



# City of Appleton

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

## Meeting Agenda - Final Common Council

---

Wednesday, January 20, 2016

7:00 PM

Council Chambers

---

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

[16-077](#) Common Council Meeting Minutes of January 6, 2016

**Attachments:** [CC Minutes 01-06-16.pdf](#)

- H. BUSINESS PRESENTED BY THE MAYOR

[16-078](#) Appointment of Jason Druxman and Leah Fogle to the Business Improvement District Board of Directors

**Attachments:** [Appt. to Business Improvement District 011516.pdf](#)

- I. PUBLIC HEARINGS

[16-087](#) Public Hearing - Comprehensive Plan Amendment #2-15

**Attachments:** [CC 01-20-2016 Public Hearing Comp. Plan 2-15 - Apple Creek.pdf](#)

[16-088](#) Public Hearing - Rezoning #6-15 E Glenhurst Lane

**Attachments:** [CC 01-20-2016 Public Hearing Rezoning #6-15.pdf](#)

- J. SPECIAL RESOLUTIONS

K. ESTABLISH ORDER OF THE DAY

L. COMMITTEE REPORTS

1. MINUTES OF THE MUNICIPAL SERVICES COMMITTEE

2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE

[15-2088](#) Secondhand Article License Renewal application of Active Bike & Fitness, Mark A. Fluette, Applicant, 1421 N. Richmond Street, contingent upon approval from all departments.

**Legislative History**

1/13/16	Safety and Licensing Committee	recommended for approval
---------	--------------------------------	--------------------------

[15-2151](#) Taxi Cab Company and Limousine Service License application of Sunday Driver, LLC, Dale Sonntag, 230 E. Winnebago Street.

**Legislative History**

1/13/16	Safety and Licensing Committee	recommended for approval
---------	--------------------------------	--------------------------

[15-2156](#) Operator's Licenses

**Attachments:** [Operator's Licenses for 1-13-16 S & L.pdf](#)

[15-2164](#) Salvage Dealer's License application for change of address - Mach IV Motors, Kara Tullberg, Applicant, 600 E. Hancock St., contingent upon approval from all departments.

**Legislative History**

1/13/16	Safety and Licensing Committee	recommended for approval
---------	--------------------------------	--------------------------

[15-2165](#) Pawnbroker License Renewal application of JGB LLC, d/b/a Mister Money-USA, Gregory A. Baer, Applicant, 1933B N. Richmond St., contingent upon approval from all departments.

**Legislative History**

1/13/16	Safety and Licensing Committee	recommended for approval
---------	--------------------------------	--------------------------

[15-2166](#) Secondhand Jewelry License Renewal application of AE Jewelers Inc., Corinne M. Meyer, Applicant, 3545 E. Calumet St., contingent upon approval from all departments.

**Legislative History**

1/13/16      Safety and Licensing      recommended for approval  
Committee

[16-001](#)

Secondhand Article License Renewal application of Scooter G Sports, Scott A. Gonnering, Applicant, 621 W. Northland Ave, Suite A, contingent upon approval from all departments.

**Legislative History**

1/13/16      Safety and Licensing      recommended for approval  
Committee

[16-017](#)

"Class B" Beer/Liquor License application of Ferg5 LLC, d/b/a Home, James E. Ferg, Agent, 205 West College Avenue, contingent upon approval from all departments.

**Legislative History**

1/13/16      Safety and Licensing      recommended for approval  
Committee

[16-042](#)

Operator's License application of Terese Q. Forbis, 617 Kenneth Avenue, Kaukauna.

**Legislative History**

1/13/16      Safety and Licensing      recommended for denial  
Committee

### 3. MINUTES OF THE CITY PLAN COMMISSION

[15-2062](#)

Request to approve Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-15 for two (2) undeveloped parcels (Lots 5 & 6 of the Apple Creek Center Plat) located along the south side of E. Glenhurst Lane (Tax Id #31-1-6501-05 & 31-1-6501-06) from Commercial designation to Single/Two-Family Residential designation as shown on the attached map and approve the attached resolution

**Attachments:** [Comp Plan Amend #2-15 Staff Review.pdf](#)

**Legislative History**

12/7/15      City Plan Commission      recommended for approval  
*Proceeds to Council on January 20, 2016.*

[15-2064](#)

Request to approve Rezoning #6-15 for two (2) undeveloped parcels (Lots 5 & 6 of the Apple Creek Center Plat) located along the south side of E. Glenhurst Lane (Tax Id #31-1-6501-05 & 31-1-6501-06), including to the centerline of the adjacent right-of-way, as shown on the attached maps, from C-O Commercial Office District to R-1B Single-Family Residential District

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

[Signatures supporting Rezoning #6-15.pdf](#)

**Legislative History**

12/7/15      City Plan Commission      recommended for approval  
*Proceeds to Council on January 20, 2016.*

*A signed petition supporting this proposed rezoning was submitted at the meeting and is attached.*

[16-028](#)

Request to approve Special Use Permit #17-15 for a restaurant with alcohol sales and service, at 233 E. College Avenue, 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:** [StaffReport LousBrewCafe SUP For01-11-16.pdf](#)

**Legislative History**

1/11/16      City Plan Commission      recommended for approval

[16-030](#)

Request to approve Special Use Permit #18-15 for a parking lot in the CBD Central Business District, at the southeast corner of N. Division Street and W. Franklin Street, as shown on the attached maps, to run with the land subject to the conditions in the attached staff report

**Attachments:** [SUP #18-15 Staff Report.pdf](#)

**Legislative History**

1/11/16      City Plan Commission      recommended for approval

[16-035](#)

Request to approve Pond View Estates Preliminary Plat subject to the conditions in the attached staff report and as shown on the attached maps

**Attachments:** [Pond View Estates Prelim Plat Staff Report.pdf](#)

**Legislative History**

1/11/16      City Plan Commission      recommended for approval

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

[16-015](#)

Approval of "A Resolution authorizing submission of an application to the 2016-2020 Wisconsin Department of Transportation (WIDOT) Transportation Alternatives Program (TAP) to enhance pedestrian and bicycle infrastructure."

**Attachments:** [P&R - TAPS Grant Resolution.doc](#)

**Legislative History**

1/11/16      Parks and Recreation      recommended for approval  
Committee

#### 5. MINUTES OF THE FINANCE COMMITTEE



[15-2148](#)

Request to approve the following 2015 Budget adjustment:

**General Fund - Fire Department**

Federal Grants	+\$16,364
Miscellaneous Equipment	+\$16,364

to record the purchase of rehabilitation equipment through the Assistance to Firefighter Grant program.

**Attachments:** [Intent to Apply and Request to Accept Grant Funds - EMW-2014-FO-04029.pdf](#)

**Legislative History**

1/12/16          Finance Committee          recommended for approval

[15-2149](#)

Request to approve the following 2015 Budget adjustment:

**General Fund - Unclassified**

Benefit Payments - Retirees	+\$190,000
Fund Balance	- \$190,000

to record amounts due employees for accrued sick leave and vacation balance upon retirement.

**Attachments:** [Finance Committee - Retirement Payments 2015.pdf](#)

**Legislative History**

1/12/16          Finance Committee          recommended for approval

[16-043](#)**CRITICAL TIMING ISSUE**

Request to approve the following 2015 Budget adjustment:

**Wastewater Utility**

Bar Screen Project	- \$34,000
Transformer Replacement Project	+\$34,000

to record the transfer of excess budget funds from the bar screen project to the transformer replacement project (this item also appears on the Utilities Committee agenda as an informational item).

**Attachments:** [2016 Wastewater Plant Transformer Replacement Memo.pdf](#)

**Legislative History**

1/12/16          Finance Committee          recommended for approval

- [16-048](#) Request to award Heartland Business Systems contract to purchase three (3) new servers for virtual environment.

**Attachments:** [Server Purchase Finance Memo.pdf](#)

**Legislative History**

1/12/16 Finance Committee recommended for approval

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

**7. MINUTES OF THE UTILITIES COMMITTEE**

- [16-008](#) Award 2016C contract for Leona Pond Final Design and Permitting contract to Brown & Caldwell in an amount not to exceed \$180,145.

**Attachments:** [Leona Final Design Award Memo.pdf](#)

**Legislative History**

1/12/16 Utilities Committee recommended for approval

- [16-009](#) Amend 2015E Stormwater Consulting Services Contract for Spartan Drive Culvert and Stormwater Practices Preliminary Design and Lift Station Stormwater Management Plan to Brown & Caldwell in an amount not to exceed \$51,605.

**Attachments:** [2015 Spartan Ave BMP culvert Contract Award Memo to BC Ammended 2016.r](#)

**Legislative History**

1/12/16 Utilities Committee recommended for approval

- [16-010](#) Award 2016B contract for Arbutus Park Stormwater Lift Station Reconstruction Design to Strand Associates in an amount not to exceed \$45,900.

**Attachments:** [Arbutus Park Lift Station Design Award Memo.pdf](#)

**Legislative History**

1/12/16 Utilities Committee recommended for approval

- [16-011](#) Approve revision to the Pollution Prevention Program per the new Phase II Stormwater Permit from DNR.

**Attachments:** [Pollution Prevention Program Nov 20 2015 Track changes draft.pdf](#)

**Legislative History**

1/12/16 Utilities Committee recommended for approval

[16-036](#)

Award contract for Transformer Replacements to Van Ert Electric Company, Inc. in the amount of \$135,860 with a contingency of \$10,330 for a contract total not to exceed \$146,190.

**Attachments:** [2016 Wastewater Plant Transformer Replacement Memo.pdf](#)

**Legislative History**

1/12/16	Utilities Committee	recommended for approval
---------	---------------------	--------------------------

**8. MINUTES OF THE HUMAN RESOURCES COMMITTEE**

**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION**

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

[15-2005](#)

Referral from Common Council; Resolution #14-R-15/Aldersperson Meltzer

**Attachments:** [Resolution #14-R-15 - Aldersperson Meltzer.pdf](#)

[Appleton Code - Animals.pdf](#)

**Legislative History**

12/9/15	Board of Health	presented
1/13/16	Board of Health	recommended for approval

**M. CONSOLIDATED ACTION ITEMS**

**N. ITEMS HELD**

**O. ORDINANCES**

[16-082](#)

Ordinances 11-16 and 12-16

**Attachments:** [Ordinances going to Council 01-20-2016.pdf](#)

**P. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION**

**Q. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION**

**R. OTHER COUNCIL BUSINESS**

**S. ADJOURN**

Kami Scofield, 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

---

Wednesday, January 6, 2016

7:00 PM

Council Chambers

---

A. CALL TO ORDER

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

B. INVOCATION

*The Invocation was given by Alder Lobner*

C. PLEDGE OF ALLEGIANCE TO THE FLAG

D. ROLL CALL OF ALDERPERSONS

**Present:** 15 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Mayor Timothy Hanna, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

E. ROLL CALL OF OFFICERS AND DEPARTMENT HEADS

*City Clerk Scofield, City Attorney Walsh, Deputy City Attorney Behrens,  
Director of Community and Economic Development Harkness,  
Director of Finance Saucerman, Fire Chief Vander Wyst, Health Officer Eggebrecht,  
Director of Parks, Recreation and Facilities Gazza, Police Chief Thomas,  
Director of Public Works Vandehey, Director of Information Technology Fox,  
Valley Transit Assistant General Manager Sandmeier,  
Library Director Rortvedt, Director of Utilities Shaw*

F. PUBLIC PARTICIPATION

*Name-Address-Topic  
Tom Morrissey-524 East South River St.-District 8 Vacancy*

G. APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

[15-2163](#)

Common Council Meeting Minutes of the December 16, 2015  
Organizational Meeting

**Attachments:**     [CC Minutes 12-16-2015 Organizational.pdf](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Coenen, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson Chris Croatt, Aldersperson Greg Dannecker, Aldersperson Joe Martin, Aldersperson Cathy Spears, Aldersperson Christine Williams, Aldersperson Vered Meltzer, Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner and Aldersperson Jeffrey Jirschele

**Abstained:** 1 - Mayor Timothy Hanna

[15-2161](#)

Common Council Meeting Minutes of December 16, 2015

**Attachments:**     [CC Minutes 12-16-2015.pdf](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Croatt, that the Minutes be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson Chris Croatt, Aldersperson Greg Dannecker, Aldersperson Joe Martin, Aldersperson Cathy Spears, Aldersperson Christine Williams, Aldersperson Vered Meltzer, Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner and Aldersperson Jeffrey Jirschele

**Abstained:** 1 - Mayor Timothy Hanna

#### H. BUSINESS PRESENTED BY THE MAYOR

[15-2162](#)

Appointment of Karen Harkness, Tony Saucerman and Jay Schumerth to the Fox Cities Room Tax Commission

**Attachments:**     [Appt. to Fox Cities Room Tax Commission Confirmation 010616.pdf](#)

**Aldersperson Lobner moved, seconded by Aldersperson Konetzke, that the Appointments be approved. Roll Call. Motion carried by the following vote:**

**Aye:** 14 - Aldersperson Chris Croatt, Aldersperson Greg Dannecker, Aldersperson Joe Martin, Aldersperson Cathy Spears, Aldersperson Christine Williams, Aldersperson Vered Meltzer, Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Curt Konetzke, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Patti Coenen, Aldersperson Kyle Lobner and Aldersperson Jeffrey Jirschele

**Abstained:** 1 - Mayor Timothy Hanna

- I. PUBLIC HEARINGS
- J. SPECIAL RESOLUTIONS
- K. ESTABLISH ORDER OF THE DAY
- L. COMMITTEE REPORTS

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

**Alderson Konetzke moved, Alderson Coenen seconded, to approve the Balance of the Agenda. The motion carried by the following vote:**

**Aye:** 14 - Alderson Chris Croatt, Alderson Greg Dannecker, Alderson Joe Martin, Alderson Cathy Spears, Alderson Christine Williams, Alderson Vered Meltzer, Alderson Kathleen Plank, Alderson William Siebers, Alderson Curt Konetzke, Alderson Ed Baranowski, Alderson Margret Mann, Alderson Patti Coenen, Alderson Kyle Lobner and Alderson Jeffrey Jirschele

**Abstained:** 1 - Mayor Timothy Hanna

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

[15-2153](#)

Request from Tetra Tech for a permanent street occupancy permit to install monitoring wells in the Spencer Street right-of-way for groundwater monitoring purposes related to Miller Electric property at 1635 W. Spencer Street.

**Attachments:** [Tetra Tech permanent street occ..pdf](#)

**This Report Action Item was approved.**

[15-2154](#)

Request from Endpoint Solutions for a permanent street occupancy permit to install monitoring wells in the Harrison Street right-of-way for groundwater monitoring purposes related to You Pump BP property at 1306 S. Oneida Street.

**Attachments:** [Endpoint Solutions permanent street occ.pdf](#)

**This Report Action Item was approved.**

[15-2155](#)

Approve Amendment #2 to OMNNI Associates for analysis of 3 additional options for the CTH JJ Project in an amount not to exceed \$24,000 (Revised contract amount of \$170,490.60)

Attachments:     [Amendment #2 to OMNNI.pdf](#)

This Report Action Item was approved.

**2. MINUTES OF THE SAFETY AND LICENSING COMMITTEE**

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

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

**5. MINUTES OF THE FINANCE COMMITTEE**

[15-2147](#)

Request to sole source contract to Omnni Associates for Geotechnical Investigation, Environmental Investigation, and Site Survey service for a contract fee of \$43,322 and a contingency of \$10,000 for a contract not to exceed \$53,322.

Attachments:     [2015 Exhibition Center Sole Source for Civil Engineering Services.pdf](#)

This Report Action Item was approved.

[15-2160](#)

Request to approve the following 2016 Budget adjustment:

**Exhibition Center Capital Projects Fund**

Contractor Fees	+\$53,322
Room Taxes	+\$53,322

to record the cost of geotechnical and environmental investigation and site survey services for the exhibition center project.

This Report Action Item was approved.

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

**7. MINUTES OF THE UTILITIES COMMITTEE**

**8. MINUTES OF THE HUMAN RESOURCES COMMITTEE**



**9. MINUTES OF THE FOX CITIES TRANSIT COMMISSION****10. MINUTES OF THE BOARD OF HEALTH****M. CONSOLIDATED ACTION ITEMS****O. ITEMS HELD**[15-2141](#)

District 8 Vacancy

**Attachments:** [District 8 Vacancy in Office Letter 12-02-2015.pdf](#)

**Aldersperson Baranowski moved, seconded by Aldersperson Dannecker, that the seat be left vacant until the April Election. Roll Call. Motion carried by the following vote:**

**Aye:** 10 - Aldersperson Chris Croatt, Aldersperson Greg Dannecker, Aldersperson Christine Williams, Aldersperson Vered Meltzer, Aldersperson Kathleen Plank, Aldersperson William Siebers, Aldersperson Ed Baranowski, Aldersperson Margret Mann, Aldersperson Kyle Lobner and Aldersperson Jeffrey Jirschele

**Nay:** 4 - Aldersperson Joe Martin, Aldersperson Cathy Spears, Aldersperson Curt Konetzke and Aldersperson Patti Coenen

**Abstained:** 1 - Mayor Timothy Hanna

**P. ORDINANCES**[15-2150](#)

Ordinances 1-16 thru 10-16

**Attachments:** [Ordinances going to 01-06-2016 Council.pdf](#)

**This Report Action Item was approved.**

**Q. LICENSE APPLICATIONS AND COMMUNICATIONS REFERRED TO COMMITTEES OF JURISDICTION****R. RESOLUTIONS SUBMITTED BY ALDERPERSONS REFERRED TO COMMITTEES OF JURISDICTION****S. OTHER COUNCIL BUSINESS****T. ADJOURN**

**Aldersperson Konetzke moved, seconded by Aldersperson Coenen, that the meeting be adjourned at 7:11 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 15 - Alderperson Chris Croatt, Alderperson Greg Dannecker, Alderperson Joe Martin, Alderperson Cathy Spears, Mayor Timothy Hanna, Alderperson Christine Williams, Alderperson Vered Meltzer, Alderperson Kathleen Plank, Alderperson William Siebers, Alderperson Curt Konetzke, Alderperson Ed Baranowski, Alderperson Margret Mann, Alderperson Patti Coenen, Alderperson Kyle Lobner and Alderperson Jeffrey Jirschele

Kami Scofield, City Clerk



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

**OFFICE OF THE MAYOR**

Timothy M. Hanna

100 North Appleton Street  
Appleton, Wisconsin 54911-4799  
(920) 832-6400 FAX (920) 832-5962  
email: [mayor@appleton.org](mailto:mayor@appleton.org)

January 15, 2016

Members of the Common Council:

The following is being presented for your confirmation at the January 20 Council meeting:

**BUSINESS IMPROVEMENT DISTRICT BOARD OF DIRECTORS**

Appointment of one (1) member to fill the expired term of John Reader:

**LEAH FOGLE**

**3-year term to expire December 2018**

Leah Fogle is the General Manager/Executive Chef for the Appleton Beer Factory, as well as a partner in the business. The Appleton Beer Factory, which opened in November 2013 after 2 years of extensive renovations, quickly became a destination for craft beer enthusiasts and foodies alike. Ms. Fogle is passionate about giving her customers a great experience, mentoring her team of 34 employees and finding new reasons to bring her customers coming back for more. Leah has lived in Appleton more than 25 years, raising her four children and can proudly say she was involved in the leadership of PTA at every school and baked or cooked for every occasion at school.

Downtown Appleton was the first and only choice when deciding where to build the brewery. Leah has enjoyed the benefits of living less than a mile from downtown most of her adult life and loves all it has to offer to the community. Leah feels she is already an unofficial ambassador for downtown Appleton and her appointment to the Business Improvement District Board of Directors will provide her the opportunity to contribute to the city that she is proud to be a business owner in.

Appointment of one (1) member to fill the term vacated by Paul Heid:

**JASON DRUXMAN**

**Remainder of 3-year term to expire December 2016**

Jason Druxman, co-owner and co-operator of Avenue Jewelers, is a fourth generation jeweler who has worked and resided in the Fox Valley for 14 years. Jason has been an

January 15, 2016

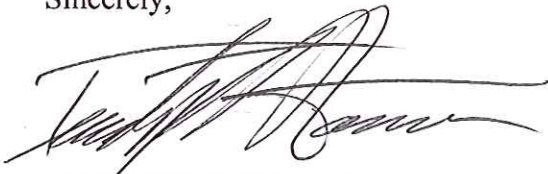
Page 2

---

Appleton West Rotarian for more than 10 years, serving as a Board member for 6 years and as President from 2012-2013. Mr. Druxman was an original committee member and planner for the downtown Appleton Children's Parade, which is now in its 7<sup>th</sup> year! Jason feels serving on the Business Improvement District Board of Directors will allow him the opportunity to contribute ideas and energy in the continued development of downtown Appleton.

It is with pleasure that I make these recommendations.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Timothy M. Hanna', with a stylized, flowing script.

TIMOTHY M. HANNA  
Mayor of Appleton

**CITY OF APPLETON  
NOTICE OF PUBLIC HEARING  
PROPOSED COMPREHENSIVE PLAN FUTURE LAND USE AMENDMENT**

NOTICE IS HEREBY GIVEN a Comprehensive Plan Future Land Use Map amendment request has been initiated by the owner, North Meadows Investments, LTD, and Apple Tree – Appleton Tree, LLC, applicant, pursuant to Wisconsin State Statute 66.1001 and the City of Appleton Comprehensive Plan 2010-2030, that will be presented to the Common Council on Wednesday, January 20, 2016, at 7:00 P.M., in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, or as soon thereafter as can be heard, for the purpose of considering an amendment to the Comprehensive Plan Future Land Use Map for the following described real estate:

**LOCATION:** East Glenhurst Lane between Milestone Drive and Lightning Drive (Tax ID # 31-1-6501-05 and Tax ID #31-1-6501-06)

The applicant requests to amend the Comprehensive Plan Future Land Use Map for an undeveloped parcel on the south side of E. Glenhurst Lane from future Commercial use to Single/Two-Family Residential use.

All interested persons are invited to attend this meeting and will be given an opportunity to be heard. Any questions regarding this matter should be directed to Don Harp, Principal Planner in the Community and Economic Development Department at 920-832-6466.

CITY PLAN COMMISSION  
APPLETON, WISCONSIN

COMMUNITY AND ECONOMIC DEVELOPMENT DEPT  
CITY HALL – 100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911-4799  
(920) 832-6468

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

RUN: December 12, 2015

**NOTICE OF PUBLIC HEARING**

**#6-15**

**RE: Proposed Zone Change**

A public hearing will be held in the Council Chambers, City Hall, Appleton, Wisconsin, on January 20, 2016, at 7:00 P.M., or as soon thereafter as can be heard, to consider the following proposed zone change:

Rezoning #6-15 – Located on East Glenhurst Lane between Milestone Drive and Lightning Drive (Tax Id. Nos. 31-1-6501-05 and 31-1-6501-06), from C-O Commercial Office District to R-1B Single-Family Residential District.

**LEGAL DESCRIPTION:**

Lot 5 (Tax Id. #31-1-6501-05) and Lot 6 (Tax Id. #31-1-6501-06), Apple Creek Center, being part of the SW ¼ Section 7, T21N, R18E, City of Appleton, Outagamie County, Wisconsin, including to the midpoint of the adjacent road right-of-way.

December 17, 2015

**KAMI SCOFIELD**  
City Clerk

RUN: December 19, 2015  
December 22, 2015

Operator's Licenses for 1/13/16 S & L

Approved

Brianna M. Adamski	1540 E. Plaza Drive
Jacob R. Barkholtz	4833 N. Latitude Lane, #C
Cole Babcock	322 W. College Avenue
Nikki M. Bohn	2424 Trumpeter Swan Lane, Menasha
Traci R. Cahill	2413 S. Fountain Avenue, #17
Evan C. Ewald	509 Third Street, Menasha
Maranda L. Gradl	1042 Brookwood Drive, Neenah
Benjamin S. Gucinski	2806 E. Sundance Drive
Keniaris M. Hunt	2302 Southwood Drive, #7
Larry W. Hutchison	617 Kenneth Avenue, Kaukauna
Desiree D. Kinnard	3704 N. Wayman Court
Anthony L. Kissinger	3612 E. Edgemere Drive
Shavada Yee Lor	738 Oak Street, Oshkosh
Julie C. Lowe	721 W. Third Street
Mario A. Martinez-Tovar	2715 W. Fourth Stree, #A
Chloe M. Olson	622 W. 5 <sup>th</sup> Street
Leah E. Powley	1431 Seymour Court, Neenah
Christopher J. Rayden	204 Irene Street, Neenah
Mariana Y. Russell	1208 N. Drew Street
Samantha D. Schoen	109 E. Mitchell Avenue, #14
Darcy J. Schomisch	4016 Towne Lakes Circle, #7103
Sherry L. Schroeder	N1790 Maple Terrace Road, Greenville
Tristen M. Siegel	1821 S. Schaefer Street, Unit C
Shelly A. Slagle	803 W. Packard Street
Robin C. Smith	532 E. Fidelis Street
Luke J. Stadtmueller	1700 E. Harding Drive #6
Elyse M. Tallier	2708 E. Plank Road, #13
Erin L. Wyngaard	755 Dawn Court, Neenah
Manie Xiong	516 S. Weimar Street



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** December 7, 2015

**Common Council Public Hearing Meeting Date:** January 20, 2016  
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

**Items:** *City of Appleton Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-15 and Rezoning #6-15

**Case Manager:** Don Harp

### **GENERAL INFORMATION**

---

**Owner/Applicant:** North Meadows Investment, LTD, Owner  
Jason Mroz, Apple Tree, LLC, Applicant

**Lot/Parcel:** Lots 5 & 6 of the Apple Creek Center Plat (Tax Id #31-1-6501-05 & 31-1-6501-06)

**Petitioner's Request:** The applicant is requesting to amend the *City of Appleton Comprehensive Plan 2010-2030* Future Land Use Map from a Commercial designation to a Single/Two Family Residential designation for two undeveloped parcels (Lots 5 & 6 of the Apple Creek Center Plat) along the south side of Glenhurst Lane (Tax Id #31-1-6501-05 & 31-1-6501-06). In conjunction with this request, the applicant is also proposing to rezone the subject parcels from C-O Commercial Office District to R-1B Single-Family Residential District. The requests are being made to accommodate a proposed single-family residential subdivision that will be managed by a homeowners association to ensure homes, yards and neighborhood property are maintained to a quality standard.

### **BACKGROUND**

---

The subject parcels were annexed into the City in 1990 as part of the AAL Annexation. The subject parcels and surrounding land were then rezoned to C-O Commercial Office District in 2001 by AAL for a business/office park. The subject parcels and approximately 90 acres of land surrounding the subject parcels were subdivided in 2002, creating the Apple Creek Center Subdivision.

The remaining lots of Apple Creek Center Subdivision without a development proposal at this time are Lots 3 and 4 located on the north side of Glenhurst Lane and west of Lightning Drive. To ensure that the anticipated urban land use needs are met in this area of the City, it is anticipated the trend of future land use map amendment and rezoning in response to specific development proposal will continue over time for Lots 3 and 4.



## **STAFF ANALYSIS**

---

**Procedural Findings:** When a *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning application are required for the same development project, the respective staff reports are consolidated together as one.

**Current Site Conditions:** The subject parcels are currently undeveloped and are approximately 6.6653 acres in size. The property has frontage along Lightning Drive which is classified as a collector street and Glenhurst Lane which is classified as a local street on the City's Arterial/Collector Plan.

- **Collector street** means a street intended to carry traffic from local streets to an arterial street and to provide circulation within neighborhood areas.
- **Local street** means a street designated primarily to provide direct access to abutting properties, usually residential.

### **Surrounding Zoning Classification, Future Land Use Designation and Current Land Uses:**

- **North:**
  - Zoning – C-O Commercial Office District
  - Future Land Use Designation – Commercial
  - Current Land Use – Undeveloped
  
  - Zoning – R-3 Multi-family Residential District
  - Future Land Use Designation – Multi-family
  - Current Land Use – Proposed Community Living Arrangement (CLA)
- **South:**
  - Zoning – R-3 Multi-family Residential District
  - Future Land Use Designation – Multi-family
  - Current Land Use – Condominiums
- **East:**
  - Zoning – R-1B Single-family Residential District
  - Future Land Use Designation – Single/Two-family
  - Current Land Use – Single-family Residential
- **West:**
  - Zoning – R-3 Multi-family Residential District
  - Future Land Use Designation – Multi-family Residential
  - Current Land Use – Community Living Arrangement (CLA)

**Proposed Future Land Use Designation:** The applicant is proposing to amend the *City of Appleton Comprehensive Plan 2010-2030* to change the Future Land Use Map designation for the subject area from Commercial use to Single/Two-Family Residential use. Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to correct omissions or errors in the land use recommendations, specific development proposals or changing circumstances in the City. In this case, a specific development proposal in this area is necessitating the change from Commercial to Single/Two-Family Residential use.

**Consistency with objectives and goals of the Comprehensive Plan 2010-2030:** The *City of Appleton Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide growth and development in an organized and efficient manner in the City. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed Future Land Use Map amendment for consistency with these relevant objectives and policies is necessary in determining if changing the Future Land Use Map is appropriate.

Relevant Comprehensive Plan Objectives and Goals
<b>Overall Community Goals</b>  <b>Goal 3 – Housing Quality and Affordability</b> (Chapter 5 – Housing and Neighborhoods) Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.
<b>5.3 OBJECTIVE: Provide a range of housing styles that meet the needs and appeal to all segments of the community.</b>
<b>7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.</b>
<b>Overall Community Goals</b>  <b>Goal 1 – Community Growth</b> (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.
<b>10.1 OBJECTIVE: Provide an adequate supply of suitable land meeting the demand for development of various land uses.</b>  <b>10.1.1</b> Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan

The proposed Future Land Use Map amendment provides increased opportunities to expand a residential neighborhood by providing more land area for a variety of ownership housing choices to community residents. Also, there are existing municipal water, sewer, roads, and parks in this area of the City to serve the proposed development.

The subject site is adjacent to Multi-family Residential and Commercial designation to the north and adjacent to a residential neighborhood to the east and south that is designated as Single/Two-Family and Multi-family Residential designation on the Future Land Use Map. The subject site, therefore, represents an expansion of Single/Two-Family Residential designation along the south side of Glenhurst Lane and the west side Lightning Drive. A change in development patterns from commercial/office uses to residential uses (such as residential condominiums and community living arrangements) has been occurring in this area since it was originally platted in 2002. Therefore, the proposed Future Land Use Map amendment is unlikely to create adverse impacts in the adjacent area or the City.

**Proposed Zoning Classification:** The applicant is proposing to rezone the subject parcel from the C-O Commercial Office District to R-1B Single-Family Residential District. The purpose of the R-1B District is intended to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. The development standards for the R-1B District are listed below:

**R-1B District Development Standards:** The R-1B Single-Family Residential District development standards are as follows:

- Minimum Lot Area: **6,000 square feet**
- Maximum Lot Coverage: **50%**
- Minimum Lot Width: **50 feet**
- Minimum Front Yard: **20 feet, 25 feet (if located on arterial),**
- Minimum Side Yard: **6 feet**
- Minimum Rear Yard: **25 feet**
- Maximum Building Height: **35 feet**

**Impact on Surrounding Neighborhood:**

Rezoning of the subject parcel to the R-1B District is appropriate for several reasons. First, if the Comprehensive Plan Future Land Use Map is amended to show this area appropriate for Single-Family uses, the rezoning and Future Land Use designation would be consistent. Next, if the property is rezoned to the R-1B District, the permitted uses in that district would not have a negative impact on the surrounding neighborhood or existing uses. Higher density residential already exists to the south and the low density residential already exists to the east of the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the adjacent area or the City.

**Review Criteria:** Based upon the above analysis, it would appear the criteria established by Section 23-65(d) (3) Zoning Amendments (rezoning) has been satisfied. It is important to note that the Zoning Code requires that a rezoning request conform to the City's Comprehensive Plan Future Land Use Map. If the Future Land Use Map Amendment #2-15 is approved, the rezoning would conform to the Comprehensive Plan. However, until Future Land Use Map Amendment #2-15 is approved, the proposed R-1B Single-Family Residential zoning classification would not conform to the Future Land Use Map, which, in its current form, identifies the subject site as Commercial.

**Technical Review Group Report (TRG):** This item was discussed at the November 17, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

## **RECOMMENDATION**

Based upon the above analysis, staff recommends the proposed *City of Appleton Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-15* from Commercial designation to Single/Two-Family Residential designation and resolution, **BE APPROVED**; and

Staff recommends based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, Rezoning Application #6-15 to rezone the subject parcels located along the south side of Glenhurst Lane (Tax Id #31-1-6501-05 & 31-1-6501-06) from C-O Commercial Office District to R-1B Single-Family Residential District, including to the centerline of the adjacent right-of-way, as shown on the map, **BE APPROVED**.

**NOTE:** If approved, Rezoning #6-15 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-15 to accurately reflect the change in future land use from Commercial designation to Single-Family Residential designation.

**RESOLUTION  
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE  
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

**WHEREAS**, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

**WHEREAS**, on March 3, 2010 the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

**WHEREAS**, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

**WHEREAS**, members of the public were invited to make comments at a meeting held on December 7, 2015, by the City Plan Commission, wherein the following Comprehensive Plan amendments (Amendment #2-15) herein adopted were reviewed and commented upon by members of the public; and

**WHEREAS**, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on December 7, 2015; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property on the Future Land Use Map from (Commercial Use) to (One/Two-Family Residential Use).

**WHEREAS**, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

**WHEREAS**, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

**WHEREAS**, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

**WHEREAS**, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

ATTEST:

\_\_\_\_\_  
Kami Scofield, City Clerk

### **Exhibit A: Statement of Justification for Rezoning**

Apple Tree, LLC is a residential developer and home builder with a successful 10-year history of developing condominiums and condo-style communities, primarily in Northeast Wisconsin. This includes The Villas at Apple Creek, the successful 152-unit condominium immediately south of the proposed development. We are proposing a rezoning of Lots 5 & 6 of Apple Creek Center to allow for us to build a small HOA-community of single-family homes. Below is a description of the project and details of how our proposed use of the land meets the overall goals of Appleton's comprehensive plan.

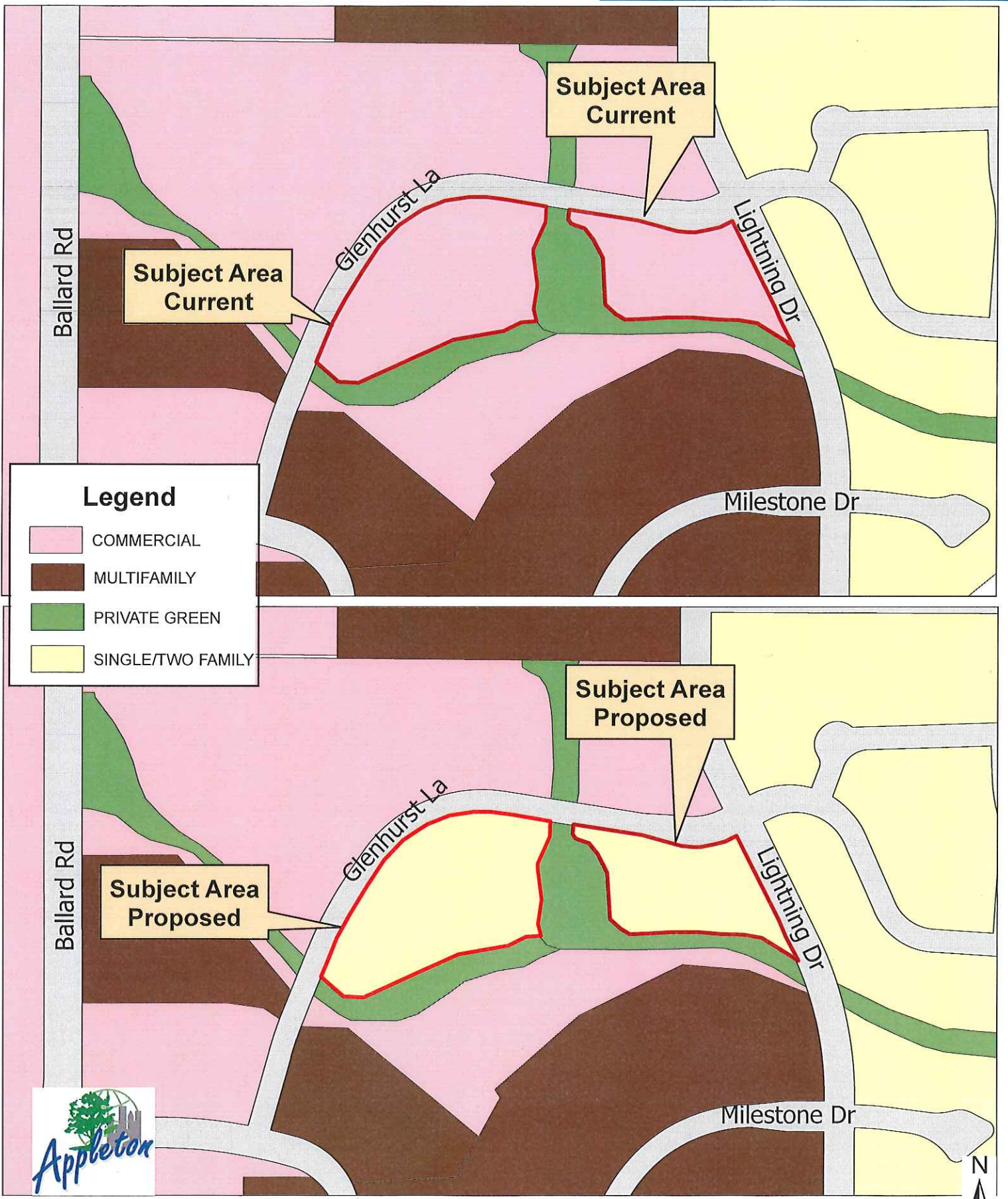
The proposed development on Lots 5 & 6 will use the same exterior materials found on the homes at The Villas at Apple Creek – stone & wood siding in appealing earth tone colors – to complement this neighboring community. In addition, the homes in the proposed development will be single-family like those found in the subdivisions immediately east of Lighting Drive. Our proposed homes and architecture will provide an appealing transition from the businesses on Ballard and the multi-family housing north of Glenhurst, to the single-family neighborhoods east of Lighting.

The proposed development will consist of 11 – 14 single-family homes (the actual number will depend on the results of wetland delineation and wetland fill permitting through the DNR). Homebuyers will have the choice of the same five floor plans being offered in our popular and extremely successful community Woods Edge, in De Pere, WI. The main levels of these floor plans range in size from 1,400 – 2,100 sq. ft. Some of the floor plans offer the option of having an insulated foundation (no basement) or basement, with the ability to add additional living space in the lower level. Three of the floor plans also offer the option of adding a 2<sup>nd</sup> story bonus suite. Sales prices of the finished homes are expected to range from approximately \$200,000 to \$450,000.

A professionally managed Homeowners Association (HOA) will be established and will ensure homes, yards, and neighborhood property are maintained to a quality standard. The lawn-care and snow removal services coordinated by the condo-style HOA will allow homeowners to lock the door and go, which is a highly desirable housing option currently underserved in the Appleton area.

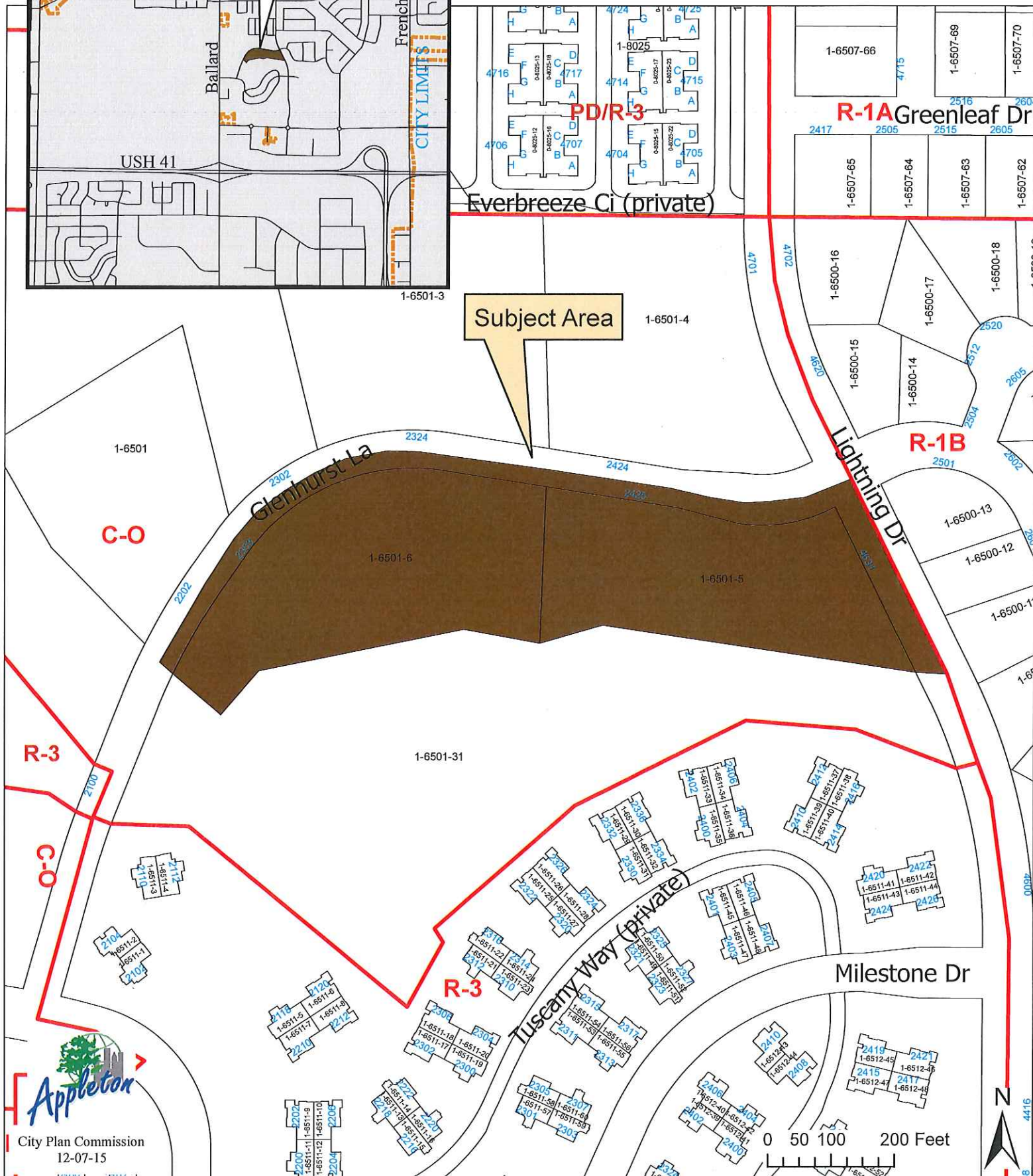
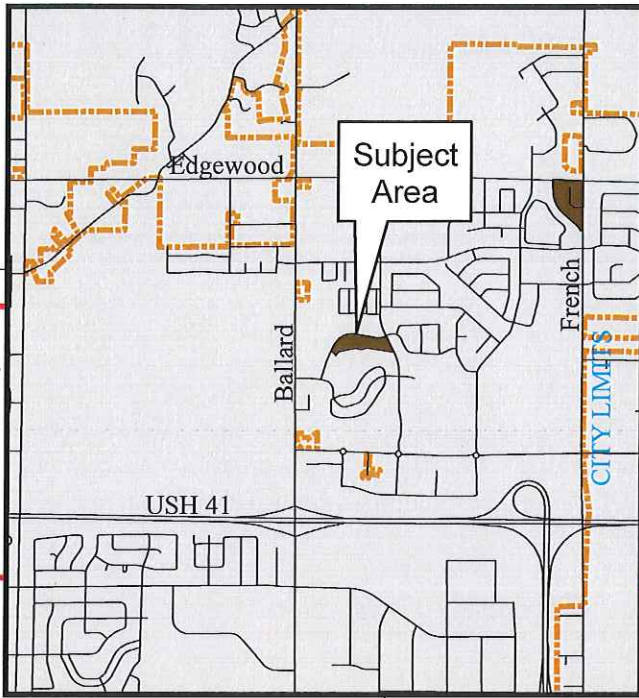


East Glenhurst Lane  
Future Land Use Map Amendment  
Commercial to Single/Two-Family Residential





East Glenhurst Lane  
 Appletree Development, LLC  
 Rezoning C-O Commercial Office District  
 to R-1B Single-Family District  
 Zoning Map





East Glenhurst Lane  
Appletree Development, LLC  
Rezoning C-O Commercial Office District  
to R-1B Single-Family District

## Subject Area

Glenhurst La

Milestone Dr



City Plan Commission  
12-07-15

0 62.5 125 250 Feet







## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** December 7, 2015

**Common Council Public Hearing Meeting Date:** January 20, 2016  
(Public Hearing on Comprehensive Plan Amendment and Rezoning)

**Items:** *City of Appleton Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-15 and Rezoning #6-15

**Case Manager:** Don Harp

### **GENERAL INFORMATION**

---

**Owner/Applicant:** North Meadows Investment, LTD, Owner  
Jason Mroz, Apple Tree, LLC, Applicant

**Lot/Parcel:** Lots 5 & 6 of the Apple Creek Center Plat (Tax Id #31-1-6501-05 & 31-1-6501-06)

**Petitioner's Request:** The applicant is requesting to amend the *City of Appleton Comprehensive Plan 2010-2030* Future Land Use Map from a Commercial designation to a Single/Two Family Residential designation for two undeveloped parcels (Lots 5 & 6 of the Apple Creek Center Plat) along the south side of Glenhurst Lane (Tax Id #31-1-6501-05 & 31-1-6501-06). In conjunction with this request, the applicant is also proposing to rezone the subject parcels from C-O Commercial Office District to R-1B Single-Family Residential District. The requests are being made to accommodate a proposed single-family residential subdivision that will be managed by a homeowners association to ensure homes, yards and neighborhood property are maintained to a quality standard.

### **BACKGROUND**

---

The subject parcels were annexed into the City in 1990 as part of the AAL Annexation. The subject parcels and surrounding land were then rezoned to C-O Commercial Office District in 2001 by AAL for a business/office park. The subject parcels and approximately 90 acres of land surrounding the subject parcels were subdivided in 2002, creating the Apple Creek Center Subdivision.

The remaining lots of Apple Creek Center Subdivision without a development proposal at this time are Lots 3 and 4 located on the north side of Glenhurst Lane and west of Lightning Drive. To ensure that the anticipated urban land use needs are met in this area of the City, it is anticipated the trend of future land use map amendment and rezoning in response to specific development proposal will continue over time for Lots 3 and 4.

## **STAFF ANALYSIS**

---

**Procedural Findings:** When a *Comprehensive Plan 2010-2030* Future Land Use Map Amendment and Rezoning application are required for the same development project, the respective staff reports are consolidated together as one.

**Current Site Conditions:** The subject parcels are currently undeveloped and are approximately 6.6653 acres in size. The property has frontage along Lightning Drive which is classified as a collector street and Glenhurst Lane which is classified as a local street on the City's Arterial/Collector Plan.

- **Collector street** means a street intended to carry traffic from local streets to an arterial street and to provide circulation within neighborhood areas.
- **Local street** means a street designated primarily to provide direct access to abutting properties, usually residential.

### **Surrounding Zoning Classification, Future Land Use Designation and Current Land Uses:**

- **North:**
  - Zoning – C-O Commercial Office District
  - Future Land Use Designation – Commercial
  - Current Land Use – Undeveloped
  
  - Zoning – R-3 Multi-family Residential District
  - Future Land Use Designation – Multi-family
  - Current Land Use – Proposed Community Living Arrangement (CLA)
- **South:**
  - Zoning – R-3 Multi-family Residential District
  - Future Land Use Designation – Multi-family
  - Current Land Use – Condominiums
- **East:**
  - Zoning – R-1B Single-family Residential District
  - Future Land Use Designation – Single/Two-family
  - Current Land Use – Single-family Residential
- **West:**
  - Zoning – R-3 Multi-family Residential District
  - Future Land Use Designation – Multi-family Residential
  - Current Land Use – Community Living Arrangement (CLA)

**Proposed Future Land Use Designation:** The applicant is proposing to amend the *City of Appleton Comprehensive Plan 2010-2030* to change the Future Land Use Map designation for the subject area from Commercial use to Single/Two-Family Residential use. Amendments to the Comprehensive Plan are sometimes triggered by technical corrections to correct omissions or errors in the land use recommendations, specific development proposals or changing circumstances in the City. In this case, a specific development proposal in this area is necessitating the change from Commercial to Single/Two-Family Residential use.

**Consistency with objectives and goals of the Comprehensive Plan 2010-2030:** The *City of Appleton Comprehensive Plan 2010-2030* and Future Land Use Map are intended to guide growth and development in an organized and efficient manner in the City. The Plan addresses a range of topics related to land use, housing and neighborhoods, economic development, transportation, utilities and community facilities, and more. Evaluating the proposed Future Land Use Map amendment for consistency with these relevant objectives and policies is necessary in determining if changing the Future Land Use Map is appropriate.

Relevant Comprehensive Plan Objectives and Goals
<b>Overall Community Goals</b>  <b>Goal 3 – Housing Quality and Affordability</b> (Chapter 5 – Housing and Neighborhoods) Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.
<b>5.3 OBJECTIVE: Provide a range of housing styles that meet the needs and appeal to all segments of the community.</b>
<b>7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.</b>
<b>Overall Community Goals</b>  <b>Goal 1 – Community Growth</b> (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.
<b>10.1 OBJECTIVE: Provide an adequate supply of suitable land meeting the demand for development of various land uses.</b>  <b>10.1.1</b> Adopt, and as necessary, amend the Future Land Use Map in the Comprehensive Plan

The proposed Future Land Use Map amendment provides increased opportunities to expand a residential neighborhood by providing more land area for a variety of ownership housing choices to community residents. Also, there are existing municipal water, sewer, roads, and parks in this area of the City to serve the proposed development.

The subject site is adjacent to Multi-family Residential and Commercial designation to the north and adjacent to a residential neighborhood to the east and south that is designated as Single/Two-Family and Multi-family Residential designation on the Future Land Use Map. The subject site, therefore, represents an expansion of Single/Two-Family Residential designation along the south side of Glenhurst Lane and the west side Lightning Drive. A change in development patterns from commercial/office uses to residential uses (such as residential condominiums and community living arrangements) has been occurring in this area since it was originally platted in 2002. Therefore, the proposed Future Land Use Map amendment is unlikely to create adverse impacts in the adjacent area or the City.

**Proposed Zoning Classification:** The applicant is proposing to rezone the subject parcel from the C-O Commercial Office District to R-1B Single-Family Residential District. The purpose of the R-1B District is intended to provide for and maintain residential areas characterized predominately by single-family, detached dwellings on medium sized lots while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. The development standards for the R-1B District are listed below:

**R-1B District Development Standards:** The R-1B Single-Family Residential District development standards are as follows:

- Minimum Lot Area: **6,000 square feet**
- Maximum Lot Coverage: **50%**
- Minimum Lot Width: **50 feet**
- Minimum Front Yard: **20 feet, 25 feet (if located on arterial),**
- Minimum Side Yard: **6 feet**
- Minimum Rear Yard: **25 feet**
- Maximum Building Height: **35 feet**

**Impact on Surrounding Neighborhood:**

Rezoning of the subject parcel to the R-1B District is appropriate for several reasons. First, if the Comprehensive Plan Future Land Use Map is amended to show this area appropriate for Single-Family uses, the rezoning and Future Land Use designation would be consistent. Next, if the property is rezoned to the R-1B District, the permitted uses in that district would not have a negative impact on the surrounding neighborhood or existing uses. Higher density residential already exists to the south and the low density residential already exists to the east of the subject site. Therefore, the proposed rezoning request is unlikely to create adverse impacts in the adjacent area or the City.

**Review Criteria:** Based upon the above analysis, it would appear the criteria established by Section 23-65(d) (3) Zoning Amendments (rezoning) has been satisfied. It is important to note that the Zoning Code requires that a rezoning request conform to the City's Comprehensive Plan Future Land Use Map. If the Future Land Use Map Amendment #2-15 is approved, the rezoning would conform to the Comprehensive Plan. However, until Future Land Use Map Amendment #2-15 is approved, the proposed R-1B Single-Family Residential zoning classification would not conform to the Future Land Use Map, which, in its current form, identifies the subject site as Commercial.

**Technical Review Group Report (TRG):** This item was discussed at the November 17, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

## **RECOMMENDATION**

Based upon the above analysis, staff recommends the proposed *City of Appleton Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-15* from Commercial designation to Single/Two-Family Residential designation and resolution, **BE APPROVED**; and

Staff recommends based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, Rezoning Application #6-15 to rezone the subject parcels located along the south side of Glenhurst Lane (Tax Id #31-1-6501-05 & 31-1-6501-06) from C-O Commercial Office District to R-1B Single-Family Residential District, including to the centerline of the adjacent right-of-way, as shown on the map, **BE APPROVED**.

**NOTE:** If approved, Rezoning #6-15 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-15 to accurately reflect the change in future land use from Commercial designation to Single-Family Residential designation.

### **Exhibit A: Statement of Justification for Rezoning**

Apple Tree, LLC is a residential developer and home builder with a successful 10-year history of developing condominiums and condo-style communities, primarily in Northeast Wisconsin. This includes The Villas at Apple Creek, the successful 152-unit condominium immediately south of the proposed development. We are proposing a rezoning of Lots 5 & 6 of Apple Creek Center to allow for us to build a small HOA-community of single-family homes. Below is a description of the project and details of how our proposed use of the land meets the overall goals of Appleton's comprehensive plan.

The proposed development on Lots 5 & 6 will use the same exterior materials found on the homes at The Villas at Apple Creek – stone & wood siding in appealing earth tone colors – to complement this neighboring community. In addition, the homes in the proposed development will be single-family like those found in the subdivisions immediately east of Lighting Drive. Our proposed homes and architecture will provide an appealing transition from the businesses on Ballard and the multi-family housing north of Glenhurst, to the single-family neighborhoods east of Lighting.

The proposed development will consist of 11 – 14 single-family homes (the actual number will depend on the results of wetland delineation and wetland fill permitting through the DNR). Homebuyers will have the choice of the same five floor plans being offered in our popular and extremely successful community Woods Edge, in De Pere, WI. The main levels of these floor plans range in size from 1,400 – 2,100 sq. ft. Some of the floor plans offer the option of having an insulated foundation (no basement) or basement, with the ability to add additional living space in the lower level. Three of the floor plans also offer the option of adding a 2<sup>nd</sup> story bonus suite. Sales prices of the finished homes are expected to range from approximately \$200,000 to \$450,000.

A professionally managed Homeowners Association (HOA) will be established and will ensure homes, yards, and neighborhood property are maintained to a quality standard. The lawn-care and snow removal services coordinated by the condo-style HOA will allow homeowners to lock the door and go, which is a highly desirable housing option currently underserved in the Appleton area.

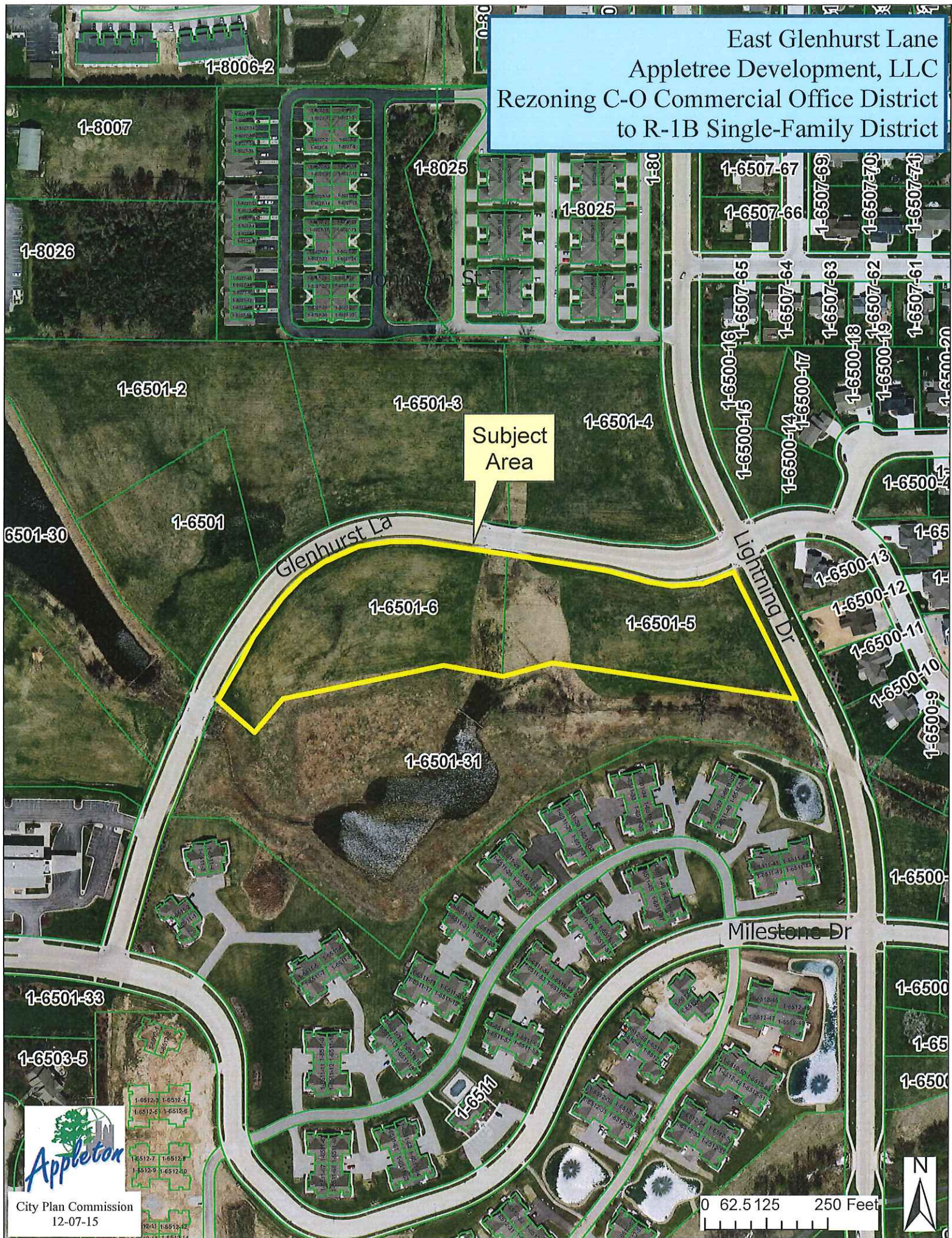


East Glenhurst Lane  
Appletree Development, LLC  
Rezoning C-O Commercial Office District  
to R-1B Single-Family District  
Zoning Map





East Glenhurst Lane  
Appletree Development, LLC  
Rezoning C-O Commercial Office District  
to R-1B Single-Family District



City Plan Commission  
12-07-15

0 62.5 125 250 Feet





Wednesday, December 2, 2015

We, the following residents of The Villas at Apple Creek, support the proposed rezoning of the property to Single Family of Lots 5 & 6 of Apple Creek Center on Glenhurst to allow for the development of the proposed project by Apple Tree.

Signed,

Jane and Don McMurray 2412 E. Tuscan Way, Appleton  
Jeff and Anne Jensen 2226 E. Sierra Way Appleton WI  
Mike and Jan Dale 2322 E. Sierra Way Appleton, WI  
Cathy & Dale 2414 E. Tuscan Way Appleton WI 54913  
Kathy & Dale M. Apple 2409 E. Tuscan Way Appleton, WI 54913  
Lori Wellington 2206 E. Sierra Way, Appleton, WI 54913  
Peggy & Jerry Anglin - 2214 E. Sierra Way, Appleton WI 54913  
Allen & Patricia Reed 2404 E. Tuscan Way, Appleton WI 54913  
Gary & Joan Bernegger 2304 E. Sierra Way, Appleton 54913  
Bob & Carol Christensen 2303 E. Sierra Way Appleton 54913  
Gary & Carol Van Zeland 2223 E. Sierra Way App. 54913  
David & Nancy Van Rysal 2204 E. Tuscan Way Appleton 54913  
Dennis & Diane Ihde 2327 E. Sierra Way Appleton 54913  
William & Lestee Harvey 2305 E. Sierra Way Appleton 54913  
Carol & Robert 2406 Tuscan Appleton WI 54913

RECEIVED

DEC - 7 2015

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT

Wednesday, December 2, 2015

We, the following residents of The Villas at Apple Creek, support the proposed rezoning of the property to Single Family of Lots 5 & 6 of Apple Creek Center on Glenhurst to allow for the development of the proposed project by Apple Tree.

Signed,

Mary Bludman - 2222 Sienna Way

Virginia Eggleston - 2435 E Tuscan Way

Burnie Clow - 2149 E. Sienna Way

Bonnie Lundquist - 2325 E. Sienna Way

Wileen Joan Evans 2118 E. Milstone

Mania E. Cariani 2415 E. Sienna Way

"Debra" Lois Fransway 2400 E. Sienna Way

Liz Spring 2205 E. Tuscan Way 54913

Deb Looy 2324 E Sienna Way 54913

Shirley Hess 2145 E Sienna Way 54913

RECEIVED

DEC - 7 2015

CITY OF APPLETON  
COMMUNITY/ECON DEVELOPMENT



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Date:** January 11, 2016

**Common Council Meeting Date:** January 20, 2016

**Item:** Special Use Permit #17-15 for restaurant with alcohol sales and service

**Case Manager:** David Kress

### **GENERAL INFORMATION**

---

**Owner:** Louberts Properties, LLC

**Applicant:** Lou's Brew Cafe c/o Laura Loukidis

**Address/Parcel #:** 233 East College Avenue (Tax Id #31-2-0017-00)

**Petitioner's Request:** The applicant is requesting a Special Use Permit for alcohol sales and service in conjunction with a restaurant.

### **BACKGROUND**

---

The subject area, located at the southwest corner of East College Avenue and South Durkee Street, was previously occupied by Harmony Cafe. This would be the second Lou's Brew Cafe location, as their Oshkosh, WI site has been in operation for three years. The applicant has yet to apply for a Liquor License, but intends to do so after action is taken on this Special Use Permit request.

### **STAFF ANALYSIS**

---

**Project Summary:** The applicant proposes to establish a restaurant with alcohol sales and service on the subject site. Between the first floor, mezzanine level, and upper floor meeting space, the proposed restaurant with alcohol sales and service would occupy approximately 4,560 square feet of the existing building. Based on the attached development plan, this request will not increase existing building area. The applicant also proposes a sidewalk cafe, with alcohol sales and service, in the College Avenue amenity strip located directly in front of the subject property.

**Existing Site Conditions:** The existing mixed-use building totals approximately 7,250 square feet, including two apartment units. No off-street parking is provided, which is allowable in the CBD Central Business District.

**Zoning Ordinance Requirements:** The subject property has a zoning designation of CBD Central Business District. Per Section 23-114(e) of the Municipal Code, a restaurant with alcohol sales and service requires a Special Use Permit in the CBD District. In order to permit alcohol sales and service in conjunction with the proposed restaurant, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A two-thirds (2/3) vote of the Common Council is required for approval.

**Operational Information:** A plan of operation is attached to the Staff Report.

**Proposed Outdoor Seating Area:** The proposed sidewalk cafe area is shown on the development plan and described in the plan of operation. The actual location, size, and hours of operation for the sidewalk cafe shall follow the regulations identified in Chapter 9, Article VI, Division 4, Sidewalk Cafes, of the Municipal Code. Some applicable provisions are listed below. Prior to establishing the sidewalk cafe, the applicant must also obtain a Street Occupancy Permit from the Department of Public Works.

- Section 9-262(a)(1) – The parameters of the sidewalk cafe shall be limited to the area of the amenity strip located immediately in front of the establishment and shall not extend beyond the width of the establishment's property line.
- Section 9-262(a)(6) – A minimum width of twelve (12) feet between the back of curb and the building face must exist; with a minimum of eight (8) feet available for pedestrian traffic and four (4) feet available for tables and chairs.
- Section 9-262(b)(4) – The permit holder can begin serving alcoholic beverages in the sidewalk cafe at 4:00 p.m. Monday through Friday and 11:00 a.m. on Saturday and Sunday. All alcoholic beverages must be removed from the sidewalk cafe by 9:30 p.m.

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

North: CBD Central Business District. The adjacent land uses to the north are currently a mix of commercial and multi-family residential uses.

South: CBD Central Business District. The adjacent land uses to the south are currently institutional, including the Appleton YMCA.

East: CBD Central Business District. The adjacent land uses to the east are currently a mix of commercial uses.

West: CBD Central Business District. The adjacent land uses to the west are currently a mix of commercial and institutional uses.

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

*Goal 1 – Community Growth*

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

*Goal 8 – Economic Development*

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

**OBJECTIVE 9.3 Economic Development:**

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

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

**Technical Review Group (TRG) Report:** This item was discussed at the December 22, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

**Written Public Comments:** No questions, concerns, or comments have been received from the surrounding neighborhood.

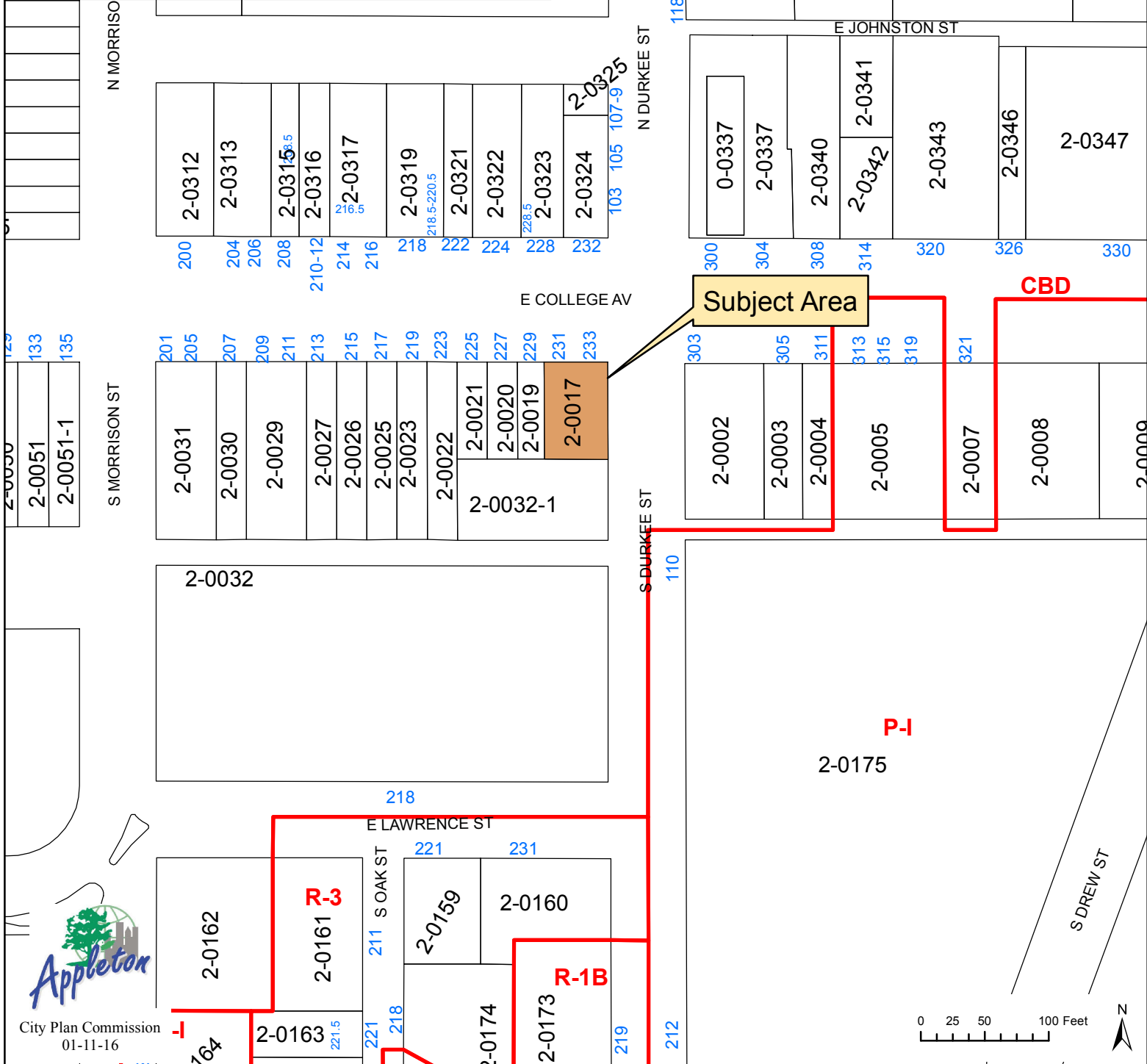
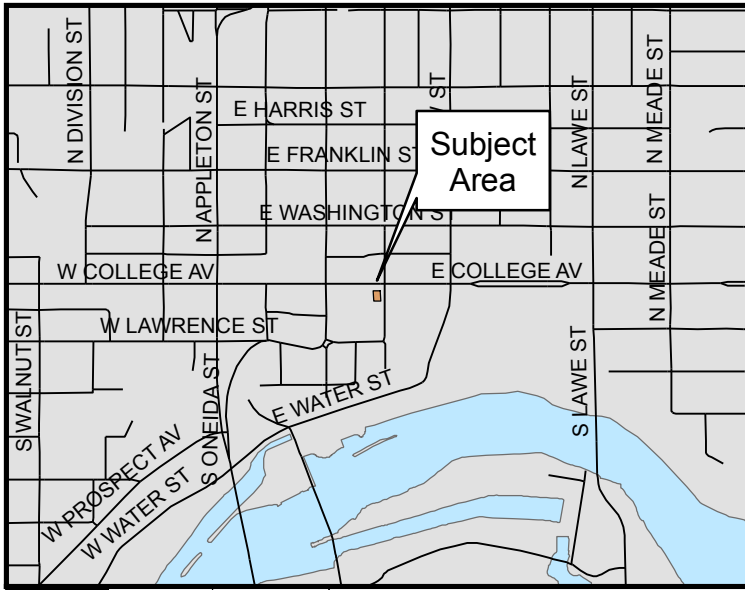
**RECOMMENDATION**

---

Staff recommends, based on the above, that Special Use Permit #17-15 for a restaurant with alcohol sales and service at 233 East College Avenue, as shown on the attached maps and per attached plan of operation, **BE APPROVED** to run with the land, subject to the following conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire, Building, and Health Codes and the Noise Ordinance, shall be complied with.
2. The applicant shall apply for and receive approval of a Liquor License from the City Clerk prior to serving or consuming alcohol on the premise.
3. The serving and consumption of alcohol is limited to the first floor, mezzanine level, upper floor meeting space, and sidewalk cafe area, as identified on the attached maps. Any future expansions for the serving and/or consumption of alcohol may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
4. Prior to establishing the sidewalk cafe, the applicant must obtain a Street Occupancy Permit from the Department of Public Works. All aspects of the sidewalk cafe, including its location, size, and hours of operation for serving alcoholic beverages, shall comply with the regulations identified in Chapter 9, Article VI, Division 4, Sidewalk Cafes, of the Municipal Code.
5. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
6. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Municipal Code.

233 East College Avenue  
Special Use Permit  
Restaurant with Alcohol Sales  
Zoning Map





233 East College Avenue  
Special Use Permit  
Restaurant with Alcohol Sales  
Aerial Map

E COLLEGE AV

N D

225

227

229

231

233

2-00021

2-00020

2-00019

2-00017

Subject Area

S DURKEE ST

2-00032-1





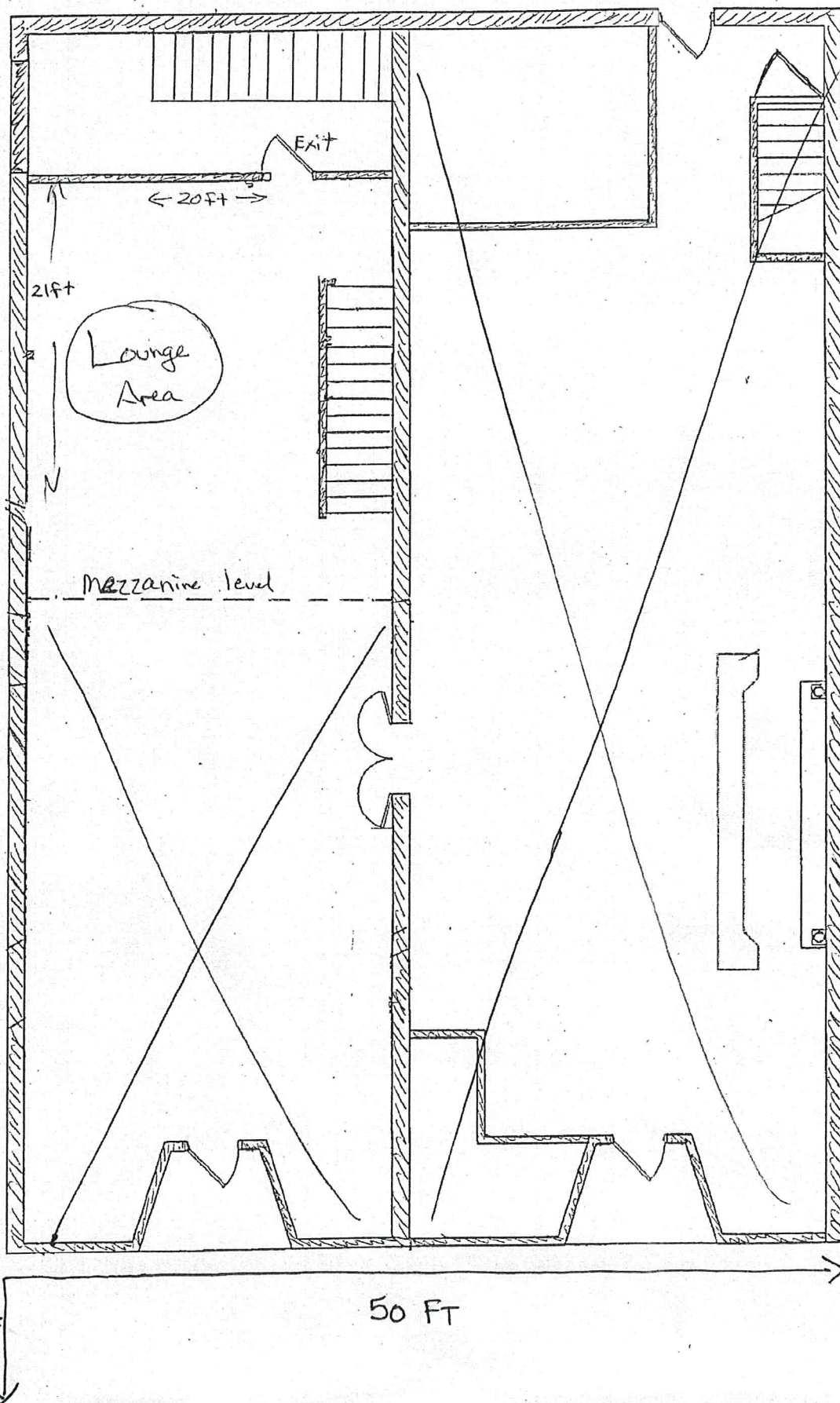




Mezzanine  
Level only  
21 x 20

Sidewalk  
Cafe  
Dimensions

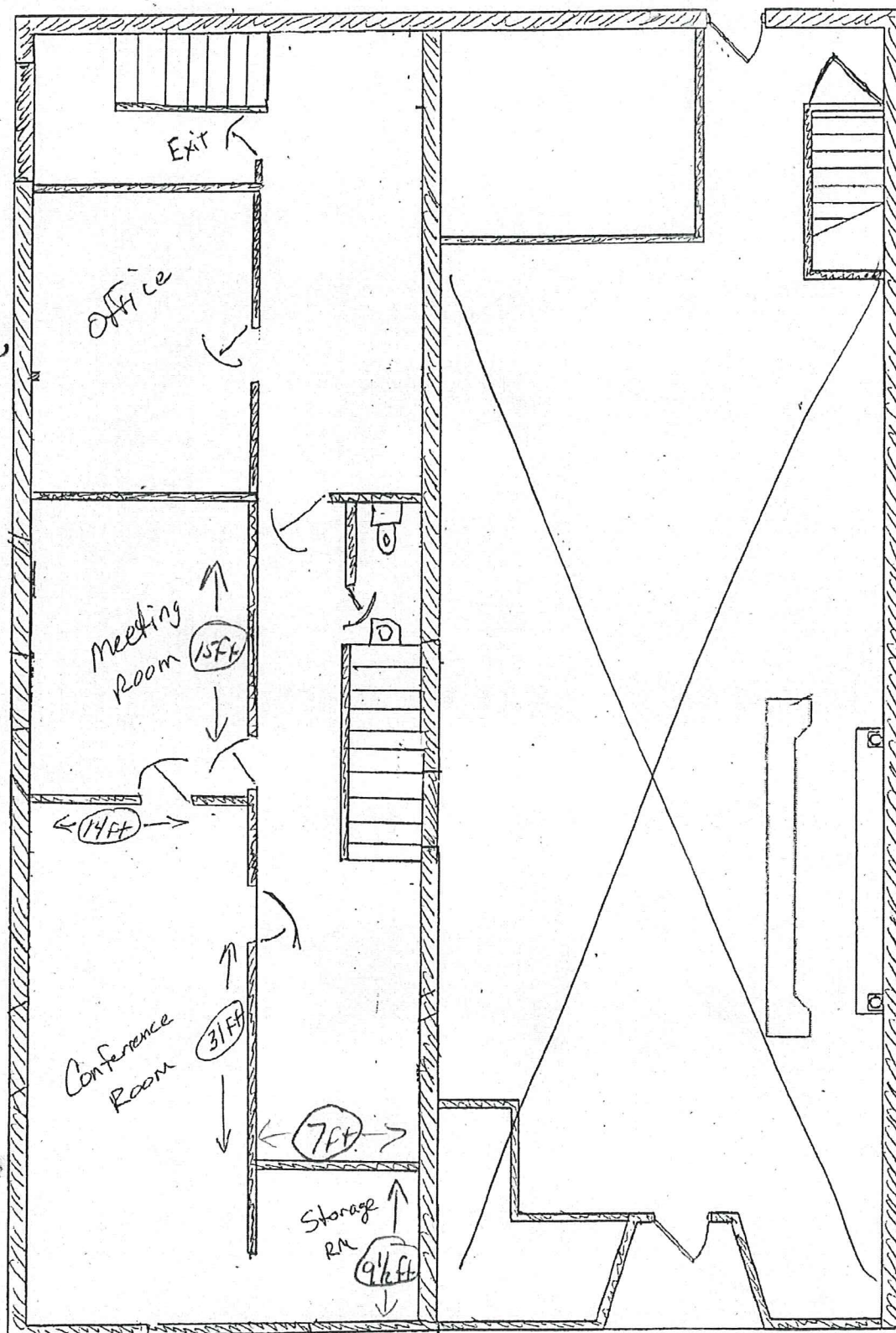
We currently  
have 4-5 tables  
so seating  
would be for  
20-30  
people



Office = Private

Meeting Rm  
15 x 14

Conference Rm  
31 x 14





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

**Business Information:**

Name of business: Lou's BREW CAFE AND LOUNGE, INC.

Years in operation: 3 (Oshkosh location)

Percentage of business derived from restaurant service: 80 %

Type of proposed establishment (detailed explanation of business):

Cafe / Restaurant / Bar - Lou's Brew  
mainly focuses on coffee, tea, bakery, wraps,  
salads and sandwiches, Our Oshkosh location also  
offers beer & wine. We would also like to offer beer,  
wine, and limited alcohol in our Appleton location.  
**Proposed Hours of Operation for Indoor Uses:**

Day	From	To
Week Day	6:30 am	11:00 pm
Friday	<del>6:30</del> 6:30	11:00 pm
Saturday	7:00	11:00 pm
Sunday	8:00	9:00 pm

**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: \_\_\_\_\_ persons

Gross floor area of the existing building(s): 7,250 sq ft (includes <sup>(2)</sup> apartments)

Gross floor area of the proposed building(s): \_\_\_\_\_ First floor  
is 3,500 sq  
ft

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

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

Noise levels will be kept minimal. Our overall  
environment will not be too loud such as in a  
typical bar like atmosphere. Any activities such  
as open mic, bands will be limited to 11 pm.



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

Inside- Music volume controlled, maximum capacities followed and doors remain closed to control noise outside building.

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

No parking lot, all on street parking, parking structure or foot traffic

#### Outdoor Uses:

Location, type, size and design of outdoor facilities:

\_\_\_\_\_

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

No screening

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:

Outdoor speakers with volume control kept at a minimum  
If live music we will keep volume controlled and follow

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

Proposed Hours of Operation for Outdoor Uses: Same as cafe hours  
except weekends may be later (MN)

Day	From	To
Week Day	6:30 am	11:00 pm
Friday	6:30 am	MN
Saturday	7:00 am	MN
Sunday	8:00 am	9:00 pm

city  
guideline  
on timing



**Outdoor Lighting:**

Type: Unsure at this point - See below.

Location: We will either be doing several lamp post type  
non permanent, individual table lights  
or make cafe seating not  
available after dark

Off-Street Parking: N/A

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

Number of spaces proposed: \_\_\_\_\_

**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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Employees:**

Number of existing employees: 10

Number of proposed employees: 12-15

Number of employees scheduled to work on the largest shift: 5-6

We are still in the process of hiring and realizing employee needs at this time. If Appleton similar to Oshkosh with about a 25%-35% increase in need for staff, the above numbers would reflect this.



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** January 11, 2016

**Common Council Meeting Date:** January 20, 2016

**Item:** Special Use Permit #18-15 – Parking Lot in Central Business District CBD – Tax Parcel Number 31-2-0430-02

**Case Manager:** Jeff Towne

### GENERAL INFORMATION

**Owner/Applicant:** Property Owner: 222-Washington/Division Prop. LLC  
Applicant: Rick Menting, agent

**Address/Tax Parcel #:** Southeast corner of North Division Street and West Franklin Street/31-2-0430-02

**Petitioner's Request:** The owner/applicant is requesting a Special Use Permit for a parking lot for tenants of the 222 Building.

### BACKGROUND

A building on the site was razed in 2009. It is currently a vacant lot.

### STAFF ANALYSIS

**Existing Site Conditions:** The site is a vacant lot.

**Off-Street Parking Requirements:** Off-street parking requirements do not apply to uses within the Central Business District zoning district. The proposed parking lot will serve downtown businesses.

**Ordinance Requirements:** Per 23-114(e) and 23-66, in order to permit the construction of a surface parking lot on properties zoned Central Business District, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A 2/3 vote of the Common Council is required for approval.

Site Plan review and approval is required prior to construction commencing on the site.

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

North: CBD Central Business District – Parking Lot  
South: CBD Central Business District – Retail Business  
West: CBD Central Business District – Auto Sales  
East: CBD Central Business District – Parking Lot

**2010-2030 Comprehensive Plan:** The 2010-2030 Future Land Use Map currently represents this area as Central Business District. The property is currently zoned CBD Central Business District. The proposed use is consistent with the purpose of the CBD Central Business District and goals and objectives of the City's Comprehensive Plan:



**Sec. 23-114. CBD Central Business District.**

- **Purpose.** This district is intended to provide a centrally located and readily accessible area that offers a wide variety of retail, service, financial, entertainment and governmental uses. A broad range of uses is permitted to reflect downtown's role as a commercial, cultural and government center. Development is intended to be intense with maximum lot coverage, increased building scale and height density and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

**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.

- **Goal 8 – Economic Development** (Chapter 9)

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

**Economic Development Element**

- **9.3 OBJECTIVE:** Ensure the continued vitality of downtown and the City's neighborhood commercial districts.

**Findings:** This proposed use is consistent with the above-mentioned goals and objectives and increases economic viability of the downtown by offering additional surface parking to serve businesses. The proposed use supports the Central Business District and the commercial establishments in this part of the Downtown.

**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 distributed to the Technical Review Group. No negative comments were received from participating departments.

## **RECOMMENDATION**

---

Staff recommends, based on the above, that Special Use Permit #18-15 for a parking lot in the Central Business District, **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. Site Plan approval is required prior to a Paving Permit being issued.
3. A Certified Survey Map shall be approved and recorded prior to a Paving Permit being issued.
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.

## PLAN OF OPERATION AND LOCATIONAL INFORMATION

### Business Information:

Name of business: \_\_\_\_\_

Years in operation: \_\_\_\_\_

Type of proposed establishment (detailed explanation of business):

Parking Lot  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Proposed Hours of Operation:

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: \_\_\_\_\_ persons

Gross floor area of the existing building(s):

NA  
\_\_\_\_\_

Gross floor area of the proposed building(s):

NA  
\_\_\_\_\_

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

NA  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

NONE

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

Describe the noise levels anticipated from all mechanical equipment:

NONE

How will the noise be controlled?

NA

**Outdoor Lighting:**

NONE

Type: \_\_\_\_\_

Location: \_\_\_\_\_

**Off-Street Parking:**

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

Number of spaces proposed: \_\_\_\_\_

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?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Outdoor Uses:**

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

NA

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

NA

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

NA

**Number of Employees:**

NA

Number of existing employees: \_\_\_\_\_

Number of proposed employees: \_\_\_\_\_

Number of employees scheduled to work on the largest shift: \_\_\_\_\_





**LEGAL DISCLOSURE:**  
A record of land located in part of Lots 1 and 2, Block 40, APPLETON PLAT, City of Appleton, Outagamie County, Wisconsin. Said Appleton plat hereby more particularly described as follows:

Commencing at the northeast corner of said Lot 1, Block 40, APPLETON PLAT, thence South 53° 07' 30" E, 102.30 feet along the South line of Franklin Street thence S 50° 04' 30" E, 35.21 feet, thence S 72° 07' 11", 62.00 feet along the East line of Division Street thence S 89° 07' 11", 143.00 feet thence N 07° 04' 30" E, 63.02 feet to the point of beginning.

Said record contains 11,717 sq. ft., (0.28 Acre) more or less, and is subject to all easements, covenants, and restrictions of record.



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** January 11, 2016

**Common Council Meeting Date:** January 20, 2016

**Item:** Preliminary Plat – Pond View Estates

**Case Manager:** Don Harp

### **GENERAL INFORMATION**

---

**Owner/Applicant:** North Meadows Investment, LTD, Owner  
Jason Mroz, Apple Tree, LLC, Applicant

**Parcel #:** 31-1-6501-06 and 31-1-6501-05

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

### **BACKGROUND**

---

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-15 from a Commercial designation to a Single/Two Family Residential designation and Rezoning #6-15 from C-O Commercial Office District to R-1B Single-Family Residential District for the subject site was approved by the Plan Commission on December 7, 2015.

The subject parcels were annexed into the City in 1990 as part of the AAL Annexation. The subject parcels and surrounding land were then rezoned to C-O Commercial Office District in 2001 by AAL for a business/office park. The subject parcels and approximately 90 acres of land surrounding the subject parcels were subdivided in 2002, creating the Apple Creek Center Subdivision.

### **STAFF ANALYSIS**

---

**Existing Conditions:** The portion of the lot to be subdivided is currently undeveloped and is in the process of being rezoned from C-O Commercial Office District to R-1B Single-Family District. The area being platted for single family development is 5.63333 acres which will be divided into 13 lots and 1 outlot.

**Zoning Ordinance Review Criteria:** Lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
  - *The average lot size is 13,200 square feet. All lots exceed this requirement.*
- Minimum lot width: Fifty (50) feet.
  - *The average lot width is 58 feet. All lots exceed this requirement.*



**Preliminary Plat Pond View Estates**

**January 11, 2016**

**Page 2**

- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard on a local street; Twenty-five (25) front yard on an arterial street; Six (6) foot side yard; and Twenty-five (25) foot rear yard.
  - *Required front yard setback had been shown on the Preliminary Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
  - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
  - *This will be reviewed through the building permit review process.*

**Compliance with the Appleton Subdivision Regulations:** This subdivision complies with the Appleton Subdivision Regulations, and no variances have been requested.

**Access and Traffic:** Vehicular access to the subject lots is provided by existing local and collector streets. No new streets are proposed with this development.

**Surrounding Zoning Classification, Future Land Use Designation and Current Land Uses:**

- **North:**
  - Zoning – C-O Commercial Office District
  - Future Land Use Designation – Commercial
  - Current Land Use – Undeveloped
  
  - Zoning – R-3 Multi-family Residential District
  - Future Land Use Designation – Multi-family
  - Current Land Use – Proposed Community Living Arrangement (CLA)
- **South:**
  - Zoning – R-3 Multi-family Residential District
  - Future Land Use Designation – Multi-family
  - Current Land Use – Condominiums
- **East:**
  - Zoning – R-1B Single-family Residential District
  - Future Land Use Designation – Single/Two-family
  - Current Land Use – Single-family Residential
- **West:**
  - Zoning – R-3 Multi-family Residential District
  - Future Land Use Designation – Multi-family
  - Current Land Use – Community Living Arrangement (CLA)

**2010-2030 Comprehensive Plan:** The applicant is proposing to amend the *City of Appleton Comprehensive Plan 2010-2030* to change the Future Land Use Map designation for the subject area from Commercial use to Single/Two-Family Residential use.

**Parks and Open Space:** The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. The parkland fees pursuant to Chapter 17 of the Appleton Municipal Code are \$300 per dwelling unit. The total park fee required for this development is \$3,900.

**Technical Review Group Report (TRG):** This item was discussed at the December 22, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

## **RECOMMENDATION**

---

The Pond View Estates Preliminary Plat, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

### Plat Comments:

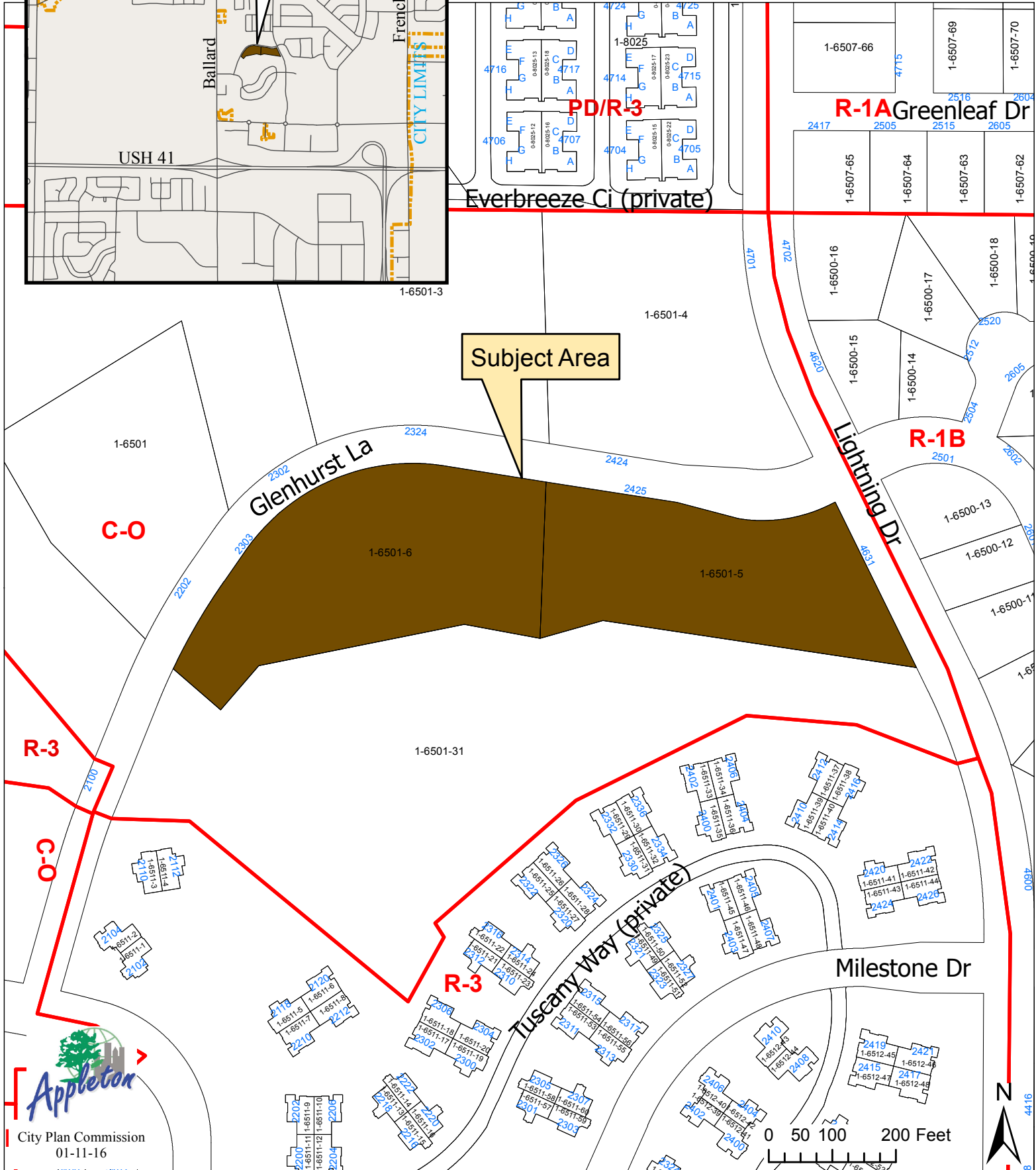
1. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.
2. All easements, including but not limited to, water mains, sewer mains, storm sewers, and drainage shall be shown on the Final Plat to the satisfaction of the City Engineer per Section 17-12(b)(5) of the Municipal Code. Note: Provide a water main easement that has a 10 foot offset from the centerline of Glenhurst watermain. See attached map.
3. Show floodplain boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood on the final plat per Section 17-12(b)(11) of the Municipal Code.
4. Show the fifty foot (50) shoreland zoning setback dimension from the ordinary high water mark on the Final Plat per Section 23-754 of the Municipal Code.
5. Complete and submit a stormwater utility service application to the Community and Economic Development with the Final Plat for the City of Appleton Public Works Department, Engineering Division review and approval.
6. Submit a Stormwater Permit Application with Stormwater Management Plan and supporting documentation (e.g. wetland delineation report) to the City of Appleton Public Works Department, Engineering Division. Additional comments may result from City consultant review of those items.
7. Show all elevations on the Final Plat to City Datum (NAVD 29). Provide a note on the Final Plat that identifies the conversion factor used to convert from FIS elevations (NGVD88) to City Datum.

8. Add a note on the Final Plat identifying ownership and maintenance obligations of Outlot 1.
9. Park fees of \$3,900 shall be paid to the City of Appleton Finance Department prior to the City signatures being affixed to the Final Plat.

**Drainage Plan Comments:**

1. Provide all required information per Section 17-8 of the Municipal Code (e.g. missing spot grades along south lot lines) on the drainage plan. Submit revised drainage plan to the Community and Economic Development for the City of Appleton Public Works Department, Engineering Division review and approval.
2. Preliminary Drainage Plan must be a separate plan from the Sewer Feasibility Plan.
3. Submit a Feasibility Plan showing all required information per Section 17-9 of Municipal Code to the Community and Economic Development with the Final Plat for the City of Appleton Public Works Department, Engineering Division review and approval.
4. Show 100-year floodplain limits and elevations.
5. Show all elevation to City Datum (NAVD 29).

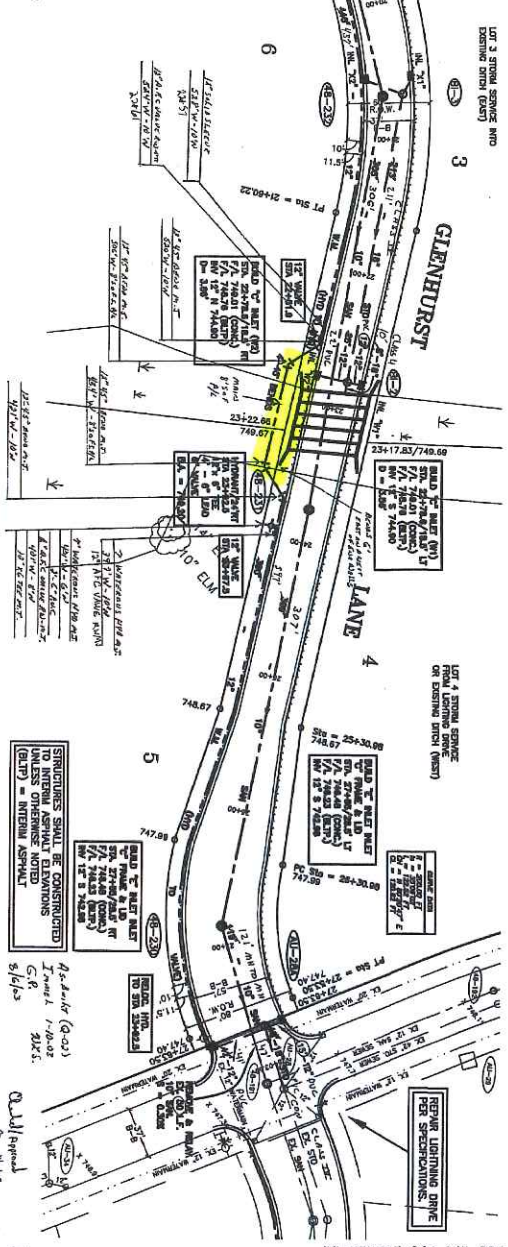
East Glenhurst Lane  
Pond View Estates  
Zoning Map





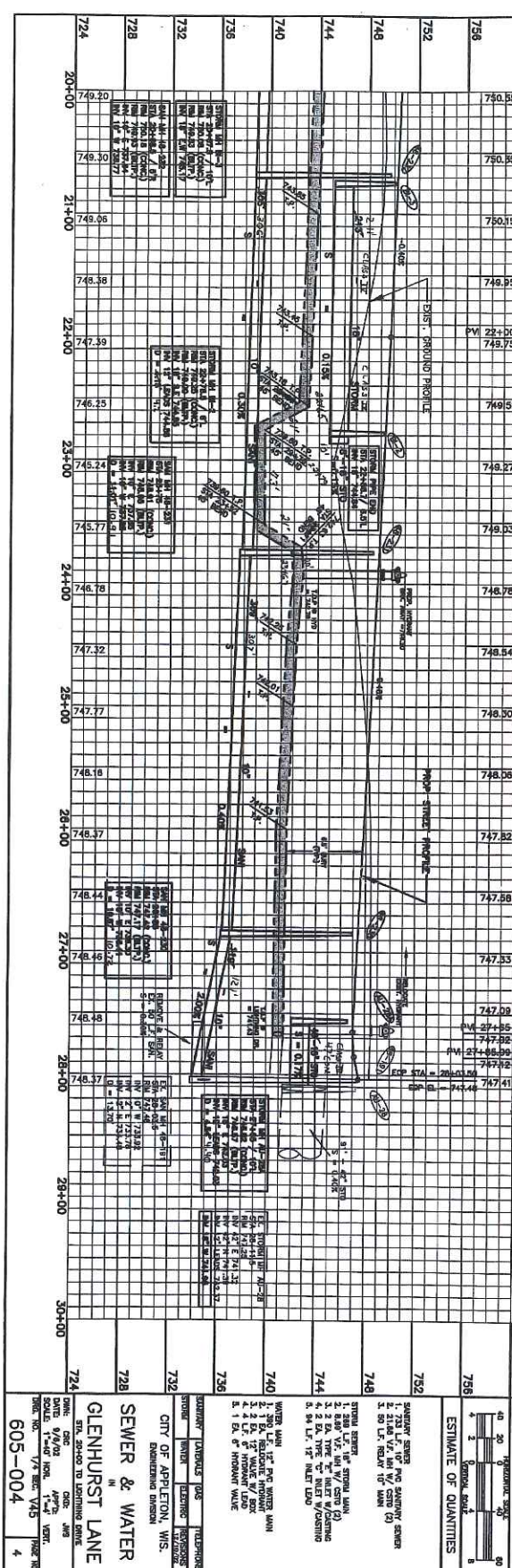


SCALES  
HORIZ.  
1" = 40'-0"



NOTES:  
1. SEE SHEET 605-004 FOR THE REMAINING PORTION OF THE PROJECT.  
2. THE EXISTING GROUND SURFACE ELEVATION AT THE INTERSECTION OF GLENHURST LANE AND LANE 4 IS 748.00.  
3. THE PROPOSED FINISH GRADE ELEVATION AT THE INTERSECTION OF GLENHURST LANE AND LANE 4 IS 748.00.  
4. THE PROPOSED FINISH GRADE ELEVATION AT THE INTERSECTION OF GLENHURST LANE AND LANE 4 IS 748.00.  
5. THE PROPOSED FINISH GRADE ELEVATION AT THE INTERSECTION OF GLENHURST LANE AND LANE 4 IS 748.00.  
6. THE PROPOSED FINISH GRADE ELEVATION AT THE INTERSECTION OF GLENHURST LANE AND LANE 4 IS 748.00.  
7. THE PROPOSED FINISH GRADE ELEVATION AT THE INTERSECTION OF GLENHURST LANE AND LANE 4 IS 748.00.  
8. THE PROPOSED FINISH GRADE ELEVATION AT THE INTERSECTION OF GLENHURST LANE AND LANE 4 IS 748.00.  
9. THE PROPOSED FINISH GRADE ELEVATION AT THE INTERSECTION OF GLENHURST LANE AND LANE 4 IS 748.00.  
10. THE PROPOSED FINISH GRADE ELEVATION AT THE INTERSECTION OF GLENHURST LANE AND LANE 4 IS 748.00.

STRUCTURES SHALL BE CONSTRUCTED TO THE FOLLOWING ELEVATIONS:  
MANHOLES: 748.00  
CATCH BASINS: 748.00  
VALVES: 748.00  
OTHER STRUCTURES: 748.00



STATION	ELEVATION	DESCRIPTION
20+00	749.20	EXISTING GROUND SURFACE
21+00	749.30	EXISTING GROUND SURFACE
22+00	749.39	EXISTING GROUND SURFACE
23+00	749.25	EXISTING GROUND SURFACE
24+00	749.18	EXISTING GROUND SURFACE
25+00	747.77	EXISTING GROUND SURFACE
26+00	748.18	EXISTING GROUND SURFACE
27+00	748.37	EXISTING GROUND SURFACE
28+00	748.44	EXISTING GROUND SURFACE
29+00	748.48	EXISTING GROUND SURFACE
30+00	748.37	EXISTING GROUND SURFACE

605-004



## RESOLUTION

A Resolution authorizing submission of an application to the 2016-2020 Wisconsin Department of Transportation (WIDOT) Transportation Alternatives Program (TAP) to enhance pedestrian and bicycle infrastructure.

Whereas, the Wisconsin Department of Transportation has announced availability of grant funds under the TAP Program; and

Whereas, the City of Appleton ("City") meets federal eligibility guidelines; and

Whereas, the City has invested in pedestrian and bicycle infrastructure in the past; and

Whereas, the City has adopted plans to enhance transportation alternative facilities such as bicycle, and pedestrian amenities that incorporates conversion of the Pullman Trestle to a mixed use, multi-modal trail to improve safety for pedestrians and bicyclists; and

Whereas, the City has determined that the "trestle trail" is an important link to existing mixed use pedestrian, bicycle trail facilities; and

Whereas, the City has determined it is in the community's best interest to supplement City taxpayer's investments in infrastructure with federal and state grant funds; and

Whereas, the City the Appleton Parks, Recreation and Facilities Management Department has determined that the cost of this project will be approximately One Million One Hundred Fifty Thousand and no/100 dollars (\$1,150,000); and

Whereas, the City acknowledges the TAP Program reimburses 80% of approved expenditures estimated to be approximately Nine Hundred Twenty Thousand and no/100 dollars (\$920,000), and the required twenty percent (20%) matching funds estimated to be Two Hundred Thirty Thousand and no/100 dollars (\$230,000) have been budgeted; and

Whereas, the TAP Grant application allows the Mayor to designate the City the Appleton Parks, Recreation and Facilities Management Department as the Mayor's Designee for grant submission and administration purposes only,

Now, Therefore Be It Resolved, that the City of Appleton authorizes submission of a grant application in the approximate amount of One Million One Hundred Fifty Thousand and no/100 dollars (\$1,150,000) to the 2016-2020 Transportation Alternatives Program (TAP); and

Be it Further Resolved, that if a grant is awarded to the City, the City of Appleton will adhere to federal and state requirements and TAP Grant provisions regarding use of said grant funds including snow removal to allow year-round use of the facility; and

Be it Further Resolved that the City of Appleton Parks, Recreation, and Facilities Management Department, as the Mayor's Designee, is hereby authorized to sign the grant application on behalf of the City.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, that the within Resolution was adopted by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays by the Common Council for the City of Appleton, Wisconsin.

ATTEST:

\_\_\_\_\_  
Kami Scofield, City Clerk

APPROVED:

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

This instrument was drafted by:

James P. Walsh, Appleton City Attorney

J:\Attorney\WORD\FORMS\P&R - TAPS Grant Resolution (2015).doc

# 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



## MEMO

**TO:** Finance Committee  
**FROM:** Tony Saucerman, Finance Director *TS*  
**DATE:** December 17, 2015  
**RE:** Request the following 2015 Budget adjustment be approved :

General Fund – Unclassified Budget

Benefit Payments – Retirees	+\$190,000
Fund Balance	- \$190,000

Per City policy, at retirement (based on WRS requirements), employees are compensated for their unused sick leave and vacation balances. Each year, an estimate of these payments is included in the Unclassified general fund budget. This amount can vary greatly depending on the number of retirees and the individual retirees' balances. For the 2015 Budget, an estimate of ten retirees with an average payout balance of \$26,000 was made for a total budget of \$260,000. The estimated number of retirees and average payout balances was based on actual general fund retirees in prior years (12 in 2012, 8 in 2013, 11 in 2014).

Unfortunately, the actual number of general fund retirees to date is higher than anticipated with 15 employees retiring with an average payout of approximately \$33,000. Many of the retirees in 2015 were senior level employees which raised the average payout amount. Due to the higher than anticipated number of retirees along with higher average payout, the above budget adjustment is being requested.

In 2011 (effective 2012), the City's sick leave policy was revised, implementing a "use it or lose it" paid time off (PTO) system, and existing sick leave balances were frozen. So, although payments to retiring employees may continue to vary from year to year as longer-term employees work their way through the system, the payments will decrease in the future as newer employees with smaller or no sick leave balances reach retirement age.

As always, feel free to contact me with questions or concerns.





*"...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: Utilities Committee  
Finance Committee

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

DATE: 1/12/2016

RE: Utilities Committee Action: Award contract for Transformer Replacements to Van Ert Electric Company, Inc. in the amount of \$135,860 with a contingency of \$10,330 for a contract total not to exceed \$146,190.

Finance Committee Action: Approve positive fund balance transfer of \$34,000 from the Bar Screen project to Transformer Replacement project.

---

At the end of 2015 preventive maintenance testing of the transformers at the Wastewater Plant was completed. Preventive maintenance testing is conducted to find potential issues before they turn into much larger ones. Unfortunately, we identified two transformers that are in critical condition and in need of immediate replacement. The current transformers are 25 – 40 years in age. Knowing this a future CIP seeks to perform a comprehensive study to upgrade the entire system in the future. In the meantime it is essential to maintain the current system.

The transformers power essential facilities and equipment at the Wastewater Plant critical to its operation. In the event of a failure, there is no quick fix. Transformers are built custom and require a 18-20 week lead time.

To cover the costs of the replacement transformers the Common Council previously approved a transfer of \$112,190 from the air handler replacement project towards the replacements of the transformers. To cover the shortfall it is necessary to approve a transfer of \$34,000 from the bar screen project to cover the balance. The Finance Department was consulted and provided this recommendation.

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.



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

Information Technology Department  
100 N. Appleton Street  
Appleton, WI 54911

## MEMO

To: Alderperson Plank and Members of the Finance Committee  
From: Dean J. Fox, Information Technology Director  
Date: 1/7/16

Re: Request to award Heartland Business Systems contract to purchase 3 new servers for virtual environment.

---

The CIP budget includes funding to replace the 3 physical servers, bring them up to date for upgrades and allow to implement the new ERP system.

A request went out for pricing on 3 new servers for the City's virtual environment which runs all of the servers in the City.

The responses were as follows:

- Heartland Business Systems \$43,719.25 includes install service block
- CDW \$42,183 no installation
- GDC \$44,877.72 no installation

The evaluation team requests your consideration and approval of a contract with Heartland Business Systems as described.

If you have any questions regarding this recommendation please contact Dean Fox.

## Department of Public Works – Engineering Division

### MEMO

**TO:** Utilities Committee

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

**DATE:** January 6, 2016

**RE:** Award 2016C contract for Leona Pond Final Design and Permitting contract to Brown & Caldwell in an amount not to exceed \$180,145.

---

The Department of Public Works is requesting approval of the Leona Pond Final Design and Permitting contract with Brown & Caldwell in an amount not to exceed \$180,145. After this contract \$468,485 will remain in the 2016 stormwater consulting services budget.

Detailed flood studies were completed by AECOM for the Appleton Medical Center and Ballard Road drainage areas in 2010 and 2012, respectively. The Leona Pond was identified in the 2012 study to serve these areas. The staff at AECOM subsequently moved to Brown and Caldwell and in December 2014 completed the Preliminary Engineering for the Leona Pond. During the preliminary engineering phase, Brown and Caldwell staff worked with City staff to size storm sewer for Ballard Road to serve the Leona Pond and have it installed prior to the concrete paving of Ballard Road.

The scope of this contract includes the following::

- Attend five in person meetings and three web meetings with City staff, Department of Natural Resources (WDNR) staff, US Army Corps of Engineers (USACE) staff and the neighborhood.
- Complete survey work if City crews are unavailable at the time it is needed.
- Model the pond and inlet/outlet storm sewer pipes in XP-SWMM (quantity) and WinSLAMM (quality) to size the components properly and determine Total Suspended Solids and Total Phosphorus removal.
- Perform conceptual design of Coagulant Treatment System for Enhanced Phosphorus Treatment to be potentially installed in the future. Design and provide plans and specifications for components of this system to be installed now, such as sanitary sewer extension, future building location, and future access needs.
- Prepare plans and specifications for the pond, inlet storm sewer, inlet diversion structure, outlet structure and outlet storm sewers.
- Assist City staff with the Agricultural Impact Statement required for property acquisition.
- Prepare permit applications for the WDNR and USACE.
- Prepare two grant applications.

- Prepare an Operation and Maintenance Manual.

The City will contract with OMNNI Associates under the 2016 Materials Testing Contract for geotechnical analysis.

Staff assigned to this project from Brown and Caldwell completed the original studies for the Leona Pond based on a competitive RFP process. They were then selected for the Preliminary Engineering work based on their qualifications, experience and familiarity with the drainage basins. They have performed well on past projects and are also performing well under their current contracts for the Northland Pond Final Design and Spartan Drive Culvert and Stormwater Practices. Additionally, at the time of the preliminary design contract approval, the award memorandum identified that staff may request a negotiated scope with Brown & Caldwell for final design/permitting based on satisfactory performance during preliminary engineering. For these reasons, DPW is requesting permission to contract with Brown & Caldwell for these design services using a negotiated contract scope, in an amount not to exceed \$180,145.



## Department of Public Works – Engineering Division

### MEMO

**TO:** Utilities Committee

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

**DATE:** January 6, 2016

**RE:** Amend 2015E Stormwater Consulting Services Contract for Spartan Drive Culvert and Stormwater Practices Preliminary Design and Lift Station Stormwater Management Plan to Brown & Caldwell in an amount not to exceed \$51,605.

---

The Department of Public Works is requesting approval to amend the 2015E Stormwater Consulting Services Contract with Brown & Caldwell for Spartan Drive Culvert and Stormwater Practices Preliminary Design and Lift Station Stormwater Management Plan to Brown & Caldwell in an amount not to exceed \$51,605. If the amendment is approved, the total contract amount will be \$185,460. After this contract \$416,880 will remain in the 2016 stormwater consulting services budget.

In September 2015, a contract with Brown & Caldwell was approved to perform preliminary engineering and design of three stormwater practices in the Spartan Drive area and prepare the Stormwater Management Plan and permits for the Spartan Drive sanitary sewer lift station. The original scope of services was based on 2014 conceptual study of the area by Brown & Caldwell and the preliminary lift station design.

Since then, additional information has become available:

- The wetland delineation prepared for this area, completed by AECOM in 2013, was submitted to the WDNR and USACE for concurrence. Wetland concurrence is generally not requested until a project is identified.
- New wetland processes and rules have been put in place since 2013. As a result, AECOM completely revised the wetland delineation in October 2015 and prepared a new wetland report. Concurrence of the wetland delineation has been received from the WDNR.
- Brown & Caldwell has completed their first tasks in the 2015E contract, evaluating potential stormwater practices and their locations.
- The lift station design has significantly progressed, including a draft site plan.

The proposed scope amendment includes the following tasks:

- Perform detailed modeling of two additional alternatives (for a total of five) for stormwater conveyance, flood control and water quality for both street construction and private development to meet City, Town and State requirements.
- Perform 60% design of additional stormwater practices
- Develop preliminary engineering drawings for additional practices

- Include additional practices in preliminary engineering report with updated cost estimates
- Begin permitting of added practices (some permits need to be obtained before others can be submitted)
- Prepare WDNR Ch. 30 permit application for the Spartan Drive sanitary lift station. This was not anticipated with the information available in fall 2015.

Therefore, the Department of Public Works recommends approving the amendment to the 2015E Stormwater Consulting Services Contract with Brown & Caldwell for Spartan Drive Culvert and Stormwater Practices Preliminary Design and Lift Station Stormwater Management Plan to Brown & Caldwell in an amount not to exceed \$51,605.

## Department of Public Works – Engineering Division

### MEMO

**TO:** Utilities Committee

**FROM:** Paula Vandehey, Director of Public Works  
Chris Shaw, Director of Utilities  
Sue Olson, Staff Engineer  
Pete Neuberger, Staff Engineer

**DATE:** January 4, 2016

**RE:** Award 2016B contract for Arbutus Park Stormwater Lift Station Reconstruction Design to Strand Associates in an amount not to exceed \$45,900.

---

The Department of Public Works and Utilities Department are requesting approval of the Arbutus Park Lift Station Reconstruction Design with Strand Associates in an amount not to exceed \$45,900. After this contract, \$648,630 will remain in the stormwater consulting services budget.

At the September 22, 2015 Utilities Committee meeting, a contract with Strand Associates was awarded for a Conditions Assessment and Alternatives Technical Memo for the Arbutus Park Stormwater Lift Station. The assessment and memo have been completed and include recommendations for new pumps, controls and instrumentation, electrical upgrade, hatch replacement, painting, and site work. The 2015 contract award also included language authorizing single source of the design contract with Strand Associates without an RFP process.

#### **Contract Scope**

The following tasks are included in the reconstruction design:

- Update the XPSWMM model for the drainage area, adding surveyed rim and invert elevations, evaluating the effect of different pump sizes and power outages on flooding in the drainage area, and providing a report.
- Develop preliminary and final drawings and specifications for the items identified in the Conditions Assessment.
- Attend three meetings with City staff during design.
- Coordinate the design with Parks, Recreation and Facilities Management for the hillside repair.
- Coordinate with We Energies for the electrical upgrade.
- Assist with the bidding process.

- Provide Construction Related Services, including:
  - Reviewing shop drawings and other contractor submittals
  - Attending Preconstruction Conference
  - Two site visits/progress meetings by the design engineer and electrical engineer
  - A site visit for process and electrical startup and checkout
  - A site visit and assistance with contract closeout
  - Provide on-call phone support for City staff performing daily inspections

The reconstruction of the lift station is also budgeted in 2016. Bidding is expected to occur in spring with construction completed in late summer.

Based on satisfactory performance by Strand Associates during the evaluation phase, the Department of Public Works and Utilities Department recommend award of the 2016B contract for Arbutus Park Stormwater Lift Station Reconstruction Design to Strand Associates in an amount not to exceed \$45,900.



City of Appleton  
Pollution Prevention Program  
Section 2.6 WPDES Permit No. WI-S050075-~~12~~  
Permit Start Date ~~December 15, 2006~~May 7, 2014  
August 2008  
Update August 2011December 2015

This document describes the City of Appleton Pollution Prevention Program as required in the ~~Phase II~~ Stormwater Permit from the Wisconsin Department of Natural Resources (WDNR). The program includes specific procedures intended to prevent pollution from City of Appleton operations conducted by several departments. Bold text is from the permit.

The following City of Appleton departments and divisions are involved in this program:

- Department of Public Works - Engineering Division
- Department of Public Works – Operations Division
- Department of Public Works – Parking Division
- ~~Parks, and Recreation~~ and Facilities Management -Department ~~Reid Golf Course~~
- ~~Facilities, Grounds and Construction Management Department (Facilities)~~
- Fire Department
- Utilities Department
- Valley Transit

One copy of this document will be kept in the Engineering Division of the Department of Public Works located on the fifth floor of City Center, 100 N. Appleton Street, Appleton, Wisconsin 54911. All questions regarding this document should be directed to Paula Vandehey, Director of Public Works, at the above address, [paula.vandehey@appleton.org](mailto:paula.vandehey@appleton.org) or (920)-832-6474. Portions of this document will also be kept with other City of Appleton departments and divisions. Individual departments and divisions may elect to establish an alternate format of this plan for ease of implementation and monitoring or to fit within existing operations manuals.

Each department that is responsible for implementing a section(s) of this plan is also responsible for updating the plan as needed and training department staff on the plan requirements. Supporting documentation for activities by individual departments and divisions will be kept with those departments and divisions. Individual department and division updates will be collected by the Department of Public Works Engineering Division every ~~two~~ five years, beginning in ~~2011~~ 2020, for an overall plan update. This updated plan will be brought to the Utilities Committee and Common Council for review and approval prior to submitting the plan to the WDNR.

Costs associated with this program are generally funded through the budget of each responsible department. Some costs associated with this program are funded through the City of Appleton Stormwater Utility.

Tables are provided at the end of the narrative summarizing measurable goals for this program.

**2.6 Pollution Prevention – The permittee shall continue to implement its pollution prevention program. The A-program that establishesshall have measurable goals for pollution prevention and include:**

Tables are provided at the end of the narrative summarizing sections 2.6.1 through 2.6.5 and 2.6.7 through 2.6.9.

### **2.6.1 An inventory of municipally owned or operated structural stormwater management facilities.**

#### **2.6.1 Routine inspection and maintenance of municipally owned or operated structural stormwater management facilities to maintain their pollution removal operating efficiency.**

~~This section is the responsibility of the Department of Public Works, Engineering and Operations Divisions and Facilities.~~ The Department of Public Works is currently responsible for:

- ~~28-39~~ wet stormwater ponds
- ~~27-86 manholes and~~ curb inlets with sumps (Hydrodynamic Separation Device – HSD)
- ~~5-8~~ dry ponds
- One Nutrient Separating Baffle Box (NSBB)
- Numerous ditches and ravines
- Four Biofilters
- One “Stormceptor” (HSD)
- ~~Nine eight (8) foot diameter manholes with sumps (HSD)~~
- ~~One four (4) foot diameter manhole with a sump (HSD)~~

The Parks, Recreation and Facilities Management Department is currently responsible for:

- Two biofilters at the Police Station
- Two biofilters at Valley Transit
- One biofilter at Lutz Park
- ~~One Two~~ biofilters at Telulah Park

This inventory is continually changing as the city and private developers construct new stormwater ponds, biofilters, water quality manholes and inlets with sumps and other stormwater management practices. The City of Appleton typically takes ownership of stormwater ponds in residential developments after the pond has been stabilized and the vegetation is established to ensure long term maintenance of the ponds.

Changes to this inventory will be included in the annual report.

### **2.6.2 Routine inspection and maintenance of municipally owned or operated structural stormwater management facilities to maintain their pollution removal efficiency.**

~~This section is the responsibility of the Department of Public Works, Engineering and Operations Divisions, and the Parks, Recreation, and Facilities Management Department.~~

~~Many of the City owned and maintained ponds have Activities for pond maintenance are guided by “Adaptive Management Plans” developed for each pond. These plans are~~ on file at the City of Appleton Department of Public Works located on the fifth floor of City Center, 100 N. Appleton Street, Appleton, WI 54911. The plans identify goals and priorities that help staff to establish the yearly inspection and maintenance activities. Engineering and Operations staff

inspect as many of the ponds and biofilters in the DPW inventory for erosion and structural problems each spring as time permits.

Approximately half of the ditches and ravines are also inspected each year and are monitored for erosion and other damage. A prioritized spreadsheet is maintained that shows all needed repairs at ponds, ditches and ravines. City Operations staff perform most of the maintenance.

The City of Appleton contracts ~~yearly~~ for muskrat trapping that occurs each spring and fall. Muskrats are known to damage vegetation and embankments at stormwater ponds. City staff collapse the dens and repair the embankments. Vegetation is replanted as necessary. The city has a horticulturist on staff and also contracts on a three year basis with a qualified firm for native wetland and prairie vegetation management at the ~~wet~~-ponds and biofilters.

Maintenance plans for the Stormceptor and water quality inlets and manholes (HSD) provide measure down depths to determine when cleaning is needed. The “Stormceptor” is cleaned each year by the “Sewer TV and Cleaning” contractor. The City of Appleton Sewer Crew checks the other ~~devices~~structures each year and removes sediment if the depth requirements have been reached annually.

City crews have designed and installed baskets in the inlets in the downtown area to capture cigarettes and trash. These baskets are cleaned weekly.

The City of Appleton also cleans and televises the storm sewer system on approximately a 10-year cycle to ensure pipe integrity and monitor for improper connections.

The Parks, Recreation, and Facilities Management Department inspects and maintains the biofilters in their inventory per the Operation and Maintenance Plans developed with the project designs.

## **2.6.2-3 Routine Street Sweeping and cleaning of catch basins with sumps where appropriate.**

This section is the responsibility of the Department of Public Works, Operations ~~and Parking~~ Divisions.

The Department of Public Works Operations Division currently owns two (2) mechanical sweepers, one (1) high efficiency street sweeper (HESS) and one Vac-All. Although the entire City is swept, additional efforts are focused on areas that are not tributary to regional stormwater ponds. The City of Appleton Common Council has adopted the City-wide Stormwater Management Plan that calls for replacing the current mechanical sweepers with high efficiency sweepers when the equipment is due for replacement, subject to available funding.

~~The sweeper owned by~~ The Parking Division also owns a vacuum sweeper that is smaller than a street sweeper, appropriately sized to operate inside the parking ramps. ~~This sweeper was replaced with an upgraded model in 2011.~~

~~All city streets are generally swept on a 4 to 5 week cycle, with~~ The downtown is swept twice a week with half mechanical sweeping and half high efficiency sweeping. Arterial streets and industrial areas are swept once every two weeks with the Vac-All or the HESS sweeper. The

remaining areas are generally swept on a four week cycle, from approximately April to October. The first sweeping in the spring is completed prior to hydrant flushing activities. ~~In 2012 the city will further evaluate changing to a high intensity spring street sweeping cycle to help meet Section 2.7 of the NR 216 Permit.~~

City parking ramps are swept daily and two downtown public parking lots are swept ~~three to five times per week~~ ly by the Parking Division.

The Parks, Recreation and Facilities Management parking lot is swept every two weeks by the Operations Division of Public Works. The Municipal Services Building parking lot is swept weekly. Telulah Park parking lot is swept once per month. All parks, the Wastewater Treatment Plant and the Water Filtration Plant parking lots are swept once per year during spring cleanup. Parking lots in city parks are swept weekly and other department lots may be swept upon request, if staff and equipment are available.

All sweeping is subject to weather conditions and staff and equipment availability. Per the 2014 Stormwater Management Plan Update, the City will work to improve sweeping frequency for areas not in the downtown, industrial areas or arterial streets to a three week frequency, as labor and equipment are available. The City will also evaluate supplementing efforts with private street sweepers and upgrading mechanical sweepers to high efficiency sweepers at the time of replacement.

Maintenance plans for the Stormceptor and water quality inlets and manholes (HSD) provide measure down depths to determine when cleaning is needed. The Stormceptor is cleaned each year by the "Sewer TV and Cleaning" contractor. The City of Appleton Sewer Crew checks the other structures each year and removes sediment annually.

#### **2.6.3-4 Proper disposal of street sweeping and catch basin cleaning waste.**

This section is the responsibility of the Department of Public Works, Operations Division.

Street sweeping and storm sewer cleaning waste collected by the Operations Division is currently disposed of at the Outagamie County Landfill. Alternative methods of disposal are continually being sought to reduce the cost associated with tipping fees. Sweepings collected by the Parking Division are collected and disposed of by a private hauler.

#### **2.6.4 If road salt or other deicers are applied by the permittee, no more shall be applied than necessary to maintain public safety.**

The information provided below is current as of the revision date of this Program document. Any changes that occur before the next official update of this document will be reported with the annual report.

This section is the responsibility of the Department of Public Works, Operations and Parking Divisions and Parks, Recreation and Facilities Management Department.

The Department of Public Works Operations Division has a written "Snow and Ice Control Program" adopted by the Common Council to address winter street maintenance. This program is being updated in 2015/2016. This program does not commit to bare pavement, establishes



proper use of chemicals, and sets guidelines for the amount of salt used per lane mile depending on temperature, the type of storm event, and the type of street. It also includes the use of pre-wetting solutions to further reduce salt usage. The equipment used to apply salt is kept in good working condition and calibrated regularly. ~~The City updated the “Snow and Ice Control Program” to add the use of pre-wetting solutions to further reduce salt usage.~~

A new salt shed was constructed in 2001 at the Municipal Services Building. It was inspected yearly by the State of Wisconsin through 2009. The State did not provide this service in 2010, but resumed inspections in 2011. It is unclear how long this service will be provided.

The Parking Division applies deicer to the parking ramps and lots as needed to ensure pedestrian and vehicle safety. The smaller amounts needed in these areas have allowed city staff to try new, more environmentally friendly products and still monitor the sites for safety. Which products are used on a regular basis is determined by availability and cost.

Parks, Recreation and Facilities Management applies deicers to parking lots, access roads and sidewalks at various city facilities to maintain pedestrian and vehicle safety. They also remove snow from some of the city trails and apply deicers as needed. The smallest effective amount of salt is used.

The Department of Public Works, Operations Division and Parks, Recreation and Facilities Management remove snow and apply deicers on approximately ~~23~~27.8 miles (2014-2015) of public sidewalk. The smallest effective amount of salt is used.

**Information on deicing activities shall be submitted with the annual report required under section 2.9 of this permit beginning with the annual report due March 31, 2016 and annually thereafter and include:**

**2.6.5.1 Contact information for the individual(s) with overall responsibility for winter roadway maintenance.**

The following people are responsible for winter roadway maintenance:

1. Nate Loper, Deputy Director of Public Works – Operations  
Office 920-832-5804, Cell 920-419-6225, nathan.lover@appleton.org
2. Carl Schultz, Operations Foreman, Department of Public Works  
Office 920-832-5581, Cell 920-419-6036, carl.schultz@appleton.org
3. Paula Vandehey, Director of Public Works  
Office 920-832-6474, Cell 920-419-6713, paul.vandehey@appleton.org

The following people are responsible for winter maintenance at parking ramps and downtown city-owned parking lots:

1. Paul De Braal, Parking Utility Manager, Department of Public Works

Office 920-832-2330, Cell 920-419-6220, paul.debraal@appleton.org

2. Ross Buetow, Deputy Director of Public Works/City Engineer  
Office 920-832-6485, Cell 920-419-6408, ross.buetow@appleton.org

The following person is responsible for winter maintenance at city facilities:

1. Dean Gazza, Director of Parks, Recreation and Facilities Management  
Office 920-832-5572, Cell 920-419-0374, dean.gazza@appleton.org

#### **2.6.5.2 Description of the types of deicing products used.**

The Department of Public Works Operations Division (streets) uses the following:

Granular sodium chloride (road salt)  
Liquid sodium chloride 28%, salt brine, prewet and anti-ice application  
Liquid calcium chloride 42% prewet application

The Department of Public Works Parking Division uses the following:

“Meteor Melt”  
Chemical components OSHA PEL ACGIH  
Potassium chloride 10 mg/M3 7447-40-7  
Sodium chloride 10 mg/M3 7647-14-5  
Magnesium chloride 7786-30-3  
Calcium chloride

The Parks, Recreation and Facilities Management Department uses the following:

Calcium chloride  
Granular sodium chloride (road salt)  
Liquid calcium chloride pre-wet for sidewalks and parking lots

#### **2.6.5.3 The amount of deicing product used per month.**

This information will be tracked through the City’s inventory system and reported annually.

#### **2.6.5.4 Description of the type of equipment used.**

The Department of Public Works Operations Division (streets) operates the following:

10 tri-axle plow trucks, wing and plow, tailgate salt spreader with prewet capabilities  
15 single axle plow trucks, wing and plow, tailgate salt spreader with prewet capabilities  
6 front end loaders with a wing and plow  
2 road graders with a wing and plow  
2 one ton plow trucks with a salt spreader  
3 sidewalk snow plows with a salt spreader

The Department of Public Works Parking Division uses the following:

1 truck spreader  
By hand with scoops

The Parks, Recreation and Facilities Management Department operates the following:

Four ¾ ton plow trucks with inbox salt spreaders  
Six Toro mower to snow conversion units with salt spreaders for sidewalk use  
One Liquid calcium chloride spray unit for sidewalks and parking lots

#### **2.6.5.5 Snow disposal locations, if applicable**

South side of the intersection of E. Glendale Avenue and N. Sandra Street  
Southeast corner of E. Milis Drive and S. Quest Drive  
701 S. Whitman Drive  
N. Kalata Place (Parking Division)

#### **2.6.5.6 Anti-icing, equipment calibration and salt reduction strategies considered.**

The Department of Public Works Operations Division (streets) considered all available technologies, currently owned equipment, locations of critical sites and available staff in the development of the current strategy. The current strategy is as follows:

The City applies liquid salt brine as an anti-ice agent prior to snow/ice storms and forecasted frost events on hills, bridges, curves and four lane roads. All equipment having a material spreader is equipped with prewet capabilities and an on-board computer system which regulates material application. This equipment is calibrated annually. The City also developed a snow and ice matrix that is used to evaluate impending storm conditions and helps determine the proper methodology for combating the snow event. The matrix is attached to this document. The City also subscribes to a weather service that helps establish duration, intensity and timing of a storm. In addition, the service forecasts present and future air and pavement temperatures and recommends material spreading applications.

The Department of Public Works Parking Division strategy includes plowing and scraping snow with a skid steer and also using a snow blower and hand shovels. Salt is typically only applied in areas prone to ice formation or where ice is present.

The Parks, Recreation, and Facilities Management Department strategy is similar to the DPW Parking Division strategy.

#### **2.6.5.7 Other measureable data or information that the permittee used to evaluate its deicing activities.**

The Department of Public Works Operations Division (streets): The primary focus of the program is to anti-ice instead of de-ice as much as possible. City staff stay current with the latest snow and ice technology by networking with vendors and other communities, attending American Public Works Association training on the topic, and sending various staff to UW-Madison and NEWSC sponsored classes regularly. New employees are trained on the program every fall. The City believes that it is using the latest technology.

The Department of Public Works Parking Division uses deicing materials on an as-needed basis only.

The Parks, Recreation and Facilities Management Department uses deicing materials on an as-needed basis only.

#### **2.6.5-6 Proper management of leaves and grass clippings, which may include on-site beneficial reuse as opposed to collection.**

This section is the responsibility of the Department of Public Works; Operations Division, Fire Department, ~~Facilities and~~ the Parks and Recreation and Facilities Management Department. Parks, Recreation and Facilities Management is responsible for yard care at approximately 144 public terraces and outlots, the Wastewater and Water Treatment Plants. ~~A~~ all City owned parks, Valley Transit, the Witzke Blvd Parks, Recreation and Facilities Management office, the Police Station and Fire Station 6. Fire Stations 1 through 5 have mulching mowers and leaf collection is addressed under the City-wide leaf collection program.

Parks, Recreation and Facilities Management -uses mulching mowers in the parks, public terraces, and at other city facilities that they maintain. No leaves or grass clippings are removed from these sites. At Reid Golf Course all material is mulched or composted and kept on-site.

Appleton has two yard waste drop off sites that collect grass clippings, brush, and yard waste; ~~and motor oil~~ from residents. A fee is charged for each bag of grass clippings as an incentive to mulch grass or compost at home.

Leaves are collected by the Department of Public Works Operations Division in the fall in approximately three (3) cycles through the city. Some leaves are ground and made available to residents as mulch. Other leaves are applied to farm fields, provided to landscapers used for ~~berm construction at various city facilities and in 2011 leaves will be~~ provided to the compost pilot program with Outagamie County and Appleton Utilities Department Biosolids Program. Grass clippings are currently mixed with other ground yard waste and taken to the compost project or provided to the public.



**2.6.6-7 Stormwater pollution prevention planning for municipal garages, storage areas, and other sources of stormwater pollution from municipal facilities. Information on stormwater pollution prevention activities for municipal garages, storage areas, and other sources of stormwater pollution prevention from municipal facilities shall be submitted with the annual report under section 2.9 of this permit beginning with the annual report due March 31, 2016 and annually thereafter and include the information in sections 2.6.7.1 through 2.6.7.7. The Department may waive the requirements of this section on a case-by-case basis for a municipal facility provided the permittee certifies that the facility qualifies for a conditional no exposure exclusion pursuant to s. NR 216.21(3), Wis. Adm. Code and with the Department's written concurrence.**

**Information on stormwater pollution prevention activities shall include:**

**2.6.7.1 Location of each facility and contact information for the individual(s) with overall responsibility for each facility.**

**2.6.7.2 A map of each facility, drawn to scale, and including the following features:**

**2.6.7.2.1 The locations of major activities and storage areas.**

**2.6.7.2.2 Identification of drainage patterns, potential sources of stormwater contamination, and discharge points.**

**2.6.7.2.3 Identification of nearby receiving waters or wetlands.**

**2.6.7.2.4 Identification of connections to the permittee's MS4.**

**2.6.7.3 A description of good housekeeping activities and any best management practices installed to reduce or eliminate stormwater contamination.**

**2.6.7.4 Recommendations for improvements to current stormwater management practices at the facility and a timeline for installation and/or implementation of these recommendations.**

**2.6.7.5 Information on inspections of the facility to identify and address potential sources of stormwater contamination.**

**2.6.7.6 Employee training on stormwater pollution prevention at the facility.**

**2.6.7.7 Spills prevention and response procedures.**

Earth Tech, Inc. prepared nine (9) site specific Stormwater Management Plans for the following City of Appleton facilities:

- Valley Transit (2004)
- Whitman Yard Waste Site (Department of Public Works - Operations Division) (2005)
- Municipal Services Building (Department of Public Works - Operations Division) (2005)
- Water Treatment Plant (Utilities Department) (2005)
- Wastewater Treatment Plant (Utilities Department) (2005)
- Fire Station No. 1 (2007)
- Fire Station No. 6 (2007)

- Facilities and Grounds Operations Center on Witzke Blvd (formerly Parks and Recreation Department Office and Storage yard) (2007)
- Reid Golf Course Maintenance Yard (Parks, ~~and~~ Recreation, and Facilities Management Department) (2007)

These plans are separate documents and not included in this program document. Each department is responsible for implementing the stormwater plan for their facilities, including: physical site changes, plan updates and amendments, facility inspections, and staff training. Earth Tech, Inc. provided training to each department on their completed plans. Department of Public Works Engineering staff provide additional training to each department if requested. Beginning in 2016, the Department of Public Works will be performing site inspections for Parks, Recreation, and Facilities Management sites and assisting them with any necessary plan updates.

#### **2.6.7 -Application of ~~lawn-turf~~ and garden fertilizers on -municipally controlled properties, with pervious surfaces over 5 acres each, in accordance with site-specific nutrient application schedule based on appropriate soil tests.**

City owned properties with over 5 acres of pervious area include most city parks, Reid ~~-~~Golf Course, the Water Treatment Plant (WTP) and the Wastewater Treatment Plant (WWTP). The city also owns property with over 5 acres of pervious surface that is leased by USA Youth Sports ~~and the Gardens of the Fox Cities.~~

This section is the responsibility of ~~Facilities and t~~The Parks, ~~and~~ Recreation and Facilities Management Department. ~~Facilities is responsible for yard care at the Wastewater and Water Treatment Plants.~~

The City has a Turf Management Policy for city parks and other City owned properties, except Reid Golf Course. There are also completed soil tests and Nutrient Management Plans for all city parks, Reid Golf Course, and the Water and Wastewater Treatment Plants. The site specific Nutrient Management Plans fall under the Turf Management Policy. Reid Golf Course has a stand alone Nutrient Management Plan, not under the Turf Management Policy. Reid Golf Course and Parks, Recreation and Facilities Management staff are certified for the proper application of lawn and garden fertilizers and follow the Nutrient Management Plans. The plans will be updated every five (5) years following new soil tests.

Lease agreements with USA Youth Sports ~~and the Gardens of the Fox Cities were amended to address~~includes this requirement.

#### **2.6.9 Consideration of environmentally sensitive land development designs for municipal projects, including green infrastructure and low impact development.**

The Parks, Recreation and Facilities Management Department will add this requirement to Requests for Proposals for designs of municipal building projects.

The Department of Public Works evaluates street width for every reconstruction project. Streets are narrowed, increasing terrace width for trees and grass, whenever possible. The Department

is also evaluating the various new pervious pavement technologies, including installation of two “Pavedrain” test areas, one in 2015 and one in 2016.

**2.6.8–10 Education of appropriate municipal and other personnel involved in implementing this program.**

Each Department impacted by this section of the Permit is required to provide training to their own personnel regarding the implementation of this plan. However, some of the topics may be applicable to multiple departments and combined training efforts will be used whenever the time and topic are appropriate. Training will be incorporated into existing training programs.

**2.6.9–11 Measures to reduce municipal sources of stormwater contamination within source water protection areas.**

Small portions of the city are tributary to a Freedom municipal well, a Town of Menasha municipal well, and Lake Winnebago. The city will continue current practices within known source water protection areas.

<b><u>DES Permit Requirement: 2.6.1</u></b> An inventory of municipally owned or operated structural stormwater management facilities.		
<b><u>Responsible Departments and Divisions:</u></b> Department of Public Works - Engineering Division		
<b><u>Operation</u></b>	<b><u>BMP Description</u></b>	<b><u>Measurable Goals</u></b>
<u>(1) Maintain inventory of municipally owned or operated structural stormwater management facilities</u>	<ul style="list-style-type: none"> <li><u>Track construction projects by the Department of Public Works; Parks, Recreation and Facilities Management; and the Wisconsin DOT within the city limits for stormwater management practices</u></li> </ul>	<ol style="list-style-type: none"> <li><u>Report inventory changes in the annual report.</u></li> <li><u>Continue to add new DPW and DOT practices to the DPW GIS system on a yearly basis.</u></li> </ol>
<b><u>Potential Barriers to Implementation</u></b> <ul style="list-style-type: none"> <li><u>Staff availability</u></li> <li><u>Accurate reporting from other departments and agencies</u></li> </ul>		



**WPDES Permit Requirement: 2.6.4-2** Routine inspection and maintenance of municipally owned or operated structural storm water management facilities to maintain their pollutant removal operating efficiency.

**Responsible Departments and Divisions:** Department of Public Works –Engineering and Operations Divisions and Parks, Recreation and Facilities Management Department

Operation	BMP Description	Measurable Goals
(1) Inspect and Maintain Storm <del>water</del> <del>Water</del> Ponds	<ul style="list-style-type: none"> <li>Inspect City owned and maintained storm water ponds to identify erosion, sediment deposits, weed growths, private encroachments, and inlet and outlet condition.</li> </ul>	1. Inspect 50% of the City-owned ponds annually (Y/N).
(2) Inspect and Maintain <u>other</u> Structural Facilities	<ul style="list-style-type: none"> <li>Inspect City owned and maintained water quality manholes with sumps and proprietary devices and follow operation and maintenance plans.</li> </ul>	2. Check sediment and debris accumulation annually and remove as needed (Y/N).
(3) Inspect and Maintain Ditches and Ravines	<ul style="list-style-type: none"> <li>Inspect City-maintained ditches and ravines for erosion and other damage.</li> <li>Perform necessary maintenance activities.</li> </ul>	3. Inspect 50% of the City-maintained ditches and ravines annually (Y/N).
(4) Inspect Storm Sewer System	<ul style="list-style-type: none"> <li>Clean and televise storm sewer system on approximately a 10-year cycle.</li> </ul>	4. Clean and televise 10% of storm system annually (Y/N).

**Potential Barriers to Implementation**

- Lack of maintenance funds
- Staff training and availability
- Sewer cleaning / televising equipment availability

<b>WPDES Permit Requirement: 2.6.2-3</b> Routine street sweeping and cleaning of catch basins with sumps <del>as</del> <u>where</u> appropriate.		
<b>Responsible Departments and Divisions:</b> Department of Public Works - Operations and Parking Divisions		
Operation	BMP Description	Measurable Goals
(1) Sweeping - Streets	<ul style="list-style-type: none"> <li>• <del>Generally s</del> Sweep all City streets on <u>a</u> 4 – 5 week cycle, April to October.</li> <li>• Sweep downtown area twice (2x) per week, April to October.</li> <li>• <del>Sweep parking lots in the City parks when in the area.</del></li> <li>• <u>Sweep arterial streets and industrial areas once per week.</u></li> </ul>	<ol style="list-style-type: none"> <li>1. Provide 2500 broom hours of street sweeping annually (Y/N).</li> <li>2. Sweep downtown streets two (2) times per week (Y/N).</li> <li>3. Evaluate the replacement of existing mechanical sweepers with high efficiency sweepers per established equipment replacement schedule (Y/N).</li> <li><del>4. In 2012 evaluate program change to intense spring sweeping schedule (Y/N).</del></li> </ol>
(2) Sweeping – <u>Downtown City</u> Parking Lots and Ramps	<ul style="list-style-type: none"> <li>• Sweep <del>Parking Division lots and parking ramps daily and downtown City parking lots ramps three to five times</del> <u>once</u> -per week.</li> </ul>	<ol style="list-style-type: none"> <li><u>4. Evaluate supplementing with private street sweeping and/or increasing sweeping frequency to a 3 week cycle by 2020.</u></li> </ol>
(3) Sweeping – Various City facilities	<ul style="list-style-type: none"> <li>• Sweep <u>parks and</u> various city facilities if requested and as staff, equipment and time permit.</li> </ul>	
(4) Catch basin cleaning	<ul style="list-style-type: none"> <li>• Inspect City owned and maintained water quality <u>manholes and</u> inlets with sumps and follow maintenance plans.</li> </ul>	<ol style="list-style-type: none"> <li>5. Check sediment and debris accumulation annually and remove as needed (Y/N).</li> </ol>
<b>Potential Barriers to Implementation</b> <ul style="list-style-type: none"> <li>• Funding <del>is an issue</del> to comply with current commitment</li> <li>• Equipment availability/reliability</li> <li>• Staff availability for sweeping</li> <li>• Weather conditions</li> </ul>		

**WPDES Permit Requirement: 2.6.3-4** ~~Routine~~ Proper disposal of street sweeping and catch basin cleaning waste.

**Responsible Department and Division:** Department of Public Works - Operations Division

Operation	BMP Description	Measurable Goals
(1) Disposal of Street Sweepings	<ul style="list-style-type: none"><li>Accumulate sweepings daily at city owned facility</li><li>Haul to Outagamie County landfill <del>twice weekly</del> <u>as needed</u> during street sweeping cycles.</li></ul>	1. Maintain regular disposal practices (Y/N) as tracked by tipping fee receipts.
(2) Disposal of catch basin cleaning wastes	<ul style="list-style-type: none"><li>Accumulate cleanings daily at City owned facility.</li><li>Haul with street sweepings to Outagamie County Landfill.</li></ul>	2. Maintain regular disposal practices (Y/N) as tracked by tipping fee receipts.
<b>Potential Barriers to Implementation</b> <ul style="list-style-type: none"><li>Cost of tipping fees</li><li>Loss of County-owned licensed landfill disposal option</li><li>Staff availability for hauling</li></ul>		

**WPDES Permit Requirement: 2.6.4-5** If road salt or other deicers are applied by the permittee, no more shall be applied than necessary to maintain public safety. ~~(Note: The DOT “Highway Maintenance Manual”, Ch 35, contains guidance on application deicers that can be used to determine whether no application is necessary and what application rate is appropriate for deicing and ice prevention. You can learn more about getting connected to this secured server at: <http://www.dot.wisconsin.gov/business/extranet/>. The Wisconsin Department of Transportation (DOT) highway salt storage requirements are contained in Ch. Trans 277, Wis. Adm. Code.)~~

**Responsible Department and Division:** Department of Public Works Department - Operations and Parking Divisions, and Parks, Recreation and Facilities Management

<b>Operation</b>	<b>BMP Description</b>	<b>Measurable Goals</b>
(1) Follow Snow and Ice Control Program for Streets	<ul style="list-style-type: none"> <li>Apply salt per guidelines established for temperature, type of storm, and type of street.</li> </ul>	1. Maintain fleet for proper calibrated application (Y/N). Supported by fleet vehicle maintenance records.
(2) Apply minimum effective amount of deicer at city facilities and on city maintained sidewalks and trails	<ul style="list-style-type: none"> <li>Remove snow and apply deicer to Parking Division lots and ramps as needed to maintain pedestrian and vehicle safety.</li> <li>Remove snow and apply deicer on parking, traffic and pedestrian areas in City parks and on trails maintained for winter use.</li> <li>Remove snow and apply deicer on pedestrian, parking and traffic areas at Water and Wastewater Treatment Plants and other various city facilities (lift stations, water towers, fire stations, police station, etc.) as necessary for winter access and use.</li> </ul>	
(3) Deicer Storage	<ul style="list-style-type: none"> <li>Maintain salt storage shed.</li> </ul>	2. <del>Conduct a</del> Annual salt shed inspections (Y/N)
<u>(4) Stay Current with snow and ice control technology</u>	<ul style="list-style-type: none"> <li><u>Review matrix and program document regularly and attend training as funds and staff time allow</u></li> </ul>	<u>3. Review Snow and Ice matrix yearly</u> <u>4. Review Snow and Ice Program every three years</u>

**Potential Barriers to Implementation**

- Snow disposal site availability (long-term)
- Chloride residuals management
- Cost of alternative deicer materials
- Weather conditions and forecasting for application management/ timing
- Adequate funding for purchase and maintenance
- Availability of equipment and replacement parts



**WPDES Permit Requirement: 2.6.5-6** Proper management of leaves and grass clippings, which may include on-site beneficial reuse as opposed to collection.

**Responsible Department and Division:** Department of Public Works - Operations Division; Parks, Recreation and Facilities Management and Fire Department

Operation	BMP Description	Measurable Goals
(1) Leaf Collection Program – city-wide	<ul style="list-style-type: none"> <li>Conduct three bi-weekly rounds of collection over a six-week period followed by one round of street sweeping and inlet cleaning prior to snowfall.</li> <li>Haul leaves from point of street collection to a city yard waste or storage facility for temporary storage.</li> <li><del>Use leaves to construct berms at city facilities</del> <u>Take advantage of opportunities when they occur.</u></li> <li>Grind leaves into mulch and make available to city residents.</li> <li>Provide leaves to regional composting project <u>and area landscapers.</u></li> </ul>	1. Continue public leaf collection program (Y/N).
(2) Grass Clipping Management – city - wide	<ul style="list-style-type: none"> <li>Properly staff and maintain city-owned drop-off facilities for public use.</li> <li>Grind grass with other yard waste and take to private vendor.</li> </ul>	2. Continue operation of yard waste drop-off sites (Y/N).
(3) Parks and city properties maintained by <u>Parks, Recreation and Facilities Management</u>	<ul style="list-style-type: none"> <li>Mulch leaves and grass on site.</li> </ul>	3. <u>Parks, Recreation and Facilities Management</u> will continue to own, operate, and maintain mulching mowers (Y/N).
(4) Fire Department	<ul style="list-style-type: none"> <li>Mulch grass on site.</li> <li>Follow city-wide leaf collection program.</li> </ul>	4. The Fire Department will continue to own, operate, and maintain mulching mowers (Y/N).

**Potential Barriers to Implementation**

- Leaf and grass clipping disposal site availability
- ~~Grass clipping disposal site~~
- Weather conditions/ timing of snowfall
- Changed regulatory requirements – redefinition of “proper management”

availability

**WPDES Permit Requirement: 2.6.7** Stormwater pollution prevent for municipal garages, storage areas, and other sources of stormwater pollution from municipal facilities.

**Responsible Department and Division:** Department of Public Works Operations Division, Parks, Recreation and Facilities Management Department, Fire Department, Utilities Department and Valley Transit.

<b><u>Operation</u></b>	<b><u>BMP Description</u></b>	<b><u>Measurable Goals</u></b>
<u>(1) Inspect municipal facilities per prepared plans.</u>	<ul style="list-style-type: none"> <li>Each department will budget and make arrangements for required inspections.</li> </ul>	1. <u>Perform inspections per prepared plans.</u> 2. <u>Report inspections per permit requirements.</u>
<u>(2) Periodically review and update plans.</u>	<ul style="list-style-type: none"> <li>Each department will budget and make arrangements for reviewing and updating their plans.</li> </ul>	3. <u>By December 31, 2016, complete initial update of all site pollution prevention plans.</u>
<u>(3) Employee training on pollution prevention at each facility.</u>	<ul style="list-style-type: none"> <li>Each department will train or make arrangements to train their staff on pollution prevention practices for their site</li> </ul>	4. <u>Each department will provide one training opportunity per year for their staff as documented by an attendance sign-in and agenda.</u>
<b><u>Potential Barriers to Implementation</u></b> <ul style="list-style-type: none"> <li><u>Different priorities for each department</u></li> <li><u>Staff changes</u></li> </ul>		

**WPDES Permit Requirement: 2.6.7-8** Application of lawn-turf and garden fertilizers on municipally controlled properties, with pervious surfaces over 5 acres each, in accordance with a site specific nutrient application schedule based upon appropriate soil tests.

**Responsible Departments and Divisions:** Parks, ~~and Recreation Department~~ and Facilities Management Department

Operation	BMP Description	Measurable Goals
(1) <del>Facilities</del> Turf Management <del>—at</del> parks, WTP and WWTP	<ul style="list-style-type: none"> <li>Review and update Turf Management Policy and Nutrient Management Plans on a regular basis.</li> <li>Follow Turf Management Policy and Nutrient Management Plans.</li> </ul>	<ol style="list-style-type: none"> <li>Review and update Turf Management Policy every 5 years (Y/N).</li> <li>Review and update Nutrient Management Plans every 5 years (Y/N).</li> <li>Follow Turf Management Policy and Nutrient Management Plans (Y/N).</li> </ol>
(2) <del>Parks and Recreation</del> Turf Management <u>at leased property</u>	<ul style="list-style-type: none"> <li>Work with USA Youth Sports <del>and Gardens of the Fox Cities</del> to Follow Nutrient Management Plans for their sites.</li> <li>Properly maintain turf at Reid Golf Course per latest standards.</li> </ul>	<ol style="list-style-type: none"> <li>Monitor compliance with Nutrient. Management Plans (Y/N) for leased <del>properties</del><u>property</u>.</li> </ol>

**Potential Barriers to Implementation**

- Committee/council approvals and adequate budget authorization



**WPDES Permit Requirement: 2.6.9 Consideration of environmentally sensitive land development designs for municipal projects, including green infrastructure and low impact development.**

**Responsible Departments and Divisions:** Department of Public Works Engineering Division and Parks, Recreation and Facilities Management Department

<b><u>Operation</u></b>	<b><u>BMP Description</u></b>	<b><u>Measurable Goals</u></b>
(1) <u>Consideration of environmentally sensitive designs for municipal building projects</u>	<ul style="list-style-type: none"> <li>• <u>Evaluate possible green infrastructure practices when planning and designing city facilities</u></li> </ul>	<ol style="list-style-type: none"> <li><u>1. Include this requirement in RFPs issued by the Parks, Recreation and Facilities Management Department.</u></li> <li><u>2. Public Works will begin discussions with other City departments that may issue RFPs</u></li> </ol>
(2) <u>Consideration of environmentally sensitive designs and green infrastructure for public works projects</u>	<ul style="list-style-type: none"> <li>• <u>Evaluate design options for Public Works street reconstruction and other projects</u></li> </ul>	<ol style="list-style-type: none"> <li><u>3. Evaluate each street reconstruction project for pavement narrowing and opportunities for green infrastructure</u></li> </ol>
(3) <u>Stay current on green infrastructure and low impact development technologies</u>	<ul style="list-style-type: none"> <li>• <u>Public Works staff will evaluate and look for opportunities to demonstrate green infrastructure technologies</u></li> </ul>	<ol style="list-style-type: none"> <li><u>4. Evaluate one new green infrastructure technology per year</u></li> </ol>

**Potential Barriers to Implementation**

- Staff availability
- Staff resistance
- Staff knowledge of low impact development and green infrastructure
- Chance of success of contractor implementation
- Level of green infrastructure industry development

<b>WPDES Permit Requirement: 2.6.8-10</b> Education of appropriate municipal and other personnel involved in implementing this program.		
<b>Responsible Departments and Divisions:</b> Department of Public Works Department- Engineering, Operations, and Parking Divisions; <u>Parks, Recreation and Facilities Management</u> , Fire Department, Utilities Department		
Operation	BMP Description	Measurable Goals
(1) Operational Training: Department of Public Works <u>Parks, Recreation and Facilities Management</u>	<ul style="list-style-type: none"> <li>Conduct pollution prevention training on a seasonally relevant topic within existing training program structure.</li> </ul>	1. Provide one training opportunity per department per year; document with training records (Y/N).
(2) Pollution Prevention Informational Posters: Department of Public Works <u>Parks, Recreation and Facilities Management</u>	<ul style="list-style-type: none"> <li>Post pollution prevention program informational posters in appropriate workplace locations.</li> </ul>	2. Acquire and post appropriate information posters (Y/N).
<del>(3) Municipal Site Stormwater Management Plan Training:  All</del>	<ul style="list-style-type: none"> <li><del>Conduct annual training for each site-specific Stormwater Management Plan listed in 2.6.6</del></li> </ul>	<del>3. Provide annual training (Y/N).</del>
<b>Potential Barriers to Implementation</b> <ul style="list-style-type: none"> <li>Staff resistance</li> <li>Time availability</li> <li>Staff availability/ scheduling</li> <li>Trainer availability/ scheduling</li> <li>Cost of training and facility access</li> <li>Appropriate training methods/ techniques</li> <li>Multi-cultural issues (FVTC training support options)</li> </ul>		

**WPDES Permit Requirement: 2.6.9-11** Measures to reduce municipal sources of storm water contamination within source water protection areas. ~~Wisconsin's source water assessment program information is available at:~~  
<http://www.dnr.state.wi.us/org/water/dwg/swap/index.htm>

**Responsible Departments and Divisions: Department of Public Works, Engineering and Operation Divisions**

Operation	BMP Description	Measurable Goals
Reduce potential sources of contaminants with pathway to water resources used for municipal water supply	<ul style="list-style-type: none"> <li>Maintain BMP's in source areas as described within this plan.</li> </ul>	1. Maintain existing BMP's in source water protection areas (Y/N).

**Potential Barriers to Implementation**

- Available funding
- Available staffing



*"...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: Utilities Committee  
Finance Committee

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

DATE: 1/12/2016

RE: Utilities Committee Action: Award contract for Transformer Replacements to Van Ert Electric Company, Inc. in the amount of \$135,860 with a contingency of \$10,330 for a contract total not to exceed \$146,190.

Finance Committee Action: Approve positive fund balance transfer of \$34,000 from the Bar Screen project to Transformer Replacement project.

---

At the end of 2015 preventive maintenance testing of the transformers at the Wastewater Plant was completed. Preventive maintenance testing is conducted to find potential issues before they turn into much larger ones. Unfortunately, we identified two transformers that are in critical condition and in need of immediate replacement. The current transformers are 25 – 40 years in age. Knowing this a future CIP seeks to perform a comprehensive study to upgrade the entire system in the future. In the meantime it is essential to maintain the current system.

The transformers power essential facilities and equipment at the Wastewater Plant critical to its operation. In the event of a failure, there is no quick fix. Transformers are built custom and require a 18-20 week lead time.

To cover the costs of the replacement transformers the Common Council previously approved a transfer of \$112,190 from the air handler replacement project towards the replacements of the transformers. To cover the shortfall it is necessary to approve a transfer of \$34,000 from the bar screen project to cover the balance. The Finance Department was consulted and provided this recommendation.

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.

## **RESOLUTIONS SUBMITTED BY ALDERPERSONS**

### **BOARD OF HEALTH**

#14-R-15/Aldersperson Meltzer

WHEREAS our wild animal ordinance does not allow snakes over 3 feet to be owned in the city of Appleton,

And whereas most snakes commonly owned as pets and sold in the city of Appleton grow to approximately 2 – 3 feet if they are males and approximately 3 – 6 feet if they are females, while this city ordinance restricting snake length is not commonly known or communicated to snake buyers,

And whereas all pets are members of the family whether they are furry like cats and dogs, or scaled like snakes or lizards, while individuals whose snakes have grown too large experience heartache and horror at the prospect of the city requiring them to remove the pet from their household, and many individuals have responded to finding themselves in such a situation by moving to other cities without such restrictive ordinances,

BE IT RESOLVED that in order to better meet the needs of Appleton residents and promote Appleton as a great place for families to live, that the ordinance defining the maximum length of a snake kept in the city of Appleton be changed from 3 feet to 6 feet.



ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

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

**Animal** means any live, vertebrate creature, domestic or wild.

**Animal at large** means an animal that is off the property of the owner and not under restraint.

**Animal control officer** means any person designated by the Police Department to enforce the ordinances of the City and state statutes adopted by reference as they pertain to animal control.

**Animal shelter** means any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

**Bodily Harm** means bodily injury including, but not limited to, a laceration requiring stitches, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.

**Caretaker** means any person who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog, cat or any other domesticated bird or animal.

**Confined** means restriction of an animal at all times by the owner to an escape-proof building, vehicle or other enclosure.

**Cruel** means causing unnecessary and excessive pain, suffering or unjustifiable injury or death to an animal. Additionally, it shall be unlawful to tease, annoy, disturb, molest or irritate an animal that is confined to the owner's premises.

**Dangerous Animal** means any of the following:

- (1) Any animal which, when unprovoked, inflicts bodily harm on a person, domestic pet or animal on public or private property.
- (2) Any animal which repeatedly chases or approaches persons in a menacing fashion or apparent attitude of attack, without provocation, upon the streets, sidewalks or any public grounds or on private property of

another without the permission of the owner or person in lawful control of the property.

- (3) Any animal with a known propensity, tendency or disposition to attack, to cause injury to, or otherwise threaten the safety of humans or other domestic pets or animals.

**Domestic animal** means any animal which normally can be considered tame and converted to home life.

**Dwelling unit** means a building or portion thereof designed to be used exclusively for residential purposes.

**Health officer** means the City Health Officer or his duly designated representative.

**Humane officer** means an individual appointed as such in accordance with §173.03.

**Kennel** means any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling of dogs or cats.

**Licensing authority** means the political body authorized to issue animal licenses.

**Owner** means any individual that has the right of property in an animal or who keeps, harbors, cares for, acts as its custodian or who knowingly permits an animal to remain on or about his premises/property for five (5) or more consecutive days.

**Pet store** means any retail establishment in a commercially zoned building whose business includes the sale of live animals.

**Prohibited Dangerous Animal** means any of the following:

- (1) Any animal that is determined to be a prohibited dangerous animal under this division.
- (2) Any animal that, while off the owner or caretaker's property, has killed a domesticated animal without provocation.
- (3) Any animal that, without provocation, inflicts serious bodily harm on a person on public or private property.
- (4) Any animal brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction.

## ANIMALS

- (5) Any dog that is subject to being destroyed under s. 174.02(3), Wis. Stats.
- (6) Any dog trained, owned or harbored for the purpose of dog fighting.

**Public nuisance** means any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks persons or animals without provocation when such persons or animals are peacefully conducting themselves in a place where they are lawfully entitled to be;
- (3) Is at large on school grounds, parks or cemeteries;
- (4) Is repeatedly at large;
- (5) Damages private or public property;
- (6) Barks, whines or howls in an excessive, continuous or untimely fashion;
- (7) Any animal not having the vaccination as required by §3-18 of the Appleton Municipal Code;
- (8) Is the subject of repeated violations under this chapter.

**Render sterile** refers to a surgical procedure that has been performed on an animal that renders it incapable of siring or bearing offspring. The term includes neutering and spaying.

**Restraint** means that the animal is secured by a leash or lead, and under the control of a responsible person and obedient to that person's command, or within the real property limits of its owner.

**Serious bodily harm** means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

**Veterinary hospital or clinic** means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.

**Wild animal** means any nonhuman primate, raccoon, skunk, fox, wolf, or any animal which is in part of the *canis lupis* species, any animal raised for fur-bearing purposes or any other animal or hybrid thereof which can normally be

Supp. #82

found in the wild state, or poisonous reptiles, crocodilians and any other snake or reptile exceeding three (3) feet in length.

(Code 1965, §23.02; Ord 4-93, §1-6-93; Ord 32-97m §1-4-16-97; Ord 116-00, §1, 12-23-00; Ord 58-04, §1, 4-27-04; Ord 17-05, §1, 3-8-05)

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

### Sec. 3-2. Enforcement and penalties.

(a) The provisions of this chapter shall be enforced by employees of the Health Department, Police Department or other persons authorized by the City Health Officer or Chief of Police. The City Health Officer may grant any exemptions or variances to the enforcement of this chapter for dogs specially trained to lead blind or deaf persons, to provide support for mobility-impaired persons or to assist with emergency search and rescue operations.

(b) Police Department and Health Department personnel are authorized to catch and impound animals at large, with such authorization to include the pursuit of animals upon the premises of the owner, caretaker or other private property. It shall be a violation of this chapter to interfere with the Health Department, Police Department or other persons authorized by the City Health Officer or Chief of Police in the performance of their duties.

(c) Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in §1-16. (Code 1965, §23.13; Ord 40-96, §1, 5-1-96; Ord 164-02, §1, 8-27-02; Ord 17-5, §1, 3-8-105)

**Cross reference(s)** - Citation for violation of certain ordinances, §1-17; schedule of deposits for citation. §1-18; health officer §2-261 et seq.; police department, §2-346 et seq.

### Sec. 3-3. Authority to order general confinement of dogs and cats.

Whenever the safety of the public shall require it, the Mayor, by notice published in the official paper of the City, shall order that, for a period of twenty (20) days from and after the date of the notice, no dogs or cats shall be permitted to go abroad in any of the streets, lanes, alleys or public places in the City without being properly muzzled with a secure muzzle or being led by a chain or other secure fastening.

(Code 1965, §23-14)

### Sec. 3-4. Animal care generally.

No owner or caretaker of an animal shall fail to provide it with adequate food, adequate water and adequate heating, cooling, ventilation, sanitation, shelter, and

## **11-16**

### **AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF APPLETON.**

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

#### **Section 1:** The Comprehensive Plan 2010-2030 Comprehensive Land Use Map

Amendment for the following area of the city be amended as follows:

**#2-15:** For land located on East Glenhurst Lane between Milestone Drive and Lightning Drive, City of Appleton, Outagamie County, Wisconsin (31-1-6501-05 and 31-1-6501-06) to the midpoint of the adjacent road right-of-way from future Commercial use to Single/Two-Family Residential use and the Future Land Use Map be revised accordingly.

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

## **12-16**

### **AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.**

(City Plan Commission 1-20-16)

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

**Section 1:** That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone lands located on East Glenhurst Lane between Milestone Drive and Lightning Drive from C-O Commercial Office District to R-1B Single-Family Residential District. (Rezoning #6-15 – North Meadows Investments, LTD / Apple Tree – Appleton Three, LLC)

#### **LEGAL DESCRIPTION:**

Lot 5 (Tax Id. #31-1-6501-05) and Lot 6 (Tax Id. #31-1-6501-06), Apple Creek

Center, being part of the SW ¼ Section 7, T21N, R18E, City of Appleton, Outagamie County, Wisconsin, including to the midpoint of the adjacent road right-of-way.

**COMMON DESCRIPTION:**

East Glenhurst Lane between Milestone Drive and Lightning Drive

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.