						\$0.00	\$0.00
4						\$0.00	\$0.00
5						\$0.00	\$0.00
6						\$0.00	\$0.00
7						\$0.00	\$0.00
8						\$0.00	\$0.00
9						\$0.00	\$0.00
10						\$0.00	\$0.00
Total		\$3,512,734.87	\$0.00	-\$20,000.00	\$0.00	\$3,492,734.87	\$0.00

Reason for Change: Deduction to cover structural repairs and waterproofing of new access manhole by Midwest Industrial Coatings.

The Contract Time will be increased by this Change Order:

NA Days

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

NA

Finance Committee Agenda Date:

Date approved by Council:



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

## Department of Public Works – Engineering Division

### MEMO

**TO:** Finance Committee

**FROM:** Paula Vandehey, Director of Public Works  
Sue Olson, Staff Engineer

**DATE:** July 8, 2015

**RE:** \***CRITICAL TIMING**\* Request approval to sole source contract with Midwest Industrial Coatings for structural repairs and additional waterproofing for the Appleton East Stormwater Storage project in an amount not to exceed \$20,000.

---

The Department of Public Works requests approval to sole source contract with Midwest Industrial Coatings for structural repairs and additional waterproofing for the Appleton East Stormwater Storage project in an amount not to exceed \$20,000. This request is Critical Timing in order to complete the work prior to the start of school this fall.

The Common Council approved sole sourcing the waterproofing of the Appleton East Stormwater Structure to Midwest Industrial Coatings (MIC) in 2012 prior to the rebid of the project. The City also contracted with MIC to perform structural repairs of the Phase 1 structure in the fall of 2013. All work performed for the Appleton East structure to date by MIC was completed satisfactorily according to plans and specifications.

On June 22 and 23, 2015 both Phase 1 and Phase 2 of the structure were inspected by MIC, GRAEF (consultant on behalf of the City), and Radtke Contractors (Radtke). Some structural repairs were noted during that inspection, as shown on the GRAEF report that was included as an information item on the July 7, 2015 Utilities Committee agenda.

Additionally, the original StormTrap design did not include an access manhole over the outlet pipe of the structure. The purpose of the access manhole is to allow Public Works Operations staff to use existing equipment to clean the outlet pipe of the structure without confined space entry. The City has negotiated with Radtke to install a reinforcing slab and access manhole per a revised StormTrap design. This reinforcing slab and access manhole must be waterproofed per the original waterproofing specifications to maintain the warranty.

As part of this contract, MIC will complete 6 of the 8 recommended repairs (Radtke will complete the other two) and waterproof the new reinforcing slab and access manhole. The funding for this work will be from unspent funds deducted from Radtke's contract for the Appleton East project.

Based on MIC's work to date and their familiarity with the structure, plus their ability to perform confined space entry, staff recommends approval of a sole source contract with Midwest Industrial Coatings for structural repairs and additional waterproofing for the Appleton East Stormwater Storage project.



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**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

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

TO: Finance Committee

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

DATE: 7/7/2015

RE: Action Item: Reject awarding tennis court construction at Highview Park to MCC, Inc. for a contract amount of \$143,239.

The 2015 Parks, Recreation and Facilities Management Department Capital Improvement Program includes funding for the construction of two tennis courts at Highview Park. \$120,000 was budgeted for the construction of the tennis courts. Of the \$120,000 budgeted, \$14,500 was utilized for engineering and construction management consulting, which leaves a balance of \$105,500 for construction.

One bid for the construction of the tennis courts at Highview Park was opened on May 5, 2015. MCC, Inc. bid \$136,390. At the request of the Common Council, the project was rebid and on June 22, 2015, two bids were opened. A summary of the bids for the Highview Park tennis courts is listed below:

<u>Company</u>	<u>Base Bid Price</u>
MCC, Inc.	\$143,239
Northeast Asphalt	\$173,133

MCC, Inc. was determined to be the low qualified bidder with a base bid of \$143,239. Total cost of the project with engineering will be \$157,739, plus contingency. It is the recommendation of the Parks, Recreation and Facilities Management Department to reject awarding a contract to MCC, Inc. in the amount of \$143,239 for the construction of tennis courts at Highview Park.

The Parks, Recreation and Facilities Management Department intends to budget, in 2016, an amount that represents bid numbers to construct two tennis courts at Highview Park.

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



## SECOND ADDITION TO EMERALD VALLEY DEVELOPMENT AGREEMENT

**THIS AGREEMENT**, made by and between the **City of Appleton**, Outagamie County, Wisconsin, a body politic and municipal corporation by its City Council ("City") and, **Emerald Valley Estates, LLC**, the owner and developer ("Developer") of property lying within the City of Appleton:

**WHEREAS**, Section 17-3 of the Appleton Municipal Code provides for the installation of required improvements in new subdivisions;

**WHEREAS**, the Developer has proposed to develop the Second Addition to Emerald Valley Development, a residential subdivision on property within the corporate limits of the City, described in *Exhibit 1* (Legal Description provided by Developer) attached hereto; and

**WHEREAS**, a preliminary plat of the Second Addition to Emerald Valley Development, shown in *Exhibit 2* (provided by Developer) attached hereto, has been submitted to the City for review and comment by relevant City Departments and City officials; and

**WHEREAS**, a final plat of the Second Addition to Emerald Valley Development, shown in *Exhibit 3* (provided by Developer) attached hereto, has been conditionally approved by the City with conditions remaining to be satisfied; and

**WHEREAS**, a series of meetings and negotiations have taken place between the City and the Developer to determine various development and financial responsibilities as between the City and the Developer for on-site and off-site public improvements and fees in connection with the proposed subdivision; and

**WHEREAS**, the City and the Developer, for their mutual benefit, have mutually agreed as to development and financial responsibilities for public improvements and fees in connection with the proposed subdivision;

**NOW THEREFORE**, it is mutually agreed as follows:

1. The Developer shall be responsible for the installation of the following:
  - a. Sanitary sewer mains, manholes and laterals
  - b. Water mains, valves, hydrants, hydrant leads, fittings, and services
  - c. Storm sewer mains, manholes, catch basins, inlet leads, overland flow paths, yard drains and associated piping and laterals
  - d. Street excavation and graveling, terrace seeding, lot filling & grading and seeding
  - e. Street Lights
  - f. All other infrastructure required for development not specifically set forth in this agreement
2. The Developer shall provide an estimate for items 1a – 1f.

3. The Developer shall place in escrow or provide the City with proof of one established irrevocable letter of credit for the following:
  - a. Administration Fees
  - b. Sanitary Area Assessment
  - c. Televising sanitary and storm sewer lines
  - d. Temporary Asphalt Surface
  - e. Street Name Signs
  - f. Traffic Control Signs
4. The Developer shall provide the City with copies of all final costs, invoices, labor costs, the contract documents and specifications, design documentation, all contract administration supporting documentation, an itemized list of all expenses for the installation of sanitary sewer, storm sewer, water main, street excavation and graveling. Said information provided by Developer shall meet City's Infrastructure Adjustment Form requirements. The Developer's design engineer shall perform the construction staking and the City shall inspect the same.
5. The Developer's contractor shall perform the testing of the water main, sanitary sewer, storm sewer and compaction of fill material placed in future roadway areas under the supervision of City of Appleton inspectors.
6. The Developer shall provide lien waivers to the City from prime contractor, subcontractors, suppliers and consultants.
7. The Developer agrees to convey by deed or dedication to the City all the streets, roads, courts, avenues, drives, public ways, and storm water facilities in the Plat. Developer further agrees to convey any public access ways by dedication or easement to the City. All public improvements contemplated in the final plat shall be constructed within areas to be dedicated to the City either by deed, dedication or easement as contemplated in the final plat and this agreement.
8. A temporary Monument Placement Waiver has been approved under a separate instrument for Lots 54-80 of this subdivision to allow time for fill material to be imported and placed on the site. Pursuant to §17-3(e), Appleton Municipal Code, all subdivision monuments shall be in place within one (1) year of the granting of the waiver by the City Engineer. Failure to complete the monumenting of the entire plat within the previously mentioned one (1) year period of time, shall permit the City of Appleton to contract for the work being performed and to charge the stand-by letter of credit for the cost of said work, or, if no stand-by letter of credit has been required, the costs may be assessed against the property as a special charge. Abutting newly built streets will not be officially opened by the City and no building permits will be issued for the above-mentioned lots, not being monumented, prior to the City of Appleton receiving a current monumentation certification from a professional land surveyor licensed in the State of Wisconsin that all monumentation within the development is properly installed and within 3 inches of finished grade.
9. The Developer shall establish a level loop on the hydrants in the plat and a copy of those benchmarks shall be provided to the City.

10. The City agrees to accept the dedication of all the Public Improvements in the Plat, whether by deed, dedication or easement subject to the City's Acceptance of the Public Improvements in accordance with and subject to the terms of the City's Subdivision Ordinance.
11. The Developer shall repair or replace, as directed by the City and to the City's satisfaction, at his own cost, any damage caused to City property by the installation of the improvements.
12. The estimate of costs paid by the Developer for items 3a – 3f is attached hereto as *Exhibit 4* and shows the items and amounts projected to be paid by the Developer. The total of the estimate of costs provides the basis for determining the amount of the escrow account/letter of credit.
13. The Developer shall pay the cost of all items listed under Paragraph 1 above. The homeowner shall be responsible for and pay for the construction of the sidewalk within six months of the issuance of an occupancy permit for each residence. The City will be responsible for constructing the sidewalks which have not been installed at time of concrete paving, with costs to be assessed to the abutting property owners in accordance with the City's Policy for Special Assessments. Concrete paving will be assessed to the abutting property owners and the Developer will be assessed only the cost of lots owned by the Developer.
14. The schedule for the Second Addition to Emerald Valley Development shall be as follows:
- Infrastructure installation may commence after City approval of Final Plat, Drainage Plan, Established Grades, Storm Water Management Plan, Plans and Specifications.
  - Building Permits may be issued upon City approval and acceptance of all infrastructure. Streets must be officially opened to the public by the City Engineer prior to the issuance of Building Permits.
15. The City agrees to waive any parkland fees pursuant to Chapter 17 of the Appleton Municipal Code, in exchange for parkland dedications and conveyances previously completed as part of the original Emerald Valley Development along with future planned phases of the Development. The City further agrees to waive any connection fees in lieu of assessments for properties connecting off French Road.
16. The City represents that this Agreement and the terms and conditions contained herein are consistent with adopted ordinances and resolutions on the subject matter.
17. The Developer shall pay the entire cost associated with installation of underground gas, electric, telephone and cable TV utilities and street lights. The City shall review proposed locations of all utilities prior to installation. The City standard for street lights is wooden poles. The street lighting plan shall be designed by WE Energies and approved by the City. The City shall pay WE Energies the monthly electrical charge for street lighting. If the Developer desires decorative streetlights, then the Developer shall be responsible for all costs associated with the decorative streetlights. The Developer shall be responsible for requesting said decorative lights from WE Energies. The Developer must also sign a Waiver of Special Assessments document for the annual assessments associated with decorative lighting.

18. The City represents and warrants to Developer that it has the power, authority and legal right to enter into all of the transactions and to perform all of the covenants and obligations required to be entered into or performed by the City under this Agreement.

- The City represents and warrants to Developer that it is empowered and authorized to execute and deliver this Agreement and other agreements and documents, if any, required hereunder to be executed and delivered by the City. This Agreement has been, and each such document at the time it is executed and delivered, will be duly executed and delivered on behalf of the City.
- When executed and delivered to Developer, all such agreements shall constitute a legal, valid and binding obligation of the City, enforceable in accordance with its terms.

19. The Developer represents and warrants to the City that Developer is a Limited Liability Corporation, duly organized and existing under the laws of the State of Wisconsin, and that all proceedings of Developer necessary to authorize the negotiation and execution of this Agreement and the consummation of the transaction contemplated by this Agreement have been taken in accordance with applicable law.

- The Developer represents and warrants to the City that the execution and delivery of this Agreement, the consummation of the transactions contemplated in this Agreement and the execution and delivery of the documents required to be executed, delivered or acknowledged by Developer at the closing will not violate any provision of Developer's partnership agreement or any applicable statute, rule, regulation, judgment, order or decree of the State of Wisconsin or a court having jurisdiction over Developer or its properties.

20. This Agreement, along with *Exhibits 1, 2, 3, and 4*, sets forth the entire understanding of the parties relative to its subject matter and supersedes and merges any and all prior communications, negotiations and agreements, oral or written.

21. It is understood and agreed that the provisions of this agreement shall be deemed severable and the invalidity or unenforceability of any one or more of the provisions contained herein shall not affect the validity and enforceability of the other provisions contained herein.

22. This agreement may not be modified or amended, except in writing, with the written consent of both the City and the Developer.

EMERALD VALLEY ESTATES, LLC

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF WISCONSIN )

: ss.

\_\_\_\_\_ COUNTY )

Personally came before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, the  
above-named \_\_\_\_\_ and \_\_\_\_\_, to me  
known to be the persons who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin

My commission is/expires: \_\_\_\_\_

[SIGNATURES CONTINUE ON NEXT PAGE]

CITY OF APPLETON

By: \_\_\_\_\_  
Timothy M. Hanna, Mayor

By: \_\_\_\_\_  
Dawn Collins, City Clerk

STATE OF WISCONSIN     )  
                                      : ss.  
OUTAGAMIE COUNTY     )

Personally came before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2015, the above-named Timothy M. Hanna and Dawn Collins, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin

My commission is/expires: \_\_\_\_\_

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

Approved as to Form:

\_\_\_\_\_  
Tony Saucerman, Director of Finance

\_\_\_\_\_  
James P. Walsh, City Attorney

This instrument was drafted by:  
James P. Walsh, Appleton City Attorney

H:\Word\Projects\2015\2nd Addition to Emerald Valley - Development Agreement.doc  
April 2015



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

**TO:** Finance Committee  
**FROM:** Tony Saucerman, Finance Director *Ts*  
**DATE:** July 2, 2015  
**RE:** Unassigned Fund Balance

---

The Fund Balance Policy for the General Fund states:

At least 75% of General Fund Balance in excess of the reserve policy (currently 3 months operating expenditures) be used for the reduction of long-term liabilities. Utilization of the remaining funds be subject to recommendation from the Finance Committee to be used for additional reduction of long-term liabilities or General Fund expenditures with final Council approval.

The unassigned fund balance in excess of the working capital designation for the year ended December 31, 2014 was \$1,127,107. Per the policy, 75%, or \$845,330, of that amount is to be used to reduce long-term debt. The remaining 25%, or \$281,777, is subject to Finance Committee recommendation.

At the May 12, 2015 Finance Committee meeting, a settlement agreement between the City and Walgreens Company to refund a portion of the Company's 2011-2014 property taxes was approved. The net effect of this refund resulted in the use of \$211,097 of unassigned fund balance, leaving a discretionary balance of \$70,680. I recommend the Committee leave the \$70,680 in unassigned fund balance as a reserve for potential unbudgeted expenditures that may arise during the remainder of the year.

I will work with the City's financial advisor to determine the most cost-effective approach to utilize the \$845,330 in debt reduction (ie. call any eligible existing debt or reduce the 2015 borrowing package).

If you have any questions on this matter, please feel free to contact me. Thank you for your consideration.



# MEMORANDUM

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

TO: Community & Economic Development Committee (CEDC)  
FROM: Monica Klaeser, Deputy Director  
DATE: June 17, 2015  
RE: Approval of next phase for Southpoint Commerce Park (final phase for TIF District #6): Vantage Drive construction from Lakeland Drive to Eisenhower Drive

---

Southpoint Commerce Park is located on the southeast side of the City and is bound by Plank Road, Eisenhower Drive and Midway Road. It provides continued growth opportunities for Appleton's business and industrial markets, especially with the Northeast Business Park having only four City lots available for sale. In total, Southpoint Commerce Park (Southpoint) offers up to 359 acres among lots of varying sizes to support growth of industry for many years to come.

The creation and development of Southpoint has been supported with Tax Increment Financing District #6 (TIF #6) and the Industrial Park Land Fund (IPLF). Approximately half of Southpoint is located in TIF #6 therefore both funding sources (TIF #6 and IPLF) are used to support improvements. See attached map for Southpoint layout as well as the boundary of TIF #6.

As noted in the 2015 Budget Southpoint Commerce Park CIP, the first half of the Park [Southpoint] will be developed using the Tax Incremental District #6 (TIF #6) created in 2000. Eligible expenditures may be made in TIF #6 until February 14, 2018. The maximum life of TIF #6 is February 14, 2023.

The expenditure period deadline of February 2018 leaves the City with only two remaining construction seasons (2016 and 2017) to make improvements using TIF #6. From 2018 – 2023 the TIF will only be taking in revenues based on the increment generated in TIF #6. TIF #6 has a base value of \$12,141,600 (as amended) and, as of 2015, has a total assessed value of \$101,520,300, which provides an increment of \$89,378,700.

Staff has reviewed the 5-year Capital Improvement Program and the phasing schedule planned for Southpoint, in addition to the lot inventory and industrial needs. Appleton has ample inventory of small to mid-sized lots to meet the needs of businesses and industries. The ability to maintain numerous large lots for flexibility in meeting business and industry needs is a priority. Based on this analysis and looking at our financial timelines, Staff reviewed the next phase for Southpoint with the Mayor and an interdepartmental team to establish priorities for 2016 and 2017 construction.



Staff is recommending, with approval of the Mayor, to extend only Vantage Drive from Lakeland Drive to Eisenhower Drive as the next phase for Southpoint and the final phase that would be paid for by TIF #6. This would include utility infrastructure work in 2016 and paving work in 2017.

By maintaining the land south of Vantage Drive and west of Eisenhower Drive in a larger parcel that is ready to build with adjacent infrastructure, in addition to our ample supply of small to mid-sized lots, we position the City to respond quickly to meet industry needs. See the attached map for details.

The priorities for concrete construction/reconstruction are also highlighted on the attached map and will be incorporated in the 2016 budget and corresponding 5-year CIP Plan subject to funding availability and budget approval.

Subsequent phases of Southpoint will be monitored by staff and reviewed with CEDC and Council when and if demand changes to warrant additional investment. A potential scenario could include the creation of a new TIF District to cover the expansion of infrastructure in Southpoint upon the closure of TIF #6. The ability to overlay a new TIF District that would absorb a portion of the current TIF #6 could be considered if/when a significant development project would be available to the City to warrant investment prior to the closure of TIF #6. These are hypothetical scenarios that staff will continue to monitor over time to provide the most appropriate recommendation to CEDC and Council.

I will also be presenting an overview of Appleton's TIF Districts at our June 24, 2015 CEDC meeting for additional background material on all of Appleton's current TIF Districts.

**Staff Recommendation:**

The installation of infrastructure and paving of Vantage Drive from Lakeland Drive to Eisenhower Drive as the next phase (and final phase for TIF District #6) in Southpoint Commerce Park **BE APPROVED.**

Southpoint Commerce Park  
Appleton, Wisconsin

Calumet Street (County Highway KK)

Lorna Lane

Retail  
Center

### Detention Pond

31.00 acres

7.21 acres

34.1 acres

39.78 acres

68.47 acres

(82.23 includes plotted  
lots on Alliance, Mills and  
Quest Drives  
9-5712-26 - 9-5712-33)

1 inch = 600 feet

0 150 300 600 Feet

Prepared by City of Appleton  
Comm. & Econ. Dev. Dept. 6/17/15

# Southpoint Commerce Park

## Appleton, Wisconsin

For Sale    Optioned    Sold    Trees    Ponds    Future Layout    City Limits    Industrial Park Boundary





# MEMORANDUM

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

TO: Community and Economic Development Committee  
FROM: Roxy Schmidt, Community Development Specialist  
DATE: July 8, 2015  
RE: Community Development Block Grant (CDBG) Policy Amendment

---

Staff is proposing amendments to the City’s CDBG Policy so that the program can be administered according to the requirements set forth by HUD in an efficient and effective manner.

The amendments address the following:

- Clarification of federal requirements
- Clarification of the administrative process the City uses in allocating funding
- Changes that will most effectively allow staff to gather required data without overburdening subrecipients

There are two documents attached. One document shows the text to be deleted and added along with comments explaining the reasons for the changes. The other document shows only the proposed new text and the comments explaining the reasons for the changes.

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



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



**Community Development Block Grant (CDBG) Policy**  
**Adopted 9/8/2008, Amended 5/24/2010, 10/3/2012, 12/19/2012**

**I. PURPOSE**

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

**II. POLICY**

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

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

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

**III. FEDERAL REGULATIONS**

*The citation reference from Title 24 Part 570 – Community Development Block Grants can be found in parentheses next to each heading below. Please view that section for more information on the respective item.*

**A. Federal Eligibility (24 CFR 570.201)**

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

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

**B. Ineligible Activities (24 CFR 570.207)**

The following activities may not be assisted with CDBG funds:

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

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

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





## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



### C. Special Economic Development Projects (24 CFR 570.203)

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

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

### D. National Objectives (24 CFR 570.208)

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

- (1). Low & Moderate Income (LMI) Benefit
  - a. Area Benefit: activities available for the benefit of all the residents in a particular area, where at least 51 percent of those residents are LMI persons.<sup>4</sup>
  - b. Limited Clientele: activities benefiting a specific group (i.e. abused children, elderly persons, battered spouses), at least 51 percent of whom are LMI persons.
  - c. Housing: activities carried out for the purpose of providing or improving permanent residential structures that, upon completion, will be occupied by LMI households.
  - d. Job Creation/Retention: activities designed to create or retain permanent jobs where at least 51 percent of the jobs involve the employment of LMI persons.
- (2). Slum & Blight Removal
  - a. Area Basis: activities undertaken to eliminate specific conditions of blight, physical decay, or environmental contamination that are located in a designated area of distress, including acquisition, clearance, relocation, historic preservation, remediation of environmentally contaminated properties, or rehabilitation. Rehabilitation must eliminate conditions that are detrimental to public health/safety; acquisition and relocation must be precursors to other activities that eliminate blight.
  - b. Spot Basis: activities undertaken to eliminate specific conditions of blight, physical decay, or environmental contamination at specific sites not located in designated blighted areas, including acquisition, clearance, relocation, historic preservation, remediation of environmentally contaminated properties, or rehabilitation. Rehabilitation must eliminate conditions that are detrimental to public health/safety; acquisition and relocation must be precursors to other activities that eliminate blight.
- (3). Urgent Need
  - a. Activities designed to alleviate existing conditions of recent origin (18 months) that pose serious threats to the health and welfare of the community; this objective may only be used if the community cannot finance necessary activities with other sources.

**Comment [RS1]:** The City of Appleton is no longer an exception community according to HUD's most recent update to LMI census tracts.

<sup>4</sup>In the City of Appleton, the designated area must consist of 46.7 percent, rather than 51, LMI. HUD calculated this threshold based on a formula that utilizes such factors as total population, total households, poverty rate and median income household.



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



**E. Categorical Limits**

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

**F. Program Income (24 CFR 570.426)**

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

**G. Fair Housing (24 CFR 570.601)**

The Secretary of HUD requires that:

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

**Comment [RS2]:** The language was changed to more accurately reflect Federal requirements.

**H. Environmental Review Procedures (24 CFR 570.604)**

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

**I. Faith-Based Activities (24 CFR 570.200)**

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

**J. Submission Requirements (24 CFR 570.302)**

CDBG entitlement communities must submit the following documents:

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

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

**K. Location of Activities (24 CFR 570.309)**

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



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



### L. Conflict of Interest (24 CFR 570.611)

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

## IV. LOCAL PROGRAM GUIDELINES

### A. Program Oversight

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

### B. Consolidated Plan Submission

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

### C. Definitions

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

### D. Local Categorical Limits

The following limits expand upon federal categorical limits associated with the CDBG program:

- (1). At least 70 percent of CDBG funds utilized during a single over three program years must be expended for LMI benefit; this excludes planning/CDBG administration activities.
- (2). The amount of CDBG funds obligated for public service activities in each program year may not exceed 15 percent of the adjusted award for that year.
- (3). The amount of CDBG funds obligated for planning/CDBG administration activities in each program year may not exceed 20 percent of the total entitlement grant for that year.
- (4). Any single award will not be less than \$10,000.

**Comment [RS3]:** HUD allows this measurement to be made over a one, two or three year period. We propose to change this in PY 2016 to make the measurement over a three year period. Historically, over a one year period the City usually commits approximately 90% of funds for activities benefitting LMI households. Changing this to three years will allow for flexibility in the event a larger percentage of funds are spent on non-LMI households in a single program year.

### E. Audit Requirements

Section 2 Part 200 of the Code of Federal Regulations The Office of Management and Budget (OMB) Circular A-133 Compliance Supplement and the State Single Audit Guidelines require major state programs (awards over \$100,000) and federal programs (awards over \$300,000) to complete a single audit. The necessary amount for fulfilling these requirements will be identified by the Finance Department and the City's independent auditors. This amount will be deducted from the estimated amount available for the program year and not included in the estimates of the adjusted award.

**Comment [RS4]:** As of December 26, 2014, Federal guidance on administrative requirements, cost principles and audit requirements used by Federal financial assistance programs can be found in 2 CFR 200. Specific dollar amounts are deleted so the policy won't have to be changed when guidelines are changed.





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### F. Fair Housing Services

In keeping with the spirit of federal fair housing requirements, an annual allocation for fair housing services will be approved. This activity will be reported as an administrative expense, which claims no benefit. The City of Appleton will utilize the award to contract with an independent entity qualified to provide residents with a variety of fair housing services. This amount will be deducted from the estimated amount available for the program year and not included in the estimates of the adjusted award.

### G. Program Administration

HUD requires entitlement communities to provide for efficient and adequate administration of CDBG programming. Administration costs may only include: salary/fringe, necessary training/travel, supplies and telephone/postage, in addition to fair housing services and audit costs. The necessary amount for fulfilling this requirement will be identified by the Community and Economic Development and Finance Departments. This amount will be deducted from the estimated amount available for the program year and not included in the estimates of the adjusted award. For additional internal control of program administration, a detailed description of these costs will be presented to both the CDBG Advisory Board and the CEDC for informational purposes.

**Comment [RS5]:** A detailed description of administration costs are found in the City's budget.

### H. Analysis of Impediments to Fair Housing Choice

Funding for production/updating of the City of Appleton Analysis of Impediments to Fair Housing Choice will be approved every five years (See federal fair housing requirements).

**Comment [RS6]:** The necessity of an Analysis of Impediments is addressed in Section III, letter E.

### II. Annual Allocation of CDBG Funding

The City of Appleton's Program Year begins April 1 and concludes March 31 of the following year. Each program year, administration, audit and fair housing costs along with adequate funding for the Homeowner Rehabilitation Loan Program, the Neighborhood Program and Appleton Housing Authority will be subtracted from the annual entitlement award amount (see Section IV E, F, and G) to determine the adjusted award. The adjusted award will first be available to City of Appleton Departments/Programs/component units that wish to undertake projects. After the City allocation process is complete, any remaining funds may be allocated to community partner and public services applicants.

**Comment [RS7]:** Funding for all these activities and programs are approved through the City Budget process.

**Comment [RS8]:** Separating out the applicants proposing public service activities is not necessary. All references to public service applicants will be deleted.

### II. City Allocation Process

Each year in fall, the CEDC will allocate adequate funding will be allocated through the City Budget process to the following: Housing Homeowner Rehabilitation Loan Program, Neighborhood Services Program, Administration Costs and Appleton Housing Authority. Then, other City of Appleton Departments will have the opportunity to submit an application for CDBG funding plans for activities. The plan application will include a plethora of information relating to goals, outputs, budget/financing, detailed activity descriptions, capacity and performance. CEDC staff, per HUD rules and regulations, will perform an administrative review of each plan to ensure that:

**Comment [RS9]:** Funding for administration, fair housing, the Homeowner Loan Program, Neighborhood Program and Appleton Housing Authority is approved through the City Budget process.

1. Proposed activities are included within the listing of eligible activities (24 CFR 570.201)
2. Proposed activities do not fall within a category of explicitly ineligible activities (24 CFR 570.207)
3. Proposed activities will meet one of the national objectives of the program (24 CFR 570.200)
4. Proposed activities will address priority needs as identified in the Consolidated Plan

Upon completion of the administrative review, the plans will be presented to the CEDC. CEDC will also review the submitted plans to ensure the proposed activities meet the four standards listed above and allocate adequate funds for each plan. CEDC's recommendation will then be presented to the Common



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



Council for approval.

### **KJ.** **Community Partner and Public Services Subrecipient Allocation Process**

The community partner and public services application process will begin after allocations for City applications have been approved, and end with recommended allocations being announced after Council approval in January. Applications will be made available for approximately one month and should be submitted to the CEDD. All applications must be received by the announced deadline; no exceptions will be made. CEDD staff will perform an administrative review of each proposal, per HUD rules and regulations, to ensure the four standards listed under letter E. above, will be met if proposed activities are funded.

**Comment [RS10]:** Specifying a month is not necessary.

Upon completion of the administrative review, the proposals will be presented to the CDBG Advisory Board which will review and make funding recommendations for each proposal. This Board will consist of the following members:

1. Mayor
2. Common Council President
3. Chairperson of the Community and Economic Development Committee or committee designee
4. Chairperson of the Appleton Redevelopment Authority or committee designee
5. Representative from an Experienced Outside Funding Agency – on a rotating basis as approved by the Community and Economic Development Committee (i.e. United Way, Community Foundations, JJ Keller Foundation, U.S. Oil Basic Needs Partnership)
6. Citizen member from the City Plan Commission
7. Citizen member from the Board of Health

**Comment [RS11]:** CEDD staff meets and decides upon an appropriate agency from which to ask a representative to participate.

**Comment [RS12]:** A Board of Health member has been asked each of the last three years and there has not been anyone available to participate.

CEDD staff will supply the Board with applications and all appropriate guidelines along with facilitate meetings with this Board to offer guidance on evaluation and analysis of CDBG-funded activities. Board members will be presented with an overview of the federal CDBG Program, a summary of each proposal, and an explanation of the proposal score sheet. Board members are asked to allocate funding among the applicants and return their allocations to CEDD. After the meeting, score sheets and comments will be collected by CEDD staff who will compile all results and present allocation recommendations at a Board meeting during which allocation amounts will be finalized. A second meeting of the Board will be held to finalize funding recommendations based on cumulative results, community needs and funding availability. In completing their funding recommendation, the Board will utilize an estimated CDBG entitlement award dollar amount, which will be calculated based on past awards and any available information on HUD's future funding strategies. Funding recommendations from this Board will be presented as an Action Item to the CEDC. CEDC's recommendation will then be presented to the Common Council for final approval. Common Council approved recommended CDBG allocations will be announced in January.

**Comment [RS13]:** After the first year using the two meeting process, staff decided that it was more efficient and easier to hold one meeting during which allocations were discussed and decided upon.

### **LK.** **Estimated vs. Actual Entitlement Award**

Each year, the CEDC will decide how to deal with the If there is a differential between the estimated award and the actual award, the CDBG Advisory Board will be consulted and their recommendations will be presented during the application process and the actual award as announced by HUD to CEDC and Council for approval.

**Comment [RS14]:** The CDBG Advisory Board is most familiar with the applicants, therefore a recommendation from them in regard to funding to CEDC would be appropriate.

### **ML.** **Subrecipient Agreement/Letter of Understanding/Training Session**

Community partner and public services subrecipients of CDBG funds must enter into a subrecipient agreement with the City of Appleton. This subrecipient agreement serves as a formal contract addressing



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



the various policies outlined in this document, in addition to contract amount/term, reimbursement requests, accomplishment quarterly reporting, monitoring, financial management guidelines, conflict of interest, and additional federal standards, including lead-based paint regulations and the Davis Bacon Act. Furthermore, each City Program receiving CDBG funds must sign a Letter of Understanding (LOU) indicating an understanding of the items above. To ensure all parties understand the requirements of their agreement or LOU, a mandatory training session will be held with new subrecipients before funds are released. Technical assistance from staff will be available to all subrecipients throughout the program year.

**Comment [RS15]:** The reason for this change is discussed in the comment regarding letter "O" on the following page.

**Comment [RS16]:** Since many of the subrecipients of CDBG funds are agencies that have experience with grant funding and have received CDBG funds in the past, mandatory training for all subrecipients is not necessary. Training for subrecipients that have never received CDBG funds is a good idea and should be required.

### **NM.** Statement of Work

All subrecipients and City Programs shall submit a concise Statement of Work that illustrates an implementation plan for their CDBG activity. This Statement, which will be attached to the subrecipient agreement/LOU includes: national objective claimed, activity descriptions, intended beneficiaries (number and type), detailed budget and location(s) of program-related activity.

### **ON.** Report Submissions

All subrecipients and City Programs are required to submit a report of their accomplishments with each payment request during the program year when applicable Quarterly Activity Reports by the 15<sup>th</sup> of the month following the end of a quarter, as well as an Annual Activity Report by April 15<sup>th</sup>, which is a comprehensive report covering the agreed upon objectives, activities and expenditures for the entire contract period, by April 15. If said reports are not attached to payment requests when required, received by the requested date, future payments will be withheld until the report is submitted. Furthermore, the reports will be placed on the agenda of the first CEDC meeting immediately following each report due date for committee members' review and comment. In the instance that reports are not being submitted in a timely manner, a subrecipient or City Program may be called to address the CEDC on reasoning behind the tardiness.

**Comment [RS17]:** All subrecipients do not have accomplishments every quarter. Some use their award in one lump sum which is why reporting accomplishments along with a payment request makes the most sense. Also, some activities are paid for through several payment requests, so requiring a report with every payment request is not essential.

### **PQ.** Change of Use

If a subrecipient or City Program wishes to utilize funds for an activity not identified on their original application in their agreement, they are required to submit a detailed letter to the CEDD explaining the reasoning for and amount of the proposed change and a public comment period may be held per the Citizen Participation Plan. Changes involving either an amount greater than 15 percent of the original award for that activity or plans to utilize funds under a different activity category will not be considered without CEDC approval.

**Comment [RS18]:** Requirements regarding change of use are addressed in the Citizen Participation Plan.

### **QP.** Displacement/Relocation

Due to the potential liability for long-term assistance and burdens placed on affected tenants, the City of Appleton will avoid funding CDBG projects that involve permanent residential displacement or business relocation unless displacement/relocation prove to be the only means available to correct a public health/safety hazard or other critical condition.

### **RQ.** Procurement

The City of Appleton Procurement Policy applies to all CDBG activities, including both City Programs and subrecipients that involve the purchase of equipment, materials, supplies and/or services. A copy of this policy will be distributed to all subrecipients.

### **SR.** Audits

The City of Appleton must ensure that all subrecipients and City Programs maintain accurate records of their CDBG funds expended. Thus, a All subrecipients and City Programs are required to complete submit



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



one copy of their audited financial statement~~an outside fiscal audit prior to receiving their award immediately following the end of their fiscal year during which CDBG funds are received,~~ unless an alternate arrangement has been made with the City of Appleton Finance Department. CDBG applications may include audit costs as a reimbursable expense.

**Comment [RS19]:** City programs are included in the City's overall audit so do not need to be mentioned here. The language was changed to match the language used in the subrecipient agreement

### TS. **Disputes**

Any dispute concerning a question of fact arising under a subrecipient program or City Program shall be resolved by CEDD staff, who shall relay his/her decision in writing to the subrecipient or City Program, in addition to furnishing a copy to the Mayor and the CEDC. The decision of CEDD staff shall be final and conclusive unless the subrecipient or City Program furnishes a written appeal to the CEDC within ten days of the date of receipt of such copy. The decision of the CEDC in such appeals shall be final and conclusive unless appealed to a court of competent jurisdiction within 30 days of receipt of the CEDC's decision.

### UT. **Unspent Grant Funds**

Any uncommitted CDBG funds remaining at the end of the program year will be reprogrammed for use in the subsequent program year. ~~In order to demonstrate that funds are committed, all subrecipients and City Programs must present documentation to demonstrate that funds are indeed contracted for a specific project. If funds are not under contract, but designated for a specific project, The subrecipient shall submit a~~ carryover request, including both ~~substantial~~ documentation of plans for expending funds and a timeline for the expenditure, ~~should be submitted to CEDD staff for consideration by April 15. If the carryover request is approved, monthly progress reports on spend down must be filed with CEDD staff, who will present them as information items to the CEDC. If~~ Any unspent grant funds ~~not under contract~~ remaining after ~~June-September 30, will be recouped by the City and reprogrammed for use in the subsequent program year~~ CEDD staff will meet with the subrecipient to determine if further action needs to be taken to expedite the expenditure of funds.

**Comment [RS20]:** Carryover of funds has become more commonplace over the past few years mostly due to the fact that HUD has not released the funds to the City until three to six months into the CDBG Program Year. This has caused a delay in the use of the funds by the subrecipients. The changes to this section will allow more flexibility to both the subrecipients and the City when the carryover of funds is necessary, but still holds the subrecipient responsible for the timely expenditure of funds.

### VU. **Termination**

If the subrecipient or City Program fails to fulfill, in timely and proper manner, its obligations under the Statement of Work, or if they violate any stipulations contained within the subrecipient agreement/LOU, the City has the right to terminate funding of their program. Written notice will be delivered at least 30 days before the termination.

### WV. **Examination of Records/Monitoring**

The subrecipient and City Program shall maintain records (including books, documentation and other evidence) pertaining to the costs of carrying out their activity to the extent of detail that will adequately reflect net costs, direct and indirect labor, materials, equipment, supplies/services, and other expenses. Authorized representatives of the City or HUD shall have access to subrecipient and City Program records at reasonable times of the business day for inspection, audit or reproduction. Subrecipients and City Programs must make these records available throughout the program year and four years after it expires. Furthermore, CEDD staff may schedule monitoring visits with the subrecipient to evaluate the progress/performance of the program and provide technical assistance.

### XW. **Financial Management Systems**

Subrecipients and City Programs must employ financial management systems that are capable of generating regular financial status reports indicating the dollar amount allocated (including budget revisions), amount obligated, and amount expended for each activity. The system must permit the comparison of actual expenditures and revenues against budgeted amounts. The City must be able to isolate/trace every CDBG dollar received.



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



### **YX. Payment Requests**

Community partner ~~and public services~~ subrecipients ~~and City Programs~~ will submit ~~written~~ requests for payment with attached supporting documentation to the CEDD. Payment requests shall be allowed on a reimbursement basis (i.e. only after expenditures have been incurred) and shall be reviewed to ensure the expenditures are in conformity with the use of funds as described in the Statement of Work. If source documentation is deemed inadequate by Staff, all payments will be withheld until all required documents have been submitted. Payment requests received and approved will be processed and a check issued in accordance with the City of Appleton Finance Department weekly pay cycle. All payment requests must contain an original signature. ~~Requests can be emailed, but must be scanned with the original signature. City Programs shall request payment via the departmental approval process. The request will then be further approved by CEDD staff to ensure that reimbursements reflect the original activity for which funds were awarded.~~

**Comment [RS21]:** Payment requests from City Programs have been and will continue to be treated the same as requests from subrecipients.

### **ZY. Program Income**

Any program income (as defined under applicable federal regulations) gained from any activity of the subrecipient may be retained by the subrecipient or City Program provided the income is treated as additional CDBG funds subject to all applicable requirements governing the use of CDBG funds. Anticipated program income must be documented and described in the subrecipient or City Program proposal/application. Furthermore, any and all program income received must be reported to the City of Appleton's Community and Economic Development and Finance Departments, unless otherwise specified in this contract.

### **AZ. CDBG Activity Promotion**

All subrecipients and City Programs are required to participate in promotion of the City of Appleton CDBG Program. Expectations will be outlined by staff at the beginning of the program year and may include, but are not limited to:

- Inclusion of the Appleton/CDBG logo in materials/at project sites
- Mentorship of a subrecipient new to the CDBG Program
- Participation in a CDBG Open House to showcase grant activities

## **V. APPLICATION/PROPOSAL EVALUATION CRITERIA**

### **A. General**

In order to receive CDBG funding, subrecipient and City Programs must meet a priority need, as identified in the Five-Year Consolidated Plan. Additional preference, however, will be given to CDBG applicant activities that meet one or more of the following criteria:

- (1). Seek a one-time use of CDBG funding
- (2). Benefit residents of LMI census tracts (population at least 46.7 percent LMI)
- (3). Will result in additional housing units being placed on the tax roll
- (4). Demonstrate secured complementary sources of funding (i.e. leverage) and/or strong efforts to solicit and secure complementary funding.
- (5). Serve special needs populations, including, but not limited to:
  - a. Elderly/frail elderly
  - b. Persons with disabilities (developmental and physical)
  - c. Persons with HIV/AIDS and their families
  - d. Persons seeking solutions to alcohol and drug addiction





**City of Appleton**  
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**B. Public Services (subject to 15 percent cap)**

Preference will be given to Public Service CDBG applicants whose activities meet one or more of the following criteria:

- (1). Program service costs – one time use
- (2). Administrative expenses – one time use
- (3). Program service costs – continual use
- (4). Administrative expenses – continual use



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**COMMUNITY DEVELOPMENT BLOCK GRANT**



**Community Development Block Grant (CDBG) Policy**  
**Adopted 9/8/2008, Amended 5/24/2010, 10/3/2012, 12/19/2012**

**I. PURPOSE**

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

**II. POLICY**

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

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

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

**III. FEDERAL REGULATIONS**

*The citation reference from Title 24 Part 570 – Community Development Block Grants can be found in parentheses next to each heading below. Please view that section for more information on the respective item.*

**A. Federal Eligibility (24 CFR 570.201)**

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

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

**B. Ineligible Activities (24 CFR 570.207)**

The following activities may not be assisted with CDBG funds:

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

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

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



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**C. Special Economic Development Projects (24 CFR 570.203)**

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

Special economic development activities include:

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

**D. National Objectives (24 CFR 570.208)**

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

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

**Comment [RS1]:** The City of Appleton is no longer an exception community according to HUD's most recent update to LMI census tracts.



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**E. Categorical Limits**

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

**F. Program Income (24 CFR 570.426)**

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

**G. Fair Housing (24 CFR 570.601)**

The Secretary of HUD requires that:

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

**Comment [RS2]:** The language was changed to more accurately reflect Federal requirements.

**H. Environmental Review Procedures (24 CFR 570.604)**

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

**I. Faith-Based Activities (24 CFR 570.200)**

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

**J. Submission Requirements (24 CFR 570.302)**

CDBG entitlement communities must submit the following documents:

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

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

**K. Location of Activities (24 CFR 570.309)**

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



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



### L. Conflict of Interest (24 CFR 570.611)

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## IV. LOCAL PROGRAM GUIDELINES

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- (2). The amount of CDBG funds obligated for public service activities in each program year may not exceed 15 percent of the adjusted award for that year.
- (3). The amount of CDBG funds obligated for planning/CDBG administration activities in each program year may not exceed 20 percent of the total entitlement grant for that year.
- (4). Any single award will not be less than \$10,000.

**Comment [RS3]:** HUD allows this measurement to be made over a one, two or three year period. We propose to change this in PY 2016 to make the measurement over a three year period.

### E. Audit Requirements

Section 2 Part 200 of the Code of Federal Regulations and the State Single Audit Guidelines require major state programs and federal programs to complete a single audit. The necessary amount for fulfilling these requirements will be identified by the Finance Department and the City's independent auditors. This amount will be deducted from the estimated amount available for the program year and not included in the estimates of the adjusted award.

**Comment [RS4]:** As of December 26, 2014, Federal guidance on administrative requirements, cost principles and audit requirements used by Federal financial assistance programs can be found in 2 CFR 200. Specific dollar amounts are deleted so policy won't have to be changed when guidelines are changed.





## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



### F. Fair Housing Services

In keeping with the spirit of federal fair housing requirements, an annual allocation for fair housing services will be approved. This activity will be reported as an administrative expense, which claims no benefit. The City of Appleton will utilize the award to contract with an independent entity qualified to provide residents with a variety of fair housing services. This amount will be deducted from the estimated amount available for the program year and not included in the estimates of the adjusted award.

### G. Program Administration

HUD requires entitlement communities to provide for efficient and adequate administration of CDBG programming. Administration costs may only include: salary/fringe, necessary training/travel, supplies and telephone/postage, in addition to fair housing services and audit costs. The necessary amount for fulfilling this requirement will be identified by the Community and Economic Development and Finance Departments. This amount will be deducted from the estimated amount available for the program year and not included in the estimates of the adjusted award.

**Comment [RS5]:** A detailed description of administration costs are found in the City's budget.

### H. Annual Allocation of CDBG Funding

The City of Appleton's Program Year begins April 1 and concludes March 31 of the following year. Each program year, administration, audit and fair housing costs, along with adequate funding for the Homeowner Rehabilitation Loan Program, the Neighborhood Program and Appleton Housing Authority will be subtracted from the annual entitlement award amount to determine the adjusted award. The adjusted award will first be available to City of Appleton Departments/Programs/component units that wish to undertake projects. After the City allocation process is complete, any remaining funds may be allocated to community partner applicants.

**Comment [RS6]:** Funding for all these activities and programs are approved through the City Budget process.

### I. City Allocation Process

Each year adequate funding will be allocated through the City Budget process to the following: Homeowner Rehabilitation Loan Program, Neighborhood Program, Administration Costs and Appleton Housing Authority. Then, other City of Appleton Departments will have the opportunity to submit an application for CDBG funding. The application will include information relating to goals, outputs, budget/financing, detailed activity descriptions, capacity and performance. CEDD staff, per HUD rules and regulations, will perform an administrative review of each plan to ensure that:

**Comment [RS7]:** Separating out the applicants proposing public service activities is not necessary. All references to public service applicants will be deleted.

1. Proposed activities are included within the listing of eligible activities (24 CFR 570.201)
2. Proposed activities do not fall within a category of explicitly ineligible activities (24 CFR 570.207)
3. Proposed activities will meet one of the national objectives of the program (24 CFR 570.200)
4. Proposed activities will address priority needs as identified in the Consolidated Plan

**Comment [RS8]:** Funding for administration, fair housing, the Homeowner Loan Program, Neighborhood Program and Appleton Housing Authority is approved through the City Budget process.

Upon completion of the administrative review, the plans will be presented to the CEDC. CEDC will also review the submitted plans to ensure the proposed activities meet the four standards listed above and allocate adequate funds for each plan. CEDC's recommendation will then be presented to the Common Council for approval.

### J. Community Partner Subrecipient Allocation Process

The community partner application process will begin after allocations for City applications have been approved, and end with recommended allocations being announced after Council approval. Applications will be made available for approximately one month and should be submitted to the CEDD. All applications must be received by the announced deadline; no exceptions will be made. CEDD staff will perform an administrative review of each proposal, per HUD rules and regulations, to ensure the four

**Comment [RS9]:** Specifying a month is not necessary.



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



standards listed under letter E. above, will be met if proposed activities are funded.

Upon completion of the administrative review, the proposals will be presented to the CDBG Advisory Board which will review and make funding recommendations for each proposal. This Board will consist of the following members:

1. Mayor
2. Common Council President
3. Chairperson of the Community and Economic Development Committee or committee designee
4. Chairperson of the Appleton Redevelopment Authority or committee designee
5. Representative from an Experienced Outside Funding Agency – on a rotating basis (i.e. United Way, Community Foundation, JJ Keller Foundation, U.S. Oil Basic Needs Partnership)
6. Citizen member from the City Plan Commission

**Comment [RS10]:** CEDD staff meets and decides upon an appropriate agency from which to ask a representative to participate.

CEDD staff will supply the Board with applications and all appropriate guidelines along with a summary of each proposal, and an explanation of the proposal score sheet. Board members are asked to allocate funding among the applicants and return their allocations to CEDD staff who will compile all results and present allocation recommendations at a Board meeting during which allocation amounts will be finalized. In completing their funding recommendation, the Board will utilize an estimated CDBG entitlement award dollar amount, which will be calculated based on past awards and any available information on HUD's future funding strategies. Funding recommendations from this Board will be presented as an Action Item to the CEDC. CEDC's recommendation will then be presented to the Common Council for final approval.

**Comment [RS11]:** After the first year using the two meeting process, staff decided that it was more efficient and easier to hold one meeting during which allocations were discussed and decided upon.

### K. Estimated vs. Actual Entitlement Award

If there is a differential between the estimated award and the actual award, the CDBG Advisory Board will be consulted and their recommendations will be presented to CEDC and Council for approval.

**Comment [RS12]:** The CDBG Advisory Board is most familiar with the applicants, therefore a recommendation from them in regard to funding to CEDC would be appropriate.

### L. Subrecipient Agreement/Letter of Understanding/Training Session

Community partner subrecipients of CDBG funds must enter into a subrecipient agreement with the City of Appleton. This subrecipient agreement serves as a formal contract addressing the various policies outlined in this document, in addition to contract amount/term, reimbursement requests, accomplishment reporting, monitoring, financial management guidelines, conflict of interest, and additional federal standards, including lead-based paint regulations and the Davis Bacon Act. Furthermore, each City Program receiving CDBG funds must sign a Letter of Understanding (LOU) indicating an understanding of the items above. To ensure all parties understand the requirements of their agreement or LOU, a mandatory training session will be held with new subrecipients before funds are released. Technical assistance from staff will be available to all subrecipients throughout the program year.

**Comment [RS13]:** The reason for this change is discussed in the comment regarding letter "O" on the following page.

### M. Statement of Work

All subrecipients and City Programs shall submit a concise Statement of Work that illustrates an implementation plan for their CDBG activity. This Statement, which will be attached to the subrecipient agreement/LOU includes: national objective claimed, activity descriptions, intended beneficiaries (number and type), detailed budget and location(s) of program-related activity.

**Comment [RS14]:** Since many of the subrecipients of CDBG funds are agencies that have experience with grant funding and have received CDBG funds in the past, mandatory training for all subrecipients is not necessary. Training for subrecipients that have never received CDBG funds is a good idea and should be required.

### N. Report Submissions

All subrecipients and City Programs are required to submit a report of their accomplishments with each payment request during the program year when applicable, as well as an Annual Report by April 15th, which is a comprehensive report covering the agreed upon objectives, activities and expenditures for the entire



## City of Appleton COMMUNITY DEVELOPMENT BLOCK GRANT



contract period. If said reports are not attached to payment requests when required, payments will be withheld until the report is submitted.

**O. Change of Use**

If a subrecipient or City Program wishes to utilize funds for an activity not identified on their original application, they are required to submit a detailed letter to the CEDD explaining the reasoning for and amount of the proposed change and a public comment period may be held per the Citizen Participation Plan.

**Comment [RS15]:** Requirements regarding change of use are addressed in the Citizen Participation Plan.

**P. Displacement/Relocation**

Due to the potential liability for long-term assistance and burdens placed on affected tenants, the City of Appleton will avoid funding CDBG projects that involve permanent residential displacement or business relocation unless displacement/relocation prove to be the only means available to correct a public health/safety hazard or other critical condition.

**Q. Procurement**

The City of Appleton Procurement Policy applies to all CDBG activities, including both City Programs and subrecipients that involve the purchase of equipment, materials, supplies and/or services. A copy of this policy will be distributed to all subrecipients.

**R. Audits**

All subrecipients are required to submit one copy of their audited financial statement immediately following the end of their fiscal year during which CDBG funds are received, unless an alternate arrangement has been made with the City of Appleton Finance Department. CDBG applications may include audit costs as a reimbursable expense.

**Comment [RS16]:** City programs are included in the City's overall audit so do not need to be mentioned here. The language was changed to match the language used in the subrecipient agreement.

**S. Disputes**

Any dispute concerning a question of fact arising under a subrecipient program or City Program shall be resolved by CEDD staff, who shall relay his/her decision in writing to the subrecipient or City Program, in addition to furnishing a copy to the Mayor and the CEDC. The decision of CEDD staff shall be final and conclusive unless the subrecipient or City Program furnishes a written appeal to the CEDC within ten days of the date of receipt of such copy. The decision of the CEDC in such appeals shall be final and conclusive unless appealed to a court of competent jurisdiction within 30 days of receipt of the CEDC's decision.

**T. Unspent Grant Funds**

Any uncommitted CDBG funds remaining at the end of the program year will be reprogrammed for use in the subsequent program year. The subrecipient shall submit a carryover request, including both documentation of plans for expending funds and a timeline for the expenditure, to CEDD staff by April 15. If any unspent grant funds remain after September 30, CEDD staff will meet with the subrecipient to determine if further action needs to be taken to expedite the expenditure of funds.

**Comment [RS17]:** Carryover of funds has become more commonplace over the past few years mostly due to the fact that HUD has not released the funds to the City until three to six months into the CDBG Program Year. This has caused a delay in the use of the funds by the subrecipients. The changes to this section will allow more flexibility to both the subrecipients and the City when the carryover of funds is necessary, but still holds the subrecipient responsible for the timely expenditure of funds.

**U. Termination**

If the subrecipient or City Program fails to fulfill, in timely and proper manner, its obligations under the Statement of Work, or if they violate any stipulations contained within the subrecipient agreement/LOU, the City has the right to terminate funding of their program. Written notice will be delivered at least 30 days before the termination.



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**COMMUNITY DEVELOPMENT BLOCK GRANT**



**V. Examination of Records/Monitoring**

The subrecipient and City Program shall maintain records (including books, documentation and other evidence) pertaining to the costs of carrying out their activity to the extent of detail that will adequately reflect net costs, direct and indirect labor, materials, equipment, supplies/services, and other expenses. Authorized representatives of the City or HUD shall have access to subrecipient and City Program records at reasonable times of the business day for inspection, audit or reproduction. Subrecipients and City Programs must make these records available throughout the program year and four years after it expires. Furthermore, CEDD staff may schedule monitoring visits with the subrecipient to evaluate the progress/performance of the program and provide technical assistance.

**W. Financial Management Systems**

Subrecipients and City Programs must employ financial management systems that are capable of generating regular financial status reports indicating the dollar amount allocated (including budget revisions), amount obligated, and amount expended for each activity. The system must permit the comparison of actual expenditures and revenues against budgeted amounts. The City must be able to isolate/trace every CDBG dollar received.

**X. Payment Requests**

Community partner subrecipients and City Programs will submit requests for payment with attached supporting documentation to the CEDD. Payment requests shall be allowed on a reimbursement basis (i.e. only after expenditures have been incurred) and shall be reviewed to ensure the expenditures are in conformity with the use of funds as described in the Statement of Work. If source documentation is deemed inadequate by Staff, all payments will be withheld until all required documents have been submitted. Payment requests received and approved will be processed and a check issued in accordance with the City of Appleton Finance Department weekly pay cycle. All payment requests must contain an original signature.

**Comment [RS18]:** Payment requests from City Programs have been and will continue to be treated the same as requests from subrecipients.

**Y. Program Income**

Any program income (as defined under applicable federal regulations) gained from any activity of the subrecipient may be retained by the subrecipient or City Program provided the income is treated as additional CDBG funds subject to all applicable requirements governing the use of CDBG funds. Anticipated program income must be documented and described in the subrecipient or City Program proposal/application. Furthermore, any and all program income received must be reported to the City of Appleton's Community and Economic Development and Finance Departments, unless otherwise specified in this contract.

**Z. CDBG Activity Promotion**

All subrecipients and City Programs are required to participate in promotion of the City of Appleton CDBG Program. Expectations will be outlined by staff at the beginning of the program year and may include, but are not limited to:

- Inclusion of the Appleton/CDBG logo in materials/at project sites
- Mentorship of a subrecipient new to the CDBG Program
- Participation in a CDBG Open House to showcase grant activities

**V. APPLICATION/PROPOSAL EVALUATION CRITERIA**

**A. General**

In order to receive CDBG funding, subrecipient and City Programs must meet a priority need, as identified



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

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in the Five-Year Consolidated Plan. Additional preference, however, will be given to CDBG applicant activities that meet one or more of the following criteria:

- (1). Seek a one-time use of CDBG funding
- (2). Benefit residents of LMI census tracts (population at least 46.7 percent LMI)
- (3). Will result in additional housing units being placed on the tax roll
- (4). Demonstrate secured complementary sources of funding (i.e. leverage) and/or strong efforts to solicit and secure complementary funding.
- (5). Serve special needs populations, including, but not limited to:
  - a. Elderly/frail elderly
  - b. Persons with disabilities (developmental and physical)
  - c. Persons with HIV/AIDS and their families
  - d. Persons seeking solutions to alcohol and drug addiction

**B. Public Services (subject to 15 percent cap)**

Preference will be given to Public Service CDBG applicants whose activities meet one or more of the following criteria:

- (1). Program service costs – one time use
- (2). Administrative expenses – one time use
- (3). Program service costs – continual use
- (4). Administrative expenses – continual use





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Department of Utilities  
Appleton Water Treatment Facility  
2006 E Newberry Street  
Appleton, WI 54915  
920-832-5945 ph  
920-832-5949 fax

**TO:** Chairperson Greg Dannecker and Members of the Utilities Committee

**FROM:** Utilities Deputy Director Chris Stempa

**CC:** Utilities Director Chris Shaw  
Water Operations Supervisor Joe Meyers

**DATE:** June 30, 2015

**RE:** *Approval of Sole Source Contract to Fiberglass Solutions Inc. for Hypochlorite Fiberglass Reinforced Plastic Tank Conditions Assessment & Repair Work in the amount of \$57,345 plus a 5% contingency of \$2,867 for a total not to exceed of \$60,212*

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**BACKGROUND:**

On April 28, 2015, the Utilities Committee approved the recommendation for contract award to Fiberglass Solutions, Inc. to conduct a conditions assessment and repair work on one of the Appleton Water Treatment Facility's (AWTF) three sodium hypochlorite tanks. In recent years all three tanks have been observed to have small temporarily repairable leaks. However, Tank #1 was targeted for this work because of progressively worsening leakage detected along the lower circumference of the tank including smaller pin-hole leaks identified at flange and pipe penetrations. The overall structural integrity of the tank would dictate if repair work was feasible or cost justifiable. Therefore, a conditions assessment was a necessary pre-cursor to repair work.

On June 3, 2015 Fiberglass Solutions inspected Sodium Hypochlorite Tank #1 and determined that severe erosion of the interior fiberglass resin liner system was compromised including isolated areas of structural failure. The tank overall was determined to be in structural sound condition. Therefore, based on the conditions assessment findings the AWTF went forth with the relining and repair work. The complete repair on Sodium Hypochlorite Tank #1 was completed the week of June 8<sup>th</sup>.

**JUSTIFICATION TO REPAIR OF TANKS #2 AND #3:**

Prior communication with numerous tank manufactures including repair technicians indicated that fiberglass-reinforced plastic (FRP) bulk sodium hypochlorite storage tanks generally have a life expectancy of 15 years before relining or replacement is necessary. All bulk storage tanks installed at the AWTF as part of new construction in 2001 will now soon reach that 15 service year life milestone. Increasing frequency and severity of leaks coupled with the recent conditions assessment work completed by Fiberglass Solutions Inc. support this. As a result, it is the AWTF's desire to expeditiously move forward with the conditions assessment and repairs (as determined necessary) of Sodium Hypochlorite Tanks #2 and #3. The AWTF recommends sole source approval to Fiberglass Solutions Inc. for these services given the quality of workmanship this firm provided with Tank #1 and the earlier quotation process results which are summarized below.

<b>Firm</b>	<b>Total Quote</b>
Fiberglass Solutions	\$28,673
ECC Corrosion Inc.	\$52,300
Belding Tanks	DNP
Roy Nordenstrom & Son's Inc.	DNP
Herrick Sales	DNP

DNP: Did not provide a complete quote or was non-responsive.

**RECOMMENDATION:**

It is recommended that the Utilities Committee award sole source contract to Fiberglass Solutions Inc. for the hypochlorite fiberglass reinforced plastic tank conditions assessment and repair work in the amount of \$57,345 plus a 5% contingency of \$2,867 for a total not to exceed of \$60,212

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



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

**TO:** Chairperson Greg Dannecker and Members of the Utilities Committee

**FROM:** Utilities Deputy Director Chris Stempa

**CC:** Utilities Director Chris Shaw, Wastewater Plant Operations Supervisor  
Robert Kennedy, Enterprise Fund Accounting Manager Kelli Rindt

**DATE:** June 30, 2015

**RE:** *Approval of a Sole Source Coating Services contract for the Appleton Wastewater Treatment Plant Tank Coating Project to Omni Glass and Paint, Inc in the amount of \$56,186 plus a 7.5% contingency of \$4,214 for a total not to exceed cost of \$60,400*

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**BACKGROUND:**

In 2014, the Appleton Wastewater Treatment Plant (AWWTP) had received approval to award contracts for engineering and contractor coating services for exterior tank covers and interior receiving station tank. The 2014 coating conditions and structural integrity assessment (external and interstitial) performed by McMahon established a rehabilitation and coating priority among the four tanks. Following the tank conditions assessment, it was determined to move forward with rehabilitation and coating work which targeted the tanks with severe coating system delamination and corrosion (e.g. western secondary digester and receiving station tank).

Alternate quotes were required as part of last year's coating services quotation process for the remaining two exterior tanks (sludge storage tank and filtrate storage tank). These tanks are equipped with same fixed Envirex Duo-Deck® cover as the western secondary digester that was rehabilitated during the fall of 2014. The required alternate quotes were utilized to take advantage of work combinations and economy of scale that provide cost competitive opportunities while advancing priority service work within a defined budget. Because of the severity of corrosion discovered on the exterior cover of the western secondary digester, the cost to rehabilitate absorbed a greater percentage of the available coating budget than originally anticipated. Therefore, the alternate quotes were utilized to formulate the 2015 O&M budgetary number to complete the remaining tank coating work.

**SOLE SOURCE JUSTIFICATION:**

Omni Glass and Paint, Inc. (Omni) has agreed to honor its agreement from the September 2014 quotation process. Omni has demonstrated quality workmanship and professionalism as part of the services provided in 2014. That includes a solid history of service performance on both sides of the Utility. Based on the 2014 quotation results, it is not expected to be advantageous from either a cost or schedule standpoint to seek new quotes. Conducting a request for quotation (RFQ) would involve a contracted engineer reformulating the project specifications, conducting a public advertisement, organize and facilitate pre-quotation meeting(s) not exclusive of the administrative steps necessary for subsequent contract award. The additional costs incurred from this process (McMahon estimates \$4,000) coupled with the delay in work start caused by the aforementioned RFQ process within an already limited exterior coating season is not likely to outweigh the benefits of moving forward with sole source contract with Omni.

The Appleton Finance Department Purchasing Manager, Jeff Fait, was asked to review the 2014 quotation and this recommendation for sole source. Mr. Fait stated "...in looking at the overall situation and the operational and financial interests of the City, I feel this is an exceptionally advantageous opportunity, as mentioned in the procurement policy under sole source parameters." Therefore, based on the collective review of pros and cons the AWTF recommends sole source approval to Omni Glass and Paint and the 2014 alternate quotation results provided below.

COATING CONTRACTOR	ALTERNATE QUOTE
Omni Glass and Paint, Inc.	\$56,186
Wisconsin Industrial Coatings, Inc.	\$85,000
Mill Coatings	DNP
TMI Coatings	DNP

**RECOMMENDATION:**

It is recommended that the Utilities Committee award sole source contract to Omni Glass and Paint, Inc. in an amount of \$56,186 plus a 7.5% contingency of \$4,214 for a total not to exceed cost of \$60,400.

If you have any questions, regarding the project please contact Chris Stempa at 832-2353.



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

**TO:** Chairperson Greg Dannecker and Members of the Utilities Committee

**FROM:** Utilities Deputy Director Chris Stempa

**CC:** Utilities Director Chris Shaw, Wastewater Plant Operations Supervisor  
Robert Kennedy, Enterprise Fund Accounting Manager Kelli Rindt

**DATE:** June 30, 2015

**RE:** *Approval of a Sole Source Engineering Services contract for the Appleton Wastewater Treatment Plant Tank Coating Project to McMahon Engineers & Architects in the amount of \$8,000 plus a 5% contingency of \$400 for a total not to exceed cost of \$8,400*

---

**BACKGROUND:**

In 2014, the Appleton Wastewater Treatment Plant (AWWTP) had received approval to award contracts for engineering and contractor coating services for exterior tank covers and interior receiving station tank. As part of the 2014 engineering services contract, McMahon completed a structural integrity assessment (external and interstitial). This assessment established rehabilitation and coating priority among the four tanks including the generation of project specifications used for coating preparation and coating systems. Following the tank conditions assessment, it was determined to move forward with rehabilitation and coating work during 2014 which targeted the tanks with severe coating system delamination and corrosion (i.e., western secondary digester and receiving station tank).

Alternate quotes required as part of last year's coating services quotation process for the two remaining exterior tank covers (sludge storage tank and filtrate storage tank) are being honored by the low bidder Omni Glass and Paint, Inc. for 2015 (covered by separate memo). McMahon has provided a quote to continue professional coating inspection and construction related services for the remaining coating work described in the alternate quotes.

**SOLE SOURCE JUSTIFICATION:**

McMahon developed the project coating specifications utilized as part of 2014 request for quotation (RFQ) process. The existing coating specifications would require complete redevelopment if the services of another engineering were acquired. It is common for



engineering firms to develop their own specifications based on in-house expertise since the professional services they are being asked to provide is predicated on them. McMahon has demonstrated reliable, effective, and responsive construction related field services on coating work completed during 2014. They were also the least cost as part of the 2014 engineering services RFQ process. It is the opinion of the Utility that it would not be advantageous from a cost or schedule standpoint to seek low cost professional services given McMahon's familiarity with this coating work scope and high quality performance on past coating projects.

**RECOMMENDATION:**

It is recommended that the Utilities Committee award sole source engineering services contract to McMahon in an amount of \$8,000 plus a 5% contingency of \$400 for a total not to exceed cost of \$8,400.

If you have any questions, regarding the project please contact Chris Stempa at 832-2353.



## MEMO

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

**TO:** Utilities Committee

**FROM:** Paula Vandehey, Director of Public Works *PAV*  
Sue Olson, Staff Engineer

**DATE:** June 29, 2015

**SUBJECT:** Stormwater Billing Appeals for Green Tree Court.

---

In September, 2013 the City Council approved the staff recommended changes for how multifamily properties' stormwater charges were calculated. Although Council approved a January 1, 2015 implementation date, it has taken longer to implement the change than we expected, so a July 1, 2015 implementation date is occurring.

As shown on the attached Ordinance language, multifamily properties used to have a different calculation based on whether they were on a public or private road. In some cases, there were a mixture of both which made it difficult to determine the appropriate way to charge a property. The calculations were based solely on the number of units and not on the square footage of impervious area. This formula had no incentive for developers to be sensitive to the amount of impervious area created.

The City of Appleton uses customer classifications to determine the stormwater utility billing rate. All non-residential and multi-use classifications were already charged based on actual impervious area. The change approved by Council in 2013 moved the multi-family classification to also be charged based on actual impervious area. We anticipate the Council discussing whether single family and duplex properties should be charged based on a tiered system in the near future.

Attached are the calculations for 1036 #A and 1016 #B Green Tree Court.

Attachments

## Paula Vandehey

---

**From:** Nancy Lee Carter <nlcarter@athenet.net>  
**Sent:** Monday, June 29, 2015 12:52 PM  
**To:** Paula Vandehey  
**Cc:** Joe Martin; Diane Mandler  
**Subject:** Appearing before the Utilities Committee Meeting on July 7

Dear Paula:

I would like to be on the agenda of the Utilities Committee Meeting on July 7 to have the opportunity to ask questions about the change in the City ordinance relating to the Appleton Stormwater Utility and to receive clarification about how changes in charges to owners of multifamily dwellings are being calculated.

Based on information I have been able to find that explains how the measurements were taken by the City to calculate and impose stormwater charges, I do not feel that I have been given a satisfactory explanation to show that the measurements and calculations have been done fairly and equitably. I am not experienced in stormwater utility measurement and understanding how charges levied on my property are being imposed.

Under the circumstances, I would appreciate being granted space on the agenda. Please let me know if I can be on the agenda.

If I am not going to be included in the agenda, I infer that I can still attend the hearing and plan to do so.

Regards,

Nancy Lee Carter  
920-738-6829

1036 #A Green Tree

AN ORDINANCE AMENDING SECTION 20-237 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CUSTOMER CLASSIFICATION.

(Utilities Committee – 9-18-13)

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

**Section 1:** That Section 20-237 of Chapter 20 of the Municipal Code of the City of Appleton, relating to customer classification, is hereby amended to read as follows:

**Sec. 20-237. Customer classification.**

(a) For purposes of imposing the stormwater charges, all lots and parcels within the City are classified as follows:

ERUs imposed		
Classification	Public Road	Private Road
Single Family	1	1
Detached Individual Condominiums	1	1
Duplex	.5/unit	1/unit
Duplex Condominiums	.5/unit	1/unit
Multifamily Condominiums	<del>.4/unit 1/unit</del> <u>Actual impervious area of the property using aerial photography</u>	
Mobile Homes	.5/unit	1/unit
Bed & Breakfast (fewer than 5 units)	1	1
Bed & Breakfast (5 units or more)	.5/unit	1/unit
Multifamily rental	<del>.4/unit 1/unit</del> <u>Actual impervious area of the property using aerial photography</u>	
Non-Residential and Multi-Use	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.:  $\frac{\text{ERU rate} \times \text{impervious area}}{\text{ERU}}$	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.:  $\frac{\text{ERU rate} \times \text{impervious area}}{\text{ERU}}$
Undeveloped	One (1) ERU multiplied by a factor established by resolution then divided by the	One (1) ERU multiplied by a factor established by resolution then divided by the



ERUs imposed		
Classification	Public Road	Private Road
	square footage for one (1) ERU established by resolution	square footage for one (1) ERU established by resolution

(b) The Director shall prepare a list of lots and parcels within the City of Appleton and assign a classification to each lot or parcel.

(c) The average square footage of impervious area of ERU is established to be equivalent to 2,368 square feet.

(d) The Director shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The Director may require additional information as necessary to make the determination. The billing amount shall be updated by the Director based on the building permit process.

(e) All unoccupied developed lots and parcels shall be subject to the stormwater utility charges.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2015.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Timothy M. Hanna, Mayor

J:\Attorney\WORD\Jamie\Ordinances\2013 Ords\Section 20-237.doc

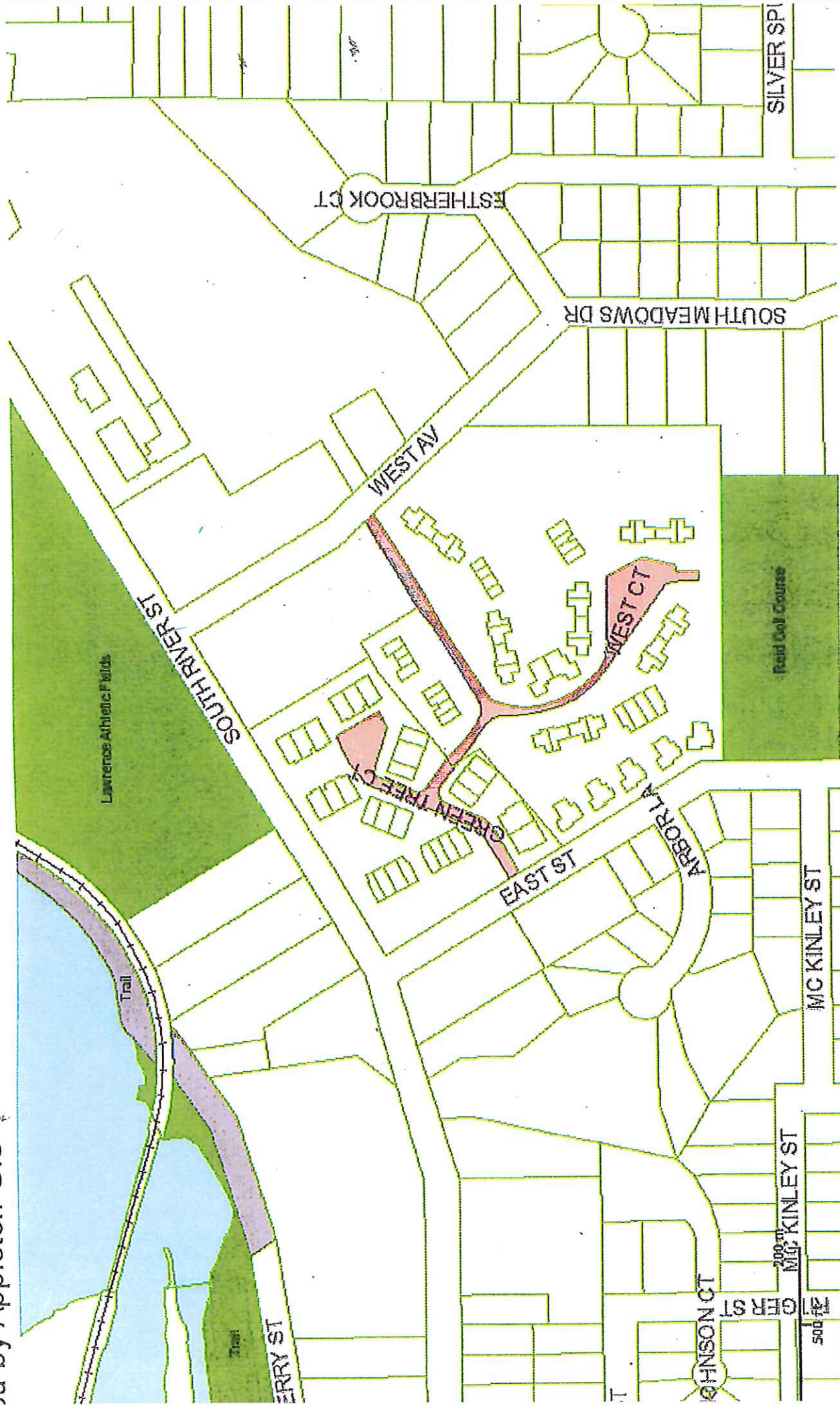
\_\_\_\_\_  
Charlene M. Peterson, City Clerk



	<u>1036 #A Green Tree</u>	<u>1016 #B Green Tree</u>
Building	1717	1861
Patio	168	170
Sidewalk	$410 + 142 + 147 / 3 = 233$	87
Individual Driveway	$4285/6 = 714$	$75/2 = 337$
Complex Driveway	$44881/74 = 606$	$44881/74 = 606$
Additional Parking	$1252/74 = 17$	$1252/74 = 17$
<b>TOTAL</b>	<b>3,455 = 1.46 ERU</b>	<b>3,078 = 1.30 ERU</b>

# Appleton

Map by Appleton GIS





33

33

314081801

THREE FIVE SIX

Building: 2180 Sq. Ft.

**Parking: 709 Sq. Ft.**

1027  
3 Sq.Ft.1027  
3 Sq.Ft.







Appleton City Clerk

29 June 2015

100 North Appleton Street  
Appleton, WI 54911-4799

I wish to appeal my stormwater charge according to Appleton Code section 20-239, Utilities.

This written appeal is being filed with the city clerk prior to the utility charge due date. This is in compliance with Appleton Code Sec. 20-239 Method of appeal, (a) (1). The only notice I received was an undated "StormWater Billing Notification" from Paula Vandehey, Director of Public Works. In this letter was "Implementation of the billing of actual impervious area will be as of July 1, 2015". I received this letter in late May or early June of 2015. My stormwater charge is going up 73%, and yet no changes have been made to my property. I didn't receive a bill with the new stormwater charges yet, but it looks like the increased charges might be arriving 1 July 2015.

My 73% increase in storm water charge is due to the Utilities Committee amending section 20-237 (100-13) on December 18, 2013. Section 20-237, customer classification, has changed to use "impervious area" for "multifamily Condominiums to determine the number ERU's the property gets charged for storm water. The problem is that I am now getting charged ERU's for the road in front of my house. This represents 51% of my storm water increase.

I live in the Highland Heights Condominiums. The roads in front of our houses look just like the roads in other areas of Appleton, except that the Condo association owns the roads. Therefore, we are classified under Sec 20-237 as a private road. There is nothing private about our road. We don't have off street parking lots like apartments or some condos. The City of Appleton garbage trucks roll down our street to collect garbage on Tuesdays. We have storm sewers the same as city streets. We have lights the same as city streets. The "impervious area" for our street is just like the "impervious area" for streets on public roads, and these public road property owners do NOT pay for the "impervious area" of their streets.

The bottom line here is that the landowners in the City of Appleton pay for the management of storm water in proportion to the amount of storm water runoff they contribute to the system. Our street looks and functions the same as any other Appleton city street. Why do you charge me for the street "impervious area" when you don't charge all landowners in Appleton for street "impervious area"? It appears that the City of Appleton is discriminating against me.

Two of our Condo's, 1101 and 1105 West Windtree Dr are NOT being charged "impervious area" for the same street that you are charging 23 other owners for. This is unfair to me. Discriminating against me again?

I would like to invite the Utilities Committee to visit our little area of 83 condos and view the streets. We are just a block or two southwest of the Appleton DMV and next to the "Capitol Center" bar and banquet hall.

In summary, I ask that the Utilities Committee determine whether the stormwater charge is fair and reasonable and whether a refund is due the customer. I also ask that the Utilities Committee make Appleton Code changes that exempt private roads from impervious area charges if they function as a city street. According to the "City of Appleton 2015 Budget, Stormwater", page 535, "There is no anticipated revenue increase or decrease due to change in the billing rate".

Kenosha, Wisconsin handles roadway storm water charges like this:

**"2. Public and Private Roadways.** Public and private roadways, not including driveways, shall be exempt from stormwater service charges."

Think of fair and reasonable, and no budget issues from doing the right thing. Thank you for your time,

  
Donald Fischer

3229 N Barkwood LN

Appleton, WI 54914





Appleton City Clerk

29 June 2015

100 North Appleton Street  
Appleton, WI 54911-4799

I wish to appeal my stormwater charge according to Appleton Code section 20-239, Utilities.

This written appeal is being filed with the city clerk prior to the utility charge due date. This is in compliance with Appleton Code Sec. 20-239 Method of appeal, (a) (1). The only notice I received was an undated "StormWater Billing Notification" from Paula Vandehey, Director of Public Works. In this letter was "Implementation of the billing of actual impervious area will be as of July 1, 2015". I received this letter in late May or early June of 2015. My stormwater charge is going up 73%, and yet no changes have been made to my property. I didn't receive a bill with the new stormwater charges yet, but it looks like the increased charges might be arriving 1 July 2015.

I feel that this rate change notice is an unreasonable short notice that may violate Federal, State, or City laws, regulations, rules, codes, or any other rate change requirement notice by a public utility. I feel it doesn't disclose all the information that should be included in the notice either.

The following is taken from the "City of Appleton 2015 Budget, Stormwater", page 535, ":

"Implement multi-family ERU billing rate change from per unit charge to actual impervious area of property as approved by Common Council on September 18, 2013. This change is effective on January 1, 2015."

It is an ERU billing rate change for selected properties that took place January 1, 2015, and I only received this UNDATED Appleton Department of Public Works letter notifying me on this in late May, 2015.

I ask that the Utilities Committee rule that the late rate change notice is unfair and unreasonable, and delay the rate change until proper notice is given.

There should be no stormwater budget issues by delaying the rate increase because, according to the "City of Appleton 2015 Budget, Stormwater", page 535, "There is no anticipated revenue increase or decrease due to change in the billing rate".

Think of fair and reasonable, and no budget issues from doing the right thing. Thank you for your time,

  
Donald Fischer

3229 N Barkwood LN

Appleton, WI 54914



	<u>1036 #A Green Tree</u>	<u>1016 #B Green Tree</u>	<u>3229 N. Barkwood</u>
Building	1717	1861	2158
Patio	168	170	98
Sidewalk	410 + 142 + 147 / 3 = 233	87	59
Individual Driveway	4285/6 = 714	75/2 = 337	564
Complex Driveway	44881/74 = 606	44881/74 = 606	105,491/83 = 1222*
Additional Parking	1252/74 = 17	1252/74 = 17	0
<b>TOTAL</b>	<b>3,455 = 1.46 ERU</b>	<b>3,078 = 1.30 ERU</b>	<b>4,101 = 1.73 ERU</b>

\* should have been 1,271





3229

Building: 2158 Sq. Ft.

315933300

Driveway: 564 Sq. Ft.

Sidewalk: 59 Sq. Ft.

Patio: 98 Sq. Ft.

Driveway: 601 Sq. Ft.

3225

315933400

Building: 2139 Sq. Ft.

Driveway: 515 Sq. Ft.

Patio: 87 Sq. Ft.

used 1222

0

1271

=

÷ 83

Driveway: 105491 Sq. Ft.

Sidewalk: 102 Sq. Ft.

Barkwood La

0

3222  
Driveway: 614 Sq. Ft.

0

3221

Building: 2928 Sq. Ft.

315933500

Driveway: 515 Sq. Ft.

Patio: 90 Sq. Ft.

Sidewalk: 73 Sq. Ft.

Driveway: 665 Sq. Ft.

3213

315933600

Building: 2051 Sq. Ft.

Driveway: 611 Sq. Ft.

3222

Driveway: 638 Sq. Ft.

3221



5-9333

3229

3225

5-9332

3221

5-9335

3213

N BARKWOOD LA





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

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**PARKS, RECREATION & FACILITIES  
MANAGEMENT**

**Dean R. Gazza, Director**

1819 East Witzke Boulevard

Appleton, Wisconsin 54911-8401

(920) 832-5572 FAX (920) 993-3103

Email - [dean.gazza@appleton.org](mailto:dean.gazza@appleton.org)

**To:** Utilities Committee

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

**Date:** July 7, 2015

**Re:** Action: Award contract to Klinger Painting Co, Inc. for Water Plant exterior wall repair in the amount of \$52,200 with a contingency of \$5,000 for a contract total not to exceed \$57,200.

---

The proposals for the Water Plant Exterior Wall Repair Project were received on Wednesday, June 24, 2015. The 2015 budget includes \$75,000 to make exterior wall repairs. The exterior lower level concrete wall has various surface cracks in need of repair. Though none of the cracks harm the structural integrity of the wall they are subject to outside moisture. This moisture enters the cracks and continues to freeze causing further damage to the concrete. If left as is, moisture will result in damage to the rebar which would result in structural failure. This request will fill the cracks and coat the wall to create a moisture barrier to prevent further damage.

Only one proposal was received which was lower than estimates and within budget. Other companies came to the walk-through meeting and/or were contacted, but none were interested or capable of meeting the specifications.

It is the recommendation of the Parks, Recreation and Facilities Management Department to accept the proposal for \$52,200 and award the contract to Klinger Painting Co., Inc. The Department is also recommending a contingency of \$5,000 for a contract not to exceed \$57,200.

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



## MEMO

---

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

**TO:** Utilities Committee

**FROM:** Paula Vandehey, Director of Public Works *PAV*  
Sue Olson, Staff Engineer

**DATE:** June 29, 2015

**SUBJECT:** Stormwater Billing Appeals for Green Tree Court.

---

In September, 2013 the City Council approved the staff recommended changes for how multifamily properties' stormwater charges were calculated. Although Council approved a January 1, 2015 implementation date, it has taken longer to implement the change than we expected, so a July 1, 2015 implementation date is occurring.

As shown on the attached Ordinance language, multifamily properties used to have a different calculation based on whether they were on a public or private road. In some cases, there were a mixture of both which made it difficult to determine the appropriate way to charge a property. The calculations were based solely on the number of units and not on the square footage of impervious area. This formula had no incentive for developers to be sensitive to the amount of impervious area created.

The City of Appleton uses customer classifications to determine the stormwater utility billing rate. All non-residential and multi-use classifications were already charged based on actual impervious area. The change approved by Council in 2013 moved the multi-family classification to also be charged based on actual impervious area. We anticipate the Council discussing whether single family and duplex properties should be charged based on a tiered system in the near future.

Attached are the calculations for 1036 #A and 1016 #B Green Tree Court.

Attachments

June 18, 2015

Paula Vandehey P.E.  
City of Appleton

Re: Storm water billing change

Dear Paula,

I am writing to let you know that I wish to appeal the change in Appleton's storm water billing policy for condominium and apartment dwellers. I plan to attend the meeting scheduled for July 7<sup>th</sup>. As you know, my objection to the rate change is based on the fact that it is not being uniformly applied to all utility users. Thank you for advising me of this opportunity.

Sincerely,

Diane Mandler  
1016 E Green Tree Ct #B  
Appleton 54915  
832-0612  
832-4646 (work)

AN ORDINANCE AMENDING SECTION 20-237 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO CUSTOMER CLASSIFICATION.

(Utilities Committee – 9-18-13)

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

**Section 1:** That Section 20-237 of Chapter 20 of the Municipal Code of the City of Appleton, relating to customer classification, is hereby amended to read as follows:

**Sec. 20-237. Customer classification.**

(a) For purposes of imposing the stormwater charges, all lots and parcels within the City are classified as follows:

Classification	ERUs imposed	
	Public Road	Private Road
Single Family	1	1
Detached Individual Condominiums	1	1
Duplex	.5/unit	1/unit
Duplex Condominiums	.5/unit	1/unit
Multifamily Condominiums	<del>.4/unit 1/unit</del> Actual impervious area of the property using aerial photography	
Mobile Homes	.5/unit	1/unit
Bed & Breakfast (fewer than 5 units)	1	1
Bed & Breakfast (5 units or more)	.5/unit	1/unit
Multifamily rental	<del>.4/unit 1/unit</del> Actual impervious area of the property using aerial photography	
Non-Residential and Multi-Use	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.:  $\frac{\text{ERU rate} \times \text{impervious area}}{\text{ERU}}$	One (1) ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a non-residential property by the square footage of one (1) ERU, rounded down to the nearest one-tenth (0.1), i.e.:  $\frac{\text{ERU rate} \times \text{impervious area}}{\text{ERU}}$
Undeveloped	One (1) ERU multiplied by a factor established by resolution then divided by the	One (1) ERU multiplied by a factor established by resolution then divided by the



ERUs imposed		
Classification	Public Road	Private Road
	square footage for one (1) ERU established by resolution	square footage for one (1) ERU established by resolution

(b) The Director shall prepare a list of lots and parcels within the City of Appleton and assign a classification to each lot or parcel.

(c) The average square footage of impervious area of ERU is established to be equivalent to 2,368 square feet.

(d) The Director shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant or developer. The Director may require additional information as necessary to make the determination. The billing amount shall be updated by the Director based on the building permit process.

(e) All unoccupied developed lots and parcels shall be subject to the stormwater utility charges.

**Section 2:** This ordinance shall be in full force and effect on January 1, 2015.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Timothy M. Hanna, Mayor

J:\Attorney\WORD\Jamie\Ordinances\2013 Ords\Section 20-237.doc

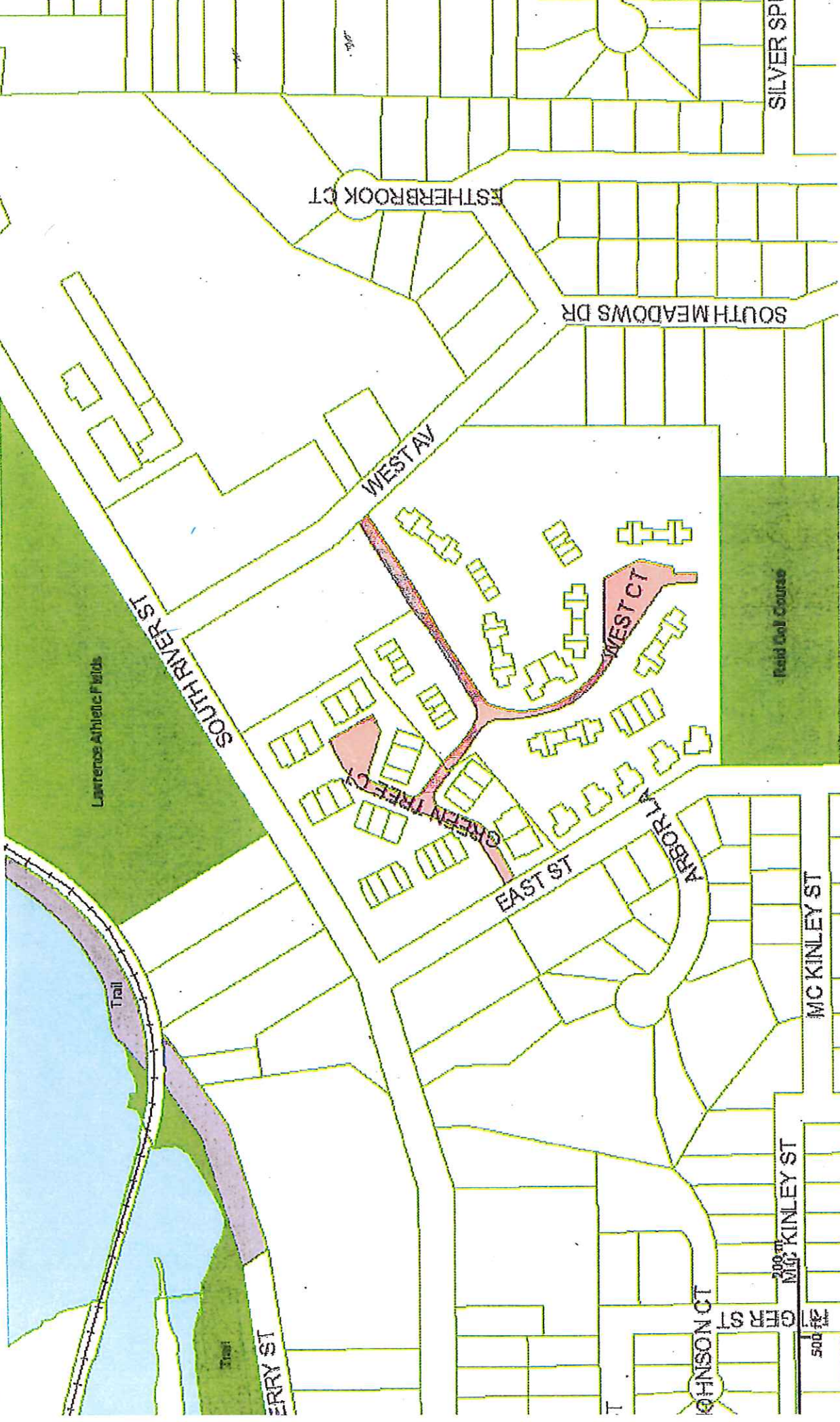
\_\_\_\_\_  
Charlene M. Peterson, City Clerk

	<u>1036 #A Green Tree</u>	<u>1016 #B Green Tree</u>
Building	1717	1861
Patio	168	170
Sidewalk	$410 + 142 + 147 / 3 = 233$	87
Individual Driveway	$4285/6 = 714$	$75/2 = 337$
Complex Driveway	$44881/74 = 606$	$44881/74 = 606$
Additional Parking	$1252/74 = 17$	$1252/74 = 17$
<b>TOTAL</b>	<b>3,455 = 1.46 ERU</b>	<b>3,078 = 1.30 ERU</b>

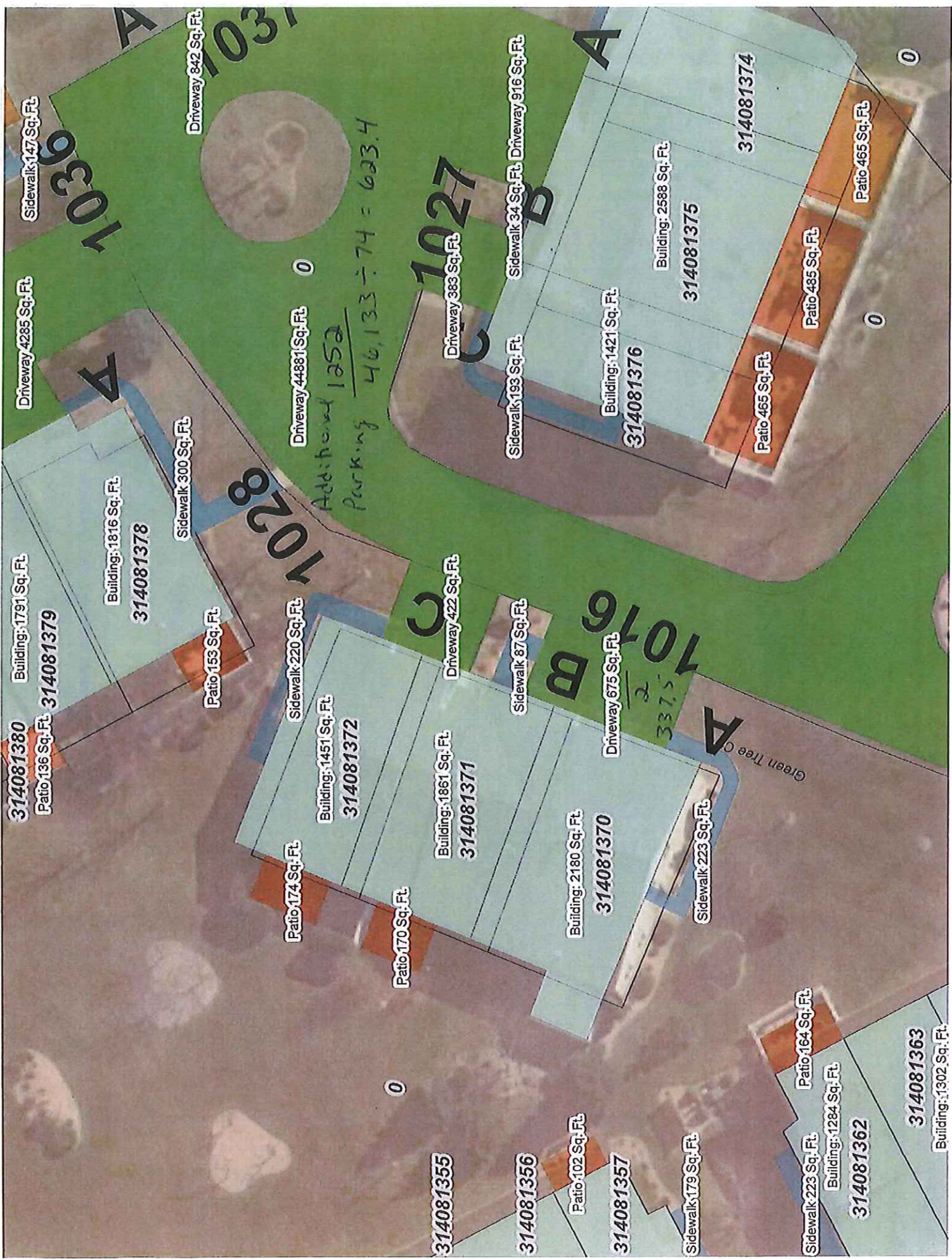


# Appleton

Map by Appleton GIS







314081380  
Building: 1791 Sq. Ft.  
Patio: 136 Sq. Ft. 314081379

Building: 1816 Sq. Ft.  
314081378

Patio: 153 Sq. Ft.

Sidewalk: 220 Sq. Ft.

Building: 1451 Sq. Ft.  
314081372

Patio: 174 Sq. Ft.

Patio: 170 Sq. Ft.

Building: 1861 Sq. Ft.  
314081371

Building: 2180 Sq. Ft.  
314081370

Sidewalk: 223 Sq. Ft.

314081355

314081356

Patio: 102 Sq. Ft.

314081357

Sidewalk: 179 Sq. Ft.

Sidewalk: 223 Sq. Ft.

Building: 1284 Sq. Ft.

314081362

Patio: 164 Sq. Ft.

314081363

Building: 1302 Sq. Ft.

Driveway: 4285 Sq. Ft.

Sidewalk: 147 Sq. Ft.

Sidewalk: 300 Sq. Ft.

Driveway: 842 Sq. Ft.

Driveway: 44881 Sq. Ft.

Driveway: 383 Sq. Ft.

Sidewalk: 193 Sq. Ft.

Sidewalk: 34 Sq. Ft. Driveway: 916 Sq. Ft.

Building: 1421 Sq. Ft.

314081376

Building: 2588 Sq. Ft.

314081375

314081374

Patio: 465 Sq. Ft.

Patio: 485 Sq. Ft.

Patio: 465 Sq. Ft.

Additional 1252  
Parking  $46,133 \div 74 = 623.4$





## ATTORNEY

Municipality	City Attorney	Salary	# Reports	Benefits	Expense Account	Other
Appleton	Elected	\$110,365	9	Health, Dental, Life, LTD, Pension	None	Mileage & Travel
EauClaire	Appointed by City Manager	\$110,500	2.75	Health, Dental, basic life, employer share of WRF, \$2,000 match to 457 plan	none	none
Fond Du Lac	Appointed by City Manager	\$116,116	3	Same as General Employees		
Green Bay	Appointed by Mayor	\$101,489	3	Health, Dental, Life , Pension	None	Phone, Mileage
Janesville	Appointed by City Manager	\$127,000	3	Health, Dental, Pharmacy, Vision, Flex, Life, Supplemental Life, Pension, Deferred Comp	None	None
Kenosha	Appointed by Mayor	\$118,548	5	Health, Dental, Life, Flex-options for DC, vision and voluntary benefits	None	Mileage & Travel
LaCrosse	Appointed	\$124,841	4	Full benefits	N/A	N/A
Oshkosh	Appointed	\$109,701	2	Non Represented Benefits	None	None
Racine	Appointed	\$113,547	5	Health, Life, Pension, AFLAC	N/A	Mileage & Travel
Sheboygan	Elected	\$112,110	1	Health, Dental, Life, Flex	N/A	N/A
Waukesha	Elected	\$116,500	6	Health, Dental, Pension, Life, Vision, LTD, Deferred Comp, AFLAC	None	None
Wausau	Appointed	\$103,916	3	Same as Non-represented		
West Allis	Elected	\$118,518 (4/30/15)	6	Same as Professional/Supervisory	None	Mileage & Travel



**City Attorney**

Bargaining Unit: Non-Union Exempt

Class Code:  
160-0 (CC-1)

CITY OF APPLETON

Established Date: Mar 26, 2014

Revision Date: May 21, 2014

**SALARY RANGE**

\$53.06 Hourly

\$110,364.80 Annually

**NATURE OF WORK:**

This is a professional position responsible for providing professional legal services to the City. Work involves litigation, litigation support, providing legal advice, training and administrative support to City departments, and supervising the Assistant City Attorney position. The incumbent works under the general direction of the City Attorney.

**JOB FUNCTIONS:**

- Supervises and assigned tasks to Assistant City Attorneys.
- Provides performance evaluations for the Assistant City Attorneys and the Secretary to the City Attorney.
- Drafts real estate documents, including deeds, offers to purchase and development agreements.
- Provides in-service training to City personnel regarding personnel and legal issues.
- Prepares legal wording for new ordinances.
- Oversees the upkeep of the City's Municipal Code.
- Responds to requests by Aldermen for information in specific job areas.
- Prepares correspondence and legal documents necessary for City activities.
- Provides legal advice to department heads concerning employment issues such as Fair Labor Standards Act, family medical leave, sexual harassment, contract preparation, and disciplinary matters.
- Backs up City Attorney in his/her absence.
- Does special projects and activities as assigned by City Attorney.
- Prepares for and represents the City in administrative hearings, labor arbitrations and litigation.
- Acts as legal advisor to the Utilities and Municipal Services Committees.
- Maintains regular punctual and predictable attendance, works overtime and extra hours as required.

**REQUIREMENTS OF WORK:**

- Requires considerable experience as a practicing attorney, a law degree, and eligibility to practice law in the State of Wisconsin. Experience and training should provide the following knowledge, abilities and skills:
-

- Knowledge of principles and practices of law particularly local, state and federal laws and court decisions affecting municipalities.
- Knowledge of police, fire and inspection department operations, policies and procedures.
- Ability to prepare legal papers and skill in case presentations.
- Ability to conduct in-house training.
- Ability to analyze discipline, hiring and promotion questions and provide legal advise to Chief of Police.
- Ability to communicate effectively, both orally and in writing, with personnel at various levels within and outside the organization.
- Possess and maintain a valid Wisconsin driver's license.

**SUPPLEMENTAL INFORMATION:****COMPETENCIES**

Communication

Visionary

Political Savvy

Strategic Skills

Decision Maker

To learn more about these competencies click [here](#)

Hello, Kurt,

Just wanted to give you a quick overview of our venue situation for Mile of Music this year from August 6 through 9. These may not be exact times, but they will be very close. As with last year, 90% of the 800 live music sets will occur indoors at venues along College Avenue and the riverfront. There will be 60 venues in all, as noted in the attached Word document (thought it might be helpful to know exactly where the music will be).

For outdoor venues, here is the short listing:

The Mile of Music Bus will again make its 20-minute route through downtown. It will run from the PAC around by the Fox River House and then over to the Chapel, then back to the PAC. Mostly on College Avenue.

Jones Park will have music on Friday and Saturday, with two shows each day, from roughly 1 p.m. to 3:30 p.m. and again from roughly 5:30 p.m. to 7:30 p.m.

Houdini Plaza will be roughly the same timeframes on Friday and Saturday, plus one show on Sunday from roughly noon to 2 p.m. Houdini will also have the Thursday night ADI concert, as usual.

Fox River House will have music each night, from Thursday through Sunday afternoon. The music will not go past the time that is allowed. I believe Patti has submitted separately for this venue.

Anduzzi's, now called D2, will have music on Thursday night, Friday afternoon and evening, Saturday afternoon and evening, and Sunday afternoon. It will not go past their allowed deadline.

Spats will have music on their patio Thursday, Friday and Saturday, plus likely Sunday. It will not go past the time allowed.

History Museum at the Castle is planning an outdoor venue in the abandoned driveway between the museum and the old TCF Bank Building, now owned by Lawrence. They are aware of the city ordinances as to when they need to be wrapped up with music, and will not go past the deadline.

Radisson Paper Valley Courtyard will have music Thursday through Sunday as well, with it being finished by 8 p.m.

Stone Cellar Beer Garden will have music Thursday through Sunday, with it being finished by 9 p.m.

Bazil's will have music on its patio (The Bazio) Thursday through Sunday, but no later than is allowed.

Brewed Awakenings will have music on its patio, but only in the afternoon on Friday, Saturday and Sunday.

We plan to have a sunroom from Tundraland host music in a different location each day, but this will not go past 9 p.m. and may be limited to afternoons.

The History Museum at the Castle will have music education events happening from time to time on its front lawn, but likely only during the day

I believe this is everything. Thanks so much, Kurt.

Dave

*Dave Willem's*

Partner, Willems Marketing  
120 N. Morrison St., Suite 200  
Appleton, WI 54911  
(920) 750-5013  
[dave@willemsmarketing.com](mailto:dave@willemsmarketing.com)



## **Mile of Music Participating Venues**

### Main Stages

Lawrence Memorial Chapel

Jones Park

Houdini Plaza

OuterEdge Stage

### Band Venues – Large Capacity

(Larger Venues with full-band/drum set acts)

D2 Sports Club/The Alley Patio (formerly Anduzzi's)

Fox River House/The Patti-O

Chadwick's

Courtyard at RPVH

The Bar on the Ave

Mill Creek

Déjà Vu Martini Lounge

Emmett's Bar & Grill

Appleton Beer Factory

Xtra 920

### Band Venues – Mid-Size Capacity

(Venues with Singer-Songwriters, Duos, Trios)

Stone Cellar Beer Garden

C.U. Saloon

Durty Leprechaun

City Center Plaza Atrium

Copper Rock Coffee Company

McGuinness Irish Pub

Jim's Place

Dr. Jekyll's

The Ambassador

Spats' Spatio

Bazil's Pub Patio

The Mad Hatter Pub & Grill

Lawrence Viking Room

Colt's Timeless Tattoo Bar

Wooden Nickel

Bad Badger

Cena

Heid Music Store

Feather & Bone's "Houdini in Art" Pop-Up Gallery

Atlas Coffee Mill

Speakeasy Ultra Lounge

Cleo's Brown Beam Tavern

#### Singer/Songwriter Venues – Smaller Capacity

The Art Alley (adjacent to History Museum)

Frank's Pizza Palace

Acoca Coffee

Jack's Apple Pub

The Cozy Corner

Olde Town Tavern

Brewed Awakenings

Copper Leaf Lobby/Rye

Rookie's

Good Company

Radisson Paper Valley Hotel Lobby

Fratello's Waterfront Bar

Riverside Pub

Queen Bee

The Fire

Pinot's Palate

El Patron

#### Specialty Venues

(Venues with unique performances/duties during the festival)

Radisson Grand Ballroom – Thursday night's The Mile Jam songwriter salute

Fox Cities Performing Arts Center Thrivent Hall – Wednesday night "First Songs" concert

Fox Cities Performing Arts Center Main Lobby – Serves as Fox Cities Convention & Visitors Center's Mile of Music Welcome Center and Music-Maker Headquarters

Fox Cities Performing Arts Center Kimberly-Clark Theater – Trilliant Foods Beverage Nutrition's Artist Lounge

Mile of Music Bus

Riverview Gardens

Tundraland's Music-on-the-Move Sunroom

Fox Cities Building for the Arts/The Trout Museum of Art

Boys and Girls Club Teen Center

The History Museum at the Castle





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** June 22, 2015

**Common Council Meeting Date:** July 1, 2015

**Item:** Special Use Permit #5-15 for a Wireless Telecommunication Tower

**Case Manager:** Jeff Towne

### GENERAL INFORMATION

**Owner/Applicant:** MTW of Appleton, Inc., Owner - Mike Thiel, President  
Peter Schau (representing Central States Tower III, LLC), Applicant

**Address/Parcel #:** 1610 West Wisconsin Avenue (31-5-9538-02)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for the construction and operation of a new 100-foot tall (105-feet with lightning rod) monopole tower to host new Verizon Wireless panel antennas and equipment at the 85 foot centerline, ground equipment cabling through the center of the monopole connecting to a new 11'6" x 25' 5 1/2" prefabricated equipment shelter near the base of the monopole within a 50' x 60' fenced compound all per plan.

### STAFF ANALYSIS

**Existing Site Conditions:** The subject property is zoned C-2, General Commercial District. Per the City of Appleton Zoning Ordinance, wireless telecommunication towers require a Special Use Permit in the C-2 General Commercial District. The subject property is currently occupied by an auto sales lot, auto body and paint shop and towing business. An open area of the lot exists in the northern portion of the subject site.

**Special Use Permit:** The proposed wireless telecommunication facility is to be located in the northeastern portion of the site in an area approximately 3,000 square feet in size (See Attached Development Plan). The applicant is proposing to construct a 100-foot monopole wireless telecommunication tower and associated ground equipment. The proposed location of the tower and ground equipment meet the minimum setback standards in the C-2 District. The proposed tower and ground equipment will be enclosed within a chain-link fence enclosure.

Zoning Code Article XIII Sec. 23-424 (i)(1)(2) requires a 4-foot wide landscape buffer of plant materials around the wireless telecommunication facility. The applicant has included this buffer in their proposal. Residential properties are located approximately 70 feet north of the tower location separated from the proposed site by West Kamps Avenue.

The applicant is proposing a new telecommunication tower as opposed to co-locating on an existing tower or structure. The Zoning Code requires the applicant to demonstrate why co-location of their wireless telecommunication equipment was not chosen as an alternative to constructing a new tower. The applicant submitted a letter from Mustafa Siamof, RF Engineer for Verizon Wireless describing the reasons for constructing a new tower over co-locating on an existing tower or structure (See Attached Letter).

**State Statute Revision (2013):** In 2013, the State of Wisconsin revised statutes regarding local requirements for mobile towers. Local governments can no longer regulate a number of aspects of tower construction, including but not limited to:

- Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.
- Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
- Prohibit the placement of emergency power systems.
- Limit the duration of any permit that is granted.
- Limit the height of a mobile service support structure to under 200 feet.

**Surrounding Zoning and Land Uses:**

North:	Zoning:	R-1B Single-Family Residential
	Land Use(s):	Single-family house
South:	Zoning:	C-2 General Commercial
	Land Use(s):	Contractor's office
West:	Zoning:	C-2 General Commercial
	Land Use(s):	Retail
East:	Zoning:	C-2 General Commercial
	Land Use(s):	Auto sales; Apartment building

**2010-2030 Comprehensive Plan:** The Community Development staff has reviewed the City's 2010-2030 Comprehensive Plan which indicates this area is appropriate for a wireless telecommunication tower and associated ground equipment. The proposed Special Use Permit for the subject parcel is consistent with the following goal of the 2010-2030 Comprehensive Plan:

**Overall Community Goals**

■ **Goal 1 – Community Growth** (Chapter 10 – Land Use)

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

**Finding of Fact:** This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e) (1-6) and Article XIII of the Zoning Code, which were found in the affirmative.

**Technical Review Group Report (TRG):** This item was discussed at the June 2, 2015 Technical Review Group meeting. No negative comments were received.

## **RECOMMENDATION**

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Staff recommends, based on the above, that Special Use Permit #5-15 for a wireless telecommunication tower and associated ground equipment, **BE APPROVED**, subject to the following conditions:

1. A Site Plan Review application must be submitted and approved by the Community and Economic Development Department prior to building permits being issued for the construction of the proposed wireless telecommunication facility.
2. The approved security fencing with privacy slats and landscaping as described above must be maintained so as to fully screen the wireless telecommunication equipment and the base of the tower. The land owner is responsible for ensuring that screening is maintained.



## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business Information:

Name of business: N/A-Unmanned Mobile Service Support Structure & Mobile Service Facility

Years in operation: N/A

Type of proposed establishment (detailed explanation of business):

Unmanned Mobile Service Support Structure & Mobile Service Facility

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**Proposed Hours of Operation:** Equipment will operate 24/7/365

Day	From	To
Week Day		
Friday		
Saturday		
Sunday		

### Building Capacity and Area:

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

Gross floor area of the existing building(s):

N/A

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Gross floor area of the proposed building(s):

294 sf-Unmanned Equipment Shelter

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

None.

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

Unmanned Mobile Service Support Structure & Mobile Service Facility will not produce any smoke or odors

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

Describe the noise levels anticipated from all mechanical equipment:

HVAC Equipment serving prefabricated equipment shelter-low level noise when operational.

Backup NG/LP Power Generator-Avg 72 dba at 23' (full load). Runs intermittently when tested or in the case

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How will the noise be controlled?

HVAC Equipment-No Noise Controls necessary.

Backup NG/LP Power Generator-Generator is equipped with Level 2 sound attenuating enclosure and critical  
a grade muffler.

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**Outdoor Lighting:**

Type: Exterior wall mounted LED light fixture.

Location: Adjacent to man door on prefabricated shelter.

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**Off-Street Parking:**

Number of spaces existing: No Change

Number of spaces proposed: No Change

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

Existing street access from public way is adequate.

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**Outdoor Uses:**

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

N/A

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

6' tall perimeter chain link fence surrounded by landscape buffer of +/-6' tall arborvitae planted 10' on  
center per enclosed landscaping plan.

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Type, location, size of outdoor display area(s) of merchandise for sale:

N/A

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**Number of Employees:**

Number of existing employees: N/A

Number of proposed employees: N/A

Number of employees scheduled to work on the largest shift: N/A



**Via: USPS Priority Mail**

Mr. Michael Theil  
President  
MTW of Appleton, Inc.  
5 Mulberry Court  
Appleton, WI 54913

March 3, 2015

**Re: Central States Tower III, LLC-Proposed Wireless Communications Facility/MTW of Appleton, Inc. Property-1610 W. Wisconsin Avenue, Appleton, WI 54913.**

**Parcel ID: 315953802**

Dear Mike,

Please acknowledge this letter below as evidence of your consent for Ton 80 Realty Services, Inc. to file any and all necessary zoning, building, erosion control, and any other governmental use or permit applications required with the applicable jurisdictions and agencies for the installation and operation of a wireless communications tower facility and equipment upon the above referenced property by Central States Tower III, LLC ("CST") as your tenant, and Verizon Wireless as CST's prospective subtenant, on your behalf as the fee owner of the property.

Thank you for all of your time and assistance in the matter.

Best regards,

A handwritten signature in black ink, appearing to read "Peter Schau".

Peter Schau  
On behalf of Central States Tower III, LLC  
and Verizon Wireless

Acknowledged this <sup>TH</sup>30 day of  
MARCH, 2015


A handwritten signature in black ink, appearing to read "Michael Theil".

Michael Theil  
President  
MTW of Appleton, Inc.  
f/k/a Sarge's A-1 Rentals, Inc.

OUTAGAMIE COUNTY )  
 ) ss.  
STATE OF WISCONSIN )

1. I am an adult resident of the State of Wisconsin and serve as RF Engineer at Verizon Wireless.

3. This sworn statement is made pursuant to Wis. Stat. §66.0404(2)(b)6.

  
Mustafa Siamof

Christina Leonoff

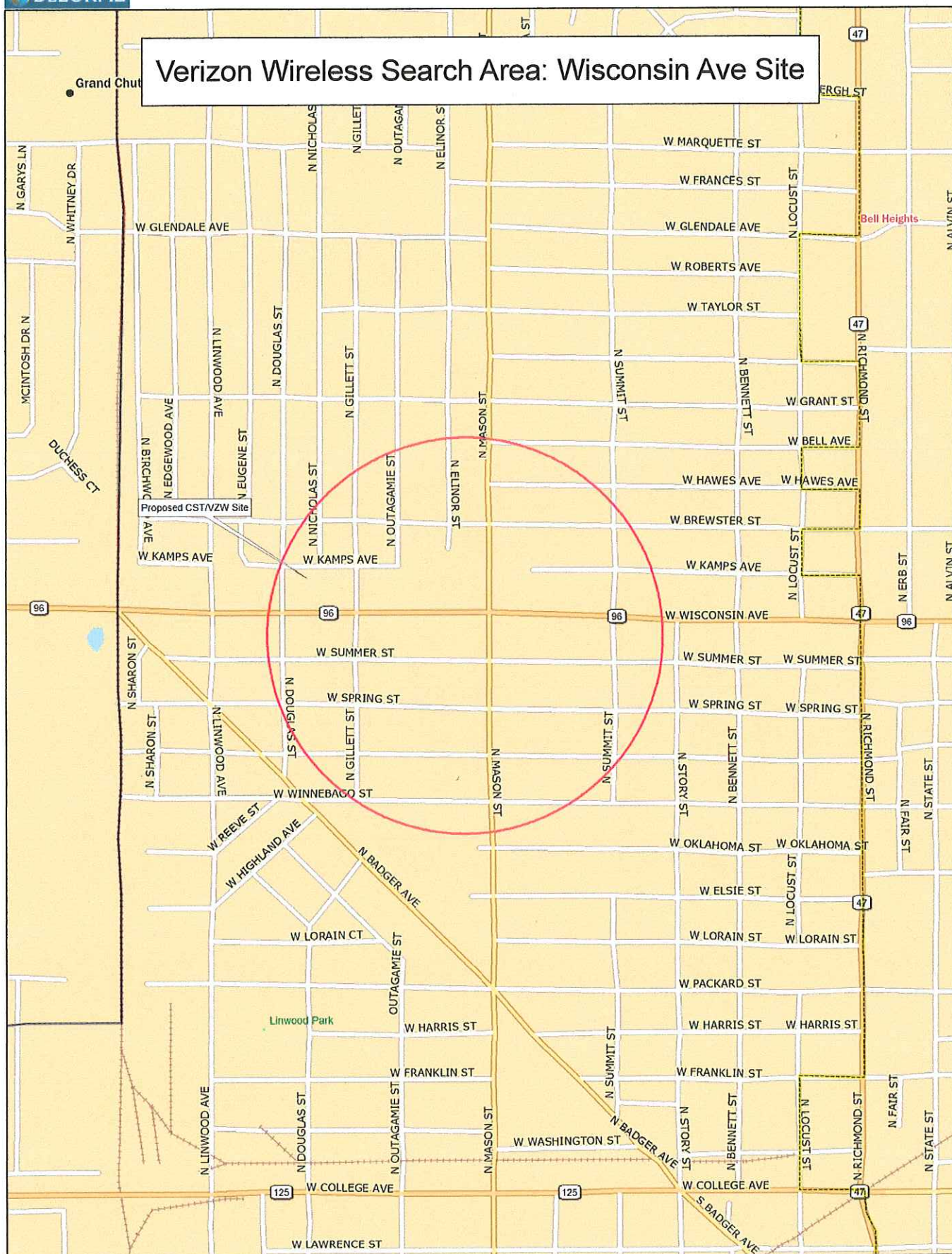
Notary Public, State of Wisconsin

My commission: 10-23-2016





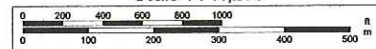
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[www.delorme.com](http://www.delorme.com)



Scale 1 : 11,200


$$1'' = 933.3 \text{ ft}$$

### Data Zoom 14-2



April 27, 2015

Mr. Yuri Dobrowolsky  
Director of Construction  
Central States Tower  
323 South Hale Street, Suite 100  
Wheaton, IL 60187

RE: Proposed 100 ft Sabre Monopole for Wisconsin Ave, WI

Dear Mr. Dobrowlosky,

Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for a Basic Wind Speed of 90 mph with no ice and 40 mph with 1/2" ice, Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

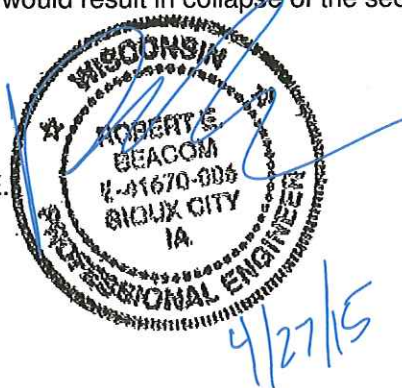
When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one of the monopole shaft sections. This would result in a buckling failure mode, where the steel shaft would bend beyond its elastic limit (beyond the point where the shaft would return to its original shape upon removal of the wind load).

Therefore, the overall effect of an extreme wind event would be localized buckling of the monopole shaft. Assuming that the wind pressure profile is similar to that used to design the monopole, the shaft will buckle at the location of the highest combined stress ratio in the upper portion of the monopole. This would result in the portion of the monopole above "folding over" onto the portion below, essentially collapsing upon itself. **Please note that this letter only applies to a monopole designed and manufactured by Sabre Towers & Poles.** In the unlikely event of total separation, this would result in collapse of the section above, within a radius equal to 34 feet.

Sincerely,

Robert E. Beacom, P.E.  
Design Engineer II



## TOWAIR Determination Results

A routine check of the coordinates, heights, and structure type you provided indicates that this structure does not require registration.

### \*\*\* NOTICE \*\*\*

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

#### DETERMINATION Results

**PASS SLOPE(100:1): NO FAA REQ-RWY MORE THAN 10499 MTRS & 6577.88 MTRS (6.57789 KM) AWAY**

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	44-16-7.00N	088-30-46.00W	OUTAGAMIE COUNTY RGNL	OUTAGAMIE APPLETON, WI	261.6	2439.0

**PASS SLOPE(100:1): NO FAA REQ-RWY MORE THAN 10499 MTRS & 6551.67 MTRS (6.55170 KM) AWAY**

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	44-15-11.00N	088-30-27.00W	OUTAGAMIE COUNTY RGNL	OUTAGAMIE APPLETON, WI	261.6	2439.0

#### Your Specifications

##### NAD83 Coordinates

Latitude	44-16-25.7 north
Longitude	088-25-50.5 west

##### Measurements (Meters)

Overall Structure Height (AGL)	32
Support Structure Height (AGL)	30.5
Site Elevation (AMSL)	249.8

##### Structure Type

MTOWER - Monopole

#### Tower Construction Notifications

Notify Tribes and Historic Preservation Officers of your plans to build a tower.



A map of the 'Subject Area' in Northland, Wisconsin. The map shows a grid of streets. A callout box labeled 'Subject Area' points to a specific location. To the left, a blue dashed line indicates the 'CITY LIMITS'. Surrounding areas are labeled 'Northland', 'Wisconsin', 'Badger', 'Mason', and 'College'. The map also shows various street names and a network of roads.







Subject Area

Kamps Av

1521

Outagamie St

Douglas St

1610

W Wisconsin Av

1619

1609

1525

1521

1515



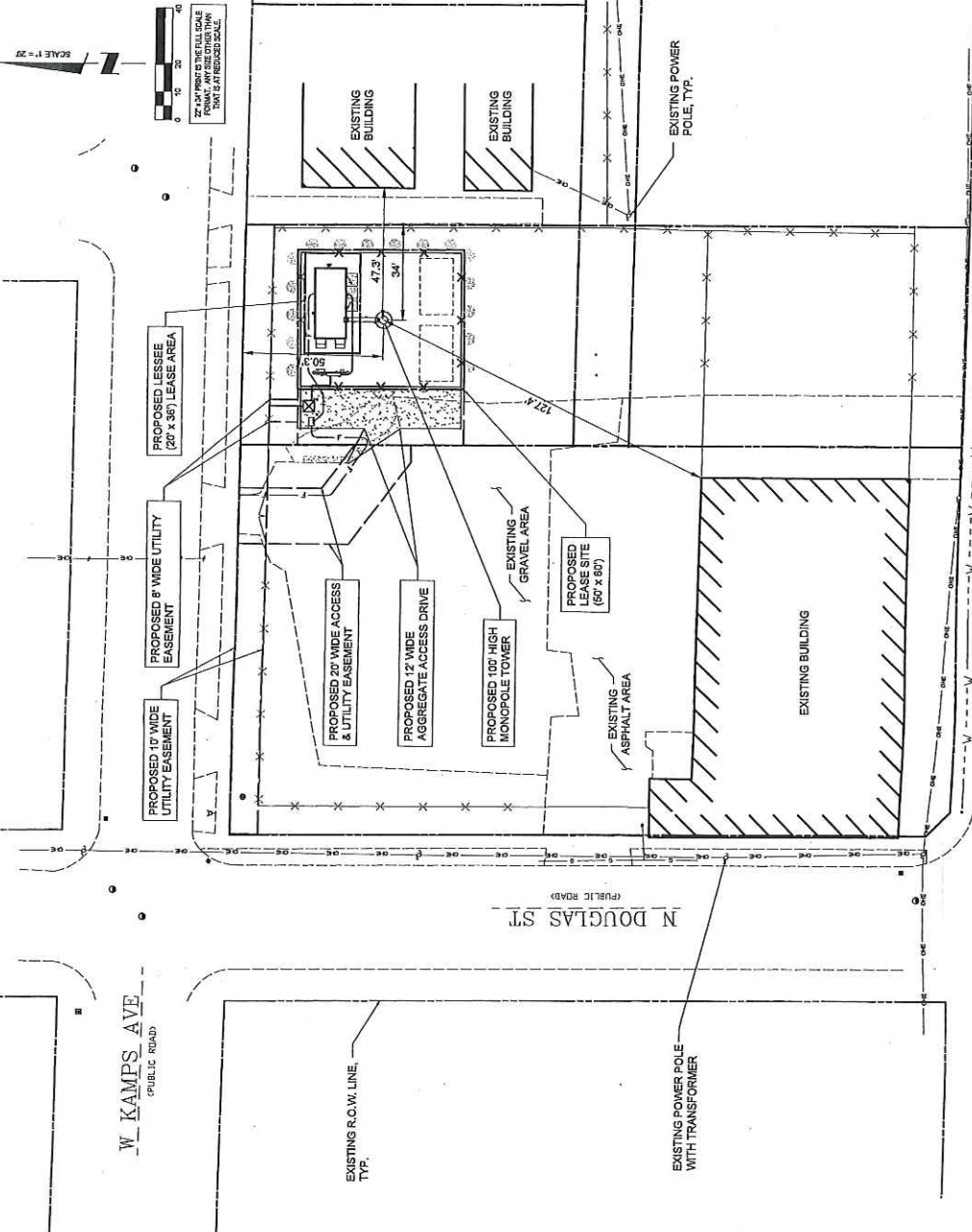
City Plan Commission  
6-22-15

0 15 30 60 Feet





- LEGEND**
- 1" x 18" IRON PIPE SET
  - REBAR FOUND
  - 6" IRON SET
  - COUNTY MONUMENT FOUND
  - EXISTING POWER POLE
  - CAS METER
  - CAS VALVE
  - LIGHT POLE
  - FIRE HYDRANT
  - MANHOLE
  - STORM INLET (ROUND)
  - STORM INLET (SQUARE)
  - METAL POST
  - FLAG/MARKER
  - OVERHEAD ELECTRIC
  - BURIED GAS
  - WATER MAIN
  - PROPERTY LINE



**MERIDIAN SURVEYING, LLC**  
 18774 Firelane 1  
 Menasha, WI 54952  
 Office: 920-593-0881  
 Fax: 920-273-6037

**REVISIONS**

NO.	DATE	BY	DESCRIPTION
1	02/02/15	BTE	ISSUED FOR REVIEW
2	04/07/15	BTE	UPDATE WITH SITE AC COMMENTS
3	04/07/15	BTE	UPDATE FOR A LESSEE ENTRY

**WI-00-5059 WISCONSIN AVENUE**  
 1610 W WISCONSIN AVE  
 APPLETON, WI 54914

**LOCATION PLAN**

**LP**

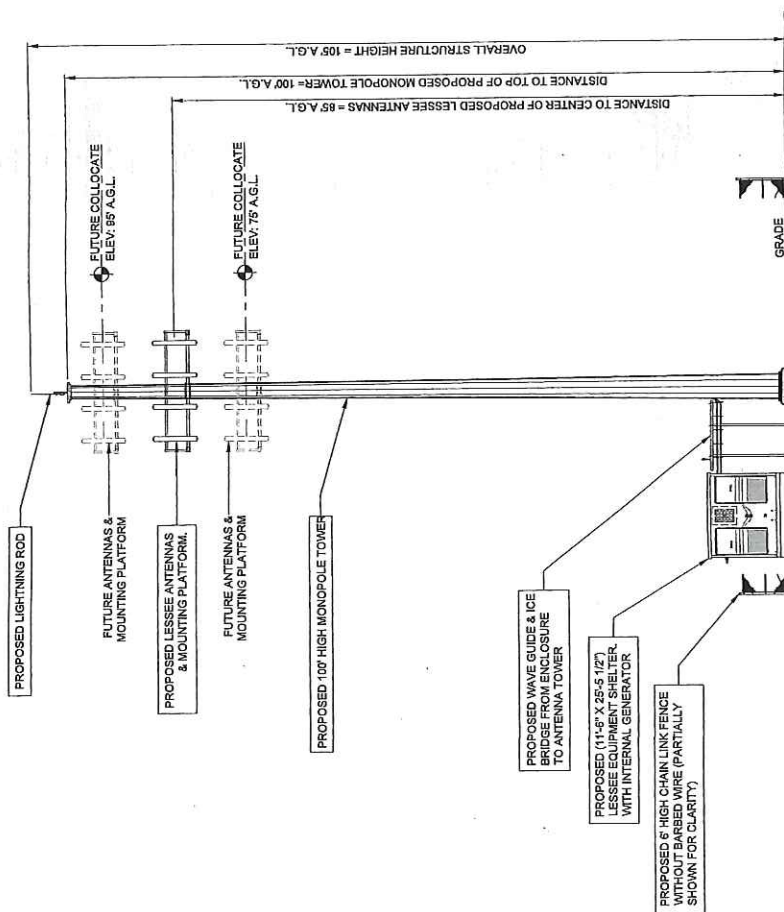


1610 West Wisconsin Avenue - Central State Tower III, LLC  
 Special Use Permit  
 Tower for Wireless Telecommunication Services

City Plan Commission  
 06-22-15

1610 West Wisconsin Avenue - Central State Tower III, LLC  
Special Use Permit  
Tower for Wireless Telecommunication Services

1 SITE ELEVATION  
SCALE: 1/8" = 1'-0"



SCALE: 1/8" = 1'-0"  
20' L.P. PRINT IS THE FULL SCALE  
FORMAT. ANY SIZE OTHER THAN  
THIS IS AT REDUCED SCALE.



CENTRAL STATES TOWER III, LLC

**TERRA**  
CONSULTING GROUP, LTD.  
600 Basile Highway  
Park Ridge, IL 60068  
Ph: 847/698-6400  
Fax: 847/698-6401



NO.	DATE	BY	DESCRIPTION
10	01/16/15	BTE	ISSUED FOR REVIEW
9	02/03/15	BTE	UPDATE WITH SITE AC COMMENTS
8	04/07/15	TJS	UPDATE ECHA & LESSEE ENTRY

WI-00-5059  
WISCONSIN  
AVENUE

1610 W WISCONSIN AVE  
APPLETON, WI 54914

DRAWN BY:	BTE
CHECKED BY:	TJZ
DATE:	01/16/15
PROJECT #:	34-151

SHEET TITLE	SITE ELEVATION
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SHEET NUMBER	ANT-1
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